

New York State Department of Environmental Conservation

Division of Environmental Remediation

Office of the Director, 12th Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 • Fax: (518) 402-9020

Website: www.dec.ny.gov



Joe Martens
Commissioner

MAR 28 2014

Diamond Auto Service, Inc.
Attn: Mr. David Watson
71 – 73 Cleveland Avenue
Bayshore, NY 11706

Re: Certificate of Completion
Site Name: Diamond Auto Site
Site No.: C152196
Bayshore, Nassau County

Dear Mr. Watson:

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

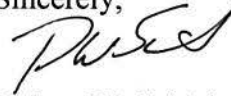
Please note that you are required to perform the following tasks:

- 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. 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;
- Place the notice of the COC in the document repository for the site within 10 days of issuance of the COC;
- 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 May 2015; and
- You and your lessees must submit an annual report to the New York State Department of Taxation and Finance within one year and for each of the following eleven years after the execution of the Brownfield Site Cleanup Agreement. The Report must provide the information required by Chapter 390 of the Laws of 2008, Tax Law Section 171-s.

The Department will prepare and distribute to the Site Contact List a fact sheet describing the institutional and engineering controls that are required at the site.

If you have any questions regarding any of these items, please contact Mr. John C. Sheehan, the project manager for this site, at (631) 444-0244.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

cc:

Jim DeMartinis, (jimd@holzmacher.com)

J. R. Holzmacher, (jimd@holzmacher.com)

Krista Anders, DOH

Renata Ockerby, DOH

Michael Ryan, DEC

George Heitzman, DEC

John Sheehan, DEC

Walter Parish, DEC

Jim Harrington, DEC

Alali Tamuno, DEC

Benjamin Conlon, DEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

DIAMOND AUTO SERVICE, INC.

Address

12 Legend Court, Smithtown, NY 11787

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 10/17/05 **Agreement Execution:** 11/21/05 **Agreement Index No.:** W1-1041-05-01

Application Approval Amendment: none

Agreement Execution Amendment: none

SITE INFORMATION

Site No.: C152196 **Site Name:** Diamond Auto Service

Site Owner: Diamond Auto Service Inc.

Street Address: 71-73 Cleveland Avenue

Municipality: Bay Shore **County:** Suffolk **DEC Region:** 1

Site Size: 0.460 Acres

Tax Map Identification Number(s): 179-04.00-114

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: 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 12 %.

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 10 %.

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 Suffolk County as Liber: D00012717 Page: 464.

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 received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Joseph J. Martens
Commissioner
New York State Department of Environmental Conservation

By:  Date: MARCH 28, 2014
Robert W. Schick, P.E., Director
Division of Environmental Remediation

NOTICE OF CERTIFICATE OF COMPLETION

Brownfield Cleanup Program

6 NYCRR Part 375-1.9(d)

Diamond Auto Service Site, ID No. C152196
71-73 Cleveland Avenue, Bayshore, NY, 11706
Suffolk County, Tax Map Identification Number(s): 179-04.00-114

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 Mr. David Watson for a parcel approximately 0.46 acres located at 71-73 Cleveland Avenue in Bayshore, Suffolk 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):

- ☐ 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 Suffolk County as Liber: D00012717 Page: 464.

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.

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

Diamond Auto Service Site, Site # C152196, 71 – 73 Cleveland Avenue, Bayshore, NY, 11706

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

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 1 office located at 50 Circle Road, Stony Brook, New York, 11790, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Mr. David Watson:

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:
Mr. David Watson
71 – 73 Cleveland Avenue
Bayshore, New York 11706

12/03/09



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
3/25/2014



SITE DESCRIPTION

SITE NO. C152196

SITE NAME Diamond Auto Service

SITE ADDRESS: 71-73 Cleveland Avenue ZIP CODE: 11706

CITY/TOWN: Bay Shore

COUNTY: Suffolk

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan



Monitoring Plan



Operation and Maintenance (O&M) Plan



Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 05/16/2015

Description of Institutional Control

Diamond Auto Services, Inc.

71-73 Cleveland Avenue

71-73 Cleveland Avenue

Environmental Easement

Block: 04.00

Lot: 114

Sublot:

Section: 179

Subsection:

S_B_L Image: 179-04.00-114

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Description of Engineering Control

Diamond Auto Services, Inc.

71-73 Cleveland Avenue

71-73 Cleveland Avenue

Environmental Easement

Block: 04.00

Lot: 114

Sublot:

Section: 179

Subsection:

S_B_L Image: 179-04.00-114

Cover System

SCHEDULE "A" PROPERTY DESCRIPTION

Property Address: 71-73 Cleveland Avenue, Hamlet of Bay Shore, T/O Islip, County of Suffolk, State of New York

Tax Map Number: District: 0500 Section: 179.00 Block 04.00 Lot: 114.000

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in, Brentwood, in the Town of Islip, County of Suffolk and State of New York, known and designated as Lots 39 and 44 both inclusive and parts of lots 37, 38, 45, and 46 in Block 122 on a certain map entitled, "Map of Edgewood Property of Metropolitan Investment Company, Numbers 1 and 2", filed in the Office of the Clerk of the County of Suffolk on October 5, 1891 as Map Number 120, which said lots and parts of lots when taken together are more particularly bounded and described as follows:

