



Department of
Environmental
Conservation

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

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

1. Check the appropriate box(es) below based on the nature of the amendment modification requested:

☒ Amendment to modify the existing BCA: [check one or more boxes below]

- ☒ Add applicant(s)
- ☐ Substitute applicant(s)
- ☐ Remove applicant(s)
- ☐ Change in Name of applicant(s)

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☐ Amendment to reflect a transfer of title to all or part of the brownfield site

BUR. OF TECH. SUPPORT

1a. A copy of the recorded deed must be provided. Is this attached? ☐ Yes ☐ No

1b. ☐ Change in ownership ☐ Additional owner (such as a beneficial owner)

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)

2. Required: Please provide a brief narrative on the nature of the amendment:

The Brownfield Cleanup Program (BCP) Application to Amend Brownfield Cleanup Agreement and Amendment reduces the property boundary of the property that is the subject of the existing Brownfield Cleanup Agreement. The property boundary of the BCP site is currently 10.27+/- acres in size, and the site will be reduced in size by 1.91+/- acres. Attachment A contains the revised metes and bounds description of the reduced property boundary of the site. Attachment B contains a survey showing the now revised property boundary with the aforementioned acreage so removed.

This BCP Application to Amend Brownfield Cleanup Agreement and Amendment also adds BLD VII, LLC to the Brownfield Site Cleanup Agreement for this site.

This BCP Application to Amend Brownfield Cleanup Agreement and Amendment is also provided to confirm that this BCP Site C915198H is part of new tax parcel SBL 141.11-1-52.

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

Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment involves a non-insignificant change in acreage, applicants are encouraged to consult with the DEC project team prior to submitting this application.

Section I. Current Agreement Information		
BCP SITE NAME: Site II-8 Tecumseh Phase II Business Park BCP SITE NUMBER: C915198H		
NAME OF CURRENT APPLICANT(S): Tecumseh Redevelopment Inc., Buffalo and Erie County Industrial Land Development Corporation		
INDEX NUMBER OF AGREEMENT: B9-0696-05-06(B) DATE OF ORIGINAL AGREEMENT: 03/14/2007		
Section II. New Requestor Information (complete only if adding new requestor or name has changed)		
NAME BLD VII, LLC		
ADDRESS 100 Corporate Parkway, Suite 500		
CITY/TOWN Amherst, New York		ZIP CODE 14226
PHONE 716-834-5000	FAX 716-834-5034	E-MAIL MMontante@Uniland.com
1. Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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. See Attachment C		
NAME OF NEW REQUESTOR'S REPRESENTATIVE Michael Montante		
ADDRESS 100 Corporate Parkway, Suite 500		
CITY/TOWN Amherst, New York		ZIP CODE 14226
PHONE 716-834-5000	FAX 716-834-5034	E-MAIL MMontante@Uniland.com
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable) Tom Forbes, c/o Benchmark Civil/Environmental Engineering & Geology, PLLC		
ADDRESS 2558 Hamburg Turnpike, Suite 300		
CITY/TOWN Buffalo, New York		ZIP CODE 14218
PHONE 716-856-0599	FAX 716-856-0538	E-MAIL tforbes@benchmarkturnkey.com
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable) Susan Hassinger, Esq.		
ADDRESS 100 Corporate Parkway, Suite 500		
CITY/TOWN Amherst, New York		ZIP CODE
PHONE 716-834-5000	FAX 716-834-503	E-MAIL SHassinger@Uniland.com
2. 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? See Attachment D <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
3. Describe Requestor's Relationship to Existing Applicant: BLD VII, LLC has no relationship to Existing Applicants		

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Section III. Current Property Owner/Operator Information (only include if new owner/operator)
 Owner below is: ☐ Existing Applicant ☐ New Applicant ☐ Non-Applicant

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

Site Code: C915198H

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.

See Attachment E

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.

