

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 1, 2023

Fred Lofaso
Kam Cleanup LLC
356 Hertel Ave, LLC
5555 Main Street
Williamsville, NY 14221
lofasofred@yahoo.com

Re: Certificate of Completion
Hertel and Foundry
Buffalo, Erie County
C915359

Dear Fred Lofaso:

Congratulations on having satisfactorily completed the remedial program at the Hertel and Foundry 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. Please return the hard copy of the proof of recording to:

Veronica Kreutzer



Assistant Engineer
Veronica.kreutzer@dec.ny.gov
700 Delaware Ave., Buffalo, NY 14209

- Provide the Notice of Certificate of Completion to the Document Repositories within 10 days of issuance of the COC. NYSDEC 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 Veronica Kreutzer, NYSDEC's project manager, at (716) 851-7220.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

Michael Lesakowski – Roux Inc., mlesakowski@rouxinc.com
Nathan Munley – Roux Inc., nmunley@rouxinc.com
Peter Sorgi, Esq. – Hopkins Sorgi & McCartyly PLLC, psorgi@hsmlegal.com
C. Vooris – NYSDOH, christine.vooris@health.ny.gov
Charlotte Bethoney – NYSDOH, charlotte.bethoney@health.ny.gov
Daniel Tucholski – NYSDOH, Daniel.tucholski@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

Veronica Kreutzer – NYSDEC
Andrea Caprio – NYSDEC
David Stever – NYSDEC
Michael Cruden – NYSDEC
Kelly Lewandowski – NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

356 Hertel Ave, LLC

Kam Cleanup LLC

Address

295 Main Street, #700, Buffalo, NY 14203

5555 Main Street, Williamsville, NY 14221

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 12/9/20 **Agreement Execution:** 1/19/21

Agreement Index No.: C915359-12-20

Application Amendment Approval: 9/9/22

Agreement Amendment Execution: 9/9/22

Application Amendment Approval: 6/9/23

Agreement Amendment Execution: 6/9/23

Application Amendment Approval: 10/20/23

Agreement Amendment Execution: 10/20/23

SITE INFORMATION:

Site No.: C915359 **Site Name:** Hertel and Foundry

Site Owner: 356 Hertel Ave, LLC

Street Address: 356 Hertel Avenue and 42 Foundry Street

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

Site Size: 2.965 Acres

Tax Map Identification Number(s): 77.74-4-22, p/o 77.74-4-21

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%), 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 %.

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 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.

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: 12/1/2023

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A

Site Description

**NYSDEC BCP DESCRIPTION
42 FOUNDRY STREET & 356 HERTEL AVENUE
NYSDEC BCP SITE NO. C915359**

As Described in Survey of Part of Lot-255, Parish Tract and Part of the Bird Farm (March 30, 2023 Revision)
Prepared by McIntosh & McIntosh, P.C. Consulting Engineers, Land Surveyors, Planners

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie, State of New York, and being part of Lot 255 of the Parish Tract and part of the Bird Farm, bounded and described as follows:

BEGINNING AT the intersection of the north line of Hertel Avenue with the west line of Foundry Street;

RUNNING THENCE: Westerly, along the north line of Hertel Avenue, a distance of 27.41 feet to an angle point;

RUNNING THENCE: Southwesterly, at an interior angle of 196°-12'-18" with the last described line and along the north line of Hertel Avenue, a distance of 71.96 feet to a point on the northeast line of former New York Central and Hudson River Railroad Company lands;

RUNNING THENCE: Northerly, along a curve to the right having a radius of 912.37 feet and along the northeast line of said Railroad Company lands, a distance of 455.51 feet to a point;

RUNNING THENCE: Northerly, along a curve to the right having a radius of 1318.70, a distance of 211.10 feet to a point;

RUNNING THENCE: Northeasterly, along the east line of former Penn Central Railroad lands, (formerly New York Central and Hudson River Railroad), a distance of 148.52 feet to the southwest corner of lands conveyed to the Anaconda Company by deed recorded in the Erie County Clerk's Office in Liber 8844 of Deeds at Page 122;

RUNNING THENCE: Easterly, at an interior angle of 92°-31'-53" with the last described line and along the south line of said Anaconda Company lands, a distance of 53.45 feet to a point;

RUNNING THENCE: Southeasterly, at an interior angle of 109°-44'-01" with the last described line, a distance of 86.16 feet to a point;

