

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

NOV 12 2015

Mr. Jeffrey Belt
Silence Dogood LLC
211 Franklin Street
Olean, NY 14760

Re: Certificate of Completion
Site Name: 211 Franklin Street
Site No.: C905038
Olean, Cattaraugus

Dear Mr. Belt:

Congratulations on having satisfactorily completed the remedial program at the 211 Franklin Street Site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (DEC) 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 a notice of the COC 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 a notice of the COC within 30 days of the date that you acquire the site. A copy of the recorded notice should be provided to DEC's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter;
- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. DEC will develop a fact sheet describing the institutional and engineering controls (IC/EC) that are required at the site and distribute it to the County Listserv within 10 days;
- Implement the DEC-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 DEC 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 DEC in February 1, 2017; and

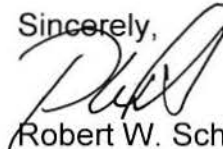


Department of
Environmental
Conservation

- You and your lessees must submit an annual report to the New York State Department of Taxation and Finance within one year and for each of the following eleven years after the execution of the Brownfield Site Cleanup Agreement. The Report must provide the information required by Chapter 390 of the Laws of 2008, Tax Law Section 171-s.

If you have any questions regarding any of these items, please contact the project manager for this site, Anthony Lopes, at 716-462-3043.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

ec: R. Knampff, rkampff@daymail.net
A. Walters, awalters@phillipslytle.com
Krista Anders, DOH
Angela DeMarco, DOH
Michael Ryan, DEC
Anthony Lopes, DEC
Michael Cruden, DEC
Chad Staniszewski, DEC
Patrick Foster, DEC
Andrew Guglielmi, DEC
Dolores Tuohy, DEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Silence Dogood LLC

Address

211 Franklin Street, Olean, NY 14760

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 5/9/14 **Agreement Execution:** 5/22/14 **Agreement Index No.:** C905038-05-14

Application Approval Amendment: none

Agreement Execution Amendment: none

SITE INFORMATION:

Site No.: C905038 **Site Name:** 211 Franklin Street

Site Owner: Silence Dogood LLC

Street Address: 211 Franklin Street

Municipality: Olean **County:** Cattaraugus **DEC Region:** 9

Site Size: 5.787 Acres

Tax Map Identification Number(s): 94.040-1-21

Percentage of site located in an EnZone: 0 - 49 %

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: Commercial and Industrial

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

Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 25 %.

Tangible Property Credit Component Rate is 12 %.

Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 25 %.

Tangible Property Credit Component Rate is 10 %.

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 Cattaraugus County as 243528-001.

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 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
Acting Commissioner
New York State Department of Environmental Conservation

By:



Robert W. Schick, P.E., Director
Division of Environmental Remediation

Date:

NOVEMBER 12, 2015

NOTICE OF CERTIFICATE OF COMPLETION

Brownfield Cleanup Program

6 NYCRR Part 375-1.9(d)

211 Franklin Street, Site ID No. C905038

211 Franklin Street, Olean, NY, 14760

Olean, Cattaraugus, Tax Map Identification Number 94.040-1-21

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 Silence Dogood LLC for a parcel approximately 5.787 acres located at 211 Franklin Street, in Olean, Cattaraugus 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):

- ✓ 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 Cattaraugus County as 243528-001.

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 DEC, 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.

211 Franklin Street, Site No. C905038, Olean, NY

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

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at DEC's Region 9 office located at 270 Michigan Avenue, Buffalo, NY 14203, or by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Silence Dogood 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:
Jeffrey Belt
Silence Dogood LLC
211 Franklin Street
Olean, NY 14760



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
11/10/2015



SITE DESCRIPTION

SITE NO. C905038

SITE NAME 211 Franklin Street

SITE ADDRESS: 211 Franklin Street ZIP CODE: 14760

CITY/TOWN: Olean

COUNTY: Cattaraugus

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:

IC/EC Certification Plan



Monitoring Plan



Operation and Maintenance (O&M) Plan



Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 02/01/2017

Description of Institutional Control

Silence Dogwood LLC

211 Franklin Street

211 Franklin Street

Environmental Easement

Block: 1

Lot: 21

Sublot:

Section: 94

Subsection: 040

S_B_L Image: 94.040-1-21

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

Silence Dogwood LLC

211 Franklin Street

211 Franklin Street

Environmental Easement

Block: 1

Lot: 21

Sublot:

Section: 94

Subsection: 040

S_B_L Image: 94.040-1-21

Cover System

Vapor Mitigation

Exhibit "A" PROPERTY DESCRIPTION

Environmental Easement Description

211 Franklin Street

Beginning at the intersection of the south bounds of Franklin Street with the east bounds of

lands of Southern Tier Rail Authority LLC, thence N 59-32-00 E along the south street

bounds of Franklin Street, a distance of 568.43' to a point, thence through the lands of

Silence Dogood LLC:

1) S 30-28-00 E, a distance of 16.00' to a point

2) S 41-06-02 E, a distance of 268.69' to a point

3) S 32-03-05 E, a distance of 16.50' to a point on the north bounds of West Connell

Street, thence N 59-32-00 E along the north bounds of West Connell Street, a distance of

5.00' to a point, thence S 30-40-04 E crossing West Connell Street, a distance of 49.50' to a

point, thence S 59-32-00 W along the south bounds of West Connell Street, a distance of

51.60' to a point, thence along the bounds of lands now or formerly of Southern Tier Rail

Authority:

1) S 30-28-00 E, a distance of 63.00' to a point

2) S 59-32-00 W, a distance of 628.00' to a point

3) N 30-28-00 W, a distance of 63.00' to a point

4) N 59-32-00 E, a distance of 31.60' to a point

5) N 30-28-00 W, a distance of 33.00' to a point

6) N 27-29-52 W, a distance of 272.76' to a point

7) N 16-21-26 W, a distance of 41.95' to the point of beginning.