12. Requestor's Relationship to Property (check one):

☐ Prior Owner ☐ Current Owner ☒ Potential /Future Purchaser ☐ Other _____

13. 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

See Attachment F

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

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

1. Property information on current agreement:

ADDRESS **2303 Hamburg Turnpike**

CITY/TOWN Lackawanna

ZIP CODE 14218

TAX BLOCK AND LOT (SBL) **In existing agreement, part of SBL 141.11-1-48.1** TOTAL ACREAGE OF CURRENT SITE: **10.27**

Parcel Address	Section No.	Block No.	Lot No.	Acreage
A portion of 2303 Hamburg Turnpike, Lackawanna, NY	141.11	1	52	10.27

2. Check appropriate boxes below:

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

2a. PARCELS ADDED:

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

Total acreage to be added: _____

☒ Reduction of property

2b. PARCELS REMOVED:

Parcel Address	Section No.	Block No.	Lot No.	Acreage Removed by Parcel
A portion of 2303 Hamburg Turnpike, Lackawanna, NY	141.11	1	52	1.91

Total acreage to be removed: **1.91**☒ Change to SBL (e.g. merge, subdivision, address change)

2c. NEW SBL INFORMATION:

Parcel Address	Section No.	Block No.	Lot No.	Acreage
A portion of 2303 Hamburg Turnpike, Lackawanna, NY	141.11	1	52	10.27

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.

3. TOTAL REVISED SITE ACREAGE: 8.36

Attachment A contains the revised metes and bounds description of the reduced property boundary of the site.
Attachment B contains a survey of the now revised property boundary with the 1.91+/- acres so removed.

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
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website 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
<p>From ECL 27-1405(31):</p> <p>"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.</p>	
3. Is the project an affordable housing project as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>From 6 NYCRR 375- 3.2(a) as of August 12, 2016:</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	


PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: Site II-8 Tecumseh Phase II Business Park	BCP SITE NUMBER: C915198H
NAME OF CURRENT APPLICANT(S): Tecumseh Redevelopment Inc., Buffalo and Erie County Industrial Land Development Corporation	
INDEX NUMBER OF AGREEMENT: B9-0696-05-06(B)	
EFFECTIVE DATE OF ORIGINAL AGREEMENT: 03/14/2007	

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.

Signature of Applicant(s) and/or Authorized Signatures (Required)
<p>(Individual)</p> <p>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.</p> <p>Date: _____ Signature: _____</p> <p>Print Name: _____</p>
<p>(Entity)</p> <p>I hereby affirm that I am (title <u>Authorized Agent</u>) of (entity <u>BLD VII, LLC</u>); 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.</p> <p><u>My</u> signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: <u>August 20, 2021</u> Signature: </p> <p>Print Name: <u>Michael J. Montante</u></p>

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 President/CEO (title) of Buffalo and Erie County Industrial Land Development (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: 8/25/21 Signature: John Cappellino

Print Name: John Cappellino

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Please see the following page for submittal instructions.

NOTE: Applications submitted in fillable format will be rejected.

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: 03/14/2007

Signature by the Department:

DATED: 09/16/2021

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

Michael J. Ryan

Michael J. Ryan, P.E., Director
Division of Environmental Remediation

Site Code: C915198H

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 Director of Land and Remediation (title) of Tecumseh Redevelopment, Inc. (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: 8/25/21 Signature: Keith Nagel

Print Name: Keith A. Nagel

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

<input type="checkbox"/> 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.	<input checked="" type="checkbox"/> 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.
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Effective Date of the Original Agreement: 03/14/2007

Signature by the Department:

DATED: 09/16/2021

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

Michael J. Ryan
Michael J. Ryan, P.E., Director
Division of Environmental Remediation

HARRIS BEACH PLLC
ATTORNEYS AT LAW

726 EXCHANGE STREET, SUITE 1000
BUFFALO, NY 14210
(716) 200-5050

ROBERT G. MURRAY

DIRECT: (716) 200-5180
FAX: (716) 200-5224
BMURRAY@HARRISBEACH.COM

August 26, 2021

VIA FEDERAL EXPRESS

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

RE: Site II-8 Tecumseh Phase II Business Park
BCP Site Number C915198H
BCP Application to Amend Brownfield Cleanup Agreement and Amendment

Dear Sir or Madam:

Enclosed please find a Brownfield Cleanup Program ("BCP") Application to Amend Brownfield Cleanup Agreement and Amendment for Site II-8 Tecumseh Phase II Business Park, BCP Site No. C915198H (the "BCP Fifth Amendment Application").