RUNNING THENCE: Southerly, at an interior angle of 165°-31'-38" with the last described line, a distance of 166.05 feet to a point;

RUNNING THENCE: Easterly, at an interior angle of 264°-33'-40" with the last described line, a distance of 173.85 feet to a point on the west line of Foundry Street;

RUNNING THENCE: Southwesterly, at an interior angle of 90°-13'-40" with the last described line and along the west line of Foundry Street, a distance of 474.05 feet to the POINT OR PLACE OF BEGINNING

EXCEPTING FROM the above described premises, the following parcel, bounded and described as follows:

COMMENCING AT A POINT on the west line of Foundry Street at the southeast corner of lands conveyed by deed from Black Rock Grain, Inc. to Gladstone-Sayre Corporation and recorded September 1, 1970 in the Erie County Clerk's Office in Liber 7722 of Deeds at Page 315 and as re-recorded in Liber 7729 of Deeds at page 275 on September 25, 1970; said point being distant 389.70 feet southerly from the south line of Sayre Street as measured along the east lines of Subdivision Lot Nos. 48 and 32 in Block "E" and Subdivision Lots Nos. 1 and 10 in Block "D" as shown on a map filed in the Erie County Clerk's Office under Map Cover No. 309;

RUNNING THENCE: Southerly, along the west line of Foundry Street, a distance of 82.30 feet to a point;

RUNNING THENCE: Westerly, along the north line of the second described parcel of lands conveyed to Insulation Distributors, Inc. by deed recorded in the Erie County Clerk's Office in Liber 6712 of Deeds at Page 592, a distance of 97.14 feet to the Point or Place of Beginning of the parcel herein described:

RUNNING THENCE: Northerly, at right angles with the last described line, a distance of 10.19 feet to a point;

RUNNING THENCE: Westerly, at right angles with the last described line, a distance of 20.51 feet to a point;

RUNNING THENCE: Southerly, at right angles with the last described line, a distance of 10.19 feet to a point on the north line of the said Insulation Distributors, Inc. lands extended westerly;

RUNNING THENCE: Easterly, at right angles with the last described line and along the north line of said Insulation Distributors, Inc. lands extended westerly, a distance of 20.51 feet to the POINT OR PLACE OF BEGINNING, containing 2.965 Acres, be the same, more or less.

