

BARRON & ASSOCIATES, P.C.

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PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT

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

REPORT PREPARED FOR:

- Name:	Rite Aid Corporation - Planning Department
- Street:	621 Delaware Street
- Municipality, State, Zip Code:	Tonawanda, New York 14150
- Client Contact:	Marc Coleman
- Telephone Number:	(716) 743-9072
- Purchase Order No.:	0487M06MC1230

ASSESSED PROPERTY INFORMATION

- Address:	#0497 350 Niagara Street (Formerly 340 to 362 Niagara Street)
- Municipality:	City of Buffalo
- County, State, Zip State:	Erie County, New York 14201
- Tax Account No.:	110.36-001-005.1
- Current Parcel Size (acres):	Approx. 2.03
- Site Location Map:	Refer to Attachment #1, Figure #1
- Current Owners - Name:	Rite Aid of New York
- Telephone Number:	N/A
- Key Site Contact - Name:	Charles Ciesielski, Store Manager
- Telephone Number:	(716) 853-2102
- Overview of Improvements:	Commercial structure
- Buildings (sq.ft./stories):	10,732 +/- / One story
- Date of construction:	1995
- Current Use - Description:	Pharmacy
- Past Use - Description:	Battery Warehouse; Speaker's Texaco Service Station; Niagara Virginia Service Station; Ralph Brenner Service Station; Goodyear-Wende Oil Corporation; O'Leary's Auto; Compressed Air Carpet Rug

Creative Candies; Rosemary Candy;
Utility Platers; Niagara Welding Co.
Precision Motors; Madison Taxi
Company; Avis Rent-A-Car; Montana
Used Cars; restaurant, residential
Colangelo's Auto Parts; Testa Battery &
Tire Service; Testa Gas Station; Dental
office; Giangreco Shoes; Aurora
Products Company (chemists);
Residential (refer to Section 1.2).

ENVIRONMENTAL SITE ASSESSMENT SUMMARY:

ENVIRONMENTAL CONCERN(S): Identified Not Identified

FURTHER INVESTIGATION(S): Identified Not Recommended

CONCERNS OTHER THAN LISTED IN ASTM E-1527 (1994):

ASBESTOS RADON LEAD WETLANDS

FLOODPLAINS ARCHAEOLOGICAL/HISTORICAL SITES

STATEMENT OF COMPLIANCE WITH STANDARDS

Barron & Associates, P.C. (B&A), in conjunction with our affiliate Buffalo Drilling Company, Inc. (BDC), has performed a Phase I Environmental Site Assessment in compliance with the scope and limitations of ASTM Practice E-1527 (1994) on the assessed property. Any exceptions to, and/or deletions from this practice are described in this summary. Additional issues that were included, as applicable, in this Environmental Site Assessment that were outside the scope of ASTM Practice E-1527 (1994) are: suspected asbestos containing material, radon, lead based paint, lead in drinking water, wetlands, floodplains, protected streams, archaeological sites, historical sites, soil survey, and structural condition of the building(s).

THE FOLLOWING ENVIRONMENTAL CONCERN(S) AND RECOMMENDATIONS ARE IDENTIFIED AS PER ASTM E-1527 (1994) GUIDELINES:

- 1) No environmental concerns were identified by means of the methodology utilized, as described above, for the assessed property.

CONCERNS OTHER THAN LISTED IN ASTM E-1527 (1994):

While not presently considered as environmental concerns, the client is being made aware of the following conditions discovered during the performance of this Phase I Environmental Site Assessment:

- 1) **Archaeological Sensitivity:** The assessed property may be located near an area of a known site that has been identified on this map (refer to Section 1.11). Considering that the assessed property has undergone continual site improvements, a detailed investigation does not appear to be required to determine the archaeological importance of the assessed property.

End of Section

1.0 HISTORICAL RECORDS/DATA REVIEW

(Back until 1940 and/or virgin land)

- 1.1 Abstract of Title:** N/A
- Title Company: N/A
 - Title Number: N/A
 - Certificate Date: N/A

The abstracts of title were not provided to assist in determining prior property ownership and uses. Investigation of property history, and requesting environmental agency information concerning prior owners, are important elements of a Phase I environmental site assessment. The conclusions in this report are assessed to any state of facts which a review of an abstract of title might show, directly or indirectly.

- 1.2 Property Tax Files:** City of Buffalo
- Source: Assessor's Office
 - Date(s): January 13, 1997

Information reviewed at the assessor's office indicates that the assessed property was previously comprised of thirteen subplot properties, each varying in size from 0.07 to 0.28 acres. Previous owners have included private individuals. Former structures were generally single, two-story buildings utilized for residential and various commercial purposes, both historically and up to the date of demolition of these structures. A list of previous commercial businesses is summarized on Page #1 and #2 of this report. The SBL number and the assessed property owner and dimensions were provided by an assessor's office representative.

- 1.3 Property Survey Map:** Refer to Attachment #1, Figure 2
- Map Date: September 7, 1995
 - Preparer: TVGA, P.C.
 - Job No: 958567
 - Title: N/A
- 1.4 USGS Topographic Map:** Refer to Attachment #1
- Quadrangle: Buffalo Northwest/Northeast
 - Date: 1965
 - Scale: 1" = 2,000'

The assessed property is generally level as shown on the topographic map and was confirmed by a site reconnaissance of the property.

- 1.5 USDA Soil Survey Map:** Erie County Soil Survey
- Map Date: 1978
- Sheet Number: 41

Soils for the assessed property are characterized as Urban land-Collamer soils (UmA). These soils are moderately well drained and were formed in glacial tills. These soils are not listed as characteristic hydric (i.e., wetland) soils.

- 1.6 Aerial Photographs:** U.S Department of Agriculture
- Source: Erie County NRCS
- Date(s): 1938, 1942, 1951, 1966, 1978, and 1990

Residential and commercial structures were seen on the assessed and adjacent properties in the photographs reviewed. The existing residences along Seventh Street are seen in all of the photos reviewed. Several different commercial buildings were seen in the currently vacant property at 350-370 Niagara Street. These photographs do not show the currently existing structure which was constructed in 1995.

- 1.7 Fire Insurance Map(s):** Sanborn Fire Insurance Map
- Source: Buffalo and Erie County Historical Society Museum
- Map Date(s): 1881, 1961, and 1981

Fire insurance (i.e., Sanborn Company maps) were reviewed for the assessed property. The 1881 map shows the assessed property as primarily residential with several retail operations (i.e., paint shop, blacksmith, carpenter, carpet cleaning and a flour and feed shop) located at the southeast corner of the assessed property. The 1961 map shows a filling station at the site of the former Spiro's Garage, and a former carpet cleaner, candy manufacturer, and auto repair facility along Niagara Street. Residential buildings have occupied the portion of the assessed property along Seventh Street since at least 1881 to 1995. The 1981 map is similar to the 1961 map.

- 1.8 Local Street Directory:** Polk Directories
- Source: Buffalo & Erie County Public Library
- Date: 1929, 1934, 1946, 1951, 1958, 1963, 1969, 1975, 1980, 1985 and 1993.

Representative and random city directories were reviewed for the assessed property. The purpose of reviewing city directories is to provide a historical perspective of the various businesses/facilities located in the vicinity of the assessed property, with possible insight into their effect on the assessed property.

According to a review of the city directories, the assessed property previously consisted of general residential buildings and commercial businesses such as a filling stations (340 and 362 Niagara Street), auto repair facilities (340 Niagara Street), rug cleaners (350 Niagara Street), candy manufacturing (352 Niagara Street), and shoe repair (364 Niagara Street). Refer to description of "Past Use" on Page 2 for details.

- 1.9 Municipal Building Dept:** City of Buffalo
- Source: Building Department
- Date: January 10, 1997

According to information reviewed at the City of Buffalo Building Department, permits for several underground storage tanks are recorded for the former structure located at 340 Niagara Street, beginning in 1947 and being removed in 1983. Building Department records are incomplete; that is, listing the number of tanks and capacity, but not identifying whether the tanks were installed, removed or replaced. In addition, two underground storage tanks were listed for the former structure located at 354 Niagara Street and three tanks were listed for the former structure located at 360 Niagara Street (refer to Attachment #3). No records were available from the City of Buffalo Fire Prevention Bureau regarding USTs at the former structure located at 362 Niagara Street.

- 1.10 Zoning/Land Use Maps:** City of Buffalo
- Source: Building Department
- Date(s): January 9, 1997

The assessed property is zoned as commercial.

- 1.11 Archaeological Maps:** NYS Office of Parks, Recreation
and Historic Preservation
- Source: NYS Archaeological Sensitivity Maps
- Date: March, 1992

The assessed property may be located near an area of a known site that has been identified on this map. Considering that the assessed property has undergone continual site improvements, a detailed investigation does not appear to be required to determine the archaeological importance of the assessed property.

