



Department of
Environmental
Conservation

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:

Applicant seeks approval of (1) substitution of 683 Northland LLC, a related company to the present Applicant with the same owners, in the place and stead of NorDel II, LLC; and (2) an expansion of the BCP property boundaries by adding a portion of an additional adjacent tax parcel (1.2 acres+/-).

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

Section I. Existing Application Information

BCP SITE NAME: WNY Workforce Training Center

BCP SITE NUMBER: C915310

NAME OF CURRENT APPLICANT(S): NorDel II, LLC

INDEX NUMBER OF EXISTING AGREEMENT: C915310-12- DATE OF EXISTING AGREEMENT: 02/06/17

Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)

NAME 683 Northland LLC

ADDRESS 95 Perry Street, Suite 404

CITY/TOWN Buffalo

ZIP CODE 14203

PHONE (716) 362-8361

FAX (716) 856-6764

E-MAIL pcammarata@buffalourbandevelopment.com

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 Peter Cammarata

ADDRESS 95 Perry Street, Suite 404

CITY/TOWN Buffalo

ZIP CODE 14203

PHONE (716) 362-8361

FAX

E-MAIL pcammarata@buffalourbandevelopment.com

NAME OF NEW REQUESTOR'S CONSULTANT (if applicable) LiRo Engineers

ADDRESS 690 Delaware Avenue

CITY/TOWN Buffalo

ZIP CODE 14209

PHONE (716) 882-5476

FAX (716) 882-9640

E-MAIL Franks@liro.com

NAME OF NEW REQUESTOR'S ATTORNEY (if applicable) Craig A. Slater, Esq.

ADDRESS 500 Seneca Street, Suite 504

CITY/TOWN Buffalo

ZIP CODE 14204

PHONE (716) 845-6760

FAX (716) 845-6764

E-MAIL CSlater@CSlaterLaw.com

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:

683 Northland LLC is a company related to present applicant; both companies have the same owner. Please see organizational chart attached as Exhibit D.

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 683 Northland Avenue

CITY/TOWN Buffalo

ZIP CODE

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

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
683 Northland Avenue	101	21	5	1.1	7.250

Check appropriate boxes below:

- ☐ Changes to metes and bounds description or TBL correction
- ☒ Addition of property (may require additional citizen participation depending on the nature of the expansion – see attached instructions)

Approximate acreage added: 1.274

ADDITIONAL PARCELS:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
631 Northland Avenue (Portion of)	101	21	5	1.2	1.274

- ☐ Reduction of property

Approximate acreage removed: _____

PARCELS REMOVED:

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

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.

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: WNY Workforce Training Center	BCP SITE NUMBER: C915310
NAME OF CURRENT APPLICANT(S): NorDel II, LLC	
INDEX NUMBER OF EXISTING AGREEMENT: C915310-12-16	
EFFECTIVE DATE OF EXISTING AGREEMENT: February 6, 2017	

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.

Statement of Certification and Signatures: New Requestor(s) (if applicable)

(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 President) of (entity 683 Northland LLC); 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: 6/14/17 Signature: Peter M. Cammarata

Print Name: Peter M. Cammarata, President

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 (title) of NorDel II, LLC (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. _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 6/14/17 Signature: Peter M. Cammarata

Print Name: Peter M. Cammarata, President

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:

FEBRUARY 6, 2016

Signature by the Department:

DATED:

AUGUST 21, 2017

AMENDMENT #1

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:_____

EXHIBIT A

Volunteer Statement

683 Northland LLC has not operated or engaged in any operations at the Site that would have resulted in a release of a contaminant. The requestor has secured, maintained, and continuously inspected the vacant property since acquisition and taken steps to environmentally investigate the Site for any releases.

EXHIBIT B

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through June 12, 2017.

Selected Entity Name: NORDEL II, LLC

Selected Entity Status Information

Current Entity Name: NORDEL II, LLC

DOS ID #: 3079182

Initial DOS Filing Date: JULY 16, 2004

County: ERIE

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

NORDEL II, LLC
95 PERRY STREET,
SUITE 404
BUFFALO, NEW YORK, 14203

Registered Agent

NONE

This office does not require or maintain information
regarding the names and addresses of members or
managers of nonprofessional limited liability

companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

*Stock Information

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
AUG 05, 2014	Actual	NORDEL II, LLC
JUL 16, 2004	Actual	BUFFALO LAKESIDE COMMERCE PARK - III, LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through June 12, 2017.

