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## **2018 PERIODIC REVIEW REPORT NORTHTOWN INC. SITE 3097 SHERIDAN DRIVE AMHERST, NEW YORK BCP Site Number C915292**

May 14, 2018

File No. 21.0056687.30



### **PREPARED FOR:**

Northtown Property Owner L.L.C.  
33 Boylston Street  
Chestnut Hill, MA 02467

### **GZA GeoEnvironmental of New York**

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VIA EMAIL

May 14, 2018  
File No. 21.0056687.30

Mr. Brian Sadowski  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
270 Michigan Avenue  
Buffalo, New York 14203  
email: brian.sadowski@dec.ny.gov

Re: 2018 Periodic Review Report  
Northtown Inc.  
3097 Sheridan Drive, Amherst, New York  
Brownfield Cleanup Program Site (Number C915292)

Dear Mr. Sadowski:

GZA GeoEnvironmental of New York (GZA) submits this Periodic Review Report (PRR) on behalf of Northtown Property Owner LLC (Northtown). Northtown is the owner and operator of the Northtown Inc. Brownfield Cleanup Program (BCP) Site (No. 915292). GZA prepared this PRR in general conformance with Section 6.3(b) of DER-10 *Technical Guidance for Site Investigation and Remediation* as well as the guidelines provided to Northtown in the 45-day reminder notice letter dated March 6, 2018.

If you have any questions or need additional information, please call Jim Richert at (716) 844-7048.

Sincerely,

GZA GEOENVIRONMENTAL OF NEW YORK

James J. Richert, P.G.  
Senior Project Manager

Bart A. Klettke, P.E.  
Principal

Cc: Marco Borbo (Northtown)  
Andrew Manning (Northtown)



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## 1.0 EXECUTIVE SUMMARY

### 1.1 BACKGROUND

The Northtown Inc. Brownfield Cleanup Program (BCP) Site (Site) is comprised of three Areas of Interest (AOIs) the combined total area of which is approximately 1.4 acres within the approximately 25-acre Northtown Plaza. The plaza is located at 3097 Sheridan Drive in the Town of Amherst, Erie County, New York and is undergoing a major modernization transformation which includes demolition of existing buildings and construction of new buildings and related amenities. The AOIs of the BCP Site were remediated of fuel oil and chlorinated organic constituents in soil. However, the presence of buildings at the AOIs limited the areal extents of site remediation. This resulted in placement of Institutional and Engineering Controls (IC/EC), required by the New York State Department of Environmental Conservation (NYSDEC). The IC/ECs are intended to protect current and future Site users from exposure to contaminants that remain in the subsurface. The ICs and ECs are summarized below:

#### **Institutional Controls Include:**

- Property use may include restricted commercial and restricted industrial use only;
- Groundwater may not be used without prior treatment and approval of the regulator;
- Compliance with the Site Management Plan is required; and
- Periodic certification of institutional and engineering controls is required.

#### **The Engineering Control is:**

- Operation of sub-slab depressurization (SSD) systems in Building 2 (when occupied) and tenant space No. 14 of Building 3, (when occupied).

The Environmental Easement (EE), which includes greater specificity of the above ICs and EC, was signed by NYSDEC on September 15, 2016.

### 1.2 EFFECTIVENESS OF THE REMEDIAL PROGRAM

Based upon our PRR inspection conducted on April 13, 2018, the Site use continues as commercial, the tenant units in which SSD systems have been installed are now vacant and unused, and subsurface excavation activities were not observed. Therefore, the Site remedy continues to be effective at meeting Site RAOs and the Institutional Controls and Engineering Control (ICs/EC) remain in place. GZA identified the Site to be in compliance with the SMP.

### 1.3 RECOMMENDATIONS

GZA and Northtown recommend no changes to the SMP nor to the frequency of Site inspections and PRR submittals. Implementation of the SMP will continue as the Site progresses to building demolition and construction as part of the overall Site redevelopment. This will include:

- Written notice to NYSDEC prior to ground disturbance;
- Implementation of the Excavation Work Plan during excavation and earth moving activities; and
- Evaluation of soil vapor intrusion within and west of AOI 3.



## 2.0 SITE OVERVIEW

### 2.1 SITE LOCATION BOUNDARIES AND FEATURES

The Northtown Plaza is located in the Town of Amherst, Erie County (**see Figure 1**) and is bounded as follows:

- Sheridan Drive to the north;
- Eggert Road to the south;
- commercial and residential properties to the east; and
- commercial properties to the west.

The BCP Site consists of three Areas of Interest (AOIs) within the greater Northtown Plaza, collectively comprising 1.424 acres of the approximately 25-acre Northtown Plaza (**see Figure 2**).

