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2019 PERIODIC REVIEW REPORT NORTHTOWN INC. SITE 3097 SHERIDAN DRIVE AMHERST, NEW YORK BCP Site Number C915292

May 23, 2019

File No. 21.0056687.31



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 23, 2019
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: 2019 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 11, 2019.

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: Neal Cannon (Northtown)
Marco Borbo (Northtown)
Jeffrey Curley (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 19-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 12, 2019, 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 19-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 (CVOs) 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 (April 15, 2018 to April 15, 2019) on April 12, 2019. This was the second 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, 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. The 10 tenant spaces within the BCP Site as well as Building 2 (which has an SSD system) have been vacated in anticipation of eventual building demolition and Site redevelopment. Asbestos mitigation has been completed 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 planned for demolition during the summer and fall of 2019. The Site Plan was approved by the Town of Amherst on May 24, 2018, documentation of which is provided in **Appendix C**.

The Site-specific IC/EC Certification Form, for reporting period of April 15, 2018 to April 15, 2019, was provided to Northtown as an attachment to the March 11, 2019 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.



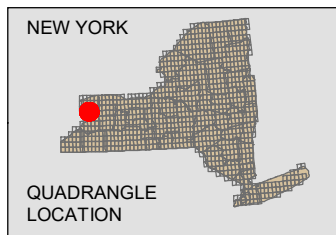
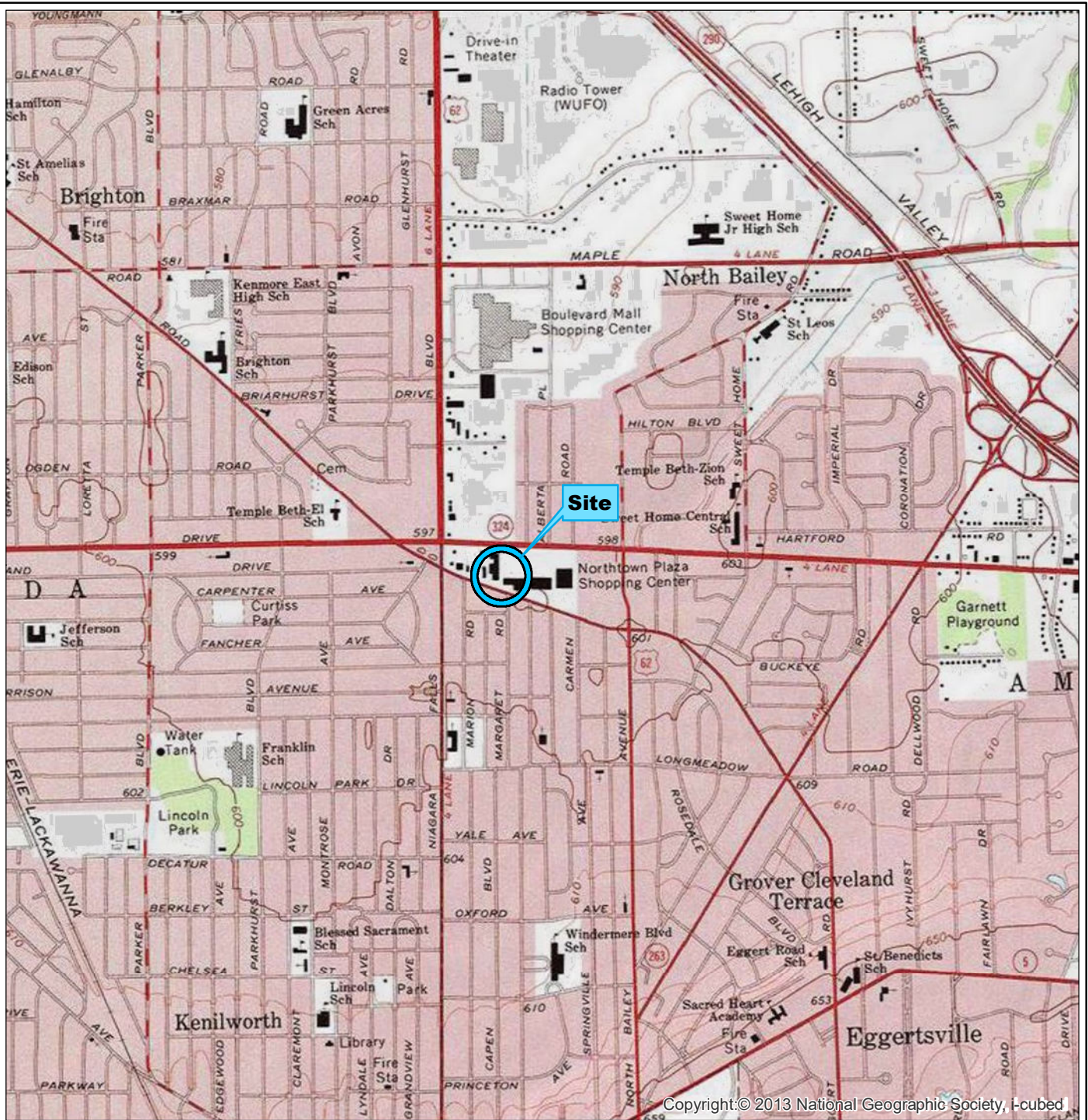
5.2 PRR RECOMMENDATIONS

