

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 23, 2022

Renaissance 8, LLC
Attn: Michael Montante
100 Corporate Parkway, Suite 500
Amherst, NY 14226
MMONTANTE@UNILAND.COM

Buffalo and Erie County Industrial Land Development Corporation
Attn: John Cappellino
95 Perry Street, Suite 403
Buffalo, NY 14203
JCAPPELL@ECIDANY.COM

Tecumseh Redevelopment Inc.
Attn: Keith Nagel
200 Public Square, Suite 3400
Cleveland, OH 44114
KEITH.NAGEL1@CLEVELANDCLIFFS.COM

Re: Certificate of Completion
Site II-8 Tecumseh Phase II Business Park
Lackawanna (C), Erie County
Site No. C915198H

Dear Persons:

Congratulations on having satisfactorily completed the remedial program at the Site II-8 Tecumseh Phase II Business Park 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:
Andrew Zwack, Bureau E
New York State Department of Environmental Conservation
Division of Environmental Remediation
700 Delaware Avenue
Buffalo, NY 14209
- 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 2024.

If you have any questions, please do not hesitate to contact Andrew Zwack, the Department's project manager, at (716) 851-7220.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director
Division of Environmental Remediation

Enclosure

cc w/ enclosure:

Thomas Forbes, tforbes@bm-tk.com
Susan Hassinger, SHassinger@Uniland.com
Robert Murray, bmurray@harrisbeach.com
Thomas Tuori, ttuori@hselaw.com
C. Vooris – NYSDOH, christine.vooris@health.ny.gov
Charlotte Bethoney – NYSDOH, charlotte.bethoney@health.ny.gov

Melissa Doroski – NYSDOH, melissa.doroski@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

Andrew Zwack – NYSDEC
Benjamin McPherson - NYSDEC
Andrew Caprio - NYSDEC
Michael Cruden - NYSDEC
Karen Draves – NYSDEC
Michael Murphy – NYSDEC
Kelly Lewandowski - NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Renaissance 8, LLC
Tecumseh Redevelopment Inc.
Buffalo and Erie County Industrial Land Development
Corporation

Address

100 Corporate Parkway, Suite 500, Amherst, NY 14226
200 Public Square, Suite 3400, Cleveland, OH 44114
95 Perry Street, Suite 403, Buffalo, NY 14203

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 1/9/07 **Agreement Execution:** 3/14/07

Agreement Index No.: B9-0696-05-06(B)

Application Amendment Approval: 8/8/12

Agreement Amendment Execution: 8/22/12

Application Amendment Approval: 9/15/17

Agreement Amendment Execution: 10/2/17

Application Amendment Approval: 2/20/18

Agreement Amendment Execution: 4/18/18

Application Amendment Approval: 2/13/19

Agreement Amendment Execution: 2/14/19

Application Amendment Approval: 9/14/21

Agreement Amendment Execution: 9/16/21

Application Amendment Approval: 11/17/22

Agreement Amendment Execution: 12/15/22

SITE INFORMATION:

Site No.: C915198H **Site Name:** Site II-8 Tecumseh Phase II Business Park

Site Owner: Renaissance 8, LLC

Street Address: 8 Dona Street

Municipality: Lackawanna **County:** Erie

DEC Region: 9

Site Size: 8.360 Acres

Tax Map Identification Number(s): 141.15-1-6

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: 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 Component Rate 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 2014137591 BK/PG D 11266/5455.

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: Andrew Guglielmi Date: 12/23/2022

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A

Site Description

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOT 24, TOWNSHIP 10, RANGE 8 OF THE BUFFALO CREEK RESERVATION, ALSO BEING PART OF EXISTING BCP SITE NUMBER C915198H, AS SHOWN ON A MAP OF "BUSINESS PARK PHASE II", PREPARED BY WENDEL, JUNE 2012, PROJECT NUMBER 411107, AS AMENDED, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE (ALSO KNOWN AS STATE ROUTE NO. 5), BEING 2884.21 FEET NORTH OF THE DIVISION LINE BETWEEN LANDS CONVEYED TO TECUMSEH REDEVELOPMENT INC. RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11040 OF DEEDS AT PAGE 8953 ON THE NORTH, AND LANDS CONVEYED TO SOUTH BUFFALO RAILWAY COMPANY RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10119 OF DEEDS AT PAGE 131 ON THE SOUTH, AS MEASURED ALONG THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE AS APPROPRIATED BY NEW YORK STATE DEPARTMENT OF PUBLIC WORKS MAP 1, PARCEL 1, RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 5650 OF DEEDS AT PAGE 404; ALSO BY NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE CITY OF LACKAWANNA, S.H. NO. FAC 49-10, MAP 305, PARCEL 306, RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10960 OF DEEDS AT PAGE 2028, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID BUSINESS PARK PHASE II, PARCEL "B";

