



NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



BROWNFIELD CLEANUP PROGRAM (BCP)  
APPLICATION TO AMEND AND AMENDMENT

PART I. BROWNFIELD CLEANUP AMENDMENT APPLICATION

Check the appropriate box below based on the nature of the amendment modification requested:

- ☒ Amendment to [  
☐ Add  
☐ Substitute  
☐ Remove  
☒ Change in Name

an applicant(s) to the existing Brownfield Cleanup Agreement [*Complete Section I-IV below and Part II*]

Does this proposed amendment involve a transfer of title to all or part of the brownfield site? ☐ Yes ☒ No

If yes, pursuant to 6 NYCRR Part 375-1.11(d), please also submit a Change of Use form.

See <http://www.dec.ny.gov/chemical/76250.html>

- ☐ Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Sections I below and Part II*]

- ☐ Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Section I and V below and Part II*]

- ☒ Other (explain in detail below)

Please provide a brief narrative on the nature of the amendment:

This request is occasioned by a change of name only of the company - the ownership of the membership interests, the officers and directors have not changed.

Since the Application to Amend does not have a box to check to change the site name, we request here (to make all entries consistent and avoid confusion in the future) to change the site name to "250 Delaware Avenue".

\*Please refer to the attached instructions for guidance on filling out this application\*

0 /2014

<b>Section I. Existing Application Information</b>				
BCP SITE NAME: 233 S. Elmwood Ave & 234 Delaware		BCP SITE NUMBER: C915271		
NAME OF CURRENT APPLICANT(S): BTC Block 20, Inc.				
INDEX NUMBER OF EXISTING AGREEMENT: C915271-03-13		DATE OF EXISTING AGREEMENT: April 12, 2013		
<b>Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)</b>				
NAME DNC 250, Inc.				
ADDRESS 100 Corporate Parkway - Suite 500				
CITY/TOWN Amherst, NY		ZIP CODE 14226		
PHONE (716) 834-5000	FAX (716) 834-5034	E-MAIL dreilly@uniland.com		
Is the requestor authorized to conduct business in New York State (NYS)?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<small>-If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation &amp; Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.</small>				
NAME OF NEW REQUESTOR'S REPRESENTATIVE Craig A. Slater, Esq. of The Slater Law Firm, PLLC				
ADDRESS 26 Mississippi Street - Suite 400				
CITY/TOWN Buffalo, NY		ZIP CODE 14203		
PHONE (716) 845-6760	FAX (716) 845-6764	E-MAIL CSLater@CSlaterLaw.com		
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable) Lender Consulting Services, Inc.				
ADDRESS 40 La Riviere Drive - Suite 120				
CITY/TOWN Buffalo, NY		ZIP CODE 14202		
PHONE (716) 845-6145	FAX (716) 845-6164	E-MAIL dreid@lenderconsulting.com		
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable) Craig A. Slater, Esq. of The Slater Law Firm, PLLC				
ADDRESS 26 Mississippi Street - Suite 400				
CITY/TOWN Buffalo, NY		ZIP CODE 14203		
PHONE (716) 845-6760	FAX (716) 845-6764	E-MAIL CSLater@CSlaterLaw.com		
THE NEW 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:				
<table border="0"> <tr> <td style="vertical-align: top; width: 50%;"> <input type="checkbox"/> <b>PARTICIPANT</b>            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.         </td> <td style="vertical-align: top; width: 50%;"> <input checked="" type="checkbox"/> <b>VOLUNTEER</b>            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.             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.         </td> </tr> </table>			<input type="checkbox"/> <b>PARTICIPANT</b> 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.	<input checked="" type="checkbox"/> <b>VOLUNTEER</b> 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.  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.
<input type="checkbox"/> <b>PARTICIPANT</b> 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.	<input checked="" type="checkbox"/> <b>VOLUNTEER</b> 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.  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.			

**Section II. New Requestor Information continued (if no change to Current Applicant, skip to Section V)**

Requestor's Relationship to Property (check one):

☐ Prior Owner ☒ Current Owner ☐ Potential /Future Purchaser Other \_\_\_\_\_ ☐ Yes ☐ No  
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)

Requester must submit proof that the party signing this Application and Amendment has the authority to bind the Requester. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC.

Describe Requestor's Relationship to Existing Applicant:

There was a change of name only of the company- the ownership of the membership interests, the officers and directors have not changed. The Requestor is the same.

**Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight 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 New 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?  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. Is the requestor subject to an existing order relating to contamination at the site?  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Is the requestor subject to an outstanding claim by the Spill Fund for this site?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. Has the requestor been determined to have violated any provision of ECL Article 27?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. Has the requestor previously been denied entry to the BCP?  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants?  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> 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?  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> 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?  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 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? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

<b>Section V. Property description and description of changes/additions/reductions (if applicable)</b>					
ADDRESS 250 Delaware Avenue					
CITY/TOWN Buffalo			ZIP CODE 14202		
TAX BLOCK AND LOT (TBL) (in existing agreement )					
Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
<p>Check appropriate boxes below:</p> <p><input type="checkbox"/> Changes to metes and bounds description or TBL correction</p> <p><input type="checkbox"/> Addition of property (may require a _____ depending on the _____ nature of _____ – see attached instructions)</p> <p>Approximate acreage added: _____</p>					
ADDITIONAL PARCELS:					
Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
<p><input type="checkbox"/> Reduction of property</p> <p>Approximate acreage removed: _____</p>					
PARCELS REMOVED:					
Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
<p>If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.</p>					

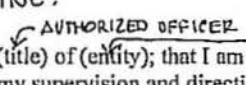
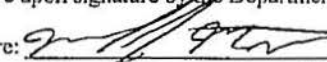
## PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: 233 S. Elmwood Ave & 234 Delaware	BCP SITE NUMBER: C915271
NAME OF CURRENT APPLICANT(S): DNC 250, Inc.	
INDEX NUMBER OF EXISTING AGREEMENT: C915271-03-13	
EFFECTIVE DATE OF EXISTING AGREEMENT: April 12, 2013	

**Declaration of Amendment:**

By the Requestor(s) and/or Applicant(s) signatures 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 any obligations held under the Agreement or those same laws.

Statement of Certification and Signatures New Requestor(s) (if applicable)
<p>(Individual)</p> <p>I acknowledge and agree to the general terms and conditions set forth in DER-32 <i>Brownfield Cleanup Program Applications and Agreements</i>. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. 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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: _____ Signature: _____ Print Name: _____</p>
<p>(Entity) <u>DNC 250, INC.</u></p> <p style="margin-left: 40px;">  AUTHORIZED OFFICER <u>DNC 250, INC.</u> </p> <p>I hereby affirm that I am (title) of (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 acknowledge and agree to the general terms and conditions set forth in DER-32 <i>Brownfield Cleanup Program Applications and Agreements</i>. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. 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. <u>MY</u> signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: <u>8/27/14</u> Signature:  Print Name: <u>MICHAEL J. MONTANTE</u></p>

**Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)**

(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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

(Entity) BTC BLOCK 20, INC.

AUTHORIZED OFFICER

I hereby affirm that I am \_\_\_\_\_ (title) of BTC BLOCK 20, INC. (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. MY signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 8/27/14 Signature: [Signature] Print Name: MICHAEL J. MONTANTE

**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:**

**Effective Date of the Amendment:**

**Signature by the Department:**

DATED: November 18, 2014

**NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION**

By: [Signature]

**Robert W. Schick, P.E., Director  
Division of Environmental Remediation**

**SUBMITTAL INFORMATION:**

Three (3) complete copies are required.

- Two (2) copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD 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) 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 our regional offices

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**FOR DEPARTMENT USE ONLY**

BCP SITE T&A CODE: \_\_\_\_\_

LEAD OFFICE: \_\_\_\_\_

PROJECT MANAGER: \_\_\_\_\_

## BROWNFIELD CLEANUP PROGRAM (BCP)

### INSTRUCTIONS FOR COMPLETING A BCP APPLICATION AMENDMENT

This form must be used to add a party, modify a property description, or reduce/expand property boundaries for an existing BCP Agreement and/or Application. **NOTE: DEC requires a standard application to request major changes to the description of the property set forth in the BCA (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). The application must be submitted to DEC in the same manner as the original application to participate. See Section V.H of DER-32: *Brownfield Cleanup Program Applications and Agreements* for further details.**

#### SECTION II

##### NEW REQUESTOR INFORMATION

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.

If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.

Address, etc.

Provide the requestor's mailing address, telephone number, fax number and e-mail address.

Representative Name

Provide the name of the requestor's authorized representative. This is the person to whom all correspondence, notices, etc will be sent, and who will be listed as the contact person in the BCA.

Representative Address, etc

Provide the representative's mailing address, telephone number, fax number and e-mail address. Invoices will be sent to the representative unless another contact name and address is provided with the application.

Consultant Name

Provide the name of the requestor's consultant.

Consultant address, etc

Provide the mailing address, telephone number, fax number and e-mail address.

Attorney Name

Provide the name of the requestor's attorney.

