



Department of
Environmental
Conservation

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

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

1. Check the appropriate box(es) below based on the nature of the amendment modification requested:

Amendment to modify the existing BCA: [check one or more boxes below]

- Add applicant(s)
- Substitute applicant(s)
- Remove applicant(s)
- Change in Name of applicant(s)

Amendment to reflect a transfer of title to all or part of the brownfield site

1a. A copy of the recorded deed must be provided. Is this attached? Yes No

1b. Change in ownership Additional owner (such as a beneficial owner)

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

Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Sections I and V below and Part II*]

Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Section I and V below and Part II*]

Sites in Bronx, Kings, New York, Queens, or Richmond counties ONLY: Amendment to request determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Please answer questions on the supplement at the end of the form.

Other (explain in detail below)

2. Required: Please provide a brief narrative on the nature of the amendment:

This BCA Amendment application has been prepared with respect to BCA Index No. C915301-04-16 in order to:

- 1 - Notice NYSDEC that the BCP Site acreage in the January 17, 2017 BCA (10.88-acres) does not match the BCP Site acreage (9.04-acres) proposed in the BCP application (February 10, 2016), acreage identified on the proposed BCP Site survey (9.04-acres) provided in the BCP Application, and that utilized in the June 11, 2018 Decision Document (9.04-acres). For purposes of this BCA Amendment Application we have used 9.04-acres.
- 2 - add Stevenson Land Company, LLC to existing BCA C915301-04-16 as an additional applicant
- 3 - increase the footprint of the existing BCP Site from 9.04 acres to ~~10.39~~ acres, an increase of approximately 15%. Acreage will be 10.38 acres to be consistent with the survey and metes and bounds attd./jeb

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

Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment involves more than an insignificant change in acreage, applicants are encouraged to consult with the DEC project team prior to submitting this application.

Section I. Current Agreement Information		
BCP SITE NAME: 1176 South Park Avenue Site 3		BCP SITE NUMBER: C915301
NAME OF CURRENT APPLICANT(S): John W. Danforth Construction LLC		
INDEX NUMBER OF AGREEMENT: C915301-04-16		DATE OF ORIGINAL AGREEMENT: 1/3/2017
Section II. New Requestor Information (complete only if adding new requestor or name has changed)		
NAME Stevenson Land Company, LLC		
ADDRESS 16971 Timber Ridge Drive		
CITY/TOWN Granada Hill, California		ZIP CODE 91344
PHONE 818-481-9077	FAX	E-MAIL matt@buffalostudios.com
1. Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <ul style="list-style-type: none"> If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS. See Attachment 1 		
NAME OF NEW REQUESTOR'S REPRESENTATIVE Matthew Fleckenstein		
ADDRESS 16971 Timber Ridge Drive		
CITY/TOWN Granada Hill, California		ZIP CODE 91344
PHONE 818-481-9077	FAX	E-MAIL matt@buffalostudios.com
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable) Benchmark Civil/Environmental Engineering & Geology, PLLC		
ADDRESS 2558 Hamburg Turnpike, Suite 300		
CITY/TOWN Buffalo, NY		ZIP CODE 14218
PHONE 716-856-0599	FAX 716-856-0583	E-MAIL cboron@bm-tk.com
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable) Robert G. Murry		
ADDRESS 726 Exchange Street, Suite 1000		
CITY/TOWN Buffalo, NY		ZIP CODE 14210
PHONE 716-200-5180	FAX 716-200-5201	E-MAIL bmurry@HarrisBeach.com
2. Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
3. Describe Requestor's Relationship to Existing Applicant: <p>None. Requestor is going to purchase property from existing owner, Patrick 233, Inc. Existing Applicant will file a Change of Use form with NYSDEC at least 60 days before closing, confirming the sale from Patrick 233, Inc. to Requestor.</p>		

Section III. Current Property Owner/Operator Information (only include if new owner/operator)
Owner below is: Existing Applicant New Applicant Non-Applicant

OWNER'S NAME (if different from requestor) Patrick 233, Inc.

ADDRESS 300 Colvin Woods Parkway

CITY/TOWN Tonawanda, NY

ZIP CODE 14150

PHONE 716-832-1940

FAX

E-MAIL rbeck@jwdanforth.com

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS 1

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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

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

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

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

PARTICIPANT

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

VOLUNTEER

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

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

See Attachment 2

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

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

Prior Owner Current Owner Potential /Future Purchaser Other _____

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

See Attachment 3

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

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

1. Property information on current agreement:

ADDRESS See Attachment 2 for Property Description & Description of Changes

CITY/TOWN Buffalo

ZIP CODE 14220

TAX BLOCK AND LOT (SBL)

TOTAL ACREAGE OF CURRENT SITE: 9.04

Parcel Address	Section No.	Block No.	Lot No.	Acreage
See Attachment 2 for SBL and Parcel Addresses				

2. Check appropriate boxes below:

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

2a. PARCELS ADDED:

Acreage
Added by
Parcel

Parcel Address	Section No.	Block No.	Lot No.	Acreage
See Attachment 2 for Description of Changes				

Total acreage to be added: 1.35

Reduction of property

2b. PARCELS REMOVED:

Acreage
Removed
by Parcel

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

Total acreage to be removed: _____

Change to SBL (e.g. merge, subdivision, address change)

2c. NEW SBL INFORMATION:

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

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

3. TOTAL REVISED SITE ACREAGE: ~~10.39~~ 10.38 to be consistent with survey and metes and bounds, attd.

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

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


PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: 1176 South Park Avenue Site 3	BCP SITE NUMBER: C915301
NAME OF CURRENT APPLICANT(S): John W. Danforth Construction LLC	
INDEX NUMBER OF AGREEMENT: C915301-04-16	
EFFECTIVE DATE OF ORIGINAL AGREEMENT: 1/3/2017	