This BCP Fifth Amendment Application is being submitted to modify the boundaries of the real property identified in the existing Brownfield Cleanup Agreement for Site No. C915198H by removing an approximate 1.91+/- acre portion of the real property from this Site (the "Divested Parcel"). The removal of the Divested Parcel is described within Section V of the BCP Fifth Amendment Application as attached hereto and a revised metes and bounds description depicting the requested change to the boundary of Site No. C915198H is attached therein.

The BCP Fifth Amendment Application is also being submitted to add BLD VII, LLC ("BLD") as a new "Requestor" to the BCP Site No. C915198H. BLD is a contract vendee with respect to BCP Site No. C915198H.

This BCP Fifth Amendment Application also serves to clarify that BCP Site No. C915198H is currently part of Tax parcel/SBL No. 141.11-1-52.

Please be advised that the Divested Parcel is being removed from the Existing BCA Agreement for Site II-8 for ultimate conveyance to the City of Lackawanna (the "City") to be used/dedicated as a public roadway. The Buffalo and Erie County Industrial Land Development Corporation (the "ILDC"), which is the current owner of the Divested Parcel, has obtained funding for construction of the roadway within and upon the Divested Parcel, and note some of that construction has already taken place and/or is in the process of taking place.

Recall that these changes are similar to, and are being proposed consistent with the protocols established by, the 2017 BCP Application Amendment for BCP Site C915197K, where

certain real property was removed from that site to create a bike path BCP Parcel, now known as the Bethlehem Shoreline Trail, BCP Site Number C915197L. As you know, the Bethlehem Shore Line Trail BCP Site has grown in size as certain real property from BCP Sites C915197H, C915197F, C915197D, C915197B, C915198K, and C915198H was removed and added to BCP Site C915197L in 2019.

Please also be advised that the Divested Parcel will ultimately be extended along and upon the ILDC lands owned within its Renaissance Commerce Park. The Divested Parcel constitutes a component portion of the contemplated roadways to be constructed within the Renaissance Commerce Park. The ILDC anticipates that future BCP application amendments to similarly amend other BCP sites within the Renaissance Commerce Park to remove a portion of the future roadways from such sites and to amend the BCA Agreements with respect to the removal of such roadway realty from such sites will be submitted to the New York State Department of Environmental Conservation ("DEC").

Concurrent with the request to accept this BCP Fifth Amendment Application we also request that the DEC create a new BCP Site Number and establish a new Brownfield Cleanup Agreement for the Divested Parcel.

We have also enclosed a CD-ROM with electronic copies in Portable Document Format.

Please feel free to contact me if you require additional information. Thank you for your attention to this matter.

