

Buffalo Urban Development Corporation

95 Perry Street

Suite 404

Buffalo, New York 14203

phone: 716-856-6525

fax: 716-856-6754

web: buffalourbandevelopment.com



Buffalo Urban Development Corporation Real Estate Committee Meeting Tuesday, March 23, 2021, Noon Via Video Conference Call & Live Stream Audio

Agenda

- 1) Approval of Minutes – Meeting of February 16, 2021 (*Approval*) (*Enclosure*)
- 2) President Retirement / Project Management Transition (*Information*)
- 3) Northland Beltline Corridor (*All Are Information Items Except 3a*)
 - a) Northland Central – Bank on Buffalo Proposed Lease (*Recommend Approval By Board*)
 - b) Northland Central – Phase I Construction Additional HVAC Work Claim
 - c) Northland Central – Garwood Medical Build-out Update
 - d) Northland Central – NWTC / ESD / BUDC Memorandum of Understanding
 - e) Northland Central – LEED Certification Update / NYSERDA
 - f) Northland Central – NYSDEC Annual PRR & IC/EC Certification (*Enclosure*)
 - g) Northland Corridor – Beltline BOA & Miscellaneous Updates
 - h) Northland Corridor – Community Solar & Microgrid Project Update
 - i) Northland Corridor – Snow Removal / Landscaping Transition
 - j) 1669 Fillmore – LaBella UST Closure Services Update
 - k) 631 Northland – Creation of Limited Liability Company (LLC)
 - l) 631 Northland – EDA Grant Application
 - m) Plesh / BUDC Land Exchange Update
 - n) 537 East Delavan – Subdivision Update
- 4) Buffalo Lakeside Commerce Park (*All Information Items*)
 - a) 255 Ship Canal Parkway - Uniland Land Sale Agreement Update
 - b) 193 Ship Canal Parkway - LaBella RAAP & RAWP Update
 - c) Various Parcels - Zephyr Investors, LLC Land Sale Agreement Update
 - d) NYSDOT Skyway Alternatives Study
- 5) 308 Crowley Project Update
- 6) 2020 Authority Budget Office Property Report (Final) (*Enclosure*)
- 7) Adjournment (*Approval*)

**Minutes of the Meeting
of the
Real Estate Committee
of
Buffalo Urban Development Corporation**

Via Video Conference Call & Live Stream Audio

February 16, 2021
12:00 p.m.

Committee Members Present:

Janique S. Curry
Thomas A. Kucharski
Brendan R. Mehaffy
Dennis M. Penman
Craig A. Slater, Chair

Committee Members Absent:

Kimberley A. Minkel
Maria R. Whyte

Officers Present:

Peter M. Cammarata, President
Brandye Merriweather, Vice President, Downtown Development
Rebecca Gandour, Vice President, Finance & Development
Mollie Profic, Treasurer
Kevin J. Zanner, Secretary
Atiqa Abidi, Assistant Treasurer

Guests Present: Evan Y. Bussiere, Hurwitz & Fine, P.C., Jamee Lanthier, ECIDA Compliance Officer; and Paul Tronolone, Empire State Development.

Roll Call: The meeting was called to order at 12:02 p.m. A quorum of the Committee was present. Mr. Mehaffy joined the meeting during the presentation of item 2(f).

The meeting was held via video/telephone conference in accordance with the provisions of Executive Order 202.15, issued by Governor Andrew Cuomo on March 12, 2020, as amended. The meeting was also live-streamed to the general public and recorded. A transcript of the meeting will be made available at a later date.

1.0 Approval of Minutes – Meeting of January 19, 2021 – The minutes of the January 19, 2021 Real Estate Committee meeting were presented. Mr. Penman made a motion to approve the meeting minutes. The motion was seconded by Ms. Curry and unanimously carried (4-0-0).

2.0 Northland Beltline Corridor

(a) Northland Corridor – Solar & Microgrid Project ESD GDA – Ms. Gandour presented her February 16, 2021 memorandum to the Committee regarding a \$200,000 grant from Empire State Development (ESD) for the Northland Community Solar, Microgrid and Workforce Renewable Energy Infrastructure project. The ESD Board recently approved \$200,000 in initial funding to advance the project. BUDC staff and counsel reviewed the proposed Grant

Disbursement Agreement and are recommending acceptance of the grant funds. Mr. Kucharski made a motion to recommend that the Board of Directors authorize acceptance of a \$200,000 grant from ESD for costs associated with pre-development planning and analysis of the Northland Community Solar, Microgrid and Workforce Renewable Energy Infrastructure project and to authorize the President or the Vice President–Finance & Development to take such actions as are necessary to implement the authorization. The motion was seconded by Ms. Curry and unanimously carried (4-0-0).

