



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:

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

Section I. Existing Agreement Information			
BCP SITE NAME:		BCP SITE NUMBER:	
NAME OF CURRENT APPLICANT(S):			
INDEX NUMBER OF EXISTING AGREEMENT:		DATE OF EXISTING AGREEMENT:	
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			
<ul style="list-style-type: none"> If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS. 			
NAME OF NEW REQUESTOR'S REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached? 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

CITY/TOWN

ZIP CODE

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

Parcel Address

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

Check appropriate boxes below:

Changes to metes and bounds description or TBL correction

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

Approximate acreage added: _____

ADDITIONAL PARCELS:

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

Reduction of property

Approximate acreage removed: _____

PARCELS REMOVED:

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

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

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.	Yes	No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	Yes	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.	Yes	No
2. Is the property upside down as defined below?	Yes	No
<p>From ECL 27-1405(31):</p> <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?	Yes	No
<p>From 6 NYCRR 375- 3.2(a) as of August 12, 2016:</p> <p>(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.</p> <p>(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income.</p> <p>(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.</p> <p>(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.</p>		

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME:	BCP SITE NUMBER:
NAME OF CURRENT APPLICANT(S):	
INDEX NUMBER OF EXISTING AGREEMENT:	
EFFECTIVE DATE OF EXISTING AGREEMENT:	

Declaration of Amendment:

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

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

Statement of Certification and Signatures: New Requestor(s) (if applicable)
<p>(Individual)</p> <p>I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: _____ Signature: _____</p> <p>Print Name: _____</p> <p>(Entity)</p> <p>I hereby affirm that I am (title _____) 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.</p> <p>_____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: _____ Signature: _____</p> <p>Print Name: _____</p>

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 Sole member (title) of Lakewood Boulevard 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. Paul F. Ciminelli signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 3-19-19 Signature: 

Print Name: Paul F Ciminelli

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: 2/13/19

Signature by the Department:

DATED: 5/17/19

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By: 

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:_____

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

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

SECTION II NEW REQUESTOR INFORMATION

Requestor Name

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

If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.

Requestor Address, etc.

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

Representative Name, Address, etc.

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

Consultant Name, Address, etc.

Provide information for the requestor's consultant.

Attorney Name, Address, etc.

Provide information for the requestor's attorney.

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

Owner Name, Address, etc.

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

Operator Name, Address, etc.

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

SECTION IV**NEW REQUESTOR ELIGIBILITY INFORMATION**

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

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

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

Property Address

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

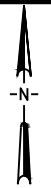
Tax Parcel Information

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

F:\Project\IE67 - Ciminelli Development\IE67.022.001 - 240-260 Lakefront Boulevard\Planning-Study\CADD\BCP AMEND.dwg



C&S Engineers, Inc.
141 Elm Street.
Buffalo, New York 14203
Phone: 716-847-1630
Fax: 716-847-1454
www.cscos.com



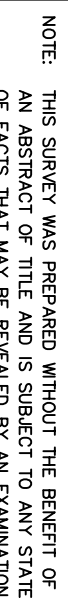
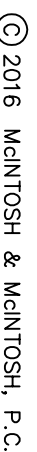
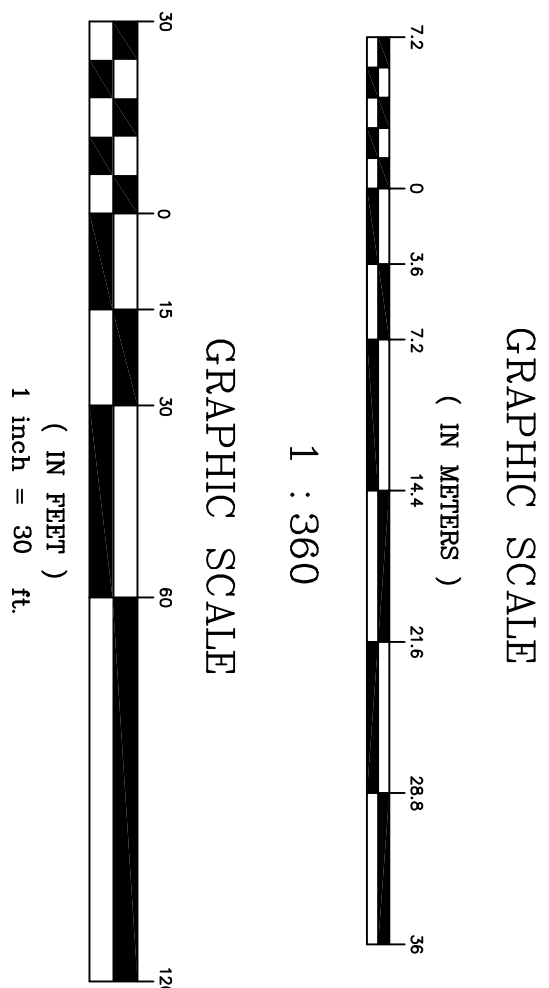
240-260 LAKEFRONT BLVD. SITE
BROWNFIELD CLEANUP PROGRAM
CITY OF BUFFALO, NEW YORK

