

# New York State Department of Environmental Conservation

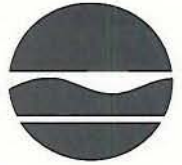
## Division of Environmental Remediation

Office of the Director, 12th Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 • Fax: (518) 402-9020

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Commissioner

JUL 26 2011

Mr. Joseph Petrella  
598 Main Street, LLC  
726 Exchange Street, Suite 825  
Buffalo, NY 14210

RE: Certificate of Completion  
Site Name: 111 Hydraulic Street  
Site No.: C915235  
City of Buffalo, Erie County

Dear Mr. Petrella:

Congratulations on having satisfactorily completed the remedial program at the 111 Hydraulic Street Project site. The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above-referenced site. Enclosed please find an original, signed Certificate of Completion.

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. 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 a notice of the COC and a fact sheet to the Brownfield Site Contact list within 10 days of issuance of the COC;
- 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 Jaspal S. Walia at (716) 851-7220.

Sincerely,  


Dale A. Desnoyers, Director  
Division of Environmental Remediation





ec w/ enc.:

Steve Bates - NYSDOH  
Matthew Forcucci - NYSDOH  
Deborah Chadsey, Esq. ([dchadsey@kavinokycook.com](mailto:dchadsey@kavinokycook.com))

ec w/o enc.:

Jaspal Walia  
Martin Doster  
Michael Cruden  
Jim Charles

New York State Department of Environmental Conservation  
Division of Environmental Remediation  
Office of the Director, 12th Floor  
625 Broadway, Albany, New York 12242-7011  
Phone: (518) 402-9108 Fax: (518) 402-9028  
Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)

Mr. Joseph Walia  
702 Main Street, LLC  
716 Exchange Street, Suite 212  
Hudson, NY 12534

City of Hudson, Erie County  
Site Name: 111 Hydraulic Street  
Site No.: 0915115

Dear Mr. Forcucci:

Congratulations on having successfully completed the remedial program at the 111 Hydraulic Street Project site. The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Remediation Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above-referenced site. Attached please find an original, signed Certificate of Completion.

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

If you are the site owner, you must notify a notice at the COC in the receiving office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC. If you are a prospective purchaser of the site, you must notify a notice of the COC within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to ensure the signed COC is recorded within the time frame specified. A standard notice form is attached to this letter.

Provide a notice of the COC and a fee sheet to the Brownfield Site Contact for within 10 days of issuance of the COC.

You and your licensee must submit an annual report to the New York State Department of Environmental Conservation within one year and for each of the following eleven years after the completion of the Brownfield Site Cleanup Agreement. The report must provide the information required by Chapter 350 of the Laws of 2008, the Law Section 171-a.

If you have any questions regarding any of these items, please contact Joseph B. Walia at (518) 402-1230.



Joseph B. Walia, Director  
Division of Environmental Remediation





NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)  
*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

598 Main Street, LLC

**Address**

726 Exchange Street, Suite 825, Buffalo, NY 14210

**BROWNFIELD CLEANUP AGREEMENT:**

**Execution:** 6/29/10    **Agreement Index No.:** C915235-06-10

**Application Approval Amendment:** none

**Agreement Execution Amendment:** none

**SITE INFORMATION**

**Site No.:** C915235    **Site Name:** 111 Hydraulic Street Project

**Site Owner:** 598 Main Street LLC

**Street Address:** 111 Hydraulic Street

**Municipality:** Buffalo    **County:** Erie    **DEC Region:** 9

**Site Size:** 2.020 Acres

**Tax Map Identification Number(s):** 122.27-6-10, 122.27-6-11, 122.27-6-2, 122.27-6-3, 122.27-6-7,  
122.27-6-8, 122.27-6-9

**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:** Residential, Restricted-Residential, Commercial, and Industrial

**Cleanup Track:** Track 2: Restricted use with generic 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 40 %.

Tangible Property Credit Component Rate is 20 %.

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

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 40 %.

Tangible Property Credit Component Rate is 18 %.

JUL 8 2011



### 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/REVOCAION

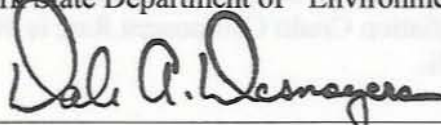
This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (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.

