



NYSDEC BCP Application

Location:

11075 Walden Avenue
Alden, New York 14004

Prepared for:

Walden Realty Limited Partnership/ Doritex
Corp.
11980 Walden Avenue
Alden, New York 14004-9709

LaBella Project No. 2180605

May 23, 2018

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BROWNFIELD CLEANUP APPLICATION



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "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). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

Yes

No

If yes, provide existing site number: _____

PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 9*

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #: _____

NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Is the requestor authorized to conduct business in New York State (NYS)? Yes No

- 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 the New York State Department of Environmental Conservation (DEC) with the application, to document that the requestor is authorized to do business in NYS.

Do all individuals that will be certifying documents meet the requirements detailed below? Yes No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.**

Section II. Project Description

1. What stage is the project starting at? Investigation Remediation

2. If the project is starting at the remediation stage, a Remedial Investigation Report (RIR), Alternatives Analysis, and Remedial Work Plan must be attached (see [DER-10 / Technical Guidance for Site Investigation and Remediation](#) for further guidance).

3. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): Yes No

4. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated.

Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (**please submit the information requested in this section in electronic format only**):

1. Reports: an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903).

2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum			
Chlorinated Solvents			
Other VOCs			
SVOCs			
Metals			
Pesticides			
PCBs			
Other*			

*Please describe: _____

3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:

- SAMPLE LOCATION
- DATE OF SAMPLING EVENT
- KEY CONTAMINANTS AND CONCENTRATION DETECTED
- FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE
- FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5
- FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

Yes

No

4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

Coal Gas Manufacturing
Salvage Yard
Landfill

Manufacturing
Bulk Plant
Tannery

Agricultural Co-op
Pipeline
Electroplating

Dry Cleaner
Service Station
Unknown

Other: _____

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME				
ADDRESS/LOCATION				
CITY/TOWN		ZIP CODE		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL):				
COUNTY		SITE SIZE (ACRES)		
LATITUDE (degrees/minutes/seconds) ° ' "		LONGITUDE (degrees/minutes/seconds) ° ' "		
COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach a metes and bounds description of the property.			Yes	No
2. Is the required property map attached to the application? (application will not be processed without map)			Yes	No
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information)			Yes	No
If yes, identify census tract : _____				
Percentage of property in En-zone (check one): 0-49% 50-99% 100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? Yes No				
If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?			Yes	No
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.			Yes	No
7. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.			Yes	No

Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?
If yes, identify here and attach appropriate information. ☐ Yes ☒ No

Easement/Right-of-way Holder

Description

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**?

☒ Yes ☐ No

11. For sites located within the five counties comprising New York City, is the requestor seeking a determination that the site is eligible for tangible property tax credits?
If yes, requestor must answer questions on the supplement at the end of this form. ☐ Yes ☐ No

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? ☐ Yes ☒ No

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? ☐ Yes ☐ No

NOTE: If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: gnt _____

BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF REQUESTOR'S CONSULTANT			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF REQUESTOR'S ATTORNEY			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME		OWNERSHIP START DATE:	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER. PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)			
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 subject to an existing order for the investigation, removal or remediation of contamination at the site? Yes No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. Yes No			

Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing 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, DEC 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 DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? 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 REQUESTOR MUST CERTIFY THAT HE/SHE 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 hazardous waste or discharge of petroleum 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 hazardous waste or discharge of petroleum.

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.

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

Previous 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 VIII. Property Eligibility Information - See Instructions for Further Guidance

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment.

Yes No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305?
If yes, please provide: Site # _____ Class # _____

Yes No
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?
If yes, please provide: Permit type: _____ EPA ID Number: _____
 Date permit issued: _____ Permit expiration date: _____

Yes No
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

Yes No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____

Yes No
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
If yes, please provide explanation as an attachment.

Yes No

Section IX. Contact List Information

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [DER-23 / Citizen Participation Handbook for Remedial Programs](#). Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of an acknowledgement from the repository indicating that it agrees to act as the document repository for the property.
8. Any community board located in a city with a population of one million or more, if the proposed site is located within such community board's boundaries.

Section X. Land Use Factors

1. What is the current zoning for the site? What uses are allowed by the current zoning?
 Residential Commercial Industrial **Manufacturing M-2**
 If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply)

Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.

3. Reasonably anticipated use Post Remediation: Residential Commercial Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing? Yes No

4. Do current historical and/or recent development patterns support the proposed use? Yes No

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary. Yes No

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary. Yes No

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *Proposed DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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.

Date: _____

Signature: _____

Print Name: _____

(By a requestor other than _____ Doritex Corp. and Sovereign Asset Management, LLC, the General Partner of Walden Realty Limited Partnership)

I hereby affirm that I am James J. Doro, President _____ (title) of Doritex Corp. and Sovereign Asset Management, LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *Proposed DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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.

Date: May 23rd, 2018 Signature: James J. Doro

Print Name: James J. Doro, President

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper 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 DEC USE ONLY

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

BCP Application Summary (for DEC use only)**Site Name:****City:****Site Address:****County:****Zip:****Tax Block & Lot****Section (if applicable):****Block:****Lot:****Requestor Name:****City:****Requestor Address:****Zip:****Email:****Requestor's Representative (for billing purposes)****Name:****Address:****City:****Zip:****Email:****Requestor's Attorney****Name:****Address:****City:****Zip:****Email:****Requestor's Consultant****Name:****Address:****City:****Zip:****Email:****Percentage claimed within an En-Zone:****0%****<50%****50-99%****100%****DER Determination:**

Agree

Disagree

Requestor's Requested Status:**Volunteer****Participant****DER/OGC Determination:**

Agree

Disagree

Notes:**For NYC Sites, is the Requestor Seeking Tangible Property Credits:**

Yes

No

Does Requestor Claim Property is Upside Down:

Yes

No

DER/OGC Determination:

Agree

Disagree

Undetermined

Notes:**Does Requestor Claim Property is Underutilized:**

Yes

No

DER/OGC Determination:

Agree

Disagree

Undetermined

Notes:**Does Requestor Claim Affordable Housing Status:**

Yes

No

Planned, No Contract

DER/OGC Determination:

Agree

Disagree

Undetermined

Notes:

NARRATIVE OF BCP APPLICATION

SECTION I: REQUESTOR INFORMATION

Requestors Name: Walden Realty Limited Partnership/Doritex Corp.

Requesters Primary Contact & Owner (President & CEO): Mr. Jim Doro (owner of both listed requestors)

Additional Ownership Members: Sovereign Asset Management, LLC, Christopher J. Doro, Nicholas J. Doro and Elizabeth M. (Doro) Kaye

The NYS Department of State's Corporation & Business Entity Information and Site Operating Agreements are included in Appendix 1.

SECTION II: PROJECT DESCRIPTION

Item 4: Project Description

Walden Realty Limited Partnership and Doritex Corp. intend to undertake the redevelopment of an approximately 2.94-acre property, formerly utilized for various commercial-type operations, including a commercial laundry facility operated by Doritex Corp., printing facility, and offices. Walden Realty Limited Partnership is the current owner of the Site. The Site is located at 11075 Walden Avenue in the Town of Alden, Erie County, New York and is situated on the southwest corner of the intersection of Walden Avenue and Commerce Drive. The Site is comprised one tax parcel (SBL #96.00-4-6.2). The Site currently includes the Site Building centrally-located at the Site, asphalt-paved parking spaces (impervious surfaces) to the north, east and south of the Site Building, fallow land to the west of the Site Building, and commercial uses further to the east across Commerce Drive. Previous environmental assessments conducted at the Site have identified chlorinated solvent volatile organic compound (cVOC) contamination in the subsurface soil and soil vapor/indoor air requiring remediation prior to occupancy of the Site Building. Additionally, acetone has been identified in the groundwater at the Site. The remedial activities anticipated to be conducted at the Site will include the completion of a remedial investigation to rule out an on-site source of the acetone and any other Target Compound List analytes (besides the identified cVOCs), the removal of reasonably accessible cVOC contaminated soils located beneath the Site Building, and installation of a sub-slab depressurization system in the Site Building. As discussed with the New York State Department of Environmental Conservation (NYSDEC), investigation activities to be completed at the Site include further characterization of the subsurface and surface soil, soil vapor and ground water conditions at the Site. Redevelopment of the Site is anticipated to be commercial in nature. The remedial program is anticipated to commence in August 2018 and the anticipated date of Certificate of Completion is in the December 2019.

SECTION III: PROPERTY'S ENVIRONMENTAL HISTORY

Item 1: Investigation Reports

A Phase II Environmental Site Assessment (ESA) report was completed at the Site by LaBella Associates, D.P.C. (LaBella) dated December 4, 2017 and is included as Appendix 2.

Item 2: Sampling Data

Data summary tables and laboratory analytical reports are included within the December 4, 2017 Phase II ESA report included in Appendix 2.



Item 3: Impacted Media Site Drawings

Site drawings depicting the locations of known contaminants of concern identified within Site soil, soil vapor/indoor air and groundwater are included as Figure 1, 2 and 3, respectively.

SECTION IV: PROPERTY INFORMATION

Tax Parcel Information

A United States Geological Survey (USGS) 7.5 minute quadrangle Site location map is included as Figure 4. A tax map including the Site area is included as Figure 5.

Item 1: Site Metes and Bounds Survey

The Site metes and bounds survey is included in Appendix 3.

Item 2: Property Base Map

A Site base map is included as Figure 6.

Item 9: List of NYSDEC and USEPA Permits and Regulatory Listings

NYSDEC Spill #1508546 is associated with the Site which involved a release in 1998 of less than one gallon of perchloroethylene inside the Site Building due to a pinhole in a plastic drum. The spill was ultimately classified as “closed” following proper cleanup of the release. The Site was also listed on the Federal Dry Cleaning Facility listing and included a former Resource, Conservation and Recovery Act (RCRA) generator listing from 1988 through at least 2007 (halogenated solvents). An Integrated Compliance Information System (ICIS) listing was also identified for the Site associated with the NYSDEC Air Program. Lastly, the Site was identified in the Facility Index System database due to the RCRA and ICIS listings.

Item 10: Property Description and Environmental Assessment

Location

The Site consists of one tax parcel (SBL #96.00-4-6.2) totaling 2.94 ± acres. The Site is located in a rural-commercial area south of Walden Avenue (New York State Route 81) and west of Commerce Drive.

Site Features

The Site consists of a commercial structure (Site Building) centrally-located on the Site and asphalt-paved parking spaces (impervious surfaces) to the east, north and south of the Site Building. Fallow areas are also located west exterior the Site Building.

Current Zoning and Land Use

The Site currently includes a vacant commercial structure and asphalt-paved parking spaces. According to the Town of Alden Zoning Map, the Site is located in a manufacturing zone (M-2). The surrounding parcels include commercial/industrial-type operations to the north and east, and wooded/fallow areas to the south and west.

Past Use of the Site

The Site was historically utilized as a commercial laundry facility, including dry cleaning from at least 1988 (potentially as early as the 1970s) through at least 2006. Additionally, printing operations were reportedly historically conducted at the Site.



Site Geology and Hydrogeology

According to the United States Department of Agriculture (USDA) Web Soil Survey, the Site consists of Kendaia silt loam (0-3% slopes) and Ilion silt loam. Kendaia silt loam consists of calcareous loamy lodgment till derived from limestone, sandstone and shale. Ilion silt loam consists of loamy till derived from calcareous dark shale. Based on the results of LaBella's December 4, 2017 Phase II ESA report, concrete slab was observed to a depth of 0.6 feet below the ground surface (ft bgs) within the Site Building including a gravel sub-base beneath it to a depth of one ft bgs. Other non-native materials including asphalt surface material and sub-base gravel were encountered in exterior areas of the Site to depths ranging from 0.3 to 0.6 ft bgs. A fill layer consisting of brown silty clay with trace gravel, rock, and concrete was also encountered immediately exterior the Site Building to depths ranging from one to two ft bgs. Based on the locations of the fill material encountered, it appears that such was utilized as fill material during construction of the Site Building foundation. Native soils generally consist of brown-red to brown-gray clayey silts typical of outwash plains and alluvial fans were observed to a depth of 16 ft bgs. Due to laminated clays (densely-packed) throughout the Site, saturated conditions were identified at a depth range of four to 10 ft bgs. As such, a defined groundwater depth throughout the Site is unknown at this time. Apparent groundwater flow direction at the Site may be to the east-northeast toward an unnamed tributary of Ellicott Creek; however, the intention is to attempt to confirm such during future Remedial Investigation activities. This task is included in the Remedial Investigation Work Plan which is currently under NYSDEC review under separate cover. Bedrock beneath the Site is reported to consist of the Macellus formation including Pecksport, Solsville, Otsego and Chittenanago shale and sandstone, Cherry Valley limestone, and Union Springs shale, dating from the Middle Devonian age.

