

COUNTY CLERK'S OFFICE

STATE OF NEW YORK
COUNTY OF SUFFOLK

I, JUDITH A. PASCALE, Clerk of the County of Suffolk and the Court of Record thereof do hereby certify that I have compared the annexed with the original

DECLARATION

recorded in my office on **03/01/2011** under Liber **D00012652** and Page **617** and, that the same is a true copy thereof, and of the whole of such original.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said County and Court this **03/01/2011**

SUFFOLK COUNTY CLERK

A handwritten signature in cursive script that reads "Judith A. Pascale".

JUDITH A. PASCALE

SEAL

Number of pages 9

This document will be public record. Please remove all Social Security Numbers prior to recording.

RECORDED
2011 Mar 01 10:48:03 AM
JUDITH A. PASCALE
CLERK OF
SUFFOLK COUNTY
L D00012652
P 617

Deed / Mortgage Instrument		Deed / Mortgage Tax Stamp		Recording / Filing Stamps	
FEES					
Page / Filing Fee				Mortgage Amt.	
Handling	20.00			1. Basic Tax	
TP-584				2. Additional Tax	
Notation	50			Sub Total	
EA-52 17 (County)		Sub Total		Spec./Assit.	
EA-5217 (State)				or	
R.P.T.S.A.	50			Spec./Add.	
Comm. of Ed.	5.00			TOT. MTG. TAX	
Affidavit				Dual Town	Dual County
<u>Certified Copy</u>	11.25			Held for Appointment	
NYS Surcharge	15.00	Sub Total		Transfer Tax	
Other		Grand Total	146.75	Mansion Tax	
4 Dist.	0100 07400 0200 007000			The property covered by this mortgage is or will be improved by a one or two family dwelling only.	
	0100 07400 0200 011000			YES	or NO
Real Property Tax Service Agency Verification				IF NO, see appropriate tax clause on page # 2-11-10	
5				Community Preservation Fund	
				Consideration Amount \$	
				CPF Tax Due \$	
6				Improved	
				Vacant Land	
				TD	01
				TD	
				TD	
7				Title Company Information	
				Co. Name	C71C C7SY
				Title #	3810-95189
8				Suffolk County Recording & Endorsement	
				Satisfactions/Discharges/Releases List Property Owners Mailing Address	
				RECORD & RETURN TO:	
				TAMARA M. RABY	
				AECOM	
				University Corporate Centre	
				100 Corporate Parkway, Suite 341	
				Amherst, NY 14226	
				Mail to: Judith A. Pascale, Suffolk County Clerk	
				310 Center Drive, Riverhead, NY. 11901	
				www.suffolkcountyny.gov/clerk	



DECLARATION OF COVENANTS and RESTRICTIONS

THIS COVENANT is made the 11 day of February 2010, by Joseph Vazzana, Jr., Executor of the Estate of Joseph Vazzana, Sr., a natural person residing at 73 Lambert Avenue, Mastic, New York 11950 and having an office for the transaction of business at 51 Cabot Street and 50 Dale Street contiguously.

WHEREAS, the Spectrum Finishing Corporation Site, No. 1-52-029 is the subject of an Consent Decree executed by the Estate of Joseph Vazzana, Sr. as part of the New York State Department of Environmental Conservation's (the "Department's") State Superfund Program, namely those parcels of contiguous real property located at 51 Cabot Street and 50 Dale Street in the Town of West Babylon, County of Suffolk, State of New York, which is part of lands conveyed by William DeChirico to Joseph Vazzana, Sr. by deed dated May 13, 1993 and recorded in the Suffolk County Clerk's Office County Clerk's Office on August 5, 1993 in Book Liber D00012 120 of Deeds at Page 345, and being more particularly described in Appendix "A" Metes and Bounds, attached to this declaration and made a part hereof, and hereinafter referred to as "the Property"; and

WHEREAS, the Department approved a remedy to eliminate or mitigate all significant threats to the environment presented by the contamination disposed at the Property and such remedy requires that the Property be subject to restrictive covenants.

NOW, THEREFORE, the Estate of Joseph Vazzana, Sr., for itself and its successors and/or assigns, covenants that:

First, the Property subject to this Declaration of Covenants and Restrictions is as shown on the survey map attached to this declaration as Appendix "B" and made a part hereof.

Second, unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained, where contamination remains at the Property subject to the provisions of the Site Management Plan ("SMP"), there shall be no construction, use or occupancy of the Property that results in the disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results in unacceptable human exposure to contaminated soils. Appendix "C" attached to this declaration and made a part hereof shows the areas of the Property in which excavation is restricted.

Third, the owner of the Property shall not disturb, remove, or otherwise interfere with the installation, use, operation, and maintenance of engineering controls required for the Remedy, which are described in the SMP, unless in each instance they first obtain a written waiver of such prohibition from the Department or Relevant Agency.

