

KRAMER LEVIN NAFTALIS & FRANKEL LLP

CHARLES S. WARREN
PARTNER
PHONE 212-715-9387
FAX 212-715-8000
CWARREN@KRAMERLEVIN.COM

August 24, 2017

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


Re: Amendment to Brownfield Cleanup Agreement
BCP Site Number C224221
Index Number C224221-06

Dear Chief, Site Control Section:

Enclosed are amendments to the existing Brownfield Cleanup Agreement ("BCA") for the above Brownfield site. These amendments add three entities to the Agreement. The entities are 383 Carroll Street LLC, Tinney 323-325 LLC and Cleanup President LLC. The first two entities are the owners of the lots who have executed access agreements and are related to 426 President Street LLC, the original applicant. The last entity, Cleanup President LLC is a subsidiary of 426 President Street LLC and was recently formed to finance the remediation under the BCA.

This is a minor amendment which does not change the basic facts related to this site.

Sincerely,


Charles S. Warren

cc: Andrew Guglielmi

1177 AVENUE OF THE AMERICAS NEW YORK NY 10036-2714 PHONE 212.715.9100 FAX 212.715.8000

990 MARSH ROAD MENLO PARK CA 94025-1949 PHONE 650.752.1700 FAX 650.752.1800

47 AVENUE HOCHE 75008 PARIS FRANCE PHONE (33-1) 44 09 46 00 FAX (33-1) 44 09 46 01

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Department of
Environmental
Conservation

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

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

Check the appropriate box below based on the nature of the amendment modification requested:

☒ Amendment to [check one or more boxes below]

- ☒ Add
- ☐ Substitute
- ☐ Remove
- ☐ Change in Name

applicant(s) to the existing Brownfield Cleanup Agreement [*Complete Section I-IV below and Part II*]

Does this proposed amendment involve a transfer of title to all or part of the brownfield site? ☐ Yes ☒ No

If yes, pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been previously submitted. If not, please submit this form with this Amendment. See <http://www.dec.ny.gov/chemical/76250.html>

☐ Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Sections I and V below and Part II*]

☐ Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Section I and V below and Part II*]

☐ **Sites in Bronx, Kings, New York, Queens, or Richmond counties ONLY:** Amendment to request determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Please answer questions on the supplement at the end of the form.

☐ Other (explain in detail below)

Please provide a brief narrative on the nature of the amendment:

To add the names of the owners of some of the lots as well as the entity that will be funding the remediation.

Please refer to the attached instructions for guidance on filling out this application

Section I. Existing Application Information		
BCP SITE NAME: President Street Properties		BCP SITE NUMBER: C224221
NAME OF CURRENT APPLICANT(S): 426 President Street LLC		
INDEX NUMBER OF EXISTING AGREEMENT: C224221-06		DATE OF EXISTING AGREEMENT: 10/08/15
Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)		
NAME Tinneny 323-325 LLC		
ADDRESS 426 President Street		
CITY/TOWN Brooklyn		ZIP CODE 11231
PHONE 917-417-1226	FAX NA	E-MAIL twodans@live.com
Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<ul style="list-style-type: none"> 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 Daniel Tinneny		
ADDRESS 20 Boyle Street		
CITY/TOWN Staten Island		ZIP CODE 10306
PHONE 917-417-1226	FAX NA	E-MAIL twodans@live.com
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable) Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C.		
ADDRESS 360 West 31st Street, 8th Floor		
CITY/TOWN New York		ZIP CODE 10001
PHONE 212-479-5582	FAX 212-479-5444	E-MAIL rmanderbach@langan.com
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable) Charles S. Warren, KLN&F		
ADDRESS 1177 Avenue of the Americas		
CITY/TOWN New York		ZIP CODE 10036
PHONE 212-715-9387	FAX 212-715-8000	E-MAIL cwarren@kramerlevin.com
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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Describe Requestor's Relationship to Existing Applicant: Owns Block 438, Lots 1 and 2. Signed Access Agreement.		

Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight new information)

OWNER'S NAME (if different from requestor)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Section IV. Eligibility Information for New Requestor (Please refer to ECL § 27-1407 for more detail)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? ☐ Yes ☒ No
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site? ☐ Yes ☒ No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? ☐ Yes ☒ No
Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.
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, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☒ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, Department assigned site number, the reason for denial, and other relevant information. ☐ Yes ☒ No
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 of contaminants? ☐ Yes ☒ No
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? ☐ Yes ☒ No
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? ☐ Yes ☒ No
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? ☐ Yes ☒ No
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? ☐ Yes ☒ No
11. Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☒ No

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:

☐

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 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.