1.12 Historical Landmarks Maps:

- Source: National Register of Historic Places, 1966-1991
- Date(s): June 30, 1991

The assessed property is not listed as historical landmarks.

1.13 Radon:

- Source: NYSDOH
- Date(s): March, 1996

According to a New York State Department of Health (NYSDOH) radon survey, the average radon level in the basements of residential homes in the municipality of the assessed properties are below the USEPA action level needed for remediation.

1.14 Wetlands Maps:

- Source: ECDEP
- Date(s): January 8, 1997

According to information reviewed at the ECDEP, the assessed property is not located in NYSDEC or United States Department of Interior (USDOI) designated wetland areas. Also, there are no known soils on the assessed property which are listed as being hydric or containing potentially hydric inclusions.

1.15 Protected Streams Maps:

- Source: N/A
- Date(s): N/A

Water bodies do not traverse the assessed property.

1.16 Floodplains Maps:

- FIRM Panel No.: City of Buffalo Maps & Survey Department
360230-00 20B
- FIRM Date: November 18, 1981

Based solely on a review of the National Flood Insurance Program Flood Insurance Rate Maps (FIRM), the assessed property is not identified as being within a flood-prone area.

1.17 Previous Investigations/Reports

Previous reports were reviewed during the preparation of this Phase I Environmental Site Assessment from which pertinent information is summarized below.

1.17.1

- Source: Buffalo Drilling Company, Inc.
- Date(s): February 7, 1995
- Title: "Subsurface Explorations, Geotechnical Engineering and Phase I Environmental Site Assessment for a Proposed Rite Aid Facility, Niagara, Seventh, and Virginia Streets, Buffalo, New York"
- Job No.: 94-316
- Summary/Abstract:

This report presents the results of a subsurface exploration investigation, engineering evaluation of the proposed development, and a Phase I environmental assessment undertaken at the assessed property. Identified environmental concerns included the following:

- Suspect Asbestos Containing Materials (SACM);
- A hydraulic lift was observed in Spiro's Garage;
- Waste Oil Containers;
- A 275 gallon Aboveground Storage Tank (AST), four 55-gallon drums, and five 5-gallon buckets;
- Potential Underground Storage Tank (UST).

While not considered as environmental, the report also listed the following conditions discovered during the performance of this Phase I Environmental Site Assessment:

- An oil furnace in Spiro's Garage;
- A solvent reclamation station in Spiro's Garage;
- A former vent pipe near the exterior southwest corner of Spiro's Garage.

Recommendations for remediation of the above noted environmental and other concerns were also presented in the report.

1.17.2

- Source: Complete Enviro Services, Inc.
- Date(s): June, 1995
- Title: "Tank Closure Report, Niagara at Virginia Streets, Buffalo, New York, NYSDEC Spill No. 9502447"
- Job No.: N/A
- Summary/Abstract:

This report summarizes field activities associated with the excavation and removal of one of the USTs noted in Section 1.17.1 above. According to this report, contaminated soils were excavated, removed, and disposed off-site. The tank contents were also disposed off-site. Confirmatory sampling and analysis of a soil sample from the tank excavation indicated low levels of semi-volatile organic compounds, but not in excess of NYSDEC soil clean-up guideline values.

1.17.3

- Source: Complete Enviro Services, Inc.
- Date(s): August, 1995
- Title: "Tank Closure Confirmation, 340 Niagara Street (Former Spiro's Service Station), Buffalo, New York"
- Job No.: N/A
- Summary/Abstract:

This report summarizes field activities associated with the excavation and removal of a second UST, as noted in Section 1.17.1 above. The tank contents were disposed off-site. Confirmatory sampling and analysis of a soil sample collected from the tank excavation indicated that, semi-volatile organic compounds were not detected above the method detection limit.

End of Section

2.0 PUBLIC DOMAIN INFORMATION SOURCES

2.1 USEPA FOIA - Letter Date: January 6, 1997

As of the date of this report, no responses to the FOIA request have been received. In the interim, available databases have been reviewed for the assessed property and adjacent sites (refer to the following sections). If received FOIA responses indicate the existence of environmental concerns for the assessed property, the pertinent information will be forwarded, as a supplement to this report.

2.2 NYSDEC FOIA - Letter Date: January 6, 1997

As of the date of this report, only the acknowledgment, presented in Attachment #2, to the FOIA request has been received. In the interim, available databases have been reviewed for the assessed property and adjacent sites (refer to the following sections). If received FOIA response(s) indicate the existence of environmental concerns for the assessed property, the pertinent information will be forwarded, as a supplement to this report. If indicated in the response(s), client authorization will be requested to review any files concerning the assessed property at NYSDEC offices.

2.3 ECDOH FOIA - Letter Date: January 6, 1997

As of the date of this report, no response to the FOIA request has been received. If the received FOIA response indicates the existence of environmental concerns for the assessed property, the pertinent information will be forwarded, as a supplement to this report.

2.4 STATE/COUNTY AGENCY: N/A
- Contact Name: N/A
- Title: N/A
- Telephone Number: N/A

2.5 TOWN/CITY/VILLAGE of: Buffalo
2.5.1 Fire Marshal Name: Fred Larsen
- Title: Fire Inspector
- Date of Contact: January 13, 1997
- Telephone Contact: (716) 851-5707

According to information reviewed at the City of Buffalo Fire Prevention Bureau, underground storage tanks (USTs) were formerly located at 340 Niagara Street and at 360 Niagara Street. Five tanks were removed from 340 Niagara Street in 1981.

Four tanks were removed from 360 Niagara Street on 1987. The City of Buffalo Fire Prevention Bureau has no record of active tanks for any portion of the assessed property. Documentation regarding these previous USTs is presented in Attachment #3. Although documentation is available, records associated with the removal of the two USTs noted as discussed in Sections 1.17.2 and 1.17.3, are not on file with the City of Buffalo Fire Prevention Bureau.

2.5.2 Building Inspector Name: Thomas Puglisi
- Title: Building Inspector
- Date of Contact: January 13, 1997
- Telephone Number: (716) 851-5377

Refer to Section 1.9.

2.5.3 Other Name: N/A
- Title: N/A
- Date of Contact: N/A
- Telephone Number: N/A

2.6 SOLID AND INACTIVE HAZARDOUS WASTE SITE (HWS) DATA BASES:

2.6.1 NYSDEC Inactive HWS Registry:
- Date of Record: October, 1997
- Assessed Property: Not Listed
- One-Mile Radius: None Listed/Listed Below

Refer to Section 2.2.

2.6.2 NPL:
- Date of Record: January 24, 1996
- Assessed Property: Not Listed
- One-Mile Radius: None Listed

Refer to Section 2.1.

2.6.3 CERCLIS:
- Date of Record: May 17, 1996
- Assessed Property: Not Listed
- One-Half Mile Radius: None Listed

Refer to Section 2.1.

2.6.4 NYS Active Facility Register:

- Date of Record: June 12, 1996
- Assessed Property: Not Listed
- One-Half Mile Radius: None Listed

Refer to Section 2.2.

2.6.5 NYS Hazardous Substance Waste Disposal Sites:

- Date of Record: June 30, 1995
- Assessed Property: Not Listed
- One-Half Mile Radius: None Listed

2.6.6 Local/County Source:

- Type of Record: ECDEP
- Assessed Property: Solid Waste Map
- One-Mile Radius: Not Listed
- One-Mile Radius: Listed Below

<u>MAP ID #</u>	<u>SITE</u>	<u>LOCATION</u>
559	National Fuel Gas Corp. West Genesee Street	0.5 mi. South

The distance and location of the preceding solid waste site suggests no environmental impact upon the assessed property.

2.7 ACTIVE HAZARDOUS WASTE HANDLER DATA BASES:

2.7.1 USEPA RCRA TSD Facilities:

- Date of Record: N/A
- Assessed Property: N/A
- One-Mile Radius: N/A

Refer to Section 2.1.

2.7.2 USEPA Facility Index System:

- Date of Record: N/A
- Assessed Property: N/A
- Adjacent Sites: N/A

Refer to Section 2.1.

2.8 TANK REGISTRATION RECORDS:

2.8.1 NYSDEC PBS:

- Date of Record: N/A
- Assessed Property: N/A
- Adjacent Sites: N/A

Refer to Section 2.2.

2.8.2 Local:

- Date of Record: N/A
- Assessed Property: N/A
- Adjacent Sites: N/A

A local data base for storage tanks was reviewed to check for adjacent sites in the City of Buffalo (refer to Sections 1.9 and 2.5.1) .

