



Department of
Environmental
Conservation

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

Check the appropriate box below based on the nature of the amendment modification requested:

☐ Amendment to [check one or more boxes below]

- ☐ Add
- ☐ Substitute
- ☐ Remove
- ☐ Change in Name

applicant(s) to the existing Brownfield Cleanup Agreement [*Complete Section I-IV below and Part II*]

Does this proposed amendment involve a transfer of title to all or part of the brownfield site? ☐ Yes ☐ No

If yes, pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been previously submitted. If not, please submit this form with this Amendment. See <http://www.dec.ny.gov/chemical/76250.html>

- ☒ Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Sections I and V below and Part II*]
- ☒ Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Section I and V below and Part II*]
- ☐ **Sites in Bronx, Kings, New York, Queens, or Richmond counties ONLY:** Amendment to request determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Please answer questions on the supplement at the end of the form.
- ☒ Other (explain in detail below)

Please provide a brief narrative on the nature of the amendment:

This Brownfield Cleanup Program ("BCP") Application to Amend Brownfield Cleanup Agreement and Amendment (the "Amendment Application") modifies the description of and expands the property boundaries of the existing Brownfield Site Cleanup Agreement for BCP Site No. C915198G (the "Site"). This Amendment Application adds approximately 2.07 acres of real property to the Site, resulting in a new acreage of 14.30 acres. Note that the additional 2.07 acres had been removed from BCP Site No. C915198I which reduction is the subject of a separate and contemporaneous Amendment Application to BCP Site No. C915198I. Attachment A-1 contains the metes and bounds description for the real property to be added to the existing BCP Site C915198G. Attachment A-2 contains the metes and bounds description of the expanded/new BCP Site C915198G. Attachment B contains a survey showing the metes and bounds of the Site, as hereby amended. Note further that Sites C915198G and C915198I are owned by Tecumseh Development, Inc. (the "Applicant") and were formerly identified as part of 1951 Hamburg Turnpike in the City of Lackawanna, and forming part of Tax Parcel Number 141.11-1-1.111. As a result of subsequent property transfers by the Applicant, the current address for the Site is now identified as part of 2303 Hamburg Turnpike in the City of Lackawanna and forming part of Tax Parcel Number 141.11-1-48.11.

Please refer to the attached instructions for guidance on filling out this application

Section I. Existing Agreement Information

BCP SITE NAME: Site II-7 Tecumseh Phase II Business Park

BCP SITE NUMBER: C915198G

NAME OF CURRENT APPLICANT(S): Tecumseh Redevelopment, Inc.

INDEX NUMBER OF EXISTING AGREEMENT: B9-0696-05-06(B)

DATE OF EXISTING AGREEMENT: March 14, 2007

Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)

NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Is the requestor authorized to conduct business in New York State (NYS)?

☐

Yes

☐

No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.

NAME OF NEW REQUESTOR'S REPRESENTATIVE

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached?

☐ Yes☐ No

Describe Requestor's Relationship to Existing Applicant:

Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight new information)

OWNER'S NAME (if different from requestor)		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
OPERATOR'S NAME (if different from requestor or owner)		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL

Section IV. Eligibility Information for New Requestor (Please refer to ECL § 27-1407 for more detail)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? ☐ Yes ☐ No
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site? ☐ Yes ☐ No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? ☐ Yes ☐ No
Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the subject law; ii) any order or determination; iii) any regulation implementing ECL Article 27 Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☐ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, Department assigned site number, the reason for denial, and other relevant information. ☐ Yes ☐ No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? ☐ Yes ☐ No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? ☐ Yes ☐ No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department? ☐ Yes ☐ No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? ☐ Yes ☐ No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? ☐ Yes ☐ No
11. Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☐ No

THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL §27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☐ PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.

☐ VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

Requestor's Relationship to Property (check one):

☐ Prior Owner ☐ Current Owner ☐ Potential /Future Purchaser ☐ Other _____

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached? ☐ Yes ☐ No

Note: a purchase contract does not suffice as proof of access.

