

Phase I Environmental Site Assessment

111 Hydraulic Building Project

797/799 Seneca St
819 Seneca St
111 Hydraulic St
105 Hydraulic St
742 Carroll St
746 Carroll St
764 Carroll St
768 Carroll St
777 Seneca St
Buffalo, New York 14210

Prepared For:

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Project No. xb-Door Store Phase I

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Volume I of II

DISCLAIMER

This Phase 1 Environmental Site Assessment (Phase 1 ESA) is the professional opinion of AFI Environmental and is based upon information contained in public records, former worker interviews and observations made during a series of site reconnaissance(s) made July 6th 2004 for Parcel 1 and January 26, 2010 for the personal inspection of the property(s) located at 797/799 Seneca St (Parcel 1), 819 Seneca St (Parcel 2), 111 Hydraulic St (Parcel 3), 105 Hydraulic St (Parcel 4), 742 Carroll St (Parcel 5), 746 Carroll St (Parcel 6), 764 Carroll St (Parcel 7), 768 Carroll St (Parcel 8) and 777 Seneca St (Parcel 9); Buffalo, New York, 14210, collectively referred to as The Subject Property (SBL#'s: 122.27-6-2, 122.27-6-4.1, 122.27-6-11, 122.27-6-10, 122.27-6-9, 122.27-6-8, 122.27-6-7 and 122.27-6-6 respectively). The opinions, findings and recommendations of AFI Environmental do not apply or pertain to conditions at the Property existing after the date of the final inspection(s) or to the Properties status after the final inspection date (January 26, 2010).

This report presents the evaluation procedures, assessment findings, and conclusions of the Phase I ESA. AFI Environmental has conducted this Phase 1 ESA consistent with the scope of our contract with our client and scope and limitations of ASTM Practice E1527-05 and the US Environmental Protection Agency's (USEPA's), final rule and standard for "All Appropriate Inquiry" (AAI) Standard (40 CFR Part 312). This rule establishes a minimum due diligence standard for innocent landowners, bona fide prospective purchasers, and contiguous property owners seeking liability protection under the comprehensive environmental response, compensation, and Liability Act ("CERCLA"), and for assessments under CERCLA 104 (k) (2) (B) Brownfield grant program.

This ESA was prepared using data, references and information available from federal, state, county, and local agencies. Observations were made of the land and improvements present at the time of the inspection(s). AFI Environmental renders no opinion as to the presence or absence of hazardous materials or potential environmental liability associated with portions of the property, structures or adjacent properties where access was limited, obstructed or unavailable or which may look to be included with the property based on

landscaping or similar surface cover or which may be leased or excluded from the list of included properties.

Unless otherwise specified in this ESA, AFI Environmental did not perform, as part of this Phase 1 ESA certified environmental testing, analysis or monitoring to determine the presence or absence of hazardous constituents. If additional and in-depth tests were conducted, the opinions of AFI Environmental contained herein may be significantly different.

This report is founded upon the application of professional judgment and scientific principles to certain facts with resultant subjective interpretations. The professional judgments expressed herein are based on the facts currently available within the limits of the scope of work, budget, existing data and schedule. To the extent that more definitive conclusions are desired by the client that are supported by the currently available facts, it is AFI Environmental's intent that the conclusions and recommendations stated herein will be intended as guidance and not necessarily a firm course of action except where explicitly stated as such.

AFI ENVIRONMENTAL MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING WITHOUT LIMITATION, WARRANTIES AS TO MERCHANTABILITY OR FITNESS OF A PARTICULAR PURPOSE. In addition, the information provided in this report is not to be construed as legal advice.

Nothing contained in this report shall be construed as a warranty or affirmation by AFI Environmental that the site and property described in the report are suitable collateral for any loan or that acquisition of such property by any lender through foreclosure proceedings or otherwise will pose no risk of potential environmental liability on the part of such lender.

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1.0 EXECUTIVE SUMMARY

This report represents the results of a Phase I Environmental Site Assessment (Phase 1 ESA), conducted by AFI Environmental Consultants (AFI) a d/b/a of Buffalo Environmental Consultants, Inc. (BECI), on property which is intended to be part of the future development known as: **"111 Hydraulic Building"** which initially intended to include the following parcels: (See attached Site map with parcels labeled as to location and number.)

Parcel 1: 797/799 Seneca St, Buffalo, New York, 14210,	SBL#: 122.27-6-2
Parcel 2: 819 Seneca St, Buffalo, New York, 14210,	SBL#: 122.27-6-3
Parcel 3: 111 Hydraulic St, Buffalo, New York, 14210,	SBL#: 122.27-6-11
Parcel 4: 105 Hydraulic St, Buffalo, New York, 14210,	SBL#: 122.27-6-10
Parcel 5: 742 Carroll St, Buffalo, New York, 14210,	SBL#: 122.27-6-9
Parcel 6: 746 Carroll St, Buffalo, New York, 14210,	SBL#: 122.27-6-8
Parcel 7: 764 Carroll St, Buffalo, New York, 14210,	SBL#: 122.27-6-7
Parcel 8: 768 Carroll St, Buffalo, New York, 14210,	SBL#:122.27-6-6*

(*currently **Not** included in **111 Hydraulic Building** Development).

Parcel 9: 777 Seneca St, Buffalo, New York, 14210,	SBL#:122.27-6-1**
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**Leased from City of Buffalo to complete 111 Hydraulic Building Development to the curb.

This Phase 1 ESA has revealed the following potential areas of environmental concern (PAECs) based on historical records search showing past and present uses of the site, and field reconnaissance in which leaking drums and gas tanks were observed. The records search was conducted to gather information on former tenants; past operations and site activities and exterior disposal activities of waste products that, mounds of suspected material were observed during the field reconnaissance portion of preparing this Phase 1 ESA. Site reconnaissance and further field inspection were conducted to evaluate and roughly characterize the relative extent of contamination dumping. No other evidence of recognized environmental conditions (RECs) in connection with the subject site except those items listed below and the open petroleum spill number NYSDEC Spills number were observed:

<i>Summarized Environmental Finding</i>	<i>Environmental Issue</i>	<i>Opinions</i>
Parcel #1 Past operations at the site, including sandblasting of metal and painted items. The reported process involves, shoveling sand into a hopper and after use for sandblasting; and paint removal; discharging the spent particles (and metal contaminates) by using a fan that blows the small particles outside the building through a window onto the ground in the court yard. No filter or bag house was observed.	This is a pathway for hazardous or regulated materials (such as lead and other metal mixed with paint dust) to penetrate subsurface soil and ground water or enter the sewer system or be blown by winds which exit the site.	Any discharge of a hazardous and/or regulated material into subsurface air, soils or surface waters is a REC.
Parcel #1 The site has a painting bay for vehicles which includes an exhaust fan that deposits the air born over-sprayed paint outside the building. No filters or air permits were available for the site.	This is a pathway for hazardous or regulated materials to contaminate the air, subsurface soils, stormwater, and potentially ground water or enter the sewer system which exits the site.	Any discharge of a hazardous and/or regulated material into air, subsurface soils, or surface and or ground water is a REC.
Parcel #1 Bumpers, gas tanks and other miscellaneous car parts were observed on the subject site during the Site Reconnaissance Inspection. Signs of the leaking gas tanks were observed and partially empty and leaking gas tanks were observed on site.	This is a pathway for hazardous or regulated materials (such as petroleum products) to penetrate the concrete floor and subsurface soil and potentially ground water. Also, a possibility for these products to collect in and along broken sewer lines beneath the concrete pads on the site.	Any discharge of a hazardous and/or regulated material into subsurface soils is a REC.
Parcel #1 Past operations including dry cleaning services and a commercial and industrial laundry; this is a PAEC due to the chemicals used in the dry cleaning industry. (Parcel 1)	The improper dumping of hazardous and/or regulated materials could allow for a release of the contents to reach surface soils located on the site.	The improper storage of hazardous and/or regulated materials is a REC on the subject site, as there is a potential for a release of the contents to reach soils located on the site.
Parcel #1, 3, 7, & (8, and 9) There is a potential (due to age of buildings) which currently and previously occupied these parcels; for building components to contain PCB's. Building components possibly containing PCB's: electrical fixtures, capacitors, mercury switches, and transformers.	The improper dumping of hazardous and/or regulated materials could allow for a release of the contents to reach surface soils located on the site.	The improper storage of hazardous and/or regulated materials is a REC on the subject site, as there is a potential for a release of the contents to reach soils located on the site. PCB containing transformers are required to be monitored.

<p>Parcel 1, 2,3, 4,5,6,7, (8 and 9) Two hundred and twelve (212) database records were found for the adjacent and surrounding properties within the ASTM government/state records search radius.</p>	<p>Spills pathway for hazardous or regulated materials (such as petroleum) to penetrate subsurface soil and ground water.</p>	<p>Any discharge of a hazardous and/or regulated material into subsurface soils is a REC.</p>
<p>Parcel 1,,7, (8) Presumed Asbestos Containing Material PACMs were noted. PACMs included, but not limited to, 9"x9" Floor Tile, 12"x12" Floor Tile, ceiling tiles, ceiling pucks, grout, mastic, window caulk, roofing, flashing, TSI pipe wrap, material insulation etc. (Parcel 1, 3, 7, and(8)</p>	<p>Employers must keep a survey which identifies the location of ACM construction materials on file and available for employee inspection. Know locations of ACM must be identified with warning stickers advising employees of hazardous condition. Severely damaged ACMs must be encapsulated and/or abated.</p>	<p>Any knowing release of ACMs into the air is a violation of USEPA Air quality regulations. Activities such as remodeling, renovations, and demolition which release ACMs into the air are regulated activities and subject to fines.</p>
<p>Parcel 1, 2,3, 4,5,6,7, (8, and 9) Due to the age of the buildings, and conditions of the deteriorating paint that were observed on these sites the potential for dust and metals associated with lead-based paint and hexavalent chromium impacts may be associated with most of the buildings surfaces and all ground areas on and near the drip lines of the buildings and where wind could have carried the sand or metal dust.</p>	<p>Deteriorating paint needs to be handled in a manner in accordance with US EPA guidelines. A lead paint risk assessment of the existing structures and evaluation of the impact to surface soils of deteriorating lead based paint should be evaluated</p>	<p>Lead Sampling is not within the scope of an ESA E1527-05 Phase I. Exposure to lead can irritate the skin and cause respiratory and brain and central nervous system function problems.</p>
<p>Parcel 1, 7, (8, 9) Fluorescent light fixtures may contain ballast which contains PCB components.</p>	<p>The standard fluorescent lamp contains approximately 20 milligrams of mercury. While there are no known health hazards from exposure to lamps that are intact, improper disposal of fluorescent lamps can contaminate.</p>	<p>Any discharge of a hazardous and/or regulated material into subsurface soils is a REC.</p>
<p>Parcel 1, 3, 4 (and 9) Based on visual inspection and recorded historic activities at the site, there exists the potential for UST's to be present at the site. The City of Buffalo Fire Prevention Dept has a record of a 12,000 gallon UST being installed with no documentation of removal and a record of a 1000 gallon UST being installed, replaced and removed.</p>	<p>This is a pathway for hazardous or regulated materials (such as petroleum) to penetrate subsurface soil and ground water.</p>	<p>Any discharge of a hazardous and/or regulated material into subsurface soils is a REC.</p>

<p>Parcel 1</p> <p>Given the lack of maintenance, much debris and abandoned equipment obscures the ability to locate pits, floor drains, sumps and subsurface reservoirs all which may be sources of uncharacterized contaminants.</p>	<p>Spills pathway for hazardous or regulated materials (such as petroleum) to penetrate subsurface soil and ground water.</p>	<p>Any discharge of a hazardous and/or regulated material into subsurface soils is a REC.</p>
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Additional Potential Areas of Environmental Concern (PAEC) and Significant Findings identified during AFI's Site Reconnaissance and Records Searched are Listed Below:

- In 2006, during AFI Environmental's, Limited Phase II Sub Surface Soil Investigation, 797 Seneca Street, Buffalo, Erie County, New York 14120, 2007. Petroleum contamination was found on parcel #1 (797 Seneca Street). The NYSDEC Spill file has not been closed at the date of this updated report.
- In 1988 there was a traffic accident at the subject site (797 Seneca Street), the spilled fluids from the car were flushed into the sewer by the fire department. The spill report estimates approximately 20 gallons were flushed into the sewer.
- Past industrial uses at the property (dry cleaners) on and around the subject site could have created a potential for soil and groundwater impacts. This is a potential area of environmental concern (PAEC).
- There are bumpers, gas tanks and other miscellaneous car parts throughout the building. Signs on the property clearly indicate leaking gas tanks have historically been encountered at the site. This is a potential area of environmental concern (PAEC).
- Past operations at the site include sandblasting of metal and painted items. The sand is shoveled into a hopper which has a fan that blows the small particles outside of the building through a window and onto the ground in the court yard. This is a potential area of environmental concern (PAEC).
- The site has painting bays for vehicles which includes an exhaust fan that deposits the air born particles outside, no filters or air permits were available for the site. This is a potential area of environmental concern (PAEC).
- There is a potential (due to age of the building) for building components to contain PCB's. Several building components containing possible PCB's were noted: electrical fixtures, capacitors, mercury switches, and transformers. This is a potential area of environmental concern (PAEC).

- There is a potential (due to age of building) for construction materials within the building to contain asbestos containing materials (ACMs). No asbestos survey was reviewed/found for this property. During a site walkthrough, several areas of possible ACMs were noted: 9x9 floor tile, 12x12 tile, ceiling tile, ceiling pucks, roofing, flashing, pipe wrap, ect. This is a potential area of environmental concern (PAEC).
- There is a potential for lead based paint and hexavalent chromium to be part of the paint used within the structure (s) on Parcels 1, 7 and 8. There is a potential that material used for construction of the building(s) (which occurred prior to 1940) to contain lead-based paint. There is noticeable peeling paint throughout the building. There is a potential for water lines feeding the building as-well-as the water lines within the site to contain lead compounds. This is a potential area of environmental concern (PAEC).
- Fluorescent light fixtures may contain ballast with PCB components. This is a potential area of environmental concern (PAEC).
- Based on visual inspection of the site and previous activities conducted at the site, there exists the potential for USTs to be present at the site. The City of Buffalo Fire Department has a record of a 12,000 gallon UST being installed with no documentation of removal and a record of a 1,000 gallon UST being installed, replaced and removed. This is a potential area of environmental concern (PAEC).
- Given the lack of maintenance, much debris and abandoned equipment obscures the ability to locate pits, floor drains, sumps and subsurface reservoirs all which may be sources of uncharacterized contaminants.

Items identified during Records Search

For a complete listing of all records see section Appendix 13.0

- A review of the CERCLIS list, as provided by EDR, and dated 06/30/2009 has revealed that there are four (4) CERCLIS site within approximately 1 mile of the target property.
- A review of the CERC-NFRAP list, as provided by EDR, and dated 06/23/2009 has revealed that there are three (3) CERC-NFRAP sites within approximately 1 mile of the target property.
- A review of the CORRACTS list, as provided by EDR, and dated 09/15/2009 has revealed that there are seven (7) CORRACTS site within approximately 1.5 miles of the target property.
- A review of the RCRA-TSDF list, as provided by EDR, and dated 11/12/2008 has

revealed that there are two (2) RCRA-TSDF sites within approximately 1 mile of the target property.

- A review of the RCRA-SQG list, as provided by EDR, and dated 11/12/2008 has revealed that there are four (4) RCRA-SQG sites within approximately .75 mile of the target property.
- A review of the RCRA-CESQG list, as provided by EDR, and dated 06/30/2009 has revealed that there are five (5) RCRA-CESQG sites within approximately 1.5 miles of the target property.
- A review of the ERNS list, as provided by EDR, and dated 05/15/2009 has revealed that there are two (2) ERNS sites within approximately 0.5 miles of the target property.
- A review of the US INST CONTROL list, as provided by EDR, and dated 10/01/2009 has revealed that there is one (1) US INST CONTROL site within approximately 0.75 miles of the target property.
- A review of the SHWS list, as provided by EDR, and dated 11/23/2009 has revealed that there are six (6) SHWS sites within approximately 1.5 miles of the target property.
- A review of the SWF/LF list, as provided by EDR, and dated 10/14/2009 has revealed that there are four (4) SWF/LF sites within approximately 1 mile of the target property.
- A review of the LTANKS list, as provided by EDR, and dated 11/23/2009 has revealed that there are twenty-six (26) LTANKS site within approximately 1 mile of the target property.
- A review of the HIST LTANKS list, as provided by EDR, and dated 01/01/2002 has revealed that there are nineteen (19) HIST LTANKS sites within approximately 1 mile of the target property.
- A review of the UST list, as provided by EDR, and dated 10/06/2009 has revealed that there are fourteen (14) UST sites within approximately .75 miles of the target property.
- A review of the AST list, as provided by EDR, and dated 10/06/2009 has revealed that there are three (3) AST site within approximately 0.75 miles of the target property.
- A review of the CBS AST list, as provided by EDR, and dated 01/01/2002 has revealed that there is one (1) CBS AST sites within approximately 0.75 miles of the target property.
- A review of the MOSF AST list, as provided by EDR, and dated 01/01/2002 has revealed that there is one (1) MOSF AST sites within approximately 1 mile of the target property.
- A review of the CBS list, as provided by EDR, and dated 10/06/2009 has revealed that there is one (1) CBS sites within approximately 0.75 miles of the target property.

- A review of the ENG CONTROLS list, as provided by EDR, and dated 11/23/2009 has revealed that there is one (1) ENG CONTROLS site within approximately 0.75 miles of the target property.
- A review of the US BROWNFIELDS list, as provided by EDR, and dated 11/23/2009 has revealed that there are three (3) US BROWNFIELDS site within approximately 1 mile of the target property.
- A review of the SWRCY list, as provided by EDR, and dated 10/14/2009 has revealed that there are three (3) SWRCY sites within approximately 0.75 miles of the target property.
- A review of the HIST UST list, as provided by EDR, and dated 01/01/2002 has revealed that there are eleven (11) HIST UST sites within approximately 0.75 miles of the target property.
- A review of the HIST AST list, as provided by EDR, and dated 01/01/2002 has revealed that there is one (1) HIST AST sites within approximately .5 mile of the target property.
- A review of the NY Spills list, as provided by EDR, and dated 11/23/2009 has revealed that there are forty (40) NY Spills sites within approximately 0.125 miles of the target property.
- A review of the NY Hist Spills list, as provided by EDR, and dated 01/01/2002 has revealed that there are thirty (30) NY Hist Spills sites within approximately 0.375 miles of the target property.
- A review of the RCRA-NonGen list, as provided by EDR, and dated 11/12/2008 has revealed that there are twenty five (25) RCRA-NonGen sites within approximately 0.75 miles of the target property.
- A review of the FUDS list, as provided by EDR, and dated 12/31/2008 has revealed that there is one (1) FUDS site within approximately 0.5 miles of the target property.
- A review of the FINDS list, as provided by EDR, and dated 10/19/2009 has revealed that there are fifteen (15) FINDS sites within approximately 0.25 miles of the target property.
- A review of the HSWDS list, as provided by EDR, and dated 01/01/2003 has revealed that there are two (2) HSWDS site within approximately 1 mile of the target property.
- A review of the MANIFEST list, as provided by EDR, and dated 10/27/2009 has revealed that there are thirty four (34) MANIFEST sites within approximately 0.75 miles of the target property.

The above notations are recognized Environmental Conditions found within the ASTM recommended search radiuses. There is no evidence that the Recognized Environmental conditions listed above have had any impact on the subject site.

Based mostly on visual inspection of parcels #1, 2, 3, 4, 5, 6, 7 (8 and 9) site, and confirmed by review of historic records, and interviews with government agencies and individuals familiar with the area; it is AFI's opinion the past and present activities conducted at the site and the properties adjoining it have had, at a minimum, an impact to the site; and potentially adverse environmental effects on the subject property. The impacts observed by AFI; do not include CERCLA (hazardous) regulated chemicals, but potentially RECRA and petroleum products or by-products which could require remediation, (excavation, testing, loading, transportation and disposal). Our historical review included the review of reasonable ascertainable standard historical sources of information dating to 1900, the earliest available historical records for the area of the subject property.

Due the suspected presence of Asbestos containing building materials (ACMBs) AFI recommends that an **asbestos survey** identifying the locations and quantity of ACM material be conducted prior to ownership or having employees utilize/occupy the site.

OUR SERVICES FOR THE PHASE 1 ESA DID NOT INCLUDE SAMPLING OF: soil, ground water, radon, lead, asbestos or review of title documents.

CLIENT RELIANCE

AFI has completed a Phase I Environmental Site Assessment (ESA) of the Industrial Buildings, and Land, at 797/799 Seneca St, 819 Seneca St, 111 Hydraulic St, 105 Hydraulic St, 742 Carroll St, 746 Carroll St, 764 Carroll St, 768 Carroll St and 777 Seneca St, Buffalo, New York, 14210, collectively referred to as The Subject Property (SBL#'s: 122.27-6-2, 122.27-6-4.1, 122.27-6-11, 122.27-6-10, 122.27-6-9, 122.27-6-8, 122.27-6-7 and 122.27-6-6 respectively). This assessment was performed utilizing methods and procedures consistent with good commercial or customary practice designed to conform to acceptable industry standards. This report is exclusively for the use and benefit of the Client and identified Users on the first page of this report and is not intended for the use or benefit of, nor may it be relied upon by, any other person or entity without the advanced written consent of AFI. The independent conclusions represent AFI's best professional judgment based on the information provided is true and correct in accordance with 18 U.S.C. 1001. Factual information regarding operations, conditions and test data provided by the Client, owner or their representative has been assumed to be correct and complete. Additionally, the conclusions presented are based on the conditions that existed and the information available at the time of the assessment.

AFI has no present nor do we contemplate any future partnership with the Client. AFI has no interest in the property to be inspected which could adversely affect AFI's ability to perform an objective assessment; and neither the employment of AFI to conduct the Phase I ESA, nor the compensation for it, is contingent on the results of the Phase I ESA.

Project Managers:	Patrick Ackerman
Researched by:	Patrick Ackerman
Surveyed by:	William Heitzenrater and Patrick Ackerman
Written by:	William Heitzenrater and Patrick Ackerman
Reviewed by:	William Heitzenrater and Geoffrey Heitzenrater

William Heitzenrater
Sr. Environmental Professional

Patrick Ackerman
Environmental Professional

1.1 Report Findings

1.1.2 Site Description and Legal Description:

Eight of the nine parcels listed below will make up the entire project area of our client proposed 111 Hydraulic Building Development. Below is a summary of location, former address, former owner, and former acres. Parcel nine is included but being leased from the city of buffalo. Parcel eight is no longer part of the 111 Hydraulic Building Development.

ASSESSED PROPERTY INFORMATION: Parcel #1

- Mailing Addresses:	799/797 Seneca Street
- Municipality:	Buffalo
- County, State, Zip:	Erie, New York 14210
- Tax ID No(s)	122.27-6-2
- Additional Parcels:	No
- Parcel Size (acres):	1.425
- Site Location Map:	See Figure #1
- Current Owner - Name:	Hogan Lloyn
- Telephone Number:	N/A
- Key Site Contact - Name:	N/A
-Current Business/Tenant:	N/A
- Current Use - Description:	433 – C – Auto Body
- Past Use - Description:	Dry Cleaners & Public School
- Site Improvements:	N/A

ASSESSED PROPERTY INFORMATION: Parcel #2

- Mailing Addresses:	819 Seneca Street
- Municipality:	Buffalo
- County, State, Zip:	Erie, New York 14210
- Tax ID No(s)	122.27-6-3
- Additional Parcels:	No
- Parcel Size (acres):	0.068
- Site Location Map:	See Figure #1
- Current Owner - Name:	C/O City View Properties
- Telephone Number:	N/A
- Key Site Contact - Name:	N/A
-Current Business/Tenant:	N/A
- Current Use - Description:	340 – B – Vacant Industrial
- Past Use - Description:	Residential
- Site Improvements:	N/A

ASSESSED PROPERTY INFORMATION: Parcel #3

- Mailing Addresses:	111 Hydraulic
- Municipality:	Buffalo
- County, State, Zip:	Erie, New York 14210
- Tax ID No(s)	122.27-6-11
- Additional Parcels:	No
- Parcel Size (acres):	0.047
- Site Location Map:	See Figure #1
- Current Owner - Name:	598 Main Street LLC
- Telephone Number:	N/A
- Key Site Contact - Name:	N/A
-Current Business/Tenant:	N/A
- Current Use - Description:	312 – R – Vac w/ Imprv
- Past Use - Description:	Residential
- Site Improvements:	N/A

ASSESSED PROPERTY INFORMATION: Parcel #4

- Mailing Addresses:	105 Hydraulic
- Municipality:	Buffalo
- County, State, Zip:	Erie, New York 14210
- Tax ID No(s)	122.27-6-10
- Additional Parcels:	N/A
- Parcel Size (acres):	0.165
- Site Location Map:	See Figure #1
- Current Owner - Name:	LCO Building LLC
- Telephone Number:	N/A
- Key Site Contact - Name:	N/A
-Current Business/Tenant:	N/A
- Current Use - Description:	340 – B – Vacant Indus
- Past Use - Description:	N/A
- Site Improvements:	N/A

ASSESSED PROPERTY INFORMATION: Parcel #5

- Mailing Addresses:	742 Carroll
- Municipality:	Buffalo
- County, State, Zip:	Erie, New York 14210
- Tax ID No(s)	122.27-6-9
- Additional Parcels:	No
- Parcel Size (acres):	0.139
- Site Location Map:	See Figure #1
- Current Owner - Name:	LCO Building Development LLC
- Telephone Number:	N/A
- Key Site Contact - Name:	N/A
-Current Business/Tenant:	N/A
- Current Use - Description:	330 – B – Vacant Comm
- Past Use - Description:	Residential
- Site Improvements:	N/A

ASSESSED PROPERTY INFORMATION: Parcel #6

- Mailing Addresses:	746 Carroll
- Municipality:	Buffalo
- County, State, Zip:	Erie, New York 14210
- Tax ID No(s)	122.27-6-8
- Additional Parcels:	No
- Parcel Size (acres):	0.099
- Site Location Map:	See Figure #1
- Current Owner - Name:	LCO Building Development LLC
- Telephone Number:	N/A
- Key Site Contact - Name:	N/A
-Current Business/Tenant:	311 – R – Res Vac Land
- Current Use - Description:	N/A
- Past Use - Description:	Residential
- Site Improvements:	N/A

ASSESSED PROPERTY INFORMATION: Parcel #7

- Mailing Addresses:	764 Carroll
- Municipality:	Buffalo
- County, State, Zip:	Erie, New York 14210
- Tax ID No(s)	122.27-6-7
- Additional Parcels:	No
- Parcel Size (acres):	0.071
- Site Location Map:	See Figure #1
- Current Owner - Name:	Sagere Alb Jr
- Telephone Number:	N/A
- Key Site Contact - Name:	N/A
-Current Business/Tenant:	N/A
- Current Use - Description:	210 – R – 1 Family Res
- Past Use - Description:	Residential
- Site Improvements:	N/A

ASSESSED PROPERTY INFORMATION: Parcel #8

(Not included in the 111 Hydraulic Building Project)

- Mailing Addresses:	768 Carroll
- Municipality:	Buffalo
- County, State, Zip:	Erie, New York 14210
- Tax ID No(s)	122.27-6-6
- Additional Parcels:	No
- Parcel Size (acres):	0.071
- Site Location Map:	See Figure #1
- Current Owner - Name:	O'Brien Gerald M
- Telephone Number:	N/A
- Key Site Contact - Name:	N/A
-Current Business/Tenant:	N/A
- Current Use - Description:	210 – R – 1 Family Res
- Past Use - Description:	Residential
- Site Improvements:	N/A

ASSESSED PROPERTY INFORMATION: Parcel #9

This Parcel is owned by the City of Buffalo and will be leased from them.

- Mailing Addresses:	777 Seneca St
- Municipality:	Buffalo
- County, State, Zip:	Erie, New York 14210
- Tax ID No(s)	122.27-6-1
- Additional Parcels:	No
- Parcel Size (acres):	0.043
- Site Location Map:	See Figure #1
- Current Owner - Name:	City of Buffalo
- Telephone Number:	N/A
- Key Site Contact - Name:	N/A
-Current Business/Tenant:	N/A
- Current Use - Description:	340 – B – Vacant Industrial
- Past Use - Description:	N/A
- Site Improvements:	N/A

Note a subsurface race way, known as the “mill race” exists below this site, making is unsuitable for constructing. This area is suitable for parking, sidewalks and landscaping and is part of a lease agreement with the City of Buffalo.

LEGAL DESCRIPTION:

The property, 797/799 Seneca St, 819 Seneca St, 111 Hydraulic St, 105 Hydraulic St, 742 Carroll St, 746 Carroll St, 764 Carroll St, 768 Carroll St and 777 Seneca St, Buffalo, New York, 14210, collectively referred to as The Subject Property (SBL#'s: 122.27-6-2, 122.27-6-4.1, 122.27-6-11, 122.27-6-10, 122.27-6-9, 122.27-6-8, 122.27-6-7 and 122.27-6-6 respectively) is in the city of Buffalo, County of Erie, State of New York, and is described as follows:

SITE OWNERSHIP AND GENERAL CHARACTERISTICS:

Parcel 1

- Mailing Addresses:	799/797 Seneca Street
- Municipality:	Buffalo
- County, State, Zip:	Erie, New York 14210
- Tax ID No(s)	122.27-6-2
- Parcel Size (acres):	1.425
- Current Use - Description:	433 – C – Auto Body

Parcel 2

- Mailing Addresses:	819 Seneca Street
- Municipality:	Buffalo
- County, State, Zip:	Erie, New York 14210
- Tax ID No(s)	122.27-6-3
- Parcel Size (acres):	0.068
- Current Use - Description:	340 – B – Vacant Industrial

Parcel 3

- Mailing Addresses:	111 Hydraulic
- Municipality:	Buffalo
- County, State, Zip:	Erie, New York 14210
- Tax ID No(s)	122.27-6-11

- Parcel Size (acres):	0.047
- Current Use - Description:	312 – R – Vac w/ Imprv

Parcel 4

- Mailing Addresses:	105 Hydraulic
- Municipality:	Buffalo
- County, State, Zip:	Erie, New York 14210
- Tax ID No(s)	122.27-6-10
- Parcel Size (acres):	0.165
- Current Use - Description:	340 – B – Vacant Indus

Parcel 5

- Mailing Addresses:	742 Carroll
- Municipality:	Buffalo
- County, State, Zip:	Erie, New York 14210
- Tax ID No(s)	122.27-6-9
- Parcel Size (acres):	0.139
- Current Use - Description:	330 – B – Vacant Comm

Parcel 6

- Mailing Addresses:	746 Carroll
- Municipality:	Buffalo
- County, State, Zip:	Erie, New York 14210
- Tax ID No(s)	122.27-6-8
- Parcel Size (acres):	0.099
-Current Business/Tenant:	311 – R – Res Vac Land

Parcel 7

- Mailing Addresses:	764 Carroll
- Municipality:	Buffalo
- County, State, Zip:	Erie, New York 14210
- Tax ID No(s)	122.27-6-7

- Parcel Size (acres): 0.071
- Current Use - Description: 210 – R – 1 Family Res

Parcel 8

- Mailing Addresses: 768 Carroll
- Municipality: Buffalo
- County, State, Zip: Erie, New York 14210
- Tax ID No(s): 122.27-6-6
- Parcel Size (acres): 0.071
- Current Use - Description: 210 – R – 1 Family Res

Parcel 9

- Mailing Addresses: 777 Seneca
- Municipality: Buffalo
- County, State, Zip: Erie, New York 14210
- Tax ID No(s): 122.27-6-1
- Parcel Size (acres): 0.043
- Current Use - Description: 340 – B – Vacant Industrial

CURRENT USE OF THE PROPERTY

Refer to "Site Reconnaissance" in Section 4.0 or to "Conclusions" Section 1.2 of this report for a detailed description of the subject property and its uses. Refer to Appendix Section 10.0 for the cities directory for this report for a list of some of the previous occupants of the site.

1.1.2 Site Reconnaissance:

On January 26, 2010 2009 William Heitzenrater, Sr. Environmental Professional visited the site, located at 797/799 Seneca St, 819 Seneca St, 111 Hydraulic St, 105 Hydraulic St, 742 Carroll St, 746 Carroll St, 764 Carroll St, 768 Carroll St and 777 Seneca St, Buffalo, New York, 14210, collectively referred to as The Subject Property (SBL#'s:

122.27-6-2, 122.27-6-4.1, 122.27-6-11, 122.27-6-10, 122.27-6-9, 122.27-6-8, 122.27-6-7 and 122.27-6-6 respectively). The purpose of this visit was to determine if the current and/or past use of the land at the property or adjoining properties have created, or have potential to create, a recognized environmental condition for the subject property.

- The property was walked through in such a way to view the whole site and adjacent sites while performing the site reconnaissance.
- All portions of the site that could be accessed (interior and exterior) were observed. All buildings were accessible for interior inspection.
- Field notes and photographs of REC's (recognized environmental concerns) were taken and included in this report.

The site location is identified on figure 1 (Site location), Topographic Map and color photographs of the site are located in Section 4.3 of this report.

1.1.3 Site History

Environmental Data Resource Co, Inc's (EDR) City Directory Abstract has a report designed to evaluate potential liability on the subject site resulting from past activities. The report includes a search and abstract of available city directory data. Business directories including city, cross reference and telephone directories were reviewed, if available, at approximately five (5) year intervals for the years spanning 1948 through 2008.

Year	Uses	Source
797/799 Seneca Street, Buffalo, New York 14210 (Parcel 1)		
2010	Good Door Store Permatech Spray On Bed liner	Polk's City Directory
2004	Best Souther Body Parts Gas Tank Warehouse Good Door Store	Polk's City Directory
1992	Phoenix International	Polk's City Directory
1987	Bureau Inc Western New York Auto Rec	Polk's City Directory
1982	Bureau Inc Western New York Auto Rec	Polk's City Directory
1976	Famous Linen Supply Queen City Laundry	Polk's City Directory
1970	Famous Linen Supply Queen City Laundry	Polk's City Directory
1964	Famous Linen Supply Overnite Valet Inc Queen City Laundry Seneca Audio Visual Corp	Polk's City Directory
1958	Famous Linen Supply Overnite Valet Inc Queen City Laundry	Polk's City Directory

Year	Uses	Source
797/799 Seneca Street, Buffalo, New York 14210 (Parcel 1)		
1953	Dollar Dry Cleaning	Polk's City Directory
1948	Dollar Dry Cleaning	Polk's City Directory
1942	Dollar Dry Cleaning	Polk's City Directory
1938	Dollar Dry Cleaning	Polk's City Directory

Year	Uses	Source
819 Seneca Street, Buffalo, New York 14210		(Parcel 2)
1964	Vacant	Polk's City Directory
1958	Residential	Polk's City Directory
1953	Residential	Polk's City Directory
1948	Residential	Polk's City Directory
1942	Residential	Polk's City Directory
1938	Residential	Polk's City Directory

Year	Uses	Source
111 Hydraulic Street, Buffalo, New York 14210		(Parcel 3)
1970	Vacant	Polk's City Directory
1964	Residential	Polk's City Directory
1958	Residential	Polk's City Directory
1953	Residential	Polk's City Directory
1942	Residential	Polk's City Directory
1938	Residential	Polk's City Directory

Year	Uses	Source
105 Hydraulic Street, Buffalo, New York 14210		(Parcel 4)
No Data		

Year	Uses	Source
742 Carroll Street, Buffalo, New York 14210		(Parcel 5)
2004	Residential	Polk's City Directory
1998	Residential	Polk's City Directory
1992	Residential	Polk's City Directory
1987	Residential	Polk's City Directory
1982	Residential	Polk's City Directory
1976	Residential	Polk's City Directory
1970	Residential	Polk's City Directory
1964	Residential	Polk's City Directory
1958	Residential	Polk's City Directory
1953	Residential	Polk's City Directory
1948	Residential	Polk's City Directory

1942	Residential	Polk's City Directory
1938	Residential	Polk's City Directory

Year	Uses	Source
742 Carroll Street, Buffalo, New York 14210 (Parcel 5)		
2004	No Current Listing	Polk's City Directory
1992	Vacant	Polk's City Directory
1987	Residential	Polk's City Directory
1982	Residential	Polk's City Directory
1976	Residential	Polk's City Directory
1970	Residential	Polk's City Directory
1964	Residential	Polk's City Directory
1958	Residential	Polk's City Directory
1953	Residential	Polk's City Directory
1948	Residential	Polk's City Directory

Year	Uses	Source
742 Carroll Street, Buffalo, New York 14210 (Parcel 5)		
1942	Residential	Polk's City Directory
1938	Residential	Polk's City Directory

Year	Uses	Source
746 Carroll Street, Buffalo, New York 14210 (Parcel 6)		
No Data		

Year	Uses	Source
764 Carroll Street, Buffalo, New York 14210 (Parcel 7)		
2010	No Current Listing	Polk's City Directory
2004	Residential	Polk's City Directory
1998	Residential	Polk's City Directory
1992	Residential	Polk's City Directory
1987	Residential	Polk's City Directory
1982	Residential	Polk's City Directory
1976	Residential	Polk's City Directory
1970	Residential	Polk's City Directory

1964	Residential	Polk's City Directory
1958	Residential	Polk's City Directory
1953	Residential	Polk's City Directory
1948	Residential	Polk's City Directory
1942	Residential	Polk's City Directory
1938	Residential	Polk's City Directory

Year	Uses	Source
768 Carroll Street, Buffalo, New York 14210 (Parcel 8)		
2010	No Current Listing	Polk's City Directory
2004	No Current Listing	Polk's City Directory
1998	Residential	Polk's City Directory
1992	Residential	Polk's City Directory
1987	Residential	Polk's City Directory
1982	Residential	Polk's City Directory
1976	Residential	Polk's City Directory
1970	Residential	Polk's City Directory
1964	Residential	Polk's City Directory
1958	Residential	Polk's City Directory
1953	Residential	Polk's City Directory

Year	Uses	Source
768 Carroll Street, Buffalo, New York 14210 (Parcel 8)		
1948	Residential	Polk's City Directory
1942	Residential	Polk's City Directory
1938	Residential	Polk's City Directory

Year	Uses	Source
777 Seneca Street, Buffalo, New York 14210 (Parcel 9)		
1964	Custom Canvas Manufacturing	Polk's City Directory
1958	Residential	Polk's City Directory
1953	Residential	Polk's City Directory
1948	Residential	Polk's City Directory
1942	Residential	Polk's City Directory
1938	Residential	Polk's City Directory

See section 10.8 for full EDRs City Directory.

1.1.4 Regulatory Information

The purpose of the record review is to ascertain the potential for environmental concerns on the subject property resulting from current and previous on-site and nearby land use activities. During this portion of the Phase I ESA, numerous documents, which are prepared and maintained, by Federal, State and local government agencies are reviewed.

See section 11.0 for EDR Report.

1.1.5 Interviews

Patrick Ackerman, Environmental Professional for AFI Environmental, conducted interviews over the telephone with the following local agencies.

Buffalo Fire Department

City of Buffalos Assessors

City of Buffalo Building Inspector

Former Employee of the Door Store (Parcel 1) Marc Pennacchio

Copies of the conversation logs are located in section 7.3 of this report.

1.1.6 Other Findings

The site was given a cursory visual inspection for asbestos containing materials (ACM) that may have been used in the construction of the structures on site. In 1972, the US Occupational Safety and Health Administration (OSHA) and Environmental Protection Agency (EPA) began regulating the use of asbestos.

Lead is a toxic metal that was used for many years in products found in and around our homes. Lead also can be emitted into the air from motor vehicles and industrial sources, and lead can enter drinking water from plumbing materials. Lead may cause a range of health effects, from behavioral problems and learning disabilities, to seizures and death. Children six years old and under are most at risk.

OSHA regulations presume that asbestos is present in pre-1981 buildings if certain types of building materials have been used unless they have been tested to prove otherwise. Based on the visual inspection and the year construction in stages beginning prior to 1971, there is a high probability that ACM is present in the buildings original construction materials. *Please note asbestos materials are still used in building materials found today, especially those materials manufactured outside the United States.*

During the inspection, the following Presumed Asbestos Containing Materials (PACM) were identified:

- 12X12 Floor Tile and floor mastic
- Tile grout and Mastic
- Plaster Walls
- Surfacing Materials
- Thermal System Insulation
- Roof and roof flashing on all flat roofs,
- Window caulk and glaze

There is no way to tell by visual inspection alone whether or not a material contains asbestos. The only way to be certain if a material contains asbestos is to have it tested by a certified laboratory. Since testing for the suspected ACM is outside the scope of the Phase I ESA conducted according to the ASTM Standard Practice E 1527 -05, no testing of PACM was performed as a part of this investigation.

Due to the age and construction style of the building there is a potential for PCBs in electrical equipment and transformers, lead based paint on painted surfaces, and mercury in switches and thermostats. Confirmation of the presence of any of these materials was out-of-scope and was not part of this investigation.

1.2 CONCLUSIONS

It is AFIs opinion that all conditions indicative of releases or threatened releases of hazardous substances, as defined in CERCLA section 101(14) (312.1 (c)) and as limited by the terms of AFIs agreement and areas available for inspection are listed above. No Activity and Use limitations (AULs) were noted, which would require ongoing maintenance to preserve CERCLA liability protection by the owner (based on IC/EC registries).

