



**Department of
Environmental
Conservation**

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:

<input type="checkbox"/>	Amendment to modify the existing BCA (check one or more boxes below):
<input type="checkbox"/>	Add applicant(s)
<input type="checkbox"/>	Substitute applicant(s)
<input type="checkbox"/>	Remove applicant(s)
<input type="checkbox"/>	Change in name of applicant(s)
<input type="checkbox"/>	Amendment to reflect a transfer of title to all or part of the brownfield site:
	<p>a. A copy of the recorded deed must be provided. Is this attached? <input type="radio"/> Yes <input type="radio"/> No</p> <p>b. <input type="checkbox"/> Change in ownership <input type="checkbox"/> Additional owner (such as a beneficial owner)</p> <p>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? <input type="radio"/> Yes <input type="radio"/> No Submitted on: _____</p>
<input type="checkbox"/>	Amendment to modify description of the property(ies) listed in the existing BCA
<input checked="" type="checkbox"/>	Amendment to expand or reduce property boundaries of the property(ies) listed in the existing BCA
<input type="checkbox"/>	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.
<input type="checkbox"/>	Other (explain in detail below)

2. REQUIRED: Please provide a brief narrative describing the specific requests included in this amendment:

The original BCP site acreage was estimated as 0.72 acres. Site mapping available at the time of the BCA (i.e. the Erie County Tax Map) indicated that the edge of the current hardscape areas (building and asphalt paving) was consistent with the property boundary. A recent survey, dated June 18, 2025, indicates an approximate 0.01 acres of non-hardscape area within the property boundary on the western portion of the Site. Pursuant to this Amendment, the BCP site acreage is being reduced by removing approximately 418 square feet (0.01 acres) from the BCP Site. The purpose of this slight reduction is for the BCP boundary to conform to the edge of current hardscape areas by removing the 0.01-acre non-hardscape area. The June 18, 2025 survey also indicates a total site acreage of approximately 0.71 acres. Therefore, using the more accurate survey area of 0.71 acres, a reduction of 0.01 acres would reduce the total BCP acreage to 0.70 acres. Supporting figures are attached.

SECTION I: CURRENT AGREEMENT INFORMATION*This section must be completed in full. Attach additional pages as necessary.*

BCP SITE NAME: 619 Exchange Street Site	BCP SITE NUMBER: C915403
NAME OF CURRENT APPLICANT(S): PG Larkinsville, LLC	
INDEX NUMBER OF AGREEMENT: C915403-03-24	DATE OF ORIGINAL AGREEMENT: 12/02/24
APPLICANT'S SIGNATORY: Andrew I. Crossed	

SECTION II: NEW REQUESTOR INFORMATION**Not Applicable***Complete this section only if adding new requestor(s) or the name of an existing requestor has changed.*

NAME:				
ADDRESS:				
CITY/TOWN:			ZIP CODE:	
PHONE:	EMAIL:			
REQUESTOR CONTACT:				
ADDRESS:				
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
1. Is the requestor authorized to conduct business in New York State?			<input type="radio"/>	<input type="radio"/>
2. If the requestor is a corporation, LLC, LLP, or other entity requiring authorization from the NYS Department of State (NYSDOS) to conduct business in NYS, the requestor's name must appear exactly as given above in the NYSDOS Corporation & Business Entity Database. A print-out of entity information from the NYSDOS database must be submitted with this application. Is this print-out attached?			<input type="radio"/>	<input type="radio"/>
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?			<input type="radio"/>	<input type="radio"/>
4. If the requestor is an LLC, the names of the members/owners must be provided. Is this information attached?			N/A <input type="radio"/>	<input type="radio"/>
5. Describe the new requestor's relationship to all existing applicants:				

SECTION III: CURRENT PROPERTY OWNER/OPERATOR INFORMATION**Not Applicable***Complete this section only if a transfer of ownership has taken place. Attach additional pages if necessary.*Owner listed below is: ☐ Existing Applicant ☐ New Applicant ☐ Non-Applicant

OWNER'S NAME:

CONTACT:

ADDRESS:

CITY/TOWN:

ZIP CODE:

PHONE:

EMAIL:

OPERATOR:

CONTACT:

ADDRESS:

CITY/TOWN:

ZIP CODE:

PHONE:

EMAIL:

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION**Not Applicable***Complete this section only if adding new requestor(s). Attach additional pages if necessary.*

If answering "yes" to any of the following questions, please provide additional information as an attachment. Please refer to ECL § 27-1407 for details.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site?	<input type="radio"/>	<input type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for the site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input type="radio"/>
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 or regulation of the state or federal government? If so, provide additional information as an attachment.	<input type="radio"/>	<input type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as site name, address, DEC site number, reason for denial, and any other relevant information.	<input type="radio"/>	<input type="radio"/>
6. 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 or contaminants?	<input type="radio"/>	<input type="radio"/>
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?	<input type="radio"/>	<input type="radio"/>
8. 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?	<input type="radio"/>	<input type="radio"/>

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION (continued)		Y	N
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="radio"/>	<input type="radio"/>	<input type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12. 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:			
<input type="radio"/> 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.	<input type="radio"/> 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 a 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 they have 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's liability arises solely as a result of ownership, operation of or involvement with the site, they must submit a statement describing why they should be considered a volunteer – be specific as to the appropriate care taken.		
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?	N/A <input type="radio"/>	Y <input type="radio"/>	N <input type="radio"/>
14. Requestor's relationship to the property (check all that apply): <input type="checkbox"/> Prior Owner <input type="checkbox"/> Current Owner <input type="checkbox"/> Potential/Future Purchaser <input type="checkbox"/> Other: _____			
15. If the requestor is not the current site owner, proof of site access sufficient to complete the remediation must be submitted. Proof must show that the requestor will have access to the property before being added to the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?	N/A <input type="radio"/>	Y <input type="radio"/>	N <input type="radio"/>

SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES

Complete this section only if property is being added to or removed from the site, a lot merger or other change to site SBL(s) has occurred, or if modifying the site address for any reason.

