

## Application Title

Tax Incentive Application

## Section I: Applicant Background Information

### Applicant Information - Company Receiving Benefit

**Total Project Cost** 98245640  
**Applicant Name** James Gottstine  
**Applicant Address** C/O Ciminelli Real Estate 350 Essjay Rd, Williamsville NY 14221  
**Phone** 7166318000  
**Fax** 7166318034  
**E-mail** JGottstine@Ciminelli.com  
**Website** Ciminelli.com  
**Fed ID#**

### Individual Completing Application

**Name** James Gottstine  
**Title** Senior Vice President  
**Address** 350 Essjay Rd, Williamsville, NY 14221  
**Phone** 7166318000  
**Fax** 7166318034  
**E-Mail** JGottstine@Ciminelli.com

### Company Contact (if different from individual completing application)

**Name**  
**Title**  
**Address**  
**Phone**  
**Fax**  
**E-Mail**

### Company Counsel

**Name of Attorney** Blaine Schwartz  
**Firm Name** Lippes Matias Wexler Friedman LLP  
**Address** 665 Main Street, Suite 300, Buffalo, NY 14203-1425  
**Phone** 7168535100  
**Fax**

**E-Mail**

Bschwartz@lippes.com

**Identify the assistance being requested of the Agency**

<b>Exemption from Sales Tax</b>	Yes
<b>Tax Exempt Financing</b>	No
<b>Exemption from Mortgage Tax</b>	Yes
<b>Exemption from Real Property Tax</b>	Yes
<b>Assignment/Assumption of existing PILOT benefits</b>	No

**Business Organization**

<b>Type of Business</b>	Limited Liability Company
<b>Year Established</b>	2012
<b>State of Organization</b>	New York

**List all stockholders, members, or partners with % of ownership greater than 20%**

**Please include name and % of ownership.**

Entity to be formed. The managing members will be Frank Ciminelli and Paul Ciminelli.

**Business Description**

**Describe in detail company background, products, customers, goods and services**

The LLC plans to construct a medical arts and research facility adjacent to and connected to the new Children's Hospital. This facility will supply space to Kaleida, UBMD and others performing research and providing services to the local community and others from outside WNY

Estimated % of sales within Erie County

Estimated % of sales outside Erie County but within New York State

Estimated % of sales outside New York State

Estimated % of sales outside the U.S.

**What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County? (You may be asked to provide supporting documentation of the estimated percentage of local purchases)**

## Section II: Project Description & Details

### Location of proposed project facility

<b>Address</b>	1001 Main Street
<b>City</b>	Buffalo
<b>State</b>	New York
<b>Zip Code</b>	
<b>SBL Number</b>	100.79-1-1 A.V. \$255,000
<b>Town/City/Village</b>	
<b>School District</b>	Buffalo
<b>Present Project Site Owner</b>	FLC 50 High Street

