



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:

The only amendments to the BCA being requested are: (1) to change the name of the owner listed in the BCA from Two Brothers Realty, LLC to 3100 Clinton Street, LLC; and (2) to change the tax map lot number of the BCP site listed in the BCA from 124.15-2-10 to 124.15-2-10.2.

The 36.2 acre parcel that included the 9.95 acre BCP Site was divided and 24.97 acres, which includes the 9.95 acre BCP site, was transferred to 3100 Clinton Street, LLC on February 29, 2020. Such transfer was recorded in the Erie County Clerk's Office on March 20, 2020. The tax map number of the 24.97 acre parcel was renumbered as 124.15-2-10.2.

A 60-day Advance Notification was submitted to the Department on December 24, 2020.

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

Section I. Existing Agreement Information

BCP SITE NAME: 3100 Clinton Street Site

BCP SITE NUMBER: C915339

NAME OF CURRENT APPLICANT(S): 3100 Clinton Street, LLC; Rosina Food Products, Inc.

INDEX NUMBER OF EXISTING AGREEMENT: C915339-12-18 DATE OF EXISTING AGREEMENT: 1/23/19

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)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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

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

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

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

PARTICIPANT

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

VOLUNTEER

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

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

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

Requestor's Relationship to Property (check one):

Prior Owner Current Owner Potential /Future Purchaser Other _____

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

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

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

ADDRESS 3100 Clinton Street

CITY/TOWN West Seneca

ZIP CODE 14224

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

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
3100 Clinton Street (Portion of)	124	15	2	10	

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
Revised TBL	124	15	2	10.2	
(Parcel Address does not change)					

Reduction of property

Approximate acreage removed: _____

PARCELS REMOVED:

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

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

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

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

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: 3100 Clinton Street	BCP SITE NUMBER: C915339
NAME OF CURRENT APPLICANT(S):3100 Clinton Street, LLC; Rosina Food Products, Inc.	
INDEX NUMBER OF EXISTING AGREEMENT:C915339-12-18	
EFFECTIVE DATE OF EXISTING AGREEMENT:January 23, 2019	

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 Manager (title) of 3100 Clinton Street, 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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 5/15/2020 Signature: 

Print Name: Russell A. Corigliano

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: January 23, 2019

Signature by the Department:

DATED: July 8, 2020

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By: 
Michael J. Ryan, P.E., Director
Division of Environmental Remediation

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 President and CEO (title) of Rosina Food Products, Inc. (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. _____ My _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 5/15/2020 Signature: _____

Print Name: _____ Russell A. Corigliano

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: January 23, 2019

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By: Michael J. Ryan
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: _____

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



**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:** 3100 Clinton Street **DEC Site ID No.** C915339

II. **Contact Information of Person Submitting Notification:**

Name: Greg Setter
Address1: 170 French Road
Address2: Buffalo, New York 14227
Phone: (716) 608-8524 E-mail: gsetter@rosina.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): Feb 24, 2020

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

The real property ownership is being transferred from Two Brothers Realty, LLC to 3100 Clinton Street, LLC (a current Applicant on the BCA) and a new protein plant will be constructed. The BCP site boundaries will not change.

(See Figures 1 and 2 and Attachments 1 and 2 for additional details)

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).

This change will not affect the site's remedial program.

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:

Greg Setter, chief operating officer
(Signature)

December 24, 2019

(Date)

Mr. Greg Setter, Two Brothers Realty, LLC

(Print Name)

Address1: 170 French Road

Address2: Buffalo, New York 14227

Phone: (716) 608-8524

E-mail: gsetter@rosina.com

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: Mr. Greg Setter, 3100 Clinton Street, LLC

Address1: 170 French Road

Address2: Buffalo, New York 14227

Phone: (716) 608-8524

E-mail: gsetter@rosina.com

Certifying Party Name: N/A

Address1: _____

Address2: _____

Phone: _____

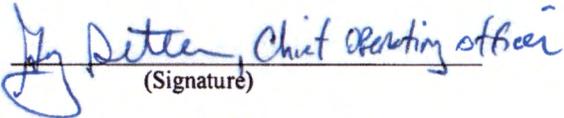
E-mail: _____

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)).