Very truly yours



Robert G. Murray

RGM/kd
Enclosures

ATTACHMENT A

PROPOSED DESCRIPTION OF REVISED BCP PARCEL NUMBER C915198H

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF LACKAWANNA, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF LOT 24, TOWNSHIP 10, RANGE 8 OF THE BUFFALO CREEK RESERVATION, ALSO BEING PART OF EXISTING BCP SITE NUMBER C915198H, AS SHOWN ON A MAP OF "BUSINESS PARK PHASE II", PREPARED BY WENDEL, JUNE 2012, PROJECT NUMBER 411107, AS AMENDED BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE (ALSO KNOWN AS STATE ROUTE NO. 5), BEING 2884.21 FEET NORTH OF THE DIVISION LINE BETWEEN LANDS CONVEYED TO TECUMSEH REDEVELOPMENT INC. RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11040 OF DEEDS AT PAGE 8953 ON THE NORTH, AND LANDS CONVEYED TO SOUTH BUFFALO RAILWAY COMPANY RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10119 OF DEEDS AT PAGE 131 ON THE SOUTH, AS MEASURED ALONG THE WESTERLY HIGHWAY BOUNDARY OF THE HAMBURG TURNPIKE AS APPROPRIATED BY NEW YORK STATE DEPARTMENT OF PUBLIC WORKS MAP 1, PARCEL 1, RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 5650 OF DEEDS AT PAGE 404; ALSO BY NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE CITY OF LACKAWANNA, S.H. NO. FAC 49-10, MAP 305, PARCEL 306, RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 10960 OF DEEDS AT PAGE 2028, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID BUSINESS PARK PHASE II, PARCEL "B";

THENCE ALONG A LINE N 13°-14'-29" W, A DISTANCE OF 999.75 FEET, TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF LANDS CONVEYED TO THE COUNTY OF ERIE AS RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11353 OF DEEDS AT PAGE 8397;

THENCE CONTINUING ALONG THE LANDS CONVEYED TO THE COUNTY OF ERIE N 18°-26'-58" W, A DISTANCE OF 58.95 FEET, TO THE PRINCIPAL POINT OF BEGINNING, SAID POINT BEING ON THE NORTH LINE OF PROPOSED DONA STREET (WIDTH VARIES);

THENCE ALONG THE NORTH LINE OF SAID DONA STREET S 71°-07'-01" W, A DISTANCE OF 74.15 FEET, TO A POINT OF CURVATURE;

THENCE ALONG THE NORTHERLY LINE OF SAID DONA STREET AND ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 548.00 FEET, A DELTA ANGLE OF 8°-12'-16", AN ARC LENGTH OF 78.47 FEET, TO A POINT;

THENCE CONTINUING ALONG THE NORTH LINE OF SAID DONA STREET S 62°-54'-45" W, A DISTANCE OF 234.48 FEET, TO A POINT;

THENCE NORTHERLY ALONG A LINE PARALLEL WITH THE EASTERLY LINE OF BCP SITE NUMBER C915198I, N 18°-25'-27" W, A DISTANCE OF 499.41 FEET TO A POINT;

THENCE NORTHERLY ALONG A LINE PARALLEL WITH THE EASTERLY LINE OF BCP SITE NUMBER C915198J, N 18°-25'-01" W, A DISTANCE OF 473.97 FEET, TO A POINT, SAID POINT BEING ON THE SOUTH LINE OF BCP SITE NUMBER C915198K;

THENCE EASTERLY ALONG THE SOUTH LINE OF BCP SITE NUMBER C915198K, N 71°-00'-00" E, A DISTANCE OF 383.92 FEET TO A POINT, SAID POINT BEING ON THE WEST LINE OF LANDS CONVEYED TO THE COUNTY OF ERIE BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11353 OF DEEDS AT PAGE 8397;

THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LANDS CONVEYED TO THE COUNTY OF ERIE, S 18°-25'-34" E (MS.), (S 18°-25'-54" E (D.)), A DISTANCE OF 662.21 FEET, TO A POINT;

THENCE CONTINUING ALONG THE WEST LINE OF SAID LANDS CONVEYED TO THE COUNTY OF ERIE, S 18°-26'-58" E (MS.) (S 18°-27'-18" E(D.)), A DISTANCE OF 272.88 FEET, TO THE PRINCIPLE POINT OF BEGINNING. CONTAINING 8.36 ACRES OF LAND, MORE OR LESS.

ATTACHMENT B

ATTACHMENT C

FILING RECEIPT

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ENTITY NAME: BLD VII, LLC

DOCUMENT TYPE: ARTICLES OF ORGANIZATION (DOM LLC)

COUNTY: ERIE

SERVICE COMPANY: LIBERTY CORPORATE SERVICES, INC.

