



**Department of
Environmental
Conservation**

KATHY HOCHUL

Governor

AMANDA LEFTON

Commissioner

December 19, 2025

Mike J. John, Sr.
MJ Painting Contractor Corp.
291 Homer Street
Olean, NY 14760
mikejohn@mjpaintingcontractor.com

**Re: Certificate of Completion
350 Franklin Street,
Site No.: C905046
Olean (C), Cattaraugus County**

Dear Mike John:

Congratulations on having satisfactorily completed the remedial program at the 350 Franklin Street site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (NYSDEC) 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 NYSDEC's project manager. Please return the hard copy of the proof of recording to:

Benjamin McPherson
New York State Department of Environmental Conservation
Division of Environmental Remediation
700 Delaware Avenue
Buffalo, NY 14209

- Provide the Certificate of Completion fact sheet to the Document Repositories within 10 days of issuance of the COC. NYSDEC will develop the 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 NYSDEC-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 NYSDEC 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 NYSDEC in April 2027.

If you have any questions, please do not hesitate to contact Benjamin McPherson, NYSDEC's project manager, at 716-851-7220 or benjamin.mcpherson@dec.ny.gov.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

C. Vooris – NYSDOH, Christine.Vooris@health.ny.gov
 Sara Bogardus – NYSDOH, Sara.Bogardus@health.ny.gov
 Kristin Kulow – NYSDOH, kristin.kulow@health.ny.gov
 Brian Robinson – Roux (brobinson@rouxinc.com)
 Linda Shaw, Esq. – Knauf-Shaw (LSHAW@NYENVLAW.COM)
 Matt Gokey, matthew.gokey@tax.ny.gov
 Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

David Harrington – NYSDEC
 Michael Cruden – NYSDEC
 Andrea Caprio – NYSDEC
 Benjamin McPherson – NYSDEC
 Michael Murphy, Esq. – NYSDEC
 Gregory Scholand, Esq. – NYSDEC
 Kelly Lewandowski – NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

MJ Painting Contractor Corp.

Address

291 Homer Street, Olean, NY 14760

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 12/7/18 **Agreement Execution:** 1/14/19

Agreement Index No.: C905046-12-18

Application Amendment Approval: none

Agreement Amendment Execution: none

SITE INFORMATION:

Site No.: C905046 **Site Name:** 350 Franklin Street

Site Owner: MJ Painting Contractor Corp.

Street Address: 350 Franklin Street

Municipality: Olean **County:** Cattaraugus

DEC Region: 9

Site Size: 9.340 Acres

Tax Map Identification Number(s): p/o 94.040-1-2.3

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:

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

Tangible Property Credit is 10%. Comprised of 10% Base.

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%), if the site is located in a disadvantaged community and not located in an EnZone (5%), if the site is developed as a renewable energy facility site (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 Cattaraugus County as Instrument No. 202411872.

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 6 NYCRR 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 6 NYCRR Part 375-1.9(e) upon finding any of the following:

- (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.

Amanda Lefton
Commissioner
New York State Department of Environmental Conservation

By: Andrew Guglielmi Date: 12/19/2025

Andrew Guglielmi, Director
Division of Environmental Remediation

Exhibit A

Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE CITY OF OLEAN, COUNTY OF CATTARAUGUS AND STATE OF NEW YORK AND BEING PARTS OF LOTS 6 OF SECTION 5 AND LOT 1 OF SECTION 9, TOWN 2, RANGE 4 OF THE HOLLAND LAND COMPANY'S SURVEY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF JOHNSON STREET (50 FOOT WIDE RIGHT OF WAY), AND THE SOUTHEAST BOUNDS OF LANDS OF NEW YORK STATE FLOOD CONTROL, AS SET FORTH IN A NOTICE OF EASEMENT, INTEREST OR RIGHT IN PROPERTY FOR HIGHWAY PURPOSES RECORDED ON OCTOBER 1, 1969 IN THE CATTARAUGUS COUNTY CLERK'S OFFICE IN LIBER 708 OF DEED AT PAGE 183, AS MAP 707: PARCEL 1272; THENCE N 36°-12'09" E, ALONG SAID NYS FLOOD CONTROL LANDS 269.34 FEET TO AN IRON PIN SET AND THENCE N 11°-31'-50" E A DISTANCE OF 101.20 FEET TO AN IRON PIN SET; THENCE THE FOLLOWING COURSES ALONG THE SOUTHEASTERLY BOUNDS OF LAND SET FORTH IN THE NOTICE OF EASEMENT, SET FORTH ABOVE, IN MAP 707: PARCEL 707:

N 02°-23'-29" E, 82.10 FEET TO A HIGHWAY MONUMENT FOUND;

N 44°-42'-39" E, 384.42 FEET TO A HIGHWAY MONUMENT FOUND;

N 51°-43'-02" E, 677.75 FEET, THOUGH ONE HIGHWAY MONUMENT FOUND, TO A FURTHER HIGHWAY MONUMENT FOUND:

THENCE SOUTHERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 1205.74 FEET, WHOSE CHORD BEARS S 03°-09'-24" W, WITH A CHORD LENGTH OF 357.21, AND AN ARC LENGTH OF 358.53 FEET TO AN IRON PIN SET;

THENCE S 72°-53'-21" W, A DISTANCE OF 352.63 FEET TO AN IRON PIN SET; THENCE S 05°-27'-02" E, A DISTANCE OF 494.70 FEET TO A POINT ON THE CENTERLINE OF FRANKLIN STREET (50 FOOT WIDE RIGHT OF WAY); THENCE THE FOLLOWING COURSES AND DISTANCES ALONG THE CENTERLINES OF FRANKLIN STREET AND THEN JOHNSON STREET:

S 56°-32'40" W, A DISTANCE OF 485.56 FEET TO A POINT;

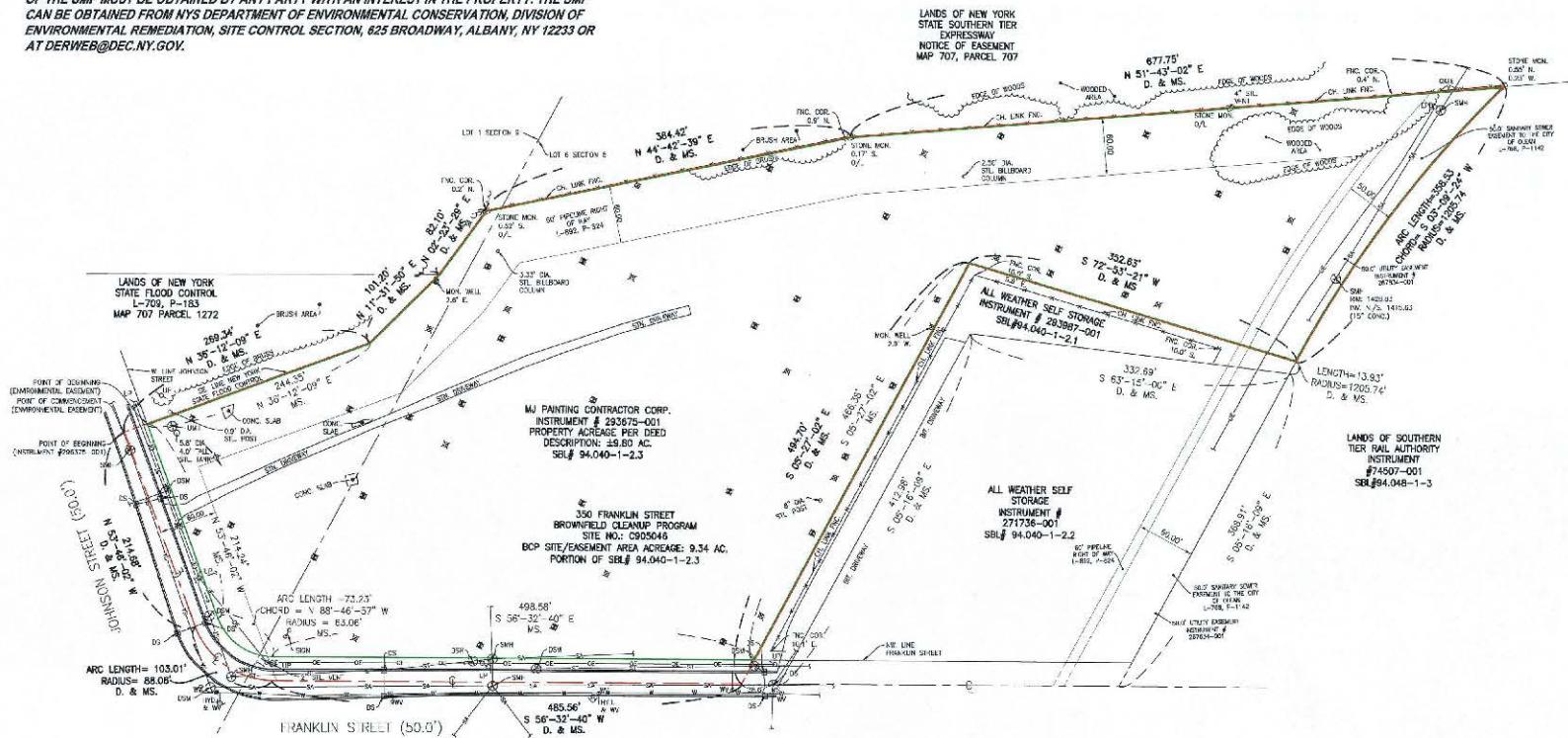
A CURVE TO THE RIGHT WITH A RADIUS OF 88.06 FEET, WHOSE CHORD BEARS N 88°-46'-57" W, WITH A CHORD LENGTH OF 97.23 FEET AND AN ARC LENGTH OF 103.01 FEET;

N 53°-46'-02" W, A DISTANCE OF 214.68 FEET TO THE POINT OR PLACE OF BEGINNING.

