

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

February 7, 2023

Larry Regan
The Crossroads at Genesee LLC
Regan Development Corp.
1055 Saw Mill River Road #204
Ardsley, New York 10502

Re: Certificate of Completion
The Crossroads at Genesee
19 Doat Street and 9 Landsdale Place
Buffalo, Erie County
Site No. 915338

Dear Larry Regan,

Congratulations on having satisfactorily completed the remedial program at the Crossroads at Genesee site. Enclosed please find an original, signed Certificate of Completion (COC), replacing the COC issued on December 31, 2020 for the Site. The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Track 1 COC requirements have been met and are hereby approved subject to the conditions below, allowing the revised Track 1 COC to replace the 2020 Conditional Track 1 COC for the Site.

Please note that you are required to perform the following tasks:

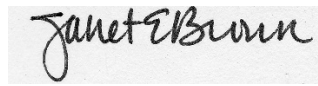
- If you are the site owner, you must record the Notice of Certificate of Completion in the recording office for the county (or counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record the Notice within 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. Please return the hard copy of the proof of recording to:

Eugene Melnyk, PE
New York State Department of Environmental Conservation
Division of Environmental Remediation
700 Delaware Avenue
Buffalo, New York, 14209

- 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.

If you have any questions regarding any of these items, please contact Eugene Melnyk at (716) 851-7220.

Sincerely,

 for

Andrew Guglielmi
Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

Larry Regan – Regan, larry@regandvelopment.com
Christine Vooris – NYSDOH, Christine.Vooris@health.ny.gov
Charlotte Bethoney – NYSDOH, charlotte.bethoney@health.ny.gov
S. Wagh – NYSDOH, sarita.wagh@health.ny.gov
J Brydges – BE3, jbrydges@be3corp.com
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

E. Melnyk – NYSDEC
A. Caprio – NYSDEC
M. Cruden – NYSDEC
G. Scholand - NYSDEC
C. Bower – NYSDEC
K. Lewandowski – NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

The Crossroads at Genesee LLC

Address

1055 Saw Mill River Road #204, Ardsley, NY 10502

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 11/26/18 **Agreement Execution:** 12/17/18

Agreement Index No.: C915338-11-18

Application Amendment Approval: 9/11/20

Agreement Amendment Execution: 9/11/20

SITE INFORMATION:

Site No.: C915338 **Site Name:** The Crossroads at Genesee

Site Owner: The Crossroads at Genesee LLC

The Crossroads at Genesee Housing Development Fund Company, Inc.

Street Address: 19 Doat Street and 9 Landsdale Place

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

Site Size: 1.907 Acres

Tax Map Identification Number(s): 101.55-5-21, 101.56-9-8

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: 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 20%. Comprised of 10% Base, 5% EnZone, 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%), 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 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.

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: Janet E. Brown for _____ Date: 2/7/23

Andrew O. Guglielmi, Director
Division of Environmental Remediation

EXHIBIT A

Site Description

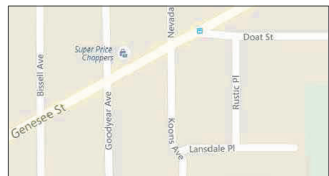
SCHEDULE "A" PROPERTY DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND together with the improvements thereof, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 52, Township 11, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follow:

ALL THAT TRACT OR PARCEL OF LAND BEGINNING at the point of intersection of the southerly line of Doat Street with the easterly line of Rustic Place, as said Rustic Place now exists as a street 49 1/2 feet wide, formerly 50 feet wide; running thence southerly along said easterly line of Rustic Place, 382.51 feet (381.96' record) to the point of intersection of said easterly line of Rustic Place with the northerly line of Lansdale Place; running thence easterly along said northerly line of Lansdale Place a distance of 235.50 feet to a point; thence northerly and parallel with the easterly line of Rustic Place a distance of 224.80 feet to a point; thence westerly and parallel with the northerly line of Lansdale Place a distance of 44.39 feet to a point; thence northerly and parallel with the easterly line of Rustic Place a distance of 157.30 feet to a point on the southerly line of Doat Street, said point being distant 191.50 feet easterly from the point of beginning as measured along the southerly line of Doat Street; thence westerly along the southerly line of Doat Street a distance of 191.50 feet to the point of beginning, containing 1.907 acres more or less.

