



**Department of
Environmental
Conservation**

KATHY HOCHUL

Governor

AMANDA LEFTON

Commissioner

December 31, 2025

Mark Aquino
65 Lake Avenue LLC
32 Central Avenue
Lancaster, NY 14086

Re: Certificate of Completion
Lakeside Village Apartments
Lancaster, Erie County
Site No. C915344

Dear Mark Aquino:

Congratulations on having satisfactorily completed the remedial program at the Lakeside Village Apartments site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (NYSDEC) 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 (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 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 NYSDEC's project manager.
- Provide the Certificate of Completion fact sheet to the Document Repositories within 10 days of issuance of the COC. NYSDEC will develop the 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 NYSDEC-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 NYSDEC 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 NYSDEC in April 2027.

If you have any questions, please do not hesitate to contact Benjamin McPherson, NYSDEC's project manager, at 716-851-7220 or via email: benjamin.mcpherson@dec.ny.gov.

Sincerely,



Andrew Guglielmi
Division Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

C. Vooris – NYSDOH
Sara Bogardus – NYSDOH
Ryan Minzloff – NYSDOH
Mark Aquino, Esq. – 65 Lake Avenue LLC (aquinolaw@gmail.com)
Sean Carter – Matrix (scarter@matrixbiotech.com)
Christine Curtis – Matrix (ccurtis@matrixbiotech.com)
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ec w/o enc.:

David Harrington – NYSDEC
Michael Cruden – NYSDEC
Benjamin McPherson – NYSDEC
Jason Kryszak – NYSDEC
Greg Scholand, Esq. – NYSDEC
Michael Murphy, Esq. – NYSDEC
Kelly Lewandowski – NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

65 Lake Avenue LLC

Address

32 Central Avenue, Lancaster, NY 14086

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 11/22/19 **Agreement Execution:** 12/16/19

Agreement Index No.: C915344-11-19

Application Amendment Approval: none

Agreement Amendment Execution: none

SITE INFORMATION:

Site No.: C915344 **Site Name:** Lakeside Village Apartments

Site Owner: 65 Lake Avenue LLC

Street Address: 65-67 Lake Avenue

Municipality: Lancaster **County:** Erie

DEC Region: 9

Site Size: 1.220 Acres

Tax Map Identification Number(s): 115.27-1-22.21, 115.27-1-23.11

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):

For p/o Parcel 115.27-1-22.21 (0.048 acres, see Exhibits A and B)

Allowable Uses under the BCP: Unrestricted

Cleanup Track: Track 1: Unrestricted use

Tax Credit Provisions:

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

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

For p/o Parcel 115.27-1-22.21 and p/o Parcel 115.27-1-23.11 (1.135 acres, see Exhibits A and B)

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 is 10%. Comprised of 10% Base.

For p/o Parcel 115.27-1-22.21 and p/o Parcel 115.27-1-23.11 (0.037 acres, see Exhibits A and B)

Allowable Uses under the BCP: Restricted-Residential, Commercial, and Industrial

Cleanup Track: Track 4: Restricted use with site-specific soil cleanup objectives

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28%.

Tangible Property Credit is 10%. Comprised of 10% Base.

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%), if the site is located in a disadvantaged community and not located in an EnZone (5%), if the site is developed as a renewable energy facility site (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 at Book of Deeds 11450, Page 7135 and amended at Book of Deeds 11455, Page 2779.

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 6 NYCRR 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 6 NYCRR Part 375-1.9(e) upon finding any of the following:

(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.