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



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

2019 Periodic Review Report
Site Locus Map

PREPARED BY:
GZA GeoEnvironmental of NY
Engineers and Scientists
BUFFALO, NEW YORK 14202

PREPARED FOR:
NORTHTOWN PROPERTY
OWNER, LLC

PROJ MGR: JJR	REVIEWED BY: TGB	CHECKED BY: BK
DESIGNED BY: TGB	DRAWN BY: PCF	SCALE: 1" = 2,000'
DATE: April 2019	PROJECT NO. 21.0056687.31	REVISION NO.

FIGURE
1

© 2019 - GZA GeoEnvironmental, Inc. T:\Clients\NorthernBCP\MXDs\2018 Periodic Review Report\Figure 2 - Photo Locations.mxd, 4/12/2019, 3:46:03 PM, rachel.radicello



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

2019 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: JJR
DESIGNED BY: JJR
DATE: APRIL 2019

REVIEWED BY: JJR
DRAWN BY: MK
PROJECT NO.
21.0056687.31

CHECKED BY: BK
SCALE: 1 in = 60 ft
REVISION NO.

FIGURE
2



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	
Insepection Date: April 12, 2019	Inspection Time: 1:30 PM
Weather Conditions: Overcast, SW Winds 20-30 MPH 71 degrees F.	
REASON FOR SITE INSPECTION	
Type of Inspection: <input checked="" type="checkbox"/> Annual Inspection <input type="checkbox"/> Routine Maintenance Inspection <input type="checkbox"/> Non-Routine Inspection	
Inspection after a Severe Condition that could effect Site controls <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 (<i>check all that apply</i>)	
<input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential <input type="checkbox"/> Other vacant and fenced in.	
Briefly describe observed site uses: Commercial Shopping Plaza. All tenant space on the BCP Site are now vacant. See Photo Log. <i>Note any additional pertinent information to Verification of Site Details (use additional pages if necessary).</i>	
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: N/A	
Are Site records being properly generated and maintained: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Provide a summary of recordkeeping review and adeuacy:	
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 12, 2019




APPENDIX B

PHOTO LOG



Photographic Log

Client Name: Northtown Property Owner LLC		Site Location: 3097 Sheridan Drive, Amherst, NY	Project No. 21.0056687.31
Photo No. 1	Date: 4-12-19		
Direction Photo Taken: East			
Description: South end of AOI 3.			

Photo No. 2	Date: 4-12-19	
Direction Photo Taken: North		
Description: West side of AOI 3.		



Photographic Log


Photo No. 3	Date: 4-12-19	 A photograph of a single-story commercial building with a red roof and white walls. The building has large windows and a sign that reads 'Total Automotive' with a phone number '834-2299'. The building is situated in a large, paved parking lot with visible cracks. The sky is overcast.
Direction Photo Taken: Northwest		
Description: Building 1 to the west of AOI 2 and 3.		