Exhibit B

Site Survey

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 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, 825 BROADWAY, ALBANY, NY 12233 OR AT DERWEB@DEC.NY.GOV.



LEGEND:	DS	SI	SAMPLING POINT	RX-010
DRUMS/STRUCTURE	DS	SI	SANITARY SYSTEM MANHOLE	SAM
DRUMS/STRUCTURE MANHOLE	DSM	SI	SANITARY SYSTEM MANHOLE	SAM
DRUMS/STRUCTURE FOUND	DSF	SI	SIGN	SIGN
END OF PIPE UNBLOCKED	END	SI	UNKNOWN MANHOLE	UMH
ELIMINATE ALL RISKS	ELR	SI	UNKNOWN VENT	UV
EVACUATE VEHICLES	EV	SI	STILE POLE	SP
G.Y. WIRE	G.Y.	SI	VALVE, NAIL	VN
HORN/ALARM	HORN	SI		
IRON PIPE	IP	SI		
IRON	IR	SI		
MONITORING WELL	MW-312	SI		
MOVEMENT (TYPE NOTED)		SI		
BT	BT	SI	NORTH	N
CH	CH	SI	EAST	E
COND.	COND.	SI	SOUTH	S
CONTAINER	CONT.	SI	WEST	W
FAC.	FENCE	SI	DOWNHILL SLOPING LINE	DS
FLW.	FLW.	SI	DOWNHILL SLOPING ROAD	DR
HTK	HTK	SI	SANITARY SYSTEM LINE	SSL
IND.	IND.	SI	STORM DRAIN LINE	SD
PIPE	PIPE	SI	UNDERGROUND ELECTRIC LINE	UEL
STL.	STL.	SI	PRIMARY DRAINAGE	PD
STL.	STL.	SI	PRIMARY DRAINAGE	PD
STL.	STL.	SI	PRIMARY DRAINAGE	PD
WT	WT	SI	INCLUDES ROAD	IR
		SI	SPC SITE ENVIRONMENTAL	SE
		SI	SPC SITE ENVIRONMENTAL	SE

GENERAL NOTES.

- INFORMATION SHOWN HEREON, LOCATED BY WENDEL IN MARCH 2019 AND SEPTEMBER 2023 AS PART OF PROJECT #4949204
- SITE CURRENTLY UNDER CONSTRUCTION AT TIME OF SURVEY.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.

DEF'D DESCRIPTION
INSTRUMENT #293675-C0

PROPOSED BROWNFIELD CLEANUP PROGRAM



**SURVEY OF
350 FRANKLIN STREET, CITY OF OLEAN
COUNTY OF CATTARAUGUS, STATE OF NEW YORK**

PART OF LOT(S):	6 & 1	SECTION: 5 & D	TOWNSHIP: 2	RANGE: 4
OF THE HOLLAND LAND COMPANY'S SURVEY				
 wendel Only the Best is Good Enough. Holland Land Co.		PROJ. NO.	494504	
		DATE	4/12/2004	
		SCALE	1"=20'	
		CRW	DRA	
		EDW	KAC	
		CH	RNU	

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

350 Franklin Street, Site ID No. C905046
350 Franklin Street, Olean, NY, 14760

City of Olean, Cattaraugus County, Tax Map Identification Number: p/o 94.040-1-2.3

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (NYSDEC) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to MJ Painting Contractor Corp. for a parcel of approximately 9.34 acres located at 350 Franklin Street in Olean, Cattaraugus County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by NYSDEC 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 unless such is approved by NYSDEC as not inconsistent with the remedy.

PLEASE TAKE NOTICE, 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 Instrument No. 202411872.

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 NYSDEC'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.

**350 Franklin Street, Site ID No. C905046
350 Franklin Street, Olean, NY, 14760**

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to NYSDEC 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 Office located at 700 Delaware Avenue, Buffalo, NY 14209, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C905046>.

WHEREFORE, the undersigned has signed this Notice of Certificate of Completion.

MJ Painting Contractor Corp.

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:
MJ Painting Contractor Corp.
291 Homer Street
Olean, NY 14760



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Site Management Form

11/25/2024



SITE DESCRIPTION

SITE NO. C905046

SITE NAME 350 Franklin Street

SITE ADDRESS: 350 Franklin Street **ZIP CODE:** 14760

CITY/TOWN: Olean

COUNTY: Cattaraugus

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan

Monitoring Plan

Operation and Maintenance (O&M) Plan

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 03/15/2027

Description of Institutional Control

MJ Painting Contractor Corp.

291 Homer Street

350 Franklin Street

Environmental Easement

Block: 1

Lot: 2

Sublot: 1

Section: 94

Subsection: 040

S_B_L Image: p/o 94.040-1-2.3

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

MJ Painting Contractor Corp.

291 Homer Street

350 Franklin Street

Environmental Easement

Block: 1

Lot: 2

Sublot: 1

Section: 94

Subsection: 040

S_B_L Image: p/o 94.040-1-2.3

Cover System

Groundwater Containment

Monitoring Wells

Subsurface Barriers

Vapor Mitigation