



**THE SLATER
LAW FIRM**

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January 3, 2019

Chief, Site Control Section
NYSDEC
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

Re: 975 and 1005 Fuhrmann Boulevard
Site No. C915304

Dear Sirs:

Enclosed please find a copy of the recorded Notice of COC for the above-entitled property. These copies are marked with the date and location of recording

If you have any questions or need anything else please don't hesitate to contact me anytime.

Very truly yours,

The Slater Law Firm, PLLC

Craig A. Slater

DIRECT DIAL: (716) 845-6760
E-MAIL: CSLATER@CSLATERLAW.COM

CAS: es
Enclosures

RECEIVED

JAN 07 2019

Bur. Of Tech. Support

MICHAEL P. KEARNS, ERIE COUNTY CLERK
REF:

DATE: 12/28/2018
TIME: 11:08:09 AM
RECEIPT: 18229292

- DUPLICATE -
PARALEGAL SERVICES OF BUFFALO
ACCOUNT #: 9273

DUPLICATE RECEIPT

ITEM - 01 740
RECD: 12/28/2018 11:22:21 AM
FILE: 2018258543 BK/PD 11339/2424
NEW YORK STATE DEPT OF ENVIRONMENTAL CONSERVATION
QUEEN CITY LANDING LLC
Recording Fees

Subtotal 95.50 95.50

TOTAL DUE \$95.50
PAID TOTAL \$95.50
PAID ESCROW \$95.50

REC BY: Faith
COUNTY RECORDER

FILED

DEC 28 2018

**ERIE COUNTY
CLERK'S OFFICE**

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

Queen City Landing, Site ID No. C915304
975 and 1005 Fuhrmann Boulevard, Buffalo, NY 14203
Buffalo, Erie County, Tax Map Identification Number(s): 132.06-1-1.1 and 132.06-1-1.2

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 Queen City Landing, LLC for a parcel approximately 7.75 acres located at the 975 and 1005 Fuhrmann Boulevard in the City of Buffalo, Erie 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 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, since 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 File: 2017185180 and BK/PG D 11318/6434.

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(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

FILED

Queen City Landing, Site ID No. C915304
975 and 1005 Fuhrmann Boulevard, Buffalo, NY 14203

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, 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(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 270 Michigan Avenue, Buffalo, NY 14203, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Queen City Landing, LLC.

By: Gerald A. Buchheit Jr.

Title: GENERAL MGR

Date: December 21, 2018

STATE OF NEW YORK) SS:
COUNTY OF Erie)

On the 21st day of December, in the year 2018 before me, the undersigned, personally appeared Gerald A. Buchheit Jr. 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.

Amelia Florea
Signature and Office of individual
taking acknowledgment

AMELIA FLOREA
Notary Public, State of New York
Registration #01FL6189868
Qualified in Erie County
Commission Expires June 30, 2020

Please record and return to:
Mr. Gerald Buchheit Jr.
Queen City Landing, LLC
3275 N. Benzing Road
Orchard Park, NY 14127

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
Queen City Landing, LLC	3275 N. Benzing Road, Orchard Park, NY 14127

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 6/16/16 **Agreement Execution:** 6/29/16 **Agreement Index No.:** C915304-06-16

Application Approval Amendment: none **Agreement Execution Amendment:** none

SITE INFORMATION:

Site No.: C915304 **Site Name:** Queen City Landing
Site Owner: Queen City Landing, LLC
Street Address: 975 and 1005 Fuhrmann Boulevard
Municipality: Buffalo **County:** Erie **DEC Region:** 9
Site Size: 7.750 Acres
Tax Map Identification Number(s): 132.06-1-1.1, 132.06-1-1.2
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: Restricted-Residential, 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 28 %.
Tangible Property Credit Component Rate is 15%. Comprised of 10% Base, 5% EnZone.

Dependent upon the project being developed in a manner consistent with the requirements of Section 21 (a)(5)(B) of the New York State Tax Law, 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 Brownfield Opportunity Area (BOA) from the Secretary of State (5%), or if the site is used primarily for manufacturing activities (5%), not to exceed a maximum total Tangible Property Credit Rate of 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 BK/PG D 11318/6434 and FILE: 2017185180 and Date: 9/13/2017.

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.

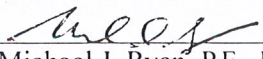
CERTIFICATE MODIFICATION/REVOCATION

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 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:  Date: 12/14/18
Michael J. Ryan, P.E., Director
Division of Environmental Remediation



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Site Management Form

12/7/2018



SITE DESCRIPTION

SITE NO. C915304

SITE NAME Queen City Landing

SITE ADDRESS: 975 and 1005 Fuhrmann Boulevard ZIP CODE: 14203

CITY/TOWN: Buffalo

COUNTY: Erie

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 4/28/2020

Description of Institutional Control

Queen City Landing, LLC

3275 N. Benzing Road

1005 Fuhrmann Boulevard

Environmental Easement

Block: 1

Lot: 1

Sublot: 2

Section: 132

Subsection: 06

S_B_L Image: 132.06-1-1.2

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

975 Fuhrmann

Environmental Easement

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 Lot No. 4 of the Ogden Gore Tract, bounded and described as follows:

BEGINNING at a point in the northerly line of Lot 4 at its intersection with the westerly line of Fuhrmann Boulevard as established by notice of appropriation filed in the Erie County Clerk's office in Liber 6750 of Deeds at page 26 (Map 310, Parcel 321);

RUNNING THENCE WESTERLY along the northerly line of Lot 4 at a bearing of S 68°47'25" W, a distance of 45.09 feet to the shore line of Lake Erie as it existed in August of 1916; thence S 20°40'35" E along said shore line as it existed in August of 2016, a distance of 1.65 feet to a point; thence S 69°19'25" W, a distance of 4.84 feet to the TRUE POINT OF BEGINNING;

CONTINUING THENCE WESTERLY at a bearing of S 69°19'25" W, a distance of 639.02 feet to a point;

THENCE SOUTHERLY at a bearing of S 20°40'35" E, a distance of 431.56 feet to a point;

THENCE EASTERLY at a bearing of N 68°42'55" E, a distance of 629.36 feet to a point;

THENCE SOUTHERLY at a bearing of S 20°40'35" E, a distance of 75.12 feet to a point on the southerly line of lands conveyed to Queen City Landing, LLC by deed recorded in the Erie County Clerk's Office in Liber 11137 of Deeds at page 7323;

THENCE EASTERLY at a bearing of N 69°19'25" E and along said southerly line of lands conveyed to Queen City Landing, LLC, a distance of 221.08 feet to a point on the westerly line of Fuhrmann Boulevard as laid out by said notice of appropriation;

THENCE NORTHERLY along said westerly line of Fuhrmann Boulevard as laid out and at a bearing of N 38°30'08" W, a distance of 525.01 feet to a point;

THENCE SOUTHERLY at a bearing of S 21°00'10" E, a distance of 39.86 feet to a point;

THENCE WESTERLY at a bearing of S 68°40'12" W, a distance of 50.54 feet to a point;

THENCE NORTHERLY at a bearing of N 21°11'25" W, a distance of 40.63 feet to the True Point of Beginning.

Said parcel containing an area of 7.75 acres, more or less.

Exhibit B
Site Survey

