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

March 26, 2013

Fuller Partners, LLC
Edward Hoe (ehoe_hoeassociates@taconic.net)
1133 State Route 295
East Chatham, New York 12060

Re: Brownfield Cleanup Agreement Amendment
136 Fuller Road
Site ID No.: C401055
Index No.: A4-0618-02-09
Amendment No. 1

Dear Volunteer:

This letter is forwarded to your attention in response to the request submitted to the New York State Department of Environmental Conservation (Department) to amend the Brownfield Cleanup Agreement ("BCA" or "Agreement") executed on April 27, 2009. The letter, submitted by Kevin M. Young, Esq., requested that the above referenced BCA be amended to reduce the size of the site by modifying the metes and bounds description, deleting a .16 acre triangular section of the parcel, and attaching a revised map of the site.

In reliance upon, and in furtherance of the application and previous discussions, if any, of this matter between the Department's staff and the BCP applicant's representatives to date, the request to amend the BCA is hereby granted and incorporated into and is enforceable pursuant to the subject Agreement, effective immediately upon the receipt of this counter-signed Amendment to the Department. Specifically, the acreage of the site described in Paragraph III of the BCA is hereby changed from 15.72 acres to 15.56 acres (excluding approximately 0.16 ± acres) and the reference to Tax Map/Parcel No. is amended to read 53.00-1-47 of the County of Albany, the Tax Map No. 53.05-1-17 of the Town of Guilderland being deleted as depicted on the revised Site Map attached to the letter request and attached hereto as a new Exhibit A.

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.

Please print this Amendment and have the authorized representative counter-sign this letter to acknowledge acceptance of this Amendment, and send an original signature back to the Department, along **with submitting proof that the party executing the BCA Amendment are authorized to bind the Requestors** at:

New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 12th Floor
Albany, New York 12233-7011

Please keep a copy of this letter as proof of the BCA Amendment.

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.

Please contact me if you have any questions in this regard. Thank you for your assistance in this matter.

Sincerely,

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

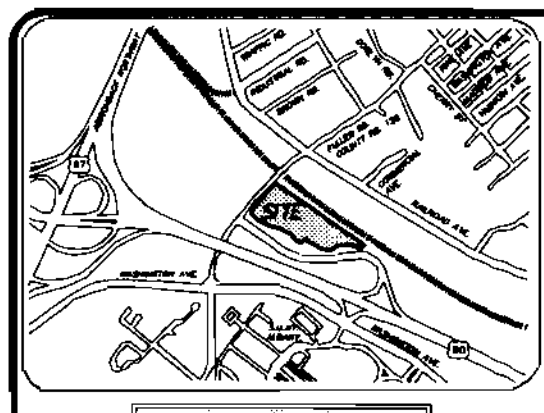
The following Applicant, in signing this letter, does hereby acknowledge and accept the Amendment to the BCA as set forth above.

