

2022 - 2023

PERIODIC REVIEW REPORT

**FOR
HIGHLAND PLAZA SITE
215 HIGHLAND PARKWAY
NYSDEC SITE #C915293
TONAWANDA, ERIE COUNTY, NEW YORK**

Prepared by:



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MAY 2023

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ACRONYM LIST

AAR	ALTERNATIVES ANALYSIS REPORT
CVOC	CHLORINATED VOLATILE ORGANIC COMPOUNDS
BCA	BROWNFIELD CLEANUP AGREEMENT
BCP	BROWNFIELD CLEANUP PROGRAM
BGS	BELOW GROUND SURFACE
DD	DECISION DOCUMENT
DER	DEPARTMENT OF ENVIRONMENTAL REMEDIATION
EC	ENGINEERING CONTROLS
HFM	HISTORIC FILL MATERIAL
IC	INSTITUTIONAL CONTROLS

NYSDEC	NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
NYSDOH	NEW YORK STATE DEPARTMENT OF HEALTH
PAH	POLYCYCLIC AROMATIC HYDROCARBONS
PCBs	POLYCHLORINATED BIPHENYLS
PPM	PARTS PER MILLION
RAOs	REMEDIAL ACTION OBJECTIVES
RI	REMEDIAL INVESTIGATION
SCOs	SOIL CLEANUP OBJECTIVES
SITE	0.69-ACRE COMMERCIAL PROPERTY IN TONAWANDA, NEW YORK
SMP	SITE MANAGEMENT PLAN
SSDS	SUB-SLAB DEPRESSURIZATION SYSTEM
SVOCs	SEMI-VOLATILE ORGANIC COMPOUNDS
VOCs	VOLATILE ORGANIC COMPOUNDS

EXECUTIVE SUMMARY

C&S Engineers, Inc. (C&S) has prepared this 2023 Periodic Review Report for the property located at 215 Highland Parkway in Erie County, Tonawanda, New York (hereinafter referred to as the Site).

Highland Plaza, LLC entered into a Brownfield Cleanup Agreement (BCA) on April 1, 2015 with the NYSDEC to remediate the Site. A figure showing the site location and boundaries of this site is provided in **Figure 1**. The boundaries of the site are more fully described in the metes and bounds site description that is part of the Environmental Easement provided in **Appendix A**.

On-site contamination was related to various historic activities associated with the operation of the Site as a dry cleaner. Contamination consists of chlorinated volatile organic compounds (CVOC) in the soil, groundwater and soil vapor.

The remedy for the Site consists of maintenance and placement of a soil cover system and installation of a sub-slab depressurization system (SSDS) to achieve Track 4 Level Cleanup standards. Remaining contamination will be limited to CVOC impacted material underneath the following areas:

- A site-wide soil cover system; and
- SSD systems in Building #1 and Building #2.

Areas with remaining contamination will be monitored and maintained as specified in the approved Site Management Plan (SMP).

The SMP was prepared by Environmental & Geologic Management Services, LLC on behalf of Highland Plaza, LLC, in accordance with the requirements of the NYSDEC's DER-10 ("Technical Guidance for Site Investigation and Remediation"), dated May 2010, and the guidelines provided by the NYSDEC. The SMP addresses the means for implementing the Intuitive Controls (ICs) and/or Engineering Controls (ECs) that are required by the Environmental Easement for the Site. A summary of the SMP is provided below.

Site Identification: Highland Plaza Site: 215 Highland Parkway
BCP Site No. C915293

Institutional Controls:	1. The property may be used for commercial use.
	2. An environmental easement is in place to restrict use to commercial or industrial use.
	3. All ECs must be inspected at a frequency and in a manner defined in the SMP.
Engineering Controls:	1. Cover and cap system
	2. Two sub-slab depressurization systems (SSDS)
Inspections:	Frequency
1. Cover Inspection	Annually
2. Sub-Slab Depressurization Systems	Annually
Monitoring:	
1. Groundwater Wells MW-1, MW-2 and MW-3	Annually
Maintenance:	
1. Cap and Cover System	As needed
2. Blower Maintenance	Semi-annually or as needed
Reporting:	
1. Groundwater, Cap and Cover Integrity, SSDS Data	Annually
2. Periodic Review Report	Annually

The Institutional and Engineering Controls Certification form is provided in **Appendix C**.

1 SITE OVERVIEW

The Site is located in Tonawanda, Erie County, New York and is identified as Lot #33, Township 12, Range 6 of the Holland Land Company's Survey and being Sublots #35

to 46 inclusive on the Town of Tonawanda, Erie County Tax Map (**Figure 2**). The Site is an approximately 0.69-acre area and is bounded by Highland Parkway to the north, an alley way followed by residential properties to the south, a parking lot and credit union to the east, and a gasoline station followed by Colvin Boulevard to the west. The boundaries of the site are more fully described in **Appendix A - Environmental Easement**.

The owner of the site parcels at the time of issuance of this PRR is/are:

Highland Plaza, LLC
1800 Broadway, Building D
Buffalo, NY 14212

The Site consists of the following: a strip plaza (50% of the Site), asphalt parking area to the north of the strip plaza (approximately 47% of the Site) and a narrow strip of soil behind the building approximately 2.95 feet wide (approximately 3% of the Site). The strip plaza is a slab-on-grade block building that is situated 2.95 feet from the southern property boundary to the back of the building. The strip plaza consists of three attached buildings (Building #1 is the easternmost building; Building #2 is the centermost building; and, Building #3 is the westernmost building) that are separated by common firewalls, foundation breaks and different roof lines. They do not share overhead crawl spaces. The Site is zoned commercial and is currently utilized for commercial purposes. Site occupants currently include a pizzeria, hair salon, nail salon, and an occupational therapy center.

The properties surrounding the Site primarily include commercial and residential properties.

1.1 Geology and Hydrogeology

The Site is generally flat, although certain minor variations in elevation are present. The Site is underlain by a thin veneer of fill material 1 to 1.5 feet in thickness consisting of sand and gravel. This is underlain by native, dense red-brown clay with minor amounts of silt, sand and gravel. The clay unit is greater than 24 feet in thickness with little variation laterally. Soil samples collected from soil borings of this unit were generally dry to damp, until a depth of approximately 15 feet where soil samples were damp to moist and more pliable.

Depth to groundwater is approximately three to five feet below ground surface, and groundwater flow direction was determined to be toward the north and east.

1.2 Site History

Sanborn Maps of the Site show that the property was undeveloped in 1928, but by 1950 had been developed into the present plaza. There was no indication from available public information that the property has ever been used for industrial or manufacturing purposes.

A Preliminary Phase II Investigation and Soil Vapor Intrusion Study were completed at the Site in 2014 consisting of twelve soil borings ranging in depths from 8 to 12 feet below ground surface.

Low levels of soil contamination are present under the floor of the building where the former dry cleaner was located as documented from seven soil samples collected from seven different soil borings completed inside of Building #1 within the area of the former dry cleaner. Soil samples were collected for laboratory analysis based on PID readings from 0 inches below the concrete floor to 8 feet below the concrete floor.

Soil contamination is also present in the service alley directly south of the former dry cleaner from spills or disposal of cleaning solvents from the former dry cleaner. The concentration of these compounds is below the NYSDEC Part 375 Commercial Soil Cleanup Objectives (SCO), but are above the restricted residential SCO for tetrachloroethene.

VOCs associated with dry cleaning operations are present in the soil vapor under the concrete floor slab of Building #1 and have impacted indoor air quality in the eastern end of Building #1.

Additional investigative work was recommended to determine the nature and extent of the soil contamination from the former dry cleaner and to characterize impacts to groundwater.

Remediation of indoor air was recommended by installing a SSDS in Building #1 and Building #2 where the former dry cleaner was located.

Remedial alternatives for the property were evaluated within an Alternative Analysis Report (AAR). Additional detailed information on the selected / preferred remedial alternative can be found within the December 2017 Decision Document (DD).

1.3 Summary of Selected Remedy

The elements of the selected remedy for the property include:

1. Cover System: A site cover currently exists and will be maintained to allow for commercial/industrial use of the site. Any site redevelopment will maintain the existing site cover, which consists of structures such as

buildings, concrete sidewalks, an asphalt parking lot, and soil over a 2.5-foot strip behind the plaza building, adjacent to the alleyway. Any fill material brought to the site will meet the requirements for the identified site use as set forth in 6 NYCRR Part 375-6.7(d).

2. Vapor Mitigation: Continued operation and optimization of the sub-slab depressurization systems to prevent the migration of sub-slab soil vapor into Buildings 1 and 2.
3. Institutional Controls: Imposition of an institutional control in the form of an Environmental Easement for the controlled property that:
 - a. Requires the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
 - b. Allows the use and development of the controlled property for commercial/industrial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
 - c. Restricts the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and (d) Requires compliance with the Department approved Site Management Plan.
4. Site Management Plan: A Site Management plan is required, which includes the following:
 - a. An Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and engineering controls remain in place and effective:
 - Institutional Controls: The Environmental Easement discussed in Paragraph 3 above; and
 - Engineering Controls: The site cover system discussed in Paragraph 1 and the sub-slab depressurization systems discussed in paragraph 2 above.

This plan includes, but may not be limited to:

- An Excavation Plan that details the provisions for management of future excavations in areas of remaining contamination;
- Descriptions of the provisions of the Environmental Easement including any land use and groundwater use restrictions; DECISION DOCUMENT December 2017 Highland Plaza, Site No. C915293 Page 13
- A provision for the evaluation of the potential for soil vapor intrusion for any buildings developed on the site including provision for implementing actions recommended to address exposures related to soil vapor intrusion;

- Provisions for the management and inspection of the identified engineering controls;
 - Maintaining site access controls and Department notification; and
 - The steps necessary for periodic reviews and certification of the institutional and engineering controls.
- b. A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:
- Monitoring of soil vapor and indoor air to assess the performance and effectiveness of the sub-slab depressurization systems. Enhancements to the sub-slab depressurization systems will be completed as necessary;
 - A schedule of monitoring and frequency of submittals to the Department;
 - Monitoring for vapor intrusion for any buildings, as may be required by the Institutional and Engineering Control Plan discussed above.
- c. An Operation and Maintenance (O&M) Plan to ensure continued operation, maintenance, optimization, monitoring, inspection, and reporting of any mechanical or physical components of the remedy. The plan includes, but is not limited to:
- Compliance monitoring of the existing sub-slab depressurization systems to ensure proper operation as well as providing the data for any necessary permit or permit equivalent reporting;
 - Maintaining site access controls and Department notification; and
 - Providing the Department access to the site and O&M records.

1.4 Nature and Extent of Remaining Contamination

Soil and groundwater contamination remain on-site under the easternmost end of the building and under the easternmost end of the parking lot.

Areas with remaining contamination will be monitored and maintained with a soil cover system.

