



# Brownfield Cleanup Program Application

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3701 River Road Site  
Tonawanda, New York

May 2026

Prepared for:

**3701 River Road, LLC**  
2101 St. Rita's Lane  
Buffalo, NY 14221

Prepared by:

**Roux Environmental Engineering  
and Geology, D.P.C.**  
2558 Hamburg Turnpike, Suite 300  
Buffalo, New York 14218

# Brownfield Cleanup Program Application 3701 River Road Site Table of Contents

Attachment	PDF Page Number
<b>NYSDEC BCP Application Form</b>	Pgs 3 to 16
<b>Appendix A - BCP Application Supporting Information</b> Section I: Property Information Section II: Project Description Section III: Ecological Concerns Section IV: Land Use Factors Section V: Current and Historical Property Owner and Operator Information Section VI: Property's Environmental History Section VII: Requestor Information Section VIII: Requestor Contact Information Section IX: Program Fee Section X: Requestor Eligibility Section XI: Property Eligibility Information Section XII: Site Contact List	Pgs 17 to 37
<b>List of Tables</b> Table 1 – Soil Data Summary Table Table 2 – Groundwater Data Summary Table	Pgs 38 to 40
<b>List of Figures</b> Figure 1 – Site Location and Vicinity Map Figure 2 – Site Plan (Aerial) Figure 3 – Tax Map Figure 4 – Disadvantaged Communities Map Figure 5 – Brownfield Opportunity Area Map Figure 6 – Zoning Map Figure 7 – Adjacent Property Owners Figure 8 – Historic Investigation Locations and Results Figure 9 – USDA Soil Type Map Figure 10 – Preliminary Project Schedule Figure 11 – Ecological Resources	Pgs 41 to 52
<b>Exhibits</b> Attachment 1 – Survey Map Attachment 2 – Historic Aerials Attachment 3 – Photolog Attachment 4 – Summary of Green Remediation Metrics for Remedial Activities Attachment 5 – Fish and Wildlife Resources Impact Analysis Decision Key Attachment 6 – Previous Owners Attachment 7 – 2001 Title Search Parcel Map Attachment 8 – Title Search Attachment 9 – Quit Claim Deed Attachment 10 – NYSDOS Entity Information Attachment 11 – Organizational Chart Attachment 12 – Joint Unanimous Written Consent of the Shareholders and Officers Attachment 13 – Document Repository Request & Confirmation Attachment 14 – Petroleum Bulk Storage Application	Pgs 53 to 188
<b>Previous Investigation:</b> Roux Environmental Engineering and Geology, D.P.C. Phase II Environmental Investigation. October 30, 2024.  ChemQuants, LLC. Chemical Fingerprinting Chemical Analysis. April 3, 2025.	(included as separate PDF files in the submittal folder)



SUBMITTAL INSTRUCTIONS:

- 1. Compile the application package in the following manner:
a. one file in non-fillable PDF which includes a Table of Contents, the application form, and supplemental information...
2. \*OPTIONAL: Compress all files (PDFs) into one zipped/compressed folder
3. Submit the application to the Site Control Section either via NYSDEC dropbox or ground mail, as described below.

Please select only ONE submittal method – do NOT submit both via dropbox and ground mail.

a. VIA SITE CONTROL DROPBOX:

- Request an invitation to upload files to the Site Control submittal dropbox.
In the "Title" field, please include the following: "New BCP Application - Proposed Site Name".
After uploading files, an automated email will be sent to the submitter's email address with a link to verify the status of the submission.
Application packages submitted through third-party file transfer services will not be accepted.

a. VIA GROUND MAIL:

- Save the application file(s) and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
Mail the external storage device to the following address:
Chief, Site Control Section
Division of Environmental Remediation
625 Broadway, 12th Floor
Albany, NY 12233-7015

Form with fields for SITE NAME: 3701 River Road Site, and two questions about BCA amendments and revised submissions with Yes/No radio buttons.



**BROWNFIELD CLEANUP PROGRAM (BCP)  
APPLICATION FORM**

BCP App Rev 17 – October 2025

SECTION I: Property Information						
PROPOSED SITE NAME 3701 River Road Site						
ADDRESS/LOCATION 3701 River Road						
CITY/TOWN Tonawanda (Town)				ZIP CODE 14150		
MUNICIPALITY (LIST ALL IF MORE THAN ONE) Town of Tonawanda						
COUNTY Erie				SITE SIZE (ACRES) 3.190		
LATITUDE			LONGITUDE			
42	°	58	'	33.47	"	
				-78	°	
				55	'	
					50.16	
Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, please indicate as such by inserting "p/o" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding acreage column.						
<b>ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.</b>						
Parcel Address		Section	Block	Lot	Acreage	
3701 River Road		64.12	1	15.113	3.19	
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.					Y	N
2. Is the required property map, provided in electronic format, included with the application? (Application will not be processed without a map)					<input checked="" type="radio"/>	<input type="radio"/>
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information) If yes, identify census tract: _____ Percentage of property in En-zone (check one): <input checked="" type="radio"/> 0% <input type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100%					<input type="radio"/>	<input checked="" type="radio"/>
4. Is the project located within a disadvantaged community? See application instructions for additional information.					<input checked="" type="radio"/>	<input type="radio"/>
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.					<input checked="" type="radio"/>	<input type="radio"/>
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____					<input type="radio"/>	<input checked="" type="radio"/>

<b>SECTION I: Property Information (continued)</b>		<b>Y</b>	<b>N</b>						
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?		<input type="radio"/>	<input checked="" type="radio"/>						
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.		<input type="radio"/>	<input checked="" type="radio"/>						
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.		<input type="radio"/>	<input checked="" type="radio"/>						
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____		<input type="radio"/>	<input checked="" type="radio"/>						
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____		<input type="radio"/>	<input checked="" type="radio"/>						
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information.  <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-bottom: 1px solid black;"><u>Easement/Right-of-Way Holder</u></td> <td style="width: 50%; border-bottom: 1px solid black;"><u>Description</u></td> </tr> </table>		<u>Easement/Right-of-Way Holder</u>	<u>Description</u>	<input type="radio"/>	<input checked="" type="radio"/>				
<u>Easement/Right-of-Way Holder</u>	<u>Description</u>								
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information):  <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; border-bottom: 1px solid black;"><u>Type</u></td> <td style="width: 30%; border-bottom: 1px solid black;"><u>Issuing Agency</u></td> <td style="width: 40%; border-bottom: 1px solid black;"><u>Description</u></td> </tr> <tr> <td>Petroleum Bulk Storage (PBS) Application</td> <td>NYSDEC</td> <td>A PBS Application was executed on March 10, 2026 by the Requestor for an unregistered UST discovered during the Phase II Investigation</td> </tr> </table>		<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>	Petroleum Bulk Storage (PBS) Application	NYSDEC	A PBS Application was executed on March 10, 2026 by the Requestor for an unregistered UST discovered during the Phase II Investigation	<input checked="" type="radio"/>	<input type="radio"/>
<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>							
Petroleum Bulk Storage (PBS) Application	NYSDEC	A PBS Application was executed on March 10, 2026 by the Requestor for an unregistered UST discovered during the Phase II Investigation							
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?		<input checked="" type="radio"/>	<input type="radio"/>						
<b>Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City. <span style="border: 1px solid red; padding: 2px;">N/A</span></b>									
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.		<b>Y</b>	<b>N</b>						
		<input type="radio"/>	<input type="radio"/>						
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?		<input type="radio"/>	<input type="radio"/>						
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?		<input type="radio"/>	<input type="radio"/>						
<b>NOTE:</b> If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.									
<b>If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.</b>									
<b>Initials of each Requestor:</b>  _____									

**SECTION II: Project Description**

1. The project will be starting at:  Investigation  Remediation

If the project is proposed to start at the remediation stage, at a minimum, a Remedial Investigation Report (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Action Work Plan (RAWP) are also included (see [DER-10, Technical Guidance for Site Investigation and Remediation](#) for further guidance), then a 45-day public comment period is required.

2. If a final RIR is included, does it meet the requirements in ECL Article 27-1415(2)?  
 Yes  No  N/A

3. Have any draft work plans been submitted with the application (select all that apply)?  
 RIWP  RAWP  IRM  No

4a. Please provide a short description of the overall project development, including a complete project schedule with all key BCP program milestones through issuance of the Certificate of Completion. Include DEC/DOH review times in the schedule (best efforts to review documents within 45 days pursuant to 6 NYCRR Part 375-3.6(b)).  
 Is this information attached?  Yes  No

4b. Please include in the project schedule the dates of any outside public or private funding source deadlines with the associated BCP milestones, e.g., NYC HPD or NYS HCR funding deadlines, or private funding interim milestones from loan documents, that depend on a particular BCP milestone such as a work plan or report approval, decision document issuance, etc.  
 Is this information clearly identified in the BCP project schedule?  Yes  No  N/A

Beginning January 1, 2024, all work plans and reports submitted for the BCP shall address Green and Sustainable Remediation (GSR) and DER-31 (see [DER-31, Green Remediation](#)). Work plans, reports and design documents will need to be certified in accordance with DER-31.

5. Please provide a description of how Green and Sustainable Remediation will be evaluated and incorporated throughout the remedial phases of the project including Remedial Investigation, Remedial Design/Remedial Action, and Site Management and reporting efforts.  
 Is this information attached?  Yes  No

6. If the project is proposed to start at the remediation stage (Section 2, Item 1, above), a climate change screening or vulnerability assessment must have been completed. Is this attached?  
 Yes  No

**SECTION III: Ecological Concerns**

	Y	N
1. Are there fish, wildlife, or ecological resources within a 1/2-mile radius of the site?	<input checked="" type="radio"/>	<input type="radio"/>
2. Is there a potential path for contamination to potentially impact fish, wildlife or ecological resources?	<input type="radio"/>	<input checked="" type="radio"/>
3. Is/are there a/any Contaminant(s) of Ecological Concern?	<input type="radio"/>	<input checked="" type="radio"/>

If any of the conditions above exist, a Fish and Wildlife Resources Impact Analysis (FWRIA) Part I, as outlined in DER-10 Section 3.10.1, is required. The applicant may submit the FWRIA with the application or as part of the Remedial Investigation Report.

4. Is a Fish and Wildlife Resources Impact Analysis Part I included with this application?  
 N/A

SECTION IV: Land Use Factors		
1. What is the property's current municipal zoning designation? <u>G-1 (General industrial)</u>		
2. What uses are allowed by the property's current zoning (select all that apply)? Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/>		
3. Current use (select all that apply): Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Recreational <input type="checkbox"/> Vacant <input type="checkbox"/>		
4. Please provide a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant. Is this summary included with the application?	Y	N
	<input checked="" type="radio"/>	<input type="radio"/>
5. Reasonably anticipated post-remediation use (check all that apply): Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> If residential, does it qualify as single-family housing? N/A <input checked="" type="radio"/>		
6. Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached?	<input checked="" type="radio"/>	<input type="radio"/>
7. Is the proposed post-remediation use a renewable energy facility? See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>
8. Do current and/or recent development patterns support the proposed use?	<input checked="" type="radio"/>	<input type="radio"/>
9. Is the proposed use consistent with applicable zoning laws/maps? Please provide a brief explanation. Include additional documentation if necessary.	<input checked="" type="radio"/>	<input type="radio"/>
10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Please provide a brief explanation. Include additional documentation if necessary.	<input checked="" type="radio"/>	<input type="radio"/>

SECTION V: Current and Historical Property Owner and Operator Information			
CURRENT OWNER 3701 River Road, LLC			
CONTACT NAME Tim Boyle			
ADDRESS 2101 St. Rita's Lane			
CITY Williamsville		STATE NY	ZIP CODE 14221
PHONE (716) 362-5072	EMAIL tboyle@newcowny.com		
OWNERSHIP START DATE February 20, 2026			
CURRENT OPERATOR Woodlands Earth and Stone			
CONTACT NAME Joe Zwolenkiewicz			
ADDRESS 3701 River Road			
CITY Tonawanda		STATE NY	ZIP CODE 14150
PHONE (716) 912-2273	EMAIL woodlandsearthandstone@gmail.com		
OPERATION START DATE September 4, 2014			

**SECTION VI: Property's Environmental History**

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that contamination of environmental media exists on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the site property and that the site requires remediation. To the extent that existing information/studies/reports are available to the requestor, please attach the following (**please submit information requested in this section in electronic format ONLY**):

- 1. Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard ([ASTM E1903](#)). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.**
- 2. SAMPLING DATA:** Indicate (by selecting the options below) known contaminants and the media which are known to have been affected. Data summary tables should be included as an attachment, with laboratory reports referenced and included.

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chlorinated Solvents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other VOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SVOCs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCBs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1,4-dioxane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – indicated below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Please describe other known contaminants and the media affected: Grossly contaminated media (GCM) with PID readings up to 1,890 ppm and petroleum-like odors.

- For each impacted medium above, include a site drawing indicating:
  - Sample location
  - Date of sampling event
  - Key contaminants and concentration detected
  - For soil, highlight exceedances of reasonably anticipated use
  - For groundwater, highlight exceedances of 6 NYCRR part 703.5
  - For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

These drawings are to be representative of all data being relied upon to determine if the site requires remediation under the BCP. Drawings should be no larger than 11"x17" and should only be provided electronically. These drawings should be prepared in accordance with any guidance provided.

Are the required drawings included with this application?  YES  NO

- Indicate Past Land Uses (check all that apply):

<input type="checkbox"/> Coal Gas Manufacturing	<input type="checkbox"/> Manufacturing	<input type="checkbox"/> Agricultural Co-Op	<input type="checkbox"/> Dry Cleaner
<input type="checkbox"/> Salvage Yard	<input checked="" type="checkbox"/> Bulk Plant	<input type="checkbox"/> Pipeline	<input type="checkbox"/> Service Station
<input type="checkbox"/> Landfill	<input type="checkbox"/> Tannery	<input type="checkbox"/> Electroplating	<input type="checkbox"/> Unknown

Other: The Site was previously used as a portion of a greater oil refinery with a fueling rack, petroleum tanks, and associated product piping.

SECTION VII: Requestor Information							
NAME 3701 River Road, LLC							
ADDRESS 2101 St. Rita's Lane							
CITY/TOWN Williamsville		STATE NY	ZIP CODE 14221				
PHONE (716) 362-5072	EMAIL tboyle@newcowny.com						
1. Is the requestor authorized to conduct business in New York State (NYS)?			<table border="1"> <thead> <tr> <th>Y</th> <th>N</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="radio"/></td> <td><input type="radio"/></td> </tr> </tbody> </table>	Y	N	<input checked="" type="radio"/>	<input type="radio"/>
Y	N						
<input checked="" type="radio"/>	<input type="radio"/>						
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a> . A print-out of entity information from the database must be submitted with this application to document that the requestor is authorized to conduct business in NYS. Is this attached?			<table border="1"> <tbody> <tr> <td><input checked="" type="radio"/></td> <td><input type="radio"/></td> </tr> </tbody> </table>	<input checked="" type="radio"/>	<input type="radio"/>		
<input checked="" type="radio"/>	<input type="radio"/>						
3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached? N/A <input type="radio"/>			<table border="1"> <tbody> <tr> <td><input checked="" type="radio"/></td> <td><input type="radio"/></td> </tr> </tbody> </table>	<input checked="" type="radio"/>	<input type="radio"/>		
<input checked="" type="radio"/>	<input type="radio"/>						
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of <a href="#">DER-10: Technical Guidance for Site Investigation and Remediation</a> and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? <b>Documents that are not properly certified will not be approved under the BCP.</b>			<table border="1"> <tbody> <tr> <td><input checked="" type="radio"/></td> <td><input type="radio"/></td> </tr> </tbody> </table>	<input checked="" type="radio"/>	<input type="radio"/>		
<input checked="" type="radio"/>	<input type="radio"/>						

SECTION VIII: Requestor Contact Information			
REQUESTOR'S REPRESENTATIVE Tim Boyle			
ADDRESS 2101 St. Rita's Lane			
CITY Williamsville		STATE NY	ZIP CODE 14221
PHONE (716) 362-5072	EMAIL tboyle@newcowny.com		
REQUESTOR'S CONSULTANT (CONTACT NAME) Michael Lesakowski			
COMPANY Roux Environmental Engineering & Geology, D.P.C.			
ADDRESS 2558 Hamburg Turnpike, Suite 300			
CITY Buffalo		STATE NY	ZIP CODE 14218
PHONE (716) 856-0599	EMAIL mlesakowski@rouxinc.com		
REQUESTOR'S ATTORNEY (CONTACT NAME) Michael J. Hecker			
COMPANY Hodgson Russ LLP			
ADDRESS 140 Pearl Street, Suite 100			
CITY Buffalo		STATE NY	ZIP CODE 14202
PHONE (716) 848-1599	EMAIL mhecker@hodgsonruss.com		

**SECTION IX: Program Fee**

Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of \$50,000. Requestors may apply for a fee waiver with supporting documentation.

	Y	N
1. Is the requestor applying for a fee waiver?	<input type="radio"/>	<input checked="" type="radio"/>
2. If yes, appropriate documentation must be provided with the application. See application instructions for additional information.		
Is the appropriate documentation included with this application? N/A	<input type="radio"/>	<input type="radio"/>

**SECTION X: Requestor Eligibility**

If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	<input type="radio"/>	<input checked="" type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input checked="" type="radio"/>
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government?	<input type="radio"/>	<input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.	<input type="radio"/>	<input checked="" type="radio"/>
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?	<input type="radio"/>	<input checked="" type="radio"/>
7. Has the requestor been convicted of a criminal offence (i) involving the handling, storing, treating, disposing or transporting of contaminants; or (ii) that involved 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?	<input type="radio"/>	<input checked="" type="radio"/>
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>
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?	<input type="radio"/>	<input checked="" type="radio"/>
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?	<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration? *	<input type="radio"/>	<input checked="" type="radio"/>

\*See the attached PBS registration form for the orphan UST encountered during the Phase II work; this form was previously provided to the NYSDEC Bulk Storage Unit.

**SECTION X: Requestor Eligibility (continued)**

12. The requestor must certify that he/she/they is/are either a participant or volunteer in accordance with ECL 27-1405(1) by checking one of the boxes below:

**PARTICIPANT**

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

**VOLUNTEER**

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

NOTE: By selecting this option, 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; and, (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.**



13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached? **SEE APPENDIX A; SECTION X**

Yes

No

N/A

14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):

Previous Owner

Current Owner

Potential/Future Purchaser

Other: \_\_\_\_\_

If the requestor is not the current owner, **proof of site access sufficient to complete remediation must be provided.** 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 environmental easement on the site.

Is this proof attached?

Yes

No

N/A

**Note:** A purchase contract or lease agreement does not suffice as proof of site access.

**SECTION XI: Property Eligibility Information**

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>
3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: _____ EPA ID Number: _____  Date Permit Issued: _____ Permit Expiration Date: _____	<input type="radio"/>	<input checked="" type="radio"/>
4. If the answer to question 2 or 3 above is YES, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents.  <p style="text-align: right;">N/A <input checked="" type="radio"/></p>	<input type="radio"/>	<input type="radio"/>
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____	<input type="radio"/>	<input checked="" type="radio"/>
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information as an attachment.	<input checked="" type="radio"/>	<input type="radio"/>

NYSDEC Spill No. 2404522, further discussed in Appendix A; Section XI.

**SECTION XII: Site Contact List**

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

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.
- For sites located in the five counties comprising New York City, the Director of the Mayor’s Office of Environmental Remediation.

**SECTION XIII: Statement of Certification and Signatures**

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

(By a requestor other than an individual)

I hereby affirm that I am Authorized Member (title) of 3701 River Road, LLC (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: 4-15-26 Signature: Timothy P Boyle

Print Name: Tim Boyle

**PLEASE REFER TO THE APPLICATION COVER PAGE AND BCP APPLICATION INSTRUCTIONS FOR DETAILS OF PAPERLESS DIGITAL SUBMISSION REQUIREMENTS.**

**FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY**

Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27-1407(1-a) must be submitted if requestor is seeking this determination.

**BCP App Rev 17**

Please respond to the questions below and provide additional information and/or documentation as required. <i>Please refer to the application instructions.</i>	Y	N
1. Is the property located in Bronx, Kings, New York, Queens or Richmond County?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input type="radio"/>	<input type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?	<input type="radio"/>	<input type="radio"/>
4. Is the property upside down or underutilized as defined below?		
Upside down	<input type="radio"/>	<input type="radio"/>
Underutilized	<input type="radio"/>	<input type="radio"/>

**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.

**From 6 NYCRR 375-3.2(I) as of August 12, 2016** (Please note: Eligibility determination for the underutilized category can only be made at the time of application):

375-3.2:

- (I) “Underutilized” means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and
  - (1) the proposed use is at least 75 percent for industrial uses; or
  - (2) at which:
    - (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;
    - (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and
    - (iii) one or more of the following conditions exists, as certified by the applicant:
      - (a) property tax payments have been in arrears for at least five years immediately prior to the application;
      - (b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or
      - (c) there are no structures.

“Substantial government assistance” shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.

**FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)**

5. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review).

**Check appropriate box below:**

- Project is an Affordable Housing Project – regulatory agreement attached
- Project is planned as Affordable Housing, but agreement is not yet available
- This is not an Affordable Housing Project

**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’ household’s 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 homeowners 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.

**FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)**

6. Is the site a planned renewable energy facility site as defined below?

Yes – planned renewable energy facility site with documentation

Pending – planned renewable energy facility awaiting documentation

\*Selecting this option will result in a “pending” status. The appropriate documentation will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

No – not a planned renewable energy facility site

If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.

**From ECL 27-1405(33) as of April 9, 2022:**

“Renewable energy facility site” shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

**From Public Service Law Article 4 Section 66-p as of April 23, 2021:**

(b) “renewable energy systems” means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and plans to meet the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

Yes - \*Selecting this option will result in a “pending” status, as a BOA conformance determination has not yet been made. Proof of conformance will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

No

**From ECL 75-0111 as of April 9, 2022:**

(5) “Disadvantaged communities” means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.

**Brownfield Cleanup Program Application**  
***3701 River Road Site***

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**APPENDIX A**

**Appendix A**  
**Brownfield Cleanup Program Application Supporting Information**  
**3701 River Road Site**  
**3701 River Road, Tonawanda, New York**

**SECTION I – PROPERTY INFORMATION**

**Parcel Description**

The 3701 River Road Site (referred to herein as the Project Site and/or the Site), subject to this New York State (NYS) Brownfield Cleanup Program (BCP) application, is in the Town of Tonawanda, Erie County, New York (see Figure 1 and Figure 2). The Site is located in a commercial and industrial area. The approximate centroid of the Site is located at 42°58'33.47"N, -78°55'50.16"W. The BCP Site is a single 3.19-acre parcel, addressed as 3701 River Road, SBL No. 64.12-1-15.113 (see Figure 3). A survey is provided as Attachment 1.

According to The NYS Climate Leadership and Community Protection Act Disadvantaged Communities Map, the Site is located within a Disadvantaged Community (Census Tract Identifier 36029008400, see Figure 4).

The Site is located within a NYS Department of State Brownfield Opportunity Area (BOA), identified as the Tonawanda Opportunity Area (see Figure 5).

According to the NYS En-Zone Map, the Site is not located within a designated Environmental Zone (En-Zone).

The Site is not part of multiple BCP applications or subject to any previous BCP applications.

The Site has never been listed, and is not intended to be listed, on the Registry of Inactive Hazardous Waste Disposal Sites. The Site is not currently the subject of investigation as a Potential Site.

**Easements and Permits**

3701 River Road, LLC is not aware of any formal enforcement action, civil, judicial, or administrative enforcement cases in connection with the Site. In addition, based on information gathered to date, there are no institutional controls recorded for the Site. Utilities are in the right-of-way along River Road. The Site is supplied with municipal sanitary sewer, electric, natural-gas, and public potable water. 3701 River Road, LLC is not aware of any other easements or restrictions on the Site.

**Property Description Narrative**

**Location**

The Site is east of River Road in a predominantly commercial and industrial area of the Town of Tonawanda, Erie County, New York. The Site is bordered by River Road and mixed-use waterfront properties to the west; and industrial properties to the north, south, and east.

**Site Features**

The Site is currently developed with one main commercial building that is used for storage. The eastern portion of the Site is currently used by a landscape supply company for outside storage of landscaping materials and includes a scale house.

**Appendix A**  
**Brownfield Cleanup Program Application Supporting Information**  
**3701 River Road Site**  
**3701 River Road, Tonawanda, New York**

**Current Zoning and Land Use**

The Site is currently zoned as G-1 (General Industrial) as identified by the Town of Tonawanda (see Figure 6). The Site consists of one main commercial building, which is used as storage for Woodlands Earth and Stone (Woodlands), a landscape supply company. The eastern portion of the Site is used by Woodlands for outside storage of landscaping materials and includes a scale house. The area surrounding the Site is similar with industrial properties to the north, south, and east. Mixed-use waterfront properties are located across River Road to the west. Adjacent property owners are shown on Figure 7.

**Past Use of the Site**

Prior to purchase by the Requestor, the Site was previously used as a portion of a greater oil refinery with on-site operations including a fuel storage terminal with a fueling rack, petroleum tanks<sup>1</sup>, and associated product piping. Historic aerial photographs indicate the presence of one bulk oil storage tank, east of the main existing building that was historically used as a fueling rack from at least 1951 through at least 1985. Historic aerial photographs, included as Attachment 2, also depict railroad tracks running east-west across the southern portion of the Site. Per historic title records and Requestor provided information former owner/operators at the Site include NOCO Energy Corp., Ashland Oil, Inc., Exxon Corporation and multiple subsidiaries, colonial Beacon Oil Company, Shell Oil Company/Corporation/Eastern Petroleum Products, Wonalancet Company, and Beacon Company. Additional information regarding historical ownership is provided below in Section V.

The previous Phase II investigation at the Site identified petroleum-impacted soil and groundwater with grossly contaminated media (GCM) observed at 16 investigation locations across the Site (see Figure 8). A photolog is provided as Attachment 3.

**Site Geology and Hydrogeology**

The Site is located within the Lake Erie-Niagara River major drainage basin, which is typified by little topographic relief that gently slopes westward towards Lake Erie and the Niagara River, except in the immediate vicinity of major drainage ways. According to the United States Department of Agriculture (USDA) Web soil survey, the Site soils are characterized as Urban Land (Ud) with a small area of the southern portion of the Site consisting of Schoharie silt loam (SaA). Typical surface covering for urban land include asphalt, concrete, buildings, or other impervious structures, commonly found in an urban environment. Schoharie silt loam consists of predominantly silt loam typically red clayey glaciolacustrine deposits derived from calcareous shale at 0 to 3 percent slopes (see Figure 9).

Based on results of the previous investigation conducted, underlying the asphalt, concrete and gravel surfaces, soils generally consisted of native silty sand underlain by sandy lean clay to depths of at least

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<sup>1</sup> As further discussed in this application, one orphan UST, encountered during the previous Phase II work, remains on-site and will be addressed as part of remedial activities planned for the Site. This UST has since been registered with the NYSDEC.

**Appendix A**  
**Brownfield Cleanup Program Application Supporting Information**  
**3701 River Road Site**  
**3701 River Road, Tonawanda, New York**

20 feet below ground surface (fbgs). Of the 25 investigation locations completed during the current assessment, fill materials were noted at five investigation locations (i.e., TP-1, TP-2, TP-3, TP-12, and TP-17), including evidence of the former railroad bed that historically spanned across the southern portion of the Site (see Figure 8).

Regional groundwater likely flows west toward Niagara River. Local groundwater flow, however, may be influenced by subsurface features, such as utilities, former development, and localized subsurface fill conditions.

Groundwater was encountered at depths ranging between 16 fbgs and 20 fbgs during the previous drilling investigation.

Additional work to investigate groundwater flow direction and quality at the Site will be completed as part of the Remedial Investigation (RI).

**Environmental Assessment Narrative**

Based on the previous Phase II investigation conducted on-Site, past use of the Site as a portion of a greater oil refinery with fuel storage terminal operations have impacted the Site and the Phase II findings indicate that remediation is required on-Site. Figure 8 summarizes the environmental impacts in excess of applicable 6 NYCRR Part 375 Soil Cleanup Objectives (SCOs) and/or Commissioner's Policy- (CP-) 51 Soil Cleanup Levels (SCLs) for soils and NYSDEC Ambient Water Quality Standards and Guidance Values Groundwater Quality Standards (GWQS) for groundwater as identified in the previous investigation.

Soil – Underlying the asphalt, concrete and gravel surfaces, soils generally consisted of native silty sand underlain by sandy lean clay to depths of at least 20 fbgs. Of the 25 investigation locations completed during the current assessment, fill materials were noted at five investigation locations at TP-1, TP-2, TP-3, TP-12, and TP-17. The previous Phase II investigation also identified petroleum-impacted soil and groundwater with GCM observed at 16 investigation locations across the Site (see Figure 8).

The following table presents field observations documented during the previous Phase II investigation including PID readings and visual/olfactory observations:

**Appendix A**  
**Brownfield Cleanup Program Application Supporting Information**  
**3701 River Road Site**  
**3701 River Road, Tonawanda, New York**

<b>Investigation ID</b>	<b>Property Location</b>	<b>Highest PID reading in parts per million (ppm) and depth</b>	<b>Visual/Olfactory Observations</b>
SB-1/1W	Western Portion of Site	800 ppm at 7 fbgs	Petroleum-like odors. GCM observed.
SB-2/2W		37 ppm at 12 fbgs	
SB-3/3W	Within main Building footprint	1,000 ppm at 5 fbgs.	Petroleum-like odors. GCM observed.
SB-4		1,000 ppm at 4 fbgs.	
SB-5/5W	East of main existing building	3 ppm at 1 fbgs.	Petroleum-like odors. GCM observed.
TP-1	Western portion of Site	3 ppm at 4 fbgs.	Petroleum-like odors.
TP-2		420 ppm at 3.5 fbgs.	Petroleum-like odors. GCM observed.
TP-3		450 ppm at 4 fbgs.	
TP-4		1,000 ppm at 3 fbgs.	
TP-5		1,000 ppm at 3 fbgs.	
TP-6	North of main existing building	0 ppm	No visual or olfactory concerns noted.
TP-7	East of main existing building	0 ppm	No visual or olfactory concerns noted.
TP-8		0 ppm	No visual or olfactory concerns noted.
TP-9		0.5 ppm at 1 fbgs.	Petroleum-like odors.
TP-10		1,890 ppm at 8 fbgs.	Petroleum-like odors. One orphan UST encountered at TP-13. GCM observed.
TP-11		300 ppm at 6 fbgs.	
TP-12		15 ppm at 6 fbgs.	
TP-13		450 ppm at 4 fbgs.	
TP-14		5 ppm at 1 fbgs.	Petroleum-like odors.
TP-15	Eastern portion of Site	0 ppm	No visual or olfactory concerns noted.
TP-16		0 ppm	No visual or olfactory concerns noted.
TP-17		0 ppm	Old railbed, no visual/olfactory concerns noted.
TP-18		0 ppm	No visual or olfactory concerns noted.
TP-19	Western portion of Site	100 ppm at 5 fbgs.	Petroleum-like odors. GCM observed.
TP-20		50 ppm at 4 fbgs.	

Based on petroleum impacts including GCM, an orphan UST, and product piping observed in the field, the NYSDEC was notified during the work and Spill No. 2404522 was opened on August 14, 2024 and this spill remains active to-date.

**Appendix A**  
**Brownfield Cleanup Program Application Supporting Information**  
**3701 River Road Site**  
**3701 River Road, Tonawanda, New York**

In addition to GCM discussed above, laboratory analytical results indicate elevated volatile organic compounds (VOCs) and/or semi-volatile organic compounds (SVOCs) in soil/fill exceeding SCOs in all 8 soil/fill samples selected for laboratory analysis, including:

- Methylene chloride exceeded its Unrestricted Use SCO (USCO) of 0.05 mg/kg at TP-1 4-6 fbgs (8 mg/kg) and TP-14 4-5 fbgs (0.083 mg/kg).
- Toluene exceeded its SCL and USCO of 0.7 mg/kg at TP-4 3-4 fbgs (0.13 mg/kg).
- Total Xylenes exceeded their SCL and USCO of 0.26 mg/kg at TP-4 3-4 fbgs (4.2 mg/kg) and SB-3 4-5 fbgs (0.63 mg/kg) as well as their Restricted-Residential Use SCO (RRSCO) of 100 mg/kg at TP-10 8-9 fbgs (160 mg/kg).
- Acetone exceeded its USCO of 0.03 mg/kg at TP-11 6-8 fbgs (0.052 mg/kg) and TP-12 6-8 fbgs (0.043 mg/kg).
- Isopropylbenzene exceeded its SCL of 2.3 mg/kg at TP-10 8-9 fbgs (3.9 mg/kg).
- n-Propylbenzene exceeded its SCL of 3.9 mg/kg and its USCO of 5 mg/kg at TP-10 8-9 fbgs (15 mg/kg).
- 1,3,5-Trimethylbenzene exceeded its SCL of 8.4 mg/kg and/or its USCO of 3.1 mg/kg at TP-4 3-4 fbgs (3.2 mg/kg), TP-10 8-9 fbgs (32 mg/kg), and SB-4 4-5 fbgs (6.3 mg/kg).
- 1,2,4-Tirmethylbenzene exceeded its SCL of 3.6 mg/kg and its USCO of 5.9 mg/kg at TP-4 3-4 fbgs (14 mg/kg) as well as its RRSCO of 100 mg/kg at TP-10 8-9 fbgs (120 mg/kg)
- Numerous SVOCs exceeded their respective SCLs, USCOs, RRSCOs, or Industrial Use SCOs (ISCOs) at TP-1 4-6 fbgs as follows:
  - Benzo(a)anthracene exceeded its SCL of 1 mg/kg and its RRSCO of 1.4 mg/kg (8.7 mg/kg).
  - Benzo(a)pyrene exceeded its SCL of 1 mg/kg and its ISCO of 3.7 mg/kg (8.6 mg/kg).
  - Benzo(b)fluoranthene exceeded its SCL of 1 mg/kg and its RRSCO of 1.4 mg/kg (7.4 mg/kg).
  - Benzo(ghi)perylene exceeded its SCL and USCO of 0.64 mg/kg (3.8 mg/kg).
  - Benzo(k)fluoranthene exceeded its SCL and USCO of 0.8 mg/kg (3.9 mg/kg).
  - Chrysene exceeded its SCL of 1 mg/kg and its RRSCO of 4.9 mg/kg (7.8 mg/kg).
  - Indeno(1,2,3-cd)pyrene exceeded its SCL and RRSCO of 0.5 mg/kg (3.2 mg/kg).
  - Phenanthrene exceeded its SCL of 1.1 mg/kg and its RRSCO of 4.9 mg/kg (18 mg/kg).

Groundwater – Laboratory analytical results indicate elevated VOCs in groundwater exceeding applicable GWQS as follows (see Figure 8 for locations):

- SB-1W:
  - Acetone exceeded its GWQS of 50 ug/L (53 ug/L).
  - Benzene exceeded its GWQS of 1 ug/L (4.6 ug/L).
  - Ethylbenzene exceeded its GWQS of 5 ug/L (8.3 ug/L).
- SB-5W:

**Appendix A**  
**Brownfield Cleanup Program Application Supporting Information**  
**3701 River Road Site**  
**3701 River Road, Tonawanda, New York**

- 1,2,4-Trimethylbenzene exceeded its GWQS of 5 ug/L (49 ug/L).
- 1,3,5-Trimethylbenzene exceeded its GWQS of 5 ug/L (13 ug/L).
- Ethylbenzene exceeded its GWQS of 5 ug/L (25 ug/L).
- Total Xylenes exceeded their GWQS of 5 ug/L (100 ug/L) with speciated p/m-Xylene exceeding its GWQS of 5 ug/L (80 ug/L) and o-Xylene exceeding its GWQS of 5 ug/L (22 ug/L).

Upon completion of the Phase II investigation, a forensics analysis of on-Site soil/fill was completed to determine the chemical fingerprinting of petroleum contamination associated with the Site. To complete this analysis, three (3) samples, identified as TP-4 PIANO, TP-5 PIANO, and TP-10 PIANO, were collected from impacted material at corresponding locations collected during the Phase II (i.e., TP-4, TP-5, and TP-10). After chemical analysis and reconnaissance of historical documents of the Site environs TP-4 PIANO was determined to be enriched with a mixture of aviation fuel and heating oil, TP-5 PIANO was determined to be enriched with a mixture of heating oil and relatively lower level of coke-like aspect. The combination of chemical analysis, review of subsurface conditions, and review of historical Site related documents showed that: “the aviation fuel enriched in TP-4 PIANO soil sample, and heating oils enriched in TP-4 PIANO and TP-5 PIANO were released at least 40 years ago from historical tank(s) or pipeline network associated to heating oil handling on-Site”. Based on this information, the contamination pre-dates the Applicant’s involvement and ownership of the Site.

Previous investigation documentation and analytical summary tables have been provided as separate files to this application.

