

New York State Department of Environmental Conservation

Division of Environmental Remediation

Office of the Director, 12th Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 • Fax: (518) 402-9020

Website: www.dec.ny.gov



Joe Martens
Commissioner

DEC 23 2014

Mr. Joseph Kirchhoff
1561 Ulster Properties, LLC
MHMG-KM Kingston, LLC
Ulster Commons I, II, III, IV, V, LLC
199 West Road, Suite 101
Pleasant Valley, NY 12569

Re: Certificate of Completion
Site Name: Former Miron Pre-Cast Facility
Site No. C356049
1561, 1571, 1581 and 1601 Ulster Avenue
Lake Katrine, Ulster (T), Ulster County

Dear Mr. Kirchhoff:

Congratulations on having satisfactorily completed the remedial program at the Former Miron Pre-Cast Facility. Enclosed please find an original, signed Certificate of Completion. The New York State Department of Environmental Conservation (DEC) 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.

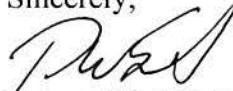
Please note that you are required to perform the following tasks:

- If you are the site owner, you must 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; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter;
- Place the notice of the COC in the document repository for the site within 10 days of issuance of the COC;
- Implement the DEC-approved 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 DEC 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 DEC in April 14, 2016; and
- You and your lessees must submit an annual report to the New York State Department of Taxation and Finance within one year and for each of the following eleven years after the execution of the Brownfield Site Cleanup Agreement. The Report must provide the information required by Chapter 390 of the Laws of 2008, Tax Law Section 171-s.

DEC will prepare and distribute to the Site Contact List a fact sheet describing the institutional and engineering controls that are required at the site.

If you have any questions regarding any of these items, please contact the project manager for this site, Mr. Matthew Hubicki, at (518) 402-9662.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

Enclosures

ec: G. Bowitch – Bowitch & Coffey, LLP (bowitch@bcalbany.com)
J. McIver – CT Male (J.McIver@ctmale.com)
J. Kirchhoff – Kirchhoff Companies (jkirchhoff@kirchhoffcompanies.com)
J. Kane – Kirchhoff Companies (jkane@kirchhoffcompanies.com)
Krista Anders, DOH
Maureen Schuck, DOH
Fay Navratil, DOH
Michael Ryan, DEC
George Heitzman, DEC
James Candiloro, DEC
Edward Moore, DEC
Benjamin Conlon, DEC
Rosalie K. Rusinko, DEC
Andrew Guglielmi, DEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
1561 Ulster Properties, LLC	199 West Road, Suite 101, Pleasant Valley, NY 12569
MHMG-KM Kingston, LLC	199 West Road, Suite 101, Pleasant Valley, NY 12569
Ulster Commons I, LLC	199 West Road, Suite 101, Pleasant Valley, NY 12569
Ulster Commons II, LLC	199 West Road, Suite 101, Pleasant Valley, NY 12569
Ulster Commons III, LLC	199 West Road, Suite 101, Pleasant Valley, NY 12569
Ulster Commons IV, LLC	199 West Road, Suite 101, Pleasant Valley, NY 12569
Ulster Commons V, LLC	199 West Road, Suite 101, Pleasant Valley, NY 12569

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 9/25/12 **Agreement Execution:** 11/8/12 **Agreement Index No.:** C356049-09-12

Application Approval Amendment: 12/13/12 **Agreement Execution Amendment:** 1/8/13

Application Approval Amendment: 11/26/13 **Agreement Execution Amendment:** 11/26/13

Application Approval Amendment: 7/11/14 **Agreement Execution Amendment:** 7/11/14

SITE INFORMATION:

Site No.: C356049 **Site Name:** Former Miron Pre-Cast Facility

Site Owner: 1561 Ulster Properties, LLC, MHMG-KM Kingston, LLC, and Ulster Commons III, LLC

Street Address: 1561, 1571, 1581, and 1601 Ulster Ave.

Municipality: Ulster **County:** Ulster **DEC Region:** 3

Site Size: 10.755 Acres

Tax Map Identification Number(s): 39.82-2-7.111, 39.82-2-7.112, 39.82-2-7.115, 39.82-2-7.116

Percentage of site located in an EnZone: 0 - 49 %

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 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

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 Brownfield Site Cleanup Agreement, 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 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 BCP: Restricted-Residential, Commercial, and Industrial

Cleanup Track: Track 2: Restricted use with generic soil cleanup objectives

Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 40 %.

