### NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director 625 Broadway, 12th Floor, Albany, New York 12233-7011 P: (518) 402-9706 | F: (518) 402-9020 www.dec.ny.gov

Transmitted via E-mail and US Mail

December 28, 2022

37th Avenue Owner LLC
Horizon 37th Ave, LLC
RFC Ketcham 37th Ave, LLC
42-15 235th Street
Douglaston, NY 11363
(jpetras@rockfarmerproperties.com)

Re: Certificate of Completion

Rockfarmer 37th Avenue

Jackson Heights, Queens County

Site No. C241212

Dear John Petras:

Congratulations on having satisfactorily completed the remedial program at the Rockfarmer 37th Avenue site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record the Notice of Certificate of Completion in the recording office for the county (or counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record the Notice within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to assure the Notice is recorded within the time frame specified. A standard Notice of Certificate of Completion form is attached to this letter.
- Provide electronic copies of the recorded Notice and proof of recording to the Department's project manager. Please return the hard copy of the proof of recording to:

Sadique Ahmed, Bureau B New York State Department of Environmental Conservation



Division of Environmental Remediation 625 Broadway Albany, NY 12233-7016

- Provide the Notice of Certificate of Completion to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in April 2024.

If you have any questions, please do not hesitate to contact Sadique Ahmed, the Department's project manager, at 518 402 9656.

Sincerely,

Andrew Guglielmi Division Director

Andrew Guglislmi

Division of Environmental Remediation

#### Enclosure

ec w/ enclosure:

37th Avenue Owner LLC, (jpetras@rockfarmerproperties.com)

Horizon 37th Ave, LLC, (jpetras@rockfarmerproperties.com)

RFC Ketcham 37th Ave, LLC, (jpetras@rockfarmerproperties.com)

Scott Furman, Esq., (sfurman@sprlaw.com)

Joseph J. C. Dultz, (jdultz@vertexeng.com)

Christine Vooris, (<a href="mailto:christine.Vooris@health.ny.gov">christine.Vooris@health.ny.gov</a>)

Scarlett McLaughlin, (scarlett.mclaughlin@health.ny.gov)

Kristin Kulow, (kristin.kulow@health.ny.gov)

Matt Gokey, (matthew.gokey@tax.ny.gov)

Paul Takac, (paul.takac@tax.ny.gov)

ec w/o enc.:

Sadique Ahmed, (sadique.ahmed@dec.ny.gov)

William Bennett, (william.bennett@dec.ny.gov)
Gerard Burke, (gerard.burke@dec.ny.gov)
Jane O'Connell, (jane.oconnell@dec.ny.gov)
Jennifer Andaloro, (jennifer.andaloro@dec.ny.gov)
Heather Leibowitz, (heather.leibowitz@dec.ny.gov)
Kelly Lewandowski, (kelly.lewandowski@dec.ny.gov)
Leia Schmidt, (leia.schmidt@dec.ny.gov)

### NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP) CERTIFICATE OF COMPLETION

### **CERTIFICATE HOLDER(S):**

Name Address

37th Avenue Owner LLC

42-15 235th Street, Douglaston, NY 11363

Horizon 37th Ave, LLC

42-15 235th Street, Douglaston, NY 11363

42-15 235th Street, Douglaston, NY 11363

42-15 235th Street, Douglaston, NY 11363

BROWNFIELD CLEANUP AGREEMENT:

**Application Approval:** 7/13/18 **Agreement Execution:** 8/2/18

Agreement Index No.: C241212-07-18

Application Amendment Approval: 11/21/22 Agreement Amendment Execution: 11/21/22

**SITE INFORMATION:** 

**Site No.:** C241212 **Site Name:** Rockfarmer 37th Avenue

Site Owner: 37th Avenue Owner LLC
Horizon 37th Ave, LLC

RFC Ketcham 37th Ave, LLC

Street Address: 82-11 37th Avenue and 82-01 37th Avenue

Municipality: Jackson Heights County: Queens DEC Region: 2

**Site Size:** 0.459 Acres

Tax Map Identification Number(s): 1456-35, 1456-41 Percentage of site located in an EnZone: 0 - 49 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

### CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the Final Engineering Report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the BCP: Restricted-Residential, Commercial, and Industrial

**Cleanup Track:** Track 4: Restricted use with site-specific soil cleanup objectives

**Tax Credit Provisions:** 

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28 %.

Tangible Property Credit at the time of this COC issuance is 0%.

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Queens County as 2020000355292.

### LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the site and to a person who develops or otherwise occupies the site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

### CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

### CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
  - (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program; or
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos Commissioner

New York State Department of Environmental Conservation

By: Andrew Guglislmi Date: 12/28/2022

Andrew O. Guglielmi, Director Division of Environmental Remediation

# Exhibit A Site Description

### SCHEDULE "A" PROPERTY DESCRIPTION

### Legal Description - Environmental Easement

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, 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 of 83rd Street, to the point or place of BEGINNING.