Photo No. 4	Date: 4-12-19	 A photograph of a long, single-story commercial building with a red roof and white walls. The building has multiple bays, some of which are boarded up. A chain-link fence with two orange traffic cones is in the foreground. The building is situated in a large, paved parking lot with visible cracks. The sky is overcast.
Direction Photo Taken: Northwest		
Description: South end of Building 3 (Vacant)		



Photographic Log

Photo No. 5	Date: 4-12-19	
Direction Photo Taken: North		
Description: East side of Building 3.		

Photo No. 6	Date: 4-12-19	
Direction Photo Taken: East/Northeast		
Description: AOI 1.		



Photographic Log

Photo No. 7	Date: 4-12-19	
Direction Photo Taken: North		
Description: AOI 1.		

Photo No.	Date:	
Direction Photo Taken:		
Description:		



APPENDIX C

TOWN APPROVAL OF SITE PLAN



May 24, 2018

Mr. Andrew Manning
WS Development
33 Boylston Street
Chestnut Hill, MA 02467

Re: 3045 Sheridan Drive – Phase 2 of Northtown Redevelopment Project [SP-1983-521]
Applicant: Northtown Property Owner LLC
File No. 10114.1

Dear Andrew:

Enclosed for your project records enclosed please find copies of the following:

1. Correspondence issued by Marjory Jaeger, Town Clerk, dated May 16th confirming the Zoning Board of Appeals granted the requested area variance for the setback of the loading dock facility screening wall on the south side of Building “F” during its meeting on May 15th; and
2. Correspondence issued by Daniel C. Howard, Planning Director, dated May 24th with a copy of the negative declaration issued by the Planning Board pursuant to the State Environmental Quality Review Act (“SEQRA”) during its meeting on May 17th along with a copy of resolution adopted by the Planning Board on May 17th granting Site Plan and Unified Development subject to twenty (20) conditions.

If you have any questions regarding the enclosed documentation or the status of the proposed redevelopment project, please feel free to contact me at (716) 510-4338 or via e-mail at shopkins@hsr-legal.com.

Thank you for your continued cooperation.

Sincerely,

HOPKINS SORGI & ROMANOWSKI PLLC

Sean W. Hopkins, Esq.

Enc.

cc: Jeff Curley, WS Development [Via mail and e-mail]
Arne Larsen, P.E., Land Development Group Manager, Fisher Associates [Via e-mail]

HOPKINS SORGI & ROMANOWSKI PLLC

Attorneys at Law

5500 Main Street, Suite 343 • Williamsville, New York 14221

Direct: 716-510-4338 • E-mail: shopkins@hsr-legal.com • www.hsr-legal.com



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

Marjory Jaeger
Town Clerk

Kathleen Cooper
Deputy Town Clerk

Timothy Koller
Asst. Deputy Town
Clerk

May 16, 2018

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 an area variance to the Town of Amherst Zoning Ordinance for a front yard setback at 3045 Sheridan Drive was granted by the Zoning Board of Appeals on May 15.

Upon roll call the vote was: Mr. Radens, aye; Mr. Pollack, aye; Mr. Palumbo, no; Ms. Kahn, aye and Ms. Shields, no. The motion was declared carried by a vote of ayes 3, noes 2.

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,

Marjory Jaeger
Amherst Town Clerk

MJ/tk
C: Assessor, Building, Planning



Town of Amherst Planning Department

Erie County, New York



Brian J. Kulpa
Supervisor

Daniel C. Howard, AICP
Planning Director

Ellen M. Kost, AICP
Assistant Planning Director

May 24, 2018

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

SUBJECT: MAJOR SITE PLAN REVIEW, **SP-1983-521**; PROPOSED NORTHTOWN PLAZA REDEVELOPMENT AND UNIFIED DEVELOPMENT; PROPERTY LOCATED AT **3045, 3051 & 3139 SHERIDAN DRIVE.**