Amanda Lefton
Commissioner
New York State Department of Environmental Conservation

By: Andrew Guglielmi Date: 12/30/2025

Andrew Guglielmi, Director
Division of Environmental Remediation

Exhibit A

Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

Easement Description

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE VILLAGE AND TOWN OF LANCASTER, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOT 1, SECTION 10, TOWNSHIP 11 AND RANGE 6 OF THE HOLLAND LAND COMPANY'S SURVEY, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST LINE OF LOT 1, DISTANT 112.35 FEET SOUTHERLY FROM THE SOUTHEAST CORNER OF LANDS FORMERLY OWNED BY GUY LITTLE, SAID POINT OF BEGINNING ALSO BEING THE NORTHEAST CORNER OF LANDS CONVEYED TO ROBERT YOUNG BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 3706 OF DEEDS AT PAGE 49;

THENCE WESTERLY, AT RIGHT ANGLES WITH THE EAST LINE OF LOT 1, A DISTANCE OF 94.00 FEET, TO A POINT;

THENCE NORTHERLY, AT RIGHT ANGLES AND PARALLEL WITH THE EAST LINE OF LOT 1, A DISTANCE OF 23.00 FEET, TO A POINT;

THENCE WESTERLY, AT RIGHT ANGLES, A DISTANCE OF 72.00 FEET, TO A POINT;

THENCE NORTHERLY, AT RIGHT ANGLES AND PARALLEL WITH THE EAST LINE OF LOT 1, A DISTANCE OF 89.25 FEET, TO A POINT IN A BOUNDARY LINE ESTABLISHED BY AGREEMENT RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 3360 OF DEEDS AT PAGE 376;

THENCE WESTERLY, ALONG SAID BOUNDARY LINE, A DISTANCE OF 164.71 FEET; S 89°-10'-20" E TO A POINT IN THE EAST LINE OF LANDS FORMERLY OWNED BY JOHN DINWOODIE;

THENCE SOUTHERLY, ALONG THE EAST LINE OF DINWOODIE, A DISTANCE OF 183.54 FEET; S 02°-45'-37" E, TO A POINT;

THENCE EASTERLY A DISTANCE OF 75.88 FEET; S 88°-53'-19" E TO A POINT;

THENCE SOUTHEASTERLY, A DISTANCE OF 27.64 FEET; S 19°-19'-15" E TO A POINT ON THE NORTH LINE OF LANDS FORMERLY OWNED BY BRIGGS, AS AFORESAID, THENCE EASTERLY, A DISTANCE OF 251.37 FEET ALONG THE NORTH LINE OF LANDS FORMALLY OWNED BY BRIGGS, TO A POINT ON THE EAST LINE OF LOT 1;

THENCE NORTHERLY, AT AN INTERIOR ANGLE OF 89°-45'-04" AND PARALLEL WITH THE EAST LINE OF LOT 1, A DISTANCE OF 98.65 FEET, TO THE POINT OF BEGINNING. CONTAINING 1.01 ACRES OF LAND, MORE OR LESS.

Deed Description: Lot 115.27-1-22.21

ALL THAT TRACT OR PARCEL OF LAND situate in the Village and Town of Lancaster, County of Erie and State of New York, being part of Lot No. 1, Section 10, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the east line of Lot No. 1, distant 112.35 feet southerly from the southeast corner of lands formerly owned by Guy Little, said point of beginning also being the northeast corner of lands conveyed to Robert Young by deed recorded in Erie County Clerk's Office in Liber 3706 of Deeds at page 49; thence westerly at right angles with the east line of Lot No. 1, 94 feet to a point; thence northerly at right angles and parallel with the east line of Lot No. 1, 23 feet to a point; thence westerly at right angles, 72 feet to a point; thence northerly at right angles and parallel with the east line of Lot No. 1, 89.25 feet to a point in a boundary line established by Agreement recorded in Erie County Clerk's Office in Liber 3360 of Deeds at page 376; thence westerly along said boundary line, 164.71 feet to a point in the east line of lands formerly owned by John Dinwoodie; thence southerly along the east line of lands formerly owned by John Dinwoodie, 208.37 feet to the north line of lands formerly owned by Ebenezer Briggs, Jr., said point also being the southwest corner of lands conveyed to Robert Young by deed aforesaid; thence easterly along the south line of lands so conveyed to Young and the north line of lands formerly owned by Briggs, as aforesaid, 207.65 feet to a point distant 130 feet westerly from the east line of Lot No. 1, as measured along the said north line of lands formerly owned by Briggs; thence northerly at an interior angle of $89^{\circ} 45' 03''$ and parallel with the east line of Lot No. 1, 70 feet to a point; thence easterly on a line parallel with the said north line of lands formerly owned by Briggs, 130 feet to a point in the east line of Lot No. 1; thence northerly along the east line of Lot No. 1, 28.65 feet to the point of beginning.