### 2.2 INVESTIGATION AND REMEDIAL HISTORY

In 2013, a Phase I Environmental Site Assessment (ESA) of the Northtown Plaza identified Recognized Environmental Concerns (RECs) including heating oil underground storage tanks (USTs) and hazardous waste generation related to the historic use of chlorinated solvents by an on-site dry-cleaning operation.

In 2014, a Phase II ESA was completed of the plaza to investigate the above RECs. The Phase II included sampling of subsurface soil, groundwater, indoor air, and sub-slab soil vapor. Environmental impacts were identified, including:

- impacted soil associated with the two abandoned heating oil USTs;
- soil impacted by tetrachloroethene (PCE) associated with the former dry-cleaning operations;
- Indoor air impacted by PCE above its respective air guidance value (AGV) in and adjacent to the dry cleaner.

#### Brownfield Cleanup Program:

In 2014, Northtown Associates LLC (predecessors of Northtown Property Owner LLC), applied to NYSDEC for admittance into the voluntary BCP. In the BCP application, three areas of interest (AOIs) were identified based on findings from the Phase II. AOIs 1 and 2 are associated with former fuel oil tanks, one at the southern exterior of Building #4 (AOI 1) and other at the western exterior of Building 3 (AOI 2). AOI 3 is associated with the former dry cleaner that occupied the southernmost tenant unit of Building 3. (**See Figure 2**)

Once admitted into the BCP, Northtown completed two additional investigations in 2015 to delineate the vertical and lateral extent of chlorinated volatile organic compounds (CVOCs) at concentrations above the commercial use soil cleanup objectives (SCOs) at AOI3. After completion of the additional investigations and assessment of potential environmental risks, Remedial Action Objectives (RAOs) for each environmental media were defined.



The RAOs identified for the Site were:

Groundwater:

- Prevent ingestion of groundwater containing contaminant levels exceeding drinking water standards.
- Prevent contact with, or inhalation of, volatiles emanating from contaminated groundwater.
- Remove the source of ground or surface water contamination.

Soil:

- Prevent ingestion/direct contact with contaminated soil;
- Prevent inhalation of, or exposure to, contaminants volatilizing from contaminated soil;
- Prevent migration of contaminants that would result in groundwater or surface water contamination.

Soil Vapor:

- Mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at a site.

In 2015 and 2016, three Interim Remedial Measures (IRMs) were completed at the Site under the BCP, these IRMs included the following:

- Removal of the two USTs and associated petroleum-impacted soils within AOI 1 and AOI 2;
- Removal of solvent-impacted subsurface soil in areas exterior of the building at AOI 3; and
- Installation of sub-slab depressurization systems within tenant space No. 14 of Building 3 (former dry-cleaner) and within off-site tenant space No. 1 of Building 2 (former Total Automotive service facility).

The IRMs were successful in meeting the Remedial Action Objectives (RAOs) for the Site and NYSDEC accepted the Final Engineering Report by issuing a Certificate of Completion (COC) on December 15, 2016.

### 3.0 EVALUATION OF REMEDY PERFORMANCE, EFFECTIVENESS, AND PROTECTIVENESS

GZA performed a Site Inspection during the reporting period (December 15, 2016 to April 15, 2018) on April 13, 2018. This was the first Site inspection since NYSDEC issued the COC. The completed Site Management Form shows the results of the site inspection (**See Appendix A**). Conditions of the Site were also photo documented (**See Appendix B**). The locations and orientations of the Site photos are illustrated on **Figure 2**.

Since the issuance of the COC, nearly all the tenants within the BCP Site boundaries have vacated in anticipation of building demolition and subsequent Site redevelopment.

Remaining impacted soils have not been disturbed since issuance of the COC, and the original Site buildings remain in place and unoccupied. The Site remedy, therefore, continues to be effective at meeting the Site RAOs for protection of current and intended future site users.



## 4.0 INSTITUTIONAL CONTROL/ENGINEERING CONTROL (IC/EC) PLAN COMPLIANCE REPORT

### 4.1 IC/EC REQUIREMENTS AND COMPLIANCE

IC/ECs for the Site were determined by NYSDEC and specified in the EE issued by NYSDEC on September 15, 2016. A summary list of the ICs and ECs for the BCP Site is provided as follows:

#### **Institutional Controls:**

- Property use may include restricted commercial and industrial uses only;
- Groundwater may not be used without prior treatment and approval of the regulators;
- Compliance with the Site Management Plan is required;
- Periodic certification of institutional and engineering controls is required.

#### **Engineering Control:**

- Operation of sub-slab depressurization systems in Building 2 (when occupied) and tenant space No. 14 of Building 3, (when occupied).