Dear Sir/Madam:

At its meeting of May 17, 2018 the Planning Board voted to issue the attached Negative Declaration and **grant conditional approval** for the subject site plan based on the attached Resolution. ***Site work cannot begin until all of the following steps have been completed:***

1. **Address conditions of approval:** All conditions stated in the Resolution of Approval must be satisfactorily addressed. This likely will require the submittal of additional plans and materials to address outstanding concerns.
2. **Approved plans are issued by the Planning Department:** Once the Planning Department determines that all conditions have been addressed, **seven (7)** copies of all site plan drawings, including landscape, utility, and grading and drainage plans must be submitted. Please do not submit any drawings other than those submitted for site plan approval. These drawings will be stamped and signed "Approved" by the Planning Department and transmitted to Town Departments.
3. **A building permit is issued by the Building Department:** The Building Department will not issue permits until they receive "Approved" site plans from the Planning Department.

The Negative Declaration and Planning Board Resolution have been filed in the Office of the Town Clerk. Should you have any questions regarding the Planning Board's decision or how to address the conditions of approval, please do not hesitate to call us.

Please note the in accordance with Section 8-7-15 of the Zoning Ordinance, if construction of the approved development has not commenced within two (2) years from the time of site plan approval, that approval shall be deemed revoked.

Very truly yours,

Daniel C. Howard, AICP
Planning Director

DH/ac

X:\Current_Planning\Files\Site Plans\1983\SP-1983-52_1_(3045_33051_&_3139_Sheridan_Dr)_2017\Pet-Let_Approval_After_Mtg_052418.doc

cc: Arne Larsen, PE, Fisher Associates, 135 Calkins Rd., Suite A, Rochester, NY 14623



Brian J. Kulpa
Supervisor

Daniel C. Howard, AICP
Planning Director

Ellen M. Kost, AICP
Assistant Planning Director

SEQR Negative Declaration

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency: Town of Amherst
Planning Board

Project: SP-1983-52I

MAY24'18 PM 4:15 RCVD

Address: 5583 Main Street
Williamsville, NY 14221
(716) 631-7051

Date: May 17, 2018

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

Title of Action: Site Plan Review & Unified Development

SEQR Status: Unlisted

Description of Action: This project is Phase II of Northtown Plaza (Whole Foods is Phase I) which involves demolition of the existing plaza buildings and construction of six (6) new buildings (A – F). The existing Key Bank building in the northwest corner (3051 Sheridan Drive), which until recently was under separate ownership, is shown as remaining. All new buildings will be single story with the exception of Building B which is proposed with a 2-story portion. The total gross square footage of all proposed buildings is 187,210± sq. ft. (existing gross square footage is 183,715± sq. ft.). Phase II of the plaza project will create 742 parking spaces (total Phases I and II – 1,309 spaces) existing spaces total 1,495), arranged throughout the site. The new plaza proper will be situated at 3045 Sheridan Drive and will be a part of a unified development with the adjacent Whole Foods parcel (3139 Sheridan). This development will result in the closure of 4 driveways: 2 on Sheridan Drive and 2 on Eggert Road. The completed development will utilize 2 driveways on Sheridan Drive and 3 on Eggert Road. A paved connection with the plaza to the west is also shown. Loading docks are shown adjacent to Buildings B, C and F. A proposed green space of 5,735 sq. ft., between Buildings A and B is included for public recreation and use. Work will include the site improvements not specifically stated above, including, stormwater, utilities, grading, lighting, paving, and landscaping.

