

THE ERIE COUNTY LEGISLATURE

**ENERGY &
ENVIRONMENT
COMMITTEE**

Timothy J. Meyers
Chair

Jeanne M. Vinal
Vice-Chair

Meeting No. 2 – January 28, 2021 –
11:00 AM

TAB R&F APP

1.	<u>INTRO. 16-9 (2020)</u> Session 16	RATH, LORIGO, TODARO & MILLS <i>“Support for Funding WNY Farms & Opposing Imposition of New Wage Requirements”</i>			
2.	<u>COMM. 2E-8 (2021)</u> Session 2	COUNTY EXECUTIVE <i>“ECSD Nos. 3, 6 & 8 - Sanitary Sewer Replacement Project”</i>			
3.	<u>COMM. 2E-16 (2021)</u> Session 2	COUNTY EXECUTIVE <i>“First Appointment to Lake Erie Watershed Protection Alliance Board of Directors”</i>			
4.	<u>COMM. 2E-17 (2021)</u> Session 2	COUNTY EXECUTIVE <i>“Second Appointment to Lake Erie Watershed Protection Alliance Board of Directors”</i>			
5.	<u>COMM. 2E-18 (2021)</u> Session 2	COUNTY EXECUTIVE <i>“Third Appointment to Lake Erie Watershed Protection Alliance Board of Directors”</i>			

6.	<u>COMM. 2M-2 (2021)</u> Session 2	NYS AGRICULTURE AND MARKETS <i>“Letter Certifying Modification of Agricultural Districts”</i>			
7.	<u>COMM. 2M-3 (2021)</u> Session 2	NYSDEC <i>“Fact Sheet - Certification of Cleanup Requirements Achieved at Brownfield Site - 140 Chandler St., Buffalo”</i>			
8.	<u>COMM. 2M-7 (2021)</u> Session 2	NYSDEC <i>“Fact Sheet - Brownfield Cleanup Program Application for 1155 Niagara St., Buffalo”</i>			
9.	<u>COMM. 2M-8 (2021)</u> Session 2	NYSDEC <i>“Invitation for Public Comment - Brownfield Cleanup Program for 1155 Niagara St., Buffalo”</i>			
10.	<u>COMM. 2M-9 (2021)</u> Session 2	NYSDEC <i>“Fact Sheet - Certification of Cleanup Requirements Achieved at Brownfield Site - 3100 Clinton St., West Seneca”</i>			

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS RATH, LORIGO, TODARO, AND MILLS**

Re: Support for Funding WNY Farms and Opposing Imposition of New Wage Requirements

WHEREAS, farmers are critical components of our regional economy and are necessary to ensure supermarkets are stocked with food; and

WHEREAS, from the outset of the COVID-19 pandemic, Western New York farmers have stepped up and ensured their operations continued and were responsible for donating thousands of pounds of food to local food banks at a time of significant need; and

WHEREAS, farmers face a tremendous number of problems outside of their control including changes in consumer demand leading to price change, obtaining labor, climate change, land management policies, foreign market competition, livestock and crop disease, and natural disasters; and

WHEREAS, in addition to the practical issues related to growing and selling food products, farmers have to contend with wavering levels of government regulations including changes in wages and overtime threshold; and

WHEREAS, one of the more pressing issues for the farming community has been mandated overtime requirements. The 2019 Farm Laborers Fair Practice Act, currently gives farmworkers a right to overtime after sixty (60) hours of work each week; and

WHEREAS, farmers are reliant on migratory work forces during the short growing season here in Western New York. Workers are here for only a few months in the spring and summer. They have only so many hours each year to get the work done; and

WHEREAS, the Act does not prohibit the wage board from arbitrarily decreasing the threshold again, further decreasing the threshold for overtime and thereby increasing costs on local farms and their use of seasonal workers; and

WHEREAS, the provisions of the Act would negatively impact the farming community by either increasing costs on farmers, who are operating under very tight margins, or will cut into work opportunities for migratory workers; and

WHEREAS, cutting budgeted support levels and drastically increasing costs through government interference should be avoided whenever possible.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby supports farmers and migrant workers who do not want their hours reduced and urges utilizing all budgeted funding for the promotion

of New York State farming products, provide critical applied research, ensure access to markets, educate the public and connect them to their food, and any other program designed to benefiting local farmers; and, be it further

RESOLVED, that this honorable body hereby supports Senate Bill S8944, providing a stay on the wage board's authority to arbitrarily change threshold for charging overtime; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York Delegation to the New York State Senate and Assembly, Governor Andrew Cuomo's office, and any other party deemed necessary and proper.

Fiscal Impact: None for resolution

STATE OF NEW YORK

8944

IN SENATE

August 26, 2020

Introduced by Sen. BORRELLO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the labor law, in relation to the farm laborers wage board

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 674-a of the labor law, as added by chapter 105 of
2 the laws of 2019, is amended to read as follows:

3 § 674-a. Farm laborers wage board. 1. Wage board. The commissioner
4 shall hereby convene a farm laborers wage board. The wage board shall be
5 comprised of three members: one representative of the farm bureau, one
6 representative of the New York State AFL-CIO and one member appointed by
7 the commissioner, who shall be selected from the general public and
8 designated as chairperson. The wage board shall hold its first hearing
9 no later than March first, two thousand twenty. The members of the board
10 shall not receive a salary or other compensation, but shall be paid
11 actual and necessary traveling expenses while engaged in the performance
12 of their duties.

