

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

APR 25 2013



Joe Martens
Commissioner

Mr. Edward Hoe, Member Manager
Fuller Partners, LLC
1133 State Route 295
East Chatham, NY 12060

Re: Certificate of Completion
Site Name: 136 Fuller Road
Site No. C401055
City of Albany, Albany County

Dear Mr. Hoe:

Congratulations on having satisfactorily completed the remedial program at the 136 Fuller Road Brownfield Cleanup Program Site. 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.

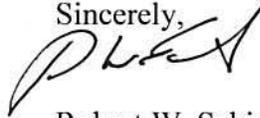
Please note that you are required to perform the following tasks:

- 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;
- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. DEC will develop a fact sheet describing the institutional and engineering controls (IC/EC) that are required at the site and distribute it to the County Listserv within 10 days;
- 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 by August 25, 2014; 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.

If you have any questions regarding any of these items, please contact John Durnin at (518) 402-9768.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

cc:

Leigh Peritz, WTE
Arlette Meader, The Chazen Companies
Kim Baines, Earth Environmental
Kevin Young, Young Sommer LLC
K. Anders, DOH
J. Crua, DOH
M. Schuck, DOH
R. Cozzy, DEC
J. Brown, DEC
J. Durnin, DEC
Y. Ward, DEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
FULLER PARTNERS, LLC	1133 State Route 295, East Chatham, NY 12060

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 2/23/09 **Agreement Execution:** 4/27/09 **Agreement Index No.:** A4-0618-02-09/
Amendment No. 1

Application Approval Amendment: none **Agreement Execution Amendment:** 4/15/13

SITE INFORMATION

Site No.: C401055 **Site Name:** 136 Fuller Road
Site Owner: Fuller Partners, LLC
Street Address: 136 Fuller Road
Municipality: Albany **County:** Albany **DEC Region:** 4
Site Size: 15.560 Acres
Tax Map Identification Number(s): 53.00-1-47
Percentage of site located in an EnZone: 100 %

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: Commercial and Industrial

Cleanup Track: Track 4: Restricted use with site-specific 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 25 %.
Tangible Property Credit Component Rate is 20 %.

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

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 25 %.
Tangible Property Credit Component Rate is 18 %.

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 as Book 3063, Page 595/ document No. 11374450.

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

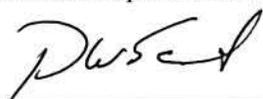
This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (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: APRIL 25, 2013

NOTICE OF CERTIFICATE OF COMPLETION

Brownfield Cleanup Program

6 NYCRR Part 375-1.9(d)

136 Fuller Road, Site ID No. C401055

136 Fuller Road, Albany, NY, 12205

City of Albany, Albany County, Tax Map Identification Number 53.00-1-47

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 Fuller Partners, LLC for a parcel approximately 15.56 acres located at 136 Fuller Road in the City of Albany, Albany County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the 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 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 Document Recording Number 11374450, Book 3063, Page 595.

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 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.

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

136 Fuller Road, C401055, 136 Fuller Road, Albany, NY, 12205

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 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 Department's Region 4 Office located at 1130 North Westcott Road, Schenectady, NY 12306-2014, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Fuller Partners, 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:
Fuller Partners, LLC
c/o Mr. Edward Hoe
1133 State Route 295
East Chatham, NY 12060

12/03/09



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 4/25/2013



SITE DESCRIPTION

SITE NO. C401055

SITE NAME 136 Fuller Road

SITE ADDRESS: 136 Fuller Road **ZIP CODE:** 12205

CITY/TOWN: Albany

COUNTY: Albany

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

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

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 06/15/2014

Description of Institutional Control

Fuller Partners, LLC
 1133 State Route 295
136 Fuller Road
 Environmental Easement
 Block: 1
 Lot: 47
 Sublot:
 Section: 53
 Subsection: 00
 S_B_L Image: 53.00-1-47
 Ground Water Use Restriction
 IC/EC Plan
 Landuse Restriction
 Monitoring Plan
 O&M Plan
 Site Management Plan

Description of Engineering Control

Fuller Partners, LLC

1133 State Route 295

136 Fuller Road

Environmental Easement

Block: 1

Lot: 47

Sublot:

Section: 53

Subsection: 00

S_B_L Image: 53.00-1-47

Air Sparging/Soil Vapor Extraction

Cover System

Groundwater Treatment System

Vapor Mitigation

**LEGAL DESCRIPTION
ENVIRONMENTAL EASEMENT
No.136 FULLER ROAD
BCP SITE #C401055
CITY OF ALBANY, COUNTY OF ALBANY, STATE OF NEW YORK**

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 679, 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. 06 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 64 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.

Date: 8/14/2012

Revised: 3/4/2013

Job No.2012-0036

File: S:/docs/tony/120036-EE

