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June 9, 2017

Mr. Peter Sayadoff
Uniland Development Company
100 Corporate Parkway, Suite 500
Amherst, New York 14226

RE: Mixed-Use Property
 1984 Elmwood Avenue, 15, 19, 35, 107, and 125 Norris Street, and 742 Hertel Avenue
 Buffalo, New York 14207
 LCS Project No. 17B280.39

Dear Mr. Sayadoff:

At your request, Lender Consulting Services, Inc. (LCS) completed an ASTM E1527-13 Phase I Environmental Site Assessment of the subject property, identified as a mixed-use property located at 1984 Elmwood Avenue, 15, 19, 35, 107, and 125 Norris Street, and 742 Hertel Avenue, City of Buffalo, Erie County, New York. The subject property tax map shows the subject property to measure approximately 9.73 acres. The subject property is developed with the following:

- Building 1 (125 Norris Street): single-story, 3,060 square foot structure that was constructed in 1950, utilized as storage.
- Building 2 (35 Norris Street): two-story, 14,400 square foot structure that was constructed in 1912, utilized as storage.
- Building 3 (742 Hertel Avenue): two-story, 4,486 square foot structure that was constructed circa 1923, utilized as an automotive collision shop.
- Residence (15 Norris Street): two-story, 1,704 square foot residence that was constructed in 1920.

Exterior portions of the subject property included one garage (associated with residence), asphalt-paved parking, grassy areas, trees, and concrete sidewalks. An area of concrete was noted on the western portion (suspected former building location).

This letter summarizes the environmental professional's specific findings of LCS' all appropriate inquiries of the above-referenced site in accordance with ASTM E1527-13. It should be noted that the attached Phase I Environmental Site Assessment includes only a portion of what is required by the user to comply with all appropriate inquiries. The reader is encouraged to read the entire attached report.

Buffalo. Rochester. Syracuse. Albany. Mid-Hudson. New York City. Connecticut. Cleveland. Pittsburgh.
Wilkes Barre. Harrisburg. Allentown. Delaware. Maryland. Washington, DC. Virginia. North Carolina.

FINDINGS:

This assessment has revealed no evidence of recognized environmental conditions¹ in connection with the subject property except for the following:

- On-site operations at 742 Hertel Avenue have included automotive repair and/or welding since at least 1931; operations currently include collision work (no engine repair). Floor drains noted within the collision shop presumably discharge to the municipal sewer system; no evidence of an oil-water separator was identified on-site.
- The subject property included a foundry from at least 1912 through 1986; two small transformer rooms were noted within the foundry building from at least 1950 through at least 1986.
- According to city directories, on-site operations included printing in Building 1 in at least 1998.
- Dark staining was noted to the floor in the area of three of the oil buckets in Building 1. Several unlabeled drums were noted north of Building 2; some of the drums appeared to be empty. The contents of the remaining drums could not be confirmed. Three empty drums were noted in Building 2 and were labelled anti rust and cutting fluid concentrate.
- LCS noted areas of dumping on-site (north of Building 2 and on the northeastern portion of the property), including tires, drums and grinding wheels, asphalt shingles, general refuse, paint cans, and additional rusted drums and buckets.
- LCS noted a cut off pipe protruding from the ground along the eastern exterior of the collision shop building; the nature of such could not be confirmed.
- A building with two fuel tanks was noted on the eastern portion of the property from at least 1916 through at least 1986.
- According to Sanborn maps, a suspected gasoline tank was noted east of a former office building on the western portion of the property from at least 1950 through at least 1986.
- According to a previous study reviewed by LCS and City of Buffalo Permit records, a permit was filed in 1931 to install one 550-gallon gasoline storage tank and was in addition to a 275-gallon tank already on-site; records do not indicate whether such are aboveground or underground.
- According to Sanborn maps, a railroad spur extended onto the property from at least 1916 through at least 1986.
- Current and former adjacent sites of potential concern were identified including railroad tracks (east), manufacturing, a maintenance building with fuel oil tanks, automotive repair, and various industrial uses.
- A north adjacent site (Intercontinental Branded Apparel/M. Wile Company at 2020 Elmwood Avenue) was identified as a registered UST facility.
- A west adjacent site (Norris Garage Auto Repair at 66 Norris Street) was identified as a historical auto station in 1955, 1960, 1964, 1970, 1975, 1980, 1985, 1992, and 1998.
- A west adjacent site (Carpet Pros Carpet & Rug Cleaner at 60 Norris Street) was identified as a historical cleaner in 2008.
- A south adjacent site (Niagara Metals LLC at 761 Hertel Avenue) was identified as an active vehicle dismantling facility.

¹ *Recognized environmental condition* is defined by the ASTM E1527-13 standard as "the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: 1) due to any release to the environment; 2) under conditions indicative of a release to the environment; or 3) under conditions that pose a material threat of a future release to the environment. De minimis conditions are not recognized environmental conditions."

