



55 E. 87th Street #8B
New York, New York 10128
Phone: 212-876-3189
Cell: 917-576-3667
Email: Larry@SchnapfLaw.com
Web: www.schnapflaw.com

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

Re: BCP Site No. 241182

In connection with a proposed sale of the above-referenced BCP site, please find:

1. Change of Use Form;
2. Application to Amend BCA to Add Purchaser as Volunteer;
3. Resolution authorizing Fredric Oliver to execute on behalf of existing applicant;
4. Consent authorizing Isaac Jacobowitz to execute on behalf of new requestor;
5. Access Agreement granting access to New Requestor; and
6. Volunteer Statement for New Requestor.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read 'Larry Schnapf', is written over the typed name 'Lawrence Schnapf'. The signature is fluid and cursive, with a large, sweeping 'L' and 'S'.

Lawrence Schnapf

RECEIVED

DEC 26 2018

BUR. OF TECH. SUPPORT



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:

The applicant has entered into a contract to sell the BCP site to the Requestor who will assume responsibility for implementing the BCP remedial program. Pursuant to the agreement between the parties, the Requestor is to be added to the BCA as a volunteer.

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

Section I. Existing Agreement Information		
BCP SITE NAME: 31/32 LIC LLC		BCP SITE NUMBER: C241182
NAME OF CURRENT APPLICANT(S): 31/32 LIC LLC		
INDEX NUMBER OF EXISTING AGREEMENT: C241182-02-16		DATE OF EXISTING AGREEMENT: 3/15/16
Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)		
NAME 31-32 LIC Holdings LLC		
ADDRESS c/o Carnegie Management, Inc., 545 Broadway #4		
CITY/TOWN Brooklyn, New York		ZIP CODE 11206
PHONE 718-486-9700	FAX	E-MAIL isaac@qualitylofts.com
Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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 Isaac Jacobowitz		
ADDRESS c/o Carnegie Management Inc., 545 Broadway #4		
CITY/TOWN Brooklyn, New York		ZIP CODE 11206
PHONE 718-486-9700	FAX 486-9681	E-MAIL isaac@qualitylofts.com
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable) C.A. Rich Consultants		
ADDRESS 17 Dupont Street		
CITY/TOWN Plainview, New York		ZIP CODE 11803
PHONE 516-576-8844	FAX	E-MAIL RIZZO@CARICHINC.COM
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable) George Duke, Esq.		
ADDRESS Brown Duke & Fogel, P.C., 350 Fifth Avenue, Suite 4640		
CITY/TOWN New York, New York		ZIP CODE 10118
PHONE 646-915-0236	FAX	E-MAIL GDUKE@BDFLEGAL.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: The Existing Applicant and Requestor are parties to a purchase and sale agreement for the BCP site.		

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) 31/32 LIC LLC

ADDRESS 100 Ring Road West, Suite 101

CITY/TOWN Garden City, New York

ZIP CODE 11530

PHONE (516) 248-4920

FAX

E-MAIL foliver73@gmail.com

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. See Attached

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

Check appropriate boxes below:

☐

Changes to metes and bounds description or TBL correction

☐

Addition of property (may require additional citizen participation depending on the nature of the expansion – see attached instructions)

Approximate acreage added: _____

ADDITIONAL PARCELS:

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

☐

Reduction of property

Approximate acreage removed: _____

PARCELS REMOVED:

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

**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.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see <u>DEC's website</u> for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>From ECL 27-1405(31):</p> <p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>	
3. Is the project an affordable housing project as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>From 6 NYCRR 375- 3.2(a) as of August 12, 2016:</p> <p>(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.</p> <p>(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income.</p> <p>(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.</p> <p>(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.</p>	

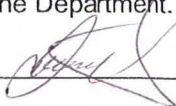
PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: 31/32 LIC LLC	BCP SITE NUMBER: C241182
NAME OF CURRENT APPLICANT(S): 31/32 LIC LLC	
INDEX NUMBER OF EXISTING AGREEMENT: C241182-02-16	
EFFECTIVE DATE OF EXISTING AGREEMENT: 03/15/16	

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 <u>MEMBER</u>) of (entity <u>31-32 LIC Holdings 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.
_____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.
Date: <u>12/5/18</u> Signature: <u>X</u> 
Print Name: <u>Isaac Jacobowitz</u>

Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)

(Individual)

