



## 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

3/14/06

<b>Applicant Information</b>			
NAME OF MUNICIPALITY TOWN OF HEMPSTEAD		FED. ID #	
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	
<b>Site Information</b>			
SITE NAME ELMONT SECTION 32 BLOCK 365 LOTS 57 THROUGH 61, 199 AND 200			
SITE ADDRESS NE CORNER OF HEMPSTEAD TURNPIKE AND LOUIS AVENUE & 546 HEMPSTEAD TURNPIKE			
CITY/TOWN ELMONT		ZIP CODE 11003	
COUNTY NASSAU		SIZE (ACRES) 15,595 sq. ft. .3581 ACRES	
LATITUDE (degrees/minutes/seconds) N40° 42' 29"		LONGITUDE (degrees/minutes/seconds) W73° 42' 28.29"	
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 IF ONE IS COMPLETED.		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
2. IS THE SITE PART OF A DESIGNATED BROWNFIELD OPPORTUNITY AREA PURSUANT TO GML970-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: _____			

## GENERAL INFORMATION

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:  
☐ 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

IF THE APPLICANT CURRENTLY OWNS THE SITE, ATTACH A COPY OF THE DEED, ATTORNEY CERTIFICATION OF PROOF OF OWNERSHIP, AND, IF THE APPLICANT HAS OBTAINED ONE WITHIN THE PAST YEAR, A TITLE REPORT. IF THE APPLICANT HAS OBTAINED TEMPORARY INCIDENTS OF OWNERSHIP, ATTACH A COPY OF THE ORDER OF THE COURT.

## Project Description

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 AN
- ESTIMATED PROJECT SCHEDULE (FIELD WORK MUST BEGIN WITHIN 12 MONTHS OF THE APPLICATION APPROVAL DATE)

## Supporting Information

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					
Chlorinated Solvents					
Other VOCs					
SVOCs	✓				
Metals	✓				
Pesticides					
PCBs					
Other* _____					

\*PLEASE DESCRIBE: TSA Done by Environmental Resources Mgmt. Nov. 06 on file with Chek Beng Ng

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
  - ☐ 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
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
8. HAS THE APPLICANT SIGNED AN AGREEMENT WITH A PRIVATE PARTY TO REUSE THE SITE ONCE IT IS RESTORED? ☐ YES ☒ NO
9. HAS THE APPLICANT COMMITTED TO A NEW PUBLIC OR RECREATIONAL USE? ☐ YES ☒ NO
10. 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
11. 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

App. as to Form  
KED

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.

Kate Meyer  
Signature of Individual Authorized to Sign the Application

(P) 5-30-07  
Date

Please note: The application must include a certified copy of the municipal authorization which designates, by title (Mayor, Town Supervisor, etc.), the representative authorized to act on behalf of that municipality in all matters related to financial assistance. The authorization must empower the representative to make application, execute the State Assistance Contract, and otherwise act for the municipality in all State assistance-related matters. A sample form is provided in the Environmental Restoration Projects Procedures Handbook.

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, one with original signatures, are required.

- Two (2) of the 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) 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 addresses of our regional offices: <http://www.dec.state.ny.us/website/der/index.html>

**FOR DEPARTMENT USE ONLY:**

ERP SITE NO: \_\_\_\_\_ ERP SITE T&A CODE: \_\_\_\_\_ PROJECT MANAGER: \_\_\_\_\_

**PURPOSE AND SCOPE OF THE PROJECT -ELMONT- LOTS 57 THRU 61, 199  
AND 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.

