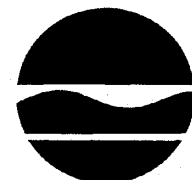


New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, New York 12233-7020
Phone: (518) 402-9553 • **FAX:** (518) 402-9577
Website: www.dec.state.ny.us



Denise M. Sheehan
Acting Commissioner

MEMORANDUM

TO: Chittibabu Vasudevan, NYSDEC - DER Remedial Bureau A
Gary Litwin, NYSDOH - DEHI Bureau of Environmental Exposure Investigation
Walter Parish, NYSDEC - Region 1
Anthony Quartararo, NYSDEC - DEE Superfund and Voluntary Cleanup Bureau
Christina Dowd, NYSDEC - DFWMR Bureau of Habitat
Susanne Wither, NYSDEC - DER Bureau of Technical Support

FROM: Kelly Lewandowski, NYSDEC - DER Bureau of Technical Support

SUBJECT: Environmental Restoration Projects Application
Elmont - 546 Hempstead Turnpike, E130150

DATE:

APR 12 2005

The attached Environmental Restoration Projects (ERP) Application for remedial work at the subject site has been forwarded to you for your records and/or processing according to the established Environmental Restoration Projects procedures. If you require additional copies or the complete series of the related application's attachments, please contact the project manager, TBA, at 518-402-9625.

T&A Code for the subject site: W026

PLEASE NOTE: If an ERP is withdrawn, it is the Project Manager's responsibility to indicate this change in the UIS (Application Approval End Status=TERM) and to also notify the Site Control Section.

Attachments
BW/ca

Distribution

Original (with all attachments) to:

Bureau A, NYSDEC - DER Project Manager

Copy (with all attachments) to:

Gary Litwin, NYSDOH - DEHI Bureau of Environmental Exposure Investigation

Walter Parish, NYSDEC - Region 1 (CD only)

Chittibabu Vaudevan, NYSDEC - DER Remedial Bureau A

Susanne Wither, DER Bureau of Technical Support ✓

Copy (without attachments) to:

Anthony Quartararo, NYSDEC - DEE Superfund and Voluntary Cleanup Bureau

Christina Dowd, NYSDEC - DFWMR Bureau of Habitat



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



ENVIRONMENTAL RESTORATION PROGRAM (ERP) APPLICATION

1996 CLEAN WATER/CLEAN AIR BOND ACT

ECL ARTICLE 56 - 6NYCRR 375-4

10/9/03

NAME OF MUNICIPALITY Town of Hempstead			
NAME OF INDIVIDUAL AUTHORIZED TO SIGN APPLICATION Kate Murray			
TITLE OF AUTHORIZED INDIVIDUAL Town Supervisor			
ADDRESS 200 North Franklin Street			
CITY/TOWN Hempstead		ZIP CODE 11550	
PHONE (516) 538-7100	FAX (516) 538-4264	E-MAIL	
NAME OF COMMUNITY BASED ORGANIZATION (IF APPLICABLE)			
COMMUNITY BASED ORGANIZATION'S REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
SITE NAME Elmont Section 32 Block 365 Lot 200			
SITE ADDRESS 546 Hempstead Turnpike			
CITY/TOWN Elmont		ZIP CODE 11003	
COUNTY Nassau	SIZE (ACRES) 2,137 sq. ft. .049		
LATITUDE N40° 42' 29"		LONGITUDE W73° 42' 28"	
PLEASE ATTACH A COUNTY TAX MAP WITH IDENTIFIER NUMBERS, ALONG WITH ANY FIGURES NEEDED TO SHOW THE LOCATION AND BOUNDARIES OF THE SITE. ALSO INCLUDE A USGS 7.5 MINUTE QUAD MAP IN WHICH THE SITE IS LOCATED.			
1. DO THE SITE BOUNDARIES CORRESPOND TO TAX MAP METES AND BOUNDS? IF NO, PLEASE ATTACH A METES AND BOUNDS DESCRIPTION OF THE SITE.		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
2. IS THE SITE PART OF A DESIGNATED BROWNFIELD OPPORTUNITY AREA PURSUANT TO GML 970-R? IF YES, IDENTIFY AREA (NAME)		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
3. IS THE SITE LISTED ON THE NYS REGISTRY OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES? IF YES, FILL IN CURRENT REGISTRY SITE NUMBER AND CLASSIFICATION.		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
REGISTRY SITE NUMBER: _____		CLASSIFICATION: _____	

