

# **First Prize Development Partners, LLC Brownfield Cleanup Program Application First Prize Center Site**

**68 Exchange Street, Town of Colonie; Rear Russell Road, City of Albany; and Russell Road, City of Albany**



**Legal & Consulting Team:  
Knauf Shaw LLP & C.T. MALE ASSOCIATES  
December 2017**



## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

☐

Yes

☒

No

If yes, provide existing site number: \_\_\_\_\_

### PART A (note: application is separated into Parts A and B for DEC review purposes) **BCP App Rev 9**

#### Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY  
BCP SITE #:

NAME First Prize Development Partners, LLC

ADDRESS c/o William Hoblock, 8 Paddocks Circle

CITY/TOWN Saratoga Springs

ZIP CODE 12866

PHONE (518) 786-7100

FAX N/A

E-MAIL William.Hoblock@rbc-ny.com

Is the requestor authorized to conduct business in New York State (NYS)?

☒

Yes

☐

No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application, to document that the requestor is authorized to do business in NYS.

Do all individuals that will be certifying documents meet the requirements detailed below? ☒ Yes ☐ No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. Documents that are not properly certified will be not approved under the BCP.

#### Section II. Project Description

1. What stage is the project starting at?

☒

Investigation

☐

Remediation

2. If the project is starting at the remediation stage, a Remedial Investigation Report (RIR), Alternatives Analysis, and Remedial Work Plan must be attached (see [DER-10 / Technical Guidance for Site Investigation and Remediation](#) for further guidance).

3. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☐ No

4. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated.

### Section III. Property's Environmental History

All applications must include an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (please submit the information requested in this section in electronic format only):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903).

2. **SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.**

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum			
Chlorinated Solvents			
Other VOCs	X	X	
SVOCs	X	X	
Metals	X	X	
Pesticides	X		
PCBs			
Other*			

\*Please describe: \_\_\_\_\_

3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:

- SAMPLE LOCATION
- DATE OF SAMPLING EVENT
- KEY CONTAMINANTS AND CONCENTRATION DETECTED
- FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE
- FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5
- FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?\*

(\*answering No will result in an incomplete application)

☒ Yes ☐ No

4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

- |   |   |   |  |
|---|---|---|--|
| <input type="checkbox"/> Coal Gas Manufacturing | <input checked="" type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner     |
| <input type="checkbox"/> Salvage Yard           | <input type="checkbox"/> Bulk Plant               | <input type="checkbox"/> Pipeline           | <input type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill               | <input checked="" type="checkbox"/> Tannery       | <input type="checkbox"/> Electroplating     | <input type="checkbox"/> Unknown         |

Other: Fertilizer manufacturing; meat processing and packaging facility; auto storage and repair

**Section IV. Property Information - See Instructions for Further Guidance**

PROPOSED SITE NAME First Prize Center Site

ADDRESS/LOCATION See Support Document. The Site has three addresses in two municipalities.

CITY/TOWN Albany; Colonie

ZIP CODE See Support Document.

MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Town of Colonie; City of Albany

Town of Colonie; City of Albany

COUNTY Albany

SITE SIZE (ACRES) 32.09

LATITUDE (degrees/minutes/seconds)

42 °

41 '

11.1 "

LONGITUDE (degrees/minutes/seconds)

73 °

47 '

12.5 "

COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address

Section No.

Block No.

Lot No.

Acreage

See Support Document for information on three parcels.

See Support Doc

1. Do the proposed site boundaries correspond to tax map metes and bounds?

If no, please attach a metes and bounds description of the property.

☒ Yes ☐ No

2. Is the required property map attached to the application?

(application will not be processed without map)

☒ Yes ☐ No

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)?

(See [DEC's website](#) for more information)Yes ☒ No ☐

If yes, identify census tract : 3

Percentage of property in En-zone (check one): ☒ 0-49% ☐ 50-99% ☐ 100%4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? ☐ Yes ☒ No

If yes, identify name of properties (and site numbers if available) in related BCP applications: \_\_\_\_\_

5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? ☐ Yes ☒ No6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? ☐ Yes ☒ No  
If yes, attach relevant supporting documentation.

7. Are there any lands under water?

If yes, these lands should be clearly delineated on the site map.

☐ Yes ☒ No



#### Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?  
If yes, identify here and attach appropriate information. ☒ Yes ☐ No

Easement/Right-of-way Holder

Description

Multiple access and utility easements; see Exhibit C, Deed Schedule B.

See Exhibit C, Deed Schedule B.

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

RCRA Small Quantity Generator EPA

Everett Road Storage & Handling;  
FRS ID: 110009480132; SQG:  
NYD986945228; No violations.

10. Property Description and Environmental Assessment – please refer to application instructions for the proper format of each narrative requested.

Are the Property Description and Environmental Assessment narratives included in the prescribed format?

☒ Yes ☐ No

11. For sites located within the five counties comprising New York City, is the requestor seeking a determination that the site is eligible for tangible property tax credits?

If yes, requestor must answer questions on the supplement at the end of this form.

☐ Yes ☒ No

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?

☐ Yes ☒ No

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?

☐ Yes ☒ No

**NOTE:** If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: \_\_\_\_\_

**BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)**

<b>Section V. Additional Requestor Information See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Simon J. Milde, Managing Member			
ADDRESS c/o William Hoblock, 8 Paddocks Circle			
CITY/TOWN Saratoga Springs		ZIP CODE 12866	
PHONE (518) 786-7100	FAX N/A	E-MAIL William.Hoblock@rbc-ny.com	
NAME OF REQUESTOR'S CONSULTANT C.T. Male Associates, Kirk Moline			
ADDRESS 50 Century Hill Drive			
CITY/TOWN Latham		ZIP CODE 12110	
PHONE (518) 786-7502	FAX (518) 786-7299	E-MAIL k.moline@ctmale.com	
NAME OF REQUESTOR'S ATTORNEY Knauf Shaw LLP, Linda R. Shaw, Esq.			
ADDRESS 1400 Crossroads Building, 2 State Street			
CITY/TOWN Rochester		ZIP CODE 14614	
PHONE (585) 546-8430	FAX (585) 546-4324	E-MAIL lshaw@nyenvlaw.com	
<b>Section VI. Current Property Owner/Operator Information – If not a Requestor</b>			
CURRENT OWNER'S NAME Exchange Street Associates LLC		OWNERSHIP START DATE: 3/31/2015	
ADDRESS 25 Mason Lane			
CITY/TOWN Slingerlands		ZIP CODE 12159	
PHONE (518) 439-6103	FAX N/A	E-MAIL frankjcrisafulli@gmail.com	
CURRENT OPERATOR'S NAME See Exhibit E, Past Owners and Operators List, which also includes current Operators.			
ADDRESS See Exhibit E			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<p>IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.</p> <p>PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".</p>			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>			
<p>If answering "yes" to any of the following questions, please provide an explanation as an attachment.</p> <p>1. Are any enforcement actions pending against the requestor regarding this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			

## Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☒ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. ☐ Yes ☒ No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? ☐ Yes ☒ No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? ☐ Yes ☒ No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? ☐ Yes ☒ No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9 (f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? ☐ Yes ☒ No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? ☐ Yes ☒ No
11. Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☒ No

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

### ☐ PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

### ☒ VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

## Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

☐ Previous Owner ☐ Current Owner ☒ Potential /Future Purchaser ☐ Other \_\_\_\_\_

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?

☒ Yes ☐ No

**Note: a purchase contract does not suffice as proof of access.**

## Section VIII. Property Eligibility Information - See Instructions for Further Guidance

1. Is / was the property, or any portion of the property, listed on the National Priorities List?  
If yes, please provide relevant information as an attachment. ☐ Yes ☒ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305?  
If yes, please provide: Site # \_\_\_\_\_ Class # \_\_\_\_\_ ☐ Yes ☒ No
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?  
If yes, please provide: Permit type: \_\_\_\_\_ EPA ID Number: \_\_\_\_\_  
Date permit issued: \_\_\_\_\_ Permit expiration date: \_\_\_\_\_ ☐ Yes ☒ No
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. ☐ Yes ☐ No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?  
If yes, please provide: Order # \_\_\_\_\_ ☐ Yes ☒ No
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?  
If yes, please provide explanation as an attachment. ☐ Yes ☒ No

## Section IX. Contact List Information

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [DER-23 / Citizen Participation Handbook for Remedial Programs](#). Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of an acknowledgement from the repository indicating that it agrees to act as the document repository for the property.
8. Any community board located in a city with a population of one million or more, if the proposed site is located within such community board's boundaries.



## Section X. Land Use Factors

1. What is the current zoning for the site? What uses are allowed by the current zoning?

☒ Residential ☒ Commercial ☒ Industrial

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: ☐ Residential ☒ Commercial ☒ Industrial ☒ Vacant ☐ Recreational (check all that apply)

**Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.**

3. Reasonably anticipated use Post Remediation: ☒ Residential ☒ Commercial ☒ Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing?

☐ Yes ☒ No

4. Do current historical and/or recent development patterns support the proposed use?

☒ Yes ☐ No

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

See Support Document.

☒ Yes ☐ No

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

See Support Document.

☒ Yes ☐ No

## XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hererby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the Proposed DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

(By a requestor other than an individual)

I hereby affirm that I am Managing Member (title) of First Prize Development Partners, LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the Proposed DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 12/18/2017

Signature: \_\_\_\_\_

Print Name: Simon J. Milde

### SUBMITTAL INFORMATION:

- Two (2) copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
  - Chief, Site Control Section
  - New York State Department of Environmental Conservation
  - Division of Environmental Remediation
  - 625 Broadway
  - Albany, NY 12233-7020

FOR DEC USE ONLY

BCP SITE T&A CODE: \_\_\_\_\_

LEAD OFFICE: \_\_\_\_\_

**Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY.** Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

**BCP App Rev 9**

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see <a href="#">DEC's website</a> for more information.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>From ECL 27-1405(31):</b>	
<p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>	
<b>From 6 NYCRR 375-3.2(l) as of August 12, 2016:</b> (Please note: Eligibility determination for the underutilized category can only be made at the time of application)	
<b>375-3.2:</b>	
<p>(l) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p>(c) there are no structures.</p>	
<p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>	

**Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)**

3. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review). Check appropriate box, below:

☐ Project is an Affordable Housing Project - Regulatory Agreement Attached;

☐ Project is Planned as Affordable Housing, But Agreement is Not Yet Available\*  
(\*Checking this box will result in a "pending" status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);

☐ This is Not an Affordable Housing Project.

**From 6 NYCRR 375- 3.2(a) as of August 12, 2016:**

(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.



