

**PERIODIC REVIEW REPORT**  
**(JANUARY 1, 2019 TO JANUARY 1, 2022)**

FOR

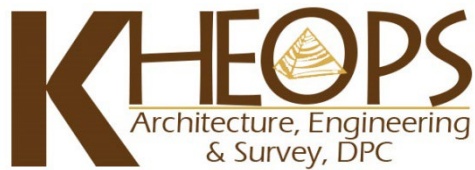
**BUFFALO AND EAST MAIN STREET**  
**HAMBURG, NEW YORK**

**(VCP SITE NO. V-00659-9)**

Prepared for:

**One Buffalo Street, Inc.**

Prepared by:



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**PERIODIC REVIEW REPORT  
BUFFALO AND EAST MAIN STREET  
HAMBURG, NEW YORK**

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## 1.0 INTRODUCTION

One Buffalo Street, Inc. retained KHEOPS Architecture, Engineering & Survey, DPC (KHEOPS) to evaluate current conditions at the One Buffalo Street Site in Hamburg, New York and prepare this Periodic Review Report (PRR) for the property. This PRR is being completed to meet the Site Management Periodic Review Report and Institutional Control / Engineering Control (IC/EC) Certification requirements under the New York State Department of Environmental Conservation (NYSDEC) Voluntary Cleanup Program (VCP). The site NYSDEC VCP site number is V-00659-9. This PRR documents the implementation of and compliance with the February 2006 Site Management Plan (SMP) prepared for this site.

### 1.1 Background

The project site is located at the corner of Buffalo Street and Main Street in the Village of Hamburg, New York. The building contains multiple commercial tenants with storefronts addresses of 1 through 15 Buffalo Street. Historically, a dry cleaning operation was present in the building from approximately 1953 to 1998. Environmental investigation conducted at the site revealed that contamination, likely associated with the former dry cleaning operation, had impacted the property and remedial activities were necessary. Specifically, tetrachloroethene (PCE), a common dry cleaning solvent, and the break-down products trichloroethene (TCE) and 1,2-Dichloroethene (DCE) were detected above regulatory values in the soil/fill and soil vapors. Subsequent remedial activities conducted at the site included soil excavation, indoor air and soil gas sampling, and installation of a sub-slab vapor (SSV) mitigation system. The remedial efforts also included the development of deed restrictions and the February 2006 SMP to identify future activities necessary to maintain the integrity of the in-place treatment systems and ensure the safety of people utilizing the building. The remediation efforts achieved the soil cleanup objective for restricted commercial use.

The original SSV mitigation system was completed in February of 2005 and operated until 2008. Upon One Buffalo Street, Inc.'s acquisition of the property in 2008, renovation of the existing storefronts necessitated modification of the SSV mitigation system. The revised SSV system was installed and put into operation in 2009. A re-certification report (October 19, 2009), which included an evaluation of the modified SSV system, was conducted by Benchmark Environmental Engineering and Science, PLLC during the first half of 2009. This report was submitted to the NYSDEC in November 2009.

The 2006 SMP required the performance of an annual site inspection. Per the January 8, 2020, letter from the NYSDEC, the annual inspection requirement was changed to a tri-annual inspection requirement. A copy of the January 8, 2020, letter is included with this report as Appendix A.

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The tri-annual site inspection includes evaluation/confirmation of the following:

- Proper management of soil excavated and/or removed from the site.
- The property use remains restricted to commercial/non-residential.
- The alleyway along the eastern portion of the site remains unpaved.
- The sump in the basement of 11 Buffalo Street remains connected to the sanitary sewer system.
- The sub-slab vapor mitigation system is properly operated and maintained.

## **2.0 PERIODIC REVIEW**

KHEOPS conducted the tri-annual inspection in March 2022 for the reporting occurring between January 1, 2019 and January 1, 2022. This tri-annual inspection is discussed in the sections below. Appendix B includes photographs taken during the site visit and Appendix C includes the NYSDEC "Site Management Periodic Review Report Notice – Institutional and Engineering Controls Certification Form."

