

Brownfield Cleanup Program Application

*Niagara and Pennsylvania Site
Buffalo, NY*

October 2007

0136-002-100

Prepared For:

9154 Group, LLC



**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**



BROWNFIELD CLEANUP PROGRAM (BCP)

ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY
BCP SITE #: _____

7/06

Section I. Requestor Information

NAME 9154 Group, LLC		
ADDRESS 210 Ellicott Square, 295 Main Street		
CITY/TOWN Buffalo	ZIP CODE 14203-2219	
PHONE 716-854-0060	FAX 716-852-2829	E-MAIL pmoretta@ellicottdevelopment.com
NAME OF REQUESTOR'S REPRESENTATIVE Mr. Bill Paladino		
ADDRESS 210 Ellicott Square, 295 Main Street		
CITY/TOWN Buffalo	ZIP CODE 14203-2219	
PHONE 716-854-0060	FAX 716-852-2829	E-MAIL
NAME OF REQUESTOR'S CONSULTANT TurnKey Environmental Restoration, LLC		
ADDRESS 726 Exchange Street, Suite 624		
CITY/TOWN Buffalo	ZIP CODE 14210	
PHONE 716-856-0599	FAX 716-856-0583	E-MAIL pwerthman@benchmarkees.com
NAME OF REQUESTOR'S ATTORNEY Mr. Craig Slater, Esq. (Harter, Secrest and Emery)		
ADDRESS Twelve Fountain Plaza, Suite 400		
CITY/TOWN Buffalo	ZIP CODE 14202	
PHONE 716-845-4233	FAX 716-853-1617	E-MAIL cslater@hselaw.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:

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 Property Information Summary Sheet

PROPERTY NAME: **Niagara Street and Pennsylvania Avenue Site**

ADDRESS/LOCATION **Niagara and Pennsylvania** CITY/TOWN **Buffalo** ZIP CODE **14201**

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):
City of Buffalo

COUNTY **Erie** SITE SIZE (ACRES) **0.51 acres**

LATITUDE (degrees/minutes/seconds) **42 ° 53 ' 52.4** LONGITUDE (degrees/minutes/seconds) **78 ° 53 ' 20.8 "**

HORIZONTAL COLLECTION METHOD: SURVEY GPS MAP HORIZONTAL REFERENCE DATUM: **NY State Planar**

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

5 parcels- See Attachment #1					
Tax map- See Attachment #2					

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) Census Tract 71.01
 50% 100% of the site is in the En-zone (check one)

PROPERTY DESCRIPTION NARRATIVE:
(see Attachment 3)

List of Existing Easements (type here or attach information)

<u>Easement Holder</u>	<u>Description</u>
None known	

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

<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>
Petroleum Bulk Storage	NYSDEC #9-43371	(2) 6,000-gallon gasoline underground storage tanks

Initials of each Requestor: WP

OWNER'S NAME (if different from requestor) see Attachment #7		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
OPERATOR'S NAME (if different from requestor or owner) see Attachment #8		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL

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

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

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

- Purpose and scope of the project
- Estimated project schedule

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	X	x			
Chlorinated Solvents					
Other VOCs					
SVOCs					
Metals					
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	x	x			
Chlorinated Solvents					
Other VOCs					
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 checked="" 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 type="checkbox"/> Dry Cleaner | <input type="checkbox"/> Salvage Yard | <input type="checkbox"/> Bulk Plant |
| <input type="checkbox"/> Pipeline | <input checked="" 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").

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 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.



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)	<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"/> NO	
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 Preparation 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 Member (title) of 9054 GROUP LLC (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: 9/24/07 Signature: [Signature] Print Name: William A. Palumbo

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>

FOR DEPARTMENT USE ONLY

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

LIST OF APPLICATION ATTACHMENTS

*NYSDEC Brownfield Cleanup Program Application
Niagara Street and Pennsylvania Avenue Site
Buffalo, New York*

Attachment No.	Description
1	Site Description, Location Map and Site Plan
2	Tax Map
3	Project Description and Schedule
4	Proposed Redevelopment Plan
5	Phase I Environmental Site Assessment
6	Previous Phase II Environmental Site Assessments
7	Listing of Current and Previous Site Owners
8	Listing of Current and 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 DESCRIPTION, LOCATION MAP & SITE PLAN

Attachment 01

Site Description

9154 Group, LLC Niagara Street and Pennsylvania Avenue Site Brownfield Cleanup Program Application

SITE DESCRIPTION

The subject property (Site) is currently comprised of five separate parcels of land totaling approximately 0.5 acres in the City of Buffalo, County of Erie, New York (see Figures 1-1 and 1-2). There is one vacant gasoline station and automotive repair facility, including abandoned underground storage tanks (USTs), product dispensers and an in-ground hydraulic lift. There is also one active automobile repair facility on-Site. The remainder of the Site is grass or gravel covered.

The five parcels, which comprise the Site, are:

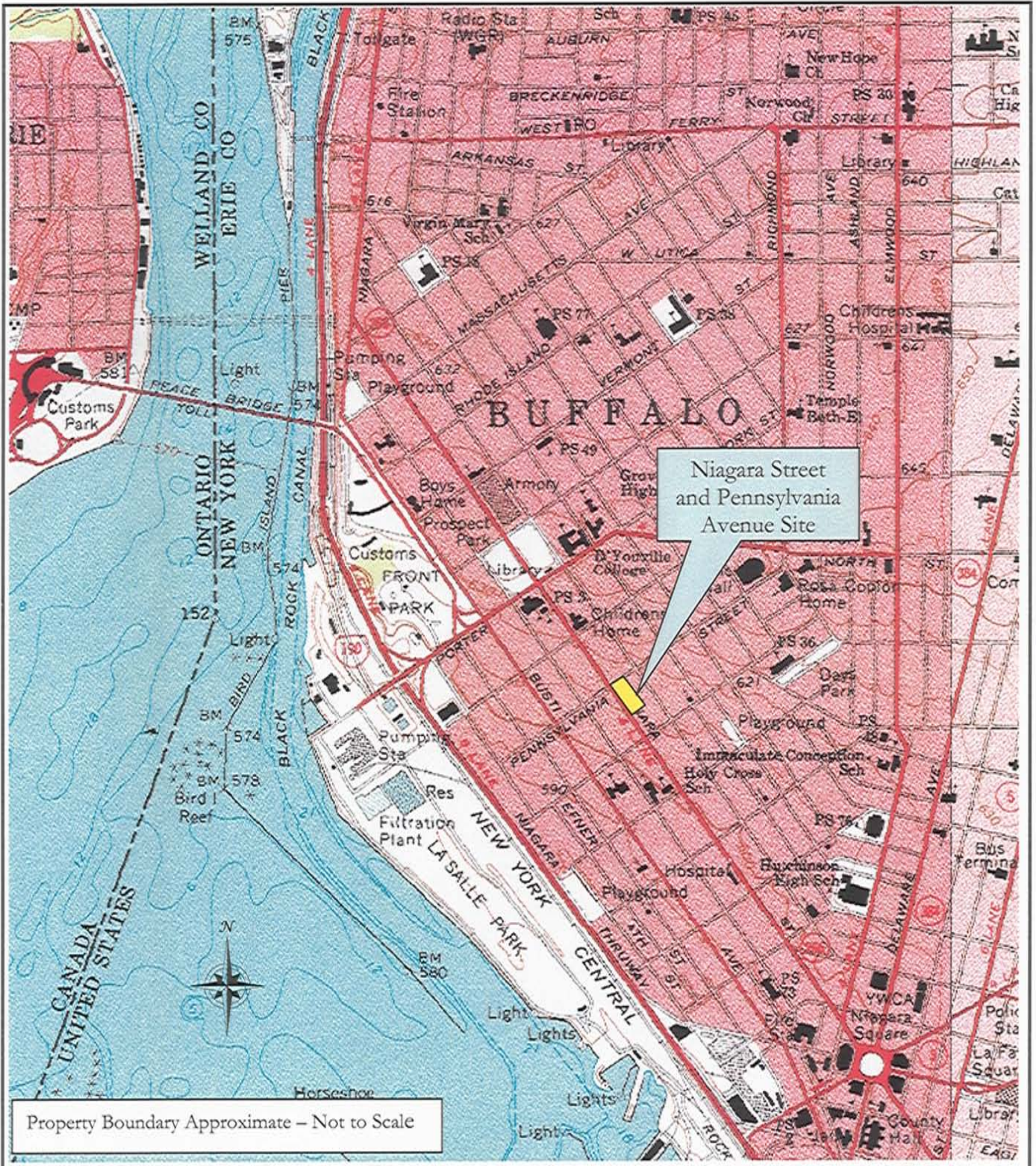
- 517 Niagara Street (SBL No. 110.27-5-1.1, approx. 0.27-acres)
- 513 Niagara Street (SBL No. 110.27-5-28, approx. 0.07-acres)
- 511 Niagara Street (SBL No. 110.27-5-27, approx. 0.07-acres)
- 187 Pennsylvania Avenue (SBL No. 110.27-5-2.1, approx. 0.05-acres)
- 99999 Prospect Avenue (SBL No. 110.27-5-2.2, approx. 0.02-acres)

Parcel addresses listed above per Erie County GIS Maps website (<http://erie-gis.co.erie.ny.us>).

The Site is bound by Pennsylvania Avenue to the north, residential dwellings to the east, Niagara Street to the west, and a residential apartment building to the south. Additionally, Reynolds Alley (owned by the City of Buffalo) runs through the Site northwest-southeast off of Pennsylvania Avenue (see Figure 1-2).

The Site neighbors include commercial buildings to the north and west of the Site, and residential dwelling to east and south of the Site. A land use map for the Site and surrounding area is included in Attachment #12.

FIGURE 1-1



Property Boundary Approximate – Not to Scale



726 EXCHANGE STREET
SUITE 624
BUFFALO, NEW YORK 14210
(716) 856-0835

SITE LOCATION AND VICINITY MAP
BROWNFIELD CLEANUP PROGRAM APPLICATION
NIAGARA STREET AND PENNSYLVANIA AVENUE SITE
BUFFALO, NEW YORK

