

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 21, 2022

GPatti Enterprises, LLC
Attention: George Patti III
P.O. Box 772
Jamestown, New York 14702
George@signaturepaving.us

Re: Certificate of Completion
Jamestown Brewery
115-121 West Third Street
Jamestown, New York – Chautauqua County
Site No. C907047

Dear Mr. Patti:

Congratulations on having satisfactorily completed the remedial program at the Jamestown Brewery 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: Mr. Damianos T. Skaros, at Damianos.skaros@dec.ny.gov.
- 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;



- Implement the Department-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 the Department 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 the Department in April 2024.

If you have any questions, please do not hesitate to contact Damianos T. Skaros, P.E., the Department's project manager, at Damianos.Skaros@dec.ny.gov.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division 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
Sally Rushford – NYSDOH, sally.rushford@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov
George Patti –Applicant (george@signaturepaving.us)
Thomas Forbes – Remedial Party (tforbes@bm-tk.com)
Lori Riker – Remedial Party (lriker@bm-tk.com)
Craig Slater, Esq. – Slater Law (cslater@cslaterlaw.com)

ec w/o enc.:

Damianos T. Skaros – NYSDEC
Andrea Caprio – NYSDEC
Stanley Radon – NYSDEC
Michael Cruden - NYSDEC
Kelly Lewandowski - NYSDEC
Gregory Scholand - NYSDEC
Jennifer Andaloro – NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER:

Name

GPatti Enterprises, LLC

Address

P.O. Box 772, Jamestown, NY 14702

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 7/12/18

Agreement Execution: 7/23/18

Agreement Index No.: C907047-07-18

Application Amendment Approval: None

Agreement Amendment Execution: None

SITE INFORMATION:

Site No.: C907047

Site Name: Jamestown Brewery

Site Owner: GPatti Enterprises, LLC

Street Address: 115-121 West Third Street

Municipality: Jamestown **County:** Chautauqua

DEC Region: 9

Site Size: 0.599 Acres

Tax Map Identification Number(s): 387.40-3-8

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%), 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 Chautauqua County as DE2021007672.

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/REVOCAION

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;
- (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: 12/21/2022

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A

✓ Metes & Bounds Description

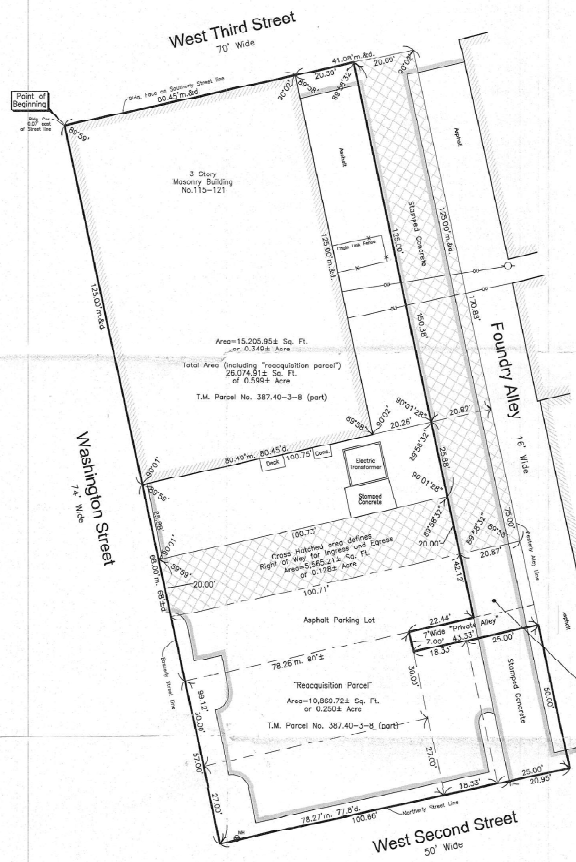
SCHEDULE "A" PROPERTY DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Jamestown, County of Chautauqua and State of New York, being part of Lot 34, Township 2 and Range 11 of the Holland Land Company's survey and further bounded and described as follows:

BEGINNING at a point at the intersection of the easterly line of Washington Street with the southerly line of West Third Street; Thence easterly, along the southerly line of West Third Street, 80.45 feet to a point; Thence continuing easterly, and still along the southerly line of West Third Street, 20.39 feet to a point, said point located westerly, as measured along the southerly line of West Third Street, 20.69 feet from the intersection of the southerly line of West Third Street with the westerly line of Foundry Alley; Thence southerly, at an interior angle of $89^{\circ}58'32''$, a distance of 193.00 feet to a point on the northerly line of a 7 foot wide private alley; Thence westerly, along the northerly line of said alley, 22.44 feet to a point; Thence southerly, along the westerly line of said alley, 7 feet to a point; Thence easterly, along the southerly line of said alley, 43.33 feet to a point on the westerly line of Foundry Alley; Thence southerly, along the westerly line of Foundry Alley, 50.00 feet to a point on the northerly line of West Second Street; Thence westerly, along the northerly line of West Second Street, 121.61 feet to a point at the intersection of the northerly line of West Second Street with the easterly line of Washington Street; Thence northerly, along the easterly line of Washington Street, 250.00 feet to the point of beginning containing 0.599 acre of land to be the same more or less.

