

Former 39<sup>th</sup> Street School  
At  
555 39<sup>th</sup> Street

2013

# Analysis of Brownfields Cleanup Alternatives



Niagara County Brownfield Development Corporation:  
American Recovery and Reinvestment Brownfields Cleanup  
Revolving Loan Fund Program Grant

GIS / Environmental Services  
City of Niagara Falls, NY

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**for the Former 39<sup>th</sup> Street School at 555 39<sup>th</sup> Street**

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# **Analysis of Brownfields Cleanup Alternatives**

**Former 39<sup>th</sup> Street School**

**555 39<sup>th</sup> Street**

**Niagara Falls, NY 14301**

## **1.0 Introduction**

This analysis of Brownfields Cleanup Alternatives (ABCAs) report has been prepared for the former 39<sup>th</sup> Street school building located at 555 39<sup>th</sup> Street in Niagara Falls, NY. At present, the building is being evaluated for remediation and demolition in order to make the site shovel-ready for redevelopment. The City of Niagara Falls has received grant funding through the Niagara County Brownfield Development Corporation for remediation of the former school site. The Niagara County Brownfield Development Corporation is funded by grants from the United States Environmental Protection Agency (USEPA). This project has received funds from USEPA's Brownfields Cleanup Revolving Loan Fund Program as well as funding from the American Recovery and Reinvestment Act. The goal of this project is to remediate significant hazardous asbestos issues and prepare this currently blighted "gateway" site for redevelopment.

The property is located within the City's Buffalo Avenue Industrial Corridor Brownfield Opportunity Area Study Area and is part of "Node 5". The Niagara Falls Boulevard/ Packard Road Intersection Node is currently marred by industrial blight on a vast scale. The node is at a Gateway to the City, where travelers from Interstate-190 driving to downtown district must pass. The vision for the node is to create commercial and light industrial development along the high-traffic Niagara Falls Boulevard Corridor and implement zoning changes for the industrial areas that would implement Design Criteria to protect the view for travelers.

Nodes and their importance are also identified in the City's Comprehensive Plan. Gateway areas into the Pine Avenue Business District / "Little Italy" are specifically noted as vital towards attracting visitors and tourism to the district.

As part of what has been identified as a crucial gateway into the City, the revitalization of the former 39<sup>th</sup> Street school site will assist in moving the City towards these goals.

This ABCA report includes information regarding:

- The characteristics of the site including documentation of contaminants, potential exposure pathways, sources of contamination, applicable or relevant and appropriate laws, regulations and standards.
- Analysis of potential alternatives, including "No Action".
- A discussion of the proposed cleanup activities and factors considered in evaluating and recommending the planned cleanup.

- A determination of what controls will be required to implement the cleanup.

## 2.0 Background

The site is located at 555 39<sup>th</sup> Street, Niagara Falls, Niagara County, New York and consists of a 6.6 acre tract of land with a former school building built in 1954. The structure consists of a one-story concrete block, brick and cement 42,344 square foot building. The building and site were sold in 1980 to Treasure Knit, Inc., a clothing manufacturer. The facility was used for light manufacturing and storage warehouse space until around 1984. The facility has been vacant and deteriorating since 1984. During the intervening years, the City obtained the property as an In-Rem tax foreclosure. A substantial portion of the property is currently deteriorated fields and parking lot that, while visible, cannot be utilized by the community.

A development group, Cataract City Properties, LLC a joint venture, headed by Ontario Specialty Contracting, Inc., in conjunction with Largo Group and McGuire Development Company, intended on rehabilitating the surplus, abandoned, vacant and blighted former 39<sup>th</sup> St school into market rate apartments, along with commercial space to accommodate ancillary use to the neighborhood.

The project did receive a Restore NY grant since it fulfilled all three of Restore's primary goals. Those goals are:

1. Revitalize Urban Centers by creating a significant investment to reuse an abandoned structure
2. Induce commercial investment by developing commercial space that would service both the facility and the surrounding neighborhood
3. Improve the local housing stock through the rehabilitation of the blighted former structure into new market rate patio apartments that would add new housing types and choices to the area.

Due to the downturn in the economy, the project was unable to move forward and the building has deteriorated to the point where it is no longer feasible for reuse.

Assessments conducted on the site identified the presence of over 73,000 square feet of asbestos that needs to be abated, along with lead based paint, mold, a couple of drums of corrosive boiler chemicals, and an underground storage tank that has not been closed.

Abatement, remediation and demolition will allow the site to be more attractive for the community and developers.