EXHIBIT B

Site Survey



VICINITY MAP
(NOT TO SCALE)

DEED DESCRIPTION AND ENVIRONMENTAL EASEMENT DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND together with the improvements thereof, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 52, Township 11, Range 7 of the Holland Land Company's Survey and being more particularly located and described as follows:

ALL THAT TRACT OR PARCEL OF LAND BEGINNING at the point of intersection of the southerly line of Doat Street with the easterly line of Rustic Place, on said Rustic Place now exists as a street 49 1/2 feet wide, formerly 50 feet wide; running thence southerly along said easterly line of Rustic Place, 382.51 feet (381.94' rounded) to the point of intersection of said easterly line of Rustic Place with the northerly line of Lansdale Place, running thence easterly along said northerly line of Lansdale Place a distance of 235.50 feet to a point; thence northerly and parallel with the easterly line of Lansdale Place a distance of 44.39 feet to a point; thence northerly and parallel with the easterly line of Rustic Place a distance of 157.50 feet to a point on the southerly line of Doat Street, said point being distant 139.50 feet easterly from the point of beginning as measured along the southerly line of Doat Street; thence westerly along the southerly line of Doat Street a distance of 181.50 feet to the point of beginning, containing 1.307 acres more or less.

PARCEL AREAS:

PARCEL AREA = 1.9074 ACRES

PARKING SPACES:

NO PARKING SPACES OBSERVED ON SITE

FLOOD ZONE CLASSIFICATION:

PARCEL IS LOCATED ON A NON-PRINTED PANEL NO. 36029C0212H DATED 6/7/2019 "AREA OF MINIMAL FLOOD HAZARD"

TITLE POLICY:

TITLE POLICY PROVIDED BY ALL NEW YORK TITLE AGENCY, INC. COMMITMENT NO. AN2017-3019C WITH EFFECTIVE DATE 8/20/2019. THE PROPERTY DESCRIBED HEREON IS THE SAME AS THE PROPERTY DESCRIBED IN THE ABOVE STATED POLICY. ALL EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT OR APPARENT FROM A PHYSICAL INSPECTION OF THE SITE OR OTHERWISE NOTED TO THE SURVEYOR HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE SUBJECT PROPERTY.

SCHEDULE B NOTES:

ITEM 20: PARCEL SUBJECT TO LEASE AGREEMENT MADE BY AND BETWEEN MOHAMED KHALIL AND AND T-MOBILE NORTHEAST LLC, AS EVIDENCED BY MEMORANDUM OF LEASE DATED NOVEMBER 2, 2017 AND RECORDED JANUARY 17, 2018 IN CONTROL NO. 2018011165 (NOT PLATTED).

ZONING:

ZONED D-C FLEX COMMERCIAL

BUILDING SETBACKS: ZERO FEET REQUIRED ON ALL SIDES
PARKING REQUIREMENT: ZERO, HOWEVER 60 SPACES ARE PROVIDED, 4 ARE HANDICAP SPACES

NOTES:

1) PROPERTY HAS ACCESS TO LANSDALE PLACE AND DOAT STREET, EACH A PUBLICLY DEDICATED STREET

UTILITY NOTES:

VERIZON DIG SAFELY RESPONSE:
The extent of work described in the request noted above has been compared with our facility records. Verizon has determined that the proposed location and extent of work you have identified does not conflict with our underground facilities. If you have questions or have additional information about your facility's underground facilities are in the excavation area, do not hesitate to contact our National Facility Locate Call Center at 800-462-1105.

SURVEY CONTROL

VERTICAL DATUM = NAVD83
HORIZONTAL DATUM = NAD83

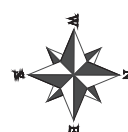
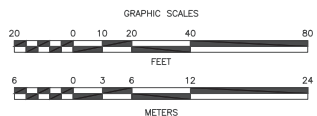
Point	Northing	Easting	Elevation	Description
1	1058900.8748	1084887.1020	648.10	REBAR & CAP
2	1058871.9706	1085017.1803	647.18	MAGNUL
3	1058871.9706	1084850.0779	647.60	MAGNUL
4	1058744.3609	1084803.3916	643.91	MAGNUL
5	1058987.3297	1084899.4605	642.68	MAGNUL