## **SECTION II – PROJECT DESCRIPTION**

3701 River Road, LLC is willing to complete additional investigation and remediate the Site under the NYS BCP and are submitting this BCP Application for eligibility acceptance into the program. A Remedial Investigation Work Plan (RIWP) is being submitted concurrently with this BCP application and upon acceptance of the Application and RIWP, remedial investigation (RI) activities are planned to be completed tentatively in July 2026. After completion of RI field activities an RI Report will be submitted tentatively in January 2027. A Remedial Work Plan (RWP), with Alternatives Analysis, would be submitted concurrently with the RI Report with issuance of the Decision Document (DD) after Department review and approval of the RI Report and RWP. Remedial activities are assumed to begin Spring 2027 followed by approval and issuance of the Certificate of Completion by the end of 2027. Figure 10 presents a preliminary project schedule for all key dates and events.

Currently, there is no redevelopment plan in place. However, given the nature of the property and surrounding area, the Requestor is considering construction of a commercial/industrial building.

**Appendix A**  
**Brownfield Cleanup Program Application Supporting Information**  
**3701 River Road Site**  
**3701 River Road, Tonawanda, New York**

***Green Remediation***

NYSDEC's DER-31 Green Remediation requires that green remediation concepts and techniques be considered during all stages of the remedial program including remedial investigation (RI), remedial design, remedial action, site management, and redevelopment.

The following green remediation techniques are applicable to all phases of the remedial program and will be considered for the duration of the project:

- Increase energy efficiency by considering the use of energy efficient remedial equipment and through construction of energy efficient buildings to reduce energy use and reduce greenhouse gas (GHG) and carbon emissions.
- Reduce emissions of air pollutants due to the use of heavy equipment and construction vehicles during remedial activities and redevelopment by using clean diesel equipment and by minimizing the equipment used, truck travel distances, and idling times.
- Minimize habitat disturbance and conserve natural resources during remedial and redevelopment activities and incorporate natural areas and native vegetation into the design to enhance the existing habitat and promote the sequestration of carbon.
- Prevent erosion and off-site water quality impacts due to surface runoff through the implementation of stormwater and erosion control measures.
- Minimize waste or implement beneficial use of materials that would otherwise be considered a waste to the extent practicable.

A summary of additional green remediation techniques to be evaluated at each stage of the remedial program is included below.

**Remedial Investigation**

Green and Sustainable Remediation (GSR) will be incorporated into the RI project planning and remedy selection through consideration of the following green remediation techniques:

- Remedies that maintain, mimic, use, and/or enhance natural processes will be considered to reduce energy use and promote the continuation of these processes.
- Low-energy alternatives will be utilized to the extent practicable to reduce energy use due to remedial systems and minimize emissions of GHGs and carbon dioxide.
- Aggressive remedial strategies or remedial strategies that permanently destroy contaminants will be considered to reduce long-term operation of systems requiring continued energy use.

An environmental footprint analysis will be completed and included in the RI Report using USEPA's Spreadsheets for Environmental Footprint Analysis (SEFA), a NYSDEC-approved footprint analysis calculator.

**Appendix A**  
**Brownfield Cleanup Program Application Supporting Information**  
**3701 River Road Site**  
**3701 River Road, Tonawanda, New York**

The RI Report will also include a climate change screening or vulnerability assessment to provide information necessary to ensure that potential remedies will not be adversely impacted by the increased frequency and intensity of severe storms/weather events and associated flooding caused by global climactic change and instability.

**Remedial Design**

The environmental footprint analysis completed during the RI project planning and remedy selection process will be refined during the remedial design and applicable green remediation metrics will be identified. Additional green remediation techniques will be considered during this period including:

- Renewable energy use will be incorporated into the remedial design as practicable.
- Remedial systems will be designed to be as efficient as possible and adaptable to reduce energy use as the site is remediated.
- The final use of the site and redevelopment plan will be considered in remedial design to provide an efficient transition from remedial activities to redevelopment.
- Temporary sediment and erosion controls will be included in the remedial design and utilized for the duration of remedial action activities.

**Remedial Action**

Green remediation techniques identified during the RI planning and remedial design periods will be implemented during remedial action activities. Green remediation metrics established during the remedial design will be tracked using the Green Remediation Metrics Summary Form (see Attachment 4).

**Site Management**

The Site Management Plan (SMP) will include a summary of all green remediation techniques utilized for the duration of the project as well as additional techniques to be considered throughout the lifetime of the project. Additional green remediation techniques will be considered throughout site management including the following:

- Energy optimization/efficiency: new technologies and energy sources will be considered throughout the lifetime of the project to ensure that negative impacts due to energy use are minimized.
- Site visits will be minimized to reduce GHG/carbon emissions.
- Remedial Site Optimization Studies will be completed as needed.

**Appendix A**  
**Brownfield Cleanup Program Application Supporting Information**  
**3701 River Road Site**  
**3701 River Road, Tonawanda, New York**

An environmental footprint analysis will be completed for site management activities and included in the SMP using USEPA's SEFA. Green remediation metrics established during the remedial project will be tracked throughout site management using the Green Remediation Metrics Summary Form (Attachment 4).

The SMP will also include a climate change screening or vulnerability assessment to provide information necessary to ensure that Site remedies will not be adversely impacted by the increased frequency and intensity of severe storms/weather events and associated flooding caused by global climactic change and instability.

**Redevelopment**

The Site redevelopment will enhance the existing natural features and habitat, control stormwater runoff, and promote carbon sequestration. Use of native vegetation will be encouraged. Use of renewable energy and green building design will also be encouraged in the final redevelopment plan to reduce long-term GHG and carbon emissions. Construction and demolition debris from the site will be reused and/or recycled unless gross contamination is observed to reduce overall waste production from redevelopment.

**SECTION III – ECOLOGICAL CONCERNS**

Environmental impacts at the Site have resulted from the past industrial uses and fueling systems, and the presence of petroleum-related GCM, resulted in soil and groundwater contamination. Soil contamination at the Site includes field evidence of petroleum impacts and elevated concentrations of VOCs and SVOCs in the fill and native material samples and elevated VOCs in groundwater. The Site is primarily covered with asphalt, concrete, and gravel.

A resource characterization was completed in accordance with DER-10 3.10.1 to assess the potential for on- and off-site ecological impacts and determine whether a Fish and Wildlife Impact Assessment (FWIA) is needed. According to the NYSDEC Environmental Resources mapper, the Site is located within the limits of unspecified animal species that are listed as threatened or endangered (see Figure 11). Ecological resources observed within 0.5 miles of the Site include:

- Several federally regulated wetlands per the National Wetland Inventory (NWI) are located within 0.5-mile of the Site as follows:
  - Federally regulated Freshwater Ponds under 1-acre in size are located to the northwest and southwest of the Site (Classification Codes PUBF, PUBFx, and PUBHx).
  - A Federally regulated Freshwater Emergent Wetland measuring 1.74-acres is located northwest of the Site (Classification Code PEM1B).

**Appendix A**  
**Brownfield Cleanup Program Application Supporting Information**  
**3701 River Road Site**  
**3701 River Road, Tonawanda, New York**

- Federally regulated Freshwater Forested/Shrub Wetlands measuring 3.10-acres (Classification Code PSS1E), 11.48-acres (Classification Codes PSS1/EM1B), and 34.79-acres (Classification Codes PFO1/SS1Bd) are located northeast of the Site.
- The Blacknose Shiner is located within the Niagara River; however, the NYSDEC Environmental Resource Mapper indicates this species is “not listed by NYS”.
- The Niagara River is located approximately 0.25-mile west of the Site and has several classifications including a Federally regulated Riverine (Classification Code R2UBH), a NYSDEC Class A-Spcl River/Stream classified as Impaired, a Significant Waterfowl Winter Concentration Area, and a mussel screening stream (FIN: ONT-158).
- A NYSDEC regulated wetland measuring 41.3-acres (Wetland I.D. BW-6, Wetland Class 2) is located northeast of the Site.

The Site has historically been utilized for commercial and industrial purposes. Although unspecified endangered or threatened species are shown on-Site, the Site is developed with limited to no natural habitat available. NYS regulated wetlands were identified upgradient of the Site and Federally regulated wetlands surround the area. The Site is currently covered by asphalt, concrete, gravel, or grass cover reducing the risk for erosion and off-site transport. Additionally, the planned remediation will consist of excavating and removing impacted materials, further reducing potentially impacted subgrade materials as well as further reducing the potential for erosion and off-Site transport.

A Fish and Wildlife Resource Impact Analysis (FWRIA) Decision Key (included in DER-10 Appendix 3C) is provided as Attachment 5, which indicates the Site does not require a FWRIA in accordance with DER-10 Section 3.10.1; however, while not anticipated, should a condition be identified during the RI that may potentially impact ecological resources, a FWRIA will be included in the RI Report.

#### **SECTION IV – LAND USE FACTORS**

##### **1 and 2 – Current Zoning**

The Site, located within the Town of Tonawanda, is zoned G-1 (General Industrial) (see Figure 6).

##### **3 and 4 – Current Use**

The Site is currently developed with one main commercial building that is used for storage. The storage building and eastern portion of the Site are currently used by Woodlands Earth and Stone (Woodlands), a landscape supply company. The eastern portion of the Site includes a scale house and areas utilized for outside storage of landscaping materials.

Historically, the Site was used as a portion of a greater oil refinery with on-site fuel storage terminal operations that included a fueling rack, petroleum tanks, and associated product piping; these operations are the reasonably anticipated sources of environmental impacts identified on-Site.

**Appendix A**  
**Brownfield Cleanup Program Application Supporting Information**  
**3701 River Road Site**  
**3701 River Road, Tonawanda, New York**

During the Phase II fieldwork, GCM was observed throughout the western and central portions of the Site, an approximate 20,000-gallon orphan UST was identified east of the main existing building, product piping was identified on the western portion of the Site, and evidence of the former railroad tracks was observed on the southeastern portion of the Site. Further investigation under the BCP would be required to determine whether additional sources of contamination or areas of environmental impact exist on-site.

5 through 10 – Planned Future Use

Currently, there is not a final redevelopment plan in place. However, the applicant is considering different commercial or industrial redevelopment opportunities, including warehousing. The vicinity of the Site includes various commercial/industrial properties and warehouses; therefore, planned redevelopment would be consistent with the surrounding area. The redevelopment will not consist of single-family residential housing or renewable energy.

**SECTION V – CURRENT AND HISTORICAL PROPERTY OWNER AND OPERATOR INFORMATION**

Reasonable attempts were made to attain complete information regarding current and previous Site owners and operators. Information for the previous and current owner/operators is provided in the table below per public records, including Erie County Real Property Tax Services (see Attachment 6) and information provided by the Requestor to supplement publicly available information. Roux notes that the Site was formerly a portion of a greater property/operation thus the ownership history provided below represents a greater property of which the Site was a part. As provided on a 2001 parcel search map (see Attachment 7), the Site was historically comprised of Parcel N, described in title information (see Attachment 8); commercial/industrial ownership has been incorporated into the table below. Attachment 9 provides the Quit Claim Deed information showing official transfer of ownership from NOCO Black Dirt Properties, LLC to the current owner, 3701 River Road, LLC.

**Appendix A**  
**Brownfield Cleanup Program Application Supporting Information**  
**3701 River Road Site**  
**3701 River Road, Tonawanda, New York**

3701 River Road – Owner Information			
Owner Name and Address	Use	Approx. Date(s)	Relationship to Requestor
<b>Current Owner</b>			
3701 River Road, LLC 2101 St. Rita's Lane Williamsville, NY 14221	Commercial	February 20, 2026 – Present	Requestor
<b>Previous Owners</b>			
NOCO Black Dirt Properties, LLC	Commercial	August 13, 2013 – February 20, 2026	We note that there is no common ownership members to the current Requestor entity thus there is no relationship between the entities.
NOCO Energy Corp.	Industrial	March 18, 1987 – August 26, 2013	
<b>Previous Owner (per Requestor and Title Information)</b>			
Ashland Oil, Inc.	Industrial	June 21, 1979 – March 18, 1987	None
Standard Oil Company of New Jersey/ESSO Standard Oil Company/Carter Oil Company/Humble Oil & Refining Company /Exxon Corporation	Industrial	December 31, 1947 – June 21, 1979	None
Beacon Oil Company/Colonial Beacon Oil Company	Industrial	April 20, 1927 – December 31, 1947	None
Wonalancet Company	Industrial	Prior to April 20, 1927	None

**Appendix A**  
**Brownfield Cleanup Program Application Supporting Information**  
**3701 River Road Site**  
**3701 River Road, Tonawanda, New York**

3701 River Road – Facility Operator Information			
Facility Operator Name and Address	Use	Approx. Date(s)	Relationship to Requestor
<b>Current Operator</b>			
Woodlands Earth and Stone 3701 River Road Tonawanda, NY 14150  Attn: Joe Zwolenkiewicz woodlandsearthandstone@gmail.com 716-912-2273	Commercial	September 4, 2014 – Present	None
<b>Previous Operators</b>			
Sky Automotive Repair	Commercial	2010 – 2014	None

**SECTION VI - PROPERTY'S ENVIRONMENTAL HISTORY**

A summary of the previous environmental investigation findings completed for the Site are provided below.

Phase II Environmental Investigation – October 2024

At the request of NOCO Black Dirt Properties, LLC, Roux Environmental Engineering and Geology, D.P.C. (Roux) completed a Phase II Environmental Investigation in August 2024 (report dated October 30, 2024) to assess environmental conditions on-site. As part of the work, Roux completed 20 test pits (TP-1 through TP-20) across the Site using an excavator to a depth of up to 10 fbg. Following test pit activities, five (5) soil borings (SB-1 through SB-5) were completed at the Site by Roux's subcontractor, Trec Environmental Inc. (Trec), using a direct-push drill rig to a target depth of 20 fbg, except for SB-4, which was completed to 12 fbg. Four (4) soil borings were converted into temporary one-inch diameter monitoring wells. Pertinent findings are summarized on Figure 8 and described as follows:

Underlying the asphalt, concrete and gravel surfaces, soils generally consisted of native silty sand underlain by sandy lean clay to depths of at least 20 fbg. Fill materials were noted at five investigation locations at TP-1, TP-2, TP-3, TP-12, and TP-17. Based on the history of the Site, the potential for additional areas with fill materials exists.

Groundwater was noted during drilling at depths ranging between 16 fbg and 20 fbg.

**Appendix A**  
**Brownfield Cleanup Program Application Supporting Information**  
**3701 River Road Site**  
**3701 River Road, Tonawanda, New York**

Elevated PID readings and petroleum-like odors were identified on the central and western portions of the Site. In addition, during completion of TP-13, an orphan UST, filled with a presumed petroleum-water mixture and totaling approximately 20,000-gallons, was identified east of the main existing building. Buried product piping, associated with historical fueling operations, was also observed. Evidence of a former rail line was noted across the south portion of the Site. Based on field observations indicating the presence of subsurface petroleum impacts and the presence of an orphan UST and piping, as required by law, the NYSDEC was notified and Spill No. 2404522 was assigned to the Site. Remediation is required on-site to address environmental impacts, the UST, and product piping.

Chemical Fingerprinting Forensic Analysis – April 2025

A forensics analysis of on-Site soil/fill was completed to determine the chemical fingerprinting of petroleum contamination identified in on-Site soil/fill. To complete this analysis, three (3) samples, identified as TP-4 PIANO, TP-5 PIANO, and TP-10 PIANO, were collected from impacted material at corresponding locations collected during the Phase II (i.e., TP-4, TP-5, and TP-10). After chemical analysis and reconnaissance of historical documents of the Site environs TP-4 PIANO was determined to be enriched with a mixture of aviation fuel and heating oil, TP-5 PIANO was determined to be enriched with a mixture of heating oil and relatively lower level of coke-like aspect. The combination of chemical analysis, review of subsurface conditions, and review of historical Site related documents showed that: “the aviation fuel enriched in TP-4 PIANO soil sample, and heating oils enriched in TP-4 PIANO and TP-5 PIANO were released at least 40 years ago from historical tank(s) or pipeline network associated to heating oil handling on” Site.

**SECTION VII & VIII – REQUESTOR INFORMATION & REQUESTOR CONTACT INFORMATION**

The Requestor, 3701 River Road, LLC, DOS ID 7179963, is authorized to do business in New York State. The New York Department of State (NYDOS) entity information, ownership organization chart, and information for individuals authorized to sign on behalf of the Requestor are provided as Attachment 10, Attachment 11, and Attachment 12.

3701 River Road, LLC  
2101 St. Rita’s Lane  
Williamsville, NY 14221

Roux Environmental Engineering & Geology, D.P.C., a registered NYS Engineering Firm, and a licensed NYS Professional Engineer (P.E.), will be acting as the Engineer of Record and Requestor’s Consultant for this BCP project.

Hodgson Russ LLP will be acting as the Requestor’s attorney.

**Appendix A**  
**Brownfield Cleanup Program Application Supporting Information**  
**3701 River Road Site**  
**3701 River Road, Tonawanda, New York**

**SECTION IX – PROGRAM FEE**

The Requestor will not be requesting a fee waiver.

**SECTION X – REQUESTOR ELIGIBILITY**

The Requestor, 3701 River Road, LLC would enter the BCP as a “Volunteer” in accordance with NY ECL 27-1405(1)(b) and 6NYCRR 375-3.2(c)(2) based on the following:

- The Requestor did not operate fuel assets/systems at the Site and the GCM identified at the Site are reasonably attributed to historic operations (i.e., part of a greater oil refining operation) by previous owners/occupants. Further, fingerprint/forensic testing of petroleum-impacted soil from the Site has revealed petroleum impacts residence time in the subsurface of at least 40 years, which pre-dates the Requestors involvement with this property. Discovery of GCM during the previous investigation completed on-Site resulted in NYSDEC Spill No. 2404522 being opened and is currently “active.” Entry into the BCP and remediation of the Site would allow for administrative closure of the open Spill.
- VOC impacts in groundwater are reasonably attributed to on-Site soil/fill contamination. Remediation of the Site would reduce and/or eliminate groundwater impacts thus further reducing the potential for off-site transport.
- The Requestor became involved with the property after disposal or discharge of contaminants and has no relationship or no common ownership with the previous owners/operators of the Site. 3701 River Road, LLC has made reasonable attempts to exercise appropriate care by not operating fueling systems, and limiting use of the main existing building to storage. Further, the Site is located in an area that is serviced by the public water supply and the presence of existing vegetation, asphalt, concrete, and gravel surfaces currently limit exposure to environmental impacts. The Applicant plans to address environmental contamination present on-site through the BCP process.

**SECTION XI – PROPERTY ELIGIBILITY INFORMATION**

The Site is not listed on the National Priorities List (NPL) or the NYS Registry of Inactive Hazardous Waste Disposal Sites; is not subject to a permit under ECL Article 27, Title 9; is not subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10; and is not subject to a state or federal enforcement action related to hazardous waste or petroleum.

Based on petroleum impacts including GCM, an orphan UST, and product piping observed in the field during the Phase II investigation, the NYSDEC was notified during the work and Spill No. 2404522 was opened on August 14, 2024 and this spill remains active to-date. The Spill will be administratively closed upon entry into the BCP.

**Appendix A**  
**Brownfield Cleanup Program Application Supporting Information**  
**3701 River Road Site**  
**3701 River Road, Tonawanda, New York**

**SECTION XII – SITE CONTACT LIST**

The following is the contact list for the Site. Each contact will be sent fact sheets throughout the project's duration.

**Erie County Contacts:**

Honorable Mark Poloncarz  
Erie County Executive  
95 Franklin Street  
Buffalo, NY 14202

Honorable John Bargnesi  
District 4 Erie County Legislator  
2165 Sheridan Drive  
Tonawanda, NY 14223

Mr. Daniel Castle, AICP  
Commissioner  
Erie County Environment and Planning  
95 Franklin Street, 10<sup>th</sup> Floor  
Buffalo, NY 14202

Mr. Zaque Evans  
Deputy Commissioner  
Erie County Environment and Planning  
Planning and Economic Development Division  
95 Franklin Street, 10<sup>th</sup> Floor  
Buffalo, NY 14202

Mr. Paul D'Orlando  
Principal Contract Monitor  
Erie County Environment and Planning  
Community Development  
95 Franklin Street, 10<sup>th</sup> Floor  
Buffalo, NY 14202

Mr. Mark Rountree  
Chief Planner  
Erie County Environment and Planning  
Planning  
95 Franklin Street, 10<sup>th</sup> Floor  
Buffalo, NY 14202

Ms. Bonnie Lawrence  
Deputy Commissioner  
Erie County Environment and Planning  
Environmental Compliance Service Division  
95 Franklin Street, 10<sup>th</sup> Floor  
Buffalo, NY 14202

Mr. Michael P. Kearns  
Erie County Clerk  
92 Franklin Street  
Buffalo, NY 14202

Mr. John Cappellino  
President and CEO  
Erie County Industrial Development Agency  
95 Perry Street, Suite 403  
Buffalo, NY 14203

Ms. Gale R Burnstein, MD, MPH, FAAP  
Commissioner of Health  
Erie County Department of Health  
Administrative Office  
95 Franklin Street  
Buffalo, NY 14202

**Appendix A**  
**Brownfield Cleanup Program Application Supporting Information**  
**3701 River Road Site**  
**3701 River Road, Tonawanda, New York**

Mr. Daniel J. Neaverth, Jr.  
Commissioner  
Erie County Department of Homeland Security  
and Emergency Services  
45 Elm Street  
Buffalo, NY 14203

**Town of Tonawanda Contacts:**

Mr. William Strassburg II  
Mayor  
Town of Tonawanda  
2919 Delaware Avenue, Room 14  
Buffalo, NY 14217

Ms. Marguerite Greco  
Town Clerk  
Town of Tonawanda  
2919 Delaware Avenue, Room 14  
Buffalo, NY 14217

Mr. James Hartz  
Director  
Town of Tonawanda  
Planning and Development  
169 Sheridan Parkside Drive  
Tonawanda, NY 14150

Mr. Joseph H. Emminger  
Town Supervisor  
Town of Tonawanda  
2919 Delaware Avenue, Room 11  
Kenmore, NY 14217

**Supplier of Potable Water:**

Town of Tonawanda Water/Sewer Maintenance  
525 Belmont Avenue  
Buffalo, NY 14223

**Local News Media:**

Buffalo News  
ATTN: Mr. Aaron Besecker  
1 News Plaza  
Buffalo, NY 14240

WIVB – Ch. 4  
ATTN: Newsroom  
2077 Elmwood Avenue  
Buffalo, NY 14207

WGRZ – Ch. 2  
ATTN: Ms. Judy Moore  
259 Delaware Avenue  
Buffalo, NY 14202

WKBW – Ch. 7  
ATTN: Mr. Aaron Mason  
7 Broadcast Plaza  
Buffalo, NY 14202

**Appendix A**  
**Brownfield Cleanup Program Application Supporting Information**  
**3701 River Road Site**  
**3701 River Road, Tonawanda, New York**

Buffalo Business First  
ATTN: Ms. Michelle Cioci Adams  
241 Main Street, Suite 220  
Buffalo, NY 14203

Buffalo-Toronto Public Media  
ATTN: Mr. Michale Mroziak  
Horizons Plaza P.O. Box 1263  
Buffalo, NY 14240-1263

WBEN NewsRadio 930  
500 Corporate Parkway, Suite 200  
Buffalo, NY 14226

**Nearby Schools and Daycares:**

Ms. Serena Restivo  
Principal  
PS 065 Roosevelt ECC  
249 Skillen Street  
Buffalo, NY 14207

Bibi's Miracles Daycare  
716-228-2094  
Contact – Bibi (no last name provided)  
49 Ullman Street  
Buffalo, NY 14207

Ms. Heather McCarthy  
Principal  
Oliver Wendell Holmes Elementary School  
365 Dupont Avenue  
Tonawanda, NY 14150

Ms. Jennifer L. Babcock  
Tiny Treasures Day Care Center  
1287 Military Road  
Kenmore, NY 14217

Ms. Claudio Panaro  
Riverview Elementary School  
55 Taylor Drive  
Tonawanda, NY 14150

Ms. Nathalia L. Guarino  
The Blue Giraffe Child Care Center  
3200 Elmwood Avenue, #114  
Buffalo, NY 14217

Ms. Carmen Y. Lupianez  
Yolanda Kids Daycare  
81 Briggs Avenue  
Buffalo, NY 14207

**Appendix A**  
**Brownfield Cleanup Program Application Supporting Information**  
**3701 River Road Site**  
**3701 River Road, Tonawanda, New York**

**Other Interested Parties:**

WNY Director  
 Citizens Environmental Coalition  
 543 Franklin Street  
 Buffalo, NY 14202-1109

**Document Repository:**

Ms. April Tompkins  
 Re: Document Repository  
 Buffalo & Erie County Public Library  
 1 Lafayette Square  
 Buffalo, NY 14203

Elaine M. Panty Branch Library  
 820 Tonawanda Street  
 Buffalo, NY 14207

**ADJACENT PROPERTY OWNERS**

Information for the residents, owners, and occupants of the properties adjacent to the Site are provided in the table below and shown on Figure 7.

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
0	River Road	Vacant Public Utility	Niagara Mohawk Power Corp. c/o Real Estate Tax Dept. A-3 300 Erie Blvd. W. Syracuse, NY 13202
3649		Warehouse	3679 River Road Inc. 3649 River Road Tonawanda, NY 14150
3679			NOCO Black Dirt Properties, LLC 2101 St. Rita's Lane Williamsville, NY 14221
3690		Pier/wharf	Jas. M. Bognar 3670 River Road Tonawanda, NY 14150
3705		Vacant industrial with Improvements	Riverview Innovation & Technology Campus Inc. 1001 East Delavan Avenue, Unit 17 Buffalo, NY 14215

**Appendix A**  
**Brownfield Cleanup Program Application Supporting Information**  
**3701 River Road Site**  
**3701 River Road, Tonawanda, New York**

Document Repository

The Elain M. Panty Branch Public Library (located at 820 Tonawanda Street, Buffalo, New York 14207) would act as the document repository for the BCP Site. An email acknowledgement from the repository is provided as Attachment 13.

**Brownfield Cleanup Program Application**  
***3701 River Road Site***

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**TABLES**

1. Soil Data Summary Table
2. Groundwater Data Summary Table



**TABLE 1  
SOIL DATA SUMMARY TABLE  
BROWNFIELD CLEANUP PROGRAM APPLICATION  
3701 RIVER ROAD SITE  
TONAWANDA, NEW YORK**

Analytes > SCOs	CP-51 SCLs / Unrestricted Use SCOs <sup>1</sup>	Number of Detections > SCLs / SCOs	Commercial Use SCOs <sup>2</sup>	Number of Detections > SCOs	Maximum Detection (ppm)	Depth (fbgs)
<b>Volatile Organic Compounds (VOCs) - ppm</b>						
1,2,4-Tirmethylbenzene	3.6 / 5.9	3	500		120	8-9
1,3,5-Trimethylbenzene	8.4 / 3.1	2	500		32	8-9
Acetone	-- / 0.03	2	500		0.052	6-8
Ethylbenzene	1	2	390		34	8-9
Isopropylbenzene	2.3 / --	1	--		3.9	8-9
Methylene Chloride	-- / 0.05	2	500		8	4-6
n-Propylbenzene	3.9 / 5	1	500		15	8-9
Toluene	0.7	1	500		0.13	3-4
Xylenes (Total)	0.26	3	500		160	8-9
<b>Semi-Volatile Organic Compounds (SVOCs) - ppm</b>						
Benzo(a)anthracene	1	1	37		8.7	4-6
Benzo(a)pyrene	1	1	3.7	1	8.6	4-6
Benzo(b)fluoranthene	1	1	37		7.4	4-6
Benzo(ghi)perylene	0.64	1	47		3.8	4-6
Benzo(k)fluoranthene	0.8	1	47		3.9	4-6
Chrysene	1	1	47		7.8	4-6
Indeno(1,2,3-cd)pyrene	0.5	1	37		3.2	4-6
Phenanthrene	1.1	1	47		18	4-6

**Notes:**

1. Values per 6NYSDEC CP-51 Soil Cleanup Levels or 6 NYCRR Part 374 Unrestricted Use Soil Cleanup Objectives (SCOs), Table 375-6.8(a).
2. Values per 6NYCRR Part 375 Restricted Use SCOs, Table 375-6.8(b).

**Definitions:**

"--" = No value available for the parameter.  
ppm = parts per million  
fbgs = feet below ground surface



**TABLE 2**  
**GROUNDWATER DATA SUMMARY TABLE**  
**BROWNFIELD CLEANUP PROGRAM APPLICATION**  
**3701 RIVER ROAD SITE**  
**TONAWANDA, NEW YORK**

Analytes > AWQS/GV	Number of Detections > AWQS/GV	Maximum Detection (ppb)	AWQS/GV (ppb)
<b>Volatile Organic Compounds (VOCs) - ppb</b>			
1,2,4-Tirmethylbenzene	1	49	5
1,3,5-Trimethylbenzene	1	13	5
Acetone	1	53	50
Benzene	1	4.6	1
Ethylbenzene	2	25	5
p/m-Xylenes	1	80	5
o-Xylenes	1	22	5
Xylenes (Total)	1	100	5

**Notes:**

1. Values per NYSDEC Division of Water Ambient Water Quality Standards and Guidance Values - Class GA (TOGS 1.1.1).

**Definitions:**

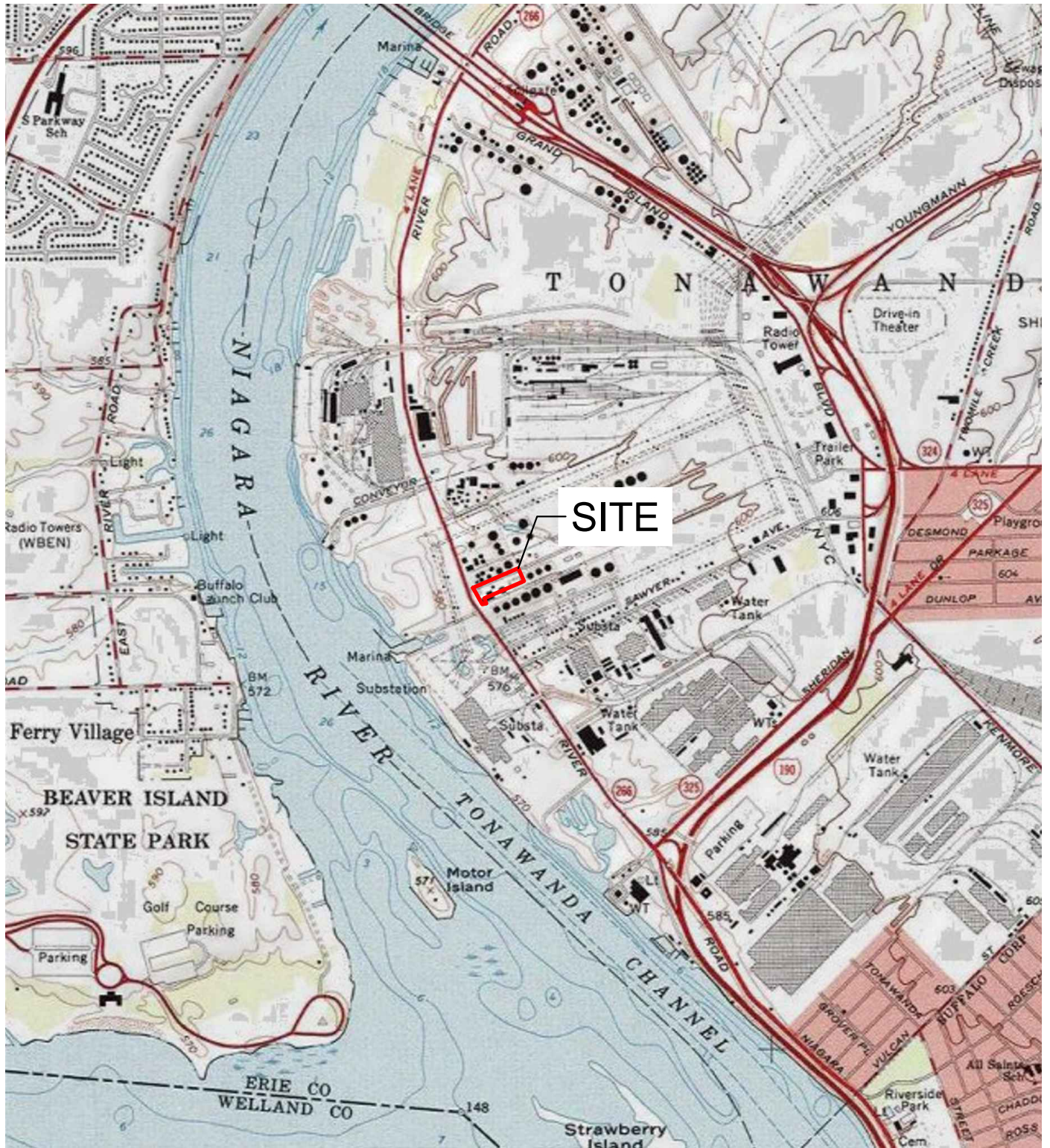
AWQS = Ambient Water Quality Standard

GV = Guidance Value

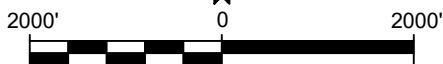
ppb = parts per billion

**FIGURES**

1. Site Location and Vicinity Map
2. Site Plan (Aerial)
3. Tax Map
4. Disadvantaged Communities Map
5. Brownfield Opportunity Area Map
6. Zoning Map
7. Adjacent Property Owners
8. Historic Investigation Locations and Areas of Concern
9. USDA Soil Type Map
10. Preliminary Project Schedule
11. Ecological Resources



MAP PER USGS BUFFALO NW QUADRANGLE, 2023.



Title: **SITE LOCATION AND VICINITY MAP**

**3701 RIVER ROAD SITE  
TONAWANDA, NEW YORK**

BROWNFIELD CLEANUP PROGRAM APPLICATION

Prepared for:

3701 RIVER ROAD, LLC



Compiled by: CMS	Date: FEBRUARY 2026
Prepared by: CMS	Scale: AS SHOWN
Project Mgr: BWM	Project: 4369.0005B000
File: FIGURE 1; SITE LOCATION AND VICINITY MAP.DWG	

FIGURE

**1**



**LEGEND:**



BCP SITE BOUNDARY

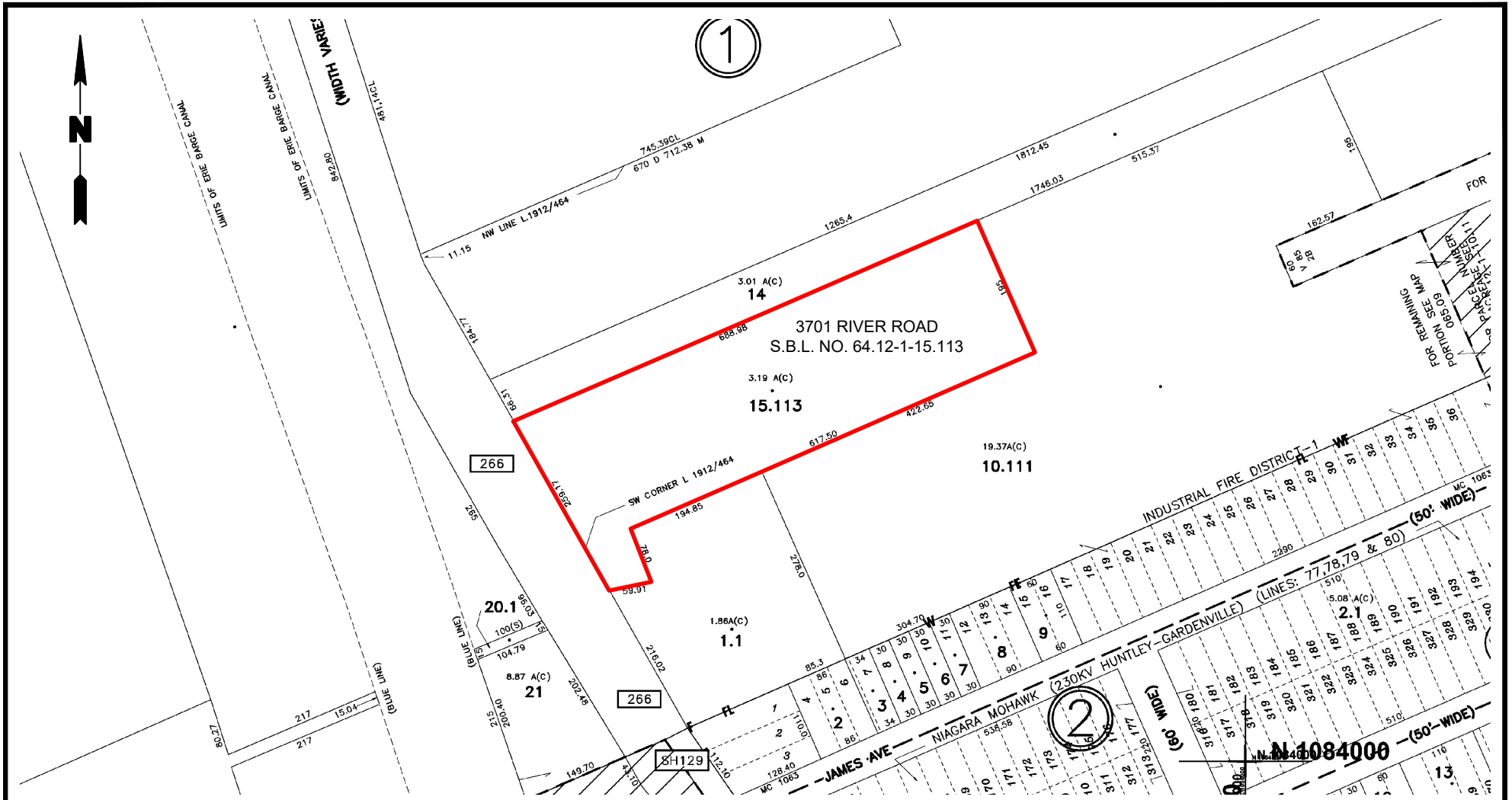


PARCEL BOUNDARY



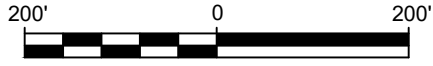
MAP PER GOOGLE EARTH, JUNE 2024.

