



ALBANY COUNTY – STATE OF NEW YORK  
 BRUCE A. HIDLEY COUNTY CLERK  
 16 EAGLE STREET, ALBANY, NEW YORK 12207

COUNTY CLERK'S RECORDING PAGE

\*\*\*THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH\*\*\*



INSTRUMENT #: R2024-18770

Receipt#: 20240745000  
 Clerk: HC  
 Rec Date: 11/07/2024 09:32:56 AM  
 Doc Grp: D  
 Descrip: DEED, EASEMENT  
 Num Pgs: 7  
 Rec'd Frm: Nixon Peabody LLP

Party1: TROY BELTING&SUPPLY COMPANY  
 Party2: PEOPLE OF THE STATE OF NEW YORK  
 THROUGH COMMISSIONER OF THE DEPARTMENT OF  
 ENVIRONMENTAL CONSERVATION

Recording:

Cover Page	5.00
Recording Fee	50.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00

Sub Total: 80.00

Transfer Tax	
Transfer Tax - State	0.00

Sub Total: 0.00

Total: 80.00

\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
 Transfer Tax #: 1956  
 Transfer Tax

Total: 0.00

Record and Return To:

NIXON PEABODY LLP  
 100 SUMMER ST  
 BOSTON, MA 02110

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.

Bruce A. Hidley  
 Albany County Clerk

## AMENDMENT TO ENVIRONMENTAL EASEMENT

This Amendment to Environmental Easement is made as of this 25<sup>th</sup> day of October, 2024, by and between The People of the State of New York, acting through their Commissioner of the Department of Environmental Conservation (“NYSDEC” or the “Department”) with its headquarters located at 625 Broadway, Albany, New York 12233, and Troy Belting and Supply Company (the “Grantor”) with its offices located at 70 Cohoes Road, Watervliet, New York 12189.

### RECITALS

1. Grantor, Troy Belting and Supply Company, is the owner of real property located at the address of 70 Cohoes Road in the Town of Colonie, County of Albany and State of New York, known and designated on the tax map of the County Clerk of Albany as tax map parcel number: Section 20.20 Block 1 Lot 4, being the same as that property conveyed to Grantor by deed dated April 30, 1956 and recorded in the Albany County Clerk's Office in Liber and Page 1491/25.
2. The property referenced above comprises approximately 2.46 +/- acres, and is hereinafter more fully described in Exhibit A.
3. The Department and Grantor entered into that certain Environmental Easement (“Easement Agreement”) dated as of December 11, 2023 and recorded in the in the County Clerk's Office as Instrument No. R2023-22573. Capitalized terms used herein without definition have the meanings ascribed to them in the Environmental Easement Agreement.
4. Pursuant to Section 1, 2, 3, 4, and 5 of the Easement Agreement, Grantor granted the Department rights and interests that run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of the Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of maintenance, monitoring or operation requirements; and to ensure the potential restriction of future uses of the land that are inconsistent with the stated purpose.
5. The Easement Agreement dated December 11, 2023 erroneously stated at the fourth WHEREAS paragraph that the easement acreage is 2.444ac. and erroneously omitted the Surveyed Easement Description from the Schedule “A.”
6. This Amendment to Environmental Easement is filed solely in order to correct a mutual mistake between the Department and Grantor relating to the acreage and legal description to that Environmental Easement dated December 11, 2023 and recorded in the in the County Clerk's Office as Instrument No. R2023-22573.
7. Pursuant to Section 8 of the Easement Agreement, the Department agrees to amend the Easement Agreement in the manner prescribed by Article 9 of the Real Property Law.

## AMENDMENT OF ENVIRONMENTAL EASEMENT

- A. The above recitals are hereby incorporated into this Amendment of Environmental Easement.
- B. The Department and Grantor hereby agree that the fourth WHEREAS paragraph of the Environmental Easement is hereby amended to read as follows:

“The property subject to this Environmental Easement (the “Controlled Property”) comprises approximately 2.46 +/- acres...”

