



**Department of  
Environmental  
Conservation**

**KATHY HOCHUL**

Governor

**AMANDA LEFTON**

Commissioner

December 23, 2025

Christopher Wan  
147 West Tupper LLC  
61 Johnson Park, Suite A  
Buffalo, NY 14201  
[chris.wan@dynogrp.com](mailto:chris.wan@dynogrp.com)

Re: Certificate of Completion  
147 West Tupper Street Site  
Buffalo, Erie County  
Site No. C915389

Dear Christopher Wan:

Congratulations on having satisfactorily completed the remedial program at the 147 West Tupper 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.
- 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.

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 Environmental Engineering,  
[mlesakowski@rouxinc.com](mailto:mlesakowski@rouxinc.com)  
Thomas Forbes – Roux Environmental Engineering, [tforbes@rouxinc.com](mailto:tforbes@rouxinc.com)  
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Daniel Tucholski – NYDOH, [Daniel.Tucholski@health.ny.gov](mailto:Daniel.Tucholski@health.ny.gov)  
Sara Bogardus – NYSDOH, [sara.bogardus@health.ny.gov](mailto:sara.bogardus@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)

ec w/o enc.:

David Harrington – NYSDEC  
Veronica Kreutzer – NYSDEC  
Andrea Caprio – NYSDEC  
Gregory Scholand, Esq. – NYSDEC  
Michael Cruden – NYSDEC  
Michael Murphy, Esq. – NYSDEC  
Kelly Lewandowski – NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

147 West Tupper LLC

**Address**

61 Johnson Park, Suite A, Buffalo, NY 14201

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 11/3/22 **Agreement Execution:** 11/21/22

**Agreement Index No.:** C915389-11-22

**Application Amendment Approval:** 4/6/23

**Application Amendment Approval:** 9/12/24

**Agreement Amendment Execution:** 4/6/23

**Agreement Amendment Execution:** 9/12/24

**SITE INFORMATION:**

**Site No.:** C915389 **Site Name:** 147 West Tupper Street Site

**Site Owner:** 147 West Tupper LLC

**Street Address:** 147 West Tupper Street

**Municipality:** Buffalo **County:** Erie

**DEC Region:** 9

**Site Size:** 0.837 Acres

**Tax Map Identification Number(s):** 111.29-4-21.1, 111.29-4-22, 111.29-4-22./A, 111.29-4-23, 111.29-4-26, 111.29-4-27, 111.29-4-28, 111.29-4-29

**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%), 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 of 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 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.

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: 12/23/2025

Andrew O. Guglielmi, Director  
Division of Environmental Remediation

## **Exhibit A**

### **Site Description**

LEGAL DESCRIPTION OF BROWNFIELD SITE

ALL THAT TRACT OR PARCEL OF LAND, is situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 33, bounded and described as follows:

BEGINNING at the intersection of the northerly line of West Tupper Street with the westerly line of South Elmwood Avenue; running thence westerly along the northerly line of West Tupper Street 246.59 feet; thence northerly and parallel with the westerly line of South Elmwood Avenue 100.00 feet; thence easterly on a line parallel with West Tupper Street 124.00 feet; thence northerly and parallel with the westerly line of South Elmwood Avenue 100.00 feet to the southerly line of Trinity Place; running thence westerly along the southerly line of Trinity Place 122.59 feet westerly line of South Elmwood Avenue; thence southerly along said line of South Elmwood Avenue 200.00 feet to the place of beginning.