Declaration of Amendment:

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

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

Statement of Certification and Signatures: New Requestor(s) (if applicable)
<p>(Individual)</p> <p>I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: _____ Signature: _____</p> <p>Print Name: _____</p>
<p>(Entity)</p> <p>I hereby affirm that I am (title <u>Authorized Signatory</u>) of (entity <u>Stevenson Land Company, LLC</u>); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.</p> <p><u>Mr. Matthew Fleckenstein's</u> signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: <u>10/28/2022</u> Signature:  _____</p> <p>Print Name: <u>Matthew Fleckenstein</u></p>

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

(Individual)

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

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am Managing Member (title) of John W. Danforth Construction LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Mr. Robert Beck's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 10/31/22 Signature: 

Print Name: Robert Beck

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Please see the following page for submittal instructions.

NOTE: Applications submitted in fillable format will be rejected.

Status of Agreement:


<input type="checkbox"/> PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.	<input checked="" type="checkbox"/> VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.
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Effective Date of the Original Agreement: 1/3/2017

Signature by the Department:

DATED: 03/01/23

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By:  for

Andrew Guglielmi, Director
Division of Environmental Remediation

SUBMITTAL REQUIREMENTS:

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

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

- **NOTE: Applications submitted in fillable format will be rejected.**

FOR DEPARTMENT USE ONLY

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

PROJECT MANAGER: _____

ATTACHMENT 1

Department of State Division of Corporations

Entity Information

[Return to Results](#)[Return to Search](#)

Entity Details



ENTITY NAME: STEVENSON LAND COMPANY, LLC	DOS ID: 5810597
FOREIGN LEGAL NAME:	FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY	DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTION OF LAW: 203 LLC - LIMITED LIABILITY COMPANY LAW	ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 08/12/2020	REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 08/12/2020	INACTIVE DATE:
FOREIGN FORMATION DATE:	STATEMENT STATUS: CURRENT
COUNTY: ERIE	NEXT STATEMENT DUE DATE: 08/31/2022
JURISDICTION: NEW YORK, UNITED STATES	NFP CATEGORY:

[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

Service of Process Name and Address

Name: C/O MATTHEW FLECKENSTEIN**Address:** 16971 TIMBER RIDGE DRIVE, GRANADA HILLS, CA, UNITED STATES, 91344

Chief Executive Officer's Name and Address

Name:**Address:**

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:**Address:**

Entity Primary Location Name and Address

Name:**Address:**

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value

Number Of Shares

Value Per Share

ATTACHMENT 2

Section V #1.

The BCP Site known as 1176 South Park Avenue Site 3 consists of approximately ± 9.04 -acres of land associated with four (4) parcels as described below:

- 1176 South Park Avenue SBL # 122.16-1-16. ± 7.72 acres of the eastern portion of parcel which totals approximately 26.16 acres.
- 1316 South Park Avenue SBL # 123.13-1-1.1. ± 0.31 acres of the entire parcel.
- 1328 South Park Avenue SBL # 123.13-1-1.2. ± 0.61 acres of the southern portion of parcel totals approximately 1.21 acres.
- 11 Bertha Street SBL # 123.17-1-1.11. ± 0.40 acres of the entire parcel.

Section V #2 and #2a.

The Existing Applicant, John W. Danforth Construction, LLC and the Requestor, Stevenson Land Company, LLC, would like to expand the BCP Site footprint by ± 1.35 acres, an approximate 15% increase, as shown on attached Nussbaumer & Clark, Inc. survey with associated revised metes and bounds description. The expansion of the BCP Site will be on the northwestern corner of the current BCP Site boundary on the 1176 South Park Avenue parcel (SBL # 122.16-1-16).

Attached Figure 1 depicts the current BCP Site boundary of 9.04-acres and the proposed 1.35-acre expansion area. Attached Figure 2 is a proposed redevelopment plan for the BCP Site and rationale for the additional 1.35-acres.

Currently, ± 7.72 acres of 26.16-acre 1176 South Park parcel are associated with the current BCP Site. The additional ± 1.35 -acres would increase this total to ± 9.07 acres. . Previous investigation activities¹ completed on the ± 18.44 acres of the 1176 South Park parcel outside of the BCP Site are shown on Figure 3. Attached Tables 1 and 2 summarize the analytical results of surface and subsurface soil/fill samples, respectively, from the portions of the 1176 South Park parcel outside of the BCP Site. Subsurface conditions and contaminants (polyaromatic hydrocarbons and heavy metals) are present above their respective 6NYCRR Part 375 Commercial and Industrial Soil Cleanup Objectives across the 1176 South Park parcel outside of the BCP Site. These contaminants and concentrations identified are similar to those identified on the portion of 1176 South Park parcel, already in the BCP. Therefore, the proposed 1.35-acre portion meets the eligibility requirements for BCP under a commercial use scenario.

¹ "Phase II Environmental Site assessment, Village Farms Site, 1086, 1176, 1328 South Park Avenue and 11 Bertha Street, City of Buffalo, Erie County, New York". Prepared by Panamerican Environmental, Inc. September 2009.

