

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director

625 Broadway, 12th Floor, Albany, New York 12233-7011

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www.dec.ny.gov

DEC 27 2019

Mr. Michael Posillico
Posillico Development Co. at Harbor Island, Inc.
1750 New Highway
Farmingdale, NY 11735

Mr. Michael Posillico
Blue Island Development LLC
1750 New Highway
Farmingdale, NY 11735

Re: Certificate of Completion
Former Cibro Petroleum Terminal Site
Island Park, Nassau County, Site No. C130153

Dear Mr. Posillico:

Congratulations on having satisfactorily completed the remedial program at the former Cibro Petroleum Terminal site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

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. A copy of the recorded notice should be provided to the Department's project manager. 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. A standard notice form is attached to this letter. Please return the proof of recording to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020



Department of
Environmental
Conservation

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department 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 the Department in April 2021.

If you have any questions regarding any of these items, please contact Nick Acampora at nick.acampora@dec.ny.gov or 631-444-0322.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

cc w/ enclosure:

G. Allen, Esq., Allen & Desnoyers LLP – greg@allendesnoyers.com

C. McGuckin, Roux Associates – cmcguckin@rouxinc.com

C. Battista, Roux Associates – cbattista@rouxinc.com

C. Vooris - NYSDOH

W. Kuehner – NYSDOH

Matt Gokey, matthew.gokey@tax.ny.gov

Paul Takac, paul.takac@tax.ny.gov

cc w/o enc.:

N. Acampora - NYSDEC

R. DeCandia - NYSDEC

K. Gomez - NYSDEC

W. Parish - NYSDEC

A. Tamuno, Esq. - NYSDEC

K. Lewandowski - NYSDEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Posillico Development Co. at Harbor Island, Inc.
Blue Island Development LLC

Address

1750 New Highway, Farmingdale, NY 11735
1750 New Highway, Farmingdale, NY 11735

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 9/30/05 **Agreement Execution:** 4/14/06

Agreement Index No.: W1-1075-05-09

Agreement Execution Amendment: 3/1/11

Application Approval Amendment: 7/24/19

Agreement Execution Amendment: 7/24/19

SITE INFORMATION:

Site No.: C130153 **Site Name:** Former Cibro Petroleum Terminal Site

Site Owner: Blue Island Development LLC

Street Address: 7 Washington Ave

Municipality: Island Park **County:** Nassau **DEC Region:** 1

Site Size: 11.560 Acres

Tax Map Identification Number(s): 43-0381-102, 43-0381-314, 43-0381-328, 43-0381-35, 43-0381-36

Percentage of site located in an EnZone: 0 - 49 %

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 Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

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 Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL 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 (actual site use is subject to local zoning requirements):

Allowable Uses under the BCP: Restricted-Residential, Commercial, and Industrial
Cleanup Track: Track 4: Restricted use with site-specific soil cleanup objectives

Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28 %.

Tangible Property Credit Component Rate is 12 %.

Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28 %.

Tangible Property Credit Component Rate is 10 %.

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 as Instrument No. 2019-00060821.

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 ECL Section 27-1421. 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 ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 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 ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

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 ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

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 is not 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
Commissioner
New York State Department of Environmental Conservation

By: Michael J. Ryan Date: 12/27/19

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

NOTICE OF CERTIFICATE OF COMPLETION
Brownfield Cleanup Program
6 NYCRR Part 375-1.9(d)

Former Cibro Petroleum Terminal Site, Site ID No. C130153
7 Washington Avenue, Island Park, Nassau County, NY 11558
Tax Map Identification Numbers 43-0381-102, 43-0381-314, 43-0381-328, 43-0381-35, 43-0381-36

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to Posillico Development Co. at Harbor Island, Inc. and Blue Island Development LLC for a parcel approximately 11.560 acres located at 7 Washington Avenue in Island Park, Nassau County.

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 Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 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):

- ☐ Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- ☐ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☒ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ 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 Instrument No. 2019-00060821

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 ECL Section 27-1421. 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 ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

Former Cibro Petroleum Terminal Site, C130153, 7 Washington Avenue, Island Park

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 revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

PLEASE TAKE NOTICE, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 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, a copy of the Certificate can be reviewed at the NYSDEC's Region 1 located at 50 Circle Road, SUNY Stony Brook, Stony Brook, NY 11790, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Blue Island Development LLC

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:
Posillico Development Co. at Harbor Island, Inc.
1750 New Highway
Farmingdale, NY 11735

EXHIBIT A

Site Description – Meets and Bounds

DEED DESCRIPTION ENVIRONMENTAL EASEMENT AREA

Nassau County Land and Tax Map
Section 43 Block 381 Lots 35, 36, 102, 314, & 428
Including the abandoned roadways for p/o Washington Avenue,
Canal Place, Sherman Place, and the 10 foot access strip of land.