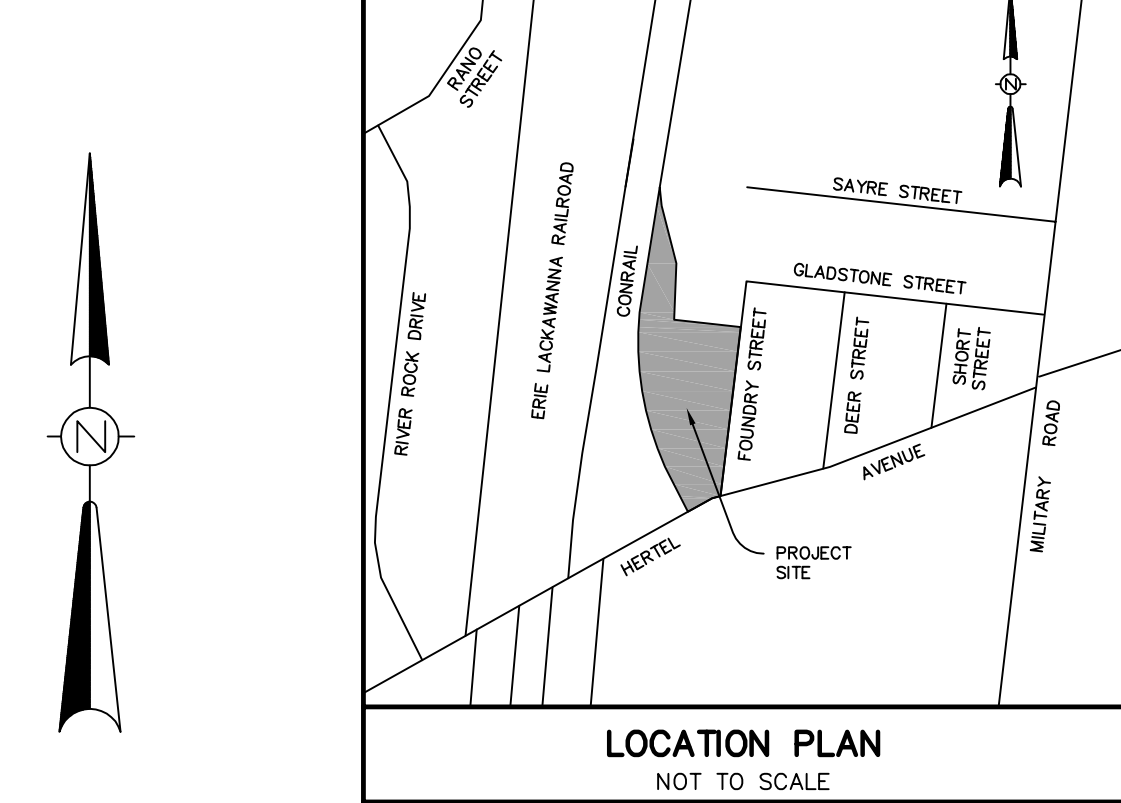
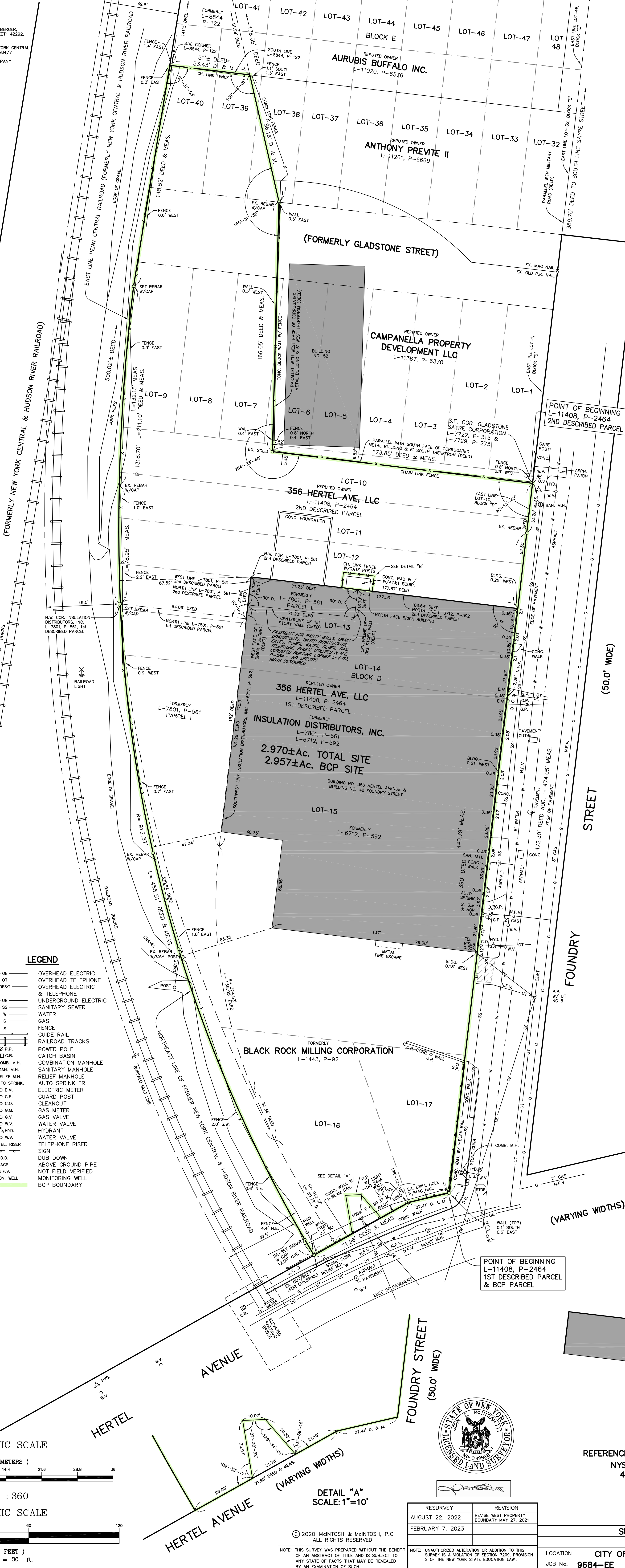
SUBJECT TO easements, rights of way and restrictions of record.

BEING AND INTENDED TO BE a portion of lands conveyed to 356 Hertel Ave, LLC by deed recorded in the Erie County Clerk's Office in Liber 11408 of Deeds at Page 2464.

