

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of General Counsel

625 Broadway, 14th Floor, Albany, New York 12233-1500

P: (518) 402-9185 | F: (518) 402-9018

www.dec.ny.gov

July 3, 2024

Donna Hintz
Deputy General Counsel for Real Property
Office of Real Property Management
New York State Thruway Authority
200 Southern Boulevard
Albany, NY 12209

RE: Environmental Notice
Site Name: Former Buffalo Service Station – Off-Site
Site Number: C915194A
Site Location: 249 West Genesee Street/Part of Lot 2, South Village of Black Rock
Municipality: City of Buffalo
County: Erie

Dear Ms. Hintz,

This letter is to follow-up on correspondence previously sent to your attention on March 6, 2024.

As previously stated, the New York State Department of Environmental Conservation ("Department") issued a Decision Document (DD) for the above-referenced site on August 23, 2016, which identified a remedy for the Former Buffalo Service Station – Off-Site. Among other things, the selected remedy requires an Institutional Control in the form of an Environmental Notice (EN) on property owned by the New York State Thruway Authority (the "Thruway Authority").

The EN was recorded with the Erie County Clerk on May 24, 2024 in Book 107, Page 4069. A copy of is enclosed for your file.

Thank you for your anticipated cooperation regarding this matter. If you wish to discuss this, I may be reached at telephone number 518-402-8564 or email at michael.murphy1@dec.ny.gov.

Sincerely,



Michael Murphy
Associate Attorney
Office of General Counsel

Enc.

CC: S. Rivera, General Counsel, NYSTA
J. Andaloro, Bureau Chief, Remediation, OGC

ec: M. Cruden, NYSDEC
A. Caprio, NYSDEC
A. Zwack, NYSDEC

MM/cs



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MM/cs



Department of
Environmental
Conservation

(518) 402-8599

ORIGIN ID:ALBA
CHERYL SALEM
NYSDEC CO.
625 BROADWAY
14TH FLOOR - OGC
ALBANY, NY 12233
UNITED STATES US

SHIP DATE: 03JUL24
ACTWGT: 1.00 LB
CAD: 255955370/INET4535

BILL SENDER

TO: SANDRA RIVERA, ESQ

NYS THRUWAY AUTHORITY
OFFICE OF GENERAL COUNSEL
200 SOUTHERN BLVD

ALBANY NY 12201

(518) 136-2700

REF: C915194A

INV:

DEPT: 1500

583J3J2614/9AE3



J24202403250110v

TRK# 7771 9985 8326

FRI - 05 JUL 5:00P
STANDARD OVERNIGHT

12201

05 ALBA

NY-US ALB



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CONSIGNEE COPY - PLEASE PLACE IN FRONT OF POUCH

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2. Place label in shipping pouch and affix it to your shipment.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

(518) 402-8599

SHIP DATE: 03JUL24

ORIGIN: ALBA
CHERYL SALEM
NYSDEC CO
625 BROADWAY
14TH FLOOR - OGC
ALBANY, NY 12233
UNITED STATES US

ACTWGT: 1.00 LB
CAD: 25565370/INET4535

BILL SENDER

TO: DONNA HINTZ, DEPUTY GENERAL COUNSEL

NYS THRUWAY AUTHORITY

200 SOUTHERN BOULEVARD

OFFICE OF REAL PROPERTY MANAGEMENT

ALBANY NY 12201

(518) 436-2700

REF: C915194A

INV:

DEPT: 1500

583J3/2614/9AE3



J242024032601uv

TRK# 7771 9979 3645
0201

FRI - 05 JUL 5:00P
STANDARD OVERNIGHT

05 ALBA

12201
NY-US ALB



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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 flier 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.

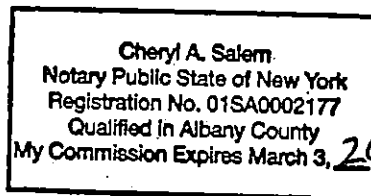
IN WITNESS WHEREOF, the undersigned, acting by and through the Department of Environmental Conservation as Designee of the Commissioner, has executed this instrument the day written below.

By: Andrew O. 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

