

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
BROWNFIELD CLEANUP PROGRAM  
ECL §27-1401 *et seq.*

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In the Matter of a Remedial Program for

**AMENDMENT TO BROWNFIELD SITE  
CLEANUP AGREEMENT  
Index No. C447044-08-10**

**ALCO-Maxon Site - Parcel C**

DEC Site No: C447044

Located at: 301 Nott Street, Schenectady, Schenectady County, NY 12305

Hereinafter referred to as "Site"

by:

Airline Boulevard Properties, LLC  
220 Harborside Drive, Suite 300, c/o General Counsel, Schenectady, NY 12305

Airline Drive Development, LLC  
220 Harborside Drive, Suite 300, c/o General Counsel, Schenectady, NY 12305

ALCO Hotel, LLC  
220 Harborside Drive, Suite 300, c/o General Counsel, Schenectady, NY 12305

ALCO Re Properties, LLC  
220 Harborside Drive, Suite 300, c/o General Counsel, Schenectady, NY 12305

Cohoes Avenue Associates, LLC  
220 Harborside Drive, Suite 300, c/o General Counsel, Schenectady, NY 12305

Cohoes Avenue Development, LLC  
220 Harborside Drive, Suite 300, c/o General Counsel, Schenectady, NY 12305

Erie Way Associates, LLC  
220 Harborside Drive, Suite 300, c/o General Counsel, Schenectady, NY 12305

Erie Way Properties, LLC  
220 Harborside Drive, Suite 300, c/o General Counsel, Schenectady, NY 12305

Locomotive Lane Properties, LLC  
220 Harborside Drive, Suite 300, c/o General Counsel, Schenectady, NY 12305

Maxon ALCO Holdings, LLC  
220 Harborside Drive, Suite 300, c/o General Counsel, Schenectady, NY 12305

Maxon ALCO Properties, LLC  
220 Harborside Drive, Suite 300, c/o General Counsel, Schenectady, NY 12305

Maxon Hotel, LLC  
220 Harborside Drive, Suite 300, c/o General Counsel, Schenectady, NY 12305

Mohawk Property Company LLC  
220 Harborside Drive, Suite 300, c/o General Counsel, Schenectady, NY 12305

Mohawk Property Company Holdings LLC  
220 Harborside Drive, Suite 300, c/o General Counsel, Schenectady, NY 12305

Mohawk Restoration, LLC  
220 Harborside Drive, Suite 300, c/o General Counsel, Schenectady, NY 12305

Prestige Parkway Associates, LLC  
220 Harborside Drive, Suite 300, c/o General Counsel, Schenectady, NY 12305

Prestige Parkway Properties, LLC  
220 Harborside Drive, Suite 300, c/o General Counsel, Schenectady, NY 12305

Sitterly Street Enterprises, LLC  
220 Harborside Drive, Suite 300, c/o General Counsel, Schenectady, NY 12305

Westcott Road Associates, LLC  
220 Harborside Drive, Suite 300, c/o General Counsel, Schenectady, NY 12305

Westcott Road Development, LLC  
220 Harborside Drive, Suite 300, c/o General Counsel, Schenectady, NY 12305

West Yard Associates, LLC  
220 Harborside Drive, Suite 300, c/o General Counsel, Schenectady, NY 12305

West Yard Properties, LLC  
220 Harborside Drive, Suite 300, c/o General Counsel, Schenectady, NY 12305

Hereinafter referred to as "Applicant"

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**WHEREAS**, the Department of Environmental Conservation ("Department") is authorized to administer the Brownfield Cleanup Program ("BCP") set forth in Article 27, Title 14 of the Environmental Conservation Law ("ECL"); and

**WHEREAS**, the Department and the Applicant seek to amend the existing BCP Agreement for the Site, based on the 2015 changes to the BCP.

**NOW, THEREFORE**, IN CONSIDERATION OF AND IN EXCHANGE FOR THE MUTUAL COVENANTS AND PROMISES, THE PARTIES AGREE TO THE FOLLOWING:

I. Tax Credit Status & Deadline for receipt of Certificate of Completion (COC)

Based on the fact that the Site did not receive a COC by December 31, 2019, it is hereby subject to the terms of the BCP in effect as of July 1, 2015, including, but not limited to, the tax credit structure and the deadline of March 31, 2026.

With respect to eligible costs incurred under the BCP, this Amendment shall not change the effective date of the Agreement, and otherwise eligible costs incurred from the original effective date of the agreement will still be eligible costs for tax credit purposes.

