

Site Name: 34 Freemans Bridge Road
Site No. 447028
34 Freemans Bridge Road
Glenville, Schenectady County, NY
Tax Map: 30.19-1-26.1 Parcel No. 1

ENVIRONMENTAL NOTICE

THIS ENVIRONMENTAL NOTICE is made the 5th day of March 2014, 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, that parcel of real property located at the address of 34 Freemans Bridge Road in the Town of Glenville, County of Schenectady, and State of New York, known and designated on the tax map of the County Clerk of the County of Schenectady as tax map parcel number: Section 30.19 Block 1 Lot 26.1 Parcel No.1 which is part of lands conveyed by Anna Kichton to Lyons Ventures, Inc. by deed dated September 19, 1978 and recorded on October 13, 1978, in Book Liber 1021 of Deeds at page 829 from the County of Schenectady the property being more particularly described in the metes and bounds and tax map and attached hereto as Appendix "A" to this notice and made a part hereof, and hereinafter referred to as "the Property" and is the subject of a remedial program performed by the Department; and

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

NOW, THEREFORE, the Department provides notice that:

FIRST, the part of lands 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 ("SM"), Plan 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).

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 SM Plan 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 Commercial use as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial use as described in 6 NYCRR Part 375-1.8(g)(2)(iv). Therefore, any use for purposes other than Commercial or Industrial uses without the express written waiver of such prohibition by the Relevant Agency may result in a significantly increased threat of harm or damage at the site.

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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 the 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.

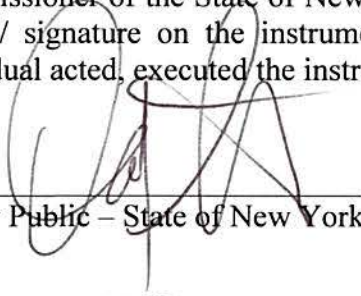
IN WITNESS WHEREOF, the undersigned has executed this instrument the day written below.

By:


Robert W. Schick, P.E., Director
Division of Environmental Remediation

STATE OF NEW YORK) ss:
COUNTY OF ALBANY)

On the 5th day of March, in the year 2014, before me, Robert. W. Schick, the undersigned, personally appeared, and is 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

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APPENDIX A

METES AND BOUNDS DESCRIPTION

**A Description of
Lands of Lyons Ventures, Inc.
Parcel No. 1**

All that tract or parcel of land situate in the Town of Glenville, County of Schenectady, State of New York, and being more precisely described as follows:

Statements:

1. *All set monuments are 5/8-inch by 30-inch reinforcement rod, extending 0.5 feet above grade with a 1 3/8-inch diameter red plastic cap, marked "THEW-ASSOCIATES UTICA, NY" (herein after referred to as a 5/8-inch rebar).*
2. *The parcel of land described herein is intended to be a portion of the same premises conveyed by Anna Kichton to Lyons Ventures, Inc., by deed dated September 19, 1978 and recorded in the Schenectady County Clerk's Office on October 13, 1978 in Liber 1021 of Deeds at Page 829.*
3. *Reference to an adjoining landowner does not necessarily imply senior title. The adjoining landowners are cited for reference only, unless otherwise noted.*

Beginning at a PK nail found on the easterly bounds of Freeman's Bridge Road (also known as Schenectady – Thomas Corners State Highway No. 1172 - variable width), said PK nail being 51± feet distant easterly measured at right angles from Station 56+14± of the survey baseline for the reconstruction of a portion of the Schenectady-Thomas Corners, State Highway 1172 (1980), said PK nail also being at the northwesterly corner of a parcel of land conveyed by Dorothy A. Hickok as executor of David W. Hickok to Dorothy A. Hickok by deed dated April 19, 2002 and recorded in the Schenectady County Clerk's Office on April 23, 2002 in Liber 1622 of Deeds at Page 442, said PK nail having New York State plane coordinates (NAD83-East Zone) of 1,457,742.91 feet North and 644,554.49 feet East;

thence along the easterly bounds of Freeman's Bridge Road, the following courses and distances:

North 13 degrees 30minutes 14 seconds West a distance of 22.74 feet to a set PK nail, said PK Nail being 50.34± feet distant easterly measured at right angles from Station 56+37.37± of said survey baseline;

North 07 degrees 44 minutes 53 seconds West a distance of 105.04 feet to a set Mag nail; said Mag nail being 57.92± feet distant easterly measured at right angles from Station 57+42.14± of said survey baseline; North 03 degrees 20 minutes 27 seconds West a distance of 85.47 feet to set Mag nail; said Mag nail being 70.62± feet distant easterly measured at right angles from Station 58+26.66± of said survey baseline;

North 10 degrees 30 minutes 27 seconds West a distance of 37.25 feet to a 5/8-inch rebar set at the southwesterly corner of a parcel of land conveyed by William

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E. and Alice B. Glindmyer to John Oliver Hornfeck by deed dated August 28, 1981 and recorded in the Schenectady County Clerk's Office on August 28, 1981 in Liber 1048 of Deeds at Page 543, said rebar being 71.52± feet distant easterly measured at right angles from Station 58+63.90± of said survey baseline;

thence along the southerly, easterly and northerly lines of Hornfeck, the following courses and distances:

North 82 degrees 35 minutes 48 seconds East a distance of 268.60 feet to set 5/8-inch rebar;

North 07 degrees 24 minutes 12 seconds West a distance of 300.00 feet to a set 5/8-inch rebar;