1. HAS THE APPLICANT GENERATED, TRANSPORTED OR DISPOSED OF, OR ARRANGED FOR OR CAUSED THE GENERATION, TRANSPORTATION OR DISPOSAL OF, HAZARDOUS WASTE OR PETROLEUM ON THE SITE? ☐ YES ☒ NO
2. HAS THE APPLICANT UNDERTAKEN, OR INTEND TO UNDERTAKE, ANY INDEMNIFICATION OBLIGATION RESPECTING A PARTY RESPONSIBLE UNDER LAW FOR THE REMEDIATION OF THE SITE? ☐ YES ☒ NO
3. HAS THE APPLICANT LEASED THE SITE TO ANOTHER PARTY THAT GENERATED, TRANSPORTED OR DISPOSED OF, OR THAT ARRANGED FOR OR CAUSED THE GENERATION, TRANSPORTATION OR DISPOSAL OF HAZARDOUS WASTE OR PETROLEUM ON THE SITE? IF YES, CHECK ONE OF THE FOLLOWING: ☐ YES ☒ NO
- ☐ A. THE APPLICANT DID NOT KNOW THAT SUCH OTHER PARTY GENERATED, TRANSPORTED OR DISPOSED OF, OR ARRANGED FOR OR CAUSED THE GENERATION, TRANSPORTATION OR DISPOSAL OF SUCH HAZARDOUS WASTE OR PETROLEUM
- ☐ B. THE APPLICANT KNEW THAT SUCH OTHER PARTY GENERATED, TRANSPORTED OR DISPOSED OF, OR ARRANGED FOR OR CAUSED THE GENERATION, TRANSPORTATION OR DISPOSAL OF SUCH HAZARDOUS WASTE OR PETROLEUM AND DID NOT TAKE ACTION TO REMEDIATE OR CAUSE THE REMEDIATION OF SUCH HAZARDOUS WASTE OR PETROLEUM
- ☐ C. THE APPLICANT KNEW THAT SUCH OTHER PARTY GENERATED, TRANSPORTED OR DISPOSED OF, OR ARRANGED FOR OR CAUSED THE GENERATION, TRANSPORTATION OR DISPOSAL OF SUCH HAZARDOUS WASTE OR PETROLEUM AND TOOK ACTION TO REMEDIATE OR CAUSE THE REMEDIATION OF SUCH HAZARDOUS WASTE OR PETROLEUM
4. DOES THE APPLICANT CURRENTLY OWN THE SITE OR HAS IT OBTAINED TEMPORARY INCIDENTS OF OWNERSHIP FOR AN INVESTIGATION PURSUANT TO ECL 56-0508? ☐ YES ☒ NO

PLEASE ATTACH A DESCRIPTION OF THE PROJECT WHICH INCLUDES THE FOLLOWING INFORMATION (REFER TO THE ENVIRONMENTAL RESTORATION PROGRAM PROCEDURES HANDBOOK FOR DETAILED INSTRUCTIONS).

- PURPOSE AND SCOPE OF THE PROJECT;
- CURRENT AND PROPOSED FUTURE USE OF THE SITE (RESIDENTIAL, COMMERCIAL, INDUSTRIAL);
- ESTIMATED PROJECT COST (INCLUDE ANY RESPONSIBLE PARTY COST RECOVERY PAYMENTS RECEIVED OR ANTICIPATED, AS WELL AS ANY OTHER ACTUAL OR POTENTIAL FUNDING SOURCES FOR THE PROJECT);
- HOW THE PROJECT WOULD SATISFY THE CRITERIA OF ECL 56-0505; AND
- ESTIMATED PROJECT SCHEDULE (FIELD WORK MUST BEGIN WITHIN 12 MONTHS OF THE APPLICATION APPROVAL DATE)

TO THE EXTENT THAT EXISTING INFORMATION/STUDIES/REPORTS ARE AVAILABLE TO THE APPLICANT, PLEASE ATTACH THE FOLLOWING:

1. **ENVIRONMENTAL DATA**
A PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT PREPARED IN ACCORDANCE WITH ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), AND ALL ENVIRONMENTAL REPORTS RELATED TO CONTAMINANTS ON OR EMANATING FROM THE SITE.
2. **OWNERS**
A LIST OF PREVIOUS OWNERS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER LISTED. IF NO RELATIONSHIP, PUT "NONE").
3. **OPERATORS**
A LIST OF PREVIOUS OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBER (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OPERATOR LISTED. IF NO RELATIONSHIP, PUT "NONE").