Location: 3045, 3051 & 3139 Sheridan Drive, Amherst, Erie County

Petitioner: Northtown Property Owner LLC

Reasons Supporting This Determination

MAY24'18 PM 4:15 RCVD

Based on information submitted by the applicant including a Short Environmental Assessment Form (EAF) - Part I, (as amended) and a complete site plan application, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that this action will not have a significant impact on the environment, as follows:

1. The project is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The Engineering Department on May 16, 2018 reviewed the Grading, Drainage and Utility Plans; Engineer's Report; and Erosion Control Plan submitted on May 8, 2018 and Geotechnical Report prepared by Empire GEO Services, Inc. The Stormwater Pollution Prevention Plan (SWPPP) submitted on April 3, 2018 was also reviewed on April 18, 2018. Based on its review of these documents, the Department has determined that the project has or will have met all applicable requirements and has no objection to its approval.
2. The project will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. The Planning Department reviewed a Landscape Plan submitted on May 8, 2018 and determined that it meets or exceeds Zoning Ordinance requirements for greenspace. The Landscape Plan has or will have met all Zoning Ordinance and Town requirements for landscaping.
3. The project is not expected to create any material conflict with the Town Comprehensive Plan. The Building Department has reviewed the application documents, along with the Geotechnical Report submitted on December 11, 2017. That department determined in their review of April 19, 2018 that the subject project required a setback variance for the loading dock screen wall. This variance was granted by the ZBA on May 15, 2018, therefore the project has or will have met all Zoning Ordinance regulations.
4. The project is not within an area identified by the State as potentially containing significant cultural or archeological resources, nor will it impair the character or quality of important historical resources.
5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The project is located in the Shopping Center (SC) zoning district in a commercialized section of the Town. Neighboring uses are commercial and office that are zoned General Business (GB), Motor Service (MS) and Office Building (OB). The project involves redevelopment of a long-standing retail plaza and is therefore consistent with surrounding land use.

6. The proposed subject development will include construction of an 187,210± sq. ft. retail redevelopment project which will not cause a major change in the use of either the quantity or type of energy from the site's previous use.
7. The project will not create any hazard to human health. The Fire Chief's Association on April 19, 2018 reviewed the project and requires that turning radius for fire access roads be revised, that these access roads be marked as fire lanes, and that a Knox box be provided. All requirements of this agency has or will have been met prior to final site plan approval.
8. The project will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. Construction of an 187,210± sq. ft. retail redevelopment project, a 2% increase in size from the existing plaza, will be consistent with the scale of surrounding land uses.
9. The function of the proposed retail plaza will not significantly increase the number of people using the site over its previous level of use as a functioning retail plaza.
10. On May 17, 2018 the Town Traffic/Safety Board reviewed the project and the Traffic Impact Study (TIS) prepared by Fisher Associates and submitted to the Planning Department on March 29, 2018. The Board approved the TIS and the project subject to three conditions related to removable bollards, ADA ramp and accident history at the proposed driveway opposite Margaret Drive. The Erie County Department of Public Works – Highways Division reviewed the project materials on April 18, 2018 and commented that the proposed driveway opposite Margaret Drive should be eliminated unless required for fire access, and that the driveway opposite Delta Road be signed for truck/delivery use only. NYSDOT reviewed the project materials on May 17, 2018 and requested that the petitioner complete a signal analysis and queue analysis for westbound left-turn lane traffic on Sheridan Drive. Approval by the Planning Board included the requirements that all comments from the Traffic/Safety Board, ECDPW and NYSDOT must be addressed prior to final site plan approval of the plaza redevelopment.
11. A coordinated review of the project has been undertaken by Town Departments including, in addition to those mentioned above, Highway on April 24, 2018, Assessor on March 12, 2018, Plumbing Division on May 10, 2018, and Right-of-Way Agent on April 17, 2018. These reviews did not identify any potential significant adverse environmental issues and indicated that the proposal will not have a significant damaging impact on the environment.
12. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and are not determined to cause significant negative environmental impacts.