According to the TSA, if redevelopment of the sites include part-residential use, remedial actions may include removing shallow soils during future construction or preventing contact with soil through a physical barrier, such as pavement. If shallow soils are to be removed, end point sampling should be conducted to ensure the complete removal of soils contaminated with metals exceeding the background levels, and SVOCs exceeding NYSDEC's TAGM 4046 levels. Clean fill soils should meet NYSDEC's TAGM 4046 levels, or other applicable NYSDEC guidance levels. Should shallow soils be removed from the sites and backfilled with clean soils, the cost is estimated at \$175,000.00 if the excavated soil is classified as non-hazardous. If the excavated soil is classified as hazardous, the estimated cost ranges between \$325,000.00 to \$400,000.00. The above cost estimates are based on the excavation and backfilling of two feet of soils. The soil hazardous determination is usually made during the excavation as part of the disposal procedure.

## 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 the TSA already completed, between \$175,000.00 and \$400,000.00 will be needed for complete remediation. The Town will use CDBG monies as a funding source.

## 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 Elmont and its beleaguered School District; and

## ESTIMATED PROJECT SCHEDULE

Field work will begin as soon as the application is approved and certainly within the 12 month requirement. Once remediation is completed, the Town will advertise property for sale to beneficial end user.

## PREVIOUS OWNERS AND OPERATORS

Robert Pips  
242 Huenteld Street  
Massapequa Park, New York

Margaret Surace  
600 Keswick Road  
Elmont, New York

## PREVIOUS USES

These sites had been used as a car sales lot, welding business and cement business.

LOUIS

MAKOFKSKE

HEMPSTEAD - JAMAICA (BETHPAGE TPKE.)  
(HEMPSTEAD - FARMINGDALE HWY.)

SEC 32  
BK 365  
LT 199-59-61

[illegible]

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 27 day of September, 2001.

P R E S E N T :

EDWARD G. McCABE  
J.S.C.

*Elmont 2000*

-----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 9<sup>th</sup> 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 5<sup>th</sup> 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 24<sup>th</sup> 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

4. If represented by an attorney, the name of the condemnee'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~~  
*The parties shall appear for conference before*  
~~Court shall place this matter on the conference calendar of the undersigned for the~~  
*on Wednesday October 24, 201 at 9:30 AM by which time a check issue*  
*earliest possible date, and that at this conference, a date shall be chosen for a*  
*for 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  $40^{\circ} 22'$  West along the northwest line of Louis Avenue, 70.00 feet
2. North  $49^{\circ} 38'$  West, 4.80 feet to the widened line of Louis Avenue the true point or place of beginning; Running thence South  $40^{\circ} 22'$  West along said widened line of Louis Avenue, 131.52 feet to the widened northeasterly line of Hempstead Turnpike; Running thence North  $74^{\circ} 38'$  West along said line 58.70 feet to a point; Running thence North  $40^{\circ} 22'$  East, 100.33 feet to a point; Running thence North  $49^{\circ} 38'$  West, 29.00 feet to a point; Running thence South  $49^{\circ} 38'$  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.

## **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

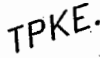
That I hereby certify to the Commissioner of the Department of Environmental Conservation that I have examined or caused to be examined the title to the properties and that I have approved the same, and that as of the date of this affirmation a good and marketable title thereto in fee is vested in and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



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) 599-4873

**SURVEY OF PROPERTY  
IN ELMONT  
TOWN OF HEMPSTEAD, NASSAU COUNTY**

[illegible]

Date: MAY 14, 1999	Plate No.: 128	Scale: 1"=20'	Project No.: 199516649-53
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Project No.:  
199516649-53

