

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

Please refer to the attached instructions for guidance on completing this application.

Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment seeks to add or subtract more than an insignificant acreage of property to the BCA, applicants are encouraged to consult with the DEC project team prior to submitting this application.

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION
1. Check the appropriate box(es) below based on the nature of the amendment modification(s) requested:
Amendment to modify the existing BCA (check one or more boxes below):
Add applicant(s) Substitute applicant(s) Remove applicant(s) Change in name of applicant(s) Amendment to reflect a transfer of title to all or part of the brownfield site:
a. A copy of the recorded deed must be provided. Is this attached? Yes No
b. Change in ownership Additional owner (such as a beneficial owner)
c. Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this has not yet been submitted, include the form with this application. Is this form attached? Yes No Submitted on:
Amendment to modify description of the property(ies) listed in the existing BCA See Schedule A-1
Amendment to expand or reduce property boundaries of the property(ies) listed in the existing BCA
Sites in Bronx, Kings, New York, Queens or Richmond Counties ONLY: amendment to request determination that the site is eligible for tangible property credit component of the brownfield redevelopment tax credit.
Other (explain in detail below)
2. REQUIRED: Please provide a brief narrative describing the specific requests included in this amendment: This Application to Amend is being submitted to add certain lands removed from BCP Site II-6 (BCP Site No. C915198F) and BCP Site II-7 (BCP Site No. C915198G) to BCP Site II-14.

SECTION I: CURRENT AGREEMENT INFORMATION This section must be completed in full. Attach additional pages as necessary. BCP SITE NAME: Site II-14 Tecumseh Phase II Business Park BCP SITE CODE: C915198N NAME OF CURRENT APPLICANT(S): Tecumseh Redevelopment Inc. and Buffalo and Erie County Industrial Land Development Corporation INDEX NUMBER OF AGREEMENT: C915198N-07-23 DATE OF ORIGINAL AGREEMENT: 02/22/2024

SECTION II: NEW REQUESTOR INFORMATION Complete this section only if adding new requestor(s) or the name of an existing requestor has changed.					
NAME:					
ADDRESS:					<u> </u>
CITY/TOWN:			ZIP CODE:		
PHONE:	EMAIL:				
REQUESTOR CONTACT:	(2)				8
ADDRESS:					8-
CITY/TOWN:			ZIP CODE:		
PHONE:	EMAIL:				
REQUESTOR'S CONSULTANT:		CONTACT:			
ADDRESS:					
CITY/TOWN: ZIP CODE:					
PHONE: EMAIL:					
REQUESTOR'S ATTORNEY: CONTACT:					
ADDRESS:					
CITY/TOWN: ZIP CODE:					
PHONE: EMAIL:					
				Y	N
Is the requestor authorized to conduct business in New York State?			\cup	\cup	
 If the requestor is a corporati NYS Department of State (N must appear exactly as giver Database. A print-out of entit submitted with this application 	YSDOS) to cond n above in the NY y information fro	uct business in NYS, the red YSDOS Corporation & Busin m the NYSDOS database m	questor's name ess Entity	0	0
3. Requestor must submit proof that the party signing this application and amendment has the authority to bind the requestor. This would be documentation showing the authority to bind the requestor in the form of corporate organizational papers, a Corporate Resolution or an Operating Agreement or Resolution for an LLC. Is this proof attached?			0	0	
4. If the requestor is an LLC, the names of the members/owners must be provided. Is this information attached?			0	0	
5. Describe the new requestor's relationship to all existing applicants:					

Section III. Current Property Owner/Operator Information (only include if new owner/operator) Owner below is: Existing Applicant New Applicant Non-Applicant				
OWNER'S NAME (if different from requestor)				
ΑE	DDRESS			
CI	TY/TOWN		ZIP CC	DDE
PH	HONE	FAX	E-MAIL	
OF	PERATOR'S NAME (if differen	t from requestor or owner)		
ΑE	DDRESS			
CI	TY/TOWN		ZIP CC	DDE
PH	IONE	FAX	E-MAIL	
Š.				8
Se	ction IV. Eligibility Information	on for New Requestor (Please refer to	ECL § 27-1407 fo	or more detail)
lf a	answering "yes" to any of the fo	ollowing questions, please provide an ex	xplanation as an att	achment.
1.	Are any enforcement actions	pending against the requestor regarding	g this site?	∐Yes □No
2.	2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site? ☐Yes ☐ No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.				
4.	4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the subject law; ii) any order or determination; iii) any regulation implementing ECL Article 27 Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment.			enting ECL t? <u>If</u> so, <u>pro</u> vide
5.	5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, Department assigned site number, the reason for denial, and other relevant information.			
6.	- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	in a civil proceeding to have committed ring, treating, disposing or transporting		ntionally tortious ☐Yes ☐ No
7.	7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state?			
8.	jurisdiction of the Department,	alsified statements or concealed materions or submitted a false statement or made ent or application submitted to the Depart	e use of or made a	
	9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(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			cation? □Yes □No
10		tion in any remedial program under DEG antially comply with an agreement or ord		nated by DEC or Yes No
11	. Are there any unregistered bu	ulk storage tanks on-site which require re	egistration?	☐Yes ☐No

Site Code:

EITHER A PARTICIPANT OR VOLUNTEER IN NG ONE OF THE BOXES BELOW:
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 disposal of hazardous waste or discharge of petroleum.
NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.
If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.
e Purchaser□Other
site access sufficient to complete the remediation tor will have access to the property before signing the lity to place an easement on the site Is this proof of access.

