

## AMENDMENT TO ENVIRONMENTAL EASEMENT

This Amendment to an Environmental Easement is made as of this 27<sup>th</sup> day of February 2025, by and between The People of the State of New York, acting through their Interim Commissioner of the Department of Environmental Conservation ("NYSDEC" or the "Department") with its headquarter located at 625 Broadway, Albany, New York 12233, and 218 Lakeville Acquisition LLC ("Grantor") with an office located at 112 Windsor Gate, Great Neck, New York 11020.

### RECITALS

1. Grantor, 218 Lakeville Acquisition LLC, is the owner of real property located at the address of 218 Lakeville Road in the Village of Lake Success, County of Nassau and State of New York, known and designated on the tax map of the County Clerk of Nassau as tax map parcel numbers: Section 2 Block 106 Lot 234, being the same as that property conveyed to Grantor by deed dated July 28, 2015 and recorded in the Nassau County Clerk's Office in Liber and Page D 13240, 973 (the "Controlled Property").
2. The Controlled Property referenced above comprises approximately 0.326 +/- acres and is hereinafter fully described in Schedule "A" attached hereto and made a part hereof.
3. The Department and the Grantor entered into that certain Environmental Easement dated November 25, 2024 (the "Easement Agreement") and recorded in the Nassau County Clerk's Office on December 30, 2024 in Liber D14575, Page 519. Capitalized terms used herein without definition have the meanings ascribed to them in the Easement Agreement.
4. Pursuant to Section 1, 2, 3, 4, and 5 of the Easement Agreement, Grantor granted the Department rights and interests that run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of the Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of certain maintenance, monitoring or operation requirements; and to ensure the potential restriction of future uses of the land that are inconsistent with the stated purpose.
5. On December 26, 2024, after the Easement Agreement was executed by the Grantor and Grantee but prior to its recording, the Controlled Property was surveyed, at the request of Grantee. The new survey dated December 26, 2024 was prepared by Anastasia I. Parsatoon (the "Updated Survey"). The Updated Survey set forth a legal description as surveyed on December 26, 2024 that varies slightly from the legal description of record set forth in Schedule "A" of the Easement Agreement.
6. The Easement Agreement stated in part in the fourth "WHEREAS" clause that:

"[T]he Land Title Survey dated February 2016 and updated July 1, 2022 and July 15, 2022, respectively prepared by Gerald T. O'Buckley, which will be attached to

the Site Management Plan. The Controlled Property description is set forth in and attached thereto as Schedule A”.

7. This Amendment to the Easement Agreement is filed solely in order to correct the above-referenced information in the fourth WHEREAS clause and the legal description in Schedule “A” of the Easement Agreement.
8. Pursuant to Section 8 of the Easement Agreement, the Department agrees to amend the Easement Agreement in the manner prescribed by Article 9 of the Real Property Law.

#### **AMENDMENT TO AN ENVIRONMENTAL EASEMENT**

- A. The above recitals are hereby incorporated into this Amendment of the Easement Agreement.
- B. The Department and Grantor hereby agree that the Schedule “A” Property description to the fourth WHEREAS clause of the Easement Agreement is hereby amended to read as follows:

WHEREAS, Grantor, is the owner of real property located at the address of 218 Lakeville Road in the Village of Lake Success, County of Nassau and State of New York, known and designated on the tax map of the County Clerk of Nassau as tax map parcel numbers: Section 2 Block 106 Lot 234, being the same as that property conveyed to Grantor by deed dated July 28, 2015 and recorded in the Nassau County Clerk's Office in Liber and Page D 13240, 973. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 0.326 +/- acres and is hereinafter more fully described in the Land Title Survey dated February 20, 2016 and updated July 1, 2022 and revised July 5, 2022 and July 15, 2022, respectively prepared by Gerald T. O'Buckley and Updated Survey dated December 26, 2024 prepared by Anastatia I. Parsatoon, which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

- C. The Department and Grantor hereby agree that the Schedule “A” description of the Controlled Property in the Easement Agreement is hereby amended to read as follows:

“ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE INCORPORATED VILLAGE OF LAKE SUCCESS, TOWN OF NORTH HEMPSTEAD, COUNTY OF NASSAU AND STATE OF NEW YORK.

BEGINNING AT A POINT ON THE WESTERLY SIDE OF LAKEVILLE ROAD (MIDDLE NECK ROAD) DISTANT 97.79’ FEET NORTHERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE WESTERLY SIDE OF LAKEVILLE ROAD WITH THE NORTHERLY SIDE OF UNIVERSITY ROAD

RUNNING THENCE SOUTH 70°59’ 30” WEST, A DISTANCE OF 140.06’ TO A POINT;

THENCE NORTH 19°00' 30" WEST, A DISTANCE OF 102.00' TO A POINT;

THENCE NORTH 70°59' 30"EAST, A DISTANCE OF 138.71' TO THE WESTERLY SIDE OF LAKEVILLE ROAD;

THENCE ALONG THE WESTERLY SIDE OF LAKEVILLE ROAD SOUTH 19°45' 51" EAST, A DISTANCE OF 102.01' TO THE POINT OR PLACE OF BEGINNING."

- D. All other terms of the Easement Agreement shall remain in effect.
- E. This Amendment of the Easement Agreement inures to and binds the parties thereto and their respective successors and assigns.
- F. This Amendment of the Easement Agreement shall be governed by and interpreted in accordance with the laws of the State of New York.

**IN WITNESS WHEREOF**, Grantor has caused this Amendment of the Easement Agreement to be signed in its name.

218 Lakeville Acquisition LLC

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

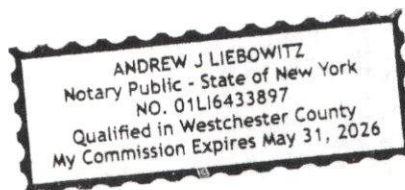
Date: \_\_\_\_\_

Grantor's Acknowledgment

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

On the 28<sup>th</sup> day of January, in the year 2025, before me, the undersigned, personally appeared Norman Weisfeld, 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.

\_\_\_\_\_  
Notary Public - State of New York





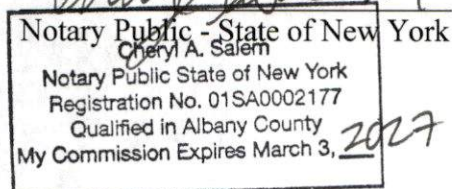
**THIS AMENDMENT OF THE EASEMENT AGREEMENT IS HEREBY  
ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK**, Acting By and Through  
the Department of Environmental Conservation as Designee of the Commissioner,

By: Andrew Guglielmi  
Andrew Guglielmi, Director  
Division of Environmental Remediation

Grantee's Acknowledgment

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

On the 27 day of February in the year 2025, before me, the undersigned, personally  
appeared Andrew Guglielmi, 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 the individual acted, executed the instrument.



SCHEDULE "A" PROPERTY DESCRIPTION

"ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE INCORPORATED VILLAGE OF LAKE SUCCESS, TOWN OF NORTH HEMPSTEAD, COUNTY OF NASSAU AND STATE OF NEW YORK.

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