

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
P: (518) 402-9706 | F: (518) 402-9020
www.dec.ny.gov

December 22, 2020

Mr. Jack Ruh
c/o 31 Tonawanda Street, LLC
124 Meadow Road
Orchard Park, NY 14127

Re: Certificate of Completion
31 Tonawanda Street
Site No. C915299
Buffalo, Erie County

Dear Mr. Ruh:

Congratulations on having satisfactorily completed the remedial program at the 31 Tonawanda Street BCP Site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record the Notice of Certificate of Completion in the recording office for the county (or counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record the Notice within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to assure the Notice is recorded within the time frame specified. A standard Notice of Certificate of Completion form is attached to this letter.
- Provide electronic copies of the recorded Notice and proof of recording to the Department's project manager. Please return the hard copy of the proof of recording to:

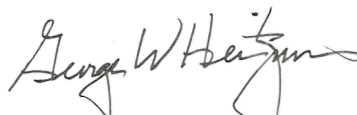
Glenn M. May, PG
New York State Department of Environmental Conservation
Division of Environmental Remediation
270 Michigan Avenue
Buffalo, NY 14203



- Provide the Notice of Certificate of Completion to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in April 2022.

If you have any questions regarding any of these items, please contact Mr. Glenn M. May at 716-851-7220.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

ec w/ enclosure:

J. Brydges – BE3, jbrydges@be3corp.com
C. Slater – The Slater Law Firm, cslater@cslaterlaw.com
C. Vooris – NYSDOH
C. Bethoney – NYSDOH
G. Rys - NYSDOH
M. Gokey – NYSDTF, matthew.gokey@tax.ny.gov
P. Takac – NYSDTF, paul.takac@tax.ny.gov

ec w/o enc.:

G. May - NYSDEC
S. Radon - NYSDEC
M. Cruden - NYSDEC
J. Dougherty – NYSDEC
K. Lewandowski – NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

31 Tonawanda Street, LLC

Address

124 Meadow Road, Orchard Park, NY 14127

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 10/5/17

Agreement Execution: 11/1/17

Agreement Index No.: C915299-08-17

Application Approval Amendment: none

Agreement Execution Amendment: none

SITE INFORMATION:

Site No.: C915299 **Site Name:** 31 Tonawanda Street

Site Owner: 31 Tonawanda Street, LLC

Street Address: 31 Tonawanda Street

150 Tonawanda Street

Municipality: Buffalo

County: Erie

DEC Region: 9

Site Size: 2.740 Acres

Tax Map Identification Number(s): 88.42-2-4.21, 88.58-1-1

Percentage of site located in an EnZone: 100 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the BCP: Restricted-Residential, Commercial, and Industrial

Cleanup Track: Track 4: Restricted use with site-specific soil cleanup objectives

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28%.

Tangible Property Credit is 15%. Comprised of 10% Base, 5% EnZone.

Dependent upon the project being developed in a manner consistent with the approved Brownfield Cleanup Program application, additional rate increases may be available if the site is developed as affordable housing (5%), if the Certificate Holder receives a separate Determination of Conformance with the BOA from the Secretary of State (5%), or if the site is used primarily for manufacturing activities (5%) not to exceed a maximum 24 %.

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Erie County as Book 11365 Page 6056.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

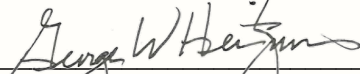
CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos
Commissioner
New York State Department of Environmental Conservation

By:  Date: December 22, 2020

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

NOTICE OF CERTIFICATE OF COMPLETION
Brownfield Cleanup Program
6 NYCRR Part 375-1.9(d)

31 Tonawanda Street, Site ID No. C915299
31 and 150 Tonawanda Street, Buffalo, Erie County, New York, 14207
Buffalo, Erie County, Tax Map Identification Numbers 88.42-2-4.21 and 88.58-1-1

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to 31 Tonawanda Street, LLC for parcels approximately 2.740 acres in size located at 31 and 150 Tonawanda Street in the City of Buffalo, Erie County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long-term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Erie County as Book: 11365, Page: 6056.

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

**31 Tonawanda Street, Site ID No. C915299
31 and 150 Tonawanda Street, Buffalo, Erie County, New York, 14207**

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

PLEASE TAKE NOTICE, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

PLEASE TAKE NOTICE, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 9 located at 270 Michigan Avenue, Buffalo, New York, 14203, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C915299/>.

