

Phase I Environmental Site Assessment

Location:

Della Penna Site
40-52 Ellicott Street
Batavia, New York

Prepared for:

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City of Batavia
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Batavia, New York 14020

LaBella Project No. 212645

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LaBella Associates, P.C. (LaBella), has been contracted by the City of Batavia to perform an All Appropriate Inquiry (AAI) Phase I Environmental Site Assessment (ESA) report at 40-52 Ellicott Street, City of Batavia, Genesee County, New York, 14020, hereinafter referred to as the "Site."

The findings of this report are based upon a preliminary assessment of the condition of the Site within the Scope of Work and objective described below as of the date of our site observations and documentation review. This assessment was prepared according to the American Society for Testing and Materials (ASTM) Standard Practice E1527-05 to satisfy the due diligence requirements set for the City of Batavia. The information contained in this report is considered privileged and confidential and is intended solely for the use of the City of Batavia, as it applies to the Site.

1.0 EXECUTIVE SUMMARY

We have performed a Phase I ESA in conformance with the scope and limitations of ASTM Practice E 1527 for 40-52 Ellicott Street, City of Batavia, Genesee County, New York, 14020, the property. Any exceptions to, or deletions from, this practice are described in Section 2.5 of this report. This assessment has revealed evidence of Recognized Environmental Conditions (RECs) in connection with the property including, but not limited to the following Sections.

SECTION # 5.1, 6.2 & 7.2 – NYSDEC Spill #0509078

It appears that a subsurface investigation was conducted at the Site and gasoline impacted soil was encountered. However, a copy of the subsurface investigation report was not obtained by the New York State Department of Environmental Conservation (NYSDEC). In addition, two groundwater monitoring wells are located southwest of the Main Building. Although the nature of the groundwater monitoring wells cannot be confirmed, such may be associated with the investigation referenced within the Spill report form. As such, there is the potential for subsurface impact to remain at the Site.

SECTION # 5.1, 5.5, & 6.2.3 – Underground Storage Tanks

Based on the information obtained, the following information was obtained regarding underground storage tanks (USTs) at the Site.

- One 10,000-gallon diesel UST was installed at the Site in 1982 and removed in 1995. No tank closure documentation (i.e. tank closure report, confirmatory soil sampling results, etc.) was obtained.
- Sanborn maps depict a large oil UST located on the southeast portion of the Site from between at least 1890 to 1906.
- Sanborn maps depict two gasoline USTs located on the Site from between at least 1931 and 1948.
- An abandoned UST was removed from the Site in October 1979. No additional information was obtained regarding the UST.
- One 300-gallon gasoline storage tank and one 500-gallon diesel storage tank were installed at the Site northeast of the Main Building in 1995. In addition, a large concrete patch consistent with a pump island is located proximate the historical tank location. No additional information was obtained regarding the tanks.

- An asphalt patch is located southeast of the Garage. The nature of the patch is unknown.
- An oil burner and gas stand were historically utilized at the Site. No additional information was obtained regarding the gas stand or oil burner.

SECTION # 5.5.8 – Historical Site Operations

Historical operations at the Site included a portion of the Batavia Gas Light Company, a tar house, a repair shop (nature of such is unknown), an electric power house, a paint shop, a transformer station, a truck repair shop, a portion of a motor freight terminal and a transformer repair shop.

SECTION # 5.5 & 7.1 – Adjoining/Nearby Property Operations

Several adjoining/nearby property operations of concern have been identified; such include historical and current operations such as a paint shop, a blacksmith, a freight house, the Batavia Gas Light Company, a coal yard, one gasoline UST, a motor freight terminal, an engraving company, an automotive and radiator repair shop and two dry cleaning facilities. General groundwater flow proximate the Site appears to flow to the west. Although such reduces the concern related to some of the current and historical operations, it does not dismiss the concern related to all of the listed operations.

2.0 INTRODUCTION

2.1 Purpose

This investigation was requested to identify, to the extent feasible, RECs in connection with the Site, including the identification of conditions indicative of releases and threatened releases of hazardous substances on, or in the vicinity of the Site. The AAI Phase I ESA report was conducted in general conformance with the Scope and Limitations of ASTM Standard Practice E1527-05.

The term, Recognized Environmental Condition, is defined by ASTM as the presence or likely presence of any hazardous substances [as currently defined by the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) including pollutants and contaminants], petroleum or petroleum products [excluded from the definition of hazardous substance and controlled substances; or the presence of petroleum products as defined by the Resource Conservation and Recovery Act (RCRA), the Oil Pollution Act of 1990, and the Clean Water Act (CWA)] at the Site 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 at the Site, or into the ground, groundwater or surface water of the Site.

The term is not intended to include “de minimis” conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of the appropriate regulatory agencies. Conditions determined to be de minimis are not RECs.

The term “data gap” means lack or inability to obtain information required by the standards and practices as defined in ASTM Standard Practice E1527-05 despite good faith efforts by the Environmental Analyst.

The performance of ASTM Standard Practice E1527-05 is intended to reduce, but not eliminate, uncertainty regarding the potential for RECs and the potential liability for contamination to be present in connection with the Site recognizing reasonable limits of time and cost. It is also intended to add protection from CERCLA liability for innocent landowner defense, bona fide prospective purchaser, contiguous property owners and grants who meet certain statutory requirements.

The objective of this AAI Phase I ESA was to determine, using our professional judgment, by means of the Scope of Work hereafter described.

1. A general description of the Site.
2. The current and historical usage of the Site and adjoining properties.
3. Whether RECs exist or have the potential to exist at the Site.
4. Whether site conditions suggest further evaluation based on the presence or probable presence of such RECs.
5. Provide information which may assist the client in evaluating the fair market value of the Site.

2.2 Subsurface Risks/Unanticipated Hazardous Materials

This work for this report has been performed in accordance with generally accepted environmental engineering practices for this region. The conclusion and recommendations of this report are based upon our opinion and judgment, and are dependent upon LaBella's knowledge, information supplied by the present owner and managers of the Site, and data and information solicited from governmental agencies. LaBella makes no other warranty or representation, either expressed or implied, nor is one intended to be included as part of its services, proposals, contracts, or reports.

In addition, LaBella cannot provide guarantees, certifications, or warranties that the property is or is not free of environmental impairment without a subsurface investigation involving drilling, vapor analysis, laboratory soil analysis, groundwater monitoring well installation, and laboratory groundwater analysis. Even with such a program, the data and samples from any given soil boring or monitoring well will indicate conditions that apply only at that particular location, and such conditions may not necessarily apply to the general Site as a whole.

2.3 Scope of Work

The major components of an AAI Phase I ESA report include a visual inspection of the Site and adjoining properties; interviews and review of documents from past and present owners, occupants, managers, representatives and neighbors to the extent necessary; interviews with tribal and local government agency representatives; review of tribal, local and state records relative to the Site; and a review of tribal, local, state and federal standard environmental record sources relative to the Site. The findings and conclusions presented in this report are based on information gathered and limitations set forth in this report.

The Scope of Work performed in this assessment is limited to the areas described as follows:

1. Interview with the Site Representative, Mr. Jason Molino (City of Batavia City Manager), to evaluate the Site for the potential for environmental contamination to be present at the Site.

2. Interviews with and/or record reviews of each of the following to obtain information directly regarding environmental concerns at or in the immediate vicinity of the Site, which is available directly by file or through general knowledge of the individual being interviewed. Information sources include:
 - a. United States Environmental Protection Agency (USEPA)
 - b. New York State Department of Environmental Conservation (NYSDEC), Region 8; Division of Solid and Hazardous Waste, Division of Water, Legal Division
 - c. GLOW Region Solid Waste Management Committee
 - d. Genesee County Health Department (GCHD)
 - e. City of Batavia Clerk's Office
3. Review of the following federal, state and local environmental records and databases to aid in the identification of conditions at or related to the Site and property, adjacent to or in the immediate vicinity of the Site, including:
 - a. USEPA National Priority List (NPL) – 1.0 mile
 - b. USEPA Delisted NPL – 0.5 mile
 - c. USEPA Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) and Archived (No Further Remedial Action Planned – NFRAP) CERCLIS Sites – 0.5 mile
 - d. USEPA Resource Conservation and Recovery Act (RCRA) Corrective Action Sites (CORRACTS) Treatment, Storage, and Disposal Facility Listing (TSD) – 1.0 mile
 - e. USEPA RCRA non-CORRACTS TSD – 0.5 mile
 - f. USEPA RCRA Large and Small Quantity Generator Listing – Site and adjoining properties
 - g. National Response Center Emergency Response and Notification System Listing (ERNS) – Site only
 - h. Federal, state and local Institutional Controls/Engineering Controls and Land Use Restrictions - Site only
 - i. NYSDEC Registry of Inactive Hazardous Waste Disposal Sites (IHWDS) (state equivalent of NPL Sites) – 1.0 mile
 - j. NYSDEC Registry of Brownfield Cleanup Program Sites (BCP) and Voluntary Cleanup Program Sites (VCP) – 0.5 miles
 - k. NYSDEC Hazardous Substance Waste Disposal Site Inventory (state equivalent of CERCLIS Sites) – 0.5 mile
 - l. NYSDEC Part 360 Permitted Solid Waste Disposal Facilities – 0.5 mile
 - m. Local and tribal Inventory of Waste Disposal Sites – 0.5 mile
 - n. NYSDEC Listing of Registered Petroleum Bulk Storage Facilities (PBS), Chemical Bulk Storage Facilities (CBS) and Major Oil Storage Facilities (MOSF) – Site and adjoining properties
 - o. NYSDEC Listing of Active Spills and Leaking Storage Tanks – 0.5 miles

- p. United States Geological Survey (USGS) Topographic Quadrangle Map Batavia South, New York
- q. US Department of Agriculture Genesee County Soil Survey obtained from the Natural Resource Conservation Service (NRCS) website
- r. Sanborn Fire Insurance Maps
- s. Aerial Photographs of the area
- t. Local Plat Maps
- u. Local Street Directories

Due to the limited timeframe available to conduct this assessment, not all responses have been received from Freedom of Information Law (FOIL) requests that were submitted as a part of this report as of the date of this report submission. Any pertinent information obtained as part of the FOIL requests will be included in a Letter of Addendum (refer to Section 7.0).

- 4. Site visit on Wednesday, September 26, 2012, by Mr. Chris Kibler of LaBella to photograph the Site and to visually identify areas of concern as defined in the agreement.
- 5. Completion of LaBella's AAI Phase I ESA Site Reconnaissance Report.

2.4 Significant Assumptions

As a result of the unavailability or lack of receipt of information the following assumptions were made in order to complete the Scope of Work in the time frame desired by the City of Batavia:

- Groundwater flow direction in the vicinity of the Site was estimated based on review of area topographic maps. Determination of site-specific groundwater flow direction requires the installation of at least three groundwater monitoring wells, surveying the wells, and collecting groundwater elevation data (refer to Section 3.2).

As stated in the Agreement, the City of Batavia acknowledges this assumption and hereby agrees to release and hold LaBella harmless from any liability arising from or relating to any conclusions made or not made based on this assumption.

2.5 Limitations and Exceptions of Assessment

ASTM Standard Practice E1527-05 expressly recognized the fact that no ESA can wholly eliminate uncertainty regarding the potential for RECs in connection with a property. LaBella's work is intended to reduce, but not eliminate, uncertainty regarding the potential for RECs in connection with the Site, and its Scope of Work reflects a recognition of the reasonable limits of time and cost.

The work for this report has been performed in accordance with generally accepted environmental engineering practices for this region. The conclusion and recommendations of this report are based upon LaBella's opinion and judgment, and are necessarily dependent on information supplied by the individuals, entities, and agencies described in Section 2.3. LaBella makes no other warranty or representation, either expressed or implied, nor is one intended to be included as part of its services, proposals, contracts, or reports.

The actual presence of radon, lead-based paint, lead in drinking water, mold-related issues, electromagnetic frequencies, asbestos-containing building materials (ACBM), wetlands, cultural and historic resources, ecological resources, and endangered species are not included in the Scope of Work of this assessment. Additionally, regulatory compliance, industrial hygiene, health and safety, and indoor air quality are not included in the Scope of Work of this assessment.

It is further noted that due to post 9/11 terrorist related concerns, the NYSDEC has limited the availability of petroleum bulk storage, chemical bulk storage, and major oil storage facility details, and detailed spill information to the public. However, LaBella does have access to the addresses of current PBS, CBS, and MOSF locations accessed from the database from the NYSDEC website. In addition, this information can usually be acquired by a FOIL to the regulating agency to attempt to obtain this relevant and reasonably ascertainable environmental information for AAI Phase I ESA reports. If this information is not obtainable then it will be discussed as a data gap in Section 8.2.1.

It should be noted that as LaBella was not granted access to the Site, the site visit was limited to visual observations from the perimeter of the property only. Areas of the Site that were inaccessible were left to the judgment and discretion of the Environmental Analyst conducting the site visit.

2.6 Special Terms and Conditions

The City of Batavia and LaBella have agreed that the Scope of Work described in Section 2.3, and the Limitations and Exceptions described in Section 2.5 above, are acceptable to you and that to the fullest extent permitted by law, LaBella shall not be liable to you for limiting its investigation to the Scope of Work described. Based on the engagement and Scope of Work agreed upon, our evaluation of the Site is as presented herein.

2.7 User Reliance

The City of Batavia may rely upon the findings of this report and should be aware of the agreed upon Scope of Work and the limitations associated with this Scope of Work.

3.0 SITE DESCRIPTION

The 1.2-acre Site is developed with one partial four-story 19,142 square foot vacant commercial building (Main Building) that was constructed in approximately 1930 and one two-story approximately 4,250 square foot vacant garage. Exterior areas included asphalt-paved and gravel parking areas, concrete sidewalks, green areas and miscellaneous debris. Adjoining/adjacent property operations included the following: north-Save-A-Lot grocery, a dry cleaning facility and a commercial plaza; south-fallow land followed by industrial/commercial buildings; east-automotive repair facility; and west-medical offices.

3.1 Site Location and Legal Description

The Site is addressed as 40-52 Ellicott Street, City of Batavia, Genesee County, New York, 14020, and is comprised of one tax parcel. Property boundaries for the purpose of this assessment were obtained from the Landmax Data Systems, Inc. website. A map depicting the individual tax parcel that comprises the Site is located in the Figures and Photographs Appendix of this report. This information is outlined in the table below.

	Tax Account Number	Property Use Code	Acreage
Tax Parcel #1	84.015-1-2	449	1.17

3.2 Site and Vicinity Characteristics

The Site is located within an urban area. As mentioned above, a dry cleaning facility is located northwest of the Site while an automotive repair facility is located east adjoining to the Site. According to the 7.5-minute, Batavia South, New York quadrangle USGS Map, the Site consists of generally level land. According to the USGS map, the nearest water body is Tonawanda Creek, which is located approximately 1,000 feet to the west of the Site. Based on interpretation of the USGS topographic map, groundwater flow at the Site appears to be to the west. According to information obtained from the Natural Resource Conservation Service (NRCS) website, soils at the Site consist mainly of Palmyra gravelly loam (0-3% slopes). Soils of this type are characterized by loamy over sandy and gravelly glaciofluvial deposits, derived mainly from limestone and other sedimentary rocks, and are generally considered to be well drained.

3.3 Present Ownership and Use

The Site is currently owned by Mr. Peter Della Penna. The Site is an unoccupied commercial property.

3.4 Site Improvements

3.4.1 Structures and Improvements

The Site is improved with two structures as detailed in the table below.

	Structure #1	Structure #2
Square Footage	19,142	4,250
Basement Type	Unknown	Unknown
Number of Stories	Partial four	Two
Construction Date	1930	Unknown
Reported Current Use	Vacant commercial	Vacant commercial
Hereinafter referred to as	Main Building	Garage

3.4.2 Roads

The Site is bordered to the north by Ellicott Street.

3.4.3 Current Site Utilities

As access to the property was not granted, the current Site utilities could not be confirmed. It should be noted that an "oil burner" was identified on a historical property tax card for the Site. Refer to Section 5.5.3 below.

3.5 Current Use of the Adjoining Properties

The Site is bordered by the following properties.

Direction	Occupant
North beyond Ellicott Street	Save-A-Lot grocery, a commercial plaza and a northwest nearby dry cleaning facility
East	Automotive repair facility
South	Fallow land followed by industrial/commercial buildings
West	Medical offices

Although a dry cleaning facility was located at the northwest nearby property, groundwater in the vicinity of the Site appears to flow to the west and away from the Site. As such, the environmental risk associated with the northwest nearby dry cleaning facility is reduced.

Property boundaries for the purpose of this assessment were obtained from the Landmax Data Systems, Inc. website, and were visually estimated at the time of the site visit.

4.0 USER PROVIDED INFORMATION

In accordance with the ASTM E1527-05, a “User” is defined as the party seeking to complete an environmental site assessment of the property. If the user is aware of any specialized knowledge or experience that is material to RECs in connection with the property, it is the user's responsibility to communicate any information based on such specialized knowledge or experience to the environmental professional. The User Questionnaire was completed by Mr. Jason Molino, City Manager of the City of Batavia. For purposes of this report, the City of Batavia has designated the borrower, Mr. Jason Molino, as the appropriate contact to provide user information for this assessment. A copy of the User Questionnaire is included in Appendix 7.

4.1 Title Records

According to the ASTM Standard Practice E1527-05, “the user should either engage a title company or title professional to undertake a review of reasonably ascertainable land title records and lien records for environmental liens or activity and use limitations currently recorded against or relating to the property or to negotiate such an engagement of a title company or title professional as an addition to the Scope of Work to be performed by the Environmental Professional.”

ASTM Standard Practice E1527-05 User Questionnaire Question	Reported by User
Are land title records available for review?	The User is not aware if land title records are available for review.

4.2 Environmental Liens or Activity and Use Limitations

ASTM Standard Practice E1527-05 User Questionnaire Question	Reported by User
Is the User aware of any environmental cleanup liens against the <i>property</i> that are filed or recorded under federal law?	The User did not report environmental liens currently recorded against or relating to the property. In addition, the User did not report any activity or use limitations currently recorded against or relating to the property.
Is the User aware of any AULs, such as engineering controls, land use restriction, or institutional controls that are in place at the Site and/or have been filed or recorded in a registry under federal, tribal, state, or local law?	The User is not aware of any AULs, such as engineering controls, land use restriction, or institutional controls that are in place at the Site and/or have been filed or recorded in a registry under federal, tribal, state, or local law.

4.3 Specialized Knowledge

ASTM Standard Practice E1527-05 User Questionnaire Question	Reported by User
Does the <i>User</i> of this <i>ESA</i> have any specialized knowledge or experiences related to the <i>property</i> or nearby properties? For example, is the User involved in the same line of business as the current or former <i>occupants</i> of the <i>property</i> or an adjoining <i>property</i> so that the User would have specialized knowledge of the chemicals and processes used by this type of business?	The User does not have any specialized knowledge or experiences related to the property or nearby properties.

4.4 Commonly Known or Reasonably Ascertainable Information

ASTM Standard Practice E1527-05 User Questionnaire Question	Reported by User
Is the User aware of commonly known or reasonably ascertainable information about the <i>property</i> that would help to identify conditions indicative of releases or threatened releases including: past use of the Site, specific chemicals currently or previously utilized, spills or chemical releases, or environmental cleanups regarding the Site?	The User is unaware of commonly known or reasonably ascertainable information about the property that would help to identify conditions indicative of releases or threatened releases.
Based on the User's knowledge and experiences related to the <i>property</i> , is the <i>User</i> of this <i>ESA</i> aware of <i>obvious</i> indicators that point to the presence or likely presence of contamination at the <i>property</i> ?	Based on the User's knowledge and experiences related to the Site, the User of this <i>ESA</i> is not aware of obvious indicators that point to the presence or likely presence of contamination at the Site.

4.5 Valuation Reduction for Environmental Issues

ASTM Standard Practice E1527-05 User Questionnaire Question	Reported by User
Does the purchase price being paid for this <i>property</i> reasonably reflect the fair market value of the <i>property</i> ?	The User reported there is currently no transfer of ownership.

4.6 Reason for Performing Phase I ESA

According to ASTM 1527-05, either the User shall make known to the environmental professional the reason why the User wants to have the Phase I ESA preformed or, if the User does not identify the purpose of the Phase I ESA, the environmental professional shall assume the purpose is to qualify for the Landowner Liability Protections under the Brownfields Amendments. The User reported the Phase I ESA Assessment was performed as part of a potential redevelopment of the property by the City of Batavia.

5.0 STANDARD ENVIRONMENTAL RECORD SOURCES – FEDERAL AND STATE

Federal, state and local environmental records were reviewed as a part of this assessment, in accordance with ASTM 1527-05 standard. Listings identified within the standard search radius outlined in ASTM 1527-05 are detailed in their respective sections below. Each listing identified was reviewed by LaBella and evaluated. Copies of the regulatory records documentation are included in Appendix 1.

5.1 Site Listings

Regulatory listings were identified associated with the Site. Copies of the listings are included in Appendix 1. The listings are summarized in the table below:

Listing	Identification #
State Listed Registered PBS Facility	NYSDEC PBS Registration #8-008516
State Listed Active Spill Site	Spill #0509078 (active)

The following table summarizes the NYSDEC PBS Facility Information listing associated with the Site. Refer to Section 5.5.3 for additional information.

Tank No.	Location	Capacity (gallons)	Product Stored	Tank Type	Secondary Containment	Date Installed	Status
1	Underground	10,000	Diesel	Steel/Carbon Steel/Iron	None	11/01/1982	Closed/Removed 07/01/1995

NYSDEC Spill #0509078 (active)

According to the active NYSDEC Spill Report Form #0509078, dated April 12, 2006, last updated June 2, 2008, it appears that a subsurface investigation identified gasoline impacted soil at the Site. A request was placed with Lender Consulting Services, Inc. for a copy of the report; however, it does not appear that a copy of the report was obtained by the NYSDEC. No additional pertinent information was contained within the Spill Report Form.

Based on the nature of Spill #0509078, subsurface impact may remain at the Site. Furthermore, no closure documentation was obtained regarding the 10,000-gallon diesel underground storage tank (UST) removed in 1995. As such, there are apparent RECs associated with the active Spill and the 10,000-gallon diesel UST at the Site at this time.

5.2 Adjoining Property Listings

Adjacent East – Santy's Tire Sale

NYSDEC Spill #9413666 was identified associated with the east adjacent property, addressed as 56 Ellicott Street, Batavia, New York. A copy of the listing is included in Appendix 1. The property is occupied by an automotive repair facility. The apparent flow of groundwater at the property appears to be to the west and towards the Site. According to the closed NYSDEC Spill Report Form dated January 17, 1995, last updated March 15, 2006, minor surficial staining was observed proximate some 55-gallon drums and 30-gallon containers of waste oil exterior the building at the property. Containers were to be moved inside of the building and the spill was issued a status of "closed." Based on the nature of the Spill listing and its closure by the NYSDEC, there are no apparent RECs associated with this regulatory listing.

Adjacent West – Hodgins Engraving

The west adjacent property, addressed as 32 Ellicott Street, Batavia, New York was identified as a NYSDEC PBS *Facility #8600781*. A copy of the listing is included in Appendix 1. The property is occupied by *Hodgins Engraving*. *The apparent flow of groundwater at the property appears to be to the west and away the Site.* The following table summarizes the NYSDEC PBS Facility Information listing associated with the property.

Tank No.	Location	Capacity (gallons)	Product Stored	Tank Type	Secondary Containment	Date Installed	Status
1	Aboveground	4,000	#2 Fuel Oil	Steel/Carbon Steel/Iron	None	NA	Closed/Removed 12/01/2000

Based on the nature of the regulatory listing and the apparent flow of groundwater to the west and away from the Site, there are no apparent RECs associated with the west adjacent property at this time.

5.3 ASTM Standard Regulatory Database Listings

5.3.1 USEPA National Priority List (last updated September 20, 2012)

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
0	1.0 mile	No listings	No listings

5.3.2 USEPA Delisted National Priority List (last updated September 24, 2012)

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
2	0.50 mile	1 and 2	Refer to Section 5.3.4 below.

5.3.3 USEPA CERCLIS (last updated September 24, 2012)

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
0	0.50 mile	No listings	No listings

5.3.4 USEPA CERCLIS NFRAP (last updated September 24, 2012)

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
2	0.50 mile	1	U.S. Chrome Corporation-NYD002124063 (31 Swan Street, Batavia, New York)
		2	Doehler-Jarvis Castings Division-NYD074021171 (1 Mill Street, Batavia, New York)

Detailed Summary

Reference Number	Approximate Distance from Site (feet) – Direction	Groundwater Flow – Towards/Away From the Site	REC (Yes/No)	Additional Information/Rationale
1	2,215 – West	West-southwest-towards the Site	No	The listing does not appear to represent a REC to the Site based on the distance of this facility from the Site and the status of this facility.
2	1,135 – Southwest	West-away from Site	No	The listing does not appear to represent a REC to the Site based on the apparent flow of groundwater to the west and away from the Site and the status of this facility.

Copies of the listings are included in Appendix 1.

5.3.5 USEPA RCRA CORRACTS (last updated September 11, 2012)

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
0	1.0 mile	No listings	No listings

5.3.6 RCRA Treatment, Storage, and Disposal Facilities – non-CORRACTS (last updated September 11, 2012)

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
0	0.50 mile	No listings	No listings

5.3.7 USEPA RCRA Generators (last updated September 11, 2012)

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # - SQG/LQG (Address)
0	Site and Adjoining Properties	No listings	No listings

5.3.8 National Response Center ERNS (last updated September 23, 2012)

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
0	Site only	No listings	No listings

5.3.9 Federal Listed Sites with Institutional and/or Engineering Controls (last updated January 25, 2007)

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
0	Site only	No listings	No listings

5.3.10 State Listed Facilities with Institutional and/or Engineering Controls (updated bi-weekly)

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
0	Site only	No listings	No listings

5.3.11 State Listed Inactive Hazardous Waste Disposal Facilities (updated bi-weekly)

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
2	1.0 mile	1 and 2	Refer to Section 5.3.4 above for details.

5.3.12 State Listed Voluntary Cleanup Program Facilities (updated bi-weekly)

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
0	0.50 mile	No listings	No listings

5.3.13 State Listed Brownfield Cleanup Program Facilities (updated bi-weekly)

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
0	0.50 mile	No listings	No listings

5.3.14 State Listed Hazardous Substance Disposal Facilities (last updated 1998)

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
1	0.50 mile	2	Refer to Section 5.3.4 above for details.

5.3.15 State Listed Part 360 Solid Waste Disposal Facilities (last updated February 2006)

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Federal Identification # (Address)
0	0.50 mile	No listings	No listings

5.3.16 Local Inventory of Solid Waste Disposal Locations (provided by the GLOW Region Solid Waste Management Committee-September 24, 2012)

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name – Genesee County Identification # (Address)
0	0.50 mile	No listings	No listings

5.3.17 NYSDEC Major Oil Storage Facilities (updated nightly)

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name: Address – MOS Identification #
0	Site and adjoining properties only	No listings	No listings

5.3.18 NYSDEC Chemical Bulk Storage Facilities (updated nightly)

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name: Address – CBS Identification #
0	Site and adjoining properties only	No listings	No listings

5.3.19 NYSDEC Petroleum Bulk Storage Facilities (updated nightly)

Listing Summary

Number of Listed Sites	Search Radius	Reference Number	Facility Name: Address – PBS Identification #
1	Site and adjoining properties only	1	Refer to Section 5.2 above for details.

5.3.20 NYSDEC Active and Closed/Inactive Spill Listings (updated bi-weekly)

Listing Summary

Number of Listed Sites	Search Radius	Listing Number	Facility Name: Address – Spill # (status)
1 active	Active listings: *0.25 mile	1	Refer to Section 5.1 above for details.
1 closed	Closed/inactive listings: Site and adjoining properties only	2	Refer to Section 5.2 above for details.

*Due to the dense urban nature of the area in which the Site is located, the search radius has been reduced from 0.50 mile to 0.25 mile, per ASTM 1527-05.

5.3.21 Assessment of the Potential for Soil Vapor Intrusion

Vapor intrusion is the entry of volatile organic compounds to indoor air from underlying contamination in soil and groundwater. Historical operations at the Site included a portion of the Batavia Gas Light Company, a tar house, a repair shop, an electric power house, a paint shop, a transformer station, a truck repair shop, a portion of a motor freight terminal and a transformer repair shop. Several USTs were historically located on the Site. In addition, several adjoining/nearby property operations of concern have been identified; such include historical and current operations such as a paint shop, a blacksmith, a freight house, the Batavia Gas Light Company, a coal yard, one gasoline UST, a motor freight terminal, an engraving company, an automotive and radiator repair shop and two dry cleaning facilities. Although no information was obtained suggesting the presence of a soil vapor intrusion concern at the Site, should subsurface impact be encountered in the future, the potential for soil vapor intrusion should be evaluated at that time.

5.4 Additional Environmental Record Sources

5.4.1 Review of Previous Environmental Reports

No previous Phase I ESA or Transaction Screen report or other records were obtained or were reasonably ascertainable for review.

5.4.2 Other Records

No other records pertaining to the Site were reviewed as part of this assessment.

5.5 Historical Use Information on the Property and Adjoining Properties

LaBella attempted to review reasonably ascertainable and readily available standard sources of historical information as defined by the ASTM Standard Practice E1527-05 in order to identify all obvious usages of the Site back to the first developed use or 1940, whichever is earlier (i.e., the historical research objective according to ASTM). Uses of the properties adjoining the Site are identified in this report only to the extent that this information is revealed in the course of researching the Site itself and were determined at the discretion of the Environmental Analyst. As such, LaBella reviewed only as many of these sources as necessary to achieve the historical research objective. It should be noted that the lack of availability of reasonably ascertainable and readily available standard ASTM required sources have the potential to affect the findings of this assessment and can impact the ability of the Environmental Professional or Analyst to identify recognized environmental conditions and may result in a data failure (defined in Section 8.2.1 of this report). A data failure may represent a significant data gap. Data failures and data gaps are identified, defined, and evaluated for their significance in Section 8.2 of this report.

Standard historical sources LaBella attempted to review are outlined in the table below.

