

Brownfield Cleanup Program Application

Prepared For:
598 Main Street LLC
726 Exchange Street Suite 825
Buffalo, New York 14210

Prepared By:



AFI Environmental
PO Box 4049
Niagara Falls, New York 14304

Prepared:
February 2010

Brownfield Cleanup Program Application ("BCP")

111 Hydraulic Building

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February 25, 2010

Mr. Marty Doster, P.E.
Division of Environmental Remediation
New York State Department of
Environmental Conservation, Region 9
270 Michigan Avenue
Buffalo, New York 14203

Dear Mr. Doster,

Enclosed is the completed Brownfield Cleanup Program (BCP) application for the proposed re-development, of the properties located at 797/799 - 819 Seneca Street, 105 - 111 Hydraulic Street, and 742 - 764 Carroll Street in the City of Buffalo, Erie County, New York (collectively the "Site"). This proposed development is to be known as **"111 Hydraulic Building"**. 598 Main Street LLC (the "Applicant") proposes demolition of the abandoned Industrial/commercial building known as the "Good Door Store" along with the demolition of the last of a series of abandoned residential structures located on one of the seven parcels which comprise the Site. Upon completion of the Site Prep Phase (which will require abatement of ACM material in both structures prior to demolition, removal of source material including leaking vehicle gas tanks and drums), soil remediation activities will be conducted to remove soils with elevated levels of metals (identified in the upper soil horizon on several parcels). Additional soil excavation will be needed to address petroleum contamination identified in the open NYS DEC Spill file and other 'hot spots' for VOCs and SVOCs identified inside and outside the building. Source material and impacted soils to a depth of 4ft to 6ft will be excavated in former tank and drum storage areas and from beneath abandoned gas tank stock piles. Soils will be transported and proper offsite disposal documented. Two exterior areas (where mounds of sandblasting sands and other metals were dumped) will be excavated to a depth of 6 ft BG. Once the BCP cleanup activities are finalized, the Site will be developed with a two story mixed use building including: retail space, professional office space, general office and multiple work stations with court yards and surface parking.

The proposed action would replace an existing, at grade, facility where auto body repair, and door and gas tank sandblasting and repair facility is currently vacant and will re-develop the Site with a 2-Story office complex which will employ 250 plus new employees (upon initial occupancy) and when fully occupied will incorporate work stations for over 600 employees.

The BCP Application and supporting documentation, summarizes known and suspected activities at the Site that may have contributed to elevated levels of soil contamination, that exceed NYSDEC Soil Cleanup Objectives and identifies those issues that are connected to building conditions, historic operations, contaminant concerns, as well as redevelopment use.

598 Main Street LLC (hereafter referred to as the NYSDEC Brownfield Cleanup Program (BCP) "Applicant") requested that AFI Environmental (AFI) also prepare a Remedial Investigation/Interim Remedial Measures (RI/RM) Work Plan to submit with the BCP.

The following are key issues associated with the Site which are further described in the attachments to the application.

Historic Site Use

The Site is approximately 131,000 square feet (3 acres) in area. The Site consists of seven (7) parcels, 2 lots that are reported as vacant but utilized for parking, 2 former residential lots now vacant, 1 lot with a vacant residential structure, 1 vacant mixed use commercial/industrial lot, and 1 vacant mixed use commercial/industrial building structure formerly known as the "Good Door Store".

The seven parcels comprising the Site are identified as Block 6, LOT(s) 2,3,7,8,9,10 and 11 on the City of Buffalo Tax Map and are located between Seneca Street (to the north), Carroll Street (to the south) Hydraulic Street (to the west) and Griffin Street (to the east) within the city of Buffalo, Erie County, New York.

The mixed use parcels include manufacturing, auto body repair, gas tank removal and refurbishing, door and radiator sandblasting and repair, dry cleaning, linen and laundry service and commercial retail stores. The mixed use surrounding area is developed with residential houses, commercial retail stores, offices, LCO Larkin building and parking and manufacturing.

The former "Good Door Store" conducted car repairs by stock piling doors, radiators, and gas tanks, removed from local vehicles as well as imported southern cars and included activities such as: painting, repairing gas tanks, sandblasting tanks, bumpers and doors and incineration and improper disposal of waste materials and sand blasting sands.

Other noted uses of the structure and surrounding area included a commercial laundry facility prior to this aforementioned use. 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 became the Best Southern Body Parts, Gas Tank Warehouse, Good Door Store and Ron Lear Inc.

Since abandoned, the buildings at the Site have fallen into disrepair to the point where roof sections are missing or collapsing, doors are damaged or missing, and windows are broken or missing. Given the timeframe of construction, the presence of Presumed Asbestos Containing Material (PACM) is prevalent throughout the two remaining structures. Other building issues include window glazing/caulk which may contain PCBs and asbestos as well as failing paint which may contain lead and/or hexavalent chromium.

Historically the referenced industrial activity would have used a variety of chemicals and solvents not only to remove paint, but also during the day to day maintenance and operation of the equipment. Aside from the process equipment and procedures, there are other areas reportedly utilized at the "Door Store" which are suspect. Those areas include the

“Spray Booths”, “Sandblasting Booths”, “Vehicle Maintenance Bays”, “Door and Gas Tank Storage Areas”, and outdoor “Drum Storage Areas”.

Given the lack of maintenance, much debris and abandoned equipment obscure the ability to identify the location of pits, floor drains, sumps and subsurface reservoirs all of which may be sources of uncharacterized contaminants. The assessment of these interior features can only be performed after demolition of the building is complete.

Previous Subsurface Investigations

A Series of ‘Limited’ Phase II ESIs were completed by AFI in June 2006 and April 2007 to assess Recognized Environmental Conditions (RECs) identified during the Phase I ESA which was completed by AFI and dated July 2004 (updated February 2010). The Phase I ESA identified RECs pertaining to the potential presence of underground storage tanks at the site through visual observations of mounds and exposed piping and historical records, and the open NYSDEC spill case and areas of concern including onsite disposal of metals and sand blasting waste, improper storage of petroleum products from gas tank removal and storage, and off site (adjacent, up-gradient, and cross- gradient) areas of concern related to dry cleaning and commercial uniform cleaning operations.

Phase II ESI field activities were performed in June 2006 and April 2007 through the advancement of soil borings, hand auger investigations and collection of soil samples for laboratory analysis. Test Pit installation was conducted in November 2009 and January 2010 to evaluate the condition of the soils to depth and to determine if USTs were buried at the site in the areas of concern.

Soil Sample analytical results indicated concentrations of metals in exceedance of both the New York State Department of Environmental Conservation (NYSDEC) Recommended Soil Cleanup Objectives (RSCOs) and NYSDEC Brownfield Cleanup Program (BCP) Track 1 Soil Cleanup Objectives (SCO) and/or NYSDEC eastern background concentrations (metals only). Metals exceeding NYSDEC RSCOs, NYSDEC BCP Track 1 SCOs and eastern background levels

consisted of the following compounds: Arsenic, Barium, Chromium, Lead, and Mercury. Limited subsurface soil sampling showed volatile organic compounds (VOCs) in exceedance of both the New York State Department of Environmental Conservation (NYSDEC) Recommended Soil Cleanup Objectives (RSCOs) and NYSDEC Brownfield Cleanup Program (BCP) Track 1 Soil Cleanup Objectives (SCO).

Site Eligibility Factors

The Three general areas of environmental concern identified as a result of the series of Limited Phase II ESIs were as follows:

- Metals resulting from operations and improper disposal at the former “Good Door Store” and historic disposal and storage procedures from other former occupants have impacted this parcel and adjacent properties within this block which make up the Site through wind movement and surface drainage distribution and transport of metals across the site from equipment movement and vehicle tracking. (Mounds of metals observed and recorded in 2004 were missing or reduced in size by 2010). Impacts appeared worse in the vicinity of metal dumping and were recorded to a depth of 4 to 6 ft in these areas.
- Presence of “Hot Areas” where elevated levels of VOCs and SVOCs related to poor housekeeping, improper disposal and storage of auto and truck gas tanks which were removed, replaced and stored at the site. These areas appear to be centered in a series of three “Hot Spots” within parcel #1: the drum storage area on the western section of the east court yard on parcel #1 and the north- indoor bay and the two south east bays. Petroleum releases and soil impacts beneath the concrete pads on the interior of the building were confirmed with soil borings and analytical sampling in 2006 and 2007.
- Elevated metals in soil were also documented on the western residential properties during hand auger sampling to a depth of 6 to 12 inches. These impacts were probably associated with wind distribution from the neighboring “Good Door Store” or the result of flaking and deteriorated Lead based paint from the residential structures.

For future Site Development and completion of the project known as 111 Hydraulic Building, the following actions are recommended:

- All surface soils on parcels 1,2,3,4, 5, 6, 7 should be removed, tested and transported to an approved landfill. Excavation should be to a minimum of 1 ft in all areas and to a maximum depth in designated areas to 18 inches and in 2 areas (as noted) to a depth of 4' to 6'. Excavated soils should be characterized to identify material handling requirements and for material reuse, transport, and or waste disposal requirements and be managed according to federal, state, and local regulations.
- If landscaped areas are incorporated into the development of the Site, then at least two foot thick layer of certified clean fill cap should be placed over on-site soils in areas where soils are excavated to only 6 inches or less.
- If dewatering is required for construction activities, then groundwater at the locations of dewatering should be sampled and the need for pretreatment assessed prior to discharge to the city of Buffalo Sewer System.
- Removal of all former automotive parts and equipment (engine blocks, doors, bumpers, tires, gas tanks and radiators).
- In area of VOC Hot spots (1 outdoors in the court yard and two indoor areas in areas of gas tank removal and storage), soils should be removed to a depth of 4 to 6 ft below grade and if confirmatory sampling doesn't achieve cleanup goals then the use of a soil liner and soil vapor extraction system be evaluated.
- Site prep should include the demolition of the remaining buildings and removal of the existing foundation and concrete pad. Prior to demolition an ACM survey consistent with EPA and NYSDOL code Rule 56 should be conducted to determine the presence of ACM and all ACM removed prior to Demolition activities as specified in by the EPA and NYSDOL and consistent with OSHA requirements.

The total cost of environmental remediation at the Site is difficult to assess given the large area covered by the Site, limits of the environmental investigation activities to date, and the lack of detailed development plans for the 111 Hydraulic Building Project. However, using the

Conceptual Plan presented within and an order-of -magnitude estimate of environmental remediation costs provides a range of cost from 1.2 to 2.0 million dollars. This estimate is based on the assumption that the entire site will require some form of soil removal and disposal to a minimum depth of 6" to 12" and in some areas a depth of 18" will be needed and in two specific areas excavation to remove dumped material will be to a depth of up to 6 ft. This estimate is also based on the assumption that the three hot spot areas discussed above will require excavation to 4 ft to remove the "source material." If the areas of contamination extend greater than 4 to 6 ft. bgs, alternatives will include the placement of a liner and/or soil vapor extraction system. The actual cost will vary based on the final design, market conditions, and actual levels of contamination encountered when the concrete pad is removed.

In closing, we appreciate the Department's review and consideration of this Brownfield Cleanup Program application. The financial benefits of the program will greatly assist in the decision to move forward with the project, which will result in remediation of the site and subsequent re-development into a viable complex for expanded future employment in the area.

If you have any questions or are in need of additional information, please contact William Heitzenrater at 716-940-2725.

Sincerely,
AFI Environmental



William Heitzenrater
President
AFI Environmental

cc: Joseph Petrella, 598 Main Street LLC
Deborah J. Chadsey, Esq., Kavinoky Cook LLP



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



BROWNFIELD CLEANUP PROGRAM (BCP)

ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY
BCP SITE #: _____

07/07

Section I. Requestor Information

NAME 598 Main Street, LLC

ADDRESS 726 Exchange Street, Suite 821

CITY/TOWN Buffalo

ZIP CODE 14210

PHONE 716-856-8400 ext. 101

FAX 716-819-1202

E-MAIL joep@workingdowntown.com

NAME OF REQUESTOR'S REPRESENTATIVE Joseph Petrella

ADDRESS 726 Exchange Street, Suite 821

CITY/TOWN Buffalo

ZIP CODE 14210

PHONE 716-856-8400 ext. 101

FAX 716-819-1202

E-MAIL joep@workingdowntown.com

NAME OF REQUESTOR'S CONSULTANT AFI Environmental, Attn: William Heitzenrater

ADDRESS 7815 Buffalo Avenue

CITY/TOWN Niagara Falls

ZIP CODE 14304

PHONE 716-283-7645

FAX 716-283-2858

E-MAIL

NAME OF REQUESTOR'S ATTORNEY Kavinsky Cook LLP Attn: Deborah J. Chadsey, Esq.

ADDRESS 726 Exchange Street, Suite 800

CITY/TOWN Buffalo

ZIP CODE 14210

PHONE 716-845-6000 ext. 218

FAX 716-845-6474

E-MAIL dchadsey@kavinskycook.com

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

☐ **PARTICIPANT**

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

☒ **VOLUNTEER**

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

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

Requestor Relationship to Property (check one):

☐ Previous Owner

☐ Current Owner

☒ Potential /Future Purchaser

☐ Other _____

If requestor is not the site owner, requestor will have access to the property throughout the BCP project.

☒ Yes

☐ No

(Note: proof of site access must be submitted for non-owners)

Section II: Property Information Summary Sheet

PROPERTY NAME: 111 Hydraulic Street Project

ADDRESS/LOCATION 111 HYDRAULIC ST. CITY/TOWN Buffalo ZIP CODE 14210

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

COUNTY Erie SITE SIZE (ACRES) 3-4 acres

LATITUDE (degrees/minutes/seconds) N 42.87550 - 42° 52' 31.8" LONGITUDE (degrees/minutes/seconds) W 78.847400 - 78° 50' 50.6"

HORIZONTAL COLLECTION METHOD: ☐ SURVEY ☐ GPS ☐ MAP HORIZONTAL REFERENCE DATUM:

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

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
See Section II Tab					

1. Do the property boundaries correspond to tax map metes and bounds? ☒ Yes ☐ No
 If no, please attach a metes and bounds description of the property.

2. Is the required property map attached to the application? (application will not be processed without map) ☒ Yes ☐ No

3. Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)? ☒ Yes ☐ No

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

If yes, identify area (name) Bflo-Lackawanna Renewal Community - See Section II Tab

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

PROPERTY DESCRIPTION NARRATIVE:

Property descriptions for each parcel are included under Section II Tab.

List of Existing Easements (type here or attach information)

Easement Holder	Description
None	N/A

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

Type	Issuing Agency	Description
None	N/A	N/A

Initials of each Requestor: JP _____

Section III. Current Site Owner/Operator Information

OWNER'S NAME (if different from requestor) See Section I Tab

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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

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

1. Are any enforcement actions pending against the requestor regarding this site? ☐ Yes ☒ No
2. Is the requestor subject to an existing order relating to contamination at the site? ☐ Yes ☒ No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? ☐ Yes ☒ No
4. Has the requestor been determined to have violated any provision of ECL Article 27? ☐ Yes ☒ No
5. Has the requestor previously been denied entry to the BCP? ☐ Yes ☒ No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants? ☐ Yes ☒ No
7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? ☐ Yes ☒ No
8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department? ☐ Yes ☒ No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.8(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? ☐ Yes ☒ No

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

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

Section VI. Project DescriptionWhat stage is the project starting at? ☒ investigation ☐ remediation

Please attach a description of the project which includes the following components: See Section VI Tab

- Purpose and scope of the project
- Estimated project schedule

Section VII. Property's Environmental History

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

1. Environmental Reports - Property Environmental History - See Section VII Tab

A phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site.

If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): ☐ Yes ☐ No

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

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum	yes		no	N/A	
Chlorinated Solvents	Yes		no	N/A	
Other VOCs				N/A	
SVOCs	yes		no	N/A	
Metals	yes		no	N/A	
Pesticides	no	no	no	N/A	no
PCBs			no	N/A	no
Other*	none				

*Please describe: _____

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

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

*Please describe: same as above

4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS:

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

Other: _____

5. INDICATE PAST LAND USES:

- | | | | | | |
|---|---|---|--------------------------------------|---|-------------------------------------|
| <input type="checkbox"/> Coal Gas Manufacturing | <input checked="" type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner | <input type="checkbox"/> Salvage Yard | <input type="checkbox"/> Bulk Plant |
| <input type="checkbox"/> Pipeline | <input type="checkbox"/> Service Station | <input type="checkbox"/> Landfill | <input type="checkbox"/> Tannery | <input type="checkbox"/> Electroplating | <input type="checkbox"/> Unknown |

Other: _____

6. Owners

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

7. Operators

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

Section VIII. Contact List Information

Please attach, at a minimum, the names and addresses of the following: See Section VIII Tab

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

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

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

Intended Use: ☐ Unrestricted ☐ Residential ☒ Commercial ☐ Industrial (check all that apply)

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

	Yes	No
1. Do current historical and/or recent development patterns support the proposed use? (See #12 below re: discussion of area land uses)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Is the proposed use consistent with applicable zoning laws/maps?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Are there any federal or state land use designations relating to this site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Do the population growth patterns and projections support the proposed use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Is the property accessible to existing infrastructure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Are there floodplains within ½ mile?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Are there any institutional controls currently applicable to the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas.	See Section IX Tab	
13. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge areas.	See Section IX Tab	
14. Describe on attachment the geography and geology of the site.	See Section IX Tab	

Statement of Certification and Signatures

(By requestor who is an individual)

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

Date: _____ Signature: _____ Print Name: _____

(By an requestor other than an individual)

I hereby affirm that I am Managing Member (title) of 598 Main Street, LLC (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 5.14.2010 Signature: _____ Print Name: Joseph Petrella

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

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

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

- One (1) paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our website for the address of our regional offices: <http://www.dec.ny.gov/about/776.html>

FOR DEPARTMENT USE ONLY

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

REMEDIAL INVESTIGATION & INTERIM REMEDIAL MEASURES WORK PLAN

Location:

Property Comprised of the Following Addresses:

105 and 111 Hydraulic St,
777 and 797 Seneca St,
742 and 746 Carroll St,
Buffalo, New York 14210

Prepared For:

Joe Petrella

Larkin Development Group

598 Main Strret LLC

726 Exchange Street, Suite 825
Buffalo, New York 14210

Prepared By:



AFI Environmental

PO Box 4049

Niagara Falls, New York 14304

(716) 283-7645

www.afienvironmental.com

Submitted To

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

Distribution:

1 copy NYSDEC – Albany
1 copy NYSDEC – Region 9
1 copy Kavinoky Cook LLP
1 copy LCO Building Development LLC
1 copy AFI Environmental

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EXECUTIVE SUMMARY

598 Main Street LLC (hereafter referred to as the NYSDEC Brownfield Cleanup Program (BCP) "Applicant") requested that AFI Environmental (AFI) prepare a Remedial Investigation/Interim Remedial Measures (RI/RM) Work Plan of seven parcels identified as Block 6, LOT(s) 2,3,7,8,9,10,11 located between Seneca Street (to the north), Carroll Street (to the south) Hydraulic Street (to the west) and Griffin Street (to the east) within the city of Buffalo, Erie County, New York (hereafter referred to as the "Site") to address Recognized Environmental Conditions (RECs) identified during the Phase 1 Environmental Site Assessment (ESA) which was completed by AFI in July 2004 and updated by AFI in February 2010 to include all seven of the listed properties. The Site is approximately 131,000 square feet (3 acres) in area. The Site consists of seven (7) parcels, 2 lots that are reported as vacant but utilized for parking, 2 former residential lots now vacant, 1 lot with a vacant residential structure, 1 vacant mixed use commercial/industrial lot, and 1 vacant mixed use commercial/industrial building structure known as the former "Good Door Store". The mixed use parcels include manufacturing, auto body repair, gas tank removal and refurbishing, door and radiator sandblasting and repair, dry cleaning, linen and laundry service and commercial retail stores. The mixed use surrounding area is developed with residential houses, commercial retail stores, offices, LCO Larkin building and parking and manufacturing. 598 Main Street LLC (Applicant) is considering disposition of the Site for a two story mixed use development as retail space, professional office space, general office and multiple work stations with court yards and surface parking to be known as "**111 Hydraulic Building**". The proposed action would replace an existing, at grade, auto body repair, storage and door and gas tank sandblasting and repair facility which is currently vacant and will employ 250 plus new employees when fully operational and at full capacity will incorporate work stations for over 600 employees.

A Series of 'Limited' Phase II ESIs were completed by AFI in June 2006 and April 2007 to assess Recognized Environmental Conditions (RECs) identified during the Phase1 ESA which was completed by AFI and dated July 2004 (updated February 2010). The Phase 1 ESA identified RECs pertaining to the potential presence of underground storage tanks at the site through visual observations of mounds and exposed piping and historical records, and open NYSDEC spill case and areas of concern including onsite disposal of metals and sand blasting waste, improper storage of petroleum products from gas tank removal and storage, and off site (adjacent, up-gradient, and cross- gradient) areas of concern related to dry cleaning and commercial uniform cleaning operations.

Phase II ESI field activities were performed in June 2006 and April 2007 through the advancement of soil borings, hand auger investigations and collection of soil samples for laboratory analysis. Test Pit installation was conducted in November 2009 and January 2010 to evaluate the condition of the soils to depth and to determine if USTs were buried at the site in the areas of concern.

Soil Sample analytical results indicated concentrations of metals in exceedance of both the New York State Department of Environmental Conservation (NYSDEC) Recommended Soil Cleanup Objectives (RSCOs) and NYSDEC Brownfields Cleanup Program (BCP) Track 1 Soil Cleanup Objectives (SCO) and/or NYSDEC

eastern background concentrations (metals only). Metals exceeding NYSDEC RSCOs, NYSDEC BCP track 1 SCOs and eastern background levels included the following compounds: Arsenic, Barium, Chromium, Lead, and Mercury.

Limited subsurface soil sampling showed volatile organic compounds (VOCs) in exceedance of both the New York State Department of Environmental Conservation (NYSDEC) Recommended Soil Cleanup Objectives (RSCOs) and NYSDEC Brownfields Cleanup Program (BCP) Track 1 Soil Cleanup Objectives (SCO).

The Three general areas of environmental concern identified as a result of the series of Limited Phase II ESIs were as follows:

- Metals resulting from operations and improper disposal at the former "Good Door Store" and historic disposal and storage procedures from other former occupants have impacted this parcel and adjacent properties within this block which make up the Site through wind movement and surface drainage distribution and transport of metals across the site from equipment movement and vehicle tracking. (Mounds of metals observed and recorded in 2004 were missing or reduced in size by 2010). Impacts appeared worse in the vicinity of metal dumping and were recorded to a depth of 4 to 6 ft in these areas.
- Presence of "Hot Areas" where elevated levels of VOCs and SVOCs related to poor housekeeping, improper disposal and storage of auto and truck gas tanks which were removed, replaced and stored at the site. These areas appear to be centered in a series of three "Hot Spots" within parcel #1: the drum storage area on the western section of the east court yard on parcel #1 and the north- indoor bay and the two south east bays. Petroleum release and soil impacts beneath the concrete pads on the interior of the building were confirmed with soil borings and analytical sampling in 2006 and 2007.
- Elevated metals in soil were also documented on the western residential properties during hand auger sampling to a depth of 6 to 12 inches. These impacts were probably associated with wind distribution from the neighboring "Good Door Store" or the result of flaking and deteriorated Lead based paint from the residential structures.

For future Site Development and completion of the project known as 111 Hydraulic Building, the following actions are recommended:

- All surface soils on parcels 1,2,3,4, 5,6, 7 should be removed, tested and transported to an approved landfill. Excavation should be to a minimum of 1 ft in all areas and to a maximum depth in designated areas to 18 Inches and in 2 areas (as noted) to a depth of 4' to 6 '. Excavated soils should be characterized to identify material handling requirements and for material reuse, transport, and or waste disposal requirements and be managed according to federal, state, and local regulations.
- If landscaped areas are incorporated into the development of the Site, then at least a two foot thick layer of certified clean fill cap material should be placed over on-site soils in areas where impacted soils are excavated to only 6 Inches.

- If dewatering is required for construction activities, then groundwater at the locations of dewatering should be sampled and the need for pretreatment assessed prior to discharge to the City of Buffalo Sewer System.
- Removal of all former automotive parts and equipment (engine blocks, doors, bumpers, tires, gas tanks and radiators.
- In area of "VOC Hot spots (1 outdoor in the court yard and two indoor areas in areas of gas tank removal and storage), soils should be removed to a depth of 4 to 6 ft below grade and if confirmatory sampling doesnot achieve cleanup goals then the use of a soil liner and soil vapor extraction system be evaluated.
- Site prep should include the demolition of the remaining buildings and removal of the existing foundation and concrete pad. Prior to demolition an ACM survey consistent with EPA and NYSDOL code Rule 56 should be conducted to determine the presence of ACM and all ACM removed prior to Demolition activities as specified in by the EPA and NYSDOL and consistent with OSHA requirements.

The total cost of environmental remediation is difficult to assess given the large area covered by the Site, limits of the environmental investigation activities to date, and the lack of detailed development plans for the 111 Hydraulic Building Project. However, the Conceptual Plan presented within and using an order-of – magnitude estimates of environmental remediation costs provided herein range from 1.2 to 1.6 million dollars. This estimate is based on the assumption that the entire site will require some form of soil removal and disposal to a minimum depth of 6" to 12" and in some areas a depth of 18" will be needed and in two specific areas excavation to remove dumping material will be to a depth of 6 ft. This estimate is also based on the assumption that (i) one major exterior area outside the building on the west side of the court yard located on the east side of good door store will require excavation to 4 ft (to remove hot spots resulting from drum storage and leaking to remove the "source material") and (ii) two major indoor areas, (in the former bay areas in the north central portion of the building and also on the south east and south west bays) which will require hot spot removal. Based upon the results of contamination found to date, historic petroleum releases from small spills within the Site Boundaries, and potential regional concerns from adjacent properties cross gradient and up gradient from the Site; the applicant intends to include a Vapor Intrusion Barrier into the building plans to add quality to the project. If the areas of contamination extend deeper than 4 to 6 ft outside the foot print of the proposed building alternatives will include the placement of a liner and/or soil vapor extraction system, or excavation, cap and landscaping. The actual cost will vary based on the final design, market conditions, and actual levels of contamination encountered when the concrete pad is removed.

1.0 INTRODUCTION

AFI Environmental (AFI) has prepared this Remedial Investigation/Interim Remedial Measures (RI/IRM) Work Plan for 598 Main Street LLC (hereafter referred to the NYSDEC Brownfield Cleanup Program (BCP) "Applicant") in support of the submittal of a Brownfield Cleanup Program (BCP) application in accordance with the provisions of the New York State Department of Environmental Conservation's (NYSDEC) Subpart 375-3. The BCP application is requesting entry into the BCP for the properties collectively known as **111 Hydraulic Building** (See Figure 4) and located at 797/799 - 819 Seneca Street, 105 – 111 Hydraulic Street, and 742 – 764 Carroll Street in the City of Buffalo, Erie County, New York (hereafter referred to as the "Site"). Table #1 lists the properties included in this discussion, the Block Number, Lot Number, address, and approximate area; along with the Project Parcel Number which have been used in previous reports and discussions by the Applicant, to assist all readers in following the discussion as referenced in the series of reports attached to or referenced as documents supporting this Plan. (See Table #1 and Figure #4)

TABLE #1

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
797/799 Seneca	1	122.27	6	2	2.5±
819 Seneca	2	122.27	6	3	0.07±
111 Hydraulic	3	122.27	6	11	0.05±
105 Hydraulic	4	122.27	6	10	0.14±
742 Carroll	5	122.27	6	9	0.14±
746 Carroll	6	122.27	6	8	0.10±
764 Carroll	7	122.27	6	7	0.07±

The Applicant's proposed project known as 111 Hydraulic Building will encompass revitalization and remediation of the Site, demolition of the existing structure and ACM and Lead abatement as part of "Site Prep" and construction of a new structure to include Retail, Commercial, Office Space, support facilities, court yards, green space with landscaping and parking and vehicle access infrastructure (See Figure 7 and Figure 3) . AFI Environmental (AFI) with offices in Niagara Falls, NY has been retained by the Applicant to prepare this RI/IRM Work Plan to address the NYSDEC BCP requirements.

1.1 Site History

The Project known as **111 Hydraulic Building** consists of a series of seven Property(s) within Block 6 and including Lot numbers 2,3,7,8,9,10,11 located in City of Buffalo, New York. The site is bounded by Seneca, Carroll, Hydraulic, and Griffin Streets and includes 797/799 Seneca Street (most recently known

as "Good Door Store") as the major notable structure and neighboring adjacent properties as identified in Table #1. The former "Good Door Store" conducted car repairs by stock piling doors, radiators, and gas tanks; removed from local vehicles as well as imported southern cars and included activities such as: painting, repairing gas tanks, sandblasting tanks, bumpers, doors and incineration and improper disposal of waste materials and sand blasting sands.

Other noted activities in this area included a commercial laundry facility prior to this aforementioned use. 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 became the 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 Polk's City Directory.

In addition, '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. A summary of the Properties follows:

Year	Uses	Source
797/799 Seneca Street, Buffalo, New York 14210		
2010	Good Door Store Permotech 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	Polk's City Directory

	Queen City Laundry	
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	Polk's City Directory

Year	Uses	Source
797/799 Seneca Street, Buffalo, New York 14210		
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
742 Carroll Street, Buffalo, New York 14210		
1938 – 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		
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		
1942	Residential	Polk's City Directory
1938	Residential	Polk's City Directory

Year	Uses	Source
111 Hydraulic Street, Buffalo, New York 14210		
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

1.2 Purpose and Scope

598 Main Street LLC has proposed to re-develop the seven parcels which make up the Site of which historic documents, site reconnaissance presented in AFI's 2004 and 2010 Phase I ESAs and a series of limited Phase 11 EIs have confirmed: are abandoned, deteriorating, and contaminated with elevated levels of metals, VOCs and SVOCs resulting from neglect, historic operations and improper storage and disposal practices. In addition Parcel #1 is the subject of an open NYS DEC Petroleum Spill Number. 598 Main Street LLC (Applicant) is considering disposition of the Site for a two story mixed use development as retail space, professional office space, general office and multiple work stations with court yards and surface parking to be known as "**111 Hydraulic Building**". The proposed action would replace an existing, at grade, auto body repair, storage and door and gas tank sandblasting and repair facility which is currently vacant and will employ 250 plus new employees when fully operational and at full capacity will incorporate work stations for over 600 employees. The project will bring new businesses, new use, and new employees to the City of Buffalo, Erie County and will enhance the Larkin Corridor of the Fillmore District upon its completion.

The supplemental Phase 11 Environmental Investigations (EIs) were completed by AFI, at the request of the Applicant, to assist with quantifying their financial exposure or environmental risk associated with acquisition. The attached EIs, while limited in scope, were sufficient in detail and range of investigation, to confirm their concerns for potential soil contamination as reported by AFI in their Phase 1 ESAs, dated 2004 and 2010. These documents identified a series of Recognized Environmental Concern (RECs) related to sand blasting and painting activities; gas tank, radiator, and door removal and storage procedures; and housekeeping and hazardous waste storage and disposal procedures; that have caused soil contamination which requires remediation. In addition, the supplemental data presented in SECTION VII of this BCP Application summarizes the information collected during test pit activities and installation of monitoring wells in 2009 and 2010, and confirms the depth and extent of contaminate impact. Based on the information gathered to date, AFI considers the proposed Interim Remedial Measures Work Plan (**IRMWP**) as appropriate to address the needed remediation activities proposed for the Site prior to redevelopment.

The proposed IRMWP propose to scrape and properly dispose of all the exterior soils from the top horizon of soil from a depth of 6" to 18" across all seven properties. The soils on these properties have been impacted from sandblasting activities and on-site disposal of 'used sand' which has been subject to air current disbursement and stormwater distributing metal contaminants across the site; along with likely contamination of metals such as lead flaking from neglect structural steel and residential buildings.

As part of the Site Prep Phase, the buildings will be abated of ACMs and Presumed Asbestos Containing Material (PACM), lead paint, and contaminate sources and contaminate source material (gas tanks stock piles and drums, along with the impacted soil areas identified as 'hot spot'. The hotspots are areas where soils have been noted as stained with petroleum and in areas within the building, where stacks of partially full gas tanks and drums have been suspected of slowly leaking onto the concrete and into and under the concrete slab through cracks in the concrete or from drains. The hot spots beneath the concrete will be excavated to a depth of 4 ft., tested for disposal characterization and properly disposed of off-site at an approved landfill. This activity will only occur once the building has been demolished and the concrete slab floor removed.

All excavated areas will be replaced to the base of proposed base of proposed new construction or pavement sub-base with certified "Clean" compacted fill. To complete the proposed remediation activities for the Site the Applicant has stated their willingness to include the Plans for a Vapor Intrusion Barrier into the Building Design Plans to enhance their project, and to address any residual soil vapor issues.

The Remedial Investigation Work Plan (RIWP) proposes the following activities to identify and delineate, soil/fill and groundwater impacts on the Site.

The data obtained from this RI, along with the results of previous investigations (presented in Section 1.3) will be used to:

- Describe the amount, concentration, persistence, mobility, state (e.g., solid, liquid), and other relevant characteristics of the contaminants which may be present or remain after the activities associated with the IRMWP have been completed
- Define hydrogeologic factors (i.e., depth to saturated zone, groundwater gradients, proximity to wetlands, etc).
- Define the potential human and environmental exposure pathways from the Site and the extent to which contaminants of concern from these pathways have the potential to pose a threat to human health or the environment.
- Determine the extent to which contaminant levels on the Site, if applicable, pose an unacceptable risk to human health or the environment.
- Develop Remedial Action Objectives (RAOs for the Site based on the contaminant characterization results, exposure pathways and risk valuation data.
- Provide sufficient information to allow for the identification of potentially feasible remedial alternatives.

Based on the current knowledge of potential Site impacts, the RAOs for the Site may require implementation of remedial actions designed to remove or cover impacted soil/fill material. It is AFI's intent to propose an IRM consisting of soil/fill excavation of known surficial soils that exceed Part 375 Restricted Residential Soil Cleanup Objectives (SCOs) for TAL Metals. The IRM may ultimately fulfill the requirements of a final remedy for the Site or be a component of one of remedial alternatives,

depending on the results of the RI. A detailed discussion of the proposed IRM is presented in Section 3.0 of this Work Plan.

1.3 Summary of Previous Investigations

Two (2) Phase I Environmental Site Assessments (ESAs) have been completed for the properties in question. AFI Environmental conducted a Phase 1 ESA in 2004 which included discussion and findings related to the former Door Store (parcel #1); a second Phase 1 ESA was completed by AFI Environmental in January 2010 which included investigation and discussions of findings related to all seven of the listed properties and which also referenced the three (3) 'limited' surface and subsurface soil investigations which were conducted on the Site subsequent to the completion of AFI's 2004 ESA. Two additional reports are also presented in Section VII Property Environmental History. AFI Environmental's February 2010 Test Pit Investigation Report summarizes the installation of 22 test pits installed on the property in 2009 and 2010 and AFI's 2010 Summary of Monitoring Well Installation Report presents the data from the installation of 10 monitoring wells installed on the Site

1.3.1 Phase I ESA – July 2004

A Phase I Environmental Site Assessment (ESA) was completed by AFI Environmental in July 2004 on behalf of City View Properties who had interest in Purchasing the property located at 797 Seneca Street and presented the results of information related to the former "Good Door Store" property (Parcel #1). AFI's 2004 ESA identified a number of Recognized Environmental Conditions (RECs) found during their Investigation. A summary of the RECs are listed below:

- 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 Department has record of a 12,000 gallon UST being installed with no documentation of removal. There is also record of a 1000 gallon UST being installed, replaced and removed.
- There is potential (due to the age of the building) for construction materials within the building to contain asbestos (ACMs). No asbestos survey was found for the property. During a walk-thru on July 6, 2004, Several areas of possible ACMs were noted 9x9 floor tile, 12x12 tiles, ceiling tiles, adhesive ceiling pucks, grout, mastic, window caulk, construction materials, roofing, flashing construction flashing on concrete, pipe wrap, insulation, brick covering, AST insulation, etc.
- 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) contain Lead-based paint. 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 and for the possibility of lead in the drinking water.

- There was mold noticed in the second floor office on the Seneca Street section.
- 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.
- 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 courtyard.
- The site has a painting bay for vehicles which includes an exhaust fan that deposits the airborne paint particles outside; no filters or air permits were available for the site.
- There is potential (due to the 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 noticed: electrical fixtures, capacitors, mercury switches, and transformers.
- There is an incinerator onsite which could contain asbestos.
- Fluorescent light fixtures may contain ballast with PCB components.
- Spraying operations conducted within the rear section of the gas tank repair area and the operation of the gas tank dryer as-well-as where the tank sealing material is applied are areas that could reasonably be expected to be contaminated.
- Several 55-gallon drums (some open) containing iso-cyanite (a hazardous and regulated material) located in the court yard. Numerous 5-gallon pails containing the above material, or, waste petroleum, vehicle repair fluids, or other waste fluids, were scattered throughout the building; a concentration of containers within the compressor building area.
- Vehicle repair parts: batteries, transmissions, engines, gas tanks, etc; located throughout the facility may contain materials that could reasonably be expected to cause contamination.

1.3.2 Phase I ESA – January 2010

598 Main Street, LLC requested that a comprehensive Phase I ESA be completed for all seven parcels which will be included in their proposed redevelopment of the Site as part of their 111 Hydraulic Building project. AFI environmental completed this Phase 1 ESA in January 2010 in conjunction with preparation of the BCP Application for the Site. Potential areas of environmental concern (PAEC) identified during AFI's Site Reconnaissance and Recognized Environmental Conditions (RECs) found during their Investigation are Listed Below:

- In 2006, during a 'limited' Phase II Site Investigation conducted by AFI, petroleum contamination was found on the subject site (797 Seneca Street). A NYS DEC petroleum spill file was opened for the Site. The spill file was listed as open as of the date of the 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 was listed as a REC based on other data referenced within the Report.
- 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 dumping of sand with high metal concentrations of lead and Arsenic are listed as RECs.
- 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 or made available for the 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, etc.. The presence of damaged friable Asbestos and PACMs is a REC.
- There is a potential for lead based paint to be part of the paint used within the structure. 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). The observation of stained areas in the vicinity of the storage area for drums of solvents is a REC.
- 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).

1.3.3 Limited Phase II ESA – June 2006

In June of 2006 AFI performed a Limited Phase II Subsurface Environmental Investigation. This investigation was also conducted under budgetary constraints to evaluate the extent of subsurface soil contamination and the potential qualification for NYSDEC Brownfield Agreement. The investigation was performed by AFI Environmental on behalf of LCO Building Development, LLC and consisted of:

- Collection of nine (9) shallow (0-6 inches bgs) soil samples from the residential properties located on parcels 5 and 6.
- Sampling in these areas was limited to between buildings and available green space analysis was completed for Heavy Metals by EPA Method 6000/7000;

The results are summarized in the following tables:

TABLE #2
HEAVY METALS ANALYTICAL RESULTS
797 SENECA STREET, BUFFALO, NEW YORK
Method 6000/7000
JUNE 23, 2006

Contaminant	Residential (ppm)	Restricted Residential (ppm)	Commercial (ppm)	AH1 0"-6" (ppm)	AH2 0"-6" (ppm)	AH3 0"-6" (ppm)	AH4 0"-6" (ppm)	AH5 0"-6" (ppm)	AH6 0"-6" (ppm)	AH7 0"-6" (ppm)	AH8 0"-6" (ppm)	AH9 0"-6" (ppm)
Arsenic	16 ^f	16 ^f	16 ^f	12.8	11.7	17.5	27.0	22.6	24.6	12.7	23.3	14.1
Barium	350 ^f	400	400	127	129	451	423	284	445	148	396	180
Cadmium	2.5 ^f	4.3	9.3	ND	ND	ND	ND	ND	ND	ND	ND	ND
Chromium	22	110	400	18.3	14.2	34.8	24	27.7	34.4	18.5	32.3	19.4
Lead	400	400	1,000	373	322	1140	1250	658	3590	553	1950	521
Mercury	0.81 ^j	0.81 ^j	2.8 ^j	0.389	1.06	1.18	0.904	.965	1.71	0.487	1.57	0.656
Selenium	36	180	1,500	ND	ND	ND	ND	ND	ND	ND	ND	ND
Silver	36	180	1,500	ND	ND	ND	ND	ND	ND	ND	ND	ND

ND – Non-Detect

Advancement of eight (8) deeper (0-6 feet bgs) soil borings and collection of soil

composite samples from each boring for analysis of Metals by Method 6000/7000, Volatiles by Method 8260 and Semi-Volatiles by Method 8270. The eight (8) soil boring locations were selected primarily to assess subsurface soil conditions for foundation design purposes and were located in areas projected for excavation for building footers.

There were some exceedances for VOCs and SVOCs of the TAGM 4046 Cleanup Criteria and the Residential (SCOs), but not of the Restricted Residential and/or Commercial SCOs. The majority of exceedances were in the Heavy Metals. The results are tabulated in the following tables:

TABLE # 3-1
HEAVY METALS ANALYTICAL RESULTS
797 SENECA STREET, BUFFALO, NEW YORK
Method 6000/7000
JUNE 14, 2006

Contaminants	Residential (ppm)	Restricted Residential (ppm)	Commercial (ppm)	SB2 0'-4' (ppm)	SB5 0''-6'' (ppm)	SB3 Mound (ppm)	SB6 0''-6'' (ppm)	SB6 4'-6' (ppm)	SB7 Mound (ppm)
Arsenic	16 ^f	16 ^f	16 ^f	13.7	8.99	ND	ND	ND	13.9
Barium	350 ^f	400	400	263	229	64.0	183	21.9	816
Cadmium	2.5 ^f	4.3	9.3	ND	17.1	ND	ND	ND	ND
Chromium	22	110	400	73.9	67.9	149	327	ND	620
Lead	400	400	1,000	902	917	210	1580	64.6	1910
Mercury	0.81 ^j	0.81 ^j	2.8 ^j	0.896	0.640	0.126	0.075	1.85	2.31
Selenium	36	180	1,500	ND	ND	ND	ND	ND	ND
Silver	36	180	1,500	ND	ND	ND	ND	ND	ND

ND – Non-Detect

1.3.4 Limited Phase II ESA – April 2007

In March of 2007, AFI performed a Supplemental Interior-Subsurface Investigation. AFI's scope of work included the installation of a total of 24 soil probe holes, inside the "Former Good Door Store" using a portable Geoprobe Drill Rig, and the collection of soil samples with 4' split spoon continuous sampling. Field work included visual inspection of recovered material, soil classification, scanning with a PID, sample collection, and submittal of select samples for independent analytical testing, by NYS certified lab. The chemical analysis performed for this investigation was 'limited' to evaluating petroleum constituents specifically (VOCs, SVOCs and TPH) from a sample collected from the 'worse case' spoon run, for each probe location based on visual observations and or elevated PID readings.

The investigation was performed by AFI Environmental on behalf of City View Properties and consisted of:

- 1) Advancement of twenty four (24) probe holes with a track mounted Geoprobe within accessible areas of the interior of the building to a depth of 12'-16' or refusal.
- 2) Continuous split-spoon sampling was completed at each boring in 4' increments.
- 3) AFI Scientist used a Mini Rae 3000 PID meter to scan each 4' sample along with recording the observations of visual analysis and photo record was made.
- 4) Collection of a composite soil sample was assembled from the worst 4' sampling intervals, at each boring location and transported to the NYS Certified lab for Chemical analysis.

The following Tables (#3, #4 and #5) present the analytical results for VOCs, SVOC and TPH respectfully; exceedances levels are noted with colored highlights :

1.3.5 Limited Phase II EI – Summary of Well installation Activities - 2009

The main purpose of this investigation was to ascertain from field observations and limited soil and groundwater inspection and sampling, if major concerns, associated with the RECs identified during AFI's Phase 1 ESA had impacted deep soils and possibly ground water beneath the Site. (Due to budgetary constraints only limited groundwater sampling was conducted to date.)

Results for the limited sampling indicated slightly elevated values for cis-1,2-Dichloroethene and Vinyl Chloride in MW11 when compared to Part 375 and TAGM 4046 guidelines. During the well installation activities some limited soil sampling was also conducted. Soil sample results showed no elevated values of Volatile or Semi-Volatile compounds (at depth), when compared to Part 375 and TAGM 4046 guidelines.

Based on the results from this 'Limited' EI Test Pit Installation Activity the upper layer of soils across the site have been impacted from historic activities and will require some level of soil remediation or engineering controls to address the risk for elevated metals and petroleum spills

("hot spots") The upper horizon appears to have been subject to the dumping or spilling of sands (containing metals) from sandblasting activities and spillage of petroleum products in the drum storage area, beneath the gas tank stock piles and leakage of fluids through cracks in the floors and/or floor drains or sewer in the work bays. Sand blasting sands were noted in "Sand Dumping Areas" (metals) located on the east side of the Site and in the Court yard. (VOCs) associated with petroleum products were also noted and along the west property line on the southern portion of the site and in the court yard located on the east side of the property (along the block wall that forms the west wall) in the area noted as the "Drum Storage Area". Sand blasting sand loaded with metal fragments and remnants of sand

and ash were found in mounds and extended to a depth of 4 to 6 ft bg. This was noted along the eastern property lines and just west of the building on the north portion of the Site.