Selected Entity Name: 683 NORTHLAND LLC

Selected Entity Status Information

Current Entity Name: 683 NORTHLAND LLC

DOS ID #: 5051792

Initial DOS Filing Date: DECEMBER 13, 2016

County: ERIE

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

C/O HURWITZ & FINE, P.C.

1300 LIBERTY BUILDING

BUFFALO, NEW YORK, 14202

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies

must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
DEC 13, 2016	Actual	683 NORTHLAND LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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EXHIBIT C

ERIE COUNTY CLERK'S OFFICE



County Clerk's Recording Page

Return to:
BOX 61

Party 1:
NORDEL II LLC

Party 2:
683 NORTHLAND LLC

Book Type: D Book: 11306 Page: 8155
Page Count: 4
Doc Type: DEED
Rec Date: 12/19/2016
Rec Time: 04:39:43 PM
Control #: 2016266729
UserID: Eileen
Trans #: 16213070
Document Sequence Number
TT2016011110

Recording Fees:

RECORDING	\$40.00
COE CO \$1 RET	\$1.00
COE STATE \$14.25 GEN	\$14.25
COE STATE \$4.75 RM	\$4.75
RP5217 CNTY \$9	\$9.00
RP5217 ST-NON RES \$241	\$241.00
TP584	\$10.00

Consideration Amount: 1.00

BASIC MT	\$0.00
SONYMA MT	\$0.00
ADDL MT/NFTA	\$0.00
SP MT/M-RAIL	\$0.00
NY STATE TT	\$0.00
ROAD FUND TT	\$0.00

Total: \$320.00

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERK'S ENDORSEMENT REQUIRED BY SECTION 319&316-a (5) OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

Christopher L. Jacobs
County Clerk

Boyle

THIS INDENTURE, made this 15th day of December, 2016,

BETWEEN

NORDEL II, LLC, a limited liability company organized under the laws of the State of New York, having an address at 95 Perry Street, Suite 404, Buffalo, New York 14203,

Grantor, and

683 NORTHLAND LLC, a limited liability company organized under the laws of the State of New York, having an address at 95 Perry Street, Suite 404, Buffalo, New York 14203,

Grantee.

WITNESSETH, that the Grantor, for One Dollar and No More (\$1.00 and No More) paid by the Grantee, does hereby grant and release unto the Grantee, its successors and assigns of the Grantee forever,

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie, State of New York, being parts of Lot 11 and Lot 12, Township 11, Range 8 of the Holland Land Company's Survey, being further described as follows:

BEGINNING AT A POINT in the southerly line of Northland Avenue, 66.0 feet in width, said point being 983.37 feet easterly of the east line of Fillmore Avenue, 66.0 feet in width: thence continuing easterly along the southerly line of Northland Avenue, 507.38 feet; thence southerly at an interior angle of $91^{\circ} 54'$ a distance of 702.00 feet to the southeast corner of lands conveyed by Liber 9056 of Deeds at Page 410; thence northwesterly a distance of 26.07 feet to the northwest corner of lands conveyed by Liber 9056 of Deeds at Page 513; thence northerly along the former west line of Chelsea Place a distance of 1.00 feet; thence northwesterly along the northeasterly line of lands conveyed in Liber 1096 of Deeds at Page 97 a distance of 459.33 feet to an angle point; thence continuing northwesterly at an interior angle of $174^{\circ} 09' 12''$ a distance of 49.96 feet; thence northerly at an interior angle of $114^{\circ} 28' 12''$ a distance of 544.95 feet to the southerly line of Northland Avenue and the point of beginning.