1.4.1 Soil

VOCs are present in the soil from the former dry cleaner at the eastern end of the Site. These compounds are present under the floor of the eastern end of the former dry cleaner, and in shallow soils in the parking lot north of the building at soil boring SB – 19. Cis-1,2-dichloroethene, Tetrachloroethene and Trichloroethene were detected at concentrations below their respective NYSDEC Part 375 Commercial Soil Cleanup Objectives (SCOs), but were above the NYSDEC Part 375 Unrestricted SCO.

There were no SVOCs detected in the on-site soil samples analyzed as part of the

RI.

Four on-site soil samples were analyzed for metals; three shallow soil samples (6-12-inches and 6-18 inches) and one deep soil sample (23-feet to 24-feet). Ten metals typically found in soils were present in the on-site soil samples that were analyzed for metals. The 10 metals were detected at concentrations below the respective Unrestricted SCOs.

There were no pesticides detected above their respective method detection limits in the on-site soil samples analyzed as part of the RI, and there were no PCBs detected in the on-site samples analyzed.

Figure 3 presents locations of the remaining soil contamination.

1.4.2 Groundwater

Groundwater contamination as CVOCs is present in the northeast corner of the Site at monitoring well MW-3. Since CVOCs are present in soil under the eastern end of the building (soil samples SB – 5 through SB – 11), groundwater contamination is also likely present under the eastern end of Building #1 where the former dry-cleaning operation was located.

Figure 6 presents the extent of the remaining groundwater contamination.

1.4.3 Soil Vapor

Soil vapor contamination exists on the eastern portion of the Highland Plaza building (in the area of the former dry cleaner). Tenant spaces with the following addresses were impacted by sub-slab contaminated soil vapor:

- 235 – 237 Highland Parkway
- 231 Highland Parkway

Figure 7 presents the location of the SSD systems.

2 REMEDY PERFORMANCE, EFFECTIVENESS, AND PROTECTIVENESS

The inspection of the cap and cover system on May, 17 2023 showed that the existing cap and cover system consisting of the asphalt parking lot, the building slab on grade concrete floor and foundation, and the clean soil cover behind the building has been properly maintained to prevent human exposure to contaminated soil/fill remaining at the site.

There were no breaches of the asphalt parking lot and concrete sidewalk directly in front of the buildings observed during the site visit on May 17, 2023.

There were no breaches of the soil cover along the east end of the building during the site visit on May 17, 2023.

There were no site intrusive activities into the two-foot-wide clay cap behind the building during this annual reporting period.

Two (SSDSs) located in Buildings #1 (235 to 237 Highland Parkway); and Building #2 (231 Highland Parkway) (**Figure 7**);

- SSDS#1 located on 235 to 237 Highland Parkway consists of four perforated horizontal PVC pipe vapor collection runs with three roof mounted blower units.
- SSDS#2 located on 231 Highland Parkway consists of one vapor collection system point and one roof mounted blower unit.

A Professional Engineer (PE) inspected the two SSDSs located in Buildings #1 and #2 on May 12, 2023. The PE has certified that they are operating as designed to mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at the Site.

3 IC/EC PLAN COMPLIANCE REPORT

3.1 IC/EC Requirements and Compliance

As stated in the 2017 Decision Document, the remedial action objectives (RAO) selected for this Site are:

Groundwater

RAOs for Public Health Protection

- Prevent ingestion of groundwater with contaminant levels exceeding drinking water standards.
- Prevent contact with, or inhalation of, volatiles emanating from contaminated groundwater.

RAOs for Environmental Protection

- Restore groundwater aquifer to pre-disposal/pre-release conditions, to the extent practicable.
- Remove the source of ground or surface water contamination.

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.
- Prevent inhalation of, or exposure from, contaminants volatilizing from contaminants in soil.

RAOs for Environmental Protection

- Prevent migration of contaminants that would result in groundwater or surface water contamination.

Soil Vapor

RAOs for Public Health Protection

- Mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at the Site.

3.1.1 Institutional Controls

The institutional controls for this Site are:

- The property may be used for: commercial and industrial use;
- All ECs must be operated and maintained as specified in the SMP;
- All ECs must be inspected at a frequency and in a manner defined in the SMP.
- The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Erie County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department.
- Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;
- Data and information pertinent to site management must be reported at the frequency and in a manner as defined in the SMP;
- All future activities that will disturb remaining contaminated material must be conducted in accordance with the SMP;
- Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

- Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical component of the remedy shall be performed as defined in the SMP; and
- Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by the Environmental Easement.

The Site has not changed owners and the land use of the Site has not changed. All institutional controls for this Site are in accordance with requirements of the Environmental Easement.

3.1.2 Engineering Controls

The engineering controls for this Site are:

- Cover System: A site cover has been installed and/or maintained over the Site in all areas exceeding applicable SCOs. The cover consists of hardscape (asphalt pavement and concrete floor slab) and a clean soil cap of 12 to 18 inches thick placed on a 2.95-foot wide strip immediately south of the building.
- SSDS: two systems installed in Building #1 (237 – 237 Highland Parkway) and Building #2 (231 Highland Parkway).

All engineering controls for this Site are in accordance with requirements of the Environmental Easement.

3.2 IC/EC Certification

As required, the Site Management Periodic Review Report Notice – Institutional and Engineering Controls Certificate Form has been completed and a copy is provided in **Appendix C**.

4 SITE INSPECTION

Site reconnaissance of the property was performed on May 17, 2023. C&S conducted the site walkover to:

- Perform the annual site inspection, which included:
 - Review previous annual inspections
 - Meet with the site representative to solicit comments/concerns regarding the operation of the Engineering Controls over the past 12 months.
 - Inspection of the property exterior cover system.

4.1 Review of Institutional Controls

The following observations, related to the Site's ICs were noted at the time of the site reconnaissance:

- The site continues to be owned and managed by Highland Plaza. No sale of the property has been made or is currently contemplated. ICs are noted on survey maps of the area are subject to the Environmental Easement.
- No groundwater was observed being used at the property. No potable or groundwater supply wells were observed.
- No new buildings or structures have been constructed at the property.
- No vegetable gardens or farming is being conducted at the property.

4.2 Review of Engineering Controls

The following observations, related to the ECs were noted during the site reconnaissance:

- The inspection of the cap and cover system on May 17, 2023 showed that the existing cap and cover system consisting of the asphalt parking lot, the building slab on grade concrete floor and foundation, and the clean soil cover behind the building has been properly maintained to prevent human exposure to contaminated soil/fill remaining at the site.
- There were no breaches of the asphalt parking lot and concrete sidewalk directly in front of the buildings observed during the site visit on May 17, 2023.
- In order to prevent water coming off the roof flowing back into the building, in October 2022, the Owner installed four 2,500-gallon aboveground water cisterns to collect runoff from the roof. Each cistern was placed on a bedding of crushed stone. No material was excavated for the installation. The system will discharge to the sanitary sewer; however, the connection to the sanitary sewer has not been completed. C&S was not notified of the installation of the water cisterns.
- There were no site intrusive activities into the two-foot-wide clay cap behind the building during this annual reporting period.
- A PE inspected the two SSDSs located in Buildings #1 and #2 on May 12, 2023. The PE has certified that they are operating as designed to mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at the Site.

A Photo Log is provided in **Appendix B**. The PE certification of the SSDS is provided in **Appendix C**.

5 MONITORING PLAN COMPLIANCE REPORT

5.1 Monitoring Plan Requirements

The monitoring plan requires that wells MW 1, MW – 2 and MW – 3 are sampled annually and analyzed for volatile organic compounds (VOCs). Because the Highland Plaza Off-Site Area (Site No. C915293A) is the source of the groundwater contamination, groundwater sampling will be completed periodically by a NYSDEC subcontractor as part of the off-site investigation. Groundwater samples were not collected during this reporting period.

5.2 Summary of Monitoring Completed during Reporting Period

Groundwater samples were not collected by a NYSDEC subcontractor during this reporting period.

5.3 Comparisons with NYSDEC Standard, Criteria and Guidance (SCG)

Groundwater samples were not collected by a NYSDEC subcontractor during this reporting period; therefore, there is no comparison to SCGs. The NYSDEC anticipates sampling to be conducted by the end of 2023.

5.4 Monitoring Deficiencies

Groundwater samples were not collected by a NYSDEC subcontractor during this reporting period. There were no monitoring deficiencies during this reporting period.

5.5 Conclusions and Recommendations

No changes to the monitoring program are recommended at this time. NYSDEC will continue to monitor groundwater contamination as part of the Highland Plaza Off-Site Area site.

The NYSDEC will conduct groundwater monitoring in 2023.

6 OPERATION & MAINTENANCE (O&M) PLAN COMPLIANCE REPORT

6.1 Components of O&M Plan

Inspections and data recording are being conducted as required. Deficiencies are corrected and corrective actions are documented.

6.2 Summary of O & M Completed During Reporting Period

The SSDSs were recently inspected during this reporting period. This certified inspection form is attached as **Appendix D**.

6.3 Evaluation of Remedial Systems

The remedial systems (cap and cover system and SSDSs) have been inspected and are operating as designed. Maintenance performed is routine and not unusual (ex. blower failure). No changes to the remedial systems are recommended at this time.

6.4 Conclusions and Recommendations for Improvements

The remedial systems as designed and operated are functioning properly. There are no recommendations for improvement to the remedial systems, and no changes to the O&M plan are recommended.

7 CONCLUSIONS

7.1 Compliance with Site Management Plan

The requirements of the Site Management Plan appear to be satisfied.