INDICATE KNOWN OR SUSPECTED CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN OR SUSPECTED TO HAVE BEEN AFFECTED:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum	X				X
Chlorinated Solvents					
Other VOCs	X				
SVOCs	X				
Metals	X				
Pesticides					
PCBs					
Other*					

possible underground gasoline storage tank and

*PLEASE DESCRIBE:

subsurface leaching structure

1. HAS THE DEC ISSUED A RECORD OF DECISION FOR THE SITE UNDER THE ERP? ☐ YES ☒ NO
2. HAS GROUNDWATER OR A SURFACE WATER BODY BEEN CONTAMINATED ABOVE STANDARDS?
IF YES, CHECK ALL THAT APPLY: ☐ YES ☐ NO
possibly
 - ☐ A. THE INFLUENT TO A PUBLIC OR PRIVATE WATER SUPPLY HAS BEEN CONTAMINATED OR THREATENED.
 - ☐ B. A CLASS A OR AA SURFACE WATER BODY OR A PRIMARY OR PRINCIPAL AQUIFER HAS BEEN CONTAMINATED WITHOUT AFFECTING AN EXISTING WATER SUPPLY.
 - ☐ C. GROUNDWATER HAS BEEN CONTAMINATED ABOVE STANDARDS OR A SURFACE WATER HAS BEEN IMPACTED.
3. HAVE ENDANGERED, THREATENED OR RARE SPECIES, STATE PROTECTED STREAMS, OR STATE REGULATED WETLANDS BEEN IMPACTED BY RELEASES FROM THE SITE? ☐ YES ☒ NO
4. ARE CONTAMINANTS PRESENT IN SOILS/WASTE AT LEVELS THAT EXCEED DEC DIVISION OF ENVIRONMENTAL REMEDIATION GUIDANCE VALUES? ☐ YES ☐ NO
possibly
5. IS THE SITE LOCATED IN A DESIGNATED EMPIRE ZONE? ☐ YES ☒ NO
6. IS THE SITE LOCATED IN A DESIGNATED EN-ZONE PURSUANT TO TL § 21 (b)(6)? ☐ YES ☒ NO
7. HAS ALL OR PART OF THE SITE BEEN IDLE OR ABANDONED FOR MORE THAN ONE YEAR? ☒ YES ☐ NO
7. HAS THE APPLICANT SIGNED AN AGREEMENT WITH A PRIVATE PARTY TO REUSE THE SITE ONCE IT IS RESTORED? ☐ YES ☒ NO
8. HAS THE APPLICANT COMMITTED TO A NEW PUBLIC OR RECREATIONAL USE? ☐ YES ☒ NO
9. HAS THE APPLICANT COMPLIED WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) REGARDING THIS ACTION? IF YES, INCLUDE THE DETERMINATION (NEGATIVE DECLARATION OR FINDINGS STATEMENT) IN THE ATTACHED PROJECT DESCRIPTION AND IDENTIFY ALL INVOLVED AGENCIES IN THE COORDINATED REVIEW. ☐ YES ☒ NO
10. IS THE APPLICANT AWARE OF OTHER FUNDING SOURCES FOR REMEDIATING THE SITE?
IF YES, PROVIDE SOURCES(S) AND DOLLAR AMOUNT IN THE ATTACHED PROJECT DESCRIPTION. ☒ YES ☐ NO

Municipality Certification

The undersigned on behalf of the applicant does hereby certify that:

- All statements made for the purpose of obtaining State assistance for the proposed project either are set out in full in this application, or are set out in full in exhibits attached to this application and incorporated by this reference; and
- The individual whose signature appears hereon is authorized to sign this application for the municipality.

A FALSE STATEMENT MADE HEREIN IS PUNISHABLE AS A CLASS "A" MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.


Signature of Individual Authorized to Sign the Application

(P)

3/29/05
Date

Community Based Organization Certification (if applicable)

The undersigned on behalf of the Community Based Organization acting in partnership with the municipality does hereby certify that:

- The Community Based Organization is a not-for-profit corporation, exempt from taxation under section 501(c)(3) of the internal revenue code whose stated mission is promoting reuse of brownfield sites within a specified geographic area in which the Community Based Organization is located, which has 25% or more of its board of directors residing in the community in such area;
- The Community Based Organization represents a community with a demonstrated financial need;
- Not more than 25% of the members, officers or directors of the Community Based Organization are or were employed by or receiving compensation from any person responsible for a site under title 13 or title 14 of article 27 of the Environmental Conservation Law, article 12 of the navigation law or under applicable principles of statutory or common law liability; and
- The individual whose signature appears hereon is authorized to sign this application for the Community Based Organization.

