



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:

On August 15, 2018, ownership of the Brownfield site was transferred from 82-11 37th Avenue LLC (f/k/a 37th Avenue Palace LLC) to 37th Avenue Owner LLC; RFC Ketcham 37th Ave, LLC; and Horizon 37th Ave, LLC.

**\*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 more than an 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: Rockfarmer 37th Avenue	BCP SITE NUMBER: C241212
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BCP SITE NAME: Rockfarmer 37th Avenue	BCP SITE NUMBER: C241212
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NAME OF CURRENT APPLICANT(S): 37th Avenue Owner LLC; RFC Ketcham 37th Ave, LLC; Horizon 37th Ave, LLC

INDEX NUMBER OF AGREEMENT: C241212-07-18    DATE OF ORIGINAL AGREEMENT: 08/02/2018

**Section II. New Requestor Information** (complete only if adding new requestor or name has changed)

NAME
------

ADDRESS
---------

CITY/TOWN	ZIP CODE
-----------	----------

PHONE	FAX	E-MAIL				
1. Is the person authorized to conduct business in New York State (NYS)?		Yes		No		

1. 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

ADDRESS
---------

CITY/TOWN	ZIP CODE
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PHONE	FAX	E-MAIL
-------	-----	--------

NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)
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ADDRESS
---------

CITY/TOWN	ZIP CODE
-----------	----------

PHONE	FAX	E-MAIL
-------	-----	--------

NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)

ADDRESS
---------

CITY/TOWN	ZIP CODE
-----------	----------

PHONE	FAX	E-MAIL
-------	-----	--------

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? ☐ Yes ☐ No

3. Describe Requestor's Relationship to Existing Applicant:

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

OWNER'S NAME (if different from requestor) John Petras

ADDRESS 42-15 235th Street

CITY/TOWN Douglaston

ZIP CODE 11363

PHONE 718-229-4488 X35

FAX

E-MAIL jpetras@rockfarmerproperties.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.**

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

☐ Prior Owner ☒ Current Owner ☐ Potential /Future Purchaser ☐ Other \_\_\_\_\_

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.**



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

1. Property information on current agreement:

ADDRESS

CITY/TOWN

ZIP CODE

TAX BLOCK AND LOT (SBL)

TOTAL ACREAGE OF CURRENT SITE: \_\_\_\_\_

Parcel Address

Section No. Block No. Lot No. Acreage


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:

Acreage  
Added by  
Parcel

Parcel Address

Section No. Block No. Lot No.


Total acreage to be added: \_\_\_\_\_

☐ Reduction of property

2b. PARCELS REMOVED:

Acreage  
Removed  
by Parcel

Parcel Address

Section No. Block No. Lot No.


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: \_\_\_\_\_**

# 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
<b>From ECL 27-1405(31):</b>  "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.	
3. Is the project an affordable housing project as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
From 6 NYCRR 375- 3.2(a) as of August 12, 2016:  (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.  (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.  (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.  (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.	

## PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: Rockfarmer 37th Avenue	BCP SITE NUMBER: C241212
NAME OF CURRENT APPLICANT(S): 37th Avenue Owner LLC; RFC Ketcham 37th Ave, LLC; Horizon 37th Ave, LLC	
INDEX NUMBER OF AGREEMENT: C241212-07-18	
EFFECTIVE DATE OF ORIGINAL AGREEMENT: 08/02/2018	

### 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 \_\_\_\_\_) of (entity \_\_\_\_\_); 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: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_









**SUBMITTAL REQUIREMENTS:**

- **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:**\_\_\_\_\_

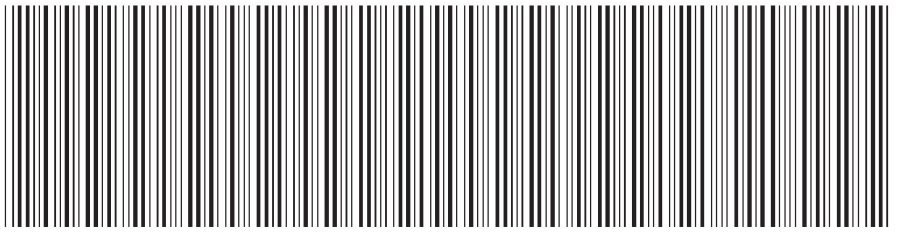


Attachment A:

Supporting Documentation for Requested  
Change of Ownerships

**NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



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**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 5**

**Document ID: 2018080100798001**

Document Date: 07-26-2018

Preparation Date: 08-14-2018

Document Type: DEED

Document Page Count: 3

**PRESENTER:**

SANDSTONE ABSTRACT SERVICES, LLC  
100 CROSSWAYS PARK WEST, SUITE 312  
PICK UP TO REDVISION  
WOODBURY, NY 11797  
516-490-1235  
TMACKAY@TITLEAMERICANLAND.COM

