

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 31, 2020

Mr. Larry Regan
The Crossroads at Genesee LLC
Regan Development, Inc.
1055 Saw Mill River Road
Ardasley, New York 10502

The Crossroads at Genesee Housing Development Fund Company, Inc.
c/o Polish Community Center of Buffalo, Inc.
Attn: Alissa M. Venturini
1081 Broadway
Buffalo, NY 14212

Re: Certificate of Completion
The Crossroads at Genesee
19 Doat Street and 9 Landsdale Place
Buffalo, Erie County,
Site No. C915338

Dear Mr. Regan and Ms. Venturini:

Congratulations on having satisfactorily completed the remedial program at The Crossroads at Genesee 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 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.

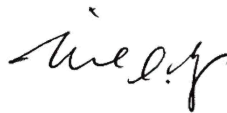
- Provide electronic copies of the recorded Notice and proof of recording to the Department's project manager. Please return the hard copy of the proof of recording to:

Eugene Melnyk, PE
New York State Department of Environmental Conservation
Division of Environmental Remediation
270 Michigan Avenue
Buffalo, NY 14203

- 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 Interim Site Management Plan (Interim 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 2022.

If you have any questions regarding any of these items, please contact Eugene Melnyk at 716-851-7220 or by email at eugene.melnyk@dec.ny.gov.

Sincerely,



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

Enclosure

ec w/ enclosure:

C. Vooris, NYSDOH, Christine.Vooris@health.ny.gov
C. Bethoney, NYSDOH, charlotte.bethoney@health.ny.gov
S. Wagh, NYSDOH, sarita.wagh@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov
Jason Brydges, BE3 Corp./Panamerican, jbrydges@be3corp.com
Craig Slater, The Slater Law Firm, PLLC, cslater@cslaterlaw.com

ec w/o enc.:

- E. Melnyk – NYSDEC, eugene.melnyk@dec.ny.gov
- A. Caprio – NYSDEC, andrea.caprio@dec.ny.gov
- M. Cruden – NYSDEC, Michael.cruden@dec.ny.gov
- G. Heitzman – NYSDEC, george.heizman@dec.ny.gov
- C. Bower – NYSDEC, caryn.bower@dec.ny.gov
- K. Lewandowski – NYSDEC, Kelly.lewandowski@dec.ny.gov

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
The Crossroads at Genesee LLC	1055 Saw Mill River Road #204, Ardsley, NY 10502

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 11/26/18 **Agreement Execution:** 12/17/18
Agreement Index No.: C915338-11-18
Application Approval Amendment: 9/11/20 **Agreement Execution Amendment:** 9/11/20

SITE INFORMATION:

Site No.: C915338 **Site Name:** The Crossroads at Genesee
Site Owner: The Crossroads at Genesee LLC
 The Crossroads at Genesee Housing Development Fund Company, Inc.
Street Address: 19 Doat Street and 9 Landsdale Place
Municipality: Buffalo **County:** Erie **DEC Region:** 9
Site Size: 1.907 Acres
Tax Map Identification Number(s): 101.55-5-21, 101.56-9-8
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: Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial
Cleanup Track: Conditional Track 1 Unrestricted use, provided that the remedial goals for soil vapor intrusion are achieved within five years of the date of the Certificate. If those goals are not achieved within five years, this certificate shall be modified to a Track 2 Residential cleanup.

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 50 %.
Tangible Property Credit is 20%. Comprised of 10% Base, 5% EnZone, 5% Track 1.

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 Bk/Pg D 11371/5088.

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: 12/31/2020

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)

The Crossroads at Genesee, Site ID No. C915338
19 Doat Street and 9 Landsdale Place, Buffalo, New York, 14211
Erie County, Tax Map Identification Numbers:
101.55-5-21 (19 Doat Street)
101.56-9-8 (9 Landsdale Place)

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 The Crossroads at Genesee LLC for a parcel approximately 1.907 acres located at 19 Doat Street and 9 Landsdale Place 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 Bk/Pg D 11371/5088.

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved interim site management plan (Interim SMP) for this property be adhered to. The Interim 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 Interim 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, Interim SMP and Certificate are complied with, the Certificate holder 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

*The Crossroads at Genesee, Site No. C915338
19 Doat St. and 9 Landsdale Pl., Buffalo, NY 14211*

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 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, or at <https://www.dec.ny.gov/data/DecDocs/C915338/>.

WHEREFORE, the undersigned has signed this Notice of Certificate

The Crossroads at Genesee 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

WHEREFORE, the undersigned has signed this Notice of Certificate

The Crossroads at Genesee Housing Development Fund Company, Inc.

