



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>

- 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:
 This Amendment is to reduce the size of the property by approximately 550 square feet as noted in the Survey attached as Attachment A. The owner of the property neighboring the site has made a claim of adverse possession (long-term use) and applicant is not contesting the claim.

Additionally, there was a change in ownership and this is reflected in Section III.

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

Section I. Existing Agreement Information

BCP SITE NAME: The Crossroads at Genesee

BCP SITE NUMBER: C915338

NAME OF CURRENT APPLICANT(S): The Crossroads at Genesee LLC

INDEX NUMBER OF EXISTING AGREEMENT: C915338-11-18

DATE OF EXISTING AGREEMENT: 12-17-18

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)?

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 (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?

Yes

No

Describe Requestor's Relationship to Existing Applicant:

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) The Crossroads at Genesee LLC		
ADDRESS 1055 Saw Mill River Road		
CITY/TOWN Ardsley		ZIP CODE 10502
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.

- Are any enforcement actions pending against the requestor regarding this site? Yes No
- Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site? Yes No
- 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.
- 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
- 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
- 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
- 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
- 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
- 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
- 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
- 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 19 Doat Street and 9 Landsdale Place

CITY/TOWN Buffalo

ZIP CODE 14211

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

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
19 Doat Street & 9 Landsdale Place	101	55	5	21	1.92

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: .0126 ac

PARCELS REMOVED:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
19 Doat Street & 9 Landsdale Place	101	55	5	21	.0126

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.

Revised Survey attached as Attachment A.

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

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
From ECL 27-1405(31):	
<p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>	
3. Is the project an affordable housing project as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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: The Crossroads at Genesee	BCP SITE NUMBER: C915338
NAME OF CURRENT APPLICANT(S): The Crossroads at Genesee LLC	
INDEX NUMBER OF EXISTING AGREEMENT: C915338-11-18	
EFFECTIVE DATE OF EXISTING AGREEMENT: December 2018	

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 Managing Member (title) of The Crossroads at Genesee, 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. Larry REBO's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 3/20/20 Signature: _____

Print Name: Larry REBO

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: December 17, 2013

Signature by the Department:

DATED: September 11, 2020

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By:

George W. Heitzman
Michael J. Ryan, P.E., Director
Division of Environmental Remediation

SUBMITTAL INFORMATION:

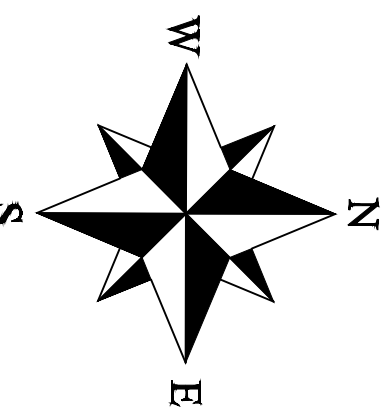
- **Two (2)** copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) must be sent to:

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: _____



VICINITY MAP
(NOT TO SCALE)

LEGAL DESCRIPTION
ALL THAT TRACT OR PARCEL OF LAND together with the improvements thereof, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 52, Township 11, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND BEGINNING at the point of intersection of the southerly line of Doat Street with the easterly line of Rustic Place, as said Rustic Place now exists as a street 49 1/2 feet wide, formerly 50 feet wide; running thence southerly along said easterly line of Rustic Place, 382.51 feet to the point of intersection of said easterly line of Rustic Place with the northerly line of Lansdale Place; running thence easterly along said northerly line of Lansdale Place a distance of 235.50 feet to a point; thence northerly and parallel with the easterly line of Rustic Place a distance of 224.80 feet to a point; thence westerly and parallel with the northerly line of Lansdale Place a distance of 44.39 feet to a point; thence northerly and parallel with the easterly line of Rustic Place a distance of 157.30 feet to a point on the southerly line of Doat Street, said point being distant 191.50 feet easterly from the point of beginning as measured along the southerly line of Doat Street; thence westerly along the southerly line of Doat Street a distance of 191.50 feet to the point of beginning.

PARCEL AREAS:
PARCEL AREA = 1.907± ACRES

PARKING SPACES:
NO PARKING SPACES OBSERVED ON SITE

FLOOD ZONE CLASSIFICATION:
PARCEL IS LOCATED ON A NON-PRINTED PANEL NO. 36029C0212H DATED 6/7/2019 "AREA OF MINIMAL FLOOD HAZARD"

TITLE POLICY:
TITLE POLICY PROVIDED BY ALL NEW YORK TITLE AGENCY, INC. COMMITMENT NO. ANY2017-30190 WITH EFFECTIVE DATE 8/20/2019. THE PROPERTY DESCRIBED HEREON IS THE SAME AS THE PROPERTY DESCRIBED IN THE ABOVE STATED POLICY. ALL EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT OR APPARENT FROM A PHYSICAL INSPECTION OF THE SITE OR OTHERWISE KNOWN TO THE SURVEYOR HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE SUBJECT PROPERTY.