No major environmental concerns, and no disposal of CERCLA defined hazardous waste were noted; except for those noted as recognized environmental conditions (RECs), or Potential Areas of Environmental Concern (PAECs) identified in Section 1.0 above and discussed in the site reconnaissance section 4.1 below, were observed. The potential for surface impacts which may run to depth within the subsurface soil horizon, resulting from petroleum products or petroleum by-products leaking through fractures in the concrete inside the building; as a result of stacks of leaking gas tanks and drums of petroleum product failures was noted in section 1.0 and in section 4.1. While petroleum releases is not a CERCLA defined hazardous chemical (section 101(14) (312.1) (c)) the cleanup and/or remediation costs associated with soil and ground water impacts, if present, can be substantial. It is the opinion of this author that extensive soil impacts have occurred, at the site, (elevated metals in soils and petroleum releases) due to former operations and disposal practices at the site; and that remediation will be required. This statement is based on the identification of conditions (mounds and areas of sand blasting sand dumped around the site); and lack of enforced good housekeeping procedures and the observation of stains below 55 gallon storage areas and stacks of gas tanks on the site; which are indicative of releases or threatened releases. Additional investigations (2006 and 2007 soil probing activities which penetrated the concrete floor and samples of soils collected across the site confirmed these assumptions).

1.3 DATA GAPS

If there are any change, deletions, or additions to the Phase I Environmental site Assessment procedure they are agreed to by the Client, or User and AFI and are included in the contract. All of these deviations are noted in this section of the report.

The federal AAI rule eliminates the concept of “recognized environmental conditions”

("RECs") in favor of the "identification of conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the subject property." The AAI rule also includes an exception for quantities or amounts of hazardous substances that, in the opinion of the Environmental professional, 'generally would not pose a threat to human health or the environment." The AAI rule is followed for this report, as per the Client's request and AFI's contract.

Historical records were reviewed back to 1900:

- *No records were available for the site before 1900*
- *Interviews were not returned to AFI from the owners of nearby properties, and former owners and operators.*
- *Information was not retrieved or returned from the following agencies:*
 - *New York Department of Health*
 - *City of Buffalo Treasurer*

1.4 RELIANCE AND DECLARATION

AFI has completed a Phase I Environmental Site Assessment (Phase 1 ESA) of the Industrial Buildings and Land, 797/799 Seneca St, 819 Seneca St, 111 Hydraulic St, 105 Hydraulic St, 742 Carroll St, 746 Carroll St, 764 Carroll St, 768 Carroll St and 777 Seneca St, Buffalo, New York, 14210, collectively referred to as The Subject Property with will be known as 111 Hydraulic Building (SBL#'s: 122.27-6-2, 122.27-6-4.1, 122.27-6-11, 122.27-6-10, 122.27-6-9, 122.27-6-8, 122.27-6-7 and 122.27-6-6 respectively). This assessment was performed at the request of the Client, utilizing methods and procedures consistent with good commercial or customary practice designed to conform to acceptable industry standards. This report is exclusively for the use and benefit of the Client and identified Users on the first page of this report and is not intended for the use or benefit of, nor may it be relied upon by, any other person or entity without the advanced written consent of AFI. The independent conclusions represent AFI's best professional judgment based on the information provided is true and correct in accordance with 18 U.S.C. 1001. Factual information regarding operations, conditions and test data provided by the Client, owner or their representative has been assumed to be correct and complete. Additionally, the conclusions presented are based on the conditions that existed and the information available at the time of the assessment.

AFI has no present nor do we contemplate any future partnership with the Client. AFI has no interest in the property to be inspected which could adversely affect AFI's ability to perform and objective assessment; and neither the employment of AFI to conduct the Phase I ESA, nor the compensation for it, is contingent on the results of the Phase I ESA.

Project Managers:	Patrick Ackerman
Researched by:	Patrick Ackerman
Surveyed by:	William Heitzenrater and Patrick Ackerman
Written by:	William Heitzenrater and Patrick Ackerman
Reviewed by:	William Heitzenrater and Geoffrey Heitzenrater

William Heitzenrater
Sr. Environmental Professional

Patrick Ackerman
Environmental Professional

End of Executive Summary

2.0 PURPOSE

The purpose of this Phase 1 Environmental site Assessment (Phase 1 ESA) is to identify “recognized environmental conditions” associated with the subject property, to the extent feasible pursuant to the processes described herein. The term “**recognized environmental conditions,**” (REC) as defined by ASTM: “the presence or likely presence of any hazardous substances or petroleum product on a property under conditions that indicate an existing release, a past release, or a material threat of release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater or surface water of the property.” This practice is to define good commercial and customary practice in the United States of America for conducting an environmental site assessment of a parcel of commercial real estate with respect to the range of contaminants within the scope of the Comprehensive Environmental Response Compensation and Liability Act, (CERCLA) and petroleum products.

This report has been completed per the Scope of Work agreed to by AFI and the Client and as such, this report does meet the Clients requirements to assess the environmental risk related to the subject property as defined in 40 CFR part 312 “Standards and Practices for All Appropriate Inquiries; Final Rule” (AAI). However this assessment does not satisfy the requirements for Limited Liability Protection (LLP) to CERCLA liability. The Format of the report and the methods utilized to gather information regarding the subject property, the utilization of Environmental Professionals and identification of data gaps and the discussions as to how these data gaps, if any, may impact the authors interpretation of environmental concerns at the site does allow this report to be consistent with the procedures of AAI.

3.0 SCOPE AND LIMITATIONS OF WORK

This assessment has been conducted in accordance with the ASTM "Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessment Process" E 1527-05 also with Federal All Appropriate Inquiry (AAI) Standard (40 CFR Part 312). The ASTM E 1527-05 protocol specifies the degree and type of investigation, which constitutes "appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice." Compliance to this protocol may enable this Phase 1 ESA to constitute "all appropriate inquiry" under CERCLA. In all cases, the documents, sources and minimum search distances established by ASTM E 1527-05 were either met or exceeded in the conduct of this Phase 1 Assessment.

3.1 CLIENT RESPONSIBILITIES

The ASTM Standard E identifies the following Client responsibilities, which do not require the technical expertise of an environmental Professional and may be performed by the Client or User:

Title Search- Reviewing Title Records for Environmental Liens or Activity and land Use Limitations is the responsibility of the Client or User to identify environmental liens or activity and use limitations. If any records are found, this information should be reported to the Environmental Professional. The ASTM Standard E 1527 does not impose the responsibility of the title search on the Environmental Professional.

Specialized knowledge or Experience of the Client or User- If the Client or User is aware of any specialized knowledge or experience that is material to recognized environmental conditions in connection with the subject property, it is the Client's responsibility or User's responsibility to inform the Environmental Professional of this information or knowledge prior to the site reconnaissance.

Significantly Lower Purchase Price- If the Client or User should have actual knowledge that the purchase price of the property is significantly less than the purchase price of comparable properties due to environmental concerns on the

subject property or adjacent properties, the Client or User should impart this information to the Environmental Professional prior to the site reconnaissance.

The Client or user shall make known to the Environmental Professional in writing the reason for having the Phase I Environmental Assessment performed. If the Client or User does not identify the purpose for the Phase I Environmental Assessment the Environmental Professional shall perform the assessment with the understanding that the purpose is to meet the Client's requirement as stated in the Scope of Work, for assessment of the environmental risk, if any, associated with the subject site. It is the Client or User's responsibility to identify to the Environmental Professional the purpose and to modify the Scope of work under this practice for special circumstances, such as, but not limited to, the potential environmental conditions that could materially impact the operations of a business associated with the parcel of land.

3.2 SCOPE OF WORK

The following Scope of Work was agreed upon by both parties and is limited to:

A reconnaissance of the site, as allowed by readily available access, was undertaken to visually identify indications of actual or potential site contamination. Adjacent sites were viewed from the boundaries and did not include actual on site inspection. This did not include any type of inspection that would require extraordinary effort to obtain.

A review of reasonably ascertainable historical records, site use documents, street directories, plant plans and aerial photographs available through standard government agencies and commercial services was performed. Historical records were reviewed to 1940 or the first development whichever is earlier.

The records obtained meets or exceeds the minimum search distances recommended by the ASTM E 1527 Practice. In cases of large, irregular shaped sites, the distances shall be measured from the nearest property boundary. Any reduction of the minimum search distances is based on the density of the setting, and the likely migration or hydrogeologic conditions.

A vehicular reconnaissance of the adjacent properties and the immediate surrounding area of the subject property was performed to identify current land use and to determine its potential to adversely affect the subject property.

A review of published hydro-geologic information: geological maps and records were performed to evaluate the potential migration characteristics of the area and the recorded depth to groundwater in the area of the site.

Interviews were conducted with individuals who are familiar with the subject property and who may have experience or special knowledge regarding environmental concerns on the site or the surrounding area. An individual most knowledgeable of the subject property was given a questionnaire containing the environmental questions established by ASTM Standard 1528-06 Transaction Screen. The written answers to this questionnaire are included in this report.

All technical services are performed by an environmental professional with training and education in environmental technology with emphasis on hazardous materials handling and regulations.

The Phase I ESA Report summarizes our findings, opinions and, if required, our recommendation, for further investigation has been completed.

3.3 LIMITATIONS

This ESA is a visual observation of apparent environmental concerns. The scope of the work did not include the sampling and chemical analysis of soil, surface water, groundwater, air or building materials for lead or asbestos. Nor does this report include the investigation of process/operations of an existing facility in compliance with applicable environmental laws and regulations.

In preparing this report, AFI must rely on information obtained from government agencies: some of this information requires a legal description of the site. If the client did not provide this legal description, then some historical data may not be obtained and this section will show "no legal provided".

In preparing this report, AFI has relied upon certain information provided by the

federal, state, and local officials and knowledgeable individuals, as well as information contained in the files of federal, state and county agencies. AFI did not attempt to independently verify the accuracy of or the completeness of all information provided during the course of this investigation. No warranty is made regarding the accuracy of any publicly documented information or the opinions of officials or other persons consulted.

In the event that counsel, title examiner, or peer review for the Client obtains information on the environmental or hazardous waste issue at the subject site not contained in this report, such information shall be brought to AFI's Attention immediately. AFI will evaluate such information and, based on this evaluation, may modify the conclusions stated in this report.

In certain instances, alternatives may have been substituted for the standard sources in ASTM Standard Practice E 1527. This has only been done only in those situations when these alternatives are equal or better reliability and detail, or if a standard source is not readily ascertainable.

Factual information regarding the operations, conditions and test data provided by the Client, owner and/or their representatives have been assumed to be correct and complete.

The conclusions and recommendations presented in this report are based upon reasonable visual inspection of the site and research of readily available documentation. This information is relevant to the date of our site visit and should not be relied upon to represent conditions later. AFI is not responsible for the impact of any change in environmental standards, practices or regulations, subsequent to the performance of its services.

This report does not consider *de minimis* conditions (i.e., small amounts of hazardous substance) that generally do not pose a risk of material harm to public health or the environment and generally would not be the subject of enforcement action if brought to the attention of appropriate government agencies.

Time constraints limit some receipt of information such as fire department and other agencies, which require written requests and up to (2) weeks, or more, to

respond to these requests. Whenever possible AFI will endeavor to obtain this information; however, when it is not possible, AFI will state: DATA FAILURE DUE TO TIME CONSTRAINTS.

Completion of this report in the prescribed time is contingent on the receipt of the requested documents from the Government Agency, Client and/or owner of the subject site as requested.

Unrestricted access to all portions of the building must be provided. If additional visits to the site are required to finish the site reconnaissance due to tenant refusal to allow entry to the site, an additional charge will be added to the price of the Report. The owner or owner's agent must notify the tenant(s) prior to the time of the site reconnaissance that the assessor/inspector will be visiting the site.

The information provided in the site reconnaissance is relevant to the date of the onsite work and should not be relied on to represent conditions at a later date.

Use of this Phase I ESA without the expressed written permission of AFI Environmental a d/b/a of Buffalo Environmental consultants, Inc., releases AFI from any liability that may arise from the use of this report.

Reasonably ascertainable for the purposes of this report is information that is (1) publicly available, (2) obtainable from the source within a reasonable time and cost constraints, and (3) practically reviewable.

This environmental assessment does not address issues that are not necessarily relevant to the environmental characteristics of the subject property, such as: geotechnical suitability including subsidence; economic profitability; appropriate zoning; conditions of plumbing, electrical, roofing, HVAC systems; and building structure.

Specific areas to which access was limited by the site conditions or conditions outside of AFI's control included the following:

- The roofs of the building were not inspected except from the ground.

3.4 NON-SCOPE ISSUES

The following non-scope issues to the Phase I ESA are included as part of this report.

A cursory visual survey for suspect asbestos containing material will be made taking in to consideration the year of construction of the building(s) and visual observations. This survey is not sufficient to identify specific areas, which may contain asbestos or the quantity or the potential cost of remediation or abatement.

The positive identification of asbestos or the lacks of asbestos can only be verified by sampling. No sampling will be done. As such, the Client should assume that all areas known to contain ACM(s), TSI, and Presumed Asbestos Containing Materials (PACMs) contain ACMs unless sampled and verified not to contain ACMs by a certified ACM Inspector with analytical testing by an EPA and state certified lab.

Radon information for the zip code 14210 of the subject property is attained from the State Radon Records from a study dated:

- *1986-1992*

All other non-scope issues must be identified prior to starting the Phase I procedure. These issues may include but are not limited to Comprehensive and Limited Asbestos surveys, investigation of utility transmission lines, underground transmission pipelines, radon testing, wetlands review and delineations, endangered species inventory, sensitive receptors, archeological studies, lead testing and mold survey and testing.

Our services for this Phase I report did not include sampling of soil, surface water, groundwater, radon, lead, asbestos, mold, or review of title documents. Please note, other Phase II or Documents may exist and be referenced in this report. Please see bibliography in section 12.0 of this report.

3.5 EXCEPTIONS AND/OR DEVIATIONS

If there are any change, deletions, or additions to the Phase I Environmental site Assessment procedure they are agreed to by the Client, or User and AFI and are included in the contract. All of these deviations are note in this section of the report.

The federal All Appropriate Inquiry (AAI) Standard (40 CFR Part 312) rule eliminates the concept of “recognized environmental conditions” (“RECs”) in favor of the “identification of conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the subject property.” The AAI rule also includes an exception for quantities or amounts of hazardous substances that, in the opinion of the Environmental professional, ‘generally would not pose a threat to human health or the environment.’ The AAI rule is followed for this report, as per the Client’s request and AFI’s contract.

Historical records were reviewed back to 1901:

- *No records were available for the site before 1901*
- *Interviews were not returned to AFI from the owners of nearby properties, and former owners and operators.*
- *Information was not retrieved or returned from the following agencies:*
 - *New York Department of Health*
 - *City of Buffalo Treasurer*

4.0 SUBJECT PROPERTY/VICINITY DESCRIPTION

4.1 SITE RECONNAISSANCE

4.1.1 METHODOLOGY

- The assessor(s) walked the property in a systematic way to view the site and adjoining buildings and sites while performing the site reconnaissance.
- A photo record of the site was made along with notes to better visualize the features found on the site.
- The adjoining sites were viewed from the subject site, photographed, and also viewed and photographed from public roadways, and other public access ways. The inspection did not include entering the adjoining sites.
- The exterior accessible areas were observed.

4.1.2 SITE STRUCTURES

Parcel 1 - 797/799 Seneca Street- There is a two (2) story structure, constructed out of brick and wood. The building was constructed prior to 1940. The site is located on the south side of Seneca Street.

Parcel 2 - 819 Seneca Street –This site is a vacant lot.

Parcel 3 - 111 Hydraulic Street – There is a single story garage located on this property. The structure appears to have vinyl siding and a shingle roof.

Parcel 4 - 105 Hydraulic Street – This is a vacant lot. Currently, it is paved and used for parking.

Parcel 5 - 742 Carroll Street – This site is a vacant lot.

Parcel 6 - 746 Carroll Street – This site is a vacant lot.

Parcel 7 - 764 Carroll Street – There is a vacant single family residential house with vinyl siding and asphalt roof.

Parcel 8 - 768 Carroll Street – There is a single family residential house located on this property.

Parcel 9 - 777 Seneca Street – This is a vacant lot, owned by the City of Buffalo

4.1.3 HYDRAULIC EQUIPMENT/PCB CONTAINING EQUIPMENT

Due to the age of the building; certain electrical components, transformers and capacitors may contain PCB's. No 'No PCB' stickers were observed. (Parcels 1, 3, 7 and 8).

Transformers were observed on Griffin Street, Carroll Street and Hydraulic Street. No 'No PCB' stickers were observed.

4.1.4 INTERIOR STAINING/ODORS

Areas outside the painting and sandblasting areas contained some staining. Vehicle bays exhibited stray used gas tanks and bumpers etc. (Parcel 1)

4.1.5 HAZARDOUS AND REGULATED MATERIALS

Minor amounts of hazardous materials were observed on site in 55-gallon containers staged in the court yard and within the facility/structures. (Parcel 1)

4.1.6 MATERIAL SAFETY DATA SHEETS (MSDS)

An MSDS is a written or printed document concerning a hazardous substance, which is prepared by chemical manufactures, importers, and employers for hazardous chemicals following OSHA's Hazard Communication Standard, 29 CFR 1910.1200.

No MSDS Sheets was available for viewing at the time of the inspection.

4.1.7 SALVAGE STORAGE

Some salvage was stored in the warehouse and residential buildings at the time of the site reconnaissance. (Parcels 1-9) this consisted of bumpers, gas tanks and vehicle radiators and doors.

4.1.8 DRUMS

A number of 55 gallon drums were observed on the subject site during the first reconnaissance; however, no evidence of the drums was noted on the final site visit. No disposal records for the disposal of the VOCs from the original notation were made available. Some staining in the areas of the drum storage area was observed and discharge to the environment was assumed.

4.1.9 PROPERTY GROUNDS/VEGETATION

Due to the snow cover on the subject property, the grounds and vegetation could not be observed.

Stressed vegetation was observed in a previous Phase I at 797 Seneca and 819 Seneca. (Parcel 1 and 2) on the east and west sides of the 'Door Store' and in the court yard on the east side of the loading dock and in the area beneath the painting booth discharge fan.

4.1.10 CONCRETE/ASPHALT AREAS

The majority of the building is constructed on a concrete slab foundation. The rest of the site is asphalt, except for the concrete sidewalks at the front (south) and side (east). (Parcel 1 and 4)

4.1.11 SURFACE ABNORMALITIES/DEPRESSIONS

The presence of environmental unusual and/or other suspicious surface abnormalities can be indicative of possible waste dumpsites or other subsurface activities.

The areas east of the 'Door Store' property, near the property fence, indicated a mound of sand (possibly sand blasting sand.) No other surface abnormalities or depressions were observed.

4.1.12 RUBBISH/DEBRIS

Rubbish and debris were observed on the boundary of the subject property; this debris appears to be from the neighboring property. (Parcels 1-9)

4.1.13 SOLID WASTE

Some solid waste was observed in the interior of the subject property. (Parcels 1, 3, 7 and 8). Construction Demolition Debris (C&D) was observed in the first court yard on the east side of the building. The flashing and shingles could contain ACM material.

4.1.14 LIQUID WASTE/PITS/PONDS/LAGOONS

Pits, ponds, lagoons and sumps are man-made or natural depressions in the ground surface that are likely to hold liquids of sludge containing hazardous substance or petroleum product. Other devices, such as grease traps, in-line wastewater separators and sumps are used for the pretreatment of liquid wastes prior to their disposal.

Interior pool was observed; standing water was observed in the loading dock on the south side of the subject property.

No exterior liquid waste, pits, ponds or lagoons were observed at the time of the site reconnaissance. It can be assumed that during heavy rain some areas of the site will hold the rain water.

4.1.15 SURFACE DRAINAGE

During the exterior site walkthrough no surface drainage was observed.

4.1.16 WATER RETENTION

No exterior water retention spots were observed at the time of the inspection, however, it is assumed that after heavy rainfall water collects in poorly drained areas of the site and may pond. This ponding may collect additional petroleum products and drain to unprotected soil prior to infiltration.

Interior pool was observed; standing water was observed in the loading dock on the south side of the subject property.

4.1.17 STAINED GROUND SURFACES

Staining was observed inside the subject property (Parcel 1) on the floors of the work bays and under the stacks of gas tanks and exterior staining was observed along the east foundation (former drum storage area) in the eastern court yard of parcel #1.

4.1.18 FILL DIRT

Fill dirt is dirt, soil, sand, or other earth that is obtained off site and used to fill holes or depressions, form mounts, or otherwise artificially change the grade or elevation of real property. However, dumping of sand and metal chips (possibly from sand blasting); which originated from onsite operations was observed on the site.

No fill was observed at the time of the second site reconnaissance due to the accumulated snow on the ground.

4.1.19 WELLS

No wells were observed at the time of the inspection.

It should be noted that twelve wells were installed by AFI Environmental (all within parcel #1) along the north, south, east and west property boundaries during an ongoing Phase II Investigation (2009-2010).

4.1.20 UNDER/ABOVEGROUND STORAGE TANKS (USTs & ASTs)

Evidence of former USTs was suspected at 797 Seneca; Test pits were dug around observed fill pipe and suspected location. No USTs were found.

4.1.21 ELECTRICAL TRANSFORMERS

Prior to their ban in 1970's, Polychlorinated Biphenyls (PCB's) were used in dielectric fluids and oils in a variety of electrical equipment, such as transformers and capacitors, and in hydraulic equipment.

Three (3) pole mounted transformers were observed, one on Griffin Street, one on Carroll Street and one on Hydraulic Street, no "No PCB" sticker was observed.

If dielectric fluid is released from an untested transformer, it is the utilities policy to test it for PCB content, repair or replace the transformer, and initiate the cleanup of the spill. If the transformer is damaged, or if leakage is visible, the utility company should be contacted. Stickers stating No-PCBs were not observed on all of the transformers. This is a PAEC.

SUMMARY OF SITE RECONNAISSANCE

The interior of Parcel #1 "the former Door Store" consists of mostly an open floor plan with offices occupying the southeast corner and the north end of the first floor divided into offices. The remainder of the building has concrete walls and support pillars, hard wood floors glass block windows and open ceilings. The open spaces appeared to be auto work bays with some staining and vehicle parts littering the floors.

It is reported that there is a small basement under the north section of the building but access was not available due to safety concerns, a former boiler room with coal chutes is located below grade. ACM and lead based paint is suspected to be present in the boiler room and on painted structures throughout the facility.

There is a potential for ACMs to be present in building materials used for construction of many of the older structures on the site: non-friable window caulk, roofing, flashing, mastic, VFTs, and ceiling tile could contain ACMs. Testing ACM is not part of the ESA Phase I scope of work.

There is a potential for lead paint to be present in the building as it was used in many older structures. Testing Lead Paint is not part of the ESA Phase I scope of work.

Two (2) Mounds of sand blasting material and C &D Debris were observed on the east boundary and near the court yard on the east side of Parcel #1. Stacks of vehicle gas tanks(many with residual fluids and stains beneath) and old doors and bumpers were noted throughout the building; but concentrated in three (3) main areas of the building (north center sections and both bays on the east and west sides of the southern portion).

Residential structures on Parcels #5 and 6 were noted in poor condition during the previous site reconnaissance in 2006. Flaking and deteriorated paint was recorded on both buildings and follow-up drip line soil testing confirmed the presence of elevated lead levels in the top 6" to 12" of soil.

The mounds of sand observed in 2006 were not observed during the 2010 visit; partially due to the snow cover and possibly due to wind erosion/distribution.

4.2 ADJACENT SITES

In most situations, these off-site observations did not include entering the site. The assessors viewed the adjacent sites from the subject site and from public roadways for evidence of chemical storage, improper waste disposal, or other indications of adverse environmental conditions. Due to the migratory nature of certain environmental contaminants, the present land usage of adjoining properties was observed to determine their potential to adversely impact the subject property.

4.2.1 Adjoining Properties

To the North of the subject site is Ameripride Linen & Apparel Services

To the South of the subject site is an Asphalt Parking Lot and Maintenance Garage. These structure are part of the development, LCO building.

To the West of the subject property is the LCO Building, a Parking Ramp and Custom Canvas, Followed by Seneca Industrial Building and former the TeraFoam Complex.

To the East of the subject site is a Brick and Concrete building, residential dwellings and newly remodeled (not open) restaurant on the corner of Griffin and Carroll Streets. Further East is the site of the former Mayflower trucking and storage complex which was site of petroleum spill cleanup activities.

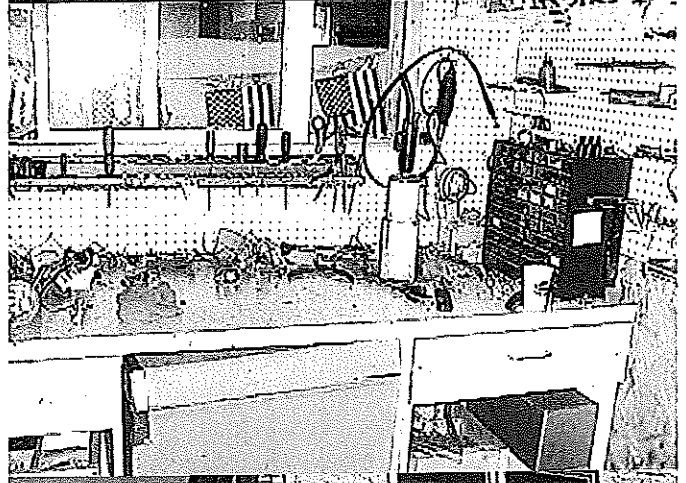
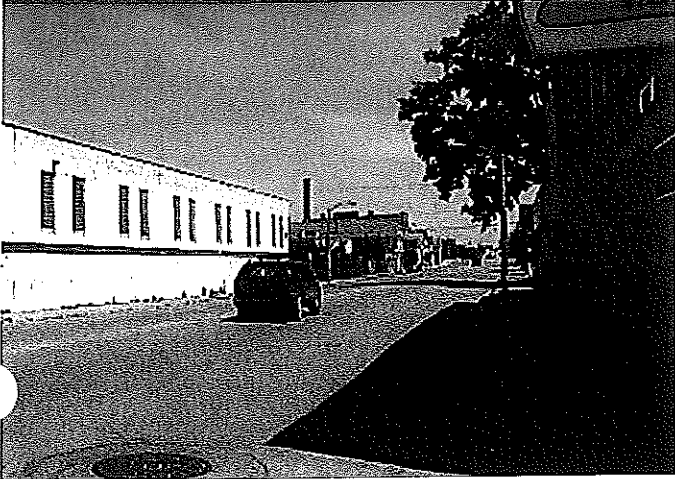
4.2.2 Past uses of Adjoining Properties

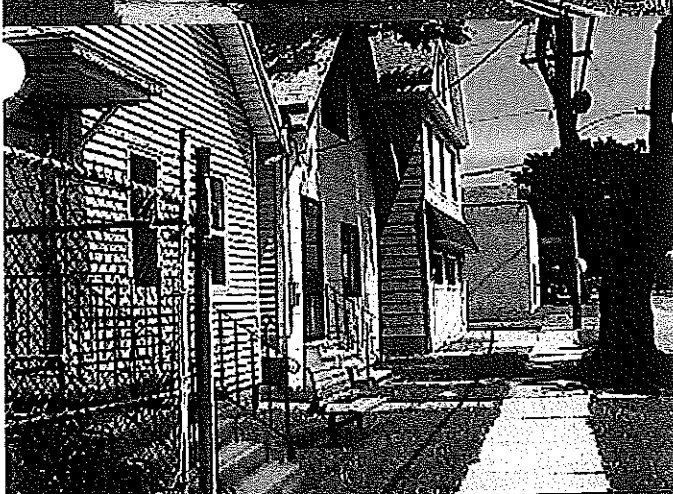
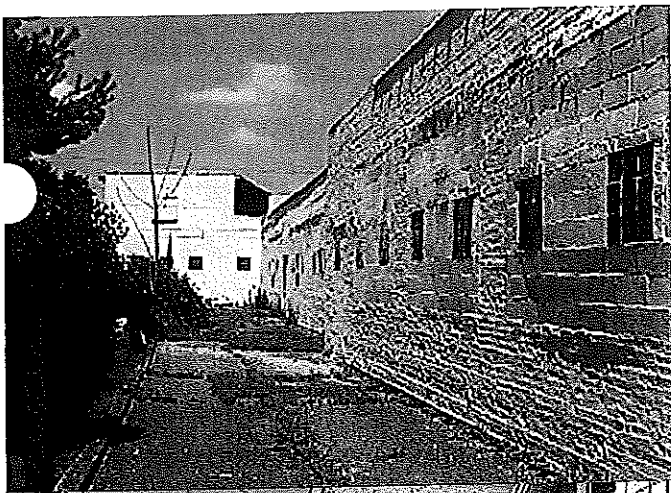
Environmental Data Resource Co, Inc's (EDR) City Directory Abstract has a report designed to evaluate potential liability on the subject site and adjoining site resulting from past activities. The report includes a search and abstract of available city directory data. Business directories including city, cross reference and telephone directories were reviewed, if available, at approximately five (5)

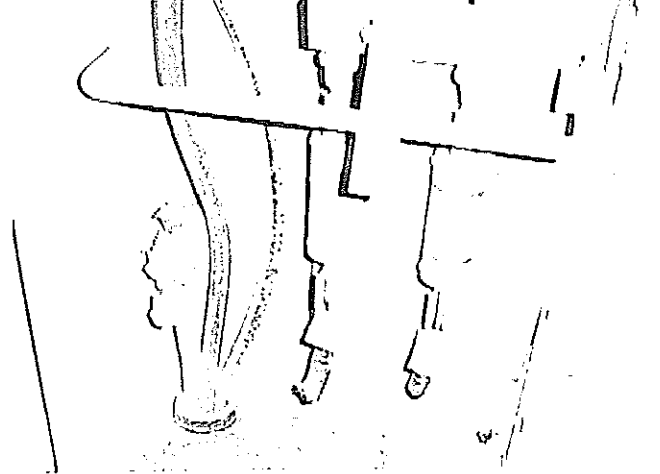
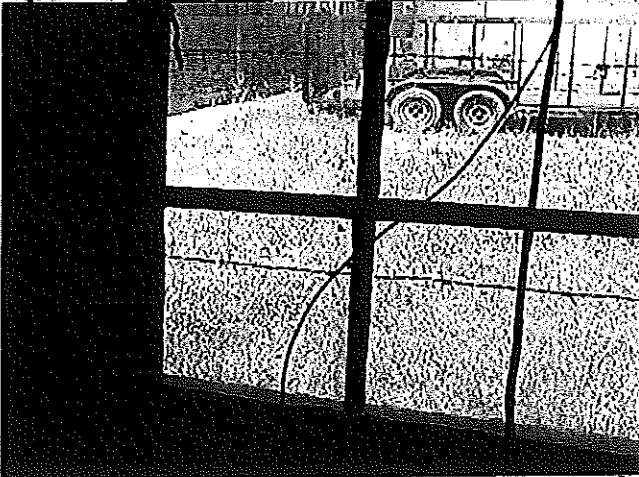
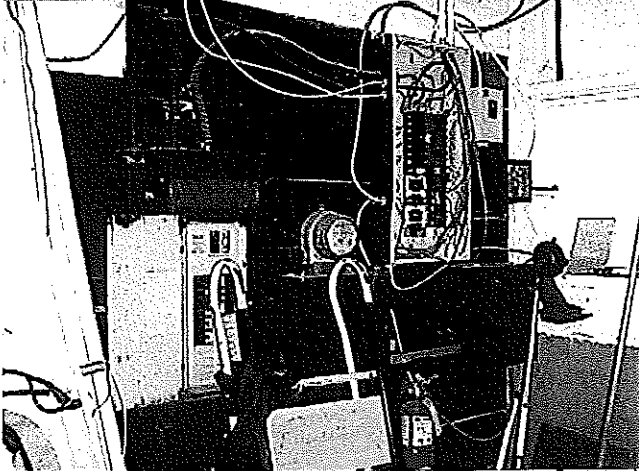
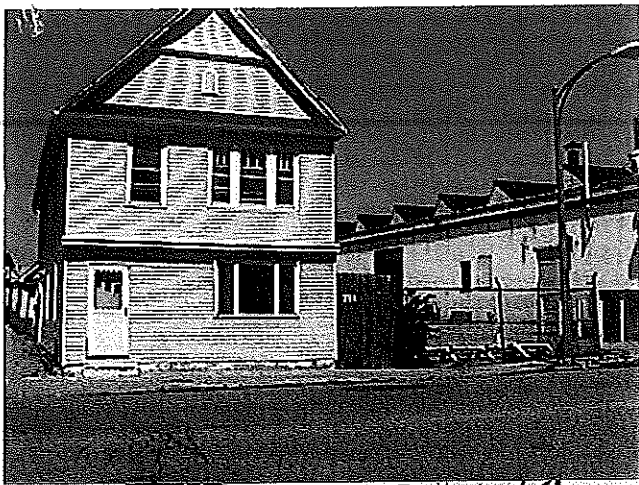
year intervals for the years spanning 1970 through 2000.

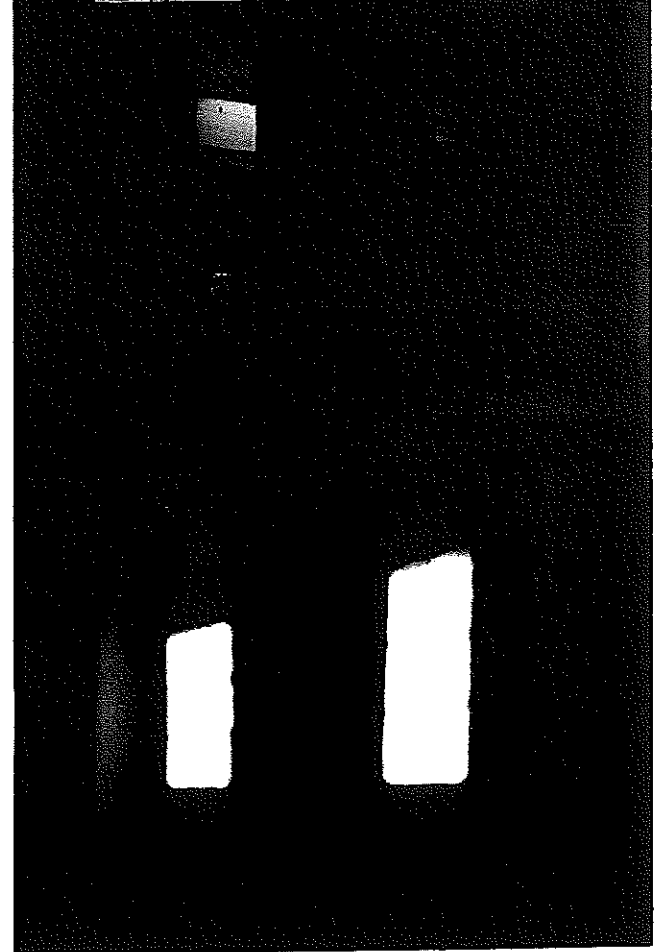
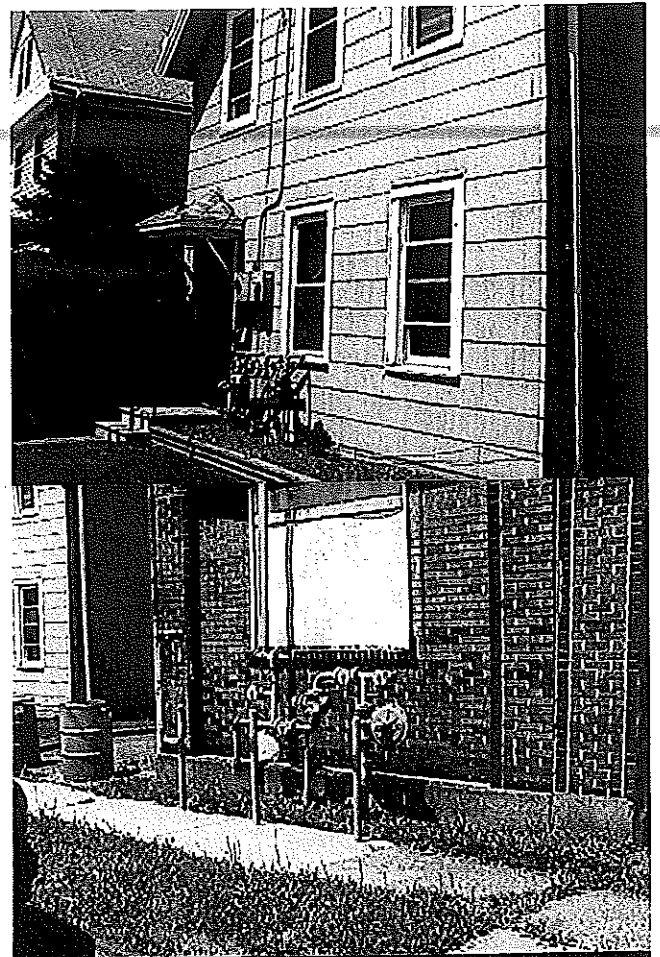
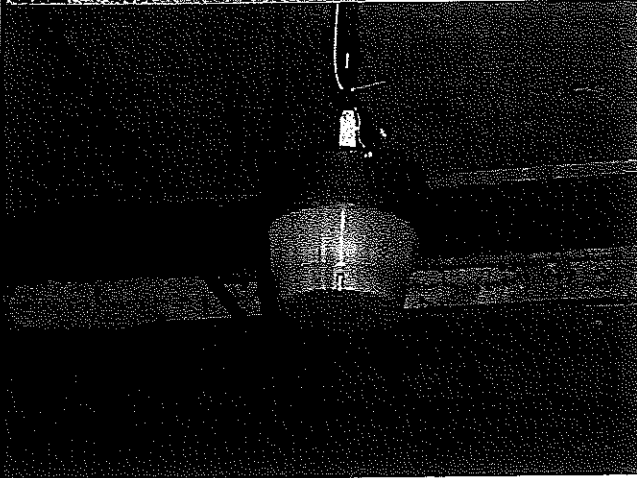
See sections 1.1.3 & 10.8 for complete City Directory.

4.3 SUBJECT SITE PHOTOGRAPHS











4.4 SUMMARY OF OBSERVATIONS OF POTENTIAL CONCERN

It is AFI's opinion that all conditions indicative of releases or threatened releases of hazardous substances, as defined in CERCLA section 101(14) (312.1 (c)) and as limited by the terms of AFI's agreement and areas available for inspection are listed above. No Activity and Use limitations (AULs) were noted, which would require ongoing maintenance to preserve CERCLA liability protection by the owner (based on IC/EC registries).

No major environmental concerns, and no disposal of CERCLA defined hazardous waste were noted; except for those noted as recognized environmental conditions (RECs), or Potential Areas of Environmental Concern (PAECs) identified in Section 1.0 above and discussed in the site reconnaissance section 4.1 below, were observed. The potential for surface impacts which may run to depth within the subsurface soil horizon, resulting from petroleum products or petroleum by-products leaking through fractures in the concrete inside the building; as a result of stakes of leaking gas tanks and drums of petroleum product failures was noted in section 1.0 and in section 4.1. While petroleum releases is not a CERCLA defined hazardous chemical (section 101(14) (312.1) (c)) the cleanup and/or remediation costs associated with soil and ground water impacts, if present, can be substantial. It is the opinion of this author that extensive soil impacts have occurred, at the site, (elevated metals in soils and petroleum releases) due to former operations and disposal practices at the site; and that remediation will be required. This statement is based on the identification of conditions (mounds and areas of sand blasting sand dumped around the site); and lack of enforced good housekeeping procedures and the observation of stains below 55 gallon storage areas and stacks of gas tanks on the site; which are indicative of releases or threatened releases. Additional investigations (2006 and 2007 soil probing activities which penetrated the concrete floor and samples of soils collected across the site confirmed these assumptions).

5.0 SUBJECT PROPERTY HISTORY AND USE

5.1 HISTORIC AERIAL PHOTOGRAPHS

5.1.1 Aerial Photographs:

Environmental Data Resources, Inc. (EDR) Provide historical aerial photographs, and when available, provide one photograph per decade.

Year/Site	Observation
1958	
Subject Property Parcels 1- 8	Appears to be developed with the existing structures.
North	Suspected commercial/industrial development.
South	Suspected commercial/industrial development.
East	Suspected commercial/industrial development.
West	Suspected commercial/industrial development.
1966	
Subject Property Parcels 1- 8	Appears to be developed with the existing structures.
North	Suspected commercial/industrial development.
South	Suspected commercial/industrial development.
East	Suspected commercial/industrial development.
West	Suspected commercial/industrial development.
1983	
Subject Property Parcels 1- 8	Appears to be developed with the existing structures.
North	Suspected commercial/industrial development.
South	Suspected commercial/industrial development.
East	Suspected commercial/industrial development.
West	Suspected commercial/industrial development.
1995	
Subject Property Parcels 1- 8	Appears to be developed with the existing structures.
North	Suspected commercial/industrial development.

South	Suspected commercial/industrial development.
East	Suspected commercial/industrial development.
West	Suspected commercial/industrial development.

Year/Site	Observation
2006	
Subject Property Parcels 1- 8	Appears to be developed with the existing structures.
North	Suspected commercial/industrial development.
South	Suspected commercial/industrial development.
East	Suspected commercial/industrial development.
West	Suspected commercial/industrial development.

See appendix 10.7 for Aerial Photos.

5.2 HISTORICAL MAPS/DIRECTORIES

5.2.1 Fire Insurance Map(s):

- Source:

Sanborn Fire Insurance Maps

Environmental

Data Resources, Inc.

