

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

SUBMITTAL INSTRUCTIONS:

- 1. Compile the application package in the following manner:
 - a. one file in non-fillable PDF of the application form plus supplemental information, excluding any previous environmental reports and work plans, if applicable
 - b. if the application requires submittal of previous environmental reports to support the addition of new property, an affordable housing agreement to support the determination for tangible property credits in New York City, or other large files, please include each as a separate PDF.
- 2. Compress all files (PDFs) into one zipped/compressed folder
- 3. Submit the application to the Site Control Section either via email or ground mail, as described below.
- Please select only ONE submittal method do NOT submit both email and ground mail.
 - a. <u>VIA EMAIL:</u>
 - Upload the compressed folder to the NYSDEC File Transfer Service (<u>http://fts.dec.state.ny.us/fts</u>) or another file-sharing service.
 - Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
 - Subject line of the email: "Amendment Application NEW *Site Name* *Site Code*"
 - Email your submission to <u>DERSiteControl@dec.ny.gov</u> <u>do NOT copy Site Control staff</u>.
 - b. VIA GROUND MAIL:
 - Save the application file(s) and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
 - Mail the external storage device to the following address:
 - Chief, Site Control Section Division of Environmental Remediation 625 Broadway, 11th Floor Albany, NY 12233-7020

SITE NAME:

SITE CODE:



Department of Environmental Conservation BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

Please refer to the attached instructions for guidance on completing this application.

Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment seeks to add or subtract more than an insignificant acreage of property to the BCA, applicants are encouraged to consult with the DEC project team prior to submitting this application.

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION
1. Check the appropriate box(es) below based on the nature of the amendment modification(s) requested:
Amendment to modify the existing BCA (check one or more boxes below):
Add applicant(s)
Substitute applicant(s)
Remove applicant(s)
Change in name of applicant(s)
Amendment to reflect a transfer of title to all or part of the brownfield site:
a. A copy of the recorded deed must be provided. Is this attached? Yes No
b. Change in ownership Additional owner (such as a beneficial owner)
 c. Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this has not yet been submitted, include the form with this application. Is this form attached? Yes No Submitted on:
Amendment to modify description of the property(ies) listed in the existing BCA See Schedule A-1
Amendment to expand or reduce property boundaries of the property(ies) listed in the existing BCA
Sites in Bronx, Kings, New York, Queens or Richmond Counties ONLY: amendment to request determination that the site is eligible for tangible property credit component of the brownfield redevelopment tax credit.
Other (explain in detail below)
2. REQUIRED: Please provide a brief narrative describing the specific requests included in this amendment:

SECTION I: CURRENT AGREEMENT INFORMATION		
This section must be completed in full. Attach additional page	ages as necessary.	
BCP SITE NAME:	BCP SITE CODE:	
NAME OF CURRENT APPLICANT(S):		
INDEX NUMBER OF AGREEMENT:	DATE OF ORIGINAL AGREEMENT:	

SECTION II: NEW REQUESTOR INFORMATION Complete this section only if adding new requestor(s) or the name of an existing requestor has changed.						
NAME:		<u>_</u> _	•			
ADDRESS:						
CITY/TOWN:			ZIP COD	E:		
PHONE:	EMAIL:					
REQUESTOR CONTACT:						
ADDRESS:						
CITY/TOWN:			ZIP COD	E:		
PHONE:	EMAIL:					
REQUESTOR'S CONSULTANT:		CONTACT:				
ADDRESS:						
CITY/TOWN:			ZIP COD	E:		
PHONE:	EMAIL:					
REQUESTOR'S ATTORNEY: CONTACT:						
ADDRESS:						
CITY/TOWN: ZIP CODE:						
PHONE: EMAIL:						
					Y	Ν
1. Is the requestor authorized t						
2. If the requestor is a corporation, LLC, LLP, or other entity requiring authorization from the NYS Department of State (NYSDOS) to conduct business in NYS, the requestor's name must appear exactly as given above in the NYSDOS Corporation & Business Entity Database. A print-out of entity information from the NYSDOS database must be submitted with this application. Is this print-out attached?						
3. Requestor must submit proof that the party signing this application and amendment has the authority to bind the requestor. This would be documentation showing the authority to bind the requestor in the form of corporate organizational papers, a Corporate Resolution or an Operating Agreement or Resolution for an LLC. Is this proof attached?						
4. If the requestor is an LLC, th this information attached?	e names of the n	nembers/owners must be pro	ovided. Is	N/A		
5. Describe the new requestor'	s relationship to a	all existing applicants:				