Contains 5.787 acres +/-

Environmental

NO RECALL A
PROPERTY ORIGINALLY

ALL THOSE TRACTS AND PARCELS OF LAND AND PREMISES hereinafter particularly described, situate, lying and being in the City of Queens, in the County of Queens and State of New York.

PARCEL ONE
Being a part of Lot number Six (6), Town Two (2), Range Four (4) and Section Three (3) of the original and Common's Survey and known as Block No. 34 of Menck's Subdiv. (Town Four) and bounded and described as follows:

[illegible][illegible]

THE SECOND PARTIES, a natural subject to the agreement, required to serve overhauler and maintenance, the provision in connection of railroad tracks, the change of the grades of streets, avenues, roads, lanes, highways in cities and the location and building of grade crossings as provided in State Park Railroad, New York and Pennsylvania Railway Company in Operation Company dated January 2, 1947, and recorded in the Office of the Clerk of Columbia County in Liber 410 of Deeds at Page 277.

[illegible]

FIGURE 2.10.3.2
 BEING: a) first part of Block 55 according to the map of the Chester Island, that made by Joseph Smith, Dec., 1830; note on a straight line about between a point in the southerly line of Franklin Street (about 95 feet westerly from the westerly corner of Maple Street as indicated on said map) and a point in the northerly line of Washington Street (now Cornhill Street), distant 38 feet westerly from the westerly corner of said Maple Street.

[illegible][illegible][illegible]

ALSO QUIT CLAIMING ALL THAT TRACT OR PARCELS OF LAND Wherein the City of Chicago, County of Cook, State of Illinois, being part of Block 62 situated at the corner of the Chicago Depot tract made by Joseph Smith, Esq., and more particularly described as follows: Beginning at a point where the north line of Concord Street intersects the east line of Maple Street, running thence northerly along the west line of Maple Street 132 feet; thence easterly and at right angles to the west line of Maple Street, a distance of 54 feet; thence southerly to a point which is 79 feet westerly of the west boundary of Maple Street; and from such point, running south 89 degrees 00 minutes East, thence easterly along the north line of Concord Street, 35 feet to the place of beginning, and containing 10,000 square feet of land.

PARCELS E8047:
ALL THAT TRACT OR PARCELS OF LAND, situated in the City of Queens, County of Catteraugus, and State of New York, being part of Blocks 72, 74, 75, 86, P. 11, Forest Street (Green Street), Spruce Street, Maple Street and Pine Street, according to a Map of Queens County made by Gerrard Van Der Weyde, Esq., and filed in the Catteraugus County Clerk's Office recorded as follows:

[illegible][illegible]

PAGE 9

[illegible]

References

1) Title Search/
Dated: December 20, 2010
File #6005973
Policy #7430732 0290035
Frontier Abstract & Research Services, Inc.

2) Deed/
Goodman Belt LLC to Silence Dogood LLC
Instrument # 200905-001
Recorded December 20, 2013

2) Survey/
for Dealer Corporation
Dated: August 2, 1979
by M.C. Ackerman, LS 23029

This property is subject to an environmental easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the New York Environmental Conservation Law. The engineering and institutional controls for this Easement are set forth in more detail 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, Division of Environmental Remediation, Site Control Section, 525 Broadway, Albany NY 12233 or at denweb@dec.ny.gov

Environmental Easement description
211 Franklin Street

Beginning at the intersection of the south bounds of Franklin Street with the east bounds of lands of Southern Tier Rail Authority LLC, thence N 59-32-00 E along the south street bounds of Franklin Street, a distance of 568.43' to a point, thence through the lands of Silence Dogood LLC;

- 1) S 30-28-00 E, a distance of 16.00' to a point
- 2) S 41-06-02 E, a distance of 268.59' to a point
- 3) S 32-03-05 E, a distance of 16.50' to a point on the north bounds of West Cornell Street, thence N 59-32-00 E along the north bounds of West Cornell Street, a distance of 5.00' to a point, thence S 30-40-04 E crossing West Cornell Street, a distance of 49.50' to a point, thence S 59-32-00 W along the south bounds of West Cornell Street, a distance of 51.60' to a point, thence along the bounds of lands now or formerly of Southern Tier Land Authority.
- 1) S 30-28-00 E, a distance of 63.00' to a point
- 2) S 59-32-00 W, a distance of 628.00' to a point
- 3) N 30-28-00 W, a distance of 63.00' to a point
- 4) N 59-32-00 E, a distance of 31.60' to a point
- 5) N 30-28-00 W, a distance of 33.00' to a point
- 6) N 27-29-52 W, a distance of 272.78' to a point
- 7) N 16-21-26 W, a distance of 41.95' to the point of beginning

Contains 5.787 acres +/-

Typical Symptoms

- ☒ Irritant
- ☐ Itchy eyes
- ☐ Itchy nose
- ☐ Irritable skin

2. **Chemical Irritant**
in household products

2) That is to say that I get a 40% increase in total business and that this increase comes from a survey performed under my supervision.

This survey is certified in the following:

1) New York State Department of Environmental Conservation

Correction made to Environmental Exposure Description on July 1, 2015.
Map Update on March 18, 2015.

Maple and Spruce for
Silence Dogood LLC
at 211 Franklin Street

4. *Unpublished Manuscript*

Prepared by:
13 Michael Camacho
New York State
Department of Education
225 North Zeeb Street
Albany, NY 12242
Tel: 518.486.4822
Fax: 518.486.4822

36 576 24 384 12 192 0 METERS
120 80 40 0 FT

10N=40FT
10N-12.192METERS