FINDINGS (continued):

This assessment has revealed no evidence of controlled recognized environmental conditions² in connection with the subject property except for the following:

- A north adjacent site (Intercontinental Branded Apparel/M. Wile Company at 2020 Elmwood Avenue) was identified as a LTANKs spill site; Spill No. 8707858 involved the release of #6 fuel oil due to a tank failure and is classified as "closed." Spill Nos. 9510740 and 9510756 involved an abandoned tank and are classified as either "inactive" or "closed."
- A west adjacent site (Unipunch at 20 Norris Street) was identified as a NY Spill site; Spill No. 8805895 involved the release of cutting oil due to poor housekeeping and is classified as "closed."

While not considered recognized environmental conditions under the ASTM standard³, LCS notes the following:

- Chipping/peeling paint was noted along the exterior of Building 2; such paint may contain lead.
- Automotive chemicals were noted in several containers of one-gallon or less within the repair facility. One inactive paint booth was noted within that structure.
- The subject property, listed as Trim Associates at 121-125 Norris Street, was identified as a RCRA Non-Generator (no violations listed) and within the FINDS and ECHO database due to the RCRA listing.
- A north adjacent site (Intercontinental Branded Apparel/M. Wile Company at 2020 Elmwood Avenue) was identified as a Manifest site and RCRA-CESQG (no violations).

Exceptions/Deletions/Limitations to this Assessment:

See Section 1.3 of the accompanying report.

² *Controlled recognized environmental condition* is defined by the ASTM E1527-13 Standard as a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls). NOTE: A condition identified as a controlled recognized environmental condition does not imply that the environmental professional has evaluated or confirmed the adequacy, implementation, or continued effectiveness of the required control that has been, or is intended to be, implemented.

³ This listing includes de minimis conditions and historic RECs. A de minimis condition is defined in ASTM E1527-13 as a condition that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis are not recognized environmental conditions (RECs) or controlled RECs. An historic REC is defined as a past release of any hazardous substance or petroleum product that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls.

RECOMMENDATIONS:

Based on the information contained in the attached report, LCS reports the following about the subject property:

1)

Known or Suspect RECs	Rationale/Opinion	Recommendation(s)
On-site operations at 742 Hertel Avenue have included automotive repair and/or welding since at least 1931; operations currently include collision work (no engine repair). Floor drains noted within the collision shop presumably discharge to the municipal sewer system; no evidence of an oil-water separator was identified on-site. The subject property included a foundry from at least 1912 through 1986; two small transformer rooms were noted within the foundry building from at least 1950 through at least 1986. According to city directories, on-site operations included printing in Building 1 in at least 1998.	The potential exists for on-site impact from such former operations.	Unless sufficient documentation is provided, a subsurface investigation is warranted to assess the environmental conditions on-site. If such identifies a concern, additional work may be required.
Dark staining was noted to the floor in the area of three of the oil buckets in Building 1. Several unlabeled drums were noted north of Building 2; some of the drums appeared to be empty. The contents of the remaining drums could not be confirmed. Three empty drums were noted in Building 2 and were labelled anti rust and cutting fluid concentrate. LCS noted areas of dumping on-site (north of Building 2 and on the northeastern portion of the property), including tires, drums and grinding wheels, asphalt shingles, general refuse, paint cans, and additional rusted drums and buckets.	The potential exists for impact in the area of the dumping and staining.	As part of the above subsurface investigation, the staining should be properly cleaned and any impacted soils/materials removed and the debris on-site (and any associated impact) properly removed.

RECOMMENDATIONS (continued):

Known or Suspect RECs	Rationale/Opinion	Recommendation(s)
A building with two fuel tanks was noted on the eastern portion of the property from at least 1916 through at least 1986. According to Sanborn maps, a suspected gasoline tank was noted east of a former office building on the western portion of the property from at least 1950 through at least 1986. According to a previous study reviewed by LCS and City of Buffalo Permit records, a permit was filed in 1931 to install one 550-gallon gasoline storage tank and was in addition to a 275-gallon tank already on-site; records do not indicate whether such were above or underground.	The status of the tanks is unknown. LCS noted one cut pipe protruding from the ground along the eastern exterior of the collision shop building, which may be associated a former UST.	The above subsurface investigation should include a geophysical survey to assess whether any USTs remain on-site and an assessment of the environmental conditions on-site in the area of the USTs. The nature of all of the piping noted on-site by LCS should be confirmed.
Adjacent sites of potential concern.	The potential exists for on-site impact; records reviewed by LCS did not suggest on-site impact.	Although these concerns are not on the subject property and would not typically be the responsibility of the subject property owner, as part of qualification for CERCLA protection, the potential for impact from adjacent properties must be considered. In order to verify a non-contaminated condition from adjacent sites, a subsurface investigation along the property boundaries would be warranted.
Controlled RECs	Rationale/Opinion	Recommendation(s)
Adjacent "closed" or "inactive" spills.	These releases have been addressed to the satisfaction of the NYSDEC.	No further investigation is warranted.