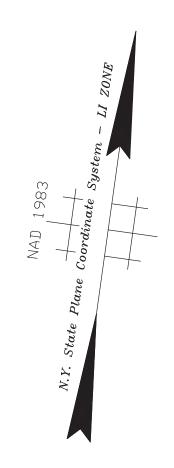
Containing 20,000 square feet or 0.459 acres more or less.

### Exhibit B

Site Survey



VICINITY MAP © 2008 DeLorme. Street Atlas USA (NOT TO SCALE)



MULTI-LEVEL BRICK BUILDING BLOCK 1456 LOT 29 & 46 N/F LANDS OF <NOT A PART> 82 / 83 JH LLC CFRN: 2011000359273 ELEV.=60.71 ONE STORY STORE FRONT MULTI-LEVEL BRICK BUILDING LOT 41 LOT 35 BLOCK 1456 LOT 35 & 41 N/F LANDS OF . 37TH AVENUE OWNER LLC (76%) RFC KETCHAM 37TH AVE, LLC (13%) HORIZON 37TH AVE, LLC (11%) CFRN: 2018Q00274468 HATCHED AREA DENOTES PROPOSED ENVIRONMENTAL EASEMENT ONE STORY STORE FRONT - P.O.B. DEED LEGAL DESCRIPTION P.O.B. EASEMENT LOT 35 P.O.B. EASEMENT LOT 41 ELEV.=58.27 CENTEN INF (75' WIDE R.O.W. PER REF.3) (ASPHALT ROADWAY)

LEGAL DESCRIPTION LOTS 35 & 41:

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.

CONTAINING 20,000 SQUARE FEET OR 0.459 ACRES.

LEGAL DESCRIPTION - PROPOSED ENVIRONMENTAL EASEMENT AREA:

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

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.

CONTAINING 20,000 SQUARE FEET OR 0.459 ACRES. (EASEMENT AREA INDICATED BY HATCHED PORTION OF SURVEY)

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW. THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN MORE DETAIL IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION. DIVISION OF ENVIRONMENTAL REMEDIATION. SITE CONTROL SECTION. 625 BROADWAY, ALBANY, NY 12233 OR AT DERWEB@DEC.NY.GOV

- 1. PROPERTY KNOWN AS LOTS 35 & 41, BLOCK 1456 AS SHOWN ON THE NEW YORK CITY DIGITAL TAX MAP OF THE BOROUGH & COUNTY OF QUEENS, CITY AND STATE OF NEW YORK.
- 2. AREA = LOT 35 10,000 S.F. OR 0.230 AC. LOT 41 - 10,000 S.F. OR 0.230 AC.
  - TOTAL 20,000 S.F. OR 0.459 AC
- 3. THE LOCATION OF UNDERGROUND UTILITIES HAVE NOT BEEN SHOWN. UTILITY INFORMATION SHOWN IS LIMITED TO VISIBLE UTILITY HARDWARE AND UTILITY MARKOUTS AT THE SURFACE AND DOES NOT INCLUDE SUCH ITEMS AS SUBSURFACE PIPING, UTILITY LINES, ETC. BEFORE ANY EXCAVATION IS TO BEGIN, UNDERGROUND UTILITIES SHOULD BE VERIFIED BY THE PROPER UTILITY COMPANIES. CONTROL POINT ASSOCIATES, INC. DOES NOT GUARANTEE THE UTILITIES SHOWN COMPRISE SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED.
- 4. THIS PLAN IS BASED ON INFORMATION PROVIDED BY A SURVEY PREPARED IN THE FIELD BY CONTROL POINT ASSOCIATES, INC. AND OTHER REFERENCE MATERIAL AS LISTED HEREON.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO THE RESTRICTIONS, COVENANTS AND/OR EASEMENTS THAT MAY BE CONTAINED THEREIN. IT IS STRONGLY RECOMMENDED THAT A COMPLETE TITLE SEARCH BE PROVIDED TO THE SURVEYOR FOR REVIEW PRIOR TO THE PLACEMENT OF OR ALTERATION TO IMPROVEMENTS ON THE PROPERTY.
- 6. BY GRAPHIC PLOTTING ONLY PROPERTY IS LOCATED IN FLOOD HAZARD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER REF. #2.
- 7. THE EXISTENCE OF UNDERGROUND STORAGE TANKS, IF ANY, WAS NOT KNOWN AT THE TIME OF THE FIELD
- 8. ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88, BASED ON GPS OBSERVATIONS UTILIZING THE KEYSTONE VRS NETWORK (KEYNETGPS). TEMPORARY BENCH MARKS SET:

TBM-A: X-CUT IN SIDEWALK, WESTERLY SIDE OF 82nd STREET ELEVATION=60.71 TBM-B: X-CUT IN SIDEWALK. EASTERLY SIDE OF 83rd STREET ELEVATION=58.27

- 9. ENCROACHMENTS AND VAULTS, IF ANY, BELOW SURFACE NOT SHOWN HEREON.
- 10. THE OFFSETS SHOWN ARE NOT TO BE USED FOR THE CONSTRUCTION OF ANY STRUCTURE, FENCE, PERMANENT ADDITION, ETC.