Exhibit B

✓ Tax Parcel Figure



This property is subject to an environmental easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 1 of the New York Environmental Conservation Law. The engineering and institutional controls for this Easement are set forth 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.

Deed Description and DEC Environmental Easement Description:
 ALL THAT TRACT OR PARCEL OF LAND situate in the City of Jamestown, County of Chautauque and State of New York, being part of Lot 34, Town 2 and Range 11 of the Holland Land Company's survey and further bounded and described as follows:
 BEGINNING at a point of the intersection of the westerly line of Washington Street with the southerly line of West Third Street; thence southerly along the southerly line of West Third Street, 80.45 feet to a point; thence southerly westerly, and still along the southerly line of West Third Street, 42.28 feet to a point, 499.00 feet westerly, as measured along the southerly line of West Third Street, 70.89 feet from the intersection of the southerly line of West Third Street with the westerly line of Foundry Alley; thence southerly, at an interior angle of 89°58'37", a distance of 193.00 feet to a point on the northerly line of a 7 foot wide private alley; thence westerly, along the northerly line of said alley, 25.44 feet to a point; thence southerly, along the westerly line of said alley, 7 feet to a point; thence southerly, along the southerly line of said alley, 43.33 feet to a point on the westerly line of Foundry Alley; thence southerly, along the westerly line of Foundry Alley, 50.00 feet to a point on the northerly line of West Second Street; thence westerly, along the northerly line of West Second Street, 171.81 feet to a point at the intersection of the northerly line of West Second Street with the easterly line of Washington Street; thence westerly, along the westerly line of Washington Street, 285.00 feet to the point of beginning containing 0.599 acre of land to be the same more or less.

N/F Lands of
 O'Neil Foundation, Inc.
 DEC. NO. 03/06/07/13
 T.M. Parcel No. 387.40-3-53.1824

Legend:
 M - Measured
 D - Downloaded
 N/F - New or Formerly



Map of a Survey For
Gatti Enterprises, LLC
 115-121 West Third Street
 City of Jamestown
 County of Chautauque
 State of New York

Being part of Lot 34 - Town 2 - Range 11 of the Holland Land Company's Survey
 DATE OF SURVEY: September 26, 2021 SCALE: 1" = 20' D.R. DYS: RMT
 DATE OF PLAN: October 4, 2021 1:15 SHEET NO: 1

RODGERS
 LAND SURVEYING
 583 FALCONER STREET - JAMESTOWN, NY 11646-2828 ph. www.rodgerssurveying.com
 KEVIN H. RODGERS, L.S. 1512 NO. 1001

© 2021 - Rodgers Land Surveying, 21-1-11

This survey was prepared without the benefit of an Abstract of Title and is subject to any facts that may be revealed by an investigation of said.

Any lines from the original of this survey marked with an orange 'X' by Land Surveyor's enclosed are well to conform to an old line survey.

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

Jamestown Brewery, Site ID No. C907047
115-121 West Third Street, Jamestown, New York, 14701
City of Jamestown, Chautauqua County, Tax Map Identification Number: 387.40-3-8

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 GPatti Enterprises, LLC (applicant) for a parcel approximately 0.599 acres located at 115-121 West Third Street in the City of Jamestown, New York, Chautauqua 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.

Further, the use of groundwater is restricted and groundwater 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 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 Chautauqua County as Instrument Number DE2021007672.

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 the Department'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 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.

Jamestown Brewery, C907047
115-121 West 3rd Street, Jamestown, New York 14701

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department 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 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 Avenue, Buffalo, New York 14209-7226, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C907047>.

WHEREFORE, the undersigned has signed this Notice of Certificate

GPatti Enterprises, 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:

GPatti Enterprises, LLC
P.O. Box 772
Jamestown, New York 14702

Description of Engineering Control

GPatti Enterprises, LLC

115 Livingston Avenue

115-121 West Third Street

Environmental Easement

Block: 3

Lot: 8

Sublot:

Section: 387

Subsection: 40

S_B_L Image: 387.40-3-8

Cover System

Monitoring Wells

Vapor Mitigation