13 2. Organization. Two-thirds of the members of the board shall consti-
14 tute a quorum. The chairperson may from time to time formulate rules
15 governing the manner in which the wage board shall function and perform
16 its duties under this article.

17 3. Powers. The wage board shall have power to conduct public hearings.
18 The board [~~may~~] shall also consult with agricultural employers and farm
19 laborers, and their respective representatives, in the occupation or
20 occupations involved, and with such other persons, including the commis-
21 sioner and the commissioner of agriculture and markets, the New York
22 state college of agriculture and life sciences at Cornell university, as
23 it shall determine. The board shall also have power to administer oaths
24 and to require by subpoena the attendance and testimony of witnesses,
25 and the production of all books, records, and other evidence relative to
26 any matters under inquiry. Such subpoenas shall be signed and issued by
27 the chairperson of the board and shall be served and have the same
28 effect as if issued out of the supreme court. The board shall have power

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[~~---~~] is old law to be omitted.

LBD17202-01-0

1 to cause depositions of witnesses residing within or without the state
2 to be taken in the manner prescribed for like depositions in civil
3 actions in the supreme court. The board shall not be bound by common law
4 or statutory rules of procedure or evidence.

5 4. Public hearings. Within forty-five days of the appointment of the
6 wage board, the board shall conduct public hearings. The wage board
7 shall only meet within the state and must hold at least three hearings
8 in two thousand twenty, at least two hearings each year in two thousand
9 twenty-one through two thousand twenty-three, and at least three hear-
10 ings in two thousand twenty-four, at which the public will be afforded
11 an opportunity to provide comments. At least one Spanish language
12 interpreter shall be present at each public hearing to interpret oral
13 testimony delivered in Spanish. Where a witness reveals the need for an
14 interpreter in a language other than Spanish, to the extent practicable,
15 an interpreter in that language shall be provided. Any materials adver-
16 tising such hearings shall be bilingual in English and Spanish. Any
17 written materials disbursed at the hearing or subsequent to the hearing,
18 including written testimony and hearing transcripts, shall be available
19 in English, Spanish, and, to the extent practicable, any other language
20 upon request.

21 5. Report. The wage board shall make a report to the governor and the
22 legislature, including its recommendations as to overtime work for farm
23 laborers. The report and recommendations of the board shall be submitted
24 only after a vote of not less than a majority of all its members in
25 support of such report and recommendations. Such report shall be submit-
26 ted no later than December thirty-first, two thousand [~~twenty~~] twenty-
27 four. The overtime rates recommended by the wage board shall not be in
28 excess of sixty hours, and the wage board shall specifically consider
29 the extent to which overtime hours can be lowered below such amount set
30 in law, and may provide for a series of successively lower overtime work
31 thresholds and phase-in dates as part of its determinations.

32 6. The wage board shall consider:

33 (a) existing overtime rates in similarly situated industries in New
34 York state;

35 (b) farm laborer wage and overtime rates in states that share a
36 geographical border with New York;

37 (c) the impact that the COVID-19 pandemic has had on the agricultural
38 community, including additional expenses borne by employers;

39 (d) the total compensation, including other benefits such as housing
40 or insurance, that farm laborers receive relative to similarly situated
41 industries;

42 (e) statistics that show various labor requirements amongst various
43 farming subindustries, including but not limited to, animal, crop, or
44 aquafarming;

45 (f) the supply and demand of farm laborers in New York; and

46 (g) the labor and employment actions taken by farm labor employers in
47 response to chapter one hundred five of the laws of two thousand nine-
48 teen, and other economic impacts.

49 7. Nothing contained in the wage board's report or recommendations
50 shall diminish or limit any rights, protections, benefits or entitle-
51 ments currently available to any farm laborer.

52 [~~7. The~~] 8. Notwithstanding any inconsistent provision of law, the
53 commissioner shall comply with section six hundred fifty-six of this
54 chapter no sooner than one hundred eighty days

1 upon receipt of the wage board's recommendations. The commissioner may
2 reconvene the same wage board or appoint a new wage board in compliance
3 with section six hundred fifty-nine of this chapter.
4 § 2. This act shall take effect immediately.



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

January 15, 2021

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

**RE: Erie County Sewer District Nos. 3, 6, and 8
Sanitary Sewer Replacement Project
Contract 82, Change Order No. 2**

Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning pertaining to Change Order No. 2 for the Sanitary Sewer Replacement Project, Erie County Sewer District Nos. 3, 6, and 8, Contract 82.

Should your Honorable Body require further information, I encourage you to contact the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:bp

cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District Nos. 3, 6, and 8
Sanitary Sewer Replacement Project
Contract 82, Change Order No. 2
Date: January 15, 2021

SUMMARY

Your Honorable Body is requested to approve a time extension for Contract 82 in Erie County Sewer District Nos. 3, 6, and 8. The time extension, with no contract cost implications, was requested by the Contractor to complete remaining restoration work in the spring following a winter shutdown.