**BCP Application Summary (for DEC use only)**

**Site Name:** First Prize Center Site

**City:** Albany; Colonie

**Site Address:** See Support Document. The Site has three addresses in two municipalities.

**County:** Albany

**Zip:** See Support Document.

**Tax Block & Lot**

**Section (if applicable):** See Support Doc

**Block:**

**Lot:**

**Requestor Name:** First Prize Development Partners, LLC **Requestor Address:** c/o William Hoblock, 8 Paddocks Circle

**City:** Saratoga Springs

**Zip:** 12866

**Email:** William.Hoblock@rbc-ny.com

**Requestor's Representative (for billing purposes)**

**Name:** Simon J. Milde, Managing Member **Address:** c/o William Hoblock, 8 Paddocks Circle

**City:** Saratoga Springs

**Zip:** 12866

**Email:** William.Hoblock@rbc-ny.com

**Requestor's Attorney**

**Name:** Knauf Shaw LLP, Linda R. Shaw, Esq. **Address:** 1400 Crossroads Building, 2 State Street

**City:** Rochester

**Zip:** 14614

**Email:** lshaw@nyenvlaw.com

**Requestor's Consultant**

**Name:** C.T. Male Associates, Kirk Moline **Address:** 50 Century Hill Drive

**City:** Latham

**Zip:** 12110

**Email:** k.moline@ctmale.com

**Percentage claimed within an En-Zone:** ☐ 0% ☒ <50% ☐ 50-99% ☐ 100%

**DER Determination:** ☐ Agree ☐ Disagree

**Requestor's Requested Status:** ☒ Volunteer ☐ Participant

**DER/OGC Determination:** ☐ Agree ☐ Disagree

**Notes:**

**For NYC Sites, is the Requestor Seeking Tangible Property Credits:** ☐ Yes ☒ No

**Does Requestor Claim Property is Upside Down:** ☐ Yes ☐ No

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

**Notes:**

**Does Requestor Claim Property is Underutilized:** ☐ Yes ☐ No

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

**Notes:**

**Does Requestor Claim Affordable Housing Status:** ☐ Yes ☐ No ☐ Planned, No Contract

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

**Notes:**

# **BCP APPLICATION SUPPORT DOCUMENT**

# **BCP APPLICATION SUPPORT DOCUMENT**

## **Exhibit List**

- Exhibit A -** NYSDOS Entity Information and Delaware Certificate of Good Standing
- Exhibit B -** Written Consent
- Exhibit C -** Deeds
- Exhibit D -** Site Access Agreement
- Exhibit E -** Previous Owners and Operators
- Exhibit F -** Spider Maps containing Sampling Data Summaries
- Exhibit G -** Survey
- Exhibit H -** Tax Map
- Exhibit I -** Site Location, Base Map, and En-Zone Map
- Exhibit J -** Zoning Ordinances
- Exhibit K -** Flood Map
- Exhibit L -** Site Contact List
- Exhibit M -** Repository Letter

## **ENVIRONMENTAL REPORTS SEPARATELY ATTACHED ON CD:**

- A. 1987 Environmental Site Assessment (“ESA”) Report, by C.T. Male Associates, P.C. (“C.T. Male”)
- B. 1988 ESA Report, by C.T. Male
- C. 1988 Asbestos Containing Materials Survey Report, by C.T. Male
- D. 1990 Draft Phase I ESA Update Report, by C.T. Male
- E. 1990 Subsurface Investigation of Spills Areas and Soil Removal Report, by C.T. Male
- F. 1991 Report on Closure of Petroleum Storage Tanks, by C.T. Male
- G. 2001 Phase I ESA Report, by C.T. Male
- H. 2001 GZA GeoEnvironmental, Inc. (“GZA”) Analytical Report, Boring Log, Bore Hole and Test Pit Locations and Field Logs, and Laboratory Report
- I. 2004 Phase I ESA Report, by C.T. Male

## SECTION I - REQUESTOR INFORMATION

The Requestor is First Prize Development Partners, LLC, a Delaware limited liability corporation, located at 8 Paddocks Circle, Saratoga Springs, New York 12866. First Prize Development Partners, LLC is authorized to do business in the State of New York. *See* Exhibit A, Delaware Secretary of State Certificate of Good Standing, and NYSDOS Entity Information. The members/owners are as follows:

1. Simon J. Milde (Managing Member)
2. William M. Hoblock (Member)
2. Tobias Milde (Member)
4. James J. Flood (Member)

The Written Consent provides Simon J. Milde authority to sign all Brownfield Cleanup Program (“BCP”) documents on behalf of the Requestor First Prize Development Partners, LLC. *See* Exhibit B, Written Consent.

As further described below, the site is composed of the following three parcels:

1. 68 Exchange Street, Town of Colonie, New York 12205 (Tax Parcel No. Section 53.16 Block 1 Lot 23.1) (“Tax Parcel 1”);
2. Rear Russell Road, City of Albany, New York, New York 12203 (Section 53.60 Block 1 Lot 3.1) (“Tax Parcel 2”); and.
3. Russell Road, City of Albany, New York 12203 (Section 53.59 Block 1 Lot No. 1 (“Tax Parcel 3”). *See* Exhibit G, survey depicting each Tax Parcel

Collectively, Tax Parcels 1, 2, and 3 are the “Site” or “BCP Site”. Requestor is not yet the owner of the three parcels that make up the Site. Exchange Street Associates LLC, located at 25 Mason Lane, Slingerlands, New York 12159 (“Owner”) is the current owner of Tax Parcels 1-3. *See* Exhibits C, Deed and Exhibit G Survey. Requestor is a prospective purchaser and has received a temporary license from the Owner to access the property to perform investigation and remediation work required by the BCP. *See* Exhibit D, Site Access Agreement.

The Requestor has no prior relationship with any current or past owners or operators of the Site. *See* Sections V and VI below, and Exhibit E, Previous Owners and Operators List. The Requestor did not cause any of the contamination of the Site, which predates the Requestor’s involvement at the Site.

## SECTION II - PROJECT DESCRIPTION

**[Please refer to Questions 1-3 on the BCP Application Form]**

### **4. Short Project Description**

The blighted site is one of the largest eyesores in the entire Capital Region. Redevelopment of the site has been consistently abandoned as a result of the significant costs associated with the demolition of over 400,000 square feet of concrete reinforced structures and environmental contamination clean-up. However, The First Prize Center redevelopment will transform the blight into the Capital Region’s first comprehensive vibrant mixed-use community, while thwarting suburban sprawl and use of green spaces at the same time. Based on the principles of New Urbanism, The First Prize Center will create a self-sustaining hub that combines living, working, and shopping in a single, walkable destination. The community will integrate housing with shops, restaurants, entertainment, places to work, and green space. The pedestrian-



friendly design of the redeveloped First Prize Center will incorporate the basic elements of Smart Growth and sustainability in order to achieve the goal of a community where one can live, work and play.

Once transformed, The First Prize Center will consist of approximately 1.8 million total square feet of various uses. The redevelopment will include approximately 1.1 million square feet of multi-family residences; 160,000 square feet of retail stores and restaurants; 250,000 square feet of office space; a full service hotel; a health club; an urban grocery store; a multi-plex movie theater; and vast open areas of community active and passive outdoor recreational space.

The redevelopment of the decaying First Prize Center property is timed perfectly with the rapid growth being seen throughout the Capital Region due in large part to the increase in the technology sector of the economy and employment base. This growth has led to the migration of people into the Capital Region from urban technology hubs from across the country and world. Such people are used to quality high-density mixed use centers and communities integrating live, work and play spaces. As this type of lifestyle is sought out in the Capital Region, the options simply do not currently exist. Mixed-use communities are thriving throughout the country, and the Capital Region is ripe for such a development.

The redevelopment will create thousands of temporary jobs and approximately 750 permanent jobs over the course of the buildout. The redevelopment will be constructed in phases. Assuming good market absorption, the project is currently anticipated to be built in four phases and total build-out is expected to exceed 8 years.

#### **Schedule- Commencement through COC**

The Site has been preliminarily investigated over a number of years. The Remedial Investigation Work Plan (“RIWP”), which will outline the RI work to be performed on the Site, is estimated to be completed between April 2018 and May 2018. The Remedial Investigation Report (“RIR”), which will summarize all RI work performed on Site, is estimated to be completed in the summer of 2018. The Remedial Action Work Plan (“RAWP”) will be completed in the fall of 2018. Any required remediation may commence in the winter of 2018, or spring of 2019. The Certificate of Completion is anticipated to be issued in 2019. As described below, the Site is in the recently formed First Prize District, including a variety of uses. With respect to the local land use approvals for the project, all uses are permitted as of right with Site Plan approval. *See* Section X(1) for a full list of permitted uses in the First Prize District. Site Plan approval will be sought shortly after admission into the BCP.

## **SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY**

### **1. List of Environmental Reports**

The following is the list of environmental reports for the Site separately attached:

- A. 1987 Environmental Site Assessment (“ESA”) Report, by C.T. Male Associates, P.C. (“C.T. Male”)
- B. 1988 ESA Report, by C.T. Male
- C. 1988 Asbestos Containing Materials Survey Report, by C.T. Male
- D. 1990 Draft Phase I ESA Update Report, by C.T. Male
- E. 1990 Subsurface Investigation of Spills Areas and Soil Removal Report, by C.T. Male
- F. 1991 Report on Closure of Petroleum Storage Tanks, by C.T. Male

- G. 2001 Phase I ESA Report, by C.T. Male
- H. 2001 GZA GeoEnvironmental, Inc. ("GZA") Analytical Report, Boring Log, Bore Hole and Test Pit Locations and Field Logs, and Laboratory Report
- I. 2004 Phase I ESA Report, by C.T. Male

**A. 1987 Environmental Site Assessment ("ESA") Report, by C.T. Male Associates, P.C. ("C.T. Male")**

This Phase I was prepared by C.T. Male on behalf of Exchange Express Limited Partnership as required by the Bank of New England for due diligence prior to this entity's planned purchase of the Site at this time. The report was completed for only approximately 2.3 acres of the Site on the undeveloped northwest portion of the former Tobin Packing Co., Inc. ("Tobin") plant and associated properties. However, the historical use descriptions cover the entire BCP Site.

Tobin was an animal slaughterhouse and meat packaging plant that operated on the Property between the 1920s and 1980s. [NOTE: The 2004 C.T. Male Phase I identified an owner prior to Tobin, Consolidated Rendering Company, which sold the Property to Tobin in 1953; although Tobin did operate on the Property beginning in 1924. Consolidated Rendering Company manufactured fertilizers and glue; and also performed meat slaughter and packaging.] The Federal government acquired the property from Tobin Packing Co. after they went bankrupt in the early 1980's, and in turn sold it to the Albany County Industrial Development Agency ("IDA"). The IDA leased the entire parcel to several entities in the 1980s. A more thorough history of the lessees is described in the 1988 Phase I summary below at Section III(1)(B), and outlined in Exhibit E, Previous Owners and Operators List.

At the time this report was written in 1987, this 2.3 acre portion of the Site was used for storage of a few mobile homes by RV Rentals of Albany (subleased from Brooks Financial Corp.), items of heavy construction equipment, and two guard houses; and a majority of it was surrounded by a chain link fence. This part of the property was vacant in the 1940s through 1960s, and was used for recreation by children. In the 1970s, this portion of the Site was used for Tobin employee parking.

This Phase I report noted that numerous empty 55 gallon drums and wooden carts allegedly left by Tobin were stored near the southwestern portion of the property. No surficial evidence suggesting the presence of hazardous substances or oil contamination on site or areas abutting the site was observed by C.T. Male Associates' personnel during site visits.

