

Number of pages 10

This document will be public record. Please remove all Social Security Numbers prior to recording.

RECORDED
2024 Oct 02 03:42:33 PM
VINCENT PULEO
CLERK OF
SUFFOLK COUNTY
L D00013267
P 016
DT# 24-07553

Deed / Mortgage Instrument	Deed / Mortgage Tax Stamp	Recording / Filing Stamps
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3 FEES	
Page / Filing Fee <u>50-</u>	Mortgage Amt. _____
Handling <u>20.00</u>	1. Basic Tax _____
TP-584 <u>5-</u>	2. Additional Tax _____
Notation _____	Sub Total _____
EA-52 17 (County) _____	Spec./Assit. _____
EA-5217 (State) _____	or _____
R.P.T.S.A. <u>200</u>	Spec./Add. _____
Comm. of Ed. _____	TOT. MTG. TAX _____
Affidavit _____	Dual Town _____ Dual County _____
Certified Copy <u>12.50</u>	Held for Appointment _____
NYS Surcharge <u>15.00</u>	Transfer Tax _____
Other _____	Mansion Tax _____
Sub Total _____	The property covered by this mortgage is or will be improved by a one or two family dwelling only.
Grand Total <u>570.50</u>	YES _____ or NO _____
	If NO, see appropriate tax clause on page # _____ of this instrument.



4 Dist. 900	5393949 0900 31200 0100 004002	5 Community Preservation Fund
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Real Property Tax Service Agency Verification	 	Consideration Amount \$ _____ CPF Tax Due \$ _____
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6 Satisfactions/Discharges/Releases List Property Owners Mailing Address	RECORD & RETURN TO: Suffolk Airport Canine Kennel; 26-HS-354 Jacqueline Caputi, Esq Assistant County Attorney 1000 Veterans Memorial Highway PO Box 6100 Hauppauge, NY 11788-0099	Improved _____ Vacant Land _____ TD _____ TD _____ TD _____
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Mail to: Vincent Puleo, Suffolk County Clerk 310 Center Drive, Riverhead, NY 11901 www.suffolkcounyny.gov/clerk	7 Title Company Information Co. Name N/A Title #
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8 Suffolk County Recording & Endorsement Page

This page forms part of the attached Environmental Easement made by: _____ (SPECIFY TYPE OF INSTRUMENT)

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

TO In the TOWN of Southampton
New York State of Environmental Conservation In the VILLAGE
or HAMLET of _____

IMPORTANT NOTICE

If the document you've just recorded is your SATISFACTION OF MORTGAGE, please be aware of the following:

If a portion of your monthly mortgage payment included your property taxes, *you will now need to contact your local Town Tax Receiver so that you may be billed directly for all future property tax statements.

Local property taxes are payable twice a year: on or before January 10th and on or before May 31st. Failure to make payments in a timely fashion could result in a penalty.

Please contact your local Town Tax Receiver with any questions regarding property tax payment.

Babylon Town Receiver of Taxes
200 East Sunrise Highway
North Lindenhurst, N.Y. 11757
(631) 957-3004

Riverhead Town Receiver of Taxes
200 Howell Avenue
Riverhead, N.Y. 11901
(631) 727-3200

Brookhaven Town Receiver of Taxes
One Independence Hill
Farmingville, N.Y. 11738
(631) 451-9009

Shelter Island Town Receiver of Taxes
Shelter Island Town Hall
Shelter Island, N.Y. 11964
(631) 749-3338

East Hampton Town Receiver of Taxes
300 Pantigo Place
East Hampton, N.Y. 11937
(631) 324-2770

Smithtown Town Receiver of Taxes
99 West Main Street
Smithtown, N.Y. 11787
(631) 360-7610

Huntington Town Receiver of Taxes
100 Main Street
Huntington, N.Y. 11743
(631) 351-3217

Southampton Town Receiver of Taxes
116 Hampton Road
Southampton, N.Y. 11968
(631) 283-6514

Islip Town Receiver of Taxes
40 Nassau Avenue
Islip, N.Y. 11751
(631) 224-5580

Southold Town Receiver of Taxes
53095 Main Street
Southold, N.Y. 11971
(631) 765-1803

Sincerely,



Vincent Puleo
Suffolk County Clerk

ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW

THIS INDENTURE made this 23rd day of August, 2021 between

Owner, Suffolk County, having an office at H. Lee Dennis Building, 100 Veterans Memorial Highway, Hauppauge, County of Suffolk, State of New York (the "Grantor"), and The People of the State of New York (the "Grantee"), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

WHEREAS, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

WHEREAS, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

WHEREAS, Grantor, is the owner of real property located at the address of Francis S. Gabreski Airport, Old Riverhead Road in the City of Westhampton Beach, County of Suffolk and State of New York, known and designated on the tax map of the County Clerk of Suffolk as tax map parcel number: Section 312 Block 1 Lot 4.002, being the same as that property Grantor took title to through condemnation proceeding initiated by resolution and Oaths filed July 20, 1942 in the Suffolk County Clerk's Office. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 0.937 +/- acres, and is hereinafter more fully described in the Land Title Survey dated June 20, 2017 and last revised January 29, 2020, prepared by Tamara L. Stillman, which will be attached to the Site Management Plan. The Controlled Property description is set forth in and attached hereto as Schedule A; and

WHEREAS, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

NOW THEREFORE, in consideration of the mutual covenants contained herein and the terms and conditions of Brownfield Cleanup Agreement Index Number: W1-1080-05-09, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement").