WHEREFORE, the undersigned has signed this Notice of Certificate

31 Tonawanda Street, LLC

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 20____, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of individual
taking acknowledgment

Please record and return to:
31 Tonawanda Street, LLC
Mr. Jack Ruh
124 Meadow Road
Orchard Park, NY 14127

EXHIBIT A
METES & BOUNDS

SCHEDULE "A" PROPERTY DESCRIPTION

**LEGAL DESCRIPTION DEED AND ENVIRONMENTAL EASEMENT DESCRIPTION – 31
Tonawanda St**

ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE CITY OF BUFFALO, COUNTY OF ERIE AND STATE OF NEW YORK. BEING PART OF LOT NO. 270 OF THE PARISH TRACT, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY LINE OF TONAWANDA STREET AND THE SOUTHERLY LINE OF WEST AVENUE; THENCE EASTERLY ALONG SAID SOUTHERLY LINE OF WEST AVENUE, 290.68 FEET TO THE NORTHWEST CORNER OF THE FIRST DESCRIBED PARCEL OF LANDS CONVEYED TO THE CITY OF BUFFALO BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 4239 OF DEEDS AT PAGE 455; THENCE SOUTHEAST ALONG THE SOUTHWEST LINE OF SAID LIBER 4239 OF DEEDS AT PAGE 455, 39.32 FEET (DEED), 33.85 FEET (MEASURED) TO THE SOUTHEAST COMER OF SAID LIBER 4239 OF DEEDS AT PAGE 455, ALSO BEING THE NORTHWEST LINE OF LANDS ACQUIRED BY THE STATE OF NEW YORK FOR SCAJAQUADA CREEK ARTERIAL, AS SHOWN ON MAP NO. 61, PARCEL NO. 72; THENCE SOUTHWEST ALONG THE NORTHWEST LINE OF SCAJAQUADA CREEK ARTERIAL AT AN INTERIOR ANGLE OF 112° 53' 44" (DEED), 112°39'8" (MEASURED), 95.38 FEET TO AN ANGLE POINT; THENCE CONTINUING SOUTHWEST ALONG SAID NORTHWEST LINE OF SCAJAQUADA CREEK ARTERIAL AT AN EXTERIOR ANGLE OF 170° 52' 48" (DEED), 170°11'22" (MEASURED), 290.72 FEET (DEED), 290.32 FEET (MEASURED), TO THE NORTHERLY LINE OF LANDS ACQUIRED BY THE STATE OF NEW YORK FOR SCAJAQUADA CREEK ARTERIAL, MAP NO. 20 PARCEL NO. 24; THENCE WESTERLY ALONG SAID NORTHERLY LINE OF SAID MAP NO. 20 PARCEL NO. 24, 120.18 FEET TO THE EASTERLY LINE OF TONAWANDA STREET; THENCE NORTHERLY ALONG SAID EASTERLY LINE OF TONAWANDA STREET 367.90 FEET (DEED), 376.91 (MEASURED) TO THE POINT OR PLACE OF BEGINNING.

CONTAINING 79826.33 SQUARE FEET OR 1.83 ACRES OR LAND

SCHEDULE "B" PROPERTY DESCRIPTION

DEED AND ENVIRONMENTAL EASEMENT DESCRIPTION – 150 Tonawanda St

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF BUFFALO, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOTS NOS. 216, 217 AND 218 OF THE PARISH TRACT DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY LINE OF TONAWANDA STREET, BEING 99.0 FEET WIDE, DISTANT NORTHEASTERLY 990.00 FEET FROM THE NORTHEASTERLY LINE OF DEARBORN STREET, BEING 66.0 FEET WIDE, SAID POINT BEING THE NORTHEAST CORNER OF LANDS CONVEYED TO NICTER ASSOCIATES BY DEED RECORDED IN THE OFFICE OF THE COUNTY CLERK, ERIE COUNTY, NEW YORK IN LIBER 9208 OF DEEDS AT PAGE 631 ; THENCE RUNNING NORTHWESTERLY ALONG THE NORTHERLY LINE OF SAID LANDS OF NICTER ASSOCIATES, A DISTANCE OF 69.15 FEET TO THE EASTERLY LINE OF LANDS NOW OF FORMERLY OWNED BY CSX TRANSPORTATION, INC.; THENCE NORTHEASTERLY ALONG SAID EASTERLY LINE, A DISTANCE OF 515.91 FEET TO THE SOUTHERLY LINE OF PARISH STREET (FORMERLY ERIE STREET); THENCE NORTHEASTERLY ALONG SAID SOUTHERLY LINE, A DISTANCE OF 109.75 FEET TO ITS INTERSECTION WITH THE WESTERLY LINE OF TONAWANDA STREET; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF TONAWANDA STREET 597.73 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.91 ACRES OF LAND, MORE OR LESS.

