



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 checked="" type="checkbox"/>	Amendment to modify the existing BCA (check one or more boxes below):
<input checked="" 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? Yes <input type="radio"/> No <input type="radio"/></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? Yes <input type="radio"/> No <input type="radio"/> Submitted on: _____</p>
<input type="checkbox"/>	Amendment to modify description of the property(ies) listed in the existing BCA
<input 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:

Current Volunteer Site Owner the Roman Catholic Church of Saint Emeric ("Church") intends to transfer ownership of the BCP Site to new prospective purchasers St. Emeric Development I MM LLC and St. Emeric Development II MM LLC. Subsequently, St. Emeric Development I LLC and St. Emeric Development II LLC will become the beneficial owners of the BCP Site for purposes of the planned 100% affordable housing project on the Site. The purpose of this BCP Amendment is to add St. Emeric Development I MM LLC and St. Emeric Development II MM LLC as the prospective Site owners and St. Emeric Development I LLC and St. Emeric Development II LLC as the future Site beneficial owners. The Church and Volunteer 185 Avenue D LLC will remain the remedial parties subject to the BCA until St. Emeric Development I MM LLC and St. Emeric Development II MM LLC acquire the BCP Site. Following BCP Site acquisition and submission of a second BCA Amendment, St. Emeric Development I MM LLC and St. Emeric Development II MM LLC will become the remedial parties subject to the BCA.

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

BCP SITE NAME: CE-E 11th Street MGP - OU3 Site	BCP SITE CODE: C231105
NAME OF CURRENT APPLICANT(S): Roman Catholic Church of Saint Emeric & 185 Avenue D LLC	
INDEX NUMBER OF AGREEMENT: C231105-08-17	DATE OF ORIGINAL AGREEMENT: 02/23/2018

SECTION II: NEW REQUESTOR INFORMATION*Complete this section only if adding new requestor(s) or the name of an existing requestor has changed.*

NAME: St. Emeric Development I MM LLC, St. Emeric Development II MM LLC, St. Emeric Development I LLC and St. Emeric Development II LLC			
ADDRESS: c/o Community Access, Inc. One State Street Plaza, Suite 1025			
CITY/TOWN: New York, New York		ZIP CODE: 10004	
PHONE: 212.780.1400 x7748	EMAIL: clacovara@communityaccess.org		
REQUESTOR CONTACT: Christopher Lacovara			
ADDRESS: c/o Community Access, Inc. One State Street Plaza, Suite 1025			
CITY/TOWN: New York, New York		ZIP CODE: 10004	
PHONE: 212.780.1400 x7748	EMAIL: clacovara@communityaccess.org		
REQUESTOR'S CONSULTANT: Haley & Aldrich of NY		CONTACT: Mari Cate Conlon, P.G. Senior Associate	
ADDRESS: 213 West 35th Street, 7th Floor			
CITY/TOWN: New York, New York		ZIP CODE: 10001	
PHONE: 347-271-1521	EMAIL: mconlon@haleyaldrich.com		
REQUESTOR'S ATTORNEY: Knauf Shaw LLP		CONTACT: Linda R. Shaw, Esq.	
ADDRESS: 2600 Innovation Square, 100 S. Clinton Avenue			
CITY/TOWN: Rochester, New York		ZIP CODE: 14604	
PHONE: (585) 546-8430	EMAIL: lshaw@nyenvlaw.com		
			Y
			N
1. Is the requestor authorized to conduct business in New York State?			<input checked="" 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 checked="" 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 checked="" type="radio"/>
4. If the requestor is an LLC, the names of the members/owners must be provided. Is this information attached?			<input checked="" type="radio"/>
5. Describe the new requestor's relationship to all existing applicants: The Requestor has no relationship with the current owner other than they will be acquiring the site from the current owner			<input checked="" type="radio"/>

SECTION III: CURRENT PROPERTY OWNER/OPERATOR INFORMATION*Complete this section only if a transfer of ownership has taken place. Attach additional pages if necessary.*

Owner listed below is: <input type="checkbox"/> Existing Applicant <input type="checkbox"/> New Applicant <input type="checkbox"/> 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*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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="radio"/>	
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" 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="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 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 checked="" 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 checked="" type="checkbox"/> Potential/Future Purchaser <input checked="" type="checkbox"/> Other: <u>Future Beneficial Owner</u>			
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 checked="" 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:

CITY/TOWN

ZIP CODE:

CURRENT PROPERTY INFORMATION

TOTAL ACREAGE OF CURRENT SITE:

PARCEL ADDRESS

SECTION

BLOCK

LOT

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)

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

TOTAL ACREAGE TO BE REMOVED: _____

☐

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

NEW PROPERTY INFORMATION:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

3. TOTAL REVISED SITE ACREAGE: _____

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

☐

**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?	<input type="radio"/>	<input type="radio"/>
<p>From ECL 27-1405(31):</p> <p>"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.</p>		
5. Is the project and affordable housing project as defined below?	<input type="radio"/>	<input type="radio"/>
<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>		

APPLICATION SUPPLEMENT FOR NYC SITES (continued)	Y	N
<p>6. 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>7. 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"/>

Existing Agreement Information	
BCP SITE NAME: CE- E 11th Street MGP - OU3 Site	BCP SITE NUMBER: C231105
NAME OF CURRENT APPLICANT(S): Roman Catholic Church of Saint Emeric & 185 Avenue D LLC	
INDEX NUMBER OF AGREEMENT: C231105-08-17	
EFFECTIVE DATE OF ORIGINAL AGREEMENT: 2/23/18	

Declaration of Amendment:

By the Requestor(s) and/or Applicant(s) signatures 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 any obligations held under the Agreement or those same laws.