SCHEDULE B NOTES:
ITEM 20: PARCEL SUBJECT TO LEASE AGREEMENT MADE BY AND BETWEEN MOHAMED KHALIL AND AND T-MOBILE NORTHEAST LLC, AS EVIDENCED BY MEMORANDUM OF LEASE DATED NOVEMBER 2, 2017 AND RECORDED JANUARY 17, 2018 IN CONTROL NO. 2018011165 (NOT PLOTTABLE)

ZONING:
ZONE: D-C FLEX COMMERCIAL

BUILDING SETBACKS: ZERO FEET REQUIRED ON ALL SIDES
PARKING REQUIREMENT: ZERO, HOWEVER 60 SPACES ARE PROVIDED, 4 ARE HANDICAP SPACES

NOTES:
1) PROPERTY HAS ACCESS TO LANSDALE PLACE AND DOAT STREET, EACH A PUBLICLY DEDICATED STREET

UTILITY NOTES:
VERIZON DIG SAFELY RESPONSE:
The extent of work described in the request noted above has been compared with our facility records. Verizon has determined that the excavation location and scope of work you have identified does not conflict with our underground facilities. If you have questions or need additional information where you feel Verizon's underground facilities are in the excavation area, do not hesitate to contact our National Facility Locate Call Center at 800-492-3100.

SURVEY CONTROL
VERTICAL DATUM = NAVD83
HORIZONTAL DATUM = NAD83

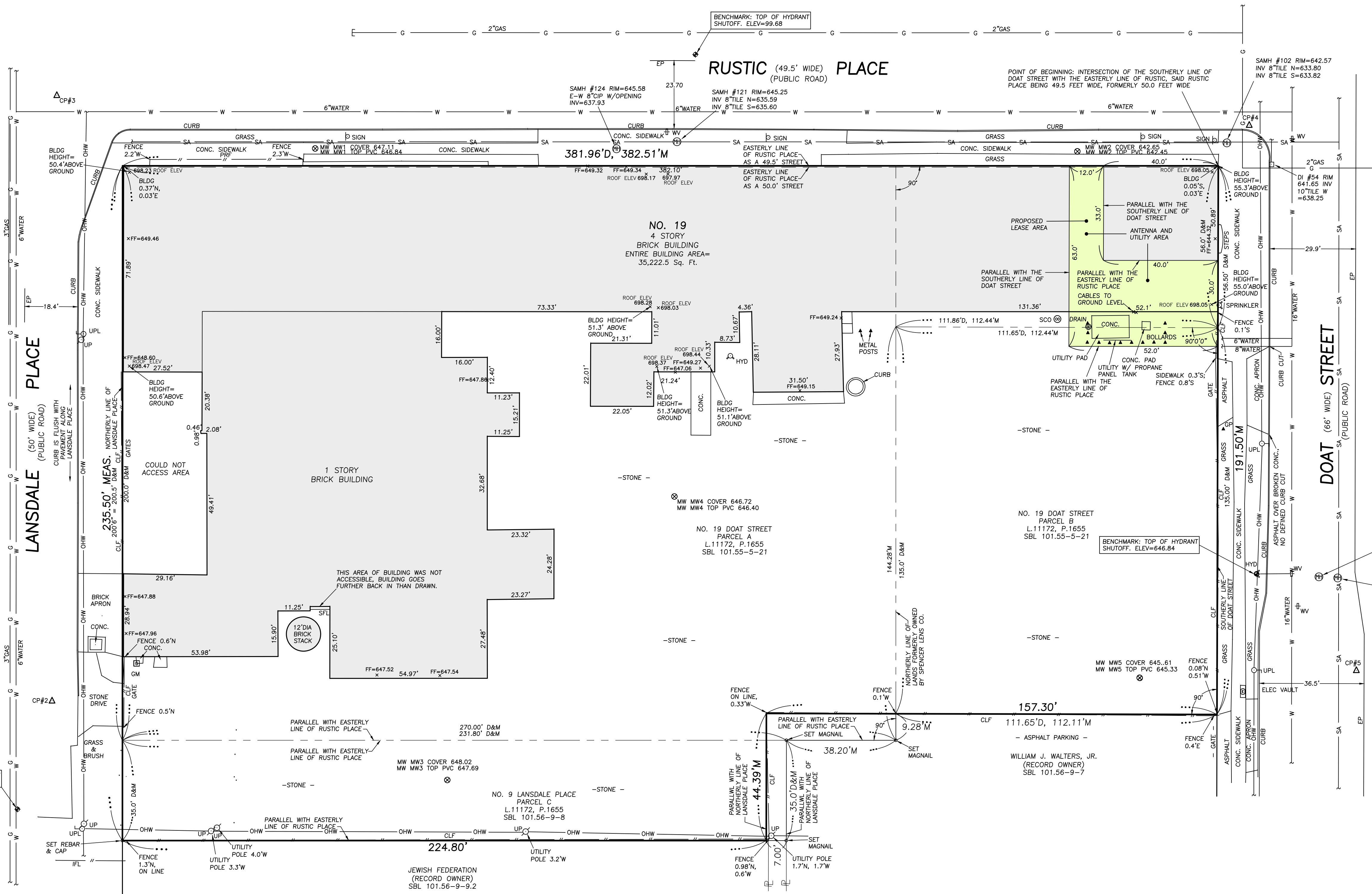
Point	Northing	Easting	Elevation	Description
1	1059800.6148	1084987.1020	648.10	REBAR & CAP
2	1059832.0105	1085011.3803	647.18	MAGNAIL
3	1059833.0585	1084800.0779	647.60	MAGNAIL
4	1060248.3999	1084809.2976	641.91	MAGNAIL
5	1060287.3297	1084999.4605	642.68	MAGNAIL