FISCAL IMPLICATIONS

This action has no cost implications.

REASONS FOR RECOMMENDATION

Due to the onset of winter weather and freezing temperatures, the Contractor has requested an extension of time for contract completion in order to complete final paving, concrete sidewalk installation, and lawn restoration in the spring. Continuation of work in these weather and ground conditions would likely result in an inferior final restoration product for the County and affected property owners.

After reviewing the request, the Division of Sewerage Management determined an extension to a final contract date of June 15, 2021 is warranted to ensure there is enough time to complete the work under better weather conditions. The Contractor will observe a winter shutdown and resume work in the spring. The Contractor will remove all equipment and materials from the jobsite during the winter shutdown.

BACKGROUND INFORMATION

This "Sanitary Sewer Replacement Project" was awarded under Legislative Communication Number 13E-6 (2020) and involves the replacement of approximately 2,087 lineal feet (LF) of 8-inch diameter sanitary sewer, 45 sewer lateral reconnections, 23 new sanitary sewer lateral extensions and cleanouts, and 6 new sanitary sewer manholes across various locations in Erie County. Specifically, the areas of work include Erie County Sewer District No. 3: Frontier Drive in the Village of Blasdell, Linwood Avenue in the Village of Blasdell, Nottingham Terrace in the Town of Hamburg, Meadow Lane in the Town of Hamburg; Erie County Sewer District No. 6: Balen Drive in the City of Lackawanna; and Erie County Sewer District No. 8: Church Street in the Village of East Aurora. The sewer replacement work is substantially complete, the only remaining work is the final restoration or pavement, concrete drives, and lawn seeding.

The original contract included a deadline of December 10, 2020 to complete the work. Any extension of a Legislatively approved contract beyond 90 days of the completion date requires approval of your Honorable Body.

CONSEQUENCES OF NEGATIVE ACTION

Installation of pavement, concrete sidewalks, topsoil and seed under freezing winter temperatures is not in compliance with the specifications and work installed under these conditions would be of inferior quality.

STEPS FOLLOWING APPROVAL

The Division of Sewerage Management will issue a change order allowing for a time extension to complete the work, making the completion date June 15, 2021.

A RESOLUTION SUBMITTED BY
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District Nos. 3, 6, and 8
Sanitary Sewer Replacement Project
Contract 82, Change Order No. 2

WHEREAS, pursuant to Legislative Comm. 13E-6 (2020), Contract 82 was awarded to Kandey Company, Inc. to construct the Sanitary Sewer Replacement Project in Erie County Sewer District Nos. 3, 6, and 8; and

WHEREAS, the Erie County Division of Sewerage Management has advised additional contract time is needed to complete contract work (with no cost implications); and

WHEREAS, the Erie County Department of Environment and Planning recommends issuance of Change Order No. 2 to extend the completion date to June 15, 2021.

NOW, THEREFORE BE IT

RESOLVED, that Contract 82 between the County of Erie and Kandey Company, Inc. (19 Ransier Drive, West Seneca, New York 14224) be amended to add 187 days to the contract time; and be it further

RESOLVED, that the Deputy Commissioner in the Division of Sewerage Management be authorized to execute a changer order for Contract 82 to modify the contract completion date to June 15, 2021; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

January 11, 2021

Mr. Mark Gaston
District Manager
Erie County Soil and Water Conservation District
50 Commerce Way
East Aurora, NY 14052

RE: Appointment to the Lake Erie Watershed protection Alliance Board of Directors

Dear Mr. Gaston:

Pursuant to the Intermunicipal Agreement dated February 24, 2015 and amended on December 19, 2019, that established the Lake Erie Watershed Protection Alliance, I, Mark C. Poloncarz, Erie County Executive do hereby confirm your appointment to the Board of Directors of the Lake Erie Watershed Protection Alliance (LEWPA) based upon the recommendation from the Erie County Water Quality Committee as indicated in the minutes of the meeting held on November 18, 2020. You will serve as the Soil and Water Conservation District representative for the County of Erie for a three-year term to expire December 31, 2023. Your alternate will be Donald Stribick, Soil and Conservation District Technician.

LEWPA is a three-county alliance composed of Cattaraugus, Chautauqua, and Erie counties working together on water quality issues. The LEWPA Board of Directors is composed of three members from each of the three counties. Your role is to represent the Soil and Water Conservation District interests of Erie County on this Board. LEWPA meets quarterly in February, May, August, and November and meetings rotate throughout the three counties of the Alliance.

Thank you very much for your service to Erie County and LEWPA.

