



Department of  
Environmental  
Conservation

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

### PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

1. Check the appropriate box(es) below based on the nature of the amendment modification requested:

Amendment to modify the existing BCA: [check one or more boxes below]

- Add applicant(s)
- Substitute applicant(s)
- Remove applicant(s)
- Change in Name of applicant(s)

Amendment to reflect a transfer of title to all or part of the brownfield site

1a. A copy of the recorded deed must be provided. Is this attached?  Yes  No

1b.  Change in ownership  Additional owner (such as a beneficial owner)

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)

### 2. Required: Please provide a brief narrative on the nature of the amendment:

This Amendment seeks to:

(1) Add Sweet Life LLC, a Delaware limited liability company authorized to do business in the State of New York under the name Sweet Life by Sucro, LLC, and which is an affiliate of and future tenant of Sucro Real Estate NY, LLC, to the BCA for the Site. Sucro Real Estate NY, LLC remains the Site owner and a party to the BCA. Sweet Life, LLC was added to the BCA through BCA Amendment No. 3 without reference to the name under which it is authorized to do business in New York, which is Sweet Life by Sucro, LLC.

(2) Change the Site acreage back to 12.31 acres, which is indicated on the 2014 survey drawing, included on the easement, and confirmed in the 2020 survey.

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

**\*Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment involves a non-insignificant change in acreage, applicants are encouraged to consult with the DEC project team prior to submitting this application.\***

Section I. Current Agreement Information		
BCP SITE NAME: Tecumseh Phase IA Business Park		BCP SITE NUMBER: C915218
NAME OF CURRENT APPLICANT(S): Tecumseh Redevelopment Inc., Sucro Real Estate NY, LLC, and Sweet Life, LLC		
INDEX NUMBER OF AGREEMENT: B9-0752-07-08		DATE OF ORIGINAL AGREEMENT: 12/11/08
Section II. New Requestor Information (complete only if adding new requestor or name has changed)		
NAME Sweet Life by Sucro, LLC		
ADDRESS 2020 Ponce de Leon Blvd, Suite 1204		
CITY/TOWN Coral Gables		ZIP CODE 33134
PHONE 305-901-5222	FAX	E-MAIL jtaylor@sucro.us
<p>1. Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> <li>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 &amp; 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. <b>See Exhibit A</b></li> </ul>		
NAME OF NEW REQUESTOR'S REPRESENTATIVE Jonathan Taylor		
ADDRESS 2020 Ponce de Leon Blvd, Suite 1204		
CITY/TOWN Coral Gables		ZIP CODE 33134
PHONE 305-901-5222	FAX	E-MAIL jtaylor@sucro.us
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable) Benchmark Civil/Environmental Engineering & Geology,		
ADDRESS 2558 Hamburg Turnpike, Suite 300		
CITY/TOWN Buffalo		ZIP CODE 14218
PHONE 716-856-0599	FAX 716-856-0583	E-MAIL tforbes@bm-tk.com
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable) Zdarsky, Sawicki & Agostinelli LLP		
ADDRESS 1600 Main Place Tower, 350 Main Street		
CITY/TOWN Buffalo		ZIP CODE 14202
PHONE 716-855-3200	FAX 716-855-3101	E-MAIL gagostinelli@zsa.cc
<p>2. 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? <b>See Exhibit B</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>		
<p>3. Describe Requestor's Relationship to Existing Applicant:</p> <p>Sweet Life, LLC, which is authorized to do business in New York as Sweet Life by Sucro, LLC (Requestor), is an affiliated entity of Sucro Real Estate NY, LLC. Requestor has no relationship with other applicants other than it is referred to in BCA Amendment No. 3 without reference to the fact that it is authorized to do business in New York under the name Sweet Life by Sucro, LLC, which company will be a lessee and have a leasehold interest in the Site.</p>		

**Section III. Current Property Owner/Operator Information (only include if new owner/operator)**  
**Owner below is:**  Existing Applicant  New Applicant  Non-Applciant

OWNER'S NAME (if different from requestor) <b>Sucro Real Estate NY, LLC</b>		
ADDRESS <b>2020 Ponce de Leon Blvd, Suite 1204</b>		
CITY/TOWN <b>Coral Gables</b>		ZIP CODE <b>33134</b>
PHONE <b>305-901-5222</b>	FAX	E-MAIL <b>jtaylor@sucro.us</b>
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. See Exhibit C

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.