- Map Date(s):

1889 – 1986

Year/Site	Observation
1889	
Subject Property	<p>Parcel 1 - 797 Seneca – Developed with a paint shop on the East side of the property.</p> <p>Parcel 2 - 819 Seneca – Developed with residential houses.</p> <p>Parcel 3 - 768 Carroll – Developed with residential houses.</p> <p>Parcel 4 - 764 Carroll – Developed with residential houses.</p> <p>Parcel 5 - 746 Carroll – Undeveloped</p> <p>Parcel 6 - 742 Carroll – Undeveloped</p> <p>Parcel 7 - 105 Hydraulic – Developed with residential</p>

	<p>houses.</p> <p>Parcel 8 - 111 Hydraulic - Developed with residential houses.</p>
1926	
Subject Property	<p>Parcel 1 - 797 Seneca – Developed into Seneca St Vocational School and Dollar Dry Cleaning. Two storage tanks appear to be located in the boiler room of the school.</p> <p>Parcel 2 - 819 Seneca – Developed as residential.</p> <p>Parcel 3 - 768 Carroll – Developed as residential.</p> <p>Parcel 4 - 764 Carroll – Developed as residential.</p> <p>Parcel 5 - 746 Carroll – Developed as residential.</p> <p>Parcel 6 - 742 Carroll – Developed as residential.</p> <p>Parcel 7 - 105 Hydraulic – Developed with residential houses.</p> <p>Parcel 8 - 111 Hydraulic - Developed with residential houses.</p>
1950	
Subject Property	<p>Parcel 1 - 797 Seneca – Property is still a vocational school and dry cleaner facility. Minor renovations/expansions appear to have been made to Dollar Dry Cleaning.</p> <p>Parcel 2 - 819 Seneca – Appears to have been made into a restaurant.</p> <p>Parcel 3 - 768 Carroll – Developed into residential houses.</p> <p>Parcel 4 - 764 Carroll – Developed into residential houses.</p> <p>Parcel 5 - 746 Carroll – Developed into residential houses.</p> <p>Parcel 6 - 742 Carroll – Developed into residential houses.</p> <p>Parcel 7 - 105 Hydraulic – Developed with residential houses.</p> <p>Parcel 8 - 111 Hydraulic - Developed with residential</p>

	houses.
1986	
Subject Property	<p>Parcel 1 - 797 Seneca – The vocational school has been demolished and turned into a parking area. Also, Dollar Dry Cleaning is now WNY Auto Recovery. The East side of the property was also turned into a parking area.</p> <p>Parcel 2 - 819 Seneca – The structure has been demolished and the lot appears vacant.</p> <p>Parcel 3 - 768 Carroll – Developed into residential houses.</p> <p>Parcel 4 - 764 Carroll – Developed into residential houses.</p> <p>Parcel 5 - 746 Carroll – Developed into residential houses.</p> <p>Parcel 6 - 742 Carroll – Developed into residential houses.</p> <p>Parcel 7 - 105 Hydraulic – Structure was demolished and turned into a parking area.</p> <p>Parcel 8 - 111 Hydraulic – Structure was demolished and turned into a parking area.</p>

5.3 MUNICIPAL RECORDS

5.3.1 Abstract of Title:

No copy of Title given.

- Title Company:
- Title Number:
- Certificate Date:

A copy of the EDR City Directory Abstract is contained in section 10.8

5.3.2 Property Tax Files:

SBL#'s

Parcel 1 - 122.27-6-2

Parcel 2 - 122.27-6-3

Parcel 3 - 122.27-6-6

Parcel 4 - 122.27-6-7

Parcel 5 - 122.27-6-8

Parcel 6 - 122.27-6-9

Parcel 7 - 122.27-6-10

Parcel 8 - 122.27-6-11

- Source: <http://gis1.erie.gov/>
- Date(s): 1/05/10

The current tax account number, owner and parcel size presented were obtained from the Erie County Assessor's website; <http://gis1.erie.gov/>.

5.3.3 Property Survey Map:

Copy of site map is in Appendix 10.10

5.3.4 Municipal Building Dept.:

- Source:

Engineering Office

Building Inspector

- Date:

12/23/10

5.3.5 Zoning/Land Use Maps:

- Source:

City of Buffalo

5.4 PREVIOUS STUDY

AFI Environmental's Phase I Environmental Site Assessment, 797 Seneca Street, Buffalo, Erie County, New York 14210. 2004.

AFI Environmental's Phase II Sub Surface Soil Investigation, 797 Seneca Street, Buffalo, Erie County, New York 14210. 2007.

5.5 SUMMARY OF HISTORIC USES

The subject properties were used as a commercial laundry facility, automotive repair shop, and residential / commercial property.

From 1940 to 1956 the site was known as Dollar Dry Cleaning Co., from 1956 to 1976 the site was known as Famous Linen Supply Co Inc., from 1966 to 1976 it was known as Queen City Laundry Inc. Also in 1966 it was known as Overnite Valet Inc. In 1986 the site was known as Western New York Auto Recovery Bureau Inc. The site was known as Phoenix International Recovery in 1996. In 2003 the site was Best Southern Body Parts, Gas Tank Warehouse, Good Door Store, and Ron Lear Inc.

6.0 PHYSICAL AND HYDROGEOLOGIC SETTING

6.1 GEOLOGY

6.1.1 USGS Topographic Map:

- Quadrangle: 42078-G7 Buffalo SE

- Date: 1965 Edition

6.1.2 USDA Soil Survey Map:

State Soil Geographic Database SSURGO

According to the Soil Conservation Service SSURGO:

Soil Component Name: Urban Land, Urban

Surface Texture: Soil Loam

6.2 HYDROLOGY

6.2.1 Flood plains Maps:

- Source: Panel #3602440005B
3614890001A
3614890002A

- Date: 1974 - 1994

7.0 REGULATORY INFORMATION

DATABASE

The purpose of the record review is to ascertain the potential for environmental concerns on the subject property resulting from current and previous on-site and nearby land use activities. During this portion of the Phase I ESA, numerous documents, which are prepared and maintained, by various Federal, State and local government agencies are reviewed. The results of this investigation are discussed in the following sections.

7.1 SITE DISTRIBUTION SUMMARY - DATA BASES SEARCHED

This database is an EPA maintained listing of facilities involved in the generation, transport, storage and/or disposal (TSD) of hazardous waste. Hazardous waste is any waste having characteristics identified under or listed pursuant to Section 301 of the Solid Waste Disposal Act (42 USC Section 6921). RCRA defines hazardous waste as "solid waste or combination of solid waste, which because of its quantity, concentration or physical, chemical or infectious characteristics may; (A) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible, illness; or (B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed." Each facility on this list has obtained an EPA identification number and the facility is classified according to the type of hazardous waste involved and activity conducted. The database was reviewed for the following:

7.1.1 CERCLIS

CERCLIS Info is the Comprehensive Environmental Response, Compensation and Liability Information System contains data on potentially hazardous waste sites that have been reported to the USEPA by states, municipalities, private companies and private persons, pursuant to Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). CERCLIS contains sites which are either proposed to or on the National Priorities List (NPL) and sites which are in the screening and assessment phase for possible inclusion on the NPL.

A review of the CERCLIS list, as provided by EDR, and dated 06/30/2009 has revealed that there are four (4) CERCLIS sites within approximately 0.75 miles of the target property.

7.1.2 CERC-NFRAP

Archived sites are sites that have been removed and archived from the inventory of CERCLIS sites. Archived status indicates that, to the best of EPA's knowledge, assessment at a site has been completed and that EPA has determined no further steps will be taken to list this site on the National Priorities List (NPL), unless information indicates this decision was not appropriate or other considerations require a recommendation for listing at a later time. This decision does not necessarily mean that there is no hazard associated with a given site; it only means that, based upon available information, the location is not judged to be a potential NPL site.

A review of the CERC-NFRAP list, as provided by EDR, and dated 06/23/2009 has revealed that there are three (3) CERC-NFRAP sites within approximately 0.75 miles of the target property.

7.1.3 CORRACTS

CORRACTS is a list of handlers with RCRA Corrective Action Activity. This report shows which nationally-defined corrective action core events have occurred for every handler that has had corrective action activity.

A review of the CORRACTS list, as provided by EDR, and dated 09/15/2009 has revealed that there are seven (7) CORRACTS sites within approximately 1.25 miles of the target property.

7.1.4 RCRA-TSDF

RCRA Info is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Transporters are individuals or entities that move hazardous waste from the generator offsite to a facility that can recycle, treat, store, or dispose of the waste. TSDFs treat, store, or dispose of the waste.

A review of the RCRA-TSDF list, as provided by EDR, and dated 11/12/2008 has revealed that there are two (2) RCRA-TSDF sites within approximately 0.75 miles of the target property.

7.1.5 RCRA-SQG

RCRA Info is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Small quantity generators (SQGs) generate between 100 kg and 1,000 kg of hazardous waste per month.

A review of the RCRA-SQG list, as provided by EDR, and dated 11/12/2008 has revealed that there are four (4) RCRA-SQG sites within approximately 0.5 miles of the target property.

7.1.6 RCRA-CESQG

RCRA Info is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Conditionally exempt small quantity generators (CESQGs) generate less than 100 kg of hazardous waste, or less than 1 kg of acutely hazardous waste per month.

LQG = Large Quantity Generator

A facility that produces over 1,000 kilograms (kg) of hazardous waste, or over 1 kg of acutely hazardous waste per month.

SQG = Small Quantity Generator

A facility that produces at least 100 kilograms (kg) per month, but less than 1,000 kg per month of acutely hazardous waste.

A review of the RCRA-CESQG list, as provided by EDR, and dated 11/12/2008 has revealed that there are five (5) RCRA-CESQG sites within approximately 0.5 miles of the target property.

7.1.7 US ENG CONTROLS

A listing of sites with institutional controls in place. Institutional controls include administrative measures, such as groundwater use restrictions, construction restrictions, property use restrictions, and post remediation care requirements intended to prevent exposure to contaminants remaining on site. Deed restrictions are generally required as part of the institutional controls.

A review of the US ENG CONTROLS list, as provided by EDR, and dated 10/01/2009 has revealed that there is one (1) US ENG CONTROLS site within approximately 0.75 miles of the target property.

7.1.8 US INST CONTROLS

The State Hazardous Waste Sites records are the states' equivalent to CERCLIS. These sites may or may not already be listed on the federal CERCLIS list. Priority sites planned for cleanup using state funds (state equivalent of Superfund) are identified along with sites where cleanup will be paid for by potentially responsible parties. The data come from the Department of Environmental Conservation's Inactive Hazardous waste Disposal Sites in New York State.

A review of the US INST CONTROL list, as provided by EDR, and dated 10/01/2009 has revealed that there is one (1) US INST CONTROL site within approximately 0.75 miles of the target property.

7.1.9 SHWS

The State Hazardous Waste Sites records are the states' equivalent to CERCLIS. These sites may or may not already be listed on the federal CERCLIS list. Priority sites planned for cleanup using state funds (state equivalent of Superfund) are identified along with sites where cleanup will be paid for by potentially responsible parties. The data come from the Department of Environmental Conservation's Inactive Hazardous waste Disposal Sites in New York State.

A review of the SHWS list, as provided by EDR, and dated 11/23/2009 has

revealed that there are six (6) SHWS sites within approximately 1.25 miles of the target property.

7.1.10 SWF/LF

The Solid Waste Facilities/Landfill Sites records typically contain an inventory of solid waste disposal facilities or landfills in a particular state. The data come from the list.

A review of the SWF/LF list, as provided by EDR, and dated 10/14/2009 has revealed that there are four (4) SWF/LF sites within approximately 0.75 miles of the target property.

7.1.11 LTANKS: Leaking Storage Tank Incident Reports

LTANKS: Leaking Storage Tank Incident Reports. These records contain an inventory of reported leaking storage tank incidents reported from 4/1/86 through the most recent update. They can be either leaking underground storage tanks or leaking aboveground storage tanks. The causes of the incidents are tank test failures, tank failures or tank overfills.

A review of the LTANKS list, as provided by EDR, and dated 11/23/2009 has revealed that there are twenty-six (26) LTANKS sites within approximately 0.75 miles of the target property.

7.1.12 HIST LTANKS

A listing of leaking underground and aboveground storage tanks. The causes of the incidents are tank test failures, tank failures or tank overfills. In 2002, the Department of Environmental Conservation stopped providing updates to its original Spills Information Database. This database includes fields that are no longer available from the NYDEC as of January 1, 2002. Current information may be found in the NY LTANKS database.

A review of the HIST LTANKS list, as provided by EDR, and dated 01/01/2002 has revealed that there are nineteen (19) HIST LTANKS sites within approximately 0.75 miles of the target property.

7.1.13 UST

The Underground Storage Tank database contains registered USTs. USTs are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The data come from the Department of Environmental Conservation's Petroleum Bulk Storage (PBS) Database.

A review of the UST list, as provided by EDR, and dated 10/06/2009 has revealed that there are fourteen (14) UST sites within approximately 0.5 miles of the target property.

7.1.14 AST

The Aboveground Storage Tank database contains registered ASTs. The data come from the Department of Environmental Conservation's Petroleum Bulk Storage (PBS) Database.

A review of the AST list, as provided by EDR, and dated 10/06/2009 has revealed that there are three (3) AST sites within approximately 0.5 miles of the target property.

7.1.15 CBS AST

Chemical Bulk Storage Database. Registration data collected as required by 6 NYCRR Part 596. It includes facilities storing hazardous substances listed in 6 NYCRR Part 597, in aboveground tanks with capacities of 185 gallons or greater, and/or in underground tanks of any size. Includes facilities registered (and closed) since effective date of CBS regulations (July 15, 1988) through the date request is processed.

A review of the CBS AST list, as provided by EDR, and dated 01/01/2002 has revealed that there is one (1) CBS AST site within approximately 0.5 miles of the target property.

7.1.16 MOSF AST

Major Oil Storage Facilities Database. Facilities are licensed pursuant to Article 12 of the Navigation Law, 6 NYCRR Part 610 and 17 NYCRR Part 30. These facilities may be onshore facilities or vessels, with petroleum storage capacities of 400,000 gallons or greater. Includes MOSF's licensed or closed since April 1, 1986, (responsibility was transferred from DOT on October 13, 1985) plus available data obtained from DOT facilities licensed since Article 12 became law on April 1, 1978.

A review of the MOSF AST list, as provided by EDR, and dated 01/01/2002 has revealed that there is one (1) MOSF AST site within approximately 0.75 miles of the target property.

7.1.17 MOSF

These facilities may be onshore facilities or vessels, with petroleum storage capacities of 400,000 gallons or greater.

A review of the MOSF list, as provided by EDR, and dated 10/06/2009 has revealed that there is one (1) MOSF site within approximately 0.75 miles of the target property.

7.1.18 CBS

These facilities store regulated hazardous substances in aboveground tanks with capacities of 185 gallons or greater, and/or in underground tanks of any size.

A review of the CBS list, as provided by EDR, and dated 10/06/2009 has revealed that there is one (1) CBS site within approximately 0.5 miles of the target property.

7.1.19 ENG CONTROLS

Environmental Remediation sites that have engineering controls in place.

A review of the ENG CONTROLS list, as provided by EDR, and dated

11/23/2009 has revealed that there is one (1) ENG CONTROLS site within approximately 0.75 miles of the target property.

7.1.20 INST CONTROLS

Environmental Remediation sites that have institutional controls in place.

A review of the INST CONTROL list, as provided by EDR, and dated 11/23/2009 has revealed that there is one (1) INST CONTROL site within approximately 0.75 miles of the target property.

7.1.21 BROWNFIELDS

Brownfields Site List

A review of the BROWNFIELDS list, as provided by EDR, and dated 11/23/2009 has revealed that there are three (3) BROWNFIELDS sites within approximately 0.75 miles of the target property.

7.1.22 SWRCY

Registered Recycling Facility List from the Department of Environmental Conservation.

A review of the SWRCY list, as provided by EDR, and dated 10/14/2009 has revealed that there are three (3) SWRCY sites within approximately 0.75 miles of the target property.

7.1.23 DEL SWSH

A database listing of sites delisted from the Registry of Inactive Hazardous Waste Disposal Sites.

A review of the DEL SHWS list, as provided by EDR, and dated 06/09/2009 has revealed that there is 1 DEL SHWS site within approximately 1.25 miles of the target property.

7.1.24 HIST UST

The Underground Storage Tank database contains registered USTs. USTs are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The data come from the Department of Environmental Conservation's Petroleum Bulk Storage (PBS) Database.

A review of the HIST UST list, as provided by EDR, and dated 01/01/2002 has revealed that there are eleven (11) HIST UST sites within approximately 0.5 miles of the target property.

7.1.25 HIST AST

The Aboveground Storage Tank database contains registered ASTs. The data come from the Department of Environmental Conservation's Petroleum Bulk Storage (PBS) Database.

A review of the HIST AST list, as provided by EDR, and dated 01/01/2002 has revealed that there is one (1) HIST AST site within approximately 0.25 miles of the target property.

7.1.26 NY Spills

Data collected on spills reported to NYSDEC. is required by one or more of the following: Article 12 of the Navigation Law, 6 NYCRR Section 613.8 (from PBS regs), or 6 NYCRR Section 595.2 (from CBS regs). It includes spills active as of April 1, 1986, as well as spills occurring since this date.

A review of the NY Spills list, as provided by EDR, and dated 11/23/2009 has revealed that there are forty (40) NY Spills sites within approximately 0.375 miles of the target property.

7.1.27 NY Hist Spill

This database contains records of chemical and petroleum spill incidents. Under State law, petroleum and hazardous chemical spills that can impact the waters of the state must be reported by the spiller (and, in some cases, by anyone who has knowledge of the spills). In 2002, the Department of Environmental

Conservation stopped providing updates to its original Spills Information Database. This database includes fields that are no longer available from the NYDEC as of January 1, 2002. Current information may be found in the NY SPILLS database.

A review of the NY Hist Spills list, as provided by EDR, and dated 01/01/2002 has revealed that there are thirty (30) NY Hist Spills sites within approximately 0.375 miles of the target property.

7.1.28 RCRA-Non Gen

RCRA-NonGen: RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Non-Generators do not presently generate hazardous waste.

A review of the RCRA-NonGen list, as provided by EDR, and dated 11/12/2008 has revealed that there are twenty-five (25) RCRA-NonGen sites within approximately 0.5 miles of the target property.

7.1.29 FUDS

The Listing includes locations of Formerly Used Defense Sites Properties where the US Army Corps Of Engineers is actively working or will take necessary cleanup actions.

A review of the FUDS list, as provided by EDR, and dated 12/31/2008 has revealed that there is one (1) FUDS site within approximately 1.25 miles of the target property.

7.1.30 CONSENT

Major Legal settlements that establish responsibility and standards for cleanup at NPL (superfund) sites. Released periodically by U.S. District Courts after

settlement by parties to litigation matters.

A review of the CONSENT list, as provided by EDR, and dated 08/03/2009 has revealed that there is one (1) CONSENT site within approximately 1.25 miles of the target property.

7.1.31 FTTS

FTTS tracks administrative cases and pesticide enforcement actions and compliance activities related to FIFRA, TSCA and EPCRA (Emergency Planning and Community Right-to-Know Act) over the previous five years. To maintain currency, EDR contacts the Agency on a quarterly basis.

A review of the FTTS list, as provided by EDR, and dated 04/09/2009 has revealed that there are two (2) FTTS sites within approximately 0.25 miles of the target property.

7.1.32 HIST FTTS

A complete administrative case listing from the FIFRA/TSCA Tracking System (FTTS) for all ten EPA regions. The information was obtained from the National Compliance Database (NCDB). NCDB supports the implementation of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) and TSCA (Toxic Substances Control Act). Some EPA regions are now closing out records. Because of that, and the fact that some EPA regions are not providing EPA Headquarters with updated records, it was decided to create a HIST FTTS database. It included records that may not be included in the newer FTTS database updates. This database is no longer updated.

A review of the HIST FTTS list, as provided by EDR, and dated 10/19/2006 has revealed that there are two (2) HIST FTTS sites within approximately 0.25 miles of the target property.

7.1.33 ICIS

The Integrated Compliance Information System (ICIS) supports the information needs of the national enforcement and compliance program as well as the

unique needs of the National Pollutant Discharge Elimination System (NPDES) program.

A review of the ICIS list, as provided by EDR, and dated 08/21/2009 has revealed that there is one (1) ICIS site within approximately 0.25 miles of the target property.

7.1.34 FINDS

The Facility Index System contains both facility information and "pointers" to other sources of information that contain more detail. These include: RCRIS; Permit Compliance System (PCS); Aerometric Information Retrieval System (AIRS); FATES (FIFRA [Federal Insecticide Fungicide Rodenticide Act] and TSCA Enforcement System, FTTS [FIFRA/TSCA Tracking System]; CERCLIS; DOCKET (Enforcement Docket used to manage and track information on civil judicial enforcement cases for all environmental statutes); Federal Underground Injection Control (FURS); Federal Reporting Data System (FRDS); Surface Impoundments (SIA); TSCA Chemicals in Commerce Information System (CICS); PADS; RCRA-J (medical waste transporters/disposers); TRIS; and TSCA. The source of this database is the U.S. EPA/NTIS.

A review of the FINDS list, as provided by EDR, and dated 10/19/2009 has revealed that there are fifteen (15) FINDS sites within approximately 0.25 miles of the target property.

7.1.35 HSWDS

The List includes any known or suspected hazardous substance waste disposal sites. Also included are sites delisted from the Registry of Inactive Hazardous Waste Disposal Sites and non-registry sites that U.S. EPA Preliminary Assessment (PA) reports or Site Investigation (SI) reports were prepared.

Hazardous Substance Waste Disposal Sites are eligible to be Superfund sites now that the New York State Superfund has been refinanced and changed. This means that the study inventory has served its purpose and will no longer be maintained as a separate entity. The latest version of the study is frozen in time. The sites on the study will not automatically be made superfund sites, rather

each site will be further evaluated for listing in the registry. So overtime they will be added to the registry or not.

A review of the HSWDS list, as provided by EDR, and dated 01/01/2003 has revealed that there are two (2) HSWDS sites within approximately 0.75 miles of the target property.

7.1.36 MANIFEST

Manifest is a document that lists and tracks hazardous waste from the generator through transporters to a TSD facility.

A review of the MANIFEST list, as provided by EDR, and dated 10/27/2009 has revealed that there are thirty-four (34) MANIFEST sites within approximately 0.5 miles of the target property.

7.2 ENFORCEMENT ACTIONS/PERMITTED ACTIVITIES/INSTITUTIONAL CONTROLS

Not available for the subject site.

7.3 INTERVIEWS/USER PROVIDED INFORMATION

According to the ASTM "Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process E 1527-05 and All Appropriate Inquiries, the owner, operator, previous owner, previous operator of the property should be contacted in order to obtain information regarding the presence, or absence, of recognized environmental conditions in connection with the subject property. In conformance to this protocol, AFI did give the owner a copy of the following questionnaire. See Section 10.0.

7.4 SUMMARY OF REGULATORY/USER PROVIDED INFORMATION

7.4.1 IMPACT OF IDENTIFIED SITES ON THE SUBJECT PROPERTY

Records search indicate that no impacts to date are recorded for the subject property from offsite impacts. Please see EDR Report, attached as Appendix 10.3 for complete details.

7.4.2 ENFORCEMENT ACTIONS/PERMITTED ACTIVITIES

None Listed

7.4.3 PUBLIC DOMAIN INFORMATION SOURCES

7.4.3.1 USEPA FOIA – Letter Date: December 16, 2009

See appendix 10.6 of report.

**7.4.3.2 New York State Department of Conservation FOIA –
Letter Date:** December 16, 2009

See appendix 10.6 of report.

**7.4.3.3 Records Access Officer FOIA –
Letter Date:** December 16, 2009

See appendix 10.6 of report.

**7.4.3.4 Buffalo – Building Inspector –
Letter Date:** December 16, 2009

See appendix 10.6 of report.

7.4.4 TOWN/CITY/VILLAGE of: City of Buffalo

**7.4.4.1 Building Inspector
Name: David Krug**

- Title: Supervising Code Enforcement Officer
- Date of Contact: 1/6/10
- Telephone Contact:

7.4.5 SUMMARY

As of the date of this report, we have not received any replies.

8.0 RADON

8.1 Radon:

- Source:

State Database: NY Radon

Zip	Total Sites	<4Pci/L	>=4Pci/L	>=20Pci/L	Avg>4Pci/L	Max Pci/L
14219	55	54(98.2%)	1 (1.8%)	0 (0%)	1.32	4.6

Federal EPA Radon Zone for Erie County: 1

Federal Area Radon Information for Erie County

Number of sites tested: 622

Area	Average Activity	% <4 pCi/L	% <4-20 pCi/L	% >20 pCi/L
Living Area	1.000pCi/L	89%	11%	0%
Basement	1.150pCi/L	87%	11%	2%

9.0 WETLANDS

9.1 Wetlands Maps:

- Source:

Department of Environmental Conservation

Phone #

(518) 402-8961

797 Seneca Street

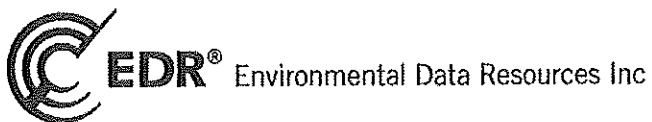
797 Seneca Street

Buffalo, NY 14210

Inquiry Number: 2659593.4

December 15, 2009

The EDR Historical Topographic Map Report



440 Wheelers Farms Road
Milford, CT 06461
800.352.0050
www.edrnet.com

EDR Historical Topographic Map Report

Environmental Data Resources, Inc.'s (EDR) Historical Topographic Map Report is designed to assist professionals in evaluating potential liability on a target property resulting from past activities. EDR's Historical Topographic Map Report includes a search of a collection of public and private color historical topographic maps, dating back to the early 1900s.

Thank you for your business.
Please contact EDR at 1-800-352-0050
with any questions or comments.

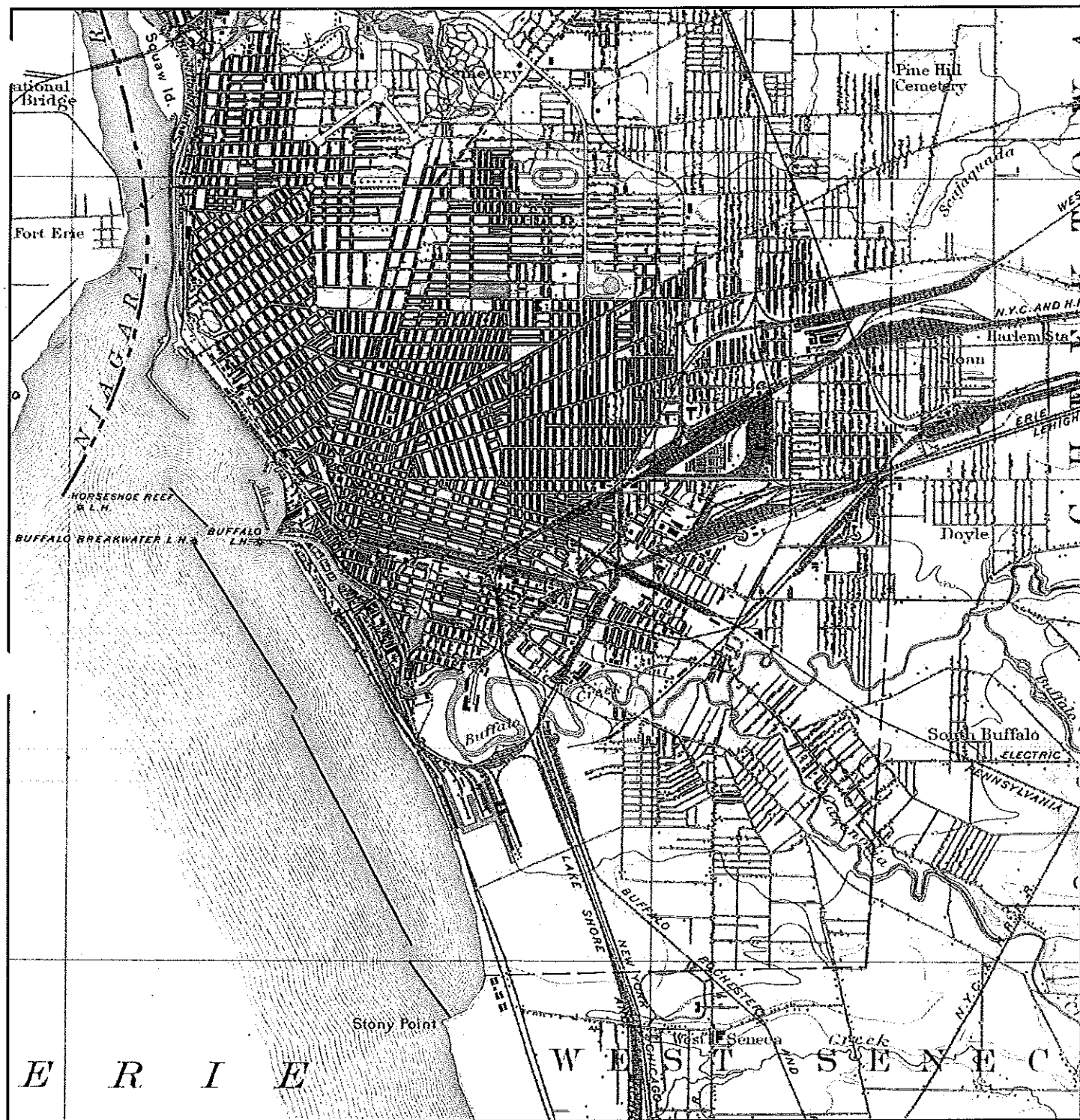
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Historical Topographic Map



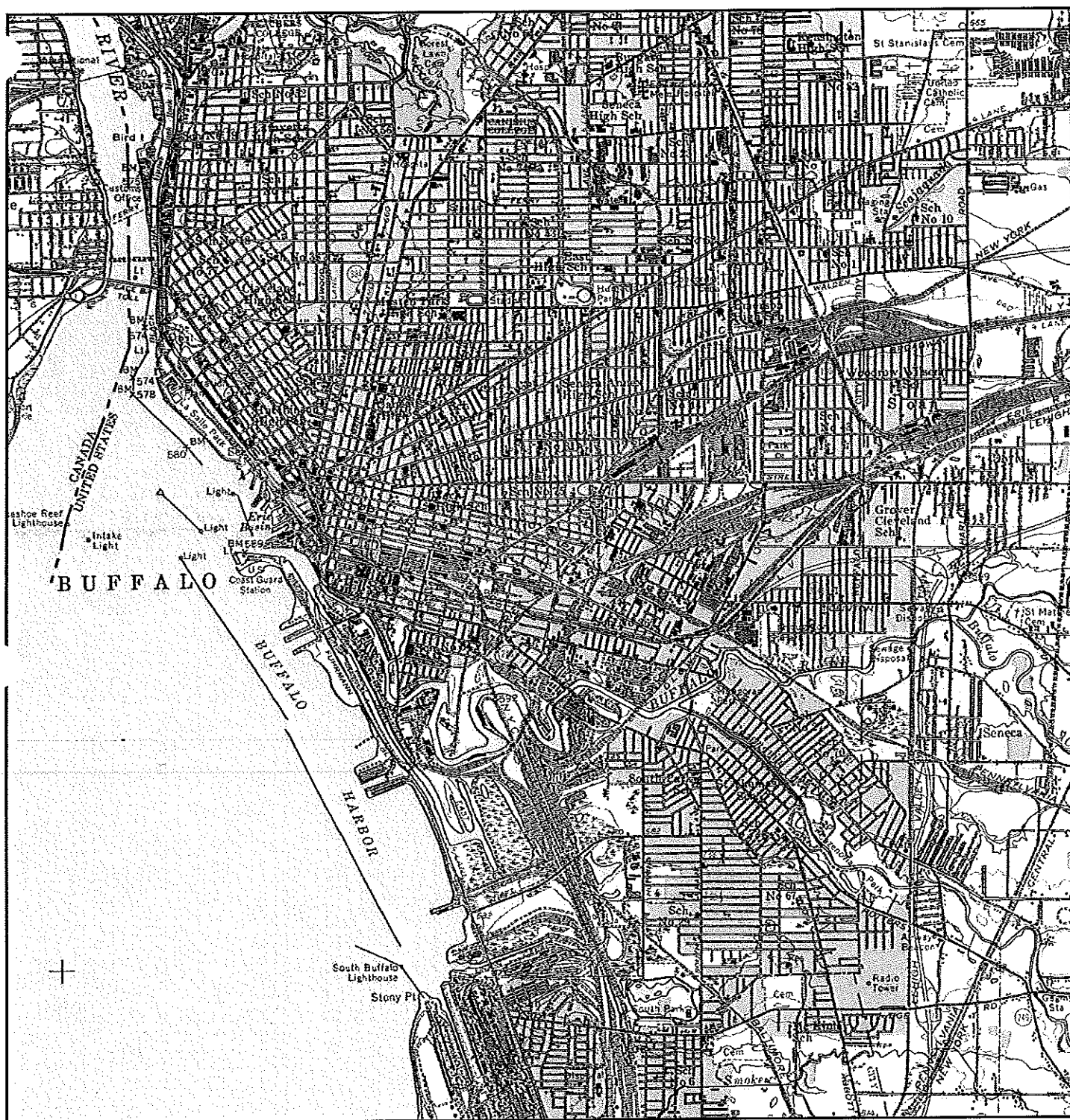
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Historical Topographic Map



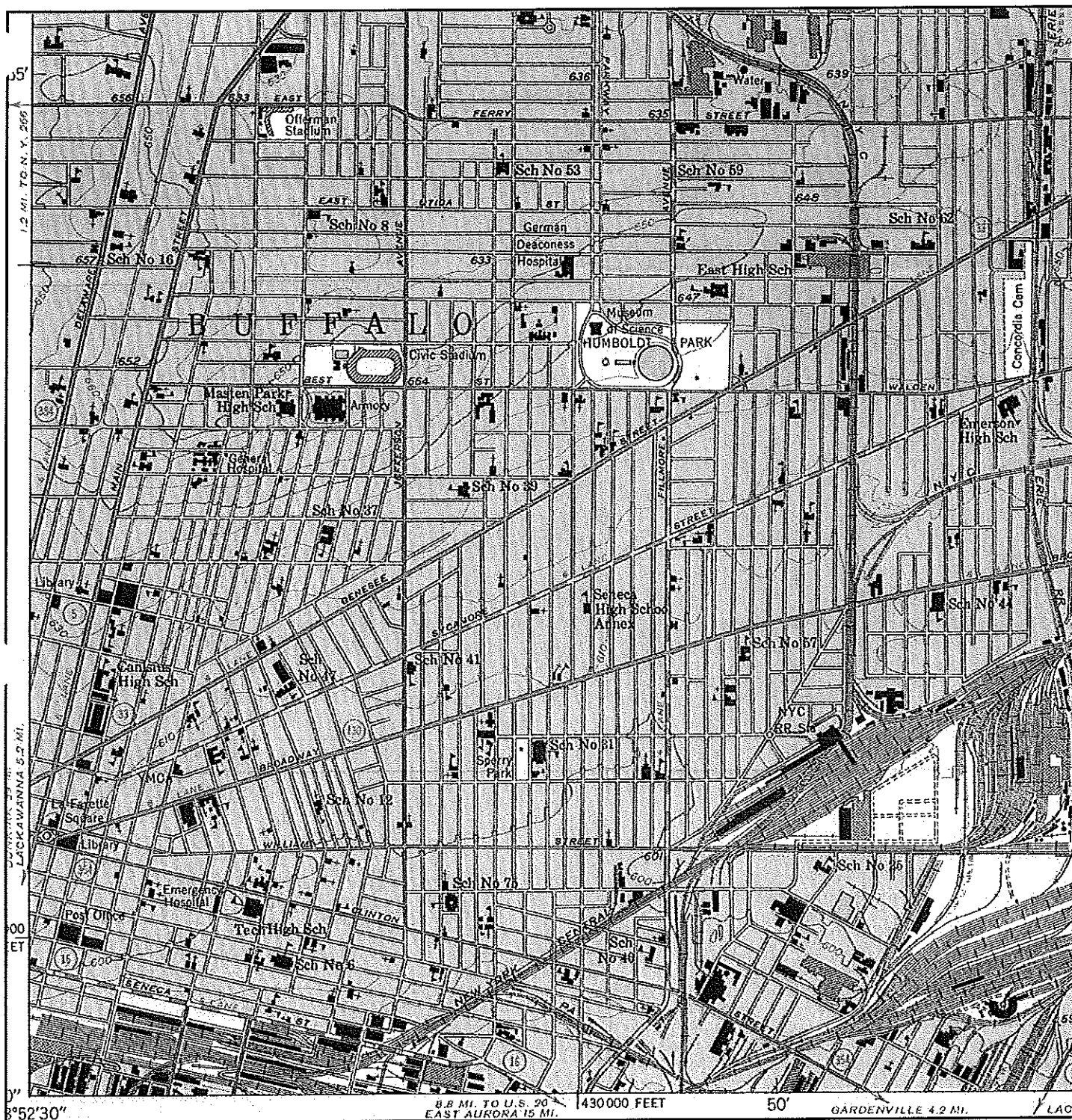
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Historical Topographic Map



<p>N ↑</p>	<p>TARGET QUAD NAME: BUFFALO MAP YEAR: 1948</p> <p>SERIES: 15 SCALE: 1:62500</p>	<p>SITE NAME: 797 Seneca Street ADDRESS: 797 Seneca Street Buffalo, NY 14210 LAT/LONG: 42.8755 / 78.8474</p>	<p>CLIENT: AFI Environmental CONTACT: Patrick Ackerman INQUIRY#: 2659593.4 RESEARCH DATE: 12/15/2009</p>
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Historical Topographic Map



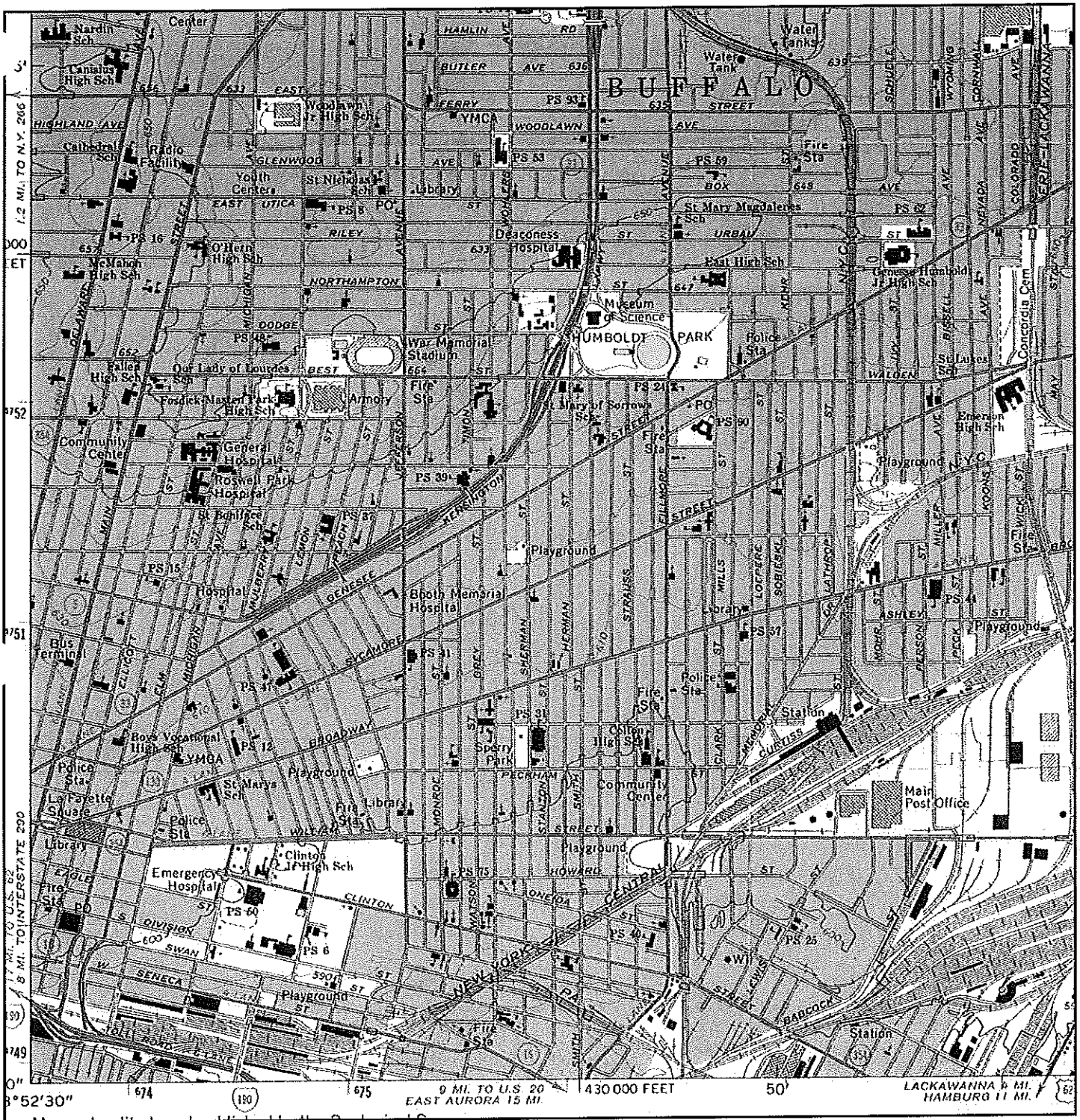
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Historical Topographic Map



