

New York State Department of Environmental Conservation

Division of Environmental Remediation, 12th Floor

625 Broadway, Albany, New York 12233-7011

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

Website: www.dec.state.ny.us



Alexander B. Grannis
Commissioner

AUG 30 2010

Josh Beyer
Sembler/Treasure New York Joint Venture
c/o Sembler Florida, Inc
5858 Central Avenue
St. Petersburg, FL 33707

Re: Certificate of Completion
Site ID C344068
Ciabattoni Property
Town of Stony Point, Rockland County

Dear Mr. Beyer:

Congratulations on having satisfactorily completed the remedial program at the Ciabattoni Property. Enclosed please find an original, signed Certificate of Completion. The New York State Department of Environmental Conservation (NYSDEC) 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.

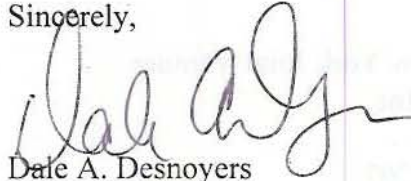
Please note that you are required to perform the following tasks:

- 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. A standard notice form is attached to this letter;
- Provide a notice of the COC and a fact sheet describing the institutional and engineering controls (IC/EC) that are required at the site to the Brownfield Site Contact list 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 February, 2012; 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.

If you have any questions regarding any of these items, please contact Joshua Cook at 518-402-9662.

Sincerely,



Dale A. Desnoyers

Director

Division of Environmental Remediation

cc w/ enclosure:

S. Bates - NYSDOH

cc w/o enc.:

R. Schick

M. Ryan

E. Moore

J. Cook

N. Walz, NYSDOH

C. Dixon

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
SEMBLER/TREASURE NY JOINT VENTURE C/O SEMBLER FLORIDA, INC.	5858 Central Avenue, St. Petersburg, FL 33707

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 7/5/07 **Agreement Execution:** 7/5/07 **Agreement Index No.:** W1-1105-07-05

Application Approval Amendment: none **Agreement Execution Amendment:** none

SITE INFORMATION

Site No.: C344068 **Site Name:** Ciabattoni Property
Site Owner: SEMBLER/TREASURE NY JOINT VENTURE
Street Address: 153 South Liberty Drive
Municipality: Stony Point **County:** Rockland **DEC Region:** 3
Site Size: 0.23Acres
Tax Map Identification Number(s): 20-15-1-17
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 Rockland County as 2010-00026049.

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.

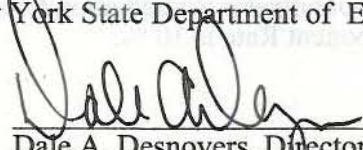
CERTIFICATE MODIFICATION/REVOCAION

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.

Alexander B. Grannis
Commissioner
New York State Department of Environmental Conservation

By: 
Dale A. Desnoyers, Director
Division of Environmental Remediation

Date: 8/30/10

Code	Description	Quantity
110	NO. 1 SIGN	1
120	NO. 2 SIGN	1
130	NO. 3 SIGN	1
140	NO. 4 SIGN	1
150	NO. 5 SIGN	1
160	NO. 6 SIGN	1
170	NO. 7 SIGN	1
180	NO. 8 SIGN	1
190	NO. 9 SIGN	1
200	NO. 10 SIGN	1
210	NO. 11 SIGN	1
220	NO. 12 SIGN	1
230	NO. 13 SIGN	1
240	NO. 14 SIGN	1
250	NO. 15 SIGN	1
260	NO. 16 SIGN	1
270	NO. 17 SIGN	1
280	NO. 18 SIGN	1
290	NO. 19 SIGN	1
300	NO. 20 SIGN	1

LEGEND

● SAN SANITARY SIGN MARKING
 ● THE TELEPHONE MARKING
 ● METEOROLOGICAL WELL
 ● SANITARY SIGN
 ○ COEXISTING STORM DRAIN
 □ EXISTING CATCH BASIN
 □ U/P UTILITY POLE
 ○ SAN DRAIN MARKING
 ○ STAFFING LIGHT POLE
 ● SIGN FOR PROPOSED OWNERS
 ○ A. ORIGINAL
 X NEW PLASTIC MARKING PER
 E.A.M.C. CODE OF MUNICIPAL
 CODE CATCH BASIN GRISS TOP
 ○ CATCH BASIN GRISS
 ■ ARMO CONCRETE DRAINAGE PER

UTILITY COMPANIES CONTACTED:

UTILITY COMPANY	CONTACT INFORMATION
CABLE SERVICE	VERIZON 1005 EAST 42ND STREET BRONX, NY 10424 Tel: (914) 583-2233 Fax: (914) 583-2233 C-CALL: 800-VIRGINIA
ELECTRIC & GAS SERVICES	ORANGE AND ROCKLAND UTILITIES 390 WEST ROUTE 98 ROY BURNET, NY 10977 (949) 577-2233 C-CALL: 800-VIRGINIA
SEWER SERVICES	UNITED WATER NY 360 WEST HAVEN ROCKY HILL, CT 06867 (845) 639-3344
JOINT REGIONAL SEWERAGE BOARD	WEST HAVEN, CT 06867 PAT BRADY (845) 438-5113

EASEMENT DESCRIPTION & SCHEDULE 'A'

All that certain Part, Piece or Parcel of Land Situate, Lying and Being in the Town of Stony Point, County of Rockland and State of New York, Being more fully described and shown as follows:

SCHEDULE 'A' PART OF THE WESTERN SIDE OF EAST LINE OF U.S. ROUTE 9W & 202 - SOUTH LIBERTY DRIVE, SAID PART BEING LOCATED AT THE NORTHERN CORNER OF SAID SIDE OF HIGHWAY OF JAMES S. PUGHEN (FKA LOT 20, 20-1-18) AND THE SOUTHWEST CORNER AT THE INTERSECTION INDICATED TO BE PROPOSED PARTIAL, SEVERAL THENCE

1. N73-24-00N, 25.81 FEET ALONG THE WESTERN LINE OF SAID SIDE OF HIGHWAY OF JAMES S. PUGHEN (FKA LOT 20, 20-1-18), THENCE

2. N42-53-58E, 14.44 FEET, THENCE

3. N27-24-58E, 14.27 FEET, THENCE

4. S89-43-28E, 77.53 FEET, THENCE

5. ON A CURVE TO THE RIGHT, CHORDING THE SOUTHERLY BEARING OF EAST LINE OF FILSON LANE WITH THE WEST LINE OF SAID EAST LINE OF U.S. ROUTE 9W & 202 - SOUTH LIBERTY DRIVE, A CURVE HAVING AN ARC LENGTH OF 74.27 FEET, THENCE

6. ON A CURVE TO THE RIGHT, CHORDING THE SOUTHERLY BEARING OF WEST LINE OF FILSON LANE WITH THE WEST LINE OF SAID EAST LINE OF U.S. ROUTE 9W & 202 - SOUTH LIBERTY DRIVE, A CURVE HAVING AN ARC LENGTH OF 74.27 FEET, THENCE

7. S31-24-00N, 32.79 FEET ALONG THE WESTERN LINE OF SAID SIDE OF HIGHWAY OF JAMES S. PUGHEN (FKA LOT 20, 20-1-18) TO THE POINT OF BEGINNING.

CONTAINING 84.13 SQ. FT. OR 0.2123 AC., REPRESENTING TAX LOT NUMBER 20-6-12.

ZONING

ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM FRONT YARD SETBACK	MINIMUM SIDE YARD SETBACK	MINIMUM REAR YARD SETBACK	MINIMUM BUILDING HEIGHT	MINIMUM LOT COVERAGE
ZONE R-1 (SOUTH RIVERDALE)	8,000 SQ.FT.	40 FEET	40 FEET	5 FEET / 30 FEET TOTAL	5 FEET / 30 FEET TOTAL	30 FEET / 2 STOREYS	30%
ZONE R-1.1	8,000 SQ.FT.	40 FEET	40 FEET	5 FEET / 30 FEET TOTAL	5 FEET / 30 FEET TOTAL	30 FEET / 2 STOREYS	30%
ZONE R-1.2	8,000 SQ.FT.	40 FEET	40 FEET	5 FEET / 30 FEET TOTAL	5 FEET / 30 FEET TOTAL	30 FEET / 2 STOREYS	30%
ZONE R-1.3	8,000 SQ.FT.	40 FEET	40 FEET	5 FEET / 30 FEET TOTAL	5 FEET / 30 FEET TOTAL	30 FEET / 2 STOREYS	30%
ZONE R-1.4	8,000 SQ.FT.	40 FEET	40 FEET	5 FEET / 30 FEET TOTAL	5 FEET / 30 FEET TOTAL	30 FEET / 2 STOREYS	30%

CERTIFICATION

TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

I, the undersigned, being a duly licensed Professional Engineer in the State of New York, do hereby certify that the above is a true and correct copy of the plans and specifications for the proposed project, and that the same conform to the provisions of the Environmental Conservation Law and Regulations in that behalf made, and that the same do not conflict with any applicable laws, regulations, orders, or decrees of the State of New York, and the County of Rockland, and the Town of Stony Point.