- (b) **Northland Corridor – National Fuel Clean District Geothermal Demonstration Pilot** – Ms. Gandour reported on a meeting with National Fuel regarding a potential geothermal pilot demonstration project. NYSERDA is seeking urban locations for a geothermal pilot project and the Northland Corridor is among the locations under consideration. BUDC Board member Dennis Eisenbeck has been involved in these initial discussions as well.
- (c) **Northland Corridor – Northland Brownfield Opportunity Area & Misc. Updates** – Mr. Cammarata provided an update on the BOA. Buffalo Sewer Authority (BSA) has completed its mapping work. A meeting with the Office of Strategic Planning and BSA has been scheduled, with the goal of finalizing and submitting the BOA document to the NYS Department of State by the end of this month. He noted that the Albright-Knox at 612 Northland has re-opened and a new exhibit premiered on February 12th. Mr. Cammarata then provided an update on the grant that LISC received from AARP and the use of a portion of those funds for public art components and placemaking activities in the Northland Corridor. He concluded his report by noting that Art Hall is working on completing the NTCIC reporting requirements, which are due in March.
- (d) **Northland Central – Bank on Buffalo Proposed Lease Update** – Mr. Kucharski made a motion for the Committee to enter into executive session to discuss a proposed lease at Northland Central to Bank on Buffalo on the basis that public discussion of the lease terms would substantially affect the value of the property and to discuss litigation strategy relating to the design of the Phase 1 HVAC system at Northland Central. The motion was seconded by Mr. Penman and unanimously carried (4-0-0). At the conclusion of the discussion, Mr. Kucharski made a motion to exit executive session, which was seconded by Mr. Penman and unanimously carried (4-0-0). Ms. Curry then made a motion to authorize the BUDC President to pursue retaining an engineering consultant, in an amount not to exceed \$25,000, to review the design of the Phase 1 HVAC system at Northland Central. The motion was seconded by Mr. Penman and unanimously carried (4-0-0).
- (e) **Northland Central – Phase I Construction Additional HVAC Work Claim** – This item was discussed in concert with item 2(d).
- (f) **Northland Central – Garwood Medical Build-out Update** – Mr. Cammarata updated the Committee regarding the Garwood Medical tenant improvements. The work remains on track for completion by the end of February, with an anticipated April 1st opening date for the facility. Rent payments commenced as of December 1st. He also noted that Garwood is working with Barbara Campagna to ensure that the proposed exterior tenant signage complies with SHPO requirements.
- (g) **Northland Central – Retech Systems Build-out Update** – Mr. Cammarata reported that Retech Systems has obtained fire inspection department approval for the manufacturing portion of the leased space and is authorized to occupy the space. Rent payments commenced as of February 1, 2021.

- (h) **Northland Central – NWTC/ESD/BUDC Memorandum of Understanding** – Mr. Cammarata updated the Committee on discussions among NWTC, ESD and BUDC regarding a memorandum of understanding (MOU) to document protocols for ongoing operations and equipment ownership at 683 Northland. A revised draft of the MOU was recently circulated. Mr. Tronolone commented that the six million dollar grant for equipment purchases was provided to BUDC because NWTC was not formed as a legal entity at the time. He also noted that the MOU will help preserve institutional knowledge as to the arrangements at Northland Central.
- (i) **1669 Fillmore – LaBella Proposal for UST Closure Services** – Mr. Cammarata referred the Committee to the January 29, 2021 proposal from LaBella Associates for underground storage tank (UST) closure work to be performed at 1669 Fillmore Avenue. NorDel II, LLC recently acquired this parcel as part of the land exchange transaction with the City of Buffalo. Mr. Cammarata noted that as part of the transaction, the BUDC of Directors authorized the use of BBRP funds to retain LaBella Associates to complete the UST tank closure work at a cost of \$52,900. Although several years have since passed, LaBella Associates has agreed to perform the work for the same price.
- (j) **631 Northland – EDA Grant Application** – Mr. Cammarata updated the Committee regarding the EDA grant application. An initial draft was submitted to EDA, and EDA provided recommendations to modify the application. A revised grant application is expected to be completed and submitted by the end of February.
- (k) **537 East Delavan – Subdivision Update** – Mr. Cammarata noted that BUDC staff are working on obtaining the individual SBL numbers and addresses for the sub-parcels.
- (l) **Plesh/BUDC Land Exchange Update** – Mr. Bussiere presented a brief update on the Plesh land exchange transaction. Title commitments have been circulated and draft closing documents are being prepared and reviewed by counsel, including a reciprocal easement.