1. Property information on current agreement (as modified by any previous amendments, if applicable):

ADDRESS: 619 Exchange Street

CITY/TOWN: Buffalo

ZIP CODE: 14210

CURRENT PROPERTY INFORMATION

TOTAL ACREAGE OF CURRENT SITE:

PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
619 Exchange Street	122.25	2	11	0.71
				(Survey Acreage)

2. Requested change (check appropriate boxes below):

a. Addition of property (may require additional citizen participation depending on the nature of the expansion – see instructions)

Not Applicable

PARCELS ADDED:

PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE

TOTAL ACREAGE TO BE ADDED: _____

b. Reduction of property

PARCELS REMOVED:

PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
Portion of 619 Exchange Street	122.25	2	11	0.01

TOTAL ACREAGE TO BE REMOVED: _____

c. Change to SBL (e.g., lot merge, subdivision, address change)

Not Applicable

NEW PROPERTY INFORMATION:

PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE

3. TOTAL REVISED SITE ACREAGE: 0.70

4. For all changes requested in this section, documentation must be provided. Required attachments are listed in the application instructions. Is the required documentation attached?

Y	N
<input checked="" type="radio"/>	<input type="radio"/>

SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES (continued)

Complete this section for any addition of property. Use additional copies of this section as necessary.

5. Property information for parcels being added to the BCA

Not Applicable

PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
CURRENT OWNER:	CONTACT NAME:			
ADDRESS:				
CITY:	STATE:		ZIP:	
PHONE:	EMAIL:			
OWNERSHIP START DATE:				
CURRENT OPERATOR:	CONTACT NAME:			
PHONE:	EMAIL:			
REQUESTOR RELATIONSHIP TO NEW PROPERTY (select from below)				
<input type="checkbox"/> PREVIOUS OWNER	<input type="checkbox"/> CURRENT OWNER	<input type="checkbox"/> POTENTIAL/FUTURE PURCHASER	<input type="checkbox"/>	OTHER: _____

If the applicant is not the current owner of the property, documentation demonstrating site access (which includes the ability to place an environmental easement on the site) must be provided. If the applicant currently owns the property being added to the site, a copy of the deed must be included.

IS PROOF OF ACCESS / OWNERSHIP ATTACHED? ☐ YES ☐ NO ☐ N/A

PARCEL ADDRESS	SECTION	BLOCK	LOT	ACREAGE
CURRENT OWNER:	CONTACT NAME:			
ADDRESS:				
CITY:	STATE:		ZIP:	
PHONE:	EMAIL:			
OWNERSHIP START DATE:				
CURRENT OPERATOR:	CONTACT NAME:			
PHONE:	EMAIL:			
REQUESTOR RELATIONSHIP TO NEW PROPERTY (select from below)				
<input type="checkbox"/> PREVIOUS OWNER	<input type="checkbox"/> CURRENT OWNER	<input type="checkbox"/> POTENTIAL/FUTURE PURCHASER	<input type="checkbox"/>	OTHER: _____

If the applicant is not the current owner of the property, documentation demonstrating site access (which includes the ability to place an environmental easement on the site) must be provided. If the applicant currently owns the property being added to the site, a copy of the deed must be included.

IS PROOF OF ACCESS / OWNERSHIP ATTACHED? ☐ YES ☐ NO ☐ N/A

6. Data supporting the addition of property to the site must be included. Please refer to the instructions for a list of required tables and figures.

ARE THE REQUIRED FIGURES AND TABLES ATTACHED?

Not Applicable

☐ YES ☐ NO ☐ N/A (land being added has been merged with an existing BCP lot and the applicant is not seeking to add more than an insignificant acreage of property to the BCA)

**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.

	Y	N
1. Is the site located in Bronx, Kings, New York, Queens or Richmond County?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input type="radio"/>	<input type="radio"/>
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.	<input type="radio"/>	<input type="radio"/>
4. Is the property upside down as defined below? 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.	<input type="radio"/>	<input type="radio"/>
5. <u>For new tax parcels being added to the BCA through this amendment ONLY:</u> Are the parcels being added underutilized as defined below? From 6 NYCRR 375-3.2(I) as of August 12, 2016 (Please note: Eligibility determination for the underutilized category for the new tax parcels can only be made at the time of amendment application): 375-3.2: (I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and (1) the proposed use is at least 75 percent for industrial uses; or (2) at which: (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses; (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and (iii) one or more of the following conditions exists, as certified by the applicant: (a) property tax payments have been in arrears for at least five years immediately prior to the application; (b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or (c) there are no structures. "Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.	<input type="radio"/>	<input type="radio"/>

<p>6. Is the project and affordable housing project as defined below?</p> <p>From 6 NYCRR 375-3.2(a) as of August 12, 2016:</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	<input type="radio"/>	<input type="radio"/>
<p>7. Is the project a planned renewable energy facility site as defined below?</p> <p>From ECL 27-1405(33) as of April 9, 2022:</p> <p>"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 co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.</p> <p>From Public Service Law Article 4 Section 66-p as of April 23, 2021:</p> <p>(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.</p>	<input type="radio"/>	<input type="radio"/>
<p>8. 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?</p> <p>From ECL 75-0111 as of April 9, 2022:</p> <p>(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.</p>	<input type="radio"/>	<input type="radio"/>

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT**EXISTING AGREEMENT INFORMATION**

BCP SITE NAME: 619 Exchange Street Site

BCP SITE NUMBER: C915403

NAME OF CURRENT APPLICANT(S): PG Larkinville, LLC

INDEX NUMBER OF AGREEMENT: C915403-03-24

DATE OF ORIGINAL AGREEMENT: 12/02/24

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**Not Applicable**

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 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.

Date: _____ Signature: _____

Print Name: _____

(Entity)

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 am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

_____ 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: _____

STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)

An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.