Section V. Property description and description of changes/additions/reductions (if applicable)

ADDRESS 2303 Hamburg Turnpike

CITY/TOWN Lackawanna

ZIP CODE 14218

TAX BLOCK AND LOT (TBL) (in existing agreement)

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
A portion of 2303 Hamburg Turnpike (formerly a portion of 1951 Hamburg Turnpike and part of 141.11-1-1.111)		141.11	1	48.11	12.23+/-

Check appropriate boxes below:



Changes to metes and bounds description or TBL correction



Addition of property (may require additional citizen participation depending on the nature of the expansion – see attached instructions)

Approximate acreage added: 2.07+/-

ADDITIONAL PARCELS:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
A portion of 2303 Hamburg Turnpike (formerly a portion of 1951 Hamburg Turnpike and part of 141.11-1-1,111)		141.11	1	48.11	2.07+/-



Reduction of property

Approximate acreage removed: _____

PARCELS REMOVED:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.

Supplement to the Application To Amend Brownfield Cleanup Agreement And Amendment - Questions for Sites Seeking Tangible Property Credits in New York City ONLY.

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
From ECL 27-1405(31): "Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.	
3. Is the project an affordable housing project as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
From 6 NYCRR 375- 3.2(a) as of August 12, 2016: (a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units. (1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income. (2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income. (3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.	

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: Site II-7 Tecumseh Phase II Business Park	BCP SITE NUMBER: C915198G
NAME OF CURRENT APPLICANT(S): Tecumseh Redevelopment, Inc.	
INDEX NUMBER OF EXISTING AGREEMENT: B9-0696-05-06(B)	
EFFECTIVE DATE OF EXISTING AGREEMENT: March 14, 2007	

Declaration of Amendment:

By the Requestor(s) and/or Applicant(s) signatures below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

Statement of Certification and Signatures: New Requestor(s) (if applicable)
<p>(Individual)</p> <p>I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: _____ Signature: _____</p> <p>Print Name: _____</p>
<p>(Entity)</p> <p>I hereby affirm that I am (title _____) of (entity _____); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.</p> <p>_____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: _____ Signature: _____</p> <p>Print Name: _____</p>

Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am ^{Vice President}
^{Environmental Affairs &}
^{Real Estate} (title) of ^{Tecumseh}
Redevelopment, Inc. (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 9/18/19 Signature: 

Print Name: Keith Nagel

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

☐

PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.

☒

VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.

Effective Date of the Original Agreement: 3/14/07

Signature by the Department:

DATED: 11/1/19

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:


Michael J. Ryan, P.E., Director
Division of Environmental Remediation

SUBMITTAL INFORMATION:

- **Two (2)** copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) must be sent to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____ **LEAD OFFICE:** _____

PROJECT MANAGER: _____

ATTACHMENT A-1

DESCRIPTION OF LANDS REMOVED FROM PARCEL II-9 AND ADDED TO PARCEL II-7

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOT 24 OF THE BUFFALO CREEK RESERVATION, TOWNSHIP 10, RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY, BEING PART OF BCP SITE NUMBER C915198I, AS SHOWN ON A MAP OF "BUSINESS PARK PHASE II", PREPARED BY WENDEL, JUNE 2012, PROJECT NUMBER 411107, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE (ALSO KNOWN AS STATE ROUTE NO. 5), BEING 2884.21 FEET NORTH OF THE DIVISION LINE BETWEEN LANDS CONVEYED TO TECUMSEH REDEVELOPMENT INC. RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11040 OF DEEDS AT PAGE 8953 ON THE NORTH, AND LANDS CONVEYED TO SOUTH BUFFALO RAILWAY COMPANY RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10119 OF DEEDS AT PAGE 131 ON THE SOUTH, AS MEASURED ALONG THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE AS APPROPRIATED BY NEW YORK STATE DEPARTMENT OF PUBLIC WORKS MAP 1, PARCEL 1, RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 5650 OF DEEDS AT PAGE 404; ALSO BY NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE CITY OF LACKAWANNA, S.H. NO. FAC 49-10, MAP 305, PARCEL 306, RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10960 OF DEEDS AT PAGE 2028, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID BUSINESS PARK PHASE II, PARCEL "B";