3.0 **Buffalo Lakeside Commerce Park**

- (a) **255 Ship Canal Parkway - Uniland Development Land Sale** – Mr. Cammarata reviewed a map of the proposed location for the solar project. The Committee then discussed Uniland's request for consent to submit an application to the Brownfield Cleanup Program (BCP). Mr. Slater noted that Uniland and its counsel had reached out to him directly regarding the request and had expressed some concern regarding tax credit eligibility due to previous site remediation work. The Committee discussed how to structure the authorization to best protect BUDC in the event Uniland did not close on the land sale. Mr. Zanner noted that Uniland recently waived its investigation contingency under the land sale agreement. Mr. Cammarata noted that BUDC has successfully managed the BCP project at 193 Ship Canal Parkway under similar circumstances. The general consensus of the Committee was that the authorization should expressly prohibit Uniland from undertaking remediation activities under after the closing of the land sale, and that BUDC should be provided with all BCP documents.
- (b) **193 Ship Canal Parkway Prospect & LaBella RAAP & RAWP Update** – Mr. Cammarata reported that BUDC's consultant has submitted all documents required for the RAAP and RAWP. BUDC is waiting on NYSDEC and NYSDOH to review and make final comments on the documents.
- (c) **Various Parcels – Zephyr Investors, LLC Land Sale Agreement Update** – Mr. Cammarata commented on recent movement in Albany regarding legislation to legalize adult use cannabis. Zephyr's due diligence period expires as of July 31, 2021.

- (d) **NYS DOT Skyway Alternatives Study** – Mr. Tronolone commented that a draft GEIS is expected to be issued by April 30th and that a record of decision is anticipated by late July of this year.
- 4.0 **308 Crowley Update** – Mr. Cammarata reported that an appraisal was obtained in connection with the potential sale of the existing concrete building to Enterprise Folding Box Company. He also noted that BUDC staff will participate in a Zoom meeting with SHPO regarding the proposed memorandum of understanding relating to the select demolition work.
- 5.0 **2020 Authority Budget Office Property Report (Draft)** – Mr. Cammarata shared the draft 2020 property report. This report will be submitted as part of BUDC's PARIS report at the end of March. Staff is still working on an estimate of fair market value for 683 Northland.
- 6.0 **2021 Property and Liability Insurance Renewals** – Mr. Cammarata reviewed with the Committee the insurance coverage summary report that was included in the meeting agenda materials.
- 7.0 **Adjournment** – There being no further business to come before the Committee, upon motion made by Ms. Curry, seconded by Mr. Penman and unanimously carried, the February 16, 2021 meeting of the Real Estate Committee was adjourned at 1:21 p.m.

Respectfully submitted,



Kevin J. Zanner
Secretary

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation

625 Broadway, 11th Floor, Albany, NY 12233-7020

P: (518)402-9543 | F: (518)402-9547

www.dec.ny.gov

3/15/2021

Peter Cammarata
683 Northland LLC
95 Perry Street
Suite 404
Buffalo, NY 14203
pcammarata@buffalourbandevelopment.com

Re: Reminder Notice: Site Management Periodic Review Report and IC/EC Certification Submittal

Site Name: Western New York Workforce Training Center

Site No.: C915310

Site Address: 665 and 683 Northland Avenue
Buffalo, NY 14211

Dear Peter Cammarata:

This letter serves as a reminder that sites in active Site Management (SM) require the submittal of a periodic progress report. This report, referred to as the Periodic Review Report (PRR), must document the implementation of, and compliance with, site-specific SM requirements. Section 6.3(b) of DER-10 *Technical Guidance for Site Investigation and Remediation* (available online at <http://www.dec.ny.gov/regulations/67386.html>) provides guidance regarding the information that must be included in the PRR. Further, if the site is comprised of multiple parcels, then you as the Certifying Party must arrange to submit one PRR for all parcels that comprise the site. The PRR must be received by the Department no later than **May 27, 2021**. Guidance on the content of a PRR is enclosed.

