



August 25, 2004

New York State Department of Environmental Conservation  
Division of Environmental Remediation  
Bureau of Construction Services, 12<sup>th</sup> Floor  
625 Broadway  
Albany, New York 12233-7013

Attn: Jeffrey E. Trad, P.E.  
Environmental Engineer 2

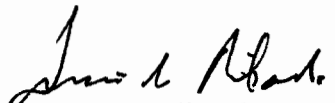
Re: **Sonia Road Landfill**  
**NYSDEC Site Number 152013**  
**Declaration of Covenants and Restrictions**

Dear Mr. Trad:

Transmitted herewith for your records is a copy of the Recording Documents from the Suffolk County Clerk for the Declaration of Covenants and Restrictions (DC&R) for Sonia Road Landfill.

Give me a call if you have any questions.

Very truly yours,

  
Francis D. Ribaud, P.E.  
Associate Engineer

encl.

cc: E. Hofmeister, IRRA President  
P. DiMaria, P.E., Chief Engineer  
File, w/encl.





SUFFOLK COUNTY CLERK  
 RECORDS OFFICE  
 RECORDING PAGE

Type of Instrument: DECLARATION/DOP  
 Number of Pages: 5  
 Receipt Number : 04-0073407

Recorded: 07/01/2004  
 At: 08:34:42 AM

LIBER: D00012328  
 PAGE: 297

District: 0500                      Section: 221.00                      Block: 02.00                      Lot: 002.000

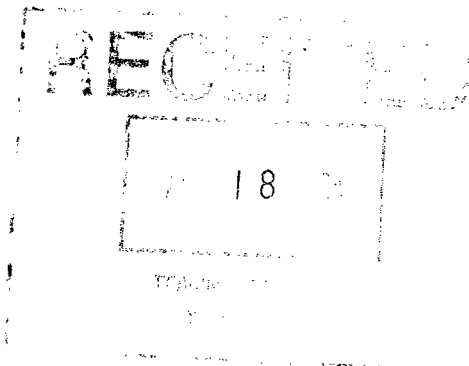
EXAMINED AND CHARGED AS FOLLOWS

Received the Following Fees For Above Instrument

		Exempt			Exempt
Page/Filing	\$15.00	NO	Handling	\$5.00	NO
COE	\$5.00	NO	NYS SRCHG	\$15.00	NO
TP-584	\$0.00	NO	Notation	\$0.00	NO
Cert.Copies	\$0.00	NO	RPT	\$30.00	NO
SCTM	\$0.00	NO			
			Fees Paid	\$70.00	

THIS PAGE IS A PART OF THE INSTRUMENT  
 THIS IS NOT A BILL

Edward P.Romaine  
 County Clerk, Suffolk County



1 2

3

Number of pages

5

TORRENS

Serial # \_\_\_\_\_

Certificate # \_\_\_\_\_

Prior Ctf. # \_\_\_\_\_

Deed / Mortgage Instrument

Deed / Mortgage Tax Stamp

Recording / Filing Stamps

RECORDED  
2004 Jul 21 09:34:42 AM  
Edward P. Bomaine  
CLERK OF  
SUFFOLK COUNTY  
L 000012328  
P 297

4 FEES

Page / Filing Fee 15

Handling 5

TP-584 \_\_\_\_\_

Notation \_\_\_\_\_

EA-52 17 (County) \_\_\_\_\_

Sub Total 20

EA-5217 (State) \_\_\_\_\_

R.P.T.S.A. 30

Comm. of Ed. 5 00

Affidavit \_\_\_\_\_

Certified Copy \_\_\_\_\_

Reg. Copy \_\_\_\_\_

Other 15

Sub Total 50

GRAND TOTAL 70 -



Mortgage Amt. \_\_\_\_\_

1. Basic Tax \_\_\_\_\_

2. Additional Tax \_\_\_\_\_

Sub Total \_\_\_\_\_

Spec./Assit. \_\_\_\_\_

Or

Spec. /Add. \_\_\_\_\_

TOT. MTG. TAX \_\_\_\_\_

Dual Town \_\_\_\_\_ Dual County \_\_\_\_\_

Held for Apportionment \_\_\_\_\_

Transfer Tax \_\_\_\_\_

Mansion Tax \_\_\_\_\_

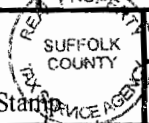
The property covered by this mortgage is or will be improved by a one or two family dwelling only.