Since receipt of COC, the two tenant spaces at which the SSD systems are in place have remained vacant and therefore, with concurrence of NYSDEC, the SSD systems are present but currently not active. Nine of the 10 tenant spaces within the BCP Site as well as Building 2 (which has a SSD system) have been vacated in anticipation of eventual building demolition and Site redevelopment. Asbestos mitigation is currently in progress and demolition of both buildings within the BCP Site (Buildings 3 and 4) and Building 2 directly to the west of the BCP Site (the former Total Automotive building) are scheduled for demolition during the summer of 2018. Several variances to the Town zoning ordinance were granted, documentation of which is provided in **Appendix C**. Also included in **Appendix C** is a Site plan map that shows the planned locations of new building and paved surfaces overlaid onto the existing plaza layout.

The Site-specific IC/EC Certification Form, for reporting period of December 15, 2016 to April 15, 2018, was provided to Northtown as an attachment to the March 6, 2018 45-Day Reminder Notice letter sent by NYSDEC. This form has been completed by Northtown and Certified by GZA as QEP. The completed and certified IC/EC Certification Form for this reporting period is included in **Appendix D** of this PRR.

## 5.0 PRR CONCLUSIONS AND RECOMMENDATIONS

### 5.1 PRR CONCLUSIONS

The IC/ECs remain in place and are performing as intended. The Site use remains commercial and the two SSD systems are in place but inactive because their respective tenant spaces are vacant and unused. The overall Site conditions and current Site use were observed by GZA to be in compliance with the SMP.



## 5.2 PRR RECOMMENDATIONS

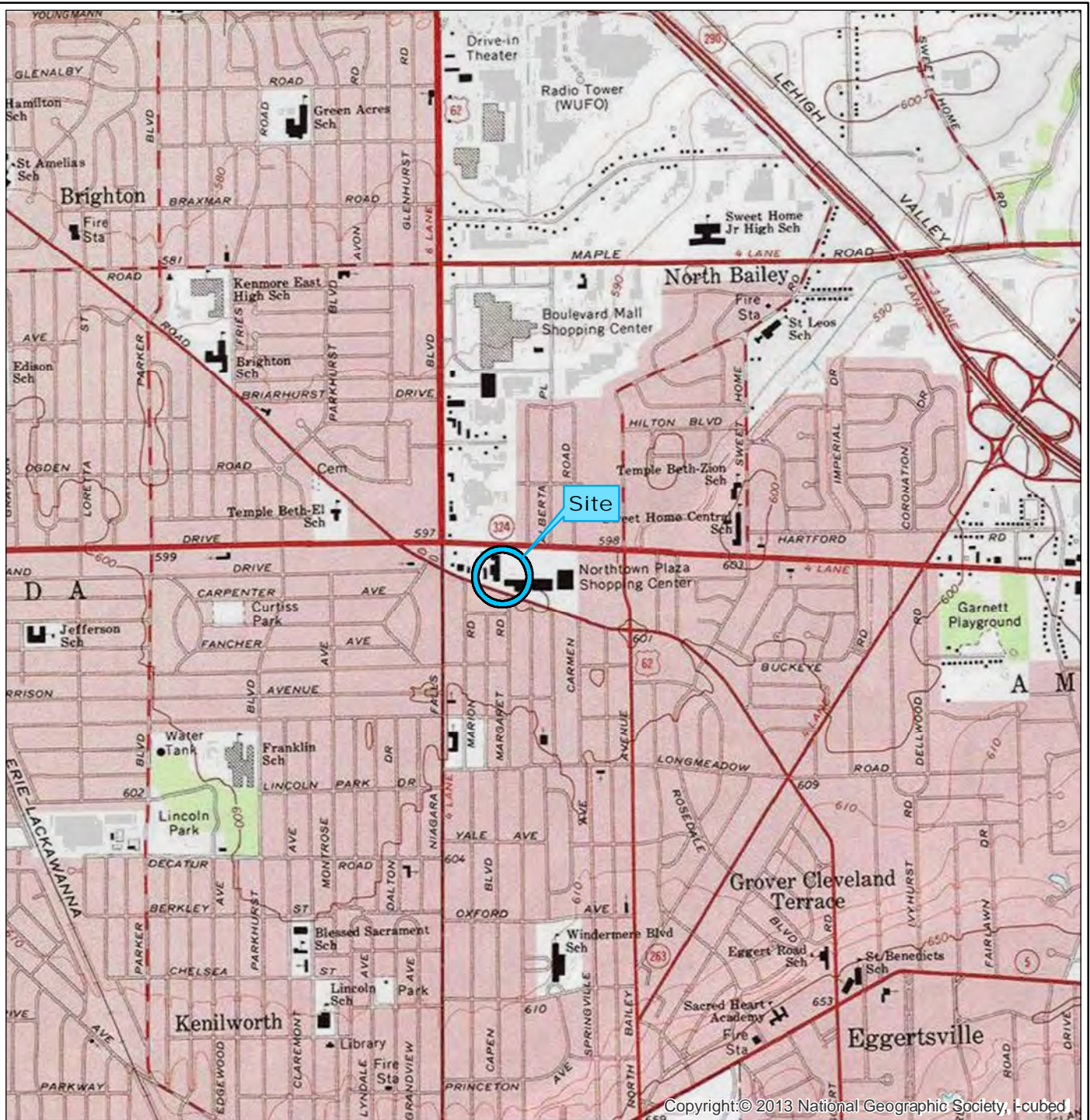
GZA and Northtown recommend no changes to the SMP nor to the annual frequency of site inspections and PRR submittals. Implementation of the SMP will continue as the redevelopment of the Site progresses to the building demolition phase, including:

- 15-day written notification to NYSDEC as specified in Section D-1 of the Excavation Work Plan (Appendix D of the SMP), prior to ground intrusive activities;
- Implementation of the Excavation Work Plan (soil and air monitoring and management) during excavation operations; and
- Evaluation of soil vapor intrusion in the building within AOI 3 and west of AOI 3 to the western boundary of parcel 67.10-1-10. Sample types, number, and locations will be determined based on the specifics of the proposed new building(s). Prior to SVI sampling, a SVI Sampling and Analysis Work Plan will be prepared and approved by the NYSDEC.

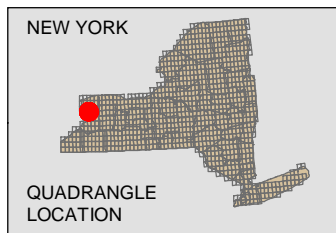




**FIGURES**



Copyright:© 2013 National Geographic Society, I-cubed



SOURCE : THIS MAP CONTAINS THE ESRI ARCGIS ONLINE USA TOPOGRAPHIC MAP SERVICE, PUBLISHED DECEMBER 12, 2009 BY ESRI ARCGIS SERVICES AND UPDATED AS NEEDED. THIS SERVICE USES UNIFORM NATIONALLY RECOGNIZED DATUM AND CARTOGRAPHY STANDARDS AND A VARIETY OF AVAILABLE SOURCES FROM SEVERAL DATA PROVIDERS

Data Supplied by :



0 1,000 2,000 4,000  
SCALE IN FEET



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NORTHTOWN INC.  
3097 SHERIDAN DRIVE  
AMHERST, NEW YORK 14226

2018 Periodic Review Report  
Site Locus Map

NO.	ISSUE/DESCRIPTION	BY	DATE
<div> <div> <b>PREPARED BY:</b>  <b>GZA GeoEnvironmental of NY</b>  <b>Engineers and Scientists</b>                      BUFFALO, NEW YORK 14202                 </div> <div> <b>PREPARED FOR:</b>                      NORTHTOWN PROPERTY                      OWNER, LLC                 </div> </div>			
<b>PROJ MGR:</b> JJR <b>DESIGNED BY:</b> TGB <b>DATE:</b> May 2018	<b>REVIEWED BY:</b> TGB <b>DRAWN BY:</b> PCF <b>PROJECT NO.</b> 21.0056687.30	<b>CHECKED BY:</b> BK <b>SCALE:</b> 1" = 2,000' <b>REVISION NO.</b>	<b>FIGURE</b> <div>1</div>





Legend:



Building Layout



Approximate BCP Site  
Boundary - Includes AOI 1,  
AOI 2 & AOI 3

#   ➔   *Photo #, Location, and Orientation*

Source: Erie County GIS Mapping Website  
Notes: All features should be considered approximate



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NORTHTOWN INC. 3097 SHERIDAN DRIVE AMHERST, NEW YORK 14226			
2018 Periodic Review Report PHOTO LOCATIONS			
PREPARED BY: GZA GeoEnvironmental of NY Engineers and Scientists BUFFALO, NEW YORK 14202		PREPARED FOR: NORTHTOWN PROPERTY OWNER, LLC	
PROJ MGR:    JR	REVIEWED BY:    TGB	CHECKED BY:    BK	FIGURE  2
DESIGNED BY:    TGB	DRAWN BY:    DCF	SCALE:    1 in = 60 ft	
DATE: MAY 2018	PROJECT NO. 21.0056687.30	REVISION NO.	