THENCE ALONG A LINE N 68°-41'-55" W, A DISTANCE OF 1509.74 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A POINT ON THE NORTH LINE OF A PERMANENT EASEMENT TO THE COUNTY OF ERIE AS RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11339 OF DEEDS AT PAGE 4724; AND THE WEST LINE OF BUSINESS PARK PHASE II, PARCEL "B";

THENCE ALONG THE NORTH LINE OF SAID PERMANENT EASEMENT, THE FOLLOWING 7 COURSES AND DISTANCES:

1. N 71°-07'-01" E, A DISTANCE OF 621.67 FEET TO A POINT;
2. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 967.00 FEET, A CHORD LENGTH OF 136.41 FEET AND AN ARC LENGTH OF 136.52 FEET, TO A POINT;
3. N 27°-05'-15" E, A DISTANCE OF 15.00 FEET TO A POINT;
4. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 952.00 FEET, A CHORD LENGTH OF 1.95 FEET AND AN ARC LENGTH OF 1.95 FEET, TO A POINT OF TANGENCY;

5. N 62°-54'-45" W, A DISTANCE OF 17.99 FEET TO A POINT;
6. S 27°-05'-15" E, A DISTANCE OF 15.00 FEET TO A POINT;
7. N 62°-54'-45" E, A DISTANCE OF 24.27 FEET TO A POINT;

THENCE ALONG THE WESTERLY LINE OF BCP SITE NUMBER C915198F, S 18°-25'-27" E, A DISTANCE OF 126.74 FEET TO A POINT, SAID POINT ALSO BEING THE FORMER SOUTH EAST CORNER OF BCP SITE NUMBER C915198I; THENCE WESTERLY, ALONG THE FORMER SOUTH LINE OF BCP SITE NUMBER C915198I, S 71°-07'-01" E, A DISTANCE OF 801.52 FEET TO A POINT IN THE WEST LINE OF BUSINESS PARK PHASE II, PARCEL "B";

THENCE NORTHERLY, ALONG THE WEST LINE OF BUSINESS PARK PHASE II, PARCEL "B", N 18°-20'-36" W, A DISTANCE OF 110.81 FEET TO POINT OF BEGINNING. CONTAINING 2.07 ACRES OF LAND, MORE OR LESS.

ATTACHMENT A-2

DESCRIPTION OF REVISED BCP PARCEL NUMBER C915198G

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOT 24 OF THE BUFFALO CREEK RESERVATION, TOWNSHIP 10, RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY, BEING BCP SITE NUMBER C915198G AND PART OF C915198I, AS SHOWN ON A MAP OF "BUSINESS PARK PHASE II", PREPARED BY WENDEL, JUNE 2012, PROJECT NUMBER 411107, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE (ALSO KNOWN AS STATE ROUTE NO. 5), BEING 2884.21 FEET NORTH OF THE DIVISION LINE BETWEEN LANDS CONVEYED TO TECUMSEH REDEVELOPMENT INC. RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11040 OF DEEDS AT PAGE 8953 ON THE NORTH, AND LANDS CONVEYED TO SOUTH BUFFALO RAILWAY COMPANY RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10119 OF DEEDS AT PAGE 131 ON THE SOUTH, AS MEASURED ALONG THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE AS APPROPRIATED BY NEW YORK STATE DEPARTMENT OF PUBLIC WORKS MAP 1, PARCEL 1, RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 5650 OF DEEDS AT PAGE 404; ALSO BY NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE CITY OF LACKAWANNA, S.H. NO. FAC 49-10, MAP 305, PARCEL 306, RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10960 OF DEEDS AT PAGE 2028, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID BUSINESS PARK PHASE II, PARCEL "B";