A FALSE STATEMENT MADE HEREIN IS PUNISHABLE AS A CLASS "A" MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

Signature of Individual Authorized to Sign for the Community Based Organization

Date

SUBMITTAL INFORMATION:

Three (3) complete copies of the application are required.

- Two (2) copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD or diskette, must be sent to:

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

- One (1) hard copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our website for the address of our regional offices:

FOR DEPARTMENT USE ONLY:

ERP SITE NO: _____ ERP SITE T&A CODE: _____ PROJECT MANAGER: _____

Adopted: January 11, 2005

Councilman Santino

Offered the following resolution and moved its adoption:

**RESOLUTION APPROVING AND AUTHORIZING
THE SUPERVISOR TO EXECUTE APPLICATIONS
WITH THE NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION FOR THE
ENVIRONMENTAL RESTORATION PROGRAM.**

WHEREAS, the Town of Hempstead acquired, for urban renewal purposes, parcels of real property situated in the unincorporated areas of Roosevelt, New York and Elmont, New York, more particularly known as Section 55, Block 415, Lots 231 and 263; Section 55 Block 417, Lots 62, 73; Section 55 Block 418 Lots 14, 15, 21; Section 40 Block 57 Lot 21 (aka 201); Section 55 Block 438 Lot 593; Section 55 Block 427 Lots 201, 203, 205, 207, 437 & 438; Section 55 Block 431 Lot 73; Section 32 Block 365 Lots 199, 57 thru 61, 200; and Section 32 Block 362 Lots 20, 21, 42, 43; and

WHEREAS, The Town of Hempstead, through its Department of Planning and Economic Development and the New York State Department of Environmental Conservation are desirous of entering into an agreement for the purpose of participation in the Environmental Restoration for Brownfield Remediation; and

WHEREAS, the Town of Hempstead, hereinafter called the "TOWN", after thorough consideration of the various aspects of the problem and study of the available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for environmental restoration projects by means of a contract and the Town deems it to be in the public interest and benefit under this law to enter into a contract therewith; and

WHEREAS, the Town agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation; and

WHEREAS, one (1) certified copy of this Authorization be prepared and sent to the Albany Office of the New York State Department of Environmental Conservation together with the Application for State Assistance; and

WHEREAS, KATE MURRAY, Supervisor of the Town of Hempstead is the representative authorized to act on behalf of the Town in all matters related to State assistance under ECL Article 56, Title 5. The Supervisor is also authorized to make application, execute the State Assistance Contract, submit Project documentation and otherwise act for the Town's governing body in all matters related to the Project and to State assistance; and

WHEREAS, it is the determination of this Board that it is in the best interests of the Town and its residents to participate in the New York State Environmental Restoration Program; and

WHEREAS, it is the determination of this Board that the Town and its residents submit an application for the Environmental Restoration Program; and

WHEREAS, this Authorization takes effect immediately.

NOW, THEREFORE,

BE IT RESOLVED that the Supervisor be and she hereby is authorized to execute the State Assistance Applications and otherwise act for the Town's governing body in all matters related to the Project.

AYES: (7) SEVEN

NOES: (0) NONE

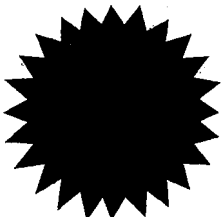
Doc. No. 04-025
October 22, 2004

STATE OF NEW YORK }
COUNTY OF NASSAU } ss.:
TOWN OF HEMPSTEAD }

I do hereby certify that I have compared the annexed copy of Resolution No. 32-2005

with the original on file in the office of the Town Clerk of the Town of Hempstead, and that the same is a true and correct copy of said original and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Hempstead on this day of January 11, 2005



Mark A. Bonilla

MARK A. BONILLA
Town Clerk

PURPOSE AND SCOPE OF THE PROJECT –ELMONT Lot 200

Elmont is an unincorporated community of approximately 32,700 people located in the most western part of the Town. It abuts Queens County and is the home of Belmont Racetrack.

It suffers from high poverty levels and distressed commercial districts evidenced by deterioration, abandonment and high vacancy rates.

During the 1990's, Elmont experienced an influx of minorities, from NYC, which created a 15% increase in its population which is presently composed as follows:

- 45.6% Caucasian
- 34.7% African American
- 14.3% Hispanic
- 9.1% Asian
- 5.7% Other

This population increase has created a severe strain on the community's ability to provide essential social services.

Affordable housing and housing for its special needs population remains a top priority. The Town has created an Urban Renewal Area in the Jamaica Square section of Elmont between Hendrickson Avenue and Makosfske Avenue.