### Please provide a brief narrative of the project

"The Buffalo Niagara Medical Campus (BNMC) was established to capitalize upon and foster further development of the biomedical research, education, business and clinical organizations that are collocated on its downtown campus. The original founders of the BNMC recognized that a critical mass of prestigious institutions in those fields already existed, and that nurturing their coordination would provide the basis of an exceptional Academic Health Center to promote wellness and economic development for the Buffalo Niagara Region...." "A renewed emphasis on underutilized sites with greater densification is part of the answer, but carefully working with adjacent landowners to open up new opportunities is critical as well. An emphasis on joint development projects that cluster facilities in order to absorb growth and enable long term partnerships is also imperative." BNMC 2012 Updated Master Plan The emergence of the Buffalo Niagara Medical Campus over the last nine years has resulted in several new public projects at the northern end of the Campus such as the Gates Vascular Institute and the recently announced relocation of the University at Buffalo School of Medicine and Biomedical Sciences to Main and High Street. With such a large public investment in the Campus already occurring, private investment must ensue to support and augment overall development. Additionally, the Medical School's relocation to Main and High Streets will displace several tenants in other buildings that will be required to find new space. Conventus, our building proposed for 1001 Main Street, is a true center for collaborative medicine. It will be the largest privately owned investment on the Campus, and is being developed specifically to support the growth occurring in the adjacent medical and academic facilities. (See Attachment A, a map of existing and planned development at the northern end of the Campus.) The building has been named Conventus (Latin, meaning "a coming together" or union) because of its planned physical connection to both the John R. O'Shei Children's Hospital and the UB School of Medicine and Biomedical Sciences. Our two major tenants, from whom we currently have Letters of Intent to locate, are both 501(c)3 organizations: Kaleida Health and UBMD Physicians' Group, both of which provide services for an underserved patient base, and for the indigent population in the region. As tenants in our building, a private development, they will pay their pro rata share of the building's taxes. If either had opted to do a building on its own, neither organization would pay taxes. However, given the need for these two non-profits to establish connectivity both medically and operationally to support their missions of service to the public, and the prohibitive petroleum cleanup costs on the site, it became necessary to create this regionally significant project utilizing the talent and resources of a private developer. Again, this project will be the lynchpin connecting the John R. O'Shei Children's Hospital ("Children's"), the UB Medical School, and other adjacent facilities. The physical structure will be a 287,000 sq. ft., 6-story medical office building, with 2 levels of below grade parking (an additional 120,000 sq. ft.) with 332 parking spaces planned. The first floor (ground level) is planned to have retail space available to support the Campus, i.e., banking, limited food service, a pharmacy, etc. The remainder of the floors will be devoted to clinical, practical and research office space and support services for Children's, with physical connections to at least two adjacent facilities (Children's and the UB Medical School) planned (see Attachment B, the diagram of planned connectors). Some of the connectors will be available to facilitate public pedestrian travel among the buildings, and some will be for restricted tenant/medical personnel use only. This connectivity of the building to adjacent structures is critical among research, teaching, and clinical facilities because it creates synergy, efficiencies, and positive economic impact. As the costs of the pre-construction work (including substantial environmental cleanup to EPA commercial standards) and construction of the facility are totaling over \$72 million, we are forced to seek out the assistance from the ECIDA for tax incentives as outlined in this application.

### Site Characteristics

**Is the proposed Project located on a site where the known or potential presence of contaminants is complicating the development/use of the property?**

Yes

**If yes, please explain**

Kaleida Health, Kaleida Properties and F.L.C. 50 High Street have jointly applied as volunteers to the Brownfield Clean Up Program (The BCP Application has been accepted by the New York State Department of Environmental Conservation. Since 1981 there has been a known petroleum spill (NYSDEC Spill Numbers 8806781 and 9500234) at the BCP Site. The source of the spill is gasoline from former leaking underground storage tanks from the former Mobil Service Station that occupied the site at 979 Main Street (southwest corner of Main and High Streets) from approximately 1930 to 1982. There are BTEX compounds on the site associated with the gas station. While the BCP Site is not subject to an Order, it has been under active investigation and remediation since 1988. Numerous environmental site investigations, remediation plans and remediation activities have been conducted at the BCP Site. From 1988 to 2008 NYSDEC took control of monitoring the site activities under active NYSDEC Spill # 95-00234. From 2008 to the present Exxon-Mobil (the responsible party) has been coordinating the investigations and remediation. Phase I Reports were ordered by Kaleida. Please see the attached Section VII from the BCP Application for a summary. While the site has been under active investigation and remediation since 1988, numerous environmental site investigations, remediation plans and remediation activities have been conducted. Two reports are attached for reference that will provide the most comprehensive summary of environmental data on the site concisely: • The GES 2008 Site Investigation Report, which provides a summary of all past investigative work as well as the most comprehensive sampling program completed to date. • GES SMR for February 2012, the last quarterly monitoring report

**Has a Phase I Environmental Assessment been prepared, or will one be prepared with respect to the proposed Project Site? (If yes, please provide copy)**

Yes  
If yes, please provide a copy.

