

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

Mr. Benjamin Oblatz
23 North LLC
4208 Main St
Amherst, New York 14226

DEC 28 2017

Re: Certificate of Completion
19 North St
Buffalo, Erie County
Site No. C915303

Dear Mr. Oblatz:

Congratulations on having satisfactorily completed the remedial program at the 19 North St Site #C915303. 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

- 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.

If you have any questions regarding any of these items, please contact Ms. Mary McIntosh at 716-851-7220 or email at mary.mcintosh@dec.ny.gov.

Sincerely,



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

cc w/ enclosure:

- M. McIntosh
- J. Dougherty
- B. Oblatz – 23 North Street LLC, ben@firstamherst.com
- D. Riker - C&S Companies, driker@cscos.com
- C. Slater- The Slater Law Firm, cslater@cslaterlaw.com

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

Name

23 North Street LLC

Address

4508 Main Street, Amherst, NY 14226

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 5/19/16 Agreement Execution: 6/15/16 Agreement Index No.: C915303-05-16

Application Approval Amendment: 9/21/17

Agreement Execution Amendment: 9/21/17

SITE INFORMATION:

Site No.: C915303 **Site Name:** 19 North Street

Site Owner: 23 North Street LLC

Street Address: 19 North Street

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

Site Size: 0.500 Acres

Tax Map Identification Number(s): 100.71-1-8.111

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: Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial
Cleanup Track: Track 1: Unrestricted use

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 50 %.

Tangible Property Credit Component Rate is 15%. Comprised of 10% Base, 5% Track 1 Cleanup.

Additional rate increases may be available if: the site is developed as affordable housing; if the Certificate Holder at a site within a certified Brownfield Opportunity Area (BOA) receives a separate Determination of Conformance from the Secretary of State, or; if the site is used primarily for manufacturing activities.

No Environmental Easement has been granted pursuant to ECL Article 71, Title 36 as there are no use restrictions and there is no reliance on the long-term employment of institutional controls.

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(c) 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.

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: 12/28/17

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)

19 North St, Site ID No. C915303
19 North St Buffalo New York 14202
City of Buffalo, Erie County, Tax Map Identification Number 100.71-1-8.111

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 23 North St LLC for a parcel approximately 0.5 acres located at 19 North St in the City of Buffalo, 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.

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, 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 located at 270 Michigan Ave Buffalo NY 14203, by contacting the Regional Environmental Remediation Engineer.

19 North St, C915303, 19 North St Buffalo NY 14202

WHEREFORE, the undersigned has signed this Notice of Certificate

23 North St LLC
Mr. Benjamin Oblatz
4508 Main St
Amherst, New York 14226

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:
23 North St LLC
Mr. Benjamin Oblatz
4508 Main St
Amherst, New York 14226

Exhibit A
Property Description

Exhibit A

**19 North St
BCP Site #C915303**

Property Description

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 53, Township 11, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the north line of North Street distant 146.50 feet west of the west line of Main Street as measured along the north line of North Street; thence northerly at right angles a distance of 162.41 feet to a point on the southerly line of lands formerly owned by James M. Smith; thence westerly along the southerly line of lands formerly owned by James M. Smith and the southerly line of lands formerly owned by R. Hersee, a distance of 124.03 feet to a point; thence southerly along a line drawn at right angles to the north line of North Street, a distance of 171.23 feet to a point on the north line of North Street, thence easterly along the north line of North Street, a distance of 123.72 feet to the point or place of beginning. **TOGETHER** with the appurtenances and all the estate and rights of the Grantor in and to said premises.

Exhibit B
Site Survey

RECORD LEGAL DESCRIPTION

LIBERTY 11116 BEEDS P.6809

ALL THAT TRACT OR PARCEL OR LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 53, Township 11 and Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the north line of North Street distant 146.50 feet east of the west line of Main Street as measured along the north line of North Street; thence northerly at right angles, a distance of 182.41 feet to a point on the southerly line of lands formerly owned by James M. Smith; thence westerly along the southerly line of lands formerly owned by James M. Smith and the southerly line of lands formerly owned by R. Hersee, a distance of 124.03 feet to a point; thence southerly along a line drawn at right angles to the north line of North Street, a distance of 171.23 feet to a point on the north line of North Street; thence easterly along the north line of North Street, a distance of 123.72 feet to the POINT or place of beginning.

