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2019 PERIODIC REVIEW REPORT 129 HOLDEN STREET REDEVELOPMENT BUFFALO, NEW YORK BROWNFIELD CLEANUP PROGRAM Site Number C915261

March 20, 2019

GZA File No. 21.0056642.30



PREPARED FOR:

Highland Park Village LLC
Buffalo, New York

GZA GeoEnvironmental of New York

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VIA EMAIL

March 20, 2019
File No. 21.0056642.30

Mr. David Szymanski
New York State Department of Environmental Conservation
Division of Environmental Remediation
270 Michigan Avenue
Buffalo, New York 14203
email: david.szymanski@dec.ny.gov

Re: 2019 Periodic Review Report
129 Holden Street Redevelopment
Buffalo, New York
Brownfield Cleanup Program Site (Number C915261)

Dear Mr. Szymanski:

GZA GeoEnvironmental of New York (GZA) is pleased to submit this Periodic Review Report (PRR) on behalf of Highland Park Village LLC (Highland). Highland is the owner and operator of the 129 Holden Street Redevelopment Brownfield Cleanup Program (BCP) Site (No. 915261). This is the third PRR to be submitted for the Site for which a Certificate of Completion (COC) was issued by the New York State Department of Environmental Conservation (NYSDEC) on November 20, 2015. GZA prepared this PRR in general conformance with the guidelines provided to Highland in your reminder notice letter dated January 8, 2019.

If you have any questions or need additional information, please call Jim Richert at (716) 844-7048.

Sincerely,

GZA GEOENVIRONMENTAL OF NEW YORK

James J. Richert, P.G.
Senior Project Manager

Bart A. Klettke, P.E.
Principal

Cc: John Ciminelli (Highland Park Village LLC)
April Bradley (Highland Park Village LLC)
Jaspal Walia (NYSDEC Region 9)
Brad Packard (Belmont Housing Resources for WNY, Inc.)



TABLE OF CONTENTS

	<u>Page</u>
1.0 EXECUTIVE SUMMARY	1
1.1 BACKGROUND	1
1.2 EFFECTIVENESS OF THE REMEDIAL PROGRAM	2
1.3 COMPLIANCE	2
1.4 RECOMMENDATIONS	2
2.0 SITE OVERVIEW	2
2.1 SITE LOCATION AND FEATURES	2
2.2 INVESTIGATION AND REMEDIAL HISTORY	3
3.0 EVALUATION OF REMEDY PERFORMANCE, EFFECTIVENESS, AND PROTECTIVENESS	4
4.0 INSTITUTIONAL CONTROL/ENGINEERING CONTROL (IC/EC) PLAN COMPLIANCE REPORT	4
4.1 IC/EC REQUIREMENTS AND COMPLIANCE	4
4.2 IC/EC CERTIFICATION	5
5.0 PRR CONCLUSIONS AND RECOMMENDATIONS	5
5.1 PRR CONCLUSIONS	5
5.2 PRR RECOMMENDATIONS	5

FIGURES

FIGURE 1 SITE LOCATION MAP

FIGURE 2 SITE PLAN WITH PHOTO LOCATIONS

APPENDICES

APPENDIX A	60-DAY NOTICE AND CONFIRMATION OF PARTIAL PROPERTY TRANSFER
APPENDIX B	SITE INSPECTION FORM
APPENDIX C	PHOTOGRAPH LOG
APPENDIX D	BUILDING PERMIT
APPENDIX E	IC/EC CERTIFICATION FORM



1.0 EXECUTIVE SUMMARY

1.1 BACKGROUND

The 129 Holden Street Redevelopment Site (Site) is in the City of Buffalo, Erie County, New York (**Figure 1**). The 27.09-acre Site was used as a rock quarry by Buffalo Cement from the early 1900s until the mid-1950s; and was filled and developed into the Central Park Shopping Plaza from 1958 to 2011. A Phase I Environmental Site Assessment (ESA) identified several Recognized Environmental Conditions (RECs) including the mixed soil/fill that was used to backfill the quarry; as well as several former Site uses including a dry cleaner and an auto repair shop. Phase II ESA and Remedial Investigations confirmed the presence of semi-volatile organic compounds (SVOCs) and metals in the soil/fill at concentrations greater than NYSDEC Part 375 Restricted Residential Soil Cleanup Objectives (RRSCOs). Considering that groundwater was determined to be not impacted, and that the site contaminants of concern are not volatile, the focus of the Site remedy was to minimize the exposure risks of direct contact and/or inhalation with site contaminants in the soil/fill. The Remedial Action Objectives (RAOs) for the Site included:

- Addressing soils with contaminants above the RRSCOs in the upper 2 feet;
- Prevention of ingestion or direct contact with soil contaminants exceeding the RRSCOs;
- Implementation and maintenance of engineering and institutional controls as follows.

Institutional Controls Include:

- Property use may include restricted residential, restricted commercial, and restricted industrial uses;
- Groundwater may not be used without prior treatment and approval of the regulator;
- Buildings will be built on slab foundations only; no basements are allowed.

The Engineering Control is:

- Cover System: hardscape and imported clean soil (minimum of 24 inches) underlain by a high visibility orange mesh demarcation layer.

The selected site remedy Included two primary components:

- removal and off-site disposal of “hot spot” soil/fill containing SVOCs and Metals above site-specific action levels;
- placement and maintenance of a site cover system.

The Site remedy was completed in the fall of 2015 and a Certificate of Completion (COC) of the BCP remedy was issued by NYSDEC to Highland on November 20, 2015.

The first phase of Site redevelopment began in October 2017 and included construction of three multi-unit townhomes. GZA was hired by Highland to assist with implementation of the SMP including community air monitoring, soil screening and documentation of site disturbance activities. Phase I of site redevelopment was completed in 2018. A progress report containing the details of SMP monitoring conducted during the early earth disturbance stage of the Phase I redevelopment was provided to NYSDEC on January 22, 2018. A copy of that detailed progress report was included as an appendix in the 2018 PRR.



During the PRR reporting period, a small, 2.19-acre, portion of the 27.09-acre 129 Holden Street Site was sold to Elim Townhomes Housing Development Fund Company, Inc. (Elim). A 60-day Advance Notification of Site Change of Use, Transfer of Certificate of Completion, and/or Ownership was provided to NYSDEC on August 15, 2018. (**Appendix A**). The agreement of property sale officially closed on December 14, 2018 and GZA provided a Notification of Transfer to NYSDEC on December 19, 2018 (**Appendix A**). The parcel is in the northwestern portion of the site and is currently being developed by Elim for affordable housing. GZA is under contract with Belmont Housing Resources for WNY, Inc. (Belmont) in cooperation with Elim, to provide environmental monitoring services during the earth moving construction phase to assist the owner with compliance with the SMP. Once the site work has been completed, GZA will prepare a summary report documenting compliance with the SMP and submit to NYSDEC. This PRR covers all the 27.09-acre 129 Holden Street Site.

1.2 EFFECTIVENESS OF THE REMEDIAL PROGRAM

Based upon our PRR inspection conducted on January 9, 2019 and recent SMP screening/Community Air Monitoring Program (CAMP) observations, the site cover system was confirmed to be in place and appeared to be complete and in good condition. Where construction activities were being conducted the cover system was being managed appropriately. Therefore, the Site remedy continues to be effective at meeting Site RAOs.

1.3 COMPLIANCE

GZA identified the Site to be in compliance with the SMP. The Institutional Controls and Engineering Controls (IC/ECs) remain in place and there are no active remedial systems requiring monitoring or operation and maintenance.

1.4 RECOMMENDATIONS

GZA and Highland Park Village LLC (Highland) recommend no changes to the SMP nor to the frequency of Site inspections and PRR submittals. Implementation of the SMP, including the Excavation Work Plan and maintenance of the Site cover system will continue as the Site is redeveloped for the planned and NYSDEC-approved residential use.

2.0 SITE OVERVIEW

2.1 SITE LOCATION AND FEATURES

Highland entered into a Brownfield Cleanup Agreement (BCA) with NYSDEC in February 2012 to investigate and remediate the 27.09-acre property located at 129 Holden Street, in the City of Buffalo, Erie County, New York (**Figure 1**). The Site (NYSDEC Site No. C915261) was remediated following Track 4 of the Brownfield Cleanup Program (BCP) for restricted residential use. The Site is being redeveloped into the Highland Park Village Community which will include residential living units/apartments.

