



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



BROWNFIELD CLEANUP PROGRAM (BCP)

ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY
BCP SITE #:

07/07

Section I. Requestor Information			
NAME SRK Colvin Eggert Plaza Associates Limited Partnership			
ADDRESS 4053 Maple Road, Suite 200			
CITY/TOWN Amherst		ZIP CODE 14226	
PHONE 716-833-4986	FAX 716-833-2954	E-MAIL	
NAME OF REQUESTOR'S REPRESENTATIVE Fredrick Back			
ADDRESS Same			
CITY/TOWN Same		ZIP CODE Same	
PHONE 716-833-4986	FAX 716-833-2954	E-MAIL fback@benchmarkgrp.com	
NAME OF REQUESTOR'S CONSULTANT Mark D. Wilder c/o Environmental Products & Services of Vermont, Inc.			
ADDRESS 2775 Broadway Street, Suite 250			
CITY/TOWN Cheektowaga		ZIP CODE 14227	
PHONE 716-597-0001	FAX 716-597-0505	E-MAIL mwilder@epsofvermont.com	
NAME OF REQUESTOR'S ATTORNEY Kevin J. Cross c/o Lippes Mathias Wexler Friedman, LLP.			
ADDRESS 665 Main Street, Suite 300			
CITY/TOWN Buffalo		ZIP CODE 14203	
PHONE 716-853-5100	FAX 716-853-5199	E-MAIL kcross@lippes.com	
THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:			
<input type="checkbox"/> 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.		<input checked="" type="checkbox"/> 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): <input type="checkbox"/> Previous Owner <input checked="" type="checkbox"/> Current Owner <input type="checkbox"/> Potential /Future Purchaser <input type="checkbox"/> Other _____			
If requestor is not the site owner, requestor will have access to the property throughout the BCP project. <input type="checkbox"/> Yes <input type="checkbox"/> No (Note: proof of site access must be submitted for non-owners)			

Section II. Property Information Summary Sheet

PROPERTY NAME: Colvin Plaza BCP Site

ADDRESS/LOCATION 2257 Colvin Boulevard CITY/TOWN Tonawanda ZIP CODE 14150

MUNICIPALITY(If MORE THAN ONE, LIST ALL)

COUNTY Erie

SITE SIZE (ACRES) .72

LATITUDE (degrees/minutes/seconds) 42 ° 59 ' 57 "

LONGITUDE (degrees/minutes/seconds) 78 ° 51 ' 04 "

HORIZONTAL COLLECTION METHOD: ☐ SURVEY ☒ GPS ☐ MAP

HORIZONTAL REFERENCE DATUM: WGS 84

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

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
3161 - 3185 Eggert Road, Tonawanda, NY		53.11	2	31.1	6.282

1. Do the property boundaries correspond to tax map metes and bounds?

☐ Yes ☒ No

If no, please attach a metes and bounds description of the property.

2. Is the required property map attached to the application? (application will not be processed without map)

☒ Yes ☐ No

3. Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)?

☐ Yes ☒ No

For more information go to: http://www.nylovesbiz.com/BrownField_Redevelopment/default.asp.

If yes, identify area (name) _____

☐ 50% ☐ 100% of the site is in the En-zone (check one)

PROPERTY DESCRIPTION NARRATIVE:

See attachment and refer to Figure 2

List of Existing Easements (type here or attach information)

Easement Holder

Description

N/A

List of Permits issued by the NYSDEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

N/A

Initials of each Requestor: DD SL _____

Section III. Current Site Owner/Operator Information

OWNER'S NAME (if different from requestor) SRK Colvin Eggert Plaza Associates Limited Partnership		
ADDRESS 4053 Maple Road		
CITY/TOWN Amherst		ZIP CODE 14226
PHONE 716-833-4986	FAX 716-833-2954	E-MAIL fback@benchmarkgrp.com
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? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 2. Is the requestor subject to an existing order relating to contamination at the site? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 4. Has the requestor been determined to have violated any provision of ECL Article 27? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 5. Has the requestor previously been denied entry to the BCP? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.8(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

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

- | | |
|--|---|
| 1. Is the property listed on the National Priorities List? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 2. Is the property listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites?
If yes, please provide: Site # _____ Class # _____ | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3. Is the property 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: _____ | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____ | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 5. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
If yes, please provide explanation as an attachment. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Section VI. Project Description

