



Department of
Environmental
Conservation

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

Check the appropriate box below based on the nature of the amendment modification requested:

Amendment to [check one or more boxes below]

- Add
- Substitute
- Remove
- Change in Name

applicant(s) to the existing Brownfield Cleanup Agreement [*Complete Section I-IV below and Part II*]

Does this proposed amendment involve a transfer of title to all or part of the brownfield site? Yes No

If yes, pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been previously submitted. If not, please submit this form with this Amendment. See <http://www.dec.ny.gov/chemical/76250.html>

Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Sections I and V below and Part II*]

Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Section I and V below and Part II*]

Sites in Bronx, Kings, New York, Queens, or Richmond counties ONLY: Amendment to request determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Please answer questions on the supplement at the end of the form.

Other (explain in detail below)

Please provide a brief narrative on the nature of the amendment:

The original application in certain places referred to the property owned as Ms. Elfriede Littman. The correct owners are LOC Realty Corp. for 1116 River Road (Town of New Windsor Tax Map, Section 9, Block 1, Lot 96.1) and Littman Industries, Inc. for 1126 River Road (Town of New Windsor Tax Map, Section 9, Block 1, Lot 97). Elfriede Littman is the secretary for both entities.

Please refer to the attached instructions for guidance on filling out this application

Section I. Existing Application Information			
BCP SITE NAME: USAI Lighting		BCP SITE NUMBER: C336087	
NAME OF CURRENT APPLICANT(S): BDL, LLC			
INDEX NUMBER OF EXISTING AGREEMENT: C336087		DATE OF EXISTING AGREEMENT: 12-14	
Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)			
NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Is the requestor authorized to conduct business in New York State (NYS)? <input type="checkbox"/> Yes <input type="checkbox"/> No			
<ul style="list-style-type: none"> If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS. 			
NAME OF NEW REQUESTOR'S REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Describe Requestor's Relationship to Existing Applicant:			

Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight new information)

OWNER'S NAME (if different from requestor) LOC Realty Corp. and Littman Industries Inc.

ADDRESS 1126 River Road

CITY/TOWN New Windsor

ZIP CODE 12553

PHONE 845-565-8500

FAX 845-561-1130

E-MAIL blittman@usailighting.com

OPERATOR'S NAME (if different from requestor or owner) USAI Lighting

ADDRESS 1126 River Road

CITY/TOWN New Windsor

ZIP CODE 12553

PHONE 845-565-8500

FAX 845-561-1130

E-MAIL blittman@usailighting.com

Section IV. Eligibility Information for New Requestor. (Please refer to ECL § 27-1407 for more detail)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? Yes No
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site? Yes No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Yes No
Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the subject law; ii) any order or determination; iii) any regulation implementing ECL Article 27 Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. Yes No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, Department assigned site number, the reason for denial, and other relevant information. Yes No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? Yes No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? Yes No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department? Yes No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? Yes No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? Yes No
11. Have all known bulk storage tanks on-site been registered with DEC? Yes No

THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL §27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.

VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

Requestor's Relationship to Property (check one):

Prior Owner Current Owner Potential /Future Purchaser Other _____

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached? Yes No

Note: a purchase contract does not suffice as proof of access.

Section V. Property description and description of changes/additions/reductions (if applicable)

ADDRESS

CITY/TOWN

ZIP CODE

TAX BLOCK AND LOT (TBL) (in existing agreement)

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

Check appropriate boxes below:

Changes to metes and bounds description or TBL correction

Addition of property (may require additional citizen participation depending on the nature of the expansion – see attached instructions)

Approximate acreage added: _____

ADDITIONAL PARCELS:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

Reduction of property

Approximate acreage removed: _____

PARCELS REMOVED:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.

Supplement to the Application To Amend Brownfield Cleanup Agreement And Amendment - Questions for Sites Seeking Tangible Property Credits in New York City ONLY.

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to Tax Law 21(6)? Please see DEC's website for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>From ECL 27-1405(31):</p> <p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>	
3. Is the project an affordable housing project as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>From 6 NYCRR 375- 3.2(a) as of July 1, 2015:</p> <p>(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.</p> <p>(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, that defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income.</p> <p>(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, that sets affordable units aside for tenants at a defined maximum percentage of the area median income.</p> <p>(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.</p>	

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: USAI Lighting	BCP SITE NUMBER: C336087
NAME OF CURRENT APPLICANT(S): BDL, LLC	
INDEX NUMBER OF EXISTING AGREEMENT: C336087	
EFFECTIVE DATE OF EXISTING AGREEMENT: 12-14	

Declaration of Amendment:

By the Requestor(s) and/or Applicant(s) signatures below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

Statement of Certification and Signatures: New Requestor(s) (if applicable)
<p>(Individual)</p> <p>I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: _____ Signature: _____</p> <p>Print Name: _____</p>
<p>(Entity)</p> <p>I hereby affirm that I am (title _____) of (entity _____); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.</p> <p>_____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: _____ Signature: _____</p> <p>Print Name: _____</p>

Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 1/4/16 Signature: [Signature]

Print Name: David Littman

(Entity)

I hereby affirm that I am a member (title) of BDL, LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. [Signature] signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 1/4/16 Signature: [Signature]

Print Name: David Littman

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

<input type="checkbox"/> PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of contamination.	<input checked="" type="checkbox"/> VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.
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Effective Date of the Original Agreement: DECEMBER 31, 2014

Signature by the Department:

DATED: FEB 04 2016

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By: [Signature]
Robert W. Schick, P.E., Director
Division of Environmental Remediation

SUBMITTAL INFORMATION:

- **Two (2)** copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) must be sent to:

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

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____ **LEAD OFFICE:** _____

PROJECT MANAGER: _____

**BROWNFIELD CLEANUP PROGRAM (BCP)
INSTRUCTIONS FOR COMPLETING A BCP AMENDMENT APPLICATION**

This form must be used to add a party, modify a property description, or reduce/expand property boundaries for an existing BCP Agreement and/or Application. **NOTE: DEC requires a standard application to request major changes to the description of the property set forth in the BCA (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). The application must be submitted to DEC in the same manner as the original application to participate.**

SECTION II NEW REQUESTOR INFORMATION

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.

If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.

Requestor Address, etc.

Provide the requestor's mailing address, telephone number; fax number and e-mail address.

Representative Name, Address, etc.

Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative unless another contact name and address is provided with the application.

Consultant Name, Address, etc.

Provide information for the requestor's consultant.

Attorney Name, Address, etc.

Provide information for the requestor's attorney.

SECTION III CURRENT PROPERTY OWNER/OPERATOR INFORMATION - only include if new owner/operator or new existing owner/operator information is provided, and highlight new information in form.

Owner Name, Address, etc.

Provide information for the new owner of the property. List all new parties holding an interest in the property.

Operator Name, Address, etc.

Provide information for the new operator (if different from the new requestor or owner).

SECTION IV NEW REQUESTOR ELIGIBILITY INFORMATION

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

SECTION V PROPERTY DESCRIPTION AND DESCRIPTION OF CHANGES / ADDITIONS / REDUCTIONS (IF APPLICABLE)

NOTE: DEC requires a standard application to request major changes to the description of the property set forth in the BCA (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). The application must be submitted to DEC in the same manner as the original application to participate.

Property Address

Provide a street address, city/town, and zip code. For properties with multiple addresses, provide information for all.

Tax Parcel Information

Provide the tax parcel/section/block/lot information. If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, and/or acceptable site map to this application. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears.

GERALD N. JACOBOWITZ
DAVID B. GUBITS
PETER R. ERIKSEN
HOWARD PROTTER
DONALD G. NICHOL
LARRY WOLINSKY
J. BENJAMIN GAILEY
MARK A. KROHN*
JOHN C. CAPPELLO
GEORGE W. LITHCO
MICHELE L. BABCOCK
MICHAEL L. FOX
*LL.M. IN TAXATION

JACOBOWITZ AND GUBITS, LLP

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JASON C. SCOTT
ALANNA C. IACONO
JENNIFER S. ECHEVARRIA
KELLY A. PRESSLER

JOHN H. THOMAS JR.**
CARMEE G. MURPHY**

**OF COUNSEL

July 30, 2015

Bradford Burns, Esq.
NYS DEC Office of General Counsel
625 Broadway, 14th Floor
Albany, NY 12233

Re: BDL, LLC and USAI, LLC
Brownfield Cleanup Site Application # C336087
Environmental Easement Information
Our File No. 10444-001

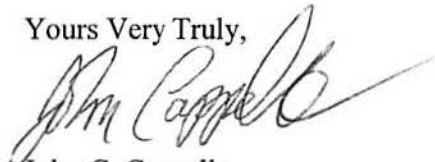
Dear Mr. Burns:

Enclosed please find the following documents that are being submitted in support of the above referenced applicants, Environmental Easement to supplement our June 1, 2015 submission:

1. Copies of Metes and Bounds Environmental Easement description prepared by CT Male Associates, James Cook, PLS dated June 29, 2015;
2. Copies of the Environmental Easement Survey for portion of lands now or formerly LOC Realty Corp. and Littman Industries, Inc., 1116 and 1126 River Road. I note that there is one minor issue relating to clarification of the rights to cross the railroad right of way that is still be researched. Once that issue is resolved the survey may have to undergo a very minor revision, to reflect the results of such research.

Please do not hesitate to contact me with any questions or comments regarding the same and thank you for the attention to this matter.

Yours Very Truly,



John C. Cappello

cc: Matthew Hubicki, DEC Project Manager (with enclosures)
Ms. Elfriede Littman
BDL, LLC
Jeffrey A. Marx, PE
Ms. Susan Sullivan

C. T. MALE ASSOCIATES

Engineering, Surveying, Architecture & Landscape Architecture, D.P.C.

**DESCRIPTION
ENVIRONMENTAL EASEMENT
TOWN OF NEW WINDSOR, COUNTY OF ORANGE, STATE OF NEW YORK**

Easement

All that certain tract, piece or parcel of land situate in the Town of New Windsor, County of Orange, State of New York, lying Easterly of River Road, and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the division line between the lands now or formerly of LOC Realty Corp. as described in Book 5123 of Deeds at Page 165 on the Northeast and the lands now or formerly of IDC Soils Remediation Inc. as described in Book 4102 of Deeds at Page 297 on the Southwest with the Southeasterly highway boundary of River Road and runs thence from the said point of beginning along said Southeasterly highway boundary North 26 deg. 54 min. 58 sec. East 194.56 feet to its point of intersection with the Easterly highway boundary of River Road; thence along said Easterly highway boundary the following two (2) courses: 1) North 17 deg. 19 min. 03 sec. East 120.00 feet to a point; and 2) North 14 deg. 25 min. 03 sec. East 30.00 feet to its point of intersection with the division line between the said lands now or formerly of LOC Realty Corp. on the South and the lands now or formerly of Littman Industries Inc. as described in Book 2635 of Deeds at Page 142 and Book 4065 of Deeds at Page 85 on the North; thence continuing along said Easterly highway boundary of River Road the following five (5) courses: 1) North 14 deg. 26 min. 01 sec. East 96.01 feet to a point; 2) North 05 deg. 08 min. 03 sec. East 475.00 feet to a point; 3) North 10 deg. 28 min. 08 sec. East 82.16 feet to a point; 4) North 15 deg. 30 min. 55 sec. East 39.38 feet to a point; and 5) North 10 deg. 08 min. 38 sec. West 565.07 feet to its point of intersection with the

C. T. MALE ASSOCIATES

Engineering, Surveying, Architecture & Landscape Architecture, D.P.C.

DESCRIPTION

AREA = 11.4± ACRES OF LAND

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division line between the said lands now or formerly of Littman Industries Inc. on the Southwest and the lands now or formerly of Global Companies LLC as described in Book 13019 of Deeds at Page 1248 on the Northeast; thence along said division line the following three (3) courses: 1) South 38 deg. 27 min. 59 sec. East 38.64 feet to a point; 2) South 27 deg. 34 min. 12 sec. East 92.37 feet to a point of curvature; and 3) in a Southeasterly direction along a curve to the left having a radius of 30.00 feet, an arc length of 25.16 feet and a chord bearing of South 51 deg. 35 min. 46 sec. East 24.43 feet to a point of tangency at the point of intersection with the division line between the said lands now or formerly of Littman Industries Inc. on the South and the said lands now or formerly of Global Companies LLC on the North; thence along said division line South 75 deg. 37 min. 42 sec. East 78.83 feet to a point of curvature on the division line between the said lands now or formerly of Littman Industries Inc. on the Southwest and the said lands now or formerly of Global Companies LLC on the Northeast; thence along said division line the following two (2) courses: 1) in a Southeasterly direction along a curve to the right having a radius of 162.72 feet, an arc length of 147.83 feet and a chord bearing of South 49 deg. 36 min. 07 sec. East 142.80 feet to a point of reverse curvature; and 2) in a Southeasterly direction along a curve to the left having a radius of 30.00 feet, an arc length of 26.19 feet and a chord bearing of South 48 deg. 35 min. 06 sec. East 25.37 feet to a point of tangency at the point of intersection with the division line between the said lands now or formerly of Littman Industries Inc. on the South and the

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Engineering, Surveying, Architecture & Landscape Architecture, D.P.C.

DESCRIPTION

AREA = 11.4± ACRES OF LAND

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said lands now or formerly of Global Companies LLC on the North; thence along said division line South 73 deg. 35 min. 34 sec. East 177.86 feet to its point of intersection with the division line between the said lands now or formerly of Littman Industries Inc. on the West and the lands now or formerly of Consolidated Rail Corp. on the East; thence along said division line South 09 deg. 14 min. 33 sec. West 557.91 feet to its point of intersection with the division line between the said lands now or formerly of Littman Industries Inc. on the South and the said lands now or formerly of Consolidated Rail Corp. on the North; thence along said division line South 80 deg. 45 min. 27 sec. East 25.00 feet to its point of intersection with the division line between the said lands now or formerly of Littman Industries Inc. on the West and the said lands now or formerly of Consolidated Rail Corp. on the East; thence along said division line South 09 deg. 14 min. 33 sec. West 471.91 feet to its point of intersection with the division line between the said lands now or formerly of Littman Industries Inc. on the North and the said lands now or formerly of Consolidated Rail Corp. on the South; thence along said division line North 76 deg. 23 min. 57 sec. West 25.07 feet to its point of intersection with the division line between the said lands now or formerly of LOC Realty Corp. on the West and the said lands now or formerly of Consolidated Rail Corp. on the East; thence along said division line the following two (2) courses: 1) South 09 deg. 14 min. 33 sec. West 20.06 feet to a point; and 2) South 08 deg. 58 min. 50 sec. West 396.66 feet to its point of intersection with the above first mentioned division line; thence along said

C. T. MALE ASSOCIATES

Engineering, Surveying, Architecture & Landscape Architecture, D.P.C.

DESCRIPTION

AREA = 11.4± ACRES OF LAND

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above first mentioned division line North 63 deg. 46 min. 14 sec. West 394.74 feet to the point or point or place of beginning and containing 11.4 acres of land, more or less.

C.T. MALE ASSOCIATES

James F. Cook, P.L.S.

June 29, 2015

JFC/amb

C.T. Male Project No. 14.4337



ENGINEERING / INSTITUTIONAL CONTROLS

- **All Engineering Controls** must be maintained as specified in the Site Management Plan (SMP).
- **All Engineering Controls** on the property must be inspected at a frequency and in a manner defined in the SMP.
- **Groundwater Monitoring** and other environmental or public health monitoring must be performed as defined in the SMP.
- **Groundwater Use Restriction** - The use of Groundwater underlying the property is prohibited without treatment rendering safe for intended use.
- **Vapor Intrusion** - The potential for vapor intrusion must be evaluated and managed in accordance with the Site Management Plan. Areas that are identified must be monitored or mitigated.
- **Vegetable Gardens** - and farming on the property are prohibited.
- **Soil Cover** - Any breach of the natural site cover, including for the purpose of construction, shall be repaired, replaced, or reseeded according to the Site Management Plan (SMP). Site soil excavated and removed from the property must be managed, characterized, and properly disposed of in accordance with the NYSDEC regulations and directives. Guidelines for management of subsurface soil/fill and long-term maintenance of the natural site cover is provided in the SMP.
- **Land Use** - The use and development of the site is limited to Commercial and Industrial uses only as defined in 6 NYCRR Part 375-1.8(g)(2) (iii) & (iv).

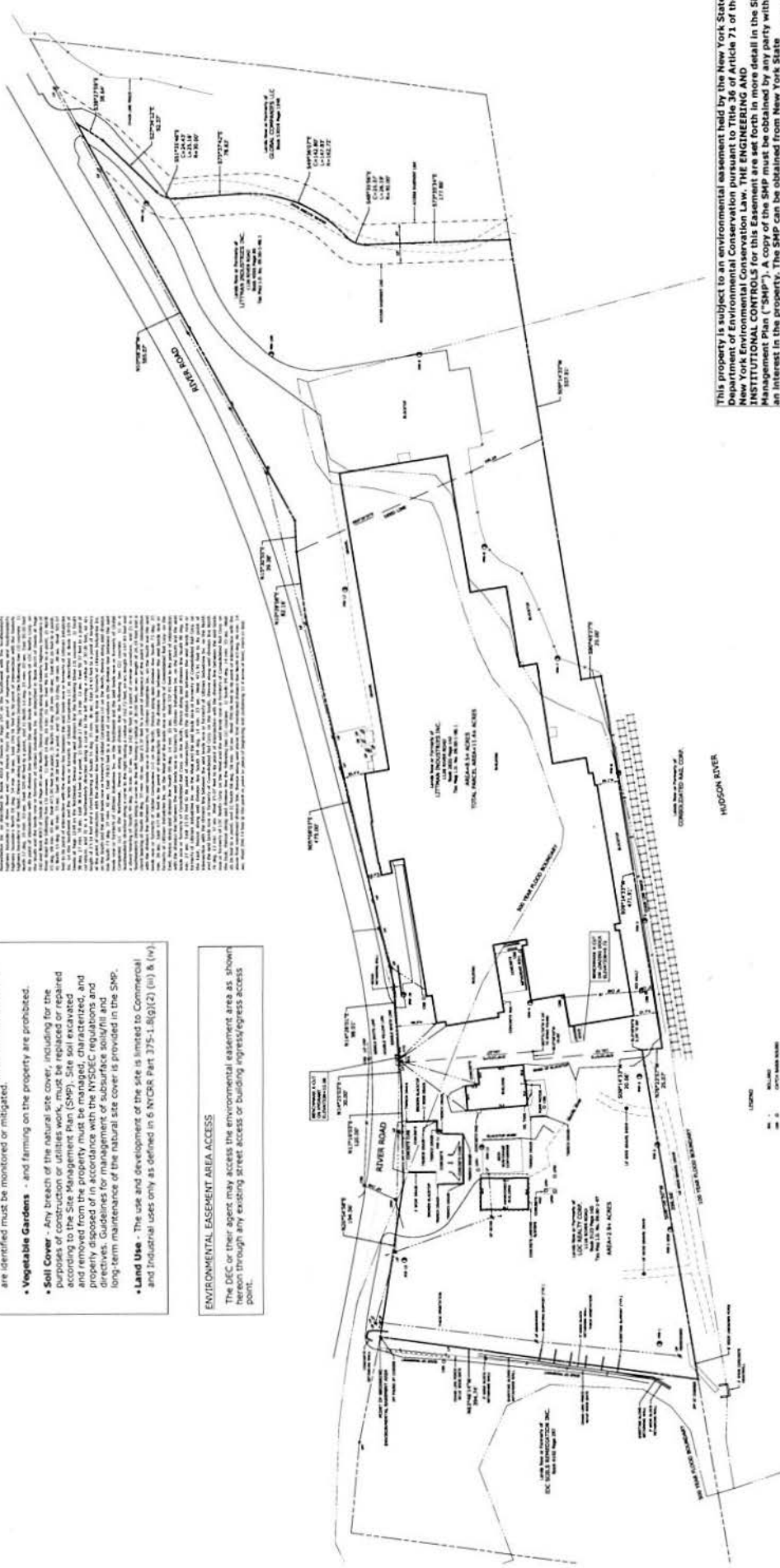
ENVIRONMENTAL EASEMENT AREA ACCESS

The DEC or their agent may access the environmental easement area as shown hereon through any existing street access or building ingress/egress access point.

- MAP NOTES:**
1. All work shall be done in accordance with the applicable laws and regulations of the State of New York.
 2. The client is responsible for providing all necessary information and data for the preparation of this report.
 3. The client is responsible for obtaining all necessary permits and approvals from the appropriate regulatory agencies.
 4. The client is responsible for providing all necessary information and data for the preparation of this report.
 5. The client is responsible for providing all necessary information and data for the preparation of this report.
- MAP REFERENCES:**
1. New York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at deweb06dec.ny.gov.

ENVIRONMENTAL EASEMENT DESCRIPTION:

The Environmental Easement Area (EEA) is defined as the area of land that is necessary for the proper management and remediation of the site. The EEA is shown on this map as a shaded area. The EEA includes the area of land that is necessary for the proper management and remediation of the site, including the area of land that is necessary for the proper management and remediation of the site.



This property is subject to an environmental assessment held by the New York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at deweb06dec.ny.gov.

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DATE	APPROVED BY	PROJECT NO.	SCALE
12/15/2011	[Signature]	11-11-11-001	1" = 100'

ENVIRONMENTAL ASSESSMENT SURVEY
 NATIONAL ASSOCIATION OF ENVIRONMENTAL ENGINEERS
 LOC REALTY CORP. A LUTTMAN INDUSTRIES INC.
 1015 LUTTMAN DRIVE
 ALBANY, NY 12208

C.T. MALE ASSOCIATES
 ENGINEERS AND ARCHITECTS
 1015 LUTTMAN DRIVE
 ALBANY, NY 12208

PROJECT NO. 11-11-11-001
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