



SUFFOLK COUNTY CLERK
RECORDS OFFICE
RECORDING PAGE

Type of Instrument: DECLARATION/DOP
Number of Pages: 8
Receipt Number : 04-0065429

Recorded: 06/09/2004
At: 09:36:02 AM

LIBER: D00012323
PAGE: 907

District:	Section:	Block:	Lot:
0500	455.00	01.00	064.001

EXAMINED AND CHARGED AS FOLLOWS

Received the Following Fees For Above Instrument

		Exempt			Exempt
Page/Filing	\$24.00	NO	Handling	\$5.00	NO
COE	\$5.00	NO	NYS SRCHG	\$15.00	NO
TP-584	\$0.00	NO	Notation	\$0.00	NO
Cert.Copies	\$15.60	NO	RPT	\$30.00	NO
SCTM	\$0.00	NO			

Fees Paid \$94.60

THIS PAGE IS A PART OF THE INSTRUMENT
THIS IS NOT A BILL

Edward P.Romaine
County Clerk, Suffolk County

Number of pages

8

TORRENS

Serial # _____

Certificate # _____

Prior Ctf. # _____

RECORDED
2004 Jun 09 09:36:02 AM
Edward P. Romaine
CLERK OF
SUFFOLK COUNTY
L D00012323
P 907

Deed / Mortgage Instrument

Deed / Mortgage Tax Stamp

Recording / Filing Stamps

3

FEES

Page / Filing Fee 24

Handling 5.00

TP-584 _____

Notation _____

EA-52 17 (County) _____

EA-5217 (State) _____

R.P.T.S.A. 30

Comm. of Ed. 5.00

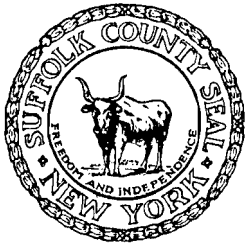
Affidavit _____

3 Certified Copy 15.60

NYS Surcharge 15.00

Other _____

Sub Total 29



Sub Total 65

Grand Total 94.60

Mortgage Amt. _____

1. Basic Tax _____

2. Additional Tax _____

Sub Total _____

Spec./Assit. _____

or

Spec. /Add. _____

TOT. MTG. TAX _____

Dual Town _____ Dual County _____

Held for Appointment _____

Transfer Tax _____

Mansion Tax _____

The property covered by this mortgage is or will be improved by a one or two family dwelling only.

YES _____ or NO _____

If NO, see appropriate tax clause on page # _____ of this instrument.

4

Dist 5500

Section 4500

Block 0100

Lot 04001

5

Community Preservation Fund

Real Property
Tax Service
Agency
Verification



Consideration Amount \$ _____

CPF Tax Due \$ _____

Improved _____

Vacant Land _____

TD _____

TD _____

TD _____

6

Satisfactions/Discharges/Releases List Property Owners Mailing Address

RECORD & RETURN TO:

DFCI SOLUTIONS, INC.
ATT: OLIVIA MARIE
VICE PRESIDENT
425 UNION BOULEVARD
WEST ISLIP, NY 11795

7

Title Company Information

Co. Name

Title #

8

Suffolk County Recording & Endorsement Page

This page forms part of the attached DECLARATION OF COVENANTS AND RESTRICTIONS made by:
(SPECIFY TYPE OF INSTRUMENT)

DFCI SOLUTIONS, INC.

The premises herein is situated in
SUFFOLK COUNTY, NEW YORK.

TO

In the Township of ISLIP

In the VILLAGE

or HAMLET of _____

BOXES 6 THRU 8 MUST BE TYPED OR PRINTED IN BLACK INK ONLY PRIOR TO RECORDING OR FILING.

(over)

DECLARATION of COVENANTS and RESTRICTIONS

THIS COVENANT, made the 2nd day of June 2004, by **DFCI SOLUTIONS, INC.** - formerly known as **DZUS FASTENER CO. INC.**; referred to herein as "**DFCI**") a corporation organized and existing under the laws of the State of New York and having an office for the transaction of business at 425 Union Blvd., West Islip, NY 11795.