What stage is the project starting at? ☒ investigation ☐ remediation

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

- Purpose and scope of the project
- Estimated project schedule

Section VII. Property'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	PCE	PCE			
Other VOCs	Ketones	Ketones			
SVOCs					
Metals					
Pesticides					
PCBs					
Other*	Yes	Yes			

*Please describe: PCE breakdown products

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					PCE
Other VOCs					Ketones
SVOCs					
Metals					
Pesticides					
PCBs					
Other*					

*Please describe:

4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS:

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Above Ground Pipeline or Tank | <input type="checkbox"/> Lagoons or Ponds | <input type="checkbox"/> Underground Pipeline or Tank | <input checked="" type="checkbox"/> Surface Spill or Discharge |
| <input type="checkbox"/> Routine Industrial Operations | <input type="checkbox"/> Dumping or Burial of Wastes | <input type="checkbox"/> Septic tank/lateral field | <input checked="" type="checkbox"/> Drums or Storage Containers |
| <input type="checkbox"/> Adjacent Property | <input type="checkbox"/> Seepage Pit or Dry Well | <input type="checkbox"/> Foundry Sand | <input type="checkbox"/> Electroplating |
| <input type="checkbox"/> Coal Gas Manufacture | <input type="checkbox"/> Industrial Accident | <input type="checkbox"/> Unknown | |

Other:

5. INDICATE PAST LAND USES:

- | | | | | | |
|---|--|---|---|---|-------------------------------------|
| <input type="checkbox"/> Coal Gas Manufacturing | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input checked="" type="checkbox"/> Dry Cleaner | <input type="checkbox"/> Salvage Yard | <input type="checkbox"/> Bulk Plant |
| <input type="checkbox"/> Pipeline | <input type="checkbox"/> Service Station | <input type="checkbox"/> Landfill | <input type="checkbox"/> Tannery | <input type="checkbox"/> Electroplating | <input type="checkbox"/> 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 planning board/dept. chair of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
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 property.

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 (check all that apply)

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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Is the proposed use consistent with applicable zoning laws/maps?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Are there any federal or state land use designations relating to this site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Do the population growth patterns and projections support the proposed use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Is the property accessible to existing infrastructure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Are there floodplains within ½ mile?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Are there any institutional controls currently applicable to the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 property, 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: _____ Signature: _____ Print Name: _____

(By an requestor other than an individual)

I hereby affirm that I am VICE PRESIDENT (title) of PROPERTIES, INC. (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: 11/2/07 Signature: [Signature] Print Name: Steven J Longo