2.9 SPILL RECORDS:

2.9.1 USEPA ERNS List:

- Date of Record: 1987-1995
- Assessed Property: Not Listed

2.9.2 USEPA Spill Incidents:

- Date of Record: January 19, 1996
- Assessed Property: Not Listed
- One-Half Mile Radius: Listed Below

<u>INCIDENT #</u>	<u>SITE</u>	<u>LOCATION</u>
88-0124	LaSalle Park Boat Ramp	0.5 mi. West

This spill is also listed by the NYSDEC (Spill #8706392) as having been remediated (refer to Section 2.9.3).

2.9.3 NYSDEC Spills/LUST

- Date of Records: December 12, 1990 *
- Assessed Property: Listed
- One-Half Mile Radius: Listed Below

As previously stated, a FOIA response is still pending from the NYSDEC, which may include additional information regarding spills/LUST (refer to Section 2.2).

*: This data base was prepared by the NYSDEC and includes all spills, active or closed, for Region 9 of the NYSDEC. This database is no longer being updated by the NYSDEC in a readily available format. Thus, the spill information is accurate to December 28, 1990 and may include active spills that have since been closed (i.e., remediated). Additional information to update this database is being provided by NYSDEC in the FOIA response.

<u>NYSDEC ID#</u>	<u>SITE</u>	<u>LOCATION</u>
8709512	Gas Station-Niagara/Mohawk	0.5 mi. SE
8706103	577 Niagara Street	0.25 mi. NW
8706392	LaSalle Park	0.5 mi. W
9001514	Residence - 155 Whitney	0.25 mi. E
9001586	Residence - 155 Whitney	0.25 mi. E
9001656	Residence - 155 Whitney	0.25 mi. E
9002953	Bflo. Fire - Court/7th	0.5 mi. S
9003432	Shoreline Apts.-100 7th St.	0.5 mi. S
9003843	NOCO - 588 Niagara	0.25 mi. NW
9007370	Atlantic Co. - 555 Niagara	0.25 mi. NW
9008946	Prospect Street Sewers	0.25 mi. E
9502447	340 Niagara Street	Project site

The above noted spills are Listed as closed (i.e., remediated or cleaned-up) by the NYSDEC. Thus, these spills are not believed to pose or have posed a significant environment impact upon the assessed property. The spill listed for the assessed (project site) property, #9502447, was assigned to the site by the NYSDEC during the development of the property for the Rite Aid facility. This spill number was assigned for the activities associated with the removal and closure of the USTs noted in Sections 1.17.2 and 1.17.3. This spill number is listed as closed, as of September 1995, by the NYSDEC (refer to Section 2.2).

2.9.4 Local Spills:	N/A
- Date of Record:	N/A
- Assessed Property:	N/A
- Adjacent Sites:	N/A

A local data base for spills in the City of Buffalo is not readily available to check for the assessed property and adjacent sites.

2.10 ECDEP ENVIRONMENTAL COMPLAINTS:

- | | |
|-------------------------|--------------|
| - Date of Record: | 1975 to 1985 |
| - Assessed Property: | Not Listed |
| - One-Half Mile Radius: | None Listed |

END OF SECTION

3.0 SUMMARY OF SITE INSPECTION

Date of Inspection: January 9, 1997
Inspector(s): Andrew J., Kucserik
Ground Cover: 2" - 4" snow
Weather Conditions: Cloudy. 5°F
Photographs: N/A

3.1 **CURRENT USES OF PROPERTY:** Yes No Observed Concern

The assessed property is currently utilized as a pharmacy with an associated asphalt parking lot and landscaped areas.

3.2 **PAST USES OF PROPERTY:** Yes No Observed Concern

Based on a review of the city directories, several automotive businesses have been located at 340 Niagara Street (former Spiro's Garage), at 354-360 Niagara Street (a former vacant lot), and at 362 Niagara Street (formerly Testa's Service Station). A rug cleaning business was formerly located at 350 Niagara Street (a former vacant lot). The environmental concerns identified with these former businesses (refer to Sections 1.17.1, 1.17.2, and 1.17.3) have been remediated prior to development of the assessed property (refer to Section 4.1).

3.3 **EXTERIOR CONDITIONS:**

3.3.1 **Topography:** Yes No Observed Concern

The assessed property and surrounding area is graded as is indicated by the USGS topographic map (refer to Section 1.4) and is confirmed by a visual inspection of the site.

3.3.2 **Roads, Streets, Parking:** Yes No Observed Concern

Roadways and streets to the assessed property and parking on the assessed property are as indicated by the property map (refer to Section 1.3) and is confirmed by a visual inspection of the assessed property.

3.3.3 **Solid Waste Containers:** Yes No Observed Concern

Solid waste generated on the assessed property is stored in dumpsters. The solid waste is picked up for disposal off the assessed property.

3.3.4 Fill: Yes No Observed Concern

A limited subsurface investigation was undertaken by BDC and included the advancement of ten preliminary test borings on the site. The results of the preliminary subsurface investigation program are included in Buffalo Drilling Company, Inc., report entitled, "Subsurface Explorations, Geotechnical Engineering and Phase I Environmental Site Assessment Report for a Proposed Rite Aid and Retail Facility, Niagara, Seventh, and Virginia Streets, Buffalo, New York (P.O. No. 7173SM," and dated February 7, 1995 (refer to Section 1.17.1).

In summary, two to ten feet of random fill material was encountered at nine of the ten boring locations. In general, the subsurface conditions consist of naturally deposited clay and silt. Total boring depths ranged from 10 to 27 feet below ground surface. Free standing water was encountered at the completion of half of the borings, and varied from 3 to 13.5 feet below ground surface. A photoionization detector screening of the recovered soil samples indicated that no detectable levels of organic vapors were encountered. Also, no staining or odors were sensed.

3.3.5 Debris/Dumping/Mounds: Yes No Observed Concern

3.3.6 Spillage/Pooling: Yes No Observed Concern

3.3.7 Stained Soil/Pavement: Yes No Observed Concern

3.3.8 Stressed Vegetation: Yes No Observed Concern

3.3.9 Pits/Ponds/Lagoons: Yes No Observed Concern

There are no surface water bodies on the assessed property. Pits, ponds, and lagoons were not observed on the adjoining properties.

3.3.10 Septic Systems: Yes No Observed Concern

The assessed property has been serviced by the municipal sanitary sewer and potable water system for at least 70 years.

3.3.11 Wells: Yes No Observed Concern

Potable, domestic, irrigation, dry, injection, monitoring, and/or abandoned wells for water or other uses were not observed.

3.4 BUILDING(S) CONDITION:

3.4.1 Number: One
Description: Masonry/steel frame
Stories: One
Approximate Age: 15 months
Ancillary Structures: None

3.4.2 Structural: Yes No Observed Concern

3.4.3 Suspected Asbestos: Yes No Observed Concern

3.4.4 Lead-Based Paint: Yes No Observed Concern

3.4.5 Lead in Drinking Water: Yes No Observed Concern

3.4.6 Radon Accumulation Spaces: Yes No Observed Concern

3.5 UTILITIES:

3.5.1 Transformers/PCB's: Yes No Observed Concern

Three utility poles were observed during the site inspection. These poles each contain electrical transformers. Staining, spillage, discoloration or labels/markings were not observed on the transformers or the ground surface beneath the units during the site inspection.

3.5.2 Floor Drains/Sump Pits: Yes No Observed Concern

3.5.3 Services: Yes No Observed Concern

a. Potable Water: City of Buffalo
b. Sanitary Sewer and Date Installed: City of Buffalo; 1920's (?)
c. Storm Sewer: City of Buffalo
d. Building Cooling: Yes
- Type of Unit(s): Roof-mounted air conditioning
- Fueled by: Electric
e. Building Heating: Yes
- Type of Unit(s): Furnace / forced air
- Fueled by: Natural gas

3.5.4 Wastewater Discharges: None

3.5.5 Air Emissions: None

3.6 OPERATIONS/EQUIPMENT:

3.6.1 Storage Tanks: Yes No Observed Concern

Evidence of storage tanks was not observed on the assessed property.