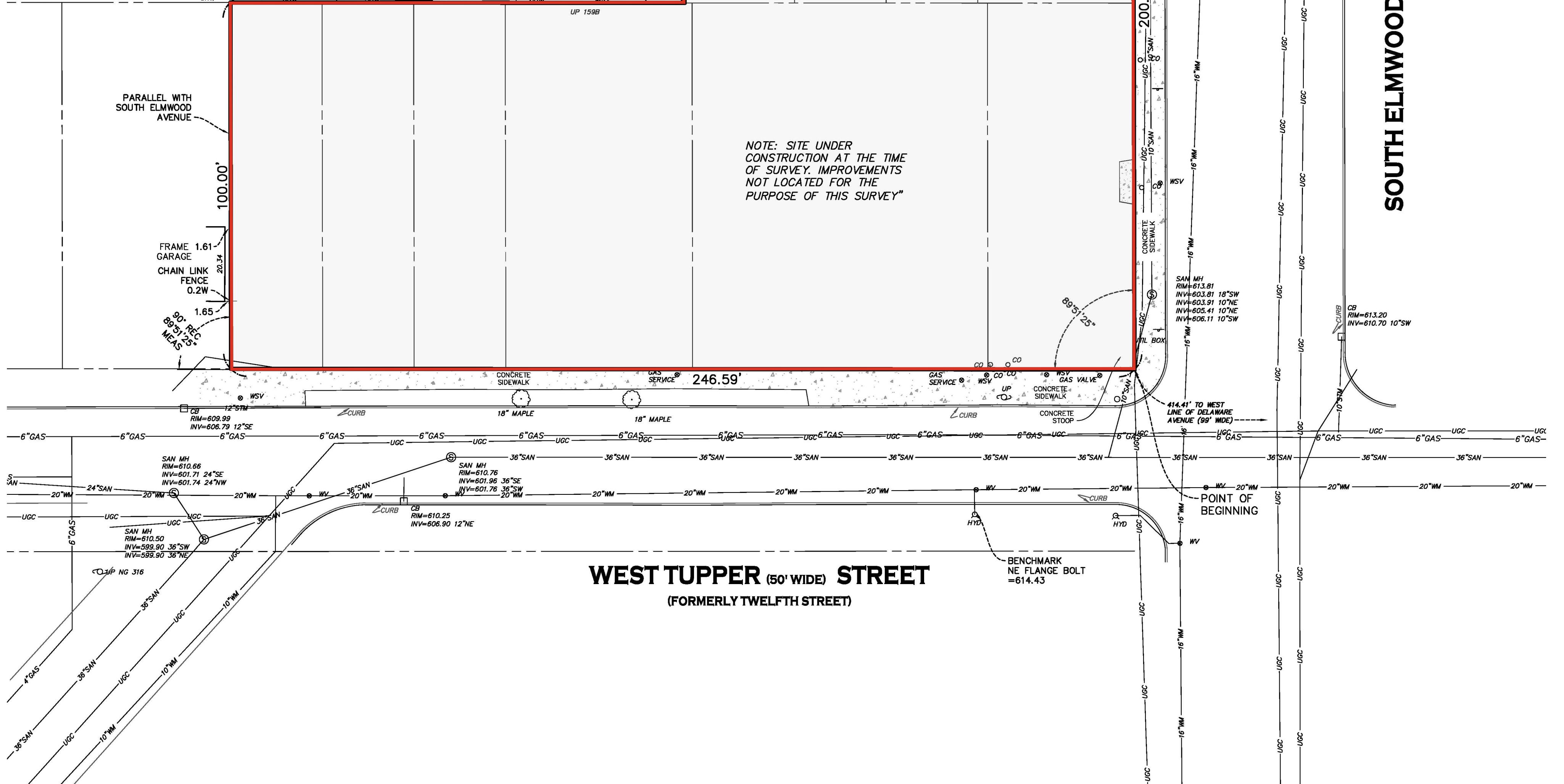
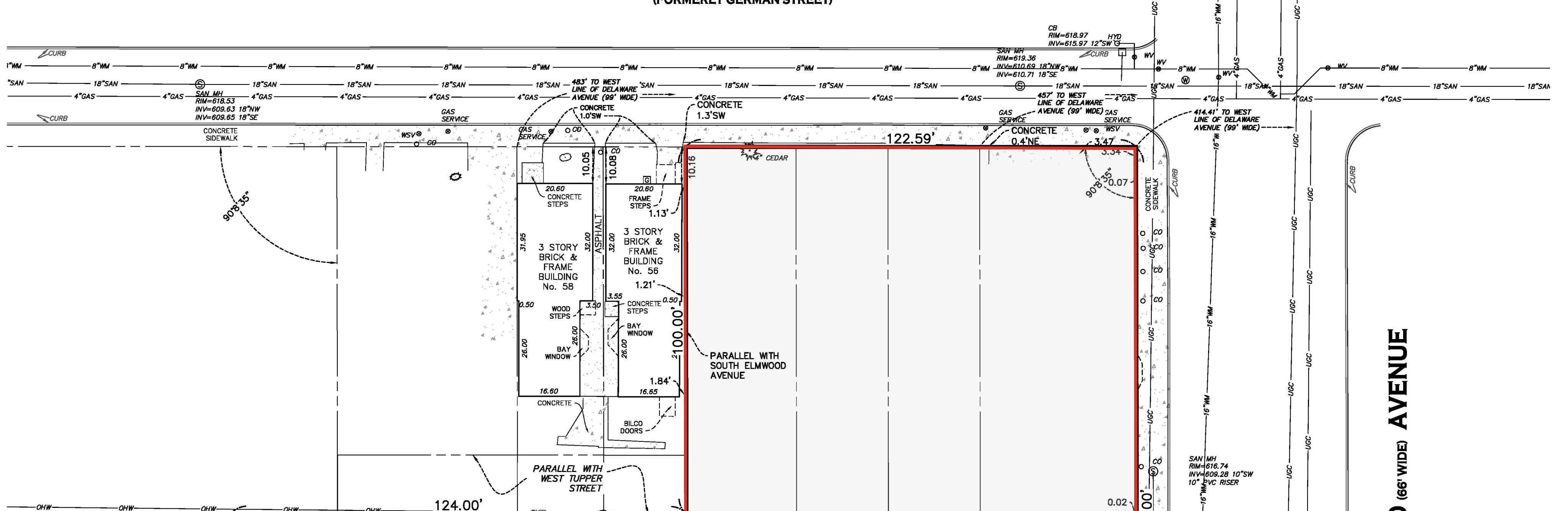
Containing 36,917.94 square feet or 0.848 Acres of land more or less.