## **APPENDIX A**

### **SITE INSPECTION FORM**

Northtown Inc.  
BCP Site No.: C915292  
Site Management Form

SITE DETAILS	
Site No.: C915292	Site Name: Northtown Inc.
Site Address: 3097 Sheridan Drive, Amherst, New York	
PERSON PERFORMING INSPECTION	
Name: Jim Richert	Email: james.richert@gza.com
Company: GZA GeoEnvironmental of New York	Phone Number: 716/844-7048
Others Present: N/A	
INSPECTION DATE AND SITE CONDITIONS	
Inspection Date: April 13, 2018	Inspection Time: 8:15 AM
Weather Conditions: Overcast, calm, 42 degrees F.	
REASON FOR SITE INSPECTION	
Type of Inspection: <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Routine Maintenance Inspection <input type="checkbox"/> Non-Routine Inspection	
Inspection after a Severe Condition that could effect Site control: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Describe severe condition triggering inspection:  N/A	
VERIFICATION OF SITE DETAILS	
Current Site Owner: Northtown Property Owner LLC	
Current Site Operator: Northtown Property Owner LLC	
Describe Current Site Use (check all that apply)	
<input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential <input type="checkbox"/> Other	
Briefly describe observed site uses: Commercial Shopping Plaza. All but one tenant space on the BCP Site (Treats Unleashed) was vacant on the day of inspection. See Photo Log. Note any additional pertinent information to Verification of Site Details (use additional pages if necessary).	
DESCRIPTION OF ENGINEERING CONTROLS	
Are the Engineering Controls still in place: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, explain: SSD systems in place but turned off because the respective tenant spaces are vacant.	
Is the Site Management Plan still in place: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, explain:	
AREAS IN NEED OF REPAIR OR MAINTENANCE	
Area discussed in this section must be shown on a figure and have photographic documentation.  N/A	
INTRUSIVE ACTIVITIES PERFORMED AT SITE DURING INSPECTION PERIOD	
Location:	Date:
Description of activities being performed:	
Are Site records being properly generated and maintained: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Provide a summary of recordkeeping review and adequacy:	
ADDITIONAL NOTES & COMMENTS	
Site owner plans to demolish existing buildings and build new buildings. Where these activities take place on the BCP Site, implementation of the Excavation Work Plan and other provisions of the Site Management Plan shall be followed.	
INSPECTION CERTIFICATION	
I hereby certify that the information included in this report is complete and accurate to the best of my knowledge	
Inspector Signature: <u>Jim Richert</u>	Date: April 13, 2018



## **APPENDIX B**

### **PHOTO LOG**



## Photographic Log

<b>Client Name:</b> Northtown Property Owner LLC		<b>Site Location:</b> 3097 Sheridan Drive, Amherst, NY	<b>Project No.</b> 21.0056687.30
<b>Photo No.</b> 1	<b>Date:</b> 4-13-18		
<b>Direction Photo Taken:</b>  Northeast			
<b>Description:</b>  AOI 1 with Asbestos abatement contractor trailer.			

<b>Photo No.</b> 2	<b>Date:</b> 4-13-18	
<b>Direction Photo Taken:</b>  Northwest		
<b>Description:</b>  AOI 1 with asbestos abatement contractor trailer.		





## Photographic Log

<b>Photo No.</b> 3	<b>Date:</b> 4-13-18
<b>Direction Photo Taken:</b>  North	
<b>Description:</b>  AOI 2 and 3 Building 1 (former Total Automotive) to the left.	

A wide-angle photograph of an industrial lot. In the foreground, a large, dark, cracked asphalt surface is covered with a significant puddle of water. To the left, a long, single-story industrial building with a tan facade and a red roof extends into the distance. To the right, another similar building is visible. The sky is overcast and grey.

<b>Photo No.</b> 4	<b>Date:</b> 4-13-18
<b>Direction Photo Taken:</b>  North	
<b>Description:</b>  Building 1 (Vacant) total Automotive	

A photograph of the exterior of a vacant Total Automotive building. The building has a tan brick facade and large glass windows. A prominent sign above the entrance reads 'Total Automotive' in large, bold letters. To the right of the main sign, there is a smaller sign with a cartoon car character and the words 'Total AUTOMOTIVE'. The entrance is a glass door with a black frame. The address '2125' is visible on the window to the right of the door. The building appears to be in poor condition, with some peeling paint and debris visible.





## Photographic Log

<b>Photo No.</b> 5	<b>Date:</b> 4-13-18
<b>Direction Photo Taken:</b>  North	
<b>Description:</b>  Rear of AOI 3, SW corner of former Building 3 (former GiRo Cleaners to the right).	

A photograph showing the rear of a large, single-story industrial building with a light-colored facade and a flat roof. The building is situated on a dark, cracked asphalt lot. In the background, other industrial structures and utility poles with wires are visible under an overcast sky.

