

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

Hurondel I, Inc.
Attn.: James Jerge
257 Franklin St.
Buffalo, New York 14202

DEC 28 2017

Re: Certificate of Completion
73-79 W. Huron St. Site
City of Buffalo, Erie County
Site No. C915282

Dear Mr. Jerge:

Congratulations on having satisfactorily completed the remedial program at the 73-79 W. Huron St. 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 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 the Department'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.

Please return the proof of recording to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020



Department of
Environmental
Conservation

- Provide the notice of the COC 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 2019.

If you have any questions regarding any of these items, please contact David Locey at 716-851-7220.

Sincerely,



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

cc w/ enclosure:

D. Locey
J. Dougherty
J. Jerge, Hurondel I, Inc. - aria3907@aol.com
R. Knoer, Knoer Group - rknoer@knoergroup.com
S. Nasca, Knoer Group - snasca@knoergroup.com
T. Forbes, Benchmark - tforbes@benchmarkturnkey.com

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Hurondel I, Inc.

Address

257 Franklin St., Buffalo, NY 14202

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 10/1/14 **Agreement Execution:** 10/2/14 **Agreement Index No.:** C915282-07-14

Application Approval Amendment: none

Agreement Execution Amendment: none

SITE INFORMATION: **Site No.:** C915282 **Site Name:** 73-79 W. Huron St.

Site Owner: Hurondel I, Inc.

Street Address: 73-79 W. Huron St.

Municipality: Buffalo

County: Erie

DEC Region: 9

Site Size: 0.609 Acres

Tax Map Identification Number(s): 111.37-4-10, 111.37-4-11 and 111.37-4-17.2

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: 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 12 %.

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 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 Erie County as File 2016182243 in Book 11301, Page 868.

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.

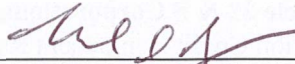
CERTIFICATE MODIFICATION/REVOCATION

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: 12/26/17
Michael J. Ryan, P.E., Assistant Director
Division of Environmental Remediation

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

73-79 W. Huron St., Site ID No. C915282
73-79 West Huron Street, Buffalo, New York 14202
City of Buffalo, Erie County, Tax Map Identification Numbers 111.37-4-10, 111.37-4-11
and 111.37-4-17.2

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 Hurondel I, Inc. for a parcel 0.609 acres in size, located at 73-79 West Huron 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):

- ☐ 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 File #2016182243 in Book/Page 11301/868.

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

73-79 W. Huron St., Site #C915282, 73-79 W. Huron, Buffalo, NY

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, 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 270 Michigan Avenue, Buffalo, NY, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Hurondel I, Inc.

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF ERIE)

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:
Hurondel I, Inc.
257 Franklin Street
Buffalo, New York 14201

Exhibit A

Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

Parcel "A"

All that tract or parcel of land situate in the City of Buffalo, County of Erie and State of New York, being part of Inner Lot No. 128 and described as follows:

Beginning at a point in the northerly line of Huron Street, where it is intersected by the westerly line of said Inner Lot No. 128, one hundred fifteen and five tenths (115.5) feet easterly from the intersection of the said northerly line of Huron Street with the easterly line of Delaware Avenue: thence running easterly on said line of Huron Street thirty-four and five tenths (34.5) feet: thence running northerly, parallel with the westerly line of Delaware Avenue, one hundred seventy-three and five tenths (173.5) feet: thence running westerly nineteen and five tenths (19.5) feet parallel with the said northerly line of Huron Street: thence running northerly parallel with said westerly line of Delaware Avenue forty-four (44) feet: thence running westerly to the westerly line of said Inner Lot No. 128, fifteen (15) feet: thence running southerly along the westerly line of said Inner Lot No. 128, two hundred seventeen and five tenths (217.5) feet to the place of beginning.