The Site was used as a limestone rock quarry by Buffalo Cement from the early 1900s until the mid-1950s. The quarry was later filled with mixed hard fill, leveled, developed, and subsequently used as a neighborhood shopping plaza from 1958 to 2011. As social and economic conditions of the neighborhood changed over time, businesses within the plaza struggled and eventually closed. Once purchased by Highland, (and in preparation



for site remediation and redevelopment), the site buildings and utilities were removed, resulting in a vacant site with formerly used slab-on-grade foundations and deteriorated asphalt parking lots.

Historical Site tenants, whose properties had potential environmental impact, included a photo mart, laundromats, an automatic car wash, a dry cleaner, an auto chop shop, and an automotive service shop. The Site was listed twice on the NY Spills database.

2.2 INVESTIGATION AND REMEDIAL HISTORY

Based on information obtained from the Phase I ESA, several of the historical site uses represented Recognized Environmental Conditions (RECs). Additional environmental investigations were recommended.

GZA completed a Phase II ESA that identified SVOCs and metals at concentrations above RRSCOs.

To better assess the significance and extent of the chemical impacts identified during the Phase II ESA, GZA conducted a remedial investigation (RI) in 2012 and 2013 under the NYSDEC Brownfield Cleanup Program.

The RI confirmed that a significant amount of mixed fill materials had been placed at the Site after the quarry operations ceased in the early 1950s, prior to construction of the Central Park Plaza. Total depth of the subsurface fill ranged between five feet below ground surface (ft. bgs) to greater than 19 ft. bgs. SVOCs and metals were detected in soil/fill samples at concentrations above the Part 375 RRSCOs; however, specific sources of the SVOCs and metals contamination were not identified. No contaminants of concern were identified in the groundwater.

The Remedial Action Objectives (RAOs) for the Site, as presented in the RI/Alternatives Analysis Report were:

- Address soils with contaminants above the RRSCOs in the upper 2 feet;
- Prevent ingestion or direct contact with soil contaminants exceeding the RRSCOs;
- Institute and maintain institutional and engineering controls to assure the Site is not used in a manner inconsistent with the future anticipated use (restricted residential).

The selected site remedy included two primary components:

- removal and off-site disposal of “hot spots” of soil/fill containing SVOCs and Metals above site-specific action levels;
- placement of a site cover system, made up of either clean soil at a minimum of 2-feet thickness or hardscapes including paved roads, parking lots, sidewalks, and/or building slab foundations.

The Site remedy was completed in the fall of 2015 and a Certificate of Completion (COC) was issued by NYSDEC to Highland on November 20, 2015.

As part of the Site remedy, the entire Site was covered with a minimum of 2 feet of clean soil for eventual redevelopment as new residential housing. The first phase of Site redevelopment of the new Highland Park neighborhood was completed in 2018, in much of the northwestern corner of the Site.

Elim began earth disturbance work for redevelopment of their newly acquired 2.19-acre portion of the Site on January 3, 2019. Earthwork continues along with installation of related buried utilities and building foundations.



GZA is providing environmental consultation and monitoring services to Belmont (for Elim) during these operations and will provide to NYSDEC a summary report once the operations involving disturbance of the Site cover system are completed. No other Site development work, outside of the Elim parcel, took place during the reporting period.

3.0 EVALUATION OF REMEDY PERFORMANCE, EFFECTIVENESS, AND PROTECTIVENESS

GZA performed a Site Inspection during the reporting period on January 9, 2019. The completed Site Inspection Form is provided in **Appendix B**. A photo log is provided in **Appendix C** and a map showing the location and orientation of the Site photos is provided as **Figure 2**. The site is currently undergoing redevelopment on the Elim parcel of the northwestern corner of the Site. Work includes installation of sanitary and storm sewer utilities and slab on grade foundations for two of the planned five new affordable housing residential buildings. A copy of the building permit obtained by Creative Structure Services, Inc. (CSS), the prime contractor to Elim for the new structures, is provided in **Appendix D**. A detailed Progress Report will be submitted to NYSDEC once construction operations involving disturbance of the Site cover system are complete. The required cover system is being maintained per the SMP and was observed to be providing complete coverage of the Site. The Site remedy, therefore, continues to be effective at meeting the Site RAOs for protection of current and intended future site users.

4.0 INSTITUTIONAL CONTROL/ENGINEERING CONTROL (IC/EC) PLAN COMPLIANCE REPORT

4.1 IC/EC REQUIREMENTS AND COMPLIANCE

IC/ECs for the Site were determined by NYSDEC and specified in the Decision Document (DD) issued by NYSDEC on December 19, 2014. Those same IC/ECs were carried forward in the Environmental Easement (EE), issued by NYSDEC on September 23, 2015 and in the Site Management Plan (SMP) prepared by GZA and approved by NYSDEC on October 16, 2015. Complete lists of the Site ICs and ECs are provided in Sections 3.2 and 3.3 of the SMP. Summary lists of the ICs and ECs are provided as follows:

Summary of Site Institutional Controls:

- Property use may include restricted residential, restricted commercial, and restricted industrial uses;
- Groundwater may not be used without prior treatment and approval of the regulator;
- Buildings will be built on slab foundations only; no basements are allowed.

Summary of Site Engineering Control:

- Cover System: hardscape and imported clean soil (minimum of 24 inches) vegetated and underlain by a high visibility orange mesh demarcation layer. Hardscapes may include paved roads, parking lots, sidewalks, and/or building slab foundations.

On-Site redevelopment construction activity is currently in progress. GZA is providing on-Site Qualified Environmental Professional (QEP) services during the construction phase in which the site cover system is being altered. A progress report will be prepared by GZA once the changes to the cover system related to the current



Elim redevelopment is complete. The progress report will detail the relevant observations and monitoring conducted during the work period.

Based on observations made during GZA field observations and Site inspections during this reporting period, Elim is complying with provisions of the SMP relative to IC/ECs. Redevelopment activity continues at the Site and Elim is aware that monitoring and observation by a QEP is required during earth moving activities. Although not a required EC, additional protection is provided by a perimeter chain-link fence with locked gates restricting access to the Site.

The formation of a rill was observed in the central area of the Site, see Photo #28 in **Appendix C**, caused by surface water erosion. Also, at two locations along the Site perimeter, solid waste debris including demolition debris and household items were observed, see photos #19 and 24 in **Appendix C**. The presence of the rill and areas of waste dumping was discussed with a representative of Highland. Highland informed GZA that the rill and identified waste will be repaired/removed as necessary during the upcoming summer.

4.2 IC/EC CERTIFICATION

A blank Site-specific IC/EC Certification Form, for reporting period of February 18, 2018 to February 18, 2019, was provided to Highland as an attachment to the January 8, 2019 Reminder Notice letter sent by NYSDEC. This form has been completed by Highland as Site owner and Certified by GZA as QEP. The completed and certified IC/EC Certification Form for this reporting period is included in **Appendix E** of this PRR.

