

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director  
625 Broadway, 12th Floor, Albany, New York 12233-7011  
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www.dec.ny.gov

SENT VIA FIRST CLASS MAIL

September 27, 2017

Saxon Avenue Enterprises, LLC  
Attn: Mr. Joseph Content  
103 Laurel Lane  
Port Jefferson, NY 11777

**RE: 41 Saxon Avenue Site  
(Former Staver Site), Site No. V00338-1**

Dear Mr. Content:

The New York State Department of Environmental Conservation (the "Department") is in receipt of your counsel's written request to amend Voluntary Cleanup Agreement, Index No. D1-0010-00-09, for the 41 Saxon Avenue (Former Staver) Site (the "Site") dated June 27, 2001, amended June 25, 2004 (the "VCA" or "Agreement"). The requested amendment to the VCA seeks to add the current owner of the Site, Saxon Avenue Enterprises, LLC with an address at 103 Laurel Lane, Port Jefferson, NY 11777, as a non-PRP Volunteer to the Agreement. Additionally, your counsel supplemented his letter with the following: a notarized statement by Dali Picasso Realty, LLC consenting to the amendment; proof that 41 Saxon Avenue Corp., successor to The Staver Company Incorporated, is dissolved; and a statement that upon information and belief, the sole member of Saxon Avenue Holdings LLC is deceased. This letter is forwarded to your attention in response to your counsel's request, as supplemented, for an amendment of the VCA.

The above-referenced request is hereby granted, and incorporated into, and is enforceable pursuant to the subject agreement, effective immediately upon receipt of this letter. This amendment is made in accordance with, and subject to, all the terms and conditions of the VCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Please have an authorized representative counter sign this letter to acknowledge acceptance of this Amendment and send a copy of the counter-signed letter back to the Department at:



New York State Department of Environmental Conservation  
Attn: Director  
Division of Environmental Remediation  
625 Broadway, 12<sup>th</sup> Floor  
Albany, New York 12233-7011

Please keep a copy of the countersigned letter as proof of the VCA Amendment. A copy of the notarized consent by Dali Picasso Realty, LLC is enclosed for your records.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

Please contact me if you have any questions in this regard. Thank you for your attention to this matter.

Sincerely,



Robert W. Schick, P.E.  
Director  
Division of Environmental Remediation

cc: Barry S. Cohen, Esq.  
Certilman Balin Adler & Hyman, LLP  
90 Merrick Avenue, 9<sup>th</sup> Floor  
East Meadow, NY 11554

ec: A. Guglielmi  
R. Rusinko  
E. Obrecht  
W. Parish  
J. Sheehan

Saxon Avenue Enterprises, LLC

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_