Section	Historical Source	Date(s)	Source/Comments
5.5.1	Sanborn Fire Insurance Maps	1884, 1890, 1896, 1901, 1906, 1912, 1919, 1931 and 1948	Buffalo Erie County Public Library
5.5.2	Aerial Photographs	1938, 1954, 1963, 1974, 1985, 1995 and 2005	http://gis.co.geneseee.ny.us/OnlineMapping/Default.aspx# (Genesee County GIS mapping system)
5.5.3	Property Tax Files	Not Applicable	City of Batavia Clerk's Office
5.5.4	Recorded Land Title Records	Not Applicable	Not available for review. Not provided to LaBella for review. Usages of the Site were obtained through the review of other sources.
5.5.5	Historical Plat Maps	1904	Richmond Memorial Library
5.5.6	Local Street Directories	1934, 1939, 1944, 1949, 1954, 1959, 1964, 1975, 1982, 1988, 1992 and 1997	Richmond Memorial Library
5.5.7	Building Department Records	Not Applicable	City of Batavia Clerk's Office

5.5.1 Sanborn Fire Insurance Maps

1884 Sanborn Map

Property/Address	Apparent Usage(s)/Occupant(s)
Site	Five dwellings, two salons, three cooper shops, a portion of the south adjoining gas works and several outbuildings
North Adjacent	Painting, a blacksmith, a wood shop, a church and residential
South Adjoining	Freight house including railroad tracks and a gas works
East Adjoining	Railroad tracks and a lumber yard
West Adjoining	Residential and a gas works

1890 Sanborn Map

Property/Address	Apparent Usage(s)/Occupant(s)
Site	Five dwellings, two salons, three cooper shops, a tar house, an oil underground storage tank (southeast portion of Site), a portion of the south adjoining Batavia Gas Light Company, lumber piles and several outbuildings
North Adjacent	Residential, a church, a wood shop and a produce facility
South Adjoining	Freight house including railroad tracks and the Batavia Gas Light Company
East Adjoining	Railroad tracks and a lumber yard
West Adjoining	Residential and the Batavia Gas Light Company

1896 Sanborn Map

Property/Address	Apparent Usage(s)/Occupant(s)
Site	Five dwellings, one salon, three cooper shops, a tar house, a repair shop, an oil underground storage tank (southeast portion of Site), a portion of the south adjoining Batavia Gas Light Company, lumber piles and several outbuildings
North Adjacent	Residential, a church, a wood shop and produce facilities
South Adjoining	Railroad tracks and the Batavia Gas Light Company
East Adjoining	Freight house including railroad tracks and a lumber yard
West Adjoining	Residential and the Batavia Gas Light Company

1901 Sanborn Map

Property/Address	Apparent Usage(s)/Occupant(s)
Site	Four dwellings, a salon, three Cooper shops, a repair shop, a tar house, the I.E. Smith shoe factory, an oil underground storage tank (southeast portion of Site), a portion of the south adjoining Batavia Gas Light Company, lumber piles and several outbuildings
North Adjacent	Residential, storage and produce facilities
South Adjoining	Railroad tracks and the Batavia Gas Light Company
East Adjoining	Freight house including railroad tracks and a lumber yard
West Adjoining	Residential and the Batavia Gas Light Company

1906 Sanborn Map

Property/Address	Apparent Usage(s)/Occupant(s)
Site	Seven dwellings, an electric power house, a tar house, two cooper shops, a paint shop, an oil underground storage tank (southeast portion of Site), a portion of the south adjoining Batavia Light & Power Company, lumber piles and several outbuildings
North Adjacent	Residential, a produce facility and storage
South Adjoining	Railroad tracks and the Batavia Light & Power Company
East Adjoining	Freight house including railroad tracks and a lumber yard
West Adjoining	Residential and the Batavia Light & Power Company

1912 Sanborn Map

Property/Address	Apparent Usage(s)/Occupant(s)
Site	Four dwellings, an office, a carpenter, various storage buildings and the Genesee Light & Power Company transformer station
North Adjacent	Residential and produce facilities
South Adjoining	Robert Brothers flouring mills
East Adjoining	Freight house including railroad tracks
West Adjoining	Robert Brothers flouring mills and residential

1919 Sanborn Map

Property/Address	Apparent Usage(s)/Occupant(s)
Site	Three dwellings, Geo and Peter Glade builders and supplies, an office and the Genesee Light & Power Company transformer station
North Adjacent	Produce facilities and wagon shed
South Adjoining	Robert Brothers flouring mills and railroad tracks
East Adjoining	Freight house including railroad tracks
West Adjoining	Residential and Robert Brothers flouring mills

1931 Sanborn Map

Property/Address	Apparent Usage(s)/Occupant(s)
Site	Three dwellings, Geo and Peter Glade builders and supplies, general storage, the Niagara, Lockport & Ontario Power Company-Division of Niagara-Hudson Power Corporation (offices, garages and storehouses) and two gasoline underground storage tanks
North Adjacent	Produce facilities and stores
South Adjoining	Granger & Company wholesale, storage facilities and railroad tracks
East Adjoining	Freight house including railroad tracks and the Frank Thomas coal yard
West Adjoining	Residential and storage facilities

1948 Sanborn Map

Property/Address	Apparent Usage(s)/Occupant(s)
Site	One dwelling, John Glade & Sons builders and supplies, general storage, a portion of a motor freight terminal, the Niagara, Lockport & Ontario Power Company-Division of Niagara-Hudson Power Corporation (offices, garages and storehouses including a transformer repair shop) and two gasoline underground storage tanks

Property/Address	Apparent Usage(s)/Occupant(s)
North Adjacent	Produce facilities including a gasoline underground storage tanks, and stores
South Adjoining	Granger & Company wholesale, railroad tracks, storage and a motor freight terminal
East Adjoining	Freight house including railroad tracks and the Frank Thomas coal yard
West Adjoining	Bowling alley, storage and a motor freight terminal

Copies of the Sanborn Maps are included in Appendix 3.

5.5.2 Aerial Photography

The table below outlines observations obtained from the review of aerial photographs.

Date	Observations
1938	Site: Developed with several pre-existing industrial/commercial buildings North: Commercial and residential South: Industrial/commercial East: Industrial/commercial West: Industrial/commercial
1954 and 1963	Site: Developed with the two current industrial/commercial buildings and additional suspected industrial/commercial buildings North: Commercial and residential South: Industrial/commercial East: Industrial/commercial West: Industrial/commercial
1974, 1985 and 1995	Site: Developed with two industrial/commercial buildings North: Commercial South: Fallow land then commercial East: Commercial West: Commercial
2005 and 2010	Site: Developed with two industrial/commercial buildings North: Commercial South: Fallow land then commercial East: Commercial West: Commercial and parking areas

Copies of the aerial photographs are included in Appendix 3.

5.5.3 Property Tax files

A FOIL request was submitted to the City of Batavia Clerk's office on September 24, 2012. A copy of the FOIL request is included in Appendix 6. On September 26, 2012, LaBella reviewed Site records at the City of Batavia Clerk's office. Based on those records, the following was identified pertaining to the Site.

- SBL No.-084.15-1-2
- Acreage-1.1 acres
- Current owner-Peter Della Penna
- Historical owners-Niagara Mohawk Power Corporation (1973), Soccio & Della Penna, Inc. (1982) and Buffalo-Niagara Electric Corporation
- Utilities-all public

- Construction date-1930 (main building)
- An “oil burner” was identified as a historical heating source at the Site
- A “truck repair shop” was identified historically at the Site
- A “gas stand” was identified on an old Site survey in the northeast portion of the Site

In addition, on October 5, 2012, a FOIL Response was received from the City of Batavia Clerk’s office via the Fire Department. The following information pertaining to the Site was identified.

- Abandoned USTs located at the Site were removed from the property in October 1979.
- One 10,000-gallon diesel UST was installed at the Site in November 1982 and closed/removed in July 1995. Refer to Section 5.1 for additional information.
- In September 1995, a fueling station including one 300-gallon gasoline storage tank and one 500-gallon diesel storage tank were installed at the Site northeast of the main building. It should be noted that none of the documentation provided confirmed whether the tanks were above or underground.

It should be noted that LaBella was not provided UST closure reports for any of the above-mentioned USTs; therefore, subsurface conditions proximate the UST locations is unknown at this time.

5.5.4 Recorded Land Title Records

According to the City of Batavia, title records were not reasonably ascertainable as part of the Scope of Work of this assessment, and as such, were not provided and reviewed as part of this Phase I ESA report. Refer to Section 4.1 for additional details.

5.5.5 Historical Atlases/Plat Maps

1904 Plat Map

Review of this map indicates the Site was comprised of several individual buildings owned by private individuals. Surrounding properties appear to be developed similarly to the 1906 Sanborn map including railroad tracks to the south and east, and a freight house to the east. A copy of the Plat Map is included in Appendix 2.

5.5.6 Local Street Directories

Listings identified associated with the Site in the Richmond Memorial Library street directories are detailed in the table below.

Year	Historic Use
1934	Batavia Chapter Red Cross (40-42 Ellicott Street)
1939	Niagara, Lockport & Ontario Power Company service building (40-42 Ellicott Street)
1944	Niagara, Lockport & Ontario Power Company service building and War price and rationing board (40-42 Ellicott Street)
1949, 1954 and 1959	Buffalo Niagara Electric Corporation service building (40-42 Ellicott Street)
1964, 1969 and 1975	Niagara Mohawk Power Corporation service building (40-42 Ellicott Street)
1988, 1992 and 1997	Soccio Della Penna, Inc. (paving contractor) and Temploy “Batavia’s Personnel Service” (40 Ellicott Street)

Listings identified associated with the adjoining/nearby properties in the Richmond Memorial Library street directories are detailed in the table below.

Year	Historic Use
1934	Salvation Army and residential (30-32 Jackson Street), LOOM Home (32 Ellicott Street), Erie Railroad freight house and Frank Thomas coal elevator (50 Ellicott Street), Batavia Produce Company (45-47 Ellicott Street),
1939	Salvation Army, residential and electric shoe repair (32-24 Jackson Street), LOOM Home (32 Ellicott Street), Erie Railroad freight house and Frank Thomas coal elevator (50 Ellicott Street) and a blacksmith, and the Batavia Produce Company (45-47 Ellicott Street)
1944	Salvation Army, residential, electric shoe repair and Klean Rite Dry Cleaning Company (32-34 Jackson Street), LOOM Home (32 Ellicott Street), Erie Railroad freight house and Frank Thomas coal elevator (50 Ellicott Street) and a roofing company (45-47 Ellicott Street)
1949	Salvation Army, residential, electric shoe repair and Klean Rite Dry Cleaning Company (32-34 Jackson Street), LOOM Home (32 Ellicott Street), Erie Railroad freight house and Frank Thomas coal elevator (50 Ellicott Street), a produce facility (45 Ellicott Street) and a roofing company (47 Ellicott Street)
1954	Salvation Army, residential, electric shoe repair and a tailor shop (30-32 Jackson Street), LOOM Home (32 Ellicott Street), Erie Railroad freight house (50 Ellicott Street), Frank Thomas Fuel Company (68 Ellicott Street), hardware warehouse (45 Ellicott Street) and a roofing company (47 Ellicott Street)
1959	Salvation Army, residential and Batavia Tailors & Cleaners (30-32 Jackson Street), Erie Railroad freight house (50 Ellicott Street), Loyal Order Moose Home (32 Ellicott Street), Santy's Tire Service (68 Ellicott Street) and a roofing company (47 Ellicott Street)
1964	Salvation Army, residential, Frontier Kitchens and Batavia Tailors & Cleaners (30-32 Jackson Street), Loyal Order Moose Home (32 Ellicott Street), Erie Railroad freight house (50 Ellicott Street) and Santy's Tire Service (68 Ellicott Street)
1969 and 1975	Loyal Order Moose Home (32 Ellicott Street), Batavia Tailors and Cleaners (39 Ellicott Street) and Santy's Tire Service (68 Ellicott Street)
1982	Loyal Order of Moose Batavia Lodge (32 Ellicott Street), Batavia Tailors and Cleaners (39 Ellicott Street) and Santy's Tire Sales, Inc. (70 Ellicott Street)
1988	Hodgins Engraving Company (1 Evans Street), Batavia Tailors and Cleaners (39 Ellicott Street), The Office Assistant (32 Ellicott Street) and Santy's Tire Sales, Inc. (70 Ellicott Street)
1992	Hodgins Engraving Company (1 Evans Street), Integration, Inc. (32 Ellicott Street), Batavia Tailors and Cleaners (39 Ellicott Street), TCS Radiators (56 Ellicott Street) and the Batavia Super Duper (45 Ellicott Street)
1997	Hodgins Engraving (1 Evans Street), financial planning (32 Ellicott Street), Batavia Tailors and Cleaners (39 Ellicott Street), Jubilee Foods (45 Ellicott Street) and Santy's Tire Service, TC Radiator Service, and U-Haul Service (56 Ellicott Street)

Copies of the street directories are included in Appendix 2.

5.5.7 Building Department Records

Refer to Section 5.5.3 above for details.

5.5.8 Summary of Historical Information

The Site has historically been utilized and has included the following.

- Dwellings, salons, Cooper shops, a building and supply company, storage, outbuildings, lumber piles, a shoe factory, a carpenter shop, offices, a portion of the Batavia Gas Light Company, a tar house, a repair shop (nature of such is unknown), an electric power house, a paint shop, a transformer station, a truck repair shop, a portion of a motor freight terminal, a transformer repair shop and several USTs (gasoline, diesel and oil) including a former fueling station.

The adjoining/nearby properties have historically been utilized as the following operations of potential concern (and have included the following).

- Paint shop, blacksmith, freight house including railroad tracks, the Batavia Gas Light Company, a lumber yard, a coal yard, one gasoline UST, motor freight terminal, an engraving company, automotive and radiator repair, and two separate dry cleaning facilities

Various historical operations at the Site including the presence of several USTs are considered RECs. In addition, various historical adjoining/nearby property operations have been identified. General groundwater flow in the area of the Site to the west does not dismiss the potential for concern regarding some of the adjoining/nearby operations. As a result, such are considered RECs.

6.0 SITE RECONNAISSANCE

Conducted by: Chris Kibler, Environmental Analyst

Date of site visit: Wednesday, September 26, 2012

Interviewee: Mr. Jason Molino, as identified above in Section 2.3

A copy of the interview record is included as Appendix 5. Representative photographs from the site visit are included in the Figures and Photographs section of this report. Site visit limitations are outlined in Section 2.5 above.

6.1 Interior Observations

LaBella was not granted interior access to the Site buildings at the time of the Site Reconnaissance. As such, interior observations were not obtained.

6.2 Exterior Observations

It should be noted that LaBella was not granted exterior access to the Site at the time of the Site Reconnaissance. As such, all exterior observations were made from the perimeter of the Site.

6.2.1 Historical Usage

A sign is located on the north exterior of the Main Building entitled “Penna Site Development.”

6.2.2 Hazardous Substances and Petroleum Products in Connection with Identified Usages

No hazardous substances or petroleum products were observed on the exterior portion of the Site buildings at the time of the site visit. However, miscellaneous debris including empty 55-gallon drums (approximately three), waste tires, construction materials and garbage was noted throughout the Site.

6.2.3 Storage Tanks

One 300-gallon gasoline storage tank and one 500-gallon diesel storage tank were installed at the Site northeast of the Main Building in 1995.

A large concrete patch consistent with a pump island is located northeast of the Main Building proximate the historical tank location (refer to Section 5.5.3). No additional information was obtained regarding the tanks. In addition, an asphalt patch is located southeast of the Garage. Such may be indicative of USTs at the Site. It should be noted that records of USTs at the Site were identified from multiple sources. Refer to Section 5.5 above for details.

6.2.4 Odors

Noted	Additional Information
No	No strong, pungent, or noxious odors were noted on the exterior portion of the Site at the time of the site visit.

6.2.5 Pools of Liquid(s)

Observed	Additional Information
Unknown	As LaBella was not granted access the Site, such could not be confirmed.

6.2.6 Unidentified Substance Containers

Containers with unknown contents were observed on the exterior portion of the Site at the time of the site visit. The containers observed are outlined in the table below.

Approximate Quantity and Container Type	Storage Condition	Leaking – Yes/No
At least three 55-gallon drums and several additional containers of one-gallon or less	Throughout the exterior of the Site	Unknown

6.2.7 Pits, Ponds, or Lagoons

Observed on the Site – Type	Additional Information
No	No apparent pits, ponds, or lagoons were observed at the Site at the time of the site visit. However, observations of the Site were limited as LaBella was not provided access to the Site.

6.2.8 Stained Soil or Pavement

Observed on the Site - Type	Additional Information
Unknown	As LaBella was not granted access the Site, such could not be confirmed.

6.2.9 Stressed Vegetation

Observed on the Site	Additional Information
Unknown	As LaBella was not granted access the Site, such could not be confirmed.

6.2.10 Solid Waste

Observed on the Site	Additional Information
Unknown	As LaBella was not granted access the Site, such could not be confirmed.

6.2.11 Wastewater

Observed on the Site	Additional Information
Yes	Storm drains are located throughout the Site. The discharge point of such is unknown.

6.2.12 Wells

Observed on the Site - Type	Additional Information
Yes	Two groundwater monitoring wells are located southwest of the Main Building. As LaBella was not provided access to the Site, it is unknown whether additional wells exist on the Site. Furthermore, although the nature of the monitoring wells is unknown, such may be associated with Spill #0509078 (refer to Section 5.1).

6.2.13 Septic Systems

Observed on the Site	Additional Information
Unknown	As LaBella was not provided access to the Site, observations were of the Site were limited. However, no evidence of private septic systems were observed. In addition, the Site is connected to the public sewer system.

6.2.14 Polychlorinated Bi-phenyls (PCBs) Containing Equipment

One pole mounted transformer is located north of the Site. The pole mounted transformer is likely owned by National Grid and appeared to be in good condition with no evidence of leaks observed. As such, there are no apparent RECs related to the presence of this transformer on the Site at this time. It should be noted that as LaBella was not provided access to the Site, it is unknown if additional PCB-containing-equipment is located on-site.

7.0 INTERVIEWS

7.1 Site Representative

The following individuals were interviewed as part of this assessment.

- Mr. Jason Molino as identified above in Section 2.3

According to information obtained through the interview, a repair shop is located at the east adjoining property. The notes from the interview are included in Appendix 5.

7.2 Local Government Officials

Refer to Section 5.5.3 above for details.

7.3 Tribal Records

There do not appear to be any Native American Sovereign Territories in Genesee County. In accordance with ASTM Standard Practice E1527-05, tribal records will only be reviewed if the subject Site falls on or within one mile of Native American Sovereign Territories. Therefore, tribal government representatives were not contacted as part of this AAI Phase I ESA report.

7.4 New York State Department of Environmental Conservation

A FOIL request was submitted to the NYSDEC on September 24, 2012. A letter dated September 24, 2012, stated that the NYSDEC acknowledged LaBella's FOIL request and has initiated a records search. A response dated October 4, 2012, stated no records were available pertaining to the Site. It should be noted that the NYSDEC has indicated that no further information is available pertaining to Site Spill #0509078 which is currently classified as "active." A copy of the FOIL request is included in Appendix 6.

7.5 Genesee County Health Department

A FOIL request was submitted to the GCHD on September 24, 2012. On October 1, 2012, a FOIL response was received by the GCHD. According to GCHD records, no files were identified pertaining to the Site. A copy of the FOIL request is included in Appendix 6.

8.0 FINDINGS, OPINIONS AND CONCLUSIONS

We have performed a Phase I ESA in conformance with the scope and limitations of ASTM Practice E 1527 of 40-52 Ellicott Street, City of Batavia, Genesee County, New York, 14020, the property.

8.1 Findings

Any exceptions to, or deletions from, this practice are described in Section 2.5 of this report. This assessment has revealed evidence of RECs in connection with the property including, but not limited to the following Sections.

SECTION # 5.1, 6.2 & 7.2 – NYSDEC Spill #0509078

It appears that a subsurface investigation was conducted at the Site and gasoline impacted soil was encountered. However, a copy of the subsurface investigation report was not obtained by the NYSDEC. In addition, two groundwater monitoring wells are located southwest of the Main Building. Although the nature of the groundwater monitoring wells cannot be confirmed, such may be associated with the investigation referenced within the Spill report form. As such, there is the potential for subsurface impact to remain at the Site.

SECTION # 5.1, 5.5, & 6.2.3 – Underground Storage Tanks

Based on the information obtained, the following information was obtained regarding USTs at the Site.

- One 10,000-gallon diesel UST was installed at the Site in 1982 and removed in 1995. No tank closure documentation (i.e. tank closure report, confirmatory soil sampling results, etc.) was obtained.
- Sanborn maps depict a large oil UST located on the southeast portion of the Site from between at least 1890 to 1906.
- Sanborn maps depict two gasoline USTs located on the Site from between at least 1931 and 1948.
- An abandoned USTs was removed from the Site in October 1979. No additional information was obtained regarding the UST.
- One 300-gallon gasoline storage tank and one 500-gallon diesel storage tank were installed at the Site northeast of the Main Building in 1995. In addition, a large concrete patch consistent with a pump island is located proximate the historical tank location. No additional information was obtained regarding the tanks.
- An asphalt patch is located southeast of the Garage. The nature of the patch is unknown.
- An oil burner and gas stand were historically utilized at the Site. No additional information was obtained regarding the gas stand or oil burner.

SECTION # 5.5.8 – Historical Site Operations

Historical operations at the Site included a portion of the Batavia Gas Light Company, a tar house, a repair shop (nature of such is unknown), an electric power house, a paint shop, a transformer station, a truck repair shop, a portion of a motor freight terminal and a transformer repair shop.

SECTION # 5.5 & 7.1 – Adjoining/Nearby Property Operations

Several adjoining/nearby property operations of concern have been identified; such include historical and current operations such as a paint shop, a blacksmith, a freight house, the Batavia Gas Light Company, a coal yard, one gasoline UST, a motor freight terminal, an engraving company, an automotive and radiator repair shop and two dry cleaning facilities. General groundwater flow proximate the Site appears to flow to the west. Although such reduces the concern related to some of the current and historical operations, it does not dismiss the concern related to all of the listed operations.

8.1.1 Additional Findings

In addition, this assessment has revealed no evidence of Historic Recognized Environmental Conditions (HRECs) or de minimis conditions in connection with the Site.

8.2 Data Failures and Data Gaps

8.2.1 Data Failures

ASTM 1527-05 defines a data failure as a failure to achieve the historical research objectives of AAI even after reviewing the standard historical sources that are reasonably ascertainable and likely to be useful.

Specifically, the historical research objectives include identifying all obvious uses of the property from the present, back to the property's first developed use, or back to 1940, whichever is earlier.

A data failure was encountered within the scope of this investigation. Specifically, the use or occupancy of the Site prior to 1884 was not identified. This data failure is significant based on the fact that suspect historical operations have occurred at the Site dating back to 1884. It is unknown if suspect operations occurred prior to that date in time.

8.2.2 Data Gaps

ASTM 1527-05 defines a data gap as a lack of or an inability to obtain information required by this practice despite *good faith* efforts by the *environmental professional* to gather such information. Data gaps may result from incompleteness in any of the activities required by this practice, including, but not limited to site reconnaissance, interviews, data failure, or lack of a User Questionnaire.

Data gaps were encountered within the Scope of Work of this assessment. The first data gap includes the historical data failure discussed above. This data failure is significant based on the fact that suspect historical operations have occurred at the Site dating back to 1884. It is unknown if suspect operations occurred prior to that date in time. The second data gap is associated with the limited visual inspection of the Site grounds as access was not granted to the Site at the time of the Site Reconnaissance. As a result, the inspection of the Site was conducted from the perimeter of the Site. This data gap does appear to be significant based on the additional findings of this investigation. The third data gap includes the lack of response from the GCHD and the NYSDEC. It should be noted that the receipt of relevant environmental information as a result of FOIL requests has the ability to change the Findings and Conclusions of this report.

8.3 Opinion of Findings

Based on the findings of this assessment, further investigation appears to be warranted at this time.

9.0 DEVIATIONS

No deviations were made to the report, other than the Limitations and Exceptions as stated in Section 2.5.

10.0 ADDITIONAL SERVICES

No additional services were provided or agreed upon as part of this assessment.

11.0 REFERENCES

We declare that, to our knowledge and belief, we meet the definition of Environmental Professional as defined in ASTM Standard Practice E1527-05. We have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting at the subject property.

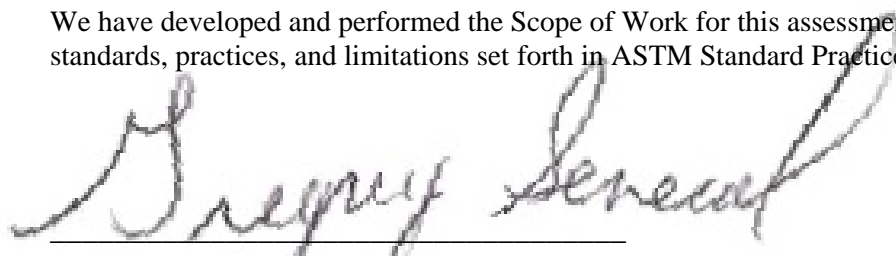
We have developed and performed the Scope of Work for this assessment in conformance with the standards, practices, and limitations set forth in ASTM Standard Practice E1527-05.

A copy of all information collected during this assessment including photographs, maps, notes, and other material will be kept on file at the offices of LaBella. This information is available at your request.

12.0 SIGNATURES OF ENVIRONMENTAL PROFESSIONALS

We declare that, to our knowledge and belief, we meet the definition of Environmental Professional as defined in ASTM Standard Practice E1527-05. We have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting at the subject property.

We have developed and performed the Scope of Work for this assessment in conformance with the standards, practices, and limitations set forth in ASTM Standard Practice E1527-05.



Gregory R. Senecal, CHMM
Director, Environmental Services
Environmental Professional

The following representatives of LaBella Associates, P.C. assisted in the completion of this report:



Chris Kibler
Environmental Analyst

GRS/CMK/lk

J:\BATAVIA, CITY OF\212645\BATAVIA BOA PHASE I'S\DELLA PENNA PHASE I\RPT.2012.10.23.PHI.DOCX

13.0 QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONALS

Gregory Senecal, CHMM | *Director, Environmental Services*

As Director of Environmental Services, Greg is responsible for the direction of all environmental investigation related projects undertaken by the firm. Greg has more than 20 years experience scoping, scheduling, and reviewing Phase I Environmental Site Assessments, Phase II Environmental Site Assessments, and remedial efforts undertaken by the firm.

Greg is a Certified Hazardous Materials Manager and has extensive experience in the field of Environmental Management relating to Phase I and Phase II Environmental Site Assessments, remediation, and environmental compliance evaluations. Mr. Senecal has conducted or supervised over 1,500 Phase I Environmental Site Assessments and over 600 Phase II Environmental Site Assessments during his time with LaBella.

PHASE I ESA TEAM

Adam Zebrowski | *Phase I ESA Program Manager*

Adam is the Phase I ESA Program Manager for LaBella Associates responsible for the coordination and successful completion of Phase I Environmental Site Assessments. Working with financial institutions, attorneys and private developers, Adam provides efficient analysis and completion of environmental reports required for property transactions. The site assessments include evaluation of environmental liability associated with properties such as warehouses, gas stations, auto repair facilities, manufacturing facilities, farms, commercial properties, and residential homes.

In addition, Adam has experience managing Phase II ESAs and other projects including: remediation, underground storage tank (UST) removal, vapor intrusion, geophysical surveys, and tank tightness testing. He is very familiar with regulatory criteria/compliance for projects within several states.

Emily Gillen | *Environmental Analyst*

Emily is an Environmental Analyst with six years of experience conducting Phase I and Phase II Environmental Site Assessments and remedial projects. Current work includes soil and groundwater sampling, soil vapor analysis, petroleum storage tank removals, and review and evaluation of analytical groundwater monitoring data. From these experiences, she commands a solid understanding of both state and federal regulations.

Chris Kibler | *Environmental Analyst*

Chris is an Environmental Analyst responsible for the coordination and successful completion of Phase I and II Environmental Site Assessments (ESAs). Working with financial institutions, attorneys, private developers and municipalities, he conducts ESAs in support of real estate transactions and brownfield redevelopment initiatives. Mr. Kibler's experience includes historical and regulatory records review; field sampling and data collection using a variety of techniques and equipment; the review and evaluation of field and laboratory analytical data; and the preparation of technical reports defining potential environmental liabilities and, if warranted, remedial options.

David Vaala, MS | Environmental Analyst

Dave is an Environmental Analyst responsible for conducting Phase I Environmental Site Assessments for various property types including warehouses, gas stations / auto repair facilities, manufacturing facilities, vacant land / farms, and other commercial properties. Dave has experience working with financial institutions, attorneys and developers.

Sarah Roth | Environmental Analyst

Sarah is an Environmental Analyst responsible for preparing Phase I Environmental Site Assessments. Working with financial institutions, attorneys and private developers, Sarah provides efficient analysis and completion of environmental reports required for property transactions. Sarah has completed Phase I ESA reports and Transaction Screens for a wide variety of residential, commercial, industrial, and manufacturing properties.

Ashley Miles | Environmental Analyst

Ashley is an Environmental Analyst responsible for preparing Phase I Environmental Site Assessments. Ashley's duties include regulatory records searches, site visits, interviews with property owners and municipal entities, and historical research for assessments completed in New York State.

Jonathan Geldard, EIT | Environmental Engineer

Jonathan is an Environmental Engineer responsible for the coordination and successful completion of Phase I Environmental Site Assessments. Working with financial institutions, attorneys and private developers, Jon provides efficient analysis and completion of environmental reports required for property transactions. The site assessments include evaluation of environmental liability associated with properties such as warehouses, gas stations, auto repair facilities, manufacturing facilities, farms, commercial properties, and residential homes.

PHASE II ESA TEAM

Dennis Porter, CHMM | Phase II ESA Program Manager

Dennis is the Phase II Environmental Site Assessment and Remediation Program Manager and is a Certified Hazardous Materials Manager. He has managed numerous Phase I and II Environmental Site Assessments, Remedial Investigations, Feasibility Studies, industrial hygiene studies, project monitoring and asbestos sampling surveys. Mr. Porter also has significant experience in Brownfield Redevelopment and completed numerous Site Redevelopment Projects under the NYSDEC's Brownfield Cleanup Program.

Robert Napieralski, CPG | Western NY Regional Manager, Environmental Services

Rob has more than 22 years of professional consulting experience for public and private sector clients involving a wide range of environmental, infrastructure and transportation projects. His background includes extensive experience with: environmental due diligence assessments, brownfield investigation, remediation and redevelopment, regulatory compliance and permitting, solid waste management facility permitting and monitoring, municipal infrastructure planning, design and construction, SEQRA/NEPA compliance and documentation, and Locally Administered, federally funded transportation projects. Responsibilities include project management, business development and client management.

Daniel Noll, PE | Remedial Design Engineer

With more than 14 years of environmental engineering experience, Dan has served a variety of clients including developers, financial institutions, industrial clients, and municipalities. Dan has managed numerous Phase II Environmental Site Assessments and remediation projects such as groundwater monitoring programs, soil vapor investigations, test pit investigations, geo-probe investigations, underground storage tank removals, soil removals, bio-cell remediations, and in-situ groundwater remediation. Additionally, Dan has experience with the design and installation oversight of mitigation systems.

Dan Riker, PG | Sr. Hydrogeologist

Dan is a Sr. Hydrogeologist and Project Manager with more than 18 years of experience conducting preliminary site assessments, Phase I and II Environmental Site Assessments, treatment technology assessments, site characterization, remedial investigations, remedial design, and brownfield cleanup projects. Responsibilities also include coordination with State and Federal regulatory agencies as well as subconsultants.

Dave Engert, CHMM | Sr. Environmental Geologist

Dave is a Geologist and Project Manager experienced in conducting Phase I and Phase II Environmental Site Assessments, subsurface investigations, soil vapor intrusion and remediation investigation projects.

Jason Jaskowiak, EIT | Environmental Engineer

Jason is an Environmental Engineer with five years of environmental consulting experience. Project experience includes: waterworks business operations plan development, drinking water modeling, traffic control plans, transportation analysis, sanitary sewer evaluation studies, sampling plans, stormwater illicit discharge survey's, GIS data collection and editing, waste water analysis (TSS, VSS, BOD, pH, TDS, alkalinity), stormwater modeling and design, septic design, permitting, Phase I research, Grant applications, site exploration supervision and soil sampling data analysis.

Kyle Miller | Sr. Environmental Geologist

Kyle is a Senior Environmental Geologist with over 17 years of experience conducting Phase I and Phase II Environmental Site Assessments, environmental investigations, and remedial projects. He has performed numerous site assessments for potential subsurface contamination including test pits, supervision of well installation and sampling, soil vapor analysis, petroleum storage tank removals, and review and evaluation of analytical groundwater monitoring wells.

Michael Pelychaty | Environmental Geologist

Mike is an environmental geologist with over 15 years of experience in the field of Environmental Management relating to Phase I and Phase II Environmental Site Assessments, Remedial Investigations, Brownfield Remedial Investigations and Corrective Actions.

Jennifer Gillen, MS | Environmental Geologist

Jennifer primarily serves as Environmental Geologist responsible for performing Phase I Environmental Site Assessments and Transaction Screens. She has experience conducting Phase I ESA's throughout New York State, Massachusetts and Pennsylvania. These site assessments include assessment of environmental liability associated with properties such as warehouses, gas stations, auto repair facilities, colleges, universities, hospitals, manufacturing facilities, farms, commercial properties, and residential homes. Additionally, Jennifer has been involved in the planning and completion of numerous Phase II investigations and two Brownfield Opportunity Area Studies. From these experiences, she commands a solid understanding of both state and federal regulations and is proficient in GIS mapping.