Statement of Certification and Signatures: New Requestor(s) (if applicable)

(Individual)

I hereby affirm 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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

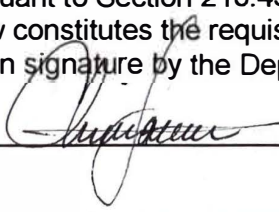
Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am (title CFO of the co-MM of the member of the member) of (entity St. Emeric Development I LLC); 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.

Christopher Lacovara's 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: Christopher Lacovara

Existing Agreement Information	
BCP SITE NAME: CE- E 11th Street MGP - OU3 Site	BCP SITE NUMBER: C231105
NAME OF CURRENT APPLICANT(S): Roman Catholic Church of Saint Emeric & 185 Avenue D LLC	
INDEX NUMBER OF AGREEMENT: C231105-08-17	
EFFECTIVE DATE OF ORIGINAL AGREEMENT: 2/23/18	

Declaration of Amendment:

By the Requestor(s) and/or Applicant(s) signatures 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 any obligations held under the Agreement or those same laws.

Statement of Certification and Signatures: New Requestor(s) (if applicable)

(Individual)

I hereby affirm 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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

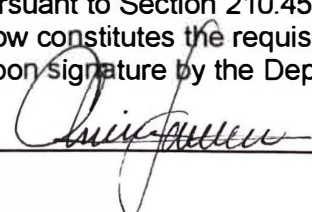
Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am (title CFO of the co-MM of the member of the member) of (entity St. Emeric Development II LLC); 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.

Christopher Lacovara's 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: Christopher Lacovara

Existing Agreement Information

BCP SITE NAME: CE- E 11th Street MGP - OU3 Site

BCP SITE NUMBER: C231105

NAME OF CURRENT APPLICANT(S): Roman Catholic Church of Saint Emeric & 185 Avenue D LLC

INDEX NUMBER OF AGREEMENT: C231105-08-17

EFFECTIVE DATE OF ORIGINAL AGREEMENT: 2/23/18

Declaration of Amendment:

By the Requestor(s) and/or Applicant(s) signatures 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 any obligations held under the Agreement or those same laws.

Statement of Certification and Signatures: New Requestor(s) (if applicable)

(Individual)

I hereby affirm 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. 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 CFO of the co-MM of the member) of (entity St. Emeric Development I MM LLC); 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.

Christopher Lacovara's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

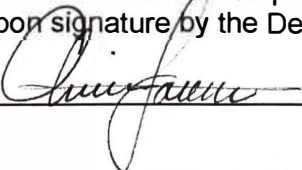
Date: _____ Signature: Print Name: Christopher Lacovara

Existing Agreement Information	
BCP SITE NAME: CE- E 11th Street MGP - OU3 Site	BCP SITE NUMBER: C231105
NAME OF CURRENT APPLICANT(S): Roman Catholic Church of Saint Emeric & 185 Avenue D LLC	
INDEX NUMBER OF AGREEMENT: C231105-08-17	
EFFECTIVE DATE OF ORIGINAL AGREEMENT: 2/23/18	

Declaration of Amendment:

By the Requestor(s) and/or Applicant(s) signatures 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 any obligations held under the Agreement or those same laws.

Statement of Certification and Signatures: New Requestor(s) (if applicable)
<p>(Individual)</p> <p>I hereby affirm 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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: _____ Signature: _____</p> <p>Print Name: _____</p>
<p>(Entity)</p> <p>I hereby affirm that I am (title <u>CFO of the co-MM of the member</u>) of (entity <u>St. Emeric Development II MM LLC</u>); 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.</p> <p><u>Christopher Lacovara's</u> signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: _____ Signature: </p> <p>Print Name: <u>Christopher Lacovara</u></p>

Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)

(Individual)

I hereby affirm that I am 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. 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 Authorized Signatory (title) of 185 Avenue D 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. David S. Brown's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 1.18.24 Signature: [Signature]Print Name: DAVID S. BROWN**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Please see the following page for submittal instructions.

NOTE: Applications submitted in fillable format will be rejected.

Status of Agreement:

☐**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.

☒**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.

Effective Date of the Original Agreement:**Signature by the Department:**DATED: 3/8/24NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATIONBy: Janet E. BrownJanet E. Brown, Assistant Director Division of
Environmental Remediation

Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)

(Individual)

I hereby affirm that I am 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. 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 Pastor-Administrator-Secretary (title) of Roman Catholic Church of Saint Emerik (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. Rev. Seán Connolly's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 1/18/2024 Signature: Seán M ConnollyPrint Name: Rev. Seán Connolly**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Please see the following page for submittal instructions.
NOTE: Applications submitted in fillable format will be rejected.

