

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
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December 27, 2022

SAA EVI MC SENIOR, LLC
David Alexander (DALEXANDER@SAAEVI.COM)
150 SE 2nd Avenue
Suite 300
Miami, FL 33131

PILGRIM VILLAGE SENIOR HOUSING
DEVELOPMENT FUND COMPANY, INC.
J. Mascaro (JMASCARO@ECAMERICA.ORG)
1408 Sweet Home Road, #8
Amherst, NY 14228

Re: Certificate of Completion
Former Pilgrim Village Senior Apartments
Buffalo (C), Erie County
#C915363

Dear David Alexander and J. Mascaro:

Congratulations on having satisfactorily completed the remedial program at the Former Pilgrim Village Senior Apartments 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. Please return the hard copy of the proof of recording to:
Benjamin McPherson
New York State Department of Environmental Conservation
Division of Environmental Remediation
700 Delaware Avenue
Buffalo, NY 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, please do not hesitate to contact Benjamin McPherson, the Department's project manager, at benjamin.mcpherson@dec.ny.gov or 716-851-7220.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

David Alexander – Applicant (DALEXANDER@SAAEVI.COM)
J. Mascaro – Owner (JMASCARO@ECAMERICA.ORG)
Christine Vooris – NYSDOH Christine.Vooris@health.ny.gov
Charlotte Bethoney – NYSDOH Charlotte.Bethoney@health.ny.gov
Angela Martin – NYSDOH Angela.Martin@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov
Jason Brydges – BE3 (jbrydges@be3corp.com)
Deborah Chadsey, Esq. – Kavinoky Cook
(DCHADSEY@KAVINOKYCOOK.COM)

ec w/o enc.:

Michael Cruden – NYSDEC
Andrea Caprio – NYSDEC
Benjamin McPherson – NYSDEC

Karen Draves, Esq. – NYSDEC
Michael Murphey, Esq. – NYSDEC
Kelly Lewandowski – NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
SAA EVI MC SENIOR, LLC	150 SE 2nd Avenue, Suite 300, Miami, FL 33131

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 9/25/20 **Agreement Execution:** 11/2/20
Agreement Index No.: C915363-09-20
Application Amendment Approval: 8/5/21 **Agreement Amendment Execution:** 8/5/21
Application Amendment Approval: 12/12/22 **Agreement Amendment Execution:** 12/12/22

SITE INFORMATION:

Site No.: C915363 **Site Name:** Former Pilgrim Village Senior Apartments
Site Owner: SAA EVI MC SENIOR, LLC
Pilgrim Village Senior Housing Development Fund Company, Inc.
Street Address: 951 Ellicott Street
Municipality: Buffalo **County:** Erie **DEC Region:** 9
Site Size: 1.860 Acres
Tax Map Identification Number(s): 100.71-3-1.11 (p/o)
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: Andrew Guglielmi Date: 12/27/2022

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A

Site Description

PILGRIM VILLAGE SUB LOT II

Job No. 8141

May 24, 2021

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie, State of New York being part of Lot 30, Township 11, Range 8 of the Holland Land Company's Survey, bounded and described as follows;

COMMENCING at the intersection of the south line of Best Street (66.0 feet wide) with the west line of Michigan Avenue (66.0 feet wide):

THENCE: N 88°52'04" W, along the south line of Best Street a distance of 321.50 feet to the POINT OF BEGINNING;

THENCE: S 01°05'43" W, parallel with the west line of Michigan Avenue, a distance of 349.83 feet to a point;

THENCE: N 88°52'04" W, parallel with the south line of Best Street, a distance of 223.82 feet to a point on the southeast line of sub lot 1 as shown on a entitled "Campus Square Subdivision" filed in the Erie County Clerk's Office under map cover 3665;

THENCE: N 12°37'24" E, along said southeast line of said sub lot 1 a distance of 78.41 feet to the northeast corner of said sub lot 1;

THENCE: N 77°08'14" W, along the north line of said sub lot 1, a distance of 29.17 feet to a point;

THENCE: N 01°05'43" E, parallel with the west line of Michigan Avenue, a distance of 267.05 feet to the southerly line of Best Street;

THENCE: S 88°52'04" E, along the southerly line of Best Street, a distance of 236.71 feet to the POINT OR PLACE OF BEGINNING, containing 1.86 acres more or less.