South 82 degrees 17 minutes 53 seconds West a distance of 17.20 feet to a 5/8-inch rebar set at the southeasterly corner of a parcel of land conveyed by Leonard J. Montorio, and Louis A. Venditti to Erwin C. and Joan H. Grant by deed dated November 11, 1982 and recorded in the Schenectady County Clerk's Office on November 12, 1982 in Liber 1058 of Deeds at Page 520;

thence North 13 degrees 36 minutes 11 seconds West, along the easterly line of Erwin C. and Joan H. Grant, a distance of 95.00 feet to a 5/8-inch rebar set on the southerly line of a parcel of land conveyed by Williams and Betty Lyons to Dominick Mangino by deed dated July 20, 1990 and recorded in the Schenectady County Clerk's Office on September 5, 1990 in Liber 1276 of Deeds at Page 203;

thence along the southerly, easterly, northerly and westerly lines of Dominick Mangino, the following courses and distances:

North 85 degrees 03 minutes 49 seconds East a distance of 96.60 feet to a set 5/8-inch rebar;

North 26 degrees 28 minutes 49 seconds East a distance of 376.70 feet to a set 5/8-inch rebar;

North 53 degrees 34 minutes 11 seconds West a distance of 128.55 feet to 5/8-inch rebar set on the southerly side of Warner Creek;

continuing North 53 degrees 34 minutes 11 seconds West a distance of 19.5 feet, more or less, to a point in the centerline of Warner Creek;

South 34 degrees 26 minutes 08 seconds West, along the center of Warner Creek, a distance of 4.8 feet, more or less, to the southeasterly corner of a parcel of land conveyed by Henry DeArroyo to Alphonse M. and Linda Ann DeArroyo by deed dated March 15, 2000 and recorded in the Schenectady County Clerk's Office on May 12, 2000 in Liber 1577 of Deeds at Page 976;

thence North 55 degrees 27 minutes 17 seconds West, along the easterly line of Alphonse M. and Linda Ann DeArroyo, a distance of 300.67 feet to a 5/8-inch rebar set on the easterly bounds of Maple Ave (County Route 29), said rebar being 41± feet distant easterly measured at right angles from Station M105+25; of the survey baseline for the reconstruction of a portion of the Schenectady-Thomas Corners, State Highway 1172 (1980),

thence along the easterly bounds of Maple Avenue, the following courses and distances:

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North 32 degrees 41 minutes 19 seconds East a distance of 150.00 feet to a set 5/8-inch rebar; said rebar being 36.45± feet distant easterly measured at right angles from Station M106+74.92± of said survey baseline;

North 34 degrees 38 minutes 10 seconds East a distance of 657.73 feet to a set 5/8-inch rebar; said rebar being 27.4± feet distant easterly measured at right angles from Station 1+05± of said survey baseline;

North 45 degrees 59 minutes 27 seconds East a distance of 97.88 feet to a 3/4-inch rebar with a 1 1/4-inch diameter yellow plastic cap marked "PLS 49953" (extending 0.8 feet above grade) found on the westerly bounds of a parcel conveyed by Hudson River Estates, Inc. and Boston and Maine Corporation to Pan Am Southern, LLC by deed dated April 9, 2009 and recorded in the Schenectady County Clerk's Office on May 5, 2009 in Liber 1800 of Deeds at Page 849, said rebar being 46.0± feet distant easterly measured at right angles from Station 2+01.1± of said survey baseline, said rebar also being 135± feet distant westerly measured at right angles from Station 95+07.05± of the railroad baseline;

thence along the westerly bounds of Pan Am Southern, LLC on a curve deflecting to the left, non-tangent to the previous course, having a central angle of 36 degrees 29 minutes 26 seconds and a radius of 2,045.00 feet, an arc distance of 1,302.42 feet (chord: South 04 degrees 06 minutes 28 seconds East, 1,280.52 feet) to a 5/8-inch rebar set at the northwesterly corner of a parcel of land conveyed by Anthony and Anna Kichton to the Niagara Mohawk Power Corporation by deed dated May 9, 1960 and recorded in the Schenectady County Clerk's Office on June 11, 1960 in Liber 798 of Deeds at Page 425, said rebar being 135± feet distant westerly measured at right angles from Station 82+90.61± of said railroad baseline; said rebar also being; said rebar also being 75± feet distant westerly measured at right angles from Station 34+34.10± of the Niagara Mohawk Traverse Line as referenced in Liber 798 of Deeds at Page 425;

thence South 30 degrees 42 minutes 56 seconds West, non-tangent to the previous course, along the northerly bounds of the Niagara Mohawk Power Corporation, a distance of 809.07 feet to a 5/8-inch rebar set at the northeasterly corner of Dorothy A. Hickok, said rebar being 75± feet distant northerly measured at right angles from Station 42+43.16± of said traverse line;

*thence South 82 degrees 36 minutes 29 seconds West, along the northerly line of Dorothy A. Hickok, a distance of 257.21 feet to the **Point of Beginning**.*

To contain 12.773 acres of land, more or less, as surveyed by J. Scott Blanchard, Licensed Land Surveyor No. 050704.

The above-mentioned coordinates, bearings and distances are referenced to the North American Datum of 1983 (NAD83) and projected on the New York State Plane Coordinate System (East Zone).

A map of the above described parcel of land was prepared by Thew Associates PE-LS, PLLC, dated October 30, 2009, and is distinguished as Drawing No. UK268-06-09.