Section III. Current Property O Owner below is: Existing	wner/Operato Applicant		lude if new owner/operator) Non-Applicant
OWNER'S NAME (if different from requestor)			
ADDRESS			
CITY/TOWN ZIP CODE			ZIP CODE
PHONE	FAX		E-MAIL
OPERATOR'S NAME (if different from requestor or owner)			
ADDRESS			
CITY/TOWN ZIP CODE			ZIP CODE
PHONE	FAX		E-MAIL

Se	ction IV. Eligibility Information for New Requestor (Please refer to ECL § 27-1407 for n	nore de	tail)
lf a	answering "yes" to any of the following questions, please provide an explanation as an attach	nment.	
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 remered relating to contamination at the site?	ediation Yes	No
3.	Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with Fund Administrator.	Yes h the Sp	No bill
4.	Has the requestor been determined in an administrative, civil or criminal proceeding to be ir any provision of the subject law; ii) any order or determination; iii) any regulation implemen Article 27 Title 14; or iv) any similar statute, regulation of the state or federal government? an explanation on a separate attachment.	ting EC	Ĺ
5.	Has the requestor previously been denied entry to the BCP? If so, include information relat application, such as name, address, Department assigned site number, the reason for deniar relevant information.		
6.	Has the requestor been found in a civil proceeding to have committed a negligent or intention act involving the handling, storing, treating, disposing or transporting of contaminants?	onally to Yes	ortious No
7.	Has the requestor been convicted of a criminal offense i) involving the handling, storing, tre- disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, or offense against public administration (as that term is used in Article 195 of the Penal Law federal law or the laws of any state?	perjury	
8.	Has the requestor knowingly falsified statements or concealed material facts in any matter vi jurisdiction of the Department, or submitted a false statement or made use of or made a fals in connection with any document or application submitted to the Department?		
9.	Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committ or failed to act, and such act or failure to act could be the basis for denial of a BCP application		ct No
10	. Was the requestor's participation in any remedial program under DEC's oversight terminate		
	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

Site Code:

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

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.

12. Requestor's Relationship to Property (check one):

Prior Owner Current Owner Potential /Future Purchaser Other_

13. 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.

Site Code: _____

SECTION V: PROPERTY DESCRIPTION AND Complete this section only if property is being as change to site SBL(s) has occurred, or if modify	dded to or removed fi	rom the site,		or other
1. Property information on current agreeme				if applicable):
ADDRESS:				
CITY/TOWN			ZIP CODE:	
CURRENT PROPERTY INFORMATION	TOTAL ACR	EAGE OF CL	IRRENT SIT	Ξ:
PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
2. Requested change (check appropriate b	oxes below):			
a. Addition of property (may require addi expansion – see instructions)	tional citizen participa	ation dependi	ng on the na	ture of the
PARCELS ADDED:				
PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
	TOTAL	ACREAGE TO) BE ADDED):
b. Reduction of property				
PARCELS REMOVED:				
PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
	TOTAL ACF	REAGE TO B	E REMOVED):
c. Change to SBL (e.g., lot merge, subdi	vision, address chan	ge)		
NEW PROPERTY INFORMATION:				
PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
3. TOTAL REVISED SITE ACREAGE:	See Schedu	ile A-1		·
4. For all changes requested in this section attachments are listed in the application attached?				Y N

APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT SUPPLEMENT QUESTIONS FOR SITE SEEKING TANGIBLE PROPERTY CREDITS <u>IN NEW YORK CITY ONLY</u>

Complete this section only if the site is located within the five counties comprising New York City and the requestor is seeking a determination of eligibility for tangible property credits. Provide supporting documentation as required. Refer to the application instructions for additional information.