2) A full asbestos inspection was not completed. Based on LCS' limited observations, as suspected ACMs were not friable or greatly damaged, the materials can remain in-place. However, should significant renovations or demolition be anticipated, state and federal regulations require an asbestos survey and proper handling and disposal of ACMs. If such renovations or demolition is anticipated, costs for addressing ACMs should be provided in any project estimates.

RECOMMENDATIONS (continued):

3) A full lead-based paint inspection was not completed. Based on LCS' limited observations, suspect lead-based paint surfaces were considered to be peeling or chipping at the time of the site investigation; such should be properly repaired. Caution is recommended if renovations and/or remodeling of this facility are to take place. Although the on-site operations are not residential in nature, worker safety should be considered during any future site renovations or demolition.

4) A full mold inspection was not completed. Based on LCS' limited observations, there was no visible evidence of mold at the time of the site inspection. It should be noted that molds can grow in hidden areas not observed during LCS' site reconnaissance. Of particular concern would be areas that experience water damage and areas of high humidity. Caution should be taken following any future water releases within the subject structure. Such water releases should be addressed immediately to help prevent the formation of the mold spores. Visual evidence of mold should be addressed immediately. It is recommended that professional remediation contractors be hired to properly address such issues.

Should you have any questions relative to this report, please contact Mr. Alan Schenk, the LCS General Manager associated with this project at (518) 328-1762. This report constitutes the findings and recommendations of LCS' investigation conducted for the referenced subject property as written and reviewed by the following:



Paige DuPont
Environmental Analyst



Heather Lamb
Senior Reviewer

7.3 INTERVIEWS/USER PROVIDED INFORMATION (continued)

Former Owner/Operators

As required by 40 CFR 312.23, LCS has attempted to contact and interview the former owners and/or operators of the subject property to discuss historic use and storage of hazardous substances. To-date, LCS has been unable to interview any relevant previous owners or operators.

7.4 SUMMARY OF REGULATORY AND USER PROVIDED INFORMATION

The following conditions indicative of releases or threatened releases of hazardous substances or petroleum products in, on, or at the subject property were identified based on LCS' review of regulatory information:

- The subject property, listed as Trim Associates at 121-125 Norris Street, was identified as a RCRA Non-Generator (no violations listed) and within the FINDS and ECHO database due to the RCRA listing.
- The subject property, addressed at 742 Hertel Avenue, was identified in the EDR Historical Auto Station database with the following listed occupants: Hertel Garage (1930, 1935), Larrin Vincent Auto Repairs (1950), Sanins Collison Auto Repair (1975), North Buffalo Collision Auto Repair (1980), and Executive Collision Auto Repair (1985, 1999, 2000).
- A north adjacent site (Intercontinental Branded Apparel/M. Wile Company at 2020 Elmwood Avenue) was identified as a registered UST facility, Manifest site, RCRA-CESQG (no violations), and LTANKs spill site; Spill No. 8707858 involved the release of #6 fuel oil due to a tank failure and is classified as "closed." Spill Nos. 9510740 and 9510756 involved an abandoned tank and are classified as either "inactive" or "closed."
- A west adjacent site (Norris Garage Auto Repair at 66 Norris Street) was identified as a historical auto station in 1955, 1960, 1964, 1970, 1975, 1980, 1985, 1992, and 1998.
- A west adjacent site (Carpet Pros Carpet & Rug Cleaner at 60 Norris Street) was identified as a historical cleaner in 2008.
- A west adjacent site (Unipunch at 20 Norris Street) was identified as a NY Spill site; Spill No. 8805895 involved the release of cutting oil due to poor housekeeping and is classified as "closed."
- A south adjacent site (Niagara Metals LLC at 761 Hertel Avenue) was identified as an active vehicle dismantling facility.

8.0 RADON

Radon is a radioactive gas that occurs naturally from the breakdown of uranium in rock. Radon can be found in high concentrations in soils and rock containing uranium, shale, granite, phosphate and pitchblende. Radon may also be found in soils contaminated with certain types of industrial wastes such as the byproducts from uranium or phosphate mining. Radon gas can move through small fractures in soil and rock and can seep into a structure through dirt floors, cracks in the floors and walls, drains, sumps pipes and pores. Radon has been associated with increased risks of developing lung cancer.

The NYSDOH Radon Detector Distribution Program report for October 2016 suggests an average basement radon reading of 1.15 pCi/L for Buffalo. The NYSDOH recommends taking measures to reduce basement radon concentration to below 4.0 pCi/L. Based on the low average radon concentration for the area of the subject property, radon does not appear to pose a concern to the subject property.

