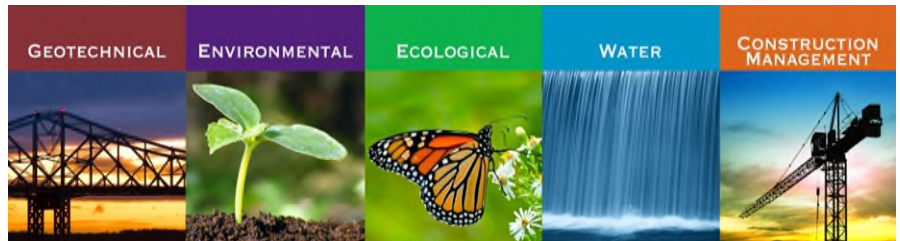




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Revised 2022 PERIODIC REVIEW REPORT 129 HOLDEN STREET REDEVELOPMENT BUFFALO, NEW YORK BROWNFIELD CLEANUP PROGRAM Site Number C915261

April 4, 2022

GZA File No. 21.0056642.40



PREPARED FOR:

Highland Park Village LLC
Buffalo, New York

GZA GeoEnvironmental of New York

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VIA EMAIL

April 4, 2022
File No. 21.0056642.40

Ms. Megan Kuczka
New York State Department of Environmental Conservation
Division of Environmental Remediation
270 Michigan Avenue
Buffalo, New York 14203
email: megan.kuczka@dec.ny.gov

Re: Revised 2022 Periodic Review Report
129 Holden Street Redevelopment
Buffalo, New York
Brownfield Cleanup Program Site (Number C915261)

Dear Ms. Kuczka:

GZA GeoEnvironmental of New York (GZA) is pleased to submit this Revised 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 Revised PRR addresses your two comments to the 2022 PRR originally submitted on March 18, 2022. GZA prepared this PRR in general conformance with the guidelines provided to Highland in the Departments' reminder notice letter dated January 11, 2022.

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: Michael Manetta (Highland Park Village LLC)
John Ciminelli (Highland Park Village LLC)
Brad Packard (Belmont Housing Resources for WNY, Inc.)



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FIGURE 1 SITE LOCATION MAP

FIGURE 2 SITE PLAN WITH PHOTO LOCATIONS

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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 with, and/or inhalation of 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 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.



From January 3, 2019 to October 2, 2019 Elim Townhomes Housing Development Fund Company, Inc. (Elim), completed earth disturbance work as part of the redevelopment of a 2.19-acre portion of the Site 27.09-acre Holden Street Site, into affordable housing. GZA, under contract to Belmont Housing Resources for WNY, Inc. (Belmont), in cooperation with Elim, provided environmental monitoring services during the earth moving construction phase of the redevelopment to assist the owner with compliance with the SMP. GZA prepared a summary report documenting compliance with the SMP. That report was submitted to NYSDEC on January 20, 2020 and was also attached to the 2020 PRR.

1.2 EFFECTIVENESS OF THE REMEDIAL PROGRAM

Although limited due to snow cover, based upon our PRR inspection conducted on February 10, 2022 the site cover system was confirmed to be in place and appeared to be complete and generally in good condition. Therefore, the Site remedy continues to be effective at meeting Site RAOs. Mitigative measures including the following:

- Regrading and re-seeding of the existing topsoil cover soil in the area of the tire ruts;
- Strategic placement of concrete barriers, and
- Addition of a “No Parking” sign

appear to have resolved the minor issue of parking on the grass-cover at the eastern end of the Elim property.

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. Highland is aware of the tires noted during the 2021 and 2022 Site inspection and will have them removed from the site this year.

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. The 2022 inspection of the Site cover system is planned during the summer or fall to avoid snow cover.

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.

From January 3, 2019 to October 2, 2019 Elim completed earth disturbance work as part of the redevelopment of their 2.19-acre portion of the Site. GZA provided environmental consultation and monitoring services to Belmont (for Elim) during these operations and provided a final summary report of the Elim work to NYSDEC on January 20, 2020. No disturbance of the Site cover system was observed during the reporting period February 18, 2021 to February 18, 2022.