WHEREAS, DFCI is the owner of an inactive hazardous waste disposal Site which is listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State as Site Number 1-52-033, located at 425 Union Blvd., West Islip, NY 11795, consisting of approximately 4.02 acres, P.O. Lots 2-8 and 101, 9 and 10, Block A, Map of Babylon Development by the Long Island Seashore Co., Inc. filed April 5, 1921, File No. 92 in the Office of the County Clerk at the County of Suffolk hereinafter referred to as the "Property"; and

WHEREAS, the Property is the subject to Order on Consent Index # W1-0538-90-04 issued by the New York State Department of Environmental Conservation to DFCI on December 13, 1993; and

WHEREAS, the New York State Department of Environmental Conservation set forth a remedy to eliminate or mitigate all significant threats to the environment presented by hazardous waste disposal on the Site in an Operable Unit 1 Record of Decision ("OU-1 ROD") dated March 1995, and such OU-1 ROD or the Work Plan for the implementation of the OU-1 ROD required that the Property be subject to restrictive covenants.

WHEREAS, the remedy selected in the OU-1 ROD has been implemented, except for the on-going Operation, Maintenance, and Monitoring phase.

NOW, THEREFORE, DFCI, for itself and its successors and/or assigns, covenants that:

First, the Property subject to this Declaration of Covenants and Restrictions is described in a Metes and Bounds Description attached to this declaration as Appendix "A" and made a part hereof.

Second, unless prior written approval by the New York State Department of Environmental Conservation or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained, no person shall engage in any activity that will, or that reasonably is anticipated to, prevent or interfere significantly with any proposed, ongoing or completed program under the OU-1 ROD at the Property or that will, or is reasonably foreseeable to, expose the public health or the environment to a significantly increased threat of harm or damage.

Third, the owner of the Property shall prohibit any excavation or disturbance of the asphalt cover in the Treatment Cell Area, which Treatment Cell Area is described in the Metes and Bounds description in Appendix "B1" and as Parcel 2 in the survey by American Engineering Services, P.C. dated November 26, 2003, in Appendix "B2", unless the owner of the Property first obtains permission to do so from the Relevant Agency.

Fourth, the owner of the Property shall protect the Treatment Cell Area from the effects of erosion by maintaining the final topsoil/asphalt cover as agreed upon between DFCI and the Department, or after obtaining the written approval of the Relevant Agency, by capping the Property with another material. Currently the Treatment Cell Area has an asphalt cover.

Fifth, the owner of the Property shall prohibit the Property from ever being used for purposes other than for non-residential commercial/industrial uses, excluding day-care and health care facilities, without the express written waiver of such prohibition by the Relevant Agency. Except as provided herein and in the OU-1 ROD, this Declaration of Covenants and Restrictions is not intended to impair any legal use of the Property.

Sixth, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Relevant Agency.

Seventh, the owner of the Property shall continue in full force and effect any institutional and engineering controls the Department required owner to put into place and maintain unless the owner first obtains permission to discontinue such controls from the Relevant Agency. Currently the institutional and engineering controls in place consist of the Treatment Cell asphalt cover, the maintenance thereof, and the on-going sampling and maintenance of the groundwater monitoring wells under the OU-1 ROD, which monitoring wells are being maintained by the DEC. The DEC is hereby granted access to the Property to continue the maintenance of such monitoring wells until such time as it determines such wells are no longer required. Such monitoring wells are noted in Appendix "B2".

Eighth, the owner of the Property shall provide an annual certification to the Relevant Agency that the institutional and engineering controls are still in place, unless the DEC determines otherwise.

STATE OF NEW YORK
COUNTY OF SUFFOLK

SS:

I EDWARD P. ROMAIN, CLERK OF THE COUNTY OF SUFFOLK AND CLERK OF THE SUPREME COURT OF THE STATE OF NEW YORK IN AND FOR SAID COUNTY (SAID COURT BEING A COURT OF RECORD) DO HEREBY CERTIFY THAT I HAVE COMPARED THE ANNEXED COPY OF DEED LIBER 12323 AT PAGE 907 RECORDED 6-9-04 AND THAT IT IS A JUST AND TRUE COPY OF SUCH ORIGINAL DECLARATION AND OF THE WHOLE THEREOF.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL OF SAID COUNTY AND COURT THIS 9th DAY OF June 2004

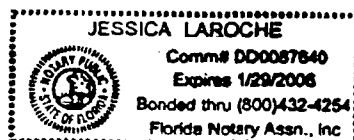
Edward P. Romaine
CLERK

12-0189, 12/97cg

By: Stephen Meshover
Stephen Meshover, President

STATE OF FLORIDA)
COUNTY OF ORANGE) ss.:

On the 09 day of June in the year 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared STEPHEN MESHOWER, 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.



