

**New York State Department of Environmental Conservation**  
**Division of Environmental Remediation**  
Office of the Director, 12th Floor  
625 Broadway, Albany, New York 12233-7011  
Phone: (518) 402-9706 • Fax: (518) 402-9020  
Website: [www.dec.ny.gov](http://www.dec.ny.gov)

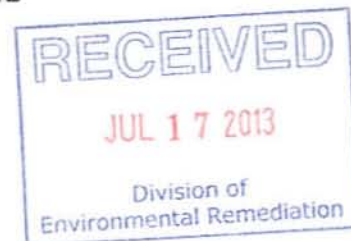


Joe Martens  
Commissioner

December 19, 2012

Smith Equities, LLC  
Paul Pollak  
175 Hewes Street, Apt. 2A  
Brooklyn, NY 11211-8039

Bogart Holdings LLC  
Joe Brunner  
390 Berry Street, Suite 200  
Brooklyn, New York 11249



Re: Brownfield Cleanup Agreement Amendment  
**2 Ingraham Street**  
Site No.: C224036  
Tax Map ID No.: 3084-1  
Property County: Kings  
Amendment No. 1

Dear Applicant:

This letter is forwarded to your attention in response to the Amendment Application for Change in Party that was submitted to amend the Brownfield Cleanup Agreement ("BCA" or "Agreement") which was signed on November 11, 2010. The application requested that the above referenced BCA be amended to remove a party, namely Smith Equities, LLC, and replace them with the new party namely: Bogart Holdings LLC, 390 Berry Street, Suite 200, Brooklyn, NY 11249, Attn: Joe Brunner, which is the new/current owner of the site.

The above request is hereby granted and incorporated into and is enforceable pursuant to the subject Agreement effective the date of this letter. 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.

Please have authorized representatives counter sign this letter to acknowledge acceptance of the Amendment, along with submitting proof that the new party executing the BCA Amendment are authorized to bind the Requestors. Please print this Amendment, have it signed, and send the original, with signatures, back to my attention at:

New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway, 12th Floor  
Albany, New York 12233-7011

Please keep a copy of the countersigned letter as proof of the BCA Amendment.

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.

Please contact me if you have any questions in this regard. Thank you for your assistance in this matter.

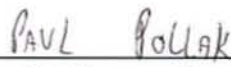
Sincerely,



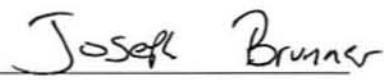
Robert W. Schick, P.E., Director  
Division of Environmental Remediation

The following Applicants, in signing this letter, do hereby acknowledge and accept the amendments to the BCAs as set forth above:

  
\_\_\_\_\_  
Smith Equities, LLC                      3/19/13  
Date

  
\_\_\_\_\_  
By: Name – please print

  
\_\_\_\_\_  
Bogart Holdings LLC                      3/19/13  
Date

  
\_\_\_\_\_  
By: Name – please print

cc: Michael Ryan  
Michael Caruso  
Benjamin Conlon  
Lou Oliva  
Robert Cozzy  
James Quinn  
Javier Perez-Maldonado  
Laura Zeppetelli  
Elissa Armater  
Kelly Lewandowski  
Joel H. Sachs, Esq. ([jsachs@kblaw.com](mailto:jsachs@kblaw.com))

# ESPL ENVIRONMENTAL CONSULTANTS CORPORATION

2 WEST 32<sup>ND</sup> STREET, NEW YORK, NEW YORK 10001 • TEL: (212) 330-7501 • FAX: (212) 330-7505

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July 15, 2013

NYSDEC  
Division of Environmental Remediation  
625 Broadway, 12<sup>th</sup> Floor  
Albany, New York 12233-7011



Attn.: Mr. Robert W. Schick, P.E., Director

Re: BCA Agreement  
2 Ingraham Street  
Site No. C224036

Dear Mr. Schick:

Attached please find the following documentation for the above referenced site:

- 1) A copy of the letter dated December 19, 2012, from NYSDEC and the original countersigned BCA amendment for the change in ownership.
- 2) The Articles of Organization of Bogart Holdings LLC and filing receipt.
- 3) IRS letter dated April 24, 2012, issuing a EIN for Bogart Holdings.
- 4) Bogart Holdings LLC sole member letter dated December 31, 2012.
- 5) An e-mail from Louis Olivia, dated June 4, 2013

Should you have any questions please contact me.

