



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

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

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

[] Amendment to [check one or more boxes below]

- [] Add
[] Substitute
[] Remove
[] Change in Name

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

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

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

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

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

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

[] Other (explain in detail below)

Please provide a brief narrative on the nature of the amendment: The six (6) parcels have been combined into one parcel with one new SBL number via a Deed filed with the Erie County Clerk's Office on April 1, 2016 (a copy is attached as Exhibit A). The new SBL reference number supplied by the County for the combined parcel is 100.24-4-14.1. The original site definition included all six (6) parcels - this amendment is intended to simply change the SBL numbers for the site to one number (100.24-4-14.1) for the entire consolidated site.

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

Section I. Existing Application Information			
BCP SITE NAME: Main and East Balcom Street Site		BCP SITE NUMBER: C915306	
NAME OF CURRENT APPLICANT(S): 1665 Main Street Group, LLC			
INDEX NUMBER OF EXISTING AGREEMENT: C915306-08		DATE OF EXISTING AGREEMENT: 10/21/16	
Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)			
NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Is the requestor authorized to conduct business in New York State (NYS)? <input 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. 			
NAME OF NEW REQUESTOR'S REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Describe Requestor's Relationship to Existing Applicant:			

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

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

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

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

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

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

PARTICIPANT

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

VOLUNTEER

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

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

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

Requestor's Relationship to Property (check one):

Prior Owner Current Owner Potential /Future Purchaser Other _____

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

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

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

ADDRESS 1661 Main Street

CITY/TOWN Buffalo

ZIP CODE 14209

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

See Exhibit B

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

Check appropriate boxes below:

Changes to metes and bounds description or TBL correction

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

Approximate acreage added: _____

ADDITIONAL PARCELS:

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

Reduction of property

Approximate acreage removed: _____

PARCELS REMOVED:

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

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

See Exhibit C

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

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

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: Main and East Balcom Street Site	BCP SITE NUMBER: C915306
NAME OF CURRENT APPLICANT(S): 1665 Main Street Group, LLC	
INDEX NUMBER OF EXISTING AGREEMENT: C915306-08-16	
EFFECTIVE DATE OF EXISTING AGREEMENT: October 21, 2016	

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)

(Individual)

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.

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am (title _____) of (entity _____); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

_____ 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: _____

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 the Authorized Member (title) of 1665 Main Street Group, 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. _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 7/27/16 Signature: _____

Print Name: Nicholas Sinatra

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

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: OCTOBER 26, 2016

Signature by the Department:

DATED: August 28, 2017

AMENDMENT #1
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By: _____
Robert W. Schick, P.E., Director
Division of Environmental Remediation

SUBMITTAL INFORMATION:

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

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

FOR DEPARTMENT USE ONLY

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

PROJECT MANAGER: _____

**BROWNFIELD CLEANUP PROGRAM (BCP)
INSTRUCTIONS FOR COMPLETING A BCP AMENDMENT APPLICATION**

This form must be used to add a party, modify a property description, or reduce/expand property boundaries for an existing BCP Agreement and/or Application. **NOTE: DEC requires a standard application to request major changes to the description of the property set forth in the BCA (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). The application must be submitted to DEC in the same manner as the original application to participate.**

SECTION II NEW REQUESTOR INFORMATION

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.

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 Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.

Requestor Address, etc.

Provide the requestor's mailing address, telephone number; fax number and e-mail address.

Representative Name, Address, etc.

Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative unless another contact name and address is provided with the application.

Consultant Name, Address, etc.

Provide information for the requestor's consultant.

Attorney Name, Address, etc.

Provide information for the requestor's attorney.

SECTION III CURRENT PROPERTY OWNER/OPERATOR INFORMATION - only include if new owner/operator or new existing owner/operator information is provided, and highlight new information in form.

Owner Name, Address, etc.

Provide information for the new owner of the property. List all new parties holding an interest in the property.

Operator Name, Address, etc.

Provide information for the new operator (if different from the new requestor or owner).