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FIGURES AND PHOTOGRAPHS

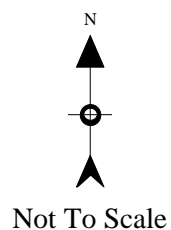
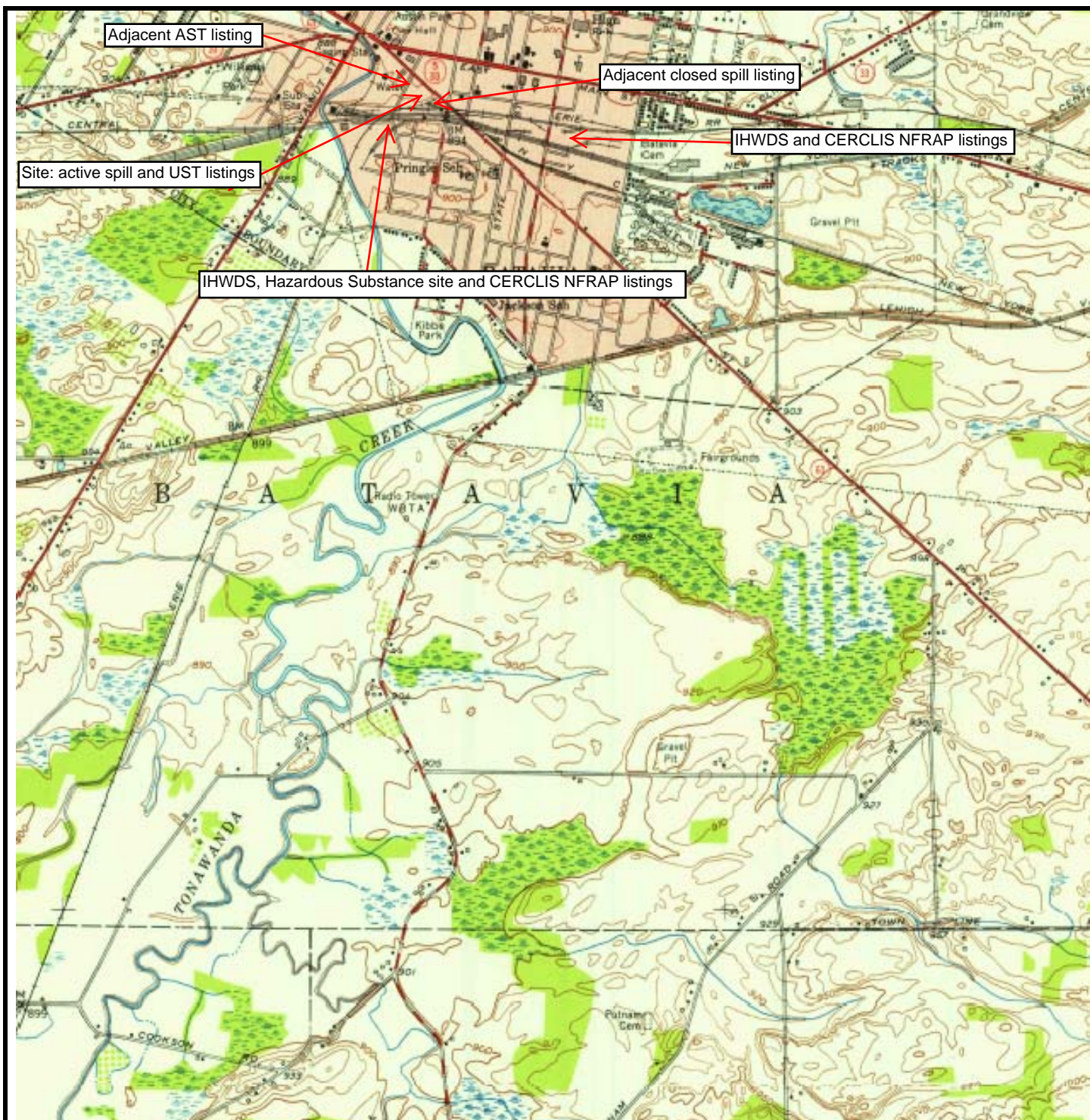


FIGURE 1

SITE LOCATION MAP

Della Penna Site
40-52 Ellicott Street
Batavia, New York

LABELLA

PROJECT NO. 212645

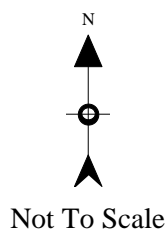
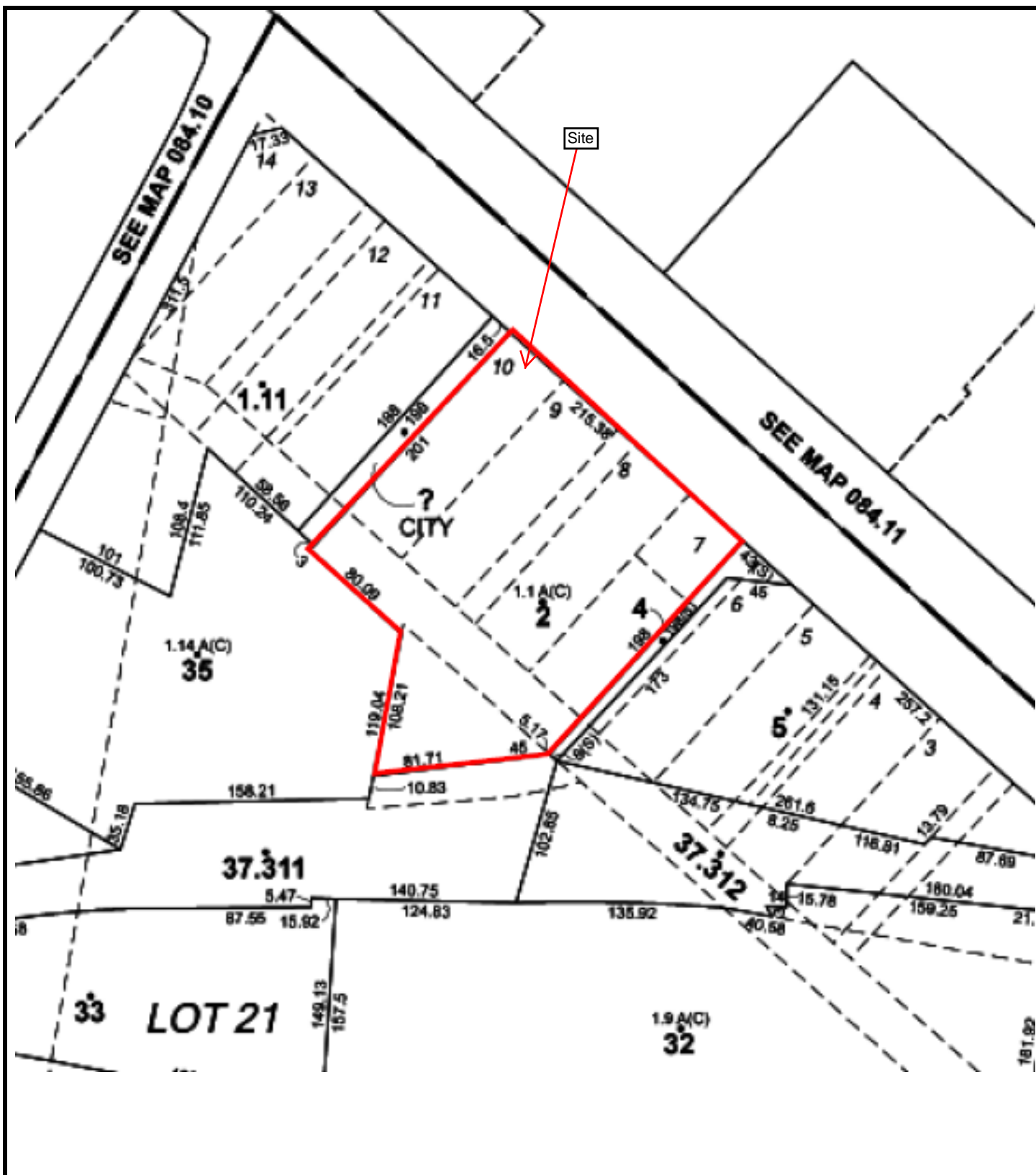
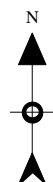
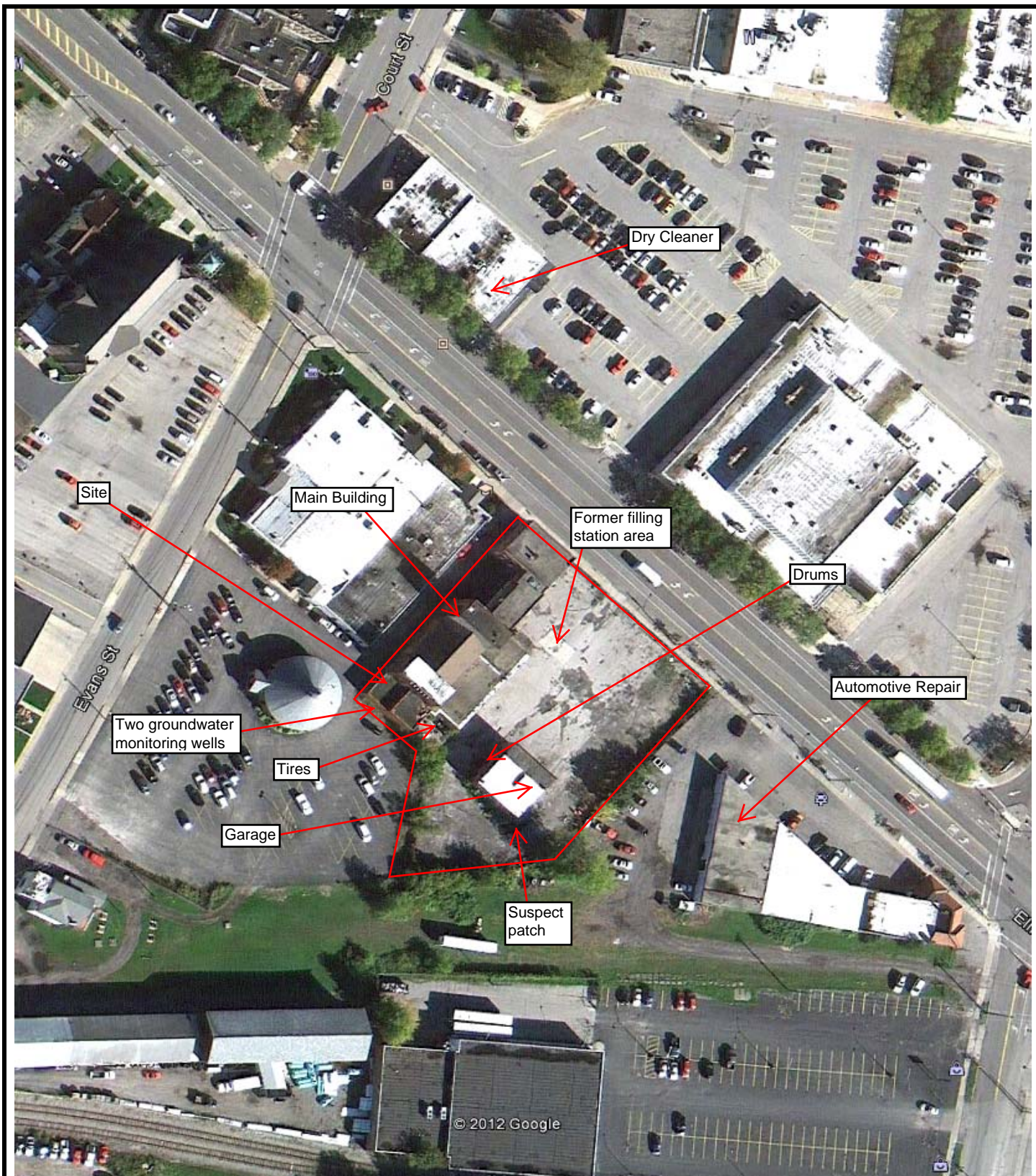


FIGURE 2 PROPERTY TAX MAP

Della Penna Site
40-52 Ellicott Street
Batavia, New York

LABELLA

PROJECT NO. 212645



Not To Scale

FIGURE 3 SITE SKETCH

Della Penna Site
40-52 Ellicott Street
Batavia, New York

LABELLA

PROJECT NO. 212645



North side of the main building.



South side of the main building.



East side of the main building.



West side of the main building.



North side of the garage.



South and west sides of the garage.



West side of the garage.



Area south of the garage at the Site.



Two of the 55-gallon west of the garage.



Waste tires southeast of the main building.



Two groundwater monitoring wells southwest of the main building.



Northeast area of the Site.



Suspect patch southeast of the garage.



Former filling station area northeast of the main building.



North adjacent property.



North adjacent properties.



Nearby northwest property.



South adjoining property.



South adjoining properties.



East adjoining property.



West adjoining property.



West adjacent property.

APPENDIX 1

Regulatory Records

Records Checks:

Conducted by

Title

Signature:

Site Address

City/State/Zip

County

Tribal Region

Date

NYSDEC Region:

Listing

NPL

<http://www.epa.gov/superfund/sites/query/queryhtm/nplfin.htm>

Delisted NPL

CERCLIS

CERCLIS NFRAP

<http://cfpub.epa.gov/supercpad/cursites/srchsites.cfm>

RCRA TSD CORRACTS

RCRA TSD Non -CORRACTS

RCRA LQG Generator

RCRA SQG Generator

RCRA CESQG Generator

www.epa.gov/enviro/html/rcris/rcris_query_java.html

Federal IC/EC Registry

Federal listings are not currently available in a searchable database

State IC/EC Registry

Sent FOIL Request to NYSDEC

Received Response:

ERNS

<http://www.nrc.uscg.mil/foia.html>

IHWDS

State Voluntary Cleanup Sites

State Brownfield Sites

<http://www.dec.ny.gov/cfm/xtapps/derfoil/index.cfm>

Haz. Sub.

NYSDEC Hazardous Substance Disposal Study

Local Disposal Sites

(from EMC, County Solid Waste Authority or equivalent)

Sent FOIL Requests:

Part 360 Permitted Landfills

www.dec.state.ny.us/website/dshm/sldwaste/index.htm

NYSDEC Spills Internet Updates

Send Request to NYSDEC for detailed Spill Report Forms

Received Response:

<http://www.dec.ny.gov/cfm/xtapps/derfoil/index.cfm>

NYSDEC PBS Registration

NYSDEC CBS Registration

NYSDEC MOSF Registration

Sent FOIL Request to NYSDEC

Received Response:

Sites listed**Search radius****details attached****Last updated:**

NPL	1.0 mile	0	9-20-12
http://www.epa.gov/superfund/sites/query/queryhtm/nplfin.htm			
Delisted NPL	0.5 mile	2	9-24-12
CERCLIS	0.5 mile	2	9-24-12
CERCLIS NFRAP	0.5 mile	2	9-24-12
http://cfpub.epa.gov/supercpad/cursites/srchsites.cfm			
RCRA TSD CORRACTS	1.0 mile	0	9-11-12
RCRA TSD Non -CORRACTS	0.5 mile	0	9-11-12
RCRA LQG Generator	Site & adj. prop.	0	9-11-12
RCRA SQG Generator	Site &	0	9-11-12
RCRA CESQG Generator	Site & adj. prop.	0	9-11-12
www.epa.gov/enviro/html/rcris/rcris_query_java.html			
Federal IC/EC Registry	Site	0	25-Jan-07
Federal listings are not currently available in a searchable database			
State IC/EC Registry	Site		Bi-weekly
Sent FOIL Request to NYSDEC			
Received Response:			
ERNS	Site	0	9-23-12
http://www.nrc.uscg.mil/foia.html			
IHWDS	1.0 mile	2	Bi-weekly
State Voluntary Cleanup Sites	0.5 mile	2	Bi-weekly
State Brownfield Sites	0.5 mile	2	Bi-weekly
http://www.dec.ny.gov/cfm/xtapps/derfoil/index.cfm			
Haz. Sub.	0.5 mile	1	1998
NYSDEC Hazardous Substance Disposal Study		0	
Local Disposal Sites	0.5 mile	0	
(from EMC, County Solid Waste Authority or equivalent)			
Sent FOIL Requests:			
Part 360 Permitted Landfills	0.5 mile	0	Feb-06
www.dec.state.ny.us/website/dshm/sldwaste/index.htm			
NYSDEC Spills Internet Updates	0.5 mile	1-site (active)	Weekly
Send Request to NYSDEC for detailed Spill Report Forms		1-adj. (closed)	
Received Response:			
http://www.dec.ny.gov/cfm/xtapps/derfoil/index.cfm			
NYSDEC PBS Registration	Site & adj. prop.	2	2001
NYSDEC CBS Registration	Site & adj. prop.	0	2001
NYSDEC MOSF Registration	Site & adj. prop.	0	2001
Sent FOIL Request to NYSDEC			
Received Response:			

TRIBAL RECORDS

Sent FOIL Requests to Tribal Representative

Received Response:

Site is not located within a one mile radius of Tribal Lands.



Bulk Storage Database Search Details

Tank Information

Site No: 8-008516

Site Name: SOCCIO & DELLA PENNA INC

Tank No: 001

Tank Location: Underground

Tank Status: Closed - Removed

Tank Install Date: 11/01/1982

Tank Closed Date: 07/01/1995

Tank Capacity: 10000 gal.

Product Stored: Diesel

Percentage: 100%

Tank Type: 01 - Steel/Carbon Steel/Iron

Tank Internal Protection: None

Tank External Protection: Painted/Asphalt Coating

Tank Secondary Containment: None

Tank Leak Detection: None

Overfill: None

Spill Prevention: None

Dispenser: Suction

Pipe Location: Aboveground/Underground Combination

Pipe Type: Steel/Carbon Steel/Iron

Pipe External Protection: None

Piping Secondary Containment: None

Piping Leak Detection: None

Tank Next Test Due:

Tank Last Test: 04/01/1993

Tank Test Method: Horner EZ Check I or II

[Refine Current Search](#)

[Back to Facility Info](#)



Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 8

Spill Number: 0509078

Spill Date/Time

Spill Date: 10/28/2005 **Spill Time:** 02:30:00 PM

Call Received Date: 10/28/2005 **Call Received Time:** 02:50:00 PM

Location

Spill Name: DELLA PENNA PAVING INC

Address: 40 ELLICOTT STREET

City: BATAVIA **County:** GENESEE

Spill Description

Material Spilled **Amount Spilled** **Resource Affected**

Gasoline UNKNOWN Soil

Cause: Equipment Failure

Source: Commercial/Industrial

Waterbody:

Record Close

Date Spill Closed: Not closed

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

[Back to Search Results](#)

[Refine Current Search](#)



Bulk Storage Database Search Details

Tank Information

Site No: 8-600781

Site Name: HODGINS ENGRAVING

Tank No: 1

Tank Location: Aboveground - 10% or more below ground

Tank Status: Closed - Removed

Tank Install Date:

Tank Closed Date: 12/01/2000

Tank Capacity: 4000 gal.

Product Stored: #2 Fuel Oil

Percentage: 100%

Tank Type: 01 - Steel/Carbon Steel/Iron

Tank Internal Protection: None

Tank External Protection: None

Tank Secondary Containment: None

Tank Leak Detection: Other

Overfill: None

Spill Prevention: None

Dispenser: None

Pipe Location: Underground/On-ground

Pipe Type: Copper

Pipe External Protection: None

Piping Secondary Containment: None

Piping Leak Detection: None

Tank Next Test Due:

Tank Last Test:

Tank Test Method: Testing Not Required

[Refine Current Search](#)

[Back to Facility Info](#)



Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 8

Spill Number: 9413666

Spill Date/Time

Spill Date: 04/20/1994 **Spill Time:** 12:00:00 PM

Call Received Date: 01/13/1995 **Call Received Time:** 12:48:00 PM

Location

Spill Name: SANTYS TIRE SALE

Address: 56 ELLICOTT STREET

City: BATAVIA **County:** GENESEE

Spill Description

Material Spilled	Amount Spilled	Resource Affected
Waste Oil/Used Oil	UNKNOWN	Soil

Cause: Abandoned Drums

Source: Commercial/Industrial

Waterbody: ON LAND

Record Close

Date Spill Closed: 07/27/1995

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

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http://cfpub.epa.gov/supercpad/cursites/csitinfo.cfm?id=0201606

Last updated on Monday, September 24, 2012

Superfund

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Search Superfund Site Information

DOEHLER-JARVIS CASTINGS DIV

Site Information

[Site Info](#) | [Aliases](#) | [Operable Units](#) | [Contacts](#)
[Actions](#) | [Contaminants](#) | [Site-Specific Documents](#)

This site has been archived from the inventory of active sites.

Site Name: DOEHLER-JARVIS CASTINGS DIV

Street: 1 MILL ST

City / State / ZIP: BATAVIA, NY 14020

NPL Status: Not on the NPL

Non-NPL Status: NFRAP-Site does not qualify for the NPL based on existing information

EPA ID: NYD074021171

EPA Region: 02

County: GENESEE

Federal Facility Flag: Not a Federal Facility

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URL: <http://cfpub.epa.gov>

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Active Hazardous Substances Waste Disposal Site Inventory

Site Name Corning Incorporated	Region 8	Site Code 3B	EPA ID# NYD041290198
HS Site Number HS8008	County Steuben	Was the site ever on the Registry? N	Registry # N
Site Address Sullivan Park		Owner Corning Incorporated	
Corning, NY	14831	Operator Same	

Site Description

Waste disposal from the facility only occurred between 1965 -1970. The site is an industrial complex (4 buildings) at the top of a hill. The disposal area was to the west of the development building. Laboratory wastes including oils, acid residuals, and silicon tetrochloride were disposed of here in containers of various sizes, not exceeding 5 gallons. A State Game Management Area is located .2 miles west of the facility.

Hazardous Substances Disposed

acid residuals, silicon tetrachloride

Describe Potential Hazardous Threat

Potential contamination of municipal wells located 1 mile from the site.

Site Name Doehler-Jarvis Castings	Region 8	Site Code 1B	EPA ID# NYD074021171
HS Site Number HS8009	County Genesee	Was the site ever on the Registry? N	Registry # N
Site Address 61 Mill Street		Owner Genesee Co. Ind. Develop. Agen	
Batavia	14020	Operator U	

Site Description

Two waste oil and wastewater separation lagoons were constructed at the Doehler-Jarvis Site between 1967 and 1976. They were located at the southwest portion of the site. Waste stream materials (metals used in the casting process and various solvents and degreasing agents) exited the building via pipes. The waste materials were separated into upper and lower zones with the use of physical boom, and then discharged through outfall pipes into Tonawanda Creek. During several exceptionally cold periods, pipes cracked and wastes spilled onto the ground. The waste oil separator did not function at peak efficiency. Although the lagoons were closed and filled, it is unknown whether the closure process was approved. Please note, this is not the same site as #819011, a D2 site. An investigation was conducted in 1995. Investigation of the lagoons found no apparent contamination. TCE levels in groundwater were lower than the levels found by EPA in 1991. (85 ppm max.). A tank or tunnel was drilled into during the investigation and liquid contents were found to contain 841 ppb total (mostly non-chlorinated) VOC's.

Hazardous Substances Disposed

Cadmium 7440-43-9, Benzene 71-43-2, Chlorobenzene 108-90-7, Chromium 7440-47-3, Copper 7440-50-8, 1,1-Dichloroethene 75-35-4, Lead 7439-92-1, 1,1,1-Trichloroethene 71-55-6, Magnesium, Trichloroethene 79-01-06, Zinc 7440-66-6, Toluene 108-88-3, 2-Butanone 78-93-3

Describe Potential Hazardous Threat

Proximity of nearby residences to site pose a concern for potential human exposure by direct contact to contaminants in soil and sediment. Also, potential human exposure to contaminants in groundwater is possible as the nearest well is 900 feet from the disposal area and the nearest public water supply well is less than a mile from the site.

Site Name East Rochester Fill Area	Region 8	Site Code 3A	EPA ID# None
HS Site Number HS8010	County Monroe	Was the site ever on the Registry? N	Registry #
Site Address N. Washington Street		Owner Multiple Owners	
East Rochester	14445	Operator Village of East Rochester	

Site Description

Significant quantities of heavy leachate observed entering an adjacent creek. Leachate sampling is required to see what hazardous constituents might be present. There is exposed refuse along southern edge of landfill.

Hazardous Substances Disposed

Suspected hazardous substances associated with municipal waste

Describe Potential Hazardous Threat

Site Name East West Bloomfield	Region 8	Site Code 3A	EPA ID# NYD980762769
HS Site Number HS8011	County Ontario	Was the site ever on the Registry? D	Registry # 835001
Site Address Sand Hill Road		Owner Town of West Bloomfield	
West Bloomfield	14585	Operator U	

Site Description

This former municipal landfill, operated from 1972 to 1981 for the local residents and businesses from the Town of East Bloomfield and West Bloomfield. This landfill is located in a rural area on Sand Road three miles west of East Bloomfield, and 3/4 miles south of Route 20. Approximately 12' of fill overlies the glacially-derived clay. Crosman Air Guns, Inc. disposed approximately 4000 drums (55 gallons) of metal sludge from their industrial wastewater treatment process utilized at the Crosman Plant from 1974-1981. Crosman received a RCRA exemption from the USEPA.

Hazardous Substances Disposed

Metal sludge and othe hazardous substances associated with municipal wastes

Describe Potential Hazardous Threat

Home-owners well potentially threatened, direct contact possible from leachate (lead 54 ppb, magnesium 873000 ppb).



Environmental Site Remediation Database Search Details

Site Record

Administrative Information

Site Name: Former Doehler-Jarvis Plant

Site Code: 819011

Program: State Superfund Program

Classification: C

EPA ID Number:

Location

DEC Region: 8

Address: One Mill Street

City: Batavia **Zip:**

County: GENESEE

Latitude: 42.992898390

Longitude: -78.189474680

Site Type: STRUCTURE

Estimated Size: 12.700 Acres

Site Owner(s) and Operator(s)

Current Owner Name: Genesse Co. Ind. Development Auth.

Current Owner(s) Address: 216 East Main Street
Batavia, NY, 14020

Current Owner Name: N.L. INDUSTRIES-DOEHLER JARVIS PLANT

Current Owner(s) Address: 216 EAST MAIN ST.
BATAVIA, NY, 14020

Owner(s) during disposal: N.L. INDUSTRIES-DOEHLER JARVIS PLANT

Operator during disposal: NL Industries

Stated Operator(s) Address: PO BOX 1090
HIGHTOWN, NJ 08520

Hazardous Waste Disposal Period

From: unknown **To:** 1982

Site Description

This site is bounded by railroad tracks and the vacant Genesee County Highway Dept. Property on the west, the Tonawanda Creek to the south, residential properties to the east and Railroad tracks to the north. Doehler Jarvis was engaged in Die Casting operations which utilized several transformers and capacitors which were insulated & filled with PCB oil. The plant was closed in 1982 and the facility remained unused since then. The facility was inspected by DEC in July, 1985 and concrete floors were noted to be covered with PCB oil & stained with hydraulic fluid used in dye casting operations. Some soil debris and drums partially filled with unknown liquid were also observed. GCIDA retained SCA Chemical Services Inc. to conduct the cleanup of the site. All clean-up work was completed in March of 1986. An inspection of the site made in June 3, 1986, by Region 8 staff revealed all wastes were removed and disposed of at approved SCA facilities. Site was delisted in December 1987.

Summary of Project Completion Dates

Projects associated with this site are listed in the [Project Completion Dates](#) table and are grouped by Operable Unit (OU). A site can be divided into a number of operable units depending on the complexity of the site and the number of issues associated with a site. Sites are often divided into operable units based on the media to be addressed (such as groundwater or contaminated soil), geographic area, or other factors.

Contaminants of Concern (Including Materials Disposed)

Type of Waste	Quantity of Waste
HYDRAULIC FLUID	UNKNOWN
INSULATING OIL CONTAINING PCB	CLEANED UP

Site Environmental Assessment

PCB cleanup was completed. Miscellaneous debris and drums were removed to approved disposal facilities. No environmental threat exists at the site.

Site Health Assessment

Based on the removal activities completed and because public water is available, no exposures are expected.

For more Information: [E-mail Us](#)

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US CHROME CORP

Site Information

[Site Info](#) | [Aliases](#) | [Operable Units](#) | [Contacts](#)
[Actions](#) | [Contaminants](#) | [Site-Specific Documents](#)

Site Name: US CHROME CORP

Street: 31 SWAN STREET

City / State / ZIP: BATAVIA, NY 14020

NPL Status: Not on the NPL

Non-NPL Status: Site Reassessment Start Needed

ERS Exclusion: An Eligible Response Site (ERS) Exclusion decision has been made at this site.

EPA ID: NYD002124063

EPA Region: 02

County: GENESEE

Federal Facility Flag: Not a Federal Facility

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Environmental Site Remediation Database Search

Details

Site Record

Administrative Information

Site Name: U.S. Chrome Corporation

Site Code: 819006

Program: State Superfund Program

Classification: 04

EPA ID Number:

Location

DEC Region: 8

Address: 31 Swan Street

City: Batavia **Zip:** 14020

County: GENESEE

Latitude: 42.993458370

Longitude: -78.173639270

Site Type: DUMP

Estimated Size: 0 Acres

Site Owner(s) and Operator(s)

Current Owner Name: US Chrome Corporation

Current Owner(s) Address: 31 Swan Street
Batavia, NY, 14020

Owner(s) during disposal: U.S. CHROME CORPORATION

Operator during disposal: US Chrome Corporation

Stated Operator(s) Address: 31 Swan Street
Batavia, NY 14020

Hazardous Waste Disposal Period

From: unknown **To:** unknown

Site Description

U.S. Chrome operated a plating facility at this location for several years. Plating bath liquid leaked from one of the plating tanks into the sandy soil and eventually into the groundwater. As a result, groundwater in the vicinity is contaminated with hexavalent chromium (Cr+6). The Company

pumped groundwater via a single wellpoint 25 feet deep. The treated water was discharged to a sanitary sewer. The hexavalent chromium contamination in the groundwater at the well point has been reduced from 2000 ppm down to below 70 ppm. The plant is located in an industrial area, and is served by municipal water. Construction to replace an old sewer line was done in the summer of 1987. It crossed part of the contaminated area, where soil sampling indicated levels of total chromium up to 88 ppm. A Phase I Investigation has been completed, and no further investigation is planned.

Summary of Project Completion Dates

Projects associated with this site are listed in the [Project Completion Dates](#) table and are grouped by Operable Unit (OU). A site can be divided into a number of operable units depending on the complexity of the site and the number of issues associated with a site. Sites are often divided into operable units based on the media to be addressed (such as groundwater or contaminated soil), geographic area, or other factors.

Contaminants of Concern (Including Materials Disposed)

Type of Waste	Quantity of Waste
(CR+6)	UNKNOWN
(CR+6)	UNKNOWN
PLATING BATH CONTAINING HEXAVALENT CHROMIUM	UNKNOWN

Site Environmental Assessment

Some groundwater contamination still remains. The need for continued pumping and treating of the groundwater is being evaluated.

Site Health Assessment

Exposures via drinking water are not expected because public water is supplied to all commercial facilities and residences near the site.