Jess Laroche
Notary Public

Sixth, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Relevant Agency.

Seventh, the owner of the Property shall continue in full force and effect any institutional and engineering controls the Department required owner to put into place and maintain unless the owner first obtains permission to discontinue such controls from the Relevant Agency. Currently the institutional and engineering controls in place consist of the Treatment Cell asphalt cover, the maintenance thereof, and the on-going sampling and maintenance of the groundwater monitoring wells under the OU-1 ROD, which monitoring wells are being maintained by the DEC. The DEC is hereby granted access to the Property to continue the maintenance of such monitoring wells until such time as it determines such wells are no longer required. Such monitoring wells are noted in Appendix "B2".

Eighth, the owner of the Property shall provide an annual certification to the Relevant Agency that the institutional and engineering controls are still in place, unless the DEC determines otherwise.


Ninth, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property and shall provide that the owner, and its successors and assigns, consents to the enforcement by the Relevant Agency of the prohibitions and restrictions recorded by this Declaration of Covenants and Restrictions, and hereby covenants not to contest the authority of the Department to seek enforcement.

Tenth, the owner of the Property may petition the Department to modify or terminate this Declaration of Covenants and Restrictions at such time as it can certify that reliance upon such covenants and restrictions is no longer required to meet the goals of the Remedial Program under the OU-1 ROD. Such certification shall be made by a Professional Engineer. The Department shall not unreasonably withhold its consent to such petition.

Eleventh, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Relevant Agency has consented to the termination of such covenants and restrictions that said conveyance is subject to this Declaration of Covenants and Restrictions.

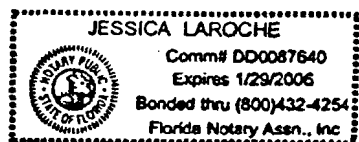
IN WITNESS WHEREOF, the undersigned has executed this instrument the day written below.

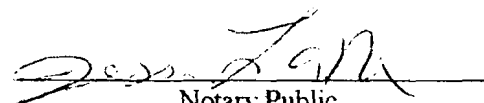
DFCI SOLUTIONS, INC.

By: 
Stephen Meshover, President

STATE OF FLORIDA)
) ss.:
COUNTY OF ORANGE)

On the 10th day of June in the year 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared STEPHEN MESHOVER, 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.




Notary Public

APPENDIX "A"

METES AND BOUND DESCRIPTION OF PROPERTY

SCHEDULE "A"

ALL that plot, piece or parcel of land, with the buildings and improvements thereon erected, situate lying and being at West Islip, Town of Islip, County of Suffolk, State of New York, being more particularly bounded and described as follows;

BEGINNING at a point on the north side of Union Avenue (C.R. 50), said point being the intersection of the north line of Union Avenue (C.R. 50) and the east line of Beach Street (as widened).

RUNNING THENCE from said point of BEGINNING northerly along the east side of Beach Street (as widened) North 12 degrees 20 minutes 00 seconds East a distance of 192.75 feet; to the southerly line of Prospect Avenue;

THENCE easterly along said line of Prospect Avenue (as widened) North 80 degrees 00 minutes 00 seconds East a distance of 102.72 feet; to a point on the easterly line of Prospect Avenue;

THENCE northerly along said line North 12 degrees 20 minutes East a distance of 156.76 feet; to the southerly side line of land now or formerly of Long Island Railroad (M.T.A.) (Montauk division);

THENCE along said lands the following courses; North 80 degrees 00 minutes 00 seconds East a distance of 876.55 feet;

THENCE along the arc of a curve bearing to the left, having a radius of 3464.87 feet and a length of 324.54 feet, to a point on the northerly line of Union Avenue (C.R. 50);

THENCE along the north line of Union Avenue (C.R. 50) the following courses; South 74 degrees 38 minutes 00 seconds West a distance of 82.13 feet;

THENCE, along the arc of a curve bearing to the left, having a radius of 1940.08 feet and a length of 363.44 feet;

THENCE South 63 degrees 54 minutes 00 seconds West a distance of 773.76 feet;

THENCE, along the arc of a curve bearing to the right having a radius of 1402.69 feet and a length of 259.24 feet to the point or place of BEGINNING.