EXHIBIT B
SITE SURVEY MAPS

SAY BY
9/16/2020
BY: [Signature]

TONAWANDA ST ^{89' WIDE STREET}



SCAJAQUATA EXPRESSWAY OFF-RAMP

NORTHERLY LINE OF SCAJAQUATA CREEK ARTERIAL AS SHOWN ON MAP NO. 24 PARCEL NO. 24

WEST LINE OF LANDS ACQUIRED BY THE STATE OF NEW YORK FOR SCAJAQUATA CREEK ARTERIAL AS SHOWN ON MAP NO. 61 PARCEL NO. 72

NORTHWEST CORNER OF SCAJAQUATA CREEK ARTERIAL AS SHOWN ON MAP NO. 24 PARCEL NO. 24

NORTHWEST CORNER OF SCAJAQUATA CREEK ARTERIAL AS SHOWN ON MAP NO. 61 PARCEL NO. 72

NORTHWEST CORNER OF SCAJAQUATA CREEK ARTERIAL AS SHOWN ON MAP NO. 24 PARCEL NO. 24

NORTHWEST CORNER OF SCAJAQUATA CREEK ARTERIAL AS SHOWN ON MAP NO. 61 PARCEL NO. 72

NORTHWEST CORNER OF SCAJAQUATA CREEK ARTERIAL AS SHOWN ON MAP NO. 24 PARCEL NO. 24

NORTHWEST CORNER OF SCAJAQUATA CREEK ARTERIAL AS SHOWN ON MAP NO. 61 PARCEL NO. 72

NORTHWEST CORNER OF SCAJAQUATA CREEK ARTERIAL AS SHOWN ON MAP NO. 24 PARCEL NO. 24

NORTHWEST CORNER OF SCAJAQUATA CREEK ARTERIAL AS SHOWN ON MAP NO. 61 PARCEL NO. 72

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NORTHWEST CORNER OF SCAJAQUATA CREEK ARTERIAL AS SHOWN ON MAP NO. 24 PARCEL NO. 24