Environmental Assessment

LaBella reviewed a Limited Environmental Due Diligence: Transaction Screen (T-Screen) prepared by Lender Consulting Services, Inc. (LCS) for the Site dated May 4, 2017. Based on the contents of that report, LCS identified the following potential environmental concerns (PECs).

- The Site was historically utilized as an industrial laundry facility, including dry cleaning, from at least 1988 (potentially as early as the 1970s) through 2006. The Site was listed within the Federal Drycleaners, RCRA Generator, and Aerometric Information Retrieval System's programs associated with the dry cleaning operations.
- The Site utilized a septic system prior to the mid-1980s. Floor drains noted throughout the Site Building may have previously discharged to an on-site septic system.
- Former on-site operations included printing.
- Although all available resources were consulted, the use of the Site Building in the 1960s is unknown.

Subsequently, LaBella completed a Phase II ESA report dated June 28, 2017 and a Supplemental Phase II ESA report dated December 4, 2017 for the Site. Based on the results of those assessments, cVOC-impacted soil was identified beneath the west central portion of the Site Building. In addition, soil vapor intrusion sampling conducted within the Site Building identified cVOCs in both indoor air and sub-slab soil vapor samples at concentrations requiring mitigation when compared to New York State Department of Health (NYSDOH) soil vapor intrusion guidance. The source of the impact appears to be related to historical dry-cleaning operations conducted within the Site Building, specifically a dry cleaning machine which was historically located proximate the subsurface impact identified. Lastly, groundwater samples collected from several temporary groundwater monitoring wells installed at the Site identified acetone at concentrations slightly



exceeding NYSDEC Division of Water Technical and Operations Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards (AWQS).

SECTION VI: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Previous Owners/Operators

Owners

Owner:	Abby W. Grosvenor
Current Address:	Unknown
Relationship to Requestor:	None
Owner:	Frank Schie, Raymond Schie, Dorothy Geraci, Anthony Schie, Helen Schie
Current Address:	Unknown
Relationship to Requestor:	None
Owner:	Margaret Galloway, Caroline Burrows, William and Clementine Hofner, Philip and Margaret R. Hofner
Current Address:	Unknown
Relationship to Requestor:	None
Owner:	Alden Chamber of Commerce, Inc.
Current Address:	Unknown
Relationship to Requestor:	None
Owner:	Impact Container/Realty Corporation, Impact Rent-A-Lift, Inc.
Current Address:	Unknown
Relationship to Requestor:	None
Owner:	Safran Printing Corporation
Current Address:	Unknown
Relationship to Requestor:	None
Owner:	Doritex Corp.
Current Address:	11980 Walden Avenue, Alden, New York 14004-9709
Relationship to Requestor:	Entity also owned by current owner (Walden Realty Limited Partnership)

Operators

Operator:	Safran Printing Corporation (1978)
Contact Information:	Unknown
Relationship to Requestor:	None
Operator:	Doritex Corp. (2000)
Contact Information:	11980 Walden Avenue, Alden, New York 14004-9709
Relationship to Requestor:	Entity also owned by current owner (Walden Realty Limited Partnership)



SECTION IX: CONTACT LIST INFORMATION

Item 1: Municipal and County Contacts

Name	Department	Address
Mr. Richard Savage, Supervisor	Town of Alden Board	3311 Wende Road, Alden, NY 14004
Ms. Colleen Pautler		
Mr. Dean Adamski		
Ms. Colleen Rogers		
Mr. Michael Dewitt, Chairman	Town of Alden Planning Board	
Mr. Michael Fleming		
Mr. Robert Meyer		
Mr. Matt Malecki		
Mr. Frank Altieri		
Mr. Ronald Gardner		
Mr. F. Duane Connors		
Mr. Mark C. Poloncarz	Erie County Executive	95 Franklin Street, 16 th Floor, Buffalo, NY 14202
Mr. Thomas R. Hersey Jr.	Erie County Department of Environment and Planning, Commissioner	95 Franklin Street, 10 th Floor, Buffalo, NY 14202

Item 2: Adjacent Property Owners

Direction	Property Address	Owner Contact Information
North	11112 Walden Ave. (property class identified as “other storage”)	Henry E. Klier 11118 Walden Ave., Alden, NY 14004 Helen D. Uebelhoer 4669 Walden Ave., Lancaster, NY 14004
	11118 Walden Ave. (currently owner-occupied by Henry E. Klier)	Henry E. Klier 11118 Walden Ave., Alden, NY 14004 Helen D. Uebelhoer 4669 Walden Ave., Lancaster, NY 14004
	11130 Walden Ave. (property class identified as “auto body”)	Harmon O. Whipple III 5070 Glenwood Dr., Williamsville, NY 14221
East	11155 Walden Ave. (currently owner-occupied by Griffith Energy Inc.)	Griffith Energy Inc. (corporate address) 1870 Winton Road South, Rochester, NY 14618
	2885 Commerce Drive (currently owner-occupied by Huber Holdings, Inc.)	Huber Holdings, Inc. 2885 Commerce Drive, Alden, NY 14004



Direction	Property Address	Owner Contact Information
South and West	Unaddressed parcel at Walden Ave. (undeveloped land)	Paul Marinaccio 8905 Lapp Road, Clarence Center, NY 14032

Item 3: Local News Media

Alden Advertiser
13200 Broadway Street
Alden, NY 14004
(716) 937-9226

Item 4: Public Water Supplier

Erie County Water Authority
295 Main St., Room 350
Buffalo, NY 14203
716-849-8484

Item 5: Contact List

Currently, no persons have requested to be placed on the Contact List

Item 6: Document Repository

Buffalo and Erie County Public Library-Central Downtown location
Attention: April Tompkins
Re: Repository Documents
1 Lafayette Square
Buffalo, NY 14203
(716) 858-7129

Alden Ewell Free Library
13280 Broadway Street
Alden, New York 14004

The acknowledgement as document repository from the Buffalo and Erie County Public Library-Central Downtown location is included in Appendix 4.

SECTION X: LAND USE FACTORS

Item 2: Current Use

The Site currently includes a vacant commercial structure (Site Building) centrally located on-site, asphalt-paved parking areas (impervious surfaces) on the north, east and south portion of the Site and fallow land west exterior the Site Building. The Site was historically utilized as a commercial laundry facility, including dry cleaning from at least 1988 (potentially as early as the 1970s) through at least 2006. Additionally, printing operations were reportedly historically conducted at the Site.

Item 3: Post Remediation Use

The exact nature of proposed, future operations at the Site is unknown at this time; however, redevelopment at the Site is anticipated to be commercial and/or industrial in nature.



Item 5: Consistency with Zoning Maps

The Site is located in an area designated for manufacturing (M-2) according to the Town of Alden zoning map. According to Chapter 20 of the Town of Alden Comprehensive Plan, M-2 permits any M-1 uses and below, and junkyards.

Item 6: Consistency with Land Use Plans

2010 Town of Alden Comprehensive Plan

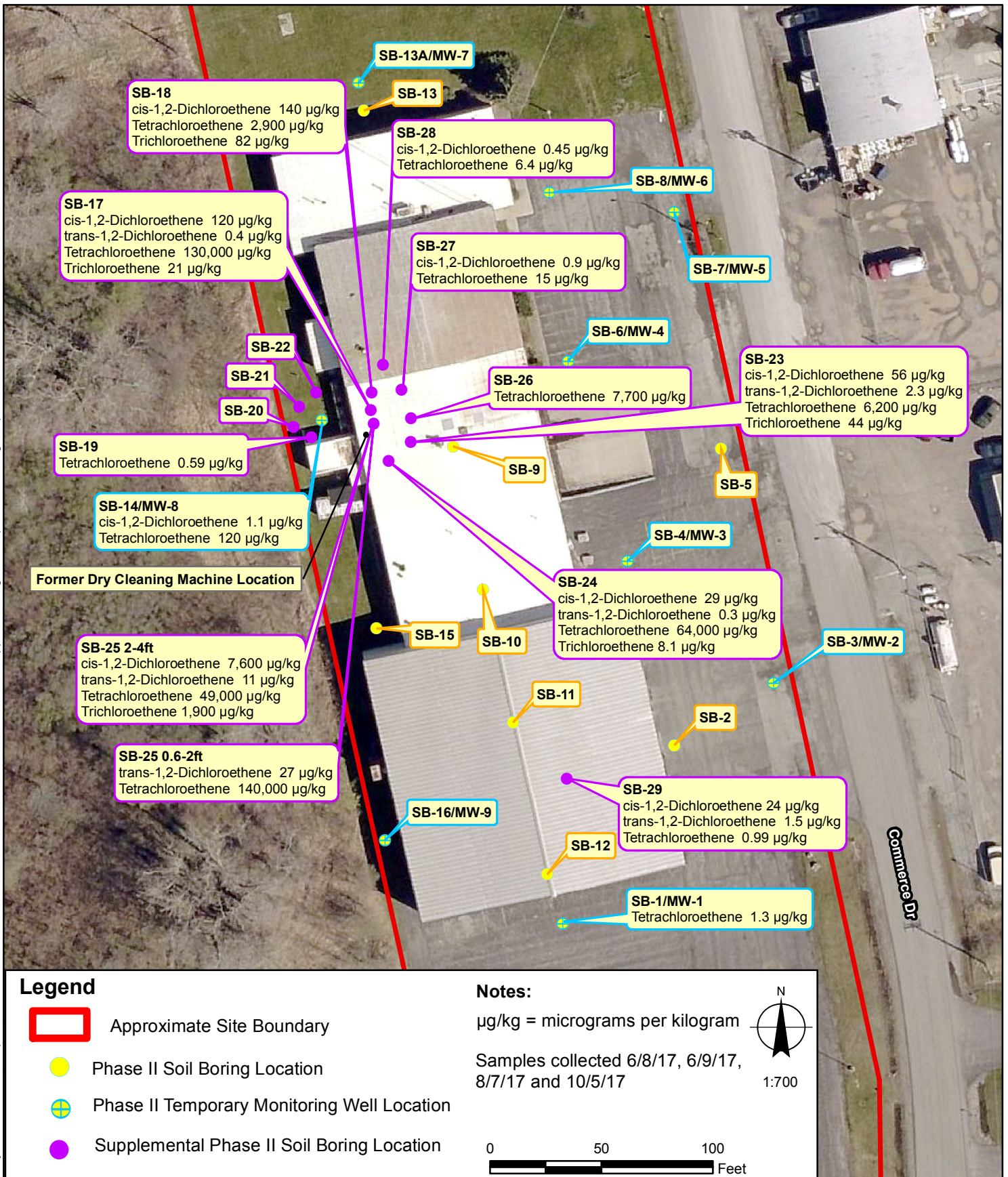
The Site is included within the 2010 Town of Alden Comprehensive Plan area. According to this document, the following emerging principles were identified for the Comprehensive Plan area.