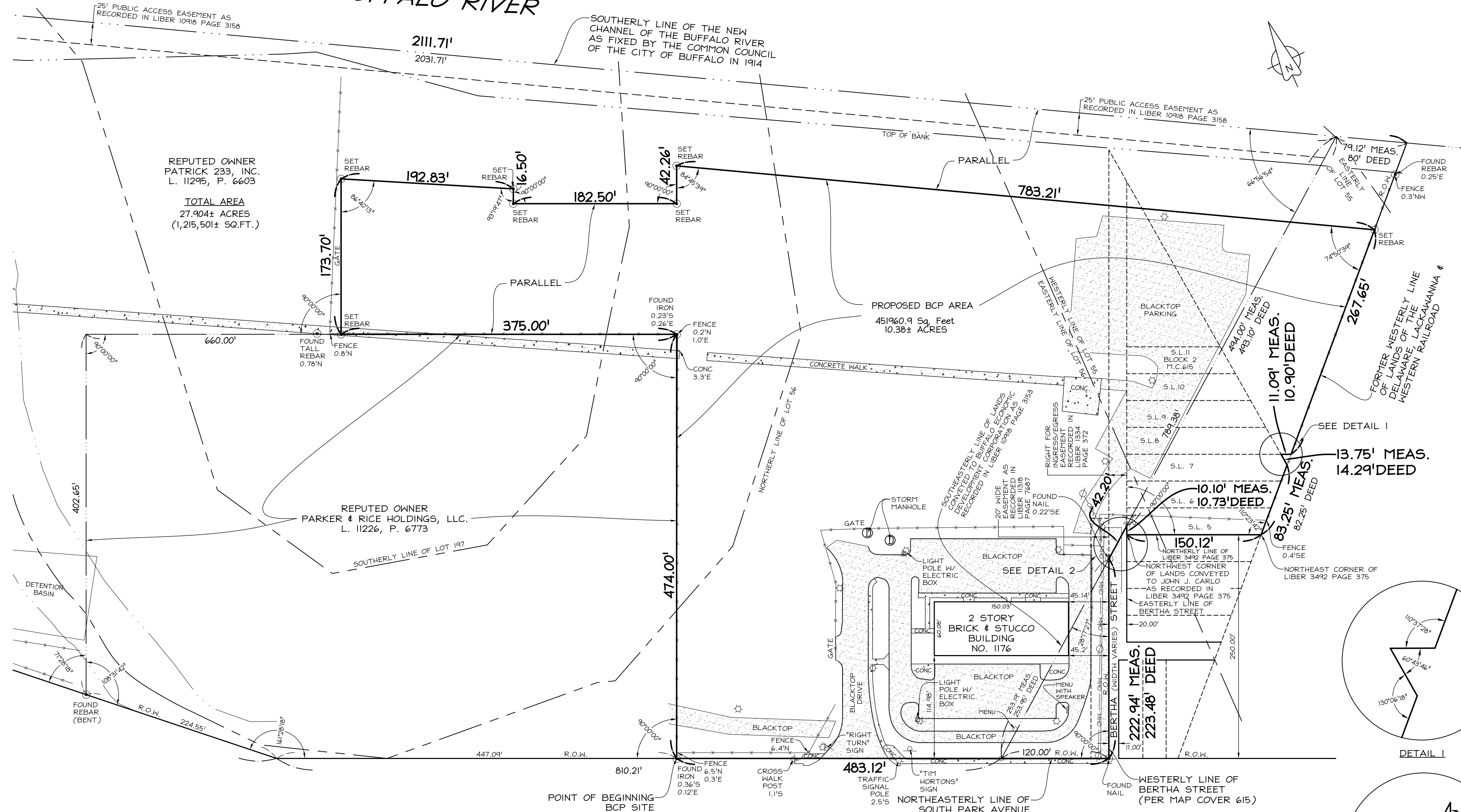
ATTACHMENT 2

Section IV Volunteer Status.

Stevenson Land Company, LLC, is requesting to become an additional applicant subject to this BCA Amendment Application. Stevenson Land Company, LLC qualifies as a "Volunteer" in accordance with NY ECL 27-1405(1)(b) and 6NYCRR 375-3.2(b)(2).

Per the previously submitted BCP Application, the contamination associated with the BCP Site has been established to have been present at the BCP Site prior to its entry into the BCP. Stevenson Land Company, LLC is a potential/future purchaser of the property that is associated with the BCP Site (as identified in Section VI (#12)). Therefore, Stevenson Land Company, LLC would become involved with the BCP Site after disposal and/or discharge of the contaminants; has had no previous relationship to the BCP Site; and has no relationship with the previous owners/operators at the BCP Site or current BCA Applicant (John W. Danforth Construction, LLC). Therefore, Stevenson Land Company, LLC is entitled to Volunteer status under NY ECL27-1405(1)(b).

BUFFALO RIVER



REPUTED OWNER
PATRICK 233, INC.
L. 11295, P. 6603

TOTAL AREA
27.904± ACRES
(1,215,501± SQ.FT.)

REPUTED OWNER
PARKER & RICE HOLDINGS, LLC.
L. 11226, P. 6773

SOUTH PARK AVENUE (66' WIDE) (FORMERLY ABBOTT ROAD)

NOTES:

BOUNDARY LINE AGREEMENT MADE BY BUFFALO HARDWOOD LUMBER COMPANY, ABRAHAM J. ELIAS AND PEARL S., HIS WIFE AND GABRIEL ELIAS, BACHELOR OF OF THE FIRST PART; WILLIAM G. PRATT AND MARGARET, HIS WIFE, LUCIS H. PRATT AND HELEN M., HIS WIFE OF THE SECOND PART AND AGNES M. WALL OF THE THIRD PART DATED JUNE 2, 1914 AND RECORDED JUNE 24, 1914 IN LIBER 1261 OF DEEDS AT PAGE 578. THIS BOUNDARY LINE AGREEMENT IS PLOTTED HEREON.