3.6.2 Materials Storage/Drums: Yes No Observed Concern

a. Substance: N/A

b. Type/No. of Containers: N/A

c. Storage Conditions: N/A

3.6.3 Materials Use: Yes No Observed Concern

3.6.4 Spillage/Staining/ Pools: Yes No Observed Concern

3.6.5 Facility Equipment: Yes No Observed Concern

3.7 ADJOINING PROPERTIES: Yes No Observed Concern

North:

- Name: Goodyear Tire Store
- Address: 380 Niagara Street
- Current Use: Auto tire sales
- Past Use: The Birge Company (wallpaper company)

East:

- Name: N/A
- Address: Niagara Street
- Current Use: Various small businesses
- Past Use: Retail stores

South:

- Name: Vacant lot (across Virginia Street)
- Address: Niagara & Virginia Streets
- Current Use: Undeveloped
- Past Use: Residential

Southwest:

- Name: Rocco's Photo Graphics
- Address: 148 Virginia Street
- Current Use: Commercial photography
- Past Use: Buffalo Register (foundry facility)

West:

- Name: Residential
- Address: Seventh Street
- Current Use: Residential
- Past Use: Residential

3.8 SURROUNDING PROPERTIES: Yes No Observed Concern

Direction: N/A
Distance: N/A
Name: N/A
Address: N/A
Current Use: N/A
Past Use: N/A

END OF SECTION

4.0 INTERVIEWS

4.1 Name: Mr. Paul V. Moretta
Title: N/A
Relationship to Property: Owner User Developer's representative
Date of Interview: January 3 & 13, 1997

ENVIRONMENTAL CONCERNS(S): Identified Not Identified

Mr. Moretta indicated that he has no knowledge of past or current environmental concerns, or pending or on-going environmental liens associated with the assessed property.

According to Mr. Moretta, the environmental concerns identified by BDC in the February 1995 report, have reportedly been remediated.

The waste oil containers, 55 gallon drums, and 5 gallon buckets, previously located at Spiro's Garage, have been removed from the assessed property by the former owner of Spiro's. The 275 gallon AST was also removed from the site by the former owner, as well as an oil furnace and a solvent reclamation station.

The presence of two suspected USTs and a former vent pipe (located at Spiro's) was investigated and remediated by CES, Inc. (refer to Sections 1.17.2 and 1.17.3)

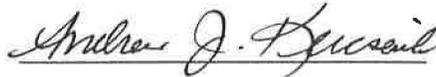
According to Mr. Moretta, suspected asbestos containing materials (SACM) were disposed of, during the demolition of the former structures, as a solid (construction and demolition debris) waste.

END OF SECTION

CERTIFICATION and SIGNATURES of ENVIRONMENTAL PROFESSIONALS

This Phase I Environmental Site Assessment Report is certified to be prepared in accordance with sound environmental practices and in conformance with the scope and limitations of ASTM Practice E-1527 (1994).

Report Preparer:



Andrew J. Kucserik, CPG
Senior Geologist

Report Reviewer:



Richard L. Crouch
Senior Hydrogeologist

Report Reviewer:



James S. Barron, P.E.
President

END OF SECTION

ACRONYMS/ABBREVIATIONS

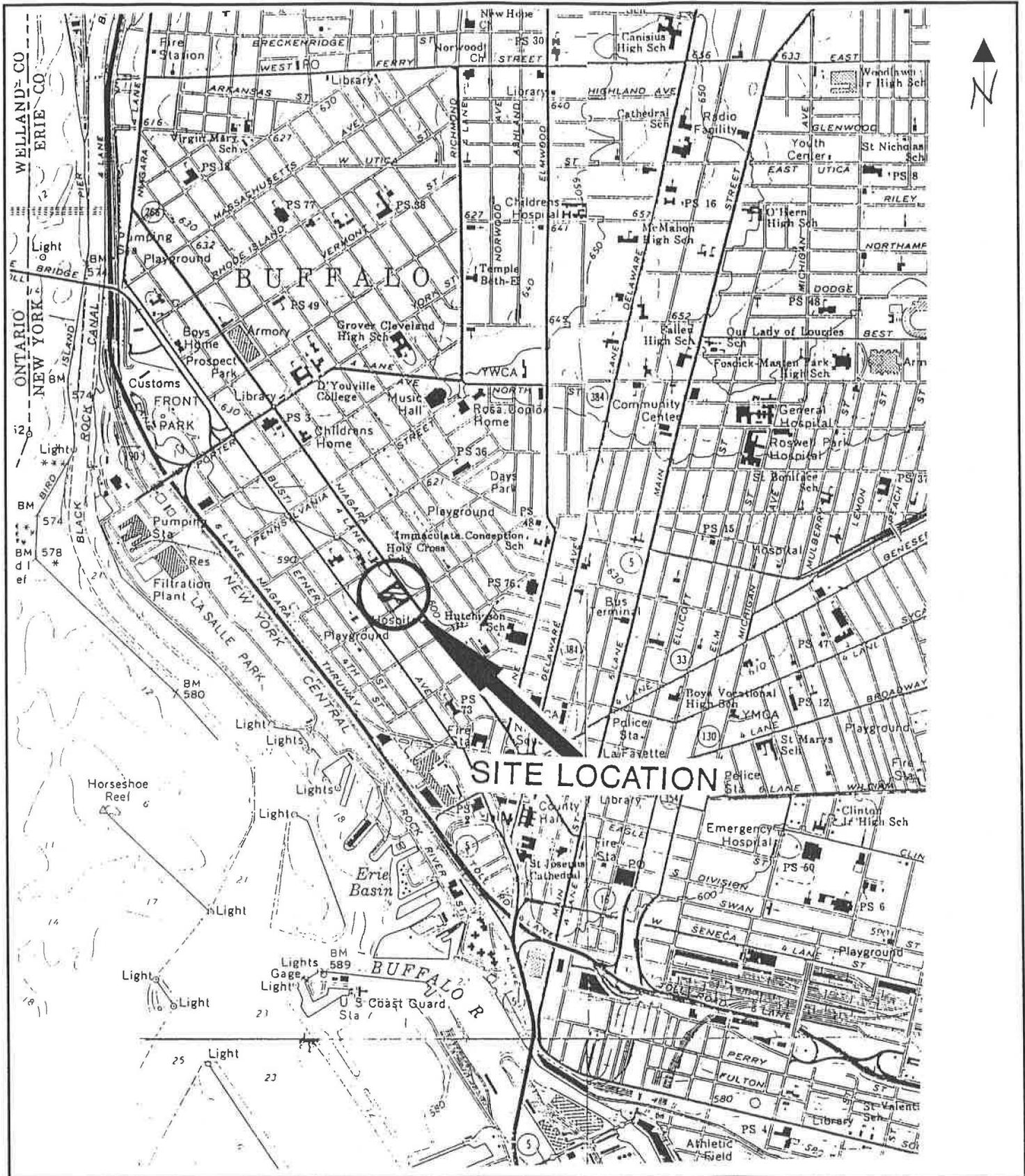
AST	- Aboveground Storage tank
ASTM	- American Society for Testing and Materials
BDC	- Buffalo Drilling Company, Inc.
B&A	- Barron & Associates, P.C.
CERCLA	- Comprehensive Environmental Response, Compensation and Liability Act
CERCLIS	- Comprehensive Environmental Response, Compensation and Liability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

END OF SECTION

**ATTACHMENT #1
MAPS, FIGURES, AND OWNERSHIP DOCUMENTATION**

<u>Date or I.D. No.</u>	<u>Description</u>
Figure 1	USGS Site Location Map
Figure 2	Site Survey Map

END OF ATTACHMENT #1



BUFFALO DRILLING COMPANY, INC.