All that certain plot, piece and parcel of land, situate, lying and being near the City of Long Beach, and the Incorporated Village of Island Park, in the Town of Hempstead, County of Nassau and State of New York, more particularly bounded and described as follows:

BEGINNING at a concrete monument set at the intersection of the easterly side of Sheridan Place with the southerly side of Island Parkway South, also being known as the POINT OR PLACE OF BEGINNING;

RUNNING THENCE from said point of beginning,
South 76 degrees 46 minutes 04 seconds East along the southerly side of Island Parkway South, a distance of 523.76 feet to the westerly side of Island Park Canal as agreed upon in a boundary line agreement between the Town of Hempstead and Cibra South Shore Terminal Corp. as shown in Liber 9068 Page 354;

THENCE southerly along the aforementioned line on the westerly side of Island Park Canal, the Basin, and westerly along the northerly side of Wreck Lead Channel and Simmons Creek, the following eleven (11) courses and distances:

- (1) South 13 degrees 13 minutes 56 seconds West, a distance of 338.00 feet;
- (2) South 09 degrees 29 minutes 15 seconds East, a distance of 133.16 feet;
- (3) South 25 degrees 18 minutes 23 seconds East, a distance of 119.09 feet;
- (4) South 13 degrees 13 minutes 56 seconds West, a distance of 101.00 feet;
- (5) South 51 degrees 53 minutes 31 seconds West, a distance of 95.00 feet;
- (6) North 86 degrees 21 minutes 06 seconds West, a distance of 117.25 feet;
- (7) North 76 degrees 46 minutes 04 seconds West, a distance of 85.00 feet;
- (8) South 88 degrees 45 minutes 00 seconds West, a distance of 170.00 feet;
- (9) North 63 degrees 15 minutes 00 seconds West, a distance of 111.03 feet;
- (10) North 34 degrees 16 minutes 31 seconds West, a distance of 278.74 feet;
- (11) North 45 degrees 07 minutes 24 seconds West, a distance of 100.00 feet to the easterly side of Lot 50 as shown on Land and Tax Map, County of Nassau, Island Park, New York and/or lands now or formerly of Louis Cramer;

THENCE running northerly along the easterly side of said lot,
North 44 degrees 52 minutes 36 seconds East, a distance of 82.00 feet;
North 45 degrees 07 minutes 24 seconds West, a distance of 26.11 feet;
North 44 degrees 52 minutes 36 seconds East, a distance of 25.95 feet to the southerly side of lot 1A, Block 215 as shown on the file map of Island Park, Long Beach, Sheet #19, Map No. 605, Filed May 21, 1926;

THENCE running westerly along the southerly side of said lot,
North 45 degrees 07 minutes 24 seconds West, a distance of 100.00 feet to the easterly side of Sheridan Place;

THENCE running northerly along the easterly side of Sheridan Place,
North 44 degrees 52 minutes 36 seconds East, a distance of 430.00 feet to the concrete monument or said POINT OR PLACE OF BEGINNING.

AREA = 503393.04 SQ. FT.
11.56 ACRES.

EXHIBIT B

Site – Tax Maps



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/26/2019



SITE DESCRIPTION

SITE NO. C130153

SITE NAME Former Cibro Petroleum Terminal Site

SITE ADDRESS: 7 Washington Ave ZIP CODE: 11558

CITY/TOWN: Island Park

COUNTY: Nassau

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 04/30/2021

Description of Institutional Control

Blue Island Development LLC

1750 New Highway

7 Washington Ave

Environmental Easement

Block: 0381

Lot: 35

Sublot:

Section: 43

Subsection:

S_B_L Image: 43-0381-35

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

Blue Island Development, LLC

1750 New Highway

7 Washington Ave

Environmental Easement

Block: 0381

Lot: 102

Sublot:

Section: 43

Subsection:

S_B_L Image: 43-0381-102

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

Lot: 314

Sublot:

Section: 43

Subsection:

S_B_L Image: 43-0381-314

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

Surface Water Use Restriction

Lot: 328

Sublot:

Section: 43

Subsection:

S_B_L Image: 43-0381-328

Ground Water Use Restriction

IC/EC Plan

Monitoring Plan
O&M Plan
Site Management Plan
Soil Management Plan
Surface Water Use Restriction

Lot: 36
Sublot:
Section: 43
Subsection:
S_B_L Image: 43-0381-36
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Monitoring Plan
O&M Plan
Site Management Plan
Soil Management Plan

Description of Engineering Control

Blue Island Development LLC

1750 New Highway
7 Washington Ave
Environmental Easement

Block: 0381

Lot: 35

Sublot:

Section: 43

Subsection:

S_B_L Image: 43-0381-35

Cover System

Monitoring Wells

Subsurface Barriers

Vapor Mitigation

Blue Island Development, LLC

1750 New Highway
7 Washington Ave
Environmental Easement

Block: 0381

Lot: 102

Sublot:

Section: 43

Subsection:

S_B_L Image: 43-0381-102

Cover System

Monitoring Wells

Subsurface Barriers

Vapor Mitigation

Lot: 314

Sublot:

Section: 43

Subsection:

S_B_L Image: 43-0381-314

Cover System

Monitoring Wells

Subsurface Barriers

Vapor Mitigation

Lot: 328

Sublot:

Section: 43

Subsection:

S_B_L Image: 43-0381-328

Cover System

Monitoring Wells

Subsurface Barriers

Vapor Mitigation

Lot: 36

Sublot:

Section: 43

Subsection:

S_B_L Image: 43-0381-36

Cover System

Monitoring Wells

Subsurface Barriers

Vapor Mitigation