Accordingly, the Town has embarked on a course of acquiring blighted properties, with Brownfield problems, in order to remediate and construct affordable homes and provide commercial rehabilitation on those sites.

CURRENT AND PROPOSED FUTURE USE OF THE SITE

Current use: Vacant – Zoned Business X

Proposed use: Commercial and/or affordable housing

ESTIMATED PROJECT COST

Based on Phase I environmental investigation approximately \$19,000 will be needed to complete a Phase II investigation. The Town will use CDBG monies as a funding source. In addition, an application has been filed with EPA for a Targeted Site Assessment.

ECL 56-0505

- 1) The project will result in beneficial environmental remediation;
- 2) The sale of the property to a commercial end user will provide the State with additional sales tax, income tax, and business tax revenues;
- 3) Expansion of real estate tax base for Roosevelt and its beleaguered School District; and

ESTIMATED PROJECT SCHEDULE

Phase II investigation to begin within one (1) month of application approval

Phase II investigation completed in two (2) months

Remediation to be completed in one (1) month

Sale of property to take place in three (3) months after completion of remediation

PREVIOUS OWNERS AND OPERATORS

See Phase I investigation

At an IAS Part 4 of the Supreme Court of the
State of New York, in and for the County of
Nassau, located at the Courthouse, at 100
Supreme Court Drive, Mineola, New York
on the 11 day of September, 2001.

PRESENT:

EDWARD G. McCABE
J.S.C.

Elmont 1200

-----X
In the Matter of the Town of Hempstead
Acquiring Property in the Urban Renewal
Area Known as Jamaica Square, Elmont,
New York as part of the Town's Federally
Funded Community Development Program,

Town of Hempstead,

VESTING ORDER

Petitioner/Condemnor,

Index No. 00-013988

546 Hempstead Turnpike Realty Corp.,
John Brunges and Madeline Schlichtig,

Claimants.

-----X
On the reading and filing of the Amended Petition of the Town of
Hempstead ("condemnor") in the above entitled proceeding, verified by ROBERT
FRANCIS, Commissioner of the Town of Hempstead Department of Planning and
Economic Development, on the 6th day of October, 2000, and upon the notice of
petition dated October 25, 2000, returnable at an IAS Part 6 of this Court on the
15th day of December, 2000, and thereafter adjourned four times until January 29,

2001, and said petition having been presented to this Court on the 29th day of January, 2001, and upon the reading of the Answering Affirmations of Saul Fenchel, Esq. of Siegel, Fenchel & Peddy, P.C. on behalf of the Respondents, 546 Hempstead Turnpike Realty Corp. and Madeline Schlichtig,, dated December 14, 2000, and the Reply Affirmations of Ross M. Gerber, Esq. of the law firm of Minerva & D'Agostino, P.C., the attorneys for the Petitioner, dated December 26, 2000, and December 27, 2000, and upon the reading of the Supplementary Affidavit of the Respondent, Madeline Schlichtig, sworn to on the 9th day of January, 2001 and the Supplementary Affidavit of Bob Pitts, an officer/shareholder of the Respondent, 546 Hempstead Turnpike Realty Corp., sworn to on the 5th day of January, 2001, and upon the reading of the Memorandum of Law on behalf of the Respondents, 546 Hempstead Turnpike Realty Corp. and Madeline Schlichtig, dated January 8, 2001, and upon the reading of the Memorandum of Law on behalf of the Petitioner, Town of Hempstead, dated January 23, 2001 and upon the Affidavit of Carmine Guiliano, as President and Senior Appraiser for Restorent Development Corporation, sworn to on the 24th day of January, 2001, and upon the Letter of Saul R. Fenchel, Esq. and the Memorandum of Law on behalf of the Respondent, Madeline Schlichtig on the issue of compensability of a liquor license, both dated January 31, 2001, and upon the Notice of Appearance of Donald F. Leistman, Esq. of Koeppel, Martone, Leistman & Herman, LLP, as attorney for John Brunjes, and upon the reading of the affidavit of personal service

upon claimant, JOHN BRUNGES of 15 Harriet Court, Malverne, New York, sworn to the 27th day of November, 2000; and the affidavit of personal service upon claimant, MADELINE SCHLICHTIG of 311 Chestnut Street, West Hempstead, New York sworn to the 27th day of November, 2000; and the affidavit of personal service upon SIEGEL, FENCHEL & PEDDY, attorneys for Claimant, 546 HEMPSTEAD TURNPIKE REALTY CORP, who accepted service on behalf of their client, 546 HEMPSTEAD TURNPIKE REALTY CORP., sworn to the 25th day of November, 2000.; and upon the Notice of Pendency filed in the Nassau County Clerk's Office on August 31, 2000; and upon hearing said Petition on the 29th day of January, 2001; and pursuant to the Memorandum Decision of this Court, dated March 8, 2001 and redated, June 4, 2001, and it appearing to the satisfaction of the court that the condemnor is entitled to the relief demanded in the petition herein; it is