SECTION IV**NEW REQUESTOR ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

SECTION V PROPERTY DESCRIPTION AND DESCRIPTION OF CHANGES / ADDITIONS / REDUCTIONS (IF APPLICABLE)

NOTE: DEC requires a standard application to request major changes to the description of the property set forth in the BCA (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). The application must be submitted to DEC in the same manner as the original application to participate.

Property Address

Provide a street address, city/town, and zip code. For properties with multiple addresses, provide information for all.

Tax Parcel Information

Provide the tax parcel/section/block/lot information. 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, and/or acceptable site map to this application. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears.

EXHIBIT A

CHRISTOPHER L. JACOBS, ERIE COUNTY CLERK
REF:

DATE: 4/1/2016
TIME: 11:02:36 AM
RECEIPT: 16052213

PETER SAVAGE4
ACCOUNT #: 0

ITEM - 01 DEED
RECD: 4/1/2016 11:08:19 AM
FILE: 2016064765 BK/PG D 11294/1734
Deed Sequence: TT2015017696
1665 MAIN STREET GROUP LLC
1665 MAIN STREET GROUP LLC
Recording Fees 65.00
RP5217 CNTY \$9 9.00
RP5217 ST-NON RES \$241 241.00
TP584 10.00
Subtotal 325.00

TOTAL DUE	\$325.00
PAID TOTAL	\$325.00
PAID CHECK	\$320.00
Check #1016:	320.00
PAID CASH	\$5.00

REC BY: Kathy
COUNTY RECORDER

WARRANTY DEED

THIS INDENTURE, made this 1st day of April, 2016.

BETWEEN:

1665 Main Street Group, LLC, a New York Limited Liability Company with offices located at 617 Main Street, Suite 200, Buffalo, New York 14203, the GRANTOR, and

1665 Main Street Group, LLC, a New York Limited Liability Company with offices located at 617 Main Street, Suite 200, Buffalo, New York 14203, the GRANTEE.

WITNESSETH, that the Grantor, in Consideration of one and more Dollars (\$1.00 & More) and other good and valuable consideration paid by the Grantee, does hereby grant and release unto the Grantees, the heirs and assigns of the Grantees forever.

SEE ATTACHED SCHEDULE "A"

This Deed is being recorded to merge 6 parcels (1661-1665 Main Street, 1653-1655 Main Street, 17 East Balcom, 19 East Balcom and 21 East Balcom, Buffalo, New York) into one parcel.

THIS CONVEYANCE IS NOT ALL OR SUBSTANTIALLY ALL OF THE PROPERTY OF THE GRANTOR AND IS MADE IN THE REGULAR COURSE OF BUSINESS ACTUALLY CONDUCTED BY THE GRANTOR AND THAT THE MEMBER EXECUTING THIS DEED WAS DULY AUTHORIZED TO DO SO BY RESOLUTION OF SAID ENTITY.

SUBJECT to easements, covenants, restrictions of record, if any, affecting the property and further subject to any and all liens for local improvements, which may be due now or in the future.

TOGETHER with the appurtenances and all the estate and rights of the Grantor in and to the said premises

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, the heirs successors and assigns of the Grantees forever.

AND the Grantor covenants as follows:

FIRST. That the Grantees shall quietly enjoy the said premises

SECOND. That the Grantor shall forever warrant the title to the said premises.

This deed is subject to the trust provisions of Section 13 of the New York Lien Law. The words "Grantor" and "Grantee" as used herein shall be construed to read in the plural whenever the sense of this deed so requires.

IN WITNESS WHEREOF, the Grantor has duly executed this deed the day and year first above written.