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

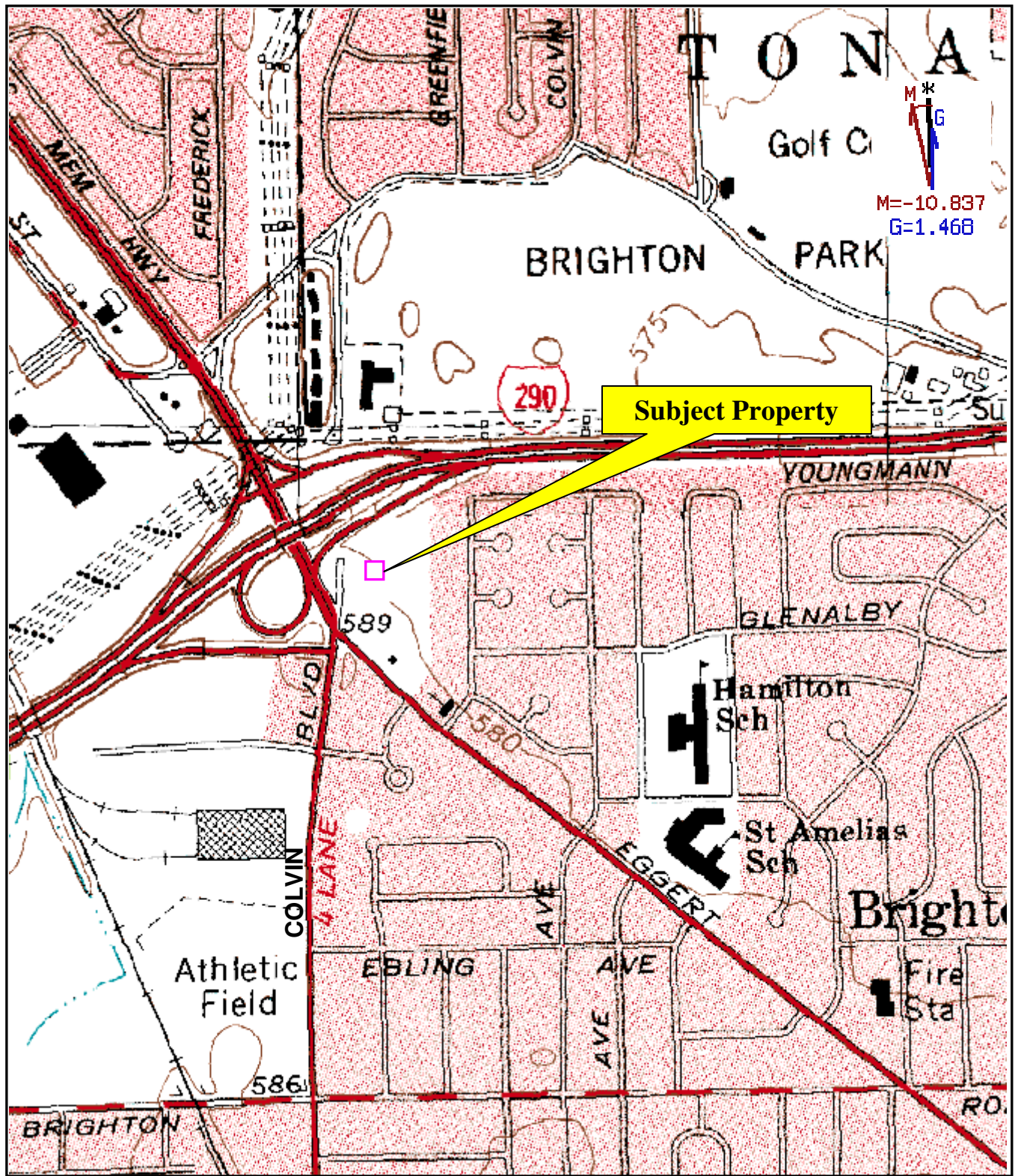
- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD or diskette, must be sent to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020
- **One (1)** paper 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.ny.gov/about/776.html>

FOR DEPARTMENT USE ONLY

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

**Colvin Plaza BCP Site
Application Figures**



0 0.09 0.18 0.27 0.36 0.45 mi

USGS Buffalo NE (NY) Quadrangle

View Scale: 1:24,000

Date: 1965

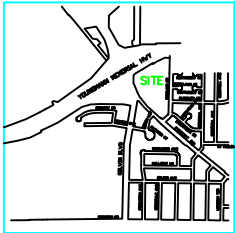


SITE LOCATION MAP
SRK Colvin Eggert Plaza Assoc.
Colvin Plaza BCP Site
Tonawanda, Erie County, NY

Project No. B1585
 Date: November 2007
 Figure No.: 1

LEGEND

	SANITARY MANHOLE		PARCEL LINE
	CLEAN OUT		LOT LINE
	STORM MANHOLE		CENTERLINE
	CATCH BASIN		SANITARY SEWER
	STORM INVERT		STORM SEWER
	YARD DRAIN		GAS MAIN
	GAS VALVE		WATER MAIN
	GAS SERVICE VALVE		OVERHEAD WIRES
	GAS LINE MARKER		UNDERGROUND CONDUIT
	PIPELINE MARKER		UNDERGROUND ELECTRIC
	WATER VALVE		FENCE
	WATER SERVICE VALVE		GUIDE RAIL
	FIRE HYDRANT		CENTERLINE OF DITCH
	MONITORING WELL		BDM
	UTILITY POLE		
	UTILITY POLE W/LIGHT		
	GUY WIRE		
	FLAG POLE		
	FLOOD LIGHT		
	LIGHT STANDARD		
	DECIDUOUS TREE		
	CONIFEROUS TREE		
	SHRUB		
	TREE LINE		
	SIGN		
	BOLLARD		
	MAILBOX		
	UNKNOWN MANHOLE		



NOTE:

1. EASEMENT TO THE TOWN OF TONAWANDA AND TOWN BOARD RECORDED IN LIBER 9711 PAGE 26 AS SHOWN.

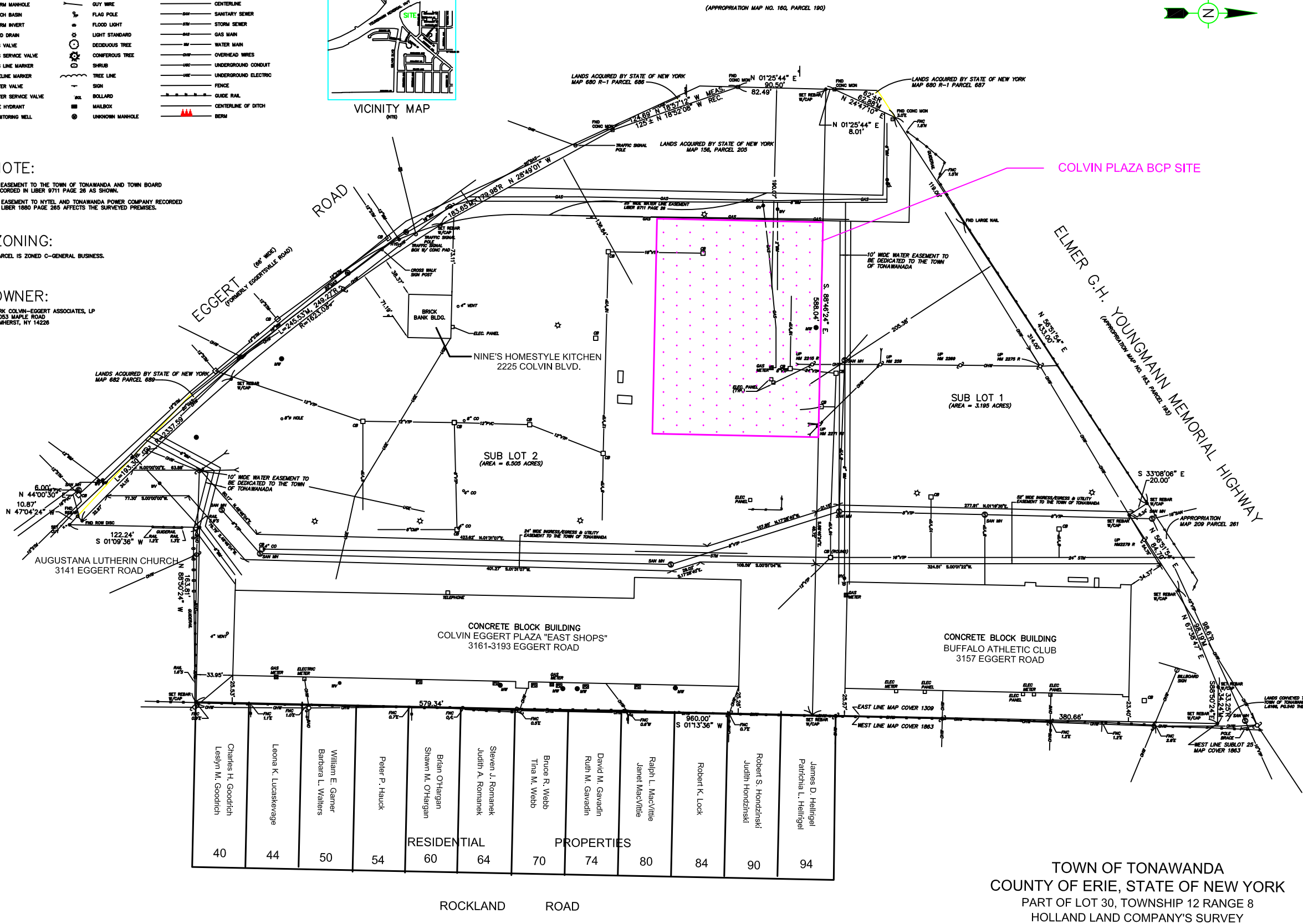
2. EASEMENT TO NYTEL AND TONAWANDA POWER COMPANY RECORDED IN LIBER 1880 PAGE 285 AFFECTS THE SURVEYED PREMISES.

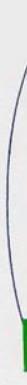
ZONING:

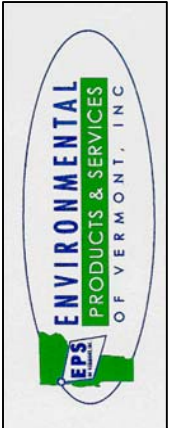
PARCEL IS ZONED C-GENERAL BUSINESS.

