



**NARRATIVE SUPPLEMENT TO THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPLICATION FOR ISKALO 1391 HERTEL LLC**

**[PORTION OF 1391 HERTEL AVENUE, BUFFALO, NY]**

**Company Background:**

Founded in 1988 by Paul B. Iskalo, Iskalo Development Corp. is an experienced real estate developer of both “ground up” and “adaptive re-use” commercial projects including corporate and medical office, light industrial, hospitality, retail and mixed-use. Iskalo Development’s focus is on redevelopment and revitalization of established neighborhoods (“smart growth”) versus green field development. Whether a project involves new construction or renovation of an existing building, our interest in redevelopment represents a specialized market niche which we find particularly fulfilling as it typically involves well-located properties with a proud history that are now outdated, neglected and/or suffering from significant deferred maintenance, or “benign neglect”.



Examples of Iskalo Development projects include the historic Electric Tower in downtown Buffalo (see photo right), redevelopment of the former Kane Doyle Jeep Eagle Dealership at 2780 Delaware Road in Kenmore (see photo left), and close to a dozen properties along the Main Street corridor in Amherst and the Village of Williamsville. Iskalo projects

have won awards for historic renovation and adaptive reuse as well as for new construction, including the LEED Silver office building at 2410 North Forest. Iskalo Development has earned an outstanding reputation for the quality and architectural sensitivity of its projects. The staff at Iskalo Development derives great pleasure and satisfaction from revitalizing neighborhoods and, as set forth herein, is seeking to expand upon its success with the proposed adaptive reuse of the former St. Margaret’s school on Hertel Avenue.

### **1391 Hertel Avenue – Property History:**

Iskalo 1391 Hertel LLC has a portion of 1391 Hertel Avenue (SBL#78.73-3-1.1), located on the corner of Hertel Avenue and Saranac Avenue, under contract to purchase the property from the St. Margaret's Roman Catholic Church. The property is located in the both the Community Business ("C2") and Dwelling ("R2") districts.



The former St. Margaret's School property that is the subject of this application includes the former school consisting of 30,190± square feet. The three-story school building was originally constructed in 1917 as the church for the parish, and up until 1957 was used as the church for the parish when the current church was constructed to the west. In 1967, an addition was added to the building along Hertel Avenue. From 1957 until a few years ago, the building

housed an elementary school (kindergarten through 8<sup>th</sup> grade) whose enrollment peaked at about 600± students in the 1980's. Over time, however, enrollment decreased down to less than 100 students and closed after the 2011-2012 school year.

### **Project Summary:**

The proposed project involves the adaptive reuse of the former St. Margaret's elementary school into a mixed-use building consisting of twenty three, 1 and 2 bedroom apartments and approximately 2,000 square feet of commercial space on the main level fronting Hertel Avenue. Apartment sizes will range from approximately 770 to 1,300 square feet and feature tall ceilings and plenty of windows. The scope of the project will include all new mechanicals and plumbing as well as a new gated parking lot (separate from the remainder of the parish property) for 50± cars and related site infrastructure and landscape.

Some of the modifications to be made to the building to adapt it for residential use include abatement of lead based paint and asbestos containing material, selective demolition of obsolete building partitions and components, installation of a new entrance to the building accessible from the new parking lot, and installation of an elevator. Other than the structure of the building, all interior improvements for the apartments will be new construction. Further, a new floor will be installed approximately 4 feet above the existing first floor in order to bring the main level up to the exterior grade. Elevating the first level to exterior grade will make the first floor apartments more desirable and will also create the opportunity for commercial space along the Hertel frontage of the building. Related thereto, the school building is presently set back from Hertel Avenue thus our development plan includes the construction of a plaza or patio that will "connect" the commercial space (and the building) to Hertel Ave.

A copy of the boundary survey for the property, a site plan, and a rendering of the project are all exhibits to the application. Also attached is the Phase I Environmental Site Assessment which was completed as part of our due diligence for the property, and which reveal no environmental hazards except for the presence of asbestos containing materials and lead-based paint.