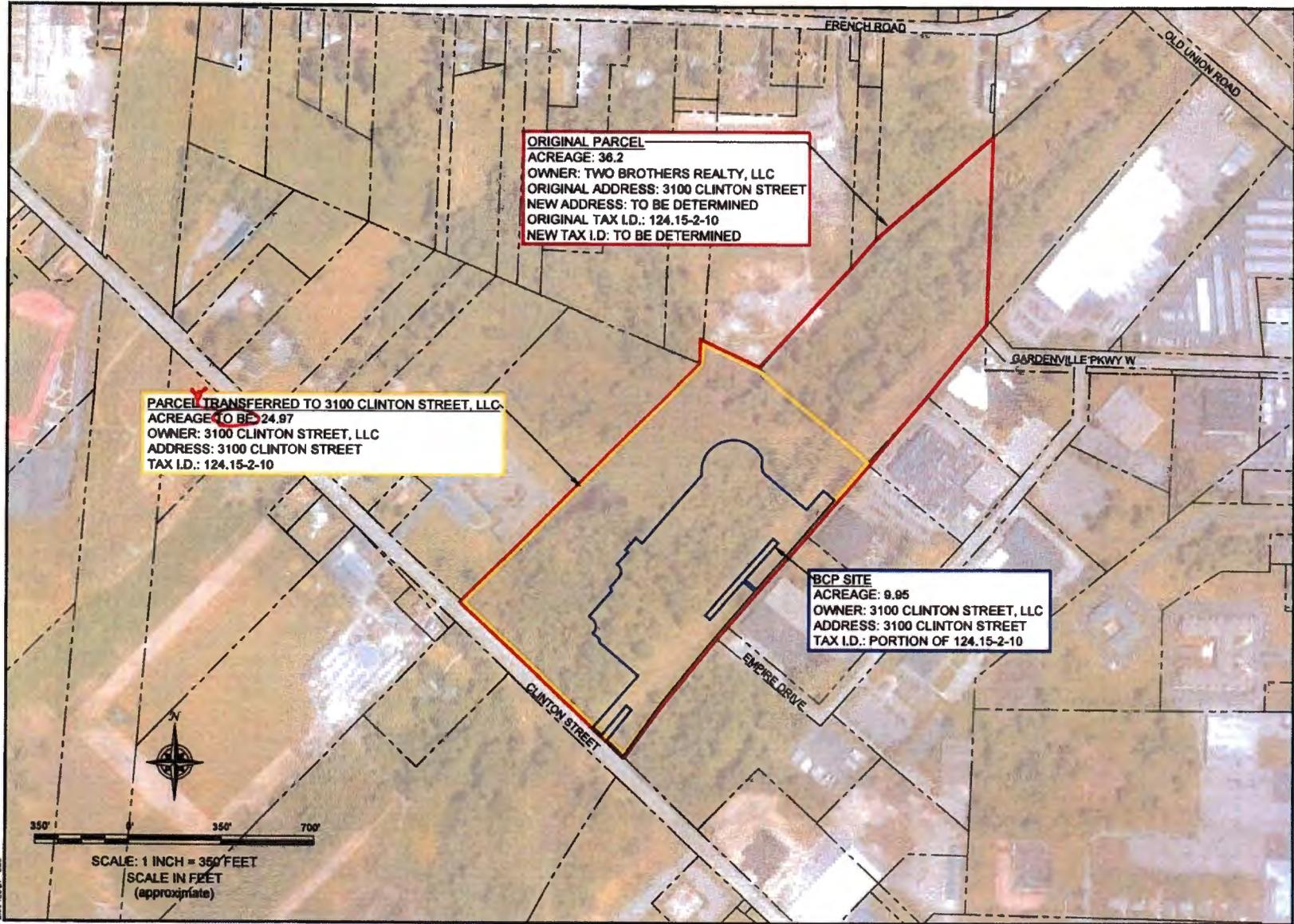
Signing below indicates that these notices will be provided to the DEC within the specified time frames. If the sale of the site also includes the transfer of a CoC, the DEC agrees to accept the notice given in VII.3 below in satisfaction of the notice required by VII.1 below (which normally must be 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:  12/24/2019
(Signature) (Date)
Greg Setter, Two Brothers Realty, LLC
(Print Name)

Address1: 170 French Road
Address2: Buffalo, New York 14227
Phone: (716) 608-8524 E-mail: gsetter@rosina.com



TURNKEY Environmental LLC
 BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE PLLC
 850 HAMBURG TURNPIKE SUITE 300 BUFFALO NY 14218 (716) 866-0889

BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE PLLC
 850 HAMBURG TURNPIKE SUITE 300 BUFFALO NY 14218 (716) 866-0889

JOB NO.: 0450-018-001

PARCEL OVERVIEW MAP

60-DAY ADVANCE NOTIFICATION
 3100 CLINTON STREET SITE
 WEST SENECA, NEW YORK

PREPARED FOR
 3100 CLINTON STREET, LLC

FIGURE 1

THIS DRAWING IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH, IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE PLLC & TURNKEY ENVIRONMENTAL RESTORATION, LLC.