It also appears that contaminants may be moving to the west across the site from the source material which is pooled beneath the concrete slab of the existing building in Parcel #1. The source areas are consistent with the approximate area of the stock piled gas tanks and work bays of the site and visual observations show nuisance characteristics (smell and staining) in areas where drums and abandoned gas tanks were observed in 2004 and 2010. This hot spot is consistent with the area that is the subject of the Open NYSDEC Spill file for the site and was located beneath an abandoned and used gas tank storage area which was now gone.

1.3.6 Limited Phase II EI –summary of Test Pit Installation Activities- 2009-10

Based on the results from this 'Limited' EI Test Pit Installation Activity the upper layer of soils across the site have been impacted from historic activities and will require some level of soil remediation or engineering controls to address the risk for elevated metals and petroleum spills ("hot spots") The upper horizon appears to have been subject to the dumping or spilling of sands (containing metals) from sandblasting activities and spillage of petroleum products in the drum storage area, beneath the gas tank stock piles and leakage of fluids through cracks in the floors and/or floor drains or sewer in the work bays. Sand blasting sands were noted in "Sand Dumping Areas" (metals) located on the east side of the Site and in the Court yard. (VOCs) associated with petroleum products were also noted and along the west property line on the southern portion of the site and in the court yard located on the east side of the property (along the block wall that forms the west wall) in the area noted as the "Drum Storage Area". Sand blasting sand loaded with metal fragments and remnants of sand and ash were found in mounds and extended to a depth of 4 to 6 ft bg. This was noted along the eastern property lines and just west of the building on the north portion of the Site.

It also appears that contaminants may be moving to the west across the site from the source material which is pooled beneath the concrete slab of the existing building in Parcel #1. The source areas are consistent with the approximate area of the stock piled gas tanks and work bays of the site and visual observations show nuisance characteristics (smell and staining) in areas where drums and abandoned gas tanks were observed in 2004 and 2010. This hot spot is consistent with the area that is the subject of the Open NYSDEC Spill file for the site and was located beneath an abandoned and used gas tank storage area which was now gone.

No USTs were found after an extensive search was conducted by installing numerous test pits in the north west portion of Parcel #1, the courtyard on the east, along suspect walls and outside garage doors and next to loading docks. The area which was the location of the former City of Buffalo School, during the 1940s, was also explored for orphan USTs. No USTs were found at any of the other suspected areas across the site and the site appears to be blessed with a very competent layer of confining and tight clays beneath 4 feet horizon which continues to the top of bedrock except for a 6" fractured layer just above bedrock. The water table was noted at the rock overburden interface; however, perched water was noted in shallower depth near the building and in the courtyard.

Table #3
VOLATILES ANALYTICAL RESULTS
 797 SENECA ST, BUFFALO, NY
 Method 8260
 V1015
 March 6-8, 2007

Contaminant	TAGM 4046 Rec. Soil Cleanup Objective (ppm)	SB 18 (8'-12') SB 19 (4'-8') SB 20 (4'-8') ppm	SB 22 (4'-8') SB 24 (4'-8') SB 25 (12'-16') ppm	SB 27 (0'-4') SB 28 (8'-12') ppm	SB 29 (4'-8') SB 30 (4'-8') ppm	SB 31 (8'-12') SB 32 (0'-4') ppm
Methyl tert-butyl ether	0.12	ND	ND	ND	ND	ND
Benzene	0.06	.01	ND	ND	ND	ND
Toluene	1.5	.02	ND	ND	ND	ND
Ethylbenzene	5.5	.01	ND	ND	ND	ND
m,p-Xylene	1.2	.03	ND	ND	ND	ND
o-Xylene	1.2	.01	ND	ND	ND	ND
Isopropylbenzene	2.3	.ND	.61	2.56	2.62	.30
n-Propylbenzene	3.7	ND	.73	5.11	4.86	.53
1,3,5-Trimethylbenzene	10.0	ND	ND	.43	.38	ND
1,2,4-Trimethylbenzene	10.0	.01	1.41	33.20	5.57	.34
p-Isopropyltoluene	10.0	ND	ND	ND	.68	ND
n-Butylbenzene	10.0	ND	.60	5.00	4.28	.70
sec-Butylbenzene	10.0	ND	.90	4.37	3.93	.71
Naphthalene	0.13	ND	ND	.63	.47	ND
tert-butylbenzene	10.0	ND	ND	.59	.33	ND

ND – Non-Detect



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Table #3 (Continued)
VOLATILES ANALYTICAL RESULTS
797 SENECA ST, BUFFALO, NY
Method 8260
V1015
March 6-8, 2007

Contaminant	TAGM 4046 Rec. Soil Cleanup Objective (ppm)	SB 37 (4'-8') ppm	SB 39 (8'-12') SB 40 (4'-8') ppm
Methyl tert-butyl ether	0.12	ND	ND
Benzene	0.06	ND	ND
Toluene	1.5	ND	ND
Ethylbenzene	5.5	ND	ND
m,p-Xylene	1.2	ND	ND
o-Xylene	1.2	ND	ND
Isopropylbenzene	2.3	ND	ND
n-Propylbenzene	3.7	ND	ND
1,3,5-Trimethylbenzene	10.0	ND	ND
1,2,4-Trimethylbenzene	10.0	ND	ND
p-Isopropyltoluene	10.0	ND	ND
n-Butylbenzene	10.0	ND	ND
sec-Butylbenzene	10.0	.02	ND
Naphthalene	0.13	ND	.06
tert-butylbenzene	10.0	ND	ND

ND – Non-Detect



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Table #4
SEMI-VOLATILES ANALYTICAL RESULTS
797 SENECA ST, BUFFALO, NY
Method 8270
V1015
March 6-8, 2007

Contaminant	TAGM 4046 Rec. Cleanup Objectives ppm**	SB 18 (8'-12') SB 19 (4'-8') SB 20 (4'-8') ppm	SB 22 (4'-8') SB 24 (4'-8') SB 25 (12'-16') ppm	SB 27 (0'-4') SB 28 (8'-12') ppm	SB 29 (4'-8') SB 30 (4'-8') ppm	SB 31 (8'-12') SB 32 (0'-4') ppm
Acenaphthene	50.00	ND	.29	130.00	ND	.32
Fluorene	50.00	1.07	.33	209.00	ND	.29
Acenaphthylene	50.00	ND	ND	32.90	ND	ND
Fluoranthene	50.00	7.16	1.31	940.00	.25	2.31
Anthracene	50.00	2.23	.35	303.00	ND	.24
Phenanthrene	50.00	8.35	1.60	1150.00	.29	1.60
Benzo (a) anthracene	2.80	4.22	.61	423.00	2.25	1.13
Chrysene	0.40	2.61	.47	374.00	.10	1.04
Pyrene	50.00	5.78	1.11	688.00	.21	2.48
Benzo (b) fluoranthene	1.10	2.85	.51	404.00	.12	1.47
Benzo (k) fluoranthene	1.10	1.65	.21	212.00	ND	.71
Benzo (g,h,i) perylene	50.00	ND	.13	82.90	ND	.37
Benzo (a) pyrene	11.00	2.41	.40	324.00	.11	1.01
Naphthalene	13.00	ND	.25	190.00	.53	ND
Indeno(1,2,3-cd)pyrene	0.032	ND	.13	89.40	ND	.34
Dibenz(a,h)anthracene	16,500	ND	ND	45.90	ND	.15

**All figures based on December 5, 2001 letter and figures from Greg Sutton, NYSDEC Region 9
ND – Non-Detect



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Table #4 (Continued)
SEMI-VOLATILES ANALYTICAL RESULTS
797 SENECA ST, BUFFALO, NY
Method 8270
V1015
March 6-8, 2007

Contaminant	TAGM 4046 Rec. Cleanup Objectives ppm**	SB 37 (4'-8') ppm	SB 39 (8'-12') SB 40 (4'-8') ppm
Acenaphthene	50.0	ND	ND
Fluorene	50.0	ND	ND
Acenaphthylene	50.0	ND	ND
Fluoranthene	50.0	ND	ND
Anthracene	50.0	ND	ND
Phenanthrene	50.0	ND	ND
Benzo (a) anthracene	2.8	ND	ND
Chrysene	0.4	ND	ND
Pyrene	50.0	ND	ND
Benzo (b) fluoranthene	1.1	ND	ND
Benzo (k) fluoranthene	1.1	ND	ND
Benzo (g,h,i) perylene	50.0	ND	ND
Benzo (a) pyrene	11.0	ND	ND
Naphthalene	13.0	ND	ND
Indeno(1,2,3-cd)pyrene	0.032	ND	ND
Dibenzo(a,h)anthracene	16,500	ND	ND

**All figures based on December 5, 2001 letter and figures from Greg Sutton, NYSDEC Region 9

ND – Non-Detect



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Table #5
Total Petroleum Hydrocarbons
797 SENECA ST, BUFFALO, NY
Method 8260
V1015
March 6-7, 2007

Contaminant	SB 21 (4'-8') ppm	SB 24 (4'-8') ppm	SB 26 (8'-12') ppm	SB 28 (8'-12') ppm	SB 33 (0'-4') ppm	SB 35 (0'-4') SB 36 (4'-8') ppm
Total Petroleum Hydrocarbons	120	412	51	189	1380	504

ND – Non-Detect



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Table #5 (continued)
Total Petroleum Hydrocarbons
797 SENECA ST, BUFFALO, NY
Method 8260
V1015
March 8, 2007

Contaminant	SB 38 (4'-8') ppm					
Total Petroleum Hydrocarbons	ND					

ND – Non-Detect



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1.4 Project Organization and Responsibilities

598 Main Street, LLC has submitted this Site for entrance into the BCP as a participant per ECL§27-1405. AFI Environmental (AFI) will manage the Brownfield Cleanup Activities on behalf of 598 Main Street, LLC (the "Applicant"). Deborah Chadsey, Esq. of Kavinoky and Cook, LLP will represent The Applicant and address all legal issues and property restriction related to the issuance of the Certificate of Completion (COC) upon finalization of the BCP. Responsibilities of the key AFI staff are summarized below:

William L. Heitzenrater will be the Project Manager for the BCP program. In this capacity Mr. Heitzenrater will be responsible for overall coordination of all phases of the project from implementation of the Work Plan to completion of proposed Interim Remedial Measures and subsequent reporting and documentation of the work performed.

Geoffrey S. Heitzenrater, will be the Project Engineer/Scientist, responsible for the implementing the remedial investigation and IRM tasks. Responsibilities will include sample collection, well development and directing drilling subcontractors and oversight of IRM activities.

Elby Benton, will serve as Project Director and be responsible for the overall quality assurance and review of all project deliverables. He will interface with the Project Manager to address any technical issues and provide quality control for the entire project.

2.0 INVESTIGATION SCOPE

The scope of the proposed RI will focus on investigating the Site for the extent of contaminants in soil/fill and groundwater that have not previously been characterized or remediated by the activities included in Site Prep or other phases of the IRMWP. It is the intent of the Applicant to request that the Interim Remedial Measures Work Plan (IRMWP) (which is part of this documents included with this BCP Application) be reviewed and approved, along with the Applicant's acceptance into the BCP. This request for review and approval of the IRMWP is based on Site history, visual evidence of soil contamination, and documented storage practices that could contribute to soil contamination. These contributing factors are discussed in detail in the various Phase 1 ESAs, which include: historic maps, city directories, interviews, photographic evidence, and a plethora of varied analytical soil and groundwater data compiled from the series of 'Limited' Phase II EIs which were conducted at the Site. This supporting documentation which includes the suggested areas and levels of Cleanup are included with this application (See **Section VII Previous Environmental Studies**). The level of additional RI work anticipated after the IRMWP is complete is assumed to be minimal; all procedures utilized for RI work will be consistent with the procedures outlined in Section 2.1 below:

The suggested phasing of IRMWP activities at the Site include:

- Site Prep- which will include 1) the abatement of ACM and PACM materials in all structures scheduled for demolition, 2) removal of all source material remaining on the site (drums, radiators, batteries, gas tanks, and C and D debris and MSW; 3) removal of all universal hazardous waste such as fluorescent bulbs mercury switches and lights, and 4) building demolition and removal of the concrete slab floor. once the building and concrete slab have been removed
- Remedial Soil Excavation and disposal top layer of soil will be removed to a depth 6 Inches to 18 inches and in some locations to a depth of 4 ft. Upon removal of the concrete slab, soils beneath the slab will be removed to a depth of 2', and to a depth of 4 ft in the areas identified as hot spots. The estimate of area subject to soil removal will encompass the entire 3.07±-acre Site to varying depths from 6 inches to 18 inches in most areas, and to 2ft to 4 ft in areas identified as "hot spots" and in the two areas where sandblasting spoils have caused elevated metals; these areas will be excavated to a depth of 6 ft. (one area identified along the east property line of parcel #1 and just outside the west block wall of the building formerly known as the "Good Door Store".

Subsequent to receiving NYSDEC approval for entrance into the Brownfield Cleanup Program along with approval of the IRMWP and after completion of the tasks listed above which are further outlined within the IRMWP, AFI will prepare a Summary Report on the activities and findings.

The major components of the proposed RI tasks are described in detail below.

2.1 Soil/Fill Investigation

2.1.1 Supplemental Surface Soil Sampling Program

As previously noted the surficial soil sampling program performed by AFI in 2007 provided extensive characterization of Heavy Metal Contamination in the upper 6-inches to 2 feet of soil/fill in the southwest corner of the site and in areas east of the court yard and along the eastern boundary of parcel #1 . It is inferred that Metals contamination is uniform across the site due to previous operations, observations of sandblasting sands on the top layer of soil and the mounds that have eroded or been dispersed by wind since the writing of the 2004 ESA.

Samples of the soils collected via hand auger methods, (stainless steel trowel) were collected from between buildings from parcel # 5 and #6.

2.1.2 Subsurface Investigation

Prior to issuance of the Final Report sampling of the existing monitoring wells will be completed an additional soil boring installed if the current level of investigation proves incomplete or incapable of thoroughly characterizing the subsurface soil/fill and groundwater. Proposed borehole locations may be adjusted in the field based on Site conditions, accessibility, NYSDEC preferences or other logistical concerns. There are Ten (10) monitoring wells (See Monitoring Well installation Location Map).

MW-1 MW-2, MW-3, MW-4, MW-5, MW-7, MW-8, MW-9, MW-10 and MW-11 available for sampling, if required by NYSDEC.

2.1.3 Soil/Fill Sampling

The procedures for handling soils after retrieval which were used by AFI during the previous studies and which will be adhered to during any additional soil/fill sampling are as follows:

Upon retrieval of each soil/fill core, the soil/fill samples will be screened for total organic vapors using a photo-ionization detector (PID). The organic vapor measurements will be recorded and the soil/fill material described on boring logs by a AFI field representative. The recovered soils will be characterized/classified by visual observation in accordance with ASTM Method D2488, Standard Practice for Description and Identification of Soils (Visual-Manual Procedure). Subsurface soil samples will be collected for chemical analysis at the proposed boring locations. (See Soil boring map for the locations of Soil borings completed in 2006, 2007, 2009. The depth from which samples are collected will be determined based on screening results of visual and olfactory observations and PID measurements. Samples will be collected from the discrete depth interval that displays the greatest evidence of contamination, if present. If there is no discernable difference across the entire boring depth based on

the visual, olfactory or PID screening methods, the default sample collection approach will consist of collecting a composite from the 0 to 4 feet bgs strata. Subsurface soil/fill samples will be analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), target compound list (TCL), target analyte list (TAL) metals. The Reports and results of Previous Environmental Studies are presented in **Section VII- Property Environmental Reports** and summarized above.

2.2 Site Mapping and Survey

A topographic base map of the Site was prepared by Larry J. Zygaj, PLS, New York State licensed in February 2010. This map is attached as Fig #3 and locates the pertinent features of the Site as well as the locations and elevations of monitoring wells. Any additional monitoring well locations and elevations will be surveyed after installation.

Larry J. Zygaj, PLS Site map established the horizontal and vertical elevations using the New York State Plane Coordinate System and most recent vertical datum. Elevations of the ground surface and top of PVC riser were measured and recorded for each monitoring well.

3.0 INTERIM REMEDIAL MEASURES SCOPE OF WORK

As described in Section 1.3, analytical results from the 2006 and 2007 soil/fill investigation identified elevated levels of metal contaminants in soil and mounds of sandblasting spoil in the southwestern portion of the Site and east courtyard and along the eastern boundary of the Site. Impacted soil/fill was found to be predominantly concentrated in the upper soil horizon (six inches to 18 inches) each of these areas the concentrations exceeded the 6NYCRR Part 375-6 SCO for restricted residential and Commercial use for Lead, Arsenic.,

The remediation of these impacted areas is proposed to be completed as an Interim Remedial Measure (IRM).

3.1 Objectives

The objective of the IRM is to:

- Reduce the potential for occupants of the proposed 111 Hydraulic Building's occupants exposure to soil/fill impacted by Heavy Metals;
- Reduce the potential for Metals currently identified on site to impact groundwater beneath the Site or surface water leaving the Site.

The proposed approach for the implementation of the IRM includes:

- A. Removal and off-site disposal of impacted soil/fill within the designated IRM area(s)
- B. Post-excavation sampling to establish that the Restricted Residential SCO for TAL Metals has been achieved
- C. Backfill Placement

3.1.1 Removal of Impacted Soil/Fill

The initial areas identified for impacted soil/fill excavation are based on the surficial soil (0 to 6 inch) analytical results obtained during the 2007 Limited Phase II investigations.

The depth of the proposed excavation grids will be limited to approximately 6 feet below grade surface.

The impacted soil/fill will be removed using an excavator and placed either directly into trucks for off-site disposal, or stockpiled on 6-mil polyethylene sheeting adjacent to the excavation pending characterization and subsequent disposal. To prevent potential run-off in the event of precipitation, stockpiled soil/fill will be covered at the end of each day's excavation activities with 6-mil polyethylene sheeting. In the event the stockpiled material remains on site for more than 5 days pending receipt of analytical data, erosion control silt fencing will be installed around the perimeter of the stockpile.

3.1.2 Post Excavation Soil Sampling

Upon completion of excavation areas, soil samples will be collected from the bottom of the excavated areas based on a series grid. The grids will divide the site into 6 horizontal and 6 vertical areas for a total of 36 sampling points. Some of the locations will be at the same locations (approximate) that were sampled during the 2007 soil/fill investigation. These verification samples will confirm achievement of remedial objectives for subsurface soils relative to the Restricted Residential Use SCO for Metals. A representative soil sample will be collected from the upper 3-inches of the base of the excavation and analyzed for total Metals (EPA Method 6000/7000). If analytical results at any of the grid sampling location detect concentrations in excess Part 375-6 concentrations for Restricted Residential, an additional 6-inch layer of soil will be removed from the bottom of the grid in which the sample was located and the bottom will be re-sampled for TAL Metals. Table 6 presents the proposed minimum number of environmental and quality control samples to be collected and analyzed as part of the post-excavation verification sampling program of the excavated grid areas.

TABLE 6 797/799 Seneca Street 105 – 111 Hydraulic Street 742 – 764 Carroll Street BCP Parcels						
Parameter	Method	Soil	Matrix Spike	Matrix Spike Duplicate	Duplicate	Total
TAL Metals		36	4	4	4	48

3.1.3 Backfill Placement

The proposed 2-story building construction, parking structures, court yard and sidewalk and entranceway transition may require that the finished elevation of the sub grade be at or below the final excavation depth of the proposed IRM area, therefore the need for backfilling of these grids is unknown at this time. If Clean backfill is required, based on the final design requirements, material imported to the Site for use as backfill shall be comprised of soil or other unregulated materials as defined in NYCRR Part 375 6.7(d) which states that the soil not exceed the applicable soil cleanup objectives for the use of the Site, as set forth in Tables 375-6.8(b), the lower of the protection of groundwater or the protection of public health soil cleanup objectives, for the identified use of the Site.

The analytical data which will be required to demonstrate that the material complies with these requirements. The number of samples required to confirm compliance is as follows:

- Virgin soils (soils that are known to have not been developed upon or moved since their formation) should be subject to collection of one representative composite sample per source. The sample should be analyzed for TCL VOCs, SVOCs, pesticides, PCBs, and TAL metals plus cyanide.
- Non-virgin soils will be tested via collection of one composite sample per 500 cubic yards of material from each source area. If more than 1,000 cubic yards of soil are imported from a single off-Site, non-virgin soil source area and both samples of the first 1,000 cubic yards meet the criteria specified above, the sample collection frequency will be reduced to one composite for every 2,500 cubic yards of additional soils from the same source, up to 5,000 cubic yards. For borrow sources greater than 5,000 cubic yards, sampling frequency may be reduced to one sample per 5,000 cubic yards, provided all earlier samples met the specified criteria.

Site specific exemptions for the analytical testing requirements described above may be possible, based upon documentation of the origin and composition of the proposed imported material.

4.0 REMEDIAL INVESTIGATION/ALTERNATIVES ANALYSIS REPORT

Upon completion of the RI/IRM fieldwork, a comprehensive RI/IRM/AA Report will be completed summarizing the tasks completed as described below.

4.1 Remedial Investigation/Interim Remedial Measures Report

The RI/IRM section of the RI/IRM/AA Report will include the following information and documentation, consistent with the NYSDEC's DER-10 Technical Guidance for Site Investigation and Remediation.

- Introduction and background.
- A description of the site and the overall scope of the investigation and interim remedial activities.
- A description of the field procedures, methods and remediation performed during the RI/IRM.
- A discussion of the nature and rationale for any significant variances from the scope of work described in this Work Plan.
- The data obtained during the RI and historical data considered to be of useable quality.
- The results of an assessment of the achievement of RI acceptance/performance criteria as specified in the QAPP.
- Comparative criteria that may be used to calculate cleanup levels during the alternatives analysis report (AAR) process, such as NYSDEC Soil Cleanup Objectives and other pertinent regulatory standards or criteria.
- A discussion of contaminant fate and transport. This will provide a description of the hydrologic parameters of the Site, and an evaluation of the lateral and vertical movement of groundwater.
- Conclusions regarding the extent and character of environmental impact in the media being investigated.
- The conclusions of the qualitative exposure assessment and fish and wildlife impact analysis, if applicable.
- Conclusions regarding the effectiveness of the Interim Remedial Measures conducted with respect to the comparative criteria and remedial action objectives (RAOs) established for the Site.
- Supporting RI/IRM data. These will include boring logs, monitoring well construction diagrams, laboratory analytical reports, field inspection forms, disposal documentation, etc.

In addition, AFI will require third-party data review by a qualified, independent data validation expert. Specifically, a Data Usability Summary Report (DUSR) will be prepared, with appropriate data qualifiers added to the results. The DUSR will follow NYSDEC format per the NYSDEC's September 1997 DUSR guidelines and draft DER-10 guidance. The DUSR and any necessary qualifications to the data will be appended to the RI/IRM report.

4.2 Alternative Analysis Report

The Alternative Analysis Report (AAR) will include a remedial alternatives evaluation for on-site groundwater and soil/fill on portions of the Site if determined, based on the results of the Remedial Investigation and the Interim Remedial Measures and reasonably anticipated future Site use, to exhibit elevated concentrations of constituents of concern.

The AAR will meet the requirements identified in NYSDEC Standards, Criteria, and Guidance (SCGs) (e.g., Part 375 SCO's and GA Groundwater Quality Standards).

Based on the remedial action objectives (RAOs) and cleanup goals established for the Site, volumes and areas of media potentially requiring remediation will be calculated/estimated. General Response Actions will then be delineated to address each of the Site problem areas. These response actions will form the foundation for the development and screening of applicable remedial alternatives against the following criteria as described in 6NYCRR 375-1.8(f):

- Protection of Human Health and the Environment
- Compliance with Standards, Criteria, & Guidance (SCGs)
- Short-term Effectiveness & Impacts
- Long-term Effectiveness & Permanence
- Reduction of Toxicity, Mobility, or Volume
- Implementability
- Cost
- Land Use

In addition, the criteria of Community Acceptance will be considered based on public comments on the RI/IRM/AAR Report and proposed remedial action. Following the screening of alternatives, a comparative analysis will be performed against the above criteria. The comparative analysis will allow for better understanding of the relative advantages and disadvantages of each of the alternatives, and will facilitate recommendation of further remedial action, if required.

5.0 INVESTIGATION SUPPORT DOCUMENTS

5.1 Quality Assurance Project Plan (QAPP)

A Quality Assurance Project Plan (QAPP) will be prepared as a stand-alone document (under separate cover) for the RI activities described herein. The QAPP dictates implementation of the investigation tasks delineated in this Work Plan. A Sampling and Analysis Plan (SAP) identifying methods for sample collection, decontamination, handling, and shipping, is provided as Section 4.0 of the QAPP. The RI project management methods, organizational structure, and schedule are also included in the QAPP.

The QAPP will assure the accuracy and precision of data collection during the site characterization and data interpretation periods. The QAPP identifies procedures for sample collection to mitigate the potential for cross-contamination, as well as analytical requirements necessary to assure compliance with USEPA SW-846 methodology. The QAPP has been prepared in accordance with USEPA's Requirements for Quality Assurance Project Plans for Environmental Data Operations (EPA QA/R-5); the EPA Region II

CERCLA Quality Assurance Manual, and NYSDEC's December 2002 draft DER-10 Technical Guidance for Site Investigation and Remediation.

5.2 Health and Safety Plan (HASP)

A Site Health and Safety Plan (HASP) has been prepared in accordance with 40 CFR 300.150 of the NCP and 29 CFR 1910.120 for the proposed BCP RI and IRM activities. A copy of the HASP is included as Appendix C of this Work Plan. The HASP will be enforced by AFI and any AFI subcontractors engaged in RI/IRM field activities in accordance with the requirements of 29 CFR 1910.120. The HASP covers on-site investigation and interim remedial activities. AFI's HASP is provided for informational purposes in Appendix C. Subcontractors will be required to develop and implement a HASP as or more stringent than AFI's HASP. Health and safety activities will be monitored throughout the Remedial Investigation. A member of the field team will be designated to serve as the on-site Health and Safety Officer throughout the field program. This person will report directly to the Project Manager and the Corporate Health and Safety Coordinator. The HASP will be subject to revision as necessary, based on new information that is discovered during the field investigation.

The HASP also includes a contingency plan that addresses potential site-specific emergencies, and a Community Air Monitoring Plan (CAMP) that describes required particulate and vapor monitoring to protect the neighboring community during intrusive site investigation activities. The CAMP is consistent with the requirements for community air monitoring at remediation sites as established by the New York State Department of Health (NYSDOH) and NYSDEC. Accordingly, it follows procedures and practices outlined under NYSDOH's Generic Community Air Monitoring Plan (dated December 2002) and NYSDEC Technical Assistance and Guidance Memorandum (TAGM) 4031: Fugitive Dust Suppression and Particulate Monitoring Program at Inactive Hazardous Waste Sites.

5.3 Community Participation Plan (CPP)

In accordance with NYSDEC's Brownfield Cleanup Program guidance, a Citizen Participation Plan (CPP) is required for the Site investigative and interim remedial measures activities. The CPP, included as Appendix D, meets the requirements of Attachment 2 of the NYSDEC Technical Administrative Guidance Memorandum (TAGM) DER-97-4058 and NYSDEC's Draft DER-10 guidance. AFI will coordinate and assist 598 Main Street, LLC with community relations throughout the course of the project.

6.0 PROJECT SCHEDULE AND SEQUENCE OF THE WORK

Figure 13 presents the tentative schedule for planned remedial investigation, interim remedial measures and assessment of remedial alternatives. As noted, the start of field activities is dependent on NYSDEC approval of the RI/IRM Work Plan.

7.0 REFERENCES

1. *Additional Investigations for Contaminated Soil, Addendum No. 1 at 797 Seneca Street, Buffalo, NY.* AFI Environmental. July 17, 2006
2. *Investigations for Contaminated Soil at 797 Seneca Street, Buffalo NY.* AFI Environmental, July 3, 2006
3. New York State Department of Environmental Conservation, *Draft DER-10; Technical Guidance for Site Investigation and Remediation*, December 2002.
4. *Supplemental, Limited Phase II Sub Surface Soil Investigation Including: Building Interior-Subsurface Soil Probing, Sample Collection and Analysis: For the Purpose of Quantifying Spacial Extent and Depth of Petroleum Contaminated Soils Beneath the Floor Slab @ The Former "Door Store" 797 Seneca Street, Buffalo NY.* AFI Environmental, April 2007
5. *Phase I Environmental Site Assessment 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.* AFI Environmental, January 2010
6. "Environmental Investigation Report, Summary of November 2009 & January 2010 Test Pit Installation Activities." Property Comprised of the Following Addresses: 105 and 111 Hydraulic St, 777 and 797 Seneca St, 742 and 746 Carroll St, Buffalo, New York 14210, dated February 2010. Prepared by AFI Environmental, Niagara Falls, New York
7. "Environmental Investigation Report; Summary of November & December 2009 Monitoring Well Installation Activities," Property Comprised of the Following Addresses: 105 and 111 Hydraulic St, 777 and 797 Seneca St, 742 and 746 Carroll St, Buffalo, New York 14210, dated February 2010. Prepared by AFI Environmental, Niagara Falls, New York

APPENDIX A
QUALITY ASSURANCE PROJECT PLAN

QUALITY ASSURANCE/QUALITY CONTROL (QA/QC) PLAN

1.0 INTRODUCTION

This Quality Assurance/Quality Control Plan is designed to provide an overview of QA/QC procedures. It will give specific methods and QA/QC procedures for chemical testing of environmental samples obtained from the site. In addition, it will ensure the quality of the data produced.

The organizational structure with the names of key project personnel for this project is presented in Section 1.4 of the RI/IRM Work Plan. The Project Manager will be responsible for verifying that QA procedures are followed in the field. This will provide for the valid collection of representative samples. The Project Manager will be in direct contact with the analytical laboratory to monitor laboratory activities to help ensure that holding times and other QA/QC requirements are met. The number of proposed RI soil/fill and groundwater samples and corresponding analytical parameters/methods are provided in Table

In addition to overall project coordination, the Project Manager will be responsible for overseeing both the analytical and field QA/QC activities. The ultimate responsibility for maintaining quality throughout the project rests with the Project Manager.

TABLE 1
ANALYTICAL SUMMARY TABLE – SOIL/GROUNDWATER

PARAMETER	EPA METHOD	SOIL SAMPLES (1)	WATER SAMPLES (2)
TCL Volatiles	8260	4	4
TCL Semi-Volatiles	8270	4	4
TCL Pesticides	8081	4	4
Total PCBs	8082	4	4
TAL Metals	6010	4	4

(1) – Includes 2 MS/MSD and 2 duplicate samples

(2) – Includes 1 MS/MSD, 1 Duplicate sample and 1 Trip Blank (Volatiles Only)

The analytical laboratory proposed for use for the analysis of samples will be a certified NYSDOH ELAP laboratory for the appropriate categories. The QA Manager of the laboratory will be responsible for performing project-specific audits and for overseeing the quality control data generated.

2.0 DATA QUALITY OBJECTIVES

2.1 Background

Data quality objectives (DQOs) are qualitative and quantitative statements, which specify the quality of data required to support the investigation of the Site. DQOs focus on the identification of the end use of

the data to be collected. The project DQOs will be achieved utilizing the definitive data category, as outlined in *Guidance for the Data Quality Objectives Process*, EPA QA/G-4 (September 1994). All sample analyses will provide definitive data, which are generated using rigorous analytical methods, such as the reference methods approved by the United States Environmental Protection Agency (USEPA). The purpose of this investigation is to determine the nature and extent of contamination at the site.

Within the context of the purpose stated above, the project DQOs for data collected during this investigation are:

- To assess the nature/extent of contamination in surface and subsurface soil/fill and groundwater.
- To maintain the highest possible scientific/professional standards for each procedure.
- To develop enough information to assess if the levels of contaminants identified in the media sampled are hazardous or non-hazardous.

2.2 QA Objectives for Chemical Data Measurement

Sample analytical methodology for the media sampled and data deliverables will meet the requirements in the most recent NYSDEC Analytical Services Protocol (ASP). Laboratories will be instructed that completed **Sample Preparation and Analysis Summary forms** are to be submitted with the analytical data packages. The laboratory also will be instructed that matrix interferences must be cleaned up, to the extent practicable. Data usability summary reports (DUSRs) will be generated. In order to achieve the definitive data category described above, the data quality indicators of precision, accuracy, representativeness, comparability, and completeness will be measured during offsite chemical analysis.

2.2.1 Precision

Precision examines the distribution of the reported values about their mean. The distribution of reported values refers to how different the individual reported values are from the average reported value. Precision may be affected by the natural variation of the matrix or contamination within that matrix, as well as by errors made in field and/or laboratory handling procedures. Precision is evaluated using analyses of a laboratory matrix spike/matrix spike duplicate (for organics) and matrix duplicates (for inorganics), which not only exhibit sampling and analytical precision, but indicate analytical precision through the reproducibility of the analytical results. Relative Percent Difference (RPD) is used to evaluate precision. RPD criteria must meet the method requirements identified in Table B-1.

2.2.2 Accuracy

Accuracy measures the analytical bias in a measurement system. Sources of error are the sampling process, field contamination, preservation, handling, sample matrix, sample preparation, and analysis techniques. These data help to assess the potential concentration contribution from various outside

sources. The laboratory objective for accuracy is to equal or exceeds the accuracy demonstrated for the applied analytical methods on samples of the same matrix. The percent recovery criterion is used to estimate accuracy based on recovery in the matrix spike/matrix spike duplicate and matrix spike blank samples. The spike and spike duplicate, which will give an indication of matrix effects that may be affecting target compounds is also a good gauge of method efficiency.

2.2.3 Representativeness

Representativeness expresses the degree to which the sample data accurately and precisely represent the characteristics of a population of samples, parameter variations at a sampling point, or environmental conditions. Representativeness is a qualitative parameter, which is most concerned with the proper design of the sampling program or sub-sampling of a given sample. Objectives for representativeness are defined for sampling and analysis tasks and are a function of the investigative objectives. The sampling procedures, have been selected with the goal of obtaining representative samples for the media of concern.

2.2.4 Comparability

Comparability is a qualitative parameter expressing the confidence with which one data set can be compared with another. A DQO for this program is to produce data with the greatest possible degree of comparability. This goal is achieved through using standard techniques to collect and analyze representative samples and reporting analytical results in appropriate units. Complete field documentation will support the assessment of comparability. Comparability is limited by the other parameters (e.g., precision, accuracy, representative-ness, completeness, comparability), because only when precision and accuracy are known can data sets be compared with confidence. In order for data sets may be comparable, it is imperative that contract-required methods and procedures be explicitly followed.

2.2.5 Completeness

Completeness is defined as a measure of the amount of valid data obtainable from a measurement system compared to the amount that was expected to be obtained under normal conditions. It is important that appropriate QA procedures be maintained to verify that valid data are obtained in order to meet project needs. For the data generated, a goal of 90% is required for completeness (or usability) of the analytical data. If this goal is not met, then NYSDEC and AFI project personnel will determine whether the deviations might cause the data to be rejected.

3.0 SAMPLING LOCATIONS, CUSTODY, HOLDING TIMES, & ANALYSIS

Sampling locations and procedures are discussed in Section 3.1.2 of the RI/IRM Work Plan. Procedures for chain of custody, holding times, and laboratory analyses shall be followed as per SW-846 and as per the laboratory's Quality Assurance Plan. All holding times begin with validated time of sample receipt

(VTSR) at the laboratory. The laboratory must meet the method required detection limits which are referenced within the methods.

4.0 CALIBRATION PROCEDURES AND FREQUENCY

In order to obtain a high level of precision and accuracy during sample processing procedures, laboratory instruments must be calibrated properly. Several analytical support areas must be considered so the integrity of standards and reagents is upheld prior to instrument calibration. The following sections describe the analytical support areas and laboratory instrument calibration procedures.

4.1 Analytical Support Areas

Prior to generating quality data, several analytical support areas must be considered; these are detailed in the following paragraphs.

Standard/Reagent Preparation - Primary reference standards and secondary standard solutions shall be obtained from National Institute of Standards and Technology (NIST), or other reliable commercial sources to verify the highest purity possible. The preparation and maintenance of standards and reagents will be accomplished according to the methods referenced. All standards and standard solutions are to be formally documented (i.e., in a logbook) and should identify the supplier, lot number, purity/concentration, receipt/preparation date, preparers name, method of preparation, expiration date, and any other pertinent information. All standard solutions shall be validated prior to use. Care shall be exercised in the proper storage and handling of standard solutions (e.g., separating volatile standards from nonvolatile standards). The laboratory shall continually monitor the quality of the standards and reagents through well documented procedures.

Balances - The analytical balances shall be calibrated and maintained in accordance with manufacturer specifications. Calibration is conducted with two Class AS" weights that bracket the expected balance use range. The laboratory shall check the accuracy of the balances daily and they must be properly documented in permanently bound logbooks.

Refrigerators/Freezers - The temperature of the refrigerators and freezers within the laboratory shall be monitored and recorded daily. This will verify that the quality of the standards and reagents is not compromised and the integrity of the analytical samples is upheld. Appropriate acceptance ranges (2 to 6°C for refrigerators) shall be clearly posted on each unit in service.

Water Supply System - The laboratory must maintain a sufficient water supply for all project needs. The grade of the water must be of the highest quality (analyte-free) in order to eliminate false-positives from the analytical results. Ultraviolet cartridges or carbon absorption treatments are recommended for

organic analyses and ion-exchange treatment is recommended for inorganic tests. Appropriate documentation of the quality of the water supply system(s) will be performed on a regular basis.

4.2 Laboratory Instruments

Calibration of instruments is required to verify that the analytical system is operating properly and at the sensitivity necessary to meet established quantitation limits. Each instrument for organic and inorganic analyses shall be calibrated with standards appropriate to the type of instrument and linear range established within the analytical method(s). Calibration of laboratory instruments will be performed according to specified methods.

In addition to the requirements stated within the analytical methods, the contract laboratory will be required to analyze an additional low level standard at or near the detection limits. In general, standards will be used that bracket the expected concentration of the samples. This will require the use of different concentration levels, which are used to demonstrate the instrument's linear range of calibration.

Calibration of an instrument must be performed prior to the analysis of any samples and then at periodic intervals (continuing calibration) during the sample analysis to verify that the instrument is still calibrated. If the contract laboratory cannot meet the method required calibration requirements, corrective action shall be taken as discussed in Section 7.0. All corrective action procedures taken by the contract laboratory are to be documented, summarized within the case narrative, and submitted with the analytical results.

5.0 INTERNAL QUALITY CONTROL CHECKS

Internal QC checks are used to determine if analytical operations at the laboratory are in control, as well as determining the effect sample matrix may have on data being generated. Two types of internal checks are performed and are described as batch QC and matrix-specific QC procedures. The type and frequency of specific QC samples performed by the contract laboratory will be according to the specified analytical method and project specific requirements. Acceptable criteria and/or target ranges for these QC samples are presented within the referenced analytical methods.

QC results which vary from acceptable ranges shall result in the implementation of appropriate corrective measures, potential application of qualifiers, and/or an assessment of the impact these corrective measures have on the established data quality objectives. Quality control samples including any project-specific QC will be analyzed are discussed below.

5.1 Batch QC

Method Blanks - A method blank is defined as laboratory-distilled or deionized water that is carried through the entire analytical procedure. The method blank is used to determine the level of laboratory background contamination. Method blanks are analyzed at a frequency of one per analytical batch.

Matrix Spike Blank Samples - A matrix spike blank (MSB) sample is an aliquot of water spiked (fortified) with all the elements being analyzed for calculation of precision and accuracy to verify that the analysis that is being performed is in control. A MSB will be performed for each matrix and organic parameter only.

5.2 Matrix-Specific QC

Matrix Spike Samples - An aliquot of a matrix is spiked with known concentrations of specific compounds as stipulated by the methodology. The matrix spike (MS) and matrix spike duplicate (MSD) are subjected to the entire analytical procedure in order to assess both accuracy and precision of the method for the matrix by measuring the percent recovery and relative percent difference of the two spiked samples. The samples are used to assess matrix interference effects on the method, as well as to evaluate instrument performance. MS/MSDs are analyzed at a frequency of one each per 20 samples per matrix.

Matrix Duplicates - The matrix duplicate (MD) is two representative aliquots of the same sample which are prepared and analyzed identically. Collection of duplicate samples provides for the evaluation of precision both in the field and at the laboratory by comparing the analytical results of two samples taken from the same location. Obtaining duplicate samples from a soil matrix requires homogenization (except for volatile organic compounds) of the sample aliquot prior to filling sample containers, in order to best achieve representative samples. Every effort will be made to obtain replicate samples; however, due to interferences, lack of homogeneity, and the nature of the soil samples, the analytical results are not always reproducible.

Rinsate (Equipment) Blanks - A rinsate blank is a sample of laboratory demonstrated analyte free water passed through and over the cleaned sampling equipment. A rinsate blank is used to indicate potential contamination from ambient air and from sample instruments used to collect and transfer samples. This water must originate from one common source within the laboratory and must be the same water used by the laboratory performing the analysis. The rinsate blank should be collected, transported, and analyzed in the same manner as the samples acquired that day. Rinsate blanks for nonaqueous matrices should be performed at a rate of 10 percent of the total number of samples collected throughout the sampling event. Rinse blanks will not be performed on samples (i.e., groundwater) where dedicated disposable equipment is used.

Trip Blanks - Trip blanks are not required for nonaqueous matrices. Trip blanks are required for aqueous sampling events. They consist of a set of sample bottles filled at the laboratory with laboratory demonstrated analyte free water. These samples then accompany the bottles that are prepared at the lab into the field and back to the laboratory, along with the collected samples for analysis. These bottles are never opened in the field. Trip blanks must return to the lab with the same set of bottles they accompanied to the field. Trip blanks will be analyzed for volatile organic parameters. Trip blanks must be included at a rate of one per volatile sample shipment.

6.0 CALCULATION OF DATA QUALITY INDICATORS

6.1 Precision

Precision is evaluated using analyses of a field duplicate and/or a laboratory MS/MSD which not only exhibit sampling and analytical precision, but indicate analytical precision through the reproducibility of the analytical results. RPD is used to evaluate precision by the following formula:

$$RPD = \frac{(X_1 - X_2)}{[(X_1 + X_2)/2]} \times 100\%$$

where:

X_1 = Measured value of sample or matrix spike

X_2 = Measured value of duplicate or matrix spike duplicate

Precision will be determined through the use of MS/MSD (for organics) and matrix duplicates (for inorganics) analyses.

6.2 Accuracy

Accuracy is defined as the degree of difference between the measured or calculated value and the true value. The closer the numerical value of the measurement comes to the true value or actual concentration, the more accurate the measurement is. Analytical accuracy is expressed as the percent recovery of a compound or element that has been added to the environmental sample at known concentrations before analysis. Analytical accuracy may be assessed through the use of known and unknown QC samples and spiked samples. It is presented as percent recovery. Accuracy will be determined from matrix spike, matrix spike duplicate, and matrix spike blank samples, as well as from surrogate compounds added to organic fractions (i.e., volatiles, semivolatiles, PCB), and is calculated as follows:

$$Accuracy (\%R) = \frac{(X_s - X_u)}{100\% K} \times$$

where:

X_s - Measured value of the spike sample

X_u - Measured value of the unspiked sample

K - Known amount of spike in the sample

6.3 Completeness

Completeness is calculated on a per matrix basis for the project and is calculated as follows:

$$\text{Completeness (\%C)} = \frac{(X_v - X_n)}{100\% N} \times$$

where:

X_v - Number of valid measurements

X_n - Number of invalid measurements

N - Number of valid measurements expected to be obtained

7.0 CORRECTIVE ACTIONS

Laboratory corrective actions shall be implemented to resolve problems and restore proper functioning to the analytical system when errors, deficiencies, or out-of-control situations exist at the laboratory. Full documentation of the corrective action procedure needed to resolve the problem shall be filed in the project records, and the information summarized in the case narrative. A discussion of the corrective actions to be taken is presented in the following sections.

7.1 Incoming Samples

Problems noted during sample receipt shall be documented by the laboratory. The AFI Environmental (AFI) Project Manager shall be contacted immediately for problem resolution. All corrective actions shall be documented thoroughly.

7.2 Sample Holding Times

If any sample extraction and/or analyses exceed method holding time requirements, the AFI Project Manager shall be notified immediately for problem resolution. All corrective actions shall be documented thoroughly.

7.3 Instrument Calibration

Sample analysis shall not be allowed until all initial calibrations meet the appropriate requirements. All laboratory instrumentation must be calibrated in accordance with method requirements. If any initial/continuing calibration standards exceed method QC limits, recalibration must be performed and, if necessary, reanalysis of all samples affected back to the previous acceptable calibration check.

7.4 Reporting Limits

The laboratory must meet the method required detection limits listed in NYSDEC ASP, 10/95 criteria. If difficulties arise in achieving these limits due to a particular sample matrix, the laboratory must notify AFI project personnel for problem resolution. In order to achieve those detection limits, the laboratory must utilize all appropriate cleanup procedures in an attempt to retain the project required detection limits. When any sample requires a secondary dilution due to high levels of target analytes, the laboratory must document all initial analyses and secondary dilution results. Secondary dilution will be permitted only to

bring target analytes within the linear range of calibration. If samples are analyzed at a secondary dilution with no target analytes detected, the AFI Project Manager will be immediately notified so that appropriate corrective actions can be initiated.

