



## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

### PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

Check the appropriate box below based on the nature of the amendment modification requested:

Amendment to [check one or more boxes below]

- Add
- Substitute
- Remove
- Change in Name

applicant(s) to the existing Brownfield Cleanup Agreement [*Complete Section I-IV below and Part II*]

Does this proposed amendment involve a transfer of title to all or part of the brownfield site?  Yes  No

If yes, pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been previously submitted. If not, please submit this form with this Amendment. See <http://www.dec.ny.gov/chemical/76250.html>

- Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Sections I and V below and Part II*]
- Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Section I and V below and Part II*]
- Sites in Bronx, Kings, New York, Queens, or Richmond counties ONLY:** Amendment to request determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Please answer questions on the supplement at the end of the form.
- Other (explain in detail below)

Please provide a brief narrative on the nature of the amendment:

This Brownfield Cleanup Program ("BCP") Application to Amend Brownfield Cleanup Agreement and Amendment (the "Amendment Application") modifies the description of and expands the property boundaries of the existing Brownfield Site Cleanup Agreement for BCP Site Index No. C915197L-01-18 (the "Site"). This Amendment Application expands/ adds approximately 6.03 acres of real property to the Site, resulting in a new acreage amount for the Site of approximately 6.69 acres. Attachment A-1 contains the metes and bounds description for the real property to be added to the existing BCP Site C915197L (Parcel A). Attachment A-2 contains the metes and bounds description of the existing BCP Site C915197L (Parcel B). Attachment A-3 contains the metes and bounds description of the expanded/ new BCP Site C916197L (Parcel A and Parcel B combined). Attachment B contains a survey showing the metes and bounds of the Site, as hereby amended.

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

<b>Section I. Existing Agreement Information</b>			
BCP SITE NAME: Bethlehem Shoreline Trail		BCP SITE NUMBER: C915197L	
NAME OF CURRENT APPLICANT(S): Tecumseh Redevelopment, Inc. and Buffalo and Erie County Industrial Land Development Corporation			
INDEX NUMBER OF EXISTING AGREEMENT: C915197L-01-18		DATE OF EXISTING AGREEMENT: 03/09/18	
<b>Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)</b>			
NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Is the requestor authorized to conduct business in New York State (NYS)? <input type="checkbox"/> Yes <input type="checkbox"/> No			
<ul style="list-style-type: none"> <li>If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation &amp; Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.</li> </ul>			
NAME OF NEW REQUESTOR'S REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Describe Requestor's Relationship to Existing Applicant:			

<b>Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight new information)</b>		
OWNER'S NAME (if different from requestor)		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
OPERATOR'S NAME (if different from requestor or owner)		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL

<b>Section IV. Eligibility Information for New Requestor (Please refer to ECL § 27-1407 for more detail)</b>	
If answering "yes" to any of the following questions, please provide an explanation as an attachment.	
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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="checkbox"/> Yes <input type="checkbox"/> No
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the subject law; ii) any order or determination; iii) any regulation implementing ECL Article 27 Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment.	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, Department assigned site number, the reason for denial, and other relevant information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state?	<input type="checkbox"/> Yes <input type="checkbox"/> No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department?	<input type="checkbox"/> Yes <input type="checkbox"/> No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	<input type="checkbox"/> Yes <input type="checkbox"/> No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	<input type="checkbox"/> Yes <input type="checkbox"/> No
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="checkbox"/> Yes <input type="checkbox"/> No

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

PARTICIPANT

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

VOLUNTEER

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

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

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

Requestor's Relationship to Property (check one):

Prior Owner  Current Owner  Potential /Future Purchaser  Other \_\_\_\_\_

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

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

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

ADDRESS 2303 Hamburg Turnpike

CITY/TOWN Lackawanna

ZIP CODE 14218

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

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
A portion of 2303 Hamburg Turnpike		141.11	1	48.1	0.66+/-

Check appropriate boxes below:

- Changes to metes and bounds description or TBL correction
- Addition of property (may require additional citizen participation depending on the nature of the expansion – see attached instructions)

Approximate acreage added: 6.03+/-

**ADDITIONAL PARCELS:**

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
A portion of 2303 Hamburg Turnpike		141.11	1	48.1	6.03+/-

- Reduction of property
- Approximate acreage removed: \_\_\_\_\_

**PARCELS REMOVED:**

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

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

\* Attachment A-1 contains the metes and bounds description for the real property to be added to the existing BCP Site C915197L (Parcel A).