**Have any other studies, or assessments been undertaken with respect to the proposed Project Site that indicate the known or suspected presence of contamination that would complicate the site's development?**

Yes  
If yes, please provide copies of the study.

**Will project include leasing any equipment?**

No  
If yes, please describe equipment and lease terms

**If you are purchasing new machinery and equipment, does it provide demonstrable energy efficiency benefits?**

Yes

If yes, please attach additional documentation describing the efficiencies achieved.

**Does or will company perform substantial research and development activities on new products/services at the project location?**

Yes

If yes, please explain

Yes, UBMD Physicians' Group will perform substantial research and development services at this location and,, as such, contributes to the project's vision of being a center for collaborative medicine. As background information, over the next few years, the UB Medical School will be relocated to the BNMC. This will bring together science faculty and clinicians on the same campus, all thinking about ways to address improved healthcare for our region. Most of these physicians are affiliated with UBMD as clinicians in one of over 18, not-for-profit practice plans and also serve as faculty at the School of Medicine and Biomedical Sciences. To that end, UBMD Physicians' Group and the State University of New York at Buffalo are inextricably linked. And therein lies the uniqueness of UBMD: connectivity that is intellectual, practical and physical with long-term economic impact on the community. The triad of research, teaching, and practice is interwoven with all aspects of the BNMC and, as such, mandates UBMD's need to be in the midst of what is emerging at the Campus' northern gateway. UBMD's direct affiliation with the UB School of Medicine and Biomedical Sciences is the unique differentiator that sets them apart from those physicians with other practices. UBMD physicians educate and train medical students, residents and fellows, in addition to research and didactic education for the Medical School. The synergy that will be created for the UBMD physicians by the immediate proximity and connectivity among the medical and healthcare facilities is a key factor in attracting new faculty to the area. UBMD Physicians Group must be at the epicenter of this activity. The new faculty will fill gaps in clinical specialty areas for the region and contribute to new forms of clinical research including, but not limited to:• Nephrology, especially expertise in renal transplant• Gastroenterology, especially experts in hepato-biliary diseases• Radiology• Adult Rheumatology• Pediatric Rheumatology• Adult Cardiac Surgery, especially minimally invasive approaches to valvular heart disease and atrial fibrillation• Pediatric Cardiology• Adult Cardiology• Neurology, especially experts in epilepsy, Parkinson's Disease, sleep and memory disorders• Obstetrics and Gynecology • Dermatology• Pathology, especially expertise in molecular diagnostic testing for clinical care• Pharmacology and Toxicology• Family and General Medicine, especially expertise in wellness and preventative care

**What percentage of annual operating expenses are attributed to the above referenced research and development activities?**

**Explain why IDA participation is necessary for this project to proceed. Focus on competitiveness issues, project shortfalls, etc.**

Without the ECIDA's available incentives, the costs involved with the environmental cleanup and ensuing construction costs specific to medical office and clinical space would prohibit us from bringing the project to fruition. Given the cumulative costs of the project, it is necessary to create a critical density on the site to disperse the costs across the project. Pre-construction environmental clean-up costs alone, bringing the site to EPA Commercial standard, are projected at \$10 million. Additionally, there are construction and design costs of over \$80 million being incurred to create a 6-story facility with underground parking which also aesthetically blends with other Campus facilities and meets the standards set by Gates Vascular Institute, Children's and the UB School of Medicine and Biomedical Sciences. Our facility will be at the Northern Gateway to the Campus and, as such, must complement the recent investment made by the Gates Vascular Institute and the proposed investments by Children's and the UB Medical School. This core that is being created at the northern end of the Campus--containing the GVI, Buffalo General Medical Center, Children's, the Clinical and Translational Research Center, the Medical School and our facility--will rival the impact of a similar core in Cleveland and Pittsburgh, and will bring 5,000 members of the UB School of Medicine and Biomedical Sciences together in downtown Buffalo. The increase in population density at the Downtown Campus will catalyze retail development, housing development, incubators, research parks, and recreational/rehabilitative facilities for the larger downtown Campus community.