(Entity)

I hereby affirm that I am Authorized Person (title) of PG Larkinsville, LLC (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. Andrew I. Crossed signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 11/18/25

Signature: 

Print Name: Andrew I. Crossed

PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

<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.	<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.
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Effective Date of the Original Agreement: 12/02/24

Signature by the Department:

DATED: 1/16/2026

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:


David Harrington, Assistant Director
Division of Environmental Remediation

SUBMITTAL REQUIREMENTS:

- The Department accepts both hard copy and electronic submittal of the *Application to Amend Brownfield Cleanup Agreement and Amendment* form.
- Hard copy submissions must also include an electronic version of the complete application form and attachments, in final, non-fillable Portable Document Format (PDF), on an external storage device (such as a thumb drive or CD). Applications must be sent to:
 - Chief, Site Control Section
 - New York State Department of Environmental Conservation
 - Division of Environmental Remediation
 - 625 Broadway, 12th Floor
 - Albany, NY 12233-7015
- NOTE: Electronic applications submitted in fillable format will be rejected.

INSTRUCTIONS FOR COMPLETING AN APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

This form must be used to add or remove a party, reflect a change in property ownership to all or part of the site, modify a property description, or reduce/expand property boundaries for an existing BCP Agreement.

NOTE: DEC requires a standard full BCP 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.

COVER PAGE

Please select all options that apply. Provide a brief narrative of the nature of the amendment requested.

SECTION I: CURRENT AGREEMENT INFORMATION

This section must be completed in its entirety. The information entered here will auto-populate throughout the application and amendment.

Provide the site name, site code and name(s) of current requestor(s) exactly as this information appears on the existing agreement. This should reflect any changes made by previous amendments to the site name or parties on the BCA. Provide the agreement index number and the date of the initial BCA.

SECTION II: NEW REQUESTOR INFORMATION

This section is to be completed only if a new requestor is being added to the BCA, or if the name of the existing requestor has changed with the NYSDOS.

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.) 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.

Requestor, Consultant and Attorney Contact Information

Provide the contact name, mailing address, telephone number and e-mail address for each of the following contacts:

Requestor's 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. Invoices will be sent to the representative unless another contact name and address is provided with the application.

Requestor's Consultant: Include the name of the consulting firm and the contact person.

Requestor's Attorney: Include the name of the law firm and the contact person.

Required Attachments for Section II:

- 1. NYSDOS Information: A print-out of entity information from the NYSDOS database to document that the applicant is authorized to do business in NYS. The requestor's name must appear throughout the application exactly as it does in the database.*
- 2. LLC Organization: If the requestor is an LLC, provide a list of the names of the members/owners of the LLC.*
- 3. Authority to Bind: Proof must be included that shows that the party signing this application and amendment is authorized to do so on behalf of the requestor. This documentation may be in the form of corporate organizational papers, a Corporate Resolution or Operating Agreement or Resolution.*

SECTION III: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Complete this section only if a transfer of ownership has taken place for all or part of the site property. Attach additional pages for each new owner if applicable.

Provide the relationship of the owner to the site by selecting one of the check-box options.

Owner Name, Address, etc.

Provide information for the new owner of the property. List all new parties holding an interest in the property. Attach separate pages as needed.

Operator Name, Address, etc.

Provide information for the new operator, if applicable.

NOTE: 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 form was not previously submitted, it must be included with this application. See <http://www.dec.ny.gov/chemical/76250.html> for additional information.

Required Attachments for Section III:

- 1. Copy of deed as proof of ownership.*
- 2. Ownership/Nominee Agreement, if applicable.*
- 3. Change of Use form, if not previously submitted to the Department.*

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION

For additional information regarding requestor eligibility, please refer to ECL §27-1407.

Provide a response to each question listed. If any question is answered in the affirmative, provide an attachment with detailed relevant information. It is permissible to reference specific sections of existing property reports; however, such information must be summarized in an attachment. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

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.

If the requestor is not the current site owner, proof of site access sufficient to complete the remediation must be submitted. Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site. A purchase contract does not suffice as proof of access.

Required Attachments for Section IV:

- 1. Detailed information regarding any questions answered in the affirmation, if applicable.*
- 2. Statement describing why the requestor should be considered a volunteer, if applicable.*
- 3. Site access agreement, as described above, if applicable.*

SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES

NOTE: DEC requires a standard full BCP 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.

Property Information on Existing Agreement

Provide the site address and tax parcel information exactly as it appears on the current agreement (including as it has been modified in previous amendments).

Addition of Property

Provide the tax parcel information and acreage for each parcel to be added. Provide the total acreage to be added below the far-right column.

Reduction of Property

Provide the tax parcel information and acreage for each parcel to be removed. Provide the total acreage to be removed below the far-right column.

Change to address, SBL or metes and bounds description

Provide the new address and tax parcel information.

Total Revised Site Acreage

Provide the new total site acreage after addition or removal of property. If no change to site boundary, this should match the acreage provided above, under Property Information on Existing Agreement.

For all sites seeking to add property to the site, provide all requested information for each additional tax parcel (full or partial). Refer to the list below for additional required attachments.

All requested changes to this section should be accompanied by a revised survey or other acceptable map depicting the proposed new site boundary. Additionally, provide a county tax map with the site boundary outlined, as well as a USGS 7.5-minute quadrangle map with the site location clearly identified.

Required Attachments for Section V:

1. *For all additions and removal of property:*
 - a. *Site map clearly identifying the existing site boundary and proposed new site boundary*
 - b. *County tax map with the new site boundary clearly identified*
 - c. *USGS 7.5-minute quadrangle map with the site location clearly identified*
 - d. *For additions of property ONLY:*
 - i. *Data summary tables for each affected medium, highlighting exceedances of reasonably anticipated use SCOs*
 - ii. *Site drawings for each affected medium, identifying exceedances of reasonably anticipated use SCOs*
 - iii. *Proof of site access or ownership*
2. *For address changes, lot mergers, subdivisions and any other change to the property description:*
 - a. *County tax map with the site boundary and all SBL information clearly identified*
 - b. *USGS 7.5-minute quadrangle map with the site location clearly identified*
 - c. *Approved application for lot merger or apportionment, or the equivalent thereof, as proof from the municipality of the SBL change(s)*

SUPPLEMENT TO THE APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT – QUESTIONS FOR SITES 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 responses to each question. If any question is answered in the affirmative, provide required documentation as applicable.

