Brownfield Cleanup Program Application

Buffalo Development Corp. Hotel Site
Buffalo, New York

June 2006

0099-003-100

Prepared For:

Buffalo Development Corp.

Prepared By:

BENCHMARK
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

726 Exchange Street, Suite 624, Buffalo, New York | phone: (716) 856-0599 | fax: (716) 856-0583

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION

ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY
BCP SITE #:_____

07/05

NAME Buffalo Development Corporation		
ADDRESS 297 Franklin Street		
CITY/TOWN Buffalo	ZIP CODE 14202	
PHONE 842-6800	FAX 847-6296	E-MAIL markcroce@gmail.com
NAME OF REQUESTOR'S REPRESENTATIVE Robert E. Knoer		
ADDRESS 68 Niagara Street		
CITY/TOWN Buffalo	ZIP CODE 14202	
PHONE (716) 855-1673	FAX (716) 855-1675	E-MAIL rknoer@knoercrawford.com
NAME OF REQUESTOR'S CONSULTANT Paul Werthman (Benchmark Environmental Engineering & Science, PLLC)		
ADDRESS 726 Exchange Street, Suite 624		
CITY/TOWN Buffalo	ZIP CODE 14210	
PHONE (716) 856-0599	FAX (716) 856-0583	E-MAIL
NAME OF REQUESTOR'S ATTORNEY Robert E. Knoer		
ADDRESS 68 Niagara Street		
CITY/TOWN Buffalo	ZIP CODE 14202	
PHONE 716-855-1673	FAX 716-855-1675	E-MAIL rknoer@knoercrawford.com

THE REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☐ PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

☑ VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

Requestor Relationship to Property (check one):

☐ Previous Owner ☐ Current Owner ☑ Potential /Future Purchaser ☐ Other_____

If requestor is not the site owner, requestor will have access to the property throughout the BCP project. ☑ Yes ☐ No
(Note: proof of site access must be submitted for non-owners)

Section II. Site Information Summary Sheet

SITE /PROPERTY NAME: 275 Franklin St.

ADDRESS/LOCATION 275 Franklin St. CITY/TOWN Buffalo ZIP CODE 14202

MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Buffalo, New York

COUNTY Erie SITE SIZE (ACRES) .85 Acres

LATITUDE (degrees/minutes/seconds) 42 ° 53 ' 28 " LONGITUDE (degrees/minutes/seconds) 78 ° 52 ' 28 "

HORIZONTAL COLLECTION METHOD: State Planer HORIZONTAL REFERENCE DATUM: USGS

FOR EACH PARCEL, FILL OUT THE FOLLOWING TAX MAP INFORMATION (if more than three parcels, attach additional information)

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
275-277 Franklin		111.38	2	22	.2
279 Franklin		111.38	2	23	.2
432 Pearl Street		111.38	2	4.1	.45

1. Do the site boundaries correspond to tax map metes and bounds? ☑Yes ☐ No
   If no, please attach a metes and bounds description of the site.
2. Is the required site map attached to the application? (application will not be processed without site map) ☑Yes ☐ No
3. Is the site part of a designated En-zone pursuant to Tax Law § 21(b)(6)? ☑Yes ☐ No
   For more information go to:
   http://www.nylovesbiz.com/Productivity_Energy_and_Environment/BrownField_Redevelopment/default.asp
   If yes, identify area (name) Census Tract 0072011
   ☐50% ☑100% of the site is in the En-zone (check one)

SITE DESCRIPTION NARRATIVE: The site was the location of an abandoned dry cleaners and is currently a surface parking trict contaminated in sub-surface with chlorinated organics associated with former dry cleaners.

List of Existing Easements (type here or attach information)

Easement Holder	Description
None	

List of Permits Relating to the Proposed Site (type here or attach information)

Type	Issuing Agency	Description
Site Plan Review	City Planning Board	(not required for remediation)
Building Permits	City of Buffalo Department of Permits and Inspections Services	(not required for remediation)

Initials of each Requestor: MDC _____ _____ _____ _____ _____

Section III. Current Site Owner/Operator Information

OWNER'S NAME (if different from requestor)	Saturn Development Co. (Contract vendor as to 275-277 Franklin)	
ADDRESS 297 Franklin Street	Skydeck Corp. (Owner of 279 Franklin and 432 Pearl to 470 Pearl)	
CITY/TOWN Buffalo	ZIP CODE 14202	
PHONE 716 842 6800	FAX	E-MAIL
OPERATOR'S NAME (if different from requestor or owner)		
ADDRESS		
CITY/TOWN	ZIP CODE	
PHONE	FAX	E-MAIL

Section IV. Requestor Eligibility Information (Please refer to ECL § 27-1407)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site?	☐Yes	☑No
2. Is the site subject to an existing order for the contamination?	☐Yes	☑No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site?	☐Yes	☑No
4. Has the requestor violated any provision of ECL Article 27?	☐Yes	☑No
5. Has the requestor been previously denied entry to the BCP?	☐Yes	☑No
6. Has the requestor committed a negligent or intentionally tortuous act regarding hazardous waste or petroleum?	☐Yes	☑No
7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration?	☐Yes	☑No
8. Has the requestor knowingly falsified statements or concealed material facts in a matter related to the Department?	☐Yes	☑No
9. Has the requestor, based on the provisions of ECL Article 27-1407 (or a similar provision of federal or state law), committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	☐Yes	☑No

Section V. Site Eligibility Information (Please refer to ECL § 27-1405)

1. Is the site listed on the National Priorities List?	☐Yes	☑No
2. Is the site listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites? If yes, please provide: Site #_____ Class # _____	☐Yes	☑No
3. Is the site subject to a permit under ECL article 27, title 9, other than an Interim Status facility? If yes, please provide: Permit type:_____ EPA ID Number:_____ Date permit issued:_____ Permit expiration date:_____	☐Yes	☑No
4. Is the site subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10? If yes, please provide: Order #_____	☐Yes	☑No
5. Is the site subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide explanation as an attachment.	☐Yes	☑No

Section VI. Project Description

Please attach a description of the project which includes the following components:

- Purpose and scope of the project
- Estimated project schedule

Section VII. Site's Environmental History

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. **Environmental Reports**
   A phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site.
   If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): ☐Yes ☐No

2. **Sampling Data: Indicate known contaminants and the media which are known to have been affected:**

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents	x	x			x
Other VOCs					
SVOCs	x				
Metals	x				
Pesticides					
PCBs					
Other*					

*Please describe: _____

3. **Suspected Contaminants: Indicate suspected contaminants and the media which may have been affected:**

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents	x	x			x
Other VOCs					
SVOCs	x				
Metals	x				
Pesticides					
PCBs					
Other*					

*Please describe: _____

4. **INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS:**

☐Above Ground Pipeline or Tank ☐Lagoons or Ponds ☐Underground Pipeline or Tank ☐Surface Spill or Discharge
☑Routine Industrial Operations ☐Dumping or Burial of Wastes ☐Septic tank/lateral field ☐Drums or Storage Containers
☑Adjacent Property ☐ Seepage Pit or Dry Well ☐Foundry Sand ☐Electroplating
☐Coal Gas Manufacture ☐Industrial Accident ☐Unknown
Other: _____

5. **INDICATE PAST LAND USES:**

☐Coal Gas Manufacturing ☐Manufacturing ☐Agricultural Co-op ☑Dry Cleaner ☐Salvage Yard ☐Bulk Plant
☐Pipeline ☐Service Station ☐Landfill ☐Tannery ☐Electroplating ☐Unknown
Other: _____

6. **Owners**
   A list of previous owners with names, last known addresses and telephone numbers (describe requestor's relationship, if any, to each previous owner listed. If no relationship, put "none").

7. **Operators**
   A list of previous operators with names, last known addresses and telephone number (describe requestor's relationship, if any, to each previous operator listed. If no relationship, put "none").

Section VIII. Contact List Information

Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and zoning board chairperson of each county, city, town and village in which the site is located.
2. Residents, owners, and occupants of the site and properties adjacent to the site.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the site is located.
5. Any person who has requested to be placed on the site contact list.
6. The administrator of any school or day care facility located on or near the site.
7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the site.

Section IX. Land Use Factors (Please refer to ECL § 27-1415(3))

Current Use: ☐ Residential ☑ Commercial ☐ Industrial ☑ Vacant ☐ Recreational (check all that apply)

Intended Use: ☐ Unrestricted ☐ Residential ☑ Commercial ☐ Industrial

Please check the appropriate box and provide an explanation as an attachment if appropriate. Provide a copy of the local zoning classifications, comprehensive zoning plan designations, and/or current land use approvals.

	Yes	No
1. Do current historical and/or recent development patterns support the proposed use? (See #12 below re: discussion of area land uses)	☑	☐
2. Is the proposed use consistent with applicable zoning laws/maps?	☑	☐
3. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans?	☑	☐
4. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	☐	☑
5. Are there any federal or State land use designations relating to this site?	☐	☑
6. Do the population growth patterns and projections support the proposed use?	☑	☐
7. Is the site accessible to existing infrastructure?	☑	☐
8. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site?	☑	☐
9. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species proximate to the site?	☐	☑
10. Are there floodplains proximate to the site?	☐	☑
11. Are there any institutional controls currently applicable to the site?	☐	☑

12. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas.

13. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the site, including proximity to wellhead protection and groundwater recharge areas.

14. Describe on attachment the geography and geology of the site.

Statement of Certification and Signatures

(By requestor who is an individual)
I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: ~~06/30/06~~ Signature: ~~Mark D. Croce~~ Print Name: ~~MARK D. CROCE~~

(By an requestor other than an individual)

I certify that I am PRESIDENT (title) of BUFFALO DEVELOPMENT CORPORATION (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 06/30/06 Signature: Mark D. Croce Print Name: MARK D. CROCE

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 30th day of June, in the year 2006, before me, the undersigned, personally appeared Mark D. Croce, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of individual taking acknowledgment: Richard E. Stanton, Notary Public
Qualified in Erie County, NY
My Commission Expires 11/30/06

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- **Two (2)** copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD or diskette, must be sent to:

  Chief, Site Control Section
  New York State Department of Environmental Conservation
  Division of Environmental Remediation
  625 Broadway
  Albany, NY 12233-7020

- **One (1)** hard copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our website for the address of our regional offices: http://www.dec.state.ny.us/website/der/index.html

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FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE:_____ **LEAD OFFICE:**_____

LIST OF APPLICATION ATTACHMENTS

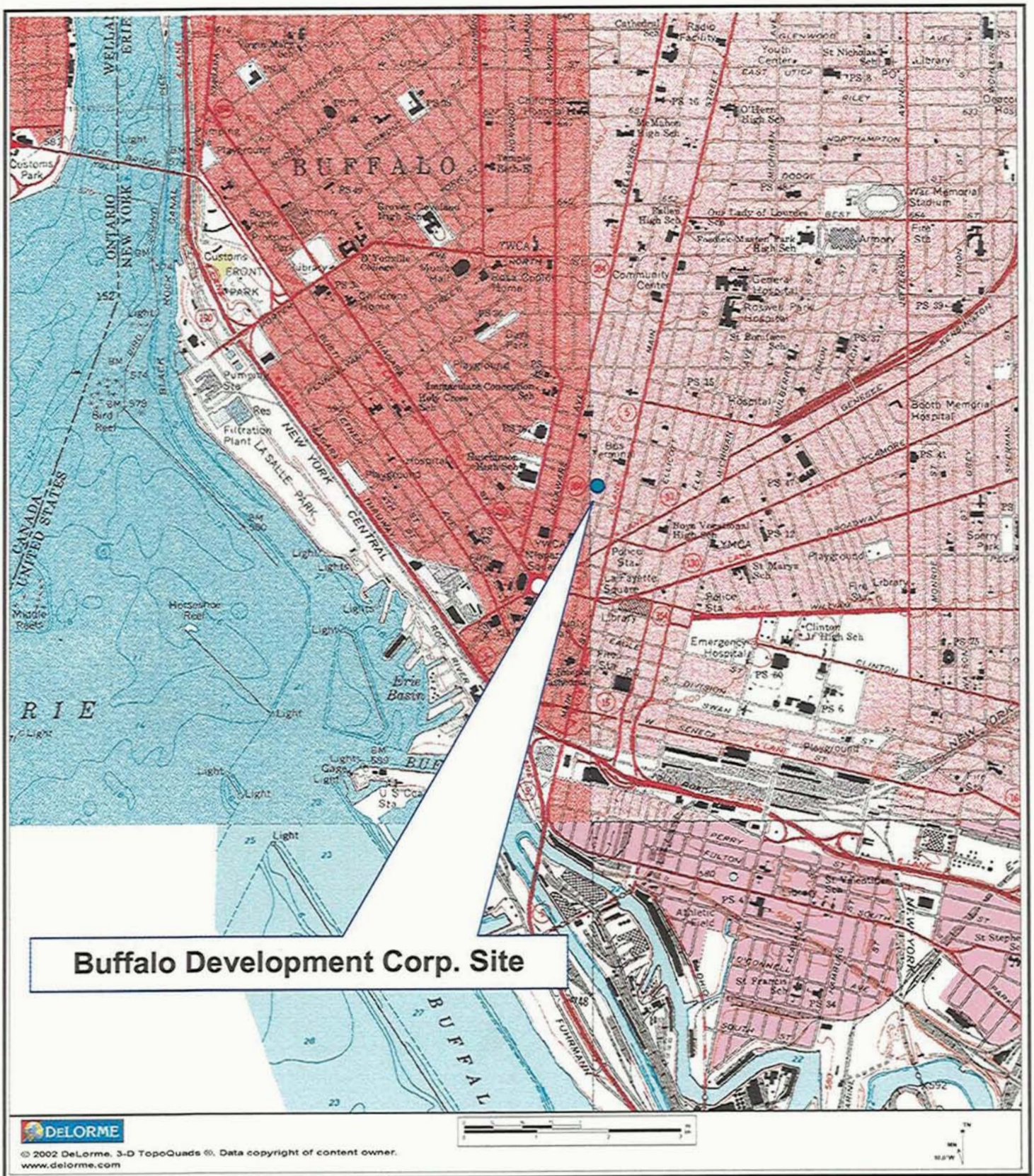
NYSDEC Brownfield Cleanup Program Application
Buffalo Development Corp.
Buffalo Development Corp. Hotel Site
Buffalo, New York

Attachment No.	Description
1	Site Location Map and Site Plan
2	Tax Maps
3	Project Description and Schedule
4	Proposed Redevelopment Master Plan
5	Limited Environmental Investigation
6	Preliminary Site Investigation and Addendum
7	Listing of Previous Site Owners
8	Listing of Previous Site Operators
9	Contact List Information
10	Document Repository Confirmation Letter
11	Environmental Factors and Historic Land Use Considerations
12	Nearby Land-Use Map
13	Groundwater Vulnerability Assessment
14	Description of Site Geography & Geology

ATTACHMENT 01

SITE LOCATION MAP & SITE PLAN

FIGURE 1-1



BENCHMARK
ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

726 EXCHANGE STREET
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(716) 856-0599

PROJECT NO.: 2099-002-100

DATE: JUNE 2006

DRAFTED BY: BCH

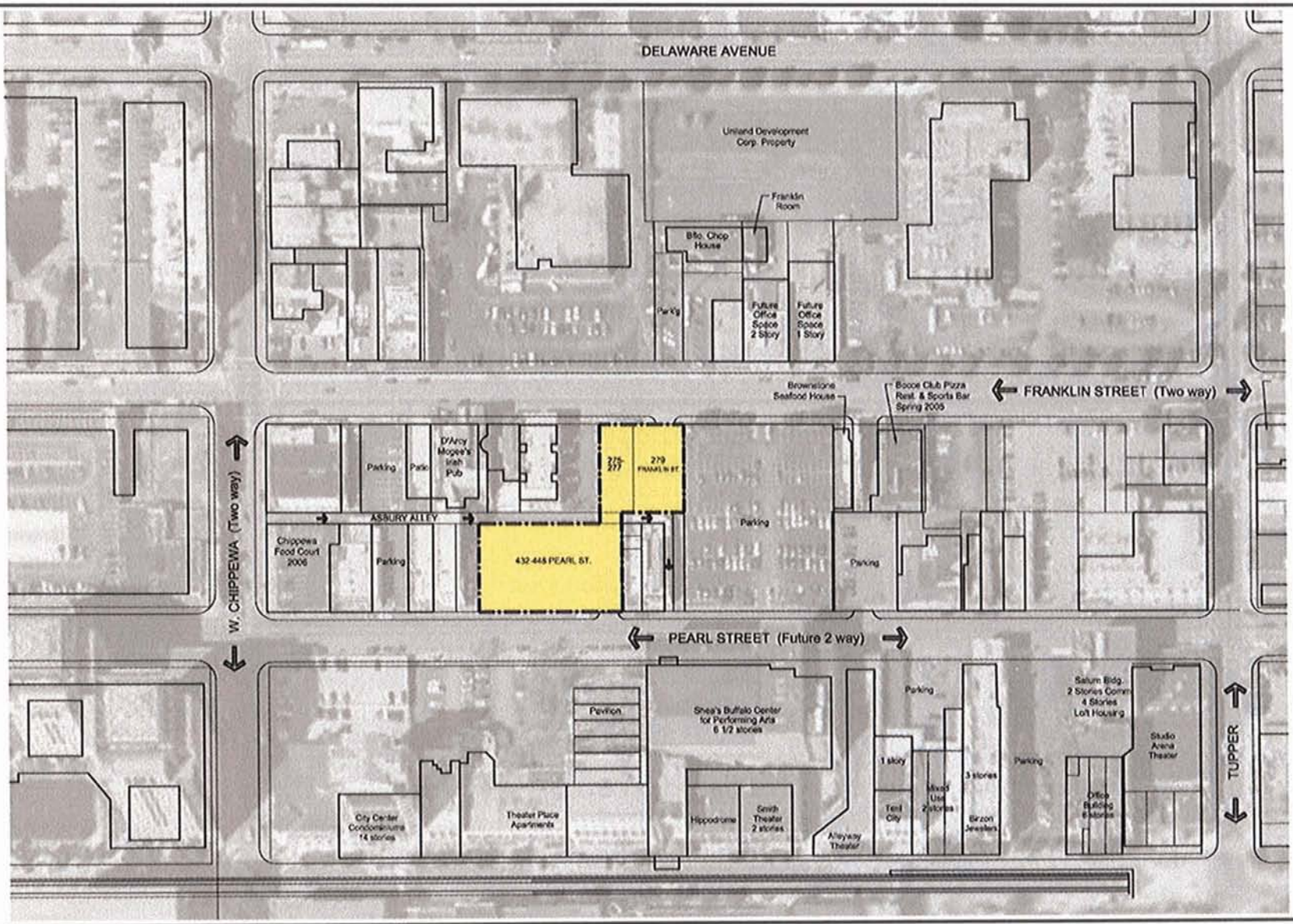
SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