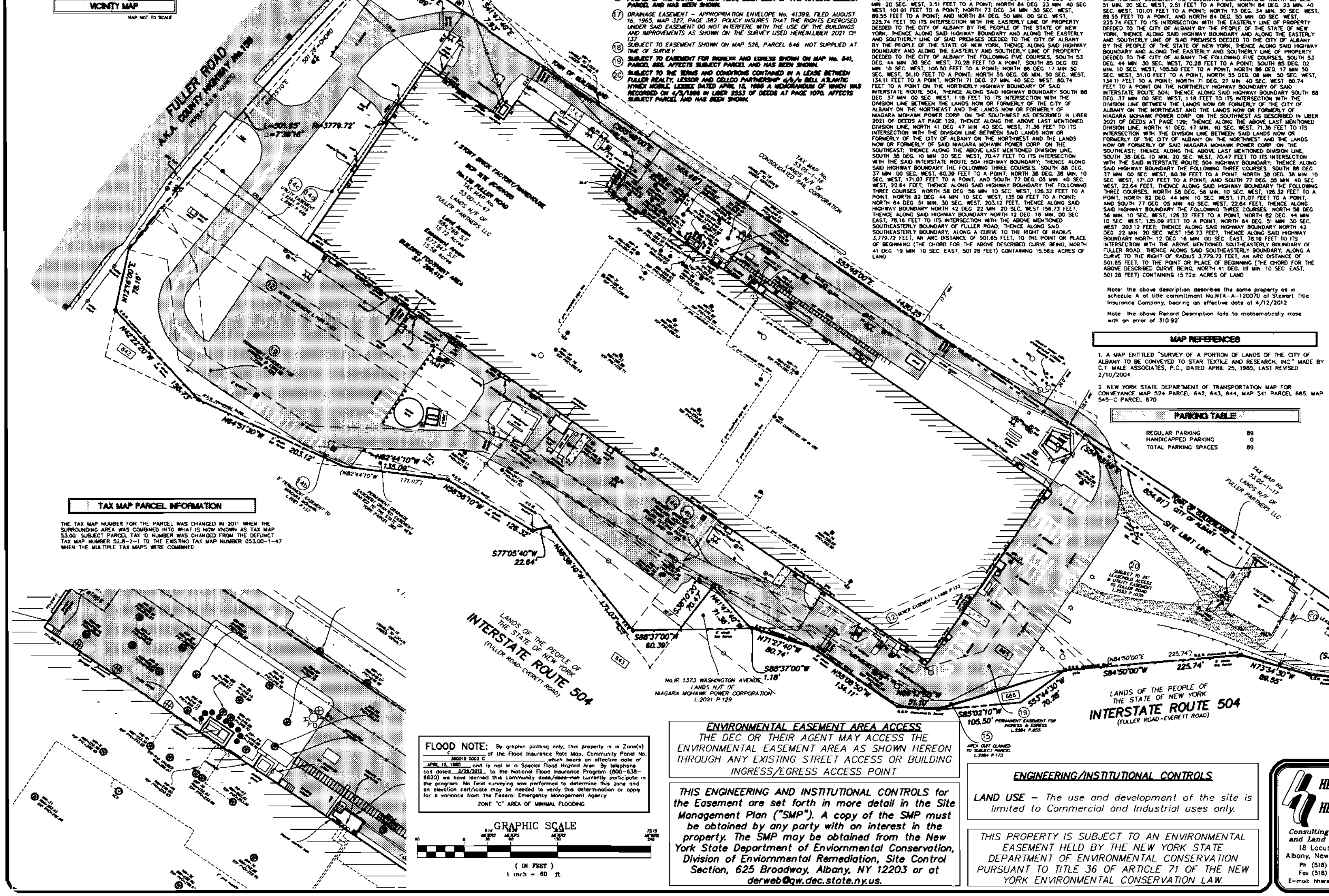
member manager 3/26/13

Edward Hoe, Member Manager – Fuller Partners, LLC Date

ec: Michael Caruso, DEC
Robert Cozzy, DEC
James Moras, DEC
John Durnin, DEC
Sue Bolesky, DEC
Kelly Lewandowski, DEC
Kevin M. Young (kyoung@youngsommer.com)

EXHIBIT A
SITE MAP





NOTES CORRESPONDING TO SCHEDULE B SECTION 2 ITEMS

(11) DRAINAGE EASEMENT – LIBER 1437 CP 283. CANNOT PLOT, MAP REFERENCE NOT SUPPLIED AT TIME OF SURVEY.

(12) SEWER EASEMENT – LIBER 1450 CP 60 AS MODIFIED BY LIBER 1480 CP 123. AFFECTS SUBJECT PARCEL AND HAS BEEN SHOWN.

(13) WATER LINE EASEMENT – LIBER 1450 CP 60. CANNOT BE PLOTTED VAGUE IN DESCRIPTION

(14a) UTILITY EASEMENT – LIBER 2021 CP 128. AFFECTS SUBJECT PARCEL AND HAS BEEN SHOWN.

(14a) UTILITY BRUSH CUTTING RIGHTS – LIBER 2021 CP 128. AFFECTS SUBJECT PARCEL AND HAS BEEN SHOWN.

(14b) UTILITY EASEMENT – LIBER 2021 CP 137. AFFECTS SUBJECT PARCEL AND HAS BEEN SHOWN.

(14c) UTILITY EASEMENT – LIBER 2344 CP 1118. AFFECTS SUBJECT PARCEL AND HAS BEEN SHOWN.

(14d) UTILITY EASEMENT – LIBER 2567 CP 448. AFFECTS SUBJECT PARCEL AND HAS BEEN SHOWN.

