

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. C241166-07-14**

HIP Cleaners (Rochdale Village Mall #2)

DEC Site Nos: C241166

Located at: 169-47 137th Avenue, Queens, Queens County, NY 11434
Hereinafter referred to as "Site"

by:

Rochdale Village, Inc.

169-55 137th Avenue, Queens, NY 11434

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, 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.

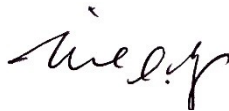
D. This Amendment may be signed in counterparts.

DATED:

June 16, 2020

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., Director
Division of Environmental Remediation

ROCHDALE VILLAGE, INC.

A HOUSING DEVELOPMENT COOPERATIVELY OWNED AND OPERATED



MANAGEMENT OFFICE

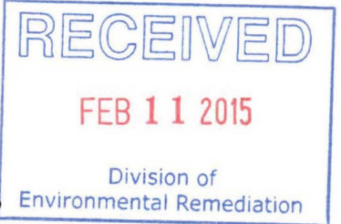
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Resolution Signatory for BCP Documents January 26, 2015

WHEREAS, in connection with the 2013 refinance at Rochdale Village, Rochdale Village, Inc. is required to remediate underground soil at the two (2) dry cleaners located in the malls;

WHEREAS, as part of the remediation, Rochdale was required to enter the Brownfield Cleanup Program ("BCP") through the Department of Environmental Conservation ("DEC"); and

WHEREAS, an individual is required to be designated as the signatory for Rochdale Village, Inc. to execute the BCP Agreement and future documents regarding the BCP.

THEREFORE BE IT RESOLVED, the President of the Rochdale Village Inc. Board of Directors is hereby authorized: (1) to execute in the name of and on behalf of Rochdale, any and all documents in connection with the BCP Application and related environmental remediation, including agreements or certificates of any kind or nature whatsoever; and (2) to take from time to time any other actions which such officer shall, in her discretion, determine to be necessary or appropriate to effect the necessary remediation.

ROCHDALE VILLAGE, INC.

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IN WITNESS WHEREOF, the members have caused this agreement to be duly executed,
as of the day and year first written above.

Felice Stark
Board President
Rochdale Village, Inc.