OWNER:

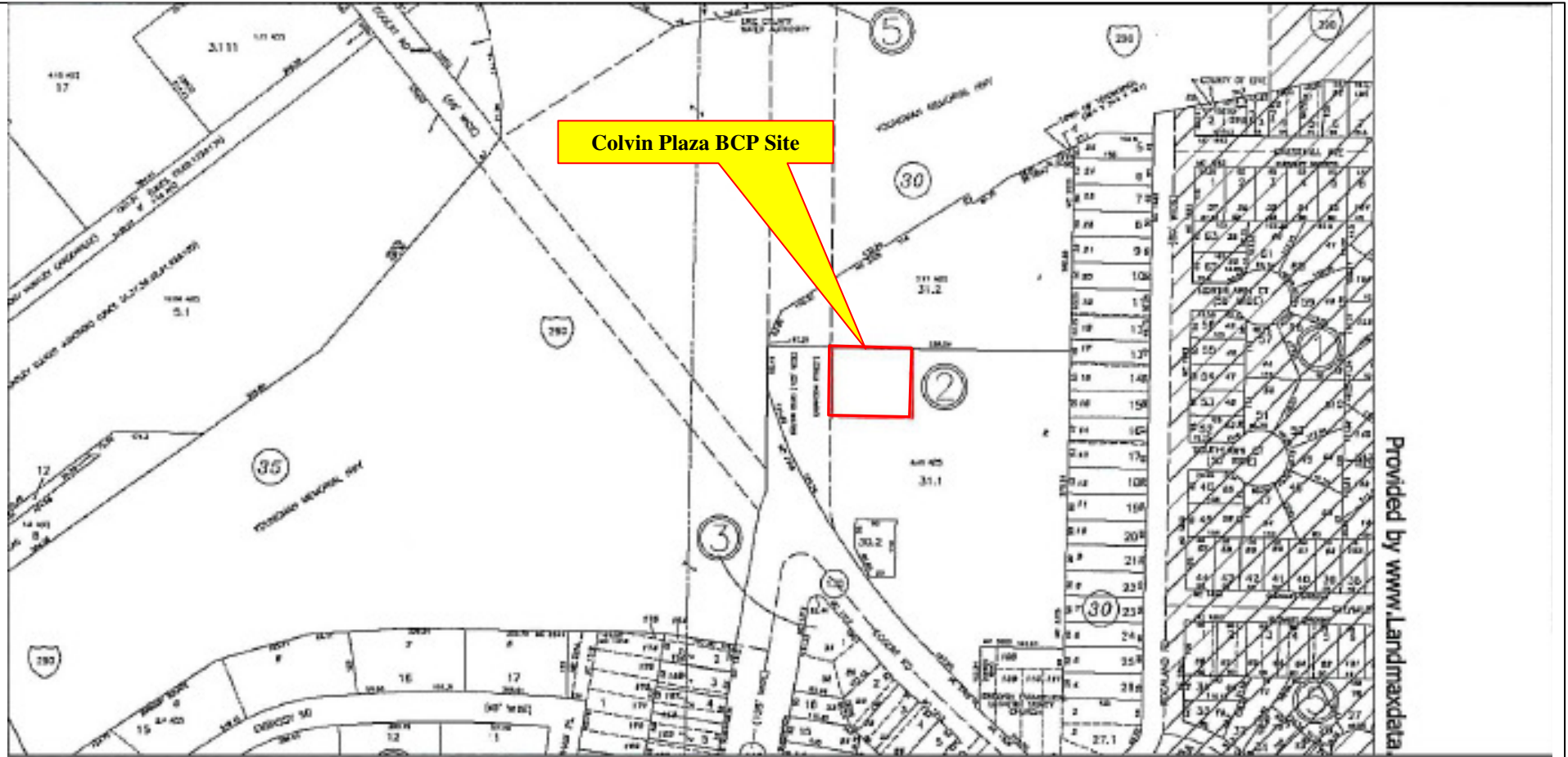
SRK COLVIN-EGGERT ASSOCIATES, LP
4055 MAPLE ROAD
AMHERST, NY 14226



SCALE 1" = 100'		SRK Colvin Eggert Plaza Assoc.			Project #	B1585
		Colvin Plaza BCP Site			Surveyors	N/A
					Date	SEPT2007
					Figure #	2
		Site Plan				



SCALE 1" = 100'



REI Data Inc. reidi.propertyinfo.com - Map Name: JNYTaxMapView/nytaxmap2/maps/ERIE/148489/053_11.tif



SRK Colvin Eggert Plaza Association
Colvin Plaza BCP Site
Tonawanda, NY
TAX MAP

Project No.: B1585
 Date: November 2007
 Figure No.: 3

**Colvin Plaza BCP Site
Application Attachments**

Colvin Plaza BCP Site Application Attachments

Section II – Metes and Bounds Description

The northwest corner of the property to be included in the BCP is 125 feet due east (along the northern property boundary) of the surveyor's pin marking the NW corner of the parcel listed as: 3161 - 3185 Eggert Road, Tonawanda, NY SBL# 53.11-2-31.1. Continue 202 feet in an easterly direction (along the northern property boundary) to mark the northeast corner. From the northeast corner, head south 156 feet to mark the southeast corner. From the southeast corner, head west 202 feet to mark the southwest corner. From the southwest corner, head 156 feet north to coincide with the northwest corner of the property.