While there were no notices of violations from any state, local, or federal agencies, or local neighbor complaints on this portion of the Property; the larger site did receive complaints when Tobin was in operation. These complaints were about odors in the area and pollution of surface water (Patroon Creek specifically) with conventional pollutants (i.e. organic wastes high in biological oxygen demand, oil and grease, and suspended solids). To alleviate the above problem, Tobin installed a wastewater treatment plant to treat their wastewater prior to discharging it to Patroon Creek and later the Albany County Sewer District. Odor complaints were the result of an incinerator on site that burned animal carcasses etc. to create an organic potash, which was in turn a marketed product. Another incinerator located west of the main Tobin Plant was used in the early years and up to the 1960s (exact dates unknown) to burn paper and wood refuse. Complaints were filed in relation to this second incinerator's discharge of soot in the area.

The Tobin Plant operated a machine shop and garage for purposes of equipment repair and vehicle maintenance where it may have used some degreasers and lubricating oils. At the time of this Report, the garage area was leased by Goodyear Tire and Rubber Co. from Brooks Financial Corp.

Goodyear used the facility to recap tires. Other portions of the former Tobin complex were leased primarily for office and warehousing purposes. The railroad tracks adjacent to the subject site which were a part of the former Tobin Complex have not been used since the late 1970s.

#### *Subsurface Investigation*

Subsurface explorations for this site assessment consisted of advancing three soil test borings to a depth of 5-8 feet below the ground surface (bgs) at which groundwater was encountered, and taking continuous split spoon soil samples per ASTM D-1586. The boring locations are shown on Figure 1 of the Report, and soil logs of the test borings are enclosed in Appendix C of the Report.

Test boring #1 encountered a gravel and sand subbase from 0-2 feet bgs which graded to fine to medium sand from 2-10 feet bgs. Groundwater was encountered at approximately 3 feet bgs, and the groundwater level in the hollow stem auger at the termination of boring was at 5.8 feet bgs. Test boring #2 encountered a gravel and sand subbase from 0-2 feet bgs, fine sand from 2-6 feet bgs, and grey silt and clay from 6-8 feet bgs. Groundwater was encountered at approximately 2.5 feet bgs, and no measurable groundwater was noted inside the auger at completion of the boring. In general, test boring #3 encountered orange-brown fine sand from 0-12 feet bgs. Groundwater was encountered at approximately 4 feet bgs, and the groundwater level in the auger at termination of the boring was at 7.5 feet bgs.

#### *Laboratory Analyses and Results*

Two samples from each test boring, one near the surface (2-4 feet bgs) and the other below the depth at which groundwater was encountered (6-8 feet bgs) were analyzed, and the following results were found in soil:

1. Silver was detected in one soil sample from test boring #2 at 6-8 feet bgs at 1.3 ug/g; and
2. Small amounts of arsenic, barium, chromium, lead, and mercury were detected.

### **B. 1988 ESA Report, by C.T. Male**

This Phase I ESA was prepared for Exchange Street Associates LLC, which became the lease holder of the Property in September 1987, on approximately 38-acres, (slightly larger than the BCP Site), which encompassed the former Tobin plant and associated properties. [NOTE: THE BCP SITE DOES NOT INCLUDE ALL OF TOBIN'S ASSOCIATED PROPERTIES DESCRIBED HEREIN; SPECIFICALLY, THE 2.6 ACRE GRAVEL PARKING LOT DESCRIBED BELOW, AND IDENTIFIED AS TOWN OF COLONIE TAX MAP PARCEL SECTION 53.16, BLOCK 1, LOT 29, IS NOT INCLUDED].

The larger site discussed in this report housed five (5) existing structures: the main four-story masonry office building and plant; a masonry multi-stall garage; a former storage building of masonry construction, which was later used for car repair; a one-story wood structure, which was the location of former hog pens; and a masonry structure, which was the former wastewater treatment plant building. These structures were concentrated on the southeastern portion of the property.

The northern portion of the site contained ball fields, operated by the West Albany Athletic Association. A 2.6 acre gravel parking lot existed across Exchange Street and various paved parking areas existed around the buildings. A fenced-in, approximately 2.3 acre, partially paved parking area existed northwest of the main building (and was the subject of the 1987 C.T. Male Phase I). The balance of the site was largely unpaved and undeveloped. Appendix A of this Report includes a boring map that labels the structures and features of the Site.

### *Ownership history*

This Phase I similarly mentioned Tobin's operation of the Site as an animal slaughterhouse and meat packing plant from the late 1920's to the early 1980's and the Federal Government's acquisition of the property after Tobin went bankrupt in the early 1980's. According to this Phase I, the Federal government sold the Site to the IDA, which leased the entire Site to McNar Industries. In 1985, Brooks Financial Corp. of New York City ("Brooks"), which took over the lease, assigned it to First Prize Industrial Park, Inc. Community Federal Savings and Loan of Bridgeport, Connecticut foreclosed on Brooks, and then acquired the lease/purchase agreement in September of 1987. On November 30, 1987, Exchange Street Associates, the current owner, purchased the lease-hold agreement and performed this Environmental Assessment (as described above, Exchange Street Associates took title to the Site in 2015).

### *Site Operation history*

During the operation of Tobin, the main building ("Main Building") was used as the slaughterhouse and meat packing plant, including cooler and freezer space, boiler room, laboratory, smoke rooms, warehouse space, etc.

On the southeast end of the main building is the former machine shop, hog pen area, and "cookers" room (i.e. where inedible waste was rendered). [NOTE: This building is referred to as "Outbuilding #1" in the C.T. Male 2001 Phase I summarized below.]

The garage building was used by Tobin for the storage and maintenance of their trucks, where it may have used some degreasers and lubricating oils. [NOTE: This building is referred to as "Outbuilding #3" in the C.T. Male 2001 Phase I summarized below.] Goodyear Tire and Rubber Co. leased the garage building beginning in 1985 and still occupied the building at the time of this Assessment. Rubber dust from their operation was collected in a cyclone dust collector and Goodyear allegedly had an air emission permit for this operation. Rubber dust was collected in hoppers, and was allegedly disposed of off-site by a Canadian firm. The dust was vacuumed out of the hoppers at a rate of 3 to 4 full hoppers per day. Waste oil was generated on site from Goodyear trucks, which was stored in drums inside the building, and transported off-site. Mechanical parts were cleaned in a self-contained Safety Kleen solvent sink maintained by Safety Kleen. Several other tenants began conducting auto repair operations, vehicle painting, and had offices, or stored materials in the garage in 1987.

West of the garage building was the former storage building and car repair shop used by Tobin. [NOTE: This building is referred to as "Outbuilding #2" in the C.T. Male 2001 Phase I summarized below.] At the time of this assessment, this space was used as warehouse space, office space, and a recording studio.

The former hog pens were used to house hogs before they were slaughtered. [NOTE: This building is referred to as "Outbuilding #4" in the C.T. Male 2001 Phase I summarized below.] At the time of this report, this structure was used by McNar Industries for storage of various equipment and parts. Debris accumulated outside of this building was in the process of being removed at the time of this report.

The former wastewater treatment plant building, which was constructed in the mid 1960's, contained some of the equipment that was used for treatment of Tobin's wastewater. [NOTE: This building is referred to as "Outbuilding #1" in the C.T. Male 2001 Phase I summarized below.] After Tobin's departure, the building was used as a cement plant beginning in approximately 1986.



Two incinerators were operated on site. The primary incinerator, which is no longer present on Site, was located northwest of the main building, and used from the 1920's (early years of operation) up to the 1960's (exact dates unknown) to burn paper and wood refuse. As described above, complaints were received as a result of the soot created by these operations. The ash/coal was reportedly disposed of in an open field area northwest of the main building. While there are reports that the coal/ash was removed, there is no indication of how much, when, or where the disposal occurred. A smaller incinerator was reportedly located in the former wastewater treatment plant building. Its exact use was not able to be determined, but it may have been used to incinerate hog carcasses to create an organic potash.

In addition to the tenants described above, at the time of this Assessment, the property was occupied by approximately 30 tenants. Portions of the main building and other structures on site were used for office space, cold storage, commercial businesses, file and equipment storage, and truck and car repair and/or storage. The Previous Owners and Operators List at Exhibit E of this Application contains a list of the tenants collected from this report, and all reports summarized herein.

Neither NYSDEC nor the City of Albany had record of notices of violations or code violations at the facility at this time.

#### *Site Visit Observations*

Seventy-nine (79) photographs were taken during the Site Visit, which were chronicled in the report in Appendix B with a key describing the photographs.

The 55-gallon drums (also mentioned in the C.T. Male Phase I) observed west of the fenced in area were further described in this report. The drums lined in a horizontal position were observed to be empty but the drums in a vertical position were 50% to 100% full. The drums, which were labelled mineral spirits (4±), motor oil (14±), and Vocetra oil (3±), all appeared to contain a light, clear lubricating type oil. The drums with State Chemical (2±) labels appeared to contain rain water with some oil. One 30± gallon drum was observed to contain a semi-solid grease type waste that appeared organic in nature. A second 30± gallon drum was observed to contain a black/purple liquid the consistency of oil with a strong odor. All the drums were of steel construction and rusted. According to interviews, the drums were left by Tobin. The drums did not appear to be leaking, and no stressed vegetation or staining of the soil was observed.

At least three abandoned underground fuel storage tanks were located on site that had not been properly closed in accordance with the NYSDEC Petroleum Bulk Storage Regulations at this time (specifically 6 NYCRR Part 613.9). An area of unauthorized dumping of apparent non-putrescible household waste was observed on the northwest end of the property near the former ball fields.

Numerous areas of stockpiled wood, abandoned industrial equipment, abandoned steel or cast iron piping, and other miscellaneous metal debris were also observed in the northwestern portion of the Site in the open field area west of the main building and east of the railroad tracks, around the former hog pens, and in the southern corner of the property. Abandoned cars and trucks were observed, which were owned by a current tenant and owner of the cement processing plant on site in the former wastewater treatment building. The cement operating plant was out of operation at the writing of this report for 9 months.

Drums of waste oil generated by tenants were observed to be stored indoors within their leased area. One tenant stored waste oil in drums adjacent to the fenced in electrical transformers. Signs of poor housekeeping (i.e. oil spillage) were observed in this area. Other outdoor areas of poor housekeeping were observed at the northwestern corner of the former Tobin's storage and car repair

building, the southwest corner of the former garage building where a full 55 gallon drum of waste oil and an abandoned car exist, and the northwest side of the former garage building where a 55 gallon drum of waste oil and an abandoned motor exist. Other small areas of oil stained soil were observed at various locations of the property.

An abandoned gas island with two pumps, and several underground storage tank fill ports were observed north of the former garage building. Based on the layout of the fill ports there appeared to be three underground storage tanks in the area of the gas island. Based on measurements taken, the tanks appeared to vary from five to eight feet in diameter. The two tanks nearest the former garage building had 3 1/2 to 5 inches of water with a fuel odor smell in them. The tank furthest north was observed to be dry. It was indicated that these tanks were likely last used during Tobin's operation. The approximate location of the tanks is shown on drawing No. 88-536 in Appendix A of the report.

