

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director  
625 Broadway, 12th Floor, Albany, New York 12233-7011  
P: (518) 402-9706 | F: (518) 402-9020  
www.dec.ny.gov

Mr. Peter Cammarata  
683 Northland LLC  
95 Perry Street  
Suite 404  
Buffalo, NY 14203

DEC 27 2018

Re: Certificate of Completion  
Western New York Workforce Training Center  
Site No. C915310  
Buffalo (C), Erie County

Dear Mr. Cammarata:

Congratulations on having satisfactorily completed the remedial program at the Western New York Workforce Training Center. The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site. Enclosed please find an original, signed Certificate of Completion (COC).

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record a notice of the COC in the recording office for the county (or counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. A copy of the recorded notice should be provided to the Department's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter. Please return the proof of recording to:

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

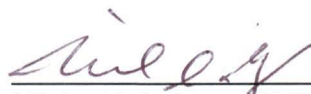


Department of  
Environmental  
Conservation

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in April 2020.

If you have any questions regarding any of these items, please contact Benjamin McPherson at 716-851-7220.

Sincerely,



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Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

ec w/ enclosure:

Peter Cammarata, [pcammarata@buffalourbandevelopment.com](mailto:pcammarata@buffalourbandevelopment.com)

David Stebbins, [dstebbins@buffalourbandevelopment.com](mailto:dstebbins@buffalourbandevelopment.com)

Stephen Frank, [franks@liro.com](mailto:franks@liro.com)

Craig Slater, [CSlater@CSlaterLaw.com](mailto:CSlater@CSlaterLaw.com)

Christine Vooris, NYSDOH

Charlotte Bethoney - NYSDOH

Richard Jones - NYSDOH

Matt Gokey, [matthew.gokey@tax.ny.gov](mailto:matthew.gokey@tax.ny.gov)

Matt Culotti, [matthew.culotti@tax.ny.gov](mailto:matthew.culotti@tax.ny.gov)

ec w/o enc.:

Benjamin McPherson

Chad Staniszewski

Michael Cruden

Jennifer Dougherty

Kelly Lewandowski

Dolores Tuohy



NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)  
*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

<b>Name</b>	<b>Address</b>
683 Northland LLC	95 Perry Street, Suite 404, Buffalo, NY 14203

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 12/22/16 **Agreement Execution:** 2/6/17 **Agreement Index No.:**C915310-12-16

**Application Approval Amendment:** 8/21/17 **Agreement Execution Amendment:** 8/21/17

**Application Approval Amendment:** 8/24/18 **Agreement Execution Amendment:** 9/11/18

**SITE INFORMATION:**

**Site No.:** C915310 **Site Name:** Western New York Workforce Training Center

**Site Owner:** 683 Northland LLC

**Street Address:** 665 and 683 Northland Avenue

**Municipality:** Buffalo **County:** Erie **DEC Region:** 9

**Site Size:** 8.548 Acres

**Tax Map Identification Number(s):** 101.21-5-1.1, 101.21-5-1.22

**Percentage of site located in an EnZone:** 100 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

**CERTIFICATE ISSUANCE**

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

**Allowable Uses under the BCP:** Commercial and Industrial

**Cleanup Track:** Track 4: Restricted use with site-specific soil cleanup objectives

**Tax Credit Provisions:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 25 %.

Tangible Property Credit Component Rate is 15%. Comprised of 10% Base, 5% EnZone.

Dependent upon the project being developed in a manner consistent with the requirements of Section 21(a)(5)(B) of the New York State Tax Law, additional rate increases may be available if the site is developed as affordable housing (5%), if the Certificate Holder receives a separate Determination of Conformance with the Brownfield Opportunity Area (BOA) from the Secretary of State (5%), or if the site is used primarily for manufacturing activities (5%), not to exceed a maximum total Tangible Property Credit Rate of 24 %.



The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Erie County as Book 11338 and Page 1788.

### LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

### CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

### CERTIFICATE MODIFICATION/REVOCAION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos  
Commissioner  
New York State Department of Environmental Conservation

By:  Date: 12/27/08  
Michael J. Ryan, R.E., Director  
Division of Environmental Remediation



**NOTICE OF CERTIFICATE OF COMPLETION**  
**Brownfield Cleanup Program**  
**6 NYCRR Part 375-1.9(d)**

*Western New York Workforce Training Center, Site ID No. C915310*  
*665 and 683 Northland Avenue, Buffalo, NY 14211*  
*Buffalo, Erie County, Tax Map Identification Number(s): 101.21-5-1.1 and 101.21-5-1.22*

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to 683 Northland LLC for parcels approximately 8.548 acres located at 665 and 683 Northland Avenue in the City of Buffalo, Erie County.