		Y	Ν
1.	Is the site located in Bronx, Kings, New York, Queens or Richmond County?		
2.	Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?		
3.	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.		
4.	Is the property upside down as defined below?		
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.		
5.	Is the project and affordable housing project as defined below?		
	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' household's annual gross income. (2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government's regulatory agreement or legally binding restriction, which sets affordable units subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government housing agency's affordable housing program, or a local government housing agency's affordable housing program, or a local government housing agency's affordable housing program, or a 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 homeowners 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. 		

APPLICATION SUPPLEMENT FOR NYC SITES (continued)	Υ	N
6. Is the project a planned renewable energy facility site as defined below?	I	
From ECL 27-1405(33) as of April 9, 2022:	I	
"Renewable energy facility site" shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co- located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.		
From Public Service Law Article 4 Section 66-p as of April 23, 2021:	I	
(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.		
7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and meets the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?		
From ECL 75-0111 as of April 9, 2022:	I	
(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.		

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

EXISTING AGREEMENT INFORMATION

BCP SITE NAME:

BCP SITE CODE:

NAME OF CURRENT APPLICANT(S):

INDEX NUMBER OF AGREEMENT:

DATE OF ORIGINAL AGREEMENT

Declaration of Amendment:

By the requestor(s) and/or applicant(s) signature(s) 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 obligations held under the Agreement or those same laws.

STATEMENT OF CERTIFICATION AND SIGNATURES: NEW REQUESTOR

Complete the appropriate section (individual or entity) below only if this Amendment adds a new requestor. Attach additional pages as needed.

(Individual)

I hereby affirm that the 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.

Date:

Signature:

Print Name: _____

(Entity)

I hereby affirm that I am	(title) of	(entity); that I am
authorized by that entity to make this a	application; that this application was p	prepared by me or under my
supervision and direction; and that info	ormation provided on this form and its	s 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 Pe	enal Law.
signature b	elow constitutes the requisite approva	al for the amendment to the BCA

SI	gnature below constitutes the requisite approval for the amendment to the BCA
Application, which will be effe	ective upon signature by the Department.
Date:	Signature:

Print Name: _____

STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S) An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed. (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 President/CEO (title) of Buttiels and Effe County Industrial Land Development Corporation (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: 06/07/2024 Signature: _____ Print Name: John Cappellino

PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

PARTICIPANT	VOLUNTEER					
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.	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: 02/22/2024

Signature by the Department:

DATED: _____

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By:

Andrew O. Guglielmi, Director Division of Environmental Remediation

STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S) An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.					
(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 <u>Great Environment Lund & Remaindent</u> (title) of <u>Tecumseh Redevelopment Inc.</u> (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. <u>Keith Nagel's</u> <u>signature</u> below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.					
Date: 06/07/2024 Signature: Print Name: Keith Nagel					
Print Name: Keith Nagel					
PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS					
REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT					

Status of Agreement:

at the time of the disposal of contamination or (2) is otherwise a person responsible for the ownership	tor other than a participant, including a r whose liability arises solely as a result of ip, operation of or involvement with the site ent to the contamination.

Effective Date of the Original Agreement:

Signature by the Department:

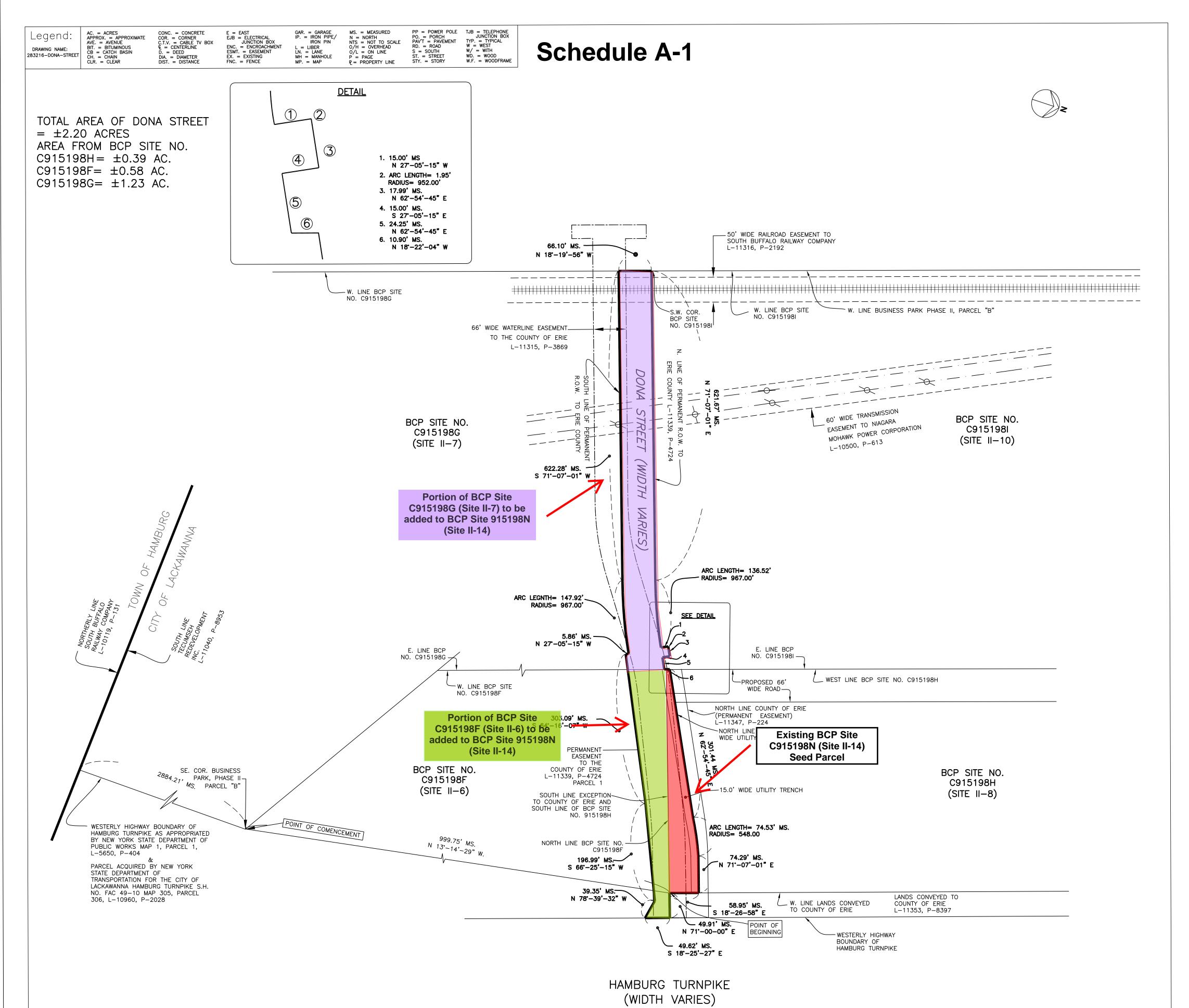
DATED: _____

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By:

Andrew O. Guglielmi, Director Division of Environmental Remediation

SCHEDULE A



(ALSO KNOWN AS STATE ROUTE 5)

PROPOSED DESCRIPTION FOR DONA STREET BCP SITE

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, TOWNSHIP 10, RANGE 8 OF THE BUFFALO CREEK RESERVATION. ALSO BEING PART OF EXISTING BCP SITE NUMBER C915198H, C915198G AND C915198F AS SHOWN ON A MAP OF 'BUSINESS PARK PHASE II", PREPARED BY WENDEL, JUNE 2012, PROJECT NUMBER 411107, AS AMENDED 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 2,884.21 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 CONTINUING THROUGH THE LANDS KNOWN AS BCP SITE NUMBER C915198G, THE FOLLOWING 3 COURSES AND DISTANCES:

1.N 27'-05'-15" W, A DISTANCE OF 5.86 FEET, TO A POINT OF CURVATURE; 2.ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 967.00 FEET, A CHORD LENGTH OF 147.78 FEET AND AN ARC LENGTH OF 147.92 FEET, TO A POINT OF TANGENCY;

3.S 71'-07'-01" W, A DISTANCE OF 622.28 FEET, TO A POINT ON THE WEST LINE OF BCP SITE NUMBER C915198G;