- Preserve and promote the rural character and quality of life
- Protect important cultural and environmental resources
- Encourage diversity of economic development activity
- Encourage a diversity of housing types
- Provide potable water to areas of the Town that are in need
- Maintain and promote efficiency and cooperation of government

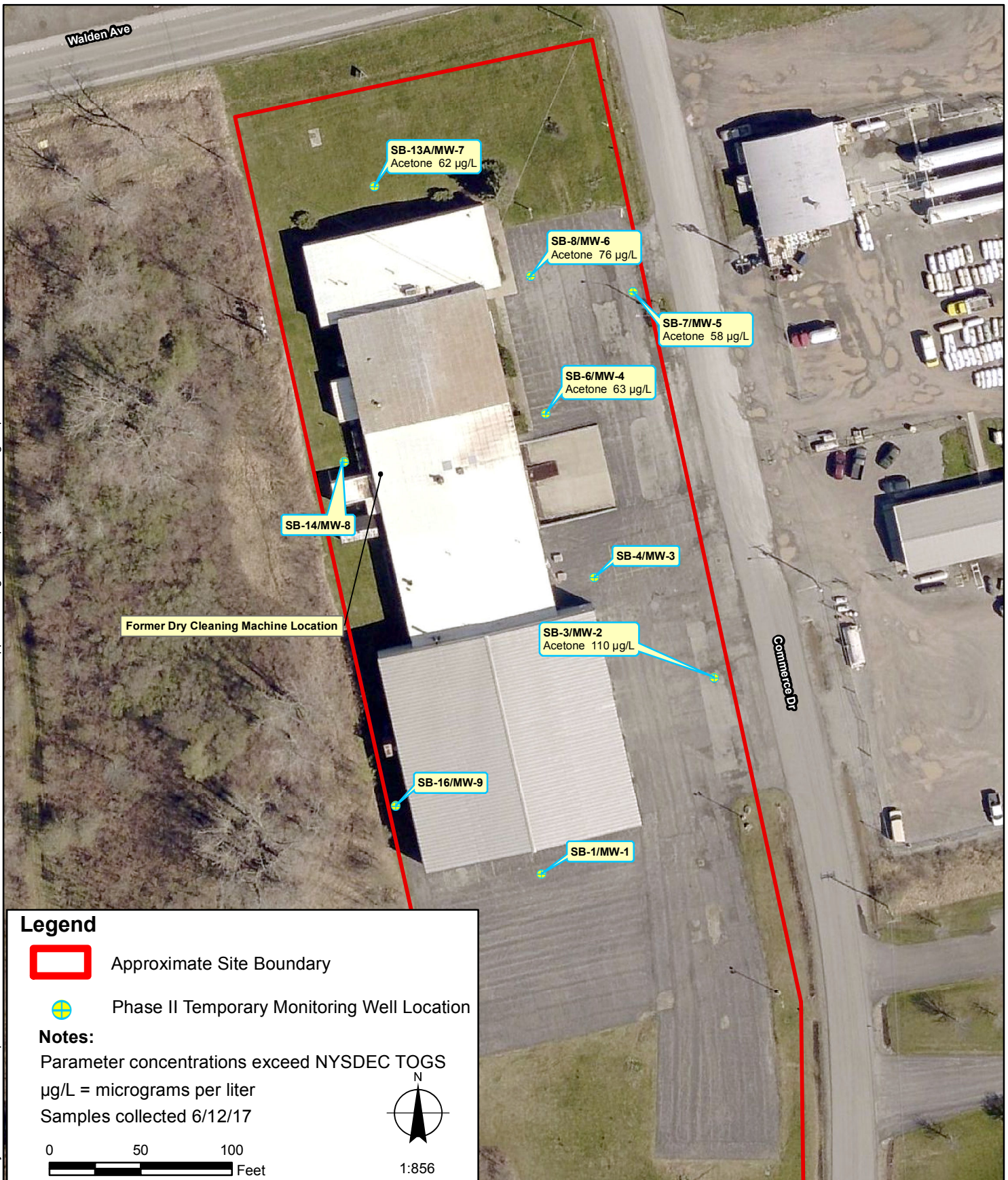
As such, this project aligns with the principles of the Comprehensive Plan.



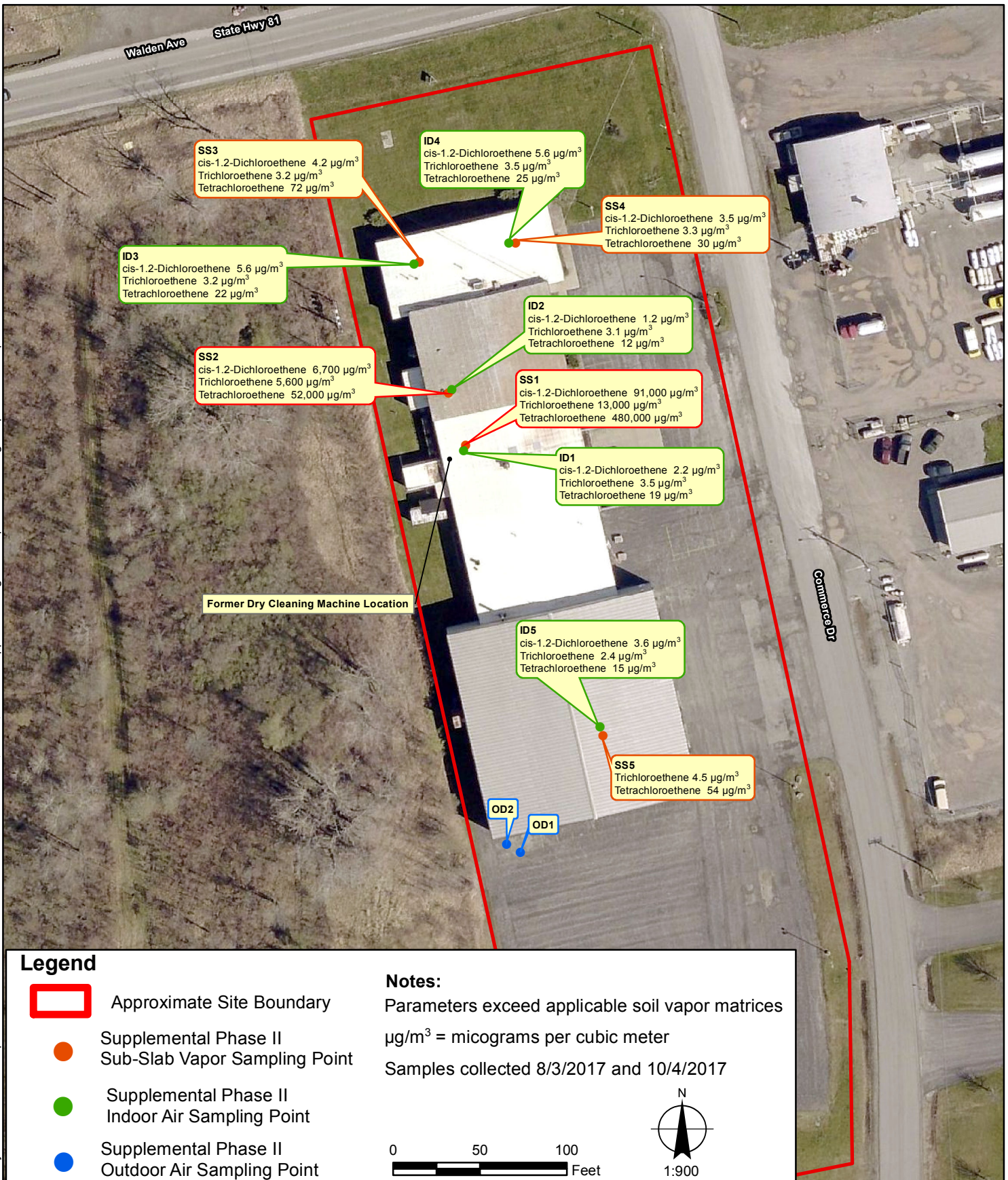
FIGURES



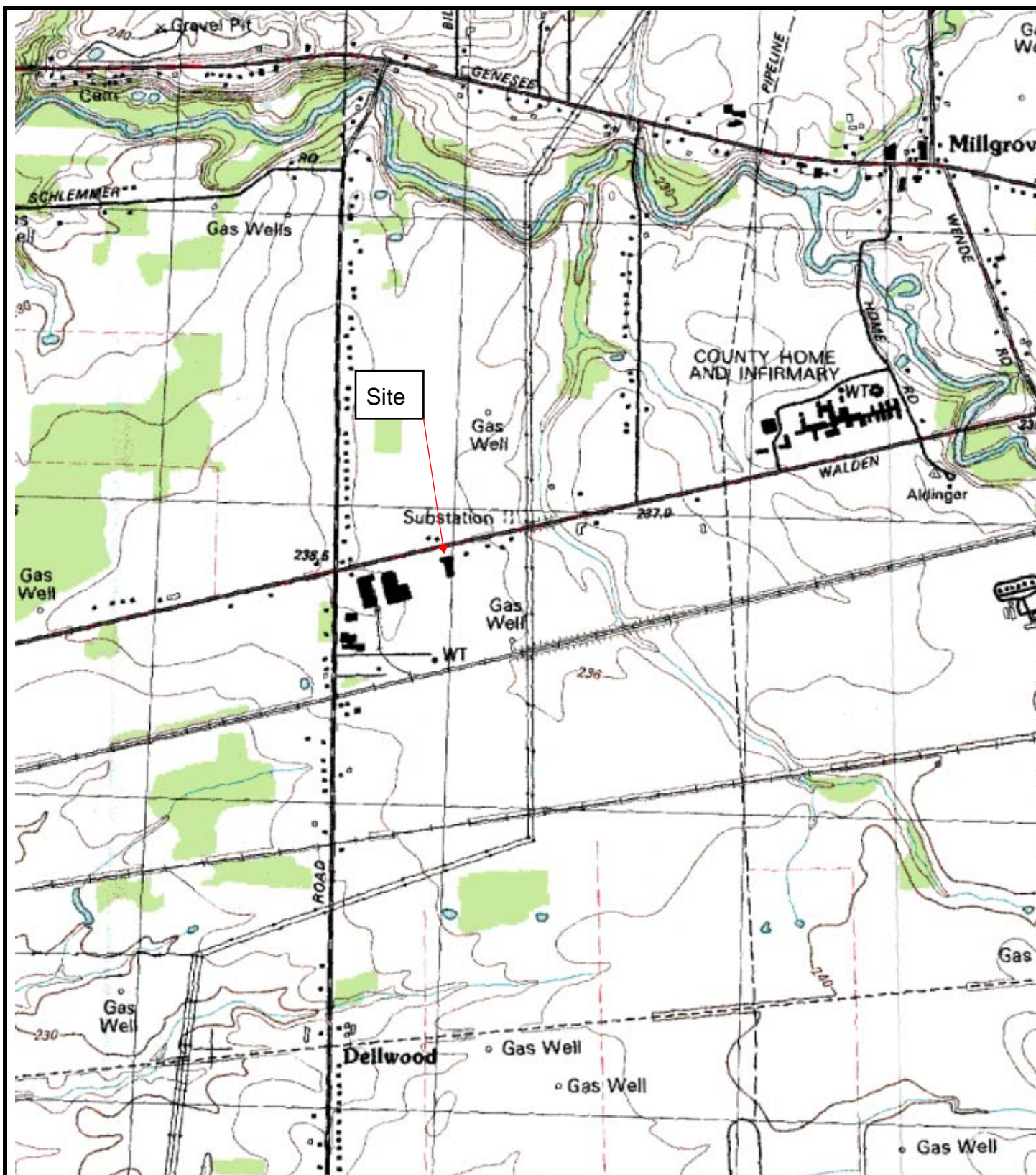
PROJECT/DRAWING NUMBER	DRAWING TITLE	PROJECT/CLIENT	LABELLA Associates, D.P.C. 300 PEARL STREET BUFFALO, NY 14202 P: (716) 551-6281 F: (716) 551-6282 www.labellapc.com COPYRIGHT 2003
2180605	IMPACTED SOIL MAP	BCP APPLICATION	
FIGURE 1	ISSUED FOR: REVIEW	11075 WALDEN AVENUE ALDEN, NEW YORK	
	DESIGNED BY: SND DRAWN BY: SND DATE: JANUARY 2018 REVIEWED BY: CK		



PROJECT/DRAWING NUMBER	DRAWING TITLE	PROJECT/CLIENT	LABELLA Associates, D.P.C. 300 PEARL STREET BUFFALO, NY 14202 P: (716) 551-6281 F: (716) 551-6282 www.labellapc.com COPYRIGHT 2003
2180605	IMPACTED GROUNDWATER MAP	BCP APPLICATION	
FIGURE 2	ISSUED FOR: REVIEW	DESIGNED BY: SND	
	DATE: JANUARY 2018	DRAWN BY: SND REVIEWED BY: CK	



PROJECT/DRAWING NUMBER	DRAWING TITLE	PROJECT/CLIENT	LABELLA Associates, D.P.C. 300 PEARL STREET BUFFALO, NY 14202 P: (716) 551-6281 F: (716) 551-6282 www.labellapc.com COPYRIGHT 2003
2180605	IMPACTED SOIL VAPOR MAP	BCP APPLICATION	
FIGURE 3	ISSUED FOR: REVIEW	11075 WALDEN AVENUE ALDEN, NEW YORK	
	DESIGNED BY: SND DRAWN BY: SND DATE: JANUARY 2018 REVIEWED BY: CK		