**Need for Agency’s Financial Assistance and Project Eligibility:**

Assistance from the Erie County Industrial Development Agency (ECIDA) is necessary to help us evolve a project that is financially feasible. The ECIDA assistance being sought is in the form of the mortgage tax abatement and sales tax abatement on equipment and materials used in construction.

The balance of this section will address how the project complies with the criteria established by the ECIDA under its Uniform Tax Exemption Policy for Adaptive Reuse Projects:

- i. Age of the structure and the challenges to redevelopment;*  
The school building is nearly 100 years old and was originally built to serve primarily as a church and later further modified (and expanded) to serve as a private elementary school. Due to its age, lead based paint and asbestos containing materials are present and will require abatement. As further described in the section above, significant improvements will need to be made to adapt the building to its new uses and to meet current building code.
  
- ii. Time period during which the structure has been vacant or underutilized;*  
The school suffered from declining enrollment over a period of years, dipping to below 100 students, and finally closed in the spring of 2012. An accessory building on the property that once served as a convent, has been vacant and unused for many years.
  
- iii. Whether the structure is generating significant rental income;*  
The school building and former convent are vacant and unused, and therefore do not generate any income.
  
- iv. Whether the project is compliant with the investment and growth criteria of the Framework for Regional Growth plan;*  
The adaptive reuse project is a classic infill project that is consistent with the Framework for Regional Growth. The project involves the re-utilization of an existing building located within a critical block of the Hertel “strip”, repurposing it with uses that are both in-demand and complementary to its surrounding uses.
  
- v. Appropriate evidence indicating financial obstacles to the redevelopment of the project without ECIDA or other public assistance;*  
As part of the application package, we have included a Return on Investment (ROI) calculating showing a rate of return for the project that is significantly below the regional industry average for similar projects due to the financial obstacles of the project without ECIDA assistance.

- vi. *Evidence of local government support;*  
As a supplement to our application package, we plan to provide letter(s) of support from the local government entities or Councilmember LoCurto.
- vii. *Whether the site or structure presents a significant public safety hazard or its reuse would involve significant environmental remediation costs;*  
As noted above, due to the age of the buildings, redevelopment of the property will involve environmental remediation costs to abate any lead-based paint or asbestos containing materials.
- viii. *Whether the site or structure is located in a distressed census tract;*  
The project is located in Census Tract 49, and according to the Highly Distressed Area Map dated June 27, 2013 and published on the ECIDA's website, is located in a tract adjacent to a highly distressed tract.
- ix. *Whether the structure presents significant costs associated with building code issues;*  
As noted above, there are significant costs to bring the property in conformance to code for the proposed use including installation of an elevator, required parking, handicap accessibility and fire protection.
- x. *Whether the site or structure is presently delinquent in property tax payments; and*
- xi. *Such additional criteria as may be developed from time to time.*  
The property is non-contributing to the tax rolls as the parish is tax exempt. However, sale and redevelopment of the property will result in property taxes to be paid to Erie County and to the City of Buffalo (subject to the 485(a) exemption).

In addition to returning the building to productive use on an important stretch of Hertel Avenue and placing the property back on the tax rolls, the project will also help strengthen the St. Margaret's parish via the sale of the property as well as relief to the parish of the cost and burden of maintaining these vacant buildings. Sustainable design and construction practices will be used in the redevelopment of the property and we anticipate seeking additional incentives from the New York State Energy Research and Development Authority (NYSERDA) for energy efficient systems in the apartments.



## Adaptive Reuse of Former St. Margaret's School

### Section I: Applicant Background Information

#### Applicant Information - Company Receiving Benefit

**Applicant Name** Iskalo 1391 Hertel LLC  
**Applicant Address** 5166 Main Street, Williamsville, NY 14221  
**Phone** 716-633-2096  
**Fax** 716-633-5776  
**E-mail** msroland@iskalo.com  
**Website** www.iskalo.com  
**Federal ID#**   
**NAICS Code** N/A  
**Will a Real Estate Holding Company be utilized to own the Project property/facility** No  
**What is the name of the Real Estate Holding Company**  
**Federal ID#**  
**State and Year of Incorporation/Organization**  
**List of stockholders, members, or partners of Real Estate Holding Company**

