

ENVIRONMENTAL NOTICE

THIS ENVIRONMENTAL NOTICE is made the 22nd day of November 2013, 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 indentified as the Roxy Cleaners Site (Site442024), located on 197 Main Street, Town of North Greenbush, County of Rensselaer, State of New York, which is part of lands conveyed by Evelyn V. Film to Mardigian Properties, Inc. by Warranty Deed dated October 31, 1959 and recorded on November 13, 1959 in the Rensselaer County clerk's office in Book 1065 of Deeds at page 372, excepting there from, premises conveyed by Karen M. Coleman, individually and as successor in interest to Mardigian Properties, Inc. to Route 66 Meats and Smokehouse, LLC by Warranty Deed dated August 8, 2006 and recorded December 8, 2006 in the Rensselaer County clerk's office as Instrument No. 2006-254101 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 under the Department's State Superfund Program.

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.

Site Name: Roxy Cleaners
Site No. 442024
197 Main Street
North Greenbush, NY
Tax Map No. 124.6-8-12.2

FOURTH, the remedy was designed to be protective for the following uses: Commercial 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). Therefore, any use for purposes other than Commercial and Industrial 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 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: Robert W. Schick P.E.
Director
Division of Environmental Remediation

STATE OF NEW YORK)
) ss:
COUNTY OF)

On the 22nd day of November, in the year 2013, 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

ANDREW O. GUGLIELMI
Notary Public - State of New York
No. 02GU6177593
Qualified in Albany County 15
My Commission Expires November 13, 2014

Appendix A

Metes and Bounds

DESCRIPTION OF RESTRICTED AREA

All that piece or parcel of land situate, lying and being located in Town of North Greenbush, Rensselaer County, State of New York, being more particularly bounded and described as follows:

Beginning at a point on the northerly side Main Avenue at the division line between lands now or formerly of Mardigian Properties, Inc. to the West and lands now or formerly of L & M Management to the East; thence along said division line the following two (2) courses and distances:

1. North 47° 20' 00" East, 250.75' to a point;
2. North 49° 20' 00" East, 7.17' to a point on the division line between said lands of Mardigian Properties, Inc. to the South and lands now or formerly of Ronald Springer & Georgia Springer to the North; thence along said division line North 34° 35' 00" West, a distance of 79.39' to a point on the Division line between said lands of Mardigian Properties, Inc. to the East and lands now or formerly of Route 66 Meats and Smokehouse, LLC to the West; thence along said division line South 50° 07' 00" West, a distance of 256.48' to a point on said Main Avenue; thence along said Main Avenue South 34° 35' 00" East, a distance of 91.71' to the point or place of beginning and containing 0.50 acres, more or less.

GENERAL NOTES:

- MAP PREPARED FROM A FIELD SURVEY CONDUCTED BY M.J. ENGINEERING AND LAND SURVEYING, P.C., FEBRUARY 2013.
- THE LOCATION, NATURE, AND ALIGNMENT OF UNDERGROUND UTILITIES SHOWN HEREON ARE PLOTTED BASED ON EVIDENCE AT GROUND LEVEL. THE SURVEY DOES NOT PURPORT TO SHOW ALL UNDERGROUND UTILITIES ON SITE AND IS SUBJECT TO VERIFICATION BY EXCAVATION.
- PARCELS SURVEYED ARE FURTHER REFERENCED TO THE TOWN OF NORTH GREENBUSH TAX MAP PARCEL ID NUMBERS 124.6-8-12.1 AND 124.6-8-12.2.
- SUBJECT TO A WATERLINE EASEMENT GIVEN BY MARDIGIAN PROPERTIES, INC. TO THE TOWN OF NORTH GREENBUSH DATED MARCH 28, 1996 AND RECORDED IN RENSSELAER COUNTY CLERK'S OFFICE MAY 7, 1998 IN BOOK 93 OF DEEDS AT PAGE 71 AS SHOWN HEREON.
- SUBJECT TO A UTILITY EASEMENT GIVEN BY GEORGE H. FILM TO NEW YORK ELECTRIC & GAS CORPORATION DATED MAY 25, 1938 AND RECORDED IN RENSSELAER COUNTY CLERK'S OFFICE SEPTEMBER 17, 1938 IN BOOK 598 OF DEEDS AT PAGE 713. UNNOTICED BANKET EASEMENT AFFECTS PREMISES DESCRIBED HEREIN FOR THE RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, EXTEND, OPERATE, INSPECT, MAINTAIN, AND REMOVE A POLE LINE WITH THE NECESSARY WIRES, CROSS ARMS, GUY WIRES, BRACES AND OTHER FIXTURES OR APPURTENANCES.
- SUBJECT TO ANY AND ALL RIGHTS, EASEMENTS, RESTRICTIONS, OR COVENANTS OF RECORD.
- SURVEY PREPARED WITHOUT BENEFIT OF, AND IS SUBJECT TO THE REVIEW OF A COMPLETE AND UP TO DATE ABSTRACT OF TITLE.
- NORTH REFERENCE SHOWN HEREON PER DEED REFERENCE ONE.