TOGETHER with an easement and right of way in and over the following described premises:

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie, State of New York, being part of Lot No. 11, Township 11, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the point of intersection of the east line of Chelsea Place as it has heretofore existed 50 feet wide with the south line of Northland Avenue; running thence south along the east line of said Chelsea Place approximately 708.55 feet to a point in the east line of said Chelsea Place 19 feet northeasterly of the northerly or northeasterly line of premises

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described in an Order dated August 29, 1871 in an action brought by The Junction Railroad Company recorded in the Erie County Clerk's Office in Liber 360 of Deeds at page 353 measured at right angles to said northerly or northeasterly line, said point being approximately 19.79 feet north of said northerly or northeasterly line measured along the east line of said Chelsea Place and being the northeasterly corner of premises conveyed to Consolidated Rail Corporation by deed dated August 24, 1981 and recorded August 28, 1981 in Liber 9056 of Deeds at page 413; thence northwesterly on a direct line which passes through the southeast corner of premises conveyed to Niagara Machine & Tool Works by deed recorded in said Office in Liber 7031 of Deeds at page 205, said line being the northerly or northeasterly line of premises being conveyed to Consolidated Rail Corporation, as aforesaid, running on said direct line a distance of approximately 26.07 feet to the center line of said Chelsea Place; thence north on the center line of said Chelsea Place approximately 702 feet to the south line of Northland Avenue; thence east along the south line of Northland Avenue approximately 25.01 feet to the place of beginning.

ALL as pursuant to the terms and conditions of an easement agreement between Bemis Company, Inc. and Niagara Machine and Tool Works Inc. recorded in Liber 9274 of Deeds at page 501 on October 26, 1983, as supplemented by Liber 9378 of Deeds at page 441 on September 25, 1984.

TO HAVE AND TO HOLD, the above granted premises unto the said Grantee, its heirs, successors and assigns of Grantee forever.

AND the Grantor covenants that the Grantor has not done or suffered anything wherein the said premises have been encumbered in any way whatever, except as aforesaid.

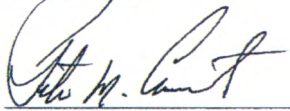
AND the Grantor is in compliance with Section 13 of the Lien Law.

**THIS CONVEYANCE DOES NOT CONSTITUTE ALL OR SUBSTANTIALLY ALL
OF THE GRANTOR HEREIN & IS NOT GIVEN TO DEFRAUD CREDITORS AND DOES NOT
RENDER GRANTOR INSOLVENT.**

THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK.

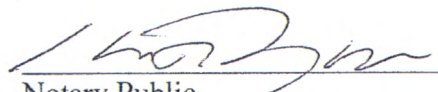
IN WITNESS WHEREOF, the Grantor has duly executed this deed the day and year first above written.

NORDEL H, LLC

By: 
Peter M. Cammarata, President

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

On the 15th day of December, 2016, before me, the undersigned, personally appeared PETER M. CAMMARATA, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the such instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.


Notary Public

KEVIN J. ZANNER
Notary Public in the State of New York
Qualified in Onondaga County No. 02ZA5076987
My Commission Expires April 28, 2019

Onondaga
County

EXHIBIT D

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



**60-Day Advance Notification of Site Change of Use, Transfer of
Certificate of Completion, and/or Ownership**
Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

To be submitted at least 60 days prior to change of use to:

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

I. Site Name: WNY Workforce Training Center **DEC Site ID No.** C915310

II. Contact Information of Person Submitting Notification:

Name: The Slater Law Firm, PLLC
Address1: 500 Seneca Street, Suite 504
Address2: Buffalo, New York 14204
Phone: (716) 845-6760 E-mail: CSlater@CSlaterLaw.com

III. Type of Change and Date: Indicate the Type of Change(s) (check all that apply):

- ☒ Change in Ownership or Change in Remedial Party(ies)
☐ Transfer of Certificate of Completion (CoC)
☐ Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy): 12/19/2016

IV. Description: Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

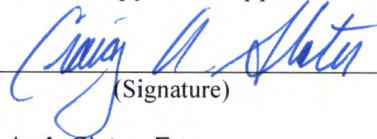
Original applicant seeks transfer of title to the BCP site from NorDel II, LLC to 683 Northland, LLC.