7.5 Method QC

All QC method-specified QC samples, shall meet the method requirements referenced in the analytical methods. Failure of method-required QC will result in the review and possible qualification of all affected data. If the laboratory cannot find any errors, the affected sample(s) shall be reanalyzed and/or re-extracted/redigested, then reanalyzed within method-required holding times to verify the presence or absence of matrix effects. If matrix effect is confirmed, the corresponding data shall be flagged accordingly using the flagging symbols and criteria. If matrix effect is not confirmed, then the entire batch of samples may have to be reanalyzed and/or re-extracted/redigested, then reanalyzed at no cost. AFI shall be notified as soon as possible to discuss possible corrective actions should unusually difficult sample matrices be encountered.

7.6 Calculation Errors

All analytical results must be reviewed systematically for accuracy prior to submittal. If upon data review calculation and/or reporting errors exist, the laboratory will be required to reissue the analytical data report with the corrective actions appropriately documented in the case narrative.

8.0 DATA REDUCTION, VALIDATION, AND USABILITY

8.1 Data Reduction

Laboratory analytical data are first generated in raw form at the instrument. These data may be either in a graphic or printed tabular format. Specific data generation procedures and calculations are found in each of the referenced methods. Analytical results must be reported consistently. Identification of all analytes must be accomplished with an authentic standard of the analyte traceable to NIST or USEPA sources. Individuals experienced with a particular analysis and knowledgeable of requirements will perform data reduction.

8.2 Data Validation

Data validation is a systematic procedure of reviewing a body of data against a set of established criteria to provide a specified level of assurance of validity prior to its intended use. All analytical samples collected will receive a limited data review. The data validation will be limited to a review of holding times, completeness of all required deliverables, review of QC results (surrogates, spikes, duplicates) and a 10% check of all samples analyzed to ensure they were analyzed properly. The methods as well as the general guidelines presented in the following documents will be used during the data review USEPA Contract Laboratory Program (CLP) Organic Data Review, SOP Nos. HW-6, Revision #11 and USEPA

Evaluation of Metals Data for the Contract Laboratory Program based on 3/90, SOW, Revision XI. These documents will be used with the following exceptions:

- Technical holding times will be in accordance with NYSDEC ASP, 10/95 edition.
- Organic calibration and QC criteria will be in accordance with NYSDEC ASP, 10/95 edition. Data will be qualified if it does not meet NYSDEC ASP, 10/95 criteria.

Where possible, discrepancies will be resolved by the project manager (i.e., no letters will be written to laboratories). A complete analytical data validation is not anticipated. However, if the initial limited data audit reveals significant deviations and problems with the analytical data, project personnel may recommend a complete variation of the data.

9.0 REFERENCES

Comprehensive Environmental Response Compensation and Liability Act (CERCLA) Quality Assurance Manual, Final Copy , Revision I, October 1989.

National Enforcement Investigations Center of USEPA Office of Enforcement. *NEIC Policies and Procedures*. Washington: USEPA.

New York State Department of Environmental Conservation (NYSDEC). 1995. *Analytical Services Protocol*, (ASP) 10/95 Edition. Albany: NYSDEC.

APPENDIX B
HEALTH AND SAFETY PLAN

Revision Level 1Project Name 111 Hydraulic Building Remedial Investigation/WorkplanTask Remedial Investigation and Remedial Work PlanRequested by 598 Main Street LLCProposed Start-Up Date February 2010 Project/Task No. 111 Hydraulic Building

Prepared by/Reviewed by Health and Safety Officer

Printed Name Elby BentonSignature  Date 3/1 2010

Reviewed by Project Health and Safety Coordinator

Printed Name Geoffrey HeitzenraterSignature  Date March 1 2010

Approved by Project Director

Printed Name William HeitzenraterSignature  Date 3/1 2010Title: Senior Environmental Professional

Note to Project Managers:

A signed and completed copy of the Health and Safety Plan and a signed and completed copy of the safety briefing must be included in the project file.

2. Project Description: Investigation and removal of contamination 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 Site. Historical Heavy Metal contamination is known to be in the surface soils of the vacant parcel. The project scope includes Soil Excavation.

Level D PPE will be required for all project activities. Decisions on PPE upgrades will be made in the field based on site-specific conditions.

3. Location (Site):

111 Hydraulic Building
Buffalo, New York 14210

4. Facility/Work Site Description:

Portions of the Site are impacted with Metals. The excavation will generally occur where the new building footprint will be.

AFI will be responsible for our own personal protective equipment (PPE) and safety equipment as necessary. AFI will follow the Safety Procedures and Requirements for outside Contractors and Site Conditions & General Safety Instructions for additional Health & Safety details.

5. Proposed Personnel and Tasks:

Sr. Environmental Professional: William Heitzenrater

Project Manager: Geoffrey Heitzenrater

Proposed Field Team	Job Function/Tasks
William Heitzenrater	Sr. Environmental Professional
Elby Benton	Health and Safety Officer
Geoffrey Heitzenrater	Project Manager

6. Confined Space Entry

A confined space is defined as any space not currently used or intended for human occupancy, having a limited means of egress, which is subject to the accumulation of toxic contaminants, a flammable or oxygen deficient atmosphere, or other hazards, such as engulfment, or electrical or mechanical hazards should equipment be inadvertently activated while an employee is in the space. Confined spaces include but are not limited to storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, air pollution control devices, smoke stacks, underground utility vaults, sewers, septic tanks, and open top spaces more than four feet in depth such as test pits, waste disposal trenches, sumps and vats.

Will this task require entry into any confined
or partially confined space?

___ YES - Describe below

X No

7. Cutting and Welding

Will this task involve use of a cutting torch or welding?

___ YES - Describe below

x No

8. Other Potential Hazards

X Chemical

X Trips, Slips, Falls

___ Radiological

___ Trenching/Shoring

___ Fire/Explosion

X Heavy Equipment/Vehicular Traffic

X Cold/Heat Stress

X Overhead Hazards

___ Electrical

X Unstable/Uneven Terrain

X Machinery/Mechanical Equipment

___ Other - Describe below

Description/Other

9. Chemical/Radiological Hazard Evaluation

Soil Media

Hazardous Characteristics

X Airborne Contamination

___ Ignitable

X Surface Contamination

___ Corrosive

X Contaminated Soil

___ Reactive

X Contaminated Groundwater

___ Explosive

___ Contaminated Surface Water

X Toxic (non-radiological)

☐ Solid Waste☐ Radioactive☐ Liquid Waste☐ Sludge**Substance**

This task will involve the reasonable possibility of exposure to the substances listed below at concentrations or in quantities which may be hazardous to the health of the site personnel.

- Metals
- Possible VOCs/SVOCs

10. Community Air/Site Monitoring Procedures

N/A

11. Action Levels

N/A

12. Personal Monitoring☐ Passive Dosimeter☐ Personal Air Sampling☐ Other**Description/Other:**

NOT-APPLICABLE

13. Biological Monitoring/Medical Surveillance

_____ This project requires medical surveillance or biological monitoring procedures beyond the provisions of the routine medical surveillance program, see description below

Description:

NOT APPLICABLE

14. Onsite Control

The Site shall have an Exclusion Zone (the contaminated area) and a Decontamination Line. No unauthorized person shall be allowed beyond the Exclusion Zone line.

Soiled PPE and rinsate from decontaminating equipment shall be collected onsite and properly stored until disposal.

15. Personal Protective Equipment

Level D PPE will be required for all project activities. Decisions on PPE upgrades will be made in the field based on site-specific conditions.

Location	Job Function/Task	Initial Level of Protection
Exclusion Zone	Field Work	B C <u>D</u> 1 2 3 other
		B C D 1 2 3 other
		B C D 1 2 3 other
		B C D 1 2 3 other
		B C D 1 2 3 other
Decontamination Zone		B C D 1 2 3 other
		B C D 1 2 3 other
		B C D 1 2 3 other

List the specific protective equipment and material (where applicable) for each of the Levels of Protection identified above

Level B X

_____ Pressure demand airline

☐ Pressure demand airline with escape provisions

☐ Pressure demand SCBA

☒ LEAVE SITE

Level D

☒ HARD HAT AND SAFETY GLASSES

☒ HARD HAT AND SAFETY GLASSES

☒ STEEL-TOED FOOTWEAR

☒ POLYTYVEK COVERALLS (OPTIONAL)

☒ OBERBOOTS or POLYTYVEC BOOTIES

☐ INNER GLOVES (thin nitrile)

☒ OUTER GLOVES (NITRILE) (LIGHT DUTY SAMPLING)

☒ LEATHER GLOVES (BORING SAMPLING)

NO CHANGES TO THE SPECIFIED LEVELS OF PROTECTION SHALL BE MADE WITHOUT THE KNOWLEDGE AND APPROVAL OF THE HEALTH AND SAFETY OFFICER AND THE PROJECT MANAGER.

16. Decontamination

All Drilling equipment shall be decontaminated prior to entering the investigation site area and between each boring location. All Sampling equipment shall be decontaminated before / between each sampling activity or interval. All Drilling and Sampling equipment shall be decontaminated after completion of the final project related activities.

Decontamination shall be performed onsite. The following decontamination conditions shall be followed:

- A temporary de-con area will be constructed for the project at a designated site. The de-con area shall be constructed to provide for contained washing, rinsing and staging/drying of decontaminated PPE and equipment.

Personnel and equipment leaving the Exclusion Zone, if necessary, shall continue through the decontamination station and follow the procedures as follows:

Personnel Decontamination

<u>Station</u>	<u>Procedure</u>
1.	WASH BOOTS OR BOOTIES AND OUTER GLOVES
2.	REMOVE HARD HAT
3.	REMOVE AND DISPOSE OUTER GLOVES

4. REMOVE AND DISPOSE POLYTYVEK SUIT (IF APPLICABLE)
5. REMOVE AND DISPOSE OF POLYTYVEC BOOTIES

Equipment Decontamination
(TESTING AND SAMPLING EQUIPMENT ONLY)

StationProcedure

1. ALCONOX WASH
2. POTABLE WATER RINSE
3. AIR DRY

The following decontamination equipment is required:

Alconox, steam cleaner, rinse water, buckets, brushes

Emergency decontamination procedures:

Remove PPE and rinse off with water. Rinsate will be contained in wash containers at the Site.

17. Confined Entry Procedures ☒ Not Applicable

Yes N/A

- ☐ Provide Forced Ventilation
- ☐ Test Atmosphere For:
 - ☐ (a) %O₂
 - ☐ (b) %LEL
 - ☐ (c) Other

Yes N/A

- ☐ Refer to Personal Protective Equip. (#16)
- ☐ Refer to Emergency Procedures (#24)
- ☐ Other Special Procedures

Descriptions/Other:

18. Cutting/Welding Procedure ☒ Not Applicable

N/A

- ☐ Relocate or Protect Combustibles
- ☐ Wet Down or Cover Combustible Floor
- ☐ Check Flammable Gas Concentrations (%LEL) in air

☐ _____ Cover Wall, Floor, Duct and Tank Openings

☐ _____ Provide Fire Extinguisher

Other Special Instructions:

19. Electrical ☒ Not Applicable

20. Special Instructions

Cold Stress

Frostbite results from freezing a part of the body. The nose, ears, cheeks, fingers, and toes are affected most often. Usually the frozen area is small. People with poor circulation, such as the elderly and the exhausted, are not as resistant to cold as young people. Intoxicated persons sometimes suffer extensive injury.

Just before frostbite occurs, the skin may be slightly flushed. As frostbite develops, the skin changes to white or grayish yellow. Blisters may appear later. Pain sometimes is felt at the beginning but frostbite may become less painful as the freezing goes deeper. Often there is no pain; the part feels intensely cold and numb. The victim frequently is not aware of frostbite until pale, glossy skin is observed.

Hypothermia occurs when exposure to cold or cool temperature causes the temperature of the core of the body to fall below normal. Severity of hypothermia depends on the degree of coldness to which the victim is exposed, the duration of exposure, and whether exposure was in water or air. Susceptibility to hypothermia is increased by ill health, malnutrition, and the weaknesses associated with childhood and advanced age.

Violent shivering may be the first sign of hypothermia. The victim may behave strongly, may be unusually irritable, and may have slurred speech or seem clumsy. As hypothermia becomes more and more serious, the victim has trouble seeing, moves with difficulty and may stagger or fall, becomes sleepy and numb, and finally becomes unconscious. Hypothermia can result in death.

To prevent frostbite and hypothermia, personnel should wear warm protective clothing that covers the susceptible parts of the body. Additionally, individuals should periodically take breaks in a heated area to warm themselves during periods of extreme cold.

Field Logs:

An AFI Environmental representative shall be responsible for maintaining field logs. At the end of the project, field logs are to be added to the project files. Additional considerations:

- Site Notes, Drilling, sampling, and air monitoring logs will be maintained in the field until project completion. Standard field entries will be recorded. Copies of these logs will be submitted to NTC at the completion of the project.

21. Sanitation Requirements

Potable water supply available on work site?

☒ Yes ☐ No

Portable toilets required on work site?

☐ Yes If Yes, how many? _____

☒ No

Temporary washing/shower facilities required at work site?

☐ Yes If yes, describe below.

☒ No

Description:

22. Field Procedures Change Authorization (N/A)Instruction Number
to be changed

Duration of Authorization Requested

Date:

___Today only

___Duration of Task

Description of Procedures Modification:

Justification:

Person Requesting Change:

Verbal Authorization Received From:

Name

Name

Time

Title

Title

Signature

Approved By

(Signature of person named above to be obtained
within 48 hours of verbal authorization)

23. Emergency Procedures This page is to be posted at prominent location on site.Yes
☒No
☐

On-site Communications Required?

Emergency Channel: Call **911** on Cell phone or contact escort. Contact William Heitzenrater at (716) 940-2725 or his cell to report the incident.

Nearest Telephone: Field crew cell phone (Elby Benton). Cell phone number is (716) 622-7172

Nearest Hospital: Erie County Medical Center (ECMC): Phone: (716) 898-3217

SEE APPENDIX A FOR DIRECTIONS TO HOSPITAL**Fire and Explosion**

In the event of a fire or explosion, if the situation can be readily controlled with available resources without jeopardizing the health and safety of yourself, the public, or other site personnel, take immediate action to do so, otherwise:

1. Notify emergency personnel by 911.
2. If possible, isolate the fire to prevent spreading.
3. Evacuate the area.

Chemical Exposure

Site workers must notify the site health and safety officer immediately in the event of any injury or any of the signs or symptoms of overexposure to hazardous substances identified below:

On Site Injury or Illness

In the event of an injury requiring more than minor first aid or any employee reporting any sign or symptom of exposure to hazardous substances, immediately contact the Health and Safety Coordinator. In the event of life-threatening or traumatic injury, implement appropriate first-aid and immediately call for emergency medical assistance by dialing 911. Also, immediately contact the William Heitzenrater by Phone (716) 940-2725.

Designated Personnel Current in First Aid/CPR (Names)

William Heitzenrater

Designated Back-Up Personnel (Names)

Elby Benton

Required Emergency Back-Up Equipment: None

Emergency Response Authority

The Site Health and Safety Coordinator shall also act as the designated site emergency coordinator and shall have final authority for initial response to on-site emergency situations.

Upon arrival of the appropriate emergency response personnel, the site health and safety coordinator shall defer all authority but shall remain on the scene if necessary to provide any and all possible assistance. At the earliest opportunity, the site health and safety coordinator shall contact the project manager or coordinator shall contact the project manager or health and safety officer.

Project Director: William Heitzenrater Phone (w) (716) 283-7645 (c) (716) 940-2725Site Health and Safety Officer: Elby Benton Phone (w) (716) 283-7645 (c) (716) 622-7172

24. Safety Briefing

The following personnel were present at pre-job safety briefing conducted at _____(time) on _____(date) at _____(location), and have read the above plan and are familiar with its provisions:

Name

Signature

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Fully charged ABC Class fire extinguisher available on site? YES ____

Fully stocked First Aid Kit available on site? YES ____

All project personnel advised of location of nearest phone? YES ____

All project personnel advised of location of designated medical facility or facilities? YES ____

Printed Name of Field Team Leader or Site Safety Officer

Signature

Date

APPENDIX C

NYSDOH Generic Community Air Monitoring Plan (CAMP)

APPENDIX C

New York State Department of Health Generic Community Air Monitoring Plan

A Community Air Monitoring Plan (CAMP) requires real-time monitoring for volatile organic compounds (VOCs) and particulates (i.e., dust) at the downwind perimeter of each designated work area when certain activities are in progress at contaminated sites. The CAMP is not intended for use in establishing action levels for worker respiratory protection. Rather, its intent is to provide a measure of protection for the downwind community (i.e., off-site receptors including residences and businesses and on-site workers not directly involved with the subject work activities) from potential airborne contaminant releases as a direct result of investigative and remedial work activities. The action levels specified herein require increased monitoring, corrective actions to abate emissions, and/or work shutdown. Additionally, the CAMP helps to confirm that work activities did not spread contamination off-site through the air.

The generic CAMP presented below will be sufficient to cover many, if not most, sites. Specific requirements should be reviewed for each situation in consultation with NYSDOH to ensure proper applicability. In some cases, a separate site-specific CAMP or supplement may be required. Depending upon the nature of contamination, chemical-specific monitoring with appropriately-sensitive methods may be required. Depending upon the proximity of potentially exposed individuals, more stringent monitoring or response levels than those presented below may be required. Special requirements will be necessary for work within 20 feet of potentially exposed individuals or structures and for indoor work with co-located residences or facilities. These requirements should be determined in consultation with NYSDOH. Reliance on the CAMP should not preclude simple, common-sense measures to keep VOCs, dust, and odors at a minimum around the work areas.

Community Air Monitoring Plan

Depending upon the nature of known or potential contaminants at each site, real-time air monitoring for volatile organic compounds (VOCs) and/or particulate levels at the perimeter of the exclusion zone or work area will be necessary. Most sites will involve VOC and particulate monitoring; sites known to be contaminated with metals alone may only require particulate monitoring. If radiological contamination is a concern, additional monitoring requirements may be necessary per consultation with appropriate NYSDEC/NYSDOH staff.

Continuous monitoring will be required for all ground intrusive activities and during the demolition of contaminated or potentially contaminated structures. Ground intrusive activities include, but are not limited to, soil/waste excavation and handling, test pitting or trenching, and the installation of soil borings or monitoring wells.

Periodic monitoring for VOCs will be required during non-intrusive activities such as the collection of soil and sediment samples or the collection of groundwater samples from existing monitoring wells. "Periodic" monitoring during sample collection might reasonably consist of taking a reading upon arrival at a sample location, monitoring while opening a well cap or overturning soil, monitoring during well baling/purging, and taking a reading prior to leaving a sample location. In some instances, depending upon the proximity of potentially exposed individuals, continuous monitoring may be required during sampling activities. Examples of such situations include groundwater sampling at wells on the curb of a busy urban street, in the midst of a public park, or adjacent to a school or residence.

VOC Monitoring, Response Levels, and Actions

Volatile organic compounds (VOCs) must be monitored at the downwind perimeter of the immediate work area (i.e., the exclusion zone) on a continuous basis or as otherwise specified. Upwind concentrations should be measured at the start of each workday and periodically thereafter to establish background conditions. The monitoring work should be performed using equipment appropriate to measure the types of contaminants known or suspected to be present. The equipment should be calibrated at least daily for the contaminant(s) of concern or for an appropriate surrogate. The equipment should be capable of calculating 15-minute running average concentrations, which will be compared to the levels specified below.

- If the ambient air concentration of total organic vapors at the downwind perimeter of the work area or exclusion zone exceeds 5 parts per million (ppm) above background for the 15-minute average, work activities must be temporarily halted and monitoring continued. If the total organic vapor level readily decreases (per instantaneous readings) below 5 ppm over background, work activities can resume with continued monitoring.
- If total organic vapor levels at the downwind perimeter of the work area or exclusion zone persist at levels in excess of 5 ppm over background but less than 25 ppm, work activities must be halted, the source of vapors identified, corrective actions taken to abate emissions, and monitoring continued. After these steps, work activities can resume provided that the total organic vapor level 200 feet downwind of the exclusion zone or half the distance to the nearest potential receptor or residential/commercial structure, whichever is less - but in no case less than 20 feet, is below 5 ppm over background for the 15-minute average.
- If the organic vapor level is above 25 ppm at the perimeter of the work area, activities must be shutdown.

All 15-minute readings must be recorded and be available for State (DEC and DOH) personnel to review. Instantaneous readings, if any, used for decision purposes should also be recorded.

Particulate Monitoring, Response Levels, and Actions

Particulate concentrations should be monitored continuously at the upwind and downwind perimeters of the exclusion zone at temporary particulate monitoring stations. The particulate monitoring should be performed using real-time monitoring equipment capable of measuring particulate matter less than 10 micrometers in size (PM-10) and capable of integrating over a period of 15 minutes (or less) for comparison to the airborne particulate action level. The equipment must be equipped with an audible alarm to indicate exceedance of the action level. In addition, fugitive dust migration should be visually assessed during all work activities.

- If the downwind PM-10 particulate level is 100 micrograms per cubic meter (mcg/m³) greater than background (upwind perimeter) for the 15-minute period or if airborne dust is observed leaving the work area, then dust suppression techniques must be employed. Work may continue with dust suppression techniques provided that downwind PM-10 particulate levels do not exceed 150 mcg/m³ above the upwind level and provided that no visible dust is migrating from the work area.
- If, after implementation of dust suppression techniques, downwind PM-10 particulate levels are greater than 150 mcg/m³ above the upwind level, work must be stopped and a re-evaluation of activities initiated. Work can resume provided that dust suppression measures and other controls are successful in reducing the downwind PM-10 particulate concentration to within 150 mcg/m³ of the upwind level and in preventing visible dust migration.

All readings must be recorded and be available for State (DEC and DOH) personnel to review.

List of Figures

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Figure 2 – Aerial Site Plan

Figure 3 – Topographic and Boundary Survey

Figure 4 – Parcel Location Map

Figure 5 – Property Owner Identification

Figure 6 – Excavation Map

Figure 7 – New Construction – Site Plan

Figure 8 – New Construction – Floor Plan

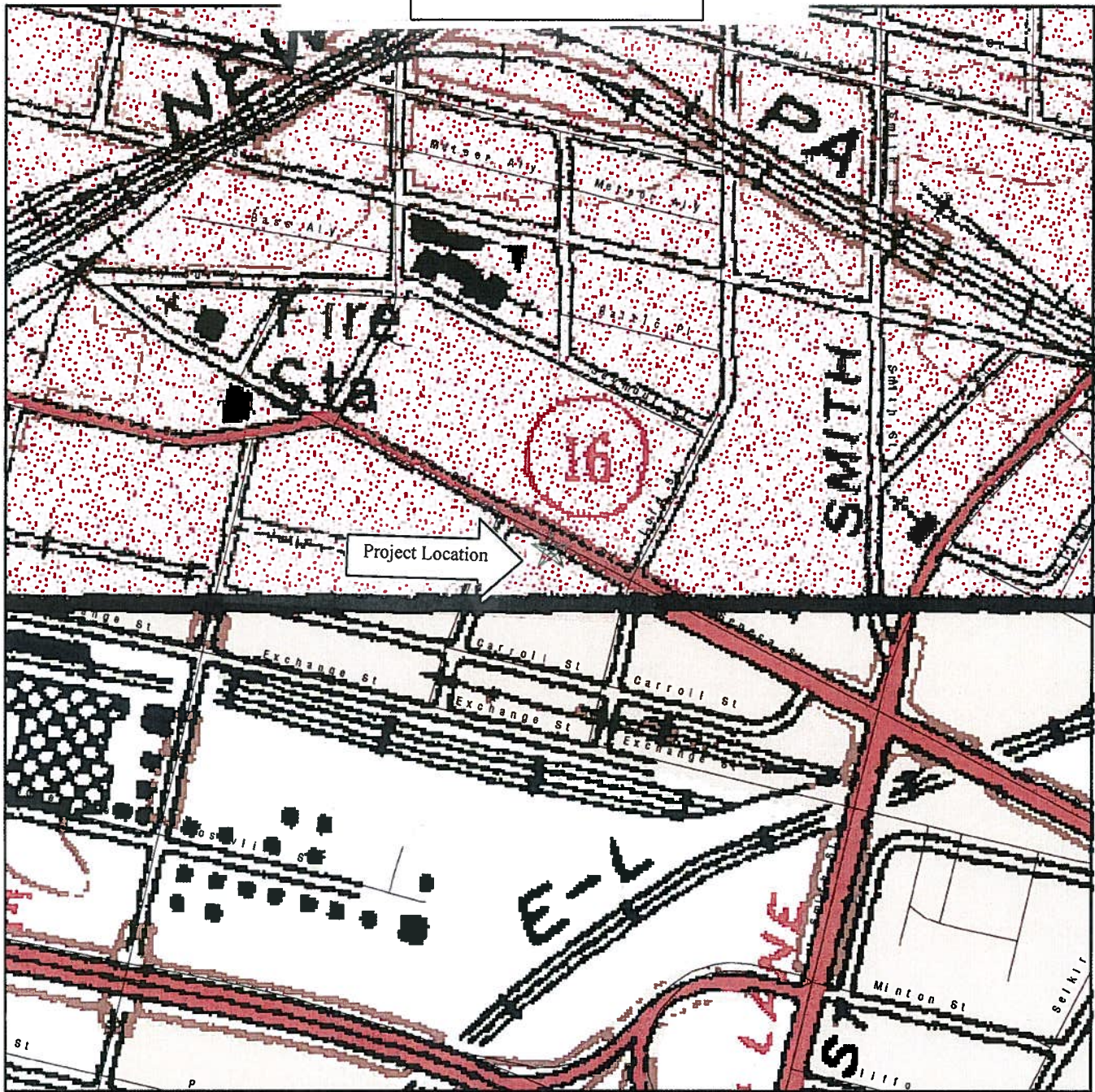
Figure 9 – 2006 Soil Boring Locations & Chemical Analysis

Figure 10 – 2007 Soil Boring Locations & Chemical Analysis

Figure 11 – Monitoring Well Location Map

Figure 12 – 2010 Test Pit Locations Map

BCP Application Project Location Map



- ★ Target Property
- ▲ Sites at elevations higher than or equal to the target property
- ◆ Sites at elevations lower than the target property
- ▲ Manufactured Gas Plants
- Sensitive Receptors
- National Priority List Sites
- Dept. Defense Sites

- Indian Reservations BIA
- Oil & Gas pipelines
- 100-year flood zone
- 500-year flood zone

0 1/16 1/8 1/4 Miles



TARGET QUAD
BUFFALO NE
BUFFALO SE

This report includes Interactive Map Layers to display and/or hide map information. The legend includes only those icons for the default map view.

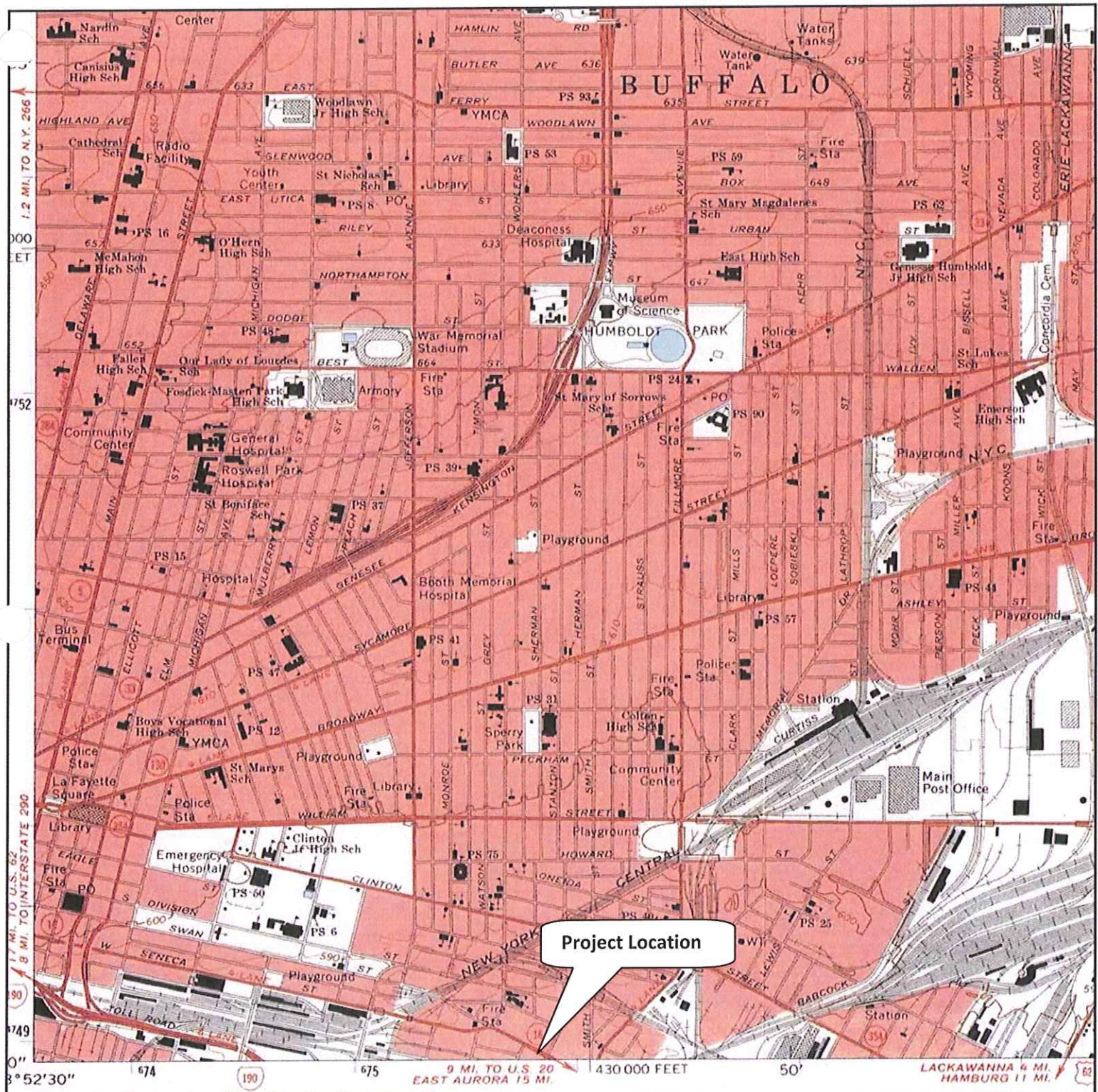
SITE NAME: 797 Seneca Street
ADDRESS: 797 Seneca Street
Buffalo NY 14210
LAT/LONG: 42.8755 / 78.8474

CLIENT: AFI Environmental
CONTACT: Patrick Ackerman
INQUIRY #: 2659593.2s
DATE: December 15, 2009 1:18 pm

Figure – 1a

BCP Application

Project Location Map



TARGET QUAD
NAME: BUFFALO NE
MAP YEAR: 1965

SERIES: 7.5
SCALE: 1:24000

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



Figure - 1



LCo - CAPITAL MGMT.
AERIAL
797 SENECA STREET
BUFFALO, NEW YORK
14210

YOUNG + WRIGHT ARCHITECTURAL



Figure - 2



AFI Environmental

7815 Buffalo Avenue
Po Box 4049
Niagara Falls, NY 14304

P: 716.283.7645
F: 716.283.2858

PROJECT NAME:
111 Hydraulic Building

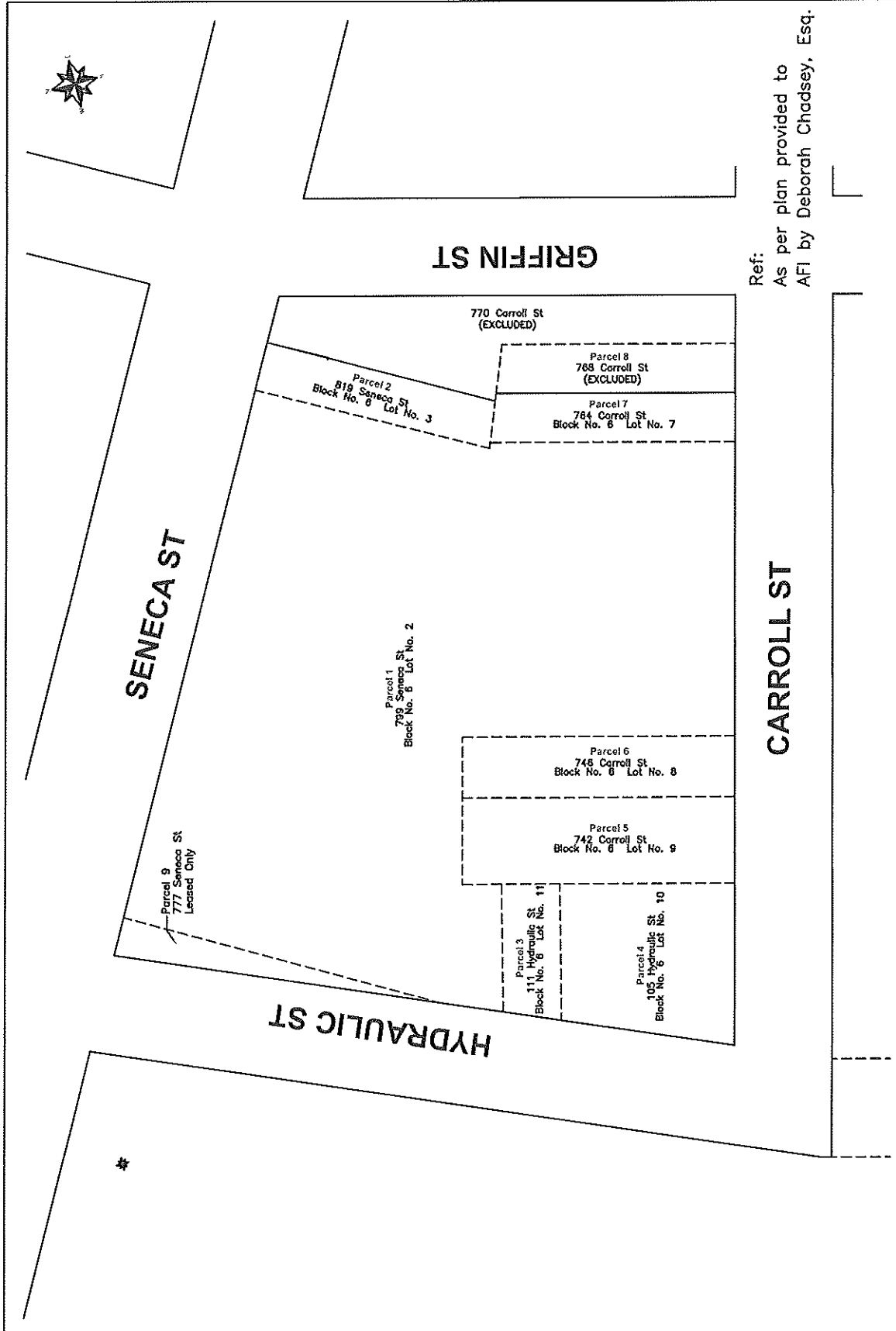
111 Hydraulic Street
Buffalo, NY 14210

DRAWING NAME:

Parcel Location Map

DRAWING NO:

Figure 4





AFI Environmental
7815 Buffalo Avenue
Po Box 4049
Niagara Falls, NY 14304
P: 716.283.7645
F: 716.283.2858

PROJECT NAME:
111 Hydraulic Building

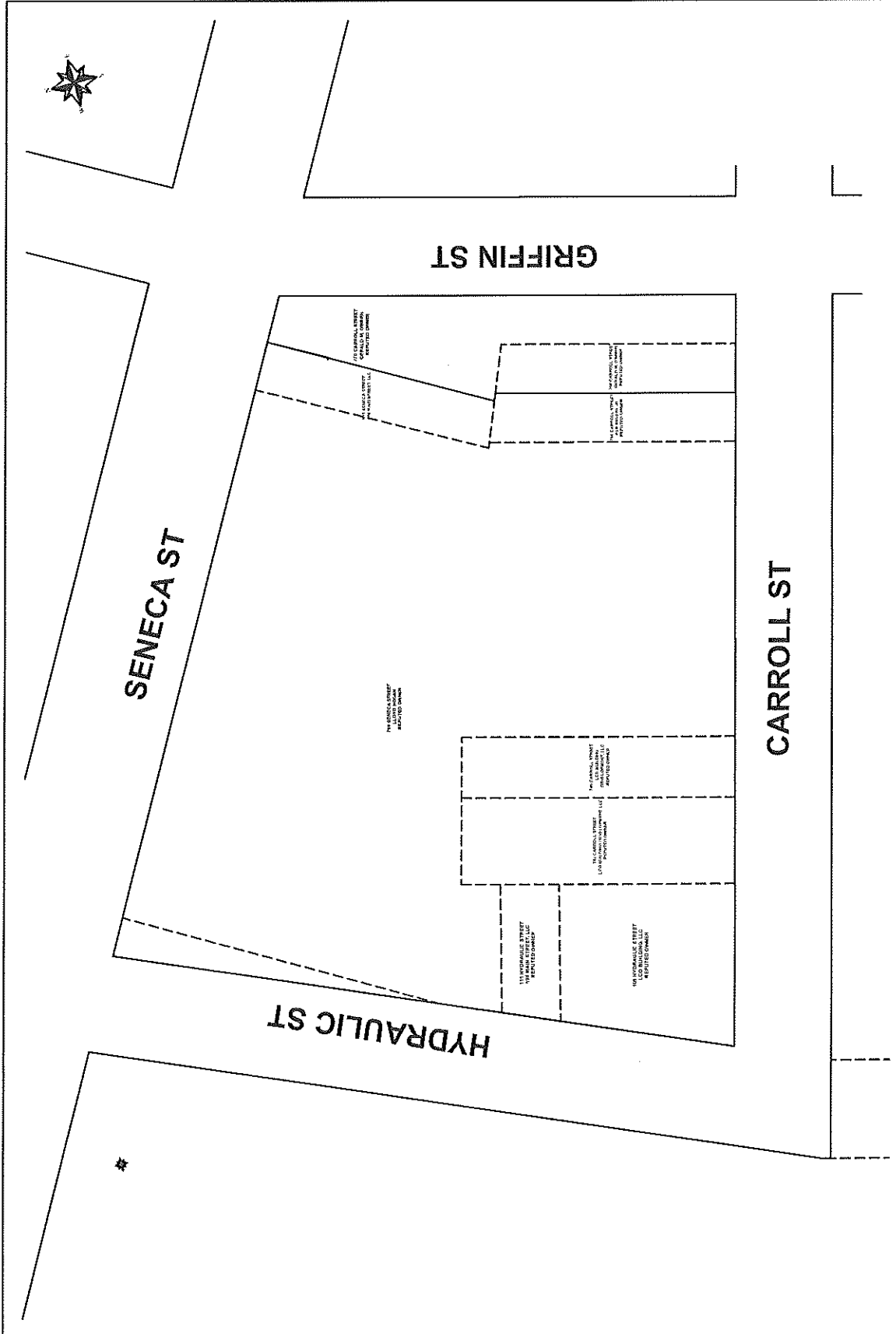
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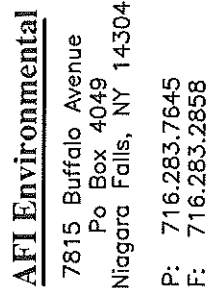
DRAWING NAME:

Property Owner Identification

DRAWING NO:

Figure 5





PROJECT NAME: 111 Hydraulic Building

111 Hydraulic Street
Buffalo, NY 14210

DRAWING NAME:

Excavation Map

DRAWING NO.:

Figure 6

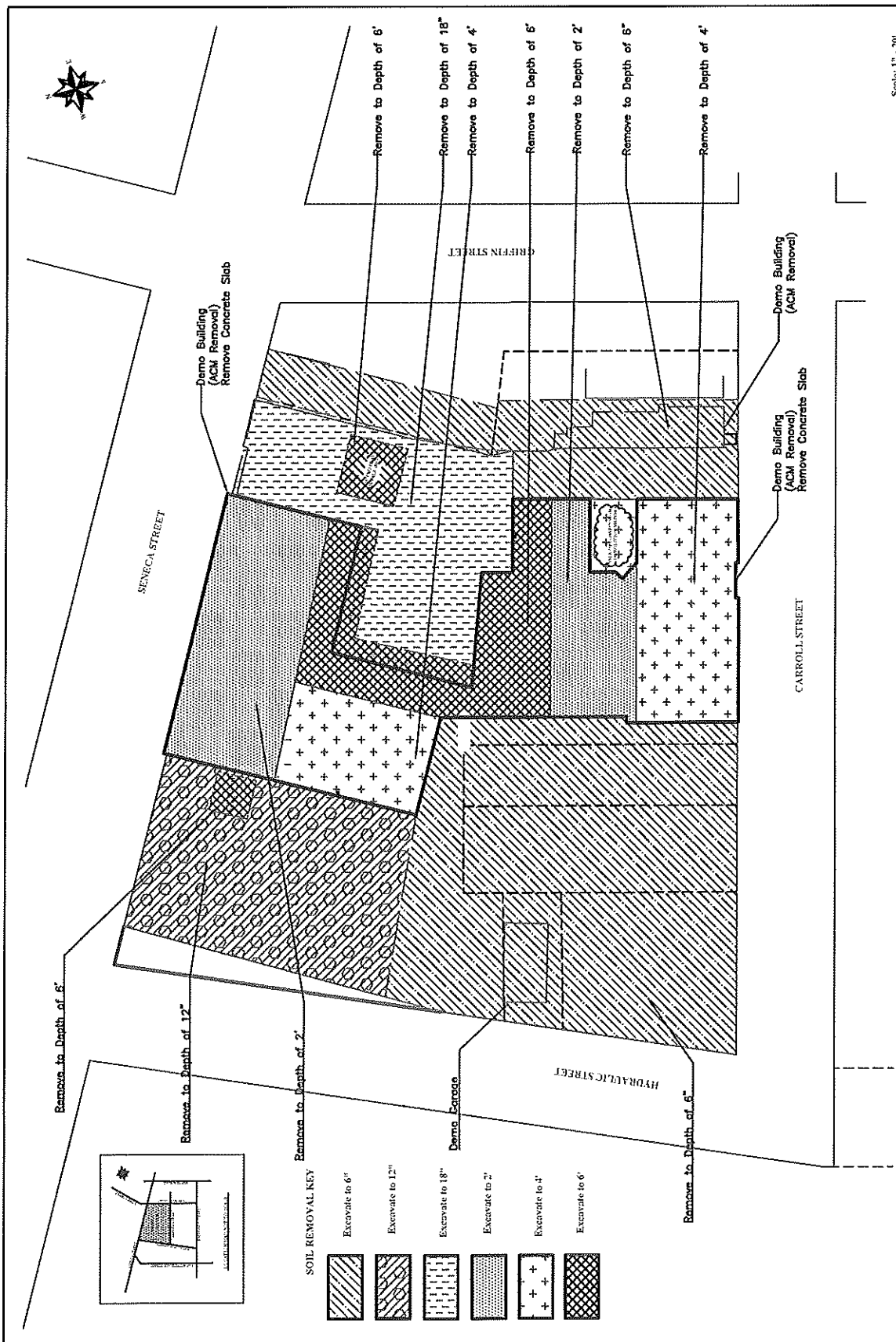




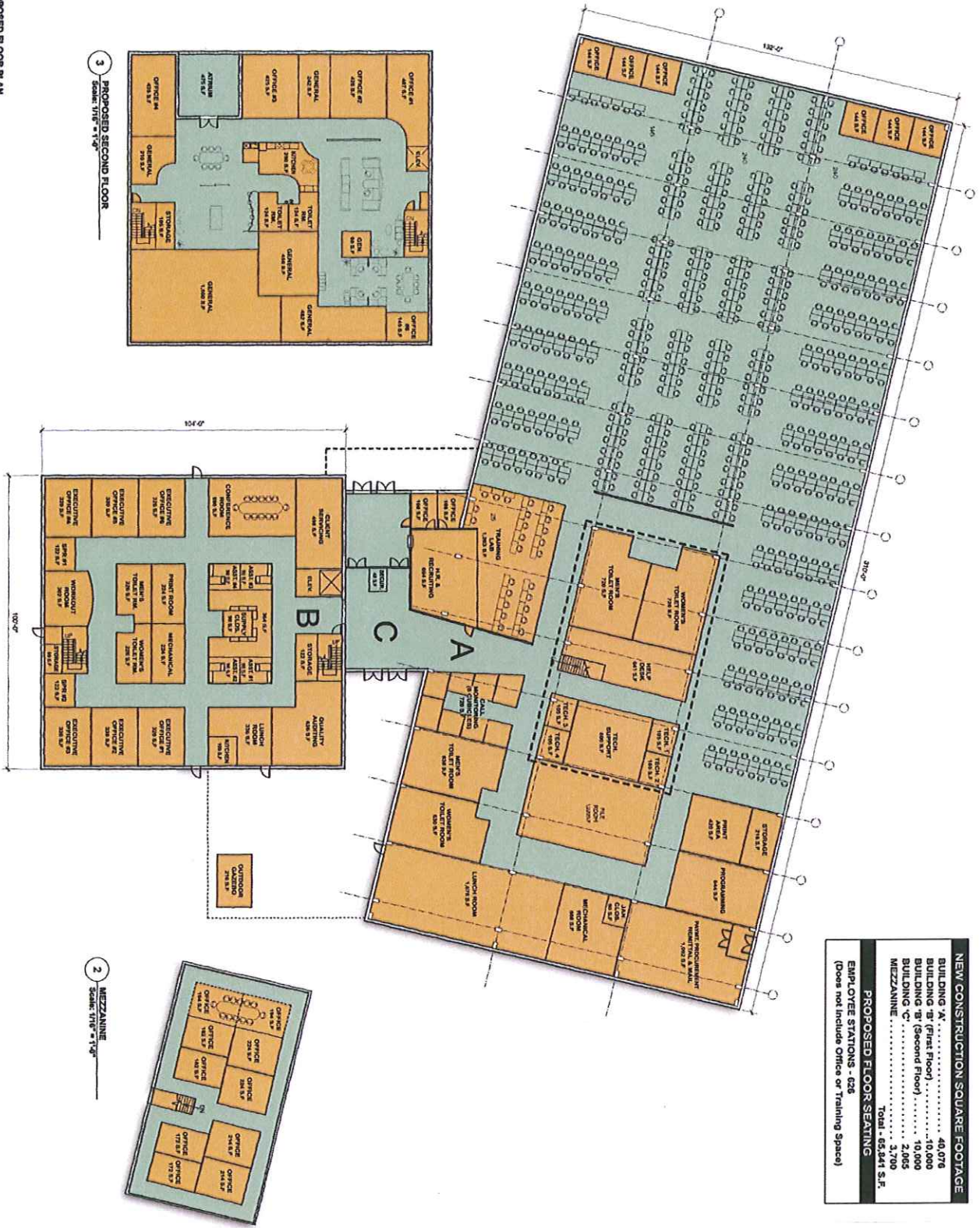
Figure 7

LCo - CAPITAL MGMT.
SITE PLAN
797 SENECA STREET
BUFFALO, NEW YORK
14210

YOUNG + WRIGHT ARCHITECTURAL



1 PROPOSED FLOOR PLAN
Scale: 1/16" = 1'-0"



NEW CONSTRUCTION SQUARE FOOTAGE	
BUILDING 'A'	40,076
BUILDING 'B' (First Floor)	10,000
BUILDING 'B' (Second Floor)	10,000
BUILDING 'C'	2,065
MEZZANINE	3,700
Total	65,841 S.F.
PROPOSED FLOOR SEATING	
EMPLOYEE STATIONS - 625	
(Does not include Office or Training Space)	