Planning Board Approval

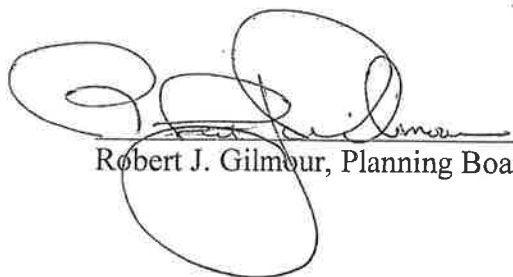
Moved by: Gelber; Seconded by: Black; Ayes – 5; Noes – 0; Absent – 2 (Herberger, Shapiro)

May 17, 2018

Page 4

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Ellen M. Hart, Asst. Planning Director 5/23/18
signature & title of preparer Date


Robert J. Gilmour, Planning Board Chair

5-24-18
Date

EK/ac

cc: Amherst Town Clerk
Building Department
Engineering
Fire Chiefs'
Highway
Traffic/Safety
ECDEP
NYSDOT

Northtown Property Owner LLC, c/o Sean Hopkins, 5500 Main St., Suite 343, Williamsville, NY 14221
Arne Larsen, PE, Fisher Associates, 135 Calkins Rd., Suite A, Rochester, NY 14623

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TOWN OF AMHERST
PLANNING BOARD
SITE PLAN RESOLUTION
SP-1983-52I

MAY 24 '18 PM 4:15 RCUD

PETITIONER

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

PROPERTY LOCATION

3045, 3051 & 3139 Sheridan Drive

WHEREAS, the Town of Amherst Planning Board on Thursday, April 19 and May 17, 2018 held a public hearing on a Site Plan for a Northtown Plaza Phase II redevelopment and Unified Development, and

WHEREAS, the Planning Board reviewed the plans and specifications for the proposed project, and

WHEREAS, the Site Plan was referred to the Town's various review agencies, and

WHEREAS, in accordance with Section 8-7-9 of the Zoning Ordinance, the Planning Board finds that:

- A. The proposed site plan is consistent with the development plan if one is required.
- B. The proposed site plan is consistent with the purpose and specific requirements of the Zoning Ordinance and generally consistent with the policies of the Comprehensive Plan.
- C. Adequate services and utilities will be available prior to occupancy.
- D. The site plan is consistent with all other applicable laws.
- E. Pursuant to Local Law #3-82, as amended, the Planning Board has determined that the requirements of SEQRA are complete and that the subject proposal is not expected to have a significant adverse effect on the environment.
- F. Review by the US Army Corps of Engineers under Section 404 of the Clean Water Act may be waived since hydric / potentially hydric soils have not been identified on the parcel.

NOW THEREFORE BE IT RESOLVED that in accordance with 6 NYCRR, Part 617 and Local Law #3-82, as amended, the Planning Board has issued a Negative Declaration attached hereto, and

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board, in accordance with Section 8-7 of the Zoning Ordinance **approves** said Site Plan subject to the following conditions:

TOWN OF AMHERST
PLANNING BOARD
SITE PLAN RESOLUTION
SP-1983-52I

MAY 24 '18 PM 4:15 RCUD

PETITIONER

Northtown Property Owner LLC

PROPERTY LOCATION

3045, 3051 & 3139 Sheridan Drive

1. That the consideration of signs be specifically excluded from this approval since no sign details were presented.
2. That any lights used to illuminate the property be equipped with adjustable hoods to control light spread and direction so as not to create any nuisance to nearby properties, and that lights not exceed 25 feet in total height from finished grade.
3. That all dumpsters/trash containers and all mechanical equipment, utility structures, multiple meter boards, generators, and similar appurtenances, including those which are mounted on any part of a primary structure shall be appropriately screened with a fence, wall, and/or landscaping. Provide gate on dumpster enclosure that shall be closed whenever dumpster is not being serviced, enclosure shall be high enough to screen the dumpster(s) within.
4. That as-built record drawings, including location of utilities, be provided to the Engineering Department prior to issuance of a Certificate of Occupancy by the Building Department.
5. That the comments of the Plumbing Division in its memo dated April 17, 2018 be addressed.
6. That the comments of the Engineering Department in its memo dated May 16, 2018 be addressed.
7. That the comments of the Town Landscape Architect in his memo dated May 14, 2018 be addressed.
8. That the comments of the Engineering Department in its review of the Stormwater Pollution Prevention Plan dated April 18, 2018 be addressed.
9. That the proposed driveway opposite Delta Road be signed for truck/delivery use only.
10. That the Town contact the Erie County Department of Public Works – Highways Division to ascertain if any additional studies or reports are required for that agency to permit the proposed driveway opposite Margaret Drive, and that the petitioner provide such materials.
11. That per NYSDOT review of May 17, 2018, a signal timing analysis and queue analysis be provided for westbound left-turn lane vehicles at the Sheridan Drive/Alberta Drive intersection.
12. That the petitioner extend the striped pedestrian crossing located between Buildings D and E in the main plaza drive aisle easterly to the edge of pavement in the Whole Foods parking lot.