ADJUDGED:

1. The description of the property is as follows: See the metes and bounds description annexed hereto as Exhibit "A" (Parcel 1 is known on the Land and Tax Map of Nassau County as Section 32, Block 362, Lots 11, 16, 17, 18, 19 and 41; Parcel 3 is known on the Land and Tax Map as Section 32, Block 362, Lots 20, 21, 42 and 43; and Parcel 5 is known on the Land and Tax Map of Nassau County as Section 32, Block 365, Lot 200).

2. The condemnor is entitled to take and hold said property for the following public use: to redevelop the area known as the Jamaica Square Urban Renewal Project, by constructing safe, attractive housing instead of the current substandard residential and commercially zoned properties.

3. Pursuant to EDPL 206, the condemnor is exempt from compliance with the requirements of the Eminent Domain Procedure Law Article 2 because prior to the acquisition, and pursuant to GML 505, the Town of Hempstead conducted public hearings upon due notice to the public, in which the Town considered the public use, benefit or purpose to be served by the proposed project, as well as the approximate location for the proposed public project and the reasons for the selection of that location, and the general effect of the proposed project on the environment and residents of the locality, all in compliance with EDPL 204(B).

4. The condemnor has duly served all notices and maps required to be served on the condemnees as owners of the property to be acquired, as required by the Eminent Domain Procedure Law Section 402(B)(2) and has otherwise fully complied with the procedural requirements of the Eminent Domain Procedure Law. Upon the foregoing judgment, it is

ORDERED, ADJUDGED AND DECREED, that the Amended Petition of the condemnor is hereby granted; and it is further

ORDERED, ADJUDGED AND DECREED, that the condemnor shall file the acquisition map in the office of the County Clerk located in Nassau County; and it is further

ORDERED, ADJUDGED AND DECREED, that upon the filing of the acquisition map in the office of the County Clerk of the County of Nassau, title to the above described property (i.e. Parcels 1, 3 and 5) shall vest in condemnor, and it is further

ORDERED, ADJUDGED AND DECREED, that the condemnees herein shall file a written claim or a notice of appearance pursuant to Section 503 of the Eminent Domain Procedure Law with the condemnor by serving the party designated to accept service in the notice of acquisition, and the Nassau County Clerk's office on or before December 20, 2001. Pursuant to Section 504 of the Eminent Domain Procedure Law, the written claim or notice of appearance shall include:

1. The name and post office address of the condemnee;
2. Reasonable identification by reference to the acquisition map or otherwise, of the property affected by the acquisition, and the condemnee's interest therein;
3. A general statement of the nature and type of damages claimed, including a schedule of fixture items which comprise part or all of the damages claimed;

4. If represented by an attorney, the name of the condemnnee's attorney and his/her office and post office address and telephone number subscribed at the end of the claim, and it is further

ORDERED, ADJUDGED AND DECREED that ~~the Clerk of the Court shall place this matter on the conference calendar of the undersigned for the~~
The parties shall appear for conference before
on Wednesday October 24, 2001 at 9:30 AM by which time a brief issue
earliest possible date, and that at this conference, a date shall be chosen for a
hearing shall have been filed
hearing, in which the following issues shall be determined:

1. whether or not the \$20,000.00 offer made by the Petitioner for fixtures to respondent, Madeline Schlichtig, and the \$39,000.00 offer made by the Petitioner for fixtures to respondent, 546 Hempstead Turnpike Realty Corp., were adequate offers made in good faith, and

2. whether the respondent, Madeline Schlichtig is entitled to compensation as to the value of her liquor license.

ENTER:

J.S.C.