Site Management is defined in regulation (6 NYCRR 375-1.2(at)) and in Chapter 6 of DER-10. Depending on when the remedial program for your site was completed, SM may be governed by multiple documents (e.g., Operation, Maintenance, and Monitoring Plan; Soil Management Plan) or one comprehensive Site Management Plan.

A Site Management Plan (SMP) may contain one or all of the following elements, as applicable to the site: a plan to maintain institutional controls and/or engineering controls ("IC/EC Plan"); a plan for monitoring the performance and effectiveness of the selected remedy ("Monitoring Plan"); and/or a plan for the operation and maintenance of the selected remedy ("O&M Plan"). Additionally, the technical requirements for SM are stated in the decision document (e.g., Record of Decision) and, in some cases, the legal agreement directing the remediation of the site (e.g., order on consent, voluntary agreement, etc.).

When you submit the PRR (by the due date above), include the enclosed forms documenting that all SM requirements are being met. The Institutional Controls (ICs) portion of the form (Box 6) must be signed by you or your designated representative. The Engineering Controls (ECs) portion of the form (Box 7) must be signed by a Professional Engineer (PE). If you cannot certify that all SM requirements are being met, you must submit a Corrective Measures Work Plan that identifies the actions to be taken to restore compliance. The work plan must include a schedule to be approved by the Department. The Periodic Review process will not be considered complete until all necessary corrective measures are completed and all required controls are certified. Instructions for completing the certifications are enclosed.



**Department of
Environmental
Conservation**

All site-related documents and data, including the PRR, must be submitted in electronic format to the Department of Environmental Conservation. The required format for documents is an Adobe PDF file with optical character recognition and no password protection. Data must be submitted as an electronic data deliverable (EDD) according to the instructions on the following webpage:

<https://www.dec.ny.gov/chemical/62440.html>

Documents may be submitted to the project manager either through electronic mail or by using the Department's file transfer service at the following webpage:

<https://fts.dec.state.ny.us/fts/>

The Department will not approve the PRR unless all documents and data generated in support of the PRR have been submitted using the required formats and protocols.

You may contact Benjamin Mcpherson, the Project Manager, at 716-851-7220 or benjamin.mcpherson@dec.ny.gov with any questions or concerns about the site. Please notify the project manager before conducting inspections or field work. You may also write to the project manager at the following address:

New York State Department of Environmental Conservation
270 Michigan Ave

Buffalo, NY 14203-2915

Enclosures

PRR General Guidance
Certification Form Instructions
Certification Forms

ec: w/ enclosures

Benjamin Mcpherson, Project Manager

Megan Kuczka

Andrea Caprio, Hazardous Waste Remediation Supervisor, Region 9

LiRo Engineers - Stephen Frank - franks@liro.com

Enclosure 1

Certification Instructions

I. Verification of Site Details (Box 1 and Box 2):

Answer the three questions in the Verification of Site Details Section. The Owner and/or Qualified Environmental Professional (QEP) may include handwritten changes and/or other supporting documentation, as necessary.

II. Certification of Institutional Controls/ Engineering Controls (IC/ECs)(Boxes 3, 4, and 5)

1.1.1. Review the listed IC/ECs, confirming that all existing controls are listed, and that all existing controls are still applicable. If there is a control that is no longer applicable the Owner / Remedial Party should petition the Department separately to request approval to remove the control.

2. In Box 5, complete certifications for all Plan components, as applicable, by checking the corresponding checkbox.

3. If you cannot certify "YES" for each Control listed in Box 3 & Box 4, sign and date the form in Box 5. Attach supporting documentation that explains why the **Certification** cannot be rendered, as well as a plan of proposed corrective measures, and an associated schedule for completing the corrective measures. Note that this **Certification** form must be submitted even if an IC or EC cannot be certified; however, the certification process will not be considered complete until corrective action is completed.

If the Department concurs with the explanation, the proposed corrective measures, and the proposed schedule, a letter authorizing the implementation of those corrective measures will be issued by the Department's Project Manager. Once the corrective measures are complete, a new Periodic Review Report (with IC/EC Certification) must be submitted within 45 days to the Department. If the Department has any questions or concerns regarding the PRR and/or completion of the IC/EC Certification, the Project Manager will contact you.