NORTHWEST CORNER OF SCAJAQUATA CREEK ARTERIAL AS SHOWN ON MAP NO. 61 PARCEL NO. 72

SCAJAQUATA CREEK

DBL# 88-58-1-1

3 STORY BRICK BUILDING No. 31

WEST ^{89' WIDE AVENUE}

POINT OF BEGINNING

LEGAL DESCRIPTION DEED AND ENVIRONMENTAL EASEMENT DESCRIPTION

ALL THAT TRACT OR PARCELS OF LAND, SITUATE IN THE CITY OF BUFFALO, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOT NO. 270 OF THE PARISH TRACT, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EASTERN LINE OF TONAWANDA STREET AND THE SOUTHERLY LINE OF WEST AVENUE; THENCE EASTERLY ALONG SAID SOUTHERLY LINE OF WEST AVENUE, 290.69 FEET TO THE NORTHWEST CORNER OF THE FIRST DESCRIBED PARCEL OF LANDS CONVEYED TO THE CITY OF BUFFALO BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 4239 OF DEEDS AT PAGE 408; THENCE SOUTHWEST ALONG THE SOUTHWEST LINE OF SAID LIBER 4239 OF DEEDS AT PAGE 408, 39.32 FEET (DEED), 33.88 FEET (MEASURED), TO THE SOUTHWEST CORNER OF SAID LIBER 4239 OF DEEDS AT PAGE 408; ALSO BEING THE NORTHWEST LINE OF LANDS ACQUIRED BY THE STATE OF NEW YORK FOR SCAJAQUATA CREEK ARTERIAL AS SHOWN ON MAP NO. 61, PARCEL NO. 72; THENCE SOUTHWEST ALONG THE NORTHWEST LINE OF SCAJAQUATA CREEK ARTERIAL AT AN INTERIOR ANGLE OF 112° 53' 44" (DEED), 112° 53' 44" (MEASURED), 85.38 FEET TO AN ANGLE POINT; THENCE CONTINUING SOUTHWEST ALONG SAID NORTHWEST LINE OF SCAJAQUATA CREEK ARTERIAL AT AN EXTERIOR ANGLE OF 170° 52' 48" (DEED), 170° 52' 48" (MEASURED), 290.72 FEET (DEED), 290.72 FEET (MEASURED), TO THE NORTHERLY LINE OF LANDS ACQUIRED BY THE STATE OF NEW YORK FOR SCAJAQUATA CREEK ARTERIAL, MAP NO. 24, PARCEL NO. 24; THENCE WESTERLY ALONG SAID NORTHERLY LINE OF SAID MAP NO. 24, PARCEL NO. 24, 120.19 FEET TO THE EASTERLY LINE OF TONAWANDA STREET; THENCE NORTHERLY ALONG SAID EASTERLY LINE OF TONAWANDA STREET 367.90 FEET (DEED), 367.91 FEET (MEASURED) TO THE POINT OF BEGINNING.

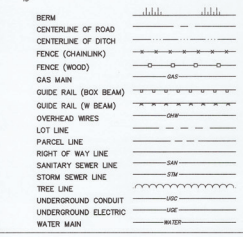
CONTAINING 79826.33 SQUARE FEET OR 1.83 ACRES OR LAND

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 171 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW, THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, REMEDIATION, SITE CONTROL SECTION, 825 BROADWAY, ALBANY, NY 12233 OR AT DENR.NYS.GOV

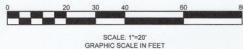
ELEVATIONS BASED ON NAVD 88 AS ESTABLISHED BY GNSS UTILIZING THE NYS02 NYS84 GNSS RIN NETWORK.

LEGEND

- ▲ ANTENNA/DISH
- BENCHMARK
- BOLLARD
- CATCH BASIN
- CLEANOUT
- COMMUNICATIONS BOX
- COMMUNICATIONS MANHOLE
- COMMUNICATIONS MARKER
- COMMUNICATIONS VAULT
- CONCRETE SHREB
- CONIFEROUS TREE
- CUT
- DECIDUOUS SHRUB
- DECIDUOUS TREE
- DRILL/AUGER HOLE
- ELECTRIC MANHOLE
- ELECTRIC METER
- END SECTION
- FILLER CAPS
- FLAG POLE
- FLOOD LIGHT
- GAS LINE MARKER
- GAS MANHOLE
- GAS METER
- GAS SERVICE VALVE
- GAS VALVE
- GUY WIRE
- HANDICAP PARKING
- HYDRANT
- PROPERTY MONUMENT (AS DESCRIBED)
- LIGHT POLE
- MAILBOX
- MONUMENT AS DESCRIBED
- OIL LINE MARKER
- PHONE BOOTH
- PIPE OUTLET
- PIPE POST
- POWER VAULT
- RAILROAD CONTROL BOX
- SANITARY SEWER MANHOLE
- SCUPPER
- SIGN (SINGLE POLE)
- SIGN (DOUBLE POLE)
- SIGN (TRIPLE POLE)
- SIGNAL POLE
- SIGNAL POLE (WITH TRAFFIC UTILITY BOX)
- STORM SEWER MANHOLE
- TRAFFIC CONTROL BOX
- TRAFFIC PULLBOX
- UNKNOWN MANHOLE
- UTILITY BOX
- UTILITY POLE
- UTILITY POLE WITH LIGHT
- WATER MANHOLE
- WATER METER
- WATER SERVICE VALVE
- WATER VALVE
- WELL
- YARD DRAIN



THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN UP-TO-DATE ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.



