

Index Number: 614058/2022

SUPREME COURT - STATE OF NEW YORK
I.A.S. PART 12 - SUFFOLK COUNTY**P R E S E N T:**Hon. John H. Rouse
Acting Supreme Court JusticeMOTION DATE: 09/12/2022
ADJ. DATE: 09/14/2022
Mot. Seq.001-MG
CASEDISP
e-filed partial participation

New York State Department Of Environmental
Conservation, Basil Seggos, as Commissioner of the New
York State Department of Environmental Conservation,

Petitioner

-against-

Bayview Property Management Corp., Our Community
Improvements Inc., Robert Stanzoni, Home Star
Contracting Corp., Angela Lacerenza,Respondents

JUDGMENT**AND****ORDER****TO:**HON. LETITIA JAMES
NEW YORK STAT ATTORNEY GENERAL
BY: CHANNING R. WISTAR-JONES, ESQ.
OFFICE OF THE ATTORNEY GENERAL
28 LIBERTY ST., FL 19
NEW YORK, NY 10005
212-416-8082**U**pon the reading and filing of the following papers in this matter: (1) Notice of Motion
Petition and Petition; and (2) e-filed documents 1-28; it is**ORDERED** that the Petition is granted (Sequence 001) *without opposition*; and it is further**ORDERED** that the Respondents are ordered to allow the New York State Department Of
Environmental Conservation ("DEC") or its designees access to the premises described in the
petition as the "The Strip Mall" pursuant under ECL §§ 3-0301(2)(g), 27-1305(2), and 27-1309
for the purpose of physically inspecting the premises and performing an investigation that may
include installing outdoor monitoring wells, taking outdoor samples of soil, groundwater, and
soil vapor, and taking indoor air samples for soil vapor intrusion testing, beginning 10 days from

the date DEC provides notice to the Respondents of its intent to commence work consistent with this Court's order, and continuing for a period of 60 days or until DEC has obtained sufficient data and information to complete its investigation; and it is further

ORDERED that, in the event that the 60-day period referenced in the foregoing paragraph does not overlap with the winter heating season between November 15 and March 15 to allow DEC sufficient time to conduct indoor air sampling, the Respondents are ordered to allow DEC or its designees additional access to the premises described in the petition for the purpose of taking indoor air samples for soil vapor intrusion testing, beginning 10 days from the date DEC provides notice to the Owners of its intent to commence such additional work, and continuing for a period of 20 days or until DEC has obtained sufficient data and information to complete its investigation; and it is further

ORDERED that the Respondents are ordered to unlock any doors, gates, chains, padlocks, fences, or any other security devices that restrict access to the premises described in the petition at the noticed times of inspection, to facilitate DEC's access to the premises; and it is further

ORDERED that the Respondents and its agents, successors, assigns, affiliates, or tenants who may control access to the premises described in the petition as the "The Strip Mall," or any part thereof, are ordered not to hinder or interfere in any way with access to the premises that are described in the petition during DEC's investigation; and it is further

ORDERED that any person who violates the foregoing orders or injunctions will be, may be assessed civil penalties against such party pursuant to ECL § 71-2705(1) in the amount of up to \$37,500 for each day the violation continues; and it is further

ORDERED that notice of this decision, order and judgment may be made by certified mail to the address(es) identified in the property tax records for the premises described in the petition as the "The Strip Mall" and by conspicuously posting this order at the premises, or by personal delivery to any person subject to these orders.

The foregoing shall constitute the decision, order and judgment of the court.

Dated: September 29, 2022

ENTER:

JOHN H. ROUSE

ACTING J.S.C.

FINAL DISPOSITION