Section II – Property Description Narrative

The property consists of a 0.72 acre portion of a larger tax parcel (6.282 acres, Section 53.11, Block No. 2, Lot No. 31.1) located in the Town of Tonawanda near the intersection of Colvin Boulevard and Eggert Road. The site is part of the Colvin Eggert Plaza where the former dry-cleaning operation, Our Cleaners, was in existence for an approximate 15 year period. The address of the former Our Cleaners was 2257 Colvin Boulevard; therefore, that is the address of the site. There are no current structures on the 0.72 acre property. The Colvin Eggert Plaza was modified in 2005 after the current owners purchased the property. During the modifications to the plaza, the building that contained Our Cleaners was demolished and the dry cleaner operation was relocated.

The property is surrounded by land used for commercial purposes. A health club is located to the north and then Interstate 290. The remaining buildings comprising the Colvin Eggert Plaza are located to the east of the site. The parking lot for the plaza is located to the south of the property and the intersection of Colvin Boulevard and Eggert Road is located to the west.

The dry cleaning operations on the property resulted in contamination of soil and groundwater beneath the former building and hydraulically downgradient of the building. The property as defined includes the area where an investigation to define the magnitude and extent of the contamination will be performed.

Section VI – Project Description and Estimated Project Schedule

A dry cleaning operation was performed on the site for roughly a 15-year period (1988-2003/4). The dry cleaning process utilized tetrachloroethylene ("PCE") and resulted in contamination of soil and groundwater under the former dry cleaner building. The building was demolished in 2005. Several environmental investigations (generally Phase I and Phase II ESAs in anticipation of potential property transactions) have been performed at the site. During 2004, two Phase II ESAs identified groundwater contamination by PCE and breakdown products to the north of the former dry cleaner

building. Also, in 2004, the extent of PCE soil contamination beneath the former dry cleaner building was defined through a grid sampling process. During 2006, 1,130 tons of contaminated soil was excavated from an area measuring 80 feet (E-W) by 45 feet (N-S) by 4 to 8 feet deep and disposed off site. End point sampling returned results below TAGM 4046 guidance values.

The current project involves defining the extent of groundwater contamination (and potentially other media) through the performance of a remedial investigation. The remedial investigation is anticipated to include confirmatory soil sampling, installation of soil vapor points, soil gas sampling, an assessment of historic fill, the installation of several monitoring wells, groundwater sampling, data analyses and data validation. Based on the results, an approach to remediate the site, if necessary, will be proposed. The implementation of Interim Remedial Measures may help expedite the remediation timeframe.

It is anticipated that the draft Citizen Participation Plan will be submitted by the end of November 2007. The Remedial Investigation Work Plan is planned for submittal during the beginning of December 2007 and NYSDEC approval is anticipated just after the end of 2007. The project schedule calls for the implementation of the RI during January/February/March 2008, submittal of an RI Report in April 2008, and development of a Remedial Work Plan in May/June 2008. The review of IRMs will be conducted in April 2008 and possibly implemented after DEC review and comment period. The plan is to implement some form of groundwater remedy no later than Summer 2008, with monitoring to follow.

Section VII – Property’s Environmental History

1. Environmental Reports

A Phase I ESA was conducted that included the property in April 1998 and several Phase II Subsurface Investigations (“SSIs”) have been performed at and around the property, including: June 1998 Phase II ESA (Sear Brown Group), September 1998 Limited SSI (Barron & Associates, P.C.), June 2004 Phase II ESA (Stantec Consulting Group), and November 2004 Limited Phase II SSI (Clayton Group). A summary of the results of these investigations is included as an appendix to this application and a copy of the Phase I ESA is also included.