MONITORING WELLS

Point	Northing	Easting	Elevation	Description
2010	1059923.3097	1084818.3369	647.11	GMW/MW1 COVER
2011	1059923.3095	1084818.2894	646.84	GMW/MW1 TOP PVC
2012	1060189.4083	1084818.4444	642.45	GMW/MW2 TOP PVC
2013	1060189.4142	1084818.5890	642.65	GMW/MW2 COVER
2015	1059970.0799	1085038.5830	647.69	GMW/MW3 TOP PVC
2016	1059970.0811	1085038.5389	648.02	GMW/MW3 COVER
2018	1060049.0871	1084939.3980	646.40	GMW/MW4 TOP PVC
2019	1060049.0824	1084939.4004	646.72	GMW/MW4 COVER
2021	1060211.7200	1085002.2967	645.33	GMW/MW5 TOP PVC
2022	1060211.6534	1085002.1741	645.61	GMW/MW5 COVER

WARNING: ALTERING THIS DOCUMENT IS IN VIOLATION OF THE LAW EXCEPTING AS PROVIDED IN SECTION 7203, PART 2 OF THE NEW YORK STATE EDUCATION LAW.

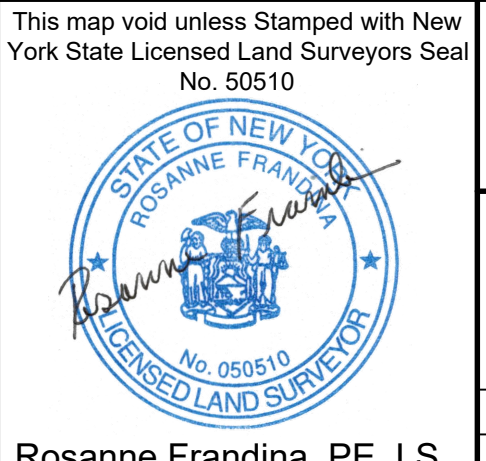
ALL UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE, BEFORE YOU DIG, DRILL, OR BLAST, CALL DIG SAFELY NEW YORK AT 1-800-962-7962



LEGEND

CLF	— —	CHAIN LINK FENCE
PRF	— — —	POST AND RAIL FENCE
	□	SIGN
GP	△	POSTS/BOLLARDS
—G—	—	GAS LINE
GAS	□	GAS METER
GV	⊥	GAS VALVE
DI	□	DRAINAGE INLET
DRAIN	□	DRAIN
—ST—	—	STORM SEWER LINE
SAMH	⊙	SANITARY MANHOLE
—SC—	—	SEWER CLEANOUT
—SA—	—	SANITARY SEWER LINE
—INV—	—	INVERT ELEVATION
	⊕	ELECTRIC VAULT
UP	⊕	UTILITY POLE
UPL	⊕	UTILITY POLE W/ LIGHT
—OHW—	—	OVERHEAD WIRES
—UE—	—	UNDERGROUND ELECTRIC
—W—	—	WATER LINE
WV	⊥	WATER VALVE
HYD	⊕	HYDRANT
CONC	□	CONCRETE
TC	—	TOP OF CURB
SW	—	SIDEWALK
EP	—	EDGE OF PAVEMENT
FF	—	FINISHED FLOOR
D&M	—	DEED AND MEASURED
CP	△	PRIMARY CONTROL POINT
BM	⊕	BENCHMARK
MW	⊕	MONITORING WELL

DATE OF SURVEY	DATE OF REVISION	COMMENT	INT.
2/20/2020	3/31/2020	REVISE BOUNDARY	MJC
2/20/2020	4/8/2020	CORRECT 44.39' PL DIM	MJC



NO. 19 DOAT STREET SBL - 101.55-5-21
NO. 9 LANSDALE PLACE - SBL 101.56-9-8

TOPOGRAPHIC SURVEY
PART OF LOT 52, TWP 11, RGE 7
OF THE HOLLAND LAND COMPANY'S SURVEY
CITY OF BUFFALO
COUNTY OF ERIE ~ STATE OF NEW YORK

