



# BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

## PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

Check the appropriate box below based on the nature of the amendment modification requested:

Amendment to [check one or more boxes below]

- Add
- Substitute
- Remove
- Change in Name

applicant(s) to the existing Brownfield Cleanup Agreement [*Complete Section I-IV below and Part II*]

Does this proposed amendment involve a transfer of title to all or part of the brownfield site?  Yes  No

If yes, pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been previously submitted. If not, please submit this form with this Amendment. See <http://www.dec.ny.gov/chemical/76250.html>

- Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Sections I and V below and Part II*]
- Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Section I and V below and Part II*]
- Sites in Bronx, Kings, New York, Queens, or Richmond counties ONLY:** Amendment to request determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Please answer questions on the supplement at the end of the form.
- Other (explain in detail below)

Please provide a brief narrative on the nature of the amendment:

This Brownfield Cleanup Program (BCP) Application to Amend Brownfield Cleanup Agreement and Amendment reduces the property boundary of the property listed in the existing Brownfield Cleanup Agreement. The property boundary of the original BCP site was 12.37 acres in size, and the site will be reduced in size by .77 acres. Attachment A contains the revised metes and bounds description of the reduced property boundary of the site, and Attachment B contains a survey showing the now revised property boundary with the aforementioned acreage so removed. This amendment modification request is also provided to confirm that as of June 2017, the BCP Parcel is part of new Tax parcel/SBL No. 141.11-1-48.1. The original Brownfield Cleanup Agreement listed the BCP site as being part of the historical tax parcel/SBL No. 141.11-1-1.111. In November 2012 that historical parcel was merged into other tax parcels. The BCP Parcel was then identified as being part of two tax parcels, such parcels being SBL no. 141.11-1-48 (11.33 acres) and 141.11-1-50 (942.73 acres). In June, 2017, the two aforementioned tax parcels were merged, in their entirety, to form a new combined tax parcel identified as 141.11-1-48.1, as explained in the correspondence on Attachment C.

**\*Please refer to the attached instructions for guidance on filling out this application\***

**Section I. Existing Application Information**

BCP SITE NAME: Site I-11 Tecumseh Phase I Business Park

BCP SITE NUMBER: C915197K

NAME OF CURRENT APPLICANT(S): Tecumseh Redevelopment Inc., Buffalo and Erie County Industrial Land Development Corporation

INDEX NUMBER OF EXISTING AGREEMENT: B9-0696-05-06(A) DATE OF EXISTING AGREEMENT: 12/12/05  
Amended 11/10/17**Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)**

NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Is the requestor authorized to conduct business in New York State (NYS)?

Yes

No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.

NAME OF NEW REQUESTOR'S REPRESENTATIVE

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached?

Yes

No

Describe Requestor's Relationship to Existing Applicant:

**Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight new information)**

OWNER'S NAME (if different from requestor)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

**Section IV. Eligibility Information for New Requestor (Please refer to ECL § 27-1407 for more detail)**

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site?  Yes  No
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site?  Yes  No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site?  Yes  No  
Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the subject law; ii) any order or determination; iii) any regulation implementing ECL Article 27 Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment.  Yes  No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, Department assigned site number, the reason for denial, and other relevant information.  Yes  No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?  Yes  No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state?  Yes  No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department?  Yes  No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?  Yes  No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?  Yes  No
11. Are there any unregistered bulk storage tanks on-site which require registration?  Yes  No

THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL §27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.

VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

**If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.**

Requestor's Relationship to Property (check one):

Prior Owner  Current Owner  Potential /Future Purchaser  Other \_\_\_\_\_

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached?  Yes  No

**Note: a purchase contract does not suffice as proof of access.**

**Section V. Property description and description of changes/additions/reductions (if applicable)**

ADDRESS 1951 Hamburg Turnpike

CITY/TOWN Lackawanna

ZIP CODE 14218

TAX BLOCK AND LOT (TBL) (in existing agreement )

Part of 141.11-1-1.111 (now known as 141.11-1-48.1)

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
A portion of 1951 Hamburg Turnpike, Lackawanna, NY	1-11	141.11	1	1.111	12.37

Check appropriate boxes below:



Changes to metes and bounds description or TBL correction

\*Change to metes and bounds and change to TBL



Addition of property (may require additional citizen participation depending on the nature of the expansion – see attached instructions)

Approximate acreage added: 0

ADDITIONAL PARCELS:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage



Reduction of property

Approximate acreage removed: .77

PARCELS REMOVED:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
A portion of 1951 Hamburg Turnpike, Lackawanna, NY	I-11	141.11	1	48.1	.77

If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.