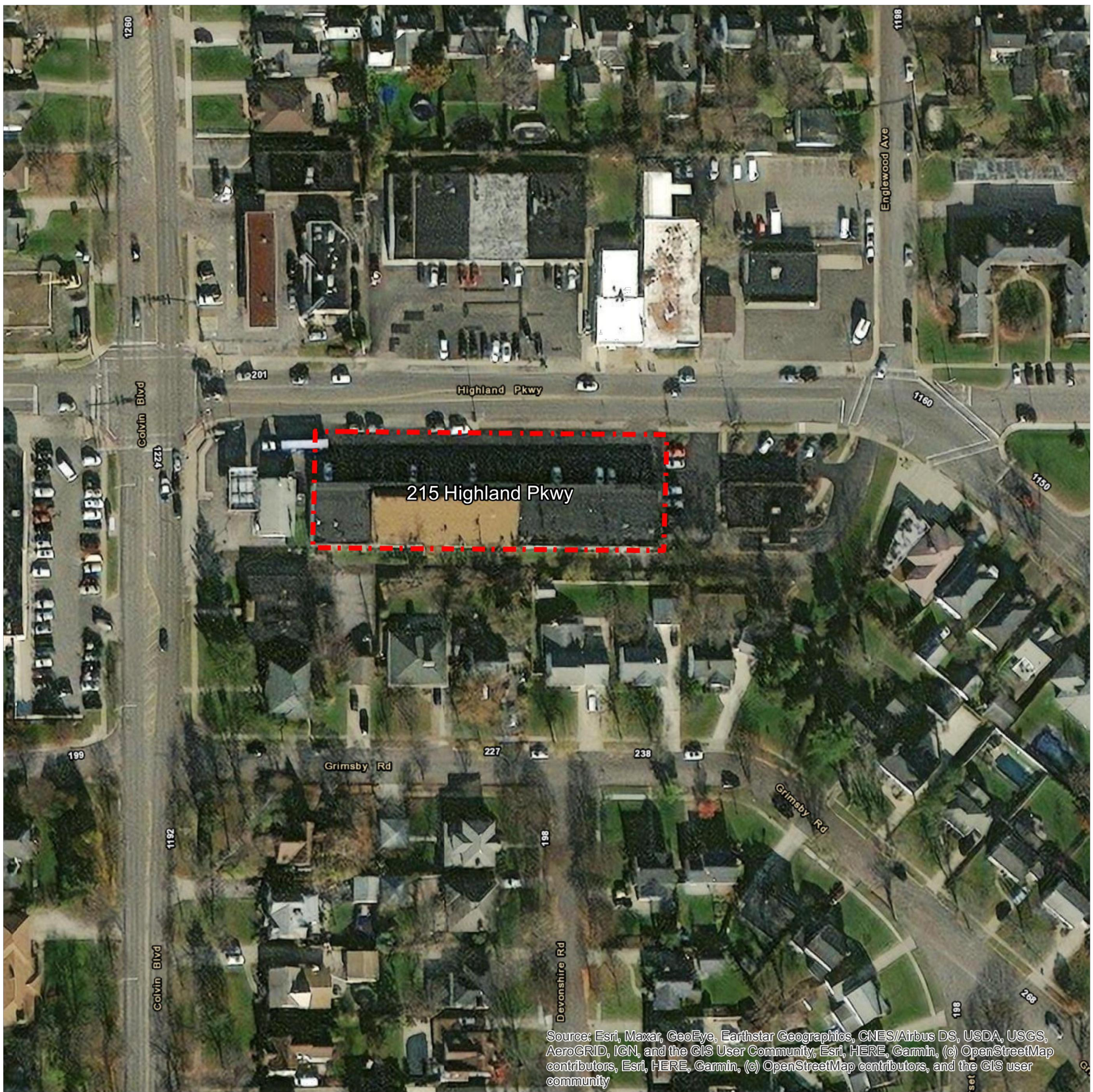
7.2 Performance and Effectiveness of the Remedy

The cover system and SSDS remains fully intact and continues to provide protection for human health and the environment, as designed.

There were no corrective measures implemented during the annual reporting period

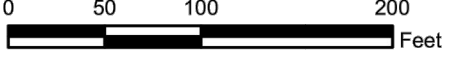
FIGURES

May 20, 2022 - 11:52am
 F:\Project\Y03 - Buffalo Business Park\Y03001002 - SAP Support\Planning-Study\CADD\Sheets\1 SITE LOCATION.dwg



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Legend
 HIGHLAND PLAZA SITE



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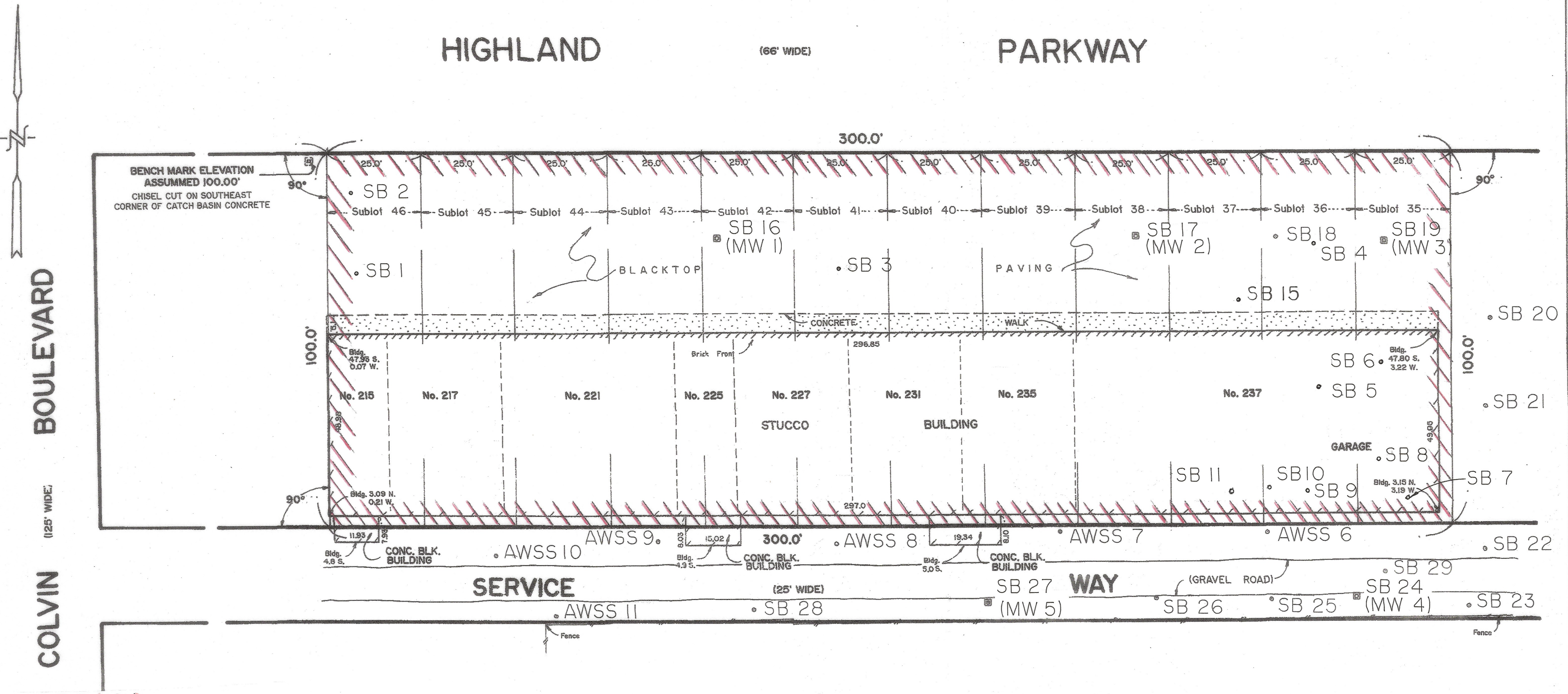
MARK	DATE	DESCRIPTION
REVISIONS		
PROJECT NO: Y03.001.002		
DATE: MAY 2022		
DRAWN BY:		
DESIGNED BY:		
CHECKED BY:		
NO ALTERATION PERMITTED HEREON EXCEPT AS PROVIDED UNDER SECTION 7209 SUBDIVISION 2 OF THE NEW YORK EDUCATION LAW		

**SITE
 LOCATION**

FIGURE 1

REPRODUCTION 142834

HIGHLAND PARKWAY (66' WIDE)



BENCH MARK ELEVATION ASSUMED 100.00'
CHISEL CUT ON SOUTHEAST CORNER OF CATCH BASIN CONCRETE

NOTE:
DELINEATES BROWNFIELD AREA BOUNDARY

NOTE:
Tenant spaces/Addresses are as shown on EGMS Drawing FIGURE 4: RI VAPOR INTRUSIONSAMPLE LOCATIONS SOIL VAPOR INTRUSION INVESTIGATION HIGHLAND PLAZA IN TONAWANDA, N.Y. Dated May 2016

NOTE:
SOIL BORING SB 1 WAS NOT SAMPLED

NOTE:
THE ADDITIONAL SOIL BORING LOCATIONS AND REVISED SOIL BORING LOCATIONS ARE SHOWN ACCORDING TO DIMENSIONS PROVIDED TO OUR FIRM IN A LETTER FROM ENVIRONMENTAL & GEOLOGICAL MANAGEMENT SERVICES, LLC Dated May 15, 2017

NOTE:
SONNENBERGER LAND SURVEYING ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY OF ADDITIONAL AND REVISED SOIL BORING LOCATIONS.



Point Description	Distance East of Northwest Property Corner	Distance South of Northwest Property Corner	Elevation (PVC Pipe)
SB 16 (MW 1)	104.45	22.36	100.51
SB 17 (MW 2)	216.22	22.43	100.18
SB 19 (MW 3)	282.43	24.29	100.08
SB 24 (MW 4)	274.59	119.19	101.45
SB 27 (MW 5)	176.13	120.15	102.06
SB 18	253.63	22.88	
SB20	310.68	44.85	
SB 21	309.38	68.53	
SB 22	309.20	106.52	
SB 23	304.75	121.78	
SB 25	251.83	119.34	
SB 26	221.32	118.93	
SB 28	113.74	121.41	
SB 29	282.23	112.08	
AWSS 6	251.01	101.56	
AWSS 7	195.55	101.02	
AWSS 8	136.09	104.20	
AWSS 9	88.35	102.98	
AWSS 10	45.14	106.68	
AWSS 11	61.17	122.98	

Point Description	Distance East of Northwest Property Corner	Distance South of Northwest Property Corner
SB 1	8'	32.5'
SB 2	6.5'	10'
SB 3	136'	31'
SB 15	242'	39.5'
SB 4	262'	24'

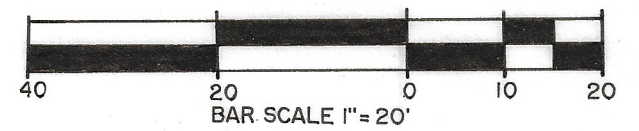
SOIL BORING LOCATIONS ARE APPROXIMATE

Point Description	Distance West of Northeast Building Corner	Distance South of Northeast Building Corner
SB 5	32'	15'
SB 6	15'	8'
SB 7	8'	44'
SB 8	16'	34'
SB 9	35'	43'
SB 10	45'	42'
SB 11	55'	43'

SOIL BORING LOCATIONS ARE ESTIMATED

FIGURE 2 : SITE BASE MAP
HIGHLAND PLAZA
TONAWANDA, NEW YORK

SUBLOTS 35 to 46 INCLUSIVE
MAP COVER 1400
PART OF LOT 33, TOWNSHIP 12, RANGE 8
TOWN OF TONAWANDA
ERIE COUNTY, NEW YORK



SONNENBERGER LAND SURVEYING
60 NIAGARA STREET
BUFFALO, NEW YORK 14202
(716) 854-0159
SonnenbergerLandSurveying.com