Status of Agreement:

**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.

**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.

Effective Date of the Original Agreement:**Signature by the Department:**DATED: 3/8/24NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATIONBy: Janet E. BrownJanet E. Brown, Assistant Director
Division of Environmental Remediation

EXHIBIT A

Department of State

Division of Corporations

Entity Information

[Return to Results](#)[Return to Search](#)

Entity Details



ENTITY NAME: ST. EMERIC DEVELOPMENT I LLC

DOS ID: 7229145

FOREIGN LEGAL NAME:

FICTITIOUS NAME:

ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY

DURATION DATE/LATEST DATE OF DISSOLUTION:

SECTION OF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW

ENTITY STATUS: ACTIVE

DATE OF INITIAL DOS FILING: 01/16/2024

REASON FOR STATUS:

EFFECTIVE DATE INITIAL FILING: 01/16/2024

INACTIVE DATE:

FOREIGN FORMATION DATE:

STATEMENT STATUS: CURRENT

COUNTY: NEW YORK

NEXT STATEMENT DUE DATE: 01/31/2026

JURISDICTION: NEW YORK, UNITED STATES

NFP CATEGORY:

[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

Name: C/O COMMUNITY ACCESS, INC.

Address: ONE STATE STREET PLAZA, SUITE 1025, NEW YORK, NY, UNITED STATES, 10004

Electronic Service of Process on the Secretary of State as agent: Not Permitted

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:**Address:**

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value

Number Of Shares

Value Per Share

Department of State

Division of Corporations

Entity Information

[Return to Results](#)[Return to Search](#)

Entity Details



ENTITY NAME: ST. EMERIC DEVELOPMENT I MM LLC

DOS ID: 7215949

FOREIGN LEGAL NAME:

FICTITIOUS NAME:

ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY

DURATION DATE/LATEST DATE OF DISSOLUTION:

SECTION OF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW

ENTITY STATUS: ACTIVE

DATE OF INITIAL DOS FILING: 12/29/2023

REASON FOR STATUS:

EFFECTIVE DATE INITIAL FILING: 12/29/2023

INACTIVE DATE:

FOREIGN FORMATION DATE:

STATEMENT STATUS: CURRENT

COUNTY: NEW YORK

NEXT STATEMENT DUE DATE: 12/31/2025

JURISDICTION: NEW YORK, UNITED STATES

NFP CATEGORY:

[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

Name: C/O COMMUNITY ACCESS, INC.

Address: ONE STATE STREET PLAZA, SUITE 1025, NEW YORK, NY, UNITED STATES, 10004

Electronic Service of Process on the Secretary of State as agent: Not Permitted

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:**Address:**

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value

Number Of Shares

Value Per Share

Department of State

Division of Corporations

Entity Information

[Return to Results](#)[Return to Search](#)

Entity Details



ENTITY NAME: ST. EMERIC DEVELOPMENT II LLC

DOS ID: 7229157

FOREIGN LEGAL NAME:

FICTITIOUS NAME:

ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY

DURATION DATE/LATEST DATE OF DISSOLUTION:

SECTION OF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW

ENTITY STATUS: ACTIVE

DATE OF INITIAL DOS FILING: 01/16/2024

REASON FOR STATUS:

EFFECTIVE DATE INITIAL FILING: 01/16/2024

INACTIVE DATE:

FOREIGN FORMATION DATE:

STATEMENT STATUS: CURRENT

COUNTY: NEW YORK

NEXT STATEMENT DUE DATE: 01/31/2026

JURISDICTION: NEW YORK, UNITED STATES

NFP CATEGORY:

[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

Name: C/O COMMUNITY ACCESS, INC.

Address: ONE STATE STREET PLAZA, SUITE 1025, NEW YORK, NY, UNITED STATES, 10004

Electronic Service of Process on the Secretary of State as agent: Not Permitted

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:**Address:**

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value

Number Of Shares

Value Per Share

Department of State

Division of Corporations

Entity Information

[Return to Results](#)[Return to Search](#)

Entity Details



ENTITY NAME: ST. EMERIC DEVELOPMENT II MM LLC

DOS ID: 7215955

FOREIGN LEGAL NAME:

FICTITIOUS NAME:

ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY

DURATION DATE/LATEST DATE OF DISSOLUTION:

SECTION OF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW

ENTITY STATUS: ACTIVE

DATE OF INITIAL DOS FILING: 12/29/2023

REASON FOR STATUS:

EFFECTIVE DATE INITIAL FILING: 12/29/2023

INACTIVE DATE:

FOREIGN FORMATION DATE:

STATEMENT STATUS: CURRENT

COUNTY: NEW YORK

NEXT STATEMENT DUE DATE: 12/31/2025

JURISDICTION: NEW YORK, UNITED STATES

NFP CATEGORY:

[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

Name: C/O COMMUNITY ACCESS, INC.

Address: ONE STATE STREET PLAZA, SUITE 1025, NEW YORK, NY, UNITED STATES, 10004

Electronic Service of Process on the Secretary of State as agent: Not Permitted

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:**Address:**

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value

Number Of Shares

Value Per Share

EXHIBIT B

WRITTEN CONSENT

The undersigned, being a co-managing member of the sole member of St. Emeric Development I MM LLC, the sole member of St. Emeric Development I LLC does hereby certify as follows:

1. St. Emeric Development I LLC is the prospective volunteer for the Brownfield Cleanup Program (BCP) Site located at 181 Avenue D, New York, New York (Manhattan-382-22) known as the CE – E. 11th Street MGP – OU-3 Site, Site No.: C231105 (collectively the “BCP Site”).

2. The following person, Christopher Lacovara, the Chief Financial Officer of Community Access, Inc., the co-managing member of St. Emeric Development JV LLC, the sole member of St. Emeric Development I MM LLC, the sole member of St. Emeric Development I LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer St. Emeric Development I LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 12th day of January, 2024.

COMMUNITY ACCESS, INC.