SCALE: 1"=40' GRAPHIC SCALE IN FEET

Daniel J Regan
Digitally signed by Daniel J Regan
DN: cn=Daniel J Regan, o=WMSchutt & Associates, ou=Director of Survey, email=djregan@wmschutt.com, c=US
Date: 2020.10.23 13:07:02 -0400

DRAWING REVISIONS

NO.	DATE	DESCRIPTION
1	10/23/2020	ADDED SURVEY AND FOUND REBAR
2	10/27/2020	UPDATE SURVEY TO B.L.C. STANDARDS

DESIGNED BY: AJK/CDR	CHECKED BY: DJR
DRAWN BY: AJK/CDR	DATE: OCTOBER 31, 2018



WM SCHUTT ASSOCIATES
37 CENTRAL AVE
LANCASTER, NY 14098-2143
PH: 716-685-0981
FAX: 716-685-0169
WWW.WMSCHUTT.COM

**CITY OF BUFFALO
COUNTY OF ERIE, STATE OF NEW YORK**
PART OF LOT 270, TOWNSHIP 11, RANGE 6
HOLLAND LAND COMPANY'S SURVEY
**31 TONAWANDA STREET
BOUNDARY & TOPOGRAPHIC SURVEY**

BT-1
DRAWING SCALE: 1"=20'
SURVEY FILE: D18164-01
WSA PROJECT NO: 18164



MEMBER OF
NEW YORK STATE ASSOCIATION OF PROFESSIONAL ENGINEERS

MEMBER OF
NATIONAL ASSOCIATION OF PROFESSIONAL ENGINEERS



DRAWING REVISIONS	
NO.	DATE
1	12/29/2020
2	01/06/2021
3	01/06/2021
4	01/06/2021
5	01/06/2021
6	01/06/2021
7	01/06/2021
8	01/06/2021
9	01/06/2021
10	01/06/2021

DESIGNED BY	A.J.A.D.R.
DRAWN BY	A.J.A.D.R.
CHECKED BY	D.R.
DATE	OCTOBER 31, 2018

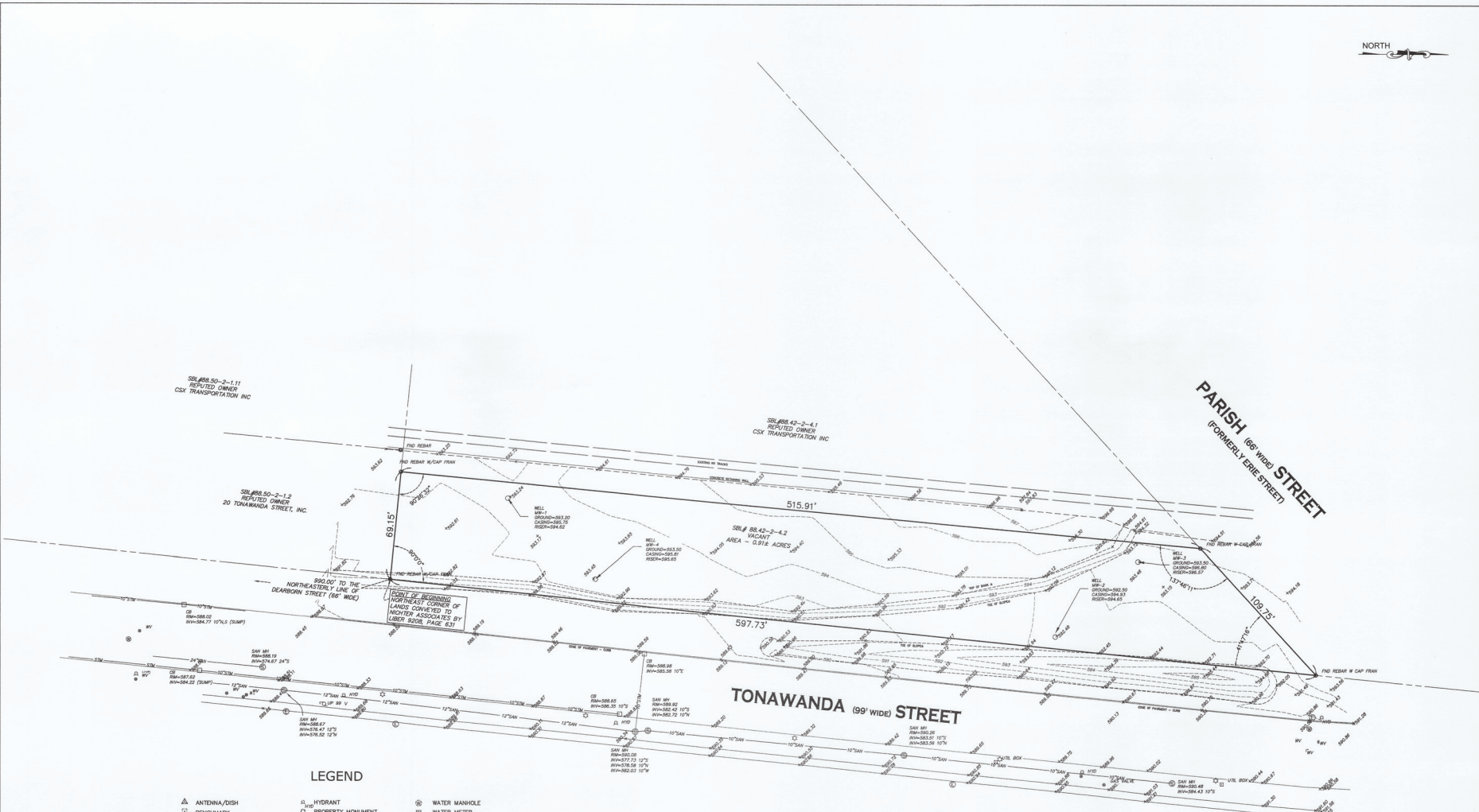
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WM SCHUTT ASSOCIATES
 37 CENTRAL AVE.
 LANCASTER, NY 14088-2143
 PH: 716-683-5981
 FAX: 716-683-0169
 WWW.WMSCHUTT.COM