Requestor's Relationship to Property (check one):

☐ Prior Owner ☒ Current Owner ☐ Potential /Future Purchaser ☐ Other _____

If 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 signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached? ☐ Yes ☐ No

Note: a purchase contract does not suffice as proof of access.

Section V. Property description and description of changes/additions/reductions (if applicable)

ADDRESS

CITY/TOWN

ZIP CODE

TAX BLOCK AND LOT (TBL) (in existing agreement)

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: President Street Properties	BCP SITE NUMBER: C224221
NAME OF CURRENT APPLICANT(S): 426 President Street LLC	
INDEX NUMBER OF EXISTING AGREEMENT: C224221-06-15	
EFFECTIVE DATE OF EXISTING AGREEMENT: October 8, 2015	

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 style="margin-left: 100px;"><i>an Authorized</i></p> <p>I hereby affirm that I am (title <u>Signatory</u>) of (entity <u>Tinneny 323-325 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>My</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: <u>8/22/17</u> Signature: <u>Daniel Tinneny</u></p> <p>Print Name: <u>Daniel Tinneny</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 an Authorized Signatory (title) of 426 President Street 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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 8/22/17 Signature: Daniel Tinneny

Print Name: Daniel Tinneny

REMAINDER OF THIS AMENDMENT WILL 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.

☒

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: 10/2/15

Signature by the Department:

DATED: 3/23/18

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

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

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through August 15, 2017.

Selected Entity Name: TINNENY 323-325 LLC

Selected Entity Status Information

Current Entity Name: TINNENY 323-325 LLC

DOS ID #: 3785449

Initial DOS Filing Date: MARCH 12, 2009

County: RICHMOND

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

TINNENY 323-325 LLC

15 COLD SPRING COURT

STATEN ISLAND, NEW YORK, 10304-1359

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this

information is not recorded and only available by
viewing the certificate.

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
MAR 12, 2009	Actual	TINNENY 323-325 LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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ACTION BY WRITTEN CONSENT
OF THE MEMBERS OF TINNENY 323-325 LLC,
A New York limited liability company

The undersigned, being members (the "Members") of TINNENY 323-325 LLC, a New York limited liability company (the "Company"), hereby take the following actions and adopt the following resolution in accordance with the authority contained in Sections 402 and 407 of the New York Limited Liability Company Law and the Operating Agreement of the Company effective as of March 11, 2009 (as amended, amended and restated, supplemented or otherwise modified from time to time, the "Operating Agreement") and, acting by written consent, hereby adopt the following recitals and resolution, effective as of August 21, 2017.

WHEREAS, 383 Carroll Street LLC, a New York limited liability company, is the owner of a certain parcel of real property located at 327 Bond Street (Tax Lot 2-445-8) ("Property I");

WHEREAS, the Company is the owner of those certain parcels of real property located at 323 and 325 Bond Street Tax Lots 3-438-2 and 3-438-1, respectively), Brooklyn, New York ("Properties II and III");

WHEREAS, 426 President Street LLC, a New York limited liability company ("Initial Volunteer"), is the owner of a certain parcel of real property located at 319 Bond Street (Tax Lot 2-438-3, "Property IV") and the former bed of President Street, Brooklyn, New York (Tax Lot 3-445-50, "Property V," (Properties I-V, referred to as the "Properties");

WHEREAS, Initial Volunteer previously entered into letter agreements with 383 Carroll Street LLC and the Company, permitting Initial Volunteer to access Property I and Properties II and III, respectively, for purposes of implementing the BCA (defined below);

WHEREAS, Initial Volunteer applied to enter the Properties into the New York State Brownfields Cleanup Program (the "BCP") pursuant to Article 27 of the New York Environmental Conservation Law (the "ECL"), and the New York State Department of Environment Conservation ("DEC") agreed to admit Initial Volunteer into the BCP as a "Volunteer" with respect to the Properties;

WHEREAS, Initial Volunteer has entered into a certain Brownfield Cleanup Agreement dated October 8, 2015 (the "BCA") required by DEC under Article 27 of the ECL;