Title:		
<b>SITE PLAN (AERIAL)</b>		
<b>3701 RIVER ROAD SITE TONAWANDA, NEW YORK</b>		
BROWNFIELD CLEANUP PROGRAM APPLICATION		
Prepared for:		
3701 RIVER ROAD, LLC		
	Compiled by: CMS	Date: FEBRUARY 2026
	Prepared by: CMS	Scale: AS SHOWN
	Project Mgr: BWM	Project: 4369.0005B000
	File: FIGURE 2; SITE PLAN (AERIAL).DWG	
		FIGURE <b>2</b>



**LEGEND:**

- BCP SITE BOUNDARY
- PROPERTY LINE
- ORIGINAL SUBLOT LINE
- RAILROAD
- STREAM OR DITCH
- ROAD OR RAILROAD BNDY
- COUNTY LINE
- TOWN LINE
- VILLAGE LINE
- BLOCK LIMIT
- GREAT LOT LINE
- SCHOOL DISTRICT LINE
- WATER DISTRICT LINE
- SEWER DISTRICT LINE
- FIRE DISTRICT LINE
- DENOTES COMMON OWNER
- TAX MAP BLOCK NO.
- TAX MAP PARCEL NO.
- FILED PLAN LOT NO.
- GREAT LOT NO.



**TAX MAP**

**3701 RIVER ROAD SITE  
TONAWANDA, NEW YORK**

BROWNFIELD CLEANUP PROGRAM APPLICATION

Prepared for:  
**3701 RIVER ROAD, LLC**

Compiled by: CMS	Date: FEBRUARY 2026	<b>FIGURE 3</b>
Prepared by: CMS	Scale: AS SHOWN	
Project Mgr: BWM	Project: 4369.0005B000	
File: FIGURE 3; TAX MAP.DWG		



MAP PER NYSDECINFO LOCATOR.

**LEGEND:**

- BCP SITE BOUNDARY
- DESIGNATED DISADVANTAGED COMMUNITY



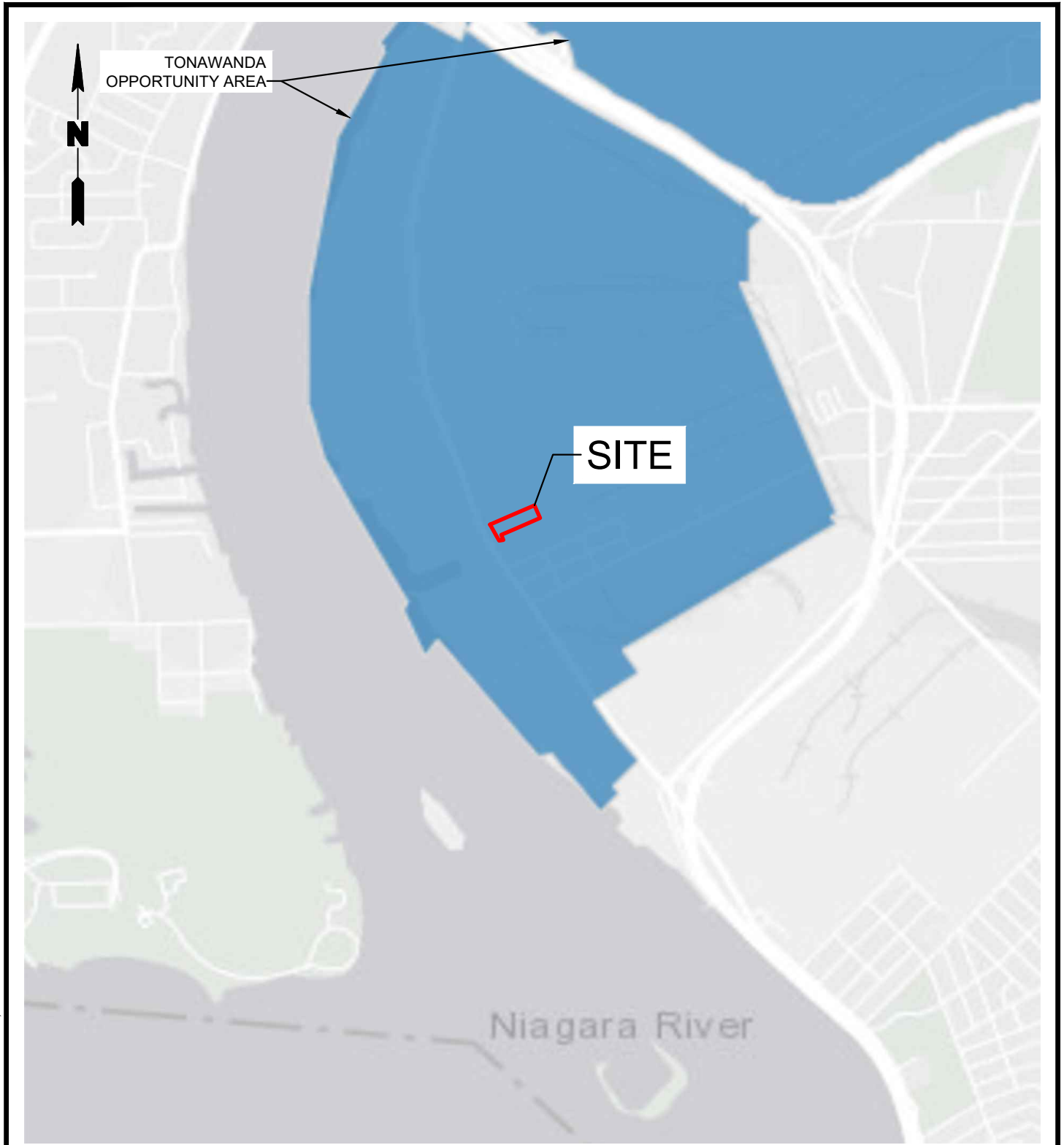
**Title: DISADVANTAGED COMMUNITIES MAP**

**3701 RIVER ROAD SITE  
TONAWANDA, NEW YORK**

BROWNFIELD CLEANUP PROGRAM APPLICATION



Prepared for:  
3701 RIVER ROAD, LLC

<b>ROUX</b>	Compiled by: CMS	Date: FEBRUARY 2026	<b>FIGURE 4</b>
	Prepared by: CMS	Scale: AS SHOWN	
	Project Mgr: BMW	Project: 4369.0005B000	
	File: FIGURE 4; DISADVANTAGED COMMUNITIES MAP.DWG		



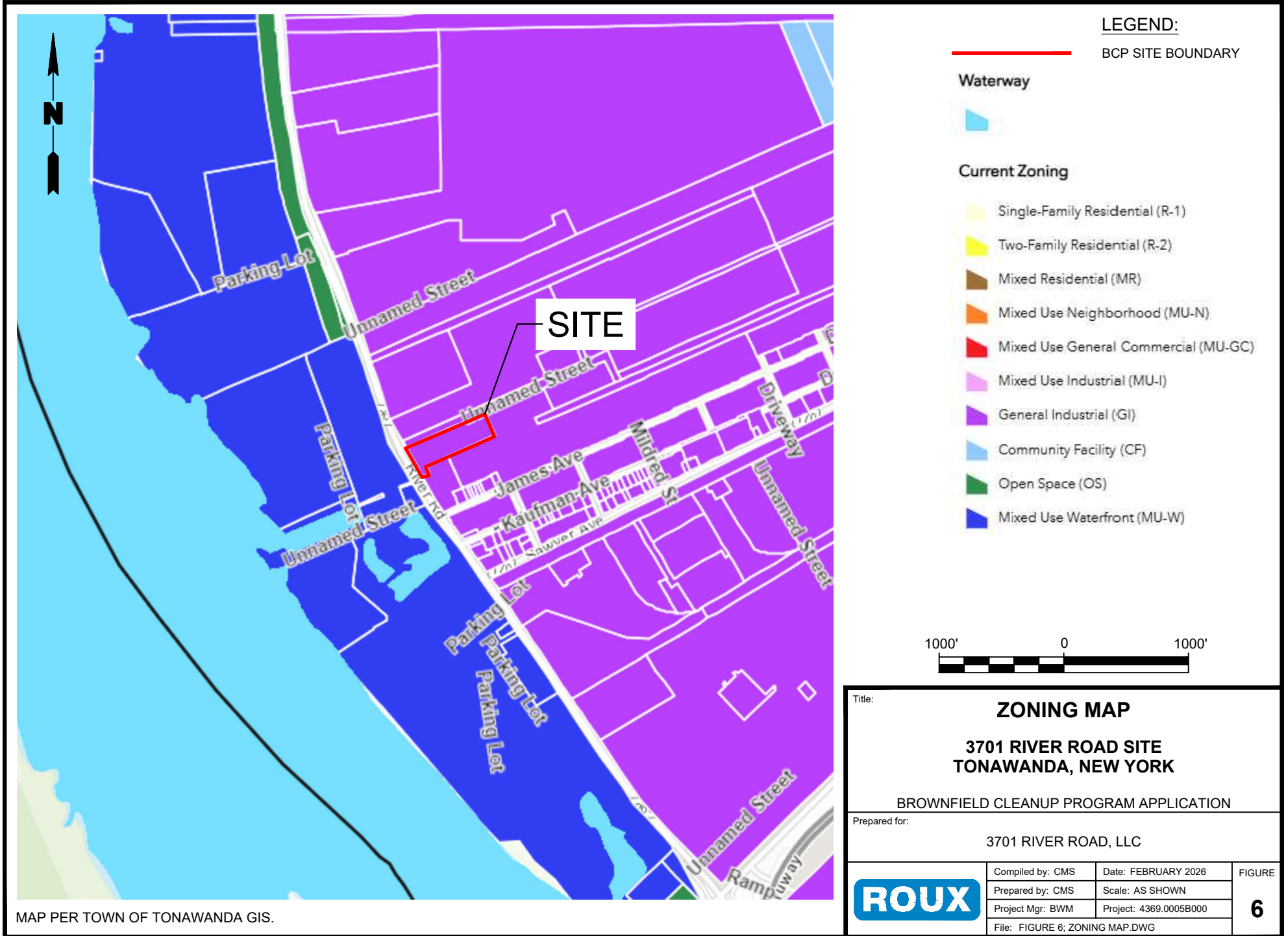
MAP PER NYS GIS CLEARINGHOUSE.

**LEGEND:**

-  BCP SITE BOUNDARY
-  BROWNFIELD OPPORTUNITY AREA



Title: <b>BROWNFIELD OPPORTUNITY AREA MAP</b>		
<b>3701 RIVER ROAD SITE TONAWANDA, NEW YORK</b>		
BROWNFIELD CLEANUP PROGRAM APPLICATION		
Prepared for: <b>3701 RIVER ROAD, LLC</b>		
	Compiled by: CMS	Date: FEBRUARY 2026
	Prepared by: CMS	Scale: AS SHOWN
	Project Mgr: BWM	Project: 4369.0005B000
	File: FIGURE 5; BROWNFIELD OPPORTUNITY AREA MAP.DWG	
		<b>FIGURE 5</b>



MAP PER TOWN OF TONAWANDA GIS.

Title:			<b>ZONING MAP</b>
			<b>3701 RIVER ROAD SITE TONAWANDA, NEW YORK</b>
			BROWNFIELD CLEANUP PROGRAM APPLICATION
Prepared for:			3701 RIVER ROAD, LLC
	Compiled by: CMS	Date: FEBRUARY 2026	FIGURE <b>6</b>
	Prepared by: CMS	Scale: AS SHOWN	
	Project Mgr: BWM	Project: 4369.0005B000	
	File: FIGURE 6; ZONING MAP.DWG		

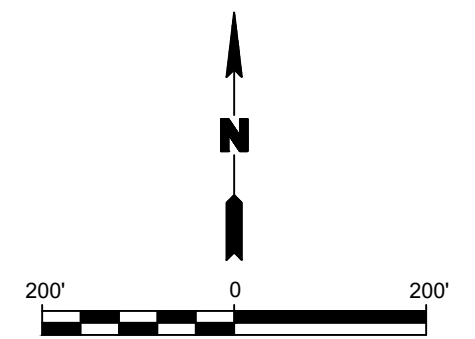


MAP PER GOOGLE EARTH, JUNE 2024.

Parcel No.	Street	Property Use	Property Owner Mailing Address
0	River Road	Vacant Public Utility	Niagara Mohawk Power Corp. c/o Real Estate Tax Dept. A-3 300 Erie Blvd. W. Syracuse, NY 13202
3649		Warehouse	3679 River Road Inc. 3649 River Road Tonawanda, NY 14150
3679			NOCO Black Dirt Prop LLC 2101 St. Rita's Lane Williamsville, NY 14221
3690		Pier/wharf	Jas. M. Bognar 3670 River Road Tonawanda, NY 14150
3705		Vacant Industrial with Improvements	Riverview Innovation & Technology Campus Inc. 1001 E. Delavan Ave., Unit 17 Buffalo, NY 14215

**LEGEND:**

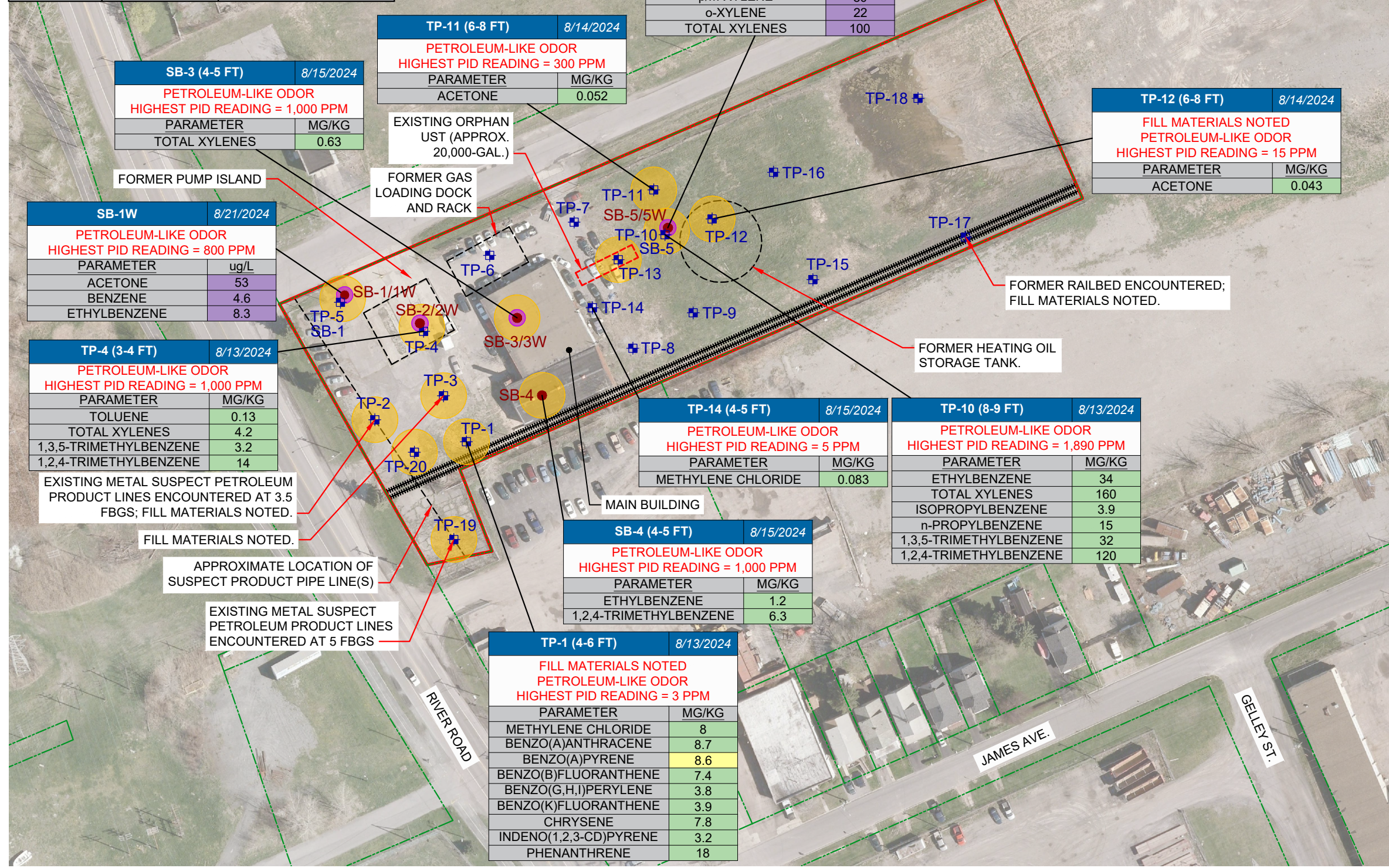
- BCP SITE BOUNDARY
- PARCEL BOUNDARY



<b>Title: ADJACENT PROPERTY OWNERS</b>		
<b>3701 RIVER ROAD SITE TONAWANDA, NEW YORK</b>		
BROWNFIELD CLEANUP PROGRAM APPLICATION		
Prepared for: 3701 RIVER ROAD, LLC		
	Compiled by: CMS Prepared by: CMS Project Mgr: BWM	Date: FEBRUARY 2026 Scale: AS SHOWN Project: 4369.0005B000
File: FIGURE 7; ADJACENT PROPERTY OWNERS.DWG		<b>FIGURE 7</b>

**ADDITIONAL INVESTIGATION LOCATIONS OF ENVIRONMENTAL CONCERN**

LOCATION	HIGHEST PID READING	VISUAL/OLFACTORY OBSERVATION
TP-2	420 PPM	PETROLEUM-LIKE ODOR
TP-3	450 PPM	PETROLEUM-LIKE ODOR
TP-5	1,000 PPM	PETROLEUM-LIKE ODOR
TP-9	0.5 PPM	PETROLEUM-LIKE ODOR
TP-19	100 PPM	PETROLEUM-LIKE ODOR
TP-20	50 PPM	PETROLEUM-LIKE ODOR



SB-5W 8/21/2024	
PETROLEUM-LIKE ODOR HIGHEST PID READING = 3 PPM	
PARAMETER	ug/L
1,3,5-TRIMETHYLBENZENE	49
1,2,4-TRIMETHYLBENZENE	13
ETHYLBENZENE	25
p/m-XYLENE	80
o-XYLENE	22
TOTAL XYLENES	100

TP-11 (6-8 FT) 8/14/2024	
PETROLEUM-LIKE ODOR HIGHEST PID READING = 300 PPM	
PARAMETER	MG/KG
ACETONE	0.052

TP-12 (6-8 FT) 8/14/2024	
FILL MATERIALS NOTED PETROLEUM-LIKE ODOR HIGHEST PID READING = 15 PPM	
PARAMETER	MG/KG
ACETONE	0.043

SB-1W 8/21/2024	
PETROLEUM-LIKE ODOR HIGHEST PID READING = 800 PPM	
PARAMETER	ug/L
ACETONE	53
BENZENE	4.6
ETHYLBENZENE	8.3

TP-4 (3-4 FT) 8/13/2024	
PETROLEUM-LIKE ODOR HIGHEST PID READING = 1,000 PPM	
PARAMETER	MG/KG
TOLUENE	0.13
TOTAL XYLENES	4.2
1,3,5-TRIMETHYLBENZENE	3.2
1,2,4-TRIMETHYLBENZENE	14

TP-14 (4-5 FT) 8/15/2024	
PETROLEUM-LIKE ODOR HIGHEST PID READING = 5 PPM	
PARAMETER	MG/KG
METHYLENE CHLORIDE	0.083

TP-10 (8-9 FT) 8/13/2024	
PETROLEUM-LIKE ODOR HIGHEST PID READING = 1,890 PPM	
PARAMETER	MG/KG
ETHYLBENZENE	34
TOTAL XYLENES	160
ISOPROPYLBENZENE	3.9
n-PROPYLBENZENE	15
1,3,5-TRIMETHYLBENZENE	32
1,2,4-TRIMETHYLBENZENE	120

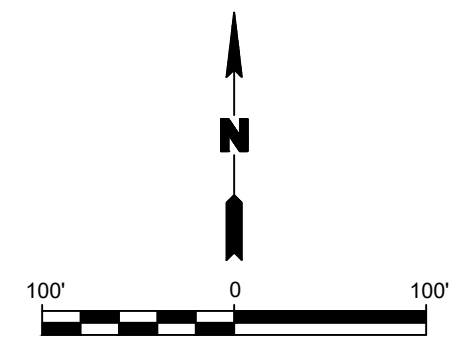
SB-4 (4-5 FT) 8/15/2024	
PETROLEUM-LIKE ODOR HIGHEST PID READING = 1,000 PPM	
PARAMETER	MG/KG
ETHYLBENZENE	1.2
1,2,4-TRIMETHYLBENZENE	6.3

TP-1 (4-6 FT) 8/13/2024	
FILL MATERIALS NOTED PETROLEUM-LIKE ODOR HIGHEST PID READING = 3 PPM	
PARAMETER	MG/KG
METHYLENE CHLORIDE	8
BENZO(A)ANTHRACENE	8.7
BENZO(A)PYRENE	8.6
BENZO(B)FLUORANTHENE	7.4
BENZO(G,H,I)PERYLENE	3.8
BENZO(K)FLUORANTHENE	3.9
CHRYSENE	7.8
INDENO(1,2,3-CD)PYRENE	3.2
PHENANTHRENE	18

**LEGEND:**

- BCP SITE BOUNDARY
- PARCEL BOUNDARY
- SOIL BORING
- TEST PIT
- TEMPORARY WELL LOCATION
- GROSSLY CONTAMINATED SOILS ENCOUNTERED (PETROLEUM-LIKE ODORS AND ELEVATED PID READINGS)
- FORMER RAIL
- EXCEEDS UNRESTRICTED USE SCOs<sup>1</sup> AND/OR CPLs<sup>2</sup>
- EXCEEDS COMMERCIAL USE SCOs<sup>1</sup>
- EXCEEDS GWQS<sup>3</sup>

- NOTES:**
- SOIL RESULTS COMPARED TO 6 NYCRR PART 375 SOIL CLEANUP OBJECTIVES (SCOs).
  - SOIL RESULTS COMPARED TO CP-51 SOIL CLEANUP LEVELS (CPLs).
  - GROUNDWATER RESULTS COMPARED TO DIVISION OF WATER TECHNICAL AND OPERATIONAL GUIDANCE SERIES (1.1.1) AMBIENT WATER QUALITY STANDARDS AND GUIDANCE VALUES AND GROUNDWATER EFFLUENT LIMITATIONS.
  - FILL MATERIALS NOTED AT TP-1, TP-2, TP-3, TP-12, AND TP-17.



**HISTORIC INVESTIGATION LOCATIONS AND RESULTS**  
**3701 RIVER ROAD SITE**  
**TONAWANDA, NEW YORK**

BROWNFIELD CLEANUP PROGRAM APPLICATION

Prepared for: 3701 RIVER ROAD, LLC

Compiled by: CMS	Date: FEBRUARY 2026	FIGURE <b>8</b>
Prepared by: CMS	Scale: AS SHOWN	
Project Mgr: BWM	Project: 4369.0005B000	
File: FIGURE 8: HISTORIC INVESTIGATION LOCATIONS AND RESULTS_REV2.DWG		

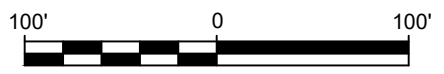
F:\CAD\0-ROUX\NEWMAN PROPERTIES LLC\3701 RIVER ROAD\BCP APP\FIGURE 8: HISTORIC INVESTIGATION LOCATIONS AND RESULTS\_REV2.DWG



ON-SITE SOILS	
MAP UNIT SYMBOL	MAP UNIT NAME
SaA	SCHOHARIE SILT LOAM, 0 TO 3 PERCENT SLOPES
Ud	URBAN LAND

**LEGEND:**

- BCP SITE BOUNDARY
- - - PARCEL BOUNDARY



MAP PER USDA WEBSOIL SURVEY.

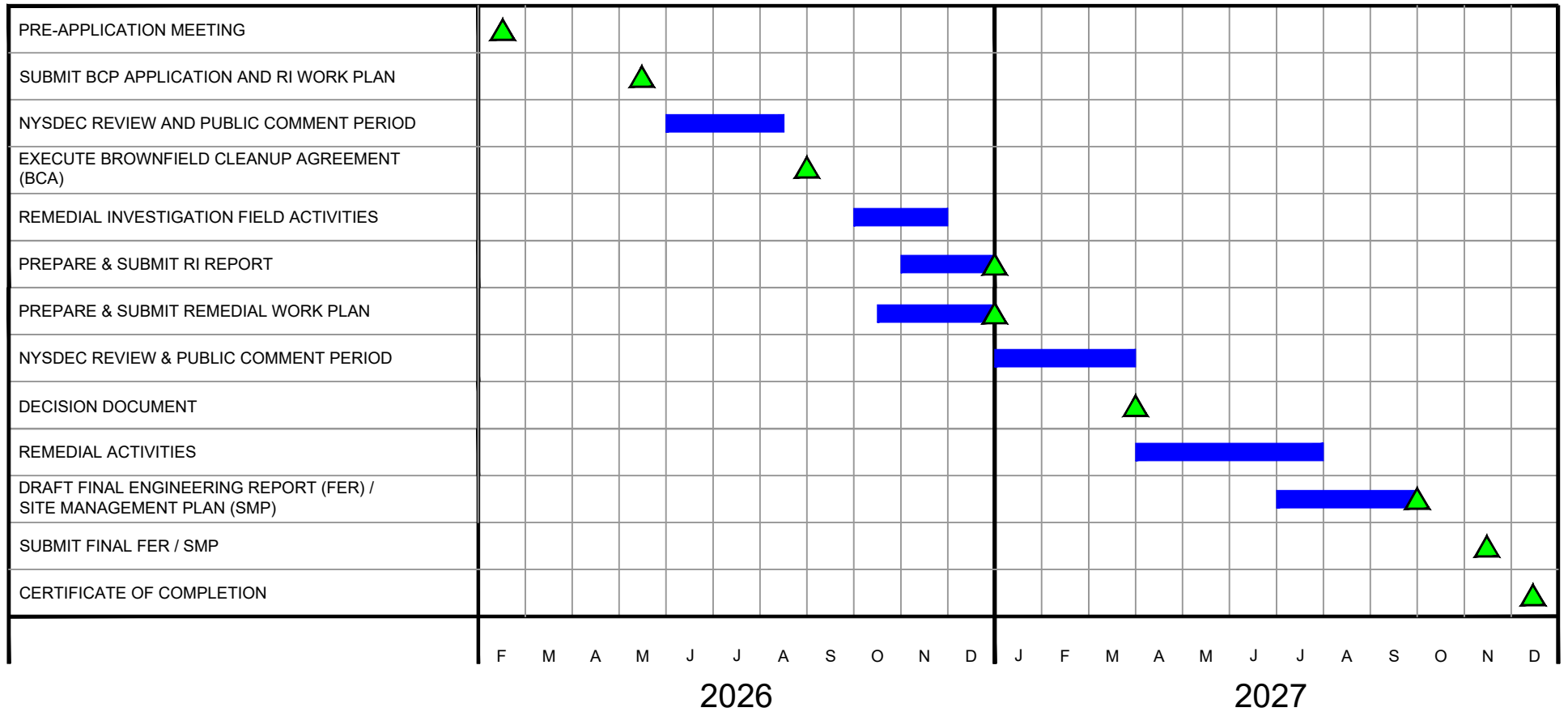
Title: **USDA SOIL TYPE MAP**  
**3701 RIVER ROAD SITE**  
**TONAWANDA, NEW YORK**

BROWNFIELD CLEANUP PROGRAM APPLICATION

Prepared for:  
 3701 RIVER ROAD, LLC

	Compiled by: CMS	Date: FEBRUARY 2026	FIGURE <b>9</b>
	Prepared by: CMS	Scale: AS SHOWN	
	Project Mgr: BWM	Project: 4369.0005B000	
	File: FIGURE 9; USDA SOIL TYPE MAP.DWG		

**PROJECT TASKS:**



Title: <b>PRELIMINARY PROJECT SCHEDULE</b>			
<b>3701 RIVER ROAD SITE TONAWANDA, NEW YORK</b>			
BROWNFIELD CLEANUP PROGRAM APPLICATION			
Prepared for: 3701 RIVER ROAD, LLC			
	Compiled by: CMS	Date: FEBRUARY 2026	FIGURE <b>10</b>
	Prepared by: CMS	Scale: NA	
	Project Mgr: BWM	Project: 4369.0005B000	
	File: FIGURE 10; PRELIMINARY PROJECT SCHEDULE_REV2.DWG		



MAP PER NYSDEC ENVIRONMENTAL RESOURCE MAPPER, FEBRUARY 2026.

**LEGEND:**

- BCP SITE BOUNDARY
- 0.25-MILE RADIUS FROM SITE BOUNDARY
- 0.5-MILE RADIUS FROM SITE BOUNDARY
- NATIONAL WETLAND INVENTORY (NWI) FRESHWATER FORESTED/SHRUB WETLAND
- NWI FRESHWATER EMERGENT WETLAND
- NYSDEC REGULATED WETLAND (CLASS 2)
- NWI FRESHWATER POND
- NYSDEC SIGNIFICANT WATERFOWL WINTER CONCENTRATION AREA, NWI RIVERINE, NYSDEC MUSSEL SCREENING STREAM
- NYSDEC AREA OF ANIMALS LISTED AS ENDANGERED OR THREATENED
- NYSDEC AREA OF BLACK NOSE SHINER



<b>Title: ECOLOGICAL RESOURCE MAPPER</b>			
<b>3701 RIVER ROAD SITE TONAWANDA, NEW YORK</b>			
BROWNFIELD CLEANUP PROGRAM APPLICATION			
Prepared for:		3701 RIVER ROAD, LLC	
	Compiled by: CMS	Date: FEBRUARY 2026	<b>FIGURE 11</b>
	Prepared by: CMS	Scale: AS SHOWN	
	Project Mgr: BWM	Project: 4369.0005B000	
	File: FIGURE 11; ECOLOGICAL RESOURCES.DWG		

**Brownfield Cleanup Program Application**  
***3701 River Road Site***

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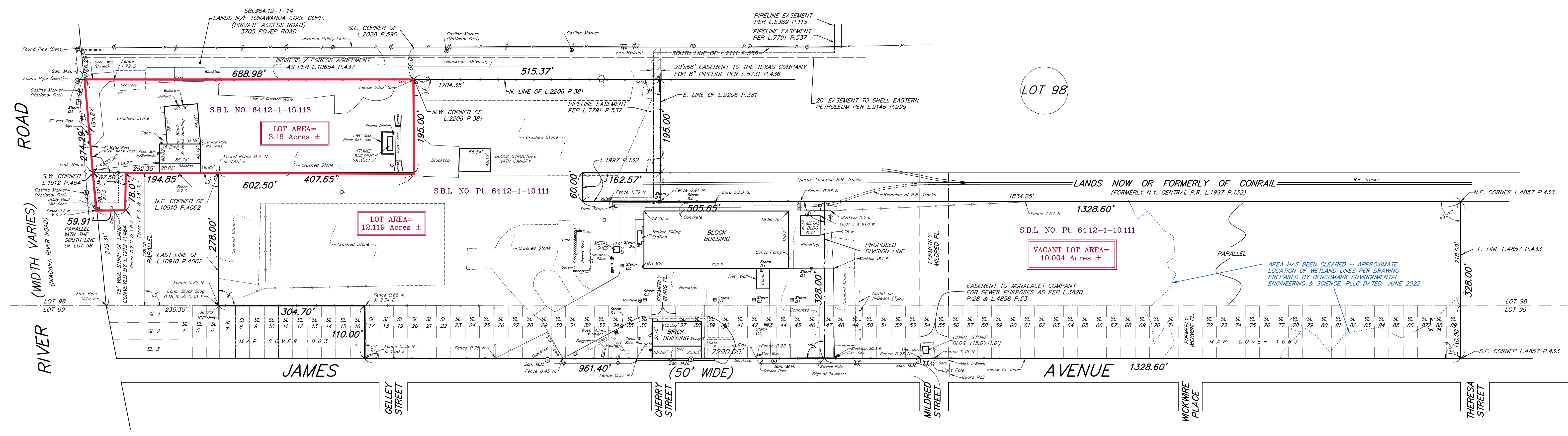
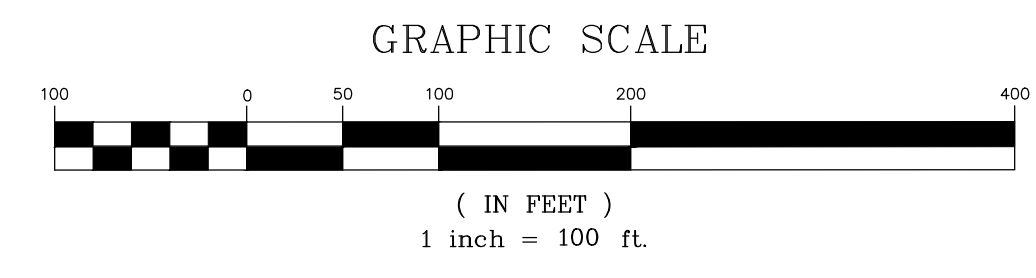
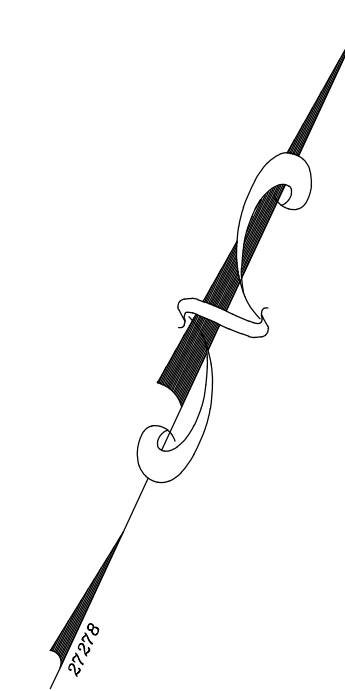
**ATTACHMENTS**

**Brownfield Cleanup Program Application**  
***3701 River Road Site***

---

**ATTACHMENT 1**

**Survey Map**



LOT AREA = 3.16 Acres ±

LOT AREA = 12.119 Acres ±

LOT 98

VACANT LOT AREA = 10.004 Acres ±

LOT 99

RIGHT OF WAY TO ASHLAND OIL, INC. BY L.7791 P.537 IS FOR 8" PIPELINE (APPROXIMATE LOCATION)  
PIPELINE AGREEMENT TO ASHLAND OIL, INC. PER L.8985 P.409 EXACT LOCATION IS UNCLEAR (UNABLE TO PLOT)

LEGEND

- ⊗ UTILITY / SERVICE POLE
- ⊕ WATER LINE VALVE
- ⊙ FIRE HYDRANT
- ⊖ D.I. (DROP INLET - STORM)
- ⊕ MANHOLE (STORM)
- ⊕ MANHOLE (ELECTRIC)
- ⊕ MANHOLE (TRAFFIC)
- ⊕ MANHOLE (SANITARY)
- ⊕ MANHOLE (TELEPHONE)
- ⊕ GASLINE MARKER
- ⊕ GAS LINE VALVE
- ⊕ LIGHT STANDARD
- ⊕ SIGN
- H.C. HANDICAP
- R.O.W. RIGHT OF WAY
- CONC. CONCRETE
- INV. INVERT
- M.H. MANHOLE
- GAS LINE
- WATER LINE
- TELEPHONE LINE
- ELECTRIC LINE
- UTILITY LINES
- CABLE LINES
- D. DEED
- M. MEASURED
- L. LIBER
- P. PAGE

INSTRUMENT(S) UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: Head of Search, Libr: 1181 Deeds Page 8186  
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED IN SAID ABSTRACT.  
NOTE: PROPERTY CORNER MOVEMENTS WERE NOT PLACED AS PART OF THIS SURVEY.

THIS SURVEY MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT STANDARDS FOR LAND SURVEYING ADOPTED BY THE BAR ASSOCIATION OF THE COUNTY AT THE REQUEST OF Newman Properties, Inc.

*Christopher J. Barr*  
CHRISTOPHER J. BARR NYS PLS No. 051068

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**TRUE NORTH LAND SURVEYING, PLLC**  
150 AERO DRIVE  
BUFFALO, NEW YORK 14225  
(716)631-5140 ~ Truenorthpllc@aol.com

AMEND: "A"  
SURVEY DATE: 5-8-23  
DRAWING DATE: 5-18-23  
SCALE: 1" = 100'  
"ALL RIGHTS RESERVED"  
THIS MAP VOID UNLESS EMBOSSED SURVEYOR'S SEAL, ALTERING ANY ITEM ON THIS MAP IS A VIOLATION OF THE LAW EXCEPT AS PROVIDED IN SECTION 7209, PART 2, OF THE NEW YORK STATE EDUCATION LAW.