\*\* Attachment A-2 contains the metes and bounds description of the existing BCP Site C915197L (Parcel B).

\*\*\*Attachment A-3 contains the metes and bounds description of the expanded/new BCP Site C915197L (Parcel A and Parcel B combined).

\*\*\*\*Attachment B contains a survey showing the metes and bounds of the Site, as hereby amended.

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

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

**PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT**

<b>Existing Agreement Information</b>	
BCP SITE NAME: Bethlehem Shoreline Trail	BCP SITE NUMBER: C915197L
NAME OF CURRENT APPLICANT(S): Tecumseh Redevelopment, Inc. and Buffalo and Erie County Industrial Land Development Corporation	
INDEX NUMBER OF EXISTING AGREEMENT: C915197L-01-18	
EFFECTIVE DATE OF EXISTING AGREEMENT: March 9, 2018	

Declaration of Amendment:

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

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

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

**Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)**

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

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

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

(Entity)

I hereby affirm that I am Executive Vice President (title) of Buffalo and Erie County Industrial Land Development Corporation (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My \_\_\_\_\_ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: Jan 14, 2019 Signature: John Cappellino

Print Name: John Cappellino

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

<input type="checkbox"/> <b>PARTICIPANT</b> A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.	<input type="checkbox"/> <b>VOLUNTEER</b> A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.
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**Effective Date of the Original Agreement:**

**Signature by the Department:**

DATED:

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By:

\_\_\_\_\_  
Michael J. Ryan, P.E., Director  
Division of Environmental Remediation



**Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)**

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

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

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

(Entity)

I hereby affirm that I am <sup>Vice President Environmental</sup> <sub>Affairs & Real Estate</sub> (title) of <sup>Tecumseh Redevelopment,</sup> \_\_\_\_\_ (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My \_\_\_\_\_ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 12/4/2018 Signature: Keith Nagel

Print Name: Keith Nagel

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

<input type="checkbox"/> <b>PARTICIPANT</b> A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.	<input type="checkbox"/> <b>VOLUNTEER</b> A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.
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**Effective Date of the Original Agreement:**

**Signature by the Department:**

DATED:

NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

By:

\_\_\_\_\_  
Michael J. Ryan, P.E., Director  
Division of Environmental Remediation

**SUBMITTAL INFORMATION:**

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

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

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**FOR DEPARTMENT USE ONLY**

**BCP SITE T&A CODE:** \_\_\_\_\_ **LEAD OFFICE:** \_\_\_\_\_

**PROJECT MANAGER:** \_\_\_\_\_

**ATTACHMENT A-1**

**LEGAL DESCRIPTION FOR ADDITIONAL LANDS TO BE ADDED TOSITE C915197L**

**BETHLEHEM SHORELINE TRAIL**

**(BEING PART OF PARCEL NOS. II-8;II-11; I-2;I-4;I-6 AND I-8**

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK BEING PART OF LOTS 24 AND 36, TOWNSHIP 10, RANGE 8 OF THE BUFFALO CREEK RESERVATION (SO-CALLED) AND PART OF LOTS 20, 21 AND 24 OF THE OGDEN GORE TRACT, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON WESTERLY BOUNDARY OF THE HAMBURG TURNPIKE, NEW YORK STATE ROUTE 5 AT ITS INTERSECTION WITH THE SOUTHERLY LINE OF PARCEL II-8, ALSO KNOWN AS BCP SITE NO. C915198H AS SHOWN ON A MAP ENTITLED LANDS TO BE CONVEYED TO BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION, PREPARED BY WENDEL ENGINEERS, P.C., PROJECT NO. 411110 DATE MAY 3, 2017;

THENCE THROUGH THE LANDS OF TECUMSEH REDEVELOPMENT INC., THE FOLLOWING EIGHT (8) COURSES AND DISTANCES:

1. S-70°-59'-33"-W (S-71°-00'-00"-W RECORD) ALONG THE SOUTH LINE OF SAID PARCEL II-8 A DISTANCE OF 49.87 FEET;
2. N-18°-27'-18"-W, A DISTANCE OF 331.83 FEET;
3. N-18°-25'-54"-W, A DISTANCE OF 1013.10 FEET;
4. N-20°-11'-07"-W, A DISTANCE OF 1036.08 FEET;
5. N-17°-56'-46"-W, A DISTANCE OF 1751.28 FEET;
6. N-18°-59'-27"-W, A DISTANCE OF 902.93 FEET;
7. N-16°-10'-22"-W (N-15°- 52'-46" W MEASURED), A DISTANCE OF 184.31 FEET TO THE NORTHERLY LINE OF PARCEL I-8, ALSO KNOWN AS BCP SITE NO. C915197H AS SHOWN ON A MAP ENTITLED LANDS TO BE CONVEYED TO BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION, PREPARED BY WENDEL ENGINEERS, P.C., PROJECT NO. 411110 DATE MAY 3, 2017;
8. N-70°-54'-43"-E, (N-71°-00'-00"-E RECORD) A DISTANCE OF 50.05 FEET TO A POINT ON THE FIRST MENTIONED WESTERLY BOUNDARY OF THE HAMBURG TURNPIKE, NEW YORK STATE ROUTE 5;

THENCE ALONG SAID WESTERLY BOUNDARY THE FOLLOWING TWENTY THREE (23) COURSES AND DISTANCES:

1. S-16°-10'-14"-E, (S-16°-04'-57"-E RECORD) A DISTANCE OF 186.30 FEET;
2. S-18°-29'-09"-E, (S-18°-29'-00"-E RECORD) A DISTANCE OF 30.00 FEET;
3. S-18°-29'-08"-E, (S-18°-28'-38"-E RECORD) A DISTANCE OF 355.00 FEET;
4. S-71°-35'-12"-W, (S-71°-39'-20"-W RECORD) A DISTANCE OF 2.00 FEET;
5. S-18°-29'-08"-E, (S-18°-28'-44"-E RECORD) A DISTANCE OF 223.00 FEET;
6. S-22°-17'-59"-E, (S-22°-17'-43"-E RECORD) A DISTANCE OF 150.35 FEET;
7. S-18°-29'-08"-E, (S-18°-28'-39"-E RECORD) A DISTANCE OF 512.00 FEET;
8. S-16°-38'-20"-E, (S-16°-37'-53"-E RECORD) A DISTANCE OF 260.12 FEET;
9. S-18°-22'-45"-E, (S-18°-22'-18"-E RECORD) A DISTANCE OF 793.00 FEET;
10. S-71°-35'-02"-W, (S-71°-35'-29"-W RECORD) A DISTANCE OF 4.00 FEET;
11. S-18°-01'-47"-E, (S-18°-01'-20"-E RECORD) A DISTANCE OF 132.00 FEET;
12. N-71°-35'-02"-E, (N-71°-35'-29"-E RECORD) A DISTANCE OF 4.67 FEET;
13. S-18°-18'-15"-E, (S-18°-17'-46"-E RECORD) A DISTANCE OF 38.00 FEET;
14. S-71°-35'-03"-W, (S-71°-35'-29"-W RECORD) A DISTANCE OF 4.86 FEET;
15. S-18°-01'-48"-E, (S-18°-01'-20"-E RECORD) A DISTANCE OF 160.00 FEET;
16. N-71°-35'-03"-E, (N-71°-35'-29"-E RECORD) A DISTANCE OF 9.80 FEET;
17. S-18°-24'-59"-E, (S-18°-24'-31"-E RECORD) A DISTANCE OF 159.00 FEET;
18. S-71°-35'-03"-W, (S-71°-35'-29"-W RECORD) A DISTANCE OF 3.89 FEET;
19. S-18°-22'-41"-E, (S-18°-22'-14"-E RECORD) A DISTANCE OF 180.00 FEET;
20. S-20°-44'-36"-E, (S-20°-44'-09"-E RECORD) A DISTANCE OF 8.40 FEET;
21. S-20°-45'-41"-E, (S-20°-45'-14"-E RECORD) A DISTANCE OF 129.67 FEET;
22. S-22°-43'-31"-E, (S-22°-43'-04"-E RECORD) A DISTANCE OF 272.45 FEET;
23. S-18°-25'-54"-E, (S-18°-25'-27"-E RECORD) A DISTANCE OF 1631.09 FEET TO THE POINT OR PLACE OF BEGINNING.

