

**PHASE I ENVIRONMENTAL SITE ASSESSMENT**

**FOR**

**1000 MAIN STREET**

**CITY OF BUFFALO, ERIE COUNTY, NEW YORK**

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**LIST OF SELECTED ACRONYMS FOR FEDERAL, STATE AND TRIBAL ENVIRONMENTAL DATABASES**

**Federal Records**

<b>Abbreviation</b>	<b>Description</b>
NPL	National Priority List
Proposed NPL	Proposed National Priority List Sites
De-listed NPL	National Priorities List Deletions
NPL LIENS	Federal Superfund Liens
CERCLIS	Comprehensive Environmental Response, Compensation, Liability Information System.
CERCLIS-NFRAP	CERCLIS- No further Remedial Action Planned
CORRACTS	Corrective Action Report
RCRA	Resource Conservation and Recovery Act
ERNS	Emergency Response Notification System
RCRA-TSDF	RCRA- Treatment, Storage and Disposal Facility
RCRA-LQG	RCRA- Large Quantity Generators
RCRA- CESQG	RCRA- Conditionally Exempt Small Quantity Generators
RCRA-NonGen	RCRA- Non Generating Sites
US Brownfield	A listing of Brownfield Sites
ROD	Records of Decision
FINDS	Facility Index System/Facility Registry System

**State Records**

<b>Abbreviation</b>	<b>Description</b>
SHWS	Hazardous Waste Cleanup Act Sites List
SWF/LF	Licensed Solid Waste Facilities
SWRCY	Registered Recycling Facility List
LTANKS	Leaking Storage Tank File
UST	Underground Storage Tank File
HIST UST	Historic Underground Storage Tank File
AST	Listing of PA Regulated ASTs
NY Manifest	Manifest Information
NY Spills	NYSDEC Spill Report Database
NY Hist Spills	NYSDEC Historic Spill Report Database
ENG CONTROLS	Engineering Controls Site List

INST CONTROL	Institutional Controls Site Listing
VCP	Voluntary Cleanup Sites
DRYCLEANERS	Drycleaners Facility Locations
BROWNFIELDS	Brownfield Sites

### **Tribal Records**

<b>Abbreviation</b>	<b>Description</b>
INDIAN LUST	Leaking Underground Storage Tanks
INDIAN UST	Underground Storage Tanks

### **EDR Proprietary Records**

<b>Abbreviation</b>	<b>Description</b>
MGP	Manufactured Gas Plants
HAS	Historical Auto Stations
HCL	Historical Cleaners

*Note: A complete list of acronyms and detailed descriptions are provided in the EDR Radius Map Report in Appendix C.*

## **EXECUTIVE SUMMARY**

At the request of Ciminelli Real Estate Corporation, C&S Engineers, Inc (C&S) has prepared this Phase I Environmental Site Assessment Report (“ESA”) of the building and property located at 1000 Main Street in the City of Buffalo, Erie County, New York. For this Phase I ESA both the building and property are collectively called the “Subject Property.” A site investigation was conducted on November 8, 2013 by Mr. Cody A. Martin of C&S, whose observations are included in this Phase I ESA. The remainder of this Phase I ESA includes information collected from various federal, state and local agencies provided by Environmental Data Resources, Inc. (“EDR”), and reasonably ascertainable historical records such as tax records, aerial photographs, and topographic maps.

Based on the results of this Phase I ESA, the following conclusions and recommendations are made:

### **Findings**

- ◆ The building occupying 1000 Main Street is a single story brick building with associated parking lot.

- ◆ The current owner of the 1000 Main Street is Every Person Influences Children (“EPIC”). The Subject Property is currently being used as an office and day care.
- ◆ There were no hazardous or regulated materials observed onsite.
- ◆ Based on the date of construction at the Subject Property, 2001, it is unlikely that PCB-containing material, lead-based paint or asbestos-containing materials were used. However, an assessment of potential asbestos-containing materials is out of scope for this Phase I ESA.
- ◆ The Subject Property is not located within the mapped limits of either the 100-year or 500-year flood zones.
- ◆ There are no groundwater wells located at the Subject Property.
- ◆ The Subject Property is not identified in any federal, state, or local environmental databases.
- ◆ In 1951, 988 Main Street, south of the Subject Property, was used as an auto repair shop. The maps did not indicate that fuel storage or gasoline station services occurred on site. Therefore the potential for environmental impacts to the Subject Property from the adjacent facility is considered low.
- ◆ Two filling stations, operating in the 1950s, were located south and east of the Subject Property. Since these gas stations are located cross and downgradient respectively; therefore, significant environmental risk to the Subject Property is low.
- ◆ One offsite recognized environmental condition was identified from the historic record search. A historic dry cleaner was located north of the Subject Property and operated from late 1930s to early 1940s. Typical risks from dry cleaning are environmental impacts of discharging dry-cleaning solvents into the ground through septic systems. However, surface dumping of the chemicals can also have occurred at the site. This facility was located in an area with city sanitary sewer service and would be unlikely to use a subsurface discharge of waste chemicals. The environmental risk from the facility is considered low to moderate.
- ◆ A Brownfield Cleanup site is located directly across Main Street from the Subject Property. Petroleum remediation has been ongoing from 1990 to 2012. Contaminated soil and groundwater have been removed for the construction of an eight story medical office building. Groundwater contamination is known to extend underneath Main Street. However, this site does not pose a significant offsite environmental concern because groundwater flows away from the Subject Property and the metro rail tunnel (underneath Main Street) blocks contaminant transport.
- ◆ Based on the Subject Property’s current and historical uses the lack of a lien search is unlikely to represent a significant data gap for the conclusions.