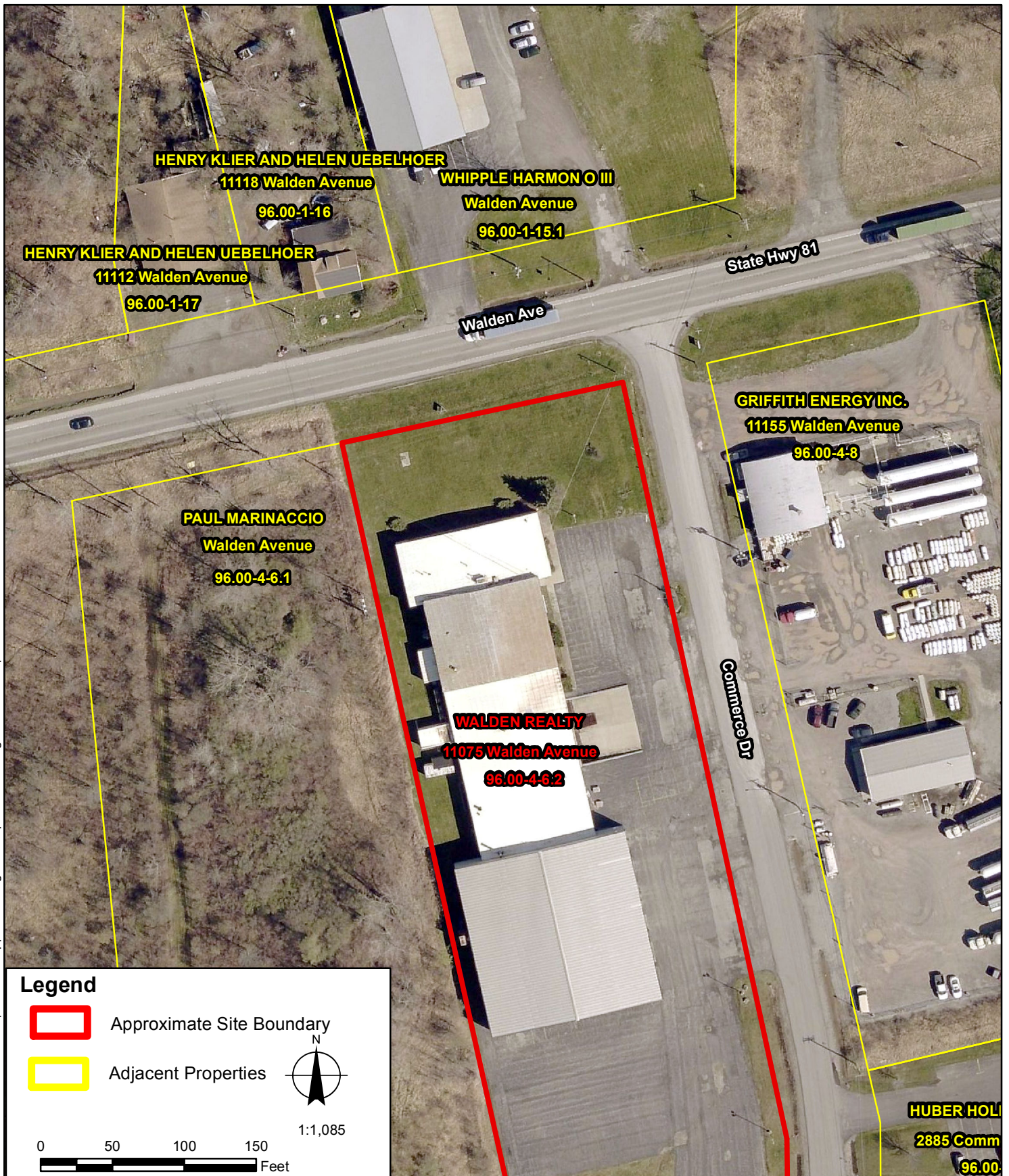
NOT TO SCALE

FIGURE 4 SITE LOCATION MAP

11075 Walden Avenue
Alden, New York

ABELLA

PROJECT NO. 2180605



PROJECT/DRAWING NUMBER	DRAWING TITLE	PROJECT/CLIENT	LABELLA 300 PEARL STREET BUFFALO, NY 14202 P: (716) 551-6281 F: (716) 551-6282 www.labellapc.com COPYRIGHT 2003
2171935	SITE BASE MAP	BCP APPLICATION	
FIGURE 6	ISSUED FOR REVIEW	11075 WALDEN AVENUE ALDEN, NEW YORK	
DATE: JANUARY 2018	DESIGNED BY: SND DRAWN BY: SND REVIEWED BY: CK		

TABLES

Table 1
11075 Walden Avenue
Alden, New York
BCP Application
Summary of Subsurface Soil Analytical Results
(Detected Analytes Only)

Sample ID	SB-1	SB-2	SB-3	SB-4	SB-6	SB-7	SB-8	SB-11	SB-12	SB-13A	SB-14	SB-16	SB-17	SB-17	SB-18	SB-19	SB-20	SB-21	SB-22	SB-23	SB-24	SB-25	SB-25	SB-26	SB-27	SB-28	SB-29	CP-51 SCG	Part 375 Commercial Use SCOs	
Depth	0.3-1 ft bgs	1-2 ft bgs	9-10 ft bgs	5-6 ft bgs	10-11 ft bgs	4-5 ft bgs	2-3 ft bgs	1-2 ft bgs	0.6-1 ft bgs	2-3 ft bgs	8-9 ft bgs	1-2 ft bgs	0.6-2 ft bgs	14-16 ft bgs	12-14 ft bgs	14-16 ft bgs	8-10 ft bgs	14-16 ft bgs	4-6 ft bgs	0.6-2 ft bgs	0.6-2 ft bgs	0.6-2 ft bgs	2-4 ft bgs	0.6-2 ft bgs	4-6 ft bgs	0.6-2 ft bgs	0.6-2 ft bgs			
Sample Date	6/8/2017	6/8/2017	6/8/2017	6/8/2017	6/8/2017	6/8/2017	6/8/2017	6/9/2017	6/9/2017	6/9/2017	6/9/2017	6/9/2017	8/7/2017	8/7/2017	8/7/2017	8/7/2017	8/7/2017	8/7/2017	8/7/2017	10/5/2017	10/5/2017	10/5/2017	10/5/2017	10/5/2017	10/5/2017	10/5/2017	10/5/2017			
Volatile Organic Compounds (µg/kg)																														
Acetone	2.7 J	NA	<	<	6.7 J	<	22	NA	NA	56	<	<	<	<	<	9 J	<	6.7 J	<	43	23	40	38	<	14	25	37	NL	<	
Chlorobenzene	<	NA	<	<	<	<	<	<	NA	NA	<	<	<	<	<	<	<	<	<	<	<	4.9	5.7	<	<	<	<	NL	500,000	
Cyclohexane	0.44 J	NA	<	0.35 J	<	<	<	NA	NA	<	<	<	<	<	<	<	<	<	<	<	<	<	<	<	<	<	0.7 J	NL	NL	
1,1-Dichloroethene	<	NA	<	<	<	<	<	NA	NA	<	<	<	<	<	<	<	<	<	<	<	<	10	5.9	<	<	<	<	NL	500,000	
cis-1,2-Dichloroethene	<	NA	<	<	<	<	<	NA	NA	<	1.1	<	120	<	140	<	<	<	<	56	29	<	7,600	<	0.9 J	0.45 J	24	NL	500,000	
trans-1,2-Dichloroethene	<	NA	<	<	<	<	<	NA	NA	<	<	<	0.4 J	<	<	<	<	<	<	2.3 J	0.3 J	27	11	<	<	<	1.5 J	NL	500,000	
Ethylbenzene	<	NA	<	<	<	<	<	NA	NA	<	<	<	<	<	<	<	<	<	<	<	<	1.9 J	4.7	<	<	<	<	<	1,000	390,000
Isopropylbenzene	<	NA	<	<	<	<	<	NA	NA	<	<	<	<	<	<	<	<	<	<	<	<	<	0.59 J	<	<	<	<	<	2,300	NL
Methylcyclohexane	0.58 J	NA	<	0.33 J	<	<	<	NA	NA	<	<	<	<	<	<	<	<	<	<	<	<	<	<	<	<	<	<	<	NL	NL
Methylene chloride	<	NA	<	<	<	<	<	NA	NA	<	<	<	<	<	<	540 J B	19 J B	<	<	<	<	<	<	<	<	<	<	<	NL	500,000
Methyl ethyl ketone (2-Butanone)	<	NA	<	<	<	<	<	NA	NA	9.2	<	<	<	<	<	<	<	<	<	<	<	<	<	<	<	<	<	<	NL	500,000
4-Methyl-2-pentanone	<	NA	<	<	<	<	<	NA	NA	<	<	<	<	<	<	<	<	<	<	<	<	<	<	1.9 J	<	<	<	<	NL	NL
Tetrachloroethene	1.3	NA	<	<	<	<	<	NA	NA	<	170	<	130,000	<	2,900	0.59 J	<	<	<	<	6,200	64,000	140,000	49,000	7,700	15 B	6.4 B	0.99 J B	NL	150,000
Toluene	0.24 J	NA	<	<	<	<	<	NA	NA	<	<	<	0.28 J	<	<	<	<	<	<	<	<	7	15	<	<	<	<	<	700	500,000
Trichloroethene	<	NA	<	<	<	<	<	NA	NA	<	5.6	<	21	<	82	<	<	<	<	44	8.1	<	1,900	4.1	<	<	<	<	NL	200,000
Vinyl Chloride	<	NA	<	<	<	<	<	NA	NA	<	<	<	<	<	<	<	<	<	<	<	<	4.1	35	<	<	<	<	2.4 J	NL	13,000
Total Xylenes	<	NA	<	<	<	<	<	NA	NA	<	<	<	<	<	<	<	<	<	<	<	<	7.3	22	<	<	<	<	<	260	500,000
Metals (mg/kg)																														
Arsenic	2.4 J	4.87	NA	NA	NA	NA	NA	2.06	4.03	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NL	16
Barium	22.6	104	NA	NA	NA	NA	NA	11.3	38.1	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NL	400
Cadmium	0.107	0.307 J	NA	NA	NA	NA	NA	0.715	0.158 J	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NL	9.3
Chromium	7.37	8.84	NA	NA	NA	NA	NA	9.38	15.3	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NL	400/1,500*
Lead	8.2	20.4	NA	NA	NA	NA	NA	20.3	18.6	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NL	1,000
Mercury	<	0.04 J	NA	NA	NA	NA	NA	<	0.02 J	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NL	2.8
Selenium	0.4 J	0.627 J	NA	NA	NA	NA	NA	0.198 J	0.869 J	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NL	1,500

CP-51 SCG = New York State Department of Environmental Conservation (NYSDEC) Commissioner Policy-51 (CP-51) Soil Cleanup Guidance (SCG) for Gasoline and Fuel Oil Contaminated Soils, Tables 2 and 3 (December 2010)

Part 375 Commercial Use SCOs = NYSDEC Part 375 Commercial Use Soil Cleanup Objectives (SCOs), Table 375-6.8(b) (December 2006)

< = Not detected

NL = Not listed

NA = Not analyzed

ft bgs = Feet below the ground surface

µg/kg = Micrograms per kilogram

mg/kg = Milligrams per kilogram

J = The analyte was positively identified; the associated numerical value is an approximate concentration of the analyte in the sample.

* = Chromium, hexavalent/Chromium, trivalent (The SCO for this specific compound (or family of compounds) is considered to be met if the analysis for the total species of this contaminant is below the specific SCO.)

B = The compound was found in the blank and sample.