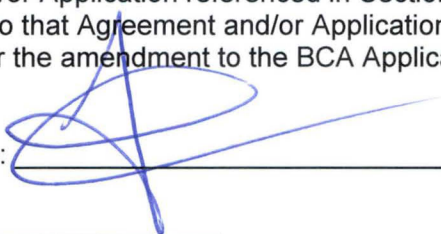
I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am authorized signatory (title) of 31/32 LIC 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. Fredric Oliver's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 12/14/2018 Signature: 

Print Name: Fredric Oliver

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: 3/15/16

Signature by the Department:

DATED: 3/11/19

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:



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 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

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____ **LEAD OFFICE:** _____

PROJECT MANAGER: _____

WRITTEN CONSENT
OF
THE SOLE AND MANAGING MEMBER OF
31/32 LIC LLC

The undersigned, being the sole and managing member (the "Managing Member") of 31/32 LIC LLC, a Delaware limited liability company, the ("Company") does hereby consent to and adopt the following resolutions for, and on behalf of the Company:

Resolved, that Fredric Oliver is authorized on behalf of the Company to execute all instruments, applications and documents and to make such certifications and agreements and to do all things necessary or advisable in connection with amending any agreements with respect to Brownfield Cleanup Program Site Number C241182 (the "BCA") affecting that certain real property known by the street addresses of 37-29 31st Street and 37-26 32nd Street, Long Island City, New York and to execute and deliver any and all other agreements, amendments, applications, affidavits, undertakings and certificates, as he, in his discretion, may determine to be necessary or advisable in connection therewith; and,


It is further unanimously resolved by the Managing Member that any actions heretofore or hereafter taken by Fredric Oliver in connection with the above-described Brownfield Cleanup Program, including without limitation entering into the BCA, are each hereby ratified and approved.

It is understood and agreed that the New York State Department of Environmental Conservation is and shall be relying on the statements and authorizations made herein.

IN WITNESS WHEREOF, this CONSENT has been executed as of the day and year first above written.

Dated as of the 5th day of December, 2018.

WSANE 31/32 LLC, Sole and
Managing Member

By: 
William S. Achenbaum
Manager

CERTIFICATE OF RESOLUTION TO FILL OUT BROWNSFIELD PROGRAM
APPLICATION

I, Isaac Jacobowitz, as a Member of 31-32 LIC HOLDINGS LLC (the "Company"), a New York Limited Liability Company do hereby CERTIFY that at duly convened meeting of the Membership of said Limited Liability Company held on the 5th day of December, 2018, a quorum being presented and acting throughout, the following preamble and resolutions were unanimously adopted and recorded in the minute book of said organization and do not contravene any provision of corporate charter or by-laws and are now in full force and effect without revocation or charge:

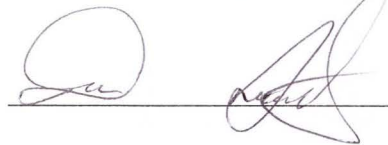
"WHEREAS, Isaac Jacobowitz is the Member of the Company;

"WHEREAS, The Company, has agreed to Brownfield program application;

NOW THEREFORE, it is hereby resolved:

1. That Isaac Jacobowitz, as member of the Company is hereby authorized to execute and certify any document in relation to said Brownfield program application.

IN WITNESS WHEREOF, we have hereunto set our hand this 5th day of December, 2018.

A handwritten signature in dark ink, appearing to read 'Isaac Jacobowitz', is written over a horizontal line.

Name: Isaac Jacobowitz

Title: Member

31-32 LIC HOLDINGS LLC
MEMBER CONSENT TO ENTER THE NEW YORK STATE
BROWNFIELD CLEANUP PROGRAM AND COMPLETE
REMEDIAL PROGRAM REQUIREMENTS

The undersigned, being all of the members of 31-32 LIC Holdings LLC, a New York limited liability company (the "Company") hereby certify as of December 18, 2018, as follows and adopt the following resolutions and authorize the Company to authorize and direct Isaac Jacobowitz a/k/a Isaac Jacobs (the "Authorized Signatory") to take the following actions on behalf of the Company:

WHEREAS, the Company was formed pursuant to the Articles of Organization dated December 3, 2018 by Isaac Jacobs, the organizer;

WHEREAS, the Company desires to authorize the Authorized Signatory to undertake actions necessary to redevelop 37-29 31st Street and 37-26 32nd Street, Long Island City, Section 3, Block 373, Lot 6 (the "Property" or the "Site");