Attorney address, etc

Provide the mailing address, telephone number, fax number and e-mail address.

Participant/Volunteer Certification

The requestor is required to certify whether it is applying as a "Participant" or a "Volunteer" as defined in Environmental Conservation Law (ECL) 27-1405.1.

Relationship to Property

The requestor is required to identify its relationship to the property (previous owner, current owner, etc). If the requestor is not the owner, proof of access to the property throughout the BCP project must be provided (e.g. an access agreement).

#### SECTION III

**CURRENT PROPERTY OWNER/OPERATOR INFORMATION - only include if new owner/operator or new existing owner/operator information is provided, and highlight new information in form.**

Owner Name

Provide the name of the new owner of the property. List all new parties holding an interest in the property.

Owner Address, etc

Provide the new owner's mailing address, telephone number, fax number and e-mail address.

Operator Name

Provide the name of the new operator (if different from the new requestor or owner).

Operator Address, etc

Provide the new operator's mailing address, telephone number, fax number and e-mail address

**SECTION IV****NEW REQUESTOR ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

- |   |   |
|---|---|
| 1. Enforcement Action Pending           | Are any enforcement actions relating to the proposed brownfield property pending against the requestor?   |
| 2. Existing Order                       | Is the requestor presently subject to an order for the investigation, removal or remediation of the contamination at the property?  |
| 3. Outstanding Spill Fund Claim         | Is the requestor subject to an outstanding claim by the Spill Fund? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.  |
| 4. Violation of ECL Article 27          | 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 related order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. |
| 5. Previous BCP Denial                  | Has the requestor previously applied for and been denied entry into 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. Negligent/Intentionally Tortious Act | Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?  |
| 7. Criminal Convictions                 | 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. False Statements                     | Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department?   |
| 9. BCP Application Denial               | 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?   |

**SECTION V****PROPERTY DESCRIPTION AND DESCRIPTION OF CHANGES / ADDITIONS / REDUCTIONS (IF APPLICABLE)**

- |                        |  |
|------------------------|--|
| Property Address       | Provide a street address, city/town, and zip code. For properties with multiple addresses, provide information for all.  |
| Tax Parcel Information | Provide the tax parcel/section/block/lot information. If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, and/or acceptable site map to this application. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears. |

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through August 28, 2014.

---

Selected Entity Name: DNC 250, INC.

Selected Entity Status Information

**Current Entity Name:** DNC 250, INC.

**DOS ID #:** 893848

**Initial DOS Filing Date:** FEBRUARY 09, 1984

**County:** ERIE

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC BUSINESS CORPORATION

**Current Entity Status:** ACTIVE

Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

DNC 250, INC.  
100 CORPORATE PARKWAY  
SUITE 500  
AMHERST, NEW YORK, 14226

**Chief Executive Officer**

CARL J. MONTANTE  
100 CORPORATE PARKWAY  
SUITE 500  
AMHERST, NEW YORK, 14226

**Principal Executive Office**

DNC 250, INC.  
100 CORPORATE PARKWAY  
SUITE 500  
AMHERST, NEW YORK, 14226

**Registered Agent**

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the

chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by [viewing the certificate](#).

#### **\*Stock Information**

# of Shares	Type of Stock	\$ Value per Share
200	No Par Value	

\*Stock information is applicable to domestic business corporations.

#### **Name History**

Filing Date	Name Type	Entity Name
NOV 05, 2013	Actual	DNC 250, INC.
JAN 11, 1988	Actual	BTC BLOCK 20 INC.
FEB 09, 1984	Actual	BUFFALO TECHNOLOGY CAMPUS II, INC.

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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N. Y. S. DEPARTMENT OF STATE  
DIVISION OF CORPORATIONS AND STATE RECORDS

ALBANY, NY 12231-0001

FILING RECEIPT

=====

ENTITY NAME: DNC 250, INC.

DOCUMENT TYPE: AMENDMENT (DOMESTIC BUSINESS)  
NAME

COUNTY: ERIE

=====

FILED:11/05/2013 DURATION:\*\*\*\*\* CASH#:131105000175 FILM #:131105000169

FILER:

-----

SUSAN M. HASSINGER, ESQ.  
100 CORPORATE PARKWAY, SUITE 500

AMHERST, NY 14226

ADDRESS FOR PROCESS:

REGISTERED AGENT:



=====

SERVICE COMPANY: \*\* NO SERVICE COMPANY \*\*

SERVICE CODE: 00

FEEs	60.00
-----	
FILING	60.00
TAX	0.00
CERT	0.00
COPIES	0.00
HANDLING	0.00

PAYMENTS	60.00
-----	
CASH	0.00
CHECK	60.00
CHARGE	0.00
DRAWDOWN	0.00
OPAL	0.00
REFUND	0.00

=====

DOS-1025 (04/2007)

CERTIFICATE OF AMENDMENT  
OF THE  
CERTIFICATE OF INCORPORATION  
OF

BTC Block 20 Inc.