5.0 PRR CONCLUSIONS AND RECOMMENDATIONS

5.1 PRR CONCLUSIONS

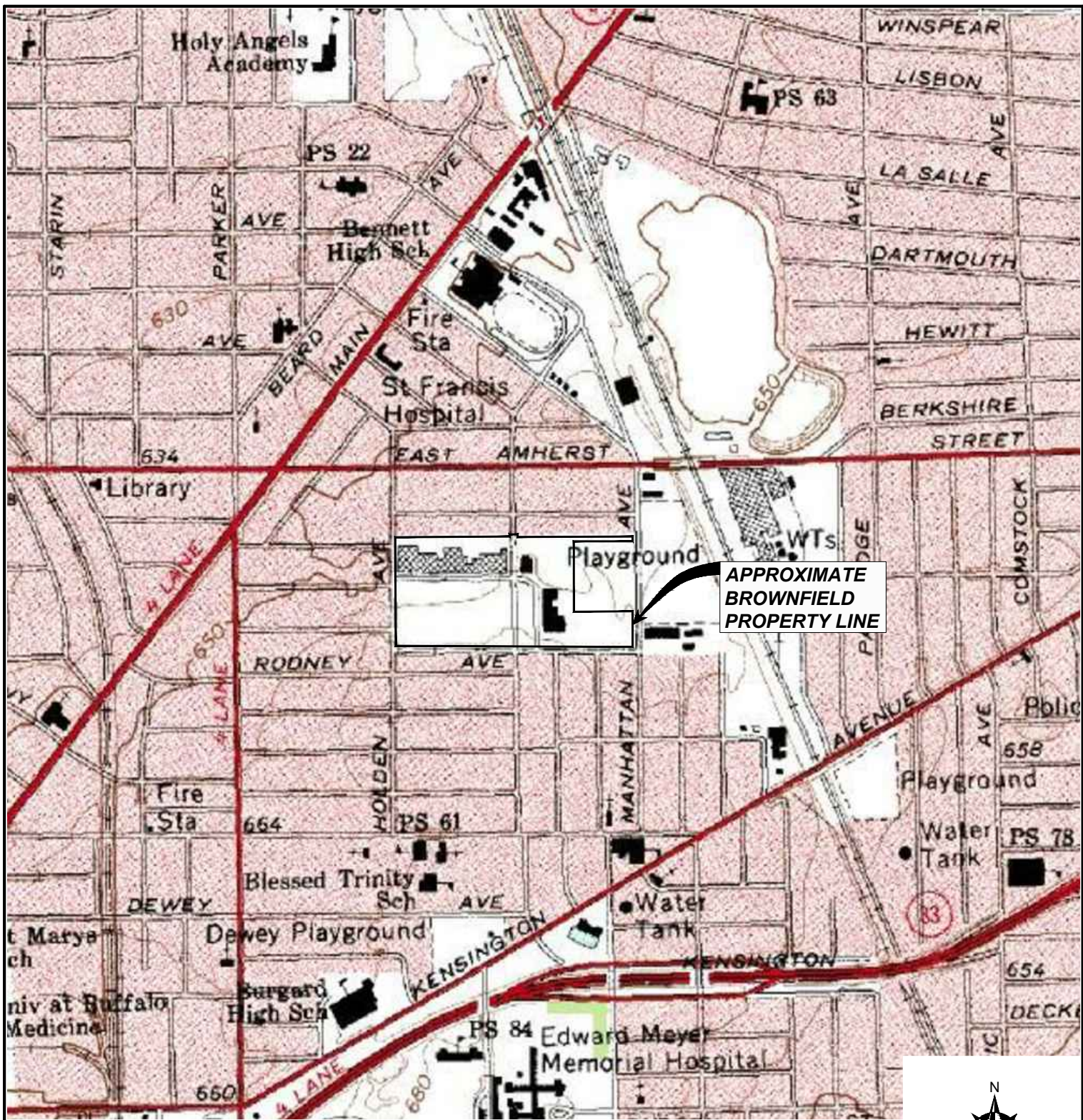
GZA identified no evidence of significant non-compliance with the SMP, just two minor issues which will be address by the owner. The IC/ECs remain in place and are performing as intended and there are no active remedial systems requiring operation, monitoring, or maintenance.

5.2 PRR RECOMMENDATIONS

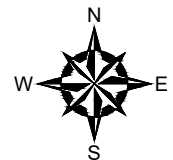
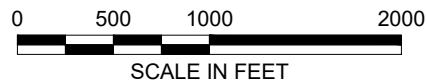
GZA and Highland recommend no changes to the SMP nor to the frequency of site inspections and PRR submittals. Implementation of the SMP, including the Excavation Work Plan and maintenance of the Site cover system will continue as Site redevelopment construction continues for the planned and NYSDEC-approved residential Site use.



FIGURES



NOTE:
BASE MAP ADAPTED FROM U.S.G.S.
TOPOGRAPHIC MAPS DOWNLOADED
FROM TERRASERVER.MICROSOFT.COM



NO.	ISSUE/DESCRIPTION	BY	DATE
<p>129 HOLDEN STREET BUFFALO, NEW YORK BROWNFIELD CLEANUP PROGRAM C915261 PERIODIC REVIEW REPORT LOCUS PLAN</p>			
PROJ MGR: TB	REVIEWED BY: JJR	CHECKED BY: BAK	DATE: MARCH 2019
DESIGNED BY: TB	DRAWN BY: MDK	SCALE: AS SHOWN	PROJECT NO. 21.0056642.30
REVISION NO.		FIGURE 1	

UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.

PREPARED BY:
GZA GeoEnvironmental of N.Y.
Engineers and Scientists
300 PEARL STREET, SUITE 300
BUFFALO, NEW YORK 14202
(716) 685-2300

PREPARED FOR:
LPCiminelli
INCORPORATED



©2019 - GZA GeoEnvironmental of N.Y. G24-V\PROJECTS\66600\66642.1 129 Holden Street - Periodic Review Report\Figure 3 Site Plan - 2019.dwg [Figure 3 Site Plan] March 12, 2019 - 12:08pm Mohamad Kross

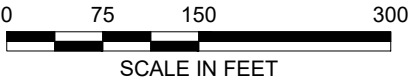
NOTES:

- 1. BASE MAP ADAPTED FROM A 2016 AERIAL PHOTO DOWNLOADED FROM GOOGLE EARTH PRO AND FIELD OBSERVATIONS.
- 2. THE SIZE AND LOCATION OF EXISTING SITE FEATURES SHOULD BE CONSIDERED APPROXIMATE.


LEGEND:



APPROXIMATE LOCATION AND ORIENTATION OF INSPECTION PHOTOGRAPHS TAKEN ON 01-09-2019 (SEE APPENDIX A)



UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.

NO.	ISSUE/DESCRIPTION		BY DATE
129 HOLDEN STREET BUFFALO, NEW YORK BROWNFIELD CLEANUP PROGRAM C915261			
PERIODIC REVIEW REPORT PHOTOGRAPH ORIENTATION MAP			
PREPARED BY:  GZA GeoEnvironmental of N.Y. Engineers and Scientists 300 PEARL STREET, SUITE 700 BUFFALO, NEW YORK 14202 (716) 685-2300		PREPARED FOR: LPCiminelli INCORPORATED	
PROJ MGR:	TB	REVIEWED BY:	JJR
DESIGNED BY:	TB	DRAWN BY:	MDK
DATE	PROJECT NO.		REVISION NO.
MARCH 2019	21.0056642.20		
FIGURE			2



APPENDIX A

PROPERTY TRANSFER DOCUMENTATION:

- **60-DAY NOTICE**
- **CONFIRMATION OF TRANSFER**



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VIA EMAIL

August 15, 2018
File No. 21.0056642.30

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

Re: **Revised** 60-Day Advance Notice
129 Holden Street BCP Site (C915261)
Buffalo, New York 14094

Dear Chief of Site Control Section:

On behalf of Highland Park Village, LLC (Highland) GZA GeoEnvironmental of New York (GZA) hereby provides to the Department the attached **revised** 60-Day Advance Notification of Site Change of Use, Transfer of Certificate of Completion, and/or Ownership (60-Day Notice).

The purpose of the 60-Day Notice is twofold as follows:

- For the planned transfer of ownership of a small portion of the Site; and
- For the planned start of construction operations on the transferred property.

In support of **Section III** of the 60-Day Notification Form, the first Box "Change of Ownership..." is checked to indicate the planned sale of 2.19-acres of the Site to Elim Townhomes LLC ("Elim"). Elim intends to build five 6-unit low income townhouse buildings and rent them to 30 qualified resident tenants (the "Project"). Elim refers to their Project as the Elim Townhomes as they are working in cooperation with the Elim Christian Fellowship Church which is located directly across Holden Street from the Project. The townhouse buildings and the 2.19 acres of land around and beneath the townhouses will remain owned, operated, and controlled by Elim. Implementation of the Site Management Plan (SMP) and preparation of Periodic Review Reports (PRRs) for the 2.19 acres of Elim-owned land will remain the responsibility of Highland.

The third box of **Section III** "Other" is checked for the planned physical alteration of Site cover system. Earth moving operations are anticipated to begin on October 12, 2018. This letter and the attached 60-Day Notice serve as notice of the planned Site alteration during the initial phase of construction for site development.

Thank you for your assistance as Highland desires to continue development of the Site in compliance with the Environmental Easement.



If you have questions or require additional information, please call Jim Richert at (716) 844-7048.

Sincerely,

GZA GEOENVIRONMENTAL OF NEW YORK

A handwritten signature in blue ink that reads 'Jim Richert'.

James J. Richert, P.G.
Sr. Project Manager

A handwritten signature in blue ink that reads 'Bart A. Klettke'.