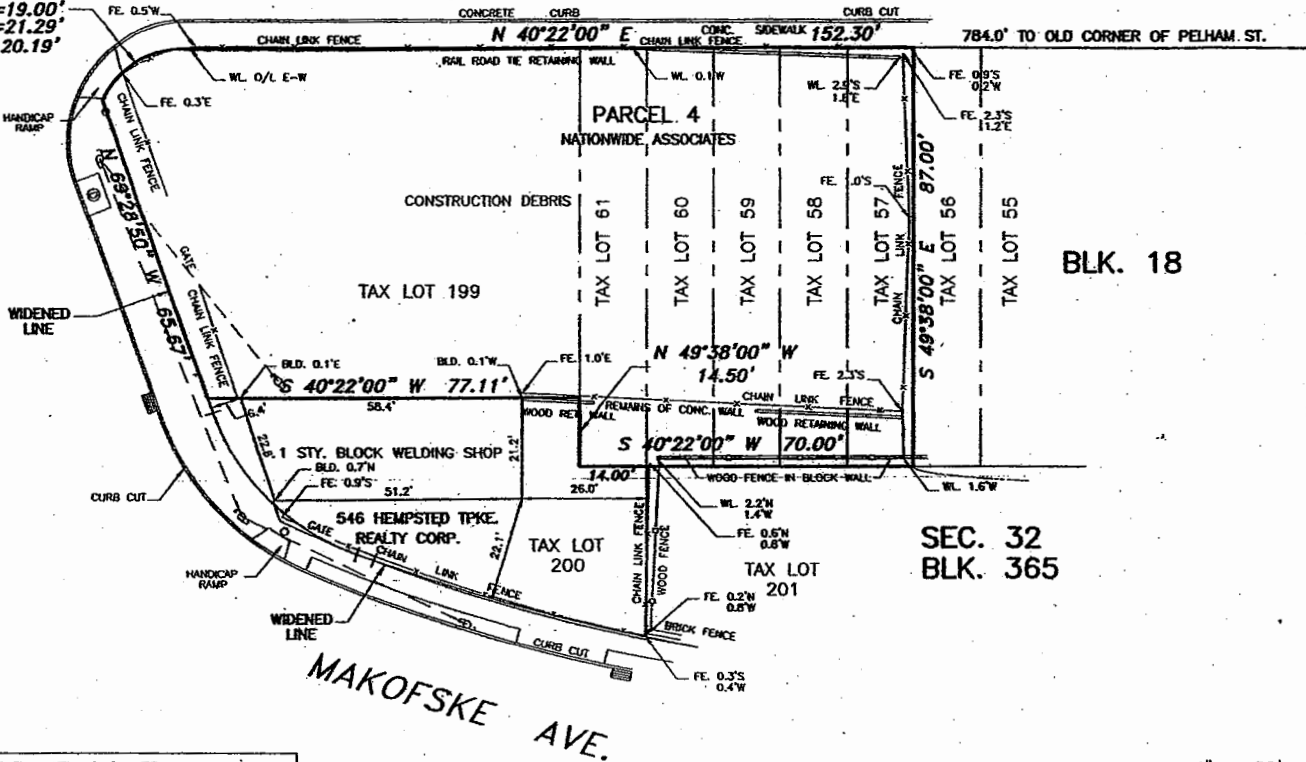




R=19.00'  
L=21.29'  
CHD=N 8°15'53" E 20.19'

HEMPSTEAD TPKE.

LOUIS AVE.  
ONE WAY



BLK. 18

SEC. 32  
BLK. 365

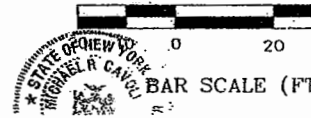
PARCELS TO BE ACQUIRED

No.	REPUTED OWNER	SEC.	BLOCK	TAX LOTS	AREA Sq. Ft.	AREA Ac.
4	NATIONWIDE ASSOCIATES	32	365	57, 58, 59, 60, 61, 199	12,556	0.2883

"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7000 sub-division 2, of the New York State Education Law."

