

ENVIRONMENTAL NOTICE

THIS ENVIRONMENTAL NOTICE is made the 1ST day of JULY 2016, 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 3 Star Anodizing (Site 314058), located on McKinley Street in the Town of Wappingers Falls, County of Dutchess, State of New York, which is part of lands conveyed by Techram Realty Corp. to Three Star Anodizing Corporation by deed dated December 2, 1957 and recorded in the Dutchess County Clerk's Office on December 3, 1957 in Liber 959 of Deeds at page 570 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 Voluntary Agreement, Index No. D2-0003-98-10, between Queens West Development Corporation and DEC, executed on 8/17/1999, and amended on 7/18/2000; and

WHEREAS, the remedial program was performed to address the contamination 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 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, there shall be no disturbance or excavation of the Property which threatens the integrity of the engineering controls (i.e. composite cover system consisting of the asphalt and concrete of the roadway and sidewalk or a minimum of 1 foot of clean fill on any unpaved areas) 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, unless in each instance they first obtain a written waiver of such prohibition from the Department or Relevant Agency.

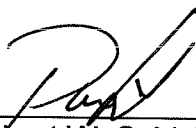
3 Star Anodizing
Site No.: 314058
28 McKinley Street
Town of Wappingers Falls, County of Dutchess
Tax Map: 6158-17-162220

FOURTH, the remedy was designed to be protective for the following uses: Commercial or industrial use as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and (iv). Therefore, any use for purposes other than commercial or industrial use without 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, 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: 
Robert W. Schick, P.E.,
Director, Division of Remediation

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 1st day of July, in the year 2016, before me, the undersigned, personally appeared Robert Schick, 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.


Notary Public – State of New York

David J. Chiusano
Notary Public, State of New York
No. 01CH5032146
Qualified in Schenectady County
Commission Expires August 22, 2018

Appendix A

Real Property Description

All that piece or parcel of land situate, lying and being in the Village of Wappinger Falls, Town of Wappinger, Dutchess County, New York, being parcel No. 4-A as shown on a certain map of Lockwood-Dutchess, Inc., revised August 31, 1956, entitled "Map of Parcels 2, 3, 4, 5 and a portion of Parcel 1" prepared by Schuerman & Frost, Engineers, Poughkeepsie, New York, dated April 14, 1956, and which said map is filed in the Office of the Clerk of the County of Dutchess as Map No. 2712, and more particularly bounded and described as follows:

Beginning at an iron pipe set at the southeasterly corner of Parcel 21, being also in the northerly line of McKinley Street, thence along the easterly line of Parcel No. 21 North 19° 02' West 125.0 feet to an iron pipe set, thence crossing a tailrace North 65° 01' East 72.3 feet to a point, thence South 56° 56' East 141.34 feet to an iron pipe set in the easterly line of a 20 foot wide right of way, thence along the easterly line of said right of way the following four (4) courses: North 39° 22' East 10.95 feet, North 34° 54' East 48.01 feet, North 29° 00' East 53.66 feet and North 27° 23' East 50.39 feet to an iron pipe set, thence South 42° 15' East 398.02 feet to an iron pipe set, thence South 49° 27' West 177.95 feet to an iron pipe set, thence South 85° 38' West 103.51 feet to an iron pipe set, thence North 70° 29' West 111.41 feet to an iron pipe set, thence North 45° 35' West 195.43 feet to an iron pipe set in the easterly line of McKinley Street, thence North 19° 02' West 35.0 feet to the place of beginning.

Containing 2.80 Acres, more or less.

Bearings are as the compass pointed in April 1956.

Together with the right to continue the existing encroachment of the northwest corner of the main walls of building No. 22 a maximum of 0.8 feet westerly beyond the property line herein described and the right to continue the overhang of the eaves where it now exists beyond the 0.8 foot distance.

Also all that piece or parcel of land situate, lying and being in the Village of Wappingers Falls, Town of Wappinger, Dutchess County, New York, being parcel No. 1-A as shown on a certain map of Lockwood-Dutchess, Inc., revised August 31, 1956, entitled "Map of parcels 2, 3, 4, 5 and a portion of Parcel 1" prepared by Schuerman & Frost, Engineers, Poughkeepsie, New York, dated April 14, 1956, and which said map is filed in the Office of the Clerk of the County of Dutchess as Map No. 2712 and more particularly bounded and described as follows:

Beginning at an iron pipe set in the rear northeasterly corner of a parcel fronting on McKinley Street and designated as parcel No. 21, thence North 4° 38' West 164.35 feet along the westerly side of a tailrace, thence North 87° 27' East 63.21 feet along a dam, thence along the easterly side of the aforesaid tailrace South 6° 27' East 127.0 feet and South 8° 41' East 10.0 feet, thence across said tailrace South 65° 01' West 72.3 feet to the point of beginning.