Fourth, the owner of the Property shall prohibit the Property from ever being used for purposes other than for Restricted Commercial or Industrial uses as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv) use without the express written waiver of such prohibition by the Relevant Agency.

Fifth, the owner of the Property shall prohibit the use of the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Department or Relevant Agency.

Sixth, the owner of the Property shall provide a periodic certification, prepared and submitted by a professional engineer or environmental professional acceptable to the Department or Relevant Agency, which will certify that the institutional and engineering controls put in place are unchanged from the previous certification, comply with the SMP, and have not been impaired.

Seventh, the owner of the Property shall continue in full force and effect any institutional and engineering controls required for the Remedy and maintain such controls, unless the owner first obtains permission to discontinue such controls from the Department or Relevant Agency, in compliance with the approved SMP dated August 2010, which is incorporated and made enforceable hereto subject to modifications as approved by the Department or Relevant Agency.

Eighth, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property, and shall provide that the owner and its successors and assigns consent to enforcement by the Department or Relevant Agency of the prohibitions and restrictions that the Consent Decree requires to be recorded, and hereby covenant not to contest the authority of the Relevant Agency to seek enforcement.

Ninth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Department or Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Covenants and Restrictions.

IN WITNESS WHEREOF, the undersigned has executed this instrument the day written below.

By: Joseph Vazzana
Print Name: JOSEPH VAZZANA JR

Title: Ray Date: 2/11/14

STATE OF NEW YORK)

) s.s.:

COUNTY OF Suffolk

On the 11 day of February, in the year 2014, before me, the undersigned, personally appeared Joseph Vazzana Jr, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

ERICH LEMPIN
Notary Public, State of New York
01E4654043
Certified in Suffolk County
Commission Expires January 31, 2014
ERICH LEMPIN
01E 4654043
1/31/14
[Signature]
Notary Public State of New York

APPENDIX "A"

Metes and Bounds

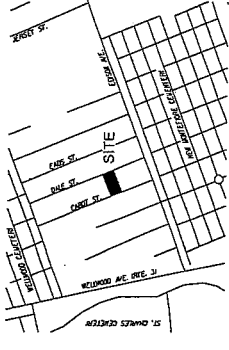
All that piece or parcel of land being a portion of Lots 101 & 102 as shown on a map titled "Map of City of Breslau, Sheet 9" and filed with the Suffolk County Clerk April 22, 1881 as File No. 330; also known as Tax Map Number 100.74, Block 2, Parcels 7 and 11, situate in the Town of Babylon, county of Suffolk and State of New York and being more particularly described as follows:

COMMENCING at a point formed by the intersection of the northerly street line of Edison Avenue, an existing town road and the easterly street line, as widened, of Cabot Street an existing town road, thence; Northwesterly along the easterly line of Cabot Street a distance of 378.61 feet to the point of BEGINNING, said point being on the division line between the property of Joseph Vazzana (reputed owner) on the north and the property of Joseph Gazza (reputed owner) on the south, thence; North 22°30'08" West continuing along the easterly street line of Cabot street a distance of 100.00 feet to a point, said point being on the division line between the property of Joseph Vazzana (reputed owner) on the south and the property of Spectrum Funding Co. (reputed owner) on the north, thence; North 67°29'52" East along the last mentioned division line a distance of 380.00 feet to a point on the westerly street line, as widened, of Dale Street an existing town road, thence; South 22°30'08" East along the westerly line of said street a distance of 100.00 feet to a point, said point being on the division line between the property of Joseph Vazzana (reputed owner) on the north and the property of Forty Dale Realty LLC (reputed owner) on the south, thence; South 67°29'52" West along the last mentioned division line and continuing along the first mentioned division line a total distance of 380.00 feet to the point of beginning, being 38,000± square feet or 0.872 acres, more or less.

APPENDIX "B"

Survey Map

VICINITY MAP



LEGEND

- T.M. TAX MAP
- MONITORING WELL
- ⊙ GEODETIC DRILL HOLE
- ⊖ UTILITY POLE

CERTIFICATION

WE, POPLI ARCHITECTURE + ENGINEERING & L.S., P.C., HEREBY CERTIFY THAT THIS SURVEY AND MAP WAS PREPARED IN THE DIRECTION OF A LICENSED LAND SURVEYOR AND FROM A MEASUREMENT OF THE INSTRUMENT SURVEY COMPLETED MAY 2, 2007 AND THE REFERENCES LISTED HEREON. THIS SURVEY IS SUBJECT TO ANY EASEMENTS AND/OR ENCUMBRANCES AN UP-TO-DATE ABSTRACT OF TITLE MAY REVEAL.