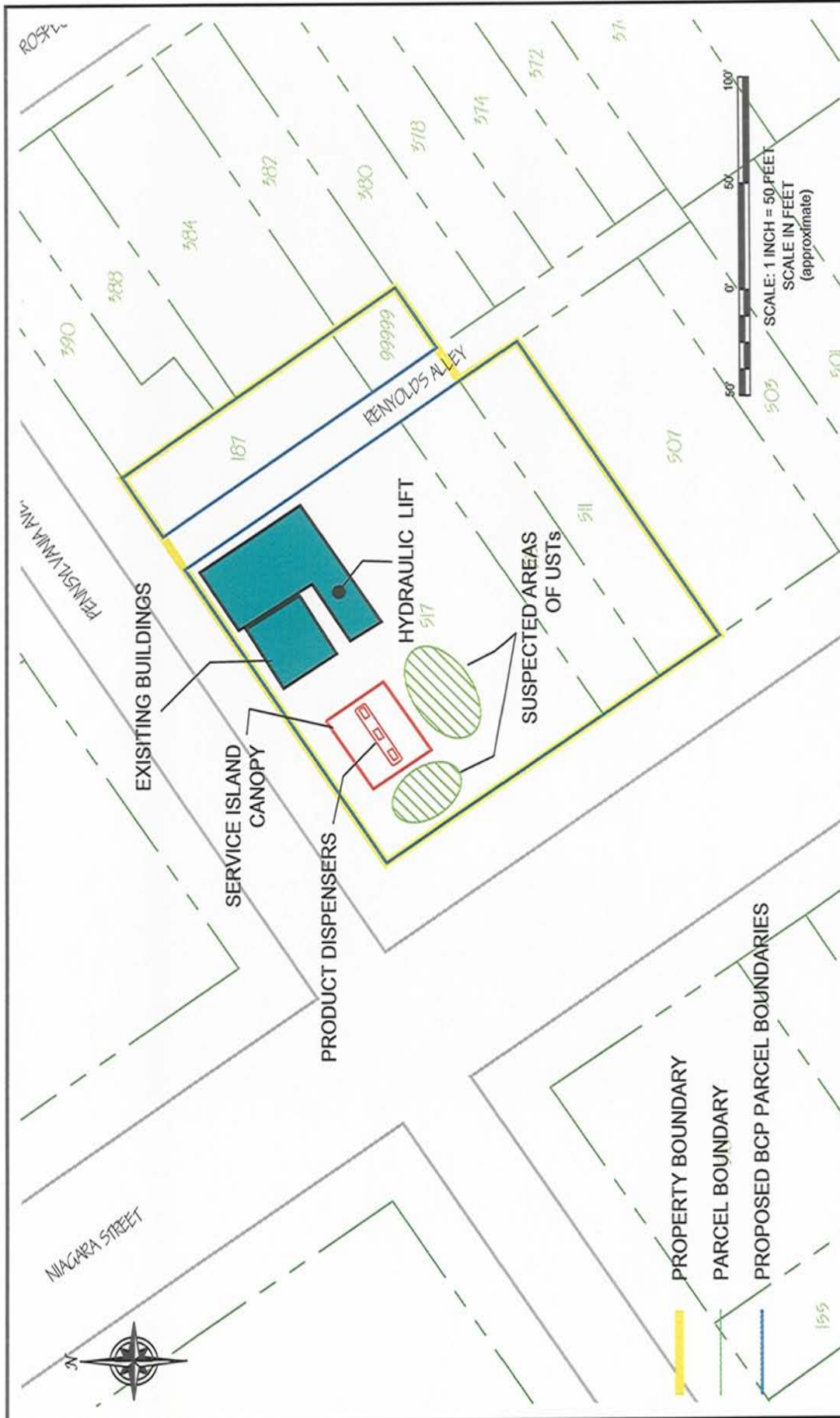
PROJECT NO.: 0136-002-100

DATE: SEPTEMBER 2007

DRAFTED BY: NTM

PREPARED FOR
9154 GROUP, LLC

FIGURE 1-2



SITE PLAN MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
 NIAGARA STREET AND PENNSYLVANIA AVENUE SITE

BUFFALO, NEW YORK
 PREPARED FOR
 9154 GROUP, LLC

726 EXCHANGE STREET
 SUITE 824
 BUFFALO, NEW YORK 14210
 (716) 856-0835



PROJECT NO.: 0136-002-100

DATE: SEPTEMBER 2007

DRAFTED BY: NTM

SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



- Photo 1: Site building and canopy (Looking East)
Photo 2: Site building (Looking Southeast)
Photo 3: Site building (Looking Northwest)
Photo 4: Two 55-gallon drums outside the site building (Looking North)

Niagara & Pennsylvania
Buffalo, New York

Photo Date: July 11, 2007



SITE PHOTOGRAPHS

Photo 5:



Photo 6:



Photo 7:



Photo 8:



- Photo 5: Office/Store area (Looking North)
Photo 6: Electrical panel (Looking Northwest)
Photo 7: Service Bay and lift (Looking East)
Photo 8: Service Bay area (Looking North)

Niagara & Pennsylvania
Buffalo, New York

Photo Date: July 11, 2007



SITE PHOTOGRAPHS

Photo 9:



Photo 10:



Photo 11:

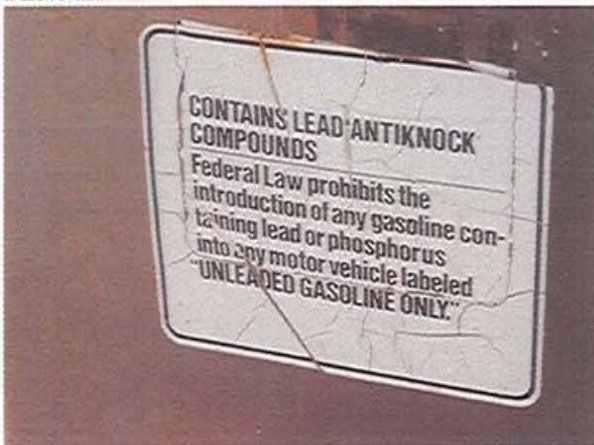


Photo 12:



- Photo 9: Base of a 35-gallon waste oil collection drum
- Photo 10: Three dispensers (Looking Southwest)
- Photo 11: Leaded gasoline sticker on the side of the dispenser
- Photo 12: Vent pipes for gasoline USTs (Looking North)

Niagara & Pennsylvania
Buffalo, New York

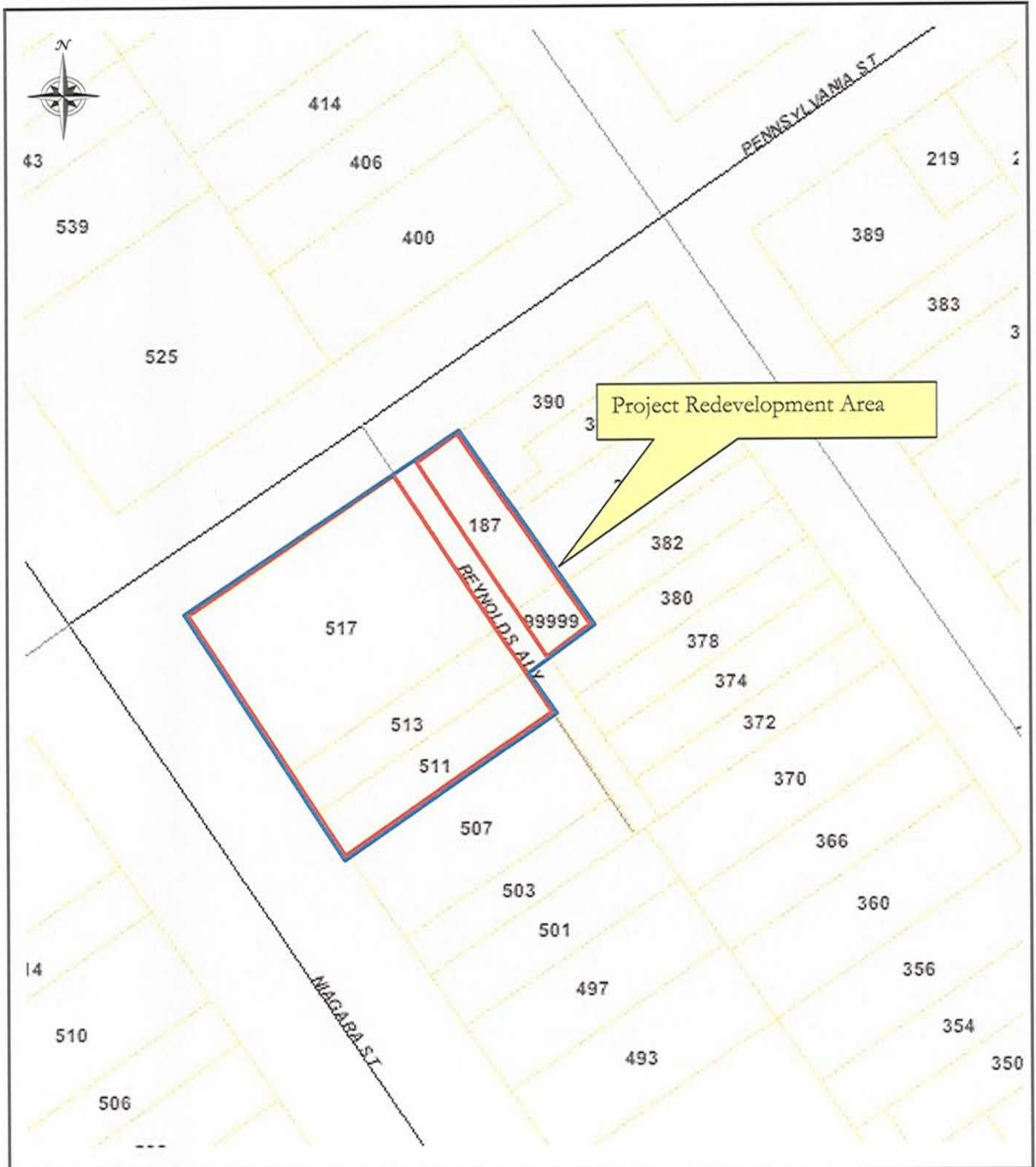
Photo Date: July 11, 2007



ATTACHMENT 02

TAX MAP

FIGURE 2-1



726 EXCHANGE STREET
SUITE 624
BUFFALO, NEW YORK 14210
(716) 856-0635

PROJECT NO.: 0136-002-100

DATE: SEPTEMBER 2007

DRAFTED BY: NTM

TAX MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
NIAGARA STREET AND PENNSYLVANIA AVENUE SITE
BUFFALO, NEW YORK

PREPARED FOR
9154 GROUP, LLC

ATTACHMENT 03

PROJECT DESCRIPTION & SCHEDULE

Attachment 03

Project Description

9154 Group, LLC Niagara Street and Pennsylvania Avenue Site Brownfield Cleanup Program Application

PROJECT DESCRIPTION

The site is in an economically depressed and highly urbanized area in the City of Buffalo. The site is also located within a New York State designated Environmental Zone (En-Zone) due to the high poverty and unemployment rate.

9154 Group, LLC plans to purchase the Site and construct an approximate 8,000-square foot retail store. 9154 Group, LLC plans to make a capital investment of approximately \$1,000,000 to redevelop the site. The project will create approximately 25 short-term construction jobs and, upon site redevelopment, an anticipated 20 long-term jobs in the inner city of Buffalo. The project will result in redevelopment of an underutilized site comprised of vacant land and a vacant former gasoline station and auto repair facility. Site photographs are provided to illustrate the current poor condition of the site.

The Site has a long history of use as a gasoline station and automobile repair facility. Based on records obtained during the completion of Phase I Environmental Site Assessment, the Site was first utilized as a gasoline station in approximately 1927. Since that time, records indicate that at least 12 underground storage tanks (USTs) have been installed at the site. Current NYSDEC Petroleum Bulk Storage (PBS) records indicate that there are two 6,000-gallon gasoline USTs on-Site that were installed in 1975. A site inspection completed during the Phase I ESA revealed the presence of at least three USTs on-Site. Additional concerns included abandoned drums inside and outside of the building, extensive apparent oil staining inside the former automotive repair area and one in-ground lift inside the former automotive repair area. A previous investigation identified elevated volatile organic compounds (VOCs) in borings adjacent (estimated down-gradient).

9154 Group, LLC is submitting a Remedial Investigation/Alternatives Analysis/Interim Remedial Measures (RI/AAR/IRM) Work Plan concurrently with this BCP application package. The IRM will be completed to immediately address environmental impacts related to past use of the Site as a gasoline station and auto repair facility and will include removal of USTs, product dispensers, product piping, an in-ground hydraulic lift and impacted soil. The RI will include site-wide soil borings and collection of soil samples, and installation and sampling of groundwater monitoring wells to evaluate the extent of petroleum impacts and evaluate whether petroleum or other contaminants are present across the entire development Site. Cleanup objectives utilized for the site will be NYSDEC Part 375 Restricted-Commercial SCOs.