## 3.0 Site Investigations

In September 2007, a Phase I Environmental Site Assessment (ESA) was conducted by Panamerican Environmental, Inc. (PEI) for the property identified as the former 39th Street School Property at 555 39th Street in the City of Niagara Falls, Niagara County, New York. The ESA was completed for Niagara County Department of Economic Development in general accordance with ASTM Standard Practice For Environmental Site Assessments: Phase I Environmental Site Assessment Practice E 1527-05 (ASTM Standard), which incorporated aspects of the new Environmental Protection Agency (EPA) All Appropriate Inquiries (AAI) rule. In defining a standard of good commercial and customary practice for

conducting an environmental assessment of a parcel of property, the ASTM Standard establishes a process for which the goal is to identify, to the extent feasible pursuant to the ASTM process, recognized environmental conditions in connection with the property. This ESA was conducted to meet this goal. Recognized environmental conditions are defined in the ASTM Standard as the presence or the likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property.

The Phase I ESA identified the following potential recognized environmental conditions for this property:

- An 8,000-gallon fuel oil (heating oil) UST was reportedly located on the property. The Phase I suggested that some spills may have occurred at this UST and/or the UST may have leaked,
- 55-gallon drums were located on the property and required characterization and proper disposal.
- Potential for lead based paint, mold and asbestos containing materials (ACM) within the building.

The Phase I Environmental Site Assessment (ESA) was followed up by a Phase II ESA in January 2010. The Phase II was completed as a follow-up to the findings of a Phase I ESA completed in 2007.

- The drum sampling indicated that pH levels were slightly in excess of EPA TCLP pH (corrosivity/alkalinity) requirement limits (< 2 or >12.5); sample DR-OP-01 at 12.5 and DR-UN-02 at 12.7. Both drums were labeled Boiler Water Treatment and the solution may have been used to increase boiler alkalinity to prevent acidic corrosion. The contents of both drums could be considered a hazardous waste under EPA TCLP requirements for disposal purposes.
- The examination of the UST revealed that the UST was empty accept for an inch or two of sludge at the bottom of the tank. The UST was estimated to be an 8,000 gallon tank. There are no indications of any significant leakage from the tank. The UST should be properly cleaned and closed in accordance with NYSDEC bulk storage regulations and close attention should be made to determine if anything beyond a possible minor leak/spill exists.
- The inspection and sampling identified a number of building materials as ACM including:
  - Black mastic of ceramic wall tile - 750 square feet (sf)
  - Floor tile and mastic - 29,350 sf
  - Pipe insulation and fittings - 1,900 LF & 30,000 sf (crawl space floor)
  - Hot water tank insulation - 150 sf
  - Sink insulation - 50 sf
  - Fire door insulation - 320 sf
  - Boiler breaching - 1,000 sf
  - Flange gaskets - 15 sf
  - Asbestos wire insulation - 720 sf
  - Tar around speaker boxes - 72 sf
  - Transite panels exterior windows - 6,300 sf

- Transite soffit - 2,400 sf
- Repair tar on roof - 270 sf
- Copper counter flashing caulk - 20 sf.
- Additionally, the inspection indicated that the boiler room, coal room and crawlspace areas were contaminated with asbestos containing pipe insulation debris. The soil floors in the crawlspaces have asbestos debris encompassing the entire crawlspace area. All contents in these areas should be considered contaminated with asbestos as well.
- The lead based paint survey indicated that the painted surfaces have a lead content at greater than the Title X threshold (less than 1.0 mg/cm<sup>2</sup>) for classification as lead-based paint.
- The mold inspection indicated very favorable conditions for mold growth and areas of standing water were present. Mold growth was found extensively throughout the interior of the building. Bulk sampling indicated "heavy growth" of *Alternaria* species and "very heavy growth" of *Stachybotrys*, *Cladosporium* and *Acremonium* species.

## 4.0 Cleanup Regulatory Considerations

Clean-up and site preparation will be conducted in compliance with applicable laws and regulations that govern the disturbance of hazardous building materials. During the clean-up process, the consultant or contractor will comply with requests for information regarding the site and provide legally required notices. All remediation activities on the site will be subject to all applicable Federal regulations (OSHA, EPA, and DOT), New York State regulations (DOL, DEC, and DOH). Standards and guidelines are also to be followed as per ANSI and EPA for proper health and safety regulations. Dust control and air sampling are to be performed throughout the pertinent points of the project. Sample results will be available upon request. All project oversight is to be performed by the project's engineering consultant, LiRo Engineering, Inc.

## 5.0 Alternatives Considered

The City has identified potential site remediation alternatives and prepared preliminary budgetary cost estimates.

The four identified alternatives are:

- Alternative 1: Renovation of the building and grounds for re-use as a mixed-use development.
- Alternative 2: Full abatement of the asbestos and remediation of the lead, mold, and UST, plus repair or replacement of the roof structure to prevent further water infiltration damage.
- Alternative 3: Controlled simultaneous abatement and demolition of the building.
- Alternative 4: No action.