RIGHT OF WAY AND EASEMENT CONTAINED IN QUIT CLAIM DEED MADE BY NIAGARA MOHAWK POWER CORPORATION TO THE BUFFALO ENTERPRISE DEVELOPMENT CORPORATION DATED SEPTEMBER 15, 1997 AND RECORDED SEPTEMBER 24, 1997 IN LIBER 10921 OF DEEDS AT PAGE 6176 AFFECTS PROPERTY AND IS PLOTTED HEREON.

GRANT AND EASEMENT CONTAINED IN QUIT CLAIM DEED MADE BY THE CITY OF BUFFALO TO BUFFALO HARDWOOD LUMBER COMPANY, GABRIEL ELIAS AND ABRAHAM J. ELIAS DATED JULY 7, 1915 AND RECORDED JULY 23, 1915 IN LIBER 1335 OF DEEDS AT PAGE 128. GIVES RIGHTS TO FILL IN ORIGINAL LOCATION OF THE BUFFALO RIVER. SAID LOCATION HAS ALREADY BEEN FILLED IN.

RIGHT OF WAY CONTAINED IN QUIT CLAIM DEED MADE BY BERTHA DOLD, WIFE OF GEORGE FREDERICK DOLD TO CHARLES H. DOLD, PHILIP B. DOLD AND VIKTOR B. DOLD DATED JULY 2, 1915 AND RECORDED JULY 6, 1915 IN LIBER 1334 OF DEEDS AT PAGE 372 AFFECTS PROPERTY AND IS PLOTTED HEREON.

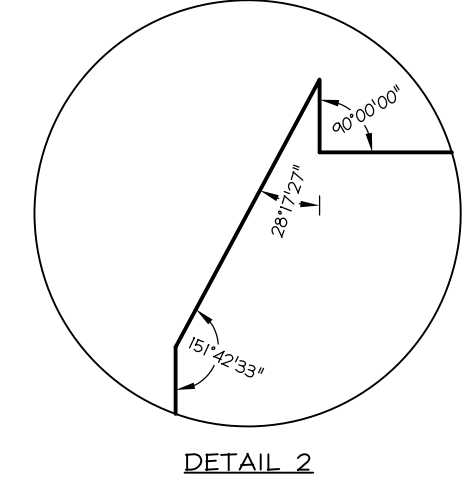
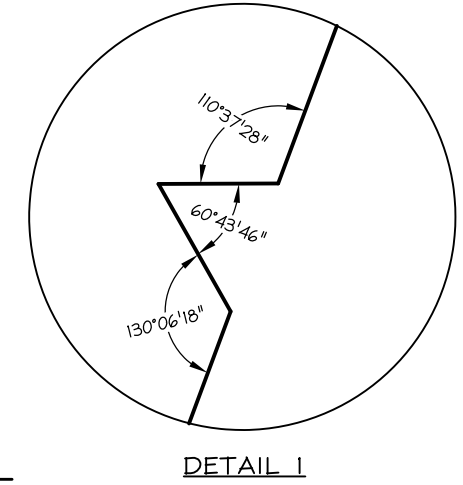
RIGHT OF WAY CONTAINED IN WARRANTY DEED MADE BY PHILIP B. DOLD AND RUTH M. DOLD, HIS WIFE TO MCCOLL BROTHERS, INC., DATED JUNE 17, 1925 AND RECORDED JUNE 20, 1925 IN LIBER 1817 OF DEEDS AT PAGE 70 ARE FOR RAILROAD SIDE TRACKS. THERE ARE NO RAILROAD TRACKS LOCATED ON THIS PROPERTY.

EASEMENT AGREEMENT MADE BY THE BUFFALO ENTERPRISE DEVELOPMENT CORPORATION WITH CITY OF BUFFALO, DATED JULY 2, 1997 AND RECORDED JULY 3, 1997 IN LIBER 10918 OF DEEDS AT PAGE 3158. EASEMENTS ARE PLOTTED HEREON.

EASEMENT GRANTED TO NIAGARA MOHAWK POWER CORPORATION BY INSTRUMENT DATED OCTOBER 23, 1997 AND RECORDED OCTOBER 30, 1997 IN LIBER 10923 OF DEEDS AT PAGE 1145 DOES NOT AFFECT THIS PROPERTY. EASEMENT IS LOCATED ON EXCEPTION PARCEL RECORDED IN LIBER 11330 PAGE 4909.

EASEMENT GRANTED TO NIAGARA MOHAWK POWER CORPORATION AND VERIZON NEW YORK, INC. BY INSTRUMENT DATED AUGUST 6, 2017 AND RECORDED SEPTEMBER 15, 2017 IN LIBER 11308 OF DEEDS AT PAGE 7687. EASEMENT IS PLOTTED HEREON.

SURVEY BASEMAP WAS PREPARED WITH REFERENCE TO THE FOLLOWING:
CHICAGO TITLE ABSTRACT OF TITLE NO. 2013-6194ASCH DATED OCTOBER 14, 2020
CHICAGO TITLE ABSTRACT OF TITLE NO. 2013-5167ASCH DATED JULY 27, 2020



3556 Lake Shore Road, Suite 500, Buffalo, NY 14219
p (716) 827-8000 f (716) 270-6091 www.nussclarke.com

NO IRONS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON.

Unauthorized alterations or additions to any survey, drawing, design, specification, plan or report is a violation of section 7209, provision 2 of the New York State Education Law.