BUFFALO DEVELOPMENT CORP. SITE
BUFFALO, NEW YORK

PREPARED FOR

BUFFALO DEVELOPMENT CORPORATION



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(716) 856-0599

PROJECT NO.: 0099-003-100

DATE: JULY 2006

DRAFTED BY: BCH

SITE LOCATION PLAN

BROWNFIELD CLEANUP PROGRAM APPLICATION

BUFFALO DEVELOPMENT CORP. SITE
BUFFALO, NEW YORK

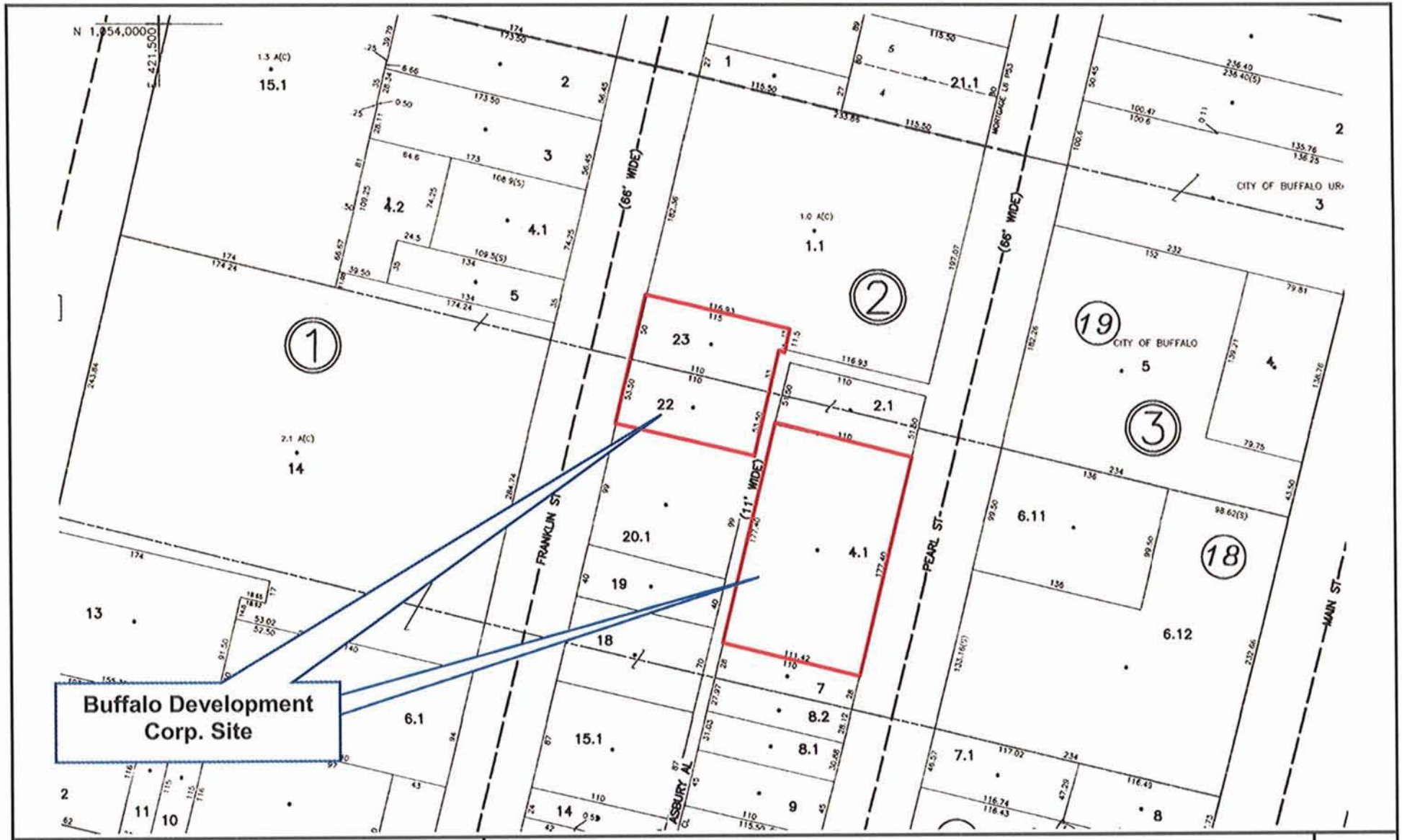
PREPARED FOR

BUFFALO DEVELOPMENT CORPORATION

FIGURE 1-2

ATTACHMENT 02

TAX MAP



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TAX MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

BUFFALO DEVELOPMENT CORP. SITE
BUFFALO, NEW YORK

PREPARED FOR
BUFFALO DEVELOPMENT CORPORATION

FIGURE 2-1

ATTACHMENT 03

PROJECT DESCRIPTION & SCHEDULE

Attachment 03
Project Description and Schedule

Buffalo Development Corp.
Hotel Site
Brownfield Cleanup Program Application

BACKGROUND

Buffalo Development Corp. (BDC) is the contract vendee of the properties with in the Project site. The site is comprised of three substantially contiguous environmentally impaired parcels in the City of Buffalo, New York. The Project site encompasses approximately 0.72 acres consisting of 275-277 Franklin Street (~0.14 acres), 279 Franklin Street (~0.13 acres), and 432 Pearl Street (~0.45 acres).

There are currently no structures on the Site. 275-277 Franklin Street had previously been a dry-cleaning operation before its prior owners abandoned operations and defaulted on their municipal tax obligations resulting in its sale in the City's In Rem tax foreclosure auction in 2004. The parcels are now all underutilized as surface parking lots. Franklin Street in the immediate area of the Project is mixed use commercial and residential with a concentration on entertainment, however immediately to the South of the Project site is a six unit residential structure. Pearl Street as it adjoins the site is predominantly commercial servicing the City's Theatre District.

The proposed redevelopment of the parcels by BDC will include the construction of a multi level 125-150 unit extended stay hotel with a health club and banquet facility which will serve the adjoining commercial and entertainment uses. The contemplated development would total approximately 150,000 square feet of commercial space. The contemplated structures compliment the City's Urban Renewal Plan for the area. Site renderings are annexed hereto.

KNOWN AND SUSPECTED ENVIRONMENTAL CONDITIONS

A Limited Environmental Investigation was performed at 275-277 Franklin Street by Nature's Way Environmental Consultants & Contractors, Inc. in September 2004.

In March 2006, Benchmark performed a Preliminary Site Investigation at 279 Franklin Street and 432 Pearl Street. The Preliminary Site Investigation was performed to assess soil/fill materials and soil vapor on-site and to ascertain if subsurface environmental conditions on these parcels were likely to impact Site redevelopment. The results of the investigation indicate that Site soils have been impacted by semi-volatile organic compounds (SVOCs), mercury, and lead. In addition, soil vapor samples collected from 279 Franklin Street and 432 Pearl Street contained one or more chlorinated VOCs that are linked to the impacted

groundwater from the former dry cleaning operations at 275-277 Franklin. The attached figure presents the sample locations from both investigations discussed herein.

The results of the investigations indicate that the Project Site's soils, soil gases, and/or groundwater have been impacted by tetrachloroethene (PCE), a chlorinated volatile organic compound (VOC), typically associated with dry cleaning operations. The environmental impacts will severely hinder reuse of the site without implementation of a remediation plan.

A Remedial Investigation Work Plan will be developed and implemented in support of the BCP to confirm the findings of the above-referenced investigations and characterize and assess the nature and extent of the environmental impacts.

SCHEDULE

A proposed Project Schedule is attached. During remediation, the property will be used for surface parking to the extent it can be safely separated from remediation activities. The interim use will help support the demand created by the surrounding theatre, entertainment, and dining facilities. It is anticipated that the construction phase of the project will last approximately two years after approval of final site plans and permits by the City.

PROJECT SCHEDULE
BUFFALO DEVELOPMENT CORP.
BUFFALO DEVELOPMENT CORP. HOTEL SITE
BROWNFIELD CLEANUP PROGRAM APPLICATION

BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

ID	Task Name
1	BCP Pre-Application Meeting
2	Submit Application w/ RI Work Plan & CP Plan
3	NYSDEC Review, Fact Sheet Preparation
4	Application Deemed Complete
5	Advertise BCP Appln, Distribute Fact Sheet
6	BC Agreement Issued
7	BC Agreement Reviewed/Executed
8	Sampling & Analysis
9	Data Review & Validation
10	Data Summary/Interpretation
11	Draft RI Report Preparation
12	NYSDEC Report Review/Revisions
13	Prepare RD Report with Remedial Alts Assessment
14	RD Report Review/Revisions
15	Issue Fact Sheet
16	Public Comment Period
17	Remedy Construction
18	Engineering Report
19	Institutional Control Fact Sheet (if required)

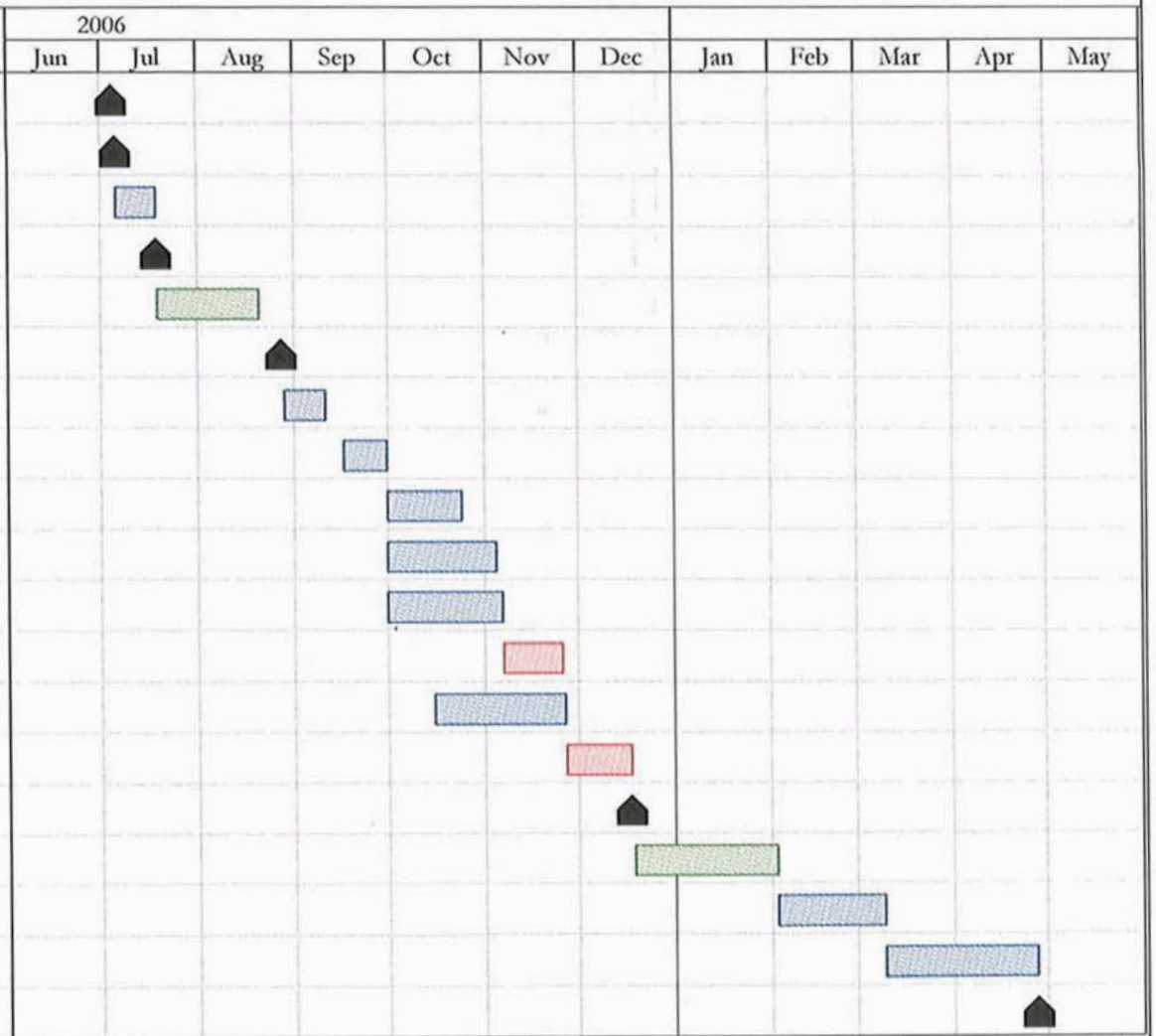

FIGURE 3-1

ATTACHMENT 04

PROPOSED (DRAFT) REDEVELOPMENT MASTER PLAN MAP

BENCHMARK
ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC
726 EXCHANGE STREET
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(716) 856-0599