All that plot and parcel of land situated in Elmont, Town of Hempstead, Nassau County, NY known as Tax Lots 11, 16, 17, 18, 19 and 41 in Section 32, Block 362 of the Nassau County Tax Map, also known as Lots 11, 13, 16, 17, Part of Lots 12, 18 and 19 in Block 20 and shown on the "Map of Jamaica Square #2, Elmont, Town of Hempstead, Nassau County, NY", filed September 8, 1906 as Map Number 41 and more particularly described as follows:

BEGINNING at a point on the southeasterly line of Rouquette Avenue, said point located 140 feet southwesterly from the old southeast corner of Arcade Place and Rouquette Avenue; Running thence the following four courses and distances:

1. South 49° 38' East, 87.00 feet
2. North 40° 22' East, 14.00 feet
3. South 49° 38' East, 29.00 feet
4. South 40° 22' West, 100.33 feet to the northeasterly widened line of Hempstead

Turnpike; Running thence along said line the following two courses and distances:

1. North 74° 38' West, 32.00 feet
2. North 68° 23' West, 30.625 feet to the southeast corner of tax lot 15; Running thence the following three courses and distances along tax lots 15 and 14:

1. North 40° 22' East, 95.69 feet
2. North 49° 38' West, 29.00 feet
3. South 40° 22' West, 105.54 feet to the northeasterly line of Hempstead Turnpike;

Running thence North 68° 23' West along said line, 22.15 feet to a curve connecting the east line of Hempstead Turnpike with the widened southeast line of Rouquette Avenue; Running thence on a curve to the right having a radius of 19 feet and an arc length of 10.86 feet to the said widened line of Rouquette Avenue; Running thence North 40° 22' East along said line, 102.38 feet to a point; Running thence North 49° 38' West, 5.00 feet to the old line of Rouquette Avenue; Running thence North 40° 22' East along said line, 14.00 feet to the point or place of BEGINNING.

Containing an area of 9,575 square feet or 0.2198 acres.

PARCEL 3

All that plot and parcel of land situated in Elmont, Town of Hempstead, Nassau County, NY known as Tax Lots 20, 21, 42 and 43 in Section 32, Block 362 of the Nassau County Tax Map, also known as Part of Lots 20 through 27 inclusive in Block 20 and shown on the "Map of Jamaica Square #2, Elmont, Town of Hempstead, Nassau County, NY", filed September 8, 1906 as Map Number 41 and more particularly described as follows:

BEGINNING at a point on the widened northwest line of Louis Avenue, said point located the following two courses and distances from the old southwest corner of Arcade Place and Louis Avenue:

1. South 40° 22' West along the northwest line of Louis Avenue, 70.00 feet
2. North 49° 38' West, 4.80 feet to the widened line of Louis Avenue the true point or place of beginning; Running thence South 40° 22' West along said widened line of Louis Avenue, 131.52 feet to the widened northeasterly line of Hempstead Turnpike; Running thence North 74° 38' West along said line 58.70 feet to a point; Running thence North 40° 22' East, 100.33 feet to a point; Running thence North 49° 38' West, 29.00 feet to a point; Running thence South 49° 38' East, 82.20 feet to the point or place of BEGINNING.

Containing an area of 9,281 square feet or 0.213 acres.

PARCEL 5

All that plot and parcel of land situated in Elmont, Town of Hempstead, Nassau County, NY known as Tax Lot 200 in Section 32, Block 365 of the Nassau County Tax Map, also known as Part of Lots 67 through 69 inclusive in Block 18 and shown on the "Map of Jamaica Square #2, Elmont, Town of Hempstead, Nassau County, NY", filed September 8, 1906 as Map Number 41 and more particularly described as follows:

BEGINNING at a point on the northwest corner of the herein described parcel, said point located the following three courses and distances from the old southeast corner of Pelham Street and Louis Avenue:

1. South 40° 22' West along the southeast line of Louis Avenue, 784.00 feet
2. South 49° 38' East, 87.00 feet
3. South 40° 22' West, 56.00 feet to the true point or place of beginning; Running thence South 49° 38' East, 36.21 feet to the widened north line of Makofske Avenue; Running thence southwesterly on a curve to the right having a radius of 420.00 feet and an arc length of 59.01 feet to a point; Running thence South 60° 31' 10" W, 3.79 feet to a curve connecting the northerly line of Makofske Avenue with the northeasterly line of Hempstead Turnpike; Running thence northerly on a curve to the right having a radius of 50.00 feet and an arc length of 43.63 feet; Running thence, North 69° 28' 50" West along the northeasterly line of Hempstead Turnpike, 3.26 feet to Tax Lot 200; Running thence North 40° 22' East along said lot 77.11 feet to a point; Running thence South 49° 38' East, 14.50 feet; Running thence North 40° 22' East, 14.00 feet to the point or place of BEGINNING.

Containing an area of 3,039 square feet or 0.0698 acres.