Yours Sincerely,

Mark C. Poloncarz
Erie County Executive

cc: Donald Stribick



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

January 11, 2021

Honorable Mary Hosler
Supervisor Town of Evans
8787 Erie Road
Angola NY 14006

RE: Appointment to the Lake Erie Watershed protection Alliance Board of Directors

Dear Supervisor Hosler:

Pursuant to the Intermunicipal Agreement dated February 24, 2015 and amended on December 19, 2019, that established the Lake Erie Watershed Protection Alliance, I, Mark C. Poloncarz, Erie County Executive do hereby confirm your appointment to the Board of Directors of the Lake Erie Watershed Protection Alliance (LEWPA) based upon the recommendation from the Erie County Water Quality Committee as indicated in the minutes of the meeting held on November 18, 2020. You will serve as the local government representative for the County of Erie for a three-year term to expire December 31, 2023. Your alternate will be William Smith, Director of Planning and Community Development for the Town of Evans.

LEWPA is a three-county alliance composed of Cattaraugus, Chautauqua, and Erie counties working together on water quality issues. The LEWPA Board of Directors is composed of three members from each of the three counties. Your role is to represent the local governments of Erie County on this Board. LEWPA meets quarterly in February, May, August, and November and meetings rotate throughout the three counties of the Alliance.

Thank you very much for your service to Erie County and LEWPA.

Yours Sincerely,

Mark C. Poloncarz
Erie County Executive

cc: William Smith



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

January 11, 2021

Ms. Bonnie Lawrence
Deputy Commissioner
Erie County Department of Environment & Planning
95 Franklin Street, Room 1077
Buffalo, NY 14202

RE: Appointment to the Lake Erie Watershed protection Alliance Board of Directors

Dear Ms. Lawrence:

Pursuant to the Intermunicipal Agreement dated February 24, 2015 and amended on December 19, 2019, that established the Lake Erie Watershed Protection Alliance, I, Mark C. Poloncarz, Erie County Executive do hereby confirm your appointment to the Board of Directors of the Lake Erie Watershed Protection Alliance (LEWPA) based upon the recommendation from the Erie County Water Quality Committee as indicated in the minutes of the meeting held on November 18, 2020. You will serve as the regional government representative for the County of Erie for a three-year term to expire December 31, 2023. Your alternate will be Mary MacSwan with the Western New York Stormwater Coalition.

LEWPA is a three-county alliance composed of Cattaraugus, Chautauqua, and Erie counties working together on water quality issues. The LEWPA Board of Directors is composed of three members from each of the three counties. Your role is to represent the regional government interests of Erie County on this Board. LEWPA meets quarterly in February, May, August, and November and meetings rotate throughout the three counties of the Alliance.

Thank you very much for your service to Erie County and LEWPA.

Yours Sincerely,

Mark C. Poloncarz
Erie County Executive

cc: Mary MacSwan



Agriculture and Markets

FILED JAN 09 2021 AM 10:45

ANDREW M. CUOMO
Governor

RICHARD A. BALL
Commissioner

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, NY 14202

Dear Mr. Graber,

In accordance with Section 303-b of the Agriculture and Markets Law, the Erie County Legislature submitted to me, by resolution 21-3 of 2020, a report and plan to modify Erie County Agricultural District Nos. 5,8,12,13,14,15, and 16 by including predominantly viable agricultural land into the district.

Following review of the plan and its related documents, I hereby certify that the inclusion of predominantly viable agricultural land, as proposed, is feasible and shall serve the public interest by assisting in maintaining a viable agricultural industry within the district.

Signed and sealed at the Town of Colonie
County of Albany, New York

This *9th* Day of January, 2021

Sincerely,

Richard A. Ball
Commissioner

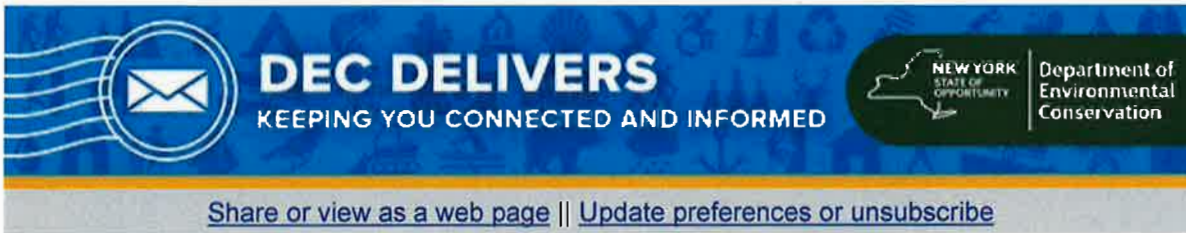
cc:

Earl Gingrich Jr., Chair, Erie County AFPB
Thomas Hersey, Commissioner, Erie County Planning Department
Diane Held, Executive Director, CCE of Erie County
District Manager, Erie County Soil and Water Conservation District
Susan Hoskins, IRIS

Graber, Robert

From: New York State Department of Environmental Conservation
<nysdec@public.govdelivery.com>
Sent: Wednesday, January 13, 2021 4:01 PM
To: Graber, Robert
Subject: 140 Chandler Street Site (Buffalo) - DEC Certifies Site Cleanup Requirements Achieved

[Caution: this email is not from an Erie County employee: attachments or links may not be safe.]



