

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 9, 2021

Main St. Louis, L.P
Attn: Frank Chinnici
810 Main Street
Buffalo, NY 14202

8 St. Louis Place Remediation, LLC
Attn: Paul H. Werthman
2558 Hamburg Turnpike, Suite 380
Buffalo, NY 14218

Re: Certificate of Completion
8 St. Louis Place
Buffalo, New York – Erie County
Site No. C915355

Dear Mr. Chinnici & Mr. Werthman:

Congratulations on having satisfactorily completed the remedial program at the 8 St. Louis Place 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 (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 the Department's project manager. Please return the hard copy of the proof of recording to:

Chief Site Control
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233

- 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 regarding any of these items, please contact the Department's Project Manager, Mr. Damianos T. Skaros, P.E. at Damianos.Skaros@dec.ny.gov.

Sincerely,

Susan Edwards

Susan Edwards, P.E.
Acting Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

C. Vooris – NYSDOH, christine.vooris@health.ny.gov
Charlotte Bethoney – NYSDOH, charlotte.bethoney@health.ny.gov
Shaun Surani – NYSDOH, shaun.surani@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov
Craig Slater, Esq. – Slater Law, cslater@cslaterlaw.com
Frank Chinnici – Main St. Louis, LP, fac@legacydev.com
Paul Werthman – Applicant, pwertman@benchmarkturnkey.com
Michael Lesakowski – Benchmark, mlesakowski@bm-tk.com
Nathan Munley – Benchmark, nmunley@bm-tk.com

ec w/o enc.:

Damianos T. Skaros – NYSDEC, damianos.skaros@dec.ny.gov
Andrea Caprio – NYSDEC, andrea.caprio@dec.ny.gov
Stanley Radon – NYSDEC, stanley.radon@dec.ny.gov
Michael Cruden - NYSDEC, michael.cruden@dec.ny.gov
Kelly Lewandowski - NYSDEC, kelly.lewandowski@dec.ny.gov
David Stever - NYSDEC, david.stever@dec.ny.gov

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDERS:

Name

8 St. Louis Place Remediation, LLC
Main St. Louis, L.P.

Address

2558 Hamburg Turnpike, Suite 380, Buffalo, NY 14218
810 Main Street, Buffalo, NY 14202

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 3/26/20 **Agreement Execution:** 6/23/20

Agreement Index No.: C915355-03-20

Application Approval Amendment: 2/10/21

Agreement Execution Amendment: 2/10/21

SITE INFORMATION:

Site No.: C915355

Site Name: 8 St. Louis Place

Site Owner: Main St. Louis, L.P.

Street Address: 8 St. Louis Place

Municipality: Buffalo

County: Erie

DEC Region: 9

Site Size: 0.200 Acres

Tax Map Identification Number(s): 111.22-8-7.1 (portion of)

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 is 15%. Comprised of 10% Base, 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: Susan Edwards Date: 12/9/2021

Susan Edwards, P.E., Acting Director
Division of Environmental Remediation

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

8 St. Louis Place, Site ID No. C915355
8 St. Louis Place, Buffalo, New York 14216
City of Buffalo, Erie County, Tax Map Identification Number: 111.22-8-7.1

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 8 St. Louis Place Remediation, LLC and Main St. Louis, L.P. for a portion of a parcel approximately 0.200 acres in size located at 8 St. Louis 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.

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.

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, 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.

8 St. Louis Place, C915355, 8 St. Louis Place, Buffalo – New York 14216

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 9 located at 270 Michigan Avenue, Buffalo, New York 14203, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C915355/>

WHEREFORE, the undersigned has signed this Notice of Certificate

Main St. Louis, L.P.

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:
Main St. Louis, L.P.
810 Main Street
Buffalo, NY 14202

Exhibit A

✓ Metes & Bounds Description

(8 St. Louis Place - Suggested Description)

0.23± Acre

Job No. 9197

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, and being part of Outer Lot 26, bounded and described as follows:

BEGINNING AT A POINT on the west line of St. Louis Place at a distance of 154 feet southerly measured along the west line of St. Louis Place from its intersection with the south line of Virginia Street;

RUNNING THENCE: Southerly, along the west line of St. Louis Place, a distance of 64.0 feet to a point;

RUNNING THENCE: Northwesterly, at an exterior angle of 85°-38'-29" with the last described line, a distance of 104.87 feet to a point;

RUNNING THENCE: Southwesterly, parallel with the west line of St. Louis Place, a distance of 18.86 feet to a point;

RUNNING THENCE: Northwesterly, at right angles to the last described line, a distance of 33.43 feet to a point;

RUNNING THENCE: Northeasterly, at right angles to the last described line, a distance of 90.83 feet to a point;

RUNNING THENCE: Southeasterly, at right angles to the last described line, a distance of 138.0 feet to the POINT OR PLACE OF BEGINNING, containing 0.23 Acre, be the same, more or less.