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:
Mr. Larry Regan
The Crossroads at Genesee LLC
1055 Saw Mill River Road; Suite 204
Ardsley, NY 10502

EXHIBIT A

Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND together with the improvements thereof, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 52, Township 11, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follow:

ALL THAT TRACT OR PARCEL OF LAND BEGINNING at the point of intersection of the southerly line of Doat Street with the easterly line of Rustic Place, as said Rustic Place now exists as a street 49 1/2 feet wide, formerly 50 feet wide; running thence southerly along said easterly line of Rustic Place, 382.51 feet (381.96' record) to the point of intersection of said easterly line of Rustic Place with the northerly line of Lansdale Place; running thence easterly along said northerly line of Lansdale Place a distance of 235.50 feet to a point; thence northerly and parallel with the easterly line of Rustic Place a distance of 224.80 feet to a point; thence westerly and parallel with the northerly line of Lansdale Place a distance of 44.39 feet to a point; thence northerly and parallel with the easterly line of Rustic Place a distance of 157.30 feet to a point on the southerly line of Doat Street, said point being distant 191.50 feet easterly from the point of beginning as measured along the southerly line of Doat Street; thence westerly along the southerly line of Doat Street a distance of 191.50 feet to the point of beginning, containing 1.907 acres more or less.

EXHIBIT B

Site Survey



VICINITY MAP
(NOT TO SCALE)

DEED DESCRIPTION AND ENVIRONMENTAL EASEMENT DESCRIPTION
 ALL THAT TRACT OR PARCEL OF LAND together with the improvements thereon, situated in the
 Range 7 of the Hudson Land Company's Survey and being more particularly located and
 described as follows:

... (Detailed deed description text) ...
 ... (Detailed deed description text) ...
 ... (Detailed deed description text) ...

TITLE POLICY
 TITLE POLICY PROVIDED BY ALL NEW YORK TITLE INSURANCE COMPANY, INC. COMMITMENT NO.
 AN00017-2016, WITH EFFECTIVE DATE 8/20/2016. THE PROPERTY DESCRIBED HEREON IS
 ... (Title policy details) ...

SCHEDULE B NOTES:
 ... (Schedule B notes) ...

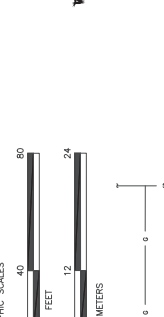
ZONING:
 ... (Zoning information) ...

UTILITY NOTES:
 ... (Utility notes) ...

VEHICLE SURVEY DATA:
 ... (Vehicle survey data) ...

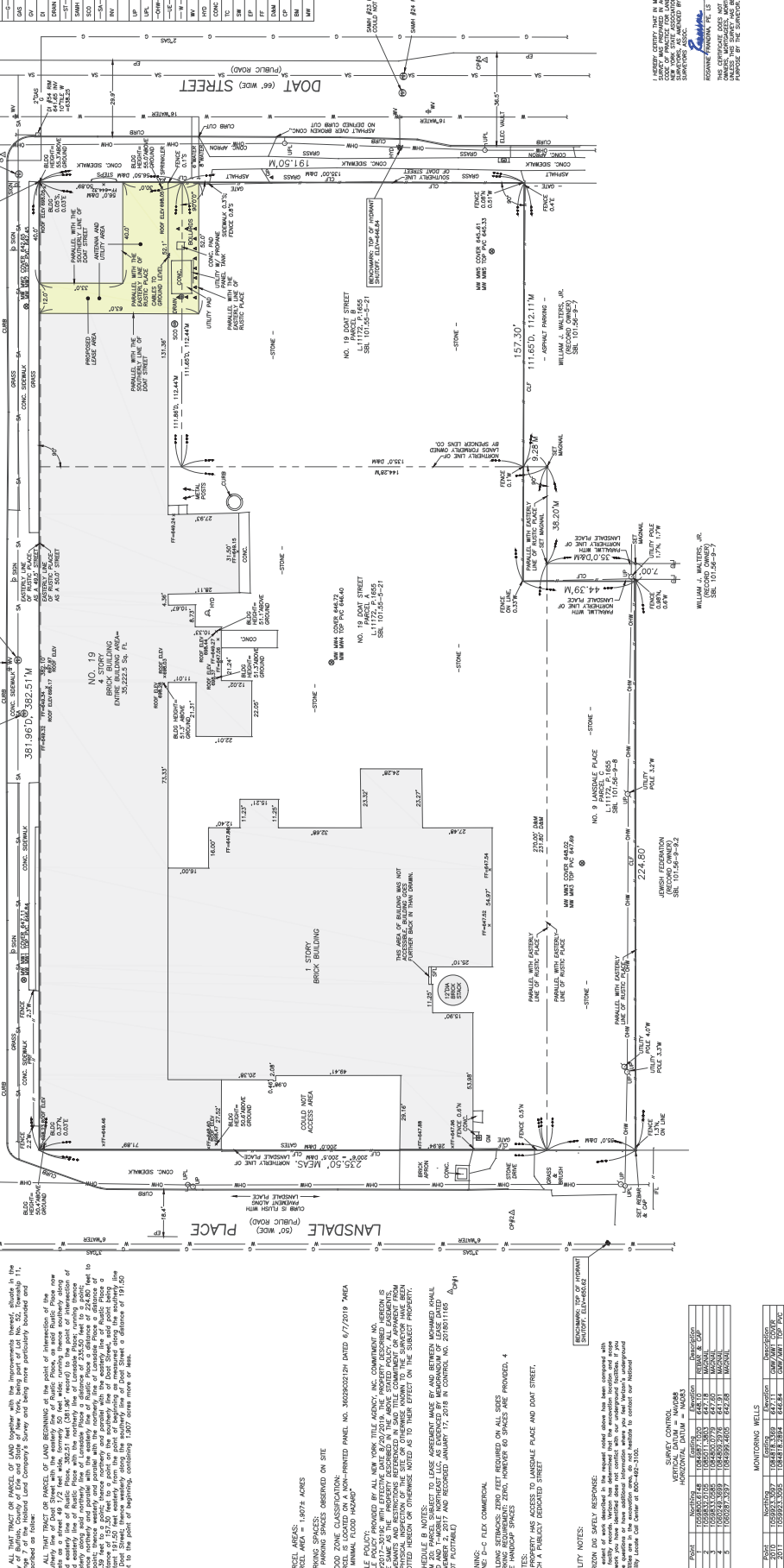
MONITORING WELLS:
 ... (Monitoring wells) ...