**RETURN TO:**

EVANGELOS MIHOS, ESQ.  
1010 NORTHERN BOULEVARD, SUITE 208  
PICK UP TO REDVISION  
GREAT NECK, NY 11021

**PROPERTY DATA**

Borough	Block	Lot	Unit	Address
QUEENS	1456	35	Entire Lot	82-11 37TH AVENUE

**Property Type:** COMMERCIAL REAL ESTATE

Borough	Block	Lot	Unit	Address
QUEENS	1456	41	Entire Lot	82-01 37TH AVENUE

**Property Type:** COMMERCIAL REAL ESTATE

**CROSS REFERENCE DATA**

CRFN \_\_\_\_\_ or DocumentID \_\_\_\_\_ or \_\_\_\_\_ Year \_\_\_\_\_ Reel \_\_\_\_\_ Page \_\_\_\_\_ or File Number \_\_\_\_\_

**PARTIES**

**GRANTOR/SELLER:**

82-11 37TH AVENUE LLC  
82-11 37TH AVENUE  
JACKSON HEIGHTS, NY 11372

**GRANTEE/BUYER:**

37TH AVENUE OWNER LLC  
42-01 235TH STREET  
DOUGLASTON, NY 11363

☒ Additional Parties Listed on Continuation Page

**FEES AND TAXES**

**Mortgage :**

Mortgage Amount:	\$	0.00
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Taxable Mortgage Amount:	\$	0.00
--------------------------	----	------

Exemption:

TAXES: County (Basic):	\$	0.00
------------------------	----	------

City (Additional):	\$	0.00
--------------------	----	------

Spec (Additional):	\$	0.00
--------------------	----	------

TASF:	\$	0.00
-------	----	------

MTA:	\$	0.00
------	----	------

NYCTA:	\$	0.00
--------	----	------

Additional MRT:	\$	0.00
-----------------	----	------

TOTAL:	\$	0.00
--------	----	------

Recording Fee:	\$	55.00
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Affidavit Fee:	\$	0.00
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Filing Fee:

\$ 250.00

NYC Real Property Transfer Tax:

\$ 1,467,375.00

NYS Real Estate Transfer Tax:

\$ 223,600.00

**RECORDED OR FILED IN THE OFFICE  
OF THE CITY REGISTER OF THE**

**CITY OF NEW YORK**

Recorded/Filed 08-15-2018 15:13

City Register File No.(CRFN):

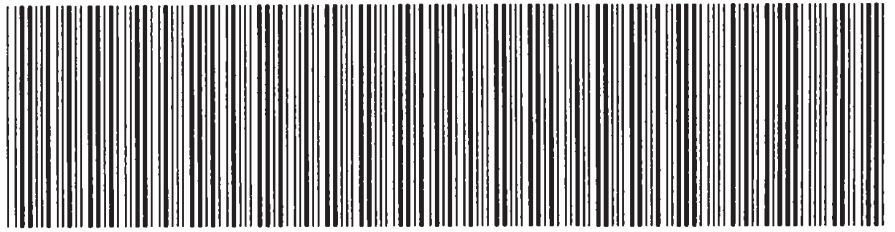
**2018000274468**



*Annette McMill*

**City Register Official Signature**

**NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER**



2018080100798001002C44C0

**RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION)**

**PAGE 2 OF 5**

**Document ID: 2018080100798001**

**Document Date: 07-26-2018**

**Preparation Date: 08-14-2018**

**Document Type: DEED**

**PARTIES**

**GRANTOR/SELLER:**

37TH AVENUE PALACE LLC  
82-11 37TH AVENUE  
JACKSON HEIGHTS, NY 11372

**PARTIES**

**GRANTEE/BUYER:**

HORIZON 37TH AVE, LLC  
42-01 235TH STREET  
DOUGLASTON, NY 11363

**GRANTEE/BUYER:**

RFC KETCHAM 37TH AVE, LLC  
42-01 235TH STREET  
DOUGLASTON, NY 11363

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT-THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made as of the 26th day of July, two thousand and eighteen

**BETWEEN**

82-11 37<sup>th</sup> Avenue LLC (f/k/a 37<sup>th</sup> Avenue Palace LLC),  
having an address at 82-11 37<sup>th</sup> Avenue, Jackson Heights, NY 11372

party of the first part, and

37<sup>TH</sup> Avenue Owner LLC, as to 76% undivided interest;

RFC Ketcham 37TH Ave, LLC, as to 13% undivided interest; and

Horizon 37TH Ave, LLC, as to 11% undivided interest;

All with an address at 42-15 235<sup>th</sup> Street, Douglaston, NY 11363,

parties of the second part as tenants in common,

**WITNESSETH**, that the party of the first part, in consideration of Ten and 00/100 (\$10.00) Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough and County of Queens, City and State of New York and being more particularly bounded and described on Schedule A attached hereto and made a part hereof.

SAID PREMISES being known as 82-01/82-09/82-11/82-21 37<sup>th</sup> Avenue, Jackson Heights, New York.