The underground utilities shown have been located from field survey information & existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from the information available. This surveyor has not previously located the underground utilities.

National Fuel
Attn: Ed Kubicki
(716) 857-7552
City of Buffalo Water Div
Attn: James Charsawing
(716) 851-4782

Temp Worker Cable
Attn: Thomas Triglia
(716) 558-0615
Wilson
Attn: Robert McCarthy
(716) 240-8748

Buffalo Sewer Authority
Attn: James Cogan
(716) 851-4664
National Grid
Attn: Lawrence Bernas
(716) 857-4220

FLOOD ZONE DATA

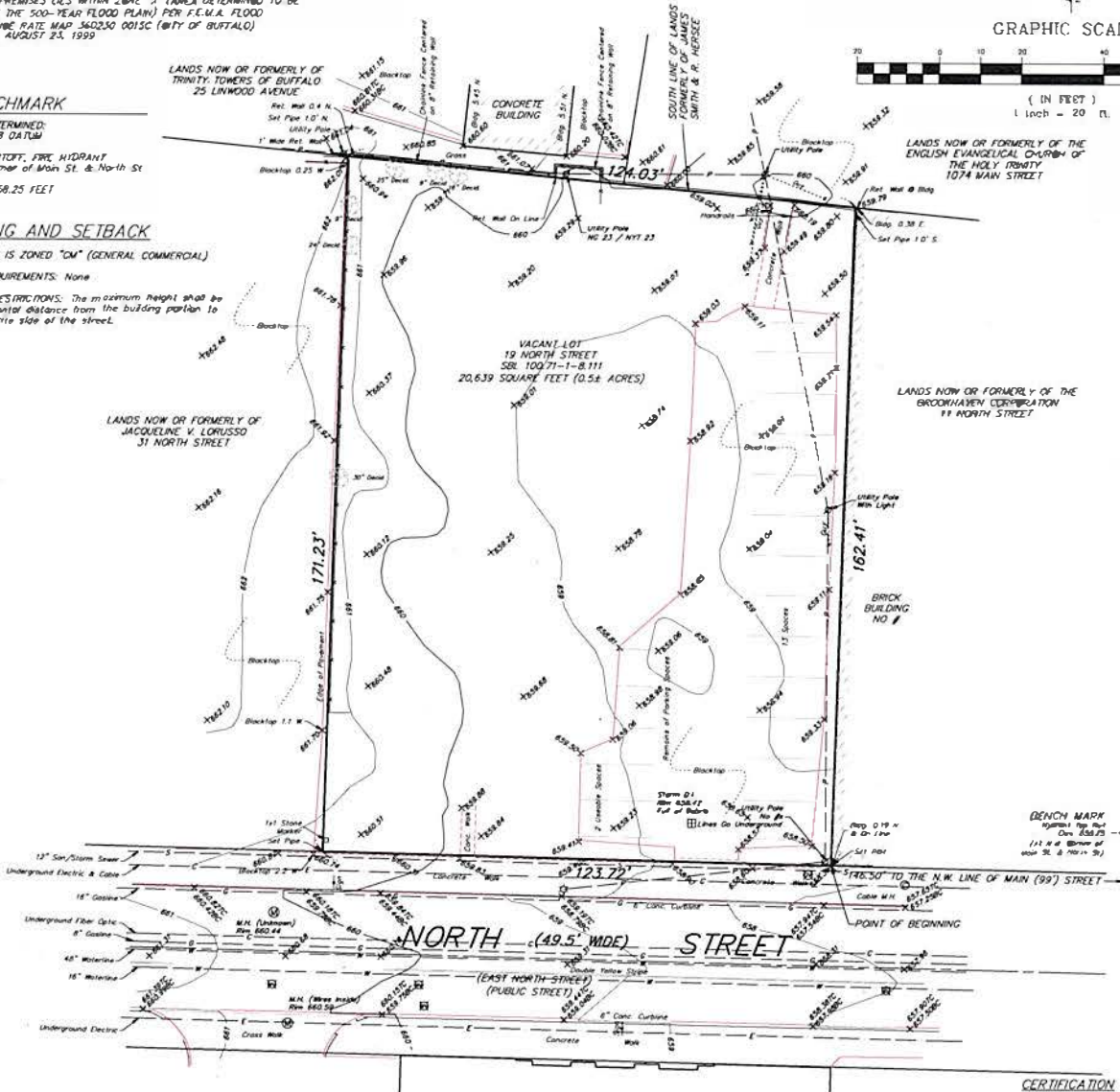
ENTIRE PREMISES LIES WITHIN ZONE "X" (AREA DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN) PER FEMA FLOOD INSURANCE RATE MAP 560220 0015C (CITY OF BUFFALO) REVISED AUGUST 25, 1999