9.0 WETLANDS

Due to the highly developed area in that the subject property is located, the lack of any surficial water bodies on-site, and the lack of any surficial soils, no delineated wetlands are suspected on-site or in the immediate area of the subject property.

10.0 APPENDIX

SITE SKETCH



NOTES:



Areas of heavy dumping



concrete-suspect former building foundation

10.4 SITE PHOTOGRAPHS

PHOTOGRAPH VIEWS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: View of the northern exterior of building #1 (125 Norris)

Photo 2: View of the eastern exterior of building #1 (125 Norris).

Photo 3: View of the southern exterior of building #1 (125 Norris)

Photo 4: View of the western exterior of building #1 (125 Norris)

LCS, INC.
40 LA RIVIERE DRIVE, SUITE 120
BUFFALO, NEW YORK 14202
Project No. 17B280.39 Photo Date: 4/13/17

SITE PHOTOGRAPHS
Mixed-Use Property
15, 19, 33, 35, 107, 125 Norris, 742 Hertel Ave, and 1984
Elmwood Ave
Buffalo, New York

PHOTOGRAPH VIEWS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: View of the stored oils and staining on the interior of building #1.

Photo 2: View of the interior of building #1.

Photo 3: View of the interior of building #1.

Photo 4: View of the interior of building #1.

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PHOTOGRAPH VIEWS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: View of the former building pad on the exterior of building #1.

Photo 2: View of the suspect natural gas line in the vicinity of building #1.

Photo 3: View of the dumping in the vicinity of building #1.

Photo 4: View of the dumping in the vicinity of building #1.

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Elmwood Ave
Buffalo, New York

PHOTOGRAPH VIEWS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: View of the northern exterior of building #2 (35 Norris)

Photo 2: View of the eastern exterior of building #2 (35 Norris)

Photo 3: View of the southern exterior of building #2 (35 Norris)

Photo 4: View of the western exterior of building #2 (35 Norris)

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Elmwood Ave
Buffalo, New York

PHOTOGRAPH VIEWS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: View of the interior of building #2.

Photo 2: View of the stored 55-gallon drum on the interior of building #2.

Photo 3: View of the interior of building #2.

Photo 4: View of the interior of building #2.

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15, 19, 33, 35, 107, 125 Norris, 742 Hertel Ave, and 1984
Elmwood Ave
Buffalo, New York

PHOTOGRAPH VIEWS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



- Photo 1: View of the interior of building #2.
- Photo 2: View of the interior of building #2.
- Photo 3: View of the dumping south of building #2.
- Photo 4: View of the abandoned drums north of building #2.

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15, 19, 33, 35, 107, 125 Norris, 742 Hertel Ave, and 1984
Elmwood Ave
Buffalo, New York

PHOTOGRAPH VIEWS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: View of the slag like material within abandoned drums north of building #2.

Photo 2: View of the abandoned drums north of building #2.

Photo 3: View of the dumped grinding wheels north of building #2.

Photo 4: View of the dumped tires north of building #2.

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Elmwood Ave
Buffalo, New York

PHOTOGRAPH VIEWS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: View of the northern exterior of building #3 (742 Hertel)

Photo 2: View of the eastern exterior of building #3 (742 Hertel)

Photo 3: View of the southern exterior of building #3 (742 Hertel)

Photo 4: View of the western exterior of building #3 (742 Hertel)

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15, 19, 33, 35, 107, 125 Norris, 742 Hertel Ave, and 1984
Elmwood Ave
Buffalo, New York

PHOTOGRAPH VIEWS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: View of the floor drain on the interior of building #3.

Photo 2: View of the paint booth on the interior of building #3.

Photo 3: View of the shop interior of building #3.

Photo 4: View of the office portion of building #3.

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Elmwood Ave
Buffalo, New York

PHOTOGRAPH VIEWS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: View of the unknown pipe on the eastern exterior of building #3.

Photo 2: View of the northern exterior of building #4.

Photo 3: View of the eastern exterior of building #4.

Photo 4: View of the southern exterior of building #4.

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Elmwood Ave
Buffalo, New York

PHOTOGRAPH VIEWS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



- Photo 1: View of the western exterior of building #4.
- Photo 2: View of the dumping on the vacant portion of the subject property.
- Photo 3: View of the dumping on the vacant portion of the subject property.
- Photo 4: View of the dumping on the vacant portion of the subject property.

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PHOTOGRAPH VIEWS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: View of the dumping on the vacant portion of the subject property.

Photo 2: View of the vacant portion of the subject property.

Photo 3: View of the vacant portion of the subject property.

Photo 4: View of the vacant portion of the subject property.

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PHOTOGRAPH VIEWS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: View of the north adjacent property.

Photo 2: View of the east adjacent property.

Photo 3: View of the south adjacent property.

