

Former Bouchard Junkyard
Site No. 411014
U.S. Route 20
Columbia County, NY
Tax Map: 19.01-1-88.1

ENVIRONMENTAL NOTICE

THIS ENVIRONMENTAL NOTICE is made the 20th day of 2011, 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 located on US Route 20 (Columbia Pike) in the Town of New Lebanon, County of Columbia, State of New York, known and designated on the tax map of the County Clerk of Columbia as tax map number: Section 19.01, Block 1, Lot 88.1 which is part of lands conveyed by the following:

- Fernande Bouchard to Ralph Chittenden by deed dated June 30, 1975 and recorded in the Columbia County Clerk's Office on June 30, 1975, in Book Liber 517 of Deeds at Page 17;
- Alan Skidelsky and Barry Skidelsky to Ralph W. Chittenden by deed dated November 20, 1981 and recorded in the Columbia County Clerk's Office on November 20, 1981, in Book Liber 558 of Deeds at Page 1088; and,
- Ralph W. Chittenden to Ralph W. Chittenden and Mary C. Chittenden by deed dated October 10, 1997 and recorded in the Columbia County Clerk's Office on October 10, 1997, in Cartridge 300 Frame 755;

and being more particularly described in Appendix "A," attached to this notice and made a part hereof, and hereinafter referred to as "the Property" is the subject of a remedial program performed by the Department; 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 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 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 375-1.1 1(b)(2).


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THIRD, no person shall disturb, remove, or otherwise interfere with the installation, use, operation, 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: Commercial or Industrial. Therefore, any use for purposes other than for 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. 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.

FIFTH, 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 has executed this instrument the day written below.

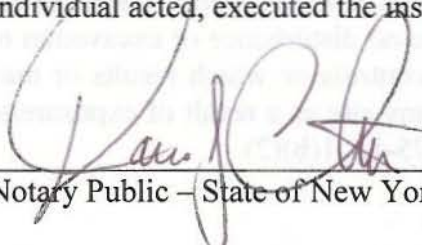
By: 
Dale A. Desnoyers, Director
Division of Remediation

STATE OF NEW YORK)

) ss:

COUNTY OF ALBANY)

On the day of the 20th, in the year 2011, before me, the undersigned, personally appeared Dale A. Desnoyers, 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/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental conservation, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the 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, 2014

Appendix A

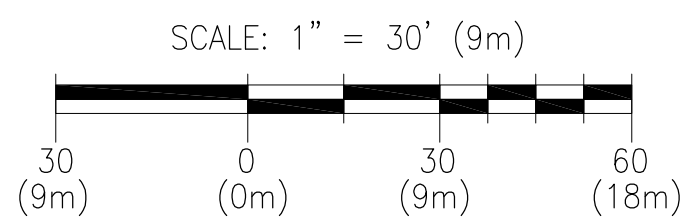
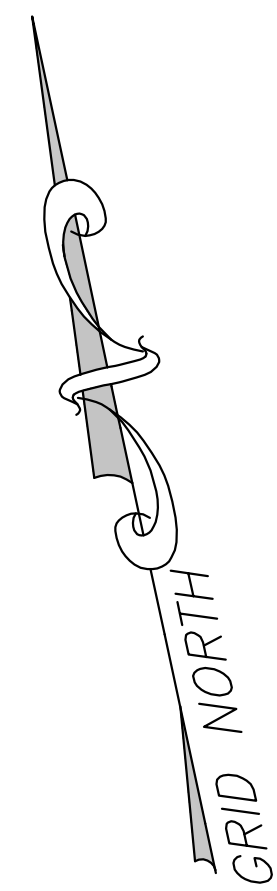
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US Route 20
County of Columbia
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METES AND BOUNDS DESCRIPTION

All that piece or parcel of land situated in the Town of New Lebanon, County of Columbia, State of New York, being a portion of Tax Map Number 19.01, Block 1, last dated March 1976 and being within the right-of-way of an existing state highway known as US Highway 20, New Lebanon – Brainard State Highway No. 615 and locally as the Columbia Pike also more particularly described as follows:

BEGINNING at a point on the northerly highway boundary of US Highway 20 an existing state route, said point being 33.00 feet distant northerly, measured at right angles from Station R76+94 of the 1944 New York State Department of Transportation (NYSDOT) Centerline for the improvement of New Lebanon – Brainard State Highway No. 615; thence S77° 48' 04" E along the said northerly highway boundary a distance of 684.52 feet to a point of curvature, said point being 33.00 feet distant northerly, measured at right angles from PT Station R70+09.48 of said centerline; thence continuing easterly along the last mentioned boundary on a curve to the left having a radius of 3,786.72 feet a distance of 84.62 feet to a point, said point being distant radially from Station R69+24.10 of said centerline; thence S10° 55' 07" W through the bed of the said highway 66.00 feet more or less to a point on the southerly highway boundary, said point being 33.00 feet distant southerly measured radially from station R69+24.10 of the said centerline; thence westerly along the said southerly boundary on a curve to the right having a radius of 3,852.72 feet a distance of 86.10 feet to a point of tangency, said point being 33.00 feet distant southerly measured at right angles from Station R70+09.48 of said centerline; thence N77° 48' 04" W continuing along the said southerly highway boundary a distance of 684.52 feet to a point, said point being 33.00 feet distant southerly measured at right angles from station R76+94 from the said centerline; thence N12° 11' 56" E through the bed of US Highway 20 66.00 feet more or less to the point of beginning, being 50,812 ± square feet or 1.167 acres more or less.

Appendix B

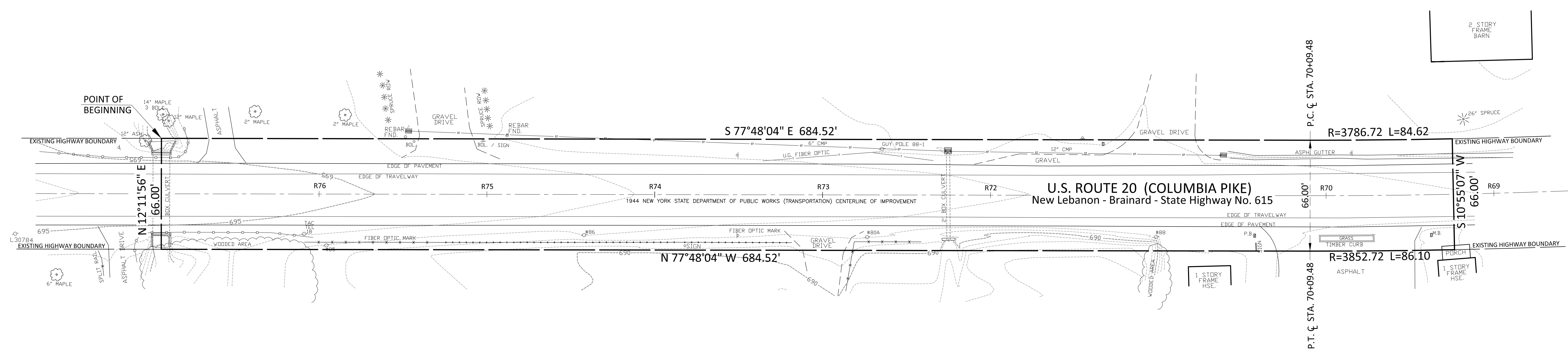
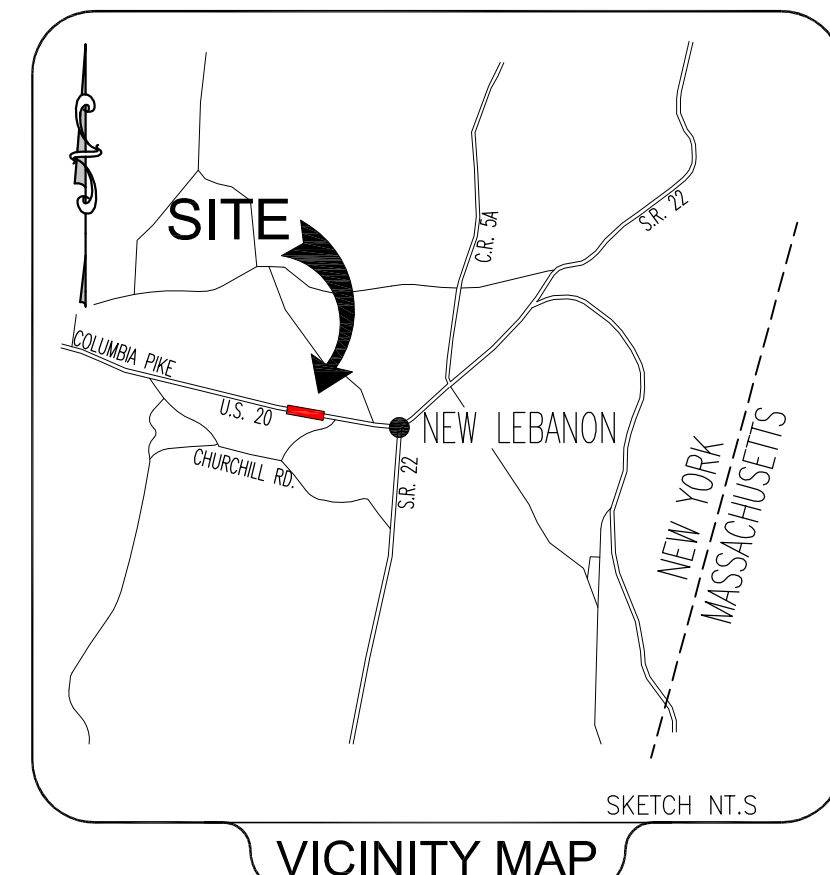


