

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
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www.dec.ny.gov

December 27, 2023

Lawrence Quinn
Great Point Studio Management (B) QOZB, LLC
219 Lexington Avenue
Buffalo, NY 14222
lawrence.quinn52@gmail.com

Re: Certificate of Completion
1155 Niagara Street Site
City of Buffalo, Erie County
Site No. C915367

Dear Lawrence Quinn:

Congratulations on having satisfactorily completed the remedial program at the 1155 Niagara Street 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:

Eugene Melnyk
New York State Department of Environmental Conservation
Division of Environmental Remediation
700 Delaware Avenue
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;
- Implement 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 2025.

If you have any questions, please do not hesitate to contact Eugene Melnyk, PE, NYSDEC's project manager, at 716-851-7220.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director
Division of Environmental Remediation

ec w/ enclosure:

T. Forbes - Roux, tforbes@rouxinc.com
M. Romanowski – Rupp Basse, romanowski@ruppbaase.com
C. Vooris – NYSDOH, christine.vooris@health.ny.gov
C Bethoney – NYSDOH, charlotte.bethoney@health.ny.gov
S. Lawrence – NYSDOH, stephen.lawrence@health.ny.gov
Matt Gokey - NYSTAX, matthew.gokey@tax.ny.gov
Paul Takac - NYSTAX, paul.takac@tax.ny.gov

ec w/o enclosure:

Eugene Melnyk – DER PM
Andrea Caprio – DER RHWRE-9,
Michael Cruden – DER Remedial BD-E
David Stever - OGC PA,
Michael Murphy - OGC SC,
Kelly Lewandowski – DER Chief, SCS

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Great Point Studio Management (B) QOZB, LLC

Address

One Larkin Plaza, Yonkers, NY 10701

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 3/3/21 **Agreement Execution:** 4/27/21

Agreement Index No.: C915367-02-21

Application Amendment Approval: 2/3/23

Agreement Amendment Execution: 2/3/23

SITE INFORMATION:

Site No.: C915367 **Site Name:** 1155 Niagara Street Site

Site Owner: Great Point Studio Management (B) QOZB, LLC

Street Address: 1155 Niagara Street

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

Site Size: 3.640 Acres

Tax Map Identification Number(s): 99.34-9-1.1

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: 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 25 %.

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

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 as Instrument No. 2023049978 and Liber/Page D 11415, PG 2572.

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;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos
Commissioner
New York State Department of Environmental Conservation

By: Andrew Guglielmi Date: 12/27/2023

Andrew O. Guglielmi, Director
Division of Environmental Remediation

EXHIBIT A

Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

All that Tract or Parcel of Land, situate in the City of Buffalo, County of Erie and State of New York, being part of Block Number 204, further bounded and described as follows:

BEGINNING at the intersection between the easterly line of Niagara Street being (99' wide) and the southerly line of West Ferry Street being (49.5' wide);

THENCE easterly along the southerly line of West Ferry Street, 440.00 feet to the intersection between said southerly line of West Ferry Street and the westerly line of West Avenue being (66' wide);

THENCE southerly along the westerly line of West Avenue at an interior angle of 89'-00'-33", a distance of 280.50 feet to the southeast corner of Parcel "E" now or formerly conveyed in the Erie County Clerk's Office in Liber 11322 of Deeds at Page 5285;

THENCE westerly along the southerly line of said Parcel "E" and parallel with Albany Street being (66' wide), a distance of 100.00 feet to the easterly line of lands now or formerly conveyed in the Erie County Clerk's Office in Liber 7425 of Deeds at Page 637;

THENCE southerly along said east line of Liber 7425, page 637 and parallel with said West Avenue, a distance of 34.00 feet;

THENCE westerly and parallel with said Albany Street, a distance of 5.00 feet to the east line of lands now or formerly conveyed in the Erie County Clerk's Office in Liber 3979 of Deeds at Page 230;

THENCE southerly along the east line of said Liber 3979, Page 230 and parallel with said West Avenue, a distance of 30.00 feet;