#### Individual Completing Application

**Name** Matthew Roland  
**Title** Development Project Manager, Iskalo Development Corp.  
**Address** 5166 Main Street, Williamsville, NY 14221  
**Phone** 716-633-2096  
**Fax** 716-633-5776  
**E-Mail** msroland@iskalo.com

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

**Name** David Chiazza  
**Title** Executive Vice President, Iskalo Development Corp.  
**Address** 5166 Main Street, Williamsville, NY 14221  
**Phone** 716-633-2096  
**Fax** 716-633-5776

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**E-Mail**

dchiazza@iskalo.com

Company Counsel

**Name of Attorney** Christofer Fattey  
**Firm Name** Hodgson Russ LLP  
**Address** 140 Pearl Street, Buffalo, NY 14202  
**Phone** 716-848-1757  
**Fax**  
**E-Mail** cfattey@hodgsonruss.com

Identify the assistance being requested of the Agency

**Exemption from Sales Tax** Yes  
**Exemption from Mortgage Tax** Yes  
**Exemption from Real Property Tax** No  
**Tax Exempt Financing\*** No

\* (typically for not-for-profits & small qualified manufacturers)

Business Organization

**Type of Business** Limited Liability Company  
**Year Established** 2014  
**State of Organization** New York

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

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

Application is being submitted by Iskalo Development Corp. on behalf of Iskalo 1391 Hertel LLC, which is majority owned by Paul B. Iskalo.

Applicant Business Description

**Describe in detail company background, products, customers, goods and services. Description is critical in determining eligibility**

Iskalo Development Corp. ("Iskalo") is a full-service, commercial real estate development company headquartered on Main Street in Williamsville, NY and active throughout Western New York. Iskalo, through its various ownership entities (LLCs) undertakes both ground-up as well as adaptive re-use real estate projects for its own portfolio. Iskalo serves as its own developer, architect, construction manager and property manager. Principal project uses include office, medical office, light industrial, village retail and mixed-use.

**Estimated % of sales within Erie County** 90  
**Estimated % of sales outside Erie County but within New York State** 5  
**Estimated % of sales outside New York State but within the U.S.** 5  
**Estimated % of sales outside the U.S.** 0

(\*Percentage to equal 100%)

**What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County? Include list of vendors, raw material suppliers and percentages for each. Provide supporting documentation of the estimated percentage of local purchases**

We estimate that typically 80% +/- of the materials and 90% of the labor and services required to complete real estate projects undertaken by Iskalo are sourced in Erie County.



## Section II: Eligibility Questionnaire - Project Description & Details

### Project Location

#### **Municipality or Municipalities of current operations**

City of Buffalo

#### **Will the Proposed Project be located within the Municipality, or within a Municipality, identified above?**

Yes

#### **In which Municipality will the proposed project be located**

City of Buffalo

#### **Address**

Portion of 1391-1395 Hertel Avenue, Buffalo, NY

#### **If the Proposed Project is located in a different Municipality than that Municipality in which current operations are being undertaken, is it expected that any of the facilities in any other Municipality will be closed or be subject to reduced activity?**

No

(If Yes, you will need to complete Section V of this Application)

#### **SBL Number for Property upon which proposed Project will be located**

Portion of 78.73-3-1.1

#### **What are the current real estate taxes on the proposed Project Site**

\$0 (Property is owned by the St. Margaret's Roman Catholic Church Society of Buffalo, New York)

#### **Assessed value of land**

\$264,400 (Property is assessed but this value is for all the parish buildings, not just the property subject to the application)

#### **Assessed value of building(s)**

\$1,703,500 (Property is assessed but this value is for all the parish buildings, not just the property subject to the application)

#### **Are Real Property Taxes current?**

Yes

#### **If no please explain**

Property is currently exempt as a non-for-profit entity.