Attachment 03

Project Description

9154 Group, LLC Niagara Street and Pennsylvania Avenue Site Brownfield Cleanup Program Application

PROJECT SCHEDULE

The overall project schedule will be established upon finalization of the Site redevelopment plans. The environmental engineering and consulting tasks associated with the BCP are estimated as follows:

October 2007- Submit BCP application and RI/AAR/IRM Work Plan
November 2007- Public Comment Period on RI/AAR/IRM Work Plan
December 2007- Execute Brownfield Cleanup Agreement (BCA)
December 2007/January 2008- Complete IRM and RI fieldwork
February 2008- Prepare and submit RI/AAR/IRM Report
April 2008- Prepare Final Engineering Report
June 2008- Obtain Certificate of Completion

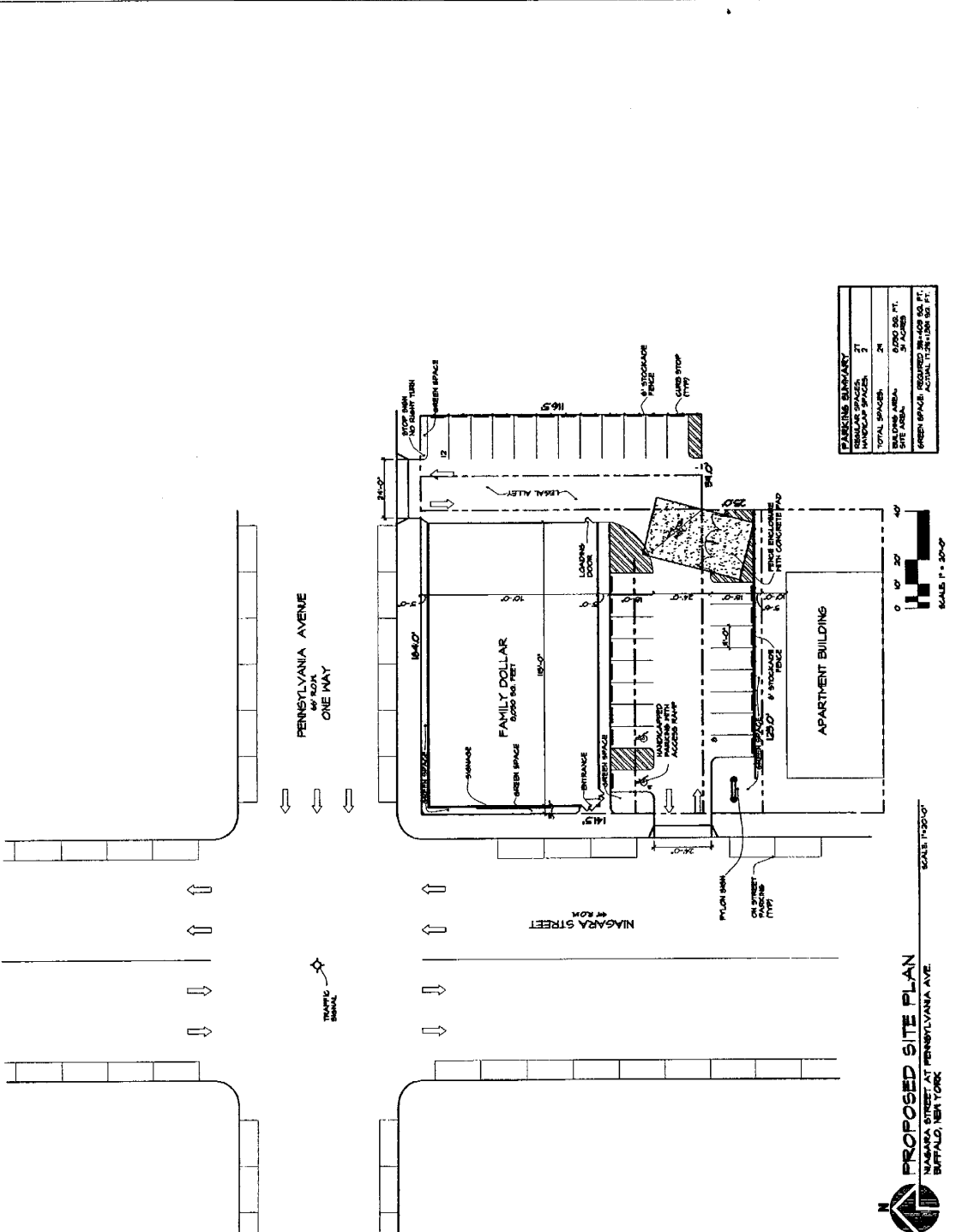
ATTACHMENT 04

PROPOSED (DRAFT) REDEVELOPMENT PLAN

DATE	10/14
DATE	4-29-07
DATE	

PROPOSED SITE PLAN
PROPOSED FAMILY DOLLAR
NIAGARA AT PENNSYLVANIA
BUFFALO, NEW YORK

NO.	DATE	DESCRIPTION
1	12-21-06	REVISION AS PER AVE
2	12-21-06	REVISION AS PER AVE
3	12-21-06	REVISION AS PER AVE
4	12-21-06	REVISION AS PER AVE
5	12-21-06	REVISION AS PER AVE
6	12-21-06	REVISION AS PER AVE
7	12-21-06	REVISION AS PER AVE
8	12-21-06	REVISION AS PER AVE
9	12-21-06	REVISION AS PER AVE
10	12-21-06	REVISION AS PER AVE
11	12-21-06	REVISION AS PER AVE
12	12-21-06	REVISION AS PER AVE



PARKING SPACES	12
TOTAL SPACES	21
REQUIRED SPACES	21
REMAINING SPACES	0
REMAINING AREA	57 ACRES
REMAINING SITE AREA	57 ACRES
REMAINING GREEN SPACE	11,100 SQ. FT.
REMAINING GREEN SPACE	11,100 SQ. FT.

PROPOSED SITE PLAN
NIAGARA STREET AT PENNSYLVANIA AVE
BUFFALO, NEW YORK

SCALE 1" = 20'-0"

ATTACHMENT 05

PHASE I ENVIRONMENTAL SITE ASSESSMENT

Attachment 5

Phase I Environmental Site Assessment Summary

**9154 Group, LLC
Niagara Street and Pennsylvania Avenue Site
Brownfield Cleanup Program Application**

A summary of the Phase I ESA that was completed for the Site is presented below. The complete Phase I ESA report is provided on the attached CD.

August 2007– Phase I Environmental Site Assessment

Benchmark conducted a Phase I Environmental Site Assessment (ESA) of the subject property. Benchmark identified several areas of concern, which are described below:

- The Site is made up of five separate parcels (see Attachment 1), which contains a former gasoline station and auto repair facility that was constructed in approximately 1925. The former gas station and auto repair facility is generally in poor condition and in a state of disrepair.
- Municipal records and visual evidence indicate that numerous USTs have been installed and removed starting in approximately 1927, with some records indicating that USTs leaked or ruptured. Additionally, product dispensers related to the former gasoline-filling station, and a in-ground hydraulic lift are present on site.
- Multiple drums, auto parts, batteries, auto-related fluids and lubricants, and waste oils were noted on-site. Associated petroleum staining on the floors of the auto repair facility was also evident.
- Floor drains with staining/sheen were present in the former auto repair building.
- A west adjacent parcel was formerly utilized as a dry cleaner.
- A previous study completed on portions of the Site and adjacent to the former gasoline station and auto repair facility identified apparent petroleum contamination.

NIAGARA STREET AND PENNSYLVANIA AVENUE SITE
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM APPLICATION

ATTACHMENT 06

PREVIOUS (OFF-SITE) PHASE II ENVIRONMENTAL INVESTIGATION



Construction Lending Services, Inc.
P.O. Box 272
Buffalo, NY 14205
Phone: 716-854-0937
Fax: 716-854-0718
www.clnailsit.com

Nailing the details Since 1981

June 27, 2003

6253 Group, Inc.
295 Main Street, Suite 210
Buffalo, New York 14203

ATTN: *Mr. Paul V. Moretta*

RE: *SUMMARY REPORT: Limited Subsurface Investigation,
South of 517 Niagara Street, Buffalo, New York
NYSDEC Spill #0375039
P.O. 6253-000064*

Dear Paul:

Construction Lending Services, Inc. (CLS) is pleased to submit this summary report for the performance of a limited subsurface investigation which was undertaken at the above referenced property (refer to Figure #1). The purpose of the limited subsurface investigation was to determine the presence/absence of potential subsurface contamination associated with the former gasoline dispensing facility north of your firm's property.

A listing of the subject property owner (i.e., J-P Group at 511 Niagara Street), and the two adjacent properties (i.e., Marranca Service, Inc. at 517 Niagara Street and Jeffrey/Judy Drago at 513 Niagara Street) are also presented in the attached real estate record obtained from a web-based real estate data base report, real-info.com (see attached listings). The methodology and results of the investigation are presented in the sections below.

1.0 Limited Subsurface Investigation

The limited subsurface investigation consisted of mobilizing a Geoprobe-type rig from BMS Drilling Services, Inc. to the site for the purpose of obtaining soil samples from 12 shallow soil borings (i.e., identified as B-1 through B-12 on Figure #2).

Continuous soil samples were obtained at each boring location. The recovered soil samples were logged in the field by the *CLS* senior geologist. The recovered soil samples were also scanned with a photoionization detector (PID) for total ionizable compounds (i.e., volatile organics) and evidence of olfactory/visual contamination. It should be noted that based on the recorded PID readings (refer to the attached soil boring logs), elevated PID readings, above ambient atmospheric conditions, were recorded from borings B-8 through B-10. In addition, olfactory evidence of contamination was observed on the recovered soil samples in boring B-8 through B-10, and visual evidence of contamination was observed on the recovered soil samples in boring B-9.

The soil borings were extended to a depth of between 8 feet and 16 feet below ground surface (BGS). The

borings were extended to the depth where the recovered soil samples exhibited saturated or very moist conditions; this depth represents the first-encountered water (perched) table depth.

Based on the recovered soil samples, the general subsurface conditions consist of either concrete pavement (i.e., sidewalks) or granular fills (i.e., gravel, sand, brick), underlain by red-brown clayey silts/silty clays. A wet tan-brown silt was encountered in borings B-1, B-2, B-7, B-9, B-10, and B-12. The observed moisture conditions of the recovered soil samples indicates that the local groundwater table was encountered in the borings at a depth of between 9 and 14.9 feet BGS. This depth approximately corresponds to the depth of the tan-brown silt soils.

It should be noted that, petroleum hydrocarbon odors and staining were encountered in boring B-9 at a depth of 8 feet to 10 feet BGS.

Based on the limited nature of this subsurface investigation, no soil samples were collected or submitted for laboratory testing. In addition, the field observations recorded during the subsurface investigation indicate that the northwestern corner of the adjacent property (Marranca Service, Inc.) to the subject property (owned by 6253 Group, Inc.) is potentially contaminated with petroleum hydrocarbons.

Conclusions

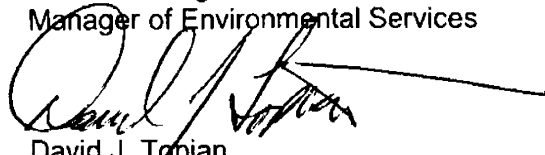
CLS undertook a limited subsurface investigation program to determine the presence/absence of potential subsurface contamination associated with a former gasoline dispensing facility, located north of the subject property. Based solely on this investigative program, subsurface contamination was encountered north of the subject property. The New York State Department of Environmental Conservation has assigned spill #0375039 to the adjacent property due to the encountered contamination.