TOWN OF AMHERST
PLANNING BOARD
SITE PLAN RESOLUTION
SP-1983-52I

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PETITIONER

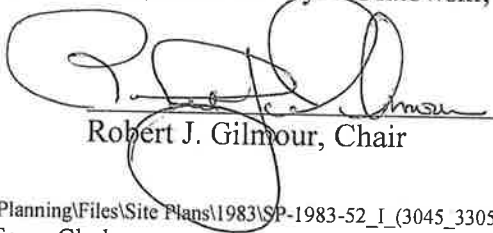
Northtown Property Owner LLC

PROPERTY LOCATION

3045, 3051 & 3139 Sheridan Drive

13. That Planning Department staff research whether public bus service may be provided on this site.
14. That the proposed on-site traffic-calming measures be reviewed and approved by the Fire Chiefs' Association.
15. That the petitioner work with the Planning Department to make architectural improvements to the portion of the southwest elevation of Building F closest to Eggert Road (western portion of Building F).
16. That the petitioner work with the Planning Department to provide more surface articulation (i.e. insets) to the south side of the deep dock wall adjacent to Building F.
17. That at least four (4) bike racks with space for at least five (5) bikes each be added to the site where appropriate.
18. That the petitioner work with the Planning Department to include accent lighting and pedestrian scale lighting on the Eggert Road side of Building F.
19. That the petitioner provide a cross-access agreement between the subject site and the Whole Foods parcel (3139 Sheridan Drive).
20. That the petitioner provide a cross-access agreement between the subject site and the properties to the west (3025 Sheridan Drive and 2131 Eggert Road) owned by Kavcon Development LLC.

The foregoing resolution was adopted by the Town of Amherst Planning Board, May 17, 2018; moved by – Gelber; seconded by – Ulatowski; ayes – 5; noes – 0; absent – 2 (Herberger, Shapiro).



Robert J. Gilmour, Chair

5-24-18
Date

EK/ac

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cc:

Town Clerk

Commissioner of Building

Town Engineer

Traffic/Safety

ECDEP

Fire Chiefs

Highway Superintendent

NYSDOT

Approved Plan: Fisher Associates

Received: May 8, 2018

Northtown Property Owner LLC, c/o Sean Hopkins, 5500 Main St., Suite 343, Williamsville, NY 14221
Arne Larsen, PE, Fisher Associates, 135 Calkins Rd., Suite A, Rochester, NY 14623



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 Details		Box 1	
Site No.	C915292		
Site Name Northtown Inc.			
Site Address: 3097 Sheridan Drive		Zip Code: 14226	
City/Town: Amherst			
County: Erie			
Site Acreage: 1.424			
Reporting Period: April 15, 2018 to April 15, 2019			
		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"/>
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.			
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? 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
---	------

		Box 2A
		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>If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.</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>If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.</p>		

SITE NO. C915292		Box 3
Description of Institutional Controls		
<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 Soil Management 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"> 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). 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. 3. Compliance with the Department approved November 28, 2016 Site Management plan is required. 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). 		

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

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 THOMAS J. De Simone at NORTHTOWN PROPERTY OWNER LLC,
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.

Thomas J. De Simone
Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

5/22/19
Date

IC/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 BART A. KLETTE at 300 PEARL ST., SUITE 700, BUFFALO NY 14202.
print name print business address

am certifying as a Qualified Environmental Professional for the NORTH TOWN PROPERTY OWNER, LLC
(Owner or Remedial Party)

Bart A. Klette

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



5-23-19

Date



GZA GeoEnvironmental, Inc.