6. Previous Owners:

<u>Owner</u>	<u>Dates of Ownership</u>	<u>Relationship to Current Owner</u>
Cabot Group Real Estate, LP*	8/15/85 – 3/14/98	None
Dorothy Kaczkowski*	8/23/84 – 8/15/85	None
Toni Ann Duquette*	6/28/77 – 8/23/84	None
Edward B. Andross*	09/9/76 – 6/28/77	None

* A search of the Tonawanda and Buffalo Area yellow pages and white pages directory returned no information on current address, current telephone number or other relevant information.

7. Previous Operators:

Our Cleaners management personnel have indicated to SRK Colvin Eggert Plaza Associates, Limited Partnership that there was a dry cleaning operation at the 2257 Colvin Boulevard location prior to Our Cleaners. The current location of Our Cleaners is provided below.

Our Cleaners*
3171 Eggert Road
Tonawanda, NY 14150
716-833-6949

*Our Cleaners currently leases space from SRK Colvin Eggert Plaza Associates in the remaining portion of the plaza.

The current operator of the property is Our Cleaners of WNY, Inc. as we previously indicated. We have made substantial efforts toward obtaining the name(s) of prior operators, who may actually have been the party responsible for the contamination, however, we have not yet been successful in that regard.

The attached letter was sent to counsel for Our Cleaners, which requested documentation regarding contamination by any prior operators. Having not received any response to this request, we placed phone calls to the attorney's office on several occasions to follow up. To date, we have not received any information regarding previous operators.

Additionally, our understanding is that our client has contacted the Town of Tonawanda directly in an attempt to obtain the information. The Town was going to look for building permits or any other filings in their records that may indicate any previous operators. To date, the Town has not responded with any information, despite repeated follow up calls by our client.

Section VIII – Contact List Information

See spread sheet (Attached)

Section IX – Land Use Factors

12. The property is surrounded by land currently zoned and used for commercial purposes. A health club for women is located to the north followed by United States Interstate Route 290. A strip mall is located to the east followed by residential homes. The parking lot for the strip mall is located to the south of the property followed by the Augustana Lutheran Church. The Intersection of Colvin Boulevard and Eggert Road is

located to the west of the property followed by a Kwik Fill gas station / convenience store.

13. The groundwater beneath and to the north of the property has been shown to be impacted by former dry cleaning operations on the property through previous environmental investigations. Since drinking water in the area is supplied by the Town of Tonawanda Water Resources which draws its water from the Niagara River (located approximately 4 miles west of the site), impact to drinking water is not a concern. The closest water body is Ellicott Creek located approximately 1.4 miles north of the property.

14. Although the site slopes very gradually to the north, it is generally level with an average elevation of 580 feet above sea level. According to previous environmental investigations, the site is underlain by silty clay with varying amounts of sand and gravel from approximately 0.5 to 7 feet below ground surface (bgs) followed by sand to a depth of at least 14 feet bgs.



Lippes Mathias Wexler Friedman LLP

Thomas J. Gaffney
Associate
tgaffney@lippes.com

May 23, 2007

VIA REGULAR MAIL

Steven B. Bengart, Esq.
2655 Sheridan Drive
Tonawanda, NY 14150

RE: Benchmark v. Our Cleaners
Index No.: I2005-3245

Dear Steve:


I am writing to follow-up on our conversation yesterday regarding the above referenced matter. To confirm, you will be forwarding to me the denial from the Our Cleaners Insurance carrier on this matter and any documentation in your possession regarding the contamination that may be attributable to previous operators.

In addition, you will be requesting financial records of Our Cleaners and its owners for the past three years. Please inform me within 15 days if they will be providing that documentation.

If you have any questions, please feel free to contact me.

Very truly yours,

LIPPES MATHIAS WEXLER FRIEDMAN LLP

By: 

Thomas J. Gaffney

cc: Kevin J. Cross, Esq.