### **2.1 Deed Restriction/Site Management Plan Compliance**

As part of the VCP Agreement for the site, compliance with the site's deed restrictions and the SMP are required. Renovations to the building interior (removal of two interior walls, installation of new ceiling and floor coverings and installation of two small kitchen areas (1) for Sweet Pea Bakery, (1) for Juicy Burger Bar) occurred over this reporting period, additionally there was site work done in the alleyways to address water ingress into the basement, a new catch basin was installed at the North East corner of the alleyways and the alleyways remain unpaved with exception to the concrete apron on the South side of the East alley which was noted in previous reports. Additionally, no changes to the deed restrictions, as outlined in the SMP, had occurred. In accordance with the deed restrictions the building is utilized for retail commercial businesses (restricted-commercial), the SSV mitigation system is currently being properly maintained and operated and groundwater is not being used for any purpose on this site.

### **2.2 On-site Inspection**

On March 4, 2022, KHEOPS' Engineering Technician, Mr. Matthew Kongesor, conducted the tri-annual site inspection. The inspection included observation of current conditions throughout and surrounding the building; the sump in the basement of 11 Buffalo Street; and the SSV mitigation system. KHEOPS also held discussions with Mr. John Nawotka, an employee of the property owner, Mr. Anthony Staub, during the site inspection.

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### 2.2.1 Site Use Restrictions

In accordance with the deed restrictions and SMP, the site is to be used for commercial/non-residential uses only. The site is currently utilized as a mixed retail building. There are currently no vacant areas and seven current commercial tenants as listed below:

- Specialty women's store (What A Woman Wants)
- Chocolate shop (Highland House Candies)
- Specialty olive oil/vinegar retail store (Prima Oliva)
- Burger Bar (JuiCy)
- Hair salon (The Loft)
- Bakery (Sweet Pea Bakery)
- Specialty Food Items Store (Lodgical Homestead Creations)

No residential uses were observed during the site inspection.

### 2.2.2 Alleyway Soil/Fill Cover System

According to the SMP, the alley immediately to the east of the building was to remain unpaved. A walk-through of the alley confirmed that the alley surfaces were unpaved and consisted of gravel with the exception of a small concrete apron that extends from East Main Street to approximately ten feet behind 1 Buffalo Street. This concrete apron has been in place for a few years and is not anticipated to impact the performance of the SSV mitigation system.

### 2.2.3 Sump

The SMP requires the connection of the sump to the sanitary sewer at all times, and that any additional sumps installed in the future will also be connected to the sanitary sewer. KHEOPS evaluated the condition of the sump in the basement of 11 Buffalo Street during the site inspection. A lexan cover is sealed over the sump, and all plumbing connections appeared intact. The cover and seal were not disturbed during the inspection. Additionally, no new sumps were observed in the basement of the building and no modification to the sump or the connection to the sanitary sewer had occurred.

### 2.2.4 Sub-Slab Vapor Mitigation System

The SMP requires the proper operation and maintenance of the SSV mitigation system. KHEOPS evaluated the operation of the SSV mitigation system during the biennial site inspection. The mitigation system includes four extraction points as shown on Figure 2.

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KHEOPS observed the discharge locations on the roof of the building, and the locations were clear and free of any blockage. Additionally, while on the roof, KHEOPS confirmed that both the north branch and south branch fans were operating and that air was flowing out of the vent pipes. KHEOPS and Mr. Nawotka manually tripped the alarms on the SSV mitigation system monitoring system to confirm system operation by de-energizing both the north and south SSV mitigation fans. The north branch system monitoring gauges changed from green indicator lights to red indicator lights and an audible alarm sounded within a few seconds.

#### 2.2.5 Groundwater Use Restrictions

The site is serviced by the public water system and no groundwater use occurs on site.

### 3.0 CONCLUSIONS & RECOMMENDATIONS

At the time of the site inspection the subject property was in compliance with the SMP and deed restrictions. Based on the continued performance of the system, no changes to the periodic review reporting are recommended.

### 4.0 LIMITATIONS

The conclusions presented in this report are based on information gathered in accordance generally accepted professional consulting principles and practices. All conclusions reflect observable conditions existing at the time of the site inspection. Information provided by outside sources (individuals, agencies, laboratories, etc.), as cited herein, were used in the assessment of the site. The accuracy of the conclusions drawn from this assessment is, therefore, dependent upon the accuracy of information provided by these sources. Furthermore, KHEOPS is not responsible for the impacts of any changes in environmental standards, practices, or regulations subsequent to the performance of services.