THENCE ALONG THE SOUTHERLY LINE OF SAID BUSINESS PARK PHASE II, PARCEL "B",
S 75°-24'-22" W, A DISTANCE OF 420.71 FEET TO A POINT;

THENCE CONTINUING ALONG THE SOUTHERLY LINE OF SAID BUSINESS PARK PHASE II, PARCEL "B", S 52°-31'-09" W, A DISTANCE OF 87.24 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG THE SOUTH LINE OF SAID BUSINESS PARK PHASE II, PARCEL "B",
S 52°-31'-09" W, A DISTANCE OF 57.83 FEET TO A POINT IN THE NORTHERLY LINE ON BCP SITE NUMBER C915198E;

THENCE ALONG THE NORTHERLY LINE OF BCP SITE NUMBER C915198E THE FOLLOWING 3 COURSES AND DISTANCES:

1. N 42°-41'-01" W, A DISTANCE OF 49.08 FEET TO A POINT;
2. N 58°-11'-58" W, A DISTANCE OF 234.94 FEET TO A POINT;

3. S 70°-54'-30" W, A DISTANCE OF 434.91 FEET TO A POINT IN WEST LINE OF SAID BUSINESS PARK PHASE II, PARCEL "B";

THENCE ALONG THE WESTERLY LINE OF SAID BUSINESS PARK PHASE II, PARCEL B,
N 18°-20'-36" W, A DISTANCE OF 763.91 FEET TO A POINT IN THE NORTHERLY LINE OF A PERMANENT EASEMENT TO THE COUNTY OF ERIE, AS FILED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11339 OF DEEDS AT PAGE 4724;

THENCE ALONG THE NORTH LINE OF SAID PERMANENT EASEMENT THE FOLLOWING 7 COURSES AND DISTANCES:

1. N 71°-07'-01" E, A DISTANCE OF 621.67 FEET TO A POINT;
2. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 967.00 FEET, A CHORD LENGTH OF 136.41 FEET AND AN ARC LENGTH OF 136.52 FEET, TO A POINT OF TANGENCY;
3. N 27°-05'-15" W, A DISTANCE OF 15.00 FEET, TO A POINT;
4. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 952.00 FEET, A CHORD LENGTH OF 1.95 FEET AND AN ARC LENGTH OF 1.95 FEET, TO A POINT;
5. N 62°-54'-45" E, A DISTANCE OF 17.99 FEET, TO A POINT;
6. S 27°-05'-15" E, A DISTANCE OF 15.00 FEET, TO A POINT;
7. N 62°-54'-45" E, A DISTANCE OF 24.27 FEET, TO A POINT ON THE WESTERLY LINE OF BCP SITE NUMBER C915198F;

THENCE ALONG THE WEST LINE OF BCP SITE NUMBER C915198F THE FOLLOWING 4 COURSES AND DISTANCES:

1. S 18°-25'-27" E, A DISTANCE OF 196.73 FEET TO A POINT;
 2. S 11°-04'-28" E, A DISTANCE OF 436.02 FEET TO A POINT;
 3. S 02°-00'-31" E, A DISTANCE OF 220.41 FEET TO A POINT;
 4. S 09°-01'-35" E, A DISTANCE OF 149.02 FEET TO THE POINT OF BEGINNING.
- CONTAINING 14.30 ACRES OF LAND, MORE OR LESS.

NOTES:

—ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MAP MARKED WITH THE SIGNATURE AND AN ORIGINAL OF THE LAND SURVEYOR'S SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

—UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY DRAWING, DESIGN, SPECIFICATION, PLAN OR REPORT IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

—THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY CHANGES THAT AN EXAMINATION OF SUCH MAY REVEAL.