III. IC/EC Certification by Signature (Box 6 and Box 7):

If you certified "YES" for each Control, please complete and sign the IC/EC Certifications page as follows:

- For the Institutional Controls on the use of the property, the certification statement in Box 6 shall be completed and may be made by the property owner or designated representative.
- For the Engineering Controls, the certification statement in Box 7 must be completed by a Professional Engineer or Qualified Environmental Professional, as noted on the form.



Enclosure 2
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Periodic Review Report Notice
Institutional and Engineering Controls Certification Form



	Site Details	Box 1
Site No. C915310		
Site Name Western New York Workforce Training Center		
Site Address: 665 and 683 Northland Avenue Zip Code: 14211		
City/Town: Buffalo		
County: Erie		
Site Acreage: 8.548		
Reporting Period: April 27, 2020 to April 27, 2021		
		YES NO
1. Is the information above correct?		<input type="checkbox"/> <input type="checkbox"/>
If NO, include handwritten above or on a separate sheet.		
2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?		<input type="checkbox"/> <input type="checkbox"/>
3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?		<input type="checkbox"/> <input type="checkbox"/>
4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?		<input type="checkbox"/> <input type="checkbox"/>
If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.		
5. Is the site currently undergoing development?		<input type="checkbox"/> <input type="checkbox"/>
		Box 2
		YES NO
6. Is the current site use consistent with the use(s) listed below? Commercial and Industrial		<input type="checkbox"/> <input type="checkbox"/>
7. Are all ICs in place and functioning as designed?		<input type="checkbox"/> <input type="checkbox"/>
IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.		
A Corrective Measures Work Plan must be submitted along with this form to address these issues.		
_____ Signature of Owner, Remedial Party or Designated Representative		_____ Date

		Box 2A
		YES NO
8.	Has any new information revealed that assumptions made in the Qualitative Exposure Assessment regarding offsite contamination are no longer valid?	<input type="checkbox"/> <input type="checkbox"/>
<p>If you answered YES to question 8, include documentation or evidence that documentation has been previously submitted with this certification form.</p>		
9.	Are the assumptions in the Qualitative Exposure Assessment still valid? (The Qualitative Exposure Assessment must be certified every five years)	<input type="checkbox"/> <input type="checkbox"/>
<p>If you answered NO to question 9, the Periodic Review Report must include an updated Qualitative Exposure Assessment based on the new assumptions.</p>		

SITE NO. C915310		Box 3
Description of Institutional Controls		
<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
101.21-5-1.1	683 Northland, LLC	Ground Water Use Restriction Soil Management Plan Landuse Restriction Monitoring Plan Site Management Plan O&M Plan IC/EC Plan
<p>an environmental easement for the controlled property which:</p> <ul style="list-style-type: none"> • require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8(h)(3); • allow the use and development of the controlled property for commercial use or industrial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws; • restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and • require compliance with the Department approved Site Management Plan. 		
101.21-5-1.22	683 Northland, LLC	Ground Water Use Restriction Soil Management Plan Landuse Restriction Monitoring Plan Site Management Plan O&M Plan IC/EC Plan
<p>an environmental easement for the controlled property which:</p> <ul style="list-style-type: none"> • require the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8(h)(3); • allow the use and development of the controlled property for commercial use or industrial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws; • restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and • require compliance with the Department approved Site Management Plan. 		

	Box 4
Description of Engineering Controls	

Parcel

Engineering Control

101.21-5-1.1

Vapor Mitigation
Cover System
Monitoring Wells

- A site cover will be required to allow for commercial use of the site in areas where the upper one foot of exposed surface soil will exceed the applicable SCOs. Where a soil cover is to be used it will be a minimum of one foot of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material for the use of the site as set forth in 6 NYCRR Part 375-6.7(d);
- on-site buildings will be required to have a sub-slab depressurization system, or other acceptable measures, to mitigate the migration of vapors into the building; and
- monitoring for the presence oil in groundwater to assess the performance and effectiveness of the remedy. Observation of oil during monitoring may require additional investigation and/or remedial actions to remove oil from bedrock groundwater.

