



**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**



**BROWNFIELD CLEANUP PROGRAM (BCP)
AMENDMENT APPLICATION FOR CHANGE IN PARTY**

07/07

Section I: Existing Application Information		
BCP SITE NAME: River Park Commons	BCP SITE NUMBER: C828124	
NAME OF CURRENT APPLICANT(S): Conifer Hamilton LLC		
INDEX NUMBER OF EXISTING AGREEMENT (if applicable): B8-0673-04-08N		
Section II: Requestor Information		
NAME Genesee Hamilton, L.P.		
ADDRESS 183 East Main Street, #600		
CITY/TOWN Rochester, NY		ZIP CODE 14604
PHONE	FAX	E-MAIL
NAME OF REQUESTOR'S REPRESENTATIVE Allen Handelman		
ADDRESS 183 East Main Street, #600		
CITY/TOWN Rochester, NY		ZIP CODE 14604
PHONE (585) 324-0500	FAX (585) 324-0556	E-MAIL ahandelman@coniferllc.com
NAME OF REQUESTOR'S CONSULTANT Jeffrey A. Danzinger - Day Environmental, Inc.		
ADDRESS 40 Commercial Street		
CITY/TOWN Rochester, NY		ZIP CODE 14614-1008
PHONE (585) 454-0210	FAX (585) 454-0825	E-MAIL JDanzinger@daymail.net
NAME OF REQUESTOR'S ATTORNEY George S. Van Nest, Esq. - Underberg & Kessler LLP		
ADDRESS 1900 Main Place Tower		
CITY/TOWN Buffalo, NY		ZIP CODE 14202
PHONE (716) 847-9105	FAX (716) 947-6004	E-MAIL gvannest@underbergkessler.com
<p>THE REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL §27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:</p> <p><input type="checkbox"/> PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.</p> <p><input checked="" type="checkbox"/> VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.</p> <p>NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the contamination found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released contamination.</p>		

Section II. Requestor Information (Continued)

Requestor's Relationship to Property (check one):

Prior Owner Current Owner Potential /Future Purchaser Other _____

If requestor is not the site owner, requestor will have access to the property throughout the BCP project.
(Note: proof of site access must be submitted for non-owners)

Yes No

Describe Requestor's Relationship to Existing Applicant:

Briefly Describe Basis for Submitting this Amendment Application: Pursuant to the Private Housing Finance Law there are restriction on the types of entities that can own and become members. A Limited Liability Company, as in the current BCA entity cannot satisfy the ownership requirements. A new Limited Partnership needs to be formed to satisfy the financing requirements for the project.

Section III. Current Site Owner/Operator Information (only include new information)

OWNER'S NAME (if different from requestor)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Section IV. Eligibility Information for Requestor (Please refer to ECL § 27-1407 for more detail)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? Yes No
2. Is the requestor subject to an existing order relating to contamination at the site? Yes No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Yes No
4. Has the requestor been determined to have violated any provision of ECL Article 27? Yes No
5. Has the requestor previously been denied entry to the BCP? Yes No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants? Yes No
7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? Yes No
8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department? Yes No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.8(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? Yes No

Statement of Certification and Signature - Revision

(Individual)

I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____ Signature: _____ Print Name: _____

(Entity) Conifer Realty, LLC, Member of Genesee Riverfront Commons, LLC,
General Partner of Genesee Hamilton, L.P.

I hereby affirm that I am President (title) of A (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 5/6/08 Signature:  Print Name: Timothy D. Fournier

Statement of Certification and Signature - Existing Applicant

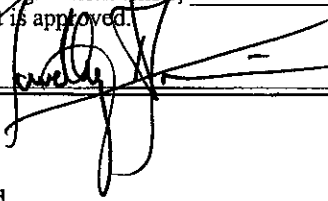
(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. If an Agreement exists, I will execute an Amendment to that Agreement if this Application for an Amendment is approved.

Date: _____ Signature: _____ Print Name: _____

(Entity) Conifer Realty, LLC, Member of Genesee Riverfront Commons, LLC,
Member of Conifer Hamilton, LLC

I hereby affirm that I am President (title) of A (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. If an Agreement exists, _____ will execute an Amendment to that Agreement if this Application for an Amendment is approved.

Date: 5/6/08 Signature:  Print Name: Timothy D. Fournier

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- Two (2) copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD or diskette, must be sent to:

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

- One (1) paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check DEC's website for the address of our regional offices: <http://www.dec.ny.gov/about/776.html>

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

PROJECT MANAGER: _____