
ENVIRONMENTAL NOTICE

THIS ENVIRONMENTAL NOTICE is made the 7th day of August 2018, by the New York State Department of Environmental Conservation (Department), having an office for the transaction of business at 625 Broadway, Albany, New York 12233.

WHEREAS, a parcel of real property identified as Bianchi/Weiss Greenhouses (Site152209), located on Orchard Road, East Patchogue in the Town of Brookhaven, County of Suffolk, State of New York, which is part of lands conveyed by Weiss, Russell/Weiss, Kirk/Weiss, Wayne to Henron Development Corporation by deed dated November 2, 2005 and recorded in the Suffolk County Clerk's Office on December 2, 2005 in Book 12423 of Deeds at Page 385 and being more particularly described in Appendix "A", attached to this noticed and made a part hereof, and hereinafter referred to as "the Property" is part of the Department's State Superfund Program; and

WHEREAS, the Department approved a cleanup to address contamination disposed at the Property and such cleanup was conditioned upon certain limitations.

NOW, THEREFORE, the Department provides notice that:

FIRST, the Property subject to this Environmental Notice is as shown on a map attached to this Notice as Appendix "B" and made a part hereof.

SECOND, unless prior written approval by the Department 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, where contamination remains at the Property subject to the provisions of the Site Management Plan ("SMP"), there shall be no disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results or may result in a significantly increased threat of harm or damage at any site as a result of exposure to soils. A violation of this provision is a violation of 6 NYCRR 375-1.11(b)(2).

THIRD, no person shall disturb, remove, or otherwise interfere with the installation, use, operations, and maintenance of engineering controls required for the Remedy, including but not limited to those engineering controls described in the SMP and listed below, unless in each instance they first obtain a written waiver of such prohibition from the Department or Relevant Agency.

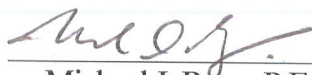
FOURTH, the remedy was designed to be protective for the following uses: **Residential as described in 6 NYCRR Part 375-1.8(g)(2)(i), Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii), Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv)** Therefore, any use for purposes other than Residential without the express written waiver of such prohibition by the Relevant Agency may result in a significantly increased threat of harm or damage at any site.

FIFTH, no person shall use 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 Department or Relevant Agency; the prohibition of raising livestock or producing animal products for human consumption; and the prohibition of installation of a basement beneath on-site structures. Inappropriate actions may result in a significantly increased threat of harm or damage at the site;

SIXTH, it is a violation of 6 NYCRR 375-1.11(b) to use the Property in a manner inconsistent with this environmental notice;

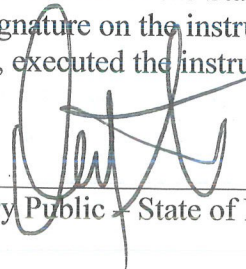
SEVENTH, monitoring and periodic reporting to assess the performance and effectiveness of the remedy must be performed as defined in the SMP. The Department or Relevant Agency shall be permitted access to the site to confirm compliance with the SMP. Site owners shall participate in periodic reporting to confirm that site controls are unchanged from the previous certification or changed with Department or Relevant Agency approval.

IN WITNESS WHEREOF, the undersigned, acting by and through the Department of Environmental Conservation as Designee of the Commissioner, has executed this instrument the day written below.

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

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 7th day of August, in the year 2018, before me, the undersigned, personally appeared Michael Ryan, 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 executed the same in his capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the individual, or the person upon behalf of which individual acted, executed the instrument.


Notary Public - State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2022

APPENDIX "A" PROPERTY DESCRIPTION

All that certain plot, piece or parcel of land, situate, lying and being at East Patchogue, in the Town of Brookhaven, County of Suffolk and State of New York, being more particularly bounded and described as follows:

Beginning at a point on the southeasterly side of Orchard Road distant 258.00 feet northeasterly from the corner formed by the intersection of the southeasterly side of Orchard Road with the northeasterly side of South Country Road;

Thence from said point of beginning North 24° 21' 03" East along the southeasterly side of Orchard Road a distance of 431.58 feet to land now or formerly of John Christie;

Thence along the land now or formerly of John Christie the following five (5) courses and distances:

1. South 59° 09' 57" East a distance of 29.34 feet to a point; thence
2. South 58° 44' 47" East a distance of 121.45 feet to a point; thence
3. South 58° 34' 17" East a distance of 17.29 feet to a point; thence
4. South 58° 48' 07" East a distance of 68.75 feet to a point; thence
5. North 26° 20' 23" East a distance of 5.27 feet to a point on the easterly boundary of lands now or formerly of John Christie;

Thence North 2° 06' 23" East along the land now or formerly of John Christie and then along land now or formerly of Sandra Zylowski and then along land now or formerly of George Zylowski a distance of 448.48 feet to the southwesterly side of Old Orchard Road;

Thence South 54° 25' 07" East along the southwesterly side of Old Orchard Road a distance of 500.31 feet to land now or formerly of Doreen Drapal;

Thence South 4° 33' 17" East along land now or formerly of Doreen Drapal and then along land now or formerly of Kerry Young a distance of 287.26 feet;

Thence South 75° 23' 27" East still along land now or formerly of Kerry Young and then along land now or formerly of Michael Jorgensen a distance of 118.54 feet to land now or formerly of Rose & Robert O. Gruber;

Thence along the land now or formerly of Rose & Robert O. Gruber the following two (2) courses and distances;

1. South 23° 01' 08" West a distance of 155.90 feet to a point; thence
2. South 63° 27' 17" East a distance of 200.00 feet to the westerly side of a Right of Way known as Hedges Road;

Thence South 26° 29' 33" West along the westerly side of said Right of Way a distance of 343.00 feet to land now or formerly of Julio Claudio;

Thence North 67° 17' 57" West along the land now or formerly of Julio Claudio a distance of 145.87 feet to land now or formerly of Gregory C. Garner & Nicole M. Novellano;

Thence North 67° 12' 47" West along the land now or formerly of Gregory C. Garner & Nicole M. Novellano and then along land now or formerly of then Peter Ross & Patricia Cleland a distance of 99.21 feet to a point a point on the northerly boundary of lands now or formerly of Peter Ross & Patricia Cleland;

Thence North $67^{\circ} 22' 17''$ West still along the land now or formerly of Peter Ross & Patricia Cleland a distance of 172.99 feet to land now or formerly of Shimante Devlin;

Thence along the land now or formerly of Shimante Devlin the following four (4) courses and distances;

1. North $67^{\circ} 40' 17''$ West a distance of 4.98 feet to a point; thence
2. North $23^{\circ} 00' 43''$ East a distance of 48.58 feet to a point; thence
3. North $63^{\circ} 07' 17''$ West a distance of 419.61 feet to a point; thence
4. South $25^{\circ} 30' 53''$ West a distance of 48.72 feet to the land now or formerly of Shiebler living trust;

Thence North $63^{\circ} 43' 47''$ West along the land now or formerly of Shiebler living trust a distance of 158.50 feet to the southeasterly side of Orchard Road, and the point or place of beginning.

Said parcel containing 573,922 square feet OR 13.152 acres more or less.

APPENDIX "B" SITE MAP