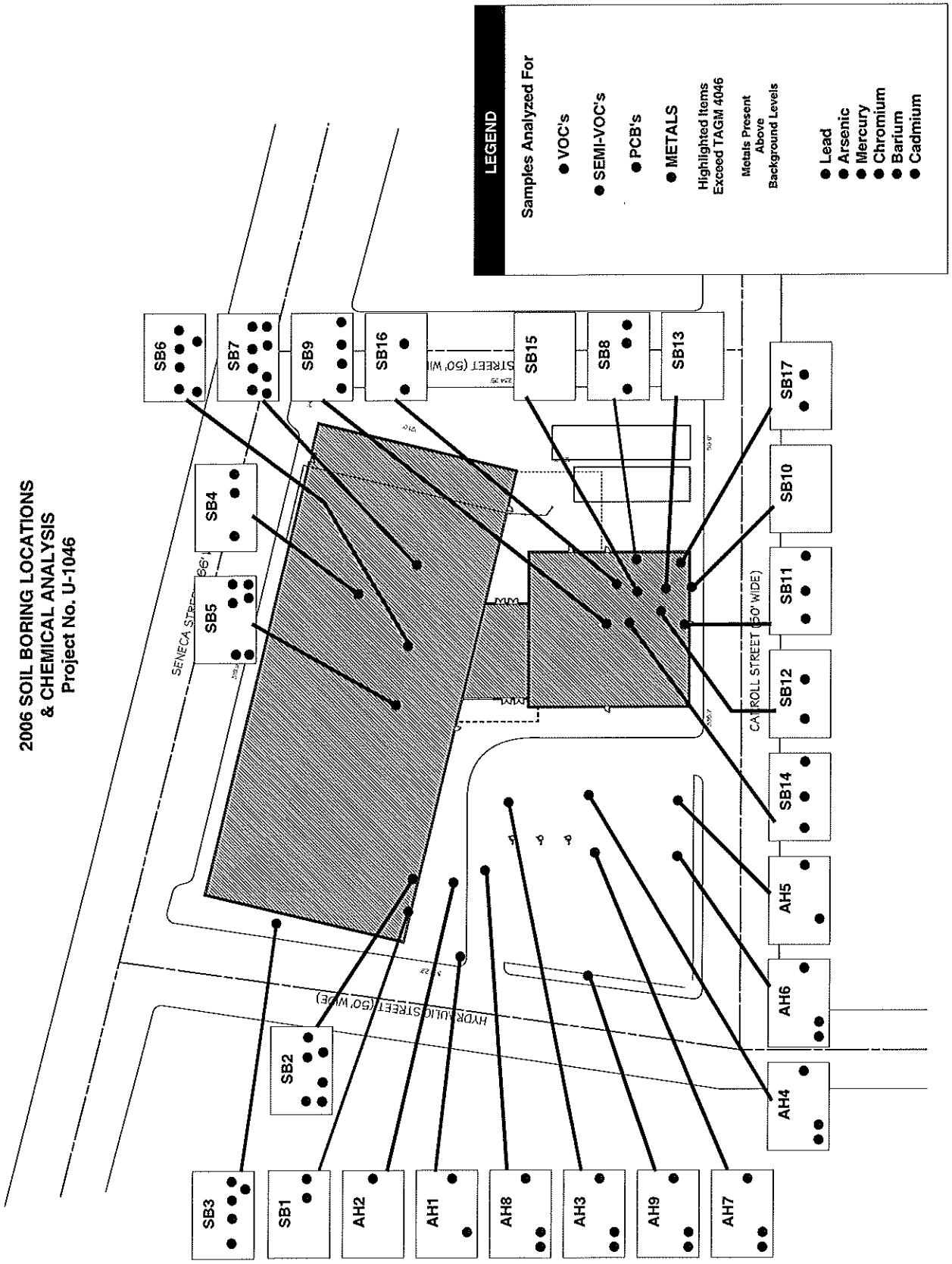
Figure 8

LCo - CAPITAL MGMT.
NEW CONSTRUCTION
797 SENECA STREET
BUFFALO, NEW YORK
14210

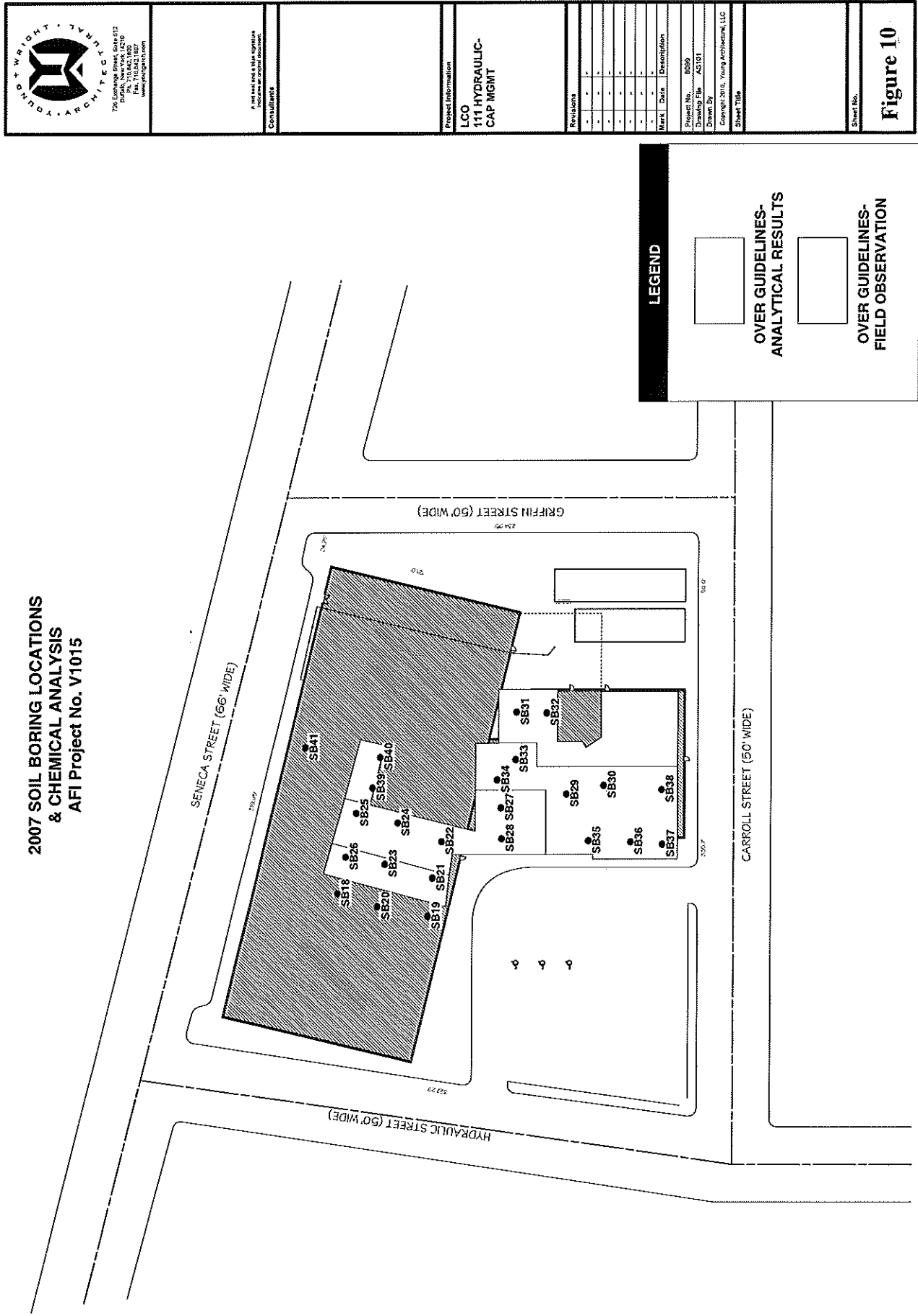
YOUNG + WRIGHT ARCHITECTURAL



Figure 9



2007 SOIL BORING LOCATIONS
& CHEMICAL ANALYSIS
AFI Project No. V1015





AFI Environmental

7815 Buffalo Avenue
Po Box 4049
Niagara Falls, NY 14304

P: 716.283.7645
F: 716.283.2858

PROJECT NAME:
111 Hydraulic Building

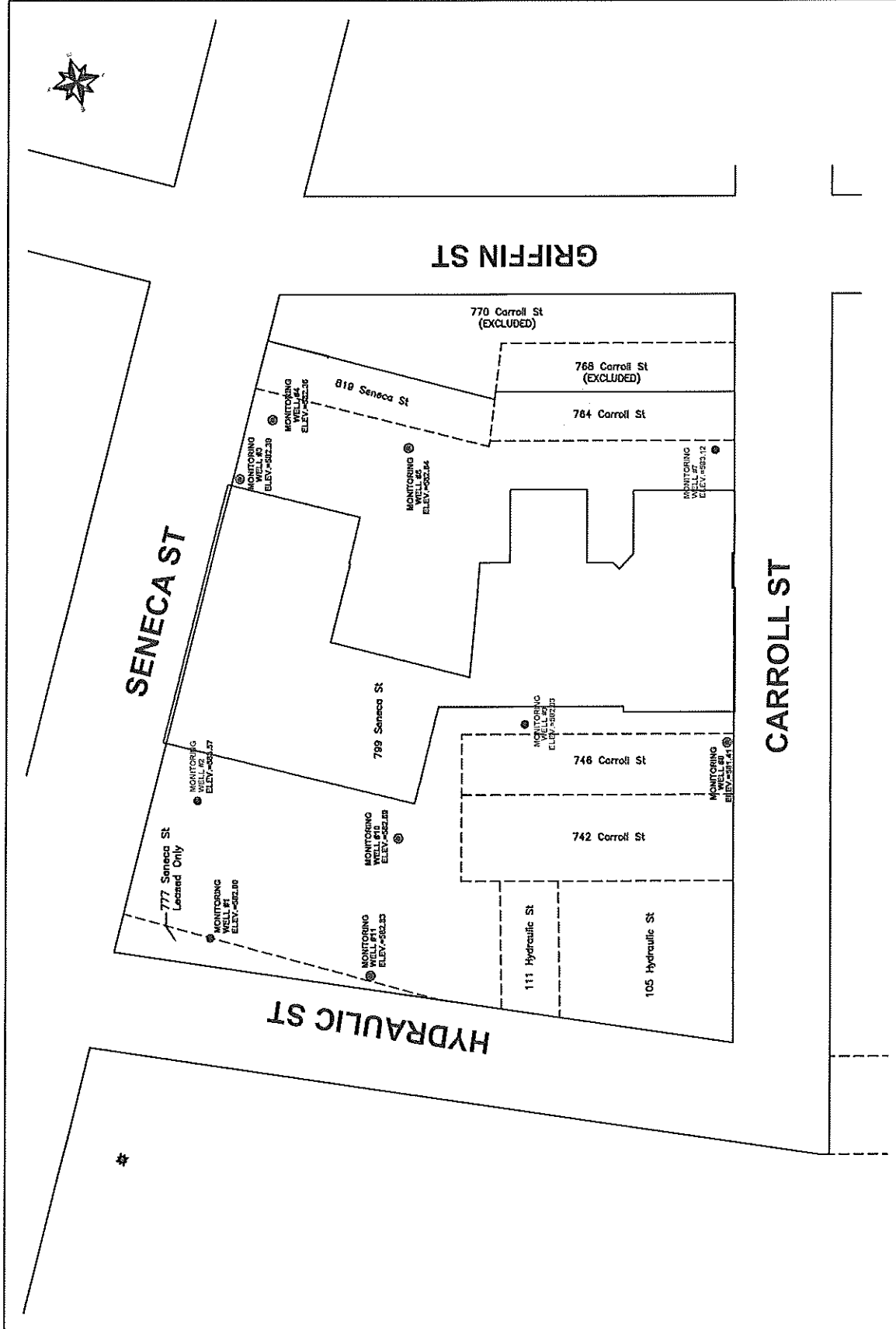
111 Hydraulic Street
Buffalo, NY 14210

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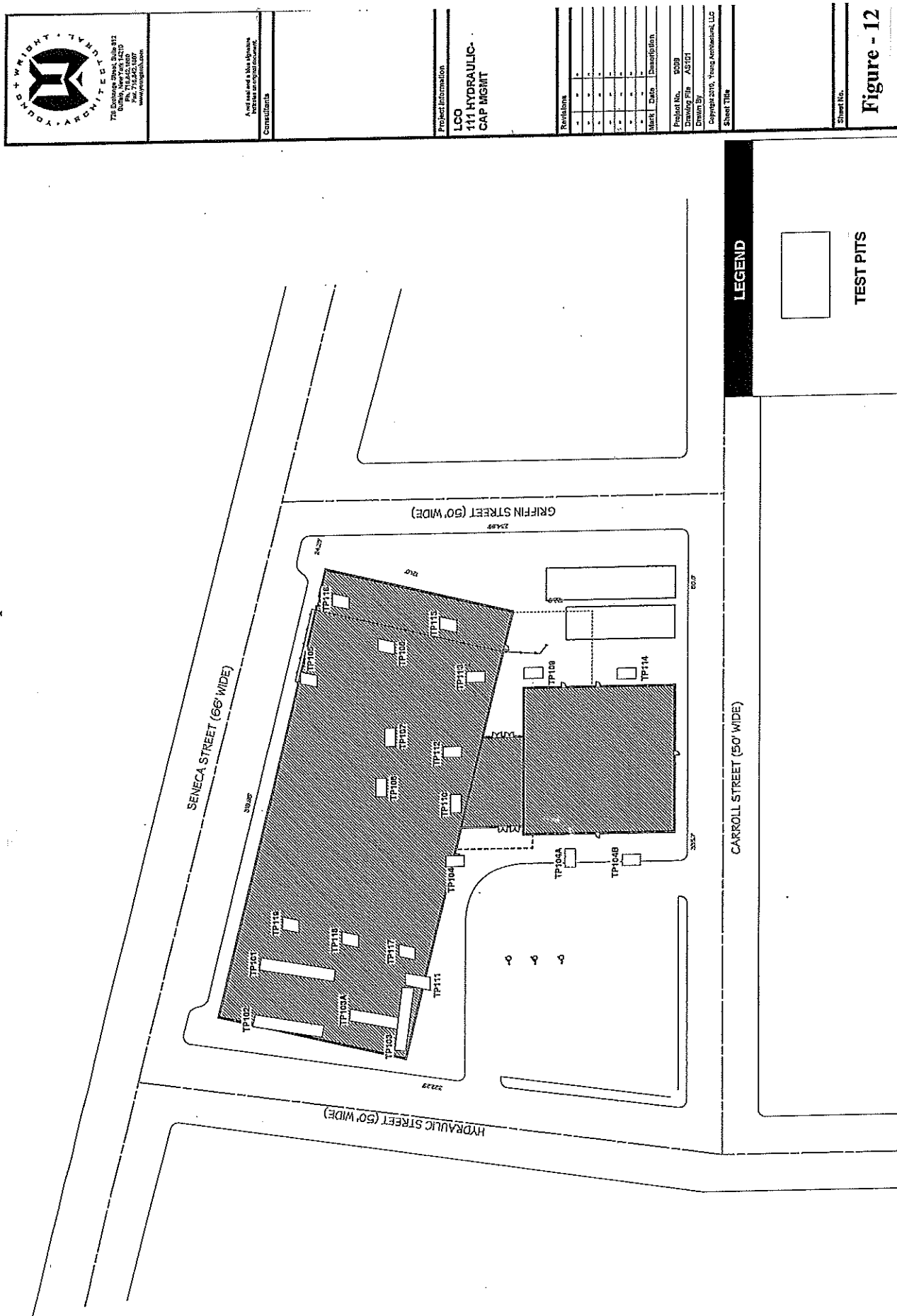
Well Location Map


DRAWING NO:

Figure 11



2010 Test Pit Locations Map





751 Seneca Street, Suite 112
Buffalo, New York 14203
Ph: 716.842.1000
Fax: 716.842.1001
www.youngwright.com

Approved and sealed by a Professional Engineer
for this use and purpose only.

Consultants

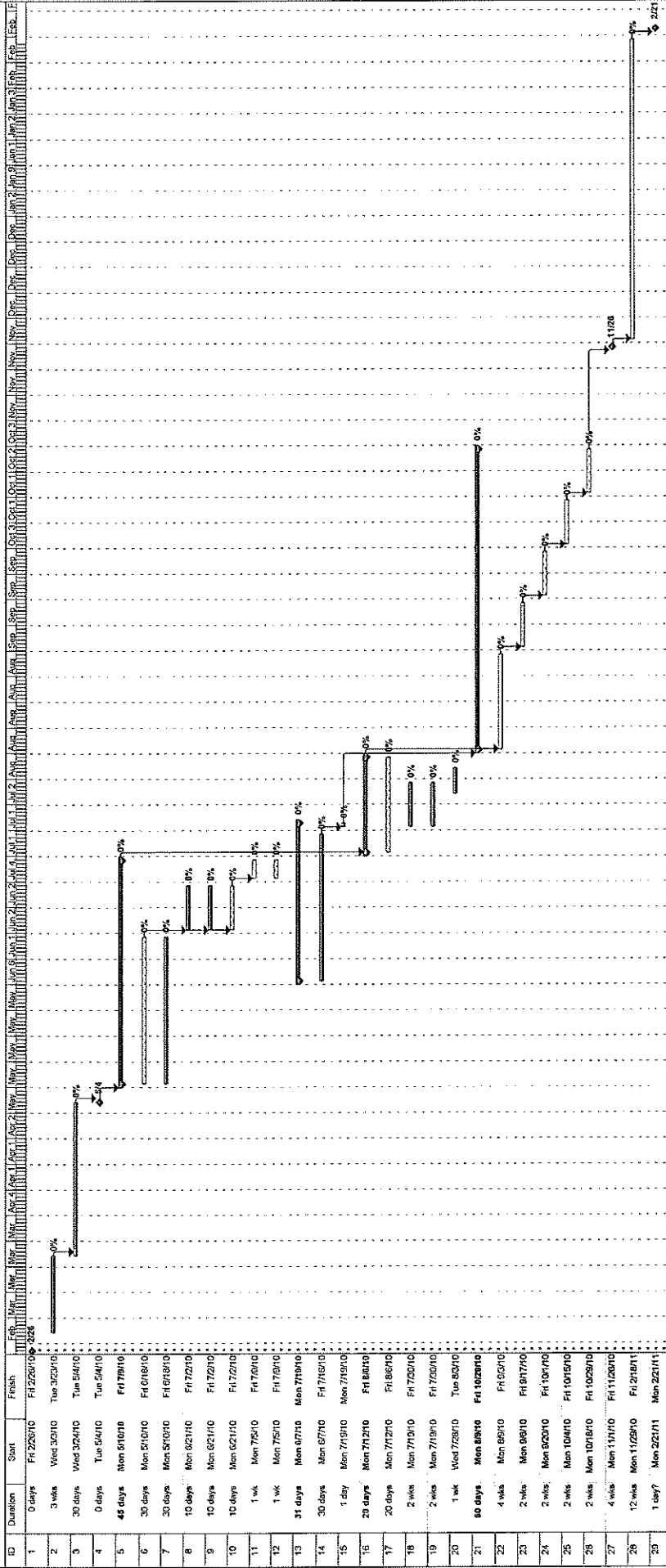
Project Information

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CAP MGMT

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Brownfield Cleanup Project Schedule

111 Hydraulic Building
AFI Environmental



CONTRACT OF SALE

THIS AGREEMENT is made as of the 23rd day of September, 2009 by and between **BARBARA F. WHITBECK**, as Executrix of the Estate of **LLOYD J. HOGAN a/k/a LLOYD HOGAN** ("Seller") and **598 MAIN STREET, LLC**, or its assignee ("Purchaser").

RECITALS:

A. Sellers is the sole owner of certain real property and improvements commonly known as and located at 797 Seneca Street, in the City of Buffalo, State of New York and County of Erie, A/K/A 799 Seneca Street, consisting of approximately 1.4 acres, designated as tax number 122.270-0006-002.000000, all as more particularly described on Exhibit A attached hereto and made a part hereof (the "Property").

B. Seller wishes to sell and Purchaser wishes to purchase the Property in its present "as is" condition, on the terms and conditions stated in this Contract.

NOW THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby mutually acknowledged, the Seller and Purchaser agree as follows:

1. Sale and Purchase. Seller shall sell to Purchaser and Purchaser shall purchase from Seller, the Property on the terms, covenants, conditions and provisions stated in this Contract.

2. The Property. The Property shall be sold together with:

a. All rights of the Seller in and to all streets, highways, alleyways, driveways, easements and rights of way related to the Property;

b. All buildings and other improvements on the Property;

c. All of the appurtenances, estate and rights of the Seller in and to the Property.

3. Permitted Exceptions. The Purchaser will accept title to the Property subject to:

a. Rights of the public and others in and to any portion of the Property which lies within the boundary of any street, highway, or road providing access to the Property (provided no buildings or other improvements encroach onto such streets, highways or roads);

b. Restrictions of record, provided they have not been violated, unless their enforcement is prevented by law, provided they do not directly or indirectly interfere with Purchaser's intended use of the Property;

c. Water lines, sanitary sewer lines, drainage easements, gas distribution lines and mains, electrical and telephone easements and rights of way of record, provided (i) they are located within fifteen (15) feet of the boundary lines of the Property and no buildings or other improvements are located thereon; or (ii) they are or may be used to service the Property; and

d. Zoning, building, and other governmental land use and building regulations, ordinances, and requirements now affecting the Property (except that Purchaser shall have the right to terminate this Contract on or before Waiver Date, as defined below, pursuant to Section "10" hereof if the same would directly or indirectly interfere with Purchaser's intended use of the Property); and

e. All matters disclosed by the Survey of the Property (described below), other than the exceptions listed in Exhibit B attached hereto and made a part hereof.

4. Price. Purchaser shall pay to Seller for the Property the sum of ONE HUNDRED EIGHTY THOUSAND AND 00/100 DOLLARS (\$180,000.00), in U.S. funds, which shall be payable as follows:

a. Seller has already paid Seller, the sum of TEN THOUSAND AND 00/100 DOLLARS (\$10,000.00), which is being held in escrow by Hunt Commercial Real Estate Corporation in a non-interest-bearing escrow account until closing;

b. Upon transfer of title as hereinafter provided, Purchaser shall deliver to Seller upon transfer of title, the amount of ONE HUNDRED SEVENTY THOUSAND AND 00/100 DOLLARS (\$170,000.00), in U.S. funds.

5. Adjustments at Closing. Seller acknowledges that Purchaser has paid all taxes covering said property since the 2005-2006 tax year to date. Purchaser hereby agrees to pay all taxes covering the property through the date of closing. Purchaser will accept title to the Property subject to, and will pay all assessments and installments of assessments for special or local improvements not yet due and payable as of the closing date, provided they appear on the current tax rolls and provided that such amounts shall also be prorated on a fiscal year basis. To the best of Seller's knowledge, there are no such assessments for special or local improvements currently affecting the Property.

6. Title Search and Survey. Seller shall deliver to Purchaser's attorney not more than twenty (20) days after the date hereof a fully guaranteed tax and title search (with local tax certificate) which covers

the Property only, the first set-out of which shall be the first recorded source of title in the Erie County Clerk's office, together with a survey of the Property to be dated after the date hereof, and an affidavit of no change, showing the Property and the location of the structures and improvements affecting it.

7. Title. In the event Purchaser shall raise written objection to Seller's title based on liens, encumbrances or other matters which Purchaser is not required to accept under this Contract which, if valid, would render the title unmarketable, Purchaser shall allow Seller fifteen (15) days to cure the objection. If Seller has not cured the objection within such fifteen (15) day period, Purchaser shall thereafter have the right to terminate this Contract by giving written notice of such termination to the Purchaser, in which event all liability by reason of this Contract shall terminate; provided, however, if prior to the date Purchaser sends notice to cancel under this paragraph, Seller shall be able to cure the objection, or if either party secures a commitment for title insurance at standard rates in face amount equal to the purchase price (or such lesser amount as may be acceptable to Purchaser), to insure marketability of title against the objection(s) raised, Seller shall pay the premium for such coverage and, in such event, this Contract shall remain in full force and effect. Notwithstanding the foregoing, Seller agrees that, after the execution of this Contract, it will not intentionally cause or create any liens to be placed upon its interest in the Property, and that it will use its best efforts to secure the release of any liens affecting the Property prior to closing.

8. Deed. At closing, Seller shall deliver to Purchaser an Executors Deed covering said Property in fee simple, free and clear of all liens and encumbrances, except as otherwise stated in this Contract.

9. Possession. Purchaser shall have possession and occupancy of the Property from and after the date of delivery of the deed, pursuant to Paragraph 22 herein.

10. Conditions to Closing. Performance by the Purchaser of its obligation to purchase the Property pursuant to this Contract, shall be contingent upon the fulfillment (or Purchaser's waiver) of the following conditions (hereinafter referred to collectively as the "Conditions") on or before the later of January 31, 2010, or the date Seller provides Purchaser the search and survey described in paragraph six (the "Waiver Date").

- a. Inspection and Environmental Remediation. Receipt by Purchaser of reports from the professionals and others inspecting the Property which are satisfactory to

Purchaser in its sole judgment. Purchaser shall supply to Seller, upon demand, copies of any environmental reports in its possession pertinent to the Property described herein. To facilitate the satisfaction of this Condition, Seller agrees that Purchaser may, at its option, upon one (1) day advance notice to Seller, at any time after the execution of this Contract by Seller and Purchaser and ending on the date this Contract is terminated (the "Inspection and Remediation Period") elect to have its officers, employees, agents, contractors, engineers, environmental consultants, and/or other appropriate professionals enter upon the Property to determine whether the Property is free of environmental contamination, hazardous conditions, and other environmental concerns, all of which inspections shall be at Purchaser's sole cost and expense, and to have such remediation of the Property done as Purchaser elects in its sole discretion, including, but not limited to, the removal of the UST described in the October 16, 2005 letter, attached hereto as Exhibit C and made a part hereof, the cost of which remediation to be paid by Purchaser directly to such party providing remediation, and then shall be credited against the Purchase Price, up to an aggregate of ONE HUNDRED FIFTY THOUSAND DOLLARS AND 00/100 cents \$150,000.00). In addition, at the Purchaser's sole discretion, and at any point in time, judge the additional environmental clean up to be in excess of the value of the property to the Purchaser, and then, in that event, the Purchaser shall discontinue all remediation and deem this Contract null and void and of no further binding effect, and all deposits made hereunder shall be returned to the Purchaser without cost or obligation and neither part hereto shall have any further claim against the other. If Closing does not occur, Seller shall not be obligated to reimburse Purchaser for the cost of any remediation of the Property that was done at the direction of Purchaser under this paragraph, and in no event shall Purchaser be obligated to undertake or complete any environmental clean up of the Property. Seller shall be designated as the owner or any material removal from the Property in the course of the remediation. For example, (A) if Purchaser elects to spend \$30,000.00 to remediate the Property prior to Closing, Purchaser shall pay such amount directly to the service provider and Purchaser shall be entitled to a \$30,000.00 credit against the Purchase Price, resulting in a net Purchase Price of \$150,000.00 being (including any deposit under this Contract) payable to Seller, subject to normal adjustments under paragraph 5 hereof, (B) if

Purchaser elects to spend \$152,000.00 to remediate the Property prior to Closing, Purchaser shall pay such amount directly to the service provider and Purchaser shall be entitled to a \$150,000.00 credit against the Purchase Price, resulting in a net Purchase Price of \$30,000.00 being (including any deposit under this Contract) payable to Seller, subject to normal adjustments under paragraph 5 hereof.

Within seven days after execution of this Contract, Seller shall provide Purchaser with all invoices, estimates and other information it has with respect to the UST removal described in Exhibit C. Provided the contractor identified in Exhibit C is duly licensed and qualified to remove the UST, Purchase agrees to obtain a bid from such contractor to remove such UST. If the bid is acceptable to Purchaser, in its sole discretion, Purchaser agrees to use such contractor to remove the UST. If such bid is not acceptable for any reason, Purchaser retains the right to take such actions as it deems necessary or appropriate to remediate the Property, provided, however, that Purchaser agrees that the scope of work and its supervision of the environmental remediation contemplated by this paragraph shall be done in good faith and in accordance with reasonable business practice.

- b. Zoning. Purchaser shall have confirmed that the Property is properly zoned for Purchaser's use.
- c. Removal of Fixtures and Equipment. The Seller and Purchaser agree that Seller may remove such fixtures and equipment as listed on Exhibit D, attached hereto and made a part hereof. The date of such removal shall be agreed upon by the parties herein. Seller shall have the right to remove the property listed in the attached Exhibit D at anytime prior to closing, provided that when Seller delivers possession to Purchaser, the building will be secured so as not to permit or invite entry by vandals or other unauthorized persons.
- d. Demolition. Purchaser shall have confirmed that the Property is not a historical site and can be demolished.

If by the Waiver Date Purchaser shall not have notified Seller in writing that either (i) all of the Conditions

have been fulfilled or (ii) any of the Conditions which remain unfulfilled have been waived, then either party may thereafter terminate this Contract by giving written notice to the other, in which event Purchaser shall be entitled to receive a refund of the deposit in full, and neither party shall have any further rights against the other under this Contract. Notwithstanding the foregoing, in the event that the Purchaser has diligently pursued the fulfillment of the above conditions, but through no fault of the Purchaser there have been delays which prevent the Purchaser from fulfilling any or all of the conditions on or before the Waiver Date and the Seller hereunder is satisfied that the Purchaser has in good faith exercised appropriate diligence in fulfilling those conditions, then, and in that event, upon written request by the Purchaser to the Seller, thereupon the Seller and the Purchaser shall extend the time period for the fulfillment of the conditions for an additional twenty-one (21) days.

11. Purchaser's Right of Entry. During the period of this Contract, Purchaser's officers, employees, agents, and designees shall have the right to enter upon the Property to inspect the same, upon reasonable advance notice to Seller, where such inspections are required in order for Purchaser to fulfill the Conditions, or otherwise inspect the Property. Purchaser shall release Seller, and shall indemnify and hold Seller harmless against any and all loss, liability, claims, damages, causes of action, costs, and expenses (including, without limitation, reasonable attorney's fees) brought on account of injury to person or property or loss of life arising from or out of entry by Purchaser, its agents, employees, contractors or designees on the Property, provided, however, that if Purchaser elects in its sole discretion, to discontinue remediation and to cancel this Contract, the Purchaser shall not be obligated to pay any costs that may be incurred to complete remediation or restoration of the Property. The indemnities provided for herein shall survive the closing or earlier termination of this Contract.

12. Condition of Property. Purchaser agrees that it shall inspect and examine the Property to the extent necessary in Purchaser's judgment to ascertain the existence of any and all conditions material to this sale. Subject to (a) Purchaser's satisfaction with the investigations and reports obtained by Purchaser pursuant to Section "10" of this Contract, and, (b) the accuracy of any representations of Seller which are specifically set forth in this Contract. Seller has neither made, issued, authorized nor adopted any representations or warranties regarding the past or present condition of the Property that are not specifically set forth in this Contract.

13. Costs. Seller shall pay the cost of the continuation of the title search to and including the time of closing, the cost of the survey, the Real Estate Transfer Tax pursuant to Article 31 of the New York

Tax Law ("Deed Stamps"). Purchaser shall pay all recording fees payable in connection with recording the deed.

14. Brokers. Seller and Purchaser represent and warrant to each other that they have not dealt with any broker, finder, or other intermediaries in connection with this Contract who or which might be entitled to a commission on account of the sale of the Property to Purchaser, except for Hunt Commercial Real Estate Corporation (the "Broker"). All commissions, fees and other payments due the Broker shall be paid by the Purchaser at closing. Purchaser agrees to indemnify the Seller for, and hold the Seller harmless from and against any claim for commissions or other fees or compensation by any other person or firm who or which alleges to have dealt with the indemnifying party in connection with the sale of the Property to Purchaser, together with any and all loss, costs, damage, liability or expense (including, without limitation, reasonable attorneys' fees and costs) incurred by the indemnified party which arise out of or in connection with such a claim.

15. Closing. This Contract shall be closed at the Erie County Clerk's office on or about December 31, 2010 provided, however that Seller has the right to extend, for no additional consideration, the time of closing until December 31, 2011 or at such other time and place as Seller and Purchaser mutually agree upon. Time is not of the essence as to the closing date; either party may, after the date specified above for closing, upon reasonable notice to the other, declare time to be of the essence and set such a closing date.

16. Assignment. The Purchaser may assign this Contract or any of its rights hereunder without the prior written consent of the Seller.

17. Notices. Any notice permitted or required to be given by the terms of this Contract shall be in writing and shall sufficiently given if sent by certified mail, return receipt requested, as follows:

If to Purchaser: **598 Main Street, LLC**
 726 Exchange Street Suite 825
 Buffalo, NY 14210
 Attn: Joseph Petrella
 716-856-8400

With a copy to: **David A. LoTempio**
Kavinoky Cook LLP
726 Exchange Street, Ste 800
Buffalo, New York 14210
716-845-6000

If to Seller: **Barbara F. Whitbeck, as Executrix of the Estate of Lloyd J. Hogan**
3164 Saunders Settlement Road
Sanborn, NY 14132
716-_____

With a copy to: **David R. Addelman P.C.**
60 Delaware Avenue Suite 602
Buffalo, New York 14202
716-856-4118

Notices given pursuant to this section shall be deemed to have been given two (2) days after the notice was mailed. Either party may, by written notice given in accordance with this section, designate a different name or address to which such notices shall be sent. Notices given by the attorney for either party on such party's behalf shall be sufficient.

18. **Seller's Representations.** Seller represents and warrants to Purchaser that:

a. Seller has not entered into any ground lease, other lease, agreement of sale, or option or right of third parties to acquire any interest in the Property, except any which have expired or terminated.

b. To the best of Seller's knowledge, there are no public plans or proposals for changes in road grade, access or other improvements which would affect the Property or result in any general or specific assessment against it.

c. To the best of Seller's knowledge, no condemnation proceeding, eminent domain proceeding or similar actions or proceedings are now pending or threatened against the Property.

d. Seller is not a party to any litigation, arbitration or administrative proceeding (i) with any past tenant or present tenant of the Property, (ii) with any person or entity having or claiming any interest in the Property, or (iii) which affects or questions Seller's title to the Property or Seller's ability to perform its obligations under this Contract.

e. To the best of Seller's knowledge, there is no presently pending litigation, arbitration, governmental investigation or administrative proceeding, and no litigation, arbitration or

administrative proceeding has been threatened against Seller, in either case, affecting or questioning Seller's title to or use of the Property or any part thereof.

f. Seller has all requisite power and authority, has taken all action required by its organization documents and applicable law, and has obtained all consents which are necessary to authorize or enable it to execute and deliver this Contract and to consummate the transaction contemplated by this Contract. The individual executing this Contract on Seller's behalf has been duly authorized and empowered to bind Seller to this Contract.

g. To the best of Seller's knowledge, Seller has complied with and the Property complies with all covenants and restrictions, if any, pertaining to the Property, and Seller has received no notice of any violation of the same.

h. Seller shall turn the property over to Purchaser free of tenant occupancy.

i. To the best of Seller's knowledge, there is no violation of any federal, state or municipal law, statute, ordinance, order, regulation or requirement affecting all or any portion of the Property or the use thereto, and no notice of any such violation has been issued by any governmental authority having jurisdiction over the Property.

As used in this Section, the phrase "to the best of Seller's knowledge" or any similar phrase shall mean the actual knowledge rather than the constructive or imputed knowledge of Seller, without any obligation on the Seller's part to make any independent investigation of the matters being represented and warranted, or to make any inquiry of any other persons, or to search or examine any files, records, books, correspondence and the like. Purchaser agrees to inform Seller promptly in writing if it discovers that any representation or warranty of Seller is inaccurate in any material aspect.

19. Purchaser's Representations. Purchaser hereby represents and warrants as follows:

a. Purchaser has all requisite power and authority, has taken all action required by its organization documents and applicable law, and has obtained all consents which are necessary to authorize or enable it to execute and deliver this Contract and to consummate the transaction contemplated by this Contract. The individual executing this Contract on Purchaser's behalf has been duly authorized and empowered to bind Purchaser to this Contract.

b. Neither the execution of this Contract nor the consummation of the transactions contemplated hereby shall result in a breach or constitute a default under any agreement, document, instrument, or other obligation to which Purchaser is a party to by which Purchaser is bound.

20. Survival. Each of the representations and warranties of Seller and Purchaser contained in

this Contract shall survive for a period of six (6) months after the closing and delivery of the deed and other closing documents by Seller to Purchaser, and shall be deemed to have merged therewith upon the expiration of such one (1) year period.

21. Miscellaneous.

a. Successors and Assigns. The terms, covenants, conditions and agreements contained herein shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns.

b. Entire Agreement. This Contract, including its schedules and/or exhibits, constitutes the entire agreement between Seller and Purchaser relating to the within transaction, and is intended to supersede any prior agreements between the parties with respect to the sale of the Property.

c. Modification. This Contract shall not be amended, modified, supplemented, or revoked, except by a writing signed by Seller and Purchaser.

d. Captions. The captions contained in this Contract are for convenience only, and are not intended to limit or amplify the terms hereof in any way.

e. Signatures. This Contract shall not become effective unless it is fully executed and delivered by each party to the other on or before October 15, 2009.

f. Property. Seller may remove any items from the property described herein by mutual agreement with the Purchaser. Seller may remove all exterior overhead garage doors within five (5) days of notification from the Purchaser that the building is scheduled to be demolished.

IN WITNESS WHEREOF, Seller and Purchaser have caused this Contract to be executed by their respective duly authorized officers as of the day and year first above written above.

ESTATE OF LLOYD J. HOGAN
SELLER

By: Barbara F. Whitbeck
Barbara F. Whitbeck, Executor
Owner

Date: 10-21-09

598 MAIN STREET, LLC
PURCHASER

By: Joseph Petrella
Joseph Petrella
Managing Member

Date: 9.23.2009

EXHIBIT A

Legal Description of Property

All that tract or parcel of land, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No 15, Township 10, Range 8 of the Holland Land Company Survey, and being further described as follows:

* Parcel "A"

BEGINNING at the point of intersection of the southerly line of Seneca Street with the easterly line of Hydraulic Street; *running thence southerly along the easterly line of Hydraulic Street* 202.29 feet, more or less, to a point distant 120 feet northerly from the northerly line of Carroll Street as measured along the easterly line of Hydraulic Street; thence easterly along the northerly line of lands conveyed to Daniel Pawlak and wife by deed recorded in the Erie County Clerk's Office in Liber ~~6413~~ ⁶⁴¹³ of Deeds at Page 333, 64.66 feet more or less to a point in the westerly line of land conveyed to the Board of Trustees of Oberlin College by deed recorded in Liber 389 of Deeds at Page 623, said point being distant 120 feet northerly from the northerly line of Carroll Street as measured at right angles thereto; thence northerly along the westerly line of land so conveyed to the Board of Trustees of Oberlin College 26.12 feet, more or less, to the northwesterly corner of such land; thence easterly along the northerly line of land so conveyed to the Board of Trustees of Oberlin College, 19.66 feet, more or less to the southwesterly corner of land conveyed to Andrew J. Rich by deed recorded in Liber 114 of Deeds at Page 529; thence northerly along the westerly line of land so conveyed to Andrew J. Rich 156 feet to the southerly line of Seneca Street; thence westerly along the southerly line of Seneca Street 95.60 to the point of beginning

EXCEPTING THEREFROM the following part thereof:

Beginning at the point of intersection of the southerly line of Seneca Street with the easterly line of Hydraulic Street; thence southerly along the easterly line of Hydraulic Street 168.93 feet; thence northerly in a straight line 168.12 feet more or less, to a point in the southerly line of Seneca Street distant 20 feet easterly from the point of beginning, as measured along the southerly line of Seneca Street; thence westerly along the southerly line of Seneca Street 20 feet to the point of beginning

Parcel "B"

intersection with the westerly line of Griffin Street; thence westerly along said southerly line of Seneca Street about 200.75 feet to the westerly line of lands conveyed by Reuben B. Heacock and Abby P. his wife to Andrew J. Rich by deed recorded in Liber 114 of Deeds at Page 529; thence southerly and at right angles with Seneca Street 156 feet to the southerly line of lands so conveyed to said Andrew J. Rich as aforesaid; thence easterly and along said southerly line of lands conveyed to Andrew J. Rich 56.29 feet to a point from which a line drawn at right angles with the northerly line of Carroll Street would intersect said northerly line of Carroll Street at a point 225 feet westerly from the point of intersection of said northerly line of Carroll Street with the westerly line of Griffin Street; thence southerly along said line so drawn 140 feet to the northerly line of Carroll Street; thence easterly along said northerly line of Carroll Street 150 feet to a point in the northerly line of Carroll Street distant 75 feet westerly from the point of intersection of said northerly line of Carroll Street with the westerly line of Griffin Street; thence northerly on a line drawn at right angles with said northerly line of Carroll Street about 124.80 feet to the southerly line of lands conveyed by Reuben B. Heacock and Abby P. his wife ^{to Andrew J. Rich by deed recorded} in Liber 114 of Deeds at Page 529; thence westerly said southerly line of lands so conveyed to Andrew J. Rich as aforesaid a distance of 4.98 feet to a point from which a line drawn at right angles with the southerly line of Seneca Street would intersect said southerly line of Seneca Street at the point of beginning; thence northerly along said line so drawn about 128 feet to the southerly line of Seneca Street at the point of beginning.

Parcel "C"

ALL THAT TRACT OF PARCEL OF LAND situate in the City of Buffalo, County of Erie, and State of New York being part of Lot number 19 on the Peter Emslie's map, bounded and described as follows:

COMMENCING at a point in the southerly line of Seneca Street 24.25 feet westerly of the westerly line of Griffin Street; running thence southerly at right angles to Seneca Street about 32.5 feet to a jog; thence westerly about 1 foot; thence southerly on a line at right angles to Seneca Street, 89.20 feet, more or less; thence westerly 24.28 feet to a point from which a line drawn at right angles with Seneca Street would intersect said southerly line of Seneca Street at a point 25 feet westerly from the point of beginning; thence northerly on said line so drawn at right angles

EXHIBIT B

Exceptions

EXHIBIT C

Letter regarding UST and Removal thereof

IYER ENVIRONMENTAL GROUP, PLLC
CONSULTING ENGINEERS & SCIENTISTS

Mr. Lloyd Hogan
The Good Door Store & Gas Tank Warehouse
1929 South Park Avenue
Buffalo, NY 14220

RE: UST Removal

Dear Mr. Hogan:

In June 2005, Iyer Environmental Group, PLLC (IEG) completed a UST search/survey on your 1.6-acre property at 797 Seneca Street, and found only one UST located to the west of the building. This UST appeared to be approximately 8' in diameter and 15' in length (estimated 3,000 gallons), and likely used for fuel oil by a school building previously located on this property. IEG had recommended that, when this tank is removed, two of the anomalies observed during the survey be checked to confirm they are not from USTs.