- \* Attachment A contains a revised metes and bounds description.
- \*\* Attachment B contains a survey of the revised boundary of the site.
- \*\*\* Attachment C contains a history of the tax parcel/section/block/lot information.

**Supplement to the Application To Amend Brownfield Cleanup Agreement And Amendment - Questions for Sites Seeking Tangible Property Credits in New York City ONLY.**

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see <a href="#">DEC's website</a> for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>From ECL 27-1405(31):</b>	
"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.	
3. Is the project an affordable housing project as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
From 6 NYCRR 375- 3.2(a) as of August 12, 2016:	
(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.	
(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income.	
(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.	
(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.	

**PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT**

<b>Existing Agreement Information</b>	
BCP SITE NAME: Site 1-11 Tecumseh Phase I Business Park	BCP SITE NUMBER: C915197K
NAME OF CURRENT APPLICANT(S): Tecumseh Redevelopment Inc., Buffalo and Erie County Industrial Land Development Corporation	
INDEX NUMBER OF EXISTING AGREEMENT: B9-0696-05-06(A)	
EFFECTIVE DATE OF EXISTING AGREEMENT: 12/12/2005, amended as of 11/10/17	

Declaration of Amendment:

By the Requestor(s) and/or Applicant(s) signatures below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

<b>Statement of Certification and Signatures: New Requestor(s) (if applicable)</b>
(Individual)  I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.  Date: _____ Signature: _____  Print Name: _____
(Entity)  I hereby affirm that I am (title _____) of (entity _____); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.  Date: _____ Signature: _____  Print Name: _____

**Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)**

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

(Entity)

I hereby affirm that I am Executive Vice President (title) of Buffalo and Erie County Industrial Land Development Corporation (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My \_\_\_\_\_ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 12/6/17 Signature: John Cappellino

Print Name: John Cappellino

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

<input type="checkbox"/> <b>PARTICIPANT</b> A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.	<input checked="" type="checkbox"/> <b>VOLUNTEER</b> A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.
---	--

Effective Date of the Original Agreement: 12/12/05

Signature by the Department:

DATED: 12/13/17

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By: [Signature]  
Robert W. Schick, P.E., Director  
Division of Environmental Remediation



**Statement of Certification and Signatures Existing Applicant(s) (an authorized representative of each applicant must sign)**

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

(Entity)

I hereby affirm that I am <sup>VP Environmental Affairs & Real Estate</sup> \_\_\_\_\_ (title) of <sup>Tecumseh Redevelopment Inc.</sup> \_\_\_\_\_ (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My \_\_\_\_\_ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 12/6/17 Signature: *Keith Nagel*

Print Name: Keith Nagel

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

**PARTICIPANT**  
A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.

**VOLUNTEER**  
A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.

**Effective Date of the Original Agreement:**

**Signature by the Department:**

DATED:

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By:

\_\_\_\_\_  
Robert W. Schick, P.E., Director  
Division of Environmental Remediation

**SUBMITTAL INFORMATION:**

- **Two (2)** copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) must be sent to:

Chief, Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7020

---

**FOR DEPARTMENT USE ONLY**

**BCP SITE T&A CODE:** \_\_\_\_\_ **LEAD OFFICE:** \_\_\_\_\_

**PROJECT MANAGER:** \_\_\_\_\_

**BROWNFIELD CLEANUP PROGRAM (BCP)**

**INSTRUCTIONS FOR COMPLETING A BCP AMENDMENT APPLICATION**

This form must be used to add a party, modify a property description, or reduce/expand property boundaries for an existing BCP Agreement and/or Application. **NOTE: DEC requires a standard application to request major changes to the description of the property set forth in the BCA (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). The application must be submitted to DEC in the same manner as the original application to participate.**

**SECTION II NEW REQUESTOR INFORMATION**

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.

