

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director  
625 Broadway, 12th Floor, Albany, New York 12233-7011  
P: (518) 402-9706 | F: (518) 402-9020  
[www.dec.ny.gov](http://www.dec.ny.gov)

January 11, 2023

Damian Ulatowski, Supervisor  
Town of Clay  
4401 State Route 31  
Clay, NY 13041  
[supervisor@townofclay.org](mailto:supervisor@townofclay.org)

Re: Certificate of Completion,  
SAC No.: DEC01-C00769GG-3350000  
C302587  
Maider Road Waterfront Site  
Town of Clay, Onondaga County  
Site No.: B00015

Dear Supervisor Ulatowski:

Congratulations on having satisfactorily completed the remediation phase of the environmental restoration project that the Town of Clay undertook with State Assistance funds. The New York State Department of Environmental Conservation (Department) has determined, based upon our inspection of the above-referenced site and upon our review of the documents you have submitted, that you completed the project in accordance with the terms and conditions of the above-referenced State Assistance Contracts (SACs).

As a result, the Department is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above referenced site. Enclosed please find an original, signed COC. The Town of Clay is hereby entitled to the benefit of the liability limitation provisions described in the New York State Environmental Conservation Law (ECL) 56-0509.

Please be advised that the significant benefits described in ECL 56-0509 are contingent upon the Town of Clay fulfilling all continuing obligations set forth in ECL Article 56, Title 5, accompanying regulations, and the above-referenced SACs, including but not limited to, the obligations involving reimbursement to the State if the municipality receives payments or other consideration with respect to the project; disposition of proceeds upon the sale, transfer, or lease of the property (see the enclosed ERP Site Disposition Form); ensuring that Department has access to the property; and providing complete notice of any proposed change of use, as defined in ECL 56-0511.

Please note that in addition to the requirements discussed above, you are required to perform the following tasks:



- Record a notice of the COC in the recording office for the County where any portion of the site is located within 30 days of issuance of the COC and provide the Department with proof of filing within 30 days of receipt. A standard notice form is attached to this letter. Please return the proof of recording, preferably in electronic format, to:

Joshua Cook  
NYSDEC Region 7  
615 Erie Blvd West  
Syracuse, NY 13204  
[joshua.cook@dec.ny.gov](mailto:joshua.cook@dec.ny.gov)

- Place the notice of the COC in the document repository for the site within 10 days of issuance of the COC.
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program. You must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in April 2024.

The Department will prepare and distribute to the Site Contact List a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls, if any, that are required at the site.

The final payment under the SAC will be made after the execution of all necessary amendments, and the issuance of the COC.

If you have any questions, please do not hesitate to contact Joshua Cook, the Department's project manager, at 315-426-7411 or [joshua.cook@dec.ny.gov](mailto:joshua.cook@dec.ny.gov).

Sincerely,



Andrew Guglielmi  
Division Director  
Division of Environmental Remediation

Enclosures (2)

cc w/ enclosure:

C. Vooris – NYSDOH, [christine.vooris@health.ny.gov](mailto:christine.vooris@health.ny.gov)  
Scarlett McLaughlin – NYSDOH, [scarlett.mclaughlin@health.ny.gov](mailto:scarlett.mclaughlin@health.ny.gov)  
Eamonn O'Neil – NYSDOH, [Eamonn.ONeil@health.ny.gov](mailto:Eamonn.ONeil@health.ny.gov)  
Judy Rios – Town of Clay, [jrios@townofclay.org](mailto:jrios@townofclay.org)

Ronald DeTota – C&S Engineers, [rdetota@cscos.com](mailto:rdetota@cscos.com)  
Nevin Bradford – C&S Engineers, [nbradford@cscos.com](mailto:nbradford@cscos.com)  
Matt Walker – C&S Engineers, [mawalker@cscos.com](mailto:mawalker@cscos.com)

ec w/o enc:

D. Harrington, G. Priscott, J. Cook, L. Schmidt, M. Sheen, K. Lewandowski

NYSDEC ENVIRONMENTAL RESTORATION PROGRAM (ERP)