(15) PERMANENT EASEMENT FOR INGRESS AND EASEMENT RESERVED TO THE PEOPLE OF THE STATE OF NEW YORK, LIBER 2284 CP 173. AFFECTS SUBJECT PARCEL AND HAS BEEN SHOWN.

(17) DRAINAGE EASEMENT – APPROPRIATION ENVELOPE No. 41399, FILED AUGUST 16, 1965, MAP 327, PAGE 382. POLICY INSURES THAT THE RIGHTS EXERCISED UNDER SAID EASEMENT DO NOT INTERFERE WITH THE USE OF THE BUILDINGS AND IMPROVEMENTS AS SHOWN ON THE SURVEY USED HEREIN.LIBER 2021 CP 137

(18) SUBJECT TO EASEMENT SHOWN ON MAP 526, PARCEL 646. NOT SUPPLIED AT TIME OF SURVEY

(19) SUBJECT TO EASEMENT FOR INGRESS AND EGRESS SHOWN ON MAP No. 541, PARCEL 665. AFFECTS SUBJECT PARCEL AND HAS BEEN SHOWN.

(20) SUBJECT TO THE TERMS AND CONDITIONS CONTAINED IN A LEASE BETWEEN FULLER REALTY, LESSOR AND CELLCO PARTNERSHIP d/b/a BELL ATLANTIC NYNEX MOBILE, LESSEE DATED APRIL 15, 1996 A MEMORANDUM OF WHICH WAS RECORDED ON 4/5/1996 IN LIBER 2553 OF DEEDS AT PAGE 1070. AFFECTS SUBJECT PARCEL AND HAS BEEN SHOWN.