A 400± gallon above ground diesel fuel storage tank operated by Goodyear is located adjacent to the southeast corner of the building. No visible evidence of spillage or leakage from the tank was observed. A puddle of yellow waste paint was observed next to the trash dumpster in this area. According to a Goodyear employee, the paint had leaked from empty paint cans disposed of in the dumpster.

Four transformers were located in a fenced in area on the south west side of the main building, whose dielectric fluid may contain PCBs in excess of 50 ppm.

Asbestos containing materials (ACM) were encountered in the main building on site. Abandoned industrial equipment and associated piping used by Tobin during their operation was present throughout the main building and on the roof. Waste laboratory chemicals, and numerous containers/drums of varying sizes of chemical products containing hazardous substances were located in the main plant building and former hog pen building.

Three 275± gallon aboveground storage tanks were present adjacent to the outside south wall of the former garage building. According to interviews, the tanks contained heating fuel oil to operate the boiler inside the garage building, and were going to be removed. No spillage or leakage from the tanks was observed. Floor trench drains in the former garage building were not observed to discharge to an oil/water separator prior to discharging to the sanitary sewer.

The site was serviced by public water and sewer. Sanitary waste from the former garage building and main plant building discharges to the sanitary sewer on Exchange Street. An abandoned above ground No. 6 heating fuel storage tank was partially located within the building and adjacent to the boiler room. Its size was unknown and C.T. Male could not determine if there was any oil left in the tank.

#### *Sampling and Analysis*

Soil samples were collected during the drilling of five soil borings which were converted to groundwater monitoring wells. The Boring Logs are located in Appendix C of the report. MW-1 was located in the northeastern Gravel Parking Lot across Exchange Street. MW-2 was located in the northeastern portion of the Site near the former incinerator. MW-3 was located in the southwestern portion of the Site near the three-story masonry structure and former wastewater treatment plant building. MW-4 was located in the Southeastern portion of the Site beside a 1 story masonry structure, formerly used for car storage and repair. MW-5 was also located in the southwestern portion of the Site beside a one-story masonry structure, formerly used for truck maintenance and storage. Appendix A in this report includes a figure depicting the well locations.

Soil samples collected from the test borings that were converted into monitoring wells MW-1, MW-2, MW-3, and MW-4 showed no response on the HNU meter. Coal fill material was encountered in boring/well MW-2. MW-5 showed readings on the HNU meter of 3.5 to 7 ppm total volatile compounds at each sample depths from 0.5 feet to 11.5 feet bgs. MW-5 is downgradient of the abandoned underground storage tanks, and in the vicinity of the former truck maintenance building and railroad spur.

Lead was present in groundwater at concentrations above the NYSDEC groundwater standard at 6 NYCRR Part 703. The standard is 0.025 mg/l. The exceedances were present in MW-1 (0.05 mg/l), MW-2 (0.04 mg/l), MW-3 (0.10 mg/l), MW-4 (0.15 mg/l), and MW-5 (0.11 mg/l).

Arsenic was detected at 0.025 mg/l in well MW-4, which is the NYSDEC 6 NYCRR Part 703 groundwater standard for arsenic.

Appendix D of the report includes summary tables of these results, and Appendix E includes the Laboratory Results. [NOTE: The groundwater standards for lead and arsenic are the same today as at the time of this Report.]

### **C. 1988 Asbestos Containing Materials Survey Report, by C.T. Male**

This Asbestos Containing Materials Survey Report was prepared for Exchange Street Associates, P.C. by C.T. Male in December 1988. The ACM survey was conducted on the five (5) existing structures on Site.

#### *Site Inspection*

Suspect and known ACM was encountered throughout the main plant building; on the outside of the main plant building; and in the former wastewater treatment plant building in the form of thermal systems insulation, floor tile, and/or transite board.

The asbestos containing thermal systems insulation encountered and identified included corrugated air cell insulation with a paper wrap, block type insulation with a canvas wrap or aluminum jacket, and brown fibrous paper like insulation with a canvas wrap on heating piping, hot and cold water piping and sanitary sewer piping at a minimum; hard concrete like asbestos cement insulation on piping elbows, joints and valves; cementitious asbestos insulation around an abandoned aboveground No. 6 fuel oil storage tank; hard concrete like insulation on the eastern most boiler and tank above it, on the tank above the western most boiler, and on two other tanks in the northeast corner of the boiler room; and as block type insulation on the boiler breaching.

#### *Sampling and Laboratory Analysis*

In general, laboratory analysis identified chrysotile asbestos in the samples of: floor tile; hard concrete-like insulation on piping elbows; insulation on the abandoned No. 6 fuel oil tank; fibrous block type of insulation, and fibrous paper like insulation on piping. The sampling locations and a summary of the laboratory analysis results are presented in Table 3.0-1 of the Report, and the analysis is enclosed in Appendix C of the Report.

#### *Quantity of Asbestos Containing Material*

In general, the total estimated linear feet of piping with ACM in the main building was 9375.5± feet, outside the main building was 1550± feet, and in the former wastewater treatment plant building was 230± feet. Estimated quantities of remaining asbestos containing material included: asbestos transite board at 4713± square feet; asbestos floor tile at 14,244± square feet; and

miscellaneous ACM at 710.8± cubic feet. Table 4.0 of the Report includes the quantity and type of ACM present per location at the Site.

*Condition of Asbestos Containing Material*

ACM was present in the majority of the thermal systems, and was damaged or exposed to some degree either from age, contact, nicks, dents, moisture, water, dripping fluids, repairs or penetrations. Even the insulation in good condition was exposed at the ends of sections of insulation and where it passed through walls. The majority of the piping insulated with the asbestos containing insulation was no longer in use. The boilers, tanks, and boiler breaching with asbestos insulation in the boiler rooms (Rm 105 and 106) were also not in use.

**D. July 30, 1990 Draft Phase I ESA Update Report, by C.T. Male**

This Phase I ESA was prepared for Realty Assets, Inc., property managers for Exchange Street Associates LLC on July 30, 1990. This update was intended to describe any new environmental concerns noted at the Site since the 1988 ESA Report. This Report also noted if any recommendations had been implemented or actions had been taken to improve the site conditions since the original report was submitted, or if the environmental condition remained. [NOTE: This narrative only summarizes new information in this 1990 report as compared to the 1988 report. Therefore, if no update is given, the condition described above continued to persist at the time of this Report.]

The only major change from the original Report to the structures on the Site was that the Hogpen Building was demolished, excluding the foundation. There were several changes in tenants, as described on Table 1 in the Report. A full list of tenants is enclosed in the Previous Owners and Operators list in Exhibit E of this Application.

The area occupied by the Site was believed to be located partially over an unconsolidated aquifer according to the mapping of aquifers in the area by E. Bugliose, R. Trudell, and G. Casey, "Potential Yields of Wells in Unconsolidated Aquifers in Upstate New York - Hudson Mohawk Sheet." This aquifer was reported to yield 10 to 100 gallons per minute, but was not used for City drinking water.

*Site Visit*

Photographs taken during the site visit are enclosed in Appendix A. A new tenant, Midstate Industries, Ltd, began performing fiberglass casting manufacturing. The operation included the use of fiberglass resin and volatile organic solvents (acetone). Three empty drums were observed on the roof outside this business; one of acetone and two of fiberglass resin. No spillage to the roof in the area of the drums was evident.

Chemicals present in former laboratory room (Room 404) were removed, and records began to be stored in that space. No chemical or petroleum storage was observed on the first floor of the main building. The incinerator previously located in the Former Cement Plant and Wastewater Treatment Building was removed. At the time of this Report, a new company used the space for ice-cream storage, and truck storage outside of the building. Fill piles of apparent oily contaminated soil were present near (northwest of) this building. The baseball fields previously north of the main site building in an area secured with a chain link fence were moved to an adjacent parcel immediately north of the vacant fields. Therefore, at the time of this report, this area was currently vacant.

To the west of the Main Building, and east of the railroad tracks, on the subject Site were several areas of different types of waste accumulation. Piles of construction and demolition debris, waste metal, and wood are present throughout this area. Several empty drums and abandoned above

ground storage tanks, and an old heating pipe with suspect asbestos containing insulation on it, were also observed deposited among this fill. In general, locations of minor oily soil staining were noted throughout this area.

An additional 1,000 galloon underground storage tank was identified at the subject site along the east side of the Main Building, south of the loading docks, and immediately east of the boiler room. The tank was not in use and was reportedly not used for years. The age of the tank was not known; nor was it known if anything remained in the tank since no fill ports were visible/accessible for inspection.

Domermuth Environmental Services, Inc. was retained by Realty Assets, Inc. to remove some oil filled drums from the subject site and properly dispose of the waste. Drums from the Hogpen Building, from the Kendall Truck Repair waste oil storage area, and from the area west of the camper storage lot (previously identified on Page 4 of the Phase 1998 Phase I report, Comment No. 7 and Page 5 Comment No. 11) were reportedly moved to the concrete pad on the west side of the property, where the incinerator was formerly located. Approximately 1,100 gallons worth of waste oil was disposed of from the Site or placed on the west side of the Site to be removed in the future (approximately 10 drums).

In the interim, some of the drums were dumped over by vandals and their contents released to the adjacent soil. This approximately 400 gallon spill was reported to the NYSDEC on December 4, 1989, which was assigned Spill Number 8908716. The Spill was closed on January 29, 1990. The soil from the spill area was allegedly excavated and placed on and covered with polyethylene in the vicinity of the excavation. Two soil piles were observed during the site visit. However, both piles were uncovered, half of the concrete pad was oil soaked, and oily runoff was allegedly entering the soil on the east end of the pad at the time of this report. Additionally, several of the ten 55-gallon steel drums had no bung covers and appeared to have leaked some quantity of oily waste to the ground surface.

The three 275 gallon tanks and one 550 gallon tank along the south side of the Goodyear Building, previously described in the original report, were observed to not have secondary containment, and were not registered with NYSDEC. Some oil staining of the soils was observed between the 550 gallon tank and two of the 275 gallon tanks. Fourteen new drums used by John's Truck Repair were against the building. Some of these drums appeared to be empty, some were partially filled, and some were being used to store waste liquids. Oil staining was apparent adjacent to some of the drums.

Two open top metal pipes, protruding from the ground that used to support a sign, were south of the Goodyear Building. The open pipes were a potential pathway for liquid waste disposal to subsurface soils. Additionally, to the east of the Goodyear Building were two skid mounted 1,000 gallon petroleum storage tanks. One was in use. Neither had secondary containment, and the site contact at the time was unsure if the tanks were registered with NYSDEC.

Extensive filling was being performed along the west side and southwest corner of the site. Fill piles along the west side had metal and wood wastes mixed into the concrete and soil (clean fill materials). Filling has also occurred in the southwest corner of the property. During the site visit the surface of this fill material appeared to be "clean fill."