Thank you for the opportunity to assist you with this project. Please call the undersigned at your earliest convenience, if you have any questions.

Very truly yours,
CONSTRUCTION LENDING SERVICES, INC.



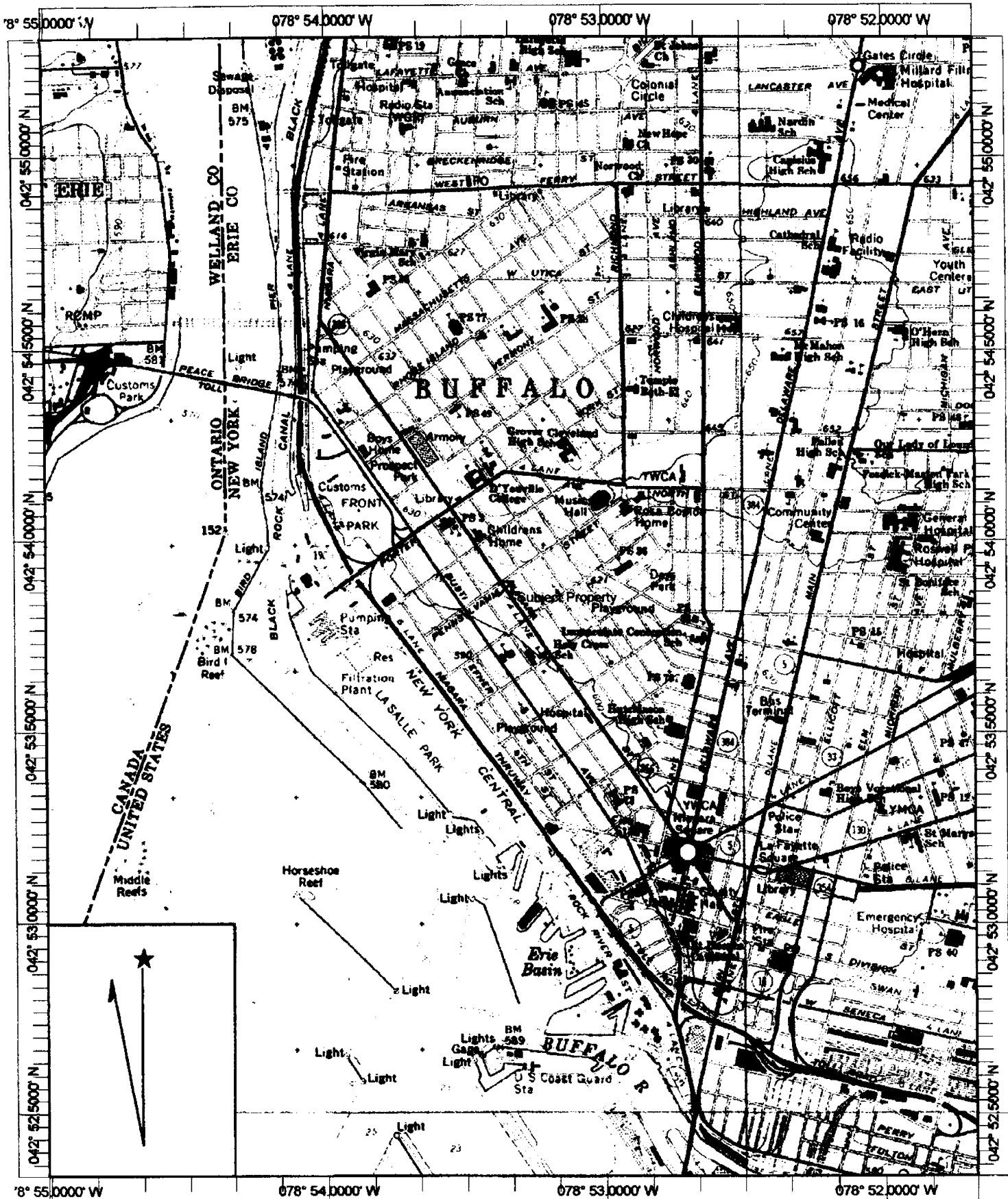
Andrew J. Kucserik, CPG, PG
Senior Geologist
Manager of Environmental Services



David J. Topian
President

Attachments

Figures : #1 - Topographic Map / #2 - Soil Boring Location Plan
Real-info.com Data Base Reports
Soil Boring Logs



Name: BUFFALO NW
 Date: 10/13/2003
 Scale: 1 inch equals 2000 feet

Location: 042° 53.8221' N 078° 53.3430' W
 Caption: 03CLS043.90: Limited Subsurface Investigation,
 Niagara Pennsylvania Streets, Buffalo, New York

PENNSYLVANIA STREET

SIDEWALK

SIDEWALK

NIAGARA STREET

B9

B8

B7

B6

B10

B11

PUMP ISLAND

#517
(FORMER GAS STATION)

VENT
PIPES

SUSPECT
UST

B12

GRASSED AREA

B5

B1

B2

B3

B4

APPROXIMATE PROPERTY BOUNDAREY



CLS INC.


PRELIMINARY PHASE II
SUBSURFACE INVESTIGATION
NIAGARA ST.
(SOUTH OF 517 NIAGARA ST.)
BUFFALO, NY (FOR 6253 GROUP INC.)

Drawn by: JMR

Checked by: AK

Scale: Approx. 1 inch = 15 ft.

CLS Project #03CLS043.90



OWNERSHIP INFORMATION	PARCEL NO: 110.27-5-27
J-P GROUP 511 NIAGARA ST BUFFALO NY 14201-1740	Mail: PHONE NUMBER:
COUNTY: ERIE	CENSUS TRACT:
PROPERTY CLASS: 330-VACANT COMM LAND	

SALE INFORMATION	Sale Date 11/17/1992	Price \$ 0	Deed Date 12/29/1992
Arms Length N Libre	10581	Page 514	# Total Parcels 1
Personal Property 0 Seller		Buyer UNKNOWN	

SALE HISTORY	PRICE	DATE	SELLER
PRIOR # 1	\$ 1,000	08/15/1991	SUCH,SHIRLEY A

STRUCTURAL INFORMATION	LOT INFORMATION	TAX INFORMATION
Square Feet 0	Lot Size Dim.: 25.00x125.00	Tax ID# 110.27-5-27
Sqft. 1st Floor	Zoning	Assessed Value \$ 1,600
Sqft. 2nd Floor	Nbhd Code 00500	Land Assesment \$ 1,600
Fin. Basement Sqft.	School District BUFFALO	School Tax \$ 20
Year Built 0	Lot Size Acres 0.07	County/Town Tax \$ 8
Bldg Style	Desirability TYPICAL	City/Village Tax \$ 23
# Units 1	Water Front NO	Total Tax \$ 51
# Stories	Sewer COMM/PUBLIC	Full Tax Value \$ 1,600
# Baths 0.00	Water COMM/PUBLIC	Equalization Rate 1.00
# Bedrooms	Utilities GAS & ELECTRIC	
# Fireplaces	Nbhd. Rating	*The calculated tax amounts are not exact. No special district tax amounts have been included. Taxes should be verified directly from the local tax collector.
# Kitchens	Nbhd. Type	
Garage Type	# Res. Sites 0	
Garage Bays	# Comm. Sites 1	
Cooling Detail NONE	Swis Code 140200	
Heat Type		
Exterior		
Condition POOR		
Basement Type		

EXEMPTIONS:

IMPROVEMENTS:

Note: Display indicates first residential site and up to four improvements.

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OWNERSHIP INFORMATION		PARCEL NO: 110.27-5-1.1	
MARRANCA SERVICE INC. 517 NIAGARA ST BUFFALO NY 14201-1740		Mail:	521 NIAGARA ST BUFFALO NY 14201-
		PHONE NUMBER:	716-835-8473
COUNTY:	ERIE	CENSUS TRACT:	
PROPERTY CLASS:	432-SERVICE OR GAS STAT	SWIS_SBL:	14020011027000050011000000

SALE DATE	PRICE	DEED DATE	LIBER	PAGE	ARMS. LEN.	SELLER	PERS. PROP.	# PARCELS
05/22/1998	\$ 1	05/22/1998	10932	9821	N	MARRANCA SALVATORE 0 L		1
04/21/1998	\$ 1	04/21/1998	10931	869	N	MARRANCA SALVATORE 0 L		1

STRUCTURAL INFORMATION		LOT INFORMATION	
Overall Eff. Yr Built	1927	Lot Size Dim.:	91.50x125.00
Overall Grade		Zoning	
Overall Condition	FAIR	Nbhd Code	00500
Construction Type		School District	BUFFALO
TAX INFORMATION		Lot Size Acres	0.26
SBL(Tax ID)#:	110.27-5-1.1	Desirability	SUPERIOR
Assessed Value \$	100,000	Water Front	NO
Land Assesment \$	22,800	Sewer	COMM/PUBLIC
School Tax \$	1,249	Water	COMM/PUBLIC
County/Town Tax \$	497	Utilities	GAS & ELECTRIC
City/Village Tax \$	1,424	Nbhd. Rating	
Total Tax \$	3,170	Nbhd. Type	
Full Tax Value \$	100,000	# Res. Sites	0
Equalization Rate	1.00	# Comm. Sites	1
		Swis Code	140200


*The calculated tax amounts are not exact. No special district tax amounts have been included. Taxes should be verified directly from the local tax collector.

BUILDING USAGE
USE AS: FULL SRV GAS FULL SRV GAS: 1,780 SQ. FT., UNIT TYPE: 01, NO. UNITS: 0

BUILDING BREAKDOWN											
#	IDENT.	BOECKH	YR.	GROSS	STORY	BSMT.	BSMT.				
	BLDS.	MODEL	BUILT	QUALITY	CONDITION	PERIMETER	SQ.FT.	STORIES	HEIGHT	AC% SPRINKLER% ALARM% TYPE	SQ.FT.
	SERVICE	1927	AVERAGE	AVERAGE		352		10			
	SERVICE	1927	AVERAGE	AVERAGE		1,428	1	10			

IMPROVEMENTS:
Note: Display indicates first residential site and up to four improvements.

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realRecord™

OWNERSHIP INFORMATION
DRAGO JEFFREY & JUDY
513 NIAGARA ST
BUFFALO NY 14201-1740

PARCEL NO: 110.27-5-28
Mail:
PHONE NUMBER:

COUNTY: ERIE
PROPERTY CLASS: 330-VACANT COMM LAND

CENSUS TRACT:
SWIS_SBL: 14020011027000050280000000

SALE DATE	PRICE	DEED DATE	LIBER	PAGE	ARMS. LEN.	SELLER	PERS. PROP.	# PARCELS
02/01/1989	\$ 37,000	11/30/1999	0	0	Y		0	0

STRUCTURAL INFORMATION
Overall Eff. Yr Built 0
Overall Grade
Overall Condition
Construction Type

LOT INFORMATION
Lot Size Dim.: 24.58x125.00
Zoning
Nbhd Code 00500
School District BUFFALO
Lot Size Acres 0.07
Desirability TYPICAL
Water Front NO
Sewer COMM/PUBLIC
Water COMM/PUBLIC
Utilities GAS & ELECTRIC
Nbhd. Rating
Nbhd. Type
Res. Sites 0
Comm. Sites 1
Swis Code 140200

TAX INFORMATION

SBL(Tax ID)#:	110.27-5-28
Assessed Value \$	6,000
Land Assesment \$	6,000
School Tax \$	75
County/Town Tax \$	30
City/Village Tax \$	85
Total Tax \$	190
Full Tax Value \$	6,000
Equalization Rate	1.00

*The calculated tax amounts are not exact. No special district tax amounts have been included. Taxes should be verified directly from the local tax collector.