For more Information: [E-mail Us](#)

[Back to Search Results](#)

[Refine Current Search](#)



300 State Street
Rochester, New York 14614

Telephone: (585) 454-6110
Facsimile: (585) 454-3066

TELEPHONE LOG

CONTACT NAME:	<u>Peggy Grayson</u>	BY:	<u>Chris Kibler</u>
TELEPHONE:	<u>585-344-2580 ext. 5463</u>	JOB #:	<u></u>
ORGANIZATION:	<u>GLOW Region Solid Waste Management Committee</u>	DATE:	<u>9/24/12</u>
PROJECT:	<u></u>	RE:	<u></u>

Ms. Grayson stated that the GLOW Region SWMC is primarily in place for education and waste reduction services and that any solid waste info would be available at the NYSDEC. However, she did note the following:

there are currently no active landfills in Genesee, Livingston or Wyoming Counties;

there is a closed landfill in Perry, NY (Wyoming County);

there is an inactive landfill on Harloff Road in the Town of Batavia; and

transfer stations are located in:

Le Roy: 8900 Circular Hill Rd (Right off of Rt 5)

Bergen: Rt 262 (full address not on hand)

Byron: 7028 Byron Holley Rd

APPENDIX 2

Historical Information



1904 Plat Map

North ↑

16½ Elmer Meredith
 18 Vacant
 18 rear Rickett's Collision Se
 20 Robert Z Augram, lunch
 22 Crazy Water Crystals
 24 Genesee Theatrical Enter
 (Inc)
 24-26 New Family Theatre
 26 American Candy Kitchen
 30 Vacant
 32 Salvation Army
 32 Ernest Baxendale
 32 George F Rickett
 32 rear Vacant
 32 Vacant
 32 Vacant
 34 Electric Shoe Repairing
 34 Willis C Burdick
 36 Vacant

1934

109 Vacant
 109 Vacant
 111 Joseph Cocuzza (o)
 113 Joseph M Cina (o)
 West side.
 4 Vincent E Fisher, barber
 4 Vincent E Fisher
 6 Elton E McClelland
 8 Vacant
 10 James F Howard
 14 Vacant
 16 Vacant
 18 Peter Votery
 22 Batavia Lumber & Coal Co
 26 Vacant
 R W Gursslin Co, roofing
 — Erie railroad crosses
 — N Y C railroad crosses
 — Mill begins

1934

1934—BATAVIA DIRECTORY—1934 217
 Continued)
 12 Ell-Park Garage
 12 Standard Oil Co, service sta
 14 Mrs Pearl Frederick
 16 Vacant
 18 Rev Henry A Dolan
 20 St Mary's Church
 22 Mrs Josephine R Rupprecht (o)
 — Evans begins
 26 John J King
 32 L O O M Home
 34 Vacant
 40-42 Batavia Chapter Red Cross
 50 William C Rice, rooms
 50 William C Rice (o)
 — Railroad av begins
 Erie R R Freight House
 Frank Thomas Coal Elevator
 — Jackson crosses
 108 Armour & Co, wholesale meats
 204 Vacant

1934

Library at Chamber of Commerce — FREE
 COUNTRYWIDE SERVICE
 H. A. MANNING CO., Publishers
 BATAVIA DIRECTORY—1934
 57-59 Murphy Brothers, candies
 (wholesale)
 61 F E Osborne & Co, produce
 61 Greybar Coke Co
 — Jackson crosses
 — Erie R R crosses
 — N Y C R R crosses
 — Liberty crosses
 301 Ed Foley's Service Station
 303 Thomas Chiarmonte, barber
 305 Vacant
 305 Savoy Social and Athletic Club

1934

Phase I Environmental Site Assessment

40-52 Ellicott Street
 Batavia, New York

LABELLA

West Main to the city line		—
North side		40
Genesee County Court House		40
Genesee County Bldg		40
— Court ends		40
31 Franklin Mills Co (Inc), whole wheat flour mfrs		40
37 Co-op G L F Bean Service Inc		40
— Exchange pl ends		40
41 Batavia Co-op G L F Service (Inc), feed, seeds and fertilizers		40
43 G Leon Shultz, flour and grain		40
45-47 Batavia Produce Co		40
45 rear A Sidney Pratt, blacksmith		40
49-51 George Woerner, motorcycles		40
51 rear Harry L Page, furniture		40
53 rear Batavia Specialty Co		40
53 Batavia Garage		40

22 Rochester Reliable Coal Corp	146
24 Genesee Theatrical Enterprises Inc	150
24-26 New Family Theatre	150
26 American Candy Kitchen	152
30 Vacant	
32 Salvation Army	154
32 Vacant	156
32 Vacant	—
32 rear Vacant	160
32 Vacant	160
32 Vacant	162
34 Electric Shoe Repairing	164
34 Richard F Snyder	J
36 Willis C Burdick	
36 Vacant	
38 Mancuso & Fanara, barbers	W
38 Klean Rite Dry Cleaning Co	
40 Vacant	
42 Ripley's Grill	So
42 Vacant	
42½ Passlow's Taxi Service	
44 Mrs Edna C Beckwith	
44 Michael Chimino, barber	
46 Peter Mazza, shoe repairing	

107 Mrs Josephine R Frio (0)	
109 James Mocciano (0)	
111 Joseph Cocuzza (0)	
113 Joseph M Cina (0)	
West side	
4 John W McCarthy	
6 Elton E McClelland	
8 Paul P Sixt	
10 James Kendall	
14 Vacant	
16 Vacant	
18 Peter Votery	
22 Batavia Lumber & Coal Co	
26 Vacant	
— Erie R R crosses	
— N Y C R R crosses	
— Mills begins	
100 Doehler Die Casting Co	
— Attica branch crosses	
102 rear Storage	
106 Fred C Wickens	
108 Mary C Buckley (0)	
110 Joseph C Vallone (0)	

Great Lakes Oil Co, office and bulk plant	234
John Smyczynski (0)	236
Joseph Dziemian	238
South side	340
2 E N Rowell Co, paper box mfrs	400
12 Moretto's Service Station	400
14 Anthony Frederick	402
16 Austin W Mapes	402
18 Edward F Ferger	404
20 St Mary's Church	406
22 Mrs Josephine R Rupprecht (0)	408
— Evans begins	410
26 John J King	410
32 L O O M Home	412
34 Vacant	414
40-42 N L & O P Co, service bldg	416
50 William C Rice, rooms	418
50 William C Rice (0)	420
— Railroad av begins	422
Erie R R freight house	424
Frank Thomas Coal Elevator	426

Phase I Environmental Site Assessment

40-52 Ellicott Street
Batavia, New York

Booth (0)
Eyes
lston

Southward from Court House
on W Main to the city line
North side
Genesee County Court House
Genesee County Bldg
— Court ends
29-37 Franklin Mills Co, whole
wheat flour mfrs
39 Co-op G L F Products
— Exchange pl ends
41 Vacant
43 Henry & Missert Feed Co
45-47 Batavia Produce Co
45 rear A Sidney Pratt, blacksmith
49-51 Vacant
51 rear Harry L Page, furniture
51 Batavia Trucking & Carting
Co
53 rear Vacant
55 R W Gursslin Co, roofers
57-59 Murphy Bros, conf (whole-
sale)
61 Nat Youth Administration
61 F E Osborne & Co, produce
61 Sterling Fuel Co, coal
— Jackson crosses
— Erie R R crosses

1935

crosses
Central Supervisor of
Office
es
s
ber
rocer

14 Thomas J Varco, barber
14 Mrs Laura B Birge
16-20 Central Parking Station
22 Vacant
22-24 Genesee Theatrical Enter-
prises Inc
22-24 Dipson Theatres, Inc
24-26 New Family Theatre
26 American Candy Kitchen
30 Roy E Foster
32 Salvation Army
34 Electric Shoe Repairing
34 Richmond F Snyder
34 Mrs Irene R Burdick
34 Klean Rite Dry Cleaning Co
36 Vacant
38 Allen Monument Co
40 John Michael, fish bait dealer
40 John Michaels
40 1/2 Passlows Taxi Service
42 Rippey's Grill
44 Frederick Greenbaum
44 Michael Chimino, barber
shoe repairing

1944

from 43
Donahue

West side
4 Henry G Garrow
6 Albert F Taggett
8 Willis Smith
10 William E Lester
14 Vacant
16 Vacant
18 Peter Votery
22 Batavia Lumber & Coal Co
26 Vacant
— Erie RR crosses
— NYCRR crosses
— Mill begins
100 Doehler Die Casting Co, plant
— RR crosses
102 rear Storage
106 Fred C Wickens
108 Elizabeth Buckley
110 Joseph C Vallone
110 Salvatore J Zanghi

1944

Plato
Marco
A

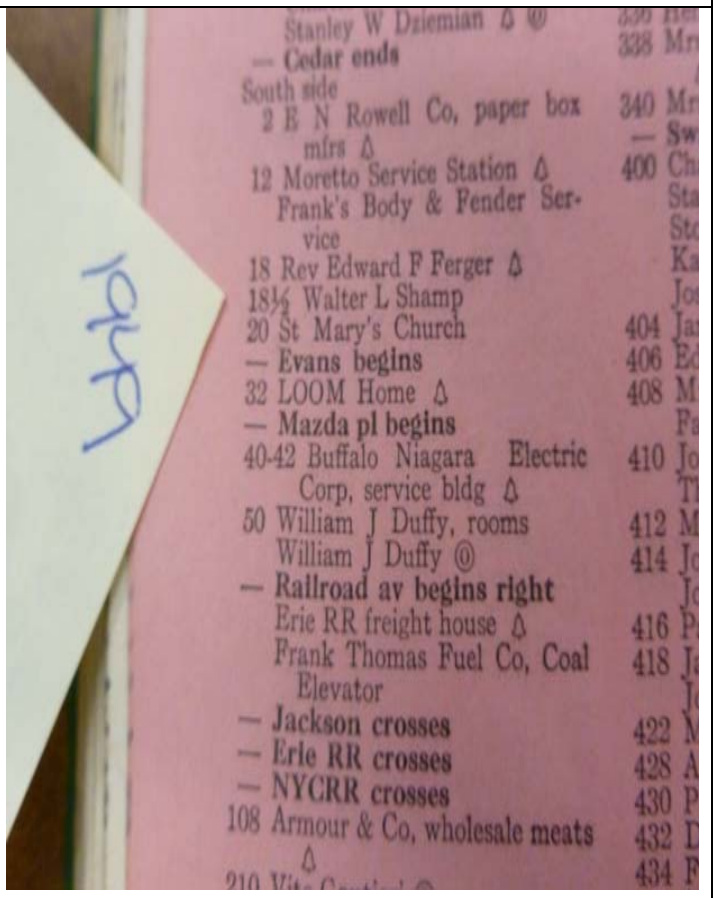
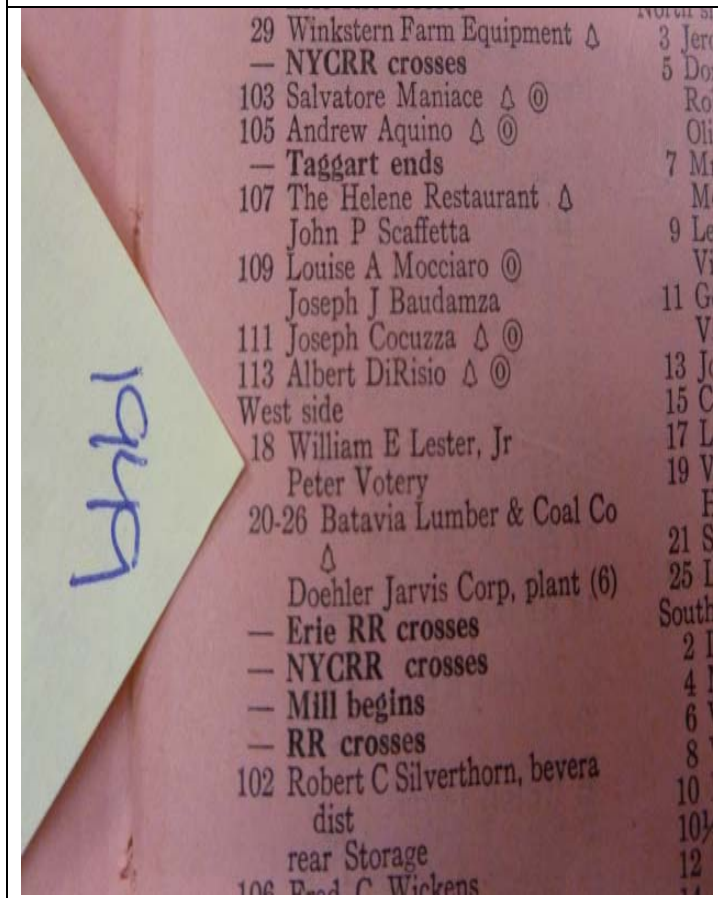
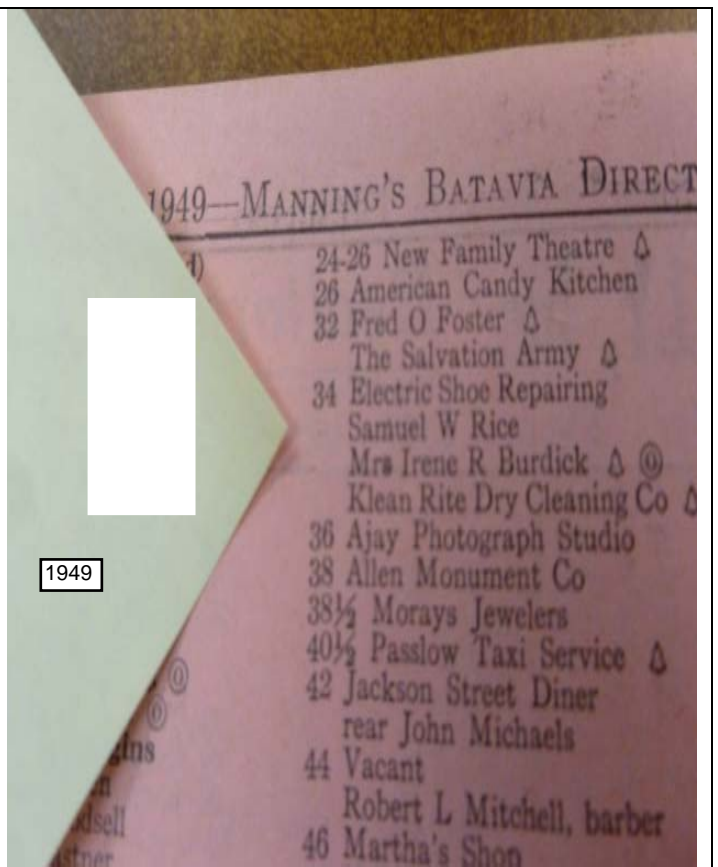
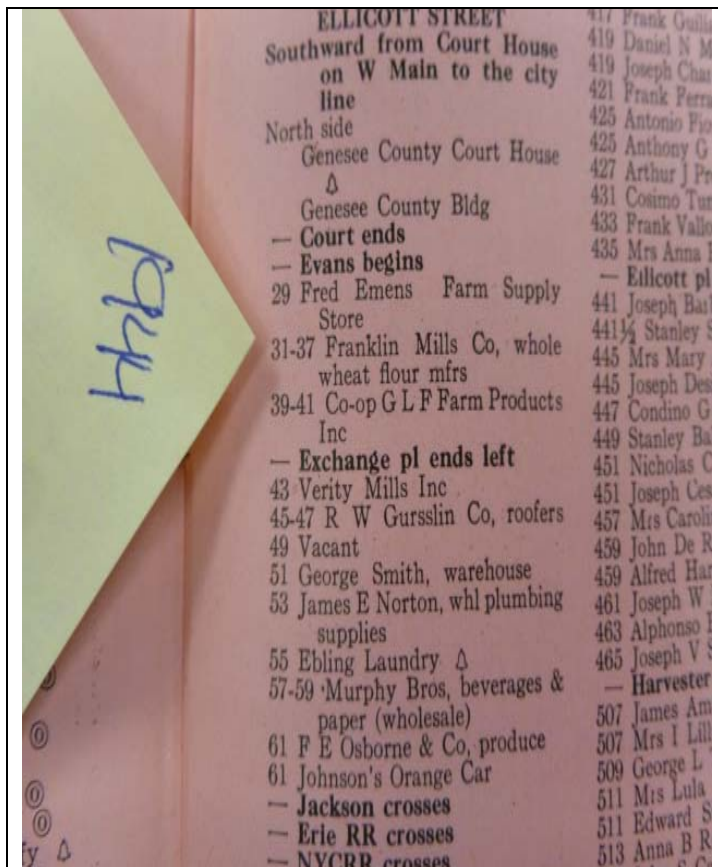
16 United Service Home Insula-
tion Co, roofing
16 Carl W Dean
18 rear Fred Berge
18 Rev Edward F Ferger
20 St Mary's Church
22 Vacant
— Evans begins
26 John J King
26 John J King, masseur and
mineral baths
32 LOOM Home
— Mazda pl begins
40-42 N L & O P Co, service bldg
40-42 War Price and Rationing
Board
50 William C Rice, rooms
50 William C Rice
— Railroad av begins right
Erie RR freight house
Frank Thomas Fuel Co, Coal
Elevator
— Jackson crosses
— Erie RR crosses
— NYCRR crosses
108 Armour & Co, wholesale meats
910 Vito Cantieri

1944

Phase I Environmental Site Assessment

40-52 Ellicott Street
Batavia, New York

ABELLA



Phase I Environmental Site Assessment
 40-52 Ellicott Street
 Batavia, New York

LABELLA

403 Frances T Bacharski
 Va Joseph DiLullo Δ @
 134 Nicola Schiavone Δ @
 134 Nicholas J Martino Δ @
 136 Nicholas Palanga Δ @
 138 Milton S Peart Δ @
 140 Mrs Carrie A Woodring Δ

ELLICOTT STREET
Southward from Court House
on W Main to the city
line

North side
 Genesee County Court House
 Δ
 Genesee County Bldg
 — **Court ends**
 — **Evans begins**
 29 Fred Emens Farm Supply
 Store
 31-37 Franklin Mills Co, whole
 wheat flour mfrs
 39-41 Co-op GLF Farm Service
 — **Exchange pl ends left**
 43 Richard A Haitz, roofing Δ
 45 Genesee Produce Co Inc Δ
 47 M Gurslin Co, roofing ma-
 terials
 51-53 James E Norton, whl
 plumbing supplies
 55 Ebling Laundry Δ
 57-59 Murphy Bros, beverages
 (wholesale) Δ
 61 F E Osborne & Co, produce Δ
 Phelps Mayonnaise Δ
 63 Marshall's & Red's Taxi Δ
 Batavia Whl Roofing Supply
 Co
 — **Jackson crosses**
 — **Erie RR crosses**
 — **NYCRR crosses**
 — **Center ends**
 — **Liberty crosses**

403
 405
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 461
 463
 465
 507
 509
 511

1949

John P Valerych
 14 Edward Zack (1)
 Mrs Carrie Bratt (2)
 Maynard Richardson (3)
 Mrs Effie Torrence Δ
 Anna C Kennedy Δ
 Thomas J Varco, barber Δ
 Surplus Outlet Store Δ
 16-20 Central Parking Station
 22 Family Beauty Shop
 24 Dipson Family Theatre Δ
 24 Harris Day Gardner, lawyer
 Δ
 32 The Salvation Army Δ
 34 Electric Shoe Repairing
 Fred W VanAuken
 Mrs Irene R Burdick Δ @
 34 Batavia Tailor Shop Δ
 36 National Cash Register Co
 38 Allen Monument Co
 38½ Moray's Jewelers
 40½ Passlow Taxi Service Δ
 42 Jackson Street Diner
 rear John Michaels
 44 Mrs Carrie B Shea

134
 134
 136
 138
 140
 142
 144
 146
 146
 150
 152
 154
 156
 160
 162
 164

1954

John P Valerych
 14 Edward Zack (1)
 Mrs Carrie Bratt (2)
 Maynard Richardson (3)
 Mrs Effie Torrence Δ
 Anna C Kennedy Δ
 Thomas J Varco, barber Δ
 Surplus Outlet Store Δ
 16-20 Central Parking Station
 22 Family Beauty Shop
 24 Dipson Family Theatre Δ
 24 Harris Day Gardner, lawyer
 Δ
 32 The Salvation Army Δ
 34 Electric Shoe Repairing
 Fred W VanAuken
 Mrs Irene R Burdick Δ @
 34 Batavia Tailor Shop Δ
 36 National Cash Register Co
 38 Allen Monument Co
 38½ Moray's Jewelers
 40½ Passlow Taxi Service Δ
 42 Jackson Street Diner
 rear John Michaels
 44 Mrs Carrie B Shea
 44-46 Martha & Bill's Bargain

134
 134
 136
 138
 140
 142
 144
 146
 146
 150
 152
 154
 156
 160
 162
 164

1954

232
 1953—MAIN
Rey's Studio
PHONE 218-J
106 MAIN STREET

OV
 Evans (continued)
 113 Albert DiRisio Δ @
 West side
 18 Vacant
 20-26 Batavia Lumber & Coal Co
 Δ
 Doehler Jarvis Corp, plant (6)
 — **Erie RR crosses**
 — **NYCRR crosses**
 — **Mill begins**
 — **RR crosses**
 102 Robert C Silverthorn, bever-
 age dist
 rear Storage
 106 Joseph P Battaglia Δ @
 108 Joseph C N

1954

Phase I Environmental Site Assessment

40-52 Ellicott Street
 Batavia, New York

LABELLA

— Cedar ends
South side
2 E N Rowell Co, paper box
mfrs Δ
12 Moretto Service Station Δ
Hoyt's Collision Service Δ
16 Mancuso Motors, truck lot
18 Rev Edward J Ferger Δ
18½ Missionary Sisters Divine
Child Δ
20 St Mary's Church
20 rear Jay Kelsey Δ
22 Mancuso Motors, used cars Δ
Evans begins
32 LOOM Home Δ
— **Mazda pl begins**
40-42 Niagara-Mohawk Power
Corp, service bldg Δ
50 William J Duffy, rooms
William J Duffy Δ
— **Railroad av begins right**
Erie RR freight house Δ
68 Frank Thomas Fuel Co, coal
elevator Δ
— **Jackson crosses**
— **Erie RR crosses**
— **NYCRR crosses**
108 Armour & Co, wholesale

301 W. MA
Ellicott (continued)
— Court ends
— Evans begins
29 Fred Emens Farm Supply
Store Δ
31-37 Franklin Mills Co, whole
wheat flour mfrs
39-41 Vacant
— **Exchange pl ends left**
43 Richard A Hritz, roofing Δ
43 John W Gardner Roofers Co
Inc Δ
45 Hardware Warehouse
47 M Gursslin Co, roofing ma-
terials
51-53 James E Norton, whse
plumbing supplies Δ
55 Ebling Laundry Δ
57-59 Murphy Bros, beverages
(wholesale) Δ
61 P E Osborne & Co, produce Δ
Irish Maid Food Products
63 Marshall's & Red's Taxi Δ
Batavia Whse Roofing Supply
Co
— **Jackson crosses**

Arlene Moshier
John P Valerych
14 Vacant (1)
Mrs Carrie Bratt (2) Δ
Edward Zack (3) Δ
Mrs Norma Wood
Arthur Cook
Thomas J Varco, barber Δ
16-20 Central Parking Station
22-26 Dipson Family Theatre Δ
22 Nikki Beauty Shop
22 Prudential Insurance Co Δ
24 Dipson Family Theatre Δ
24 Vacant
32 The Salvation Army Δ
34 Alphonse E Rodon, linoleum
Fred W Van Auken Δ
Mrs Irene R Burdick Δ Δ
34 Batavia Tailors & Cleaners
36 National Cash Register Co
38 Passlow Tqxi Service Δ
38½ Moray's Jewelers
40½ Vacant
42 Jackson Street Diner
John Michaels

EVANS STREET
Southward from 22 Ellicott to
Maple
East side
17-23 Granger & Co Inc, whole-
sale grocers Δ
25 The Holland Inn Δ
— **Erie RR crosses**
29 F B Winkstern & Son Δ
— **NYCRR crosses**
103 Salvatore Maniace Δ Δ
105 Andrew Aquino Δ Δ
— **Taggart ends**
107 Al's Bar & Grill Δ
Alphonso James
109 Gennaro F Martino
Jacob Miller
111 Samuel J Dispenza Δ Δ
113 Albert DiRisio Δ Δ
West side
18 Richard Stewart
20-26 Batavia Lumber & Coal Co
Δ
Doehler Jarvis Corp, plant (6)
— **Erie RR crosses**
— **NYCRR crosses**
— **Mill begins**
— **RR crosses**
102 Vacant
rear Storage
106 Joseph P Battaglia Δ Δ
108 Joseph G Nogroski Δ Δ
110 Joseph A Vallone Δ Δ
Peter Vendetta

Phase I Environmental Site Assessment

40-52 Ellicott Street
Batavia, New York

LABELLA

VERHEAD DOOR SALE
Door (Units on Display) W
 P. O. Box 29 BATAVIA, N. Y. Day

40-42 Niagara Mohawk Power 33
 Corp, service bldg Δ 33
 50 William J Duffy, rooms 3
 William J Duffy Δ
 — **Railroad av begins right**
 Erie RR freight house Δ
 68 Santy's Tire Service Δ
 — **Jackson crosses**
 — **Erie RR crosses**
 — **NYCRR crosses**
 108 Armour & Co, wholesale meats
 204 Hank's Ice
 204-206 Qualtop Beverage Co Inc Δ
 210 Vito Gautieri Δ

Frontier Service
 Stanley Dziemian
 — **Cedar ends**
 South side
 2 E N Rowell Co, paper box
 mfrs Δ
 12 Moretto Service Station Δ
 16 Mancuso Motors, truck lot
 18 Rev David Cahill Δ
 18½ Missionary Sisters Divine
 Child Δ
 20 St Mary's Church
 20 rear Vacant
 22 Mancuso Motors, used cars Δ
 — **Evans begins**
 32 Loyal Order Moose Home Δ
 — **Mazda pl begins**

EGHT'S BOOK STORE
 BOOK STORE 67 MAIN STREET

47 M Gursslin Co, roofing ma-
 terials
 51-53 James E Norton, whale
 plumbing supplies Δ
 55 Ebling Laundry Δ
 57-59 B F Murphy, beverages
 (wholesale) Δ
 61 Vacant
 63 Red's Taxi Δ
 Muffler Shop Δ
 — **Jackson crosses**
 — **Erie RR crosses**
 — **NYCRR crosses**
 — **Center ends**
 Louie's Barber Shop
 Pok-A-Dot Refreshment Stand

10 Louise B Martino Δ
 10 Earl MacArthur Δ
 12 Nicholas Falanga Δ
 14 Milton S Peart Δ
 18 Peter Della Penna, Jr Δ

ELLCOTT STREET
Southward from Courthouse on
W Main to the City line
 North side
 Genesee County Courthouse Δ
 Genesee County Building
 — **Court ends**
 — **Evans begins**
 29 Blair's Feed & Farm Supply
 Store Δ
 31-37 Franklin Mills Co, whole
 wheat flour mfrs Δ
 37 USA Reserve Training Center
 Δ
 — **Exchange pl ends left**
 43 Richard A Haitz Co Inc Δ

WASHETTE **LAUNDRY & PICK-UP**

Phase I Environmental Site Assessment

40-52 Ellicott Street
 Batavia, New York

LABELLA

1915

JACKSON (CONTINUED)	
Vacant	128
Arthur Cook	
△Thomas J Varco, barber	132
16-20 Central Parking Station	134
22-26△Dipson Family Theatre	136
22△Kitty's Beauty Salon	138
22△Prudential Ins Co	140
24 Vacant	142
32△The Salvation Army	144
34△Frontier Kitchens	
△Fred W VanAuken	146
△Mrs Irene R Burdick	148
34△Batavia Tailors & Cleaners	150
36 Vacant	152
38△Passlow Taxi Service	154
38½ Vacant	
40½ Vacant	
42 Jackson St Diner	
44 Vacant	
44 Vacant	
46 Vacant	

1915

40△Enos A Howard	
East av crosses	
100△George R Landon	
102△Clair D Collins	
104△Earl H Levins	
106△Ezra J Votry	
110△Carl Schmidt	
112△Richard J Demus	
114 Vacant	
△John L Parker	
Vacant	
Charles W Pattison	
△G Davis	
rewell dr crosses	
ter	
eta	
ini	
y	
EVANS Southward-From 22	
Ellicott to Maple	
East side	
17-23△Granger & Co Inc	
whsle gros	
25△The Holland Inn	
Erie RR crosses	
29△Evans Wholesale Corp	
NYCRR crosses	
105△Andrew Aquino	
Watson ends	
107 Zeno's Grill	
Zeno Szelewski	
109△Paul Priolo	
111△Samuel J Dispenza	
113△Albert DiRisio	
West side	
20-26△Batavia Lumber &	
Coal Co	
Doehler Jarvis Corp	
plant (6)	
ELRR crosses	
NYCRR crosses	
Mill begins	
RR crosses	
102 Vacant	
rear Storage	

1915

op Inc	
Cedar ends	
South side	
2△E N Rowell Co, paper	
box mfrs	
12△Moretto Service Station	
16 Mancuso Motors, truck	
lot	
18△Rev David Cahill	
18½△Franciscan Missionary	
Sisters Divine Child	
20 St Mary's Church	
20 rear Vacant	
22△Mancuso Motors used	
cars	
Evans begins	
32△Loyal Order Moose	
Home	
Mazda pl begins	
40-42△Niagara Mohawk	
Power Corp, ser bldg	
50 William J Duffy, rooms	
William J Duffy	
Railroad av begins	
right	
△ELRR freight house	
68△Santy's Tire Service	
Jackson crosses	
Merts Ashland Service	
ELRR crosses	
NYCRR crosses	
108△Armour * Co, whsle	
meats	
204 Vacant	
204-206 Qualtop Beverage Co	

1915

ELLICOTT Southward-From	
Courthouse on W Main to the	
City line	
North side	
△Genesee County Court-	
house	
Genesee County Bldg	
Court ends	
Evans begins	
29 Al House Second Hand	
Store	
31-37△Franklin Mills Co,	
whsle wheat and flour	
mfrs	
37 Infra Zip Car Wash	
Exchange pl ends left	
43△Richard A Haitz Co Inc	
47-49 Vacant	
47-49 Vacant	
49-53△James E Norton, whsle	
plumbing supplies	
55△Ebling Laundry	
57-59 Vacant	
61 Vacant	
63△Red's Taxi	
△Muffler Shop	
Jackson crosses	
ELRR crosses	
NYCRR crosses	
Center ends	
Louie's Barber Shop	
Pok-A-Dot Refreshment	

Phase I Environmental Site Assessment

40-52 Ellicott Street
Batavia, New York

ABELLA

@ Schmidt Carl 3-0786
 @ LaFamara Pasquale 3-6549
 Macchia Jos G 3-8629
 Ker John L 3-5759
 Wm M 3-7946
 Chas W 3-5943
 F 3-5028
 053
 9154
 3-1253
 3-0632
 3-8900
 3-0829
 EUGENE fr 300 East av north to
 Fordham dr
 4 @ Karkau Dorothy P Mrs 3-7665
 EVANS fr 22 Ellicott south to
 Maple
 East side
 17-23 Granger & Co Inc whse
 gros 3-7150
 25 Holland Inn The 3-9726
 -Erie RR crosses
 29 Norton Wholesale Plumbing 3-
 2175
 -PCTCo (RR) crosses
 103 @ Maniace Phyllis Mrs 3-1973
 105 @ Aquino Andrew 3-5254
 -Watson ends
 107 Zeno's Grill
 @ Szelewski Zeno 3-9762
 109 Poteat Chas W 3-6587
 111 @ Dispenza Saml Mrs 3-4123

QUALITY FOOTWEAR FOR MEN, WOMEN & CHILD
 THOM McAN FOR MEN - MOTHER GOOSE FOR CHILDREN
 Phone 343-1632
 MAIN ST.
 3034
 4-0359
 68 Santy's Tire Service 3-1885
 -Jackson crosses
 68 Caruso's Kendall Ser 3-9672
 -ELRR crosses
 -PCTCo (RR) crosses
 200 Ebling Laundry Inc 3-0912
 204 Vacant
 204-206 Qualtop Beverage Co
 Inc 3-8227
 Mrs 3-4220
 3-9363
 210 @ Gautieri Jas
 Gautieri Hotel 3-9831
 212 @ Figliulo Josephine Mrs 3-3923
 214 Deleo Louis Bar and Grill
 3-6050