WHEREAS, in connection with the redevelopment of the Property, the Company has or will prepare and submit an application to participate in the New York State Brownfield Cleanup Program ("BCP") and, if accepted into the BCP, enter into a Brownfield Cleanup Agreement ("BCA"); file related documents with the New York State Department of Environmental Conservation ("DEC") to participate in the BCP; and undertake certain environmental remediation work related thereto consistent with applicable laws, regulations and guidance under the BCP (collectively referred to as the "Remedial Program Requirements");

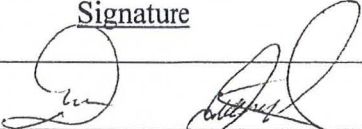
NOW THEREFORE, BE IT

RESOLVED, that the Authorized Signatory be, and hereby is, authorized and directed, in the name of and on behalf of the Company, to execute and to deliver all applications, documents and instruments required to apply to participate in the BCP, effectuate the BCA (including the execution of the BCA), grant an environmental easement and make any filings required to comply with the BCA consistent with the Remedial Program Requirements; and be it further

RESOLVED, that this Member Consent may be signed in any number of counterparts, including but not limited to electronic, and shall become effective as of the date herein below written when each person named below shall have signed a copy hereof; and be it further

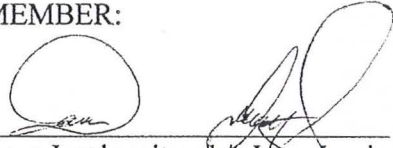
*[Remainder of Page Intentionally Blank - Member Consent for
BCP Remedial Program Requirements]*

RESOLVED, that the Authorized Signatory is authorized to bind the Company as an Authorized Signatory for the purposes set forth in this Member Consent, the signature set forth opposite his name below is his actual signature:

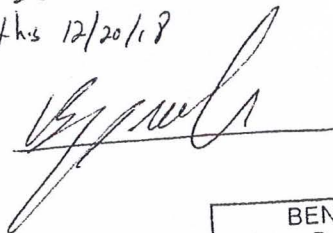
<u>Authorized Signatory</u>	<u>Signature</u>
Isaac Jacobowitz a/k/a Isaac Jacobs	

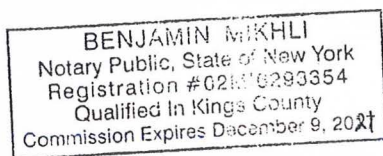
IN WITNESS WHEREOF, the undersigned have signed and sealed this Member Consent on December 19, 2018.

MEMBER:


Isaac Jacobowitz a/k/a Isaac Jacobs

Sworn on before me
this 12/20/18





[Signature page - Member Consent for BCP Remedial Program Requirements]

ACKNOWLEDGEMENT COPY

ARTICLES OF ORGANIZATION OF

31-32 LIC Holdings LLC

Under Section 203 of the Limited Liability Company Law

FIRST: The name of the limited liability company is:

31-32 LIC Holdings LLC

SECOND: The county, within this state, in which the office of the limited liability company is to be located is ALBANY.

THIRD: The Secretary of State is designated as agent of the limited liability company upon whom process against it may be served. The 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:

31-32 LIC Holdings LLC
PO BOX 10873
ALBANY, NY 12201

I certify that I have read the above statements, I am authorized to sign these Articles of Organization, that the above statements are true and correct to the best of my knowledge and belief and that my signature typed below constitutes my signature.

ISAAC JACOBS, ORGANIZER (signature)

ISAAC JACOBS , ORGANIZER

Filed by:
USACORP INC.
325 DIVISION AVE
STE 201
BROOKLYN, NY 11211

USACORP (RW)

DRAWDOWN

CUSTOMER REF# 31LIHO

ONLINE FILING RECEIPT

ENTITY NAME: 31-32 LIC HOLDINGS LLC

DOCUMENT TYPE: ARTICLES OF ORGANIZATION (DOM. LLC)

COUNTY: ALBA

FILED:12/03/2018 DURATION:***** CASH#:181203010179 FILE#:181203010179
DOS ID:5451980

FILER:

EXIST DATE

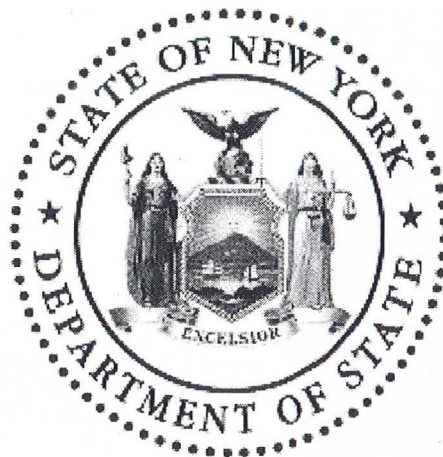
USACORP INC.
325 DIVISION AVE
STE 201
BROOKLYN, NY 11211