FRANDINA ENGINEERING and LAND SURVEYING, PC
CIVIL ENGINEERS and LAND SURVEYORS
1701 Hertel Avenue Buffalo, New York 14216 www.FRANDINA.com Phone: (716) 883-1299

DATE: 2/10/2020 SHEET: 1 OF 1 DWN BY: MJC
JOB NO.: 4358 SCALE: 1" = 20' CHK'D BY: RF



**60-Day Advance Notification of Site Change of Use, Transfer of
Certificate of Completion, and/or Ownership**

Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

To be submitted at least 60 days prior to change of use to:

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

I. Site Name: The Crossroads at Genesee **DEC Site ID No.** C915338

II. Contact Information of Person Submitting Notification:

Name: The Slater Law Firm, PLLC
Address1: 500 Seneca Street, Suite 504
Address2: Buffalo, NY 14204
Phone: 716-845-6760 E-mail: CSlater@CSlaterLaw.com

III. Type of Change and Date: Indicate the Type of Change(s) (check all that apply):

- Change in Ownership or Change in Remedial Party(ies)
 Transfer of Certificate of Completion (CoC)
 Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy):

IV. Description: Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

The Site has been purchased by The Crossroads at Genesee LLC from Mohamud Khalil.

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

V. **Certification Statement:** Where the change of use results in a change in ownership or in responsibility for the proposed, ongoing, or completed remedial program for the site, the following certification must be completed (by owner or designated representative; see §375-1.11(d)(3)(i)):

I hereby certify that the prospective purchaser and/or remedial party has been provided a copy of any order, agreement, Site Management Plan, or State Assistance Contract regarding the Site's remedial program as well as a copy of all approved remedial work plans and reports.

Name: _____
(Signature)

9/27/20
(Date)

Mohamud Khalil

(Print Name)

Address1: 808 Borden Road

Address2: Cheektowaga, NY 14227

Phone: _____ E-mail: _____

VI. **Contact Information for New Owner, Remedial Party, or CoC Holder:** If the site will be sold or there will be a new remedial party, identify the prospective owner(s) or party(ies) along with contact information. If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/ECs), indicate who will be the certifying party (attach additional sheets if needed).

Prospective Owner Prospective Remedial Party Prospective Owner Representative

Name: The Crossroads at Genesee LLC

Address1: 1055 Saw Mill River Road, Suite 204

Address2: Ardsey, NY 10502

Phone: _____ E-mail: larry@reganddevelopment.com

Certifying Party Name: Brydges Engineering in Environment and Energy

Address1: 1270 Niagara Street

Address2: Buffalo, NY 14213

Phone: (716) 249-6880 E-mail: jbrydges@be3corp.com

VII. Agreement to Notify DEC after Transfer: If Section VI applies, and all or part of the site will be sold, a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the holder of the CoC for the site, the CoC should be transferred to the new owner using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>. This form has its own filing requirements (see 6NYCRR Part 375-1.9(f)).

Signing below indicates that these notices will be provided to the DEC within the specified time frames. If the sale of the site also includes the transfer of a CoC, the DEC agrees to accept the notice given in VII.3 below in satisfaction of the notice required by VII.1 below (which normally must be submitted within 15 days of the sale of the site).

Within 30 days of the sale of the site, I agree to submit to the DEC:

1. the name and contact information for the new owner(s) (see §375-1.11(d)(3)(ii));
2. the name and contact information for any owner representative; and
3. a notice of transfer using the DEC's form found at <http://www.dec.ny.gov/chemical/54736.html> (see §375-1.9(f)).

Name: 
(Signature)

4-27-2020
(Date)

Craig A. Slater, Esq.
(Print Name)

Address1: The Slater Law Firm, PLLC; 500 Seneca Street, Suite 504

Address2: Buffalo, NY 14204

Phone: (716) 845-6760 E-mail: CSlater@CSlaterLaw.com



County Clerk's Recording Page

Return to:

CANNON HEYMAN & WEISS LLP
54 STATE ST 5TH FL
ATTN; SARAH HETZER
ALBANY, NY 12207

Book Type: D Book: 11354 Page: 7049

Page Count: 4
Doc Type: DEED
Rec Date: 12/24/2019
Rec Time: 11:19:52 AM
Control #: 2019284551
UserID: Faith
Trans #: 19217195
Document Sequence Number
TT2019011195

Party 1:

KHALIL MOHAMUD AKA

Party 2:

CROSSROADS AT GENESEE LLC (THE)

Consideration Amount: 750000.00

Recording Fees:

RECORDING	\$40.00
COE CO \$1 RET	\$1.00
COE STATE \$14.25 GEN	\$14.25
COE STATE \$4.75 RM	\$4.75
RP5217 CNTY \$9	\$9.00
RP5217 ST-NON RES \$241	\$241.00
TP584	\$10.00

