

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

ted:

January 2021

^{*}Please refer to the attached instructions for guidance on filling out this application*

^{*}Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment involves a non-insignificant change in acreage, applicants are encouraged to consult with the DEC project team prior to submitting this application.*

Section I. Current Agreement In	formation	
BCP SITE NAME: Crannell Squ	ıare	BCP SITE NUMBER: C314130
NAME OF CURRENT APPLICAN	T(S): The Kearney Realty & Developm Crannell Square Housing Develo	ent Group, Inc., pment Fund Company, Inc., Crannel Square Limited Partnership
INDEX NUMBER OF AGREEMEN	т: C314130-10)-19 DATE OF ORIGINAL AGREEMENT: 10-21-2019
Section II. New Requestor Inform	mation (complete on	ly if adding new requestor or name has changed)
NAME		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
Is the requestor authorized to	conduct business in	New York State (NYS)? Yes No
 If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS. 		
NAME OF NEW REQUESTOR'S	REPRESENTATIVE	
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
NAME OF NEW REQUESTOR'S	CONSULTANT (if ap	oplicable)
ADDRESS		
CITY/TOWN ZIP CODE		
PHONE	FAX	E-MAIL
NAME OF NEW REQUESTOR'S	ATTORNEY (if appli	cable)
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
2. Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached?		
Describe Requestor's Relations	•	-

Section III. Current Property Ov Owner below is: Existing	wner/Operator Information (only inclu Applicant New Applicant No	de if new owner/operator) on-Applicant	
OWNER'S NAME (if different from	m requestor)		
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
OPERATOR'S NAME (if differen	t from requestor or owner)		
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<u> </u>	on for New Requestor (Please refer to)
If answering "yes" to any of the fo	llowing questions, please provide an ex	xplanation as an attachment.	
Are any enforcement actions	pending against the requestor regarding	g this site?)
Is the requestor presently sub- relating to contamination at the	oject to an existing order for the investigne site?	ation, removal or remediation ☐Yes ☐ No)
	outstanding claim by the Spill Fund for ther a party is subject to a spill claim sh)
any provision of the subject la	mined in an administrative, civil or crimin w; ii) any order or determination; iii) any imilar statute, regulation of the state or attachment.	y regulation implementing ECL	de
	been denied entry to the BCP? If so, inc dress, Department assigned site number		er lo
	in a civil proceeding to have committed ring, treating, disposing or transporting		
disposing or transporting of co	cted of a criminal offense i) involving the ontaminants; or ii) that involves a violent inistration (as that term is used in Article state?	felony, fraud, bribery, perjury, the	
jurisdiction of the Department,	alsified statements or concealed material, or submitted a false statement or made ent or application submitted to the Depart	e use of or made a fal <u>se</u> stat <u>em</u> er	
	or entity of the type set forth in ECL 27- or failure to act could be the basis for de)
1	tion in any remedial program under DEo antially comply with an agreement or ord		
11 Are there any unregistered hi	ılk storage tanks on-site which require r	egistration?	1

THE NEW REQUESTOR MUST CERTIFY THAT IT IS ACCORDANCE WITH ECL §27-1405 (1) BY CHECKII	
PARTICIPANT	VOLUNTEER
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.	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 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 he/she has 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 whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.
12. Requestor's Relationship to Property (check one):	
☐ Prior Owner ☐ Current Owner ☐ Potential /Futur	re Purchaser Other
13. If requestor is not the current site owner, proof of smust be submitted . Proof must show that the request BCA and throughout the BCP project, including the abilitathed? Yes Note: a purchase contract does not suffice as proof	stor will have access to the property before signing the ility to place an easement on the site Is this proof
mote. a parchase contract does not suffice as proc	n or access.