Required Attachments for NYC Site Supplement:

- 1. For sites located all or partially in an En-zone: provide a map with the site boundary clearly identified and the En-zone overlay showing that all or a portion of the site is located within an En-zone. This map must also indicate the census tract number in which the site is located. See [DEC's website](#) for additional information.*
- 2. For sites requesting an upside down or underutilized determination, an affidavit from the applicant and any documentation in support of this determination must be included. Note that an eligibility determination for the underutilized category can only be made at the time of initial application, so that determination can only apply to new parcels being considered for addition to the BCA.*
- 3. For affordable housing projects: provide the affordable housing regulatory agreement and any additional relevant information.*
- 4. For renewable energy site projects: for (a) planned renewable energy facilities generating/storing less than twenty-five (25) megawatts, provide a local land use approval; or, for (b) planned renewable energy facilities generating/storing twenty-five (25) megawatts or greater, provide the permit issued by the NYS Office of Renewable Energy Siting.*
- 5. For sites located within a disadvantaged community and a conforming Brownfield Opportunity Area: provide a map with the site boundary clearly identified and the disadvantaged community overlay showing that the site is located within a disadvantaged community.*

PART II: BROWNFIELD CLEANUP PROGRAM AMENDMENT

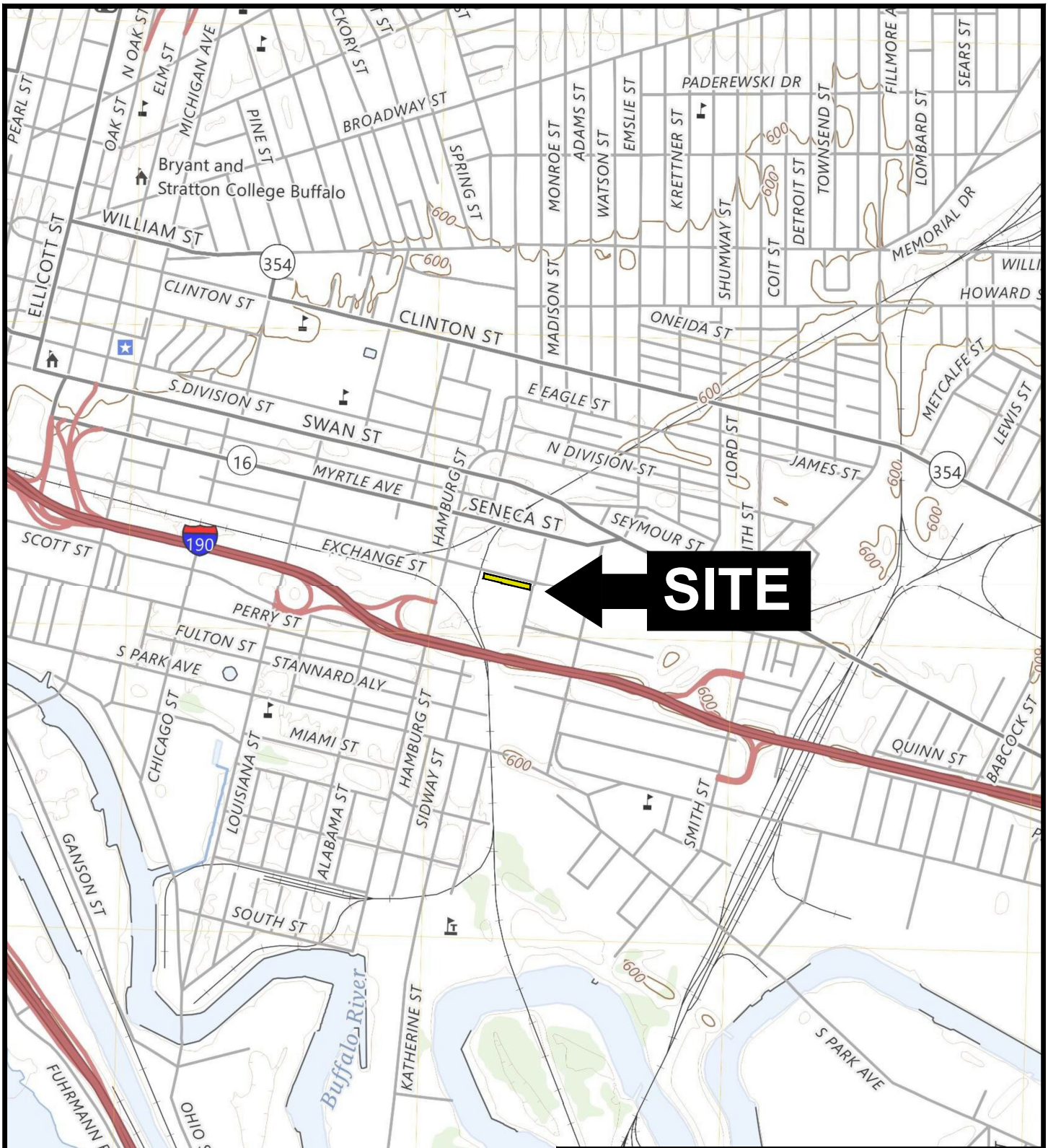
The information in the “EXISTING AGREEMENT INFORMATION” section should auto-populate with the information provided on page 2.

If a new requestor is applying to enter the program, provide the required information and signature at the bottom of page 8 and the required information and signature on page 9.

If no new requestor is applying to the program but any other change has been made, provide the required information and signature on page 9.