*Opinion on Findings*

The presence of a former dry cleaner represents an offsite REC to the Subject Property. Due to the age of the operating years (1930s to 1940s), there is no data or information available to evaluate whether this site has affected the subsurface of the Subject Property.

## **1.0 INTRODUCTION**

At the request of Ciminelli Real Estate Corporation, C&S Engineers, Inc. (“C&S”) has completed a Phase I Environmental Site Assessment on 1000 Main Street, located in the City of Buffalo, Erie County, New York. That property is operating as a Every Person Influences Children (“EPIC”) and will be referenced as the “Subject Property” in this report. The Phase I Environmental Assessment was performed consistent with American Society of Testing and Materials (ASTM) E-1527-13 Standard Practice for Environmental Site Assessment Process, except as noted below. The scope of services for the Phase I Environmental Site Assessment was described in our agreement with Ciminelli Real Estate Corporation dated November 4, 2013.

The purpose of this Phase I Environmental Site Assessment is to identify:

- ◆ Possible environmental contaminants;
- ◆ The proximity of sensitive receptors;
- ◆ Past and present uses on or adjacent to the Subject Property that may be qualified as a Recognized Environmental Condition (“REC”);
- ◆ Hazardous material and waste storage or disposal practices.

The intent of this report is to provide appropriate due diligence for the sale of the Subject Property to satisfy the standard for CERCLA’s “All Appropriate Inquiry” as described in **Section 1.2: Scope of Services**.

The work conducted in the process of this Phase I ESA was completed in accordance with the applicable guidelines developed in the ASTM Standard E 1527-13. The purpose of this Phase I ESA is to help establish the innocent landowner defense to identify potential environmental issues which may affect future development of the Subject Property. As such, this practice is intended to permit a user to satisfy one of the requirements to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations on CERCLA liability: that is, the practice that constitutes “all appropriate inquiry into previous ownership and uses of the property consistent with good commercial or customary practice as defined at 42 U.S.C. 9601(35) (B).” This Phase I ESA will evaluate whether current or historical activities on or adjacent to the subject properties may have resulted in significant contamination by hazardous materials and/or wastes, which is subsequently referred to in this report as a REC. In accordance with ASTM E1527-05, a REC is defined as:

“...presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term



is not intended to include de minimis conditions that generally do 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.”

The scope of services for this Phase I ESA included the following tasks:

- ◆ Review of the current and past uses of the Subject Property;
- ◆ Review of environmental studies/data readily available for the Subject Property;
- ◆ Site inspection;
- ◆ Review of state and federal databases;
- ◆ Evaluation of the potential environmental impact of adjacent properties on the Subject Property; and
- ◆ Interview with site owner and/or manager, as available.

Phase I ESA is not meant to be exhaustive in research; additionally no environmental site assessment can wholly eliminate uncertainty regarding the potential for RECs in connection with a property.

### **1.1 Limitations and Exceptions**

C&S has prepared this Phase I ESA in accordance with the contract scope of work, using reasonable efforts to identify areas of potential liability associated with RECs at the Subject Property. The conclusions in this report were based solely on a visual review of the site and on readily available records, interviews, and other secondary sources. C&S has made no independent investigation of the accuracy of these secondary sources and has assumed them to be accurate and complete. C&S does not warrant the accuracy of completeness of the information provided by the secondary sources. C&S does not warrant that contamination that may exist on the site has been discovered, that the site is suitable for any particular purpose, or that the site is clean or free of liability.

For this Phase I ESA, an environmental lien search was not conducted, but based on current operations of the Subject Property this does not represent a significant data gap.

Consistent with ASTM E 1527-13, the following items were beyond the scope of this Phase I Environmental Site Assessment:

- |                                 |                    |
|---------------------------------|--------------------|
| ◆ Asbestos-Containing Materials | ◆ Mold             |
| ◆ Industrial Hygiene            | ◆ Radon            |
| ◆ Health and Safety             | ◆ Lead-Based Paint |

- |                        |                                     |
|------------------------|-------------------------------------|
| ◆ Ecological Resources | ◆ Lead in Drinking Water            |
| ◆ Endangered Species   | ◆ Wetlands                          |
| ◆ Indoor Air Quality   | ◆ Regulatory Compliance             |
| ◆ Biological Agents    | ◆ Cultural and Historical Resources |

## **2.0 SITE DESCRIPTION**

A description of the location, site characteristics and land use of the Subject Property included in this section was obtained from the following sources:

- ◆ Erie County On-line Mapping System
- ◆ GIS parcel data for Erie County

### **2.1 Location and Legal Description**

The Subject Property is within the City of Buffalo, Erie County, New York. The Subject Property was identified through tax records from the Erie County Internet Mapping System as tax number 100.71-6-6.1. The list below describes the roads located immediately surrounding the Subject Property from each cardinal direction:

<i>North-</i>	approximately 465 feet North Street
<i>East-</i>	Main Street
<i>South-</i>	approximately 480 feet to Allen Street
<i>West-</i>	North Pearl Street

### **2.2 Site Characteristics**

The Subject Property consists of one 13,992 square foot ("sq ft") single story building with an asphalt parking lot on the west portion of the parcel. The building is positioned facing Main Street and approximately within the center of the parcel. Based on a data from Erie County GIS, the Subject Property is 0.77 acres.