Bart A. Klettke, P.E.
Principal

Attachment: Revised 60-Day Notice
Figure 1 Elim project Concept Plan
Figure 2 Survey Map of the Elim Property

CC: Chief, Site Control Section NYSDEC Albany (hard copy)

The following to receive an electronic copy:

Chad Staniszewski (NYSDEC)
Jaspal Walia (NYSDEC)
Jennifer Dougherty (NYSDEC)
John Ciminelli (Highland)
Peter Spada (Highland)
Craig Slater (Slater Law)
Michael Riegel (President, Belmont Housing Resources for WNY, Inc.)
Brad Packard (Director of Housing Development, Belmont Housing Resources for WNY, Inc.)
Tim Hagues, (Chairman, Elim Community Development Corporation of Buffalo)
Sharon West (Board Member, Elim Community Development Corporation of Buffalo)
Jacqueline Stover-Stitts, Esq.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



**60-Day Advance Notification of Site Change of Use, Transfer of
Certificate of Completion, and/or Ownership**
Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

To be submitted at least 60 days prior to change of use to:

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

I. Site Name: 129 Holden Street Redevelopment DEC Site ID No. C915261

II. Contact Information of Person Submitting Notification:

Name: John A. Ciminelli
Address1: Highland Park Village, LLC
Address2: 2421 Main Street, Buffalo, NY 14214
Phone: 716-855-1200 E-mail: jciminelli@lpciminelli.com

III. Type of Change and Date: Indicate the Type of Change(s) (check all that apply):

- ☒ Change in Ownership or Change in Remedial Party(ies)
☐ Transfer of Certificate of Completion (CoC)
☒ Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy): Oct 12, 2018

IV. Description: Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

Highland Plans to sell 2.19 acres of the northwestern portion of the Site to Elim Townhomes LLC. Elim's project includes building five residential buildings, each containing six 2-story townhouse units, for low income residential tenants. See attached concept plan and survey map of the proposed project Site. Anticipated date of property transfer is October 12, 2018.

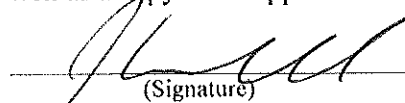
If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

Construction of the Elim project will require temporary disturbance and permanent modification of the site cover-system. On-site earth-moving work is projected to begin on or soon after October 12, 2018 and will be performed in conformance with the Excavation Work Plan of the Site Management Plan.

- V. **Certification Statement:** Where the change of use results in a change in ownership or in responsibility for the proposed, ongoing, or completed remedial program for the site, the following certification must be completed (by owner or designated representative; see §375-1.11(d)(3)(i)):

I hereby certify that the prospective purchaser and/or remedial party has been provided a copy of any order, agreement, Site Management Plan, or State Assistance Contract regarding the Site's remedial program as well as a copy of all approved remedial work plans and reports.

Name:


(Signature)

8 | 15 | 18

(Date)

John A. Ciminelli

(Print Name)

Address1: Highland Park Village, LLC

Address2: 2421 Main Street, Buffalo, NY 14214

Phone: 716-855-1200

E-mail: jcciminelli@lpciminelli.com

- VI. **Contact Information for New Owner, Remedial Party, or CoC Holder:** If the site will be sold or there will be a new remedial party, identify the prospective owner(s) or party(ies) along with contact information. If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/ECs), indicate who will be the certifying party (attach additional sheets if needed).

☒ Prospective Owner ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: Elim Townhomes LLC c/o Belmont Housing Resources for WNY Inc.

Address1: 1195 Main Street

Address2: Buffalo, New York 14209

Phone: 716-884-7791

E-mail: bpackard@belmonthousingwny.org

Certifying Party Name: John A. Ciminelli

Address1: Highland Park Village, LLC

Address2: 2421 Main Street, Buffalo, NY 14214

Phone: 716-855-1200

E-mail: jcciminelli@lpciminelli.com

VII. Agreement to Notify DEC after Transfer: If Section VI applies, and all or part of the site will be sold, a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the holder of the CoC for the site, the CoC should be transferred to the new owner using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>. This form has its own filing requirements (see 6NYCRR Part 375-1.9(f)).

Signing below indicates that these notices will be provided to the DEC within the specified time frames. If the sale of the site also includes the transfer of a CoC, the DEC agrees to accept the notice given in VII.3 below in satisfaction of the notice required by VII.1 below (which normally must be submitted within 15 days of the sale of the site).

Within 30 days of the sale of the site, I agree to submit to the DEC:

1. the name and contact information for the new owner(s) (see §375-1.11(d)(3)(ii));
2. the name and contact information for any owner representative; and
3. a notice of transfer using the DEC's form found at <http://www.dec.ny.gov/chemical/54736.html> (see §375-1.9(f)).

Name:

(Signature)

John A. Ciminelli

(Print Name)

8/15/18

(Date)

Address1: Highland Park Village, LLC

Address2: 2421 Main Street, Buffalo, NY 14214

Phone: 716-855-1200

E-mail: jciminelli@lpciminelli.com



PROPOSED ELIM CDC LIHTC TOWNHOUSE DEVELOPMENT
30 UNITS
APPROXIMATELY 2.19 ACRES



HIGHLAND PARK
CONCEPTUAL MASTER PLAN
SEPTEMBER 2016



Known for excellence.
Built on trust.

GEOTECHNICAL
ENVIRONMENTAL
ECOLOGICAL
WATER
CONSTRUCTION
MANAGEMENT

GZA GeoEnvironmental of NY
300 Pearl Street
Suite 700
Buffalo, NY 14202
T: 716.685.2300
F: 716.248.1472
www.gza.com



VIA EMAIL

December 19, 2018
File No. 21.0056642.30

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

Re: Notification of Transfer for
A small portion of 129 Holden Street BCP Site (C915261)
Buffalo, New York 14094

Dear Chief of Site Control Section:

On behalf of Highland Park Village, LLC (Highland), the owner of the above referenced Site, GZA GeoEnvironmental of New York (GZA) hereby provides to the Department this Notification of Transfer of ownership of a small portion of the Site. A related 60-Day Advance Notification of Site Change of Use, Transfer of Certificate of Completion, and/or Ownership (60-Day Notification) was submitted to the Department on August 15, 2018. As detailed in the 60-Day Notification, Highland transferred ownership of 2.19 acres of the 27.09-acre Site to Elim Townhomes Housing Development Fund Company, Inc. (Elim) who will redevelop their portion of the Site for use as affordable townhomes. **Figure 1** provides an illustration of the planned Elim redevelopment and **Figure 2** is a survey map of the Elim property.

The agreement of sale officially closed on December 14, 2018 and the deed recorded at the Erie County courthouse on December 18, 2018, see **Attachment A**.

The new townhouse buildings and the 2.19 acres of land around and beneath the townhouses will remain owned, operated, and controlled by Elim. Implementation of the Site Management Plan (SMP) and preparation of Periodic Review Reports (PRRs) for the 2.19 acres of Elim-owned land will remain the responsibility of Highland. The Certificate of Completion (COC) is not being transferred but remains Highland's.

Name and Contact Information of New Owner:

Elim Townhomes Housing Development Fund Company, Inc.
c/o Belmont Housing Resources for WNY Inc.
1195 Main Street, Buffalo, New York 14209

Name and Contact Information of Owner Representative:

Brad Packard, Director of Housing Development
1195 Main Street, Buffalo, New York 14209-2196
Phone: 716/884-7791 Ext. 187
Fax: 716/884-8026
E-mail: bpackard@belmonthousingwny.org



If you have questions or require additional information, please call Jim Richert at (716) 844-7048.

Sincerely,

GZA GEOENVIRONMENTAL OF NEW YORK

A handwritten signature in blue ink that reads 'Jim Richert'.

James J. Richert, P.G.
Sr. Project Manager

A handwritten signature in blue ink that reads 'Bart A. Klettke'.