If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.

Requestor Address, etc.

Provide the requestor's mailing address, telephone number; fax number and e-mail address.

Representative Name, Address, etc.

Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative unless another contact name and address is provided with the application.

Consultant Name, Address, etc.

Provide information for the requestor's consultant.

Attorney Name, Address, etc.

Provide information for the requestor's attorney.

**SECTION III CURRENT PROPERTY OWNER/OPERATOR INFORMATION - only include if new owner/operator or new existing owner/operator information is provided, and highlight new information in form.**

Owner Name, Address, etc.

Provide information for the new owner of the property. List all new parties holding an interest in the property.

Operator Name, Address, etc.

Provide information for the new operator (if different from the new requestor or owner).

**SECTION IV****NEW REQUESTOR ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

**SECTION V PROPERTY DESCRIPTION AND DESCRIPTION OF CHANGES / ADDITIONS / REDUCTIONS (IF APPLICABLE)**

NOTE: DEC requires a standard application to request major changes to the description of the property set forth in the BCA (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). The application must be submitted to DEC in the same manner as the original application to participate.

Property Address

Provide a street address, city/town, and zip code. For properties with multiple addresses, provide information for all.

Tax Parcel Information

Provide the tax parcel/section/block/lot information. If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, and/or acceptable site map to this application. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears.

ATTACHMENT A

Metes and Bounds Description

ALL THAT TRACT OF PARCEL OF LAND, SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOT 25 OF THE OGDEN GORE TRACT AND PART OF LOT 36 OF THE BUFFALO CREEK RESERVATION, BEING BCP SITE NUMBER C915197K, AS SHOWN ON A MAP OF "LAND TO BE CONVEYED TO BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION", PREPARED BY WENDEL, MAY 2017, PROJECT No. 411110 (BEING PART OF WENDEL'S PROJECT No. 411107), BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY HIGHWAY BOUNDARY OF HAMBURG TURNPIKE (ALSO KNOWN AS STATE ROUTE NUMBER5) AND THE SOUTHERLY LINE OF LANDS CONVEYED TO GATEWAY TRADE CENTER, INC. BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10886 OF DEEDS AT PAGE 1115;

THENCE ALONG THE SOUTHERLY LINE OF SAID LANDS CONVEYED TO GATEWAY TRADE CENTER, INC., S 71°-12'-22" W, A DISTANCE OF 49.95 FEET TO THE POINT OF BEGINNING, ALSO BEING THE NORTHWEST CORNER OF THE BIKE PATH PARCEL.

THENCE ALONG THE WESTERLY LINE OF SAID BIKE PATH PARCEL, S 19°-21'-42" E, A DISTANCE OF 276.67 FEET TO AN ANGLE POINT IN SAID LINE;

THENCE CONTINUING ALONG THE WESTERLY LINE OF THE SAID BIKE PATH PARCEL, S 16°-10'-22" E, A DISTANCE OF 298.51 FEET TO A POINT ON THE NORTH LINE OF BUSINESS PARK PHASE I, BCP SITE NUMBER C915197H;

THENCE ALONG THE NORTHERLY LINE OF BCP SITE NUMBERS C915197H, C915197J, AND C915218, S 71°-00'-00" W, A DISTANCE OF 1299.27 FEET TO A POINT ON THE EASTERLY LINE OF SAID LANDS CONVEYED TO GATEWAY TRADE CENTER, INC. BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10886 OF DEEDS AT PAGE 1064;

THENCE ALONG THE EASTERLY AND SOUTHERLY LINE OF SAID LANDS CONVEYED TO GATEWAY TRADE CENTER, INC. THE FOLLOWING 2 COURSES AND DISTANCES:

1. N 18°-29'-44" W, A DISTANCE OF 199.75 FEET TO A POINT;

2. N 71°-42'-08" E, A DISTANCE OF 519.24 FEET TO THE SOUTHWEST CORNER OF LANDS CONVEYED TO GATEWAY TRADE CENTER, INC. BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10886 OF DEEDS AT PAGE 1115;

THENCE ALONG THE EASTERLY AND SOUTHERLY LINE OF LANDS CONVEYED TO GATEWAY TRADE CENTER, INC. BY SAID DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10886 OF DEEDS AT PAGE 1115 THE FOLLOWING 5 COURSES AND DISTANCES:

1. N 71°-42'-08" E, A DISTANCE OF 50.00 FEET TO A POINT;

2. N 18°-22'-31" W, A DISTANCE OF 314.71 FEET TO A POINT;

3. N 71°-12'-22" E, A DISTANCE OF 386.47 FEET TO A POINT;

4. N 18°-17'-53" W, A DISTANCE OF 70.00 FEET TO A POINT;

5. N 71°-12'-22" E, A DISTANCE OF 350.05 FEET TO THE POINT OF BEGINNING, CONTAINING 11.59 ACRES OF LAND, MORE OR LESS.

ATTACHMENT B

SURVEY





ATTACHMENT C

Revised SBL Number

REVISED SBL NUMBER  
Hamburg Turnpike

ATTACHMENT C-1

Tax map showing former tax parcels 141.11-1-50 and 141.11-1-48

ATTACHMENT C-2

Email correspondence dated June 12, 2017 from City of Lackawanna Assessor Frank Krakowski confirming that a portion of SBL Nos. 141.11-1-50 and 141.11-1-48 have been combined

ATTACHMENT C-3

Assessment Summary from City of Lackawanna showing creation of new tax parcel SBL No. 141.11-1-48.1

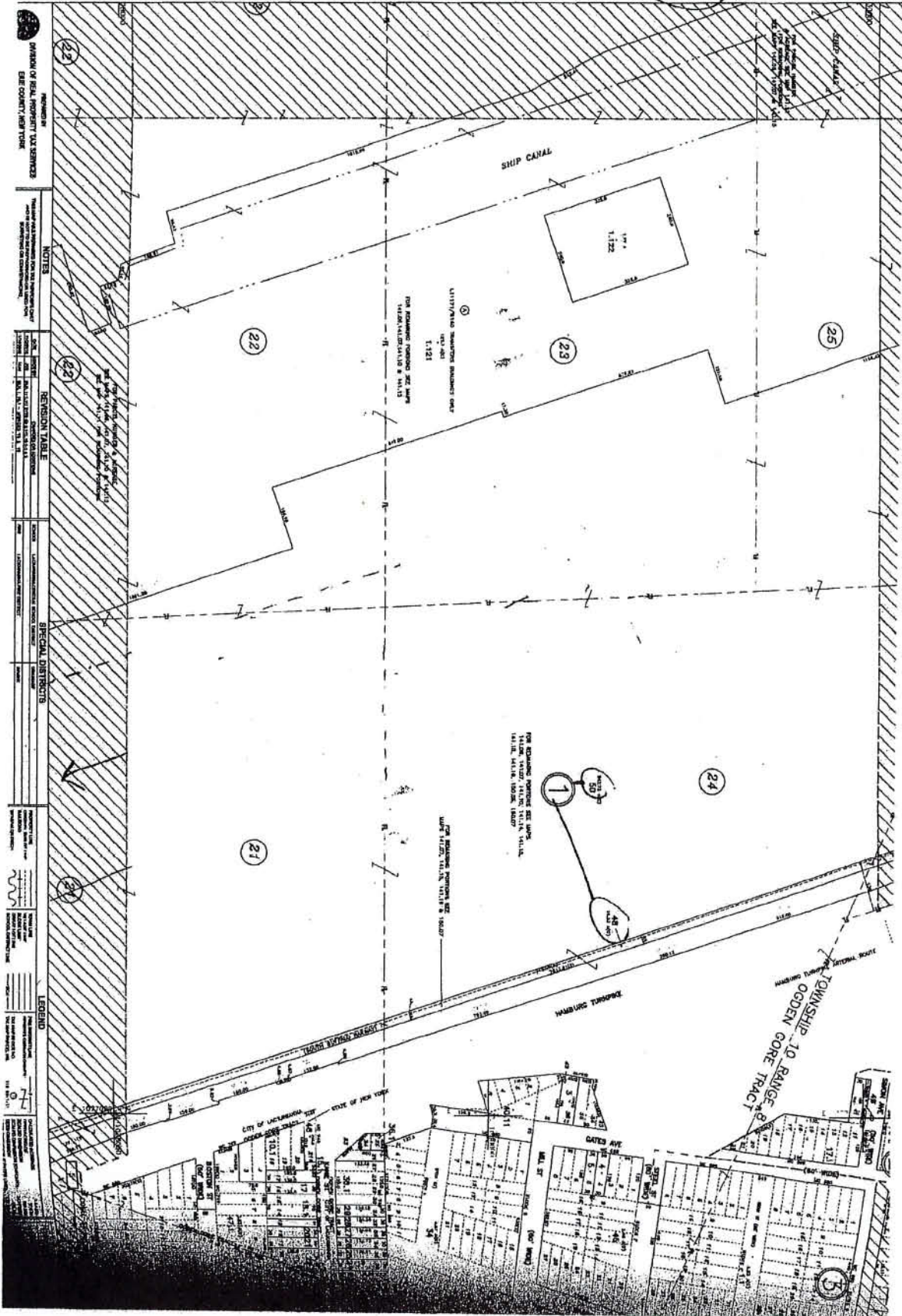
ATTACHMENT C-4

Correspondence dated July 11, 2017 from City of Lackawanna Director of Development identifying the property being sold to Buffalo and Erie County Industrial Land Development Corporation as part of SBL 141.11-1-48.1.

\*\* A tax map showing the tax parcel does not exist at this point in time.

MAR  
11.11

ATTACHMENT C-1



**Melanie C. Marotto**

---

**From:** Nisengard, Michael <mnisengard@hselaw.com>  
**Sent:** Tuesday, July 11, 2017 3:32 PM  
**To:** Melanie C. Marotto  
**Subject:** FW: Combination Request: SBL Nos. 141.11-1-50 and 141.11-1-48 [HSELAW-WORKSITE.FID666962]  
**Attachments:** Hamburg Tpk.pdf



**Michael L. Nisengard**, Senior Associate  
**Harter Secrest & Emery LLP**, Attorneys and Counselors  
50 Fountain Plaza, Suite 1000, Buffalo, NY 14202-2293  