By: 

Name: Christopher Lacovara

Title: Chief Financial Officer

WRITTEN CONSENT

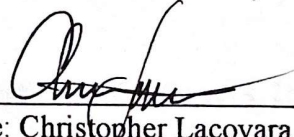
The undersigned, being a co-managing member of St. Emeric Development JV LLC, the sole member of St. Emeric Development I MM LLC, does hereby certify as follows:

1. St. Emeric Development I MM LLC is the prospective volunteer for the Brownfield Cleanup Program (BCP) Site located at 181 Avenue D, New York, New York (Manhattan-382-22) known as the CE – E. 11th Street MGP – OU-3 Site, Site No.: C231105 (collectively the “BCP Site”).

2. The following person, Christopher Lacovara, the Chief Financial Officer of Community Access, Inc., the co-managing member of St. Emeric Development JV LLC, the sole member of St. Emeric Development I MM LLC has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer St. Emeric Development I MM LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 12th day of January, 2024.

COMMUNITY ACCESS, INC.

By: 
Name: Christopher Lacovara
Title: Chief Financial Officer

WRITTEN CONSENT

The undersigned, being a co-managing member of the sole member of St. Emeric Development IIMM LLC, the sole member of St. Emeric Development IILLC does hereby certify as follows:

1. St. Emeric Development II LLC is the prospective volunteer for the Brownfield Cleanup Program (BCP) Site located at 181 Avenue D, New York, New York (Manhattan-382-22) known as the CE – E. 11th Street MGP – OU-3 Site, Site No.: C231105 (collectively the “BCP Site”).

2. The following person, Christopher Lacovara, the Chief Financial Officer of Community Access, Inc., the co-managing member of St. Emeric Development JV LLC, the sole member of St. Emeric Development IIMM LLC, the sole member of St. Emeric Development IILLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer St. Emeric Development II LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 12th day of January, 2024.

COMMUNITY ACCESS, INC.

By: 

Name: Christopher Lacovara

Title: Chief Financial Officer

WRITTEN CONSENT

The undersigned, being a co-managing member of St. Emeric Development JV LLC, the sole member of St. Emeric Development II MM LLC, does hereby certify as follows:

1. St. Emeric Development II MM LLC is the prospective volunteer for the Brownfield Cleanup Program (BCP) Site located at 181 Avenue D, New York, New York (Manhattan-382-22) known as the CE – E. 11th Street MGP – OU-3 Site, Site No.: C231105 (collectively the “BCP Site”).

2. The following person, Christopher Lacovara, the Chief Financial Officer of Community Access, Inc., the co-managing member of St. Emeric Development JV LLC, the sole member of St. Emeric Development II MM LLC has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer St. Emeric Development II MM LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 12th day of January, 2024.

COMMUNITY ACCESS, INC.

By: 

Name: Christopher Lacovara

Title: Chief Financial Officer

EXHIBIT C

**St. Emeric Development I MM LLC
St. Emeric Development II MM LLC
St. Emeric Development I LLC
St. Emeric Development II LLC
120 Thames Street #201
Brooklyn, New York 11237**

Via Electronic Mail

Roman Catholic Church of Saint Brigid and
Saint Emeric (as successor by merger of
Church of Saint Bridget (more commonly
known as the Church of Saint Brigid) and
Roman Catholic Church of Saint Emeric)
119 Avenue B
New York, New York 10009
Attention: Rev. Seán Connolly

185 Avenue D LLC
c/o Archdiocese of New York
1011 First Avenue
New York, New York 10022
Attention: David S. Brown

**Re: Site Access to Perform Brownfield Cleanup Program Work
BCP Site CE – E. 11th Street MGP – OU-3 No. C231105
181 Avenue D New York, NY 10009 (Tax Id. No. 382-22)**

Dear Rev. Connolly and Mr. Brown:

As you know, St. Emeric Development I MM LLC, St. Emeric Development II MM LLC, St. Emeric Development I LLC, and St. Emeric Development II LLC (collectively the “New BCP Parties”) will be submitting a Brownfield Cleanup Program (“BCP”) Brownfield Cleanup Agreement (“BCA”) Amendment to the New York State Department of Environmental Conservation in relation to BCP Site CE – E. 11th Street MGP – OU-3 No. C231105 located at 181 Avenue D New York, NY 10009 (Tax Id. No. 382-22) (the “BCP Site”) initially to be added as prospective beneficial owners of the BCP Site, and then after closing, to be substituted for the remedial parties to complete the voluntary remaining investigation and remediation of the BCP Site. Because Roman Catholic Church of Saint Brigid and Saint Emeric (as successor by merger of Church of Saint Bridget (more commonly known as the Church of Saint Brigid) and Roman Catholic Church of Saint Emeric) (“Owner”) owns the BCP Site, the New BCP Parties needs your written permission below to access the Site in order to submit the initial BCA Amendment to be added as prospective beneficial owners and then subsequently after closing to assume the remedial party role for the purpose of performing environmental investigation and remediation work.

By Owner agreeing to sign below, pursuant to the terms and provisions of that certain Purchase and Sale Agreement and Joint Escrow Instructions dated as of January 17, 2024 (the “Purchase Agreement”), Owner is granting the New BCP Parties what is known as a “temporary license” to allow an appropriate contractor that the New BCP Parties hire to enter the BCP Site to perform any required remaining investigation and remediation work. The New BCP Parties promise to provide you with copies of any environmental information generated about the BCP Site before closing, and if the New BCP Parties or any of their contractors do accidentally damage the BCP Site in any way, the New BCP Parties agree to obtain insurance, repair the damages, and restore the BCP Site to the way it was before entering the BCP Site, subject to the terms and provisions of the Purchase Agreement. In accordance with the Purchase Agreement, all insurance will be obtained and maintained by the New BCP Parties and the New BCP Parties’ contractors. We promise to minimize any and all inconvenience to you in connection with this work and will give you one week notice before the work begins.