BEING THE SAME PREMISES conveyed by Carlo Cinganelli to Grantor by deed, dated November 13, 1997, recorded December 31, 1997, in Reel 4766 Page 1010.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

82-11 37<sup>TH</sup> AVENUE LLC

BY:

Name: Neil B. Fang  
Title: Manager

BY:

Name: George J. Liebner  
Title: Manager

Block: 1456

Lot: 41 & 35

County:  
Queens

SAS 1001  
1456  
35 & 41  
TT \$ 223,000.00

**Sandstone Abstract Services LLC**

Issued on behalf of

**Old Republic National Title Insurance Company**

**Title No.: SAS-1001**

**SCHEDULE A**

**ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough and County of Queens, City and State of New York, bounded and described as follows:**

**BEGINNING at the corner formed by the intersection of the Northerly side of 37th Avenue with the Westerly side of 83rd Street;**

**RUNNING THENCE Northerly, along the Westerly side of 83rd Street, 100 feet;**

**THENCE Westerly, parallel with 37th Avenue, 200 feet to the Easterly side of 82nd Street;**

**THENCE Southerly, along the Easterly side of 82nd Street, 100 feet to the Northerly side of 37th Avenue;**

**THENCE Easterly, along the Northerly side of 37th Avenue, 200 feet to the Easterly side (Deed), Westerly side (Actual) of 83rd Street, to the point or place of BEGINNING.**

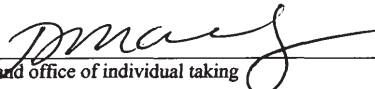
**For Information Only - Not Insured Hereunder:**

**Property Address: 82-01/82-09/82-11/82-21 37th Avenue, Jackson Heights, N.Y. 11372**

**Block: 1456      Lot: 35 & 41**

STATE OF NEW YORK )  
COUNTY OF NASSAU ) ss.:

On the 26<sup>th</sup> day of July, in the year 2018, before me, the undersigned, personally appeared Neil B. Fang, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


  
Signature and office of individual taking  
acknowledgment

PATRICIA C. MACKAY  
Notary Public, State of New York  
No. 01MA8238149  
Qualified in Suffolk County  
Commission Expires April 4, 2019

SEAL

STATE OF NEW YORK )  
COUNTY OF NASSAU ) ss.:

On the 26<sup>th</sup> day of July, in the year 2018, before me, the undersigned personally appeared George J. Liebner, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

  
Signature and office of individual taking  
acknowledgment

PATRICIA C. MACKAY  
Notary Public, State of New York  
No. 01MA8238149  
Qualified in Suffolk County  
Commission Expires April 4, 2019

BARGAIN AND SALE DEED  
WITH COVENANT AGAINST GRANTOR'S ACTS

Title No. SAS-1000-Q

82-11 37<sup>TH</sup> AVENUE LLC

TO

37TH AVENUE OWNER LLC,  
HORIZON 37TH AVE, LLC, AND  
RFC KETCHAM 37TH AVE, LLC

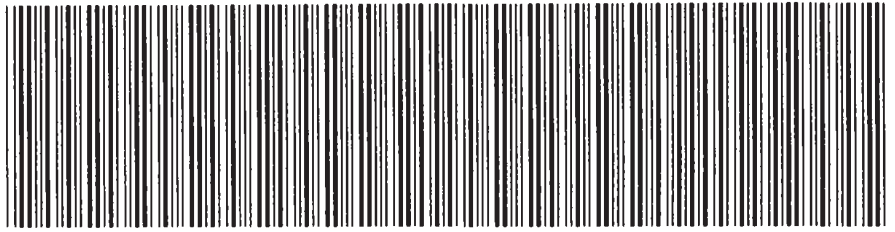
BLOCK: 1456

LOT: 41 & 35

COUNTY: Queens

RETURN BY MAIL TO: EVANGELUS MIHOS, ESQ.  
1010 NORTHERN BLVD  
STE. 208  
GREAT NECK, NY 11021  
~~Erroll Fritz, P.C.~~  
~~400 RYER Plaza~~  
~~Uniondale, NY 11556-3826~~  
~~Attention: Peter L. Curry, Esq.~~

**NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER**



**2018080100798001002S88C1**

**SUPPORTING DOCUMENT COVER PAGE**

**PAGE 1 OF 1**

**Document ID: 2018080100798001**  
Document Type: DEED

Document Date: 07-26-2018

Preparation Date: 08-14-2018

**ASSOCIATED TAX FORM ID: 2018072600236**

**SUPPORTING DOCUMENTS SUBMITTED:**

Page Count

RP - 5217 REAL PROPERTY TRANSFER REPORT

1



FOR CITY USE ONLY

C1. County Code  C2. Date Deed Recorded  /  /   
 Month Day Year

C3. Book  OR C4. Page   
 C5. CRFN



## REAL PROPERTY TRANSFER REPORT

STATE OF NEW YORK  
 STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

## PROPERTY INFORMATION

1. Property Location  82-11  37TH AVENUE  QUEENS  11372  
 STREET NUMBER STREET NAME BOROUGH

CITY REGISTER

2. Buyer Name  37TH AVENUE OWNER LLC   
 LAST NAME / COMPANY FIRST NAME

HORIZON 37TH AVE, LLC   
 LAST NAME / COMPANY FIRST NAME

AUG 02 2018

3. Tax Billing Address Indicate where future Tax Bills are to be sent  
 if other than buyer address (at bottom of form)    
 LAST NAME / COMPANY FIRST NAME

STREET NUMBER AND STREET NAME CITY OR TOWN

4. Indicate the number of Assessment Roll parcels transferred on the deed  2  # of Parcels OR ☐ Part of a Parcel

4A. Planning Board Approval - N/A for NYC

4B. Agricultural District Notice - N/A for NYC

Check the boxes below as they apply:

6. Ownership Type is Condominium ☐7. New Construction on Vacant Land ☐

5. Deed Property Size  X  OR    
 FRONT FEET DEPTH ACRES

8. Seller Name  82-11 37TH AVENUE LLC  37TH AVENUE PALACE LLC   
 LAST NAME / COMPANY FIRST NAME

LAST NAME / COMPANY FIRST NAME

9. Check the box below which most accurately describes the use of the property at the time of sale:

A ☐ One Family Residential C ☐ Residential Vacant Land E ☒ Commercial G ☐ Entertainment / Amusement I ☐ Industrial  
 B ☐ 2 or 3 Family Residential D ☐ Non-Residential Vacant Land F ☐ Apartment H ☐ Community Service J ☐ Public Service

## SALE INFORMATION

10. Sale Contract Date  8 / 7 / 2017   
 Month Day Year

11. Date of Sale / Transfer  7 / 26 / 2018   
 Month Day Year

12. Full Sale Price \$  5,590,000   
 ( Full Sale Price is the total amount paid for the property including personal property.  
 This payment may be in the form of cash, other property or goods, or the assumption of  
 mortgages or other obligations.) Please round to the nearest whole dollar amount.

13. Indicate the value of personal property included in the sale

14. Check one or more of these conditions as applicable to transfer:

A ☐ Sale Between Relatives or Former Relatives  
 B ☐ Sale Between Related Companies or Partners in Business  
 C ☐ One of the Buyers is also a Seller  
 D ☐ Buyer or Seller is Government Agency or Lending Institution  
 E ☐ Deed Type not Warranty or Bargain and Sale (Specify Below)  
 F ☐ Sale of Fractional or Less than Fee Interest (Specify Below)  
 G ☐ Significant Change in Property Between Taxable Status and Sale Dates  
 H ☐ Sale of Business is Included in Sale Price  
 I ☐ Other Unusual Factors Affecting Sale Price (Specify Below)  
 J ☒ None

## ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

15. Building Class  O 6  16. Total Assessed Value (of all parcels in transfer)  1 2 6 0 4 5 0 0

17. Borough, Block and Lot / Roll Identifier(s) ( If more than three, attach sheet with additional identifier(s) )

QUEENS 1456 35

QUEENS 1456 41

201807260023620103

**CERTIFICATION**

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

**BUYER**

**BUYER'S ATTORNEY**

BUYER SIGNATURE  
42-01 235TH STREET

By: John Petras

DATE

7-26-18

LAST NAME

FIRST NAME

STREET NUMBER

STREET NAME (AFTER SALE)

AREA CODE

TELEPHONE NUMBER

DOUGLASTON

NY

11363

CITY OR TOWN

STATE

ZIP CODE

**SELLER**

SELLER SIGNATURE

DATE

By: Neil B. Fang

7/26/18

Grantee (Buyer)

RFC KETCHAM 37TH AVE, LLC

LAST NAME / COMPANY

Grantor (Seller)

FIRST NAME

LAST NAME / COMPANY

Grantee (Buyer)

FIRST NAME

LAST NAME / COMPANY

Grantor (Seller)

FIRST NAME

LAST NAME / COMPANY

Grantee (Buyer)

FIRST NAME

LAST NAME / COMPANY

Grantor (Seller)

FIRST NAME

LAST NAME / COMPANY

Grantee (Buyer)

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Grantee (Buyer)

FIRST NAME

LAST NAME / COMPANY

Grantor (Seller)

FIRST NAME

LAST NAME / COMPANY

Grantee (Buyer)

FIRST NAME

LAST NAME / COMPANY

Grantor (Seller)

FIRST NAME

LAST NAME / COMPANY

FIRST NAME

201807260023620103

FOR CITY USE ONLY

C1. County Code  C2. Date Deed Recorded  /  /   
 C3. Book  OR C4. Page   
 C5. CRFN



## REAL PROPERTY TRANSFER REPORT

 STATE OF NEW YORK  
 STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

## PROPERTY INFORMATION

 1. Property Location  82-11  37TH AVENUE  QUEENS  11372  
STREET NUMBER STREET NAME BOROUGH ZIP CODE

 2. Buyer Name  37TH AVENUE OWNER LLC   
LAST NAME / COMPANY FIRST NAME  
 HORIZON 37TH AVE, LLC   
LAST NAME / COMPANY FIRST NAME

 3. Tax Billing Address  Indicate where future Tax Bills are to be sent  
if other than buyer address (at bottom of form)    
LAST NAME / COMPANY FIRST NAME  
     
STREET NUMBER AND STREET NAME CITY OR TOWN STATE ZIP CODE

 4. Indicate the number of Assessment Roll parcels transferred on the deed  2  # of Parcels OR ☐ Part of a Parcel

 4A. Planning Board Approval - N/A for NYC  
 4B. Agricultural District Notice - N/A for NYC

 5. Deed Property Size  FRONT FEET X  DEPTH OR  ACRES

Check the boxes below as they apply:

 6. Ownership Type is Condominium ☐  
 7. New Construction on Vacant Land ☐

 8. Seller Name  82-11 37TH AVENUE LLC   
LAST NAME / COMPANY FIRST NAME  
 37TH AVENUE PALACE LLC   
LAST NAME / COMPANY FIRST NAME

9. Check the box below which most accurately describes the use of the property at the time of sale:

 A ☐ One Family Residential C ☐ Residential Vacant Land E ☒ Commercial G ☐ Entertainment / Amusement I ☐ Industrial  
 B ☐ 2 or 3 Family Residential D ☐ Non-Residential Vacant Land F ☐ Apartment H ☐ Community Service J ☐ Public Service

## SALE INFORMATION

 10. Sale Contract Date  8 /  7 /  2017  
Month Day Year

 11. Date of Sale / Transfer  7 /  26 /  2018  
Month Day Year

 12. Full Sale Price \$  5  5  9  0  0  0  0  0

 ( Full Sale Price is the total amount paid for the property including personal property.  
 This payment may be in the form of cash, other property or goods, or the assumption of  
 mortgages or other obligations.) Please round to the nearest whole dollar amount.

 13. Indicate the value of personal property included in the sale 

14. Check one or more of these conditions as applicable to transfer:

 A ☐ Sale Between Relatives or Former Relatives  
 B ☐ Sale Between Related Companies or Partners in Business  
 C ☐ One of the Buyers is also a Seller  
 D ☐ Buyer or Seller is Government Agency or Lending Institution  
 E ☐ Deed Type not Warranty or Bargain and Sale (Specify Below)  
 F ☐ Sale of Fractional or Less than Fee Interest (Specify Below)  
 G ☐ Significant Change in Property Between Taxable Status and Sale Dates  
 H ☐ Sale of Business is Included in Sale Price  
 I ☐ Other Unusual Factors Affecting Sale Price (Specify Below)  
 J ☒ None

## ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

 15. Building Class  0  6  16. Total Assessed Value (of all parcels in transfer)  1  2  6  0  4  5  0  0

17. Borough, Block and Lot / Roll Identifier(s) ( If more than three, attach sheet with additional identifier(s) )

QUEENS 1456 35

QUEENS 1456 41

201807260023620104

**CERTIFICATION**

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any wilful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

**BUYER****BUYER'S ATTORNEY**

BUYER SIGNATURE		DATE		LAST NAME		FIRST NAME	
42-01 235TH STREET							
STREET NUMBER		STREET NAME (AFTER SALE)		AREA CODE		TELEPHONE NUMBER	
DOUGLASTON						<b>SELLER</b>	
CITY OR TOWN		STATE		ZIP CODE		SELLER SIGNATURE	
		NY		11363			
						DATE	

2018072600236201

**CERTIFICATION**

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

**BUYERS**

_____ Buyer Signature	_____ Date
_____ Buyer Signature	_____ Date
_____ Buyer Signature	_____ Date
_____ Buyer Signature	_____ Date
_____ Buyer Signature	_____ Date
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_____ Buyer Signature	_____ Date

**SELLERS**

_____ Seller Signature	_____ Date
_____ Seller Signature	_____ Date
_____ Seller Signature	_____ Date
_____ Seller Signature	_____ Date
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_____ Seller Signature	_____ Date
_____ Seller Signature	_____ Date

2018072600236201

Grantee (Buyer)

RFC KETCHAM 37TH AVE, LLC

LAST NAME / COMPANY

Grantor (Seller)

FIRST NAME

LAST NAME / COMPANY

Grantee (Buyer)

FIRST NAME

LAST NAME / COMPANY

Grantor (Seller)

FIRST NAME

LAST NAME / COMPANY

Grantee (Buyer)

FIRST NAME

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Grantor (Seller)

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LAST NAME / COMPANY

Grantor (Seller)

FIRST NAME

LAST NAME / COMPANY

Grantee (Buyer)

FIRST NAME

LAST NAME / COMPANY

Grantor (Seller)

FIRST NAME

LAST NAME / COMPANY

Grantee (Buyer)

FIRST NAME

LAST NAME / COMPANY

Grantor (Seller)

FIRST NAME

LAST NAME / COMPANY

FIRST NAME

201807260023620104



**AFFIDAVIT OF COMPLIANCE  
WITH SMOKE DETECTOR REQUIREMENT  
FOR ONE- AND TWO-FAMILY DWELLINGS**

State of New York }  
County of NASSAU } SS.:

The undersigned, being duly sworn, depose and say under penalty of perjury that they are the grantor and grantee of the real property or of the cooperative shares in a cooperative corporation owning real property located at

82-11 37TH AVENUE

Street Address Unit/Apt.

QUEENS

Borough

New York,

1456

Block

35

Lot

(the "Premises");

That the Premises is a one or two family dwelling, or a cooperative apartment or condominium unit in a one- or two-family dwelling, and that installed in the Premises is an approved and operational smoke detecting device in compliance with the provisions of Article 6 of Subchapter 17 of Chapter 1 of Title 27 of the Administrative Code of the City of New York concerning smoke detecting devices;

That they make affidavit in compliance with New York City Administrative Code Section 11-2105 (g). (The signatures of at least one grantor and one grantee are required, and must be notarized).