12. Requestor's Relationship to Property (check one):

Prior Owner  Current Owner  Potential /Future Purchaser  Other Lessee

13. 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.**

See Exhibit D

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

1. Property information on current agreement:

ADDRESS 2303 Hamburg Turnpike

CITY/TOWN Lackawanna

ZIP CODE 14218

TAX BLOCK AND LOT (SBL)

TOTAL ACREAGE OF CURRENT SITE: 12.07

Parcel Address	Section No.	Block No.	Lot No.	Acreage
2303 Hamburg Turnpike, Lackawanna, NY 14218	141.11	1	48.12	12.07

2. Check appropriate boxes below:

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

2a. PARCELS ADDED:

Parcel Address	Section No.	Block No.	Lot No.	Acreage Added by Parcel
2303 Hamburg Turnpike, Lackawanna, NY 14218	141.11	1	48.12	0.24

Total acreage to be added: 0.24

Reduction of property

2b. PARCELS REMOVED:

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

Total acreage to be removed: \_\_\_\_\_

Change to SBL (e.g. merge, subdivision, address change)

2c. NEW SBL INFORMATION:

Parcel Address	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.

3. TOTAL REVISED SITE ACREAGE: 12.31

**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
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see <a href="#">DEC's website</a> 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><b>From ECL 27-1405(31):</b></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**

<b>Existing Agreement Information</b>	
BCP SITE NAME: Tecumseh Phase IA Business Park	BCP SITE NUMBER: C915218
NAME OF CURRENT APPLICANT(S): Tecumseh Redevelopment Inc., Sucro Real Estate NY, LLC, and Sweet Life, LLC	
INDEX NUMBER OF AGREEMENT: B9-0752-07-08	
EFFECTIVE DATE OF ORIGINAL AGREEMENT: 12/11/08	

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.

<b>Statement of Certification and Signatures: New Requestor(s) (if applicable)</b>
(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>CEO</u> ) of (entity <u>Sweet Life by Sucro, 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.  My _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.  Date: <u>10/20/21</u> Signature: _____  Print Name: <u>Jonathan Taylor</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 Director Environmental Land & Remediation (title) of Tecumseh Redevelopment Inc. (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: 10/18/2021 Signature: *Keith Nagel*

Print Name: Keith Nagel

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Please see the following page for submittal instructions.  
**NOTE: Applications submitted in fillable format will be rejected.**

Status of Agreement:

<input type="checkbox"/> <b>PARTICIPANT</b> 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.	<input checked="" type="checkbox"/> <b>VOLUNTEER</b> 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.
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**Effective Date of the Original Agreement:** 12/11/08

**Signature by the Department:**

DATED: 11/19/2021

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By: *Michael J. Ryan*  
Michael J. Ryan, P.E., Director  
Division of Environmental Remediation

Site Code: C915218



**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 President (title) of Sucro Real Estate NY, 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: 10/20/21 Signature: \_\_\_\_\_

Print Name: Jonathan Taylor

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Please see the following page for submittal instructions.

**NOTE: Applications submitted in fillable format will be rejected.**

Status of Agreement:

<input type="checkbox"/> <b>PARTICIPANT</b> 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.	<input checked="" type="checkbox"/> <b>VOLUNTEER</b> 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.
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**Effective Date of the Original Agreement: 12/11/08**

**Signature by the Department:**

DATED: 11/19/2021

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By:   
Michael J. Ryan, P.E., Director  
Division of Environmental Remediation

**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 President (title) of Sweet Life, 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: 10/20/21 Signature: 

Print Name: Jonathan Taylor

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Please see the following page for submittal instructions.  
**NOTE: Applications submitted in fillable format will be rejected.**

Status of Agreement:

<input type="checkbox"/> <b>PARTICIPANT</b> 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.	<input checked="" type="checkbox"/> <b>VOLUNTEER</b> 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.
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Effective Date of the Original Agreement: 12/11/08

Signature by the Department:

DATED: 11/19/2021

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By:   
Michael J. Ryan, P.E., Director  
Division of Environmental Remediation

Site Code: C915218

**SUBMITTAL INFORMATION:**

- **Two (2) copies, one hard copy with original signatures and one electronic copy in final, non-fillable 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

- **NOTE: Applications submitted in fillable format will be rejected.**

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**FOR DEPARTMENT USE ONLY**

**BCP SITE T&A CODE:** \_\_\_\_\_ **LEAD OFFICE:** \_\_\_\_\_

**PROJECT MANAGER:** \_\_\_\_\_

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# **EXHIBIT A**

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**NYSDOS DIVISION OF CORPORATIONS**

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# Department of State

## Division of Corporations

### Entity Information

[Return to Results](#)

[Return to Search](#)