In addition, in the unlikely circumstance that you still own the BCP Site when the remediation is complete and the Certificate of Completion is about to be obtained, and a Track 1 remediation level is not achieved, you are hereby also agreeing to impose an environmental easement on the BCP Site if required by the New York State Department of Environmental Conservation (“NYSDEC”).

If you have any questions, please do not hesitate to call Teghviri Sethi (516) 772-8425. Otherwise, please sign below so that the respective BCA Amendments can be submitted to NYSDEC.

Thank you for your cooperation.

Sincerely,

ST. EMERIC DEVELOPMENT I MM LLC

By: St. Emeric Development JV LLC, its managing member

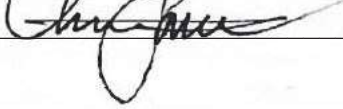
By: Community Access, Inc., its co-managing member

By: 
Name:
Title:

ST. EMERIC DEVELOPMENT II MM LLC

By: St. Emeric Development JV LLC, its managing member

By: Community Access, Inc., its co-managing member

By: 
Name:
Title:

ST. EMERIC DEVELOPMENT I LLC

By: St. Emeric Development I MM LLC, its sole member

By: St. Emeric Development JV LLC, its managing member

By: Community Access, Inc., its co-managing member

By: 
Name:
Title:

ST. EMERIC DEVELOPMENT II LLC

By: St. Emeric Development II MM LLC, its sole member

By: St. Emeric Development JV LLC, its managing member

By: Community Access, Inc., its co-managing member

By: _____


Name: _____

Title: _____

A handwritten signature in black ink, appearing to be "Chris", is written over a horizontal line. The signature is stylized with a large initial "C" and a long, sweeping tail.

As authorized representatives of the BCP Site owner, I am authorized to grant this temporary license and agree to allow St. Emeric Development I MM LLC and St. Emeric Development II MM LLC and its agents to enter my property to perform the BCP Investigation and/or remediation work required.

Roman Catholic Church of Saint Brigid and Saint Emeric (as successor by merger of Church of Saint Bridget (more commonly known as the Church of Saint Brigid) and Roman Catholic Church of Saint Emeric)

By: 
Name: Rev. Sean Connolly
Title: Administrator and Secretary

185 Avenue D LLC

By: 
Name: David S. Brown
Title:

As authorized representatives of the BCP Site owner, I am authorized to grant this temporary license and agree to allow St. Emeric Development I LLC and St. Emeric Development II LLC and its agents enter my property to perform the BCP investigation and/or remediation work required.

Roman Catholic Church of Saint Brigid and Saint Emeric (as successors by merger of Church of Saint Bridet (more commonly known as the Church Of Saint Bridet) and Roman Catholic Church of Saint Emeric)

By: _____
Name: Rev. Sean Connolly
Title: Administrator and Secretary

185 Avenue D LLC

By:  _____
Name David S. Brown

As authorized representatives of the BCP Site owner, I am authorized to grant this temporary license and agree to allow St. Emeric Development I LLC and St. Emeric Development II LLC and its agents enter my property to perform the BCP investigation and/or remediation work required.

Roman Catholic Church of Saint Brigid and Saint Emeric (as successors by merger of Church of Saint Bridet (more commonly known as the Church Of Saint Bridet) and Roman Catholic Church of Saint Emeric)