Table 2
11075 Walden Avenue
Alden, New York 14004
BCP Application
Summary of Groundwater Analytical Results
(Detected Analytes Only)

Sample ID	MW-1	MW-2	MW-3	MW-4	MW-5	MW-6	MW-7	MW-8	MW-9	NYSDEC TOGS
Sample Date	6/12/2017	6/12/2017	6/12/2017	6/12/2017	6/12/2017	6/12/2017	6/12/2017	6/12/2017	6/12/2017	
Volatile Organic Compounds (µg/L)										
Acetone	18	110	18	63	58	76	62	47	30	50
Benzene	0.34 J	0.34 J	0.5	0.23 J	0.38 J	0.24 J	<	0.28 J	0.18 J	1
Carbon Disulfide	1.3 J	3 J	<	1.8 J	13	<	<	3.6 J	<	NL
Cyclohexane	<	<	0.43 J	<	0.41 J	<	<	<	<	NL
2-Hexanone	<	<	<	<	<	<	2 J	<	<	50
Methylcyclohexane	<	<	0.63 J	<	<	<	<	<	<	NL
Methyl ethyl ketone (2-Butanone)	<	27	4.2 J	15	11	14	14	12	5.8	50
Tetrachloroethene	0.36 J	<	0.31 J	<	<	<	<	0.89	<	5
Toluene	<	<	0.75 J	<	<	<	<	<	<	5

NYSDEC TOGS = New York State Department of Environmental Conservation (NYSDEC) Division of Water Technical and Operational Guidance Series (TOGS) (1.1.1), Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations (June 1998)

< = Not detected

NL = Not listed

J = The analyte was positively identified; the associated numerical value is an approximate concentration of the analyte in the sample.

µg/L = Micrograms per liter

Concentrations in gray exceed NYSDEC TOGS

Table 3
11075 Walden Avenue, Alden, New York
BCP Application
Summary of Soil Vapor Intrusion Analytical Results
(Detected Analytes Only)

Sample ID	SS1	ID1	SS2	ID2	OD1	SS3	ID3	SS4	ID4	SS5	ID5	OD2
Sampling Date	8/3/2017	8/3/2017	8/3/2017	8/3/2017	8/3/2017	10/4/2017	10/4/2017	10/4/2017	10/4/2017	10/4/2017	10/4/2017	10/4/2017
Location	Sub-Slab	Indoor Air	Sub-Slab	Indoor Air	Outdoor Air	Sub-Slab	Indoor Air	Sub-Slab	Indoor Air	Sub-Slab	Indoor Air	Outdoor Air
Volatile Organic Compounds (µg/m3)												
Dichlorodifluoromethane	<	2.4 J	<	2.2 J	2.1 J	2.8 J	2.4 J	2.5 J	2.5	<	2.4 J	2.3 J
Freon 22	<	9.9	<	6.7	1 J	3.7	2.9	3.7	3.2	<	7.9	0.97 J
Chloromethane	<	1.1	<	1 J	1.2	1.1 J	0.92 J	0.97 J	1 J	<	0.99 J	1.1
n-Butane	<	49	320 J	36	1.1 J	110	32	100	35	3,400	63	1.4
Trichlorofluoromethane	<	1.3	<	1.2	1 J	1.5 J	1.4	1.3 J	1.4	<	1.3	1.3
Freon TF	<	0.39 J	<	0.4 J	0.36 J	0.65 J	0.58 J	0.58 J	0.6 J	<	0.58 J	0.56 J
Acetone	<	15	<	12	12	100	9.78 J	87	18	170 J	10 J	26
Isopropyl alcohol	<	0.94 J	<	0.77 J	0.64 J	7.8 J	1.2 J	2.4 J	0.76 J	<	0.85 J	0.94 J
Carbon disulfide	< *	0.24 J*	180 J*	0.22 J*	<*	3 J	0.41 J	3.5	0.4 J	19 J	0.089 J	0.11 J
Methylene chloride	<	0.47 J	<	0.36 J	0.36 J	0.55 J	0.37 J	0.57 J	0.31 J	<	0.61 J	0.34 J
n-Hexane	<	1.9	<	1.5	<	37	1.7	38	1.8	1,900	3.4	<
Methyl Ethyl Ketone	<	1.9	<	1.1 J	1.8	17	1.4 J	18	3.5	23 J	1.5	5.7
cis-1,2-Dichloroethene	91,000	2.2	6,700	1.2	<	4.2	5.6	3.5	5.6	<	3.6	<
1,2-Dichloroethene, Total	91,000	2.2	6,700	1.2 J	<	4.4	5.6	3.4	5.6	<	3.6	<
Chloroform	<	<	<	<	<	0.52 J	<	0.8 J	<	<	<	<
1,1,1-Trichloroethane	<	<	<	<	<	0.43 J	<	0.48 J	0.14 J	<	<	<
Cyclohexane	<	0.22 J	<	0.17 J	<	11	0.17 J	16	0.2 J	2,200	0.44 J	<
Carbon tetrachloride	<	0.39 J	<	0.39 J	0.39 J	0.45 J	0.41 J	0.34 J	0.45 J	<	0.4 J	0.4 J
2,2,4-Trimethylpentane	<	0.24 J	<	<	<	1.2 J	0.24 J	1.5 J	0.22 J	23 J	0.33 J	<
Benzene	<	0.32 J	<	0.26 J	0.23 J	7.2	0.31 J	7.5	0.34 J	71	0.35 J	0.28 J
n-Heptane	<	0.63 J	<	0.48 J	<	29	0.53 J	28	0.58 J	1,500	1	<
Trichloroethene	13,000	3.5	5,600	3.1	<	3.2	3.2	3.3	3.5	4.5 J	2.4	<
Methyl isobutyl ketone	<	<	<	3.6	<	7.3	<	7.9	0.59 J	<	<	0.32 J
Toluene	<	0.55 J	620	0.55 J	0.51 J	17	1.1	23	1.3	310	0.95	0.54 J
Tetrachloroethene	480,000	19	52,000	12	0.14 J	72	22	30	25	54 J	15	0.11 J
Methyl Butyl Ketone (2-Hexanone)	<	0.48 J	<	<	<	5.3	<	5.2	0.64 J	<	<	1.3 J
Ethylbenzene	<	<	210 J	<	0.15 J	2.1	0.19 J	2.6	0.32 J	71	0.19 J	<
m,p-Xylene	<	0.4 J	520 J	0.41 J	0.49 J	11	0.67 J	10	1.4 J	340	0.66 J	0.41 J
o- Xylene	<	0.19 J	220 J	0.19 J	0.19 J	3.6	0.3 J	3.5	0.59 J	100	0.29 J	<
Xylene (total)	<	0.59 J	740 J	0.6 J	0.66 J	15	0.96 J	13	2 J	440	0.94 J	0.4 J
Styrene	<	<	<	<	0.18 J	0.72 J	<	0.68 J	<	<	<	<
Cumene	<	<	<	<	<	0.83 J	<	1 J	<	20 J	<	<
n-Propylbenzene	<	<	<	<	<	1.1 J	<	0.89 J	<	16 J	<	<
4-Ethyltoluene	<	<	<	<	<	1.5 J	<	1.3 J	0.31 J	9.1 J	<	<
1,3,5-Trimethylbenzene	<	<	<	<	<	1.7 J	<	1.3 J	0.26 J	20 J	0.2 J	<
2-Chlorotoluene	<	<	<	<	<	<	<	<	0.39 J	<	<	<
1,2,4-Trimethylbenzene	<	0.46 J	<	<	<	3.8	0.35 J	3.7	1.2	18 J	0.6 J	<
4-Isopropyltoluene	<	<	<	<	<	<	<	<	0.39 J	<	<	<
1,4-Dichlorobenzene	<	1.5	<	0.71 J	<	<	0.57 J	<	0.52 J	<	<	<
Naphthalene	<	<	<	<	<	1.1	<	<	<	<	<	<

Volatile Organic Compounds by USEPA Method TO-15

J = Result is less than the reported limit or requested limit (RL) but greater than or equal to the method detection limit (MDL) and the concentration is an approximate value.

* = Laboratory control sample (LCS) or laboratory control sample duplicate (LCSD) is outside acceptable limits.

(µg/m³) = micrograms per cubic meter

< = Not detected

APPENDIX 1

Corporate Entity Information

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through January 22, 2018.

Selected Entity Name: WALDEN REALTY LIMITED PARTNERSHIP

Selected Entity Status Information

Current Entity Name: WALDEN REALTY LIMITED PARTNERSHIP

DOS ID #: 4203116

Initial DOS Filing Date: FEBRUARY 15, 2012

County: ERIE

Jurisdiction: NEVADA

Entity Type: FOREIGN LIMITED PARTNERSHIP

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

WALDEN REALTY LIMITED PARTNERSHIP

C/O DORITEX CORP.

11980 WALDEN AVENUE

ALDEN, NEW YORK, 14004-9616

Registered Agent

NONE

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
-------------	---------------	--------------------

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
FEB 15, 2012	Actual	WALDEN REALTY LIMITED PARTNERSHIP

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

[Search Results](#) [New Search](#)

[Services/Programs](#) | [Privacy Policy](#) | [Accessibility Policy](#) | [Disclaimer](#) | [Return to DOS](#)
[Homepage](#) | [Contact Us](#)

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through May 3, 2018.

Selected Entity Name: DORITEX CORP.

Selected Entity Status Information

Current Entity Name: DORITEX CORP.

DOS ID #: 484772

Initial DOS Filing Date: APRIL 24, 1978

County: ERIE

Jurisdiction: NEW YORK

Entity Type: DOMESTIC BUSINESS CORPORATION

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

DORITEX CORP.

11980 WALDEN AVENUE

ALDEN, NEW YORK, 14004-9709

Chief Executive Officer

JAMES J. DORO

11980 WALDEN AVENUE

ALDEN, NEW YORK, 14004-9709

Principal Executive Office

DORITEX CORP.

11980 WALDEN AVENUE

ALDEN, NEW YORK, 14004-9709

Registered Agent

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by [viewing the certificate](#).

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
200	No Par Value	

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
APR 24, 1978	Actual	DORITEX CORP.

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

[Search Results](#) [New Search](#)

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[Homepage](#) | [Contact Us](#)

**SOVEREIGN ASSET
MANAGEMENT, LLC**

A

NEVADA

LIMITED LIABILITY

COMPANY

**OPERATING AGREEMENT OF
SOVEREIGN ASSET MANAGEMENT, LLC**

(A Limited Liability Company)

THIS OPERATING AGREEMENT ("Agreement") dated the 1st day of July, 1998, by and among **James J. Doro, Mary K. Doro, Christopher J. Doro, Nicholas J. Doro and Elizabeth M. Doro** (individually, a "Member" and collectively, the "Members"). In consideration of the mutual promises contained herein, and each act to be performed hereunder, the Members agree as follows:

ARTICLE I

ORGANIZATION

1.01. Formation and Name. The Members hereby organize as a limited liability company (the "Company") pursuant to Chapter 86 of the Nevada Revised Statutes (the "Act"). The name of the Company is "**SOVEREIGN ASSET MANAGEMENT, LLC**", a limited liability company.

1.02. Business. The business of the Company shall be to engage in any lawful activity, including but not limited to, the acquisition, improvement, leasing and maintenance of real and personal property, and, serving as an active General Partner of a Limited Partnership.

1.03. Principal Place of Business. The principal place of business and Registered Office of the Company shall be located at **1475 Terminal Way, Suite E, Reno, Nevada 89502** or at such other place within the State of Nevada as the Administrative Officers of the Company may from time to time designate. The Company may maintain such additional offices as the Administrative Officers (as defined in Section 3.01) may determine.

1.04. Term. The existence of the Company, unless sooner terminated under the provisions of Article VIII of this Agreement, shall end on December 31st, 2028.

ARTICLE II

DEFINITIONS

2.01. "Capital Account" of a Member shall mean the amount of cash that the Member has contributed to the Company as Capital Contributions pursuant to Article IV of this Agreement, adjusted as follows:

- (a) The Capital Account shall be increased by all profits allocated to the Member pursuant to Article V of this Agreement; and

IN WITNESS WHEREOF, the undersigned have executed the foregoing Operating Agreement of SOVEREIGN ASSET MANAGEMENT, LLC, a limited liability company, as of the date first above written.

WITNESSETH:

Paula Trapani
Witness: Paula Trapani

Karen Zymowski
Witness: Karen Zymowski

MEMBERS:

James J. Doro
James J. Doro, President

Mary K. Doro
Mary K. Doro, Secretary

Christopher J. Doro
Christopher J. Doro

Nicholas J. Doro
Nicholas J. Doro

Elizabeth M. Doro
Elizabeth M. Doro

Christopher J. Doro
Christopher J. Doro, as custodian
for Elizabeth M. Doro under the U.G.M.A.