Tangible Property Credit Component Rate is 12 %.

Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 40 %.

Tangible Property Credit Component Rate is 10 %.

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 Environmental Easements granted pursuant to ECL Article 71, Title 36 which have been duly recorded in the Recording Office for Ulster County as 14434-05810-00181, 14435-05810-00190 and 14435-05810-00200.

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 27-1421. 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 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 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 27-1419.5 and 6NYCRR Part 375-1.9.

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 ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

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.

Joseph J. Martens
Commissioner
New York State Department of Environmental Conservation

By:



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

Date:

December 23, 2014

NOTICE OF CERTIFICATE OF COMPLETION

Brownfield Cleanup Program

6 NYCRR Part 375-1.9(d)

Former Miron Pre-Cast Facility, Site ID No. C356049

1561, 1571, 1581, 1601 Ulster Avenue, Lake Katrine, NY 12449

Town of Ulster, Ulster County, Tax Map Identification Number: 39.82-2-7.111, 39.82-2-7.112, 39.82-2-7.115, 39.82-2-7.116

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to MHMG-KM Kingston, LLC, 1561 Ulster Properties, LLC, Ulster Commons I, LLC, Ulster Commons II, LLC, Ulster Commons III, LLC, Ulster Commons IV, LLC, and Ulster Commons V, LLC for four (4) tax parcels totaling approximately 10.76 acres located at 1561, 1571, 1581, and 1601 Ulster Avenue in the Town of Ulster, Ulster County. MHMG-KM Kingston, LLC is the owner of tax lot 39.82-2-7.111. 1561 Ulster Properties, LLC is the owner of tax lots 39.82-2-7.112 and 39.82-2-7.116. Ulster Commons III, LLC is the owner of tax lot 39.82-2-7.115.

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 Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 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 the Ulster 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 have been duly recorded in the Recording Office for Ulster County as 14434-05810-00181 and 14435-05810-00190 and 14435-05810-00200.

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 27-1421. The liability limitation shall run with the land, extending to the Certificate holders 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 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

PLEASE TAKE NOTICE, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

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 holders successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 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 NYSDECs Region 3 Office located at 21 South Putt Corners Rd, New Paltz, NY 12564 by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

MHGM-KM Kingston, LLC

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:
MHMG-KM Kingston, LLC
Attn: Mr. Joseph Kirchhoff
199 West Road, Suite 101
Pleasant Valley, NY 12569

1561 Ulster Properties, LLC

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:
1561 Ulster Properties, LLC
Attn: Mr. Joseph Kirchhoff
199 West Road, Suite 101
Pleasant Valley, NY 12569

Ulster Commons I, II, III, IV, V, LLC

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:
Ulster Commons I, II, III, IV, V, LLC
Attn: Mr. Joseph Kirchhoff
199 West Road, Suite 101
Pleasant Valley, New York 12569



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/5/2014



SITE DESCRIPTION

SITE NO. C356049

SITE NAME Former Miron Pre-Cast Facility

SITE ADDRESS: 1561 Ulster Ave. ZIP CODE: 12449

CITY/TOWN: Lake Katrine/Ulster (T)

COUNTY: Ulster

ALLOWABLE USE: Restricted-Residential, 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: once a year

Periodic Review Report Submitted Date: 04/14/2016

Description of Institutional Control

1561 Ulster Properties, LLC

199 West Road, Suite 101

1581 Ulster Avenue (Lot 2)

Environmental Easement

Block: 2

Lot: 7

Sublot: 112

Section: 39

Subsection: 82

S_B_L Image: 39.82-2-7.112

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Site Management Plan

O&M Plan

1561 Ulster Properties, LLC

199 West Road, Suite 101

1571 Ulster Avenue (Lot 6)

Environmental Easement

Block: 2
Lot: 7
Sublot: 116
Section: 39
Subsection: 82
S_B_L Image: 39.82-2-7.116
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Site Management Plan
O&M Plan

MHMG-KM Kingston, LLC

199 West Road, Suite 101
1561 Ulster Avenue (Lot 1)
Environmental Easement

Block: 2
Lot: 7
Sublot: 111
Section: 39
Subsection: 82
S_B_L Image: 39.82-2-7.111
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Site Management Plan
O&M Plan