During this update, C.T. Male discovered that the samples taken for the four transformers in the fenced in area on the southwest side of the main building were never processed by General Electric to confirm PCB concentrations.

ACM abatement occurred on April 3, 1990 by Midstate Industries, Ltd. 47 % of the asbestos containing insulation on piping and fittings (excluding that present in the Boiler Room) and approximately 20% (excluding the Boiler Room) of other thermal systems insulation was removed. This report did not explain why these areas of ACM were removed and not others, however this report did state that the remainder of the recommendations in the 1988 C.T. Male's Survey Report were still valid for the ACM remaining at the Site.

#### **E. 1990 Subsurface Investigation of Spills Areas and Soil Removal Report by C.T. Male**

This Subsurface Investigation of Spills Areas and Soil Removal Report was prepared on October 5, 1990 by C.T. Male for Realty Assets, Inc., property manager for Exchange Street Associates LLC. The subsurface investigation of soils in the area of the former incinerator was completed on August 23, 1990 in response to Spill No. 8908716 described above. After this original spill, the drums were moved to an area northwest of the concrete pad, adjacent to the staged soil pile. The drums were again tipped over by vandals and it appeared that some oily liquids were released. [NOTE: This second spill was reported to NYSDEC in the work plan letter dated August 17, 1990 and appears to have been considered part of Spill 8908716.] The investigation was completed in accordance with the NYSDEC approved work plan prepared by C. T. Male Associates dated August 17, 1990 (Appendix A). A diagram of this area was included as Figure 1 of Appendix B of this Report.

In general, the sidewalls of the existing excavation from the initial spill area and visually contaminated soil adjacent to the south and southwest corner of the foundation for the former incinerator were excavated and staged on polyethylene adjacent to the existing stockpiled soil. Visually contaminated soil from the new spill area was also excavated and staged on polyethylene in a separate pile. Upon completion of the investigations the piles of soil were covered with polyethylene.

##### *Original Drum Spill Area*

Soil samples were collected along the walls of the existing excavation, south of the concrete incinerator pad. Soil sample locations and identifications are noted on Figure 1 in Appendix B. Table 1 on page 7 lists the soil sample head space analysis results for this investigation. The soil pile of material excavated from the original drum spill area encompassed an area 45± feet by 12± feet and 5± feet high at the center.

Headspace analysis results showed a reading of 60± ppm for the sidewall soil sample collected along the south end of the pit (area of sample W-1). Additional soil was excavated 2 - 3 feet back along this pit and was removed and staged. New samples were then collected from the wall, (samples W-12 and W-13) and readings of 5.4 and 3.4 ppm were obtained. Readings between 7± ppm to 30± ppm (one reading of 44 ppm) were obtained in samples taken from the western and eastern perimeter of the initial spill area excavation.

Visual oil contamination was not observed except in the area adjacent to the south and southwest edges of the concrete pad. The presence of ash and cinders from the former incinerator gave the soil a discolored appearance, but no petroleum/oil odor was encountered except at the referenced edges of the concrete pad. Since the sidewalls of the excavation did not appear to be contaminated, even though average readings of 25 ppm were obtained on a PID meter, it was decided to scrape the sidewalls of the excavation and not remove any additional soil horizontally pending laboratory analyses results of the excavated soil. Sidewalls of the pit were excavated on the north side the concrete slab and partially around the western edge of the pad, to ensure that oily contamination

had not entered the soils beneath the slab. A slight oil odor and a minor visual sheen was noted in the soils adjacent to the slab. A reading of  $16\pm$  ppm volatile compounds was detected with the Microtip by headspace analysis screening at the latter location. Some visual oil contaminated soil appeared to still be present under the south/southwest corner of the pad but was not able to be removed without first removing the concrete pad. It was decided not to remove the concrete pad unless laboratory analyses results indicated that it would be necessary.

A control soil sample (W-11/CS-1) was taken approximately 25-30 feet west of the original drum spill area and screened by head space analysis. A reading of  $7\pm$  ppm total volatile compounds was obtained. It was determined that the ash and cinders fill in this area might be a source of the volatile compounds detected in the field control sample.

Along the north end of the concrete pad, in an area where some oil staining was noted on the pad, a small observation pit was excavated down approximately 2 feet below grade, along the edge of the pad. Soil samples were collected from the sidewall of the pit and headspace analysis was performed on each (W-14 and W-15 in Table 1). No evidence of contamination ( $2.2$  and  $3.2$  ppm) was noted on the field instrument and no visual contamination was observed in the pit. Materials from this pit were staged with the soils from the excavation south of the pad.

#### *New Drum Spill Area*

Soils in this area were excavated during the investigations to a depth of approximately 2 feet below grade where clay was encountered. The soil excavated from the new drum spill area encompassed an area  $15\pm$  feet by  $15\pm$  feet and  $5\pm$  feet high in the center. A total of 10 soil samples were collected from the sidewalls of the excavation, and headspace analysis was performed. Results of the headspace analysis ( $1\pm$  to  $3\pm$  ppm) as shown on Table 1 of this Report, indicated no obvious evidence of volatile compound contamination. No visual oily contamination was noted within the excavation. Soil samples were also collected from the bottom of the excavation and submitted for laboratory analyses. Laboratory analysis of these soils is described in section 3.0. Figure 1 in Appendix B of this Report shows the area of investigation and the sampling locations.

#### *Laboratory Analysis Results*

The composite soil sample (i.e., P-9, P-10, P-11, and P-12) taken from the new drum spill area soil pile showed trace concentrations of methylene chloride, barium, and chromium. The methylene chloride was reported at a concentration of  $40\text{ ug/l}$ . The concentrations of chromium ( $0.02\text{ mg/l}$ ) and barium ( $0.49\text{ mg/l}$ ) in this sample were detected at levels which were below the applicable NYSDEC groundwater standards, the NYSDOH drinking water standards, and the TCLP maximum contaminant level (indicating the soil was not hazardous).

As described above, this Spill No. 8908716 was closed on January 29, 1990.

### **F. 1991 Report on Closure of Petroleum Storage Tanks, by C.T. Male**

This report on closure of petroleum storage tanks was prepared by C.T. Male for Realty Assets, Inc., the property manager for Exchange Street Associates LLC. It describes the work procedures performed to close the eight petroleum storage tanks (7 underground and 1 above ground). The closure work was performed between August 20, 1991 and September 9, 1991. The piping from the tanks to the pump island were also visible. The contents of the tanks were removed by a vacuum truck. The liquid fuel wastes removed from the tanks and cleaning wastes, approximately 1,696 gallons total, were transported for disposal on August 27, 1991 by Clean Harbors of Kingston, Inc.

## **G. 2001 Phase I ESA Report, by C.T. Male**

This Phase I ESA was prepared for Everett Storage and Handling on December 21, 2001 to provide a liability defense as an innocent tenant. The portion of the lands of the First Prize Center investigated as part of this assessment included approximately 15.25 acres on the eastern, southeastern, south and southwestern portions of the lands of the Site. [NOTE: Only new information not previously provided in prior Phase I reports will be summarized herein.]

### *Operation of the Tobin Plant, Site Buildings, and Structures*

Areas within the southern portion of the Main Building were closed as "unusable areas" as required by the Albany County Office of Code Enforcement, and were segregated from the remainder of the building by firewalls. Subsequent tenants of the building included an indoor paint ball facility, a chemical supply company, meat and dairy distributors and storage. At the time of this report, the building was used for a combination of office space, dry storage, cold storage, freezer space, an artist studio, and classrooms.

Outbuilding #1 (former machine shop, hog pen area and "cookers" room) was being used as a vehicle storage, repair and sales garage by Ashley Auto Sales, Inc., as an art gallery and specialty framing shop by Art Associates, and as a vehicle service shop by Kendall Trucking.

Outbuilding #2 (the Tobin garage building previously leased to Goodyear Tire and several vehicle service and repair shops) was closed as "unusable areas", and segregated from the remainder of the building by firewalls.

Outbuilding #3 (Tobin storage building and car repair shop) now included tenants called Armor Elevator, Sound Barriers, and several health care facilities.

Outbuilding #4 (former hog pens) was demolished in the late 1980's or early 1990's as described above.

Outbuilding #5 (former wastewater treatment plant building) was being used as a cement plant and a storage operation for an ice cream company.

### *Radon*

The Site lies in Zone 1, which is defined as having an average predicted indoor radon screening potential greater than 4 pCi/L. The EPA Map of Radon Zones is included as Figure 6 in Appendix A.

### *ASTM Federal and State Database Review*

The Site was identified twice on the RCRA generator list. The first listing is on the RCRA NLR (No Longer Regulated) list, under the name First Prize Center. In addition, a former tenant, Fiberglass Products, Inc., was listed as a small generator generating less than 100 kg/month of hazardous waste.

Three additional spills were filed on the Site since Spill No. 8908716 (described above): Spill No. 9214479 was reported in September 1992 as a result of a worker overcome by vapor. It was determined that a forklift in the closed room caused the vapor, and the spill was closed on March 31, 1993. Spill No. 9210607 was reported on December 14, 1992 based on the observance of an oily substance found while excavating a gas main valve on Exchange Street near the Site. No action was recommended unless the situation changed. The spill was subsequently closed on December 16, 1992. Spill No. 9506248 was reported as a result of several 55 gallon drums leaking in a parking



lot. It was determined that the product was probably waste oil from a truck repair shop in the building. This spill was closed on September 8, 1995.

#### *Transformers*

Transformers, some of which were not previously identified in the prior Phase I reports, were observed in several areas throughout the Site, including six pole-mounted transformers, three wall-mounted transformers, four pad mounted transformers (identified in the C.T. Male 1988 Phase I Report as PCB-containing transformers), four floor-mounted transformers, and six suspended from elevator frame. It was not known if the transformers, other than the four pad mounted transformers, contained PCBs.

#### *Asbestos*

No ACM surveys or asbestos abatement activities occurred at the facility since the 1990 C.T. Male Report described above.

#### *Site Drainage Issues*

A slop sink within Outbuilding #5 was discharging to a trench-type floor drain within the building, which was subsequently pumped to a catch basin outside the building. The slop sink appeared to have residual paint staining from products used in the Mapco Enterprises shop, and cloudy-to-milky colored liquid was observed within the trench drain at the time of the site visits. The former anhydrous ammonia refrigeration system was reportedly decommissioned by draining the ammonia in the late 1980's or early 1990's. However, no documentation was found concerning this activity.

#### *Lead Paint*

Peeling paint was observed throughout various portions of the Site buildings at the time of the site visits. Based on the age of the Site buildings, it was noted that the paint present within the buildings may contain lead. However, testing for lead based paint was not performed.

#### *Underground and/or Above Ground Storage Tanks*

Seven underground storage tanks previously identified at the Site were closed in-place (*see* 1991 Closure Report described above), and no evidence of new tanks (i.e., vent and fill pipes) were observed; however, portions of the piping associated with the seven closed tanks remained in the ground. A 20,000 gallon above ground tank used to store No. 6 fuel oil was removed from the site in 1991.