PROJECT NO.: 0099-003-100

DATE: JULY 2006

DRAFTED BY: BCH

REDEVELOPMENT MASTER PLAN - AERIAL VIEW

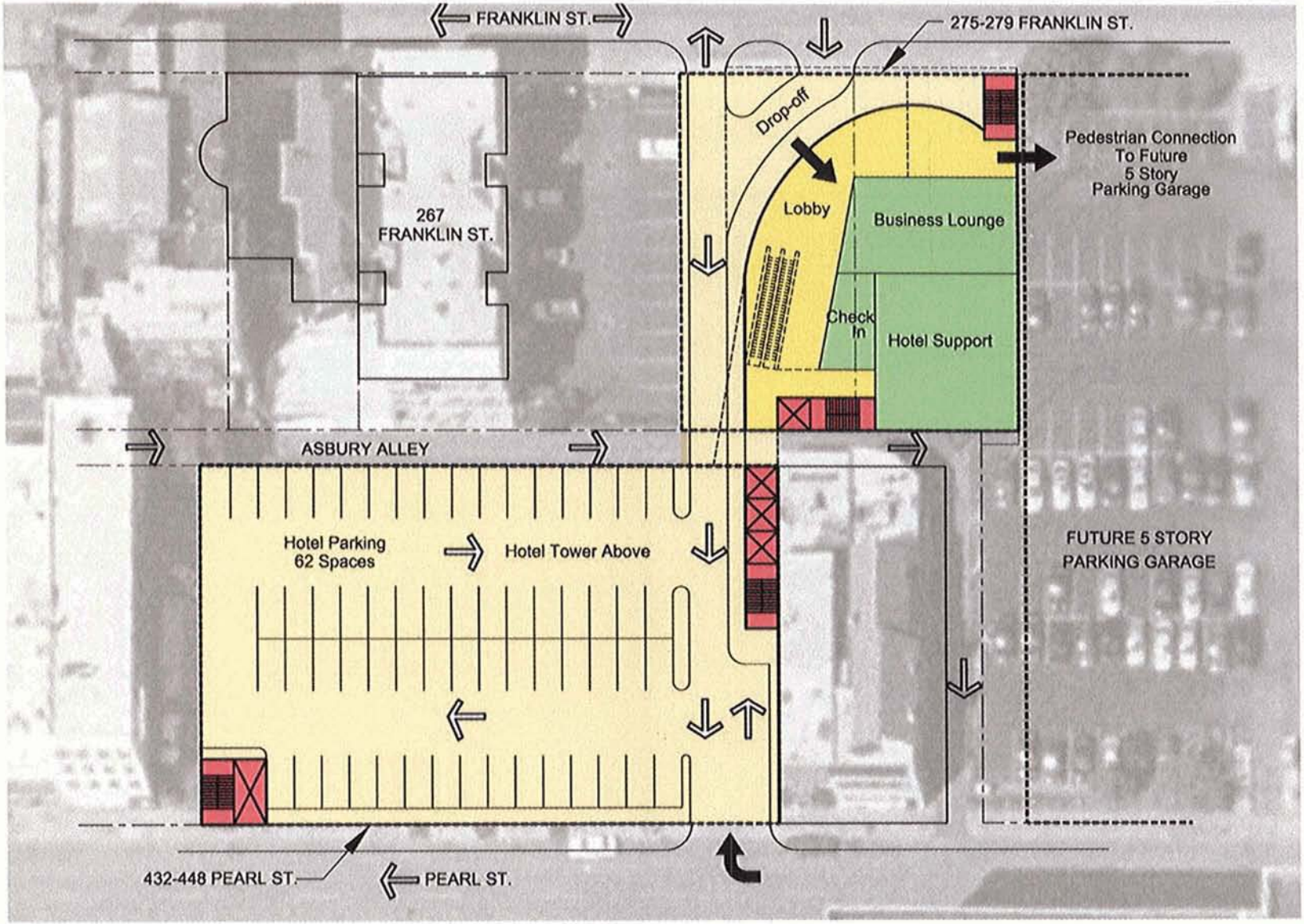
BROWNFIELD CLEANUP PROGRAM APPLICATION

BUFFALO DEVELOPMENT CORP. SITE
BUFFALO, NEW YORK

PREPARED FOR

BUFFALO DEVELOPMENT CORPORATION

FIGURE 4-1



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PROJECT NO.: 0099-003-100

DATE: JULY 2006

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REDEVELOPMENT MASTER PLAN
GROUND LEVEL PLAN

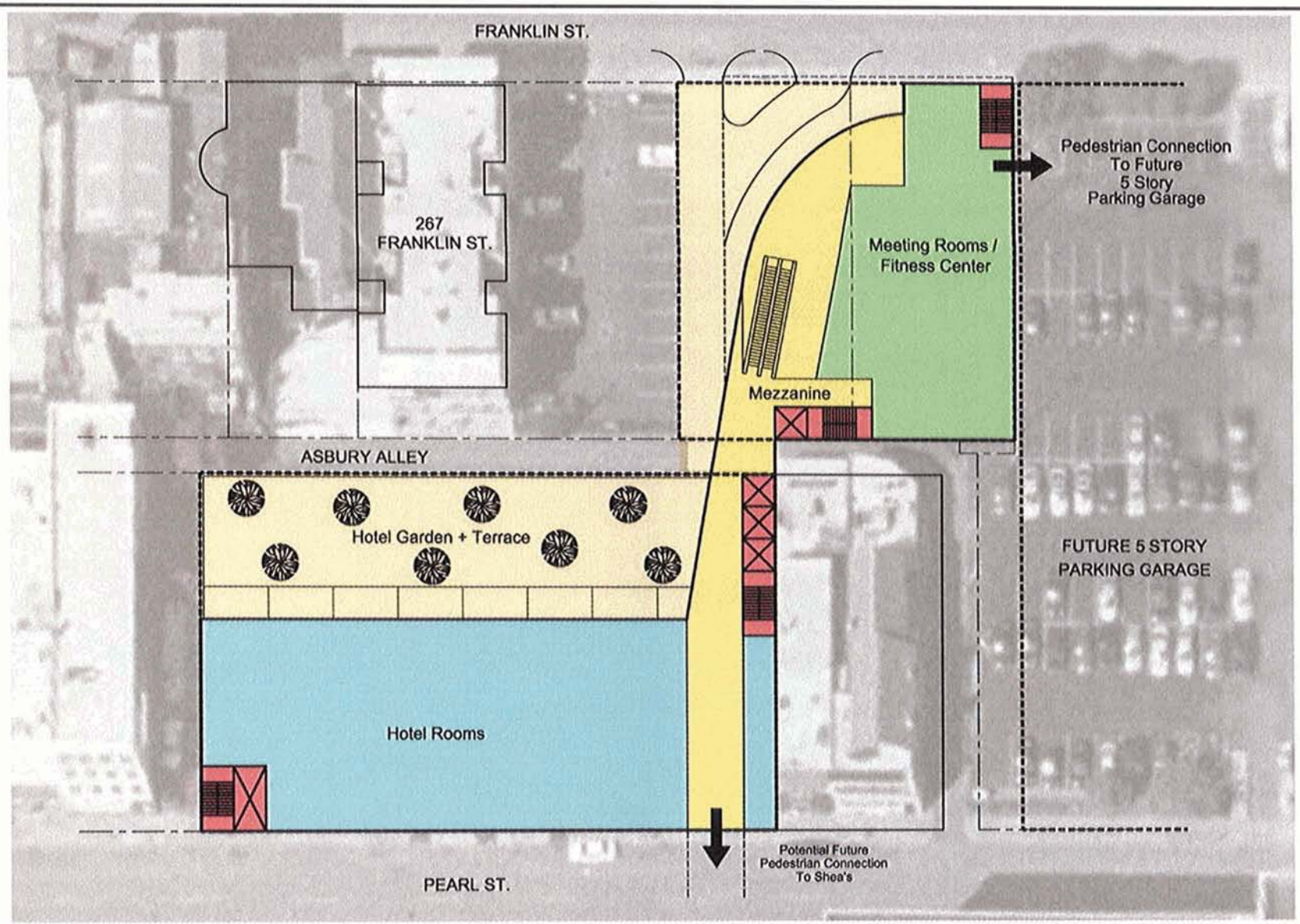
BROWNFIELD CLEANUP PROGRAM APPLICATION

BUFFALO DEVELOPMENT CORP. SITE
BUFFALO, NEW YORK

PREPARED FOR

BUFFALO DEVELOPMENT CORPORATION

FIGURE 4-2



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PROJECT NO.: 0099-003-100

DATE: JULY 2006

DRAFTED BY: BCH

REDEVELOPMENT MASTER PLAN
SECOND LEVEL PLAN

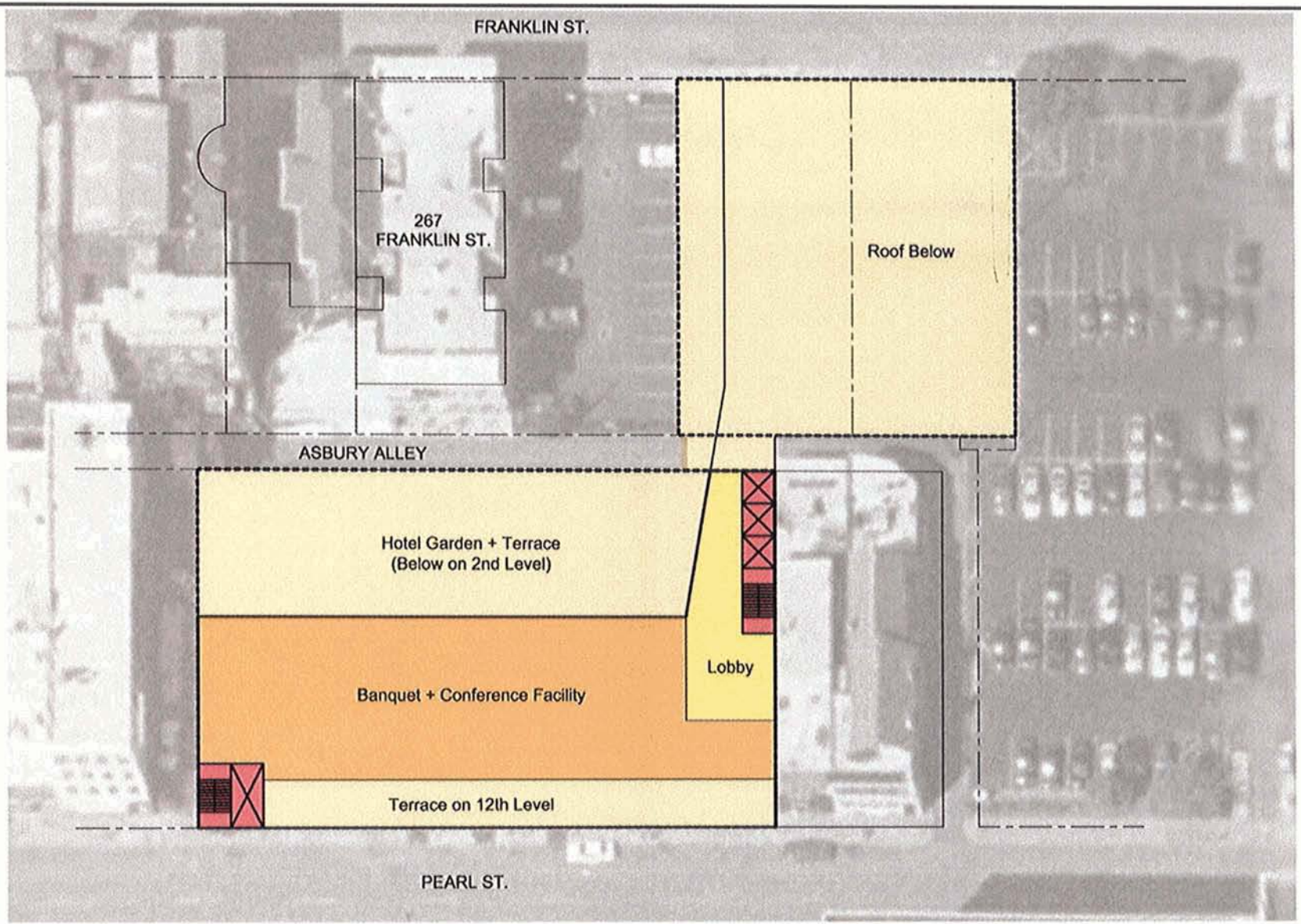
BROWNFIELD CLEANUP PROGRAM APPLICATION

BUFFALO DEVELOPMENT CORP. SITE
BUFFALO, NEW YORK

PREPARED FOR

BUFFALO DEVELOPMENT CORPORATION

FIGURE 4-3



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REDEVELOPMENT MASTER PLAN
11th - 12th LEVEL PLAN

BROWNFIELD CLEANUP PROGRAM APPLICATION

BUFFALO DEVELOPMENT CORP. SITE
BUFFALO, NEW YORK

PREPARED FOR

BUFFALO DEVELOPMENT CORPORATION

FIGURE 4-4

ATTACHMENT 05

LIMITED ENVIRONMENTAL INVESTIGATION (SEPTEMBER 2004)

CRITTENDEN
(716) 937-6527
SYRACUSE
(315) 635-9818

September 15, 2004

Mark Croce
c/o Robert Knoer, Esq.
Knoer Crawford & Bender
14 Lafayette Square, Suite 1700
Buffalo, New York 14203

NOV 15 2004

Re: Limited Environmental Investigation
275 Franklin Street
Buffalo, New York

Gentlemen:

As we have discussed, please find the following summary of findings with respect to sampling and analytical testing of soil and groundwater at the above referenced site. I am providing this abbreviated summary so that you may proceed with written notification of appropriate parties. A more detailed report will follow.

At your request Nature's Way Environmental has performed a limited Phase II type Environmental Assessment of the subject property focused on potential impacts related to its former use as a dry-cleaner.

This work involved sampling subsurface soils at from two indoor and four outdoor locations, as shown on the attached site map. Groundwater samples were obtained through temporary well screens installed in two of the borings. Field instrument screening and observation indicated the presence of volatile organic compounds in samples from two of the borings (B-3 and B-5). Soil samples from 10-12 foot depth interval at those borings as well as groundwater samples from both temporary wells were analyzed for chlorinated organics by EPA Method 8010.

Laboratory analytical reports have confirmed the presence of Tetrachloroethene in all samples analyzed. It was reported at concentrations in excess of applicable NYS Groundwater Quality Standards in both groundwater samples; at137,000 ppb in BMW-3 and 70,400 ppb in BMW-5, as compared to published standards ranging from 0.7 - 5 ppb. One of the soil samples was also reported to contain Tetrachloroethene at a level exceeding Recommended Soil Cleanup Objectives published NYSDEC TAGM #4046. Specifically, the sample from B-3 was reported to contain Tetrachloroethene at a concentration of 12,700 ppb in comparison with the 1.4 ppm (1,400 ppb) Recommended Soil Cleanup Objective. There were no other method target compounds identified in any of the samples. Copies of laboratory reports are attached.

CRITTENDEN
(716) 937-6527
SYRACUSE
(315) 635-9818

9/15/04

Mark Croce
Robert Knoerr
Page 2

Please call if you should have any questions or require additional information.

Respectfully,

Gregory J. Weber
Sr. Project Manager

3553 CRITTENDEN ROAD • CRITTENDEN, NEW YORK 14038 • FAX (716) 937-9360
7035 VAN BUREN ROAD; BLDG 2 • SYRACUSE, NEW YORK 13209 • FAX (315) 635-9577

CRITTENDEN
(716) 937-6527
SYRACUSE
(315) 635-9818

Hole Number: B 1

DATE: 9/07/04 ELEVATION:

PROJECT: Subsurface Investigation at the Property Located at 275 Franklin Street, Buffalo, New York

PREPARED FOR: Knoer, Crawford & Bender

BORING LOCATION: See Map

SN	0/6	6/12	12/18	18/24	N	OVM	LITH	DESCRIPTION AND CLASSIFICATION	REC	COMMENTS
1						0.0		Moist, dark gray and gray, gravelly (SILTY-SAND) fill with 15 to 30% gravel, very fine to fine size sand	1.8'	Sandy fill to 2.0 feet over water sorted and deposited sand with little silt to end of boring
2						0.0		2.5	1.8'	
3						0.0		Moist, distinctly mottled, brown (SILTY-SAND) with very fine to fine size sand, little silt, thinly bedded	2.0'	
4						0.0		6.0 Wet, faintly mottled, brown (SILTY-SAND) with very fine to fine size sand, little silt, thinly bedded	2.0'	
5						0.0			2.0'	
6						0.0			2.0'	
								12.0 Earthprobe Boring Completed at 12.0 feet		

LOGGED BY: Dale M. Gramza / Senior Geologist PAGE 1 of 1

CRITTENDEN
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(315) 635-9818

Hole Number: B 2

DATE: 9/07/04

ELEVATION:

PROJECT: Subsurface Investigation at the Property Located at 275 Franklin Street, Buffalo, New York

PREPARED FOR: Knoer, Crawford & Bender

BORING LOCATION: See Map

SN	0/6	6/12	12/18	18/24	N	OVM	LITH	DESCRIPTION AND CLASSIFICATION	REC	COMMENTS
1						0.0		Asphalt 0.3 Moist, dark gray to black, gravelly (SAND) fill with 20 to 40% gravel, cinders and red brick fragments	1.4'	Asphalt to 0.3 foot over sandy fill with some gravel, cinders and bricks to 4.5 feet over water sorted and deposited sand with little silt to end of boring
2						3.0			1.5'	
3						11.0		4.5 Moist becoming wet below 8.5 feet (SILTY-SAND) with very fine to fine size sand, little silt, thinly bedded	2.0'	
4						0.0			2.0'	
5						0.0			2.0'	
6						0.0		12.0 Earthprobe Boring Completed at 12.0 feet	2.0'	

LOGGED BY: Dale M. Gramza / Senior Geologist

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CRITTENDEN
(716) 937-6527
SYRACUSE
(315) 635-9818

Hole Number: BMW 3

DATE: 9/07/04 ELEVATION:

PROJECT: Subsurface Investigation at the Property Located at 275 Franklin Street, Buffalo, New York

PREPARED FOR: Knoer, Crawford & Bender

BORING LOCATION: See Map

SN	0/6	6/12	12/18	18/24	N	OVM	LITH	DESCRIPTION AND CLASSIFICATION	REC	COMMENTS
1						0.0		Moist, dark brown, gravelly (SILTY-SAND) fill with 5 to 15% gravel, very fine to medium size sand, little silt	1.7'	Sandy fill with little gravel and silt to 1.0 feet over sandy fill with trace gravel to 2.0 feet over sandy fill with brick to 4.0 feet over water sorted and deposited sand to end of boring
								1.0		
2						0.0		Moist, brown (SAND) with 3 to 5% gravel, very fine to fine size sand, trace silt	1.8'	
								2.0 Moist, light brown (SAND) fill iwth brick cobbles and fragments		
								4.0		
3						0.0		Moist, light brown (SAND) with very fine size sand, trace silt, thinly bedded	1.4'	
								6.0		
4						0.0		Extremely moist to wet below 8.0 feet, brown (SAND) with very fine to fine size sand, little silt, thinly bedded	1.6'	
5						0.0			1.7'	
6						80.0			1.8'	
								12.0 Earthprobe Boring Completed at 12.0 feet		

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Hole Number: B 4

DATE: 9/07/04 ELEVATION:

PROJECT: Subsurface Investigation at the Property Located at 275 Franklin Street, Buffalo, New York