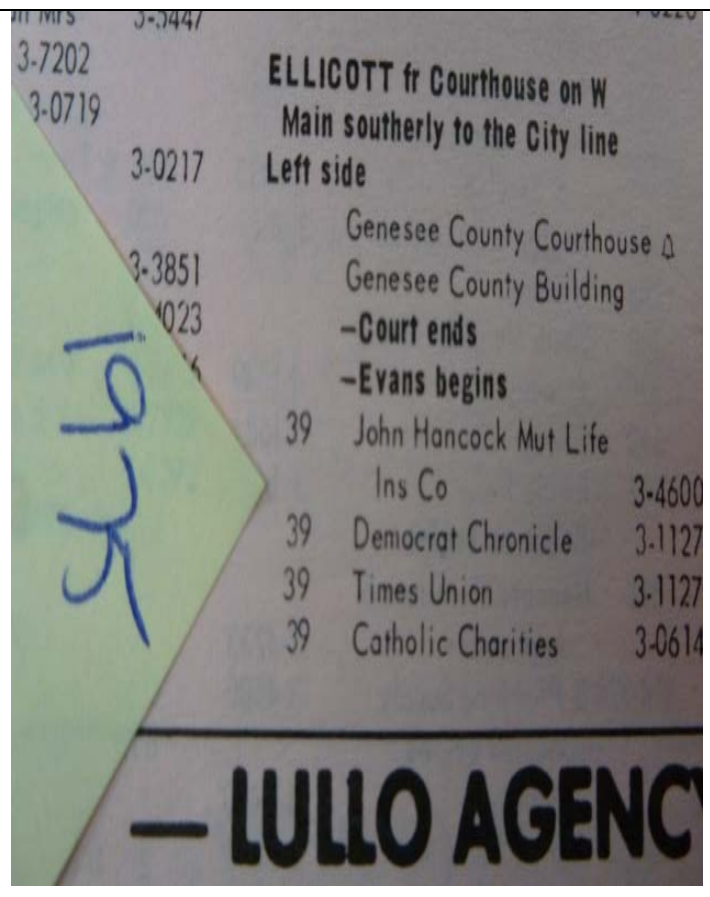
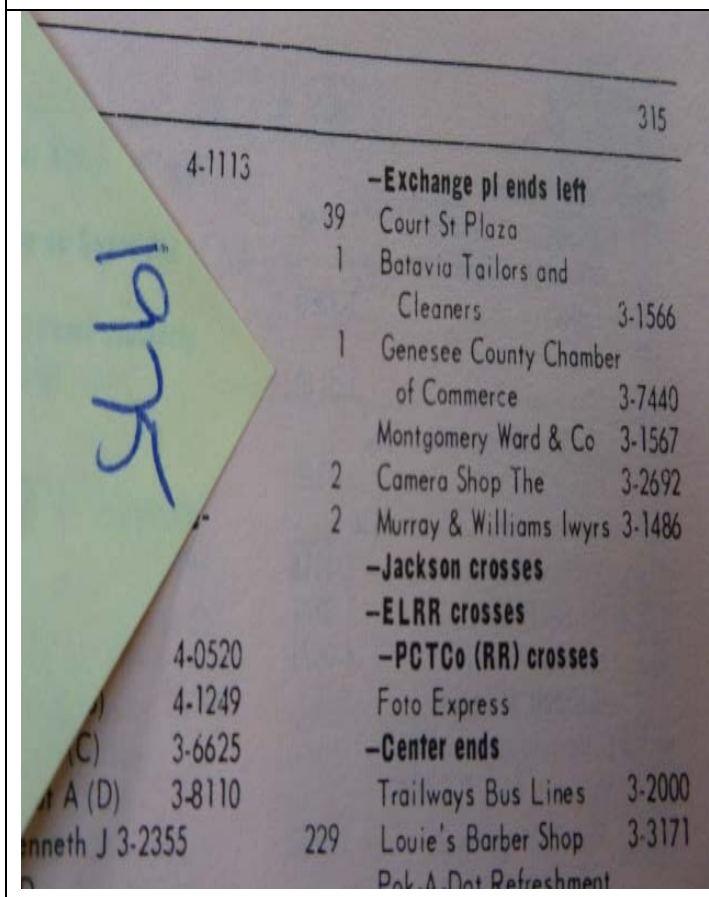
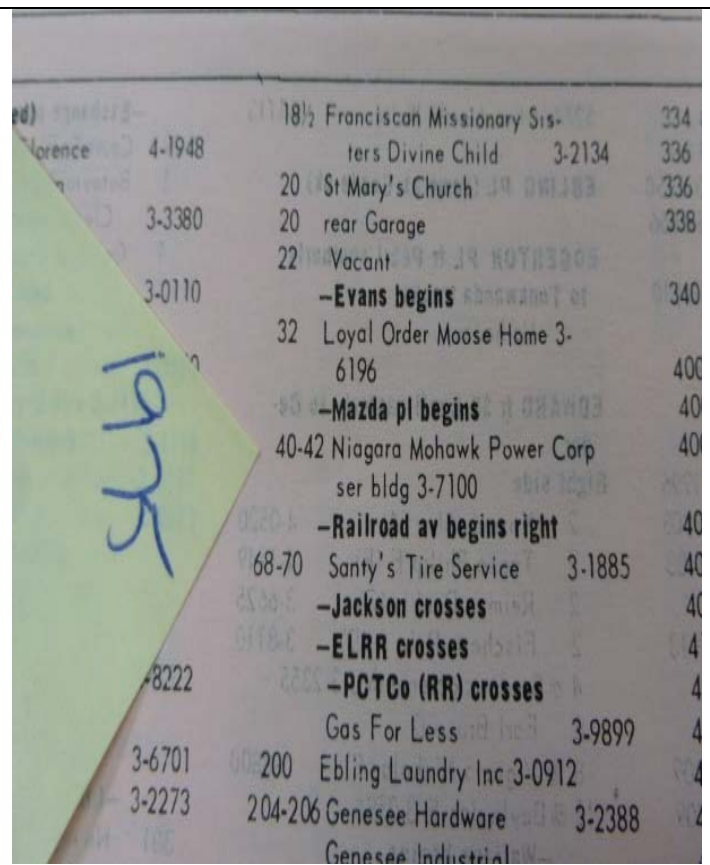
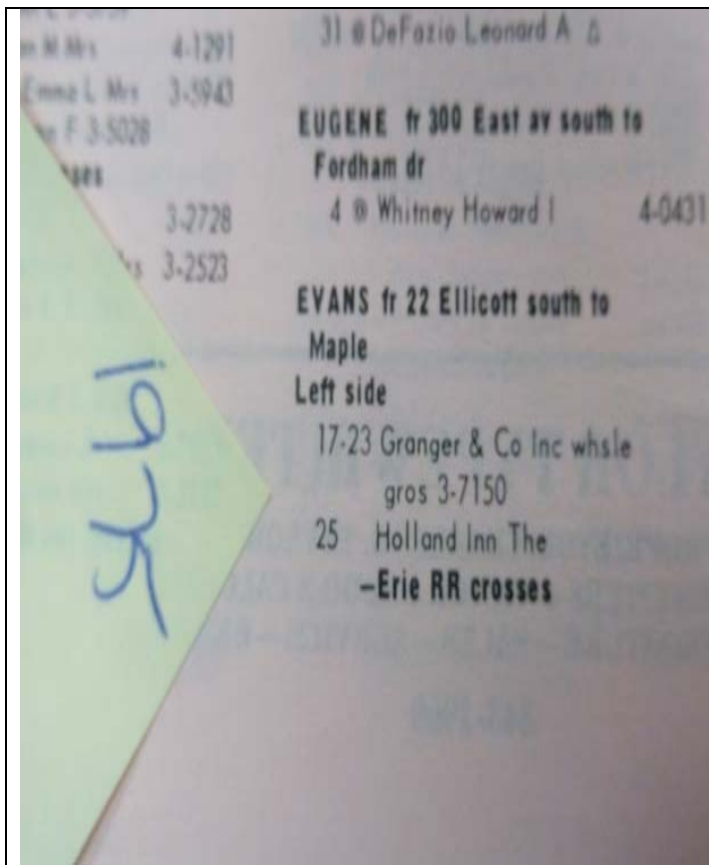
3-7277
 2 Rowell E N Co paper box
 mtrs 3-5260
 12 Moretto Service Station 3-
 9729
 16 Mancuso Motors truck lot
 18 Dailey Thos Rev 3-5400
 18 1/2 Franciscan Missionary Sis-
 ters Divine Child 3-2134
 20 St Mary's Church
 rear Garage
 22 Mancuso Motors used cars 3-
 2956-3-5579
 39 Catholic Charities of
 Buffalo N Y 3-0614
 -Evans begins
 32 Loyal Order Moose Home 3-
 6196
 -Mazda pl begins
 40-42 Niagara Mohawk Power Corp
 ser bldg 3-7100
 Vacant
 238 Kerr Da
 238 Vacant
 Batavia
 Appli
 240 Homes
 242 @ Gioia J
 -Libert
 300 Riccol
 @ Riccol
 302 Joy's
 8855
 304 Padde
 306 Vaca
 306 Pean
 308 Vact
 308 Azzi
 310 Vaci
 312 @ Priol
 -Gaa

Stewart Mildred Mrs 3-0247
 -PCTCo (RR) crosses
 3-2421
 Hazel A 3-0245
 3-7032
 763
 3-5074
 3-4628
 0217
 8210
 3-4023
 K Mrs 3-0216
 ngelo S 3-7228
 ssie L Mrs 3-9627
 North side
 Vacant
 ELLICOTT fr Courthouse on W
 Main southerly to the City line
 North side
 Genesee County Courthouse
 Genesee County Building
 -Court ends
 -Evans begins
 39 John Hancock Mut Life Ins Co
 -Exchange pl ends left
 39 Court St Plaza
 1 Batavia Tailors and
 Cleaners 3-1566
 Montgomery Wards Inc 3-1567
 -Jackson crosses
 -ELRR crosses
 -PCTCo (RR) crosses
 -Center ends
 Louie's Barber Shop 3-3171
 Pok-A-Dot Refreshment
 Stand 3-6775

Phase I Environmental Site Assessment

40-52 Ellicott Street
 Batavia, New York

LABELIA



Phase I Environmental Site Assessment

40-52 Ellicott Street
Batavia, New York

ABELLA

All Kinds of Ins	
4 N. PEARL ST., OAKFIELD	
244	BATAVIA/EAST PEMBR
19	Nelson Phillip M Inc accts 343-8404
23	Shaw David V Iwyr 343-6006
25	Genesee Council on Alcoholism 343-1124
	343-1128
25	Travelore Travel Service 343-9380
27	American Telephone & Telegraph Co Exchange
35	Mortellaro Sales & Service Center 343-4243
39	Murray-Lawing Associates photographers 343-5100
39	Zimmerman Clark J Iwyr 343-5675
41	Mondo Joseph lawyer 343-3800
41	Sylvania's Restaurant 343-0489
43	Cherniack Seymour optometrist 343-2353
43	Elite Designers Inc 344-0039
43	IWANICKI & METZLER Lawyers 343-4577
43	IWANICKI DON B Lawyer 343-4577
43	METZLER DAVID L Lawyer 343-4577
	—SCHOOL BEGINS LEFT
	—ELICOTT CROSSES
68	Kitty's Beauty Salon 343-4954
	—ELRR CROSSES
98	Star Market

27	Bakos Stephen	343-0644
31	No report	
EUGENE		
fr 300 East Av south to Fordham Dr (1620)		
4	Whitney Howard I (H)	344-0431
EVANS		
fr 22 Ellicott south to Maple (1640)		
—LEFT SIDE ODD NUMBERS		
14	Batavia Fire Department Headquarters (ext 4 or 42)	343-8180
	Batavia Ice Skating Rink	
17	Granger & Co Inc	343-7150
25	Kelly's Inn	343-9726
—ERIE RR CROSSES		
29	Hunting Co	343-5085
—PCTCO (RR) CROSSES		
Doehler-Jarvis Division National Lead Co		
100	Vacant storage	
—MILL CROSSES		
—RR CROSSES		
103	Maniace Dominic	343-1973
103	Maniace Linda	

344-2030	10 HUGHES STEPHEN B Lawyer	344
	10 JAECKLE FLEISCHMANN & MUGEL Lawyers	344
	10 McCUTCHEON ROBERT B Lawyer	344
	12 Ponderosa Steakhouse	344
	18 Hassett James F Rev	343
	18 Knab Frank J Rev (H)	343
	18 1/2 Franciscan Missionary Sisters Divine Child	343
	20 St Mary's RC Church	343
	22 No report	
	—COURT ENDS LEFT	
	—EVANS BEGINS RIGHT	
	32 Loyal Order of Moose Batavia Lodge # 196	343
	—COURT ST PLAZA (See separate listing)	
	39 Batavia Tailors & Cleaners	343
	39 Catholic Charities of Buffalo New York	343
	39 Court Street Plaza	
	39 DEMOCRAT & CHRONICLE	343
	39 GANNETT ROCHESTER NEWSPAPERS	343
	39 Hancock John Mutual Life Insurance Co	343
	Photo	343
	70 SANTY'S TIRE SALES INC	343
	—JACKSON CROSSES	
	—E-LRR CROSSES	
343-5236	200 Ebling Laundry Inc	343
	—E-LRR CROSSES	
	—PCTCO (RR) CROSSES	
	—CENTER ENDS	
344-0325	201 Vacant	
343-1169	204 Genesee Hardware	343
343-8917	204 Genesee Industrial Supply Co	343
343-3669	214 Frantz Catherine S	343
344-1622	216 Sweeney Tom Hair Styling for Guys & Gals	343
343-7170	216 1/2 Pastore J	343
343-5743	216 1/2 (Rear) Yates M H Mrs (H)	343
343-6574	218 Gorecki Adam A	343

JACKSON (Cont)		
9	CANDLELITE RESTAURANT	343-2220
13	EBLING ELECTRIC INC	343-0601
17	GOODYEAR SHOE REPAIR SHOP	343-8930
17	VARCO JOSEPH	343-8930
19	MARSHALL'S NEWS COMPANY INC	343-2010
19	NELSON PHILLIP M INC	343-8404
21	BATAVIA PERIODICALS	343-3880
23	WEISS PAUL J TAX SERVICE	343-9087
23	(ofc)MURRAY D MICHAEL	343-5575
25	TRAVELORE TRAVEL SERVICE	343-9380
35	MORTELLARO SALES & SERVICE TROPHY & PRO SHOP	343-4243
39	MURRAY-LAWING ASSOCIATES	343-5100
39	(ofc)ZIMMERMAN CLARK J	343-5675
41	SYLVANIA'S RESTAURANT	343-0489
41	(ofc)PINSKY ALBERT H	343-5108
41	(ofc)SCHULTZ LAWRENCE H JR	343-6295
43	BATAVIA OPTICAL	343-2353
43	ELITE DESIGNERS INC	344-0039
43	PANAMA JACK SUNCARE PRODUCTS & APPAREL	344-2024

Phase I Environmental Site Assessment

40-52 Ellicott Street
Batavia, New York

LABELLA

S FROM EAST AV TO FORDHAM DR, 7 E OF ROSS ST ZIP CODE 14020	
4 WALSH Kevin M.....	343-6366
4 WHITNEY Howard I@.....	344-0431
EVANS	
SW THEN SE FROM ELLICOTT ST TO MAPLE ST, 2 NW OF JACKSON ST ZIP CODE 14020	
BATAVIA JOB SHOP	343-5533
1 HODGINS ENGRAVING CO	343-4449
17 TOP NOTCH FOODS INC	344-0085
25 KELLY'S HOLLAND INN	343-9726
ERIE RR CROSSES	
29 IRR SUPPLIES CENTER INC	343-5085
40 CUSTOM FASTENERS INC	343-8657
PCTCO RR CROSSES	
MILL CROSSES	
RR CROSSES	
103 MANIACE Dominic.....	343-1973
103 MANIACE Frank	343-1973
103 MANIACE Linda@.....	343-1973

343-6096	10 (ofc) BURHANS DEBRA L	344-1317
343-5639	12 PONDEROSA STEAKHOUSE	343-3550
343-4839	18 KNAB FRANK J REV	343-5400
343-6687	18 SIMARY'S RC CHURCH	343-5400
343-5088	18 1/2 SISTER SUPERIOR	343-2134
COURT ENDS		
EVANS BEGINS		
32 OFFICE ASSISTANT THE	344-1152	
36 BATAVIA BOWLING		
CENTER THE	343-4377	
39 BATAVIA TAILORS		
& CLEANERS	343-1566	
39 DEMOCRAT & CHRONICLE		
REGIONAL		
CIRCULATION OFFICE	343-7646	
39 DEMOCRAT & CHRONICLE	343-0270	
39 GENESEE COUNTY CHAMBER		
OF COMMERCE INC	343-7440	
39 MURRAY JAMES W	343-1486	
39 MURRAY & WILLIAMS	343-1486	
39 WILLIAMS GERALD O	343-1486	
39 WILLIAMS THOMAS D	343-1486	
39 (#2) CAMERA SHOP THE	343-2692	
40 SOCCIO DELLA PENNA INC	343-1450	
40 TEMPLOY 'BATAVIA'S		
PERSONNEL SERVICE'	343-4141	
41 FOTOMAT CORP	343-5968	
43 No Information		
70 SANTY'S TIRE SALES INC	343-1885	
JACKSON CROSSES		
200 EBLING LAUNDRY INC	343-0912	

JACKSON 14020 BATAVIA	
9 *CANDLELITE RESTRNT	343-
13 XXXX	00
15 *EBLING ELECTRIC	343-
17 *GOODYEAR SHOE RPR	343-
PALMER DOUGLAS J	343-
*VARCO JOS	343-
WILLIAMS JEFFREY D	00
19 HAWLEY R STEPHEN	343-
*MARSHALLS NEWS CO	343-
21 XXXX	00
23 *GRAUERHOLZ M ATTY	343-
*MURRAY D MICHL ATTY	343-
*WEISS PAUL J TAX SV	343-
25 *TRAVELORE TRAVEL SV	343-
35 *MORTELLARO APLNC	343-
39 *TWO MORROWS PHOTO	343-
*ZIMMERMAN C J LWYR	343-
41 *PINSKY ALBERT ATTY	343-
*SALVANIAS RSTRNT	343-
*SCHULTZ L H JR ATTY	343-
43 *IWANICKI DON B ATTY	343-
*PANAMA JACK PRODS	343-
*SUMMERTIME PRDCTS	343-
*TANFASTIC TUNING	343-

343-5081 +2	OLCOTT WAYNE H
344-1329	PAZIK THOMAS
344-1329	* 0 BUS 3 RES
344-0892	
344-0892	1 EUGENE 14020 BATAVIA
344-1057	
3-7075	4 ARGULSKI C
9011	* 0 BUS 1 RES
8653	
47	
1	
NEW	
1	
2081	
768-8822	
768-4812 +2	
768-4812 +2	
	103 *HODGINS ENGRAVNG CO
	17 *TOP NOTCH FOODS INC
	22 *BATAVIA ICE ARENA
	*MANCUSO MMRL ICE
	25 *KELLYS HOLLAND IN
	29 *IRR SUPL CENTERS
	40 *CURTOM FASTENERS
	101 *CARUSO J J SVCE
	CARUSO JOSEPH P JR
	*J&J AUTO SVCE
	103 MANIACE SAM

Phase I Environmental Site Assessment

40-52 Ellicott Street
Batavia, New York

LABELLA

<p>BATAVIA</p> <p>6</p> <p>PR</p> <p>+2</p> <p>197</p> <p>7194</p> <p>1 NEW</p>	<p>★HUGHES BURHANS ATTY</p> <p>★HYPNOSIS TRAINING</p> <p>★MCDONALD DANL ATTY</p> <p>12 ★PONDEROSA STEAK HS</p> <p>18 KNAB FRANK REV</p> <p>★ST MARYS R C CHURCH</p> <p>TRUJILLO IVAN REV</p> <p>18½ SISTER SUPERIOR</p> <p>32 ★INTEGRATION INC</p> <p>★OFFICE ASSISTANT</p> <p>36 ★BATAVIA BOWLING CT</p> <p>39 ★BATAVIA TAILRS&CLNR</p> <p>★DEMOCRAT&CHRONICLE</p> <p>★DEMOCRAT&CHRONICLE</p> <p>★NATIONWDE INS AGENT</p> <p>40 ★SOCCIO DELLA PENNA</p> <p>★TEMPLOY</p> <p>43 ★CAREY RFNG DISTRBTR</p> <p>45 ★BATAVIA SUPER DUPER</p> <p>49 XXXX</p> <p>56 ★T CS RADIATORS</p> <p>200 ★EBLING LAUNDRY</p> <p>206 ★GENESSEE HARDWARE</p>	<p>James E & Kim 343-2411</p> <p>Kim M..... 343-2411</p> <p>Ian & Shelley 343-2411</p> <p>Philip & Jolene</p> <p>une M 343-8127</p> <p>Grace J 343-0510</p> <p>Lucy M..... 343-0510</p> <p>Thomas & Eleanor 344-0066</p> <p>Colleen..... 344-0066</p> <p>344-3244</p> <p>344-0128</p> <p>344-0128</p> <p>344-0128</p> <p>2670</p> <p>1735</p> <p>ella 343-0460</p>	<p>JACKSON ST -FROM 89 E MAIN ST SOUTH</p> <p>1170</p> <p>1190</p> <p>120 A</p> <p>ZIP CODE 14020</p> <p>+ E MAIN ST INTERSECTS</p> <p>9 CANDLELITE RESTAURANT</p> <p>343-2220</p> <p>15 EBLING ELECTRIC retail.. 343-0601</p> <p>17 SIELSKI EDWARD A dentist</p> <p>17 Vacant</p> <p>122</p> <p>19 MAIN STREET NEWS STAND</p> <p>newspapers..... 345-6711</p> <p>+ HIC</p> <p>123</p> <p>123</p> <p>124</p> <p>23 MURRAY D MICHL atty.... 343-5575</p> <p>WEISS PAUL J TAX SERVICE</p> <p>income tax prep 343-9087</p> <p>BLIZNIK MARY ANN atty 343-5575</p> <p>LITTEER HAROLD H lwyr</p> <p>343-5575</p> <p>MATTEO THOS cpa..... 344-1778</p> <p>125</p> <p>25 TRAVELORE TRAVEL SERVS INC</p> <p>125</p> <p>343-9380</p> <p>126</p> <p>35 MORTELLARO'S SALES & SERVICE</p> <p>lawnmower sls & serv</p> <p>343-4243</p> <p>+ M</p> <p>127</p> <p>39 TWO MORROWS</p> <p>128</p> <p>PHOTOGRAPHERS 343-5100</p> <p>128</p> <p>COLOR DIMENSIONS..... 343-5290</p> <p>39 Vacant</p>
<p>PR</p>	<p>4 Argulski Constance M 344-3716</p> <p>+ FORDHAM DR INTERSECTS</p> <p>HOUSEHOLDS 1</p> <p>EVANS ST -FROM 20 ELLICOTT ST EAST</p> <p>ZIP CODE 14020</p> <p>+ ELLICOTT ST INTERSECTS</p> <p>1 HODGINS ENGRAVING..... 334-4444</p> <p>17 TOP NOTCH FOODS INC restr.</p> <p>party sups..... 344-0085</p> <p>18 CITY OF BATAVIA FIRE DEPT</p> <p>343-8180</p> <p>22 ROYAL RINK RECREATIONAL</p> <p>CNTR arena..... 344-3991</p> <p>ROYAL RINK PRO SHOP</p> <p>344-3991</p> <p>25 KELLY'S HOLLAND INN tavern</p> <p>343-1726</p> <p>29 I R R SUPPLY CENTERS (BR</p> <p>343-5085</p>	<p>344-0936</p> <p>344-0936</p> <p>344-3024</p> <p>344-3024</p> <p>33382</p> <p>343-3745</p> <p>343-2940</p> <p>343-3096</p> <p>343-3096</p> <p>Jinny 343-1939</p> <p>343-9178</p> <p>343-9178</p> <p>343-0939</p> <p>343-0451</p> <p>343-0451</p> <p>343-7519</p>	<p>+ EVANS ST INTERSECTS</p> <p>32 INTEGRATIONS INC comp software</p> <p>344-1114</p> <p>XCALIBUR INTERNET SERV</p> <p>internet serv 034-4114</p> <p>3</p> <p>32 Vacant</p> <p>AMERICAN EXPRESS FIN</p> <p>ADVISORS fin planning</p> <p>344-1262</p> <p>36-39 Vacant (2 Hses)</p> <p>39 ROCHESTER DEMOCRAT & CHRONICLE (corres ofc)</p> <p>ROCHESTER TIMES UNION</p> <p>(CORRES OFC) newspaper</p> <p>BATAVIA TAILORS & CLEANERS</p> <p>dry cln 343-1566</p> <p>40 TEMPLOY SERVICE temp help</p> <p>343-4141</p> <p>DELLA PENNA PAVING INC</p> <p>paving contr 343-2440</p> <p>40 Vacant</p> <p>45 JUBILEE FOODS gro store</p> <p>343-5871</p> <p>56 SANTY'S TIRE SERVICE INC tire</p> <p>sls & serv..... 343-1885</p> <p>T C RADIATOR SERVICE</p> <p>344-0610</p> <p>U-HAUL RENTAL 344-4982</p> <p>+ JACKSON ST INTERSECTS</p> <p>+ CENTER ST INTERSECTS</p>

Phase I Environmental Site Assessment

40-52 Ellicott Street
Batavia, New York

LABELLA

9

3

(E) MAIN

4

9

63

MAR 1931
BATAVIA
N.Y.

10

SCHOOL

JACKSON

31

FRANKLIN MILLS CO. FLOUR MILLS
10 HORSEPOWER - POWER, ELEC. - HEAT STEAM - FUEL
CITY. LIGHTS ELEC. AUTO SPRINKLING THROUGHOUT, DAY
BOTH SUPPLIED BY CITY. DOWN TO CITY WATER -
PRESS. 85 TO 100 LBS.

COURT

ELLICOTT

EVANS

RAILROAD AVENUE

ERIE R.R. FREIGHT DEPOT

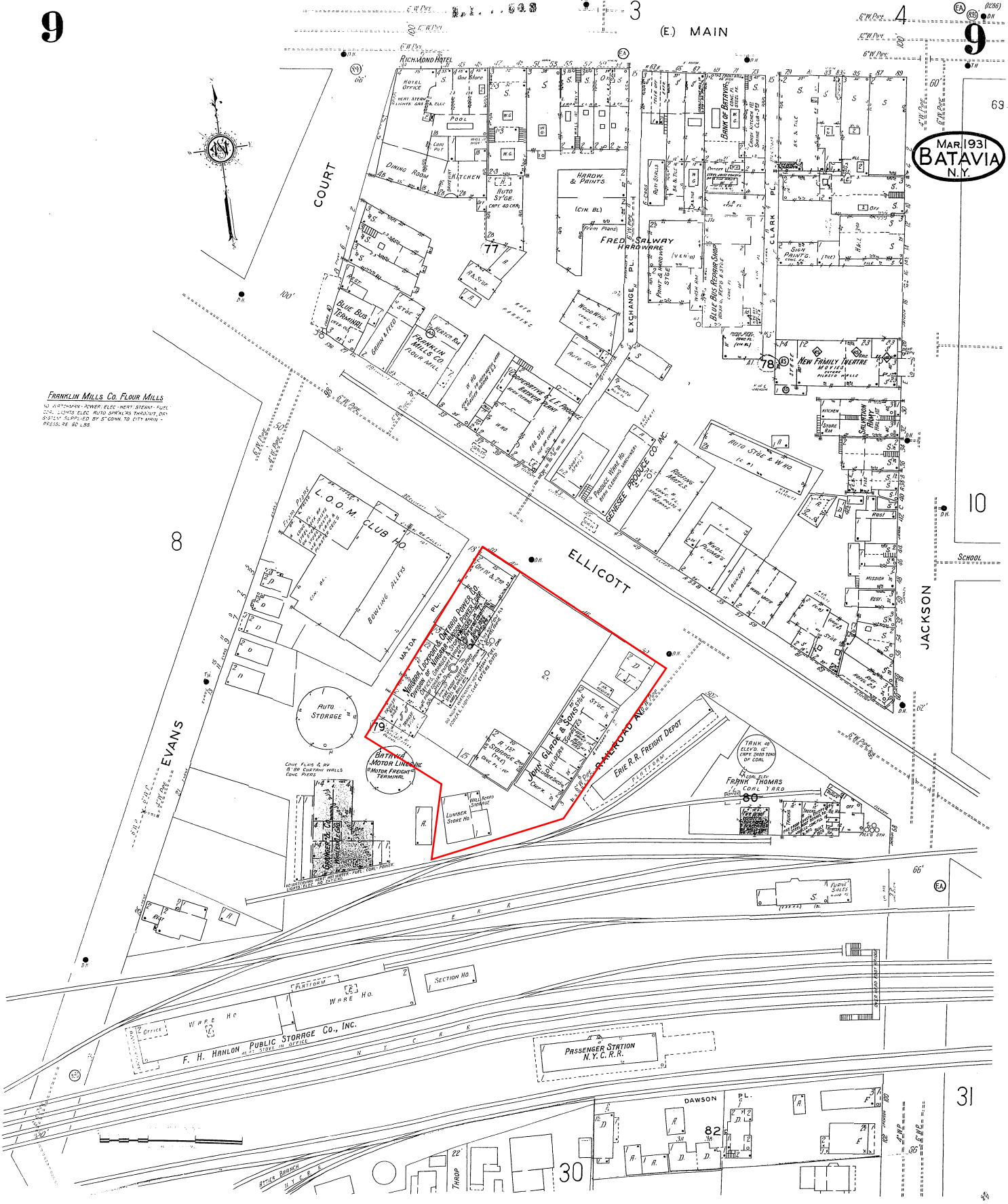
PASSENGER STATION
N.Y.C. & N.H.

F. H. HANLON PUBLIC STORAGE CO., INC.

DAWSON

30

82



9

3

E. MAIN

4

9

MAR 1931
BATAVIA
N.Y.

10

31



COURT

ELLCOTT

EVANS

JACKSON

FRANKLIN MILLS CO. FLOUR MILLS
10 HATCHMAN POWER ELEC. HEAT STEAM PUL.
CYL. LIGHTS ELEC. AUTO SPRINK. TANKS, HOT
WATER SUPPLIED BY CITY WATER TO CITY WATER
PRESSURE 80 LBS.

GENESEE COUNTY AUTO
No. 2 & MISCL.
STORAGE

ERIE R.R. FREIGHT DEPOT

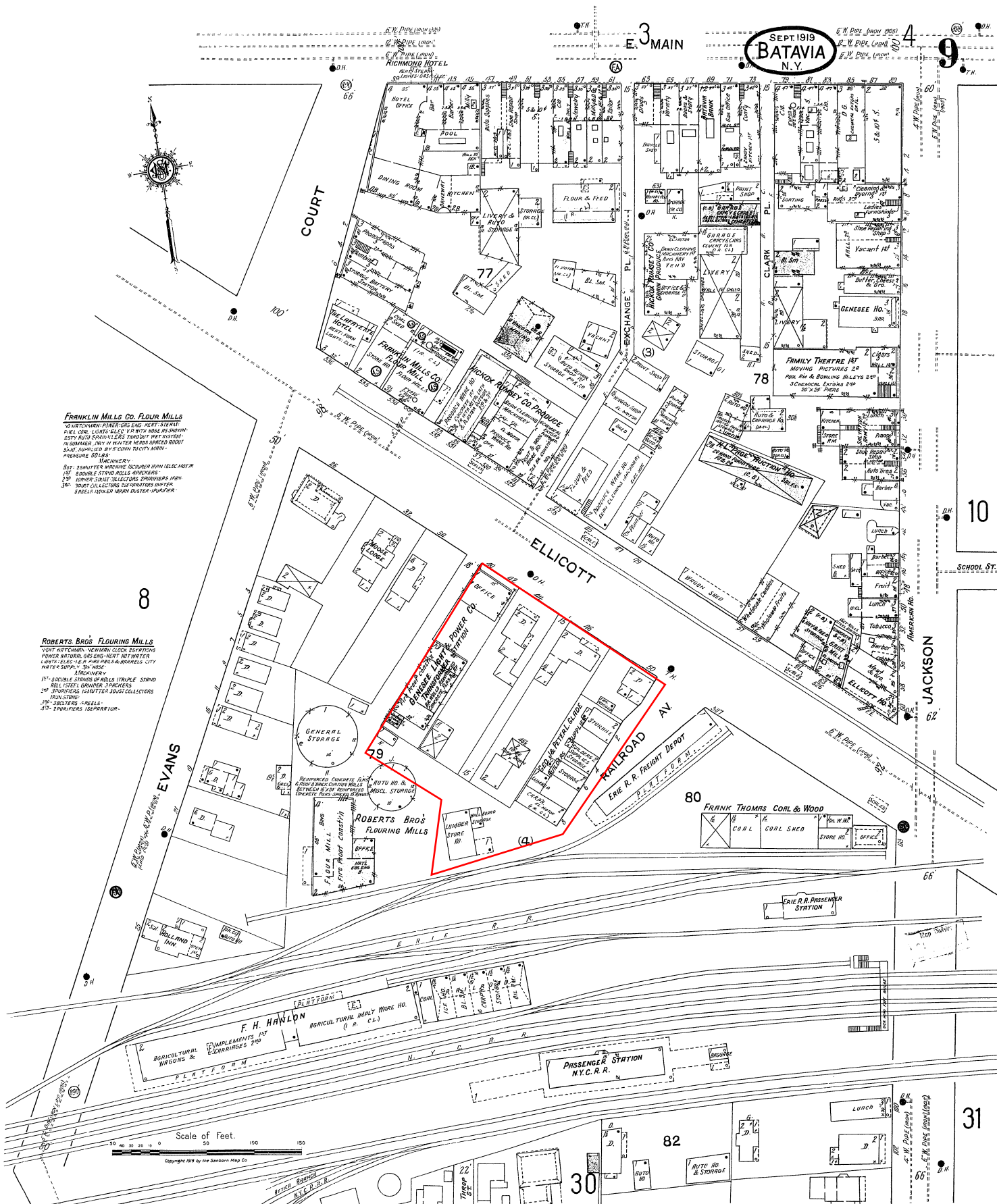
FRANK THOMAS
CORP. BLDG.