<b>Photo No.</b> 6	<b>Date:</b> 4-13-18
<b>Direction Photo Taken:</b>  Northwest	
<b>Description:</b>  SE corner of Building 3. Former GiRo Cleaners in foreground.	

A photograph of a long, single-story commercial building with a light-colored facade and a red-tiled roof. The building features a series of large, arched openings supported by columns. A green sign on the left side of the building reads "TREATS UNLEASHED" and "YES WE'RE OPEN". The building is situated on a dark, cracked asphalt lot. In the background, other industrial structures and utility poles with wires are visible under an overcast sky.



## Photographic Log

<b>Photo No.</b> 7	<b>Date:</b> 4-13-18	 A photograph showing the rear of a single-story, light-colored brick building. The building has a flat roof with a single vent pipe. There are several windows, some of which are boarded up with plywood. A small utility box is visible on the side of the building. The foreground is a dark, paved area with some puddles.
<b>Direction Photo Taken:</b>  Northeast		
<b>Description:</b>  SW corner of Building 3. Rear of former GiRo Cleaners.		

<b>Photo No.</b> 8	<b>Date:</b> 4-13-18	 A photograph showing the west side of a single-story, light-colored brick building. The building has a flat roof with a red and white striped awning. The awning has the words 'Total Automotive' written on it in red and white. There are large windows on the side of the building. The foreground is a dark, paved area with some puddles. In the background, there are other buildings and a utility pole.
<b>Direction Photo Taken:</b>  North		
<b>Description:</b>  West side of Building 1. Former Total Automotive.		



## **APPENDIX C**

### **APPROVED ZONING VARIANCES AND SITE PLAN MAP**



# TOWN OF AMHERST

## TOWN CLERK'S OFFICE

5583 MAIN STREET  
WILLIAMSVILLE, NEW YORK 14221  
(716) 631-7021  
FAX (716) 631-7152  
[www.amherst.ny.us](http://www.amherst.ny.us)

**Marjory Jaeger**  
Town Clerk

**Kathleen Cooper**  
Deputy Town Clerk

**Timothy Koller**  
Asst. Deputy Town  
Clerk

December 21, 2017

Northtown Property Owner LLC  
c/o Sean Hopkins, Esq.  
5500 Main Street, Suite 343  
Williamsville, NY 14221

**Re: 3045 Sheridan Drive**

Dear Mr. Hopkins:

This letter is to advise you that a decision has been made and filed on your petition. Your request for area variances to the Town of Amherst Zoning Ordinance for 1) vehicle use area – front yard setback (Sheridan Dr), 2) vehicle use area – front yard setback (Eggert Rd), 3) building “F” front yard setback (Eggert Rd), 4) building separation (Building B & existing Key Bank), 5) required number of parking spaces, 6) maximum number of parking spaces between landscaped islands (11 locations), 7) required interior landscaping percentage (site), 8) minimum percentage of landscaping adjacent to a building (Building A), and 9) minimum required covered pedestrian walkway (Buildings A, B, C, E & F) at 3045 Sheridan Drive was decided as follows by the Zoning Board of Appeals on December 19:

1. The Board issued a negative declaration for area variance 5.

Upon roll call the vote was: Mr. Radens, aye; Mr. Pollack; Mr. Palumbo, aye and Mr. Cimasi, aye. The motion was declared unanimously carried by a vote of ayes 4, noes 0.

2. The Board granted area variance 1.

Upon roll call the vote was: Mr. Radens, aye; Mr. Pollack; Mr. Palumbo, aye and Mr. Cimasi, aye. The motion was declared unanimously carried by a vote of ayes 4, noes 0.

3. The Board granted area variance 2.

Upon roll call the vote was: Mr. Radens, aye; Mr. Pollack; Mr. Palumbo, no and Mr. Cimasi, aye. The motion was declared carried by a vote of ayes 3, noes 1.

4. The Board granted area variance 3.

Upon roll call the vote was: Mr. Radens, aye; Mr. Pollack; Mr. Palumbo, no and Mr. Cimasi, aye. The motion was declared carried by a vote of ayes 3, noes 1.

5. The Board granted area variance 4.



Upon roll call the vote was: Mr. Radens, aye; Mr. Pollack; Mr. Palumbo, aye and Mr. Cimasi, aye. The motion was declared unanimously carried by a vote of ayes 4, noes 0.

6. The Board granted area variance 5.

Upon roll call the vote was: Mr. Radens, aye; Mr. Pollack; Mr. Palumbo, aye and Mr. Cimasi, aye. The motion was declared unanimously carried by a vote of ayes 4, noes 0.

