

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. C915275-09-13

20 Wilkeson Way Site

DEC Site No: C915275

Located at: 20 Wilkeson Way, Buffalo, Erie County, NY 14203

Hereinafter referred to as "Site"

by:

Carlo Group, LLC

295 Main Street, Suite 210, Buffalo, NY 14203

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 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.

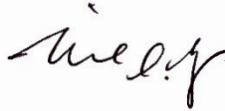
D. This Amendment may be signed in counterparts.

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:



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.

Carlo Group, LLC

By: [Signature]

Title: Manager

Date: 3/16/2020

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

On the 16th day of March in the year 2020, before me, the undersigned, personally appeared William Paladino, 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]
Signature and Office of individual
taking acknowledgment

LORI E. CARBAUGH
Notary Public, State of New York
Reg. #02CA6226718
Qualified in Erie County
My Commission Expires August 16, 2022

March 17, 2020

Via Certified Mail – Return Receipt Requested

Michael J. Ryan, P.E., Director
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway, 12th Floor
Albany, NY 12233-7011

Re: 20 Wilkeson Way Site
BCA Amendment to Generation 3 of the BCP
Site No. C915275

Dear Mr. Ryan:


Enclosed herewith, please find the BCP Agreement Amendment for the above-referenced site which is signed by William Paladino as Manager of Carlo Group, LLC.

If you should require anything further at this time, please advise. Otherwise, please forward a fully executed Amendment to my attention once it has been executed by the DEC.

Thank you for your attention to this matter.

Very truly yours,

ELLICOTT DEVELOPMENT COMPANY


LORI CARBAUGH
General Counsel

LC/cw

Enclosure

cc: Craig A. Slater, Esq. (Via E-Mail Only: cslater@cslaterlaw.com)
Michael Lesakowski (Via E-Mail Only: mlesakowski@benchmarkturnkey.com)