SITE AND ENVIRONMENTAL EASEMENT AREA DESCRIPTION

ALL THAT PARCEL OF LAND SITUATE IN THE CITY OF ALBANY, ALBANY COUNTY, STATE OF NEW YORK, LYING ON THE SOUTHEASTERLY SIDE OF FULLER ROAD AND NORTHERLY AND NORTHEASTERLY OF INTERSTATE ROUTE 504 (FULLER ROAD-EVERETT ROAD) AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A BEND POINT IN THE SOUTHEASTERLY BOUNDARY OF FULLER ROAD (COUNTY HIGHWAY No.156), SAID POINT BEING THE MOST NORTHERLY CORNER OF A PARCEL OF LAND CONVEYED TO THE CITY OF ALBANY IN LIBER 2046 OF DEEDS, PAGE 879, SAID POINT ALSO BEING ON THE REPUTED CITY LINE BETWEEN THE TOWN OF GUILDERLAND ON THE NORTHEAST AND CITY OF ALBANY ON THE SOUTHWEST. RUNNING THENCE FROM SAID POINT OF BEGINNING ALONG SAID REPUTED CITY LINE, SOUTH 54 DEG. 48 MIN. 50 SEC. EAST, 153.89 FEET TO A POINT ON THE SOUTHWESTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF CONSOLIDATED RAIL CORPORATION, THENCE ALONG SAID SOUTHWESTERLY BOUNDARY THE FOLLOWING THREE COURSES: SOUTH 41 DEG 47 MIN 40. SEC EAST, 7.93 FEET TO A POINT; SOUTH 55 DEG 48 MIN. 00 SEC EAST, 565.49 FEET TO A POINT. SOUTH 54 DEG. 43 MIN 49 SEC. EAST, 854.91 FEET TO A POINT, THENCE THROUGH THE LANDS NOW OR FORMERLY OF THE CITY OF ALBANY , SOUTH 34 DEG. 11 MIN 40 SEC. WEST, 32.33 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF INTERSTATE ROUTE 504 (FULLER ROAD-EVERETT ROAD), THENCE ALONG SAID HIGHWAY BOUNDARY THE FOLLOWING FOUR COURSES. NORTH 68 DEG 51 MIN 20 SEC. WEST, 2.51 FEET TO A POINT; NORTH 84 DEG 23 MIN 40 SEC WEST, 101.01 FEET TO A POINT; NORTH 73 DEG 34 MIN 30 SEC WEST, 89.55 FEET TO A POINT; AND NORTH 84 DEG. 50 MIN. 00 SEC. WEST, 225.74 FEET TO ITS INTERSECTION WITH THE EASTERLY LINE OF PROPERTY DEEDED TO THE CITY OF ALBANY BY THE PEOPLE OF THE STATE OF NEW YORK, THENCE ALONG SAID HIGHWAY BOUNDARY AND ALONG THE EASTERLY AND SOUTHERLY LINE OF SIAD PREMISES DEEDED TO THE CITY OF ALBANY BY THE PEOPLE OF THE STATE OF NEW YORK, THENCE ALONG SAID HIGHWAY BOUNDARY AND ALONG THE EASTERLY AND SOUTHERLY LINE OF PROPERTY DEEDED TO THE CITY OF ALBANY THE FOLLOWING FIVE COURSES, SOUTH 53 DEG. 44 MIN 30 SEC WEST, 70.28 FEET TO A POINT, SOUTH 85 DEG 02 MIN 10 SEC. WEST, 105.50 FEET TO A POINT; NORTH 86 DEG 17 MIN 50 SEC. WEST, 51.10 FEET TO A POINT; NORTH 55 DEG. 08 MIN. 50 SEC. WEST, 134.11 FEET TO A POINT, NORTH 71 DEG. 27 MIN. 40 SEC WEST, 80.74 FEET TO A POINT ON THE NORTHERLY HIGHWAY BOUNDARY OF SAID INTERSTATE ROUTE 504, THENCE ALONG SAID HIGHWAY BOUNDARY SOUTH 88 DEG 37 MIN 00 SEC WEST, 1.18 FEET TO ITS INTERSECTION WITH THE DIVISION LINE BETWEEN THE LANDS NOW OR FORMERLY OF THE CITY OF ALBANY ON THE NORTHEAST AND THE LANDS NOW OR FORMERLY OF NIAGARA MOHAWK POWER CORP ON THE SOUTHWEST AS DESCRIBED IN LIBER 2021 OF DEEDS AT PAGE 129, THENCE ALONG THE ABOVE LAST MENTIONED DIVISION LINE, NORTH 41 DEG 47 MIN 40 SEC. WEST, 71.36 FEET TO ITS INTERSECTION WITH THE DIVISION LINE BETWEEN SAID LANDS NOW OR FORMERLY OF THE CITY OF ALBANY ON THE NORTHWEST AND THE LANDS NOW OR FORMERLY OF SAID NIAGARA MOHAWK POWER CORP ON THE SOUTHEAST; THENCE ALONG THE ABOVE LAST MENTIONED DIVISION LINE, SOUTH 38 DEG. 10 MIN 20 SEC WEST, 70.47 FEET TO ITS INTERSECTION WITH THE SAID INTERSTATE ROUTE 504 HIGHWAY BOUNDARY; THENCE ALONG SAID HIGHWAY BOUNDARY THE FOLLOWING THREE COURSES. SOUTH 88 DEG. 37 MIN 00 SEC. WEST, 60.39 FEET TO A POINT; NORTH 38 DEG. 38 MIN. 10 SEC. WEST, 171.07 FEET TO A POINT, AND SOUTH 77 DEG. 05 MIN 40 SEC. WEST, 22.64 FEET; THENCE ALONG SAID HIGHWAY BOUNDARY THE FOLLOWING THREE COURSES NORTH 58 DEG 56 MIN 10 SEC WEST, 126.32 FEET TO A POINT, NORTH 82 DEG 44 MIN 10 SEC WEST, 135.09 FEET TO A POINT; NORTH 84 DEG 51 MIN. 30 SEC. WEST, 203.12 FEET, THENCE ALONG SAID HIGHWAY BOUNDARY NORTH 42 DEG 22 MIN 20 SEC. WEST 156.73 FEET, THENCE ALONG SAID HIGHWAY BOUNDARY NORTH 12 DEG 16 MIN. 00 SEC EAST, 78.16 FEET TO ITS INTERSECTION WITH THE ABOVE MENTIONED SOUTHEASTERLY BOUNDARY OF FULLER ROAD; THENCE ALONG SAID SOUTHEASTERLY BOUNDARY, ALONG A CURVE TO THE RIGHT OF RADIUS 3,779.72 FEET, AN ARC DISTANCE OF 501.65 FEET, TO THE POINT OR PLACE OF BEGINNING (THE CHORD FOR THE ABOVE DESCRIBED CURVE BEING, NORTH 41 DEG 19 MIN 10 SEC EAST, 501.28 FEET) CONTAINING 15.56± ACRES OF LAND