IEG is pleased to submit this proposal to the Good Door Store & Gas Tank Warehouse (customer) to remove the one UST located during the metal detector survey. This is assumed that this tank was used for #2 fuel oil and is currently empty. IEG will perform the following tasks associated with the tank removal for a lump sum price of \$7,500 plus applicable sales tax:

- a) Excavate around the tank for removal
- b) Cut, clean and dispose of the tank after rendering it inert
- c) Backfill the excavation
- d) Collect and analyze confirmatory soil samples
- e) Test pits at two anomalies observed during from metal detector survey
- f) Provide a letter report documenting the UST removal and all results

Underground utilities will be cleared prior to excavation; it is assumed that there are no utilities in the work zone. The excavated soils will be stockpiled on-site for use as backfill. Clean backfill will be obtained from a known source subject to NYSDEC approval. A total of five confirmatory soil samples will be collected from the walls and excavation bottom for laboratory analysis (Method 8270).

All work will conform to local, state and federal regulations. Any disposal or other work beyond the scope of work listed above will be billed at current time and material rates. The tank contents, if any, will be pumped into a vac-truck for recycling or off-site disposal. It is assumed that the tank has not leaked and that the soil surrounding the tank is not contaminated. A credit of \$0.15/gallon will be issued for any fuel oil accepted for recycling. Off-site disposal of non-recyclable oil/water mixture (\$0.50/gallon), sludge (\$0.70/gallon) or contaminated soils (\$45/ton, including excavation and backfill) will be charged at the unit rates noted.

Initialed by: _____

Mr. Lloyd Hogan, Good Door Store and Tank Warehouse (Page 2)
Proposal for UST Removal (October 16, 2005)

The initial 50% is due prior to commencement of work, and the remaining 50% is due upon submittal of the report. Interest charges will be applied at the rate of 1.5% per month on unpaid invoices from the date of invoice.

The customer agrees to indemnify, exonerate and hold IEG harmless against loss, damage, or expense by reason of suits, claims, demands, judgments and causes of personal injury, death or property damage rising out of or in anyway in consequence of the performance of all work undertaken by IEG, except that in no instance shall the customer be held responsible for any liability, claim, demand or cause of action attributable solely to the gross negligence of IEG.

Please call me if you have any questions or need additional information.

Sincerely,
IYER ENVIRONMENTAL GROUP, PLLC


Dharmarajan R. Iyer, Ph.D., P.E., CES

ACCEPTANCE

If you accept this proposal and terms set forth, please sign below and return this original copy for our files:

By: _____
Lloyd Hogan
The Good Door Store & Gas Tank Warehouse

Date: _____

EXHIBIT D

The following items may be removed from 797 Seneca Street, the property described herein:

- Drywall
- Ceiling Tiles
- Plywood Floors
- Shelving
- 2 x 4, 2 x 6 and 2 x 8 lumber, including roof
- Interior Windows
- Exterior Windows
- Glass Block Windows
- Fans and Exhaust System
- Steel beams
- Light Fixtures
- Circuit Breaker Boxes
- Air Conditioners
- Heating Units
- Lift
- Compressor
- Oven
- Man doors (interior and exterior)
- Six overhead garage doors
- Fires Extinguishers and Fire Blankets
- Phone System
- Security System

SECTION II.
Property Information Summary Sheet

PROPERTY INFORMATION

List of Figures

Figure 1 – USGS Quadrangle NE - Project Location Map

Figure 2 – Aerial Site Plan

Figure 3 – Topographic and Boundary Survey – February 2010

Figure 4 – Parcel Location Map

Figure 5 – Property Owner Identification

Figure 6 – Excavation Map

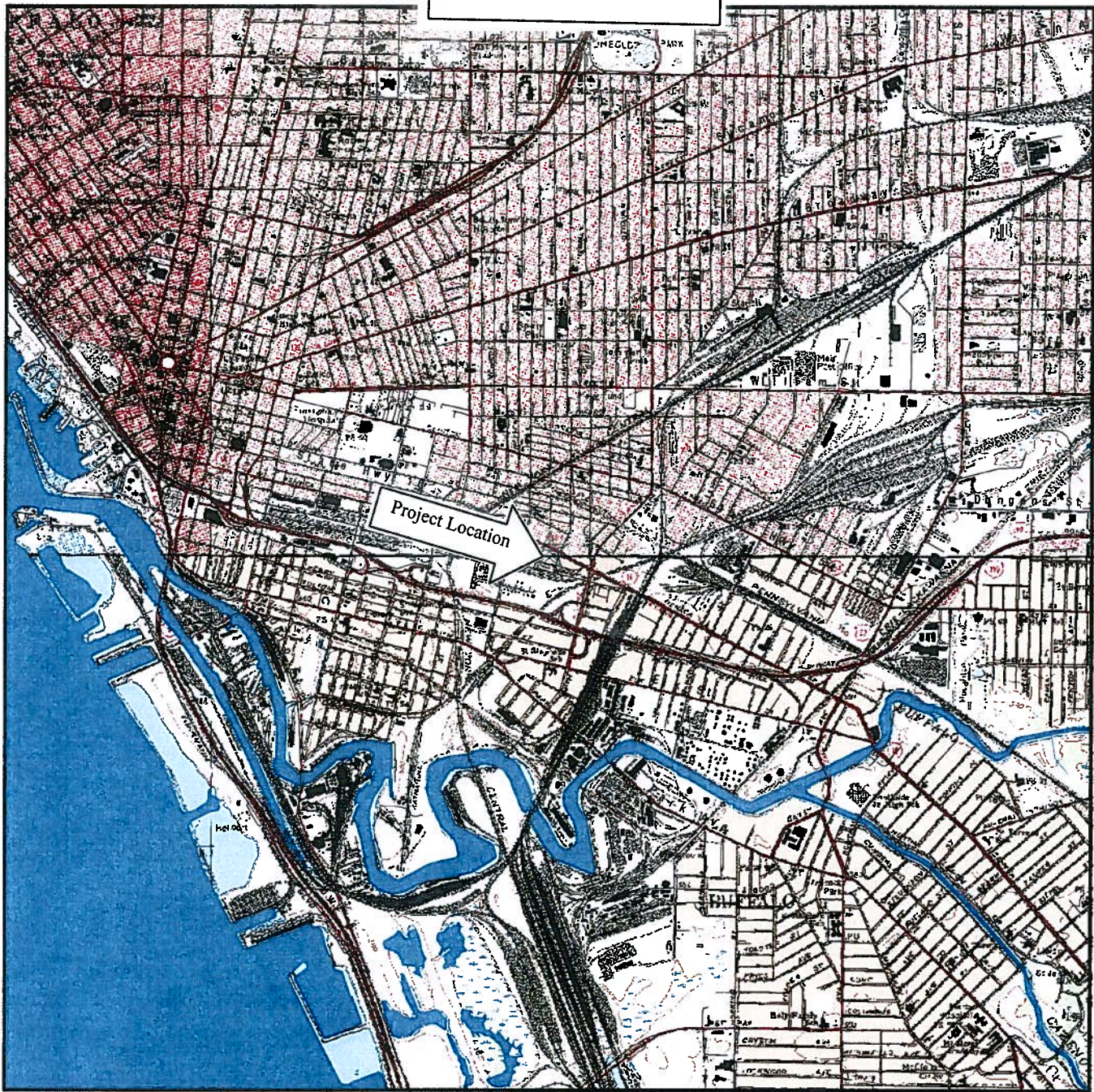
Figure 7 – New Construction – Site Plan

Figure 8 – New Construction – Floor Plan

Figure 9 – NYSDEC Environmental Justice Area Map

Figure 10 – Buffalo Fillmore District Zoning Map

BCP Application Project Location Map



- ★ Target Property
- ▲ Sites at elevations higher than or equal to the target property
- ◆ Sites at elevations lower than the target property
- ▲ Manufactured Gas Plants
- National Priority List Sites
- Dept. Defense Sites
- Indian Reservations BIA
- Power transmission lines
- Oil & Gas pipelines
- 100-year flood zone
- 500-year flood zone
- National Wetland Inventory
- State Wetlands

TARGET QUAD
BUFFALO NE
BUFFALO SE

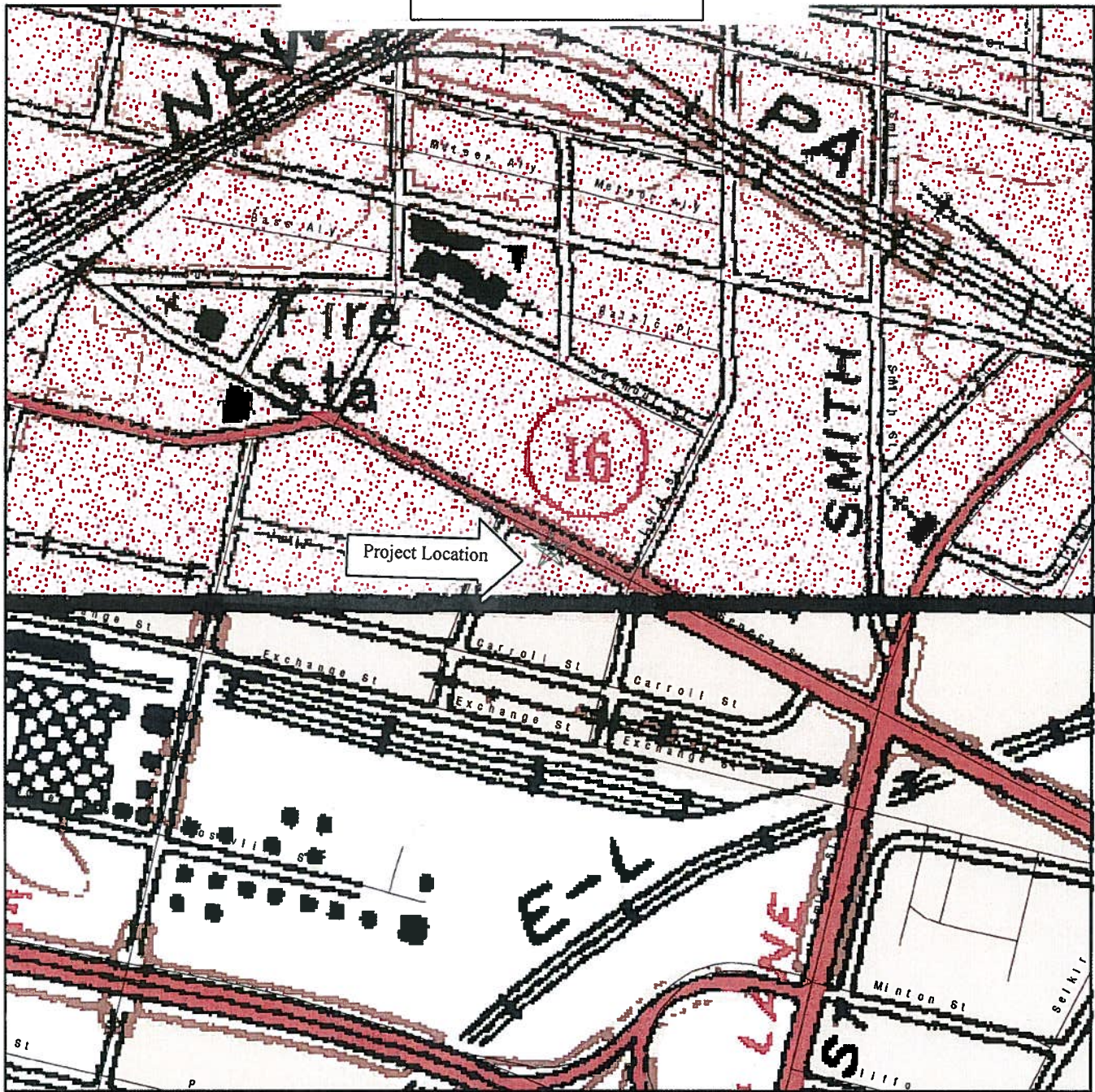
This report includes Interactive Map Layers to display and/or hide map information. The legend includes only those icons for the default map view.

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 1:15 pm

Figure - 1

BCP Application Project Location Map



- ★ Target Property
- ▲ Sites at elevations higher than or equal to the target property
- ◆ Sites at elevations lower than the target property
- ▲ Manufactured Gas Plants
- Sensitive Receptors
- National Priority List Sites
- Dept. Defense Sites

- Indian Reservations BIA
- Oil & Gas pipelines
- 100-year flood zone
- 500-year flood zone

TARGET QUAD
BUFFALO NE
BUFFALO SE

This report includes Interactive Map Layers to display and/or hide map information. The legend includes only those icons for the default map view.

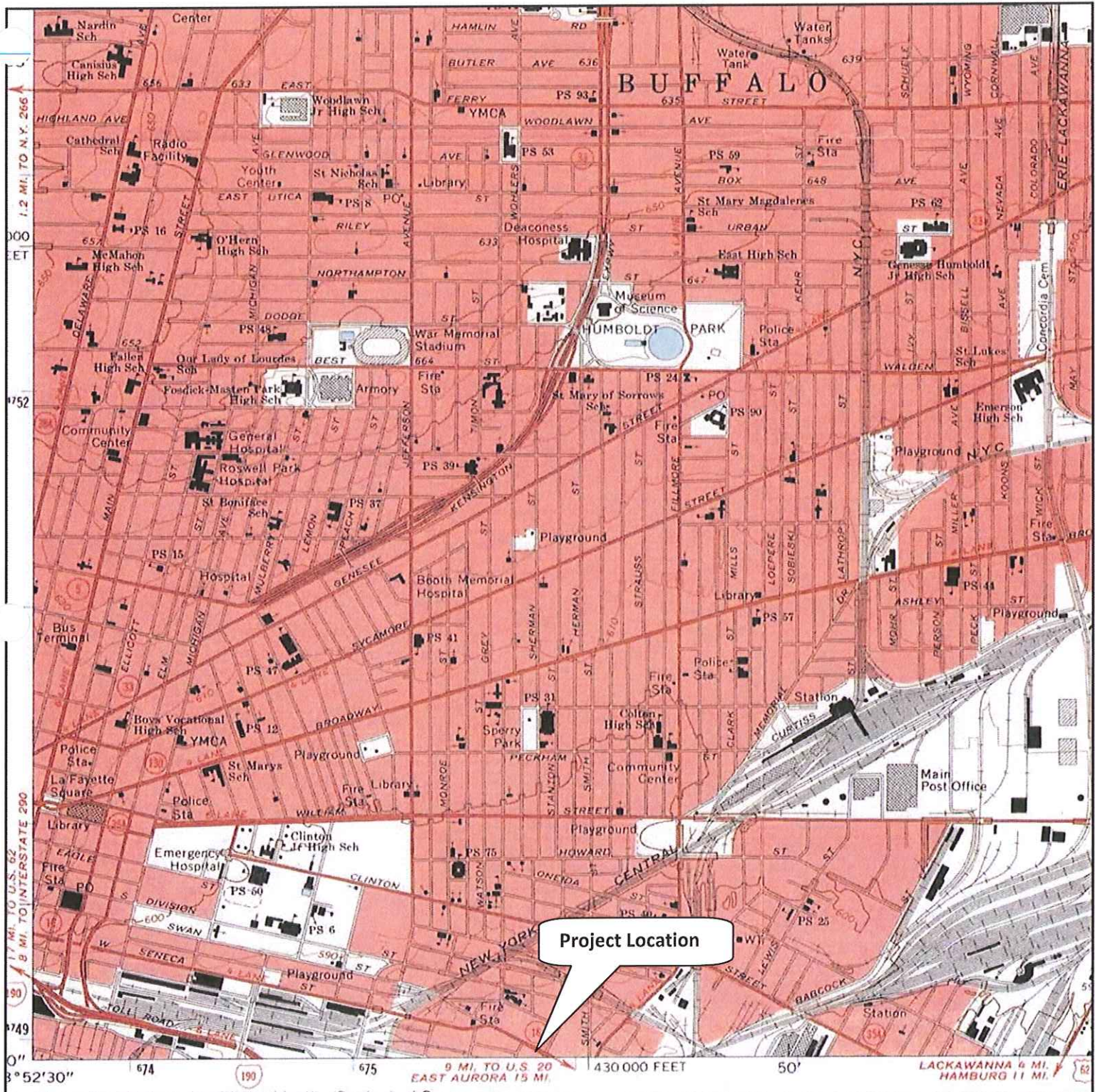
SITE NAME: 797 Seneca Street
ADDRESS: 797 Seneca Street
Buffalo NY 14210
LAT/LONG: 42.8755 / 78.8474

CLIENT: AFI Environmental
CONTACT: Patrick Ackerman
INQUIRY #: 2659593.2s
DATE: December 15, 2009 1:18 pm

Figure – 1a

BCP Application

Project Location Map



TARGET QUAD
NAME: BUFFALO NE
MAP YEAR: 1965

SERIES: 7.5
SCALE: 1:24000

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



Figure - 1



LCo - CAPITAL MGMT.
AERIAL
797 SENECA STREET
BUFFALO, NEW YORK
14210

YOUNG + WRIGHT ARCHITECTURAL

Figure - 2



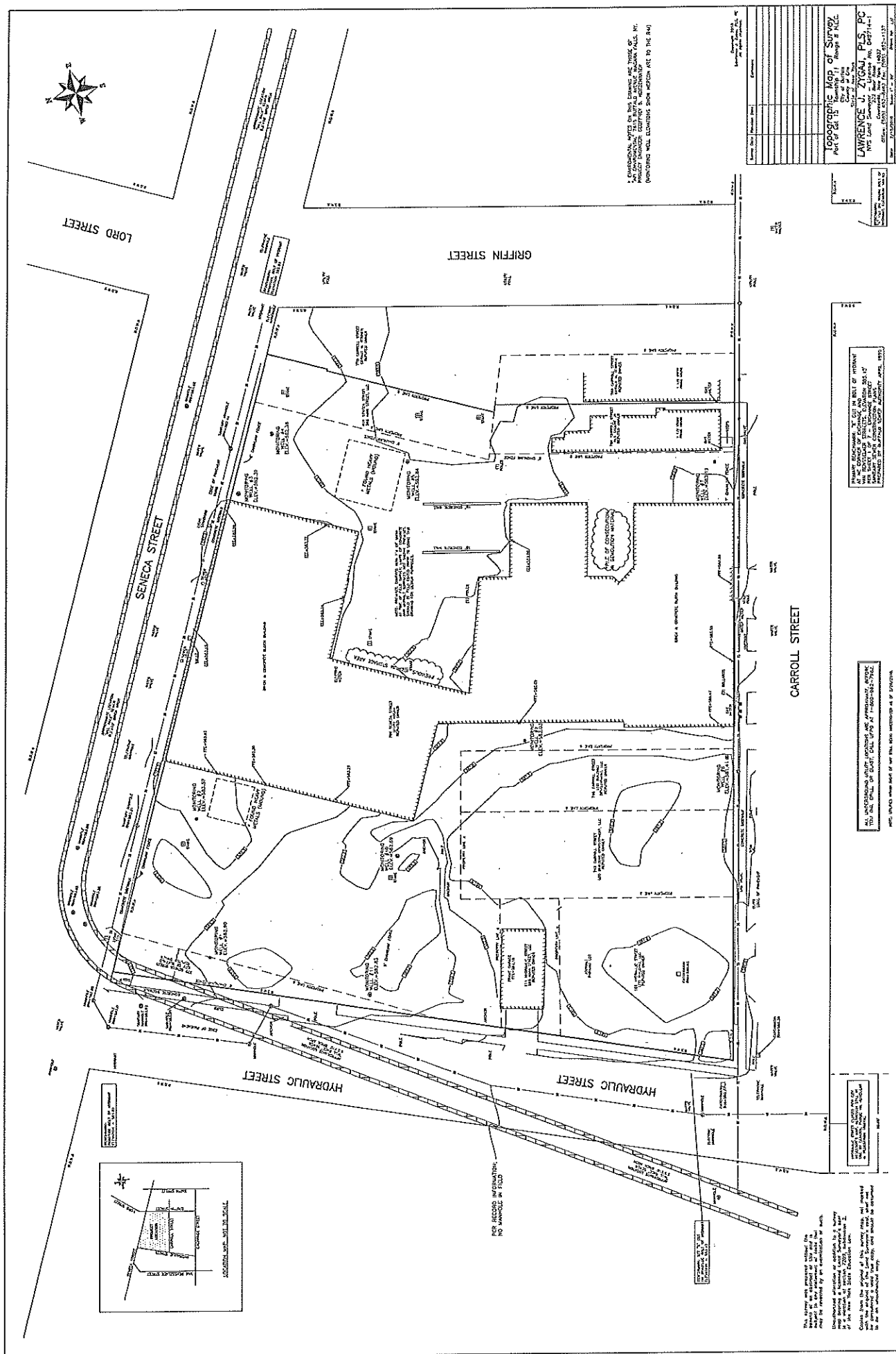


Figure - 3



AFI Environmental

7815 Buffalo Avenue
Po Box 4049
Niagara Falls, NY 14304

P: 716.283.7645
F: 716.283.2858

PROJECT NAME:
111 Hydraulic Building

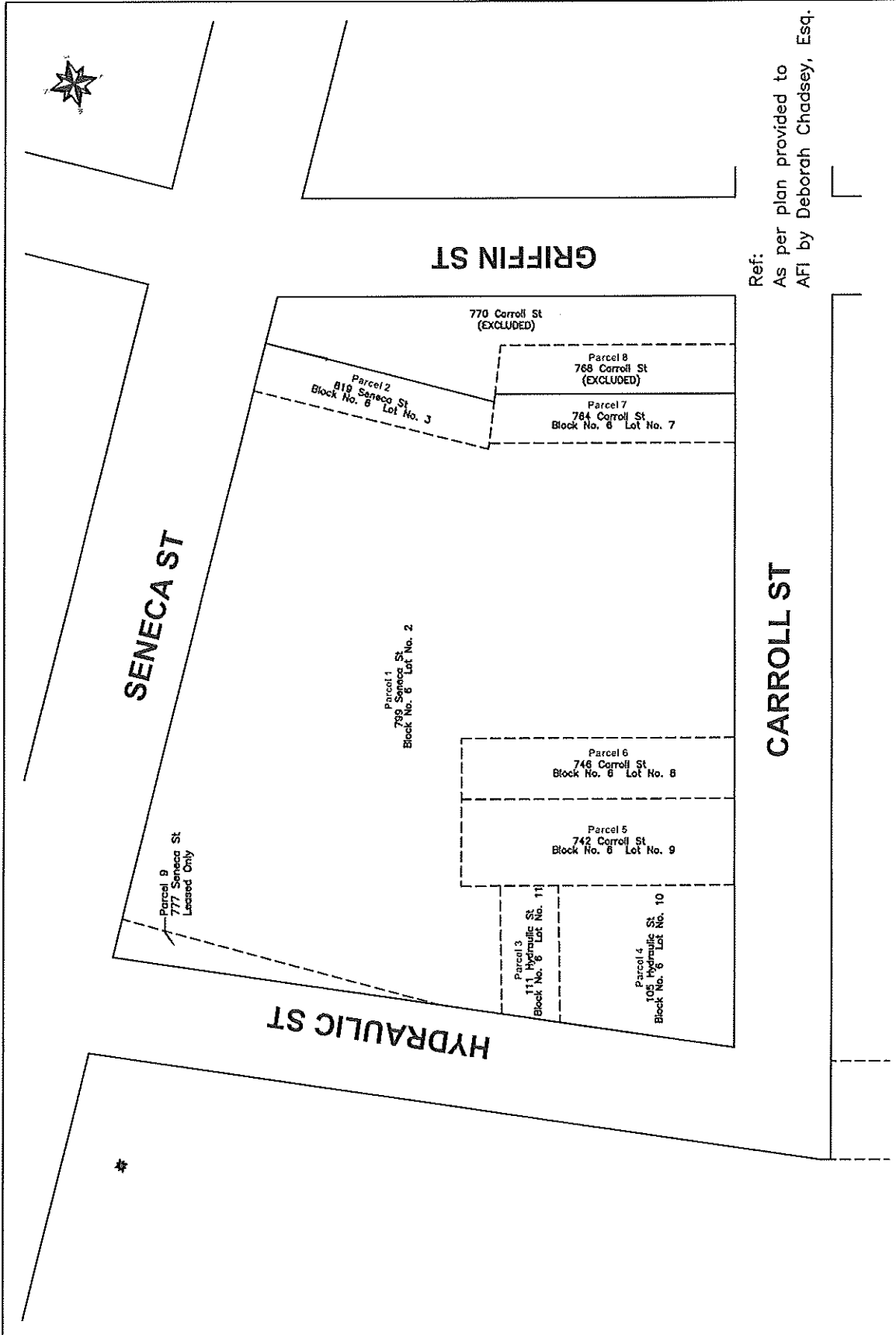
111 Hydraulic Street
Buffalo, NY 14210

DRAWING NAME:

Parcel Location Map

DRAWING NO:

Figure 4



Ref:
As per plan provided to
AFI by Deborah Chadsey, Esq.



AFI Environmental

7815 Buffalo Avenue
Po Box 4049
Niagara Falls, NY 14304

P: 716.283.7645
F: 716.283.2858

PROJECT NAME:
111 Hydraulic Building

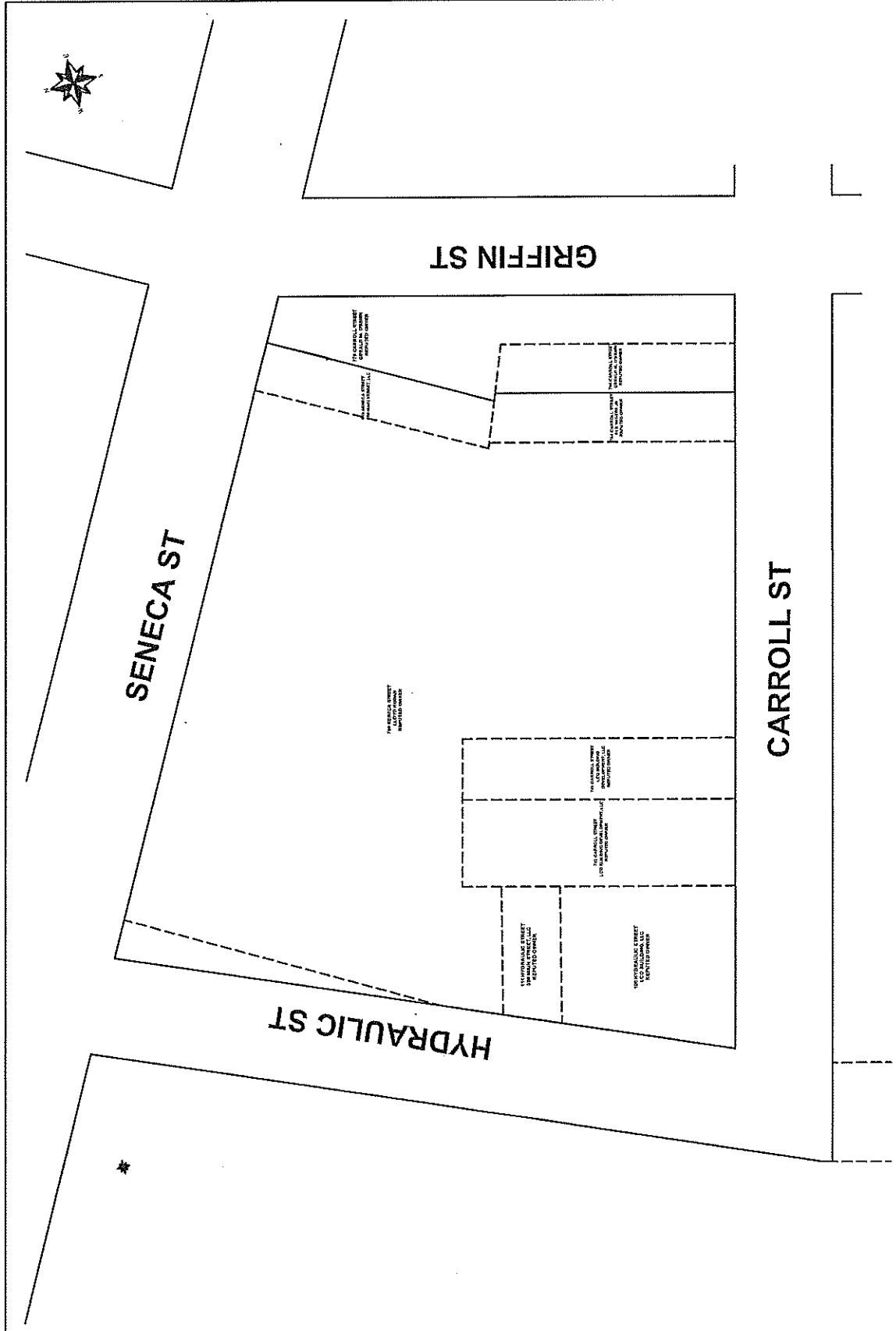
111 Hydraulic Street
Buffalo, NY 14210

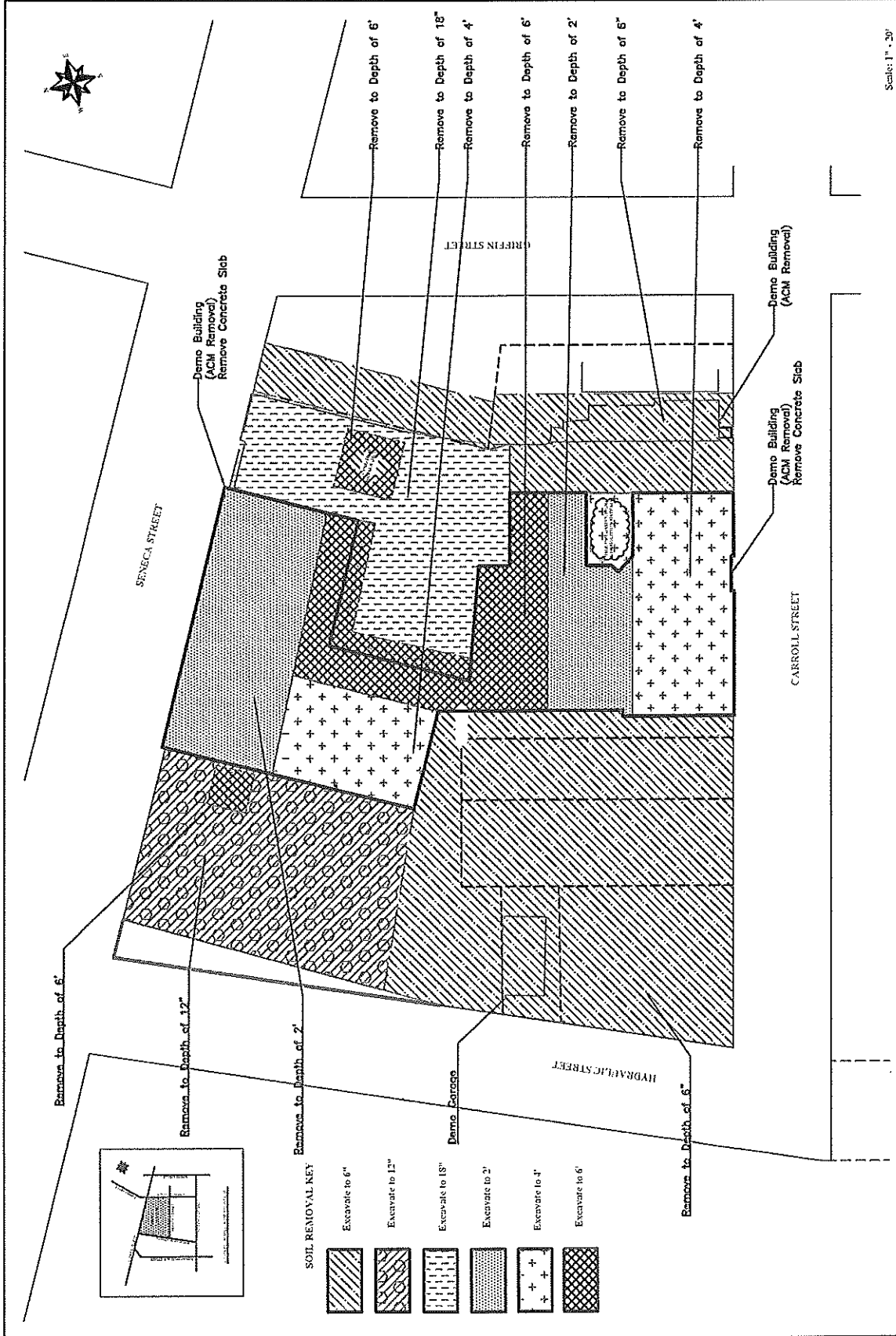
DRAWING NAME:

Property Owner Identification

DRAWING NO:

Figure 5







YOUNG + WRIGHT ARCHITECTURAL

LCO - CAPITAL MGMT.
 SITE PLAN
 797 SENECA STREET
 BUFFALO, NEW YORK
 14210



Figure - 7

PARKING	
AVAILABLE PARKING	- 23
HANDICAPPED PARKING	- 2
TOTAL	- 25

NEW CONSTRUCTION GROSS S.F.	
BUILDING A	- 40,076
BUILDING B	- 10,000
BUILDING C	- 2,009
TOTAL	- 52,085 S.F.

SITE LEGEND	
	NEW BUILDING
	EXISTING BUILDING
	PARKING
	STREET
	OTHER PLANS



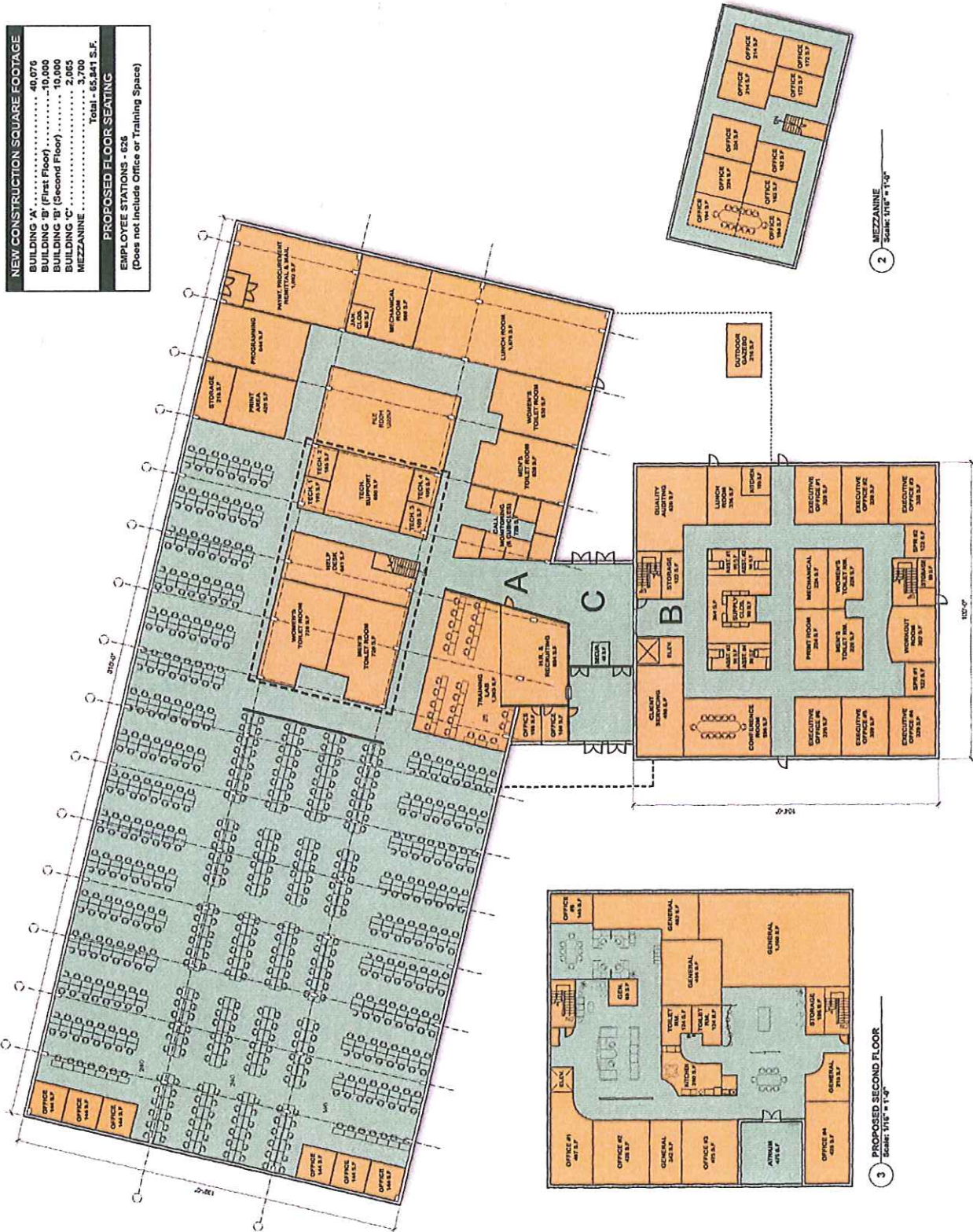
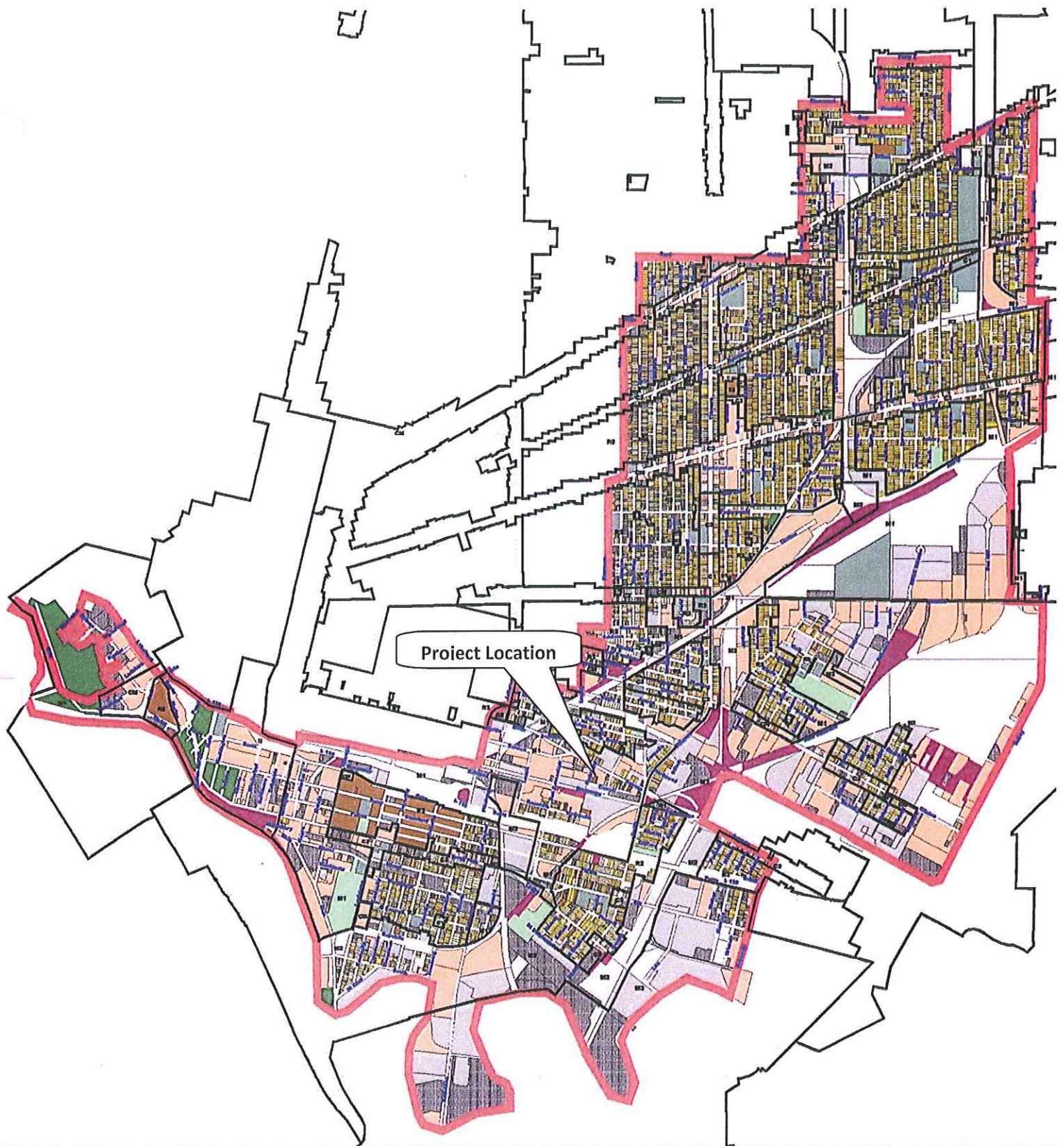


Figure - 8



FILLMORE

Council District Boundary Zoning Districts (As of 6/2002)*

AD:Allen St.
C1:Neighborhood Business
C2:Community Business
C3:Central Business
CM:General Commercial
DO:Downtown Opportunity
EB:Elmwood Ave. Business
KB:Kensington-Bailey Business
PB:Porter-Busti
II:Institutional-Light Industrial
M1:Light Industrial
M2:General Industrial
M3:Heavy Industrial
R1:One-Family Dwelling
R2:Dwelling
R3:Dwelling
R4:Apartment
R5:Apartment-Hotel
RR:Residential Restricted
SS:Seneca St.
TS:Transit Station Area

LANDUSE (As of 01/2002)

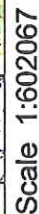
Residential single family
Residential two family
Residential three family
Residential other
Vacant
Commercial
Recreational
Community Service
Industrial
Public Service
Conservation Areas / Parks
No Data

* Note: For display purpose only. For official zoning information, contact the Office of Strategic Planning, Land Use Administration.

Figure - 9



1:14800



NYSDEC EJ Preliminary Screen
Erie County

DEEDS

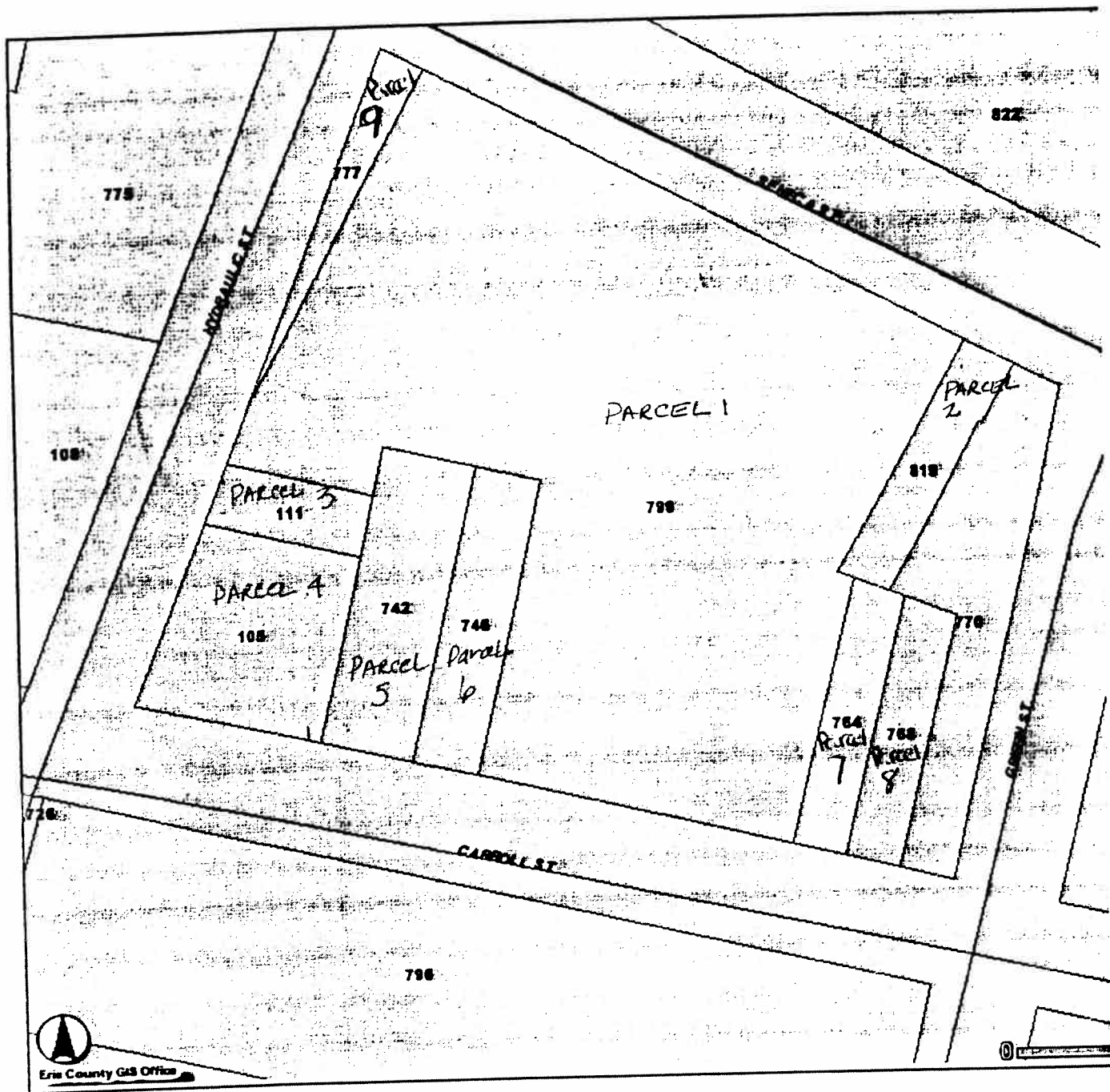
Section II. Site Information Summary Sheet

Ownership Information:

All of the parcels of land are owned by related entities. The related entities will transfer ownership of the parcels of land to 598 Main Street, LLC. The property located at 797 Seneca Street, Buffalo, New York is under Contract for acquisition. A copy of the Contract is attached under Section I.

