

APPENDIX A
ENVIRONMENTAL NOTICE

NIAGARA COUNTY CLERK

JOSEPH A. JASTRZEMSKI

Receipt

Receipt Date: 05/25/2018 03:55:10 PM
RECEIPT # 2018373314

Recording Clerk: MAF
Cash Drawer: CASH4
Rec'd Frm: THOMAS E CORSI
Rec'd In Person

Instr#: 2018-08920
DOC: MISCELLANEOUS
OR Party: NEW YORK STATE DEPT OF
ENVIRONMENTAL CONSERVATION
EE Party: BARKER CHEMICAL

Recording Fees	
Cover Page	\$8.00
Recording Fee	\$20.00
Cultural Ed	\$14.25
Records Management - County	\$1.00
Records Management - State	\$4.75
DOCUMENT TOTAL: ---->	\$48.00

Misc Fees	
Overpayment	\$22.00

Receipt Summary
Document Count: 1
TOTAL RECEIPT: ----> \$70.00
TOTAL RECEIVED: ----> \$70.00

CASH BACK: ---->	\$0.00
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PAYMENTS
Check # 16236 -> \$70.00
FRONTIER ABSTRACT AND RESEARCH SERVICES
INC



NIAGARA COUNTY – STATE OF NEW YORK
JOSEPH A. JASTRZEMSKI – NIAGARA COUNTY CLERK
P.O. BOX 461, LOCKPORT, NEW YORK 14095-0461

COUNTY CLERK'S RECORDING PAGE
THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



Recording:

Cover Page	8.00
Recording Fee	20.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75

INSTRUMENT #: 2018-08920

Receipt#: 2018373314
Clerk: MAF
Rec Date: 05/25/2018 03:55:10 PM
Doc Grp: DEED
Descrip: MISCELLANEOUS
Num Pgs: 6

Party1: NEW YORK STATE DEPT OF
ENVIRONMENTAL CONSERVATION
Party2: BARKER CHEMICAL
MAZZO MARTIN PETER
Town: SOMERSET

Total: 48.00
**** NOTICE: THIS IS NOT A BILL ****

Record and Return To:

THOMAS E CORSI
BOX 29

WARNING***

** Information may change during the verification
process and may not be reflected on this page.

Joseph A. Jastrzemski
Niagara County Clerk

COPY

Site Name: Barker Chemical
Site No. 932119
County: Niagara

ORIGINAL FILED

MAY 20 2018

JOSEPH A. JASTRZEMSKI
NIAGARA COUNTY CLERK

ENVIRONMENTAL NOTICE

THIS ENVIRONMENTAL NOTICE is made the 4th day of May, 2018, by the New York State Department of Environmental Conservation (Department), having an office for the transaction of business at 625 Broadway, Albany, New York 12233.

WHEREAS, a parcel of real property identified as Barker Chemical (Site # 932119), located on 8473 West Somerset Road in the Village of Barker, County of Niagara, State of New York, which is part of lands conveyed by Barker Chemical Corporation to Martin Peter Mazzo by deed dated July 7, 1998 and recorded in the Niagara County Clerk's Office on September 16, 1988 in Book 2146 of Deeds at Page 113 and being more particularly described in Appendix "A", attached to this noticed and made a part hereof, and hereinafter referred to as "the Property" was the subject of remedial action performed under the oversight of the Department and funded by the New York State Hazardous Waste Fund (Superfund) as part of the Department's State Superfund Program; and

WHEREAS, the Department approved a cleanup to address contamination disposed at the Property and such cleanup was conditioned upon certain limitations.

NOW, THEREFORE, the Department provides notice that:

FIRST, the Property subject to this Environmental Notice is as shown on a map attached to this Notice as Appendix "B" and made a part hereof.

SECOND, unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained, where contamination remains at the Property there shall be no disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results or may result in a significantly increased threat of harm or damage at any site as a result of exposure to soils. There shall also be no disturbance of the Site until such time that a Site Management Plan is approved. A violation of this provision is a violation of 6 NYCRR 375-1.11(b)(2).

THIRD, no person shall disturb, remove, or otherwise interfere with the installation, use, operations, and maintenance of engineering controls required for the Remedy, including but not limited to those engineering controls described in the SMP and listed below, unless in each instance they first obtain a written waiver of such prohibition from the Department or Relevant Agency.