#### **Town/City/Village of Project Site**

City of Buffalo

#### **School District of Project Site**

Buffalo School District

#### **Does the Applicant or any related entity currently hold fee title to the Project site?**

No

#### **If No, indicate name of present owner of the Project Site**

St. Margaret's Roman Catholic Church Society of Buffalo, New York

#### **Does Applicant or related entity have an option/contract to purchase the Project site?**

Yes

#### **Describe the present use of the Proposed Project site**

Present use is a vacant elementary school.

**Please provide narrative of project (new build, renovations, and/or equipment purchases). Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project**

**eligibility)**

We are seeking inducement of the redevelopment project for the former St. Margaret's elementary school under the ECIDA's Adaptive Reuse Program. The project would include the redevelopment of the former elementary school into 23+/- apartments and 2,000+/- square feet of commercial space along Hertel Avenue. Please see the attached narrative for additional information.

**Describe the reasons why the Agency's Financial Assistance is necessary and how the Financial Assistance enables the company to undertake the Project to facilitate investment, job creation and/or job retention. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary)**

ECIDA assistance is necessary to help make redevelopment of the property financially feasible. Please see the attached narrative for additional information.

**Will project include leasing any equipment?**

No

**If yes, please describe equipment and lease terms.**



**No Manufacturing**

**Yes Acquisition of Existing Facility**

**Yes Housing**

**Yes Equipment Purchase**

**Yes Multi-Tenant**

**Yes Commercial**

**No Back Office**

**Yes Retail**

**Yes Mixed Use**

**No Facility for the Aging**

**No Civic Facility (not for profit)**

**Yes Other**

**Potential retail in**



\$ 4,264,360 (sum of 2,3,4,5, and/or 7 in Question K, above)

**Cost for materials**

\$ 2,134,680

**% sourced in Erie County**

Anticipate 90-100%

**% sourced in State**

Anticipate 90-100% (including Erie County)

**Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit**

\$ 2,197,180

**Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):**

\$ 192,253

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

		<b>Cost</b>	<b>% of Total Cost</b>
<b>Manufacturing/Processing</b>	square feet	\$ 0	0
<b>Warehouse</b>	square feet	\$ 0	0
<b>Research &amp; Development</b>	square feet	\$ 0	0
<b>Commercial</b>	28,227 square feet	\$ 3,987,085	93
<b>Retail</b>	square feet	\$ 0	0
<b>Office</b>	square feet	\$ 0	0
<b>Specify Other</b>	1,963 square feet	\$ 277,275	7

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

No

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

<BLANK>

**Provide estimate of additional construction cost as a result of LEED certification you are seeking**

**Will project result in significant utility infrastructure cost or uses**

No

What is your project timetable (Provide dates)

**Start date : acquisition of equipment or construction of facilities**

1/1/2014

**End date : Estimated completion date of project**

7/1/2016

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

7/1/2016

**Have construction contracts been signed?**

No

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

No

**Has the Project received site plan approval from the appropriate planning department?**

No

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

No

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

No

Employment Plan (Specific to the proposed project location):

<b>Current # of jobs at proposed project location or to be</b>	<b>If project is to retain jobs, number of jobs to</b>	<b>Total # of jobs 2 years after project completion</b>	<b>Net total new jobs</b>

	<b>relocated at project location</b>	<b>be retained</b>		
<b>Full time</b>	0	0	4	0
<b>Part time</b>	0	0	6	0
<b>Total</b>	0	0	10	

Employment at other locations in Erie County: (provide address and number of employees at each location):

<b>Address</b>			
<b>Full time</b>	0	0	0
<b>Part time</b>	0	0	0
<b>Total</b>	0	0	0



**Will any of the facilities described above be closed or subject to reduced activity?**

No

Payroll Information

**Annual Payroll at Proposed Project Site**

\$ 0

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

\$ 0

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

\$ 350,000

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

**From**

\$ 25,000

**To \$ 50,000**

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

No

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

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

**Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?**

Yes

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

City of Buffalo - 485(a) Property Tax Abatement; Empire State Development Corp - Better Buffalo Fund

**Do you anticipate applying for any other assistance for this project?**

Yes

**If yes, what type of assistance (Historic Tax Credits, 485(a), Grants, Utility Loans, Energy Assistance, Workforce Training)**

485(a), NYSERDA benefits for energy efficient equipment, National Grid Main Street Grant, and Better Buffalo Fund incentives

### **Section III: Adaptive Reuse Projects**

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

Yes

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

97

**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)**

Yes

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

3

**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)**

Yes

**If yes, please provide dollar amount of income being generated, if any**

\$ 0. Property is currently vacant.