RECORD DESCRIPTION

ALL THAT PARCEL OF LAND, SITUATE PARTIALLY IN THE CITY OF ALBANY AND PARTIALLY IN THE TOWN OF GUILDERLAND, ALBANY COUNTY, STATE OF NEW YORK, LYING ON THE SOUTHEASTERLY SIDE OF FULLER ROAD AND NORTHERLY AND NORTHEASTERLY OF INTERSTATE ROUTE 504 (FULLER ROAD-EVERETT ROAD) AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS

BEGINNING AT A BEND POINT IN THE SOUTHEASTERLY BOUNDARY OF FULLER ROAD (COUNTY HIGHWAY No.156), SAID POINT BEING THE MOST NORTHERLY CORNER OF A PARCEL OF LAND CONVEYED TO THE CITY OF ALBANY IN LIBER 2046 OF DEEDS, PAGE 879, SAID POINT ALSO BEING ON THE REPUTED CITY LINE BETWEEN THE TOWN OF GUILDERLAND ON THE NORTHEAST AND CITY OF ALBANY ON THE SOUTHWEST; RUNNING THENCE FROM SAID POINT OF BEGINNING ALONG SAID REPUTED CITY LINE SOUTH 54 DEG 48 MIN 50 SEC. EAST, 153.89 FEET TO A POINT ON THE SOUTHWESTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF CONSOLIDATED RAIL CORPORATION; THENCE ALONG SAID SOUTHWESTERLY BOUNDARY THE FOLLOWING TWO COURSES. SOUTH 41 DEG 47 MIN 40 SEC EAST, 7.93 FEET TO A POINT; SOUTH 55 DEG 48 MIN 00 SEC EAST, 1420.25 FEET TO A POINT, THENCE THROUGH THE LANDS NOW OR FORMERLY OF THE CITY OF ALBANY , SOUTH 34 DEG. 11 MIN. 40 SEC. WEST. 48.29 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF INTERSTATE ROUTE 504 (FULLER ROAD-EVERETT ROAD); THENCE ALONG SAID HIGHWAY BOUNDARY THE FOLLOWING FOUR COURSES: NORTH 68 DEG. 51 MIN. 20 SEC. WEST, 2.51 FEET TO A POINT, NORTH 84 DEG. 23 MIN. 40 SEC. WEST, 101.01 FEET TO A POINT; NORTH 73 DEG. 34 MIN. 30 SEC WEST, 89.55 FEET TO A POINT, AND NORTH 84 DEG. 50 MIN 00 SEC WEST, 225.74 FEET TO ITS INTERSECTION WITH THE EASTERLY LINE OF PROPERTY DEEDED TO THE CITY OF ALBANY BY THE PEOPLE OF THE STATE OF NEW YORK. THENCE ALONG SAID HIGHWAY BOUNDARY AND ALONG THE EASTERLY AND SOUTHERLY LINE OF SIAD PREMISES DEEDED TO THE CITY OF ALBANY BY THE PEOPLE OF THE STATE OF NEW YORK, THENCE ALONG SAID HIGHWAY BOUNDARY AND ALONG THE EASTERLY AND SOUTHERLY LINE OF PROPERTY DEEDED TO THE CITY OF ALBANY THE FOLLOWING FIVE COURSES. SOUTH 53 DEG. 44 MIN 30 SEC. WEST, 70.28 FEET TO A POINT; SOUTH 85 DEG. 02 MIN. 10 SEC. WEST, 105.50 FEET TO A POINT; NORTH 86 DEG. 17 MIN 50 SEC. WEST, 