BOUNDARY REFERENCES

1. NEW YORK STATE DEPARTMENT OF PUBLIC WORKS HIGHWAY ACQUISITION MAPS DATED FEBRUARY 1941.

SURVEY NOTES

1. BEARINGS ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (CORS) - NEW YORK STATE PLANE COORDINATE SYSTEM, EAST ZONE
2. ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
3. MAPPING UNITS ARE U.S. SURVEY FEET.
4. THE CONTOUR INTERVAL IS 1 FOOT.
5. UTILITIES SHOWN HEREON ARE BASED ON VISIBLE EVIDENCE. THE UNDERGROUND POSITION OF ALL UTILITIES SHOWN SHOULD BE CONSIDERED APPROXIMATE.



AREA OF ENVIRONMENTAL NOTICE

All that piece or parcel of land situate in the Town of New Lebanon, County of Columbia, State of New York, being a portion of Tax Map Number 19.01, Block 1, last dated March 1976 and being within the right-of-way of an existing state highway known as U.S. Highway 20, New Lebanon - Brainard State Highway No. 615 and locally as the Columbia Pike also more particularly described as follows:

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Intending to describe a strip of land inclusive of the right-of-way of US Route 20 as shown on the attached map.
All bearings are referenced to the North American Datum of 1983 (NAD83) New York State Plane Coordinate System, East Zone.

SURVEYOR'S CERTIFICATION

WE, POPLI, ARCHITECTURE + ENGINEERING & L.S., P.C., HEREBY CERTIFY TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION THAT THIS SURVEY AND MAP WAS PREPARED UNDER THE DIRECTION OF A LICENSED LAND SURVEYOR AND FROM THE NOTES OF AN INSTRUMENT SURVEY COMPLETED AUGUST 23, 2011 AND THE REFERENCES LISTED HEREON. THIS SURVEY IS SUBJECT TO ANY EASEMENTS AND/OR ENCUMBRANCES THAT MAY EXIST.



MICHAEL A. VENTURO, LS 50079
FOR: POPLI DESIGN GROUP
555 Pentrocks Drive
Penfield, NY 14526
Phone: 585-388-2060

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.

LEGEND

- CATCH BASIN
- STREET SIGN
- UTILITY POLE
- MAIL BOX
- PAPER BOX
- STORM DRAIN LINE
- UNDERGROUND TELE / COMMUNICATIONS

SURVEY BY: POPLI DESIGN GROUP ARCHITECTURE + ENGINEERING & LAND SURVEYING 555 Pentrocks Drive Penfield NY 14526		PREPARED FOR: DVIRKA AND BARTILUCCI CONSULTING ENGINEERS 5879 Fisher Road East Syracuse, NY 13057 Phone: (315) 437-1142
SURVEYOR JOB NUMBER:	SU4040.02	
SURVEY CREW:	J. PHILLIPS W. STRATTON	
DRAWN BY:	J. PHILLIPS	
CHECKED BY:	M. VENTURO	
REVISIONS		

FORMER
BOUCHARD JUNKYARD SITE
NYSDEC SITE NO. 4-11-014
ENVIRONMENTAL NOTICE PARCEL

Town of New Lebanon, County of Columbia, State of New York

SCALE: 1" = 30' DATE: OCTOBER 5, 2011