WHEREAS, DEC and Initial Volunteer wish to amend the BCA to add as "Volunteer" parties (a) the Company, (b) 383 Carroll Street LLC, and (c) Cleanup President LLC, a New York limited liability company that is wholly owned by Initial Volunteer (collectively, the "Additional Volunteers"); and the Additional Volunteers also wish to enter into the BCA, as amended;

WHEREAS, pursuant to the terms of Article 3 of the Operating Agreement, all decisions to be taken on behalf of the Company shall be determined by a majority vote of the members of the Company according to their percentage membership interests; and

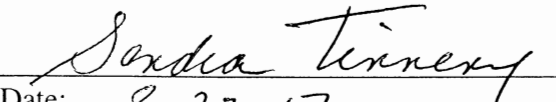
WHEREAS, the undersigned hold a majority of the percentage membership interests in the Company,

NOW, THEREFORE, BE IT RESOLVED that Daniel P. Tinneney is hereby authorized and directed, in the name and on behalf of the Company, to execute and deliver the Application to Amend Brownfield Cleanup Agreement and Amendment (the "Amendment") and such other documents and instruments on behalf of the Company as are necessary or appropriate to enter into and implement and perform the obligations of the Company under the BCA as amended by the Amendment.

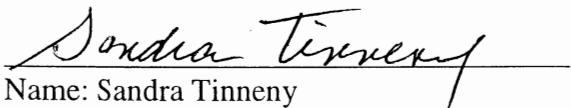
[signature page follows]

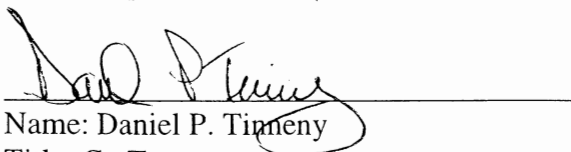
IN WITNESS WHEREOF, the undersigned Members have executed this Action by
Written Consent as of the date first written above.

SANDRA TINNENY,
As a Member


Date: 8-22-17

DANIEL TINNENY 2012 FAMILY TRUST
As a Member

By: 
Name: Sandra Tinneny
Title: Co-Trustee
Date: 8-22-17

By: 
Name: Daniel P. Tinneny
Title: Co-Trustee
Date: 8/22/17



Department of
Environmental
Conservation

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

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

Check the appropriate box below based on the nature of the amendment modification requested:

☒ Amendment to [check one or more boxes below]

- ☒ Add
- ☐ Substitute
- ☐ Remove
- ☐ Change in Name

applicant(s) to the existing Brownfield Cleanup Agreement [Complete Section I-IV below and Part II]

Does this proposed amendment involve a transfer of title to all or part of the brownfield site? ☐ Yes ☒ No

If yes, pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been previously submitted. If not, please submit this form with this Amendment. See <http://www.dec.ny.gov/chemical/76250.html>

☐ Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Sections I and V below and Part II]

☐ Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Section I and V below and Part II]

☐ **Sites in Bronx, Kings, New York, Queens, or Richmond counties ONLY:** Amendment to request determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Please answer questions on the supplement at the end of the form.

☐ Other (explain in detail below)

Please provide a brief narrative on the nature of the amendment:

To add the names of the owners of some of the lots as well as the entity that will be funding the remediation.

Please refer to the attached instructions for guidance on filling out this application

Section I. Existing Application Information		
BCP SITE NAME: President Street Properties		BCP SITE NUMBER: C224221
NAME OF CURRENT APPLICANT(S): 426 President Street LLC		
INDEX NUMBER OF EXISTING AGREEMENT: C224221-06		DATE OF EXISTING AGREEMENT: 10/08/15
Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)		
NAME 383 Carroll Street LLC		
ADDRESS 426 President Street		
CITY/TOWN Brooklyn		ZIP CODE 11231
PHONE 917-417-1226	FAX NA	E-MAIL twodans@live.com
Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<ul style="list-style-type: none"> 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 Daniel Tinneney		
ADDRESS 20 Boyle Street		
CITY/TOWN Staten Island		ZIP CODE 10306
PHONE 917-417-1226	FAX NA	E-MAIL twodans@live.com
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable) Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C.		
ADDRESS 360 West 31st Street, 8th Floor		
CITY/TOWN New York		ZIP CODE 10001
PHONE 212-479-5582	FAX 212-479-5444	E-MAIL rmanderbach@langan.com
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable) Charles S. Warren, KLN&F		
ADDRESS 1177 Avenue of the Americas		
CITY/TOWN New York		ZIP CODE 10036
PHONE 212-715-9387	FAX 212-715-8000	E-MAIL cwarren@kramerlevin.com
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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Describe Requestor's Relationship to Existing Applicant: Owns adjoining lots and signed access agreement, Block 445, Lots 8 and 11.		

Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight new information)

OWNER'S NAME (if different from requestor)		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
OPERATOR'S NAME (if different from requestor or owner)		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL

Section IV. Eligibility Information for New Requestor (Please refer to ECL § 27-1407 for more detail)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

- Are any enforcement actions pending against the requestor regarding this site? ☐ Yes ☒ No
- Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site? ☐ Yes ☒ No
- Is the requestor subject to an outstanding claim by the Spill Fund for this site? ☐ Yes ☒ No
Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.
- 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, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☒ No
- Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, Department assigned site number, the reason for denial, and other relevant information. ☐ Yes ☒ No
- 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 of contaminants? ☐ Yes ☒ No
- 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? ☐ Yes ☒ No
- 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? ☐ Yes ☒ No
- 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? ☐ Yes ☒ No
- 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? ☐ Yes ☒ No
- Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☒ No

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:

☐ 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

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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.

Requestor's Relationship to Property (check one):

☐ Prior Owner ☒ Current Owner ☐ Potential /Future Purchaser ☐ Other _____

If 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 signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached? ☐ Yes ☐ No

Note: a purchase contract does not suffice as proof of access.

Section V. Property description and description of changes/additions/reductions (if applicable)

ADDRESS

CITY/TOWN

ZIP CODE

TAX BLOCK AND LOT (TBL) (in existing agreement)

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
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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 an Authorized Signatory) of (entity 383 Carroll Street 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.

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

Date: 8/22/17 Signature: Daniel Timney

Print Name: Daniel Timney

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 an Authorized Signatory (title) of 426 President Street 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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 8/22/17 Signature: Daniel Tinnery

Print Name: Daniel Tinnery

REMAINDER OF THIS AMENDMENT WILL 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.

☐

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:

**NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**

By:

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

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through August 15, 2017.

Selected Entity Name: 383 CARROLL STREET LLC

Selected Entity Status Information

Current Entity Name: 383 CARROLL STREET LLC

DOS ID #: 3784606

Initial DOS Filing Date: MARCH 11, 2009

County: RICHMOND

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

383 CARROLL STREET LLC

15 COLD SPRING COURT

STATEN ISLAND, NEW YORK, 10304-1359

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this

information is not recorded and only available by
[viewing the certificate.](#)

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
MAR 11, 2009	Actual	383 CARROLL STREET LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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ACTION BY WRITTEN CONSENT
OF THE MEMBERS OF 383 CARROLL STREET LLC,
A New York limited liability company

The undersigned, being members (the "Members") of 383 CARROLL STREET LLC, a New York limited liability company (the "Company"), hereby take the following actions and adopt the following resolution in accordance with the authority contained in Sections 402 and 407 of the New York Limited Liability Company Law and the Operating Agreement of the Company effective as of March 11, 2009 (as amended, amended and restated, supplemented or otherwise modified from time to time, the "Operating Agreement") and, acting by written consent, hereby adopt the following recitals and resolution, effective as of August 21, 2017.

WHEREAS, the Company is the owner of a certain parcel of real property located at 327 Bond Street (Tax Lot 2-445-8) ("Property I");

WHEREAS, Tinneny 323-325 LLC, a New York limited liability company, is the owner of those certain parcels of real property located at 323 and 325 Bond Street (Tax Lots 3-438-2 and 3-438-1, respectively), Brooklyn, New York ("Properties II and III");

WHEREAS, 426 President Street LLC, a New York limited liability company ("Initial Volunteer"), is the owner of a certain parcel of real property located at 319 Bond Street (Tax Lot 2-438-3, "Property IV") and the former bed of President Street, Brooklyn, New York (Tax Lot 3-445-50, "Property V," (Properties I-V, referred to as the "Properties");

WHEREAS, Initial Volunteer previously entered into letter agreements with the Company and with Tinneny 323-325 LLC, permitting Initial Volunteer to access Property I and Properties II and III, respectively, for purposes of implementing the BCA (defined below);