PART OF LOT 98&99 SECTION \_\_\_\_\_ TOWNSHIP \_\_\_\_\_ RANGE \_\_\_\_\_ OF THE:  
Niagara River Reservation SURVEY - Erie COUNTY, N.Y.  
SURVEY OF: 3679 & 3701 River Road, Town of Tonawanda

SBL No. 64.12-1-15.113&10.111

**Brownfield Cleanup Program Application**  
***3701 River Road Site***

---

**ATTACHMENT 2**

**Historic Aerials**



**3679 River Road**

3679 River Road

Tonawanda, NY 14150

Inquiry Number: 7522356.8

December 15, 2023

## The EDR Aerial Photo Decade Package



6 Armstrong Road, 4th floor  
Shelton, CT 06484  
Toll Free: 800.352.0050  
[www.edrnet.com](http://www.edrnet.com)

**Site Name:**

3679 River Road  
 3679 River Road  
 Tonawanda, NY 14150  
 EDR Inquiry # 7522356.8

**Client Name:**

Roux Associates Inc.  
 2558 Hamburg Turnpike Suite 300  
 Buffalo, NY 14218  
 Contact: Nick Suraci



Environmental Data Resources, Inc. (EDR) Aerial Photo Decade Package is a screening tool designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDR's professional researchers provide digitally reproduced historical aerial photographs, and when available, provide one photo per decade.

**Search Results:**

<u>Year</u>	<u>Scale</u>	<u>Details</u>	<u>Source</u>
2019	1"=500'	Flight Year: 2019	USDA/NAIP
2015	1"=500'	Flight Year: 2015	USDA/NAIP
2011	1"=500'	Flight Year: 2011	USDA/NAIP
2008	1"=500'	Flight Year: 2008	USDA/NAIP
1995	1"=500'	Acquisition Date: March 28, 1995	USGS/DOQQ
1985	1"=500'	Flight Date: May 03, 1985	USDA
1983	1"=500'	Flight Date: March 17, 1983	USDA
1978	1"=500'	Flight Date: October 31, 1978	USDA
1970	1"=500'	Flight Date: June 23, 1970	USGS
1966	1"=500'	Flight Date: June 12, 1966	USDA
1962	1"=500'	Flight Date: November 26, 1962	USGS
1959	1"=500'	Flight Date: May 08, 1959	USDA
1951	1"=500'	Flight Date: October 14, 1951	USDA
1938	1"=500'	Flight Date: August 03, 1938	USDA

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INQUIRY #: 7522356.8

YEAR: 2019

— = 500'





INQUIRY #: 7522356.8

YEAR: 2015

— = 500'





INQUIRY #: 7522356.8

YEAR: 2011

— = 500'





INQUIRY #: 7522356.8

YEAR: 2008

— = 500'





INQUIRY #: 7522356.8

YEAR: 1995

— = 500'



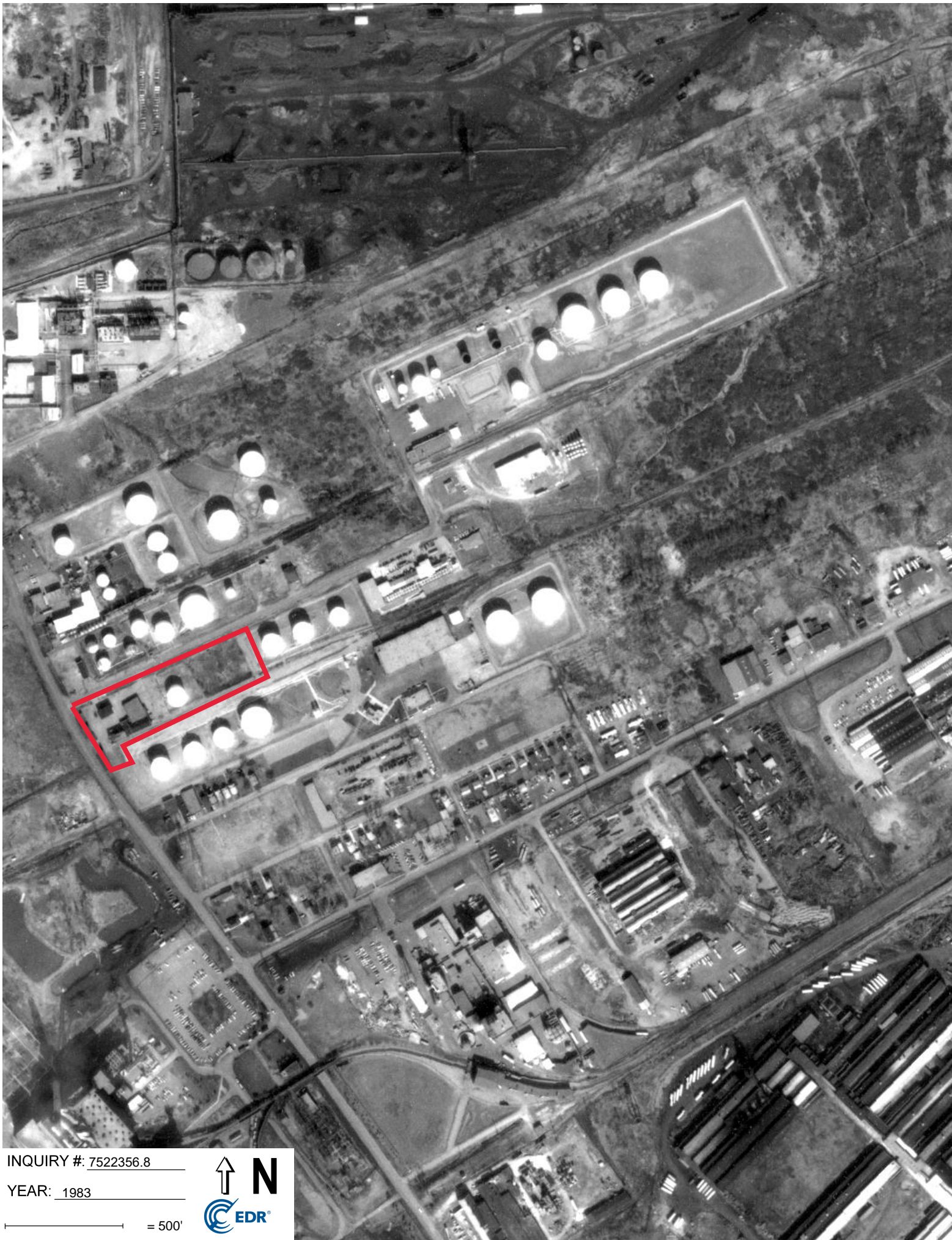


INQUIRY #: 7522356.8

YEAR: 1985

— = 500'





INQUIRY #: 7522356.8

YEAR: 1983

— = 500'





INQUIRY #: 7522356.8

YEAR: 1978

— = 500'





INQUIRY #: 7522356.8

YEAR: 1970

— = 500'





INQUIRY #: 7522356.8

YEAR: 1966

— = 500'



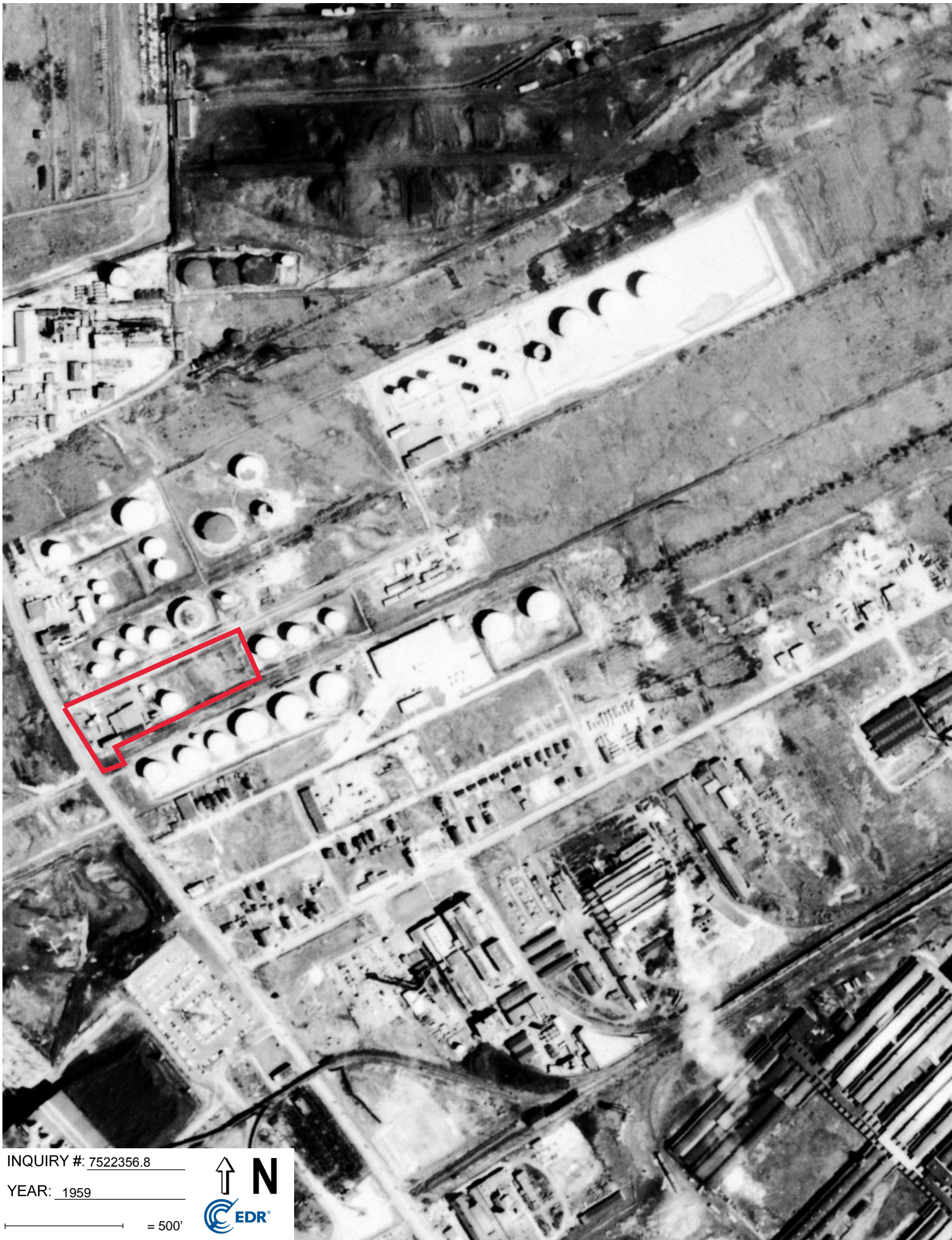


INQUIRY #: 7522356.8

YEAR: 1962

— = 500'





INQUIRY #: 7522356.8

YEAR: 1959

— = 500'





INQUIRY #: 7522356.8

YEAR: 1951

— = 500'





INQUIRY #: 7522356.8

YEAR: 1938

— = 500'



**Brownfield Cleanup Program Application**  
***3701 River Road Site***

---

**ATTACHMENT 3**

**Photolog**

## SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photo 1: View of Grossly Contaminated Material (GCM) typical across the Site with impacted groundwater..

Photo 2: View of GCM typical across the Site.

Photo 3: View of suspect product piping.

Photo 4: View of suspect product piping.

**3701 River Road Site**

Photo Date: August 13 & 14, 2024

**ROUX**

## SITE PHOTOGRAPHS

Photo 5:



Photo 6:



Photo 7:



Photo 8:



Photo 5: View of TP-13, UST encountered.

Photo 6: View of the uncovering of the UST.

Photo 7: View of the UST top.

Photo 8: View of GCM and former railbed.

**3701 River Road Site**

Photo Date: August 13 & 14, 2024

**ROUX**

**Summary of Green Remediation Metrics for Remedial Activities**

**Summary of Green Remediation Metrics for Remedial Activities**

Site Name: \_\_\_\_\_ Site Code: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_  
 State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ County: \_\_\_\_\_

**Start Date of Remedial Activities**

Start Date: \_\_\_\_\_

**Current Reporting Period**

Reporting Period From: \_\_\_\_\_ To: \_\_\_\_\_

**Contact Information**

Preparer's Name: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
 Preparer's Affiliation: \_\_\_\_\_

**I. Energy Usage:** Quantify the amount of energy used directly on-site and the portion of that derived from renewable energy sources.

	<b>Current Reporting Period</b>	<b>Total to Date</b>
Fuel Type 1 (e.g. natural gas (cf))		
Fuel Type 2 (e.g. fuel oil, propane (gals))		
Electricity (kWh)		
<b>Of that Electric usage, provide quantity:</b>		
Derived from renewable sources (e.g. solar, wind)		
<b>Other energy sources</b> (e.g. geothermal, solar thermal (Btu))		

*Provide a description of all energy usage reduction programs for the site in the space provided on Page 3.*

**II. Solid Waste Generation:** Quantify the management of solid waste generated on-site.

	<b>Current Reporting Period (tons)</b>	<b>Total to Date (tons)</b>
<b>Total waste generated on-site</b>		
OM&M generated waste		
<b>Of that total amount, provide quantity:</b>		
Transported off-site to landfills		
Transported off-site to other disposal facilities		
Transported off-site for recycling/reuse		
Reused on-site		

*Provide a description of any implemented waste reduction programs for the site in the space provided on Page 3.*

**III. Transportation/Shipping:** Quantify the distances travelled for delivery of supplies and lab-supplied bottles, shipping of laboratory samples, and the removal of waste.

	<b>Current Reporting Period (miles)</b>	<b>Total to Date (miles)</b>
Standby Engineer/Contractor		
Laboratory Courier/Delivery Service (bottle and sample delivery)		
Waste Removal/Hauling		

*Provide a description of all mileage reduction programs for the site in the space provided on Page 3. Include specifically any local vendor/services utilized that are within 50 miles of the site.*

**IV. Water Usage:** Quantify the volume of water used on-site from various sources.

	<b>Current Reporting Period (gallons)</b>	<b>Total to Date (gallons)</b>
Total quantity of water used on-site (not including treated water)		
<b>Of that total amount, provide quantity:</b>		
Public potable water supply usage		
Surface water usage		
On-site groundwater usage		
Collected or diverted storm water usage		

*Provide a description of any implemented water consumption reduction programs for the site in the space provided on Page 3.*

**V. Land Use and Ecosystems:** Quantify the amount of land and/or ecosystems disturbed and the area of land and/or ecosystems restored to a pre-development condition (i.e. Green Infrastructure).

	<b>Current Reporting Period (acres)</b>	<b>Total to Date (acres)</b>
Land disturbed		
Land restored		

*Provide a description of any implemented land restoration/green infrastructure programs for the site in the space provided on Page 3.*

<b>Description of green remediation programs reported above</b> (Attach additional sheets if needed)
Energy Usage:
Waste Generation:
Transportation/Shipping:
Water usage:
Land Use and Ecosystems:
Recommendations/Other:

<b>CERTIFICATION</b>
I, _____ (Name) do hereby certify that I am _____ (Title) of _____ (Company Name), which is responsible for the work documented on this form. According to my knowledge and belief, all of the information provided in this form is accurate and the site management program complies with the DER-10, DER-31, and CP-49 policies.
_____
<b>Date</b> <span style="float: right;"><b>Signature</b></span>

**Fish and Wildlife Resources Impact Analysis Decision Key**

<b>Appendix 3C Fish and Wildlife Resources Impact Analysis Decision Key</b>		If YES Go to:	If NO Go to:
1.	Is the site or area of concern a discharge or spill event?	13	2
2.	Is the site or area of concern a point source of contamination to the groundwater which will be prevented from discharging to surface water? Soil contamination is not widespread, or if widespread, is confined under buildings and paved areas.	13	3
3.	Is the site and all adjacent property a developed area with buildings, paved surfaces and little or no vegetation?	4	9
4.	Does the site contain habitat of an endangered, threatened or special concern species?	Section 3.10.1	5
5.	Has the contamination gone off-site?	6	14
6.	Is there any discharge or erosion of contamination to surface water or the potential for discharge or erosion of contamination?	7	14
7.	Are the site contaminants PCBs, pesticides or other persistent, bioaccumulable substances?	Section 3.10.1	8
8.	Does contamination exist at concentrations that could exceed ecological impact SCGs or be toxic to aquatic life if discharged to surface water?	Section 3.10.1	14
9.	Does the site or any adjacent or downgradient property contain any of the following resources? i. Any endangered, threatened or special concern species or rare plants or their habitat ii. Any DEC designated significant habitats or rare NYS Ecological Communities iii. Tidal or freshwater wetlands iv. Stream, creek or river v. Pond, lake, lagoon vi. Drainage ditch or channel vii. Other surface water feature viii. Other marine or freshwater habitat ix. Forest x. Grassland or grassy field xi. Parkland or woodland xii. Shrubby area xiii. Urban wildlife habitat xiv. Other terrestrial habitat	11	10
10.	Is the lack of resources due to the contamination?	3.10.1	14
11.	Is the contamination a localized source which has not migrated and will not migrate from the source to impact any on-site or off-site resources?	14	12
12.	Does the site have widespread surface soil contamination that is not confined under and around buildings or paved areas?	Section 3.10.1	12
13.	Does the contamination at the site or area of concern have the potential to migrate to, erode into or otherwise impact any on-site or off-site habitat of endangered, threatened or special concern species or other fish and wildlife resource? (See #9 for list of potential resources. Contact DEC for information regarding endangered species.)	Section 3.10.1	14
14.	No Fish and Wildlife Resources Impact Analysis needed.		

**Brownfield Cleanup Program Application**  
***3701 River Road Site***

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**ATTACHMENT 6**

**Previous Owners**

**Owner**

NOCO ENERGY CORP

NOCO BLACK DIRT PROPERTIES LLC

**Book Page / Date**

11131 8336 \*07/13/2007\*

11251 9920 \*08/26/2013\*

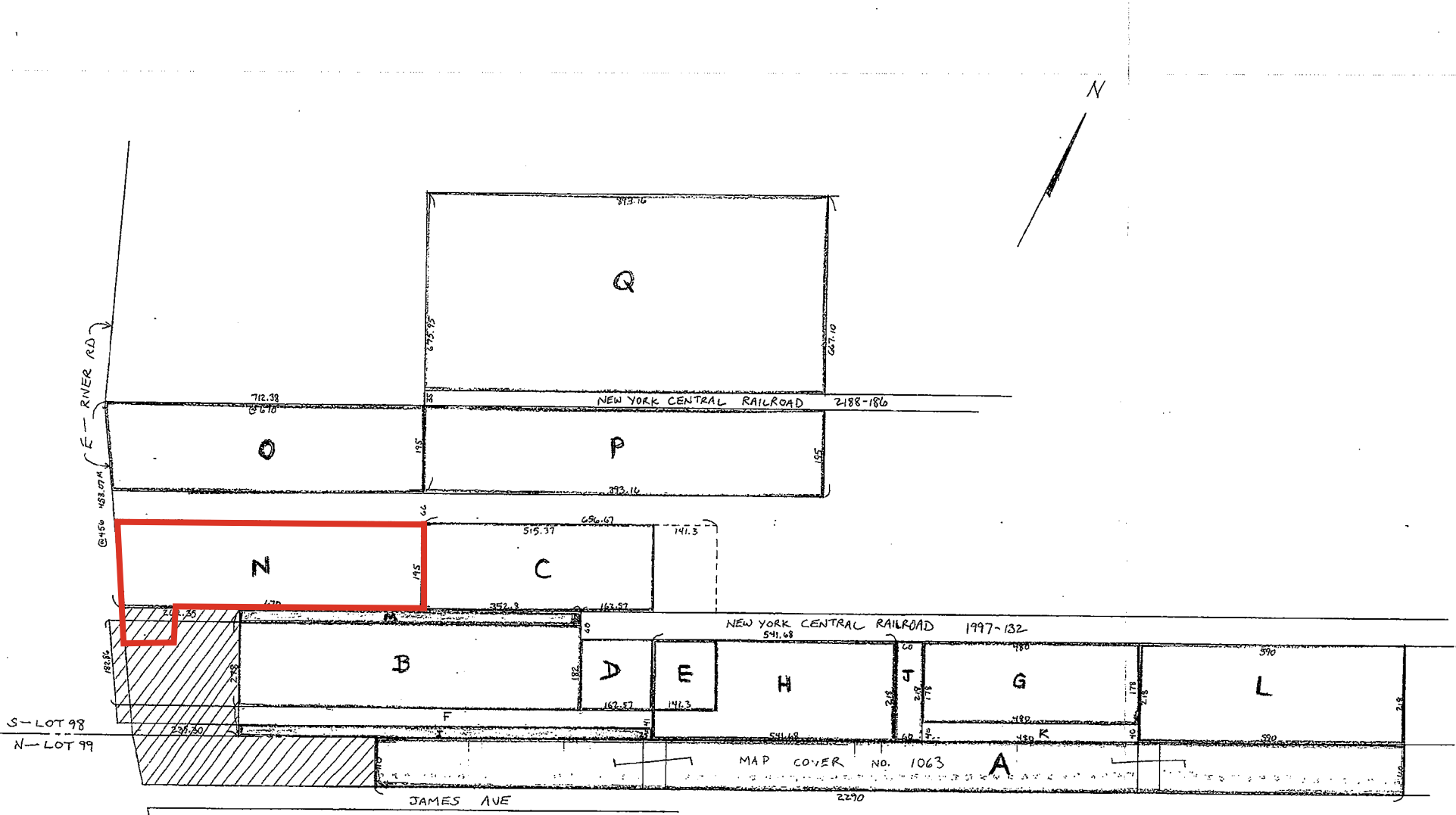
[Back to Property Information](#)

**Brownfield Cleanup Program Application**  
***3701 River Road Site***

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**ATTACHMENT 7**

**2001 Title Search Parcel Map**



**Brownfield Cleanup Program Application**  
***3701 River Road Site***

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**ATTACHMENT 8**

**Title Search**

# Monroe Title Insurance Corporation

MONROE BUILDING  
130 PEARL STREET  
BUFFALO, NEW YORK 14202  
**GUARANTEED TAX SEARCH**

ABST. NO. 290478A

ORDER NO. 290478A

CITY/TOWN	STREET ADDRESS	PROPERTY DESCRIPTION	SIZE	SCHOOL DISTRICT
TONAWANDA	3701 RIVER RD.	PARTS OF LOTS 98 & 99	18.80 ACRES	KENMORE
Assessed To: <b>NOCO ENERGY CORP.</b>				

MONROE TITLE INSURANCE CORPORATION, a corporation duly incorporated under the laws of the State of New York, for a valuable consideration to it paid, hereby certifies and guarantees to the record owners of an interest in or a specific lien upon the premises above described, that there are no COUNTY TAXES or TAX SALES, now a lien against the real estate described on the tax rolls as above, now payable, except as follows:

**INFORMATION PURPOSES ONLY**

TAX ACCOUNT NO.      **64.12-1-15.1**  
Property Class        **449**  
Assessed Value       **\$260,000.00**  
Roll Year                **2001**

DESCRIPTION OF TAX OR ASSESSMENT	AMOUNT	REMARKS
<p>NO SEARCH INCLUDED FOR CITY, VILLAGE OR SCHOOL TAXES OR ANY LOCAL ASSESSMENTS.</p> <p>THIS SEARCH DOES NOT COVER ANY APPLICABLE COUNTY OR CITY WATER CHARGES, ETC.</p> <p>PURSUANT TO NEW YORK REAL PROPERTY TAX LAW SECTIONS 302 AND 520, THE REAL ESTATE TAX LIABILITY MAY BE AFFECTED UPON TRANSFER OF TITLE, IF PREMISES HAVE PARTIAL OR FULL EXEMPTION.</p>		

DATED: AUGUST 31, 2001

**MONROE TITLE INSURANCE CORPORATION**

By *John P. Fedorowicz*  
**Authorized Officer**

# Monroe Title Insurance Corporation

MONROE BUILDING  
130 PEARL STREET  
BUFFALO, NEW YORK 14202

## GUARANTEED TAX SEARCH

ABST. NO. 290478A

ORDER NO. 290478A

CITY/TOWN	STREET ADDRESS	PROPERTY DESCRIPTION	SIZE	SCHOOL DISTRICT
TONAWANDA	3679 RIVER RD.	PART OF LOTS 98 & 99	22.02 ACRES	KENMORE
Assessed To: NOCO ENERGY CORP.				

MONROE TITLE INSURANCE CORPORATION, a corporation duly incorporated under the laws of the State of New York, for a valuable consideration to it paid, hereby certifies and guarantees to the record owners of an interest in or a specific lien upon the premises above described, that there are no COUNTY TAXES or TAX SALES, now a lien against the real estate described on the tax rolls as above, now payable, except as follows:

**INFORMATION PURPOSES ONLY**

TAX ACCOUNT NO.      64.12-1-10.111  
 Property Class        449  
 Assessed Value       \$551,000.00  
 Roll Year                2001

DESCRIPTION OF TAX OR ASSESSMENT	AMOUNT	REMARKS
NO SEARCH INCLUDED FOR CITY, VILLAGE OR SCHOOL TAXES OR ANY LOCAL ASSESSMENTS.  THIS SEARCH DOES NOT COVER ANY APPLICABLE COUNTY OR CITY WATER CHARGES, ETC.  PURSUANT TO NEW YORK REAL PROPERTY TAX LAW SECTIONS 302 AND 520, THE REAL ESTATE TAX LIABILITY MAY BE AFFECTED UPON TRANSFER OF TITLE, IF PREMISES HAVE PARTIAL OR FULL EXEMPTION.		

DATED: AUGUST 31, 2001

MONROE TITLE INSURANCE CORPORATION

By John P. Federman  
 Authorized Officer

1. ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Tonawanda, County of Erie and State of New York, being part of Lot No. 99 of the Niagara River Reservation and further distinguished as Subdivision Lots Nos. 17 to 89 inclusive and that part of Irving Place and Wickwire Place lying north of James Avenue as shown on a map filed in Erie County Clerk's Office under Cover No. 1063 and part of Lot No. 98 of the Niagara River Reservation, together being bounded and described as follows:

BEGINNING at a point in the easterly line of River Road at the southwest corner of lands conveyed to Beacon Oil Company by deed recorded in Erie County Clerk's Office in Liber 1912 of Deeds at page 464; running thence easterly along the southerly line of said lands parallel to and 278 feet northerly from the south line of Lot No. 98, 262.35 feet to the northeast corner of lands conveyed to 3679 River Road, Inc. by deed recorded in Liber 10910 of Deeds at page 4062; thence southerly at right angles and along the easterly line of said 3679 River Road, Inc.'s lands 278 feet to the south line of Lot No. 98; thence easterly along the south line of Lot No. 98, 304.70 feet to the northwest corner of Subdivision Lot No. 17 as shown on a map filed under Cover No. 1063; thence southerly along the westerly line of Subdivision Lot No. 17, 110 feet to the north line of James Avenue; thence easterly along the north line of James Avenue 2290 feet to the southeast corner of Subdivision Lot No. 89, Cover No. 1063; thence northerly along the easterly line of Subdivision Lot No. 89 and its extension northerly 328 feet to a point in the southerly line of lands conveyed to New York Central Railroad Company by deed recorded in Liber 1997 of Deeds at page 132; thence westerly parallel with the south line of Lot No. 98 and along the southerly line of said Railroad Company's lands 1834.25 feet to the southwest corner thereof; thence northerly along the westerly line of said Railroad Company's lands 60 feet to the northwest corner thereof; thence easterly along the northerly line of said Railroad Company's lands 162.57 feet; thence northerly at right angles 195 feet; thence westerly at right angles 1204.35 feet to a point in the easterly line of River Road; thence southerly along the easterly line of River Road 195.87 feet to the point or place of beginning.

ALSO Town of Tonawanda being part of Lot No. 98 of the Niagara River Reservation, bounded and described as follows:

BEGINNING at a point in the easterly line of River Road at the northwest corner of lands conveyed to Beacon Oil Company by deed recorded in Liber 1912 of Deeds at page 464; running thence easterly along the northerly line of said lands 670 feet more or less record, 712.38 feet measured to a point in the westerly line of lands conveyed to Shell Eastern Petroleum Products, Incorporated by deed recorded in Liber 2111 of Deeds at page 556; thence northerly along the westerly line of said Shell Eastern Petroleum Products

Incorporated's lands 480.95 feet to the northwest corner thereof; thence easterly along the northerly line of said Shell's lands parallel with and 282 feet southerly from the northerly line of Lot No. 98, 893.16 feet to the northeast corner thereof; thence southerly along the easterly line of said Shell's lands 667.10 feet to the southeast corner thereof; thence westerly at right angles and along the southerly line of said Shell's lands and said southerly line continued westerly 1588.56 feet to a point in the easterly line of River Road; thence northerly along the easterly line of River Road 195.91 feet to the point or place of beginning.

EXCEPTING THEREFROM those lands conveyed to New York Central Railroad Company by deed recorded in Erie County Clerk's Office in Liber 2188 of Deeds at page 186.

BOTH above Parcels together being Parcels A to Q inclusive as shown on diagram attached hereto.

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State of New York  
2. TO Letters Patent  
Philip Lendell Granted December 22 1855  
Recorded December 30 1862 in  
Liber 197 of Deeds at page 84

Conveys Parcel A et al.

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3. OF In the Matter of the Estate  
Philip Laendel Petition for Letters of Administration  
(File No. 12991) Filed May 15 1872

Recites that he died, intestate, on or about May 12 1872 leaving him surviving the following named children: Philip Laendel, Michael Laendel, Christian Laendel, Henry Laendel, Jacob Laendel, Frederick Laendel, Sarah Hoehn, wife of George Hoehn, Charlotte Rech, wife of Peter Rech, Laney Schultheis, wife of William Schultheis and Sophia Borschlegell, wife of John Borschlegell, his only heirs at law.

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4. TO Charlotte Rech and Peter  
her husband, heirs at law of  
Philip Lendell, deceased Warranty Deed  
Dated November 26 1872  
Acknowledged November 26 1872  
Recorded January 20 1873 in  
Henry Lendel Liber 314 of Deeds at page 144  
Consideration \$1,000.00

Conveys an undivided one-tenth of Parcel A et al and recites being intended to convey all interest of first parties in said premises.

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5. TO Jacob Lendell and Susan his wife,  
one of the heirs at law of Philip  
Lendell, deceased Warranty Deed  
Dated September 5 1872  
Acknowledged October 11 1872  
Recorded April 10 1873 in  
Henry Lendell Liber 314 of Deeds at page 411  
Consideration \$1,000.00

Conveys an undivided one-tenth of Parcel A et al and recites being intended to convey all interest of first parties in said premises. (Signed Lendell).

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- |   |  |   |
|---|--|---|
| 6.  | <p>Michael Lendell and Elizabeth<br/>his wife, Christian Lendell and<br/>Magdalena his wife, heirs at law<br/>of -----</p> <p style="text-align: center;">TO</p> <p>Frederick Lendell</p> <p style="text-align: center;">Conveys Parcel A, et al.</p>  | <p>Quit Claim Deed</p> <p>Dated March 5 1873<br/>Acknowledged March 8 1873<br/>Recorded May 17 1873 in</p> <p>Liber 333 of Deeds at page 134<br/>Consideration \$2,000.00</p>   |
| <hr style="border-top: 1px dashed black;"/> |  |   |
| 7.  | <p>Philip Lendell and Sophia his wife,<br/>Salome Haehm, Magdalena Schultheis<br/>and Sophia Bornschlegel, heirs at law<br/>of Philip Lendell, deceased</p> <p style="text-align: center;">TO</p> <p>Frederick Lendell</p> <p style="text-align: center;">Conveys an undivided 4/10 of Parcel A, et al.</p>  | <p>Quit Claim Deed</p> <p>Dated March 29 1873<br/>Acknowledged March 31 1873<br/>Recorded May 12 1873 in</p> <p>Liber 333 of Deeds at page 135<br/>Consideration \$4,000.00</p> |
| <hr style="border-top: 1px dashed black;"/> |  |   |
| 8.  | <p>Frederic Lendel and Catharine his wife,<br/>Henry Lendel and Maria, his wife</p> <p style="text-align: center;">TO</p> <p>Philip Lendell</p> <p style="text-align: center;">Conveys property distinguished as the northwesterly four-tenths of Lot No. 99 in the land called the<br/>Niagara River Tract as surveyed by Joseph Armin and recites being the northwesterly four-tenths of premises<br/>conveyed by No. 2 above.</p> | <p>Warranty Deed</p> <p>Dated May 1 1873<br/>Acknowledged May 1 1873<br/>Recorded May 3 1873 in</p> <p>Liber 332 of Deeds at page 377<br/>Consideration \$3,000.00</p>          |
| <hr style="border-top: 1px dashed black;"/> |  |   |
| 9.  | <p>Frederick Lendel and<br/>Catharine his wife</p> <p style="text-align: center;">TO</p> <p>Henry Lendell</p> <p style="text-align: center;">Conveys property known and distinguished as the southeasterly six-tenths of Lot No. 99 in the land<br/>called the Niagara Tract as surveyed by Joseph Armin and recites being the southeasterly six-tenths of the<br/>premises conveyed by No. 2 above.</p>                             | <p>Warranty Deed</p> <p>Dated May 1 1873<br/>Acknowledged May 1 1873<br/>Recorded May 3 1873 in</p> <p>Liber 332 of Deeds at page 376<br/>Consideration \$3,500.00</p>          |
| <hr style="border-top: 1px dashed black;"/> |  |   |



names and this has given rise to some of the mistakes in the spelling of said name of Landel, together with carelessness on the part of the scrivener of certain of said deeds in not using the correct spelling of said name; that the wife of Philip Landel above mentioned is dead and that at the time of the death of said Philip Landel he left him no widow surviving, etc.

- 
- |     |   |  |
|-----|---|--|
| 14. | Charles Rossler and Christina<br>his wife, Henry Brinkman and<br>Catherine his wife | Warranty Deed<br><br>Dated March 1 1892<br>Acknowledged March 1 1892<br>Recorded March 2 1892 in<br><br>Liber 638 of Deeds at page 516<br>Consideration \$1.00 |
|     | TO  |  |
|     | Joseph Schmidt  |  |
|     | Conveys Parcel A, et al.  |  |
- 
- |     |                 |  |
|-----|-----------------|--|
| 15. | Joseph Schmidt  | Mortgage<br><br>Dated March 1 1892<br>Acknowledged March 1 1892<br>Recorded March 2 1892 in<br><br>Liber 321 of Mortgages at page 232<br>Given to secure \$10,779.50 on Parcel A, et al.<br>(Contains release clause). |
|     | TO              |  |
|     | Charles Rossler |  |
- 
- |     |                              |  |
|-----|------------------------------|--|
| 16. | Charles Rossler              | Assignment<br><br>Dated January 20 1893<br>Acknowledged January 20 1893<br>Recorded January 20 1893 in<br><br>Liber 648 of Mortgages at page 140 |
|     | TO                           |  |
|     | Henry Brinkman               |  |
|     | Assigns last above mortgage. |  |
- 
- |     |                              |  |
|-----|------------------------------|--|
| 17. | Henry Brinkman               | Assignment<br><br>Dated April 3 1915<br>Acknowledged April 3 1915<br>Recorded April 3 1915 in<br><br>Liber 1332 of Mortgages at page 396 |
|     | TO                           |  |
|     | George Wesp                  |  |
|     | Assigns last above mortgage. |  |
-

18.	<p>Will</p> <p>OF</p> <p>Joseph Schmidt</p> <p>(File No. 19801)</p>	<p>Will</p> <p>Dated October 28 1889</p> <p>Probated June 2 1892</p> <p>Recorded in Liber 45 of Wills at page 30</p>
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Devises all his estate, real and personal to his wife, Catharine Schmidt for and during the term of her natural life or until she remarried and after her death or remarriage, devises the same to his children.

Appoints his said wife, sole executrix and authorizes her, in case she does not remarry to sell and convey his real estate and invest the proceeds, etc.

Petition for Probate of Will filed May 19 1882 recites that he died on or about May 13 1892 leaving him surviving Catharine Schmidt, his widow, of full age and several children herein named.

Letters Testamentary issued to Catherine Schmidt recorded June 2 1892 in Liber 18 of Letters at page 180.