**Project Information**

**Estimated costs in connection with project**

**Land and/or Building Acquisition**      \$ 0  
 0.00 acres      0.00 square feet

**New Building Construction** \$ 80777535

287.00 square feet

**New Building addition(s)** \$ 0

0.00 square feet

**Renovation** \$ 0

0.00 square feet

**Manufacturing Equipment** \$ 0

**Non-Manufacturing Equipment: (furniture, fixtures, etc.)** \$ 0

**Soft Costs: (professional services, etc.)** \$ 17468104

**Other Cost** \$ 0

**Explain Other Costs**

**Total Cost** 98245640

**Project Refinancing (est. amount)** 0

**Select Project Type (check all that apply)**

No <b>Industrial</b>	No <b>Multi-Tenant</b>	No <b>Mixed Use</b>
No <b>Acquisition of Existing Facility</b>	No <b>Commercial</b>	No <b>Facility for the Aging</b>
No <b>Housing</b>	No <b>Back Office</b>	No <b>Civic Facility (not for profit)</b>
No <b>Equipment Purchase</b>	No <b>Retail</b>	Yes <b>Other</b>
		<b>Building to support the Buffalo Medical Campus</b>
<b>SIC Code</b>		
<b>NAICS Code</b>		

**For proposed facility please include # of sq ft for each of the uses outlined below**

<b>Manufacturing/Processing</b>	0.00 square feet
<b>Warehouse</b>	0.00 square feet
<b>Research &amp; Development</b>	64000.00 square feet
<b>Commercial</b>	0.00 square feet
<b>Retail</b>	31000.00 square feet
<b>Office</b>	192000.00 square feet
<b>Other</b>	0.00 square feet
<b>Specify Other</b>	

**Utilities and services presently serving site. Provide name of utility provider**

<b>Gas</b>	National Fuel; 4,000 CFH	
<b>Electric</b>	National Grid	<b>Size</b> 4000Ampre, 480Y/277Volt
<b>Water</b>	Buffalo Water	<b>Size</b> 6" domestic water and 8" fire water services
<b>Sewer</b>	Buffalo Sewer Authority	<b>Size</b> 8" building sewer
<b>Other (Specify)</b>	Storm: Buffalo Sewer Authority; (2) 8" storm, (1) north and (1) south	

**If you are undertaking new construction or renovations, are you seeking LEED certification from the US Green Building Council?**

Yes

**If you answered yes to question above, what level of LEED certification do you anticipate receiving? (Check applicable box)**

Gold



**What is your project timetable (Provide dates)**

**Start date : acquisition of equipment**

2013-01-01

**End date : Estimated completion of project**

2014-10-01

**Project occupancy : estimated starting date of operations**

2014-10-01

**Have site plans been submitted to the appropriate planning department for approval?**

Yes

**Have any expenditures already been made by the company?**

Yes

**If yes, indicate particulars (ECIDA benefits do not apply to expenses incurred prior to Board approval)**

Preliminary drawings, soil investigation and various consultants

**Is project necessary to expand project employment?**

Yes

**Is project necessary to retain existing employment?**

Yes

**Employment Plan (project location)**

	Current Jobs	If project is to retain jobs, number of jobs to be retained	Total # of jobs 2 years after project completion
Full time	0	0	1148
Part time	0	0	574
<b>Current Full Time Jobs in other Erie county locations</b>	<b>0</b>		
<b>Current Part Time Jobs in other Erie county locations</b>	<b>0</b>		