WHEREAS, Initial Volunteer applied to enter the Properties into the New York State Brownfields Cleanup Program (the "BCP") pursuant to Article 27 of the New York Environmental Conservation Law (the "ECL"), and the New York State Department of Environment Conservation ("DEC") agreed to admit Initial Volunteer into the BCP as a "Volunteer" with respect to the Properties;

WHEREAS, Initial Volunteer has entered into a certain Brownfield Cleanup Agreement date October 8, 2015 (the "BCA") required by DEC under Article 27 of the ECL;

WHEREAS, DEC and Initial Volunteer wish to amend the BCA to add as "Volunteer" parties (a) the Company, (b) Tinneny 323-325 LLC, and (c) Cleanup President LLC, a New York limited liability company that is wholly owned by Initial Volunteer (collectively, the "Additional Volunteers"); and the Additional Volunteers also wish to enter into the BCA, as amended;

WHEREAS, pursuant to the terms of Article 3 of the Operating Agreement, all decisions to be taken on behalf of the Company shall be determined by a majority vote of the members of the Company according to their percentage membership interests; and

WHEREAS, the undersigned hold a majority of the percentage membership interests in the Company,

NOW, THEREFORE, BE IT RESOLVED that Daniel P. Tinneny is hereby authorized and directed, in the name and on behalf of the Company, to execute and deliver the Application to Amend Brownfield Cleanup Agreement and Amendment (the "Amendment") and such other documents and instruments on behalf of the Company as are necessary or appropriate to enter into and implement and perform the obligations of the Company under the BCA as amended by the Amendment.

[signature page follows]

IN WITNESS WHEREOF, the undersigned Members have executed this Action by
Written Consent as of the date first written above.

SANDRA TINNENY,

As a Member

Sandra Tinneny
Date: 8-22-17

DANIEL TINNENY 2012 FAMILY TRUST

As a Member

By: *Sandra Tinneny*
Name: Sandra Tinneny
Title: Co-Trustee
Date: 8-22-17

By: *Dan P Tinneny*
Name: Daniel P. Tinneny
Title: Co-Trustee
Date: 8/22/17



Department of
Environmental
Conservation

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

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

Check the appropriate box below based on the nature of the amendment modification requested:

☒ Amendment to [check one or more boxes below]

- ☒ Add
- ☐ Substitute
- ☐ Remove
- ☐ Change in Name

applicant(s) to the existing Brownfield Cleanup Agreement [*Complete Section I-IV below and Part II*]

Does this proposed amendment involve a transfer of title to all or part of the brownfield site? ☐ Yes ☒ No

If yes, pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been previously submitted. If not, please submit this form with this Amendment. See <http://www.dec.ny.gov/chemical/76250.html>

☐ Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Sections I and V below and Part II*]

☐ Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Section I and V below and Part II*]

☐ **Sites in Bronx, Kings, New York, Queens, or Richmond counties ONLY:** Amendment to request determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Please answer questions on the supplement at the end of the form.

☐ Other (explain in detail below)

Please provide a brief narrative on the nature of the amendment:

To add the names of the owners of some of the lots as well as the entity that will be funding the remediation.

Please refer to the attached instructions for guidance on filling out this application

Section I. Existing Application Information		
BCP SITE NAME: President Street Properties		BCP SITE NUMBER: C224221
NAME OF CURRENT APPLICANT(S): 426 President Street LLC		
INDEX NUMBER OF EXISTING AGREEMENT: C224221-06		DATE OF EXISTING AGREEMENT: 10/08/15
Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)		
NAME Cleanup President LLC		
ADDRESS 426 President Street		
CITY/TOWN Brooklyn		ZIP CODE 11231
PHONE 917-417-1226	FAX NA	E-MAIL twodans@live.com
Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<ul style="list-style-type: none"> 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 Daniel Tinneney		
ADDRESS 20 Boyle Street		
CITY/TOWN Staten Island		ZIP CODE 10306
PHONE 917-417-1226	FAX NA	E-MAIL twodans@live.com
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable) Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C.		
ADDRESS 360 West 31st Street, 8th Floor		
CITY/TOWN New York		ZIP CODE 10001
PHONE 212-479-5582	FAX 212-479-5444	E-MAIL rmanderbach@langan.com
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable) Charles S. Warren, KLN&F		
ADDRESS 1177 Avenue of the Americas		
CITY/TOWN New York		ZIP CODE 10036
PHONE 212-715-9387	FAX 212-715-8000	E-MAIL cwarren@kramerlevin.com
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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Describe Requestor's Relationship to Existing Applicant: Subsidiary of 426 President Street LLC and will fund remediation.		

Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight new information)

OWNER'S NAME (if different from requestor)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Section IV. Eligibility Information for New Requestor (Please refer to ECL § 27-1407 for more detail)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? ☐ Yes ☒ No
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site? ☐ Yes ☒ No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? ☐ Yes ☒ No
Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.
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, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☒ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, Department assigned site number, the reason for denial, and other relevant information. ☐ Yes ☒ No
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 of contaminants? ☐ Yes ☒ No
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? ☐ Yes ☒ No
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? ☐ Yes ☒ No
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? ☐ Yes ☒ No
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? ☐ Yes ☒ No
11. Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☒ No

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:

☐ 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 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.

Requestor's Relationship to Property (check one):

☐ Prior Owner ☒ Current Owner ☐ Potential /Future Purchaser ☐ Other _____

If 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 signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached? ☐ Yes ☐ No

Note: a purchase contract does not suffice as proof of access.

Section V. Property description and description of changes/additions/reductions (if applicable)

ADDRESS

CITY/TOWN

ZIP CODE

TAX BLOCK AND LOT (TBL) (in existing agreement)

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: President Street Properties	BCP SITE NUMBER: C224221
NAME OF CURRENT APPLICANT(S): 426 President Street LLC	
INDEX NUMBER OF EXISTING AGREEMENT: C224221-06-15	
EFFECTIVE DATE OF EXISTING AGREEMENT: October 8, 2015	

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>an Authorized Signatory</u>) of (entity <u>Cleanup President 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>My</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: <u>8/22/17</u> Signature: <u>Daniel Tinneny</u></p> <p>Print Name: <u>Daniel Tinneny</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 an Authorized Signatory (title) of 426 President Street 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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 8/22/17 Signature: Daniel Timmer

Print Name: Daniel Timmer

REMAINDER OF THIS AMENDMENT WILL 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.

☐

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:

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

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

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through August 15, 2017.

Selected Entity Name: CLEANUP PRESIDENT LLC

Selected Entity Status Information

Current Entity Name: CLEANUP PRESIDENT LLC

DOS ID #: 5176425

Initial DOS Filing Date: JULY 26, 2017

County: KINGS

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

JED S. MARCUS C/O MARCUS ATTORNEYS PLLC

13 GREENE AVENUE

BROOKLYN, NEW YORK, 11238

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this

information is not recorded and only available by
[viewing the certificate.](#)

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
JUL 26, 2017	Actual	CLEANUP PRESIDENT LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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ACTION BY WRITTEN CONSENT
OF THE MEMBERS OF 426 PRESIDENT STREET LLC,
A New York limited liability company

The undersigned, being members (the "Members") of 426 PRESIDENT STREET LLC, a New York limited liability company (the "Company"), hereby take the following actions and adopt the following resolution in accordance with the authority contained in Sections 402 and 407 of the New York Limited Liability Company Law and the Operating Agreement of the Company effective as of March 11, 2009 (as amended, amended and restated, supplemented or otherwise modified from time to time, the "Operating Agreement") and, acting by written consent, hereby adopt the following recitals and resolution, effective as of August 21, 2017.

WHEREAS, the Company is the sole member of Cleanup President LLC, a New York limited liability company;

WHEREAS, the Company is the owner of a certain parcel of real property located at 319 Bond Street (Tax Lot 3-438-3) and the former bed of President Street (Tax Lot 3-445-50), and obtained letter agreements permitting the Company to access for purposes of implementing the BCA (defined below) certain parcels of real property located at 323, 325 and 327 Bond Street, Brooklyn, New York (Tax Lots 3-438-2, 3-438-1, and 3-445-8, respectively)(collectively, with the properties owned by the Company, the "Properties");

WHEREAS, the Company applied to enter the Properties into the New York State Brownfields Cleanup Program (the "BCP") pursuant to Article 27 of the New York Environmental Conservation Law (the "ECL"), and the New York State Department of Environment Conservation ("DEC") agreed to admit Company into the BCP as a "Volunteer" with respect to the Properties;

WHEREAS, the Company has entered into a certain Brownfield Cleanup Agreement dated October 8, 2015 (the "BCA") required by DEC under Article 27 of the ECL;