By: _____

Name: Rev. Sean Connolly

Title: Administrator and Secretary

185 Avenue D LLC

By: _____

Name David S. Brown

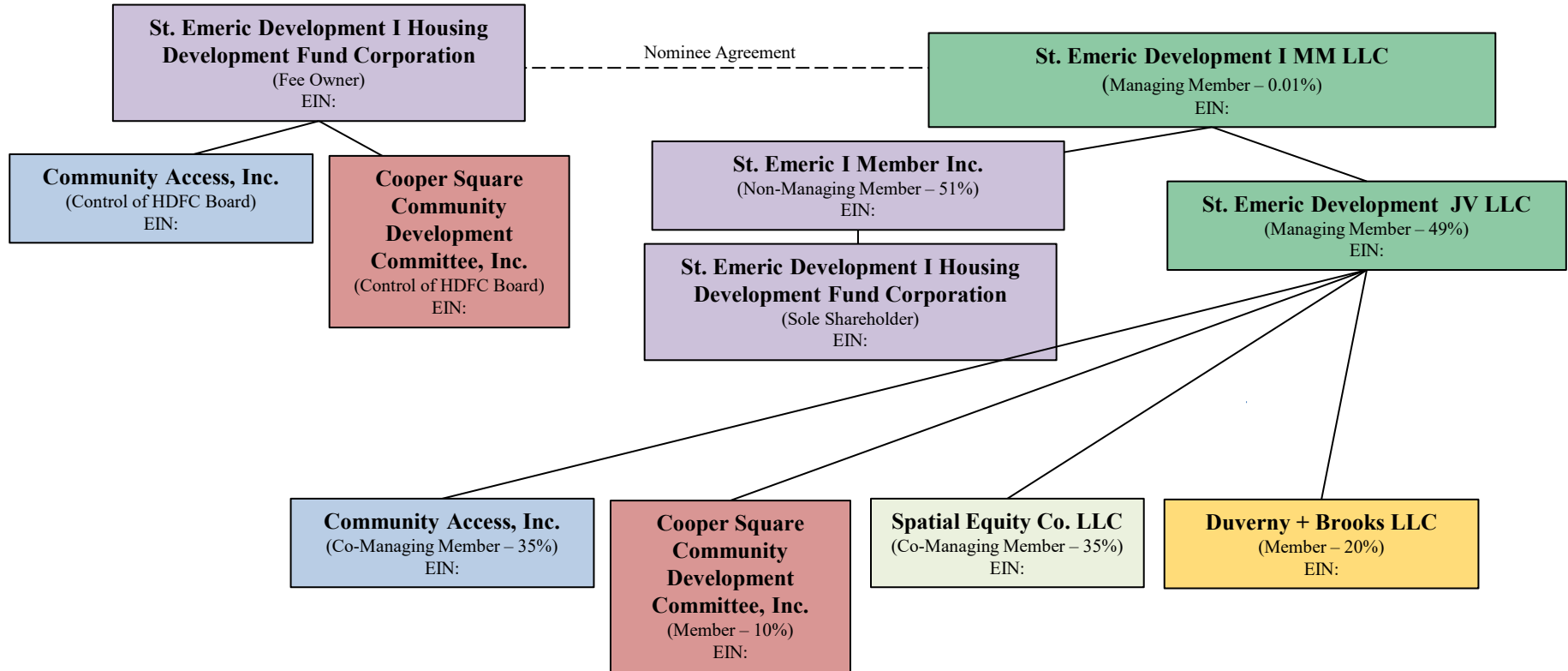
EXHIBIT D

St. Emeric Development MM I - Organizational Structure

181 Avenue D, New York, New York

Block 382, Lot 22

AT ACQUISITION LOAN CLOSING

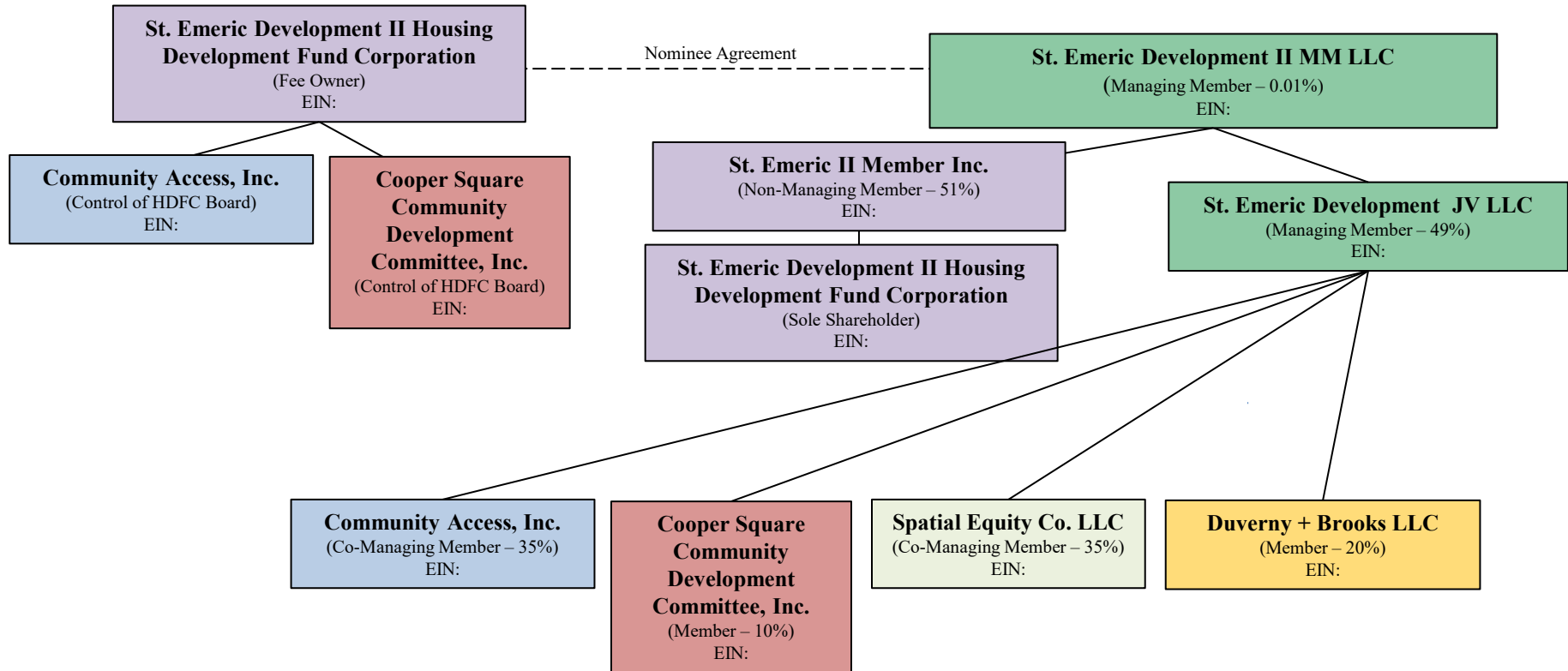


St. Emeric Development MM II - Organizational Structure

181 Avenue D, New York, New York

Block 382, Lot 22

AT ACQUISITION LOAN CLOSING

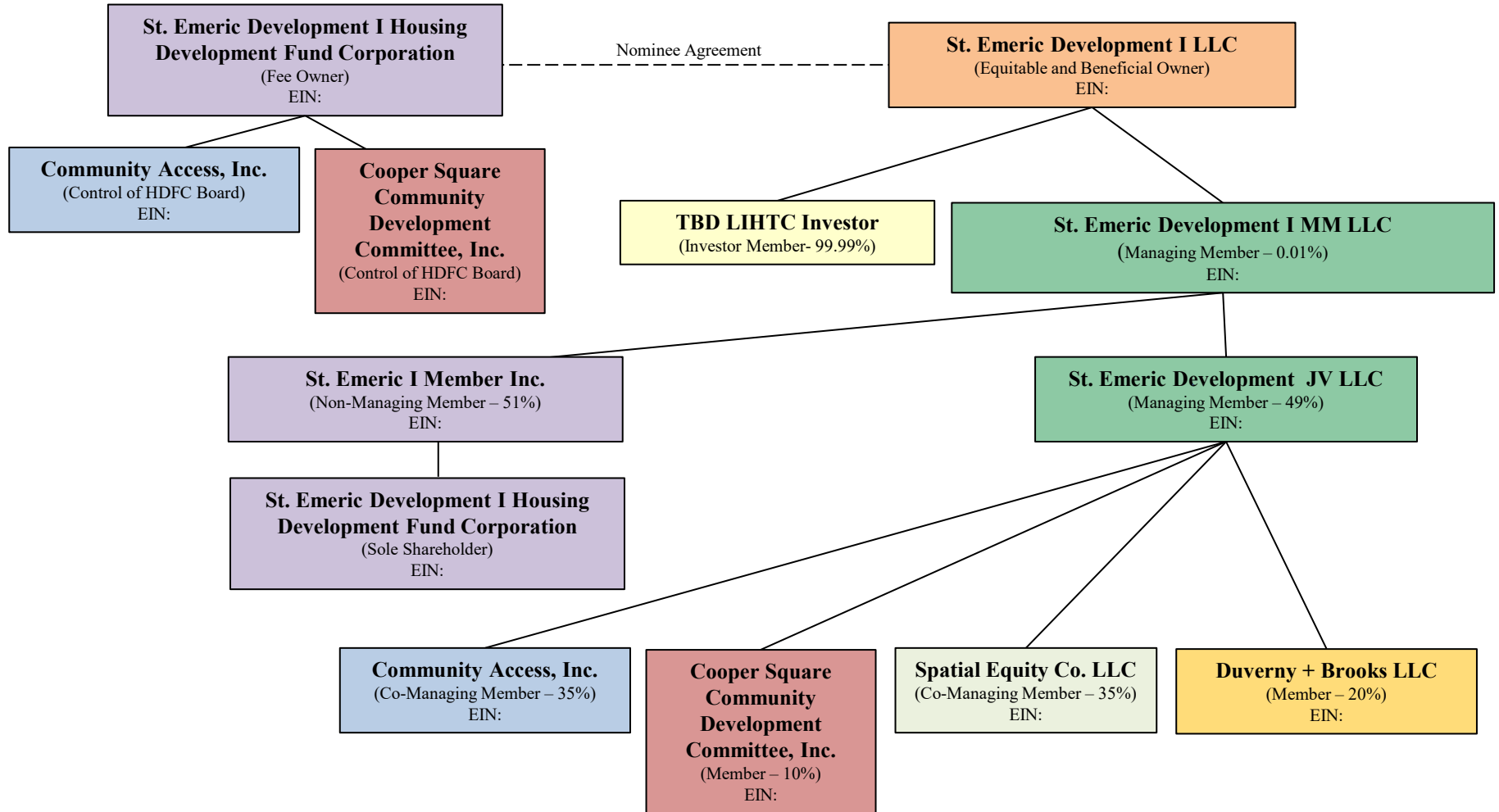


St. Emeric Development I - Organizational Structure

181 Avenue D, New York, New York

Block 382, Lot 22

AT CONSTRUCTION LOAN CLOSING



St. Emeric Development II - Organizational Structure

181 Avenue D, New York, New York

Block 382, Lot 22

AT CONSTRUCTION LOAN CLOSING

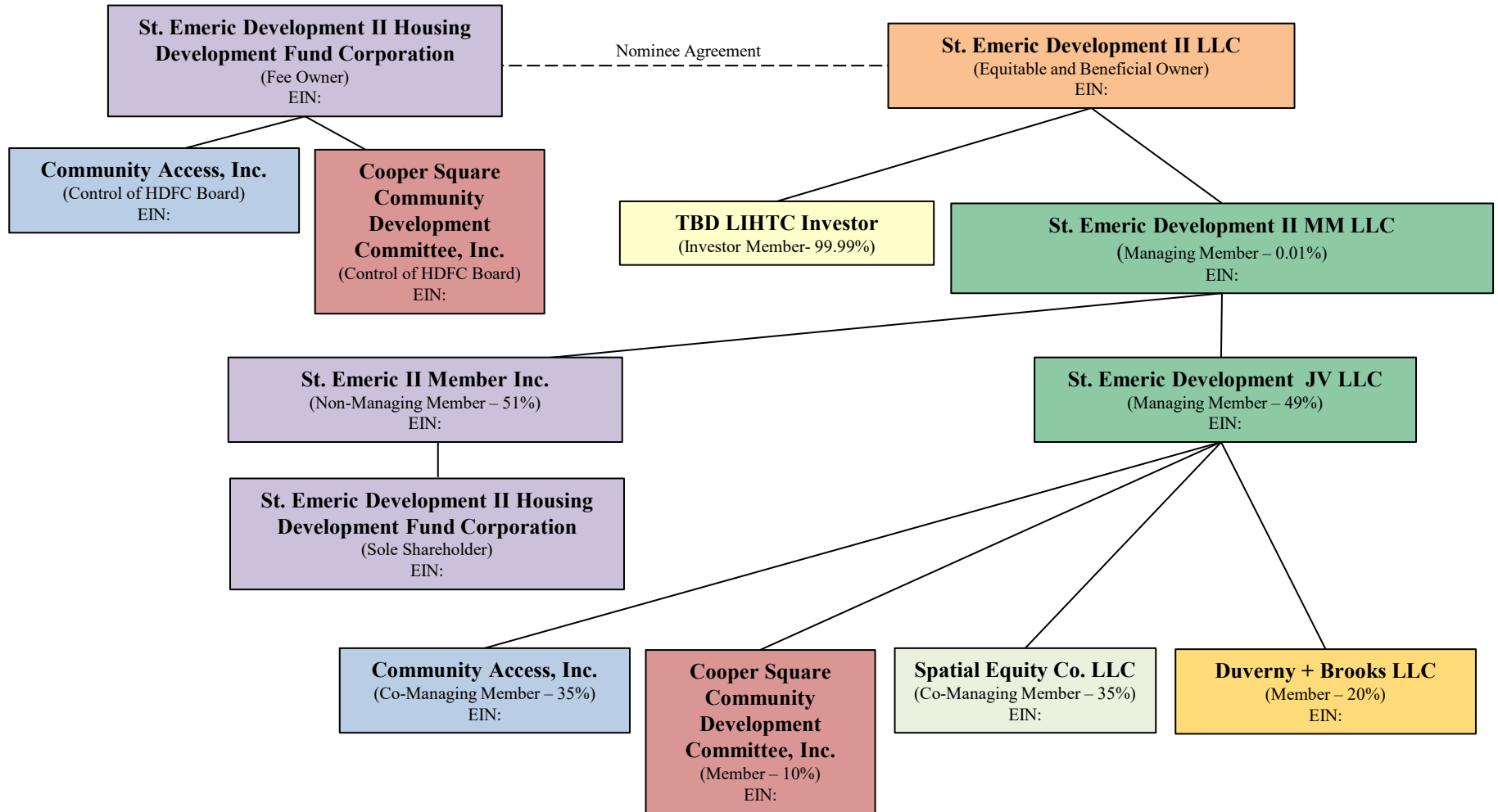


EXHIBIT E

VOLUNTEER STATEMENT

The Requestor St. Emeric Development I LLC certifies it is a Volunteer, since it does not have nor has ever had a relationship with any of the past owners or operators that caused the contamination of the Brownfield Cleanup Program (“BCP”) CE-E 11th Street MGP – OU3 Site BCP Site No. C231105 with an address of 181 Avenue D, New York, New York (“BCP Site”) other than it is to become the beneficial owner