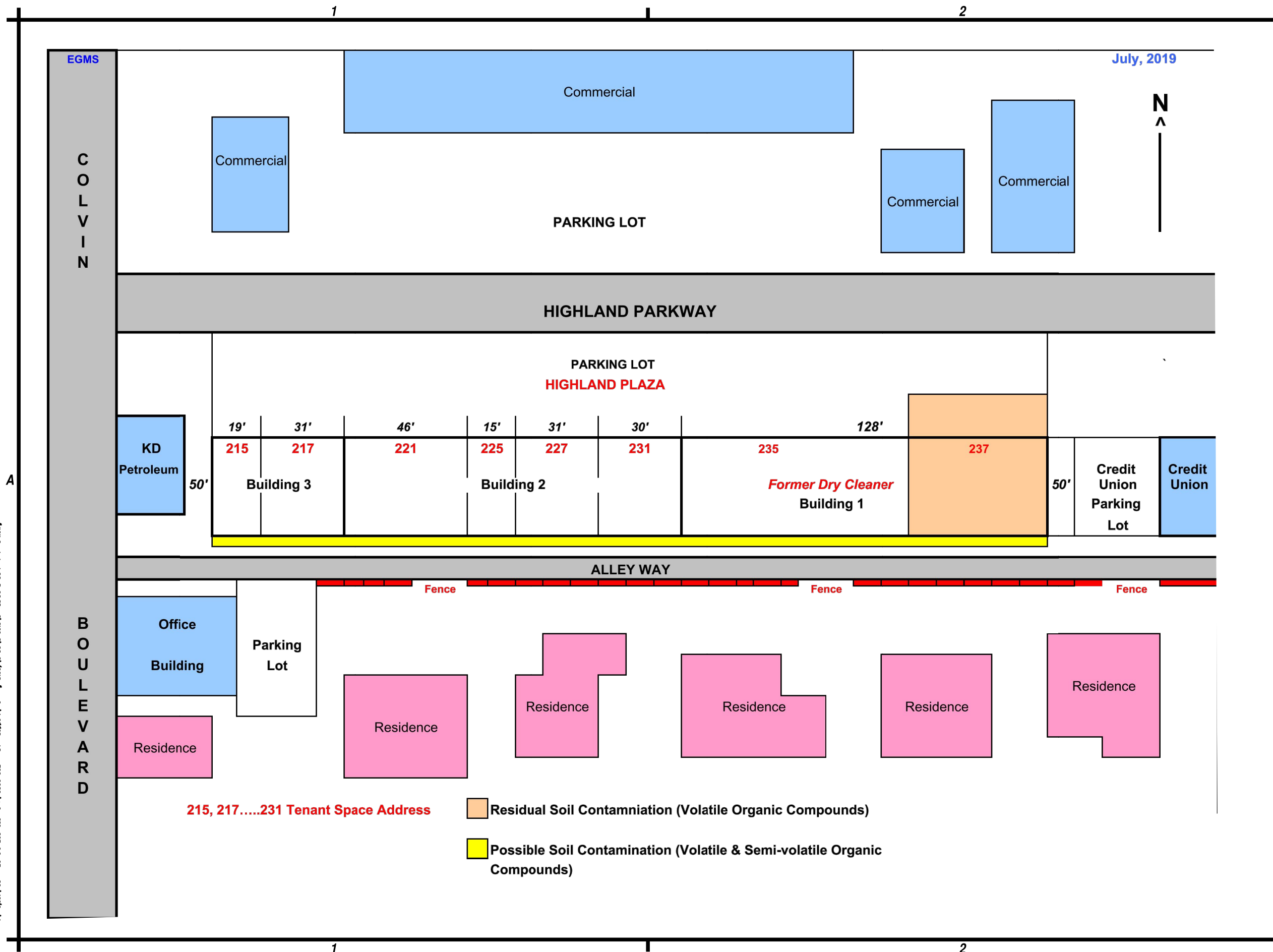
SCALE: 1" = 20' DATE: NOV. 10, 2015

SHEET: 69621 No. 15-221 ATS-1
REVISED 5/20/16 REVISED 5/18/17

Altering any item on this map is in violation of the law, excepting as provided in Section 7205, Part 2 of the New York State Education Law.

This Survey was prepared without the benefit of a current full abstract of title and is subject to any state of facts that may be revealed by an examination of same

May 20, 2022 - 11:52am
 F:\Project\Y03 - Buffalo Business Park\Y03001002 - SAP Support\Planning-Study\CADD\Sheets\3 RESIDUAL CONTAMINATION.dwg



July, 2019



C&S Engineers, Inc.
 141 Elm Street, Suite 100
 Buffalo, New York 14203
 Phone: 716-847-1630
 Fax: 716-847-1454
 www.cscos.com



**HIGHLAND PLAZA
 215 HIGHLAND PARKWAY
 PERIODIC REVIEW REPORT
 BUFFALO, NEW YORK**

MARK	DATE	DESCRIPTION
REVISIONS		
PROJECT NO: Y03.001.002		
DATE: MAY 2022		
DRAWN BY:		
DESIGNED BY:		
CHECKED BY:		
NO ALTERATION PERMITTED HEREON EXCEPT AS PROVIDED UNDER SECTION 7209 SUBDIVISION 2 OF THE NEW YORK EDUCATION LAW		

**RESIDUAL
 SITE SOIL
 CONTAMINATION**

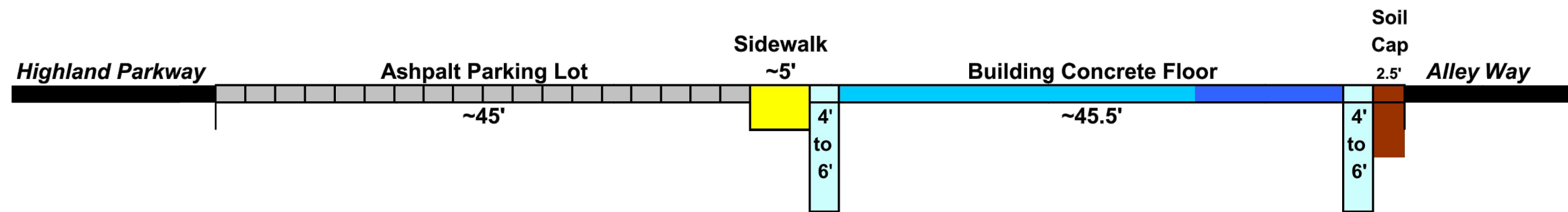
FIGURE 3

EGMS

July, 2019

HIGHLAND PLAZA

Looking East



- Highland Parkway and Alley Way
- Asphalt Parking Lot (~ 4 Inches Thick)
- Sidewalk (Variable Thickness from 4 to 18 Inches)
- Building Foundation (Variable Thickness from 4 to 6 Feet)
- Building Concrete Floor (~ 4 Inches Thick)
- Soil Cap (Variable Thickness from 12 to 24 Inches)



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HIGHLAND PLAZA
215 HIGHLAND PARKWAY
PERIODIC REVIEW REPORT
BUFFALO, NEW YORK

MARK	DATE	DESCRIPTION

REVISIONS	
PROJECT NO:	Y03.001.002
DATE:	MAY 2022
DRAWN BY:	
DESIGNED BY:	
CHECKED BY:	

NO ALTERATION PERMITTED HEREON EXCEPT AS PROVIDED UNDER SECTION 7209 SUBDIVISION 2 OF THE NEW YORK EDUCATION LAW

PROFILE OF CAP AND COVER SYSTEM

FIGURE 4

May 20, 2022 - 11:52am
 F:\Project\Y03 - Buffalo Business Park\Y03001002 - SAP Support\Planning-Study\CADD\Sheets\4 PROFILE COVER SYSTEM.dwg

EGMS

July, 2019

COMMERCIAL PROPERTIES

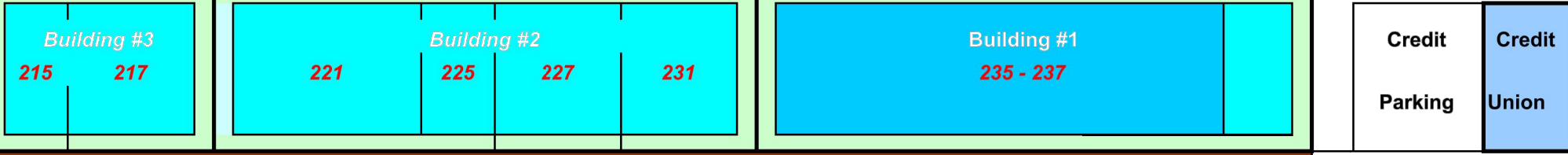


GOLVIN

HIGHLAND PARKWAY

HIGHLAND PLAZA
Parking Lot
~ 300' X 45'

KD
Petroleum



ALLEY WAY

Fence

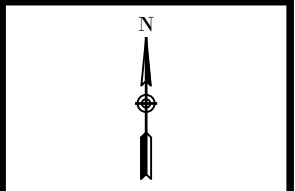
Fence

RESIDENTIAL PROPERTIES

215, 217.....231 Tenant Space Address

- Highland Parkway and Alley Way
- Asphalt Parking Lot (~ 4 Inches Thick; ~ 300 Feet x ~ 45 Feet)
- Sidewalk (Variable Thickness from 4 to 18 Inches; ~300 Feet x ~ 5 Feet)
- Building Foundation (Variable Thickness - 4 to 6 Feet; ~ 1.5 Feet x ~ 47.5 Feet x 297')
- Building Old Concrete Floor (~ 4 inches thick; ~ 45.5 feet x 201 Feet)
- Building New Concrete Floor (~ 4 inches thick; ~ 45.5 feet x 96 Feet)
- Soil Cap (Variable thickness from 12 to 24 inches; ~ 300 Feet x 2.95 Feet)

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Fax: 716-847-1454
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HIGHLAND PLAZA
215 HIGHLAND PARKWAY
PERIODIC REVIEW REPORT
BUFFALO, NEW YORK