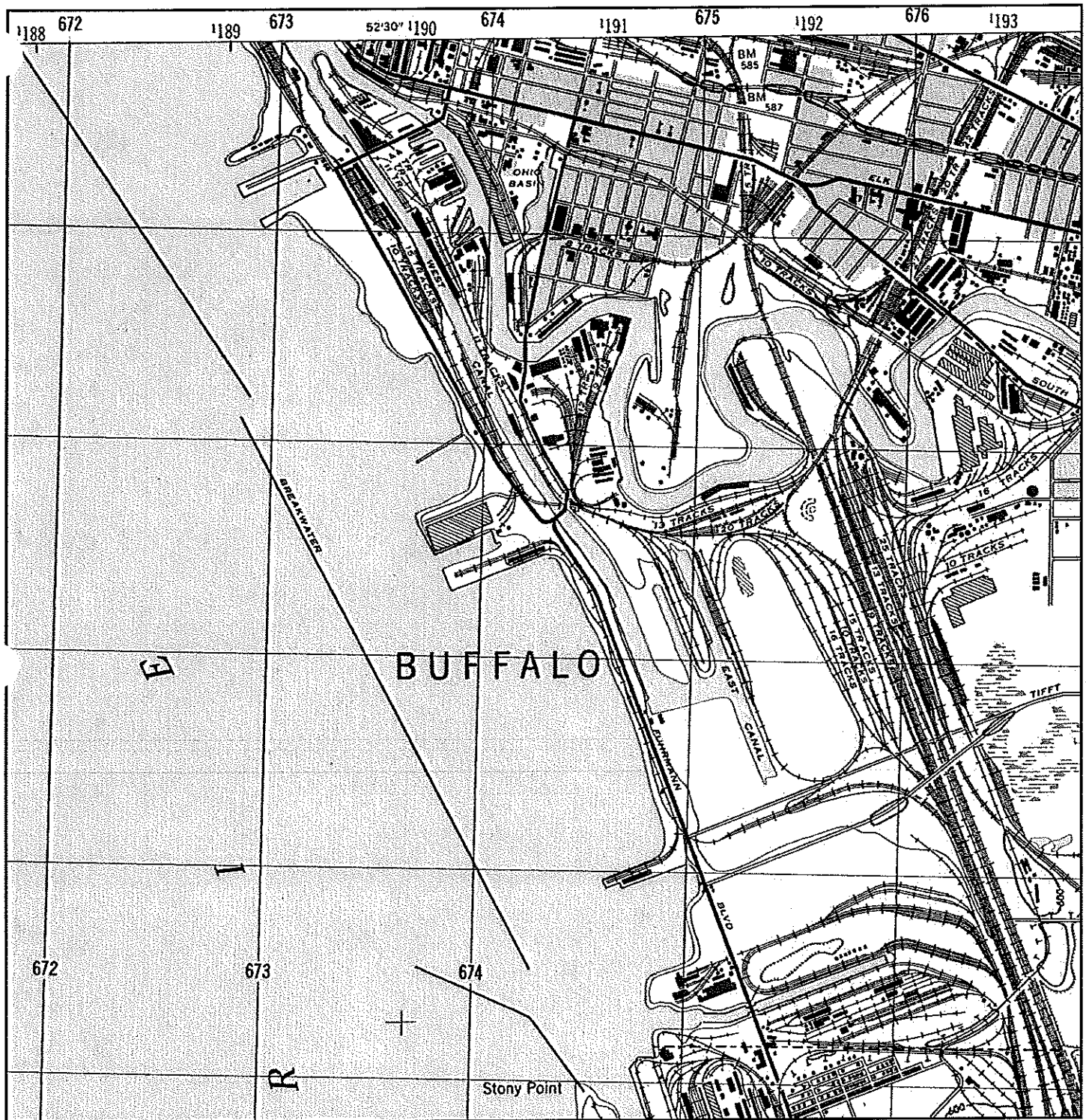
<div data-bbox="82 1774 138 1879"> <p>N ↑</p> </div> <div data-bbox="154 1753 560 1957"> <p>TARGET QUAD NAME: BUFFALO VICINITY 1 OF 2 MAP YEAR: 1950 SERIES: 7.5 SCALE: 1:24000</p> </div>	<div data-bbox="576 1753 950 1869"> <p>SITE NAME: 797 Seneca Street ADDRESS: 797 Seneca Street Buffalo, NY 14210 LAT/LONG: 42.8755 / 78.8474</p> </div>
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Historical Topographic Map




<div data-bbox="105 1774 138 1879"> <p>N</p> </div> <div data-bbox="162 1753 446 1942"> <p>TARGET QUAD NAME: BUFFALO NE MAP YEAR: 1965</p> <p>SERIES: 7.5 SCALE: 1:24000</p> </div>	<p>SITE NAME: 797 Seneca Street ADDRESS: 797 Seneca Street Buffalo, NY 14210 LAT/LONG: 42.8755 / 78.8474</p>	<p>CLIENT: AFI Environmental CONTACT: Patrick Ackerman INQUIRY#: 2659593.4 RESEARCH DATE: 12/15/2009</p>
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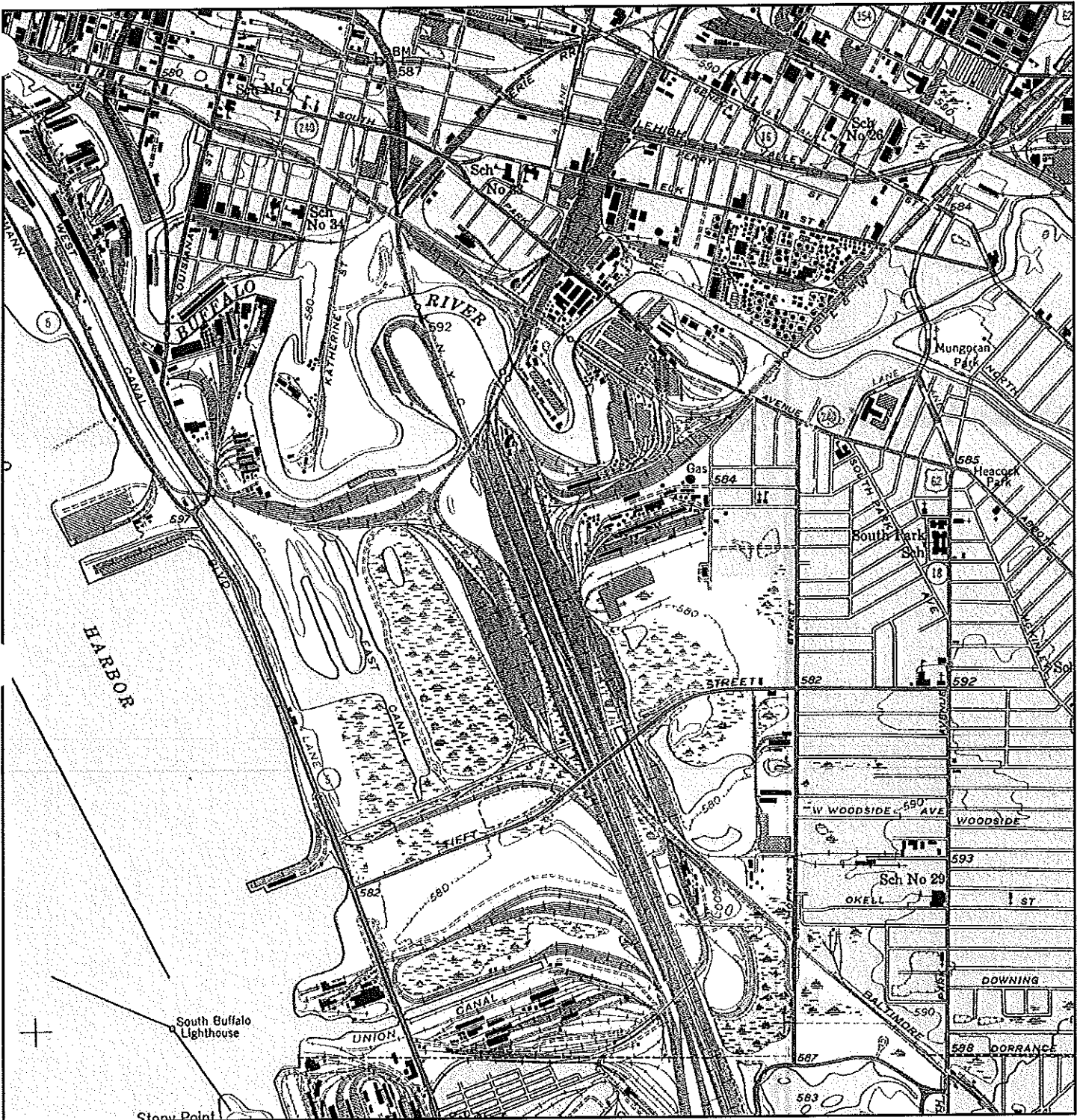
Historical Topographic Map



<p>N ↑</p>	<p>ADJOINING QUAD NAME: BUFFALO SE MAP YEAR: 1948</p> <p>SERIES: 7.5 SCALE: 1:25000</p>	<p>SITE NAME: 797 Seneca Street ADDRESS: 797 Seneca Street Buffalo, NY 14210 LAT/LONG: 42.8755 / 78.8474</p>	<p>CLIENT: AFI Environmental CONTACT: Patrick Ackerman INQUIRY#: 2659593.4 RESEARCH DATE: 12/15/2009</p>
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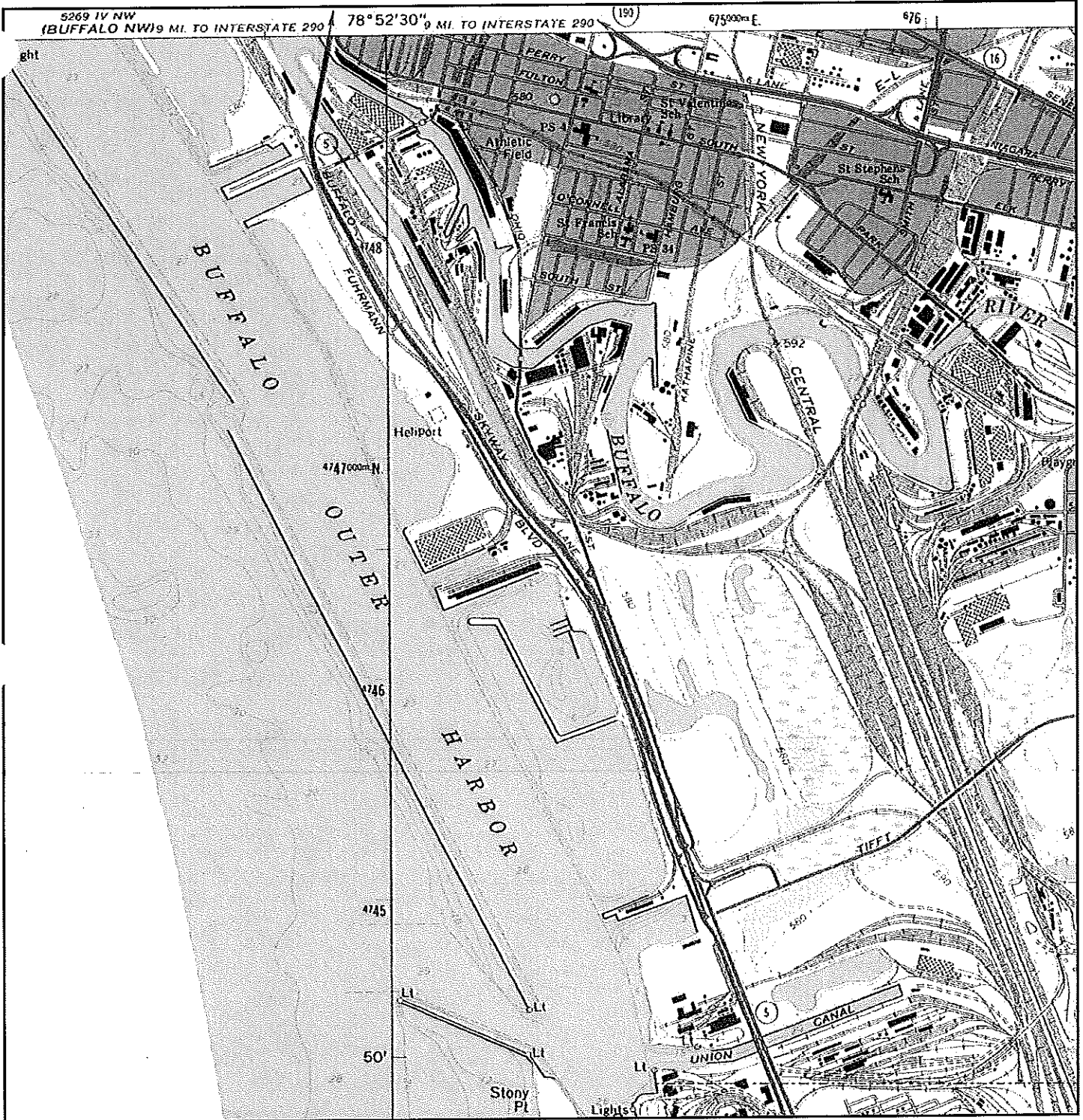
	ADJOINING QUAD NAME: BUFFALO SE MAP YEAR: 1950	SITE NAME: 797 Seneca Street ADDRESS: 797 Seneca Street Buffalo, NY 14210 LAT/LONG: 42.8755 / 78.8474	CLIENT: AFI Environmental CONTACT: Patrick Ackerman INQUIRY#: 2659593.4 RESEARCH DATE: 12/15/2009
	SERIES: 7.5 SCALE: 1:24000		

Historical Topographic Map



<div data-bbox="105 1774 138 1879"> <p>N ↑</p> </div> <p>ADJOINING QUAD NAME: BUFFALO VICINITY 2 OF 2</p> <p>MAP YEAR: 1950</p> <p>SERIES: 7.5</p> <p>SCALE: 1:24000</p>	<p>SITE NAME: 797 Seneca Street</p> <p>ADDRESS: 797 Seneca Street Buffalo, NY 14210</p> <p>LAT/LONG: 42.8755 / 78.8474</p>	<p>CLIENT: AFI Environmental</p> <p>CONTACT: Patrick Ackerman</p> <p>INQUIRY#: 2659593.4</p> <p>RESEARCH DATE: 12/15/2009</p>
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Historical Topographic Map



<p>N ↑</p>	<p>ADJOINING QUAD NAME: BUFFALO SE MAP YEAR: 1965</p> <p>SERIES: 7.5 SCALE: 1:24000</p>	<p>SITE NAME: 797 Seneca Street ADDRESS: 797 Seneca Street Buffalo, NY 14210 LAT/LONG: 42.8755 / 78.8474</p>	<p>CLIENT: AFI Environmental CONTACT: Patrick Ackerman INQUIRY#: 2659593.4 RESEARCH DATE: 12/15/2009</p>
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[illegible]

SURVEY MAP OF: STREET/ROAD/AVE./HWY. ADDRESS 797 SENECA STREET

Date: MARCH 4, 1998 **LOT (or part) OF** 15 **SECT.** 8 **SUB LOT** 1 **RNGE.** 8 **SUB LOT** 1

Scale $\frac{1}{2} = 40'$ **TWP.** 11 **COVER** BLK. **PG.** 1

City (or Village) BUFFALO **TOWN** CO. **ERIE **N.Y.****

REVISED

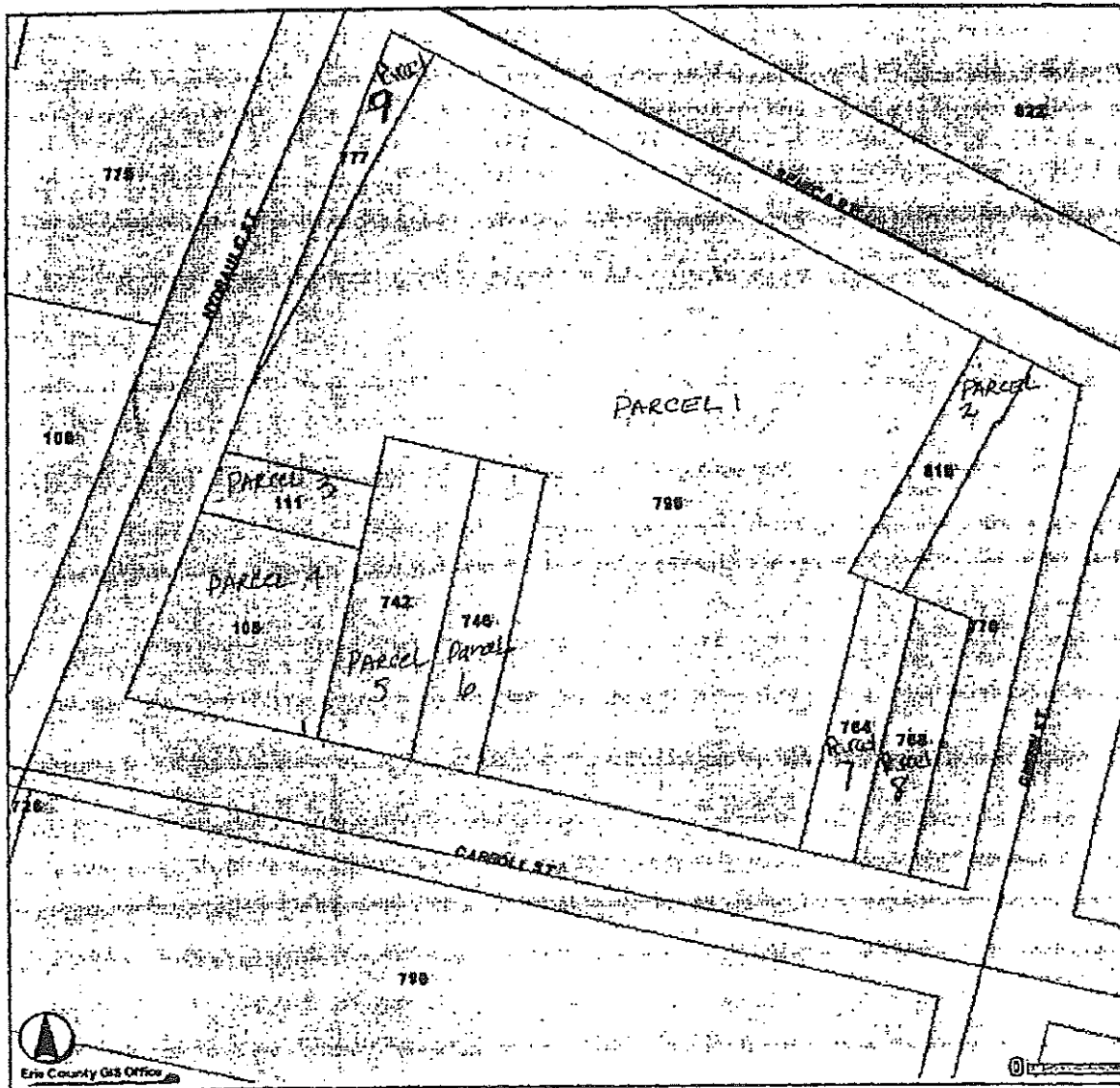
Job No. 50036

REF. M.F. BK. **PG.** **BK. **PG.****

0.01 (2007)

100' CARROLL STREET (50')

Post Office Street





ENVIRONMENTAL SITE ASSESSMENT TRANSACTION SCREEN QUESTIONNAIRE

This document is an excerpt of Practice E 1528-00: Standard Practice for Environmental Site Assessments: Transaction Screen Process, which is under the jurisdiction of ASTM Committee E50 on Environmental Assessment and is the direct responsibility of Subcommittee E50.02 on Commercial Real Estate Transactions. This questionnaire represents only Sections 5 and 6 of Practice E 1528-00 and should not be construed as being the complete standard. It is necessary to refer to the full standard prior to using this questionnaire. COPYRIGHT © 2000 ASTM INTERNATIONAL, West Conshohocken, PA. Prior edition copyrighted 1996. Stock #: ADJE1528. For the complete standard, or to order additional copies of this questionnaire, contact ASTM Customer Service at (610) 832-9585.

5. Introduction to Transaction Screen Questionnaire

5.1 Process—The *transaction screen process* consists of asking questions contained within the *transaction screen questionnaire* of owners and occupants of the property, observing site conditions at the property with direction provided by the *transaction screen questionnaire*, and, to the extent reasonably ascertainable, conducting limited research regarding certain government records and certain standard historical sources. The questions asked of owners are the same questions as those asked of occupants.

5.2 Guide—The *transaction screen questionnaire* is followed by a guide designed to assist the person completing the *transaction screen questionnaire*. The guide to the *transaction screen questionnaire* is set out in Sections 7-10 of this practice. The guide is divided into three sections: Guide for Owner/Occupant Inquiry, Guide to Site Visit, and Guide to Government Records/Historical Sources Inquiry.

5.2.1 To assist the user, its employee or agent, or the environmental professional in preparing a report, the guide repeats each of the questions set out in the *transaction screen questionnaire* in both the guide for owner/occupant inquiry and the guide to site visit. The questions regarding government records/historical sources inquiry are also repeated in the guide to that section.

5.2.2 The guide also describes the procedures to be followed to determine if reliance upon the information in a prior environmental site assessment is appropriate under this practice.

5.2.3 A user, its employee or agent, or environmental professional conducting the *transaction screen process* should not use the *transaction screen questionnaire* without reference to, or familiarity from prior usage with, the guide.

5.3 User and Preparer—The user conducting the *transaction screen process* is the party seeking to perform appropriate inquiry with respect to the property. The user may delegate the preparation of the *transaction screen questionnaire* to an employee or agent of the user or may contract with a third party to prepare the questionnaire on behalf of the user. The person preparing the questionnaire is the preparer, who may be either the user or the person to whom the user has delegated the preparation of the *transaction screen questionnaire*.

5.4 Exercise of Care—The preparer conducting the *transaction screen process* should use good faith efforts in determining answers to the questions set forth in the *transaction screen questionnaire*. The user should take time and care to check whatever records are in the user's possession. The preparer should ask all persons to whom questions are directed to give answers to the best of the respondent's knowledge. As required by Section 9601(35)(B) of CERCLA, the user or preparer should discuss with a responsible person in authority in the user's organization (if any) any specialized knowledge or experience relating to hazardous substances on the property and the preparer should understand such information.

5.5 Knowledge—The owner or occupant of the property to which portions of the *transaction screen questionnaire* are directed should have sufficient knowledge and experience with respect to the property or in the owner's or occupant's particular business to understand the purpose and use of the *transaction screen questionnaire*. All answers should be given to the best of the owner's or occupant's actual knowledge.

5.5.1 While the person conducting the *transaction screen process* has an obligation to ask the questions set forth in the *transaction screen questionnaire*, in many instances the parties to whom the questions are addressed will have no obligation to answer them. The user is only required to obtain information to the extent it is reasonably ascertainable.

5.5.2 If the preparer asks the questions set forth in the *transaction screen questionnaire*, but does not receive any response or receives partial responses, the questions will be deemed to have been answered provided the questions have been asked, or were attempted to be asked, in person or by telephone and written records have been kept of the person to whom the questions were addressed and their responses, or the questions have been asked in writing sent by certified or

registered mail, return receipt requested, postage prepaid, or by private, commercial overnight carrier and no responses have been obtained after at least two follow-up telephone calls were made or written request was sent again asking for responses.

5.5.3 The *transaction screen questionnaire* and the *transaction screen guide* sometimes include the phrase "to the best of your knowledge." Use of this phrase shall not be interpreted as imposing a constructive knowledge standard when it is not included or as imposing anything other than an actual knowledge standard for the person answering the questions, regardless of whether it is used. It is sometimes included as an assurance to the person being questioned that he or she is not obligated to search out information he or she does not currently have in order to answer the particular question.

5.6 Conclusions Regarding Affirmative or Unknown Answers—If any of the questions set forth in the *transaction screen questionnaire* are answered in the affirmative, the user must document the reason for the affirmative answer. If any of the questions are not answered or the answer is unknown, the user should document such nonresponse or answer of unknown and evaluate it in light of the other information obtained in the *transaction screen process*, including, in particular, the site visit and the government records/historical sources inquiry. If the user decides no further inquiry is warranted after receiving an response, an answer of unknown or an affirmative answer, the user must document the reasons for any such conclusion.

5.6.1 Upon obtaining an affirmative answer, an answer of unknown or no response, the user should first refer to the guide. The guide may provide sufficient explanation to allow a user to conclude that no further inquiry is appropriate with respect to the particular question.

5.6.2 If the guide to a particular question does not, in itself, permit a user to conclude that no further inquiry is appropriate, then the user should consider other information obtained from the *transaction screen process* relating to this question. For example, while on the site performing a site visit, a person may find a storage tank on the property and therefore answer Question 10 of the *transaction screen questionnaire* in the affirmative. However, during or subsequent to the owner/occupant inquiry, the owner may produce evidence that substances now or historically contained in the tank (for example, water) are not likely to cause contamination.

5.6.3 If either the guide to the question or other information obtained during the *transaction screen process* does not permit a user to conclude no further inquiry is appropriate with respect to such question, then the user must determine, in the exercise of the user's reasonable business judgment, based upon the totality of unresolved affirmative answers or answers of unknown received during the *transaction screen process*, whether further inquiry may be limited to those specific issues identified as of concern or should proceed with a full Phase I Environmental Site Assessment.

5.7 Presumption—A presumption exists that further inquiry is necessary if an affirmative answer is given to a question or because the answer was unknown or no response was given. In rebutting this presumption, the user should evaluate information obtained from each component of the *transaction screen process* and consider whether sufficient information has been obtained to conclude that no further inquiry is necessary. The user must determine, in the exercise of the user's reasonable business judgment, the scope of such further inquiry: whether to proceed with a Phase I Environmental Site Assessment prepared in accordance with Practice E 1527 or a lesser inquiry directed at specific issues raised by the questionnaire.

5.8 Further Inquiry Under Practice E 1527—Upon completing the *transaction screen questionnaire*, if the user concludes that a Phase I Environmental Site Assessment is needed, the user should proceed with such inquiry with the advice and guidance of an environmental professional. Such further inquiry should be undertaken in accordance with Practice E 1527.

5.9 Signature—The user and the preparer of the *transaction screen questionnaire* must complete and sign the questionnaire as provided at the end of the questionnaire.

6. Transaction Screen Questionnaire

6.1 *Persons to Be Questioned*—The following questions should be asked of (1) the current owner of the property, (2) any major occupant of the property or, if the property does not have any major occupants, at least 10 % of the occupants of the property, and (3) in addition to the current owner and the occupants identified in (2), any occupant likely to be using, treating, generating, storing, or disposing of hazardous substances or petroleum products on or from the property. A major occupant is any occupant using at least 40 % of the leasable area of the property

or any anchor tenant when the property is a shopping center. In a multifamily property containing both residential and commercial uses, the preparer does need to ask questions of the residential occupants. The preparer should ask person to answer all questions to the best of the respondent's actual knowledge and in good faith. When completing the site visit column, the preparer should be sure to observe the property and any buildings and other structures on the property. The guide provides further details on the appropriate use of this questionnaire.¹

Description of Site: Address:

III Hydraulic Building - 797 Seneca, 819 Seneca, III Hydraulic, 105 Hydraulic, 742 Carroll, 746 Carroll, 764 Carroll, 768 Carroll, and 777 Seneca

Question	Owner			Occupants (if applicable)			Observed Du Site Visit	
1a. Is the property used for an industrial use?	Yes	No	Unk	Yes	No	Unk	<input checked="" type="radio"/> Yes	<input type="radio"/> No
1b. Is any adjoining property used for an industrial use?	Yes	No	Unk	Yes	No	Unk	<input checked="" type="radio"/> Yes	<input type="radio"/> No
2a. Did you observe evidence or do you have any prior knowledge that the property has been used for an industrial use in the past?	Yes	No	Unk	Yes	No	Unk	<input checked="" type="radio"/> Yes	<input type="radio"/> No
2b. Did you observe evidence or do you have any prior knowledge that any adjoining property has been used for an industrial use in the past?	Yes	No	Unk	Yes	No	Unk	<input checked="" type="radio"/> Yes	<input type="radio"/> No
3a. Is the property used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility (if applicable, identify which)?	Yes	No	Unk	Yes	No	Unk	Yes	<input checked="" type="radio"/> No
3b. Is any adjoining property used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility (if applicable, identify which)?	Yes	No	Unk	Yes	No	Unk	Yes	<input checked="" type="radio"/> No
4a. Did you observe evidence or do you have any prior knowledge that the property has been used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility (if applicable, identify which)?	Yes	No	Unk	Yes	No	Unk	<input checked="" type="radio"/> Yes	<input type="radio"/> No
4b. Did you observe evidence or do you have any prior knowledge that any adjoining property has been used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility (if applicable, identify which)?	Yes	No	Unk	Yes	No	Unk	<input checked="" type="radio"/> Yes	<input type="radio"/> No
5a. Are there currently any damaged or discarded automotive or industrial batteries, pesticides, paints, or other chemicals in individual containers of >5 gal (19 L) in volume or 50 gal (190 L) in the aggregate, stored on or used at the property or at the facility?	Yes	No	Unk	Yes	No	Unk	<input checked="" type="radio"/> Yes	<input type="radio"/> No
5b. Did you observe evidence or do you have any prior knowledge that there have been previously any damaged or discarded automotive or industrial batteries, or pesticides, paints, or other chemicals in individual containers of >5 gal (19 L) in volume or 50 gal (190 L) in the aggregate, stored on or used at the property or at the facility?	Yes	No	Unk	Yes	No	Unk	<input checked="" type="radio"/> Yes	<input type="radio"/> No
6a. Are there currently any industrial drums (typically 55 gal (208 L)) or sacks of chemicals located on the property or at the facility?	Yes	No	Unk	Yes	No	Unk	<input checked="" type="radio"/> Yes	<input type="radio"/> No
6b. Did you observe evidence or do you have any prior knowledge that there have been previously any industrial drums (typically 55 gal (208 L)) or sacks of chemicals located on the property or at the facility?	Yes	No	Unk	Yes	No	Unk	<input checked="" type="radio"/> Yes	<input type="radio"/> No
7a. Did you observe evidence or do you have any prior knowledge that fill dirt has been brought onto the property that originated from a contaminated site?	Yes	No	Unk	Yes	No	Unk	Yes	<input checked="" type="radio"/> No

¹ Unk = "unknown" or "no response"

Question	Owner			Occupants (if applicable)			Observed During Site Visit	
7b. Did you observe evidence or do you have any prior knowledge that <i>fill dirt</i> has been brought onto the <i>property</i> that is of an unknown origin?	Yes	No	Unk	Yes	No	Unk	Yes	<u>No</u>
8a. Are there currently any <i>pits, ponds, or lagoons</i> located on the <i>property</i> in connection with waste treatment or waste disposal?	Yes	No	Unk	Yes	No	Unk	Yes	<u>No</u>
8b. Did you observe evidence or do you have any prior knowledge that there have been previously, any <i>pits, ponds, or lagoons</i> located on the <i>property</i> in connection with waste treatment or waste disposal?	Yes	No	Unk	Yes	No	Unk	Yes	<u>No</u>
9a. Is there currently any stained soil on the <i>property</i> ?	Yes	No	Unk	Yes	No	Unk	Yes	No <u>Unk</u>
9b. Did you observe evidence or do you have any prior knowledge that there has been previously, any stained soil on the <i>property</i> ?	Yes	No	Unk	Yes	No	Unk	<u>Yes</u>	No
10a. Are there currently any registered or unregistered storage tanks (above or underground) located on the <i>property</i> ?	Yes	No	Unk	Yes	No	Unk	Yes	<u>No</u>
10b. Did you observe evidence or do you have any prior knowledge that there have been previously, any registered or unregistered storage tanks (above or underground) located on the <i>property</i> ?	Yes	No	Unk	Yes	No	Unk	<u>Yes</u>	No
11a. Are there currently any vent pipes, fill pipes, or access ways indicating a fill pipe protruding from the ground on the <i>property</i> or adjacent to any structure located on the <i>property</i> ?	Yes	No	Unk	Yes	No	Unk	<u>Yes</u>	No
11b. Did you observe evidence or do you have any prior knowledge that there have been previously, any vent pipes, fill pipes, or access ways indicating a fill pipe protruding from the ground on the <i>property</i> or adjacent to any structure located on the <i>property</i> ?	Yes	No	Unk	Yes	No	Unk	<u>Yes</u>	No
12a. Is there currently evidence of leaks, spills or staining by substances other than water, or foul odors, associated with any flooring, drains, walls, ceilings, or exposed grounds on the <i>property</i> ?	Yes	No	Unk	Yes	No	Unk	<u>Yes</u>	No
12b. Did you observe evidence or do you have any prior knowledge that there have been previously any leaks, spills, or staining by substances other than water, or foul odors, associated with any flooring drains, walls, ceilings or exposed grounds on the <i>property</i> ?	Yes	No	Unk	Yes	No	Unk	<u>Yes</u>	No
13a. If the <i>property</i> is served by a private well or non-public water system, is there evidence or do you have prior knowledge that contaminants have been identified in the well or system that exceed guidelines applicable to the water system?	Yes	No	Unk	Yes	No	Unk	Yes	<u>No</u>
13b. If the <i>property</i> is served by a private well or non-public water system, is there evidence or do you have prior knowledge that the well has been designated as contaminated by any government environmental/health agency?	Yes	No	Unk	Yes	No	Unk	Yes	<u>No</u>
14. Does the <i>owner</i> or <i>occupant</i> of the <i>property</i> have any knowledge of <i>environmental</i> liens or governmental notification relating to past or recurrent violations of environmental laws with respect to the <i>property</i> or any facility located on the <i>property</i> ?	Yes	No	Unk	Yes	No	Unk		
15a. Has the <i>owner</i> or <i>occupant</i> of the <i>property</i> been informed of the past existence of hazardous substances or petroleum products with respect to the <i>property</i> or any facility located on the <i>property</i> ?	Yes	No	Unk	Yes	No	Unk		
15b. Has the <i>owner</i> or <i>occupant</i> of the <i>property</i> been informed of the current existence of hazardous substances or petroleum products with respect to the <i>property</i> or any facility located on the <i>property</i> ?	Yes	No	Unk	Yes	No	Unk		
15c. Has the <i>owner</i> or <i>occupant</i> of the <i>property</i> been informed of the past existence of environmental violations with respect to the <i>property</i> or any facility located on the <i>property</i> ?	Yes	No	Unk	Yes	No	Unk		
15d. Has the <i>owner</i> or <i>occupant</i> of the <i>property</i> been informed of the current existence of environmental violations with respect to the <i>property</i> or any facility located on the <i>property</i> ?	Yes	No	Unk	Yes	No	Unk		
16. Does the <i>owner</i> or <i>occupant</i> of the <i>property</i> have any knowledge of any environmental site assessment of the <i>property</i> or facility that indicated the presence of hazardous substances or petroleum products on, or contamination of, the <i>property</i> or recommended further assessment of the <i>property</i> ?	Yes	No	Unk	Yes	No	Unk		

Question	Owner			Occupants (if applicable)			Observed During Site Visit	
17. Does the <i>owner or occupant</i> of the <i>property</i> know of any past, threatened, or pending lawsuits or administrative proceedings concerning a release or threatened release of any <i>hazardous substance or petroleum products</i> involving the <i>property</i> by any owner or occupant of the <i>property</i> ?	Yes	No	Unk	Yes	No	Unk		
18a. Does the <i>property</i> discharge waste water (not including sanitary waste or storm water) onto or adjacent to the <i>property</i> and/or into a storm water system?	Yes	No	Unk	Yes	No	Unk	Yes	<input checked="" type="radio"/> No
18b. Does the <i>property</i> discharge waste water (not including sanitary waste or storm water) onto or adjacent to the <i>property</i> and/or into a sanitary sewer system?	Yes	No	Unk	Yes	No	Unk	Yes	<input checked="" type="radio"/> No
19. Did you observe evidence or do you have any prior knowledge that any <i>hazardous substances or petroleum products</i> , unidentified waste materials, tires, automotive or industrial batteries, or any other waste materials have been dumped above grade, buried and/or burned on the <i>property</i> ?	Yes	No	Unk	Yes	No	Unk	<input checked="" type="radio"/> Yes	No
20. Is there a transformer, capacitor, or any hydraulic equipment for which there are any records indicating the presence of PCBs?	Yes	No	Unk	Yes	No	Unk	Yes	No <input checked="" type="radio"/> Unk

Government Records/Historical Sources Inquiry
(See guide, Section 10 of ASTM Practice E 1528-00)

21. Do any of the following Federal government record systems list the property or any property within the search distance noted below:

Approximate Minimum Search Distance,
miles (kilometers)

Federal NPL site list	1.0 (1.6)	Yes	<input checked="" type="radio"/> No
Federal CERCLIS list	0.5 (0.8)	<input checked="" type="radio"/> Yes	No
Federal CERCLIS NFRAP site list	property and adjoining properties	Yes	<input checked="" type="radio"/> No
Federal RCRA CORRACTS facilities list	1.0 (1.6)	<input checked="" type="radio"/> Yes	No
Federal RCRA non-CORRACTS TSD facilities list	0.5 (0.8)	<input checked="" type="radio"/> Yes	No
Federal RCRA generators list	property and adjoining properties	<input checked="" type="radio"/> Yes	No
Federal ERNS list	property only	Yes	<input checked="" type="radio"/> No

22. Do any of the following state record systems list the property or any property within the search distance noted below:

Approximate Minimum Search Distance,
miles (kilometers)

State lists of hazardous waste sites
identified for investigation or remediation:

State — Equivalent NPL	1.0 (1.6)	Yes	No
State — Equivalent CERCLIS	0.5 (0.8)	Yes	<input checked="" type="radio"/> No
State landfill and/or solid waste disposal site lists	0.5 (0.8)	<input checked="" type="radio"/> Yes	No
State leaking UST lists	0.5 (0.8)	<input checked="" type="radio"/> Yes	No
State registered UST lists	property and adjoining properties	Yes	<input checked="" type="radio"/> No

23. Based upon a review of *fire insurance maps* 10.3.1.3 or consultation with the local fire department serving the *property*, all as specified in the guide, are any buildings or other improvements on the *property* or on an *adjoining property* identified as having been used for an industrial use or uses likely to lead to contamination of the *property*?

☒ Yes No

The preparer of the transaction screen questionnaire must complete and sign the following. (For definition of *preparer* and *user*, see 5.3 or 3.3.28 of ASTM Practice E 1528-00.)

The Owner questionnaire was completed by:

Name _____

Title _____

Firm _____

Address _____

Phone number _____

Date _____

Preparer's relationship to site _____

Preparer's relationship to user (for example, principal, employee, agent, consultant) _____

The Occupant questionnaire was completed by:

Name _____

Title _____

Firm _____

Address _____

Phone number _____

Date _____

Preparer's relationship to site _____

Preparer's relationship to user (for example, principal, employee, agent, consultant) _____

The Site Visit questionnaire was completed by:

Name Patrick Adelman

Title Project Manager

Firm AFD Environmental

Address P.O. Box 4049

Manassas Falls, VT 05440

Phone number 716-283-7645

Date 2/12/2010

Preparer's relationship to site None

Preparer's relationship to user (for example, principal, employee, agent, consultant) Consultant

The Government Records and Historical Sources Inquiry questionnaire was completed by:

Name _____

Title _____

Firm _____

Address _____

Phone number _____

Date _____

Preparer's relationship to site _____

Preparer's relationship to user (for example, principal, employee, agent, consultant) _____

User's relationship to the site (for example, owner, prospective purchaser, lender, etc.) _____

If the preparer(s) is different from the user, complete the following:

Name of User _____

User's address _____

User's phone number _____

Copies of the completed questionnaires have been filed at:

AFD's office

Copies of the completed questionnaires have been mailed or delivered to:

Owner/Occupant

Preparer represents that to the best of the preparer's knowledge the above statements and facts are true and correct and to the best of the preparer's actual knowledge no material facts have been suppressed or misstated.

Signature _____

Date _____

Signature _____

Date _____

Signature [Signature]

Date 2/12/2010

CONVERSATION LOG

PROJECT NO.: xb-Door Store Phase I DATE: 1/06/10 TIME: 1:30 pm

RE: 111 Hydraulic Building Project

NAME: Marc Pennacchio

PHONE: _____

TITLE: Former Door Store Employee

FIRM: _____

NOTES:

Marc said when he was an employee of the former door store, the employees used to cut gas tanks in half and dump them on the ground inside/outside the building.

BY: Patrick Ackerman

PAGE NO.: _____ FILE: MAIN OFFICE FILES _____ PROJECT FILE _____

AFI ENVIRONMENTAL

PO Box 4049
Niagara Falls, NY 14304
716-283-7645
716-283-2858(FAX)

CONVERSATION LOG

PROJECT NO.: xb-Door Store Phase I DATE: 1/06/10 TIME: 1:30 pm

RE: 111 Hydraulic Building Project

NAME: Secretary

PHONE: _____

TITLE: City of Buffalo Fire Prevention Dept

FIRM: City of Buffalo

NOTES:

The City of Buffalo Fire Prevention Dept has a record of a 12,000 gallon UST being installed with no documentation of removal and a record of a 1000 gallon UST being installed, replaced and removed.

BY: Patrick Ackerman

PAGE NO.: _____ FILE: MAIN OFFICE FILES _____ PROJECT FILE _____

AFI ENVIRONMENTAL

PO Box 4049

Niagara Falls, NY 14304

716-283-7643

716-283-2858(FAX)

CONVERSATION LOG

PROJECT NO.: xb-Door Store Phase I DATE: 1/06/10 TIME: 1:00 pm

RE: 111 Hydraulic Building Project

NAME: David Krug

PHONE: _____

TITLE: Building Inspector

FIRM: City of Buffalo

NOTES:

Called David to get the zoning, acres, and general assessment and building permit information for the Phase I report

BY: Patrick Ackerman

PAGE NO.: _____ FILE: MAIN OFFICE FILES _____ PROJECT FILE _____

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716-283-2858(FAX)*

AFI Environmental

P. O. Box 4049
Niagara Falls, New York 14304
716-283-7645
Fax: 716-283-2858

December 16, 2009

U.S. Environmental Protection Agency
Office of External Programs
290 Broadway
New York, New York 10007-1866

Dear Sirs:

FREEDOM OF INFORMATION REQUEST

The intent of this letter is to request any record of environmental concern (i.e., hazardous waste, spills, underground tanks, or groundwater pollution) at:

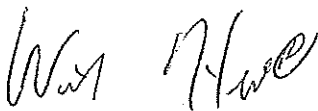
797/799 Seneca Street, Buffalo, New York 14210
819 Seneca Street, Buffalo, New York 14210
111 Hydraulic Street, Buffalo, New York 14210
105 Hydraulic Street, Buffalo, New York 14210
742 Carroll Street, Buffalo, New York 14210
746 Carroll Street, Buffalo, New York 14210
764 Carroll Street, Buffalo, New York 14210
768 Carroll Street, Buffalo, New York 14210
777 Seneca Street, Buffalo, New York 14210

Please send any information for the assessed properties regarding the following USEPA databases:

- CERCLIS and NPL listings;
- RCRIS / Hazardous Waste Data Management System (HWDMSW);
- RCRA Corrective Action Sites (CORRACTS);
- ERNS listings;
- Facility Index System (FINDS) for CERCLIS, CDS, PCS, FATES, DOCKET, FURS, FRDS, TRIS, FFIS, CICIS
- Spills listings for the 14210 zip codes

Please send any information to my attention at the above address. Thank you for your cooperation.