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

ATTACHMENT B

PROPOSED DESCRIPTION FOR BCP SITE No. C915198G

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOT 24 OF THE BUFFALO CREEK RESERVATION, TOWNSHIP 10, RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY, BEING BCP SITE NUMBER C915198G AND PART OF C915198I, AS SHOWN ON A MAP OF "BUSINESS PARK PHASE II", PREPARED BY WENDEL, JUNE 2012, PROJECT NUMBER 411107, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE (ALSO KNOWN AS STATE ROUTE NO. 5), BEING 2884.21 FEET NORTH OF THE DIVISION LINE BETWEEN LANDS CONVEYED TO TECUMSEH REDEVELOPMENT INC. RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11040 OF DEEDS AT PAGE 8953 ON THE NORTH, AND LANDS CONVEYED TO SOUTH BUFFALO RAILWAY COMPANY RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10119 OF DEEDS AT PAGE 131 ON THE SOUTH, AS MEASURED ALONG THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE AS APPROPRIATED BY NEW YORK STATE DEPARTMENT OF PUBLIC WORKS MAP 1, PARCEL 1, RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 5650 OF DEEDS AT PAGE 404; ALSO BY NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE CITY OF LACKAWANNA, S.H. NO. FAC 49-10, MAP 305, PARCEL 306, RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10960 OF DEEDS AT PAGE 2028, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID BUSINESS PARK PHASE II, PARCEL "B";

THENCE ALONG THE SOUTHERLY LINE OF SAID BUSINESS PARK PHASE II, PARCEL "B", S 75°-24'-22" W, A DISTANCE OF 420.71 FEET TO A POINT;

THENCE CONTINUING ALONG THE SOUTHERLY LINE OF SAID BUSINESS PARK PHASE II, PARCEL "B", S 52°-31'-09" W, A DISTANCE OF 87.24 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG THE SOUTH LINE OF SAID BUSINESS PARK PHASE II, PARCEL "B", S 52°-31'-09" W, A DISTANCE OF 57.83 FEET TO A POINT IN THE NORTHERLY LINE ON BCP SITE NUMBER C915198E;

THENCE ALONG THE NORTHERLY LINE OF BCP SITE NUMBER C915198E THE FOLLOWING 3 COURSES AND DISTANCES:

1. N 42°-41'-01" W, A DISTANCE OF 49.08 FEET TO A POINT;
2. N 58°-11'-58" W, A DISTANCE OF 234.94 FEET TO A POINT;
3. S 70°-54'-30" W, A DISTANCE OF 434.91 FEET TO A POINT IN WEST LINE OF SAID BUSINESS PARK PHASE II, PARCEL "B";

THENCE ALONG THE WESTERLY LINE OF SAID BUSINESS PARK PHASE II, PARCEL "B", N 18°-20'-36" W, A DISTANCE OF 763.91 FEET TO A POINT IN THE NORTHERLY LINE OF A PERMANENT EASEMENT TO THE COUNTY OF ERIE, AS FILED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11339 OF DEEDS AT PAGE 4724;

THENCE ALONG THE NORTH LINE OF SAID PERMANENT EASEMENT THE FOLLOWING 7 COURSES AND DISTANCES:

1. N 71°-07'-01" E A DISTANCE OF 621.67 FEET TO A POINT;
2. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 967.00 FEET, A CHORD LENGTH OF 136.41 FEET AND AN ARC LENGTH OF 136.52 FEET, TO A POINT OF TANGENCY;
3. N 27°-05'-15" W, A DISTANCE OF 15.00 FEET, TO A POINT;
4. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 952.00 FEET, A CHORD LENGTH OF 1.95 FEET AND AN ARC LENGTH OF 1.95 FEET, TO A POINT;
5. N 62°-54'-45" E, A DISTANCE OF 17.99 FEET, TO A POINT;
6. S 27°-05'-15" E, A DISTANCE OF 15.00 FEET, TO A POINT;
7. N 62°-54'-45" E, A DISTANCE OF 24.27 FEET, TO A POINT ON THE WESTERLY LINE OF BCP SITE NUMBER C915198F;