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

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)

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Suffolk County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(5) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(6) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(7) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

(9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;

(10) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential or Restricted Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i) and (ii), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section
Division of Environmental Remediation
NYSDEC
625 Broadway
Albany, New York 12233
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

- (1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).
- (2) the institutional controls and/or engineering controls employed at such site:
 - (i) are in-place;
 - (ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and
 - (iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;
- (3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;
- (4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;
- (5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;
- (6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and
- (7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions. Grantee will contact Gabreski Airport Management prior to accessing the subject property located inside the airport fence line to coordinate such access.

4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

- A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;
- B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against

the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to: Site Number: C152079

Office of General Counsel

NYSDEC

625 Broadway

Albany New York 12233-5500

With a copy to:

Site Control Section

Division of Environmental Remediation

NYSDEC

625 Broadway

Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the

recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

11. Consistency with the SMP. To the extent there is any conflict or inconsistency between the terms of this Environmental Easement and the SMP, regarding matters specifically addressed by the SMP, the terms of the SMP will control.

Remainder of Page Intentionally Left Blank

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

COUNTY OF SUFFOLK:

By: Kevin B. Molloy

Print Name: Kevin B. Molloy

Title: Chief Deputy County Executive

Date: 8/8/24

Grantor's Acknowledgment

STATE OF NEW YORK)

COUNTY OF Suffolk) ss:

On the 12 day of August, in the year 2024, before me, the undersigned, personally appeared Kevin B. Molloy, 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.



KIMBERLY A. FARLEY
Notary Public, State of New York
No. 01FA6303307
Qualified in Suffolk County
Commission Expires May 12, 2024

Kimberly A. Farley
Notary Public - State of New York

Approved as to Form:

Christopher J. Clayton
Suffolk County Attorney

Approved:
Department of Health Services

By: Carla H. P...

Title: Commissioner

By: Jacqueline Caputi

Jacqueline Caputi
Assistant County Attorney

Date: 8/8/24

Date: 8/8/24

THIS ENVIRONMENTAL EASEMENT 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 O. Guglielmi
Andrew O. Guglielmi Director
Division of Environmental Remediation

Grantee's Acknowledgment

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

On the 23rd day of August, in the year 2024 before me, the undersigned, personally appeared Andrew O. Guglielmi, 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/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Chey A. Salem
Notary Public - State of New York
Notary Public State of New York
Registration No. 01SA0002177
Qualified in Albany County
My Commission Expires March 3, 2027

SCHEDULE "A" PROPERTY DESCRIPTION

All that certain plot, piece, or parcel of land, situate, lying and being in property of County of Suffolk, Francis S. Gabreski Airport, Westhampton, Town of Southampton, County of Suffolk, State of New York, and being part of Lots 23 and 24 on the 1924 map of Quogue Purchase – Last Division filed in the Suffolk County Clerk's Office as Map No. 1014, and also as shown on a map entitled "As-built Survey," prepared by L.K. McLean Associates, dated June 20, 2017 and last revised January 29, 2020; said easement being more particularly bounded and described as follows:

Beginning at the southwest corner of the subject parcel, said corner being the following eleven (11) courses and distances from the point of intersection of the easterly boundary line of Westhampton – Riverhead Road (C.R. 31) and the northerly boundary line of the Long Island Railroad (M.T.A.):

1. North 81° 52' 19" East, a distance of 839.52 feet to a point; thence
2. North 81° 46' 46" East, a distance of 2,499.95 feet to a point; thence
3. North 81° 41' 57" East, a distance of 0.77 feet to a point; thence
4. North 08° 18' 03" West, a distance of 240.27 feet to a point; thence
5. North 20° 11' 18" East, a distance of 102.09 feet to a point; thence
6. North 57° 01' 51" East, a distance of 155.74 feet to a point; thence
7. North 81° 41' 57" East, a distance of 610.92 feet to a point; thence
8. South 08° 18' 03" East, a distance of 395.00 feet to a point; thence
9. North 81° 41' 57" East, a distance of 1,598.07 feet to a point; thence
10. North 81° 43' 57" East, a distance of 1,615.74 feet to a point; thence
11. North 03° 30' 57" West, through the property of County of Suffolk, a distance of 1,908.73 feet to the point or place of beginning;

Thence, continuing through said property of County of Suffolk the following four (4) courses and distances:

1. North 03° 30' 57" West, a distance of 313.51 feet to a point; thence
2. North 86° 29' 03" East, a distance of 180.00 feet to a point; thence
3. South 03° 30' 57" East, a distance of 140.00 feet to a point; thence
4. South 42° 32' 08" West, a distance of 250.01 feet to the point or place of beginning.