Joseph J. Martens  
Commissioner  
New York State Department of Environmental Conservation

By:



Dale A. Desnoyers, Director  
Division of Environmental Remediation

Date: JUL 26 2011



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

**Site Name:** 111 Hydraulic Street Project, **Site ID No.:** C915235

**Site Address:** 111 Hydraulic Street, Buffalo, New York 14210.

**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 598 Main Street, LLC for a parcel approximately 2.02 acres located at the 111 Hydraulic Street in the City of Buffalo and 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):

- 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.

**PLEASE TAKE NOTICE**, provided that the Certificate is 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.

**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 be 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 Ave., Buffalo, NY 14203, by contacting the Regional Environmental Remediation Engineer.

**Site Name:** 111 Hydraulic Street Project, **Site ID No.:** C915235

Site Address: 111 Hydraulic Street, Buffalo, New York 14210.

WHEREFORE, the undersigned has signed this Notice of Certificate

(Applicant)

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:

(Applicant) \_\_\_\_\_  
(Applicant address) \_\_\_\_\_

12/03/09



**Lawrence J. Zygaj, PLS, PC**  
**Professional Land Surveyor**  
**222 Bear Road**  
**Cowlesville, New York 14037**  
**Phone 585-652-8483**  
**Fax 585-652-1137**  
**E-mail LJZSurvey@rochester.rr.com**



**Lands Excluding 777 Seneca Street**

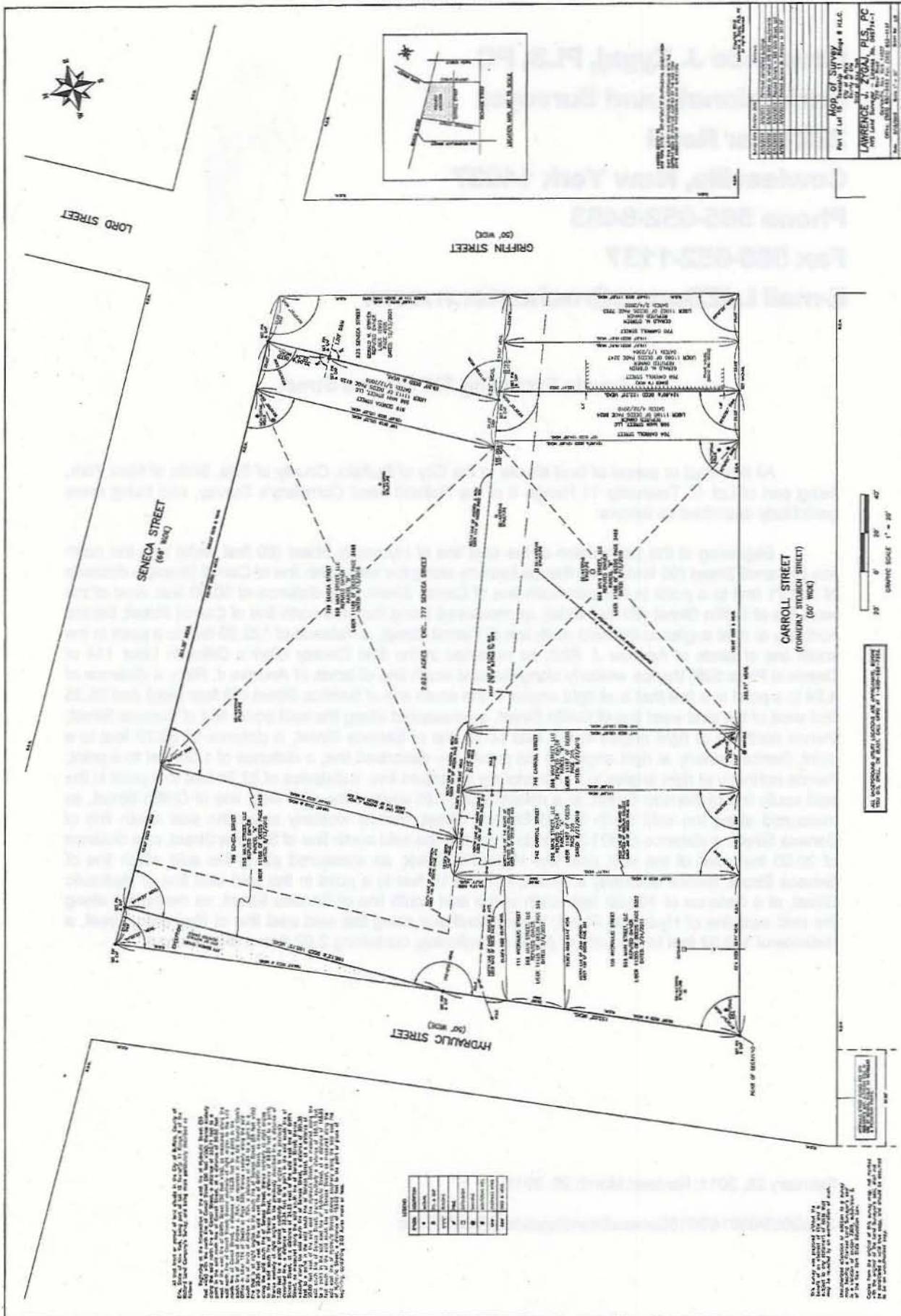
All that tract or parcel of land situate in the City of Buffalo, County of Erie, State of New York, being part of Lot 15 Township 11 Range 8 of the Holland Land Company's Survey, and being more particularly described as follows:

Beginning at the intersection of the east line of Hydraulic Street (50 feet wide) with the north line of Carroll Street (50 feet wide); thence easterly along the said north line of Carroll Street, a distance of 332.71 feet to a point in the said north line of Carroll Street, at a distance of 50.00 feet west of the west line of Griffin Street (50 feet wide), as measured along the said north line of Carroll Street; thence northerly at right angles to the said north line of Carroll Street, a distance of 122.26 feet to a point in the south line of lands of Andrew J. Rich, as recorded in the Erie County Clerk's Office in Liber 114 of Deeds at Page 529; thence westerly along the said south line of lands of Andrew J. Rich, a distance of 4.24 to a point in a line that is at right angles to the south line of Seneca Street (66 feet wide) and 25.25 feet west of the said west line of Griffin Street, as measured along the said south line of Seneca Street; thence northerly at right angles to the said south line of Seneca Street, a distance of 89.20 feet to a point; thence easterly at right angles to the previously described line, a distance of 1.00 feet to a point; thence northerly at right angles to the previously described line, a distance of 32.34 feet to a point in the said south line of Seneca Street, at a distance of 24.25 west of the said west line of Griffin Street, as measured along the said south line of Seneca Street; thence westerly along the said south line of Seneca Street, a distance of 301.35 feet to a point in the said south line of Seneca Street, at a distance of 20.00 feet east of the said east line Hydraulic Street, as measured along the said south line of Seneca Street; thence southerly a distance of 168.15 feet to a point in the said east line of Hydraulic Street, at a distance of 168.93 feet south of the said south line of Seneca Street, as measured along the said east line of Hydraulic Street; thence southerly along the said east line of Hydraulic Street, a distance of 153.02 feet to the point or place of beginning, containing 2.02 Acres more or less.

February 26, 2011; Revised March 26, 2011

Jobs2003/03014/2010SenecaStreet/legaldescExcl777.doc

EXHIBIT B



THIS PLAT IS THE PROPERTY OF THE SURVEYOR AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR.  
 THE SURVEYOR'S OFFICE IS LOCATED AT 100 WEST 13TH STREET, PITTSBURGH, PA 15222.  
 ANY CHANGES TO THIS PLAT MUST BE MADE IN ACCORDANCE WITH THE PROVISIONS OF THE PITTSBURGH PLAT ACT.  
 ANY QUESTIONS CONCERNING THIS PLAT SHOULD BE REFERRED TO THE SURVEYOR.  
 SURVEYOR'S RECORD NO. 12345  
 DATE OF SURVEY: 10/15/2018

**Lawrence J. Ziegen, PLS, PC**  
 100 West 13th Street  
 Pittsburgh, PA 15222  
 412-644-1234  
 LICENSE NO. 12345  
 EXPIRES 12/31/2020

The above described lot is shown in this plat to be the property of the Surveyor...  
 The Surveyor has examined the original plat...  
 The Surveyor has also examined the original plat...  
 The Surveyor has also examined the original plat...  
 The Surveyor has also examined the original plat...

NO.	DESCRIPTION
1	LOT 1
2	LOT 2
3	LOT 3
4	LOT 4
5	LOT 5
6	LOT 6
7	LOT 7
8	LOT 8
9	LOT 9
10	LOT 10

THE ABOVE DESCRIBED LOT...  
 THE SURVEYOR HAS EXAMINED...  
 THE SURVEYOR HAS ALSO EXAMINED...  
 THE SURVEYOR HAS ALSO EXAMINED...

GRAPHIC SCALE 1" = 20'  
 0' 10' 20' 30' 40'

THIS SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE PITTSBURGH PLAT ACT...