Section V. Property description and description of changes/ad	dditions/re	ductions (if applicab	le)
Property information on current agreement:				
ADDRESS 35 Catharine Street				
CITY/TOWN Poughkeepsie		ZIP C	ODE 1260)1
TAX BLOCK AND LOT (SBL)	TAL ACREA	AGE OF CU	RRENT SIT	E: 1.22
Parcel Address	Section No.	Block No.	Lot No.	Acreage
35 Catharine Street	6162	78	15709478	1.22
2. Check appropriate boxes below:				
Addition of property (may require additional citizen participate the expansion – see attached instructions)	tion depend	ling on the	nature of	
2a. PARCELS ADDED:				Acreage Added by
Parcel Address	Section No.	Block No.	Lot No.	Parcel
	То	tal acreage	to be added	:
Reduction of property				Aoroago
2b. PARCELS REMOVED:				Acreage Removed
Parcel Address	Section No.	Block No.	Lot No.	by Parcel
EIGHMIE Terrace	n/a	n/a	n/a	0.111
Change to SBL (e.g. merge, subdivision, address change)	Total ad	reage to be	removed: (0.111
2c. NEW SBL INFORMATION:	Section No	o. Block No	. Lot No.	Acreage
Parcel Address	Jection No	DIOCK NO	. LOCINO.	Acreage
If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.				
A TOTAL DEVICED CITE ACREAGE: 1 100				
3. TOTAL REVISED SITE ACREAGE: 1.109				

Supplement to the Application To Amend Brownfield Cleanup Agreement And Amendment - Questions for Sites Seeking Tangible Property Credits in New York City ONLY.

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	☐Yes ☐ No
Requestor seeks a determination that the site is eligible for the tangible property credit obrownfield redevelopment tax credit.	component of the Yes No
Please answer questions below and provide documentation necessary to support a	nswers.
 Is at least 50% of the site area located within an environmental zone pursuant to Telease see <u>DEC's website</u> for more information. 	ax Law 21(6)?
2. Is the property upside down as defined below?	☐Yes ☐ No
From ECL 27-1405(31):	
"Upside down" shall mean a property where the projected and incurred cost of the inverted remediation which is protective for the anticipated use of the property equals or exceeds of its independent appraised value, as of the date of submission of the application for part brownfield cleanup program, developed under the hypothetical condition that the propert contaminated.	seventy-five percent ticipation in the
3. Is the project an affordable housing project as defined below?	☐Yes ☐ No
From 6 NYCRR 375- 3.2(a) as of August 12, 2016:	
(a) "Affordable housing project" means, for purposes of this part, title fourteen of art seven of the environmental conservation law and section twenty-one of the tax law that is developed for residential use or mixed residential use that must include affor residential rental units and/or affordable home ownership units.	only, a project
(1) Affordable residential rental projects under this subdivision must be subject to state, or local government housing agency's affordable housing program, or a local regulatory agreement or legally binding restriction, which defines (i) a percentage o rental units in the affordable housing project to be dedicated to (ii) tenants at a define percentage of the area median income based on the occupants' households annual	l government's If the residential ned maximum
(2) Affordable home ownership projects under this subdivision must be subject to state, or local government housing agency's affordable housing program, or a local regulatory agreement or legally binding restriction, which sets affordable units aside owners at a defined maximum percentage of the area median income.	government's
(3) "Area median income" means, for purposes of this subdivision, the area median for the primary metropolitan statistical area, or for the county if located outside a mestatistical area, as determined by the United States department of housing and urbatistical area, or its successor, for a family of four, as adjusted for family size.	etropolitan

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: Crannell Square	BCP SITE NUMBER: C314130
NAME OF CURRENT APPLICANT(S): The Kearney Realty & Development Group, Inc., Crannell Square Housing Development Fund Company, Inc., Crannell Square Housing Development Group, Inc., Crannell Square Housing Group, Inc., Crannell Group, Inc., Crann	nel Square Limited Partnership
INDEX NUMBER OF AGREEMENT: C314130-10-19	
EFFECTIVE DATE OF ORIGINAL AGREEMENT: 10-21-2019	