NUSSBAUMER & CLARKE, INC.
ENGINEERS AND SURVEYORS
EST. 1933

PROPOSED BCP AREA MAP
1140,1176,1316 & 1328 South Park Avenue & 11 Bertha Street
Part of Lots 55, 56 & 197, Township 10, Range 8
Buffalo Creek Reservation
City of Buffalo
County of Erie, State of New York
Date of Survey: 10/20/2022 Scale: 1" = 80'
Project No.: 22J2-1308

A. J. Hunt

Proposed Legal Description

For the BCP Site

1176 South Park Avenue

11 Bertha Street, 1176 South Park and 1316 & 1328 South Park Avenue

Tax Id No's.: Part of 122.16-1-16, 123.13-1-1.1, 123.17-1-1.11, and 123.13-1-1.2

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF BUFFALO, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOTS 55, 56 AND 197, TOWNSHIP 10, RANGE 8, OF THE BUFFALO CREEK RESERVATION, BEING FURTHER DESCRIBED AS FOLLOWS;

BEGINNING AT THE POINT IN THE NORTHEASTERLY LINE OF SOUTH PARK AVENUE WHICH IS 483.12 FEET NORTHWESTERLY OF THE INTERSECTION OF THE NORTHWESTERLY LINE OF BERTHA STREET AS SHOWN ON MAP COVER 615 AND THE NORTHEASTERLY LINE OF SOUTH PARK AVENUE FORMERLY KNOWN AS ABBOTT ROAD BEING 66 FEET WIDE, SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER LANDS CONVEYED TO PARKER & RICE HOLDINGS LLC BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11226 AT PAGE 6773;

THENCE NORTHEASTERLY, AT AN EXTERIOR ANGLE OF 90°-00'-00", ALONG THE SOUTHEASTERLY LINE PARKER & RICE HOLDINGS LLC, A DISTANCE OF 474.00 FEET TO A POINT;

THENCE NORTHWESTERLY, AT AN EXTERIOR ANGLE OF 90°-00'-00", ALONG THE NORTHEASTERLY LINE PARKER & RICE HOLDINGS LLC, A DISTANCE OF 375.00 FEET TO THE POINT;

THENCE THROUGH THE LANDS CONVEYED TO PATRICK 233, INCORPORATED BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11295 AT PAGE 6603 THE FOLLOWING 6 COURSES:

- 1.) THENCE NORTHEASTERLY, AT AN EXTERIOR ANGLE OF 90°-00'-00", A DISTANCE OF 173.70 FEET TO A POINT;
- 2.) THENCE SOUTHEASTERLY, AT AN INTERIOR ANGLE OF 86°-40'-13", A DISTANCE OF 192.83 FEET TO A POINT;
- 3.) THENCE SOUTHWESTERLY, AT AN INTERIOR ANGLE OF 93°-19'-47", A DISTANCE OF 16.50 FEET TO A POINT;
- 4.) THENCE SOUTHEASTERLY, PARALLEL WITH THE NORTHEASTERLY LINE PARKER & RICE HOLDINGS LLC, AT AN EXTERIOR ANGLE OF 90°-00'-00", A DISTANCE OF 182.50 FEET TO A POINT;
- 5.) THENCE NORTHEASTERLY, AT AN EXTERIOR ANGLE OF 90°-00'-00", A DISTANCE OF 42.26 FEET TO A POINT;
- 6.) THENCE SOUTHEASTERLY, AT AN INTERIOR ANGLE OF 84°-45'-39", PARALLEL WITH THE SOUTH LINE OF THE BUFFALO RIVER AS FIXED BY THE COMMON COUNCIL OF THE CITY OF BUFFALO IN 1914, A DISTANCE OF 783.21 FEET TO A POINT ON EAST LINE OF LANDS CONVEYED TO PATRICK 233, INCORPORATED, ALSO BEING THE FORMER WESTERLY LINE OF LANDS OF THE DELAWARE, LACKAWANNA & WESTERN RAILROAD;

THENCE SOUTHWESTERLY, AT AN INTERIOR ANGLE OF 74°-50'-39", A DISTANCE OF 267.65 FEET TO A POINT;

THENCE NORTHWESTERLY, AT AN INTERIOR ANGLE OF 110°-37'-28", A DISTANCE OF 11.09 FEET TO A POINT;

THENCE SOUTHEASTERLY, AT AN EXTERIOR ANGLE OF 60°-43'-46", A DISTANCE OF 13.75 FEET TO A POINT;

THENCE SOUTHWESTERLY, AT AN INTERIOR ANGLE OF $130^{\circ}-06'-18''$, A DISTANCE OF 83.25 FEET TO A POINT AT THE NORTHEAST CORNER LANDS CONVEYED TO JOHN J. CARLO BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 3492 AT PAGE 375;