YES \_\_\_\_\_ or NO \_\_\_\_\_

If NO, see appropriate tax clause on page # \_\_\_\_\_ of this instrument.

5 Real Property Tax Service Agency Verification

6 Community Preservation Fund

Stamp	Dist.	Section	Block	Lot
	0500	221.00	02.00	Part of 002.000
Date <u>6/31/4</u>				
Initials <u>[Signature]</u>				

Consideration Amount \$ \_\_\_\_\_

CPF Tax Due \$ \_\_\_\_\_

Improved \_\_\_\_\_

Vacant Land \_\_\_\_\_

TD \_\_\_\_\_

TD \_\_\_\_\_

TD \_\_\_\_\_

7 Satisfaction/Discharges/Releases List Property Owners Mailing Address

RECORD & RETURN TO:

Islip Town Attorney  
655 Main Street  
Islip, NY 11751

Attn: EJC

8 Title Company Information

Co. Name \_\_\_\_\_

Title # \_\_\_\_\_

9 Suffolk County Recording & Endorsement Page

This page forms part of the attached Declaration of Covenants and Restrictions made by:

(SPECIFY TYPE OF INSTRUMENT)

Town of Islip  
(Sonia Road Landfill)

TO

The premises herein is situated in  
SUFFOLK COUNTY, NEW YORK.

In the Township of Islip

In the VILLAGE

or HAMLET of Bay Shore

## DECLARATION OF COVENANTS AND RESTRICTIONS

This Declaration of Covenants and Restrictions made this <sup>1st</sup> day of ~~May~~<sup>June</sup>, 2004, by the TOWN OF ISLIP, a municipal corporation of the State of New York, having its principal office at 655 Main Street, New York 11751 (hereinafter referred to as the "Town"), covenants and recites as follows:

WHEREAS the Town of Islip owns property in the Hamlet of Bay Shore, Town of Islip, situated on the east side of Howells Road and is known as the Sonia Road Landfill (the "Site"), a portion of which site includes a municipal solid waste (MSW) landfill which was unlined and reported that periodically hazardous waste had been disposed of in the MSW landfill, and

WHEREAS a leachate plume was defined as originating from the unlined MSW landfill area, and

WHEREAS the Agency and New York State Department of Environmental Conservation (NYSDEC) entered into an Order-on-Consent to conduct a remedial program at the site. The Site also being listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State as NYSDEC Site Number 152013, and

WHEREAS the Sonia Road Landfill's Presumptive Remedy has been completed successfully and the site is entering into Post-Closure, and

WHEREAS the Sonia Road Landfill Property is as identified in the Declaration for the Record of Decision (ROD), dated July 1998, and the Site is identified in the Suffolk County Tax Map District No. 0500; Section 221.00, Block 02.00, Lot 002.000; and described in the annexed schedule "A".

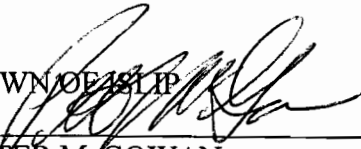
**NOW, THEREFORE** the Town for itself and its successors and assigns, covenants and declares that:

1. Unless prior written approval by the New York State Department of Environmental Conservation (or any subsequently delegated agencies) is first obtained, there shall be no use or occupancy of the Site which results in the disturbance or excavation of the waste material on the site, or which results in human exposure to contaminated materials.
2. Unless prior written approval by the above stated agency is obtained, there shall be no change in the use of the site in any way. If such new use of the site is approved, all future remedial activities at the site deemed necessary and appropriate by the above stated agency will be performed by the Town of Islip.