Photo 4: View of the west adjacent properties.

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INQUIRY #: 4911253.8

YEAR: 2011

— = 500'





INQUIRY #: 4911253.8

YEAR: 2009

— = 500'





INQUIRY #: 4911253.8

YEAR: 2008

= 500'







INQUIRY #: 4911253.8

YEAR: 1995

— = 500'





INQUIRY #: 4911253.8

YEAR: 1985

— = 500'





INQUIRY #: 4911253.8

YEAR: 1983

— = 500'



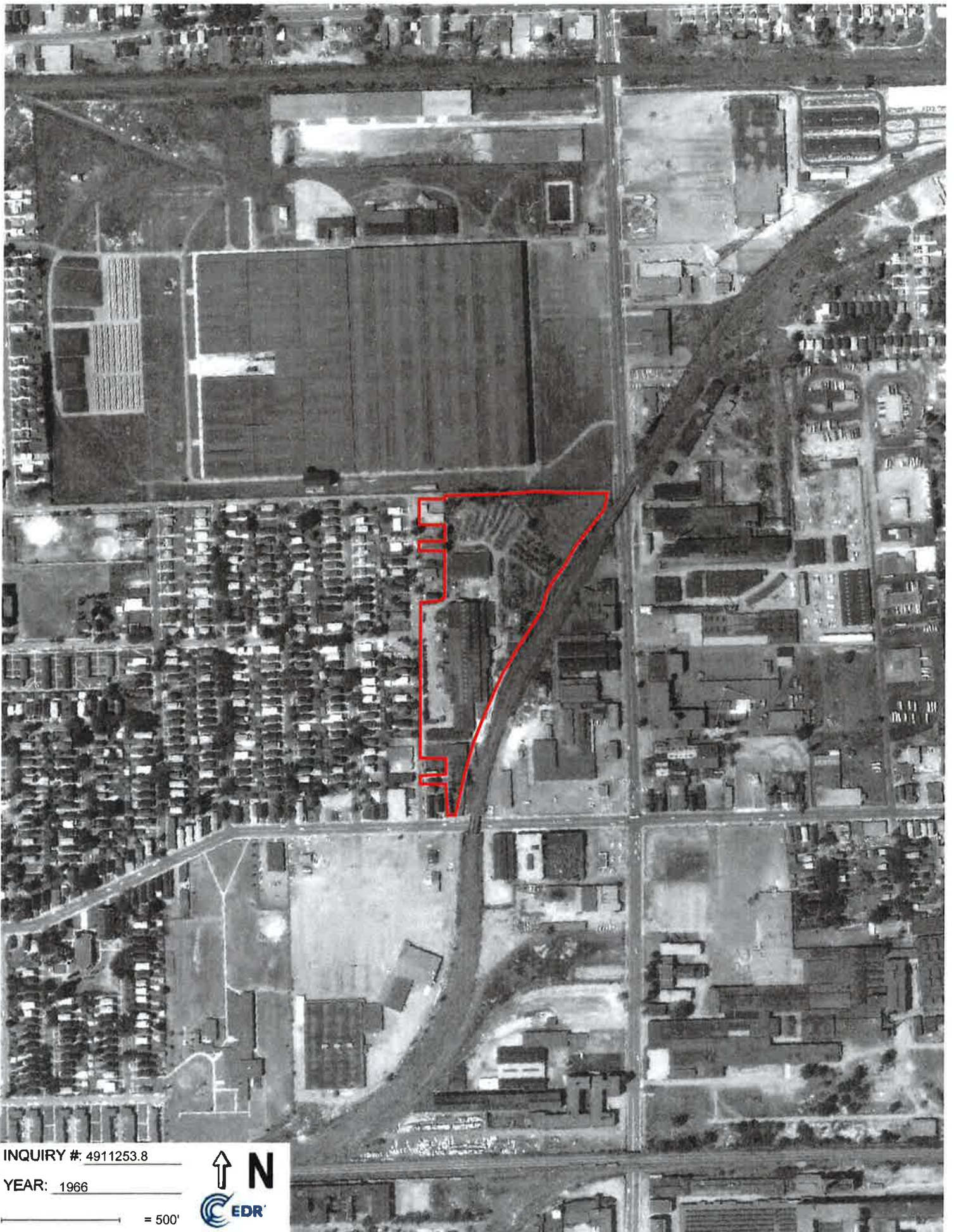


INQUIRY #: 4911253.8

YEAR: 1978

— = 500'