**CONTAINING ±6.03 ACRES OF LAND, MORE OR LESS.**

**ATTACHMENT A-2**

**PARCEL B**

**LEGAL DESCRIPTION FOR SITE C915197L**

**BETHLEHEM SHORELINE TRAIL**

**(FORMERLY PART OF PARCEL NO. I-11**

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK BEING PART OF LOT 36, TOWNSHIP 10, RANGE 8 OF THE BUFFALO CREEK RESERVATION, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON WESTERLY BOUNDARY LINE OF THE HAMBURG TURNPIKE, NEW YORK STATE ROUTE 5 AT ITS INTERSECTION WITH THE SOUTHERLY LINE OF PARCEL I-11, ALSO KNOWN AS BCP SITE NO. C915197K, AND WHICH LINE IS ALSO THE NORTHERLY LINE OF PARCEL I-8, ALSO KNOWN AS BCP SITE NO. C915197H, AS SHOWN ON A MAP ENTITLED LANDS TO BE CONVEYED TO BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION, PREPARED BY WENDEL ENGINEERS, P.C., PROJECT NO. 411110 DATE MAY 3, 2017;

THENCE, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

- 1) S-71°-00'-00"-W ALONG THE SOUTH LINE OF SAID PARCEL I-II A DISTANCE OF 50.05 FEET TO A POINT;
- 2) N-16°-10'-22"-W, A DISTANCE OF 298.51 FEET TO A POINT;
- 3) N-19°-21'-42"-W, A DISTANCE OF 276.67 FEET TO A POINT ON THE SOUTHERLY LINE OF PROPERTY CONVEYED TO GATEWAY TRADE CENTER, INC. BY DEED RECORDED AT LIBER 10886 OF DEEDS AT PAGE 1115, WHICH LINE IS ALSO THE NORTHERLY LINE OF PARCEL I-11;

THENCE N 71° 12' 22" E ALONG SAID NORTH LINE OF PARCEL I-11, A DISTANCE OF 49.95 FEET TO POINT OF THE FIRST MENTIONED WESTERLY BOUNDARY LINE OF THE HAMBURG TURNPIKE, NEW YORK STATE ROUTE 5;

THENCE ALONG SAID WESTERLY BOUNDARY LINE OF THE HAMBURG TURNPIKE THE FOLLOWING TWO (2) COURSES AND DISTANCES:

- 4) S-19°-33'-00"-E A DISTANCE OF 279.01 FEET;
- 5) S-16°-04'-57"-E A DISTANCE OF 296.01 FEET TO THE POINT OR PLACE OF BEGINNING.

**CONTAINING ± .66 ACRES OF LAND, MORE OR LESS.**

**ATTACHMENT A-3**

**PERIMETER LEGAL DESCRIPTION OF AMENDED PARCEL C915197L**

**BETHLEHEM SHORELINE TRAIL**

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK BEING PART OF LOTS 24 AND 36, TOWNSHIP 10, RANGE 8 OF THE BUFFALO CREEK RESERVATION (SO-CALLED) AND PART OF LOTS 20, 21 AND 24 OF THE OGDEN GORE TRACT, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON WESTERLY BOUNDARY OF THE HAMBURG TURNPIKE, NEW YORK STATE ROUTE 5 AT ITS INTERSECTION WITH THE SOUTHERLY LINE OF PARCEL II-8, ALSO KNOWN AS BCP SITE NO. C915198H AS SHOWN ON A MAP ENTITLED LANDS TO BE CONVEYED TO BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION, PREPARED BY WENDEL ENGINEERS, P.C., PROJECT NO. 411110 DATE MAY 3, 2017;

THENCE THROUGH THE LANDS OF TECUMSEH REDEVELOPMENT INC., THE FOLLOWING TEN ( 10) COURSES AND DISTANCES:

1. S-70°-59'-33"-W (S-71°-00'-00"-W RECORD) ALONG THE SOUTH LINE OF SAID PARCEL II-8 A DISTANCE OF 49.87 FEET;
2. N-18°-27'-18"-W, A DISTANCE OF 331.83 FEET;
3. N-18°-25'-54"-W, A DISTANCE OF 1013.10 FEET;
4. N-20°-11'-07"-W, A DISTANCE OF 1036.08 FEET;
5. N-17°-56'-46"-W, A DISTANCE OF 1751.28 FEET;
6. N-18°-59'-27"-W, A DISTANCE OF 902.93 FEET;
7. N-16°-10'-22"-W (N-15°- 52'-46" W MEASURED), A DISTANCE OF 184.31 FEET;
8. N 16°-10'-22"W, A DISTANCE OF 298.51 FEET;
9. N 19° -21'-42"W A DISTANCE OF 276.67 FEET TO THE NORTHERLY LINE OF PARCEL I-11, ALSO KNOWN AS BCP SITE NO. C915197K AS SHOWN ON A MAP ENTITLED LANDS TO BE CONVEYED TO BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION, PREPARED BY WENDEL ENGINEERS, P.C., PROJECT NO. 411110 DATED MAY 3, 2017 AND BEING THE SOUTH LINE OF GATEWAY TRADE CENTER BY DEED RECORDED IN LIBER 10886 AT PAGE 1115;