**Payroll Information**

**Annual payroll**

71750000

**Estimated average annual salary of jobs to be retained**

0

**Average estimated annual salary of jobs to be created**

0

**Estimated salary range of jobs to be created**

**From** 32000 **To** 160000

**Is the project reasonably necessary to prevent the project occupant from moving out of New York State?**

Yes

**If yes, please explain and identify out-of-state locations investigated**

**Were you offered financial assistance to locate outside of New York State?**

<BLANK>

**If yes, from whom and what type of assistance was offered**

**What competitive factors led you to inquire about sites outside of New York State?**

**Have you contacted or been contacted by other economic or governmental agencies regarding this project?**

<BLANK>

**If yes, please indicate the Agency and nature of inquiry below**

## Section III: Adaptive Reuse Projects

**Are you applying for a tax incentive under the Adaptive Reuse Program?**

No

**What is the age of the structure (in years)?**

0.00

**If yes, number of years vacant?**

0

**Has the structure been vacant or underutilized for a minimum of 3 years? (Underutilized is defined as a minimum of 50% of the rentable square footage of the structure being utilized for a use for which the structure was not designed or intended)**

No

**Is the structure currently generating insignificant income? (Insignificant income is defined as income that is 50% or less than the market rate income average for that property class)**

No

**Does the site have historical significance?**

No

**Briefly summarize the financial obstacles to development that this project faces without ECIDA or other public assistance. Please provide the ECIDA with documentation to support the financial obstacles to development (cash flow projections documenting costs, expenses and revenues indicating below average return on investment rates compared to regional industrial averages)**

Without the ECIDA's available assistance, the costs involved with the construction of Conventus would prohibit us from bringing the project to fruition. Given the cumulative costs of the project, it is necessary to create a critical density on the site to disperse the costs across the project. Pre-construction environmental clean-up costs alone, bringing the site to EPA Commercial standard, are projected at \$10 million. Additionally, there are construction and design costs of over \$80 million being incurred to create a 6-story facility with underground parking which also aesthetically blends with other Campus facilities and meets the standards set by Gates Vascular Institute, Children's and the UB School of Medicine and Biomedical Sciences. As the costs of the pre-construction work (including substantial environmental cleanup to EPA commercial standards) and construction of the facility are totaling over \$72 million, we look to the ECIDA for tax incentives as outlined in this application.

**Briefly summarize the demonstrated support that you intend to receive from local government entities. Please provide the ECIDA with documentation of this support in the form of signed letters from these entities**

This project qualifies under the Federal Brownfield Cleanup Program. Other than this, our application to the ECIDA for assistance on this project is the only application for support we anticipate making.

**Please indicate other factors that you would like the ECIDA to consider such as: structure or site presents significant public safety hazard and or environmental remediation costs, site or structure is located in a distressed census tract, structure presents significant costs associated with building code compliance, site or structure is presently delinquent in property tax payments**

As previously stated and as will be outlined in Section VII, environmental cleanup costs for this project are at \$10 million and are factored into the overall project cost. Due to these pre-construction costs and the cost to construct medical/clinical space, it is necessary to maximize density. Because of this need for density, it was cost prohibitive for either of the 501(c)3 organizations to embark on this project independent of a private developer. However, even given that density, the project costs without the ECIDA's involvement generate occupancy costs greater than current market conditions can support. The project is also located in a distressed census tract, stressing the critical need for the targeted tenants that serve this population.

### Section IV: Retail Determination

**Will project involve the sales of goods or services to customers who personally visit the facility?**

Yes

If yes, complete the Retail Questionnaire Supplement below.

**Will any portion of the project consist of facilities or property that is primarily used in making sales of goods or services to customers who personally visit the project site?**

Yes

If the answer is yes, please continue.

**What percentage of the cost of the project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project?**

0.00  
%

If the answer to this is **less than 33%** do not complete the remainder of the page and proceed to the next section (Section V: Inter-Municipal Move Determination).

**Will the project be operated by a not-for-profit corporation?**

Yes

**Is the project likely to attract a significant number of visitors from outside the economic development region in which the project will be located?**

Yes

If yes, please provide a market analysis or other documentation supporting your response.