PREPARED FOR: Knoer, Crawford & Bender

BORING LOCATION: See Map

SN	0/6	6/12	12/18	18/24	N	OVM	LITH	DESCRIPTION AND CLASSIFICATION	REC	COMMENTS
1						0.0		Black and dark brown (SILTY-SAND) fill with 5 to 15% gravel and occasional brick fragments	1.4'	Sandy fill with some gravel and brick to 2.0 feet over apparent water sorted and deposited sand with trace silt to 8.0 feet over water sorted and deposited sand with trace gravel and little silt to end of boring
								2.0		
2						0.0		Moist, light brown (SILTY-SAND) with very fine to fine size sand, trace silt, thinly bedded	1.6'	
3						0.0			1.8'	
								6.0		
4						0.0		Extremely moist to wet below 8.0 feet, brown (SILTY-SAND) with 3 to 5% gravel, very fine to fine size sand, little silt, thinly bedded	1.5'	
5						0.0			1.7'	
6						0.0			1.7'	
								12.0		
								Earthprobe Boring Completed at 12.0 feet		

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Hole Number: BMW 5

DATE: 9/07/04 ELEVATION:

PROJECT: Subsurface Investigation at the Property Located at 275 Franklin Street, Buffalo, New York

PREPARED FOR: Knoer, Crawford & Bender

BORING LOCATION: See Map

SN	0/6	6/12	12/18	18/24	N	OVM	LITH	DESCRIPTION AND CLASSIFICATION	REC	COMMENTS
1						8.0		Asphalt pavement 0.2 Moist, grayish brown and brown, gravelly (SILTY-SAND) fill with 20 to 40% gravel, and red brick fragments	1.4'	Asphalt pavement to 0.2 foot over sandy fill with some gravel and bricks to 4.5 feet over water sorted and deposited sand with litlte silt to end of boring
2						0.0			1.6'	
3						0.0		4.5	1.6'	
4						0.0		Moist becoming extremely moist below 7.5 feet (SILTY-SAND) with very fine size sand, little silt	1.7'	
5						0.0			1.8'	
6						82.0			1.7'	
								12.0 Earthprobe Boring Completed at 12.0 feet		

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(315) 635-9818

Hole Number: B 6

DATE: 9/07/04 ELEVATION:

PROJECT: Subsurface Investigation at the Property Located at 275 Franklin Street, Buffalo, New York

PREPARED FOR: Knoer, Crawford & Bender

BORING LOCATION: See Map

SN	0/6	6/12	12/18	18/24	N	OVM	LITH	DESCRIPTION AND CLASSIFICATION	REC	COMMENTS
1						0.0		Moist, dark brown (SANDY-SILT) fill with little to some very fine size sand,	1.5'	Coarse silty fill to 1.5 fet over water sorted and deposited sand with little silt to end of boring
								1.5		
2						0.0		Moist, brown (SILTY-SAND) with very fine to fine size sand, weakly thinly bedded	1.5'	
3						0.0			2.0'	
4						0.0			2.0'	
								8.0		
5						0.0		Wet, brown (SILTY-SAND) with very fine to fine size sand, little silt, thinly bedded	2.0'	
6						0.0			2.0'	
								12.0		
								Earthprobe Boring Completed at 12.0 feet		

LOGGED BY: Dale M. Gramza / Senior Geologist PAGE 1 of 1

PARADIGM
ENVIRONMENTAL SERVICES, INC. 179 Lake Avenue Rochester, New York 14608 (585) 647 - 2530 FAX (585) 647 - 3311

04-249

Volatile Analysis Report for Soils/Solids/Sludges

Client: Nature's Way Environmental

Client Job Site:	275 Franklin St.	**Lab Project Number:**	04-2622
		Lab Sample Number:	8914
Client Job Number:	N/A		
Field Location:	B-3, 10'-12'	**Date Sampled:**	09/08/2004
Field ID Number:	N/A	**Date Received:**	09/10/2004
Sample Type:	Soil	**Date Analyzed:**	09/14/2004

Halocarbons	Results in ug / Kg	Halocarbons	Results in ug / Kg
Bromodichloromethane	ND< 140	trans-1,2-Dichloroethene	ND< 140
Bromomethane	ND< 140	1,2-Dichloropropane	ND< 140
Bromoform	ND< 140	cis-1,3-Dichloropropene	ND< 140
Carbon Tetrachloride	ND< 140	trans-1,3-Dichloropropene	ND< 140
Chloroethane	ND< 140	Methylene chloride	ND< 349
Chloromethane	ND< 140	1,1,2,2-Tetrachloroethane	ND< 140
2-Chloroethyl vinyl Ether	ND< 140	Tetrachloroethene	12,700
Chloroform	ND< 140	1,1,1-Trichloroethane	ND< 140
Dibromochloromethane	ND< 140	1,1,2-Trichloroethane	ND< 140
1,1-Dichloroethane	ND< 140	Trichloroethene	ND< 140
1,2-Dichloroethane	ND< 140	Trichlorofluoromethane	ND< 140
1,1-Dichloroethene	ND< 140	Vinyl chloride	ND< 140
Chlorobenzene	ND< 140	1,3-Dichlorobenzene	ND< 140
1,2-Dichlorobenzene	ND< 140	1,4-Dichlorobenzene	ND< 140

ELAP Number 10958 Method: EPA 8010 Data File: 24238.D

Comments: ND denotes Non Detect
ug / Kg = microgram per Kilogram

Signature: _____
Bruce Hoogesteger, Technical Director

PARADIGM
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Volatile Analysis Report for Soils/Solids/Sludges

Client: Nature's Way Environmental

Client Job Site: 275 Franklin St.
Client Job Number: N/A
Field Location: B-5, 10'-12'
Field ID Number: N/A
Sample Type: Soil

Lab Project Number: 04-2622
Lab Sample Number: 8915

Date Sampled: 09/08/2004
Date Received: 09/10/2004
Date Analyzed: 09/14/2004

Halocarbons	Results in ug / Kg	Halocarbons	Results in ug / Kg
Bromodichloromethane	ND< 27.0	trans-1,2-Dichloroethene	ND< 27.0
Bromomethane	ND< 27.0	1,2-Dichloropropane	ND< 27.0
Bromoform	ND< 27.0	cis-1,3-Dichloropropene	ND< 27.0
Carbon Tetrachloride	ND< 27.0	trans-1,3-Dichloropropene	ND< 27.0
Chloroethane	ND< 27.0	Methylene chloride	ND< 67.5
Chloromethane	ND< 27.0	1,1,2,2-Tetrachloroethane	ND< 27.0
2-Chloroethyl vinyl Ether	ND< 27.0	Tetrachloroethene	671
Chloroform	ND< 27.0	1,1,1-Trichloroethane	ND< 27.0
Dibromochloromethane	ND< 27.0	1,1,2-Trichloroethane	ND< 27.0
1,1-Dichloroethane	ND< 27.0	Trichloroethene	ND< 27.0
1,2-Dichloroethane	ND< 27.0	Trichlorofluoromethane	ND< 27.0
1,1-Dichloroethene	ND< 27.0	Vinyl chloride	ND< 27.0
Chlorobenzene	ND< 27.0	1,3-Dichlorobenzene	ND< 27.0
1,2-Dichlorobenzene	ND< 27.0	1,4-Dichlorobenzene	ND< 27.0

ELAP Number 10958 Method: EPA 8010 Data File: 24244.D

Comments: ND denotes Non Detect
ug / Kg = microgram per Kilogram

Signature: _____
Bruce Hoogesteger: Technical Director

PARADIGM
ENVIRONMENTAL SERVICES, INC. 179 Lake Avenue Rochester, New York 14608 (585) 647 - 2530 FAX (585) 647 - 3311

Volatile Analysis Report for Non-potable Water

Client: Nature's Way Environmental

Client Job Site: 275 Franklin St.
Client Job Number: N/A
Field Location: BMW-5
Field ID Number: N/A
Sample Type: Water

Lab Project Number: 04-2622
Lab Sample Number: 8916
Date Sampled: 09/08/2004
Date Received: 09/10/2004
Date Analyzed: 09/14/2004

Halocarbons	Results in ug / L	Halocarbons	Results in ug / L
Bromodichloromethane	ND< 2,000	trans-1,2-Dichloroethene	ND< 2,000
Bromomethane	ND< 2,000	1,2-Dichloropropane	ND< 2,000
Bromoform	ND< 2,000	cis-1,3-Dichloropropene	ND< 2,000
Carbon Tetrachloride	ND< 2,000	trans-1,3-Dichloropropene	ND< 2,000
Chloroethane	ND< 2,000	Methylene chloride	ND< 5,000
Chloromethane	ND< 2,000	1,1,2,2-Tetrachloroethane	ND< 2,000
2-Chloroethyl vinyl Ether	ND< 2,000	Tetrachloroethene	70,400
Chloroform	ND< 2,000	1,1,1-Trichloroethane	ND< 2,000
Dibromochloromethane	ND< 2,000	1,1,2-Trichloroethane	ND< 2,000
1,1-Dichloroethane	ND< 2,000	Trichloroethene	ND< 2,000
1,2-Dichloroethane	ND< 2,000	Trichlorofluoromethane	ND< 2,000
1,1-Dichloroethene	ND< 2,000	Vinyl chloride	ND< 2,000
Chlorobenzene	ND< 2,000	1,3-Dichlorobenzene	ND< 2,000
1,2-Dichlorobenzene	ND< 2,000	1,4-Dichlorobenzene	ND< 2,000

ELAP Number 10958 Method: EPA 8010 Data File: 24246.D

Comments: ND denotes Non Detect
ug / L = microgram per Liter

Signature: _____
Bruce Hoogesteger: Technical Director

PARADIGM ENVIRONMENTAL SERVICES, INC.

179 Lake Avenue
Rochester, NY 14608
(585) 647-2530 * (800) 724-1997
FAX: (585) 647-3311

CHAIN OF CUSTODY

REPORT TO:

COMPANY:
ADDRESS:
CITY: STATE: ZIP:
PHONE: FAX:
ATTN:
COMMENTS:

INVOICE TO:

COMPANY:
ADDRESS:
CITY: STATE: ZIP:
PHONE: FAX:
ATTN:

LAB PROJECT #:
CLIENT PROJECT #:

TURNAROUND TIME: (WORKING DAYS)
STD 1 2 3 5 OTHER

PROJECT NAME/SITE NAME:

REQUESTED ANALYSIS

	DATE	TIME	COMPOSITE	GRAB	SAMPLE LOCATION/FIELD ID	MATRIX	NUMBER CONTAINERS										REMARKS	PARADIGM LAB SAMPLE NUMBER
1					B-3 10'-12'	SOIL	1	X										
2				X	B-5 10'-12'	SOIL	1	X										
3																		
4				X	3 mL-5	Aqu.	2	X										
5																		
6																		
7																		
8																		
9																		
10																		

LAB USE ONLY

SAMPLE CONDITION: Check box if acceptable or note deviation:
CONTAINER TYPE:
PRESERVATIONS:
HOLDING TIME:
TEMPERATURE: 12

Sampled By: Date/Time:

Relinquished By: Date/Time:

Received By: Date/Time:

Relinquished By: Date/Time:

Received By: Date/Time:

Received @ Lab By: Date/Time:

Total Cost:

P.I.F.

PARADIGM
ENVIRONMENTAL SERVICES, INC. 179 Lake Avenue Rochester, New York 14608 (585) 647 - 2530 FAX (585) 647 - 3311

04-244

Volatile Analysis Report for Non-potable Water

Client: Nature's Way Environmental

Client Job Site:	275 Franklin St.	**Lab Project Number:**	04-2623
		Lab Sample Number:	8917
Client Job Number:	N/A		
Field Location:	BMW-3	**Date Sampled:**	09/09/2004
Field ID Number:	N/A	**Date Received:**	09/10/2004
Sample Type:	Water	**Date Analyzed:**	09/14/2004

Halocarbons	Results in ug / L	Halocarbons	Results in ug / L
Bromodichloromethane	ND< 2,000	trans-1,2-Dichloroethene	ND< 2,000
Bromomethane	ND< 2,000	1,2-Dichloropropane	ND< 2,000
Bromoform	ND< 2,000	cis-1,3-Dichloropropene	ND< 2,000
Carbon Tetrachloride	ND< 2,000	trans-1,3-Dichloropropene	ND< 2,000
Chloroethane	ND< 2,000	Methylene chloride	ND< 5,000
Chloromethane	ND< 2,000	1,1,2,2-Tetrachloroethane	ND< 2,000
2-Chloroethyl vinyl Ether	ND< 2,000	Tetrachloroethene	137,000
Chloroform	ND< 2,000	1,1,1-Trichloroethane	ND< 2,000
Dibromochloromethane	ND< 2,000	1,1,2-Trichloroethane	ND< 2,000
1,1-Dichloroethane	ND< 2,000	Trichloroethene	ND< 2,000
1,2-Dichloroethane	ND< 2,000	Trichlorofluoromethane	ND< 2,000
1,1-Dichloroethene	ND< 2,000	Vinyl chloride	ND< 2,000
Chlorobenzene	ND< 2,000	1,3-Dichlorobenzene	ND< 2,000
1,2-Dichlorobenzene	ND< 2,000	1,4-Dichlorobenzene	ND< 2,000

ELAP Number 10958 Method: EPA 8010 Data File: 24247.D

Comments: ND denotes Non Detect
ug / L = microgram per Liter

Signature: _____
Bruce Hoogesteger: Technical Director

PARADIGM
ENVIRONMENTAL SERVICES, INC.

179 Lake Avenue
Rochester, NY 14608
(585) 647-2530 * (800) 724-1997
FAX: (585) 647-3311

CHAIN OF CUSTODY

REPORT TO		INVOICE TO	
COMPANY:	NWEC+C	COMPANY:	Same
ADDRESS:	3553 Crittenden Rd.	ADDRESS:	
CITY:	Crittenden STATE: NY ZIP: 14038	CITY: STATE: ZIP:	
PHONE:	(716) 937-6527 FAX: 937-9360	PHONE: FAX:	
ATTN:	R. Savage / G. Weber	ATTN:	
COMMENTS:	please fax report		

LAB PROJECT #: 04-2623
CLIENT PROJECT #:
TURNAROUND TIME: (WORKING DAYS) Rush - ASAP
STD: 1 2 3 5 OTHER
PROJECT NAME/SITE NAME: 275 Franklin St.

REQUESTED ANALYSES

	DATE	TIME	COMPOSITE	GRAB	SAMPLE LOCATION/FIELD ID	MATRIX	NUMBER CONTAINERS	EPA 8010	REMARKS	PARADIGM LAB SAMPLE NUMBER
1	9/9/04			X	BMW-3	Aqu.	2	X		8917
2										
3										
4										
5										
6										
7										
8										
9										
10										

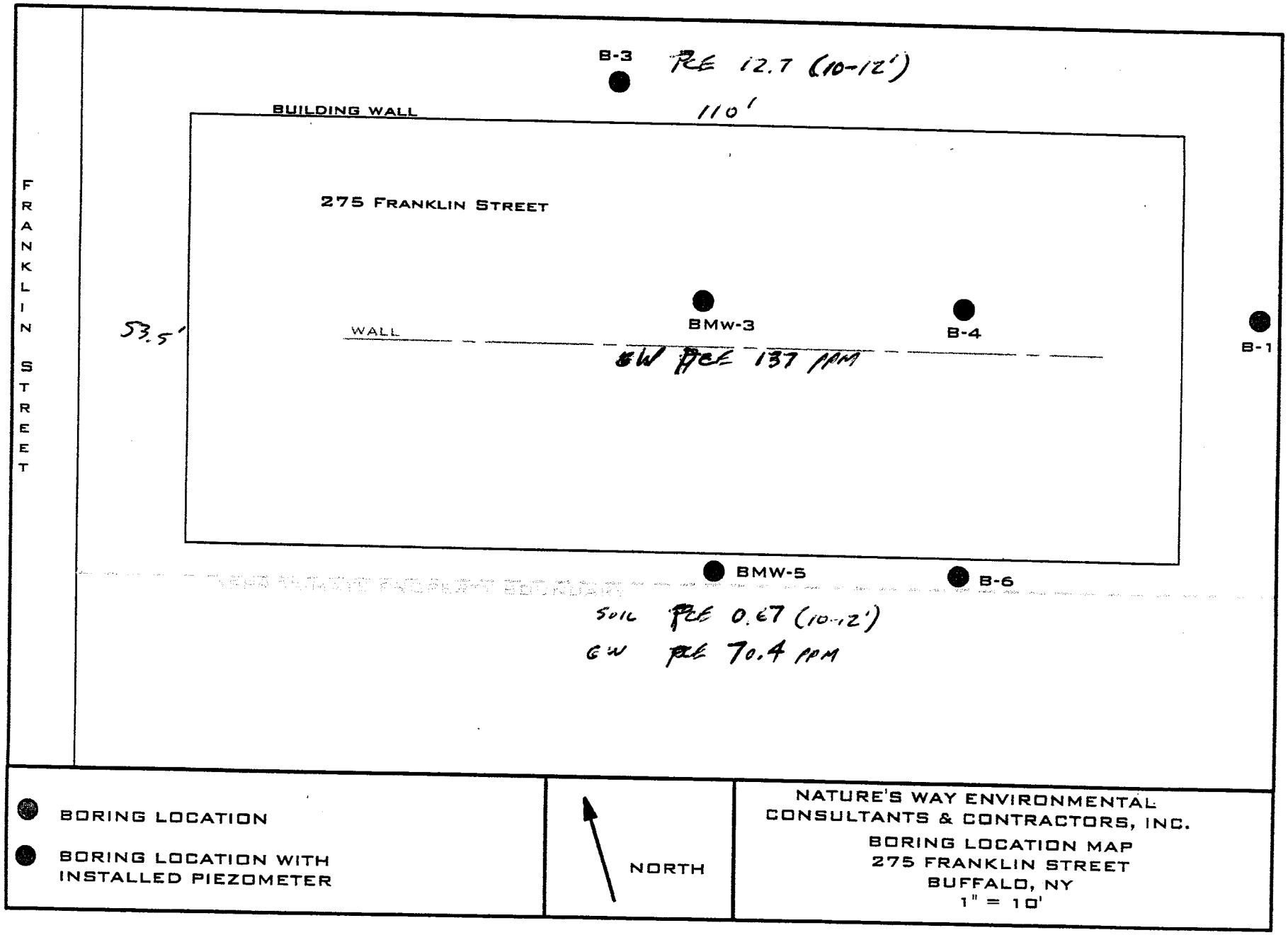
LAB USE ONLY

SAMPLE CONDITION: Check box if acceptable or note deviation:
CONTAINER TYPE: ✓ PRESERVATIONS: ✓ HOLDING TIME: ✓ TEMPERATURE: 12
VOAs2

Sampled By: James Davey	Date/Time:	Relinquished By:	Date/Time:
Relinquished By:	Date/Time:	Received By:	Date/Time:
Received By: John Huff	Date/Time: 9/9/04 4:30PM	Received @ Lab By: Kelly Crandall	Date/Time: 9/10/04 946

Total Cost:
P.I.F.