Sincerely,



William Heitzenrater
Senior Environmental Professional

WLH:pwa



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2, 290 Broadway, 26th Floor
New York, NY 10007
212-637-3668
212-637-5046 (fax)
Calderon.Wanda@epa.gov

January 12, 2010

Mr. William Heitzenrater
AFI Environmental
PO Box 4049
Niagara Falls, NY , 14304
United States

RE: Request No: 02-FOI-00478-10

Dear Mr. Heitzenrater,

This is to acknowledge receipt of your Freedom of Information Act (FOIA), 5 U.S.C. 552, request dated December 16, 2009 and received in this office on January 07, 2010, for records related to:


Multiple sites in Buffalo, NY 14210 (along Seneca, Hydraulic & Carroll Streets)

The program(s) office(s) that have been assigned this request will be responding to you directly. The Agency has twenty (20) working days to respond to your request, except when you have agreed to an alternate due date or unusual circumstances exist that would require an extension of time under 5 U.S.C. 552 (a) (6) (B).

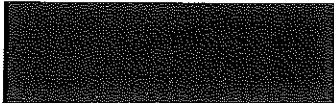
Include your FOIA request number in all subsequent communications with respect to this assignment. You can also find out the status/progress of your request by visiting our web site at www.epa.gov/foia. It is recommended that you include your email address in all related communications for faster processing.

Thank you.

Respectfully,


Wanda Calderon
FOIA Specialist

AFI Environmental



P. O. Box 4049
Niagara Falls, New York 14304
716-283-7645
Fax: 716-283-2858

December 16, 2009

New York State Department of Environmental Conservation
NYSDEC Commissioner
625 Broadway
Albany, NY 12233-1010

Dear Sirs:

FREEDOM OF INFORMATION REQUEST

The intent of this letter is to request any record of environmental concern (i.e., hazardous waste, spills, underground tanks, or groundwater pollution) at:

797/799 Seneca Street, Buffalo, New York 14210
819 Seneca Street, Buffalo, New York 14210
111 Hydraulic Street, Buffalo, New York 14210
105 Hydraulic Street, Buffalo, New York 14210
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764 Carroll Street, Buffalo, New York 14210
768 Carroll Street, Buffalo, New York 14210
777 Seneca Street, Buffalo, New York 14210

Please send any information for the assessed properties regarding the following USEPA databases:

- CERCLIS and NPL listings;
- RCRIS / Hazardous Waste Data Management System (HWDMSW);
- RCRA Corrective Action Sites (CORRACTS);
- ERNS listings;
- Facility Index System (FINDS) for CERCLIS, CDS, PCS, FATES, DOCKET, FURS, FRDS, TRIS, FFIS, CICIS
- Spills listings for the 14210 zip codes

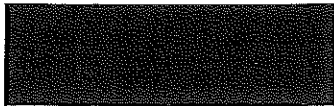
Please send any information to my attention at the above address. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "William Heitzenrater".

William Heitzenrater
Senior Environmental Professional
WLH:pwa

AFI Environmental



P. O. Box 4049
Niagara Falls, New York 14304
716-283-7645
Fax: 716-283-2858

December 16, 2009

Building Department
Building Inspector
Room 304
65 Niagara Square
Buffalo, New York 14220

RE: Freedom of Information Law Request (FOIL)

Gentlemen: Under the provisions of the New York Freedom of Information Law, Article 6 of the Public Officers Law, I hereby request records or portions thereof pertaining to:

797/799 Seneca Street, Buffalo, New York 14210
819 Seneca Street, Buffalo, New York 14210
111 Hydraulic Street, Buffalo, New York 14210
105 Hydraulic Street, Buffalo, New York 14210
742 Carroll Street, Buffalo, New York 14210
746 Carroll Street, Buffalo, New York 14210
764 Carroll Street, Buffalo, New York 14210
768 Carroll Street, Buffalo, New York 14210
777 Seneca Street, Buffalo, New York 14210

If there are any fees for copying the records requested, please inform me before completing the request.

As you know, the Freedom of Information Law requires that an agency respond to a request within five (5) days of receipt of a request.

If, for any reason, any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

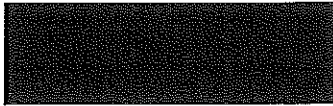
Sincerely,

A handwritten signature in cursive script, appearing to read "Will H.", with a small circular mark at the end.

WILLIAM L. HEITZENRATER
Senior Environmental Professional

WLH:pwa

AFI Environmental



P. O. Box 4049
Niagara Falls, New York 14304
716-283-7645
Fax: 716-283-2858

December 16, 2009

Mr. James O'Meara
Records Access Officer
Empire State Plaza
Corning Tower
Room 2348
Albany, New York 12237-0044

Dear Mr. O'Meara:

FREEDOM OF INFORMATION REQUEST

The intent of this letter is to request any record of environmental concern (i.e., hazardous waste, spills, underground tanks, or groundwater pollution) at

797/799 Seneca Street, Buffalo, New York 14210
819 Seneca Street, Buffalo, New York 14210
111 Hydraulic Street, Buffalo, New York 14210
105 Hydraulic Street, Buffalo, New York 14210
742 Carroll Street, Buffalo, New York 14210
746 Carroll Street, Buffalo, New York 14210
764 Carroll Street, Buffalo, New York 14210
768 Carroll Street, Buffalo, New York 14210
777 Seneca Street, Buffalo, New York 14210

Please send any information for the assessed properties to my attention at the above address. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Will Heitzenrater".

William Heitzenrater
SENIOR ENVIRONMENTAL PROFESSIONAL

WLH:pwa

STATE OF NEW YORK - DEPARTMENT OF HEALTH

INTEROFFICE MEMORANDUM

TO: Robert W. LoCicero, Records Access Officer
Records Access Office
Corning Tower, Room 2348

FROM: Scarlett Messier
Bureau of Environmental Exposure Investigation

SUBJECT: FOIL REQUEST #09-12-214

DATE: December 21, 2009

REQUESTOR

SITE LOCATIONS

William Heitzenrater
AFI Environmental
P.O. Box 4049
Niagara Falls, NY 14304

797/799 Seneca Street, Buffalo, New York 14210
819 Seneca Street, Buffalo, New York 14210
~~111 Hydraulic Street, Buffalo, New York 14210~~
105 Hydraulic Street, Buffalo, New York 14210
742 Carroll Street, Buffalo, New York 14210
746 Carroll Street, Buffalo, New York 14210
764 Carroll Street, Buffalo, New York 14210
768 Carroll Street, Buffalo, New York 14210
777 Seneca Street, Buffalo, New York 14210

I reviewed the files in the Bureau of Environmental Exposure Investigation as per Mr. Heitzenrater's request for information regarding the above referenced properties with respect to environmental concerns (i.e. hazardous waste, spills, underground tanks, or groundwater pollution). No information was found responsive to this request.

If you have any questions, please contact me at (518) 402-7870.

cc: Foil File
Erie County File



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Richard F. Daines, M.D.
Commissioner

James W. Clyne, Jr.
Executive Deputy Commissioner

January 6, 2010

William Heitzenrater
AFI Environmental
PO Box 4049
Niagara Falls, NY 14304

Re: FOIL #09-12-214

Dear Mr. Heitzenrater:

Your request, under provisions of the Freedom of Information Law for records related to the specific properties referenced in your request, has been reviewed by the Department's Records Access Office.

The Department's Bureau of Environmental Exposure Investigation has advised this office that after a diligent search, no records responsive to your request have been located. Please see the enclosed memo for additional information.

Should you require additional information or wish to discuss this matter further, please do not hesitate to contact me at (518) 474-8734.

Sincerely,



James P. O'Hare
Records Access Office

797 Seneca Street

797 Seneca Street

Buffalo, NY 14210

Inquiry Number: 2659593.5

December 15, 2009

The EDR Aerial Photo Decade Package



440 Wheelers Farms Road
Milford, CT 06461
800.352.0050
www.edrnet.com

EDR Aerial Photo Decade Package

Environmental Data Resources, Inc. (EDR) Aerial Photo Decade Package is a screening tool designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDRs professional researchers provide digitally reproduced historical aerial photographs, and when available, provide one photo per decade.

When delivered electronically by EDR, the aerial photo images included with this report are for ONE TIME USE ONLY. Further reproduction of these aerial photo images is prohibited without permission from EDR. For more information contact your EDR Account Executive.

Thank you for your business.
Please contact EDR at 1-800-352-0050
with any questions or comments.

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This Report contains certain information obtained from a variety of public and other sources reasonably available to Environmental Data Resources, Inc. It cannot be concluded from this Report that coverage information for the target and surrounding properties does not exist from other sources. **NO WARRANTY EXPRESSED OR IMPLIED, IS MADE WHATSOEVER IN CONNECTION WITH THIS REPORT. ENVIRONMENTAL DATA RESOURCES, INC. SPECIFICALLY DISCLAIMS THE MAKING OF ANY SUCH WARRANTIES, INCLUDING WITHOUT LIMITATION, MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE. ALL RISK IS ASSUMED BY THE USER. IN NO EVENT SHALL ENVIRONMENTAL DATA RESOURCES, INC. BE LIABLE TO ANYONE, WHETHER ARISING OUT OF ERRORS OR OMISSIONS, NEGLIGENCE, ACCIDENT OR ANY OTHER CAUSE, FOR ANY LOSS OF DAMAGE, INCLUDING, WITHOUT LIMITATION, SPECIAL, INCIDENTAL, CONSEQUENTIAL, OR EXEMPLARY DAMAGES. ANY LIABILITY ON THE PART OF ENVIRONMENTAL DATA RESOURCES, INC. IS STRICTLY LIMITED TO A REFUND OF THE AMOUNT PAID FOR THIS REPORT.** Purchaser accepts this Report AS IS. Any analyses, estimates, ratings, environmental risk levels or risk codes provided in this Report are provided for illustrative purposes only, and are not intended to provide, nor should they be interpreted as providing any facts regarding, or prediction or forecast of, any environmental risk for any property. Only a Phase I Environmental Site Assessment performed by an environmental professional can provide information regarding the environmental risk for any property. Additionally, the information provided in this Report is not to be construed as legal advice.

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Date EDR Searched Historical Sources:
Aerial Photography December 15, 2009

Target Property:
797 Seneca Street
Buffalo, NY 14210

<u>Year</u>	<u>Scale</u>	<u>Details</u>	<u>Source</u>
1927	Aerial Photograph. Scale: 1"=500'	Panel #: 2442078-H7/Flight Date: June 01, 1927	EDR
1958	Aerial Photograph. Scale: 1"=750'	Panel #: 2442078-H7/Flight Date: October 06, 1958	EDR
1959	Aerial Photograph. Scale: 1"=500'	Panel #: 2442078-H7/Flight Date: May 08, 1959	EDR
1966	Aerial Photograph. Scale: 1"=750'	Panel #: 2442078-H7/Flight Date: June 12, 1966	EDR
1978	Aerial Photograph. Scale: 1"=833'	Panel #: 2442078-H7/Flight Date: October 31, 1978	EDR
1983	Aerial Photograph. Scale: 1"=750'	Panel #: 2442078-H7/Flight Date: March 17, 1983	EDR
1985	Aerial Photograph. Scale: 1"=1000'	Panel #: 2442078-H7/Flight Date: May 03, 1985	EDR
1995	Aerial Photograph. Scale: 1"=750'	Panel #: 2442078-H7/Flight Date: March 28, 1995	EDR
2006	Aerial Photograph. 1" = 604'	Flight Year: 2006	EDR



INQUIRY #: 2659593.5

YEAR: 1927

— = 500'





INQUIRY #: 2659593.5

YEAR: 1958

1" = 750'





INQUIRY #: 2659593.5

YEAR: 1959

— = 500'



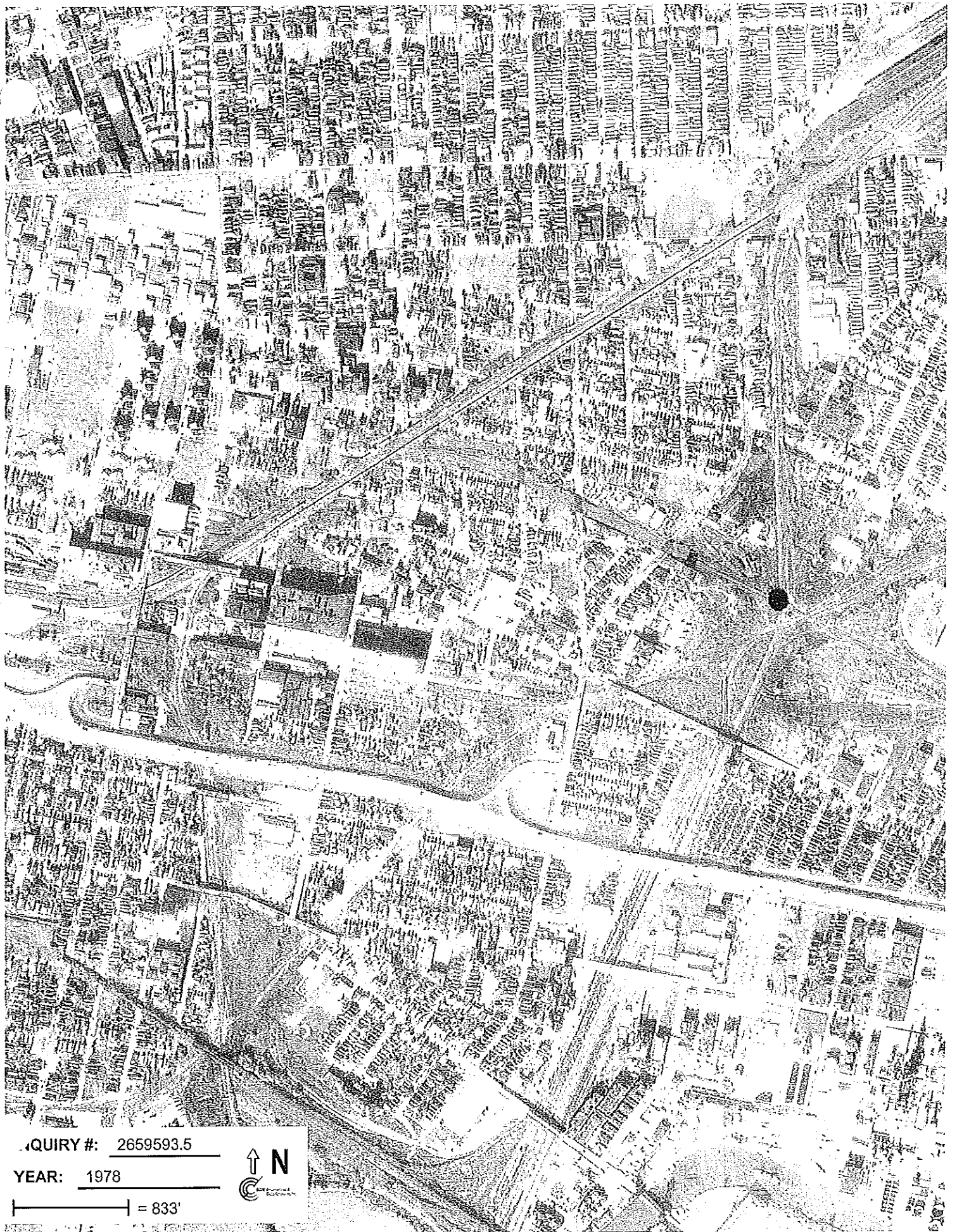


INQUIRY #: 2659593.5

YEAR: 1966

1" = 750'





INQUIRY #: 2659593.5

YEAR: 1978

833'





QUERY #: 2659593.5

YEAR: 1983

750'





QUIRY #: 2659593.5

YEAR: 1985

— = 1000'



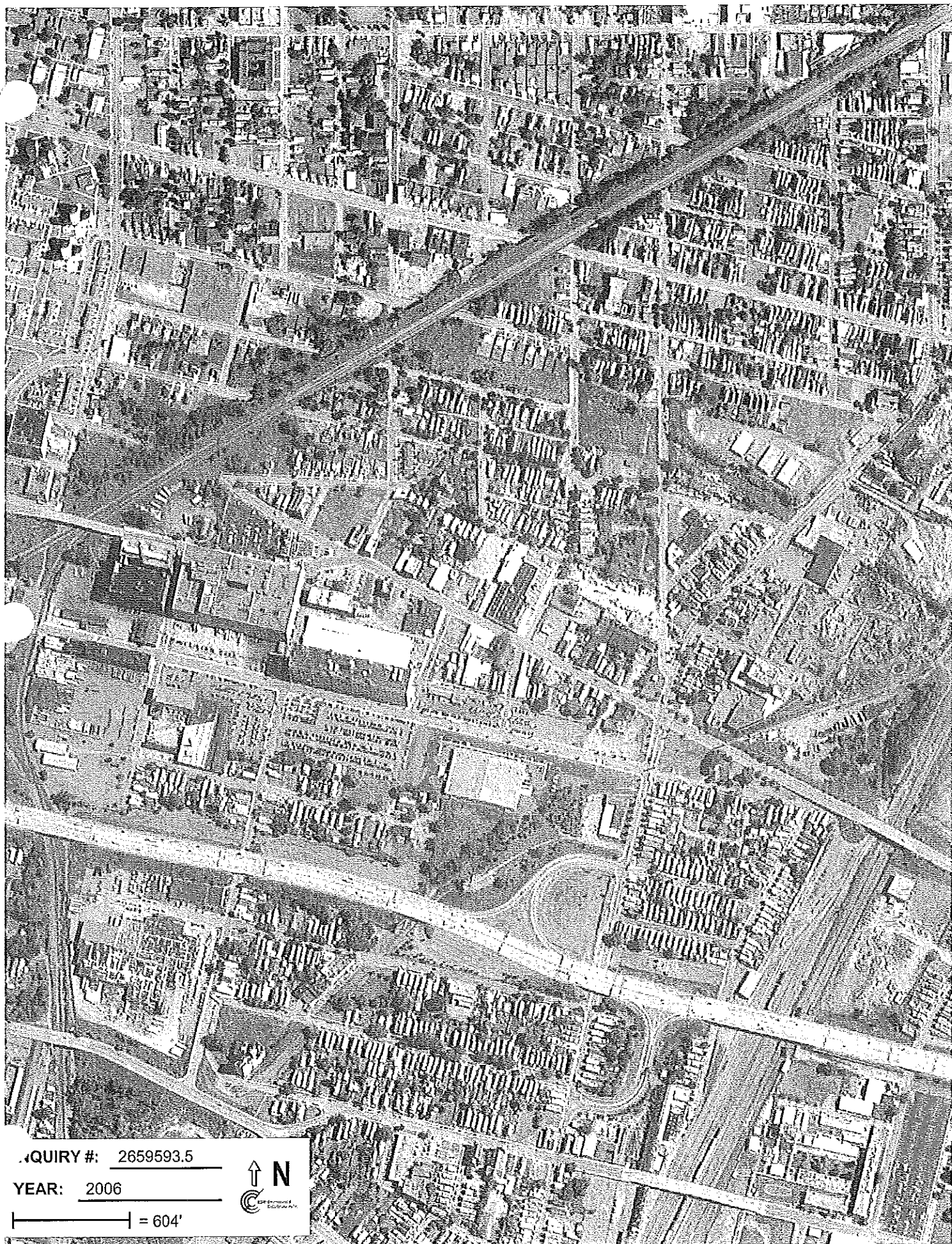


INQUIRY #: 2659593.5

YEAR: 1995

— = 750'





INQUIRY #: 2659593.5

YEAR: 2006

1" = 604'



797 Seneca Street
797 Seneca Street
Buffalo, NY 14210

Inquiry Number: 2659593.6
December 23, 2009

The EDR-City Directory Abstract



440 Wheelers Farms Road
Milford, CT 06461
800.352.0050
www.edrnet.com

TABLE OF CONTENTS

SECTION

Executive Summary

Findings

Thank you for your business.
Please contact EDR at 1-800-352-0050
with any questions or comments.

Disclaimer - Copyright and Trademark Notice

This Report contains certain information obtained from a variety of public and other sources reasonably available to Environmental Data Resources, Inc. It cannot be concluded from this Report that coverage information for the target and surrounding properties does not exist from other sources. **NO WARRANTY EXPRESSED OR IMPLIED, IS MADE WHATSOEVER IN CONNECTION WITH THIS REPORT. ENVIRONMENTAL DATA RESOURCES, INC. SPECIFICALLY DISCLAIMS THE MAKING OF ANY SUCH WARRANTIES, INCLUDING WITHOUT LIMITATION, MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE. ALL RISK IS ASSUMED BY THE USER. IN NO EVENT SHALL ENVIRONMENTAL DATA RESOURCES, INC. BE LIABLE TO ANYONE, WHETHER ARISING OUT OF ERRORS OR OMISSIONS, NEGLIGENCE, ACCIDENT OR ANY OTHER CAUSE, FOR ANY LOSS OR DAMAGE, INCLUDING, WITHOUT LIMITATION, SPECIAL, INCIDENTAL, CONSEQUENTIAL, OR EXEMPLARY DAMAGES. ANY LIABILITY ON THE PART OF ENVIRONMENTAL DATA RESOURCES, INC. IS STRICTLY LIMITED TO A REFUND OF THE AMOUNT PAID FOR THIS REPORT.** Purchaser accepts this Report "AS IS". Any analyses, estimates, ratings, environmental risk levels or risk codes provided in this Report are provided for illustrative purposes only, and are not intended to provide, nor should they be interpreted as providing any facts regarding, or prediction or forecast of, any environmental risk for any property. Only a Phase I Environmental Site Assessment performed by an environmental professional can provide information regarding the environmental risk for any property. Additionally, the information provided in this Report is not to be construed as legal advice.

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2009 Enhancements to EDR City Directory Abstract

New for 2009, the EDR City Directory Abstract has been enhanced with additional information and features. These enhancements will make your city directory research process more efficient, flexible, and insightful than ever before. The enhancements will improve the options for selecting adjoining properties, and will speed up your review of the report.

City Directory Report. Three important enhancements have been made to the EDR City Directory Abstract:

1. *Executive Summary.* The report begins with an Executive Summary that lists the sources consulted in the preparation of the report. Where available, a parcel map is also provided within the report, showing the locations of properties researched.
2. *Page Images.* Where available, the actual page source images will be included in the Appendix, so that you can review them for information that may provide additional insight. EDR has copyright permission to include these images.
3. *Findings Listed by Location.* Another useful enhancement is that findings are now grouped by address. This will significantly reduce the time you need to review your abstracts. Findings are provided under each property address, listed in reverse chronological order and referencing the source for each entry.

Options for Selecting Adjoining Properties. Ensuring that the right adjoining property addresses are searched is one of the biggest challenges that environmental professionals face when conducting city directory historical research. EDR's new enhancements make it easier for you to meet this challenge. Now, when you place an order for the EDR City Directory Abstract, you have the following choices for determining which addresses should be researched.

1. *You Select Addresses and EDR Selects Addresses.* Use the "Add Another Address" feature to specify the addresses you want researched. Your selections will be supplemented by addresses selected by EDR researchers using our established research methods. Where available, a digital map will be shown, indicating property lines overlaid on a color aerial photo and their corresponding addresses. Simply use the address list below the map to check off which properties shown on the map you want to include. You may also select other addresses using the "Add Another Address" feature at the bottom of the list.
2. *EDR Selects Addresses.* Choose this method if you want EDR's researchers to select the addresses to be researched for you, using our established research methods.
3. *You Select Addresses.* Use this method for research based solely on the addresses you select or enter into the system.
4. *Hold City Directory Research Option.* If you choose to select your own adjoining addresses, you may pause production of your EDR City Directory Abstract report until you have had a chance to look at your other EDR reports and sources. Sources for property addresses include: your Certified Sanborn Map Report may show you the location of property addresses; the new EDR Property Tax Map Report may show the location of property addresses; and your field research can supplement these sources with additional address information. To use this capability, simply click "Hold City Directory research" box under "Other Options" at the bottom of the page. Once you have determined what addresses you want researched, go to your EDR Order Status page, select the EDR City Directory Abstract, and enter the addresses and submit for production.

Questions? Contact your EDR representative at 800-352-0050. For more information about all of EDR's 2009 report and service enhancements, visit www.edrnet.com/2009enhancements

EXECUTIVE SUMMARY

DESCRIPTION

Environmental Data Resources, Inc.'s (EDR) City Directory Abstract is a screening tool designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDR's City Directory Abstract includes a search and abstract of available city directory data. For each address, the directory lists the name of the corresponding occupant at five year intervals.

RESEARCH SUMMARY

The following research sources were consulted in the preparation of this report. An "X" indicates where information was identified in the source and provided in this report.

<u>Year</u>	<u>Source</u>	<u>TP</u>	<u>Adjoining</u>	<u>Text Abstract</u>	<u>Source Image</u>
2010	Polk's City Directory	X	X	X	-
2004	Polk's City Directory	X	X	X	-
1998	Polk's City Directory	-	X	X	-
1992	Polk's City Directory	X	X	X	-
1987	Polk's City Directory	X	X	X	-
1982	Polk's City Directory	X	X	X	-
1976	Polk's City Directory	X	X	X	-
1970	Polk's City Directory	X	X	X	-
1964	Polk's City Directory	X	X	X	-
1958	Polk's City Directory	X	X	X	-
1953	Polk's City Directory	X	X	X	-
1948	Polk's City Directory	X	X	X	-
1942	Polk's City Directory	X	X	X	-
1938	Polk's City Directory	X	X	X	-

EXECUTIVE SUMMARY

SELECTED ADDRESSES

The following addresses were selected by the client, for EDR to research. An "X" indicates where information was identified.

<u>Address</u>	<u>Type</u>	<u>Findings</u>
742 Carroll Street	Client Entered	X
746 Carroll Street	Client Entered	X
764 Carroll Street	Client Entered	X
768 Carroll Street	Client Entered	X
105 Hydraulic Street	Client Entered	
111 Hydraulic Street	Client Entered	X
777 Seneca Street	Client Entered	X
819 Seneca Street	Client Entered	X

FINDINGS

TARGET PROPERTY INFORMATION

ADDRESS

797 Seneca Street
Buffalo, NY 14210

FINDINGS DETAIL

Target Property research detail.

<u>Year</u>	<u>Uses</u>	<u>Source</u>
2010	Good Door Store	Polk's City Directory
	Permotech Spray On Bedliner	Polk's City Directory
2004	Best Southern Body Parts	Polk's City Directory
	Gas Tank Warehouse	Polk's City Directory
	Good Door Store	Polk's City Directory
1992	Phoenix International	Polk's City Directory
1987	Bureau Inc	Polk's City Directory
	Western New York Auto Recovery	Polk's City Directory
1982	Bureau Inc	Polk's City Directory
	Western New York Auto Recovery	Polk's City Directory
1976	Famous Linen Supply	Polk's City Directory
	Queen City Laundry Inc	Polk's City Directory
1970	Famous Linen Supply	Polk's City Directory
	Queen City Laundry Inc	Polk's City Directory
1964	Famous Linen Supply	Polk's City Directory
	Overnite Valet Inc	Polk's City Directory
	Queen City Laundry Inc	Polk's City Directory
	Seneca Audio Visual Corp	Polk's City Directory
1958	Famous Linen Supply	Polk's City Directory
	Overnite Valet Inc	Polk's City Directory
	Queen City Laundry Inc	Polk's City Directory
1953	Dollar Dry Cleaning	Polk's City Directory
1948	Dollar Dry Cleaning	Polk's City Directory
1942	Dollar Dry Cleaning	Polk's City Directory
1938	Dollar Dry Cleaning	Polk's City Directory

FINDINGS

ADJOINING PROPERTY DETAIL

The following Adjoining Property addresses were researched for this report. Detailed findings are provided for each address.

Carroll Street

742 Carroll Street

<u>Year</u>	<u>Uses</u>	<u>Source</u>
2004	Residential	Polk's City Directory
1998	Residential	Polk's City Directory
1992	Residential	Polk's City Directory
1987	Residential	Polk's City Directory
1982	Residential	Polk's City Directory
1976	Residential	Polk's City Directory
1970	Residential	Polk's City Directory
1964	Residential	Polk's City Directory
1958	Residential	Polk's City Directory
1953	Residential	Polk's City Directory
1948	Residential	Polk's City Directory
1942	Residential	Polk's City Directory
1938	Residential	Polk's City Directory

746 Carroll Street

<u>Year</u>	<u>Uses</u>	<u>Source</u>
2004	No current listing	Polk's City Directory
1992	Vacant	Polk's City Directory
1987	Residential	Polk's City Directory
1982	Residential	Polk's City Directory
1976	Residential	Polk's City Directory
1970	Residential	Polk's City Directory
1964	Residential	Polk's City Directory
1958	Residential	Polk's City Directory
1953	Residential	Polk's City Directory
1948	Residential	Polk's City Directory
1942	Residential	Polk's City Directory
1938	Residential	Polk's City Directory

FINDINGS

764 Carroll Street

<u>Year</u>	<u>Uses</u>	<u>Source</u>
2010	No current listing	Polk's City Directory
2004	Residential	Polk's City Directory
1998	Residential	Polk's City Directory
1992	Residential	Polk's City Directory
1987	Residential	Polk's City Directory
1982	Residential	Polk's City Directory
1976	Residential	Polk's City Directory
1970	Residential	Polk's City Directory
1964	Residential	Polk's City Directory
1958	Residential	Polk's City Directory
1953	Residential	Polk's City Directory
1948	Residential	Polk's City Directory
1942	Residential	Polk's City Directory
1938	Residential	Polk's City Directory

768 Carroll Street

<u>Year</u>	<u>Uses</u>	<u>Source</u>
2010	No current listing	Polk's City Directory
2004	No current listing	Polk's City Directory
1998	Residential	Polk's City Directory
1992	Residential	Polk's City Directory
1987	Residential	Polk's City Directory
1982	Residential	Polk's City Directory
1976	Residential	Polk's City Directory
1970	Residential	Polk's City Directory
1964	Residential	Polk's City Directory
1958	Residential	Polk's City Directory
1953	Residential	Polk's City Directory
1948	Residential	Polk's City Directory
1942	Residential	Polk's City Directory
1938	Residential	Polk's City Directory

Hydraulic Street

111 Hydraulic Street

<u>Year</u>	<u>Uses</u>	<u>Source</u>
1970	Vacant	Polk's City Directory
1964	Residential	Polk's City Directory

FINDINGS

<u>Year</u>	<u>Uses</u>	<u>Source</u>
1958	Residential	Polk's City Directory
1953	Residential	Polk's City Directory
1942	Residential	Polk's City Directory
1938	Residential	Polk's City Directory

Seneca Street

777 Seneca Street

<u>Year</u>	<u>Uses</u>	<u>Source</u>
1964	Custom Canvas Manufacturing	Polk's City Directory
1958	Vacant	Polk's City Directory
1953	Vacant	Polk's City Directory
1942	Residential	Polk's City Directory
1938	Residential	Polk's City Directory

819 Seneca Street

<u>Year</u>	<u>Uses</u>	<u>Source</u>
1964	Vacant	Polk's City Directory
1958	Residential	Polk's City Directory
1953	Residential	Polk's City Directory
1948	Residential	Polk's City Directory
1942	Residential	Polk's City Directory
1938	Residential	Polk's City Directory

FINDINGS

TARGET PROPERTY: ADDRESS NOT LISTED IN RESEARCH SOURCE

The following Target Property addresses were researched for this report, and the addresses were not listed in the research source.

Address Researched

797 Seneca Street

Address Not Listed in Research Source

1998

ADJOINING PROPERTY: ADDRESSES NOT LISTED IN RESEARCH SOURCE

The following Adjoining Property addresses were researched for this report, and the addresses were not listed in research source.

Address Researched

105 Hydraulic Street

111 Hydraulic Street

742 Carroll Street

746 Carroll Street

777 Seneca Street

819 Seneca Street

Address Not Listed in Research Source

2010, 2004, 1998, 1992, 1987, 1982, 1976, 1970, 1964, 1958, 1953, 1948, 1942, 1938

2010, 2004, 1998, 1992, 1987, 1982, 1976, 1948

2010

2010, 1998

2010, 2004, 1998, 1992, 1987, 1982, 1976, 1970, 1948

2010, 2004, 1998, 1992, 1987, 1982, 1976, 1970

797 Seneca Street

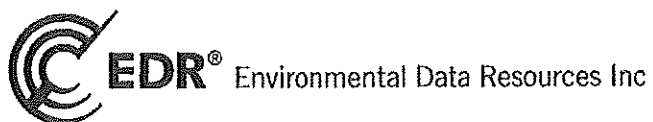
797 Seneca Street

Buffalo, NY 14210

Inquiry Number: 2659593.3

December 15, 2009

Certified Sanborn® Map Report



440 Wheelers Farms Road
Milford, CT 06461
800.352.0050
www.edrnet.com

Certified Sanborn® Map Report

12/15/09

Site Name:
797 Seneca Street
797 Seneca Street
Buffalo, NY 14210

Client Name:
AFI Environmental
14665 Marsh Island Ln
Jacksonville, FL 32250



EDR Inquiry # 2659593.3

Contact: Patrick Ackerman

The complete Sanborn Library collection has been searched by EDR, and fire insurance maps covering the target property location provided by AFI Environmental were identified for the years listed below. The certified Sanborn Library search results in this report can be authenticated by visiting www.edrnet.com/sanborn and entering the certification number. Only Environmental Data Resources Inc. (EDR) is authorized to grant rights for commercial reproduction of maps by Sanborn Library LLC, the copyright holder for the collection.

Certified Sanborn Results:

Site Name: 797 Seneca Street
Address: 797 Seneca Street
City, State, Zip: Buffalo, NY 14210
Cross Street:
P.O. # NA
Project: Door Store Soil
Certification # 7EB1-43F1-9341



Sanborn® Library search results
Certification # 7EB1-43F1-9341

Maps Provided:

1986
1981
1950
1926
1899
1889

The Sanborn Library includes more than 1.2 million Sanborn fire insurance maps, which track historical property usage in approximately 12,000 American cities and towns. Collections searched:

- ☒ Library of Congress
- ☒ University Publications of America
- ☒ EDR Private Collection

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Certified Sanborn® Map Report Enhancements for 2009

The accompanying Certified Sanborn Map Report reflects a number of enhancements that make it easier for you to review these historical maps. EDR has digitally joined together the more than one million fire insurance maps from the Sanborn Library collection so that your target property is centered, making it easier for you to review adjoining properties. Here is a list of the new features:

- Your target property is centered on each map. You can quickly locate your target property and view adjoining properties. Plus, adjoining properties are included more often, reducing your need to refer to additional maps.
- All maps are now displayed at a uniform scale. This makes it easier for you to view changes to the property over time.
- We've increased coverage by adding thousands of new maps from 40 cities for years 1994-2007.
- A new Map Key and Sheet Thumbnails let you reference sheet numbers, year and volume of original Sanborn Map panels used for this report.

For more information about the new enhancements to the Certified Sanborn Map Report, contact your EDR representative at 800-352-0050.

Sanborn Sheet Thumbnails

This Certified Sanborn Map Report is based upon the following Sanborn Fire Insurance map sheets.



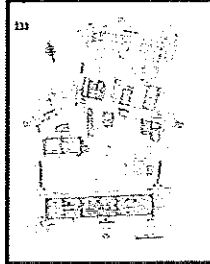
1986 Source Sheets



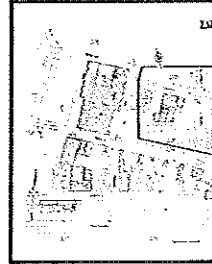
Volume 2, Sheet 228



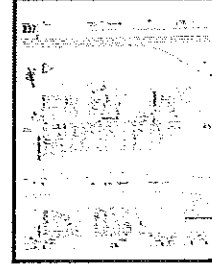
Volume 2, Sheet 230



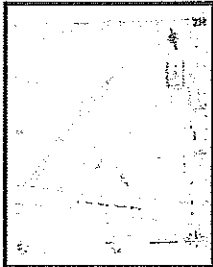
Volume 2, Sheet 233



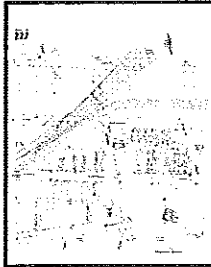
Volume 2, Sheet 234



Volume 2, Sheet 237



Volume 2, Sheet 238

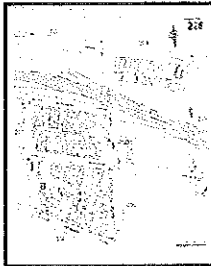


Volume 2, Sheet 227

1981 Source Sheets



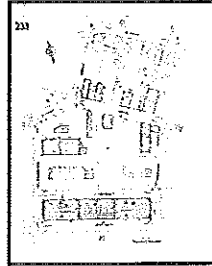
Volume 2, Sheet 227



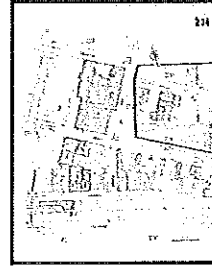
Volume 2, Sheet 228



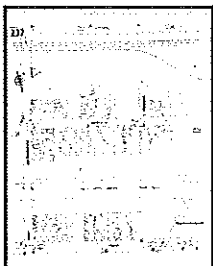
Volume 2, Sheet 230



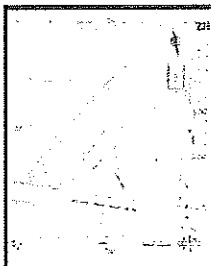
Volume 2, Sheet 233



Volume 2, Sheet 234

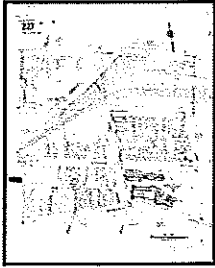


Volume 2, Sheet 237

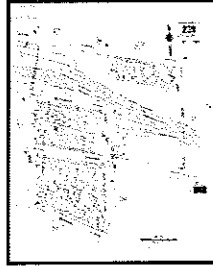


Volume 2, Sheet 238

1950 Source Sheets



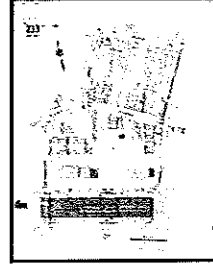
Volume 2, Sheet 227



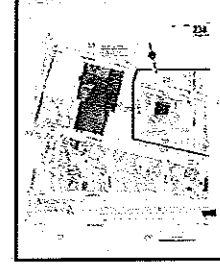
Volume 2, Sheet 228



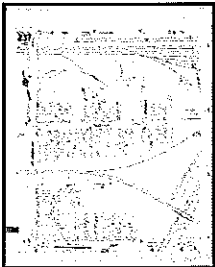
Volume 2, Sheet 230



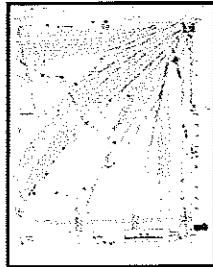
Volume 2, Sheet 233



Volume 2, Sheet 234

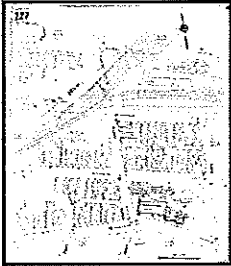


Volume 2, Sheet 237

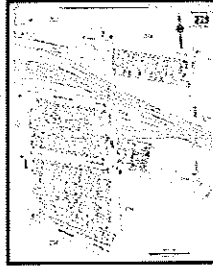


Volume 2, Sheet 238

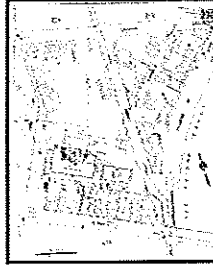
1926 Source Sheets



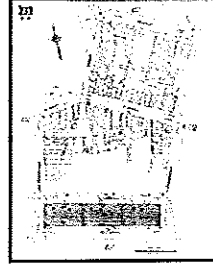
Volume 2, Sheet 227



Volume 2, Sheet 228



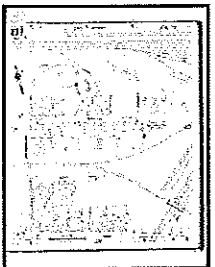
Volume 2, Sheet 230



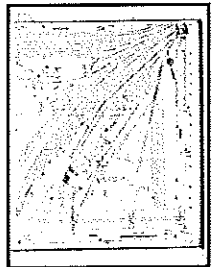
Volume 2, Sheet 233



Volume 2, Sheet 234

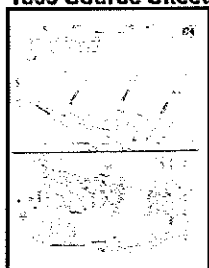


Volume 2, Sheet 237

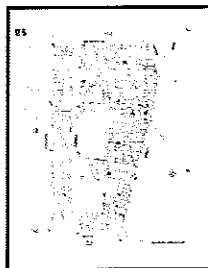


Volume 2, Sheet 238

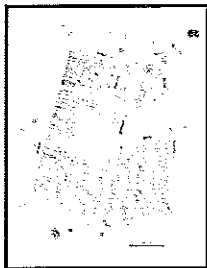
1899 Source Sheets



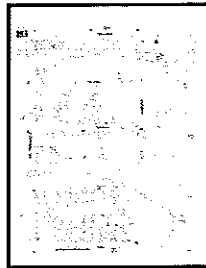
Volume 2, Sheet 174



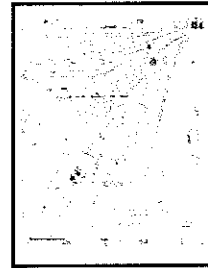
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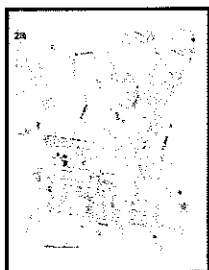
Volume 2, Sheet 186



