

MICHAEL P. KEARNS, ERIE COUNTY CLERK
REF:

DATE: 12/30/2025
TIME: 12:24:09 PM
RECEIPT: 25221635

LAW OFFICE OF MARK AQUINO
ACCOUNT #: 9897

ITEM - 01 MTP
RECD: 12/30/2025 12:29:40 PM
FILE: 2025236035 BK/PG D 11455/2779
Deed Sequence: TT2025010605
65 LAKE AVENUE LLC
Recording Fees 75.50
TP584 10.00
Subtotal 85.50

TOTAL DUE	\$85.50
PAID TOTAL	\$85.50
PAID CHECK	\$85.50

AMENDMENT TO ENVIRONMENTAL EASEMENT

This Amendment to Environmental Easement is made as of this 10th day of December, 2015, by and between The People of the State of New York, acting through their Commissioner of the Department of Environmental Conservation ("NYSDEC" or the "Department") with its headquarters located at 625 Broadway, Albany, New York 12233, and 65 Lake Avenue LLC (the "Grantor") with its offices located at 32 Central Avenue, Lancaster, NY.

RECITALS

1. Grantor, 65 Lake Avenue LLC, is the owner of real property located at the address of 65-67 Lake Avenue in the Village of Lancaster, County of Erie and State of New York, known and designated on the tax map of the County Clerk of Erie as tax map parcel number: Section 115.27 Block 1 Lot 22.21 & 23.11, being the same as that property conveyed to Grantor by deed dated June 13, 2005 and recorded in the Erie County Clerk's Office in Liber and Page 11096/6981.
2. The Department and Grantor entered into that certain Environmental Easement ("Easement Agreement") dated as of September 11, 2025 and recorded in the County Clerk's Office as Liber and Page 11450/7135. Capitalized terms used herein without definition have the meanings ascribed to them in the Environmental Easement Agreement.
3. The Controlled Property under the Environmental Easement referenced above comprises approximately 1.172 +/- acres, and is hereinafter more fully described in Schedule A.
4. Pursuant to Section 1, 2, 3, 4, and 5 of the Easement Agreement, Grantor granted the Department rights and interests that run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of the Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of maintenance, monitoring or operation requirements; and to ensure the potential restriction of future uses of the land that are inconsistent with the stated purpose.
5. The Easement Agreement dated September 11, 2025 erroneously stated in the fourth WHEREAS paragraph and in the Schedule A Easement Description that the acreage of the Controlled Property was 1.01 acres.
6. This Amendment to Environmental Easement is filed solely in order to correct a mutual mistake between the Department and Grantor relating to the acreage of the Controlled Property in the fourth WHEREAS paragraph and in the Schedule A Easement Description of that Environmental Easement dated September 11, 2025 and recorded in the in the County Clerk's Office as Liber and Page 11450/7135.
7. Pursuant to Section 8 of the Easement Agreement, the Department agrees to amend the Easement Agreement in the manner prescribed by Article 9 of the Real Property Law.

FILED

DEC 30 2025

**ERIE COUNTY
CLERK'S OFFICE**

AMENDMENT OF ENVIRONMENTAL EASEMENT

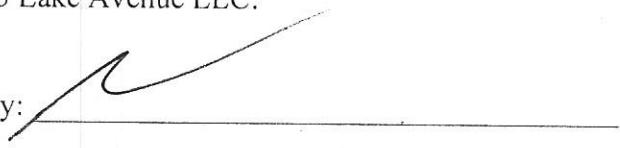
- A. The above recitals are hereby incorporated into this Amendment of Environmental Easement.
- B. The Department and Grantor hereby agree that the fourth WHEREAS paragraph of the Environmental Easement is hereby amended to read as follows:

“WHEREAS, Grantor, is the owner of real property located at the address of 65-67 Lake Avenue in the Village of Lancaster, County of Erie and State of New York, known and designated on the tax map of the County Clerk of Erie as tax map parcel number: Section 115.27 Block 1 Lots 22.21 & 23.11, being the same as that property conveyed to Grantor by deed dated June 13, 2005 and recorded in the Erie County Clerk's Office in Liber and Page 11096/6981 and by deed dated August 29, 2008 and recorded in the Erie County Clerk's Office in Liber and Page 11149/3828. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 1.172 +/- acres, and is hereinafter more fully described in the Land Title Survey dated June 18, 2024, and last revised December 4, 2025, prepared by Richard Nathan Johnson, which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and”

- C. The Department and Grantor hereby agree that Schedule A of the Environmental Easement is hereby amended to the attached **Schedule A**.
- D. All other terms of the September 11, 2025 Environmental Easement shall remain in effect.
- E. This Amendment of Environmental Easement inures to and binds the parties hereto and their respective successors and assigns.
- F. This Amendment of Environmental Easement shall be governed by and interpreted in accordance with the laws of the State of New York.