10440 Main Street
 Clarence, New York

USGS SITE LOCATION MAP

350 Niagara St./400 Virginia
 Buffalo, New York 14201

DATE: 1/6/97

JOB NO: 97-1211A

SCALE: 1: 24,000

FIG NO: 1

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

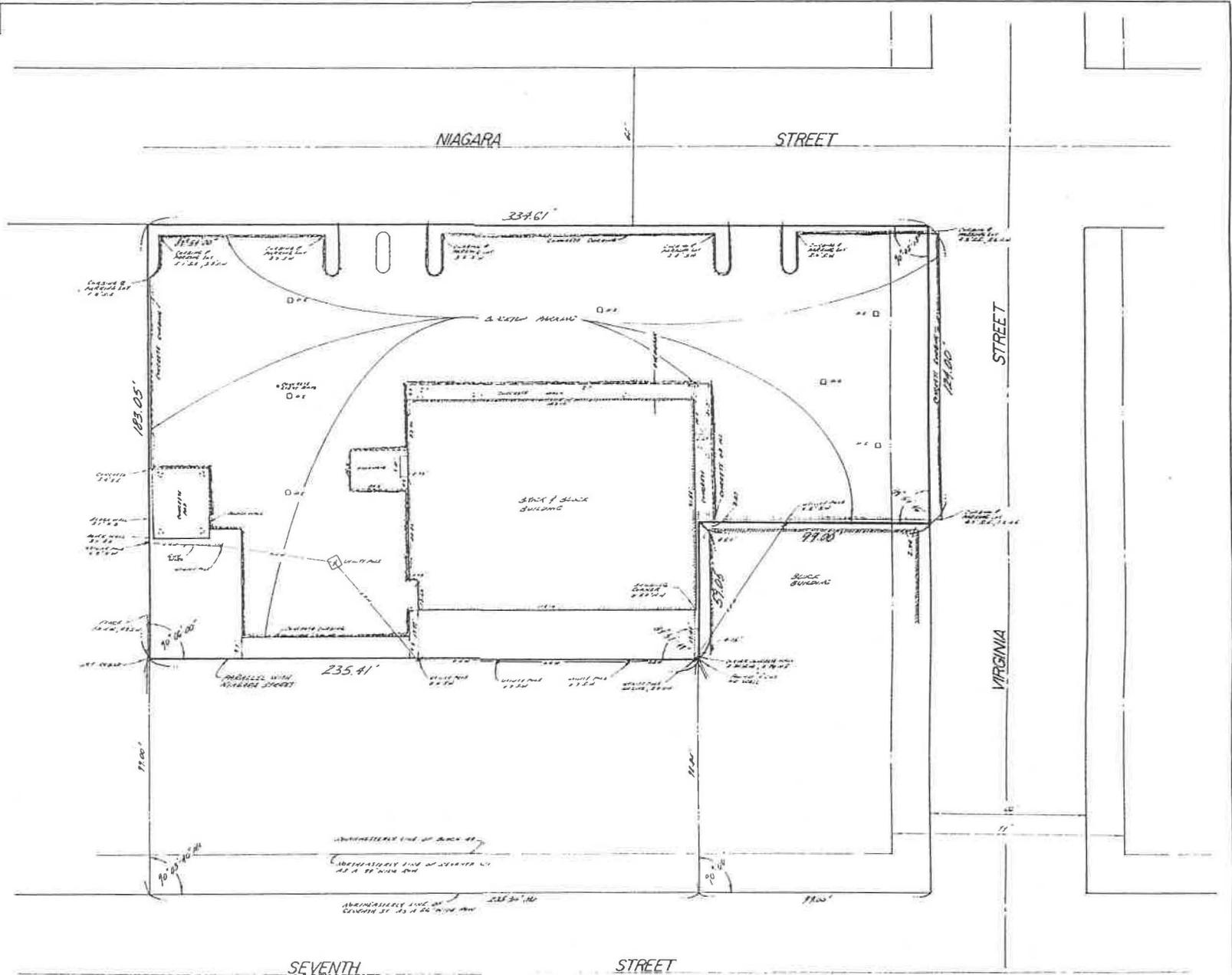


FIGURE #2

COMPLETED BY
Date

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violation of applicable laws.

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY, DRAWING, DESIGN, SPECIFICATION, PLAN OR REPORT IS A VIOLATION OF SECTION FOUR, PROVISION 3 OF THE NEW YORK STATE EDUCATION LAW.

SCALE 11 CITY/Town is BUFFALO COUNTY OF ERIE STATE OF NEW YORK

REVISION		
DATE	JOB	DESCRIPTION

TVA
I.V.G.A. ENGINEERING, SURVEYING, P.C.
SURVEYORS & PHOTOGRAMMETRISTS
10 LINDOOD AVENUE, P.O. BOX 718 ORCHARD PARK, NY 11137-0718 TEL: (716) 862-8266 FAX: (716) 862-7669

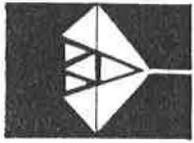
DRAWN G.E.M. CHECKED _____ SCALE 1"=50'
JOB NO. 958567 DATE 7/2/95
BOOK JCD PAGE 97 MAP SECT 10

**ATTACHMENT #2
REGULATORY DOCUMENTATION**

<u>Date or I.D. No.</u>	<u>Description</u>
January 6, 1997	USEPA FOIA Request
January 6, 1997	NYSDEC FOIA Request
January 6, 1997	ECDOH FOIA Request
January 10, 1997	NYSDEC FOIA Request Acknowledgment

END OF ATTACHMENT #2

**BUFFALO DRILLING COMPANY
INC.**



10440 MAIN STREET
CLARENCE, NEW YORK
14031
(716) 759-7821
FAX (716) 759-7823

January 6, 1997

Job No: 97-1211A

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

Dear Sirs:

FREEDOM OF INFORMATION REQUEST

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

*350 Niagara Street and 400 Virginia
Buffalo, New York 14201
(Erie County)*

The site is currently occupied by Rite Aid Corp.

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

- CERCLIS and NPL listings;
- RCRIS / Hazardous Waste Data Management System (HWDMSW);
- RCRA Corrective Action Sites (CORRACTS);
- ERNS listings;
- Facility Index System (FINDS) for CERCLIS, CDS, PCS, FATES, DOCKET, FURS, FRDS, TRIS, FFIS, CICIS
- Spills listings for the 14201 zip codes.

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

Very truly yours,

A handwritten signature in cursive script that reads "Mary B. Facklam".

Mary B. Facklam
Geologist

NYSD E-C REGION 1
270 Michigan Ave
Buffalo, NY 14203-2999

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
APPLICATION FOR ACCESS TO RECORDS
(See Instructions on Reverse Side)

NUMBER

APPLICANT

• TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION:

I hereby apply to inspect the following records under the provisions of the Freedom of Information Law:

Any records pertaining to: USTs, spills, hazardous materials, soil and groundwater contamination environmental complaints/concerns at:
350 Niagara St. + 400 Virginia
Buffalo NY 14201
(Rite Aid Store)

After inspection, should I desire copies of all or part of the records inspected, I will identify the records to be copied and hereby offer to promptly pay the established fees. (Cost of reproduction or 25¢ per page as applicable). Contact me if cost will exceed \$ 0

Name (Print or type) Buffalo Drilling Co., Inc Telephone No. (716) 759-7821

Attention of: Mary B Backlam

Mailing Address 1040 Main St, Clarence, NY 14031

Signature Mary B Backlam Date 1/6/97

RECORDS CUSTODIAN

• TO THE APPLICANT:

—Records Provided

- The reproduction costs for the records provided are \$ _____
- Records have been (partially, fully) provided. (If not fully provided, date when records are expected to be fully provided: _____)

—Records Not Available

- Records cannot be found after diligent search
- The Department is not the custodian for records indicated

—Records Denied

I hereby certify that access to the records—or part of the records—circled above has been denied to the applicant for the reason(s) checked below:

- Specifically exempt by other statute
- Unwarranted invasion of personal privacy
- Would impair present or imminent contract awards or collective bargaining negotiations
- Are examination questions or answers
- Are inter-agency or intra-agency materials that are not:
 - statistical or factual tabulations or data
 - instructions to staff that affect the public
 - final agency policy or determinations; or
 - external audits, including but not limited to audits performed by the comptroller and the federal government
- Are trade secrets
- Would endanger the life or safety of any person
- Are compiled for law enforcement purposes and which, if disclosed would:
 - interfere with law enforcement investigations or judicial proceedings
 - deprive a person of the right to a fair trial or impartial adjudication
 - identify a confidential source or disclose confidential information relating to a criminal investigation, or
 - reveal criminal investigative techniques or procedures, except routine techniques and procedures
- Are computer access codes

Identification of records withheld (attach listing if additional space is required) and/or explanation if appropriate:

THERE WILL BE A \$25 PER COPY CHARGE FOR EACH COPY OF THIS RECORD

ERIE COUNTY HEALTH DEPARTMENT

Name of Agency

(Room #)

95 FRANKLIN STREET, BUFFALO, NY 14202

Address

I hereby apply to (1) inspect () OR (2) obtain a copy of the following record:

Address

Date(s) of Records Requested:

350 Niagara St⁴⁰⁰ Virginia
Buffalo NY 14201

Type of Record Requested:

(Location of Property, if applicable)

USTs, spills, hazardous materials,
soil and groundwater contamination,
environmental complaints / concerns

Mary B Facklam
Signature

BUFFALO DRILLING CO., INC.
Representing

10440 MAIN ST., CLARENCE, N.Y. 14031
Mailing Address

JOB NO: 97-1211A

1/6/97
Date

716-759-7821
Phone Number

FOR AGENCY USE ONLY

Approved ()

Date Notified: _____

Cost: _____

Denied (for the reason(s) checked below)

Receipt No.: _____

- () Confidential Disclosure
- () Part of Investigatory Files
- () Unwarranted Invasion of Personal Privacy
- () Record of Which This Agency is Legal Custodian Cannot Be Found
- () Record is not maintained by this Agency
- () Exempted by Statute Other Than the Freedom of Information Act
- () Other (specify) _____

Signature

Title

Date

NOTICE: YOU HAVE A RIGHT TO APPEAL A DENIAL OF THIS APPLICATION TO:

Name

Business Address

Business Telephone

WHO MUST FULLY EXPLAIN HIS REASONS FOR SUCH DENIAL IN WRITING SEVEN DAYS OF RECEIPT OF AN APPEAL.

