

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of a Remedial Program for the  
Queens West (Hunters Point) Waterfront  
Development Project, **Parcel 8**  
Queens County, under Article 27,  
Title 14 of the Environmental Conservation Law  
by Volunteers

AMENDED  
BROWNFIELD  
CLEANUP AGREEMENT

Index # W2-1059-10-03  
Site # C241087

Avalon Riverview II, LLC,  
Avalon Riverview North, LLC and  
Queens West Development Corporation

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**WHEREAS**, Avalon Riverview II, LLC and Avalon Riverview III, LLC, each a Delaware limited liability company, with offices located at 535 Fifth Avenue, New York, are currently Volunteers in the Brownfield Cleanup Program relative to Site No. C241087 under Brownfield Cleanup Agreement, Index # W2-1059-05-03, dated June 28, 2005 (the "BCA" or the "Agreement"); and

**WHEREAS**, Avalon Riverview III, LLC has undergone a name change and is now known as Avalon Riverview North, LLC; and

**WHEREAS**, a certified application was submitted to the Department in October 2009 requesting that Queens West Development Corporation ("Requestor"), a domestic business corporation and the current site owner, be added as a Volunteer to the BCA; and

**WHEREAS**, upon consideration of the factors enumerated in ECL 27-1407(8) and (9), the Department made a determination, based upon consideration of the application to add the Requestor, that such Requestor is eligible to participate in the BCP as a Volunteer as defined in ECL 27-1405(1)(b).

**NOW, THEREFORE**, in consideration of and in exchange for the mutual covenants and promises, the parties agree to the following:

1. Queens West Development Corporation is added as a Volunteer to the BCA; and
2. Avalon Riverview North, LLC, as a Volunteer, is substituted for Avalon Riverview III, LLC; and

3. The Agreement and this Amendment to the Agreement shall constitute the entire Agreement between the parties with all the terms and conditions of the Agreement, except as provided herein, remaining in full force and effect; and

4. The effective date of the Amended Brownfield Cleanup Agreement shall be the date it is executed by the Commissioner or the Commissioner's designee.

DATED:

ALEXANDER B. GRANNIS  
COMMISSIONER  
NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

APR 06 2010

By: 

Dale A. Desnoyers, Director  
Division of Environmental Remediation

CONSENT BY REQUESTOR

QUEENS WEST DEVELOPMENT CORPORATION

Requestor hereby consents to the issuing and entering of this Agreement, waives Requestor's right to a hearing herein as provided by law, and agrees to be bound by this Agreement.

QUEENS WEST DEVELOPMENT  
CORPORATION

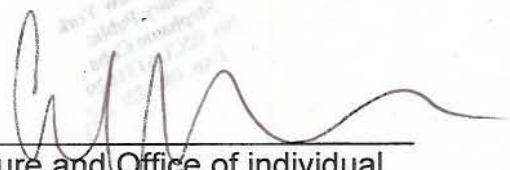
By:   
Paul Januszewski

Title: President

Date: 3/9/10

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

On the 9th day of MARCH, in the year 2010, before me, the undersigned, personally appeared PAUL JANUSZEWSKI, 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 and Office of individual  
taking acknowledgment

SIMON WYNN  
Notary Public, State of New York  
No. 02WY4792002  
Qualified in New York County  
Commission Expires Aug. 31, 2013



CONSENT BY APPLICANT

AVALON RIVERVIEW II, LLC

Applicant hereby consents to the issuing and entering of this Agreement, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Agreement.

AVALON RIVERVIEW II, LLC

By: Philip Warton  
Philip Warton

Title: Vice President

Date: 3/10/10

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF )

On the 10<sup>th</sup> day of MARCH, in the year 2010, before me, the undersigned, personally appeared PHILIP WARTON, 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 and Office of individual  
taking acknowledgment

State of New York  
Notary Public  
Stephanie Cuba  
No. 02CU6131829  
Exp. 08/22/13

CONSENT BY APPLICANT

AVALON RIVERVIEW NORTH, LLC

Applicant hereby consents to the issuing and entering of this Agreement, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Agreement.

AVALON RIVERVIEW NORTH, LLC

By: Philip Warton  
Philip Warton

Title: Vice President

Date: 3/10/10

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF )

On the 10<sup>th</sup> day of MARCH, in the year 2010, before me, the undersigned, personally appeared PHILIP WARTON, 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

State of New York  
Notary Public  
Stephanie Cuba  
No. 02CU6131829  
Exp. 08/22/13