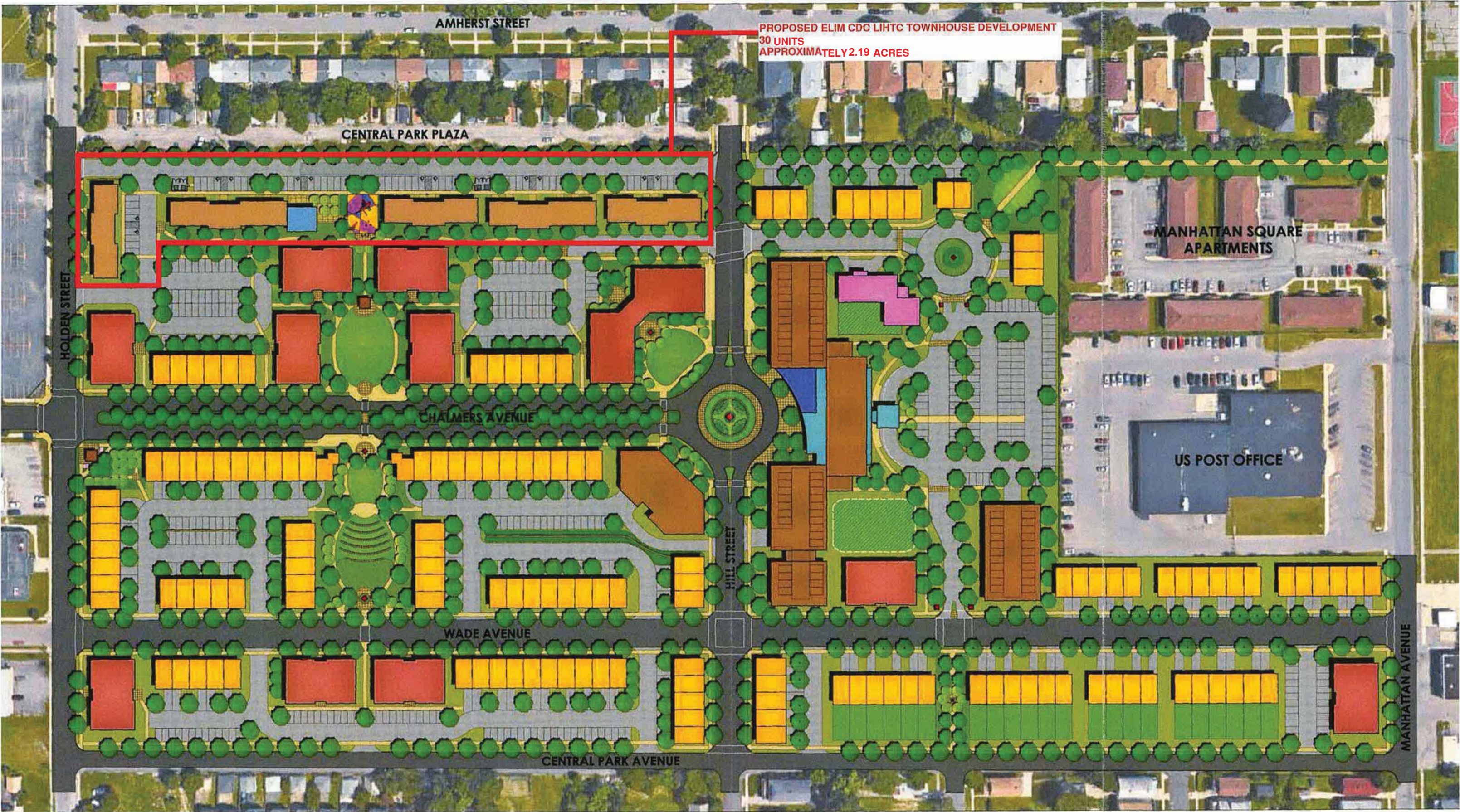
Bart A. Klettke, P.E.
Principal

Attachments: Figure 1 Elim project Concept Plan
Figure 2 Survey Map of the Elim Property
Attachment A: Property Deed with stamped date of filing.

CC: Chief, Site Control Section NYSDEC Albany (hard copy)

The following to receive an electronic copy:

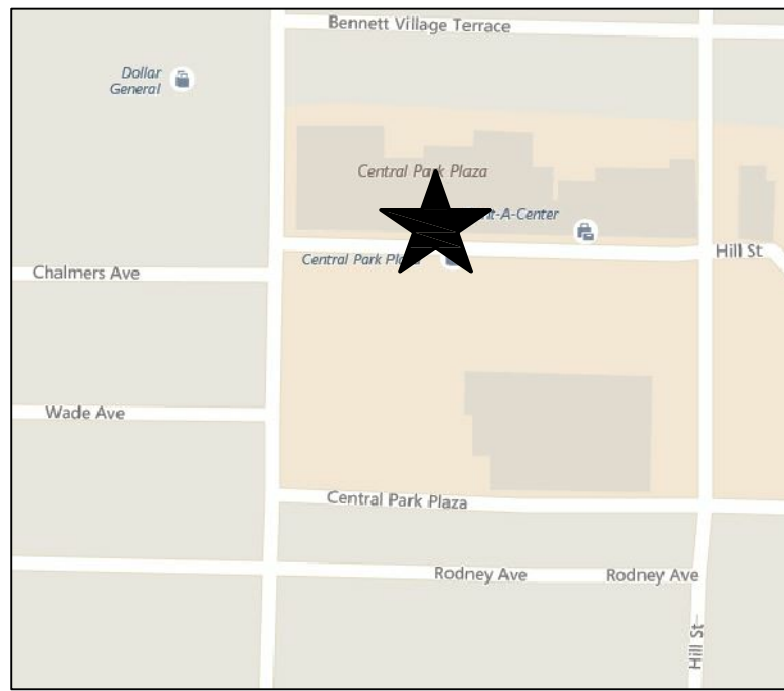
Chad Staniszewski (NYSDEC)
Jaspal Walia (NYSDEC)
Jennifer Dougherty (NYSDEC)
John Ciminelli (Highland)
Peter Spada (Highland)
Craig Slater (Slater Law)
Michael Riegel (President, Belmont Housing Resources for WNY, Inc.)
Brad Packard (Director of Housing Development, Belmont Housing Resources for WNY, Inc.)
Tim Hagues, (Chairman, Elim Community Development Corporation of Buffalo)
Sharon West (Board Member, Elim Community Development Corporation of Buffalo)
Jacqueline Stover-Stitts, Esq.



PROPOSED ELIM CDC LIHTC TOWNHOUSE DEVELOPMENT
30 UNITS
APPROXIMATELY 2.19 ACRES



HIGHLAND PARK
CONCEPTUAL MASTER PLAN
SEPTEMBER 2016



PROJECT LOCATION MAP
NOT TO SCALE

SURVEYORS CERTIFICATION:

HIGHLAND PARK VILLAGE, LLC, CITY OF BUFFALO AND CHICAGO TITLE INSURANCE COMPANY;
THIS IS TO CERTIFY THAT THIS MAP AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 4, 6(a), 7(a), 8, 9, 13, 14, 16, 17 AND 18 OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON 5/18/2018.
DATE OF MAP: 6/11/2018.

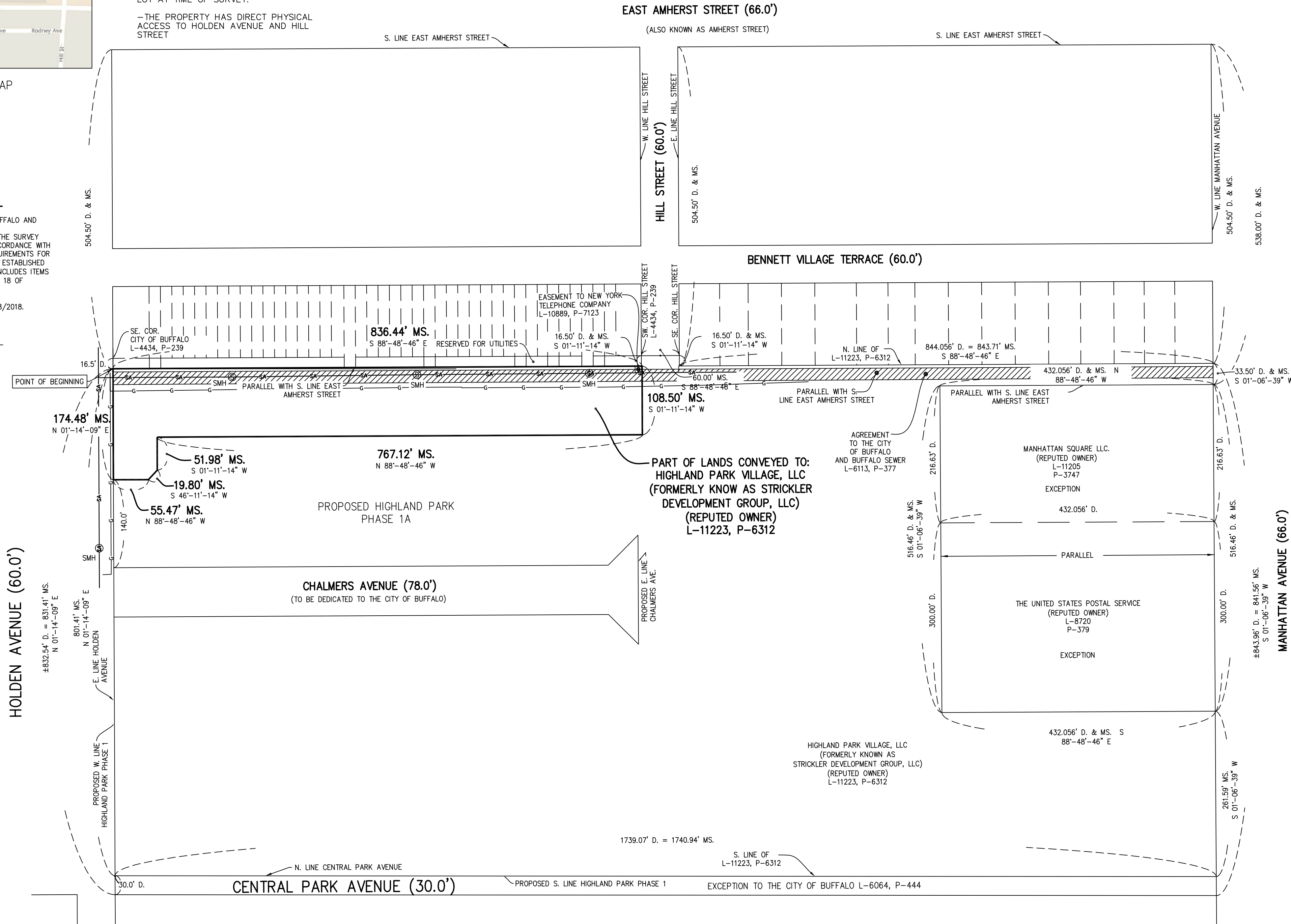
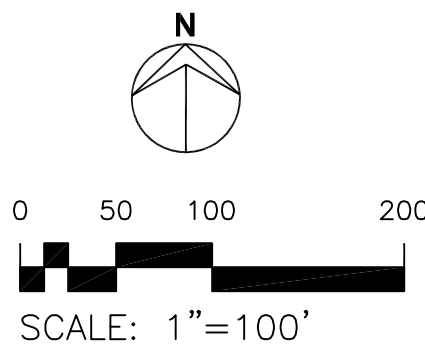
CHRISTOPHER J. SCOTT
LAND SURVEYOR
LICENSE NUMBER 050708