DESCRIPTION OF RESTRICTED AREA

ALL THAT PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING LOCATED IN TOWN OF NORTH GREENBUSH, RENSSELAER COUNTY, STATE OF NEW YORK, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY SIDE MAIN AVENUE AT THE DIVISION LINE BETWEEN LANDS NOW OR FORMERLY OF MARDIGIAN PROPERTIES, INC TO THE WEST AND LANDS NOW OR FORMERLY OF L & M MANAGEMENT TO THE EAST; THENCE ALONG SAID DIVISION LINE, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

- NORTH 47° 20' 00" EAST, 250.75' TO A POINT;
- NORTH 49° 20' 00" EAST, 7.17' TO A POINT ON THE DIVISION LINE BETWEEN SAID LANDS OF MARDIGIAN PROPERTIES, INC. TO THE SOUTH AND LANDS NOW OR FORMERLY OF RONALD SPRINGER & GEORGIA SPRINGER TO THE NORTH; THENCE ALONG SAID DIVISION LINE NORTH 34° 35' 00" WEST, A DISTANCE OF 79.39' TO A POINT ON THE DIVISION LINE BETWEEN SAID LANDS OF MARDIGIAN PROPERTIES, INC. TO THE EAST AND LANDS NOW OR FORMERLY OF ROUTE 66 MEATS AND SMOKEHOUSE, LLC TO THE WEST; THENCE ALONG SAID DIVISION LINE SOUTH 50° 07' 00" WEST, A DISTANCE OF 256.48' TO A POINT ON SAID MAIN AVENUE; THENCE ALONG SAID MAIN AVENUE SOUTH 34° 35' 00" EAST, A DISTANCE OF 91.71' TO THE POINT OR PLACE OF BEGINNING AND CONTAINING 0.50 ACRES, MORE OR LESS.

CERTIFIED TO:

- THE PEOPLE OF THE STATE OF NEW YORK ACTING THROUGH THEIR COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

UNAUTHORIZED ALTERATIONS OR ADDITION TO THE SURVEY MAP IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S SEAL AND SIGNED WITH RED INK SHALL NOT BE CONSIDERED VALID COPIES.

CERTIFICATION INDICATED OR IMPLIED HEREON SHALL ONLY RUN TO THE PARTY FOR WHOM THIS SURVEY WAS PREPARED FOR AND ON THEIR BEHALF TO THE ADDITIONAL PARTIES LISTED HEREON. CERTIFICATIONS SHOWN HEREON ARE NOT TRANSFERABLE TO ADDITIONAL PARTIES OR SUBSEQUENT OWNERS NOT LISTED HEREON.

DEED REFERENCE:

- CONVEYANCE FROM EVALYN V. FILM TO MARDIGIAN PROPERTIES, INC. DATED OCTOBER 31, 1959 IN THE RENSSELAER COUNTY CLERKS OFFICE IN LIBER 1065 OF DEEDS IN PAGE 372.

MAP REFERENCE:

- "TWO LOT SUBDIVISION OF LANDS OWNED BY MARDIGIAN PROPERTIES, INC." DATED MARCH 6, 2006 AS PREPARED BY L. SIPPERLY & ASSOCIATES. FILED IN RENSSELAER COUNTY CLERKS OFFICE DRAWER 2006 MAP 150.