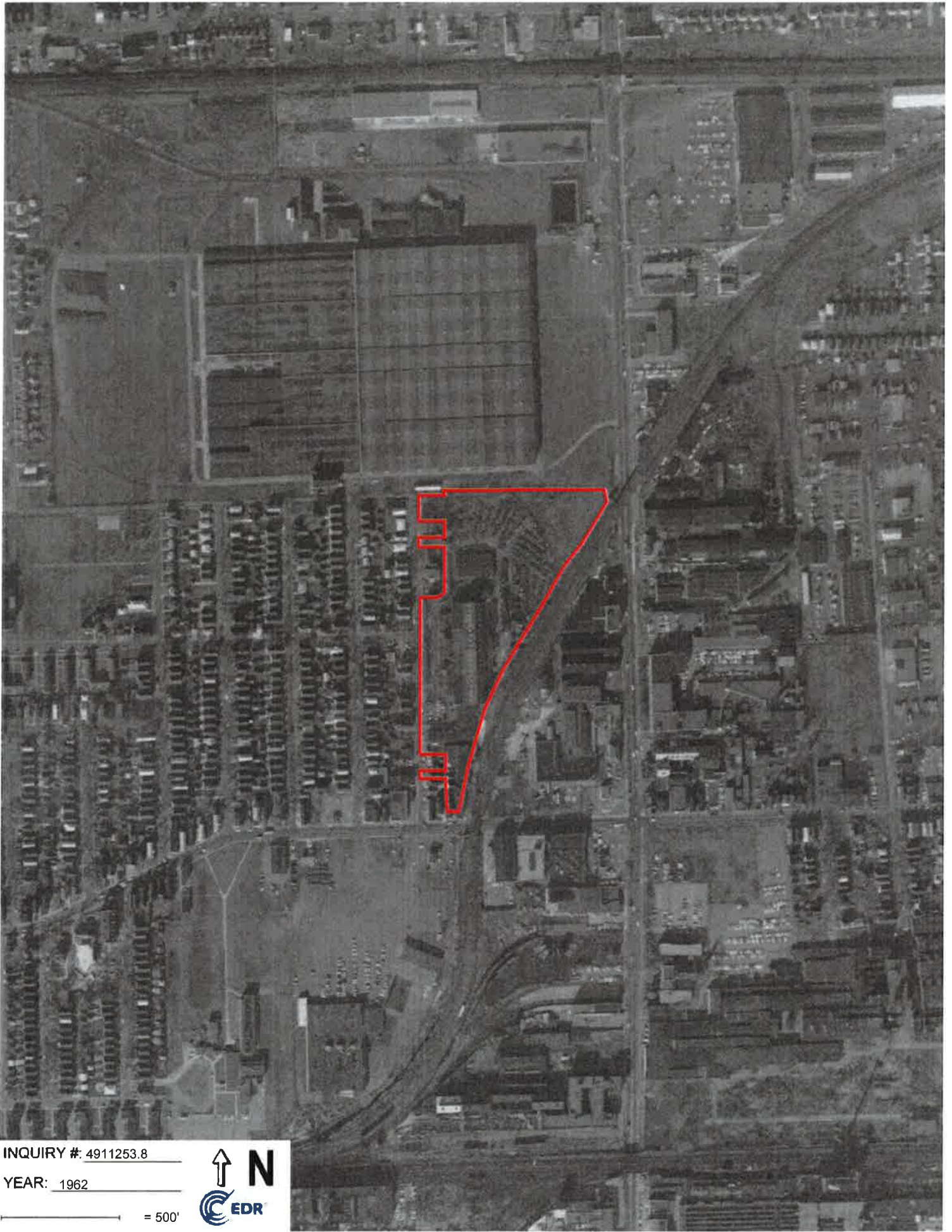


INQUIRY #: 4911253.8

YEAR: 1966

— = 500'