Exhibit B

Site Survey

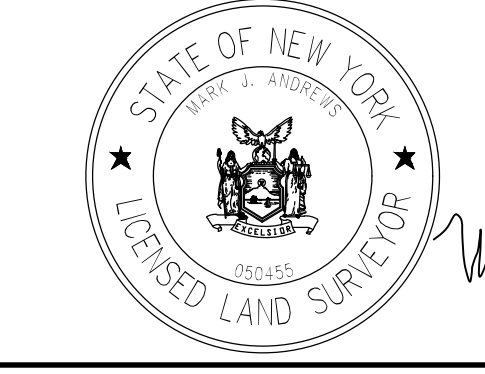
NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN INSPECTION OF TITLE
 SET OR EX. 5/8" REBAR

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 209A, PARAGRAPH 2 OF THE NEW YORK STATE EDUCATION LAW.



DATE	REVISION/TYPE
8/31/20	REVISED LOT SIZES

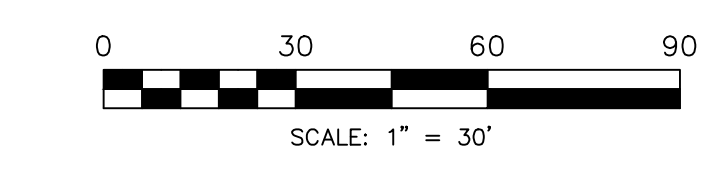
UTILITIES
 THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING RECORD DRAWINGS PROVIDED TO THE SURVEYOR. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE COURSE 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.



NORTH EAST (49.5' WIDE) STREET
 TOTAL SUBDIVISION LOT AREA = 11.31± ACRES

NOTES
 1. VERTICAL CONTROL BASED UPON CITY OF BUFFALO DATUM
 2. HORIZONTAL CONTROL OPS DERIVED NAD '83 (2011), NY WEST ZONE
 TRUE NORTH 78°35' MERIDIAN OF WEST LONGITUDE

- LEGEND
- ▲ ANTENNA/DISH
 - BENCHMARK
 - BOLLARD
 - CATCH BASIN
 - CLEANOUT
 - COMMUNICATIONS BOX
 - COMMUNICATIONS MANHOLE
 - COMMUNICATIONS MARKER
 - COMMUNICATIONS VAULT
 - CONFEROUS SHRUB
 - CONFEROUS TREE
 - DEODIOUS SHRUB
 - DEODIOUS 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
 - GAS VALVE
 - GUY WIRE
 - HANDICAP PARKING
 - HYDRANT
 - PROPERTY MONUMENT (AS DESCRIBED)
 - LIGHT POLE
 - MAILBOX
 - MONUMENT AS DESCRIBED
 - OIL LINE MARKER
 - PHONE BOOTH
 - PARKING METER
 - POST
 - 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



PRELIMINARY PLAT
 PART OF LOT 30, TOWNSHIP 11, RANGE 8
 HOLLAND LAND SURVEY
 CITY OF BUFFALO, ERIE COUNTY, NEW YORK

GPI ENGINEERING, SURVEYING & LANDSCAPING, LLP
 4800 DENVER STREET, SUITE 100
 BUFFALO, NEW YORK 14203
 (716) 633-6844 FAX 633-6940

Job No. 8260 Date: JUNE 1, 2020
 Scale: 1" = 30' TAX No. 100.71-3-1.11 & 1.12

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

Former Pilgrim Village Senior Apartments, Site ID No. C915363
951 Ellicott Street, Buffalo, NY 14209
City of Buffalo, Erie County, Tax Map Identification Numbers: p/o 100.71-3-1.11

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 SAA EVI MC Senior, LLC for a parcel approximately 1.86 acres located at 951 Ellicott Street in 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/C915363/>.

Former Pilgrim Village Senior Apartments, C915363
951 Ellicott Street, Buffalo, NY 14209

WHEREFORE, the undersigned has signed this Notice of Certificate

SAA EVI MC SENIOR, 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

Former Pilgrim Village Senior Apartments, C915363
951 Ellicott Street, Buffalo, NY 14209

WHEREFORE, the undersigned has signed this Notice of Certificate

Pilgrim Village Senior Housing Development Fund
Company, Inc.

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:
SAA EVI MC SENIOR, LLC
DAVID ALEXANDER
150 SE 2ND AVENUE, SUITE 300
MIAMI, FL 33131