**Exhibit B**

**Site Survey**

# TRINITY (33' WIDE) PLACE

(FORMERLY DELAWARE PLACE)  
(FORMERLY GERMAN STREET)



## SOUTH ELMWOOD (66' WIDE) AVENUE

### LEGAL DESCRIPTION OF BROWNFIELD SITE

ALL THAT TRACT OR PARCEL OF LAND, s situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 33, bounded and described as follows:

BEGINNING at the intersection of the northerly line of West Tupper Street with the westerly line of South Elmwood Avenue; running thence westerly along the northerly line of West Tupper Street 246.59 feet; thence northerly and parallel with the westerly line of South Elmwood Avenue 100.00 feet; thence easterly on a line parallel with West Tupper Street 124.00 feet; thence northerly and parallel with the westerly line of South Elmwood Avenue 100.00 feet to the southerly line of Trinity Place; running thence westerly along the southerly line of Trinity Place 122.59 feet westerly line of South Elmwood Avenue; thence southerly along said line of South Elmwood Avenue 200.00 feet to the place of beginning.

Containing 36,917.94 square feet or 0.848 Acres of land more or less.

Daniel J Regan  
Schutt & Associates, Inc.  
Surveyor  
Email: dregan@schutt.com  
Date: 2025.11.26  
13:17:33 -05'00'

Digitally signed by  
Daniel J Regan  
DN: cn=Daniel J  
Regan, o=WM  
Schutt & Associates,  
ou=Director of  
Survey,  
email=dregan@  
schutt.com, c=US  
Original of the land surveyors  
stamps and signatures shall be  
considered to be the original

WM SCHUTT  
ASSOCIATES  
37 CENTRAL AVE.  
LANCASTER, NY 14086-2143  
PH. 716-683-5961  
FAX 716-683-9169  
WWW.WMSCHUTT.COM