BASIC MT	\$0.00
SONYMA MT	\$0.00
ADDL MT/NFTA	\$0.00
SP MT/M-RAIL	\$0.00
NY STATE TT	\$3,000.00
ROAD FUND TT	\$3,750.00

Total: \$7,070.00

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERK'S ENDORSEMENT REQUIRED BY SECTION 319&316-a (5) OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

Michael P. Kearns
Erie County Clerk

BARGAIN AND SALE DEED

THIS INDENTURE, made the 18th day of December, 2019, between

MOHAMUD KHALIL a/k/a MOHAMUD H. KHALIL, having an address of 808 Borden Road, Cheektowaga, New York 14227 (hereinafter referred to as "Grantor"), and

THE CROSSROADS AT GENESEE HOUSING DEVELOPMENT FUND COMPANY, INC., a New York not-for-profit corporation organized pursuant to Article XI of the Private Housing Finance Law of the State of New York and Section 402 of the Not-for-Profit Corporation Law of the State of New York, having a mailing address c/o Polish Community Center of Buffalo, Inc., d/b/a Lt. Col Matt Urban Human Services Center of Western New York, 1081 Broadway, Buffalo, New York 14212, as nominee for THE CROSSROADS AT GENESEE LLC, a New York limited liability company, having a mailing address at 1055 Saw Mill River Road, Suite 204, Ardsley, New York 10502 (hereinafter referred to as "Grantee"),

WITNESSETH, that the Grantor, in consideration of TEN and 00/100 Dollars (\$10.00), lawful money of the United States of America, and other good and valuable consideration, paid by the Grantee, does hereby grant and release unto the Grantee, the successors and assigns of the Grantee forever,

ALL THAT TRACT OF PARCEL OF LAND, as more fully described in Schedule "A" attached hereto and made a part hereof. Subject to covenants, conditions, easements and restrictions of record, if any, affecting said premises.

BEING a the same premises conveyed to the Grantor from 19 Doat Street, Inc. dated October 29, 2009 and recorded in the Office of the Erie County Clerk on October 30, 2009 in Liber 11172, page 1655.

TOGETHER with all right, title and interest, if any, of the Grantor in and to any streets and roads abutting the above described premises to the center lines thereof.

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

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

AND the Grantor covenants that the Grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.


AND the Grantor, in compliance with Section 13 of the Lien Law, covenants that the Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

284551

750,000
comm

Deed - 3
City

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



Mohamud Khalil

STATE OF NEW YORK)
) SS.:
COUNTY OF ERIE)

On the 12th day of December, 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared, Mohamud Khalil, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Maxine R. Bommer
Notary Public, State of New York
Commission No: 01BO6304967
Qualified in Niagara County
My Commission Expires 06/02/2022



Notary Public - State of New York

Record and Return To:

Cannon Heyman & Weiss, LLP
54 State Street
5th floor
Albany, New York 12207
Attn: Sarah Hetzer

SCHEDULE "A"

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND together with the improvements thereof, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 52, Township 11, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND BEGINNING at the point of intersection of the southerly line of Doat Street with the easterly line of Rustic Place, as said Rustic Place now exists as a street 49 1/2 feet wide; running thence southerly along said easterly line of Rustic Place, 382.51 feet to the point of intersection of said easterly line of Rustic Place with the northerly line of Lansdale Place; running thence easterly along said northerly line of Lansdale Place a distance of 235.50 feet to a point; thence northerly and parallel with the easterly line of Rustic Place a distance of 231.80 feet to a point; thence westerly and parallel with the northerly line of Lansdale Place a distance of 35.00 feet to a point; thence northerly and parallel with the easterly line of Rustic Place a distance of 38.20 feet to a point; thence westerly at right angles a distance of 9.28 feet to a point; thence northerly along a line at right angles to Doat Street a distance of 112.11 feet to a point on the southerly line of Doat Street, said point being distant 191.50 feet easterly from the point of beginning as measured along the southerly line of Doat Street; thence westerly along the southerly line of Doat Street a distance of 191.50 feet to the point of beginning.

FOR COUNTY USE ONLY

C1. SWIS Code

140200

C2. Date Deed Recorded

DEC 24 2019

C3. Book

11354 C4. Page 7049



New York State Department of Taxation and Finance

Office of Real Property Tax Services

RP-5217-PDF

Real Property Transfer Report (8/10)

PROPERTY INFORMATION

1. Property Location

19

DOAT ST & 9 LANDSDALE PL

* STREET NUMBER

* STREET NAME

BUFFALO

NEW YORK

14211

* CITY OR TOWN

VILLAGE

* ZIP CODE

2. Buyer Name

The Crossroads at Genesee

Housing Dev. Fund Co. Inc *as nominee for*

* LAST NAME/COMPANY

FIRST NAME

The Crossroads at Genesee, LLC

LAST NAME/COMPANY

FIRST NAME

3. Tax Billing Address

Indicate where future Tax Bills are to be sent if other than buyer address (at bottom of form)