101.21-5-1.22

Vapor Mitigation
Cover System
Monitoring Wells

- A site cover will be required to allow for commercial use of the site in areas where the upper one foot of exposed surface soil will exceed the applicable SCOs. Where a soil cover is to be used it will be a minimum of one foot of soil placed over a demarcation layer, with the upper six inches of soil of sufficient quality to maintain a vegetative layer. Soil cover material, including any fill material brought to the site, will meet the SCOs for cover material for the use of the site as set forth in 6 NYCRR Part 375-6.7(d);
- on-site buildings will be required to have a sub-slab depressurization system, or other acceptable measures, to mitigate the migration of vapors into the building; and
- monitoring for the presence oil in groundwater to assess the performance and effectiveness of the remedy. Observation of oil during monitoring may require additional investigation and/or remedial actions to remove oil from bedrock groundwater.

Periodic Review Report (PRR) Certification Statements

1. I certify by checking "YES" below that:

a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;

b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and complete.

YES NO

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

(a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;

(b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;

(c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;

(d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and

(e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES NO

IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.

A Corrective Measures Work Plan must be submitted along with this form to address these issues.

Signature of Owner, Remedial Party or Designated Representative

Date

**IC CERTIFICATIONS
SITE NO. C915310**

Box 6

SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I _____ at _____,
print name print business address

am certifying as _____ (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

Signature of Owner, Remedial Party, or Designated Representative
Rendering Certification

Date

EC CERTIFICATIONS

Box 7

Professional Engineer Signature

I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I _____ at _____,
print name print business address

am certifying as a Professional Engineer for the _____
(Owner or Remedial Party)

Signature of Professional Engineer, for the Owner or
Remedial Party, Rendering Certification

Stamp
(Required for PE)

Date

Enclosure 3
Periodic Review Report (PRR) General Guidance

- I. Executive Summary: (1/2-page or less)
 - A. Provide a brief summary of site, nature and extent of contamination, and remedial history.
 - B. Effectiveness of the Remedial Program - Provide overall conclusions regarding;
 1. progress made during the reporting period toward meeting the remedial objectives for the site
 2. the ultimate ability of the remedial program to achieve the remedial objectives for the site.
 - C. Compliance
 1. Identify any areas of non-compliance regarding the major elements of the Site Management Plan (SMP, i.e., the Institutional/Engineering Control (IC/EC) Plan, the Monitoring Plan, and the Operation & Maintenance (O&M) Plan).
 2. Propose steps to be taken and a schedule to correct any areas of non-compliance.
 - D. Recommendations
 1. recommend whether any changes to the SMP are needed
 2. recommend any changes to the frequency for submittal of PRRs (increase, decrease)
 3. recommend whether the requirements for discontinuing site management have been met.

- II. Site Overview (one page or less)
 - A. Describe the site location, boundaries (figure), significant features, surrounding area, and the nature and extent of contamination prior to site remediation.
 - B. Describe the chronology of the main features of the remedial program for the site, the components of the selected remedy, cleanup goals, site closure criteria, and any significant changes to the selected remedy that have been made since remedy selection.

- III. Evaluate Remedy Performance, Effectiveness, and Protectiveness
Using tables, graphs, charts and bulleted text to the extent practicable, describe the effectiveness of the remedy in achieving the remedial goals for the site. Base findings, recommendations, and conclusions on objective data. Evaluations and should be presented simply and concisely.

- IV. IC/EC Plan Compliance Report (if applicable)
 - A. IC/EC Requirements and Compliance
 1. Describe each control, its objective, and how performance of the control is evaluated.
 2. Summarize the status of each goal (whether it is fully in place and its effectiveness).
 3. Corrective Measures: describe steps proposed to address any deficiencies in ICECs.
 4. Conclusions and recommendations for changes.
 - B. IC/EC Certification
 1. The certification must be complete (even if there are IC/EC deficiencies), and certified by the appropriate party as set forth in a Department-approved certification form(s).

- V. Monitoring Plan Compliance Report (if applicable)
 - A. Components of the Monitoring Plan (tabular presentations preferred) - Describe the requirements of the monitoring plan by media (i.e., soil, groundwater, sediment, etc.) and by any remedial technologies being used at the site.
 - B. Summary of Monitoring Completed During Reporting Period - Describe the monitoring tasks actually completed during this PRR reporting period. Tables and/or figures should be used to show all data.
 - C. Comparisons with Remedial Objectives - Compare the results of all monitoring with the remedial objectives for the site. Include trend analyses where possible.
 - D. Monitoring Deficiencies - Describe any ways in which monitoring did not fully comply with the monitoring plan.
 - E. Conclusions and Recommendations for Changes - Provide overall conclusions regarding the monitoring completed and the resulting evaluations regarding remedial effectiveness.