**Would the project occupant, but for the contemplated financial assistance from the industrial development agency, locate the related jobs outside the State of New York?**

No

If yes, please provide documentation regarding investigation of sites outside New York State.

**Is the predominant purpose of the project to make available goods or services which would not otherwise be reasonably accessible to the residents of the project municipality?**

Yes

If yes, please provide a market analysis supporting your response.

**Will the project preserve permanent, private sector jobs or increase the overall number of permanent private sector jobs in the State of New York?**

Yes

**Is the project located in a Neighborhood Redevelopment Area?**

Yes

### Section V: Inter-Municipal Move Determination

**Does this project involve relocation or consolidation of a project occupant from another municipality or abandonment of an existing facility?**

**Within New York State** No

**Within Erie County** No

If EITHER IS YES, please complete the following. If BOTH ARE NO, please 'save and continue' to the next section (Section VI: Facility Type - Single or Multi Tenant).

The Agency is required by state law to make a determination that Agency assistance is required to prevent the project occupant from relocating out of the state, or to preserve the project occupant's competitive position in its respective industry.

**Will the project result in a relocation of an existing business operation from the City of Buffalo?**

No

**If yes, please explain the factors which require the project occupant to relocate (For example, present site is not large enough, or owner will not renew leases etc.)**

**What are some of the key requirements the project occupant is looking for in a new site? (For example, minimum sq. ft., 12 foot ceilings, truck loading docs etc...)**

**If the project occupant is currently located in Erie County and will be moving to a different municipality, has the project occupant attempted to find a suitable location within the municipality?**

No

**Is the project reasonably necessary to preserve the project occupant's competitive position in its industry?**

No

**If yes, please explain and provide supporting documentation**



**What factors have lead the project occupant to consider remaining or locating in Erie County?**

**What is going to happen to the current facility that project occupant is located in?**

**Please provide a list of properties considered, and the reason they were not adequate. (Some examples include: site not large enough, layout was not appropriate, did not have adequate utility service, etc.) Please include full address for locations.**

## Section VI: Facility Type - Single or Multi Tenant

### **Is this a Single Use Facility or a Multi-Tenant Facility?**

Multi-Tenant Facility

### **For Single Use Facility**

**Occupant Name**

**Address**

**Contact Person**

**Phone**

**Fax**

**E-Mail**

**Federal ID #**

**SIC/NAICS Code**

### **Multi-Tenant Facility**

### **Please explain what market conditions support the construction of this multi-tenant facility**

Our facility will be at the Northern Gateway to the Campus and, as such, will complement the recent investment made by the Gates Vascular Institute and the proposed investments by Children's and the UB Medical School. This core that is being created at the northern end of the Campus—containing the GVI, Buffalo General Medical Center, Children's, the Clinical and Translational Research Center, the Medical School and our facility--will rival the impact of a similar core in Cleveland and Pittsburgh, and will bring 5,000 members of the UB School of Medicine and Biomedical Sciences together in downtown Buffalo. The increase in population density at the Downtown Campus will catalyze retail development, housing development, incubators, research parks, and recreational/rehabilitative facilities for the larger downtown Campus community. With all of this medical, clinical, academic and research components emerging on the Campust, there is a critical density that requires space in which to function now, and going forward. Conventus addresses that need in its size and scope.

### **Have any tenant leases been entered into for this project?**

No

**If yes, please list below and provide square footage (and percent of total square footage) to be leased to tenant and NAICS Code for tenant and nature of business**

## Section VII: Environmental Questionnaire

### **General Background Information**

#### **Address of Premises**

1001 Main Street, Buffalo, NY

### **Name and Address of Owner of Premises**

The property is owned by Kaleida Properties, 726 Exchange Street, Suite 200, Buffalo, New York, 14210. The property is being ground leased from Kaleida Properties by FLC 50 High Street Corporation, 350 Essjay Road, Williamsville, NY, 14221.