51.10 FEET TO A POINT, NORTH 55 DEG. 08 MIN 50 SEC. WEST, 134.11 FEET TO A POINT; NORTH 71 DEG. 27 MIN 40 SEC. WEST 80.74 FEET TO A POINT ON THE NORTHERLY HIGHWAY BOUNDARY OF SAID INTERSTATE ROUTE 504; THENCE ALONG SAID HIGHWAY BOUNDARY SOUTH 88 DEG. 37 MIN 00 SEC WEST, 1.18 FEET TO ITS INTERSECTION WITH THE DIVISION LINE BETWEEN THE LANDS NOW OR FORMERLY OF THE CITY OF ALBANY ON THE NORTHEAST AND THE LANDS NOW OR FORMERLY OF NIAGARA MOHAWK POWER CORP ON THE SOUTHWEST AS DESCRIBED IN LIBER 2021 OF DEEDS AT PAGE 129; THENCE ALONG THE ABOVE LAST MENTIONED DIVISION LINE, NORTH 41 DEG. 47 MIN. 40 SEC. WEST, 71.36 FEET TO ITS INTERSECTION WITH THE DIVISION LINE BETWEEN SAID LANDS NOW OR FORMERLY OF THE CITY OF ALBANY ON THE NORTHWEST AND THE LANDS NOW OR FORMERLY OF SAID NIAGARA MOHAWK POWER CORP ON THE SOUTHEAST; THENCE ALONG THE ABOVE LAST MENTIONED DIVISION LINE, SOUTH 38 DEG. 10 MIN. 20 SEC WEST, 70.47 FEET TO ITS INTERSECTION WITH THE SAID INTERSTATE ROUTE 504 HIGHWAY BOUNDARY; THENCE ALONG SAID HIGHWAY BOUNDARY THE FOLLOWING THREE COURSES. SOUTH 88 DEG 37 MIN 00 SEC WEST, 60.39 FEET TO A POINT, NORTH 38 DEG. 38 MIN 10 SEC WEST, 171.07 FEET TO A POINT; AND SOUTH 77 DEG. 05 MIN 40 SEC WEST. 22.64 FEET, THENCE ALONG SAID HIGHWAY BOUNDARY THE FOLLOWING THREE COURSES. NORTH 58 DEG. 56 MIN. 10 SEC. WEST, 126.32 FEET TO A POINT, NORTH 82 DEG 44 MIN 10 SEC WEST, 171.07 FEET TO A POINT, AND SOUTH 77 DEG 05 MIN 40 SEC. WEST, 22.64 FEET, THENCE ALONG SAID HIGHWAY BOUNDARY THE FOLLOWING THREE COURSES NORTH 58 DEG 56 MIN. 10 SEC. WEST, 126.32 FEET TO A POINT, NORTH 82 DEG 44 MIN 10 SEC WEST, 135.09 FEET TO A POINT, NORTH 84 DEG. 51 MIN 30 SEC. WEST 203.12 FEET; THENCE ALONG SAID HIGHWAY BOUNDARY NORTH 42 DEG 22 MIN 20 SEC WEST 156.73 FEET, THENCE ALONG SAID HIGHWAY BOUNDARY NORTH 12 DEG 16 MIN 00 SEC EAST, 78.16 FEET TO ITS INTERSECTION WITH THE ABOVE MENTIONED SOUTHEASTERLY BOUNDARY OF FULLER ROAD, THENCE ALONG SAID SOUTHEASTERLY BOUNDARY, ALONG A CURVE TO THE RIGHT OF RADIUS 3,779.72 FEET, AN ARC DISTANCE OF 501.65 FEET, TO THE POINT OR PLACE OF BEGINNING (THE CHORD FOR THE ABOVE DESCRIBED CURVE BEING, NORTH 41 DEG. 19 MIN 10 SEC EAST, 501.28 FEET) CONTAINING 15.72± ACRES OF LAND