Prepared By: Casper P. Connolly (P-12136)
Attorney & Counselor at Law
28 N. Saginaw - Suite 510
Pontiac, MI 48342
(248) 333-9598

EXHIBIT A

<u>Member</u>	<u>Commitment</u>	<u>Current Capital Contribution</u>	<u>Current Interest in Capital</u>
<u>James J. Doro</u>	<u>\$ 119.00</u>	<u>\$ 119.00</u>	<u>35.0 %</u>
<u>Mary K. Doro</u>	<u>\$ 119.00</u>	<u>\$ 119.00</u>	<u>35.0 %</u>
<u>Christopher J. Doro</u>	<u>\$ 34.00</u>	<u>\$ 34.00</u>	<u>10.0 %</u>
<u>Nicholas J. Doro</u>	<u>\$ 34.00</u>	<u>\$ 34.00</u>	<u>10.0 %</u>
<u>Elizabeth M. Doro</u> with Christopher J. Doro as custodian under the U.G.M.A.	<u>\$ 34.00</u>	<u>\$ 34.00</u>	<u>10.0 %</u>

**WALDEN REALTY
LIMITED PARTNERSHIP**

**A
NEVADA
LIMITED PARTNERSHIP**

AGREEMENT OF LIMITED PARTNERSHIP

This Agreement of Limited Partnership ("Agreement"), is made this 1st day of July, 1998, by SOVEREIGN ASSET MANAGEMENT, LLC, as the General Partner ("General Partner(s)"), and, Christopher J. Doro, Nicholas J. Doro and Elizabeth M. Doro as Limited Partners ("Limited Partners"), for the purpose of forming a limited partnership (the "Partnership") in accordance with the provisions of the Nevada Revised Uniform Limited Partnership Act (the "Act"). (The General Partner(s) and the Limited Partners are collectively referred to as "Partners").

In consideration of the mutual promises hereto and each party agreeing to be a partner with the others, and for other good and valuable consideration, it is agreed as follows:

1. FORMATION AND FILINGS

A. Certificate of Limited Partnership. The General Partner(s) shall perfect the formation of the Partnership by duly and properly completing, executing and filing a Certificate of Limited Partnership in the form and manner required by the Act. Unless the State's version of the Uniform Limited Partnership Act expressly provides that the Act supersedes any provision contained in this Agreement, the terms and conditions of this Agreement shall apply unless expressly amended in writing by the Partners.

B. Delivery of Certificate to Limited Partners. Upon the return by the Secretary of State of a file-marked Certificate, the General Partner(s) is not required to deliver or mail a copy of the Certificate of Limited Partnership and each Certificate of Amendment to each limited partner.

C. Filings. The General Partner(s) shall cause to be prepared, executed, acknowledged, verified, filed, recorded and published (and, if necessary, the Limited Partners shall execute, acknowledge and verify), in accordance with the requirements of applicable law of the United States and each jurisdiction in which the Partnership transacts business or as to which the General Partner(s) determines it to be necessary or appropriate in order to protect the Partnership or to provide for its continuance, preservation and operation, to preserve and maintain the Property, or to establish or maintain the limited liability of the Limited Partners, duplicates of the Certificate of Limited Partnership, amendments of the Certificate of Limited Partnership, applications for qualification, registration or domestication as a foreign limited partnership or unincorporated association, certificates or registrations of assumed or fictitious names, and other certificates, statements and documents (or amendments thereto) the General Partner(s) determines to be necessary or desirable.

2. NAME

A. Name of the Partnership. The name of the Partnership shall be "WALDEN REALTY LIMITED PARTNERSHIP", a Nevada Limited Partnership. The General Partner(s) shall notify the Limited Partners of any change in the name of the Limited Partnership.

Management Compensation for any quarter is not paid, it shall accrue and be payable, together with an amount equivalent to simple interest at the applicable federal rate for short-term instruments with quarterly payments under Internal Revenue Code ("Code" of 1986, or as amended) Section 1274(d) (as adjusted month-to-month) and which amount also shall be treated as Management Compensation, before any Distributions are made. The Management Compensation shall be treated as guaranteed payments under Section 707(c) of the Code.

D. Percentage of Participation. Subject to the priorities set forth within this Article, all Distributions (i.e.; percentages of participation) (excluding set asides for reserves and Management Compensation) as provided herein shall be allocated to the Partners as follows:

<u>General Partner</u>	<u>Percentage Participation</u>
SOVEREIGN ASSET MANAGEMENT, LLC	4.0%
 <u>Limited Partners</u>	
Christopher J. Doro (by gift)	32.0%
Nicholas J. Doro (by gift)	32.0%
Elizabeth M. Doro (by gift)	32.0%
 Total	 100%

E. Allocations of Losses, Deductions and Nondeductible Expenses. Allocations of loss and deduction that, as of the end of such taxable year, reasonably are expected to be made shall be made to the Partners pursuant to the provisions of Sections 704 and 706 of the Code. To the extent permitted under Section 706 of the Code, for each taxable year Nondeductible Expenses allocable to Limited Partners shall be apportioned among them so as to equalize the amount of Nondeductible Expenses allocable to each Unit for all taxable years, and tax exempt income shall be allocated to all Partners in accordance with the Percentage Participation set forth in the above paragraph "D".

F. Allocations When Interests Change. If the interests of the Partners in the Partnership vary during the taxable year as a result of a transfer, contribution of capital, or for other reasons, Net Income and Net Loss shall be allocated in a manner the General Partner(s), in its discretion, determines to be necessary and permissible in order to reflect the varying interests of the Partners in the Partnership during the fiscal year in accordance with Sections 706 and 754 of the Code. In such a case, each portion of the taxable year during which the interests of the Partners do not so vary shall be treated as a separate taxable year in order to apply the provisions of this Agreement for the allocation of Net Income, Net Loss, and any other item of income, gain, deduction, loss or credit.

IN WITNESS WHEREOF, the Partners have executed this Agreement of Limited Partnership and each Partner acknowledges that this Agreement is the Partner's act, and further acknowledges under penalty of perjury, to the best of the Partner's knowledge, information, and belief, that the matters and facts set forth in this Agreement are true in all material respects and that the Partner has executed this Agreement this 1st day of July 1998.

WITNESS:

General Partner(s):

SOVEREIGN ASSET MANAGEMENT, LLC

Paula Trapani
Witness - Paula Trapani

James J. Doro
James J. Doro, President

Karen Zymowski
Witness - Karen Zymowski

Mary K. Doro
Mary K. Doro, Secretary

LIMITED PARTNERS:

Chris J. Doro
Christopher J. Doro

Nicholas J. Doro
Nicholas J. Doro

Elizabeth M. Doro
Elizabeth M. Doro

Mary K. Doro
Mary K. Doro, as custodian for
Elizabeth M. Doro under the U.G.M.A.

Prepared By: Casper P. Connolly (P-12136)
Attorney & Counselor at Law
28 N. Saginaw - Suite 510
Pontiac, MI 48342
(248) 333-9598

APPENDIX 2

Phase II Environmental Site Assessments

Phase II Environmental Site Assessment Reports associated with Appendix 2 will be provided separately as electronic PDFs on CD.

APPENDIX 3

Site Survey

DRAWING
NAME
05.004

LEGEND:
AC. = ACRES
APPROX. = APPROXIMATE
AVE. = AVENUE

BIT. = BITUMINOUS
CB = CATCH BASIN
CH. = CHAIN
CONC. = CONCRETE
COR. = CORNER
C.T.V. = CABLE TV BOX

C = CENTERLINE
D. = DEED
DIA. = DIAMETER
DIST. = DISTANCE
E = EAST
EJB = ELECTRICAL
JUNCTION BOX

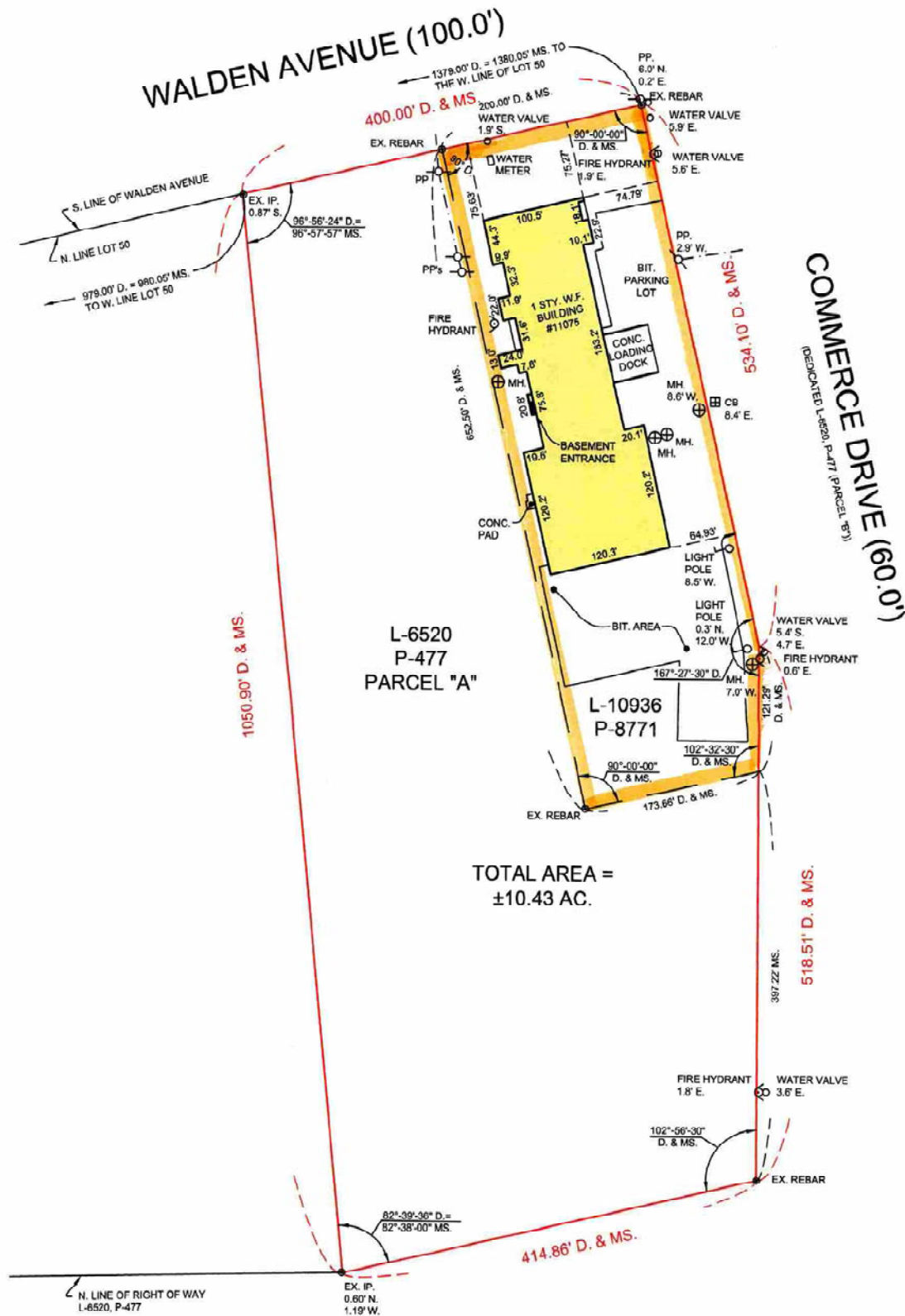
ENG. = ENCROACHMENT
ESMT. = EASEMENT
EX. = EXISTING
FNC. = FENCE
GAR. = GARAGE
IP. = IRON PIPE

L = LIBER
MH = MANHOLE
MP. = MAP
MS. = MEASURED
N = NORTH
O.H. = OVERHEAD

OL. = ON LINE
PO. = PORCH
PP. = POWER POLE
P. = PAGE
P.L. = PROPERTY LINE
PAVT. = PAVEMENT

RD. = ROAD
S. = SOUTH
ST. = STREET
STY. = STORY
TUB. = TELEPHONE
JUNCTION BOX

TYP. = TYPICAL
W = WEST
WD. = WOOD
W.F. = WOODFRAME



REVISED 2/27/2017; DEED INFORMATION

TAX IDENTIFICATION No. 96.00-4-6.1 & 6.2
MAP REFERENCE:

NOTES:
-ONLY COPIES FROM THE ORIGINAL OF THIS
SURVEY MAP MARKED WITH THE SIGNATURE AND
AN ORIGINAL OF THE LAND SURVEYOR'S
EMBOSSED SEAL SHALL BE CONSIDERED TO BE
VALID TRUE COPIES.
-UNAUTHORIZED ALTERATION OR ADDITION TO THIS
SURVEY MAP IS A VIOLATION OF SECTION 7209,
PROVISION 2 OF THE NEW YORK STATE EDUCATION
LAW.