WARNING:
 ... (Warning text) ...



GRAPHIC SCALES
 FEET
 METERS

LEGEND
 ... (Legend symbols and descriptions) ...



NO. 19 DOAT STREET SBL - 101.55-5-21
NO. 9 LANSDALE PLACE - SBL 101.50-9-8
TOPOGRAPHIC SURVEY
 PART OF LOT 52, TWP 11, RGE 7
 COUNTY OF ERE - STATE OF NEW YORK
 FRANDIA ENGINEERING and LAND SURVEYING, PC
 1701 Third Avenue, Buffalo, New York 14203
 Phone: 716.876.0100
 Fax: 716.876.0101
 DATE: 2/10/2020 SHEET: 1 OF 1 DRAW BY: MJC
 JOB NO.: 4208 SCALE: 1" = 20' CHECK BY: RF

DATE OF SURVEY	DATE OF REVISION	COMMENT	INT.	MC
2/20/2020	3/17/2020	REVISION		
2/20/2020	1/12/2020	UPDATE TO REG. STANDARDS		

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 17 OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW. THE EASEMENT WAS OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SHIP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 or at ES&S@DEC.ny.gov.

ALL UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE. BEFORE YOU DIG, DRILL, OR BURST, CALL THE SAFELY NEW YORK AT 1-800-487-3872.

WARNING: ALTHOUGH THIS DOCUMENT IS IN PROVISION OF SECTION 2209, PART 2 OF THE NEW YORK STATE EDUCATION LAW.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 12/21/2020



SITE DESCRIPTION

SITE NO. C915338

SITE NAME The Crossroads at Genesee

SITE ADDRESS: 19 Doat Street ZIP CODE: 14211

CITY/TOWN: Buffalo

COUNTY: Erie

ALLOWABLE USE: Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2022

Description of Institutional Control

Larry Regan

1055 Saw Mill River Road Suite 204

19 Doat Street

Environmental Easement

Block: 5

Lot: 21

Sublot:

Section: 101

Subsection: 55

S_B_L Image: 101.55-5-21

Site Management Plan

9 Landsdale Place

Environmental Easement

Block: 9

Lot: 8

Sublot:

Section: 101

Subsection: 56

S_B_L Image: 101.56-9-8

IC/EC Plan

Site Management Plan

Description of Engineering Control

Larry Regan

1055 Saw Mill River Road Suite 204

19 Doat Street

Environmental Easement

Block: 5

Lot: 21

Sublot:

Section: 101

Subsection: 55

S_B_L Image: 101.55-5-21

Vapor Mitigation

9 Landsdale Place

Environmental Easement

Block: 9

Lot: 8

Sublot:

Section: 101

Subsection: 56

S_B_L Image: 101.56-9-8

Vapor Mitigation