Point	Northing	Easting	Elevation	Description
2010	1059923.3067	1084818.3369	647.11	CHW/WMY COVER
2011	1059923.3065	1084818.2804	646.84	CHW/WMY TOP PVC
2012	1057161.4045	1084815.5444	643.45	CHW/WMY TOP PVC
2013	1057161.4122	1084815.5800	643.65	CHW/WMY COVER
2014	1058910.0709	1084803.3830	643.69	CHW/WMY TOP PVC
2015	1058910.0611	1084803.5580	643.02	CHW/WMY COVER
2016	1058910.0611	1084803.5580	643.02	CHW/WMY TOP PVC
2017	1058910.0611	1084803.5580	643.02	CHW/WMY COVER
2018	1058910.0611	1084803.5580	643.02	CHW/WMY TOP PVC
2019	1058910.0611	1084803.5580	643.02	CHW/WMY COVER
2020	1058910.0611	1084803.5580	643.02	CHW/WMY TOP PVC
2021	1058910.0611	1084803.5580	643.02	CHW/WMY COVER
2022	1058910.0611	1084803.5580	643.02	CHW/WMY TOP PVC

WARNING: ALTERING THIS DOCUMENT IS IN VIOLATION OF THE LAW EXCEPTING AS PROVIDED IN SECTION 7209, PART 2 OF THE NEW YORK STATE EDUCATION LAW.

ALL UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE, BEFORE YOU DIG, DRILL, OR BLAST, CALL DIG SAFELY NEW YORK AT 1-800-962-7862

RUSTIC (49.5' WIDE) PLACE



LEGEND

CLF	CHW/WMY FENCE
FWF	POST AND RAIL FENCE
GP	POSTS/BOLLARDS
GL	GAS LINE
GAS	GAS METER
GV	GAS VALVE
DV	DRAINAGE PILE
DR	DRAIN
SD	STORM SEWER LINE
SMH	SANITARY MANHOLE
SCD	SEWER CLEANOUT
SA	SANITARY SEWER LINE
HW	HYDRA ELEVATION
EW	ELECTRIC VALVE
UP	UTILITY POLE
UPL	UTILITY POLE W/ LIGHT
OW	OVERHEAD WIRE
UE	UNDERGROUND ELECTRIC
WV	WATER VALVE
HYD	HYDRANT
CONC	CONCRETE
TC	TOP OF CURB
SW	SEWAL
EP	EDGE OF PAVEMENT
FF	FINISHED FLOOR
DAM	DEED AND MEASURED
CP	PRIMARY CONTROL POINT
BM	BENCHMARK
MW	MONITORING WELL

DOAT STREET

(66' WIDE) (PUBLIC ROAD)

NO. 19 DOAT STREET
PARCEL 9
L11172, P1655
SBL 101.56-9-21

NO. 19 DOAT STREET
PARCEL 8
L11172, P1655
SBL 101.56-8-21

NO. 19 DOAT STREET
PARCEL 7
L11172, P1655
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NO. 19 DOAT STREET
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PARCEL -84
L11172, P1655
SBL 101.56--84-21

NO. 19 DOAT STREET
PARCEL -85
L11172, P1655
SBL 101.56--85-21

NO. 19 DOAT STREET
PARCEL -86
L11172, P1655
SBL 101.56--86-21

NO. 19 DOAT STREET
PARCEL -87
L11172, P1655
SBL 101.56--87-21

NO. 19 DOAT STREET
PARCEL -88
L11172, P1655
SBL 101.56--88-21

NO. 19 DOAT STREET
PARCEL -89
L11172, P1655
SBL 101.56--89-21

NO. 19 DOAT STREET
PARCEL -90
L11172, P1655
SBL 101.56--90-21

NO. 19 DOAT STREET
PARCEL -91
L11172, P1655
SBL 101.56--91-21

NO. 19 DOAT STREET
PARCEL -92
L11172, P1655
SBL 101.56--92-21

NO. 19 DOAT STREET
PARCEL -93
L11172, P16

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

The Crossroads at Genesee, Site ID No. C915338
19 Doat Street and 9 Landsdale Place, Buffalo, New York, 14211
City of Buffalo, Erie County,
Tax Map Identification Numbers
SBL: 101.55-5-21 (19 Doat Street)
SBL: 101.56-9-8 (9 Landsdale Place)

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 The Crossroads at Genesee LLC for a parcel approximately 1.907 acres located at 19 Doat Street and 9 Landsdale Place 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.

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 Avenue, Buffalo, NY 14209, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C915338/>.

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

The Crossroads at Genesee 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 acknowledgement

Please record and return to:
The Crossroads at Genesee LLC
Larry Regan
1055 Saw Mill River Road #204
Ardsley, New York 10502