BUILDING USAGE
 USE AS: NON-CONTRIB
 DINER: 777 SQ. FT., UNIT TYPE: 04, NO. UNITS: 0
 EXTERNAL APT: 2,789 SQ. FT., UNIT TYPE: 02, NO. UNITS: 3

BUILDING BREAKDOWN

#	IDENT. BOECKH YR.	GROSS	STORY	BSMT.	BSMT.								
BLDS.	MODEL	BUILT	QUALITY	CONDITION	PERIMETER	SQ.FT.	STORIES	HEIGHT	AC%	SPRINKLER%	ALARM%	TYPE	SQ.FT.
1			AVERAGE	GOOD		3,566	10					PIER-SLAB	1,424

IMPROVEMENTS:

Note: Display indicates first residential site and up to four improvements.

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Construction Lending Services, Inc.

P.O. Box 272, Buffalo, New York 14205

Tel. (716) 854-0937 Fax (716) 854-0718

SUBSURFACE LOG

PROJECT/ LOCATION: Niagara and Pennsylvania Streets PROJECT No. 03CLS043.90
 CLIENT: Ellicott Development Company WELL/BORING No. B-2
 DATE STARTED: 3/24/03 DATE COMPLETED: 3/24/03 RECORDED BY: A. J. Kucserik
 GROUNDWATER DEPTH WHILE DRILLING: 0 AFTER COMPLETION: 0
 WEATHER: Sunny, 45F DRILL RIG: Geoprobe DRILLER: BMS Drilling
 DRILL SIZE/TYPE: _____ SAMPLE HAMMER: WEIGHT _____ FALL _____

Sample No.	PID/HNu Reading (ppm)	Depth (Feet)	Type	Blows/6"	N	Recovery (Inches)	Material Classification and Description (Unified Soil Classification System-Visual Manual Method)
1	0.0	0-2	U	-	-	30	0.0'-2.0' Red Brick and Sand and Gravel, little Silt (moist) (FILL)
2	0.0	2-4	U	-	-		2.0'-9.0' Red-brown, Silty CLAY, trace sand, occasional tan (wet) Silt
3	0.0	4-6	U	-	-	48	Partings (moist) (ML-CL)
4	0.0	6-8	U	-	-		
5	0.0	8-10	U	-	-	48	9.0'-10.0' Tan-brown SILT, trace fine sand (wet) (ML)
6	0.0	10-12	U	-	-		10.0'-12.0' Red-brown Silty CIAY, trace sand, moist (ML-CL)
							Boring Complete @ 12.0'

NOTES

*SS - SPLIT-SPOON SAMPLE U - UNDISTURBED TUBE P - PISTON TUBE C - CORE

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SUBSURFACE LOG

PROJECT/ LOCATION: Niagara and Pennsylvania Streets PROJECT No. 03CLS043.90
 CLIENT: Ellicott Development Company WELL/BORING No. B-3
 DATE STARTED: 3/24/03 DATE COMPLETED: 3/24/03 RECORDED BY: A. J. Kucserik
 GROUNDWATER DEPTH WHILE DRILLING: 0 AFTER COMPLETION: 0
 WEATHER: Sunny, 45F DRILL RIG: Geoprobe DRILLER: BMS Drilling
 DRILL SIZE/TYPE: _____ SAMPLE HAMMER: WEIGHT _____ FALL _____

Sample No.	PID/HNu Reading (ppm)	Depth (Feet)	Type	Blows/6"	N	Recovery (Inches)	Material Classification and Description (Unified Soil Classification System-Visual Manual Method)
1	0.0	0-2	U	-	-	38	0.0'-2.5' Brown SILT, some fine/course Sand, trace gravel, trace roots, (moist, FILL)
2	0.0	2-4	U	-	-		
3	0.0	4-6	U	-	-	36	2.5'-12.0' Red-brown Silty CLAY, trace-little fine-medium Sand (moist)(ML-CL)
4	0.0	6-8	U	-	-		
5	0.0	8-10	U	-	-	48	Boring Complete @ 12.0'
6	0.0	10-12	U	-	-		

NOTES

*SS - SPLIT-SPOON SAMPLE U - UNDISTURBED TUBE P - PISTON TUBE C - CORE

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SUBSURFACE LOG

PROJECT/ LOCATION: Niagara and Pennsylvania Streets PROJECT No. 03CLS043.90
 CLIENT: Ellicott Development Company WELL/BORING No. B-4
 DATE STARTED: 3/24/03 DATE COMPLETED: 3/24/03 RECORDED BY: A. J. Kucserik
 GROUNDWATER DEPTH WHILE DRILLING: 0 AFTER COMPLETION: 0
 WEATHER: Sunny, 45F DRILL RIG: Geoprobe DRILLER: BMS Drilling
 DRILL SIZE/TYPE: _____ SAMPLE HAMMER: WEIGHT _____ FALL _____

Sample No.	PID/HNu Reading (ppm)	Depth (Feet)	Type *	Blows/6"	N	Recovery (Inches)	Material Classification and Description (Unified Soil Classification System-Visual Manual Method)
1	0.0	0-2	U	-	-	38	0.0'-3.1' Brown and black fine/coarse SAND, some Foundary Sand, little fine/coarse Gravel, trace slag (moist-wet, Fill) 3.1'-4.0' Brown fine SAND, little Silt, trace gravel (moist) (SP) 4.0'-12.0' Red-brown Silty CLAY, some fine/coarse Sand, trace gravel, (moist) (ML-CL)
2	0.0	2-4	U	-	-		
3	0.0	4-6	U	-	-	48	
4	0.0	6-8	U	-	-		
5	0.0	8-10	U	-	-	48	
6	0.0	10-12	U	-	-		
							Boring Complete @ 12.0'

NOTES

*SS - SPLIT-SPOON SAMPLE U - UNDISTURBED TUBE P - PISTON TUBE C - CORE

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SUBSURFACE LOG

PROJECT/ LOCATION: Niagara and Pennsylvania Streets PROJECT No. 03CLS043.90
 CLIENT: Ellicott Development Company WELL/BORING No. B-5
 DATE STARTED: 3/24/03 DATE COMPLETED: 3/24/03 RECORDED BY: A. J. Kucserik
 GROUNDWATER DEPTH WHILE DRILLING: 0 AFTER COMPLETION: 0
 WEATHER: Sunny, 45F DRILL RIG: Geoprobe DRILLER: BMS Drilling
 DRILL SIZE/TYPE: _____ SAMPLE HAMMER: WEIGHT _____ FALL _____

Sample No.	PID/HNu Reading (ppm)	Depth (Feet)	Type	Blows/6"	N	Recovery (Inches)	Material Classification and Description (Unified Soil Classification System-Visual Manual Method)
1	0.0	0-2	U	-	-	40	0.0'-4.8' Brown and black fine/coarse SAND, some Slag, little fine/coarse Gravel, trace brick (moist, Fill)
2	0.0	2-4	U	-	-		
3	0.0	4-6	U	-	-	48	4.8'-12.0' Red-brown Silty CLAY, some fine/coarse Sand, trace gravel (moist) (ML-CL) occ. Silt seams (wet) @ 9'-10'
4	0.0	6-8	U	-	-		
5	0.0	8-10	U	-	-	48	Boring Complete @ 12.0'
6	0.0	10-12	U	-	-		

NOTES

*SS - SPLIT-SPOON SAMPLE U - UNDISTURBED TUBE P - PISTON TUBE C - CORE

Construction Lending Services, Inc.

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Tel. (716) 854-0937 Fax (716) 854-0718

SUBSURFACE LOG

PROJECT/ LOCATION: Niagara and Pennsylvania Streets PROJECT No. 03CLS043.90
 CLIENT: Ellicott Development Company WELL/BORING No. B-6
 DATE STARTED: 3/24/03 DATE COMPLETED: 3/24/03 RECORDED BY: A. J. Kucserik
 GROUNDWATER DEPTH WHILE DRILLING: 0 AFTER COMPLETION: 0
 WEATHER: Sunny, 45F DRILL RIG: Geoprobe DRILLER: BMS Drilling
 DRILL SIZE/TYPER: _____ SAMPLE HAMMER: WEIGHT _____ FALL _____

Sample No.	PID/HNu Reading (ppm)	Depth (Feet)	Type	Blows/6"	N	Recovery (Inches)	Material Classification and Description (Unified Soil Classification System-Visual Manual Method)
1	0.0	0-2	U	-	-	42	0.0'-4.6' Black and brown fine/coarse SAND, some Silt, trace slag, little Cinders (moist, FILL)
2	0.0	2-4	U	-	-		
3	0.0	4-6	U	-	-	48	4.6'-12.0' Red-brown Silty CLAY, some fine/coarse Sand, trace gravel (moist) (ML-CL)
4	0.0	6-8	U	-	-		
5	0.0	8-10	U	-	-	48	Boring Complete @ 12.0'
6	0.0	10-12	U	-	-		

NOTES

*SS - SPLIT-SPOON SAMPLE U - UNDISTURBED TUBE P - PISTON TUBE C - CORE

Construction Lending Services, Inc.

P.O. Box 272, Buffalo, New York 14205

Tel. (716) 854-0937 Fax (716) 854-0718

SUBSURFACE LOG

PROJECT/ LOCATION: Niagara and Pennsylvania Streets PROJECT No. 03CLS043.90
CLIENT: Ellicott Development Company WELL/BORING No. B-7
DATE STARTED: 4/16/03 DATE COMPLETED: 4/16/03 RECORDED BY: A. J. Kucserik
GROUNDWATER DEPTH WHILE DRILLING: 0 AFTER COMPLETION: 0
WEATHER: Sunny, 55F DRILL RIG: Geoprobe DRILLER: BMS Drilling
DRILL SIZE/TYPE: _____ SAMPLE HAMMER: WEIGHT _____ FALL _____

Sample No.	PID/HNu Reading (ppm)	Depth (Feet)	Type	Blows/6"	N	Recovery (Inches)	Material Classification and Description (Unified Soil Classification System-Visual Manual Method)
1	0.0	0-2	U	-	-	30	0.0'-0.3' Concrete (Sidewalk) 0.3'-4.5' Brown SILT, little fine/coarse Sand, trace clay (moist, Fill)
2	0.0	2-4	U	-	-		
3	0.0	4-6	U	-	-	36	4.5'-9.0' Red-brown Clayey SILT, little fine/coarse Sand, trace gravel (moist) (ML-CL)
4	0.0	6-8	U	-	-		
5	0.0	8-10	U	-	-	48	9.0'-10.5' Tan-brown SILT, trace sand, trace clay (wet) (ML)
6	0.0	10-12	U	-	-		10.5'-12.0' Red-brown Clayey SILT, little fine/coarse Sand, trace gravel (moist) (ML-CL)
							Boring Complete @ 12.0'

NOTES

*SS - SPLIT-SPOON SAMPLE U - UNDISTURBED TUBE P - PISTON TUBE C - CORE

Construction Lending Services, Inc.