FILED

APR 01 2016

ERIE COUNTY
CLERK'S OFFICE

1665 Main Street Group, LLC

By:

Name:

Its:

Nicholas A. Sington
Manager

STATE OF NEW YORK)
COUNTY OF ERIE)

SS:

On this 30th day of March in the year 2016, before me, the undersigned, a Notary Public in and for said state, personally appeared Nicholas A. Sington, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledges to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Peter J. Savage
Notary Public

PETER J. SAVAGE
NOTARY PUBLIC, STATE OF NEW YORK
No. 02SA6207215
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES JUNE 8, 2017

Parcel 1 (1881 Main)

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Lot Number 38, Township 11, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the southeasterly line of Main Street distant 276.50 feet northeasterly from the point of intersection of the said southeasterly line of Main Street with the easterly line of Michigan Avenue, which point of beginning was determined by a Party Line Agreement recorded in the Erie County Clerk's Office in Liber 3083 of Deeds at page 254; running thence southeasterly along the line as established by the aforesaid Party Line Agreement 106.63 feet; thence easterly and continuing along the line established by said Party Line Agreement 30.55 feet; thence northeasterly and continuing along the line established by said Party Line Agreement, 86.71 feet; thence southeasterly parallel with the southerly line of Balcom Street, 0.07 of a foot more or less to a point in a line drawn parallel with the southeasterly line of Main Street from a point in the southerly line of Balcom Street, distant 130 feet southeasterly from the point of intersection of the southerly line of Balcom Street with the southeasterly line of Main Street; thence northeasterly along the line so drawn parallel with the southeasterly line of Main Street 34.67 feet to the southerly line of Balcom Street; thence northwesterly along the southerly line of Balcom Street, 78 feet; thence southwesterly parallel with the southeasterly line of Main Street 35.05 feet to a point in a line drawn at right angles to the southeasterly line of Main Street from a point therein distant 389 feet northeasterly from its intersection with the easterly line of Michigan Avenue; thence northwesterly along the line so drawn at right angles to the southeasterly line of Main Street, 52 feet to the said southeasterly line of Main Street; thence southwesterly along the southeasterly line of Main Street, 113.50 feet to the point or place of beginning.

Parcel 2 (1653 Main)

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Lot Number 38, Township 11, Range 8 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the southeasterly line of Main Street, 36.56 feet northeasterly from its intersection with the easterly line of Michigan Avenue; thence northeasterly along the southeasterly line of Main Street, 150.64 feet to the southwesterly corner of lands deeded by International Railway Company to Frederick Maier by deed dated May 1, 1940 and filed in the Erie County Clerk's Office under Liber 2990 of Deeds at page 392; thence easterly along the southerly line of lands of said Frederick Maier, 49.64 feet to the projection northeasterly of a brick building; thence southwesterly along the outside plaster line of said brick building parallel to the southeasterly line of Main Street and 39.79 feet southeasterly therefrom, measured at right angles thereto, a distance of 110.49 feet to the southwesterly corner of said brick building; thence southeasterly and at right angles to Main Street, 0.12 feet to the face of a board fence; thence southwesterly along the face of board fence, 28.17 feet to an angle point in fence, distant 40.25 feet from the southeasterly line of Main Street, measured at right angles thereto and 41.62 feet northeasterly from the point of beginning; thence westerly along the face of said fence, 36.15 feet to an angle point of fence distant 17.03 feet from the southeasterly line of Main Street at right angles thereto and 14.02 feet northeasterly from the point of beginning; thence southwesterly along the face of fence and projection thereof, 14.67 feet to a point; thence northwesterly and at right angles to the southeasterly line of Main Street, at a distance of 13.04 feet to the place of beginning.

Parcel 3 (1655 Main)

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Lot Number 38, Township 11, Range 8 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the southeasterly line of Main Street, 187 feet northeasterly from the intersection of the easterly line of Michigan Avenue (formerly Michigan Street) with the southeasterly line of Main Street; thence easterly along the northerly line of premises conveyed by William F. Miller and wife to S. V. R. Watson by deed dated February 23, 1869 and recorded in the Erie County Clerk's Office in Liber 283 of Deed at page 397, 254 feet; thence northerly parallel with Masten Street, 106 feet more or less to the southwest line of Balcom Street; thence northwesterly along the southwest line of Balcom Street to a point in said southwest line of Balcom Street, 130 feet southeasterly from Main Street; thence southwesterly parallel with Main Street, 120 feet more or less to a line drawn parallel with and 10 feet distant northerly from the aforesaid northerly line of premises conveyed by said Miller and wife to said Watson; thence westerly along said line parallel with and 10 feet northerly from said premises so conveyed by Miller and wife to said Watson, 34.58 feet more or less; thence northwesterly on a line drawn at right angles with Main Street, 101½ feet more or less to the southeasterly line of Main Street; thence southwesterly along the southeasterly line of Main Street, 88 feet to the place of beginning.