The Crossroads at Genesee

LAST NAME/COMPANY

FIRST NAME

1055 Saw Mill River Rd #204

Ardasley

NY

10502

STREET NUMBER AND NAME

CITY OR TOWN

STATE

ZIP CODE

4. Indicate the number of Assessment Roll parcels transferred on the deed

2 # of Parcels

OR

Part of a Parcel

(Only if Part of a Parcel) Check as they apply:

4A. Planning Board with Subdivision Authority Exists

5. Deed Property Size

192

X

382

OR

0.00

4B. Subdivision Approval was Required for Transfer

4C. Parcel Approved for Subdivision with Map Provided

* FRONT FEET

* DEPTH

* ACRES

6. Seller Name

Khalil

Mohamud

* LAST NAME/COMPANY

FIRST NAME

LAST NAME/COMPANY

FIRST NAME

7. Select the description which most accurately describes the use of the property at the time of sale:

Check the boxes below as they apply:

8. Ownership Type is Condominium

9. New Construction on a Vacant Land

10A. Property Located within an Agricultural District

10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District

F. Commercial

SALE INFORMATION

11. Sale Contract Date

07/23/2017

* 12. Date of Sale/Transfer

12/18/2019

*13. Full Sale Price

750,000.00

(Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.

15. Check one or more of these conditions as applicable to transfer:

- A. Sale Between Relatives or Former Relatives
- B. Sale between Related Companies or Partners in Business.
- C. One of the Buyers is also a Seller
- D. Buyer or Seller is Government Agency or Lending Institution
- E. Deed Type not Warranty or Bargain and Sale (Specify Below)
- F. Sale of Fractional or Less than Fee Interest (Specify Below)
- G. Significant Change in Property Between Taxable Status and Sale Dates
- H. Sale of Business is Included in Sale Price
- I. Other Unusual Factors Affecting Sale Price (Specify Below)
- J. None

Comment(s) on Condition:

14. Indicate the value of personal property included in the sale

0.00

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken (YY) 19

*17. Total Assessed Value 288,000

*18. Property Class 710

*19. School District Name buffalo

*20. Tax Map Identifier(s)/Roll Identifier(s) (if more than four, attach sheet with additional identifier(s))

140200.101.550-5-21

140200.101.560-9-8.000

CERTIFICATION

I Certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

SELLER SIGNATURE

[Signature]

12-12-19

DATE

BUYER SIGNATURE

[Signature]

12/16/19

DATE

BUYER CONTACT INFORMATION

(Enter information for the buyer. Note: If buyer is LLC, society, association, corporation, joint stock company, estate or entity that is not an individual agent or fiduciary, then a name and contact information of an individual/responsible party who can answer questions regarding the transfer must be entered. Type or print clearly.)

* LAST NAME

FIRST NAME

* AREA CODE

* TELEPHONE NUMBER (Ex. 9999999)

1055

Saw Mill River Rd Swt 204

* STREET NUMBER

* STREET NAME

Ardasley

NY

10502

* CITY OR TOWN

* STATE

* ZIP CODE

BUYER'S ATTORNEY

Babcock

Christopher

LAST NAME

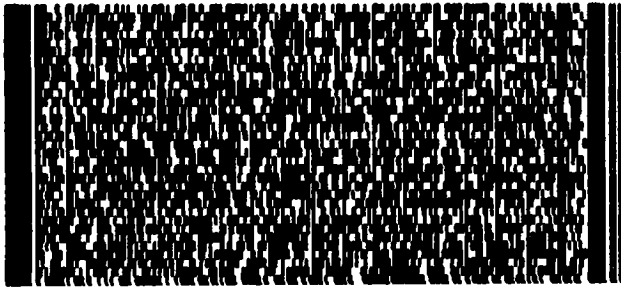
FIRST NAME

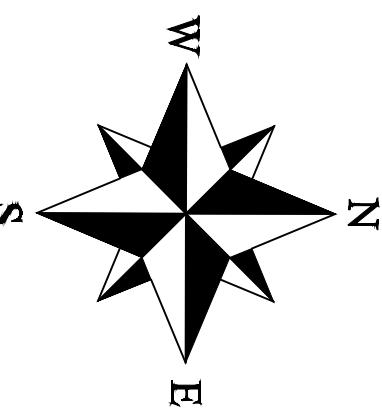
(518)

465-1500

AREA CODE

TELEPHONE NUMBER (Ex. 9999999)





LEGEND

CLF	---	CHAIN LINK FENCE
PRF	---	POST AND RAIL FENCE
	□	SIGN
GP	△	POSTS/BOLLARDS
---	---	GAS LINE
GAS	□	GAS METER
GV	+	GAS VALVE
DI	□	DRAINAGE INLET
DRAIN	□	DRAIN
---	---	STORM SEWER LINE
SAMH	⊙	SANITARY MANHOLE
---	---	SEWER CLEANOUT
---	---	SANITARY SEWER LINE
---	---	INVERT ELEVATION
---	---	ELECTRIC VAULT
UP	○	UTILITY POLE
UPL	○	UTILITY POLE W/ LIGHT
---	---	OVERHEAD WIRES
---	---	UNDERGROUND ELECTRIC
---	---	WATER LINE
WV	+	WATER VALVE
HYD	+	HYDRANT
CONC	□	CONCRETE
TC	---	TOP OF CURB
SW	---	SIDEWALK
EP	---	EDGE OF PAVEMENT
FF	---	FINISHED FLOOR
D&M	---	DEED AND MEASURED
CP	△	PRIMARY CONTROL POINT
BM	⊙	BENCHMARK
MW	⊗	MONITORING WELL