3.0 EVALUATION OF REMEDY PERFORMANCE, EFFECTIVENESS, AND PROTECTIVENESS

GZA performed a Site Inspection during the reporting period on February 10, 2022. The completed Site Inspection Form is provided in **Attachment I**. A photo log is provided in **Attachment II** and a map showing the location and orientation of the Site photos is provided as **Figure 2**. Although limited by snow cover, the Site cover system appeared to be in place and functioning as intended. A small area of the soil cover system that was noted in last year's PRR as exhibiting depressions from vehicle parking and missing grass cover has been repaired and the issue resolved. The Site owner reported that the existing topsoil in the area of the ruts was regraded and reseeded. Also, observed for the first time during the February 10, 2022, inspection, were concrete Jersey barriers that restrict parking from the soil cover system as well as the addition of a new road sign that reads "NO PARKING". Photos of the area with Jersey barriers and the new road sign are provided in Attachment II, Photos #13 and #14.

Some of, and possibly all, the discarded vehicle tires noted in last year's PRR remain on Site. See **Figure 2** and photo #5 in the photo log (**Attachment II**). Highland is aware of the tires noted during the 2021 and 2022 Site inspections and will have them removed from the site this year.

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;
- Groundwater may not be used without prior treatment and approval of the regulator;
- Buildings will be built on slab foundations only; basements are not 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 has progressed in phases with two phases now complete. Most of the remaining acreage of the Site remains vacant and available for subsequent phases of redevelopment.

Based on observations made during GZA's Site inspection during this reporting period, Highland, is complying with provisions of the SMP relative to IC/ECs. Although not a required EC, access to undeveloped portions of the Site is prevented by a perimeter chain-link fence surrounding these undeveloped areas.

At one location along the Site perimeter, rubber vehicle tires were observed. See photo #5 in **Attachment II**. The presence of these tires was discussed with a representative of Highland who stated that the scrap tires will be removed from the Site this year.

4.2 IC/EC CERTIFICATION

A blank Site-specific IC/EC Certification Form, for reporting period of February 18, 2021 to February 18, 2022, was provided to Highland as an attachment to the January 11, 2022 Reminder Notice letter sent by NYSDEC. This form has been completed by Highland as Site owner and Certified by GZA as Qualified Environmental Professional (QEP). The completed and certified IC/EC Certification Form for this reporting period is included in **Attachment III** of this PRR.

5.0 PRR CONCLUSIONS AND RECOMMENDATIONS

5.1 PRR CONCLUSIONS

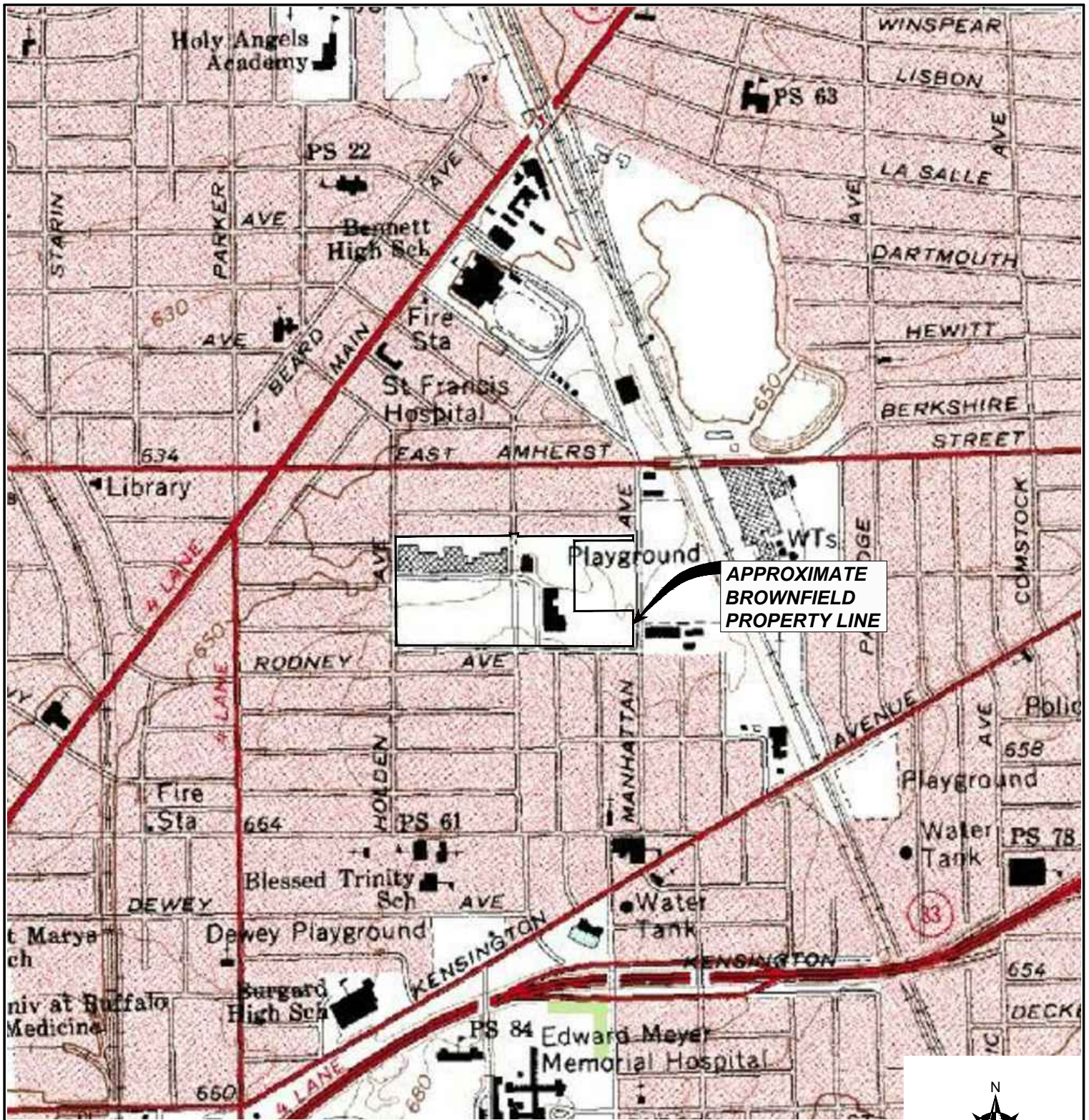
GZA identified no evidence of significant non-compliance with the SMP, just one minor issue (scrap tire dumping) that will be address by the owner. The IC/ECs remain in place and are performing as intended and there are no active remedial systems requiring operation, monitoring, or maintenance.