This report is based upon the application of scientific principles and professional judgment to certain facts with resultant subjective interpretations. Professional judgments expressed herein are based upon the facts currently available within the limits of the existing data, scope of services, budget, and schedule. To the extent that more definitive conclusions are desired by the Client than are warranted by the current available facts, it is specifically KHEOPS' intent that the conclusions and recommendations stated herein will be intended as guidance and not necessarily a firm course of action except where explicitly stated as such. KHEOPS makes no warranties, expressed or implied including without limitation, warranties as to merchantability or fitness of a particular purpose. Furthermore, the information provided in this report is not to be construed as legal advice.

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This assessment and report have been completed and prepared on behalf of and for the exclusive use of One Buffalo Street, Inc. Any reliance on this report by a third party is at such party's sole risk. Furthermore, nothing contained in this report shall be construed as a warranty or affirmation by KHEOPS that the subject property described in this report are suitable collateral for any loan or that acquisition of such property by any lender through foreclosure proceedings or otherwise will pose no risk of potential environmental liability on the part of such lender.



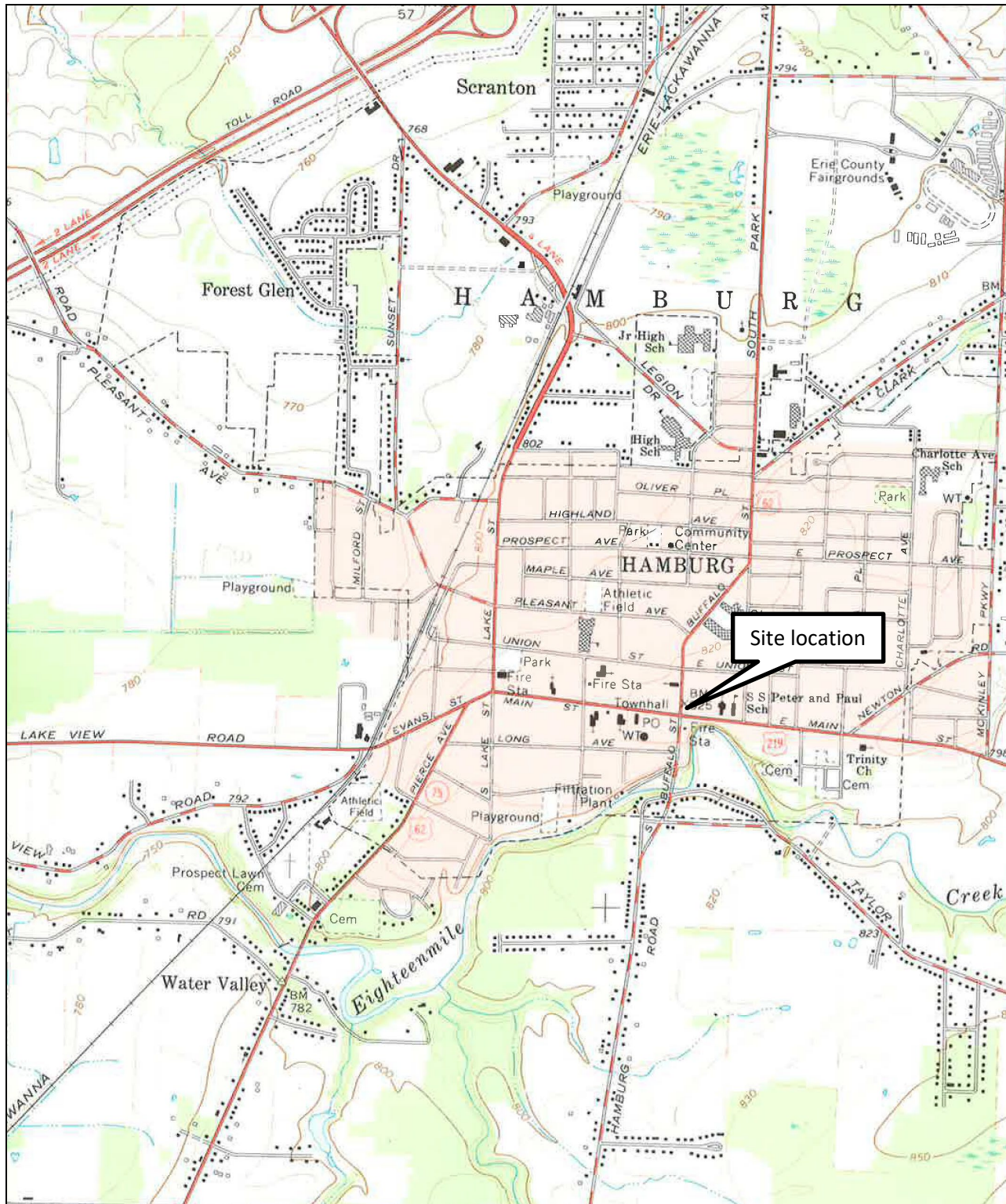