THENCE ALONG THE WEST LINE OF BCP SITE NUMBER C915198F THE FOLLOWING 4 COURSES AND DISTANCES:

1. S 18°-25'-27" E, A DISTANCE OF 196.73 FEET TO A POINT;
2. S 11°-04'-28" E, A DISTANCE OF 436.02 FEET TO A POINT;
3. S 02°-00'-31" E, A DISTANCE OF 220.41 FEET TO A POINT;
4. S 09°-01'-35" E, A DISTANCE OF 149.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 14.30 ACRES OF LAND, MORE OR LESS.

ALTERATION OF THIS DOCUMENT, EXCEPT BY A
LICENSED LAND SURVEYOR, IS ILLEGAL

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

PREPARED BY THE CONSULTANT

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WEBSITE: www.wendelcompanies.com

Wendel WD Architecture, Engineering, Surveying and
Landscape Architecture P.C.

MAP OF LANDS OF
BCA BOUNDARIES & PLANNED SUB-PARCELS BROWNFIELD CLEAN-UP PROGRAM
IN BUSINESS PARK PHASE II

TO
THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SITUATE IN PART OF LOT 24 OF THE BUFFALO CREEK RESERVATION
TOWNSHIP 10, RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY
CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK
T.M.#: PART OF 141.11-1-48.11

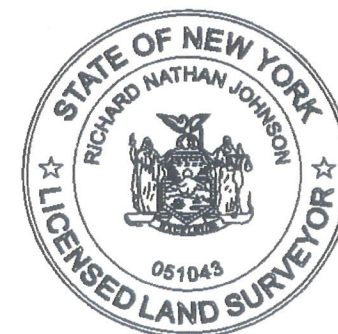
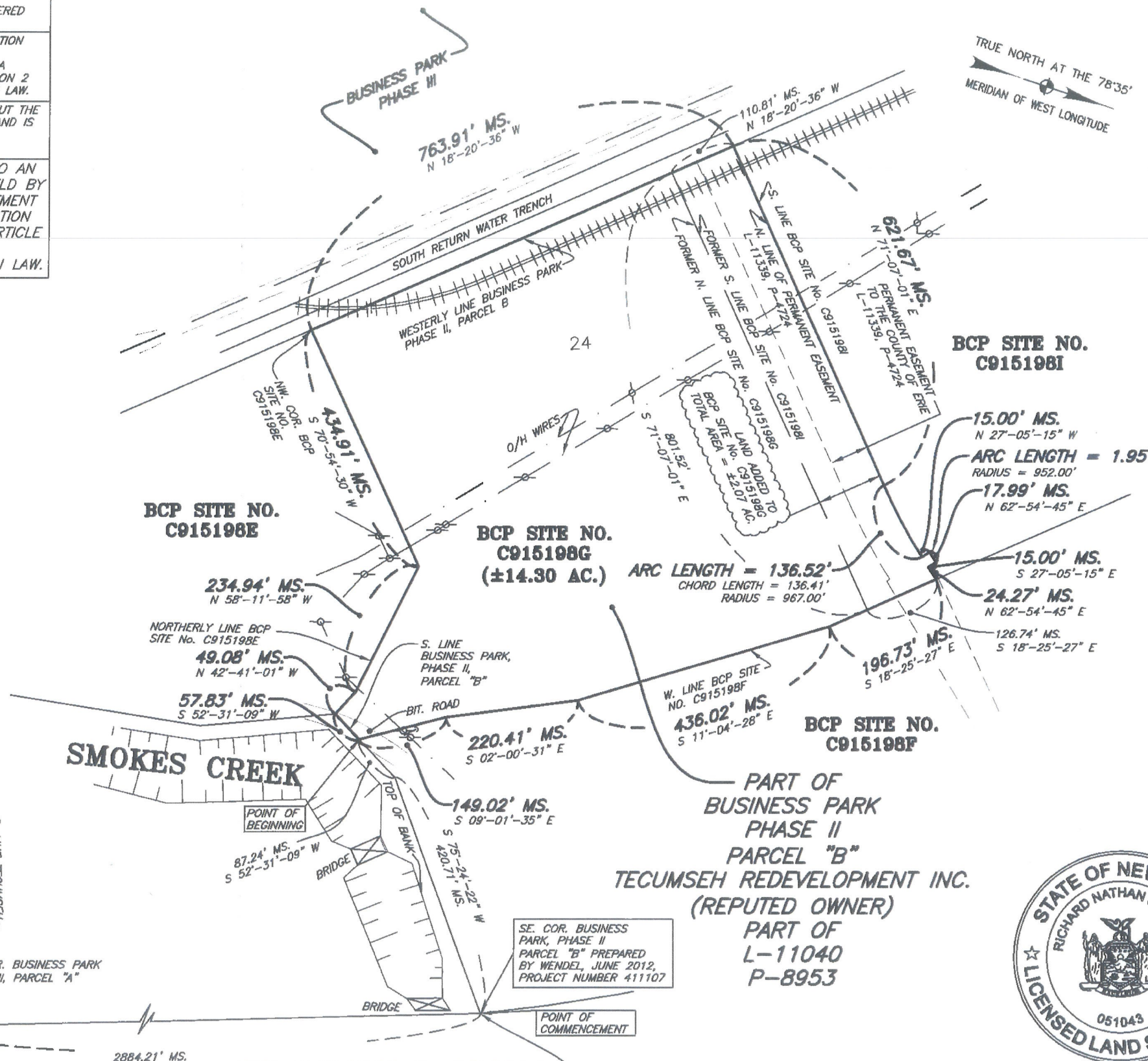
200' 100' 50' 0' 200' 400'