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

- V. **Certification Statement:** Where the change of use results in a change in ownership or in responsibility for the proposed, ongoing, or completed remedial program for the site, the following certification must be completed (by owner or designated representative; see §375-1.11(d)(3)(i)):

I hereby certify that the prospective purchaser and/or remedial party has been provided a copy of any order, agreement, Site Management Plan, or State Assistance Contract regarding the Site's remedial program as well as a copy of all approved remedial work plans and reports.

Name: _____


(Signature)

6/13/17
(Date)

Craig A. Slater, Esq.

(Print Name)

Address1: The Slater Law Firm, PLLC; 500 Seneca Street, Suite 504

Address2: Buffalo, NY 14204

Phone: (716) 845-6760

E-mail: CSlater@CSlaterLaw.com

- VI. **Contact Information for New Owner, Remedial Party, or CoC Holder:** If the site will be sold or there will be a new remedial party, identify the prospective owner(s) or party(ies) along with contact information. If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/ECs), indicate who will be the certifying party (attach additional sheets if needed).

☒ Prospective Owner ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: 683 Northland LLC

Address1: 95 Perry Street, Suite 404

Address2: Buffalo, NY 14203

Phone: (716) 362-8361

E-mail: PCammarata@buffalourbandevelopment.com

Certifying Party Name: 683 Northland LLC

Address1: 95 Perry Street, Suite 404

Address2: Buffalo, NY 14203

Phone: (716) 362-8361

E-mail: PCammarata@buffalourbandevelopment.com

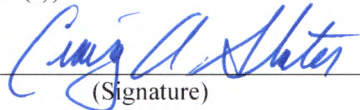
VII. Agreement to Notify DEC after Transfer: If Section VI applies, and all or part of the site will be sold, a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the holder of the CoC for the site, the CoC should be transferred to the new owner using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>. This form has its own filing requirements (see 6NYCRR Part 375-1.9(f)).

Signing below indicates that these notices will be provided to the DEC within the specified time frames. If the sale of the site also includes the transfer of a CoC, the DEC agrees to accept the notice given in VII.3 below in satisfaction of the notice required by VII.1 below (which normally must be submitted within 15 days of the sale of the site).

Within 30 days of the sale of the site, I agree to submit to the DEC:

1. the name and contact information for the new owner(s) (see §375-1.11(d)(3)(ii));
2. the name and contact information for any owner representative; and
3. a notice of transfer using the DEC's form found at <http://www.dec.ny.gov/chemical/54736.html> (see §375-1.9(f)).

Name:


(Signature)

6/13/17
(Date)

Craig A. Slater, Esq.

(Print Name)

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Phone: (716) 845-6760

E-mail: CSlater@CSlaterLaw.com

Continuation Sheet

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative
Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative
Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative
Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative
Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative
Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

☐ Prospective Owner/Holder ☐ Prospective Remedial Party ☐ Prospective Owner Representative
Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____

New York State Department of Environmental Conservation



Instructions for Completing the 60-Day Advance Notification of Site Change of Use, Transfer of Certificate of Completion (CoC), and/or Ownership Form

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

Section I

Description

Site Name

Official DEC site name.
(see <http://www.dec.ny.gov/cfm/external/derexternal/index.cfm?pageid=3>)

DEC Site ID No.

DEC site identification number.

Section II

Contact Information of Person Submitting Notification

Name

Name of person submitting notification of site change of use, transfer of certificate of completion and/or ownership form.

Address1

Street address or P.O. box number of the person submitting notification.

Address2

City, state and zip code of the person submitting notification.

Phone

Phone number of the person submitting notification.

E-mail

E-mail address of the person submitting notification.

Section III

Type of Change and Date

Check Boxes

Check the appropriate box(s) for the type(s) of change about which you are notifying the Department. Check all that apply.

Proposed Date of Change

Date on which the change in ownership or remedial party, transfer of CoC, or other change is expected to occur.

Section IV

Description

Description

For each change checked in Section III, describe the proposed change.
Provide all applicable maps, drawings, and/or parcel information.
If "Other" is checked in Section III, explain how the change may affect the site's proposed, ongoing, or completed remedial program at the site.
Please attach additional sheets, if needed.

Section V Certification Statement

This section must be filled out if the change of use results in a change of ownership or responsibility for the proposed, ongoing, or completed remedial program for the site. When completed, it provides DEC with a certification that the prospective purchaser has been provided a copy of any order, agreement, or State assistance contract as well as a copy of all approved remedial work plans and reports.

Name	The owner of the site property or their designated representative must sign and date the certification statement. Print owner or designated representative's name on the line provided below the signature.
Address1	Owner or designated representative's street address or P.O. Box number.
Address2	Owner or designated representative's city, state and zip code.
Phone	Owner or designated representative's phone number.
E-Mail	Owner or designated representative's E-mail.

Section VI Contact Information for New Owner, Remedial Party, and CoC Holder (if a CoC was issued)

Fill out this section only if the site is to be sold or there will be a new remedial party. Check the appropriate box to indicate whether the information being provided is for a Prospective Owner, CoC Holder (if site was ever issued a CoC), Prospective Remedial Party, or Prospective Owner Representative. Identify the prospective owner or party and include contact information. A Continuation Sheet is provided at the end of this form for additional owner/party information.

Name	Name of Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.
Address1	Street address or P.O. Box number for the Prospective Owner, Prospective Remedial Party, or Prospective Owner Representative.
Address2	City, state and zip code for the Prospective Owner, Prospective Remedial Party, or Prospective Owner Representative.
Phone	Phone number for the Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.
E-Mail	E-mail address of the Prospective Owner, Prospective Remedial Party or Prospective Owner Representative.

If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/EC), indicate who will be the certifying party(ies). Attach additional sheets, if needed.

Certifying Party Name	Name of Certifying Party.
Address1	Certifying Party's street address or P.O. Box number.
Address2	Certifying Party's city, state and zip code.
Phone	Certifying Party's Phone number.
E-Mail	Certifying Party's E-mail address.

Section VII Agreement to Notify DEC After Property Transfer/Sale

This section must be filled out for all property transfers of all or part of the site. If the site also has a CoC, then the CoC shall be transferred using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>

Filling out and signing this section of the form indicates you will comply with the post transfer notifications within the required timeframes specified on the form. If a CoC has been issued for the site, the DEC will allow 30 days for the post transfer notification so that the "Notice of CoC Transfer Form" and proof of it's filing can be included. Normally the required post transfer notification must be submitted within 15 day (per 375-1.11(d)(3)(ii)) when no CoC is involved.

Name	Current property owner must sign and date the form on the designated lines. Print owner's name on the line provided.
Address1	Current owner's street address.
Address2	Current owner's city, state and zip code.

EXHIBIT E

**BUDC OWNERSHIP
OF
683 NORTHLAND AVENUE**

As of December 21, 2016

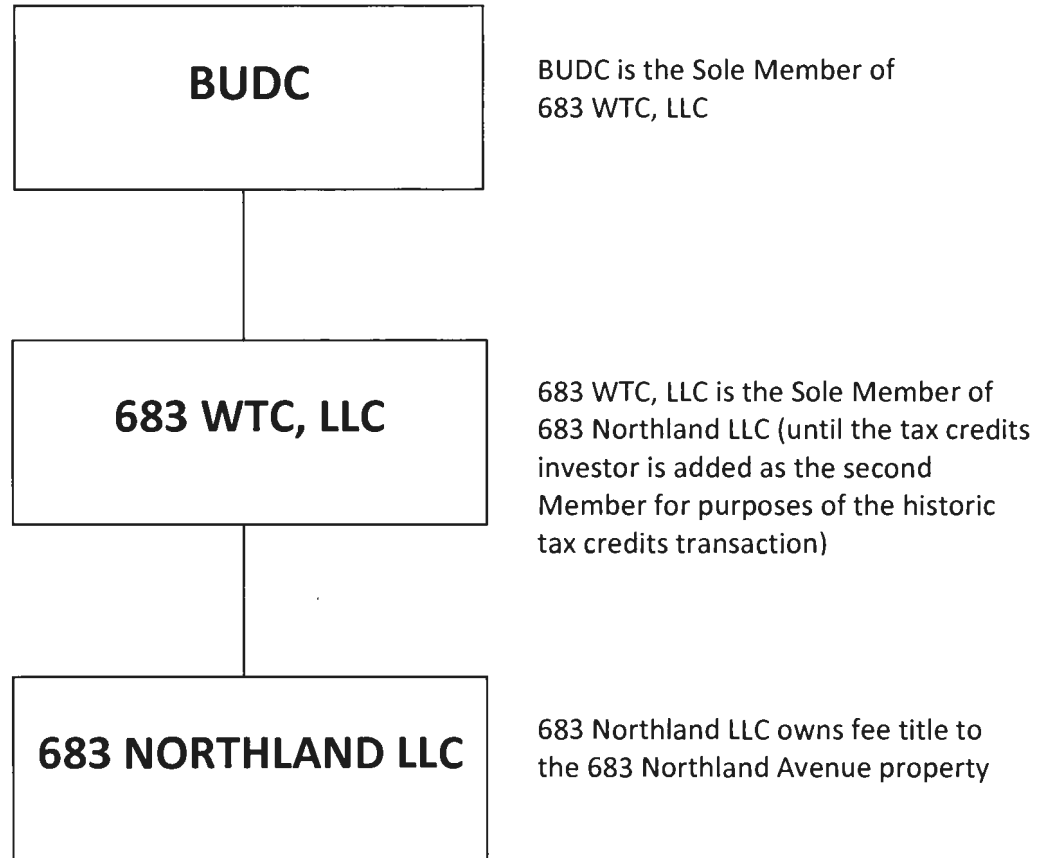


EXHIBIT F



Erie County On-Line Mapping Application



Legend

- Parcels
- Municipal Boundaries

0 188.08 376.2 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 2,257





Project Site Map



SECRETARY CERTIFICATE

The undersigned, being the Secretary of Buffalo Urban Development Corporation (the "Corporation"), hereby certifies as follows:

1. Attached hereto is a true and correct copy of resolutions adopted by the Board of Directors of the Corporation at a meeting duly held on May 30, 2017 at which a quorum of the Board was present.
2. The attached resolution has not been changed or altered and remains in full force and effect as of the date hereof.

IN WITNESS WHEREOF, I have signed this Certificate as of the 30th day of May, 2017.



Kevin J. Zanner, Esq.
Secretary

**RESOLUTIONS OF BUFFALO URBAN DEVELOPMENT
CORPORATION REGARDING THE BROWNFIELD
CLEANUP PROGRAM PROJECT AT 683 NORTHLAND
AVENUE**

WHEREAS, NorDel II, LLC, a subsidiary of Buffalo Urban Development Corporation, was accepted into the New York State Brownfield Cleanup Program for 683 Northland Avenue, the site at which the Western New York Workforce Training Center (WTC) will be located, and has entered into a Brownfield Cleanup Program Agreement with the New York State Department of Environmental Conservation; and

WHEREAS, NorDel II, LLC transferred ownership of the 683 Northland Avenue property to another BUDC subsidiary, 683 Northland LLC in furtherance of the historic tax credits transaction for the WTC project; and

WHEREAS, BUDC desires to amend the Brownfield Cleanup Program Agreement to replace NorDel II, LLC with 683 Northland LLC as the BCP project owner/applicant and to expand the property boundaries applicable to the BCP project.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

Section 1. Peter M. Cammarata, as President of BUDC and David A. Stebbins, as Executive Vice President of BUDC (each an "Authorized Person") are each hereby authorized, directed, and empowered, acting in the name of or on behalf of NorDel II, LLC and 683 Northland LLC to: (i) execute an application to amend the Brownfield Cleanup Program Agreement to replace NorDel II, LLC with 683 Northland LLC as the BCP project owner/applicant and expand the property boundaries applicable to the BCP project; and (ii) execute any other documents or agreements and take such actions as may be necessary, appropriate or advisable in connection with the Brownfield Cleanup Program project at 683 Northland Avenue.

Section 2. The Authorized Persons are each hereby authorized, empowered and directed to take all such action on behalf of NorDel II, LLC and 683 Northland LLC as the Authorized Persons may deem necessary, appropriate or advisable to carry out the intent and purposes of these resolutions.

Section 3. These resolutions shall take effect immediately.

Adopted: May 30, 2017