II. Miscellaneous

A. Except for the modifications set forth herein, the original Agreement shall remain in full force and effect and the terms thereof and the obligations therein are incorporated herein and shall apply with the same force and effect to the provisions of this Amendment. The terms of the original Agreement, including all exhibits, appendices and subsequent modifications, are not otherwise modified or expanded in any way.

B. The terms herein shall constitute this complete and entire Amendment of the Agreement. No term, condition, understanding or agreement purporting to modify the terms of the Agreement shall be binding unless subscribed to by both parties in accordance with the terms of the Agreement.

C. The effective date of this Amendment is the date it is signed by the Commissioner or the Commissioner's designee.

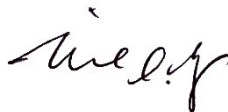
D. This Amendment may be signed in counterparts.

DATED:

June 8, 2020

THIS BROWNFIELD CLEANUP AGREEMENT  
AMENDMENT IS HEREBY APPROVED, Acting by and  
Through the Department of Environmental Conservation as  
Designee of the Commissioner,

By:



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Michael J. Ryan, P.E., Director  
Division of Environmental Remediation

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

Airline Boulevard Properties, LLC

By: [Signature]

Title: Authorized Representative

Date: March 19, 2020

STATE OF NEW YORK )  
COUNTY OF Schenectady ) ss:

On the 19 day of March in the year 2020, before me, the undersigned, personally appeared David M. Buick, 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]  
Signature and Office of individual taking acknowledgment

**LAURENE A. SMITH**  
Notary Public, State of New York  
Qualified in Rensselaer County  
No. 01SM4826017  
Commission Expires June 30, 2022

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

Airline Drive Development, LLC

By: [Signature]

Title: Authorized Representative

Date: March 19, 2020

STATE OF NEW YORK )  
COUNTY OF Schenectady ) ss:

On the 19 day of March in the year 2020, before me, the undersigned, personally appeared David M. Quicke, 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]

Signature and Office of individual taking acknowledgment

LAURENE A. SMITH  
Notary Public, State of New York  
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Commission Expires June 30, 2020

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

ALCO Hotel, LLC


By: 

Title: Authorized Representative

Date: June 3, 2020

STATE OF NEW YORK )  
COUNTY OF Schenectady ss:

On the 3 day of June in the year 2020, before me, the undersigned, personally appeared David M. Buicko, 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

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

ALCO Re Properties, LLC

By: [Signature]

Title: Authorized Representative

Date: March 19, 2020

STATE OF NEW YORK )  
                                  ) ss:  
COUNTY OF Schenectady

On the 19 day of March in the year 2020, before me, the undersigned, personally appeared Dana M. Buicke, 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]  
\_\_\_\_\_  
Signature and Office of individual taking acknowledgment

**LAURENE A. SMITH**  
Notary Public, State of New York  
Qualified in Rensselaer County  
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CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

Cohoes Avenue Associates, LLC

By: [Signature]

Title: Authorized Representative

Date: March 19, 2020

STATE OF NEW YORK )

COUNTY OF Schenectady ) ss:

On the 19 day of March in the year 2020, before me, the undersigned, personally appeared Dana M. Blucko, 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]  
Signature and Office of individual taking acknowledgment


LAURENE A. SMITH  
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CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

Cohoes Avenue Development, LLC

By: 

Title: Authorized Representative

Date: March 19, 2020

STATE OF NEW YORK )  
COUNTY OF Schenectady ss:

On the 19 day of March in the year 2020, before me, the undersigned, personally appeared Dawn M. Buelow, 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.

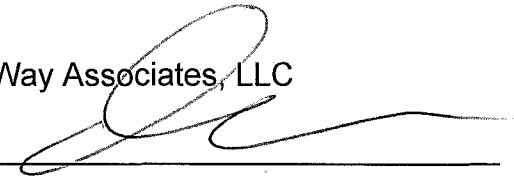
  
Signature and Office of individual taking acknowledgment

LAURENE A. SMITH  
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Qualified in Rensselaer County  
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Commission Expires June 30, 2022

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

Erie Way Associates, LLC

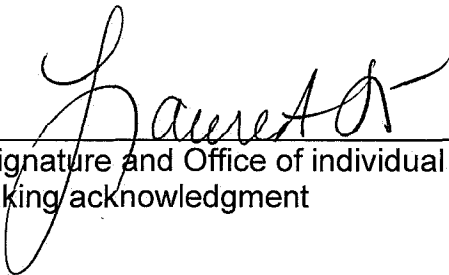
By: 

Title: Authorized Representative

Date: March 19, 2020

STATE OF NEW YORK )  
COUNTY OF Schenectady ss:

On the 19 day of March in the year 2020, before me, the undersigned, personally appeared Dana M. Buicko, 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