Exhibit B

Site Survey

- NOTES
- 1) SBL - CITY OF BUFFALO TAX MAP NOS. 77.74-4-21 & 22
 - 2) REFERENCE MAP: SURVEY MAP PREPARED BY RAY L. SONNENBERGER, LAND SURVEYOR, DATED MAY 1, 2002 AND IDENTIFIED AS SHEET: 42292, NO. 02-177
 - 3) REFERENCE MAP: RIGHT OF WAY AND TRACK MAP FOR NEW YORK CENTRAL RAILROAD, NIAGARA BRANCH, VALUATION MAP NO. V83/7 & V84/7
 - 4) REFERENCE MAP: MAP PREPARED BY FREDERICK K. KING COMPANY DATED APRIL 28, 1916



GLADSTONE STREET (GLADSTONE ROAD) (50.0' WIDE) (PUBLIC STREET)

FOUNDRY STREET (50.0' WIDE) (PUBLIC STREET)

HERTEL AVENUE (50.0' WIDE) (PUBLIC STREET)

POINT OF BEGINNING L-11408, P-2464 2ND DESCRIBED PARCEL

SURVEYOR'S COMPOSITE DESCRIPTION 2.970± AC. PARCEL

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie, State of New York, and being part of Lot 255 of the Parish Tract and part of the Bird Farm, bounded and described as follows:

BEGINNING AT the intersection of the north line of Hertel Avenue with the west line of Foundry Street;

RUNNING THENCE: Westward, along the north line of Hertel Avenue, a distance of 27.41 feet to an angle point;

RUNNING THENCE: Southwesterly, along an interior angle of 196°-12'-18" with the last described line and along the north line of Hertel Avenue, a distance of 71.98 feet to a point on the northeast line of former New York Central and Hudson River Railroad Company lands, a distance of 455.51 feet to a point;

RUNNING THENCE: Northward, along a curve to the right having a radius of 912.37 feet and along the line of said Railroad Company lands, a distance of 211.10 feet to a point;

RUNNING THENCE: Northward, along a curve to the right having a radius of 1318.70 feet and along the line of said Railroad Company lands, a distance of 148.52 feet to the southwest corner of lands conveyed to the Anaconda Company by deed recorded in the Erie County Clerk's Office in Liber 8844 of Deeds at Page 122;

RUNNING THENCE: Eastward, at an interior angle of 92°-31'-53" with the last described line and along the south line of said Anaconda Company lands, a distance of 53.45 feet to a point;

RUNNING THENCE: Southeastward, at an interior angle of 109°-44'-01" with the last described line, a distance of 86.16 feet to a point;

RUNNING THENCE: Southeastward, at an interior angle of 165°-31'-38" with the last described line, a distance of 166.05 feet to a point;

RUNNING THENCE: Eastward, at an interior angle of 264°-33'-40" with the last described line, a distance of 173.85 feet to a point on the west line of Foundry Street;

RUNNING THENCE: Southwesterly, at an interior angle of 90°-15'-40" with the last described line and along the west line of Foundry Street, a distance of 474.05 feet to the POINT OR PLACE OF BEGINNING, containing 2.970 Acres, be the same, more or less.

RECORD DESCRIPTIONS

L-11408, P-2464-356 HERTEL AVENUE

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie, State of New York, and being part of Lot 255 of the Parish Tract and part of the Bird Farm, bounded and described as follows:

BEGINNING AT the intersection of the north line of Hertel Avenue with the west line of Foundry Street;

RUNNING THENCE: Westward, along the north line of Hertel Avenue, a distance of 27.41 feet to an angle point;

RUNNING THENCE: Southwesterly, along the north line of Hertel Avenue at an interior angle of 196°-12'-18" with the last described line, a distance of 71.98 feet to a point on the northeast line of former New York Central and Hudson River Railroad Company lands, a distance of 455.51 feet to a point on the north line of the first described parcel of lands conveyed to Insulation Distributors, Inc. by deed recorded in the Erie County Clerk's Office in Liber 7801 of Deeds at Page 561;

RUNNING THENCE: Eastward, along the north line of said first described parcel of lands conveyed to Insulation Distributors, Inc. lands, a distance of 84.06 feet to a point;

RUNNING THENCE: Northward, at right angles to the last described line, a distance of 27.98 feet to the northeast corner of the second described parcel of lands conveyed to Insulation Distributors, Inc. by deed recorded in the Erie County Clerk's Office in Liber 7801 of Deeds at Page 561;

RUNNING THENCE: Eastward, along the north line of said second described parcel of lands conveyed to Insulation Distributors, Inc. lands and along the north line of lands conveyed to Insulation Distributors, Inc. by deed recorded in the Erie County Clerk's Office in Liber 7801 of Deeds at Page 561, a distance of 177.87 feet to a point on the west line of Foundry Street;

RUNNING THENCE: Southward, along the west line of Foundry Street, a distance of 390 feet to the POINT OR PLACE OF BEGINNING, be the same, more or less.

