

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
STATE SUPERFUND PROGRAM
ECL §27-1301 *et seq.*

In the Matter a Remedial Program for

**MODIFICATION TO ORDER ON
CONSENT AND
ADMINISTRATIVE
SETTLEMENT**

DEC Site Name: Deutsch Relays Site

DEC Site No.: 152003

Site Address: 65 Daly Road
East Northport,
Suffolk County, NY

Index No. CO 1-20190514-117

Hereinafter referred to as the "Property"

by: The Engel Burman Group LLC
Engel Burman Daly Road LLC
65 Daly Road LLC

Hereinafter collectively referred to as the
"Settling Respondent"

1. 65 Daly Road LLC, a limited liability company organized and existing under the laws of the State of New York, is the current owner of property located at 65 Daly Road, East Northport, Suffolk County, New York (the "Property"), which includes the Deutsch Relays, Site No. 152003 (the "Site"). Exhibit "A" is a map of the Property showing its general location.
2. The New York State Department of Environmental Conservation (the "Department") and The Engel Burman Group LLC and Engel Burman Daly Road LLC executed an Order on Consent, Index # CO 3-20181123-203, dated April 25, 2019 with respect to the Property (the "Order"). A copy of the Order is attached as Exhibit "B".
3. By electronic mail dated May 3, 2019, The Engel Burman Group LLC and Engel Burman Daly Road LLC through its' attorney, Mr. Barry Cohen, Esq. notified the Department pursuant to Paragraph IX (F) of the main body of the Order "that the closing of the purchase of the Property was completed on May 1, 2019" and further advised the Department that "on the same day, Respondent Engel Burman Daly Road LLC assigned its contractual right to purchase the Property to 65 Daly Road LLC and that, as a result, 65 Daly Road LLC is the new owner of the Property".
4. The Department and The Engel Burman Group LLC and Engel Burman Daly Road LLC agree that a modification of the Order is warranted.
5. Subparagraph XVI.E.1 of Appendix A - "Standard Clauses for All New York State, State Superfund Orders" of the Order provides for modifications to be made in writing and subscribed by the party to be bound. Subparagraph VI.A.1 of the main body of the Order provides the designation of Richard P. Mustico to receive communication from the Respondent.

NOW, having considered this matter and being duly advised, **IT IS ORDERED THAT:**

I. Whereas Paragraph 2.A of the Order is hereby modified to read as follows:

The Engel Burman Group, LLC, a foreign corporation not currently registered to do business in New York State pursuant to New York State Business Corporation Law, entered into an agreement to purchase an approximately 14.3 acres property located at 65 Daly Road, East Northport, Suffolk County, New York (the "Property"), and subsequently assigned its purchase rights to Engel Burman Daly Road LLC, a New York State limited liability company. Engel Burman Group, LLC hereby waives its rights, if any, to contest the Department's jurisdiction to issue and hereafter to enforce this Order or otherwise act in furtherance of this Order. Additionally, Engel Burman Group, LLC hereby appoints Craig Masheb, Esq. (Engel Burman Daly Road LLC, 67 Clinton Road Garden City, NY 11530) as its agent for service of process by the State of New York. 65 Daly Road LLC is the current owner of the Property. 65 Daly Road LLC, The Engel Burman Group LLC and Engel Burman Daly Road LLC are collectively referred to as the "Settling Respondent". The Property is identified on the Suffolk County Tax Map as District 0400, Section 215, Block 02 .00, Lot 055.0001 at the approximate locations shown on a map attached to this Order as Exhibit "A" and being more particularly described in Appendix "A-1" attached hereto and made a part hereof.

II. VI.A.1 of the main body of the Order is hereby modified to read as follows:

1. Communication from Respondent shall be sent to:
Richard P. Mustico (1 hard copy (unbound for work plans) & 1 electronic copy)
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, N.Y. 12233-7015
richard.mustico1@dec.ny.gov

III. This Modification is made in accordance with and subject to all of the terms and conditions of the Order and all applicable guidance, regulations and state laws applicable thereto. All other provisions of the Order remain unchanged and in full force and effect and shall apply jointly and severally to each Settling Respondent.

IV. The effective date of the Modification to the Order is retroactive to the effective date of the Order.

DATED: JUL 3 2019

BASIL SEGGOS
COMMISSIONER
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

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

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Consent Order, waives Respondent's right to a hearing herein as provided by law, and agrees to be bound by this Consent Order.

The Engel Burman Group LLC
By: _____
Title: Member
Date: 5/6/19

STATE OF NEW YORK)
) ss:
COUNTY OF Nassau)

On the 6 day of June in the year 2019, before me, the undersigned, personally appeared Steven Krieger (full name) personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Acknowledgment by a corporation, in New York State:

On the 6 day of June in the year 2019, before me, the undersigned, personally appeared Steven Krieger (full name) personally known to me who, being duly sworn, did depose and say that he/she/they reside at 67 Clinton Road, Garden City, NY 11530 (full mailing address) and that he/she/they is (are) the Member (president or other officer or director or attorney in fact duly appointed) of the The Engel Burman Group LLC (full legal name of corporation), the corporation described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by the authority of the board of directors of said corporation.

Jessica F. Colabella
Notary Public, State of New York

JESSICA F. COLABELLA
Notary Public, State of New York
No. 01CO6137529
Qualified in Nassau County
Commission Expires November 28, 2021

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Consent Order, waives Respondent's right to a hearing herein as provided by law, and agrees to be bound by this Consent Order.

Engel Burman Daly Road LLC

By: _____

Title: Member

Date: 6/6/15

STATE OF NEW YORK)
) ss:
COUNTY OF Nassau)

On the 6 day of June in the year 2019, before me, the undersigned, personally appeared Steven Krieger (full name) personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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Jessica F. Colabella
Notary Public, State of New York

JESSICA F. COLABELLA
Notary Public, State of New York
No. 01CO6137529
Qualified in Nassau County
Commission Expires November 28, 2021

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Consent Order, waives Respondent's right to a hearing herein as provided by law, and agrees to be bound by this Consent Order.

65 Daly Road LLC
By: _____
Title: MEMBER
Date: 6/6/19

STATE OF NEW YORK)
) ss:
COUNTY OF Nassau)

On the 6 day of June in the year 20 19, before me, the undersigned, personally appeared Steven Krieger (full name) personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Acknowledgment by a corporation, in New York State:

On the 6 day of June in the year 20 19, before me, the undersigned, personally appeared Steven Krieger (full name) personally known to me who, being duly sworn, did depose and say that he/she/they reside at 67 Clinton Rd., Garden City, NY 11530 (full mailing address) and that he/she/they is (are) the 65 Daly Road LLC Member (president or other officer or director or attorney in fact duly appointed) of the 65 Daly Road LLC (full legal name of corporation), the corporation described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by the authority of the board of directors of said corporation.

Jessica F. Colabella
Notary Public, State of New York

JESSICA F. COLABELLA
Notary Public, State of New York
No. 01CO6137529
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Commission Expires November 28, 2021

EXHIBIT "A"

Map

Exhibit “B”

The Order