

**ENVIRONMENTAL NOTICE**

**To be issued in lieu of Environmental Easement/Deed Restriction as referenced in DER-33**

**THIS ENVIRONMENTAL NOTICE** is made the 26th day of April 2023 by the New York State Department of Environmental Conservation (Department), having an office for the transaction of business at 625 Broadway, Albany, New York 12233.

**WHEREAS**, a parcel of real property identified as Tuxedo Waste Disposal Site (Site # 336035), located on (no #) Route 17, in the Village of Tuxedo, Town of Tuxedo, County of Orange, State of New York, which is part of lands conveyed by Thruway Asphalt Co., a co-partnership consisting of Frank D. Cooney, Jr., John T. Cooney and Edward Petrillo to Renard A. Barone and Sarkis Khourouzian by deed dated October 7, 1985 and recorded in the Orange County Clerk's Office on November 7, 1985 in Book 2436 of Deeds at Page 77 and being more particularly described in Appendix "A", attached to this noticed and made a part hereof, and hereinafter referred to as "the Property" is the subject of a Order on Consentexecuted by Ronald Lazzetti as part of the Department's State Superfund Program; and

**WHEREAS**, the Department approved a cleanup to address contamination disposed at the Property and such cleanup was conditioned upon certain limitations.

**NOW, THEREFORE**, the Department provides notice that:

**FIRST**, the Property subject to this Environmental Notice is as shown on a map attached to this Notice 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 Sate 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 disturbance or excavation of the Property which threatens the integrity of the engineering controls or which results or may result in a significantly increased threat of harm or damage at any site as a result of exposure to soils. A violation of this provision is a violation of 6 NYCRR 375-1.11(b)(2).

**THIRD**, no person shall disturb, remove, or otherwise interfere with the installation, use, operations, and maintenance of engineering controls required for the Remedy, including but not limited to those engineering controls described in the SMP and listed below, unless in each instance they first obtain a written waiver of such prohibition from the Department or Relevant Agency.

**FOURTH**, the remedy was designed to be protective for the following uses: **its current use as a closed landfill**. Therefore, any use for purposes other than as a closed landfill, the express written waiver of such prohibition by the Relevant Agency may result in a significantly increased threat of harm or damage at any site.

**FIFTH**, no person shall use 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. Use of the groundwater without appropriate treatment may result in a significantly increased threat of harm or damage at any site.

**SIXTH**, it is a violation of 6 NYCRR 375-1.11(b) to use the Property in a manner inconsistent with this environmental notice.

**IN WITNESS WHEREOF**, the undersigned, acting by and through the Department of Environmental Conservation as Designee of the Commissioner, has executed this instrument the day written below.

By: Andrew Guglielmi  
Andrew Guglielmi, Director  
Division of Remediation  
Department of Environmental  
Conservation

STATE OF NEW YORK     )  
  ) ss:  
COUNTY OF                    )

On the 26<sup>th</sup> day of April, in the year 2023, before me, the undersigned, personally appeared Andrew Guglielmi, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the individual, or the person upon behalf of which individual acted, executed the instrument.

Jennifer Andaloro  
Notary Public - State of New York

JENNIFER ANDALORO  
Notary Public, State of New York  
No. 02AN6098246  
Qualified in Albany County  
Commission Expires January 14, 2024

**Appendix "A"**  
**Property Description**

**ALL that certain plot, piece or parcel of land**, with the buildings thereon erected, situate, lying and being in the Village of Tuxedo, Town of Tuxedo, County of Orange, State of New York, lying on the easterly side of New York State Route 17 and being more particularly bounded and described as follows: BEGINNING at the northeasterly corner of a 1.375 acre parcel of land conveyed to PAUL BARTIE by the Tuxedo Park Association; Thence along the northeasterly line of said parcel and beyond, North 43 degrees 54' 08" West 260.67 feet to the easterly line of New York State Route 17; Thence along the southeasterly line of New York State Route 17 on the following seven courses and distances: (1) North 31 degrees 01' 40" East 203.53 feet; (2) North 38 degrees 32' 10" East 193.33 feet; (3) North 18 degrees 07' 30" East 234.03 feet; (4) North 17 degrees 26' 40" East 75.98 feet; (5) North 15 degrees, 42' 30" East 232.41 feet; (6) North 13 degrees 14' 20" East 268.25 feet; (7) North 10 degrees 22' 10" West 175.00 feet; thence along lands to be retained by Tuxedo Park Association, North 83 degrees 11' 10" East 91.20 feet to the westerly line of the Erie Railroad Company; thence along the westerly line of the Erie Railroad Company on the following ten courses and distances: (1) South 10 degrees 12' 30" East 449.97 feet to a point of tangency; (2) One curve to the right having a radius of 1383.00 feet for a distance of about 100.00 feet, the chord of said curve bears South 9 degrees 56' 20" East 100.00 feet; (3) A curve to the right having a radius of 1383.00 feet for a distance of about 97 feet, the chord of said curve bears South 6 degrees 47' 00" East 97.21 feet; (4) A curve to the right having a radius of 1383.00 feet for a distance of about 100 feet, the chord of said curve bears South 0 degrees 45' 30" West 100.45 feet; (5) A curve to the right having a radius of 1383.00 feet for a distance of about 171 feet, the chord of said curve bears South 0 degrees 36' 20" East 170.65 feet; (6) A curve to the right having a radius of 1383.00 feet for a distance of about 133 feet, the chord of said curve bears South 8 degrees 38' 20" West 133.15 feet; (7) A curve to the right having a radius of 1383.00 feet for a distance of about 153 feet, the chord of said curve bears South 14 degrees 27' 50" West 152.78 feet; (8) A curve to the right having a radius of 1383.00 feet for a distance of about 89 feet, the chord of said curve bears South 20 degrees 59' 10" West 88.51 feet; (9) A curve to the right having a radius of 1383.00 feet for a distance of about 138 feet, the Chord of said curve bears South 24 degrees 14' 00" West 138.06 to a point of tangency; (10) South 25 degrees 43' 50" West 243.14 feet; thence along lands to be retained by Tuxedo Park Association North 76 degrees 31' 10" West 237.01 feet; thence North 30 degrees 37' 50" West 50.00 to the southeasterly line of lands now or formerly of Paul Bartie, thence along the southeasterly line of lands now or formerly of Paul Bartie, North 59 degrees 22' 10" East 81.85 feet to the point and place of beginning.

### Appendix "B" Map