**Section VIII -
Contact List Information**

Colvin Plaza BCP Site Section VIII. Contact List Information						
State Officials						
New York State Senate - 61st Senate District	Mary Lou Rath	5500 Main Street	Suite 260	Williamsville	NY	14221
New York State Assembly - 140th Assembly District	Robin Schimminger	3514 Delaware Avenue		Kenmore	NY	14217
Town and County Officials						
Town of Tonawanda Supervisor	Ronald H. Moline	2919 Delaware Avenue	Municipal Building, Room 11	Kenmore	NY	14217-2395
Town of Tonawanda Development Corporation	Robert L. Dimmig, Executive Director	169 Sheridan Parkside Drive	Room 117	Tonawanda	NY	14150-8082
Eire County Legislature - District 14	Thomas A. Loughran	7 Bernhardt Drive		Amherst	NY	14226
Eire County Executive	Joel A. Giambra	95 Franklin Street		Buffalo	NY	14202
Erie County Department of Economic Development	Kenneth J. Swanekamp	95 Franklin Street	10th Floor	Buffalo	NY	14202
Owner of the Property						
SRK Colvin Eggert Plaza Associates Limited Partnership		4053 Maple Road		Amherst	NY	14226
Occupants of the Property						
BK Ryan's		3191 Eggert Road		Tonawanda	NY	14150
Carol Ann Hair Fashions		Colvin Eggert Plaza		Tonawanda	NY	14150
Our Cleaners		3171 Eggert Road		Tonawanda	NY	14150
Midnight Wines and Liquors		Colvin Eggert Plaza		Tonawanda	NY	14150
The Comix Café		3163 Eggert Road		Tonawanda	NY	14150
Nine's Homestyle Kitchen		2225 Colvin Boulevard		Tonawanda	NY	14150
Owners of Adjacent Properties						
Colvin Eggert Associates LLC aka Buffalo Athletic Club for Women	C/O Fitness First Inc.	69 Delaware Ave.		Buffalo	NY	14202
		3157 Eggert Road		Tonawanda	NY	14150
Augustana Lutheran Church		3141 Eggert Road		Tonawanda	NY	14150
Charles H. Goodrich	Leslyn M. Goodrich	40 Rockland Road		Tonawanda	NY	14150
Leona K. Lucaskevage		44 Rockland Road		Tonawanda	NY	14150
William E. Garner	Barbara L. Walters	50 Rockland Road		Tonawanda	NY	14150
Peter P. Hauck		54 Rockland Road		Tonawanda	NY	14150
Brian O'Hargan	Shawn M. O'Hargan	60 Rockland Road		Tonawanda	NY	14150
Steven J. Romanek	Judith A. Romanek	64 Rockland Road		Tonawanda	NY	14150
Bruce R. Webb	Tina M. Webb	70 Rockland Road		Tonawanda	NY	14150
David M. Gavadin	Ruth M. Gavadin	74 Rockland Road		Tonawanda	NY	14150
Ralph L. MacVittie	Janet MacVittie	80 Rockland Road		Tonawanda	NY	14150
Robert K. Lock		84 Rockland Road		Tonawanda	NY	14150
Robert S. Hondzinski	Judith Hondzinski	90 Rockland Road		Tonawanda	NY	14150
James D. Hellrigel Sr.	Patricia L. Hellrigel	94 Rockland Road		Tonawanda	NY	14150
Local News Media						
NBC - WGRZ TV		259 Delaware Avenue		Buffalo	NY	14202
CBS - WIVB TV		2077 Elmwood Avenue		Buffalo	NY	14207
ABC – WKBW TV		7 Broadcast Plaza		Buffalo	NY	14202
Public Water Supply						
Town of Tonawanda Water Resources	John S. Camilleri, Director	779 Two Mile Creek Road		Tonawanda	NY	14150-5801
Document Repository						
Town of Tonawanda Public Library Kenmore Branch	Ms. Amy Christman Reference Librarian	160 Delaware Road		Kenmore	NY	14217

2775 Broadway St., Suite 250
Cheektowaga, NY 14227
Website: www.epsofvermont.com



PHONE: (716) 597-0001
FAX: (716) 597-0505
1-800-75SPILL

September 11, 2007

Ms. Amy Christman
Reference Librarian
Town of Tonawanda Public Library Kenmore Branch
160 Delaware Road
Kenmore, New York 14217

**Re: Document Repository
Brownfield Cleanup Program
2257 Colvin Boulevard
Tonawanda, New York**

Dear Ms. Christman:

As per our phone conversation on September 11, 2007, Environmental Products & Services of Vermont, Inc. understands you are willing to allow use of the Town of Tonawanda Public Library Kenmore Branch as the document repository for the above listed site. Documents related to this site as part of the New York State Department of Environmental Conservation Brownfield Cleanup Program will be placed at your library for the required public review. The documents for public review will be forwarded under separate cover.

We appreciate your assistance in this matter. If you have questions, please do not hesitate to contact our office at (716) 597-0001.

Sincerely,

ENVIRONMENTAL PRODUCTS & SERVICES OF VERMONT, INC.

Steven P. Leitten
Geoscience Project Coordinator