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SECTION V: PROPERTY DESCRIPTION AND REQU Complete this section only if property is being added to change to site SBL(s) has occurred, or if modifying the	or removed fi	rom the site,		or other
Property information on current agreement (as modified by any previous amendments, if applicable):			if applicable):	
ADDRESS: A portion of 2303 Hamburg Turnpi	ike, Lackav	vanna, N Y	14218	
CITY/TOWN Lackawanna ZIP CODE: 14218				
CURRENT PROPERTY INFORMATION TOTAL ACREAGE OF CURRENT SITE: .39				
PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
A portion of 2303 Hamburg Tumpike, Lackawanna, NY 14218	141.11	1	52.11	.39
2. Requested change (check appropriate boxes be	elow):			
a. Addition of property (may require additional c expansion – see instructions)	itizen participa	ation dependi	ng on the nat	ure of the
PARCELS ADDED:	(9	¥i ×
PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
A portion of 2303 Hamburg Turnpike, Lackawanna, NY 14218	141.19	1	3	.58
A portion of 2303 Hamburg Turnpike, Lackawanna, NY 14218	141.19	1	3	1.23
TOTAL ACREAGE TO BE ADDED: 1.81			1.81	
b. Reduction of property				
PARCELS REMOVED:			100	**
PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
TOTAL ACREAGE TO BE REMOVED:				
c. Change to SBL (e.g., lot merge, subdivision,	address chan	ge)		
NEW PROPERTY INFORMATION:				
PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
3. TOTAL REVISED SITE ACREAGE: 2.20	See Schedu	ile A-1	1	-1.
4. For all changes requested in this section, docur attachments are listed in the application instruct attached?				Y N

APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT SUPPLEMENT QUESTIONS FOR SITE SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY

Complete this section only if the site is located within the five counties comprising New York City and the requestor is seeking a determination of eligibility for tangible property credits. Provide supporting documentation as required. Refer to the application instructions for additional information.

docun	nentation as required. Refer to the application instructions for additional information.		
		Υ	N
1.	Is the site located in Bronx, Kings, New York, Queens or Richmond County?	0	0
2.	Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	0	0
3.	Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.	0	0
4.	Is the property upside down as defined below?	0	0
From	ECL 27-1405(31):		
	"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.		
5.	Is the project and affordable housing project as defined below?	0	0
From	6 NYCRR 375-3.2(a) as of August 12, 2016:		
(a)	"Affordable housing project" means, for purposes of this part, title fourteen of article twenty-seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units. (1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' household's annual gross income. (2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income. (3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States Department of Housing and Urban Development, or its successor, for a family of four, as adjusted for family size.		

APPLI	CATION SUPPLEMENT FOR NYC SITES (continued)	Υ	N
6.	Is the project a planned renewable energy facility site as defined below?	0	0
From	ECL 27-1405(33) as of April 9, 2022:		
	"Renewable energy facility site" shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any colocated system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.		
From	Public Service Law Article 4 Section 66-p as of April 23, 2021:		
	(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.		
7.	Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and meets the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?	0	0
From	ECL 75-0111 as of April 9, 2022:		
	(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.		

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

EXISTING AGREEMENT INFORMATION

BCP SITE NAME: Site II-14 Tecumseh Phase II Business Park BCP SITE CODE: C915198N

NAME OF CURRENT APPLICANT(S): Tecumseh Redevelopment Inc. and Buffalo and Erie County Industrial Land Development Corporation

INDEX NUMBER OF AGREEMENT: C915198N-07-23 DATE OF ORIGINAL AGREEMENT 02/22/2024

Declaration of Amendment:

By the requestor(s) and/or applicant(s) signature(s) below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from obligations held under the Agreement or those same laws.

STATEMENT OF CERTIFICATION AND SIGNATURES: NEW REQUESTOR

Complete the appropriate section (individual or entity) below only if this Amendment adds a new requestor. Attach additional pages as needed.