INSTITUTIONAL CONTROLS

- The use of the groundwater underlying the property is prohibited without treatment rendering it safe for intended purpose; All future activities on the property that will disturb remaining contaminated material are prohibited unless they are conducted in accordance with the Site Management Plan ("SMP"); the property may only be used for commercial and industrial use provided that the long-term ICs/ECs included in the SMP are employed. The property may not be used for a less restrictive use without additional remediation and amendment of the SMP by the NYSDEC. NYSDEC retains the right to access such Controlled Property at any time in order to evaluate the continued maintenance of any and all controls.

ENGINEERING CONTROLS

Engineering Controls for the site consist of the following:

- Groundwater Extraction Wells
- Groundwater Treatment System
- Monitoring Well Network

THE ENGINEERING AND INSTITUTIONAL CONTROLS for the Declaration of Covenants and Restrictions ("DCR") are set forth in more detail in the SMP. A copy of the SMP must be obtained by any party with an interest in the property. The SMP may be obtained from the New York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at derweb@gw.dec.state.ny.us.

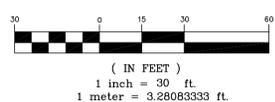
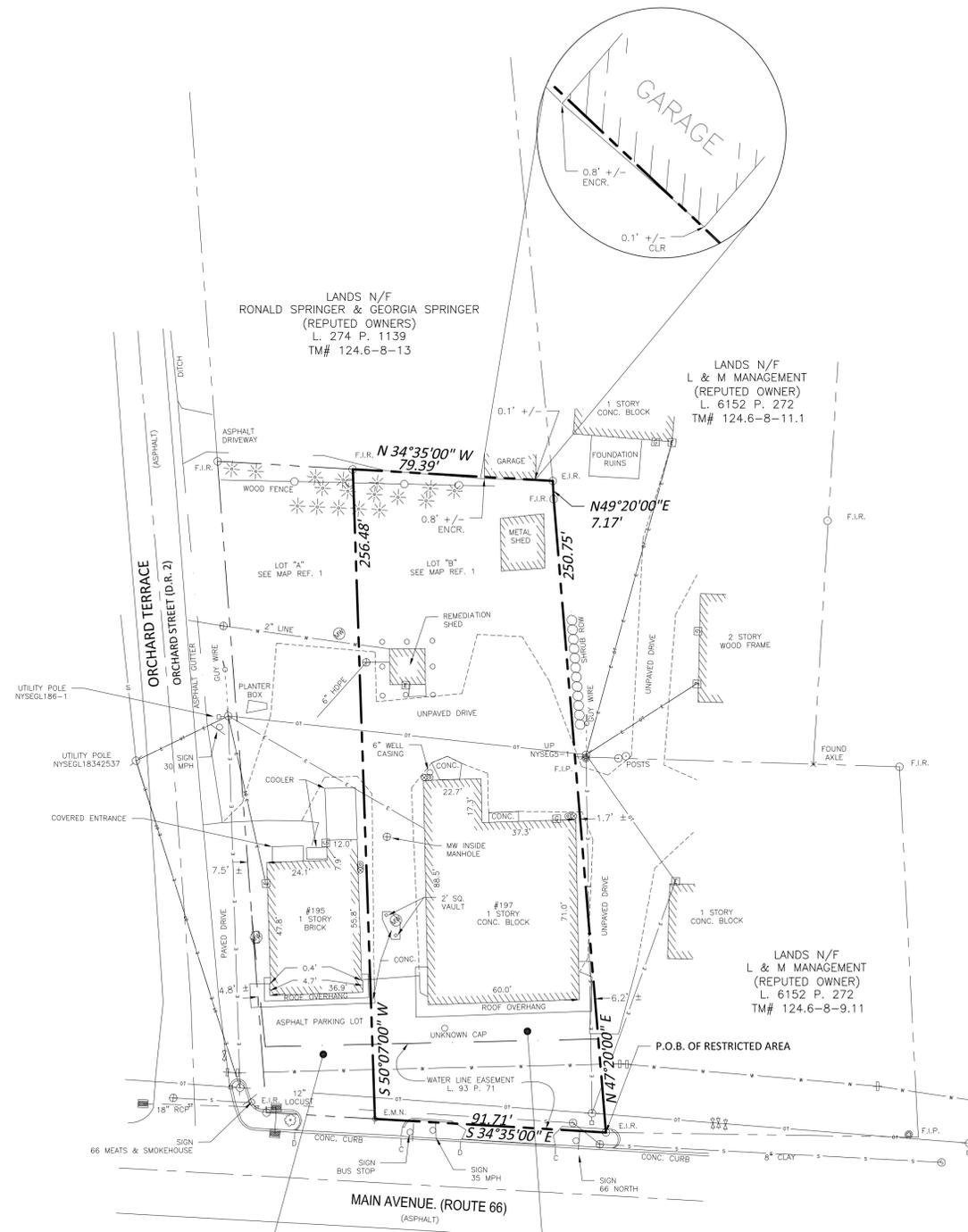
RESTRICTED AREA ACCESS