I HEREBY APPEAL: _____
Signature

Date

Address

ATTACHMENT #3
SITE INSPECTION AND PHOTOGRAPHIC DOCUMENTATION

Date or I.D. No.

Description

1958 to 1988

City of Buffalo Fire Prevention Bureau, UST Records for 340 to 360 Niagara Street, Buffalo, New York, obtained January 10, 1997 (16 pages).

END OF ATTACHMENT #3

TANKS--Removed, Watered, or Slushed

Location 340 Niagara Street

Removed Make sure vent is removed.

Slushed Make sure vent is removed at grade or below.

Watered If it is expected to be watered for 3 years, be sure pump is removed and suction and vent capped.

Number of Tanks 5 Sizes 3-3,000 gal. 1-8,000 gal. 1-4,000 gal.

Owner of Premises Texaco

Present or Former Operator Same

Brand Name of Gasoline Texaco

Owner of Tank Same

Address _____

Contractor Fleishmann Co.

Address 74 Skillen Street

Draw sketch of approximate location on property on reverse side. Also, any other pertinent information.

INSTRUCTIONS BELOW THIS LINE FOR OFFICE USE ONLY.

Witnessed by Lt. Russell G. Knox

If station had flammable liquid license, notify the Battalion Chief to have company remove from files. If station is still in business, make note on Form 29 of which tank or tanks have been removed, slushed, or watered and date of same.

PZ:RC
5/28/63

Location 340 Niagara Street

Date 2-24-81

Form 29
11/6/67

BUREAU OF FIRE PREVENTION
FLAMMABLE LIQUID ORDINANCE CHAPTER XXIX
STORAGE AND USE OF Gasoline Class I
TYPE OF LIQUID CLASS

APPLICATION
DATE: December 13, 1977 DISTRICT ZONING CM

NAME Texaco Inc. ADDRESS 340 Niagara St.

USE: COMMERCIAL X PRIVATE _____ PROPERTY: CITY _____ PRIVATE X

CONTRACTOR Niagara Tank & Pump ADDRESS 262 Carlton St. Bflo, N.Y.

APPROVED Joseph E. Skalke TITLE Chief
~~XXXXXXXXXXXX~~
Buffalo Fire Dept. Bureau of Fire Prevention

INSTALLATION
DATE: 1-20-78
APPLICATION NO: 152860 DATE 12-13-77 PERMIT NO: B 10884 DATE 12-13-77

TANKS: VENT PIPE:
Number of One Number of One

Capacity of Each 8000 Fibre Glass Size 2 Inch

Total Capacity 21,000 Gallons Terminates Outside Yes

Access Ground No Feet Above Fill Pipe 12 Feet

Feet Underground 4 Feet Feet From Bldg. Opening 8 Feet

Feet From Property Line 22 Feet Weatherproof Hood Yes

Feet From Street Line 30 Feet Flame Arrester _____

Feet From Bldg. or Cellar 22 Feet

U.L. Label Numbers D 852431 PUMPS:
Number of Pumps _____

Public Assemblage Bldg. Within Feet From Bldg. Line _____

300 Ft. No (Sec. 82) Feet From Street Line _____

Less Than 50 Feet From RR & U.L. Label Nos. _____

Docks? (Sec. 16, Chap. LLX) N.A. If inside Bldg., are pumps protected as required by Sec. 148 _____

FILL PIPE: TESTS: (Sec. 91)

Size 4 Inch Extended Fill? Drop Pipe APPROVED 5" air OK JES

Located Outside Yes Protected Yes

Feet From Bldg. Opening 15 Feet DISAPPROVED

ALL TANKS, PUMPS AND PIPING, ARE INSTALLED IN ACCORDANCE WITHIN THE REQUIREMENTS OF THE FLAMMABLE LIQUID ORDINANCE, I THEREFORE, RECOMMEND

APPROVED Joseph E. Skalke IFPB DATE 1-20-78

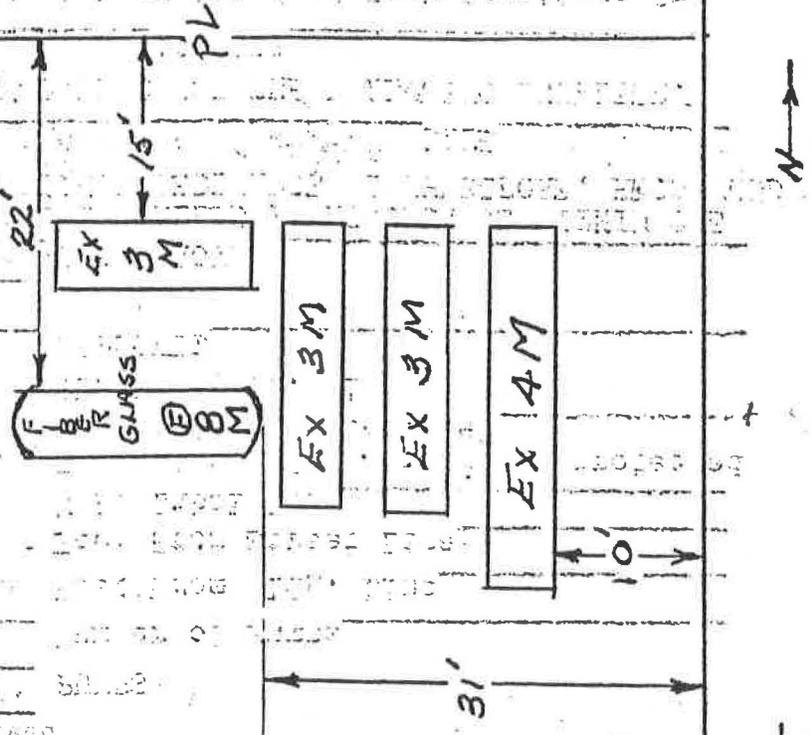
THE ABOVE LOCATION HAS BEEN INSTALLED FOR THE FOLLOWING SUPPLIER.

NAME _____ ADDRESS _____

IMPORTANT: Include Remarks, Sketch of Pump and Tank Locations On other side, or attach sketch to form. Forward Copy to BUREAU OF FIRE PREVENTION.

LOCATION 340 NIAGARA
LICENSE REQUIRED Yes
BATTALION _____
COMPANY _____

STATION
 340 NIAGARA



EX - EXISTING
 V VENT
 F FILL
 1-20-78 SKAJSKI - NOT TO SCALE

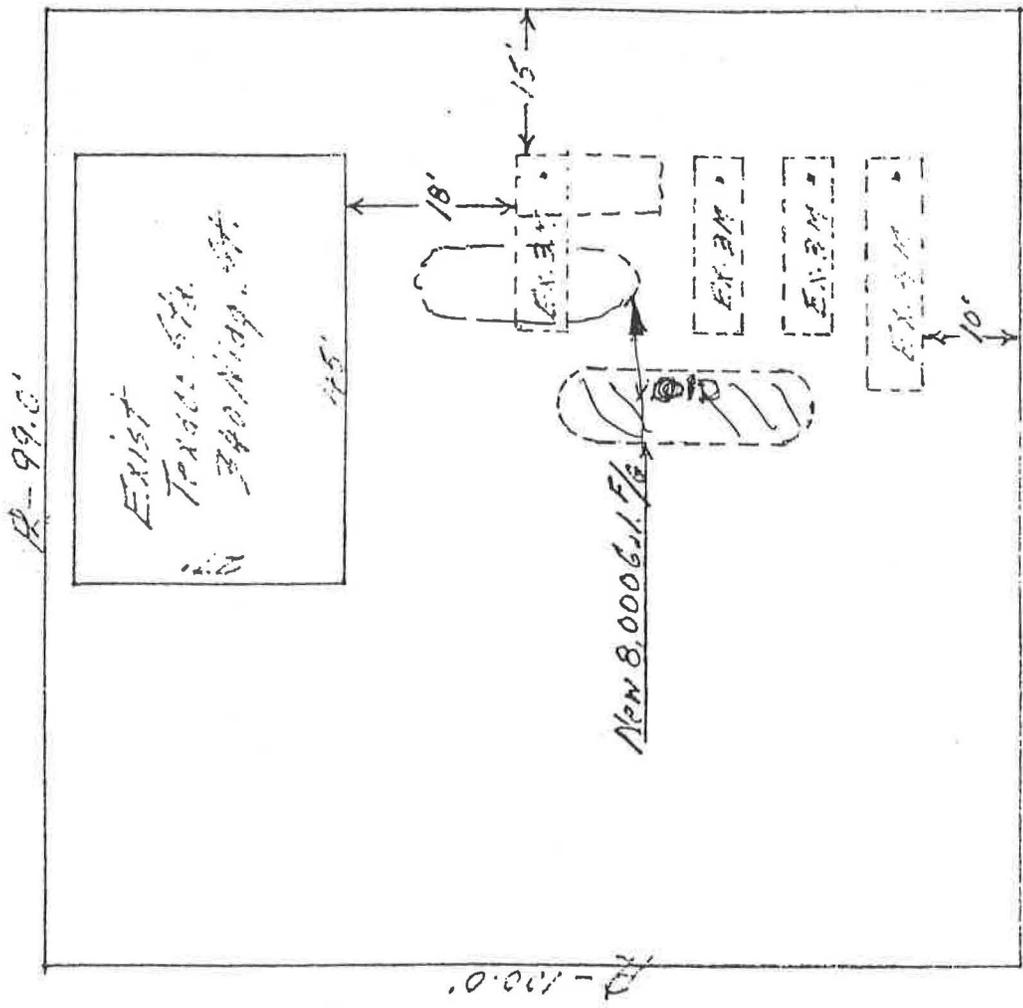
APPROVED: [Signature]
 DATE: [Date]
 PROJECT: [Project Name]