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**FIGURES**

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SITE LOCATION MAP



ONE BUFFALO STREET  
HAMBURG, NEW YORK

PROJECT NO. 22NY030

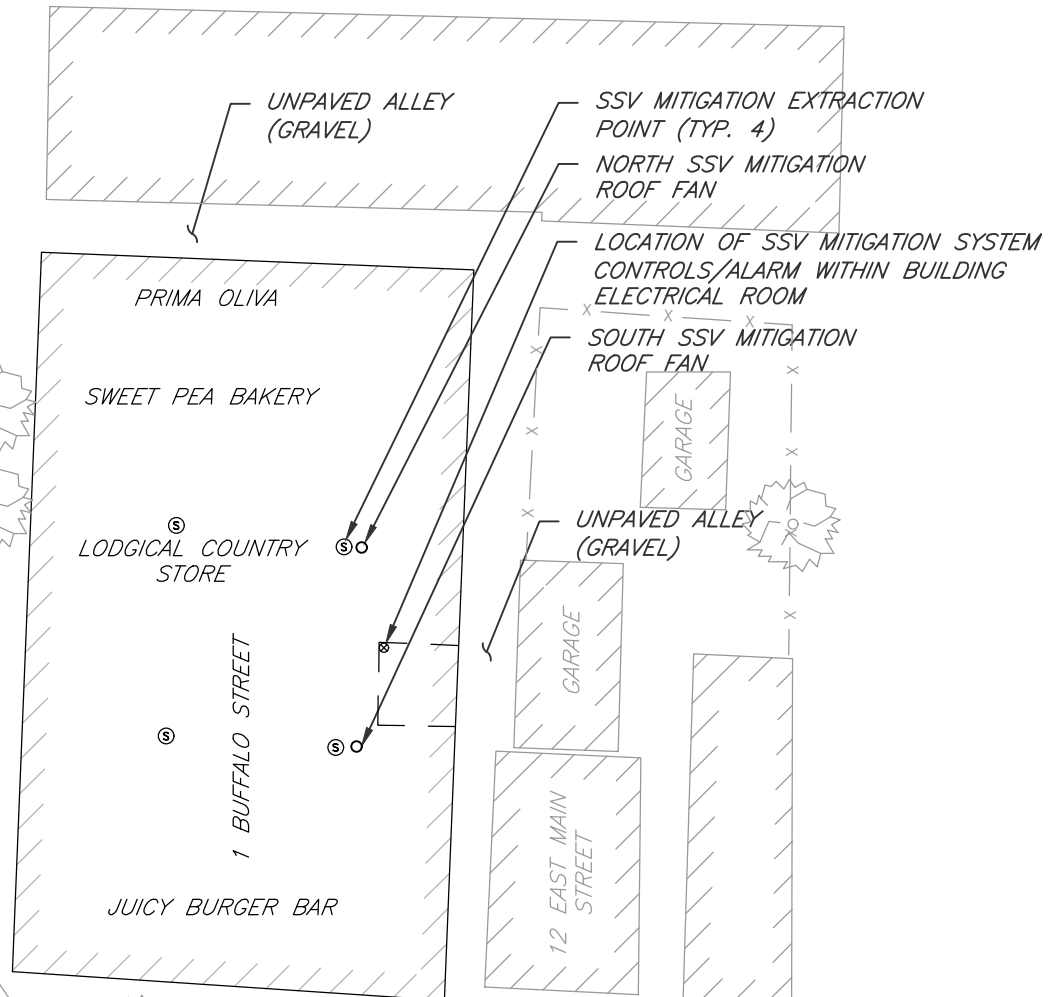
SCALE: 1 INCH = 1250 FEET

DATE: March 2023

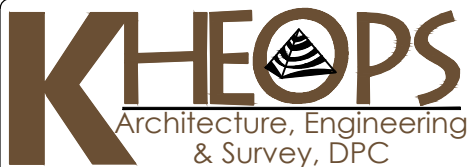
FIGURE NO. 1



BUFFALO STREET



E. MAIN STREET



300 Pearl Street, Ste. 500  
Buffalo, New York 14202  
P. 716.849.8739  
WWW.KHEOPSDPC.COM

DRAWN BY KAT SCALE NTS JOB NO. 22NY030  
CHECKED BY MLB DATE 03/10/2023

FIGURE 2: BUFFALO AND E. MAIN STREET SITE PLAN

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**APPENDIX A**  
**NYSDEC SM PRR RESPONSE LETTER – JANUARY 8, 2020**

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# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Region 9  
270 Michigan Avenue, Buffalo, NY 14203-2915  
P: (716) 851-7220 | F: (716) 851-7226  
www.dec.ny.gov

January 8, 2020

Mr. Anthony Staub  
C/O Staub Machine  
206 Lake Street  
Hamburg, New York 14075

Dear Mr. Staub (as the Certifying Party):

Site Management (SM)  
Periodic Review Report (PRR) Response Letter  
Buffalo and East Main St., Hamburg, Hamburg  
Erie County, Site No.: **V00659**

The Department has reviewed your Periodic Review Report (PRR) and IC/EC Certification for the following period: January 1, 2017 to January 1, 2019. The Department hereby accepts the PRR and IC/EC Certification.

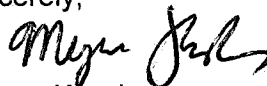