Rounded TO
8/16/04
277 Franklin
233.86
115.50
182.36
197.07
1.0 A(C)
1.1
2
(66' WIDE)
3
56.45
108.9(S)
4.1
74.25
9.5(S)
5
35
277
Franklin
116.93
115
50
23
11.5
17
116.93
110
110
33
53.50
22
55.50
51.50
2.1
110
51.50
110
284.74
FRANKLIN ST
99
20.1
99
(11' WIDE)
177.40
4.1
177.40
PEARL ST
40
19
40
70
18
70
28
111.42
110
7
28
27.97
8.2
28.12
31.03
8.1
30.88
87
45
ASBURY AL
110
14
110
115.50 CL
9
45
46.57
7.1
133.16(S)
17


B-3
PCE 12.7 (10-12')
110'
BUILDING WALL
275 FRANKLIN STREET
FRANKLIN STREET
53.5'
WALL
BMW-3
B-4
B-1
GW PCE 137 PPM
BMW-5
B-6
SOIL PCE 0.67 (10-12')
GW PCE 70.4 PPM
BORING LOCATION
BORING LOCATION WITH INSTALLED PIEZOMETER
NORTH
NATURE'S WAY ENVIRONMENTAL CONSULTANTS & CONTRACTORS, INC.
BORING LOCATION MAP
275 FRANKLIN STREET
BUFFALO, NY
1" = 10'

ATTACHMENT 06

PRELIMINARY SITE INVESTIGATION (MARCH 2006)*
&
ADDENDUM TO PRELIMINARY SITE INVESTIGATION (JUNE 2006)

* Relative to the Preliminary Site Investigation report, it should be noted that certain addresses were incorrectly identified. Therefore, any reference to 277 Franklin Street in that report should correctly be identified as 279 Franklin Street and any reference to 275 Franklin Street in that report should correctly be identified as 275/277 Franklin Street.

BENCHMARK
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

March 10, 2006

Robert E. Knoer, Esq.
Knoer, Crawford, and Bender, LLP
14 Lafayette Square
Suite 1700
Buffalo, N.Y. 14203

Re: Preliminary Site Investigation
275 & 277 Franklin Street and 470 Pearl Street parcels

Dear Mr. Knoer:

We have prepared this letter report summarizing the results of the Preliminary Site Investigation at 277 Franklin Street and 470 Pearl Street parcels in accordance with the Preliminary Investigation Work Plan (December 2005). The work was performed to ascertain if subsurface environmental conditions on these parcels were likely to impact redevelopment and thereby provide the New York State Department of Environmental Conservation (NYSDEC) a basis to determine eligibility for participation in the NYSDEC Brownfield Cleanup Program (BCP). A summary of findings is presented below. In addition, a summary of the data obtained from the Limited Environmental Investigation previously performed by Nature's Way on the 275 Franklin Street parcel (September 2004) is also included for completeness.

Soil Boring Sampling Results

The boring program, conducted on January 18, 2006, consisted of advancing direct-push (Geoprobe®) boreholes as shown in Figure 1. All direct-push boreholes were advanced using 1.5-inch diameter macro-samplers. The 4-foot sample cores were retrieved from the boring locations in clear PVC sleeves to allow for field characterization of the subsurface lithology and collection of soil samples.

Soil/fill samples were retrieved from each boring and field screened for headspace VOC content utilizing a hand-held photoionization detector (PID). The PID is capable of detecting the presence of certain volatile organic contaminants. PID scans of the soil borings resulted in no readings above background concentrations.

Direct grab soil samples were collected from the upper fill zone of each boring (see Figure 1 for approximate sample location). Each grab sample was analyzed for Target Compound List (TCL) semi-volatile organic compounds-base neutral fraction (SVOCs) via USEPA Method 8270, TCL polychlorinated biphenyls (PCBs) via

USEPA Method 8082, chromium, arsenic, mercury, and lead via USEPA Method 6010 (7471 for Mercury).

The soil analytical results are summarized in Tables 1 through 3. Each compound that was analyzed is listed on the table, with its associated result, to provide a complete data summary. Recommended Soil Cleanup Objectives as published in NYSDEC Technical Assistance and Guidance Memorandum (TAGM) HWR-94-4046 are also presented for comparative purposes.

As indicated on Table 1, the soil borings indicate concentrations of various semi-volatile organic compounds in the composite soil sample. In particular, several polynuclear aromatic hydrocarbons (PAHs) were detected above the NYSDEC Recommended Soil Cleanup Objectives (RSCOs). No PCBs were found above laboratory detection level (see Table 2).

Inorganic metals concentrations (see Table 3) exceeded RSCO for mercury and lead in one or more soil samples at each of the parcels.

Soil Vapor Sampling Results

The soil vapor sampling program, conducted on January 20, 2006, consisted of collecting and analyzing three samples from beneath asphalt paving (see Figure 1 for approximately locations) in the vicinity of the former dry cleaning operation. Summa Canisters fitted with an 8-hour regulator were utilized.

Soil vapor samples were analyzed for Target Compound List volatile organic compounds (VOCs) in accordance with USEPA Method TO-15. The purpose of this sampling effort was to determine if subsurface VOCs from impacted soil or groundwater was present in sufficient concentration to likely require mitigation in the context of planned redevelopment. Results are presented in Table 4

The New York State Department of Health has published a draft document entitled "Guidance for Evaluating Soil Vapor Intrusion in the State of New York." This document is presently guiding NYSDOH and NYSDEC decisions concerning the need for subslab vapor mitigation at sites undergoing investigation, cleanup and monitoring under NY State remedial programs (e.g., Brownfield Cleanup Program sites, Inactive Hazardous Waste Site Remediation Program sites, etc.). The guidance presents two soil vapor/indoor air matrices to assist in interpreting subslab and ambient air data (i.e., Matrix 1 and Matrix 2). To date, three chemicals have been assigned to these two matrices: trichloroethene (TCE) is assigned to Matrix 1, while tetrachloroethene (also known as perchloroethene, or PCE) and 1,1,1-trichloroethane (1,1,1-TCA) are assigned to Matrix 2.

As indicated in Table 4, a comparison of TCE levels with Matrix 1 indicate no further action is recommended for the 470 Pearl Street parcel, however, sample results of 70 ug/m^3 for the 277 Franklin St. parcel indicates that mitigation/monitoring is recommended as per NYSDOH guidance.

Comparison of the soil vapor data for PCE to the Matrix 2 values indicates that mitigation is recommended for the 277 Franklin St. parcel with a value of 14,000 ug/m^3. When comparing 1,1,1-TCA, mitigation/monitoring is recommended for the 277 Franklin St. parcel, with a value of 71 ug/m^3.

275 Franklin Street Parcel Soil and Groundwater Sampling Results

Nature's Way performed a limited Phase II environmental assessment on the 275 Franklin Street parcel in September of 2004. The sampling included both sub-surface soil sampling and groundwater sampling and analysis by EPA Method 8010. Volatile organic compounds were found in both soil samples and both groundwater samples (see Table 5). Tetrachloroethene (PCE) was detected above the NYSDEC Recommended Soil Cleanup Objectives (RSCOs) in one of the soil samples, and exceeded NYSDEC Groundwater Quality Standards in both locations.

Conclusion

Soil sampling results at all three parcels exhibited semi-volatile and inorganic contamination in excess of the NYSDEC recommended soil cleanup objectives at one or more shallow subsurface locations. Soil vapor sampling results at 277 Franklin Street indicate the presence of one or more chlorinated solvents at concentrations that would require mitigation or monitoring in accordance with NYSDOH guidance.

As such, environmental conditions at all three subject parcels are likely to impact redevelopment activity and therefore should be deemed eligible for participation in the NYSDEC Brownfields Cleanup Program.

Sincerely,
Benchmark Environmental Engineering & Science, PLLC

Paul H. Werthman, P.E.
Principal Engineer

BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

TABLE 1
SUMMARY OF SOIL ANALYTICAL RESULTS - SVOCs
470 Pearl Street, LLC
BUFFALO, NEW YORK

Location	277 Franklin St		470 Pearl Street					
Parameter	**SB-1**	**SB-2**	**SB-1**	**SB-2**	**SB-3**	**SB-4**	**SB-5**	**Rec. Soil Cleanup Objective [1] (mg/kg)**
TCL Semi-Volatile Organic Compounds (SVOCs) -mg/kg								
Acenaphthene	<7.8	<7.1	3.2 J	1.5 J	<4.1	0.30 J	0.095 J	50
Acenaphthylene	<7.8	<7.1	1.6 J	<7.9	0.73 J	0.14 J	0.019 J	41
Anthracene	<7.8	<7.1	8.8	3.2 J	0.62 J	0.62 J	0.16 J	50
Benzo(a)anthracene	<7.8	0.44 J	22	6.5 J	2.8 J	1.5 J	0.73	0.224
Benzo(b)fluoranthene	<7.8	0.57 J	26	7.6 J	5.1	1.9	1.3	1.1
Benzo(k)fluoranthene	<7.8	<7.1	9.1	2.1 J	1.6 J	0.71 J	0.44	1.1
Benzo(ghi)perylene	<7.8	0.47 J	8.0 J	2.4 J	2.5 J	0.65 J	0.5	50
Benzo(a)pyrene	<7.8	<7.1	20	5.7 J	3.7 J	1.4 J	0.9	0.061
Benzyl alcohol	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	-
Bis (2-chloroethoxy) methane	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	-
Bis (2-chloroethyl) ether	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	-
2,2'-Oxybis (1-Chloropropane	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	-
Bis (2-ethylhexyl) phthalate	<7.8	<7.1	<8.6	<7.9	<4.1	0.098 J	0.063 J	50
4-Bromophenyl phenyl ether	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	-
Butyl benzyl phthalate	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	50
4-Chloroaniline	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	0.22
2-Chloronaphthalene	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	0.24
4-Chlorophenyl phenyl ether	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	-
Chrysene	<7.8	<7.1	20	6.6 J	3.2 J	1.4 J	0.9	0.4
Dibenzo (a,h) anthracene	<7.8	<7.1	2.4 J	0.74 J	0.54 J	0.18 J	0.13 J	0.014
Dibenzofuran	<7.8	<7.1	1.8 J	1.0 J	<4.1	0.23 J	0.088 J	6.2
Di-n-butyl phthalate	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	8.1
1,2-Dichlorobenzene	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	-
1,3-Dichlorobenzene	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	-
1,4-Dichlorobenzene	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	-
3,3'-Dichlorobenzidine	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	-
Diethyl phthalate	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	7.1
Dimethyl phthalate	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	2
2,4-Dinitrotoluene	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	-

BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

TABLE 1
SUMMARY OF SOIL ANALYTICAL RESULTS - SVOCs
470 Pearl Street, LLC
BUFFALO, NEW YORK

Location	277 Franklin St.		470 Pearl Street					
Parameter	**SB-1**	**SB-2**	**SB-1**	**SB-2**	**SB-3**	**SB-4**	**SB-5**	**Rec. Soil Cleanup Objective [1] (mg/kg)**
TCL Semi-Volatile Organic Compounds (SVOCs) -mg/kg								
2,6-Dinitrotoluene	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	1
Di-n-octyl phthalate	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	50
Fluoranthene	0.63 J	0.55 J	49	14	5.9	3.4	2.0	50
Fluorene	<7.8	<7.1	3.4 J	1.5 J	<4.1	0.25 J	0.08 J	50
Hexachlorobenzene	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	0.41
Hexachlorobutadiene	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	-
Hexachlorocyclopentadiene	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	-
Hexachloroethane	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	-
Indeno (1,2,3-cd) pyrene	<7.8	<7.1	7.4 J	2.0 J	2.1 J	0.57 J	0.44	3.2
Isophorone	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	4.4
2-Methylnaphthalene	<7.8	<7.1	0.89 J	0.72 J	<4.1	0.15 J	0.097 J	36
Naphthalene	<7.8	<7.1	1.1 J	1.1 J	<4.1	0.19 J	0.067 J	13
2-Nitroaniline	<7.8	<34	<42	<38	<20	<7.7	<1.8	0.43
3-Nitroaniline	<7.8	<34	<42	<38	<20	<7.7	<1.8	0.5
4-Nitroaniline	<38	<34	<42	<38	<20	<7.7	<1.8	-
Nitrobenzene	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	0.2
N-Nitrosodiphenylamine	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	-
N-Nitroso-Di-n-propylamine	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	-
Phenanthrene	<7.8	<7.1	35	14	2.8 J	2.8	1.2	50
Pyrene	0.53 J	0.58 J	38	12	5.3	2.5	1.8	50
1,2,4-Trichlorobenzene	<7.8	<7.1	<8.6	<7.9	<4.1	<1.6	<0.36	-

Notes:

1. NYSDEC Technical and Administrative Guidance Memorandum (TAGM #4046), issued January 1994.
2. Highlighted values indicate exceedances of the NYSDEC Recommended Soil Cleanup Objectives.
3. J = estimated concentration.
4. Analytical results were reported in ug/kg and converted to mg/kg for comparison to TAGM Values.

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TABLE 2
SUMMARY OF SOIL ANALYTICAL RESULTS
PCBs
470 Pearl Street, LLC
BUFFALO, NEW YORK

Location	277 Franklin St.		470 Pearl Street					
Parameter	**SB-1**	**SB-2**	**SB-1**	**SB-2**	**SB-3**	**SB-4**	**SB-5**	**Rec. Soil Cleanup Objective [1] (mg/kg)**
PCB's (mg/kg)								
Aroclor 1016	<0.02	<0.018	<0.022	<0.02	<0.021	<0.02	<0.018	note 2
Aroclor 1221	<0.02	<0.018	<0.022	<0.02	<0.021	<0.02	<0.018	note 2
Aroclor 1232	<0.02	<0.018	<0.022	<0.02	<0.021	<0.02	<0.018	note 2
Aroclor 1242	<0.02	<0.018	<0.022	<0.02	<0.021	<0.02	<0.018	note 2
Aroclor 1248	<0.02	<0.018	<0.022	<0.02	<0.021	<0.02	<0.018	note 2
Aroclor 1254	<0.02	<0.018	<0.022	<0.02	<0.021	<0.02	<0.018	note 2
Aroclor 1260	<0.02	<0.018	<0.022	<0.02	<0.021	<0.02	<0.018	note 2

Notes:

1. NYSDEC Technical and Administrative Guidance Memorandum (TAGM #4046), issued January 1994.
2. Total PCB Cleanup Objective = 1 mg/kg surface, 10 mg/kg subsurface.
3. Analytical results were reported in ug/kg and converted to mg/kg for comparison to soil cleanup objective values.

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TABLE 3
SUMMARY OF SOIL ANALYTICAL RESULTS
INORGANICS
470 Pearl Street, LLC
BUFFALO, NEW YORK

Location	277 Franklin St.		470 Pearl Street					
Parameter	**SB-1**	**SB-2**	**SB-1**	**SB-2**	**SB-3**	**SB-4**	**SB-5**	**Rec. Soil Cleanup Objective [1] (mg/kg)**
Inorganics (mg/kg)								
Arsenic	3.5	5.1	10.3	10.1	4.3	4.8	3.8	12
Mercury	0.18	0.33	0.93	0.16	0.12	0.81	0.41	0.2
Chromium	6.3	11.1	12.7	6.4	9.0	6.0	5.5	40
Lead	87.8	358	938	313	115	663	262	500 [3]

Notes:

1. NYSDEC Technical and Administrative Guidance Memorandum (TAGM #4046), issued January 1994.
2. Highlighted values indicate exceedances of the NYSDEC Recommended Soil Cleanup Objectives.
3. Urban typical range 200-500 mg/kg.