Regards,

A handwritten signature in black ink, appearing to read "Ray Kahn".

Ray Kahn

FILING RECEIPT

=====

ENTITY NAME: BOGART HOLDINGS LLC

DOCUMENT TYPE: ARTICLES OF ORGANIZATION (DOM LLC)

COUNTY: ALBA

=====

FILED:04/20/2012 DURATION:\*\*\*\*\* CASH#:120420000387 FILM #:120420000364

FILER:

EXIST DATE

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IINTERSTATE FILINGS LLC  
2071 FLATBUSH AVENUE  
SUITE 165  
BROOKLYN, NY 11234

-----  
04/20/2012

ADDRESS FOR PROCESS:

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THE LLC  
390 BERRY STREET  
BROOKLYN, NY 11249

SUITE 200

REGISTERED AGENT:



=====

SERVICE COMPANY: INTERSTATE FILINGS, LLC

SERVICE CODE: LN \*

FEEs            200.00  
-----  
FILING        200.00  
TAX            0.00  
CERT          0.00  
COPIES        0.00  
HANDLING      0.00

PAYMENTS        200.00  
-----  
CASH            0.00  
CHECK           0.00  
CHARGE          0.00  
DRAWDOWN       200.00  
OPAL            0.00  
REFUND          0.00



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**ARTICLES OF ORGANIZATION  
OF  
BOGART HOLDINGS LLC**

**Under Section 203 of the Limited Liability Company Law**

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Filed by: Interstate Filings LLC  
2071 Flatbush Avenue Suite 165  
Brooklyn, NY 11234  
Drawdown Acct # LN

Ref# 3127

**ARTICLES OF ORGANIZATION  
OF  
BOGART HOLDINGS LLC**

**Under Section 203 of the Limited Liability Company Law**

1. The name of the limited liability company is **BOGART HOLDINGS LLC**
2. The county within this state which the office of the limited liability company is to be located is Albany County.
3. The Company does not have a specific date of dissolution in addition to the events of dissolution set forth by law.
4. The Secretary of State is designated as agent of the limited liability company upon who process against it may be served. The post office address within or without this state to which the Secretary of State shall mail a copy of any process against the limited liability company served upon him or her is:

**BOGART HOLDINGS LLC**  
390 Berry Street, Suite 200  
Brooklyn, NY 11249

5. The limited liability company shall be managed by one or more managers.

IN WITNESS WHEREOF, this certificate has been subscribed this 5<sup>th</sup> day of April, 2012 by the undersigned.

/S/Alex England  
Alex England, Organizer



Department of the Treasury  
Internal Revenue Service  
Ogden, UT 84201

In reply refer to: 0443141991  
Apr 24, 2012 LTR 147C  
90-0825145

BOGART HOLDINGS LLC  
JOSEPH BRUNNER SOLE MBR  
390 BERRY ST STE 200  
BROOKLYN NY 11249

Taxpayer Identification Number: 90-0825145

Form(s):

Dear Taxpayer:

This letter is in response to your telephone inquiry of April 24th, 2012.

Your Employer Identification Number (EIN) is 90-0825145. Please keep this number in your permanent records. You should enter your name and your EIN, exactly as shown above, on all business federal tax forms that require its use, and on any related correspondence documents.

If you have any questions regarding this letter, please call our Customer Service Department at 1-800-829-0115 between the hours of 7:00 AM and 10:00 PM. If you prefer, you may write to us at the address shown at the top of the first page of this letter. When you write, please include a telephone number where you may be reached and the best time to call.