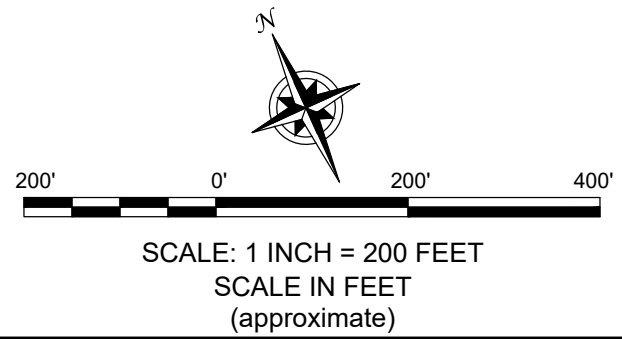
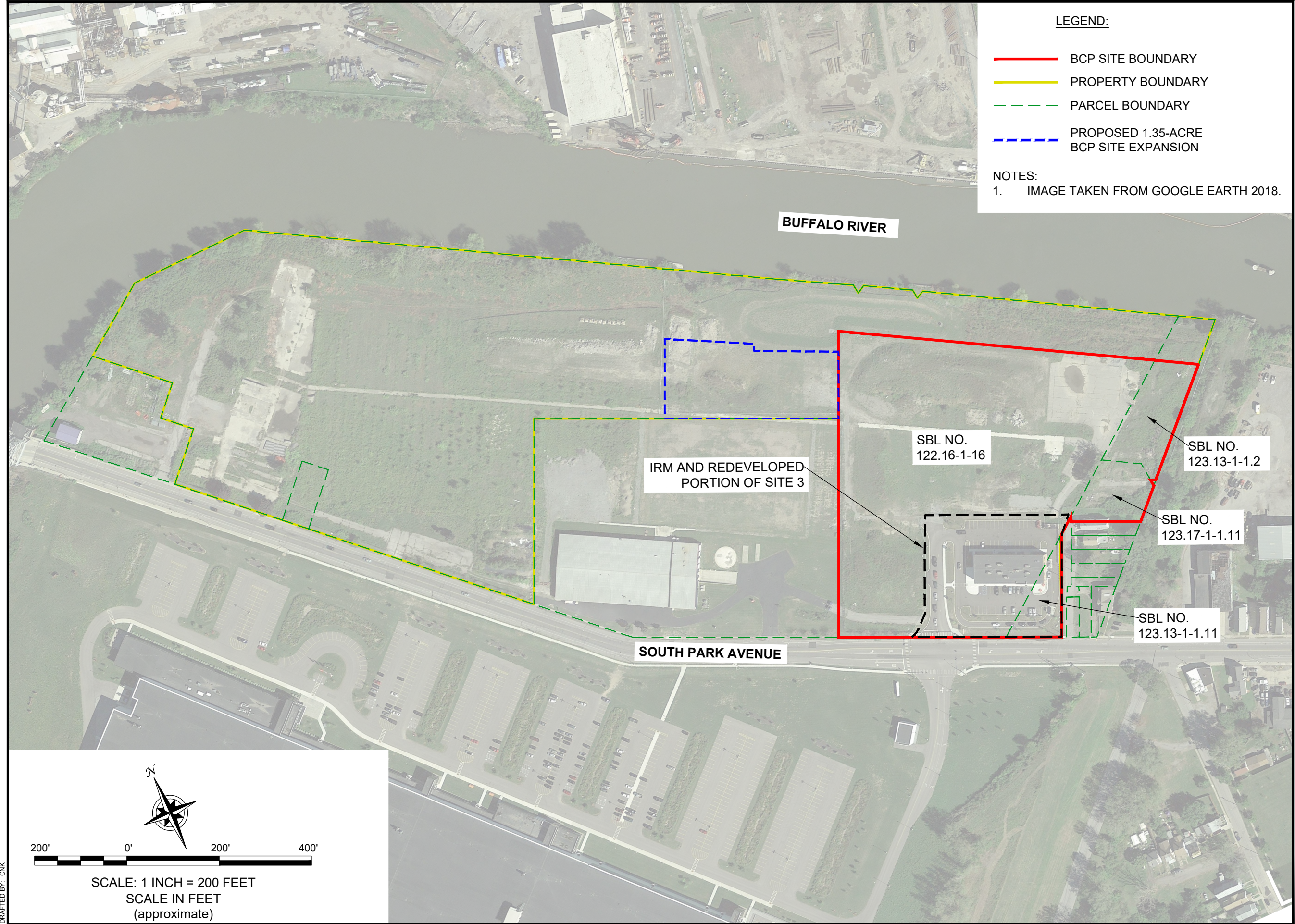
THENCE NORTHWESTERLY, AT AN INTERIOR ANGLE OF $110^{\circ}-23'-42''$, A DISTANCE OF 150.12 FEET TO A NORTHWEST CORNER LANDS OF JOHN J. CARLO;

THENCE NORTHEASTERLY, AT AN INTERIOR ANGLE OF $90^{\circ}-00'-00''$, A DISTANCE OF 10.10 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF LANDS CONVEYED TO BUFFALO ECONOMIC DEVELOPMENT CORPORATION BY DEED RECORDED IN ERIE COUNTY CLERK'S OFFICE IN LIBER 10918 OF DEEDS AT PAGE 3153;

THENCE SOUTHWESTERLY, AT AN EXTERIOR ANGLE OF $28^{\circ}-17'-27''$, ALONG THE SOUTHEASTERLY LINE OF SAID BUFFALO ECONOMIC DEVELOPMENT CORPORATION LANDS, A DISTANCE OF 42.20 FEET TO A POINT ON THE WESTERLY LINE OF BERTHA STREET;

THENCE SOUTHWESTERLY, AT AN EXTERIOR ANGLE OF $151^{\circ}-42'-33''$, ALONG THE WESTERLY LINE OF BERTHA STREET, ALSO BEING AN EASTERLY LINE OF LANDS CONVEYED TO PATRICK 233, INCORPORATED BY THE AFOREMENTIONED DEED, A DISTANCE OF 222.94 FEET TO A POINT ON THE NORTHEAST LINE OF SOUTH PARK AVENUE;

THENCE NORTHWESTERLY, AT AN INTERIOR ANGLE OF $90^{\circ}-00'-00''$, RUNNING ALONG THE NORTHEAST LINE OF SOUTH PARK AVENUE, A DISTANCE OF 483.12 FEET TO THE POINT OF BEGINNING. CONTAINING 10.38 ACRES OF LAND, MORE OR LESS.