Ulster Commons III, LLC

199 West Road, Suite 101
1601 Ulster Avenue (Lot 5)
Environmental Easement

Block: 2
Lot: 7
Sublot: 115
Section: 39
Subsection: 82
S_B_L Image: 39.82-2-7.115
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Site Management Plan
O&M Plan

Description of Engineering Control

1561 Ulster Properties, LLC

199 West Road, Suite 101
1581 Ulster Avenue (Lot 2)
Environmental Easement

Block: 2
Lot: 7
Sublot: 112
Section: 39
Subsection: 82

S_B_L Image: 39.82-2-7.112
Vapor Mitigation

1561 Ulster Properties, LLC

199 West Road, Suite 101

1571 Ulster Avenue (Lot 6)

Environmental Easement

Block: 2

Lot: 7

Sublot: 116

Section: 39

Subsection: 82

S_B_L Image: 39.82-2-7.116
Vapor Mitigation

MHMG-KM Kingston, LLC

199 West Road, Suite 101

1561 Ulster Avenue (Lot 1)

Environmental Easement

Block: 2

Lot: 7

Sublot: 111

Section: 39

Subsection: 82

S_B_L Image: 39.82-2-7.111
Vapor Mitigation

Ulster Commons III, LLC

199 West Road, Suite 101

1601 Ulster Avenue (Lot 5)

Environmental Easement

Block: 2

Lot: 7

Sublot: 115

Section: 39

Subsection: 82

S_B_L Image: 39.82-2-7.115
Vapor Mitigation

EXHIBIT A

SCHEDULE "A" PROPERTY DESCRIPTION

SURVEY DESCRIPTION

LOT 2, Tax Parcel No. 39.82-2.7.112

FILED MAP #13-134

ALL that plot, piece or parcel of land situate and being in the Town of Ulster, County of Ulster, State of New York bounded and described as follows:

BEGINNING at the northeasterly corner of the herein described parcel, said point being on the southerly bounds of Lot 3 as shown on a map entitled "Subdivision Plat MHMG-KM Kingston, LLC" dated July 10, 2013, prepared by the Chazen Companies and Filed in the Ulster County Clerk's office on October 18, 2013 as Filed Map #13-134; thence along the division line between Lot 2 and Lot 5 as shown on said Filed Map, S 16°03'00" W 182.81 feet to a point on the northerly bounds of Lot 1 as shown on said Filed Map and to a point on a non-tangent curve to the right having a radius of 300.00 feet; thence along the division line between lot 1 and Lot 2, along said curve, an arc length of 2.89 feet, having a chord bearing of N 74°13'32" W 2.89 feet to the point of tangency; thence N 73°57'00" W 98.61 feet, S 16°03'05" W 250.31 feet, N 73°50'00" W 218.30 feet, N 16°03'05" E 312.68 feet and N 79°35'50" W 36.11 feet to a point; thence along the division line between the herein described parcel and the lands now or formerly of New York Central Line, LLC as described in Book 1398 of deeds at page 1138, N 16°03'05" E 38.52 feet to a point; thence along the division line between Lot 2 and Lot 3 as shown on said Filed Map #13-134, S 73°56'55" E 298.66 feet, N 47°46'03" E 99.98 feet and S 73°55'59" E 4.50 feet to the point or place of beginning.

CONTAINING: 2.061 ACRES OF LAND MORE OR LESS.

Being and intended to be all that parcel of land designated as Lot # 2 as shown on a map entitled "Subdivision Plat MHMG-KM Kingston, LLC", dated July 10, 2013, prepared by the Chazen Companies and Filed in the Ulster County Clerk's office on October 18, 2013 as Filed Map #13-134.

Subject to a 30 foot wide Sewer Easement as shown on said Filed Map #13-134.

Also subject to a 20 foot wide Sewer Easement as described in Liber 1290 of Deeds at Page 1065 and Page 1085.

