NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation 625 Broadway, 12th Floor, Albany, New York 12233-7011 P: (518) 402-9706 I F: (518) 402-9020 www.dec.ny.gov

Mr. Hal Shapiro HNJ Realty, LLC 364 North Avenue #107 New Rochelle, NY 10801

MAR 20 2018

RE: Site Name: Schmuckler's Dry Cleaners Site No.: C360088 Location of Site: 358-364 North Avenue, New Rochelle, New York

Dear Mr. Shapiro,

To complete your file, attached is a fully executed copy of the Brownfield Cleanup Agreement Amendment for the Schmuckler's Dry Cleaners Site.

If you have any further questions relating to this matter, please contact the project attorney for this site, Andrew Guglielmi, Esq., NYS Department of Environmental Conservation, Office of General Counsel, 625 Broadway Albany, NY 12233-1500, or by email at andrew.guglielmi@dec.ny.gov.

Sincerely,

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Michael J. Ryan, P.E. Director Division of Environmental Remediation

Enclosure

- ec: K. Thompson, Project Manager
- cc: A. Guglielmi, Esq. /M. Mastroianni



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. #A3-0542-0306

Schmuckler's Dry Cleaner Site DEC Site Nos: C360088 Located at: 358-364 North Avenue New Rochelle, New York

Hereinafter referred to as "Site"

by: HNJ Realty

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, 2017, 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 scheme 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.

MAR 20 2018

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.

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.

HNJ . LLC Aresider 8 3 Date: STATE OF NEW YORK) ss: COUNTY OF Non York On the L day of March in the year 2016, before me, the personally appeared

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

undersigned,

RYAN BUCKLEY Notary Public - State of New York NO. 018U6347422 Qualified in Suffork County My Commission Expires Sep 6, 2020