SERVICE CODE: AL *

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FILED:03/28/2005 DURATION:***** CASH#:050328000106 FILM #:050328000105

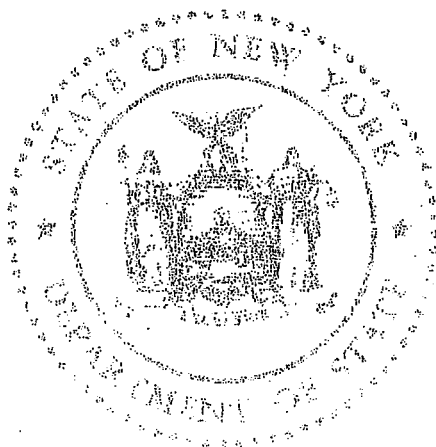
ADDRESS FOR PROCESS

EXIST DATE

ROBERT MURRAY ESQ.
HARRIS BEACH PLLC
BUFFALO, NY 14210

03/28/2005
726 EXCHANGE ST STE 1000

REGISTERED AGENT



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FILER	FEES	235.00	PAYMENTS	235.00
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	FILING	200.00	CASH	0.00
	TAX	0.00	CHECK	0.00
HARRIS BEACH PLLC	CERT	0.00	CHARGE	0.00
99 GARNSEY ROAD	COPIES	10.00	DRAWDOWN	235.00
	HANDLING	25.00	BILLED	0.00
PITTSFORD, NY 14534			REFUND	0.00

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State of New York }
Department of State } ss:

I hereby certify that the annexed copy has been compared with the original document filed by the Department of State and that the same is a true copy of said original.

Witness my hand and seal of the Department of State on

March 30, 2005



A handwritten signature in black ink, appearing to be "R. A. S.", written over a horizontal line.

Secretary of State

f050328000105
NO. 272 3/4

ARTICLES OF ORGANIZATION

OF

BLD VII, LLC

Under Section 203 of the Limited Liability Company Law

The undersigned, for the purpose of forming a limited liability company pursuant to Section 203 of the New York Limited Liability Company Law, hereby certifies:

1. The name of the limited liability company is BLD VII, LLC.
2. The office of the limited liability company shall be located in the County of Erie, State of New York.
3. The Secretary of State of the State of New York is hereby designated as the agent of the limited liability company upon whom process in any action or proceeding against it may be served and the address to which the Secretary of State shall mail a copy of process in any action or proceeding against the company which may be served upon him is Robert Murray, Esq., Harris Beach PLLC, 726 Exchange Street, Suite 1000, Buffalo, New York 14210.
4. The limited liability company shall be managed by one or more managers.

IN WITNESS WHEREOF, I have signed these Articles of Organization this 24th day of March, 2005.

/s/ Carla J. Penazek

Carla J. Penazek

Organizer

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MAR. 25. 2005 12:41PM

LIBERTY

NO. 272 P. 4/4

050328000105

ARTICLES OF ORGANIZATION

OF

BID VII, LLC

Under Section 203 of the Limited Liability Company Law

100

STATE OF NEW YORK
DEPARTMENT OF STATE

MAR 28 2005

FILED
TAX S
BY:

[Signature]

RECEIVED
2005 MAR 25 PM 1:05

LCS

DRAWDOWN - #AL

2
HARRIS BEACH PLLC
99 Garnsey Road
Pittsford, New York 14534

050328000106

2005 MAR 28 AM 9:32

FILED

Customer Ref. # 4776

ATTACHMENT D

**BLD VII, LLC
CONSENT OF SOLE
MEMBER AND MANAGER**

THE UNDERSIGNED, being the sole Member and the Manager of BLD VII, LLC, a New York limited liability company (the "Company"), hereby takes the following actions and consents to the adoption of the following resolutions:

WHEREAS, the Member and Manager have determined that it is advisable and in the best interest of the Company to appoint an authorized agent to act on behalf of and bind the Company;