The building is owned and operated by EPIC as an office and day care.

### **2.3 Adjoining Properties**

Property class codes and ownership information were taken from the Erie County Internet Mapping System. The Subject Property is located within a community service area with surrounding residential use. Land uses immediately adjacent to the Subject Property are summarized in **Table 2-1: Adjoining Properties** below.

**TABLE 2-1: ADJOINING PROPERTIES**

<b>DIRECTION</b>	<b>LAND USE DESCRIPTION</b>
North	Community Service (Community Mental Health Center)
South	Community Service (The Salvation Army: Emergency Shelter)
East	Commercial (future location of Conventus Office Building)
West	Residential (Single Family Homes)

### **3.0    USER PROVIDED INFORMATION**

The Client/User Questionnaire is provided in *Appendix A*.

#### **4.0 RECORDS REVIEW**

A records review was conducted by Environmental Data Resources, Inc (“EDR”) for the Subject Property and the surrounding area. Records compiled by EDR are consistent with standards outlined in ASTM E1527-13 for records that are:

1. Within the approximate minimum search distance
2. Reasonably ascertainable and are from standard sources
3. Provide records under reasonable time and cost constraints

The results of the records review are summarized in the preceding sections and are provided in the following appendices:

- ◆ EDR Radius Map Report with GeoCheck® (Appendix B)
- ◆ Historical Aerial Photography (Appendix C)
- ◆ Historical Sanborn Fire Insurance Maps (Appendix D)
- ◆ Historical Topographic Maps (Appendix E)
- ◆ City Directory Abstract (Appendix F)

## **5.0 PHYSICAL SETTING**

The following informational resources were used to help identify the physical setting of the Subject Property.

- ◆ Soil Survey of Erie County, New York, located from the United States Department of Agriculture (USDA) Natural Resources Conservation Services Web Soil Survey.
- ◆ Geologic Map of New York, Niagara Sheet, dated 1970
- ◆ Surficial Geological Map of New York, Niagara Sheet, dated 1970.

### **5.1 Physical Setting – Description**

#### **5.1.1 Topography**

EDR provided topographic map coverage and analysis for the Subject Property. The topography in the vicinity of the Subject Property is generally sloped to the east toward Main Street. The Subject Property is situated at elevations ranging from 657 feet above mean sea level (“amsl”) to 663 feet amsl.

#### **5.1.2 General Geologic Setting**

The Subject Properties are located within the Central Lowlands region Eastern Lakes section physiographic province. The Eastern Lake section occupies an area along the shore lines of the Great Lakes from Lake Michigan east to Lake Ontario and up the St. Lawrence River to Vermont.

The regional geology consists of unconsolidated deposits of lake deposited lacustrine silt and clay. According to the Surficial Geological Map of New York – Niagara Sheet the bedrock is Onondaga Limestone.

Local soil type identified by the Natural Resources Conservation Service (“NRCS”) is Urban Land (Ud). Surrounding soil types within 0.25 mile of the Subject Property include:

<i>North-</i>	Urban Land
<i>East-</i>	Urban Land
<i>South-</i>	Urban Land
<i>West-</i>	Urban Land

#### **5.1.3 General Hydro-geologic Setting**

Based on a review of topographic maps developed by the USGS and collected by EDR, it is estimated that groundwater flow is to the northeast. Groundwater flow specific to the Subject Property is unknown and may be different from the regional flow direction.

Potential influences include local drainage features, seasonal groundwater level fluctuations, subsurface geology, surface topography, and/or other local site features.

There are no U.S. Fish and Wildlife Service National Wetland Inventory (“NWI”) wetlands mapped within 1 mile of the Subject Property; no mapped NWI wetlands are shown on the Subject Property.

#### 5.1.4 Flood Plain Setting

Flood plains are described as areas adjoining a river, stream, drain, or lake that transmit floodwaters during high water conditions. Under the National Flood Insurance Program, they are categorized as either 100-year or 500-year flood zones.

Based on information provided by Flood Insurance Rate Maps developed by the Federal Emergency Management Association (“FEMA”), the Subject Property is located in Zone X, which is outside (above) the 100-year and 500-year flood zone limits. This is an area of minimal flood hazard, a near 0 percent chance of flooding in any year or less than 1 time in 500 years.

## **6.0 HISTORICAL USE ASSESSMENT**

Historical information was used to develop a history of the previous uses of the Subject Property and surrounding area. Historical sources of land use pertaining to the Subject Property were obtained primarily from historic topographic maps, historic aerial photographs and Sanborn Fire Insurance Maps. These sources were used to help identify the possibility of past land uses contributing to recognized environmental conditions in regard to the current Subject Property.