Each of the four alternatives is discussed in greater detail below.

Alternative 1: Renovation of the building and grounds for re-use as a mixed-use development.

In this alternative, each of the identified asbestos containing materials, hazardous chemicals, lead and mold will be removed from the building. The UST will be properly closed and removed. The roof structure will be repaired or replaced as needed and the building will receive some controlled demolition, along targeted additions for mixed-use (housing and retail).

Feasibility: This alternative is only feasible with significant funding from a private sector developer, in combination with additional public sector funds. Even with a developer and sufficient funds, the building may be excessively deteriorated precluding any re-use.

Effectiveness: This alternative is effective at remediating the site, and creates a move-in ready facility.

Cost: The capitol cost for this alternative was estimated to be \$12,000,000 in 2009. The estimate does not take into account additional deterioration that the building has suffered, nor does it include additional cost due to inflation.

Alternative 2: Full abatement of the asbestos and remediation of the lead, mold, and UST, plus repair or replacement of the roof structure to prevent further water infiltration damage.

In this alternative, each of the identified asbestos containing materials, hazardous chemicals, lead and mold will be removed from the building. The UST will be properly closed and removed. The roof structure will be repaired or replaced as needed.

Feasibility: This alternative is only feasible with significant funding and with an engineering study determining that the building is not already excessively deteriorated.

Effectiveness: This alternative is effective at remediating the site and potentially effective for “mothballing” the building for future re-use.

Cost: The capitol cost for this alternative is \$1,000,000 - \$2,000,000 depending on exact conditions at the time of construction.

Alternative 3: Controlled simultaneous abatement and demolition of the building.

In this alternative, each of the identified asbestos containing materials, hazardous chemicals, lead and mold will be removed from the building as part of a controlled demolition. The UST will be properly closed and removed. The site will be left at-grade and shovel-ready.

Feasibility: This alternative is reasonable, cost effective and meets all requirements.

Effectiveness: This alternative is effective in remediation and removal of a blighted, derelict, “attractive nuisance” building, combined with making the site more attractive for redevelopment.

Cost: The capitol cost for this project ranges from \$200,000 for the minimal amount to \$450,000 for full site restoration.

Alternative 4: No action.

In this alternative no cleanup or demolition would occur. The site would remain as is with a derelict, blighted, neighborhood nuisance building combined with a large unusable tract of land located in a potential gateway to the community.

Feasibility: This alternative is deemed infeasible due to the City's intentions to improve the site for future reuse.

Effectiveness: This alternative is ineffectual since it leaves a heavily deteriorated, unusable building in place and reduces any potential for reuse.

Cost: Ongoing expenditures for maintenance of security and repairs for every break-in and the societal cost of a derelict property in a neighborhood.

## **6.0 Recommended Cleanup Alternative**

Alternatives one and two make the assumption that a private developer with sufficient interest in keeping the building and the funds to do so can be located. The developer who had been interested is no longer interested and the building structure has deteriorated significantly in the intervening years. Alternative four is the “no action” alternative.

### Rejected Alternatives

Alternative 1 - Renovation of the building and grounds for re-use as a mixed-use development: This alternative, while it had been planned for in 2009, and also had a successful Restore New York grant, became infeasible and was not selected due to the economic downturn, combined with building and site deterioration and the loss of the developer's interest.

Alternative 2 - Full abatement of the asbestos and remediation of the lead, mold, and UST, plus repair or replacement of the roof structure to prevent further water infiltration damage. This alternative could have been feasible many years ago prior to the extreme deterioration the building has suffered. At this point, the likelihood of realistically saving the building for reuse is poor. As a result, this alternative was not selected.

Alternative 4 – No Action: This alternative was removed from consideration since it will not allow any progress to be made on the site and continues the pattern of the site reducing property values in the vicinity.

### Selected Alternative

Alternative 3 - Controlled simultaneous abatement and demolition of the building. This alternative was selected because it removes a problematic building and allows for realistic redevelopment opportunities for the site.

## **Contact:**

Local: Alan B Nusbaum  
Environmental / GIS Coordinator  
City of Niagara Falls  
City Hall - Room 326  
745 Main Street  
Niagara Falls, NY 14302-0069  
Phone: 716.286.4462  
Fax: 716.286.4485  
email: [Alan.Nusbaum@niagarafallsny.gov](mailto:Alan.Nusbaum@niagarafallsny.gov)  
Alternate email: [nusbaum@nfez.org](mailto:nusbaum@nfez.org)  
City Website: <http://www.niagarafallsusa.org/>