NOW THEREFORE, be it

RESOLVED, that the Company, acting by and through its sole Member and Manager, be, and it hereby is, authorized to appoint **Michael J. Montante** as its authorized agent to act on behalf of and bind the Company; and be it further

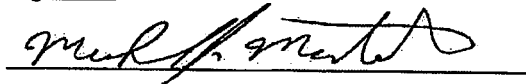
RESOLVED, that Michael J. Montante, as authorized agent of the Company, be, and hereby is, acting alone, authorized, empowered and directed to approve the form, terms and conditions of, and to make, execute and deliver in the name and on behalf of the Company, all such written instruments, documents, certificates, agreements, execution of deeds, powers of attorney, transfers, assignments, contracts, obligations, and other instruments of whatever nature entered into by the Company and generally to do all such other acts and things as may be necessary or appropriate for the purpose of conducting the business of the Company; and be it further

RESOLVED, that all acts done in the name of, and all documents signed and agreements entered into on behalf of, the Company by the authorized agent shall be binding on the Company until the same is withdrawn by giving written notice thereof; and be it further

SPECIMEN: the signature appearing below is a true specimen of the authorized agent's signature:

Name of Authorized Agent Signature

Michael J. Montante



RESOLVED, that all actions heretofore taken by the Company or the sole Member or the Manager or the authorized agent thereof in furtherance of the foregoing be, and the same hereby are, in all respects ratified, adopted and approved.

IN WITNESS WHEREOF, the undersigned has duly executed this Consent as of July 1, 2021.

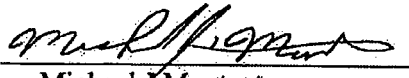
SOLE MEMBER and MANAGER:

UNILAND VENTURES, LLC

By: Uniland QOZ Fund, LLC, Managing Member

By: Uniland Development I, LLC, Managing Member

By: Univest I Corporation, Managing Member

By: 
Michael J. Montante
President and CEO

**BLD VII, LLC
CONSENT OF SOLE
MEMBER AND MANAGER**

THE UNDERSIGNED, being the sole Member and the Manager of BLD VII, LLC, a New York limited liability company (the "**Company**"), hereby takes the following actions and consents to the adoption of the following resolutions:

WHEREAS, the Member and Manager have determined that it is advisable and in the best interest of the Company to appoint an authorized agent to act on behalf of and bind the Company;

NOW THEREFORE, be it

RESOLVED, that the Company, acting by and through its sole Member and Manager, be, and it hereby does, authorize its appointed authorized agent, **Michael J. Montante**, to enter into on behalf of, and bind the Company to, a Brownfields Cleanup Program Application to Amend Brownfield Cleanup Agreement and Amendment for BCP Site C915198H – Site II-8 Tecumseh Phase II Business Park; and be it further

RESOLVED, that Michael J. Montante, as authorized agent of the Company, be, and hereby is, acting alone, authorized, empowered and directed to approve the form, terms and conditions of, and to make, execute and deliver in the name and on behalf of the Company, all such Brownfields Cleanup Program Application to Amend Brownfield Cleanup Agreement and Amendment for BCP Site C915198H – Site II-8 Tecumseh Phase II Business Park and all such otherwritten instruments, documents, certificates, agreements, execution of deeds, powers of attorney, transfers, assignments, contracts, obligations, and other instruments of whatever nature entered into by the Company and generally to do all such other acts and things as may be necessary or appropriate; and be it further

RESOLVED, that all acts done in the name of, and all documents signed and agreements entered into on behalf of, the Company by the authorized agent pursuant to the authority granted by this Consent resolution shall be binding on the Company until the same is withdrawn by giving written notice thereof; and be it further

SPECIMEN: the signature appearing below is a true specimen of the authorized agent's signature:

Name of Authorized Agent Signature

Michael J. Montante



RESOLVED, that all actions heretofore taken by the Company or the sole Member or the Manager or the authorized agent thereof in furtherance of the foregoing be, and the same hereby are, in all respects ratified, adopted and approved.