These historical sources satisfy the standard for CERCLA's most "reasonably ascertainable" information available. ASTM Standards define "reasonably ascertainable" as information that is publicly available, obtainable within reasonable time and cost limits, and practically reviewable.

This assessment used the following informational resources to help identify past and present site uses upon and surrounding the Subject Property.

- ◆ Aerial photography dated 1938, 1943, 1959, 1966, 1978, 1983, 1995, 2006 and 2008.
- ◆ Historical Topographic Maps dated 1901, 1946, 1948, 1950 and 1965.
- ◆ Historical Sanborn Maps dated 1889, 1899, 1925, 1951, 1981, and 1986
- ◆ EDR City Directory Abstract

### **6.1 Historical Aerial Photography**

A search for historical aerial photographs was conducted by EDR with coverage of the Subject Property and its surrounding area. Historical aerial photographs were found for years 1938, 1943, 1959, 1966, 1978, 1983, 1995, 2006 and 2008. Details of this review can be found below in **Table 6-1: Historical Aerial Photographs** below. A copy of Historical Aerial Photographs can be found in *Appendix C*.

**TABLE 6-1: HISTORICAL AERIAL PHOTOGRAPHS**

<b>YEAR</b>	<b>SCALE</b>	<b>OBSERVATIONS</b>
1938	1 inch = 500 feet	The Subject Property is occupied by what appears to be three large residences. A commercial building is located north of the Subject Property. Land use west and south along Main Street consists primarily of residential development. Adjacent north of the site is a larger commercial building. Land use east of the Subject Property consists of a gasoline station on the southwest corner of High and Main Streets and a large structure likely associated with the former University of Buffalo Dental School. Photo quality is blurry
1943	1 inch = 500 feet	The photo quality is better than the 1938 photo. The Subject Property and surrounding areas appear to be unchanged from the 1938 photo.
1959	1 inch = 500 feet	The Subject Property and adjacent properties are generally unchanged from previous photos.



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1966	1 inch = 500 feet	The residences have been removed from the Subject Property. A small commercial building is located along Main Street with asphalt parking in the rear. Commercial buildings are now adjacent to the south and north. West of the Subject Property remains residential. Across Main street a small building (restaurant) is located at the corner of Main And Goodrich Streets. A motel is visible in the center of the block and a gasoline station is visible at the corner of Main and High Streets.
1978	1 inch = 750 feet	Poor photo quality and site features are not visible.
1983	1 inch = 500 feet	The subject property and adjacent areas are unchanged from the 1966 photo.
1995	1 inch = 500 feet	The subject property and the properties adjacent to the north, south and west remain unchanged. The small restaurant to the east, across Main Street is no longer present. The gasoline station across Main Street has been replaced by a small medical office building.
2006	1 inch = 500 feet	The subject property is developed with the current building and the properties adjacent to the north, south and west remain unchanged. The motel to the east, across Main Street is no longer present. The majority of the property to the east is used for parking. The small medical office building is still present.
2008	1 inch = 500 feet	The Subject Property and surrounding areas are unchanged from the 2006 photo.

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## **6.2 Historical Topographic Maps**

As part of this ESA, a search for historic topographic maps with coverage of the Subject Property was conducted by EDR. Topographic map coverage was obtained for the years 1901, 1946, 1948, 1950 and 1965. Little detail on site specific property use is presented in these maps; however, the maps confirm the urban density of the project area has existed since at least the early 1900s. A copy of the Historical Topographic Mapping is provided in *Appendix E*.

### 6.3 Historic Sanborn® Maps

As part of this ESA, a search for Sanborn Fire Insurance Rate Maps with coverage of the Subject Property was conducted by EDR. Topographic map coverage was obtained for the years 1889, 1899, 1925, 1951, 1981, and 1986. A summary of these sources is provided in **Table 6-2: Historical**. A copy of the Historical Topographic Mapping is provided in *Appendix D*.

**TABLE 6-2: HISTORICAL SANBORN MAPS**

YEAR	SCALE	OBSERVATIONS
1889	1:150	The Subject Property (addressed 992 and 996/998 Main Street, and 151, 153, 157 and 163 N. Pearl Street) and surrounding area are both occupied by residential structures. Four residences and a greenhouse are located east of the site across Main Street.
1899	1:150	The Subject Property and surrounding area remain unchanged from the 1889 map.
1925	1:150	The Subject Property is comprised of seven parcels with residences (addressed 992-994/996 Main Street and 151, 153, 157 and 163 N. Pearl Street respectively). Residences are also adjacent to the north, south and west of the property. Three parcels north of the Subject Property a building is labeled as "J A Cramer Dodge Sales & Service". Across Main Street (east of the site) the map indicates several uses. A house and boarding house are located on the corner of Goodrich and Main Streets with a small garage listed as "auto repair". The center of the block consists of a building containing 4 store fronts. The corner of Main and High Streets is occupied by a greenhouse.
1951	1:150	The Subject Property uses have changed since 1925. The adjacent building at 1004 Main Street is now listed as being used as a restaurant. The building at 994/996 Main Street is now listed as "Hotel Virginia". The property at 992 is still listed as residential. The buildings along N. Pearl are listed as boarding houses, with one structure demolished. Adjacent to the south of the Subject Property (988 Main Street) is listed as boarding house; the rear garage/stable area has been converted to a use listed as "auto repair shop". Further south a "filing station" is noted at 978 Main Street. Adjacent north of the Subject Property is shown to contain two stores. Properties adjacent to the west are residential/boarding houses. Property use to the east across Main Street has changed. The corner of Main and Goodrich Streets is mostly vacant with a small restaurant at the corner. Storefronts still occupy the center of the block although an auto repair facility is present behind the main building. The greenhouse at the corner of Main and High Streets has been replaced with a gasoline station.
1981	1:150	The Subject Property uses have changed since 1951. The adjacent building at 1004 Main Street is now listed as being used as a store; the small garage in the rear has been removed for parking. The former "Hotel Virginia" at 994/996 Main Street was replaced with a smaller building listed as a restaurant with asphalt parking in the rear and south sides and is now addressed as 1000 Main Street. The residence at 992 as well as the residences along N. Pearl Street have been demolished for parking and have been combined into 1000 Main Street. Adjacent to the south of the Subject Property is now listed as 986 Main Street and is occupied by "Buffalo Travel