82-11 37<sup>th</sup> AVENUE LLC  
Name of Grantor (Type or Print)

*Neil B. Fang*  
Signature of Grantor  
BY: NEIL B. FANG, MANAGER

Sworn to before me

this 26<sup>th</sup> day of JULY 2018

PATRICIA G. MACKAY  
Notary Public, State of New York  
No. 01MA6238149  
Qualified in Suffolk County  
Commission Expires April 4, 2019

37<sup>th</sup> AVENUE OWNER LLC / HORIZON 37<sup>th</sup> AVE LLC  
Name of Grantee (Type or Print)  
+ RFC Ketcham

*[Signature]*  
Signature of Grantee  
BY: JOHN PETRAS

Sworn to before me

this 26<sup>th</sup> day of JULY 2018

PATRICIA G. MACKAY  
Notary Public, State of New York  
No. 01MA6238149  
Qualified in Suffolk County  
Commission Expires April 4, 2019

These statements are made with the knowledge that a knowingly false representation is unlawful and is punishable as a crime of perjury under Article 210 of the Penal Law.

**SEAL**

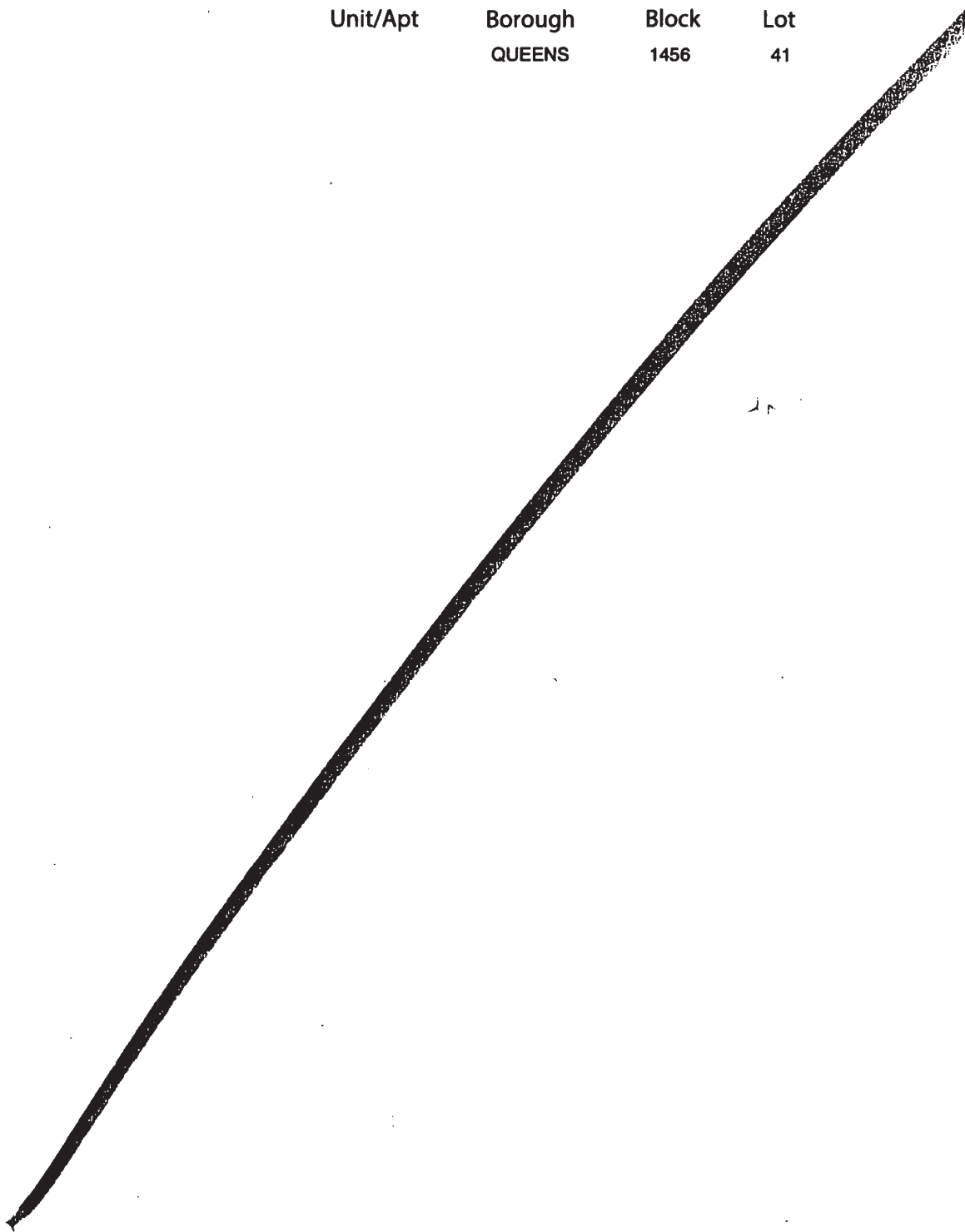
**NEW YORK CITY REAL PROPERTY TRANSFER TAX RETURNS FILED ON OR AFTER FEBRUARY 6th, 1990, WITH RESPECT TO THE CONVEYANCE OF A ONE- OR TWO-FAMILY DWELLING, OR A COOPERATIVE APARTMENT OR A CONDOMINIUM UNIT IN A ONE- OR TWO-FAMILY DWELLING, WILL NOT BE ACCEPTED FOR FILING UNLESS ACCOMPANIED BY THIS AFFIDAVIT.**