MICHAEL A. VENTURO, L.S. 50079
POPPLI DESIGN GROUP
100 PARK AVENUE, SUITE 1000
NEW YORK, NY 10022

SURVEY BY: PREPARED FOR:

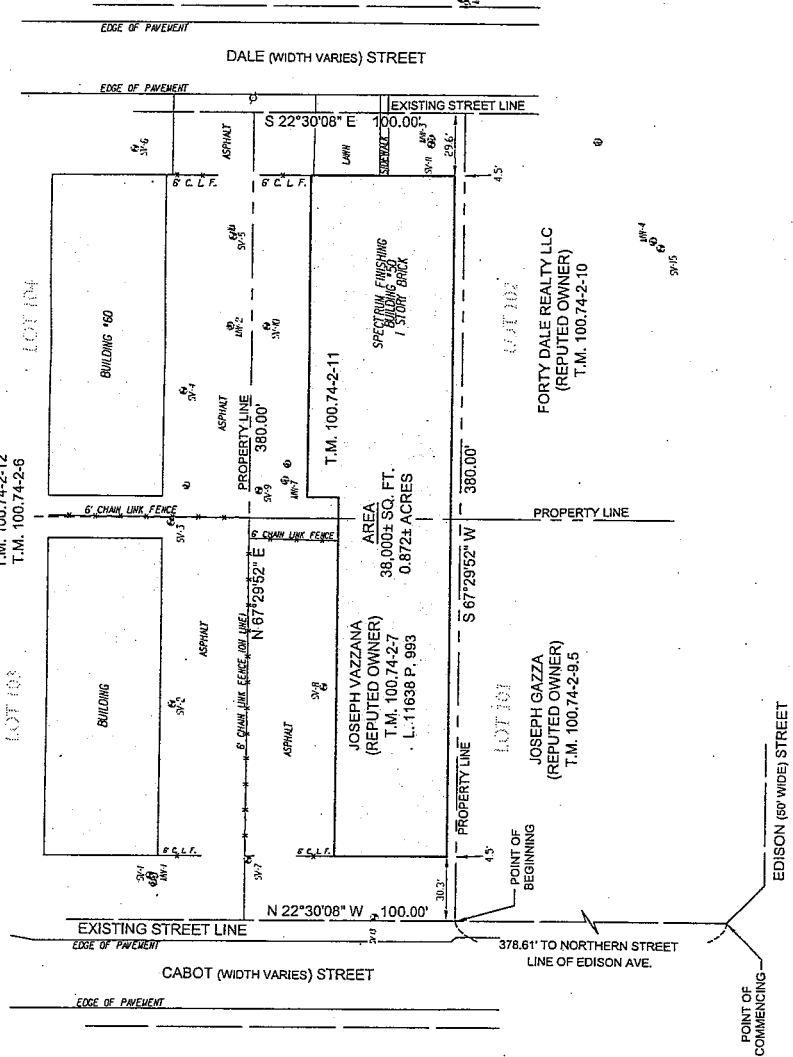


POPPLI DESIGN GROUP	SURVEYOR
J. PHILLIPS, W. STRATON	3777.01
J. PHILLIPS	JOB NUMBER:
M. VENTURO	DRAWN BY:
	CHECKED BY:
	REVISIONS
	6/30/10 REVISED LOGO, ADDED LEGAL DESCRIPTION, REMOVED SAMPLE TABLE

BOUNDARY SURVEY & MAP

OF
SPECTRUM FINISHING CORPORATION SITE
N.Y.S. D.E.C. SITE I.D. NO. 1-52-0209

Being a portion of the Western Division of the Squaw Pit Purchase
Town of Babylon, County of Suffolk, State of New York
DATE: JUNE, 2007 SCALE: 1" = 40'



REFERENCES

- MAP ENTITLED, "CITY OF BRESLAU, SUFFOLK CO. N.Y., COMPRISING SHEET 9", SURVEYED BY R.B. WHEELER, DATED OCTOBER 1880, FILED AS FILE NO. 330 & DATED APRIL 22, 1881.
- DEED, FILED IN LIBER 8807 AT PAGE 482.
- DEED, FILED IN LIBER 11638 AT PAGE 993.
- DEED, FILED IN LIBER 12184 AT PAGE 124.

LEGAL DESCRIPTION

All that piece or parcel of land being a portion of Lots 101 & 102 as shown on a map titled "Map of City of Breslau, Sheet 9" and filed with the Suffolk County Clerk April 22, 1881 as file No. 330; also known as Tax Map Number 100.74, Block 2, Parcels 7 and 11, situate in the Town of Babylon, County of Suffolk and State of New York and being more particularly described as follows:

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SURVEY NOTES

- HORIZONTAL LOCATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN DATUM 1983 / 96 - UTM ZONE 18.
- PROJECT UNITS ARE U.S. SURVEY FEET.
- VERTICAL LOCATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
- DISTANCES SHOWN HEREON ARE GROUND DISTANCES.

Appendix "C"

Areas of Restricted Excavation