GENERAL NOTES:

- HORIZONTAL DATUM IS REFERENCED TO THE NORTH AMERICAN DATUM OF 1983, NEW YORK STATE PLANE COORDINATE SYSTEM, WESTERN ZONE, US SURVEY FEET, ESTABLISHED ON A SITE WITH GPS USING THE NYSDOT REAL TIME NETWORK (NYSNET RTN).
- THERE IS NO PHYSICAL ADDRESS FOR THE PROPERTY SURVEYED.
- NO BUILDINGS PRESENT AT TIME OF SURVEY.
- NO PARKING LOT OR EVIDENCE OF PARKING LOT AT TIME OF SURVEY.
- THE PROPERTY HAS DIRECT PHYSICAL ACCESS TO HOLDEN AVENUE AND HILL STREET

- THE PROPERTY IS ZONED AS GENERAL COMMERCIAL DISTRICT
- ALL UTILITIES SHOWN ARE FROM PHYSICAL FIELD EVIDENCE AT TIME OF SURVEY.
- EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS AT TIME OF SURVEY.
- NO OBSERVED EVIDENCE OF WETLAND DELINEATION-NO OBSERVED EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

- SUBJECT TO ENVIRONMENTAL EASEMENT SITE NUMBER C915261 BROWNFIELD CLEANUP AGREEMENT INDEX NUMBER C915261-01-12, FILED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11286 OF DEEDS AT PAGE 1863.
- TOTAL AREA SURVEYED ±1.54 ACRES.
- CHICAGO TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE NUMBER 1713-04306, EFFECTIVE DATE 10/20/2017.



**SCHEDULE-B: CHICAGO TITLE INSURANCE COMPANY
COMMITMENT FOR TITLE INSURANCE NO. 1713-04306:**

- ACREEMENT BETWEEN CENTRAL PARK SHOPPING CENTER, INC. WITH THE CITY OF BUFFALO AND BUFFALO SEWER AUTHORITY DATED DECEMBER 11, 1956 AND RECORDED DECEMBER 11, 1956 IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 6113 OF DEEDS AT PAGE 377. SHOWN HERON, DOES NOT APPEAR TO IMPACT PREMISES.
- RIGHT-OF-WAY MADE BY CENTRAL PARK SHOPPING CENTER TO IROQUOIS GAS CORPORATION DATED FEBRUARY 21, 1957 AND RECORDED MARCH 7, 1957 IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 6137 OF DEEDS AT PAGE 197. UNABLE TO PLOT.
- EASEMENT BY CENTRAL PARK SHOPPING CENTER TO NEW YORK TELEPHONE COMPANY DATED JULY 11, 1957 AND RECORDED OCTOBER 1, 1957 IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 6224 OF DEEDS AT PAGE 325. UNABLE TO PLOT.
- EASEMENT FROM CENTRAL PARK SHOPPING CENTER, INC. TO S.D.I. CENTRAL PARK, INC. DATED OCTOBER 11, 1967 AND RECORDED OCTOBER 13, 1967 IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 7404 OF DEEDS AT PAGE 421. UNABLE TO PLOT.
- EASEMENT FROM CENTRAL PARK PLAZA ASSOCIATES TO NEW YORK TELEPHONE COMPANY DATED JUNE 8, 1995 AND RECORDED AUGUST 14, 1995 IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10889 OF DEEDS AT PAGE 7123. SHOWN HERON, DOES NOT APPEAR TO IMPACT PREMISES.
- EASEMENT FROM CENTRAL PARK PLAZA ASSOCIATES TO NIAGARA MOHAWK POWER CORPORATION DATED DECEMBER 6, 2004 AND RECORDED FEBRUARY 7, 2005 IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11090 OF DEEDS AT PAGE 5134. UNABLE TO PLOT.
- EASEMENT FROM HIGHLAND PARK VILLAGE, LLC TO NIAGARA MOHAWK POWER CORP. & VERIZON NEW YORK, INC. DATED MAY 16TH, 2018 AND RECORDED JUNE 5, 2018 IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11330 OF DEEDS AT PAGE 3494. DOES NOT APPEAR TO IMPACT PREMISES.

**SCHEDULE-A: CHICAGO TITLE INSURANCE COMPANY
COMMITMENT FOR TITLE INSURANCE NO. 1713-04306:**

SURVEYORS DESCRIPTION:

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 44, TOWNSHIP 11, RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:
BEGINNING AT THE INTERSECTION OF THE EAST LINE OF HOLDEN AVENUE, BEING 60.0 FEET WIDE WITH THE NORTH LINE OF LANDS CONVEYED TO STRICKLER DEVELOPMENT GROUP, LLC (ALSO KNOWN AS HIGHLAND PARK VILLAGE, LLC) BY LIBER 11223 OF DEEDS AT PAGE 6312;
THENCE S 88°-48'-46" E ALONG THE NORTH LINE OF SAID CONVEYED TO STRICKLER DEVELOPMENT GROUP, LLC, A DISTANCE OF 836.44 FEET TO A POINT;
THENCE S 01°-11'-14" W AT RIGHT ANGLES TO THE LAST DESCRIBED LINE, A DISTANCE OF 108.50 FEET TO A POINT;
THENCE N 88°-48'-46" W PARALLEL WITH THE NORTH LINE OF SAID LANDS CONVEYED TO STRICKLER DEVELOPMENT GROUP, LLC A DISTANCE OF 767.12 FEET TO A POINT;
THENCE S 01°-11'-14" W AT RIGHT ANGLES TO THE LAST DESCRIBED LINE, A DISTANCE OF 51.98 FEET TO A POINT;
THENCE S 46°-11'-14" W ALONG A LINE, A DISTANCE OF 19.80 FEET TO A POINT;
THENCE N 88°-48'-46" PARALLEL WITH THE NORTH LINE OF SAID LANDS CONVEYED TO STRICKLER DEVELOPMENT GROUP, LLC A DISTANCE OF 55.47 FEET TO A POINT ON THE EAST LINE OF SAID HOLDEN AVENUE;
THENCE N 01°-14'-09 E ALONG THE EAST LINE OF SAID HOLDEN AVENUE A DISTANCE OF 174.48 FEET TO THE POINT OF BEGINNING. CONTAINING 2.19 ACRES OF LAND, MORE OR LESS.

**ALTA/NSPS LAND
TITLE SURVEY**

CITY OF BUFFALO
ERIE COUNTY, NEW YORK

BEING PART OF
LOT 44
TOWNSHIP 11
RANGE 8
OF THE HOLLAND LAND
COMPANY'S SURVEY



Centerpointe Corporate Park
375 Essjay Road, Suite 200
Williamsville, NY 14221
www.wendelcompanies.com
p:716.888.0766 f:716.625.6825

Wendel WD Architecture, Engineering, Surveying and
Landscape Architecture, P.C.