Note: 777 Seneca Street, owned by the City of Buffalo will not be acquired by developer. Developer has a Right-of-Way Permit (being processed by City Hall) to install \$1.8 million dollars of sidewalk improvements along Seneca Street that will include this property.

Parcel Address	Ownership Information
797/799 Seneca St. Buffalo, New York	Lloyd J. Hogan a/k/a Lloyd Hogan (under Contract of Sale with 598 Main Street).
819 Seneca St. Buffalo, New York	598 Main Street, LLC
111 Hydraulic St. Buffalo, New York	598 Main Street, LLC
105 Hydraulic St. Buffalo, New York	189 Van Rensselaer LLC
742 Carroll St. Buffalo, New York	LCO Building Development, LLC
746 Carroll St. Buffalo, New York	LCo Building Development, LLC
764 Carroll St. Buffalo, New York	Larkin District Development LLC
777 Seneca St. Buffalo, New York	City of Buffalo Division of Real Estate



ATTACHMENT TO BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION

Section II. Site Information Summary Sheet continued

Address/Location of Property

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
797/799 Seneca St.	1	122.27	6	2	2.5 +/-
819 Seneca St.	2	122.27	6	3	0.07 +/-
111 Hydraulic St.	3	122.27	6	11	0.05 +/-
105 Hydraulic St.	4	122.27	6	10	0.14 +/-
742 Carroll St.	5	122.27	6	9	0.14 +/-
746 Carroll St.	6	122.27	6	8	0.10 +/-
764 Carroll St.	7	122.27	6	7	0.07 +/-
777 Seneca St.	9	122.27	6	1	

Parcel No. 1. - 799/797 Seneca Street

PARCEL "A"

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot. No. 15, Township 10, Range 8 of the Holland Land Company's Survey, and being further described as follows:

BEGINNING at the point of intersection of the southerly line of SENECA Street with the easterly line of Hydraulic Street running thence southerly along the easterly line of Hydraulic Street 202.29 feet, more or less, to a point distant 120 feet northerly from the northerly line of Carroll Street as measured along the easterly line of Hydraulic Street; thence easterly along the northerly line of lands conveyed to Daniel Pawlak and wife by deed recorded in the Erie County Clerk's Office in Liber 6413 of Deeds at page 333, 64.66 feet more or less to a point in the westerly line of land conveyed to the Board of Trustees of Oberlin College by deed recorded in Liber 389 of Deeds at Page 623, said point being distant 120 feet northerly from the northerly line of Carroll Street as measured at right angles thereto; thence northerly along the westerly line of land so conveyed to the Board of Trustees of Oberlin College 26.12 feet, more or less, to the northwesterly corner of such land; thence easterly along the northerly line of land so conveyed to the Board of Trustees of Oberlin College, 19.66 feet more or less to the southwesterly corner of land conveyed to Andrew J. Rich by deed recorded in Liber 114 of Deeds at page 529; thence northerly along the westerly line of land so conveyed to Andrew J. Rich 156 feet to the southerly line of Seneca Street; thence westerly along the southerly line of Seneca Street 95.60 to the point of beginning.

EXCEPTING THEREFROM the following part thereof:

Beginning at the point of intersection of the southerly line of Seneca Street with the easterly line of Hydraulic Street; thence southerly along the easterly line of Hydraulic Street 168.93 feet; thence northerly in a straight line 168.12 feet more or less, to a point in the southerly line of Seneca Street distant 20 feet easterly from the point of beginning, as measured along the southerly line of Seneca Street; thence westerly along the southerly line of Seneca Street 20 feet to the point of beginning.

PARCEL "B"

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Block No. 19 in said City, as shown on Peter Emslie's map, bounded and described as follows:

BEGINNING at a point in the southerly line of Seneca Street 49.25 feet westerly from its intersection with the westerly line of Griffin Street; thence westerly along said southerly line of Seneca Street about 200.75 feet to the westerly line of lands conveyed by Reuben B. Heacock and Abby P. his wife to Andrew J. Rich by deed recorded in Liber 114 of Deeds at Page 529; thence southerly and at right angles with Seneca Street 156 feet to the southerly line of lands so conveyed to said Andrew J. Rich as aforesaid; thence easterly and along said southerly line of

lands so conveyed to Andrew J. Rich 56.29 feet to a point from which a line drawn at right angles with the northerly line of Carroll Street would intersect said northerly line of Carroll Street at a point 225 feet westerly from the point of intersection of said northerly line of Carroll Street with the westerly line of Griffin Street; thence southerly along said line so drawn 140 feet to the northerly line of Carroll Street; thence easterly along said northerly line of Carroll Street 150 feet to a point in the northerly line of Carroll Street distant 75 feet westerly from the point of intersection of said northerly line of Carroll Street with the westerly line of Griffin Street; thence northerly on a line drawn at right angles with said northerly line of Carroll Street about 124.80 feet to the southerly line of lands conveyed by Reuben B. Heacock and Abby P., his wife to Andrew J. Rich by deed recorded in Liber 114 of Deeds at Page 529; thence westerly on said southerly line of lands so conveyed to Andrew J. Rich as aforesaid a distance of 4.98 feet to a point from which a line drawn at right angles with the southerly line of Seneca Street would intersect said southerly line of Seneca Street at the point of beginning; thence northerly along said line so drawn about 128 feet to the southerly line of Seneca Street at the point of beginning.

Parcel No. 2. - 819 Seneca Street

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of lot no. 19 on the Peter Emslie map, bounded and described as follows:

BEGINNING at a point in the southerly line of Seneca Street 24.25 feet westerly of the westerly line of Griffin Street; running thence southerly at right angles to Seneca Street about 32.04 feet to a jog; thence westerly about one foot; thence southerly on a line at right angles to Seneca Street, 89.20 feet; thence westerly 24.28 feet to a point from which a line drawn at right angles with Seneca Street would intersect said southerly line of Seneca Street at a point 25 feet westerly from the point of beginning; thence northerly on said line so drawn at right angles to Seneca Street, 125.07 feet to the southerly line of Seneca Street; thence easterly along the southerly line of Seneca Street, 25 feet to the place of beginning.

Parcel No. 3 - 111 Hydraulic Street

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 15, Township 11 and Range 8 of the Holland Land Company's Survey and bounded and described as follows:

Beginning at a point in the easterly line of Hydraulic Street at the distance of 90 feet northerly from the northerly line of Carroll Street; running thence easterly along the northerly line of lands deeded by Isabella Peterson and John Peterson, her husband, to John Gordon, by deed dated October 12, 1881, to lands owned by the Board of Trustees of Oberlin College about 70 feet to a point in the westerly line of said lands distant 90 feet northerly from the northerly line of Carroll Street; thence northerly along said line of lands owned by the said College, 30 feet; thence westerly and parallel with the northerly line of lands owned by John Gordon about

65 feet to the easterly line of Hydraulic Street; thence southerly along the easterly line of Hydraulic Street, 30 feet to the place of beginning, be the same more or less.

Parcel No. 4 - 105 Hydraulic Street

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 15, Township 11, Range 8 of the Holland Land Company's survey, bounded and described as follows:

BEGINNING at the intersection of the east line of Hydraulic Street and the north line of Carroll Street; thence northerly along the east line of Hydraulic Street, 90 feet; thence easterly 70 feet more or less to a point in the westerly line of lands conveyed to the Board of Trustees of Oberlin College by deed recorded in Erie County Clerk's Office in Liber 389 of Deeds at page 623 distant 90 feet northerly from the northerly line of Carroll Street; thence southerly along the westerly line of lands so conveyed to the Board of Trustees of Oberlin College by deed aforesaid 90 feet to the north line of Carroll Street; thence westerly along the north line of Carroll Street 82 feet more or less to the point of beginning.

Parcel No. 5 - 742 Carroll Street

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot Number 15, Township 11, Range 8 of the Holland Land Company's survey and being further bounded and described as follows:

COMMENCING at a point in the North Line of Carroll Street at a distance of 256 feet Westerly from the Westerly line of Griffin Street; running thence westerly along the northerly line of Carroll Street 44 feet; thence northerly at a line at right angles to Carroll Street to the south line of land heretofore conveyed to John Peterson by deed recorded in the Erie County Clerk's Office in Liber 145 of Deeds at page 473, which line is also the northerly line of premises conveyed to Henry Koons by deed recorded in the Erie County Clerk's Office in Liber 439 of Deeds at page 21; thence easterly along the north line of said premises so conveyed to Henry Koons to a point in said line where the same will be intersected by a line drawn at right angles northerly from the point of commencement in the northerly line of Carroll Street; thence running Southerly along the said line so drawn at right angles to Carroll Street to the northerly line of Carroll Street at the point of beginning.

Parcel No. 6 - 746 Carroll Street

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 15, Township 11, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the north line of Carroll Street, formerly Steuben Street, 225 feet west from the west line of Griffin Street; running thence north at right angles to Carroll Street, 141 feet to the north line of premises conveyed to Henry Koons by deed recorded in the Erie County Clerk's Office in Liber 439 of Deeds page 210; thence west along the north line of said premises so conveyed to said Henry Koons, 31.46 feet; thence south at right angles to the north line of Carroll Street to a point in said line of Carroll Street, 31 feet west of the point of beginning; thence east along the north line of Carroll Street, 31 feet to the point of beginning.

Parcel No. 7 764 Carroll Street

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 15, Township 11, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING in the north line of Carroll Street 50 feet west from Griffin Street; thence west on Carroll Street 25 feet; thence north at right angles 127 feet; thence east on a line which extended would strike Griffin Street 116.83 feet north from Carroll Street 25 feet; thence south to the place of beginning.

Parcel No. 8 768 Carroll Street

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 15, Township 11 and Range 8 of the Holland Land Company's Survey, bounded and described as follows: COMMENCING in the northerly line of Carroll Street, 25 feet westerly from the intersection of the westerly line of Griffin Street with the northerly line of Carroll Street; running thence westerly along the northerly line of Carroll Street, 25 feet; thence northerly at right angles with Carroll Street, 122.91 feet; thence easterly 25.18 feet; thence southerly, 119.87 feet to the place of beginning.

Parcel No. 9 777 Seneca Street

Will be supplemented



KIRCHMEYER & ASSOCIATES, INC

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OWNERSHIP INFORMATION

HOGAN LLOYD
799 SENECA ST
BUFFALO NY 14210-1411COUNTY: ERIE
PROPERTY CLASS: 433 - AUTO BODY

PARCEL NO: 122.27-6-2

Mail: 1929 SOUTH PARK AVE
BUFFALO NY 14220-1411

PHONE NUMBER:

CENSUS TRACT: 0012.00
SWIS_SBL: 1402001222700006002000

SALE DATE	PRICE	DEED DATE	LIBER	PAGE	ARMS. LEN.	SELLER	PERS. PROP.	# PARCELS
02/22/1996	\$ 65,000	02/22/1996	10897	6803	Y	THOMAS ERNEST J & DIANE R	0	1
01/06/1994	\$ 1	01/06/1994	10837	514	N	THOMAS, ERNEST J	0	1

STRUCTURAL INFORMATION

Overall Eff. Yr Built 1920
Overall Grade N/A
Overall Condition AVERAGE
Construction Type N/A

TAX INFORMATION

SBL(Tax ID)#: 122.27-6-2
Assessed Value \$ 90,000
Land Assessment \$ 61,000
School Tax \$ 892
County/Town Tax \$ 1,435
City/Village Tax \$ 0
Total Tax \$ 2,327
Full Tax Value \$ 90,000
Equalization Rate 1.0000
Prior Tax ID# N/A
Full Land Value \$ 61,000

LOT INFORMATION

Lot Size Dim.: 275.60x0.00
Zoning N/A
Nbhd Code 04000
School District 140200 - BUFFALO
Lot Size Acres 0.00
Desirability SUPERIOR
Water Front N
Sewer COMM/PUBLIC
Water COMM/PUBLIC
Utilities GAS & ELEC
Nbhd. Rating UNKNOWN
Nbhd. Type UNKNOWN
Res. Sites 0
Comm. Sites 1
Swis Code 140200

*The calculated tax amounts are not exact. No special district tax amounts or exemptions have been included. All numbers are estimated based on town values. Taxes should be verified directly from the local tax collector.

Updated: 11/05/2009 8:14 am

BUILDING USAGE

BODY SHOP | TOTAL RENT SQ. FT.: 28456
ROW OFFICE | TOTAL RENT SQ. FT.: 4277

BUILDING BREAKDOWN

# IDENT.	BOECKH	YR.	QUALITY	CONDITION	PERIMETER	GROSS	STORY	AC%	SPRINKLER%	ALARM%	BSMT.	BSMT.
BLDS.	MODEL	BUILT				SQ.FT.	HEIGHT				TYPE	SQ.FT.
1	2-4 STY MFG	1920	ECONOMY	FAIR	1389	32,733	2 14	0	100	0	UNKNOWN	0
						0	0					0
						0	0					0
						0	0					0

IMPROVEMENTS :

N/A

Note: Display indicates first residential site.

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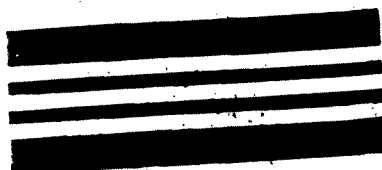
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A BILL

Erie County Clerk's Office
County Clerk's Recording Page



Return To:

BOX 157

Control # 199602220961

Index DEED LIBER

Book 10897 Page 6803

No. Pages 0003

Instrument DEED

Date : 2/22/1996

Time : 3:30:48

THOMAS
ERNEST
THOMAS
DIANE
HOGAN
LLOYD

J

R

4

MORTGAGE TAX

Serial #		
City/Town	\$	.00
S.M.A.	\$	.00
Trans. Auth.	\$	.00
Total	\$	.00

COUNTY	\$	25.00
STATE	\$	25.00
COE	\$	5.00
TRANSFER	\$	260.00
	\$	.00
	\$	325.00
NFTA TT	\$	.00
	\$	.00
	\$	.00
	\$	.00
Total:	\$	640.00

STATE OF NEW YORK
Erie County Clerk's Office

WARNING - THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 316-A(5) OF
THE REAL PROPERTY LAW OF THE STATE OF NEW YORK
DO NOT DETACH

DAVID J SWARTS
County Clerk

TRANSFER TAX

Transfer Tax \$	585.00
Amount \$	65,000.00
Transfer Tax #	TT199501505



D108976803

THIS INDENTURE

Made the 22nd day of February, 1996

Between ERNEST J. THOMAS, as life tenant and DIANE R. THOMAS
residing at S 4954 Mt. Vernon Boulevard, Hamburg, NY 14075 and
10075 Morse Road, East Concord, NY 14053 respectively

Grantor(s), and

LLOYD HOGAN
residing at 1924 South Park Avenue, Buffalo, NY

Grantee(s)

Witnesseth, that the Grantor(s) in consideration of One and more Dollars (\$ 1.00 & more)
lawful money of the United States, paid by the Grantee(s) do hereby grant and release unto the Grantee(s),
their distributees and assigns forever.

See Schedule "A" attached hereto and made a part hereof.

Together with the appurtenances and the estate and rights of the Grantor(s) in and to the premises;
To have and to hold the above granted premises unto the Grantee(s); and the Grantor(s) covenant with the Grantees
that the Grantees shall quietly enjoy the premises and that the Grantor(s) will forever warrant the title to the premises.
This grant is made subject to the trust fund provisions of Section 13 of the Lien Law.

In Witness Whereof the hand and seals of the undersigned are affixed as of the day and year first above written.

Ernest J. Thomas [Seal] Diane R. Thomas [Seal]
ERNEST J. THOMAS DIANE R. THOMAS

_____[Seal] _____[Seal]

STATE OF NEW YORK, Erie COUNTY ss:

On this 22nd day of February, 1996, before me personally appeared
ERNEST J. THOMAS AND DIANE R. THOMAS
to me known and known to me to be the individual(s) described in and who executed the foregoing instrument, and
they duly acknowledged to me that they executed the same.

GEORGE A. KLESA
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Aug 31 1996

George A. Kleza
Notary Public

CO961
R2935734 CT7
DIB-2-0

Box # 157

SCHEDULE "A"

PARCEL "A"

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 15, Township 10, Range 8 of the Holland Land Company's Survey, and being further described as follows:

BEGINNING at the point of intersection of the southerly line of Seneca Street with the easterly line of Hydraulic Street running thence southerly along the easterly line of Hydraulic Street 202.29 feet, more or less, to a point distant 120 feet northerly from the northerly line of Carroll Street as measured along the easterly line of Hydraulic Street; thence easterly along the northerly line of lands conveyed to Daniel Pawlak and wife by deed recorded in the Erie County Clerk's Office in Liber 6413 of Deeds at Page 333, 64.66 feet more or less to a point in the westerly line of land conveyed to the Board of Trustees of Oberlin College by deed recorded in Liber 389 of Deeds at Page 623, said point being distant 120 feet northerly from the northerly line of Carroll Street as measured at right angles thereto; thence northerly along the westerly line of land so conveyed to the Board of Trustees of Oberlin College 26.12 feet, more or less, to the northwesterly corner of such land; thence easterly along the northerly line of land so conveyed to the Board of Trustees of Oberlin College, 19.66 feet more or less to the southwesterly corner of land conveyed to Andrew J. Rich by deed recorded in Liber 114 of Deeds at Page 529; thence northerly along the westerly line of land so conveyed to Andrew J. Rich 156 feet to the southerly line of Seneca Street; thence westerly along the southerly line of Seneca Street 95.60 to the point of beginning.

EXCEPTING THEREFROM the following part thereof:

Beginning at the point of intersection of the southerly line of Seneca Street with the easterly line of Hydraulic Street; thence southerly along the easterly line of Hydraulic Street 168.93 feet; thence northerly in a straight line 168.12 feet more or less, to a point in the southerly line of Seneca Street distant 20 feet easterly from the point of beginning, as measured along the southerly line of Seneca Street; thence westerly along the southerly line of Seneca Street 20 feet to the point of beginning.

PARCEL "B"

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Block No. 19 in said City, as shown on Peter Emslie's map, bounded and described as follows:

BEGINNING at a point in the southerly line of Seneca Street 49.25 feet westerly from its intersection with the westerly line of Griffin Street; thence westerly along said southerly line of Seneca Street about 200.75 feet to the westerly line of lands conveyed by Reuben B. Heacock and Abby P. his wife to Andrew J. Rich by deed recorded in Liber 114 of Deeds at Page 529; thence southerly and at right angles with Seneca Street 156 feet to the southerly line of lands so conveyed to said Andrew J. Rich as aforesaid; thence easterly and along said southerly line of lands so conveyed to Andrew J. Rich 56.29 feet to a point from which a line drawn at right angles with the northerly line of Carroll Street would intersect said northerly line of Carroll Street at a point 225 feet westerly from the point of intersection of said northerly line of Carroll Street with the westerly line of Griffin Street; thence southerly along said line so drawn 140 feet to the northerly line of Carroll Street; thence easterly along said northerly line of Carroll Street 150 feet to a point in the northerly line of Carroll Street distant 75 feet westerly from the point of intersection of said northerly line of Carroll Street with the westerly line of Griffin Street; thence northerly on a line drawn at right angles with said northerly line of Carroll Street about 124.80 feet to the southerly line of lands conveyed by Reuben B. Heacock and Abby P. his wife to Andrew J. Rich by deed recorded in Liber 114 of Deeds at Page 529; thence westerly on said southerly line of lands so conveyed to Andrew J. Rich as aforesaid a distance of 4.98 feet to a point from which a line drawn at right angles with the southerly line of Seneca Street would intersect said southerly line of Seneca Street at the point of beginning; thence northerly along said line so drawn about 128 feet to the southerly line of Seneca Street at the point of beginning.

[order](#) [Q-Val](#) [Val](#) [realAssessment](#) [realComps](#) [realRecord](#) [street maps](#)

[printable version](#)

OWNERSHIP INFORMATION
598 MAIN STREET, LLC
819 SENECA ST
BUFFALO NY 14210-1411

PARCEL NO: 122.27-6-3
Mail: 726 EXCHANGE ST
 BUFFALO NY 14210-2402
PHONE NUMBER:

COUNTY: ERIE
PROPERTY CLASS: 340 - VACANT LAND LOCATED IN INDUSTRIAL AREAS
CENSUS TRACT: 0012.00
SWIS_SBL: 1402001222700006003000

SALE DATE	PRICE	DEED DATE	LIBER	PAGE	ARMS. LEN.	SELLER	PERS. PROP.	# PARCELS
08/07/1998	\$ 500	08/10/1998	10937	391	N	CO OF ERIE	0	1

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

TAX INFORMATION
SBL(Tax ID)#: 122.27-6-3
Assessed Value \$ 3,000
Land Assesment \$ 3,000
School Tax \$ 30
County/Town Tax \$ 48
City/Village Tax \$ 0
Total Tax \$ 78
Full Tax Value \$ 3,000
Equalization Rate 1.0000
Prior Tax ID# N/A
Full Land Value \$ 3,000

LOT INFORMATION
Lot Size Dim.: 25.00x121.00
Zoning N/A
Nbhd Code 04000
School District 140200 - BUFFALO
Lot Size Acres 0.07
Desirability SUPERIOR
Water Front N
Sewer COMM/PUBLIC
Water COMM/PUBLIC
Utilities GAS & ELEC
Nbhd. Rating UNKNOWN
Nbhd. Type UNKNOWN
Res. Sites 0
Comm. Sites 1
Swis Code 140200

* The calculated tax amounts are not exact. No special district tax amounts or exemptions have been included. All numbers are estimated based on town values. Taxes should be verified directly from the local tax collector.

Updated: 11/05/2009 8:14 am

BUILDING USAGE
 USE AS: NON-CONTRIB

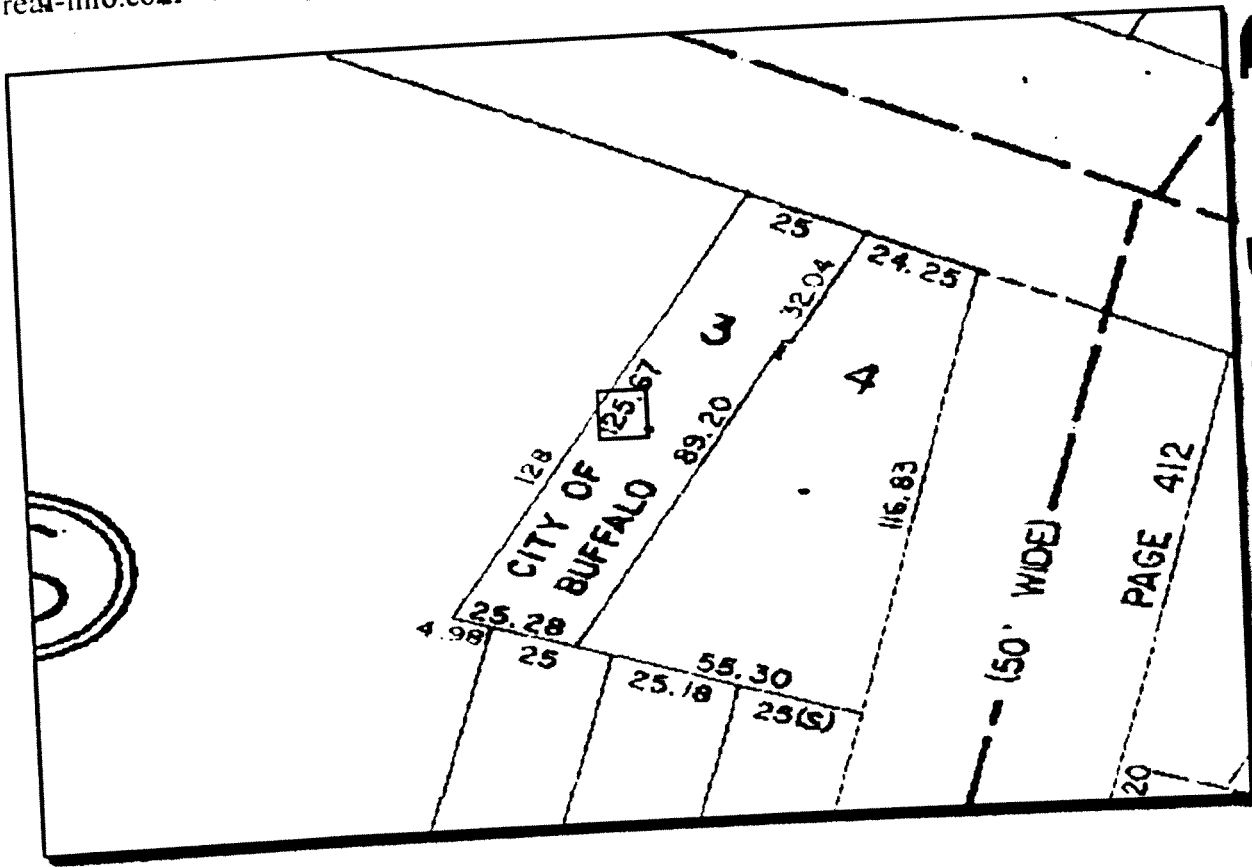
BUILDING BREAKDOWN

#	IDENT.	BOECKH	YR.	QUALITY	CONDITION	PERIMETER	GROSS SQ.FT.	STORY	HEIGHT	AC%	SPRINKLER%	ALARM%	BSMT. TYPE	BSMT. SQ.FT.
0							0	0	0				UNKNOWN	0
							0	0	0					0
							0	0	0					0
							0	0	0					0

IMPROVEMENTS :
 N/A
 Note: Display indicates first residential site.

<< Back to Search Home

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ERIE COUNTY CLERKS OFFICE
County Clerk's Recording Page

Return To:

84 GROUP INC
210 ELLICOTT SQUARE BUILDING
BUFFALO NY 14203

Index DEED LIBER

Book 10937 Page 0391

No. Pages 0005

Instrument DEED-EXEMPT

Date : 8/10/1998

Time : 11:53:08

Control # 199808100505

COUNTY OF ERIE

84 GROUP INC

TT# TT 1998 000595

Employee ID FG

COUNTY	\$	20.00
STATE	\$	25.00
COE	\$	5.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00
	\$	.00

Total: \$ 50.00

STATE OF NEW YORK
ERIE COUNTY CLERKS OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERK'S
ENDORSEMENT, REQUIRED BY SECTION 316-a (5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH

DAVID J SWARTS
COUNTY CLERK

TRANSFER TAX

CONSIDERATN \$ 500.00

TRANSFER TAX \$.00



D109370391

REFEREE'S DEED

THIS INDENTURE made this 27th day of August 1998, between JOSEPH L. MACIEJEWSKI, Acting Deputy Commissioner of Finance of the County of Erie, the REFEREE in the action hereinafter mentioned, with offices at 95 Franklin Street, Erie County, Buffalo, New York, party of the first part, and 84 GROUP, INC., 210 Ellicott Square Building, Buffalo, New York 14203, party of the second part.

WITNESSETH

WHEREAS, at a Term of the Erie County Court held in the Erie County Hall in the City of Buffalo, New York, on the 13th day of May, 1998, it was, among other things, ordered, adjudged and decreed by said Court in a certain action then pending in the said Court entitled:

**IN REM ACTION NO. 154
Index No. I 1997-10475**

**IN THE MATTER OF THE FORECLOSURE OF
TAX LIENS BY THE COUNTY OF ERIE pursuant
to the In Rem Provisions of the
Erie County Tax Act and
Erie County Legislature Resolution
No. 22D-14 adopted at their 26th
Session held on December 4, 1997**

That all and singular premises described in certain Tax Sale Certificates executed by the Commissioner of Finance of Erie County to the County of Erie, being the same premises mentioned in the List of Delinquent Taxes and Properties filed herein, and in said Judgment described, or such part thereof as is sufficient to satisfy such tax liens, and which might be sold separately without material injury to the parties interested, be sold at public auction according to law and the practice of said Court by and under the direction of Joseph L. Maciejewski, Acting Deputy Commissioner of Finance, who was appointed REFEREE in such action and to whom it was referred by the said Judgment, among other things, to make such sale; that the sale be made in the County were the said premises, or the greater part thereof, are situated; that said REFEREE given public notice of the time and place of said sale according to the course and practice of said Court, and that any of the parties to said action might become purchaser or purchasers at such sale; that the said REFEREE execute to the purchaser or purchasers of said premises, or such a part or parts thereof as shall be sold, a good and sufficient Deed or Deeds of the premises, and

COUNTY OF ERIE -- DEPARTMENT OF LAW

F 505

CT 4-500.00

DID-4-0

WHEREAS, the said REFEREE, in pursuance of the Order and Judgment of said Court, did, on the 1st day of June, 1998, offer for sale at public auction at the Buffalo Convention Center, Convention Center Plaza, in the City of Buffalo, County of Erie and State of New York, the premises in the said Order and Judgment mentioned, due notice of the time and place of such sale being first given pursuant to said Judgment, at which sale the premises hereinafter described were sold to the party of the second part for the sum of Five Hundred and 00/100 Dollars (\$ 500.00) that being the highest sum bid for said premises.

NOW, THIS INDENTURE WITNESSETH:

That the said JOSEPH L. MACIEJEWSKI, Acting Deputy Commissioner of Finance of the County of Erie, the REFEREE, being the party of the first part to these presents, in order to carry into effect the sale so made by him as aforesaid, in conformity with the statute in such cases made and provided, and also in consideration of the premises and of the said sum of money so bid as aforesaid having been first duly paid by the party of the second part, the receipt whereof is acknowledged, hath bargained and sold and by these presents doth grant and convey unto the said party of the second part, his heirs or successors and assigns, all the right, title, interest, claim, lien and equity of redemption which the said County of Erie and all parties and other persons, including the State of New York, infants, incompetents, absentees and non-residents, had at the time of the filing of said List of Delinquent Taxes and Properties in said action, or at any time thereafter, it being their interest in said premises which was so sold and is hereby conveyed, in and to the following properties:

ALL THAT TRACT OR PARCEL OF LAND situate in the CITY OF BUFFALO, COUNTY OF ERIE, STATE OF NEW YORK, and described as follows:

SERIAL NO. 1890

CERTIFICATE NO. 140200 122.270-6-3


819 Seneca
24.25 W Griffin

DEED	MEASURE		
	25.00	121.00	
FARMLOT	SECTION	TOWN	RANGE
0015	00	11	8
MAP COVER	BLOCK	SUBLOT	

This description being intended to describe and convey property listed in Erie County In Rem 154 as Serial No. 1890.

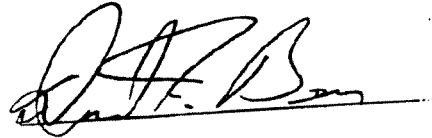
TO HAVE AND TO HOLD all and singular the premises above-mentioned and described and hereby conveyed unto the party of the second part, his heirs or successors and assigns forever.

IN WITNESS WHEREOF the party of the first part has hereunto set his hand and seal the day and year first above written.


JOSEPH L. MACIEJEWSKI, Referee

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On this 7th day of August, 1998, before me the subscriber personally appeared Joseph L. Maciejewski, Acting Deputy Commissioner of Finance of the County of Erie, Referee, to me known and known to me to be the same person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same as such Referee.



DAVID F. BENES
Notary Public, State of New York
Qualified in Erie County
Commission Expires Feb 28, 1999

COUNTY OF ERIE - DEPARTMENT OF LAW

1890

MAIL TO -----

REFEREE DEED

Between the

COUNTY OF ERIE
95 FRANKLIN STREET
BUFFALO, NEW YORK
14202

and
84 GROUP, INC.
210 ELLICOTT SQUARE BUILDING
BUFFALO, NEW YORK
14203

1998

KENNETH A. SCHOLTZ
ATTORNEY FOR COUNTY OF ERIE
69 DELAWARE AVENUE • SUITE 300
BUFFALO, NEW YORK 14202-3002
(716) 858-2200



ERIE COUNTY CLERKS OFFICE
County Clerk's Recording Page

Return To:
 BOX 272

Party 1:
 84 GROUP INC

Party 2:
 598 MAIN STREET LLC

Recording Fees:

RECORDING	\$26.00
COE COUNTY	1.00
TRANSFER	\$32.00
NFTA TT	\$40.00
COE STATE GENERAL	\$14.25
COE STATE RM	\$4.75
RP5217 COUNTY FEE	\$9.00
RP5217 NON RES	\$156.00
	\$10.00
TP584	10.00

Total: \$293.00

STATE OF NEW YORK
 ERIE COUNTY CLERK'S OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERK'S
 ENDORSEMENT, REQUIRED BY SECTIONS 319&316-a
 (5) OF THE REAL PROPERTY LAW OF THE STATE OF
 NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

David J. Swarts
 County Clerk

Book: 11113 Page: 6125

Page Count: 3

Doc Type: DEED-VACANT\$165

Rec Date: 05/12/2006

Rec Time: 11:37:37 AM

Control #: 2006106923

User ID: elaines

Trans Num: 149935

DEED SEQ: TT200623093

MTG SEQ:

UCC:

SCAR:

INDEX:

Consideration Amount:	\$7,750.00
BASIC	\$0.00
SONYMA	\$0.00
ADDL	\$0.00
NFTA MT	\$0.00
TRANSFER	\$32.00
NFTA TT	\$40.00

Box 272 GP
QUITCLAIM DEED

THIS INDENTURE,

Made the 11th day of ~~February~~ ^{MAY}, Two Thousand Six

BETWEEN 84 CROUP, INC., having offices located at 295 Main Street, Suite 210, Buffalo, New York 14203, Grantor(s), and

598 MAIN STREET, LLC, with offices located at 70 West Chippewa, Buffalo, NY 14202, Grantee(s).

WITNESSETH, that the said Grantor(s), in consideration of one and more dollars (\$1.00) lawful money of the United States, paid by the Grantee(s), does hereby remise, release and quitclaim unto the Grantee(s), its successors and assigns forever

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lots Number 14 and 15, Township 11, Range 8, bounded and described as follows:

BEGINNING at a point in the northerly line of Seneca Street, distant 200 feet east of the west line of lands conveyed to Giles Remington by Deed recorded in Erie County Clerk's Office in Liber 45 of Deeds at page 419, said point of beginning being the southeast corner of lands conveyed to Ambrose George by Deed recorded in the Erie County Clerk's Office in Liber 32 of Deeds at page 140; running thence northerly along the east line of lands conveyed to Ambrose George by Deed aforesaid, 150 feet; thence easterly, parallel with Seneca Street, 25 feet; thence southerly at right angles to Seneca Street, 150 feet to the northerly line of Seneca Street; thence westerly along the northerly line of Seneca Street, 25 feet to the point of beginning.

AND ALSO, ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of lot no. 19 on the Peter Emslie map, bounded and described as follows:

BEGINNING at a point in the southerly line of Seneca street 24.25 feet westerly of the westerly line of Griffin Street; running thence southerly at right angles to Seneca Street about 32.04 feet to a jog; thence westerly about one foot; thence southerly on a line at right angles to Seneca Street, 89.20 feet; thence westerly 24.25 feet to a point from which a line drawn at right angles with Seneca Street would intersect said southerly line of Seneca Street at a point 25 feet westerly from the point of beginning; thence northerly on said line so drawn at right angles to Seneca Street, 125.07 feet to the southerly line of Seneca Street; thence easterly along the southerly line of Seneca Street, 25 feet to the place of beginning.

Subject to all covenants, easements and restrictions of record, if any.

TOGETHER with the appurtenances and all the estate and rights of Grantor(s) in and to the said premises;

TO HAVE AND TO HOLD, the above granted premises unto the said Grantee(s), the heirs, successors and/or assigns forever;

AND the Grantor covenants that this conveyance is not of all or substantially all of the property of the Grantor and is made in the regular course of business;

AND the Grantor covenants that the Grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid;

AND the Grantor, in compliance with Section 13 of the Lien Law, covenants that the Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose;

CTY
DVO-2lm, 23093

IN WITNESS WHEREOF, The said Grantor(s) has hereunto set his hand and seal the day and year first above written.

IN PRESENCE OF

84 GROUP, INC.

By: Carl P. Paladino [L.S.]
Carl P. Paladino, President

STATE OF NEW YORK :
: ss.:
COUNTY OF ERIE :

On the 14th day of May, in the year 2006, before me, the undersigned, a notary public in and for said state, personally appeared Carl P. Paladino, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Kathleen A. Linhardt
Notary Public

KATHLEEN A.
LINHARDT

KATHLEEN A. LINHARDT
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 25, 2010
COM. EXP. 3-25-10

QUALIFIED
ERIE
COUNTY NY

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[Q-Val](#)
[Val](#)
[realAssessment](#)
[realComp](#)
[realInfo](#)
[street maps](#)
[printable version](#)

OWNERSHIP INFORMATION
598 MAIN STREET, LLC
111 HYDRAULIC ST
BUFFALO NY 14210-1407

PARCEL NO: 122.27-6-11
Mail: 726 EXCHANGE ST - SUITE 600
 BUFFALO NY 14210-0000
PHONE NUMBER:

COUNTY: ERIE
PROPERTY CLASS: 312 - RESIDENTIAL LAND INCLUDING A SMALL IMPROVEME
CENSUS TRACT: 0012.00

SALE INFORMATION
Sale Date 01/31/2007
Price \$ 55,000
Deed Date 02/06/2007
Arms Length N
Libre 11125
Page 596
Total Parcels 1
Seller KOZAKIEWICZ ALAN
Buyer 598 MAIN STREET, LLC
Personal Property 0

SALE HISTORY	PRICE	DATE	ARMS LENGTH	SELLER
PRIOR # 1	\$ 1	01/22/2001	N	KOZAKIEWICZ ELEANOR

STRUCTURAL INFORMATION
Square Feet 0
Sqft. 1st Floor 0
Sqft. 2nd Floor 0
Fin. Basement Sqft. 0
Year Built 0
Bldg Style UNKNOWN
Units 1
Stories 0.00
Baths 0.00
Bedrooms 0
Fireplaces 0
Kitchens 0
Garage Type GAR-1.0 DET, BUILT: 1981, 880.00 SQFT, CNDTN: NORMAL, GRADE: C
Garage Bays 3
Cooling Detail NONE
Heat Type HEAT (UNKNOWN) FUEL (UNKNOWN)
Exterior Condition UNKNOWN
Basement Type AVERAGE UNKNOWN

LOT INFORMATION
Lot Size Dim.: 30.00x69.00
Zoning N/A
Nbhd Code 00430
School District 140200 - BUFFALO
Lot Size Acres 0.05
Desirability TYPICAL
Water Front N
Sewer COMM/PUBLIC
Water COMM/PUBLIC
Utilities GAS & ELEC
Nbhd. Rating AVERAGE
Nbhd. Type UNKNOWN
Res. Sites 1
Comm. Sites 0
Swis Code 140200

TAX INFORMATION
Tax ID# 122.27-6-11
Assessed Value \$ 10,000
Land Assesment \$ 2,100
School Tax \$ 94
County/Town Tax \$ 151
City/Village Tax \$ 0
Total Tax \$ 245
Full Tax Value \$ 10,000
Equalization Rate 1.0000
Prior Tax ID# N/A
Full Land Value \$ 2,100

*The calculated tax amounts are not exact. No special district tax amounts or exemptions have been included. All numbers are estimated based on town values. Taxes should be verified directly from the local tax collector.

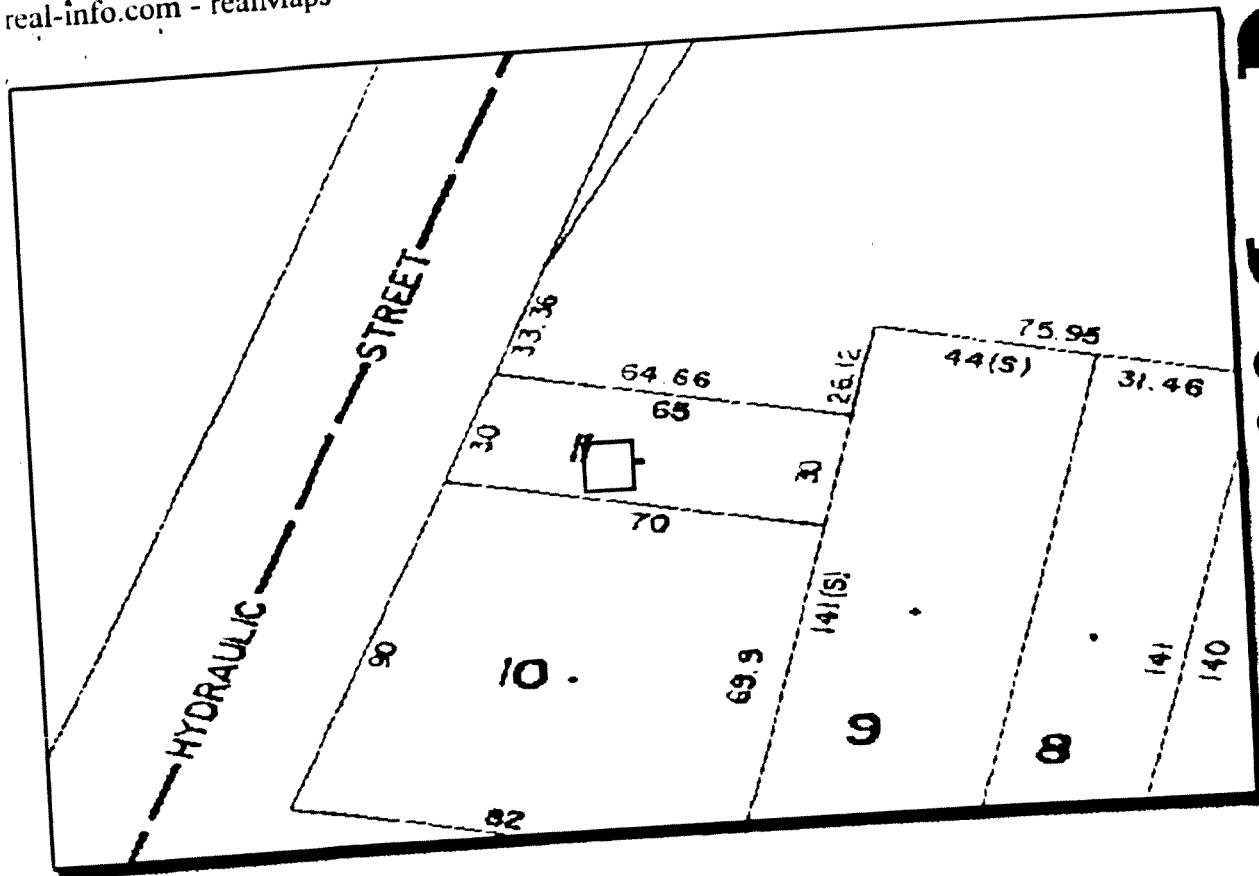
Updated: 11/05/2009 8:14 am

EXEMPTIONS:
 N/A

IMPROVEMENTS:
 (1) 2-CAR GAR ATCHD, BUILT 1981, 880 SQFT
 Note: Display indicates first residential site and up to four improvements.

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Party 1:
 KOZAKIEWICZ ALAN

Party 2:
 598 MAIN STREET LLC

Book: 11125 Page: 596

Page Count: 3

Doc Type: DEED-\$165 EQUIL

Rec Date: 02/06/2007

Rec Time: 09:20:09 AM

Control #: 2007025233

User ID: betty

Trans Num: 290853

DEED SEQ: TT200614262

MTG SEQ:

UCC:

SCAR:

INDEX:

Recording Fees:

RECORDING	\$26.00
COE COUNTY	1.00
TRANSFER	\$220.00
NFTA TT	\$275.00
COE STATE GENERAL	\$14.25
COE STATE RM	\$4.75
RP5217 NON RES	\$156.00
RP5217 COUNTY FEE	\$9.00
	\$10.00
TP584	10.00

Consideration Amount: \$55,000.00

BASIC	\$0.00
SONYMA	\$0.00
ADDL	\$0.00
NFTA MT	\$0.00
TRANSFER	\$220.00
NFTA TT	\$275.00

Total: \$716.00

STATE OF NEW YORK
 ERIE COUNTY CLERK'S OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERK'S
 ENDORSEMENT, REQUIRED BY SECTIONS 319&316-a
 (5) OF THE REAL PROPERTY LAW OF THE STATE OF
 NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

David J. Swarts
 County Clerk

BETWEEN
Alan Kozakiewicz, residing at 138 Foster Road, Rochester, New
York 14616 **grantor**
598 Main Street, LLC, with an address of 726 Exchange Street,
Buffalo, New York 14210

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie, and State of New York, all as more fully set forth on Schedule "A" annexed hereto and made a part hereof.