SUBJECT to easements, rights of way and restrictions or record.

BEING AND INTENDED to be Parcel No. 1 of lands conveyed to Main St. Louis, L.P. by deed recorded in the Erie County Clerk's Office in Liber 11287 of Deeds at Page 5149.

(BCP Boundary - Suggested Description)

0.20+ Acre

Job No. 9197

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, and being part of Outer Lot 26, bounded and described as follows:

BEGINNING AT A POINT on the west line of St. Louis Place at a distance of 160 feet southerly measured along the west line of St. Louis Place from its intersection with the south line of Virginia Street;

RUNNING THENCE: Southerly, along the west line of St. Louis Place, a distance of 58.0 feet to a point;

RUNNING THENCE: Northwesterly, at an exterior angle of $85^{\circ}-38'-29''$ with the last described line, a distance of 104.87 feet to a point;

RUNNING THENCE: Southwesterly, parallel with the west line of St. Louis Place, a distance of 18.86 feet to a point;

RUNNING THENCE: Northwesterly, at right angles to the last described line, a distance of 27.43 feet to a point;

RUNNING THENCE: Northeasterly, at right angles to the last described line, a distance of 84.83 feet to a point;

RUNNING THENCE: Southeasterly, at right angles to the last described line, a distance of 132.0 feet to the POINT OR PLACE OF BEGINNING, containing 0.20 Acre, be the same, more or less.

SUBJECT to easements, rights of way and restrictions or record.

BEING AND INTENDED to be a portion of Parcel No. 1 of lands conveyed to Main St. Louis, L.P. by deed recorded in the Erie County Clerk's Office in Liber 11287 of Deeds at Page 5149.