Christopher J. Scott



Centerpointe Corporate Park * 375 Esplanade Road, Suite 200
Williamsport, New York 14221
PHONE: 716.688.0766 FAX: 716.625.6325
WEBSITE: www.wendelcompanies.com

Wendel WD Architecture, Engineering, Surveying and Landscape Architecture P.C.

PART OF LOT	50	SEC.	-	TWP.	11	RND.	5
OF THE HOLLAND LAND COMPANY'S SURVEY							
TOWN	ALDEN			PROJ. NO.	2963-17-05/004		
COUNTY	ERIE, NY			SCALE	1" = 100'		
CREW	MLH, AAD	OWN	MLH	CHK	173	DATE	2/9/2017

APPENDIX 4

Document Repository Acknowledgement

Kibler, Christopher

From: April Tompkins <tompkinsa@buffalolib.org>
Sent: Wednesday, January 24, 2018 9:07 AM
To: Kibler, Christopher
Subject: AskUs: Brownfield submission (Repository)

Good morning Chris,

Your inquiry was forwarded to me and I had to contact the Alden Library before replying to you.

Per your request, this is to inform you that the Buffalo and Erie County Public Library will be the repository for all document(s) submitted by your company for the Brownfield Cleanup Program and will be made available for public review at the Alden Ewell Free Library and any other library of your choice. Please refer to our procedure below.

We prefer that you do not take documents to individual libraries. Please bring or send your document(s) to the Central Library and we will process according to our procedure and distribute to the location of your choice.

Please keep the following in mind:

- Documents (including updates) for public review should be sent or brought in person to the Central Library to my attention. Documents sent via e-mail will not be accepted. The mailing address is:

Attention: April Tompkins
Re: Repository Documents
Buffalo and Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203

- Documents for the Central/Downtown library are made available on the first floor in the Information Services Department within a day or so after receipt. If received Friday afternoon, they go out the following Monday.
- If you would like the document(s) distributed at **libraries other than Central**, you will need to send or give us the appropriate quantity of copies with labels regarding their destination(s). We will distribution accordingly. We do not make copies for distribution.
- You have the choice regarding the format (hard copy print and / or disk) you wish to submit. If submitting in both formats, please be sure that they are titled/labeled accordingly. Although CD-ROMs cannot be used on public library computers, if someone brings in their personal laptop, the disc can be viewed in-house. If optional, an alternative is the availability to go online using a provided link for patrons to read/review/print. Patrons are not allowed to take repository documents out of the Library.

If you still have any questions/concerns, please feel free to contact me by replying to this e-mail or by phone at 716-858-7129. Thank you.

Regards,
April

April Tompkins, Sr. Library Clerk
Office of Chief Operating Officer & Information Technology
Buffalo and Erie County Public Library
1 Lafayette Square | Buffalo, NY 14203
Voice: 716-858-7129 | Fax: 716-858-6211
E-mail: tompkinsa@buffalolib.org

From: ASKUS
Sent: Tuesday, January 23, 2018 12:29 PM
To: April Tompkins <tompkinsa@buffalolib.org>
Subject: Fw: AskUs: Brownfield submission

Please reply to this message, and include the original email, if you would like eBranch to mediate your response to the patron. Please inform eBranch (858-4999) if you are contacting the patron directly. Thank you for your assistance.

Tracy

From: Webserver
Sent: Tuesday, January 23, 2018 12:09 PM
To: ASKUS
Subject: AskUs: Submission from AskUs Form

Submitted on Tuesday, January 23, 2018 - 12:09pm

Submitted by user:

Submitted values are:

Name: Chris Kibler

Email: ckibler@labellapc.com

Re-enter Email: ckibler@labellapc.com

U.S. Zip Code OR Country: 14202

B&ECPL Library Card Number: A1000122491490

AskUs your question in the text box below:

To whom it may concern,

LaBella is involved with a NYSDEC Brownfield Cleanup Program project associated with the investigation, remediation and redevelopment of a property on Walden Avenue in Alden. The project will be overseen by the NYSDEC and they require that project-related documents be made available for public review. With that said, we would like to utilize the Buffalo Central Library as the document repository. The library in the Village of Alden has indicated that only the Central downtown library contains a document repository. Could someone please respond to this request indicating that we can submit project documents to your library to allow the public to review these documents?

Thank you very much.

Sincerely,

Chris Kibler

The Buffalo & Erie County Public Library System has more 3.2 million materials available including books, eBooks, DVDs, music & more. Free library cards (traditional and eLibrary) are available to Erie County, New York residents as well as those who work and/or go to school in Erie County, New York. For more information call 716-858-8900 or visit <http://www.BuffaloLib.org>. Follow the library on Facebook <https://www.facebook.com/buffalolibrary.central?ref=ts>, Twitter <http://twitter.com/buffalolibrary>, Pinterest <http://www.buffalolib.org/sites/default/files/images/pinterest.png>, Instagram <http://instagram.com/buffalolibrary> and Flickr <http://www.buffalolib.org/sites/default/files/images/flickr.png>

APPENDIX 5

Abstract of Title Documentation

Property: 11075 Walden Avenue, Alden, NY

Abstract of Title

No. 1713-01407

by



Chicago Title Insurance Company

424 Main Street, Suite 200

Buffalo, NY 14202

716-854-2982

FAX: 716-852-7346

CHICAGO TITLE INSURANCE COMPANY

424 MAIN STREET, SUITE 200, BUFFALO, NY 14202 PHONE: 716-854-2982 FAX: 716-852-7346
www.NNYChicagoTitle.com



TAX SEARCH

SEARCH No. 1713-01407

TITLE INSURANCE NO.: _____

Property Information

Town of Alden, Part Lot 50 Township 11 Range 5
2.94 acres Walden Avenue (# 11075)
Assessed on 2016 Roll to Walden Realty Limited Partnership

SBL Number: 96.00-4-6.2

ASSESSED VALUE: \$700,000.00

Chicago Title Insurance Company, a Nebraska corporation, for valuable consideration to it paid, hereby guarantees to the record owners and successors in interest of record, that there are no STATE TAX SALES, COUNTY TAXES or TAX SALES for taxes, now payable, levied and assessed against the real estate described as above on the tax rolls of the County of Erie, except as follows:

Date of Sale	For What Tax or Tax Sale	Number of Roll	Name of Purchaser	Amount of Tax Sale/Remarks
--------------	--------------------------	----------------	-------------------	----------------------------

NO SEARCH INCLUDED FOR LOCAL ASSESSMENTS, WATER CHARGES, OR SCHOOL TAXES

County Tax 2017

Roll with Collector

Chicago Title Insurance Company



By: _____

Dated: April 12, 2017
KF

Chicago Title Insurance Company

424 Main Street, Suite 200, Buffalo, NY 14202

www.NNYChicagoTitle.com

Search No.: 1713-01407

Chicago Title Insurance Company, a Florida corporation, for valuable consideration to it paid, GUARANTEES to the record owners of an interest in or a specific lien upon the premises particularly described **below** on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by margin numbers **One to 37** inclusive, are all the references affecting title to said premises, which appear upon

- (a) INDICES to records, papers, files and documents in the office of the CLERK of the COUNTY wherein said premises are situate, and
- (b) INDICES to wills and administration of decedent's estates in the office of the SURROGATE of the COUNTY wherein the premises are situate, and
- (c) INDICES to bankrupts in the office of CLERK of the UNITED STATES BANKRUPTCY COURT for the WESTERN DISTRICT OF NEW YORK

against the names of the parties appearing in the within abstract during the periods in which it appears there was a record interest in said premises under said names from **December 19, 1906** to the date hereof, and upon

- (d) JUDGMENT DOCKETS for ten years last past, and
- (e) DOCKETS of FEDERAL LIENS for ten years and thirty days last past

against the names of the parties in such ownership in the office of the Clerk of the County wherein said premises are situate and the corporation GUARANTEES FURTHER that the SETOUTS HEREIN are correct statements as to such records and indices.

- (f) Inactive Hazardous Waste Disposal Site Registry Index maintained in the County Clerk's Office for the County in which the Subject Premises is located against the tax map parcel number of the section, block and lot number of the Subject Premises.

The Guaranty under this Certificate shall not be limited by time.

Dated this **April 13, 2017** and executed under seal.

Chicago Title Insurance Company



By _____

Authorized Signature



CERT

CHICAGO TITLE INSURANCE COMPANY

SEARCH NO. 1713-01407

Parcel "A"

All that tract or parcel of land situate in the Town of Alden, County of Erie and State of New York, being part of Lot No. 50, Township 11, Range 5 of the Holland Land Company's Survey, described as follows:-

Beginning at a point in the south line of Walden Avenue, said line also being the north line of Lot No. 50, distant 1379 feet easterly from its intersection with the westerly line of Lot No. 50; running thence southeasterly at right angles, 534.10 feet; continuing thence southerly and forming an interior angle of $167^{\circ} 27' 30''$ with the last described course, 121.29 feet; running thence westerly and at an interior angle of $102^{\circ} 32' 30''$, 173.66 feet; running thence northerly at right angles, 652.50 feet to a point in the south line of Walden Avenue; running thence easterly at right angles, 200 feet to the principal point or place of beginning

1-50-1-9



1. Abby W. Grosvenor
NO SEARCH VS GRANTOR

-To-

Frank Scheu

Warranty Deed

Dated: December 19, 1906

Rec.: December 22, 1906

Liber 1061 of Deeds, page 406

Conveys: the west part of premises and more

2. Margaret Galloway, Caroline
Burrows, William Hofner and
Clementine his wife, Philip
Hofner and Margaret R. his
wife, heirs at law of
Elizabeth Kist, deceased
NO SEARCH VS GRANTORS

-To-

Frank Scheuy

Warranty Deed

Dated: April 3, 1901

Rec.: April 3, 1901

Liber 919 of Deeds, page 146

Conveys: the east part or balance of premises and more

3. Frank Scheny

-To-

The Alden Batavia

Natural Gas Co.
NO SEARCH VS LESSEE

OIL AND GAS LEASE

Dated: April 12, 1902

Rec.: April 15, 1902

Liber 939 of Deeds, page 123

LEASES the following described lands for oil and gas purposes:- Town of
Alden, bounded as follows:- North by the Ellicott Road; south by lands of New
York Central R.R. Co.; east by lands of Coole Estate; west by lands of Glenn

4. Frank Schie and
Frances, his wife

-To-

Alden-Aurora Co. Inc.

NO SEARCH VS LESSEE

OIL AND GAS LEASE

Dated: December 11, 1924

Rec.: July 18, 1926

Liber 1158 of Deeds, page 295

LEASES the following described lands for oil and gas purposes, Town of
Alden, Erie County, New York and bounded as follows:- North by lands of
Ellicott Road; east by lands of Swartz Estate; south by lands of New York
Central R.R. and west by lands of Town Line Road, containing 49-1/2 acres more
or less



5. Alden Aurora Gas Co. Inc.
NO SEARCH VS FIRST PARTY

Discharge

Dated: March 19, 1928

Rec.: March 20, 1928

-To-

Frank Scheu and

Liber 1951 of Deeds, page 345

Frances, his wife

Discharges above lease No. 4 recorded in Liber 1158 of Deeds at page 295

6. Affidavit

Affidavit

-of-

Sworn to March 17, 1928

Rec: March 20, 1928

Frank Scheu

Liber 1955 of Deeds, page 591

Recites: that he is the lessor in lease recorded in Liber 939 of Deeds at page 123: that no well has been drilled at any time upon the real property mentioned in said lease and that no rentals have been paid on said lease or pursuant to the terms thereof and that said lease has become and is null and void.