FIGURES

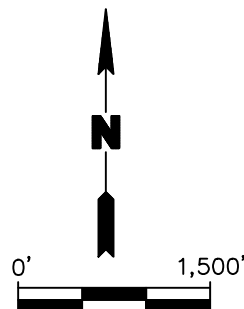
1. Site Location and Vicinity Map
2. Site Plan (Aerial)
3. Tax Map
4. Revised BCP Site Boundary



QUADRANGLE LOCATION

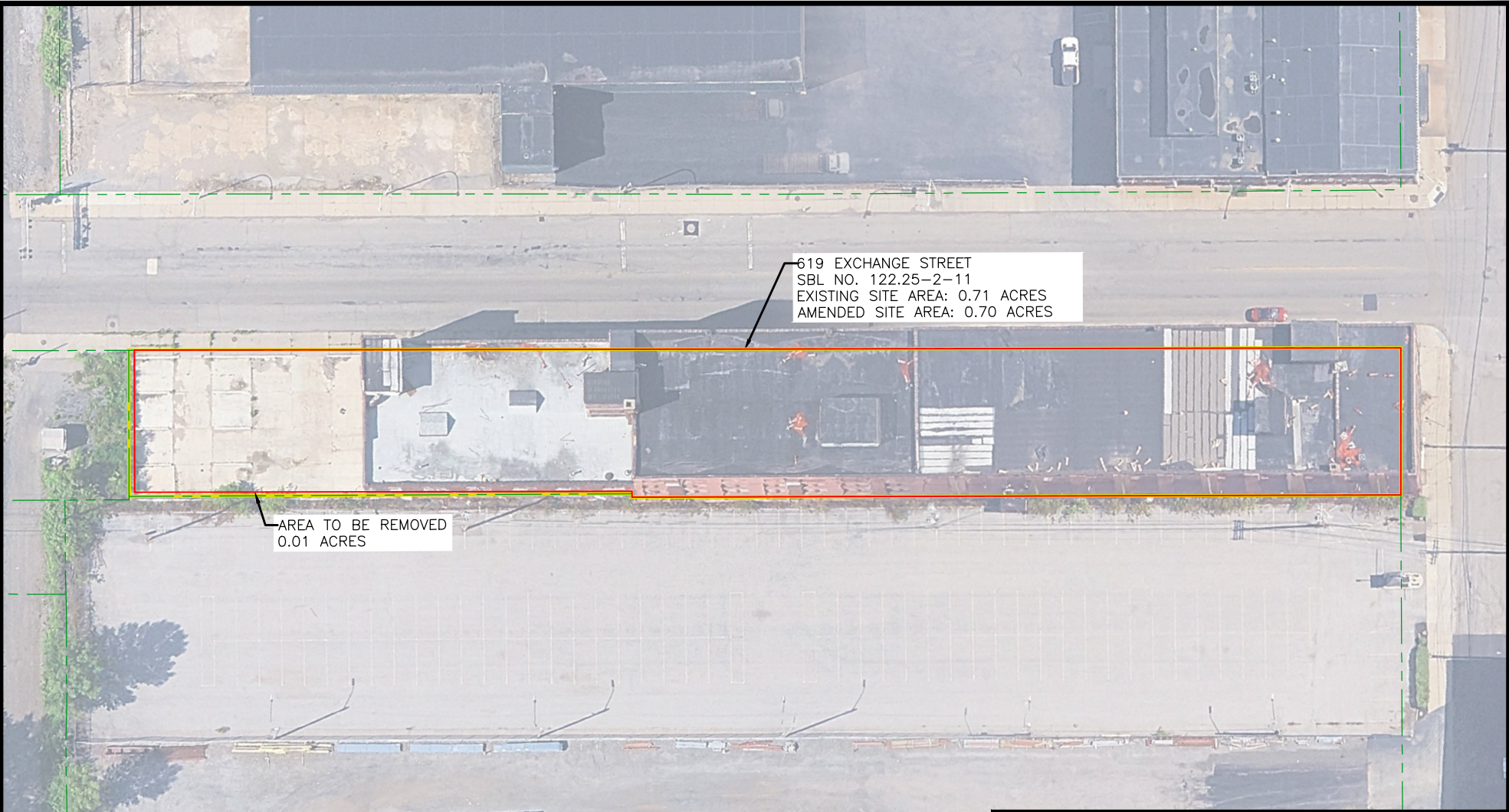


SOURCE:
USGS, 2023, BUFFALO, NY
7.5 MINUTE TOPOGRAPHIC QUADRANGLE



Title:			
SITE LOCATION AND VICINITY MAP			
BCA AMENDMENT APPLICATION			
619 EXCHANGE STREET SITE (C915403) BUFFALO, NEW YORK			
Prepared for:			
PG LARKINVILLE, LLC			
Compiled by: CNK		Date: OCTOBER 2025	FIGURE 1
Prepared by: CNK		Scale: AS SHOWN	
Project Mgr: BWM		Project: 4374.0004B000	
File: FIGURE 1: SITE LOCATION AND VICINITY MAP.DWG			

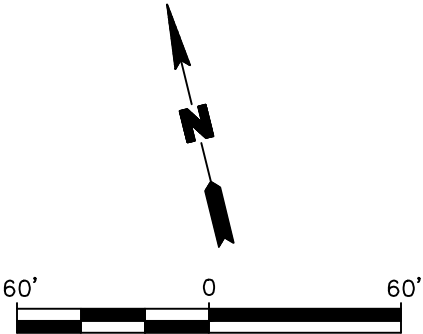




LEGEND

- EXISTING BCP SITE BOUNDARY
- AMENDED BCP SITE BOUNDARY
- PARCEL BOUNDARY

NOTE:
1. IMAGE SOURCE GOOGLE EARTH 2024.



Title:

SITE PLAN (AERIAL)

BCA AMENDMENT APPLICATION

619 EXCHANGE STREET SITE (C915403)
BUFFALO, NEW YORK

Prepared for:

PG LARKINVILLE, LLC

ROUX

Compiled by: CNK

Prepared by: CNK

Project Mgr: BWM

File: FIGURE 2; SITE PLAN.DWG

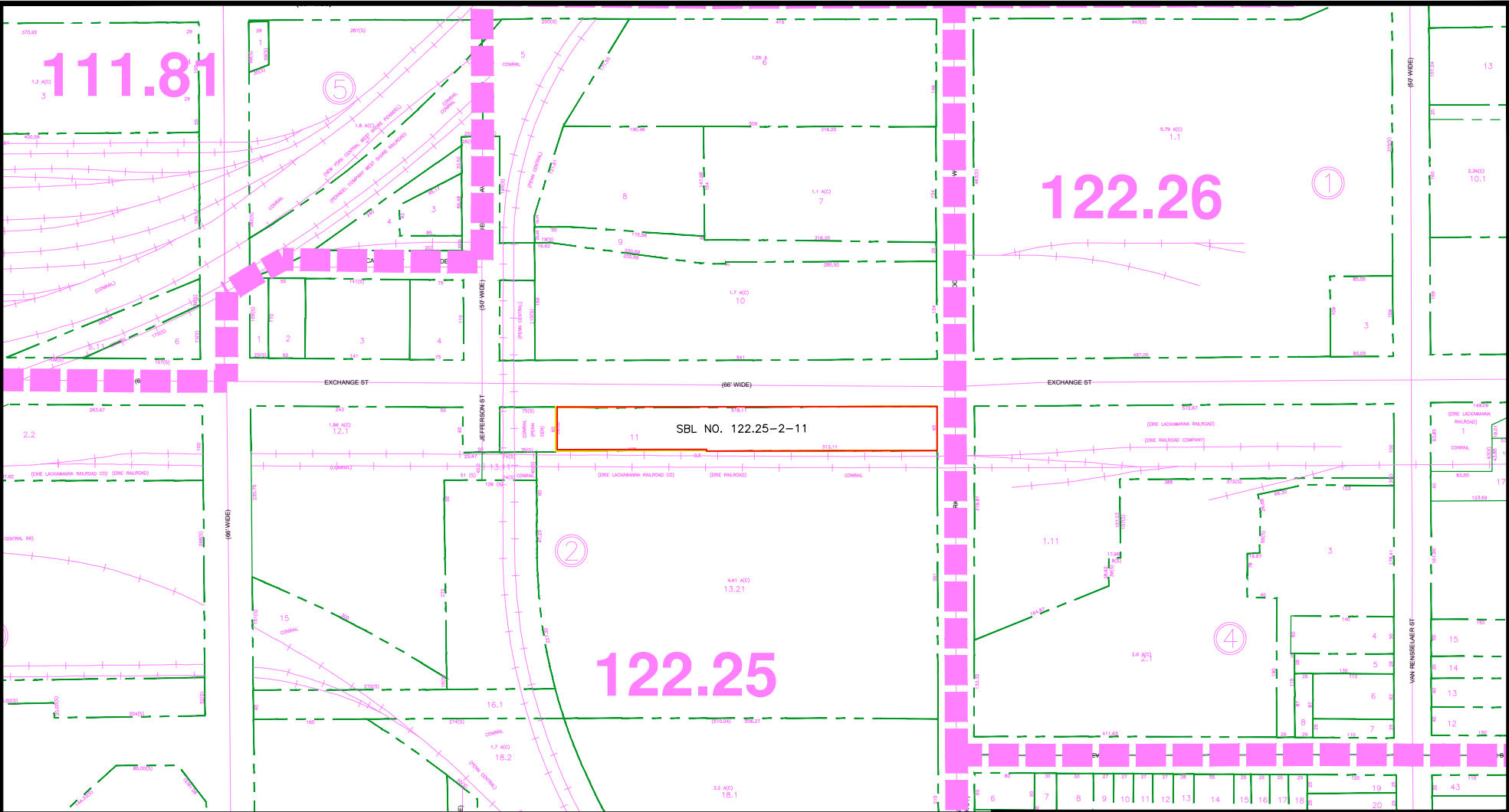
Date: OCTOBER 2025

Scale: AS SHOWN

Project: B0718-023-001

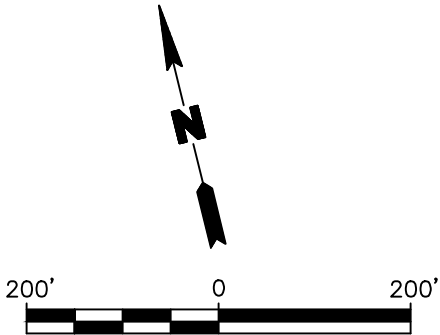
FIGURE

2



LEGEND

- EXISTING BCP SITE BOUNDARY
- AMENDED BCP SITE BOUNDARY
- PARCEL BOUNDARY



Title: **TAX MAP**

BCA AMENDMENT APPLICATION

619 EXCHANGE STREET SITE (C915403)
BUFFALO, NEW YORK

Prepared for: **PG LARKINVILLE, LLC**

ROUX	Compiled by: CNK	Date: OCTOBER 5	FIGURE 3
	Prepared by: CNK	Scale: AS SHOWN	
	Project Mgr: BWM	Project: B0718-023-001	
	File: FIGURE 3; TAX MAP.DWG		

3. QUIT CLAIM DEED RECORDED IN THE ERIE COUNTY CLERKS OFFICE IN LIBER 11177 OF DEEDS PAGE 9455.
4. WARRANTY DEEDS RECORDED IN THE ERIE COUNTY CLERKS OFFICE IN LIBER 11344 OF DEEDS PAGE 8672 AND 8667
5. CERTIFICATE OF TITLE INSURANCE BY CHICAGO TITLE INSURANCE COMPANY, FILE NO. CL250013762C0, DATED APRIL 24, 2025, LAST AMENDED JUNE 4, 2025.