- VI. Operation & Maintenance (O&M) Plan Compliance Report (if applicable)
 - A. Components of O&M Plan - Describe the requirements of the O&M plan including required activities, frequencies, recordkeeping, etc.
 - B. Summary of O&M Completed During Reporting Period - Describe the O&M tasks actually completed during this PRR reporting period.
 - C. Evaluation of Remedial Systems - Based upon the results of the O&M activities completed, evaluated

the ability of each component of the remedy subject to O&M requirements to perform as designed/expected.

- D. O&M Deficiencies - Identify any deficiencies in complying with the O&M plan during this PRR reporting period.
- E. Conclusions and Recommendations for Improvements - Provide an overall conclusion regarding O&M for the site and identify any suggested improvements requiring changes in the O&M Plan.

VII. Overall PRR Conclusions and Recommendations

- A. Compliance with SMP - For each component of the SMP (i.e., IC/EC, monitoring, O&M), summarize;
 - 1. whether all requirements of each plan were met during the reporting period
 - 2. any requirements not met
 - 3. proposed plans and a schedule for coming into full compliance.
- B. Performance and Effectiveness of the Remedy - Based upon your evaluation of the components of the SMP, form conclusions about the performance of each component and the ability of the remedy to achieve the remedial objectives for the site.
- C. Future PRR Submittals
 - 1. Recommend, with supporting justification, whether the frequency of the submittal of PRRs should be changed (either increased or decreased).
 - 2. If the requirements for site closure have been achieved, contact the Departments Project Manager for the site to determine what, if any, additional documentation is needed to support a decision to discontinue site management.

VIII. Additional Guidance

Additional guidance regarding the preparation and submittal of an acceptable PRR can be obtained from the Departments Project Manager for the site.

Buffalo Urban Development Corporation
Property Report
Year Ended: December 31, 2020

Table 1. This is a listing of all real property owned by BUDC, or through its affiliates or subsidiaries, at December 31, 2020

BUDC Facility	Address or SBL of Property	Full Description of Property	Estimated FMV of Property	Note: The FMV is estimated using an average per acre value based on a sampling of non-current appraisals. Negotiated "final sale" value may vary.	
Buffalo Lakeside Commerce Park 115.35 Acres Buffalo, New York Some Under Contract Others Being Marketed	80 Ship Canal Parkway	2.01 acres of vacant land	\$ 70,350		
	134 Ship Canal Parkway	2.15 acres of vacant land	\$ 75,250		
	158 Ship Canal Parkway	2.15 acres of vacant land	\$ 75,250		
	193 Ship Canal Parkway	3.99 acres of vacant land	\$ 335,650		
	200 Ship Canal Parkway	5.86 acres of vacant land	\$ 205,100		
	295 Ship Canal Parkway	20.37 acres of vacant land	\$ 509,000		
	280 Ship Canal Parkway	0.42 acres of vacant land	\$ 14,700		
	310 Ship Canal Parkway	10.84 acres of vacant land (6.33 Useable)	\$ 241,650		
	15 Laborer's Way	4.92 acres of vacant land	\$ 172,200		
	24 Laborer's Way	5.40 acres of vacant land	\$ 189,000		
	51 Laborer's Way	5.32 acres of vacant land	\$ 186,200		
	70 Laborer's Way	18.11 acres of vacant land (10.17 Useable)	\$ 435,350		
	87 Laborer's Way	4.67 acres of vacant land	\$ 163,450		
	125 Laborer's Way	5.47 acres of vacant land	\$ 191,450		
	126 Laborer's Way	18.08 acres of vacant land (6.00 Useable)	\$ 330,800		
	Northland Corridor 37.03 Acres Buffalo, New York Some Being Marketed	537 East Delavan Avenue	10.52 acres of land (66k s.f. vacant, 15k s.f. occupied)	\$ 900,000	
		577 Northland Avenue	29,000 s.f. of greenspace	\$ 29,000	
631 Northland Avenue		2.63 acres of land w/ a 40,000 s.f. vacant building	\$ 400,000		
644 Northland Avenue		11,000 s.f. of land w/ 4,000 s.f. building	\$ 32,000		
655 Northland Avenue		1.28 acres of parking and greenspace	\$ -		
664 Northland Avenue		12,000 s.f. of parking	\$ 50,000		
683 Northland Avenue		7.27 acres of land w/ 235,000 s.f. of occupied buildings	\$ 14,000,000		
688 Northland Avenue		12,000 s.f. of parking	\$ 50,000		
714 Northland Avenue		1.81 acres of land w/ an 18,000 s.f. occupied building	\$ 435,000		
741 Northland Avenue		4.94 acres of land w/ a 92,000 s.f. derelict building	\$ 600,000		
767 Northland Avenue		7,998 s.f. of vacant land	\$ 8,000		
777 Northland Avenue		4.14 acres of land w/ a 81,000 s.f. derelict building	\$ 50,000		
126 Dutton Avenue		15,600 s.f. of vacant land	\$ 15,000		
128 Dutton Avenue		12,480 s.f. of vacant land	\$ 12,000		
162 Winchester Street		3,940 s.f. of vacant land	\$ 4,000		
164 Winchester Street		3,940 s.f. of vacant land	\$ 4,000		
168 Winchester Street		3,940 s.f. of vacant land	\$ 4,000		
572 Northland Avenue	4,560 s.f. of vacant land	\$ 5,000			
574 Northland Avenue	7,760 s.f. of vacant land	\$ 7,000			
1689 Fillmore Avenue	6,144 s.f. of vacant land	\$ 6,000			
1675 Fillmore Avenue	7,680 s.f. of vacant land	\$ 8,000			
1679 Fillmore Avenue	9,457 s.f. of vacant land	\$ 2,800			
1681 Fillmore Avenue	28,564 s.f. of vacant land	\$ 29,000			
Other	1322 South Park Avenue	2,860 s.f. of vacant land	\$ 9,000		
Not Marketed, Buffalo	308 Crowley Avenue	6,224 acres of land w/ a 315,374 s.f. derelict building	\$ 118,000		