SURVEY DESCRIPTION

LOT 6, Tax Parcel No. 39.82-2.7.116

FILED MAP #13-134

ALL that plot, piece or parcel of land situate and being in the Town of Ulster, County of Ulster, State of New York bounded and described as follows:

BEGINNING at a point on the westerly highway boundary of New York State Route 9W, said point being the northeasterly corner of the herein described parcel as shown on a map entitled "Subdivision Plat MHMG-KM Kingston, LLC" dated July 10, 2013, prepared by the Chazen Companies and Filed in the Ulster County Clerk's office on October 18, 2013 as Filed Map #13-134 and said point being an angle point on the property line of Lot 1 as shown on said Filed Map; thence along the westerly highway boundary of New York State Route 9W and also along

the northwesterly bounds of the New York State Route 209 entrance ramp, S 14°57'00" W 98.64 feet, S 07°07'33" W 44.01 feet, S 15°25'22" W 83.51 feet, S 25°28'17" W 61.61 feet, S 35°35'34" W 95.13 feet and S 51°08'04" W 28.13 feet to the southeasterly corner of the herein described parcel; thence along the division line between Lot 1 and Lot 6 as shown on said Filed Map, N 38°51'56" W 234.87 feet to the point of curvature of a tangent curve to the right having a radius of 20.00 feet; thence along said curve, a distance of 19.17 feet, having a chord bearing of N 11°24'25" W and a distance of 18.44 feet to the point of tangency; thence N 16°03'05" E 220.84 feet to the point of curvature of a tangent curve to the right having a radius of 30.00 feet; thence along said curve, a distance of 50.83 feet, having a chord bearing of N 64°35'11" E and a distance of 44.96 feet to the point of tangency; thence S 66°52'43" E 47.26 feet to the point of curvature of a tangent curve to the left having a radius of 300.00 feet; thence along said curve, a distance of 49.40 feet, having a chord bearing of S 71°35'44" E and a distance of 49.34 feet; thence S 76°18'45" E 119.34 feet to the point or place of beginning.

CONTAINING: 1.920 ACRES OF LAND MORE OR LESS.

Being and intended to be all that parcel of land designated as Lot 6 as shown on a map entitled "Subdivision Plat MHMG-KM Kingston, LLC", dated July 10, 2013, prepared by the Chazen Companies and Filed in the Ulster County Clerk's office on October 18, 2013 as Filed Map #13-134.

Subject to a Sewer Easement as described in Liber 1290 of Deeds at Page 1065 and Page 1085. Also subject to a Traffic Signal Easement as shown on said Filed Map #13-134.
December 30, 2013

SCHEDULE "A" PROPERTY DESCRIPTION

SURVEY DESCRIPTION

LOT 1, Tax Parcel No. 39.82-2.7.111

FILED MAP #13-134

ALL that plot, piece or parcel of land situate and being in the Town of Ulster, County of Ulster, State of New York bounded and described as follows:

BEGINNING at a point on the westerly highway boundary of New York State Route 9W, said point being the northeasterly corner of the herein described parcel and said point being the southeasterly corner of Lot 5 as shown on a map entitled "Subdivision Plat MHMG-KM Kingston, LLC", dated July 10, 2013, prepared by the Chazen Companies and Filed in the Ulster County Clerk's office on October 18, 2013 as Filed Map #13-134; thence along the westerly highway boundary of New York State Route 9W, S 14°57'00" W 58.09 feet to the northeasterly corner of Lot 6 as shown on said Filed Map; thence along the division line between Lot 1 and Lot 6 as shown on said Filed Map, N 76°18'45" W 119.34 feet to the point of curvature of a tangent curve to the right having a radius of 300.00 feet; thence along said curve, a distance of 49.40 feet, having a chord bearing of N 71°35'44" W and a distance of 49.34 feet to the point of tangency; thence N 66°52'43" W 47.26 feet to the point of curvature of a tangent curve to the left having a radius of 30.00 feet; thence along said curve, a distance of 50.83 feet, having a chord bearing of S 64°35'11" W and a distance of 44.96 feet to the point of tangency; thence S 16°03'05" W 220.84 feet to the point of curvature of a tangent curve to the left having a radius of 20.00 feet; thence along said curve, a distance of 19.17 feet, having a chord bearing of S 11°24'25" E and a distance of 18.44 feet to the point of tangency; thence S 38°51'56" E 234.87 feet to a point on the northwesterly boundary of New York State Route 209 entrance ramp; thence along the northwesterly and northerly highway boundary of New York State Route 209, S 51°08'04" W 266.90 feet, S 46°37'21" W 286.80 feet and N 73°56'16" W 196.16 feet to a point on the easterly bounds of the lands now or formerly of New York Central Line, LLC as described in Book 1398 of deeds at page 1138; thence along the division line between the herein described parcel and said lands now or formerly of New York Central Line, LLC, N 16°03'05" E 965.98 feet to the northwesterly corner of the herein described parcel; thence continuing along the division line between the herein described parcel and the lands now or formerly of New York Central Line, LLC, and also along Lot 2 as shown on the above referenced map, S 79°35'50" E 52.69 feet to an angle point on the division line between Lot 1 and Lot 2 as shown on said Filed Map; thence continuing along the division line between Lot 1 and Lot 2 and also along Lot 5 as shown on said Filed Map, S 16°03'05" W 312.68 feet, S 73°50'00" E 218.30 feet, N 16°03'05" E 250.31 feet and S 73°57'00" E 98.61 feet to the point of curvature of a tangent curve to the left having a radius of 300.00 feet; thence along said curve, a distance of 36.39 feet, having a chord bearing of S 77°25'32" E and a distance of 36.37 feet to the point of tangency; thence S 80°54'03" E 65.69 feet to the point of curvature of a tangent curve to the right a radius of 300.00 feet; thence along said curve, a distance of 24.02 feet, having a chord bearing of S 78°36'24" E and a distance of 24.02 feet to the point of tangency; thence S 76°18'45" E 47.99 feet to the point or place of beginning.

CONTAINING: 6.062 ACRES OF LAND MORE OR LESS.

Being and intended to be all that parcel of land designated as Lot 1 as shown on a map entitled

"Subdivision Plat MHMG-KM Kingston, LLC", dated July 10, 2013, prepared by the Chazen Companies and Filed in the Ulster County Clerk's office on October 18, 2013 as Filed Map #13-134.

Subject to a Traffic Signal Easement and a 30 foot wide Sewer Easement as shown on said Filed Map #13-134.

Also subject to a 20 foot wide Sewer Easement as described in Liber 1290 of Deeds at Page 1065 and Page 1085.

SCHEDULE "A" PROPERTY DESCRIPTION

SURVEY DESCRIPTION

LOT 5, Tax Parcel No. 39.82-2.7.115

FILED MAP #13-134

ALL that plot, piece or parcel of land situate and being in the Town of Ulster, County of Ulster, State of New York bounded and described as follows:

BEGINNING at a point on the westerly highway boundary of New York State Route 9W, said point being the southeasterly corner of the herein described parcel as shown on a map entitled "Subdivision Plat MHMG-KM Kingston, LLC" dated July 10, 2013, prepared by the Chazen Companies and Filed in the Ulster County Clerk's office on October 18, 2013 as Filed Map #13-134 and said point being the northeasterly corner of Lot 1 as shown on said Filed Map; thence along the division line between Lot 1 and Lot 5 as shown on said Filed Map, N 76°18'45" W 47.99 feet to the point of curvature of a tangent curve to the left having a radius of 300.00 feet; thence along said curve, a distance of 24.02 feet, having a chord bearing of N 78°36'24" W and a distance of 24.02 feet to the point of tangency; thence N 80°54'03" W 65.69 feet to the point of curvature of a tangent curve to the right having a radius of 300.00 feet; thence along said curve, a distance of 33.50 feet, having a chord bearing of N 77°42'04" W and a distance of 33.49 feet; thence along the division line between Lot 2 and Lot 5 as shown on said Filed Map, N 16°03'00" E 182.81 feet to the northwesterly corner of the herein described parcel; thence along the division line between Lot 3 and Lot 5 as shown on said Filed Map, S 73°55'59" E 12.53 feet and N 16°03'05" E 7.52 feet to the southwesterly corner of Lot 4 as shown on said Filed Map; thence along the division line between Lot 4 and Lot 5, S 73°55'13" E 126.45 feet to the point of curvature of a tangent curve to the left having a radius of 48.00 feet; thence along said curve, a distance of 38.15 feet, having a chord bearing of N 83°18'34" E and a distance of 37.16 feet to a point on the westerly highway boundary of New York State Route 9W; thence along the westerly highway boundary of New York State Route 9W, S 18°51'26" W 93.63 feet and S 14°57'00" W 97.05 feet to the point or place of beginning.

CONTAINING: 0.714 ACRES OF LAND MORE OR LESS.

Being and intended to be all that parcel of land designated as Lot 5 as shown on a map entitled "Subdivision Plat MHMG-KM Kingston, LLC", dated July 10, 2013, prepared by the Chazen Companies and Filed in the Ulster County Clerk's office on October 18, 2013 as Filed Map #13-134.

Subject to a Sewer Easement as described in Liber 1290 of Deeds at Page 1069.

EXHIBIT B