Parcel "B"

All that tract or parcel of land situate in the City of Buffalo, County of Erie and State of New York, being part of Inner Lot No. 128 and described as follows:

Beginning at a point in the northerly line of Huron Street, thirty-four and five tenths (34.5) feet easterly from the southwest corner of Inner Lot No. 128, measured along said northerly line of Huron Street: running thence easterly along said northerly line of Huron Street sixteen and five tenths (16.5) feet to the easterly line of the premises conveyed by Isaac E. Harris and one to Delaware Mohawk Realty Corporation by deed recorded in Erie County Clerk's Office in liber 1586 of Deeds at page 219: running thence northerly along said easterly line of land so conveyed one hundred seventy-three and fifty hundredths (173.50) feet; thence running westerly parallel with said northerly line of Huron Street sixteen and one-half (16-1/2) feet; thence running southerly parallel with said westerly line of Inner Lot No. 128, one hundred seventy-three and fifty hundredths (173.50) feet to the northerly line of Huron Street at the place of beginning.

Parcel "C"

All that tract or parcel of land situate in the City of Buffalo, County of Erie and State of New York, being part of Inner Lot No. 128 and described as follows:-

Beginning in the northerly line of Huron Street one hundred fifteen and one-half (115-1/2) feet westerly from its intersection with the westerly line of Franklin Street; running thence westerly along said line of Huron Street sixty-five and two tenths (65.02) feet; thence at right angles northerly and parallel with Franklin Street two hundred thirty-seven and three hundredths (237.03) feet; thence at right angles easterly sixty five and thirty-seven hundredths (65.37) feet and thence at right angles southerly two hundred thirty-six and ninety-one hundredths (236.91) feet to Huron Street at the place of beginning.

Parcel "D"

All that tract or parcel of land situate in the City of Buffalo, County of Erie and State of New York, being part of Inner Lot No. 128, described as follows:

Beginning at a point in a line drawn parallel with the northerly line of Huron Street from a point in the easterly line of Delaware Avenue distant two hundred seventeen and fifty hundredths (217.50) feet northerly from the intersection of said easterly line of Delaware Avenue with said northerly line of Huron Street, which said point of beginning is the easterly line of lands conveyed to Delaware-Mohawk Realty Corporation by deed recorded in Erie County Clerk's Office in Liber 1586 of Deeds page 219; thence southerly on a line parallel with Delaware Avenue forty-four (44) feet; thence westerly and parallel with Huron Street thirty-six (36) feet; thence northerly and parallel with Delaware Avenue forty-four (44) feet; thence easterly and parallel with Huron Street thirty-six (36) feet to the point of beginning.

Environmental Easement areas containing 0.609 Acres more or less, 26,542± Square Feet more or less.