THENCE ALONG THE EASTERY LINE OF BCP SITE NUMBER C9151985H, N 18'-19'-56" W, A DISTANCE OF 66.10 FEET, TO A POINT, SAID POINT BEING THE SOUT WEST CORNER OF BCP SITE NUMBER C9151981;

THENCE THROUGH THE LANDS KNOWN AS BCP SITE NUMBER C9151981, THE FOLLOWING 7 COURSES AND DISTANCES:

THENCE ALONG A LINE N 13-14'-29" W, A DISTANCE OF 999.75 FEET, TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WEST LINE OF LANDS CONVEYED TO THE COUNTY OF ERIE AS RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11353 OF DEEDS AT PAGE 8397, SAID POINT ALSO BEING THE NORTHEAST CORNER OF BCP SITE NUMBER C915198F;

THENCE N 71'-00'-00" E ALONG THE NORTH LINE OF BCP SITE NUMBER C915198F, A DISTANCE OF 49.91 FEET, TO A POINT. SAID POINT BEING ON THE EAST LINE OF BCP SITE NUMBER C915198F AND THE WESTERLY LINE OF THE HAMBURG TURNPIKE;

THENCE ALONG THE WESTERLY LINE OF THE HAMBURG TURNPIKE, S 18'-25'-27"E, A DISTANCE OF 49.62 FEET TO A POINT;

THENCE THROUGH THE LANDS KNOWN AS BCP SITE NUMBER C9151985F, N 78'-39'-32"W, A DISTANCE OF 39.35 FEET TO A POINT;

THENCE CONTINUING THROUGH SAID LANDS, S 66'-25'-15"W, A DISTANCE OF 196.99 FEET TO A POINT;

THENCE THROUGH THE LANDS KNOWN AS BCP SITE NUMBER C915198F AND C915198G, S 64'-16'-07" W, A DISTANCE OF 303.09 FEET TO A POINT;

1.N 71'-07'-01" E, A DISTANCE OF 621.67 FEET, TO A POINT TO A POINT OF CURVATURE;

2. ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 967.00 FEET, A CHORD LENGTH OF 136.39 FEET AND AN ARC LENGTH OF 136.50 FEET, TO A POINT OF TANGENCY;

3.N 27'-05'-15" W, A DISTANCE OF 15.00 FEET, TO A POINT OF CURVATURE;

4. ALONG A CURVE TO THE RIGHT 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" 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 24.25 FEET, TO A POINT, SAID POINT BEING ON THE WEST LINE OF BCP SITE NUMBER C915198F;

THENCE NORTHERLY ALONG THE WEST LINE OF BCP SITE NUMBER C915198F AND C915198H, N 18-22'-04" W, A DISTANCE OF 10.90 FEET, TO A POINT ON THE WEST LINE OF BCP SITE NUMBER C915198H:

THENCE THROUGH THE LANDS KNOWN AS BCP SITE NUMBER C915198H, THE FOLLOWING 3 COURSES AND DISTANCES: 1.N 62°-54'-45" E, A DISTANCE OF 301.44 FEET, TO A POINT OF CURVATURE; 2. ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 548.00 FEET, A CHORD LENGTH OF 78.47 FEET AND AN ARC LENGTH OF 78.54 FEET, TO A POINT OF TANGENCY;