### **Describe the general features of the Premises (include terrain, location of wetlands, coastlines, rivers, streams, lakes, etc.)**

The site is located on the Buffalo Niagara Medical Campus (BNMC) in the Lower Great Lakes Physiographic province, on the lake plain of Lake Erie in Buffalo, New York. The lake plain is generally flat to slightly rolling, except where it is interrupted by the Onondaga Limestone sub-crop, or where ancient beach ridges or end moraines associated with various glacial ice advances are present. Surface elevations within the larger BNMC North End projects sites are approximately 665 feet along High Street to 650 feet along East North Street. This area is generally higher than areas to the north and south (USGS NED Dataset). Overburden soils in the area consist primarily of fill material at the ground surface. Geotechnical boring logs collected from the site in 2010 indicate that fill material varies in thickness from 2 to 10 feet across the site and is reportedly black to brown sand with varying amounts of gravel, and bricks. Soil underlying the fill is comprised of inter-bedded sands and silts that are brown to olive-brown in color. Overburden soils are underlain by the Onondaga Limestone (bedrock), which is at approximately 100 feet below ground surface, at an elevation of approximately 565 +/- feet. There are no federal or state designated waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within 1/2 mile of the site. The area within 1/2 mile of the site is located within Zone X, an area determined to be outside the 500-year plain as depicted on the Federal Emergency Management Agency's Flood Insurance Rate Map, Community-Panel Number 360230 0015 C Map Revised August 23, 1999.

### **Describe the Premises (including the age and date of construction of any improvements) and each of the operations or processes carried out on or intended to be carried on at the Premises**

The project is not yet constructed.

### **Describe all known former uses of the Premises**

1889: Residential uses; Greenhouses. 1898: Residential uses; Greenhouses; University of Buffalo Medical and Dental Departments in the 1890's. 1925: Residential uses; Greenhouses; University of Buffalo Medical and Dental Departments; Automotive repair shop. 1951: University of Buffalo Medical and Dental Departments; Automotive repair shop; Service station at the corner of Main Street and High Street from approximately 1930 to 1982; Window Shade Manufacturing; Restaurant. 1981 and 1986: Restaurant; the Town House Motel and Restaurant; 1-story professional office building (Physicians Imaging Center for Western New York) occupied the former gas station site after the Service Station was demolished. (The Physicians Imaging building has been demolished). Present: Surface parking lot.

### **Does any person, firm or corporation other than the owner occupy the Premises or any part of it?**

No

**If yes, please identify them and describe their use of the property**

**Have there been any spills, releases or unpermitted discharges of petroleum, hazardous substances, chemicals or hazardous wastes at or near the Premises?**

Yes

**If yes, describe and attach any incident reports and the results of any investigations**

Since 1981 there has been a known petroleum spill (NYSDEC Spill Numbers 8806781 and 9500234) at the BCP Site. Reports are attached for reference.

**Has the Premises or any part of it ever been the subject of any enforcement action by any federal, state or local government entity, or does the preparer of this questionnaire have knowledge of: a) any current federal, state or local enforcement actions; b) any areas of non-compliance with any federal, state or local laws, ordinances, rules or regulations associated with operations over the past 12 months?**

No

**If yes, please state the results of the enforcement action (consent order, penalties, no action, etc.) and describe the circumstances**

There have been no formal enforcement actions. NYSDEC monitored and investigated the site from 1988 to 1998. Mobil became the Potentially Responsible Party (PRP) in 2008 and partially reimburses the NYSDEC for the previous work.

