

# 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](http://www.dec.ny.gov)

December 29, 2022

130 Main Environmental Remediation, LLC  
130 Main Master Developer, LLC  
Heritage Point Canalside, LLC  
Attn: Nicholas Sinatra  
617 Main Street, Suite 200  
Buffalo, New York 14203

Re: Certificate of Completion  
130 Main Street  
Buffalo, Erie County  
Site No. C915347

Dear Nicholas Sinatra:

Congratulations on having satisfactorily completed the remedial program at the 130 Main 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 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:

Taylor Monnin  
Assistant Engineer  
[taylor.monnin@dec.ny.gov](mailto:taylor.monnin@dec.ny.gov)



Department of  
Environmental  
Conservation



- 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;

If you have any questions, please do not hesitate to contact Taylor Monnin, the Department's project manager, at 716-851-7220 or by email at [taylor.monnin@dec.ny.gov](mailto:taylor.monnin@dec.ny.gov).

Sincerely,

*Andrew Guglielmi*

Andrew Guglielmi  
Division Director  
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

C. Vooris – NYSDOH, [christine.vooris@health.ny.gov](mailto:christine.vooris@health.ny.gov)  
Charlotte Bethoney – NYSDOH, [charlotte.bethoney@health.ny.gov](mailto:charlotte.bethoney@health.ny.gov)  
Shaun Surani – NYSDOH, [shaun.surani@health.ny.gov](mailto:shaun.surani@health.ny.gov)  
Matt Gokey, [matthew.gokey@tax.ny.gov](mailto:matthew.gokey@tax.ny.gov)  
Paul Takac, [paul.takac@tax.ny.gov](mailto:paul.takac@tax.ny.gov)  
Nicholas Sinatra – Applicant's representative, [nick@sinatraandcompany.com](mailto:nick@sinatraandcompany.com)  
Daniel Riker - C&S Companies, [driker@cscos.com](mailto:driker@cscos.com)  
Cody Martin - C&S Companies, [cmartin@cscos.com](mailto:cmartin@cscos.com)  
Marc Romanowski – Rupp Baase Pfalzgraf Cunningham, LLC,  
[Romanowski@ruppbaase.com](mailto:Romanowski@ruppbaase.com)

ec w/o enc.:

Taylor Monnin – NYSDEC  
Andrea Caprio – NYSDEC  
Michael Cruden – NYSDEC  
Gregory Scholand – NYSDEC  
Kelly Lewandowski - NYSDEC



NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)  
*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

130 Main Environmental Remediation, LLC  
130 Main Master Developer, LLC  
Heritage Point Canalside, LLC

**Address**

617 Main Street, Suite 200, Buffalo, NY 14203  
617 Main Street, Suite 200, Buffalo, NY 14203  
617 Main Street, Suite 200, Buffalo, NY 14203

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 10/16/19    **Agreement Execution:** 7/27/20  
**Agreement Index No.:** C915347-06-20

**Application Amendment Approval:** 12/23/22

**Agreement Amendment Execution:** 12/23/22

**Application Amendment Approval:** 12/28/22

**Agreement Amendment Execution:** 12/28/22

**SITE INFORMATION:**

**Site No.:** C915347    **Site Name:** 130 Main Street

**Site Owner:** Heritage Point Canalside, LLC

**Street Address:** 106 Main Street

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

**Site Size:** 0.491 Acres

**Tax Map Identification Number(s):** p/o 111.17-14-1.2

**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:** Track 1: Unrestricted use

**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%.



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(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.

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: Andrew Guglielmi Date: 12/29/2022

Andrew O. Guglielmi, Director  
Division of Environmental Remediation



# Exhibit A

✓ Metes & Bounds Description



## LEGAL DESCRIPTION:

### **PARCEL A2.2/A2.3**

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 85, and being a portion of lands now or formerly conveyed to the Erie Canal Harbor Development Corporation by deed recorded in the Erie County Clerks Office in Liber 11141 of Deeds at Page 780 and being more particularly bounded and described as follows:

COMMENCING at a point on the northeast line of Marine Drive (50' wide) at its intersection with the northwest line of Main Street (99' wide), said point being a southeast corner of lands conveyed to the Erie Canal Harbor Development Corporation by deed recorded in the Erie County Clerks Office in Liber 11141 of Deeds at Page 780;

Thence N 46° 02' 09" E along the said northwest line of Main Street, a distance of 6.72 feet to the POINT OF BEGINNING;

Thence N 71° 34' 15" W, a distance of 4.13 feet to a point;

Thence N 65° 22' 40" W, a distance of 81.46 feet to a point;

Thence N 43° 15' 46" W, a distance of 126.39 feet to a point;

Thence N 45° 14' 21" E, a distance of 71.78 feet to a point;

Thence S 44° 26' 06" E, a distance of 10.43 feet to a point;

Thence N 45° 25' 37" E, a distance of 30.84 feet to a point;

Thence S 51° 41' 40" E, a distance of 162.41 feet to the said northwest line of Main Street;

Thence S 13° 54' 30" W along the said northwest line of Main Street, a distance of 67.39 feet to a point;

Thence S 46° 02' 09" W and continuing along the said northwest line of Main Street, a distance of 37.38 feet to the point or place of beginning, containing 21,392 square feet or 0.491 acre of land more or less.