ATTACHMENT 1
60-Day Advance Notification
Description of Property Transfer and New Construction
3100 Clinton Street Site

Rosina Food Products, Inc. and its affiliate 3100 Clinton Street, LLC are the volunteers for the 3100 Clinton Street BCP Site (C915339). As disclosed in the BCP Application, both volunteers are owned by Rosina Holding, Inc.

The approximately 9.95 acre BCP Site is wholly located within the 36.2 acres tax map lot no.: 124.15-2-10. Volunteer 3100 Clinton Street, LLC holds an option to acquire a 24.97 acres portion of the larger 36.2 acres parcel for the construction of Rosina's new protein plant.

Also as disclosed in the BCP Application:

“the Site ... will be owned by 3100 Clinton Street, LLC once the process of re-parceling ... for development purposes is completed. ... [Note- re-parceling the greater parcel will not alter the boundaries of the BCP Site].”

The re-parceling will be accomplished by the owner deeding out a lot containing 11.23 acres, more or less to the east of the BCP Site. The volunteers anticipate that the newly created 11.23 acres lot will be given a new, unique tax map lot number.

After the re-parceling, the BCP Site will still be wholly located within what volunteers anticipate to be tax map lot no.: 124.15-2-10. The only thing that will change with respect to the BCP Site is that the acreage of the surrounding tax map lot will decrease to 24.97 acres.

This 60-Day Change of Use notification is to notify the Department that, per the disclosure in the BCP Application, volunteer 3100 Clinton Street, LLC will be exercising its option to acquire the real property within which BCP Site C915339 is located. It is anticipated that, at the time of acquisition, the tax map lot will be approximately 24.97 acres in size.

ATTACHMENT 1
60-Day Advance Notification
Description of Property Transfer and New Construction
3100 Clinton Street Site

In addition, this 60-Day Change of Use notification is to notify the Department that, after implementation of the Interim Remedial Measure excavation and backfilling of the BCP Site to achieve Unrestricted Use SCOs is completed to the Department's satisfaction, 3100 Clinton Street, LLC will be constructing for volunteer Rosina Food Products, Inc. a new 106,624 square foot manufacturing building suitable for the installation of a new high-speed state-of-the-art production line capable of forming, cooking and freezing a maximum of 40 million pounds of frozen meatballs, sliced sausage, and pizza toppings annually and all associated administrative, welfare and support areas, and two small accessory structures (an approximately 1984 square feet waste water treatment building and a 100 square feet guard house), with provision made for the later construction of a 40,800 square foot addition (allowing a second production line). The manufacturing building will connect with a new driveway to Clinton Street and likely an emergency-only entrance from Empire Drive. Automobile parking will be provided with 150 spaces and 8 truck docks will be constructed on the west side of the building to serve a minimum of 12 trucks per day. Pavement will completely surround the building to allow fire and emergency access to all sides of the building.

ATTACHMENT 2
60-Day Advance Notification
Legal Description of Transferred Parcel
3100 Clinton Street Site

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie and State of New York, being part of Lot Nos. 19, 27, and 28 of the Ebenezer Lands, bound and described as follows;

BEGINNING at a point on the northeasterly line of Clinton Street, at its intersection with the northwesterly line of Lot 28, said point being the southwesterly corner of lands conveyed to Anthony J. Brunsing by deed recorded in the Erie County Clerk's office in Liber 10900 at page 3843;

THENCE northeasterly at an interior angle of $89^{\circ}33'46''$ along the northwesterly line of Lot 28, a distance of 1282.34 feet to the most northerly corner of Lot 28, said corner being at the intersection of the northwesterly line of said Lot 28 with the westerly line of Lot 19;

THENCE northerly at an interior angle of $222^{\circ}12'59''$ along the westerly line of lot 19, a distance of 77.00 feet, to the northwesterly corner of lands acquired by The Terminal Railway of Buffalo as described in Supreme Court Order recorded in the Erie County Clerk's Office in Liber 1095 of Deeds at page 54;

THENCE easterly and parallel with southwesterly line of lot 19 at an interior angle of $66^{\circ}43'46''$, a distance of 232.13 feet to a point;

THENCE easterly and perpendicular to the centerline of the Gardenville Branch of the railroad of the Penn Central Company Railroad, a distance of 544.81 feet to the centerline of said railroad;

THENCE southerly at right angles and along the centerline of said railroad a distance of 850.80 feet to a point of curvature;

THENCE continuing along the centerline of said railroad, along a curve to the left having a radius of 5729.65 feet and an arc length of 600.26 feet to the northeasterly line of Clinton Street;

THENCE westerly along the northeasterly line of Clinton Street a distance of 839.44 feet, to the point or place of beginning, containing 24.97 acres, more or less.