DEC Certifies Cleanup Requirements to Address Contamination Achieved at Brownfield Site on Chandler St., Buffalo





This link opens a fact sheet that announces that cleanup requirements have been achieved and certified regarding contamination related to the **140 Chandler Street Site #C915354 (Buffalo, Erie County)**, within New York's Brownfield Cleanup Program:

<https://www.dec.ny.gov/data/der/factsheet/c915354coc.pdf>

The fact sheet is in PDF format. You can save, open, and read the fact sheet by using Adobe Acrobat Reader. If you do not have Adobe Acrobat Reader, you can go to the following web page on the DEC web site to download the program: <https://www.dec.ny.gov/about/590.html>

Please do not respond to this email. Replies go to an untended mailbox. If you have questions about the contaminated site identified above, please use the contact information provided in the fact sheet.

The [New York State Department of Environmental Conservation](#) respects your right to [privacy](#) and welcomes your [feedback](#) | [Update preferences or unsubscribe](#) | [Learn more about DEC Delivers](#)

Connect with DEC:     SHRE

Basil Seggos, Commissioner

This email was sent to robert.graber@erie.gov using GovDelivery Communications Cloud on behalf of: New York State Department of Environmental Conservation - 625 Broadway - Albany, NY 12233 - (518) 402-8013



Department of
Environmental
Conservation

Where to Find Information

Access project documents through the
DECinfo Locator

<https://www.dec.ny.gov/data/DecDocs/C915354/>
and at these location(s):

North Park Library

975 Hertel Avenue
Buffalo, NY 14216

Key project documents and project
summary also are available on the
NYSDEC website at:

www.dec.ny.gov/chemical/8431.html

Who to Contact

Comments and questions are welcome and
should be directed as follows:

Project-Related Questions

Jaspal S. Walia, Project Manager
NYSDEC
270 Michigan Ave.
Buffalo, NY 14203
(716) 851-7220
jaspal.walia@dec.ny.gov

Project-Related Health Questions

Harolyn Hood
NYSDOH
Empire State Plaza
Corning Tower; Room 1787
Albany, NY 12237
(518) 402-7860
beci@health.ny.gov

For more information about New York's
Brownfield Cleanup Program, visit:

www.dec.ny.gov/chemical/8450.html

FACT SHEET

Brownfield Cleanup Program

140 Chandler Street Site

140 Chandler Street
Buffalo, NY 14207

SITE No. C915354

NYSDEC REGION 9

January 2021

NYSDEC Certifies Cleanup Requirements Achieved at Brownfield Site

The New York State Department of Environmental Conservation (NYSDEC) has determined that the cleanup requirements to address contamination related to the 140 Chandler Street site ("site") located at 140 Chandler Street in Buffalo, Erie County, under New York State's Brownfield Cleanup Program have been met. Please see the map for the site location.

The cleanup activities were performed by 140 Chandler Street, LLC ("applicant") with oversight provided by the New York State Department of Environmental Conservation (NYSDEC). NYSDEC has approved a Final Engineering Report (FER) and issued a Certificate of Completion (COC) for the site.

- Access the FER, Notice of COC and other project documents online through the DECinfo Locator:
<https://www.dec.ny.gov/data/DecDocs/C915354/>.
- The documents also are available at the location(s) identified at left under "Where to Find Information."

Completion of the Project: The following activities have been completed to achieve the remedial action objectives:

- Excavation and off-site disposal of 4,750 cubic yards of soil/fill contaminated with metals and polycyclic aromatic hydrocarbons (PAHs) which exceeded unrestricted soil cleanup objectives (USCOs);
- Removal and off-site disposal of tanks, contaminated containers and impacted concrete;
- Removal and off-site disposal of a 2,500-gallon underground storage tank;
- Abatement of asbestos from the on-site building; and
- Permitted discharge to the Buffalo Sewer Authority (BSA) of approximately 46,900 gallons of water collected to accommodate soil excavations.

BROWNFIELD CLEANUP PROGRAM

Final Engineering Report Approved: NYSDEC has approved the FER, which:

- 1) Describes the cleanup activities completed.
- 2) Certifies that cleanup requirements have been or will be achieved for the site.

Next Steps: With its receipt of a COC, the applicant is eligible to redevelop the site. In addition, the applicant is eligible for tax credits to offset the costs of performing cleanup activities and for redevelopment of the site. A COC may be modified or revoked if, for example, there is a failure to comply with the terms of the order or agreement with NYSDEC.

Site Description: This 0.51-acre site is bounded by railroad tracks to the north, Chandler Street to the south and commercial facilities to the east and west. There is one 2,500 square foot building on site which is currently unoccupied. The property is located in an urban area with surrounding properties used for industrial, commercial and residential purposes.

140 Chandler Street, LLC is redeveloping the site as The Chandler Pool Club, which will include a swimming pool, deck areas and a restaurant.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's Environmental Site Remediation Database (by entering the site ID, C915354) at: <https://www.dec.ny.gov/cfm/xtapps/derexternal/index.cfm?pageid=3>

Brownfield Cleanup Program: New York's Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and redeveloped. These uses may include recreation, housing, business or other uses. A brownfield site is any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by NYSDEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations.

