



**THE KNOER GROUP, PLLC**

424 Main Street, Suite 1820  
Buffalo, New York 14202

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www.knoergroup.com

**Deanne Stachowski**  
[dstachowski@knoergroup.com](mailto:dstachowski@knoergroup.com)

**Notice to Municipality**

September 29, 2023

**VIA CERTIFIED MAIL**

Mayor Byron W. Brown  
Mayor's Office  
65 Niagara Square  
Room 201  
Buffalo, NY 14202

Tianna M. Marks  
City of Buffalo Clerk  
65 Niagara Square  
Room 1308  
Buffalo, NY 14202

Re: Amendment to Environmental Easement

Dear Mayor Brown and Clerk Marks:

Attached please find a copy of a filed Amendment to Environmental Easement with filing receipt granted to the New York State Department of Environmental Conservation ("Department")

on August 23, 2023 and recorded in the Erie County Clerk's Office on September 15, 2023 in Liber 11421, Page 9282,

by South Buffalo Development, LLC,

for property at 339 Elk Street, 100 (f/k/a 85) Lee Street, 427 Elk Street, 5 Babcock Street and 98 Maurice Street, Buffalo, NY,

Tax Map Nos. Section 122.12, Block 1, Lots 9.13, 9.11, 12.1, 30 and 31,

DEC Site No: C915232.

This Amendment to Environmental Easement restricts future use of the above-referenced property to: The portion of the Controlled Property described in Schedule "B-1 " and identified in said schedule as "Portion of Controlled Property Where Restricted Residential Use Is Allowed" may be used for: Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii), Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv). The portion of the Controlled Property described in Schedule "8-2" and identified in said schedule as "Portion of Controlled Property Where Restricted Residential Use Is Not Allowed" may be used for: Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv). The Department and Grantor further agree that paragraph 2.8 of the Environmental Easement is hereby amended so that it reads as follows: No portion of the Controlled Property shall be used for Residential purposes as described in 6 NYCRR Part 375-1.8(g)(2)(i), and in addition, no portion of the lands described in Schedule "B-2" (which lands comprise a portion of the Controlled Property) shall be used for Restricted Residential purposes as described in 6 NYCRR Part 375-1.8(g)(2)(ii). The engineering controls referenced in this Environmental Easement may not be discontinued without an amendment or extinguishment of this Environmental Easement. Any on-site activity must be done in accordance with the Amendment to Environmental Easement and the Site Management Plan which is incorporated into the Amendment to Environmental Easement. Department approval is also required prior to any groundwater use.

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

1. Whenever the department is granted an environmental easement, it shall provide each affected local government with a copy of such easement and shall also provide a copy of any documents modifying or terminating such environmental easement.
2. Whenever an affected local government receives an application for a building permit or any other application affecting land use or development of land that is subject to an environmental easement and that may relate to or impact such easement, the affected local government shall notify the department and refer such application to the department. The department shall evaluate whether the application is consistent with the environmental easement and shall notify the affected local government of its determination in a timely fashion, considering the time frame for the local government's review of the application. The affected local government shall not approve the application until it receives approval from the department.

An electronic version of every environmental easement that has been accepted by the Department is available to the public at: <http://www.dec.ny.gov/chemical/36045.html>. Please forward this notice to your building and/or planning departments, as applicable, to ensure your

Mayor Byron W. Brown  
City Clerk Tianna M. Marks  
September 29, 2023  
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compliance with these provisions of New York State Environmental Conservation Law. If you have any questions or comments regarding this matter, please do not hesitate to contact me.

Very Truly Yours,

THE KNOER GROUP, PLLC



Deanne Stachowski



**THE KNOER GROU**  
 424 Main Street, Suite 1820  
 Buffalo, New York 14202

**CERTIFIED MAIL**



7020 1810 0000 2359 2147

PITNEY BOWES  
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 026W0004897358  
 2000379371  
 ZIP 14202  
 SEP 29 2023



Mayor Byron W. Brown  
 Mayor's Office  
 65 Niagara Square  
 Room 201  
 Buffalo, NY 14202

2

**CERTIFIED MAIL**



**THE KNOER GROU**  
 424 Main Street, Suite 1820  
 Buffalo, New York 14202



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Tianna M. Marks  
 City of Buffalo Clerk  
 65 Niagara Square  
 Room 1308  
 Buffalo, NY 14202

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mayer Byron W. Brown  
 Mayor's office  
 65 Niagara Sq., Rm 201  
 Buffalo, NY 14202



2. Article Number (Transfer from service label) 9590 9402 7459 2055 3372 53

2. Article Number (Transfer from service label)

7020 1810 0000 2359 2147

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Restricted Delivery

Domestic Return Receipt

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT

**SENDER: COMPLETE THIS SECTION**

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Tianne Marks  
 City of Buffalo Clerk  
 65 Niagara Sq., Rm 130F  
 Buffalo, NY 14202



2. Article Number (Transfer from service label) 9590 9402 7459 2055 3372 77

2. Article Number (Transfer from service label)

7020 1810 0000 2359 2123

PS Form 3811, July 2020 PSN 7530-02-000-9053

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3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
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- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Restricted Delivery

Domestic Return Receipt

MICHAEL P. KEARNS, ERIE COUNTY CLERK  
REF:

DATE: 9/15/2023  
TIME: 1:51:25 PM  
RECEIPT: 23126171

KNOER GROUP PLLC  
ACCOUNT #: 8935

ITEM - 01 MTP  
RECD: 9/15/2023 1:56:48 PM  
FILE: 2023159396 BK/PD D 11421/9282  
Deed Sequence: TT2023003261  
SOUTH BUFFALO DEVELOPMENT LLC  
Recording Fees 80.50  
TP584 10.00  
Subtotal 90.50

ITEM - 02 MTP  
RECD: 9/15/2023 1:56:48 PM  
FILE: 2023159397 BK/PD D 11421/9290  
Deed Sequence: TT2023003262  
SOUTH BUFFALO DEVELOPMENT LLC  
Recording Fees 65.50  
TP584 10.00  
Subtotal 75.50

TOTAL DUE \$166.00  
PAID TOTAL \$166.00  
PAID CHECK \$166.00  
Check #8557: 166.00

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REC BY: Melanie  
COUNTY RECORDER