

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. C915240-01-11**

**193 Ship Canal Parkway**

DEC Site No: C915240

Located at: 193 Ship Canal Parkway, Buffalo, Erie County, NY 14218  
Hereinafter referred to as "Site"

by:

Buffalo Urban Development Corporation  
95 Perry Street, Suite 404, Buffalo, NY 14203

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.

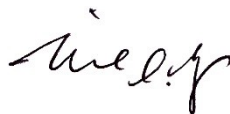
D. This Amendment may be signed in counterparts.

DATED:

June 9, 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.

Buffalo Urban Development Corporation

By: Peter M. Ammarato

Title: President

Date: 3/26/20

STATE OF NEW YORK     )  
                                          ) ss:  
COUNTY OF                    )

On the 26 day of March in the year 2020, before me, the undersigned, personally appeared Peter Ammarato, 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.

Dawn M. Boudreau  
Signature and Office of individual  
taking acknowledgment

DAWN M. BOUDREAU  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
My Commission Expires May 27, 2023

### **SECRETARY CERTIFICATE**

The undersigned, being the Secretary of Buffalo Urban Development Corporation (the "Corporation"), hereby certifies as follows:

1. Attached hereto is a true and correct copy of the resolution unanimously approved by the Board of Directors of the Corporation at a meeting held on March 29, 2011 at which a quorum was present.
2. Said resolution has not been changed or altered and remains in full force and effect as of the date hereof.

IN WITNESS WHEREOF, I have signed this Certificate on the 5th day of March, 2020.



Kevin J. Zanner, Secretary

**RESOLUTIONS OF  
THE BOARD OF DIRECTORS  
OF  
BUFFALO URBAN DEVELOPMENT CORPORATION**

**RESOLVED**, that the Board of Directors authorize the President to execute the Brownfield Site Cleanup Agreement for 193 Ship Canal Parkway, and to take such actions and execute such other documents and instruments as may be necessary to consummate any matters with the New York State Department of Environmental Conservation and the Brownfield Cleanup Program designation relative to 193 Ship Canal Parkway.

Adopted: March 29, 2011