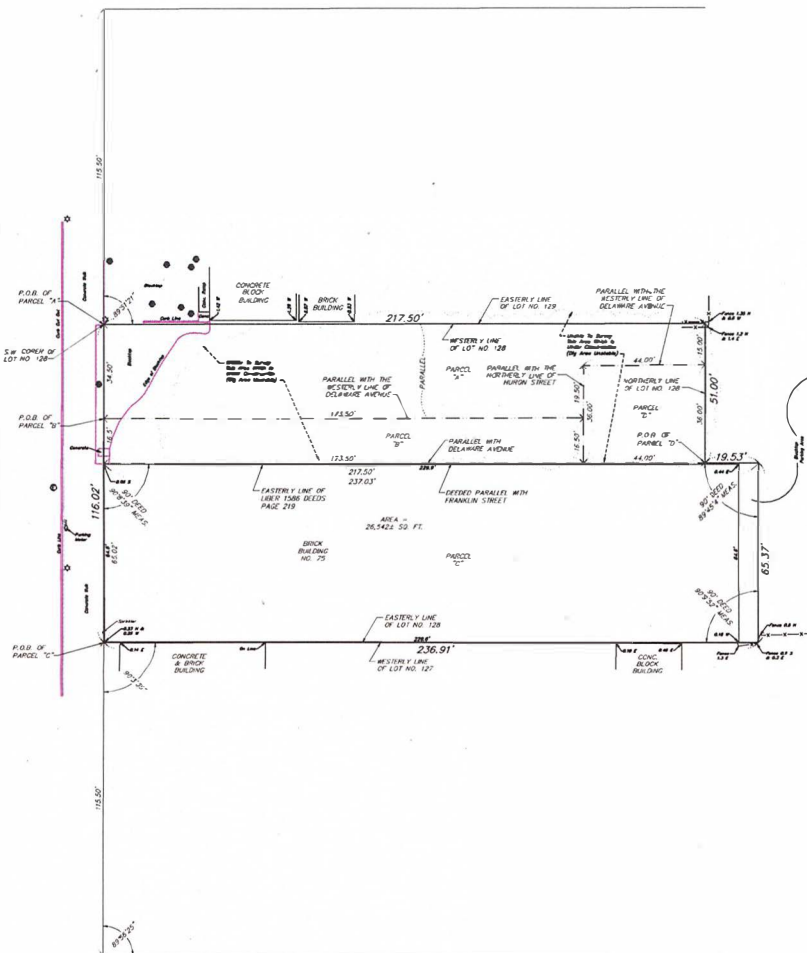
Exhibit B
Site Survey



DELAWARE (99' WIDE) AVENUE

WEST HURON STREET (60' WIDE)
(S.A. & NORTH STREET)

FRANKLIN (66' WIDE) STREET



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 CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, N.Y. 12233 OR AT derweb@gw.dec.state.ny.us

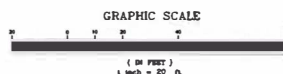
ENVIRONMENTAL EASEMENT DESCRIPTION

- PARCEL 128
- As that tract or portion of land situated in the City of Buffalo, County of Erie and State of New York, being part of town Lot No. 128 and described as follows:
- Beginning at a point in the westerly line of Huron Street, where it is intersected by the westerly line of said town Lot No. 128, one hundred and ten feet (110.00') feet westerly from the intersection of the said westerly line of Huron Street with the westerly line of Delaware Avenue, thence running westerly on and from Huron Street (110.00') feet; thence running westerly parallel with the westerly line of Delaware Avenue, one hundred and ten feet (110.00') feet; thence running westerly parallel with the westerly line of Delaware Avenue (110.00') feet; thence running westerly parallel with the westerly line of said town Lot No. 128, one hundred and ten feet (110.00') feet; thence running westerly on and from Huron Street (110.00') feet to the point of beginning.
- PARCEL 129
- As that tract or portion of land situated in the City of Buffalo, County of Erie and State of New York, being part of town Lot No. 129 and described as follows:
- Beginning at a point in the westerly line of Huron Street, where it is intersected by the westerly line of said town Lot No. 128, one hundred and ten feet (110.00') feet westerly from the intersection of the said westerly line of Huron Street with the westerly line of Delaware Avenue, thence running westerly on and from Huron Street (110.00') feet; thence running westerly parallel with the westerly line of Delaware Avenue, one hundred and ten feet (110.00') feet; thence running westerly parallel with the westerly line of Delaware Avenue (110.00') feet; thence running westerly parallel with the westerly line of said town Lot No. 129, one hundred and ten feet (110.00') feet; thence running westerly on and from Huron Street (110.00') feet to the point of beginning.
- PARCEL 130
- As that tract or portion of land situated in the City of Buffalo, County of Erie and State of New York, being part of town Lot No. 130 and described as follows:
- Beginning at a point in the westerly line of Huron Street, where it is intersected by the westerly line of said town Lot No. 128, one hundred and ten feet (110.00') feet westerly from the intersection of the said westerly line of Huron Street with the westerly line of Delaware Avenue, thence running westerly on and from Huron Street (110.00') feet; thence running westerly parallel with the westerly line of Delaware Avenue, one hundred and ten feet (110.00') feet; thence running westerly parallel with the westerly line of Delaware Avenue (110.00') feet; thence running westerly parallel with the westerly line of said town Lot No. 130, one hundred and ten feet (110.00') feet; thence running westerly on and from Huron Street (110.00') feet to the point of beginning.

Environmental Easement covers containing 26,342.50 Square Feet more or less.