(Individual)

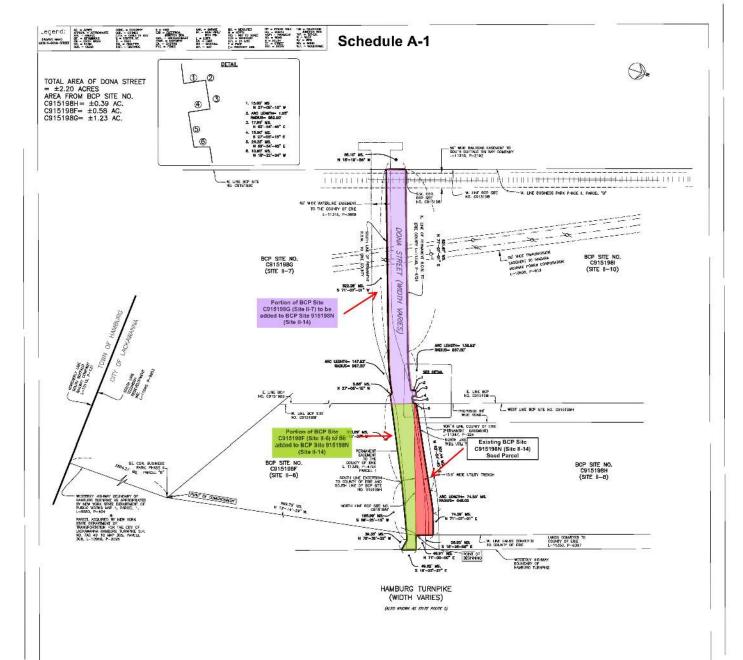
I hereby affirm that the information provided on this form and its attachments is true and complete to the best of my knowledge and helief. Lam aware that any false statement made herein is nunishable as a Class A

misdemeanor pursuant to s approval for the amendmer Department.		Law. My signature belo	ow constitutes the requisite
Date:	Signature:		
Print Name:		_	
(Entity)			
I hereby affirm that I am			
Application, which will be ef	-		for the amendment to the BCA
Date:	Signature:		
Print Name:			

STATEMENT OF CERTIFICATION AND SIGNATUR An authorized representative of each applicant must of entity) below. Attach additional pages as needed.	ES: EXISTING APPLICANT(S) complete and sign the appropriate section (individual or
(Individual)	
I hereby affirm that I am a party to the Brownfield Clea Section I above and that I am aware of this Application Application. My signature below constitutes the requis Application, which will be effective upon signature by t	n for an Amendment to that Agreement and/or site approval for the amendment to the BCA
Date: Signature:	
Print Name:	
(Entity)	
I hereby affirm that I am President/CEO (title) of Brownfield Cleanup Agreement and/or Application refe Application for an Amendment to that Agreement and/or below constitutes the requisite approval for the amendupon signature by the Department. Date: 06/07/2024 Signature: Print Name: John Cappellino	ment to the BCA Application, which will be effective
PLEASE SEE THE FOLLOWING PAGE	GE FOR SUBMITTAL INSTRUCTIONS
REMAINDER OF THIS AMENDMENT WILL BE	COMPLETED SOLELY BY THE DEPARTMENT
Status of Agreement:	
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.	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.
Effective Date of the Original Agreement: 02/22/202	4
Signature by the Department:	
DATED: 11/5/24	NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION By:
	David Harrington David Harrington, Assistant Director Division of Environmental Remediation

STATEMENT OF CERTIFICATION AND SIGNATURE An authorized representative of each applicant must c entity) below. Attach additional pages as needed.	ES: EXISTING APPLICANT(S) complete and sign the appropriate section (individual or		
(Individual)			
I hereby affirm that I am a party to the Brownfield Clea Section I above and that I am aware of this Application Application. My signature below constitutes the requisi Application, which will be effective upon signature by the	for an Amendment to that Agreement and/or ite approval for the amendment to the BCA		
Date: Signature:			
Print Name:			
(Entity)			
I hereby affirm that I am Graductured a Remodellow (title) of Te Brownfield Cleanup Agreement and/or Application refer Application for an Amendment to that Agreement and/or below constitutes the requisite approval for the amend upon signature by the Department. Date: 06/07/2024 Signature: Print Name: Keith Nagel	or Application. Keith Nagel's signature		
PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT			
Status of Agreement:			
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.	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.		
Effective Date of the Original Agreement:	- Affron		
Signature by the Department:			
DATED: 11/5/24	NEW YORK STATE DEPARTMENT OF		
#	ENVIRONMENTAL CONSERVATION		
	By:		
	David Harrington David Harrington, Assistant Director Division of Environmental Remediation		

SCHEDULE A



PROPOSED DESCRIPTION FOR DONA STREET BCP SITE

COMPLETE AT A TOTAL THE WAS ASSESSED AND MADE AND PARTICULARLY DAMAGE AND CENTRED AS TRACKING.

COMPLETE AT A TOTAL THE WAS ASSESSED OF THE MADE AS THE PRICE ASSESSED AS STATE COURT.

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LUMBHO OF 147.02 FEET, TO A FORM OF THE ADDRESS.
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THENCE MORTHER Y ALONG THE WEST LINE OF SEP SITE NUMBER CONSISTE AND CONSISTEN, IN 18"-22"-B4" M, A DISTANCE OF ILLIAD FIFT, TO A POINT ON THE WEST LINE OF BCP SITE NUMBER CONSISTEN.

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THENCE ALONG THE WESTERLY LINE OF SAID LANDS CONVEYOD TO THE COUNTY OF ERE, S 18"-26"-68"E. A DISTANCE OF 68:96 FEET TO THE FORM OF BECKNING. CONTAINING ZEE ADRESS OF LAND, MORE OR LESS.