The report noted that none of the facilities located at the subject site have tanks registered with the NYSDEC. Nevertheless, a total of sixteen (16) above ground storage tanks were present at the facility at the time of the report. Two of these tanks were apparently abandoned, and a third tank used for fuel oil was reportedly going to be removed in early 2002. The remaining tanks were used to store motor oil, heating oil, antifreeze, and used oil.

Location	Owner or Tenant	Capacity (Gallons)	Contents
West of Outbuilding #5	Mapco Enterprises	275	Diesel Fuel
South of Outbuilding #5	Abandoned	275	Empty
West of Outbuilding #3	Undetermined	275	Unknown
West of Outbuilding #3	Undetermined	275	Unknown
West of Outbuilding #3	Undetermined	275	Unknown
Area 101-Outbuilding #2B	Anastasi Construction	+/- 250 gal. plastic tote	Used Oil

<b>Area 101-Outbuilding #2B</b>		+/- 250 gal. plastic tote	Used Oil
<b>Area 101-Outbuilding #2B</b>	CMC Trucking	275	Motor Oil
<b>Area 101-Outbuilding #2B</b>	Albany Light Truck & Car Repair	275	Motor Oil
<b>Area 101-Outbuilding #2B</b>		275	Used Oil
<b>Area 101-Outbuilding #2B</b>		275	Used Oil
<b>Area 101-Outbuilding #2A</b>	Lily Transportation	500	Motor Oil
<b>Area 101-Outbuilding #2A</b>		1,000 (Estimated)	Used Oil
<b>Area 101- Outbuilding #1</b>	Kendall Trucking	275	Diesel Fuel
<b>Southeast side of Outbuilding #2</b>	Anastasi Construction	275	Formerly No. 2 Fuel Oil (reportedly no longer used)
<b>Southwest end of Main Building</b>	Albany Winwater Pipe Company	275	Diesel Fuel

#### *Storage of materials*

Storage of five 55gallon drums of unidentified materials, and a flammable material storage cabinet containing approximately 30 gallons of abandoned chemical products, was observed at the facility at the time of the site visits. Storage of approximately forty 55-gallon drums of used oil, two 55-gallon drums of used antifreeze, two 55± gallon drums of waste adhesives, three 5-gallon used oil containers, twenty-five 55-gallon drums (which were utilized for used oil collection and were empty or had minimal residual product present at the time of the visits), one 55-gallon drum of used oil filters, and a used oil filter collection container was observed at the facility in tenant areas at the time of the site visits. Storage of several hundred drums and containers of General Electric Silicones products; drums of motor oils, hydraulic oil, latex-based adhesive products, and antifreeze; and containers of various lubricants, cleaners, chemicals, oils, degreasers, gasoline and fuel conditioners were observed at the facility at the time of the site visits.

#### *Observed Evidence of Potential or Known Site Contamination*

Several instances of staining with the appearance of oil or petroleum products were observed at the Site during the visits. These areas included the loading dock on the southwest side of the Main Building, on the floor within Area 103 of Outbuilding #1, on the floor surrounding a drum in Area 104 of Outbuilding #1, on the floor surrounding the above ground storage tanks at Area 101 of Outbuilding #2B, on the floor in the service area and surrounding drums and an above ground storage tank at Area 102/103 of Outbuilding #2B, on the floor within the All Star Driving School garage in Area 103 of Outbuilding #2B, on the floor within Area 106 of Outbuilding #2A, on the floor within Area 108 of Outbuilding #2A, on the floor surrounding an above ground used oil storage tank within Area 109 of Outbuilding #2A, and in the parking lot area to the northeast of Building #2A. The staining in those areas appeared to have occurred exclusively on concrete and asphalt surfaces, suggesting that soil or groundwater at the Site would not have been impacted.

Additional staining with the appearance of oil or petroleum products was observed at the Site during the visits on the floor within Area 101 of Outbuilding #1 and on the ground surface to the south of Area 101 of Outbuilding #1. Poor housekeeping appeared to be contributing to the staining observed in these areas. As the area along the south side of Outbuilding #1 was not entirely paved, impacts to subject site soils and/ or groundwater may have occurred as a result of the poor housekeeping.

Discolored (i.e., an orange-brown colored) soil was observed on the southeast side of Area 101 of

Outbuilding #2B, and "Black Beauty" blasting agent used by Mapco Enterprises was observed to be present in a widespread area on the southwest side of Outbuilding #5.

#### *Debris Material*

An area of apparent construction and demolition debris material, tires, wood, and household-type waste was observed on the southwestern portion of the site, northwest of Outbuilding #3. A collection of old equipment, rubbish, used storage containers, automotive batteries, and automotive parts were observed in the area immediately south of the Kendall Trucking garage (Area 101 of Outbuilding #1).

### **H. 2001 GZA GeoEnvironmental, Inc. ("GZA") Analytical Report, Boring Log, Bore Hole and Test Pit Locations and Field Logs, and Laboratory Report**

In 2000, GZA prepared a "Proposed Exploration Location Plan", which summarized the location of former groundwater monitoring wells installed by others, and proposed GZA borings with monitoring wells, geotechnical borings, shallow soil borings, geotechnical test pits, and test pits, for an owner that was interested in siting a Home Depot at the Site. In addition to this plan, a 2001 GZA Analytical Report, Boring Log, Bore Hole and Test Pit Locations and Field Logs, and Laboratory Report was prepared; however, no formal investigation report was ever produced summarizing the results of this investigation. The Spider Maps submitted with this BCP Application at Exhibit F summarizes the results from this 2001 GZA investigation against current NYSDEC standards, and were inputted directly onto the GZA Proposed Exploration Location Plan. See 2004 C.T. Male Phase I Report, which provides a summary of the data from this report, and the Environmental Assessment in Section IV(10)(F) of this Support Narrative.

### **A. 2004 Phase I ESA Report, by C.T. Male**

This Phase I was prepared by C.T. Male on behalf of a prospective purchaser, WideWaters Everett Road Co., LLC, in relation to the property that encompasses the BCP Site (Tax Parcels 1-3), and one additional parcel (Town of Colonie Section 53.16, Block 1, Lot 29), which is not included in the BCP Site. [NOTE: Only new information, not previously provided in the aforementioned Phase I is summarized below].

#### *Site Buildings and Structures*

The formerly "unused" areas within the southern portion of the building were rehabilitated for use by the time of this report. This work was performed in accordance with approved plans and specifications filed with Albany County Office of Code Enforcement (Building Permit 174 issued August 31, 2000), and a Certificate of Compliance was received from the Albany County Office of Code Enforcement on December 21, 2000 (included within Appendix C of the Report).

#### *Site and Surrounding Area Historic and Records Review*

At the time of this report, Albany IDA continued to own the Property, and Exchange Street Associates continued to have a lease-purchase agreement. A list of the tenants in the building at the time of this report are listed in the Previous Owners and Operators List at Exhibit E. This Phase I reviewed tax assessment records and determined that the specific agency of the Federal Government that took control of the Site from Tobin in 1983 was the Economic Development Administration of the Department of Commerce. Additionally, this Phase I reviewed a title search report, which indicated that Tobin purchased the property from Consolidated Rendering Company on October 30, 1953.

### *GZA 2001 Results*

The Phase I summarized the GZA 2001 results in detail. According to the Draft Proposed Exploration Location Plan dated November 29, 2000, and enclosed in this Phase I as Figure 21 in Appendix A, and based on the GZA 2001 boring logs available, it was inferred that thirteen test pits were advanced by Precision Industrial Maintenance under the observation of GZA for environmental purposes; thirty-seven test borings were advanced by SJB Services and twenty-five test pits were also completed under the observation of Gifford Engineering for geotechnical purposes; and thirty-eight soil borings (thirteen of which were converted to groundwater monitoring wells) were advanced by GZA.

This Report's summary of exceedances is not repeated herein since the NYSDEC standards and guidance have changed since the writing of the Report. Instead, the Spider Maps submitted with this BCP Application at Exhibit F shows the locations for the exceedances by contaminant from this investigation against current standards, and the Environmental Assessment in Section IV(10)(F) provides a narrative of the results according to current standards.

### *Additional Findings*

A total of sixteen above ground storage tanks were present at the facility at the time of this Report, with four of those tanks apparently abandoned. Those tanks were used to store motor oil, heating oil, diesel fuel, and used oil. None of these tanks were registered with the NYSDEC, according to the reviewed databases at the time.

A sink within Outbuilding #5 was still discharging to a trench-type floor drain within the building, which was subsequently pumped to a catch basin outside the building. Peeling paint was still observed throughout various portions of the Site buildings at the time of the site visits. Based on the age of the Site buildings, paint present within the buildings may contain lead. Fluorescent light fixtures were observed throughout the Site buildings. The report noted that fluorescent light ballasts have the potential to contain PCB's, and fluorescent lamps have the potential to be regulated as a hazardous waste. An updated asbestos survey was not conducted as a function of this assessment. While the former anhydrous ammonia refrigeration system was reportedly decommissioned by draining the ammonia in the late 1980's or early 1990's, not documentation was found for this activity.

The Site was still identified as a RCRA small quantity generator of hazardous waste for tenant Everett Road Storage & Handling (FRS ID: 110009480132; SQG (NYD986945228), and a RCRA "No Longer Regulated" facility for First Prize Center. One additional oil spill was reported on the Site - NYSDEC Spill No.0310007 – which occurred on November 25, 2003 and reportedly involved oil deposits on the asphalt/soil surfaces and in select catch basins on the eastern portion of the property, west of Outbuilding #2A. The cause of the spill was reported as potentially from overflowing catch basins adjacent to the Site. Therefore, there were five reported DEC spills that had occurred in relation to the Site as of the writing of this Report, all of which had been closed.

Storage of drums and containers of unidentified materials, and several flammable material storage cabinets containing reportedly abandoned chemical products were observed at the facility at the time of this Phase I inspection.

Storage of up to 55-gallon drums and containers of used oil, used antifreeze, waste adhesives, and used oil filters were observed at the facility in tenant areas at the time of the site visits.

Storage of several hundred drums and containers of General Electric Silicones products; drums of motor oils, hydraulic oil, latex-based adhesive products, transmission fluid, and antifreeze; and

containers of various lubricants, cleaners, chemicals, oils, degreasers, and fuel conditioners were still observed at the facility at this time.

Several instances of staining with the appearance of oil or petroleum products were observed at the site during the visits. These areas include concrete flooring at the Kendall Trucking garage in Area 101 of Outbuilding #1, Ashley Auto Sales garage in Area 104 of Outbuilding #1, staining on the surface of the motor oil and used oil above ground storage tanks, and on the concrete flooring throughout the Anastasi Construction and CMC Trucking garages in Area 101 of Outbuilding #2B, within the trench-type floor drain at the Empire State Landscaping garage in Area 101 of Outbuilding #2B, on the concrete flooring in the garage and within the trench-type floor drain at the Albany Light Truck & Car Repair garage in Area 102/103 of Outbuilding #2B, on the concrete flooring within Area 103 of Outbuilding #2B, on the concrete flooring within the Lily Transportation garage within Area 106 of Outbuilding #2A, and on the concrete flooring at the AFS Limousine Service garage in Area 108 of Outbuilding #2A. Sorbent materials were observed to be present covering the spills in some of the locations within these areas.