PREPARED BY: [Name]
 DATE: [Date]

Dec. 15, 1977



APPROVED
SUBJECT TO COMPLIANCE WITH ALL
APPLICABLE ORDINANCES
BASED UPON INFORMATION SUPPLIED
BY THE DEPARTMENT OF FIRE PREVENTION
St. J. E. Skalko 12-13-77
DEPARTMENT OF FIRE
BUREAU, NEW YORK



R-99.0'

EXIST
Texas Sta
Spanding. Sta
45'

18'

15'

NEW 8,000 G.P.A. Sta

NEW 8,000 G.P.A. Sta

EXIST

EXIST

EXIST

10'

R-100.0'

Virginia St

Virginia St

St. J. E. Skalko

BUREAU OF FIRE PREVENTION
FLAMMABLE LIQUID ORDINANCE CHAPTER XXIX
STORAGE AND USE OF Gasoline 1
TYPE OF LIQUID CLASS

APPLICATION
DATE: December 4, 1970 DISTRICT ZONING CM

NAME Texaco, Inc. ADDRESS 340 Niagara Street

USE: COMMERCIAL # PRIVATE PROPERTY: CITY PRIVATE

CONTRACTOR Elmwood Electric and Pump ADDRESS 810 Elmwood Avenue

APPROVED DISAPPROVED Paul J. Zalewski TITLE Chief

Bureau of Fire Prevention - Buffalo Fire Department

INSTALLATION

DATE: 3/24/71
APPLICATION NO: 122983 DATE 12/18/70 PERMIT NO: A52957 DATE 12/18/70

TANKS: VENT PIPE:
Number of 1 Number of 1

Capacity of Each 3000 Size 2"

Total Capacity 3000 Terminates Outside YES

Above Ground No Feet Above Fill Pipe 12'

Feet Underground 3' Feet From Bldg. Opening 10'

Feet From Property Line 10' Weaheproof Hood YES

Feet From Street Line 40 Flame Arrester YES

Feet From Bldg. or Cellar 10

U.L. Label Numbers _____ PUMPS:
Number of Pumps _____

Public Assemblage Bldg. Within 300 Ft. None (Sec. 82) Feet From Bldg. Line _____

Less Than 50 Feet From RR & Docks? (Sec. 16, Chap LLX) _____ Feet From Street Line _____

U.L. Label Nos. _____ If inside Bldg., are pumps protected as required by Sec. 148 _____

FILL PIPE: TESTS: (Sec. 91) APPROVED _____
Size 4" Extended Fill? _____

Located Outside YES Protected YES
Feet From Bldg. Opening 50 ~~DISAPPROVED~~

ALL TANKS, PUMPS AND PIPING, ARE INSTALLED IN ACCORDANCE WITHIN THE REQUIREMENTS OF THE FLAMMABLE LIQUID ORDINANCE, I THEREFORE, RECOMMEND

APPROVED St. H. Schmitt DATE 3/24/71

THE ABOVE LOCATION HAS BEEN INSTALLED FOR THE FOLLOWING SUPPLIER.

NAME Texaco Inc. ADDRESS River Rd.

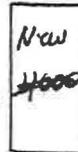
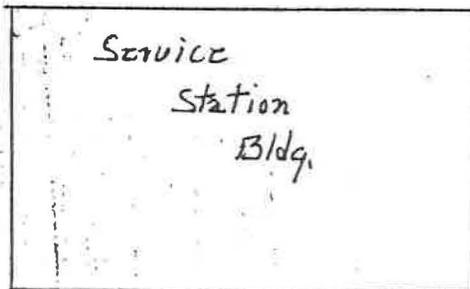
IMPORTANT: Include Remarks, Sketch of Pump and Tank Locations On other side, or attach sketch to form. Forward Copy to BUREAU OF FIRE PREVENTION.

LOCATION
340 Niagara Street
LICENSE REQUIRED Yes
BATTALION 2nd. COMPANY
Ladder 9

Texaco - Service Station
340 Niagara St.

Virginia St.

N →



- 3M
 - 3M
 - 4M
- } Existing Tanks

3000 installed not 4000 smaller

APPROVED

SUBJECT TO COMPLIANCE WITH ALL
APPLICABLE ORDINANCES
BASED UPON INFORMATION SHOWN
BUREAU OF FIRE PREVENTION

By *[Signature]* DATE *12-1-70*

DEPARTMENT OF FIRE
BUFFALO, NEW YORK

340 Niagara St

p/l

BUFFALO FIRE DEPARTMENT
FLAMMABLE LIQUID ORDINANCE CHAP. XXIX
STORAGE AND USE

APPLICATION
INSTALLATION
SURVEY

Gasoline
TYPE OF LIQUID

1
CLASS

BATTALION 2
COMPANY
DATE 3/20/58

COMMISSIONER OF FIRE:

LOCATION 354 Niagara

CITY PROPERTY (CURB)
PRIVATE PROPERTY
ZONED USE DISTRICT C.M.

NAME Avis Car Rental

PURPOSE OF USE: COMMERCIAL PRIVATE
Date:

IS LICENSE REQUIRED? Yes.

APPLICATION NO. _____
Date:

CONTRACTOR Elmwood Elect.

PERMIT NO. _____
Date:

ADDRESS 810 Elmwood.

TANKS:

Number of 1
Capacity of Each 3000
Capacity Total 3000
Above Ground NO.
Feet Underground 3
Ft. from Property Line 40
Ft. from Street Line (Min. 10 ft.) 40
Ft. from Cellar or Bldg. ✓
U. L. Label Numbers D-109105

VENT PIPE:

Number of 1
Size 2"
Terminates Outside Yes.
Ft. above Fill Pipe 12
Ft. from Bldg. Opening ✓
Weatherproof hood Yes.
Flame Arrester Yes.

PUMPS:

Number of Pumps 1
Ft. from Bldg. Line 50.
Ft. from Street Line (Min. 10 ft.) 50
U. L. Label Numbers _____
If inside bldg., are pumps protected as required by Sec. 148? _____

FILL PIPE:

Size 3"
Located Outside Yes.
Ft. from Bldg. Opening 10.
Protected against damage Yes.

TESTS:

(Sec. 91) AP PROVED 3/20/58
DISAPPROVED _____

ALL TANKS, PUMPS AND PIPING, WILL BE (ARE), ARE NOT _____, INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY ORDINANCE, I THEREFORE, RECOMMEND

APPROVED Leo. Sheehan
DISAPPROVED

TITLE B. C.

APPROVED _____ DATE _____

IMPORTANT: Include Remarks, Sketch of Tank and Pump Location on other side. Forward copy to Bureau of Fire Prevention.

LOCATION
354
Niagara

Front Wall of Garage.

Inlet

Disch.

Pump

Pump

550

1500

Existing 3000
GAL. TANK →

3000

4000

Instal 1-4000
gasoline Tank

Instal 1-500
WATER
1-1500
MOTOR

9

500

360 Niagara Street

TANKS--Removed, Watered, or Slushed

Location 360 NIAGARA

- Removed Make sure vent is removed.
- Slushed Make sure vent is removed at grade or below.
- Watered If it is expected to be watered for 3 years, be sure pump is removed and suction and vent capped.

Number of Tanks Four (4) Sizes 1-3000 1-550
1-4000 1-1500

Owner of Premises 4430 NORTH BAILEY INC.

Present or Former Operator _____

Brand Name of Gasoline _____

Owner of Tank 4430 NORTH BAILEY INC.

Address 4430 NORTH BAILEY 14226

Contractor OWNER - CHARLES MONTANA 832-8116

Address _____

Draw sketch of approximate location on property on reverse side. Also, any other pertinent information.

INSTRUCTIONS BELOW THIS LINE FOR OFFICE USE ONLY.