12/03/2018

ADDRESS FOR PROCESS:

31-32 LIC HOLDINGS LLC
PO BOX 10873
ALBANY, NY 12201

REGISTERED AGENT:



The limited liability company is required to file a Biennial Statement with the Department of State every two years pursuant to Limited Liability Company Law Section 301. Notification that the Biennial Statement is due will only be made via email. Please go to www.email.ebiennial.dos.ny.gov to provide an email address to receive an email notification when the Biennial Statement is due.

=====

SERVICE COMPANY: USACORP-RW
SERVICE CODE: RW

FEE:	200.00	PAYMENTS	200.00
	-----		-----
FILING:	200.00	CHARGE	0.00
TAX:	0.00	DRAWDOWN	200.00
PLAIN COPY:	0.00		
CERT COPY:	0.00		
CERT OF EXIST:	0.00		

=====

31LIHO

DOS-1025 (04/2007)

Authentication Number: 1812030184 To verify the authenticity of this document you may access the Division of Corporation's Document Authentication Website at <http://ecorp.dos.ny.gov>

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through December 21, 2018.

Selected Entity Name: 31-32 LIC HOLDINGS LLC

Selected Entity Status Information

Current Entity Name: 31-32 LIC HOLDINGS LLC

DOS ID #: 5451980

Initial DOS Filing Date: DECEMBER 03, 2018

County: ALBANY

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)

31-32 LIC HOLDINGS LLC

PO BOX 10873

ALBANY, NEW YORK, 12201

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
DEC 03, 2018	Actual	31-32 LIC HOLDINGS 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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31/32 LIC LLC

100 Ring Road West, Suite 101
Garden City, New York 11530

This letter confirms that 31/32 LIC LLC, the owner of the real property known as Block 373 Lot 6 with a street address 37-29 31st Street, Queens, New York , has granted its contract vendee, 31-32 LIC Holdings LLC, ("Buyer), as well as Buyer's agents, contractors and consultants, upon execution of the requested amendment to the Brownfield Cleanup Agreement by New York State Department of Environmental Conservation's ("NYSDEC") to access the property to perform any and all obligations required by NYSDEC under the Brownfield Cleanup Program ("BCP").

In addition, the Owner shall cooperate, to the extent necessary to complete the remedial program requirements for the Property pursuant to the BCP, to allow placement of institutional and engineering controls on the Property, which may include the granting and recordation of an environmental easement.

If the Contract of Sale, dated December 3, 2018, between the parties is terminated for any reason, then rights granted under this consent letter shall also terminate and the Buyer as well as Buyer's agents, contractors and consultants shall no longer have any right to access the Property without the express consent of the Owners.

Very truly Yours,

By: _____


WILLIAM ACHEENBAUM, V.P.
OF 31/32 LIC LLC

Requestor Eligibility as a Volunteer

This statement is hereby provided to the New York State Department of Environmental Conservation ("DEC") as a supplement to the Brownfield Cleanup Program (BCP) Application to Amend the Brownfield Cleanup Agreement/Index No. C241182-02-16 (the "BCA") to add 31-32 LIC Holdings LLC (the "Requestor") as an Applicant to the BCA. Requestor is currently in contract to purchase the property located at 37-29 31st Street and 37-26 32nd Street, Long Island City, Section 3, Block 373, Lot 6; BCP Site No. C241182 (the "Site") from the current owner 31/32 LIC LLC (the "Applicant").

As part of its pre-acquisition due diligence, the Requestor reviewed available environmental documentation pertaining to the Site, including the BCA, the Decision Document, dated December 2016, a Waste Characterization Report Addendum prepared by CA Rich Consultants, Inc. ("CA Rich"), dated March 31, 2017, and the New York State Department of Environmental Conservation ("DEC") approved a Remedial Action Work Plan (RAWP), dated September 2016.