For more information about the BCP, visit:
<https://www.dec.ny.gov/chemical/8450.html>

We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.

Stay Informed With DEC Delivers

Sign up to receive site updates by email:
www.dec.ny.gov/chemical/61092.html

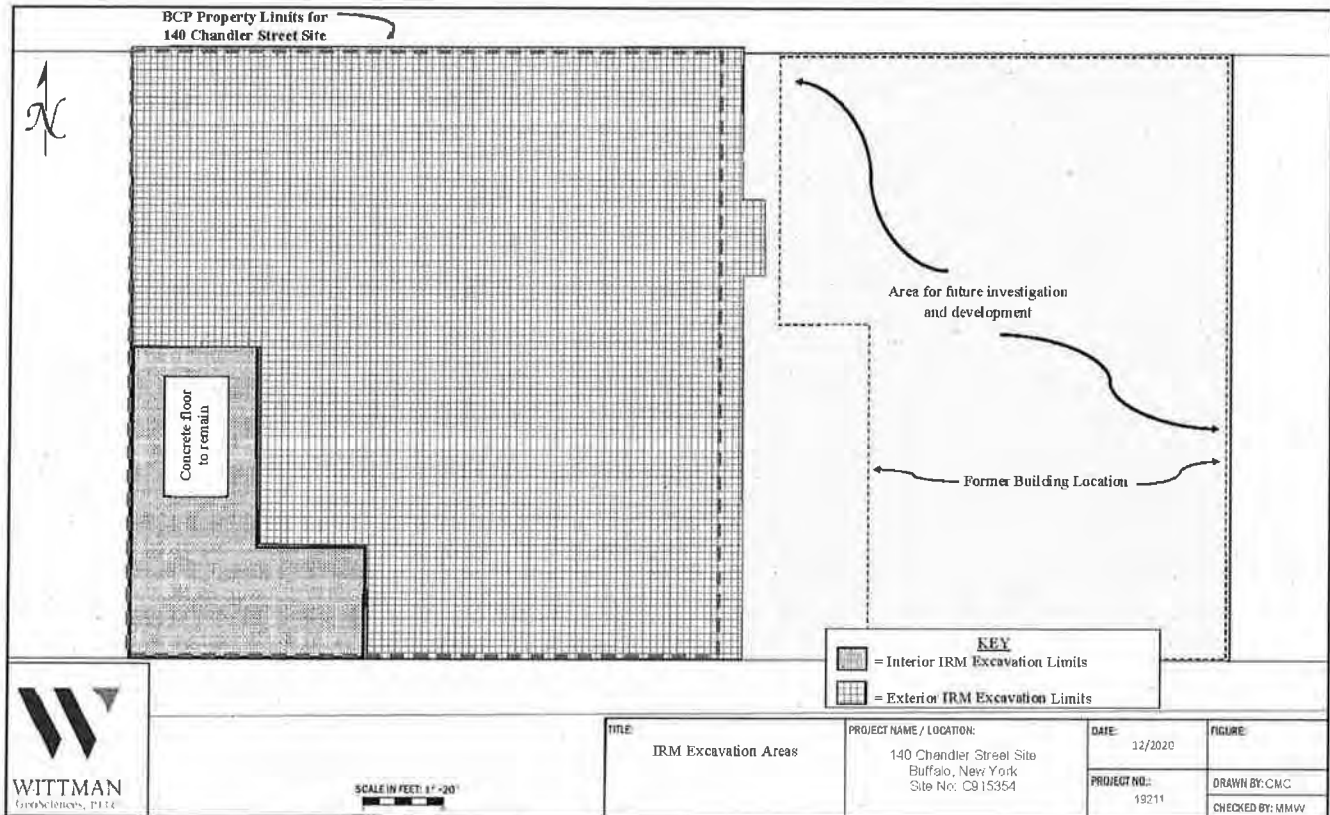
Note: Please disregard if you already have signed up and received this fact sheet electronically.

DECinfo Locator

Interactive map to access DEC documents and public data about the environmental quality of specific sites: <https://www.dec.ny.gov/pubs/109457.html>

BROWNFIELD CLEANUP PROGRAM

Site Location



Public Notice Fact Sheet

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application and Draft Investigation/Interim Remedial Measures Work Plan from Great Point Opportunity Fund (A) QOZB, LLC for a site known as 1155 Niagara Street Site, site ID #C915367. This site is located in the City of Buffalo within the County of Erie, and is located at 1155 Niagara Street.

Access the application, Draft Investigation/Interim Remedial Measures Work Plan, and other relevant documents online through the DECinfo Locator: <https://www.dec.ny.gov/data/DecDocs/C915367/>. The documents will also be available at the document repository once reopened, located at Isaias Gonzalez-Soto Branch Library, 280 Porter Avenue, Buffalo, NY 14201.

There are several ways to comment on BCP applications. Comments can be submitted to the site Project Manager Damianos Skaros at NYSDEC, 270 Michigan Ave., Buffalo, NY 14203-2915; via email at damianos.skaros@dec.ny.gov or by calling 716-851-7220. All comments must be submitted by **February 12, 2021**.