MARK	DATE	DESCRIPTION
REVISIONS		
PROJECT NO:		E67.022.003
DATE:		MARCH 8, 2019
DRAWN BY:		C. MARTIN
DESIGNED BY:		C. MARTIN
CHECKED BY:		D. RIKER
NO ALTERATION PERMITTED HEREON EXCEPT AS PROVIDED UNDER SECTION 7209 SUBDIVISION 2 OF THE NEW YORK EDUCATION LAW		

BCP AMENDMENT

FIGURE 1

UT	UNDERGROUND TELEPHONE
UE	UNDERGROUND
UC	UNDERGROUND COMMUNICATIONS
W	WATER
SE	SERIES
G	GAS
X	CHAIN LINK FENCE
L.P.	LIGHT POLE
M.C.B.	MATCH BASIN
B.S.M.	BURNING MANHOLE
C.H.A.	CORROSION PROOF MANHOLE
O.E.M.	GAS METER
O.G.V.	ELECTRIC METER
O.W.V.	GAS VALVE
A.M.	WATER VALVE
D.B.	DRINKING BOX
T.M.H.	TELEPHONE MANHOLE
A.P.	ABOVE GROUND PIPE
N.F.Y.	NOT FIELD VERIFIED
	NON ENVIRONMENTAL EASEMENT BOUNDARY



	REVISION	RESUBMIT	REVISION	RESUBMIT
	REVISED BRP PARCEL FEBRUARY 20, 2019		SUBMITTED A FINAL & CZQA PARCELS-17/2017 FEBRUARY 13, 2017	
		OCTOBER 2, 2018	ADDED BRP PARCEL SEPTEMBER 11, 2018	
			NOTE: SUBMITTED A FINAL & CZQA PARCELS-17/2017 SUBMIT IS A VIOLATION OF SECTION 1209 PROVISION OF THE NEW YORK STATE EDUCATION LAW.	

429 PINE STREET, LOCKPORT, NEW YORK 14094 PHONE 437-2555 PHONE 825-8360	
SURETY OF PART OF LOTS-5 & 14, NEW YORK STATE MILE RESERVE	
CITY OF BUFFALO, ERIE COUNTY, NEW YORK	
REFERENCE MAP FILED IN E.C.F.O. UNDER MAP COVER NO. 2433	
JOB No. 8755	SCALE: 1" = 30'
DATE: OCTOBER 20, 2016	DRAWN BY: MASS CHECKED BY: PKM III DATE: 8/25/2016

THE CITY OF BUFFALO URBAN RENEWAL AGENCY
ENVIRONMENTAL EASEMENT AREA DESCRIPTION
NYS DEC BCP SITE NO. C915340

ALL THAT TRACT OR PLOTS OF LAND situate in the City of Buffalo, County of Erie, State of New York, and being part of Lots 5 and 14 of the New York Site Reserve and also being part of Parcel 6 of the Erie County Clerk's Office under Map Cover No. 2333, bounded and described as follows:

BEGINNING AT A POINT on the southeast line of lands conveyed to Twin Lakes Associates, L.P., by deed recorded in the Erie County Clerk's Office under Map Cover No. 2333, bounded and described as follows:

RUNNING THENCE S-38°-07'-00"E, parallel with the southwest line of Lakefront Boulevard and 5.0 feet southeasterly measured along the southeast line of said Twin Lakes Associates, L.P., parcels, to their intersection with the southeast line of Lakefront Boulevard;

