

# 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](http://www.dec.ny.gov)

DEC 07 2015

Mr. George Tsilogianis  
28 Campbell Drive,  
Dix Hills, NY 11746

Re: Certificate of Completion and Registry Reclassification from 2 to 4  
Site Name: Elks Plaza  
Site No.: 130193  
189 West Merrick Rd, Town of Freeport, Nassau County

Dear Mr. Tsilogianis:

Congratulations on having satisfactorily completed the remedial program at Elks Plaza. Enclosed please find an original, signed Certificate of Completion. The New York State Department of Environmental Conservation (DEC) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above-referenced site. This also results in the reclassification of the site on the Registry of Inactive Hazardous Waste Disposal Sites ("Registry") for Class 2 to Class 4. The effective date of the classification change shall be 20 days from the date of this letter.

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

- If you are the site owner, you must record a notice of the COC 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 a notice of the COC 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 of COC is recorded within the time frame specified. In all cases, proof of filing must be provided to the Department within 30 days of receipt. A standard notice form is attached to this letter.
- Place the notice of the COC in the document repository for the site within 10 days of issuance of the COC; and
- Implement the DEC-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program. You must report the results of these activities to DEC 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 DEC in **March 2017**.

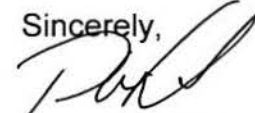


Department of  
Environmental  
Conservation

DEC will prepare and distribute to the Site Contact List a fact sheet describing the institutional and engineering controls that are required at the site, and notifications relating to the reclassification or delisting of the site on the Registry.

If you have any questions regarding the reclassification or any of the above tasks, please contact Melissa Sweet at (518) 402-9620.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

Enclosures

cc: Suzanne M. Avena- Garfunkel, Wild & Travis, P.C.  
Krista Anders, DOH  
Renata Ockerby, DOH  
Michael Ryan, DEC  
Jim Harrington, DEC  
Melissa Sweet, DEC  
John Swartwout, DEC  
Walter Parish, DEC  
Alali Tamuno, DEC



NYSDEC STATE SUPERFUND PROGRAM (SSF)  
*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

Elks Plaza LLC

**Address**

28 Campbell Drive, Dix Hills, NY 11746

**SITE INFORMATION**

**Site No.:** 130193    **Site Name:** Elks Plaza

**Order on Consent:** Index No. W1-1120-08-04    **Order Execution Date:** 08/27/08

**Site Owner:** Elks Plaza LLC

**Street Address:** 189 W. Merrick Road

**Municipality:** Freeport    **County:** Nassau    **DEC Region:** 1

**Site Size:** 0.220 Acres

**Tax Map Identification Number(s):** 62-114-131

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 6 NYCRR §375-1.9.

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 Order on Consent as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the Environmental Conservation Law (ECL) and 6NYCRR Part 375 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:

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

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 Nassau County with recording identifier RE 017516.

**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 6NYCRR §375-2.9. 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 6NYCRR §375-2.9(d). The liability limitation shall be subject to all rights reserved to the State by ECL §27-1321 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 6NYCRR §375-1.9(f)-(g).

## **CERTIFICATE MODIFICATION/REVOCATION**

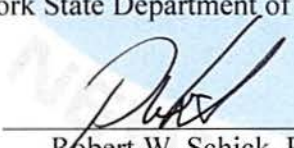
This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with 6NYCRR §375-1.9(e)(2) upon a finding that:

- (1) the remedial party has failed to manage the controls or monitoring in full compliance with the terms of the approved remedial program;
- (2) there has been a failure to comply with the terms and conditions of the order;
- (3) there was a misrepresentation of a material fact tending to demonstrate that the cleanup levels were reached;
- (4) the terms and conditions of any environmental easement have been intentionally violated or found to be not protective or enforceable;
- (5) for good cause;
- (6) environmental contamination at, on, under, or emanating from the site if, in light of such conditions, the site is no longer protective of public health or the environment, and the remedial party is not in good faith negotiating, and/or following its approval by the Department, implementing a work plan to achieve conditions at the site which are protective of public health and the environment;
- (7) non-compliance with the terms of the order, the remedial work plan, site management plan, or the certificate of completion after notice of the failure and reasonable opportunity to cure has been afforded to the remedial party by the Department as provided for at paragraph 375-1.9(e)(2);
- (8) fraud related to the remedial program for the site committed by the certificate holder;
- (9) a finding by the Department that a change in an environmental standard, factor, or criterion upon which the remedial work plan was based renders the remedial program implemented at the site no longer protective of public health or the environment, and the remedial party is not in good faith negotiating, and/or following its approval by the Department, implementing a work plan to achieve conditions at the site which are protective of public health and the environment; or
- (10) a change in the site's use subsequent to the Department's issuance of the certificate of completion, unless additional remediation is undertaken which shall meet the standard for protection of the public health and environment that applies to this site.