Sincerely,

Marsha Harris  
1000143957  
Customer Service Representative

**BOGART HOLDINGS LLC**  
**390 Berry Street Suite 200**  
**Brooklyn, NY 11249**  
**Tel: 718-302-2171 Fax: 718-302-2175**

December 31, 2012

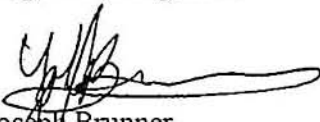
**Re: Bogart Holdings LLC**  
**Certification**

To Whom It May Concern:

Please be advised that Bogart Holdings LLC is a sole member LLC and that Joseph Brunner is the sole member and is authorized to take all actions necessary to fulfill the LLC's obligations in the BCP.

You may contact the undersigned at 718.302.2171 with any questions.

Very truly yours,  
Bogart Holdings LLC



Joseph Brunner  
Member



## Ray Kahn

---

**From:** Louis Oliva <lpoliva@gw.dec.state.ny.us>  
**Sent:** Tuesday, June 04, 2013 6:49 PM  
**To:** Jr  
**Cc:** <rkahn@espl.com>; Ari; Javier Perez-Maldonado; <maxstark74@yahoo.com>  
**Subject:** Re: 2 Ingraham Brooklyn

What you have submitted is fine. You don't need to submit any other document.

>>> Jr <yb321@yahoo.com> 6/4/2013 6:33 PM >>>

We don't have any other documentation. If you would like me to create anything, kindly advise what forms you want me to fill out and I will be more than glad to sign it and send it to you.

On Jun 4, 2013, at 6:05 PM, "Louis Oliva" <lpoliva@gw.dec.state.ny.us> wrote:

Do you have any documentation that shows the members (in this case - one member) and his authority to act?

>>> Ari <findari@gmail.com> 6/4/2013 12:40 PM >>>

Please see attached and advise.

Thanking You,

Ari Worch  
Bruman Realty LLC  
390 Berry Street Suite# 200  
Brooklyn, NY 11249  
Tel. 718-302-2171  
Fax. 718-302-2175

On Tue, Jun 4, 2013 at 12:13 PM, Louis Oliva <lpoliva@gw.dec.state.ny.us> wrote:

If those papers show that Mr. Brunner is the sole member and is authorized to bind the Corporation, those papers would be sufficient.

If you send me a copy, I will review them and let you know if they are sufficient.

Lou Oliva  
Regional Attorney  
NYSDEC - Region 2

>>> Jr <yb321@yahoo.com> 6/4/2013 11:07 AM >>>

Please explain what type of corporate papers, are you referring to arrivals of organization? Please specify.

Thanks

On Jun 4, 2013, at 11:02 AM, "Louis Oliva" <lpoliva@gw.dec.state.ny.us> wrote:

Mr. Worch:

The DEC will also need to you or Mr. Brunner to submit a copy of the corporate papers that authorized Mr Brunner to take action. This is required in order for the DEC to confirm that the statement and corporate papers are consistent.  
Please contact me if you have any questions.

Lou Oliva  
Regional Attorney  
NYSDEC - Region 2  
718-482-4961

>>> Ari <findari@gmail.com> 6/3/2013 1:02 PM >>>  
Please see attached and advise if this is sufficient.

Thanking You,

Ari Worch  
Bruman Realty LLC  
390 Berry Street Suite# 200  
Brooklyn, NY 11249  
Tel. 718-302-2171  
Fax. 718-302-2175

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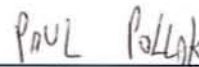
Sincerely,



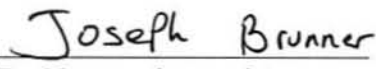
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3/19/13  
Date

  
By: Name – please print

  
Bogart Holdings LLC  
3/19/13  
Date

  
By: Name – please print

cc: Michael Ryan  
Michael Caruso  
Benjamin Conlon  
Lou Oliva  
Robert Cozzy  
James Quinn  
Javier Perez-Maldonado  
Laura Zeppetelli  
Elissa Armater  
Kelly Lewandowski  
Joel H. Sachs, Esq. ([jsachs@kblaw.com](mailto:jsachs@kblaw.com))