The frequency of Periodic Reviews for this site has been modified to once every three years, and your next PRR will be due on January 31, 2022. You will receive a reminder letter and updated certification form 75-days prior to the report's due date. Regardless of receipt or not of the reminder notice, the next PRR, including the signed certification form, is still due on the date specified above.

In future submittals, please complete the following edits:

- Submit the PRR and associated IC-EC Certification after the designated Certifying Period is past. This PRR was submitted prior to the end of the Certifying Period.
- Change the title on the cover page to "Buffalo and East Main St., Hamburg", along with any reference to the Project name throughout the text.
- Edit any reference to an annual inspection, to a tri-annual inspection.

If you have any questions, please contact me at 716-851-7220 or email: [megan.kuczka@dec.ny.gov](mailto:megan.kuczka@dec.ny.gov).

Sincerely,



Megan Kuczka  
Environmental Program Specialist – 1

MK/jl

ec: Mr. Stanley Radon, NYSDEC  
Ms. Lisa Kilian, Staub, Inc.  
Ms. Michelle Bodewes, KHEOPS Architecture, Engineering & Survey, DPC  
Ms. Jennifer Hill, KHEOPS Architecture, Engineering & Survey, DPC



Department of  
Environmental  
Conservation





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**APPENDIX B**  
**PHOTOGRAPHS**

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Photograph 1: North Alleyway as viewed from the road (3/4/2022)



Photograph 3 North SSV Mitigation roof fan (3/4/2022)



Photograph 2: East Alleyway as viewed from the North East corner of the Alleyways (3/4/2022)



Photograph 4 South SSV mitigation roof fan (3/4/2022)