### REFERENCES:

(IN FEET) 1 inch = 20 ft.

(IN METERS)

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND

SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE

LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

1 inch = 6.096 m

2.5

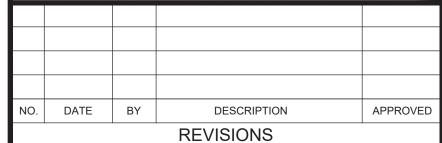
STATE EDUCATION LAW.

- 1. THE NEW YORK CITY DIGITAL TAX MAP OF THE BOROUGH & COUNTY OF QUEENS, CITY AND STATE OF NEW
- 2. MAP ENTITLED "NATIONAL FLOOD INSURANCE PROGRAM, FIRM, FLOOD INSURANCE RATE MAP, CITY OF NEW YORK, NEW YORK, BRONX, RICHMOND, NEW YORK, QUEENS AND KINGS COUNTIES," PANEL 94 OF 457, MAP NUMBER 3604970094F, MAP REVISED: SEPTEMBER 5, 2007.
- 3. MAP ENTITLED "SECTION 20 OF FINAL MAPS OF THE BOROUGH OF QUEENS, PREPARED UNDER AUTHORITY OF CHAPTER 466 OF THE LAWS OF 1901" PREPARED BY THE CITY OF NEW YORK, OFFICE OF THE PRESIDENT OF THE BOROUGH OF QUEENS TOPOGRAPHICAL BUREAU, DATED: NEW YORK, MARCH 8th, 1910.

## PREPARED BY:

CONTROL POINT ASSOCIATES, INC. PC 9 TIMES SQUARE, 200 WEST 41ST STREET, SUITE 1203 NEW YORK, NY 10136 646.780.0411 - 908.668.9595 FAX WWW.CPASURVEY.COM

CHALFONT, PA 215,712,9800 MT. LAUREL, NJ 609.857.2099 LONG ISLAND, NY 631.580.2645 SOUTHBOROUGH, MA 508.948.3000 ALBANY, NY 518.217.5010



### PROJECT NAME

82-13 37th AVENUE

LOTS 35 & 41, BLOCK 1456 **BOROUGH & COUNTY OF QUEENS** CITY AND STATE OF NEW YORK

### DRAWING TITLE

**ENVIRONMENTAL EASEMENT SURVEY** 



FIELD DATE: 8-10-202 FIELD BK: F. B. PAGE: DATE: SCALE: PROJECT No: 04-200247 DRAWING BY:

NEW YORK PROFESSIONAL LAND SURVEYOR #50526

CAD FILE No: PAGE No: 04-200247-00

CHK BY:

APPROVED BY: W.T.W.

NYC BK7

8-18-2020

1"=20

W.T.W.

## LEGEND

- GAS VALVE DETECTABLE WARNING PAD
- PARKING METER DECIDUOUS TREE & TRUNK SIZE
- V HYDRANT
- WATER VALVE EMH (E) ELECTRIC MANHOLE
- TRAFFIC SIGNAL POLE
  - MW MONITORING WELL DEPRESSED CURB
- *E.O.C.* EDGE OF CONC. E.O.B. EDGE OF BRICK
- *BLDG.* BUILDING

### NOTICE OF CERTIFICATE OF COMPLETION Brownfield Cleanup Program 6 NYCRR Part 375-1.9(d)

Rockfarmer 37th Avenue, Site ID No. C241212 82-11 37th Avenue and 82-01 37<sup>th</sup> Avenue, Jackson Heights, NY 11372 Jackson Heights, Queens County, Tax Map Identification Numbers: 1456-35 & 1456-41

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to 37th Avenue Owner LLC, Horizon 37th Ave, LLC and RFC Ketcham 37th Ave, LLC for a parcel approximately 0.459 acres located at 82-13 37th Avenue, Jackson Heights, Queens County.

**PLEASE TAKE NOTICE**, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the Final Engineering Report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the Remedial Work Plan.

**PLEASE TAKE NOTICE**, the remedial program for the site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

	Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
	Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
$\boxtimes$	Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
$\boxtimes$	Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
$\boxtimes$	Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

**PLEASE TAKE NOTICE**, the remedial program relies upon use restrictions or the long-term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for City Register of the City of New York County as Recorded/Filed on December 14, 2020, City Register File No (CRFN): 2020000355292.