- C. The Department and Grantor hereby agree that the Schedule “A” Legal Description of the Environmental Easement is hereby amended to read as follows:

### Surveyed Easement Description

ALL THAT TRACT, PIECE OR PARCEL OF LAND, situate, lying and being on the northerly side of Elm Street and the westerly side of Cohoes Road in the Town of Colonie, County of Albany and State of New York and being more particularly bounded and described as follows:

BEGINNING at a point in the northerly road boundary of Elm Street at its intersection with the westerly highway boundary of Cohoes Road (New York State Route 32); thence from said point of beginning along said northerly road boundary of Elm Street North 74°53'00" West, 312.00 feet to a point at its intersection with the division line between lands now or formerly of Troy Belting & Supply Company as described in Liber 2418 of deeds at page 1127 on the west and lands now or formerly of The Troy Belting & Supply Company as described in Liber 1491 of deeds at page 25 on the east; thence along said division line North 24°15'06" East, 377.89 feet to a point in the division line between lands now or formerly of Robert F. & Joan A. McBain as described in Liber 2256 of deeds at page 437 on the north and the aforementioned lands of The Troy Belting & Supply Company on the south; thence along said division line South 74°23'00" East, 263.01 feet to a point in the aforementioned westerly highway boundary of Cohoes Road; thence along said westerly highway boundary of Cohoes Road South 16°49'00" West, 370.95 feet to the point and place of beginning and containing 2.46 acres of land more or less.

### Deed Description

BEGINNING AT AN IRON PIN IN THE INTERSECTION OF THE WESTERLY LINE OF COHOES ROAD IN THE NORTHERLY LINE OF ELM STREET AND RUNS THENCE ALONG THE WESTERLY LINE OF COHOES ROAD, NORTH 16 DEG. 49 MIN. EAST, THREE HUNDRED SEVENTY AND NINETY-FIVE HUNDREDTHS FEET (370.95') TO A POINT; THENCE ALONG THE LINE OF LANDS CONVEYED BY JOHN MCBAIN AND OTHERS TO OLIVE MCBAIN BY DEED DATED DEC. 30, 1950, AND RECORDED IN ALBANY COUNTY CLERK'S OFFICE JAN. 8, 1951, IN BOOK 1250 OF DEEDS AT PAGE 46, NORTH 74 DEG. 23 MIN. WEST, ABOUT 262 FEET TO A POINT IN THE LINE OF LANDS OF WATERVLIT IRON AND BRASS FOUNDRY, INC.; THENCE ALONG THE SAME SOUTH 24 DEG. 27 MIN. WEST, THREE HUNDRED SEVENTY-FIVE AND THIRTY-THREE HUNDREDTHS FEET (375.33') TO A POINT IN THE NORTHERLY LINE OF ELM STREET; THENCE ALONG THE SAME SOUTH 74 DEG. 23 MIN. EAST, ABOUT 312 FEET TO THE POINT OR PLACE OF BEGINNING AND CONTAINING ABOUT 2.444 ACRES OF LAND.

- D. All other terms of the December 11, 2023 Environmental Easement shall remain in effect.
- E. This Amendment of Environmental Easement inures to and binds the parties hereto and their respective successors and assigns.
- F. This Amendment of Environmental Easement shall be governed by and interpreted in accordance with the laws of the State of New York.

IN WITNESS WHEREOF, Grantor has caused this Amendment to Environmental Easement to be signed in its name.

The Troy Belting and Supply Company:

By: [Signature]

Print Name: Jason W. Smith

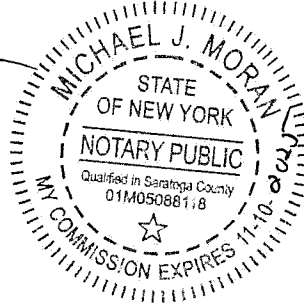
Title: President Date: 10/8/24

**Grantor's Acknowledgment**

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF Albany )

On the 8<sup>th</sup> day of Oct, in the year 2024, before me, the undersigned, personally appeared Jason Smith, 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]  
Notary Public - State of New York



**THIS AMENDMENT OF THE ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,**

By: Andrew Guglielmi  
Andrew O. Guglielmi, Director  
Division of Environmental Remediation

**Grantee's Acknowledgment**

STATE OF NEW YORK    )  
                                  ) ss:  
COUNTY OF ALBANY    )

On the 29 day of October, in the year 2024 before me, the undersigned, personally appeared Andrew O. Guglielmi, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Cheryl A. Salem  
Notary Public - State of New York  
Cheryl A. Salem  
Notary Public State of New York  
Registration No. 01SA0002177  
Qualified in Albany County  
My Commission Expires March 3, 2027

## SCHEDULE "A" PROPERTY DESCRIPTION (as amended)

### Surveyed Easement Description

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