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TABLE 4
SUMMARY OF SOIL VAPOR ANALYTICAL RESULTS

470 Pearl Street, LLC
BUFFALO, NEW YORK

Location	277 Franklin St	470 Pearl Street	
Parameter	**Air**	**Air -1**	**Air -2**
Soil Vapor Concentration (ug/m^3)			
Trichloroethene (TCE)	70	1.1	1.1
Tetrachloroethene (PCE)	14000	2.4	1.4
1,1,1-trichloroethane (1,1,1-TCA)	71	1.1	1.1

Notes:

- Highlight indicates Monitoring or Mitigation required under the Recommended Action Level as per NYSDOH Indoor Air Matrix 1 and 2 Guidances
- Highlight indicates Mitigation required under the Recommeded Action Level as per NYSDOH Indoor Air Matrix 1 and 2 Guidances

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TABLE 5

SUMMARY OF SOIL AND GROUNDWATER ANALYTICAL RESULTS

September 2004 Investigation

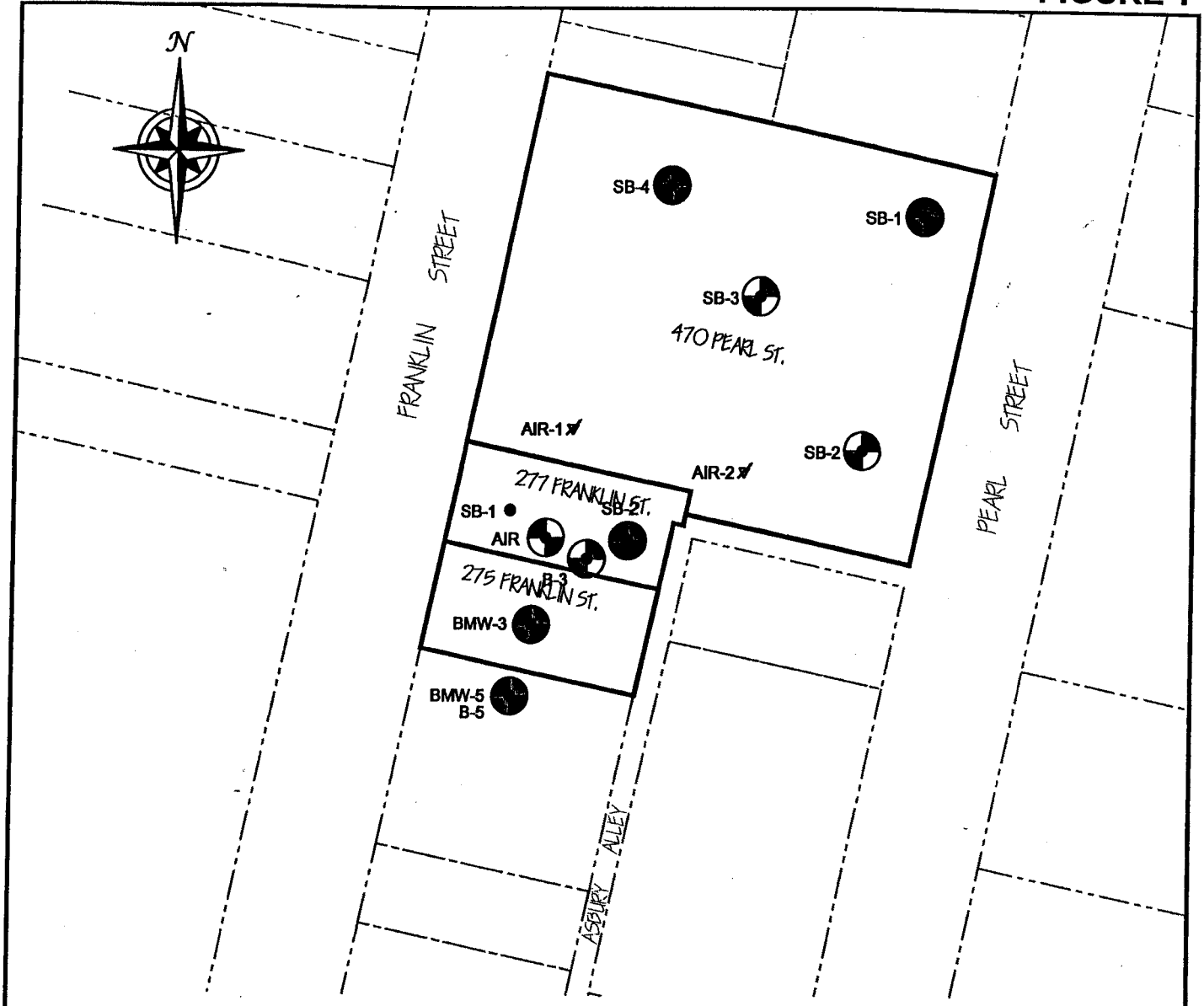
470 Pearl Street, LLC
BUFFALO, NEW YORK

Location	275 Franklin Street			
Media	Soil (ug/Kg)		Groundwater (ug/L)	
Parameter	B-3	B-5	BMW-3	BMW-5
Concentration				
Tetrachloroethene (PCE)	12,700	671	137,000	70,400

Notes:

- Highlight indicated soil exceedance of NYSDEC Technical and Administrative Guidance Memorandum (TAGM #4046), issued January 1994.
- Highlight indicated groundwater exceedance of NYSDEC Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations (TOGS 1.1.1) Class GA used for comparison

FIGURE 1



LEGEND:

- PROPERTY BOUNDARY
- SB-1 GEOPROBE SOIL BORING LOCATION
- AIR-1 SUBSLAB VAPOR SAMPLE LOCATION
- SB-4 EXCEEDS RSCO FOR SVOCs AND INORGANICS
- SB-4 EXCEEDS RSCO FOR SVOCs
- AIR SUBSLAB VAPOR MITIGATION/MONITORING REQD.
- B-3 EXCEEDS RSCO FOR VOCs
- BMW-3 EXCEEDS GROUNDWATER STD. FOR VOCs

80' 0' 80' 160'

SCALE: 1 INCH = 80 FEET
SCALE IN FEET
(approximate)

BENCHMARK
ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC
726 EXCHANGE STREET
SUITE 624
BUFFALO, NEW YORK 14210
(716) 856-0599

PROJECT NO.: 2099-002-100
DATE: DECEMBER 2005
DRAFTED BY: BCH

OFFSITE SAMPLE LOCATIONS

470 PEARL STREET, LLC SITE
BUFFALO, NEW YORK

PREPARED FOR
470 PEARL STREET, LLC

BENCHMARK
ENVIRONMENTAL
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June 26, 2006

Robert E. Knoer, Esq.
Knoer, Crawford and Bender, LLP
14 Lafayette Square
Suite 1700
Buffalo, N.Y. 14203

Re: Addendum to March 2006 Preliminary Site Investigation
432 Pearl Street, Buffalo, New York Property

Dear Mr. Knoer:

We have prepared this Addendum to the March 2006 Preliminary Site Investigation to include the investigative results for the property located at 432 Pearl Street, Buffalo, New York. The investigation of this property was conducted concurrently with the investigation of the 275/277 & 279 Franklin Street properties in accordance with the Preliminary Investigation Work Plan (December 2005). The work was performed to ascertain if subsurface environmental conditions on these parcels were likely to impact redevelopment and thereby provide the New York State Department of Environmental Conservation (NYSDEC) a basis to determine eligibility for participation in the NYSDEC Brownfield Cleanup Program (BCP). A summary of the findings for the 432 Pearl Street property is presented below.

Soil Boring Sampling Results

The boring program, conducted on January 18, 2006, consisted of advancing three direct-push (Geoprobe®) boreholes as shown in Figure A-1. All direct-push boreholes were advanced using 1.5-inch diameter macro-samplers. The 4-foot sample cores were retrieved from the boring locations in clear PVC sleeves to allow for field characterization of the subsurface lithology and collection of soil samples.

Soil/fill samples were retrieved from each boring and field screened for headspace VOC content using a hand-held photoionization detector (PID). The PID is capable of detecting the presence of certain volatile organic contaminants. PID scans of the soil borings resulted in no readings above background concentrations.

Direct grab soil samples were collected from the upper fill zone of each boring (see Figure A-1 for approximate sample location). Each grab sample was analyzed for Target Compound List (TCL) semi-volatile organic compounds (SVOCs) – base neutral fraction via USEPA Method 8270, TCL polychlorinated biphenyls (PCBs) via

USEPA Method 8082, chromium, arsenic, mercury, and lead via USEPA Method 6010 (7471 for mercury).

The soil analytical results are summarized in Table A-1. Each compound that was analyzed is listed on the table, with its associated result, to provide a complete data summary. Recommended Soil Cleanup Objectives (RSCOs) as published in NYSDEC Technical Assistance and Guidance Memorandum (TAGM) HWR-94-4046 are also presented for comparative purposes.

As indicated on Table A-1, the soil borings indicate concentrations of various SVOCs in the composite soil sample. In particular, several polynuclear aromatic hydrocarbons (PAHs) were detected above the NYSDEC RSCOs. No PCBs were found above laboratory detection level. Inorganic metals concentrations exceeded RSCO for mercury and lead in the sample collected from soil boring SB-2.

Soil Vapor Sampling Results

The soil vapor sampling program, conducted on January 20, 2006, consisted of collecting and analyzing one sample from beneath asphalt pavement (refer to Figure A-1 for approximately location). A Summa Canister fitted with an 8-hour regulator was used for sample collection.

The soil vapor sample was analyzed for TCL volatile organic compounds (VOCs) in accordance with USEPA Method TO-15. The purpose of this sampling effort was to determine if subsurface VOCs from impacted soil or groundwater was present in sufficient concentration to likely require mitigation in the context of planned redevelopment.

The New York State Department of Health has published a draft document entitled, "Guidance for Evaluating Soil Vapor Intrusion in the State of New York." This document is presently guiding NYSDOH and NYSDEC decisions concerning the need for subslab vapor mitigation at sites undergoing investigation, cleanup and monitoring under NY State remedial programs (e.g., Brownfield Cleanup Program, Inactive Hazardous Waste Site Remediation Program, etc.). The guidance presents two soil vapor/indoor air matrices to assist in interpreting subslab and ambient air data (i.e., Matrix 1 and Matrix 2). To date, three chemicals have been assigned to these two matrices: trichloroethene (TCE) is assigned to Matrix 1, while tetrachloroethene (also known as perchloroethene, or PCE) and 1,1,1-trichloroethane (1,1,1-TCA) are assigned to Matrix 2.

Of the three chemicals of concern, only PCE was detected at a concentration of 140 $\mu g/m^3$. Comparison of the soil vapor data for PCE to the Matrix 2 value (100

$\mu g/m^3$) indicates that mitigation/monitoring for this compound is recommended for the 432 Pearl Street property .

Conclusion

Soil sampling results exhibit SVOC and inorganic contamination in excess of the NYSDEC RSCOs at one or more shallow subsurface locations. Soil vapor sampling results indicate the presence of PCE at a concentration that would require mitigation/monitoring in accordance with NYSDOH guidance.

As such, environmental conditions at the 432 Pearl Street parcel is likely to impact future redevelopment activities and therefore, the parcel should be eligible for participation in the NYSDEC Brownfields Cleanup Program.

Sincerely,
Benchmark Environmental Engineering & Science, PLLC

Patrick T. Martin, P.E.
Project Manager

c: File: 0099-003-100

BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

TABLE A-1
SUMMARY OF SOIL ANALYTICAL RESULTS
432 PEARL STREET PROPERTY

BUFFALO DEVELOPMENT CORP.
BUFFALO, NEW YORK

Parameter	SB-1	SB-2	SB-3	Rec. Soil Cleanup Objective [1] (mg/kg)
TCL Semi-Volatile Organic Compounds (mg/kg)				
Acenaphthene	<75	1.4 J	<3.9	50
Acenaphthylene	<75	0.48 J	<3.9	41
Anthracene	<75	2.7 J	0.34 J	50
Benzo(a)anthracene	7.2 J	7.7 J	0.80 J	0.224
Benzo(b)fluoranthene	10.0 J	12.0	0.93 J	1.1
Benzo(k)fluoranthene	4.4 J	2.6 J	0.35 J	1.1
Benzo(ghi)perylene	4.7 J	4.2 J	0.38 J	50
Benzo(a)pyrene	7.2 J	8.3	0.74 J	0.061
Benzyl alcohol	<75	<8.2	<3.9	-
Bis (2-chloroethoxy) methane	<75	<8.2	<3.9	-
Bis (2-chloroethyl) ether	<75	<8.2	<3.9	-
2,2'-Oxybis (1-Chloropropane)	<75	<8.2	<3.9	-
Bis (2-ethylhexyl) phthalate	<75	<8.2	<3.9	50
4-Bromophenyl phenyl ether	<75	<8.2	<3.9	-
Butyl benzyl phthalate	<75	<8.2	<3.9	50
4-Chloroaniline	<75	<8.2	<3.9	0.22
2-Chloronaphthalene	<75	<8.2	<3.9	0.24
4-Chlorophenyl phenyl ether	<75	<8.2	<3.9	-
Chrysene	7.8 J	8.4	0.71 J	0.4
Dibenzo (a,h) anthracene	<75	1.3 J	<3.9	0.014
Dibenzofuran	<75	1.1 J	<3.9	6.2
Di-n-butyl phthalate	<75	<8.2	<3.9	8.1
1,2-Dichlorobenzene	<75	<8.2	<3.9	-
1,3-Dichlorobenzene	<75	<8.2	<3.9	-
1,4-Dichlorobenzene	<75	<8.2	<3.9	-
3,3'-Dichlorobenzidine	<75	<8.2	<3.9	-
Diethyl phthalate	<75	<8.2	<3.9	7.1
Dimethyl phthalate	<75	<8.2	<3.9	2
2,4-Dinitrotoluene	<75	<8.2	<3.9	-
2,6-Dinitrotoluene	<75	<8.2	<3.9	1
Di-n-octyl phthalate	<75	<8.2	<3.9	50
Fluoranthene	18.0 J	20.0	1.9 J	50
Fluorene	<75	1.3 J	<3.9	50
Hexachlorobenzene	<75	<8.2	<3.9	0.41
Hexachlorobutadiene	<75	<8.2	<3.9	-
Hexachlorocyclopentadiene	<75	<8.2	<3.9	-
Hexachloroethane	<75	<8.2	<3.9	-
Indeno (1,2,3-cd) pyrene	4.3 J	3.8 J	0.36 J	3.2
Isophorone	<75	<8.2	<3.9	4.4

BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC

TABLE A-1
SUMMARY OF SOIL ANALYTICAL RESULTS
432 PEARL STREET PROPERTY

BUFFALO DEVELOPMENT CORP.
BUFFALO, NEW YORK

Parameter	SB-1	SB-2	SB-3	Rec. Soil Cleanup Objective [1] (mg/kg)
TCL Semi-Volatile Organic Compounds (mg/kg)				
2-Methylnaphthalene	<75	0.66 J	<3.9	36
Naphthalene	<75	1.3 J	<3.9	13
2-Nitroaniline	<360	<40	<19	0.43
3-Nitroaniline	<360	<40	<19	0.5
4-Nitroaniline	<360	<40	<19	-
Nitrobenzene	<75	<8.2	<3.9	0.2
N-Nitrosodiphenylamine	<75	<8.2	<3.9	-
N-Nitroso-Di-n-propylamine	<75	<8.2	<3.9	-
Phenanthrene	12.0 J	17.0	1.5 J	50
Pyrene	17.0 J	21.0	1.7 J	50
1,2,4-Trichlorobenzene	<75	<8.2	<3.9	-
PCBs (mg/kg)				
Aroclor 1016	<0.018	<0.021	<0.020	note 2
Aroclor 1221	<0.018	<0.021	<0.020	note 2
Aroclor 1232	<0.018	<0.021	<0.020	note 2
Aroclor 1242	<0.018	<0.021	<0.020	note 2
Aroclor 1248	<0.018	<0.021	<0.020	note 2
Aroclor 1254	<0.018	<0.021	<0.020	note 2
Aroclor 1260	<0.018	<0.021	<0.020	note 2
Inorganic Compounds (mg/kg)				
Arsenic	5.3	9.0	4.3	12
Mercury	0.089	1.1	0.11	0.2
Chromium	6.6	11.4	8.2	40
Lead	103	507	78.1	500 [3]