7. The Board granted area variance 6.

Upon roll call the vote was: Mr. Radens, aye; Mr. Pollack; Mr. Palumbo, aye and Mr. Cimasi, aye. The motion was declared unanimously carried by a vote of ayes 4, noes 0.

8. The Board granted area variance 7.

Upon roll call the vote was: Mr. Radens, aye; Mr. Pollack; Mr. Palumbo, aye and Mr. Cimasi, aye. The motion was declared unanimously carried by a vote of ayes 4, noes 0.

9. The Board granted area variance 8.

Upon roll call the vote was: Mr. Radens, aye; Mr. Pollack; Mr. Palumbo, aye and Mr. Cimasi, aye. The motion was declared unanimously carried by a vote of ayes 4, noes 0.

10. The Board granted area variance 9.

Upon roll call the vote was: Mr. Radens, aye; Mr. Pollack; Mr. Palumbo, aye and Mr. Cimasi, aye. The motion was declared unanimously carried by a vote of ayes 4, noes 0.

**Please contact the Building Department at 631-7080, if you have further questions and to secure all necessary permits.**

Thank you for your cooperation.

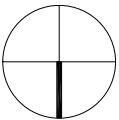
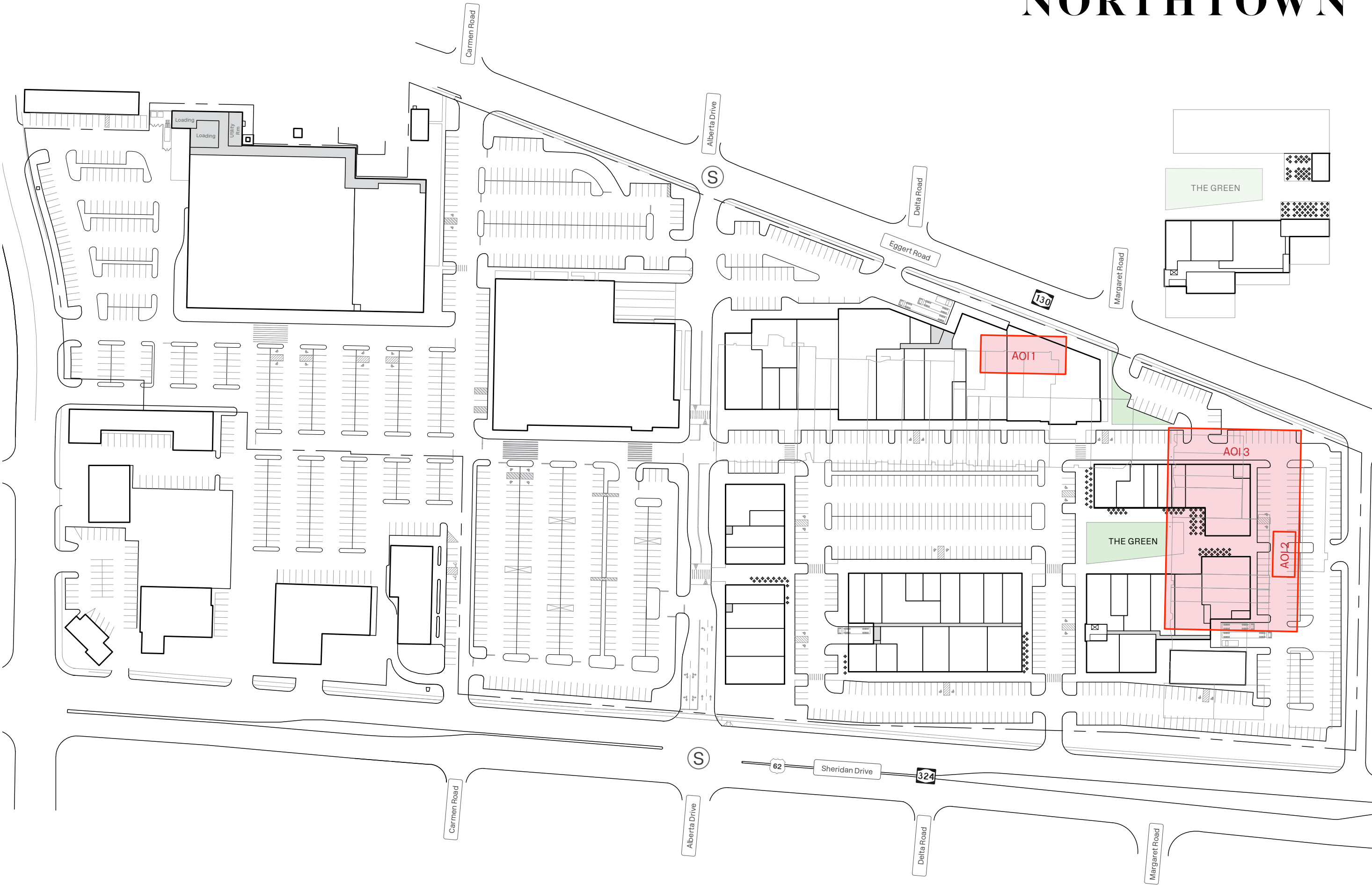
Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Marjory Jaeger', with a stylized flourish at the end.