P.O. Box 272, Buffalo, New York 14205

Tel. (716) 854-0937 Fax (716) 854-0718

SUBSURFACE LOG

PROJECT/ LOCATION: <u>Niagara and Pennsylvania Streets</u>	PROJECT No. <u>03CLS043.90</u>
CLIENT: <u>Ellicott Development Company</u>	WELL/BORING No. <u>B-8</u>
DATE STARTED: <u>4/16/03</u> DATE COMPLETED: <u>4/16/03</u>	RECORDED BY: <u>A. J. Kucserik</u>
GROUNDWATER DEPTH WHILE DRILLING: <u>0</u>	AFTER COMPLETION: <u>0</u>
WEATHER: <u>Sunny, 55F</u> DRILL RIG: <u>Geoprobe</u>	DRILLER: <u>BMS Drilling</u>
DRILL SIZE/TYPE: _____	SAMPLE HAMMER: WEIGHT _____ FALL _____

Sample No.	PID/HNu Reading (ppm)	Depth (Feet)	Type	Blows/6"	N	Recovery (Inches)	Material Classification and Description (Unified Soil Classification System-Visual Manual Method)
1	0.0	0-2	U	-	-	38	0.0'-0.2' Concrete (Sidewalk)
							0.2'-1.5' Brown and black TOPSOIL (moist)
2	0.0	2-4	U	-	-		1.5'-5.0' Tan-brown SILT, little fine Sand, trace clay (wet) (ML)
3	0.0	4-6	U	-	-	36	5.0'-12.0' Red-brown Clayey SILT, little fine/coarse Sand, trace gravel (moist) (ML-CL)
	152.0						
4	72.0	6-8	U	-	-		occ. Silt lenses @ 10.5'-10.7' and @ 11.3'-11.4'
	54.8						
5	56.1	8-10	U	-	-	48	
	76.7						
6	1.9	10-12	U	-	-		
							Boring Complete @ 12.0'

NOTES

*SS - SPLIT-SPOON SAMPLE U - UNDISTURBED TUBE P - PISTON TUBE C - CORE

Construction Lending Services, Inc.

P.O. Box 272, Buffalo, New York 14205
 Tel. (716) 854-0937 Fax (716) 854-0718

SUBSURFACE LOG

PROJECT/ LOCATION: <u>Niagara and Pennsylvania Streets</u>	PROJECT No. <u>03CLS043.90</u>
CLIENT: <u>Ellicott Development Company</u>	WELL/BORING No. <u>B-9</u>
DATE STARTED: <u>4/16/03</u> DATE COMPLETED: <u>4/16/03</u>	RECORDED BY: <u>A. J. Kucserik</u>
GROUNDWATER DEPTH WHILE DRILLING: <u>0</u>	AFTER COMPLETION: <u>0</u>
WEATHER: <u>Sunny, 45F</u> DRILL RIG: <u>Geoprobe</u>	DRILLER: <u>BMS Drilling</u>
DRILL SIZE/TYPE: _____	SAMPLE HAMMER: WEIGHT _____ FALL _____

Sample No.	PID/HNu Reading (ppm)	Depth (Feet)	Type	Blows/6"	N	Recovery (Inches)	Material Classification and Description (Unified Soil Classification System-Visual Manual Method)
1	0.0	0-2	U	-	-	40	0.0'-0.2' Concrete (Sidewalk)
2	0.0	2-4	U	-	-		0.2'-0.4' Brown SAND and Gravel moist (FILL)
3	74.4	4-6	U	-	-	48	0.4'-5.3' Tan-brown SILT, little fine/coarse Sand, trace clay (moist) (ML)
4	0.0	6-8	U	-	-		5.3'-7.5' Tan-brown SILT, little fine/coarse Sand, trace clay (wet) (ML)
5	0.0	8-10	U	-	-	48	7.5'-12.0' Red-brown Clayey SILT, some fine/coarse Sand, trace gravel (moist) (ML-CL)
6	0.0	10-12	U	-	-		Black staining, wet, petroleum product odors
							Boring Complete @ 12.0'

NOTES

*SS - SPLIT-SPOON SAMPLE U - UNDISTURBED TUBE P - PISTON TUBE C - CORE

Construction Lending Services, Inc.

P.O. Box 272, Buffalo, New York 14205
Tel. (716) 854-0937 Fax (716) 854-0718

SUBSURFACE LOG

PROJECT/ LOCATION: <u>Niagara and Pennsylvania Streets</u>	PROJECT No. <u>03CLS043.90</u>
CLIENT: <u>Ellicott Development Company</u>	WELL/BORING No. <u>B-10</u>
DATE STARTED: <u>4/16/03</u> DATE COMPLETED: <u>4/16/03</u>	RECORDED BY: <u>A. J. Kucserik</u>
GROUNDWATER DEPTH WHILE DRILLING: <u>0</u>	AFTER COMPLETION: <u>0</u>
WEATHER: <u>Sunny, 55F</u> DRILL RIG: <u>Geoprobe</u>	DRILLER: <u>BMS Drilling</u>
DRILL SIZE/TYPe: _____	SAMPLE HAMMER: WEIGHT _____ FALL _____

Sample No.	PID/HNu Reading (ppm)	Depth (Feet)	Type	Blows/6"	N	Recovery (Inches)	Material Classification and Description (Unified Soil Classification System-Visual Manual Method)
1	0.0	0-2	U	-	-	28	0.0'-0.1' Concrete (Sidewalk) 0.1'-6.9' Brown/black Clayey SILT some fine/coarse Sand, trace gravel (moist-wet) (FILL)
2	7.1 9.3	2-4	U	-	-		
3	180.0	4-6	U	-	-	42	6.8'-14.9' Tan-brown SILT, little fine Sand (wet) (ML)
4		6-8	U	-	-		
5	90.3	8-10	U	-	-	48	
6		10-12	U	-	-		
7	121.0	12-14	U	-	-	48	14.9'-16.0' Red-brown Clayey SILT, little fine/coarse Sand, trace gravel (moist) (ML-CL)
8	1.7	14-16	U	-	-		
							Boring Complete @ 16.0'

NOTES

Construction Lending Services, Inc.

P.O. Box 272, Buffalo, New York 14205

Tel. (716) 854-0937 Fax (716) 854-0718

SUBSURFACE LOG

PROJECT/ LOCATION: Niagara and Pennsylvania Streets PROJECT No. 03CLS043.90
 CLIENT: Ellicott Development Company WELL/BORING No. B-11
 DATE STARTED: 4/16/03 DATE COMPLETED: 4/16/03 RECORDED BY: A. J. Kucserik
 GROUNDWATER DEPTH WHILE DRILLING: 0 AFTER COMPLETION: 0
 WEATHER: Sunny, 55F DRILL RIG: Geoprobe DRILLER: BMS Drilling
 DRILL SIZE/TYPE: _____ SAMPLE HAMMER: WEIGHT _____ FALL _____

Sample No.	PID/HNu Reading (ppm)	Depth (Feet)	Type	Blows/6"	N	Recovery (Inches)	Material Classification and Description (Unified Soil Classification System-Visual Manual Method)
1	0.0	0-2	U	-	-	29	0.0'-0.1' Concrete (Sidewalk) 0.1'-6.1' Brown Clayey SILT and fine/coarse Sand (moist) (FILL)
2	0.0	2-4	U	-	-		
3	0.0	4-6	U	-	-	31	6.1'-7.1' Gray-black TOPSOIL (moist-wet) 7.2'-12.0' Red-brown Clayey SILT, little fine/coarse Sand, trace gravel (moist) (ML-CL)
4	0.0	6-8	U	-	-		
5	0.0	8-10	U	-	-	48	
6	0.0	10-12	U	-	-		Boring Complete @ 12.0'

NOTES

*SS - SPLIT-SPOON SAMPLE U - UNDISTURBED TUBE P - PISTON TUBE C - CORE

Construction Lending Services, Inc.

P.O. Box 272, Buffalo, New York 14205
 Tel. (716) 854-0937 Fax (716) 854-0718

SUBSURFACE LOG

PROJECT/ LOCATION: Niagara and Pennsylvania Streets PROJECT No. 03CLS043.90
 CLIENT: Ellicott Development Company WELL/BORING No. B-12
 DATE STARTED: 4/16/03 DATE COMPLETED: 4/16/03 RECORDED BY: A. J. Kucserik
 GROUNDWATER DEPTH WHILE DRILLING: 0 AFTER COMPLETION: 0
 WEATHER: Sunny, 55F DRILL RIG: Geoprobe DRILLER: BMS Drilling
 DRILL SIZE/TYPE: _____ SAMPLE HAMMER: WEIGHT _____ FALL _____

Sample No.	PID/HNu Reading (ppm)	Depth (Feet)	Type	Blows/6"	N	Recovery (Inches)	Material Classification and Description (Unified Soil Classification System-Visual Manual Method)
1	0.0	0-2	U	-	-	20	0.0'-0.1' Concrete (Sidewalk)
2	0.0	2-4	U	-	-		0.1'-1.0' Brown and black SAND and Gravel, moist (FILL)
3	0.0	4-6	U	-	-	48	1.0'-3.0' Tan-brown SILT, little fine/coarse Sand, trace clay (moist) (ML)
4	0.0	6-8	U	-	-		3.0'-8.0' Red-brown Clayey SILT, some fine/coarse Sand, (moist) (ML-CL)
							Boring Complete @ 8.0'

NOTES

*SS - SPLIT-SPOON SAMPLE U - UNDISTURBED TUBE P - PISTON TUBE C - CORE

ATTACHMENT 07

LISTING OF CURRENT & PREVIOUS SITE OWNERS

Attachment 07

Listing of Current & Previous Site Owners

**9154 Group, LLC
Niagara Street and Pennsylvania Avenue Site
Brownfield Cleanup Program Application**

INTRODUCTION

Reasonable attempts were made to attain complete previous site owner contact information. In some cases, previous owners complete contact information was not available.

The following table lists the current and previous property owners:

Parcel Address and SBL No.	Date(s)	Relationship to Applicant
517 Niagara Street (SBL No. 110.27-5-1.1, approx. 0.27-acres)		
Current Owner		
Marranca Service Inc. 186 Nicholson Street, Buffalo, NY 14216 Unknown Phone Number	May 1998 - Present	None
Previous Owners		
Salvatore L. Marranca 186 Nicholson Street, Buffalo, NY 14216 Unknown Phone Number	June 1974 – May 1998	None
Lucy A. Curley Treasurer Of The City Of Buffalo City Of Buffalo 716-851-5722	Dec 1972 – June 1974	None
513 Niagara Street (SBL No. 110.27-5-28, approx. 0.07-acres)		
Current Owner		
84 Group Inc. 295 Main Street, Suite 210, Buffalo, NY 14203 716-854-0060	Jan 2004 - Present	Related Entity to the Applicant
Previous Owners		
John Gargrave Address Unknown Unknown Phone Number	Feb 1992 - Jan 2004	None
Vincent P. And Thomas J. Mangione Address Unknown Unknown Phone Number	June 1991 – Feb 1992	None

Attachment 07

Listing of Current & Previous Site Owners

**9154 Group, LLC
Niagara Street and Pennsylvania Avenue Site
Brownfield Cleanup Program Application**

511 Niagara Street (SBL No. 110.27-5-27, approx. 0.07-acres)		
Current Owner		
JP Group 295 Main Street, Suite 210 Buffalo, NY 14203 716-854-0060	Nov 1992 - Present	Related Entity to the Applicant
Previous Owners		
Carl P. Paladino / Jacobi 295 Main Street, Suite 210 Buffalo, NY 14203 716-854-0060	Pre – November 1992	Related Entity to the Applicant
187 Pennsylvania Avenue (SBL No. 110.27-5-2.1, approx. 0.05-acres)		
Current Owner		
84 Group Inc. 295 Main Street, Suite 210 Buffalo, NY 14203 716-854-0060	Jan 2004 - Present	Related Entity to the Applicant
Previous Owners		
John Gargrave Address Unknown Unknown Phone Number	Pre – Jan 2004	None
99999 Prospect Avenue (SBL No. 110.27-5-2.2, approx. 0.02-acres)		
Current Owner		
J.P. Group LLC 5142 Bussendorfer Road Orchard Park, NY 14127 716-854-0060	Feb 2002 - Present	Related Entity to the Applicant
Previous Owners		
James R. Nelson Address Unknown Unknown Phone Number	Pre – Feb 2002	None

ATTACHMENT 08

LISTING OF CURRENT & PREVIOUS SITE OPERATORS

Attachment 08

Listing of Current & Previous Site Operators

**9154 Group, LLC
Niagara Street and Pennsylvania Avenue Site
Brownfield Cleanup Program Application**

INTRODUCTION

Reasonable attempts were made to attain complete previous site operator contact information. In some cases, complete contact information was not available. No information was gathered to confirm that previous site operators differed from the previous site owners. As such, the information included below is identical to the information in Attachment #7.