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		Lodge Hotel". Property use to the east across Main Street has changed. The corner of Main and Goodrich Streets still contains a small restaurant at the corner. The Town House Motel is in the center of the block. The gasoline station is still present.
1986	1:150	The Subject Property and surrounding area is unchanged from the 1986 map.

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#### 6.4 EDR City Directory Abstract

An EDR City Directory Abstract was prepared for C&S by EDR, and is provided with this Phase I ESA as *Appendix F*. The EDR City Directory was used to evaluate the historic uses of the Subject Property listed in Polk City Directories. The report covered records from 1925 through 2013. The city directory listings were reviewed for the Subject Property and adjacent properties historic and current addresses. Review of the directory listings demonstrated property uses that were consistent with the findings in the historical Sanborn® map review.

The property adjacent to the north, 1008 Main Street, has historically been used as a store. According to the Polk Directory search, one of the retail occupants of the site was Swiss Cleaners and Dyers, which is listed on the property in the later 1930s and early 1940s. From the title, it is not clear if the site was a laundry or dry cleaning facility.

#### 6.5 Historic Use Assessment Conclusions

Historical records ranging from 1888 to 2008 were reviewed for this Phase I ESA. Historic uses of the Subject Property were limited to residential, lodging, and restaurant activities. Current use of the site is for offices/community services. No RECs were identified for the on-site historic uses.

##### Nearby Properties

Surrounding property uses were consistent with dense urban development. The nearest potential REC was the adjacent property (988 Main Street) which was used as an auto repair garage. The maps did not indicate that fuel storage or gasoline station services occurred on site. Therefore the potential for environmental impacts to the Subject Property from the adjacent facility is considered low.

The property adjacent to the north was occupied by Swiss Cleaners and Dryers from 1930s to 1940. Typical risks from dry cleaning are environmental impacts of discharging dry-cleaning solvents into the ground through septic systems. However, surface dumping of the chemicals can also have occurred at the site. This facility was located in an area with city sanitary sewer service and would be unlikely to use a subsurface discharge of waste chemicals. The environmental risk from the facility is considered low to moderate.

The two filling stations that were located south and west of the Subject Property are located cross and down-gradient respectively; therefore, pose a low environmental risk to the Subject Property.

No RECs were identified for the on-site historic uses, however, the presence of Swiss Cleaners and Dyers on the adjacent property to the north may represent a historic off-site REC.

## 7.0 ENVIRONMENTAL RECORDS SEARCH

To comply with the USEPA's requirements for "All Appropriate Inquiry", C&S requested a federal and state database search for the Subject Property from EDR. EDR compiles up-to-date information from federal, state, and local agencies, including the United States Environmental Protection Agency ("USEPA"). The EDR Radius Map Report with GeoCheck<sup>®</sup> can be found in *Appendix B* and is summarized in the following sub-sections.

### 7.1 Environmental Record Sources

As is typical with high density urban areas, the database search resulted in a significant amount of listings. **Table 7-1: Environmental Database Review** lists those databases that produced results that were identified as the most critical to evaluating potential off-site and on-site conditions.

**TABLE 7-1: ENVIRONMENTAL DATABASE REVIEW**

DATABASE	SEARCH DISTANCE (MILES)	SITES WITHIN RADIUS
LTANKS	0.5	31
HIST LTANKS	0.5	0
NY SPILLS	0.125	8
NY Brownfields	0.5	1
UST	0.25	8
RCRA	0.25	6
AST	0.25	1
CBS	0.25	0
NPL	1.0	0

#### 7.1.1 Subject Property

The Subject Property was not identified in any federal, state or local databases.

#### 7.1.2 Adjacent Properties

Based on the ASTM specified records reviewed, four (4) sites were identified to be within a 400 feet of the of the property line (adjacent or across the street) at elevations relatively equal to or greater than the Subject Property are described in **Table 7-2: EDR Radius Map Review Adjacent Properties**.

