



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:

31-32 LIC Holdings LLC had been previously added to the BCA in connection with its proposed purchase of the BCP Site. However, this transaction did not close and the agreement between the parties was terminated. Accordingly, the Applicants request that 31-32 LIC Holdings LLC be removed from the BCA.

Requestors, 37-29 31st St LLC and 166 Manhattan CM LLC, have entered into an agreement to purchase the BCP site and will assume responsibility for implementing the BCP remedial program. Pursuant to the agreement between the parties, the Requestors desire to be added to the BCA as a volunteer.

RECEIVED

AUG 13 2019

Bur. Of Tech. Support

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 and 31-32 LIC Holdings LLC

INDEX NUMBER OF EXISTING AGREEMENT: C241182-02-16 DATE OF EXISTING AGREEMENT: 03/15/16

Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)

NAME 37-29 31st St LLC and 166 Manhattan CM LLC

ADDRESS 35-22 Linden Place

CITY/TOWN Flushing

ZIP CODE 11354

PHONE 917-678-9308

FAX

E-MAIL garychenfishing@yahoo.com

Is the requestor authorized to conduct business in New York State (NYS)?



Yes



No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.

NAME OF NEW REQUESTOR'S REPRESENTATIVE Yi Hua (Gary) Chen

ADDRESS 35-22 Linden Place

CITY/TOWN Flushing

ZIP CODE 11354

PHONE 917-678-9308

FAX

E-MAIL garychenfishing@yahoo.com

NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)

ADDRESS

CITY/TOWN

ZIP CODE 10118

PHONE

FAX

E-MAIL

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?



Yes



No

Describe Requestor's Relationship to Existing Applicant:

The owner/ Applicant and Requestors are parties to a purchase and sale agreement for the BCP site.

Note: information contained in sections II and IV pertain to both Requestors

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. **Note: answers pertain to both Requestors**

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 DEC's website 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 and 31-32 LIC Holdings 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)
<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>Member</u>) of (entity <u>166 Manhattan CM 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>Yi Hua Chen's</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>8/8/19</u> Signature: <u>[Signature]</u></p> <p>Print Name: <u>Yi Hua Chen</u></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 and 31-32 LIC Holdings 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 Member) of (entity 37-29 31st St 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.

Yi Hua Chen's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 8/8/19 Signature: 

Print Name: Yi Hua Chen

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 VICE PRESIDENT (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. Fredic 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: 7/17/19 Signature: [Signature]

Print Name: William Adenban

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: 9/18/19

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

[Signature]
Michael J. Ryan P.E. Director

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 Member (title) of 31-32 LLC Holdings 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. Isaac Jacobowitz signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 7/15/14 Signature: 

Print Name: Isaac Jacobowitz

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: 9/18/14

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: _____

BROWNFIELD CLEANUP PROGRAM (BCP)
INSTRUCTIONS FOR COMPLETING A BCP AMENDMENT APPLICATION

This form must be used to add a party, modify a property description, or reduce/expand property boundaries for an existing BCP Agreement and/or Application. **NOTE: DEC requires a standard application to request major changes to the description of the property set forth in the BCA (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). The application must be submitted to DEC in the same manner as the original application to participate.**

SECTION II NEW REQUESTOR INFORMATION

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.

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 Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.

Requestor Address, etc.

Provide the requestor's mailing address, telephone number; fax number and e-mail address.

Representative Name, Address, etc.

Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative unless another contact name and address is provided with the application.

Consultant Name, Address, etc.

Provide information for the requestor's consultant.

Attorney Name, Address, etc.

Provide information for the requestor's attorney.

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 in form.

Owner Name, Address, etc.

Provide information for the new owner of the property. List all new parties holding an interest in the property.

Operator Name, Address, etc.

Provide information for the new operator (if different from the new requestor or owner).

SECTION IV**NEW REQUESTOR ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

SECTION V PROPERTY DESCRIPTION AND DESCRIPTION OF CHANGES / ADDITIONS / REDUCTIONS (IF APPLICABLE)

NOTE: DEC requires a standard application to request major changes to the description of the property set forth in the BCA (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). The application must be submitted to DEC in the same manner as the original application to participate.

Property Address

Provide a street address, city/town, and zip code. For properties with multiple addresses, provide information for all.

Tax Parcel Information

Provide the tax parcel/section/block/lot information. 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, and/or acceptable site map to this application. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears.

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through July 17, 2019.