SUBJECT TO easements, rights of way and restrictions of record.

BEING AND INTENDED TO BE lands conveyed to Style Group, Inc. by deed recorded in the Erie County Clerk's Office in Liber 10986 of Deeds at Page 9563.

L-11408, P-2464-42 FOUNDRY STREET

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie, State of New York, and being part of Lot 255 of the Parish Tract and part of the Bird Farm, bounded and described as follows:

BEGINNING AT A POINT on the west line of Foundry Street at the southeast corner of lands conveyed by deed from Block Rock Drain, Inc. to Gladstone-Sayre Corporation and recorded September 1, 1970 in the Erie County Clerk's Office in Liber 7722 of Deeds at Page 315 and as re-recorded in Liber 7729 of Deeds at page 275 on September 25, 1970; said point being distant 389.70 feet southerly from the south line of Sayre Street as measured along the east line of Subdivision Lot Nos. 48 and 32 in Block "T" and Subdivision Lots Nos. 1 and 10 in Block "D" as shown on a map filed in the Erie County Clerk's Office under Map Cover No. 309;

RUNNING THENCE: Southward, along the west line of Foundry Street, a distance of 82.30 feet to a point;

RUNNING THENCE: Westward, along the north line of said second described parcel of lands conveyed to Insulation Distributors, Inc. by deed recorded in the Erie County Clerk's Office in Liber 6712 of Deeds at Page 592 and its extension westerly, a distance of 177.87 feet to the northwest corner of Parcel II of lands conveyed to Insulation Distributors, Inc. by deed recorded in the Erie County Clerk's Office in Liber 7801 of Deeds at Page 561;

RUNNING THENCE: Southward, along the west line of said lastly referred to Insulation Distributors, Inc. lands and its extension southerly, a distance of 27.98 feet to a point;

RUNNING THENCE: Westward, along a north line of the first described parcel of the lastly referred to Insulation Distributors, Inc. lands, a distance of 84.06 feet to a point on the east line of former New York Central and Hudson River Railroad Company lands, a distance of 148.52 feet to the southwest corner of lands conveyed to the Anaconda Company by deed recorded in the Erie County Clerk's Office in Liber 8844 of Deeds at Page 122;

RUNNING THENCE: Southeastward, at an interior angle of 92°-31'-53" with the last described line and along the south line of said Anaconda Company lands, a distance of 53.45 feet to a point;

RUNNING THENCE: Southeastward, at an interior angle of 109°-44'-01" with the last described line, a distance of 86.16 feet to a point;

RUNNING THENCE: Southeastward, at an interior angle of 165°-31'-38" with the last described line, a distance of 166.05 feet to a point;

RUNNING THENCE: Eastward, at an interior angle of 264°-33'-40" with the last described line, a distance of 173.85 feet to the POINT OR PLACE OF BEGINNING, be the same, more or less.

SUBJECT TO easements, rights of way and restrictions of record.

BEING AND INTENDED TO BE lands conveyed to Style Group, Inc. by deed recorded in the Erie County Clerk's Office in Liber 11004 of Deeds at Page 4025.

NYSDC BCP DESCRIPTION

42 FOUNDRY STREET & 356 HERTEL AVENUE

NYSDC BCP SITE NO. C915359

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie, State of New York, and being part of Lot 255 of the Parish Tract and part of the Bird Farm, bounded and described as follows:

BEGINNING AT the intersection of the north line of Hertel Avenue with the west line of Foundry Street;

RUNNING THENCE: Westward, along the north line of Hertel Avenue, a distance of 27.41 feet to an angle point;

RUNNING THENCE: Southwesterly, at an interior angle of 196°-12'-18" with the last described line and along the north line of Hertel Avenue, a distance of 71.98 feet to a point on the northeast line of former New York Central and Hudson River Railroad Company lands, a distance of 455.51 feet to a point;