Subject Easement area being 40,816 square feet or 0.937 acre, more or less.

COUNTY OF SUFFOLK



EDWARD P. ROMAINÉ
SUFFOLK COUNTY EXECUTIVE

CHRISTOPHER J. CLAYTON
COUNTY ATTORNEY

DEPARTMENT OF LAW

October 15, 2024

New York State
Department of Environmental Conservation
625 Broadway, 14th Floor
Albany, NY 12233
Attn: Cheryl A. Salem

Re: Environmental Easement Site C152079

Dear Ms. Salem:

Enclosed please find a copy of letter with certified mail receipt evidencing delivery to the Town of Southampton of our letter advising the Town of the recording of the easement affecting the subject parcel.

I believe the County has now completed all required steps for issuance of a certificate of completion. Please forward a certificate to our attention, or advise if anything further is needed.

Very truly yours,

Christopher J. Clayton
County Attorney


Jacqueline Caputi
Assistant County Attorney

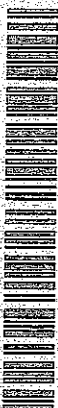
Cc: Brian Rashkow, Esq.

SENDER: COMPLETE THIS SECTION

- ☒ Complete items 1, 2, and 3.
- ☒ Print your name and address on the reverse so that we can return the card to you.
- ☒ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Honorable Maria Z. Moore, Town Sup
Town of Southampton
116 Hampton Rd
Southampton NY 11968



9590 9402 8664 3244 1879 46

2. Article Number (Transfer from service label)

7012 3460 0003 3722 3526

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) Charles O'Neill C. Date of Delivery 10/9/19
- D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type

- ☐ Adult Signature Restricted Delivery
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail (over \$500)
- ☐ Insured Mail Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

COUNTY OF SUFFOLK



EDWARD P. ROMAINÉ
SUFFOLK COUNTY EXECUTIVE

CHRISTOPHER J. CLAYTON
COUNTY ATTORNEY

DEPARTMENT OF LAW

Certified Mail, Return Receipt Requested
7012 3460 0003 3722 3256

October 7, 2024

Hon. Maria Z. Moore
Town Supervisor
Town of Southampton
116 Hampton Road
Southampton, NY 11968

Re: Suffolk Airport Canine Kennel
Notice to Municipality
Environmental Easement

Dear Supervisor Moore:

Attached please find a copy of an environmental easement granted by the County of Suffolk to the New York State Department of Environmental Conservation ("Department")

On August 23, 2024,
by County of Suffolk,
for property at Old Riverhead Road, Westhampton Beach, County of Suffolk, New York,
Tax Map No.: District 0900 Section 312.00 Block 01.00 Lot 004.002,
DEC Site No: C152079.

This Environmental Easement restricts future use of the above-referenced property to commercial and industrial uses. Any on-site activity must be done in accordance with the Environmental Easement and the Site Management Plan which is incorporated into the Environmental Easement. Department approval is also required prior to any groundwater use.

Article 71, Section 71 3607 of the New York State Environmental Conservation Law requires that:

LOCATION
H. LEE DENNISON BLDG.
100 VETERANS MEMORIAL HIGHWAY ♦

MAILING ADDRESS
P.O. BOX 6100
HAUPPAUGE, NY 11788-0099 ♦

(631) 853-4049
TELECOPIER (631) 853-5169

1. Whenever the department is granted an environmental easement, it shall provide each affected local government with a copy of such easement and shall also provide a copy of any documents modifying or terminating such environmental easement.

2. Whenever an affected local government receives an application for a building permit or any other application affecting land use or development of land that is subject to an environmental easement and that may relate to or impact such easement, the affected local government shall notify the department and refer such application to the department. The department shall evaluate whether the application is consistent with the environmental easement and shall notify the affected local government of its determination in a timely fashion, considering the time frame for the local government's review of the application. The affected local government shall not approve the application until it receives approval from the department.

An electronic version of every environmental easement that has been accepted by the Department is available to the public at: <http://www.dec.ny.gov/chemical/36045.html>. Please forward this notice to your building and/or planning departments, as applicable, to ensure your compliance with these provisions of New York State Environmental Conservation Law. If you have any questions or comments regarding this matter, please do not hesitate to contact me.

Very truly yours,
Christopher J. Clayton
County Attorney

By: 
Jacqueline Caputi
Assistant County Attorney

Enc.