This conveyance is made subject to all covenants, easements and restrictions of record, if any, recorded in the Erie County Clerk's Office, affecting said premises.

Being and intending to convey subject premises as conveyed to the party of the first part, by Warranty Deed, dated January 22, 2001 recorded in the Erie County Clerk's Office on January 22, 2001 in Liber 10976 of Deeds, page 812.

Tax ID Number: 122.27-6-11
Property Address: 111 Hydraulic Street
Buffalo, New York 14210
Tax Mailing Address:

TOGETHER with the appurtenances and all the estate and rights of the grantor in and to said premises.
TO HAVE AND TO HOLD the premises herein granted unto the grantor, the heirs or successors and assigns of the grantee
 forever. **AND** the grantor covenants as follows:
 that the grantor shall not enjoy the said premises;

FIRST.—The grantee shall quietly enjoy the said premises;

SECOND.—The grantor will forever warrant the title to said premises: This deed is subject to the trust provisions of Section 13 of the Lien Law. The words "grantor" and "grantee" shall be construed to mean the parties hereto in the sense of this deed so requires.

IN WITNESS WHEREOF, the grantor has executed this deed the day and year first above written.

In presence of:

Alan Kozakiewicz L.S.

55.: ACKNOWLEDGMENT RPL309-a (Do not use outside New York State)

State of New York, County of Monroe

On January 25, 2007 before me, the undersigned, personally appeared

Alan Kozakiewicz personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

PAUL WHITTAKER BURBANK
Notary Public, State Of New York
Monroe County
Commission Expires 7/31/29

Notary Public

CTY
DBO-2

SCHEDULE "A"

1. ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 15, Township 11, Range 8 of the Holland Land Company's Survey and bounded and described as follows:

BEGINNING at a point in the easterly line of Hydraulic Street at the distance of 90 feet northerly from the northerly line of Carroll Street; running thence easterly and along the northerly line of lands conveyed to John Gordon by deed recorded in the Erie County Clerk's Office in Liber 429 of Deeds at page 373, 70 feet more or less to a point in the westerly line of line of lands conveyed to the Board of Trustees of Oberlin College by deed recorded in the Erie County Clerk's Office in Liber 389 of Deed at page 623, said point being distant 90 feet northerly from the northerly line of Carroll Street; thence northerly along said westerly line of lands conveyed to said College 30 feet; thence westerly and parallel with the northerly line of lands conveyed to said John Gordon 65 feet more or less to the easterly line of Hydraulic Street; thence southerly along the easterly line of Hydraulic Street 30 feet to the place of beginning.

Tax Id Number: 122.27-6-11
Property Address: 111 Hydraulic Street
Buffalo, New York 14210

order Q-Val Val realAssessment realComp street map

printable version

OWNERSHIP INFORMATION
LCO BUILDING, LLC
105 HYDRAULIC ST
BUFFALO NY 14210-1407

PARCEL NO: 122.27-6-10
Mail: 726 EXCHANGE ST
 BUFFALO NY 14210-1485
PHONE NUMBER:

COUNTY: ERIE
PROPERTY CLASS: 340 - VACANT LAND LOCATED IN INDUSTRIAL AREAS
CENSUS TRACT: 0012.00
SWIS_SBL: 1402001222700006010000

SALE DATE	PRICE	DEED DATE	LIBER	PAGE	ARMS. LEN.	SELLER	PERS. PROP.	# PARCELS
No sale history in database for this parcel.								

STRUCTURAL INFORMATION

Overall Eff. Yr Built	0
Overall Grade	N/A
Overall Condition	N/A
Construction Type	N/A

LOT INFORMATION

Lot Size Dim.:	90.00x69.00
Zoning	N/A
Nbhd Code	04000
School District	140200 - BUFFALO
Lot Size Acres	0.14
Desirability	SUPERIOR
Water Front	N
Sewer	COMM/PUBLIC
Water	COMM/PUBLIC
Utilities	GAS & ELEC
Nbhd. Rating	UNKNOWN
Nbhd. Type	UNKNOWN
# Res. Sites	0
# Comm. Sites	1
Swis Code	140200

TAX INFORMATION

SBL(Tax ID)#:	122.27-6-10
Assessed Value \$	2,800
Land Assessment \$	2,800
School Tax \$	28
County/Town Tax \$	45
City/Village Tax \$	0
Total Tax \$	73
Full Tax Value \$	2,800
Equalization Rate	1.0000
Prior Tax ID#	N/A
Full Land Value \$	2,800

* The calculated tax amounts are not exact. No special district tax amounts or exemptions have been included. All numbers are estimated based on town values. Taxes should be verified directly from the local tax collector.

Updated: 11/05/2009 8:14 am

BUILDING USAGE

USE AS: NON-CONTRIB

BUILDING BREAKDOWN

# IDENT. BLDG.	BOECKH MODEL	YR. BUILT	QUALITY	CONDITION	PERIMETER	GROSS SQ.FT.	STORIES	HEIGHT	AC%	SPRINKLER	% ALARM	BSMT. TYPE	BSMT. SQ.FT.
0						0	0	0				UNKNOWN	0
						0	0	0					0
						0	0	0					0
						0	0	0					0

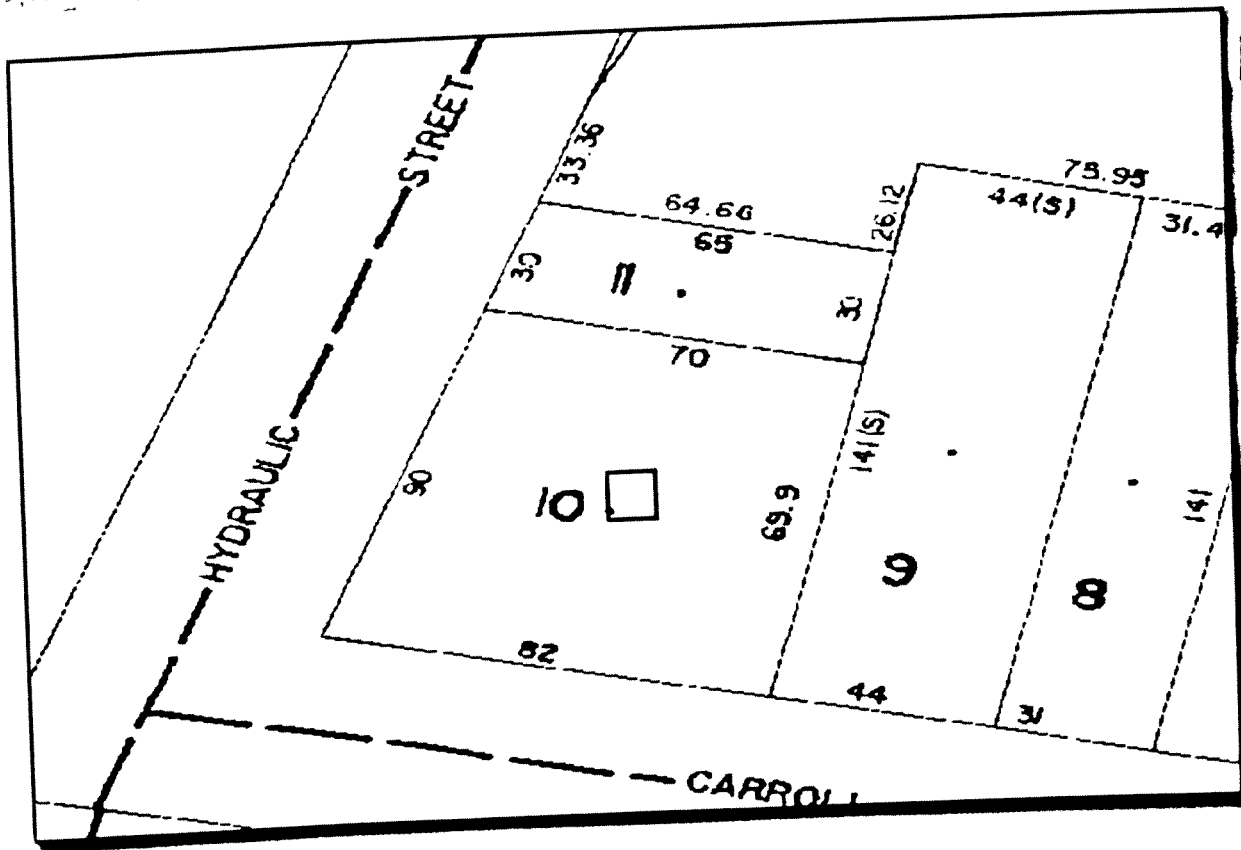
IMPROVEMENTS :

N/A

Note: Display indicates first residential site.

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- ☐ Zoom C
- ☐ Pan
- ☐ Zoom Scale

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ERIE COUNTY CLERKS OFFICE
County Clerk's Recording Page

Return To:

BOX 272 CP

INDUSTRIAL COMMERCE FACILITY
LLC
189 VAN RENSSELAER LLC

20020622
COUNTY \$ 27.00
STATE E&A \$ 22.00
COE STATE \$ 4.75
TRANSFER \$ 4,200.00
NFTA TT \$ 5,250.00
COUNTY E&A \$ 3.00
COE COUNTY \$.25
\$.00
\$.00
Total \$ 9,507.00

STATE OF NEW YORK
ERIE COUNTY CLERKS OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERK'S
ENDORSEMENT, REQUIRED BY SECTIONS 319&316-a
(5) OF THE REAL PROPERTY LAW OF THE STATE OF
NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

DAVID J SWARTS
COUNTY CLERK

Index DEED LIBER

Book 11009 Page 0526

No. Pages 0004

Instrument DEED

Date : 6/28/2002

Time : 2:25:56

Control # 200206281116

OLDTT

TT# TT 2001 026498

Employee ID WAR

TRANSFER TAX

CONSIDERATN \$ 1,050,000.00

TRANSFER TAX \$ 9,450.00



0110090526

THIS INDENTURE,
Made the 26th day of June, 2002

BETWEEN INDUSTRIAL COMMERCE FACILITY, LLC, having an address of
135 Delaware Avenue, Buffalo, New York 14202;
party of the first part, and
189 VAN RENSSELAER LLC, having an address of 70 West
Chippewa Street, Suite 604, Buffalo, New York 14202;
party of the second part,

Witnesseth, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York and being more particularly described on Schedule A annexed hereto and made a part hereof.

SUBJECT to all easements, rights-of-way and restrictions of record, if any.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof;

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to the said premises.

TO HAVE AND TO HOLD, the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the said party of the first part has duly executed this deed the day and year first above written.

INDUSTRIAL COMMERCE FACILITY, LLC

x Mary Ann Miller
Mary Ann Miller, as Trustee of the
Schechtman Childrens Trust d/b/a
Commercial Realty Fund I, sole member

STATE OF NEW YORK)
COUNTY OF ERIE)ss.:

On the 26th day of June, 2002, before me, the undersigned, a notary public in and for said state, personally appeared MARY ANN MILLER, personally known to me or proved to me on the basis of satisfactory evidence, to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity and that by his/her/their signature on the instrument, the individual(s) or the person on behalf of which the individual(s) acted, executed the instrument.

MARGARET M. JACOBSON
Reg. No. 61A4680995
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 2005

Margaret M. Jacobson
Notary Public
987 44-1,050,000
1116 210-3-0

Buyer 2726.0

EXHIBIT A

PARCEL A

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lots Nos. 14 and 15, Township 11, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at the intersection of the northerly line of Exchange Street with the easterly line of Van Rensselaer Street; running thence northerly along the easterly line of Van Rensselaer Street 319.0 feet;

Thence easterly at right angles to Van Rensselaer Street and parallel with former Carroll Street a distance of 290.0 feet;

thence northerly at right angles to the last described course a distance of 10.00 feet;

thence easterly at right angles to the last described course, and parallel with former Carroll Street a distance of 332.0 feet to the west line of Hydraulic Street;

running thence southerly along the westerly line of Hydraulic Street to its intersection with the northerly line of Exchange Street; and thence westerly along the northerly line of Exchange Street to the point or place of beginning.

TOGETHER with easements for ingress and egress as described in deed recorded in Liber 8934 of Deeds at page 490.

PARCEL B

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 15, Township 11, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at the intersection of the northerly line of Exchange Street with the easterly line of Hydraulic Street; running thence northerly along the easterly line of Hydraulic Street to its intersection with the southerly line of Carroll Street; running thence easterly along the southerly line of Carroll Street to its intersection with the westerly line of Griffin Street; running thence southerly along the westerly line of Griffin Street to its intersection with the northerly line of Exchange Street; and thence westerly along the northerly line of Exchange Street to the easterly line of Hydraulic Street at the point or place of beginning.

PARCEL C

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 15, Township 11, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at the intersection of the southerly line of Carroll Street with the easterly line of Griffin Street; running thence easterly along the southerly line of Carroll Street approximately 400 feet to the end of the said Carroll Street at a line formerly designating the "Indian Reservation Line"; thence southwestwardly along said "Indian Reservation Line" to its intersection with the northerly line of Exchange Street at a point approximately 331 feet from the easterly line of Griffin Street; thence along the northerly line of Exchange Street westerly to its intersection with the easterly line of Griffin Street; thence northerly along the easterly line of Griffin Street to its intersection with the southerly line of Carroll Street at the point or place of beginning.

PARCEL D

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Farm Lot No. 14, Township 11, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the point of intersection of the westerly line of Van Rensselaer Street with the southerly line of Carroll Yard, so-called, (formerly Carroll Street); thence running westerly along the southerly line of Carroll Yard, 85.05 feet to the easterly line of the premises conveyed from Larkin Warehouse Inc. and Seneca Warehouse & Industrial Center Inc. to Seneca Warehouse & Industrial Center Inc. by deed dated December 24, 1963 and recorded February 21, 1964 in the Erie County Clerk's Office; thence southerly along said easterly line of said premises, so conveyed to Seneca Warehouse & Industrial Center Inc., as aforesaid, 109 feet more or less to the northerly line of Exchange Street; thence easterly along the northerly line of Exchange Street 85.05 feet to the westerly line of Van Rensselaer Street; and thence northerly along the westerly line of Van Rensselaer Street 109 feet more or less to the point or place of beginning.

BEING the easterly half of premises conveyed to Larkin Warehouse Inc. and Seneca Warehouse & Industrial Center Inc. by the City of Buffalo by deed dated August 16, 1963 and recorded in the Erie County Clerk's Office in Liber 6942 of Deeds at page 393 on October 21, 1963.

PARCEL E

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Farm Lots 14 and 15 Township 11, Range 8 and more particularly described as follows:

Beginning at a point on the easterly line of Van Rensselaer (50') Street, 83.85 feet south of the southerly line of Exchange (66') Street, said point being the intersection of the easterly line of Van Rensselaer and the northerly line of Mill Race; running thence easterly at an interior angle of $89^{\circ} 57'$ parallel with the southerly line of Exchange Street and along the northerly line of Mill Race, 83.50 feet to a point; thence northerly at an interior angle of $270^{\circ} 11'$ along the westerly line of Mill Race, 43.85 feet to a point in the northwest line of the Mill Race; thence easterly at an interior angle of $89^{\circ} 49'$, 53.41 feet to a point in the southeasterly line of the Mill Race; thence southwesterly along the southeasterly line of the Mill Race, 14.81 feet to a point; thence southerly at an interior angle of $244^{\circ} 56'$ along the easterly line of the Mill Race, 46.53 feet to a point; thence northeasterly at an exterior angle of $57^{\circ} 50' 40''$, 5.31 feet to a point in the southerly line of lands of the Erie Railroad Company; thence easterly at an interior angle of $147^{\circ} 39' 40''$ and parallel with the south line of Exchange Street along said southerly line of the Erie Railroad, 77 feet to the west line of lands conveyed to Frannie P. Cottle by deed recorded in Liber 485 of Deeds at page 26; thence southerly along said west line of Cottle, 10 feet to lands conveyed by Marion W. Cottle, et al to the Erie Railroad Company by deed dated October 31, 1913 and recorded in Liber 1310 of Deeds at page 538; thence easterly along said railroad lands and parallel with the south line of Exchange Street, 257.90 feet to an angle point; thence continuing southeasterly along said railroad lands at an interior angle of $177^{\circ} 49' 30''$, 79.05 feet to a point; thence continuing southeasterly along said railroad lands at an interior angle of $170^{\circ} 35' 15''$, 89.95 feet to a point in the easterly line of former proposed Hydraulic Street; thence southerly on said east line, 95.93 feet to the center line of former Mill Street; thence westerly along said center line 25.0 feet to the center line of the proposed Hydraulic Street; thence southerly along said center line 228.33 feet to the north line of Roseville Street; thence westerly along the north line of Roseville Street, 267.50 feet to a point which is 337.50 feet easterly from the east line of Van Rensselaer Street; thence northerly parallel with Van Rensselaer Street, 172.64 feet to a point which is 30 feet southerly from the southerly line of former Mill Street; thence westerly parallel with the southerly line of Mill Street 73.53 feet to a point; thence southerly along a line which is at right angles to Mill Street and 264 feet easterly from the east line of Van Rensselaer Street, 20 feet to a point which is 50 feet southerly from the southerly line of Mill Street; thence westerly and parallel with said Mill Street, 114 feet to a line drawn at right angles with the southerly line of Mill Street through a point therein which is 150 feet easterly from the east line of Van Rensselaer Street; thence northerly along said line, 6.37 feet to a point in the north line of land of John T. Ferris; thence westerly along said north line of Ferris, 150 feet to the east line of Van Rensselaer Street and the northwest corner of said Ferris' land; thence northerly along the east line of Van Rensselaer Street, 201.90 feet to the point of beginning.

PARCEL F

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 15, Township 11, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the east line of Hydraulic Street and the north line of Carroll Street; thence northerly along the east line of Hydraulic Street, 90 feet; thence easterly 70 feet more or less to a point in the westerly line of lands conveyed to the Board of Trustees of Oberlin College by deed recorded in Erie County Clerk's Office in Liber 389 of Deeds at page 623 distant 90 feet northerly from the northerly line of Carroll Street; thence southerly along the westerly line of lands so conveyed to the Board of Trustees of Oberlin College by deed aforesaid 90 feet to the north line of Carroll Street; thence westerly along the north line of Carroll Street 82 feet more or less to the point of beginning.

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OWNERSHIP INFORMATION

LCO BUILDING DEVELOPMENT LLC
742 CARROLL ST
BUFFALO NY 14210-1404

PARCEL NO: 122.27-6-9

Mail: 726 EXCHANGE ST
BUFFALO NY 14210-

PHONE NUMBER:

COUNTY: ERIE
PROPERTY CLASS: 330 - VACANT LAND LOCATED IN COMMERCIAL AREAS

CENSUS TRACT: 0012.00
SWIS_SBL: 1402001222700006009000

SALE DATE	PRICE	DEED DATE	LIBER	PAGE	ARMS. LEN.	SELLER	PERS. PROP.	# PARCELS
11/18/2004	\$ 72,000	11/19/2004	11086	4135	Y	KOZAKIEWICZ ELEANOR	0	1

STRUCTURAL INFORMATION

Overall Eff. Yr Built: 1890
Overall Grade: ECONOMY
Overall Condition: AVERAGE
Construction Type: ALUM/VINYL

TAX INFORMATION

SBL(Tax ID)#: 122.27-6-9
Assessed Value \$: 6,200
Land Assessment \$: 714
School Tax \$: 1,148
County/Town Tax \$: 0
City/Village Tax \$: 1,862
Total Tax \$: 6,200
Full Tax Value \$: 1.0000
Equalization Rate: N/A
Prior Tax ID#: 6,200
Full Land Value \$:

LOT INFORMATION

Lot Size Dim.: 44.00x143.00
Zoning: N/A
Nbhd Code: 04000
School District: 140200 - BUFFALO
Lot Size Acres: 0.14
Desirability: TYPICAL
Water Front: N
Sewer: COMM/PUBLIC
Water: COMM/PUBLIC
Utilities: GAS & ELEC
Nbhd. Rating: AVERAGE
Nbhd. Type: UNKNOWN
Res. Sites: 1
Comm. Sites: 1
Swis Code: 140200

*The calculated tax amounts are not exact. No special district tax amounts or exemptions have been included. All numbers are estimated based on town values. Taxes should be verified directly from the local tax collector.

Updated: 11/05/2009 8:14 am

BUILDING USAGE

CONVRTD APT | TOTAL RENT SQ. FT.: 3852 | UNIT TYPE: APARTMENTS | UNITS: 5

BUILDING BREAKDOWN

# IDENT.	BOECKH	YR.	QUALITY	CONDITION	PERIMETER	GROSS	STORY	AC%	SPRINKLER%	ALARM%	BSMT.	BSMT.
BLDS.	MODEL	BUILT				SQ.FT.	HEIGHT				TYPE	SQ.FT.
1	2 STY APT	1890	ECONOMY	FAIR	428	3,852	2	9	0	0	UNKNOWN	0
2			ECONOMY	AVERAGE		0	2	9				0
						0	0	0				0
						0	0	0				0

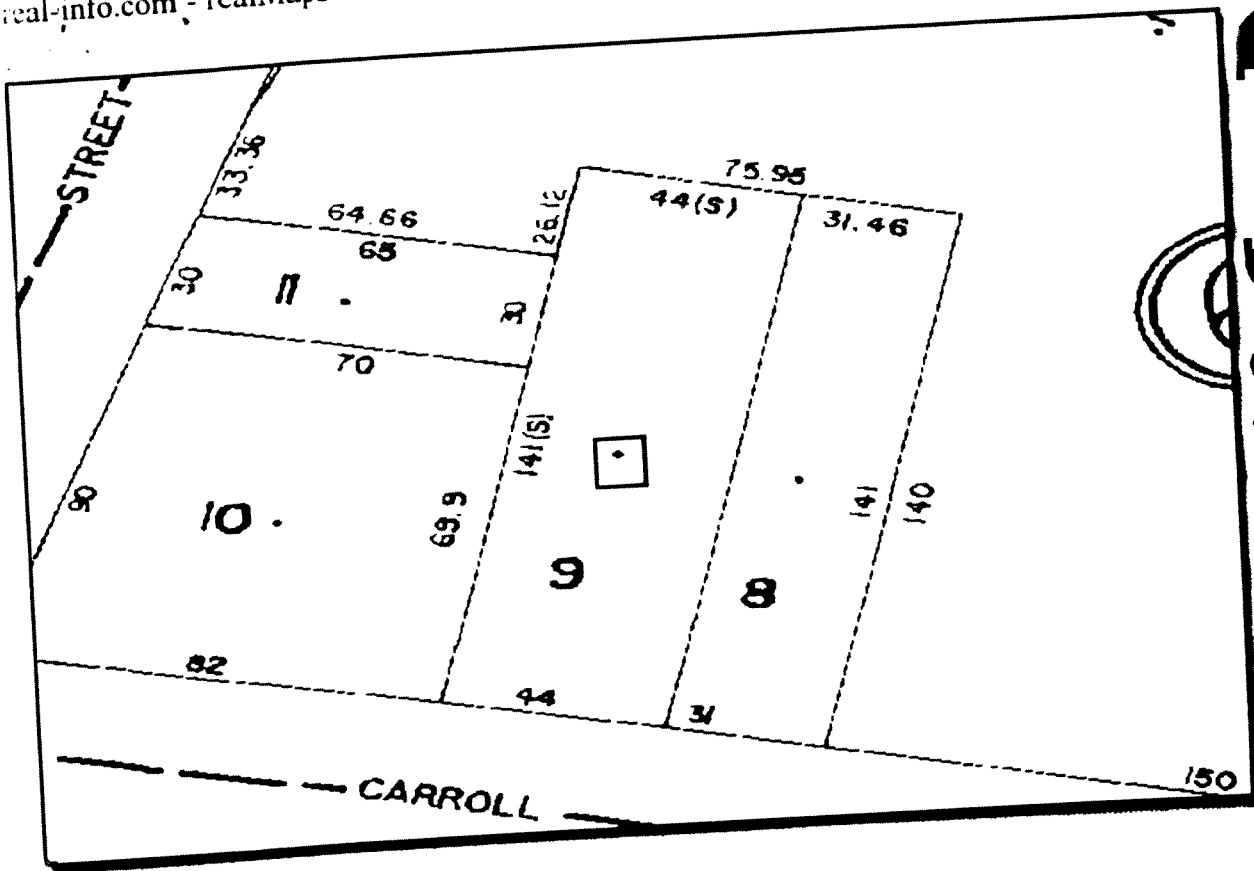
IMPROVEMENTS:

N/A

Note: Display indicates first residential site.

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ERIE COUNTY CLERKS OFFICE
County Clerk's Recording Page

Return To:

FORTON&FORTON
1230 DELAWARE AVE
BFLO NY 14209

KOZAKIEWICZ
ELEANOR
KOZAKIEWICZ
ADAM
LCO BUILDING DEVELOPMENT LLC

COUNTY	\$	26.00
STATE E&A	\$	66.00
COE STATE	\$	4.75
TRANSFER	\$	288.00
NFTA TT	\$	360.00
COUNTY E&A	\$	9.00
COE COUNTY	\$	1.00
COE ST GEN	\$	14.25
	\$	.00
Total:	\$	769.00

STATE OF NEW YORK
ERIE COUNTY CLERKS OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERK'S
ENDORSEMENT, REQUIRED BY SECTIONS 319&316-a
(5) OF THE REAL PROPERTY LAW OF THE STATE OF
NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

DAVID J SWARTS
COUNTY CLERK



Index DEED LIBER

Book 11086 Page 4135

No. Pages 0003

Instrument DEED

Date : 11/19/2004

Time : 9:52:15

Control # 200411190119

OLDTT

TT#

TT 2004 009935

Employee ID WAR

TRANSFER TAX

CONSIDERATN \$ 72,000.

TRANSFER TAX \$ 648.

MAY 27 2005

REC'D _____ ENT'D _____
PD _____ ACCT # _____
REVIEWED _____ ROUTE TO _____
WJJ _____
JAP _____
DGS _____

This Indenture,

Made the 18 day of November, Two Thousand and Four

Between: Eleanor Kozakiewicz, individually and as surviving spouse of Adam Kozakiewicz

Residing at: 7 Leo Court, West Seneca, NY 14224

Grantor(s), and

LCO Building Development, LLC.
70 West Chippewa Street, Buffalo, NY 14202

Residing at:

Grantee.

Witnesseth, that the said Grantors, in consideration of
One and more Dollars (\$ 1.00 + more) lawful money of the United States, paid by the Grantee, does
hereby grant and release unto the Grantees,
their heirs and assigns forever.

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie, and
State of New York, being part of Lot Number 15, Township 11, Range 8 of the Holland Land
Company's survey and being further bounded and described as follows:

COMMENCING at a point in the North Line of Carroll Street at a distance of 256 feet Wester
from the Westerly line of Griffin Street; running thence westerly along the northerly line
Carroll Street 44 feet; thence northerly at a line at right angles to Carroll Street to the south li
of land heretofore conveyed to John Peterson by deed recorded in the Erie county Clerk's Offi
in Liber 145 of Deeds at page 473, which line is also the northerly line of premises conveyed
Henry Koons by deed recorded in the Erie County Clerk's Office in Liber 439 of Deeds at pa
21; thence easterly along the north line of said premises so conveyed to Henry Koons to a po
in said line where the same will be intersected by a line drawn at right angles northerly from
point of commencement in the northerly line of Carroll Street; thence running Southerly along
said line so drawn at right angles to Carroll street to the northerly line of Carroll Street at the po
of beginning.

SUBJECT TO all covenants, easements, restrictions and rights-of-way of record.

L 645
2 1119

CMY - 72M

DIB - 2 - 0

TOGETHER with the appurtenances and all the estate and rights of the Grantor(s) in and to the said premises.
TO HAVE AND TO HOLD, the above granted premises unto the said Grantee.
AND the said Grantor(s) as follows:

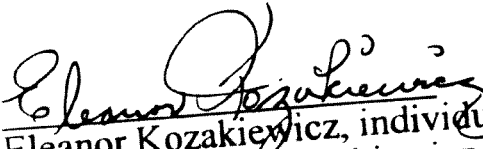
FIRST.-That the Grantees shall quietly enjoy the said premises.

SECOND.-That the Grantors will forever **WARRANT** the title to said premises.

THIRD.-Subject to the trust fund provisions of section thirteen of the lien law.

IN WITNESS WHEREOF, The said Grantor(s) has hereunto set their hands and seal the day and year first above written.

IN PRESENCE OF

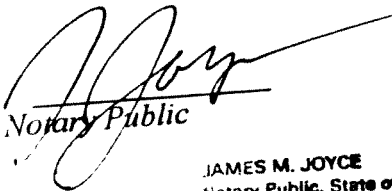

Eleanor Kozakiewicz, individually and as surviving
spouse of Adam Kozakiewicz

STATE OF NEW YORK)

)SS.:

COUNTY OF ERIE)

On this 18 day of November, Two Thousand Four, before me, the undersigned, a Notary Public in and for sa
state, personally appeared Eleanor Kozakiewicz. Personally known to me on the basis of satisfactory eviden
to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they execut
the same in their capacity, and that by their signature on the instrument, the individuals, or the person upon belief
which the individuals acted, executed the instrument.


Notary Public

JAMES M. JOYCE
Notary Public, State of New York
Qualified in Erie County
My Commission Expires April 13, 2007

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[Q-Val](#)
[Val](#)
[ToolAssessment](#)
[ToolComps](#)
[realInfo](#)
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OWNERSHIP INFORMATION
PARCEL NO: 122.27-6-8
LCO BUILDING DEVELOPMENT LLC
Mail: 726 EXCHANGE ST
746 CARROLL ST BUFFALO NY 14210-2012
PHONE NUMBER:
COUNTY: ERIE
PROPERTY CLASS: 311 - RESIDENTIAL VACANT LAND
CENSUS TRACT: 0012.00

SALE INFORMATION
Sale Date 03/26/2004
Arms Length Y Libre 11071
Seller WELCH MARK & MARY
Buyer LCO BUILDING DEVELOPMENT
Price \$ 21,500
Page 4181
Deed Date 03/26/2004
Total Parcels 1
Personal Property 0

SALE HISTORY	PRICE	DATE	ARMS LENGTH	SELLER
PRIOR # 1	\$ 7,000	05/23/2000	N	ESTATE NIEDZWIECKI HENRY J

STRUCTURAL INFORMATION

Square Feet	1,974
Sqft. 1st Floor	987
Sqft. 2nd Floor	987
Fin. Basement Sqft.	0
Year Built	1880
Bldg Style	OLD STYLE
# Units	1
# Stories	2.00
# Baths	2.00
# Bedrooms	5
# Fireplaces	0
# Kitchens	2
Garage Type	N/A
Garage Bays	0
Cooling Detail	NONE
Heat Type	HEAT: (NO CENTRAL) FUEL: (UNKNOWN)
Exterior Condition	COMPOSITION
Basement Type	AVERAGE SLAB/PIER

LOT INFORMATION

Lot Size Dim.:	31.00x140.00
Zoning	N/A
Nbhd Code	00420
School District	140200 - BUFFALO
Lot Size Acres	0.10
Desirability	TYPICAL
Water Front	N
Sewer	COMM/PUBLIC
Water	COMM/PUBLIC
Utilities	GAS & ELEC
Nbhd. Rating	AVERAGE
Nbhd. Type	UNKNOWN
# Res. Sites	2
# Comm. Sites	0
Swis Code	140200

TAX INFORMATION

Tax ID#	122.27-6-8
Assessed Value \$	1,400
Land Assesment \$	1,400
School Tax \$	275
County/Town Tax \$	443
City/Village Tax \$	0
Total Tax \$	718
Full Tax Value \$	1,400
Equalization Rate	1.0000
Prior Tax ID#	N/A
Full Land Value \$	1,400

* The calculated tax amounts are not exact. No special district tax amounts or exemptions have been included. All numbers are estimated based on town values. Taxes should be verified directly from the local tax collector.

Updated: 11/05/2009 8:14 am

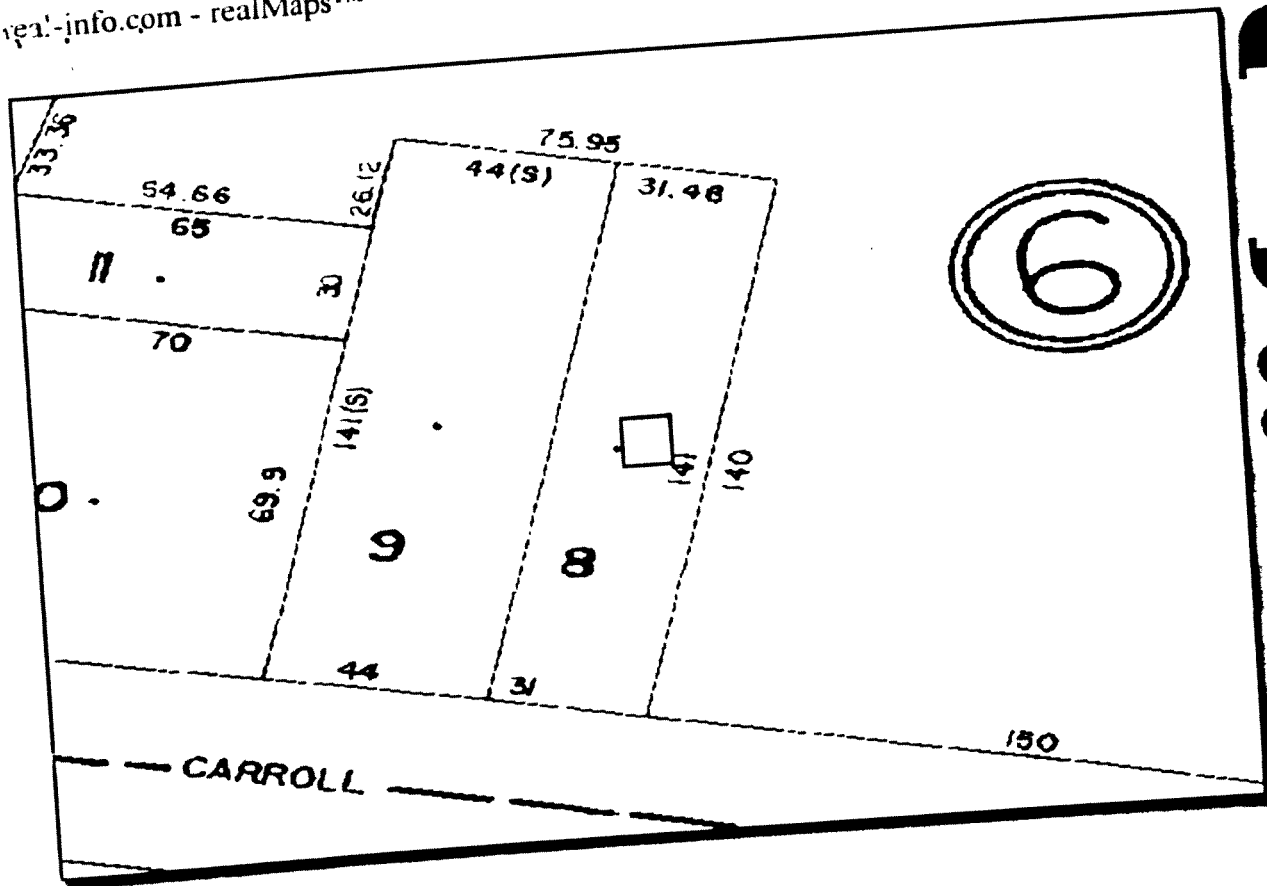
EXEMPTIONS:
 N/A

IMPROVEMENTS:
 N/A

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

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ERIE COUNTY CLERKS OFFICE
County Clerk's Recording Page

Return To:

BOX 272 GP

WELCH
MARK
WELCH
MARY

LCO BUILDING DEVELOPMENT LLC

PROPERTY	\$	23.00
STATE E&A	\$	41.00
COE STATE	\$	4.75
TRANSFER	\$	86.00
NFTA TT	\$	107.50
COUNTY E&A	\$	9.00
COE COUNTY	\$	1.00
COE ST GEN	\$	14.25
	\$	.00

Total: \$ 286.50

STATE OF NEW YORK
ERIE COUNTY CLERKS OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERK'S
ENDORSEMENT, REQUIRED BY SECTIONS 319&316-a
(5) OF THE REAL PROPERTY LAW OF THE STATE OF
NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

DAVID J SWARTS
COUNTY CLERK

Index DEED LIBER

Book 11071 Page 4181

No. Pages 0002

Instrument DEED

Date : 3/26/2004

Time : 12:20:29

Control # 200403260492

OLDTT

TT# TT 2003 020051

Employee ID PSL

TRANSFER TAX

CONSIDERATN \$ 21,500.

TRANSFER TAX \$ 193.



D110714181

215
GP

WARRANTY DEED

THIS INDENTURE, made this 24 day of March, 2004 between Mark Welch and Mary Welch, residing at 108 East Broadway, Fairfield, Iowa, GRANTOR, and

GRANTEE:
LCo Building Development LLC, 70 WEST CHIPMUNK ST. BUFFALO, NY

WITNESSETH, that the GRANTOR, in consideration of One and More Dollars (\$1.00 and more) lawful money of the United States, paid by GRANTEE, does hereby grant and release unto GRANTEE, his heirs, successors, and assigns forever

ALL THAT TRACT or PARCEL of LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot. No. 15, Township 11, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the north line of Carroll Street, formerly Steuben Street, 225 feet west from the west line of Griffin Street; running thence north at right angles to Carroll Street, 141 feet to the north line of premises conveyed to Henry Koons by deed recorded in the Erie County Clerk's Office in Liber 439 of Deeds page 210; thence west along the north line of said premises so conveyed to said Henry Koons, 31.46 feet; thence south at right angles to the north line of Carroll Street to a point in said line of Carroll Street, 31 feet west of the point of beginning; thence east along the north line of Carroll Street, 31 feet to the point of beginning.

TOGETHER with the appurtenances, and also all the estate and rights of the GRANTOR in and to said premises.

TO HAVE and TO HOLD the premises herein granted unto the GRANTEE, his heirs and assigns forever.

AND the GRANTOR does covenant with the GRANTEE as follows:

FIRST: That the GRANTEE shall quietly enjoy the said premises.

SECOND: That the Grantor will forever WARRANT the title to said premises.

THIRD: Subject to the trust fund provisions of section thirteen of New York Lien Law.

IN WITNESS WHEREOF, the GRANTOR has hereunto set his hand the day and year first above written.

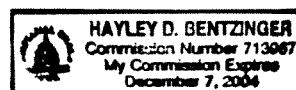
Mark Welch
Mark Welch

Mary Welch
Mary Welch

STATE of Iowa)
COUNTY of Jefferson SS.

On the 24 day of March, 2004 before me, the undersigned, a Notary Public in and for said State, personally appeared Mark Welch and Mary Welch personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Hayley D. Bentzinger
NOTARY PUBLIC



CTY - 24500

10492

order Q-Val Map realAssessment realCompe realInfo street maps

printable version

OWNERSHIP INFORMATION
SAGERE ALB JR
764 CARROLL ST
BUFFALO NY 14210-1404

PARCEL NO: 122.27-6-7
Mail: 764 CARROLL
 BUFFALO NY 14210-1404
PHONE NUMBER:

COUNTY: ERIE
PROPERTY CLASS: 210 - ONE FAMILY YEAR-ROUND RESIDENCE
CENSUS TRACT: 0012.00

SALE INFORMATION
Sale Date 11/21/1995 **Price \$** 25,000 **Deed Date** 11/21/1995
Arms Length Y Libre 10894 **Page** 782 **# Total Parcels** 1
Seller MACDONALD JR WILLIAM F **Buyer** SAGERE JR ALB **Personal Property** 0

SALE HISTORY	PRICE	DATE	ARMS LENGTH	SELLER
PRIOR # 1	\$ 10,500	08/26/1992	N	KUKULA GENEVIEVE & 1

STRUCTURAL INFORMATION

Square Feet	1,271
Sqft. 1st Floor	1,271
Sqft. 2nd Floor	0
Fin. Basement Sqft.	0
Year Built	1880
Bldg Style	OLD STYLE
# Units	1
# Stories	1.00
# Baths	2.00
# Bedrooms	3
# Fireplaces	0
# Kitchens	1
Garage Type	N/A
Garage Bays	0
Cooling Detail	NONE
Heat Type	HEAT: (NO CENTRAL) FUEL: (UNKNOWN) WOOD
Exterior Condition	NORMAL
Basement Type	PIER/SLAB

LOT INFORMATION

Lot Size Dim.:	25.00x122.00
Zoning	N/A
Nbhd Code	420
School District	140200 - BUFFALO
Lot Size Acres	0.07
Desirability	TYPICAL
Water Front	N
Sewer	COMMERCIAL/PUBLIC
Water	COMMERCIAL/PUBLIC
Utilities	GAS/ELECTRIC
Nbhd. Rating	AVERAGE
Nbhd. Type	UNKNOWN
# Res. Sites	1
# Comm. Sites	0
Swis Code	140200

TAX INFORMATION

Tax ID#	122.27-6-7
Assessed Value \$	15,800
Land Assesment \$	1,500
School Tax \$	157
County/Town Tax \$	252
City/Village Tax \$	0
Total Tax \$	409
Full Tax Value \$	15,800
Equalization Rate	1.0000
Prior Tax ID#	N/A
Full Land Value \$	1,500

*The calculated tax amounts are not exact. No special district tax amounts or exemptions have been included. All numbers are estimated based on town values. Taxes should be verified directly from the local tax collector.

Updated: 11/05/2009 8:14 am

EXEMPTIONS:
 N/A

IMPROVEMENTS:
 N/A

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

<< Back to Search Home

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**ERIE COUNTY CLERKS OFFICE****County Clerk's Recording Page**Return To:

BOX 150

Book: 11178 Page: 120

Page Count: 3

Doc Type: DEED-EXEMPT

Rec Date: 02/16/2010

Rec Time: 10:21:57 AM

Control #: 2010027942

User ID: jackie

Trans Num: 848723

DEED SEQ: TT2009012696

MTG SEQ:

UCC:

SCAR:

INDEX:

Party 1:

CITY OF BUFFALO REF

Party 2:

LARKIN DISTRICT DEVELOPMENT LLC

Recording Fees:

RECORDING	\$35.00
COE CO \$1 RET	1.00
TRANSFER	\$0.00
COE STATE \$14.25 GEN	\$14.25
COE STATE \$4.75 RM	\$4.75
RP5217 ST-RES \$116	\$116.00
RP5217 COUNTY \$9 RET	\$9.00
TP584	\$0.00

Consideration Amount: \$35,000.00

BASIC	\$0.00
SONYMA	\$0.00
ADDL	\$0.00
NFTA MT	\$0.00
TRANSFER	\$0.00
NFTA TT	\$0.00

Total: \$180.00

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERK'S ENDORSEMENT,
REQUIRED BY SECTIONS 319&316-a (5) OF THE REAL PROPERTY LAW
OF THE STATE OF NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

Kathleen C. Hochul
County Clerk

REFEREE'S DEED

THIS INDENTURE made this 12 day of February, 2010, between the CITY OF BUFFALO, THE CITY OF BUFFALO WATER BOARD AND THE CITY OF BUFFALO SEWER AUTHORITY, by MICHAEL A. SEAMAN, Director of the Treasury and Collections; Deputy Commissioner of Administration, Finance, Policy and Urban Affairs as REFEREE, in the proceeding hereinafter mentioned, with offices at 65 Niagara Square, Buffalo, New York 14202,

Party of the First Part, and

Larkin District Development LLC, with offices at 726 Exchange Street, Suite 825, Buffalo, New York 14210

Party of the Second Part,

WITNESSETH

WHEREAS, at a Term of the County Court, Erie County, held in the Erie County Court Part 7, 25 Delaware Avenue, Buffalo, New York 14202, on the 25th day of September, 2009, it was, among other things, ordered, adjudged and decreed by said Court in a certain proceeding then pending in the said Court entitled:

IN THE MATTER OF FORECLOSURE OF TAX; USER FEES; SEWER AND WATER CHARGE LIENS, BY PROCEEDING IN REM PURSUANT TO ARTICLE ELEVEN OF THE REAL PROPERTY TAX LAW BY THE CITY OF BUFFALO, THE CITY OF BUFFALO WATER BOARD AND THE BUFFALO SEWER AUTHORITY AFFECTING DISTRICT NOS. 1 THROUGH 14, INCLUSIVE.