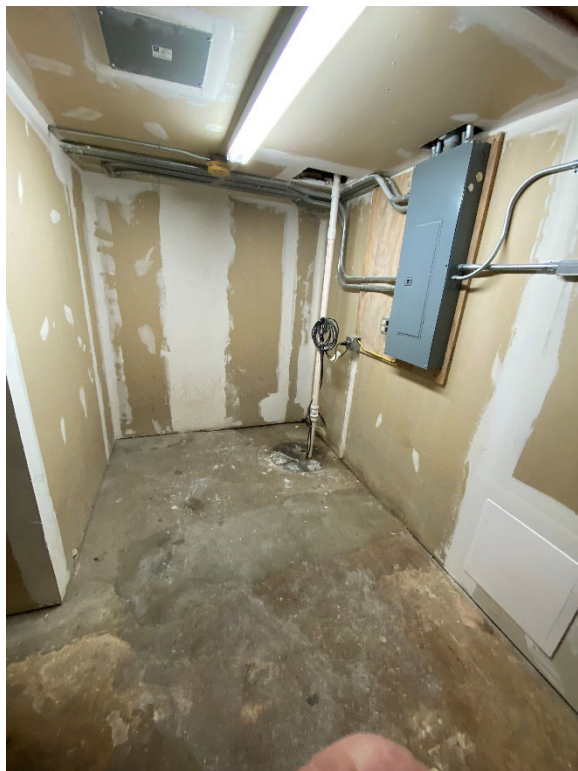




Photograph 5: Sealed sump pump in building basement (3/4/2022)



Photograph 7: SSV mitigation system controls and monitoring equipment manually tripped (3/4/2022)



Photograph 6: Sump in building basement (3/4/2022)



Photograph 8: SSV mitigation system controls and monitoring equipment (3/4/2022)

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**APPENDIX C**  
**NYSDEC INSTITUTIONAL AND ENGINEERING CONTROLS**  
**CERTIFICATION FORM**

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



**Site Details** **Box 1**

**Site No.**            **V00659**

**Site Name**   **Buffalo and East Main St., Hamburg**

Site Address: 1-15 Buffalo Street            Zip Code: 14075  
City/Town: Hamburg  
County: Erie  
Site Acreage: 0.600

Reporting Period: January 01, 2019 to January 01, 2022

- |  | YES                                 | NO                                  |
|--|-------------------------------------|-------------------------------------|
| 1. Is the information above correct?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| If NO, include handwritten above or on a separate sheet.   |                                     |                                     |
| 2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?                              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?                      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.</b> |                                     |                                     |
| 5. Is the site currently undergoing development?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

- Box 2**
- |  | YES                                 | NO                       |
|--|-------------------------------------|--------------------------|
| 6. Is the current site use consistent with the use(s) listed below?<br>Commercial and Industrial | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Are all ICs in place and functioning as designed?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

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

\_\_\_\_\_  
Signature of Owner, Remedial Party or Designated Representative

\_\_\_\_\_  
Date

**SITE NO. V00659**

**Box 3**

**Description of Institutional Controls**

Parcel

Owner

Institutional Control

**196.09-2-30**

Mr. Anthony Staub

Ground Water Use Restriction  
Soil Management Plan  
Landuse Restriction

**Box 4**

**Description of Engineering Controls**

Parcel

Engineering Control

**196.09-2-30**

Vapor Mitigation  
Cover System  
Alternate Water Supply



### Periodic Review Report (PRR) Certification Statements

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

- a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;
- b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

X

☐

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

- (a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;
- (b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;
- (c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;
- (d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and
- (e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

X

☐

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

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

\_\_\_\_\_  
Signature of Owner, Remedial Party or Designated Representative

\_\_\_\_\_  
Date

IC CERTIFICATIONS  
SITE NO. V00659

Box 6

**SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE**

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

I Michelle Bodewes at KHEOPS 300 Pearl St, Ste 500 Buffalo, NY, 14202  
print name print business address

am certifying as Designated Representative (Owner or Remedial Party)

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

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

5/13/22  
Date

## EC CERTIFICATIONS

Box 7

### Qualified Environmental Professional Signature

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

I Michelle Bodewes at KHEOPS 360 Pearl St, Ste 500, Buffalo, NY 14202  
print name print business address

am certifying as a Qualified Environmental Professional for the Owner of One Buffalo St.  
(Owner or Remedial Party)



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

Stamp  
(Required for PE)

5/13/22  
Date