

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
BROWNFIELD CLEANUP PROGRAM  
ECL §27-1401 *et seq.*

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In the Matter of a Remedial Program for

**AMENDMENT TO BROWNFIELD SITE  
CLEANUP AGREEMENT  
Index No. C224177-10-13**

**Former Cleaners Sales & Equipment Corp**

DEC Site Nos: C224177

Located at: 135 Kent Avenue, Brooklyn, Kings County, NY 11249  
Hereinafter referred to as "Site"

by:

135 Kent Avenue Management Corp.  
167 Cowpens Drive, Orangeburg, NY 10962  
Hereinafter referred to as "Applicant"

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**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.

The Site is located in a City having a population of one million or more and the Applicant has not submitted documentation sufficient to demonstrate that at least one of the following conditions exists: at least half of the site area is located in an environmental zone as defined in section twenty-one of the tax law, the property is upside down, the

property is underutilized, or the project is an affordable housing project. In accordance with ECL § 27-1407(1-a), the Applicant may request an eligibility determination for tangible property tax credits at any time from application until the site receives a certificate of completion except for sites seeking eligibility under the underutilized category. For sites seeking eligibility for tangible property tax credits under the underutilized category, the Applicant will apply for an additional amendment to the Agreement within sixty (60) days of the effective date of this Amendment. Should the Applicant fail to submit an amendment application for a determination that the site is eligible for tangible property tax credits under the underutilized category within sixty (60) days, the Applicant will not be able to receive tangible property tax credits under this category.

## 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:

May 28, 2020

THIS BROWNFIELD CLEANUP AGREEMENT  
AMENDMENT IS HEREBY APPROVED, Acting by and  
Through the Department of Environmental Conservation as  
Designee of the Commissioner,

By:



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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.

135 Kent Avenue Management Corp.

By: Jo-Ann Cohen

Title: PRESIDENT

Date: APRIL 1<sup>st</sup>, 2020

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF )

On the 1<sup>st</sup> day of APRIL in the year 2020, before me, the undersigned, personally appeared Jo-Ann Cohen, 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.

  
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Signature and Office of individual taking acknowledgment

PATRICK G. WEIR  
Notary Public, State of New York  
No.01WE6003891  
Qualified in Rockland County  
Commission Expires March 9, 2022

**COMBINED MEETING OF SHAREHOLDERS & DIRECTOORS**

**OF**

**135 KENT AVENUE MANAGEMENT, INC.**

A meeting of the Shareholders & Directors of **135 KENT AVENUE MANAGEMENT, INC.** was held on December 20, 2017.

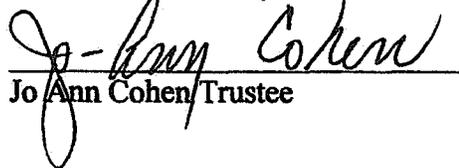
Present: Lester Cohen President/Director  
Jo Ann Cohen Secretary/Director

The resignation of Lester Cohen as officer and director of the Corporation was accepted by all of Directors & Shareholders and the appointment of the following was approve

Jo Ann Cohen President/Director  
Jeffry Cohen VP-Treasurer/Director  
Matthew Cohen VP-Secretary/Director

The meeting was thereafter adjourned.

Lester Cohen Family Trust-Sole Share Holder

  
Jo Ann Cohen/Trustee

**135 Kent Avenue Management Corp**  
**167 Cowpens Drive**  
**Orangeburg, NY 10962**

TO:

NYSDEC  
Division of Environmental Remediation  
Attn: Michael J Ryan  
625 Broadway, 12<sup>th</sup> Floor  
Albany, NY 12233-7011



(Sent: Certified Mail, Return Receipt Requested)

Date: April 1, 2020

Included in this package:

- Authorization to bind. A meeting of shareholders (dated Dec 20, 2017).
- Signed original of BCP Agreement Amendment.