THENCE ALONG A LINE N 13°-14'-29" W, A DISTANCE OF 999.75 FEET, TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF LANDS CONVEYED TO THE COUNTY OF ERIE AS RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11353 OF DEEDS AT PAGE 8397;

THENCE CONTINUING ALONG THE LANDS CONVEYED TO THE COUNTY OF ERIE N 18°-26'-58" W, A DISTANCE OF 58.95 FEET, TO THE PRINCIPAL POINT OF BEGINNING, SAID POINT BEING ON THE NORTH LINE OF PROPOSED DONA STREET (WIDTH VARIES);

THENCE ALONG THE NORTH LINE OF SAID DONA STREET S 71°-07'-01" W, A DISTANCE OF 74.15 FEET, TO A POINT OF CURVATURE;

THENCE ALONG THE NORTHERLY LINE OF SAID DONA STREET AND ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 548.00 FEET, A DELTA ANGLE OF 8°-12'-16", AN ARC LENGTH OF 78.47 FEET, TO A POINT;

THENCE CONTINUING ALONG THE NORTH LINE OF SAID DONA STREET S 62°-54'-45" W, A DISTANCE OF 234.48 FEET, TO A POINT;

THENCE NORTHERLY ALONG A LINE PARALLEL WITH THE EASTERLY LINE OF BCP SITE NUMBER C915198I, N 18°-25'-27" W, A DISTANCE OF 499.41 FEET TO A POINT;

THENCE NORTHERLY ALONG A LINE PARALLEL WITH THE EASTERLY LINE OF BCP SITE NUMBER C915198J, N 18°-25'-01" W, A DISTANCE OF 473.97 FEET, TO A POINT, SAID POINT BEING ON THE SOUTH LINE OF BCP SITE NUMBER C915198K;

THENCE EASTERLY ALONG THE SOUTH LINE OF BCP SITE NUMBER C915198K, N 71°-00'-00" E, A DISTANCE OF 383.92 FEET TO A POINT, SAID POINT BEING ON THE WEST LINE OF LANDS CONVEYED TO THE COUNTY OF ERIE BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11353 OF DEEDS AT PAGE 8397;

THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LANDS CONVEYED TO THE COUNTY OF ERIE, S 18°-25'-54" E, A DISTANCE OF 662.21 FEET, TO A POINT;

THENCE CONTINUING ALONG THE WEST LINE OF SAID LANDS CONVEYED TO THE COUNTY OF ERIE, S 18°-27'-18" E, A DISTANCE OF 272.88 FEET, TO THE PRINCIPAL POINT OF BEGINNING. CONTAINING 8.36 ACRES OF LAND, MORE OR LESS.

Exhibit B

Site Survey

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

Site II-8 Tecumseh Phase II Business Park, Site ID No. C915198H
8 Dona Street, Lackawanna, NY, 14218
Lackawanna, Erie County, Tax Map Identification Number: 141.15-1-6

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 Renaissance 8, LLC; Buffalo and Erie County Industrial Land Development Corporation; and Tecumseh Redevelopment Inc. for a parcel approximately 8.360 acres located at 8 Dona Street in Lackawanna, 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, 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 2014137591 BK/PG D 11266/5455.

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.

**Site II-8 Tecumseh Phase II Business Park, C915198H
8 Dona Street, Lackawanna, NY, 14218**

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 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/C915198H/>.

WHEREFORE, the undersigned has signed this Notice of Certificate

Renaissance 8, 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:

Renaissance 8, LLC
Attn: Michael Montante
100 Corporate Parkway, Suite 500
Amherst, NY 14226

Feb. 2022



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/16/2022



SITE DESCRIPTION

SITE NO. C915198H

SITE NAME Site II-8 Tecumseh Phase II Business Park

SITE ADDRESS: 8 Dona Street ZIP CODE: 14218

CITY/TOWN: Lackawanna

COUNTY: Erie

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: 04/30/2024

Description of Institutional Control

Renaissance 8, LLC

100 Corporate Parkway, Suite 500

8 Dona Street

Environmental Easement

Block: 1

Lot: 6

Sublot:

Section: 141

Subsection: 15

S_B_L Image: 141.15-1-6

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

Renaissance 8, LLC

100 Corporate Parkway, Suite 500

8 Dona Street

Environmental Easement

Block: 1

Lot: 6

Sublot:

Section: 141

Subsection: 15

S_B_L Image: 141.15-1-6

Cover System