Site information can be viewed by entering the site ID noted above at: <http://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=3>

We would also encourage those interested in receiving information on future activities at this site or any other site to sign up to DEC's Contaminated Sites Email List at: <http://www.dec.ny.gov/chemical/61092.html>

What is the Brownfield Cleanup Program?

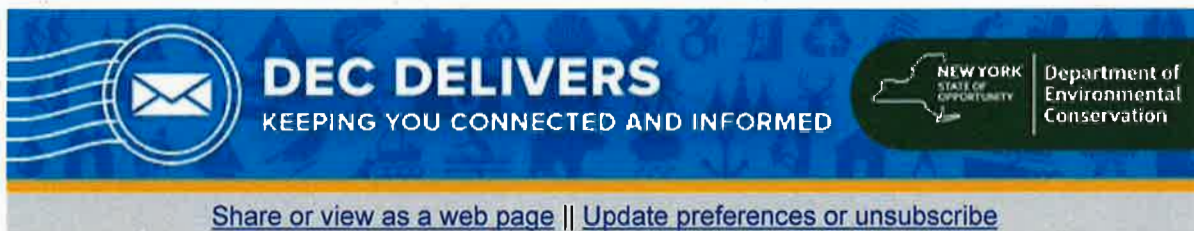
New York's Brownfield Cleanup Program (BCP) is designed to encourage private-sector cleanups of brownfields and to promote their redevelopment as a means to revitalize economically blighted communities. The BCP is an alternative to "greenfield" (land not previously developed or contaminated) development and is intended to remove some of the barriers to, and provide tax incentives for, the redevelopment of brownfields. Since its inception (2003), the BCP has catalyzed the cleanup of more than 300 contaminated sites statewide and incentivized redevelopment. There are more than 350 active sites in the BCP.

Additional information on the State's Brownfield program is available at DEC's website: <http://www.dec.ny.gov/chemical/8450.html>

Graber, Robert

From: New York State Department of Environmental Conservation
<nysdec@public.govdelivery.com>
Sent: Wednesday, January 13, 2021 2:01 PM
To: Graber, Robert
Subject: 1155 Niagara Street Site (Buffalo) - Public Comment Invited on Brownfield Application and Work Plan

[Caution: this email is not from an Erie County employee: attachments or links may not be safe.]



DEC Invites the Public to Comment About Brownfield Cleanup Program Application and Draft Investigation Plan for Site on Niagara St., Buffalo

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application and Draft Investigation/Interim Remedial Measures Work Plan from Great Point Opportunity Fund (A) QOZB, LLC for a site known as **1155 Niagara Street Site, site ID #C915367**. This site is located in the City of Buffalo within the County of Erie, and is located at 1155 Niagara Street.

Access the application, Draft Investigation/Interim Remedial Measures Work Plan, and other relevant documents online through the DECinfo Locator:

<https://www.dec.ny.gov/data/DecDocs/C915367/>. The documents will also be available at the document repository once reopened, located at Isaias Gonzalez-Soto Branch Library, 280 Porter Avenue, Buffalo, NY 14201.

There are several ways to comment on BCP applications. Comments can be submitted to the site Project Manager Damianos Skaros at NYSDEC, 270 Michigan Ave., Buffalo, NY 14203-2915; via email at damianos.skaros@dec.ny.gov or by calling 716-851-7220. **All comments must be submitted by February 12, 2021.**

Site information can be viewed by entering the site ID noted above at:

<https://www.dec.ny.gov/cfm/xtapps/derexternal/index.cfm?pageid=3>

What is the Brownfield Cleanup Program?

New York's Brownfield Cleanup Program (BCP) is designed to encourage private-sector cleanups of brownfields and to promote their redevelopment as a means to revitalize economically blighted communities. The BCP is an alternative to "greenfield" (land not previously developed or contaminated) development and is intended to remove some of the

barriers to, and provide tax incentives for, the redevelopment of brownfields. Since its inception (2003), the BCP has catalyzed the cleanup of more than 300 contaminated sites statewide and incentivized redevelopment. There are more than 350 active sites in the BCP.

Additional information on the State's Brownfield program is available at DEC's website:
<https://www.dec.ny.gov/chemical/8450.html>

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Basil Seggos, Commissioner

This email was sent to robert.graber@erie.gov using GovDelivery Communications Cloud on behalf of: New York State Department of Environmental Conservation · 625 Broadway · Albany, NY 12233 · (518) 402-8013

Graber, Robert

From: New York State Department of Environmental Conservation
<nysdec@public.govdelivery.com>
Sent: Wednesday, January 13, 2021 3:31 PM
To: Graber, Robert
Subject: 3100 Clinton Street Site (West Seneca) - DEC Certifies Site Cleanup Requirements Achieved

[Caution: this email is not from an Erie County employee: attachments or links may not be safe.]