**PLEASE TAKE NOTICE**, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

**PLEASE TAKE NOTICE**, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

**PLEASE TAKE NOTICE**, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Erie County as Book 11338 and Page 1788.

**PLEASE TAKE NOTICE**, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

**PLEASE TAKE NOTICE**, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

*Western New York Workforce Training Center, #C915310, 665 and 683 Northland Avenue, Buffalo, NY 14211*

**PLEASE TAKE NOTICE**, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

**PLEASE TAKE NOTICE**, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

**PLEASE TAKE NOTICE**, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

**PLEASE TAKE NOTICE**, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

**PLEASE TAKE NOTICE**, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 9 located at 270 Michigan Avenue, Buffalo, NY 14203, by contacting the Regional Environmental Remediation Engineer.

**WHEREFORE**, the undersigned has signed this Notice of Certificate

683 Northland LLC

By: \_\_\_\_\_

Title: \_\_\_\_\_

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

STATE OF NEW YORK ) SS:  
COUNTY OF )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Signature and Office of individual  
taking acknowledgment

**Please record and return to:**  
683 Northland LLC  
95 Perry Street, Suite 404  
Buffalo, NY 14203

**Exhibit A**

**Site Description**

**DESCRIPTION**  
**ENVIRONMENTAL EASEMENT**

**ALL THAT TRACT OR PARCEL OF LAND** situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No.11 & 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, 66.00 feet in width, said point being 983.37 feet easterly of the east line of Fillmore Avenue, 66.00 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 Deed recorded in Liber 9056 of Deeds at page 410;

thence northwesterly a distance of 26.07 feet to the northwest corner of lands conveyed by Deed recorded in Liber 9056 of Deeds at page 513;

thence northerly along the former west line of Chelsea Street a distance of 1.00 feet;

thence northwesterly along the northeasterly line of lands conveyed by Deed recorded 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 167.51 feet;

thence northerly at an interior angle of  $114^{\circ} 17' 39''$  a distance of 499.95 feet to the said south line of Northland Avenue;

thence easterly along the said south line of Northland Avenue, a distance of 105.52 feet to the point or place of beginning. containing 372,353 square feet or 8.548 acres of land, more or less.



**Exhibit B**

**Site Survey**









**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Site Management Form**  
 12/11/2018



**SITE DESCRIPTION**

**SITE NO.** C915310

**SITE NAME** Western New York Workforce Training Center

**SITE ADDRESS:** 683 Northland Avenue      **ZIP CODE:** 14211

**CITY/TOWN:** Buffalo

**COUNTY:** Erie

**ALLOWABLE USE:** Commercial and Industrial

**SITE MANAGEMENT DESCRIPTION**

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	■	□
Monitoring Plan	■	□
Operation and Maintenance (O&M) Plan	■	□

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2020

**Description of Institutional Control**

**683 Northland, LLC**  
 95 Perry Street, Suite 404  
**665 Northland Avenue**  
 Environmental Easement  
 Block: 5  
 Lot: 1  
 Sublot: 22  
 Section: 101  
 Subsection: 21  
 S\_B\_L Image: 101.21-5-1.22  
 Ground Water Use Restriction  
 IC/EC Plan  
 Landuse Restriction  
 Monitoring Plan  
 O&M Plan  
 Site Management Plan  
 Soil Management Plan



**683 Northland Avenue**

Environmental Easement

Block: 5

Lot: 1

Sublot: 1

Section: 101

Subsection: 21

S\_B\_L Image: 101.21-5-1.1

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

**Description of Engineering Control**

**683 Northland, LLC**

95 Perry Street, Suite 404

**665 Northland Avenue**

Environmental Easement

Block: 5

Lot: 1

Sublot: 22

Section: 101

Subsection: 21

S\_B\_L Image: 101.21-5-1.22

Cover System

Monitoring Wells

Vapor Mitigation

**683 Northland Avenue**

Environmental Easement

Block: 5

Lot: 1

Sublot: 1

Section: 101

Subsection: 21

S\_B\_L Image: 101.21-5-1.1

Cover System

Monitoring Wells

Vapor Mitigation