Requestor will be purchasing the Site subject to the RAWP and plans on entering DEC's BCP as a Volunteer to complete the required remediation on the Site under the BCP consistent with the approved RAWP. Under ECL § 27-1405(1)(b) and 6 NYCRR §375-3.2(c)(2), a Volunteer is defined as an applicant other than a participant, including without limitation a person whose liability arises solely as a result of such person's ownership or operation of or involvement with the site subsequent to the disposal or discharge of contaminants, provided however, such person exercises appropriate care with respect to contamination found at the facility by taking reasonable steps to: (i) stop any continuing release; (ii) prevent any threatened future release; and (iii) prevent or limit human, environmental, or natural resource exposure to any previously released contamination.

Requestor has no prior involvement or connection with the Seller other than its contract to purchase the Site, thus Requestor's liability will arise solely as a result of ownership of the Site subsequent to the disposal of the identified contamination. Requestor intends to develop the Site and will be exercising appropriate care immediately after purchase, i.e. it is purchasing the Site subject to an DEC-approved RAWP which it intends to implement once DEC approves its participation in the BCP. Accordingly, the Requestor qualifies as Volunteers under ECL § 27-1405.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



**60-Day Advance Notification of Site Change of Use, Transfer of
Certificate of Completion, and/or Ownership**

Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

To be submitted at least 60 days prior to change of use to:

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

I. **Site Name:** 31/32 LIC LLC **DEC Site ID No.** C241182

II. **Contact Information of Person Submitting Notification:**

Name: Fredric Oliver
Address1: 100 Ring Road West, Suite 101, Garden City, New York 11530
Address2: _____
Phone: (516) 248-4920 E-mail: foliver73@gmail.com

III. **Type of Change and Date:** Indicate the Type of Change(s) (check all that apply):

- ☒ Change in Ownership or Change in Remedial Party(ies)
☐ Transfer of Certificate of Completion (CoC)
☐ Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy): Dec 21, 2018

IV. **Description:** Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

~~Current applicant has entered into a purchase and sale agreement to sell the BCP site to the purchaser~~
who will be added to the BCA as a volunteer. An application to amend the BCA is being submitted with this change of use form.

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

- V. **Certification Statement:** Where the change of use results in a change in ownership or in responsibility for the proposed, ongoing, or completed remedial program for the site, the following certification must be completed (by owner or designated representative; see §375-1.11(d)(3)(i)):

I hereby certify that the prospective purchaser and/or remedial party has been provided a copy of any order, agreement, Site Management Plan, or State Assistance Contract regarding the Site's remedial program as well as a copy of all approved remedial work plans and reports.

Name: X _____
(Signature)

12/5/18
(Date)

Frederic Oliver

(Print Name)

Address1: 100 Ring Road West, Suite 101, Garden City, New York 11530

Address2: _____

Phone: (516) 248-4920 E-mail: foliver73@gmail.com

- VI. **Contact Information for New Owner, Remedial Party, or CoC Holder:** If the site will be sold or there will be a new remedial party, identify the prospective owner(s) or party(ies) along with contact information. If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/ECs), indicate who will be the certifying party (attach additional sheets if needed).

☒ Prospective Owner ☒ Prospective Remedial Party ☐ Prospective Owner Representative

Name: 31-32 LIC Holdings LLC

Address1: c/o Carnegie Management Inc., 545 Broadway #4, Brooklyn, NY 11206

Address2: _____

Phone: 718-486-9700 E-mail: isaac@qualitylofts.com

Certifying Party Name: _____

Address1: _____

Address2: _____

Phone: _____ E-mail: _____


VII. Agreement to Notify DEC after Transfer: If Section VI applies, and all or part of the site will be sold, a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the holder of the CoC for the site, the CoC should be transferred to the new owner using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>. This form has its own filing requirements (see 6NYCRR Part 375-1.9(f)).

Signing below indicates that these notices will be provided to the DEC within the specified time frames. If the sale of the site also includes the transfer of a CoC, the DEC agrees to accept the notice given in VII.3 below in satisfaction of the notice required by VII.1 below (which normally must be submitted within 15 days of the sale of the site).

Within 30 days of the sale of the site, I agree to submit to the DEC:

1. the name and contact information for the new owner(s) (see §375-1.11(d)(3)(ii));
2. the name and contact information for any owner representative; and
3. a notice of transfer using the DEC's form found at <http://www.dec.ny.gov/chemical/54736.html> (see §375-1.9(f)).

Name:


(Signature)


(Date)

Fredric Oliver

(Print Name)

Address1: 100 Ring Road West, Suite 101, Garden City, New York 11530

Address2:

Phone: (516) 248-4920

E-mail: foliver73@gmail.com