7. Frank Schie and
Frances Schie, his wife

RIGHT OF WAY

Dated: July 29, 1936

Rec.: December 30, 1936

-To-

Penn York Natural

Liber 2626 of Deeds, page 111

Gas Corporation

NO SEARCH VS SECOND PARTY

GRANTS the right to place and maintain a pipe line etc. to convey gas over and across grantor's lands situate in the Town of Alden, New York and bounded north by lands of Ellicott Road; east by lands of Zwilling Estate; south by lands of New York Central Railroad and west by lands of Town Line Road for a term of 10 years from this date and as much longer as said line is used to convey gas.

8. In re
Frank Scheu also known
as Schie and Scheuy,
deceased

Surrogate's Court Erie County
Petition for Administration
Filed: July 21, 1942

Case No. 137007

Recites decedent died on April 27, 1942 leaving him surviving his widow, Frances Scheu, Anthony Scheu, Raymond Scheu, sons and Dorothy Grace, daughter, all of full age.

Letters of Administration granted to Frances Scheu July 21, 1942 recorded in



liber 100 of Letters page 403

9. Raymond Scheu and
Dorothy Geraci, heirs-
at law and distributees
of Frank Scheu, also
known as Schie and
Scheuy, deceased

Quit Claim Deed

-To-

Dated: September 15, 1942
Ack: September 15, 1942
Rec.: July 17, 1945

Frances Scheu, widow
of said Frank Scheu,
deceased

Liber 3733 of Deeds, page 9

Conveys the west part of premises and more

10. Anthony Scheu, a son
of the late Frank Scheu
also known as Frank
Schie, late of the
Town of Alden

Quit Claim Deed

-To-

Dated: June 25, 1945
Rec.: July 17, 1945

Frances Schue, surviving

Liber 3733 of Deeds, page 5

spouse of the late Frank
Scheu also known as Frank
Schie

Conveys: the west part of premises and more

11. Same

Quit Claim Deed

-To-

Dated: June 25, 1945
Rec.: July 17, 1945

Same

Liber 3732 of Deeds, page 596

Conveys: the east part or balance of premises and more

12. Affidavit

Affidavit

-of-

Sworn to December 2, 1946
Rec: December 2, 1946

Frances Scheu

Liber 4029 of Deeds, page 122

Recites: that she is the widow of Frank Scheu, also known as Schie and



Scheuy, who died intestate on or about April 27, 1942 leaving deponent and Anthony Scheu and Raymond Scheu, sons and Dorothy Geraci, daughter, him surviving: that he is also the grantee in deed recorded in Liber 3733 of Deeds at page 9: that in the proceedings in the said Estate of Frank Scheu, the name of his said daughter was incorrectly spelled Grace instead of Geraci, which is the correct spelling, and that they are one and the same person.

13. Frances Scheu,
surviving spouse of
the late Frank Scheu
also known as Schie
and Scheuy

Warranty Deed

Dated: December 19, 1946
Rec.: December 19, 1946

-To-

Raymond G. Schie and
Helen M. Schie, his wife

Liber 4040 of Deeds, page 104

Conveys: premises and more

14. Raymond G. Schie and
Helen M. Schie, his wife

Warranty Deed

Dated: April 11, 1958
Rec.: April 11, 1958

-To-

Alden Chamber of Commerce
Inc., a domestic corporation

Liber 6285 of Deeds, page 53

Conveys: premises and more

15. In re
Alden Chamber of Commerce Inc.
Case No. 31879

Certificate of Incorporation

Dated: May 11, 1956
Filed in the Office of Secretary
of State May 24, 1956
and filed in Erie County Clerk's
Office June 8, 1956

16. Penn-York Natural
Gas Corporation
NO SEARCH VS FIRST PARTY
-to-

Release

Dated: October 22, 1959
Rec.d: February 1, 1960

Frank Schie and
Frances Schie, his wife
NO SEARCH VS SECOND PARTY

Liber 6520 of Deeds, page 413

Releases premises and more from right of way recorded in Liber 2626 of Deeds at page 111



Republic Light, Heat &
Power Co. Inc.
NO SEARCH VS FIRST PARTY
to
Frank Scheny
NO SEARCH VS SECOND PARTY

Dated: August 7, 1959
Rec. July 22, 1960
in liber 6557 of Deeds page 570

Cancels, surrenders and terminates above oil and gas lease recorded in Liber
939 of Deeds at page 123
Recites assignment of said lease to Republic Light, Heat & Power Co. Inc.
recorded in Genesee County in liber 248 of Deeds at page 50

22. Alden Chamber of Commerce Inc.

Assignment

Dated: March 20, 1961
Rec.: March 22, 1961

-To-

Alden State Bank

Liber 6079 of Mortgages, page 422

Assigns: mortgage recorded in Liber 5959 of Mortgages at page 481

23. Alden State Bank

Assignment

Dated: March 28, 1972
Rec.: April 6, 1972

-To-

Alden Chamber of Commerce Inc.

Liber 7259 of Mortgages, page 265

Assigns: mortgage recorded in Liber 5959 of Mortgages at page 481

24. Impact Realty Corporation

MEMORANDUM OF LEASE

Dated: February 21, 1978
Rec.: April 4, 1978

-To-

Safran Printing Corporation

Liber 8631 of Deeds, page 93

NO SEARCH VS LESSEE

LEASES premises situate in the Town of Alden, County of Erie and State of
New York, commonly known as 11175 Walden Avenue, Alden, New York, consisting
of 200 feet of frontage westerly from the southwest corner of Walden Avenue
and the Alden Chamber Road and 534 feet southerly along said Alden Chamber
Road for a term of three plus years commencing upon a date to be determined on
the basis of completion of certain repairs or taking of possession by tenant
and terminating on the 14th day of May 1981. The Lease provides for one
extended term for a five year period commencing on May 15, 1981 and
terminating on May 16, 1986. The Option to extend must be exercised by
November 14, 1980.



25. Impact Realty Corp.

EASEMENT

Dated: May 1, 1987

-To-

Rec.: October 14, 1987

Town of Alden

Liber 9777 of Deeds, page 577

NO SEARCH VS SECOND PARTY

GRANTS a permanent easement to place and maintain an eight inch sanitary sewer over a strip of land 20 feet wide over the easterly portion of grantor's lands as shown on map attached hereto.

26. In re
Impact Realty Corporation and
Impact Rent-A-Lift Inc.
Case No. 35578 & 48341

Certificate of Merger

Dated: June 29, 1992

Filed in the Office of Secretary
of State June 30, 1992
and filed in Erie County Clerk's
Office August 17, 1992

Merges: said corporations into Impact Rent-A-Lift Inc. the surviving corporation.

27. In re
Impact Rent-A-Lift Inc.

Case No. 48341
THIS CERTIFICATE OF INCORPORATION
SET OUT FOR REFERENCE ONLY

Certificate of Incorporation

Dated: October 10, 1969

Filed in the Office of Secretary
of State October 16, 1969
and filed in Erie County Clerk's
Office November 24, 1969

28. Impact Rent-A-Lift Inc.

Agreement

Dated: September 1, 1992

-with-

Rec.: March 11, 1993

Reserve Gas Company Inc.

Liber 10615 of Deeds, page 740

Recites: and grants the right to lay a pipe line, maintain, operate land situated in the Town of Alden, bounded north by Walden Avenue; east by Commerce Drive; south by lands of Alden Chamber of Commerce and west by lands of Dynamis Seal Inc. with the right of ingress and egress to and from the same.
See terms

29. In re
Impact Rent-A-Lift Inc.

Certificate of Amendment

Dated: June 10, 1993



CHICAGO TITLE INSURANCE COMPANY

SEARCH NO. 1713-01407

Case No. 48341

Filed in the Office of Secretary
of State June 17, 1993
and filed in Erie County Clerk's
Office September 20, 1993

Changes the name of said corporation to Impact Realty Inc.

30. Impact Realty Inc., a New York Corporation	Bargain & Sale Deed Dated: August 5, 1998 Ack.: August 5, 1998 Rec.: August 6, 1998 Liber 10936 of Deeds page 8771 Consideration: \$1.00 and more
-to-	
Walden Realty Limited Partnership	
Conveys premises	

NOTE:- This certificate includes an examination against Walden Realty Limited Partnership for dockets of federal abstracts of judgments for 20 years last past.

NOTE:- We find no Limited Partnership Certificate filed in the Erie County Clerk's Office for Walden Realty Limited Partnership on record

31. Doritex Corp NO SEARCH VS DEBTOR	Financing Statement Filed in Erie County Clerk's Office: March 28, 2000 Q76 252 Control #200003281029
-to-	
HSBC Bank USA	

Covers: property at 11075 Walden Ave., Alden, NY
Filed on: November 24, 2004
Control #200411240129
Continuation
Filed on: November 16, 2009
K133 4852
Control #2009229728
Continuation
Filed on: January 5, 2015
K370 3903
Control #2015001063

32. Walden Realty Limited Partnership	Warranty Deed Dated: May 19, 2000 Ack.: May 19, 2000
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CHICAGO TITLE INSURANCE COMPANY

CHICAGO TITLE INSURANCE COMPANY

SEARCH NO. 1713-01407

-to-

Erie County Industrial
Development Agency

Rec.: May 19, 2000

Liber 10966 of Deeds page 6863

Consideration: \$1.00 and more

Conveys All that tract or parcel of land, situate in the Town of Alden, County of Erie, State of New York, being part of Lot 50, Township 11, and Range 5 of the Holland Land Company's Survey, bounded and described as follows: Beginning at a point in the north line of Lot 50, said line also being the southerly line of Walden Avenue (100 feet wide) distant 1379 feet easterly as measured along the southerly line of Walden Avenue from the west line of Lot 50; thence southerly along a line being at right angles to the southerly line of Walden Avenue, a distance of 302.00 feet to a point; thence westerly at right angles to the last mentioned line and parallel to the southerly line of Walden Avenue, a distance of 60.00 feet to the principal point of beginning; thence continuing westerly along the last mentioned line and parallel to the southerly line of Walden Avenue, a distance of 140.00 feet to a point; thence southerly at 90° to the last mentioned line, a distance of 125.00 feet to a point; thence easterly at 90° to the last mentioned line and parallel to the southerly line of Walden Avenue, a distance of 140.00 feet to a point; thence northerly at 90° to the last mentioned line, a distance of 125.00 feet to the principal point of beginning, containing 0.401 acres more or less

The premises are not in an agricultural district
The parcel is entirely owned by the transferors

33. Erie County Industrial
Development Agency

Memorandum of Lease

Dated: May 1, 2000

Ack.: May 19, 2000

-to-

Rec.: May 19, 2000

Liber 10966 of Deeds page 6865

Walden Realty Limited
Partnership

Recites the parties hereto have entered into a lease agreement for the lease of same premises as in deed recorded in Liber 10966 of Deeds at page 6863, dated as of May 1, 2000, expiring December 31, 2010

34. Walden Realty Limited
Partnership

Mortgage

for: \$760,000.00

Dated: September 19, 2006

Ack.: September 19, 2006

-to-

Rec.: September 22, 2006

Liber 13313 of Mortgages page 8265

HSEC Bank USA, National
Association

Covers: premises and more

Less and except that portion conveyed to Erie County Industrial Development by Warranty Deed dated May 19, 2000, and recorded July 5, 2000 in Deed Book 10968 of Deeds at page 5785



CHICAGO TITLE INSURANCE COMPANY

SEARCH NO. 1713-01407

Grants the authority to lay, maintain, operate and remove a pipeline and accessories as is necessary and/or convenient for system maintenance, transportation and distribution of gas, over, under and/or through lands in the Town of Alden, County of Erie and State of New York, bounded or described as follows:- Northerly by: Walden Avenue: Easterly by: Commerce Dr.: Southerly by: Commerce Dr.: Westerly by: Various Lots; M&W LTD.Partners
Said premises being more fully described in deed
Recorded on 7/6/07; 7/5/2000; 8/6/98, in Deed Liber
11131; 10968; 10936
Page: 5641; 5785; 8771; Lot 50, Twp 11, Rng. 5
Tax ID No. 96.00-4-5;6.1;6.2
See terms and conditions

37. Erie County Industrial
Development Agency

-to-

Walden Realty Limited
Partnership

Cancellation
Dated: February 1, 2011
Ack.: February 25, 2011
Rec.: February 25, 2011
Liber 11199 of Deeds page 2957

Cancels and terminates lease recited in Memorandum of Lease recorded in
Liber 10966 of Deeds at page 6865

KMT
April 13, 2017
MP



CHICAGO TITLE INSURANCE COMPANY