**SEE ATTACHED PAGE FOR ADDITIONAL APPLICABLE PROPERTIES**

2018072600236101

**Applicable properties compliant with the  
Smoke Detector requirement**

Street Address	Unit/Apt	Borough	Block	Lot
82-01 37TH AVENUE		QUEENS	1456	41



**AFFIDAVIT OF COMPLIANCE  
WITH SMOKE DETECTOR REQUIREMENT  
FOR ONE- AND TWO-FAMILY DWELLINGS**

State of New York }  
County of } SS.:

The undersigned, being duly sworn, depose and say under penalty of perjury that they are the grantor and grantee of the real property or of the cooperative shares in a cooperative corporation owning real property located at

**82-11 37TH AVENUE**

Street Address Unit/Apt.

**QUEENS**  
Borough

New York,

**1456**  
Block

**35**  
Lot

(the "Premises");

That the Premises is a one or two family dwelling, or a cooperative apartment or condominium unit in a one- or two-family dwelling, and that installed in the Premises is an approved and operational smoke detecting device in compliance with the provisions of Article 6 of Subchapter 17 of Chapter 1 of Title 27 of the Administrative Code of the City of New York concerning smoke detecting devices;

That they make affidavit in compliance with New York City Administrative Code Section 11-2105 (g). (The signatures of at least one grantor and one grantee are required, and must be notarized).

\_\_\_\_\_  
Name of Grantor (Type or Print)

\_\_\_\_\_  
Name of Grantee (Type or Print)

\_\_\_\_\_  
Signature of Grantor

\_\_\_\_\_  
Signature of Grantee

Sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

These statements are made with the knowledge that a willfully false representation is unlawful and is punishable as a crime of perjury under Article 210 of the Penal Law.

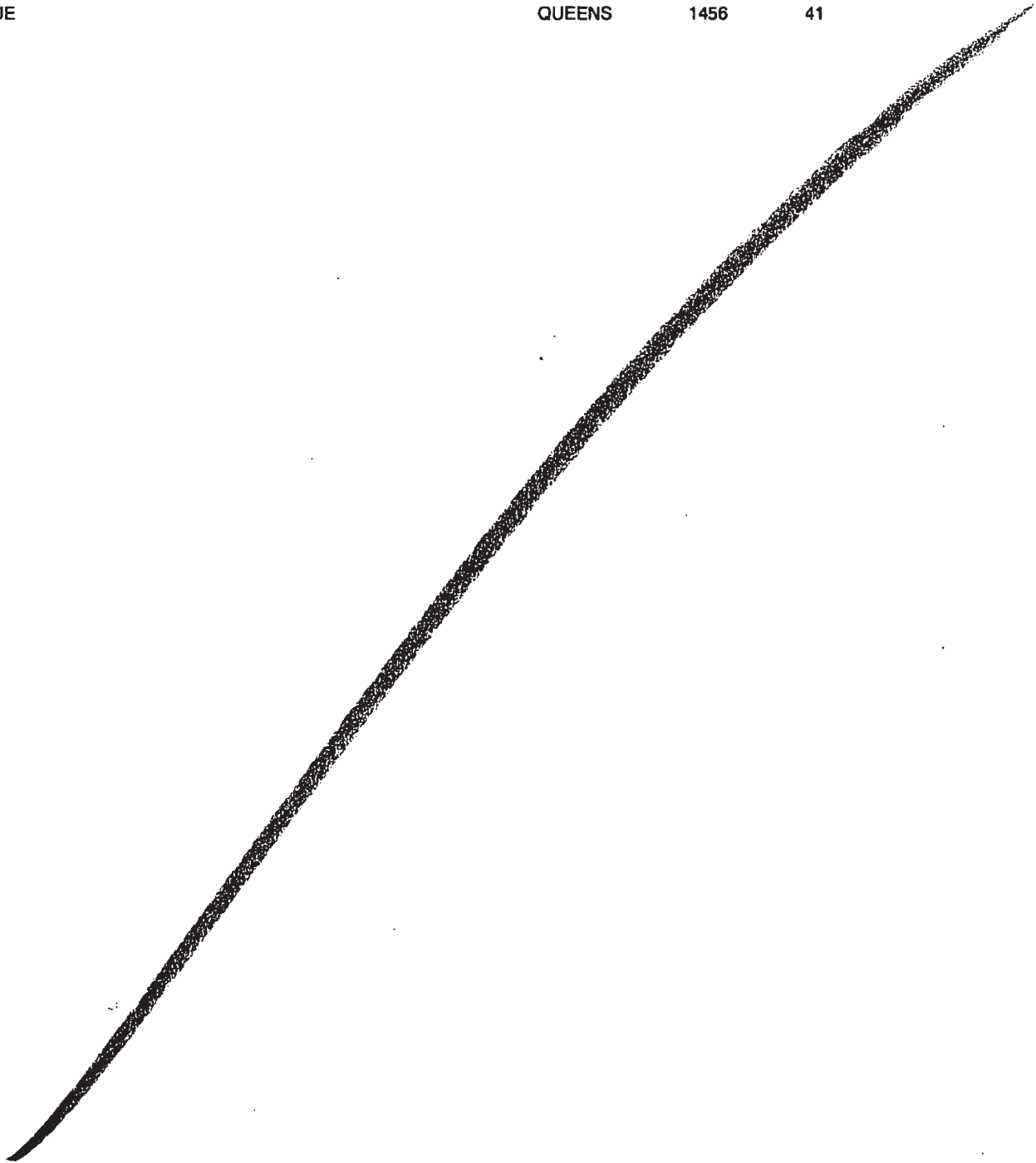
**NEW YORK CITY REAL PROPERTY TRANSFER TAX RETURNS FILED ON OR AFTER FEBRUARY 6th, 1990, WITH RESPECT TO THE CONVEYANCE OF A ONE- OR TWO-FAMILY DWELLING, OR A COOPERATIVE APARTMENT OR A CONDOMINIUM UNIT IN A ONE- OR TWO-FAMILY DWELLING, WILL NOT BE ACCEPTED FOR FILING UNLESS ACCOMPANIED BY THIS AFFIDAVIT.**