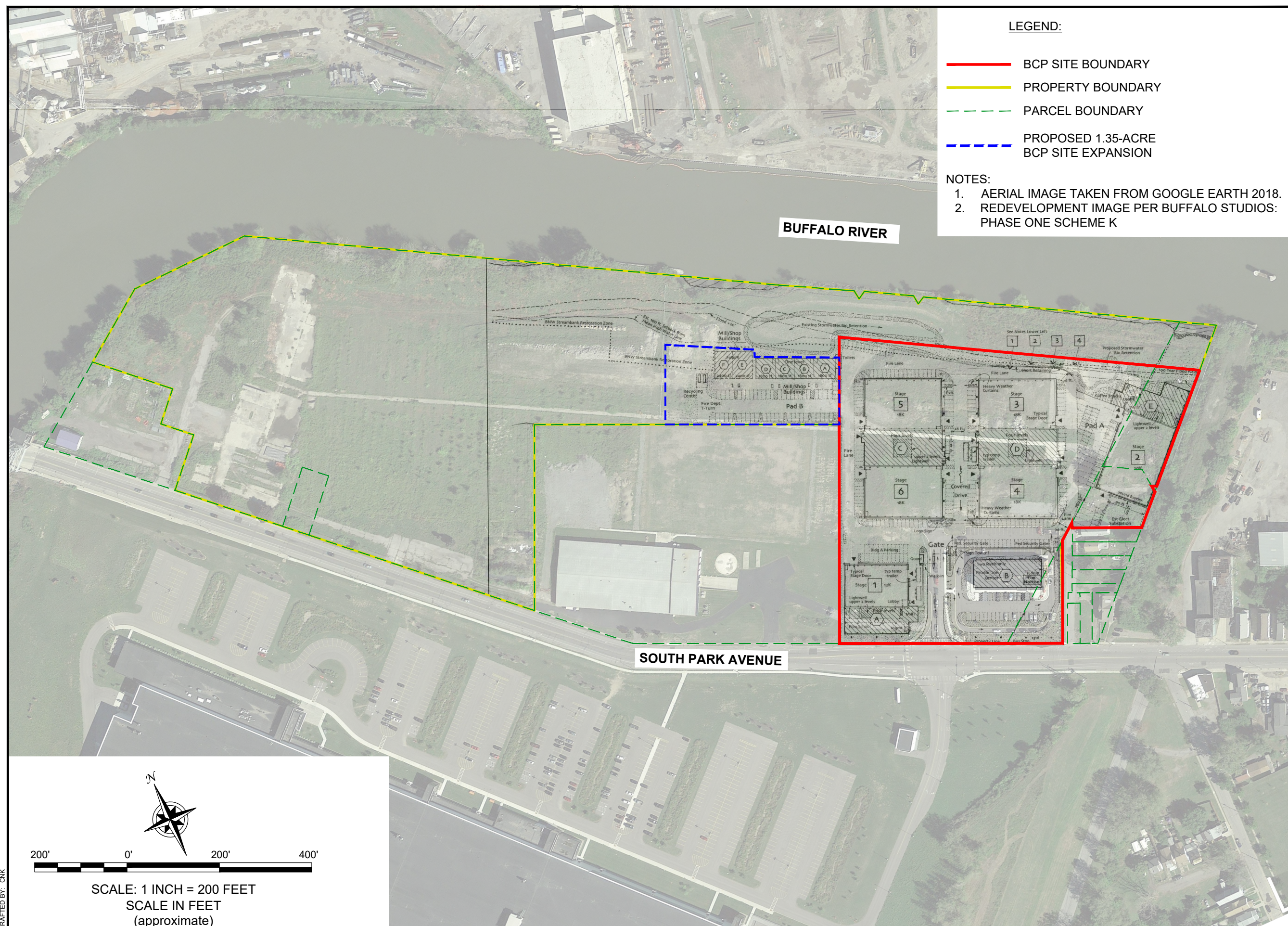
2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218.
 (716) 856-0599
JOB NO.: B0543-022-001

SITE PLAN (AERIAL)

BROWNFIELD CLEANUP AGREEMENT AMENDMENT
 1176 SOUTH PARK AVENUE SITE 3
 BCP SITE NO. C915301
 BUFFALO, NEW YORK
 PREPARED FOR
STEVENSON LAND COMPANY, LLC

FIGURE 1

DISCLAIMER: PROPERTY OF BENCHMARK CIVIL/ENVIRONMENTAL ENGINEERING & GEOLOGY, PLLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC.

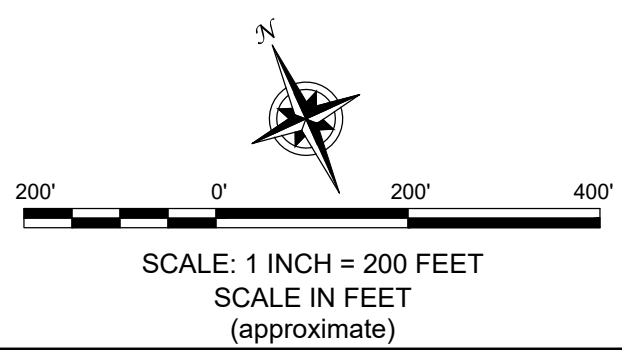


LEGEND:

- BCP SITE BOUNDARY
- PROPERTY BOUNDARY
- - - PARCEL BOUNDARY
- - - PROPOSED 1.35-ACRE BCP SITE EXPANSION

NOTES:

1. AERIAL IMAGE TAKEN FROM GOOGLE EARTH 2018.
2. REDEVELOPMENT IMAGE PER BUFFALO STUDIOS: PHASE ONE SCHEME K



REDEVELOPMENT PLAN WITH PROPOSED EXPANSION AREA

BROWNFIELD CLEANUP AGREEMENT AMENDMENT
 1176 SOUTH PARK AVENUE SITE 3
 BCP SITE NO. C915301
 BUFFALO, NEW YORK
 PREPARED FOR
STEVENSON LAND COMPANY, LLC