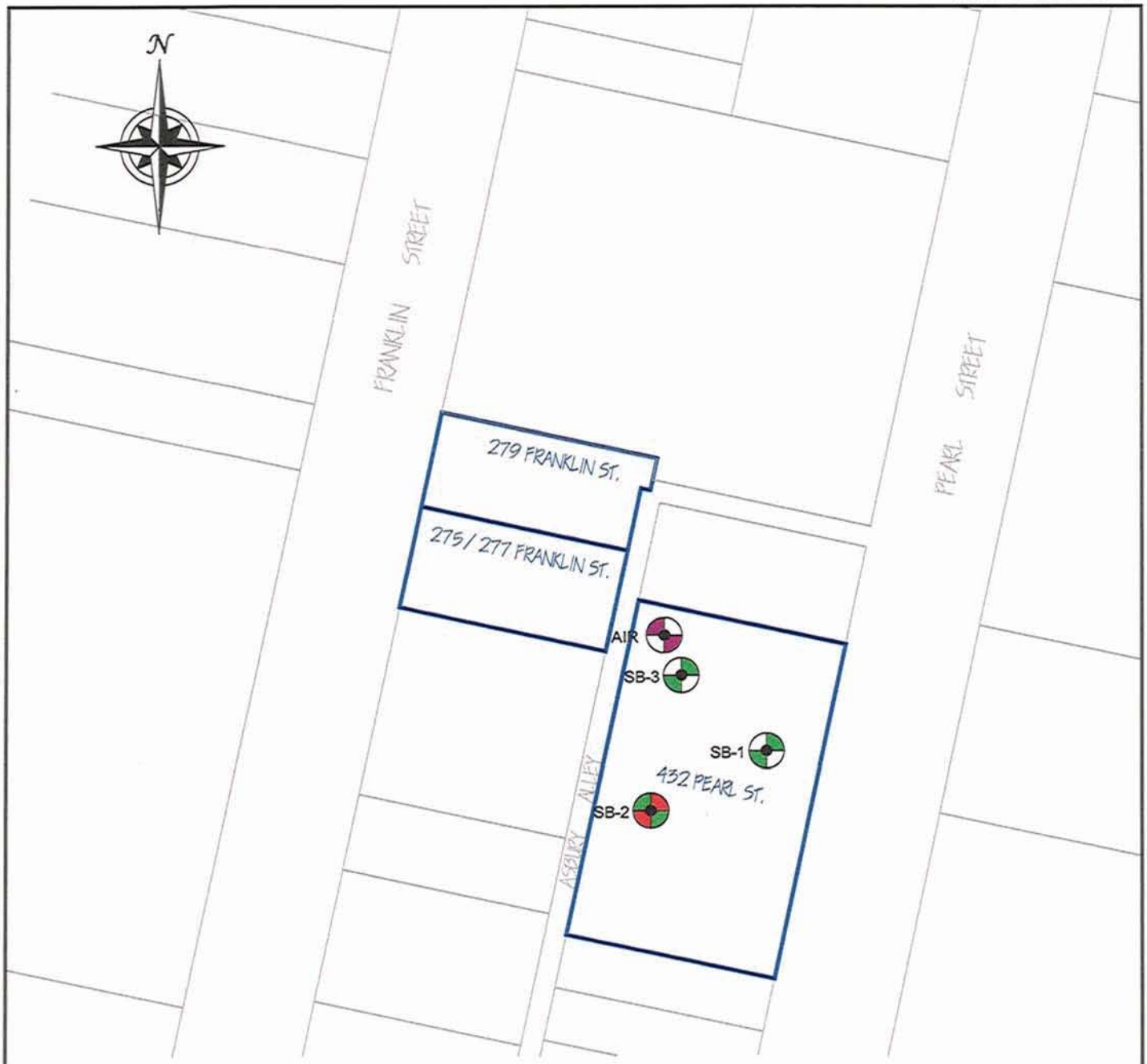
Notes:

1. NYSDEC Technical and Administrative Guidance Memorandum (TAGM #4046), issued January 1994.
2. Total PCB Cleanup Objective = 1 mg/kg surface, 10 mg/kg subsurface.
3. Urban typical range 200-500 mg/kg.

Highlighted values indicate exceedances of the NYSDEC Recommended Soil Cleanup Objectives.
J = estimated concentration.
Analytical results were reported in ug/kg and converted to mg/kg for comparison to TAGM Values.

FIGURE A-1

G:\CAD\Benchmark\470 Pearl Street, LLC (Buffalo Development Corp)\BCP Attachment Figures\Figure A-1; Sample Locations.dwg



LEGEND:

- PROPERTY BOUNDARY
- SB-1 GEOPROBE SOIL BORING LOCATION
- SB-4 EXCEEDS RSCO FOR SVOCs AND INORGANICS
- SB-4 EXCEEDS RSCO FOR SVOCs
- AIR SUBSLAB VAPOR MITIGATION/MONITORING REQD.

80' 0' 80' 160'

SCALE: 1 INCH = 80 FEET
SCALE IN FEET
(approximate)

BENCHMARK
ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC
726 EXCHANGE STREET
SUITE 624
BUFFALO, NEW YORK 14210
(716) 856-0599

PROJECT NO.: 0099-003-100

DATE: JUNE 2006

DRAFTED BY: BCH

SAMPLE LOCATIONS

BUFFALO DEVELOPMENT CORP.
BUFFALO, NEW YORK

PREPARED FOR
432 PEARL STREET PROPERTY

ATTACHMENT 07

LISTING OF PREVIOUS SITE OWNERS

Attachment 07
Listing of Previous Site Owners

Buffalo Development Corp.
Buffalo Development Corp. Hotel Site
Brownfield Cleanup Program Application

INTRODUCTION

The following table lists the previous property owners as described in the attached Chain of Title. A full title search is available for the 279 Property, and a partial title search for 432 Pearl Street. Property Ownership for 275-277 Franklin was discerned from a review of Deeds filed n the Erie County Clerk's office.

Year	Owner(s)
275/277 Franklin Street	
Present	Saturn Development
	Willow Top Cleaners, Inc. / Kathryn & Joe Dell Flakes
	Betty Scott Trustee (under Land Trust Agreement)
	Willow Top Cleaners, Inc.
	Dolores J. Wallens
	Duratizing Corporation
279 Franklin Street	
	Alanson Farrar & Katherine M.
1917-1949	Betsy L. Henafelt
1949	Louise Vidano
1949	Marie T. DeGasper
1970	Leon Lawrence Sidell
1982	Ellis Properties, Inc.
1983	J & L Management Corp.
1983	City of Buffalo Urban Renewal Agency
Present	Skydeck Corporation
432 Pearl Street	
1920	Anthony J. Parloto to Frank Parloto Realty Co.
1923	Frank Parloto
1929	Albert Fisher
1932	The Marine Trust Company of Buffalo
1945	Louise Vidan
1945	James J. DeGasper
1970	Leon Sidell
1979	Ellis Properties, Inc.

Attachment 07
Listing of Previous Site Owners

Buffalo Development Corp.
Buffalo Development Corp. Hotel Site
Brownfield Cleanup Program Application

1980	Leon Sidell
1973	William H. Gardner
1983	J & L Management Corp.
1983	City of Buffalo Urban Renewal Agency
1999-present	Skydeck Corporation

ATTACHMENT 08

LISTING OF PREVIOUS SITE OPERATORS

Attachment 08

Listing of Previous Site Operators

Buffalo Development Corp.
Buffalo Development Corp. Hotel Site
Brownfield Cleanup Program Application

INTRODUCTION

275-277 was a dry cleaner and also at one time contained a carpenters shop in the rear. 432 Pearl was historically residential before becoming a parking lot, as was 279 Franklin Street.

Year	Operator(s)
275/277 Franklin Street	
	Willow Top Cleaners, Inc. / Kathryn & Joe Dell Flakes
	Duratizing Corporation (formerly known as Sayon Cleaning and Laundry
279 Franklin Street	
	No potential operators identified beyond those listed on ownership history in Attachment 7
432 Pearl Street	
1925	Martin Fischer and Sons Hot Air Heaters
	No other operators identified beyond those listed on ownership history in Attachment 7

ATTACHMENT 09

CONTACT LIST INFORMATION

ATTACHMENT 09
Contact List Information

Buffalo Development Corp.
Buffalo Development Corp. Hotel Site
Brownfield Cleanup Program Application

CONTACT LIST

The following is the contact list information for the subject property.

New York State Contacts:

Director Abby Snyder
NYSDEC, Region 9
270 Michigan Avenue
Buffalo, NY 14203

Mr. Gene Melnyk
NYSDEC, Region 9
270 Michigan Avenue
Buffalo, NY 14203

Ms. Megan Gollwitzer
NYSDEC, Region 9
270 Michigan Ave.
Buffalo, N.Y 14203

Mr. Cameron O'Connor
NYSDOH
584 Delaware Avenue
Buffalo, NY 14202

Senator Hillary Rodham-Clinton
U.S. Senate
Larkin Building
726 Exchange St., Suite 511
Buffalo, NY 14210

Representative Brian M. Higgins
Congressional District 27
726 Exchange Street, Suite 601
Buffalo, NY 14210

Mr. Martin Doster
NYSDEC, Region 9
270 Michigan Avenue
Buffalo, NY 14203

Ms. Meaghan Boice-Green
NYSDEC, Region 9
270 Michigan Ave.
Buffalo, N.Y 14203

Community Outreach File
NYSDEC, Region 9
270 Michigan Ave.
Buffalo, N.Y 14203

Mr. Matt Forcucci
NYSDOH
584 Delaware Avenue
Buffalo, NY 14202

Senator Charles Schumer
U.S. Senate
130 South Elmwood Avenue, Suite 660
Buffalo, NY 14202

Representative Louise M. Slaughter
109th Congress – District 28
465 Main Street, Suite 105
Buffalo, NY 14203

ATTACHMENT 09
Contact List Information

Buffalo Development Corp.
Buffalo Development Corp. Hotel Site
Brownfield Cleanup Program Application

New York State Contacts:

Assemblymember Crystal D. Peoples
NYS Assembly – District 141
792 E. Delavan Avenue
Buffalo, NY 14215

Assemblymember Sam Hoyt
NYS Assembly – District 144
125 Main Street
Buffalo, NY 14203

Senator Marc Coppola
60th District, NYS Senate
65 Court St., Rm. 213
Buffalo, NY 14202

Senator William Stachowski
58th District, NYS Senate
2030 Clinton Street
Buffalo, NY 14206

Mr. Michael Basile
WNY Public Information Office
186 Exchange St.
Buffalo, NY 14204

Erie County Contacts:

Mr. Joel Giambra, County Executive
95 Franklin Street
Rath Building
Buffalo, NY 14202

Mr. George Holt
Legislator – District 3
427 William Street
Buffalo, NY 14204

Commissioner Michael Walters
Erie Co. Emergency Services
95 Franklin Street
Buffalo, NY 14202

Mr. Paul Kranz
Erie Co. Environment & Plan.
95 Franklin Street
Buffalo, NY 14202

Mr. Michael Raab
Erie Co. Environment & Plan.
95 Franklin Street
Buffalo, NY 14202

Commissioner Andrew Eszak
Erie Co. Environment & Plan.
95 Franklin Street
Buffalo, NY 14202

ATTACHMENT 09
Contact List Information

Buffalo Development Corp.
Buffalo Development Corp. Hotel Site
Brownfield Cleanup Program Application

Erie County Contacts:

Commissioner Anthony Billittier
Erie Co. Health Dept., Rm 931
95 Franklin Street
Buffalo, NY 14202

Mr. Paul Leone
Erie County IDA
275 Oak Street
Buffalo, NY 14203

Mr. Kevin Kelley
Erie County Legislature Clerk
25 Delaware Avenue
Buffalo, NY 14202

Mr. Patrick Daley
Erie County Local Emergency
95 Franklin Street
Buffalo, NY 14202

City of Buffalo Contacts:

Mayor Byron W. Brown
City Hall
Buffalo, NY 14202

Zoning Board:

James Lewis, III
Chairman
Room 1801, City Hall
Buffalo, NY 14202

Supplier of Potable Water:

Erie County Water Authority
350 Ellicott Square Building
295 Main Street
Buffalo, NY 14203

City of Buffalo Division of Water
City Hall
Buffalo, NY 14202

Local News Media:

ATTN: Jay Bonfatti
The Buffalo News
1 News Plaza
Buffalo, NY 14240

ATTN: Melanie Pritchard
WKBW-TV
7 Broadcast Plaza
Buffalo, NY 14202

ATTACHMENT 09
Contact List Information

Buffalo Development Corp.
Buffalo Development Corp. Hotel Site
Brownfield Cleanup Program Application

Local News Media:

WBEN News Radio 930
Entercom Radio of Buffalo
500 Corporate Pkwy, Suite 200
Buffalo, NY 14226

ATTN: Environmental News Desk
WIVB - CH. 4
2077 Elmwood Avenue
Buffalo, NY 14207

ATTN: Anne Marie Franczyk
Business First
465 Main Street
Buffalo, NY 14203-1793

Editor
Metro Community News
25 Boxwood Lane
Buffalo, NY 14227

Editor
Bee Group Newspapers
P.O. Box 150
Buffalo, NY 14231

News Director
WBEN Radio News/Talk 930
500 Corporate Pkwy. #200
Buffalo, NY 14226

ATTN: Environmental News Desk
WJYE
1700 Rand Building
Buffalo, NY 14203

ATTN: Environmental News Desk
WGRZ TV - CH. 2
259 Delaware Avenue
Buffalo, NY 14202

ATTN: Michael Desmond
WNED, Environmental News Desk
PO 1263, Horizons Plaza
Buffalo, NY 14240

ATTN: News Director
Citadel Communications
50 James Casey Dr.
Buffalo, NY 14206

ATTN: News Director
Infinity Broadcasting
14 Lafayette Square, #1300
Buffalo, NY 14203

ATTN: News Director
WB 49
699 Hertel Ave, Suite 100
Buffalo, NY 14207

Document Repository:

Buffalo & Erie County Public Library
Central Branch
1 Lafayette Square
Buffalo, NY 14203
Attn: Michael C. Mahaney, Director

ATTACHMENT 09
Contact List Information

Buffalo Development Corp.
Buffalo Development Corp. Hotel Site
Brownfield Cleanup Program Application

Nearby Schools:

Emerson Vocational High School
Principal: James G. Weimer, Jr.
70 W. Chippewa St.
Buffalo, NY 14202
716-816-3018

Empire State College
Dean: Nan M. DiBello, Ph.D.
Market Arcade
617 Main St.
Buffalo, NY 14203-1498
716-853-7700

Other Interested Groups:

Mr. Brian Smith
Citizens Campaign-Environment
3144 Main Street
Buffalo, NY 14214

WNY Director
Citizens' Env. Coalition
543 Franklin St., Rm. 2
Buffalo, NY 14202-1109

BENCHMARK
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

ATTACHMENT 09

Area Property Owners

Buffalo Development Corp.
Buffalo Development Corp. Hotel Site
Brownfield Cleanup Program Application

Property Address		Owner
No.	Street	Name
259	Delaware Avenue	Multimedia Entertainment, Inc.
257	Franklin Street	Z Holding Corporation
265	Franklin Street	JDT Properties, LLC
267	Franklin Street	430 Niagara Street Associates
280	Franklin Street	Buffalo Development Corp.
284	Franklin Street	286 Franklin Street, Inc. c/o AAA Distributors
642	Main Street	City of Buffalo Perfecting Title
430	Pearl Street	Charles Davis I
439	Pearl Street	Shea's O'Connell Preservation Guild, Ltd.
452	Pearl Street	Paul Ramunno
470	Pearl Street	Manufacturers & Traders Trust Co.
622	Pearl Street	Acquest Theater Place, LLC

470 Pearl St

ATTACHMENT 10

DOCUMENT REPOSITORY CONFIRMATION LETTER

BENCHMARK
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

June 22, 2006

Michael C. Mahaney
Library Director
Buffalo & Erie County Public Library
Central Branch
1 Lafayette Square
Buffalo, New York 14203

Re: Document Repository for Brownfield Cleanup Program
Buffalo Development Corp.
275/277 & 279 Franklin and 432 Pearl Street Site, Buffalo, New York

Dear Mr. Mahaney,

Per my telephone conversation with your office receptionist, thank you for agreeing to the Central Library acting as the document repository for the above-referenced Site.

Please contact me or Mr. Patrick Martin at 856-0599 if you have questions or require additional information.

Sincerely,
Benchmark Environmental Engineering & Science, PLLC

Lori E. Riker, P.E.
Project Engineer

c: File: 0099-003-100

ATTACHMENT 11

ENVIRONMENTAL FACTORS AND HISTORIC LAND USE CONSIDERATIONS

Attachment 11
Environmental Factors & Historic Land Use Considerations

Buffalo Development Corp.
Buffalo Development Corp. Hotel Site
Brownfield Cleanup Program Application

INTRODUCTION

The following provides a brief summary of the Site:

- There are no State or Federal wetlands or floodplains on the Site (see attached figure); however, Federal wetlands are located approximately 0.75 miles to the west adjacent to Lake Erie. State wetlands are located more than one mile southwest of the Site.