*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

Town of Clay

**Address**

4401 State Route 31, Clay, NY 13041

**SITE INFORMATION**

**Site No.:** B00015 **Site Name:** Maider Road Waterfront Site

**State Assistance Contract No.:** DEC01-C00769GG-3350000  
C302587

**Site Owner:** Town Of Clay

**Street Address:** 3414 Maider Road and Maider Road

**Municipality:** Clay **County:** Onondaga **DEC Region:** 7

**Site Size:** 10.700 Acres

**Tax Map Identification Number(s):** 017.-03-09.1, 017.-03-09.2

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

**CERTIFICATE ISSUANCE**

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 56, Title 5 of the New York State Environmental Conservation Law ("ECL") and 6NYCRR 375.

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the Final Engineering Report and data submitted pursuant to the State Assistance Contract, as well as any other relevant information regarding the site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the approved remedial work plan.

The remedial program for the site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

**Allowable Uses under the ERP:** Restricted-Residential, Commercial, and Industrial

The Remedial Program includes use restrictions or reliance on the long-term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Onondaga County with recording identifier Book 05397, Page 0042.

**LIABILITY LIMITATION**

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 56-0509. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the site and to a person who develops or otherwise occupies the site, subject to certain limitations as set forth in ECL Section 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 and any other applicable provision of law.

## **CERTIFICATE TRANSFERABILITY**

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the site as provided by ECL Section 56-0509(1) and 6NYCRR Part 375.

## **CERTIFICATE MODIFICATION/REVOCATION**

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Municipality or the Municipality's successors or assigns have failed to comply with the terms and conditions of the State Assistance Contract;
- (2) either the Municipality or the Municipality's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (3) either the Municipality or the Municipality's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the approved remedial work plan were reached;
- (4) the terms and conditions of the environmental easement, if applicable, have been intentionally violated;
- (5) the environmental easement as implemented, if applicable, is not protective or enforceable;  
or
- (6) there is good cause for such modification or revocation.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos  
Commissioner  
New York State Department of Environmental Conservation

By: Andrew Guglielmi Date: 1/11/2023  
Andrew O. Guglielmi, Director  
Division of Environmental Remediation

## **Exhibit A**

### **Site Description**

**SCHEDULE "A" PROPERTY DESCRIPTION**

Lands of Town of Clay (South side of Maider Road, #3414 Maider Road)  
Book 4705 of Deeds, page 226 (Part of Parcel 4)  
Tax Map Parcel Number 17.-03-09.1

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clay, County of Onondaga, and State of New York, being part of Farm Lot 14 in said Town, and being more particularly bounded and described as follows:

BEGINNING AT A POINT in the Easterly Railroad Right-of-Way Line of CSX Transportation at its intersection with the Southerly line of lands of Town of Clay, Book 4705 of Deeds, page 226 (Parcel 4)

RUNNING THENCE S 83°11'31" E along said Southerly line, a distance of 457.23' to a point;

THENCE N 04°48'29" E, a distance of 552.94' to a point in the Westerly line of lands of Northern Ready Mix. Inc. (*Book 2370, page 370*);

THENCE S 83°42'14" W along the Southerly line of lands of Northern Ready Mix. Inc. (*Book 2199, page 537*), a distance of 125.00' to a point in the Southwesterly corner of said lands;

THENCE N 04°48'29" E along said Westerly line, a distance of 300.00' to a point in the Southerly reputed highway line of Maider Road;

THENCE S 83°42'14" W along said reputed highway line, a distance of 248.21' to a point;

THENCE S 03°00'35" W, a distance of 159.81' to a point;

THENCE N 89°59'25" W, a distance of 233.00' to a point;

THENCE S 03°00'35" W, a distance of 2.36' to a point;

THENCE N 89°59'25" W, a distance of 308.42' to a point in the Easterly Railroad Right-of-Way Line of lands of said CSX Transportation;

THENCE along said right of way line, along a curve turning to the left with an arc length of 257.4' <sup>±</sup>, with a radius of 1208.58', with a chord bearing of S 29°42'12" E, with a chord length of 256.52' to a point of tangency;

THENCE S 35°47'43" E along said right of way line, a distance of 432.96' to a point;

THENCE S 38°26'33" E, a distance of 24.21' to a point; which is the point of beginning, having an area of 10.4<sup>±</sup> acres.

