

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation
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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,



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.

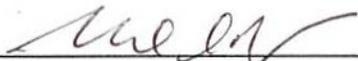
C. The effective date of this Amendment is the date it is signed by the Commissioner or the Commissioner's designee.

MAR 20 2018

DATED: _____

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