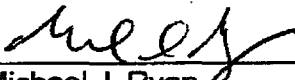
Site Name: Barker Chemical
Site No. 932119
County: Niagara

FOURTH, the remedy was designed to be protective for the following uses: **Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv)**. Therefore, any use for purposes other than Commercial and Industrial without the express written waiver of such prohibition by the Relevant Agency may result in a significantly increased threat of harm or damage at any site.

FIFTH, no person shall use the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Department or Relevant Agency. Use of the groundwater without appropriate treatment may result in a significantly increased threat of harm or damage at any site.

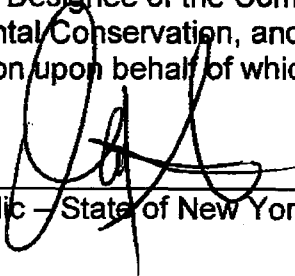
SIXTH, it is a violation of 6 NYCRR 375-1.11(b) to use the Property in a manner inconsistent with this environmental notice.

IN WITNESS WHEREOF, the undersigned, acting by and through the Department of Environmental Conservation as Designee of the Commissioner, has executed this instrument the day written below.

By: 
Michael J. Ryan
Director, Division of Remediation

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 4th day of May, in the year 2018, before me, the undersigned, personally appeared Michael Ryan, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the individual, or the person upon behalf of which individual acted, executed the instrument.


Notary Public - State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2018

Barker Chemical
Site No.: 932119
8473 West Somerset Road
Village of Barker, County of Niagara
Tax Map: 18.00-1-65

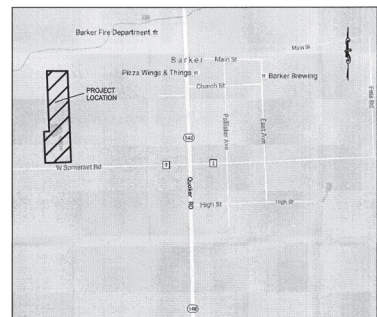
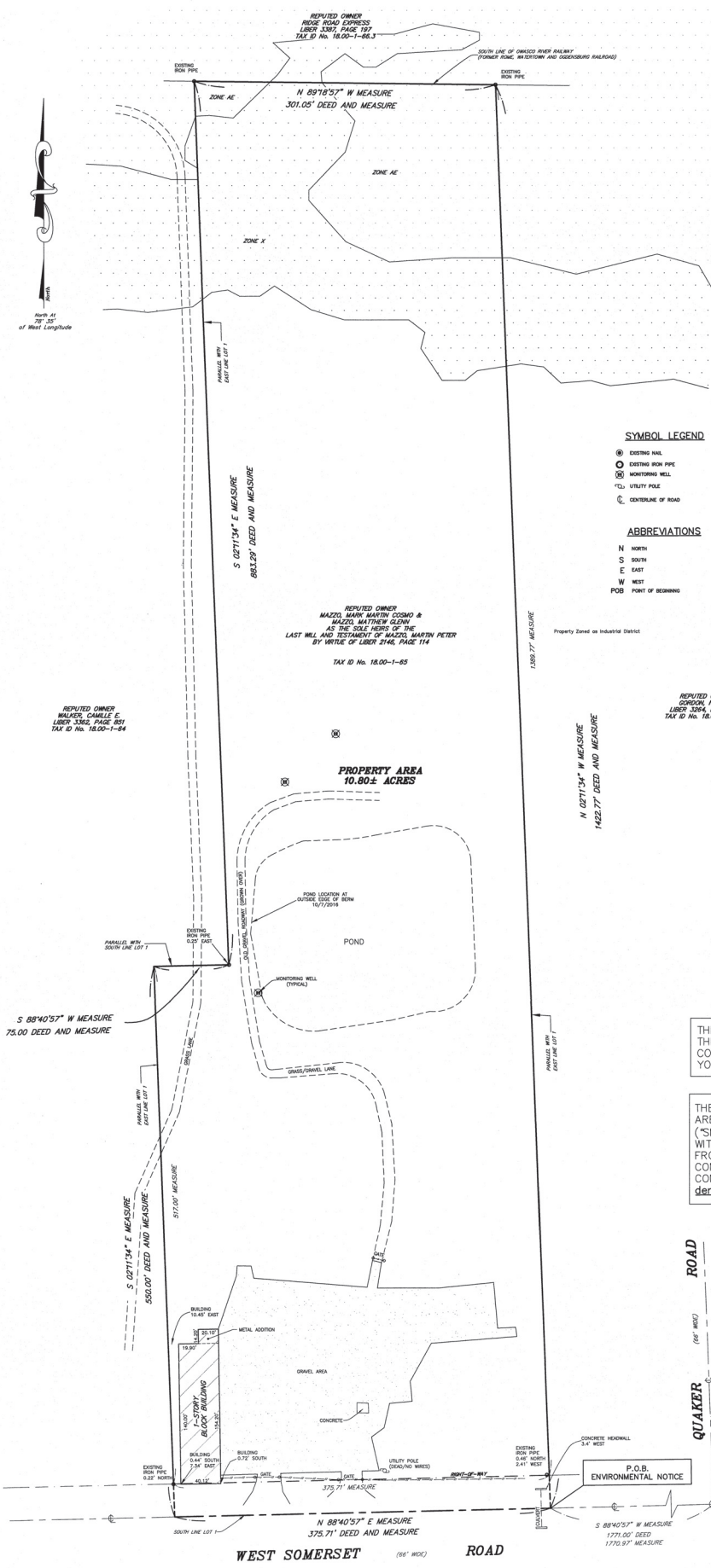
Appendix A