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 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  
Acting Commissioner  
New York State Department of Environmental Conservation

By:

  
Robert W. Schick, P.E., Director  
Division of Environmental Remediation

Date:

December 7, 2015



**NOTICE OF CERTIFICATE OF COMPLETION**  
**Inactive Hazardous Waste Disposal Site Program**  
**Pursuant to 6 NYCRR Part 375-1.9(d)**

**Elks Plaza, Site ID No. 130193**  
**189 West Merrick Rd, Freeport, NY, 11520**  
**City of Freeport, Nassau, Tax Map Identification Number(s) 62-114-131**

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to 6 NYCRR Part 375 to Elks Plaza for a parcel approximately 0.220 acres located at 189 West Merrick Rd, Freeport, NY, 11520 in the Freeport, Nassau.

**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 Order on Consent, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 13 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):

- X Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- X Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- X Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- X 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**, since 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 Nassau County as Control No. 420 Reference No. RE 017516.

**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 6 NYCRR Part 375-2.9. 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 6 NYCRR Part 375-2.9. The liability limitation shall be subject to all rights reserved to the State by 6 NYCRR Part 375-2.9 and any other applicable provision of law.

*Elks Plaza, 130193, 189 W. Merrick Rd, Freeport, NY 11520*

**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 only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by 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**, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at DEC's Region 1 Office located at 625 Broadway, Albany, NY 12233, by contacting the Regional Environmental Remediation Engineer.

**WHEREFORE**, the undersigned has signed this Notice of Certificate

George Tsilogianis

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF NEW YORK        ) SS:  
COUNTY OF                )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name 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

**Please record and return to:**

George Tsilogianis  
28 Campbell Drive  
Dix Hills, NY 11746



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
11/20/2015



SITE DESCRIPTION

SITE NO. 130193

SITE NAME Elks Plaza

SITE ADDRESS: 189 W. Merrick Road ZIP CODE: 11520

CITY/TOWN: Freeport

COUNTY: Nassau

ALLOWABLE USE: Residential, Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:

IC/EC Certification Plan YES

Monitoring Plan YES

Operation and Maintenance (O&M) Plan YES

Periodic Review Frequency: 1 year

Periodic Review Report Submittal Date: 03/31/2017

Description of Institutional Control

George Tsillogianis

189 W. Merrick Road

Environmental Easement

Block: 114

Lot: 131

Sublot:

Section: 62

Subsection:

S\_B\_L Image: 62-114-131

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

O&M Plan

Site Management Plan

Description of Engineering Control

**George Tsillogianis**

189 W. Merrick Road

Environmental Easement

Block: 114

Lot: 131

Sublot:

Section: 62

Subsection:

S\_B\_L Image: 62-114-131

Vapor Mitigation



**Exhibit A**  
**Site Description**

## **SCHEDULE "A" PROPERTY DESCRIPTION**

### **Environmental Easement Description** **For Elks Plaza Site** **Site No. 130193**

All that a certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, being a part of the parcel known as Nassau County Tax Map number 62-114-128.130 & 131, lying and being in the Village of Freeport, Town of Hempstead, County of Nassau and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the new Southerly side of Merrick Road, distant 244.66 feet from the corner formed by the intersection of the new Southerly side of Merrick Road and the Westerly side of Ocean Avenue;

Following the following two courses and distances to the point or place of Beginning:

1) Running thence South 5 Degrees 38 Minutes 00 Seconds West, 471.36 Feet to a point;

2) Running thence North 83 Degrees 31 Minutes 30 Seconds West, 231.23 Feet to a point;

Running thence North 5 Degrees 38 Minutes 00 Seconds East, 143.04 Feet to a point;

Running thence South 83 Degrees 31 Minutes 30 Seconds East, 101.02 Feet to a point;

Running thence South 07 Degrees 13 Minutes 20 Seconds West, 143.25 Feet to a point;

Running thence South 83 Degrees 59 Minutes 00 Seconds East, 25.87 Feet to a point;

Running thence South 83 Degrees 31 Minutes 30 Seconds East, 79.12 Feet to the point or place of BEGINNING

Being .22 acres more or less.