VICINITY MAP
(NOT TO SCALE)

LEGAL DESCRIPTION

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PARCEL AREAS:
PARCEL AREA = 1.907± ACRES

PARKING SPACES:
NO PARKING SPACES OBSERVED ON SITE

FLOOD ZONE CLASSIFICATION:
PARCEL IS LOCATED ON A NON-PRINTED PANEL NO. 36029C0212H DATED 6/7/2019 "AREA OF MINIMAL FLOOD HAZARD"

TITLE POLICY:
TITLE POLICY PROVIDED BY ALL NEW YORK TITLE AGENCY, INC. COMMITMENT NO. ANY2017-3019C WITH EFFECTIVE DATE 8/20/2019. THE PROPERTY DESCRIBED HEREON IS THE SAME AS THE PROPERTY DESCRIBED IN THE ABOVE STATED POLICY. ALL EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT OR APPARENT FROM A PHYSICAL INSPECTION OF THE SITE OR OTHERWISE KNOWN TO THE SURVEYOR HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE SUBJECT PROPERTY.

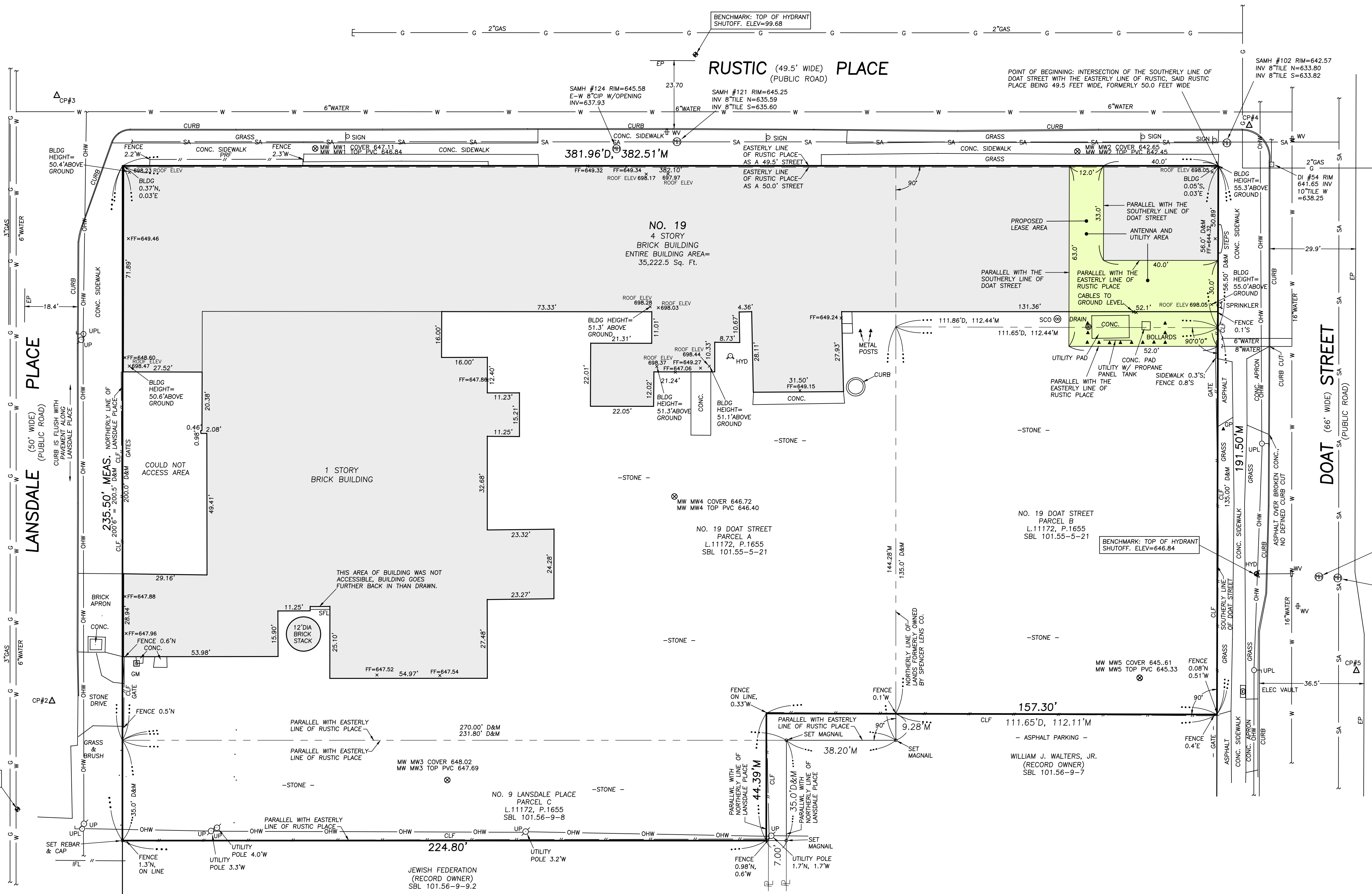
SCHEDULE B NOTES:
ITEM 20: PARCEL SUBJECT TO LEASE AGREEMENT MADE BY AND BETWEEN MOHAMED KHALIL AND AND T-MOBILE NORTHEAST LLC, AS EVIDENCED BY MEMORANDUM OF LEASE DATED NOVEMBER 2, 2017 AND RECORDED JANUARY 17, 2018 IN CONTROL NO. 2018011165 (NOT PLOTTABLE)