**Has there been any filing of a notice of citizen suit, or a civil complaint or other administrative or criminal procedure involving the Premises?**

No

**If yes, describe in full detail**

**Solid And Hazardous Wastes And Hazardous Substances**

**Does any activity conducted or contemplated to be conducted at the premises generate, treat or dispose of any petroleum, petroleum-related products, solid and hazardous wastes or hazardous substances?**

No

**If yes, provide the Premises' applicable EPA (or State) identification number**

**Have any federal, state or local permits been issued to the Premises for the use, generation and/or storage of solid and hazardous wastes?**

No

**If yes, please provide copies of the permits.**

**Identify the transporter of any hazardous and/or solid wastes to or from the Premises**

The proposed use of the site will not require the transport of any hazardous and/or solid wastes to or from the premises. During construction of the proposed project, solid regulated waste in the form of gasoline contaminated soils will be shipped to a regulated landfill.

**Identify the solid and hazardous waste disposal or treatment facilities which have received wastes from the Premises for the past two (2) years**

Approximately 10 drums of non-hazardous contaminated soil waste from drilling operations were removed from the premises and sent to Modern Landfill.

**Does or is it contemplated that there will occur at the Premises any accumulation or storage of any hazardous wastes on-site for disposal for longer than 90 days?**

No

**If yes, please identify the substance, the quantity and describe how it is stored**

### **Discharge Into Waterbodies**

**Briefly describe any current or contemplated industrial process discharges (including the approximate volume, source, type and number of discharge points). Please provide copies of all permits for such discharges**

The proposed use of the site will not include industrial process discharge into waterbodies. A permit to discharge groundwater from the below grade parking ramp sumps will be required from the Buffalo Sewer Authority.

**Identify all sources of discharges of water, including discharges of waste water, process water, contact or noncontact cooling water, and stormwater. Attach all permits relating to the same. Also identify any septic tanks on site**

Sources of discharges of water will include: sanitary from toilet rooms and hand washing sinks, cooling tower maintenance blow-down, fire protection system flow tests, air conditioning condensate drains, parking garage drains, foundation drains; stormwater. There are no permits (State Pollutant Discharge Elimination System - SPDES) issued yet. A permit to discharge groundwater from the below grade parking ramp sumps will be required from the Buffalo Sewer Authority.

**Is any waste discharged into or near surface water or groundwaters?**

No

**If yes, please describe in detail the discharge including not only the receiving water's classification, but a description of the type and quantity of the waste**

No, waste will not be discharged into or near surface or groundwaters. The annual Fire Pump flow test will be discharged at grade to street drains. The treated sanitary sewage will be discharged to a publicly owned treatment works (POTW), the Buffalo Sewer Authority

### **Air Pollution**

**Are there or is it contemplated that there will be any air emission sources that emit contaminants from the Premises?**

No

**If yes, describe each such source, including whether it is a stationary combustion installation, process source, exhaust or ventilation system, incinerator or other source**

Air emission sources on the site will include standby diesel engine electric generators, natural gas fired high efficiency condensing boilers, exhaust air systems for general relief air, toilet exhaust air, parking garage ventilation.

**Are any of the air emission sources permitted?**

No

**If yes, attach a copy of each permit.**

**Storage Tanks**

**List and describe all above and under ground storage tanks at the Premises used to store petroleum or gasoline products, or other chemicals or wastes, including the contents and capacity of each tank. Please also provide copies of any registrations/permits for the tanks**

The proposed project is intended to have a 2,000 gallon diesel vaulted storage tank and a 200 gallon diesel secondary containment day tank for each generator

**Have there been any leaks, spills, releases or other discharges (including loss of inventory) associated with any of these tanks?**

No

**If yes, please provide all details regarding the event, including the response taken, all analytical results or reports developed through investigation (whether internal or external), and the agencies which were involved**

**Polychlorinated Biphenyls ("PCB" or "PCBs") And Asbestos**

**Provide any records in your possession or known to you to exist concerning any on-site PCBs or PCB equipment, whether used or stored, and whether produced as a byproduct of the manufacturing process or otherwise.**

**Have there been any PCB spills, discharges or other accidents at the Premises?**

No

**If yes, relate all the circumstances**

**Do the Premises have any asbestos containing materials?**

No

**If yes, please identify the materials**