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2018072600236101

**Applicable properties compliant with the  
Smoke Detector requirement**

Street Address	Unit/Apt	Borough	Block	Lot
82-01 37TH AVENUE		QUEENS	1456	41





The City of New York  
Department of Environmental Protection  
Bureau of Customer Services  
59-17 Junction Boulevard  
Flushing, NY 11373-5108

## Customer Registration Form for Water and Sewer Billing

### Property and Owner Information:

- (1) Property receiving service: BOROUGH: QUEENS BLOCK: 1456 LOT: 35
- (2) Property Address: 82-11 37TH AVENUE, QUEENS, NY 11372
- (3) Owner's Name: 37TH AVENUE OWNER LLC
- Additional Name: HORIZON 37TH AVE, LLC

### Affirmation:



Your water & sewer bills will be sent to the property address shown above.

### Customer Billing Information:

#### Please Note:

- A. Water and sewer charges are the legal responsibility of the owner of a property receiving water and/or sewer service. The owner's responsibility to pay such charges is not affected by any lease, license or other arrangement, or any assignment of responsibility for payment of such charges. Water and sewer charges constitute a lien on the property until paid. In addition to legal action against the owner, a failure to pay such charges when due may result in foreclosure of the lien by the City of New York, the property being placed in a lien sale by the City or Service Termination.
- B. Original bills for water and/or sewer service will be mailed to the owner, **at the property address or to an alternate mailing address**. DEP will provide a duplicate copy of bills to one other party (such as a managing agent), however, any failure or delay by DEP in providing duplicate copies of bills shall in no way relieve the owner from his/her liability to pay all outstanding water and sewer charges. Contact DEP at (718) 595-7000 during business hours or visit [www.nyc.gov/dep](http://www.nyc.gov/dep) to provide us with the other party's information.

### Owner's Approval:

The undersigned certifies that he/she/it is the owner of the property receiving service referenced above; that he/she/it has read and understands Paragraphs A & B under the section captioned "Customer Billing Information"; and that the information supplied by the undersigned on this form is true and complete to the best of his/her/its knowledge.

Print Name of Owner:

Signature:

By: John Petras

7/26/13

Date (mm/dd/yyyy)

Name and Title of Person Signing for Owner, if applicable:

**SEE ATTACHED PAGE FOR ADDITIONAL APPLICABLE PROPERTIES**



The City of New York  
Department of Environmental Protection  
Bureau of Customer Services  
59-17 Junction Boulevard  
Flushing, NY 11373-5108

## Customer Registration Form for Water and Sewer Billing

Borough	Block	Lot	Street	City	State	Zip
QUEENS	1456	41	82-01 37TH AVENUE	NY	NY	11372

201807260023610101



The City of New York  
Department of Environmental Protection  
Bureau of Customer Services  
59-17 Junction Boulevard  
Flushing, NY 11373-5108

## Customer Registration Form for Water and Sewer Billing

### Property and Owner Information:

- (1) Property receiving service: BOROUGH: QUEENS BLOCK: 1456 LOT: 35
- (2) Property Address: 82-11 37TH AVENUE, QUEENS, NY 11372
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#### Please Note:

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### Owner's Approval:

The undersigned certifies that he/she/it is the owner of the property receiving service referenced above; that he/she/it has read and understands Paragraphs A & B under the section captioned "Customer Billing Information"; and that the information supplied by the undersigned on this form is true and complete to the best of his/her/its knowledge.

Print Name of Owner:

Signature: \_\_\_\_\_ Date (mm/dd/yyyy)

Name and Title of Person Signing for Owner, if applicable:

**SEE ATTACHED PAGE FOR ADDITIONAL APPLICABLE PROPERTIES**





The City of New York  
Department of Environmental Protection  
Bureau of Customer Services  
59-17 Junction Boulevard  
Flushing, NY 11373-5108

## Customer Registration Form for Water and Sewer Billing

Borough	Block	Lot	Street	City	State	Zip
QUEENS	1456	41	82-01 37TH AVENUE	NY	NY	11372

201807260023610104