of the Site. Requestor did not have involvement with the BCP Site at the time of disposal. The Requestor will perform all required environmental due diligence prior to becoming the beneficial owner of the Site and will implement due care of the BCP Site during any BCP Site access activities once they become the beneficial owner.

VOLUNTEER STATEMENT

The Requestor St. Emeric Development I MM LLC certifies it is a Volunteer, since it does not have nor has ever had a relationship with any of the past owners or operators that caused the contamination of the Brownfield Cleanup Program (“BCP”) CE-E 11th Street MGP – OU3 Site BCP Site No. C231105 with an address of 181 Avenue D, New York, New York (“BCP Site”) other than it is to become the title owner of the Site. Requestor did not have involvement with the BCP Site at the time of disposal. The Requestor will perform all required environmental due diligence prior to becoming the title owner of the Site and will implement due care of the BCP Site during any BCP Site access activities once they become the title owner.

VOLUNTEER STATEMENT

The Requestor St. Emeric Development II LLC certifies it is a Volunteer, since it does not have nor has ever had a relationship with any of the past owners or operators that caused the contamination of the Brownfield Cleanup Program (“BCP”) CE-E 11th Street MGP – OU3 Site BCP Site No. C231105 with an address of 181 Avenue D, New York, New York (“BCP Site”) other than it is to become the beneficial owner of the Site. Requestor did not have involvement with the BCP Site at the time of disposal. The Requestor will perform all required environmental due diligence prior to becoming the beneficial owner of the Site and will implement due care of the BCP Site during any BCP Site access activities once they become the beneficial owner.

VOLUNTEER STATEMENT

The Requestor St. Emeric Development II MM LLC certifies it is a Volunteer, since it does not have nor has ever had a relationship with any of the past owners or operators that caused the contamination of the Brownfield Cleanup Program (“BCP”) CE-E 11th Street MGP – OU3 Site BCP Site No. C231105 with an address of 181 Avenue D, New York, New York (“BCP Site”) other than it is to become the title owner of the Site. Requestor did not have involvement with the BCP Site at the time of disposal. The Requestor will perform all required environmental due diligence prior to becoming the title owner of the Site and will implement due care of the BCP Site during any BCP Site access activities once they become the title owner.