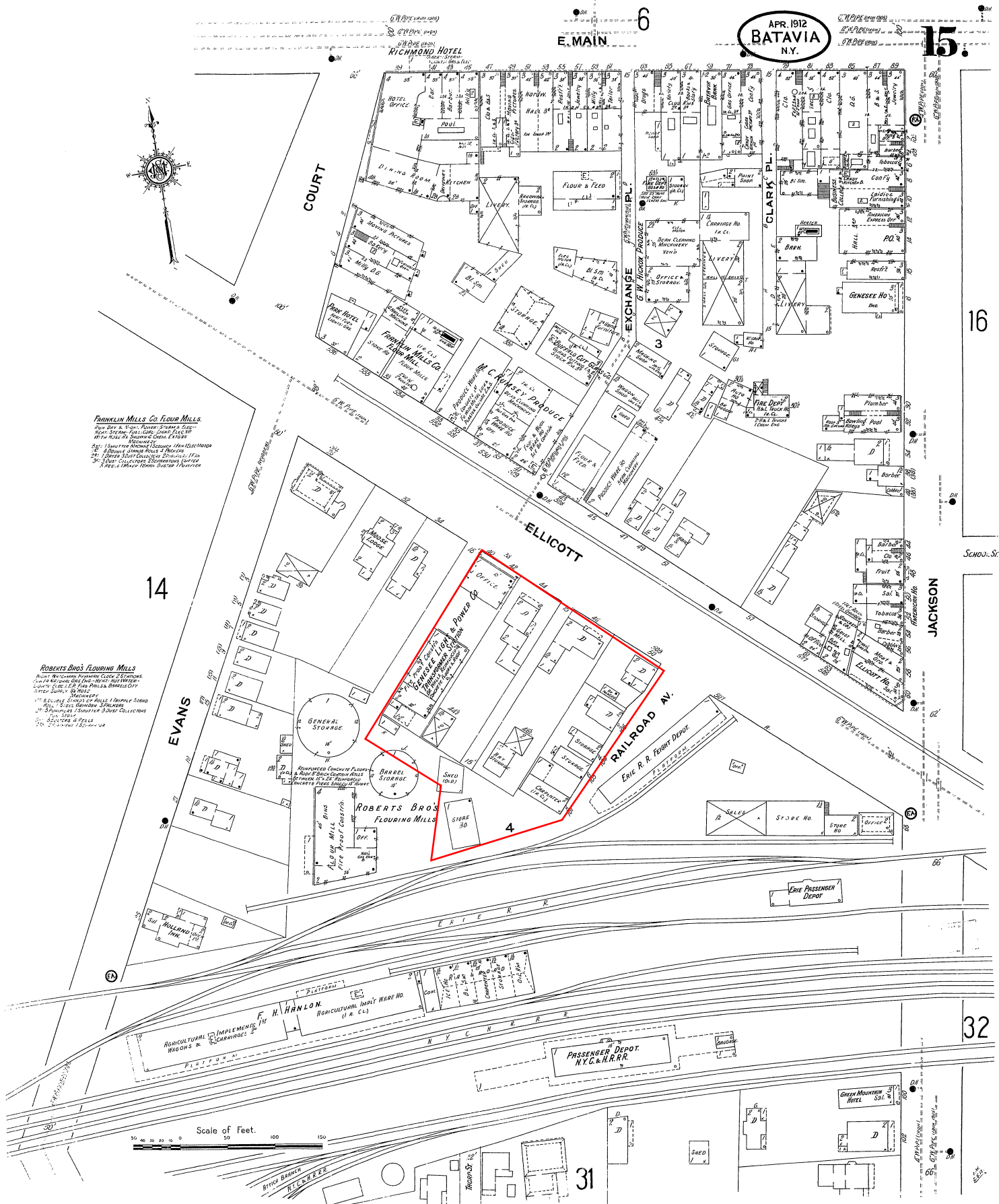
F. H. HANLON PUBLIC STORAGE CO., INC.

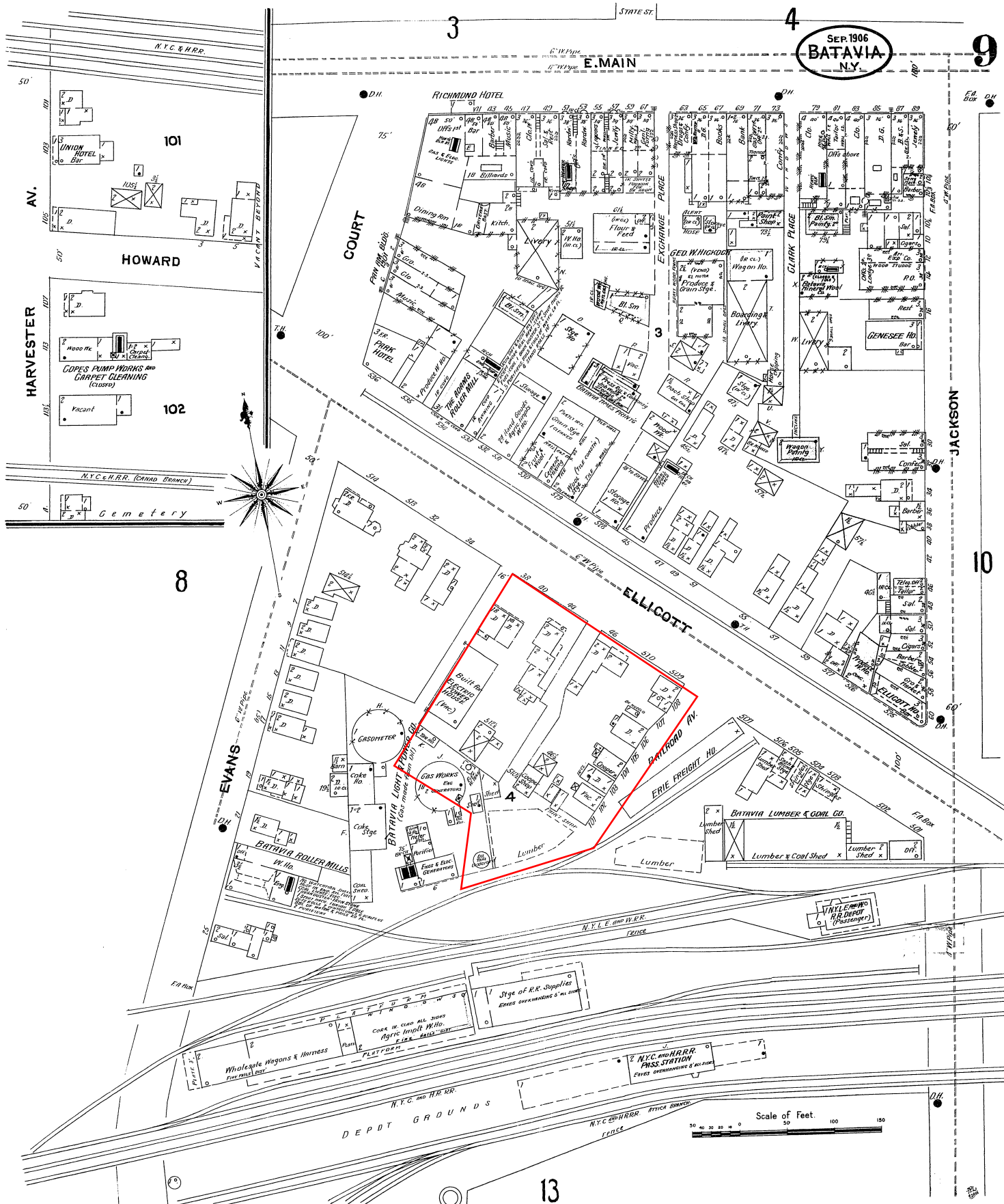
PASSENGER STATION
N.Y.C. R.R.

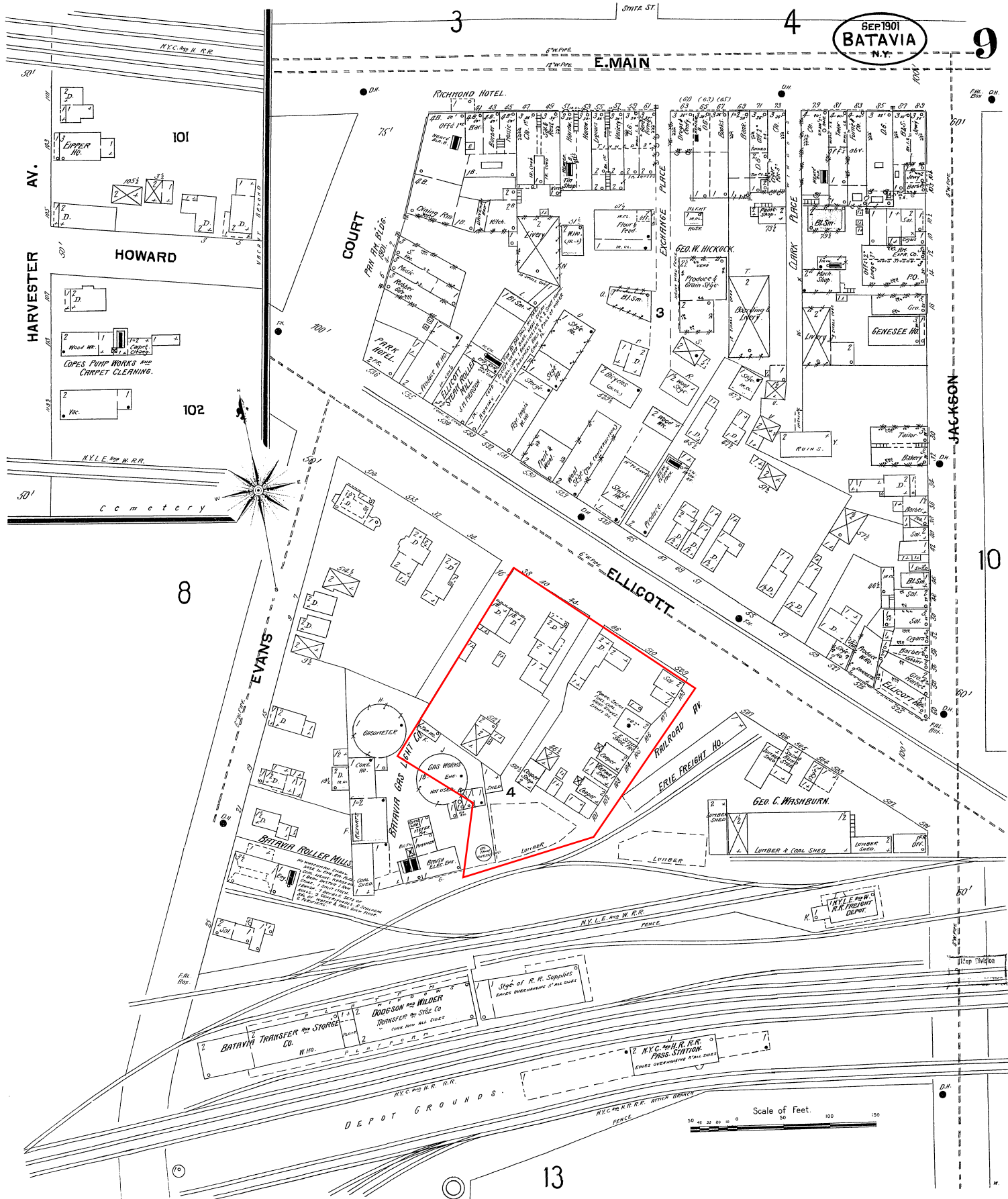
DAWSON

THOMP





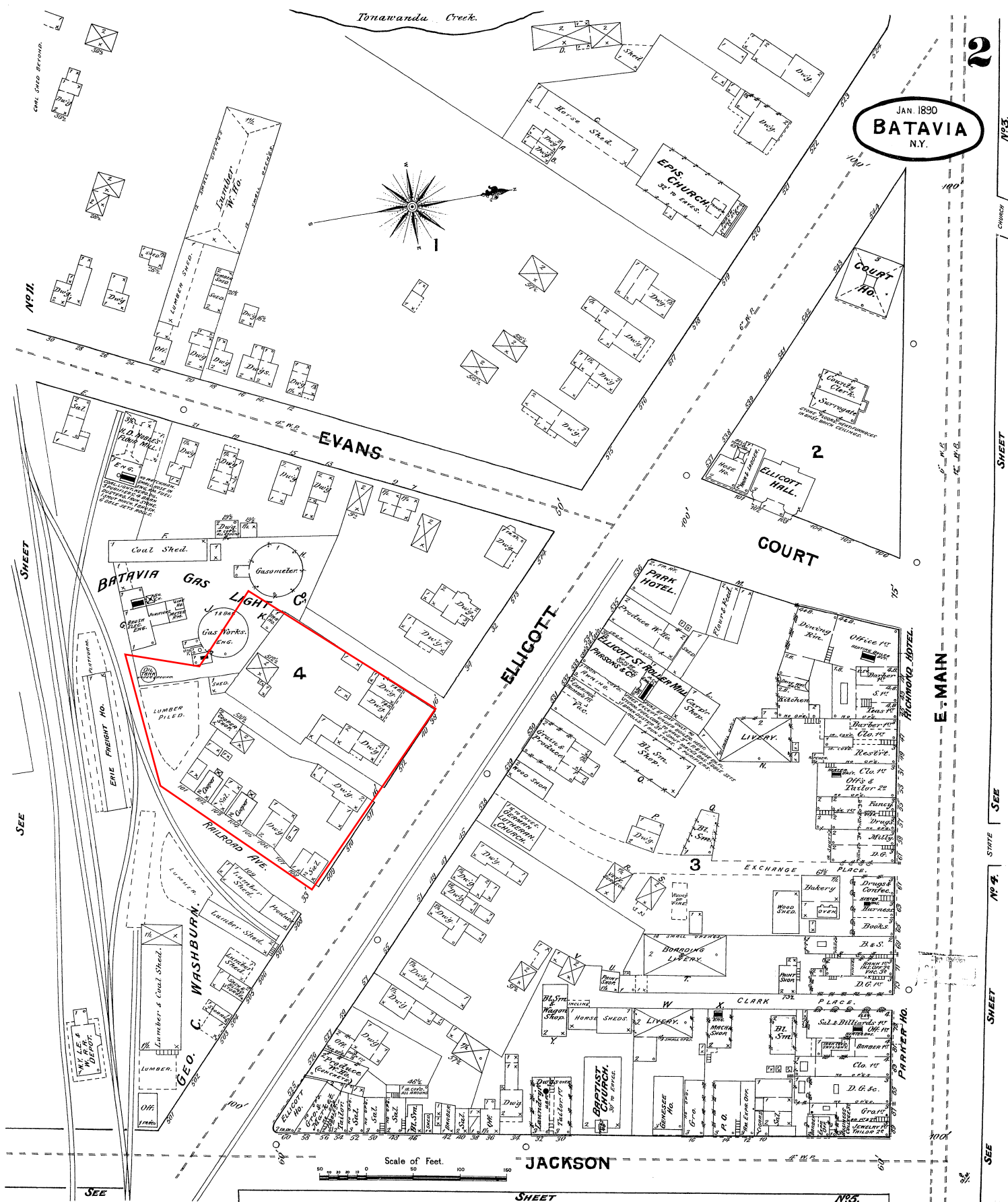




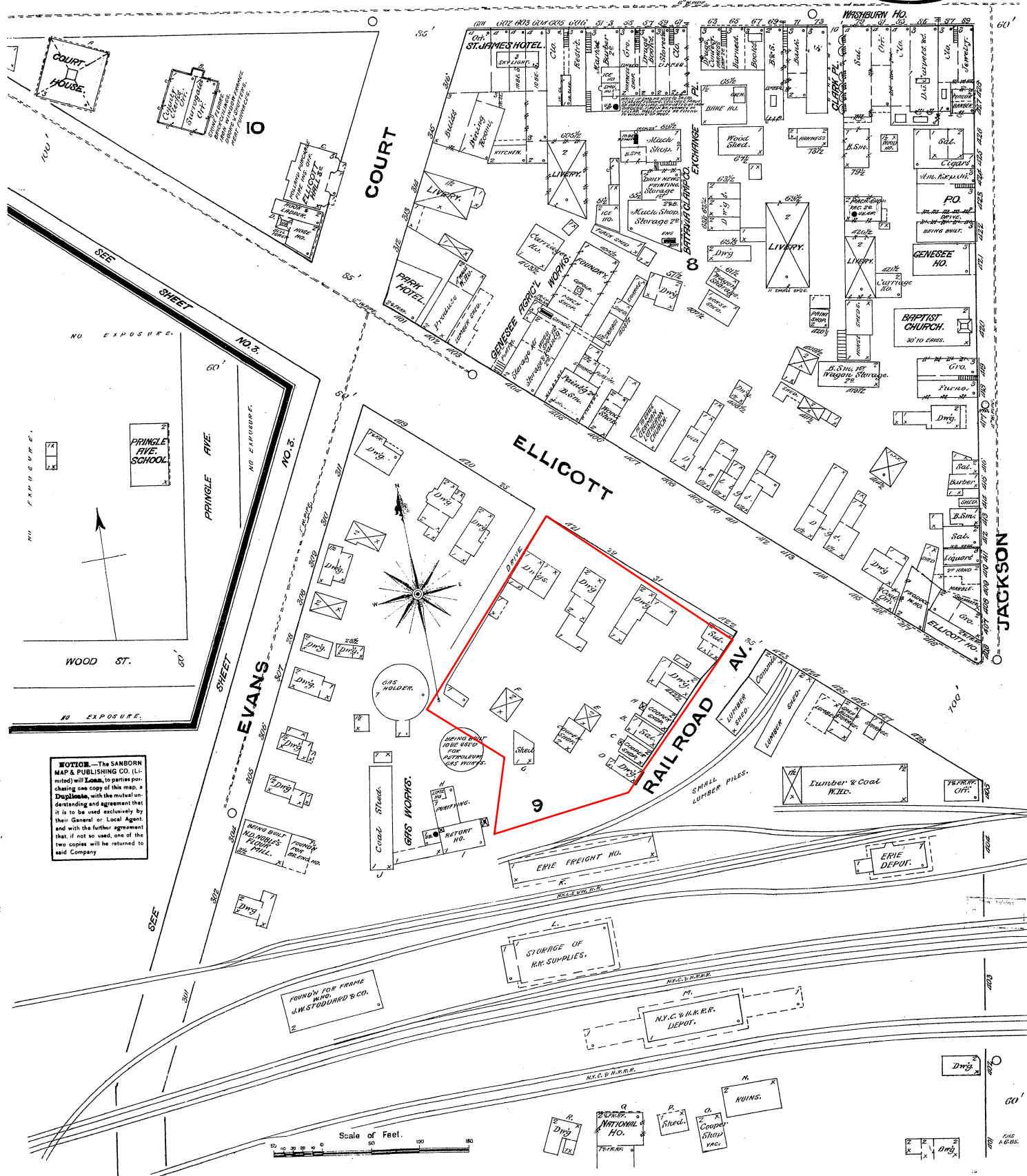
Scale of Feet.
0 50 100 150

Nov. 1896
B.ATAVIA
N.Y.





MAIN



APPENDIX 3

Aerial Photographs

Legend

Address Points

Roads (Large Scale)

Active Railroads (Large Scale)

Streams (Large Scale)

2011 Tax Parcels

Water (Large Scale)

Towns

City & Villages (Large Scale)

Counties (Large Scale)

Year 2005 NYS Color

RGB

Red: Band_1

Green: Band_2

Blue: Band_3



2005 Aerial

Legend

Address Points

Roads (Large Scale)

Active Railroads (Large Scale)

Streams (Large Scale)

2011 Tax Parcels

Water (Large Scale)

Towns

City & Villages (Large Scale)

Counties (Large Scale)

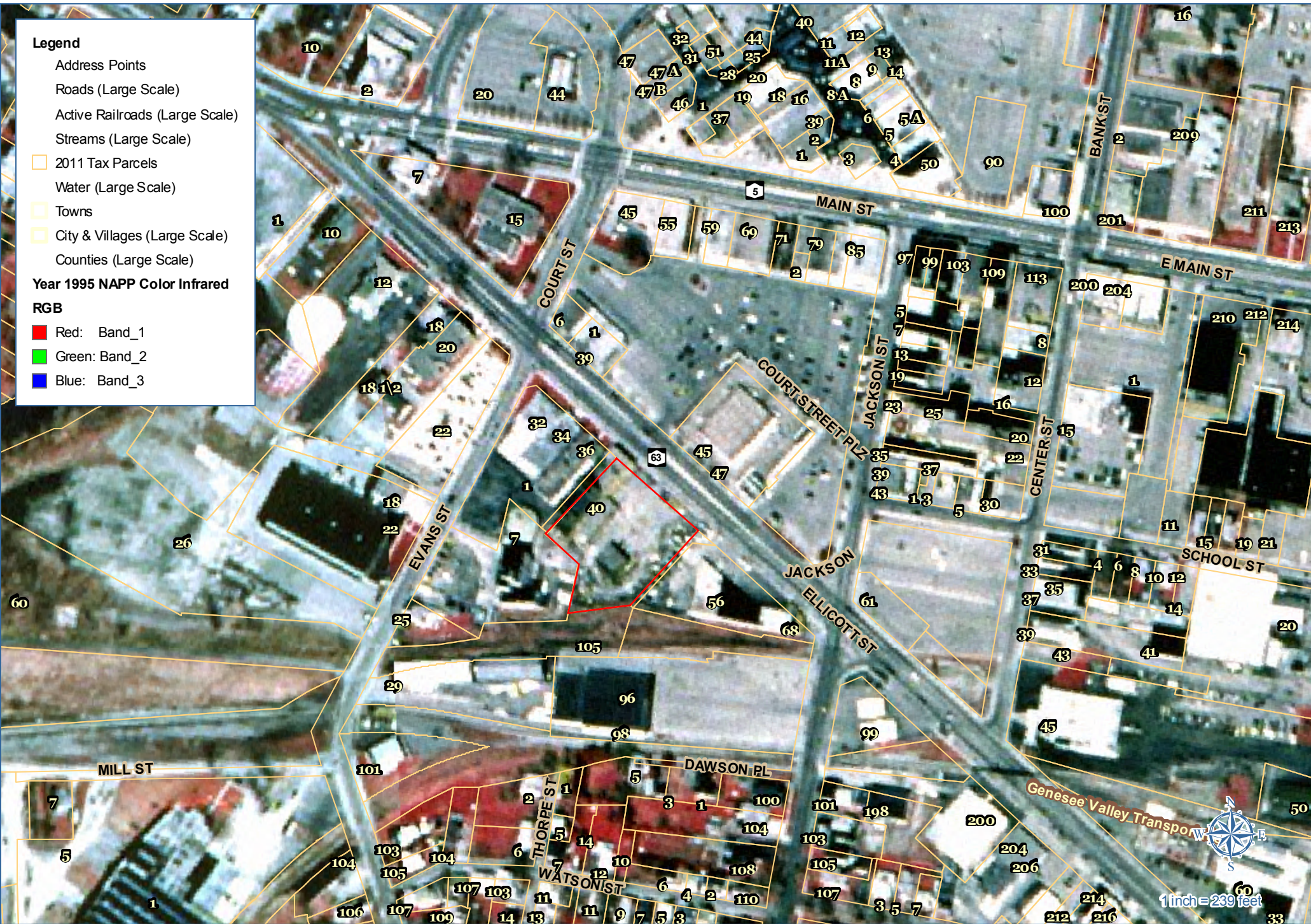
Year 1995 NAPP Color Infrared

RGB

Red: Band_1

Green: Band_2

Blue: Band_3



1995 Aerial

Legend

Address Points

Roads (Large Scale)

Active Railroads (Large Scale)

Streams (Large Scale)

2011 Tax Parcels

Water (Large Scale)

Towns

City & Villages (Large Scale)

Counties (Large Scale)

Year 1985 Orthoimagery

Value

High : 255

Low : 0



1985 Aerial

Legend

Address Points

Roads (Large Scale)

Active Railroads (Large Scale)

Streams (Large Scale)

2011 Tax Parcels

Water (Large Scale)

Towns

City & Villages (Large Scale)

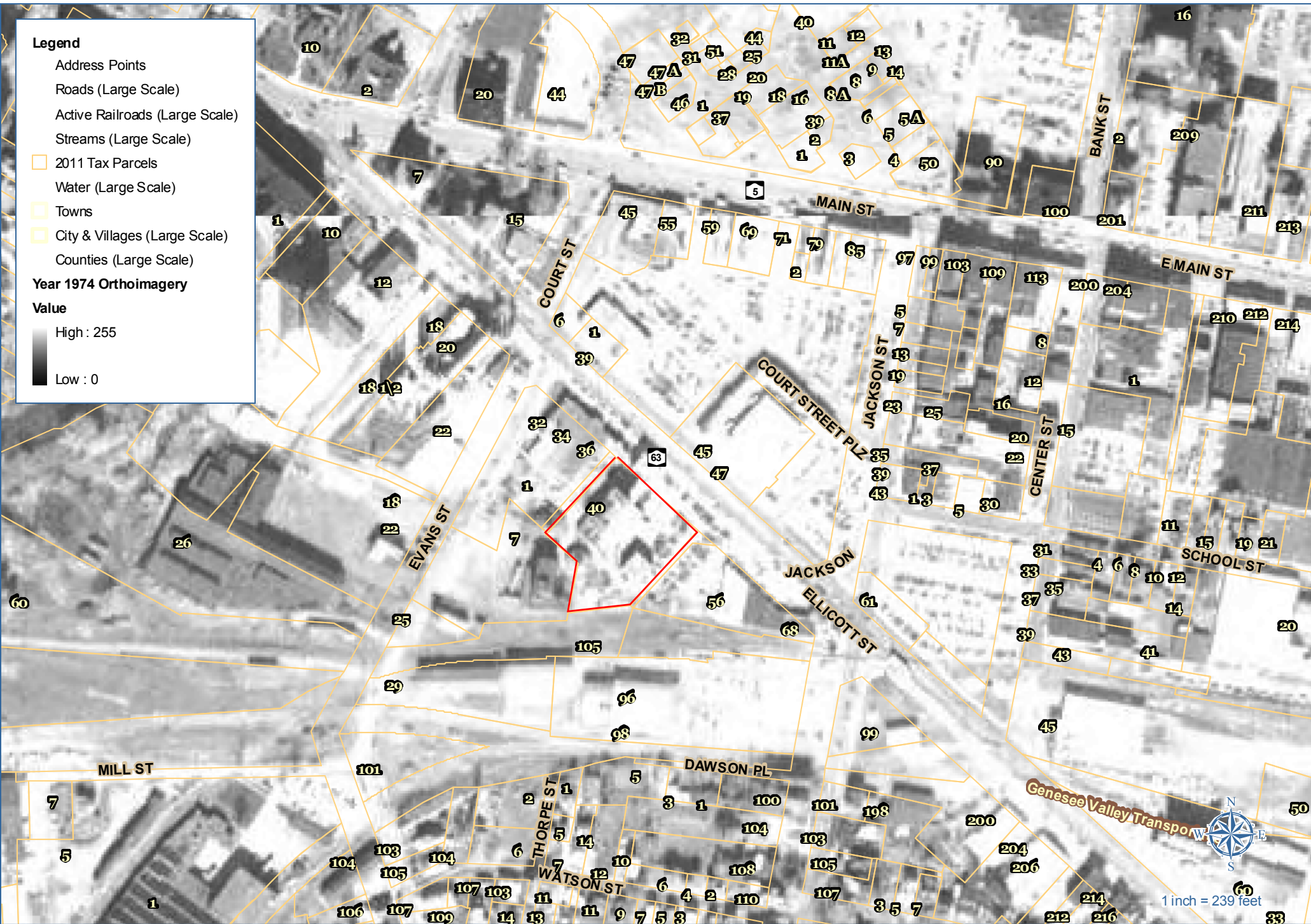
Counties (Large Scale)

Year 1974 Orthoimagery

Value

High : 255

Low : 0



1974 Aerial

Legend

Address Points

Roads (Large Scale)

Active Railroads (Large Scale)

Streams (Large Scale)

2011 Tax Parcels

Water (Large Scale)

Towns

City & Villages (Large Scale)

Counties (Large Scale)

Year 1963 Orthoimagery

Value

High : 255

Low : 0



1963 Aerial

1 inch = 239 feet

Legend

Address Points

Roads (Large Scale)

Active Railroads (Large Scale)

Streams (Large Scale)

2011 Tax Parcels

Water (Large Scale)

Towns

City & Villages (Large Scale)

Counties (Large Scale)

Year 1954 Orthoimagery

Value

High : 255

Low : 0



1954 Aerial

Legend

Address Points

Roads (Large Scale)

Active Railroads (Large Scale)

Streams (Large Scale)

2011 Tax Parcels

Water (Large Scale)

Towns

City & Villages (Large Scale)

Counties (Large Scale)

Year 1938 Orthoimagery

Value

High : 255

Low : 0



1938 Aerial

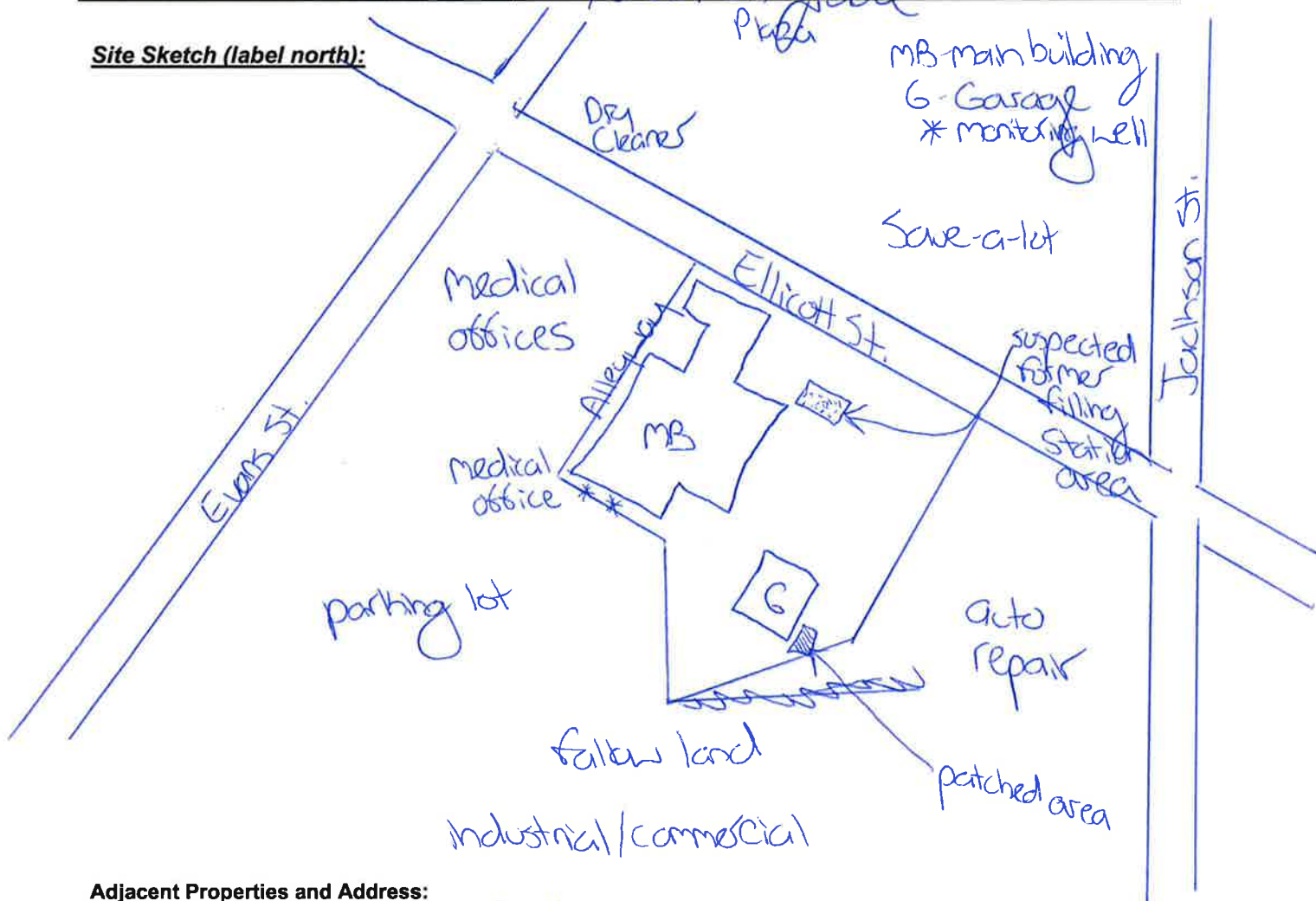
APPENDIX 4

Site Reconnaissance Worksheet

Site Reconnaissance Worksheet

Project #	212645-Della Penna Site
Address	40-52 Elliott St, Portauia, NY.
Date of Site Inspection	9-26-12
# of Structures	2
Usage at Time of Site Inspection	Vacant comm / ind.
Nature of Area (circle one)	Rural <u>Urban</u> Suburban
Topography (If Sloping - Note Direction)	level at grade

Site Sketch (label north):



Adjacent Properties and Address:

North	Plaza, dry cleaners (UN), Save-A-Lot
East	Several old medical offices
South	fallow land then commercial/industrial
West	Santy's Tire Sales

Additional Site Notes:

- Unaccompanied
- no site access; no interior access
- inspected property from roadway-fence
- debris TO property (tires, garbage, ^{construction materials} misc. items)
- 55 gal's noted at site - fair condition (at least ³)
- ext. buildings
- 2 monitoring wells along southern property edge
- pitched area (SE) garage structure
- suspected filling station area (NE) of Main Building
where "gas stand" & UST are identified in other records
- 1 pole tran (N) of site - fair condition (no leaks)
- ~~- pitched area between building & road not confirmed~~
- storm drains TO property; at least 2

Site Reconnaissance Worksheet (cont.)