---

19.	<p>Catherine Schmidt, individually and as executrix of the Last Will and Testament of Joseph Schmidt, deceased</p> <p>TO</p> <p>Niagara River Investment Company, Limited</p> <p>Conveys Parcel A, et al.</p>	<p>Warranty Deed</p> <p>Dated April 1 1894</p> <p>Acknowledged May 8 1894</p> <p>Recorded May 15 1894 in</p> <p>Liber 726 of Deeds at page 272</p> <p>Consideration \$70,740.00</p>
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20.	<p>In the Matter</p> <p>OF</p> <p>Niagara River Investment Company, Limited</p>	<p>Certificate of Incorporation</p> <p>Dated April 30 1892</p> <p>Recorded May 7 1892 in</p> <p>Liber 5 of Certificates of Incorporation at page 299</p>
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21.	<p>George Wesp</p> <p>TO</p> <p>Henry Shoeman</p> <p>Assigns Mortgage No. 15 above.</p>	<p>Assignment</p> <p>Dated August 1 1919</p> <p>Acknowledged August 1 1919</p> <p>Recorded September 23 1919 in</p> <p>Liber 1478 of Mortgages at page 192</p>
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- Henry Schoeman  
22. VS  
Albert Walter, Niagara River Investment Company, Ltd., Willis G. Gregory, Frank Hammond, Joseph E. Gavin, Eli H. Long, Conrad Wesp, John A. Loewer, Will T. Damon, William G. Wesp, Peter Schirra and Isaac R. Noble, constituting the Board of Directors of Niagara River Investment Company, Ltd. and as Trustees upon the dissolution of said corporation, Catherine Schmidt, individually and as executrix of the Last Will and Testament of Joseph Schmidt, deceased, Ida A. Burkhardt, Martha Schmidt, Emma Schmidt Trautman, Alice Schmidt Zimmerman Arthur A. Schmidt and Madeline his wife
- County Court Erie County  
Lis Pendens to foreclose Mortgage No. 15 above  
Filed September 26 1919  
Palmer, Houck & Wickser Attorneys
- 
- Calvin S. Crosser, Referee  
23. TO  
River Road Land Company of Buffalo, Inc.
- Referee's Deed  
Dated January 9 1920  
Acknowledged January 9 1920  
Recorded March 18 1920 in  
Liber 1451 of Deeds at page 458  
Consideration \$4,986.60  
Conveys Parcel A, et al, being on the foreclosure of Mortgage No. 15 above.
- 
- In the Matter  
24. OF  
River Road Land Company of Buffalo, Inc.
- Certificate of Incorporation  
Dated August 4 1919  
Recorded August 14 1919 in  
Liber 45 of Certificates of Incorporation at page 191
- 
- River Road Land Company of Buffalo, Inc.  
25. TO  
The Black Rock Land and Building Corporation
- Warranty Deed  
Dated April 1 1921  
Acknowledged April 16 1921  
Recorded April 19 1921 in  
Liber 1557 of Deeds at page 564  
Consideration \$1.00  
Conveys Parcel A, et al.
-

- |   |   |  |
|---|---|--|
| 26.   | <p>In the Matter<br/>OF<br/>The Black Rock Land and<br/>Building Corporation</p>                                | <p>Certificate of Incorporation<br/>Recorded March 1 1920 in<br/>Liber 47 of Certificates of<br/>Incorporation at page 27</p>  |
| <hr/>   |   |  |
| 27.   | <p>The Black Rock Land<br/>and Building Corporation<br/>TO<br/>River Road Land<br/>Company of Buffalo, Inc.</p> | <p>Mortgage<br/>Dated April 1 1921<br/>Acknowledged April 16 1921<br/>Recorded April 19 1921 in<br/>Liber 1481 of Mortgages at page 409<br/>Given to secure \$137,000.00 on Parcel A, et al. In<br/>addition to the above sum, this mortgage is given as<br/>collateral security for the payment of \$19,962.28.</p> |
| <hr/>   |   |  |
| 28.   | <p>River Road Land Company<br/>of Buffalo, Inc.<br/>TO<br/>Black Rock Land &amp;<br/>Building Corporation</p>   | <p>Release<br/>Dated April 25 1921<br/>Acknowledged April 25 1921<br/>Recorded April 27 1921 in<br/>Liber 1562 of Deeds at page 75</p>   |
| <p>Releases Subdivision Lots Nos. 50, 52 and 53 according to map filed under Cover No. 1063, et al<br/>from the lien of Mortgage No. 27 above.</p>            |   |  |
| <hr/>   |   |  |
| 29.   | <p>The Black Rock Land &amp;<br/>Building Corporation<br/>TO<br/>Vincent Kutty and<br/>Anna his wife</p>        | <p>Warranty Deed<br/>Dated April 25 1921<br/>Acknowledged April 25 1921<br/>Recorded April 25 1921 in<br/>Liber 1487 of Deeds at page 114<br/>Consideration \$1.00 and more</p>  |
| <p>Conveys Subdivision Lots Nos. 50 and 52 according to map filed under Cover No. 1063 including<br/>certain improvements to be installed by first party.</p> |   |  |
| <hr/>   |   |  |
| 30.   | <p>The Black Rock Land &amp;<br/>Building Corporation<br/>TO<br/>Steve Tomori and<br/>Roza his wife</p>         | <p>Warranty Deed<br/>Dated April 21 1921<br/>Acknowledged April 21 1921<br/>Recorded May 25 1921 in<br/>Liber 1461 of Deeds at page 604<br/>Consideration \$1.00 and more than \$100.00</p>  |

Conveys Subdivision Lot No. 53 according to map filed under Cover No. 1063, et al, including certain improvements to be installed by first party.

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31. Loretta K. Weber  
VS  
Steve Tomory and  
Roza Tomory his wife,  
Max Kaiser and County of Erie

County Court Erie County

Lis Pendens to foreclose  
certain tax sale certificates affecting  
Subdivision Lot No. 53 according to map  
filed under Cover No. 1063  
Filed January 12 1931

Recorded in Liber 96 of  
Lis Pendens at page 5

Manuel Faust  
Attorney

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32. River Road Land Company of  
Buffalo, Inc.

TO

Black Rock Land & Building  
Corporation

Release

Dated May 6 1921  
Acknowledged May 6 1921  
Recorded May 9 1921 in

Liber 1497 of Deeds at page 547

Releases Subdivision Lot No. 56 according to map filed under Cover No. 1063, et al, from the lien of Mortgage No. 27 above.

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33. The Black Rock Land  
& Building Corporation

TO

John Dali and  
Erzsi his wife

Warranty Deed

Dated April 20 1921  
Acknowledged April 20 1921  
Recorded August 15 1921 in

Liber 1563 of Deeds at page 80  
Consideration \$1.00 and more than \$100.00

Conveys Subdivision Lot No. 56 according to map filed under Cover No. 1063.

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34. John Dali and  
Erzsi his wife

TO

Paul Hvozgyn and  
Anna his wife

Warranty Deed

Dated March 17 1927  
Acknowledged March 21 1927  
Recorded April 1 1927 in

Liber 1904 of Deeds at page 562  
Consideration \$1.00

Conveys Subdivision Lot No. 56 according to map filed under Cover No. 1063.

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Paul Hvozgyn and  
Anna his wife  
35. TO  
John Eckhert  
Mortgage  
Dated March 17 1927  
Acknowledged March 21 1927  
Recorded April 1 1927 in  
Liber 2117 of Mortgages at page 140  
Given to secure \$1600.00 on Subdivision Lot No.  
56 according to map filed under Cover No. 1063.

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John Eckhert  
36. TO  
Anna M. Fischer  
Assignment  
Dated April 5 1927  
Acknowledged April 5 1927  
Recorded April 5 1927 in  
Liber 2100 of Mortgages at page 26

Assigns Mortgage No. 35 above.

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County of Erie  
37. VS  
Paul Hvozgyn and Anna his wife,  
Anna M. Fischer, Manuel Faust and  
The People of the State of New York  
County Court Erie County  
Lis Pendens to foreclose  
certain tax sale certificates  
affecting Subdivision Lot No. 56  
according to map filed under Cover  
No. 1063  
Filed April 19 1932  
George L. Grobe  
Attorney

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Charles Ulrich, Referee  
38. TO  
County of Erie  
Referee's Deed  
Dated July 6 1933  
Acknowledged July 6 1933  
Recorded July 7 1933 in  
Liber 2267 of Deeds at page 392  
Consideration \$200.00

Conveys Subdivision Lot No. 56 according to map filed under Cover No. 1063 pursuant to judgment  
in last above action.

---

County of Erie  
39. TO  
Anna Hvozgyn  
Quit Claim Deed  
Dated January 16 1940  
Acknowledged January 16 1940  
Recorded January 24 1940 in  
Liber 2953 of Deeds at page 483  
Consideration \$897.67

Conveys Subdivision Lot No. 56 according to map filed under Cover No. 1063. Recites being given and accepted pursuant to the terms of a resolution of the Board of Supervisors of the County of Erie as per Item 27 of the meeting of the said Board for February 20 1934.

---

40. Anna Hvozgyn  
TO  
Paul Hvozgyn  
Quit Claim Deed  
Dated April 23 1940  
Acknowledged April 23 1940  
Recorded April 23 1940 in  
Liber 2979 of Deeds at page 483  
Consideration \$1.00 and no more

Conveys Subdivision Lot No. 56 according to map filed under Cover No. 1063.

---

41. Paul Hvozgyn  
TO  
Anna Hvozgyn  
Quit Claim Deed  
Dated March 7 1942  
Acknowledged April 17 1942  
Recorded April 24 1942 in  
Liber 3234 of Deeds at page 469  
Consideration \$1.00 and no more

Conveys Subdivision Lot No. 56 according to map filed under Cover No. 1063.

---

42. Anna Hvozgyn  
TO  
Stella Chudzinski  
Warranty Deed  
Dated April 17 1943  
Acknowledged April 17 1943  
Recorded April 19 1943 in  
Liber 3371 of Deeds at page 51  
Consideration \$1.00 and more

Conveys Subdivision Lot No. 56 according to map filed under Cover No. 1063.

---

43. Stella Chudzinski  
TO  
Roza Horvath  
Warranty Deed  
Dated May 31 1944  
Acknowledged May 31 1944  
Recorded May 31 1944 in  
Liber 3544 of Deeds at page 249  
Consideration \$1.00 and more

Conveys Subdivision Lot No. 56 according to map filed under Cover No. 1063. Subject to mortgage recorded in Liber 3258 of Mortgages at page 63, since discharged.

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52. River Road Land Company  
of Buffalo, Inc. Release  
TO Dated August 20 1925  
Acknowledged August 20 1925  
Recorded August 21 1925 in  
Black Rock Land &  
Building Corporation Liber 1158 of Deeds at page 411  
Releases Subdivision Lot No. 87 according to map filed under Cover No. 1063 from the lien of  
Mortgage No. 27 above.

---

53. The Black Rock Land &  
Building Corporation Warranty Deed  
TO Dated August 20 1925  
Acknowledged August 20 1925  
Recorded August 20 1925 in  
Paul Jacsmanik Liber 1735 of Deeds at page 23  
Consideration \$1.00 or more  
Conveys Subdivision Lot No. 87 according to map filed under Cover No. 1063.

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54. River Road Land Company  
of Buffalo, Inc. Release  
TO Dated January 29 1926  
Acknowledged January 29 1926  
Recorded February 8 1926 in  
Black Rock Land & Building  
Corporation Liber 1849 of Deeds at page 618  
Releases Irving Place and Wickwire Place according to map filed under Cover No. 1063, et al from  
the lien of Mortgage No. 27 above.

---

55. Black Rock Land &  
Building Corporation Warranty Deed  
TO Dated January 30 1926  
Acknowledged January 30 1926  
Recorded February 9 1926 in  
Town of Tonawanda Liber 1845 of Deeds at page 232  
Consideration \$1.00 and less than \$100.00  
Conveys same premises as in Release No. 54 above. Recites said premises hereby conveyed shall be  
used as public streets and that first party has no reversionary interest in the premises herein conveyed should  
any of the streets be closed at any time in the future.

---

River Road Land & Building  
Company of Buffalo, Inc.

56. TO

Black Rock Land &  
Building Corporation

Release

Dated September 1 1926  
Acknowledged September 1 1926  
Recorded September 4 1926 in

Liber 1906 of Deeds at page 268

Releases Subdivision Lots Nos. 18 to 33 inclusive according to map filed under Cover No. 1063 from  
the lien of Mortgage No. 27 above.

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The Black Rock Land &  
Building Corporation

57. TO

Adam Galias

Warranty Deed

Dated November 1 1925  
Acknowledged November 1 1925  
Recorded November 28 1925 in

Liber 1735 of Deeds at page 45  
Consideration \$1.00

Conveys same premises as in Release No. 56 above. Subject to certain provisions conferring to release  
clause contained in Mortgage No. 27 above. Second party assumes and agrees to pay all the taxes and  
assessments. Record not signed by County Clerk.

---

Adam Galias and  
Gizella his wife

58. TO

Julian H. Weiss

Quit Claim Deed

Dated May 24 1926  
Acknowledged May 24 1926  
Recorded May 28 1926 in

Liber 1814 of Deeds at page 317  
Consideration \$1.00

Conveys same premises as in Release No. 56 above.

---

Julian H. Weiss, unmarried

59. TO

Acre Holding Corporation

Warranty Deed

Dated July 7 1926  
Acknowledged July 7 1926  
Recorded July 8 1926 in

Liber 1885 of Deeds at page 318  
Consideration \$1.00

Conveys same premises as in Release No. 56 above.

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60.	In the Matter OF Acre Holding Corporation (Case No. 4857)	Certificate of Incorporation Dated May 19 1925 Recorded May 26 1925 in Liber 67 of Certificates of Incorporation at page 493
61.	Acre Holding Corporation TO Cephas W. Stewart	Warranty Deed Dated September 2 1926 Acknowledged September 2 1926 Recorded September 13 1926 in Liber 1778 of Deeds at page 528 Consideration \$1.00 and more Conveys Subdivision Lot No. 33 according to map filed under Cover No. 1063.
62.	Cephas W. Stewart and Hattie his wife TO Walter G. Watkins	Warranty Deed Dated April 1 1927 Acknowledged April 2 1927 Recorded April 19 1927 in Liber 1915 of Deeds at page 352 Consideration \$1.00 Conveys Subdivision Lot No. 33 according to map filed under Cover No. 1063.
63.	Walter G. Watkins, unmarried TO Christine Hagner	Mortgage Dated September 19 1927 Acknowledged September 19 1927 Recorded September 21 1927 in Liber 2114 of Mortgages at page 155 Given to secure \$3,000.00 on Subdivision Lot No. 33 according to map filed under Cover No. 1063.
64.	Walter G. Watkins, unmarried TO Robert Ryder and Ella M. his wife	Warranty Deed Dated September 30 1927 Acknowledged September 30 1927 Recorded November 14 1927 in Liber 1959 of Deeds at page 252 Consideration \$1.00

Conveys Subdivision Lot No. 33 according to map filed under Cover No. 1063. Subject to a mortgage given to Christine Hagner which second parties assume and agree to pay. Also subject to paving tax and all local improvements.

---

65. Robert Ryder and  
Ella M. his wife  
TO  
Walter G. Watkins

Mortgage  
Dated September 30 1927  
Acknowledged September 30 1927  
Recorded November 14 1927 in  
Liber 2111 of Mortgages at page 390  
Given to secure \$3,000.00 on Subdivision Lot No. 33 according to map filed under Cover No. 1063.  
Recites being a purchase money mortgage.

---

66. Walter G. Watkins  
TO  
Eugene M. Whissel

Assignment  
Dated February 28 1928  
Acknowledged February 28 1928  
Recorded March 24 1928 in  
Liber 2187 of Mortgages at page 322  
Assigns Mortgage No. 65 above.

---

67. Robert Ryder and  
Ella M. his wife  
TO  
Eugene M. Whissel

Warranty Deed  
Dated September 10 1928  
Acknowledged September 10 1928  
Recorded January 7 1929 in  
Liber 2014 of Deeds at page 314  
Consideration \$1.00  
Conveys Subdivision Lot No. 33 according to map filed under Cover No. 1063.

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68. Eugene M. Whissel and  
Mary M. his wife  
TO  
Anna Brecker

Warranty Deed  
Dated August 29 1930  
Acknowledged August 29 1930  
Recorded August 30 1930 in  
Liber 2124 of Deeds at page 215  
Consideration \$1.00  
Conveys Subdivision Lot No. 33 according to map filed under Cover No. 1063. Subject to certain mortgages now on said premises.

---

- Christine Hagner  
69. VS  
Anna Brecker, Walter G. Watkins,  
Robert Ryder, Ella M. Ryder,  
Eugene M. Whissel, Henry B. Staples,  
trustee in bankruptcy of Eugene M.  
Whissel and "John Doe", said name  
being fictitious and used to describe the  
tenants of premises forming the basis  
of this action
- County Court Erie County  
Lis Pendens to foreclose  
Mortgage No. 63 above  
Filed July 29 1931  
Edward H. Wolkind  
Attorney
- 
- Alfred M. Zisser, Referee  
70. TO  
Christine Hagner
- Referee's Deed  
Dated March 17 1938  
Acknowledged March 17 1938  
Recorded March 18 1938 in  
Liber 2749 of Deeds at page 155  
Consideration \$200.00
- Conveys Subdivision Lot No. 33 according to map filed under Cover No. 1063, being on the  
foreclosure of Mortgage No. 63 above. Describes mortgage as recorded on September 21 1927 in Liber 1959  
of Mortgages at page 252.
- 
- Alfred M. Zisser, Referee  
71. TO  
Christine Hagner
- Referee's Deed  
Dated December 6 1946  
Acknowledged December 6 1946  
Recorded January 13 1947 in  
Liber 4051 of Deeds at page 117  
Consideration \$1.00 and no more
- Conveys Subdivision Lot No. 33 according to map filed under Cover No. 1063, being on the  
foreclosure of Mortgage No. 63 above. Recites being given to correct error in Deed No. 70 above.
- 
- Christine Hagner  
72. TO  
John Glowish
- Warranty Deed  
Dated December 13 1946  
Acknowledged December 13 1946  
Recorded January 13 1947 in  
Liber 4051 of Deeds at page 113  
Consideration \$1.00 and more
- Conveys Subdivision Lot No. 33 according to map filed under Cover No. 1063.
-

John Glowish  
73. TO Warranty Deed  
Albert Trouses and  
Shirley his wife  
Dated July 7 1950  
Acknowledged July 7 1950  
Recorded July 7 1950 in  
Liber 4741 of Deeds at page 225  
Consideration \$1.00 and more

Conveys Subdivision Lot No. 33 according to map filed under Cover No. 1063. Subject to mortgage recorded in Liber 3773 of Mortgages at page 435, since discharged.

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Acre Holding Corporation  
74. TO Mortgage  
River Road Land Company  
of Buffalo, Inc.  
Dated August 21 1926  
Acknowledged August 21 1926  
Recorded September 4 1926 in  
Liber 1989 of Mortgages at page 612  
Given to secure \$7,091.66 on Subdivision Lots Nos.  
18 to 32 inclusive according to map filed under  
Cover No. 1063. Contains release clause.  
Recites being a purchase money mortgage.

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River Road Land Company  
of Buffalo, Inc.  
75. TO Assignment  
M & T Trust Company  
Dated April 1 1930  
Acknowledged April 1 1930  
Recorded May 27 1930 in  
Liber 2189 of Mortgages at page 502  
Assigns last above mortgage.

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In the Matter  
76. OF Certificate  
M & T Trust Company  
Dated January 10 1933  
Recorded February 1 1933 in  
Liber 96 of Certificates of  
Incorporation at page 44

Changes name of said Trust Company of the Manufacturers and Traders Trust Company. Approval of Change of Name by Superintendent of Banks filed herewith.

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- |   |   |   |
|---|---|---|
| 77.   | <p>Loretta K. Weber</p> <p>VS</p> <p>Acre Holding Corporation, River Road Land Company of Buffalo, Inc., Henry Asmus, Sr., East Depew Land Company, Lillian M. Burke, Monetary Service Corporation, New York Telephone Company, Floyd Fellers and County of Erie</p>            | <p>County Court Erie County</p> <p>Lis Pendens to foreclose certain tax sale certificates affecting Subdivision Lots Nos. 25 to 31 inclusive according to map filed under Cover No. 1063 Filed January 17 1931</p> <p>Recorded in Liber 96 of Lis Pendens at page 31</p> <p>Manuel Faust<br/>Attorney</p> |
| <hr style="border-top: 1px dashed black;"/> |   |   |
| 78.   | <p>Loretta K. Weber</p> <p>VS</p> <p>Acre Holding Corporation, River Road Land Company of Buffalo, Inc., Henry Asmus, Sr., East Depew Land Company, Lillian M. Burke, Monetary Service Corporation, New York Telephone Company, Floyd Fellers and County of Erie and others</p> | <p>County Court Erie County</p> <p>Lis Pendens to foreclose certain tax sale certificates affecting Subdivision Lot No. 32 according to map filed under Cover No. 1063, et al. Filed January 17 1931</p> <p>Recorded in Liber 96 of Lis Pendens at page 32</p> <p>Manuel Faust<br/>Attorney</p>           |
| <hr style="border-top: 1px dashed black;"/> |   |   |
| 79.   | <p>Loretta K. Weber</p> <p>VS</p> <p>Same</p>   | <p>County Court Erie County</p> <p>Lis Pendens to foreclose certain tax sale certificates affecting Subdivision Lots Nos. 18 to 24 inclusive according to map filed under Cover No. 1063 Filed January 17 1931</p> <p>Recorded in Liber 96 of Lis Pendens at page 30</p> <p>Manuel Faust<br/>Attorney</p> |
| <hr style="border-top: 1px dashed black;"/> |   |   |
| 80.   | <p>River Road Land Company of Buffalo, Inc.</p> <p>TO</p> <p>Black Rock Land &amp; Building Corporation</p>   | <p>Release</p> <p>Dated September 1 1926<br/>Acknowledged September 1 1926<br/>Recorded September 4 1926 in<br/>Liber 1906 of Deeds at page 269</p>   |

Releases Subdivision Lots Nos. 34, 35 and 36 according to map filed under Cover No. 1063, et al  
from the lien of Mortgage No. 27 above.

---

81. Black Rock Land and Building Corporation  
TO  
Margaret Ernst

Warranty Deed  
Dated June 14 1926  
Acknowledged June 14 1926  
Recorded June 16 1926 in  
Liber 1780 of Deeds at page 120  
Consideration \$1.00 or more

Conveys Subdivision Lots Nos. 34, 35 and 36 according to map filed under Cover No. 1063, et al.

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82. Margaret Ernst  
TO  
Acre Holding Corporation

Warranty Deed  
Dated July 7 1926  
Acknowledged July 7 1926  
Recorded September 4 1926 in  
Liber 1889 of Deeds at page 125  
Consideration \$1.00

Conveys same premises as in Deed No. 81 above. Subject to provisions in Mortgage No. 27 above.

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83. Acre Holding Corporation  
TO  
River Road Land Company  
of Buffalo, Inc.

Mortgage  
Dated August 21 1926  
Acknowledged August 21 1926  
Recorded September 4 1926 in  
Liber 1989 of Mortgages at page 610  
Given to secure \$6,783.34 on same premises as in  
Deed No. 81 above. Contains release clause.  
Recites being a purchase money mortgage.

84. River Road Land Company  
of Buffalo, Inc.  
TO  
Will T. Damon

Assignment  
Dated April 1 1930  
Acknowledged April 1 1930  
Recorded May 6 1930 in  
Liber 2189 of Mortgages at page 188

Assigns Mortgage No. 83 above.

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Acre Holding Corporation  
85. TO Warranty Deed  
Frank H. Chace Dated February 25 1927  
Acknowledged February 25 1927  
Recorded February 28 1927 in  
Liber 1876 of Deeds at page 350  
Consideration \$1.00 and more

Conveys same premises as in Deed No. 81 above. Second party assumes and agrees to pay Mortgage No. 83 above, also all taxes, etc.

---

Frank H. Chace  
86. TO Mortgage  
Acre Holding Corporation Dated February 25 1927  
Acknowledged February 25 1927  
Recorded February 28 1927 in  
Liber 2050 of Mortgages at page 326  
Given to secure \$1,141.50 on same premises as in  
Deed No. 81 above. Contains release clause.  
Recites being a purchase money mortgage.

---

Acre Holding Corporation  
87. TO Assignment  
Reuben W. Wright Dated March 7 1927  
Acknowledged March 7 1927  
Recorded March 19 1927 in  
Liber 2069 of Mortgages at page 218

Assigns Mortgage No. 86 above.

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Reuben W. Wright  
88. TO Assignment  
South Shore Boulevard Dated September 4 1929  
Estates of Buffalo, Inc. Acknowledged September 4 1929  
Recorded September 4 1929 in  
Liber 2256 of Mortgages at page 340

Assigns Mortgage No. 86 above without recourse to first party.

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NOTE: We find no Assignment of Mortgage No. 86 above from South Shore Boulevard Estates of Buffalo, Inc. to John T. Bowen on record.

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- John R. Bowen  
County Court Erie County
89. VS  
Lis Pendens to foreclose  
Mortgage No. 86 above  
Filed March 20 1930
- Frank H. Chace and Anna Chace,  
his wife, Walter G. Watkins, Claud W.  
Horn and Louise M. Horn, his wife,  
Clara Robinson, Eugene M. Whissel and  
Mary Whissel, his wife, Richard W.  
Werner, Jr., J. Francis Harter and  
Edward E. Moran, Jr.  
Recorded in Liber 93 of  
Lis Pendens at page 326
- Jules J. Neifach  
Attorney
- 
- Stephen F. Burton, Referee  
Referee's Deed
90. TO  
Dated July 23 1930  
Acknowledged July 23 1930  
Recorded July 31 1930 in
- Harry Keten  
Liber 2114 of Deeds at page 570  
Consideration \$50.00
- Conveys same premises as in Mortgage No. 86 above, being on foreclosure of same.
- 
- County of Erie  
County Court Erie County
91. VS  
Lis Pendens to foreclose  
certain tax sale certificates  
affecting Subdivision Lot No. 36  
according to map filed under Cover  
No. 1063, et al.  
Filed February 19 1931
- Harry Keten and "Mary" Keten,  
his wife, whose first name is unknown  
to the plaintiff, the name "Mary" being  
fictitious and intended to describe the  
wife of Harry Keten, if married, Reuben  
W. Wright, George Chandrinos, Will T.  
Damon, W. Grant Wadhams, Manuel  
Faust, Jennie Faust, as executrix of  
the estate of John Faust, deceased,  
United Glazing Company, Inc. and  
Lillian Van Buskirk  
Recorded in Liber 96 of  
Lis Pendens at page 221
- M. Edwin Merwin  
Attorney
- 
- Charles Ulrich, Referee  
Referee's Deed
92. TO  
Dated November 27 1933  
Acknowledged December 4 1933  
Recorded December 4 1933 in
- County of Erie  
Liber 2302 of Deeds at page 406  
Consideration \$6,400.00
- Conveys Subdivision Lot No. 36 according to map filed under Cover No. 1063, et al, pursuant to  
judgment in last above action.
-

- |  |   |  |
|--|---|--|
| <p>93.</p>   | <p>The Black Rock Land &amp;<br/>Building Corporation</p> <p>TO</p> <p>Leo M. Abeles Realty<br/>Co., Inc.</p>   | <p>Warranty Deed</p> <p>Dated October 23 1925<br/>Acknowledged October 23 1925<br/>Recorded October 23 1925 in</p> <p>Liber 1844 of Deeds at page 304<br/>Consideration \$1.00</p>   |
| <p>Conveys Subdivision Lot No. 17 according to map filed under Cover No. 1063, et al. Subject to the provisions contained in Mortgage No. 27 above with reference to release of said subdivision lot, etc.</p> |   |  |
| <hr/>  |   |  |
| <p>94.</p>   | <p>In the Matter</p> <p>OF</p> <p>Leo M. Abeles Realty Co., Inc.</p> <p>(Case No. 9852)</p>   | <p>Certificate of Incorporation</p> <p>Dated July 5 1918<br/>Recorded March 26 1919 in</p> <p>Liber 43 of Certificates of<br/>Incorporation at page 602</p>                          |
| <hr/>  |   |  |
| <p>95.</p>   | <p>River Road Land Company<br/>of Buffalo, Inc.</p> <p>VS</p> <p>The Black Rock Land and<br/>Building Corporation, International<br/>Railway Company, James Doyle and<br/>John J. Berhalter, co-partners doing<br/>business as the Standard Lumber<br/>Company, George Schier, Francis<br/>Polagruto, Weed and Company and<br/>Leo M. Abeles Realty Co., Inc.</p> | <p>County Court Erie County</p> <p>Lis Pendens to foreclose<br/>Mortgage No. 27 above<br/>Filed November 17 1925</p> <p>Palmer, Garono, Houck<br/>&amp; Wickser<br/>Attorneys</p>    |
| <hr/>  |   |  |
| <p>96.</p>   | <p>Leo M. Abeles Realty Co., Inc.</p> <p>TO</p> <p>Albert W. Schaefer</p>   | <p>Warranty Deed</p> <p>Dated November 20 1925<br/>Acknowledged November 20 1925<br/>Recorded November 21 1925 in</p> <p>Liber 1845 of Deeds at page 70<br/>Consideration \$1.00</p> |
| <p>Conveys same premises as in Deed No. 93 above.</p>  |   |  |
| <hr/>  |   |  |
| <p>97.</p>   | <p>Albert W. Schaefer, unmarried</p> <p>TO</p> <p>Ernest Marschner</p>  | <p>Warranty Deed</p> <p>Dated March 1 1926<br/>Acknowledged March 1 1926<br/>Recorded March 10 1926 in</p> <p>Liber 1859 of Deeds at page 400<br/>Consideration \$1.00</p>           |

Conveys same premises as in Deed No. 93 above. Subject to the provisions in Mortgage No. 27 above. Also subject to taxes.

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	Ernest Marschner and Agnes E. his wife	Warranty Deed
98.	TO	Dated March 18 1926 Acknowledged March 18 1926 Recorded March 23 1926 in
	River Road Home Builders, Inc.	Liber 1860 of Deeds at page 98 Consideration \$1.00 and more

Conveys same premises as in Deed No. 93 above. Subject to the provisions in Mortgage No. 27 above. Also subject to taxes.

---

	In the Matter	Certificate of Incorporation
99.	OF	Dated January 28 1926 Recorded February 6 1926 in
	River Road Home Builders, Inc.  (Case No. 14878)	Liber 72 of Certificates of Incorporation at page 362

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	River Road Home Builders, Inc.	Warranty Deed
100.	TO	Dated July 7 1926 Acknowledged July 7 1926 Recorded July 8 1926 in
	Irving M. Weiss	Liber 1778 of Deeds at page 349 Consideration \$1.00

Conveys same premises as in Deed No. 93 above.

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	The Black Rock Land and Building Corporation	Warranty Deed
101.	TO	Dated June 16 1926 Acknowledged June 16 1926 Recorded June 16 1926 in
	John Campondonico	Liber 1780 of Deeds at page 119 Consideration \$1.00

Conveys Subdivision Lots Nos. 44 to 49 inclusive and Subdivision Lots Nos. 57 to 67 inclusive according to map filed under Cover No. 1063, et al.

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- Calvin S. Crosser, Referee  
102. TO  
River Road Land Company  
of Buffalo, Inc.
- Referee's Deed  
Dated May 6 1927  
Acknowledged May 11 1927  
Recorded May 24 1927 in  
Liber 1950 of Deeds at page 46  
Consideration \$76,000.00
- Conveys Parcel A, et al. Excepting Subdivision Lots Nos. 18 to 36 inclusive, 50, 52, 53, 55, 56, 74,  
84, 87 according to map filed under Cover No. 1063, et al. Also excepting and reserving same as in Mortgage  
No. 27 above, being on the foreclosure of said mortgage.
- 
- River Road Land  
Company of Buffalo, Inc.  
103. TO  
John Williams
- Warranty Deed  
Dated April 16 1928  
Acknowledged April 16 1928  
Recorded April 17 1928 in  
Liber 1977 of Deeds at page 515  
Consideration \$1.00
- Conveys Subdivision Lots Nos. 75 and 76 according to map filed under Cover No. 1063.
- 
- River Road Land Company  
of Buffalo, Inc.  
104. TO  
Kinsey Realty Company
- Warranty Deed  
Dated November 26 1929  
Acknowledged November 26 1929  
Recorded November 29 1929 in  
Liber 2063 of Deeds at page 494  
Consideration \$1.00
- Conveys Subdivision Lot No. 54 according to map filed under Cover No. 1063.
- 
- In the Matter  
105. OF  
Kinsey Realty Company
- Certificate of Incorporation  
Dated February 18 1907  
Recorded March 1 1907 in  
Liber 21 of Certificates of  
Incorporation at page 533
-

Kinsey Realty Company  
106. TO General Assignment  
John F. Connelly Dated May 9 1932  
Acknowledged May 9 1932  
Recorded May 9 1932 in  
Liber 2183 of Deeds at page 418

Assigns all its effects for the benefit of creditors.

---

River Road Land Company  
107. TO Quit Claim Deed  
of Buffalo, Inc. Dated April 1 1930  
Acknowledged April 30 1930  
Recorded May 8 1930 in  
William K. Minor Liber 2112 of Deeds at page 45  
Consideration \$1.00

Conveys Subdivision Lot No. 73 according to map filed under Cover No. 1063, et al. Subject to the  
lien of all and every tax or assessment upon or against the same.

---

108. OF Will  
William K. Minor Dated September 18 1939  
Probated October 20 1944  
(File No. 146670) Recorded in Liber 138 of  
Wills at page 69

Directs payment of all just debts and funeral expenses be paid. Devises to his wife, Ida I. Minor the  
use of all the residue of his estate, whether real, personal or mixed, wherever situate for and during the term  
of her natural life with full power to use and consume so much of the same as in her sole discretion; she may  
deem necessary. Whatever may remain of his residuary estate unconsumed upon the death of his wife, he  
devises 20 per cent thereof unto his niece, Gladys Edsall, 40 per cent thereof to his nephew, Howard Houser  
and the remainder unto his nephew, Gaius Houser.

Makes provisions in case his wife should predecease him.

Appoints Ida I. Minor, executrix, with full power, etc.

Petition for Probate of Will filed October 20 1944 recites decedent died on or about March 18 1944  
leaving him surviving his widow Ida I. Minor, Gladys Edsall, niece, Howard Houser, nephew, Gaius Houser,  
nephew, Truman Minor, brother, all of full age.

Letters Testamentary issued to Ida I. Minor, October 20 1944 recorded in Liber 114 of Letters at page 455.

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109. River Road Land Company of Buffalo, Inc. TO George H. Rusbridge

Quit Claim Deed

Dated April 1 1930  
Acknowledged April 30 1930  
Recorded May 9 1930 in  
Liber 2112 of Deeds at page 47  
Consideration \$1.00

Conveys Subdivision Lots Nos. 88 and 89 according to map filed under Cover No. 1063, et al.  
Subject to same as in Deed No. 107 above.

---

110. River Road Land Company of Buffalo, Inc. TO Idelle M. Wells

Quit Claim Deed

Dated April 1 1930  
Acknowledged April 30 1930  
Recorded May 31 1930 in  
Liber 2112 of Deeds at page 62  
Consideration \$1.00

Conveys Subdivision Lots Nos. 48, 49 and 72 according to map filed under Cover No. 1063. Subject to same as in Deed No. 107 above.

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111. In the Matter OF River Road Land Company of Buffalo, Inc.

Certificate of Dissolution

Dated December 23 1930  
Filed December 26 1930

Certifies that said corporation is dissolved.

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112. County of Erie VS River Road Land Company of Buffalo, Inc., Jennie Faust, as executrix of the estate of John Faust, deceased and Manuel Faust

County Court Erie County

Lis Pendens to foreclose certain tax sale certificates affecting Subdivision Lots Nos. 37 to 47 inclusive, 51, 57, 58, 59, 60, 61, 63, 64 to 71 inclusive, 77 to 83 inclusive, 85 and 86 according to map filed under Cover No. 1063, et al.  
Filed February 19 1931

Recorded in Liber 96 of Lis Pendens at page 223

M. Edwin Merwin - Attorney

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Charles Ulrich, Referee  
113. TO  
Robert Foster

Referee's Deed  
Dated August 15 1931  
Acknowledged August 17 1931  
Recorded August 19 1931 in  
Liber 2177 of Deeds at page 255  
Consideration \$42.00

Conveys Subdivision Lots Nos. 57 and 58 according to map filed under Cover No. 1063, pursuant to judgment in last above action.

---

Charles Ulrich, Referee  
114. TO  
County of Erie

Referee's Deed  
Dated January 22 1932  
Acknowledged January 22 1932  
Recorded February 5 1932 in  
Liber 2186 of Deeds at page 535  
Consideration \$790.00

Conveys Subdivision Lots Nos. 37 to 47 inclusive, 51, Subdivision Lots Nos. 59 to 61 inclusive, 63 to 71 inclusive, 77 to 83 inclusive and Subdivision Lots Nos. 85 and 86 according to map filed under Cover No. 1063, et al, pursuant to the judgment in Action No. 112 above.

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River Road Land  
Company of Buffalo, Inc.  
115. TO  
J. S. Fanning

Quit Claim Deed  
Dated April 1 1930  
Acknowledged April 30 1930  
Recorded May 19 1930 in  
Liber 2112 of Deeds at page 55  
Consideration \$1.00

Conveys Subdivision Lot No. 62 according to map filed under Cover No. 1063, et al. Subject to the lien of all and every tax or assessment upon or against the same.

---

County of Erie

County Court Erie County

116. VS

J. S. Fanning, whose first name is unknown to the plaintiff, the party intended being the grantee in a certain deed recorded in Erie County Clerk's Office in Liber 2112 of Deeds at page 55 and "Mary" Fanning, his wife, whose first name is unknown to the plaintiff, the name "Mary" being fictitious and intended to describe the wife J. S. Fanning, if married, Jennie Faust, as executrix of the estate of John Faust, deceased and Manuel Faust

Lis Pendens to foreclose certain tax sale certificates affecting Subdivision Lot No. 62 according to map filed under Cover No. 1063, et al. Filed February 19 1931

Recorded in Liber 96 of Lis Pendens at page 214

M. Edwin Merwin  
Attorney

Charles Ulrich, County  
Treasurer and Referee

Referee's Deed

117. TO

County of Erie

Dated January 22 1932  
Acknowledged January 22 1932  
Recorded February 5 1932 in

Liber 2187 of Deeds at page 247  
Consideration \$105.00

Conveys Subdivision Lot No. 62 according to map filed under Cover No. 1063, et al, pursuant to judgment in last above action.