**TABLE 7-2: EDR RADIUS MAP REVIEW ADJACENT PROPERTIES**

SITE	DATABASE	COMMENTS
Citibank 1008 Main Street	RCRA	Adjacent to the north. Listed as a generator of characteristic hazardous wastes. No violations. This listing was likely due to renovations in the building that resulted in a 1 time disposal. No

		further assessment of this issue is warranted
Physicians Imaging – 979 Main Street	NY LTANKS	Across Main Street. Located at corner of Main and High Streets, this listing is related to the former gas station at the site. This site was included in a NYSDEC Brownfield project currently under remediation.
Physicians Imaging – 979 Main Street	NY Brownfields	Located across Main Street. The western half of the block is included in a NYSDEC Brownfield project as part of the development of the Coventus Medical Office Building. Soil remediation was completed in 2013. Certificate of completion is pending NYSDEC review of final reports. Certificate anticipated in 2014. See summary below.
Research Institute Addictions – 1021 Main Street Erie County Public Health Lab – 1021 Main Street	RCRA	Across Main Street and North of Goodrich Street. Exempt Small quantity generators of Hazardous Waste. No Violations. No further assessment of this issue is warranted

Of the three sites listed above, the most significant site of environmental concern is the former gas station and its associated spills, located at 979 Main Street. The spill was under active remediation from the early 1990s until 2012 when it was entered into the NYSDEC Brownfield Cleanup Program (Site Number C915260). Petroleum contamination exceeding commercial use standards existed on site from a depth of 10 to 40 feet below grade. Groundwater contamination also existed on site. Under the BCP program, contaminated soil was removed and construction of an eight story medical office building is ongoing. Final reports to the NSYDEC are pending. Groundwater contamination also extends under Main Street (under influence of the subway tunnel system) and across Goodrich Street. Groundwater flow is to the northeast, towards Goodrich Street. The offsite concerns are under investigation and remediation under a NYSDEC order.

Based on the groundwater flow direction (the Subject Property is up-gradient) and the presence of the metro rail tunnel, which effectively blocks contaminant transport to the west, this site does not pose a significant threat to the Subject Property.

### 7.1.3 Unmapped Sites

C&S reviewed the EDR listed sites (Orphan Summary) that are unmapped due to insufficient geocode information. The unmapped orphan sites are summarized in EDR Radius Map Report with GeoCheck, which is provided in *Appendix B*. To the knowledge of C&S, none of these sites are within the relevant ASTM specified radii for the Subject Property

## **7.2 Database Records Review Conclusions**

The Subject Property was not listed under any federal, state or local databases. Several surrounding auto service stations and gas stations were identified in the NYS SPILLS or LTANKS databases; however, the sites that were identified have gone through remedial measures to reduce exposure to the public and the environment. In addition, these sites are at a distance from the Subject Property not to be considered RECs.

## **8.0 SITE RECONNAISSANCE**

Cody A. Martin from C&S performed a site investigation of the Subject Property on November 8, 2013. Weather that day was cloudy, approximately 30 F and light wind.

Site observations were documented on the Phase I Environmental Site Assessment Checklist provided in *Appendix G* and a photographic log detailing the Subject Property and surroundings provided in *Appendix H*.

The objective of the site investigation was to identify physical and/or visual evidence indicative of an obviously recognizable environmental condition, such as:

- ◆ Soil discoloration
- ◆ Stained surfaces
- ◆ Stressed and/or dead vegetation
- ◆ Spills, leaks, leachate, and/or discolored surface waters
- ◆ Evidence of previous fire damage
- ◆ Evidence of waste disposal
- ◆ Barrels, drums, or other containers
- ◆ Areas of subsidence or fill

In addition, there are a variety of physical and visual signs that may potentially indicate the presence of an obviously recognizable subsurface condition, such as:

- ◆ Vent pipes or fill ports associated with underground storage tanks
- ◆ Aboveground storage tanks
- ◆ Pipelines
- ◆ Electrical transformers and abandoned pads
- ◆ Rail yards
- ◆ Well casings or riser pipes associated with groundwater monitoring wells
- ◆ Landfills or dumps
- ◆ Surface impoundments or lagoons

### **8.1 Exterior Observations - Subject Property**

#### **General Observations**

At the time of the site investigation, 1000 Main Street was occupied by one single story Every Person Influences Children (“EPIC”) building and a asphalt parking lot on the west portion of the property (along North Pearl Street).



Storm water drains were observed on the west, north and south portions of the subject property. Two 2 ft diameter man-holes were observed along the eastern property boundary. No asphalt patches were observed. An electric utility pole with three transformers was observed along the northern property boundary. The transformers appear to be in good working condition.

A wood overhang with metal roof was observed on the western façade of the building. Slight damage and mold was noticed on the exterior underneath the metal roof. In addition, slight damage and mold was observed underneath the metal roof on the east façade.

The building consists of a slab on grade construction with brick wall finish. Overall, the building has no significant damage or deterioration to the structure visible from the exterior.

A general site plan is provided as Figure 2.

#### 8.1.1 Other Relevant Exterior Features - Subject Property

Consistent with ASTM E-1527-05 the following items are to be documented during the course of the exterior grounds investigation:

##### Aboveground and Underground Storage Tanks

There is no evidence of underground storage tanks (“UST”) or aboveground storage tanks (AST) observed at the time of the site investigation.

##### Noxious Odors

Noxious odors were not detected at the time of the site investigation.