Note: the above description describes the same property as in schedule A of title commitment No.NTA-A-120070 of Stewart Title Insurance Company, bearing an effective date of 4/12/2012

Note: the above Record Description fails to mathematically close with an error of 310.92'

MAP REFERENCES

1. A MAP ENTITLED "SURVEY OF A PORTION OF LANDS OF THE CITY OF ALBANY TO BE CONVEYED TO STAR TEXTILE AND RESEARCH, INC." MADE BY C.T MALE ASSOCIATES, P.C., DATED APRIL 25, 1985, LAST REVISED 2/10/2004

2. NEW YORK STATE DEPARTMENT OF TRANSPORTATION MAP FOR CONVEYANCE MAP 524 PARCEL 642, 643, 644, MAP 541 PARCEL 665, MAP 545-C PARCEL 670

PARKING TABLE

REGULAR PARKING	89
HANDICAPPED PARKING	0
TOTAL PARKING SPACES	89

LEGEND

R.O.W	RIGHT OF WAY
No	NUMBER
enc	ENCROACHMENT
P.O.B.	POINT OF BEGINNING
S.F	SQUARE FEET
N/F	NOW OR FORMERLY
Ft	FEET
Deg	DEGREE
R	RECORD
M	MEASURED
N	NORTH
S	SOUTH
E	EAST
W	WEST
tel.	TELEPHONE
elec	ELECTRIC
L	LIBER
P	PAGE

MONUMENT; IRON ROD; MANHOLE; CATCHBASIN; SIGN; BOLLARD; FENCE LINE; GUARD RAIL; OVERHEAD WIRE, UTILITY POLE & GUY WIRE; TRAFFIC FLOW ACCESS AREA; WATER VALVE; POST INDICATOR VALVES; GAS VALVE; STREET LIGHT; ENVIRONMENTAL MONITOR WELL; RECOVERY WELL; VAPOR EXTRACTION WELL; CITY LINE; SITE LIMIT LINE; STONE; PAVEMENT; GRAVEL; CONCRETE; DIRT

GENERAL NOTES

1. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209-2, OF THE NEW YORK STATE EDUCATION LAW

2. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH THE LAND SURVEYOR'S SIGNATURE AND AN ORIGINAL EMBOSSED OR INK SEAL SHALL BE CONSIDERED VALID TRUE COPIES

3. THIS SURVEY WAS PREPARED FOR THE PARTIES AND PURPOSE INDICATED HEREON. ANY EXTENSION OF THE USE BEYOND THE PARTIES OR PURPOSE INDICATED IS EXPRESSLY FORBIDDEN WITHOUT WRITTEN RELEASE OR PERMISSION OF FRANCIS G. McCLOSKEY, LICENSE No. 049441.

4. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR EXAMINED OR CONSIDERED AS PART OF THIS SURVEY.

5. THIS SURVEY MAP IS SUBJECT TO WHATEVER FACTS AN ACCURATE AND CURRENT ABSTRACT OF TITLE MAY SHOW.

6. ABSTRACT OF TITLE PROVIDED BY STEWART TITLE INSURANCE COMPANY, TITLE No.NTA-A-120070, EFFECTIVE DATE 4/12/2012

7. SPOT ELEVATIONS AND CONTOURS ARE BASED ON NAVD88 DATUM

8. UNDERGROUND UTILITIES SHOWN ARE TAKEN FROM FIELD LOCATION WHERE POSSIBLE AND FROM RECORD DATA. THEIR EXACT LOCATION IN THE FIELD MAY DIFFER FROM THAT SHOWN HEREIN AND ADDITIONAL UTILITIES MAY EXIST. CALL DIG SAFELY NEW YORK AT 1-800-962-7962 TO HAVE UTILITIES MARKED ON SITE PRIOR TO COMMENCEMENT OF CONSTRUCTION

9. THERE IS NO OBSERVABLE EVIDENCE OF CEMETERIES, EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS ON SUBJECT PARCEL

10. THERE IS NO OBSERVABLE EVIDENCE OF SUBJECT PARCEL BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL

11. THERE IS NO VISIBLE EVIDENCE OF UNUSUAL SUBSURFACE MATTERS SUCH AS , BUT NOT LIMITED TO, CONDEMNATION BY THE EPA OR FAA BUILDING HEIGHT RESTRICTION ON SUBJECT PARCEL

ZONING INFORMATION

C-M DISTRICT
LIGHT INDUSTRIAL DISTRICT

MIN FRONT YARD	20 FEET
MIN SIDE YARD	10 FEET ON ONE SIDE; MINIMUM OF 30 FEET ON BOTH SIDES
MIN. REAR YARD	20 FEET
MAX BUILDING HEIGHT	55 FEET
MAX LOT COVERAGE	50%

ZONING INFORMATION ADOPTED FROM: CODE OF THE CITY OF ALBANY VOLUME II ARTICLE XI SECTION 375-75

SURVEYOR'S CERTIFICATE

TO: 1. THE PEOPLE OF THE STATE OF NEW YORK ACTING THROUGH ITS COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (2) STEWART TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2011, ITEMS 1, 2, 3, 4, 6(a), 7(a), 7(b)(1), 8, 9, ,11(a), 11(b), 13, 16, 17, 18 OF TABLE A THEREOF, PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF NEW YORK, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN

DATE 3/17/2012

SIGNED [signature]
Registration No 49441

STATE OF NEW YORK – FRANCIS G. McCLOSKEY – No. 049441 – LICENSED LAND SURVEYOR

TAX MAP PARCEL INFORMATION

THE TAX MAP NUMBER FOR THE PARCEL WAS CHANGED IN 2011 WHEN THE SURROUNDING AREA WAS COMBINED INTO WHAT IS NOW KNOWN AS TAX MAP 53.00. SUBJECT PARCEL TAX ID NUMBER WAS CHANGED FROM THE DEFUNCT TAX MAP NUMBER 52.8-2-1 TO THE EXISTING TAX MAP NUMBER 053.00-1-47 WHEN THE MULTIPLE TAX MAPS WERE COMBINED

FLOOD NOTE: By graphic plotting only, this property is in Zone(s) C of the Flood Insurance Rate Map, Community Panel No. 360010 0002 C ,which bears an effective date of APRIL 15, 1980 and is not in a Special Flood Hazard Area. By telephone call dated 3/28/2012 to the National Flood Insurance Program (800-638-6620) we have learned this community does/~~does not~~ currently participate in the program. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency

ZONE "C" AREA OF MINIMAL FLOODING

GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.

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

THIS ENGINEERING AND INSTITUTIONAL CONTROLS for the Easement are set forth in more detail in the Site Management Plan ("SMP"). A copy of the SMP must be obtained by any party with an interest in the property. The SMP may be obtained from the New York State Department of Enviornmental Conservation, Division of Enviornmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12203 or at derweb@gw.dec.state.ny.us.

ENGINEERING/INSTITUTIONAL CONTROLS

LAND USE – The use and development of the site is limited to Commercial and Industrial uses only.

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW.

HERSHBERG & HERSHBERG
Consulting Engineers and Land Surveyors
18 Locust Street
Albany, New York 12203
Ph (518) 459-3096
Fax (518) 459-5683
E-mail: hhershberg@aol.com

ALTA/ACSM LAND TITLE SURVEY

MAP SHOWING LOCATION OF BUILDINGS AND IMPROVEMENTS WITH REFERENCE TO PROPERTY LINES OF

No.136 FULLER ROAD
BCP SITE #C401055

CITY OF ALBANY, TOWN OF GUIDERLAND, COUNTY OF ALBANY, STATE OF NEW YORK

ALTERATION OF THIS DOCUMENT, EXCEPT BY A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR, IS ILLEGAL.

REVISIONS: 3/6/2013 (REVISED ENVIRONMENTAL EASEMENT AREA DESCRIPTION)

DATE:3/17/2012	SCALE:1"=60'	BY:AVC	CHK:GRT	MAP No. 120036

CONSENT OF MEMBERS
OF
FULLER PARTNERS LLC
TO COMPANY ACTION

The undersigned, being all of the Members of **FULLER PARTNERS LLC,** a New York limited liability company (the "Company"), being duly authorized to act herein as contemplated by Section 3.2 of the Operating Agreement of the Company dated February 7, 2006, do hereby consent to the following action by said limited liability company, and deem the same to be valid company action, and further direct that this Consent be filed with the Minutes of the meetings of the Members:

It is hereby RESOLVED:

1. THAT the Company is not in dissolution, but a valid and active limited liability company in the State of New York;

2. THAT the Company authorizes Member Manager Edward L. Hoe to execute as signer for the Company the Brownfield Cleanup Agreement Amendment dated March 26, 2013.

3. THAT the execution and delivery of any document authorized by this resolution by any Member of the Company, shall be conclusive evidence of the Company's approval of the terms and provisions of such document and shall be binding on the Company; and

4. THAT this document may be executed in a multiple counterparts which, taken together, shall constitute one (1) resolution, and a facsimile copy hereof shall be treated as an original document.

Dated this 27th day of March 2013.

ROSCOE LLC

Edward L. Hoe, Member Manager

FULLER ROAD HOLDINGS LLC

M. Scott Mellen, Member Manager