Additional areas of soil contamination and/ or liquid discharges included the asphalt and gravel surface on the south side of the garage area occupied by Kendall Trucking (Area 101 of Outbuilding #1), asphalt and gravel surfaces in areas on the northeast and west sides of Outbuilding #3 (in the vicinity of vehicle and equipment storage areas), soil surrounding the 275 gallon diesel fuel storage tank located on the west side of Outbuilding #5, and widespread deposition of "Black Beauty" blasting agent used by Mapco Enterprises [into the soil surrounding Outbuilding #5.]

Several areas of apparent construction and demolition debris material, tires, wood, and household-type waste were observed on the western, southwestern and southern portions of the site. A collection of old equipment, rubbish, used storage containers, automotive batteries, and automotive parts were observed in the area immediately south of the Kendall Trucking garage (Area 101 of Outbuilding #1).

## **2. Sampling Data**

*See Exhibit F, Spider Maps containing Sampling Data Summaries from the GZA 2001 Investigation, and Section IV.10.F. Additionally, the electronic CD includes all environmental reports described above, and associated laboratory reports are contained therein. No soil vapor data has been obtained on this Site. The most recent Environmental Report on this Site was prepared in 2004 prior to the New York State Department of Health's issuance of its first Guidance for Evaluating Soil Vapor Intrusion in October 2006.*

## **3. Site Drawing**

*See Exhibit F, Spider Maps containing Sampling Data Summaries from the GZA 2001 Investigation with boundaries with the tax parcel boundaries for Parcels 1, 2, and 3.*

## **4. Past Land Uses**

*See Section IV.10.D for full description of past land uses.*

## SECTION IV – PROPERTY INFORMATION

### 1. Site Address, Size, Site Boundary and Tax Parcel Information

The 32.09-acre Site is made up of three Parcels. The tax parcel addresses and tax parcel information are described on the following chart.

Parcel No.	Parcel Address	Section No.	Block No.	Lot No.	Sq. Ft. (according to Survey (See Exhibit G))	Acreage (according to Survey (See Exhibit G))
1	68 Exchange Street, Town of Colonie, New York 12205	53.16	1	23.1	683,440	15.69
2	Rear Russell Road, City of Albany, New York 12203	53.59	1	3.1	597,790	13.72
3	Russell Road, City of Albany, New York 12203	53.60	1	1	116,730	2.68

The Site boundaries do correspond to the exterior tax map boundaries of Tax Parcels 1 and 2. *See* Exhibit G, Survey; and Albany County GIS Tax Map, Exhibit H. Tax Parcel 3 is an interior parcel located between Tax Parcels 1 and 2; and therefore, the boundaries of this tax parcel are interior to the exterior boundaries of the BCP Site. Note: the Albany County GIS Tax Map website lists different acreage for Parcels 1, 2, and 3 than the acreage calculated by the Surveyor, and shown above and on the Survey. Specifically, the Albany County GIS Tax Map website provides the following: Parcel 1: 15.5 acres; Parcel 2: 15.4 acres; and Parcel 3: 2.4 acres.

### 2. Property Map

The Site Location and Base Property Map are in Exhibit I.

### 3. En-Zone

Although a portion of the City of Albany Tax Parcel 2 and all of Parcel 3 are in the En-Zone Type B, Census Tract 3, Albany County, the acreage associated with this portion of the BCP Site appears to be less than 50% of the BCP Site. *See* Exhibit I, En-Zone Map.

**[Please refer to Questions 4-9 on the BCP Application Form]**

### 10. Property Description Narrative

#### A. Site Location

*See* Response to Section IV.1 and IV.2 above. The Site is located in an urban setting characterized by adjacent industrial, commercial, and residential development. The area occupied by the lands of the First Prize Center totals approximately 32.09 acres. The Site is located on the southwest side of the intersection of Exchange Street and Everett Road and on the west side of Exchange Street in the City of Albany and Town of Colonie, Albany County, New York. Exchange Street forms the northern/ northeastern/ eastern subject site property boundary. The Patroon Creek is located approximately 400 feet southwest of the BCP Site, between the adjoining, out of use railroad tracks

to the southwest of the Site, and Interstate Route 90. The Patroon Creek flows southeast, south of the site and the railroad tracks. No water supply wells are known to exist in the vicinity of the BCP Site, as public water supplies are supplied to the City of Albany and Town of Colonie.

#### B. Site Features

The Site features include five building structures, parking areas (some paved, some gravel), and grassy/wooded areas. The Main Building is on the north/northeast portion of the Site. It is a two to four story masonry building. Outbuilding 1 is a one to two story masonry building on the southeast end of the Main Building and connected by a second story bridge to the southeast end of the Main Building. Outbuilding 2 is located to the southeast of Outbuilding 1, near the northeastern corner of the BCP Site, and was constructed in 1938. Outbuilding 3 is a one story masonry building located to the southwest of Outbuilding #2, in the southern corner of the Site. Outbuilding 4 currently exists as a concrete slab located northwest of Outbuilding 3, along the southwest portion of the Site. The building was demolished in the late 1980's or early 1990's as described above. Outbuilding 5 is located to the southwest of the Main Building, and is a one to two story masonry building. The northern portion of the Site previously contained ball fields, but the area is now vacant.

Various paved parking areas exist around the buildings. The Site has paved driveways from Exchange Street on the northeast and eastern sides of the Main Building. The south/ southeast portion of the Site has asphalt paved parking areas and driveways, and access roads surrounding the site buildings. Areas immediately south, west and northwest of the Main Building are also paved. A fenced-in approximately 2.3 acre partially paved parking area exists northwest of the main building (and was the subject of the 1987 C.T. Male Phase I ESA). The southwest portion of the Site is not paved, and consists of grassy to partially wooded land along the adjacent railroad tracks. A gravel driveway connects Outbuilding #5 to the remainder of the developed portions of the Site.

#### C. Current Zoning and Land Use

The Site is within the First Prize Center Redevelopment Overlay District ("First Prize District"), an Intermunicipal Overlay District between the Town of Colonie and the City of Albany. See Exhibit J, Chapter 191 of the Town of Colonie Code, created by Local Law No.3 of 2017, and Chapter 375-2(F)(7) of the City of Albany Code, created by Ordinance Number 27.31.17. See further details in Section X(1). The Site is currently used for a variety of commercial purposes, including offices, storage, vehicle storage and repair, and light industrial. The nearest residential area is across the street from the Site on Exchange Street, and down Russel Road. The title report provided in the 2004 C.T. Male Phase I ESA in Appendix C identified nine easements pertaining to the site, including ingress/ egress, temporary easements and utility easements.

#### D. Past Use of the Site

Prior to the development of the Site that began in 1924, the property was vacant land. Beginning in 1924 until the 1980s, the Site was used as a slaughterhouse and meat packing plant. Early historic uses may have included the manufacturing of fertilizers on the Site. Frederick M. Tobin purchased a controlling interest in Rochester Packing Co. in the 1920s, the predecessor to Tobin Packing Co., Inc., and construction began by 1924.<sup>1</sup> According to a title report conducted in 2004, and described in the 2004 C.T. Male Phase I ESA, Consolidated Rendering Company owned the Site until October 30, 1953, when it sold the Property to Tobin. The title report did not indicate when this

---

<sup>1</sup> <http://www.democratandchronicle.com/story/news/local/rocroots/2015/04/10/whatever-happened-tobin-packing-co/25528783/>

company purchased the property. Consolidated Rendering Company manufactured fertilizers and glue; and operated rendering, wool pulling and scouring operations; and sold animal hides. Pesticides were identified exceeding SCOs on the Site, *see* Exhibit F Spider Maps, and Consolidated Rendering Company's operations may have been the source.

Tobin's animal slaughterhouse and meat packaging plant included cooler and freezer space, a boiler room, a laboratory, smoke rooms, warehouse space, offices, etc. On the southeast end of the main building is the former machine shop, hog pen area, and "cookers" room (i.e. where inedible waste was rendered). The garage building was used by Tobin for the storage and maintenance of their trucks. VOCs were identified on the Site exceeding SCOs and groundwater standards, *see* Exhibit F Spider Maps, and Tobin's garage building operations, in addition to the numerous vehicle repair operations in this building following Tobin's bankruptcy between the mid-1980s and the present, may have been the source.

Additionally, Tobin had two incinerators. The incinerator was located west of the main Tobin Plant and was used in the early years and up to the 1960s (exact dates unknown) to burn paper and wood refuse. The facility received complaints for the soot created in the area. Additionally, the ash/coal was reportedly disposed of in an open field area northwest of the main building. Selenium was identified on the Site exceeding groundwater standards. The Selenium exceedances were likely a result of the particulate deposits and/or ash/coal dumping from the incinerator.

After Tobin, the Site was renamed the First Prize Center, and has been used for a variety of commercial and industrial uses to the present date, including dry/cold/freezer storage, painting companies, laminating companies, vehicle storage, offices, a cement plant, vehicle repair, health care facilities, art studio, etc. *See* Exhibit E Previous Owners and Operators List.

#### E. Site Geology and Hydrogeology

The Site is generally level, with a slight slope present along the southwest portion of the Site down to the adjoining unused railroad tracks. Unpaved areas on the southwestern and western portion of the Site have reportedly been filled to make nearly level topography across the site, according to the site contact. According to the United States Geological Survey Topographic Map, the Site lies at approximately 200 to 205 feet above Mean Sea Level. Soils are mapped by the Albany County Soil Survey as urban land; nearly level to strongly sloping areas where asphalt, concrete, buildings or other impervious materials cover more than 85 percent of the surface. Surficial geology is mapped as dunes. Dunes are fine to medium sands which are permeable and range in thickness from 1 to 10 meters. Bedrock is mapped as Normanskill Shale.

Groundwater flows in an easterly-southeasterly direction, and has been identified in at least one report to be at about 6-8 feet bgs. The Patroon Creek is located approximately 400 feet southwest of the Site, between the adjoining railroad tracks to the southwest of the property and Interstate Route 90. No water supply wells are known to exist in the vicinity of the Site, as public water supplies are provided to the City of Albany and Town of Colonie. No State or Federal designated wetlands are present on the Site or on adjacent parcels according to available State wetlands mapping. [Note: The survey identified a small area with wetlands markers on the Site. *See* Exhibit G. The Site is not within a flood zone. *See* Exhibit K, Flood Map.



## F. Environmental Assessment

Based on the investigations conducted to date, the primary contaminants of concern are VOCs, SVOCs, Metals, and Pesticides in soil, and VOCs, SVOCs, and Metals in groundwater, as further described below and on the Spider Maps attached as Exhibit F.

### **Soil:**

*VOCs:* Unrestricted Use SCOs (“UUSCOs”) were exceeded for Acetone (result: 1,800 ug/kg; standard: 50 ug/kg) total xylenes (result: 1,800 ug/kg; standard 260 ug/kg) at GZ-SB-C5-S1; and Ethylbenzene (result: 5,800 ug/kg; standard: 1,000 ug/kg) and total xylenes (result: 23,000 ug/kg/standard 260 ug/kg) at GZ-SB-D4-S2. Both samples were located in the southeast portion of the Site.