10. N-71°-12'-22"-E, (N-71°-00'-00"-E RECORD) A DISTANCE OF 49.95 FEET TO A POINT ON THE FIRST MENTIONED WESTERLY BOUNDARY OF THE HAMBURG TURNPIKE, NEW YORK STATE ROUTE 5;

THENCE ALONG SAID WESTERLY BOUNDARY THE FOLLOWING TWENTY THREE (25) COURSES AND DISTANCES:

1. S-19°-33'-00"-E, A DISTANCE OF 279.01 FEET;
2. S-16°-04'-57"-E, A DISTANCE OF 296.01 FEET
3. S-16°-10'-14"-E, (S-16°-04'-57"-E RECORD) A DISTANCE OF 186.30 FEET;
4. S-18°-29'-09"-E, (S-18°-29'-00"-E RECORD) A DISTANCE OF 30.00 FEET;
5. S-18°-29'-08"-E, (S-18°-28'-38"-E RECORD) A DISTANCE OF 355.00 FEET;
6. S-71°-35'-12"-W, (S-71°-39'-20"-W RECORD) A DISTANCE OF 2.00 FEET;
7. S-18°-29'-08"-E, (S-18°-28'-44"-E RECORD) A DISTANCE OF 223.00 FEET;
8. S-22°-17'-59"-E, (S-22°-17'-43"-E RECORD) A DISTANCE OF 150.35 FEET;
9. S-18°-29'-08"-E, (S-18°-28'-39"-E RECORD) A DISTANCE OF 512.00 FEET;
10. S-16°-38'-20"-E, (S-16°-37'-53"-E RECORD) A DISTANCE OF 260.12 FEET;
11. S-18°-22'-45"-E, (S-18°-22'-18"-E RECORD) A DISTANCE OF 793.00 FEET;
12. S-71°-35'-02"-W, (S-71°-35'-29"-W RECORD) A DISTANCE OF 4.00 FEET;
13. S-18°-01'-47"-E, (S-18°-01'-20"-E RECORD) A DISTANCE OF 132.00 FEET;
14. N-71°-35'-02"-E, (N-71°-35'-29"-E RECORD) A DISTANCE OF 4.67 FEET;
15. S-18°-18'-15"-E, (S-18°-17'-46"-E RECORD) A DISTANCE OF 38.00 FEET;
16. S-71°-35'-03"-W, (S-71°-35'-29"-W RECORD) A DISTANCE OF 4.86 FEET;
17. S-18°-01'-48"-E, (S-18°-01'-20"-E RECORD) A DISTANCE OF 160.00 FEET;
18. N-71°-35'-03"-E, (N-71°-35'-29"-E RECORD) A DISTANCE OF 9.80 FEET;
19. S-18°-24'-59"-E, (S-18°-24'-31"-E RECORD) A DISTANCE OF 159.00 FEET;
20. S-71°-35'-03"-W, (S-71°-35'-29"-W RECORD) A DISTANCE OF 3.89 FEET;

21. S-18°-22'-41"-E, (S-18°-22'-14"-E RECORD) A DISTANCE OF 180.00 FEET;
22. S-20°-44'-36"-E, (S-20°-44'-09"-E RECORD) A DISTANCE OF 8.40 FEET;
23. S-20°-45'-41"-E, (S-20°-45'-14"-E RECORD) A DISTANCE OF 129.67 FEET;
24. S-22°-43'-31"-E, (S-22°-43'-04"-E RECORD) A DISTANCE OF 272.45 FEET;
25. S-18°-25'-54"-E, (S-18°-25'-27"-E RECORD) A DISTANCE OF 1631.09 FEET TO  
THE POINT OR PLACE OF BEGINNING.

***CONTAINING ±6.69 ACRES OF LAND, MORE OR LESS,*** AND BEING A  
COMBINATION OF PARCEL A AND PARCEL B AS SHOWN ON ATTACHEMNT A-1  
AND A-2 RESEPECTIVELY



**ATTACHMENT B**

**SURVEY SHOWING THE ENTIRE NEW BOUNDARY OF THE AMENDED SITE**

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**(See Attached)**

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