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. Because the last three months of the annual inspection period are during winter months, the annual inspection often encounters snow cover that can limit observations of the Site cover system. The 2022 Site inspection is planned for summer or fall of 2022.



FIGURES



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

0 500 1000 2000
SCALE IN FEET

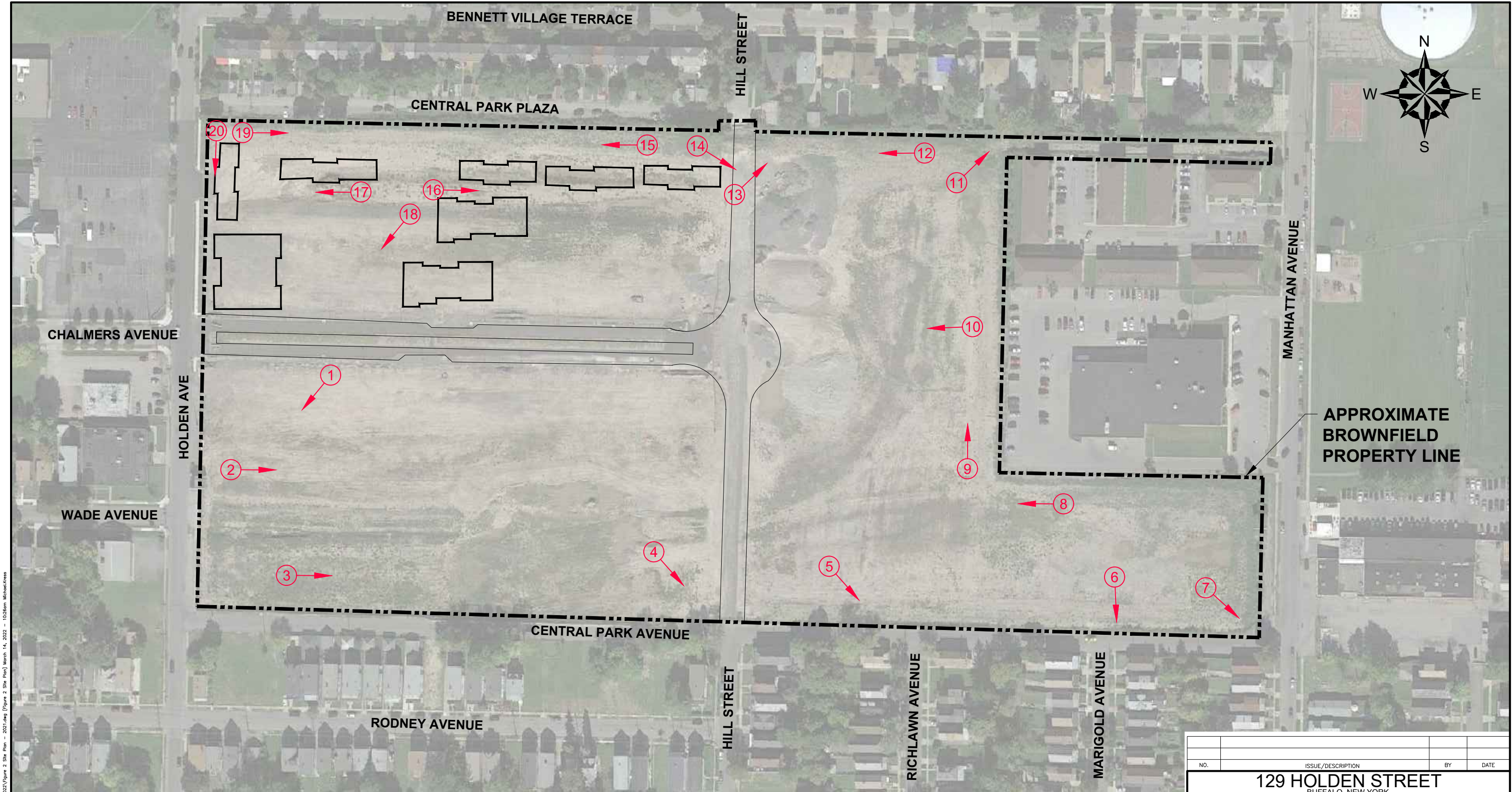


NO.	ISSUE/DESCRIPTION	BY	DATE
129 HOLDEN STREET BUFFALO, NEW YORK BROWNFIELD CLEANUP PROGRAM C915261		FIGURE	
PERIODIC REVIEW REPORT LOCUS PLAN		1	
PROJ MGR: JJR	REVIEWED BY: JJR	CHECKED BY: BAK	DATE
DESIGNED BY: JJR	DRAWN BY: MDK	SCALE: AS SHOWN	MARCH 2022
PROJECT NO.		REVISION NO.	
21.0056642.40			

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 700
BUFFALO, NEW YORK 14202
(716) 685-2300

PREPARED FOR:
**HIGHLAND PARK
VILLAGE, LLC**



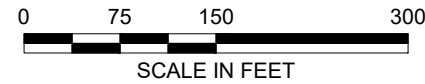
NOTES:

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 2-10-2022 (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: HIGHLAND PARK VILLAGE, LLC	
PROJ MGR: JJR	REVIEWED BY: JJR	CHECKED BY: BAK	FIGURE 2
DESIGNED BY: JJR	DRAWN BY: MDK	SCALE: AS SHOWN	
DATE MARCH 2022	PROJECT NO. 21.0056642.40	REVISION NO.	



ATTACHMENT I
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: February 10, 2022	Inspection Time: 2:00 to 2:45 hrs
Weather Conditions: windy, overcast 35 degrees F., West winds 20 to 30 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 (check all that apply)	
<input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Other	
Briefly describe observed site uses:	
Overall the Site cover system is being managed properly. No significant erosion or damage to cover system observed during 2/10/2022 Inspection.	
DESCRIPTION OF ENGINEERING CONTROLS	
Are the Engineering Controls still in place: <input checked="" type="checkbox"/> Yes <input 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.	
Inspection was limited by snow cover. Spent car tires were noted at two locations similar to last year. One is just inside the Site fence at the NE corner and the other is along northern end of east side, see Photo log. Area at north end of Elim property, where car ruts were noted last year, there is a new "No Parking" sign, it appears to be regraded and grass reestablished, and a car was parked on the nearby pavement.	

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

INTRUSIVE ACTIVITIES PERFORMED AT SITE DURING INSPECTION PERIOD

Location: None observed.

Date: NA

Description of activities being performed:

Are Site records being properly generated and maintained: ☒ Yes

☐ No

Provide a summary of recordkeeping review and adequacy:

No new and relevant records to report this period.

ADDITIONAL NOTES & COMMENTS

The Site redevelopment plan involves multiple phases of re-establishment of streets and utilities along with the planned residential structures. The second and most recent phase of construction was completed in 2019 in the northwestern corner of the Site by Elim.