2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218.
 (716) 856-0599

JOB NO.: B0543-022-001

FIGURE 2

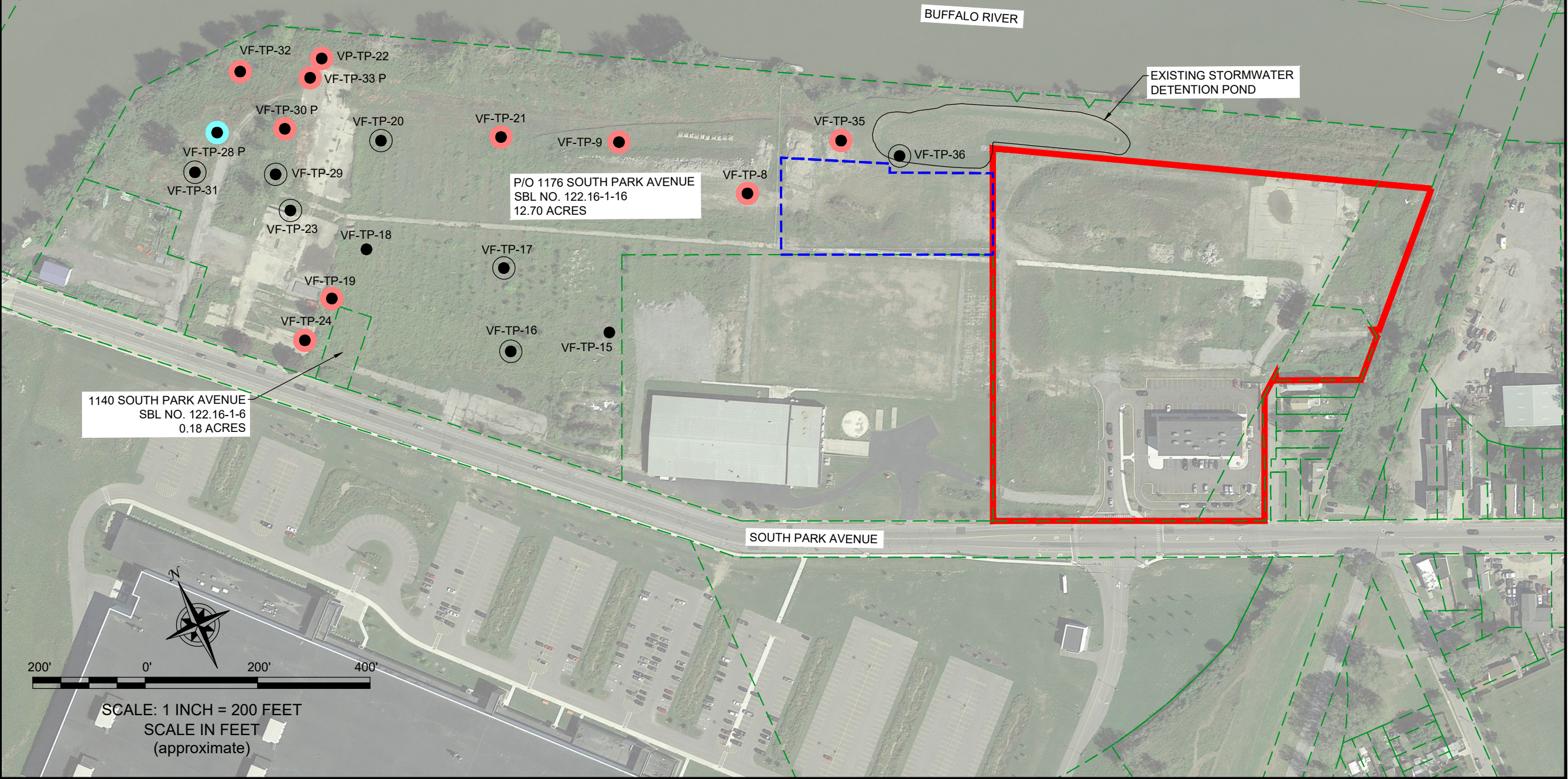
LEGEND:

- ADJACENT BCP SITE 3 BOUNDARY
- - - PROPOSED 1.35-ACRE BCP SITE 3 EXPANSION
- - - PARCEL BOUNDARY
- VF-TP-8 ● PHASE II TEST TRENCH (2009)
- PARAMETER EXCEEDS RESTRICTED-RESIDENTIAL SCOs
- PARAMETER EXCEEDS COMMERCIAL SCOs
- PARAMETER EXCEEDS INDUSTRIAL SCOs
- NO ANALYTICAL SAMPLES ANALYZED

NOTES:

1. BASE IMAGE TAKEN FROM GOOGLE EARTH 2018
2. "P" INDICATES SAMPLE WAS COLLECTED FROM SURFACE DEBRIS MOUNDS/PILES.

DEFINITIONS:
SCOs = 6 NYCRR PART 375 SOIL CLEANUP OBJECTIVES



DATE: SEPTEMBER 2020
DRAFTED BY: CNK



2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218.
(716) 856-0599
JOB NO.: B0543-020-001

SITE PLAN WITH PHASE II INVESTIGATION LOCATIONS

BROWNFIELD CLEANUP PROGRAM PRE-APPLICATION
1176 SOUTH PARK AVE AND 1140 SOUTH PARK AVE
BUFFALO, NEW YORK
PREPARED FOR
MATTHEW FLECKENSTEIN

FIGURE 3

DISCLAIMER: PROPERTY OF BENCHMARK CIVIL/ENVIRONMENTAL ENGINEERING & GEOLOGY, PLLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC.