

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

Daniel P. McCoy
County Executive
Albany County
112 State Street
Albany, NY 12207

Dec 29 2016

Re: Certificate of Completion
Site No. B00055
Site: Gansevoort/Franklin Street Parcel
Agreement No.: NYWII-B00055-12-14
Albany, Albany County

Dear Daniel P. McCoy:

The New York State Department of Environmental Conservation (Department) has completed the Remediation phase of the Environmental Restoration Project (ERP) in accordance with the New York Works II Environmental Restoration Project Agreement (Agreement) executed by the Department on February 6, 2015. The Department has determined that the project has been completed in accordance with the terms and conditions of the above-referenced Agreement, allowing the Certificate of Completion (COC) to be issued for the above referenced site. Enclosed please find an original, signed COC. The County of Albany 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 County of Albany fulfilling all continuing obligations set forth in ECL Article 56, Title 5, accompanying regulations, and the above-referenced Agreement, 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; 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 (or Counties) 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 to:

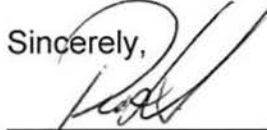
Kelly Lewandowski, Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

- Place the notice of the COC in the document repository for the site within 10 days of issuance of the COC; and
- Implement the Department-prepared Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and 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 on April 28, 2018.

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 that are required at the site.

If you have any questions, please do not hesitate to contact Kyle Forster, the Department's project manager, at 518-402-8644.

Sincerely,



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

ec w/ enclosure:

K. Anders – NYSDOH
J. Deming – NYSDOH
L. DeGaetano – laura.degaetano@albanycountyny.gov
G. Rutnik – greg.rutnik@albanycountyny.gov
M. Bunzey – melanie.bunzey@albanycountyny.gov

ec w/o enc:

R. Cozzy
G. Burke
A. Guglielmi
K. Forster
J. Brown
R. Mustico

NYSDEC ENVIRONMENTAL RESTORATION PROGRAM (ERP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Albany County

Address

112 State St, Albany, NY 12207

SITE INFORMATION

Site No.: B00055 **Site Name:** Gansevoort/Franklin Street Parcel

Applicable Contract No(s): NYWII-B00055-12-14
C301313

Site Owner: Albany County

Street Address: Corner of Gansevoort and Franklin Streets

Municipality: Albany (C) **County:** Albany **DEC Region:** 4

Site Size: 0.559 Acres

Tax Map Identification Number(s): 76.73-2-45, 76.73-2-44, 76.73-2-43, 76-73-2-42, 76.73-2-41, 76.73-2-40, 76.73-2-48.1

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: 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 Albany County with recording identifier 20160101946.

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 and/or New York Works Agreement;

(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;

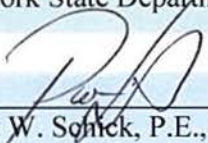
(4) the terms and conditions of the environmental easement, if applicable, have been intentionally violated;

(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 is not 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:  Date: December 29, 2016
Robert W. Schick, P.E., Director
Division of Environmental Remediation

NOTICE OF CERTIFICATE OF COMPLETION
Environmental Restoration Program
Pursuant to 6 NYCRR Part 375-1.9(d)

Gansevoort/Franklin Street Parcel, Site ID No. B00055
Corner of Gansevoort and Franklin Streets, Albany County, NY, 12202
Tax Map Identification Numbers: Section 76.73, Block 2, Lots 40, 41, 42, 43, 44, 45, and 48.1

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 Albany County for a parcel approximately 0.559 acres located at the corner of Gansevoort and Franklin Streets, County of Albany, Albany, NY.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following preparation by the Department of the final engineering report and satisfaction of the requirements in the New York Works II Agreement, 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):

- Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- 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, since 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 Albany County as Recording No. 20160101946.

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.

Gansevoort/Franklin Street Parcel, B00055, Corner of Gansevoort and Franklin Streets

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded 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 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, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 4 Office located at 1130 North Westcott Road, Schenectady, NY 12306 by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Albany County

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:

Albany County
Daniel P. McCoy
Albany County Executive
112 State Street
Albany, NY 12202

Exhibit A
Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

METES AND BOUNDS DESCRIPTION

ALBANY COUNTY BROWNFIELDS AT GANSEVOORT AND FRANKLIN STREETS

All that certain piece or parcel of land situate in the City of Albany, County of Albany, State of New York, and being more particularly bounded and described as follows:

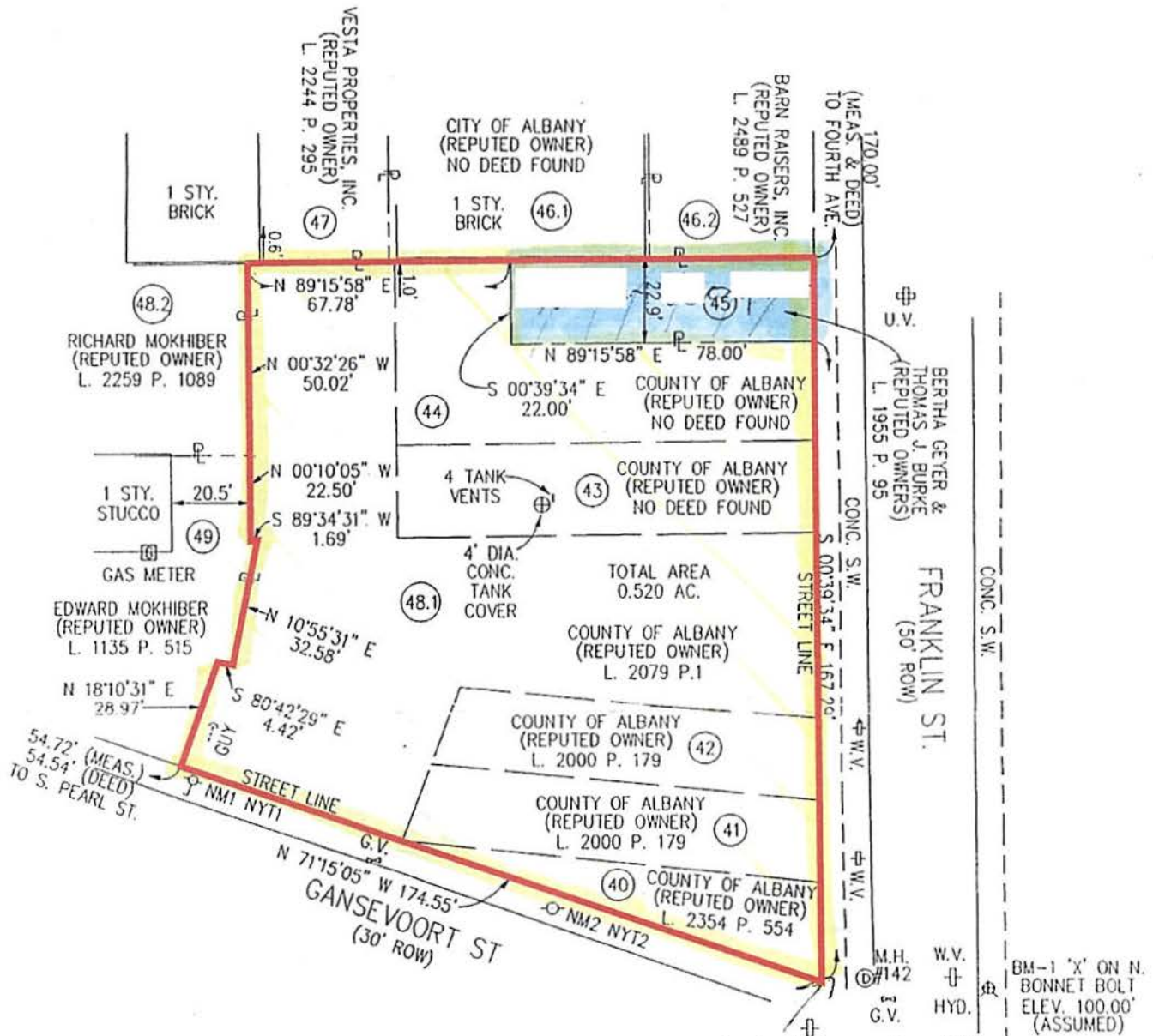
Beginning at a point on the northern boundary of Gansevoort Street at its intersection with the westerly boundary of Franklin Street, thence; N 71 deg.15' 05" W along the northerly boundary of Gansevoort Street a distance of 174.55 feet to a point on the division line between lands of the County of Albany on the east and lands of Edward Mokhiber as described in Liber 1135 of Deeds at Page 515 on the west, thence; along the last mentioned division line the following five (5) courses and distances, (1) N 18 deg. 10' 31" E, 28.97 feet to a point, thence; (2) S 80 deg. 42' 29" E, 4.42 feet to a point, thence; (3) N 10 deg. 55' 31" E, 32.58 feet to a point, thence; (4) S 89 deg. 34' 31" W, 1.69 feet to a point, thence; (5) N 00 deg. 10' 05" W, 22.50 feet to a point at its intersection with the division line between lands of the aforementioned Edward Mokhiber on the south and lands of Richard Mokhiber as described in Liber 2259 of Deeds at Page 1089 on the north, thence; along the division line between said lands of County of Albany on the east and lands of Richard Mokhiber on the west, N 00 deg. 32' 26" W a distance of 50.02 feet to a point at its intersection with the division line between lands of the aforementioned Richard Mokhiber on the south and lands of Vesta Properties, Inc. as described in Liber 2244 of Deeds at Page 295 on the north, thence; N 89 deg. 15' 58" E a distance of 145.78 feet along the division line between said lands of the County of Albany on the south and lands of the said Vesta Properties, Inc., lands of the City of Albany (no deed found), and lands of Barn Raisers, Inc. as described in Liber 2489 of Deeds at Page 527 on the north, to a point on the westerly boundary of said Franklin Street; thence S 00 deg. 39' 34" E along said boundary a distance of 189.29 feet to the point and place of beginning, containing 0.559 acres or 24,350 square feet, more or less. All as shown on a map prepared by OM P. POPLI, P.E., L.S., P.C. dated September 30, 1999.

The above described property is subject to all easements and restrictions of record.

Exhibit B

Site Survey

BOUNDARY MAP OF ALBANY COUNTY BROWNFIELDS



#145 N. RIM ELEV.=97.84' N. INV.=88.9' E. INV.=84.4' W. INV.=84.4'	#143 N. RIM ELEV.=97.75' INV.=83.2'
#144 N. RIM ELEV.=97.70' N. INV.=83.5' W. INV.=84.9' S. INV.=83.5'	#142 STORM M.H. N. RIM ELEV.=98.26' BTM. ELEV.=91.2' WATER ELEV.=92.2'

■ Site Boundary

TAX MAP 76.73-2-(XX)

I. Any unauthorized additions/changes to this survey map is a violation of section 2209, sub-division 2, of the New York State Education Law. 2. Certifications are not transferable to subsequent owners and/or financial institutions. 3. They come from the original of this survey map marked with an original inked or embossed seal of the Land Surveyor shall be considered valid and true copies. This survey map was prepared in accordance with standards jointly adopted by GISIA and MEBA.

I, DM P. POPLI, HEREBY CERTIFY TO:

DM P. POPLI, P.E., L.S., P.C.

N.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 11/29/2016



SITE DESCRIPTION

SITE NO. B00055

SITE NAME Gansevoort/Franklin Street Parcel

SITE ADDRESS: Corner of Gansevoort and Franklin Streets **ZIP CODE:** 12202-

CITY/TOWN: Albany (C)

COUNTY: Albany

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	■	□
Monitoring Plan	□	■
Operation and Maintenance (O&M) Plan	□	■

Periodic Review Frequency: 5 year

Periodic Review Report Submittal Date: 04/28/2018

Description of Institutional Control

Albany County
 Gansevoort and Franklin Street
 Environmental Easement
 Block: 2
 Lot: 40
 Sublot:
 Section: 76
 Subsection: 73
 S_B_L Image:
 Ground Water Use Restriction
 IC/EC Plan
 Landuse Restriction
 Site Management Plan
 Soil Management Plan

Lot: 41
 Sublot:
 Section: 76
 Subsection: 73

S_B_L Image:
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Site Management Plan
Soil Management Plan

Lot: 42
Sublot:
Section: 76
Subsection: 73
S_B_L Image:
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Site Management Plan
Soil Management Plan

Lot: 43
Sublot:
Section: 76
Subsection: 73
S_B_L Image:
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Site Management Plan
Soil Management Plan

Lot: 44
Sublot:
Section: 76
Subsection: 73
S_B_L Image:
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Site Management Plan
Soil Management Plan

Lot: 45
Sublot:
Section: 76
Subsection: 73
S_B_L Image:
Ground Water Use Restriction
IC/EC Plan

Landuse Restriction
Site Management Plan
Soil Management Plan

Lot: 48
Sublot: 1
Section: 76
Subsection: 73
S_B_L Image:
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Site Management Plan
Soil Management Plan

Description of Engineering Control

Albany County

Gansevoort and Franklin Street
Environmental Easement

Block: 2

Lot: 40
Sublot:
Section: 76
Subsection: 73
S_B_L Image:
Cover System

Lot: 41
Sublot:
Section: 76
Subsection: 73
S_B_L Image:
Cover System

Lot: 42
Sublot:
Section: 76
Subsection: 73
S_B_L Image:
Cover System

Lot: 43
Sublot:
Section: 76
Subsection: 73
S_B_L Image:
Cover System

Lot: 44
Sublot:
Section: 76
Subsection: 73
S_B_L Image:
Cover System

Lot: 45
Sublot:

Section: 76
Subsection: 73
S_B_L Image:
Cover System

Lot: 48
Sublot: 1
Section: 76
Subsection: 73
S_B_L Image:
Cover System