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: February 10, 2022



ATTACHMENT II

PHOTO LOG



Photographic Log


Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.40
Photo No. 1	Date: 2-10-22		
Direction Photo Taken: Southwest			
Description: View of SW corner of Site.			

Photo No. 2	Date: 2-10-22	
Direction Photo Taken: East		
Description: Wade Ave. extension clean corridor with trees.		



Photographic Log

Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.40
Photo No. 3	Date: 2-10-22		
Direction Photo Taken: east			
Description: SW quadrant of Site.			

Photo No. 4	Date: 2-10-22	
Direction Photo Taken: East		
Description: Southcentral area of the Site at Hill Street Extension. Temporary chain-link construction fencing stored on ground.		



Photographic Log

Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.40
Photo No. 5	Date: 2-10-22		
Direction Photo Taken: Southeast			
Description: Scrap auto tires along south side of site between Hill Street and Richlawn Street.			

Photo No. 6	Date: 2-10-22	
Direction Photo Taken: South		
Description: Trash along south side of Site, near Marigold Ave.		



Photographic Log

Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.40
Photo No. 7	Date: 2-10-22		
Direction Photo Taken: East/Southeast			
Description: Southeastern corner of the Site.			

Photo No. 8	Date: 2-10-22	
Direction Photo Taken: West		
Description: Southeastern area of the Site along the south fence of the post office.		



Photographic Log


Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.40
Photo No. 9	Date: 2-10-22		
Direction Photo Taken: North			
Description: East edge of the Site, along the N/S fence of the post office.			

Photo No. 10	Date: 2-10-22	
Direction Photo Taken: West		
Description: East Side of the Site.		



Photographic Log


Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.40
Photo No. 11	Date: 2-10-22		
Direction Photo Taken: Northeast			
Description: Fence at western end of Northeastern alley way of the Site.			

Photo No. 12	Date: 2-10-22	
Direction Photo Taken: West		
Description: View of eastern end of current extent of Site development. (Building A of the Elim project).		



Photographic Log


Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.40
Photo No. 13	Date: 2-10-22		
Direction Photo Taken: Northeast			
Description: Paved parking spot with newly placed Jersey barriers			

Photo No. 14	Date: 2-10-22	
Direction Photo Taken: East/Southeast		
Description: New "No Parking" Sign at west end of Elim Development.		



Photographic Log

Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.40
Photo No. 15	Date: 2-10-22		
Direction Photo Taken: West			
Description: Main access road of the Elim Development.			

Photo No. 16	Date: 2-10-22	
Direction Photo Taken: West		
Description: View of rear of Elim development.		



Photographic Log

Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.40
Photo No. 17	Date: 2-10-22		
Direction Photo Taken: West			
Description: Rear of Elim Development (on right) and rear of Phase I development on left.			

Photo No. 18	Date: 2-10-22	
Direction Photo Taken: Southwest		
Description: One of the first three buildings of Phase I of Site redevelopment and paved parking lot.		



Photographic Log

Client Name: Highland Park Village LLC		Site Location: 129 Holden Street, Buffalo, NY	Project No. 21.0056642.40
Photo No. 19	Date: 2-10-22		
Direction Photo Taken: East			
Description: Main road of the Elim complex.			

Photo No. 20	Date: 2-10-22	
Direction Photo Taken: South		
Description: Northwestern most building of the Elim Townhomes development.		



ATTACHMENT III

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, 2021 to February 18, 2022

- | | YES | NO |
|--|-------------------------------------|-------------------------------------|
| 1. Is the information above correct? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Box 2

- | | YES | NO |
|---|-------------------------------------|--------------------------|
| 6. Is the current site use consistent with the use(s) listed below?
Restricted-Residential, Commercial, and Industrial | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Are all ICs in place and functioning as designed? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**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**

Highland Park Village, LLC

IC/EC 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

90.29-2-43.12

Elim Townhomes Housing Development Fund

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

Soil 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

- i) Maintenance of the Cover System.

90.29-2-43.12

Cover System

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 Engineering Control 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. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

- (a) The 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 Michael Manetta at 2421 Main Street, Buffalo, NY 14214,
print name print business address

am certifying as Secretary and Treasurer (Owner or Remedial Party)

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



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

3/1/2022

Date

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. KLETTEKE at 300 PEARL STREET, 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. Kletteke

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



Stamp
(Required for PE)

3-7-2022

Date



GZA GeoEnvironmental, Inc.