# Exhibit B

✓ Site Survey

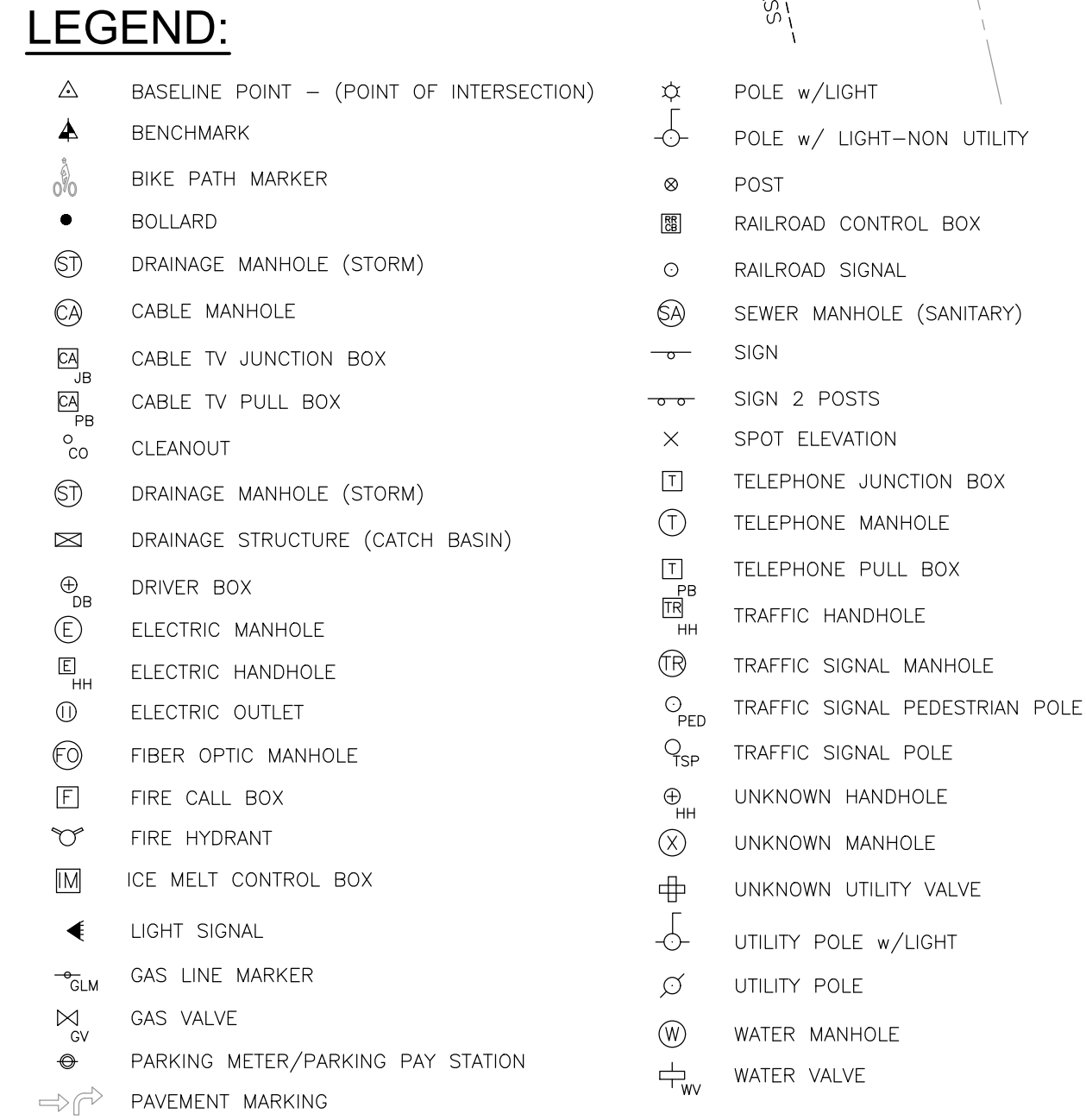


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PLOT DATE: 12/15/2022 7:39:30 AM

FILE NAME: U:\2021\121001.00\_Engineering Survey Projects\21\_401 C & S - Heritage Point\Drawings\Surv\21001\_40\Drawings\DCP\_Essemment\21001\_401\_V101

A square with a black and white geometric pattern inside. The pattern consists of several black shapes: a large triangle in the top-left, a smaller triangle in the top-right, a quadrilateral in the bottom-left, and a triangle in the bottom-right. The square is labeled with 'N' at the top, 'S' at the bottom, 'E' on the right, and 'W' on the left.