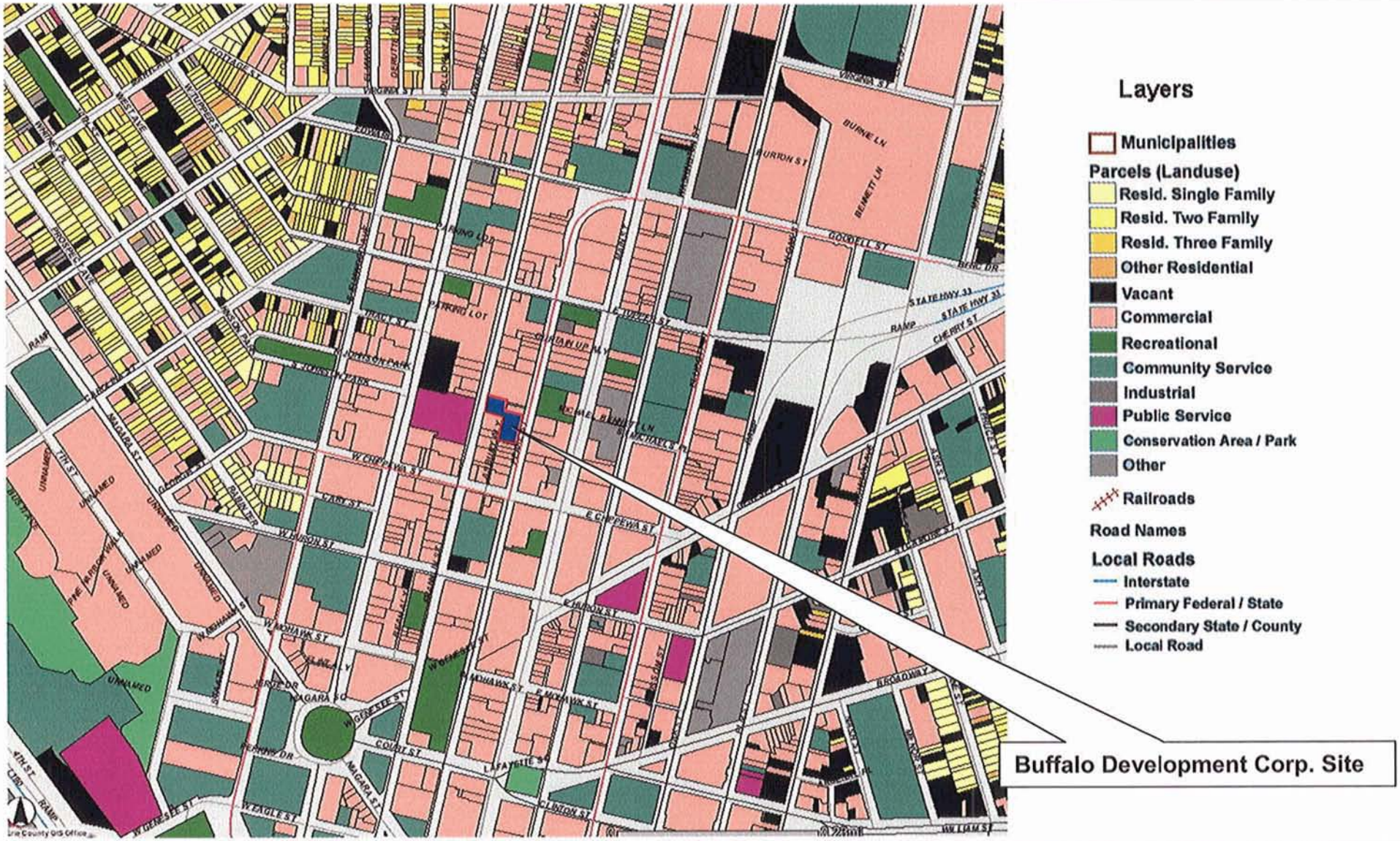
- A 100-year floodplain is located approximately 0.75 miles southwest of the Site (i.e., Lake Erie).

- The Site is not adjacent to a Significant Coastal Fish and Wildlife Habitat.

- There are no threatened or endangered species or important plant habitats listed at the Site.

ATTACHMENT 12

NEARBY LAND USE MAP



BENCHMARK
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PROJECT NO.: 0099-002-100

DATE: JUNE 2006

DRAFTED BY: BCH

LAND USE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

BUFFALO DEVELOPMENT CORP. SITE
BUFFALO, NEW YORK

PREPARED FOR
BUFFALO DEVELOPMENT CORPORATION

FIGURE 12-1

ATTACHMENT 13

GROUNDWATER VULNERABILITY ASSESSMENT

Attachment 13
Groundwater Vulnerability Assessment

Buffalo Development Corp.
Buffalo Development Corp. Hotel Site
Brownfield Cleanup Program Application

POTENTIAL VULNERABILITY OF GROUNDWATER TO CONTAMINATION

Groundwater at the Site is locally contaminated as a result of impacts from the former dry cleaning activities at 275 Franklin Street. Currently, there are no deed restrictions on the use of groundwater at the Site; however, groundwater supply wells are not present on the Site. Regionally, groundwater in the area has not been developed for industrial, agriculture, or public supply purposes. Municipal potable water service is provided on-site and off-site by the Erie County Water Authority.

Historical investigations and one limited groundwater investigation have shown that groundwater was impacted by previous industrial activities on 275 Franklin Street (i.e., dry cleaning operations). Historic groundwater contamination data was collected from temporary piezometers. Currently, there are no monitoring wells on the Site. Dry cleaning operations have ceased and the building and infrastructure have been demolished.

GROUNDWATER FLOW/RECHARGE

Regional groundwater appears to flow south/southwest toward Lake Erie. Localized groundwater flow has not been assessed.

RECOMMENDATIONS

The Remedial Investigation will provide further information related to groundwater quality on the Site.

ATTACHMENT 14

DESCRIPTION OF SITE GEOGRAPHY/GEOLOGY

Attachment 14
Description of Site Geography/Geology

Buffalo Development Corp.
Buffalo Development Corp. Hotel Site
Brownfield Cleanup Program Application

ECOLOGICAL SETTING

The Site is not vegetated due to the presence of surface parking lots. Viable aquatic habitats in the vicinity of the Site include the Buffalo River (approximately 1 mile southwest) and Lake Erie (approximately 0.75 miles west). Federal wetlands are located approximately 0.75 miles to the west adjacent to Lake Erie. State wetlands are located more than one mile southwest of the Site.

DEMOGRAPHY AND LAND USE

The Site is currently owned by Buffalo Development Corp. Land use surrounding the Site includes commercial properties, public property, and recreational/community properties. The nearest residential property is approximately 0.2 miles west of the Site.

REGIONAL GEOLOGY & HYDROGEOLOGY

The Site is located within the Erie-Ontario lake plain physiographic province, which is typified by little topographic relief and gentle slope toward Lake Erie, except in the immediate vicinity of major drainageways (USDA, 1978). The surficial geology of the Lake Erie Plain consists of a thin glacial till (if present), glaciolacustrine deposits, recent alluvium, and the soils derived from these deposits. Glacial till deposits are not encountered on this Site.

Glaciolacustrine deposits are characterized as thinly bedded to laminated silts and clays, which were deposited in lakes impounded between glacial ice and ice-free highland areas. As the glacial ice retreated northward in Erie County, water depths decreased and coarser grained shallow water sediments were deposited. These shallow water deposits included sandy beach ridges that defined lake edges, sand bars associated with offshore currents, and near shore silty fine sands. These sands exist below soil/fill at the Site.

Surface soils within the City are characterized as urban land with level to gently sloping land in which 80 percent or more of the soil surface is covered by asphalt, concrete, buildings, or other impervious structures (USDA, 1978) typical of an urban environment. The presence of overburden fill material is widespread and common throughout the City of Buffalo.

Based on the bedrock geologic map of Erie County (Buehler and Tesmer, 1963), the Site is situated over Onondaga Formation of the Middle Devonian Series. The Onondaga

Formation is comprised of a varying texture from coarse to very finely crystalline with a dark gray to tan color and chert and fossils within. The unit has an approximated thickness of 110 to 160 feet.

Structurally, the bedrock formations strike in an east-west direction and exhibit a regional dip that approximates 40 feet per mile (3 to 5 degrees) toward the south and southwest. As a result of this dip, the older Onondaga limestone outcrops or subcrops north of the Hamilton Group. An intersecting, orthogonal patter of fractures and joint sets are common throughout the bedrock strata. The surficial geomorphology of the bedrock strata was modified by period subaerial erosion and continental glaciation.

SITE GEOLOGY

Site overburden soils have been described as soil/fill to approximately 3- to 4-feet below ground surface (fbgs) overlying native glaciolacustrine sand and silt.

The U.S. Department of Agriculture Soil Conservation Service soil survey map of Erie County[1] describes the general soil type at the Site as urban land. Field characterization confirms the presence of fill over much of the Site.

Depth to and type of bedrock below the Site has not been determined by drilling.

SITE GROUNDWATER

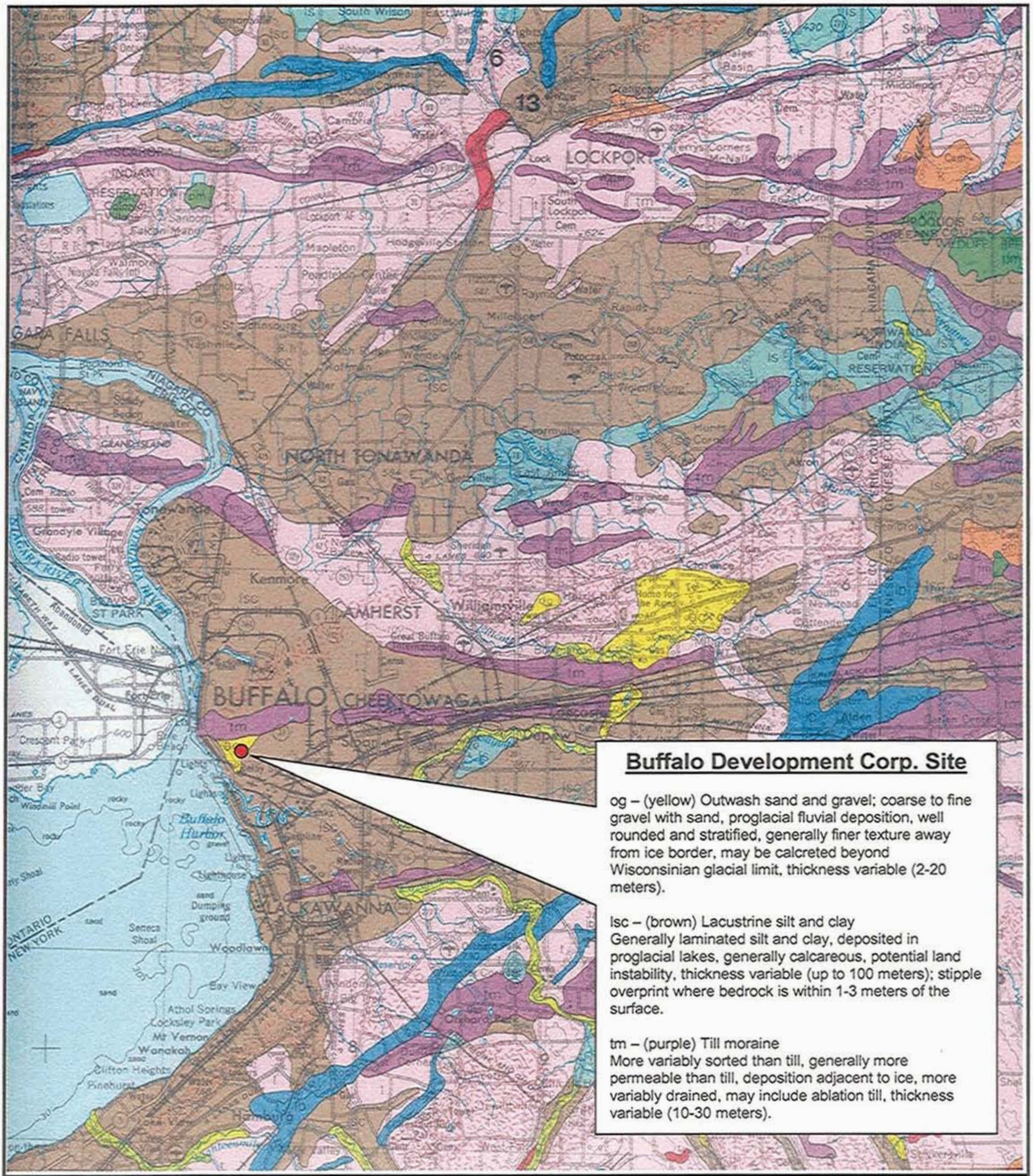
Unconfined perched groundwater was encountered at the Site, during the Nature's Way investigation, within the soil/fill at a depth of ± ~5.0 to 7.0 fbgs. Site groundwater flow direction was not determined during the Nature's Way Investigation. Regional groundwater appears to flow west/southwest towards Lake Erie, likely with a low gradient.

GROUNDWATER RECHARGE & DISCHARGE

Recharge to the Site water table is primarily from rainfall and snowmelt. Precipitation predominantly infiltrates into the soil/fill present on the Site.

[1] U.S. Dept. of Agriculture Soil Conservation Service Soil Survey of Erie County, New York, issued October 1972.

FIGURE 14-1



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SOIL TYPE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

BUFFALO DEVELOPMENT CORP. SITE
BUFFALO, NEW YORK

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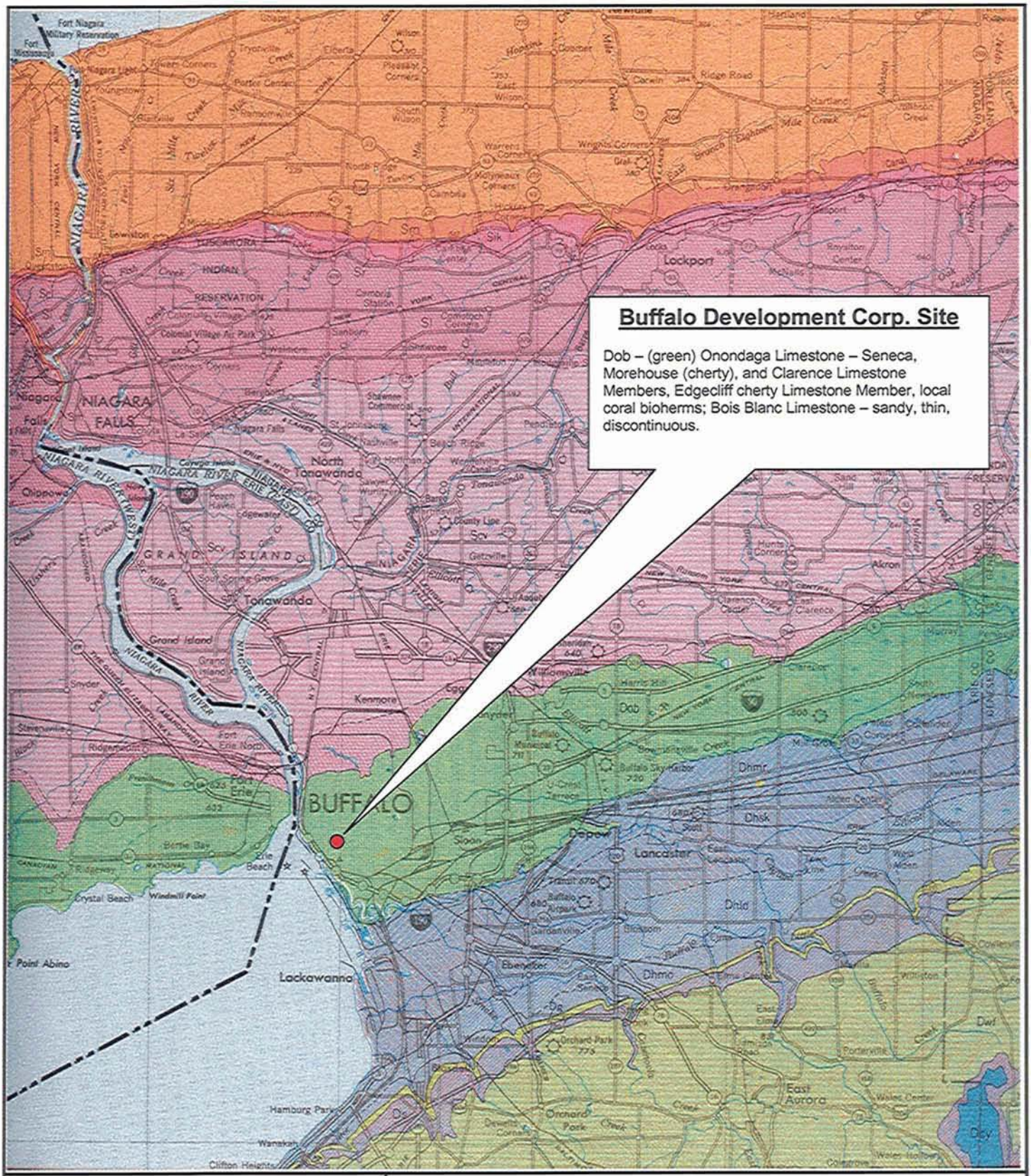
FIGURE 14-2



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REGIONAL BEDROCK MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

BUFFALO DEVELOPMENT CORP. SITE
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