Firm 716.853.1616 Direct 716.844.3715 Fax 716.853.1617  
[MNisengard@hselaw.com](mailto:MNisengard@hselaw.com) [vCard](#) [Bio](#)  
[www.hselaw.com](http://www.hselaw.com)

This e-mail message is from a law firm and may contain information that is privileged or confidential. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this electronic mail transmission in error, do not read it. Please delete it from your system without copying it, and notify the sender by reply e-mail at [MNisengard@hselaw.com](mailto:MNisengard@hselaw.com) or by calling 716.844.3715, so that our address record can be corrected.

---

**From:** cityassessor [<mailto:cityassessor@lackny.com>]  
**Sent:** Monday, June 12, 2017 11:04 AM  
**To:** Scholand, Gregory P.  
**Subject:** RE: Combination Request: SBL Nos. 141.11-1-50 and 141.11-1-48 [HSELAW-WORKSITE.FID666962]

See attached parcels have been combined.

*Frank E. Krakowski*

Assessor , City of Lackawanna  
714 Ridge Road Room 213  
Lackawanna, New York 14218  
Phone: 716-827-6451  
Fax: 716-827-6434

[cityassessor@lackny.com](mailto:cityassessor@lackny.com)

---

**From:** Scholand, Gregory P. [<mailto:gscholand@hselaw.com>]

**Sent:** Thursday, June 8, 2017 10:02 AM

**To:** cityassessor <[cityassessor@lackny.com](mailto:cityassessor@lackny.com)>

**Subject:** RE: Combination Request: SBL Nos. 141.11-1-50 and 141.11-1-48 [HSELAW-WORKSITE.FID666962]

Thanks very much Frank. Please let me know when the combination is complete so that I can inform Tecumseh.