##### Drums and Containers

No drums or containers were observed at the time of the site investigation.

##### Hazardous and Regulated Materials

There is no evidence indicating the Subject Property currently or historically generated regulated quantities of hazardous waste.

##### PCB-Containing Equipment

Polychlorinated biphenyls (“PCB”) are typically associated with fluid-cooled (wet) electrical transformers, large capacitors, wet switchgear, fluorescent light ballasts, window caulking, and hydraulic oils manufactured between the early 1940s and the late 1970s. The presence of PCBs is not likely given that the building was constructed in 2001.

##### Pits, Ponds or Lagoons

At the time of the investigation no pits, ponds, or lagoons were observed on the Subject Property.

##### Stained or Discolored Soil or Pavement

At the time of the investigation no stained or discolored soil or pavement as observed.

*Stressed Vegetation*

No evidence of stressed vegetation was observed at the time of the site investigation.

*Evidence of On-Site Disposal of Solid Waste*

At the time of the site investigation, no evidence of solid waste disposal or dumping was observed at the Subject Property.

*Wastewater and Stormwater Management*

No visual evidence of on-site wastewater treatment plants or stormwater management lagoons or basins was apparent during the investigation of the Subject Property.

*Wells (dry wells, irrigation, monitoring, water supply, etc.)*

At the time of the site investigation no visual evidence of wells were observed.

*Potable Water Supply*

Potable water is available to the Subject Property from the Erie County.

*Pools of Liquid*

At the time of the site investigation no visual evidence of pools of liquid was observed.

*Asbestos*

The use of asbestos in building materials was largely banned by 1980. Based on the date of construction at the Subject Property (2001) it is not likely potential asbestos-containing materials are on site. However, an assessment of asbestos containing building materials is out of scope for this Phase I ESA.

*Lead-Based Paint*

The use of lead-based paint (“LBP”) is typically associated with buildings constructed before 1977. Based on the date of construction at the Subject Property (2001) LBP is not likely present. However, an assessment of lead-based paint is out of scope for this Phase I ESA. Note that LBP is generally a concern for residential properties.

*Septic Systems*

At the time of the site visit no septic systems were observed.

## **8.2 Interior Observations – Subject Property**

The interior of the building consists of four main areas:

1. Front Reception Entrance
2. Offices
3. Day Care
4. Meeting Rooms

Generally, the interior is composed of ceramic floor tile, sheetrock walls and acoustic ceiling tile. Areas of significant stains or damage to the interior were not observed. Two mechanical rooms are located on the western portion of the building. Heating/cooling systems, electrical breakers, hot water tank and storage for basic home cleaning chemicals was observed in these rooms. Mechanical systems appear to be in good working condition.

The interior of the building was observed to have no significant visible damage or deterioration.

### **8.3 Site Reconnaissance Conclusions**

A site investigation of the Subject Property was performed November 8, 2013. Areas of mold were observed on the exterior on the east and west sides of the building underneath the flashing of the metal roof. The extent and severity of the mold on the exterior was not evaluated for this Phase I ESA.

The interior of the building had no significant damage or deterioration. Based on the current use of the building the possibility of a REC is unlikely.

## **9.0**    **INTERVIEWS**

Interviews were conducted with Jennifer Majeski, EPIC - Vice President of Finance. Information gathered in the interview was incorporated into **Section 8.0 Site Reconnaissance**.

## **10.0 FINDINGS AND RECOMMENDATIONS**

C&S Engineers, Inc. completed this Phase I Environmental Site Assessment with the scope and limitations of ASTM E 1527-13 on the 0.77 acre Subject Property identified on Figure 1 of this report. Based on information gathered during the course of this Phase I Environmental Site Assessment including a database search report, the site investigation and interviews documented in this report, the following has been identified.

### **10.1 Findings**

Based on the results of this Phase I ESA, the following findings are made:

1. Offsite historic uses include an adjacent auto repair station and two gas filling stations. These historic uses are unlikely to pose a significant environmental risk.
2. One historic offsite REC was identified through the Sanborn map search. A “cleaner and dyers” operated at 1008 Main Street, north of the Subject Property, from late 1930 to early 1940. It is unknown if the facility used dry cleaning chemicals. The potential environmental risk to the Subject Property is low to moderate.
3. A Brownfield Cleanup site is located directly across Main Street from the Subject Property. Petroleum remediation has been ongoing from 1990 to 2012. Contaminated soil and groundwater have been removed for the construction of an eight story medical office building. Groundwater contamination is known to extend underneath Main Street. However, this site does not pose a significant offsite environmental concern because groundwater flows away from the Subject Property and the metro rail tunnel (underneath Main Street) blocks contaminant transport.
4. Except for the historic use described above, no other current or historic RECs were observed during the site investigation or identified with reasonably ascendable data.

### **10.2 De minimus Conditions**

De minimus conditions are defined as conditions that generally do not present a threat to human health or the environment and would not be subject to action of appropriate governmental agencies. A de minimus condition is not considered a REC. One de minimus conditions was identified:

1. Minor areas of mold on the exterior.

### **10.3 Opinion on Findings**

No onsite uses were identified that could result in a REC. The presence of the historic offsite “Swiss Cleaners and Dyers,” adjacent to the Subject Property, may have included the use of dry cleaning chemicals. There is no data available to evaluate

whether the historic offsite cleaner has impacted the Subject Property; therefore, this site remains an offsite REC.