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
Date:Signature:
Print Name:

applicant must sign)	es: Existing Applicant(s) (an authorized representative of each
(Individual)	
Section I above and that I am aware of this	wnfield Cleanup Agreement and/or Application referenced in a Application for an Amendment to that Agreement and/or es the requisite approval for the amendment to the BCA gnature by the Department.
Date: Signature:	
Print Name:	
(Entity)	
Application for an Amendment to that Agre below constitutes the requisite approval for upon signature by the Department.	(title) of
Date: 1/-5-20- Signature:	/h 3
Print Name: Ken Kearney	
REMAINDER OF THIS AMENDMENT WIL	L BE COMPLETED SOLELY BY THE DEPARTMENT
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.	XVOLUNTEER 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: October 21, 2019

Signature by the Department:

DATED: March 23, 2021

NEW YORK STATE DEPARTMENT OF **ENVIRONMENTAL CONSERVATION**

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

Statement of Certification and Signature applicant must sign)	es: Existing Applicant(s) (an authorized representative of each
(Individual)	
Section I above and that I am aware of this	vnfield Cleanup Agreement and/or Application referenced in Application for an Amendment to that Agreement and/or so the requisite approval for the amendment to the BCA gnature by the Department.
Date:Signature:	
Print Name:	
(Entity)	
Application for an Amendment to that Agre below constitutes the requisite approval for upon signature by the Department.	(title) of Crannell Square Limited Partnership (entity) which is a party to the olication referenced in Section I above and that I am aware of this ement and/or Application. Ken Kearney's signature the amendment to the BCA Application, which will be effective
Date: 2/16/2021 Signature:	
Print Name: Ken Kearney	
REMAINDER OF THIS AMENDMENT WILL Please see the following page for submittal NOTE: Applications submitted in fillable Status of Agreement:	L BE COMPLETED SOLELY BY THE DEPARTMENT instructions. format will be rejected.
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.	X 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	: 10-21-19
Signature by the Department:	
DATED: March 23, 2021	NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
	By: Michael J. Ryan, P.E. Director Division of Environmental Remediation

es: Existing Applicant(s) (an authorized representative of each
wnfield Cleanup Agreement and/or Application referenced in s Application for an Amendment to that Agreement and/or es the requisite approval for the amendment to the BCA gnature by the Department.
Crannell Square Housing Development ry Fund Company, Inc. (title) of(entity) which is a party to the plication referenced in Section I above and that I am aware of this eement and/or Application signature r the amendment to the BCA Application, which will be effective
Sinta Johns
<u>S</u>
L BE COMPLETED SOLELY BY THE DEPARTMENT I instructions. format will be rejected.
X 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.
: ₁₀₋₂₁₋₁₉
NEW YORK STATE DEDARTMENT OF
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
By: Megy

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

SUBMITTAL INFORMATION:

• **Two (2)** copies, one hard copy with original signatures and one electronic copy in final, non-fillable Portable Document Format (PDF) must be sent to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

NOTE: Applications submitted in fillable format will be rejected.

FOR DEPARTMENT USE ONLY	
BCP SITE T&A CODE:	LEAD OFFICE:
PROJECT MANAGER:	

CERTIFICATE OF KEARNEY REALTY & DEVELOPMENT GROUP

I, KEN KEARNEY, President of Kearney Realty & Development Group ("KRG") organized and existing under the laws of the State of New York do hereby CERTIFY that the following persons are qualified authorized signatories of ("KRG")on the date hereof, holding the position below set forth opposite their names, and the signature set opposite their names are their genuine signatures, and each of the persons below is authorized, empowered, and directed to execute any documents, instruments, certificates and any amendments in connection therewith in the name of and on behalf of KRG:

NAME	TITLE	<u>SIGNATURE</u>
Ken Kearney	President	况 K

IN WITNESS WHEREOF I have executed this Certificate this ____ day of February,

Hamman Millor

KEN KEARNEY, President

Kearney Realty & Development Group

Sworn to before me this

19th day of February, 2021

NOTARY PUBLING ON THE PUBLISHED ON THE PUBLIS

2021.