**Does the site have historical significance?**

No

**Are you applying for either State/Federal Historical Tax Credit Programs?**

No

**If yes, provide estimated value of tax credits**

\$ Not contemplated at  
this time.

**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 (you will be asked to provide cash flow projections documenting costs, expenses and revenues with and without IDA and other tax credits included indicating below average return on investment rates compared to regional industry averages)**

Please see the attached Project Narrative.

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

Please see the attached Project Narrative.

**Please indicate other factors that you would like 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 has historical significance, site or structure is presently delinquent in property tax payments**

Please see the attached Project Narrative.

## Section IV: Retail Determination

**Will any portion of the project (including that portion of the costs to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?** Yes

If yes, complete the Retail Questionnaire Supplement below.

**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?** 7 %

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).

If the answer to A is Yes **AND** the answer to Question B is greater than 33.33%, indicate which of the following questions below apply to the project:

**Will the project be operated by a not-for-profit corporation?** No

**Is the project location or facility likely to attract a significant number of visitors from outside the economic development region (Erie, Niagara, Allegheny, Chautauqua and Cattaraugus counties) in which the project will be located?** No

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

**Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality? Are services provided at the proposed project site needed because of a lack of reasonably accessible retail trade facilities offering such goods or services?** No

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

**If yes, explain**

Property is currently vacant, so new jobs would be created as part of the construction of the project. In addition, the commercial space also would result in job creation.

**Is the project located in a Highly Distressed Area?** No

## Section V: Inter-Municipal Move Determination

The Agency is required by state law to make a determination that, if completion of a Project benefiting from Agency Financial Assistance results in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, Agency financial Assistance is required to prevent the project occupant from relocating out of the state, or is reasonably necessary to preserve the project occupant's competitive position in its respective industry.

**Will the project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state?** No

**Will the project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?** No

**If Yes to either question, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:**

**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 Yes to either question, please, explain**

**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 out of the City of Buffalo (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 within Erie County, has the project occupant attempted to find a suitable location within the municipality in which it is currently located?**

No

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

**If the current facility is to be abandoned, 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**

Project includes the Adaptive Reuse of the former St. Margaret's elementary school to 23+/- apartments and some commercial space along Hertel Avenue.

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

No

**If yes, please fill out a tenant form in section VII, for each tenant.**

<b>Tenant Name</b>	<b>Current Address (city, state, zip)</b>	<b># of sq ft and % of total to be occupied at new project site</b>	<b>SIC or NAICS-also briefly describe type of business, products services, % of sales in Erie Co.</b>
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## Section VII: Environmental Questionnaire

### General Background Information

**Address of Premises** Portion of 1391 Hertel Avenue, Buffalo, NY 14216

**Name and Address of Owner of Premises** St. Margaret's Roman Catholic Church Society of Buffalo, New York; 1395 Hertel Avenue, Buffalo, New York 14216

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

Premises are located in a built-up environment along Hertel Avenue.

### **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 Elementary School was originally constructed in 1917 and in 1957 was converted to an elementary school, with an addition added along Hertel Avenue in 1967. It was an elementary school until its decline due to decreasing enrollment several years ago and closed in the spring of 2012.

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

Church: 1917-1957 Elementary School: 1957-2012 Vacant Building: 2012-present

### **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?**

No

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

**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**

**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**

None.

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

None.

**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**

None.

**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**

Sanitary Sewer and Storm Sewer is discharged into the municipal system along Hertel Avenue or Saranac Avenue.

**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**

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**

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

<BLANK>

**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**

None.

**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?**

Yes

**If yes, please identify the materials**

Asbestos containing materials have been identified in various materials in the Premises, included floor tile, pipe fittings, roofing materials, window glazing, and caulk, all of which will be abated as part of the project redevelopment.