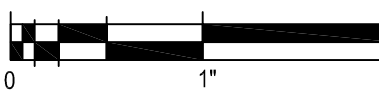
PROGRESS
PRINT
JULY 3, 2018
NOT FOR CONSTRUCTION

NOTE:
THIS DOCUMENT, AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF WENDEL WD ARCHITECTURE, ENGINEERING, SURVEYING AND LANDSCAPE ARCHITECTURE, P.C. AND IS NOT TO BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF WENDEL. UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY DRAWING, DESIGN, SPECIFICATION, PLAN OR REPORT IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

NO. REVISIONS DATE

DWG. TITLE

ELIM PROPERTY



DATE: 5/18/2018
SCALE: 1"=60'
DWN: DTH CHK: CJS
PROJ. No. 324720B
DWG. No.

V-101

LEGEND:

BIT. = BITUMINOUS
CONC. = CONCRETE
D. = DEED
DS = DRAINAGE STRUCTURE
DSMH = DRAINAGE STRUCTURE MANHOLE
E. = EAST
HYD. = HYDRANT
L = LIBER
MS. = MEASURED

N. = NORTH
P. = PAGE
PE = PAVEMENT EDGE
S. = SOUTH
SMH = SANITARY MANHOLE
W. = WEST
WV = WATER VALVE
L = LIBER
O = LIGHT POLE

ST = STORM LINE
SA = SANITARY SEWER LINE

FILED

DEC 18 2018

ERIE COUNTY
CLERK'S OFFICE

DEED

THIS DEED, made as of the 7th day of Dec., 2018,

Between:

HIGHLAND PARK VILLAGE, LLC,
(formerly known as Strickler Development Group, Inc.)
a New York limited liability company
2421 Main Street
Buffalo, New York 14214
(hereinafter referred to as the "Grantor")

and

ELIM TOWNHOMES HOUSING DEVELOPMENT FUND COMPANY, INC.
a New York corporation
1195 Main Street
Buffalo, New York 14209
(hereinafter referred to as the "Grantee")

WITNESSETH, That the Grantor for and in consideration of the sum of **ONE DOLLAR & MORE (\$1.00 & MORE)**, lawful money of the United States, paid by the Grantee, does hereby convey, grant and release unto the Grantee and its assigns forever:

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

TOGETHER with all of the appurtenances and all of the estate and rights of the Grantor in and to the said premises.

SUBJECT TO easements, restrictions and rights of way of record.

TO HAVE AND TO HOLD the above granted premises unto the Grantee and its assigns forever.

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

THE GRANTOR COVENANTS that the Grantor has not done or suffered anything whereby the said premises has been encumbered in any way whatever, except as aforesaid.

This conveyance does not render the Grantor insolvent and is not made to defraud creditors.


The Grantor covenants further that, in compliance with Section 13 of the Lien Law, 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 before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed and delivered as of the day and year first above written.

Grantor:

HIGHLAND PARK VILLAGE, LLC

By:


John A. Ciminelli,
Vice President

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

On the 6th day of Dec. in the year 2018, before me, the undersigned, a notary public in and for said state, personally appeared **John A. Ciminelli**, 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.



Notary Public

GUY J. AGOSTINELLI
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 30, 2021

Schedule A to Deed

Grantor: Highland Park Village, LLC
Grantee: Elim Townhomes Housing Development Fund Company, Inc.

Legal Description

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. 44, Township 11, Range 8 of the Holland Land Company's Survey, described as follows:

BEGINNING at the intersection of the east line of Holden Avenue, being 60.0 feet wide with the north line of lands conveyed to Strickler Development Group, LLC (now known as Highland Park Village, LLC) by a deed recorded in Erie County Clerk's office in Liber 11223 of Deeds at page 6302; thence S 88° 48' 46" E along the north line of the said lands conveyed to Strickler Development Group, LLC a distance of 836.44 feet to a point; thence S 01° 11' 14" W at right angles to the last described line, a distance of 108.50 feet to a point; thence N 88° 48' 46" W parallel with the north line of said lands conveyed to Strickler Development Group, LLC, a distance of 767.12 feet to a point; thence S 01° 11' 14" W at right angles to the last described line, a distance of 51.98 feet to a point; thence S 46° 11' 14" W along a line a distance of 19.80 feet to a point; thence N 88° 48' 46" W parallel with the north line of said lands conveyed to Strickler Development Group, LLC a distance of 55.47 feet to a point on the east line of said Holden Avenue; thence N 01° 14' 09" E along the east line of said Holden Avenue a distance of 174.48 feet to the point of beginning.



APPENDIX B

SITE INSPECTION FORM

129 Holden Street Redevelopment

BCP Site No.: C915261

Site Management Form

SITE DETAILS	
Site No.: C915261	Site Name: 129 Holden Street Redevelopment
Site Address: 129 Holden Street, Buffalo, New York	
PERSON PERFORMING INSPECTION	
Name: Jim Richert	Email: James.richert@gza.com
Company: GZA	Phone Number: (716) 844-7048
Others Present: None	
INSPECTION DATE AND SITE CONDITIONS	
Inspection Date: January 9, 2019	Inspection Time: 0845 to 0915 hrs
Weather Conditions: breezy, overcast ~33 degrees F., W/NW winds 15 mph.	
REASON FOR SITE INSPECTION	
Type of Inspection: <input checked="" type="checkbox"/> Annual Inspection <input type="checkbox"/> Routine Maintenance Inspection <input type="checkbox"/> Non-Routine Inspection	
Inspection after a Severe Condition that could effect Site control <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Describe severe condition triggering inspection: NA	
VERIFICATION OF SITE DETAILS	
Current Site Owner:	Highland Park Village LLC
Current Site Operator:	Highland Park Village LLC
Describe Current Site Use (<i>check all that apply</i>)	
<input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Other In development for residential.	
Briefly describe observed site uses: Active Site work was taking place on the Elim parcel on the day of inspection. See Photolog. Site cover system being managed properly during Elim Site work. No significant erosion or damage to cover system observed.	
DESCRIPTION OF ENGINEERING CONTROLS	
Are the Engineering Controls still in place: <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If No, explain:	
Is the Site Management Plan still in place: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, explain:	
AREAS IN NEED OF REPAIR OR MAINTENANCE	
Area discussed in this section must be shown on a figure and have photographic documentation. Minor erosion rill near center of Site. Two areas of trash dumping noted.	

129 Holden Street Redevelopment
BCP Site No.: C915261
Site Management Form

INTRUSIVE ACTIVITIES PERFORMED AT SITE DURING INSPECTION PERIOD

Location: Northwestern corner of the Site

Date: January and February of 2019

Description of activities being performed:

Elim affordable housing development construction in progress- See photo log.

Are Site records being properly generated and maintained: ☒ Yes

☐ No

Provide a summary of recordkeeping review and adequacy:

ADDITIONAL NOTES & COMMENTS

The Site redevelopment plan involves multiple phases of re-establishment of streets and utilities along with the existing residential structures. The second (Elim) phase of construction is underway at the northwestern corner of the site.

INSPECTION CERTIFICATION

I hereby certify that the information included in this report is complete and accurate to the best of my knowledge

Inspector Signature: Jim Richert

Date: January 9, 2019



APPENDIX C

PHOTO LOG



Photographic Log


Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.30
Photo No. 1	Date: 1-9-19		
Direction Photo Taken: West			
Description: East end of Chalmers Ave.			

Photo No. 2	Date: 1-9-19	
Direction Photo Taken: Northwest		
Description: Clean and covered dirty soil stock piles.		



Photographic Log


Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.30
Photo No. 3	Date: 1-9-19		
Direction Photo Taken: West			
Description: Completed Phase I of Highland Park Village			

Photo No. 4	Date: 1-9-19	
Direction Photo Taken: Northwest		
Description: Clean soil cover near new Phase I buildings.		



Photographic Log

Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.30
Photo No. 5	Date: 1-9-19		
Direction Photo Taken: West			
Description: New neighborhood of Phase I Highland Park Village.			

Photo No. 6	Date: 1-9-19	
Direction Photo Taken: West		
Description: North side of Phase I development.		



Photographic Log

Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.30
Photo No. 7	Date: 1-9-19		
Direction Photo Taken: East			
Description: Phase I of development.			

Photo No. 8	Date: 1-9-19	
Direction Photo Taken: East		
Description: South side of Elim property.		