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Somerset, County of Niagara and State of New York, being part of Lot No. 1, Section 11, Township 16, Range 5 of the Holland Land Company's Land, bounded and described as follows:

BEGINNING at a point in the South line of said Lot 1, distant 1,770.97 feet Westerly from the intersection of the centerline of Quaker Road with South line of said lot; thence N 02° 11' 34" W a distance of 1,422.77 feet to a point in the South line of the Owasco River Railway (formerly Rome, Watertown and Ogdensburg Railroad); thence N 89° 18' 57" W along said Railway's South line a distance of 301.05 feet to a point ; thence S 02° 11' 34" E a distance of 883.29 feet to a point ; thence S 88° 40' 57" W a distance of 75.00 feet to a point; thence S 02° 11' 34" E a distance of 550.00 feet to a point in the South line of Lot 1; thence along the South line of Lot 1 N 88° 40' 57" E a distance of 375.71 feet to the point and place of beginning., Containing 10.80 acres more or less.

Subject to any easements or encumbrances of record.

APPENDIX B



LOCATION MAP
(NOT TO SCALE)

- SYMBOL LEGEND**
- EXISTING WELL
 - EXISTING R/W PIPE
 - MONITORING WELL
 - UTILITY POLE
 - CENTERLINE OF ROAD

- ABBREVIATIONS**
- N NORTH
 - S SOUTH
 - E EAST
 - W WEST
 - POB POINT OF BEGINNING

NOTES

1. Bearings are referenced to the New York State Plane Coordinate System, West Zone, Transverse Mercator Projection, NAD 83 (2011) EPSCH 2010.00.
2. A portion of the subject property is located in Zone-AE, areas determined to be within the 1% annual chance floodplain (100-year flood) per FEMA (Flood Insurance Rate Map), Map Numbers 300830104E and 300830108E, dated September 17, 2010. Affects property as shown.
3. A portion of the subject property is located in Zone-X, areas determined to be within the 0.2% annual chance floodplain (500-year flood) per FEMA (Flood Insurance Rate Map), Map Numbers 300830104E and 300830108E, dated September 17, 2010. Affects property as shown.
3. Property does not contain any pointed parking spaces.

ZONING INFORMATION:

Property Zoned as Industrial District

Dimensional Requirements:

Area: Minimum lot size 1 Acre

Lot Width: Minimum lot width is 200 feet of frontage on a dedicated street.

Setback: Minimum setback is 50 Feet to any street right-of-way.

Side Yard: Minimum Side Yard shall be 25 feet to the property line, except where it abuts a non-residential district in which 75 feet shall be required. Driveways shall not be constructed closer than 10 feet to any side lot line.

Rear Yard: Minimum Rear Yard shall be 10 feet, except where the lot abuts a residential district in which case it will be 100 feet.

Height: 30 FEET (Maximum).

Building Coverage: 25% (Maximum of total area).

Additional zoning information can be found online at <http://codebook.com/10930340>

SURVEYOR'S DESCRIPTION OF LANDS SUBJECT TO ENVIRONMENTAL NOTICE
NYSDC SITE No. 932112

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Somerset, County of Niagara and State of New York, being part of Lot No. 1, Section 11, Township 16, Range 5 of the Holland Land Company's Land, bounded and described as follows:

BEGINNING at a point in the South line of said Lot 1, distant 1,770.97 feet Westward from the intersection of the centerline of Quaker Road with South line of said lot, thence N 02°11'34" W a distance of 1,422.77 feet to a point in the South line of the Ontario River Railway (formerly Rome, Watertown and Ogdensburg Railroad), thence N 89°16'57" W along said Railway's South line a distance of 301.05 feet to a point, thence S 02°11'34" E a distance of 883.29 feet to a point, thence S 88°40'57" W a distance of 75.00 feet to a point, thence S 02°11'34" E a distance of 550.00 feet to a point in the South line of Lot 1, thence along the South line of Lot 1, N 88°40'57" E a distance of 375.71 feet to the point and place of beginning, Containing 10.80 acres or less.