CITY OF BUFFALO
 COUNTY OF ERIE, STATE OF NEW YORK
 PART OF LOT(S) 216, 217 & 218, TOWNSHIP 11, RANGE 8
 PARISH TRACT
 150 TONAWANDA STREET
 TOPOGRAPHIC SURVEY

TS-1
 DRAWING SCALE: 1"=30'
 SURVEY FILE: D18164-01
 WSA PROJECT NO: 18164



LEGEND

- | | | | |
|---|--|--|---|
| <ul style="list-style-type: none"> ▲ ANTENNA/DISH □ BENCHMARK ○ BOLLARD □ CATCH BASIN ○ CLEANOUT □ COMMUNICATIONS BOX □ COMMUNICATIONS MANHOLE □ COMMUNICATIONS MARKER □ COMMUNICATIONS VAULT ○ CONFEROUS SHRUB ○ CONFEROUS TREE ○ CUT ○ DECIDUOUS SHRUB ○ DECIDUOUS TREE ○ DRILL/AUGER HOLE ○ ELECTRIC MANHOLE ○ ELECTRIC METER ○ END SECTION ○ FILLER CAPS ○ FLOOD LIGHT ○ GAS LINE MARKER ○ GAS MANHOLE ○ GAS METER ○ GAS SERVICE VALVE ○ GAS VALVE ○ GUY WIRE ○ HANDICAP PARKING | <ul style="list-style-type: none"> ○ HYDRANT ○ PROPERTY MONUMENT (AS DESCRIBED) ○ LIGHT POLE ○ MAILBOX ▲ MONUMENT AS DESCRIBED ○ OIL LINE MARKER ○ PHONE BOOTH ○ PIPE OUTLET ○ POST □ POWER VAULT □ RAILROAD CONTROL BOX ○ SANITARY SEWER MANHOLE ○ SCUPPER ○ SIGN (SINGLE POLE) ○ SIGN (DOUBLE POLE) ○ SIGN (TRIPLE POLE) ○ SIGNAL POLE ○ SIGNAL POLE (WITH TRAFFIC) □ UTILITY BOX ○ STORM SEWER MANHOLE □ TRAFFIC CONTROL BOX ○ TRAFFIC PULLBOX ○ UNKNOWN MANHOLE ○ UTILITY BOX ○ UTILITY POLE ○ UTILITY POLE WITH LIGHT | <ul style="list-style-type: none"> ○ WATER MANHOLE ○ WATER METER ○ WATER SERVICE VALVE ○ WATER VALVE ○ WELL ○ YARD DRAIN | <ul style="list-style-type: none"> BEEM CENTERLINE OF ROAD CENTERLINE OF DITCH FENCE (CHAINLINK) FENCE (WOOD) GAS MAIN GUIDE RAIL (BOX BEAM) GUIDE RAIL (W BEAM) OVERHEAD WIRES LOT LINE PARCEL LINE RIGHT OF WAY LINE SANITARY SEWER LINE STORM SEWER LINE TREE LINE UNDERGROUND CONDUIT UNDERGROUND ELECTRIC WATER MAIN |
|---|--|--|---|