Parcel 4 (17 East Balcom)

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Lot Number 38, Township 11, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the south line of Balcom Street, 300 feet westerly from its intersection with the westerly line of Masten Street; thence westerly along said line of Balcom Street, 22½ feet more or less to the point of intersection of the southerly line with the southwesterly line of Balcom Street; thence northwesterly along the southwesterly line of Balcom Street, 8 feet more or less to the east line or boundary of land conveyed by Wilson S. Tiff and wife to Louis Zurbucher by deed dated November 26, 1886 and recorded in the Erie County Clerk's Office in Liber 518 of Deeds at page 118; thence southerly parallel with Masten Street and along the east line or boundary of premises so conveyed by Tiff to said Zurbucher, 102 feet more or less to the north line of premises conveyed by Wm. F. Miller and wife to Stephen V. R. Watson by deed dated February 23, 1869 and recorded in the Erie County Clerk's Office in Liber 283 of Deeds at page 397; thence east along the northerly line of premises so conveyed 30 feet more or less to a line parallel with and 300 feet westerly from the west line of Masten Street; thence northerly along said mentioned line parallel with Masten Street, 100 feet more or less to said south line of Balcom Street and place of beginning.

Parcel 5 (19 East Balcom)

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Lot Number 38, Township 11, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING on the south line of Balcom Street at a point 270 feet westerly from the west line of Masten Street; running thence westerly along the south line of Balcom Street, 30 feet; thence southerly parallel with Masten Street, 100; thence easterly parallel with Balcom Street, 30 feet; thence northerly parallel with Masten Street, 100 feet to said south line of Balcom Street and place of beginning.

Parcel 6 (21 East Balcom)

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Lot Number 38, Township 11, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING in the south line of Balcom Street at a point 240 feet westerly from the west line of Masten Street; thence westerly along said south line of Balcom Street, 30 feet; thence southerly parallel with Masten Street, 100 feet to the northerly line or boundary of land conveyed by William F. Miller and wife to Stephen V. R. Watson by deed dated February 23, 1869, recorded in the Erie County Clerk's Office in Liber 283 of Deeds at page 397; thence easterly along said northerly line of premises so conveyed by said Miller and wife to said Watson, 30 feet; thence northerly parallel with Masten Street, 100 feet to the south line of Balcom Street to the place of beginning.

EXHIBIT B

1. 1653 Main Street, S.B.L. # 100.32-3-1, 0.13 acres
2. 1655 Main Street, S.B.L. # 100.24-4-17, 0.26 acres
3. 1661 Main Street, S.B.L. # 100.24-4-18, 0.39 acres
4. 17 East Balcom Street, S.B.L. # 100.24-4-15, 0.07 acres
5. 19 East Balcom Street, S.B.L. # 100.24-4-16, 0.07 acres
6. 21 East Balcom Street, S.B.L. # 100.24-4-14, 0.07 acres

EXHIBIT C

N.Y.S.D.E.C. ENVIROMENTAL EASEMENT

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Lot 38, Township 11, Range 8 of the Holland Land Company's Survey, bounded and described as follows;