Containing within said bounds 4.0 acres more or less.

APPENDIX "B1"

TREATMENT CELL AREA METES AND BOUNDS DESCRIPTION

ALL that plot, piece or parcel of land, with the buildings and improvements thereon erected, situate lying and being at West Islip, Town of Islip, County of Suffolk, State of New York, being more particularly bounded and described as follows;

BEGINNING at a point on the south line of lands now or formerly of Long Island Railroad, said point being North 12 degrees 20 minutes 00 seconds East a distance of 156.76 feet;

THENCE North 80 degrees 00 minutes 00 seconds East a distance of 371.62 feet from the southeast corner of the terminus of Prospect Avenue;

RUNNING THENCE from said point of beginning along the south line of said lands of Long Island Railroad the following courses; North 80 degrees 00 minutes 00 seconds East a distance of 504.93 feet;

THENCE along the arc of a curve bearing to the left, having a radius of 3464.87 feet and a length of 324.54 feet to a point on the North side of Union Avenue (C.R. 50);

THENCE along the arc of a curve bearing to the left, having a radius of 1940.08 feet and a length of 363.44 feet;

THENCE along the North side of Union Avenue (C.R. 50) the following courses; South 74 degrees 38 minutes 00 seconds West a distance of 82.13 feet;

THENCE along the arc of a curve bearing to the left, having a radius of 1940.08 feet and a length of 363.44 feet;

THENCE South 63 degrees 54 minutes 00 seconds West a distance of 272.37 feet to a point on the North side of Union Avenue (C.R. 50);

THENCE in a northerly direction the following courses; North 09 degrees 44 minutes 21 seconds East a distance of 64.59 feet;

THENCE North 71 degrees 15 minutes 04 seconds East a distance of 147.41 feet to the point or place of BEGINNING.

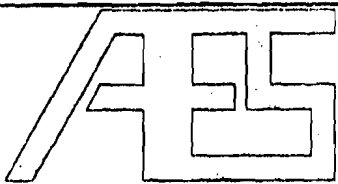
Containing within said bounds 0.9 acres more or less.

APPENDIX B 2
PS 1/3

SURVEY OF
LOTS 2-8, P.O. LOTS 1, 9 & 10
MAP OF

"BABYLON DEVELOPMENT OF THE
LONG ISLAND SEASHORE CO. INC."
SITUATE AT

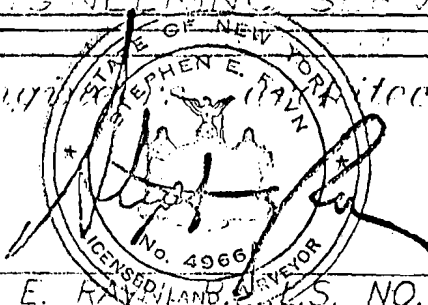
SCALE 1"=50' NOVEMBER 26, 2003



1601 J.F. COLLIER ROAD SUITE 202
PLAINVILLE, NEW JERSEY 07061
PHONE 454-7500
FAX 454-1715

AMERICAN ENGINEERING SERVICES, P.C.

surveyors engineers architects planners



STEPHEN E. RAY, LICENSED PROFESSIONAL ENGINEER, STATE OF NEW YORK, NO. 49664

FILE NO. 92
FILED: 4/5/1921

JOB NO. 9959
REVISIONS:

N.C.T.M. DIST. 500 SEC. 455 BLK. 01 LOT 64.1

IND RAILROAD
 JK DIVISION)
 M.T.A.)