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## **11.0 DISCLAIMER**

C&S's conclusions are based on conditions that existed on the Subject Property on November 8, 2013. Past and present conditions that could not be observed were established on the basis of documents. C&S cannot attest to the completeness of accuracy of these materials.

This report was prepared by C&S expressly and exclusively for use by Ciminelli Real Estate Corporation, its successors and/or assigns. Except where specifically stated to the contrary, the information contained herein was provided to C&S by others and has not been verified independently or otherwise examined to determine its accuracy, completeness, or feasibility. In addition, C&S may have had to rely upon the assumptions, especially as to future conditions and events. Accordingly, neither C&S nor any person acting on its behalf (a) makes any warranty or representation, whether expressed or implied, concerning the usefulness of the information contained in this report, or (b) assumes liabilities with respect to the use of or for damages resulting from the use of any information contained in this Environmental Site Assessment (ESA) report. Further, C&S cannot promise that any assumed conditions will come to pass.

No one is authorized to rely on this report for any purpose, except to the extent that such reliance is specifically authorized in writing by C&S. Any person who intends to take action, which is in any way related to or affected by the information contained herein, should independently verify all such information. The report speaks only as of the date issued. C&S has no responsibility for updating the information herein, and therefore, it should not be assumed that any information contained herein in this ESA continues to be accurate subsequent to 180 days from the date of the site inspection.

It would be extremely expensive, and perhaps not possible, to conduct an investigation that would ensure the detection of environmental impacts at the subject site, which now are, or in the future might be, considered hazardous. This investigation does not guarantee that C&S discovered all the environmental impacts at the Subject Property. Similarly, a property which, in fact, is unaffected by environmental impacts at the time of the assessment may later, due to natural phenomena or other intervention, become contaminated.

Except where stated to be the contrary, this ESA has been prepared solely on the basis of readily available visual observation. Except where stated to be the contrary, no demolition or removal by C&S has been accomplished to reveal hidden conditions. No testing such as the testing of materials, equipment, or systems has been performed to verify current conditions or to predict future conditions.

Future regulatory modifications, agency interpretation, or policy changes may affect the compliance status of the property.

A title search, indoor air quality, and wetland surveys were not requested as part of this project. These topics require specialized expertise. A specialty survey can be performed upon request

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**ENVIRONMENTAL PROFESSIONAL  
STATEMENT AND QUALIFICATIONS**

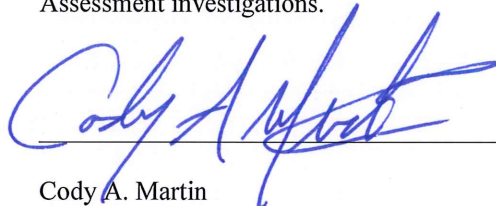
To the best of our professional knowledge and belief, C&S meets the definition of "environmental professional" as defined in §312.10 of 40 CFR 312.

We have the specific qualifications based on education, training, and experience to assess the nature, history, and setting of the Subject Property. We have developed and performed all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

Author:

Mr. Martin, MA Geography, possesses professional experience in Geographic Information Systems (GIS) and environmental studies. He has extensive knowledge of GIS applications and Phase I Environmental Assessment investigations.

Author's Signature:

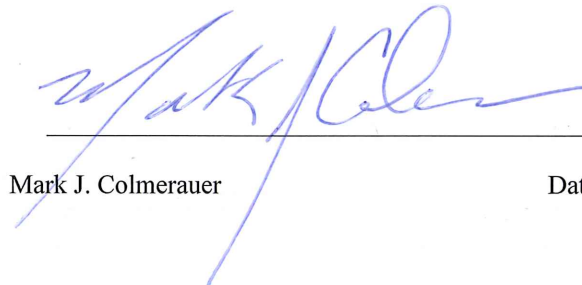
 12/2/13  
Cody A. Martin Date

Project Manager:

Mark Colmerauer, BS Geophysics, has 20 years experience serving as project manager, geologist, and technician for a variety of environmental studies including Phase I/II investigations, environmental remediation, permitting, planning and GIS projects. For the last four years, Mr. Colmerauer's experience also includes coordination of SEQRA studies, GIS management, preparation and completion of Environmental Impact Statements, SHPO coordination, wetland delineation, and topographic and boundary surveys.

Project  
Signature:

Manager's

 12/2/13  
Mark J. Colmerauer Date

## **FIGURES**

**FIGURE 1**  
**Project Location Map**

**FIGURE 2**  
**Site Plan**

## **APPENDICIES**

**APPENDIX A**  
**Client/User Questionnaire**

**APPENDIX B**  
**Environmental Data Resources**  
**Database Search Report**



**APPENDIX C**  
**Historical Aerial Photography**

## **APPENDIX D**

### **Historical Sanborn Fire Insurance Mapping**

**APPENDIX E**  
**Historical Topographic Mapping**

**APPENDIX F**  
**City Directory Abstract**

## **APPENDIX G**

### **Phase I Environmental Site Assessment Checklist**

**APPENDIX H**  
**Site Photographs**

