



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "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). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

☐ Yes

☒ No

If yes, provide existing site number: _____

PART A (note: application is separated into Parts A and B for DEC review purposes) **BCP App Rev 5**

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME NORDEL II, LLC

ADDRESS 95 Perry Street, Suite 404

CITY/TOWN Buffalo

ZIP CODE 14203

PHONE 716-362-8378

FAX 716-856-6754

E-MAIL dstebbins@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 Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application, to document that the requestor is authorized to do business in NYS.

Do all individuals that will be certifying documents meet the requirements detailed below? ☒ Yes ☐ No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.**

Section II. Project Description

1. What stage is the project starting at?

☒ Investigation

☐ Remediation

2. If the project is starting at the remediation stage, a Remedial Investigation Report (RIR), Alternatives Analysis, and Remedial Work Plan must be attached (see [DER-10 / Technical Guidance for Site Investigation and Remediation](#) for further guidance).

3. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☐ No

4. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated.

Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (**please submit the information requested in this section in electronic format only**):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). **ASTM 1527-13 Phase I ESA and ASTM E1903 Phase II Investigation Reports Attch'd**

2. **SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.**

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum	*	NA	NA
Chlorinated Solvents	NA	NA	NA
Other VOCs	NA	NA	NA
SVOCs	Benzo(a)pyrene, benzo(b)fluoranthene, indeno(1,2,3-cd)pyrene	NA	NA
Metals	Arsenic, Barium, Cadmium, Lead, Mercury	NA	NA
Pesticides	NA	NA	NA
PCBs	Aroclor 1254	NA	NA
Other*			

***Please describe:** Soil described as oily in the Fisher Associates Phase I/II Environmental Site Assessment Reports which were prepared in accordance with ASTM E 1527-13

3. **FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:**

- **SAMPLE LOCATION**
- **DATE OF SAMPLING EVENT**
- **KEY CONTAMINANTS AND CONCENTRATION DETECTED**
- **FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE**
- **FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5**
- **FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX**

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

☒ Yes ☐ No

4. **INDICATE PAST LAND USES (CHECK ALL THAT APPLY):**

- | | | | |
|---|---|---|--|
| <input type="checkbox"/> Coal Gas Manufacturing | <input checked="" type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner |
| <input type="checkbox"/> Salvage Yard | <input type="checkbox"/> Bulk Plant | <input type="checkbox"/> Pipeline | <input type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill | <input type="checkbox"/> Tannery | <input type="checkbox"/> Electroplating | <input type="checkbox"/> Unknown |

Other: _____

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME Western New York Workforce Training Center				
ADDRESS/LOCATION 683 Northland Avenue				
CITY/TOWN Buffalo		ZIP CODE 14211		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL):				
COUNTY Erie		SITE SIZE (ACRES) 7.25		
LATITUDE (degrees/minutes/seconds) 42 ° 55 ' 5.62 "		LONGITUDE (degrees/minutes/seconds) 78 ° 50 ' 4.86 "		
COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address		Section No.	Block No.	Lot No.
683 Northland Avenue		101.21	5	1.1
				Acreage
				7.25
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach a metes and bounds description of the property.				
2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, identify census tract : 34 Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?
If yes, identify here and attach appropriate information. ☐ Yes ☒ No

Easement/Right-of-way Holder

Description

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**?

☒ Yes ☐ No

11. For sites located within the five counties comprising New York City, is the requestor seeking a determination that the site is eligible for tangible property tax credits?
If yes, requestor must answer questions on the supplement at the end of this form. ☐ Yes ☐ No
12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? ☐ Yes ☐ No
13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? ☐ Yes ☐ No

If this determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: _____

BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE David Stebbins			
ADDRESS 95 Perry Street, Suite 404			
CITY/TOWN Buffalo		ZIP CODE 14203	
PHONE 716-362-8378	FAX 716-856-6754	E-MAIL dstebbins@buffalourbandevelopment.com	
NAME OF REQUESTOR'S CONSULTANT 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 REQUESTOR'S ATTORNEY Craig Slater			
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	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME NORDEL II, LLC		OWNERSHIP START DATE: 04/07/2015	
ADDRESS 95 Perry Street, Suite 404			
CITY/TOWN Buffalo		ZIP CODE 14203	
PHONE 716-362-8378	FAX 716-856-6754	E-MAIL dstebbins@buffalourbandevelopment.com	
CURRENT OPERATOR'S NAME NORDEL II, LLC			
ADDRESS 95 Perry Street, Suite 404			
CITY/TOWN Buffalo		ZIP CODE 14204	
PHONE 716-362-8378	FAX 716-856-6754	E-MAIL dstebbins@buffalourbandevelopment.com	
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER. PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)			
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?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing 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, DEC 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 DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? ☐ 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? ☐ Yes ☒ No

THE REQUESTOR MUST CERTIFY THAT HE/SHE 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 hazardous waste or discharge of petroleum 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 hazardous waste or discharge of petroleum.

☒ 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.

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

☐ Previous 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 VIII. Property Eligibility Information - See Instructions for Further Guidance

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. ☐ Yes ☒ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? ☐ Yes ☒ No
If yes, please provide: Site # _____ Class # _____
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☒ No
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. ☐ Yes ☐ No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? ☐ Yes ☒ No
If yes, please provide: Order # _____
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☒ No
If yes, please provide explanation as an attachment.

Section IX. Contact List Information

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [*DER-23 / Citizen Participation Handbook for Remedial Programs*](#). Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of an acknowledgement from the repository indicating that it agrees to act as the document repository for the property.
8. Any community board located in a city with a population of one million or more, if the proposed site is located within such community board's boundaries.

Section X. Land Use Factors

1. What is the current zoning for the site? What uses are allowed by the current zoning?

☐ Residential ☒ Commercial ☒ Industrial

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: ☐ Residential ☐ Commercial ☐ Industrial ☒ Vacant ☐ Recreational (check all that apply)

Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.

3. Reasonably anticipated use Post Remediation: ☐ Residential ☒ Commercial ☒ Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing?

☐ Yes ☐ No

4. Do current historical and/or recent development patterns support the proposed use?

☒ Yes ☐ No

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

The proposed re-use/re-development of the 683 Northland Property will meet applicable zoning laws/maps as the redevelopment and remediation of the property is anticipated to have a combination of mixed commercial and light industrial uses once complete. The property is currently zoned for industrial uses.

☒ Yes ☐ No

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

In coordination with the City of Buffalo, the New York State Urban Development Corporation d/b/a Empire State Development (ESD) and the New York Power Authority (NYPA), the Buffalo Urban Development Corporation (BUDC) is proposing the Northland Corridor Redevelopment and Western New York Workforce Training Center Project (the "Project"). This Project involves the stabilization, remediation and redevelopment of multiple vacant properties by the BUDC in a former manufacturing district, located on the East Side of the City of Buffalo. The Project would be initially anchored by a Western New York Workforce Training Center (WTC) to be used in part by NYPA, together with other regional and private/public entities. The project includes neighborhood planning and the intended re-use is a key element of the revitalization effort. The Project is being funded by ESD and NYPA as a major component of the Governor Andrew Cuomo's "Buffalo Billion" economic development initiative.

☒ Yes ☐ No

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I acknowledge and agree to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. 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.

Date: _____

Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am PRESIDENT (title) of NORDEL II, LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree to execute a BCA within 60 days of the date of DEC's approval letter. 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.

Date: 10/6/16

Signature: Peter M. Cammarata

Print Name: PETER M. CAMMARATA

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper 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 DEC USE ONLY

BCP SITE T&A CODE: _____ **LEAD OFFICE:** _____

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY. Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

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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 NYS Tax Law 21(b)(6)? Please see DEC's website for more information.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No
From ECL 27-1405(31):	
<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>	
<p>From 6 NYCRR 375-3.2(I) as of July 1, 2015: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p>	
<p>(I) "Underutilized" means, as of the date of application, real property:</p> <p style="margin-left: 20px;">(1) on which a building or buildings, can be certified by the municipality in which the site is located, to have for at least five years used no more than fifty percent of the permissible floor area under the applicable base zoning immediately prior to the application which has been in effect for at least five years;</p> <p style="margin-left: 20px;">(2) at which the proposed development is solely for a use other than residential or restricted residential;</p> <p style="margin-left: 20px;">(3) which could not be developed without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p style="margin-left: 20px;">(4) which is subject to one or more of the following conditions, as certified by the municipal department responsible for such determinations of the municipality in which the site is located:</p> <p style="margin-left: 40px;">(i) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p style="margin-left: 40px;">(ii) contains a building that is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p style="margin-left: 40px;">(iii) the proposed use is in whole or in substantial part for industrial uses.</p> <p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, or land purchase cost exemption or waiver, from a governmental entity; or for properties to be developed in whole or in part for industrial uses, a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or a tax credit, from a governmental entity, or a low-cost loan from an industrial fund managed by the municipality and partner financial institutions.</p>	

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)

3. Is the project an affordable housing project as defined below?

☐ Yes ☐ No

From 6 NYCRR 375- 3.2(a) as of July 1, 2015:

(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, that 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, that sets affordable units aside for tenants 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.

BCP Application Summary (for DEC use only)

Site Name: Western New York Workforce Training Center **Site Address:** 683 Northland Avenue
City: Buffalo **County:** Erie **Zip:** 14211

Tax Block & Lot
Section (if applicable): 101.21 **Block:** 5 **Lot:** 1.1

Requestor Name: NORDEL II, LLC **Requestor Address:** 95 Perry Street, Suite 404
City: Buffalo **Zip:** 14203 **Email:** dstebbins@buffalourbandevelopment.com

Requestor's Representative (for billing purposes)
Name: David Stebbins **Address:** 95 Perry Street, Suite 404
City: Buffalo **Zip:** 14203 **Email:** dstebbins@buffalourbandevelopment.com

Requestor's Attorney
Name: Craig Slater **Address:** 500 Seneca Street Suite 504
City: Buffalo **Zip:** 14204 **Email:** CSlater@CSlaterLaw.com

Requestor's Consultant
Name: LiRo Engineers **Address:** 690 Delaware Avenue
City: Buffalo **Zip:** 14209 **Email:** franks@liro.com

Percentage of site within an En-Zone: ☐ 0% ☐ <50% ☐ 50-99% ☒ 100%

Requestor's Requested Status: ☒ Volunteer ☐ Participant

**BROWNFIELD CLEANUP PROGRAM APPLICATION
683 NORTHLAND AVENUE, BUFFALO, NY
SUPPORTING DOCUMENTATION**

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- 1. NYSDOS Business Entity Database Print and Requestor Information (Section I)**
- 2. Project Description (Section II.4)**
- 3. ASTM Phase I and Phase II reports (Attached on CD, Section III.1)**
- 4. Phase II Sample Location Plan (Section III.3)**
- 5. Tax Map, USGS Map and Property Base Map (Section IV, IV.1, IV.2)**
- 6. Property Description and Environmental Assessment (Section IV.10)**
- 7. List of Prior Site Owners (Section VI)**
- 8. Requestor Eligibility Volunteer Information (Section VII)**
- 9. Brownfield Project Contact List and Repository Acknowledgement (Section IX)**
- 10. Current Use and Specific Proposed Use (Section X.2, X.3)**

ON CD ONLY:

- 1. Phase I ESA**
- 2. Phase II ESA**

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through August 3, 2016.

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**

BROWNFIELD CLEANUP PROGRAM APPLICATION

683 NORTHLAND AVENUE, BUFFALO, NY

Section I – Requestor Information:

The “sole member” of NORDEL II, LLC is “Buffalo Urban Development Corporation”.

Buffalo Urban Development Corporation officers are:

Peter Cammarata – President

David Stebbins – Vice President

Kevin Zanner – Secretary

Mollie Profic - Treasurer

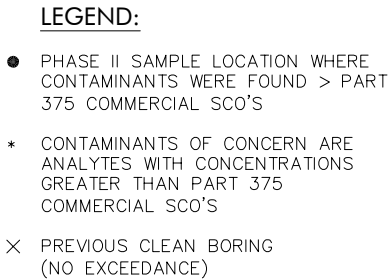
Section II.4 – Project Description:

The Project involves the cleaning, abatement and redevelopment of the existing facility for a mixed use training, commercial, and light industrial complex. The redevelopment will initially be anchored by the Workforce Training Center (WTC) to be used in part by the New York Power Authority (NYPA), together with other regional and private/public entities. The Project is being funded by Empire State Development (ESD) and NYPA as a major component of the Governor Andrew Cuomo's "Buffalo Billion" economic development initiative. This WTC is planned to accommodate up to 300 students, with approximately 50 staff, using 87,000 SF of building area. The remaining 134,000 SF of building area will be mixed office and light industrial use.

The Office portion of the building (approximately 35,000 square feet), and approximately 52,000 square feet of the former manufacturing area re-use will require stabilization of the manufacturing portion of the structure and improvements to the office building to support training center operations. The stabilization work would include asbestos abatement, select demolition/removal of contaminated wood block flooring and unneeded equipment, industrial cleaning, brick repair, and roof, door and window replacement. Building interior features and mechanical systems, including heating, plumbing and lighting systems, are obsolete, non-functional and/or do not meet current code requirements and will also need replacement. The existing paved areas located east and west of the existing structure, and existing parking areas on the North side of Northland Avenue, would be repaired and/or resurfaced to support parking needs for the WTC.

It is anticipated that the project will follow the schedule below:

January 2017 – Start Remedial Investigation
March 2017 – Complete Remedial Investigation
June 2017 – Initiate Remedial Program
December 2017 – Certificate of Completion

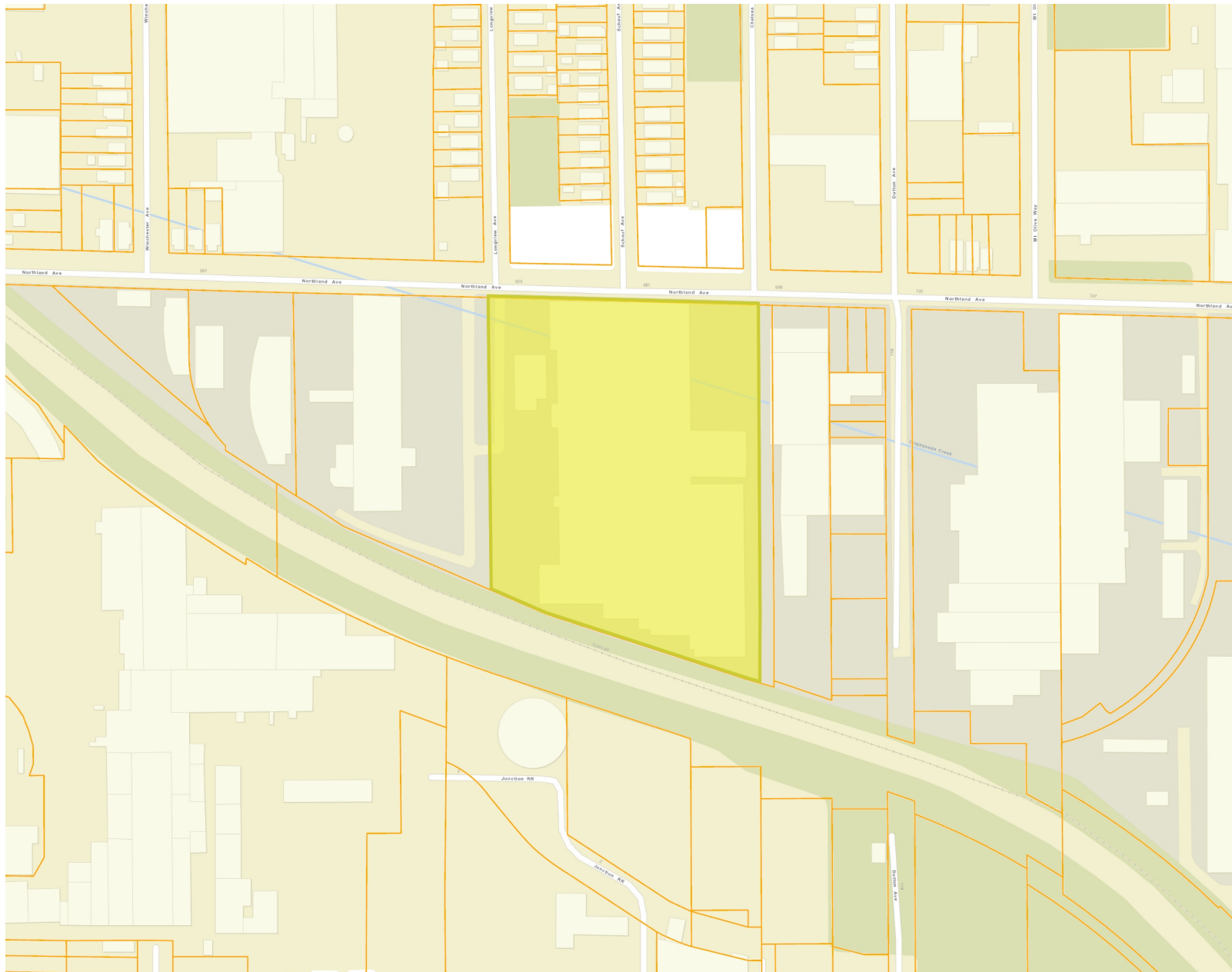


A horizontal scale bar with a black top line and a white bottom line. The top line has tick marks at 0, 16, 32, and 64. The bottom line has tick marks at 0, 16, 32, and 64. The text 'SCALE IN FEET' is centered below the bar.


3




683 Northland Ave. Section-Block-Lot: 101.21-5-1.1



Legend

 Parcels

 Municipal Boundaries

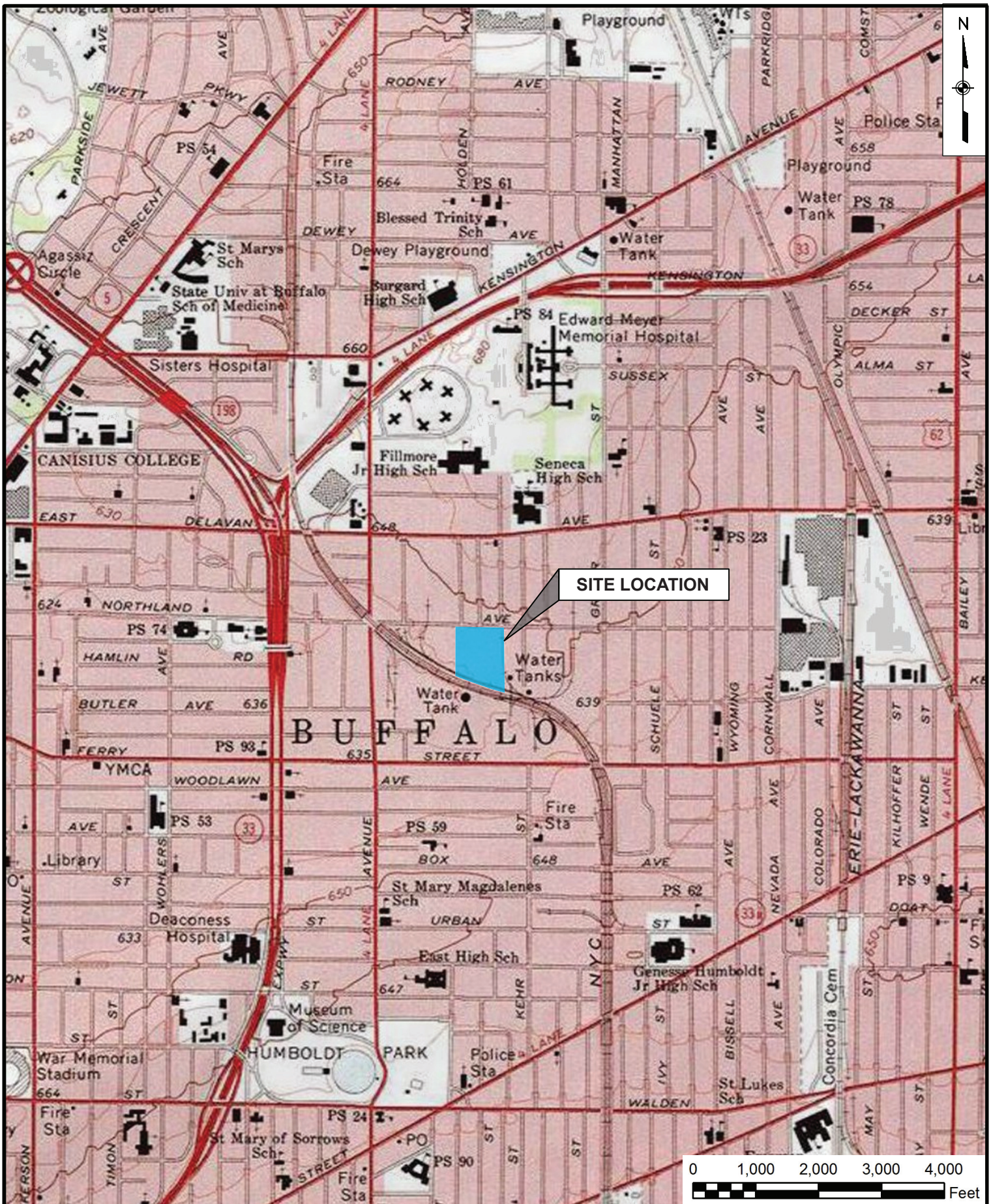
0 376.17 752.3Feet
WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

**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: 4,514





SITE LOCATION

683 NORTHLAND AVENUE TOPOGRAPHIC SITE LOCATION MAP

FIGURE NO.

1



LiRo-Engineers, Inc.
690 Delaware Ave.
Buffalo, New York

BROWNFIELD CLEANUP PROGRAM APPLICATION

683 NORTHLAND AVENUE, BUFFALO, NY

Section IV.10 – Property Description and Environmental Assessment:

Location: The 683 Northland property is located on a 7.25 acre parcel on the south side of Northland Avenue between Chelsea Place and Longview Avenue within the City of Buffalo, Erie County, New York 14211. The site is located in an urban mixed use neighborhood on the East side of Buffalo.

Site Features: The site was constructed for manufacturing with office/administration. The approximately 235,000 square foot complex comprises a four story office area on the north side along Northland Avenue, a series of connecting manufacturing spaces and a detached one story shed located on the west side of the facility. The site exterior area are paved. A CSX rail line borders the south side of the site.

Current Zoning and Land Use: The Site is currently inactive, and is zoned for industrial use. The adjacent parcels are currently also zoned for industrial use. The surrounding area includes commercial, industrial, and residential uses. The nearest residential property is located approximately 175 feet north of the Site.

Past Use of the Site: A Fisher Associates Phase I Environmental Site Assessment was prepared in accordance with ASTM E 1527-13. According to the Phase I report, the 683 Northland Site was developed as a machine and tool works facility beginning in approximately 1911. The facility used hydraulic equipment, electrical equipment and other industrial equipment (i.e., cranes, foundry, etc.) that most likely led to the present Site contamination. The Site has seen several building additions and upgrades since its initial construction. The property was most recently used for storage until it was purchased by current owner in 2015.

Site Geology and Hydrogeology:

Fill material was typically found across the site and was present to depths of 2 to 14 feet below ground surface. Fill material was described as a fine to coarse sand, silt, clay, and gravel. Below the fill material was a natural brown silty clay. Bedrock was encountered at depths ranging from approximately 6.5 to 8.5 feet below ground surface. The direction of groundwater flow was interpreted to be from northeast to southwest.

Environmental Assessment:

A Fisher Associates 2015 Phase II Assessment was completed following the latest American Society for Testing and Materials standard (ASTM E1903). The Phase II Investigation identified soil contamination at levels exceeding NYSDEC Part 375 (Commercial Use) Soil Cleanup Objectives (SCOs) in an area to the west of the building complex and beneath the building floor. There have been no remedial measures performed at the Site to date. This report and the Phase I ESA are provided as electronic attachments. Based upon investigations conducted to date, the primary contaminants of concern for the Site include PCBs, Metals, and polycyclic aromatic hydrocarbons (PAHs).

PCBs were detected in two soil samples from an area west of the building complex at concentrations (13.6 mg/kg and 46.1 mg/kg) in excess of the commercial use SCOs. The source and extent of this contamination is unknown. PCBs were also detected in the building interior in the wood block flooring and underlying concrete. Soil beneath the concrete was tested and only limited PCB contamination was noted in soil below the building floor slab (2.57 mg/kg in one soil sample). This sub-slab PCB contamination appears to be limited to one location.

Metals (including arsenic, barium, cadmium, lead, mercury) and SVOC contamination in excess of commercial SCOs was reported in soil samples from beneath the building floor slab at two locations and in soil from the exterior area where PCB contamination was noted. The sub-slab contamination appears to be limited in extent. The extent of contamination in the exterior area is unknown.

Based on the Fisher reports, five USTs are believed to be present at the Site. These include three fuel oil tanks (reportedly 23,380-gallons each) located near the southwest corner of the building and two oil tanks (reportedly 1,800-gallons) encased in concrete near the southeast portion of the Site. There is also a 6,000-gallon waste oil AST in a basement/vault in the south-central portion of the building. These tank locations are shown on the contaminants of concern figure (provided for Section II) and are considered potential source areas.

There has been limited groundwater sampling conducted adjacent to the site. No groundwater contamination was reported, however, no wells were installed in the area where soil contamination is present. No soil vapor testing has been completed to date.

BROWNFIELD CLEANUP PROGRAM APPLICATION

683 NORTHLAND AVENUE, BUFFALO, NY

Section VI – Current Property Owner/Operator Information:

Prior Owner(s):

Owner: Northland East LLC 2006-2015

Operator: Mike Sweeney

Address/Phone: McGee & Gelman, 200 Summer St, Buffalo, NY 14222 / (716) 883-7272

Requestor's Relationship to Previous Owner: None

Owner: CNB International, Inc. 1996-2006

Operator: Same

Address/Phone: 1004 E State St, Hastings, MI 49058 / 269-948-3300

Requestor's Relationship to Previous Owner: None

Owner: Niagara Machine and Tool Works (Prior to 1996)

Operator: Same

Address/Phone: Unknown – Company is believed no longer in business

Requestor's Relationship to Previous Owner: None

The present Owner has no relationship to any of the entities identified above.

The Volunteer nor its members have or had any corporate or business relationship with these prior owners and/or operators of the 683 Northland Avenue property.

BROWNFIELD CLEANUP PROGRAM APPLICATION

683 NORTHLAND AVENUE, BUFFALO, NY

Section VII – Requestor Eligibility Information:

The 683 Northland property was acquired by NORDEL II, LLC (“ Owner”) after all industrial operations ceased and the buildings/properties had been abandoned. The Owner has no relationship, corporate or otherwise, to or with any prior owner and acquired the properties in arm’s length transactions. Furthermore, the Requestor has exercised appropriate care with respect to 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.

The Owner is a subdivision of the Buffalo Urban Development Corporation (BUDC), the City of Buffalo's not-for-profit development agency, reclaiming distressed land for future development. BUDC has acquired and proposes to redevelop approximately 35 acres with approximately 750,000 square feet of vacant industrial properties on or near Northland Avenue, including the 683 Northland site which is the subject of this Application.

683 Northland is slated for redevelopment as the Western New York Workforce Training Center Project, which will consist of the stabilization, renovation, select demolition, remediation and redevelopment of the Site for the purpose of returning this vacant, underutilized property to productive use, to assist with revitalizing the surrounding neighborhood, and to provide employment opportunities for nearby residents by creating a new manufacturing and employment hub on Buffalo’s East Side.

BROWNFIELD CLEANUP PROGRAM APPLICATION
683 NORTHLAND AVENUE, BUFFALO, NY

Brownfield Cleanup Program Site Contact List
Western New York Workforce Training Center

Site Owner

NORDEL II LLC
95 Perry Street, Suite 404
Buffalo, NY 14203

Government

The City of Buffalo
Mayor Byron W. Brown
201 City Hall
Buffalo, NY 14202

Honorable Mark C. Poloncarz
Erie County Executive
95 Franklin Street
Buffalo, NY 14202

City of Buffalo Office of Strategic Planning
920 City Hall
Buffalo, NY 14202
Attn: Brendan Mehaffy, Executive Director

City of Buffalo Planning Board
901 City Hall
Buffalo, NY 14202
Nadine Marrero, Director of Planning

Erie County Water Authority
350 Ellicott Square Building
295 Main Street
Buffalo, NY 14203

Adjacent Residents/Owners/Occupants

Plesh Properties LLC
701 Northland Avenue
Buffalo, NY 14127

Northland West LLC
95 Perry Street, Suite 404
Buffalo, NY 14203

Media

Buffalo News
I News Plaza
Buffalo, NY 14240

WGRZ TV
259 Delaware Avenue
Buffalo, NY 14202

WIVB TV
2077 Elmwood Avenue
Buffalo, NY 14207

WKBW TV
7 Broadcast Plaza
Buffalo, NY 14202

Document Repository

Buffalo and Erie County Public Library
Central (Downtown Buffalo) Branch
1 Lafayette Square
Buffalo , NY 14203

Frank, Stephen

From: April Tompkins <tompkinsa@buffalolib.org>
Sent: Tuesday, August 16, 2016 2:03 PM
To: Frank, Stephen
Subject: Document Repository - Permission Request

Good afternoon Mr. Frank,

Per our conversation and your request, this is to inform you that the Buffalo and Erie County Public Library will be the repository for document(s) submitted by Liro Engineers for the Brownfield Cleanup Program pertaining to **“683 Northland Avenue - City of Buffalo, County of Erie, New York.”** Document(s) will be made available for public review. ***Also, this serves as permission to submit any additional updates pertaining to the above document.***

Please keep the following in mind:

- Documents (including updates) for public review should be sent or brought in person to the Central Library to the attention of Carol Batt, of whom I assist. Documents sent via e-mail will not be accepted. The mailing address is:

**Attention: Carol Ann Batt
Chief Operating Officer
Buffalo and Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203**

- Documents for the Central/Downtown library are made available on the first floor in the Information Services Department within a day or so after receipt. If received Friday afternoon, they go out the following Monday.
- If you would like the document(s) distributed at libraries other than Central, you will need to send or give us the appropriate quantity of copies with labels regarding their destinations. We will distribution accordingly. We do not make copies for distribution.
- You have the choice regarding the format (hard copy and / or disk) you wish to submit. If the document is very large, part in hard copy and part on disk is acceptable. If submitting in both formats, please be sure that they are titled/labeled accordingly. Although CD-ROMs cannot be used on public library computers, if someone brings in their personal laptop, the disc can be viewed in-house. If optional, an alternative is the availability to go online using a provided link for patrons to read/review/print.

If you still have any questions/concerns, please feel free to contact me by replying to this e-mail or by phone at 716-858-7129. Thank you.

Regards,
April

The Buffalo & Erie County Public Library System has more than 2.6 million materials available for borrowing including books, eBooks, DVDs, music and more. Free library card applications can be downloaded and taken to any of the 37- local public libraries for processing. A valid form of identification and proof of address is necessary. For more information call 716-858-8900 or visit <http://www.BuffaloLib.org>. Follow the library on Facebook <https://www.facebook.com/buffalolibrary.central?ref=ts> , Twitter <http://twitter.com/buffalolibrary> , Pinterest <http://www.buffalolib.org/sites/default/files/images/pinterest.png> , Instagram <http://instagram.com/buffalolibrary> and Flickr <http://www.buffalolib.org/sites/default/files/images/flickr.png>

BROWNFIELD CLEANUP PROGRAM APPLICATION

683 NORTHLAND AVENUE, BUFFALO, NY

Section X – Current Use and Specific Proposed Use:

Current Use: 683 Northland was originally developed and used for manufacturing industrial machine and tool equipment by the Niagara Machine and Tool Company and later by the Clearing Niagara Company. These manufacturing operations reportedly ceased in mid-1990s. The building was most recently used for miscellaneous storage but was vacated in 2015 and is now awaiting rehabilitation for re-use.

Reasonable Anticipated Use Post Remediation: The Office portion of the building (approximately 35,000 square feet), and approximately 52,000 square feet of the former manufacturing area is slated for reuse as the Western New York Workforce Training Center. The WTC will be a training/vocational education facility that would be considered a commercial use. The remaining 134,000 SF of building area is slated for mixed office (commercial) and light industrial use.