THE DEC OR THEIR AGENT MAY ACCESS THE DCR AREA AS SHOWN HEREON THROUGH ANY EXISTING STREET ACCESS OR BUILDING INGRESS/EGRESS ACCESS POINT

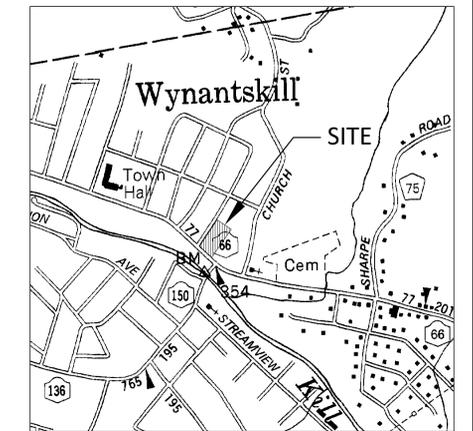
This property is subject to a DCR held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the New York Environmental Conservation Law.

LANDS N/F
ROUTE 66 MEATS AND SMOKEHOUSE, LLC
(REPUTED OWNER)
L. 3859 P. 96
TM# 124.6-8-12.1

LANDS N/F
MARDIGIAN PROPERTIES, INC.
(REPUTED OWNER)
L. 1065 P. 372
RESTRICTED AREA
AREA = 0.50+/- ACRES
TM# 124.6-8-12.2
AREA = 0.50+/- ACRES



DATE	REVISIONS



SITE LOCATION MAP
SCALE: N.T.S.

LEGEND

- ⊕ WATER VALVE
- ⊙ IRON PIPE
- IRON ROD
- BOLLARD
- ⊕ MONITORING WELL
- ⊕ UNKNOWN VENT
- ⊕ GAS VALVE
- ⊕ UTILITY POLE
- ⊕ UNKNOWN MANHOLE
- ⊕ DRAINAGE STRUCTURE
- ⊕ UTILITY GAS METER
- ⊕ UTILITY ELECTRIC METER
- ⊕ SEWER MANHOLE
- ⊕ MAG NAIL
- ⊕ FIRE HYDRANT
- GUY WIRE
- OVERHEAD ELECTRIC WIRES
- UNDERGROUND WATER LINE
- STORM LINE
- SEWER LINE
- OVERHEAD TELEPHONE WIRE
- * * * * * PINE TREE ROW
- - - - - APPROXIMATE PROPERTY LINE
- - - - - APPROXIMATE ADJOINING PROPERTY LINE
- - - - - WATER LINE EASEMENT
- - - - - RESTRICTED AREA SUBJECT TO DECLARATION OF COVENANTS AND RESTRICTIONS
- FENCE
- - - - - CENTERLINE ROAD
- - - - - DROP CURB

ABBREVIATIONS

- F.I.P. FOUND IRON PIPE
- F.I.R. FOUND IRON ROD
- E.I.P. EXISTING IRON PIPE
- E.I.R. EXISTING IRON ROD
- E.M.N. EXISTING MAG NAIL
- P.O.B. POINT OF BEGINNING
- (MR1) MAP REFERENCE
- (D) DEED



JOSEPH G. MALINOWSKI 050314

NON-ALTA SURVEY OF MARDIGIAN PROPERTIES, INC.
NYSDEC SITE: ROXY CLEANERS SITE No. 442024
LOCATED AT 197 ROUTE 66
IN THE TOWN OF NORTH GREENBUSH,
COUNTY OF RENSSELAER, STATE OF NEW YORK

PREPARED FOR: NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SCALE: 1" = 30'-0" MAY 29, 2013



BASEMAP.dwg

JOB NO. 632.04

SHEET 1 OF 1