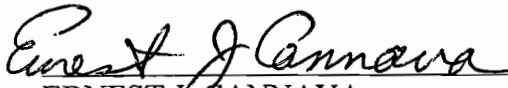
The restricted property must be held, sold and conveyed in accordance with the following conditions:

- A. The installation of drinking water wells is prohibited unless the extracted water is treated to meet drinking water standards before use; and
  - B. Use is restricted to commercial or industrial applications. The construction of residences, healthcare or day-care facilities is prohibited.
3. The Town, its successors and assigns will not disturb the site in any way, except to implement the remedial measures pursuant to the terms of the Record of Decision, and to properly maintain the integrity of the remedial measures undertaken.
4. This Declaration is and shall be deemed to be a covenant running with the land, binding the Town of Islip, its or any successor of the Town of Islip in perpetuity or until such time the New York State Department of Environmental Conservation (or any subsequently delegated agencies) determined, in writing, that the Declaration is no longer necessary for the protection of human health and the environment. At such time, the covenant shall be null and void and have no effect upon the land.

FORM APPROVED

TOWN OF ISLIP  
By:   
PETER MCGOWAN  
SUPERVISOR

*eye*

  
ERNEST J. CANNAVA  
SR. ASST. TOWN ATTORNEY

**DESCRIPTION OF FORMER LANDFILL LEASE AREA**

Situate at Bay Shore, Town of Islip  
County of Suffolk, State of New York

**Property is designated as District 0500, Section 221, Block 02, Lot 2 (p/o)**

Beginning at the intersection formed by the easterly line of Howell's Road and the northerly line of Deer Park Street,

RUNNING THENCE along the easterly side of Howell's Road North 08°12'14" West a distance of 145.32 feet to the POINT or PLACE OF BEGINNING.

THENCE along the easterly side of Howell's Road North 08°12'14" West a distance of 85.26 feet;

THENCE North 81°47'46" East a distance of 100.00 feet;

THENCE North 08°12'14" West a distance of 78.78 feet;

THENCE North 13°02'14" West a distance of 79.66 feet;

THENCE South 76°57'46" West a distance of 100.00 feet to the easterly side of Howell's Road;

THENCE along the easterly side of Howell's Road North 13°02'14" West a distance of 105.71 feet;

THENCE along the easterly side of Corbin Avenue (as Howell's Road terminates in this location and becomes Corbin Avenue) North 19°45'46" East a distance of 78.86 feet;

THENCE along the easterly side of Corbin Avenue North 31°56'41" East a distance of 572.75 feet;

THENCE South 84°42'14" East a distance of 360.93 feet;

THENCE North 00°28'14" West a distance of 60.31 feet;

THENCE South 87°21'44" East a distance of 560.04 feet;

THENCE North 88°26'26" East a distance of 432.07 feet;

THENCE North 87°58'05" East a distance of 8.56 feet;

THENCE South 00°32'14" East a distance of 894.80 feet;

THENCE South 89°31'46" West a distance of 1,633.29 feet to the easterly side of Howell's Road and the POINT or PLACE OF BEGINNING.

Containing within said bounds 1,394,144.31 sf or 32.005 acres, more or less.

# Schedule A

Dated: May 15, 2003

STATE OF NEW YORK)

: ss:

COUNTY OF SUFFOLK)

On the 1<sup>st</sup> day of June in the year 2004, before me, the undersigned, personally appeared  
PETER McGOWAN

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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 signatures(s) on the instrument, the individual(s), or the person upon behalf of which the individuals, acted, executed the instrument.

  
NOTARY PUBLIC

FILOMENA DEMOTTA  
Notary Public, State of New York  
No. 01 DE 4720434  
Qualified in Suffolk County  
Term Expires July 31, 2007