---

*(Insert Name of Domestic Corporation)*

Under Section 805 of the Business Corporation Law

FIRST: The name of the corporation is:

BTC Block 20 Inc.

---

If the name of the corporation has been changed, the name under which it was formed is:

Buffalo Technology Campus II, Inc.

---

SECOND: The date of filing of the certificate of incorporation with the Department of State is:

02/09/1984

---

THIRD: The amendment effected by this certificate of amendment is as follows:

(Set forth each amendment in a separate paragraph providing the subject matter and full text of each amended paragraph. For example, an amendment changing the name of the corporation would read as follows: Paragraph *First* of the Certificate of Incorporation relating to *the corporation name* is hereby amended to read as follows: *First: The name of the corporation is ... (new name) ...* )

Paragraph (1) \_\_\_\_\_ of the Certificate of Incorporation relating to  
the name of the Corporation

---

is hereby amended to read in its entirety as follows:

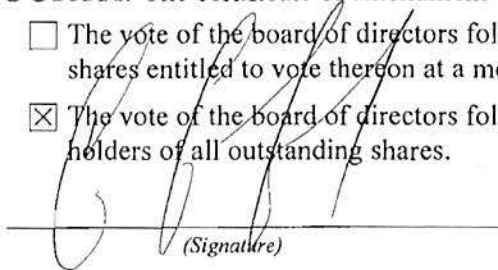
"(1) The name of the corporation is DNC 250, Inc."

Paragraph \_\_\_\_\_ of the Certificate of Incorporation relating to

\_\_\_\_\_ is hereby amended to read in its entirety as follows:

FOURTH: The certificate of amendment was authorized by: *(Check the appropriate box)*

- ☐ The vote of the board of directors followed by a vote of a majority of all outstanding shares entitled to vote thereon at a meeting of shareholders.
- ☒ The vote of the board of directors followed by the unanimous written consent of the holders of all outstanding shares.

  
(Signature)

Carl J. Montante

(Name of Signer)

President & Sole Director of the Board of Director

(Title of Signer)

CERTIFICATE OF AMENDMENT  
OF THE  
CERTIFICATE OF INCORPORATION  
OF

BTC Block 20 Inc.

*(Insert Name of Domestic Corporation)*

Under Section 805 of the Business Corporation Law

Filer's Name Susan M. Hassinger, Esq.

Address 100 Corporate Parkway, Suite 500

City, State and Zip Code Amherst, NY 14226

NOTE: This form was prepared by the New York State Department of State. It does not contain all optional provisions under the law. You are not required to use this form. You may draft your own form or use forms available at legal stationery stores. The Department of State recommends that all documents be prepared under the guidance of an attorney. The certificate must be submitted with a \$60 filing fee, plus the required tax on shares pursuant to §180 of the Tax Law, if applicable.

*For Office Use Only*

# The Slater Law Firm, PLLC

www.CSlaterLaw.com

August 27, 2014

Patrick Foster, Esq.  
Assistant Regional Attorney  
Office of General Counsel  
NYSDEC – Region 9  
270 Michigan Avenue  
Buffalo, NY 14202

Re: 223 South Elmwood Avenue and 234 Delaware Avenue Buffalo, NY  
Volunteer: BTC Block 20, Inc.  
BCA Index #C915271-03-13

Dear Patrick:

Enclosed please find a BCP Application to Amend to **change the name on the BCA from "BTC Block 20, Inc." to "DNC 250, Inc."** and **change the address of the site to 250 Delaware Avenue, Buffalo, NY 14202** as its new legal address. This request is occasioned by a change of name only of the company- the ownership of the membership interests, the officers and directors have not changed. A copy of the NYS name change filing receipt is enclosed. Given this ministerial, administrative name change, we would request that you approve making the appropriate change of name of the Volunteer Applicant on the Brownfield Clean-Up Agreement (and related documents in the future) to "DNC 250, Inc." and issue a letter Amendment confirming the change.

Since the Application to Amend does not have a box to check to **change the site name**, we request by this letter (to make all entries consistent and avoid confusion in the future) to **"250 Delaware Avenue Site"**.

Thank you for your anticipated cooperation. Please advise if you need anything further.

Very truly yours,

The Slater Law Firm, PLLC



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