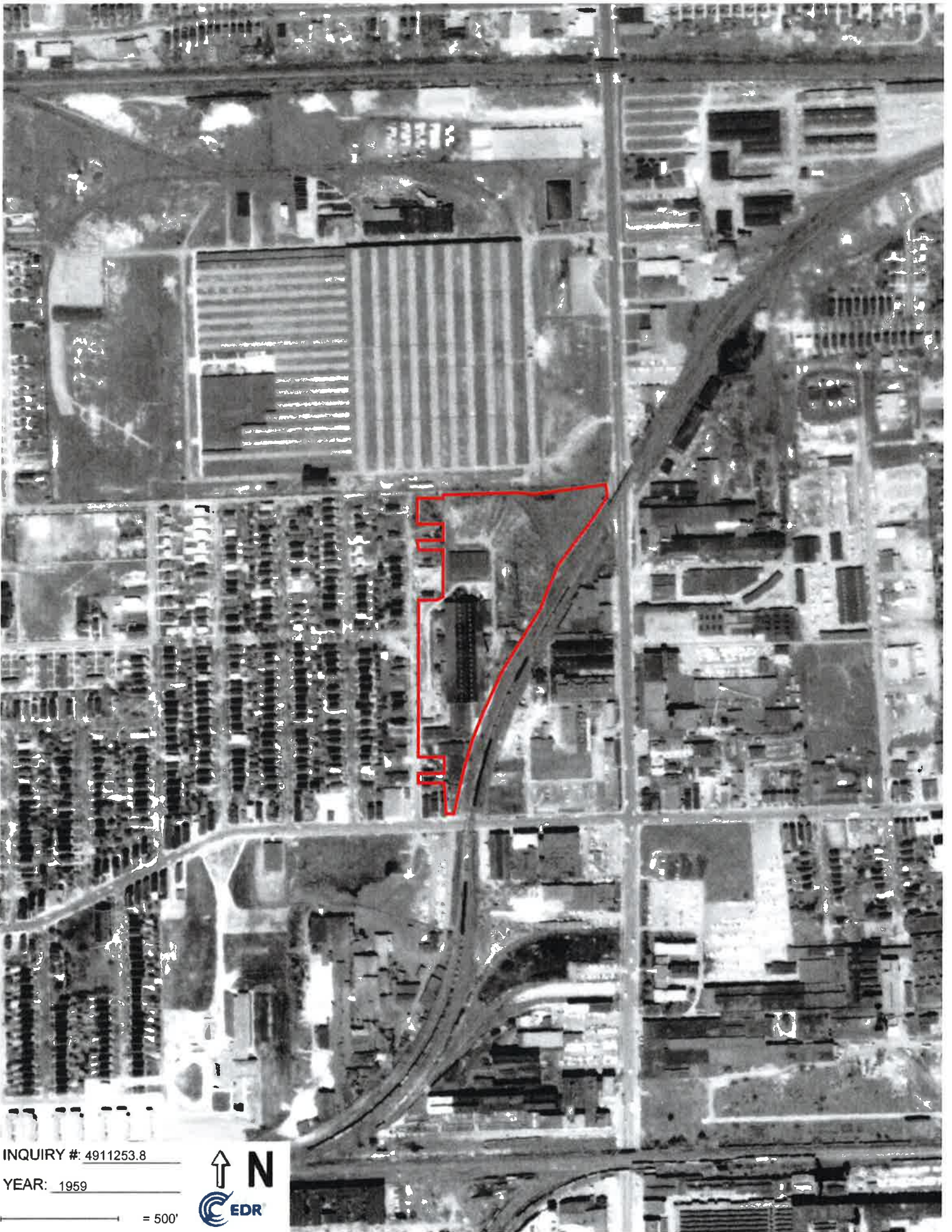


INQUIRY #: 4911253.8

YEAR: 1962

— = 500'





INQUIRY #: 4911253.8

YEAR: 1959

— = 500'





INQUIRY #: 4911253.8

YEAR: 1951

— = 500'