"Certifications indicated herein signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the

1" = 20'



PARCEL 4

All that plot and parcel of land situated in Elmont, Town of Hempstead, Nassau County, NY known as Tax Lots 57 through 61 inclusive and Lot 199 in Section 32, Block 365 of the Nassau County Tax Map, also known as Lots 57 through 61 inclusive and Part of Lots 62 through 66 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 southeast line of Louis Avenue, said point located 784 feet southerly from the old southeast corner of Pelham Street and Louis Avenue; Running thence the following four courses and distances;

1. South 49° 38' East along the southerly line of lot 56, 87.00 feet
2. South 40° 22' West, 70.00 feet
3. North 49° 38' West, 14.50 feet
4. South 40° 22' West, 77.11 feet to the widened northeasterly line of Hempstead Turnpike; Running thence North 69° 28' 50" West along said line 65.67 feet to a curve connecting the northeasterly line of Hempstead Turnpike with the southeast line of Louis Avenue; Running thence along a curve to the right having a radius of 19.00 feet and an arc length of 21.29 feet to the southeast line of Louis Avenue; Running thence North 40° 22" East along said line 152.30 feet to the point or place of BEGINNING.

Containing an area of 12,556 square feet or 0.2883 acres.

At an IAS Term Part 4 of the  
Supreme Court of the State of New  
York, held in and for the County of  
Nassau, at 100 Supreme Court Drive,  
Mineola, New York, on the 26<sup>th</sup> day of  
September, 2001.

**P R E S E N T:**

**HON. EDWARD G. McCABE,**

**J.S.C.**

**FILE**

-----X  
**IN THE MATTER OF THE APPLICATION  
OF THE TOWN OF HEMPSTEAD FOR THE  
ACQUISITION OF CERTAIN PARCELS OF  
LAND KNOWN AS SECTION 32, BLOCK 365,  
LOTS 57-61 AND 199, LOCATED AT HEMPSTEAD  
TURNPIKE AND LOUIS AVENUE, ELMONT, NEW  
YORK, PURSUANT TO THE URBAN RENEWAL  
PLAN FOR THE JAMAICA SQUARE PROJECT.**

**VESTING ORDER**

**Index No. 01-011773**

-----X  
**DUE TO NOTICE GIVEN**, on application of the **TOWN OF HEMPSTEAD**,  
in the above-entitled proceeding, that an application will be made to the Supreme  
Court, Special Term, for condemnation proceedings for the County of Nassau at the  
Nassau County Supreme Court Building, 100 Supreme Court Drive, Mineola, New  
York, on the 12th day of September, 2001, pursuant to the provisions of the Eminent  
Domain Procedure Law, to condemn certain real property interests situated in the  
Town of Hempstead, Nassau County, New York, known as: Section 32, Block 365,  
Lots 57-61 and 199, on the Land and Tax Maps of the County of Nassau as more  
particularly described in the Petition of the **TOWN OF HEMPSTEAD** and said  
application have duly come to be heard on said day.

NOW, upon reading the Notice of Petition dated July 26, 2001, and the Petition verified July 17, 2001, and exhibits annexed thereto and the Affidavit of Dianne Clynes, sworn to on the 24th day of August, 2001, stating that the Revised Notice of Intent to Condemn was duly served upon all parties in interest and the Affidavit of Kathy Sullivan, sworn to on the 4th day of September, 2001, stating that the Revised Notice of Intent to Condemn was duly published in Newsday pursuant to Eminent Domain Procedure Law Section 402, and upon the map showing the property to be taken which is annexed to the Petition and filed with the County Clerk of Nassau on July 30, 2001, and upon filing of a lis pendens with the County Clerk of Nassau County on July 30, 2001, a copy of which is annexed to the Petition herein, and upon the Affidavit of Publication of the Notice of Public Hearing of Madeline Johansen, sworn to on the 6th day of November, 1998, of the hearing to be held on August 10, 1999, to examine the public purpose, location and effect on the environment and residents of the neighborhood for the acquisition of the subject property, and upon Resolution Number 689-1999, dated August 10, 1999, whereby the **TOWN OF HEMPSTEAD** made findings of the location of the subject property and reason for selection, the public use benefit and purpose to be served by acquisition of the subject property and the general effect of the proposed project on the environment and residents, and upon the Affidavit of Publication of Madeline Johansen, sworn to on the 6th day of August, 1999, stating that a synopsis of such findings was published in Newsday pursuant to Eminent Domain Procedure Law Section 204, and upon the papers and pleadings had herein in support of said application, it is