IN WITNESS WHEREOF, the undersigned has duly executed this Consent as of August 1, 2021.

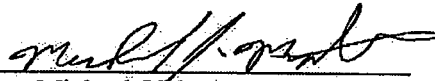
SOLE MEMBER and MANAGER:

UNILAND VENTURES, LLC

By: Uniland QOZ Fund, LLC, Managing Member

By: Uniland Development I, LLC, Managing Member

By: Univest I Corporation, Managing Member

By: 
Michael J. Montante
President and CEO

ATTACHMENT E

Brownfield Cleanup Program

Application to Amend Brownfield Cleanup Program Agreement and Amendment

Statement re Volunteer Status:

BLD VII, LLC has appropriately answered “no” to all the eligibility questions within Section IV of this application and hereby certifies that it is a volunteer and that its liability arises solely as a result of ownership of the site subsequent to the disposal of hazardous waste or discharge of petroleum.

BLD VII, LLC, being the New Requestor, has and had no current or prior direct or indirect ownership interest or any other interest in any prior owner or operator of the site. New Requestor will acquire its fee title interest in the site only after this BCA Amendment is executed thus confirming removal of the “Divested Parcel” as so described herein.

To date, New Requestor is a contract vendee with respect to the site. It has not undertaken any activity on the site resulting in soil disturbance or otherwise undertaken any activity affecting the soil or groundwater, has taken appropriate care to ensure that there are no continuing releases of contamination on the site and that there are no threatened future releases of contamination on the site and has prevented human, environmental, or natural resource exposure to any previously released contamination.

As such, New Requestor confirms that its liability will arise solely as a result of taking ownership and having involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum, and affirms and confirms that New Requestor should be a “Volunteer” as that term is defined in Section 27-1405(1)(b) of the New York Environmental Conservation Law.

ATTACHMENT F

CERTIFICATION

Date: August 18, 2021

New York State Brownfield Cleanup Program ("BCP")

Site II-8 Tecumseh Phase II Business Park

BCP Site Number C915198H

BCP Application to Amend Brownfield Cleanup Agreement and Amendment ("BCPA")

The undersigned hereby certifies as follows:

- 1) I am the duly appointed President/Chief Executive Officer of the Buffalo and Erie County Industrial Land Development Corporation (the "Owner") and authorized to furnish this Certification on behalf of the Owner.
- 2) As of the date hereof, the Owner is the fee simple owner of the property associated with BCP Site Number C915198H (the "Property").
- 3) The Owner confirms: (a) that BLD VII, LLC (the "Applicant") and Owner have entered into a certain purchase and sale agreement by which the Owner would sell, and the Applicant would purchase, the Property, (b) that Applicant desires to become a party to that certain Brownfield Site Cleanup Agreement ("BSCA") with respect to the Property, (c) that a condition of sale of the Property requires Applicant to become a party to the BSCA with respect to the Property, and (d) that upon taking title to the Property, Applicant will be contractually obligated to complete the remediation of the Property in compliance with the Property's BSCA.
- 4) The Owner confirms the Property is already subject to the required BCP environmental easement.
- 5) The Owner confirms that the Applicant, as contract vendee, currently has access to the Property, and upon taking title to the Property, will be continue to have access to the Property ensuring remediation of the Property in compliance with the Property's BSCA.
- 6) This will confirm that the Applicant has been granted legal access to the Property for the purposes of the BCPA and will, upon taking title to the Property, hold all necessary legal access, to complete the remediation of the Property in compliance with the Property's BSCA.

IN WITNESS WHEREOF, this Certification has been duly executed and delivered as of the date set forth above.

**BUFFALO AND ERIE COUNTY
INDUSTRIAL LAND
DEVELOPMENT CORPORATION**

By: 
Name: John Cappellino
Title: President/Chief Executive Officer