In the Matter

County Court Erie County

118. OF

Foreclosure of tax liens by the County of Erie pursuant to the In Rem provisions of the Erie County Tax Act and the resolution of the Board of Supervisors as shown by Item 36, page 397 of the Minutes of the Proceedings of the said Board for the Year 1943 affecting real property located in the Town of Tonawanda

Affects: Subdivision Lots Nos. 17 to 32 inclusive, 34, 35, Subdivision Lots Nos. 48 to 50 inclusive, 52 to 55 inclusive, 57, 58, 72 to 76 inclusive, 84 and 87 to 89 inclusive according to map filed under Cover No. 1063, et al.

Filed March 30 1944

Ralph A. Lehr - Attorney

(In Rem Action No. 41,  
Serial Nos. 31 to 66 inclusive)

Frank A. Slade, County  
Treasurer and Referee

119. TO

County of Erie

Referee's Deed

Dated October 4 1944  
Acknowledged October 4 1944  
Recorded October 5 1944 in

Liber 3610 of Deeds at page 271  
Consideration \$803.00

Conveys same premises as in In Rem Action No. 41, pursuant to judgment in last above action.

County of Erie

120. TO

Robert G. Berry and  
Artie C. Berry, his wife

Quit Claim Deed

Dated June 13 1944  
Acknowledged June 13 1944  
Recorded June 14 1944 in

Liber 3551 of Deeds at page 558  
Consideration \$300.00

Conveys Subdivision Lots Nos. 62 and 63 according to map filed under Cover No. 1063. Recites being made pursuant to the terms of a resolution of the Board of Supervisors of the County of Erie, being Item 18, page 245 of the Minutes of the Proceedings of the said Board for the Year 1944 and adopted Item No. 16 of the Minutes of the Proceedings of the said Board for June 13 1944.

Affidavit

121. OF

Robert G. Berry and  
Artie C. Berry, his wife

Affidavit

Verified December 24 1947  
Recorded December 24 1947 in

Liber 4251 of Deeds at page 338

Depose that they are now owners in fee simple of Subdivision Lots Nos. 62 and 63 according to map filed under Cover No. 1063 and that they have been in undisturbed possession of said premises and that no person has any contract for the purchase of or claim to or against said premises except as hereinafter stated and that the same are now free and clear of all encumbrances or liens of every nature or description; that they have never been married to any person now living; that there are no judgments or decrees, etc. against them unsatisfied or not cancelled of record in any of the Courts or before any officer of the United States or of New York State and no suit of proceeding is pending any where affecting said premises to their knowledge or belief and that no proceedings in bankruptcy have ever been instituted by or against them and that they have never been known by any names not stated herein, etc.

County of Erie  
Quit Claim Deed  
122. TO Dated May 15 1946  
Elmo Edwards and Acknowledged May 21 1946  
Ellamae Edwards, his wife Recorded May 27 1946 in  
Liber 3901 of Deeds at page 40  
Consideration \$150.00

Conveys Subdivision Lot No. 66 according to map filed under Cover No. 1063. Subject to easements and rights of way owned by the County of Erie and excepting that part of the above described premises conveyed to or dedicated by the County of Erie for highway and drainage purposes as appears by the records of the Clerk of the County of Erie. Recites being made pursuant to the terms of a resolution of the Board of Supervisors of the County of Erie, being Item 25 of the Minutes of the Proceedings of the said Board for May 14 1946.

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County of Erie  
Quit Claim Deed  
123. TO Dated October 7 1947  
Theodore Bridgers and Acknowledged October 7 1947  
Mary Bridgers, his wife Recorded April 19 1948 in  
Liber 4307 of Deeds at page 306  
Consideration \$150.00

Conveys Subdivision Lot No. 65 according to map filed under Cover No. 1063. Subject to same, etc. as in last above deed. Recites being made pursuant to the terms of a resolution of the Board of Supervisors of the County of Erie, being Item 17 of the Minutes of the Proceedings of the said Board for September 30 1947.

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County of Erie  
Quit Claim Deed  
124. TO Dated September 28 1948  
Robert G. Berry and Acknowledged September 28 1948  
Artie C. Berry, his wife Recorded October 5 1948 in  
Liber 4409 of Deeds at page 465  
Consideration \$100.00

Conveys Subdivision Lot No. 59 according to map filed under Cover No. 1063. Subject to same, etc. as in Deed No. 122 above. Recites being made pursuant to the terms of a resolution of the Board of Supervisors of the County of Erie, being Item 20 of the Minutes of the Proceedings of the said Board for September 30 1948.

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County of Erie  
125. TO Quit Claim Deed  
Mary C. Morgan Dated April 5 1949  
Acknowledged April 5 1949  
Recorded April 26 1949 in  
Liber 4507 of Deeds at page 171  
Consideration \$13,000.00

Conveys Subdivision Lots Nos. 17 to 32 inclusive, 34 to 55 inclusive, according to map filed under Cover No. 1063, et al. Subject to same, etc. as in Deed No. 122 above. Recites being made pursuant to the terms of resolution of the Board of Supervisors of the County of Erie, being Item 21 of the Minutes of the Proceedings of the said Board for March 29 1949.

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Mary C. Morgan  
126. TO Warranty Deed  
The Texas Company Dated August 15 1950  
Acknowledged August 15 1950  
Recorded August 15 1950 in  
Liber 4767 of Deeds at page 126  
Consideration \$1.00 and more

Conveys Subdivision Lots Nos. 17 to 32 inclusive and 34 to 55 inclusive according to map filed under Cover No. 1063.

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Albert Trowse and  
Shirley his wife  
127. TO Warranty Deed  
The Texas Company Dated October 30 1950  
Acknowledged October 30 1950  
Recorded October 31 1950 in  
Liber 4816 of Deeds at page 194  
Consideration \$1.00 and more

Conveys Subdivision Lot No. 33 according to map filed under Cover No. 1063.

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Anna Hvozgyn  
128. TO Warranty Deed  
The Texas Company Dated October 31 1950  
Acknowledged November 1 1950  
Recorded November 1 1950 in  
Liber 4817 of Deeds at page 217  
Consideration \$1.00 and more

Conveys Subdivision Lot No. 56 according to map filed under Cover No. 1063.

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County of Erie  
Quit Claim Deed  
129. TO Dated June 27 1950  
The Texas Company Acknowledged June 27 1950  
Recorded December 19 1950 in  
Liber 4845 of Deeds at page 241  
Consideration \$2,800.00

Conveys Subdivision Lots Nos. 57, 58, 60, 61, 64, 67 to 89 inclusive according to map filed under Cover No. 1063. Subject to same, etc. as in Deed No. 122 above. Recites being made pursuant to the terms of a resolution of the Board of Supervisors of the County of Erie, being Item 28 of the Minutes of the Proceedings of the said Board for June 20 1950.

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Rumsey, Reed & Kimberly, Inc.  
Assignment of Purchase Offer  
130. TO Dated December 19 1950  
The Texas Company Acknowledged December 19 1950  
Recorded December 19 1950 in  
(No search against Liber 4845 of Deeds at page 334  
first party)

First party hereby sells, transfers, sets over and assigns all of his right, title and interest under, in and to a certain purchase offer executed between the County of Erie and first party on or about June 20 1950 for the purchase of same premises as conveyed by Deed No. 129 above to second party and hereby authorizes and directs the aforesaid County of Erie to execute a deed to the aforesaid described premises to second party upon payment of the purchase price and hereby releases the aforesaid County of Erie for any liability whatsoever by reason of said conveyance.

---

Robert G. Berry and  
Artie C. his wife  
Warranty Deed  
131. TO Dated October 30 1950  
The Texas Company Acknowledged October 30 1950  
Recorded October 30 1950 in  
Liber 4815 of Deeds at page 204  
Consideration \$1.00 and more

Conveys Subdivision Lots Nos. 59, 62 and 63 according to map filed under Cover No. 1063.

---

Theodore Bridgers and  
Mary his wife  
132. TO  
The Texas Company  
Warranty Deed  
Dated October 30 1950  
Acknowledged October 30 1950  
Recorded October 30 1950 in  
Liber 4815 of Deeds at page 208  
Consideration \$1.00 and more  
Conveys Subdivision Lot No. 65 according to map filed under Cover No. 1063.

---

Elmo Edwards and  
Ellamae his wife  
133. TO  
The Texas Company  
Warranty Deed  
Dated October 31 1950  
Acknowledged October 31 1950  
Recorded October 31 1950 in  
Liber 4815 of Deeds at page 453  
Consideration \$1.00 and more  
Conveys Subdivision Lot No. 66 according to map filed under Cover No. 1063.

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The State of New York  
134. TO  
Jacob Townsend and  
Augustus Porter  
Certified Copy of Letters Patent  
Granted February 16 1833  
Recorded July 12 1928 in  
Liber 2016 of Deeds at page 220 in  
Erie County Clerk's Office  
Conveys Parcels B to Q inclusive, et al.

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Augustus Porter and  
Jane his wife  
135. TO  
Edward L. Stevenson  
Warranty Deed  
Dated January 7 1836  
Acknowledged January 13 1836  
Recorded March 28 1836 in  
Liber 33 of Deeds at page 332  
Consideration \$2,835.00  
Conveys an undivided 1/2 of Parcels B to Q inclusive, et al.

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Jacob Townsend and  
Eunice his wife  
136. TO  
Edward L. Stevenson  
Warranty Deed  
Dated January 11 1836  
Acknowledged January 11 1836  
Recorded March 28 1836 in  
Liber 33 of Deeds at page 333  
Consideration \$3,645.00  
Conveys an undivided 1/2 of Parcels B to Q inclusive, et al.

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Edward L. Stevenson  
137. TO  
Jacob Townshend

Mortgage  
Dated January 11 1836  
Acknowledged January 16 1836  
Recorded January 28 1836 in  
  
Liber 21 of Mortgages at page 155  
Given to secure \$3,145.00 on an undivided ½ of  
Parcels B to Q inclusive, et al.

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Edward L. Stevenson  
138. TO  
Augustus Porter and  
Peter B. Porter

Mortgage  
Dated January 7 1836  
Acknowledged January 13 1836  
Recorded March 24 1836 in  
  
Liber 22 of Mortgages at page 15  
Given to secure \$1,417.50 on an undivided ½ of  
Parcels B to Q inclusive, et al. Recites being a  
purchase money mortgage.

---

Edward L. Stevenson and  
Amelia his wife  
139. TO  
Robert Steele

Warranty Deed  
Dated August 14 1837  
Acknowledged August 21 1837  
Recorded March 13 1838 in  
  
Liber 49 of Deeds at page 56  
Consideration \$16,200.00

Conveys Parcels B to Q inclusive, et al. Subject to \$1,572.50 being the last installment due on a certain mortgage to the said Townsend and interest on the said last installment from the 11th day of January 1827, also subject to the payment of a certain mortgage to the said Porter for the sum of \$1,417.50 with interest on the same from the seventh day of January, 1837. Wife signs and acknowledges Amelia S. Stevenson.

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Robert Steele and  
Harriet Hester L. his wife  
140. TO  
Richard L. Allen

Mortgage  
Dated February 7 1838  
Acknowledged February 8 1838  
Recorded February 22 1838 in  
  
Liber 31 of Mortgages at page 45  
Given to secure \$3,398.00 on Parcels B to Q  
inclusive, et al. Wife signs Harriet H. Steele.  
Acknowledges Harriet H. L. Steele.

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141. Robert Steele TO Edward L. Stevenson Mortgage  
Dated August 14 1837  
Acknowledged August 14 1837  
Recorded March 13 1838 in  
Liber 31 of Mortgages at page 69  
Given to secure \$5,272.67 on Parcels B to Q  
inclusive, et al. Recites being a purchase money  
mortgage.
- 
142. Jacob Townsend VS Edward L. Stevenson, Robert Steele, Richard L. Allen and others In Chancery Eighth Circuit  
Lis Pendens to foreclose  
Mortgage No. 137 above  
Filed March 13 1839  
O. H. Marshal - Sol'r.
- 
143. Augustus Porter and Peter B. Porter VS Edward L. Stevenson, Robert Steele, Richard L. Allen and others In Chancery Eighth Circuit  
Lis Pendens to foreclose  
Mortgage No. 138 above  
Filed March 13 1839  
O. H. Marshall - Sol'r.
- 
144. Elijah Ford, Master TO George P. Stevenson Master's Deed  
Dated September 28 1839  
Acknowledged November 6 1839  
Recorded November 11 1839 in  
Liber 50 of Deeds at page 259  
Consideration \$500.00  
Conveys an undivided 1/2 of Parcels B to Q inclusive, et al, being on the foreclosure of Mortgage No.  
138 above.
- 
145. Elijah Ford, Master TO George P. Stevenson Master's Deed  
Dated September 28 1839  
Acknowledged November 6 1839  
Recorded November 16 1839 in  
Liber 50 of Deeds at page 260  
Consideration \$500.00

Conveys an undivided 1/2 of Parcels B to Q inclusive, et al, being on the foreclosure of Mortgage No. 137 above.

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146. George P. Stevenson and Ruth Ann his wife  
TO  
Solomon Hubbard

Warranty Deed  
Dated December 10 1842  
Acknowledged December 12 1842  
Recorded January 4 1843 in  
Liber 69 of Deeds at page 102  
Consideration \$4,050.00

Conveys Parcels B to Q inclusive, et al.

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147. Solomon Hubbard and Miranda N. his wife  
TO  
Frederick Lederick

Warranty Deed  
Dated November 12 1845  
Acknowledged November 12 1845  
Recorded November 17 1845 in  
Liber 82 of Deeds at page 353  
Consideration \$1,225.00

Conveys Parcel Q, et al.

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148. Solomon Hubbard  
TO  
Frederick Binderman

Warranty Deed  
Dated December 20 1845  
Acknowledged December 22 1845  
Recorded December 23 1845 in  
Liber 80 of Deeds at page 515  
Consideration \$1,190.00

Conveys Parcels B to P inclusive, et al.

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149. Frederick William Binderman and Caroline his wife  
TO  
Michael Haffner

Warranty Deed  
Dated April 2 1846  
Acknowledged April 7 1846  
Recorded May 8 1846 in  
Liber 83 of Deeds at page 407  
Consideration \$890.00

Conveys Parcels B to P inclusive, et al. Subject to mortgage recorded in Liber 54 of Mortgages at page 460, since discharged.

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Solomon Hubbard and  
Mirenda N. his wife  
150. TO  
Michael Hoffner  
Quit Claim Deed  
Dated March 21 1846  
Acknowledged March 21 1846  
Recorded April 2 1846 in  
Liber 84 of Deeds at page 343  
Consideration \$1.00  
Conveys Parcels B to P inclusive, et al.

Michael Hoffner and  
Margaret his wife  
151. TO  
Martimas Beever  
Warranty Deed  
Dated November 5 1849  
Acknowledged November 12 1849  
Recorded November 12 1849 in  
Liber 104 of Deeds at page 325  
Consideration \$2,511.00  
Conveys Parcels B to P inclusive, et al. Signed and acknowledged Hofner.

Hanna DeGlopper  
152. VS  
Michael Hoffner and Margaret  
Hoffner, his wife, the heirs-at-law  
of Michael Hoffner who is supposed to be  
dead and whose names and number are  
unknown to the plaintiff and all persons  
and owners unknown having or claiming  
any interest in the premises described in  
the complaint in this action  
Supreme Court Erie County  
Lis Pendens for the purpose among  
other things of procuring the specific  
performance by the said defendant, Michael  
Hoffner or his heirs-at-law in case of his death of a  
contract made by him with one Barbara Beever for  
the sale by him and the purchase by her of Parcels  
B to P inclusive, et al or that Deed No. 151 above  
purports to convey the same premises and be  
reformed so as to conform to the real interests and  
agreements of the said Michael Hoffner and Barbara  
Beever in relation to the sale and purchase of said  
premises by changing the name of the grantee in said  
deed named from Martimas Beever to Barbara  
Beever of same as in Deed No. 151 above.  
Filed May 6 1879  
James C. Beecher  
Attorney

Same  
153. VS  
Same  
Supreme Court Erie County  
Judgment signed and Roll  
Filed October 1 1879

Complaint recites that on or about November 5 1849 the defendant, Michael Hoffner was seized in fee simple and possessed of Parcels B to P inclusive, et al; that on the day last aforesaid the said Michael Hoffner entered into an agreement with one Barbara Beever to sell and convey to her the above lands for \$2,511.00 which sum the said Barbara Beever agreed to pay the said Michael Hoffner therefor; that

thereupon the said Michael Hoffner and Margaret Hoffner his wife executed and delivered to the said Barbara Beever a deed in writing under seal bearing date on the day last aforesaid and duly acknowledged of the aforesaid premises which deed conveyed the said premises to Martimas Beever, the former husband of the said Barbara Beever and who at that time was dead and which deed is No. 151 above; that by mutual mistake of the said parties and the scrivener whom they employed to draw said deed and by reason of the inability of the said Barbara Beever to make herself understood the said deed was made out as aforesaid and conveyed the said premises to the said Martimas Beever instead of the said Barbara Beever as it should have done; that the said Barbara Beever after the execution of the said deed and its delivery to her as aforesaid went into the possession of the said lands and paid for the same in full and remained in possession thereof down to the time of her death; that on or about May 21 1869 the said Barbara Beever died on said premises intestate and leaving this plaintiff, her daughter and sole next of kin and only heirs-at-law her surviving and that this plaintiff is now and has been ever since the death of her mother, the said Barbara Beever in the actual possession of the said premises. Judgment orders and decrees that the Deed of Conveyance No. 151 above be and the same hereby is directed to be reformed by inserting therein the name of Barbara Beever in place and instead of the name of Martimas Beever and that Anna DeGlopper who is the plaintiff in this action under the name of Hannah DeGlopper is the sole owner of and entitled to the possession of the land and premises above described.

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Anna DeGlopper	Land Contract
154. WITH	Dated April 14 1893
Michael T. McCormick	Acknowledged April 19 1893
	Recorded May 19 1893 in
	Liber 694 of Deeds at page 343

Contract for the sale of Parcels B to P inclusive, et al, the said acreage to be determined by a survey of the said premises to be made by C. F. Witmer, Surveyor and Civil Engineer of Williamsville in the County of Erie, excepting from the premises herein described those portions thereof taken by the State of New York for the Erie Canal and for the enlargement thereof and about 3 acres lying in the southwest corner thereof heretofore purchased by Hamilton Cherry and subject to the right of the public to the use of the road now running through said premises.

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155. NOTE: We find no assignment of above contract on record, but the index to grantor under McCormick shows assignment of contract Michael T. McCormick to Irvin C. McDowell in No. 154 above. We find no record of assignment of said contract.

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Irvin C. McDowell, unmarried	Quit Claim Deed
156. TO	Dated July 22 1895
Anna De Glopper	Acknowledged July 23 1895
	Recorded October 2 1895 in
	Liber 735 of Deeds at page 434
	Consideration \$1.00
Conveys Parcels B to P inclusive, et al.	

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Will	Will
157. OF	Dated September 14 1899
Anna De Glopper	Probated May 20 1902
(File No. 29759)	Recorded in Liber 62 of
	Wills at page 444

Directs her just debts and funeral expenses be paid. Gives and devises unto the following named children to wit: Martin DeGlopper, Peter DeGlopper, Leonard DeGlopper, Jacob DeGlopper and Johanna Obeck all her estate and property, both real and personal wherever the same may be situated and of whatsoever name or nature absolutely to be divided among them, share and share alike.

Appoints her sons, Peter DeGlopper and Leonard DeGlopper, executors, with full power to sell and convey any and all real estate.

Petition for Probate of Will filed May 3 1902 recites death of decedent on or about April 30 1902 leaving her surviving Johanna Obeck, Martin DeGlopper, Peter DeGlopper, Leonard DeGlopper, Jacob DeGlopper and John J. DeGlopper, children, all of full age. No husband mentioned.

Letters Testamentary issued to Peter DeGlopper and Leonard DeGlopper, May 20 1902 recorded in Liber 26 of Letters at page 97.

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In the Matter  
of the Estate

Petition for Letters of Administration

158. OF

Filed June 12 1908

Leonard DeGlopper

(File No. 30349)

Recites death of decedent intestate on or about May 6 1908 leaving him surviving Elizabeth M. DeGlopper, his widow, Anna B. Short, Fred J. DeGlopper, Hattie J. Link, John L. DeGlopper, William E. DeGlopper, children, all of full age, Elizabeth K. DeGlopper, aged 19 years and Louise S. DeGlopper, aged 17 years.

Letters of Administration issued to Elizabeth M. DeGlopper, June 12 1908 recorded in Liber 29 of Letters at page 455.

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Affidavit

Affidavit

159. OF

Verified October 21 1912  
Recorded October 26 1912 in

Elizabeth M. DeGlopper

Liber 1217 of Deeds at page 554

Deposes that at the time of his death she was the wife of Leonard DeGlopper mentioned as grantee in a certain deed recorded in Erie County Clerk's Office in Liber 961 of Deeds at page 480 on the 3rd day of April, 1906; that at the time of his death, he left him surviving his wife, deponent and seven children whose names are as follows: Anna B. DeGlopper Short, Fred J. DeGlopper, Hattie J. DeGlopper Link, John L. DeGlopper, William E. DeGlopper, Louisa S. DeGlopper and Elizabeth C. DeGlopper; that the said persons were all of the children and heirs at law of the said Leonard DeGlopper at the time of his death, to wit: the 6th day of May 1908; that all of these children are now living and are more than 21 years of age and that none of them prior to this date have conveyed their respective interest obtained by inheritance from their father, Leonard DeGlopper in the land described in the deed hereinbefore referred to which it is proposed to conveyed to Edward G. Woelfell, Jr.

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160. Will  
OF  
Jacob DeGlopper  
(File No. 30351)

Will  
Dated August 8 1908  
Codicil dated January 30 1909  
Probated March 8 1909 in  
Liber 84 of Wills at page 350

Gives and bequeaths to his executor and trustee hereinafter named 1/3 of all his estate, both real and personal, of every kind and wheresoever situate in trust to invest and re-invest the same in such securities as Savings Banks of the State of New York are allowed to invest money in and to pay over to his wife, Mary DeGlopper the income, rents, profits and issues as long as she shall remain unmarried upon condition that she shall provide a home for, educate and support their minor children until they shall respectively arrive at the age of 21 years, said income, rents, issues and profits to be paid to her as and when collected. In cases his said wife shall marry, then he directs his executors and trustee to pay to her 1/2 of said 1/3 for her absolute property and the other 1/2 of 1/3 shall be divided equally among his children as hereinafter directed.

Any securities he may have at the time of his death to make up said sum shall be retained by his executors and trustee as a full compliance herewith.

All the residue of his estate, both real and personal and wheresoever situate of which he may die seized and possessed he devises to his children, George W. DeGlopper, Cora M. DeGlopper, Mary R. DeGlopper, J. Arlington DeGlopper, Eleanora L. DeGlopper, Ray A. DeGlopper, Herbert A. DeGlopper, Norman F. DeGlopper and Ruth F. DeGlopper, equally share and share alike. The share of each child above named to be paid to him or her when and as he or she shall arrive at the age of 21 years. It is his will and he directs that in case either of his said children shall die without leaving lawful issue him or her surviving, then the part he or she would have taken under the terms of this will shall be divided equally among his children so surviving, share and share alike, when as he or she shall arrive at the age of 21 years and in case either of his said children shall predecease him leaving lawful issue him or her surviving, then and in that case, the part the parent would have taken shall be divided equally among such issue, share and share alike.

Directs that all just debts and funeral expenses be paid.

Appoints his son, George W. DeGlopper, executor and trustee and authorizes and empowers his said executor or his successor to sell and convey any and all real estate of which he may die seized or possessed, etc.

Codicil disposes of certain personal property effects.

Petition for Probate of Will filed February 17 1909 recites death of testator on or about February 6 1909 leaving him surviving Mary DeGlopper, his widow, of full age, Cora M. DeGlopper, aged 19 years, Mary R. DeGlopper, aged 17 years, J. Arlington DeGlopper, aged 15 years, Eleanor L. DeGlopper, aged 13 years, Roy A. DeGlopper, aged 11 years, Herbert A. DeGlopper, aged 9 years, Norman F. DeGlopper, aged 7 years, Ruth F. DeGlopper, aged 3 years and George W. DeGlopper, aged 21 years, his children.

Letters Testamentary issued to George W. DeGlopper, March 8 1909 recorded in Liber 34 of Letters at page 572.

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In the Matter of the Estate	Petition for Letters of Administration
161. OF	Filed September 13 1909
Johanna O'Beck	
(File No. 41612)	

Recites decedent died intestate March 19 1909 leaving her surviving Adrian O'Beck, husband, Jacob O'Beck, Adrian O'Beck, Jr., Roy L. O'Beck, Martin O'Beck, Cornelia Fetz, Jeanette Cheeseman, Anna O'Beck and Marie O'Beck, children, all of full age.

Ancillary Letters of Administration issued to Roy L. O'Beck September 13 1909 recorded in Liber 29 of Letters at page 268.

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Affidavit	Affidavit
162. OF	Verified February 6 1911
Adrian O'Beck	Recorded February 24 1911 in
	Liber 1196 of Deeds at page 16

Deposes that he resides in the City of Grand Haven, Ottawa County, Michigan; that he was the husband of Johanna O'Beck, late of said City of Grand Haven in said County, who died on the 19th day of March 1909 intestate leaving her surviving the following named persons, her only children, heirs at law and next of kin: Cornelia O'Beck Fetz, daughter, 42 years of age, Jacob O'Beck, son, 40 years of age, who is a bachelor, Anna O'Beck, a daughter, 37 years of age, Adrian O'Beck, Jr., a son, 35 years of age, whose wife's name is Ella Maye O'Beck, Roy L. O'Beck, a son, 32 years of age, who is a bachelor, Jeanette O'Beck Cheeseman, a daughter, 29 years of age, Martin O'Beck, a son, 26 years of age, whose wife's name is Eva Zimmer O'Beck, Marie L. O'Beck, a daughter, 22 years of age and deponent, who is unmarried, all of whom reside in the City of Grand Haven, Ottawa County, Michigan; that Johanna O'Beck died seized of an

undivided one-fifth interest in about 88 ½ acres of land in the southerly part of Lot No. 98 on the easterly side of Niagara River in the Town of Tonawanda, Erie County, N. Y. and that said premises are free and clear of all encumbrances of every name and nature.

Adrian O'Beck, widower, formerly husband of Johanna O'Beck, deceased, Cornelia O'Beck Fetz, Jacob O'Beck, bachelor, Anna O'Beck, Adrian O'Beck, Jr. and Ella May his wife, Roy L. O'Beck, bachelor, Jeanette O'Beck Cheeseman, Martin O'Beck and Eva Zimmer his wife and Marie L. O'Beck, only children, heirs at law and next of kin of Johanna O'Beck, deceased

Warranty Deed

Dated February 15 1911  
Acknowledged February 15 1911  
Recorded February 24 1911 in

Liber 1152 of Deeds at page 495  
Consideration \$1.00

163. TO

George P. Sawyer

Conveys an undivided 1/5 interest in Parcels B to P inclusive, et al. Jeanette signs Jeannette.

Martin DeGlopper and Maria his wife, Peter DeGlopper and Elizabeth R. his wife, two of the devisees under the Last Will of Ann DeGlopper, deceased, Mary C. DeGlopper, the widow of Jacob DeGlopper, deceased, one of the devisees under the Last Will of Anna DeGlopper, deceased

Warranty Deed

Dated March 13 1916  
Acknowledged March 23 1916  
Recorded May 22 1916 in

Liber 1349 of Deeds at page 137  
Consideration \$1.00

164. TO

George P. Sawyer

Conveys an undivided 2/5 interest and the dower interest of Mary C. DeGlopper in another undivided 1/5 interest in and to Parcels B to P inclusive, et al.

George W. DeGlopper, as executor of the Last Will and Testament of Jacob DeGlopper, deceased, one of the devisees under the Last Will of Anna DeGlopper, deceased

Executor's Deed

Dated March 13 1916  
Acknowledged March 18 1916  
Recorded May 22 1916 in

165. TO

George P. Sawyer

Conveys an undivided 1/5 interest in and to Parcels B to P inclusive, et al.

Elizabeth M. DeGlopper, widow of  
Leonard DeGlopper, deceased

166. TO

George P. Sawyer

Warranty Deed

Dated January 26 1916  
Acknowledged January 26 1916  
Recorded May 22 1916 in

Liber 763 of Deeds at page 368  
Consideration \$1.00 and more

Conveys Parcels B to P inclusive, et al.

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Anna B. Short, formerly Anna B. DeGlopper

167. TO

George P. Sawyer

Warranty Deed

Dated January 26 1916  
Acknowledged January 26 1916  
Recorded May 22 1916 in

Liber 1339 of Deeds at page 328  
Consideration \$1.00 and more

Conveys an undivided 1/35 part of Parcels B to P inclusive, et al.

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Frederick J. DeGlopper and  
Tryphena his wife

168. TO

George P. Sawyer

Warranty Deed

Dated January 26 1916  
Acknowledged January 26 1916  
Recorded May 22 1916 in

Liber 1354 of Deeds at page 5  
Consideration \$1.00 and more

Conveys an undivided 1/35 part of Parcels B to P inclusive, et al.

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Hattie J. Link, formerly  
Hattie J. DeGlopper

169. TO

George P. Sawyer

Warranty Deed

Dated January 26 1916  
Acknowledged January 26 1916  
Recorded May 22 1916 in

Liber 1353 of Deeds at page 252  
Consideration \$1.00 and more

Conveys an undivided 1/35 part of Parcels B to P inclusive, et al.

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John L. DeGlopper, an incompetent  
person, by Elizabeth M. DeGlopper, his  
Committee

170. TO

George P. Sawyer

Deed

Dated May 3 1916  
Acknowledged May 3 1916  
Recorded May 22 1916 in

Liber 1316 of Deeds at page 626  
Consideration \$765.43

Conveys all the right, title and interest, claim or demand of the said John L. DeGlopper, an incompetent person, party of the first part in and to an undivided thirty-fifth part of Parcels B to P inclusive, et al. Subject therefore to the inchoate right of dower of Elizabeth M. DeGlopper as the widow of Leonard DeGlopper, deceased and also subject to the assignment to Elizabeth M. DeGlopper by Leonard DeGlopper, deceased, of one-third of the sale thereof in and to Parcels B to P inclusive, et al, pursuant to an Order of the Supreme Court dated May 2 1916.

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Edna C. DeGlopper, wife of John  
L. DeGlopper

171. TO

George P. Sawyer

Quit Claim Deed

Dated October 19 1912  
Acknowledged October 19 1912  
Recorded May 22 1916 in

Liber 1304 of Deeds at page 246  
Consideration \$1.00

Conveys Parcels B to P inclusive, et al.

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William E. DeGlopper and  
Bessie C. his wife

172. TO

George P. Sawyer

Warranty Deed

Dated January 26 1916  
Acknowledged January 26 1916  
Recorded May 22 1916 in

Liber 1353 of Deeds at page 251  
Consideration \$1.00 and more

Conveys an undivided 1/35 part of Parcels B to P inclusive, et al.

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Elizabeth C. DeGlopper

173. TO

George P. Sawyer

Warranty Deed

Dated January 26 1916  
Acknowledged January 26 1916  
Recorded May 22 1916 in

Liber 1352 of Deeds at page 245  
Consideration \$1.00 and more

Conveys an undivided 1/35 part of Parcels B to P inclusive, et al.

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174.           Louisa S. Heiser, formerly Louisa S. DeGlopper  
                  TO  
                  George P. Sawyer

                  Warranty Deed  
                  Dated January 26 1916  
                  Acknowledged January 26 1916  
                  Recorded May 22 1916 in  
                  Liber 763 of Deeds at page 367  
                  Consideration \$1.00 and more

                  Conveys an undivided 1/35 part of Parcels B to P inclusive, et al.

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175.           Will  
                  OF  
                  Frederick Ledrich  
                  (File No. 13333)

                  Will  
                  Dated July 1 1857  
                  Probated November 17 1857  
                  Recorded in Liber 6 of  
                  Wills at page 406

                  Directs payment of all just debts and funeral expenses. Gives all his real and personal estate to Conrad Schumacher, the executor of this Last Will and Testament hereinafter appointed in trust for the payment of his just debts, with power to sell and dispose of same and until the sale of said real estate to let the real estate for the best rents that can be procured and the proceeds of such sale is to be divided equally between his children, share and share alike. Gives to his wife one cow, one cupboard, one clock, one bed and such other furniture as the law directs or as a widow is entitled to.

                  Appoints Conrad Schumacher, sole executor.

                  Petition for Probate of Will filed September 28 1857 recites he died on August 14 1857 leaving him surviving Catharine Ledrich, widow, of full age and Fredrick Ledrich, Soloma Lang, wife of Charles Lang, Sophia Ledrich, Henry Ledrich, Philip Ledrich, Louis Ledrich and Charlotte Ledrich, all aged under 21 years.

                  Letters Testamentary issued to Conrad Schumacher on November 17 1857 recorded in Liber 4 of Letters at page 45.

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176.           Conrad Schumacher, executor of the Last Will and Testament of Frederick Lederich, deceased and Catharine Klein, late widow of said Fred'k Lederich, dec'd <sup>OK</sup>

                  TO  
                  Frederick Lendel

                  Warranty Deed  
                  Dated March 1 1865  
                  Acknowledged March 1 1865  
                  Recorded April 8 1865 in  
                  Liber 236 of Deeds at page 507  
                  Consideration \$4,400.00

                  Conveys Parcel Q, et al.

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Frederick Landel  
177. TO Land Contract  
John Oliver Dated March 8 1890  
Acknowledged March 19 1890  
Recorded April 10 1890 in  
Liber 570 of Deeds at page 557

Contract for the sale of Parcel Q et al on or before August 1 1890. Also signed and acknowledged by Catharine Landel. (Assignment of Land Contract attached hereto whereby John Oliver assigns all his interest in said land contract to Sam'l B. Hard).

Samuel B. Hard Discharge of Contracts  
178. TO Dated August 1 1890  
Frederick Landel, et al Acknowledged August 1 1890  
Recorded August 1 1890 in  
Liber 576 of Deeds at page 136

Releases all rights in and to Land Contract No. 177 above, et al and consents that the same be declared null and void and cancelled from record.

Frederick Landel, Sr. and Catharine Landel, his wife Option  
179. TO Dated May 1 1894  
J. M. Brown and Acknowledged September 21 1894  
Burt J. Hagle Recorded September 22 1894 in  
Liber 698 of Deeds at page 434

Option to purchase same premises as in Deed No. 147 above within 3 years from the date hereof.

J. M. Brown and Burt J. Hagle Release of Option  
180. TO Dated May 6 1897  
Frederick Landel, Sr. and Acknowledged May 6 1897  
Catharine Landel, his wife Recorded May 6 1897 in  
Liber 845 of Deeds at page 5

Releases and discharges all obligations and conditions in Option No. 179 above.

Frederick Landel, Sr. and Catharine Landel, his wife Deed  
181. TO Dated November 14 1903  
Edward Landel Acknowledged December 14 1903  
Recorded May 6 1904 in  
Liber 987 of Deeds at page 273  
Consideration \$-----

Contracts for the sale of the following described premises: Town of Tonawanda, being part of Lot No. 98 of the New York State Reservation described as follows: Beginning at the east side of Rattlesnake Creek at a point where the northerly line of said Lot No. 98 intersects said east line of Rattlesnake Creek; thence running easterly along said line of Lot No. 98, 81.92 chains to the New York State Reservation Line; thence southerly on said New York State Reservation Line 10.19 chains; thence westerly and parallel with the north line of said Lot No. 98 about 84 chains to the east side of Rattlesnake Creek; thence northerly and along the west side of Rattlesnake Creek to the place of beginning. Containing 93.59 acres of land, more or less. Excepting and reserving from the above described property the lands of the Erie Canal and the River Road which run through same. (Assignment of Land Contract attached hereto whereby Edward Landel assigns all his right, title and interest in and to the foregoing Contract to Edward Roesch).

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In the Matter of the Estate	Petition for Letters of Administration
182. OF	Filed February 25 1905
Frederick Landel	
(File No. 37788)	

Recites he died on February 8 1905 leaving him surviving Catherine Landel, widow, of full age, Elizabeth M. DeGlopper and Cecelia Landel, both daughters, of full age and Frederick Landel, George W. Landel, John W. Landel and Edward Landel, all sons, of full age.

Letters of Administration issued to Catherine Landel on February 25 1905 recorded in Liber 25 of Letters at page 231.

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Edward Roesch	Satisfaction of Land Contract
183. TO	Dated March 2 1906
Frederick Landel, Sr. and Catharine Landel, his wife	Acknowledged March 2 1906 Recorded April 4 1906 in
	Liber 1018 of Deeds at page 450

Cancels and discharges Contract No. 181 above.