LAURENE A. SMITH  
Notary Public, State of New York  
Qualified in Rensselaer County  
No. 01SM4826017  
Commission Expires June 30, 2022

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

Erie Way Properties, LLC

By: [Signature]

Title: Authorized Representative

Date: March 19, 2020

STATE OF NEW YORK )

COUNTY OF Schenectady )<sup>ss:</sup>

On the 19 day of March in the year 2020, before me, the undersigned, personally appeared David M. Bleick, 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]  
Signature and Office of individual taking acknowledgment

LAURENE A. SMITH  
Notary Public, State of New York  
Qualified in Rensselaer County  
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Commission Expires June 30, 2020

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

Locomotive Lane Properties, LLC

By: [Signature]

Title: David M. Buicko, Auth. Rep

Date: March 19, 2020

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF Schenectady

On the 19 day of March in the year 2020, before me, the undersigned, personally appeared David M - Buicko, 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]  
Signature and Office of individual taking acknowledgment

LAURENE A. SMITH  
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CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

Maxon ALCO Holdings, LLC

By: 

Title: Authorized Representative

Date: March 16, 2020

STATE OF NEW YORK )

COUNTY OF Schenectady ss:

On the 16 day of March in the year 2020, before me, the undersigned, personally appeared David M. Buico, 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

CONSENT BY APPLICANT

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Maxon ALCO Properties, LLC

By: [Signature]

Title: Authorized Representative

Date: March 19, 2020

STATE OF NEW YORK )  
                                  ) ss:  
COUNTY OF Schenectady

On the 19 day of March in the year 2020, before me, the undersigned, personally appeared Dana M. Buckle, 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.

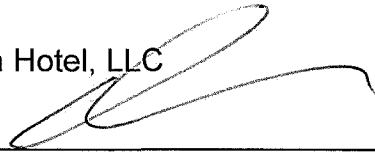
[Signature]  
Signature and Office of individual taking acknowledgment

LAURENE A. SMITH  
Notary Public, State of New York  
Qualified in Rensselaer County  
No. 01SM4826017  
Commission Expires June 30, 2022

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

Maxon Hotel, LLC

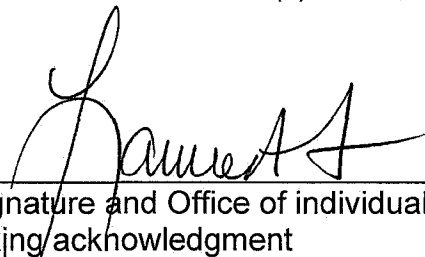
By: 

Title: Authorized Representative

Date: March 19, 2020

STATE OF NEW YORK )  
COUNTY OF Schenectady ) ss:

On the 19 day of March in the year 2020, before me, the undersigned, personally appeared David M. BUICKO, 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

LAURENE A. SMITH  
Notary Public, State of New York  
Qualified in Rensselaer County  
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Commission Expires June 30, 2020

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

Mohawk Property Company, LLC

By: [Signature]

Title: Authorized Representative

Date: March 19, 2020

STATE OF NEW YORK )  
                                  ) ss:  
COUNTY OF Schenectady

On the 19 day of March in the year 2020, before me, the undersigned, personally appeared Dana M. BUICKO, 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]  
\_\_\_\_\_  
Signature and Office of individual taking acknowledgment

LAURENE A. SMITH  
Notary Public, State of New York  
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CONSENT BY APPLICANT

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Mohawk Property Company Holdings LLC

By: 

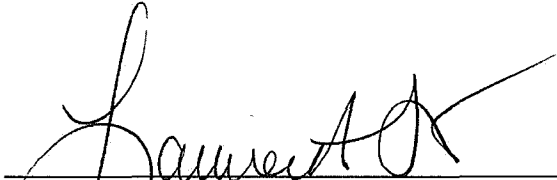
Title: Authorized Representative

Date: March 19, 2020

STATE OF NEW YORK )

COUNTY OF Schenectady ) ss:

On the 19<sup>th</sup> day of March in the year 2020, before me, the undersigned, personally appeared DAVID M. BULLOCK, 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

LAURENE A. SMITH  
Notary Public, State of New York  
Qualified in Rensselaer County  
No. 01SM4826017  
Commission Expires June 30, 2022

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

Mohawk Restoration, LLC

By: [Signature]

Title: Authorized Representative

Date: March 19, 2020

STATE OF NEW YORK )  
COUNTY OF Schenectady ) ss:

On the 19 day of March in the year 2020, before me, the undersigned, personally appeared Dana M. Buick, 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]

Signature and Office of individual taking acknowledgment

LAURENE A. SMITH  
Notary Public, State of New York  
Qualified in Rensselaer County  
No. 01SM4826017  
Commission Expires June 30, 2022