**ORDERED**, that the Application to Condemn be, and the same hereby is granted; and

**IT IS FURTHER**

**ORDERED**, that upon entry of this Order and the simultaneous filing of the Acquisition Map annexed hereto, in the County Clerk's Office of the County of Nassau, the real property interest sought to be acquired in: Section 32, Block 365, Lots 57-61 and 199, shall vest in the **TOWN OF HEMPSTEAD**; and

**IT IS FURTHER**

**ORDERED**, that upon the acquisition of the subject parcel of land, the **TOWN OF HEMPSTEAD** shall deposit with the office of the Nassau County Treasurer through the office of the Nassau County Clerk, as Clerk of this Court, the following sums as advance payments for the acquisition of the following parcels:

- |     |                         |             |
|-----|-------------------------|-------------|
| (1) | S: 32, B: 365, L: 57-61 | \$30,000.00 |
| (2) | S: 32, B: 365, L: 199   | \$66,000.00 |

**IT IS FURTHER**

**ORDERED**, that after this proceeding has been properly noticed upon the Special Term Calendar, that the Court shall ascertain and determine, without a jury, the compensation to be made to the owners of or persons interested in the real property, proposed to be taken or affected for the purpose set forth in the Petition herein, which said real property is more particularly described in said Petition, according to law; and

**IT IS FURTHER**

**ORDERED**, that any purported owners or their attorneys be directed to file before December 20, 2001, a written Claim, Demand or Notice of Appearance with **KROLL, MOSS & KROLL, LLP**, and the Clerk of the County of Nassau, pursuant to Section 502, Subdivision B and Section 503, Subdivision B of the Eminent Domain Procedure Law; and

**IT IS FURTHER**

**ORDERED**, that the Condemnor herein publish a Notice of this acquisition within thirty (30) days after entry of this Order for ten (10) successive issues in Newsday, a daily newspaper of general circulation, proofs of such publication to be filed with the Clerk of the County of Nassau, pursuant to Section 502, Subdivision B of the Eminent Domain Procedure Law.

**ENTER:**

S/ Hon. Edward G. McCabe  
J.S.C.

**ENTERED**

NOV 09 2001

**NASSAU COUNTY  
COUNTY CLERK'S OFFICE**

CAKHPD3026\Vesting.Ord

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being at Elmont, in the Town of Hempstead, County of Nassau and State of New York, known as Lot Numbers 57, 58, 59, 60, 61, 62, 63, 64, 65 and 66 in Block 18 on a certain map entitled, "Map of Jamaica Square No. 2, amended map surveyed October, 1905, by H.S. Thompson C.E. & S." and filed in the Office of the Clerk of the County of Nassau on September 8, 1906 as Map Number 41, Case Number 304 which said lots are bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northwesterly side of Hempstead-Jamaica Turnpike with the southeasterly side of Louis Avenue;

RUNNING THENCE northeasterly along the southeasterly side of Louis Avenue, 173.20 feet;

THENCE southeasterly and at right angles to Louis Avenue, 87 feet;

THENCE southwesterly parallel with Louis Avenue, 70 feet;

THENCE northwesterly and at right angles to last mentioned course, 14.50 feet;

THENCE southwesterly parallel to Louis Avenue, 77.11 feet to the new northeasterly side of Hempstead-Jamaica Turnpike;

THENCE northwesterly along the northeasterly side of Hempstead-Jamaica Turnpike, 77.05 feet to the corner, the point or place of BEGINNING.

Excepting therefrom so much thereof as was taken for widening of Hempstead Turnpike.





