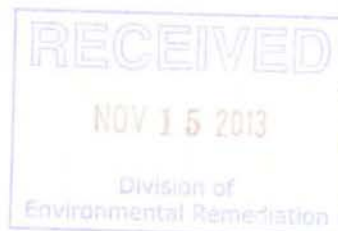


New York State Department of Environmental Conservation
Division of Environmental Remediation
Office of the Director, 12th Floor
625 Broadway, Albany, New York 12233-7011
Phone: (518) 402-9706 • Fax: (518) 402-9020
Website: www.dec.ny.gov



July 9, 2013

Harbor District Associates, LLC
Attn: Michael DePriest
570 Delaware Avenue
Buffalo, NY 14202
mikede Priest@benderson.com



Re: 125 Main Street Site
Site No.: C915262
BCA Index No.: C915262-05-12
BCA Amendment No. 1
Request to modify the site boundary

Dear Mr. DePriest:

This letter is forwarded to your attention in response to the amendment application request submitted on May 9, 2013 to amend the Brownfield Cleanup Agreement ("BCA" or "Agreement") signed on August 16, 2012. The application requests a modification of the site boundary for the 125 Main Street Site to decrease the size of the site by excluding an area designated as "Parcel D3" on the attached survey, dated 05/13/12 (revised 06/04/13), submitted to The New York State Department of Environmental Conservation (DEC) on June 13, 2013. DEC hereby grants the above request. Thus, paragraph II of the BCA is hereby amended to reflect the updated size of the brownfield site to be approximately 1.82 acres and the attached survey replaces Exhibit "A" of the Agreement.

This Amendment is made in accordance with and subject to all of the requirements 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.

Please have the authorized representative(s) counter-sign this letter to acknowledge acceptance of the Amendment. Please send the original document, with signatures, back to my attention at the following address:

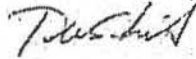
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 12th Floor
Albany, New York 12233-7011

Please keep a copy of the countersigned letter as proof of the Agreement Amendment.

Nothing contained herein constitutes a waiver by DEC 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.

Please contact me if you have any questions in this regard. Thank you for your assistance in this matter.

Sincerely,



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

The following Applicant, in signing this letter, does hereby acknowledge and accept the amendment to the Agreement as set forth above.



Harbor District Associates, LLC Date

DAVID H. BALDAUF, MGR.

By: Name (Please Print)

Attachment

cc: Michael Ryan, DEC
Martin Doster, DEC
Kelly Lewandowski, DEC
David Locey, DEC
Benjamin Conlon, DEC
Andrew Gugliemi, DEC
Patrick Foster, DEC
Craig A. Slater – The Slater Law Firm, PLLC (cslater@cslaterlaw.com)

[illegible]



November 14, 2013

Robert W. Schick, P.E.
Director of Environmental Remediation
NYS DEC
Division of Environmental Remediation
625 Broadway, 12th Floor
Albany, NY 12233-7011

Re: 125 Main Street, Buffalo, NY
Site No. C915262
First Amendment to BCA (Modification of Site Boundary)

Dear Mr. Schick:

Enclosed please find an originally executed Letter Amendment for the modification of the BCP site boundary for the above-entitled property. We were not sure if you had received this, so this original is being forwarded to make certain this task has been completed.

Please contact me with any questions. Thank you.

Very truly yours,

The Slater Law Firm, PLLC

A handwritten signature in blue ink, appearing to read "Craig A. Slater".

Craig A. Slater

DIRECT DIAL: (716) 845-6760
E-MAIL: CSLATER@CSLATERLAW.COM

CAS: es
Enclosure

cc : P. Foster, Esq.