SUBJECT TO any easements and/or restrictions of record.

Lands of Town of Clay (North Side of Maider Road)  
Book 4705 of Deeds, page 226 (Part of Parcel 4)  
Tax Map Parcel Number 17.-03-09.2

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clay, County of Onondaga, and State of New York, being part of Farm Lot 14 in said Town, and being more particularly bounded and described as follows:

BEGINNING AT A POINT in the Northerly reputed highway line of Maider Road, said point lies N 83°53'33" W , a distance of 11.23' from a New York State Barge Canal monument;

RUNNING THENCE S 75°44'28" W along said Northerly line, a distance of 455.82' to a point;

THENCE N 03°00'35" E, a distance of 25'<sup>+/-</sup> to a point on the Southerly shoreline of the Oneida River;

THENCE Easterly along said shoreline, a distance of 350'<sup>+/-</sup> to a point on said shoreline;

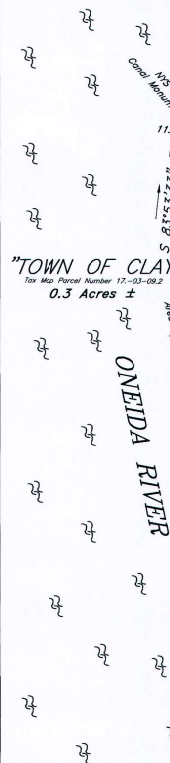
THENCE S 83°53'33" E, a distance of 108'<sup>+/-</sup> to a point; which is the point of beginning, having an area of 0.3'<sup>+/-</sup> acres.

SUBJECT TO any easements and/or restrictions of record.



## **Exhibit B**

### **Site Survey**



"TOWN OF CLAY"  
Tax Map Parcel Number 17.-03-09.2  
0.3 Acres ±

ONEIDA RIVER

Map Reference: Land Lines Survey (10/3/2004)  
Subject to a Current Abstract of Title  
Map Not To Be Used For Construction Purposes.  
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**CHRISTOPHERSON**  
LAND SURVEYING  
*Syracuse & Tully, New York*

Phone: (315)437-9848 Fax: (315)437-4634

Certifications are not transferable to additional institutions or subsequent owners. Certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, any transferee or assignee, and the lending institution listed herein, or to the assignees of the lending institution. Property corners to any (found or not found) are noted as Utilities and Underground Structures. Do not Certify. It is a violation of the NYS Education Law to alter or falsify a map without the direct consent of the State Education Department. The undersigned, the surveyor hereby certifies that this map is made from an actual record survey of the property shown herein.

(VOID UNLESS SIGNED)  
IN 2ND INC.

A RESURVEY/UPDATE OF THIS MAP BY OTHERS VOIDS THIS CERTIFICATION

[illegible]

"TOWN OF CLAY"  
(Reputed Owner)  
Book 4705 of Deeds, page 226 (Parcel 1, 2, &3)  
Tax Map Parcel Number 17.-03-11

"Northern Ready Mix. Inc."  
Book 2370, page 370  
Tax Map No.  
17-03-10

"Northern Ready Mix, Inc."  
Block 2199, page 537  
Tax Map No.  
17-03-10


"TOWN OF CLAY"

(Reputed Owner)  
Book 4705 of Deeds, page 226 (Parcel 4)  
Tax Map Parcel Number 17.-03-09.1  
10.4 Acres  $\pm$

**CSX TRANSPORTATION**  
Tax Map No. 17-02-36  
Formerly  
Penn Central Railroad Company\*  
R. W. & O. R. R. Co.  
"Ton-Rail"

ANSPON  
Tax Map No. 17-02-36  
Formerly  
Penn Central Railroad Company  
R. W. & O. R. R. Co.  
"Mon-Rail"

**Graphic Scale**



( in feet )  
1 inch = 100 feet

Composite Map For Tax Map Parcels  
17.-03-09.1 & 17.-03-09.2 - Lands of:

**"TOWN OF CLAY"**

Part of Farm Lot 14 - Town of Clay  
County of Onondaga - State of New York  
Known as: #3414 Maider Road

Made By: H.B.C.  
Reviewed By: A.L.C.  
Date: 12/22/2015  
Scale: 1"=100'

File: 1561AC  
Disk: CD1631

**NOTICE OF CERTIFICATE OF COMPLETION**

**Environmental Restoration Program**

**Pursuant to 6 NYCRR Part 375-1.9(d)**

**Maider Road Waterfront Site, Site ID No. B00015**

**3414 Maider Road and Maider Road, Clay, NY 13041**

**Town of Clay, Onondaga County, Tax Map Identification Numbers: 017.-03-09.1; 017.-03-09.2**

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to 6 NYCRR Part 375 to the Town of Clay for a site of approximately 10.7 acres located at 3414 Maider Road and Maider Road in the Town of Clay, Onondaga County.

**PLEASE TAKE NOTICE**, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the Final Engineering Report and data submitted pursuant to the State Assistance Contract, as well as any other relevant information regarding the site, that the remediation requirements set forth in ECL Article 56, Title 5 have been or will be achieved in accordance with the time frames, if any, established in the Remedial Work Plan.

**PLEASE TAKE NOTICE**, the remedial program for the site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- ☐ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☒ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

**PLEASE TAKE NOTICE**, the remedial program relies upon use restrictions or the long-term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Onondaga County as Book 05397, Page 0042.

**PLEASE TAKE NOTICE**, the Environmental Easement requires that the approved Site Management Plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

**PLEASE TAKE NOTICE**, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 56-0509. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the site and to a person who develops or otherwise occupies the site, subject to certain limitations as set forth in ECL Section 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 and any other applicable provision of law.

**PLEASE TAKE NOTICE**, any change of use of the site, as defined in 6 NYCRR 375, must be preceded

**Maider Road Waterfront Site, B00015**  
**3414 Marder Road and Marder Road, Clay, NY 13041**

by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

**PLEASE TAKE NOTICE**, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

**PLEASE TAKE NOTICE**, the Certificate may be only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the site as provided by 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

**PLEASE TAKE NOTICE**, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 7 Office located at 615 Erie Blvd West, Syracuse, NY 13204, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/B00015/>.

**WHEREFORE**, the undersigned has signed this Notice of Certificate

Town of Clay

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF NEW YORK        ) SS:  
COUNTY OF                )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_ , before me, the undersigned, personally appeared \_\_\_\_\_, 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/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Signature and Office of individual  
taking acknowledgment

**Please record and return to:**

Town of Clay  
Attn: Damian Ulatowski, Supervisor  
4401 State Route 31  
Clay, NY 13041

Feb. 2022



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
8/15/2022



**SITE DESCRIPTION**

**SITE NO.** B00015

**SITE NAME** Maider Road Waterfront Site

**SITE ADDRESS:** 3414 Maider Road and Maider Road **ZIP CODE:** 13041-

**CITY/TOWN:** Clay

**COUNTY:** Onondaga

**ALLOWABLE USE:** Restricted-Residential, Commercial, and Industrial

**SITE MANAGEMENT DESCRIPTION**

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Periodic Review Frequency: 1 year

**Description of Institutional Control**

**Town of Clay**

3414 Maider Road

Environmental Easement

Block: 03

Lot: 09.1

Sublot:

Section: 017

Subsection: 00

S\_B\_L Image: 017.-03-09.1

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Maider Road

Environmental Easement

Block: 03  
Lot: 09.2  
Sublot:  
Section: 017  
Subsection: 00  
S\_B\_L Image: 017.-03-09.2  
Ground Water Use Restriction  
IC/EC Plan  
Landuse Restriction  
Monitoring Plan  
Site Management Plan  
Soil Management Plan

#### Description of Engineering Control

**Town of Clay**  
3414 Maider Road  
Environmental Easement  
Block: 03  
Lot: 09.1  
Sublot:  
Section: 017  
Subsection: 00  
S\_B\_L Image: 017.-03-09.1  
Cover System