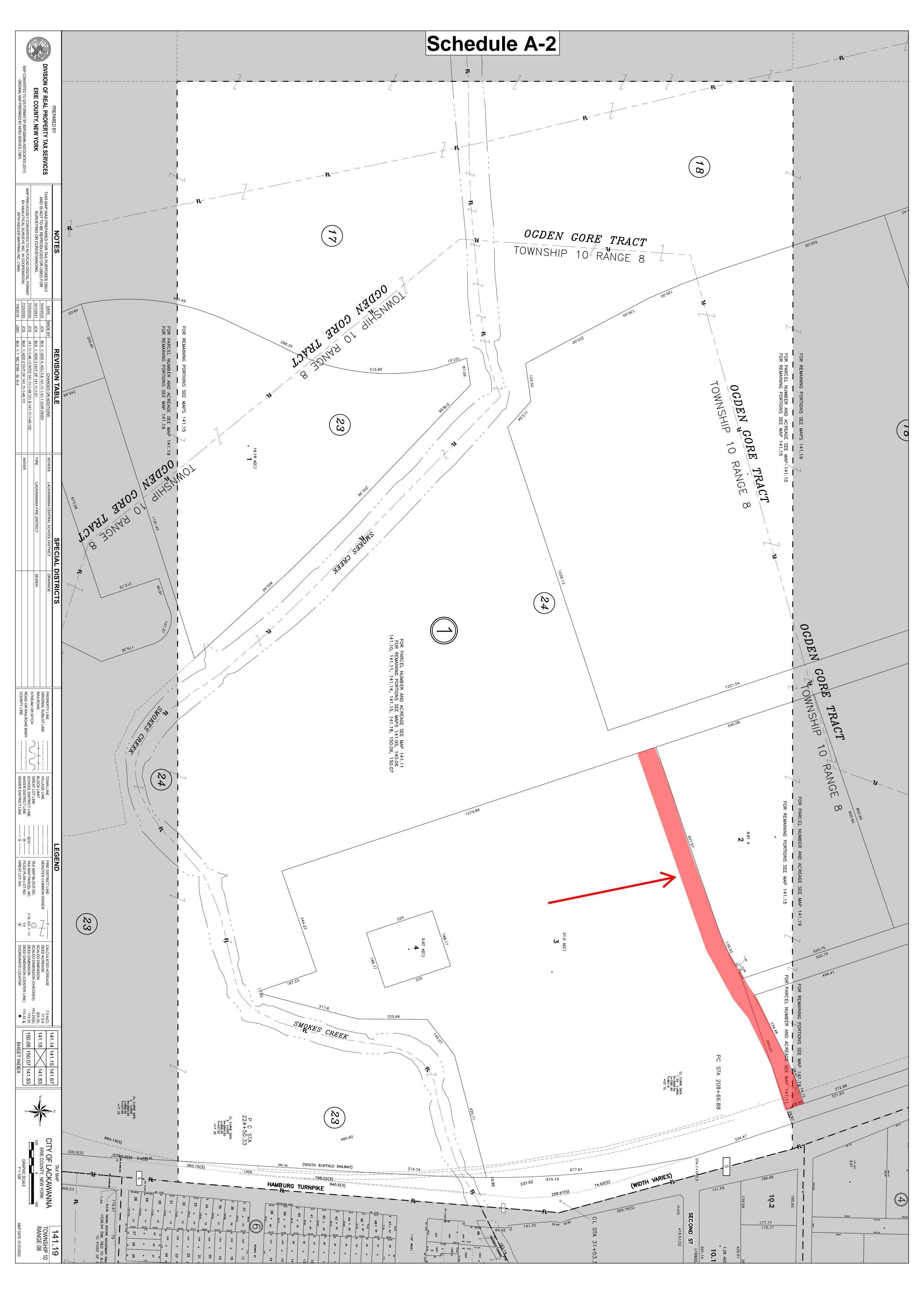
3.N 71'-07'-01" E, A DISTANCE OF 74.29 FEET, TO A POINT ON THE NORTH LINE OF LANDS CONVEYED TO THE COUNTY OF ERIE AS RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11353 OF DEEDS AT PAGE 8397;

THENCE ALONG THE WESTERLY LINE OF SAID LANDS CONVEYED TO THE COUNTY OF ERIE, S 18'-26'-58"E, A DISTANCE OF 58.95 FEET TO THE POINT OF BEGINNING. CONTAINING 2.02 ACRES OF LAND, MORE OR LESS.

