

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, NY 12233-7020
Phone: (518) 402-9543 • Fax: (518) 402-9547
Website: www.dec.ny.gov



DEC 22 2014

Andrew J. Shaevel
Mensch Capital Partners, LLC
350 Essjay Road, Suite 304
Williamsville, NY 14221

RE: Brownfield Cleanup Application
Westwood Country Club
BCP ID C915291

Dear Mr. Shaevel:

The New York State Department of Environmental Conservation (DEC) has received your application for participation in the Brownfield Cleanup Program (BCP) pursuant to Environmental Conservation Law (ECL) §27-1400 et seq. We are pleased to advise you that your application has been determined to be complete based upon DEC's initial non-substantive review of your application package. The record with respect to your submittal pursuant to ECL 27-1407.1 is complete. If you propose additional material to supplement this application, DEC may consider it at its sole discretion. If DEC allows you to supplement your application with additional written material that clarifies current information or provides new information, you will be required to publish another public notice of the availability of the complete application (only very minor information may be accepted without the need for publishing a new public notice). DEC will then adjust the time frame specified under ECL 27-1407.6 for notifying you that your request for participation in the BCP is either accepted or rejected.

Pursuant to ECL§27-1407(5), a 30-day public comment period is to begin after DEC's determination that an application is complete. DEC will publish a notice of the receipt of your application seeking public comment in the "Environmental Notice Bulletin." In accordance with the ECL and DEC regulations (see 6 NYCRR 375-3.4(b)), you must notify, in writing, all parties on the site contact list¹ of the availability of the complete application for public review and comment.

In order to facilitate the notifications, DEC has prepared the enclosed document for your use as a Public Notice along with instructions and the location of the document repository. You are responsible for placing a copy of the application (including any attachments) and copies of all other related documents such as any site assessments, investigation reports, and/or remedial work plans in the repository before the start of the public comment period. The language in the enclosed Public Notice must be used without alteration in the newspaper notice that you have published in accordance with §§375-3.2(f) and 375-3.10.

¹ The site contact list includes (see subdivision 375-1.2(as)) all interested "persons, government agencies, groups or organizations, including, but not limited to, the chief executive officer and zoning board of each county, city, town and village in which such site is located, the public water supplier which serves the area in which such site is located, any site residents, adjacent property owners, any person who has requested to be placed on the site contact list, and the administrator of any school or day care facility located on the site for the purposes of posting and/or dissemination at the facility. Provided, however, that where the site or adjacent real property contains multiple dwelling units, the remedial party may propose an alternative method, consistent with the citizen participation goals set forth in section 375-1.10, for providing such notice in lieu of mailing to each individual."

The enclosed public notice must be provided to a local newspaper servicing the area including the site for publication no later than December 31, 2014. By December 30, 2014, the other notifications specified above must be distributed and documents placed in the repository. To the extent that the mailings and publications are not completed in accordance with these time frames, DEC will extend the comment period for a period sufficient to comply with the required public notice requirements running from the latest of these mailings and publications.

Within five days of the mailings you must submit to DEC a "certificate of mailing" using the enclosed form. Additionally, you must submit a proof of publication provided by the newspaper within three days of your receipt of such document. Please submit these documents to DEC's Project Manager:

Michael Hinton
NYS Department of Environmental Conservation – Region 9
270 Michigan Avenue
Buffalo, New York 14203
Michael.Hinton@dec.ny.gov

DEC will use all best efforts to notify you if the application is accepted or rejected within five days after the close of the public comment period. We look forward to working cooperatively to address the environmental conditions at the brownfield site and return this property to productive use.

Sincerely,



Kelly A. Lewandowski, P.E.
Chief
Site Control Section

Enclosures

ec w/enc.: M. Hinton, Project Manager
M. Cruden, Director, Remedial Bureau E
G. Sutton, RHWRE, Region 9
B. Conlon, NYSDEC – OGC, Remediation Bureau
A. Guglielmi, NYSDEC, OGC, Remediation Bureau
P. Foster, Project Attorney
M. Brady, Regional Attorney, Region 9
K. Anders, NYSDOH
C. Bethoney, NYSDOH Regional Chief
M. Colmerauer, C&S Engineers, Inc.
C. Slater, The Slater Law Firm, PLLC
S. Heigel, Site Control Section

**Brownfield Cleanup Program
Public Notice Instructions to Requestor²**

1. Newspaper Notice

- a) The Requestor must publish the language in the enclosed public notice, without modification, in a local newspaper of general circulation that services the area that includes the site not later than the date specified in the Division of Environmental Remediation's (DER) cover letter. The notice must be located prominently in the community bulletin section or comparable local section of the newspaper (not as a legal notice). The Requestor must publish the notice in English and in any other language spoken by a significant number of people within the site community.
- b) The Requestor must submit a proof of publication of the newspaper notice to DER by the date specified in the DER cover letter.

2. Requestor's Instructions to Newspapers Regarding Printing the Public Notice

- a) The enclosed public notice announces the receipt of a complete Brownfield Cleanup Program application package by the New York State Department of Environmental Conservation. Pursuant to ECL Section 27-1407(5), the public notice must be located prominently in the community bulletin section or similar local section of the newspaper (not as a legal notice). The public notice must be published by the date specified. Please provide a proof of publication as soon as possible.

3) Site Contact List

- a) The Requestor must mail the enclosed public notice, without modification, to the parties on the site contact list included with the application. The mailing must be performed by the date specified in the DER cover letter. No other materials can be mailed with this notice with the exception of the instructions provided in 4) a below.
- b) The Requestor must complete the certificate of mailing and submit it to DER by the date specified in the DER cover letter (see enclosed certificate of mailing form).

4) Requestor's Instructions to Parties on the Site Contact List Receiving the Public Notice

- a) The enclosed public notice announces the receipt of a complete Brownfield Cleanup Program application package by the New York State Department of Environmental Conservation. Pursuant to ECL Section 27-1407(5), a public notice announcing the receipt of an application must be sent to parties on the site contact list. Please read the enclosed public notice and review the application package in the site document repository for further information regarding the application and how to submit comments.

5. Document Repository

- a) The Requestor must put the application package (application and all attachments) in the site document repository specified in the application prior to the start of the public comment period.

² A requestor (§375-3.2(i)) is a person who has submitted an application to participate in the BCP whose eligibility has not yet been determined by DEC.

Public Notice

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application from Mensch Capital Partners, LLC for a site known as the Westwood Country Club, site ID #C915291. This site is located in the Village of Williamsville, Town of Amherst, within the County of Erie, and is located at 772 North Forest Road. Comments regarding this application must be submitted no later than January 30, 2015. Information regarding the site, the application, and how to submit comments can be found at <http://www.dec.ny.gov/chemical/60058.html> or send comments to Michael Hinton, NYS Department of Environmental Conservation – Region 9, 270 Michigan Avenue, Buffalo, New York 14203, Michael.Hinton@dec.ny.gov or at 716-851-7220.

To have information such as this notice sent right to your email, sign up with county email listservs available at www.dec.ny.gov/chemical/61092.html.

CERTIFICATION OF MAILING

Site Name: Westwood Country Club
Site No.: C915291

I certify that I mailed on _____ a copy of the attached public notice by first class mail upon the person(s) on the attached mailing list, by depositing a true copy thereof, securely enclosed in a postpaid wrapper, in the Post Office box at _____ in the City of _____, New York, which box is under the exclusive care and custody of the United States Post Office.

Signature

Date