WHEREAS, DEC and the Company wish to amend the BCA to add as "Volunteer" parties (a) Tinneny 323-325 LLC, a New York limited liability company, which is the owner of 323 and 325 Bond Street (Tax Lots 3-438-2 and 3-438-2, respectively) (b) 383 Carroll Street LLC, a New York limited liability company, which is the owner of 327 Bond Street (Tax Lot 3-445-8), and (c) Cleanup President LLC (collectively, the "Additional Volunteers"); and the Additional Volunteers also wish to enter into the BCA, as amended;

WHEREAS, pursuant to the terms of Article 3 of the Operating Agreement, all decisions to be taken on behalf of the Company shall be determined by a majority vote of the members of the Company according to their percentage membership interests; and

WHEREAS, the undersigned hold a majority of the percentage membership interests in the Company,

NOW, THEREFORE, BE IT RESOLVED that Daniel P. Tinneney is hereby authorized and directed, in the name and on behalf of the Company, to execute and deliver the Application to Amend Brownfield Cleanup Agreement and Amendment (the "Amendment") and such other documents and instruments on behalf of the Company as are necessary or appropriate to enter into and implement and perform the obligations of the Company under the BCA as amended by the Amendment;

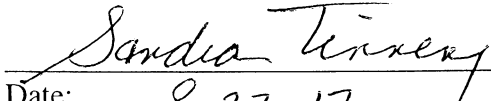
AND BE IT FURTHER RESOLVED that Daniel P. Tinneney is hereby authorized and directed, on behalf of the Company, acting as sole member of Cleanup President LLC, to execute and deliver, on behalf of Cleanup President LLC, the Application to Amend Brownfield Cleanup Agreement and Amendment (the "Amendment") and such other documents and instruments on behalf of Cleanup President LLC as are necessary or appropriate to enter into and implement and perform the obligations of Cleanup President LLC under the BCA as amended by the Amendment.

[signature page follows]

IN WITNESS WHEREOF, the undersigned Members have executed this Action by
Written Consent as of the date first written above.