CRANNELL SQUARE HOUSING DEVELOPMENT FUND CORPORATION

MINTUES OF A MEETING OF THE BOARD OF DIRECTORS

February 23, 2021

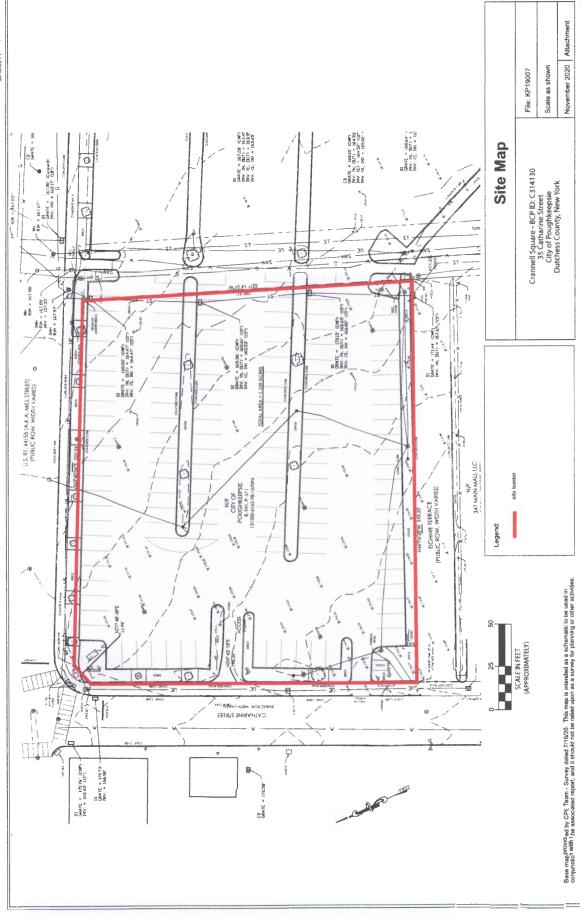
The following resolutions were adopted at a meeting of the Board of Directors of Crannell Square Housing Development Fund Corporation (the "Corporation"), proper notice of which was given to, or waived by, each of the members of the Board of Directors, and at which a quorum was present:

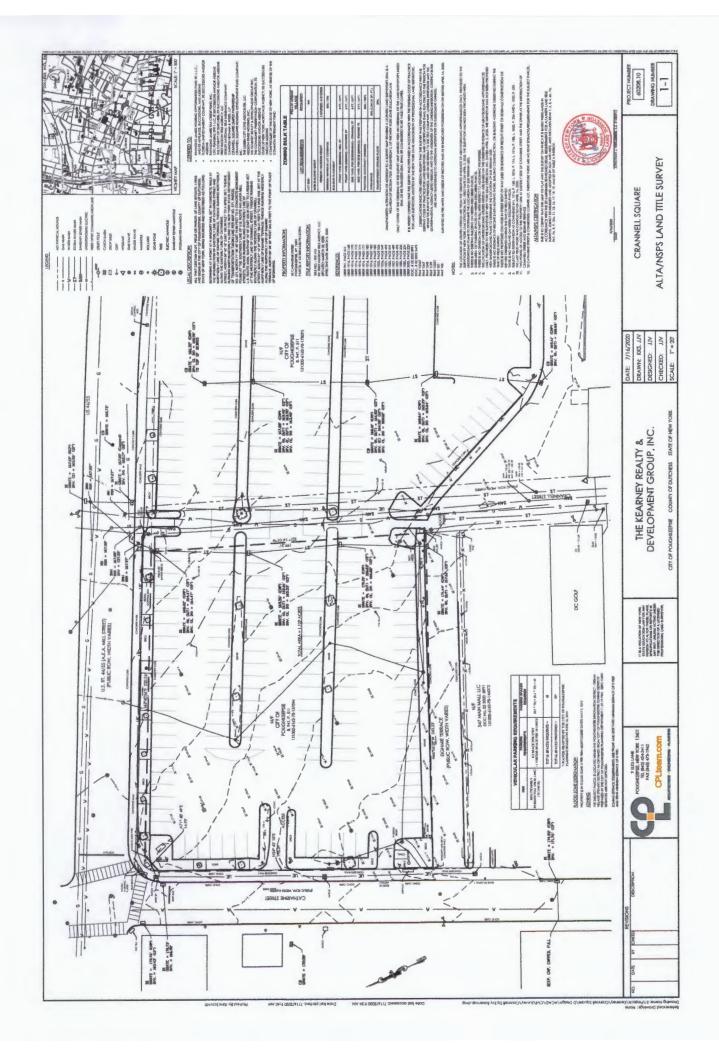
- 1. The Board of Directors of the Corporation hereby authorize and direct the Corporation to take the necessary steps to complete and execute the New York State Department of Environmental Conservation ("DEC") Brownfield Cleanup Program (BCP) Application to Amend Brownfield Cleanup Agreement Index Number: C203086-09-16 as Amended November 20, 2017 (the "Amendment") for BCP Site Number C203086 (the "Project Site");
- 2. The Board of Directors of the Corporation hereby approve, authorize, ratify, direct and consent to the execution, in the name of and on behalf of the Corporation by any officer, including but not limited to Vice President of the Corporation, of the following:
 - a. Any and all documents in connection with the Amendment by the Corporation for participation in the BCP;
 - b. Any and all agreements with DEC m connection with the Corporation's participation in the BCP;
 - c. Any and all documents in connection with the Corporation's participation in the BCP, including but not limited to amendments, agreements, and tax returns;
- 3. The Board of Directors of the Corporation hereby approves, authorizes, ratifies, directs and consents to the execution, in the name of and on behalf of the Corporation, by any officer, including but not limited to as Vice President of the Corporation, to take any action necessary or appropriate to the furtherance of the Corporation's participation in the BCP on behalf of the Corporation, with the further express authorization to delegate all or any portion of the authority described in this subsection to third party consultant(s), pursuant to written delegation executed by the Authorized Signatory.
- 3. The taking of any action or the execution of such documents and/or instruments by any Authorized Signatory pursuant to the terms of these resolutions shall be deemed conclusive evidence of the determination of such executing person that such action or execution was appropriate and in the best interests of the Corporation;
- 4. The authority hereby conferred shall be deemed retroactive, and any and all acts authorized herein which were performed prior to the execution and delivery of this consent are hereby approved and ratified. The authority hereby conferred shall continue in full force and effect

until the DEC shall have received notice, in writing, of the revocation hereof by a resolution duly adopted by the controlling member of the Corporation. Any such revocation shall be effective only as to actions taken by the Corporation subsequent to DEC's receipt of such notice.

Christa Hines

Secretary





SCHEDULE "A"

LEGAL DESCRIPTION

ALL that parcel of land situate in City of Poughkeepsie, County of Dutchess and State of New York being more particularly bounded and described as follows:

BEGINNING at a point at a masonry nail set in concrete walk at the intersection of easterly line of Catharine Street and northerly line of Eighmie Terrace; thence running northerly along the easterly line of Catharine Street, North 24° 42' 18" East 198.39 feet to a spike set; thence running northeasterly along the New York State Department of Transportation taking line per Map No. 271, Parcel No. 271, North 71° 48' 49" East 14.99 feet to a concrete monument found at the southerly line of U.S. Route 44/55 (A.K.A. Mill Street); thence running southerly line of U.S. Rt. 44/55, South 63° 40' 56" East 220.24 feet to a rebar set at the westerly line of Crannel Street; thence running southerly along the westerly line of Crannel Street, South 21° 14' 01" West 199.31 feet to a mag nail set at the northerly line of Eighmie Terrace; thence running westerly along the northerly line of Eighmie Terrace, North 66° 06' 28" West 243.23 feet to a point of place of BEGINNING.

Containing 1.109 acres of land, more or less.