Petroleum Product Storage and/or Usage

Yes ____ No ____

(Note: Type, Quantity, Usage, Disposal Receipts)

- unknown

Hazardous Substances Storage and/or Usage

Yes ____ No ____

(Note: Type, Quantity, Usage, Disposal Receipts)

- unknown

Unidentified Substances or Containers

Yes ____ No ____

(Note: Type and Quantity)

- unknown ; see notes page also

Strong, Pungent, or Noxious Odors

Yes ____ No ☒

(Note: Type and Source)

-

Parts Washers

Yes ____ No ____

(Note: Type – Self-contained or Not, Location, Waste Disposal Receipts)

- unknown

Site Reconnaissance Worksheet (cont.)

Pools of Liquid Likely to Contain Hazardous Substances

Yes _____ No _____

Or Petroleum Products

(Note: Location, Potential Product/Hazardous Substance(s), Source)

- unknown

Stains or Corrosion

Yes _____ No _____

(Note: Location, Potential Product/Hazardous Substance(s), Source)

- unknown

Floor Drains

Yes _____ No _____

(Note: Location, Discharge Location, Type of Wastewater Discharged to Drain, Associated Oil/Water Separator)

- unknown

Sumps

Yes _____ No _____

(Note: Location, Discharge Location, Type of Wastewater Discharged to Sump)

- unknown

Equipment Potentially Containing Polychlorinated Bi-phenyls

Yes ☒ _____ No _____

(Note: Location, Type – Pad/Pole Mounted, PCB-containing, Owner, Condition)

- unknown, see notes also

Site Reconnaissance Worksheet (cont.)

Elevators

Yes ____ No ____

(Note: Location, Hydraulic/Mechanical/Electric, Underground Components, Location of Reservoir)

-unknown

Lifts

Yes ____ No ____

(Note: Location, Hydraulic/Mechanical/Electric, Underground Components, Location of Reservoir)

-unknown

Lift Scars

Yes ____ No ____

(Note: Location, Former Hydraulic/Mechanical/Electric, Underground Components, Location of Reservoir)

-unknown

Stained Soil

Yes ____ No ____

(Note: Location, Apparent Type of Staining, Source)

-unknown

Stained Pavement

Yes ____ No ____

(Note: Location, Apparent Type of Staining, Source)

-unknown

Stressed Vegetation

Yes ____ No ☒

(Note: Location, Source)

-

Site Reconnaissance Worksheet (cont.)

Evidence of Solid Waste Disposal and/or Filling

Yes ____ No ____

(e.g., mounding, piles, etc.)

(Note: Location, Contents, Staining, Odors)

- unknown

Storm Drains

Yes ☒ No ____

(Note: Location, Associated with Wastewater Treatment or Disposal, Discharge Location, Staining, Odors)

-

Ditches

Yes ____ No ____

(Note: Location, Associated with Wastewater Treatment or Disposal, Discharge Location, Staining, Odors)

- unknown

Underground Injection Well/Dry Well

Yes ____ No ____

(Note: Location, Associated with Wastewater Treatment or Disposal, Type of Wastewater Discharged To)

- unknown

Septic Systems

Yes ____ No ____

(Note: Location, Direction of Leach Lines, Type of Wastewater Discharged)

- unknown

Monitoring Wells

Yes ____ No ____

(Note: Location, Purpose, Analytical Data Available)

- unknown; also see notes

Site Reconnaissance Worksheet (cont.)

Potable Water Wells

Yes ____ No ____

(Note: Location and Analytical Data Available)

- unknown

Indicators of Historical Usages (e.g., signs, equipment, etc.)

Yes ☒ No ____

(Note: Item and Indication of Usage Type)

- Della Penna Sign on fence to building

Limitations:

☐ None

☒ Overgrown vegetation

☐ Topography

☒ Snow

☐ Size

☒ Access (Note Inaccessible Structures:

- no interior access; saw site from perimeter fence

Additional Notes:

! huge limitation!!!



Site Reconnaissance Worksheet (cont.) – Aboveground Storage Tanks

Aboveground Storage Tanks

Yes ____ No ____

Note: Location, capacity, contents, usage, in-service (yes/no), fill port location, vent pipe location, leaks/stains/spills in vicinity, storage conditions – under asphalt, vaulted, under grassy area, fuel pumps)

#	Capacity	Contents	Location	Storage Conditions	Usage

Notes:

interior - unknown
exterior - none observed but still possible



Site Reconnaissance Worksheet (cont.) – Underground Storage Tanks

Evidence of Underground Storage Tanks

Yes ____ No ____

(i.e., vent pipes, fill ports, pumps, fill port covers)

(Note: Location, Type of Evidence, capacity, contents, usage, in-service (yes/no), fill port location, vent pipe location, leaks/stains/spills in vicinity, storage conditions – under asphalt, vaulted, under grassy area, fuel pumps)

- unknown

Evidence of the Potential Removal/Closure of

Yes ☒ No ____

Underground Storage Tanks (e.g., patches in pavement, piping, etc.)

(Note: Location, Type of Evidence, leaks/stains/spills in vicinity)

- unknown; also see notes

APPENDIX 5

Site Representative Interview



LaBella Associates, P.C.

300 State Street, Suite 201
Rochester, New York 14614-1098
Phone: (585) 454-6110
FAX: (585) 454-3066

PHASE I ESA INTERVIEW

Project No. 212645 Date of Interview: _____ Conducted by: Chris Kibler
Address: 40-52 Ellicott Street, Batavia, New York

Interviewee: JASON MORINO How long affiliated with Site: _____

Title/Position/Relationship to Site ☐ Owner ☐ Owner Representative ☐ Former Owner ☐ Occupant
☐ Former Occupant ☐ Neighbor ☐ Purchaser ☐ Seller ☐ Real estate agent
☐ Property Manager ☒ Other (explain): MUNICIPALITY

Additional Contacts: _____

1. What is the purpose of this assessment? ☐ Selling the property ☐ Purchasing the property ☐ Construction loan
☐ Re-financing the property ☒ Other (explain): POTENTIAL REDEVELOPMENT
2. Do you have a PROPERTY SURVEY MAP or OTHER MAPPING of the Site available?
☒ No ☐ Yes ☐ Unknown (if Yes, please provide if possible)
3. Number of building(s): _____ Total sq. ft. of building(s): _____
Acreage of Site: _____ ☒ Unknown ☐ NA
4. What is the CURRENT USE(S) of the Site and DATES, if known? ☒ Unknown
5. What are the PAST USE(S) of the Site and DATES of occupancy, if known? ☒ Unknown
Use _____ Dates of Usage _____
6. Have any buildings been BURNED or DEMOLISHED on the Site? ☐ No ☐ Yes ☒ Unknown
Explain: _____

Was the Debris: ☐ No ☐ Yes ☒ Unknown Buried on Site ☐ No ☐ Yes ☒ Unknown
Burned on Site ☐ No ☐ Yes ☒ Unknown
Removed from Site ☐ No ☐ Yes ☒ Unknown
Explain: _____
7. Is the SITE or any ADJOINING PROPERTY CURRENTLY or PREVIOUSLY utilized as any of the following?
Dry Cleaning Facility ☐ No ☐ Yes ☒ Unknown ☐ Site ☐ Adjoining Property to the _____
Dates and Explain: _____

X-ray or Film Developing ☐ No ☐ Yes ☒ Unknown ☐ Site ☐ Adjoining Property to the _____
Dates and Explain: _____

Is there a Metal Recovery System in Place? ☐ No ☐ Yes ☒ Unknown
Explain: _____

Car Repair Shop: ☐ No ☐ Yes ☒ Unknown ☐ Site ☐ Adjoining Property to the _____
Dates and Explain: _____

Paint/Body Shop: ☐ No ☐ Yes ☒ Unknown ☐ Site ☐ Adjoining Property to the _____
Dates and Explain: _____

Gasoline Station: ☐No ☐Yes ☒Unknown ☐Site ☐Adjoining Property to the _____
Dates and Explain:

Industrial Property: ☐No ☐Yes ☒Unknown ☐Site ☐Adjoining Property to the _____
Dates and Explain:

8. What are the CURRENT and PREVIOUS USE(S) of the ADJOINING PROPERTIES?
- | <u>Direction</u> | <u>Current Use/Occupant</u> | <u>Past Uses/Occupant</u> |
|------------------|--|---------------------------|
| North: | STATE HIGHWAY
DOCTORS OFFICE
REPAIR SHOP
OFFICE USE | |
| South: | | |
| East: | | |
| West: | | |

9. Is SANITARY WASTE WATER CURRENTLY or was PREVIOUSLY Generated and how is/was it Disposed of?
- ☐No ☒Yes ☐Unknown Discharge Point: ☐Public System ☐Private System ☐Unknown
☐Other (explain):

Is NON-SANITARY WASTE WATER CURRENTLY or was PREVIOUSLY Generated and how is/was it Disposed of?

☐No ☐Yes ☒Unknown Discharge Point: ☐Public System ☐Private System ☐Unknown
☐Other (explain):

Are any of the following CURRENTLY or PREVIOUSLY located at the Site?

SEPTIC TANK: ☐No ☐Yes ☒Unknown Location:
Dates of Usage:
LEACHFIELD: ☐No ☐Yes ☒Unknown Location:
Dates of Usage:
INJECTION WELL: ☐No ☐Yes ☒Unknown Location:
Dates of Usage:
DRY WELL: ☐No ☐Yes ☒Unknown Location:
Dates of Usage:

Are any of the following CURRENTLY or PREVIOUSLY located at the Site?

FLOOR DRAINS: ☐No ☐Yes ☒Unknown Location:
Discharge Point:
TRENCH DRAINS: ☐No ☐Yes ☒Unknown Location:
Discharge Point:
SUMP PUMPS: ☐No ☐Yes ☒Unknown Location:
Discharge Point:
STORM DRAINS: ☐No ☐Yes ☒Unknown Location:
Discharge Point:
OTHER: ☐No ☐Yes ☒Unknown Location:
Discharge Point:

Are any FLOOR DRAINS, TRENCH DRAINS, or SUMPS connected to an OIL/WATER SEPERATOR?

☐No ☐Yes ☒Unknown ☐NA Location:
Dates of Usage:

10. Is the Site serviced with PUBLIC or PRIVATE WATER SYSTEMS and DATES of Connection, if known?
- | Type | Date of Connection/Usage |
|--|----------------------------------|
| <input checked="" type="checkbox"/> Public | <input type="checkbox"/> Unknown |
| <input type="checkbox"/> Well | <input type="checkbox"/> NA |

Are there, or were there ever any OBSERVATION or MONITORING WELLS located on-Site?

☐No ☐Yes ☒Unknown ☐NA
Location: Purpose: Dates of Usage/Installation:

11. Are ANY of the FOLLOWING located ON or ADJACENT TO the SITE? (Choose all that apply):

Type: Location:
☐ Surface water
☐ Ponds
☐ Creek
☐ Rivers
☒ Unknown

Type: Location:
☐ Pits
☐ Lagoons
☐ Drainage Ditch
☐ Lakes
☐ No

12. What type of heating does this property CURRENTLY or PREVIOUSLY have, if any?
 Choose all that apply and identify the associated building(s) and dates of connection if applicable.

Type	Date(s) of Connection/Usage	Type	Date(s) of Connection/Usage
<input type="checkbox"/> Natural Gas		<input type="checkbox"/> Oil	
<input type="checkbox"/> Propane		<input type="checkbox"/> Radiant	
<input type="checkbox"/> Coal		<input type="checkbox"/> Hot Water	
<input type="checkbox"/> Not Heated		<input checked="" type="checkbox"/> Unknown	
<input type="checkbox"/> Other (explain)			

If oil: How is/was the oil stored ☐ above ground storage tank ☐ underground storage tank (see Question 20)
 Location:

13. Who Supplies ELECTRIC SERVICE to the Site?
☐ RG&E ☒ National Grid ☐ NYSEG ☐ Unknown ☐ NA
☐ Other:

14. What is the nature of SOLID WASTE Generated at the Site and Disposed of from the Site (including hazardous)?
 Type of Waste? How is it stored? Who collects the waste?

15. To the best of your knowledge, have you ever GENERATED or TRANSPORTED HAZARDOUS WASTE from the Site?
☒ No ☐ Yes ☐ Unknown (if Yes, please provide Manifests)
 Explain:

16. Do you TREAT or DISPOSE of any WASTE MATERIALS on-Site? (i.e., land filling, neutralization, incineration)
☒ No ☐ Yes ☐ Unknown
 Explain:

17. Has any OTHER ENTITY ever been allowed to DUMP, STORE, DISPOSE, TRANSPORT, BURY, INCINERATE, OR LANDFILL any materials at the Site? ☐ No ☐ Yes ☒ Unknown
 Who? What? When? Location:

18. Has FILL DIRT been brought onto the Site from an UNKNOWN ORIGIN OR CONTAMINATED SITE?
☐ No ☐ Yes ☒ Unknown
 Explain:

19. Are there areas of the Site in which the any of the following were or are located? ☒ Unknown ☐ No
- | Type: | Location: | Type: | Location: |
|---|-----------|-------------------------------------|-----------|
| <input type="checkbox"/> Gravel | | <input type="checkbox"/> Debris | |
| <input type="checkbox"/> Construction Materials | | <input type="checkbox"/> Tree/Brush | |
| <input type="checkbox"/> Other (explain): | | | |

20. Are there CURRENTLY or PREVIOUSLY any ABOVE (AST) or UNDERGROUND (UST) STORAGE TANKS located at the Site?
☐ No ☐ Yes ☒ Unknown Are they REGISTERED with the NYSDEC? ☐ No ☐ Yes ☒ Unknown
 Tank Type (AST/UST) Capacity (Gallons) Product Installation Date Removal/Closure Date

Are there any LEAK DETECTION DEVICES in place? ☐No ☐Yes ☒Unknown
Explain:

Have any TANKS been: ☒Unknown ☐No
☐REMOVED from the Site
Explain:

Date(s):

☐CLOSED in place at the Site
Explain:

Is DOCUMENTATION Available? ☐No ☐Yes ☒Unknown Please provide copy.

Has any CONTAMINATION been identified or REMEDIATION been required at the Site; related to CURRENT OR PRIOR TANKS? ☐No ☐Yes ☒Unknown
Explain:

21. What type of CHEMICALS are CURRENTLY or have PREVIOUSLY been STORED or UTILIZED on Site?
Type: Usage: Storage Container: Disposal Method:

Are MSDS sheets readily available for these chemicals? ☐No ☐Yes ☒Unknown (if Yes, please provide copies)

22. Have there been any SPILLS, UNPERMITTED DISCHARGES, or RELEASES of HAZARDOUS or CONTAMINATED MATERIALS or PETROLEUM PRODUCTS at or in the vicinity of the Site? ☐No ☐Yes ☒Unknown
What? When? Location:

23. Are you AWARE if the SITE is listed as any of the following –Check all that Apply: ☒No
(please provide information for 'yes' responses)

Regulatory Listing:

Explain:

- ☐National Priority or Delisted Priority List
☐CERLCIS Site
☐CERCLIS NFRAP Site
☐RCRA Generator Facility
☐RCRA Treatment/Storage/Disposal Facility
☐State or Local Landfill
☐National Response Site
☐NYSDEC Spill Site
☐Hazardous Waste Disposal Site
☐Brownfield or Voluntary Cleanup Site
☐Institutional or Environmental Control Site
☐Hazardous Substance Site

24. To the best of your knowledge, do you have any FEDERAL, STATE, or LOCAL PERMITS for the following?
☒None ☐Air Emissions ☐SPDES (waste water discharge)
Explain:

25. Has the Site ever been the subject of an ENFORCEMENT ACTION by any FEDERAL, STATE, or LOCAL agency regarding ENVIRONMENTAL ISSUES? ☐No ☐Yes ☒Unknown
Explain and provide DATES and any Documentation:

26. Is the Site presently under any FEDERAL, STATE, or LOCAL CONSENT ORDERS, DECREES, or CAUSE of ACTION?

☐ No ☐ Yes ☒ Unknown

Explain and provide DATES and any Documentation:

27. Are you aware of any ENVIRONMENTAL LIENS on the Site? ☐ No ☐ Yes ☒ Unknown
Explain:

28. Are you aware of any LAND USE or ACTIVITY LIMITATIONS that are in place on the Site or have been FILED or RECORDED in a registry? ☐ No ☐ Yes ☒ Unknown
Explain:

29. Are you aware of any KNOWLEDGE or INDICATORS related to the Site that point to the PRESENCE or LIKELY PRESENCE of CONTAMINATION? ☐ No ☐ Yes ☒ Unknown
Explain:

30. Are you aware if the PURCHASE PRICE of this Site reasonably reflects the fair market value of the property?
☐ No ☐ Yes ☒ Unknown ☐ NA (Site is not being sold at this time)
Explain:

31. Has there ever been PREVIOUS Phase I Environmental Site Assessments or environmental audits performed for the Site?
☐ No ☐ Yes ☒ Unknown (if Yes, please provide copies if possible)
If yes, by Whom? _____ Date? _____
Concerns identified: ☐ No ☐ Yes ☐ Unknown
Explain:

32. Is the ABSTRACT OF TITLE for the Site available? ☐ No ☐ Yes ☒ Unknown
(If Yes, please provide if possible or provide name and contact information for attorney that may have report)

33. Do you have any additional information or specialized knowledge or experience regarding the Site?
☒ No ☐ Yes ☐ Unknown
Explain:

APPENDIX 6

Local Government Records



Created By:

City of Batavia, NY

ASSESSED VALUES REFLECT 2012 FINAL ROLL FIGURES

This information only displays ONE property owner. There may be multiple owners. If you need additional property owner information, please go to the Parcel History Database, that is available via the Genesee County Website, or contact your local Assessor.

If you believe any of the physical data reported is in error, PLEASE contact the Assessor's Office. To ensure the most equitable Assessments, accurate data is essential.

[OARS Main Page](#)


- Click to go to GIS map



- Photo of property is available, click to view.

[Improvements](#)
[Exemptions](#)
[Tax Bill](#)

**** Commercial Property ****

PROPERTY INFORMATION

Current Owner Name DELLA PENNA PETER

Property Address 40-52 ELLICOTT ST

Town Name City of Batavia

Total Assessed Value \$225,000

Land Assessed Value \$54,400

Property Type 449 - Warehouse

Lot Size Acres: 1.17 Front: 231 Depth: 198

Mailing Address 1 111 CLIFTON AVE

Mailing Address 2

Mailing City, State BATAVIA, NY

Mailing Zip Code 14020

Section, Block Lot 84.015-1-2

#

Neighborhood 600

Code

School District 180200

Swiss Code 180200

Parcel Status Active

County Taxable \$225,000

Town Taxable \$225,000

School Taxable \$225,000

Village Taxable \$225,000

Tax Code

Bank Code

PHYSICAL INFORMATION

of Bedrooms 0

of Baths 0

of Fireplaces 0

of Kitchens 0

COMMERCIAL INFORMATION

Property Class 449 - Warehouse

Building Sq. Footage 19,142

Assessment Per Sq. Foot \$11.75

Property Use USED AS**RENTABLE SQ. FT.**

F05 - Row storage 11,664

F03 - Dstr wrhouse 5,798

E04 - Row office 1,680

Site No. 1**Actual Year Built** 1930**Bldg No.** 1**Effective Year** 0**Built****Site No.** 1**Actual Year Built** 1940**Bldg No.** 2**Effective Year** 0**Built****Site No.** 1**Rent Type -****Use No.** 1**Lease Begin****Used As** F05 - Row storage**Lease Length** 0 yrs**Acres** 1.17**Total Eff / 1 Bed****Valuation Dist** 1**Sq. Ft.****Rentable Sq. Ft.** 11,664**Number Of 1 Bed****Unit Code -****Units****Total Number Of Units****Total 2 Bedroom****Total Rent** \$0**Sq. Ft.****Number Of 2 Bed****Units****Total 3 Bedroom****Sq. Ft.****Number Of 3 Bed****Units****Site No.** 1**Rent Type -****Use No.** 2**Lease Begin****Used As** F03 - Dstr wrhouse**Lease Length** 0 yrs**Acres** 1.17**Total Eff / 1 Bed****Valuation Dist** 1**Sq. Ft.****Rentable Sq. Ft.** 5,798**Number Of 1 Bed****Unit Code -****Units****Total Number Of Units****Total 2 Bedroom****Total Rent** \$0**Sq. Ft.****Number Of 2 Bed****Units****Total 3 Bedroom****Sq. Ft.****Number Of 3 Bed****Units****Site No.** 1**Rent Type -****Use No.** 3**Lease Begin**

Used As E04 - Row office	Lease Length 0 yrs
Acres 1.17	Total Eff / 1 Bed
Valuation Dist 1	Sq. Ft.
Rentable Sq. Ft. 1,680	Number Of 1 Bed
Unit Code -	Units
Total Number Of Units	Total 2 Bedroom
Total Rent \$0	Sq. Ft.
	Number Of 2 Bed
	Units
	Total 3 Bedroom
	Sq. Ft.
	Number Of 3 Bed
	Units

Tax ID 084.015-0001-002.00000	Owner DELLA PENNA PETER	Print Key 84.015-1-2	
Street Address 40-52 ELLICOTT ST	Co Owner	Municipality CITY OF BATAVIA	SWIS CODE 180200
Mailing Address 111 CLIFTON AVE BATAVIA, NY 14020	Subdivision / Cross Street	Property Description STORAGE, Use Code 449	

Year Built 1940	Heat	# of Bedrooms 0.0	Sq. Footage 19,142	# of Stories 2
House Type	Fuel	# of Baths 0.0	1st Floor SQFT 0	# Res. Units 0
Basement	Water PUBLIC		2nd Floor SQFT 0	# of Buildings 2
Exterior	Sewer NONE	# of Fireplaces 0	Base SQFT 0	# of Garages 0
	Central Air			Story Height 10

Assessment	\$225,000	School	BATAVIA	North	1091778
Land Value	\$54,400	School Tax	\$5,827.50	East	1254785
Equalization Value 100%	\$225,000	City Tax	\$1,728.00	Latitude	42.9961443
Account #	125501	County Tax	\$4,027.50	Longitude	-78.185319

Improvements

Improvement Type	Dimensions	SQ. Feet	Year	Improvement Type	Dimensions	SQ. Feet	Year
# 1	0 X 0	0		# 3	0 X 0	0	
# 2	0 X 0	0		# 4	0 X 0	0	

Land Characteristics	Total Acres 1.17	Land SQ FT 50,965	Lot Size 231 x 198
-----------------------------	-------------------------	--------------------------	---------------------------

Sales History

Grantor	Sale Price	Sale Date	Deed Book	Deed Page	Deed Valid	Deed Type	ARMS Length
		/ /					

Notes

Engineering
Architecture
Environmental



300 State Street, Suite 201, Rochester, NY 14614

Phone 585.454.6110
Fax 585.454.3066
www.labellapc.com

Company: City of Batavia
Attention: Assessor, Fire Marshal, Building/Zoning Dept.
From: Chris Kibler
Re: FOIL Request
Date: 9/24/12 **Project Number:** 212645
Fax Number: 585-343-9221 **Phone Number:** _____

We are transmitting 2 pages, including this cover sheet.

MESSAGE:

Please find attached a FOIL request for your review and comment.

These items are transmitted as checked below:

☒ For Your Use

☐ As requested

☒ For Review and Comment

☐ Originals will be mailed

☐ Originals will not be mailed

If there is a problem with this transmittal please call as soon as possible. Thank you

Signed: Ch. Kibler

CITY OF BATAVIA
REQUEST TO EXAMINE OFFICIAL RECORDS

FROM THE DEPARTMENT OR BUREAU OF INSPECTION

Date of Request 9/24/2012

Name Chris Kibler

Name of Company/Firm/Organization LaBella Associates, P.C.

Company Address 300 Pearl Street, Suite 325, R Buffalo, New York 14202

Telephone Number Phone: 58716-551-6281 0, Fax: 5716-551-6282 6

Request to review records for property at: 40-52 Ellicott Street, Batavia, New York

Property Tax Parcel # 84.015-1-2

List documents requested for review: Records of environmental concern, violations, tank permits or removal records, records of spills, fires, leaks, clean-ups, remediation, chemical usage, or storage, waste disposal, assessment records (incl. a copy of the property cards (i.e., current and historical), and past ownership information for:

Other Identifying Information _____

Photo-copy requested? () Yes (X) No (Price for copies \$.25 each)

Chris Kibler

Signature

(For City Use Only)

Approved for Examination () Yes () No

If no, reason for denial _____

(Freedom of Information Officer)

PUBLIC RECORDS AND PHOTOGRAPHIC COPIES WILL BE PROVIDED AT CITY CONVENIENCE WITHIN THE GUIDELINES OF THE FREEDOM OF INFORMATION ACT.



Local Municipality Information

Conducted by: Chris Kider Date: 9-26-12
Location: Commercial Property
Address (of project): 401-512 Ellicott St, Batavia, NY
Project Number: 22645-DellaPenna Site

Assessor: ☐ Not Applicable ☐ Submitted FOIL ☐ Received Response
☐ Not Available ☐ Left Message ☐ Received Response

Tax Account #: 084.15-12

Property Size (acres): ~~3.11~~ 1.1 acres

Current Owner: Peter Della Penna

Previous Owners and Dates:
Niagara Mohawk Power Corp (73)
Soccio & Della Penna, Inc. (82)
Buffalo - Niagara Electric Corp.

Prior Uses:

Construction date: 1930
Square Footage:
Utilities:

All public

Other:

- oil burner identified on 1 of the property cards
- truck repair shop identified on 1 of the property cards
- "Gas Stand" identified on survey map (near lot of the listed UST's)
(NE portion of site)

10/23/2003 THU 13:09 FAX 716 343 9221

CITY OF BATAVIA

001

CITY OF BATAVIA
REQUEST TO EXAMINE OFFICIAL RECORDS**FROM THE DEPARTMENT OR BUREAU OF INSPECTION**Date of Request 09/24/2012Name Chris KiblerName of Company/Firm/Organization LaBella Associates, P.C.Company Address 300 Pearl Street, Suite 325, R Buffalo, New York 14202Telephone Number Phone: 58716-551-6281 Q, Fax: 5716-551-6282 6Request to review records for property at: 40-52 Ellicott Street, Batavia, New YorkProperty Tax Parcel # 84.015-1-2

List documents requested for review: Records of environmental concern, violations, tank permits or removal records, records of spills, fires, leaks, clean-ups, remediation, chemical usage, or storage, waste disposal, assessment records (incl. a copy of the property cards (i.e., current and historical), and past ownership information for:

Other Identifying Information _____

Photo-copy requested? () Yes (X) No (Price for copies \$.25 each)

Chris Kibler

Signature

(For City Use Only)

Approved for Examination () Yes () No

If no, reason for denial _____

(Freedom of Information Officer)

PUBLIC RECORDS AND PHOTOGRAPHIC COPIES WILL BE PROVIDED AT CITY
CONVENIENCE WITHIN THE GUIDELINES OF THE FREEDOM OF INFORMATION
ACT.



CITY OF BATAVIA
FIRE DEPARTMENT

PERMIT

COPY

For Operation, or Keeping, Storage, Use, Manufacture, Handling, Transportation, or other Disposition of Flammable, Combustible, or Explosive Materials as stated below:

Permit No. 286

TO WHOM IT MAY CONCERN:

By virtue of the provisions of the Fire Prevention Code of the City of Batavia, Della Penna Paving, Inc.
(Name of Concern)

No. 40 Street Ellicott conducting a Paving
(Business)

having made application in due form, and as the conditions, surroundings, and arrangements are, in my opinion, such that the intent of the Fire Prevention Code of the City of Batavia can be observed, authority is hereby given and this PERMIT is GRANTED for 1-300 gal. Gasoline tank

1-500 gal. Diesel fuel tank

This PERMIT is issued and accepted on condition that all provisions of the Fire Prevention Code of the City of Batavia now adopted, or that may hereafter be adopted, shall be complied with.

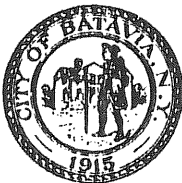
THIS PERMIT IS VALID FOR 09/12/95 -until revoked
(Period of Validity)

This permit does not take the place of any License required by law and is not transferable. Any change in the use or occupancy of premises shall require a new permit.


CHIEF OF FIRE DEPARTMENT

THIS PERMIT MUST AT ALL TIMES BE KEPT POSTED ON THE PREMISES MENTIONED ABOVE

CITY OF BATAVIA



10 West Main Street
Batavia, New York 14020
716-343-8180

FIRE DEPARTMENT
18 Evans Street

APPLICATION FOR PERMIT

DATE: 9-8-95

TO: FIRE CHIEF, CITY OF BATAVIA

NAME OF APPLICANT: Della Penna Paving, Inc.

ADDRESS: P.O. Box 433, 40 Ellicott Street, Batavia, New York 14021

I (We) hereby apply for a permit to install a fueling station with 1 - 500 gallon diesel fuel tank and 1 - 300 gallon gasoline tank. The location will be as per enclosed sketch.

in or on the premises know as

Della Penna Paving, Inc.
(Occupant and/or business name)

40 Ellicott Street, Batavia, New York 14020
(Address)

09-08-95 3:48PM

CURRENT REVENUE

5.00

TOTAL

5.00

PURCHASE 1

5.004743

It is hereby expressly agreed that applicant will comply with all requirements as prescribed in the Fire Prevention Code of the City of Batavia and Local Law pertaining to and governing such operations, for keeping, storage, use, manufacture, handling, transportation, or other disposition of hazardous materials.