HANOVER STREET

ALL UNDERGROUND UTILITIES ARE DEPICTED AT SUE "QUALITY LEVEL C" AND HAVE BEEN LOCATED FROM FIELD SURVEY AND RECORD INFORMATION PROVIDED. 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 AT QUALITY LEVEL C ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM RECORD INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

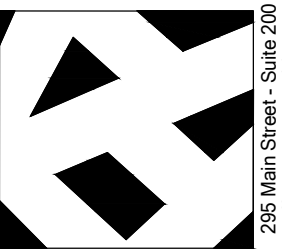


CA	BOTTOM CURB
CA	CABLE TV
CIP	CAST IRON PIPE
CO	CLEANOUT
CONC	CONCRETE
DB	DRIVER BOX
E/A	EXPOSED AGGREGATE
EP	EDGE OF PAVEMENT
E	EAST
GLM	GASLINE MARKER
GV	GAS VALVE
HCR	HANDICAP RAMP
HDPE	HIGH DENSITY POLYETHYLENE
INV	INVERT
MP	MEDIUM PRESSURE
N	NORTH
NPW	NON-POTABLE WATER
OHW	OVERHEAD WIRE
PVC	POLY-VINYL CHLORIDE
REC	RECORD
ROW	RIGHT OF WAY
S	SOUTH
TC	TOP OF CURB ELEVATION
TG	TOP OF GRATE ELEVATION
VTP	VITRIFIED TILE PIPE
WV	WATER VALVE
W	WEST

BROWNFIELD CLEANUP PROGRAM  
SITE# C915347  
CITY OF BUFFALO, COUNTY OF ERIE  
STATE OF NEW YORK



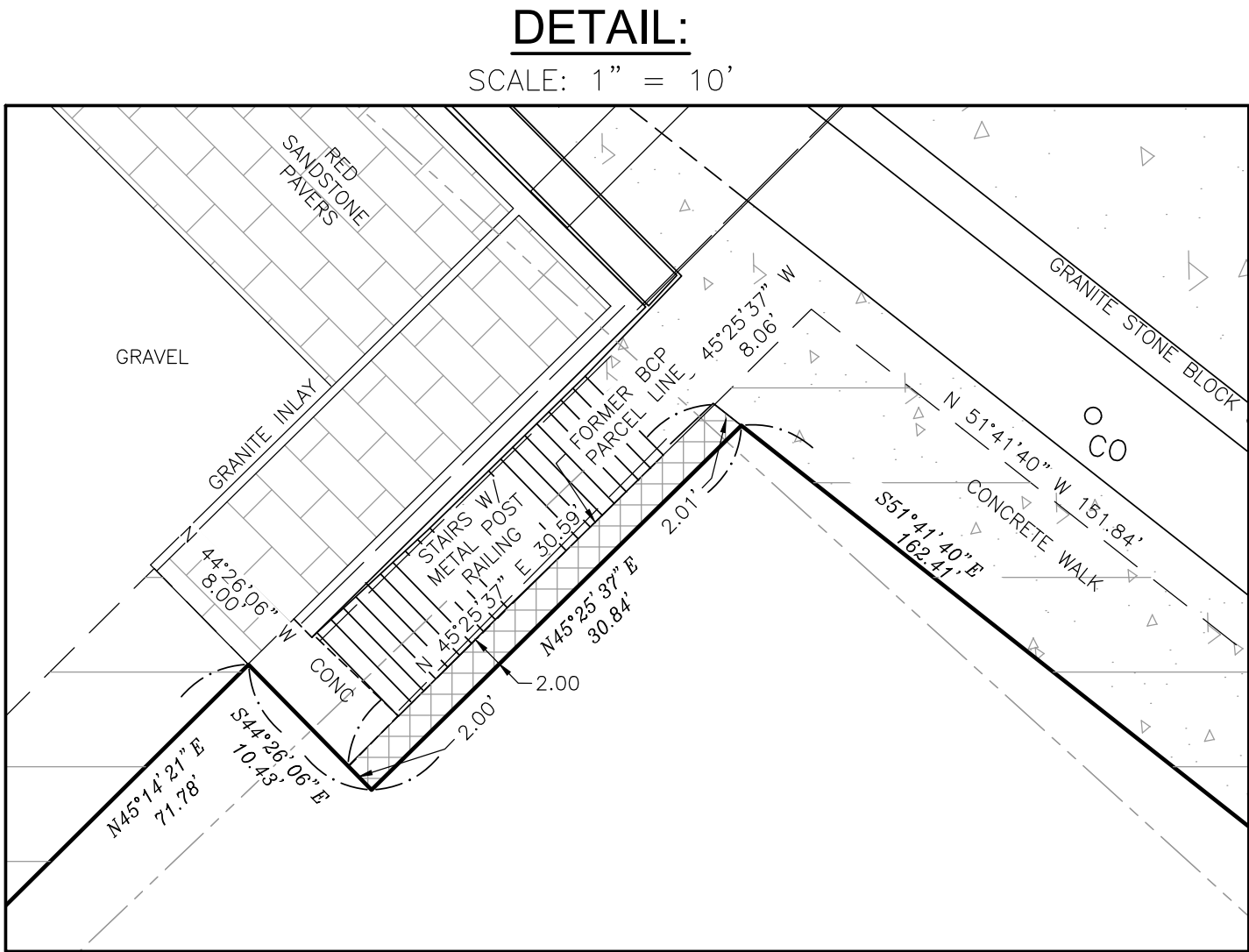
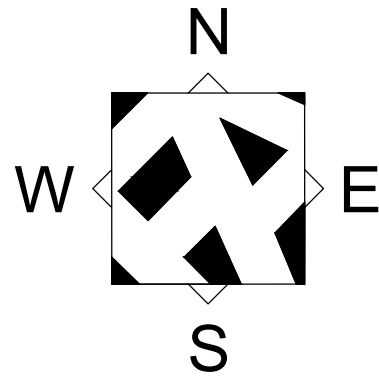
# V-101



