



**Department of
Environmental
Conservation**

KATHY HOCHUL
Governor

AMANDA LEFTON
Commissioner

December 29, 2025

Don Schoenl
3200 Clinton St., LLC
3820 Mansell Road, Suite 200
Alpharetta, GA 30022
don@agilecoldstorage.com

Greg Setter
Rosina Food Products, Inc.
170 French Road
Buffalo, NY 14227
gsetter@rosina.com

Re: Certificate of Completion
3200 Clinton Street
Buffalo, Erie County
Site No. C915404

Dear Don Schoenl & Greg Setter:

Congratulations on having satisfactorily completed the remedial program at the 3200 Clinton 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
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ec w/o enclosure:

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

Rosina Food Products, Inc.
3200 Clinton St., LLC

Address

170 French Road, Buffalo, NY 14227
3820 Mansell Road, Suite 200, Alpharetta, GA 30022

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 5/9/24 **Agreement Execution:** 5/28/24

Agreement Index No.: C915404-04-24

Application Amendment Approval: 8/9/24

Agreement Amendment Execution: 8/9/24

Application Amendment Approval: 12/22/25

Agreement Amendment Execution: 12/22/25

SITE INFORMATION:

Site No.: C915404 **Site Name:** 3200 Clinton Street

Site Owner: 3200 Clinton St., LLC

Street Address: 160 Empire Drive

Municipality: West Seneca **County:** Erie **DEC Region:** 9

Site Size: 6.730 Acres

Tax Map Identification Number(s): p/o 124.15-2-4

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 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 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: 12/27/2025

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A

Site Description

BCP DESCRIPTION

All that tract or parcel of land, situate in the town of West Seneca, county of Erie and state of New York, being part of 26 and 27 of the Ebenezer Lands according to a map filed in the Erie County clerk's office under cover no. 58 being more particularly described as follows:

Beginning at the point of the intersection of the northeasterly line of Clinton Street (66 feet wide) with the monumented centerline of the Gardenville branch of the Penn Central Railroad;

Thence northeasterly along the chord of the curve which forms an interior angle of $96^{\circ}56'30''$ with the northeasterly line of Clinton Street, a chord distance of 550.11 feet (arc distance being 550.31 feet) to a point at the southwest corner of Empire Drive (60 feet wide);

Thence southeasterly at an interior angle of $88^{\circ}15'45''$ and along the southwesterly line of Empire Drive, a distance of 530.10 feet to the southeasterly line of Empire Drive;

Thence northeasterly at an interior angle of $269^{\circ}40'53''$ and along the southeast line of said Empire Drive, a distance of 63.14 feet to a point;

Thence southeasterly at an interior angle of $90^{\circ}02'47''$, 191.73 feet to a point;

Thence through the lands conveyed to Two Brothers Realty LLC by deed recorded in the Erie County clerk's office in Liber 11353 at page 8705:

1. Southwesterly at an interior angle of $90^{\circ}00'00''$, 224.53 feet to a point;
2. Northwesterly at an interior angle of $90^{\circ}28'10''$, a distance of 201.25 feet to a point;
3. Northwesterly at an exterior angle of $148^{\circ}01'03''$, a distance of 133.49 feet to a point on a storm manhole rim;
4. Southwesterly at an exterior angle of $115^{\circ}36'06''$, a distance of 162.11 feet to a point on a southeasterly line of lands conveyed to Two Brothers Realty LLC;

Thence southwesterly at an interior angle of $169^{\circ}26'43''$, a distance of 192.44 feet to a point on the northeasterly line of Clinton Street;

Thence northwesterly at right angles and along said northeasterly line of Clinton Street, 384.48 feet to the point or place of beginning. Containing 6.73 acres more or less.

Exhibit B

Site Survey



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

3200 Clinton Street, Site No. C915404
160 Empire Drive, West Seneca, New York, 14224
Town of West Seneca, Erie County, Tax Map Identification Number: p/o 124.15-2-4

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 3200 Clinton St., LLC and Rosina Food Products, Inc for a parcel comprising approximately 6.730 acres located at 160 Empire Drive, West Seneca, 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/C915404>.

**3200 Clinton Street, C915404
160 Empire Drive, West Seneca, NY 14224**

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

3200 Clinton St., 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:
3200 Clinton St., LLC
3820 Mansell Rd., Suite 200
Alpharetta, GA 30022