DEC Certifies Cleanup Requirements to Address Contamination Achieved at Brownfield Site on Clinton St., West Seneca

This link opens a fact sheet that announces that cleanup requirements have been achieved and certified regarding contamination related to the **3100 Clinton Street Site #C915339 (West Seneca, Erie County)**, within New York's Brownfield Cleanup Program:

<https://www.dec.ny.gov/data/der/factsheet/c915339coc.pdf>

The fact sheet is in PDF format. You can save, open, and read the fact sheet by using Adobe Acrobat Reader. If you do not have Adobe Acrobat Reader, you can go to the following web page on the DEC web site to download the program: <https://www.dec.ny.gov/about/590.html>

Please do not respond to this email. Replies go to an untended mailbox. If you have questions about the contaminated site identified above, please use the contact information provided in the fact sheet.

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Basil Seggos, Commissioner



Department of
Environmental
Conservation

Where to Find Information

Access project documents through the DECinfo Locator
<https://www.dec.ny.gov/data/DecDocs/C915339/>
and at these location(s):

Buffalo and Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203

Key project documents and project summary also are available on the NYSDEC website at:
www.dec.ny.gov/chemical/8431.html

Who to Contact

Comments and questions are welcome and should be directed as follows:

Project-Related Questions

Jaspal S. Walia, Project Manager
NYSDEC
270 Michigan Ave.
Buffalo, NY 14203
(716) 851-7220
jaspal.walia@dec.ny.gov

Project-Related Health Questions

Harolyn Hood
NYSDOH
Empire State Plaza
Corning Tower; Room 1787
Albany, NY 12237
(518) 402-7860
beci@health.ny.gov

For more information about New York's
Brownfield Cleanup Program, visit:
www.dec.ny.gov/chemical/8450.html

FACT SHEET

Brownfield Cleanup Program

3100 Clinton Street Site
3100 Clinton Street
West Seneca, NY 14224

SITE No. C915339
NYSDEC REGION 9

January 2021

NYSDEC Certifies Cleanup Requirements Achieved at Brownfield Site

The New York State Department of Environmental Conservation (NYSDEC) has determined that the cleanup requirements to address contamination related to the 3100 Clinton Street site ("site") located at 3100 Clinton Street in West Seneca, Erie County, under New York State's Brownfield Cleanup Program have been met. Please see the map for the site location.

The cleanup activities were performed by Rosina Food Products, Inc. and 3100 Clinton Street, LLC ("applicants") with oversight provided by the New York State Department of Environmental Conservation (NYSDEC). NYSDEC has approved a Final Engineering Report (FER) and issued a Certificate of Completion (COC) for the site.

- Access the FER, Notice of COC and other project documents online through the DECinfo Locator:
<https://www.dec.ny.gov/data/DecDocs/C915339/>.
- The documents also are available at the location(s) identified at left under "Where to Find Information."

Completion of the Project: The following activities have been completed to achieve the remedial action objectives:

- Excavation and off-site disposal of 45,850 tons of on-site soil/fill that was grossly contaminated, created a nuisance condition, or which exceeded unrestricted soil cleanup objectives (USCOs), the site specific cleanup criteria; and
- Permitted discharge to the Erie County Sewer Authority System of approximately one million gallons of water collected to accommodate the soil excavation.

BROWNFIELD CLEANUP PROGRAM

Final Engineering Report Approved: NYSDEC has approved the FER, which:

- 1) Describes the cleanup activities completed.
- 2) Certifies that cleanup requirements have been achieved for the site.

Next Steps: With its receipt of a COC, the applicants is eligible to redevelop the site. In addition, the applicants is eligible for tax credits to offset the costs of performing cleanup activities and for redevelopment of the site. A COC may be modified or revoked if, for example, there is a failure to comply with the terms of the order or agreement with NYSDEC.

Site Description: This 9.95-acre site is located in a mixed commercial/industrial area in the Town of West Seneca, Erie County. The site is bordered by vacant wooded land to the north/northwest and south/southwest, commercial and industrial operations to the north/northeast and south southeast and Clinton Street to the south.

From the early 1900s to the 1960s the site was used as railroad tracks/yards. Railroad areas were previously built-up with fill materials from unknown sources, with track ballasts and railroad ties remaining on site. The site is currently vacant land with historic railroad bed areas with fill materials, including track ballasts and railroad ties.

Planned use of the site is construction of a food manufacturing plant.

Additional site details, including environmental and health assessment summaries, are available on

NYSDEC's Environmental Site Remediation Database (by entering the site ID, C915338) at:

<https://www.dec.ny.gov/cfm/xtapps/derexternal/index.cfm?pageid=3>

Brownfield Cleanup Program: New York's Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and redeveloped. These uses may include recreation, housing, business or other uses. A brownfield site is any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by NYSDEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations.

For more information about the BCP, visit: <https://www.dec.ny.gov/chemical/8450.html>

We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.

Stay Informed With DEC Delivers

Sign up to receive site updates by email:
www.dec.ny.gov/chemical/61092.html

Note: Please disregard if you already have signed up and received this fact sheet electronically.

DECinfo Locator

Interactive map to access DEC documents and public data about the environmental quality of specific sites: <https://www.dec.ny.gov/pubs/109457.html>

BROWNFIELD CLEANUP PROGRAM

Site Location