CHD=S 8°15'53" W 20.19'
R=19.00'
L=21.29'

LOUIS AVENUE

HEMPSTEAD

N 69°28'50" W 3.26'

CHD=S 85°31'10" W 42.26'
R=50.00'
L=43.63'

S 60°31'10" W 3.79'

MAKOFKSKE AVE.

PARCEL AREA = 3,039 SQ FT
0.0698 ACRES

CARMAN-DUNNE, P.C.
CONSULTING ENGINEERS & SURVEYORS
2 Lakeview Ave., Lynbrook, New York 11563
TEL. (516) 599-5563 FAX (516) 593-4873

SURVEY OF PROPERTY
IN ELMONT
TOWN OF HEMPSTEAD, NASSAU COUNTY, NEW YORK

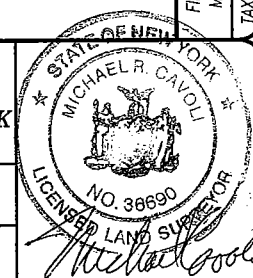
CERTIFIED TO:

Date:
MAY 14, 1999

Plate No.:
128

Scale:
1"=20'

Project No.:
199516649-53



MAP OF JAMAICA SQUARE NO. 2 BLOCK LOTS
MAP NO 41 FILED SEPT. 8, 1906
NASSAU COUNTY SECTION 32, BLOCK 365, LOT 200

FILED
MAP
TAX MAP

CERTIFICATION OF OWNERSHIP

AFFIRMATION

I, JOSEPH J. RA, being an attorney duly admitted to the practice of law in the State of New York, affirm under the penalties of perjury the following:

That I am the attorney for the Town of Hempstead, the Municipality which is the applicant for State Assistance pursuant to Title 5 of Article 56 of the Environmental Conservation Law to undertake an Environmental Restoration Project known as the TOWN OF HEMPSTEAD BROWNFIELD REVITALIZATION PROJECT

That the properties which are located in the Town of Hempstead, Roosevelt, New York and Elmont, New York are the subject of the project and are more particularly described as follows:

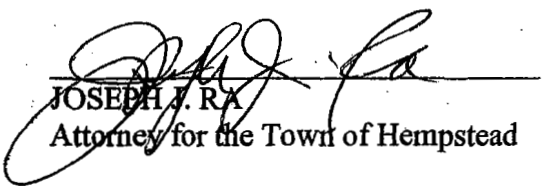
1. 47-A Walcott Avenue, Inwood, NY – Nassau County
Section 40 Block 57 Lot 21 (aka 201)
2. 509 Nassau Road, Roosevelt, NY – Nassau County
Section 55 Block 431 Lot 73
3. 420 Nassau Road, Roosevelt, NY – Nassau County
Section 55 Block 438 Lot 593
4. 391-411 Nassau Road, Roosevelt, NY – Nassau County
Section 55 Block 427 Lots 201, 203, 205, 207, 437 & 438
5. 301-309 Nassau Road, Roosevelt, NY – Nassau County
Section 55 Block 418 Lots 14, 15, 21
6. NE Corner of Hempstead Tpke. & Louis Ave., Elmont, NY – Nassau County
Section 32 Block 365 Lots 199, 57 thru 61
7. 540 Hempstead Turnpike, Elmont, NY – Nassau County
Section 32 Block 362 Lots 20, 21, 42, 43
8. 546 Hempstead Turnpike, Elmont, NY – Nassau County
Section 32 Block 365 Lot 200

That I hereby certify to the Commissioner of the Department of Environmental Conservation that I have examined or caused to be examined the title to the properties and that I have approved the same, and that as of the date of this affirmation a good and marketable title thereto in fee is vested in and may be conveyed by the Town of Hempstead.

That annexed to each application is a copy of the vesting order and/or deed whereby such title to the properties were conveyed to The Town of Hempstead and I hereby certify to the Commissioner of the Department of Environmental Conservation that the property titles, conveyed by said deeds, is identical to the property which is the subject of the Project.

That I make this affirmation to be attached as an exhibit and incorporated by reference into such application.

Dated: December , 2004



JOSEPH J. RA
Attorney for the Town of Hempstead

APPROVAL AS TO CONTENT

APPROVED AS TO CONTENT

DATE: 11-9-04

Katrina R. Brooks
COUNSEL TO COMMISSIONER
DEPT. OF PLANNING & ECONOMIC DEVELOPMENT

Approved as to form
[Signature]
Chief Deputy Town Attorney
Dated 11/15 2004

Approved:
[Signature]
Deputy Town Attorney
Dated 1/5 2005