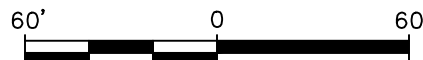
1 STORY MASONRY BUILDING



— AMENDED BCP SITE BOUNDARY

AREA REMOVED FROM BCP SITE (APPROX. 0.01 ACRES)

1. IMAGE SOURCE PASSERO ASSOCIATES ALTA/NSPS
LAND TITLE SURVEY (JUNE 18, 2025).



REVISED BCP SITE BOUNDARY

619 EXCHANGE STREET SITE (C915403)
BUFFALO, NEW YORK

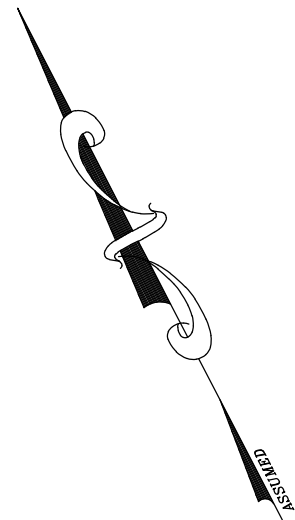
PG LARKINVILLE, LLC

Compiled by: CNK	Date: OCTOBER 2025	FIGURE 4
Prepared by: CNK	Scale: AS SHOWN	
Project Mgr: BWM	Project: 4374.0004B000	
File: FIGURE 4: SURVEY WITH AREAS REMOVED.DWG		

BCA Amendment Application
619 Exchange Street Site

ATTACHMENT 1

June 18, 2025 Survey



1. THE HORIZONTAL DATUM IS ASSUMED WITH NO TIES TO ANY GEODETIC DATUM.
2. DISTANCES SHOWN HEREON ARE GROUND DISTANCES. ELEVATIONS SHOWN HEREON ARE ASSUMED DATUM WITH TEMPORARY BENCHMARKS AS SHOWN IN DRAWING.
3. SURVEY FIELD WORK ON THIS SURVEY WAS DONE TO AN ACCURACY GREATER THAN ONE PART IN 10,000, (1:10,000), USING MONUMENTS SHOWN HEREON.
4. RED JACKET STREET CLOSED BETWEEN THE SOUTH LINE OF EXCHANGE ST. AND THE NORTH LINE OF MILL ST. PER COMMON COUNCIL PROCEEDINGS FOR THE YEAR 1905, PAGE 2578 AND PAGE 2606.

1. MAP PREPARED BY RAY L. SONNENBERGER, L.S. SHOWING LANDS AT NO. 639 EXCHANGE STREET IN THE CITY OF BUFFALO, ERIE COUNTY NEW YORK DATED OCTOBER 23, 1990, SHEET 57886, NO. 90-799.
2. ABSTRACT OF TITLE PREPARED BY CHICAGO TITLE INSURANCE COMPANY, SEARCH NO. 1713-02493 LAST DATED JULY 20, 2017.
3. QUITS CLAIM DEED RECORDED IN THE ERIE COUNTY CLERKS OFFICE IN LIBER 11177 OF DEEDS PAGE 8672 AND 8667.
4. WARRANTY DEEDS RECORDED IN THE ERIE COUNTY CLERKS OFFICE IN LIBER 11344 OF DEEDS PAGE 8672 AND 8667.
5. CERTIFICATE OF TITLE INSURANCE BY CHICAGO TITLE INSURANCE COMPANY, FILE NO. CL250013762CO, DATED APRIL 24, 2025, LAST AMENDED JUNE 4, 2025.

1 STORY MASONRY BUILDING

ALTA NOTES:

1. MONUMENTS PLACED AT ALL MAJOR CORNERS OF THE BOUNDARY OF THE SURVEYED PROPERTY NOTED HEREON.
2. THE ADDRESS OF THE SUBJECT PROPERTY IS 619 EXCHANGE STREET, CITY OF BUFFALO, COUNTY OF ERIE.
3. THE SURVEYED PROPERTY FALLS WITHIN FLOOD ZONE "X" DEFINES AS "AREA OR MINIMAL FLOOD HAZARD" PER FLOOD INSURANCE RATE MAPS 36029C0213H AND 36029C0326J FOR THE CITY OF BUFFALO.
4. GROSS LAND AREA SHOWN HEREON
5. VERTICAL RELIEF SHOWN HEREON
- 6a. SEE ZONING TABLE HEREON, SOURCE: CIVIL PLANS PREPARED BY PASSERO ASSOCIATES ENTITLED "619 EXCHANGE STREET" DATED APRIL 2025. NOTE ZONING REPORT NOT PROVIDED BY CLIENT.
- 6b. SETBACKS NOT GRAPHICALLY SHOWN, THE PROPERTY SURVEYED HAS 0 FOOT SETBACK REQUIREMENTS PER REFERENCE ABOVE.
- 7a. EXTERIOR BUILDING DIMENSIONS AT GROUND LEVEL SHOWN HEREON.
- 7b1. SQUARE FOOTAGE OF BUILDING AT GROUND LEVEL SHOWN HEREON.
- 7b2. OTHER AREAS NOT SPECIFIED BY CLIENT
- 7c. MEASURED BUILDING HEIGHT SHOWN HEREON.
8. SUBSTANTIAL FEATURES OBSERVED IN THE PROCESS OF CONDUCTING THE FIELD WORK SHOWN HEREON.
9. THEIR ARE NO IDENTIFIED PARKING AREAS LOCATED ON THE SUBJECT PROPERTY.
10. THE SUBJECT PROPERTY HAS NO DIVISION OR PARTY WALLS WITH RESPECT TO ADJOINING PROPERTIES.
- 11a. EVIDENCE OF UNDERGROUND UTILITIES SHOWN HEREON. SOURCE: TOPOGRAPHIC SURVEY PERORMED BY PASSERO ASSOCIATES MAY 2019, RE-INSPECTED IN THE FIELD MAY, 2025.
- 11b. UTILITIES NOT MARKED IN THE FIELD.
12. NOT APPLICABLE.
13. NAMES OF ADJOINING LAND OWNERS SHOWN HEREON
16. THERE WAS NO OBSERVED EVIDENCE OF RECENT EARTH MOVING WORK, THERE WAS NO OBSERVED EVIDENCE OF BUILDING CONSTRUCTION OR ADDITIONS.
17. THERE ARE NO KNOWN CHANGES IN STREET RIGHT OF WAY LINES THAT PASSERO ASSOCIATES HAS BEEN MADE AWARE OF BY THE CLIENT, DEVELOPER OR CONTROLLING JURISDICTION.
18. PLOTTABLE OFFSITE EASEMENTS (IF APPLICABLE) DISCLOSED IN DOCUMENTS PROVIDED SHOWN HEREON.
19. PROFESSIONAL LIABILITY INSURANCE HAS BEEN OBTAINED BY PASSERO ASSOCIATES, MINIMUM AMOUNT REQUIRED NOT SPECIFIED BY CLIENT.