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

Prestige Parkway Associates, LLC

By: [Signature]

Title: Authorized Representative

Date: March 19, 2020

STATE OF NEW YORK )  
COUNTY OF Schenectady ss:

On the 19 day of March in the year 2020, before me, the undersigned, personally appeared Dana M. Buicko, 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]  
Signature and Office of individual taking acknowledgment

LAURENE A. SMITH  
Notary Public, State of New York  
Qualified in Rensselaer County  
No. 01SM4826017  
Commission Expires June 30, 2022

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

Prestige Parkway Properties, LLC

By: [Signature]

Title: Authorized Representative

Date: March 19, 2020

STATE OF NEW YORK )  
                                  ) ss:  
COUNTY OF Schenectady

On the 19 day of March in the year 2020, before me, the undersigned, personally appeared Dana M. Bluck, 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]  
\_\_\_\_\_  
Signature and Office of individual taking acknowledgment

LAURENE A. SMITH  
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Qualified in Rensselaer County  
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Commission Expires June 30, 2022

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

Sitterly Street Enterprises, LLC

By: 

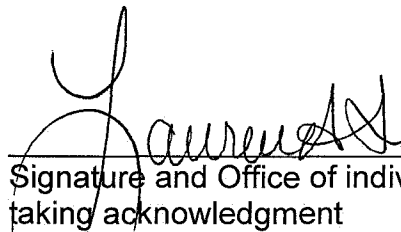
Title: Authorized Representative

Date: March 19, 2020

STATE OF NEW YORK )

COUNTY OF Schenectady ) ss:

On the 19 day of March in the year 2020, before me, the undersigned, personally appeared David M. Bullock, 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

LAURENE A. SMITH  
Notary Public, State of New York  
Qualified in Rensselaer County  
No. 01SM4826017  
Commission Expires June 30, 2028

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

Westcott Road Associates, LLC

By: 

Title: Authorized Representative

Date: March 19, 2020

STATE OF NEW YORK )  
COUNTY OF Schenectady ) ss:

On the 19 day of March in the year 2020, before me, the undersigned, personally appeared David M. Buick, 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

LAURENE A. SMITH  
Notary Public, State of New York  
Qualified in Rensselaer County  
No. 01SM4826017  
Commission Expires June 30, 2022

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

Westcott Road Development, LLC

By: 

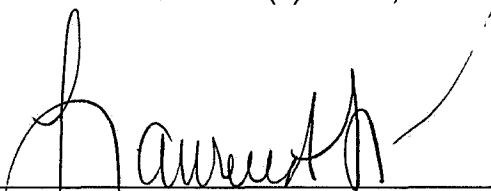
Title: Authorized Representative

Date: March 19, 2020

STATE OF NEW YORK )

COUNTY OF Schenectady ) ss:

On the 19 day of March in the year 2020, before me, the undersigned, personally appeared David M. Bullock, 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

LAURENE A. SMITH  
Notary Public, State of New York  
Qualified in Rensselaer County  
No. 01SM4826017  
Commission Expires June 30, 2022

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

West Yard Associates, LLC

By: [Signature]

Title: Authorized Representative

Date: March 19, 2020

STATE OF NEW YORK )

COUNTY OF Schenectady ss:

On the 19 day of March in the year 2020, before me, the undersigned, personally appeared David M. Buicko, 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]  
Signature and Office of individual taking acknowledgment

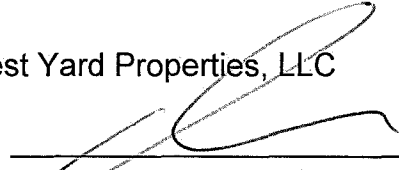
**LAURENE A. SMITH**  
Notary Public, State of New York  
Qualified in Rensselaer County  
No. 01SM4826017  
Commission Expires June 30, 2022



CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

West Yard Properties, LLC

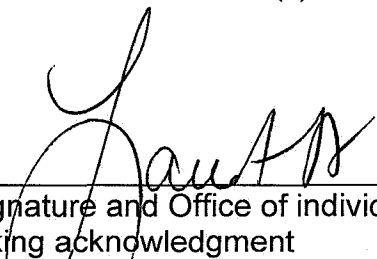
By: 

Title: Authorized Representative

Date: March 19, 2020

STATE OF NEW YORK )  
COUNTY OF Schenectady ss:

On the 19 day of March in the year 2020, before me, the undersigned, personally appeared David M. Buick, 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

LAURENE A. SMITH  
Notary Public, State of New York  
Qualified in Rensselaer County  
No. 01SM4826017  
Commission Expires June 30, 2022