Deed Description: Lot 115.27-1-23.11

ALL THAT TRACT OR PARCEL OF LAND situate in the Village and Town of Lancaster, County of Erie and State of New York, being part of Lot No. 1, Section 10, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING in the east line of Lot No. 1 at its intersection with the north line of lands conveyed to Ebenezer Briggs, Junior by deed recorded in Erie County Clerk's Office in Liber 227 of Deeds at page 45, said point being 211 feet southerly from the southeast corner of lands formerly owned by Guy Little, as measured along the east line of Lot No. 1; thence westerly along the north line of lands so conveyed to Briggs, 130 feet; thence northerly on a line parallel with the east line of Lot No. 1, 70 feet; thence easterly on a line parallel with the north line of lands so conveyed to Briggs, 130 feet to a point in the east line of Lot No. 1; thence southerly along the east line of Lot No. 1, 70 feet to the point of beginning.

Exhibit B

Site Survey

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

Lakeside Village Apartments, Site ID No. C915344
65-67 Lake Avenue, Lancaster, NY, 14086

Lancaster, Erie County, Tax Map Identification Numbers: 115.27-1-22.21 and 115.27-1-23.11

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (NYSDEC) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to 65 Lake Avenue LLC for a parcel of approximately 1.22 acres located at 65 and 67 Lake Avenue in Lancaster, Erie County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by NYSDEC 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 a 0.048-acre portion of 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, the remedial program for a 1.172-acre portion of 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 unless such is approved by NYSDEC as not inconsistent with the remedy.

PLEASE TAKE NOTICE, 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 at Book of Deeds 11450, Page 7135 and amended at Book of Deeds 11455, Page 2779.

**Lakeside Village Apartments, C915344
65-67 Lake Avenue, Lancaster, NY, 14086**

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 NYSDEC'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 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 NYSDEC 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 700 Delaware Avenue, Buffalo, NY 14209, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C915344>.

WHEREFORE, the undersigned has signed this Notice of Certificate of Completion.

65 Lake Avenue 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

**Lakeside Village Apartments, C915344
65-67 Lake Avenue, Lancaster, NY, 14086**

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:

65 Lake Avenue LLC
c/o Mark Aquino
32 Central Avenue
Lancaster, NY 14086



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
11/24/2025



SITE DESCRIPTION

SITE NO. C915344

SITE NAME Lakeside Village Apartments

SITE ADDRESS: 65-67 Lake Avenue **ZIP CODE:** 14086

CITY/TOWN: Lancaster

COUNTY: Erie

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan

Monitoring Plan

Operation and Maintenance (O&M) Plan

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2027

Description of Institutional Control

65 Lake Avenue LLC

32 Central Avenue

65 Lake Avenue

Environmental Easement

Block: 1

Lot: 22

Sublot: 21

Section: 115

Subsection: 27

S_B_L Image: 115.27-1-22.21

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

67 Lake Avenue

Environmental Easement

Block: 1

Lot: 23

Sublot: 11

Section: 115

Subsection: 27

S_B_L Image: 115.27-1-23.11

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control**65 Lake Avenue LLC**

32 Central Avenue

65 Lake Avenue

Environmental Easement

Block: 1

Lot: 22

Sublot: 21

Section: 115

Subsection: 27

S_B_L Image: 115.27-1-22.21

Air Sparging/Soil Vapor Extraction

Cover System

Vapor Mitigation

67 Lake Avenue

Environmental Easement

Block: 1

Lot: 23

Sublot: 11

Section: 115

Subsection: 27

S_B_L Image: 115.27-1-23.11

Air Sparging/Soil Vapor Extraction

Cover System

Vapor Mitigation