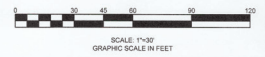
DEED AND ENVIRONMENTAL EASEMENT DESCRIPTION
 ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF BUFFALO, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOTS NOS. 216, 217 AND 218 OF THE PARISH TRACT DESCRIBED AS FOLLOWS:
 BEGINNING AT A POINT IN THE WESTERLY LINE OF TONAWANDA STREET, BEING 99.0 FEET WIDE, DISTANT NORTHEASTERLY 990.00 FEET FROM THE EASTERLY LINE OF DEARBORN STREET, BEING 66.0 FEET WIDE, SAID POINT BEING THE NORTHEAST CORNER OF LANDS CONVEYED TO NOTHER ASSOCIATES BY DEED RECORDED IN THE OFFICE OF THE COUNTY CLERK, ERIE COUNTY, NEW YORK IN LIBER 9208 OF DEEDS AT PAGE 631;
 THENCE BEGINNING NORTHEASTERLY ALONG THE NORTHERLY LINE OF SAID EASTERLY LINE OF LANDS NOW OF FORMERLY OWNED BY CSX TRANSPORTATION, INC., A DISTANCE OF 69.15 FEET TO THE EASTERLY LINE OF LANDS NOW OF FORMERLY OWNED BY CSX TRANSPORTATION, INC.;
 THENCE NORTHEASTERLY ALONG SAID EASTERLY LINE, A DISTANCE OF 515.91 FEET TO THE SOUTHERLY LINE OF PARISH STREET (FORMERLY ERIE STREET);
 THENCE NORTHEASTERLY ALONG SAID SOUTHERLY LINE, A DISTANCE OF 109.75 FEET TO ITS INTERSECTION WITH THE WESTERLY LINE OF TONAWANDA STREET;
 THENCE SOUTHERLY ALONG THE WESTERLY LINE OF TONAWANDA STREET 597.73 FEET TO THE POINT OF BEGINNING, CONTAINING 0.914 ACRES OF LAND, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 38 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW, THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT DERIVED@DEC.NY.GOV

Daniel J Regan
 Digitally signed by Daniel J Regan
 DN: cn=Daniel J Regan, ou=WM Schutt & Associates, ou=Director of Survey, email=djregan@wmschutt.com, c=US
 Date: 2020.10.23 13:05:59 -0400

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN UP-TO-DATE ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

ELEVATIONS BASED ON NAHD 88 AS ESTABLISHED BY GNSS UTILIZING THE NYSDOT MYSAT GNS RINX NETWORK.





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/4/2020



SITE DESCRIPTION

SITE NO. C915299

SITE NAME 31 Tonawanda Street

SITE ADDRESS: 31 Tonawanda Street ZIP CODE: 14207

CITY/TOWN: Buffalo

COUNTY: Erie

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 05/01/2022

Description of Institutional Control

31 Tonawanda Street, LLC

148 Middlesex Road

150 Tonawanda Street

Environmental Easement

Block: 2

Lot: 4

Sublot: 21

Section: 88

Subsection: 42

S_B_L Image: 88.42-2-4.21

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Site Management Plan

31 Tonawanda Street

Environmental Easement

Block: 1

Lot: 1

Sublot:

Section: 88

Subsection: 58

S_B_L Image: 88.58-1-1

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Site Management Plan

O&M Plan

Description of Engineering Control

31 Tonawanda Street, LLC

148 Middlesex Road

150 Tonawanda Street

Environmental Easement

Block: 2

Lot: 4

Sublot: 21

Section: 88

Subsection: 42

S_B_L Image: 88.42-2-4.21

Cover System

31 Tonawanda Street

Environmental Easement

Block: 1

Lot: 1

Sublot:

Section: 88

Subsection: 58

S_B_L Image: 88.58-1-1

Cover System

Monitoring Wells

Vapor Mitigation