DATE: 9-8-95

APPLICANT: Peter Della Penna

INSPECTED BY: [Signature]

DATE: 9/8/95

PERMIT APPROVED DATE: 11/04/95

DISAPPROVED DATE: _____

PERMIT NO.: 286

FEE PAID: \$5.00

9/8/95

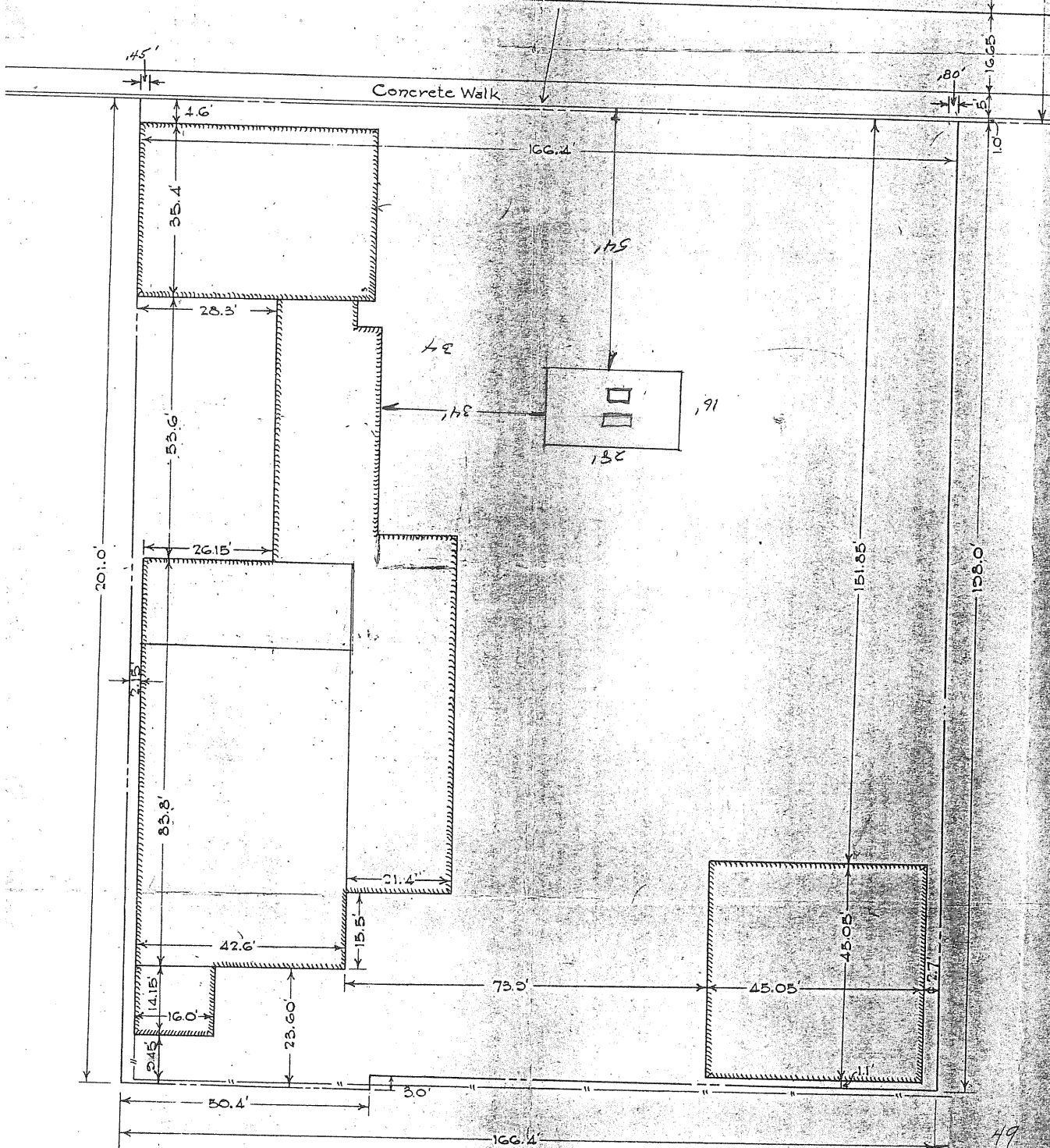
Keith W Hunt (Signature)

Keith W. Hunt, Fire Chief

All permit applications to be made out in duplicate and complete plans, construction detail and premises diagram showing the location of such materials must be filed with the Chief of Fire Department.

ELLCOTT STREET

AREA FENCED IN 1.4 FT. OVER AREA OWNED
 SEE PROPERTY MAP-PARCEL #5014502. DEED
 CALLS FOR FRONTAGE OF 165'
 EUPHROSIA 6/24/41



1" = 20'

215.88

49

MEMORANDUM

Date: July 28, 1995
From: Sally Hilchey
To: Fourth Platoon
Subject: Tank Removal - 40 Ellicott St.

B & D Pump & Tank Co. will be removing a diesel tank from 40 Ellicott Street at 0730 hours on Monday, 07/31/95. Please have someone at the site to observe tank removal. (The property owners are Soccio & DellaPenna.)

Tank out 7-31-95 [Signature]

To be Filled

HAZARDOUS MATERIAL REPC
(General Municipal Law § 209-u)

Note: This form must be submitted to the local fire chief.

Policy anniversary date

6-30-85

This form is to be filled out by every fire insurance policyholder who conducts business in the State of New York and has had hazardous material (as defined in the instructions) at any permanent place of business within the past year in excess of the amounts set forth in the instructions. A SEPARATE REPORT FOR EACH LOCATION MUST BE FILED WITH THE LOCAL FIRE CHIEF ANNUALLY ON OR BEFORE THE ANNIVERSARY DATE OF THE POLICY. Any person who fails to file in accordance with the provisions of section 209-u of the General Municipal Law may be subject to a fine.

Please print or type.

I Firm name Soccio & Della Penna, Inc.
Business address P.O. Box 433
City, state, zip Batavia, New York 14020
Phone no. 716-343-2440
*Emergency contact Rocco Della Penna
*Phone no. 344-0632

II Hazardous material location**

Street address, not P.O. Box or
Rural Route 40 Ellicott Street
Bldg. name or no. 40
City, state, zip Batavia, New York 14020
Fire Department City of Batavia
(name)

*Contact person must be capable of providing technical assistance regarding hazard.

**A separate form should be filled out for each building.

III Request for exemption. (This should be filed with the fire chief at least 30 days prior to the anniversary date of the policy.)

☐ I request an exemption from reporting under section 209-u of the General Municipal Law. (Please attach a separate sheet stating exact reasons for the request.)

IV

FOR FIRE DEPARTMENT USE ONLY

☐ Your request for an exemption is granted and expires one year from the anniversary date of the policy.

☐ Your request for an exemption requires additional information. Please provide the following: _____

☐ Your request for an exemption is denied (see attached reasons for denial). A hazardous material report must be submitted on or before the anniversary date of the policy.

NOTE: The policyholder must be told what decision has been made on the exemption request at least 10 days before the anniversary date of the policy.

Name of Chief
(please print or type)

Fire Department Name and Address

Date

Signature of Chief

Note: Definitions of symbols are on the second page of the instruction sheet.

VI Special Considerations/Remarks:



Handwritten signature: Della Penna

HAZARDOUS MATERIALS REPORT FORM
(General Municipal Law, § 209-u)

The information entered herein is essential to your local fire chief for the protection of your employees, the fire-fighters and citizens in the immediate area, and to reduce damage to your property in the event of a fire or an emergency.

Every fire insurance policyholder, engaged in commerce in this state, is required by law to report the presence of hazardous materials at their business address.

Failure to file in accordance with the provisions of section 209-u of the General Municipal Law could result in a fine.

A separate report is required annually for each business address.

WHEN COMPLETED, THIS FORM MUST BE SENT TO YOUR LOCAL FIRE DEPARTMENT.

Hazardous Materials Location*

Firm Name Soccio & Della Penna, Inc. Street Add. Only 40 Ellicott Street
Bus. Add. P.O. Box 433 Bldg. Name or No. _____
City, State, Zip Batavia, New York 14020 City, State, Zip Batavia, New York 14020
Tel. No. 716-343-2440 or 1450 Policy Anniv. Date _____
Name of Emergency Contact Rocco Della Penna Bus. Tel. 343-2440 Home Tel. 344-0632

(Signature and Title of Person Completing Form)

*It is suggested that a separate form be filled out for each building that contains hazardous materials.

EXEMPTIONS

Requests for exemptions from this law must be made in writing, attached to this form, and filed annually with your local fire department not later than the anniversary date of your policy.

All exemptions approved shall expire on the next policy anniversary date.

Exemptions denied shall require that the insured file a completed hazardous materials report form within 15 days of denial.

FOR FIRE DEPARTMENT USE ONLY

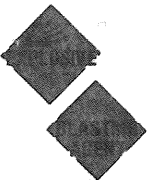





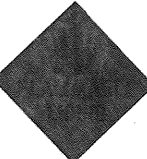





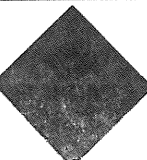
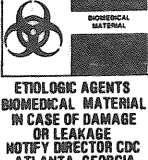
Exemptions: Approved _____ Denied _____ Additional Information Needed _____

(Date)

(Signature of Fire Chief)

(Fire Department Name and Address)

(Print Name of Fire Chief)

Identifying Symbol	Material Description & Proper Shipping Name	Total Amount	Identifying Symbol	Material Description & Proper Shipping Name	Total Amount
	None			None	
	None			Bottle of Oxygen	
	None			None	
	10,000 gallon underground tank - Diesel Fuel			None	
	None			None	
	None			None	
	Acetelyene			None	
			ETIOLOGIC AGENTS BIOMEDICAL MATERIAL IN CASE OF DAMAGE OR LEAKAGE NOTIFY DIRECTOR CDC ATLANTA, GEORGIA 404/633-5313		

VI Special Considerations/Remarks:

CITY OF BATAVIA
FIRE DEPARTMENT

PERMIT

For Operation, or Keeping, Storage, Use, Manufacture, Handling, Transportation, or other Disposition of Flammable, Combustible, or Explosive Materials as stated below:

Permit No. #191

Date November 12, 1982

TO WHOM IT MAY CONCERN:

By virtue of the provisions of the Fire Prevention Code of the City of Batavia, Soccio & Della Penna
(Name of Concern)

No. 40 Street Ellicott Street conducting a CONTRACTOR
(Business)

having made application in due form, and as the conditions, surroundings, and arrangements are, in my opinion, such that the intent of the Fire Prevention Code of the City of Batavia can be observed, authority is hereby given and this PERMIT is GRANTED for one (1) underground 10,000 gal. diesel fuel tank.

This PERMIT is issued and accepted on condition that all provisions of the Fire Prevention Code of the City of Batavia now adopted, or that may hereafter be adopted, shall be complied with.

THIS PERMIT IS VALID FOR UNTIL REVOKED
(Period of Validity)

This permit does not take the place of any License required by law and is not transferable. Any change in the use or occupancy of premises shall require a new permit.

TANK REMOVED
7/31/95

Ralph G. Hyde
CHIEF OF FIRE DEPARTMENT

RALPH G. HYDE

THIS PERMIT MUST AT ALL TIMES BE KEPT POSTED ON THE PREMISES MENTIONED ABOVE

June 2, 1982

Mr. Gerald Newton, Inspector
Department of Fire
Batavia, New York 14020

Dear Mr. Newton:

Confirming my conversation to your office on this date, please be advised that the abandoned underground tanks referred to in your Violation No. 3312 were removed from the property at 40 Ellicott Street, Batavia, New York, on or about October, 1979.

It would, therefore, be appreciated if your records would be amended to reflect this information.

Thank you for your attention in this matter.

Very truly yours,

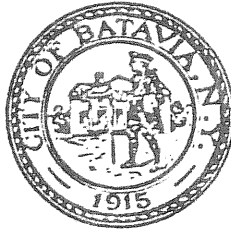


O. Dudley Kay
Supervisor
Land and Right of Way

ODK/ch

cc: Messrs. F. C. McCall, Jr.
W. J. Dibble, III
G. R. Kieffer

CITY OF BATAVIA



Batavia, New York 14020

FIRE DEPARTMENT

APPLICATION FOR PERMIT

DATE October 20, 1982

TO: CHIEF OF FIRE, CITY OF BATAVIA

NAME OF APPLICANT Soccio & Della Penna

ADDRESS 40 Ellicott St.

I (We) hereby apply for a permit to Install one (1) 10,000 gal. underground
diesel tank

in or on the premises known as Soccio & Della Penna
(Occupant and / or business name)

40 Ellicott St., Batavia, N. Y. 14020
(Address)

It is hereby expressly agreed that applicant will comply with all requirements as prescribed in the Fire Prevention Code of the City of Batavia and Local Law No.2 of 1978 pertaining to and governing such operations, or keeping, storage, use, manufacture, handling, transportation, or other disposition of hazardous materials.

DATE 10/20/82

APPLICANT Soccio & Della Penna, Inc.

INSPECTED BY R. Ryan

DATE 11-10-82

PERMIT APPROVED DATE _____

DISAPPROVED DATE _____

PERMIT NO. #191

FEE PAID \$500 - 11/10/82 - R. Niede

Ralph V. Hyde
FIRE CHIEF

All permit applications to be made out in duplicate, and complete plans, construction details and premises diagram showing the location of such materials must be filed with the Chief of Fire Department.

Engineering
Architecture
Environmental



300 State Street, Suite 201, Rochester, NY 14614

Phone 585.454.6110
Fax 585.454.3066
www.labellapc.com

Company: Genesee County Department of Health
Attention: FOIL Request Officer
From: Chris Kibler
Re: FOIL Request
Date: 9/24/12 **Project Number:** 212645
Fax Number: 585-344-4713 **Phone Number:** _____

We are transmitting 2 pages, including this cover sheet.

Message: _____

These items are transmitted as checked below:

☒ For Your Use ☐ As requested ☒ For review and Comment
☐ Originals will be mailed ☐ Originals will not be mailed

If there is a problem with this transmittal please call as soon as possible. Thank you

Signed: Chris Kibler

APPLICATION FOR PUBLIC ACCESS TO RECORDS

TO: RECORDS ACCESS OFFICER

County of GENESEE

Genesee County Health Department
3837 W. Main Street Road
Batavia, NY 14020

I HEREBY APPLY TO INSPECT THE FOLLOWING RECORD:

Records of environmental concern, violations, health records, and records of
solid and/or hazardous waste disposal, spills, testing, releases at and in the
immediate vicinity of the following address(es):

Site: 40-52 Ellicott Street, Batavia, New York

Am. Kite
Signature

9/24/12

Date

Representing

LaBella Associates, P.C.

300 Pearl Street, Suite 325

Buffalo, New York 14202

Mailing Address Phone: 716-551-6281

, Fax: 716-551-6282

****NOTE:** The County has five (5)
business days from the
date of receipt of this
request to gather file/
data.

For Agency Use Only

APPROVED

DENIED (for the reason(s) checked below)

- ☐ Confidential Disclosure
☐ Unwarranted Invasion of Personal Privacy
☐ Record of Which This Agency is Legal Custodian Cannot Be Found
☐ Exempted by Statute Other Than the Freedom of Information Act
☐ We have no record of this.
☐ Other (specify) _____

Signature

Title

Date

=====

NOTICE: YOU HAVE A RIGHT TO APPEAL A DENIAL OF THIS APPLICATION TO THE
GENESEE COUNTY ATTORNEY, WHO MUST FULLY EXPLAIN THE REASONS FOR
SUCH DENIAL, IN WRITING, SEVEN BUSINESS DAYS WITHIN RECEIPT OF AN
APPEAL.

=====

Signature

Date



COUNTY OF GENESEE HEALTH DEPARTMENT

3837 West Main Street Road
Batavia, NY 14020
Phone: (585) 344-2580
Fax: (585) 344-4713

David G. Whitcroft
Interim Public Health Director

October 1, 2012

LaBella Associates, P.C.
Attn: Chris Kibler
300 Pearl Street, Suite 325
Buffalo, New York 14202

RE: FOIL Request
40-52 Ellicott Street
Batavia, NY 14020

Dear Mr. Kibler:

Staff members from the environmental health unit of Genesee County Health Department have reviewed our files in response to your Freedom of Information request.

No records for the above referenced address were found in our files.

If you have any questions regarding this matter, please feel free to contact me at (585) 344-2580.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah R. Baldur", with a long horizontal flourish extending to the right.

Sarah R. Baldur
Public Health Sanitarian

Post-It® Fax Note	7671	Date	10-1-12	# of pages	2
To	Chris Kibler	From	Sarah Baldur		
Co./Dept.	LaBella	Co.	GCHD		
Phone #	716.551.6281	Phone #			
Fax #	716.551.6282	Fax #			

September 24, 2012

Mrs. Jill Bishop
New York State Department of Environmental Conservation
6274 East Avon-Lima Road
Avon, New York 14414

Re: Foil Request
Owner: Peter Della Penna
Address: 40-52 Ellicott Street, Batavia, New York
LaBella Project No. 212645

Dear Mrs. Bishop:

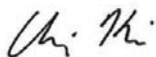
Please accept this letter as a formal request for inspection records from the following NYSDEC Departments for review/copies for the above referenced property, if available.

- | | |
|---|--|
| ✓ Environmental Enforcement | ✓ Air |
| ✓ Environmental Permits (Not general construction permits) | ✓ Law Enforcement/Investigations |
| ✓ Environmental Remediation | ✓ Legal |
| ✓ Hazardous Materials | ✓ Water – including septic system installation, SPEDES permits and stormwater database information |
| ✓ Solid Materials | ✓ Spills/Petroleum Bulk Storage |
| ✓ Land Use Restrictions including Institutional and/or Engineering Controls | ✓ Brownfields Cleanup Program or Voluntary Cleanup Program |

Please contact me at (716) 973-2115 or ckibler@labellapc.com with any questions or if additional information is required.

Respectfully submitted,

LABELLA ASSOCIATES, P.C.



Chris Kibler
Environmental Analyst

NYS Department of Environmental Conservation

Region 8 Freedom of Information Law

6274 East Avon-Lima Road

Avon, New York 14414-9519

Website: www.dec.state.ny.gov



Joe Martens
Commissioner

September 24, 2012

Mr. Christopher Kibler
Labella Associates, P.c.
300 Pearl Street
Buffalo, NY 14202

FOIL Request Number 12-1028

Dear Mr. Kibler:

This is to acknowledge receipt of your Freedom of Information Law (FOIL) request and to advise you we are conducting a file search for the following parcel(s) of real property:

Peter Della Penna, 40-52 Ellicott Street, Batavia, NY

Please note, we do not search for spill files without a spill number. If you are interested in spill information and have not already provided us with a spill number, we refer you to the NYSDEC spill website: <http://www.dec.ny.gov/chemical/8437.html>.

If you locate a spill number from the database you may contact me for a copy of the spill fact sheet or other information that is included in the file. If you do not have access to a computer, please call me at (585) 226-5363.

Also, be advised if you are asking us to check for properties in the surrounding area, we are unable to do a search by radius. We need names and addresses for each property. Due to the large volume of requests we receive, you may expect a reply in about four weeks.

If you call or write, refer to Request Number 12-1028.

Sincerely,

Jill Bishop
Region 8 FOIL Coordinator



NYSDEC SPILL REPORT FORM



DEC REGION: 8 SPILL NUMBER: 0509078
SPILL NAME: DELLA PENNA PAVING INC DEC LEAD: TGHALL
SPILL DATE: 10/28/2005 SPILL TIME: 2:30 pm
CALL RECEIVED DATE: 10/28/2005 RECEIVED TIME: 2:50 pm

SPILL LOCATION

PLACE: DELLA PENNA PAVING INC COUNTY: Genesee
STREET: 40 ELLICOTT STREET TOWN/CITY: Batavia
COMMUNITY: BATAVIA
CONTACT: PETER DELLAPENNA CONTACT PHONE: (716) 474-2383

CONT. FACTOR: Equipment Failure SPILL REPORTED BY: Local Agency
FACILITY TYPE: Commercial/Industrial WATERBODY:

CALLER REMARKS:

Completing investigation. Clean up is in process.

MATERIAL	CLASS	SPILLED	RECOVERED	RESOURCES AFFECTED
Gasoline	Petroleum		0 G	Soil,

POTENTIAL SPILLERS

COMPANY	ADDRESS	CONTACT
UNKNOWN	UNKNOWN UNKNOWN NY	UNKNOWN

Tank No.	Tank Size	Material	Cause	Source	Test Method	Leak Rate	Gross Failure
----------	-----------	----------	-------	--------	-------------	-----------	---------------

DEC REMARKS:

03/03/2008: TH CONTACTS LCS (ANDY 716-583-0421) REQUESTING COPY OF REPORT.

PIN

T & A

COST CENTER

CLASS: C3 CLOSE DATE: MEETS STANDARDS: False



NYSDEC SPILL REPORT FORM



DEC REGION: 8 SPILL NUMBER: 9413666
SPILL NAME: SANTYS TIRE SALE DEC LEAD: DLTILTON
SPILL DATE: 04/20/1994 SPILL TIME: 12:00 pm
CALL RECEIVED DATE: 01/13/1995 RECEIVED TIME: 12:48 pm

SPILL LOCATION

PLACE: SANTYS TIRE SALE COUNTY: Genesee
STREET: 56 ELLICOTT STREET TOWN/CITY: Batavia
COMMUNITY: BATAVIA
CONTACT: _____ CONTACT PHONE: _____

CONT. FACTOR: Abandoned Drums SPILL REPORTED BY: Federal Government
FACILITY TYPE: Commercial/Industrial WATERBODY: ON LAND

CALLER REMARKS:

REPORTING PERSON RECEIVED CALL FROM EX-EMPLOYEE WHO STATED OVER THE LAST YEAR THAT 55 GAL DRUMS HAVE BEEN LEAKING REFERENCED PRODUCTS ON PREMISES.

MATERIAL	CLASS	SPILLED	RECOVERED	RESOURCES AFFECTED
Waste Oil/Used Oil	Petroleum	0 G	0 G	Soil,

POTENTIAL SPILLERS

COMPANY	ADDRESS	CONTACT
SANTYS TIRE SALE	56 ELLICOTT STREET BATAVIA NY 14020	

Tank No.	Tank Size	Material	Cause	Source	Test Method	Leak Rate	Gross Failure
----------	-----------	----------	-------	--------	-------------	-----------	---------------

DEC REMARKS:

Prior to Sept, 2004 data translation this spill Lead_DEC Field was "DT".
01/13/95: SPILLS SECTION TO FOLLOW-UP.

01/26/95: TILTON ON SITE MEETING WITH RAY ZIGROSSI; OIL STAINED SOIL NOTICEABLE. WHEN WEATHER PERMITS ZIGROSSI TO CLEANUP PROPERLY.

07/11/95: BS INSPECTED SITE & SPOKE TO OWNER WHO SHOWED ME AREA IN QUESTION. SEVERAL 55 GAL & 30 GAL DRUMS ON SITE & MOST OF THEM FULL OF WASTE OIL ACCORDING TO ZIGRASSI. OWNER BURNS WASTE OIL DURING COLDER MONTHS TO HEAT BLDG. MINOR SURFACE STAINING EVIDENT AROUND DRUMS. NO EVIDENCE OF DRUMS LEAKING. ZIGROSSI TO MOVE COLLECTION TANK INSIDE AND GET RID OF DRUMS. NO FURTHER ACTION REQUIRED AT THIS TIME.

09/28/95: This is additional information about material spilled from the translation of the old spill file: & ETHYLENE GLYCOL.

03/15/06: PAPER FILE REMOVED PER FILE RETENTION POLICY.

Created On: 01/17/1995

Date Printed: 9/24/2012

Last Updated: 03/15/2006



NYSDEC SPILL REPORT FORM



DEC REGION: 8 SPILL NUMBER: 9413666
SPILL NAME: SANTYS TIRE SALE DEC LEAD: DLTILTON

PIN

T & A

COST CENTER

CLASS: C3 CLOSE DATE: 07/27/1995 MEETS STANDARDS: True

NYS Department of Environmental Conservation

Region 8 Freedom of Information Law

6274 East Avon-Lima Road

Avon, New York 14414-9519

Website: www.dec.state.ny.gov



Joe Martens
Commissioner

10/4/2012

Christopher Kibler
Labella Associates, P.c.
300 Pearl Street
Buffalo, NY 14202

FOIL ID: 12-1028

Subject: Peter Della Penna, 40-52 Ellicott Street, Batavia, NY

Dear Mr. Kibler:

Your request has been reviewed for the above referenced records under the New York State's Freedom of Information Law (FOIL). Please note that most of our records are filed by names of individuals or corporations. We have no way of locating or retrieving records if they are filed under names or addresses other than those you have provided. If no records have been located, this does not necessarily mean, and should not be interpreted to mean that there have never been any violations, complaints, claims, investigations, or inquiries involving those names or addresses. We cannot make any representations as to whether there are or have been any such violations, complaints, claims, investigations, or inquiries.

Please Note: Unless you gave us a spill number, we did not do a search of the spills files. We did not inquire whether the Albany office or other regional offices of our Department have records of the type you requested. We did not check for the existence or proximity to a State regulated wetland.



After a diligent search, no records could be located for the names and/or addresses you provided.



Records have been found by the following units and are available for review and/or copying. The size of the file(s) are listed to the right of the unit(s).

There is no charge to review records or for copies of seven or fewer pages. By law, copy charges will not exceed 25 cents per page or the actual cost of copying. Photographs, maps, oversized documents, videotapes, or audio tapes generally cost more than 25 cents per page to copy. You may be required to pay a deposit prior to copies being made and/or to pay all copy charges prior to copies being sent.

Depending on the volume of copies requested, they may be sent to an outside copy service. If you desire to review the records, please be aware that due to limited office space, only two people can be accommodated in the document review area.

Please inform us within 14 days from the date of this letter how you wish to proceed. After that time you will need to resubmit your request.

APPENDIX 7

User Interview



LaBella Associates, P.C.

300 State Street, Suite 201
Rochester, New York 14614-1098
Phone: (585) 454-6110
FAX: (585) 454-3066

USER QUESTIONNAIRE

Project No. 212645 Date: 9/24/2012
Site Name/ Address: 40-52 Ellicott Street, Batavia, New York

In order to qualify for one of the *Landowner Liability Protections (LLPs)* offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (the "*Brownfields Amendments*"), the *User* must provide the following information (if available) to the *Environmental Professional*. Failure to provide this information could result in a determination that "*all appropriate inquiry*" is not complete.

User (Print Name): JASON MOLINO
Title: CITY MANAGER
Signature: [Signature]

Information regarding these questions were obtained from the following parties (if applicable): _____

Purpose of this Assessment: ☐ Selling the property ☐ Purchasing the property ☐ Construction loan
☐ Re-financing the property ☒ Other (explain): POTENTIAL REDEVELOPMENT

1. **Title Records**

Land title records and lien records are filed under federal, tribal, state or local law and should be reviewed to identify environmental liens or activity and use limitations, if any, that are currently recorded against the property. Are land title records available for review? ☒ No ☐ Yes (If yes, please provide.) ☐ Unknown

2. **Environmental cleanup liens that are filed or recorded against the Site (40 CFR 312.25)**

Are you aware of any environmental cleanup liens against the *property* that are filed or recorded under federal law? ☐ No ☐ Yes ☒ Unknown
Based on review of readily available information: _____

3. **Activity and land use restrictions that are in place on the site or that have been filed or recorded in a registry (40 CFR 312.25)**

Are you aware of any AULs, such as *engineering controls*, land use restriction, or *institutional* controls that are in place at the Site and/or have been filed or recorded in a registry under federal, tribal, state, or local law? ☐ No ☐ Yes ☒ Unknown
Based on review of readily available information: _____

4. **Specialized knowledge or experience of the person seeking to qualify for the LLP (40 CFR 312.28)**

As the *User* of this *ESA* do you have any specialized knowledge or experiences related to the *property* or nearby properties? For example, are you involved in the same line of business as the current or former *occupants* of the *property* or and adjoining *property* so that you would have specialized knowledge of the chemicals and processes used by this type of business? ☐ No ☐ Yes ☒ Unknown
Based on review of readily available information: _____

5. **Relationship of the purchase price to the fair market value of the *property* if it were not contaminated (40 CFR 312.29)**

Does the purchase price being paid for this *property* reasonably reflect the fair market value of the *property*?

☐ No ☐ Yes ☐ Unknown ☒ N/A- there is no transfer of ownership

If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the *property*?

☐ No ☐ Yes ☒ Unknown

Based on review of readily available information: _____

6. **Commonly known or *reasonably ascertainable* information about the *property* (40 CFR 312.30)**

Are you aware of any commonly known or *reasonably ascertainable* information about the *property* that could help the *Environmental Professional* to identify conditions indicative of releases or threatened releases? For example, as *User*:

(a) Do you know of the past uses of the *property*?

☒ No ☐ Yes ☐ Unknown

Based on review of readily available information: _____

(b) Do you know of specific chemicals that are present or once were present at the *property*?

☒ No ☐ Yes ☐ Unknown

Based on review of readily available information: _____

(c) Do you know of spills or other chemical releases that have taken place at the *property*?

☒ No ☐ Yes ☐ Unknown

Based on review of readily available information: _____

(d) Do you know of any environmental cleanups that have taken place at the *property*?

☒ No ☐ Yes ☐ Unknown

Based on review of readily available information: _____

7. **The degree of obviousness of the presence or likely presence of contamination at the *property*, and the ability to detect the contamination by appropriate investigation (40 CFR 312.31)**

As the *User* of this *ESA*, based on your knowledge and experiences related to the *property* are there any *obvious* indicators that point to the presence or likely presence of contamination at the *property*?

☐ No ☐ Yes ☒ Unknown

Based on review of readily available information: _____

Please provide attachments if necessary to explain any answers to the above questions.

APPENDIX 8


Business Environmental Risk

Hydric Rating by Map Unit—Genesee County, New York



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)


Soils


 Soil Map Units


Soil Ratings

 All Hydric

 Partially Hydric

 Not Hydric


 Unknown Hydric

 Not rated or not available


Political Features

 Cities

Water Features

 Streams and Canals


Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

MAP INFORMATION

Map Scale: 1:713 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>

Coordinate System: UTM Zone 17N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Genesee County, New York

Survey Area Data: Version 12, Dec 1, 2011

Date(s) aerial images were photographed: 8/9/2006

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydric Rating by Map Unit

Hydric Rating by Map Unit— Summary by Map Unit — Genesee County, New York (NY037)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
PhA	Palmyra gravelly loam, 0 to 3 percent slopes	Not Hydric	1.2	100.0%
Totals for Area of Interest			1.2	100.0%

Description

This rating indicates the proportion of map units that meets the criteria for hydric soils. Map units are composed of one or more map unit components or soil types, each of which is rated as hydric soil or not hydric. Map units that are made up dominantly of hydric soils may have small areas of minor nonhydric components in the higher positions on the landform, and map units that are made up dominantly of nonhydric soils may have small areas of minor hydric components in the lower positions on the landform. Each map unit is designated as "all hydric," "partially hydric," "not hydric," or "unknown hydric," depending on the rating of its respective components.

"All hydric" means that all components listed for a given map unit are rated as being hydric, while "not hydric" means that all components are rated as not hydric. "Partially hydric" means that at least one component of the map unit is rated as hydric, and at least one component is rated as not hydric. "Unknown hydric" indicates that at least one component is not rated so a definitive rating for the map unit cannot be made.

Hydric soils are defined by the National Technical Committee for Hydric Soils (NTCHS) as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (Federal Register, 1994). Under natural conditions, these soils are either saturated or inundated long enough during the growing season to support the growth and reproduction of hydrophytic vegetation.

The NTCHS definition identifies general soil properties that are associated with wetness. In order to determine whether a specific soil is a hydric soil or nonhydric soil, however, more specific information, such as information about the depth and duration of the water table, is needed. Thus, criteria that identify those estimated soil properties unique to hydric soils have been established (Federal Register, 2002). These criteria are used to identify map unit components that normally are associated with wetlands. The criteria used are selected estimated soil properties that are described in "Soil Taxonomy" (Soil Survey Staff, 1999) and "Keys to Soil Taxonomy" (Soil Survey Staff, 2006) and in the "Soil Survey Manual" (Soil Survey Division Staff, 1993).

If soils are wet enough for a long enough period of time to be considered hydric, they should exhibit certain properties that can be easily observed in the field. These visible properties are indicators of hydric soils. The indicators used to make onsite determinations of hydric soils are specified in "Field Indicators of Hydric Soils in the United States" (Hurt and Vasilas, 2006).

References:

Federal Register. July 13, 1994. Changes in hydric soils of the United States.

Federal Register. September 18, 2002. Hydric soils of the United States.

Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.

Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18.

Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service. U.S. Department of Agriculture Handbook 436.

Soil Survey Staff. 2006. Keys to soil taxonomy. 10th edition. U.S. Department of Agriculture, Natural Resources Conservation Service.

Rating Options

Aggregation Method: Absence/Presence

Tie-break Rule: Lower

APPENDIX 9

Reference of Published Sources

Reference of Published Sources

USGS 7.5 Minute Topographic Quadrangle Map
Batavia South, New York

www.usgs.gov

USEPA NPL, Delisted NPL, CERCLIS,
CERCLIS NFRAP, RCRA TSD, RCRA Generator,
Federal Institutional and Engineering Controls,
and ERNS Listings

USEPA Website

NYSDEC IHWDS, Voluntary Cleanup Site,
Brownfield Sites, and Updated Spills

NYSDEC Website

NYS Hazardous Substance Sites

NYSDEC Hazardous Substance Waste Disposal
Site Study Book, 1998

Local Landfill or Solid Waste Information

GLOW Region Solid Waste Management
Committee

Part 360 Permitted Landfill listings

NYSDEC Solid Waste Information, February
2006

Genesee County Soil Survey

<http://websoilsurvey.nrcs.gov/app/>

Aerial Photographs

<http://gis.co.genesee.ny.us/OnlineMapping/Default.aspx#>

Street Directories

Richmond Memorial Library

Historical Atlases/Plat Maps

Richmond Memorial Library

Sanborn Maps

Buffalo Erie County Public Library

Assessment information

City of Batavia Municipal offices and web
sources