SEE ATTACHED LETTER LT R.G. KNOX FRB

If station had flammable liquid license, notify the Battalion Chief to have company remove from files. If station is still in business, make note on Form 29 of which tank or tanks have been removed, slushed, or watered and date of same.

PZ:RC
5/28/63

Location 360 NIAGARA
Date Nov. 1957

302 Normal Avenue
Buffalo, N.Y. 14213

February 4, 1988

Buffalo Fire Prevention Bureau
Environmental Control
312 City Hall
Buffalo, N.Y. 14202

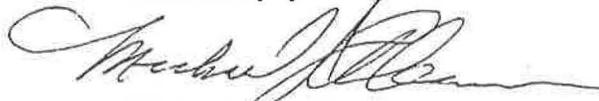
Attention: Russell Knox

Gentlemen:

As per our telephone conversation, the tanks were removed and scraped from 354 and 360 Niagara Street. The demolition was done in November of 1987. The tanks were removed from the ground on a Sunday. This being the reason we couldn't reach the D.E.C. to notify them of removal. The tanks were cut and scraped with all of the other steel which was removed from the building.

I am sorry I did not notify you sooner in regard to this matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Michael J. Alessi".

Michael J. Alessi



CITY OF BUFFALO

NEW YORK

DEPARTMENT OF FIRE
195 COURT STREET
BUFFALO, N. Y. 14202

JAMES D. GRIFFIN
MAYOR

ALBERT G. DUKE
COMMISSIONER OF FIRE
855-5333

January 21, 1988

RE: 354-360 NIAGARA ST.

4430 North Bailey Inc.
4430 North Bailey
Buffalo, New York - 14226

Sir:

An inspection of the above noted location by a member of the Bureau of Fire Prevention disclosed underground flammable liquid tank (s) out of use.

Under the New York State Uniform Fire Prevention and Building Code, Chapter 10, Article I, Part 1164.5B; tanks that are out of use for more than one (1) year must be removed from the ground and excavation backfilled to grade level or filled with an inert material such as slushed concrete.

When this work is being conducted, a member of the Bureau of Fire Prevention must be present.

If this office is not notified within ten (10) days as to your intentions of the above matter, a court summons will be issued.

If any additional information is needed, please feel free to call 855-5707 weekdays from 8:30 A.M. to 4:00 P.M.

Very truly yours,

Russell G. Knox, Lieutenant
BUREAU OF FIRE PREVENTION
Buffalo Fire Department

RGK/ch

BUREAU OF FIRE PREVENTION
BUFFALO, NEW YORK

Public Service Station _____ Private Service Station Repair Garage

Name of Operator MADISON CAB CO. Telephone No. 853-3333

Location 360 NIAGARA Batt. Dist. _____ Co. Dist. _____ Zone _____

Name of Product TEXACO No. Pumps 2 No. Disp. Nozzles 2

- | | YES | NO | | YES | NO |
|---|----------|----------|---|-----------|----------|
| 1. Are No Smoking signs properly posted | _____ | <u>X</u> | 13. Is approved solvent used to clean parts | <u>X</u> | _____ |
| 2. Inventory kept daily | <u>X</u> | _____ | 14. Is Building free of inside gas pumps | <u>X</u> | _____ |
| 3. Does operator understand method of keeping inventory | <u>X</u> | _____ | 15. If there is a pit, does it comply with Code | <u>NA</u> | _____ |
| 4. Is license posted | <u>X</u> | _____ | 16. Do vent pipes equal the number of tanks | <u>X</u> | _____ |
| 5. Unused tanks removed | <u>X</u> | _____ | 17. Do nozzle connections appear to be tight | <u>X</u> | _____ |
| 6. Suitable fire Ext. | <u>X</u> | _____ | 18. Are self-closing metal cans provided | _____ | <u>X</u> |
| 7. Pumps in good condition | <u>X</u> | _____ | 19. Is housekeeping inside O.K. | _____ | <u>X</u> |
| 8. Are they protected | <u>X</u> | _____ | 20. Is housekeeping outside O.K. | _____ | <u>X</u> |
| 9. Hoses off driveway | <u>X</u> | _____ | 21. If collision work is done here, is it legal | <u>X</u> | _____ |
| 10. Approaches to pumps clear of cars, etc. | <u>X</u> | _____ | | | |
| 11. Are customers warned to turn off motor | <u>X</u> | _____ | | | |
| 12. Is area clear of any indication of spillage | _____ | <u>X</u> | | | |

Is there an underground waste oil tank? Yes No _____ Size 500 Gal

Who Removes it Buffalo Waste How often is it picked up _____

2 Number & size of Gasoline tanks 1-4000 1-3000

Type of Heating Overhead Does it comply with the Code? Yes

Give explanation for all NO answers. Write NA in YES column if Not Applicable. Also check for open flames, drop cords, fuses, substandard wiring, heating devices in basement, and any other items pertaining to a hazardous location such as this, which may be a violation. Explanation and sketches to be put on reverse side of this form. Make out TWO copies, one for Street File and one for special Service Stations and Repair Garage File.

SEE ATTACHED LETTER:

FJS:RC
2/13/69

LT. P. Colson
Inspector's Name

360 NIAGARA ST.

ADDRESS

date

Time Entered Building

Time Left

DATE: 3-12-71

Construction Brick & Bl. b Stories 1 Area

Owner Madison Cat. Co. Address 360 Niagara
Occupant same Address same
Occupancy Repair garage - Cat washing also No. Tenants 1
Sprinklers: Wet Dry Condition none Supply

Location, Shut-off Valves
Standpipe No. Location none Siamese Conn. Location
Condition Water Supply
Portable Fire Apparatus—No. & Kind on each floor 2 - 15# CO2 Condition good
Fire Appliance Recommended: Kind none Location

Stairways: Number & Location none Enclosed
Fire Escapes: Number - Location - Type none
Elevators: Number - Location - How Enclosed none

Do Elevator Gates Work Properly? - Condition of Pit -
Has building fire doors? no Condition -
Will they work? - If not automatic, are they kept closed?
Are openings through fire walls protected? -

Are floors overloaded? no What floors -
What conditions are skylights in? none
Is there a ladder to scuttle in roof of building? no Condition -
Are all openings in floors protected? -
Heating system: Type overhead Fuel gas
Fuel Oil Tank: Capacity 1-300cc 1-4000 Location underneath

Volatile liquids—Oils or Acids Motor oil Quantity 50 gallons
Where kept? underground
Main Shut-off: Gas 1st floor - east wall Electric 1st floor - south wall
Any Violations of Laws or Ordinances? yes - see letter

Condition of Building poor Premises poor
Re-inspected

Whom interviewed Joseph Mintana
Inspector Lt. P. Carlson Company Officer same

Batt. Chief

VIOLATIONS AND FLOOR FOUND ON

- isles, insufficient or blocked.....
- shes in wooden boxes, etc.....
- cids, dangerous, not placarded.....
- aled papers, storing too much of
- himney defective
- elluloid improperly stored.....
- oncrealed apases
- doors or windows, blocked or nailed.....
- re there sufficient exits?.....
- o zinc under stoves, etc.....
- o hood or vent over ranges, etc.....
- No metal cans for oily rags, etc.....
- No metal bins for excelsior, etc.....
- Ovens, etc., not properly protected.....
- Partitions, too near stoves, etc.....
- Rubbish in yard or building.....
- Rubber hose on gas appliances.....
- Smoke pipes too near woodwork.....
- Steam pipes, too near woodwork or stock.....
- Storing explosives contrary to law.....
- Ventilators full of grease, dust, etc.....
- Windows to fire escapes, out of order.....

QUESTIONS

Yes or No

- Did you examine behind machines, ranges, shelves, benches, under stairs, dressing rooms, lockers, etc., for litter and fire hazards?.....
- Is boiler room kept clean, cut off?.....
- Are there any loose electric wires?.....
- Do they use paper shades on electric lights, or tie up wires on nails, pipes, etc.?.....
- Do they use any oil or electric appliances which would be likely to cause a fire?.....
- Do they use any substance which would be detrimental to firemen in case of fire? If so, what is it, where is it stored and what amount is carried in stock?.....

Name of Occupant in Violation and Floor Found On

R.I - 4-26-71. Some work done - man asked for a
2 week extension - Will inspect at later date.

P. Colson

R.I - 6-15-71 - all OK according to letter.

File Closed - L.A.P. Colson

1/4

Prop. to Wall of Levee.

Prop.

Prop.

1 1/2

Pump

Pump

550

1600

EXISTING 3000
GAL. TANK →

3000

3'

Instal 1-4000
gasoline Tank

4000

Instal 1-500

Waste O.

1-1500

Instal O.

39

39

360 Niagara Street