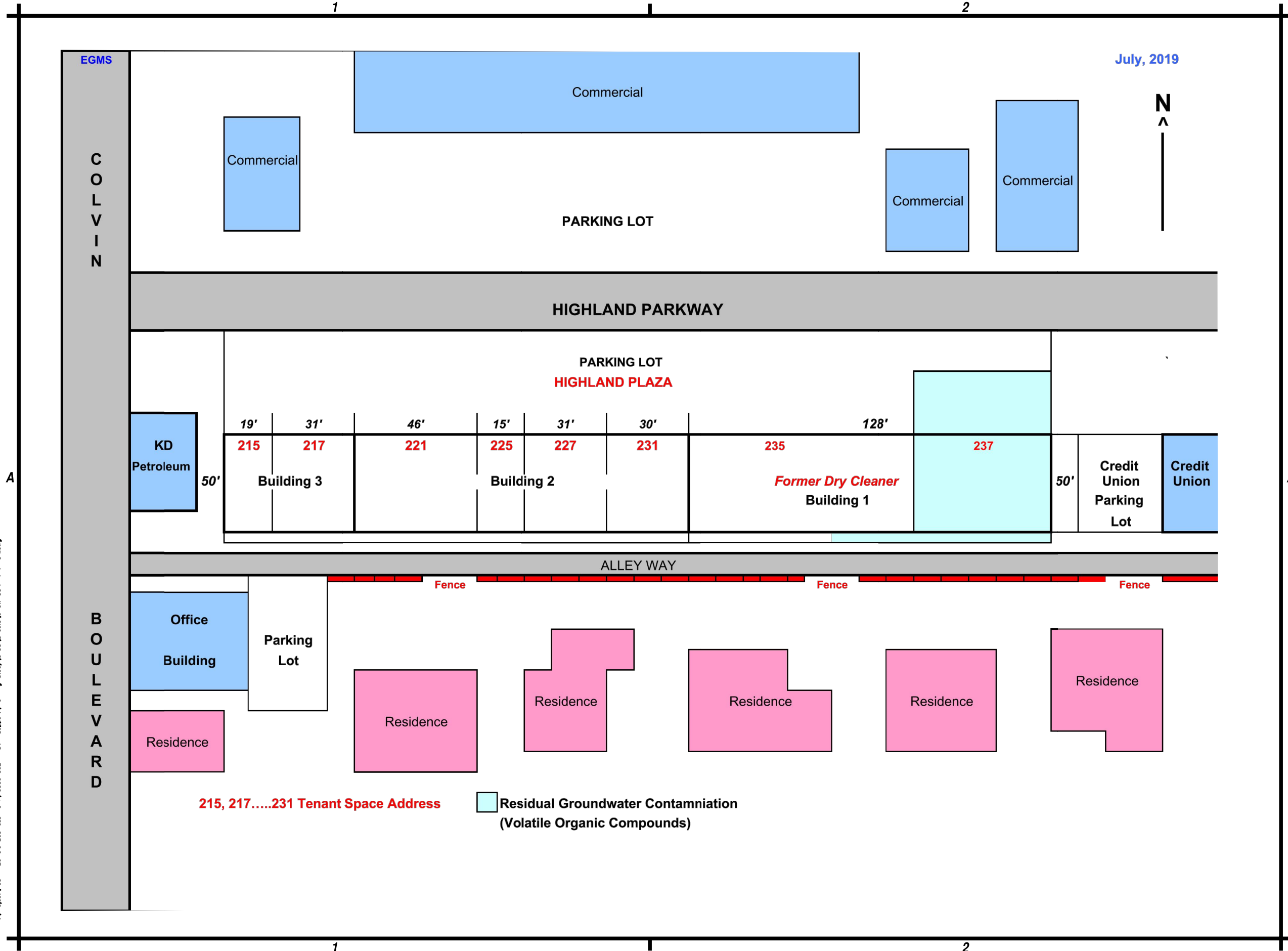
MARK	DATE	DESCRIPTION
REVISIONS		
PROJECT NO: Y03.001.002		
DATE: MAY 2022		
DRAWN BY:		
DESIGNED BY:		
CHECKED BY:		
NO ALTERATION PERMITTED HEREON EXCEPT AS PROVIDED UNDER SECTION 7209 SUBDIVISION 2 OF THE NEW YORK EDUCATION LAW		

PLANVIEW
OF CAP AND
COVER
SYSTEM

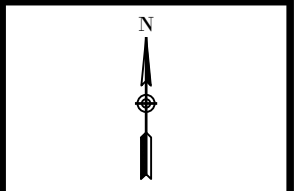
FIGURE 5

May 20, 2022 - 11:52am
 F:\Project\Y03 - Buffalo Business Park\Y03001002 - SAP Support\Planning-Study\CADD\Sheets\3 PLAN COVER SYSTEM.dwg

May 20, 2022 - 11:52am
 F:\Project\Y03 - Buffalo Business Park\Y03001002 - SAP Support\Planning-Study\CADD\Sheets\6 OF CONTAMINATION.dwg



C&S COMPANIES
 C&S Engineers, Inc.
 141 Elm Street, Suite 100
 Buffalo, New York 14203
 Phone: 716-847-1630
 Fax: 716-847-1454
 www.cscos.com



**HIGHLAND PLAZA
 215 HIGHLAND PARKWAY
 PERIODIC REVIEW REPORT
 BUFFALO, NEW YORK**

MARK	DATE	DESCRIPTION
REVISIONS		
PROJECT NO: Y03.001.002		
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DRAWN BY:		
DESIGNED BY:		
CHECKED BY:		
NO ALTERATION PERMITTED HEREON EXCEPT AS PROVIDED UNDER SECTION 7209 SUBDIVISION 2 OF THE NEW YORK EDUCATION LAW		

**RESIDUAL SITE
 GROUNDWATER
 CONTAMINATION**

FIGURE 6

EGMS

July, 2019

C O L V I N

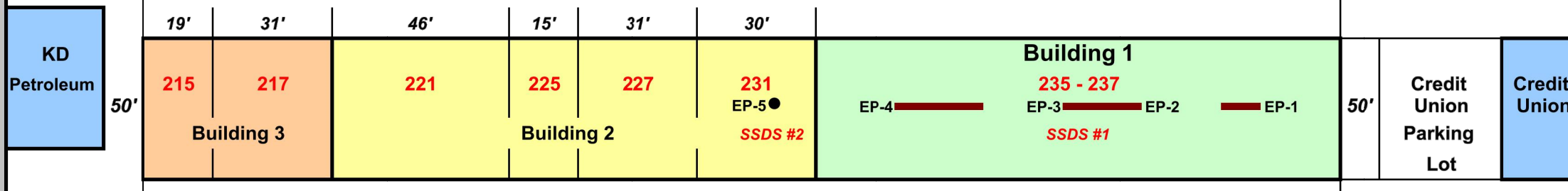


PARKING LOT

HIGHLAND PARKWAY

PARKING LOT
HIGHLAND PLAZA

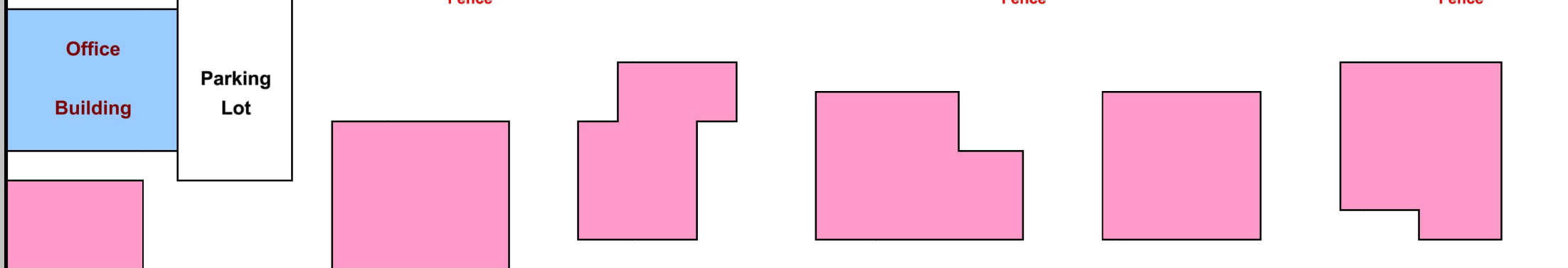
128'



ALLEY WAY

Fence Fence Fence

B O U L E V A R D

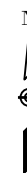


- Building 1
 - Building 2
 - Building 3
 - Residence
 - Commercial Building
- 215, 217.....231 Tenant Space Address**

- SSDS with separate blowers
- EP Blower/Fan Location



C&S Engineers, Inc.
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HIGHLAND PLAZA
215 HIGHLAND PARKWAY
PERIODIC REVIEW REPORT
BUFFALO, NEW YORK

MARK	DATE	DESCRIPTION
REVISIONS		
PROJECT NO: Y03.001.002		
DATE: MAY 2022		
DRAWN BY:		
DESIGNED BY:		
CHECKED BY:		
NO ALTERATION PERMITTED HEREON EXCEPT AS PROVIDED UNDER SECTION 7209 SUBDIVISION 2 OF THE NEW YORK EDUCATION LAW		

LOCATION
OF SSD
SYSTEMS

FIGURE 7

APPENDICES

APPENDIX A

ENVIRONMENTAL EASEMENT

THOMAS WHISSEL
ATTORNEY AND COUNSELOR AT LAW
80 WEST HURON STREET
BUFFALO, NEW YORK 14202

AUG 28 2017

OFFICE TELEPHONE - (716) 852-2025
FAX NO. - (716) 852-8013

August 24, 2017

Andrew Guglielmi, Associate Attorney
NYS Dept. of Environmental Conservation
Bureau of Remediation
625 Broadway, 14th Floor
Albany, New York 12233-1500

Re: 215 Highland Parkway
Tonawanda, New York
Site No. C915293
Owner: Gary Crewson

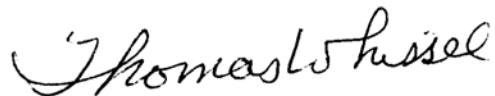
Dear Mr. Guglielmi:

Thank you for your correspondence of August 14, 2017. Per your instructions, I enclose herewith a copy of the recorded easement with a copy of the recording receipt from the Erie County Clerk's Office attached which shows the document was recorded on August 22, 2017 in Book 11317 at page 6208.

Also enclosed is a copy of my letter to the Office of the Town Clerk of the Town of Tonawanda providing a copy of the recorded easement. This letter was mailed by certified mail, return receipt requested and a copy of the certified mail receipt from the US Postal Service is attached to this letter.

Should anything further be required, please advise.

Very truly yours,



THOMAS WHISSEL

TW/lms
Enc.

cc: Mr. Gary Crewson

PEGGY A. LAGREE, ACTING ERIE COUNTY CLERK
REF:

DATE: 8/22/2017
TIME: 1:39:03 PM
RECEIPT: 17146235

THOMAS WHISSEL
ACCOUNT #: 0

ITEM - 01 785
RECD: 8/22/2017 1:46:55 PM
FILE: 2017168610 BK/PG D 11317/6208
Deed Sequence: TT2017001627
CREWSON GARY
PEOPLE OF THE STATE OF NEW YORK (THE)
Recording Fees 90.00
TP584 10.00

Subtotal 100.00

TOTAL DUE	\$100.00
PAID TOTAL	\$100.00
PAID CHECK	\$100.00
Check #16821:	100.00

REC BY: Donna G
COUNTY RECORDER

FILED

ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW

AUG 22 2017
ERIE COUNTY
CLERK'S OFFICE

THIS INDENTURE made this 3RD day of August, 2017, between Owner(s) Gary Crewson, having an address of 5387 Oakridge Drive, Hamburg, New York 14075, County of Erie, State of New York (the "Grantor"), and The People of the State of New York (the "Grantee."), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of real property located at the address of 215 Highland Parkway in the Town of Tonawanda, County of Erie and State of New York, known and designated on the tax map of the County Clerk of Erie as tax map parcel numbers: Section 66.57 Block 2 Lot 8.11, being the same as that property conveyed to Grantor by deed dated December 18, 2014 and recorded in the Erie County Clerk's Office in Liber and Page 11279/9309. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 0.690 +/- acres, and is hereinafter more fully described in the Land Title Survey dated April 14, 2017 prepared by Francis X. Metzger, L.L.S. of Sonnenberger Land Surveying, which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is

extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of Brownfield Cleanup Agreement Index Number: C915293-04-15, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement").