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Will  
184. OF  
Fred Landel  
(File No. 38031)

Will  
Dated July 31 1908  
Probated September 15 1908  
Recorded in Liber 83 of  
Wills at page 336

Directs payment of all just debts and funeral expenses. Makes personal bequests. Gives to his wife, Julianna Landel the interest and income from all moneys and securities which he leaves for and during her natural life or as long as she remains his widow and devises to her premises other than those in question.

All the residue of his estate, both real and personal he gives to his children, share and share alike.

Appoints his two sons, Otto Landel and Charles Landel, executors.

Petition for Probate of Will filed August 28 1908 recites he died on August 18 1908 leaving him surviving Julianna Landel, widow, of full age and Otto Landel and Charles Landel, both sons, of full age and Arthur Landel, son, age 16 years, Cora Landel, daughter, age 18 years.

Letters Testamentary issued to Otto Landel and Charles Landel recorded in Liber 34 of Letters at page 237 on September 15 1908.

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Will  
185. OF  
Edward Landel  
(File No. 47395)

Will  
Dated November 24 1911  
Probated January 12 1915  
Recorded in Liber 98 of  
Wills at page 240

Directs payment of all just debts and funeral expenses. Gives all his property, both real and personal to his wife, Lucy A. Landel, to be hers absolutely and appoints his wife, Lucy A. Landel, executrix.

Petition for Probate of Will filed January 12 1915 recites he died on June 7 1914 leaving him surviving Lucy A. Landel, widow, of full age and Randolph F. Landel, son, age 10 years.

Letters Testamentary issued to Lucy A. Landel on January 12 1915 recorded in Liber 42 of Letters at page 366.

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Catherine Landel, widow of Frederick Landel, Sr., Elizabeth M. DeGlopper, George H. Landel and Emma Landel, his wife, John W. Landel, widower, Lucy A. Landel, widow and sole devisee under the Last Will and Testament of Edward Landel, deceased, Cecelia George, Julianna Landel, widower, Otto William Landel and Olive H. Landel, his wife, Charles Frederick Landel and Irene E. Landel, his wife, Cora Louise Landel, Arthur Edward Landel, unmarried, said Julianna Landel being the widow and Otto William Landel, Charles Frederick Landel, Cora Louise Landel and Arthur Edward Landel, the only children, sole heirs at law and next of kin of Frederick Landel, deceased

Warranty Deed

Dated February 24 1916  
Acknowledged April 28 1916  
Recorded April 28 1916 in

Liber 1348 of Deeds at page 226  
Consideration \$1.00

186. TO

George P. Sawyer

Conveys Parcel Q, et al.

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George P. Sawyer and  
Ida M. W. his wife

Deed (C Vs Gr)

187. TO

Wonalancet Company

Dated August 21 1919  
Acknowledged October 4 1919  
Recorded October 6 1919 in

Liber 1485 of Deeds at page 32  
Consideration \$1.00 and no more

Conveys Parcels B to Q inclusive, et al. Recites it being the object of this deed and the intention of the parties hereto to transfer and convey to the party of the second part all the right, title and interest which the parties of the first part have in and to all the lands lying in said Lot No. 98 and others.

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George P. Sawyer

Grant

188. TO

International Railway Company

(No search against  
second party)

Dated January 27 1917  
Acknowledged January 29 1917  
Recorded May 13 1920 in

Liber 1486 of Deeds at page 318

Grants the right to construct, maintain, operate and use a single or double track extension or branch of its street surface railroad through, upon and along said River Road, etc.

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189. In the Matter OF Wonalancet Company Certificate of Incorporation Dated July 19 1907 Recorded July 25 1907 in Liber 22 of Certificates of Incorporation at page 355

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190. Wonalancet Company TO Beacon Oil Company (Incorporated) Warranty Deed Dated April 20 1927 Acknowledged April 20 1927 Recorded May 4 1927 in Liber 1912 of Deeds at page 464 Consideration \$1.00 and more

Conveys Parcels N and O, et al. Excepting however from the above described premises a strip of land 66 feet in width and extending easterly from the Niagara River Road the bounds of said 66 foot strip 195 feet from the north and south lines of the premises above described respectively. Together with the permanent right and easement hereby granted to the grantee to construct, lay and maintain under and across said 66 foot strip such pipe lines, conduits, etc. as it may desire without limit as to location or number in such manner however as not to interfere with the uses of said 66 foot strip for all the purposes of a highway, also to cross and recross said strip at all points for free access to and from the parcels on either side thereof.

Also subject to the permanent right and easement which is hereby reserved to the grantor for itself and its successors and assigns to build or construct or cause to be built or constructed over and across said strip of land one or more railroad tracks either at or above grade in such manner however as to afford and insure the grantee reasonable physical access to said strip for the purpose of entering upon, repairing, relaying or constructing pipes or pipe lines in or under said strip.

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191. In the Matter OF Beacon Oil Company (Case No. 15955) Certified Copy of Certificate of Authority to do business in New York State Dated January 10 1927 Recorded January 12 1927 in Liber 76 of Certificates of Incorporation at page 272

Authorizes said Corporation to do business in New York State.

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Wonalancet Company, Inc. Warranty Deed  
192. TO Dated April 23 1928  
The New York Central Acknowledged April 23 1928  
Railroad Company Recorded July 3 1928 in  
(No search against this grantee; Liber 1997 of Deeds at page 132  
shown for reference only) Consideration \$1.00 and other good and valuable  
consideration

Conveys part of Lot No. 98, being a strip of land 60 feet wide lying 30 feet on each side of a center line described as follows: Beginning at a point in the division line between land of the party of the first part and land of the Niagara Falls Power Company that is distant northerly 197.29 feet at right angles from the division line between Lots Nos. 98 and 99 of said Reservation; running thence westerly by a curved line convex to the north drawn with a radius of 478.34 feet 221.81 feet to a point distant northerly 248 feet at right angles from the division line between said lots; thence continuing westerly and parallel with the division line between said lots, 3293 feet, containing 4.84 acres of land, more or less.

In the Matter Certified Copy of Certificate  
193. OF of Change of Name  
Beacon Oil Company Dated April 24 1930  
(Case No. 15955) Filed October 24 1952

Certifies that the new name to be assumed by said Corporation is Colonial Beacon Oil Company.

In the Matter Certified Copy of Surrender of  
194. OF Authority to do business in  
Colonial Beacon Oil Company New York State  
(Case No. 15955) Dated October 23 1948  
Filed October 24 1952

Certifies that said Corporation surrenders its authority to do business in New York State.

Wonalancet Company Warranty Deed  
195. TO Dated November 5 1930  
Shell Eastern Petroleum Acknowledged November 5 1930  
Products, Incorporated Recorded November 11 1930 in  
Liber 2111 of Deeds at page 556  
Consideration \$1.00 and more

Conveys Parcels P and Q. Together with the perpetual right and easement to cross the aforesaid strip conveyed or to be conveyed to New York Central Railroad Company and the track or tracks of said Railroad

Company hereon with a roadway, pipe lines and other necessary appurtenances in such manner and at such location as not to prevent or obstruct railroad operations upon such track or tracks. Also together with the permanent right and easement in common with others of ingress and egress to the premises above described to and from the Niagara River Road over a strip of land 66 feet in width bisecting the premises conveyed to Beacon Oil Company by deed hereinbefore referred to and extending along the southerly bounds of the premises herein described to the southeasterly corner thereof and to the full use thereof for all highway purposes and together with the permanent right and easement in common with others of ingress and egress between the premises herein described and the Niagara River Road over a strip of land 66 feet in width extending from the River Road adjacent to and along the northerly line of premises conveyed to Sun Oil Company by deed hereinbefore referred to and premises herein described to the northeasterly corner thereof and to the full use thereof for all highway purposes.

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Wonalancet Company	Easement
196. TO	Dated November 5 1930
Shell Eastern Petroleum	Acknowledged November 5 1930
Products, Inc.	Recorded November 11 1930 in
	Liber 2146 of Deeds at page 299

Grants and releases the right, privilege and easement to lay, construct, maintain, restore, remove, operate and use a pipe line or pipe lines in, on, over and above part of Lot No. 98 and lands under the waters of Niagara River adjacent thereto, said parcel of land and easement over which as hereinafter limited is hereby conveyed, being more particularly described as follows, being part of Lot No. 98: Beginning at the southeasterly corner of premises this day conveyed by the party of the first part to the party of the second part, said point being 539 feet northerly measured at right angles from the south line of Lot No. 98 and 1588.56 feet easterly from the east line of the Niagara River Road measured along a line parallel with the south line of said Lot No. 98; running thence southerly at right angles with the south line of Lot No. 98, 20 feet; thence easterly parallel with the south line of Lot No. 98 about 1586.62 feet to the east line of the Niagara River Road; thence continuing westerly parallel with the south line of Lot No. 98, 293.97 feet to the easterly line of lands conveyed by the party of the first part to Niagara Falls Power Company by deed recorded in Liber 2060 of Deeds at page 129; thence southerly making a south angle of 127° 43' 17" with the last described line a distance of 365.36 feet to a point 230 feet north of the south line of said Lot No. 98 measured at right angles with said south line; thence southwesterly making a northwest angle of 127° 43' 17"

with the last described line parallel with and 230 feet distant from the south line of Lot No. 98, 831.37 feet to a point of curve; thence westerly and northerly on a curve to the right having a radius of 70 feet an arc distance of 86.18 feet; thence northwesterly tangent with the last described curve 260.97 feet to a point; thence southwesterly making a southwest angle of  $101^{\circ} 28' 20''$  with the last described line 12.44 feet to the easterly harbor line of the Niagara River as established by the United States Government; thence northerly and along said United States Harbor Line 20 feet; thence northeasterly at right angles with the said Harbor Line 28.78 feet to a point; thence southeasterly making a southwest angle of  $101^{\circ} 28' 20''$  with the last described line a distance of 277.32 feet to a point of curve; thence southerly and easterly on a curve to the left having a radius of 50 feet an arc distance of 61.55 feet to a point 250 feet north of the south line of Lot No. 98 measured at right angles with said line; thence easterly tangent with the last described curve parallel with the south line of Lot No. 98 and distant 250 feet north therefrom 822.56 feet to a point; thence northerly making a northwest angle of  $127^{\circ} 43' 17''$  with the last described line a distance of 365.36 feet to a point 539 feet north measured at right angles from the south line of Lot No. 98; thence easterly making a southeast angle of  $127^{\circ} 43' 17''$  with the last described line parallel with the south line of Lot No. 98 and distant 539 feet northerly therefrom 1890.40 feet to the place of beginning.

Excepting from the above described parcel that portion thereof lying within the bounds of the abandoned Erie Canal and subject to the rights of the public in and to the Niagara River Road as the same now exists or may hereafter be widened. Also subject to the terms and conditions of a certain deed dated September 14 1929 made by Wonalancet Company to Niagara Falls Power Company by deed recorded in Liber 2060 of Deeds at page 129 in which deed the grantor herein reserved the right to grant this easement across the lands conveyed by said deed. That portion of the premises hereinabove described which lies easterly of the Niagara River Road is a portion of a strip of land 66 feet in width reserved by the grantor for a private roadway for the use and benefit of present and future owners of lands in said Lot No. 98 and the rights granted by this indenture are subject to the common use of said 66 foot strip of land for all highway purposes by said present and future owners of said lands.

Together with the right to the said party of the second part, its successors and assigns forever of ingress and egress to, on and over the above described premises at any and all times for the purpose of maintaining, repairing, moving or adding to the number of said pipes or pipe lines and for doing anything necessary and/or convenient for the enjoyment of the easement herein granted, also the privilege of removing at any time any and all of its said improvements thereon, together with the right, easements, privileges and

appurtenances in or to said lands which may be required for the full enjoyment of the rights herein mentioned, etc.

The party of the first part further reserves for itself, its successors and assigns the right to cross and to give and grant to others the right to cross the premises covered by said easement with pipes or pipe lines and with one or more railroad tracks (and access thereto) in such manner as not to damage or to interfere with or affect the grade or operation of the pipe lines of the party of the second part or its right of access thereto or the substantial enjoyment of the rights granted to the party of the second part hereby, provided, however, that if the party of the second part, its successors or assigns or anyone claiming by, through or under it exercise the privilege granted in this paragraph, such party shall indemnify and save harmless the party of the second part from all expense or damage caused by such crossing and such party will at his or its own expense restore the said premises to the same or as good a state and condition as they were in immediately before the date of construction of any such pipes or pipe lines or railroad tracks across said premises.

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Wonalancet Company	Deed (B & S)
197. TO	Dated March 25 1932
The New York Central Railroad Company	Acknowledged March 25 1932
(No search against this grantee)	Recorded April 12 1932 in
	Liber 2188 of Deeds at page 186
	Consideration \$1.00 and other good and valuable consideration

Conveys: Town of Tonawanda, bounded as follows: Beginning at the point that is distant northerly 734 feet at right angles from the division line between Lots Nos. 98 and 99 of the New York State Mile Reserve, so called and distant westerly 491.82 feet at right angles from the Mile Reserve Line and running thence westerly parallel with the division line between Lots Nos. 98 and 99 of the New York Mile Reserve, so called 3630.91 feet; thence northerly at right angles to the division line between said Lots Nos. 98 and 99 of the New York Mile Reserve, so called 35 feet; thence easterly parallel with the division line between said Lots Nos. 98 and 99 of the New York State Mile Reserve, so called 3791.35 feet; thence southeasterly by a straight line to a point in the division line between land of first party and land of the Niagara Falls Power Company that is distant 42.5 feet radially from a curved line described as follows: "Beginning at a point in the westerly line of that parcel of land described as Parcel No. 3 in deed from George P. Sawyer and wife to The New York Central Railroad Company recorded in Liber 1365 of Deeds at page 466, that is distant

618.75 feet from the division line between Lots Nos. 98 and 99 of the New York State Mile Reserve, so called and running thence northwesterly by a curved line convex to the north drawn with a radius of 484.84 feet and passing through a point in said division line between land of said first party and land of said Power Company that is distant 691.51 feet from the division line between said Lots"; thence southerly along said division line to a point that is distant 17.5 feet radially from said curved line; thence westerly concentric with the prolongation of said curved line drawn as above described 243.75 feet to the place of beginning. Containing 3.19 acres, more or less.

Together with the right and easement to slope with earth or other solid material upon other land of first party on both sides of the above described premises to such extent as may be necessary to support the roadbed and tracks thereon. Subject, however to a certain easement granted by first party to Shell Eastern Petroleum Products, Incorporated contained in deed recorded in Liber 2111 of Deeds at page 556; wherein and whereby the first party granted to said Shell Eastern Petroleum Products, Incorporated, a perpetual right and easement to cross the premises hereinabove described and the track or tracks of the New York Central Railroad Company thereon with a roadway, pipe lines and other necessary appurtenances in such manner and in such location as not to prevent or obstruct railroad operations upon such track or tracks.

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Shell Eastern Petroleum Products, Inc.	Deed
198. TO	Dated October 26 1936 Acknowledged October 26 1936 Recorded November 13 1936 in
Shell Union Oil Corporation	Liber 2593 of Deeds at page 203 Consideration \$1.00

Conveys Parcels P and Q. Together with same easements as in Deed No. 195 above. Also together with and subject to all easements in Easement No. 196 above.

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Shell Union Oil Corporation	Deed
199. TO	Dated April 28 1939 Acknowledged April 28 1939 Recorded May 20 1939 in
Shell Oil Company, Incorporated	Liber 2874 of Deeds at page 182 Consideration \$1.00 and other good and valuable consideration

Conveys Parcels P and Q. Together with same as in Deed No. 195 above. Also together with and subject to all easements in Easement No. 196 above.

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200.	Shell Oil Company, Incorporated TO Colonial Beacon Oil Company	Warranty Deed  Dated December 27 1945 Acknowledged December 27 1945 Recorded December 31 1945 in  Liber 3813 of Deeds at page 442 Consideration \$10.00 and other good and valuable consideration
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Conveys Parcels P and Q. Together with same easements as in Deed No. 195 above. Also together with and subject to all easements in Easement No. 196 above.

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201.	Colonial Beacon Oil Company TO Standard Oil Company of New Jersey	Warranty Deed  Dated December 31 1947 Acknowledged December 31 1947 Recorded February 11 1948 in  Liber 4275 of Deeds at page 256 Consideration \$1.00 and other valuable consideration
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Conveys Parcels N to Q inclusive, et al. Together with all rights of way, easements and other interests appurtenant to the foregoing parcels of land. Also any and all other real property of whatsoever kind of character and wherever situate owned by the party of the first part in the County of Erie and any and all licenses, permits, authorizations and consents of whatsoever nature or character incident to or pertaining in any way to the properties hereinbefore described or to any other property of whatever nature or character wherever situate owned by the party of the first part in said County. Consent of stockholders attached hereto.

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202.	Wonalancet Company TO William H. Bennett, Jr. and James F. Breuil	Warranty Deed  Dated June 29 1929 Acknowledged June 28 1929 Recorded July 15 1929 in  Liber 2028 of Deeds at page 558 Consideration \$1.00 and more
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Conveys Parcel B, et al.

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203. William H. Bennett, Jr. and  
Ada L. his wife, James F. Breuil and  
Helen M. his wife  
TO  
Frontier Fuel Oil  
Corporation

Warranty Deed  
Dated September 12 1929  
Acknowledged September 12 1929  
Recorded October 14 1929 in  
Liber 2044 of Deeds at page 202  
Consideration \$1.00 and more

Conveys Parcel B, et al. Subject to a purchase money mortgage in the sum of \$17,200.00 recorded July 15 1929 in Liber ----- of Mortgages at page ---. (Note: See mortgage recorded in Liber 2230 of Mortgages at page 280, since discharged).

204. Wonalancet Company  
TO  
William H. Bennett, Jr. and  
James F. Breuil

Warranty Deed  
Dated June 27 1930  
Acknowledged June 27 1930  
Recorded June 28 1930 in  
Liber 2110 of Deeds at page 456  
Consideration \$1.00 and more

Conveys Parcels C, D and E, et al. Subject to the exclusive use of the railroad siding upon said premises for the purpose of serving the Beacon Oil Company, its successors and assigns. Together with the permanent right, privilege and easement to construct, maintain and operate across the remaining lands of the party of the first part lying between a portion of the premises above described and the premises heretofore conveyed to the parties of the second part a private road or right of way and also pipes and pipe lines, water, gas, electric, power, light and telephone lines and their appurtenances for the reasonable use of said premises as a unit in such manner, however, as not to obstruct or interfere with the construction and operation of a railroad track or tracks upon or along the said remaining lands of the seller.

205. William H. Bennett, Jr. and  
Ada L. his wife, James F. Breuil  
and Helen M. his wife  
TO  
Frontier Fuel Oil Corporation.

Warranty Deed  
Dated March 16 1931  
Acknowledged March 18 1931  
Recorded May 13 1931 in  
Liber 2142 of Deeds at page 22  
Consideration \$1.00 and more

Conveys Parcels C, D and E, et al. Subject to the exclusive use of the railroad siding upon said premises for the purpose of serving the Beacon Oil Company, its successors and assigns. Together with same

as in Deed No. 204 above. Subject to mortgage recorded in Liber 2231 of Mortgages at page 268, since discharged.

206.	In the Matter OF Frontier Fuel Oil Corporation	Certificate of Incorporation Dated July 9 1929 Recorded July 24 1929 in Liber 86 of Certificates of Incorporation at page 504
207.	Frontier Fuel Oil Corporation TO Wonalancet Company  Conveys Parcel E, et al.	Warranty Deed Dated May 25 1931 Acknowledged May 27 1931 Recorded May 27 1931 in Liber 2152 of Deeds at page 58 Consideration \$1.00
208.	Wonalancet Company TO Frontier Fuel Oil Corporation  Conveys Parcel F, et al.	Warranty Deed Dated May 25 1931 Acknowledged May 26 1931 Recorded May 27 1931 in Liber 2152 of Deeds at page 56 Consideration \$1.00
209.	Frontier Fuel Oil Corporation WITH The Texas Company	Agreement Dated September 23 1931 Acknowledged September 23 1931 Recorded November 24 1931 in Liber 35 of Miscellaneous Records at page 175  First party agrees to construct an additional storage tank on its property located on River Road in the Town of Tonawanda, New York and second party agrees to pay for the use of said tank. First party grants second party the option to purchase its entire property located on said River Road, Tonawanda, New York, together with all pipe line and easement rights.

210. Frontier Fuel Oil Corporation  
TO  
The Texas Company

Warranty Deed  
Dated July 25 1932  
Acknowledged July 25 1932  
Recorded December 2 1932 in  
Liber 2206 of Deeds at page 381  
Consideration \$1.00 and more

Conveys Parcels B, C, D and F, et al. Also all the rights, privileges and easements conveyed to Frontier Fuel Oil Corporation by deed from William H. Bennett, Jr. and others, being No. 205 above.

Together with the appurtenances and all the estate and rights of the party of the first part in and to the said premises to have and to hold the above granted premises and easements unto the party of the second part, its successors and assigns forever, subject, however to the rights of the public in and to said Niagara River Road. Subject also to the exclusive use of the railroad siding upon a portion of said premises for the purpose of serving the Beacon Oil Company, its successors and assigns, which use was reserved in Deed No. 205 above. Subject also to the burdens of said easement agreements hereinbefore referred to.

211. Wonalancet Company  
TO  
Root Neal & Co.

Warranty Deed  
Dated June 30 1930  
Acknowledged June 30 1930  
Recorded July 21 1930 in  
Liber 2110 of Deeds at page 552  
Consideration \$1.00 and more

Conveys Parcel G.

212. In the Matter  
OF  
Root, Neal and Company  
(Case No. 12886)

Certificate of Incorporation  
Dated January 31 1905  
Recorded February 2 1905 in  
Liber 18 of Certificates of  
Incorporation at page 477

213. Root, Neal and Company, named in  
deed recorded in Erie County Clerk's  
Office in Liber 2110 of Deeds at page  
552 as Root, Neal & Co.  
TO  
The Texas Company

Warranty Deed  
Dated September 11 1950  
Acknowledged September 11 1950  
Recorded September 11 1950 in  
Liber 4783 of Deeds at page 22  
Consideration \$1.00 and more

Conveys Parcel G.

Wonalancet Company  
214. TO  
The Texas Company

Warranty Deed  
Dated May 13 1947  
Acknowledged May 13 1947  
Recorded May 14 1947 in  
Liber 4111 of Deeds at page 586  
Consideration \$1.00 and more

Conveys Parcels E and H. Together with all right, title and interest of the grantor in and to any and all streets, roads and ways bounding the said described premises. Subject, however, to the rights of others adjoining owners and the rights of the public in and to any and all of said streets, roads and ways.

Wonalancet Company  
215. TO  
David G. Nethercot

Warranty Deed  
Dated January 9 1946  
Acknowledged January 9 1946  
Recorded January 14 1946 in  
Liber 3820 of Deeds at page 28  
Consideration \$1.00 and more

(No search against this grantee;  
shown for reference only)

Conveys part of Lot No. 98 of New York State Reservation, described as follows: Beginning at a point in the northerly line of the right of way owned by the New York Central Railroad Company at a point therein which is distant 1185.37 feet easterly from the point of intersection of an extension westerly of said right of way line with the easterly line of the Niagara River Road as a 66 foot road which said point is also the easterly line of the premises now or formerly owned by The Texas Company; running thence easterly along the northerly line of said New York Central Railroad Company's right of way a distance of 541.68 feet; running thence northerly at right angles to the last described line a distance of 195 feet to the southerly line of a private roadway; running thence westerly along the southerly line of said private roadway a distance of 541.68 feet to the easterly line of lands now or formerly owned by The Texas Company; running thence southerly along the easterly line of said Texas Company's lands 195 feet to the place of beginning, containing 2.424 acres, more or less.

Together with the permanent right of ingress and egress to the premises above described from the Niagara River Road over a strip of land 66 feet in width adjoining said premises on the north and to the full use thereof for all highway purposes. Also together with the right and license to construct and maintain adequate water and sewer lines to the premises first above described from the respective water and sewer lines in James Street along a strip of land in Lot No. 99 of the New York State Reservation owned by the

grantor lying northerly from James Street in extension of Mildred Street and continuing in a straight line to the easterly boundary of the premises first above described.

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Wonalancet Company	Warranty Deed
216. TO	Dated January 12 1951
The Texas Company	Acknowledged January 12 1951
	Recorded January 12 1951 in
	Liber 4857 of Deeds at page 433
	Consideration \$1.00 and more

Conveys Parcels I, J, K and L, et al. Subject, however, to the easement to construct and maintain adequate sewer and water lines running in a northerly and southerly direction over Parcel J heretofore granted by Wonalancet Company to David G. Nethercot as set forth in a certain warranty deed between Wonalancet Company and David G. Nethercot dated January 9 1946 recorded January 14 1946 in Liber 3820 of Deeds at page 28. Reserving, however, to the Wonalancet Company, its successors and assigns a permanent easement to construct and maintain adequate sewer and water lines in a northerly and southerly direction across Parcel J to serve the remaining property of said Wonalancet Company located in said Lot No. 98, together with the right to Wonalancet Company, its successors and assigns to enter upon said premises for the purpose of constructing, maintaining and repairing said sewer and water lines.

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The Texas Company	Easement
217. TO	Dated January 4 1951
Wonalancet Company	Acknowledged January 4 1951
	Recorded January 12 1951 in
	Liber 4858 of Deeds at page 53

Grants a permanent easement over Subdivision Lots Nos. 54 and 55 according to map filed under Cover No. 1063 for sewer purposes to serve lands in Lot No. 98 of the Niagara River Reservation. See instrument for specifics.

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Wonalancet Company  
218. TO  
The Texas Company

Warranty Deed  
Dated December 24 1952  
Acknowledged December 24 1952  
Recorded February 13 1953 in  
Liber 5272 of Deeds at page 225  
Consideration \$1.00 and more

Conveys Parcel M, et al.

Wonalancet Company  
219. TO  
Allied Chemical &  
Dye Corporation

Warranty Deed  
Dated July 11 1952  
Acknowledged July 11 1952  
Recorded July 11 1952 in  
Liber 5150 of Deeds at page 1  
Consideration \$1.00 and more

Conveys Parcel No. 5, being part of Lot No. 98 of the New York State Reservation or Mile Strip, so called, described as follows: Beginning at a point in the easterly line of River Road as a 66 foot right of way, said point being 539 feet more or less northerly of the southerly line of said Lot No. 98 as measured at right angles therefrom, said beginning point being the southwest corner of the northerly parcel described in a certain deed from Wonalancet Company to Beacon Oil Company (Incorporated) dated April 20 1927 and recorded in said Clerk's Office in Liber 1912 of Deeds at page 464 (hereinafter referred to as "said 1927 Beacon Oil Deed"); running thence easterly along the south line of said northerly parcel described in said 1927 Beacon Oil Deed and along the easterly extension thereof, the same being a line parallel with the southerly line of said Lot No. 98, 1812.45 feet more or less to a point, being a corner of Parcel "A" described in said 1951 Tide Water deed; thence southerly along the westerly line of said Parcel "A" described in said 1951 Tide Water Deed and along the westerly line of Parcel No. 2 herein conveyed to the party of the second part, 261 feet more or less to a point on the northerly line of said 60 foot railroad right of way, said point being the southwest corner of Parcel No. 2 herein conveyed to the party of the second part; thence westerly along said northerly line of said 1928 60 foot railroad right of way 60 feet more or less to a point, said point being the southeast corner of the parcel of land conveyed by Wonalancet Company to David C. Nethercot by deed dated January 9 1946 and recorded in said Clerk's Office in Liber 3820 of Deeds at page 28 (hereinafter referred to as "said 1946 Nethercot deed"); thence northerly along the east line of said land conveyed by said 1946 Nethercot deed, said line being at right angles to said 1928 60 foot railroad right of way 195 feet more or less to a point, said point being the northeast corner of said land conveyed by said 1946

Nethercot deed; thence westerly and parallel with the southerly line of said Lot No. 98 and along the northerly line of said land conveyed by said 1946 Nethercot deed and along the northerly line of lands now or formerly owned by The Texas Company and by Beacon Oil Company 1746.03 feet more or less to said easterly line of River Road and thence northerly along said easterly line of River Road to the point of beginning, containing 3.05 acres of land, more or less.

This conveyance of the premises described above as Parcel No. 5 is made and accepted subject to the following:

- (a). Easement granted by Wonalancet Company to Beacon Oil Company (Incorporated) by Deed No. 190 above.
- (b). Easements granted by Wonalancet Company to Shell Eastern Petroleum Products, Incorporated by Nos. 195 and 196 above.
- (c). Easements granted by Wonalancet Company to The Atlantic Refining Company, Incorporated by deeds recorded in Liber 2702 of Deeds at page 201 and Liber 3269 of Deeds at page 401.
- (d). Easements granted by Wonalancet Company to David G. Nethercot by Deed No. 215 above.
- (e). Easement granted by Wonalancet Company to Tide Water Associated Oil Company by deed recorded in Liber 4862 of Deeds at page 186.

Parcel No. 6: All right, title and interest of the party of the first part in and to all streets, alleys, highways and public places (and the extension or continuation thereof) which adjoin or touch upon the aforesaid lands and each and every parcel thereof and all rights, easements and rights of way, public or private now or hereafter usable in connection with the aforesaid lands and each and every parcel thereof, including without limiting the generality of the foregoing:

- (a) Easement granted by The Texas Company to Wonalancet Company by No. 217 above.
- (b). To the extent that they have not been released or surrendered by the party of the first part by instrument duly executed, acknowledged and recorded heretofore in said Clerk's Office all the rights, easements, rights of way and privileges excepted by or reserved to the party of the first part in the following:
  - (i) Deed to Beacon Oil Company (Incorporated), being No. 190 above.
  - (ii) Deeds to The Niagara Falls Power Company dated August 15 1921 and September 14 1929 and recorded respectively in said Clerk's Office on August 22 1921 in Liber 1544 of Deeds at page 551 and September 14 1929.
  - (iii) Easement to Shell Eastern Petroleum Products, Inc. being No. 196 above.

(iv) Easement to Sun Oil Company recorded in Liber 2145 of Deeds at page 275.

(v) Easement to Frontier Fuel Oil Corporation recorded in Liber 2162 of Deeds at page 375.

(vi) Deeds to The Atlantic Refining Company, Incorporated recorded in Liber 2702 of Deeds at page 201 and Liber 3269 of Deeds at page 401.

(vii) Easement to Sun Oil Company recorded in Liber 2718 of Deeds at page 120.

(viii) Deed to Tide Water Associated Oil Company recorded in Liber 4862 of Deeds at page 186.

(ix) Deed to The Texas Company, being No. 216 above.

(x) All other rights, easements or privileges excepted by or reserved or granted to the party of the first in any instrument of record or otherwise which are appurtenant to or in any way affect any of the above lands and premises described in Parcels Nos. 1 to 5 inclusive. This conveyance of the premises described as Parcel No. 6 is made and accepted subject to the burdens and obligations imposed by any of the aforementioned instruments of record upon the exercise of any such rights, easements or privileges by the party of the second part, its successors and assigns.

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises. Recites that the party of the first part will forever warrant the title to the premises herein described as Parcels Nos. 1, 2, 3 and 4 and quit-claim to the party of the second part all of its right, title and interest as to the premises described as Parcels Nos. 5 and 6.

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220. NOTE: We find no Certificate of Incorporation for Allied Chemical & Dye Corporation on record in Erie County Clerk's Office.

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Allied Chemical & Dye Corporation	Agreement
221. WITH	Dated January 21 1955
The Texas Company	Acknowledged February 16 1955
(No further search against first party subsequent to April 20 1955)	Recorded April 20 1955 in
	Liber 5731 of Deeds at page 436

Whereas Texas desires to acquire the right, privilege and authority to install, maintain, operate, repair, replace and remove an 8 inch pipe line with the necessary appurtenances thereto for the transportation of products under, over and across and upon said strip of land and

Whereas Allied to the extent it has the right, privilege and authority so to do is willing to grant such

right, privilege and authority to Texas upon the following terms and conditions: Now, therefore, in consideration of the premises and covenants hereinafter contained and the payment of \$1.00 by Texas to Allied, the receipt of which is hereby acknowledged, the parties hereto hereby covenant and agree as follows:

1. Rights granted to Texas: Subject to the terms and conditions hereinafter set forth, Allied, to the extent it has the right, privilege and authority so to do, does hereby grant to Texas the right, privilege and authority for the purpose hereinabove mentioned to install, maintain, operate, repair, replace and remove an 8 inch pipe line, including necessary appurtenances thereto (hereinafter referred to as "said equipment") under, over, across and upon the following described strip of land in the Town of Tonawanda, County of Erie and State of New York, being a part of Lot No. 98 of the New York State Reservation or Mile Strip, so called: Beginning at a point in the northerly line of the tract of land conveyed to Allied as Parcel No. 5 by Wonalancet Company by deed dated July 11 1952 and recorded in Erie County Clerk's Office in Liber 5150 of Deeds at page 1, said point of beginning being 1210 feet easterly as measured along said northerly line from the intersection of said northerly line with the easterly line of River Road as a 66 foot right of way; thence in a southerly direction at right angles to said northerly line a distance of 66 feet to a point in the southerly line of said Parcel No. 5; thence in a westerly direction with said southerly line a distance of 20 feet; thence in a northerly direction at right angles to said southerly line a distance of 66 feet to a point in said northerly line and thence in an easterly direction with said northerly line a distance of 20 feet to the point of beginning.

Said strip of land is shown colored in red on Map No. 730 dated April 12 1954, last revised December 29 1954 which is hereto attached and hereby made a part hereof.

Texas shall have the right of ingress to and egress from said strip at all reasonable times for the purpose of clearing same and exercising said right, privilege and authority. See conditions.

In the Matter  
222. OF  
The Texas Company  
(Case No. 42406)

Certified Copy of Statement and Designation  
Dated November 1 1941  
Filed July 25 1965

Recites that pursuant to Section 210 of the General Corporation Law of the State of New York, The Texas Company, a corporation existing under the laws of the State of Delaware (formerly named "The Texas Corporation") does hereby make this Statement and Designation. See Certificate of Incorporation and

Certificate of Ownership attached hereto. The place where is office within the State of New York is located is 135 East 42nd Street in the City and County of New York.

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In the Matter	Certified Copy of Consent and Resolution of Abandonment
223. OF	Dated February 7 1955 Acknowledged February 18 1955 Recorded March 31 1955 in
the Abandonment of Cherry Avenue and Wickwire Place	Liber 5722 of Deeds at page 189

Consent and Resolution of the Town Board and Town Superintendent of Highways of the Town of Tonawanda resolved that pursuant to Section 205 to the Highway Law below described portions of Cherry Avenue and Wickwire Place be and hereby are declared and decreed discontingent as of February 7 1955. Town of Tonawanda part of Lot No. 99 of the Niagara River Reservation, Cherry Avenue from the northerly line of James Avenue running northerly to the southerly line of Lot No. 98 and Wickwire Place from the northerly line of James Avenue to the southerly line of Lot No. 98 as shown on map filed under Cover No. 1063.

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In the Matter	Certified Copy of Change of Name
224. OF	Dated April 30 1959 Filed July 25 1965
The Texas Company (Case No. 42406)	

Certifies that the said Texas Company has been relinquished and the new name assumed is "Texaco Inc."

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In the Matter	Certificate from Department of State, State of New York
225. OF	Dated January 10 1966 Filed January 21 1966
Texaco, Inc. (Case No. 42406)	

Certifies that The Texas Company, a Delaware Corporation filed qualifying papers on November 1 1941 and that a Certificate of Authority to do business in the State of New York was issued November 1 1941; that a Certificate of Change of Name to Texaco, Inc. was filed April 30 1959 and that no Certificate



229. Texaco, Inc., formerly known  
as the Texas Company

TO

Texaco Refining and Marketing, Inc.

Warranty Deed

Dated April 18 1985  
Acknowledged April 18 1985  
Recorded April 30 1985 in

Liber 9441 of Deeds at page 649  
Consideration \$10.00 and other valuable  
consideration

Conveys Parcels A to M inclusive, et al. Together with same easement as in Agreement No. 221  
above.

230. NOTE: We find no Certificate of Incorporation for Texaco Refining and Marketing, Inc. on record.

231. Texaco Refining and  
Marketing, Inc.

TO

NOCO Energy Corp.

Warranty Deed

Dated April 18 1985  
Acknowledged April 18 1985  
Recorded April 30 1985 in

Liber 9441 of Deeds at page 656  
Consideration \$10.00 and other valuable  
consideration

Conveys Parcels A to M inclusive, et al. Together with same easement as in Agreement No. 221  
above.

232. In the Matter

OF

Standard Oil Company  
of New Jersey

Certified Copy of Certificate of Authority from  
Department of State at Albany  
File No. 28695

Filed December 26 1947 in  
Secretary of State's Office

Filed October 21 1952 in  
Erie County Clerk's Office

Recites said corporation is formed under the laws of the State of Delaware and is hereby authorized  
to do business in the State of New York under the name of "Standard Oil Company of New Jersey, Inc."

233. In the Matter  
OF  
Standard Oil Company  
of New Jersey

Certified Copy of Certificate of  
Change of Name from Department of  
State at Albany  
File No. 28695

Filed January 30 1948 in  
Secretary of State's Office

Filed October 21 1952 in  
Erie County Clerk's Office

Recites that the name of said corporation is changed to "Esso Standard Oil Company, Inc." in New York State.