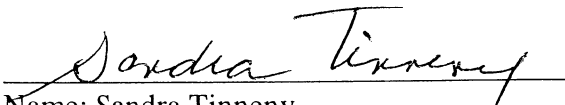
SANDRA TINNENY,

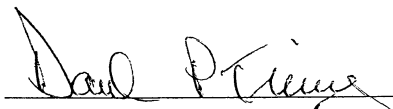
As a Member


Date: 8-22-17

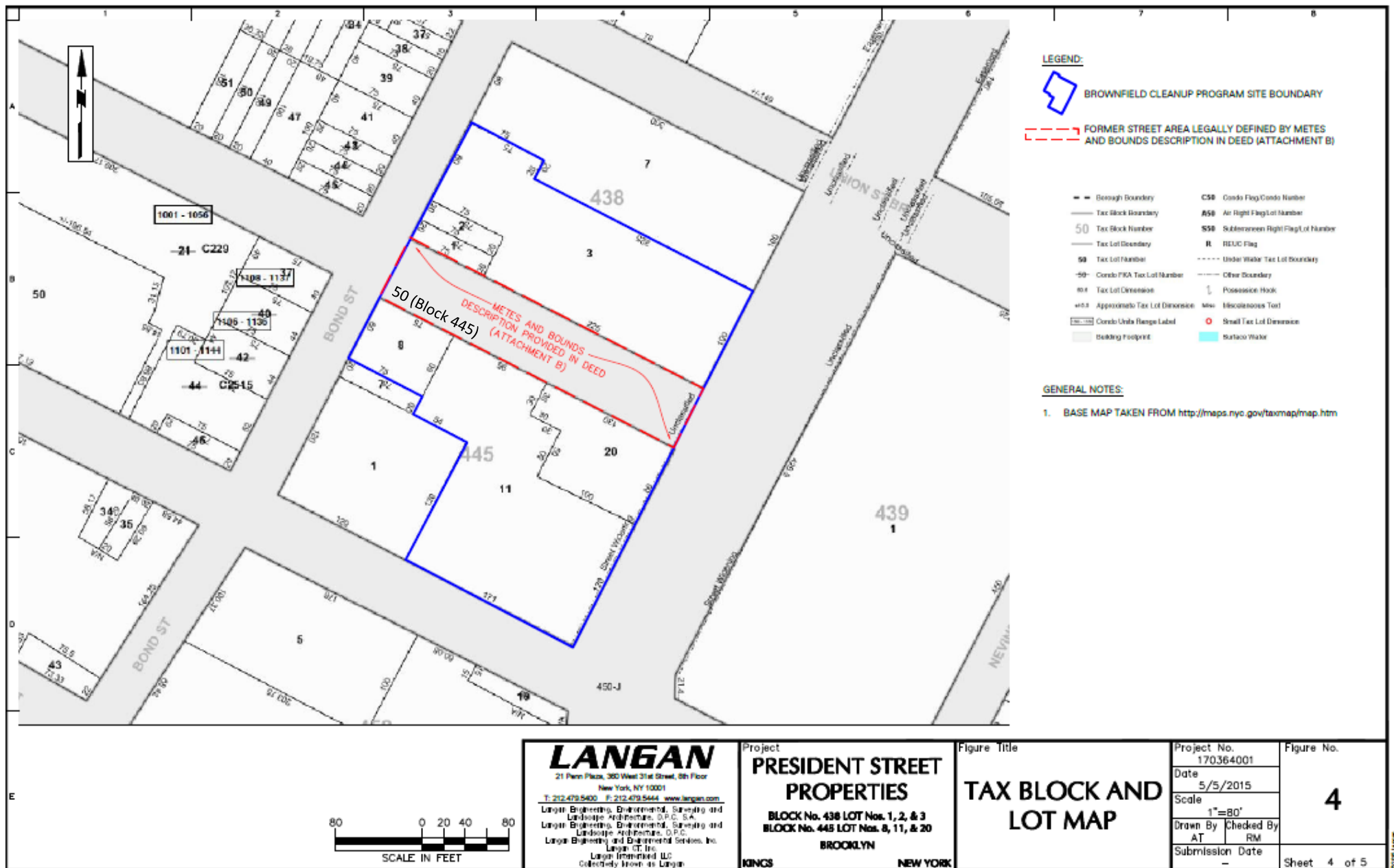
DANIEL TINNENY 2012 FAMILY TRUST

As a Member

By: 
Name: Sandra Tinneny
Title: Co-Trustee
Date: 8-22-17

By: 
Name: Daniel P. Tinneny
Title: Co-Trustee
Date: 8/22/17

Tinneny 323-325 LLC – Block 438: Lots 1 and 2



**STATEMENT OF CLEANUP PRESIDENT LLC
ON BEHALF OF ITS STATUS AS A VOLUNTEER**

Cleanup President LLC, which was formed on July 26, 2017 is a wholly subsidiary of the applicant, 426 President Street LLC; it has no ownership or management other than 426 President Street LLC, the current applicant which is a Volunteer. Cleanup President LLC is properly designated as a Volunteer because its liability arises solely from involvement with the site after the release of hazardous waste or the discharge of petroleum. It will be funding the actions necessary to complete the investigation and required remediation under the Brownfield Cleanup Program at the site and will be making sure that all steps are taken to stop any continuing discharge, prevent any threatened future release and prevent or limit human, environmental or natural resource exposure to any released hazardous waste.

**STATEMENT ON BEHALF OF
383 CARROLL STREET LLC ON VOLUNTEER STATUS**

383 Carroll Street LLC is the current owner of Tax Block 445, Lots 8 and 11 and is properly designated as a Volunteer. It has the same principals, ownership and management as the applicant, 426 President Street LLC (which is a Volunteer) and its liability arises solely from involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum and simultaneously with the current applicant's involvement. It has signed an access agreement which has allowed the applicant to take steps to stop any continuing discharge, prevent any threatened future release and prevent or limit human, environmental or natural resource exposure to any released hazardous waste. Actions taken included hiring a consultant to conduct testing and moving forward to proceed to deal with the site in the Brownfield Cleanup Program.

**STATEMENT ON BEHALF OF
TINNENY 323-325 LLC ON VOLUNTEER STATUS**

Tinneney 323-325 LLC is the current owner of Tax Block 438, Lots 1 and 2 and is properly designated as a Volunteer. It has the same principals, ownership and management, 426 President Street LLC (which is a Volunteer) and its liability arises solely from involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum simultaneously with the current applicant's involvement. It has signed an access agreement which has allowed the applicant to take steps to stop any continuing discharge, prevent any threatened future release and prevent or limit human, environmental or natural resource exposure to any released hazardous waste. Actions taken included hiring a consultant to conduct testing and moving forward to proceed to deal with the site in the Brownfield Cleanup Program.