

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. Rocco Termini
166 Chandler Holdings, LLC
391 Washington Street
Buffalo, NY 14203

DEC 20 2018

Re: Certificate of Completion
166 Chandler Street
Buffalo, Erie County
Site No.: C915320

Dear Mr. Termini:

Congratulations on having satisfactorily completed the remedial program at the 166 Chandler Street 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

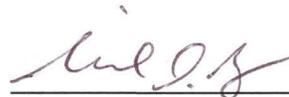


Department of
Environmental
Conservation

- 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 2020.

If you have any questions regarding any of these items, please contact Jaspal S. Walia at (716) 851-7220.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

ec w/ enclosure:

Ms. Christine Vooris, NYSDOH

Ms. Charlotte Bethoney, NYSDOH

Mr. Richard Jones, NYSDOH

Mr. Rocco Termini, 166 Chandler Holdings, LLC, rtermini@wnylofts.com

Ms. Michele Wittman, Wittman GeoSciences, michelewittmangeo@gmail.com

Mr. Mark Romanowski, Esq., Hopkins, Sorgi & Romanowski PLLC, mromanowski@hsr-legal.com

Mr. Matt Gokey, matthew.gokey@tax.ny.gov

Mr. Matt Culotti, matthew.culotti@tax.ny.gov

ec w/o enc.:

Mr. Michael Cruden, NYSDEC

Mr. Jaspal S. Walia, NYSDEC

Mr. Chad Staniszewski, NYSDEC

Ms. Jennifer Dougherty, Esq., NYSDEC

Ms. Kelly Lewandowski, NYSDEC

Ms. Dolores Tuohy, NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
166 Chandler Holdings, LLC	391 Washington Street, Buffalo, NY 14203

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 8/29/17 **Agreement Execution:** 12/11/17 **Agreement Index No.:**C915320-07-17

Application Approval Amendment: none

Agreement Execution Amendment: none

SITE INFORMATION:

Site No.: C915320 **Site Name:** 166 Chandler Street
Site Owner: 166 Chandler Holdings, LLC
Street Address: 166 Chandler Street
Municipality: Buffalo **County:** Erie **DEC Region:** 9
Site Size: 0.490 Acres
Tax Map Identification Number(s): 77.84-4-5
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: Restricted-Residential, Commercial, and Industrial

Cleanup Track: Track 2: Restricted use with generic soil cleanup objectives

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 40 %.
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 requirements of Section 21(a)(5)(B) of the New York State Tax Law, 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 Brownfield Opportunity Area (BOA) from the Secretary of State (5%), or if the site is used primarily for manufacturing activities (5%), not to exceed a maximum total Tangible Property Credit Rate of 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 File: 2018225643 and BK/PG D 11337/2066.

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.

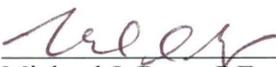
CERTIFICATE MODIFICATION/REVOCAION

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 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: 12/20/13
Michael J. Ryan, P.E., Director
Division of Environmental Remediation

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

166 Chandler Street, Site ID No. C915320
166 Chandler Street, Buffalo, NY 14207
Buffalo, Erie County, Tax Map Identification Number: 77.84-4-5

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 166 Chandler Holdings, LLC for a parcel approximately 0.49 acres located at the 166 Chandler Street 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.

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: 2018225643 and BK/PG D 11337/2066.

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

**166 Chandler Street, Site ID No. C915320
166 Chandler Street, Buffalo, NY 14207**

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

WHEREFORE, the undersigned has signed this Notice of Certificate

166 Chandler Holdings, 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

Please record and return to:
Mr. Rocco Termini
166 Chandler Holdings, LLC
391 Washington Street
taking acknowledgment
Buffalo, NY 14203

Exhibit A
Site Description

SCHEDULE "A" 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. 88, Township 11, Range 8 of the Holland Land Company's Survey and according to a map filed in the Erie County Clerk's Office under Cover No. 196, is known as and distinguished as part of Subdivision Lots Nos. 55 and 59 and all of Subdivision Lots Nos. 56, 57, and 58 in Block "A", bounded and described as follows:

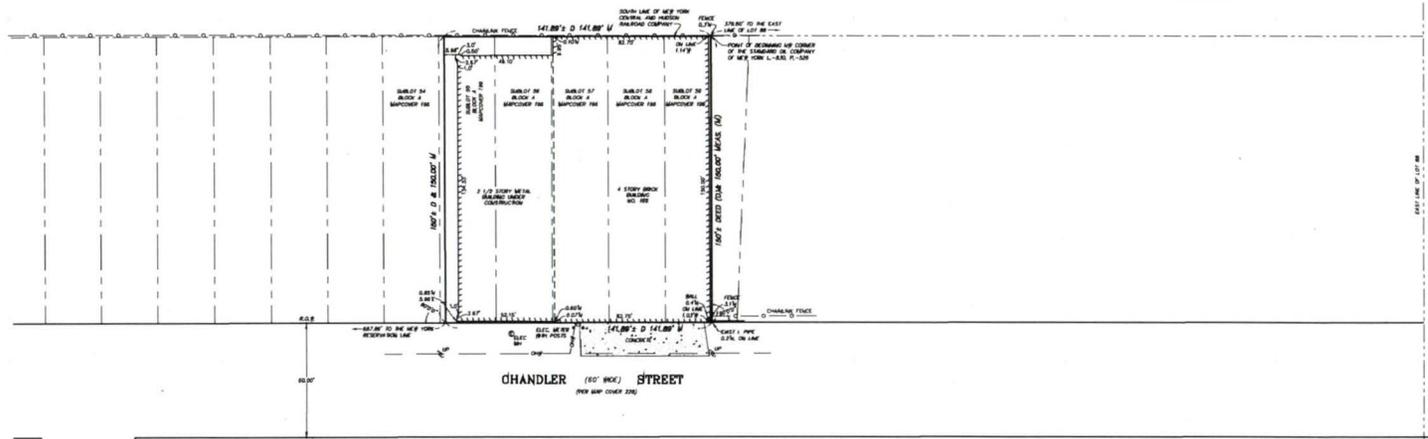
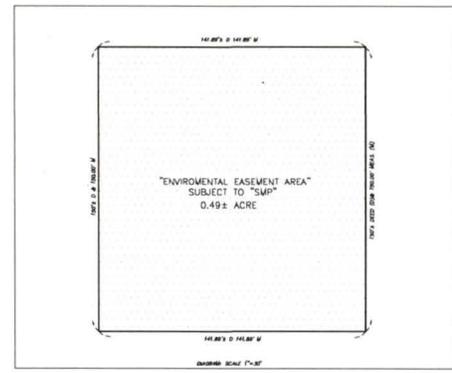
Beginning at a point in the southerly line of the lands of the New York Central & Hudson River Railroad Company, 379.50 feet westerly from the point of intersection of the southerly line of the said Railroad Company's lands with the easterly line of said Lot No. 881 said point of beginning being also the northwest corner of lands conveyed by John L. Chase and John M. Hull to the Standard Oil Company of New York by deed recorded in the Erie County Clerk's Office in Liber 830 of Deeds, at page 526; running thence southerly at right angles to Chandler Street and along the westerly line of lands so conveyed to the Standard Oil Company of New York, aforesaid, 150 feet, more or less, to the northerly line of Chandler Street, as laid down on certain map made by E.P. Babcock and filed in the Erie County Clerk's Office under Cover No. 228; thence westerly and along the northerly line of Chandler Street, 141.89 feet, more or less, to a point therein, which is 687.86 feet easterly from the intersection of angles to Chandler Street, 150 feet, more or less, to the northerly line of the lands of the New York Central & Hudson River Railroad Company and thence easterly and along the southerly line of said Railroad Company's lands, 141.89 feet, more or less to the place of beginning, containing 0.49 acre more or less.

Exhibit B
Site Survey



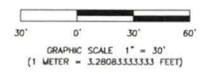
DEED AND EASEMENT DESCRIPTION

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. 88, Township 11, Range 8 of the Holland Land Company's Survey, and according to a map filed in the Erie County Clerk's Office under Case No. 178 & more or less and distributed as part of Subdivision Lot Nos. 52 and 53 and all of Subdivision Lot Nos. 54, 57 and 58 in Block "A", bounded and described as follows: in the southerly line of the New York Central & Hudson River Railroad Company, 178.50 feet westerly from the point of intersection of the southerly line of the said Holland Company's tract with the eastern line of Lot No. 88, said point of beginning being also the northeast corner of lands conveyed by John L. Chase and John B. Hall to the Standard Oil Company of New York by deed recorded in the Erie County Clerk's Office in Book 830 of Deeds at page 535, running southerly, a right angle to Chandler Street and along the easterly line of said lands as conveyed to the Standard Oil Company of New York, 100 feet more or less, 100.00 feet northerly to the southerly line of Chandler Street, to said corner on a certain map made as of 17, 18 and 19 of the Erie County Clerk's Office under Case No. 275, thence westerly along the southerly line of Chandler Street, 141.88 feet, more or less, 141.88 feet measured to a point thence, which is 657.88 feet westerly from the intersection of the said southerly line of Chandler Street with the New York State Reservation line, thence northerly and at right angles to Chandler Street, 120 feet, more or less, 120.00 feet measured to the southerly line of lands of the New York Central & Hudson River Railroad Company, thence westerly, 178.50 feet, the southerly line of said Holland Company's tract, containing 5.42 acre more or less.



THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THE EASEMENT ARE SET FORTH IN MORE DETAIL 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 MAY BE OBTAINED FROM NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT DERWEB@DEC.NY.GOV.

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.



LEGEND	
———	BUILDING LINE
- - - - -	FENCE LINE
•	POST
+	UTILITY POLE

PROPERTY ADDRESS:
188 CHANDLER STREET

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE SURVEY CODE OF PRACTICE FOR LAND SURVEYING ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS AND AS ADOPTED BY THE HOLLAND FRENCH LAND SURVEYING SOCIETY. THE CERTIFICATE DOES NOT EXTEND TO SUBSEQUENT OWNERS OF THE LAND, OR TO THE COURSES, UNLESS THE SURVEY HAS BEEN RECORDED FOR THE PURPOSE BY THE SURVEYOR.

[Signature]
DATE: 10/13/2018



DATE	REVISION/TITLE

SURVEY OF
188 CHANDLER STREET
PART OF LOT 88 (BLACK ROCK), TOWNSHIP 11 RANGE 8
HOLLAND LAND COMPANY'S SURVEY
CITY OF BUFFALO, ERIE COUNTY, NEW YORK



Job No. 7213 Date: OCTOBER 3, 2018
Scale: 1" = 30' Tax No. 7734-4-3