BEGININNG at a point on the southeast line of Main Street (99' wide) distant 36.70 feet measured (36.58' record) northeast of its intersection with the north line of Michigan Avenue (66' wide); thence northeasterly along the southeast line of Main Street, a distance of 352.23 feet to a point, said point being 35.05 feet southwest of East Balcom Street, as measured along the southeast line of Main Street; thence southeasterly along a line perpendicular to the southeast line of Main Street, a distance of 52.0 feet; thence northeasterly along a line parallel with the southeast line of Main Street, a distance of 35.05 feet to a point on the southwest line of East Balcom Street, said point being distant 52.0 feet southeast of the southeast line of Main Street; thence southeasterly along the southwest line of East Balcom Street, a measured distance of 97.64 feet to an angle point therein; thence easterly along the south line of East Balcom Street, a distance of 82.08 feet to a point, said point being 240.0 feet west of Masten Avenue (66' wide) as measured along the south line of East Balcom Street; thence southerly along a line parallel with the west line of Masten Avenue, a distance of 101.17 feet to a point on the north line of lands now or formerly conveyed to S.V.R. Watson, as recorded in the Erie County Clerk's Office in Liber 283 of deeds at page 397; thence westerly along the north line of said lands conveyed to Watson, a distance of 30.0 feet; thence northerly along a line parallel with the west line of Masten Avenue, a distance of 1.16 feet; thence westerly along a line parallel with the south line of East Balcom Street, a distance of 30.0 feet; thence southerly along a line parallel with the west line of Masten Avenue, a distance of 1.15 feet to a point on the north line of said lands conveyed to Watson; thence westerly along the north line of said lands conveyed to Watson, a distance of 233.22 feet to a point distant 39.79 feet southeast of the southeast line of Main Street, as measured perpendicular therefrom; thence southwesterly along a line parallel with the southeast line of Main Street and distant 39.79 feet therefrom, a distance of 110.49 feet; thence southeasterly along a line perpendicular to the southeast line of Main Street, a distance of 0.12 feet; thence southwesterly along a line a distance of 28.17 feet to a point distant 40.25 feet southeast of the southeast line of Main Street, as measured perpendicular therefrom; thence southwesterly along a line a distance of 36.15 feet to a point distant 17.03 feet southeast of the southeasterly line of Main Street, as measured perpendicular therefrom; thence southwesterly along a line a distance of 14.57 feet to a point distant 13.04 feet southeast of the southeast line of Main Street, as measured perpendicular therefrom; thence northwesterly along a line perpendicular to the southeast line of Main Street, a distance of 13.04 feet to the Point of Beginning, containing 43,249.19 square feet (0.9929 acres) more or less.

Deed Book	Deed Page	SWIS	Year	Owner Name	Street Name	Prop Class	Total AV	Active
11294	1734	140200	2018	1665 Main Street Group	1653 Main	✓ 330	3,000	H
11294	1734	140200	2018	1665 Main Street Group	1655 Main	✓ 330	12,100	H
11294	1734	140200	2018	1665 Main Street Group	21 Balcom East	✓ 331	1,500	H
11294	1734	140200	2018	1665 Main Street Group	19 Balcom East	✓ 331	1,500	H
11294	1734	140200	2018	1665 Main Street Group	17 Balcom East	✓ 331	1,600	H
11294	1734	140200	2018	1665 Main Street Group	1661 Main	✓ 449	450,000	H
11294	1734	140200	2018	1665 Main Street Group	1661 Main	449	469,700	A

Combined parcel
 New SBL # 100.24-4-14.1
 Bill no. 04178850

CHRISTOPHER L. JACOBS, ERIE COUNTY CLERK
 REF:

DATE: 4/1/2016
 TIME: 11:02:36 AM
 RECEIPT: 16052213

PETER SAVAGE4
 ACCOUNT #: 0

ITEM - 01 DEED
 RECD: 4/1/2016 11:08:19 AM
 FILE: 2016064765 BK/PG D 11294/1734
 Deed Sequence: TT2015017696
 1665 MAIN STREET GROUP LLC
 1665 MAIN STREET GROUP LLC
 Recording Fees 65.00
 RP5217 CNTY \$9 9.00
 RP5217 ST-NON RES \$241 241.00
 TP584 10.00
 Subtotal 325.00

TOTAL DUE \$325.00
 PAID TOTAL \$325.00
 PAID CHECK \$320.00
 Check #1016: 320.00
 PAID CASH \$5.00

REC BY: Kathy
 COUNTY RECORDER