Table 2. The following is a listing of personal property (with a fair market value ("FMV") in excess of \$5,000) and all real property that was disposed of during 2020.

Address and Location of Property	Full Description of Property	Estimated FMV of Property	Name & Address of Purchaser	Date of Sale	1 Received by BUDC Retained Entirety (Northbill II, LLC)
690 Northland Avenue, Buffalo, NY	7,564 s.f. of vacant land	\$ 8,000	The City of Buffalo, 65 Niagara Square, Buffalo, NY 14202	11/24/20	1
698 Northland Avenue, Buffalo, NY	2,976 s.f. of vacant land	\$ 3,000	"	"	"
A portion of 664 Northland Avenue, Buffalo, NY	6,000 s.f. of vacant land	\$ 8,000	"	"	"
A portion of 688 Northland Avenue, Buffalo, NY	50,000 s.f. of vacant land	\$ 50,000	"	"	"
A portion of 308 Crowley Avenue, Buffalo, NY	1 acre of vacant land	\$ 31,430	71 Isaacville, LLC, 71 Isaacville Street, Buffalo, NY	02/27/20	\$ 31,430

Table 3. The following is a listing of all real property that was acquired during 2020.

Address and Location of Property	Full Description of Property	Estimated FMV of Property	Name & Address of Seller	Date of Purchase	1 Paid by BUDC Retained Entirety (Northbill II, LLC)
162 Winchester Street, Buffalo, NY	3,940 s.f. of vacant land	\$ 4,000	The City of Buffalo, 65 Niagara Square, Buffalo, NY 14202	11/24/20	\$ -
164 Winchester Street, Buffalo, NY	3,940 s.f. of vacant land	\$ 4,000	"	"	"
168 Winchester Street, Buffalo, NY	3,940 s.f. of vacant land	\$ 4,000	"	"	"
572 Northland Avenue, Buffalo, NY	4,560 s.f. of vacant land	\$ 5,000	"	"	"
574 Northland Avenue, Buffalo, NY	7,260 s.f. of vacant land	\$ 7,000	"	"	"
1689 Fillmore Avenue, Buffalo, NY	6,144 s.f. of vacant land	\$ 6,000	"	"	"
1675 Fillmore Avenue, Buffalo, NY	7,680 s.f. of vacant land	\$ 8,000	"	"	"
1679 Fillmore Avenue, Buffalo, NY	9,457 s.f. of vacant land	\$ 2,800	"	"	"
1681 Fillmore Avenue, Buffalo, NY	28,564 s.f. of vacant land	\$ 29,000	"	"	"