Parcel Address and SBL No.	Date(s)	Relationship to Applicant
517 Niagara Street (SBL No. 110.27-5-1.1, approx. 0.27-acres)		
Current Owner		
Marranca Service Inc. 186 Nicholson Street, Buffalo, NY 14216 Unknown Phone Number	May 1998 - Present	None
Previous Owners		
Salvatore L. Marranca 186 Nicholson Street, Buffalo, NY 14216 Unknown Phone Number	June 1974 – May 1998	None
Lucy A. Curley Treasurer Of The City Of Buffalo City Of Buffalo 716-851-5722	Dec 1972 – June 1974	None
513 Niagara Street (SBL No. 110.27-5-28, approx. 0.07-acres)		
Current Owner		
84 Group Inc. 295 Main Street, Suite 210, Buffalo, NY 14203 716-854-0060	Jan 2004 - Present	Related Entity to the Applicant
Previous Owners		
John Gargrave Address Unknown Unknown Phone Number	Feb 1992 - Jan 2004	None
Vincent P. And Thomas J. Mangione Address Unknown Unknown Phone Number	June 1991 – Feb 1992	None



Attachment 08

Listing of Current & Previous Site Operators

**9154 Group, LLC
Niagara Street and Pennsylvania Avenue Site
Brownfield Cleanup Program Application**

511 Niagara Street (SBL No. 110.27-5-27, approx. 0.07-acres)		
Current Owner		
JP Group 295 Main Street, Suite 210 Buffalo, NY 14203 716-854-0060	Nov 1992 - Present	Related Entity to the Applicant
Previous Owners		
Carl P. Paladino / Jacobi 295 Main Street, Suite 210 Buffalo, NY 14203 716-854-0060	Pre – November 1992	Related Entity to the Applicant
187 Pennsylvania Avenue (SBL No. 110.27-5-2.1, approx. 0.05-acres)		
Current Owner		
84 Group Inc. 295 Main Street, Suite 210 Buffalo, NY 14203 716-854-0060	Jan 2004 - Present	Related Entity to the Applicant
Previous Owners		
John Gargrave Address Unknown Unknown Phone Number	Pre – Jan 2004	None
99999 Prospect Avenue (SBL No. 110.27-5-2.2, approx. 0.02-acres)		
Current Owner		
J.P. Group LLC 5142 Bussendorfer Road Orchard Park, NY 14127 716-854-0060	Feb 2002 - Present	Related Entity to the Applicant
Previous Owners		
James R. Nelson Address Unknown Unknown Phone Number	Pre – Feb 2002	None

ATTACHMENT 09

CONTACT LIST INFORMATION

Attachment 09

Contact List Information

**9154 Group, LLC
Niagara Street and Pennsylvania Avenue Site
Brownfield Cleanup Program Application**

CONTACT LIST

The following is the contact list information for the subject property. The following contacts will be sent fact sheets throughout the project's duration.

New York State Contacts & Elected Officials:

Director Abby Snyder
N.Y.S. D.E.C., Region 9
270 Michigan Avenue
Buffalo, NY 14203

Mr. Martin Doster
N.Y.S. D.E.C., Region 9
270 Michigan Avenue
Buffalo, NY 14203

Mr. Daniel David
N.Y.S. D.E.C., Region 9
270 Michigan Avenue
Buffalo, NY 14203

Ms. Meaghan Boice-Green
N.Y.S. D.E.C., Region 9
270 Michigan Ave.
Buffalo, N.Y 14203

Mr. Chad Staniszewski
N.Y.S. D.E.C., Region 9
270 Michigan Avenue
Buffalo, NY 14203

Community Outreach File
N.Y.S. D.E.C., Region 9
270 Michigan Ave.
Buffalo, N.Y 14203

Ms. Megan Gollwitzer
N.Y.S. D.E.C., Region 9
270 Michigan Ave.
Buffalo, N.Y 14203

Mr. Matt Forcucci
N.Y.S. D.O.H.
584 Delaware Avenue
Buffalo, NY 14202

Mr. Cameron O'Connor
N.Y.S. D.O.H.
584 Delaware Avenue
Buffalo, NY 14202

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

Mr. Richard Fedigan
N.Y.S.D.O.H
547 River St.
Troy, NY 12180

Senator Hillary Rodham-Clinton
726 Exchange St., Ste. 511
Buffalo, NY 14210

Attachment 09

Contact List Information

**9154 Group, LLC
Niagara Street and Pennsylvania Avenue Site
Brownfield Cleanup Program Application**

Assemblyman Sam Hoyt
144st Assembly District, NYS Assembly
936 Delaware Avenue, Suite 005
Buffalo, NY 14209

Congresswoman Louise M. Slaughter
28th District, U.S. Congress
465 Main Street, Suite 105
Buffalo, NY 14203

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

Congressman Brian M. Higgins
27th District, U.S. Congress
726 Exchange Street, Suite 601
Buffalo, NY 14210

Erie County Contacts:

Honorable Joel Giambra
Erie County Executive
95 Franklin Street
Buffalo, NY 14202

Erie County Legislator Maria R. Whyte
District 6
286 Lafayette Avenue
Buffalo, NY 14213

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

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

Mr. Robert Graber
Erie County Legislature Clerk
25 Delaware Avenue
Buffalo, NY 14202

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

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

Erie County Local Emergency
45 Elm St.
Buffalo, NY 14203

Attachment 09

Contact List Information

9154 Group, LLC
Niagara Street and Pennsylvania Avenue Site
Brownfield Cleanup Program Application

David Stebbins
ECIDA
275 Oak St.
Buffalo, NY 14203

Christopher Pawenski
Erie County DEP
95 Franklin St.
Buffalo, NY 14202

Mr. Peter Camaratta
Erie Co. Industrial Development Agency
275 Oak Street
Buffalo, NY 14203

City of Buffalo Contacts:

Mayor Byron W. Brown
City Hall
Buffalo, NY 14202

David Franczyk, President
Buffalo Common Council
1315 City Hall
Buffalo, NY 14202

Clerk Charles Michaux
Buffalo City Clerk
City Hall, Room 1308
Buffalo, NY 14202

Mr. David DiSalvo
Buffalo Planning Department
901 City Hall
Buffalo, NY 14202

Zoning Board:

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

Councilman Brian Davis
1408 City Hall
Buffalo, NY 14202

Mr. James Smith
Buffalo Env. Mgt. Commission
920 City Hall
Buffalo, NY 14202

Mr. Thomas Fitzpatrick
Buffalo Haz. Mat. Captain
195 Court Street
Buffalo, NY 14202

Attachment 09

Contact List Information

**9154 Group, LLC
Niagara Street and Pennsylvania Avenue Site
Brownfield Cleanup Program Application**

Commissioner Joseph Ryan
Buffalo Community Development
920 City Hall
Buffalo, NY 14202

Ms. Sandy Nasca
Buffalo Corporation Counsel
1101 City Hall
Buffalo, NY 14202

Mr. John Sniderhan
Buffalo Disaster Coordinator
195 Court Street
Buffalo, NY 14202

Supplier of Potable Water:

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

Local News Media:

Buffalo News
ATTN: Mr. Jay Bonfatti
1 News Plaza
Buffalo, NY 14240

WGRZ TV - Ch. 2
ATTN: Ms. Maria Sisti
259 Delaware Avenue
Buffalo, NY 14202

WIVB - Ch. 4
ATTN: Ms. Lisa Fullone
2077 Elmwood Avenue
Buffalo, NY 14207

WKBW News Channel 7
ATTN: Ms. Melanie Pritchard
7 Broadcast Plaza
Buffalo, NY 14202

Attachment 09

Contact List Information

**9154 Group, LLC
Niagara Street and Pennsylvania Avenue Site
Brownfield Cleanup Program Application**

Alternate Press
ATTN: Mr. Joe Schmidbauer
P.O. Box 729, Washington Station
Buffalo, NY 14205

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

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

WNED, Environmental News Desk
ATTN: Mr. Michael Desmond
P.O. Box 1263, Horizons Plaza
Buffalo, NY 14240

Document Repository (see Attachment 10):

Buffalo & Erie County Public Library
Central Branch
1 Lafayette Square
Buffalo, NY 14203

Nearby Schools:

Principal Phillip Friot
PS #77 Community School
370 Normal Avenue
Buffalo, NY 14213

Principal Kevin Eberle
Grover Cleveland High School
110 14th Street
Buffalo, NY 14213

Principal
PS #3, D'Youville Porter Campus
255 Porter Avenue
Buffalo, NY 14201

Principal Debra Washington
PS #38, Frank A. Sedita Academy School
21 Lowell Place
Buffalo, NY 14213

Attachment 09

Contact List Information

**9154 Group, LLC
Niagara Street and Pennsylvania Avenue Site
Brownfield Cleanup Program Application**

Other Interested Parties:

Mr. Brian Smith
Citizens Campaign- Environment
227 McConkey Ave.
Tonawanda, NY 14223

WNY Director
Citizens Env. Coalition
543 Franklin Street
Buffalo, NY 14202-1109



ATTACHMENT 09

AREA PROPERTY OWNERS

9154 Group, LLC
 Niagara Street and Pennsylvania Avenue Site
 Brownfield Cleanup Program Application

Adjacent Property Address		Owner Name and
No.	Street	Mailing Address
543	Niagara Street	Current Resident 543 Niagara Street Buffalo, NY 14201
540	Niagara Street	Current Resident 540 Niagara Street Buffalo, NY 14202
539	Niagara Street	Current Resident 539 Niagara Street Buffalo, NY 14202
526	Niagara Street	Christine's Apartments c/o Apartment Manager 526 Niagara Street Buffalo, NY 14203
525	Niagara Street	Restaurant Manager 525 Niagara Street Buffalo, NY 14203
518	Niagara Street	H&H Properties 5389 S. Freeman Road Orchard Park, NY 14127
514	Niagara Street	H&H Properties 5389 S. Freeman Road Orchard Park, NY 14128
510	Niagara Street	Integrated Quality Soutlions 1460 Military Road Kenmore, NY 14217
507	Niagara Street	Current Resident 507 Niagara Street Buffalo, NY 14203
506	Niagara Street	Current Resident 506 Niagara Street Buffalo, NY 14204
503	Niagara Street	Current Resident 503 Niagara Street Buffalo, NY 14204
502	Niagara Street	Current Resident 502 Niagara Street Buffalo, NY 14204
501	Niagara Street	Current Resident 501 Niagara Street Buffalo, NY 14205