THENCE easterly and parallel with said Albany Street, a distance of 5.00 feet;

THENCE southerly and parallel with said West Avenue, a distance of 35.00 feet;

THENCE westerly and parallel with Albany Street, a distance of 54.00 feet;

THENCE southerly and parallel with said West Avenue, a distance of 30.00 feet to the south line of lands now or formerly conveyed in the Erie County Clerk's Office in Liber 3084 of Deeds at Page 232 and designated as Parcel 3, also being in the northerly line of lands now or formerly conveyed in the Erie County Clerk's Office in Liber 606 of Deeds at Page 627;

THENCE westerly along the south line of said Liber 3084, Page 232, Parcel 3 and the north line of said Liber 606, page 627, a distance of 46.00 feet, distant 200.00 feet west of the westerly line of West Avenue as measured along the north line of said Liber 606, Page 627;

THENCE northerly and parallel with said West Avenue, a distance of 30.00 feet;

THENCE westerly and parallel with said Albany Street, a distance of 20.00 feet;

THENCE northerly and parallel with said West Avenue, a distance of 9.00 feet to the south line of Liber 3084, Page 232, Parcel 2:

THENCE westerly along the south line of said Liber 3084, Page 232, Parcel 2 and parallel with said Albany Street, a distance of 65.00 feet to the southwest corner of said Liber 3084, Page 232, Parcel 2;

THENCE northerly and parallel with Niagara Street, a distance of 2.49 feet;

THENCE westerly at right angles to Niagara Street, a distance of 36.74 feet. distant 118.26 feet east of the easterly line of said Niagara Street

THENCE southerly and parallel with said Niagara Street, a distance of 31.00 feet;

THENCE westerly at right angles, a distance of 35.00 feet

THENCE southwesterly at an exterior angle of 135°-00'-00", a distance of 2.83 feet;

THENCE southerly and parallel with said Niagara Street, a distance of 1.73 feet;

THENCE westerly at right angles to said Niagara Street, a distance of 81.19 feet to the easterly line of said Niagara Street. distant 325.77 feet north of the northerly line of said Albany Street;

THENCE northerly along the easterly line of said Niagara Street, a distance of 397.62 feet to the POINT or PLACE of BEGINNING containing 3.64 acres of land, more or less.

EXHIBIT B

Site Survey

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

1155 Niagara Street Site, Site ID No. C915367
1155 Niagara Street, Buffalo, NY, 14213
City of Buffalo, Erie County, Tax Map Identification Number: 99.34-9-1.1

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 Great Point Studio Management (B) QOZB, LLC for a parcel approximately 3.640 acres located at 1155 Niagara Street in City of 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.

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 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 as Instrument No. 2023049978 and Liber/Page D 11415, Page 2572.

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.

**1155 Niagara Street Site, C915367
1155 Niagara Street, Buffalo, NY, 14213**

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 located at 700 Delaware Avenue, Buffalo, NY 14209, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C915367>

WHEREFORE, the undersigned has signed this Notice of Certificate

Great Point Studio Management (B) QOZB, 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:

*Great Point Studio Management (B) QOZB, LLC
219 Lexington Avenue
Buffalo, NY 14222*



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/23/2023



SITE DESCRIPTION

SITE NO. C915367

SITE NAME 1155 Niagara Street Site

SITE ADDRESS: 1155 Niagara Street ZIP CODE: 14213

CITY/TOWN: Buffalo

COUNTY: Erie

ALLOWABLE USE: 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: 04/30/2025

Description of Institutional Control

Great Point Studio Management (B) QOZB,

One Larkin Plaza

1155 Niagara Street

Environmental Easement

Block: 9

Lot: 1

Sublot: .1

Section: 99

Subsection: .34

S_B_L Image: 99.34-9-1.1

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

Great Point Studio Management (B) QOZB,

One Larkin Plaza

1155 Niagara Street

Environmental Easement

Block: 9

Lot: 1

Sublot: .1

Section: 99

Subsection: .34

S_B_L Image: 99.34-9-1.1

Cover System

Monitoring Wells