RUNNING THENCE S-53°-53'-00"W, a distance of 9.0 feet to a point;

RUNNING THENCE S-36°-07'-00"E, a distance of 10.0 feet to a point;

RUNNING THENCE S-22°-48'-28"E, parallel with the southwest line of Lakefront Boulevard and 5.0 feet southeasterly measured as measured at right angles thereto, a distance of 37.89 feet to a point;

RUNNING THENCE S-05°-53'-W, parallel with the northwest line of Oldway Curve and 5.0 feet southeasterly measured as measured at right angles thereto, a distance of 14.62 feet to a point;

RUNNING THENCE N-68°-57'-00"W, a distance of 28.0 feet to a point;

RUNNING THENCE S-21°-04'-04"-W, a distance of 63.29 feet to a point;

RUNNING THENCE N-68°-57'-00"W, a distance of 28.0 feet to a point;

RUNNING THENCE S-21°-04'-04"-W, a distance of 63.29 feet to a point;

RUNNING THENCE S-55°-22'-00"W, along the northeast line of said Third Jefferson Associates, L.P., parcels, to their intersection with the northeast line of said Third Jefferson Associates, L.P., parcels, to a distance of 42.97 feet to a point on the northeast line of a concrete wall, a distance of 121.33 feet to a point on the southeast line of said Twin Lakes Associates, L.P., lands;

RUNNING THENCE The following series (7) courses and distances along the southeast line of said Twin Lakes Associates, L.P., lands:

1. S-39°-01'-22"E, a distance of 10.0 feet to an angle point therein;

2. S-50°-58'-38"E, a distance of 70.0 feet to an angle point therein;

3. N-50°-58'-38"E, a distance of 15.697 feet to an angle point therein;

4. S-57°-01'-42"E, a distance of 83.0 feet to an angle point therein;

5. S-57°-01'-42"E, a distance of 15.697 feet to an angle point therein;

6. N-39°-01'-22"W, a distance of 30.0 feet to an angle point therein;

7. N-50°-58'-38"E, a distance of 143.57 feet to the Point OF REVERSE OR PLACE OF BEGINNING.

SUBJECT TO all easements, rights of way and restrictions of record.

Agency by deed recorded in the Erie County Clerk's Office in Liber 8976 of Deeds at Page 301.

- 1) SBL - CITY OF BUFFALO TAX MAP NOS. 110-59-1-31 & 41 & PART OF 110-59-1-4-21
- 2) FOR TOPOGRAPHICAL INFORMATION, SEE MAP PREPARED BY MINTOSH & MINTOSH, P.C. DATED OCTOBER 20, 2016 AND IDENTIFIED AS JOB NO. 8755-A-1
- 3) REFERENCE MAP: SURVEY MAP PREPARED BY GRI ENGINEERING & SURVEYING, L.P. DATED APRIL 2015 AND IDENTIFIED AS JOB NO. 5278
- 4) SEE ABSTRACT PREPARED BY CHICAGO TITLE INSURANCE COMPANY DATED AUGUST 29, 2018 AND IDENTIFIED AS COMMITMENT NO. 1813-5514-CA

THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT DERWEB@CW.DEC.STATE.NY.US.

OCTOBER 2, 2018
DATE OF MAP OR PLAT
JOHN E. MCINTOSH, III
LICENSE NO. 49928
L.S.

ALSO BEING PART OF LOTS 19 & 20, WATERFRONT VILLAGE, PART II,
WITHOUT BEING SUBJECT TO A #4."

NYS DEC BCP SITE NO. C915340, SITE ADDRESS: 240 LAKEFRONT BOULEVARD

McINTOSH & McINTOSH, P.C.