IN WITNESS WHEREOF, Grantor has caused this Amendment to Environmental Easement to be signed in its name.

65 Lake Avenue LLC:

By: 

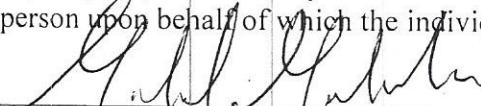
Print Name: Mark Agius

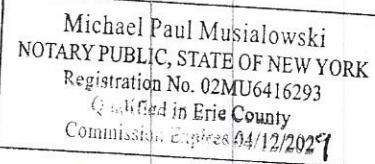
Title: Manager Date: 12-15-2020

Grantor's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 15 day of December, in the year 2025, before me, the undersigned, personally appeared Mark Agius, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


Notary Public - State of New York



THIS AMENDMENT OF THE ENVIRONMENTAL EASEMENT IS HEREBY
ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through
the Department of Environmental Conservation as Designee of the Commissioner,

By: Andrew Guglielmi
Andrew O. Guglielmi, Director
Division of Environmental Remediation

Grantee's Acknowledgment

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

On the 10/21 day of December, in the year 2025, before me, the undersigned, personally
appeared Andrew O. Guglielmi, 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 executed the same in his capacity as Designee of the Commissioner
of the State of New York Department of Environmental Conservation, and that by his signature on
the instrument, the individual, or the person upon behalf of which the individual acted, executed
the instrument.

Cheryl A. Salem
Notary Public - State of New York

Cheryl A. Salem
Notary Public State of New York
Registration No. 01SA0002177
Qualified in Albany County
My Commission Expires March 3, 2027

SCHEDULE "A" PROPERTY DESCRIPTION**Easement Description**

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE VILLAGE AND TOWN OF LANCASTER, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOT 1, SECTION 10, TOWNSHIP 11 AND RANGE 6 OF THE HOLLAND LAND COMPANY'S SURVEY, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST LINE OF LOT 1, DISTANT 112.35 FEET SOUTHERLY FROM THE SOUTHEAST CORNER OF LANDS FORMERLY OWNED BY GUY LITTLE, SAID POINT OF BEGINNING ALSO BEING THE NORTHEAST CORNER OF LANDS CONVEYED TO ROBERT YOUNG BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 3706 OF DEEDS AT PAGE 49;

THENCE WESTERLY, AT RIGHT ANGLES WITH THE EAST LINE OF LOT 1, A DISTANCE OF 94.00 FEET, TO A POINT;

THENCE NORtherly, AT RIGHT ANGLES AND PARALLEL WITH THE EAST LINE OF LOT 1, A DISTANCE OF 23.00 FEET, TO A POINT;

THENCE WESTERLY, AT RIGHT ANGLES, A DISTANCE OF 72.00 FEET, TO A POINT;

THENCE NORtherly, AT RIGHT ANGLES AND PARALLEL WITH THE EAST LINE OF LOT 1, A DISTANCE OF 89.25 FEET, TO A POINT IN A BOUNDARY LINE ESTABLISHED BY AGREEMENT RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 3360 OF DEEDS AT PAGE 376;

THENCE WESTERLY, ALONG SAID BOUNDARY LINE, A DISTANCE OF 164.71 FEET; S 89°-10'-20" E TO A POINT IN THE EAST LINE OF LANDS FORMERLY OWNED BY JOHN DINWOODIE;

THENCE SOUTHERLY, ALONG THE EAST LINE OF DINWOODIE, A DISTANCE OF 183.54 FEET; S 02°-45'-37" E, TO A POINT;

THENCE EASTERLY A DISTANCE OF 75.88 FEET; S 88°-53'-19" E TO A POINT;

THENCE SOUTHEASTERLY, A DISTANCE OF 27.64 FEET; S 19°-19'-15" E TO A POINT ON THE NORTH LINE OF LANDS FORMERLY OWNED BY BRIGGS, AS AFORESAID,

THENCE EASTERLY, A DISTANCE OF 251.37 FEET ALONG THE NORTH LINE OF LANDS FORMALLY OWNED BY BRIGGS, TO A POINT ON THE EAST LINE OF LOT 1;

THENCE NORtherly, AT AN INTERIOR ANGLE OF 89°-45'-04" AND PARALLEL WITH THE EAST LINE OF LOT 1, A DISTANCE OF 98.65 FEET, TO THE POINT OF BEGINNING. CONTAINING 1.172 ACRES OF LAND, MORE OR LESS.