Best,  
Greg



**Gregory P. Scholand, Associate**  
**Harter Secrest & Emery LLP, Attorneys and Counselors**  
50 Fountain Plaza, Suite 1000, Buffalo, NY 14202-2293  
Firm 716.853.1616 Direct 716.844.3714 Fax 716.853.1617  
[GScholand@hselaw.com](mailto:GScholand@hselaw.com) [vCard](#) [Bio](#)  
[www.hselaw.com](http://www.hselaw.com)

---

**From:** cityassessor [<mailto:cityassessor@lackny.com>]  
**Sent:** Thursday, June 08, 2017 9:58 AM  
**To:** Scholand, Gregory P.  
**Subject:** RE: Combination Request: SBL Nos. 141.11-1-50 and 141.11-1-48 [HSELAW-WORKSITE.FID666962]

New SBL# will be 141.11-1-48.1

*Frank E. Krakowski*

Assessor, City of Lackawanna  
714 Ridge Road Room 213  
Lackawanna, New York 14218  
Phone: 716-827-6451  
Fax: 716-827-6434

[cityassessor@lackny.com](mailto:cityassessor@lackny.com)

---

**From:** Scholand, Gregory P. [<mailto:gscholand@hselaw.com>]  
**Sent:** Wednesday, May 31, 2017 1:34 PM  
**To:** [cityassessor@lackny.com](mailto:cityassessor@lackny.com)  
**Subject:** Combination Request: SBL Nos. 141.11-1-50 and 141.11-1-48 [HSELAW-WORKSITE.FID666962]

Dear Mr. Krakowski,

As you and I discussed on the phone last week, our firm represents Tecumseh Redevelopment Inc. ("Tecumseh"), landowner in the Bethlehem Redevelopment Area of Lackawanna. On behalf of Tecumseh, I am writing to request the Combination of two parcels:

**141.11-1-50** - 2303 Hamburg Turnpike, City of Lackawanna (+/-942.7 acres)  
**141.11-1-48** - [0] Hamburg Turnpike, City of Lackawanna (+/-11.3 acres)

These two parcels are contiguous, and Tecumseh Redevelopment Inc. is the record owner of both.

Please don't hesitate to contact me if you need any further information with respect to this Combination request. Otherwise, please notify me when the Combination is complete.

Thank you for your assistance and courtesies in this matter.

Regards,  
Greg



**Gregory P. Scholand**, Associate  
**Harter Secrest & Emery LLP**, Attorneys and Counselors  
50 Fountain Plaza, Suite 1000, Buffalo, NY 14202-2293  
Firm 716.853.1616 Direct 716.844.3714 Fax 716.853.1617  
[GScholand@hselaw.com](mailto:GScholand@hselaw.com) [vCard](#) [Bio](#)  
[www.hselaw.com](http://www.hselaw.com)

NYS- Real Property System  
 County of Erie county  
 City of Lackawanna  
 SWIS Code - 140900

Assessment Summary  
 For Current Year File 2018  
 Parcel ID: 141.11-1-48.1  
 Reactivated

RPS030/V04/L001  
 Date: 6/12/2017  
 Sheet 1 of 1

**Parcel Information**  
 Curr Owner: Tecumseh Redevelopment Inc.  
 Location: 2303 Hamburg Tpke  
 Lackawanna, NY 14218

**Parcel Land Size**  
 Front: 0.00 Acres: 954.00 Irreg  
 Depth: 0.00 Sq Ft: 0  
 Grid Coordinates  
 East: 1074323 North: 1026859

**File Maintenance/Sales Info**  
 Created: 08/28/1990 Book:  
 Modified: 06/12/2017 11:00 AM  
 By: frank Page:  
 Folder: u\_assmt\_ar

Acct #: 61  
 School Cd: 140900 Lackawanna City I  
 Roll Sect: 1 Taxable RS/S:  
 Prop Class: 714 Lite Ind Manfr

**Property Description**  
 Owner Cd:  
 Cons School:  
 Ag District: 0  
 Easmt Cd:

**Assessment Data**  
 Alloc Factor: 0.0000  
 Land Com Yr/Cd:  
 Ag District Cd:  
 SSI: 0

Tax Code: N Non-Homeslead  
 Desc 1:  
 Desc 2:  
 Desc 3:  
 Desc Print Cd: D

**Assessment Data**  
 Curr Land AV: 8,703,940  
 Curr Total AV: 11,103,940  
 Reval Land: 10,026,200  
 Reval Total:  
 Disclos Total:

Orig Value Type:  
 Rev Value Type:  
 Residential Pct:  
 Uniform Pct:  
 Full Mkt Value: 14,000,681