Containing 0.23 Acres, more or less.

Bearings are as the compass pointed in April 1956.

EXCEPTING AND RESERVING, however, a parcel, or such part thereof as runs through the hereinbefore described parcel, 20 feet in width, the center line of which is described as follows:

Beginning at a point in the center of pavement of McKinley Street where said street meets Parcel #4, thence North 63° 10' East crossing the bridge 49.7 feet, more or less, thence North 55° 27' East 59.7 feet, thence North 39° 22' East 63.0 feet, thence North 34° 54' East 47.1 feet to a point 9.2 feet northwesterly of the northwest corner of building #22, thence North 29° 00' East 53.0 feet, thence North 27° 23' East 123.2 feet, thence 209.3 feet on a curve to the right having a radius of 159 feet, thence South 76° 15' East 214.1 feet, thence South 60° 03' East 46.6 feet, said point being distant 13.55 feet northeasterly from the northeasterly face of building #11, thence South 54° 53' East 76.7 feet, thence North 66° 55' East 51.9 feet, (said course being the chord of a curve) to a point in the center of the southerly end of a bridge crossing the Wappingers Creek, thence South 15° 44' West 60.9 feet to a point being the intersection of centerlines, thence returning to the beginning of the chord being two courses back North 39° 14' West 49.4 feet, thence South 39° 14' East 49.4 feet returning to the intersection of centerlines, thence South 15° 44' West 30.0 feet to a point 7.7 feet southeasterly of the southeasterly corner of building #11; thence South 43° 49' West 133.3 feet to a point 11.9 feet southeasterly of the southwest corner of building #12, thence South 49° 27' West 313.12 feet to a point 10.4 feet southeasterly of the southwest corner of building #16, thence 166.5 feet on a curve to the right having a radius of 114 feet, thence North 46° 38' West 154.3 feet, thence North 53° 35' West 76.4 feet, thence South 63° 10' West 62.0 feet to a point distant North 63° 10' East 49.7 feet, more or less, from the point of beginning.

Bearings are as the compass pointed in March 1956.

The above described courses are the approximate center lines of an existing loop connecting McKinley Street with a bridge over the Wappingers Creek, and the spurs incidental to said loop, which same is shown on a certain map filed in the Office of the Clerk of the County of Dutchess as Map #2680.

Together with an easement or right of way of ingress and egress over the premises the center line of which is hereinbefore described as shown on said map, and herein described, in common with parcels number 1, 2, 3, 4 and 5, as shown on said map. The party of the second part, its successors and assigns, agrees to pay and contribute its proportionate share of the costs of repairing and maintaining said easement or right of way, where the same traverses the premises herein conveyed.

Together with the right to cast effluent by the pipe lines presently existing in, on or under said roadway on premises of the party of the first part to said lagoon.

EXCEPTING AND RESERVING, however, the part of the aforesaid premises, if any, upon which same the valve where the Village of Wappingers Falls water system is located at or near the bridge on McKinley Street.

ALSO, all that piece or parcel of land situate, lying and being in the Village of Wappingers Falls, Town of Wappinger, Dutchess County, New York, and being a parcel of land adjacent to parcel 1-A, a parcel shown on a certain map of Lockwood-Dutchess, Inc., revised August 31, 1956, entitled "Map of Parcels 2, 3, 4, 5 and a portion of parcel 1" pre-pared by Schuerman and Frost, Engineers, Poughkeepsie, New York, dated April 14, 1956, and which said map is filed in the Office of the Clerk of the County of Dutchess as Map No. 2712, and more particularly bounded and described as follows: All that tract or parcel of land situate in the Village of Wappingers Falls, County of Dutchess and State of New York bounded and described as follows:

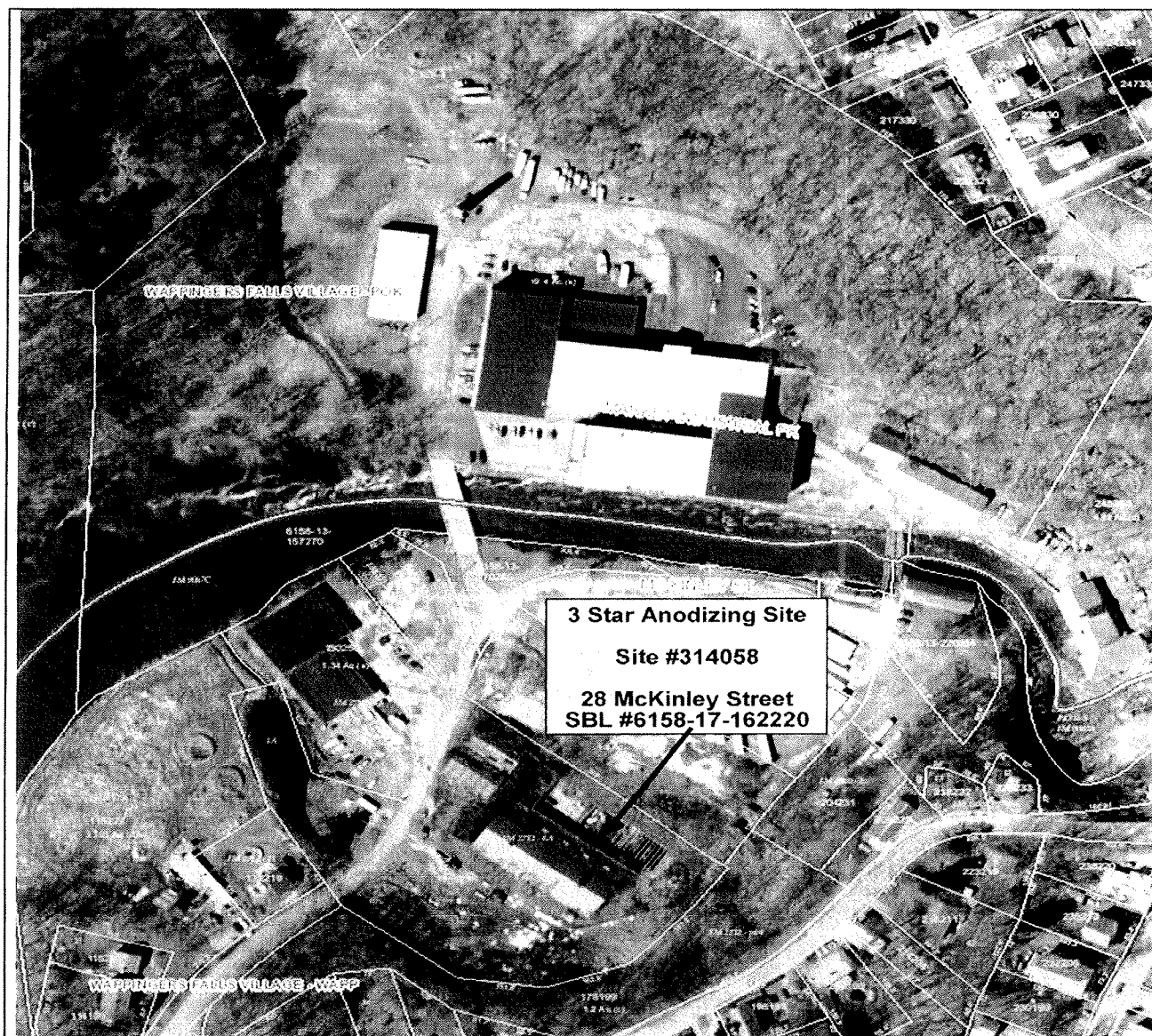
Beginning at the southeast corner of Parcel 1-A, thence along easterly line of said Parcel 1-A North 8° 41' West 10.0 feet, more or less, and North 6° 27' West 127.0 feet, more or less, to a point, said point being the northeasterly corner of said Parcel 1-A, thence on the extended northerly line of said parcel 1-A, North 87° 27' East 15.00 feet to a point; thence South 24° 03' East 210.31 feet to a point, thence North 56° 56' West 101.34 feet to the point of beginning.

Containing 0.16 acres, more or less.

Bearings are as the compass pointed in April 1956.

3 Star Anodizing
Site No.: 314058
28 McKinley Street
Town of Wappingers Falls, County of Dutchess
Tax Map: 6158-17-162220

Appendix B
Property Map



Scale: As Noted

New York State Department of Environmental
Conservation

(Source: Dutchess County, NY)

ENVIRONMENTAL NOTICE

3 Star Anodizing
Wappingers Falls, NY

May 2016
Job No. 60238139

AECOM

FIGURE 1

NYSDEC Site #314058