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

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)

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Erie County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(5) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(6) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(7) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

(9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;

(10) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential or Restricted Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i) and (ii), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

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 Environmental Conservation

Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:
(i) are in-place;
(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against

the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to: Site Number: C915293
Office of General Counsel
NYSDEC
625 Broadway
Albany New York 12233-5500

With a copy to: Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the

recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

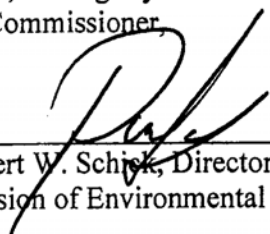
9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

Remainder of Page Intentionally Left Blank

THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner.

By:

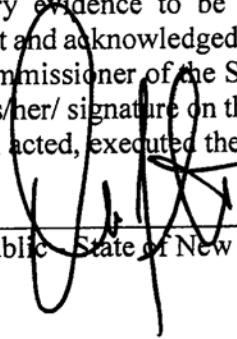


Robert W. Schick, Director
Division of Environmental Remediation

Grantee's Acknowledgment

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

On the 3rd day of August, in the year 2017, before me, the undersigned, personally appeared Robert W. Schick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public, State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2018

SCHEDULE "A" PROPERTY DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Tonawanda, County of Erie and State of New York, being part of Lot No. 33, Township 12, Range 6 of the Holland Land Company's Survey and being Sublot Nos. 35 to 46 inclusive, under Map Cover 1400 according to a map of Highland Park filed in the Erie County Clerk's Office and more particularly described as follows:

COMMENCING at the intersection of the east line of Colvin Boulevard (125 feet wide) with the south line of Highland Parkway (66 feet wide);

Thence easterly along the south line of Highland Parkway a distance of eighty (80.0) feet to the true POINT OF BEGINNING;

Thence easterly along the south line of Highland Parkway a distance of three hundred (300.0) feet to a point;

Thence southerly at right angles to the said south line of Highland Parkway a distance of (100.0) feet to a point;

Thence westerly and parallel with the south line of Highland Parkway a distance of three hundred (300.0) feet to a point;

Thence northerly at right angles to the last described line a distance of one hundred (100.0) feet to the true POINT OF BEGINNING.

Containing 0.69 ± Acre.

THOMAS WHISSEL
ATTORNEY AND COUNSELOR AT LAW
80 WEST HURON STREET
BUFFALO, NEW YORK 14202

OFFICE TELEPHONE - (716) 852-2025
FAX NO. - (716) 852-8013

August 23, 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

A rectangular stamp with the word "COPY" in a large, outlined, sans-serif font. To the left of the word is a small square icon containing the letters "CC".

Office of the Town Clerk
Town of Tonawanda
2919 Delaware Avenue
Room 14
Kenmore, New York 14217

Re: 215 Highland Parkway
Tonawanda, New York

Ladies and Gentlemen:

I am the attorney for Gary Crewson, the owner of property at 215 Highland Parkway, Tonawanda, New York.

Recently, Mr. Crewson provided an environmental easement to the State of New York, Department of Environmental Conservation. That easement is dated August 3, 2017 and was recorded in the Erie County Clerk's Office on August 22, 2017 in Book 11317 of Deeds at page 6208.

At the direction of the Department of Environmental Conservation, I enclose herewith a copy of the easement that was recorded in August 22, 2017. I also enclose a copy of the recording receipt issued by the Erie County Clerk.

Should you need additional information, please advise.

Very truly yours,

THOMAS WHISSEL

TW/lms
Enc.

cc: Gary Crewson

7009 1410 0007 9394 4666 2934

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$3.85
Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$7.50



Crews on Highland

Sent To Office of Town Clerk
Town of Tonawanda
 Street, Apt. No. or PO Box No. 2919 Delaware Ave., Room 14
 City, State, Zip+4 Kenmore, NY 14217

THOMAS WHISSEL
ATTORNEY AND COUNSELOR AT LAW
80 WEST HURON STREET
BUFFALO, NEW YORK 14202

OFFICE TELEPHONE - (716) 852-2025
FAX NO - (716) 852-8013

April 20, 2017

HAND DELIVERED

Mr. Gary Crewson
Buffalo Business Park, Inc.
1800 Broadway
Buffalo, New York 14212

Re: 215 Highland Parkway

Dear Gary:

Enclosed herewith please find a copy of my correspondence to attorney Burns dated April 18, 2017 along with copies of the items enclosed in that correspondence.

Please note that Form TP-584 must be signed by you and delivered to attorney Burns.

Also enclosed is a photocopy of the tax map maintained by the Town of Tonawanda. The premises on Highland Parkway are highlighted on that tax map.

Finally, I enclose four prints of the revised survey map of the premises now dated April 14, 2017.

Very truly yours,



THOMAS WHISSEL

TW/lms
Enc.

THOMAS WHISSEL
ATTORNEY AND COUNSELOR AT LAW
80 WEST HURON STREET
BUFFALO, NEW YORK 14202

OFFICE TELEPHONE - (716) 852-2025
FAX NO. - (716) 852-8013

April 18, 2017

FEDERAL EXPRESS

Bradford D. Burns, Senior Attorney
NYS Dept. of Environmental Conservation
Office of General Counsel
625 Broadway, 14th Floor
Albany, New York 12233-1500

Re: 215 Highland Parkway
Tonawanda, New York
Site No. C915293
Owner: Gary Crewson

Dear Mr. Burns:

I apologize for the delay in responding to you. Due to a prolonged illness, my time in the office has been somewhat limited.

The owner of the premises, Gary Crewson, will be coming to Albany on Friday, April 21, 2017. He will bring with him a revised and enlarged survey map and hard copies of the environmental Easement Checklist and the Notice to Municipality and Form TP-584.

For your convenience, I am enclosing herewith the following:

1. Copy of Environmental Easement Checklist.
2. Copy of proposed Notice to Municipality.
3. Copy of metes and bounds description prepared by the land surveyor.
4. Copy of deed conveying premises to Mr. Crewson.
5. Form TP-584.

Under separate cover, I will forward to you a copy of the tax map issued by the Town of Tonawanda Assessor's Office. I expect to be able to forward that tomorrow.

Thank you for your attention.

Very truly yours,

THOMAS WHISSEL

TW/lms
Enc.

BOX 178

CORPORATE WARRANTY DEED

THIS INDENTURE, made the 18th day of December, Two Thousand Fourteen

BETWEEN, HIGHLAND PLAZA MANAGEMENT, INC., a corporation organized under the Laws of the State of New York, and having its place of business at 215 Highland Parkway, Tonawanda, County of Erie and State of New York,

party of the first part, and

GARY CREWSON, residing at 5387 Oakridge Drive, Hamburg, New York 14075

party of the second part.

WITNESSETH that the party of the first part, in consideration of ----One and More---Dollars (\$1.00 & more), lawful money of the United State, paid by the party of the second part, does hereby grant and release unto the said party of the second part,

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Tonawanda, County of Erie and State of New York, being part of Lot No. 33, Township 12, Range 8 of the Holland Land Company's Survey and according to a map of Highland Park filed in Erie County Clerk's Office under Cover No. 1400 and known and distinguished as Subdivision Lots Nos. 35 through 46, inclusive.

TOGETHER with the appurtenances and all the estate and rights of the said party of the first part in and to the said premises.

TO HAVE AND TO HOLD, the above granted premises unto the said party of the second part, and assigns forever.

AND the said party of the first part does covenant with the said party of the second part as follows:

FIRST. - That the party of the second part shall quietly enjoy the said premises.

SECOND. - That the said party of the first part will forever **WARRANT** the title to said premises.

THIRD. - Subject to the trust fund provisions of section thirteen of the lien law.

FILED
MAY 22 2015
ERIE COUNTY
CLERK'S OFFICE

THAT THIS CONVEYANCE is not of all or substantially all of the property of the party of the first part and is made in the regular course of business actually conducted by the party of the first part.

IN WITNESS WHEREOF, The said party of the first part has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer the day and year first above written.

IN PRESENCE OF

HIGHLAND PLAZA MANAGEMENT INC.

By: J. Lachut VP (L.S.)
JANET LACHUT, Vice-President

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the 18 day of December, in the year 2014 before me, the undersigned, a Notary Public in and for said State, personally appeared JANET LACHUT, Vice-President of Highland Plaza Management, Inc., 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 she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Charles Patrick Bridge
NOTARY PUBLIC

CHARLES PATRICK BRIDGE
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 12/31/20 17

METES AND BOUNDS DESCRIPTION
215 - 237 HIGHLAND PARKWAY
TONAWANDA, NEW YORK

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Tonawanda, County of Erie and State of New York, being part of Lot No. 33, Township 12, Range 6 of the Holland Land Company's Survey and being Sublot No.s 35 to 46 inclusive, under Map Cover 1400 according to a map of Highland Park filed in the Erie County Clerk's Office and more particularly described as follows:

COMMENCING at the intersection of the east line of Colvin Boulevard (125 feet wide) with the south line of Highland Parkway (66 feet wide);

Thence easterly along the south line of Highland Parkway a distance of eighty (80.0) feet to the true POINT OF BEGINNING;

Thence easterly along the south line of Highland Parkway a distance of three hundred (300.0) feet to a point;

Thence southerly at right angles to the said south line of Highland Parkway a distance of one hundred (100.0) feet to a point;

Thence westerly and parallel with the south line of Highland Parkway a distance of three hundred (300.0) feet to a point;

Thence northerly at right angles to the last described line a distance of one hundred (100.0) feet to the true POINT OF BEGINNING.

Containing 0.69 ± Acre

NOTICE TO MUNICIPALITY

Marguerite Greco, Town Clerk
Town of Tonawanda
2910 Delaware Avenue
Kenmore, New York 14217

Re: Environmental Easement

Dear Sir or Madam:

Attached please find a copy of an environmental easement granted to the New York State Department of Environmental Conservation ("Department")

on _____,
by _____,
for property at 215 Highland Parkway,
Tax Map No. _____,
DEC Site No. _____.

This environmental easement restricts future use of the above-referenced property to restricted (residential, commercial or industrial) _____ uses. Any on-site activity must be done in accordance with the Environmental Easement and the Site Management Plan which is incorporated into the 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,

**ENVIRONMENTAL EASEMENT
CHECKLIST/CERTIFICATION
SITE No. C915293**

The following requirements and attachments must be included as part of the submission to the Department for an Environmental Easement. Upon completion of the review, an attorney must sign the checklist indicating that they have fully completed the checklist. The Department will not accept submissions which have not been signed as being accurate and complete by both the Remedial Party and Attorney. Where the property owner is not the Remedial Party, the Department also requires the Owner to sign the checklist.

1) Special Circumstances

The last owner search was completed and the deed transfer is by Quit Claim or other restricted transfer deed Yes No

The property in the Brownfield Cleanup Agreement includes lands under water Yes No

The property has multiple owners Yes No

If you answered "Yes" to any of these items, contact the Department's Environmental Easement contact person for a determination as to whether further title work is necessary.