ATTACHMENT 09

AREA PROPERTY OWNERS

9154 Group, LLC
 Niagara Street and Pennsylvania Avenue Site
 Brownfield Cleanup Program Application

Adjacent Property Address		Owner Name and
No.	Street	Mailing Address
500	Niagara Street	Current Resident 500 Niagara Street Buffalo, NY 14206
497	Niagara Street	Current Resident 497 Niagara Street Buffalo, NY 14206
493	Niagara Street	Current Resident 493 Niagara Street Buffalo, NY 14207
419	Prospect Avenue	Current Resident 419 Prospect Avenue Buffalo, NY 14203
414	Prospect Avenue	Current Resident 414 Prospect Avenue Buffalo, NY 14204
406	Prospect Avenue	Current Resident 406 Prospect Avenue Buffalo, NY 14205
405	Prospect Avenue	Current Resident 405 Prospect Avenue Buffalo, NY 14206
401	Prospect Avenue	Current Resident 401 Prospect Avenue Buffalo, NY 14207
400	Prospect Avenue	Current Resident 400 Prospect Avenue Buffalo, NY 14208
390	Prospect Avenue	Current Resident 390 Prospect Avenue Buffalo, NY 14207
389	Prospect Avenue	Current Resident 389 Prospect Avenue Buffalo, NY 14208
388	Prospect Avenue	Current Resident 388 Prospect Avenue Buffalo, NY 14208
384	Prospect Avenue	Current Resident 384 Prospect Avenue Buffalo, NY 14209



ATTACHMENT 09
AREA PROPERTY OWNERS

9154 Group, LLC
Niagara Street and Pennsylvania Avenue Site
Brownfield Cleanup Program Application

Adjacent Property Address		Owner Name and
No.	Street	Mailing Address
383	Prospect Avenue	Current Resident 383 Prospect Avenue Buffalo, NY 14210
382	Prospect Avenue	Current Resident 382 Prospect Avenue Buffalo, NY 14209
381	Prospect Avenue	Current Resident 381 Prospect Avenue Buffalo, NY 14209
380	Prospect Avenue	Current Resident 380 Prospect Avenue Buffalo, NY 14210
378	Prospect Avenue	Current Resident 378 Prospect Avenue Buffalo, NY 14210
377	Prospect Avenue	Current Resident 377 Prospect Avenue Buffalo, NY 14211
374	Prospect Avenue	Current Resident 374 Prospect Avenue Buffalo, NY 14210

-- Residents names withheld for privacy concerns

ATTACHMENT 10

DOCUMENT REPOSITORY CONFIRMATION LETTER



September 20, 2007

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

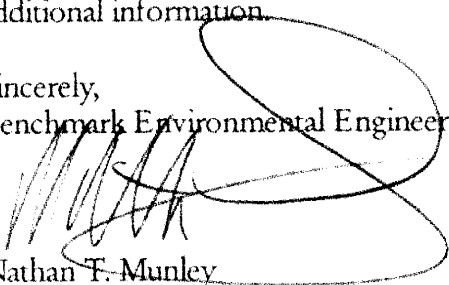
Re: Document Repository for Brownfield Cleanup Program
1093 Group, LLC
Niagara Street and Pennsylvania Avenue Site

Dear Mr. Mahaney:

Per our telephone conversation, thank you for agreeing to the Central Library acting as the document repository for the above-referenced Site. In the future, we will be sending various documents related to the referenced site that should be made available for public review upon request.

Please contact Mr. Michael Lesakowski or me at 856-0635 if you have questions or require additional information.

Sincerely,
Benchmark Environmental Engineering & Science, PLLC



Nathan F. Munley
Environmental Scientist

c: File: 0136-002-100

ATTACHMENT 11

ENVIRONMENTAL FACTORS AND HISTORIC LAND USE CONSIDERATIONS

Attachment 11

Environmental Factors & Historic Land Use Considerations

9154 Group, LLC
Niagara Street and Pennsylvania Avenue 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
- The site is located within a predominantly urban-developed area.
- The site is not adjacent to a Significant Coastal Fish and Wildlife Habitat.
- There are no threatened or endangered species, nor important plant habitats listed at the site.

ATTACHMENT 12

NEARBY LAND USE MAP

Attachment 12

Surrounding Land Use Description

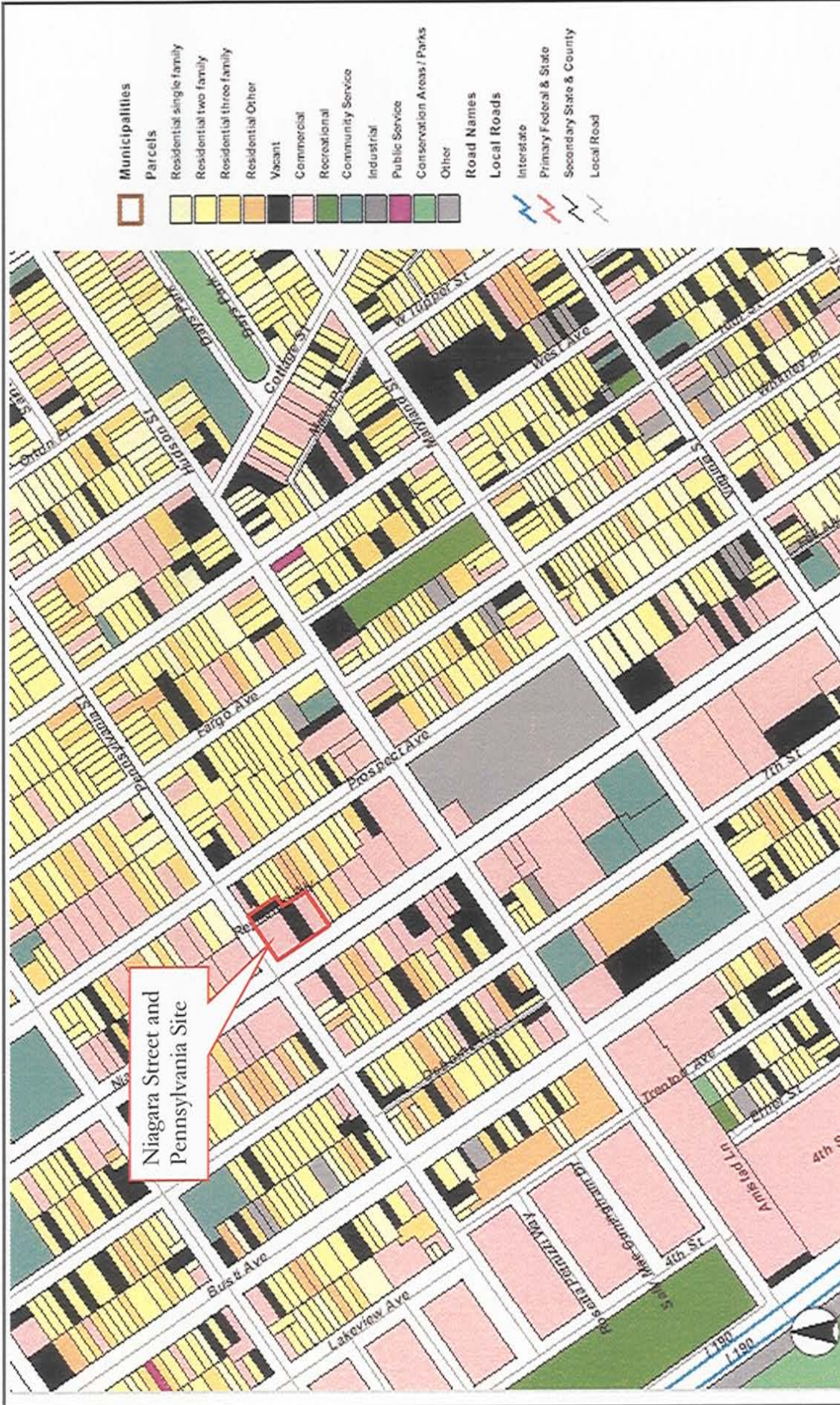
9154 Group, LLC Niagara Street and Pennsylvania Avenue Site Brownfield Cleanup Program Application

SURROUNDING LAND USE DESCRIPTION

The Site, which is made up of five separate parcels (see Attachment 1 for addresses and SBL No.), is bound by Pennsylvania Avenue to the north, residential dwellings to the east, Niagara Street to the west, and a residential apartment building to the south. Additionally, Reynolds Alley (owned by the City of Buffalo) runs through the Site northwest-southeast off of Pennsylvania Avenue

Properties adjacent to the Site include several commercial buildings to the north and west of the Site, and residential dwelling to east and south of the Site (see Figure 12-1).

FIGURE 12-1



NEARBY LAND USE MAP
 BROWNFIELD CLEANUP PROGRAM APPLICATION
 NIAGARA STREET AND PENNSYLVANIA AVENUE SITE
 BUFFALO, NEW YORK

PREPARED FOR
9154 GROUP, LLC

726 EXCHANGE STREET
 SUITE 624
 BUFFALO, NEW YORK 14210
 (716) 856-0635



PROJECT NO.: 0136-002-100
 DATE: SEPTEMBER 2007
 DRAFTED BY: NTM

ATTACHMENT 13

GROUNDWATER VULNERABILITY ASSESSMENT

Attachment 13

Groundwater Vulnerability Assessment

9154 Group, LLC Niagara Street and Pennsylvania Avenue Site Brownfield Cleanup Program Application

POTENTIAL VULNERABILITY OF GROUNDWATER TO CONTAMINATION

A previous off-site subsurface soil investigation indicated potential petroleum impacted soil/fill and groundwater in the vicinity of the Site. No groundwater samples have been collected for the subject property. Currently, there are no known deed restrictions on the use of groundwater at the site and 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. Potable water service is provided offsite and onsite by the local municipal water authority.

GROUNDWATER FLOW/RECHARGE

Regional groundwater appears to flow west towards Lake Erie and the Niagara River (see Attachment 1).

RECOMMENDATIONS

Further work is required to investigate groundwater quality data. Additional wells to assess groundwater flow patterns and water quality will be needed.

ATTACHMENT 14

DESCRIPTION OF SITE GEOGRAPHY/GEOLOGY

Attachment 14

Description of Site Geography/Geology

9154 Group, LLC Niagara Street and Pennsylvania Avenue Site Brownfield Cleanup Program Application

ECOLOGICAL SETTING

A majority of the site is covered with existing buildings, asphalt parking and roadway (Reynolds Alley), and a small manicured lawn area.

The Site is located within the Erie-Niagara River basin. Viable aquatic habitats in the vicinity of the Site include the Niagara River (approximately 0.75-miles west) and Lake Erie (approximately 1.5 miles southwest).

DEMOGRAPHY AND LAND USE

The Site is located in highly developed urbanized area of the City of Buffalo, Erie County, NY. Land use surrounding the Site includes commercial, residential, and some vacant properties (see Figure 12-1).

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.

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.

Attachment 14

Description of Site Geography/Geology

9154 Group, LLC Niagara Street and Pennsylvania Avenue Site Brownfield Cleanup Program Application

SITE GEOLOGY/HYDROGEOLOGY

Based on a previous investigation, the geology at the site is generally described as fill materials overlying red-brown clay. The fill materials consist of silt, sand, and gravel with varying amounts of brick fragments at depths ranging from 0.5 to 2.5 fbs. Native materials consist of red-brown clay with varying amounts of sand and gravel to depths up to 16 fbs.

Site groundwater will be investigated during the RI fieldwork.