



THE KNOER GROUP, PLLC

424 Main Street, Suite 1820
Buffalo, New York 14202

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Deanne Stachowski

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Notice to Municipality

September 29, 2023

VIA CERTIFIED MAIL

Mayor Byron W. Brown
Mayor's Office
65 Niagara Square
Room 201
Buffalo, NY 14202

Tianna M. Marks
City of Buffalo Clerk
65 Niagara Square
Room 1308
Buffalo, NY 14202

Re: Amendment to Environmental Easement

Dear Mayor Brown and Clerk Marks:

Attached please find a copy of a filed Amendment to Environmental Easement with filing receipt granted to the New York State Department of Environmental Conservation ("Department")

on May 25, 2023 and recorded in the Erie County Clerk's Office on September 15, 2023 in Liber 11421, Page 9290,

by South Buffalo Development, LLC,

for property at 229 Elk, 145 Prenatt, and 5 Babcock, Buffalo, NY,

Tax Map Nos. Section 122.12, Block 1, Lots 30, 35, and 36,

DEC Site No: C915231.

This Amendment to Environmental Easement restricts future use of the above-referenced property to: The Controlled Property may be used for: Restricted Residential as described in 6

NYCRR Part 375-1.8(g)(2)(ii), 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). The Department and Grantor further agree that paragraph 2.B of the Environmental Easement is hereby amended so that it reads as follows: The Controlled Property shall not be used for Residential purposes as described in 6 NYCRR Part 375-1.8(g)(2)(i), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement. Any on-site activity must be done in accordance with the Amendment to Environmental Easement and the Site Management Plan which is incorporated into the Amendment to Environmental Easement. Department approval is also required prior to any groundwater use.

Article 71, Section 71-3607 of the New York State Environmental Conservation Law requires that:

1. Whenever the department is granted an environmental easement, it shall provide each affected local government with a copy of such easement and shall also provide a copy of any documents modifying or terminating such environmental easement.
2. Whenever an affected local government receives an application for a building permit or any other application affecting land use or development of land that is subject to an environmental easement and that may relate to or impact such easement, the affected local government shall notify the department and refer such application to the department. The department shall evaluate whether the application is consistent with the environmental easement and shall notify the affected local government of its determination in a timely fashion, considering the time frame for the local government's review of the application. The affected local government shall not approve the application until it receives approval from the department.

An electronic version of every environmental easement that has been accepted by the Department is available to the public at: <http://www.dec.ny.gov/chemical/36045.html>. Please forward this notice to your building and/or planning departments, as applicable, to ensure your compliance with these provisions of New York State Environmental Conservation Law. If you have any questions or comments regarding this matter, please do not hesitate to contact me.

Very Truly Yours,

THE KNOER GROUP, PLLC


Deanne Stachowski



THE KNOER GROUP,
424 Main Street, Suite 1820
Buffalo, New York 14202

CERTIFIED MAIL



7020 1810 0000 2359 2130

PITNEY BOWES
\$8.53⁰
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FIRST-CLASS
026W0004897358
2000379371
ZIP 14202
SEP 29 2023



Mayor Byron W. Brown
Mayor's Office
65 Niagara Square
Room 201
Buffalo, NY 14202

CERTIFIED MAIL



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Buffalo, New York 14202

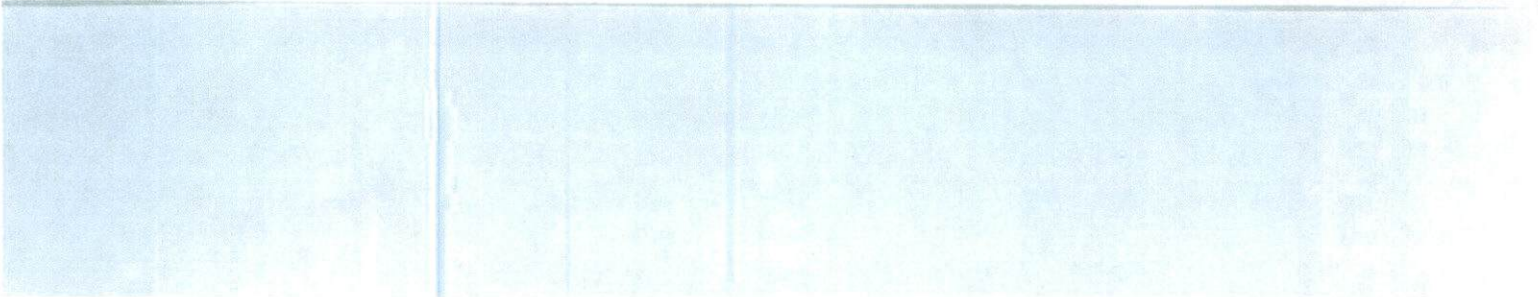


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Tianna M. Marks
City of Buffalo Clerk
65 Niagara Square
Room 1308
Buffalo, NY 14202



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Mayor Byron W. Brown
Mayor's office
65 Niagara Sq., Rm 201
Buffalo, NY 14202*



1 9590 9402 7459 2055 3371 78

2. Article Number (Transfer from service label)

7020 1810 0000 2359 2130

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Tiliana Marks
City of Buffalo Clerk
65 Niagara Sq., Rm 130A
Buffalo, NY 14202*



1 9590 9402 7459 2055 3371 85

2. Article Number (Transfer from service label)

7020 1810 0000 2359 2161 Restricted Delivery

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

MICHAEL P. KEARNS, ERIE COUNTY CLERK
REF:

DATE: 9/15/2023
TIME: 1:51:25 PM
RECEIPT: 23126171

KNOER GROUP PLLC
ACCOUNT #: 8935

ITEM - 01 MTP
RECD: 9/15/2023 1:56:48 PM
FILE: 2023159396 BK/PD D 11421/9282
Deed Sequence: TT2023003261
SOUTH BUFFALO DEVELOPMENT LLC
Recording Fees 80.50
TP584 10.00
Subtotal 90.50

ITEM - 02 MTP
RECD: 9/15/2023 1:56:48 PM
FILE: 2023159397 BK/PD D 11421/9290
Deed Sequence: TT2023003262
SOUTH BUFFALO DEVELOPMENT LLC
Recording Fees 65.50
TP584 10.00
Subtotal 75.50

TOTAL DUE \$166.00
PAID TOTAL \$166.00
PAID CHECK \$166.00
Check #8557: 166.00

REC BY: Melanie
COUNTY RECORDER