RUNNING THENCE: Northward, along a curve to the right having a radius of 912.37 feet and along the line of said Railroad Company lands, a distance of 211.10 feet to a point;

RUNNING THENCE: Northward, along a curve to the right having a radius of 1318.70 feet and along the line of said Railroad Company lands, a distance of 148.52 feet to the southwest corner of lands conveyed to the Anaconda Company by deed recorded in the Erie County Clerk's Office in Liber 8844 of Deeds at Page 122;

RUNNING THENCE: Eastward, at an interior angle of 92°-31'-53" with the last described line and along the south line of said Anaconda Company lands, a distance of 53.45 feet to a point;

RUNNING THENCE: Southeastward, at an interior angle of 109°-44'-01" with the last described line, a distance of 86.16 feet to a point;

RUNNING THENCE: Southeastward, at an interior angle of 165°-31'-38" with the last described line, a distance of 166.05 feet to a point;

RUNNING THENCE: Eastward, at an interior angle of 264°-33'-40" with the last described line, a distance of 173.85 feet to a point on the west line of Foundry Street;

RUNNING THENCE: Southwesterly, at an interior angle of 90°-15'-40" with the last described line and along the west line of Foundry Street, a distance of 474.05 feet to the POINT OR PLACE OF BEGINNING, containing 2.970 Acres, be the same, more or less.

EXCEPT FROM the above described premises, the following parcel, bounded and described as follows: **BEGINNING** AT A POINT on the west line of Foundry Street at the southeast corner of lands conveyed by deed from Block Rock Drain, Inc. to Gladstone-Sayre Corporation and recorded September 1, 1970 in the Erie County Clerk's Office in Liber 7722 of Deeds at Page 315 and as re-recorded in Liber 7729 of Deeds at page 275 on September 25, 1970; said point being distant 389.70 feet southerly from the south line of Sayre Street as measured along the east line of Subdivision Lot Nos. 48 and 32 in Block "T" and Subdivision Lots Nos. 1 and 10 in Block "D" as shown on a map filed in the Erie County Clerk's Office under Map Cover No. 309;

RUNNING THENCE: Southward, along the west line of Foundry Street, a distance of 82.30 feet to a point;

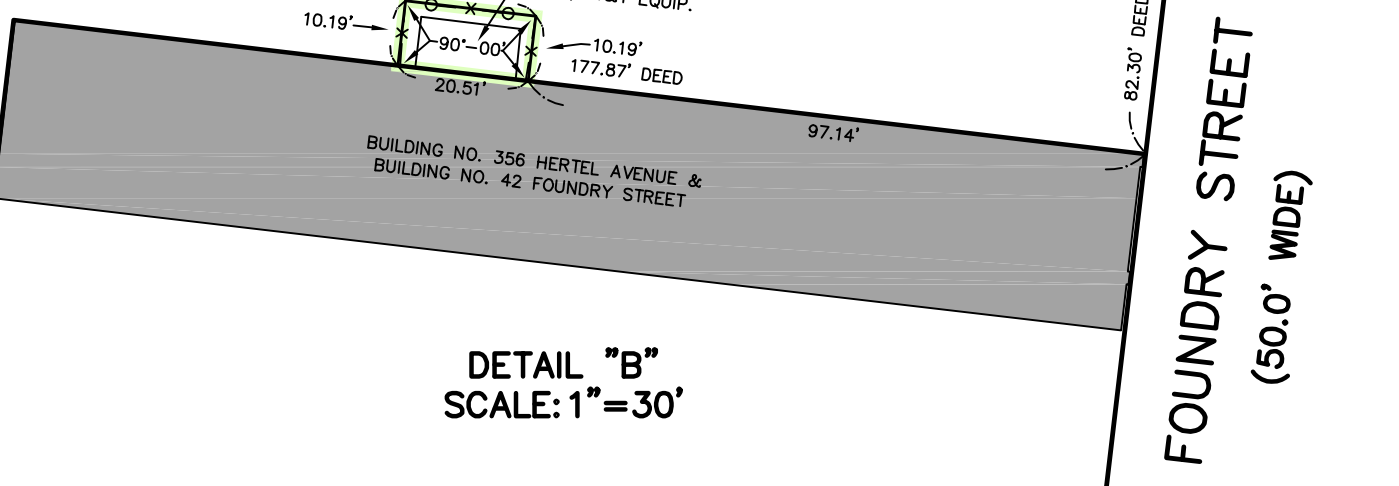
RUNNING THENCE: Westward, along the north line of said second described parcel of lands conveyed to Insulation Distributors, Inc. by deed recorded in the Erie County Clerk's Office in Liber 6712 of Deeds at Page 592, a distance of 177.87 feet to the northwest corner of Parcel II of lands conveyed to Insulation Distributors, Inc. by deed recorded in the Erie County Clerk's Office in Liber 7801 of Deeds at Page 561;