LEGEND

- | | |
|----------------------|-------------------|
| 1. UTILITY / SERVICE | 2. RIGHT OF WAY |
| 3. EASEMENT | 4. CONC. CONCRETE |
| 5. LOT / PARCEL | 6. SURVEY |
| 7. LOT / PARCEL | 8. EASEMENT |
| 9. LOT / PARCEL | 10. EASEMENT |
| 11. LOT / PARCEL | 12. EASEMENT |
| 13. LOT / PARCEL | 14. EASEMENT |
| 15. LOT / PARCEL | 16. EASEMENT |
| 17. LOT / PARCEL | 18. EASEMENT |
| 19. LOT / PARCEL | 20. EASEMENT |
| 21. LOT / PARCEL | 22. EASEMENT |
| 23. LOT / PARCEL | 24. EASEMENT |
| 25. LOT / PARCEL | 26. EASEMENT |
| 27. LOT / PARCEL | 28. EASEMENT |
| 29. LOT / PARCEL | 30. EASEMENT |
| 31. LOT / PARCEL | 32. EASEMENT |
| 33. LOT / PARCEL | 34. EASEMENT |
| 35. LOT / PARCEL | 36. EASEMENT |
| 37. LOT / PARCEL | 38. EASEMENT |
| 39. LOT / PARCEL | 40. EASEMENT |
| 41. LOT / PARCEL | 42. EASEMENT |
| 43. LOT / PARCEL | 44. EASEMENT |
| 45. LOT / PARCEL | 46. EASEMENT |
| 47. LOT / PARCEL | 48. EASEMENT |
| 49. LOT / PARCEL | 50. EASEMENT |
| 51. LOT / PARCEL | 52. EASEMENT |
| 53. LOT / PARCEL | 54. EASEMENT |
| 55. LOT / PARCEL | 56. EASEMENT |
| 57. LOT / PARCEL | 58. EASEMENT |
| 59. LOT / PARCEL | 60. EASEMENT |
| 61. LOT / PARCEL | 62. EASEMENT |
| 63. LOT / PARCEL | 64. EASEMENT |
| 65. LOT / PARCEL | 66. EASEMENT |
| 67. LOT / PARCEL | 68. EASEMENT |
| 69. LOT / PARCEL | 70. EASEMENT |
| 71. LOT / PARCEL | 72. EASEMENT |
| 73. LOT / PARCEL | 74. EASEMENT |
| 75. LOT / PARCEL | 76. EASEMENT |
| 77. LOT / PARCEL | 78. EASEMENT |
| 79. LOT / PARCEL | 80. EASEMENT |
| 81. LOT / PARCEL | 82. EASEMENT |
| 83. LOT / PARCEL | 84. EASEMENT |
| 85. LOT / PARCEL | 86. EASEMENT |
| 87. LOT / PARCEL | 88. EASEMENT |
| 89. LOT / PARCEL | 90. EASEMENT |
| 91. LOT / PARCEL | 92. EASEMENT |
| 93. LOT / PARCEL | 94. EASEMENT |
| 95. LOT / PARCEL | 96. EASEMENT |
| 97. LOT / PARCEL | 98. EASEMENT |
| 99. LOT / PARCEL | 100. EASEMENT |



ENVIRONMENTAL EASEMENT SURVEY - LOT 128, 129 AND 130, WEST HURON STREET, CITY OF BUFFALO, COUNTY OF ERIE, STATE OF NEW YORK	
DATE: 4/8/2015	
DRAWN BY: [Signature]	
CHECKED BY: [Signature]	
SCALE: 1" = 20'	
SURVEY OF: 128, 129 AND 130, WEST HURON STREET, CITY OF BUFFALO, COUNTY OF ERIE, STATE OF NEW YORK	
SHEET NO. 1 OF 1	

12/8/2017

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

Periodic Review Report Submitted Date: 04/29/2019

Block: 4

Lot: 11
Sublot:
Section: 111
Subsection: 37
S_B_L Image: 111.37-4-11
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Monitoring Plan
Site Management Plan
Soil Management Plan

79 W. Huron St.

Environmental Easement

Block: 4

Lot: 17

Sublot: 2

Section: 111

Subsection: 37

S_B_L Image: 111.37-4-17.2

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control