Premises: 764 Carroll
Serial No.: 1

In Rem No. 43
Index No. I 2009-1430

that the City of Buffalo et al; are the owners and holders of good and valid tax, user fees, sewer rent and water charge liens against the premises described in the Petition and Notice of Foreclosure filed therein and in said judgment, and that all and singular premises described in said Petition and Notice of Foreclosure and judgment, or such part thereof as is sufficient to satisfy such tax, user fees, sewer rent and water charge liens, and which might be sold separately without material injury to the parties interested, be sold at public auction according to law and the practice of said Court by and under the direction of the Commissioner of Administration, Finance Policy and Urban Affairs enforcing officer of the City of Buffalo, or by the Deputy Commissioner of Administration, Finance Policy and Urban Affairs appointed REFEREE in such proceeding and to whom it was referred by the said judgment, among other things, to make such sale; that the sale be made in the City where the said premises, or the greater part thereof, are situated; that said REFEREE give public notice of the time and place of said sale according to law and the course and practice of said Court, and that any of the parties to said proceeding might become a purchaser or purchasers at such sale; that the said REFEREE execute to the purchaser or purchasers of said premises, or such a part or parts thereof as shall be sold, a good and sufficient deed or deeds or conveyance for the same and pay the taxes, assessments, sewer rent, user fees or water charge which are liens upon the property sold, et al.; and

WHEREAS, the said REFEREE in pursuance of the order and judgment of said Court, did, on the 26th, 27th and 28th day of October, 2009 sell at public auction in the Buffalo Convention Center, Convention Center Plaza, in the City of Buffalo, County of Erie and State of New York, the premises in the said order and judgment mentioned, due notice of the time and place of such sale being first given, pursuant to said judgment, at which sale the premises hereinafter described were sold to the party of the second part for the sum of **Thirty-Five Thousand Dollars (\$35,000.00 & no more)**, that being the highest sum bid for the same and being the highest bidder therefor;

NOW, THIS INDENTURE WITNESSETH: That the said MICHAEL A. SEAMAN, Director of the Treasury and Collections; Deputy Commissioner of Administration, Finance, Policy and Urban Affairs of the City of Buffalo, as REFEREE, being the party of the first part to these presents, in order to carry into effect the sale made by him pursuant to the order and judgment of said Court, and in conformity with the statute in such case made and provided, and also in consideration of the premises and of the said sum of money so bid as aforesaid, having been first duly paid by the party of the second part, the receipt whereof is acknowledged, has bargained and sold and by these presents does grant and convey unto the said party of the second part, his/her/its successors and assigns, all of the right, title and interest which the said City of Buffalo, County of Erie and all other persons, including the State of New York, infants, incompetents, absentees and non-residents, had at the time of the filing of said Petition and Notice of Foreclosure in said proceeding, or at any time thereafter, it being their interest in said premises which was so sold and is hereby conveyed, in and to,

27942 CM
DID - 2

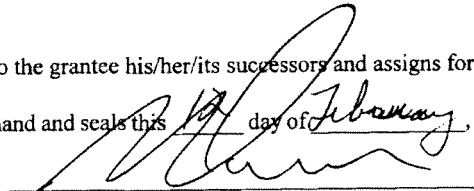
ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, bounded and described as follows:

<u>SERIAL NO.</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>DISTRICT NO.</u>
1	764 Carroll 50. W Griffin 00025 x 00122	147001

<u>CERTIFICATE NO.</u>	<u>SBL NO.</u>
00002300	

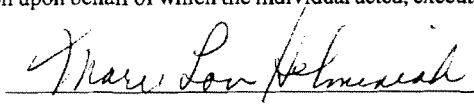
TO HAVE AND TO HOLD the premises herein granted unto the grantee his/her/its successors and assigns forever.

IN WITNESS WHEREOF, the grantor has hereunto set his hand and seals this 19 day of February, 2010.


MICHAEL A. SEAMAN
Director of the Treasury and Collections
Deputy Commissioner of Administration, Finance
Policy and Urban Affairs for the City of Buffalo as
Referee.

STATE OF NEW YORK)
ERIE COUNTY) ss.:
CITY OF BUFFALO)

On 12 day of February in the year 2010, before me the undersigned, personally appeared MICHAEL A. SEAMAN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Commissioner of Deeds/Notary Public, Buffalo, New York
My Commission expires: 8/31/2010

MARY LOU HELMINIAK
Notary Public, State of New York
No. 01HE6012714
Qualified in Erie County
Commission Expires Aug 31, 2010

FOR COUNTY USE ONLY

C1. SWIS Code

C2. Date Deed Recorded

C3. Book

C4. Page

REAL PROPERTY TRANSFER REPORT

STATE OF NEW YORK
STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217

RP-5217 Rev.3/97



PROPERTY INFORMATION

1. Property Location
STREET NUMBER: 764
STREET NAME: Carroll
CITY OR TOWN: Buffalo
VILLAGE: 14210
ZIP CODE: 14210

2. Buyer Name
LAST NAME / COMPANY: Lackin District Development LLC
FIRST NAME:

3. Tax Billing Address
Indicate where future Tax Bills are to be sent if other than buyer address (at bottom of form)
LAST NAME / COMPANY: FIRST NAME:
STREET NUMBER AND STREET NAME: CITY OR TOWN: STATE: ZIP CODE:

4. Indicate the number of Assessment Roll parcels transferred on the deed: 01 # of Parcels OR Part of a Parcel (Only if Part of a Parcel) Check as they apply:
4A. Planning Board with Subdivision Authority Exists
4B. Subdivision Approval was Required for Transfer
4C. Parcel Approved for Subdivision with Map Provided

5. Deed Property Size
FRONT FEET: 251 x DEPTH: 122' OR ACRES:
6. Seller Name
LAST NAME / COMPANY: City of Buffalo
FIRST NAME:

7. Check the box below which most accurately describes the use of the property at the time of sale:
A ☒ One Family Residential
B ☐ 2 or 3 Family Residential
C ☐ Residential Vacant Land
D ☐ Non-Residential Vacant Land
E ☐ Agricultural
F ☐ Commercial
G ☐ Apartment
H ☐ Entertainment / Amusement
I ☐ Community Service
J ☐ Industrial
K ☐ Public Service
L ☐ Forest
8. Ownership Type is Condominium
9. New Construction on Vacant Land
10A. Property Located within an Agricultural District
10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District

SALE INFORMATION

11. Sale Contract Date
Month: / Day: / Year:

12. Date of Sale / Transfer
Month: 2 / Day: 12 / Year: 10

13. Full Sale Price
Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations. Please round to the nearest whole dollar amount.
\$ 35,000.00

14. Indicate the value of personal property included in the sale
\$ 0.00

15. Check one or more of these conditions as applicable to transfer:
A ☐ Sale Between Relatives or Former Relatives
B ☐ Sale Between Related Companies or Partners in Business
C ☐ One of the Buyers is also a Seller
D ☒ Buyer or Seller is Government Agency or Lending Institution
E ☒ Deed Type not Warranty or Bargain and Sale (Specify Below)
F ☐ Sale of Fractional or Less than Fee Interest (Specify Below)
G ☐ Significant Change in Property Between Taxable Status and Sale Dates
H ☐ Sale of Business is Included in Sale Price
I ☒ Other Unusual Factors Affecting Sale Price (Specify Below)
J ☐ None
Reference: 5 Deed - In Rem 43
Tax Foreclosure Sale

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken: 09
17. Total Assessed Value (of all parcels in transfer): \$ 15,800
18. Property Class: 210-1
19. School District Name: Buffalo
20. Tax Map Identifier(s) / Roll Identifier(s) (If more than four, attach sheet with additional identifier(s))
90.56 - 2 - 54

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER

BUYER SIGNATURE: [Signature]
DATE: 2/11/2010
STREET NUMBER: 726
STREET NAME (AFTER SALE): Exchange Street, Ste. 525
CITY OR TOWN: Buffalo
STATE: NY
ZIP CODE: 14210

BUYER'S ATTORNEY

LAST NAME: FIRST NAME:
AREA CODE: TELEPHONE NUMBER:

SELLER

SELLER SIGNATURE: [Signature]
DATE: 2-16-10
City of Buffalo
IT-7.61

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realAssessment

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street maps

printable version

OWNERSHIP INFORMATION

CITY OF BUFFALO DIV OF REAL ESTATE
777 SENECA ST
BUFFALO NY 14210-1409

PARCEL NO: 122.27-6-1

Mail: 777 SENECA
BUFFALO NY 14210-

PHONE NUMBER:

COUNTY:

ERIE

PROPERTY CLASS:

340 - VACANT LAND LOCATED IN
INDUSTRIAL AREAS

CENSUS TRACT: 0012.00

SWIS_SBL: 1402001222700006001000

SALE DATE	PRICE	DEED DATE	LIBER	PAGE	ARMS. LEN.	SELLER	PERS. PROP.	# PARCELS
No sale history in database for this parcel.								

STRUCTURAL INFORMATION

Overall Eff. Yr Built 0
Overall Grade N/A
Overall Condition N/A
Construction Type N/A

TAX INFORMATION

SBL(Tax ID)#: 122.27-6-1
Assessed Value \$ 500
Land Assessment \$ 5
School Tax \$ 8
County/Town Tax \$ 0
City/Village Tax \$ 13
Total Tax \$ 500
Full Tax Value \$ 1,0000
Equalization Rate N/A
Prior Tax ID# 500
Full Land Value \$

LOT INFORMATION

Lot Size Dim.: 30.00x0.00
Zoning N/A
Nbhd Code 04000
School District 140200 - BUFFALO
Lot Size Acres 0.00
Desirability SUPERIOR
Water Front N
Sewer COMM/PUBLIC
Water COMM/PUBLIC
Utilities GAS & ELEC
Nbhd. Rating UNKNOWN
Nbhd. Type UNKNOWN
Res. Sites 0
Comm. Sites 1
Swis Code 140200

*The calculated tax amounts are not exact. No special district tax amounts or exemptions have been included. All numbers are estimated based on town values. Taxes should be verified directly from the local tax collector.

Updated: 11/05/2009 8:14 am

BUILDING USAGE

USE AS: NON-CONTRIB

BUILDING BREAKDOWN

# IDENT. BLDS.	BOECKH MODEL	YR. BUILT	QUALITY	CONDITION	PERIMETER	GROSS SQ.FT.	STORY STORIES	HEIGHT	AC%	SPRINKLER%	ALARM%	BSMT. TYPE	BSMT. SQ.FT.
0		0				0	0	0				UNKNOWN	0
						0	0	0					0
						0	0	0					0
						0	0	0					0

IMPROVEMENTS:

N/A

Note: Display indicates first residential site.

<< Back to Search Home

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Erie County Government - Official website of the Erie County, NY Government

Sections

- [About The Department](#)
- [Real Property Information](#)
- [Tax Information](#)
- [Assessment Calendar](#)
- [Auction Information](#)
- [Real Property Tax Services Home](#)

Real Property Information

Parcel Status	ACTIVE	City\Town	Buffalo	Village	
S-B-L	122.27-6-1	Owner	CITY OF BUFFALO		
Property Location	777 SENECA	Mailing Address	DIV OF REAL ESTATE		
Property Class	340 VACANT INDUS	Line 2			
Assessment	500	Line 3			
Taxable	0	Street	777 SENECA		
Desc	EAST COR HYDRAULIC	City/State	BUFFALO NY		
Desc	168.93 TRI	Zip	14210		
Deed Book	08509	Deed Page	00315		
Frontage	30	Depth	0	Acres	0
Year Built		Square Ft			
Beds		Baths			
FirePlace		School	BUFFALO SCHOOL DIST		
History Link					

Owner Name (Last Name First) or

Property Address No./ Street

S-B-L

Search All

Submit Query

Clear Form

SECTION V.
Property Eligibility Information

AFI Environmental



1100 Shetter Avenue Suite 202
Jacksonville Beach, Florida 32250
904-329-4925
stwsbillh@aol.com

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

March 10, 2010

Deborah J. Chadsey Esq.
726 Exchange STREET, Suite 800
Buffalo, NY 14210

RE: AFI Environmental Response to the NYSDEC Letter Regarding the "Brownfield Cleanup Application, 111 Hydraulic Street Project, BCP ID C915235."
Xb-DoorStore

Dear Ms. Deborah J. Chadsey Esq.

AFI Environmental is writing this letter in response to NYSDEC letter advising us that the Brownfield Cleanup Application is incomplete.

Section II. Property Information Summary Sheet

- ▶ **The minutes for latitude are incorrect. The minutes should be between 0 -59.**

The latitude and longitude for the subject site is Latitude (North): 42.875500 - 42° 52' 31.8" Longitude (West): 78.847400 - 78° 50' 50.6". This can be found in Appendix 14 of "Phase I Environmental Site Assessment Report – 111 Hydraulic Building Project, Buffalo, New York", dated February 2010. Prepared consistent with ASTM E-1527-05 by AFI Environmental, Niagara Falls, New York

- ▶ **The site location on the USGS 7.5 minute quad map needs to be redone because it's not clear whether the site is completely on the map.**

Please see attached map.

Section V. Property Eligibility Information

- ▶ **Questions 5 – The box is checked "yes" and indicates "See Section V Tab". An explanation was not provided in the Section V Tab.**

Section 1 of the "Phase I Environmental Site Assessment Report – 111 Hydraulic Building Project, Buffalo, New York", dated February 2010. Prepared consistent with ASTM E-1527-05 by AFI Environmental, Niagara Falls, New York lists all the recorded spills on the subject site (also listed below). For more information also see section 14 of the Phase I ESA.

Spill Number	Date Spill Reported	Spill Name	County	City/Town	Address
8710236	3/2/1988	AUTOMOBILE ACCIDENT	Erie	BUFFALO	797 SENECA STREET
650564	7/10/2006	FORMER DOOR STORE	Erie	BUFFALO	797 SENECA STREET

Section IX. Land Use Factors

► Written answers to Questions 13 and 14 are not attached.

The following excerpt was taken from "Brownfield Cleanup Program Application – 111 Hydraulic Building Project, Buffalo, New York", dated February 2010 Section VII Property Environmental History. This summary answered questions 13 and 14 on the Brownfield Cleanup Application.

Based on the results from 'Limited' EI Test Pit Installation Activity the upper layer of soils across the site have been impacted from historic activities and will require some level of soil remediation or engineering controls to address the risk for elevated metals and petroleum spills ("hot spots"). The upper horizon appears to have been subject to the dumping or spilling of sands (containing metals) from sandblasting activities and spillage of petroleum products in the drum storage area, beneath the gas tank stock piles and leakage of fluids through cracks in the floors and/or floor drains or sewer in the work bays. Sand blasting sands were noted in "Sand Dumping Areas" (metals) located on the east side of the Site and in the Court yard. (VOCs) associated with petroleum products were also noted and along the west property line on the southern portion of the site and in the court yard located on the east side of the property (along the block wall that forms the west wall) in the area noted as the "Drum Storage Area". Sand blasting sand loaded with metal fragments and remnants of sand and ash were found in mounds and extended to a depth of 4 to 6 ft bg. This was noted along the eastern property lines and just west of the building on the north portion of the Site.

It also appears that contaminates may be moving to the west across the site from the source material which is pooled beneath the concrete slab of the existing building in Parcel #1. The source areas are consistent with the approximate area of the stock piled gas tanks and work bays of the site and visual observations show nuisance characteristics (smell and staining) in areas where drums and abandoned gas tanks were observed in 2004 and 2010. This hot spot is consistent with the area that is the subject of the Open NYSDEC Spill file for the site and was located beneath an abandoned and used gas tank storage area which was now gone.

No USTs were found after an extensive search was conducted by installing numerous test pits in the north west portion of Parcel #1, the courtyard on the east, along suspect walls and outside garage doors and next to loading docks. The area which was the location of the former City of Buffalo School, during the 1940s, was also explored for orphan USTs. No USTs were found at any of the other suspected areas across the site and the site appears to be blessed with a very competent layer of confining and tight clays beneath 4 feet horizon which continues to the top of bedrock except for a 6" fractured layer just above bedrock. The water table was noted at the

PROJECT DESCRIPTION

The proposed project known as 111 Hydraulic Building will encompass revitalization and remediation of the Site, demolition of the existing structures and ACM and Lead abatement as part of "Site Prep" and construction of a new structure to include Retail, Commercial, Office Space, support facilities, court yards, green space with landscaping and parking and vehicle access infrastructure.

The proposed action would replace an existing, at grade, auto body repair, storage and door and gas tank sandblasting and repair facility which is currently vacant and will employ 250 plus new employees when fully operational and at full capacity will incorporate work stations for over 600 employees.

SECTION VI – PROJECT SCHEDULE

Based upon current knowledge of the site the following schedule, subject to change, is proposed.

March 2010 Submit Brownfield Application

March 2010 Submittal of Remedial Investigation and Interim Remedial Measures Work Plan (RI/IRM)

April 2010 Public Notice completed

May 2010 Acceptance into Brownfield Program

May 2010 Abatement / Demolition of Site Structures Begins

June 2010 Modified Remedial Investigation Work Plan submitted to DEC for Review

July 2010 Final Remedial Investigation Work Plan is Approved by DEC

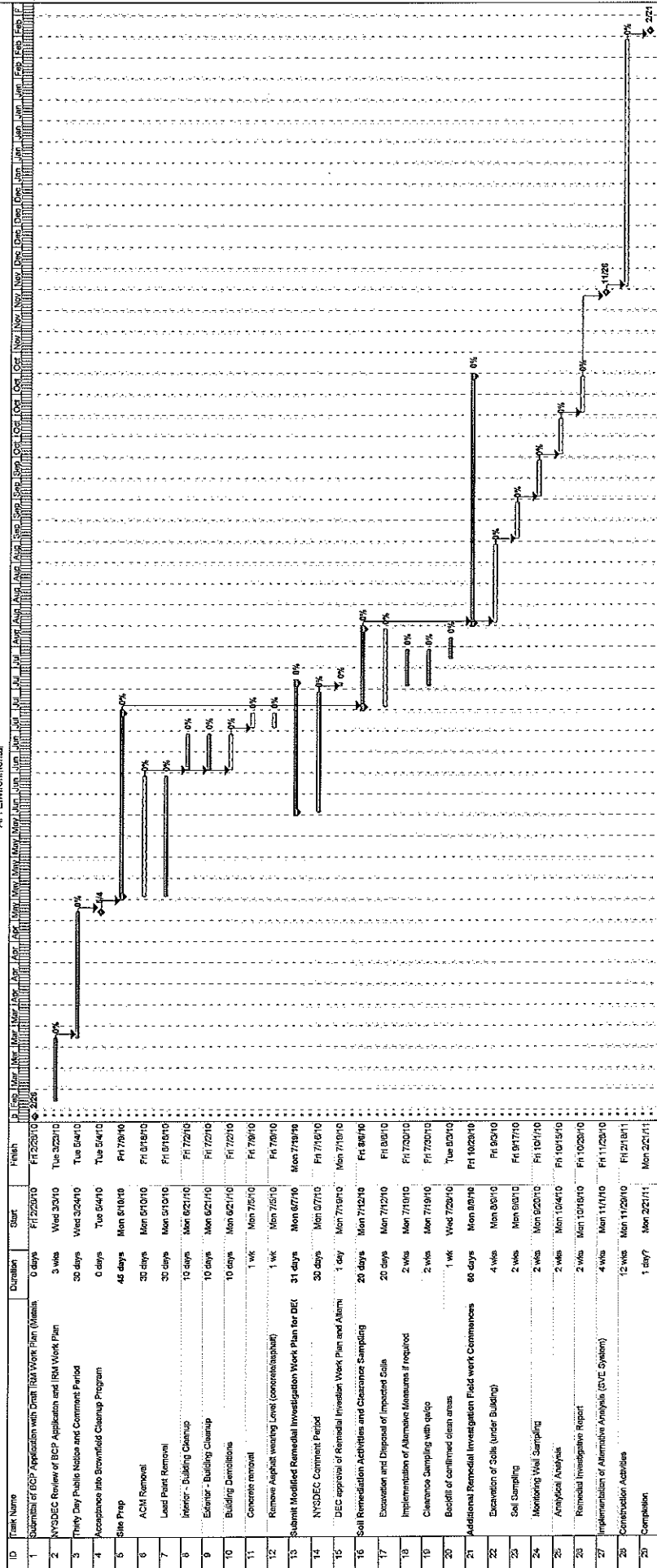
August 2010 Additional Remedial Investigation Field Work Commences

Nov. 2010 Draft Remedial Investigation Report to NYSDEC

Feb 2010 Issuance of Certificate of Completion

Brownfield Cleanup Project Schedule

111 Hydraulic Building
API Environmental



SECTION VII.
Site's Environmental History

Section VII. Site's Environmental History

Parcel Address	Former Owners/Former Operators	Address	Phone No.	Relationship with Previous Owner	Relationship with Previous Operator	Current/Previous Operation
797/799 Seneca Street Buffalo, NY 14210	Ernest J. Thomas & Diane R. Thomas	S4954 Mt Vernon Blvd Hamburg, NY 14075 & 10075 Morse Road E. Concord, NY 14053	716-627-7044	The Applicant has no relationship to the previous owner.	The Applicant has no relationship to the previous operator.	During this owner's tenure the site contained a vacant industrial building.
819 Seneca Street Buffalo, NY 14210	84 Group Inc	295 Main Street, Suite 210 Buffalo, NY 14203	716-854-0600	The Applicant has no relationship to the previous owner.	The Applicant has no relationship to the previous operator.	Property is currently vacant land and has been used historically as a residence.
111 Hydraulic Street Buffalo, NY 14210	Eleanor Kozakiewicz	7 Leo Court West Seneca, NY 14224	716-824-6088	The Applicant has no relationship to the previous owner.	The Applicant has no relationship to the previous operator.	Property is currently vacant land and has been used historically as a residence.
105 Hydraulic Street Buffalo, NY 14210	Industrial Commerce Facility, LLC	135 Delaware Avenue Buffalo, NY 14202	unknown	The Applicant has no relationship to the previous owner.	The Applicant has no relationship to the previous operator.	Property is currently vacant land and has been used historically as a residence.
742 Carroll Street Buffalo, NY 14210	Eleanor Kozakiewicz	7 Leo Court West Seneca, NY 14224	716-824-6088	The Applicant has no relationship to the previous owner.	The Applicant has no relationship to the previous operator.	Property is currently vacant land and has been used historically as a residence.
746 Carroll Street Buffalo, NY 14210	Mark Welch & Mary Welch	108 East Broadway Fairfield, Iowa 52656	unknown	The Applicant has no relationship to the previous owner.	The Applicant has no relationship to the previous operator.	Property is currently used as and has been used historically as a residence.

764 Carroll Street Buffalo, NY 14210	William F. MacDonald, Jr	18 Meadowlawn Road Orchard Park, NY 14127	unknown	The Applicant has no relationship to the previous owner.	The Applicant has no relationship to the previous operator.	Property is currently used as and has been used historically as a residence.
777 Seneca Street Buffalo, NY 14210	City of Buffalo Division of Real Estate	901 City Hall, Buffalo NY 14202	851-5277	The Applicant has no relationship to the previous owner.	The Applicant has no relationship to the previous operator.	Property is currently vacant land and has been vacant land for an extended period.

THIS CHART CONTAINS ALL THE INFORMATION CURRENTLY AVAILABLE TO THE APPLICANT.

SECTION VII – PROPERTY ENVIRONMENTAL HISTORY

The Following has been prepared to satisfy the information requirements of Section VII and provides a summary of existing documentation, a discussion of Site Eligibility Factors and, identification of historic owners/operators.

1. Attached to this application are the following reports, maps and photographs

- “Phase I Environmental Site Assessment Report – 111 Hydraulic Building Project, Buffalo, New York”, dated February 2010. Prepared consistent with ASTM E-1527-05 by AFI Environmental, Niagara Falls, New York
- “Phase I Environmental Site Assessment Report – 797 Seneca Street, Buffalo, New York”, dated July 2004. Prepared consistent with ASTM Practice E1527-00 by AFI Environmental, Niagara Falls, New York (Referenced in February 2010 Phase I)
- “Environmental Investigation Report, Summary of November 2009 & January 2010 Test Pit Installation Activities.” Property Comprised of the Following Addresses: 105 and 111 Hydraulic St, 777 and 797 Seneca St, 742 and 746 Carroll St, Buffalo, New York 14210, dated February 2010. Prepared by AFI Environmental, Niagara Falls, New York
- “Environmental Investigation Report, Summary of November & December 2009 Monitoring Well Installation Activities,” Property Comprised of the Following Addresses: 105 and 111 Hydraulic St, 777 and 797 Seneca St, 742 and 746 Carroll St, Buffalo, New York 14210, dated February 2010. Prepared by AFI Environmental, Niagara Falls, New York
- “Limited Phase II Sub Surface Soil Investigation – “The Door Store” 797 Seneca Street”, Buffalo, New York, dated April 2007. By AFI Environmental, Niagara Falls, New York
- Limited Phase II Sub Surface Soil Investigation – “The Door Store” 797 Seneca Street”, Buffalo, New York, dated July 2006. By AFI Environmental, Niagara Falls, New York

2. Summary of reports and map information

Phase I ESA – January 2010

A Phase I ESA was completed by AFI Environmental in January 2010 in conjunction with preparation of the BCP Application. Potential areas of Environmental Concern (PAEC) identified during AFI's Site Reconnaissance are Listed Below along with The Following Significant Findings were found For the Subject Site:

- In 2006, during a Phase II Site Investigation petroleum contamination was found on the subject site (797 Seneca Street). There was no spill close date issued.
- 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 particals 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 to be part of the paint used within the structure. 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).

Phase I ESA – July 2004

A Phase I ESA was completed by AFI Environmental in July 2004 for City View Properties. The Phase I ESA identified Recognized Environmental Conditions (RECs) found during the conduct of the ESA and are listed below:

- 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 Department has record of a 12,000 gallon UST being installed with no documentation of removal. There is also record of a 1000 gallon UST being installed, replaced and removed. (This concern was explored in January 2010 during test pit activities and was not found)
- There is potential (due to the age of the building) for construction materials within the building to contain asbestos (ACMs). No asbestos survey was provided to the inspector for the property. During a walk-thru on July 6, 2004, Several areas of possible ACMs were noted 9x9 floor tile, 12x12 tiles, ceiling tiles, adhesive ceiling pucks, grout, mastic, window caulk, construction materials, roofing, flashing construction flashing on concrete, pipe wrap, insulation, brick covering, AST insulation, etc.
- 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) contain Lead-based paint. 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 and for the possibility of lead in the drinking water.
- There was mold noticed in the second floor office on the Seneca Street section.
- There are fenders, bumpers, gas tanks, and other miscellaneous car parts throughout the building. Wall signs on the property stated "Clients with leaking gas tanks should park in a designated area". Numerous leaking gas tanks were observed on the site.
- 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 courtyard across neighboring residential yards depending on wind direction and air velocity.
- The site has a painting bay for vehicles which includes an exhaust fan that deposits the airborne paint particles outside; no filters or air permits were available for the site.
- There is potential (due to the 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 noticed: electrical fixtures, capacitors, mercury switches, and transformers.
- There is an incinerator onsite which could contain asbestos bricks.
- Fluorescent light fixtures may contain ballast with PCB components.

- Spraying operations conducted within the rear section of the gas tank repair area and the operation of the gas tank dryer as-well-as where the tank sealing material is applied are areas that could reasonably be expected to be contaminated.
- Several 55-gallon drums (some open) containing isocyanite (a hazardous and regulated material) located in the court yard. Numerous 5-gallon pails containing the above material, or, waste petroleum, vehicle repair fluids, or other waste fluids, were scattered throughout the building; a concentration of containers within the compressor building area.
- Vehicle repair parts: batteries, transmissions, engines, gas tanks, etc; located throughout the facility may contain materials that could reasonably be expected to cause contamination.

Environmental Investigation Report - Test Pit Installation November 2009 & January 2010

Based on the results from this 'Limited' EI Test Pit Installation Activity the upper layer of soils across the site have been impacted from historic activities and will require some level of soil remediation or engineering controls to address the risk for elevated metals and petroleum spills ("hot spots") The upper horizon appears to have been subject to the dumping or spilling of sands (containing metals) from sandblasting activities and spillage of petroleum products in the drum storage area, beneath the gas tank stock piles and leakage of fluids through cracks in the floors and/or floor drains or sewer in the work bays. Sand blasting sands were noted in "Sand Dumping Areas" (metals) located on the east side of the Site and in the Court yard. (VOCs) associated with petroleum products were also noted and along the west property line on the southern portion of the site and in the court yard located on the east side of the property (along the block wall that forms the west wall) in the area noted as the "Drum Storage Area". Sand blasting sand loaded with metal fragments and remnants of sand and ash were found in mounds and extended to a depth of 4 to 6 ft bg. This was noted along the eastern property lines and just west of the building on the north portion of the Site.

It also appears that contaminants may be moving to the west across the site from the source material which is pooled beneath the concrete slab of the existing building in Parcel #1. The source areas are consistent with the approximate area of the stock piled gas tanks and work bays of the site and visual observations show nuisance characteristics (smell and staining) in areas where drums and abandoned gas tanks were observed in 2004 and 2010. This hot spot is consistent with the area that is the subject of the Open NYSDEC Spill file for the site and was located beneath an abandoned and used gas tank storage area which was now gone.

No USTs were found after an extensive search was conducted by installing numerous test pits in the north west portion of Parcel #1, the courtyard on the east, along suspect walls and outside garage doors and next to loading docks. The area which was the location of the former City of Buffalo School, during the 1940s, was also explored for orphan USTs. No USTs were found at any of the other suspected areas across the site and the site appears to be blessed with a very competent layer of confining and tight clays beneath 4 feet horizon which continues to the top of bedrock except for a 6" fractured layer just above bedrock. The water table was noted at the rock overburden interface; however, perched water was noted in shallower depth near the building and in the courtyard.

Environmental Investigation Report - Monitoring Well Installation Activities November & December 2009

The main purpose of this investigation was to ascertain from field observations and limited soil and groundwater inspection and sampling, if major concerns, associated with the RECs identified during AFI's Phase 1 ESA had impacted deep soils and possibly ground water beneath the Site.

(Due to budgetary constraints only limited groundwater sampling was conducted to date.)

Results for the limited sampling indicated slightly elevated values for cis-1,2-Dichloroethene and Vinyl Chloride in MW11 when compared to Part 375 and TAGM 4046 guidelines. During the well installation activities some limited soil sampling was also conducted. Soil sample results showed no elevated values of Volatile or Semi-Volatile compounds (at depth), when compared to Part 375 and TAGM 4046 guidelines.

Based on the results from this 'Limited' EI Test Pit Installation Activity the upper layer of soils across the site have been impacted from historic activities and will require some level of soil remediation or engineering controls to address the risk for elevated metals and petroleum spills

("hot spots") The upper horizon appears to have been subject to the dumping or spilling of sands (containing metals) from sandblasting activities and spillage of petroleum products in the drum storage area, beneath the gas tank stock piles and leakage of fluids through cracks in the floors and/or floor drains or sewer in the work bays. Sand blasting sands were noted in "Sand Dumping Areas" (metals) located on the east side of the Site and in the Court yard. (VOCs) associated with petroleum products were also noted and along the west property line on the southern portion of the site and in the court yard located on the east side of the property (along the block wall that forms the west wall) in the area noted as the "Drum Storage Area". Sand blasting sand loaded with metal fragments and remnants of sand and ash were found in mounds and extended to a depth of 4 to 6 ft bg. This was noted along the eastern property lines and just west of the building on the north portion of the Site.

It also appears that contaminates may be moving to the west across the site from the source material which is pooled beneath the concrete slab of the existing building in Parcel #1. The source areas are consistent with the approximate area of the stock piled gas tanks and work bays of the site and visual observations show nuisance characteristics (smell and staining) in areas where drums and abandoned gas tanks were observed in 2004 and 2010. This hot spot is consistent with the area that is the subject of the Open NYSDEC Spill file for the site and was located beneath an abandoned and used gas tank storage area which was now gone.

Limited Phase II ESA – April 2007

In March of 2007, AFI performed a supplemental Interior-Subsurface Investigation. AFI's scope of work included the installation of a limited number, of indoor soil probings using a portable Geoprobe Drill Rig, and the collection of soil samples with 4' split spoon continuous sampling, visual inspection of recovered material, sample collection, and independent analytical testing, by NYS certified lab, of select soil samples. The chemical analysis performed for this investigation was 'limited' to evaluating petroleum constituents specifically (VOCs, SVOCs and TPH).

This suite of chemical analyses was chosen by AFI; based on AFI's prior knowledge of potential soil impacting activities observed at the 'Door Store'; during AFI's Phase I Environmental Site Assessment (2004 Phase I ESA).

The investigation was performed by AFI Environmental on behalf of City View Properties and consisted of:

Advancement of twenty four (24) probe holes with a track mounted Geoprobe within accessible areas of the interior of the building to a depth of 12'-16' or refusal, whichever occurred first. Continuous split-spoon sampling occurred in 4' increments. Each 4' sample tube was scanned with a PID meter. A composite sample was collected from each of the worst 4' sampling intervals, and transported to the lab for analysis.

Limited Phase II ESA – July 2006

In June of 2006 AFI performed a Limited Phase II Subsurface Environmental Investigation; based on a limited budget and the clients request for info regarding site potential qualification for NYSDEC Brownfield Agreement. The investigation was performed by AFI Environmental on behalf of LCO Building Development, LLC and consisted of:

- Collection of nine (9) shallow (0-6 inches bgs) soil samples on a fifty foot grid interval spacing across the parcels and analysis for Heavy Metals by Method 6000/7000;

The results are summarized in the following table:

TABLE #1-3a

HEAVY METALS ANALYTICAL RESULTS

797 SENECA STREET, BUFFALO, NEW YORK

Method 6000/7000

JUNE 23, 2006

Contaminant	Residential (ppm)	Restricted Residential (ppm)	Commercial (ppm)	AH1 0"-6" (ppm)	AH2 0"-6" (ppm)	AH3 0"-6" (ppm)	AH4 0"-6" (ppm)	AH5 0"-6" (ppm)	AH6 0"-6" (ppm)	AH7 0"-6" (ppm)	AH8 0"-6" (ppm)	AH9 0"-6" (ppm)
Arsenic	16 ^f	16 ^f	16 ^f	12.8	11.7	17.5	27.0	22.6	24.6	12.7	23.3	14.1
Barium	350 ^f	400	400	127	129	451	423	284	445	148	396	180
Cadmium	2.5 ^f	4.3	9.3	ND	ND	ND	ND	ND	ND	ND	ND	ND
Chromium	22	110	400	18.3	14.2	34.8	24	27.7	34.4	18.5	32.3	19.4
Lead	400	400	1,000	373	322	1140	1250	658	3590	553	1950	521
Mercury	0.81 ^f	0.81 ^f	2.8 ^f	0.389	1.06	1.18	0.904	.965	1.71	0.487	1.57	0.656
Selenium	36	180	1,500	ND	ND	ND	ND	ND	ND	ND	ND	ND
Silver	36	180	1,500	ND	ND	ND	ND	ND	ND	ND	ND	ND

ND – Non-Detect

- Advancement of eight (8) deeper (0-6 feet bgs) soil borings and collection of soil composite samples from each boring for analysis of Metals by Method 6000/7000, Volatiles by Method 8260 and Semi-Volatiles by Method 8270. The eight (8) soil boring locations were selected primarily to assess subsurface soil conditions for foundation design purposes and were located in areas projected for excavation for building footers.

There were some exceedances for VOCs and SVOCs of the TAGM 4046 Cleanup Criteria and the Residential (SCOs), but not of the Restricted Residential and/or Commercial SCOs. The majority of exceedances were in the Heavy Metals. The results are tabulated in the following tables:

TABLE # 1-3b

HEAVY METALS ANALYTICAL RESULTS

797 SENECA STREET, BUFFALO, NEW YORK

Method 6000/7000

JUNE 14, 2006

Contaminants	Residential (ppm)	Restricted Residential (ppm)	Commercial (ppm)	SB2 0'-4' (ppm)	SB5 0'-6" (ppm)	SB3 Mound (ppm)	SB6 0'-6" (ppm)	SB6 4'-6' (ppm)	SB7 Mound (ppm)
Arsenic	16 ^f	16 ^f	16 ^f	13.7	8.99	ND	ND	ND	13.9
Barium	350 ^f	400	400	263	229	64.0	183	21.9	816
Cadmium	2.5 ^f	4.3	9.3	ND	17.1	ND	ND	ND	ND
Chromium	22	110	400	73.9	67.9	149	327	ND	620
Lead	400	400	1,000	902	917	210	1580	64.6	1910
Mercury	0.81 ^f	0.81 ^f	2.8 ^f	0.896	0.640	0.126	0.075	1.85	2.31
Selenium	36	180	1,500	ND	ND	ND	ND	ND	ND
Silver	36	180	1,500	ND	ND	ND	ND	ND	ND

ND – Non-Detect

SECTION VIII.
Contact List Information

CONTACT LIST INFORMATION

1. Chief Executive Officer and City Administrator of each County, City, Town and Village in which the Site is located.

a) City of Buffalo

Office of the Mayor
Mayor Byron W. Brown
201 City Hall
Buffalo, NY 14202
(716) 852-3300

Office of City Administrator
Janet Penska
203 City Hall
Buffalo, NY 14202
(716) 851-5922

b) Erie County

Erie County Executive
Chris Collins
95 Franklin Street
16th Floor
Buffalo, NY 14202
Phone: (716) 858-8500

Hon. Kathy Hochul
92 Franklin Street
Buffalo, NY 14202
(716) 858-8865

2. Residents, Owners, and Occupants of the Site and Properties Adjacent to the Site.

a) Residents, Owners and Occupants of the Site

598 Main Street LLC
C/O Cityview Properties
726 Exchange St
Buffalo, NY 14210

Lloyd Hogan
1929 South Park Ave
Buffalo, NY 14220

Gerald M O'Brien
792 Carroll St
Buffalo, NY 14210

Alb Sagere
764 Carroll St
Buffalo, NY 14210

LCO Building Development LLC
726 Exchange St
Buffalo, NY 14210
*(To be transferred to 598 Main Street LLC.)

3. *Local News Media from which the community typically obtains information.*

Buffalo News (Newspaper)
One News Plaza
P.O. Box 100
Buffalo, NY 14240
(716) 849-4444

WJL- 1440 AM (Radio)
920 Union Road
West Seneca, NY 14224
(716) 674-9555

WGRZ- NBC (Channel 2)
259 Delaware Avenue
Buffalo, NY 14202
(716) 849-2222

WIVB- CBS (Channel 4)
2077 Elmwood Avenue
Buffalo, NY 14202
(716) 874-4410

WKBK- ABC (Channel 7)
7 Broadcast Plaza
Buffalo, NY 14202
(716) 845-6100

WUTV- FOX (Channel 29)
699 Hertal Avenue, Suite 100
Buffalo, NY 14207

4. *Public Water Supplier which services the area.*

City of Buffalo Water Board
281 Exchange Street
Buffalo, NY 14204

5. *Any person who has requested to be placed on the contact list.*

None Identified to Date.

6. *The administrator of any school or day care facility located on or near the property.*

None Identified

7. *The location of a document repository for the project.*

Buffalo and Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203

From: April Tompkins [mailto:tompkinsa@buffalolib.org]
Sent: Thursday, March 04, 2010 10:16 AM
To: stwsbillh@aol.com
Subject: Permission Request

Good Morning Mr. Heitzenrater,

This is to inform you that permission has been granted in response to the letter we received **"RE:**

Document Repository Permission Request" – "File: XB- Larkindoor Store" for the Brownfield Cleanup Application.

The Buffalo and Erie County Public Library will be the repository for the document(s) noted in your letter. Upon receipt of the document(s), they will be made available for public review.

If you still need a formal letter or have any questions/concerns, please feel free to contact me at the above e-mail address or by phone at 716-858-7129.

Thank you.

Regards,
April Tompkins

SECTION IX.
Land Use Factors

Spill Number	Date Spill Reported	Spill Name	County	City/Town	Address
8710236	3/2/1988	AUTOMOBILE ACCIDENT	Erie	BUFFALO	797 SENECA STREET
650564	7/10/2006	FORMER DOOR STORE	Erie	BUFFALO	797 SENECA STREET

Section IX. Land Use Factors

► Written answers to Questions 13 and 14 are not attached.

The following excerpt was taken from “Brownfield Cleanup Program Application – 111 Hydraulic Building Project, Buffalo, New York”, dated February 2010 Section VII Property Environmental History. This summary answered questions 13 and 14 on the Brownfield Cleanup Application.

Based on the results from ‘Limited’ EI Test Pit Installation Activity the upper layer of soils across the site have been impacted from historic activities and will require some level of soil remediation or engineering controls to address the risk for elevated metals and petroleum spills (“hot spots”). The upper horizon appears to have been subject to the dumping or spilling of sands (containing metals) from sandblasting activities and spillage of petroleum products in the drum storage area, beneath the gas tank stock piles and leakage of fluids through cracks in the floors and/or floor drains or sewer in the work bays. Sand blasting sands were noted in “Sand Dumping Areas” (metals) located on the east side of the Site and in the Court yard. (VOCs) associated with petroleum products were also noted and along the west property line on the southern portion of the site and in the court yard located on the east side of the property (along the block wall that forms the west wall) in the area noted as the “Drum Storage Area”. Sand blasting sand loaded with metal fragments and remnants of sand and ash were found in mounds and extended to a depth of 4 to 6 ft bg. This was noted along the eastern property lines and just west of the building on the north portion of the Site.

It also appears that contaminates may be moving to the west across the site from the source material which is pooled beneath the concrete slab of the existing building in Parcel #1. The source areas are consistent with the approximate area of the stock piled gas tanks and work bays of the site and visual observations show nuisance characteristics (smell and staining) in areas where drums and abandoned gas tanks were observed in 2004 and 2010. This hot spot is consistent with the area that is the subject of the Open NYSDEC Spill file for the site and was located beneath an abandoned and used gas tank storage area which was now gone.

No USTs were found after an extensive search was conducted by installing numerous test pits in the north west portion of Parcel #1, the courtyard on the east, along suspect walls and outside garage doors and next to loading docks. The area which was the location of the former City of Buffalo School, during the 1940s, was also explored for orphan USTs. No USTs were found at any of the other suspected areas across the site and the site appears to be blessed with a very competent layer of confining and tight clays beneath 4 feet horizon which continues to the top of bedrock except for a 6” fractured layer just above bedrock. The water table was noted at the

rock overburden interface; however, perched water was noted in shallower depth near the building and in the courtyard.

AFI Environmental would be happy to offer further assistance with this issue. If you have any questions, please do not hesitate to call Bill at 716-940-2725 or contact Bill at stwsbillh@aol.com

Sincerely,

AFI Environmental

William Heitzenrater
Project Manager

WILLIAM L. HEITZENRATER
Sr. Environmental Professional

WLH: pwa

cc: file xb-Doorstore
afi2010/xb-doorstore/corOut 31010 rev1

Current Use

Information concerning historical and existing use of the seven parcels that make up the proposed 111 Hydraulic Building ("Site") that is the subject of this BCP Application is describe in the Phase I Environmental Assessment Report, dated February 2010 and prepared by AFI Environmental. That report is attached to this BCP Application and includes and references the previous Phase I ESA conducted by AFI in 2004 which was limited to 797 Seneca Street. Information concerning possible and documented contaminant sources is also shown in the attached reports to this BCP Application and further summarized in attachment for **Section VII Property Environmental History**.

In summary, the Site is currently made up of six parcels which are owned or under purchase contract (#s 1,2,3,4,5,6,7) by 598 Main Street LLC and one parcel leased (#9) from the City of Buffalo. Parcel #9 is a small drainage easement which is the location of the historic underground hydraulic canal conduit.

Residential buildings on the south west portion of the Site, which were noted in the 2004 ESA to contain deteriorated residential structures are now gone and are paved over and/or grass covered and being used as parking as needed. Sampling between these structures showed elevated lead levels. The remaining residential structure to the south west (parcel #7) is abandoned, deteriorated and requires immediate attention. The "Former Good Door Store" (parcel #1) has been abandoned since 2004 and is now and is also in deteriorated condition and presenting a potential hazard. Information in the 2010 Phase I ESA (interviews and Site Reconnaissance Notes) indicates that the building included "Spray Booths" "Sand Blasting Booths", "Vehicle Repair Bays", "Drum Storage Areas", "Gas Tank Storage Areas", and "Stacks of used Gas Tanks and Radiators and Doors". The EDR Records Search and Polk File Directory search included with the ESA documented commercial laundry activity, dry cleaning and vehicle storage and other uses of concern.

Relative to historical operations and activities, the use of hazardous chemicals and petroleum products would have been common including the dumping of sand blasting sands contaminated with metals in specific areas of the Site. Other products apparently used at the Site included solvents for degreasing, mineral spirits, cleaning fluids, paints, and a variety of oils and petroleum products.

Intended Use

All buildings associated with the Site will be demolished after asbestos containing materials are removed and the concrete footers, slabs, and paved areas will be removed as part of the "Site Prep" Phase. This Phase will also include the removal of all the remaining containers, equipment, drums and gas tanks, radiators, bumpers and debris. After which the Applicant will construct a new, state of the art, 2-Story, mixed use, professional office space, including commercial office space, surface parking, court yard, and landscaping with green space. The proposed Building will be known as "**111 Hydraulic Building**". In addition to the planned soil excavation the Applicant's plans to include a Vapor Intrusion Barrier in the building plans to add quality to the project. If the areas of non metal contamination extend deeper than 4 to 6 ft outside the foot print of the proposed building alternatives will include the placement of a liner and/or soil vapor extraction system, or excavation, cap and landscaping.