Marjory Jaeger  
Amherst Town Clerk

MJ/tk  
C: Assessor, Building, Planning

# NORTH TOWN





## **APPENDIX D**

### **IC/EC CERTIFICATION FORM**



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



**Site No.** C915292

**Site Details**

**Box 1**

**Site Name** Northtown Inc.

Site Address: 3097 Sheridan Drive      Zip Code: 14226  
City/Town: Amherst  
County: Erie  
Site Acreage: 1.4

Reporting Period: December 15, 2016 to April 15, 2018

- |  | 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 checked="" type="checkbox"/> | <input 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 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/ECs 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



		<b>Box 2A</b>
		YES      NO
8.	Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?	<input type="checkbox"/> <input checked="" type="checkbox"/>
<p><b>If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.</b></p>		
9.	Are the assumptions in the Qualitative Exposure Assessment still valid? (The Qualitative Exposure Assessment must be certified every five years)	<input checked="" type="checkbox"/> <input type="checkbox"/>
<p><b>If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.</b></p>		

<b>SITE NO. C915292</b>		<b>Box 3</b>
<b>Description of Institutional Controls</b>		
<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
Portion of 67.10-1-10	Northtown Property Owner LLC	Monitoring Plan O&M Plan Ground Water Use Restriction Landuse Restriction Site Management Plan IC/EC Plan
<p>An Environmental Easement, filed with the Erie County Clerk's Office on October 12, 2016, imposes the following controls on the property:</p> <ol style="list-style-type: none"> <li>1. The property may be used for Commercial and Industrial use and shall not be used for Residential or Restricted Residential purposes as described in 6NYCRR 375-1.8(g)(2).</li> <li>2. The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the New York State Department of Health or the Erie County Department of Health.</li> <li>3. Compliance with the Department approved November 28, 2016 Site Management plan is required.</li> <li>4. The remedial party or site owner must complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8(h)(3).</li> </ol>		

		<b>Box 4</b>
<b>Description of Engineering Controls</b>		
<u>Parcel</u>	<u>Engineering Control</u>	
Portion of 67.10-1-10	Vapor Mitigation	
<ol style="list-style-type: none"> <li>1. Continued operation of the sub-slab depressurization systems installed in 2 tenant spaces.</li> </ol>		

**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 certification;
- b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

☒ ☐

2. If this site has an IC/EC Plan (or equivalent as required in the Decision Document), for each Institutional or Engineering control listed in Boxes 3 and/or 4, I certify by checking "YES" below that all of the following statements are true:

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

YES NO

☒ ☐

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

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

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

\_\_\_\_\_  
Date

IC CERTIFICATIONS  
SITE NO. C915292

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 Debra A. George at 33 Boylston St Chestnut Hill MA  
print name print business address

am certifying as owner (Owner or Remedial Party)

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

Debra A. George 6-7-18  
Signature of Owner, Remedial Party, or Designated Representative Date  
Rendering Certification

IC/EC CERTIFICATIONS

Box 7

Professional Engineer Signature

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

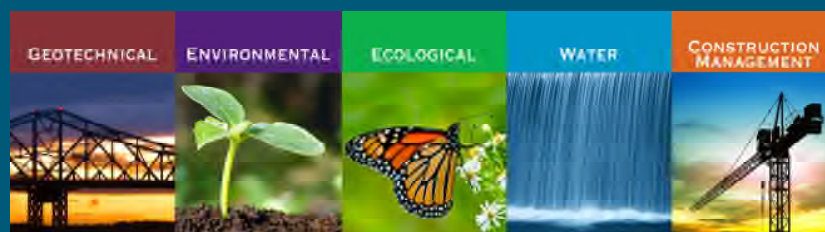
I BART A. KLETTE at 300 PEARL STREET, SUITE 700, BUFFALO, NY 14202  
print name print business address

am certifying as a Professional Engineer for the OWNER  
(Owner or Remedial Party)



Bart A. Klette  
Signature of Professional Engineer, for the Owner or Remedial Party, Rendering Certification

Stamp 5-8-18  
(Required for PE) Date



GZA GeoEnvironmental, Inc.