Prior Land AV:  
 Prior Total AV:  
 Relevies:  
 School:  
 Village:

Relatives:  
 School:  
 Village:  
 Star Sch:

Taxable Values  
 County: 11,103,940  
 Muni: 11,103,940  
 School: 11,103,940  
 Village:  
 Star Sch:

AR Information  
 Equal Inc: 11,103,940  
 Equal Dec:  
 Phys Inc:  
 Phys Dec:  
 Split Merge: 3

**Name**  
 Street No./Prefix Dir/Street Name/Suffix/Post Dir  
 Tecumseh Redevelopment Inc.  
 3210 Watling St

**Attention To/In Care Of**  
 Unit Name Unit No. P.O. Box City  
 Tax Department: 8-229

**Current Owners**  
 Additional Address  
 St Zip Code Country Bar Cd Owner Type  
 East Chicago IN 46312-1716 Primary

**Building Permits**  
 Permit No. Permit date Permit Use  
 10799 01/09/2009 Demo Building 48 X 84 Brick Building  
 9340 01/07/2002 Food Transfer Station

**Pct Complete**  
 Activity Code  
 0 A Active  
 100 H Historical





**CITY OF LACKAWANNA  
DEPARTMENT OF DEVELOPMENT**

714 Ridge Road – Room 309  
Lackawanna, NY 14218  
Tel: (716) 827-6474 Fax: (716) 827-1866



July 11, 2017

RECEIVED

JUL 12 2017

John Cappellino, Director of Business Development  
Industrial Land Development Corporation  
C/O ECIDA  
95 Perry Street, Suite 403  
Buffalo, NY 14203

Dear Mr. Cappellino:

As Director of Development for the City of Lackawanna, I have reviewed the contents of the request for Preliminary Plat Approval to subdivide 2303 Hamburg Turnpike (SBL #141.11-1-48.1) into two parcels, so as to create a new approximately 150-acre parcel, which will be acquired by the Buffalo and Erie County Industrial Land Development Corporation (BILDC) from Tecumseh Redevelopment Inc (Grantor).

Based upon a review and in reliance on your letter of July 10<sup>th</sup>, 2016, and all attachments thereto, it is understood that:

1. The 150-acre parcel being created will be assembled in four or fewer separate phases to be completed in whole within 6 months, and that each deed conveying a portion of the 150-acres will ultimately be joined into the newly created 150-acre tract being acquired by the ILDC. Thus, there will never be more than two parcels created in the subdivision process we are reviewing at this time; and
2. There are no roads or right-of-ways being created a part of this approval. Access to the grantor parcel and the newly created parcel will initially be provided at the existent Ridge Road entrance to 2303 Hamburg Turnpike. Access across the newly created parcel to the Grantor's and grantors lands will be allowed through temporary licenses, until the already funded and approved Dona Street extension is completed consistent with local road standards. This approval creates no status to any existing pathway, or to any other roads or pathways, and in no way waives the requirements of all roads to meet the City Standards set forth in Lackawanna Code §§ 144-6 through 144-8; and
3. BILDC has represented that a GEIS will be conducted for the proposed redevelopment of the 150-acre parcel; and until such time as the GEIS process is complete, the potential internal roadways and utility corridors, easements, and parklands will be unknown; and

Drew Shapiro  
Department of Development

4. The applicants further represents due to the complex history of the past private use of land it cannot make accurate representation as to the existent location all utility lines and services and thus requests the details otherwise required by Lackawanna Code §144-4 (B)(1) not contained within the application, be waived, without prejudice or requirement that the requisite detail as to all improvements to be utilized going forward meet the requirements for Final Plat approval set forth in Lackawanna Code §144-6.

Based upon, and in reliance on your foregoing representations your Preliminary Plat Approval is deemed complete and approved, without waiver of any requirements to meet Final Plat Approval Requirements within six months after completion of the GEIS process, and without any waiver to comply with all applicable State Laws, and local codes and standards in the use and development of the properties.

Please do not hesitate to contact my office at 716-827-6421 with any other questions, concerns or assistance if needed.

Sincerely,



Drew Shapiro, Director of Development

Cc: Richard Stanton, Esq  
Robert Murray, Esq  
Antonio Savaglio, Esq