1 inch = 200 Feet
1:2400

SHEET 1 of 1

CHECKED BY: *RNJ*

MAP NUMBER BCP SITE No.
C915198G



I HEREBY CERTIFY THAT THIS IS AN ACCURATE SURVEY MAP PREPARED UNDER MY DIRECTION, FROM AN ACTUAL SURVEY, PERFORMED IN ACCORDANCE TO THE STANDARDS AND PROCEDURES ADOPTED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, SEPTEMBER 1989. FIELD SURVEY COMPLETED JULY 2019.

RICHARD N. JOHNSON, LAND SURVEYOR #051043

8/29/2019
DATE

WENDEL PROJECT NUMBER: 440401
DRAWING NAME: PH2-7 C915198G.DWG

PARCEL ACQUIRED BY NEW YORK STATE DEPARTMENT OF
TRANSPORTATION FOR CITY OF LACKAWANNA
HAMBURG TURNPIKE S.H. No. FAC 49-10
MAP 305, PARCEL 306
L-10960, P-2028

SE. COR. BUSINESS
PARK PHASE II
PARCEL "B" PREPARED
BY WENDEL, JUNE 2012,
PROJECT NUMBER 411107

POINT OF
COMMENCEMENT

POINT OF
BEGINNING

CITY OF LACKAWANNA
TOWN OF HAMBURG

S. LINE TECUMSEH
REDEVELOPMENT INC.
L-11040, P-8953

SE. COR. BUSINESS PARK
PHASE II, PARCEL "A"

2884.21' MS.

WESTERLY HIGHWAY BOUNDARY OF HAMBURG TURNPIKE
AS APPROPRIATED BY NEW YORK STATE DEPARTMENT OF PUBLIC WORKS
MAP 1, PARCEL 1
L-5650, P-404

PARCEL ACQUIRED BY NEW YORK STATE DEPARTMENT OF
TRANSPORTATION FOR CITY OF LACKAWANNA
HAMBURG TURNPIKE S.H. No. FAC 49-10
MAP 305, PARCEL 306
L-10960, P-2028