Photographic Log

Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.30
Photo No. 9	Date: 1-9-19		
Direction Photo Taken: East			
Description: Front of Phase I Highland Park Village from west side of Holden Street.			

Photo No. 10	Date: 1-9-19	
Direction Photo Taken: South		
Description: West Site boundary from Chalmers Ave.		



Photographic Log

Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.30
Photo No. 11	Date: 1-9-19	 A photograph showing a wide, paved asphalt road (Chalmers Ave) stretching into the distance. On the left side of the road is a large, multi-story yellow brick building with multiple windows. To the right of the road is a grassy area with a black lamppost and a chain-link fence. The sky is overcast with grey clouds.	
Direction Photo Taken: East			
Description: Eastward lane of Chalmers Ave.			

Photo No. 12	Date: 1-9-19	 A photograph of a large, open field with dry, brown grass in the foreground. In the background, there are several residential houses and a small commercial building with a blue roof. The sky is overcast.
Direction Photo Taken: Southwest		
Description: Southwest corner of Site.		



Photographic Log

Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.30
Photo No. 13	Date: 1-9-19		
Direction Photo Taken: East			
Description: Southwest area of site. Road boxout of Wade Ave. extension.			

Photo No. 14	Date: 1-9-19	
Direction Photo Taken: East		
Description: Western end of South Site boundary.		



Photographic Log

Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.30
Photo No. 15	Date: 1-9-19		
Direction Photo Taken: East			
Description: Eastern half of Site from Hill Street Extension.			

Photo No. 16	Date: 1-9-19	
Direction Photo Taken: North		
Description: Site entrance at Hill Street Extension.		



Photographic Log

Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.30
Photo No. 17	Date: 1-9-19		
Direction Photo Taken: East			
Description: Eastern end of south site boundary.			

Photo No. 18	Date: 1-9-19	
Direction Photo Taken: North		
Description: Eastern side of site.		



Photographic Log

Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.30
Photo No. 19	Date: 1-9-19		
Direction Photo Taken: Southeast			
Description: Household debris on site along the eastern side of the south site boundary.			

Photo No. 20	Date: 1-9-19	
Direction Photo Taken: North		
Description: East End of Site, south of post office.		



Photographic Log

Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.30
Photo No. 21	Date: 1-9-19		
Direction Photo Taken: West			
Description: Site fence line south of post office			

Photo No. 22	Date: 1-9-19	
Direction Photo Taken: North		
Description: East Site boundary along the rear of Post office.		



Photographic Log

Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.30
Photo No. 23	Date: 1-9-19		
Direction Photo Taken: East			
Description: West end of narrow alleyway along eastern north site boundary.			

Photo No. 24	Date: 1-9-19	
Direction Photo Taken: North		
Description: Small pile of demolition debris (stockade fencing) at NE corner of site.		



Photographic Log


Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.30
Photo No. 25	Date: 1-9-19		
Direction Photo Taken: West			
Description: Eastern end of northern Site boundary.			

Photo No. 26	Date: 1-9-19	
Direction Photo Taken: West		
Description: Western end of northern site boundary. Elim Site.		



Photographic Log

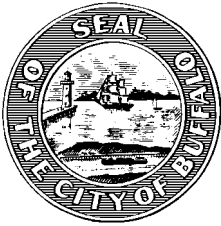
Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.30
Photo No. 27	Date: 1-9-19		
Direction Photo Taken: West			
Description: Western end of north property line (Elim Site)			

Photo No. 28	Date: 1-9-2019	
Direction Photo Taken: South		
Description: Surface water erosional rill in central area of site.		



APPENDIX D

BUILDING PERMIT



Byron W. Brown, Mayor

BUILDING PERMIT

Department of Permit & Inspection Services

65 Niagara Sq Rm. 301

Buffalo, NY 14202

Department of Permit & Inspection Services

... Building a Better Buffalo

Application Type: General Construction Permit

You must contact the Inspector at (716)851-4941 or at the number listed below prior to starting any work.

Application/Permit No.: GC17-9434403

Location: 205 HOLDEN

Applicant: CREATIVE STRUCTURE SERVICES IN
1659 amherst st
BUFFALO, NY 14214-

SBL No.:

Land Use: 330

Census Track:

Inspector: PAUL BANYI (716)851-4941

Description of Work: Erect 5 (2 story) frame dwellings containing 6 units per structure. Address permit attached. Subdivision approved. ***ORIGINAL PERMIT WAS TAKEN OUT UNDER 129 HOLDEN-A PARCEL WAS SPLIT OFF AND IS NOW KNOWN AS 205 HOLDEN (D.KRUG)***

Issue Date: 11/08/2018

Issued By: mcastro

Expire Date: 05/08/2019

Fees: \$18,195.00

License No.: GNC11-552755

License Type: General Contractor

Value: \$5,000,000.00

Plans: Yes

**YOU MUST CONTACT YOUR INSPECTOR
PRIOR TO STARTING ANY WORK**

James Comerford Jr.

Commissioner, Permit & Inspection Services

Thank you for investing in the City of Buffalo

AND AS SHOWN ON APPLICATION NUMBERED ABOVE, WHICH APPLICATION IS MADE PART OF THIS PERMIT.
*** ALL GENERAL CONTRACTORS AND SUB-CONTRACTORS MUST CARRY A CITY LICENSE ***
ALL WORK PERFORMED AND ANY ASSOCIATED PLANS SUBMITTED FOR THE ISSUANCE OF THIS PERMIT, SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL CODES, ORDINANCES AND REGULATIONS.
THIS PERMIT IS VOID IF FOUND TO BE ISSUED IN VIOLATION OF ANY LAW OR ORDINANCE AND CONDITIONS STATED ABOVE.

THIS PERMIT MUST BE DISPLAYED WHERE IT IS VISIBLE FROM THE STREET

Signature of Contact/Contractor _____ Date: 11/27/2018

Apply for your next Building Permit online at <http://www.city-buffalo.com>



APPENDIX E

IC/EC CERTIFICATION FORM



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



Site Details

Box 1

Site No. **C915261**

Site Name 129 Holden Street Redevelopment

Site Address: 129 Holden Street Zip Code: 14214

City/Town: Buffalo

County: Erie

Site Acreage: 27.100

Reporting Period: February 18, 2018 to February 18, 2019

YES NO

1. Is the information above correct?

☒ ☐

If NO, include handwritten above or on a separate sheet.

2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?

☒ ☐

3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?

☐ ☒

4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?

☒ ☐

If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.

5. Is the site currently undergoing development?

☒ ☐

Box 2

YES NO

6. Is the current site use consistent with the use(s) listed below?

☒ ☐

Restricted-Residential, Commercial, and Industrial

7. Are all ICs/ECs in place and functioning as designed?

☒ ☐

IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?

☐ ☒

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid?
(The Qualitative Exposure Assessment must be certified every five years)

☒ ☐

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C915261**Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**90.29-2-43.1**

Elim Townhomes Housing Development Fund

Ground Water Use Restriction
Landuse Restriction
Site Management Plan
IC/EC Plan

Soil Management Plan
Ground Water Use Restriction
Soil Management Plan
Landuse Restriction
Site Management Plan

- i) Prohibition of groundwater use.
ii) Land use restrictions.
iii) Implementation of the Site Management Plan

Box 4**Description of Engineering Controls**ParcelEngineering Control**90.29-2-43.1**

Cover System
Cover System

- i) Maintenance of the Cover System.

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

☒ ☐

2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

(a) the Institutional Control and/or Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

☒ ☐

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. C915261

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I John Cimino II at 2421 MAIN ST BUFFALO NY 14214
print name print business address

am certifying as Vice President, Highland Park Village, LLC (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

[Signature]
Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

3/12/19
Date

IC/EC CERTIFICATIONS

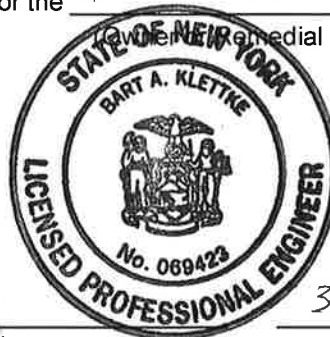
Box 7

Qualified Environmental Professional Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I BART A. KLETTKE at 300 PEARL STREET SUITE 700, BUFFALO, NY 14202
print name print business address

am certifying as a Qualified Environmental Professional for the HIGHLAND PARK VILLAGE, LLC
(Owner or Remedial Party)



Bart A. Klettke

Signature of Qualified Environmental Professional, for
the Owner or Remedial Party, Rendering Certification

Stamp
(Required for PE)

3-12-19
Date



GZA GeoEnvironmental, Inc.