Volume 2, Sheet 193



Volume 2, Sheet 194



Volume 2, Sheet 201

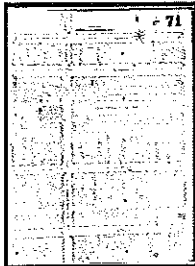
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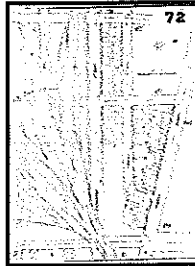
Volume 2, Sheet 66



Volume 2, Sheet 67

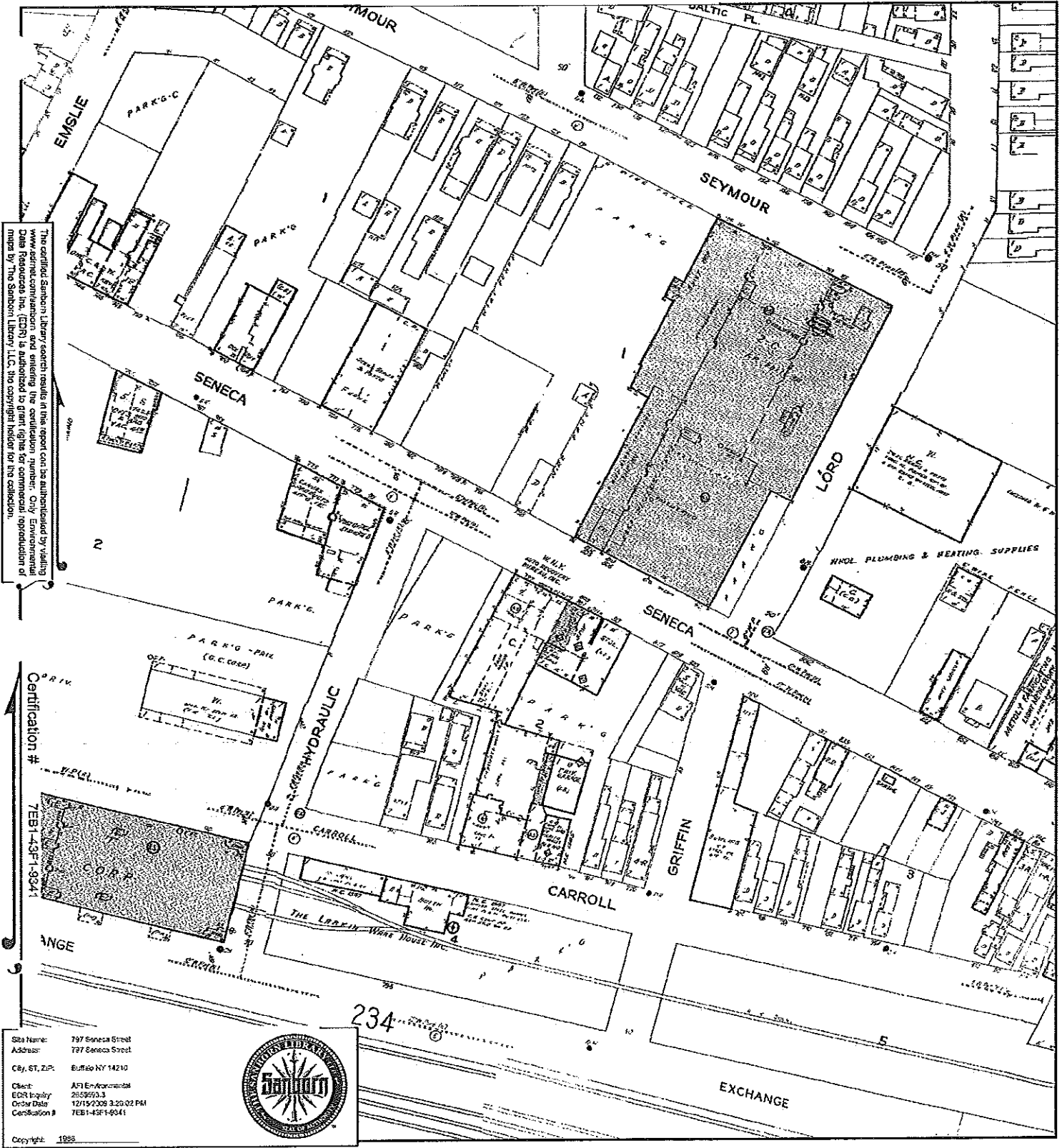


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Volume 2, Sheet 72

1986 Certified Sanborn Map



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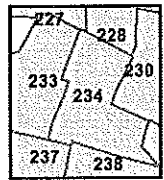
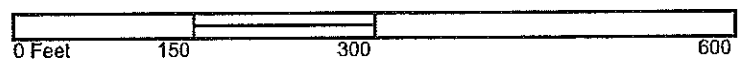
Certification # 7EB1-43F1-9341

Site Name: 797 Seneca Street
 Address: 797 Seneca Street
 City, ST, ZIP: Buffalo NY 14210
 Client: AFI Environmental
 EDR Inquiry: 2659593.3
 Order Date: 12/15/2008 3:20:02 PM
 Certification #: 7EB1-43F1-9341



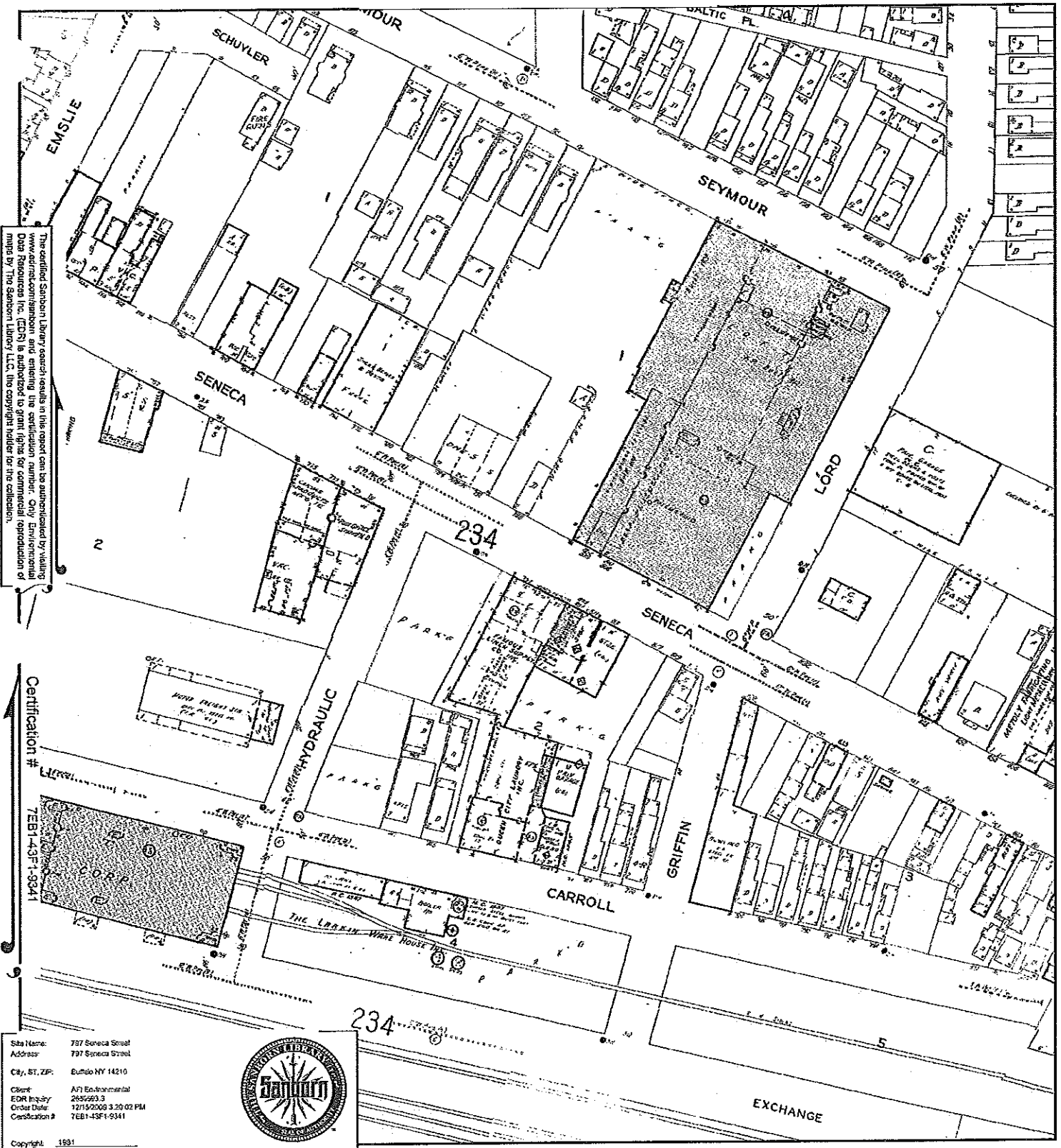
Copyright: 1986

This Certified Sanborn Map combines the following sheets (thumbnails on page 3).



- Volume 2, Sheet 228
- Volume 2, Sheet 230
- Volume 2, Sheet 233
- Volume 2, Sheet 234
- Volume 2, Sheet 237
- Volume 2, Sheet 238
- Volume 2, Sheet 227

1981 Certified Sanborn Map



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Certification #

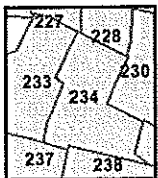
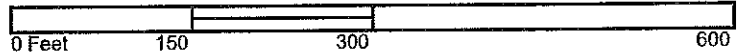
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Site Name: 797 Seneca Street
Address: 797 Seneca Street
City, ST, ZIP: Buffalo NY 14210
Client: AFI Environmental
EOR Inquiry: 2659593.3
Order Date: 12/15/2008 3:20:02 PM
Certification #: 7EB1-43F1-9341



Copyright: 1991

This Certified Sanborn Map combines the following sheets (thumbnails on page 3).

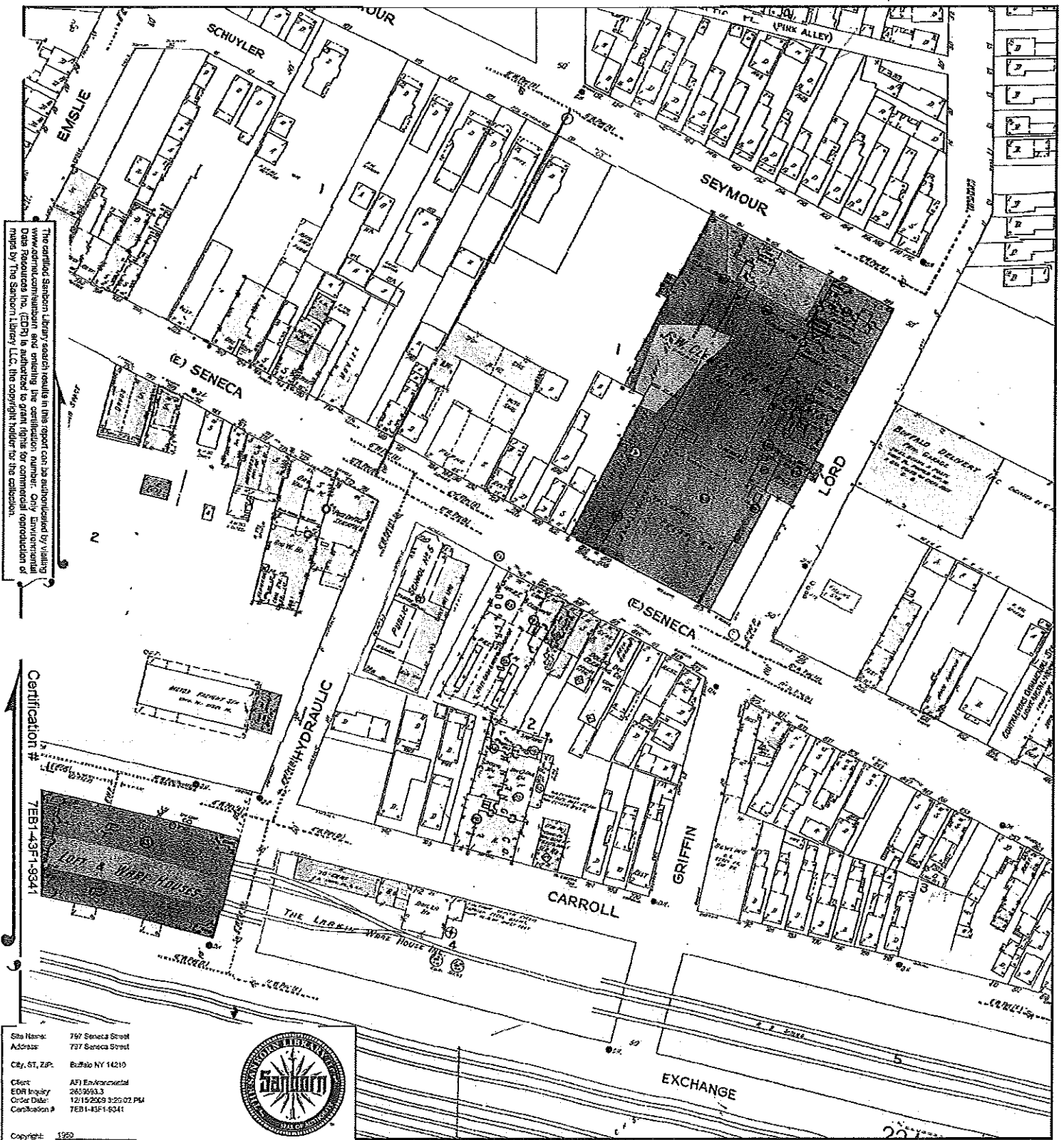


Volume 2, Sheet 227
Volume 2, Sheet 228
Volume 2, Sheet 230
Volume 2, Sheet 233
Volume 2, Sheet 234

Volume 2, Sheet 237
Volume 2, Sheet 238



1950 Certified Sanborn Map



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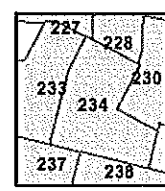
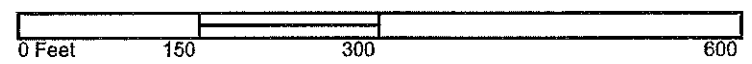
Certification #
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City, ST, ZIP: Buffalo NY 14210
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Order Date: 12/15/2009 3:25:07 PM
Certification #: 7EB1-43F1-8341



Copyright: 1950

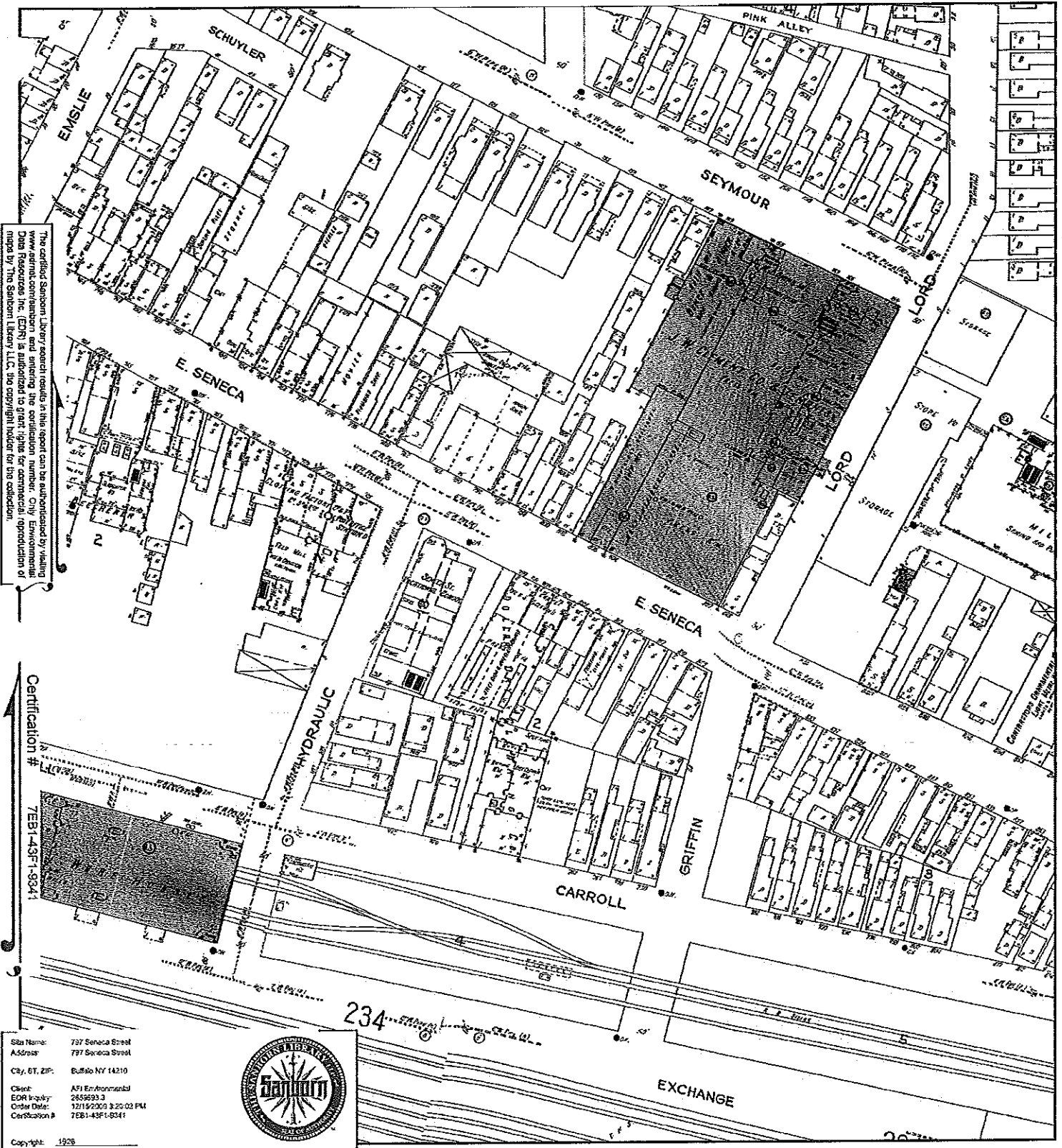
This Certified Sanborn Map combines the following sheets (thumbnails on page 3).



- | | |
|---------------------|---------------------|
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| Volume 2, Sheet 228 | Volume 2, Sheet 238 |
| Volume 2, Sheet 230 | |
| Volume 2, Sheet 233 | |
| Volume 2, Sheet 234 | |

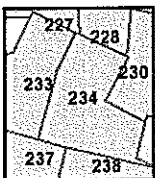


1926 Certified Sanborn Map



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0 Feet 150 300 600

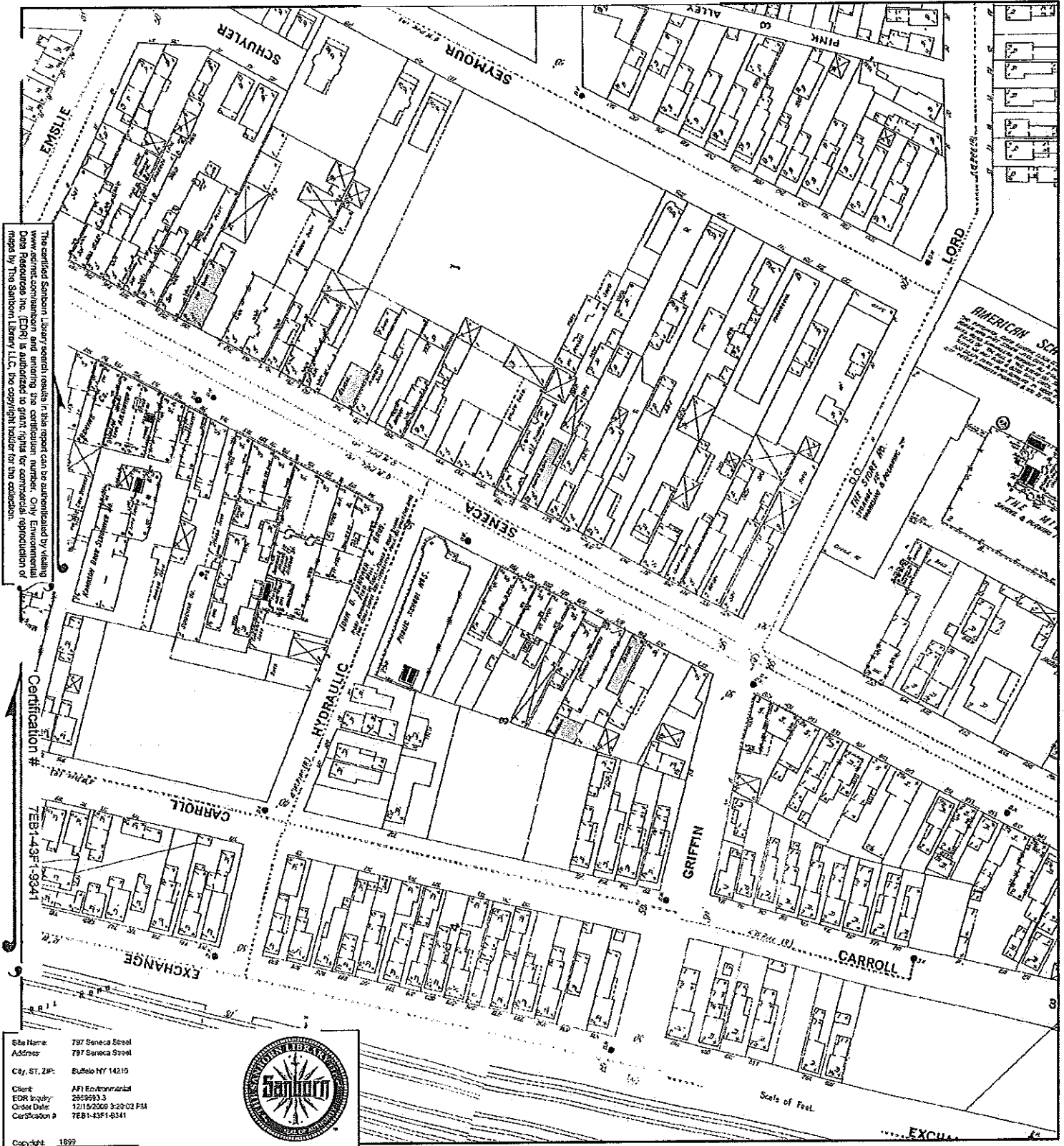


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Volume 2, Sheet 228
Volume 2, Sheet 230
Volume 2, Sheet 233
Volume 2, Sheet 234

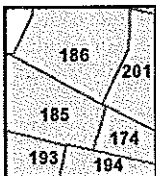
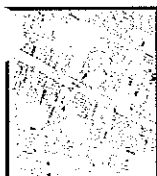
Volume 2, Sheet 237
Volume 2, Sheet 238



1899 Certified Sanborn Map



This Certified Sanborn Map combines the following sheets (thumbnails on page 3).



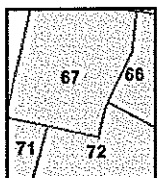
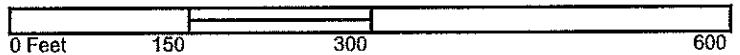
Volume 2, Sheet 174
 Volume 2, Sheet 185
 Volume 2, Sheet 186
 Volume 2, Sheet 193
 Volume 2, Sheet 194

Volume 2, Sheet 201

1889 Certified Sanborn Map



This Certified Sanborn Map combines the following sheets (thumbnails on page 3).



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 Volume 2, Sheet 71
 Volume 2, Sheet 72



GEOCHECK® - PHYSICAL SETTING SOURCE ADDENDUM

TARGET PROPERTY ADDRESS

797 SENECA STREET
797 SENECA STREET
BUFFALO, NY 14210

TARGET PROPERTY COORDINATES

Latitude (North):	42.87550 - 42° 52' 31.8"
Longitude (West):	78.8474 - 78° 50' 50.6"
Universal Transverse Mercator:	Zone 17
UTM X (Meters):	675816.8
UTM Y (Meters):	4749022.5
Elevation:	590 ft. above sea level

USGS TOPOGRAPHIC MAP

Target Property Map:	42078-H7 BUFFALO NE, NY
Most Recent Revision:	1965
South Map:	42078-G7 BUFFALO SE, NY
Most Recent Revision:	1965

EDR's GeoCheck Physical Setting Source Addendum is provided to assist the environmental professional in forming an opinion about the impact of potential contaminant migration.

Assessment of the impact of contaminant migration generally has two principle investigative components:

1. Groundwater flow direction, and
2. Groundwater flow velocity.

Groundwater flow direction may be impacted by surface topography, hydrology, hydrogeology, characteristics of the soil, and nearby wells. Groundwater flow velocity is generally impacted by the nature of the geologic strata.

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

GROUNDWATER FLOW DIRECTION INFORMATION

Groundwater flow direction for a particular site is best determined by a qualified environmental professional using site-specific well data. If such data is not reasonably ascertainable, it may be necessary to rely on other sources of information, such as surface topographic information, hydrologic information, hydrogeologic data collected on nearby properties, and regional groundwater flow information (from deep aquifers).

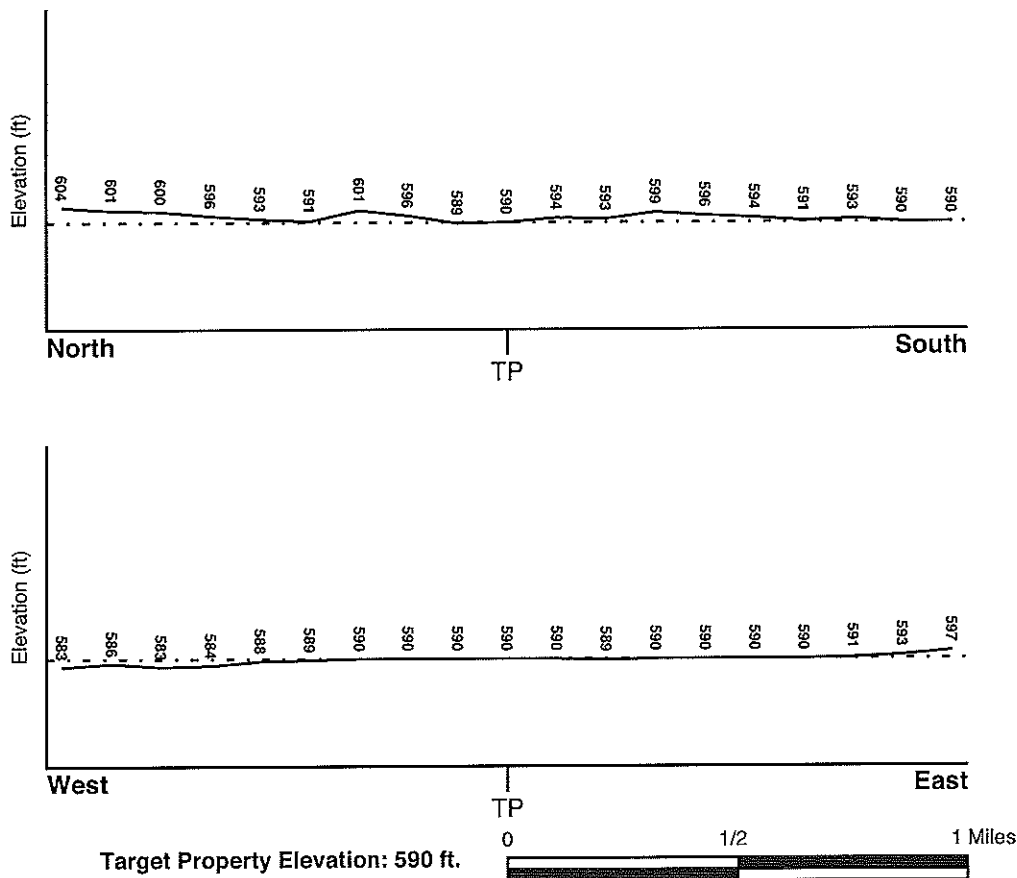
TOPOGRAPHIC INFORMATION

Surface topography may be indicative of the direction of surficial groundwater flow. This information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

TARGET PROPERTY TOPOGRAPHY

General Topographic Gradient: General South

SURROUNDING TOPOGRAPHY: ELEVATION PROFILES



Source: Topography has been determined from the USGS 7.5' Digital Elevation Model and should be evaluated on a relative (not an absolute) basis. Relative elevation information between sites of close proximity should be field verified.

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

HYDROLOGIC INFORMATION

Surface water can act as a hydrologic barrier to groundwater flow. Such hydrologic information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

Refer to the Physical Setting Source Map following this summary for hydrologic information (major waterways and bodies of water).

FEMA FLOOD ZONE

Target Property County
ERIE, NY

FEMA Flood
Electronic Data
YES - refer to the Overview Map and Detail Map

Flood Plain Panel at Target Property: 3602300020B

Additional Panels in search area: 3602300010B

NATIONAL WETLAND INVENTORY

NWI Quad at Target Property
BUFFALO NE

NWI Electronic
Data Coverage
YES - refer to the Overview Map and Detail Map

HYDROGEOLOGIC INFORMATION

Hydrogeologic information obtained by installation of wells on a specific site can often be an indicator of groundwater flow direction in the immediate area. Such hydrogeologic information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

Site-Specific Hydrogeological Data*:

Search Radius: 1.25 miles
Status: Not found

AQUIFLOW®

Search Radius: 1.000 Mile.

EDR has developed the AQUIFLOW Information System to provide data on the general direction of groundwater flow at specific points. EDR has reviewed reports submitted by environmental professionals to regulatory authorities at select sites and has extracted the date of the report, groundwater flow direction as determined hydrogeologically, and the depth to water table.

<u>MAP ID</u>	<u>LOCATION FROM TP</u>	<u>GENERAL DIRECTION GROUNDWATER FLOW</u>
Not Reported		

* ©1996 Site-specific hydrogeological data gathered by CERCLIS Alerts, Inc., Bainbridge Island, WA. All rights reserved. All of the information and opinions presented are those of the cited EPA report(s), which were completed under a Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS) investigation.

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

GROUNDWATER FLOW VELOCITY INFORMATION

Groundwater flow velocity information for a particular site is best determined by a qualified environmental professional using site specific geologic and soil strata data. If such data are not reasonably ascertainable, it may be necessary to rely on other sources of information, including geologic age identification, rock stratigraphic unit and soil characteristics data collected on nearby properties and regional soil information. In general, contaminant plumes move more quickly through sandy-gravelly types of soils than silty-clayey types of soils.

GEOLOGIC INFORMATION IN GENERAL AREA OF TARGET PROPERTY

Geologic information can be used by the environmental professional in forming an opinion about the relative speed at which contaminant migration may be occurring.

ROCK STRATIGRAPHIC UNIT

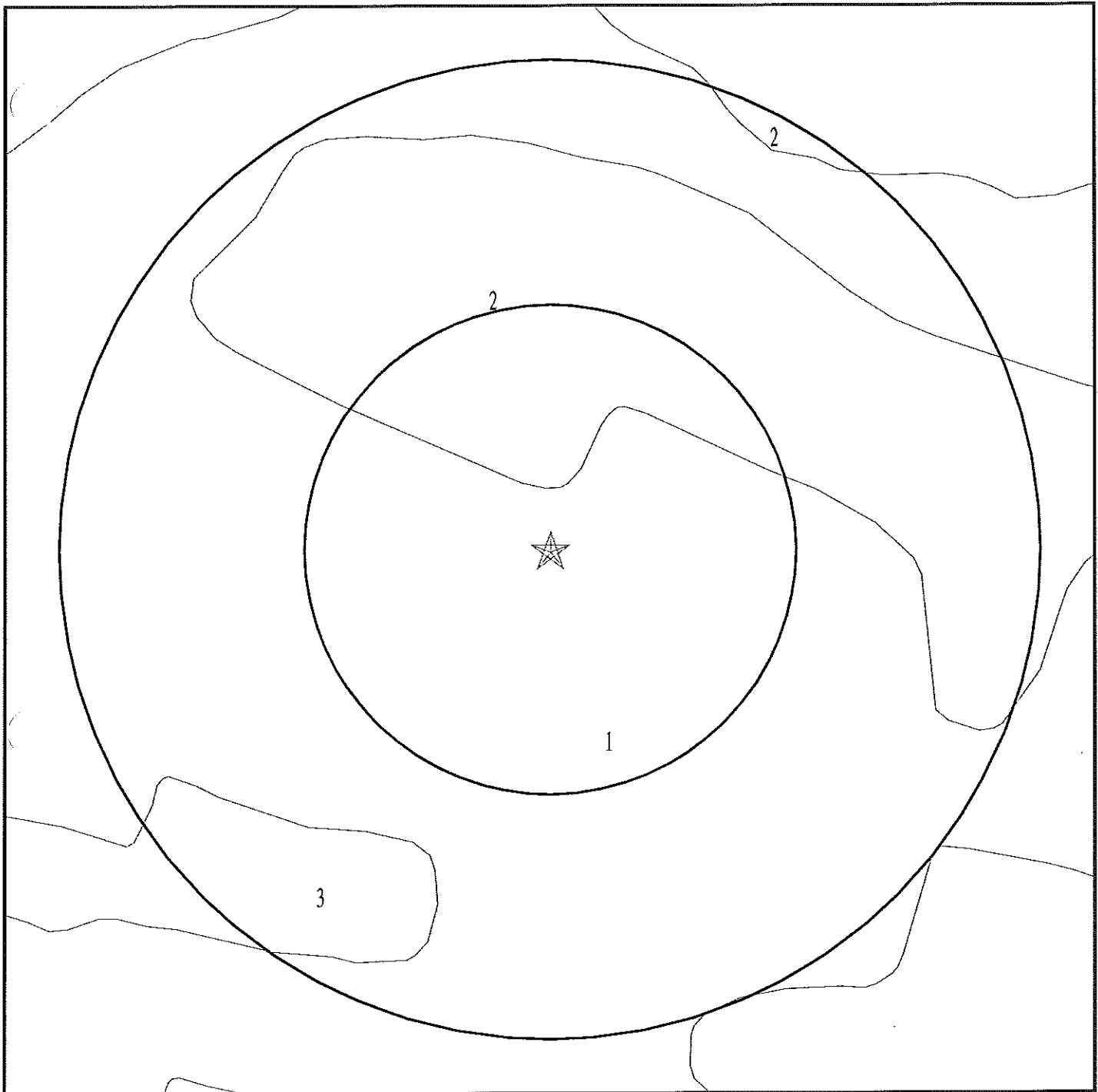
Era:	Paleozoic
System:	Devonian
Series:	Middle Devonian
Code:	D2 (decoded above as Era, System & Series)

GEOLOGIC AGE IDENTIFICATION

Category: Stratified Sequence

Geologic Age and Rock Stratigraphic Unit Source: P.G. Schruben, R.E. Arndt and W.J. Bawiec, Geology of the Conterminous U.S. at 1:2,500,000 Scale - a digital representation of the 1974 P.B. King and H.M. Beikman Map, USGS Digital Data Series DDS - 11 (1994).

SSURGO SOIL MAP - 2659593.2s



- ★ Target Property
- ∕ SSURGO Soil
- ∕ Water



SITE NAME: 797 Seneca Street
ADDRESS: 797 Seneca Street
Buffalo NY 14210
LAT/LONG: 42.8755 / 78.8474

CLIENT: AFI Environmental
CONTACT: Patrick Ackerman
INQUIRY #: 2659593.2s
DATE: December 15, 2009 1:19 pm

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

DOMINANT SOIL COMPOSITION IN GENERAL AREA OF TARGET PROPERTY

The U.S. Department of Agriculture's (USDA) Soil Conservation Service (SCS) leads the National Cooperative Soil Survey (NCSS) and is responsible for collecting, storing, maintaining and distributing soil survey information for privately owned lands in the United States. A soil map in a soil survey is a representation of soil patterns in a landscape. The following information is based on Soil Conservation Service SSURGO data.

Soil Map ID: 1

Soil Component Name: Urban land

Soil Surface Texture:
Hydrologic Group: Not reported

Soil Drainage Class:
Hydric Status: Unknown

Corrosion Potential - Uncoated Steel: Not Reported

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 0 inches

No Layer Information available.

Soil Map ID: 2

Soil Component Name: Urban

Soil Surface Texture:
Hydrologic Group: Not reported

Soil Drainage Class:
Hydric Status: Unknown

Corrosion Potential - Uncoated Steel: Not Reported

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 69 inches

No Layer Information available.

Soil Map ID: 3

Soil Component Name: Urban

Soil Surface Texture:
Hydrologic Group: Not reported

Soil Drainage Class:

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

Hydric Status: Unknown

Corrosion Potential - Uncoated Steel: Not Reported

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 31 inches

No Layer Information available.

LOCAL / REGIONAL WATER AGENCY RECORDS

EDR Local/Regional Water Agency records provide water well information to assist the environmental professional in assessing sources that may impact ground water flow direction, and in forming an opinion about the impact of contaminant migration on nearby drinking water wells.

WELL SEARCH DISTANCE INFORMATION

<u>DATABASE</u>	<u>SEARCH DISTANCE (miles)</u>
Federal USGS	1.000
Federal FRDS PWS	Nearest PWS within 1 mile
State Database	1.000

FEDERAL USGS WELL INFORMATION

<u>MAP ID</u>	<u>WELL ID</u>	<u>LOCATION FROM TP</u>
1	USGS2240762	1/4 - 1/2 Mile NNW
2	USGS2240721	1/4 - 1/2 Mile East
3	USGS2240716	1/2 - 1 Mile ESE
4	USGS2240753	1/2 - 1 Mile ENE
5	USGS2240758	1/2 - 1 Mile WNW
6	USGS2240724	1/2 - 1 Mile West
7	USGS2240747	1/2 - 1 Mile East
8	USGS2240911	1/2 - 1 Mile SSE

FEDERAL FRDS PUBLIC WATER SUPPLY SYSTEM INFORMATION

<u>MAP ID</u>	<u>WELL ID</u>	<u>LOCATION FROM TP</u>
No PWS System Found		

Note: PWS System location is not always the same as well location.