429 PINE STREET, LOCKPORT, NEW YORK 14094
PHONE 433-2535 PHONE 625-8360

(Suggested Description)

BCP Parcel
2.09± Acres

Job No. 8755

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie, State of New York, and being part of Lots 5 and 14 of the New York State Mile Reserve and also being part of Sublots 19 and 20 as shown on a map prepared by Bissell Merrill Associates titled "Waterfront Village Part II" as filed in the Erie County Clerk's Office under Map Cover No. 2433, bounded and described as follows:

BEGINNING AT A POINT on the southeast line of lands conveyed to Twin Lakes Associates, L.P. by deed recorded in the Erie County Clerk's Office in Liber 9859 of Deeds at Page 572 at a distance of 5.01 feet southwesterly measured along the southeast line of said Twin Lakes Associates, L.P. lands, from its intersection with the southwest line of Lakefront Boulevard;

RUNNING THENCE: S-36°-07'-00"-E, parallel with the southwest line of Lakefront Boulevard and 5.0 feet southwesterly therefrom as measured at right angles thereto, a distance of 296.53 feet to a point;

RUNNING THENCE: S-53°-53'-00"-W, a distance of 5.0 feet to a point;

RUNNING THENCE: S-36°-07'-00"-E, a distance of 10.0 feet to a point;

RUNNING THENCE: N-53°-53'-00"-W, a distance of 4.74 feet to a point;

RUNNING THENCE: S-22°-48'-28"-E, parallel with the southwest line of Lakefront Boulevard and 5.0 feet southwesterly therefrom as measured at right angles thereto, a distance of 37.89 feet to a point;

RUNNING THENCE: S-21°-03'-33"-W, parallel with the northwest line of Ojibway Circle and 5.0 feet northwesterly therefrom as measured at right angles thereto, a distance of 144.82 feet to a point;

RUNNING THENCE: N-68°-57'-01"-W, a distance of 28.0 feet to a point;

RUNNING THENCE: S-21°-04'-04"-W, a distance of 5.0 feet to a point;

RUNNING THENCE: N-68°-53'-24"-W, a distance of 63.29 feet to a point;

RUNNING THENCE: S-80°-50'-33"-W, a distance of 48.76 feet to a point on a northerly line of lands conveyed to Third Jeffersonian Associates by deed recorded in the Erie County Clerk's Office in Liber 9355 of Deeds at Page 302;

RUNNING THENCE: N-39°-21'-04"-W, along a northerly line of said Third Jeffersonian Associates, a distance of 23.10 feet to a point;

RUNNING THENCE: N-50°-48'-32"-E, parallel with a southeast line of said Third Jeffersonian Associates lands and 3.0 feet southeasterly therefrom as measured at right angles thereto, a distance of 75.99 feet to a point;

RUNNING THENCE: N-39°-11'-28"-W, parallel with a northeast line of said Third Jeffersonian Associates lands and 3.0 feet northeasterly therefrom as measured at right angles thereto, a distance of 158.86 feet to a point;

RUNNING THENCE: S-55°-22'-10"-W, parallel with the northwest line of said Third Jeffersonian Associates lands and 30.0 feet northwesterly therefrom as measured at right angles thereto, a distance of 258.70 feet to a point;

RUNNING THENCE: S-34°-37'-50"-E, a distance of 30.0 feet to a point on the northwesterly line of said Third Jeffersonian Associates lands;

RUNNING THENCE: S-55°-22'-10"-W, along the northwest line of said Third Jeffersonian Associates lands, a distance of 42.97 feet to a point on the northeast face of a concrete wall;

RUNNING THENCE: N-38°-50'-37"-W, along the northeast face of said concrete wall, a distance of 121.38 feet to a point on the southeast line of said Twin Lake Associates, L.P. lands;

RUNNING THENCE: The following seven (7) courses and distances along the southeast line of said Twin Lakes Associates, L.P. lands:

1. N-50°-58'-38"-E, a distance of 164.97 feet to an angle point therein;
2. S-39°-01'-22"-E, a distance of 10.0 feet to an angle point therein;
3. N-50°-58'-38"-E, a distance of 70.0 feet to an angle point therein;
4. S-39°-01'-22"-E, a distance of 15.0 feet to an angle point therein;
5. N-50°-58'-38"-E, a distance of 83.0 feet to an angle point therein;
6. N-39°-01'-22"-W, a distance of 30.0 feet to an angle point therein;
7. N-50°-58'-38"-E, a distance of 143.57 feet to the POINT OR PLACE OF BEGINNING, containing 2.09 Acres, be the same, more or less.

SUBJECT to easements, rights of way and restrictions of record.

BEING AND INTENDED TO BE a portion of lands conveyed to the City of Buffalo Urban Renewal Agency by deed recorded in the Erie County Clerk's Office in Liber 8876 of Deeds at Page 301.