PART OF TAX MAP NO.: 141.11-1-48.13 & 141.11-1-	.1 111

SURVEY OF

								DONA STREET, CITY OF LACKAWANNA COUNTY OF ERIE, STATE OF NEW YORK			
							[]	PART OF LOT: 24 SECTION: - TO	WNSHIP: 10	RANGE: 8	
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY CHANGES THAT AN EXAMINATION OF SUCH MAY REVEAL.		PF				PROGRESS PRINT	OF THE BUFFALO CREEK RESERVATION				
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							4/20/2022 NOT FOR CONSTRUCTION		PROJ. DATE	NO. 283216 4/15/2022	
CONSERVATION LAW.	NOTE:							wendel	SCALE	1"=100'	
NOTE:NOTE:UNAUTHORIZED ALTERATION OR ADDITION TO ANYONLY COPIES FROM THE ORIGINAL OF THISSURVEY DRAWING, DESIGN, SPECIFICATION, PLAN ORSURVEY MAP MARKED WITH THE SIGNATUREREPORT IS A VIOLATION OF SECTION 7209,AND AN ORIGINAL OF THE LAND SURVEYOR'SPROVISION 2 OF THE NEW YORK STATE EDUCATIONEMBOSSED SEAL SHALL BE CONSIDERED TOLAW.BE VALID TRUE COPIES.	IE SIGNATURE						Centerpointe Corporate Park * 375 Essjay Road, Suite 200 Williamsville, New York 14221 PHONE: 716.688.0766 FAX: 716.625.6825	CREW DWN.	KAC		
		NO. DATE		REVISION	BY APPD.		WEBSITE: www.wendelcompanies.com Wendel WD Architecture, Engineering, Surveying and Landscape Architecture P.C.		RNJ		

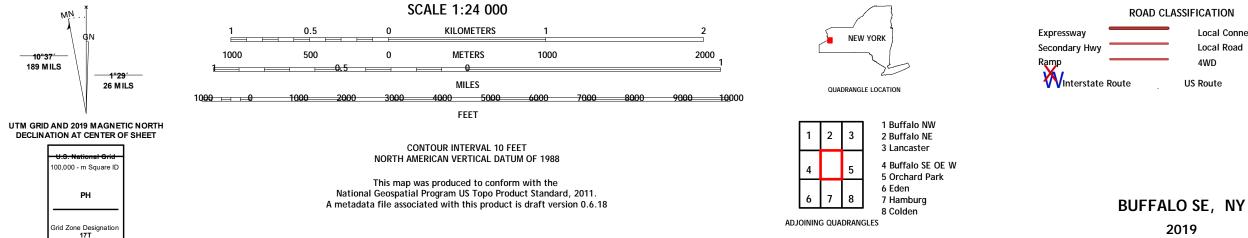


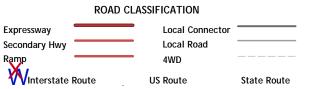




Produced by the United States Geological Survey North American Datum of 1983 (NAD83) World Geodetic System of 1984 (WGS84). Projection and 1 000-meter grid:Universal Transverse Mercator, Zone 17T This map is not a legal document. Boundaries may be generalized for this map scale. Private lands within government reservations may not be shown. Obtain permission before entering private lands.

Imagery.. Roads..... Names. Hydrography.. Contours... ...Multiple sources: see metadata file 2017 - 2018 Boundaries. Wetlands.. ..FWS National Wetlands 2002 Inventory





2019



June 11, 2024

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VIA FEDERAL EXPRESS

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

> RE: Sites II-6, II-7 and II-14 Tecumseh Phase II Business Park, Lackawanna, NY BCP Site Numbers C915198F; C915198G; C915198N BCP Applications to Amend Brownfield Cleanup Agreements and Amendments

Dear Sir or Madam:

Enclosed please find Brownfield Cleanup Program ("BCP") Applications to Amend Brownfield Cleanup Agreement and Amendment for Sites II-6 (BCP Site No. C915198F), II-7 (BCP Site No. C915198G) and II-14 (BCP Site No. C915198N) Tecumseh Phase II Business Park (collectively, the "BCP Amendment Applications").

The BCP Amendment Applications are being submitted as follows with respect to the following BCP Sites:

BCP Site No. C915198N ("Site II-14")

The BCP Amendment Application for Site II-14 shall modify the boundaries of the real property identified in the existing Brownfield Cleanup Agreement for Site II-14 by adding an approximate 0.58 +/- acre portion of the real property from Site No. C915198F ("Site II-6") and an approximate 1.23+/- acre portion of the real property from Site No. C915198G ("Site II-7") (collectively, the approximate 0.58 +/- acre portion of Site II-6 and the approximate 1.23+/- acre portion of Site II-7 are hereinafter referred to as the "Added Parcels") to Site II-14. As discussed below, the Brownfield Cleanup Agreements for Sites II-6 and II-7 will be amended to account for the loss of 0.58 +/- acres and 1.23 +/-acres, respectively. The description of the addition of the Added Parcels is contained within Section V of the BCP First Amendment Application attached hereto, along with a revised survey attached therein which depicts the requested change to the boundary of Site II-14.