#### Entity Details

**ENTITY NAME:**  
SWEET LIFE BY SUCRO, LLC

**FOREIGN LEGAL NAME:**  
SWEET LIFE, LLC

**ENTITY TYPE:**  
FOREIGN LIMITED LIABILITY COMPANY

**SECTION OF LAW:**  
802 LLC - LIMITED LIABILITY COMPANY LAW

**DATE OF INITIAL DOS FILING:**  
03/22/2021

**EFFECTIVE DATE INITIAL FILING:**  
03/22/2021

**FOREIGN FORMATION DATE:**  
03/12/2021

**COUNTY:**  
Erie

**JURISDICTION:**  
Delaware, United States

**DOS ID:**  
5969443

**FICTITIOUS NAME:**  
SWEET LIFE, LLC

**DURATION DATE/LATEST DATE OF DISSOLUTION:**

**ENTITY STATUS:**  
Active

**REASON FOR STATUS:**

**INACTIVE DATE:**

**STATEMENT STATUS:**  
CURRENT

**NEXT STATEMENT DUE DATE:**  
03/31/2023

**NFP CATEGORY:**

[ENTITY DISPLAY](#)

[NAME HISTORY](#)

[FILING HISTORY](#)

[MERGER HISTORY](#)

[ASSIGNMENT HISTORY](#)

Service of Process Name and Address

**Name:** THE LLC

**Address:** 2020 PONCE DE LEON BLVD., STE 1204, CORAL GABLES, FL, United States, 33134

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# **EXHIBIT B**

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**WRITTEN CONSENT**

**UNANIMOUS WRITTEN CONSENT  
OF  
THE SOLE MEMBER  
OF  
SUCRO REAL ESTATE NY, LLC**

The undersigned, being the sole member of **SUCRO REAL ESTATE NY, LLC**, a limited liability company (the "Company") organized and existing under the laws of the State of New York, do hereby consent to the following resolutions, and that such action be taken without a meeting, pursuant to the Limited Liability Laws of the State of New York.

WHEREAS the Company is a party to a Brownfield Cleanup Agreement and Amendments ("BCA"), other documents, agreements, applications, and certifications to and for such BCA required by the New York Department of Environmental Conservation ("DEC") relating to a certain Brownfield Cleanup Program (BCP) Site No. C915218, sometimes called the Tecumseh Phase IA Business Park (hereinafter called "Phase IA BP"); and

WHEREAS in order to take advantage of certain tax benefits, the Company's affiliate, Sweet Life, LLC, being a Delaware limited liability company that has been authorized to do business in New York under the name Sweet Life by Sucro, LLC (which company is hereinafter referred to as "Sweet Life"), which will be a tenant of the Company, would like to become a signatory to such BCA.

NOW, THEREFORE, be it resolved that:

- 1) The Company agrees to allow Sweet Life, LLC (qualified to do business in New York under the name Sweet Life by Sucro, LLC) to become a signatory to such BCA;
- 2) The Company has the authority to enter into any such documents, agreements applications, and certifications required to allow Sweet Life, LLC (qualified to do business in New York under the name Sweet Life by Sucro, LLC) to become a signatory to such BCA by adding such company as a party to the BCA;
- 3) Jonathan Taylor, President, or Stefano D'Aniello, Executive Vice President, and each of them acting alone, are hereby authorized and directed to take all actions deemed appropriate by them, in their sole discretion, in order to complete any documentation, certifications or submissions requested by DEC or any other party relating to Adding Sweet Life, LLC (qualified to do business in New York under the name Sweet Life by Sucro, LLC) as a Party; and
- 4) This Consent may be signed on different counterparts by different parties, all of which counterparts when taken together shall be deemed to be a complete Consent. After this Consent is signed by a party or parties hereto, and such Consent has been transmitted by facsimile or e-mail means, such facsimile or e-mail transmission shall be considered for all purposes to be delivered and to be an original.

Dated Effective as of September 30, 2021

Sucro Can International, LLC  
Sole Member



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By: Jonathan Taylor, Manager



**UNANIMOUS WRITTEN CONSENT  
OF  
THE SOLE MEMBER AND MANAGER  
OF  
SWEET LIFE, LLC**

The undersigned, being the sole member of **SWEET LIFE, LLC**, a Delaware limited liability company that is authorized to do business in New York under the name Sweet Life by Sucro, LLC (the "Company"), and pursuant to the limited liability company agreement of said company and Sections 18-302 and 18-404 of the Delaware Limited Liability Company Act, do hereby consent to the following resolutions, and that such action be taken without a meeting:

WHEREAS Sucro Real Estate NY, LLC ("Sucro RENY") is a party to a Brownfield Cleanup Agreement and amendments ("BCA"), other documents, agreements, applications, and certifications to and for such BCA required by the New York Department of Environmental Conservation ("DEC") relating to a certain Brownfield Cleanup Program, Site No. C915218, sometimes called the Tecumseh Phase IA Business Park (hereinafter called "Phase IA BP");

WHEREAS in order to take advantage of certain tax benefits, the Company, which is an affiliate of and will be a tenant of Sucro RENY at the site covered by the BCA, would like to become a signatory to such BCA.