**Exhibit B**  
**Site Survey**



# SURVEY OF PROPERTY

157-189 West Merrick Road, Freeport, NY 11520

SITUATE

VILLAGE OF FREEPORT, TOWN OF HEMPSTEAD  
NASSAU COUNTY, NEW YORK

NassauTax Map No.: 62-114-128, 130 & 131

DATE SURVEYED: 6/7/2014

**GUARANTEED TO:**

Core Title Services, LLC

First American Title Insurance Company

Elks Plaza LLC

Bank United.

All that a certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, being a part of the parcel known as Nassau County Tax Map number 62-114-128, 130 & 131, lying and being in the Village of Freeport, Town of Hempstead, County of Nassau and State of New York, being more particularly bounded and described as follows:

BE BEGINNING at a point on the new Southernly side of Merrick Road, distant 244.66 feet from the corner formed by the intersection of the new Southernly side of Merrick Road and the Westernly side of Ocean Avenue;

following the following two courses and distances to the point or place of Beginning:

- 1) Running thence South 5 Degrees 38 Minutes 00 Seconds West, 471.36 feet to a point;
- 2) Running thence North 8.1 Degrees 31 Minutes 30 Seconds West, 231.23 feet to a point;

Running thence North 5 Degrees 38 Minutes 00 Seconds East, 143.04 feet to a point;

Running thence South 8.1 Degrees 31 Minutes 30 Seconds East, 101.02 feet to a point;

Running thence South 07 Degrees 13 Minutes 20 Seconds West, 143.25 feet to a point;

Running thence South 8.1 Degrees 31 Minutes 30 Seconds East, 25.87 feet to a point;

Running thence South 8.1 Degrees 31 Minutes 30 Seconds East, 79.12 feet to the point or place of BEGINNING

Area described is the United area that is subject to the engineering control of the Sub Slab Depressurization System

## NOTES:

1. UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7208, SUB-DIVISION 2, OF NEW YORK STATE EDUCATION LAW
2. ONLY BOUNDARY SURVEY MAPS WITH THE SURVEYOR'S EMBOSSED SEAL ARE GENUINE TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION
3. CERTIFICATIONS ON THIS BOUNDARY SURVEY MAP STATE THAT THE MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC. THE CERTIFICATION IS LIMITED TO PERSONS FOR WHOM THE BOUNDARY SURVEY MAP IS PREPARED, TO THE TITLE COMPANY, TO THE GOVERNMENTAL AGENCY AND TO THE LENDING INSTITUTION LISTED ON THIS BOUNDARY SURVEY MAP
4. THE CERTIFICATIONS HEREIN ARE NOT TRANSFERABLE
5. THE LOCATION OF UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS EXIST OR ARE SHOWN, THE IMPROVEMENTS OR ENCROACHMENTS ARE NOT COVERED BY THIS SURVEY
6. THE EXIST (OR ENCLOSED) SHOWN HEREON FROM THE FORECLOSURE TO THE PROPERTY LINES ARE FOR A SPECIFIC PURPOSE AND USE AND THEREFORE ARE NOT INTENDED TO GUARANTEE THE EXISTENCE OF TITLES, RETAINING WALLS, POOLS, PATIO PLANTING AREAS, ADDITIONS TO BUILDINGS, AND ANY OTHER TYPE OF CONSTRUCTION
7. PROPERTY CORNER MONUMENTS WERE NOT SET AS PART OF THIS SURVEY
8. THIS SURVEY WAS PERFORMED WITH A SPECTRA FOCUS 30 ROBOTIC TOTAL STATION



SCALICE LAND SURVEYING P.C.

110 South 4th Street, Lindenhurst, NY

MJScalice@mjslandsurvey.com

P: 631-957-2400 F: 631-226-2400

SCALE: 1"=60'

SURVEYED BY: J.S.  
MAPPED BY: A.C.

JOB NO. N14-0151