STATE DATABASE WELL INFORMATION

<u>MAP ID</u>	<u>WELL ID</u>	<u>LOCATION FROM TP</u>
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GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

STATE DATABASE WELL INFORMATION

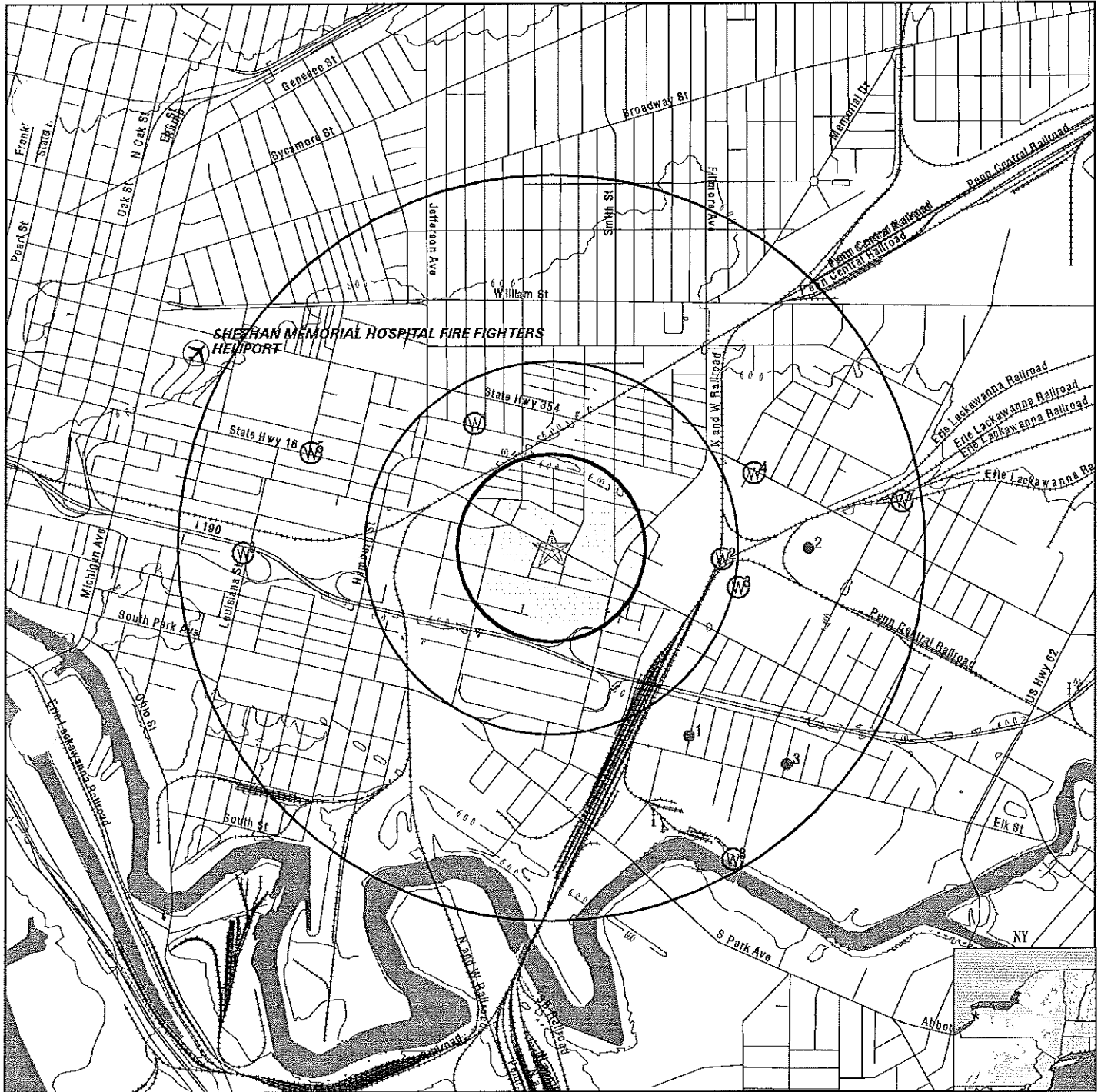
MAP ID	WELL ID	LOCATION FROM TP
No Wells Found		

OTHER STATE DATABASE INFORMATION

STATE OIL/GAS WELL INFORMATION

MAP ID	WELL ID	LOCATION FROM TP
1	NYOG50000033382	1/2 - 1 Mile SE
2	NYOG50000033493	1/2 - 1 Mile East
3	NYOG50000033358	1/2 - 1 Mile SE

PHYSICAL SETTING SOURCE MAP - 2659593.2s



County Boundary

Major Roads

Contour Lines

Airports

Earthquake epicenter, Richter 5 or greater

Water Wells

Public Water Supply Wells

Cluster of Multiple Icons

Groundwater Flow Direction

Indeterminate Groundwater Flow at Location

Groundwater Flow Varies at Location

Closest Hydrogeological Data

Oil, gas or related wells

SITE NAME: 797 Seneca Street

ADDRESS: 797 Seneca Street

Buffalo NY 14210

LAT/LONG: 42.8755 / 78.8474

CLIENT: AFI Environmental

CONTACT: Patrick Ackerman

INQUIRY #: 2659593.2s

DATE: December 15, 2009 1:19 pm

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Map ID
Direction
Distance
Elevation

Database EDR ID Number

1
NNW
1/4 - 1/2 Mile
Higher

FED USGS USGS2240762

Agency cd:	USGS	Site no:	425249078510601
Site name:	E 270		
Latitude:	425249	EDR Site id:	USGS2240762
Longitude:	0785106	Dec lat:	42.88033586
Dec lon:	-78.85142346	Coor meth:	M
Coor accr:	T	Latlong datum:	NAD27
Dec latlong datum:	NAD83	District:	36
State:	36	County:	029
Country:	US	Land net:	Not Reported
Location map:	BUFFALO NE J-05-2	Map scale:	24000
Altitude:	590		
Altitude method:	Interpolated from topographic map		
Altitude accuracy:	10		
Altitude datum:	National Geodetic Vertical Datum of 1929		
Hydrologic:	Not Reported		
Topographic:	Not Reported		
Site type:	Ground-water other than Spring	Date construction:	Not Reported
Date inventoried:	19880421	Mean greenwich time offset:	EST
Local standard time flag:	N		
Type of ground water site:	Test hole, not completed as a well		
Aquifer Type:	Not Reported		
Aquifer:	Not Reported		
Well depth:	Not Reported	Hole depth:	Not Reported
Source of depth data:	Not Reported		
Project number:	NY86-16400		
Real time data flag:	Not Reported	Daily flow data begin date:	Not Reported
Daily flow data end date:	Not Reported	Daily flow data count:	Not Reported
Peak flow data begin date:	Not Reported	Peak flow data end date:	Not Reported
Peak flow data count:	Not Reported	Water quality data begin date:	Not Reported
Water quality data end date:	Not Reported	Water quality data count:	Not Reported
Ground water data begin date:	Not Reported	Ground water data end date:	Not Reported
Ground water data count:	Not Reported		

Ground-water levels, Number of Measurements: 0

2
East
1/4 - 1/2 Mile
Higher

FED USGS USGS2240721

Agency cd:	USGS	Site no:	425230078501901
Site name:	E 243		
Latitude:	425230	EDR Site id:	USGS2240721
Longitude:	0785019	Dec lat:	42.87505818
Dec lon:	-78.83836739	Coor meth:	M
Coor accr:	T	Latlong datum:	NAD27
Dec latlong datum:	NAD83	District:	36
State:	36	County:	029
Country:	US	Land net:	Not Reported
Location map:	BUFFALO NE J-05-2	Map scale:	24000

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Altitude:	590		
Altitude method:	Interpolated from topographic map		
Altitude accuracy:	10		
Altitude datum:	National Geodetic Vertical Datum of 1929		
Hydrologic:	Not Reported		
Topographic:	Not Reported		
Site type:	Ground-water other than Spring	Date construction:	Not Reported
Date inventoried:	19880421	Mean greenwich time offset:	EST
Local standard time flag:	N		
Type of ground water site:	Test hole, not completed as a well		
Aquifer Type:	Not Reported		
Aquifer:	Not Reported		
Well depth:	Not Reported	Hole depth:	Not Reported
Source of depth data:	Not Reported		
Project number:	NY86-16400		
Real time data flag:	Not Reported	Daily flow data begin date:	Not Reported
Daily flow data end date:	Not Reported	Daily flow data count:	Not Reported
Peak flow data begin date:	Not Reported	Peak flow data end date:	Not Reported
Peak flow data count:	Not Reported	Water quality data begin date:	Not Reported
Water quality data end date:	Not Reported	Water quality data count:	Not Reported
Ground water data begin date:	Not Reported	Ground water data end date:	Not Reported
Ground water data count:	Not Reported		

Ground-water levels, Number of Measurements: 0

3
ESE
1/2 - 1 Mile
Higher

FED USGS USGS2240716

Agency cd:	USGS	Site no:	425226078501601
Site name:	E 241		
Latitude:	425226	EDR Site id:	USGS2240716
Longitude:	0785016	Dec lat:	42.87394708
Dec lon:	-78.83753402	Coor meth:	M
Coor accr:	F	Latlong datum:	NAD27
Dec latlong datum:	NAD83	District:	36
State:	36	County:	029
Country:	US	Land net:	Not Reported
Location map:	BUFFALO SE J-05-3	Map scale:	Not Reported
Altitude:	590.00		
Altitude method:	Interpolated from topographic map		
Altitude accuracy:	10		
Altitude datum:	National Geodetic Vertical Datum of 1929		
Hydrologic:	BuffaloEighteenmile. New York. Area = 732 sq.mi.		
Topographic:	Not Reported		
Site type:	Ground-water other than Spring	Date construction:	1900
Date inventoried:	Not Reported	Mean greenwich time offset:	EST
Local standard time flag:	N		
Type of ground water site:	Single well, other than collector or Ranney type		
Aquifer Type:	Not Reported		
Aquifer:	ONONDAGA LIMESTONE		
Well depth:	180	Hole depth:	Not Reported
Source of depth data:	Not Reported		
Project number:	ENB3		
Real time data flag:	0	Daily flow data begin date:	0000-00-00
Daily flow data end date:	0000-00-00	Daily flow data count:	0
Peak flow data begin date:	0000-00-00	Peak flow data end date:	0000-00-00

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Peak flow data count: 0
 Water quality data end date: 1951-06-19
 Ground water data begin date: 1951-00-00
 Ground water data count: 1

Water quality data begin date: 1951-06-19
 Water quality data count: 1
 Ground water data end date: 1951-00-00

Ground-water levels, Number of Measurements: 1

Date	Feet below Surface	Feet to Sealevel
1951	20.0	

4
 ENE
 1/2 - 1 Mile
 Higher

FED USGS USGS2240753

Agency cd:	USGS	Site no:	425242078501301
Site name:	E 264		
Latitude:	425242	EDR Site id:	USGS2240753
Longitude:	0785013	Dec lat:	42.8783915
Dec lon:	-78.8367007	Coor meth:	M
Coor accr:	T	Latlong datum:	NAD27
Dec latlong datum:	NAD83	District:	36
State:	36	County:	029
Country:	US	Land net:	Not Reported
Location map:	BUFFALO NE J-05-2	Map scale:	24000
Altitude:	600		
Altitude method:	Interpolated from topographic map		
Altitude accuracy:	10		
Altitude datum:	National Geodetic Vertical Datum of 1929		
Hydrologic:	Not Reported		
Topographic:	Not Reported		
Site type:	Ground-water other than Spring	Date construction:	Not Reported
Date inventoried:	19880421	Mean greenwich time offset:	EST
Local standard time flag:	N		
Type of ground water site:	Test hole, not completed as a well		
Aquifer Type:	Not Reported		
Aquifer:	Not Reported		
Well depth:	Not Reported	Hole depth:	Not Reported
Source of depth data:	Not Reported		
Project number:	NY86-16400		
Real time data flag:	Not Reported	Daily flow data begin date:	Not Reported
Daily flow data end date:	Not Reported	Daily flow data count:	Not Reported
Peak flow data begin date:	Not Reported	Peak flow data end date:	Not Reported
Peak flow data count:	Not Reported	Water quality data begin date:	Not Reported
Water quality data end date:	Not Reported	Water quality data count:	Not Reported
Ground water data begin date:	Not Reported	Ground water data end date:	Not Reported
Ground water data count:	Not Reported		

Ground-water levels, Number of Measurements: 0

5
 WNW
 1/2 - 1 Mile
 Higher

FED USGS USGS2240758

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Agency cd:	USGS	Site no:	425245078513701
Site name:	E 267		
Latitude:	425245	EDR Site id:	USGS2240758
Longitude:	0785137	Dec lat:	42.87922471
Dec lon:	-78.86003486	Coor meth:	M
Coor accr:	T	Latlong datum:	NAD27
Dec latlong datum:	NAD83	District:	36
State:	36	County:	029
Country:	US	Land net:	Not Reported
Location map:	BUFFALO NE J-05-2	Map scale:	24000
Altitude:	590		
Altitude method:	Interpolated from topographic map		
Altitude accuracy:	10		
Altitude datum:	National Geodetic Vertical Datum of 1929		
Hydrologic:	Not Reported		
Topographic:	Not Reported		
Site type:	Ground-water other than Spring	Date construction:	Not Reported
Date inventoried:	19880421	Mean greenwich time offset:	EST
Local standard time flag:	N		
Type of ground water site:	Test hole, not completed as a well		
Aquifer Type:	Not Reported		
Aquifer:	Not Reported		
Well depth:	Not Reported	Hole depth:	Not Reported
Source of depth data:	Not Reported		
Project number:	NY86-16400		
Real time data flag:	Not Reported	Daily flow data begin date:	Not Reported
Daily flow data end date:	Not Reported	Daily flow data count:	Not Reported
Peak flow data begin date:	Not Reported	Peak flow data end date:	Not Reported
Peak flow data count:	Not Reported	Water quality data begin date:	Not Reported
Water quality data end date:	Not Reported	Water quality data count:	Not Reported
Ground water data begin date:	Not Reported	Ground water data end date:	Not Reported
Ground water data count:	Not Reported		

Ground-water levels, Number of Measurements: 0

6
West
1/2 - 1 Mile
Higher

FED USGS USGS2240724

Agency cd:	USGS	Site no:	425231078515001
Site name:	E 244		
Latitude:	425231	EDR Site id:	USGS2240724
Longitude:	0785150	Dec lat:	42.87533584
Dec lon:	-78.86364606	Coor meth:	M
Coor accr:	T	Latlong datum:	NAD27
Dec latlong datum:	NAD83	District:	36
State:	36	County:	029
Country:	US	Land net:	Not Reported
Location map:	BUFFALO NE J-05-2	Map scale:	24000
Altitude:	579		
Altitude method:	Interpolated from topographic map		
Altitude accuracy:	5		
Altitude datum:	National Geodetic Vertical Datum of 1929		
Hydrologic:	Not Reported		
Topographic:	Not Reported		
Site type:	Ground-water other than Spring	Date construction:	Not Reported
Date inventoried:	19880426	Mean greenwich time offset:	EST

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Local standard time flag:	N		
Type of ground water site:	Test hole, not completed as a well		
Aquifer Type:	Not Reported		
Aquifer:	Not Reported		
Well depth:	Not Reported	Hole depth:	Not Reported
Source of depth data:	Not Reported		
Project number:	NY86-16400		
Real time data flag:	Not Reported	Daily flow data begin date:	Not Reported
Daily flow data end date:	Not Reported	Daily flow data count:	Not Reported
Peak flow data begin date:	Not Reported	Peak flow data end date:	Not Reported
Peak flow data count:	Not Reported	Water quality data begin date:	Not Reported
Water quality data end date:	Not Reported	Water quality data count:	Not Reported
Ground water data begin date:	Not Reported	Ground water data end date:	Not Reported
Ground water data count:	Not Reported		

Ground-water levels, Number of Measurements: 0

7
East
1/2 - 1 Mile
Higher

FED USGS USGS2240747

Agency cd:	USGS	Site no:	425238078494501
Site name:	E 259		
Latitude:	425238	EDR Site id:	USGS2240747
Longitude:	0784945	Dec lat:	42.87728043
Dec lon:	-78.82892264	Coor meth:	M
Coor acc:	T	Latlong datum:	NAD27
Dec latlong datum:	NAD83	District:	36
State:	36	County:	029
Country:	US	Land net:	Not Reported
Location map:	BUFFALO NE J-05-2	Map scale:	24000
Altitude:	600		
Altitude method:	Interpolated from topographic map		
Altitude accuracy:	10		
Altitude datum:	National Geodetic Vertical Datum of 1929		
Hydrologic:	Not Reported		
Topographic:	Not Reported		
Site type:	Ground-water other than Spring	Date construction:	Not Reported
Date inventoried:	19880421	Mean greenwich time offset:	EST
Local standard time flag:	N		
Type of ground water site:	Test hole, not completed as a well		
Aquifer Type:	Not Reported		
Aquifer:	Not Reported		
Well depth:	Not Reported	Hole depth:	Not Reported
Source of depth data:	Not Reported		
Project number:	NY86-16400		
Real time data flag:	Not Reported	Daily flow data begin date:	Not Reported
Daily flow data end date:	Not Reported	Daily flow data count:	Not Reported
Peak flow data begin date:	Not Reported	Peak flow data end date:	Not Reported
Peak flow data count:	Not Reported	Water quality data begin date:	Not Reported
Water quality data end date:	Not Reported	Water quality data count:	Not Reported
Ground water data begin date:	Not Reported	Ground water data end date:	Not Reported
Ground water data count:	Not Reported		

Ground-water levels, Number of Measurements: 0

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Map ID
Direction
Distance
Elevation

8
SSE
1/2 - 1 Mile
Lower

Database EDR ID Number

FED USGS USGS2240911

Agency cd:	USGS	Site no:	425148078501701
Site name:	E 240		
Latitude:	425148	EDR Site id:	USGS2240911
Longitude:	0785017	Dec lat:	42.8633916
Dec lon:	-78.8378117	Coor meth:	M
Coor accr:	F	Lattlong datum:	NAD27
Dec lattlong datum:	NAD83	District:	36
State:	36	County:	029
Country:	US	Land net:	Not Reported
Location map:	BUFFALO SE J-05-3	Map scale:	Not Reported
Altitude:	Not Reported		
Altitude method:	Not Reported		
Altitude accuracy:	Not Reported		
Altitude datum:	Not Reported		
Hydrologic:	Not Reported		
Topographic:	Not Reported		
Site type:	Ground-water other than Spring	Date construction:	Not Reported
Date inventoried:	Not Reported	Mean greenwich time offset:	EST
Local standard time flag:	N		
Type of ground water site:	Single well, other than collector or Ranney type		
Aquifer Type:	Not Reported		
Aquifer:	Not Reported		
Well depth:	Not Reported	Hole depth:	Not Reported
Source of depth data:	Not Reported		
Project number:	Not Reported		
Real time data flag:	0	Daily flow data begin date:	0000-00-00
Daily flow data end date:	0000-00-00	Daily flow data count:	0
Peak flow data begin date:	0000-00-00	Peak flow data end date:	0000-00-00
Peak flow data count:	0	Water quality data begin date:	1982-07-19
Water quality data end date:	1982-07-19	Water quality data count:	3
Ground water data begin date:	0000-00-00	Ground water data end date:	0000-00-00
Ground water data count:	0		

Ground-water levels, Number of Measurements: 0

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Map ID
Direction
Distance

Database EDR ID Number

1

SE

1/2 - 1 Mile

OIL_GAS NYOG50000033382

Api wellno:	31029673420000	Cnty:	029
Hole:	67342	Sidetrck:	0
Completion:	0		
Well nm:	Deepwell Area E		
Coname:	Buffalo Color		
Opno:	9043		
Dt approv:	09/19/2001	Dt spud:	09/05/1946
Dt comp:	01/01/1940	Well typ:	NL
Dtd:	751		
WI status:	PA	Town:	Buffalo
Field 1:	Not Applicable	Prodform:	Not Applicable
Xloc:	-78.84015		
Yloc:	42.86818		
Confid:	N	Wellst:	OP
Quad:	Not Reported	Quadsec:	Not Reported
Deepestfor:	Not Applicable	Elevation:	0
Dt mod:	03/28/1994	Site id:	NYOG50000033382

2

East

1/2 - 1 Mile

OIL_GAS NYOG50000033493

Api wellno:	31029117790000	Cnty:	029
Hole:	11779	Sidetrck:	0
Completion:	0		
Well nm:	Buffalo Wire Works1		
Coname:	Buffalo Wire Works Co., Inc.		
Opno:	378		
Dt approv:	12/08/1975	Dt spud:	12/13/1975
Dt comp:	01/12/1976	Well typ:	GD
Dtd:	0		
WI status:	PA	Town:	Buffalo
Field 1:	Buffalo	Prodform:	Medina
Xloc:	-78.83384		
Yloc:	42.87547		
Confid:	N	Wellst:	GWP
Quad:	Buffalo NE	Quadsec:	Not Reported
Deepestfor:	Not Applicable	Elevation:	595
Dt mod:	01/16/2003	Site id:	NYOG50000033493

3

SE

1/2 - 1 Mile

OIL_GAS NYOG50000033358

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Api wellno:	31029145670000	Cnty:	029
Hole:	14567	Sidetck:	0
Completion:	0		
Well nm:	Fee1		
Cname:	130 Babcock Associates L.P.		
Opno:	1502		
Dt approv:	10/12/1979	Dt spud:	01/08/1980
Dt comp:	01/22/1980	Well typ:	GD
Dtd:	1086		
WI status:	NR	Town:	Buffalo
Field 1:	Buffalo	Prodform:	Medina
Xloc:	-78.83496		
Yloc:	42.86708		
Confid:	N	Wellst:	GW
Quad:	Buffalo SE	Quadsec:	A
Deepestfor:	Queenston	Elevation:	585
Dt mod:	01/05/2004	Site id:	NYOG50000033358

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

RADON

AREA RADON INFORMATION

State Database: NY Radon

Radon Test Results

Zip	Num Sites	< 4 Pci/L	>= 4 Pci/L	>= 20 Pci/L	Avg > 4 Pci/L	Max Pci/L
14210	16	16 (100%)	0 (0%)	0 (0%)	0.91	1.9

Federal EPA Radon Zone for ERIE County: 1

Note: Zone 1 indoor average level > 4 pCi/L.
: Zone 2 indoor average level >= 2 pCi/L and <= 4 pCi/L.
: Zone 3 indoor average level < 2 pCi/L.

Federal Area Radon Information for ERIE COUNTY, NY

Number of sites tested: 622

Area	Average Activity	% <4 pCi/L	% 4-20 pCi/L	% >20 pCi/L
Living Area	1.000 pCi/L	89%	11%	0%
Basement	1.150 pCi/L	87%	11%	2%

PHYSICAL SETTING SOURCE RECORDS SEARCHED

TOPOGRAPHIC INFORMATION

USGS 7.5' Digital Elevation Model (DEM)

Source: United States Geologic Survey

EDR acquired the USGS 7.5' Digital Elevation Model in 2002 and updated it in 2006. The 7.5 minute DEM corresponds to the USGS 1:24,000- and 1:25,000-scale topographic quadrangle maps. The DEM provides elevation data with consistent elevation units and projection.

Scanned Digital USGS 7.5' Topographic Map (DRG)

Source: United States Geologic Survey

A digital raster graphic (DRG) is a scanned image of a U.S. Geological Survey topographic map. The map images are made by scanning published paper maps on high-resolution scanners. The raster image is georeferenced and fit to the Universal Transverse Mercator (UTM) projection.

HYDROLOGIC INFORMATION

Flood Zone Data: This data, available in select counties across the country, was obtained by EDR in 1999 from the Federal Emergency Management Agency (FEMA). Data depicts 100-year and 500-year flood zones as defined by FEMA.

NWI: National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002 and 2005 from the U.S. Fish and Wildlife Service.

State Wetlands Data: Freshwater Wetlands

Source: Department of Environmental Conservation

Telephone: 518-402-8961

HYDROGEOLOGIC INFORMATION

AQUIFLOW^R Information System

Source: EDR proprietary database of groundwater flow information

EDR has developed the AQUIFLOW Information System (AIS) to provide data on the general direction of groundwater flow at specific points. EDR has reviewed reports submitted to regulatory authorities at select sites and has extracted the date of the report, hydrogeologically determined groundwater flow direction and depth to water table information.

GEOLOGIC INFORMATION

Geologic Age and Rock Stratigraphic Unit

Source: P.G. Schruben, R.E. Arndt and W.J. Bawiec, Geology of the Conterminous U.S. at 1:2,500,000 Scale - A digital representation of the 1974 P.B. King and H.M. Beikman Map, USGS Digital Data Series DDS - 11 (1994).

STATSGO: State Soil Geographic Database

Source: Department of Agriculture, Natural Resources Conservation Services

The U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) leads the national Conservation Soil Survey (NCSS) and is responsible for collecting, storing, maintaining and distributing soil survey information for privately owned lands in the United States. A soil map in a soil survey is a representation of soil patterns in a landscape. Soil maps for STATSGO are compiled by generalizing more detailed (SSURGO) soil survey maps.

SSURGO: Soil Survey Geographic Database

Source: Department of Agriculture, Natural Resources Conservation Services (NRCS)

Telephone: 800-672-5559

SSURGO is the most detailed level of mapping done by the Natural Resources Conservation Services, mapping scales generally range from 1:12,000 to 1:63,360. Field mapping methods using national standards are used to construct the soil maps in the Soil Survey Geographic (SSURGO) database. SSURGO digitizing duplicates the original soil survey maps. This level of mapping is designed for use by landowners, townships and county natural resource planning and management.

PHYSICAL SETTING SOURCE RECORDS SEARCHED

LOCAL / REGIONAL WATER AGENCY RECORDS

FEDERAL WATER WELLS

PWS: Public Water Systems

Source: EPA/Office of Drinking Water

Telephone: 202-564-3750

Public Water System data from the Federal Reporting Data System. A PWS is any water system which provides water to at least 25 people for at least 60 days annually. PWSs provide water from wells, rivers and other sources.

PWS ENF: Public Water Systems Violation and Enforcement Data

Source: EPA/Office of Drinking Water

Telephone: 202-564-3750

Violation and Enforcement data for Public Water Systems from the Safe Drinking Water Information System (SDWIS) after August 1995. Prior to August 1995, the data came from the Federal Reporting Data System (FRDS).

USGS Water Wells: USGS National Water Inventory System (NWIS)

This database contains descriptive information on sites where the USGS collects or has collected data on surface water and/or groundwater. The groundwater data includes information on wells, springs, and other sources of groundwater.

STATE RECORDS

New York Public Water Wells

Source: New York Department of Health

Telephone: 518-458-6731

OTHER STATE DATABASE INFORMATION

Oil and Gas Well Database

Department of Environmental Conservation

Telephone: 518-402-8056

These files contain records, in the database, of wells that have been drilled.

RADON

State Database: NY Radon

Source: Department of Health

Telephone: 518-402-7556

Radon Test Results

Area Radon Information

Source: USGS

Telephone: 703-356-4020

The National Radon Database has been developed by the U.S. Environmental Protection Agency (USEPA) and is a compilation of the EPA/State Residential Radon Survey and the National Residential Radon Survey. The study covers the years 1986 - 1992. Where necessary data has been supplemented by information collected at private sources such as universities and research institutions.

EPA Radon Zones

Source: EPA

Telephone: 703-356-4020

Sections 307 & 309 of IRAA directed EPA to list and identify areas of U.S. with the potential for elevated indoor radon levels.

OTHER

Airport Landing Facilities: Private and public use landing facilities

Source: Federal Aviation Administration, 800-457-6656

Epicenters: World earthquake epicenters, Richter 5 or greater

Source: Department of Commerce, National Oceanic and Atmospheric Administration

PHYSICAL SETTING SOURCE RECORDS SEARCHED

STREET AND ADDRESS INFORMATION

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No User Provided Information

PHASE I ENVIRONMENTAL ASSESSMENT

**797 Seneca Street
Buffalo, Erie County, New York 14210**

**Prepared For:
Center View Properties
70 West Chippewa Street
Buffalo, New York 14202**

**Prepared By:
AFI Environmental
7815 Buffalo Avenue
Niagara Falls, New York 14304
Project No. S1015**

JULY 13, 2004
(inspection conducted 07/06/04)

DISCLAIMER

This Environmental Site Assessment (ESA) is the professional opinion of AFI Environmental and is based upon information contained in public records and observations made during personal inspection of the property located at 797 Seneca Street, Buffalo, Erie County, New York ("Property"). The opinions, findings and recommendations of AFI Environmental do not apply or pertain to conditions at the "Property" existing after the date of the inspection or to the "Property's" status after that date.

This report presents the evaluation procedures, assessment findings, and conclusions of the Phase I ESA. AFI Environmental has conducted this ESA consistent with the scope and limitations of ASTM Practice E1527-00. This ESA was prepared using data, references and information available from federal, state, county, and local agencies. Observations were made of the land and improvements present at the time of the inspection. AFI Environmental renders no opinion as to the presence or absence of hazardous materials or potential environmental liability associated with portions of the property, structures or adjacent properties where access was limited, obstructed or unavailable.

Unless otherwise specified in this ESA, AFI Environmental did not perform certified environmental testing, analysis or monitoring to determine the presence or absence of hazardous constituents. If additional and in-depth tests were conducted, the opinions of AFI Environmental contained herein may be significantly different.

This report is founded upon the application of professional judgement and scientific principals to certain facts with resultant subjective interpretations. The professional judgements expressed herein are based on the facts currently available within the limits of the scope of work, budget, existing data and schedule. To the extent that more definitive conclusions are desired by the client that are supported by the currently available facts, it is AFI Environmental's intent that the conclusions and recommendations stated herein will be intended as guidance and not necessarily a firm course of action except where explicitly stated as such.

AFI ENVIRONMENTAL MAKES NO WARRANTIES, EXPRESSED OR IMPLIED INCLUDING WITHOUT LIMITATION, WARRANTIES AS TO MERCHANTABILITY OR FITNESS OF A PARTICULAR PURPOSE. In addition, the information provided in this report is not to be construed as legal advice.

AFI Environmental has prepared this ESA on behalf of and for the exclusive use of Center View Properties. However, nothing contained in this report shall be construed as a warranty or affirmation by AFI Environmental that the site and property described in the report are suitable collateral for any loan or that acquisition of such property by any lender through foreclosure proceedings or otherwise will pose no risk of potential environmental liability on the part of such lender.

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BUFFALO ENVIRONMENTAL CONSULTANTS, INC.

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Niagara Falls, New York 14304

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PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT

An environmental site assessment has been performed and this report has been prepared for the exclusive use of Center View Properties, and/or its designated agents. The purpose of this Phase I assessment is to identify and evaluate any actual and potential environment concerns associated with the assessed property, and to provide evidence that all appropriate inquiry has been made regarding the site in the event that contamination is encountered at a later date. The findings and recommendations presented in this report are exclusive to the client and the assessed property. Written permission must be obtained from Buffalo Environmental Consultants Inc. for use of this report, its findings, and recommendations by other parties, persons or firms.

REPORT PREPARED FOR:

- Name:	Center View Properties
- Street:	70 West Chippewa Street
- Municipality, State, Zip Code:	Buffalo, NY 14202
- Client Contact:	Joseph Petrella
- Telephone Number:	716-856-8400 (fax) 716-819-1202
- Purchase Order No.:	Written Authorization - S1015

ASSESSED PROPERTY INFORMATION

- Mailing Address:	797 Seneca Street
- Municipality:	City of Buffalo
- County, State, Zip State:	Erie, New York 14210
- Tax ID No.	SBL# 122.27-6-2
- Parcel Size (acres):	2.2 +/- acres
- Site Location Map:	Refer to Figure #1
- Current Owner - Name:	Lloyd Hagen
- Telephone Number:	(716)
- Key Site Contact - Name:	Mr. Lloyd Hagen
- Building (sq.ft./stories):	2-story Brick, block, wood , building
- Date of Construction:	Prior to 1940
- Current Use - Description:	Used Gas tank , bumper and fender exchange and fender retail center, vehicle storage painting, and repair facility
- Past Use - Description:	Laundry Commercial

1.0 EXECUTIVE SUMMARY:

1.1 REPORT FINDINGS

The subject property, 797 Seneca Street, Buffalo, Erie County, New York, is a 2.2 +/- acre parcel of land with a 2-story brick, block, and wood building located on the south side of Seneca Street at the corner of Hydraulic Street with frontage on Carroll Street.

AFI has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Standard Practice E 1527-00. Any exceptions to, or deletions from, this practice are described in Sections 2.0 and 3.1 of this report.

AFI's observation from site inspection conducted on July 6, 2004:

AFI was accompanied by the current owner Lloyd Hagen and his secretary and Camille from Hunt Realty.

- / Based on the visual inspection of the site and the previous activities conducted at the site, there exists the potential for USTs to be present at the site. The City of Buffalo Fire Prevention Dept. has a record of a 12,000 gallon UST being installed with no documentation of removal and a record of a 1000 gallon UST being installed, replaced, and removed. This is a potential area of environmental concern (PAEC).
- / There is potential (due to age of building) for construction materials within the building to contain asbestos containing materials (ACMs). No asbestos survey was found for the property. During a walk-thru on July 6, 2004, several areas of possible ACMs were noted: 9 x 9 floor tile, 12 x 12 tiles, ceiling tiles, adhesive ceiling pucks, grout, mastic, window caulk, construction materials, roofing, flashing, construction flashing on concrete, pipe wrap, material insulation, brick covering, AST insulation, etc.. This is a potential area of environmental concern (PAEC).
- / There is a potential for lead based paint to be part of the paint used within the structure. There is a potential that materials used for construction of the Building (which occurred prior to 1940) to contain lead-based paint. There is noticeable peeling paint throughout the building. There is potential for the water lines feeding the building as-well-as the water lines within the site to contain lead compounds. No lead survey was found for the property and as such, the reader of this report must be aware of the potential for building materials to contain lead based paint and lead in drinking water. This is a potential area of environmental concern (PAEC).
- / There was mold noticed in the second floor offices on the Seneca Street section. This is a potential area of environmental concern (PAEC).

- / There are fenders, bumpers, gas tanks, and other miscellaneous car parts throughout the building. Signs on the property clearly indicate that the clients with leaking gas tanks should park in a designated area. Leaking gas tanks have historically been encountered at the site. This is a potential area of environmental concern (PAEC).
- / Current operations at the site include sandblasting of metal and painted items. The sand is shoveled into a hopper which has a fan that blows the small particles outside of the building through a window and onto the ground in the court yard. This is a potential area of environmental concern (PAEC).
- / The site has a painting bay for vehicles which includes an exhaust fan that deposits the air born paint outside, no filters or air permits were available for the site. This is a potential area of environmental concern (PAEC).
- / There is potential (due to age of building) for building components to contain PCB's. During a walk-thru on July 6, 2004, several building components containing possible PCB's were noted: electrical fixtures, capacitors, mercury switches, and transformers. This is a potential area of environmental concern (PAEC).
- / There were two mounds of dirt located on the site outside of the building (east and west). The source was identified as the sand from the sandblasting operations. Due to the potential for elevated metals. This is a potential area of environmental concern (PAEC).
- / There is also an incinerator on site which could contain asbestos. This is a potential area of environmental concern (PAEC).
- / Flourescent light fixtures may contain ballast with PCB components. This is a potential area of concern (PAEC).
- / Spraying operations conducted within the rear section of the gas tank repair area and the operation of the gas tank dryer as well as the area where the tank sealing material is applied may be a possible potential area of environmental concern (PAEC).
- / Several 55-Gallon drums (some open) containing isocyanate sealing material (a hazardous and regulated material) located in the court yard; along with numerous 5-Gallon pails containing the above material, or, waste petroleum, vehicle repair fluids, or other waste fluids, were scattered throughout the building and as well as a concentration of containers within the compressor building may be a potential area of environmental concern (PAEC).
- / Vehicle repair parts: batteries, transmissions, engines, gas tanks, etc; located throughout the facility may contain materials that could be a potential area of environmental concern (PAEC).

- / Past operations included dry cleaning services and a commercial and industrial laundry this could be a potential area of environmental concern (PAEC) due to the chemicals used in the dry cleaning industry.

1.2 CONCLUSION

The building may contain asbestos material, lead paint, PCBs (in light ballasts), mercury (in thermostat and outdoor lighting), and the soils in and around the building as- well-as the sumps and floor drains may have elevated levels of chemicals associated with previous dry cleaning operations, manufacturing, vehicle storage, vehicle painting, chemical-mixing, consolidation, and application operations, conducted on-site as well as the impact of customers who were using the facility. There is also a potential for the existence of additional USTs on site. The practice of exhausting sand blasting exhaust and spray paint exhaust to the environment without filters along with the onsite disposal of mounds of sandblasting sands and the staging of 55-gallon drums and 5 -gallon pails of waste material outside and in storage areas without spill prevention procedures in place (some hazardous and regulated) may have impacted the soils and groundwater of the site.

1.3 RECOMMENDATIONS

It is AFI's recommendation to request the following additional information:

- / Asbestos Survey of all structures prior to demolition or remodeling of any remaining buildings.
- / Lead Paint Survey of all structures prior to demolition or remodeling of any remaining buildings.
- / Installation of soil borings including soil testing and ground water testing for chemicals used in conjunction with operations at the site, painting operations, sandblasting, leaking gas tanks and other petroleum products as well as chemicals associated with historic laundry operations both inside and outside the building.
- / Remove and properly dispose of all fenders, bumpers, gas tanks, vehicle repair parts, engines, transmissions, batteries used vehicles, and other miscellaneous car parts.
- / Ground sonar using EM31 or EM-61 to detect any underground storage tanks (USTs).
- / Evaluation of fluorescent light fixtures, capacitors and thermostats for PCB and/or mercury.
- / Sampling of soils in the vicinity of the exhaust fans and sandblasting disposal mounds and proper disposal.

- / Removal and proper disposal of all 55-gallon drums and 5-gallon pails and their contents located in the courtyard and thru-out the building.

2.0 PURPOSE:

The purpose of this Phase I assessment is to identify and evaluate any actual and potential environment concerns associated with the assessed property, and to provide evidence that all appropriate inquiry has been made regarding the site in the event that contamination is encountered at a later date. The findings and recommendations presented in this report are exclusive to the client and the assessed property. Written permission must be obtained from Buffalo Environmental Consultants Inc. for use of this report, its findings, and recommendations by other parties, persons or firms.

3.0 SCOPE OF WORK:

Request from Center View Properties to prepare a ASTM Phase I Environmental Site Assessment for a 2.2+/- acre parcel with a 2-story building on Seneca street currently used by The Door Store.

3.1 LIMITING CONDITIONS AND METHODOLOGY USED

This report contains all ASTM required investigation material available upon the date of requested submittal. Some FOIL information was not returned to AFI Environmental prior to the submittal of this report. This information will be forwarded to Center View Properties and should be placed as an Addendum to this report. The reader of this report should check for addendums prior to reaching a final conclusion.

4.0 SUBJECT PROPERTY/VICINITY DESCRIPTION:

4.1 SUMMARY OF SITE RECONNAISSANCE

Date of Inspection:	July 6, 2004
Inspector(s):	William L. Heitzenrater
Cloud Cover:	Partly Cloudy
Weather Conditions:	70°

4.1.1 Current Uses of Property: ☒ Yes ☐ No Observed Concern

/ Gas tank repair, incineration, painting, and sandblasting are conducted at the site.

4.1.2 Past Uses of Property: ☒ Yes ☐ No Observed Concern

The assessed property consists of a 2.2 +/- acre parcel south side of Seneca Street in the City of Buffalo, New York.

The property known as 797 Seneca is the site of the Good Door Store which conducts car repairs including painting, gas tanks, sandblasting and incineration..

The site was used as a commercial laundry facility prior to the current tenant. From 1940 to 1956 the site was known as Dollar Dry Cleaning Co., from 1956 to 1976 the site was known as Famous Linen Supply Co Inc., from 1966 to 1976 it was known as Queen City Laundry Inc. Also in 1966 it was known as Overnite Valet Inc. In 1986 the site was known as Western New York Auto Recovery Bureau Inc. The site was known as Phoenix International Recovery in 1996. For the 2003 the site was Best Southern Body Parts, Gas Tank Warehouse, Good Door Store, and Ron Lear Inc.

The property history was developed through a review of: Sanborn Fire Insurance Maps; dated 1986, 1981, 1950, 1926, 1899 and 1889; along with the Polk Files.

4.1.3 Exterior Conditions:

4.1.3.1 Topography: ☐ Yes ☒ No Observed Concern

The 15 minute USGS Topographic Quadrangle Map of Buffalo NE Quadrangle, New York indicates the subject site is located on relatively level terrain. Surface elevation for the site is approximately 591 feet above mean sea level.

4.1.3.2 Surface Water Bodies and Drainage: ☒ Yes ☐ No Observed Concern

Site is serviced by City of Buffalo combined storm water and sewer system. The trench floor drain and sump pit pump drainage into the City of Buffalo sewer system. This may be a potential area of environmental concern; in respect to the potential for the trenches and drains to contain unknown chemical constituents.

4.1.3.3 Utilities: ☐ Yes ☒ No Observed Concern

The site is serviced with electric power (Niagara Mohawk) and natural gas (National Fuel).

4.1.3.4 Roads, Streets, Parking: ☒ Yes ☐ No Observed Concern

There were areas of concern observed within the parking lot. There is a sign showing all vehicles with leaking tanks to park in a certain area. Customer use may have had an impacted the site in respect to leaking gas on to the soils.

4.1.3.5 Solid Waste Containers: ☒ Yes ☐ No Observed Concern

Several 55-gallon drums containing isocyanate resin and several 5-gallon pails of waste oil and other petroleum products were observed onsite.

4.1.3.6 Hazardous Waste: ☒ Yes ☐ No Observed Concern

Minor amounts of hazardous materials were observed on site in 55-gallon containers staged in the court yard and within the facility.

4.1.3.7 Fill/Solid Waste Disposal: ☒ Yes ☐ No Observed Concern

Two mounds of dirt were observed onsite; potentially originating from sandblasting operations and were observed to contain ferrous dust.

4.1.3.8 Debris/Dumping/Mounds: ☒ Yes ☐ No Observed Concern

Two mounds of dirt were observed

4.1.3.9 Spillage/ Pools: ☐ Yes ☒ No Observed Concern

None Observed

4.1.3.10 Stained Soil/Pavement: ☒ Yes ☐ No Observed Concern

The areas outside of the painting and sandblasting areas and parking area contained some staining.

4.1.3.11 Stressed Vegetation: ☐ Yes ☒ No Observed Concern

None Observed

4.1.3.12 Pits/Ponds/Lagoons: ☐ Yes ☒ No Observed Concern

None Observed

4.1.3.13 Septic Systems: ☒ Yes ☐ No Observed Concern

The facility is serviced by City of Buffalo combined sewer system. This sewer may contain unknown chemical waste or residue and maybe potential area of environmental concern.

4.1.3.14 Wells: ☐ Yes ☒ No Observed Concern

None Observed

4.1.4 Building(s) Conditions:

4.1.4.1 Description:

Stories:	2-story block, brick and wood Building
Approximate Age:	Constructed prior to 1940
Ancillary Structures:	None (This facility is extensive and sides on three streets.

4.1.4.2 Structural: ☒ Yes ☐ No Observed Concern

Potential for mold, ACM's, PCB's, mercury, and lead paint.

4.1.4.3 Suspected (Potential) Asbestos: ☒ Yes ☐ No Observed Concern

Based upon the age of construction of the building and visual observations, there exist potential for asbestos containing material (ACM's) to be on site. As such, AFI Environmental recommends conducting a full Asbestos Survey.

4.1.4.4 (Potential) Lead-Based Paint: ☒ Yes ☐ No Observed Concern

Based upon field observation and age of construction of building, lead paint materials have the potential to be on site. AFI Environmental recommends a Lead Base Paint Survey be conducted.

4.1.4.5 Lead in Drinking Water: ☒ Yes ☐ No Observed Concern

Due to age of building, lead in drinking water may be of concern.

4.1.4.6 Radon Accumulation Spaces: ☐ Yes ☒ No Observed Concern

No areas of concern were observed by site inspection. See attached NYS Radon Risk Map for risk potential for Erie County.

4.1.5 Utilities:

4.1.5.1 Transformers/PCB's: ☒ Yes ☐ No Observed Concern

Due to the age of the building; certain electrical components and the transformer located on Carroll Street and capacitors may contain PCBs.

4.1.5.2 Floor Drains/Sump Pits: ☒ Yes ☐ No Observed Concern

Sumps and floor drains may contain unknown waste potentially of hazardous nature.

4.1.5.3 Services: ☐ Yes ☒ No Observed Concern

a. Sanitary Sewer & Storm Sewer:	City of Buffalo
b. Water:	City of Buffalo
c. Building Cooling:	None Observed
d. Building Heating:	Forced
- Fueled by:	Gas

4.1.5.4 Wastewater Discharges:

4.1.5.5 Air Emissions: ☒ Yes ☐ No Observed Concern

The operation of the sandblasting system, and the paint spray booths may be impacting air quality in the vicinity of the facility.

4.1.6 Operations/equipment:

4.1.6.1 Underground & Aboveground Storage Tanks: ☒ Yes ☐ No Observed Concern

There is a record of a 12,000 gallon tank being installed; with no record of removal. Also a 1000 gallon tank being installed, replaced and removed.