**PLEASE TAKE NOTICE**, the Environmental Easement requires that the approved Site Management Plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

**PLEASE TAKE NOTICE**, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the site and to a person who develops or otherwise occupies the site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

### Rockfarmer 37th Avenue, C241212 82-11 37th Avenue and 82-01 37<sup>th</sup> Avenue, Jackson Heights, Queens County, NY 11372

**PLEASE TAKE NOTICE**, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

**PLEASE TAKE NOTICE**, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

**PLEASE TAKE NOTICE**, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

**PLEASE TAKE NOTICE**, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

**PLEASE TAKE NOTICE**, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 2 Office, located at 47-40 21<sup>st</sup> Street, Long Island City, NY 11101 by contacting the Regional Environmental Remediation Engineer, or at <a href="https://www.dec.ny.gov/data/DecDocs/C241212/">https://www.dec.ny.gov/data/DecDocs/C241212/</a>.

WHEREFORE, the undersigned has signed this Notice of Certificate

		37th Avenue Owner LLC
		By:
		Title:
		Date:
appeared the individual(s) whose he/she/they executed the	day of, personally kneen ame is (are) subscribers ame in his/her/the	, in the year 20, before me, the undersigned, personally nown to me or proved to me on the basis of satisfactory evidence to be ribed to the within instrument and acknowledged to me that ir capacity(ies), and that by his/her/their signature(s) on the upon behalf of which the individual(s) acted, executed the instrument.
Signature and Office of taking acknowledgmen		

### Rockfarmer 37th Avenue, C241212 82-11 37th Avenue and 82-01 37<sup>th</sup> Avenue, Jackson Heights, Queens County, NY 11372

WHEREFORE, the undersigned has signed this Notice of Certificate

	Horizon 37th Ave, LLC
	By:
	Title:
	Date:
appeared, personally know the individual(s) whose name is (are) subscribe he/she/they executed the same in his/her/their c	, in the year 20, before me, the undersigned, personally on to me or proved to me on the basis of satisfactory evidence to be d to the within instrument and acknowledged to me that capacity(ies), and that by his/her/their signature(s) on the n behalf of which the individual(s) acted, executed the instrument.
Signature and Office of individual taking acknowledgment	

### Rockfarmer 37th Avenue, C241212 82-11 37th Avenue and 82-01 37<sup>th</sup> Avenue, Jackson Heights, Queens County, NY 11372

WHEREFORE, the undersigned has signed this Notice of Certificate

	RFC Ketcham 37th Ave, LLC
	By:
	Title:
	Date:
appeared, personally knot the individual(s) whose name is (are) subscribe/she/they executed the same in his/her/thei	, in the year 20, before me, the undersigned, personally own to me or proved to me on the basis of satisfactory evidence to be bed to the within instrument and acknowledged to me that r capacity(ies), and that by his/her/their signature(s) on the pon behalf of which the individual(s) acted, executed the instrument.
	Please record and return to:
Signature and Office of individual	John Petras
taking acknowledgment	37th Avenue Owner LLC

Horizon 37th Ave, LLC RFC Ketcham 37th Ave, LLC

42-15 235th Street Douglaston, NY 11363



### NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION Site Management Form

12/6/2022



### SITE DESCRIPTION

SITE NO. C241212

**SITE NAME Rockfarmer 37th Avenue** 

SITE ADDRESS: 82-13 37th Avenue ZIP CODE: 11372

CITY/TOWN: Jackson Heights

COUNTY: Queens

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

### SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan □

Monitoring Plan □

Operation and Maintenance (O&M) Plan

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2024

### **Description of Institutional Control**

### 37th Avenue Owner LLC

42 15 235th Street

82-01 to -09 37 Av/35-57

Environmental Easement

Block: 1456

Lot: 41

Sublot:

Section:

Subsection:

S\_B\_L Image: 1456-41

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan Soil Management Plan

```
82-11 to -21 37th Ave/35-64
Environmental Easement
Block: 1456
Lot: 35
Sublot:
Section:
Subsection:
S_B_L Image: 1456-35
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Monitoring Plan
O&M Plan
Site Management Plan
Soil Management Plan
```

### **Description of Engineering Control**

```
37th Avenue Owner LLC
42 15 235th Street
  82-01 to -09 37 Av/35-57 to -65 82 S
     Environmental Easement
        Block: 1456
          Lot: 41
              Sublot:
                  Section:
                      Subsection:
                          S_B_L Image: 1456-41
                                Cover System
                                Monitoring Wells
                                Vapor Mitigation
  82-11 to -21 37th Ave/35-64 83rd St
     Environmental Easement
       Block: 1456
          Lot: 35
              Sublot:
                  Section:
                      Subsection:
                          S_B_L Image: 1456-35
                                Cover System
```

Monitoring Wells Vapor Mitigation