### LEGEND

▲ ANTENNA/DISH	○ HYDRANT
■ BENCHMARK	○ PROPERTY MONUMENT (AS DESCRIBED)
* BM BOLLARD	○ WATER MANHOLE
□ CATCH BASIN	○ WATER METER
○ CO CLEANOUT	○ WATER SERVICE VALVE
○ COMMUNICATIONS BOX	○ WATER VALVE
○ COMMUNICATIONS MANHOLE	○ WELL
○ COMMUNICATIONS MARKER	○ YARD DRAIN
○ COMMUNICATIONS VAULT	
○ CONIFEROUS SHRUB	
○ CONIFEROUS TREE	
○ CUT	
○ DECIDUOUS SHRUB	
○ DECIDUOUS TREE	
○ DRILL/AUGER HOLE	
○ ELECTRIC MANHOLE	
○ ELECTRIC METER	
□ END SECTION	
○ FILLER CAPS	
○ FLAG POLE	
○ FLOOD LIGHT	
○ GAS LINE MARKER	
○ GAS MANHOLE	
○ GAS METER	
○ GAS SERVICE VALVE	
○ GV GAS VALVE	
○ HYDRAULIC PULLBOX	
○ HYDRAULIC VALVE	
○ MAILBOX	
○ MONUMENT AS DESCRIBED	
○ OL OIL LINE MARKER	
○ PHONE BOOTH	
> PIPE OUTLET	
○ POST POST	
○ PVT POWER VAULT	
○ RAILROAD CONTROL BOX	
○ SANITARY SEWER MANHOLE	
○ SCUPPER	
--- SIGN (SINGLE POLE)	
--- SIGN (DOUBLE POLE)	
--- SIGN (TRIPLE POLE)	
○ SIGNAL POLE	
○ SIGNAL POLE (WITH TRAFFIC	
○ UTILITY BOX)	
○ STORM SEWER MANHOLE	
○ TRAFFIC CONTROL BOX	
○ TRAFFIC PULLBOX	
○ UNKNOWN MANHOLE	
○ UTILITY BOX	
○ UTILITY POLE	
○ UTILITY POLE WITH LIGHT	

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

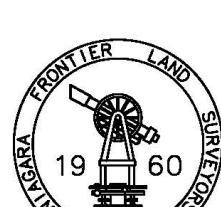
0 20 30 40 60 80  
SCALE: 1"=20'  
GRAPHIC SCALE IN FEET

BT-1

DRAWING SCALE: 1"=20'  
SURVEY FILE: D22136-05-BROWNFLD  
WSA PROJECT NO. 22136

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW. THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN MORE DETAIL IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT DERWEB@DEC.NY.GOV

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING RECORD DRAWINGS PROVIDED TO THE SURVEYOR. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMprise ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR IS NOT RESPONSIBLE FOR LOCATING ABANDONED UTILITIES. LOCATIONS OF UTILITIES WERE MADE DURING THE PROGRESS OF THIS SURVEY TO SUBSTANTIATE BURIED UTILITIES AND STRUCTURES. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. BEFORE EXCAVATIONS ARE BEGUN, THE APPROPRIATE AGENCIES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.



MEMBER OF:  
NEW YORK STATE ASSOCIATION OF  
PROFESSIONAL LAND SURVEYORS

MEMBER OF:  
MAGARA FRONTIER LAND  
SURVEYORS ASSOCIATION INC.

**NOTICE OF CERTIFICATE OF COMPLETION**

**Brownfield Cleanup Program**

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

**147 West Tupper Street Site, Site No. C915389**

**147 West Tupper Street, Buffalo, New York, 14201**

**City of Buffalo, Erie County, Tax Map Identification Numbers: 111.29-4-21.1, 111.29-4-22, 111.29-4-22./A, 111.29-4-23, 111.29-4-26, 111.29-4-27, 111.29-4-28, 111.29-4-29**

**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 147 West Tupper LLC for a parcel of approximately 0.837 acres located at 147 West Tupper 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/C915389/>.

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

147 West Tupper 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:**

147 West Tupper LLC  
61 Johnson Park, Suite A  
Buffalo, NY 14201