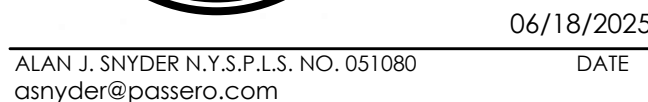
ALL THAT TRACT OR PARCEL OF LAND CONTAINING 30,942 SQUARE FEET OR 0.710 ACRES OF LAND, MORE OR LESS, SITUATE IN THE CITY OF BUFFALO, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF OUTER LOT NO. 86 AND PART OF LOT NO. 14, TOWNSHIP 11, RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING THE INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY OF LARKIN STREET (A 50 FOOT WIDE PUBLIC RIGHT-OF-WAY) AND THE SOUTHWESTERLY RIGHT-OF-WAY OF EXCHANGE STREET (A 66' WIDE PUBLIC RIGHT-OF-WAY); THENCE, SOUTHWESTERLY, ALONG THE NORTHWESTERLY RIGHT-OF-WAY OF LARKIN STREET, A DISTANCE OF 60.00 FEET TO A POINT MARKED BY A RE-BAR SET; THENCE, NORTHWESTERLY, AT RIGHT ANGLES TO THE NORTHWESTERLY RIGHT-OF-WAY OF LARKIN STREET, A DISTANCE OF 313.33 FEET TO A POINT MARKED BY A RE-BAR SET; THENCE, NORTHEASTERLY, AT RIGHT ANGLES TO THE AFOREMENTIONED COURSE, A DISTANCE OF 1.20 FEET TO A POINT MARKED BY A REBAR SET; THENCE, NORTHWESTERLY, FORMING AN INTERIOR ANGLE OF 270°17'00" WITH THE AFOREMENTIONED COURSE, A DISTANCE OF 109.00 FEET; THENCE, NORTHWESTERLY, FORMING AN INTERIOR ANGLE OF 279°49'00" WITH THE AFOREMENTIONED COURSE, A DISTANCE OF 96.00 FEET TO A POINT MARKED BY A RE-BAR SET; THENCE, NORTHEASTERLY, FORMING AN INTERIOR ANGLE OF 89°54'00" WITH THE AFOREMENTIONED COURSE, A DISTANCE OF 59.50 FEET TO A POINT MARKED BY A RE-BAR SET, SAID POINT BEING ON THE SOUTHWESTERLY RIGHT-OF-WAY OF EXCHANGE STREET; THENCE, SOUTHEASTERLY ALONG THE SOUTHWESTERLY RIGHT-OF-WAY OF EXCHANGE STREET, AT RIGHT ANGLES TO THE AFOREMENTIONED COURSE, A DISTANCE OF 518.33 FEET TO THE POINT AND PLACE OF BEGINNING, SAID COURSE FORMING A RIGHT ANGLE WITH THE NORTHWESTERLY RIGHT-OF-WAY OF LARKIN STREET.

CERTIFICATION:

1. M&T BANK, ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTEREST MAY APPEAR
2. FOSS MOSAIC FUND, LLC
3. PG LARKINVILLE MASTER TENANT, LLC
4. PG LARKINVILLE, LLC, A NEW YORK LIMITED LIABILITY COMPANY
5. CHICAGO TITLE INSURANCE COMPANY
6. CLOSING USA, LLC; AND THEIR RESPECTIVE SUCCESSIVE AND/OR ASSIGNS, AS THEIR INTERESTS MAY APPEAR.

WE, PASSERO ASSOCIATES, CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NPSPL LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NPSPL, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6a, 6b, 7a, 7b1, 7b2, 7c, 8, 9, 10, 11a, 11b, 12, 13, 16, 17, 18 AND 19 OF TABLE A THEREOF. FIELD WORK WAS COMPLETED ON MAY 30, 2025.

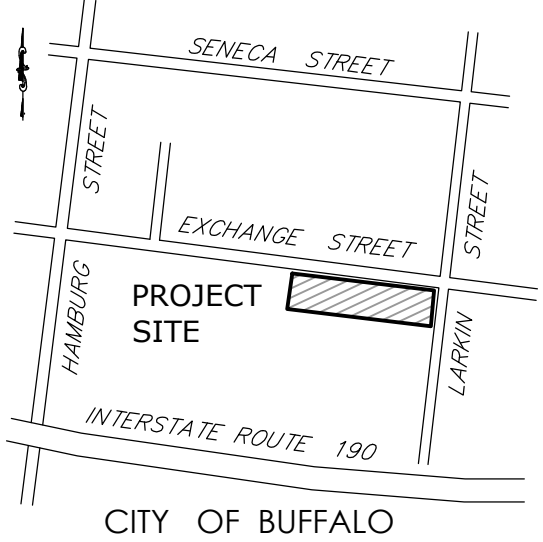


ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL INKED OR EMBOSSED SEAL AND INKED SIGNATURE SHALL BE CONSIDERED A TRUE AND VALID COPY.

CERTIFICATION INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE AGENCIES LISTED HEREON. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

Revisions			
No.	Date	By	Description
1	6/05/25	AJS	REVISED PER COMMENTS
2	6/16/25	AJS	REVISED PER COMMENTS

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS IN VIOLATION OF STATE EDUCATION LAW ARTICLE 145 SECTION 7209 AND ARTICLE 147 SECTION 7307. THESE PLANS ARE COPYRIGHT PROTECTED



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Project Manager	Robert A. Vento, PE
Drafted by	Alan J. Snyder, PE

Park Grove Realty, LLC
46 Prince Street
Rochester, N.Y. 14607
585 434-4762

ALTA/NSPS LAND
TITLE SURVEY

Lands Now or Formerly of
PG LARKINVILLE, LLC

No. 619 Exchange Street
Tax Acct. No. 122.250-0002-011

Part Town Outer Lot 86 and Lot 14,
Township 11, Range 8
City of Buffalo, Erie County, State of N.Y.

Project No. 20182601.0005

Drawing No.	Sheet No.
ALTA-1	1 of 1

Scale: $1'' = 30'$

Date JUNE 18, 2025