THIS PROPERTY IS SUBJECT TO A ENVIRONMENTAL NOTICE HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW.

THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THE EASEMENT ARE SET FORTH IN MORE DETAIL IN THE SITE MANAGEMENT PLAN ("SMP"). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP MAY BE OBTAINED FROM THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT derweb@w.dec.state.ny.us.

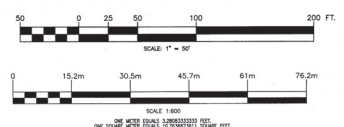
SURVEY CERTIFICATION

TO: 1. THE PEOPLE OF THE STATE OF NEW YORK STATE ACTING THROUGH THEIR COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
2. MARK MARTIN COSMO MAZZO AND MATTHEW GLEN MAZZO.
3. FRONTIER ABSTRACT AND RESEARCH SERVICES, INC.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACAM AND NSPS IN 2016 AND PURSUANT TO THE ACCURACY STANDARDS (AS ADOPTED BY ALTA AND ACAM AND NSPS ON THE DATE OF THIS CERTIFICATION), AND UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

[Signature]
DOUGLAS E. MAZUR
PROFESSIONAL LAND SURVEYOR N.Y.S.P.L.S. NO. 050204

DATED: October 26, 2016



<p>63178</p> <p>1 of 1</p>	<p>TOWN OF SOMERSET, COUNTY OF NIAGARA</p> <p style="text-align: center;">BARKER CHEMICAL</p> <p style="text-align: center;">8473 WEST SOMERSET ROAD, TOWN OF SOMERSET</p> <p style="text-align: center;">NYSDC SITE NO. 932119</p> <p style="text-align: center;">ENVIRONMENTAL NOTICE MAP</p> <p style="text-align: center;">PART OF LOT 1, SECTION 11, TOWNSHIP 16, RANGE 5</p> <p style="text-align: center;">OF THE HOLLAND LAND COMPANY'S SURVEY</p>	<p>DESIGNED BY: <i>[Signature]</i></p> <p>DRAWN BY: DLH</p> <p>CHECKED BY: CMW</p> <p>DWG SCALE: 1" = 50'</p> <p>DATE: 10/17/2016</p> <p>OFFICE DATE: 10/26/2016</p> <p>FILE NO.: 16NY144.02</p> <p>BOOK: 128</p> <p>PAGE: 63178</p> <p>FILE NAME:</p>	<p>16NY144.02</p> <p>10/17/2016</p> <p>128</p> <p>63178</p>	<p>16NY144.02</p> <p>10/17/2016</p> <p>128</p> <p>63178</p>	<p>16NY144.02</p> <p>10/17/2016</p> <p>128</p> <p>63178</p>	<p>16NY144.02</p> <p>10/17/2016</p> <p>128</p> <p>63178</p>	<p>16NY144.02</p> <p>10/17/2016</p> <p>128</p> <p>63178</p>	<p>16NY144.02</p> <p>10/17/2016</p> <p>128</p> <p>63178</p>
	<p>Copyright 2016 KHEOPS ARCHITECTURE, ENGINEERING, & SURVEY, P.C. ALL RIGHTS RESERVED. UNAUTHORIZED REPRODUCTION OR ALTERATION OF ANY PART OF THIS DOCUMENT IS A VIOLATION OF APPLICABLE LAWS.</p> <p>NOTES: UNAUTHORIZED ALLOCATION OR ADDITION TO AND REMOVAL, DELETION, OR ALTERATION OF ANY PART OF THIS REPORT IS A VIOLATION OF SECTION 1709 OF THE NEW YORK STATE EDUCATION LAW. THESE PLANS ARE NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF KHEOPS ARCHITECTURE, ENGINEERING, & SURVEY, P.C.</p>							
	<p>1. REVIEWER AS REQUESTED</p> <p>DATE: 11/24/2016</p>							
	<p>REV DESCRIPTION DATE BY</p>							