Selected Entity Name: 31/32 LIC LLC

Selected Entity Status Information

Current Entity Name: 31/32 LIC LLC

DOS ID #: 4713935

Initial DOS Filing Date: FEBRUARY 20, 2015

County: SULLIVAN

Jurisdiction: DELAWARE

Entity Type: FOREIGN 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)

C/O NORTHEAST EQUITIES LLC

ATTENTION:CHARLES HERZKA

45 BROADWAY, SUITE 630

NEW YORK, NEW YORK, 10006

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
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No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
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FEB 20, 2015	Actual	31/32 LIC LLC
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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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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 William Achenbaum, as Vice President, and Fredric Oliver, as authorized signatory, is each 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 William Achenbaum and/or 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 11 day of July, 2019.

WSANE 31/32 LLC, Sole and
Managing Member

By: 

William S. Achenbaum
Manager

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through July 17, 2019.

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: 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)

31-32 LIC HOLDINGS LLC

545 BROADWAY

4TH FL

BROOKLYN, NEW YORK, 11206

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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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:

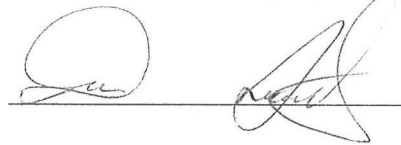
"WHEREAS, Isaac Jacobowitz is the Member of the Company;

"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 black ink, appearing to read 'Isaac Jacobowitz', is written over a horizontal line.

Name: Isaac Jacobowitz

Title: Member

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through July 17, 2019.

Selected Entity Name: 37-29 31ST ST LLC

Selected Entity Status Information

Current Entity Name: 37-29 31ST ST LLC

DOS ID #: 5581765

Initial DOS Filing Date: JULY 03, 2019

County: QUEENS

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)

37-29 31ST ST LLC

35-22 LINDEN PL

FLUSHING, NEW YORK, 11354

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
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No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
JUL 03, 2019	Actual	37-29 31ST ST 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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WRITTEN CONSENT
OF
THE SOLE AND MANAGING MEMBER OF
37-29 31st St LLC

The undersigned, being the sole and managing member (the "Managing Member") of 37-29 31st St LLC, a New York limited liability company, the ("Company") does hereby consent to and adopt the following resolutions for, and on behalf of the Company:

Resolved, that Yi Hua Chen, as authorized signatory, 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 Yi Hua Chen 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 18 day of July, 2019.

37-29 31st St LLC

By: 

Zhongyin Lyu
SOLE & MANAGING MEMBER

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through July 17, 2019.

Selected Entity Name: 166 MANHATTAN CM LLC

Selected Entity Status Information

Current Entity Name: 166 MANHATTAN CM LLC

DOS ID #: 5392496

Initial DOS Filing Date: AUGUST 13, 2018

County: QUEENS

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)

166 MANHATTAN CM LLC

36-26 MAIN STREET, SUITE 2X

FLUSHING, NEW YORK, 11354

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
AUG 13, 2018	Actual	166 MANHATTAN CM 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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WRITTEN CONSENT
OF
THE MANAGING MEMBER OF
166 Manhattan CM LLC

The undersigned, being the managing member (the "Managing Member") of 166 Manhattan CM LLC, a New York limited liability company, the ("Company") does hereby consent to and adopt the following resolutions for, and on behalf of the Company:

Resolved, that Yi Hua Chen, as Member, 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 Yi Hua Chen 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 18 day of July, 2019.

166 Manhattan CM LLC

By: Jian Fei Chen
Jian Fei Chen, Managing Member

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 vendees, 37-29 31st St LLC and 166 Manhattan CM LLC ("Buyers), as well as Buyers' 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 between the parties is terminated for any reason, then rights granted under this consent letter shall also terminate and the Buyer as well as Buyers' agents, contractors and consultants shall no longer have any right to access the Property without the express consent of the Owners.

Very truly yours,

31/32 LIC LLC

By: 

William Achenbaum
Vice President

VOLUNTEER STATEMENT

The Requestors, 37-29 31st St LLC and 166 Manhattan CM LLC, qualify as "volunteers" as defined in ECL 27-1405(1)(b) because (i) all disposals of hazardous substances occurred prior to the time Requestors were added to the Brownfield Cleanup Agreement (BCA), (ii) the Requestors do not have any affiliation with any responsible party and (iii) Requestors do not and have not owned or operated the BCP site. Requestors will exercise appropriate care by ensuring the requirements of the BCP will be implemented after Requestors are added to the BCA