ZONING:
ZONE: D-C FLEX COMMERCIAL

BUILDING SETBACKS: ZERO FEET REQUIRED ON ALL SIDES
PARKING REQUIREMENT: ZERO, HOWEVER 60 SPACES ARE PROVIDED, 4 ARE HANDICAP SPACES

NOTES:
1) PROPERTY HAS ACCESS TO LANSDALE PLACE AND DOAT STREET, EACH A PUBLICLY DEDICATED STREET

UTILITY NOTES:
VERIZON DIG SAFELY RESPONSE:
The extent of work described in the request noted above has been compared with our facility records. Verizon has determined that the excavation location and scope of work you have identified does not conflict with our underground facilities. If you have questions or have additional information where you feel Verizon's underground facilities are in the excavation area, do not hesitate to contact our National Facility Locate Call Center at 800-492-3100.



SURVEY CONTROL

VERTICAL DATUM = NAVD88
HORIZONTAL DATUM = NAD83

Point	Northing	Easting	Elevation	Description
1	1059800.6148	1084987.1020	648.10	REBAR & CAP
2	1059832.0105	1085011.3803	647.18	MAGNAIL
3	1059833.0585	1084800.0779	647.60	MAGNAIL
4	1060248.3999	1084809.2976	641.91	MAGNAIL
5	1060287.3297	1084999.4605	642.68	MAGNAIL

MONITORING WELLS

Point	Northing	Easting	Elevation	Description
2010	1059923.3097	1084818.3369	647.11	GMW/MW1 COVER
2011	1059923.3095	1084818.2894	646.84	GMW/MW1 TOP PVC
2012	1060189.4083	1084818.4444	642.45	GMW/MW2 TOP PVC
2013	1060189.4142	1084818.5890	642.65	GMW/MW2 COVER
2015	1059970.0799	1085038.5830	647.69	GMW/MW3 TOP PVC
2016	1059970.0811	1085038.5389	648.02	GMW/MW3 COVER
2018	1060049.0871	1084939.3980	646.40	GMW/MW4 TOP PVC
2019	1060049.0824	1084939.4004	646.72	GMW/MW4 COVER
2021	1060211.7200	1085002.2967	645.33	GMW/MW5 TOP PVC
2022	1060211.6534	1085002.1741	645.61	GMW/MW5 COVER

WARNING: ALTERING THIS DOCUMENT IS IN VIOLATION OF THE LAW EXCEPTING AS PROVIDED IN SECTION 7203, PART 2 OF THE NEW YORK STATE EDUCATION LAW.

ALL UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE, BEFORE YOU DIG, DRILL, OR BLAST, CALL DIG SAFELY NEW YORK AT 1-800-962-7962

NO. 19 DOAT STREET SBL - 101.55-5-21
NO. 9 LANSDALE PLACE - SBL 101.56-9-8

DATE OF SURVEY	DATE OF REVISION	COMMENT	INT.
2/20/2020	3/31/2020	REVISE BOUNDARY	MJC
2/20/2020	4/8/2020	CORRECT 44.39' PL DIM	MJC

This map void unless stamped with New York State Licensed Land Surveyors Seal No. 50510

Rosanne Frandina, PE, LS

TOPOGRAPHIC SURVEY
PART OF LOT 52, TWP 11, RGE 7
OF THE HOLLAND LAND COMPANY'S SURVEY
CITY OF BUFFALO
COUNTY OF ERIE ~ STATE OF NEW YORK

FRANDINA ENGINEERING and LAND SURVEYING, PC
CIVIL ENGINEERS and LAND SURVEYORS
1701 Hertel Avenue Buffalo, New York 14216 www.FRANDINA.com Phone: (716) 883-1299

DATE: 2/10/2020 SHEET: 1 OF 1 DWN BY: MJC
JOB NO.: 4358 SCALE: 1" = 20' CHK'D BY: RF