JOHN E. ATZL
 REGISTERED PROFESSIONAL ENGINEER
 No. 12152, LICENSE NO. 26228

ENGINEERING CONTROLS LEGEND & AREA BREAKDOWN

COVER SYSTEM A - ASPHALT PAVEMENT	5,085 SQ.FT.
COVER SYSTEM B - BUILDING & APRON CONCRETE	3,771 SQ.FT.
COVER SYSTEM C - LANDSCAPING	1,278 SQ.FT.



ATZL, SCATASSA & ZIGLER P.C.
 ENGINEERS-SURVEYORS-PLANNERS
 234 North Main Street
 New York, New York 10986
 Tel: (949) 634-4894
 Fax: (949) 634-4843
 E-mail: ASZSurveys@aol.com

ROCKLAND COUNTY, NEW YORK

TOWN OF STONY POINT

Clabarton Brownfields Site

153 South Liberty Drive
 Stony Point, New York

SEMBLER/TREASURE NEW YORK
JOINT VENTURE

NO. 1 11-21-09 REV. OWNER NAME & ADD EMBL ACKNOWLEDGE DESCRIPTION

DATE DESCRIPTION

Roy Ahmadi, PhD., P.E.
 Andrew S. Atzl, P.L.S.
 John R. Atzl, P.L.S.
 David M. Zigler, P.L.S.

Scale: 1" = 50' FT.

DATE: NOVEMBER 21, 2009
 DRAWN BY: [Name]
 CHECKED BY: [Name]

PROJECT NO.: 2488

Sheet No.: 1

SCHEDULE A DESCRIPTION

Old Tax Lot 20.15-1-17

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Stony Point, County of Rockland and State of New York. Being more fully bounded and described as follows:

BEGINNING at a point on the westerly right-of-way line of U.S. Routes 9W & 202 - South Liberty Drive, said point being located at the northeast corner of lands now or formerly of Joseph & Maureen Pehush (Tax Lot 20.15-1-18) and the southeast corner of the hereinafter intended to be described parcel; running thence

1)N 78-36-00 W, 55.91 feet along the northerly line of lands now or formerly of Joseph & Maureen Pehush (Tax Lot 20.15-1-18); thence

2)N 45-46-00 W, 70.56 feet; thence

3)N 45-25-38 E, 45.46 feet; thence

4)N 23-26-18 E, 44.27 feet; thence

5)S 69-03-58 E, 77.63 feet, thence

6)On a curve to the right, connecting the southerly right-of-way line of Filors Lane with the westerly right-of-way line of U.S. Routes 9W & 202 - South Liberty Drive, having a radius of 372.04 feet, an arc length of 54.37 feet; thence

7)S 11-24-00 W, 52.19 feet along the westerly right-of-way line of U.S. Routes 9W & 202 - South Liberty Drive to the point or place of beginning.

NOTICE OF CERTIFICATE OF COMPLETION

Brownfield Cleanup Program

6 NYCRR Part 375-1.9(d)

Ciabattoni Property, C344068
153 South Liberty Drive, Stony Point, NY 10980

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 Sembler/Treasure New York Joint Venture c/o Sembler Florida, Inc. for a parcel approximately 0.23 acres located at 153 South Liberty Drive in the Town of Stony Point, Rockland 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 Rockland County as Instrument Number 2010-00026049.

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.

Ciabattoni Property, C344068, 153 South Liberty Drive, Stony Point, NY 10980

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 3 located at 21 South Putt Corners Road, New Paltz, NY 12561, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Sembler/Treasure New York Joint Venture
c/o Sembler Florida, Inc

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:
Sembler/Treasure New York Joint Venture
c/o Sembler Florida, Inc
Attn: Josh Beyer
5858 Central Avenue
St. Petersburg, FL 33707

12/03/09



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 8/10/2010



SITE DESCRIPTION

SITE NO. C344068

SITE NAME Ciabattoni Property

SITE ADDRESS: 153 South Liberty Drive ZIP CODE: 10980

CITY/TOWN: Stony Point

COUNTY: Rockland

ALLOWABLE USE: 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Periodic Review Frequency:	1 year	

Description of Institutional Control

Sembler/Treasure New York Joint Venture
 153 South Liberty Drive
 Environmental Easement
 Block: 1
 Lot: 17
 Sublot:
 Section: 20
 Subsection: 15
 S_B_L Image: 20-.15-1-17
 Ground Water Use Restriction
 IC/EC Plan
 Landuse Restriction
 Monitoring Plan
 Site Management Plan
 Soil Management Plan

Description of Engineering Control

Sembler/Treasure New York Joint Venture

153 South Liberty Drive

Environmental Easement

Block: 1

Lot: 17

Sublot:

Section: 20

Subsection: 15

S_B_L Image: 20-15-1-17

Cover System