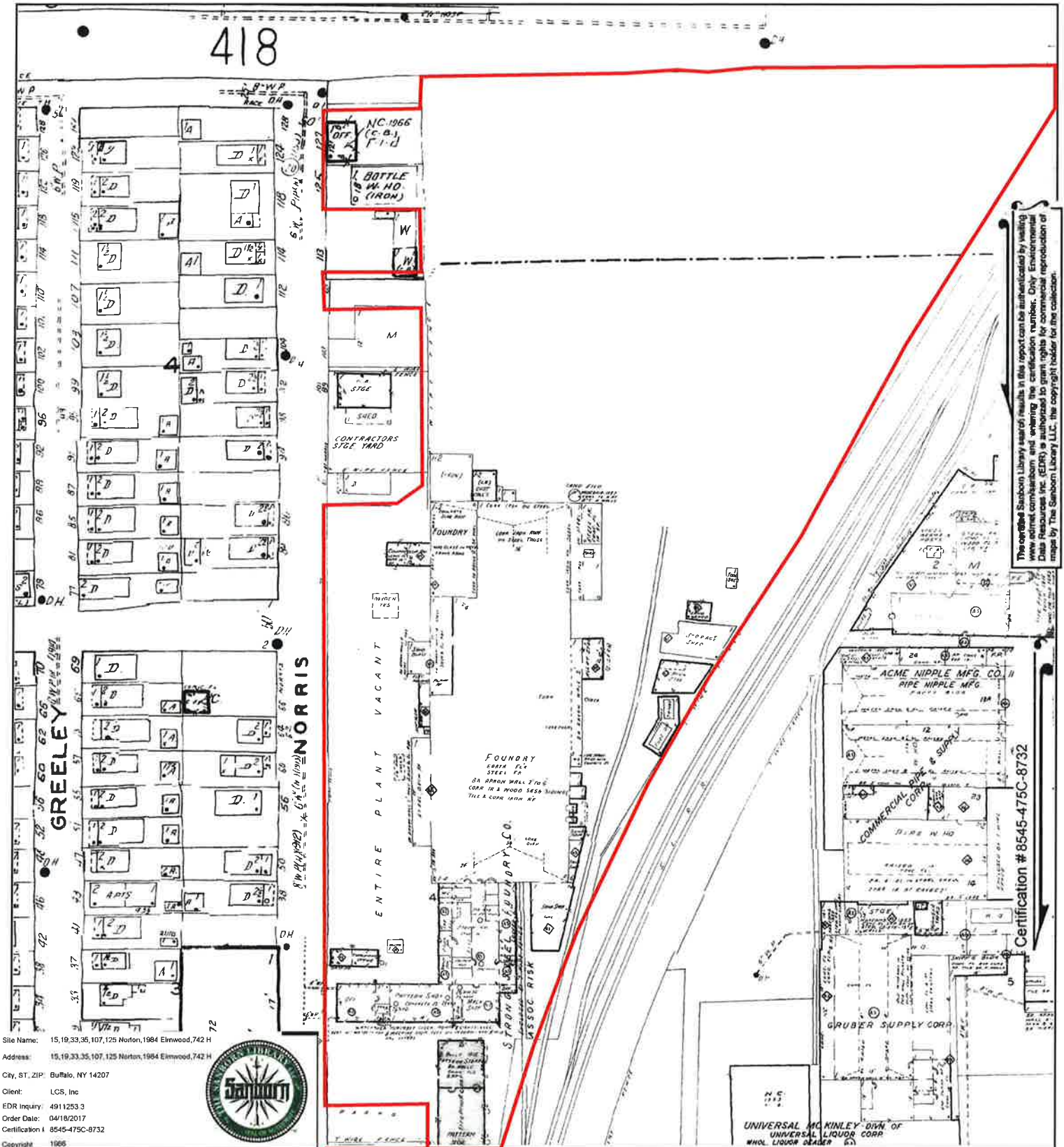
INQUIRY #: 4911253.8

YEAR: 1938

— = 500'



418



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 Volume 4, Sheet 380

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Certification # 8545-475C-8732

12.0 REFERENCES

EDR, The EDR-Radius Map Report, Inquiry #4911253.2s. Report dated April 13, 2017.

EDR, Certified Sanborn Map Report, Inquiry #4911253.3. Report dated April 18, 2017.

EDR, City Directory Abstract, Inquiry #4911253.5. Report dated April 19, 2017.

www.real-info.com

http://gis1.erie.gov/website/Erie_help/help.htm

www.nrcs.usda.gov

<http://soils.usda.gov/use/hydric/lists/state.html>

<http://www.fws.gov/wetlands/>

<http://www.health.state.ny.us/environmental/radiological/radon/towns.htm>

<http://www.nysm.nysed.gov/gis/>

www.dec.ny.gov/

<http://www.epa.gov/enviro/facts/qmr.html>

Erie County Water Quality Report

13.0 ACRONYMS/ABBREVIATIONS

ACM	Asbestos-Containing Materials
AIRS	Aerometric Information Retrieval System
AST	Aboveground Storage Tank
ASTM	American Society for Testing and Materials
CBS	Chemical Bulk Storage
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CERCLIS	Comprehensive Environmental Response, Compensation and Liability Information System
CESQG	Conditionally Exempt Small Quantity Generator
CORRACTS	Corrective Action
EDR	Environmental Data Resources, Inc.
ERNS	Emergency Response and Notification System
FINDS	Facility Index System
FIS	Facility Information System
FOIA	Freedom of Information Act
FOIL	Freedom of Information Law
FWM	Freshwater Wetlands Map
ICIS	Integrated Compliance Information System
LCS	Lender Consulting Services, Inc.
LQG	Large Quantity Generator
LTANK	Leaking Tank
LUST	Leaking Underground Storage Tank
MOSF	Major Oil Storage Facility
MSDS	Material Data Safety Sheets
mVOC	Microbial Volatile Organic Compound
N/A	Not Available, Not Applicable
NFRAP	No Further Remedial Action Planned
NPDES	National Pollution Discharge Elimination System
NPL	National Priorities List ("Superfund")
NRCS	Natural Resource Conservation Service (by County)
NWI	National Wetlands Inventory
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
PBS	Petroleum Bulk Storage
PCB	Polychlorinated Biphenyl
PCi/L	Pico Curies per Liter
PEC	Potential Environmental Concern
RCRA	Resource Conservation and Recovery Act
RCRIS	Resource Conservation and Recovery Information System
REC	Recognized Environmental Condition
SEMS	Superfund Enterprise Management System
SPDES	State Pollution Discharge Elimination System
SQG	Small Quantity Generator
TSDF	Treatment, Storage and Disposal Facility
USDA	United States Department of Agriculture
USEPA	United States Environmental Protection Agency
USFWS	United State Fish and Wildlife Service
USGS	United States Geological Survey
UST	Underground Storage Tanks
VCP	Voluntary Cleanup Program

10.9 HISTORICAL INFORMATION