NOW, THEREFORE, be it resolved that:

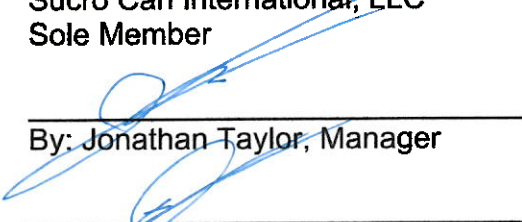
1) The Company has the authority to enter into, be a signatory to, and be bound by the BCA and has the authority to enter into and be bound by any such documents, agreements, applications and certifications related to the BCA;

2) Jonathan Taylor, CEO, and Stefano D'Aniello, CFO, officers of the Company, and each of them acting alone, are hereby authorized and directed to take all actions deemed appropriate by them, in their sole discretion, in order for the Company to enter into, be a signatory to, and be bound by the BCA; and

4) This Consent may be signed on different counterparts by different parties, all of which counterparts when taken together shall be deemed to be a complete Consent. After this Consent is signed by a party or parties hereto, and such Consent has been transmitted by facsimile or e-mail means, such facsimile or e-mail transmission shall be considered for all purposes to be delivered and to be an original.

Dated Effective as of September 30, 2021

Sucro Can International, LLC  
Sole Member

  
By: Jonathan Taylor, Manager

By: Jonathan Taylor, Sole Member

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# **EXHIBIT C**

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## **VOLUNTEER STATEMENT**

## **Brownfield Cleanup Program**

### **Application to Amend Brownfield Cleanup Program Agreement and Amendment**

#### Certification

Volunteer Certification: Sweet Life by Sucro, LLC is the name under which Sweet Life, LLC is authorized to do business in New York. Sweet Life by Sucro, LLC has appropriately answered "no" to all the eligibility questions within Section IV of this application and hereby certifies that it is a Volunteer and that its liability arises solely as a result of involvement with the Site subsequent to the disposal of hazardous waste or discharge of petroleum.

Sweet Life by Sucro, LLC, being the New Requestor, had and has no current or prior direct or indirect ownership interest or any other interest in any prior owner or operator of the site except for Sucro Real Estate NY, LLC, the current owner and Volunteer under the Brownfield Cleanup Agreement (BCA) for Site C915218, and Sweet Life, LLC, also a Volunteer under the BCA. Sucro Real Estate NY, LLC (owner) acquired its fee title interest in the site on December 21, 2020 when it purchased the Site from Tecumseh Redevelopment Inc, ("Tecumseh").

To date, New Requestor has not undertaken any activity on the Site resulting in soil disturbance or otherwise undertaken any activity affecting the soil or groundwater, has taken appropriate care to ensure that there are no continuing releases of contamination on the Site, and that there are no threatened future releases of contamination on the Site and has prevented human, environmental, or natural resource exposure to any previously released contamination.

As such, New Requestor confirms that its liability arises solely as a result of involvement with the Site subsequent to the disposal of hazardous waste or discharge of petroleum, and affirms and confirms that New Requestor should be a "Volunteer" as that term is defined in Section 27-1405(1)(b) of the New York Environmental Conservation Law.

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# **EXHIBIT D**

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## **ACCESS AUTHORIZATION**



September 30, 2021

Mr. Michael Ryan, P.E.  
Director  
NYSDEC – Division of Environmental Remediation  
625 Broadway,  
Albany, NY 12233-7020

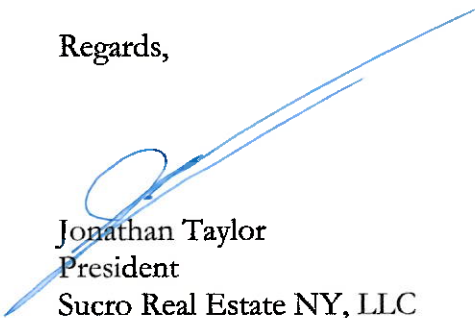
Re: Tecumseh Phase IA Business Park  
2303 Hamburg Turnpike, Lackawanna, NY  
Access Permission: BCP Site C915218

Dear Mr. Ryan:

Please be advised that the Tecumseh Phase IA Business Park BCP Site C915218 (the Site), located at 2303 Hamburg Turnpike, in Lackawanna, New York is currently owned by Sucro Real Estate NY, LLC. Sucro Real Estate NY, LLC is granting full right of access to the Site to Sweet Life by Sucro, LLC for the purpose of completing remediation and redevelopment of the property under the New York Brownfield Cleanup Program. Sweet Life, LLC, a Delaware limited liability company, is authorized to do business in New York under the name Sweet Life by Sucro, LLC.

If you have any questions whatsoever, please do not hesitate to contact me.

Regards,



Jonathan Taylor  
President  
Sucro Real Estate NY, LLC