Exhibit B

✓ Tax Parcel Figure

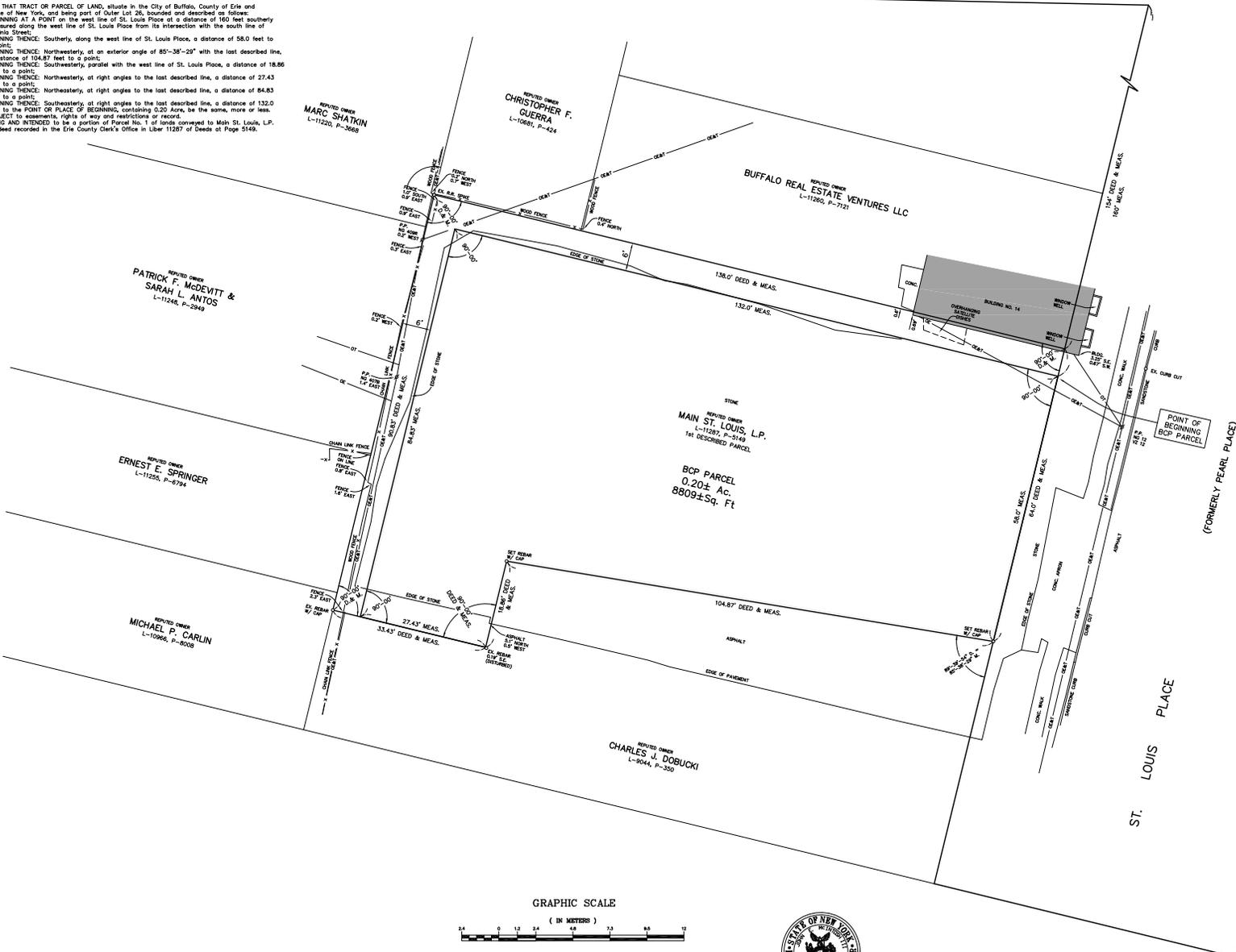
NYSDEC BOP DESCRIPTION
8 ST. LOUIS PLACE
NYSDEC BOP SITE NO. C915355

VIRGINIA STREET
(66.0' WIDE)

SURVEYOR'S DESCRIPTION
0.23± AC. PARCEL

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, and being part of Outer Lot 26, bounded and described as follows:
 BEGINNING AT A POINT on the west line of St. Louis Place at a distance of 160 feet southerly measured along the west line of St. Louis Place from its intersection with the south line of Virginia Street;
 RUNNING THENCE: Southerly, along the west line of St. Louis Place, a distance of 58.0 feet to a point;
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 RUNNING THENCE: Southwesterly, parallel with the west line of St. Louis Place, a distance of 18.86 feet to a point;
 RUNNING THENCE: Northwesterly, at right angles to the last described line, a distance of 33.43 feet to a point;
 RUNNING THENCE: Northeasterly, at right angles to the last described line, a distance of 90.83 feet to a point;
 RUNNING THENCE: Southwesterly, at right angles to the last described line, a distance of 138.0 feet to the POINT OR PLACE OF BEGINNING, containing 0.23 Acres, be the same, more or less. SUBJECT TO assessments, rights of way and restrictions or record.
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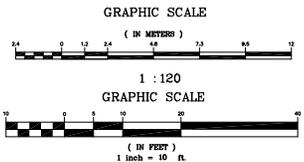


GENERAL NOTES

- 1) FOR TOPOGRAPHICAL INFORMATION SEE MAP PREPARED BY MONTOSH & MONTOSH, P.C. DATED JUNE 27, 2018 AND IDENTIFIED AS JOB NO. 9197.
- 2) REFERENCE MAP: SURVEY MAP PREPARED BY RAY L. SONNENBERGER DATED OCTOBER 12, 1978 AND IDENTIFIED AS SHEET 50285, NO. 78-1419-7A-1.
- 3) REFERENCE MAP: SURVEY MAP PREPARED BY KHEOPS ARCHITECTURE, ENGINEERING & SURVEY, SPC. DATED DECEMBER 12, 2013 AND IDENTIFIED AS JOB NO. 2013.0728.00.
- 4) SBL: CITY OF BUFFALO TAX MAP NO. 111.22-8-71.

LEGEND

- OE — OVERHEAD ELECTRIC
- OT — OVERHEAD TELEPHONE
- OAT — OVERHEAD ELECTRIC & TELEPHONE
- UC — UNDERGROUND CABLE
- X — FENCE
- P.P. — POWER POLE
- BOP — BOP BOUNDARY



McIntosh & McIntosh

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RESURVEY	REVISION
SEPTEMBER 28, 2021	

LOCATION	SURVEY OF PART OF OUTER LOT-26 CITY OF BUFFALO, ERIE COUNTY, NEW YORK
JOB No.	9197-EE
SCALE:	1" = 10'
DATE:	JUNE 27, 2018

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN INSPECTION OF THE LAND AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SOIL.

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7009, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

DESIGN: MMS
 CHECK: MMS
 PLOTTED: MMS
 CREATD: MMS

NYS DEC BOP SITE NO. C915355, SITE ADDRESS: 8 ST. LOUIS PLACE

McINTOSH & McINTOSH, P.C.
 CONSULTING ENGINEERS, LAND SURVEYORS, PLANNERS
 429 PINE STREET, LOCKPORT, NEW YORK 14094
 PHONE 435-2355 PHONE 425-8360



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
11/19/2021



SITE DESCRIPTION

SITE NO. C915355

SITE NAME 8 St. Louis Place

SITE ADDRESS: 8 St. Louis Place **ZIP CODE:** 14216

CITY/TOWN: Buffalo

COUNTY: Erie

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

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: Not Applicable

- IC/EC Certification Plan
- Monitoring Plan
- Operation and Maintenance (O&M) Plan

Periodic Review Frequency:

Periodic Review Report Submitted Date:

Description of Institutional Control

Description of Engineering Control