4.1.6.2 Material Storage/Drums: ☒ Yes ☐ No Observed Concern

Several 55-gallon drums and 5-gallon pails were observed to contain isocyanate resins (a regulated and hazardous waste) and petroleum waste oils and vehicle repair fluids.

4.1.6.3 Spillage/Staining/Pool: ☒ Yes ☐ No Observed Concern

The potential for spills due to leaking gas tanks.

4.1.6.4 Facility Equipment:

☒ Yes ☐ No Observed Concern

Sandblasting, painting, soldering, gas tank drying equipment and Incinerator Equipment.

4.2 ADJACENT SITE USE

4.2.1 Adjoining Properties: ☒ Yes ☐ No Observed Concern

North: Residential/commercial

- Name:
- Address:
- Current Use: See EDR report attached
- Past Use:

East: Residential/commercial

- Name:
- Address: See EDR report
- Current Use:
- Past Use:

West:

- Name:
- Address:
- Current Use:
- Past Use:

South:

- Name: Former Graphics Control Building
- Address: Exchange and Van Rensslelear Street.
- Current Use: Rental Space.
- Past Use: Leaking UST near boiler building

4.3 SUBJECT SITE PHOTOGRAPHS

See Attached Site Photographs.

5.0 SUBJECT PROPERTY HISTORY AND USE:

5.1 HISTORIC AERIAL PHOTOGRAPHS

5.1.1 Aerial Photographs:

- Source: Environmental Data Resources, Inc.
- Date(s): 1995, 1983, 1978, 1966, 1958

Aerial Photos for the above dates are found in Appendix D.

5.2 HISTORICAL MAPS

5.2.1 Fire Insurance Map(s):

- Source: Sanborn Fire Insurance Maps
Environmental Data Resources (EDR)
- Map Date(s): 1986, 1981, 1950, 1926, 1899, 1889

5.3 MUNICIPAL RECORDS

5.3.1 Abstract of Title (Title Report):

- Title Company: N/A
- Title Number: N/A
- Certificate Date: N/A

5.3.2 Property Tax Files:

- Source: City of Buffalo Assessor's Office
SBL# 122.27-6-2

5.3.3 Property Survey Map:

Copy of survey/site map is attached (see Drawing "S").

5.3.4 Municipal Building & Permit Dept.:

- Source: City of Buffalo
Fire Department
- Date: July 7, 2004

In 1927 a 12,000 gallon tank was installed and there is no record of removal. Also a 1000 gallon tank was installed in 1948, replaced in 1956, and removed in 1969 according to Lt. Ken Poczalski, of the Department of Fire Prevention for the City of Buffalo.

5.3.5 Zoning/Land Use Maps:

- Source: City of Buffalo Permit Dept.

The assessed property is zoned as Light Industrial (M1).

5.4 PREVIOUS STUDY

There was no previous study conducted.

6.0 HYDROGEOLOGIC SETTING:

6.1 GEOLOGY

6.1.1 USGS Topographic Map:

- Quadrangle:
- Date:

Buffalo NE Quadrangle
2002 Edition

6.1.2 USDA Soil Survey Map:

Erie County

According to the Erie County Soil Survey (1978), soils in the vicinity of the subject property are described as *Ud (Urban Land)*. This soil unit is a miscellaneous area in which 80% or more of the soil surface is covered by asphalt, concrete, building or other structures.

6.2 HYDROLOGY

6.2.1 Floodplains Maps:

- Source:

FEMA
360230 Panel 0020B
360230 Panel 0010B (dated 1999)

- Contact Date:

June 29, 2004

The assessed property is located outside 500 year flood zone.

7.0 REGULATORY INFORMATION:

7.1 IMPACT OF IDENTIFIED SITES ON THE SUBJECT PROPERTY

Records search indicate that no impacts to date are recorded for the subject property from offsite impacts. Please see EDR Report, attached as Appendix A for complete details.

7.2 ENFORCEMENT ACTIONS/PERMITTED ACTIVITIES

None Listed

7.3 PUBLIC DOMAIN INFORMATION SOURCES

7.3.1 USEPA FOIA - Letter Date: June 30, 2004

As of the date of this report, we have received EPA's acknowledgment but no data at this time. Any future incoming information will be forwarded to the Owner as appendix to this report.

7.3.2 NYSDEC FOIA - Letter Date: June 30, 2004

As of the date of this report, we have received NYSDEC's acknowledgment of our FOIL Request (see attached letter); however, no other information from the DEC has been received, and upon any future incoming information, will be forwarded to Owner as appendix to report.

7.3.3 NYS Health Department FOIA - Letter Date: June 30, 2004

As of the date of this report, we have received NYS Health Department's acknowledgment of our FOIL Request (see attached letter); however, no other information from the DEC has been received, and upon any future incoming information, will be forwarded to Owner as appendix to report.

7.3.4 CITY OF BUFFALO - Building Inspector - Letter Date: June 30, 2004

As of the date of this report, we have received acknowledgment of our FOIL Request (see copies of correspondence in Appendix C). A search of City of Buffalo Building Dept. files revealed no environmental concerns related to this property.

7.4 TOWN/CITY/VILLAGE of: City of Buffalo

7.4.1 Fire Department

- Name: Lt. Ken Poczalski
- Title: City of Buffalo Fire Prevention
- Date of Contact: July 7, 2004

In 1927 a 12,000 gallon tank was installed and there is no record of removal. Also a 1000 gallon tank was installed in 1948, replaced in 1956, and removed in 1969 according to Lt. Ken Poczalski, of the Department of Fire Prevention for the City of Buffalo.

7.4.2 Building Inspector Name: Mr. William Lesick
- Title: Building Inspector
- Date of Contact: July 12, 2004
- Telephone Contact: 716-851-4937

In multiple conversations with Mr. William Lesick, he has stated that he would check the file and call us back. To date he has not returned a call to us.

7.5 SITE DISTRIBUTION SUMMARY - DATA BASES SEARCHED:

7.5.1 US EPA NPL (National Priority List)

- Date of Record: June 29, 2004
- Assessed Property: None Listed
- Mile Radius: Within 1.0 Mile Radius

7.5.2 US EPA CERCLIS (Active)

- Date of Record: June 29, 2004
- Assessed Property: None Listed
- Mile Radius: Within 0.5 Mile Radius

7.5.3 US EPA CERC (NFRAP Archive)

- Date of Record: June 29, 2004
- Assessed Property: None Listed
- Mile Radius: Within 0.25 Mile Radius

7.5.4 US EPA CORRACTS

- Date of Record: June 29, 2004
- Assessed Property: Four (4) Listed
- Mile Radius: Within 1.0 Mile Radius
- Adjacent Sites:

/ Honeywell International Inc
20 Peabody Street, Buffalo, NY
/ Buffalo Color
340 Elk, Buffalo, NY
/ PVS Chemical Inc New York
55 Lee Street, Buffalo, NY
/ Allied Chemical, Industrial Ch
55 Lee Street, Buffalo, NY

7.5.5 US EPA RCRIS-TSD

- Date of Record: June 29, 2004
- Assessed Property: None Listed
- Mile Radius: Within 0.5 Mile Radius

7.5.6 US EPA RCRIS Lg. Quan. Generator

- Date of Record: June 29, 2004
- Assessed Property: Two (2) Listed
- Mile Radius: Within 0.25 Mile Radius
- Adjacent Sites:
 - / Parafoam Products
239 VanRensselaer Street, Buffalo, NY
 - / Graphic Controls
189 VanRensselaer Street, Buffalo, NY

7.5.7 US EPA RCRIS Sm. Quan. Generator

- Date of Record: June 29, 2004
- Assessed Property: Thirteen (13) Listed
- Mile Radius: Within 0.25 Mile Radius
- Adjacent Sites:
 - / Seneca Industrial Corp
2nd Flr, 701 Seneca Street, Buffalo, NY
 - / Trench Manufacturing Associates
703 Seneca Street, Buffalo, NY
 - / Niagara Envelope Inc
701 Seneca Street, Buffalo, NY
 - / Repro Graphics
701 Seneca Street, Buffalo, NY
 - / Tapecon Inc
701 Seneca Street, Buffalo, NY
 - / ILM Graphics
699 Seneca Street, Buffalo, NY
 - / Dormitory Authority State of N
Swan & Seneca Streets, Buffalo, NY
 - / NYS Thruway Authority
131 Roseville Taylor Bl, Buffalo, NY
 - / Thorner Sidney Press Inc
808 Seneca Street, Buffalo, NY
 - / Unilock Inc
510 Smith Street, Buffalo, NY
 - / United Building Services
70 Fillmore Ave., Buffalo, NY
 - / Coverall Service & Supply Co
8 Lord Street, Buffalo, NY
 - / Ameripride
8 Lord Street, Buffalo, NY

- 7.5.8 US EPA ERNS (Emergency Response Notification System)**
 - Date of Record: June 29, 2004
 - Assessed Property: None Listed
 - Mile Radius: Within 0.5 Mile Radius
- 7.5.9 US EPA Delisted NPL**
 - Date of Record: June 29, 2004
 - Assessed Property: None Listed
 - Mile Radius: Within 1.0 Mile Radius
- 7.5.10 US EPA FINDS**
 - Date of Record: June 29, 2004
 - Assessed Property: None Listed
 - Mile Radius: Within 0.5 Mile Radius
- 7.5.11 US EPA HMIRS**
 - Date of Record: June 29, 2004
 - Assessed Property: None Listed
 - Mile Radius: Within 0.5 Mile Radius
- 7.5.12 US EPA MLTS**
 - Date of Record: June 29, 2004
 - Assessed Property: None Listed
 - Mile Radius: Within 0.5 Mile Radius
- 7.5.13 US EPA MINES**
 - Date of Record: June 29, 2004
 - Assessed Property: None Listed
 - Mile Radius: Within 0.25 Mile Radius
- 7.5.14 US EPA NPL Liens**
 - Date of Record: January 9, 2004
 - Assessed Property: None Listed
 - Mile Radius: Within 0.5 Mile Radius
- 7.5.15 US EPA PADS (PCB Activity Database Site)**
 - Date of Record: June 29, 2004
 - Assessed Property: None Listed
 - Mile Radius: Within 0.5 Mile Radius
- 7.5.16 US EPA RAATS**
 - Date of Record: June 29, 2004
 - Assessed Property: None Listed
 - Mile Radius: Within 0.5 Mile Radius

7.5.17 US EPA TRIS

- Date of Record: June 29, 2004
- Assessed Property: None Listed
- Mile Radius: Within 0.5 Mile Radius

7.5.18 US EPA TSCA (Toxic Substances Control Act Inventory Site)

- Date of Record: June 29, 2004
- Assessed Property: None Listed
- Mile Radius: Within 0.5 Mile Radius

7.5.19 US EPA FTTS

- Date of Record: June 29, 2004
- Assessed Property: None Listed
- Mile Radius: Within 0.5 Mile Radius

7.5.20 NYS State Haz. Waste (SHWS)

- Date of Record: June 29, 2004
- Assessed Property: Three (3) Listed
- Mile Radius: Within 1.0 Mile Radius
- Adjacent Sites:
 - / Buffalo Color
340 Elk Street, Buffalo, NY
 - / Bern Metals - USEPA ERRD
22 Bender Avenue, Buffalo, NY
 - / Bengart and Memel, Inc
1091 Clinton Street, Buffalo, NY

7.5.21 NYS SWF/LF (State Landfill)

- Date of Record: June 29, 2004
- Assessed Property: One (1) Listed
- Mile Radius: Within 0.5 Mile Radius
- Adjacent Sites:
 - / Battaglia Trucking
1037 Seneca Street, Buffalo, NY

7.5.22 NYS LST/LTanks (Leaking storage tank)

- Date of Record: June 29, 2004
- Assessed Property: Ten (10) Listed
- Mile Radius: Within 0.5 Mile Radius
- Adjacent Sites:
 - / Graphic Controls Corp
189 Van Rensselaer Street, Buffalo, NY
 - / Seneca Industrial Center
701 Seneca Street, Buffalo, NY
 - / NYS Thruway Authority
131 Roseville Street, Buffalo, NY

- / Buffalo Fire House #32
Seneca & Swan Streets, Buffalo, NY
- / Engine 32 Fire Station
Seneca & Swan Streets, Buffalo, NY
- / Saint Patrick Village
39 Emslie Streets, Buffalo, NY
- / Buffalo Plumbing Supply
840 Seneca Street, Buffalo, NY
- / Unilock Inc.
510 Smith Street, Buffalo, NY
- / Bishop Chemical & Equip
160 Van Rensselaer Street, Buffalo, NY
- / School 40
89 Clare Street, Buffalo, NY

7.5.23 NYS UST (Petroleum Bulk Storage)

- Date of Record: June 29, 2004
- Assessed Property: Five (5) Listed
- Mile Radius: Within 0.25 Mile Radius
- Adjacent Sites:
 - / Graphic Controls Corp
189 VanRensselaer Street, Buffalo, NY
 - / WJ Taylor International Construction
131 Roseville Street, Buffalo, NY
 - / JC Brock Corp
25 Hardwood Place, Buffalo, NY
 - / Ameripride
8 Lord Street, Buffalo, NY
 - / Bishop Chemicals & Equipment
160 VanRensselaer Street, Buffalo, NY

7.5.24 NYS CBS UST

- Date of Record: June 29, 2004
- Assessed Property: None Listed
- Mile Radius: Within 0.25 Mile Radius

7.5.25 NYS MOSF UST (New York Major Oil Storage Facility)

- Date of Record: June 29, 2004
- Assessed Property: None Listed
- Mile Radius: Within 0.5 Mile Radius

7.5.26 NYS VCP (Voluntary Cleanup)

- Date of Record: June 29, 2004
- Assessed Property: None Listed
- Mile Radius: Within 0.5 Mile Radius

7.5.27 NYS SWTIRE (Registered Waste Tire/Storage Facility)

- Date of Record: June 29, 2004
- Assessed Property: None Listed
- Mile Radius: Within 0.5 Mile Radius

7.5.28 NYS SWRCY (Registered Recycling Facility)

- Date of Record: June 29, 2004
- Assessed Property: None Listed
- Mile Radius: Within 0.5 Mile Radius

7.5.29 NYS HSWDS (Hazardous Substance Waste Disposal Site)

- Date of Record: June 29, 2004
- Assessed Property: None Listed
- Mile Radius: Within 0.5 Mile Radius

7.5.30 NYS AST (Petroleum Bulk Storage)

- Date of Record: June 29, 2004
- Assessed Property: None Listed
- Mile Radius: Within 0.25 Mile Radius

7.5.31 NYS CBS AST

- Date of Record: June 29, 2004
- Assessed Property: One (1) Listed
- Mile Radius: Within 0.25 Mile Radius
- Adjacent Sites:

- / American Linen Supply Co.
8 Lord Street, Po Box 106, Buffalo, NY

7.5.32 NYS MOSF AST

- Date of Record: June 29, 2004
- Assessed Property: None Listed
- Mile Radius: Within 0.5 Mile Radius

7.5.33 NYS NY Spills

- Date of Record: June 29, 2004
- Assessed Property: Four (4) Listed
- Mile Radius: Within 0.125 Mile Radius
- Adjacent Sites:

- / Ameripride
8 Lord Street, Buffalo, NY
- / Auto Repair - Seymour
115 Seymour Drive, Buffalo, NY
- / Tank on Seymour
103 Seymour, Buffalo, NY
- / Engine 32 Fire Station
Seneca/Swan Streets, Buffalo, NY

7.5.34 NYS Del SHWS

- Date of Record: June 29, 2004
- Assessed Property: One (1) Listed
- Mile Radius: Within 1.0 Mile Radius
- Adjacent Sites:
 - / Behringer Property (Imson Street)
 - 181 Imson Street, Buffalo, NY

7.5.35 Former Manufactured Gas (Coal Gas) Sites

- Date of Record: June 29, 2004
- Assessed Property: One (1) Listed
- Mile Radius: Within 1.0 Mile Radius
- Adjacent Sites:
 - / Buffalo Mutual Gaslight Co
 - 80-120 Fitzgerald, Buffalo, NY

7.5.36 US Brownfields

- Date of Record: June 29, 2004
- Assessed Property: None Listed
- Mile Radius: Within 0.5 Mile Radius

8.0 RADON:

8.1 Radon:

- Source:

NY Radon

Zip	Total Sites	<4pCi/L	>=4pCi/L	>=20pCi/L	Avg>4pCi/L	Max pCi/L
14210	16	16 (100%)	0 (0%)	0 (0%)	0.91	1.9

Area Radon Information

Federal EPA Radon Zone for ERIE County: 1

Note: Zone 1 Indoor average level >4 pCi/L

Zone 2 indoor average level >=2 pCi/L and <=4 pCi/L

Zone 3 indoor average level <2 pCi/L

Federal Area Radon Information foe ERIE County, NY

Number of Sites Tested: 622

Area	Ave. Activity	%<4 pCi/L	%4-20 pCi/L	%>20 pCi/L
Living Room	1.000 pCi/L	89%	11%	0%
Basement	1.150 pCi/L	87%	11%	2%

9.0 WETLANDS:

9.1 Wetlands Maps:

- Source:

NYSDEC - Buffalo NE

Federal - Buffalo NE

- Date:

2002

The assessed property is not designated as a wetland on the NYSDEC or the Federal wetlands maps.

10.0 PERSONNEL QUALIFICATIONS:

10.1 ENVIRONMENTAL SITE ASSESSMENT PERSONNEL

This Environmental Site Assessment was performed by Mr. William L. Heitzenrater of AFI Environmental. Mr. William L. Heitzenrater holds a Bachelor of Science degree in Biology with master courses in Environmental Studies from the State University of New York at Buffalo and Penn State and Fairleigh Dickerson University. Mr. William L. Heitzenrater has 20 years direct experience in the environmental consulting field in the greater Buffalo area and has performed over 200 Phase I Environmental Assessments and hundreds of Phase II Assessments. Mr. William L. Heitzenrater is a Certified ASTM Property Assessor, Licensed NYS Asbestos Inspector, Licensed EPA Lead Hazard Risk Assessor, Licensed EPA Lead Abatement Supervisor and has completed training in Project Management, Air Monitoring, Groundwater Monitoring, Well Installation, PCB Management, and Site Remediation and Clean Up.

10.2 CERTIFICATION

I hereby certify that I have examined the information and data obtained during this investigation of the subject parcel, and attest that this Transaction Screen Environmental Site Assessment has been prepared in accordance with sound environmental auditing practices, and according to the requirements of the American Society for Testing and Materials (ASTM) designation E1527-00.

Submitted by:
AFI ENVIRONMENTAL

WILLIAM L. HEITZENRATER

11.0 REFERENCES:

- / ASTM Practice E1527-00
- / Conversation Records: M. Rejewski w/ Lt. Ken Poczalski (City of Buffalo Fire Dept. - 7/7/04)
- / Conversations with Lloyd Hagen & Mr. Heitzenrater July 06, 2004.
- / Conversation Records: M. Rejewski w/ Mr. William Lesick (City of Buffalo Bldg Insp. - ?/?/04)
- / EPA Letter (Foil Request) dated June 30, 2004
- / NYSDEC Letter (Foil Request) dated June 30, 2004
- / NYS Health Department (Foil Request) June 30, 2004
- / City of Buffalo Building Inspector (Foil Request) June 30, 2004
- / Radon Map - EPA Website
(www.epa.gov/iaq/radon/zonemap/zmapp33.htm)
- / EDR Report - Inquiry #1221109.2s, Date: June 29, 2004
- / Aerial Photographs - EDR, Inc. (1995, 1983, 1978, 1966, 1958)
- / Sanborn Maps - EDR, Inc. (1986, 1981, 1950, 1926, 1899, 1889)
- / USGS Topographic Map - Buffalo NE Quadrangle (2002)
- / USDA Soil Survey Map - Erie County, New York

12.0 APPENDIX:

- A. EDR REPORT**
- B. OWNER/OPERATOR QUESTIONNAIRE & CORRESPONDENCE**
- C. FOIL REQUEST LETTERS & CORRESPONDENCE**
- D. PROJECT NOTES & CONVERSATION RECORDS**
- E. AERIAL PHOTOGRAPHS & SANBORN MAPS**
- G. SITE PHOTOGRAPHS**

ACRONYMS/ABBREVIATIONS

AFI	- AFI Environmental Consultants, Inc.
AST	- Aboveground Storage Tank
ASTM	- American Society for Testing and Materials
BECI	- Buffalo Environmental Consultants, Inc.
CERCLA	- Comprehensive Environmental Response, Compensation & Liability Act
CERCLIS	- Comprehensive Environmental Response, Compensation & Liability Information System
EPA	- (U.S.) Environmental Protection Agency
EPCRA	- Emergency Planning and Community Right to Know Act
ECDEP	- Erie County Department of Environment and Planning
ECDOH	- Erie County Department of Health
ECSD	- Erie County Sewer District
ECWA	- Erie County Water Authority
ERNS	- Emergency Response and Notification System
FIRM	- Floor Insurance Rate Map
FOIA	- Freedom of Information Act
LQG	- Large Quantity Generator
LUST	- Leaking Underground Storage Tanks
MSDS	- Material Data Safety Sheets
N/A	- Not Available, Not Applicable
N/R	- Not Reviewed, Not Researched
NPDES	- National Pollution Discharge Elimination System
NPL	- National Priorities List
NRCS	- Natural Resource Conservation Service (by County)
NYS	- New York State
NYSDEC	- New York State Department of Environmental Conservation
NYSDOH	- New York State Department of Health
NYSDOL	- New York State Department of Labor
OPRHP	- Office of Parks, Restoration, and Historic Preservation
OSHA	- Occupational Safety and Health Administration
PBS	- Petroleum Bulk Storage
PCB(s)	- Polychlorinated Biphenyl(s)
RCRA	- Resource Conservation and Recovery Act
SACM	- Suspected Asbestos Containing Materials
SARA	- Superfund Amendments and Reauthorization Act of 1986
SPDES	- State Pollution Discharge Elimination System
SQG	- Small Quantity Generator
TSDF	- Treatment, Storage and Disposal Facility
USDA	- United State Department of Agriculture
USGS	- United States Geological Survey
UST	- Underground Storage Tanks
USEPA	- United States Environmental Protection Agency

LIMITATIONS

This ESA is a visual observation of apparent environmental concerns. The scope of the work did not include the sampling and chemical analysis of soil, surface water, groundwater, air or building materials for lead or asbestos. Nor does this report include the investigation of process/operations of an existing facility in compliance with applicable environmental laws and regulations.

In preparing this report, AFI must rely on information obtained from government agencies: some of this information requires a legal description of the site. If the client did not provide this legal description, then some historical data may not be obtained and this section will show "no legal provided".

In preparing this report, AFI has relied upon certain information provided by the federal, state, and local officials and knowledgeable individuals, as well as information contained in the files of federal, state and county agencies. AFI did not attempt to independently verify the accuracy of or the completeness of all information provided during the course of this investigation. No warranty is made regarding the accuracy of any publicly documented information or the opinions of officials or other persons consulted.

In the event that counsel, title examiner, or peer review for the Client obtains information on the environmental or hazardous waste issue at the subject site not contained in this report, such information shall be brought to AFI's Attention immediately. AFI will evaluate such information and, based on this evaluation, may modify the conclusions stated in this report.

In certain instances, alternatives may have been substituted for the standard sources in ASTM Standard Practice E 1527. This has only been done only in those situations when these alternatives are equal or better reliability and detail, or if a standard source is not readily ascertainable.

Factual information regarding the operations, conditions and test data provided by the Client, owner and/or their representatives have been assumed to be correct and complete.

The conclusions and recommendations presented in this report are based upon reasonable visual inspection of the site and research of readily available documentation. This information is relevant to the date of our site visit and should not be relied upon to represent conditions later. AFI is not responsible for the impact of any change in environmental standards, practices or regulations, subsequent to the performance of its services.

This report does not consider *de minimis* conditions (i.e., small amounts of hazardous substance) that generally do not pose a risk of material harm to public health or the environment and generally would not be the subject of enforcement action if brought to the attention of appropriate government agencies.

Time constraints limit some receipt of information such as fire department and other agencies, which require written requests and up to (2) weeks, or more, to respond to these requests. Whenever possible AFI will endeavor to obtain this information; however, when it is not possible, AFI will state: DATA FAILURE DUE TO TIME CONSTRAINTS.

Completion of this report in the prescribed time is contingent on the receipt of the requested documents from the Government Agency, Client and/or owner of the subject site as requested.

Unrestricted access to all portions of the building must be provided. If additional visits to the site are required to finish the site reconnaissance due to tenant refusal to allow entry to the site, an additional charge will be added to the price of the Report. The owner or owner's agent must notify the tenant(s) prior to the time of the site reconnaissance that the assessor/inspector will be visiting the site.

The information provided in the site reconnaissance is relevant to the date of the onsite work and should not be relied on to represent conditions at a later date.

Use of this Phase I ESA without the expressed written permission of AFI Environmental a d/b/a of Buffalo Environmental consultants, Inc., releases AFI from any liability that may arise from the use of this report.

Reasonably ascertainable for the purposes of this report is information that is (1) publicly available, (2) obtainable from the source within a reasonable time and cost constraints, and (3) practically reviewable.

This environmental assessment does not address issues that are not necessarily relevant to the environmental characteristics of the subject property, such as: geotechnical suitability including subsidence; economic profitability; appropriate zoning; conditions of plumbing, electrical, roofing, HVAC systems; and building structure.

Specific areas to which access was limited by the site conditions or conditions outside of AFI's control included the following:

- The roofs of the building were not inspected except from the ground.

CLIENT RESPONSIBILITIES

The ASTM Standard E identifies the following Client responsibilities, which do not require the technical expertise of an environmental Professional and may be performed by the Client or User:

Title Search- Reviewing Title Records for Environmental Liens or Activity and land Use Limitations is the responsibility of the Client or User to identify environmental liens or activity and use limitations. If any records are found, this information should be reported to the Environmental Professional. The ASTM Standard E 1527 does not impose the responsibility of the title search on the Environmental Professional.

Specialized knowledge or Experience of the Client or User- If the Client or User is aware of any specialized knowledge or experience that is material to recognized environmental conditions in connection with the subject property, it is the Client's responsibility or User's responsibility to inform the Environmental Professional of this information or knowledge prior to the site reconnaissance.

Significantly Lower Purchase Price- If the Client or User should have actual knowledge that the purchase price of the property is significantly less than the purchase price of comparable properties due to environmental concerns on the subject property or adjacent properties, the Client or User should impart this information to the Environmental Professional prior to the site reconnaissance.

The Client or user shall make known to the Environmental Professional in writing the reason for having the Phase I Environmental Assessment performed. If the Client or User does not identify the purpose for the Phase I Environmental Assessment the Environmental Professional shall perform the assessment with the understanding that the purpose is to meet the Client's requirement as stated in the Scope of Work, for assessment of the environmental risk, if any, associated with the subject site. It is the Client or User's responsibility to identify to the Environmental Professional the purpose and to modify the Scope of work under this practice for special circumstances, such as, but not limited to, the potential environmental conditions that could materially impact the

operations of a business associated with the parcel of land.

No Site Notes

Professional Staff
WILLIAM L. HEITZENRATER

POSITION

Project Manager, Senior Environmental Professional Scientist, Regulatory Liaison.

KEY DISCIPLINES

Phase I and Phase II Site Assessments
Environmental Auditing
Environmental Impact Assessment
Environmental Management: Systems, Strategy and Training
Regulatory Compliance
Regulatory Agency Interactions
Biological Field Studies
Mold Inspection
Lead Inspection
Asbestos Inspection
Solid Waste and Hazardous Waste Management
Facility Permit Management
SARA Title III Reporting
Stormwater Pollution Prevention Plans (SWPPP)
Title V Air Permits
Petroleum Bulk Storage Permits

RESPONSIBILITIES

Project Management and Direction, Phase I Environmental Professional, Field Investigations & Field Study Supervisor, Biological Studies, Environmental Audits, Proposal Preparation, Marketing, Business Development, Construction Supervision and Management, Environmental Training, Expert Testimony, and Regulatory Compliance and Agency Interaction

EXPERIENCE

Environmental Impact Assessment

Mr. Heitzenrater has project managed and participated in many ecological studies and Environmental Impact Assessments (EIAs) in NYS, PA, Ohio, Connecticut and Virginia. His work involved coordination and conducting ecological, biological, hydrogeological, noise, air and traffic monitoring and air, water, soil and waste management as well as liaison with regulatory bodies and the development of detailed technical reports for submission to the Department of Environmental Conservation in each of the respective states.

Projects Managed include EIAs and EISS for:

- Orleans Sanitary Landfill, Albion, New York
- Schultz Landfill, Cheektowaga, New York
- City of Buffalo, MHRF, Hopkins Street, Buffalo, New York
- Timberview Subdivision, Corsica, PA
- Southern Tier Sanitary Landfill, Farmersville, New York
- Clinton Disposal C&D Processing Facility, Buffalo, New York
- Landcom C&D Facility, Town of Murray, New York

- Fox Hollow Run Golf Course, Town of Murray, New York
- 18 Mile Creek Low Head Hydro, Buffalo, New York
- Ginna Nuclear Site, Ontario, New York
- Sommerset Coal Station, Somerset, New York
- Nine Mile Point Generating Station, Mexico, New York

He has also project managed a market feasibility study for three proposed C&D Debris Landfills, two (2) MSW Landfills, and two (2) MSW Transfer Stations, and one (1) Material Handling and Recovery Facility. This work comprised an initial strengths, weaknesses, opportunities and threats (SWOT) analysis, a market survey, and a review of regulatory and permitting procedures and an assessment of future markets and waste disposal options.

Clients include:

Waste Management Inc.
Integrated Waste Services, Inc.
Son-Dar Enterprises Inc.
Clinton Disposal Inc.
Landcom, Inc.

USA Waste Inc.
Integrated Waste Systems, Inc.
Capital Environmental Resources, Inc.
Formso Landfill, Inc.
Southern Tier Waste Services, Inc.

Environmental Auditing and Assessment

Mr. Heitzenrater has conducted and project managed many Phase I, Phase II and RI/FS for compliance acquisition, divestiture, due diligence and corporate environmental management audits of a wide variety of facilities and clients. His work has included portfolio evaluation, site ranking, sensitivity analysis, investigative planning and remediation costing.

M&T Bank
Lockport Savings Bank
Kodak
General Motors
Occidental Petroleum
New York State
Mobil Oil
Noco Oil
Allied Signal
Power Authority State of New York
Duke, Holzman, Yaeger & Photiadis
Superior Lubricants
Village of Holley
Niagara Falls Redevelopment

New York State Electric & Gas
Rochester Gas & Electric
Waste Management, Inc.
USA Waste, Inc.
BFI
Capital Environmental
Williamsville School District
Schultz Landfill
Niagara Frontier Transit Authority
Integrated Waste
Harter, Secret & Emery
Niagara Wheatfield School District
Virginia Bio Fuels

Business Management Experience

Mr. Heitzenrater, Founder and President of BECI, has assembled a professional staff ideally qualified to provide environmental consulting services to clients in both the public and private sectors of Solid Waste Management. His extensive experience spans over 22 years in the consulting business, and has included a multitude of projects covering a wide range of environmental disciplines.

His experience has been diverse, and includes coordination and negotiation with numerous regulatory agencies regarding all facets of Solid Waste Management Facility project development and permitting. Mr. Heitzenrater specializes in speculative land acquisition and the development of preliminary investigation plans for potential of new Solid Waste Management Facilities.

He has established effective professional working relationships with a number of Regulatory Officials and is recognized for his ability to successfully negotiate proposals during all phases of regulatory review.

Environmental Management and Training

Mr. Heitzenrater's work has included conducting the Initial Environmental Reviews (IER), developing procedures for identification and responsiveness to impacts and assessments of significance, development of environmental policy, development of corporate objectives and environmental strategies, and preparing EMS manuals/handouts and employee training.

Mr. Heitzenrater has also conducted training for a variety of clients at a multitude of levels in environmental management, environmental awareness and auditing. His work has included developing and preparing site and company specific training materials. Clients include:

Kodak	Advanced Recycling, Inc.
Waste Management Inc.	Todd Levin Company
Co-Steel Recycling, Inc.	Clinton Disposal Inc.
Independent Cement	Hurwitz Recycling Co.
DEMCO	Lake Steel Co.
Sevenson Environmental	Orleans Sanitary Landfill, Inc.
Advanced Co-Steel	Lake Erie Recycling/Levin
Natural Environmental, Inc.	Reger Development, Inc.
Diamond/Hurwitz Co.	Niagara Falls Redevelopment

Other Environmental Experience

- Certified NYSEPA Asbestos Project Designer
- Certified NYSEPA Asbestos Project Monitor
- Certified NYSEPA Asbestos Air Technician
- Certified NYSEPA Asbestos Supervisor
- Certified NYSEPA Asbestos Inspector
- Certified Lead Hazard Supervisor - Buffalo, NY (LCSC-02/04/18-295)
- Certified Lead Risk Assessor - Syracuse, NY (LRAC-02/05/10-375)
- Certified XRF Lead Paint Inspector - Rochester, NY (LIC-02/05/08-398)
- Researched Life Cycles of Annelid Worms in Tidal Basin, Abaco, Bahamas
- Researched Distribution and Abundance of Aquatic Flora and Fauna in the Great Lakes
- Researched Cold Shock Effects and Survival Potential of Trout and Salmon near Fossil and Nuclear Power Plants on Lake Ontario
- Researched Fish Migratory Patterns on the Great Lakes
- Collected Bio-Accumulation Data for Nuclear Byproducts near Ginna Nuclear Power Plant
- Researched Distribution and Abundance of Macro-Invertebrates in the Great Lakes. (Lake Ontario & Lake Erie Watersheds)

Waste Management Site Development

Mr. Heitzenrater developed a long term waste management facility development strategy for a number of existing and upstart solid waste management companies. His work included developing site assessment and facility siting protocol, and audit trail, devising a "site ranking methodology", conducting site suitability, testing and ranking studies, and performing a fatal flaw analysis of permitting strategies.

Patents Held or Pending

- Use of Landfill Leachate to accelerate the Insitu Composting of MSW Waste (jointly held ownership)
- Insitu, Year-round, Multiview, Time Sensitive, Underwater Video Recording of Fish Return Ports (Patent Pending)

Languages

English, German

PROFESSIONAL ORGANIZATIONS

- Environmental Assessment Association
- National Water Well Association
- New York State Association of Solid Waste Management
- American Fisheries Society
- Emergency Medical Planning Instructor

ACADEMIC QUALIFICATIONS

State University of New York at Buffalo, Buffalo, New York/1977
B.A. Biology/1977
ABACO Islands, Bahamas, Tidal Zone Ecology/1976
West Indies Lab, St. Croix, V.I., Marine Science and Chemical Oceanography/1974

Continuing Education

New York State Landfill Operator Certification
State University of New York at Albany, Solid Waste Facility Liner Design, 1991
The Eighth Annual Conference on Solid Waste Management and Materials Policy, Sheraton New York
Hotel & Towers, New York City, 1992
Lead Abatement Supervisor Certification USEPA LCSC-02/04/18-295,
EPA/NYS Asbestos Inspector
USEPA Lead Risk Assessor Certification LRA C-02/05/10-375,
OSHA "40 Hour Hazwoper Instructor Course" - Rochester, New York 1992,
Wetlands Identification and Delineation Course, Penn State University at Harrisburg, Harrisburg,
Pennsylvania/1990

EMPLOYMENT RECORD

1976-1978

State University of New York at Buffalo Research Foundation - Biological
Research. Under Director of Jack Storr, PhD - Research Biology

1978-1982

Eco Research, Inc.
Biological & Ecological Studies - Field Supervisor

1982-1987

Beak Consultants, Inc.
Biological & Ecological Studies - Sr. Scientist - Field Supervisor

1987-Present

AFI Environmental - President (See Above)

Environmental Assessment Association



hereby certifies that

William L. Heitzenrater

has been qualified for membership in the

Environmental Assessment Association

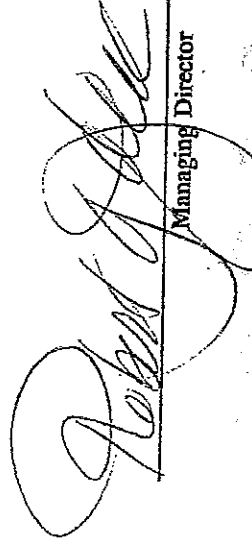
and has been admitted by its Board of Directors and declared to be a

CEI

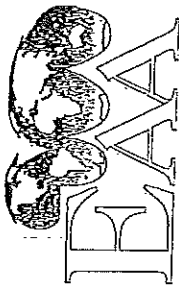
Certified Environmental Inspector

*and is hereby granted this certificate
under the conditions presented in its by-laws.*

Signed and sealed this 16th day of January, 19 98


Managing Director

Environmental Assessment Association



hereby certifies that

William L. Heitzenrater

has been qualified for membership in the

Environmental Assessment Association

and has been admitted by its Board of Directors and declared to be a

CEI

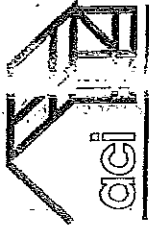
Certified Environmental Inspector

*and is hereby granted this certificate
under the conditions presented in its by-laws.*

Signed and sealed this 27th day of August, 1922

Joseph M. Lacy
Managing Director

Association of Construction Inspectors



hereby certifies that

William Heitzenrater

has been qualified for membership in the

Association of Construction Inspectors

and has been admitted by its Board of Directors and declared to be a

CCI

Certified Construction Inspector

*and is hereby granted this certificate
under the conditions presented in its by-laws.*

Signed and sealed this 9th day of December, 1992

Troy L. Johnson
Managing Director

PATRICK W. ACKERMAN

POSITION

Research and Technical Support Management

EDUCATION

Niagara County Community College
Computer Information Systems

University of Buffalo

Bachelor of Arts Computer Information Systems

EXPERIENCE

Buffalo Environmental Consultants Inc., Niagara Falls, NY

- Performed layout and documentation of environmental testing studies. Data Collection and in-Field Data entry. Assisted in Drafting Site maps and preparation of Information Data Tables and creating Data Reports.

AFI Environmental Inc., Niagara Falls, NY

- Phase I Site Reconnaissance
- EPA/New York State Asbestos Inspector
- EPA/New York State Asbestos Supervisor
- Niagara Falls Redevelopment - Site Inspections, Asbestos Surveys, Environmental Oversight

LocalNet, Amherst NY

Tier 1 Technical Support

- Troubleshoot Windows and Mac computers and software
- Manually set up internet connections
- Ticket and escalate problems

On-site Scientist

Environmental testing associated with Phase 2 Studies and Brownfield Development Projects

SKILLS/ CERTIFICATIONS

- Extensive knowledge of hardware devices
- Proficient in Symantec Ghost, All Windows, Microsoft Office, Citrix, Outlook, Internet Explorer, Exchange, LAN, Lotus Notes, Wireless Networking

12.0 REFERENCES

- ASTM Practice E1527-05 AAI
- EDR Report – Inquiry# 2659593.2s – December 15, 2009
- Aerial Photographs – EDR, Inc. 2659593.5 – December 15, 2009
- USGS Topographic Map – EDR, Inc. 2659593.4 – December 15, 2009
- EDR City Abstract – EDR, Inc. 2659593.6 – December 15, 2009
- Sanborn Map – EDR, Inc. 2659593.3 – December 15, 2009
- City of Buffalo Assessors:
www.erie.gov/maps/
- <http://www.epa.gov/>
- USEPA Letter (Foil Request) dated December 16, 2009
At this time a response has not been received.
- New York State DEC (Foil Request) dated December 16, 2009
At this time a response has not been received.
- Record Access Office (Foil Request) December 16, 2009
At this time a response has not been received
- Erie County Building Inspector (Foil Request) December 16, 2009
At this time a response has not been received
- AFI Environmental's Phase I Environmental Site Assessment, 797 Seneca Street, Buffalo, Erie County, New York 14210. 2004.
- AFI Environmental's Phase II Sub Surface Soil Investigation, 797 Seneca Street, Buffalo, Erie County, New York 14210. 2007.

13.0 ACRONYMS/ABBREVIATIONS

ACRONYMS/ABBREVIATIONS

AFI	- AFI Environmental Consultants, Inc.
AST	- Aboveground Storage Tank
ASTM	- American Society for Testing and Materials
BECI	- Buffalo Environmental Consultants, Inc.
CERCLA	- Comprehensive Environmental Response, Compensation & Liability Act
CERCLIS	- Comprehensive Environmental Response, Compensation & Liability Information System
EPA	- (U.S.) Environmental Protection Agency
EPCRA	- Emergency Planning and Community Right to Know Act
ECDEP	- Erie County Department of Environment and Planning
ECDOH	- Erie County Department of Health
ECSD	- Erie County Sewer District
ECWA	- Erie County Water Authority
ERNS	- Emergency Response and Notification System
FIRM	- Floor Insurance Rate Map
FOIA	- Freedom of Information Act
LQG	- Large Quantity Generator
LUST	- Leaking Underground Storage Tanks
MSDS	- Material Data Safety Sheets
N/A	- Not Available, Not Applicable
N/R	- Not Reviewed, Not Researched
NPDES	- National Pollution Discharge Elimination System
NPL	- National Priorities List
NRCS	- Natural Resource Conservation Service (by County)
OPRHP	- Office of Parks, Restoration, and Historic Preservation
OSHA	- Occupational Safety and Health Administration
PBS	- Petroleum Bulk Storage
PCB(s)	- Polychlorinated Biphenyl(s)
RCRA	- Resource Conservation and Recovery Act
SACM	- Suspected Asbestos Containing Materials
SARA	- Superfund Amendments and Reauthorization Act of 1986

SPDES	- State Pollution Discharge Elimination System
SQG	- Small Quantity Generator
TSDF	- Treatment, Storage and Disposal Facility
USDA	- United State Department of Agriculture
USGS	- United States Geological Survey
UST	- Underground Storage Tanks
USEPA	- United States Environmental Protection Agency