**FoitAlbert**  
ASSOCIATES

T 716.856.3933 F 716.856.3961 W [foit-albert.com](http://foit-albert.com)





### LEGAL DESCRIPTION:

#### PARCEL A2.2/A2.3

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 85, and being a portion of lands now or formerly conveyed to the Erie Canal Harbor Development Corporation by deed recorded in the Erie County Clerks Office in Liber 11141 of Deeds at Page 780 and being more particularly bounded and described as follows:

COMMENCING at a point on the northeast line of Marine Drive (50' wide) at its intersection with the northwest line of Main Street (99' wide), said point being a southeast corner of lands conveyed to the Erie Canal Harbor Development Corporation by deed recorded in the Erie County Clerks Office in Liber 11141 of Deeds at Page 780;

Thence N 46° 02' 09" E along the said northwest line of Main Street, a distance of 6.72 feet to the POINT OF BEGINNING;

Thence N 71° 34' 15" W, a distance of 4.13 feet to a point;

Thence N 65° 22' 40" W, a distance of 81.46 feet to a point;

Thence N 43° 15' 46" W, a distance of 126.39 feet to a point;

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Thence S 13° 54' 30" W along the said northwest line of Main Street, a distance of 67.39 feet to a point;

Thence S 46° 02' 09" W and continuing along the said northwest line of Main Street, a distance of 37.38 feet to the point or place of beginning, containing 21,392 square feet or 0.491 acre of land more or less.

### HERITAGE POINT

BROWNFIELD CLEANUP PROGRAM  
SITE# C915347  
CITY OF BUFFALO, COUNTY OF ERIE  
STATE OF NEW YORK

Seal:



Revision Number	Revision Date

Scale: 1" = 20'

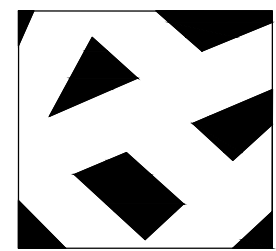
Date:	Project Manager:
12/14/2022	M. POHL
Drawn By:	Checked By:
S. SHEPHERD	M. POHL

Project: 21001.40

Sheet: 1 of 2

**V-102**

Consultants



**FoitAlbert**  
ASSOCIATES

Architecture  
Engineering  
Surveying  
259 Main Street, Suite 200  
Buffalo, New York 14203  
T 716.656.3337 F 716.656.3861 W foit-albert.com



## **NOTICE OF CERTIFICATE OF COMPLETION**

### **Brownfield Cleanup Program**

#### **6 NYCRR Part 375-1.9(d)**

**130 Main Street, Site ID No. C915347**

**106 Main Street, Buffalo, NY, 14202**

**City of Buffalo, Erie County, Tax Map Identification Number: p/o 111.17-14-1.2**

**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 130 Main Environmental Remediation, LLC, 130 Main Master Developer, LLC, and Heritage Point Canalside, LLC for a parcel approximately 0.491 acres located at 106 Main Street, 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 Investigation/Interim Remedial Measures 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 holders 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 holders 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/C915347>.



**130 Main Street, C915347  
106 Main Street, Buffalo, NY, 14202**

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

Heritage Point Canalside, 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

**Please record and return to:**  
Heritage Point Canalside, LLC  
130 Main Environmental Remediation, LLC  
130 Main Master Developer, LLC  
617 Main Street, Suite 200  
Buffalo, NY 14203