876.55'

Q=3464.87'

Q=374.54'

574.54'

PROPOSED
 LOT LINE

PARCEL 2
 0.9 ACRES

10'-0"

10'-0"

10'-0"

10'-0"

10'-0"

10'-0"

10'-0"

10'-0"

10'-0"

10'-0"

10'-0"

10'-0"

10'-0"

10'-0"

10'-0"

10'-0"

10'-0"

10'-0"

10'-0"

10'-0"

804.83'

R=1940.68'

L=353.44'

772.37'

773.76'

509.44' 21.1°

64.59°

28.3'

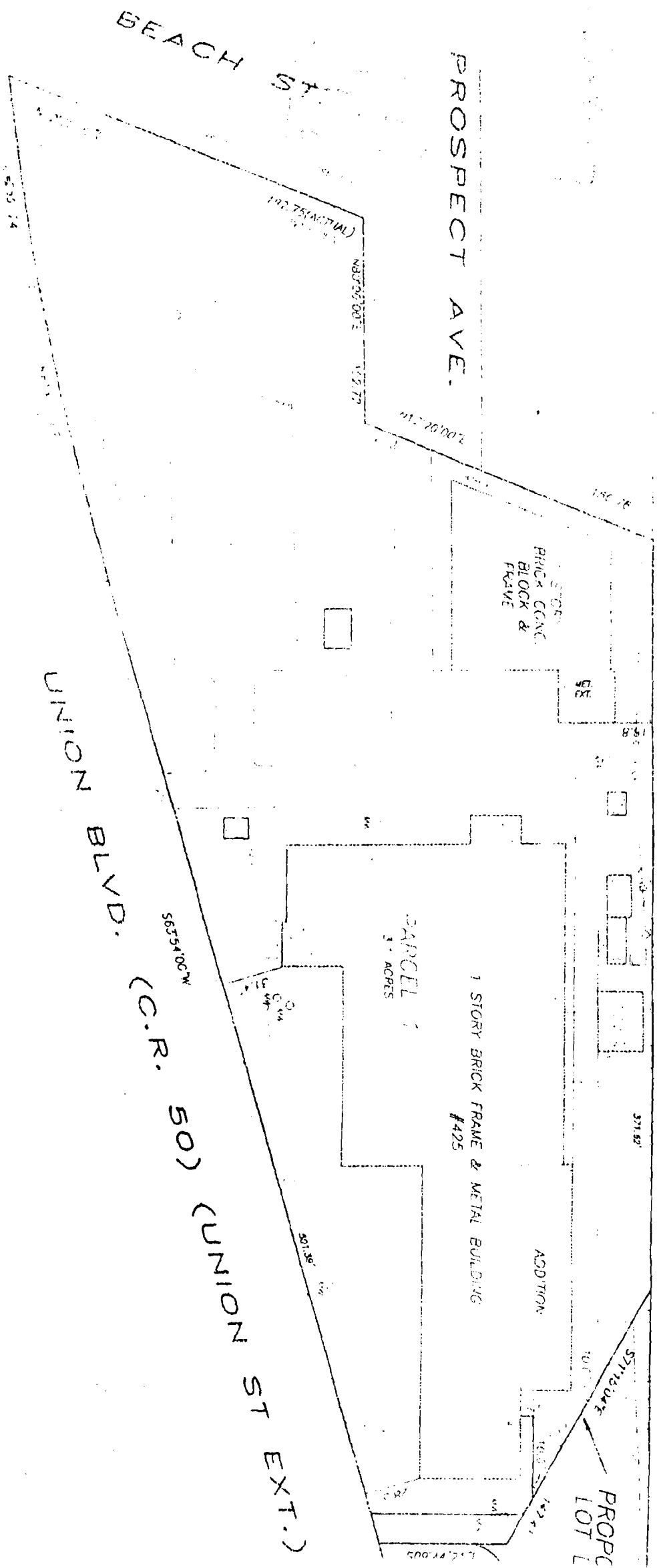
ST EXT.)

Appendix B 2
 PS 2/3

SURVEY OF
 LOTS 2-8, P.O. LOTS 1,

"BABYLON DEVELOPMENT"
 LONG ISLAND BEACHORE CO.
 SITUATE AT

6040



LONG ISLAND RAIL
(MONTAUK DIVISION)
(M.T.A.)