Index No. 011/73

Year 20 01

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU**

**IN THE MATTER OF THE APPLICATION OF THE TOWN OF HEMPSTEAD FOR THE  
ACQUISITION OF CERTAIN PARCELS OF LAND KNOWN AS SECTION 32, BLOCK  
365, LOTS 57-61 AND 199, LOCATED AT HEMPSTEAD TURNPIKE, ELMONT, NEW  
YORK, PURSUANT TO THE URBAN RENEWAL PLAN FOR THE JAMAICA SQUARE  
PROJECT.**

**VESTING ORDER**

**KROLL, MOSS & KROLL, LLP**  
Attorneys for  
**Town of Hempstead**  
400 GARDEN CITY PLAZA  
GARDEN CITY, N. Y. 11530  
(516) 873-8000

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: .....

Signature: .....

Print Signer's Name: .....

Service of a copy of the within

is hereby admitted.

Dated: .....

Attorney(s) for

**PLEASE TAKE NOTICE**

Check Applicable Box

☐  
NOTICE OF  
ENTRY

that the within is a (certified) true copy of a  
entered in the office of the clerk of the within named Court on

20

☐  
NOTICE OF  
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the  
Hon. one of the judges of the within named Court,  
at  
on

20

, at

M.

Dated: .....

**KROLL, MOSS & KROLL, LLP**

Attorneys for

400 GARDEN CITY PLAZA  
GARDEN CITY, N. Y. 11530  
(516) 873-8000

To:

Attorney(s) for

SCHEDULE A

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being at Elmont, in the Town of Hempstead, County of Nassau and State of New York, known as Lot Numbers 57, 58, 59, 60, 61, 62, 63, 64, 65 and 66 in Block 18 on a certain map entitled, "Map of Jamaica Square No. 2, amended map surveyed October, 1905, by H.S. Thompson C.E. & S." and filed in the Office of the Clerk of the County of Nassau on September 8, 1906 as Map Number 41, Case Number 304 which said lots are bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northwesterly side of Hempstead-Jamaica Turnpike with the southeasterly side of Louis Avenue;

RUNNING THENCE northeasterly along the southeasterly side of Louis Avenue, 173.20 feet;

THENCE southeasterly and at right angles to Louis Avenue, 87 feet;

THENCE southwesterly parallel with Louis Avenue, 70 feet;

THENCE northwesterly and at right angles to last mentioned course, 14.50 feet;