2) Verification of ownership of the property

- Submit documentation (such as a corporate resolution) that the signatory on the easement has authority to sign the Easement
- Ownership of the property matches the current deed.
- Verification reviewed and included for authority to sign Easement.
- Updated copies of legal organizational documents have been reviewed and are included. Examples of the appropriate documentation will include, for:
 - corporations: articles of incorporation, organizational agreements, minutes of annual meetings, resolutions, authorities for signature;
 - partnerships: a copy of the partnership agreement; verification that necessary parties are participating in the Easement;
 - trusts: trust agreement, affidavit of no change in the trust; and
 - estates: estate letters, powers of attorney.

3) Verification of Property Subject to Easement

- Description of the property for the Easement and DEC Agreement/Order/SAC matches description of property in the deed (Separate submittal must be included to explain to the satisfaction of the Department why there is any discrepancy).
- The Tax Map identifier (SBL) matches on all documents.

4) Survey Review

- Survey includes metes and bounds description.
- Survey includes a graphic scale.
- Survey includes Tax Map Section, Block and Lot.
- Survey includes physical address and is consistent with the DEC Agreement/Order/SAC.
- The survey must bear the name, address, telephone number, signature and certification of the professional land surveyor who performed the survey, his or her official seal and registration number, the date the survey was completed, the dates of all of the surveyor's revisions.
- The survey boundaries must be drawn to a convenient scale, with that scale clearly indicated. A graphic scale, shown in feet and meters, must be included.
- The symbols and abbreviations that are used on the survey must be identified by the use of a legend.
- Diagrams must be accurately presented.
- The point of beginning of the legal description must be shown.
- The legal description must be correct.
- The legal description must state the acreage.
- If the deed(s) description differs from the measured bearings/angles/distances, both must be indicated on the survey.
- The survey must show the location of all buildings/monuments/overlaps/encroachments upon the surveyed property with their locations defined by measurement perpendicular to the nearest perimeter boundaries.
- The survey must depict the location of visible improvements within five feet of each side of boundary lines.
- The survey must show ponds, lakes, springs, rivers or a natural water boundary bordering on or running through the surveyed property; the survey must measure the location of the natural water boundary and note on the survey the date of the measurement.
- The survey must correctly depict the environmental easement area with corresponding metes & bounds description and acreage, and include the following sentence: "*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. The engineering and institutional controls for this Easement are set forth in the Site Management Plan (SMP). A copy of the SMP must be obtained by any party with an interest in the property. The SMP can be obtained from NYS Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at derweb@dec.ny.gov*". This reference must be located on the face of the survey and be in at least 15-point type.
- If the survey consists of more than one sheet, sheets must be numbered and the total number of sheets must be indicated on each sheet.

- In addition to county-specific requirements, submittal of the approved survey to the Department must include the following:
 - A "D" sized copy (24" x 36") of the final signed, stamped map
 - A 600 DPI scan of the final signed, stamped map
 - An Autocad .dwg or exported .dxf file of the polyline (at a minimum) of the final survey

5) Submissions

- The Environmental Easement Package being submitted to the Department includes the applicable documents set forth in Attachment A.

PLEASE READ THE FOLLOWING CAREFULLY

The Remedial Party and the Remedial Party's attorney understand and acknowledge that the New York State Department of Environmental Conservation will rely on each and every answer in this statement: (1) to determine whether the Easement Package can be reviewed in a timely fashion; and (2) to determine whether the Easement Package should be approved. The Remedial Party and the Remedial Party's attorney understand and acknowledge that any false statement or misrepresentation herein will constitute cause for the revocation of the Certificate of Completion issued in reliance on this checklist and accompanying documentation. The Remedial Party and the Remedial Party's attorney further acknowledge that the failure to provide the Department with valid and enforceable Environmental Easement on the property may be grounds for the Department to revoke any Certificate of Completion for the site.

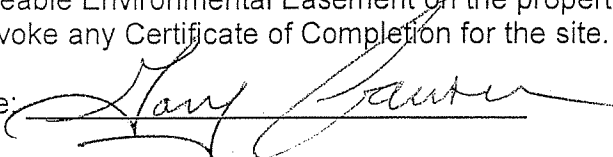
Statement of Certification and Signatures

I have reviewed the information being submitted in relation to this Environmental Easement and this information, to the best of my knowledge and belief, is accurate and correct. I further acknowledge that the failure to provide the Department with valid and enforceable Environmental Easement on the property may be grounds for the Department to revoke any Certificate of Completion for the site.

1) By Remedial Party:

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 further acknowledge that the failure to provide the Department with valid and enforceable Environmental Easement on the property may be grounds for the Department to revoke any Certificate of Completion for the site.

Date: July 13, 2016 Signature: _____

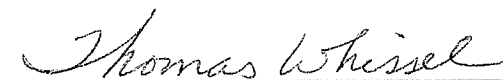


Print Name: GARY CREWSON

2) By Remedial Party's Attorney:

I hereby affirm that I am the attorney for GARY CREWSON (entity); that I am authorized by that entity to make this certification; that this certification 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.

Date: JULY 13 2016 Signature: _____



Print Name: THOMAS WHISSEL

Attachment

Attachment A

Documents required to be sent in hard copy with electronic formats copied to the Project Manager and Project Attorney for a complete Environmental Easement package:

- 1) Copy(ies) of current deed(s) and supporting title documentation (see Department Title Requirements).
- 2) Copy of tax map.
- 3) Proof of authority to obligate owner of property as set forth in "Verification of ownership of property" on the Easement checklist.
- 4) Legal description of the easement area, electronic copy to be in an electronic text format (i.e., MS Word or Rich Text Format).
- 5) One full-sized, signed Survey and an electronic Survey submitted as a fully rendered PDF (not scanned).
- 6) A draft Notice to Municipality, with appropriate site-specific provisions.
- 7) Easement Checklist with certification signed by Remedial Party and Remedial Party's attorney.
- 8) Signed transfer tax forms (TP-584 or ACRIS Forms).

Hard copy submission shall be sent to:

Bradford Burns, Esq.
New York State Department of Environmental Conservation
Office of General Counsel
625 Broadway
Albany, NY 12233-1500

Schedule B – Real estate transfer tax return (Tax Law, Article 31)

Part I – Computation of tax due

- 1 Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, check the exemption claimed box, enter consideration and proceed to Part III) **Exemption claimed**
- 2 Continuing lien deduction (see instructions if property is taken subject to mortgage or lien)
- 3 Taxable consideration (subtract line 2 from line 1)
- 4 Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3
- 5 Amount of credit claimed for tax previously paid (see instructions and attach Form TP-584.1, Schedule G)
- 6 Total tax due* (subtract line 5 from line 4)

1.		
2.		
3.	0	
4.		
5.		
6.	0	

Part II – Computation of additional tax due on the conveyance of residential real property for \$1 million or more

- 1 Enter amount of consideration for conveyance (from Part I, line 1)
- 2 Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A) ...
- 3 Total additional transfer tax due* (multiply line 2 by 1% (.01))

1.		
2.		
3.		

Part III – Explanation of exemption claimed on Part I, line 1 (check any boxes that apply)

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, the state of New York, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada) a
- b. Conveyance is to secure a debt or other obligation..... b
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance..... c
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts d
- e. Conveyance is given in connection with a tax sale..... e
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F..... f
- g. Conveyance consists of deed of partition..... g
- h. Conveyance is given pursuant to the federal Bankruptcy Act h
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property i
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment..... j
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, section 1401(e) (attach documents supporting such claim) k

*The total tax (from Part I, line 6 and Part II, line 3 above) is due within 15 days from the date conveyance. Please make check(s) payable to the county clerk where the recording is to take place. If the recording is to take place in the New York City boroughs of Manhattan, Bronx, Brooklyn, or Queens, make check(s) payable to the **NYC Department of Finance**. If a recording is not required, send this return and your check(s) made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

Schedule C – Credit Line Mortgage Certificate (Tax Law, Article 11)

Complete the following only if the interest being transferred is a fee simple interest.

I (we) certify that: (check the appropriate box)

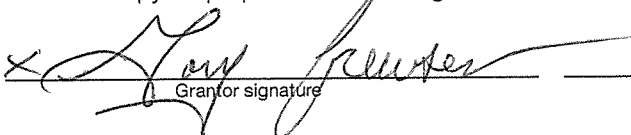
1. The real property being sold or transferred is not subject to an outstanding credit line mortgage.
 2. The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
 - The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
 - The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
 - The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
 - The maximum principal amount secured by the credit line mortgage is \$3,000,000 or more, and the real property being sold or transferred is **not** principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

Please note: for purposes of determining whether the maximum principal amount secured is \$3,000,000 or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

 - Other (attach detailed explanation).
3. The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
 - A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
 - A check has been drawn payable for transmission to the credit line mortgagee or his agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
 4. The real property being transferred is subject to an outstanding credit line mortgage recorded in _____ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is _____. No exemption from tax is claimed and the tax of _____ is being paid herewith. (Make check payable to county clerk where deed will be recorded or, if the recording is to take place in New York City but not in Richmond County, make check payable to the **NYC Department of Finance**.)

Signature (both the grantor(s) and grantee(s) must sign)

The undersigned certify that the above information contained in schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of his/her knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

 _____ Grantor signature	_____ Title	_____ Grantee signature	_____ Title
_____ Grantor signature	_____ Title	_____ Grantee signature	_____ Title

Reminder: Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you checked e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place or, if the recording is in the New York City boroughs of Manhattan, Bronx, Brooklyn, or Queens, to the **NYC Department of Finance**? If no recording is required, send your check(s), made payable to the **Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

Schedule D - Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, section 663)

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.


If the property is being conveyed by a referee pursuant to a foreclosure proceeding, proceed to Part II, and check the second box under Exemptions for nonresident transferor(s)/seller(s) and sign at bottom.

Part I - New York State residents

If you are a New York State resident transferor(s)/seller(s) listed in Schedule A of Form TP-584 (or an attachment to Form TP-584), you must sign the certification below. If one or more transferors/sellers of the real property or cooperative unit is a resident of New York State, each resident transferor/seller must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

Certification of resident transferor(s)/seller(s)

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law, section 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature 	Print full name GARY CREWSON	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

Note: A resident of New York State may still be required to pay estimated tax under Tax Law, section 685(c), but not as a condition of recording a deed.

Part II - Nonresidents of New York State

If you are a nonresident of New York State listed as a transferor/seller in Schedule A of Form TP-584 (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law, section 663(c), check the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor(s)/seller(s), that transferor(s)/seller(s) is not required to pay estimated personal income tax to New York State under Tax Law, section 663. Each nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on page 1 of Form TP-584-I.

