

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation

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www.dec.ny.gov

Mr. S. Ram Shrivastava, PE
Lotus-Green Development, LLC
700 West Metro Park
Rochester, New York 14623

FEB 28 2018

RE: Site Name: Luster Coate Metalizing Corporation
Site No.: C828113
Location of Site: 32 East Buffalo Street, Churchville, New York 14428

Dear Mr. Shrivastava,

To complete your file, attached is a fully executed copy of the Brownfield Cleanup Agreement Amendment for the Luster Coate Metalizing Corporation Site.

If you have any further questions relating to this matter, please contact the project attorney for this site, Dudley Loew, Esq., NYS Department of Environmental Conservation, Office of General Counsel, 6274 East Avon-Lima Road Avon, NY 14414-9519, or by email at dudley.loew@dec.ny.gov.

Sincerely,



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

Enclosure

ec: F. Sowers, Project Manager

cc: D. Loew, Esq.
A. Guglielmi, Esq. /M. Mastroianni



Department of
Environmental
Conservation

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

In the Matter of a Remedial Program for

**AMENDMENT TO BROWNFIELD SITE
CLEANUP AGREEMENT
Index No. B8-0651-03-12**

Luster Coate Metalizing Corporation

DEC Site No: C828113

Located at: 32 East Buffalo Street
Churchville, New York 14428

Hereinafter referred to as "Site"

by:

Lotus-Green Development, LLC

Hereinafter referred to as "Applicant"

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 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, 2017, 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 scheme and the deadline of December 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. Correction of Applicant's Name

The Agreement is also amended to reflect the Applicant's correct corporate name: Lotus-Green Development, LLC.

III. 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 the 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.

DATED: FEB 28 2018

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

By:




Michael J. Ryan, P.E., Assistant 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.

Lotus-Green Development, LLC

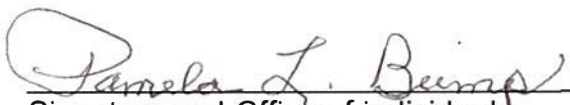
By: 
S.R. SHRIVASTAVA

Title: President

Date: 2/26/18

STATE OF NEW YORK)
) ss:
COUNTY OF Monroe)

On the 26th day of February in the year 2018, before me, the undersigned, personally appeared S.R. Shrivastava, 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

PAMELA L. BUMP
Notary Public, State of New York
Monroe County, #018U4963858
Commission Expires 3/19/2022