BENCHMARK

GPS DETERMINED:
NAVD 88 DATUM
TWP SHALERT, FIRE HYDRANT
N W Corner of Main St. & North St
ELEV. 658.25 FEET

ZONING AND SETBACK

PREMISES IS ZONED "CM" (GENERAL COMMERCIAL)
YARD REQUIREMENTS: None
HEIGHT RESTRICTIONS: The maximum height shall be the horizontal distance from the building parition to the opposite side of the street.



GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

CERTIFICATION

To [to be determined]
This is to certify that this map or plat and the survey on which it is based, were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 2.0, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11, 2.12, 2.13 & 2.14 thereof. The field work was completed on 2-1-16.
Date of Plat or Map: 2-4-16.

NOTES

As of the date of this survey, there exist 15 usable parking spaces (all regular).
There is no observable evidence of encroachments on the premises.

LEGEND

- | | |
|---------------------------------------|---------------------|
| ⊙ UTILITY / SERVICE POLE | R.O.M. RIGHT OF WAY |
| ⊠ WATER LINE VALVE | CONC. CONCRETE |
| ⊡ FIRE HYDRANT | INV. INVERT |
| ⊓ D.I. (DROP INLET - STORM) | M.M. MANHOLE |
| ⊔ MANHOLE (STORM) | — GAS LINE |
| ⊕ MANHOLE (ELECTRIC) | — WATER LINE |
| ⊖ MANHOLE (SANITARY) | — TELEPHONE LINE |
| ⊗ LDR (LIGHT OUTLET RECEIVER - STORM) | — ELECTRIC LINE |
| ⊘ BYD (BACKYARD DRAIN INLET - STORM) | — UTILITY LINES |
| ⊙ GAS LINE VALVE | — CABLE LINES |
| ⊚ LIGHT STANDOFF | D. DEED |
| ⊛ SIGN | N. NAKED |
| N.C. HANDICAP | UBSD |
| | P. PAGE |

PRELIMINARY

Francis C. Delles Registration No. 050477
NOTE: AS OF THIS DATE, THE SURVEYOR HAS NOT RECEIVED TITLE INFORMATION WHICH MAY AFFECT THE PROPERTY.
2-11-15: UPDATED ADDRESS AND SBL INFORMATION

INSTRUMENTS UTILIZED IN DETERMINING LOCATION OF BENCHMARK LIBERTY 11116 BEEDS P.6809
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT AERIAL PHOTO AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED IN SAID AERIAL PHOTO. THIS SURVEY HAS BEEN DONE IN ACCORDANCE WITH THE SURVEYING AND MAPPING ACT OF 1906 AND THE SURVEYING AND MAPPING ACT OF 1920.

©COPYRIGHT 2016 BY: Millard, MacKay & Delles LAND SURVEYORS, LLP 150 AERO DRIVE BUFFALO, NEW YORK 14225 PHONE (716) 631-5140 ~ FAX 631-3811	AMEND: "A" SURVEY DATE: 2-1-16 DRAWING DATE: 2-4-16 SCALE: 1" = 20' "ALL RIGHTS RESERVED"
ALTA/ACSM LAND TITLE SURVEY PART OF LOT 53 SECTION 11 TOWNSHIP 11 RANGE 8 OF THE Holland Land Company's SURVEY - Erie COUNTY, N. Y. SURVEY OF: 19-23 North Street, City of Buffalo	
THIS MAP VOID UNLESS ENDORSED WITH NEW YORK STATE LICENSED LAND SURVEYOR'S SEAL. ALTERING ANY ITEM ON THIS MAP IS A VIOLATION OF THE LAW EXCEPT AS PROVIDED IN SECTION 7209, PART 5, OF THE NEW YORK STATE EDUCATION LAW.	
SBL No. 100.71-1-8.111	