RUNNING THENCE: Southward, at right angles with the last described line, a distance of 10.19 feet to a point on the north line of the said Insulation Distributors, Inc. lands extended westerly;

RUNNING THENCE: Eastward, at right angles with the last described line and along the north line of said Insulation Distributors, Inc. lands extended westerly, a distance of 20.51 feet to the POINT OR PLACE OF BEGINNING, containing 2.857 Acres, be the same, more or less.

SUBJECT TO easements, rights of way and restrictions of record.

BEING AND INTENDED TO BE a portion of lands conveyed to 356 Hertel Ave, LLC by deed recorded in the Erie County Clerk's Office in Liber 11408 of Deeds at Page 2464.



STATE OF NEW YORK

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

LAND SURVEYOR

RESURVEY

AUGUST 22, 2022

FEBRUARY 7, 2023

REVISION

REVISE WEST PROPERTY BOUNDARY MAY 27, 2021

McINTOSH & McINTOSH, P.C.

CONSULTING ENGINEERS, LAND SURVEYORS, PLANNERS

LOCKPORT, NEW YORK BUFFALO, NEW YORK

PHONE 434-9138 PHONE 625-8360

SURVEY OF PART OF LOT-255, PARISH TRACT AND PART OF THE BIRD FARM

LOCATION CITY OF BUFFALO, ERIE COUNTY, NEW YORK

JOB No. 9684-EE

SCALE: 1"= 30'

DATE: AUGUST 18, 2020

DRAWN JEM III

COMP. JEM III

DESC. CADFILE 9684-20RE V2022

GRAPHIC SCALE

(IN METERS)

7.2 0 3.6 7.2 21.6 28.8 36

1 : 360

GRAPHIC SCALE

(IN FEET)

30 0 15 60 120

1 inch = 30 ft.

DETAIL "A" SCALE: 1"=10'

DETAIL "B" SCALE: 1"=30'

LEGEND

- OE OVERHEAD ELECTRIC
- OT OVERHEAD TELEPHONE
- OE&T OVERHEAD ELECTRIC & TELEPHONE
- UE UNDERGROUND ELECTRIC
- SS SANITARY SEWER
- W WATER
- G GAS
- F FENCE
- GR GUIDE RAIL
- RA RAILROAD TRACKS
- CP CATCH BASIN
- COMB. M.H. COMBINATION MANHOLE
- SAN. M.H. SANITARY MANHOLE
- RELIEF M.H. RELIEF MANHOLE
- AUTO SPRINK. AUTO SPRINKLER
- E.M. ELECTRIC METER
- G.P. GUARD POST
- C.O. CLEANOUT
- G.M. GAS METER
- G.V. GAS VALVE
- W.V. WATER VALVE
- HYD. HYDRANT
- W.V. WATER VALVE
- TEL. RISER TELEPHONE RISER
- SIGN SIGN
- D.B. DUB DOWN
- A.G.P. ABOVE GROUND PIPE
- N.F.V. NOT FIELD VERIFIED
- M.W. MONITORING WELL
- BCP BCP BOUNDARY

© 2020, McINTOSH & McINTOSH, P.C.

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

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

C915359
Hertel & Foundry
356 Hertel Ave. & 42 Foundry St.

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

Hertel and Foundry, Site ID No. C915359
356 Hertel Ave. and 42 Foundry St., Buffalo, NY, 14207
Buffalo, Erie County, Tax Map Identification Numbers: 77.74-4-22, p/o 77.74-4-21

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 Kam Cleanup LLC & 356 Hertel Ave, LLC for a parcel approximately 2.965 acres located at 356 Hertel Avenue & 42 Foundry Street in Buffalo, 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 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.

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 Ave., Buffalo, NY 14209, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C915359>.

C915359
Hertel & Foundry
356 Hertel Ave. & 42 Foundry St.

WHEREFORE, the undersigned has signed this Notice of Certificate

356 Hertel Ave, 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:

Kam Cleanup LLC
5555 Main St.
Williamsville, NY
14221

Feb. 2022