Albany County Clerk
16 Eagle St. Rm 128
Albany, NY 12207

Return to:

FULLER PARTNERS LLC
C/O MR EDWARD HOE
1133 STATE ROUTE 295
EAST CHATHAM NY 12060

Instrument Miscellaneous

Document Number: 11387265 Book: 53 Page: 186

First party

NYS DEPT OF ENVIRONMENTAL CONSERVATION

Second party

FULLER PARTNERS LLC

Number of Pages: 7

Recorded Date/Time 05/01/2013 at 10:07 AM

Receipt Number 762662

Note: ** DO NOT REMOVE - THIS PAGE IS PART OF THE DOCUMENT **

THIS PAGE CONSTITUTES THE CLERK'S ENDORSEMENT, REQUIRED BY SECTION 316-a(5) & 319 OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK.

Thomas G. Clingan, County Clerk

LIBER 053 PAGE 156

NOTICE OF CERTIFICATE OF COMPLETION
Brownfield Cleanup Program
6 NYCRR Part 375-1.9(d)

Albany County Clerk
Document Number 11387265
Rcvd 05/01/2013 10:07:00 AM

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.

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

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: Edward Hoe
member manager of Fuller Partners LLC

Title: member, Fuller Partners LLC

Date: April 29, 2013

STATE OF NEW YORK) SS:
COUNTY OF Columbia)

On the 29th day of April, in the year 2013 before me, the undersigned, personally appeared Edward Hoe, 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.

Mary Deyerle Hack
Signature and Office of individual
taking acknowledgment

Mary Deyerle Hack
Notary Public, State of New York
No. 31-5025612
Qualified in Columbia County

12/03/09

14

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

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	☒	☐
Monitoring Plan	☒	☐
Operation and Maintenance (O&M) Plan	☒	☐

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

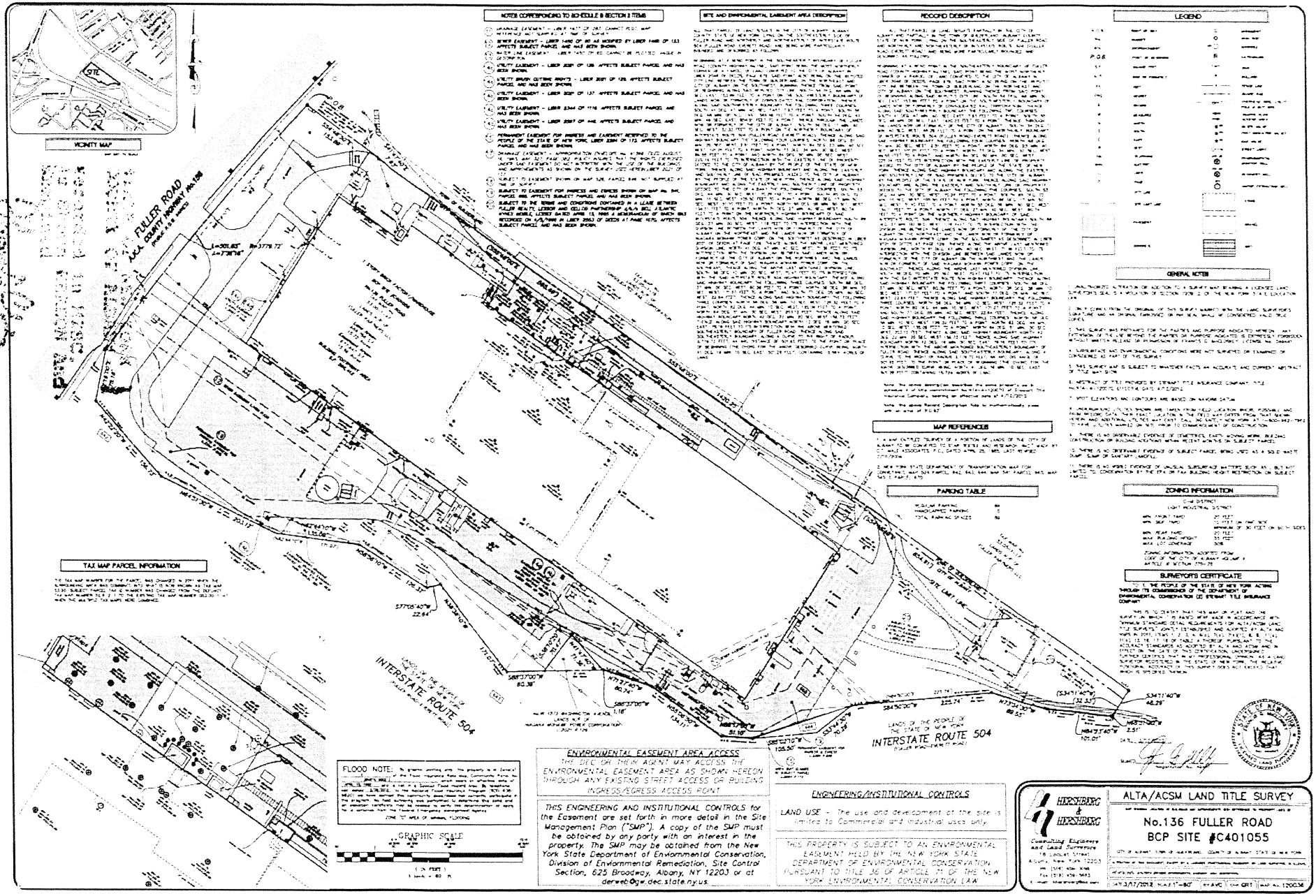
LEGAL DESCRIPTION
ENVIRONMENTAL EASEMENT
No.136 FULLER ROAD
BCP SITE #C401055
CITY OF ALBANY, COUNTY OF ALBANY, STATE OF NEW YORK

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


VICINITY MAP
SITE
FULLER ROAD
LOCAL COUNTY HIGHWAY (NO. 136)
NOTES CORRESPONDING TO SCHEDULE B SECTION 2 ITEMS
SITE AND ENVIRONMENTAL EASEMENT AREA DESCRIPTION
RECORD DESCRIPTION
LEGEND
GENERAL NOTES
MAP REFERENCES
PARKING TABLE
ZONING INFORMATION
TAX MAP PARCEL INFORMATION
SURVEYOR'S CERTIFICATE
INTERSTATE ROUTE 504
LANDS OF THE PEOPLE OF THE STATE OF NEW YORK
FLOOD NOTE:
GRAPHIC SCALE
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 Environmental Conservation, Division of Environmental 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.
HIRSCHBERG & HIRSCHBERG
Consulting Engineers and Land Surveyors
18 Lincoln Street
Saugerties, New York 12477
ALTA/ACSM LAND TITLE SURVEY
No.136 FULLER ROAD
BCP SITE #C401055
DATE 3/17/2012 SCALE 1"=80' BY AVC CHK GRT MAP No. 12003M