Deed Description: Lot 115.27-1-22.21

ALL THAT TRACT OR PARCEL OF LAND situate in the Village and Town of Lancaster, County of Erie and State of New York, being part of Lot No. 1, Section 10, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the east line of Lot No. 1, distant 112.35 feet southerly from the southeast corner of lands formerly owned by Guy Little, said point of beginning also being the northeast corner of lands conveyed to Robert Young by deed recorded in Erie County Clerk's Office in Liber 3706 of Deeds at page 49; thence westerly at right angles with the east line of Lot No. 1, 94 feet to a point; thence northerly at right angles and parallel with the east line of Lot No. 1, 23 feet to a point; thence westerly at right angles, 72 feet to a point; thence northerly at right angles and parallel with the east line of Lot No. 1, 89.25 feet to a point in a boundary line established by Agreement recorded in Erie County Clerk's Office in Liber 3360 of Deeds at page 376; thence westerly along said boundary line, 164.71 feet to a point in the east line of lands formerly owned by John Dinwoodie; thence southerly along the east line of lands formerly owned by John Dinwoodie, 208.37 feet to the north line of lands formerly owned by Ebenezer Briggs, Jr., said point also being the southwest corner of lands conveyed to Robert Young by deed aforesaid; thence easterly along the south line of lands so conveyed to Young and the north line of lands formerly owned by Briggs, as aforesaid, 207.65 feet to a point distant 130 feet westerly from the east line of Lot No. 1, as measured along the said north line of lands formerly owned by Briggs; thence northerly at an interior angle of $89^{\circ} 45' 03''$ and parallel with the east line of Lot No. 1, 70 feet to a point; thence easterly on a line parallel with the said north line of lands formerly owned by Briggs, 130 feet to a point in the east line of Lot No. 1; thence northerly along the east line of Lot No. 1, 28.65 feet to the point of beginning.

Deed Description: Lot 115.27-1-23.11

ALL THAT TRACT OR PARCEL OF LAND situate in the Village and Town of Lancaster, County of Erie and State of New York, being part of Lot No. 1, Section 10, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING in the east line of Lot No. 1 at its intersection with the north line of lands conveyed to Ebenezer Briggs, Junior by deed recorded in Erie County Clerk's Office in Liber 227 of Deeds at page 45, said point being 211 feet southerly from the southeast corner of lands formerly owned by Guy Little, as measured along the east line of Lot No. 1; thence westerly along the north line of lands so conveyed to Briggs, 130 feet; thence northerly on a line parallel with the east line of Lot No. 1, 70 feet; thence easterly on a line parallel with the north line of lands so conveyed to Briggs, 130 feet to a point in the east line of Lot No. 1; thence southerly along the east line of Lot No. 1, 70 feet to the point of beginning.



65 Lake Avenue, LLC

Lakeside Village Apartments
32 Central Avenue
Lancaster, New York 14086

PHONE: (716) 432-9532 • FAX: (716) 681-8512

Notice to Municipality

Mayor William Schroeder and Village Board of Trustees
Village of Lancaster
5423 Broadway
Lancaster, New York 14086

December 30, 2025

Re: Amended Environmental Easement

Dear Mayor Schroeder and Village Board:

Attached please find a copy of an amended environmental easement granted to the New York State Department of Environmental Conservation ("Department") on September 17, 2025 by 65 Lake Avenue LLC, for property at 65-67 Lake Avenue, Lancaster, New York 14086 Tax Map No's.115.27-1-22.21 & 115.27-1-23.11, DEC Site No: C915344.

This Environmental Easement restricts future use of the above-referenced property to restricted residential, commercial and/or industrial uses. Any on-site activity must be done in accordance with the Environmental Easement and the Site Management Plan which is incorporated into the Environmental Easement. Department approval is also required prior to any groundwater use.)

Article 71, Section 71-3607 of the New York State Environmental Conservation Law requires that:

1. Whenever the department is granted an environmental easement, it shall provide each affected local government with a copy of such easement and shall also provide a copy of any documents modifying or terminating such environmental easement.
2. Whenever an affected local government receives an application for a building permit or any other application affecting land use or development of land that is subject to an environmental easement and that may relate to or impact such easement, the affected local government shall notify the department and refer such application to the department. The department shall evaluate whether the application is consistent with the environmental easement and shall notify the affected local government of its determination in a timely fashion, considering the

time frame for the local government's review of the application. The affected local government shall not approve the application until it receives approval from the department.

An electronic version of every environmental easement that has been accepted by the Department is available to the public at: <http://www.dec.ny.gov/chemical/36045.html>. Please forward this notice to your building and/or planning departments, as applicable, to ensure your compliance with these provisions of New York State Environmental Conservation Law. If you have any questions or comments regarding this matter, please do not hesitate to contact me.

Very truly yours,



Mark Aquino
Managing Member, 65 Lake Avenue LLC