

ERIE COUNTY CLERK'S OFFICE



County Clerk's Recording Page

Return to:

FRONTIER ABSTRACT
69 CASCADE DR STE 101
ROCHESTER, NY 14614

Party 1:

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Party 2:

Book Type: V Book: 107 Page: 4069

Page Count: 6

Doc Type: MISC REC DOC

Rec Date: 05/24/2024

Rec Time: 10:33:54 AM

Control #: 2024084501

UserID: Janet H

Trans #: 24078941

Document Sequence Number

Consideration Amount:

Recording Fees:

RECORDING	\$50.00
COE CO \$1 RET	\$1.00
COE STATE \$14.25 GEN	\$14.25
COE STATE \$4.75 RM	\$4.75

BASIC MT	\$0.00
SONYMA MT	\$0.00
ADDL MT/NFTA	\$0.00
SP MT/M-RAIL	\$0.00
NY STATE TT	\$0.00
ROAD FUND TT	\$0.00

Total: \$70.00

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE

WARNING – THIS SHEET CONSTITUTES THE CLERK'S ENDORSEMENT REQUIRED
BY SECTION 319&316-a (5) OF THE REAL PROPERTY LAW OF THE STATE OF NEW
YORK. DO NOT DETACH. THIS IS NOT A BILL.

Michael P. Kearns
Erie County Clerk

County: Erie Site Name: Former Buffalo Service Station-Off-Site
Site No.: C915194A

R+R: Frontier Abstract
69 Cascade Dr
Ste 101
Rochester NY
14614

ENVIRONMENTAL NOTICE

To be issued in lieu of Environmental Easement/Deed Restriction as referenced in DER-33

THIS ENVIRONMENTAL NOTICE is made the 26th day of April 2024, 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 Former Buffalo Service Station-Off-Site (Site # C915194A), located on 249 West Genesee Street in the City of Buffalo, County of Erie, State of New York, which is part of lands acquired by the People of the State of New York for the New York State Thruway, the Niagara Section, Subdivision N4 and being more particularly described in Appendix "A", attached to this notice and made a part hereof, and hereinafter referred to as "the Property" is the subject of an Order on Consent executed by National Fuel Gas Distribution Corporation 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 subject to the provisions of the Site Management Plan (SMP), 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. 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.

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.

per filer VRD-5 84501

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.

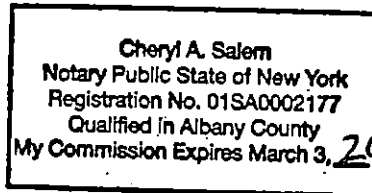
IN WITNESS WHEREOF, the undersigned, acting by and through the Department of Environmental Conservation as Designee of the Commissioner, has executed this instrument the day written below.

By: Andrew Guglielmi
Andrew O. Guglielmi,
Director
Division of Environmental
Remediation

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

On the 26th day of April, in the year 2024, before me, the undersigned, personally appeared Andrew O. Guglielmi, 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.

Cheryl A. Salem
Notary Public - State of New York



APPENDIX "A"

ENVIRONMENTAL NOTICE AREA DESCRIPTION NYSDEC SITE NO. C915194A

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie, State of New York, and being part of Lot 2, South Village of Black Rock, bounded and described as follows:

BEGINNING AT A POINT on the northeast line of Parcel No. 192 as shown on Map No. 192 of lands acquired by the People of the State of New York for New York State Thruway, the Niagara Section, Subdivision N4, said point also being on the southwest line of Fourth Avenue as dedicated by the City of Buffalo Common Council Proceeding No 268 dated July 27, 1982, said point being further identified as N 1,051,607.52, E 1,067,464.11 according to New York State Plane Coordinate System – West Zone;

RUNNING THENCE: S – 35° – 52' – 51" – E, along the southwest line of said Fourth Avenue, a distance of 120.00 feet to a point;

RUNNING THENCE: S – 54° – 07' – 09" – W, a distance of 138.36 feet to a point on the southwest line of Parcel No. 186 as shown on Map No. 186 of lands acquired by the People of the State of New York for New York State Thruway, The Niagara Section Subdivision N4;

RUNNING THENCE: N – 35° – 55' – 48" – W, along the southwest line of said Parcel No. 186, a distance of 120.0 feet to a point;

RUNNING THENCE: N – 54° – 07' – 09" – E, a distance of 138.46 feet to the POINT OR PLACE OF BEGINNING, containing 0.381 Acre, be the same, more or less.

SUBJECT to easements, rights-of-way and restrictions of record.

SUBJECT to the rights of the public in and to that portion of the above described land which lays within the bounds of the New York State Thruway, the Niagara Section.

Bearing System based on the New York State Plane Coordinate System - West Zone.

APPENDIX B

Site Survey