Exemption for nonresident transferor(s)/seller(s)

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law, section 663 due to one of the following exemptions:

- The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from _____ Date to _____ Date (see instructions).
- The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- The transferor or transferee is an agency or authority of the United States of America, an agency or authority of the state of New York, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Tonawanda, County of Erie and State of New York, being part of Lot No. 35, Township 12, Range 6 of the Holland Land Company's Survey and being Sublot No. 35 to 46 inclusive, under Map Cover 1400 according to a map of Highland Park filed in the Erie County Clerk's Office and more particularly described as follows:

COMMENCING at the intersection of the east line of Colvin Boulevard (125 feet wide) with the south line of Highland Parkway (66 feet wide);

Thence easterly along the south line of Highland Parkway a distance of eighty (80.0) feet to the true POINT OF BEGINNING;

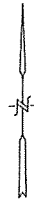
Thence easterly along the south line of Highland Parkway a distance of three hundred (300.0) feet to a point;

Thence southerly at right angles to the said south line of Highland Parkway a distance of one hundred (100.0) feet to a point;

Thence westerly and parallel with the south line of Highland Parkway a distance of three hundred (300.0) feet to a point;

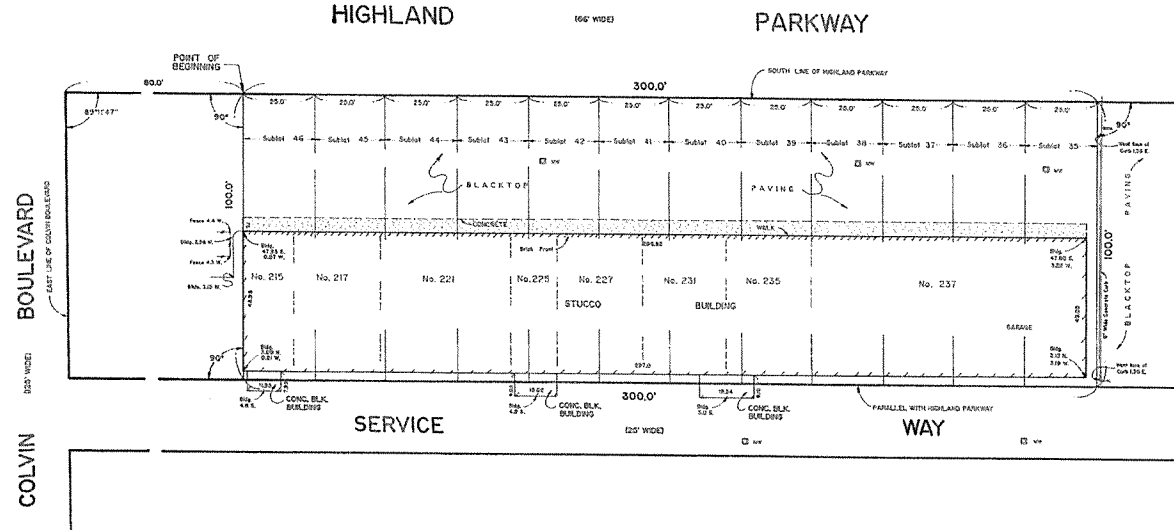
Thence northerly at right angles to the last described line a distance of one hundred (100.0) feet to the true POINT OF BEGINNING.

Containing 0.69 ± Acre



LEGEND

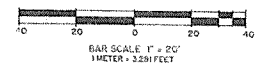
CONCRETE		CONC.
BLACKTOP		BLKTP.
FENCE		
BUILDING		BLDG.
NORTH		N.
SOUTH		S.
EAST		E.
WEST		W.
MONITORING WELL		WELL



I HEREBY CERTIFY THAT THIS REPORT OF SURVEY, OF THAT PARCEL OF LAND DEPICTED HEREON, DATED APRIL 14, 2017 AND NUMBERED 17-09 HAS BEEN PREPARED UNDER MY FORECLOSURE PROVISION FROM DESCRIPTION PURSUED THIS OFFICE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS IN ACCORDANCE WITH THE STANDARDS FOR LAND TITLE SURVEYS AS ADOPTED BY THE NATIONAL FEDERAL LAND SURVEYORS ASSOCIATION AND ERIE COUNTY BAR ASSOCIATION (NEW YORK). THIS CERTIFICATION DOES NOT EXTEND TO THE ACCURACY OF RECORDS, LEGAL INSTRUMENTS OR TITLE INSURANCE.

Thomas J. Metzger
Erie County Surveyor
N.Y.S. License No. 049589

SUBLOTS 35 to 46 INCLUSIVE
MAP COVER 1400
PART OF LOT 35 TOWNSHIP 12, RANGE 6
TOWN OF TONAWANDA
ERIE COUNTY, NEW YORK



SONENBERGER LAND SURVEYING
3228 WHELAN STREET
BUFFALO, NEW YORK 14204
(716) 824-0209
sonenbergerlandsurveying.com

SCALE: 1" = 20'
DATE: APRIL 14, 2017
SHEET: 03/011 OF 17-09

This map was made ELECTRONICALLY with New York State Licensed LMSA Surveyors and is subject to the provisions of the Electronic Recording Law.

NOT TO BE USED AS A BASIS FOR ANY OTHER SURVEY OR AS A BASIS FOR ANY OTHER LEGAL INSTRUMENT.

All other uses of this map are in violation of the law, if printed as required by Section 2-209, Part 2, of the New York State Education Law.

APPENDIX [B] – LIST OF SITE CONTACTS

Name	Phone/Email Address
Owner - Mr. Gary Crewson (Owner)	(716)867-2369; gcrewson@aol.com
Remedial Party - Same	
Environmental Professional – EGMS	(716)445-2105; nwohlabough@verizon.net
NYSDEC Project Manager – Glenn May	(716)851-7220; glenn.may@dec.gov
NYSDEC Regional HW Engineer – Mary McIntosh	(716)851-7220; mary.mcintosh@dec.gov
NYSDEC Site Control] – Kelly Lewandowski	(518)402-9553; Kelly.lewandowski@dec.gov
Remedial Party Attorney–Thomas Whissel	(716) 852-2025

APPENDIX B

PHOTOGRAPH LOG

Photo Documentation

Project: Highland Plaza Periodic Review Report
Tonawanda, New York



Photo 1 – Front parking lot and sidewalk looking east.



Photo 2 – Front parking lot and sidewalk looking west.

Photo Documentation

Project: Highland Plaza Periodic Review Report
Tonawanda, New York



Photo 3 – Soil cover behind building looking west.



Photo 4 – Central part of the soil cover system behind the building looking west.

Photo Documentation

Project: Highland Plaza Periodic Review Report
Tonawanda, New York



Photo 5 – View of the water cistern system behind the building.



Photo 6 – View of pad underneath water cistern.

APPENDIX C

INSTITUTIONAL AND ENGINEERING
CONTROLS CERTIFICATION FORM



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



	Site Details	Box 1	
Site No.	C915293		
Site Name Highland Plaza			
Site Address: 215 Highland Parkway		Zip Code: 14223	
City/Town: Tonawanda (T)			
County: Erie			
Site Acreage: 0.690			
Reporting Period: April 29, 2021 to April 29, 2022 April 29, 2022 to April 29, 2023			
		YES	NO
1. Is the information above correct?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
If NO, include handwritten above or on a separate sheet.			
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.			
5. Is the site currently undergoing development?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Box 2	
		YES	NO
6. Is the current site use consistent with the use(s) listed below? Commercial and Industrial		<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Are all ICs in place and functioning as designed?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.			
A Corrective Measures Work Plan must be submitted along with this form to address these issues.			
_____ Signature of Owner, Remedial Party or Designated Representative		_____ Date	

Box 2A

YES NO

8. Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid? YES NO

If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.

9. Are the assumptions in the Qualitative Exposure Assessment still valid? YES NO
(The Qualitative Exposure Assessment must be certified every five years)

If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.

SITE NO. C915293**Box 3****Description of Institutional Controls**ParcelOwnerInstitutional Control**66.57-2-8.11**

Gary Crewson

Ground Water Use Restriction
Soil Management Plan
Landuse Restriction
Monitoring Plan
Site Management Plan
IC/EC Plan

O&M Plan

An Environmental Easement was filed with the Erie County Clerk's Office on August 22, 2017. The Controlled Property may be used for commercial and industrial use as long as the following long-term institutional controls are employed: (1) all Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP); (2) all Engineering Controls must be inspected at a frequency and in a manner defined in the SMP; (3) the use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Erie County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department; (4) groundwater and other environmental or public health monitoring must be performed as defined in the SMP; (5) data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP; (6) all future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP; (7) monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP; (8) operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP; and (9) access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

Box 4**Description of Engineering Controls**ParcelEngineering Control**66.57-2-8.11**

Vapor Mitigation
Cover System

(1) A site cover currently exists and will be maintained to allow for commercial/industrial use of the site. Any site redevelopment will maintain the existing site cover, which consists of structures such as buildings, concrete sidewalks, an asphalt parking lot, and a clean soil cover over the southern portion of the site, adjacent to the alleyway.

(2) Sub-slab depressurization systems exist in Buildings 1 and 2. These systems will continue to operate to prevent the migration of sub-slab soil vapor from soil and groundwater into these buildings.

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

IC CERTIFICATIONS
SITE NO. C915293

Box 6

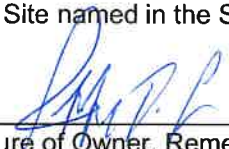
SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Jeffrey Crewson at 1800 Broadway, #10, Buffalo, NY 14212
print name print business address

am certifying as owner (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.


Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

5/18/23
Date

EC CERTIFICATIONS


Box 7

Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Cody Martin at C&S Engineers, Inc.
141 Elm Street, Buffalo, New York 14203,
print name print business address

am certifying as a for the Highland Plaza, LLC (Owner)
(Owner or Remedial Party)


Signature of Cody A. Martin, for the Owner or Remedial Party, Stamp Date
Rendering Certification (Required for PE) 5/17/2023



studio T3

2495 Main Street, Suite 301
Buffalo, NY 14214
phone: (716) 803-6400
fax: (716) 810-9504

May 12, 2023

Highland Plaza, LLC
ATTN: Gary Crewson
1800 Broadway
Buffalo, New York 14212
Reference: **SSDS System Site Inspections**

Dear Mr. Crewson,

I completed an inspection of all four (4) sub-slab depressurization systems (SSDS) at the Highland Plaza in Tonawanda, New York on Friday May 12, 2023. The inspection results are summarized in the table below:

HIGHLAND PLAZA SSDS						
ADDRESS	REFERENCE #	VACUUM	ELECTRIC POWER	PIPING	DRAW	SUCTION
231 HIGHLAND PARKWAY	B-1	OPERATIONAL	ON	INTACT	SATISFACTORY	AUDIBLE
235 HIGHLAND PARKWAY	B-2	OPERATIONAL	ON	INTACT	SATISFACTORY	AUDIBLE
237 HIGHLAND PARKWAY	B-3	OPERATIONAL	ON	INTACT	SATISFACTORY	AUDIBLE
237 HIGHLAND PARKWAY	B-4	OPERATIONAL	ON	INTACT	SATISFACTORY	AUDIBLE

Based on the results all four of the soil vapor extraction systems are functional and operating optimally.

Please do not hesitate to contact me with any questions regarding the above.



Andrew Terragnoli, P.E.