BEGINNING at a point on the Easterly side of Cleveland Avenue, distant 459.50 feet Southerly from the corner formed by the intersection of the Southerly side of South Second Street with the Easterly side of Cleveland Avenue, as said streets are laid out and shown on the above map:

RUNNING THENCE South 88 degrees 58 minutes 10 seconds East 200 feet:

THENCE South 1 degree 01 minutes 50 seconds West, 100 feet:

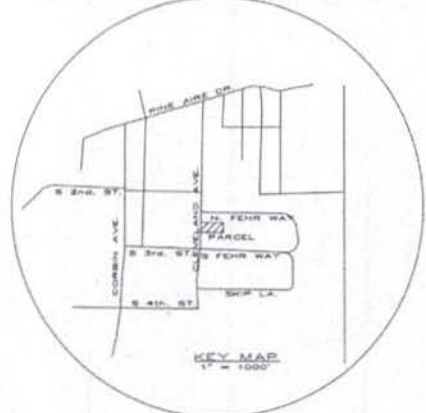
THENCE North 88 degrees 58 minutes 10 seconds West, 200 feet to the Easterly side of Cleveland Avenue:

THENCE North 1 degree 01 minutes 50 seconds East along the Easterly side of Cleveland Avenue, 100 feet to the point or place of BEGINNING.

SURVEY

THE ENGINEERING AND INSTITUTIONAL CONTROLS for the Easement are set forth in more detail in the Site Management Plan ("SMP"). A copy of the SMP must be obtained by any party with an interest in the property. The SMP may be obtained from the New York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at derweb@gw.dec.state.ny.us.

REVISIONS			
ZONE	REV	DESCRIPTION	DATE
	1	ADD NOTES AND CERTIFICATION PER DEC	7-25-2011
	2	ADD NOTES and Extraction Pits	4-20-2012
	3	Revise Legal Description	5-7-2012



ENGINEERING/INSTITUTIONAL CONTROLS

- Groundwater Use - the use or withdrawal of Site groundwater for drinking, irrigation or other consumptive purposes will be prohibited.
- Vapor Intrusion - the vapor intrusion pathway will be mitigated in newly constructed buildings via the use of vapor barriers and/or soil gas mitigation systems. The vapor intrusion for existing buildings will be evaluated in accordance with New York laws, regulations and guidance.
- Land Use - future land use will be restricted to Industrial purposes.

ENVIRONMENTAL EASEMENT DESCRIPTION:
DEPARTMENT SITE NUMBER: C152196

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN BRENTWOOD, IN THE TOWN OF ISLIP, COUNTY OF SUFFOLK AND STATE OF NEW YORK, KNOWN AND DESIGNATED AS LOTS 39 TO 44 BOTH INCLUSIVE AND PARTS OF LOTS 37, 38, 45 AND 46 IN BLOCK 122 ON A CERTAIN MAP ENTITLED "MAP OF EDGEWOOD PROPERTY OF METROPOLITAN INVESTMENT COMPANY, NUMBERS 1 AND 2, FILED IN THE OFFICE OF THE CLERK OF THE COUNTY OF SUFFOLK ON OCTOBER 5, 1891 AS MAP NUMBER 120, WHICH SAID LOTS AND PARTS OF LOTS WHEN TAKEN TOGETHER ARE MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY SIDE OF CLEVELAND AVENUE, DISTANCE OF 459.50 FEET SOUTHERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF SOUTH SECOND STREET WITH THE EASTERLY SIDE OF CLEVELAND AVENUE, AS SAID STREETS ARE LAID OUT AND SHOWN ON THE ABOVE MAP;

THENCE:

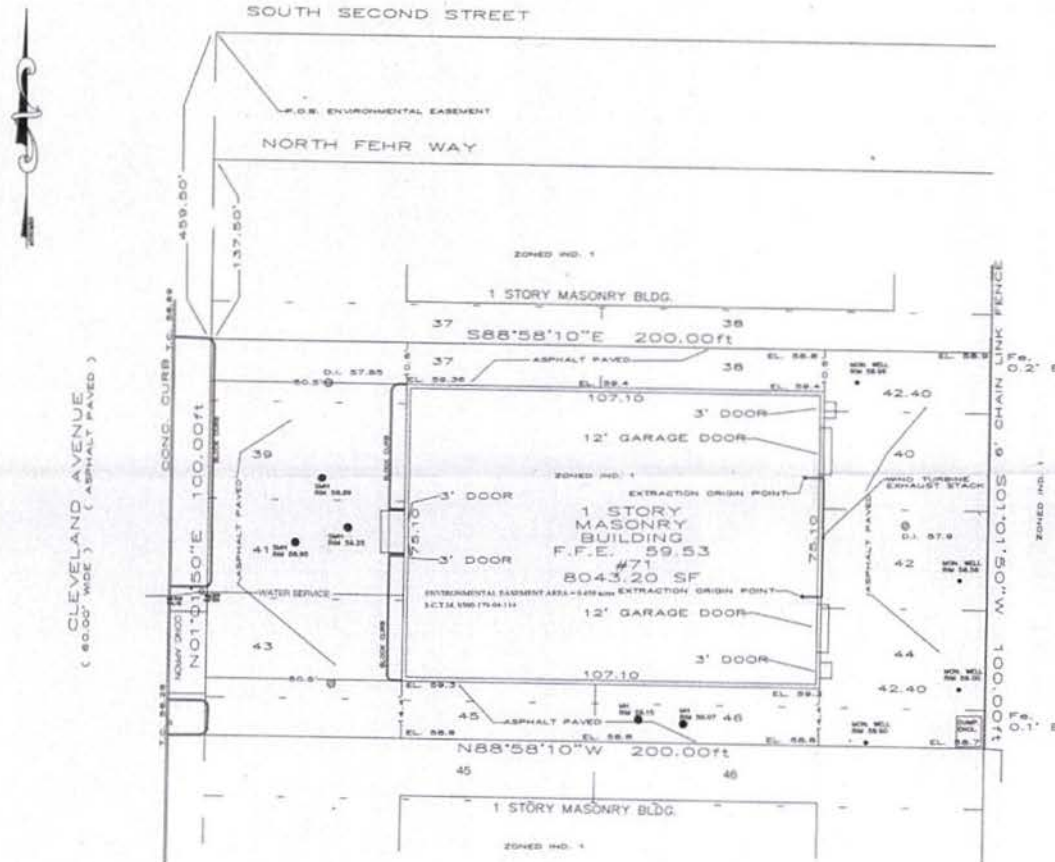
SOUTH 88 DEGREES 58 MINUTES 10 SECONDS EAST 200.00 FEET;

THENCE SOUTH 01 DEGREES 01 MINUTES 50 SECONDS WEST, 100.00 FEET;

THENCE NORTH 88 DEGREES 58 MINUTES 10 SECONDS WEST, 200.00 FEET;

THENCE NORTH 01 DEGREES 01 MINUTES 50 SECONDS EAST, 100.00 FEET ALONG THE EASTERLY SIDE OF CLEVELAND AVENUE TO THE PLACE OR POINT OF BEGINNING.

LOT AREA = 20,000 SQ. FT.



MADISON AVENUE
(60' WIDE) (NOT OPEN)
ABANDONMENT #1537 FILED JUNE 23, 1977

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 New York Environmental Conservation Law.

GRAPHIC SCALE



CERTIFIED TO:
The People of the State of New York acting through its Commissioner of the Department of Environmental Conservation; to Steward Title Insurance Company and to David Watson

NO UNNECESSARY ALTERATION OR ADDITION TO THIS SURVEY BY OTHER THAN A LICENSED LAND SURVEYOR OR A PROFESSIONAL ENGINEER IS A VIOLATION OF SECTION 7209-2 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY NOT BEARING THE LAND SURVEYOR'S EMPOWERED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUST. GUARANTEES AND CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENT AGENCY AND LENDING INSTITUTION, GUARANTEES AND CERTIFICATIONS ARE NOT TRANSFERABLE TO ANY OTHER INSTITUTION OR SUBSEQUENT OWNERS. LOCATIONS AND DIMENSIONS SHOWN HEREON ARE FOR INFORMATIONAL PURPOSES ONLY AND ARE NOT TO BE USED TO LOCATE ANY NEW CONSTRUCTION (FENCES, SIGNS, ADDITIONS, POOLS, ETC.). THIS SURVEYOR WILL NOT BE HELD RESPONSIBLE FOR ANY CONSTRUCTION LOCATED BY THIS METHOD.

"This survey has been prepared with the benefit of Title Commitment No. 1023-1117 prepared by KORN Abstract Corp. updated April 25, 2012."

LOT AREA = 20,000 SF
BLDG. AREA = 8,043.2 SF
DATUM = NAVD 88

EXISTING CONDITIONS AT LOTS 39 THRU 44 INCL. P/O LOTS 37, 38, 45, 46
MAP OF
EDGEWOOD
FILED OCTOBER 15, 1891 FILE No. 120
BRENTWOOD
TOWN OF ISLIP
SUFFOLK COUNTY, NEW YORK
MORE COMMONLY KNOWN AS
71 CLEVELAND AVE., BAY SHORE

(said reference - being and intended to be the same premises conveyed to David Watson from Diamond Auto Service, Inc., by deed dated May 11, 2008 and recorded in New York State in the Suffolk County Clerk's Office in Liber 12012 of Page 588)

PREPARED FOR:
Diamond Auto Service
C/O David Watson
71 Cleveland Ave.
Bay Shore, N.Y.
11706
631-555-1862

S.C.T.M.
0500-179-04-114
SURVEYED 4-12-2002
UPDATED 4-10-2012

F.C. Watson Land Surveyor P.C.
P.O. Box 178
Brightwaters, N.Y. 11718
631-328-3422 fax 631-677-3202
fcwatson@verizon.net

DATE	FROM NO.	DWG NO.	REV
4-10-2012			

SCALE 1" = 40'

SHEET 1 OF 1