234. The Atlantic Refining Company,  
Incorporated, first party  
WITH  
Esso Standard Oil Company,  
second party

Pipe Line Agreement

Dated July 10 1953  
Acknowledged July 16 1953  
Recorded August 31 1953 in

Liber 5389 of Deeds at page 118

(No search against  
first party)

First party grants to second party the right to lay, maintain, operate and remove one 8 inch pipe line for the transfer of petroleum products under, over, across and upon first party's property known as "Tonawanda Terminal Property" located south of River Road in the Town of Tonawanda at the approximate location shown and designed on plan attached hereto. See terms and conditions herein.

235. In the Matter  
OF  
Humble Oil & Refining  
Company

Certified Copy of Statement  
and Designation  
File No. 28695

Filed September 10 1959 in  
Secretary of State's Office

Filed April 18 1994 in  
Erie County Clerk's Office

Recites said corporation is formed under the Laws of the State of Delaware and that in New York State shall use the name Humble Oil & Refining Company, Inc.

236. In the Matter Secretary of State of State of Delaware  
OF Certificate  
File No. 28695  
Esso Standard Oil Company and Dated March 3 1960  
The Carter Oil Company Filed November 14 1961 in  
Erie County Clerk's Office

INTO

Humble Oil & Refining Company

Recites that an Agreement of Merger was filed in the Secretary of State's Office of the State of Delaware on December 31 1959 whereby Esso Standard Oil Company and The Carter Oil Company were merged with and into Humble Oil & Refining Company.

237. In the Matter Certified Copy of Secretary of State of  
OF State of Delaware Certificate  
File No. 28695

Exxon Corporation

Dated December 29 1972  
Filed April 18 1994 in  
Erie County Clerk's Office

Recites that the Certificate of Ownership of the "Exxon Corporation" merging Humble Oil & Refining Company and others was filed in this office on December 18 1972 and that upon said filing the corporate existence of Humble Oil & Refining Company terminated.

238. Exxon Corporation, (successor by Warranty Deed  
merger to Humble Oil & Refining  
Company) Dated June 21 1979  
Acknowledged June 21 1979  
TO Recorded July 6 1979 in  
Ashland Oil, Inc. Liber 8805 of Deeds at page 512  
Consideration \$10.00 and other good  
and valuable consideration

Conveys Parcels N, O, P and Q, et al. Together with same as in Deeds Nos. 190 and 195 above. Also together with Easement No. 234 above.

In the Matter  
239. OF  
Ashland Oil & Refining  
Company

Articles of Amendment of the  
Restated Articles of Incorporation  
File No. 26713

Filed January 29 1970 in  
Secretary of State's Office,  
Commonwealth of Kentucky

Filed April 22 1971 in  
Erie County Clerk's Office

Recites that the name of said corporation is hereby changed to Ashland Oil, Inc.

Atlantic Richfield Company,  
first party

240. WITH  
Ashland Oil, Inc.,  
second party

(No search against  
first party)

Pipe Line Agreement

Dated November 26 1980  
Acknowledged November 26 1980  
Recorded February 5 1981 in  
Liber 8985 of Deeds at page 409

Grants same rights as in Pipeline Agreement No. 234 above. See terms and conditions.

Ashland Oil, Inc.

241. TO  
Noco Energy Corp.

Warranty Deed

Dated March 18 1987  
Acknowledged March 18 1987  
Recorded March 18 1987 in  
Liber 9690 of Deeds at page 283  
Consideration \$1.00 and more

Conveys Parcels N, O, P and Q, et al. Together with same as in Deeds Nos. 190 and 195 above. Also  
together with Easement No. 234 above.

Ashland Oil, Inc.

242. TO  
Noco Energy Corp.

Quit Claim Deed

Dated March 18 1987  
Acknowledged March 18 1987  
Recorded March 18 1987 in  
Liber 9690 of Deeds at page 277  
Consideration \$1.00

Conveys Parcels N, O, P and Q, et al. Descriptions for Parcels N and O give measured distances of  
670.63 feet on the south, 456.01 feet on the east, 712.43 feet on the north and 457.49 feet on the west and

description for Parcels P and Q gives measured distances of 672.04 feet on the west, 893.78 feet on the south and 893.33 feet on the north. Together with same as in last above deed.

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243. In the Matter OF R. B. Newman Fuel Corp.

Certified Copy of Certificate of Incorporation  
File No. 25932

Filed January 12 1948 in  
Secretary of State's Office

Filed January 21 1948 in  
Erie County Clerk's Office

Recites said corporation is formed pursuant to Article Two of the Stock Corporation Law. Duration: perpetual.

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244. In the Matter OF R. B. Newman Fuel Corp.

Restated Certificate of Incorporation  
File No. 25932

Filed April 1 1983 in  
Secretary of State's Office

Filed May 2 1983 in  
Erie County Clerk's Office

Recites said corporation's Certificate of Incorporation is amended to effect the following amendments:  
The name of said corporation is hereby changed to Noco Energy Corp.

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245. Ashland Oil, Inc. TO Ashland Chemical, Inc.

Warranty Deed

Dated October 1 1989  
Acknowledged June 6 1989  
Recorded December 13 1989 in

Liber 10115 of Deeds at page 644  
Consideration \$ \_\_\_\_\_

Conveys Parcels N, O, P and Q, et al. Together with same as in Deed No. 241 above. Recites being a contribution by grantor to the capital of the grantee, a wholly owned subsidiary of the grantor. The parties hereto agree that the true market value of the property conveyed hereby is \$104,000.00.

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246. Ashland Oil, Inc. and Ashland Chemical, Inc. TO Noco Energy Corp.

Quit Claim Deed

Dated October 1 1989  
Acknowledged January 26 1993  
Recorded May 17 1993 in

Liber 10654 of Deeds at page 433  
Consideration \$1.00 and no more

Conveys Parcels N, O, P and Q, et al. Together with same as in Deed No. 241 above. Recites by Deed No. 245 above Ashland Oil, Inc. mistakenly conveyed to Ashland Chemical, Inc. the premises conveyed herein. The property above referenced is the same real property which Ashland Oil, Inc. had previously conveyed to grantee by deed dated March 18 1987.

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Noco Energy Corp.	Deed (B & S)
247. TO	Dated November 29 1996
3679 River Road, Inc.	Acknowledged November 29 1996
(No search against this grantee; shown for reference only)	Recorded December 16 1996 in Liber 10910 of Deeds at page 4062 Consideration \$10.00 and other valuable consideration

Conveys: Town of Tonawanda, County of Erie and State of New York, being part of Lot No. 98 of the Niagara River Reservation, described as follows: Beginning at a point in the south line of Lot No. 98 at the point of intersection with the east line of River Road; running thence easterly along the south line of Lot No. 98 and at an interior angle of  $95^{\circ} 33' 30''$ , 235.30 feet; running thence northerly at right angles 278 feet; running thence westerly at right angles 194.85 feet to the northeast corner of a 15 foot wide parcel of land conveyed to Beacon Oil Company by deed recorded in Liber 1912 of Deeds at page 464; thence southerly along the easterly line of said lands conveyed to Beacon Oil Company 78 feet; thence westerly along the southerly line of said lands conveyed to Beacon Oil Company a distance of 59.91 feet to a point in the east line of River Road; thence southerly along the east line of River Road a distance of 216.02 feet to the point or place of beginning. Reserving unto the party of the first part, its successors and assigns a non-exclusive right to use in common with the party of the second part those easements, if any located on premises other than those premises hereby conveyed which benefit both the premises hereby conveyed and other premises owned by the party of the first part. Subject to all covenants, restrictions and rights of way of record.

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**MONROE TITLE INSURANCE CORPORATION**  
**ABSTRACT CERTIFICATE**

MONROE TITLE INSURANCE CORPORATION ("Corporation"), a New York Corporation, for good consideration paid, CERTIFIES AND GUARANTEES to the current record owner(s) of an interest in or specific lien upon the premises described at the last Set-Out(s) No(s). 1 preceding this Certificate (the "Subject Premises") and their successors in interest of record that:

1. (a) It has searched the indices listed **alphabetically** in Section 6 of this Certificate maintained in the County Clerk's Office and the County Surrogate's Court for the county in which the Subject Premises is located against the names of the parties appearing in the Abstract as owning or having an interest in the Subject Premises, during the record periods of such ownership from and including --- ("Start Date(s)"), or the date or period specified below for such index, to the date of this Certificate.  
  
(b) It has searched the United States Bankruptcy Court for the Western District of New York, for: *Bankruptcy Proceedings (for 20 years)*.
2. It has searched the Inactive Hazardous Waste Disposal Site Registry Index maintained in the County Clerk's Office for the County in which the Subject Premises is located against the tax map parcel number or the section, block and lot number of the Subject Premises.
3. It found the matters set forth in the Abstract at Set-Outs 2 through 247; said matters are correctly set forth therein; and, except as specified in Section 4 of this Certificate, there is nothing more in those indices which appears to affect the Subject Premises, or any part thereof.
4. The following matters which appear to affect the Subject Premises are not set forth in the Abstract after the Start Date:
  - (a) Cancellations, discharges or satisfactions (recorded or filed on or after the Start Date) of mortgages, judgments, liens, notices of pendency or encumbrances recorded or filed prior to the Start Date;
  - (b) Mortgages, judgments, liens, notices of pendency or encumbrances both recorded or filed and marked thereon as canceled, discharged or satisfied on or after the Start Date; and
  - (c) The cancellations, discharges or satisfactions marked on the matters listed in subsection (b) of this Section 4.
5. If any covenant or restriction referenced or appearing in this search violates any provision of the Federal Fair Housing Act (42 U.S.C. § 3601 et seq.), as amended, it is set forth herein solely in the interest of complete and accurate reporting.
6. Indices Searched:

<i>Abstract of Judgments pursuant to Title 28</i>	<i>Judgments (10 Years)</i>
<i>Condominium Liens</i>	<i>Mechanics Liens (1 Year)</i>
<i>Federal Tax Liens (10 Years)</i>	<i>Mortgagor</i>
<i>Financing Statements (5 Years)</i>	<i>Notices of Pendency</i>
<i>Grantor/Grantee</i>	<i>Orders Appointing Receiver</i>
<i>Incompetency/Conservatee</i>	<i>State Tax Warrants (10 Years)</i>
<i>In Rem Proceedings</i>	<i>Surety Bonds</i>
	<i>Wills and Administration of Estate</i>
7. This Certificate, as continued from time to time, is not limited by time.

IN WITNESS WHEREOF, the Corporation has caused this Certificate to be signed by its Authorized Officer this 24th day of August, 2001 at 8:59 o'clock AM.

**MONROE TITLE INSURANCE CORPORATION**

By *John P. Federowicz*  
Authorized Officer

Certificate No. 290478

Order No. 290478A

Abstracted by KAR/kh

© 1996 Monroe Title Insurance Corporation

MONROE TITLE INSURANCE CORPORATION  
PRIVACY POLICY NOTICE

PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of Monroe Title Insurance Corporation.

We may collect nonpublic personal information about you from the following sources:

- Information we receive from you such as on applications or other forms and our website.
- Information about your transactions we secure from our files, or from our affiliates or others.
- Information we receive from a consumer reporting agency.
- Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law for a variety of purposes including:

- To assist us in providing service and account maintenance.
- To help us design and improve products.
- To offer products and services that may be of interest to you.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance;
- Non-financial companies such as envelope stuffers and other fulfillment service providers.
- To third party service providers that perform services for us in the processing or servicing of your transaction.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT THIS IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

*THIS NOTICE IS ADDITIONALLY PROVIDED ON BEHALF OF THE FOLLOWING COMPANIES IN WHICH MONROE TITLE INSURANCE CORPORATION HAS A CONTROLLING INTEREST: MONROE-ALLEGANY TITLE AGENCY, INC.; MONROE-GENESEE COUNTRY TITLE AGENCY, LLC; MONROE-GORMAN TITLE AGENCY, LLC; MONROE-MADISON TITLE AGENCY, LLC; MONROE-TOMPKINS-WATKINS TITLE AGENCY, LLC AND WYOMING ABSTRACT CO. (DIV. OF MONROE TITLE INSURANCE CORPORATION).*

**Brownfield Cleanup Program Application**  
***3701 River Road Site***

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**ATTACHMENT 9**

**Quit Claim Deed**

## QUIT CLAIM DEED

**THIS INDENTURE**, is given this \_\_\_\_ day of February, 2026, by

**NOCO BLACK DIRT PROPERTIES, LLC**, a New York limited liability company with an address at 2101 St. Rita's Lane, Buffalo, New York 14221

("Grantor"), to

**3701 RIVER ROAD, LLC**, a New York limited liability company, with an address at 2101 St. Rita's Lane, Buffalo, New York 14221

("Grantee").

**WITNESSETH**, that the Grantor, in consideration of One and No More (\$1.00) dollars, lawful money of the United States, paid by Grantee, does hereby remise, release and quit claim to Grantee and to their heirs and assigns forever, all right, title and interest of Grantor in and to the real property described herein and made a part hereof:

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Tonawanda, County of Erie and State of New York, being more particularly described on the attached **Schedule A**.

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


**THIS CONVEYANCE** does not render the Grantor insolvent and is not made in defraud of creditors.

**TO HAVE AND TO HOLD**, the above granted premises unto the Grantee, its heirs and assigns forever.

**THAT** in compliance with Section 13 of the Lien Law, 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 purposes.

**IN WITNESS WHEREOF**, the Grantor has caused this Indenture to be executed the day and year first above written.

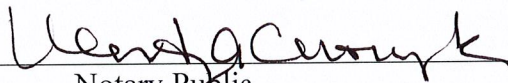
NOCO BLACK DIRT PROPERTIES, LLC

By:   
Name: Tim Boyle  
Title: Manager

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

On the 5<sup>th</sup> day of ~~February~~ <sup>March</sup>, in the year 2026, before me, the undersigned, personally appeared Tim Boyle, 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, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

WENDY A. CHOPYAK  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01CH6018198  
Qualified in Niagara County  
Commission Expires Jan. 4, 27

  
Notary Public

## SCHEDULE A

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Tonawanda, County of Erie and State of New York, being part of Lot No. 98 of the Niagara River Reservation being bounded and described as follows:

BEGINNING at a point in the easterly line of River Road at the southwest corner of lands conveyed to Beacon Oil Company by deed recorded in Erie County Clerk's Office in Liber 1912 of Deeds at page 464;  
Running thence southerly along the said easterly line of River Road, 78.37 feet to a point;  
Running thence easterly parallel with the south line of Lot No. 98, 59.91 feet to a point;  
Running thence northerly at right angles, 78.00 feet to a point in the southerly line of said Liber 1912 of Deeds at page 464;  
Running thence easterly along the southerly line of said lands, parallel to and 278 feet northerly from the south line of Lot No. 98, 602.50 feet to a point;  
Running thence northerly at right angles, 195.00 feet to a point;  
Running thence westerly at right angles, 688.98' to a point in the easterly line of River Road;  
Running thence southerly along the easterly line of River Road 195.87 feet to the point or place of beginning.

This parcel of land containing 3.16 acres of land more or less.

**Brownfield Cleanup Program Application**  
***3701 River Road Site***

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**ATTACHMENT 10**

**NYSDOS Entity Information**

An official website of New York State.  
[Here's how you know](#) ▾



# Department of State Division of Corporations

## Entity Information

[Return to Results](#)

[Return to Search](#)

### Entity Details ^

**ENTITY NAME:** 3701 RIVER ROAD, LLC

**DOS ID:** 7839265

**FOREIGN LEGAL NAME:**

**FICTITIOUS NAME:**

**ENTITY TYPE:** DOMESTIC LIMITED LIABILITY COMPANY

**DURATION DATE/LATEST DATE OF DISSOLUTION:**

**SECTION OF LAW:** LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW

**ENTITY STATUS:** ACTIVE

**DATE OF INITIAL DOS FILING:** 02/20/2026

**REASON FOR STATUS:**

**EFFECTIVE DATE INITIAL FILING:** 02/20/2026

**INACTIVE DATE:**

**FOREIGN FORMATION DATE:**

**STATEMENT STATUS:** CURRENT

**COUNTY:** ERIE

**NEXT STATEMENT DUE DATE:** 02/29/2028

**JURISDICTION:** NEW YORK, UNITED STATES

**NFP CATEGORY:**

[<](#) [ENTITY DISPLAY](#) [NAME HISTORY](#) [FILING HISTORY](#) [MERGER HISTORY](#) [ASSUMED NAME HISTORY](#)

#### Service of Process on the Secretary of State as Agent

**The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:**

**Name:** C/O THE LLC

**Address:** 2101 ST. RITA'S LANE, BUFFALO, NY, UNITED STATES, 14221

**Electronic Service of Process on the Secretary of State as agent: Not Permitted**

#### Chief Executive Officer's Name and Address

**Name:**

**Address:**

#### Principal Executive Office Address

**Address:**

#### Registered Agent Name and Address

**Name:**

**Address:**

Entity Primary Location Name and Address

**Name:**

**Address:**

Farmcorpflag

**Is The Entity A Farm Corporation:** NO

Stock Information

Share Value	Number Of Shares	Value Per Share

**Brownfield Cleanup Program Application**  
***3701 River Road Site***

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**ATTACHMENT 11**

**Organizational Chart**

**3701 RIVER ROAD, LLC**

**Volunteer Requestor**

**3701 River Road, LLC**

2101 St. Rita's Lane  
Williamsville, New York, 14221

**Mr. Michael Newmam**

(Managing Member)

**Joint Unanimous Written Consent of the Shareholder and Officers**

**3701 RIVER ROAD, LLC**

**JOINT UNANIMOUS WRITTEN CONSENT  
OF THE SHAREHOLDERS AND OFFICERS**

April 15, 2026

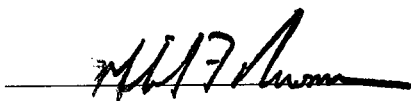
The undersigned and Sole Member of **3701 RIVER ROAD, LLC**, a New York limited corporation (the “Company”), hereby jointly consent to the adoption of the following resolutions without a meeting and direct that this Consent be filed with the minutes of the Company.

RESOLVED, that **Tim Boyle** (an “Authorized Person”) be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Corporation, to execute the Brownfield Cleanup Program (BCP) Application, the Brownfield Cleanup Agreement (BCA), or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation’s Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property located at 3701 River Road (S.B.L. No. 64.12-1-15.113), Tonawanda, New York; and be it further

RESOLVED, that the Authorized Person is hereby authorized, empowered and directed to take all such action on behalf of the Corporation as they may deem necessary, appropriate or advisable to carry out the intent and purposes of the foregoing resolution; and be it further

RESOLVED, that any acts of any officer of the Corporation and of any persons designated and authorized to act by any such officer of the Corporation, which acts would have been authorized by the forgoing resolutions except that such acts were taken prior to the adoption of such resolutions, are hereby severally ratified, confirmed, approved and adopted as acts of the Corporation.

**IN WITNESS WHEREOF**, the undersigned have executed this Joint Unanimous Written Consent as of the date set forth above.

A handwritten signature in black ink, appearing to read "Michael Newman", written over a horizontal line.

Name: Michael Newman

Managing Member, 3701 River Road, LLC

**Document Repository Request and Confirmation**

March 4, 2026

Ms. April Tompkins  
Buffalo & Erie County Public Library  
1 Lafayette Square  
Buffalo, NY 14203

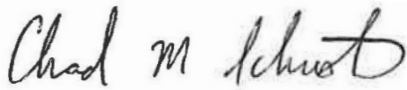
Re: Document Repository for Brownfield Cleanup Program  
3701 River Road Site  
3701 River Road  
Tonawanda, NY 14150

Dear Ms. Tompkins:

On behalf of our client, Roux Environmental Engineering and Geology, D.P.C. would like to request the Buffalo & Erie County Public Library (Elaine M. Panty Branch) to act as the document repository for the above-referenced Site. In the future, we will be sending various documents relating to the Site that should be made available for public review upon request at the Elaine M. Panty Branch library.

Sincerely,

**ROUX ENVIRONMENTAL ENGINEERING AND GEOLOGY, D.P.C.**



Chad M. Schuster  
Project Scientist

**From:** April Tompkins <tompkinsa@buffalolib.org>  
**Sent:** Monday, March 9, 2026 8:41 AM  
**To:** Chad Schuster  
**Subject:** RE: Document Repository Request - 3701 River Road Site  
**Attachments:** Document Repository Request.pdf

**This message originated outside your organization. Please use caution!**

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Good morning Chad,

Per your request, this is to inform you that the Buffalo and Erie County Public Library will be the repository for all documents (and updates) submitted by your company for the Brownfield Cleanup Program at the **3701 River Road Site**. These documents will be made available for public viewing at the **Elaine M. Panty Branch Library** and/or any of the **other 36 libraries of your choice within our System**. Please refer to our procedure below.

We prefer that you do not take and/or send documents to individual libraries. We will process according to our procedure and distribute to the location(s) of your choice. **Be sure to include a cover letter.** **If you would like a confirmation that your documents were received, you will need to include the request in your cover letter and provide an email address.**

Please keep the following in mind:

- Documents (including updates) for public viewing should be either brought in person (to my attention) to the Central Library's administrative reception desk located on the second floor or sent via mail/delivery carrier. Documents sent via e-mail will not be accepted. The mailing address is:

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

- After processing, documents are made available usually within three business days after receipt, excluding weekends and holidays. Documents for the Central/Downtown library are located on the first floor in the Information Services Department.
- If you would like the documents distributed at **libraries other than Central**, you will need to send or give us the appropriate quantity of copies with labels or a list regarding their destination(s). We will distribution accordingly. We do not make copies for distribution.
- Documents that cannot be stapled, should be kept together in some type of binder. Please do not send 'loose' papers, especially if including a cd or flash drive.
- You have the choice regarding the format (hard copy print and/or disk or flash drive) you wish to submit. If submitting in more than one format (ex: print and disk), please be sure that they are titled/labeled accordingly. **If cd's or flash drives are included, please secure to the corresponding printed document(s) to prevent it from getting lost or separated.** **If submitting in cd and/or flash drive format only (with no printed documentation), it will need to be in some type of enclosed pocket/envelope (clear, if possible) to prevent it from being misplaced or lost.** **Although CD-ROMs are**

not accessible on public library computers, patrons may bring in their personal laptop or external optical drive to view the disk in-house. Public computers do have USB ports for flash drives. If optional, an alternative is the availability to go online using a provided link for patrons to read/print. Patrons are not allowed to take original repository documents out of the Library.

Please feel free to contact me by replying to this e-mail or by phone at 716-858-7129 if you still have any questions.

Regards,  
April

*April Tompkins, Sr. Library Clerk*  
Office of Chief Operating Officer  
Buffalo and Erie County Public Library  
1 Lafayette Square | Buffalo, NY 14203  
Voice: 716-858-7129 | Fax: 716-845-9053  
E-mail: [tompkinsa@buffalolib.org](mailto:tompkinsa@buffalolib.org)

---

**From:** Chad Schuster <[cschuster@rouxinc.com](mailto:cschuster@rouxinc.com)>  
**Sent:** Friday, March 6, 2026 11:11 AM  
**To:** April Tompkins <[tompkinsa@buffalolib.org](mailto:tompkinsa@buffalolib.org)>  
**Subject:** RE: Document Repository Request - 3701 River Road Site

**CAUTION:** This email originated from outside of the Library. Attachment and links **may not be safe!**

Hi April:

I am circling back to make sure you received this request.

**Chad Schuster | Project Scientist**  
2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218  
Main: 716-856-0599 | Mobile: 716-346-2818  
Email: [cschuster@rouxinc.com](mailto:cschuster@rouxinc.com) | Website: [www.rouxinc.com](http://www.rouxinc.com)



California | Illinois | Massachusetts | New Jersey | New York | Texas | Virginia



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**From:** Chad Schuster  
**Sent:** Wednesday, March 4, 2026 11:25 AM  
**To:** [tompkinsa@buffalolib.org](mailto:tompkinsa@buffalolib.org)  
**Subject:** Document Repository Request - 3701 River Road Site

Dear Ms. Tompkins:

Please find attached a letter of transmittal request that the Buffalo and Erie County Library – Elaine M. Panty Branch act as the document repository for the **3701 River Road Site**. Please respond at your earliest convenience and feel free to contact me if you have any questions.

Sincerely,

**Chad Schuster | Project Scientist**

2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218  
Main: 716-856-0599 | Mobile: 716-346-2818  
Email: [cschuster@rouxinc.com](mailto:cschuster@rouxinc.com) | Website: [www.rouxinc.com](http://www.rouxinc.com)



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Buffalo & Erie County Public Libraries have more than 3.2 million materials - books, eBooks, DVDs, music & more. Free library cards (traditional and eLibrary) are available to Erie County, New York residents and to those who work and/or attend school in Erie County, NY. Follow the library on [Facebook](#), [Twitter](#), [Instagram](#), [Pinterest](#), [Flickr](#) and on our podcast [All Booked Up!](#) Information: 716-858-8900 or <http://www.buffalolib.org>.

**Brownfield Cleanup Program Application**  
***3701 River Road Site***

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**ATTACHMENT 14**

**Petroleum Bulk Storage Application**



# Petroleum Bulk Storage Application

Pursuant to the Environmental Conservation Law: Article 17, Title 10; and  
Regulations 6 NYCRR Part 613 and 6 NYCRR Subpart 374-2

Return Completed Form & Fees To:



**PBS Number:**

(Please Type or Print Clearly and Complete All Items for Sections A, B & C)

## Section A - Facility/Property Owner/Contact Information

Expiration Date:

<b>Transaction Type:</b> <input type="checkbox"/> 1 1) Initial/New Facility 2) Change of Ownership 3) Tank Installation, Closing, or Repair 4) Information Correction 5) Renewal	F A C I L I T Y	Facility Name: 3701 River Road Site	Tax Map Info Borough/Section 64.12	<b>TYPE OF PETROLEUM FACILITY</b> (Check only one)			
		Facility Address (Physical Address, No P.O. Boxes): 3701 River Road	Block: 1	<input type="checkbox"/> 01=Storage Terminal/Petrol. Distributor	<input type="checkbox"/> 02=Retail Gasoline Sales	<input type="checkbox"/> 03=Other Retail Sales	<input type="checkbox"/> 04=Manufacturing
		Facility Address (cont.):	Lot 15.113	<input type="checkbox"/> 05=Utility	<input type="checkbox"/> 06=Trucking/Transportation/Fleet	<input type="checkbox"/> 07=Apartment/Office Building	<input type="checkbox"/> 08=School
		City: Tonawanda	State: NY	ZIP Code: 14150	<input type="checkbox"/> 09=Farm	<input type="checkbox"/> 10=Private Residence	<input type="checkbox"/> 11=Airline/Air Taxi/Airport
		County: Erie	Township/City: Tonawanda	Facility Phone Number:	<input type="checkbox"/> 12=Chemical Distributor	<input type="checkbox"/> 13=Municipality	<input type="checkbox"/> 15=Railroad
Facility Operator: 3701 River Road, LLC		<input type="checkbox"/> 25=Auto Service/Repair (No Gasoline Sales)		<input type="checkbox"/> 26=Religious (Church, Synagogue, Mosque, Temple, etc.)	<input type="checkbox"/> 28=Cemetery/Memorial		
<input type="checkbox"/> 27=Hospital/Nursing Home/Health Care		<input type="checkbox"/> 52=Marina 53=Nuclear Power Plant		<input checked="" type="checkbox"/> 99=Other (Specify): A portion of a Former Oil Refinery			
Emergency Contact Name: Tim Boyle		Emergency Telephone Number: (716) 523-7323					
<b>NOTE:</b>  <b>Fill in Property Owner information here....&gt;&gt;&gt;&gt;</b>  <b>Indicate Tank Owner in Section C.</b>		Facility (Property) Owner (from Deed): 3701 River Road, LLC		I hereby certify, under penalty of law, that all of the information provided on this form is true and correct. False statements made herein may be punishable as a criminal offense and/or a civil violation in accordance with applicable state and federal law.			
Facility Owner Address (Street and/or P.O. Box): 2101 St. Rita's Lane		City: Williamsville		State: NY	ZIP Code: 14221		
Owner Telephone Number:		Name of Owner or Authorized Representative: Tim Boyle		Amount Enclosed: \$			
Type of Owner (check only one):		Title: Manager		Signature: <i>Timothy P Boyle</i>			
3 <input type="checkbox"/> Local Government	4 <input type="checkbox"/> Federal Government	Date: 3/10/26		Signature: <i>Timothy P Boyle</i>			
1 <input type="checkbox"/> Private Resident	5 <input checked="" type="checkbox"/> Corporate/Commercial/Other						
2 <input type="checkbox"/> State Government							
Official Use Only Date Received: ___/___/___ Date Processed: ___/___/___ Amount Received: \$_____ Reviewed By: _____ Rev. 12/22/2022	C O R R E S P O N D E N C E	(Please keep this information up to date.) Facility Contact Person Name: Tim Boyle Contact Person Company Name: 3701 River Road, LLC Address: 2101 St. Rita's Lane Address (cont.): City/State/ZIP Code: Williamsville, NY 14221 Tel. Number: (716) 362-5072					
		eMail Address: tboyle@newcowny.com					



**PBS Number:**

# Petroleum Bulk Storage Application

## Section C - Tank Ownership Information (for PBS tanks listed in Section B)

<b>Tank Owner Information</b> <input checked="" type="checkbox"/> Check box if same as Facility (Property) Owner. If tank owner is different from property owner, fill out information below:		
Tank Owner Name (Company/Individual):		
Contact Person:		
Tank Owner Address:		
City:	State:	ZIP:
Contact Person Telephone Number:	Contact Person email:	
<b>Specific Tanks Owned</b> <input checked="" type="checkbox"/> Check box if this owner owns all tanks at this facility. If not, list tanks owned by this owner below:		
Tank Number:		
Name of Class B (Daily On-Site) Operator:	Authorization No:	
Name of Class A (Primary) Operator:	Authorization No:	

<b>Tank Owner Information</b> <input type="checkbox"/> Check box if same as Facility (Property) Owner. If tank owner is different from property owner, fill out information below:		
Tank Owner Name (Company/Individual):		
Contact Person:		
Tank Owner Address:		
City:	State:	ZIP:
Contact Person Telephone Number:	Contact Person email:	
<b>Specific Tanks Owned</b> <input type="checkbox"/> Check box if this owner owns all tanks at this facility. If not, list tanks owned by this owner below:		
Tank Number:		
Name of Class B (Daily On-Site) Operator:	Authorization No:	
Name of Class A (Primary) Operator:	Authorization No:	

# PETROLEUM BULK STORAGE APPLICATION - SECTION B - TANK INFORMATION - CODE KEY

## Action (1)

1. Initial Listing
2. Add Tank
3. Close/Remove Tank
4. Information Correction
5. Repair/Reline Tank

## Tank Location (3)

1. Aboveground-contact w/soil
2. Aboveground-contact w/impervious barrier
3. Aboveground on saddles, legs, stilts, rack or cradle
4. Partially buried tank (tank with 10% or more below ground)
5. Underground including vaulted with no access for inspection
6. Aboveground in Subterranean Vault w/access for inspections

## Status (4)

1. In-service
2. Out-of-service
3. Closed-Removed
4. Closed- In Place
5. Tank converted to Non-Regulated use

## Products Stored (7)

### Heating Oils: On-Site Consumption

- 0001. #2 Fuel Oil
- 0002. #4 Fuel Oil
- 0259. #5 Fuel Oil
- 0003. #6 Fuel Oil
- 0012. Kerosene
- 0591. Clarified Oil
- 2711. Biodfuel Oil
- 2642. Used Oil (Heating)

### Heating Oils: Resale/Redistribution

- 2718. #2 Fuel Oil
- 2719. #4 Fuel Oil
- 2720. #5 Fuel Oil
- 2721. #6 Fuel Oil
- 2722. Kerosene
- 2723. Clarified Oil
- 2724. Biofuel Oil

## Motor Fuels

- 0009. Gasoline
- 2712. Gasoline/Ethanol

- 0008. Diesel
- 2710. Biodiesel
- 0011. Jet Fuel
- 1044. Jet Fuel (Biofuel)
- 2641. Aviation Gasoline

## Emergency Generator Fuels

- 0001. #2 Fuel Oil
- 2730. Biodiesel (E-Gen)
- 2731. Diesel (E-Gen)

## Lubricating/Cutting Oils

- 0013. Lube Oil
- 0015. Motor Oil
- 1045. Gear/Spindle Oil
- 0010. Hydraulic Oil
- 0007. Cutting Oil
- 0021. Transmission Fluid
- 1836. Turbine Oil
- 0308. Petroleum Grease

## Oils Used as Building Materials

- 2626. Asphaltic Emulsions
- 0748. Form Oil

## Petroleum Spirits

- 0014. White/Mineral Spirits
- 1731. Naptha

## Mineral/Insulating Oils

- 0020. Insulating Oil (e.g., Transformer, Cable Oil)
- 2630. Mineral Oil

## Waste/Used/Other Oils

- 0022. Waste/Used Oil
- 9999. Other-Please list:\*

## Crude Oil

- 0006. Crude Oil
- 0701. Crude Oil Fractions

## Tank Type (8)

- 01. Steel/Carbon Steel/Iron
- 02. Galvanized Steel Alloy
- 03. Stainless Steel Alloy
- 04. Fiberglass Coated Steel
- 05. Steel Tank in Concrete
- 06. Fiberglass Reinforced Plastic (FRP)
- 07. Plastic
- 08. Equivalent Technology

- 09. Concrete
- 10. Urethane Clad Steel
- 99. Other-Please list:\*

## Internal Protection (9)

- 00. None
- 01. Epoxy Liner
- 02. Rubber Liner
- 03. Fiberglass Liner (FRP)
- 04. Glass Liner
- 99. Other-Please list:\*

## External Protection (10/18)

- 00. None
- 01. Painted/Asphalt Coating
- 02. Original Sacrificial Anode
- 03. Original Impressed Current
- 04. Fiberglass
- 05. Jacketed
- 06. Wrapped (Piping)
- 07. Retrofitted Sacrificial Anode
- 08. Retrofitted Impressed Current
- 09. Urethane
- 99. Other-Please list:\*

## Tank Secondary Containment (11)

- 00. None
- 01. Diking (AST Only)
- 02. Vault (w/access)
- 03. Vault (w/o access)
- 04. Double-Walled (UST Only)
- 05. Synthetic Liner
- 06. Remote Impounding Area
- 07. Excavation Liner
- 09. Modified Double-Walled (AST Only)
- 10. Impervious Underlayment (AST Only)\*\*
- 11. Double Bottom (AST Only)\*\*
- 12. Double-Walled (AST Only)
- 99. Other - Please list\*

## Tank Leak Detection (12)

- 00. None
- 01. Interstitial Electronic Monitoring
- 02. Interstitial Manual Monitoring
- 03. Vapor Well
- 04. Groundwater Well
- 05. In-Tank System (Auto Tank

- 06. Impervious Barrier/Concrete Pad (AST Only)
- 07. Statistical Inventory Reconciliation (SIR)
- 08. Weep holes in vaults with no access for inspection
- 99. Other-Please list: \*

## Overfill Protection (13)

- 00. None
- 01. Float Vent Valve
- 02. High Level Alarm
- 03. Automatic Shut-Off (AST Only)
- 04. Product Level Gauge (AST Only)
- 05. Vent Whistle
- 99. Other-Please list:\*

## Spill Prevention (14)

- 00. None
- 01. Catch Basin
- 99. Other-Please list:\*

## Pumping/Dispensing Method (15)

- 00. None
- 01. Presurized Dispenser
- 02. Suction Dispenser
- 03. Gravity
- 04. On-Site Heating System (Suction)
- 05. On-Site Heating System (Supply/Return)
- 06. Tank-Mounted Dispenser
- 07. Loading Rack/Transfer Pump

## Piping Location (16)

- 00. No Piping
- 01. Aboveground
- 02. Underground/On-ground
- 03. Aboveground/Underground Combination

## Piping Type (17)

- 00. None
- 01. Steel/Carbon Steel/Iron
- 02. Galvanized Steel
- 03. Stainless Steel Alloy
- 04. Fiberglass Coated Steel
- 05. Steel Encased in Concrete

- 06. Fiberglass Reinforced Plastic (FRP)
- 07. Plastic
- 08. Equivalent Technology
- 09. Concrete
- 10. Copper
- 11. Flexible Piping
- 99. Other-Please list:\*

## Piping Secondary Containment (19)

- 00. None
- 01. Diking (Aboveground Only)
- 02. Vault (w/access)
- 04. Double-Walled (Underground Only)
- 06. Remote Impounding Area
- 07. Trench Liner
- 12. Double-Walled (Aboveground Only)
- 99. Other-Please list: \*

## Pipe Leak Detection (20)

- 00. None
- 01. Interstitial Electronic Monitoring
- 02. Interstitial Manual Monitoring
- 03. Vapor Well
- 04. Groundwater Well
- 07. Pressurized Piping Leak Detector
- 09. Exempt Suction Piping
- 10. Statistical Inventory Reconciliation (SIR)
- 99. Other-Please list:\*

## Under Dispenser Containment (UDC) (21)

Check Box if Present

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\* If other, please list on a separate sheet including tank number.

\*\* Each of these codes must be combined with code 01 or 06 to meet compliance requirements.