Please be advised that the Added Parcels are being added to the Existing BCA Agreement for Site II-14, and the entirety of Site II-14 will be ultimately conveyed to the City of Lackawanna to be used/dedicated as a public roadway. The Buffalo and Erie County Industrial Land Development Corporation (the "ILDC"), which is the current owner of Site II-14, has already constructed the public roadway on Site II-14 and upon the Added Parcels.

BCP Site No. C915198F ("Site II-6")

The BCP Amendment Application for Site II-6 is being submitted to add the ILDC as a "Requestor" to Site II-6. ILDC was conveyed a fee interest in Site II-6 via quit claim deed dated August 21, 2021, a copy of which is attached to the BCP Amendment Application for Site II-6.

The BCP Amendment Application for Site II-6 is also being submitted to correct the Tax Parcel/SBL No. for Site II-6. As stated in the Addendum attached to the Amendment, the original Brownfield Cleanup Agreement identified Site II-6 as being part of the historical Tax Parcel/SBL No. 141.11-1-1.111. At or about the time of conveyance of Site II-6 and other land from Tecumseh to the ILDC, Site II-6 was part of Tax Parcel/SBL No. 141.11-1-51. As of the date of this Amendment, Site II-6 is part of Tax Parcel/SBL No. 141.19-1-3.

This BCP Amendment Application for Site II-6 is also being submitted to modify the boundaries of the real property identified in the existing Brownfield Cleanup Agreement for Site II-6 by removing an approximate 0.58 +/- acre portion of the real property from Site II-6 (the "Site II-6 Divested Parcel"). As described above, the Site II-6 Divested Parcel will be added to Site II-14. The removal of the Site II-6 Divested Parcel is described within Section V of the BCP Amendment Application for Site II-6 as attached hereto, along with a survey attached therein which depicts the requested changes to the boundaries of Site II-6.

BCP Site No. C915198G ("Site II-7")

The BCP Amendment Application for Site II-7 is being submitted to add the ILDC as a new "Requestor" to Site II-7. ILDC was conveyed a fee interest in Site II-7 via quit claim deed dated August 21, 2021, a copy of which is attached to the BCP Amendment Application for Site II-17.

The BCP Amendment Application for Site II-7 is also being submitted to correct the Tax Parcel/SBL No. for Site II-7. As stated in the Addendum attached to the Amendment, the original Brownfield Cleanup Agreement identified Site II-7 as being part of the historical Tax Parcel/SBL No. 141.11-1.111. At or about the time of conveyance of Site II-7 and other land from Tecumseh to the ILDC, Site II-7 was part of Tax Parcel/SBL No. 141.11-1.51. As of the date of this Amendment, Site II-7 is part of Tax Parcel/SBL No. 141.19-1-3.

The BCP Amendment Application for Site II-7 is also being submitted to modify the boundaries of the real property identified in the existing Brownfield Cleanup Agreement for Site II-7 by removing an approximate 1.23 +/- acre portion of the real property from Site II-7 (the "Site II-7 Divested Parcel"). As described above, the Site II-7 Divested Parcel will be added to Site II-14. The removal of the Site II-7 Divested Parcel is described within Section V of the BCP Amendment Application for Site II-7 as attached hereto, along with a survey attached therein depicts the requested changes to the boundaries of Site II-7.

With respect to the removal of the Added Parcels from Sites II-6 and II-7 for inclusion in Site II-14, please recall that these changes are similar to, and are being proposed consistent with

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the protocols established by, the 2021 BCP Application Amendment for BCP Site C915197H, ("Site II-8"), where certain real property was removed from Site II-8 and added to BCP Site C915198M (Site II-13") to be used as a future public roadway.

Please feel free to contact me if you require additional information. Thank you for your attention to this matter.

Very truly yours

Robert G. Murray

RGM/kd Enclosures