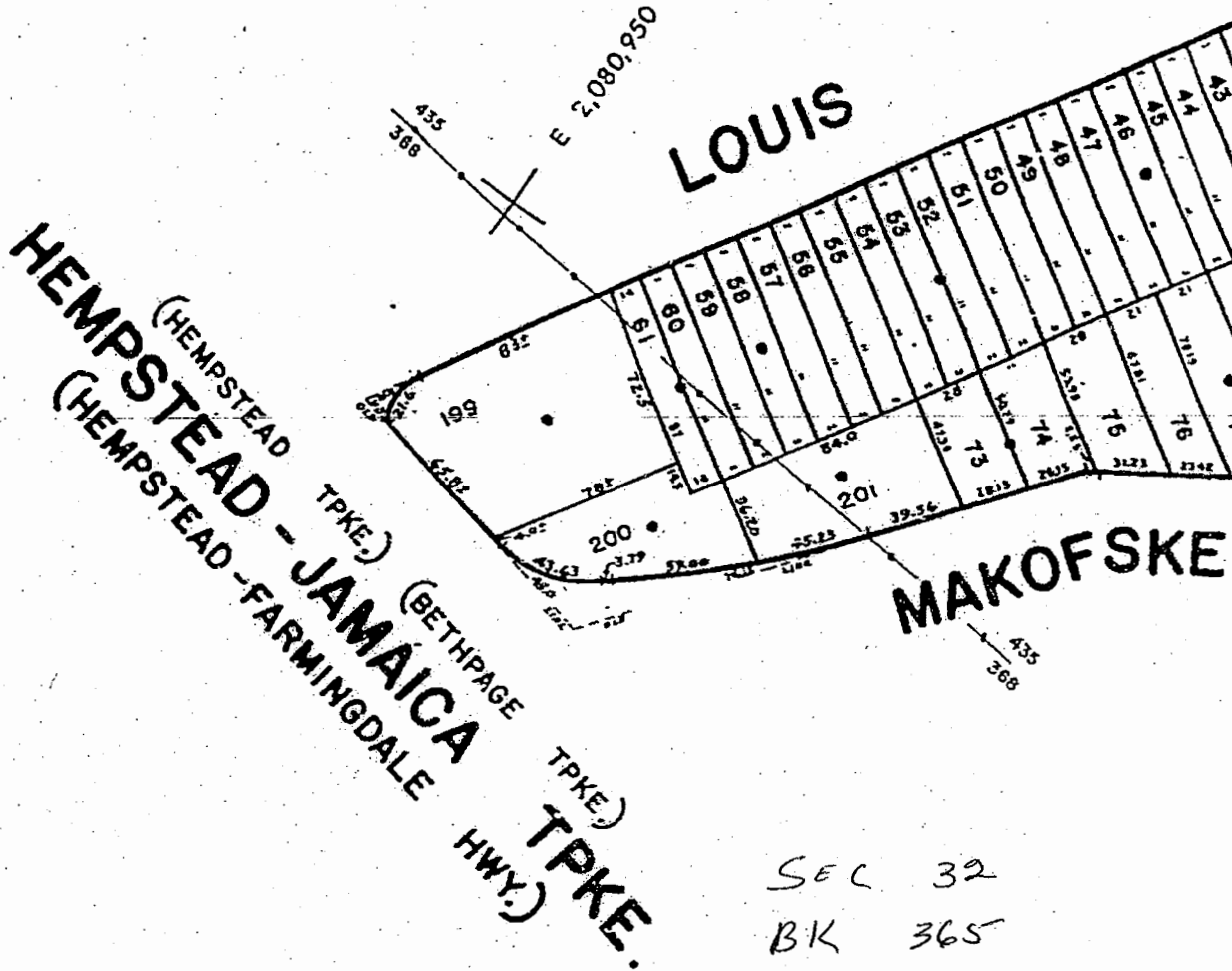
THENCE southwesterly parallel to Louis Avenue, 77.11 feet to the new northeasterly side of Hempstead-Jamaica Turnpike;

THENCE northwesterly along the northeasterly side of Hempstead-Jamaica Turnpike, 77.05 feet to the corner, the point or place of BEGINNING.

Excepting therefrom so much thereof as was taken for widening of Hempstead Turnpike.

For conveyancing only, {Together with all right, title and interest of,  
if intended to be conveyed. {in and to any streets and roads abutting the above  
{described premises, to the center line thereof

4/5



SEC 32  
BK 365  
LT 199-59-61

LEGEND										DIST		DIST		SPECIAL DI	
POLICE												FIRE PROTECTION		PUBLIC PARKING	
NASSAU COUNTY										3				ELMONT	
WATER												SANITARY			
												DISTRICT No. 6		33	
												REFUSE & GARBAGE			
LIGHTING														SEWER	
TOWN OF HEMPSTEAD										47		REFUSE DISPOSAL			
LIBRARY												TOWN OF HEMPSTEAD		x	
												SEWAGE COLLECTION			
FIRE												DIST. No. 2 FP- FLORAL PARK		0	
ELMONT										63				IMPROVEMENT	
														SIDEWALK	

SPECIAL DISTRICT WITHIN										CODE		SPECIAL DI			
1	2	3	6A	47	63	93	202	0	Y	X					
1	2	3	47	63	93	202	0	0							

# **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

U8

OCASE NO. 20404

RESOLUTION NO. 32-2005

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

**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

**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



**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