*SVOCs:* Semi-volatile organic compounds, including Naphthalene, Acenaphthene, Dibenzofuran, Phenanthrene, Anthracene, Fluoranthene, Pyrene, Benzo(a)anthracene, Chrysene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, benzo(a)pyrene, and Indeno(1,2,3-cd)pyrene, Dibenz(a,h)anthracene, were detected above NYSDEC UUSCOs, Restricted Use SCOs, or Commercial Use SCOs in four test borings that were converted into wells (GZ-A15, GZ-SB-A3-S3, GZ-SB-C4-S1, and GZ-SB-C5-S1), located in the southeast and southwest portion of the Site.

*Pesticides:* Pesticides, including DDE, DDD, DDT, Gamma-chlordane, and Alpha-chlordane, were detected at five soil boring locations exceeding UUSCOs in the southeast and southwest portion of the Site.

*Metals:* Arsenic was detected in soil above the Commercial Use SCOs in GZ-SB-B4-S2 and SB-B6 (result range: 24.5-36.7 mg/kg; standard 16 mg/kg). Arsenic (1 sample), Selenium (9 samples), Lead (3 samples), Zinc (4 samples), Copper (2 samples), and Mercury (1 sample) were detected in soil above UUSCOs in the southeast and southwest portion of the Site.

### **Groundwater:**

*VOCs:* Two locations on the southwest side of the Site had VOCs in groundwater at concentrations above their respective NYSDEC groundwater quality standard. At GZ-D3, the following nine VOCs were detected in groundwater at concentrations above their respective NYSDEC groundwater quality standard or guidance value: 1,2-Dichloroethane (result: 6.5 ug/l; standard 0.6 ug/l); benzene (result: 240 ug/l; standard 1 ug/l); toluene (result: 21 ug/l; standard 5 ug/l); ethylbenzene (result: 290 ug/l; standard 5 ug/l); m&p-Xylene (result: 150 ug/l; standard 5 ug/l); o-Xylene (result: 11 ug/l; standard 5 ug/l); Isopropylbenzene (result: 52 ug/l; standard 5 ug/l); n-propylbenzene (result: 130 ug/l; standard 5 ug/l); and 1,2,4-Trimethylbenzene (result: 6.4; standard 5 ug/l).

*SVOCs:* Groundwater samples were not analyzed for SVOCs; however Naphthalene is a SVOC that is detectable by the VOC analysis. Naphthalene was detected at three of the monitoring wells above its respective NYSDEC groundwater quality guidance value of 10 ug/l at a concentration of 92 ug/l (GZ-A15-northwest side of the Site), 190 ug/l (GZ-D3-southwest side of the Site), and 14 ug/l (GZ-D5-southwest side of the Site).

*Metals:* Exceedances of the NYSDEC groundwater standard for Selenium (15 locations ranging from 26.4 to 121 ug/l; standard: 10 ug/l) and Lead (6 locations ranging from 25.7 to 150 ug/l; standard 25 ug/l) were spread across the north and south portions of the Site. Antimony (result 138 ug/l; standard 3 ug/l), arsenic (result: 218 ug/l; standard 25 ug/l), and chromium (result: 89 ug/l; 50 ug/l) were detected above their respective NYSDEC groundwater quality standard in one well, GZ-

A3, located in the southwest portion of the Site. There was one exceedance of the NYSDEC groundwater standard for Cadmium (result 5.4 ug/l; standard 5 ug/) on the northwest portion of the Site.

**Soil Vapor:**

No soil vapor data has been obtained on this Site. The most recent Environmental Report on this Site was prepared in 2004 prior to the New York State Department of Health's issuance of its first Guidance for Evaluating Soil Vapor Intrusion in October 2006.

**[Please refer to Questions 11-13 on the BCP Application Form]**

## **SECTION V- ADDITIONAL REQUESTOR INFORMATION**

*See Section I, Requestor Information and responses in the Application form.*

## **SECTION VI- CURRENT PROPERTY OWNER/OPERATOR INFORMATION**

Exchange Street Associates LLC, located at 25 Mason Lane, Slingerlands, New York 12159 ("Owner") is the owner of the three parcels which make up the Site, and are described above. The Owner has owned the parcels since March 31, 2015. *See Exhibit C, Deeds.* Requestor has no relationship with the current owner, other than a Site Access Agreement to investigate and remediate the Site. *See Exhibit D.*

A past owner and operator list is attached as Exhibit E. This Exhibit includes both current and previous property owners and operators by name, last known address, telephone number, and the Requestor's relationship to each owner and operator (all of which are "None"). Exhibit E also includes the prior operators' use of the Site, which generally included a variety of commercial uses, including offices, inside and outdoor storage, freezer storage, vehicle repair (including painting) and storage, art framing, retail, and light manufacturing.

## **SECTION VII- REQUESTOR ELIGIBILITY INFORMATION**

**[Please Refer to Questions 1-11 on the BCP Application Form]**

### **REQUESTOR CERTIFICATION**

The Requestor certifies it is a Volunteer, since it does not own the Site; and does not have nor has it ever had a relationship with any of the past owners or operators of the Site, nor did it have involvement with the Site at the time of disposal.

## **SECTION VIII- PROPERTY ELIGIBILITY INFORMATION**

**[Please refer to Questions 1-4, and 6 on the BCP Application Form]**

*See also* Section VIII on the BCP Application Form. In addition to the responses on the application form, which clarify the Site is an eligible brownfield site pursuant to the brownfield site exceptions in ECL §27-1405, the following information further demonstrates this Site's eligibility for the BCP.

The Site meets the definition of an eligible "brownfield site", recently amended by statute in Environmental Conservation Law §27-1405(2) above as "any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by the department that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations." Environmental investigation results show evidence of impact from the Site's previous commercial, manufacturing, and industrial uses, which can be linked to and caused Site contamination above the applicable cleanup standards. *See* Environmental Reports and Exhibit E, providing the data demonstrating exceedances of the cleanup standards for this Site. As a result, the Site meets the definition of a brownfield site pursuant to Environmental Conservation Law § 27-1405(2) above.

## **SECTION IX - CONTACT LIST INFORMATION**

*See* Exhibit L for the Site Contact List, and Exhibit M for the Repository Letters.

## **SECTION X- LAND USE FACTORS**

### **1. Current Zoning**

The Site is within the First Prize Center Redevelopment Overlay District ("First Prize District"), an Intermunicipal Overlay District between the Town of Colonie and the City of Albany. *See* Exhibit J, Chapter 191 of the Town of Colonie Code, created by Local Law No.3 of 2017, and Chapter 375-2(F)(7) of the City of Albany Code, created by Ordinance Number 27.31.17.

The First Prize district was created because the site has been vacant since the closure of Tobin's First Prize meat processing and packaging facility, and the Town and City each desire to facilitate the redevelopment of the Site. The intermunicipal zoning district encourages a mix of uses within multiple-story buildings and structures, encourages a high density of building structures and uses to create a village-like or urban setting, promotes pedestrian and other non-vehicular access between uses and provides sufficient separation and buffering from properties neighboring the zoning district to protect the existing character of existing land uses surrounding the district.

The following uses are permitted in the First Prize District as of right with Site Plan approval:

- 1) Hotels
- 2) Banquet Centers
- 3) Restaurants
- 4) Retail
- 5) Residential
- 6) Theaters
- 7) Health Clubs/ Indoor recreation

- 8) Entertainment
- 9) Grocery stores/Supermarkets
- 10) Amphitheaters and parks/cultural entertainment facilities
- 11) Offices
- 12) Parking and multi-level parking structures
- 13) Any other use proposed which the Consolidated Zoning Board determines is consistent with and furthers the intent of this First Prize Center Redevelopment Overlay Zone

## 2. **Current Use**

This Site is currently used for a variety of commercial uses, including offices, inside and outdoor storage, freezer storage, vehicle repair (including painting) and storage, art framing, retail, and light manufacturing. The possible contaminant exceedances described in the environmental assessment are likely from past operators, such as Tobin, Goodyear, Consolidated Rendering Company, and the various vehicle painting and repair shops both previously and currently on the Property. A summary of current business operations and their uses is included on the Previous Owners and Operators list in Exhibit E. The surrounding land uses, as identified during the site visit, are described as follows:

- **Northeast** - Residential properties, a parking lot used by Stock Transportation for school bus parking, Colonie Business Machines, Pro Tech Automatic Lawn Sprinklers, and a Sunoco gasoline station lie to the northeast of the subject site, on the opposite side of Exchange Street.
- **Northwest** - Remaining vacant lands of the First Prize Center, a fenced-in storage yard occupied by Albany RV Sales & Rentals, and Town of Colonie baseball fields are located to the northwest of the site.
- **Southeast** - Residential areas and Everett Road lie to the southeast of the subject site.
- **Southwest** - Railroad tracks used by ConRail and Amtrak form the southwest property boundary. The Patroon Creek and Interstate Route 90 lie to the southwest of the railroad tracks.

## 3. **Intended Use Post Remediation**

Post remediation use of the Site will be a mixed-use community, with residential built over retail and commercial space. *See* Section II, Project Scope for a more detailed description.

## 4. **Do current historical and/or recent development patterns support the proposed use?**

Yes. The historical use of the Site and the surrounding area has been largely mixed-use manufacturing, commercial, and residential.

## 5. **Is the proposed use consistent with applicable zoning laws/maps?**

Yes. *See* response to Question I above in this Section. The proposed mixed use is consistent with the zoning in the First Prize Center Redevelopment Overlay District, an Intermunicipal Overlay District between the Town of Colonie and the City of Albany. *See* Exhibit J, Chapter 191 of the Town of Colonie Code, created by Local Law No.3 of 2017, and Chapter 375-2(F)(7) of the City of Albany Code, created by Ordinance Number 27.31.17.

**6. Consistent with the Master Plan?**

Yes. The project is consistent with the Comprehensive Plans for the Town of Colonie and the Common Council of the City of Albany, each of which desire to facilitate redevelopment of this vacant and deteriorating property. City of Albany Comprehensive Plan § 3.1 encourages ways to make the City attractive for business development to regional economic development practitioners, including the creation of new districts, and development patterns that include walkable streets, compact, mixed-use development, public spaces, and context sensitivity to historic design and development. Town of Colonie Comprehensive Plan § 3.3 mentions the Site as an underutilized industrial area to be revitalized, and a critical economic development area.

# **EXHIBIT A**

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through August 25, 2017.

---

Selected Entity Name: FIRST PRIZE DEVELOPMENT PARTNERS, LLC  
Selected Entity Status Information  
**Current Entity Name:** FIRST PRIZE DEVELOPMENT PARTNERS, LLC  
**DOS ID #:** 5191280  
**Initial DOS Filing Date:** AUGUST 23, 2017  
**County:** SARATOGA  
**Jurisdiction:** DELAWARE  
**Entity Type:** FOREIGN LIMITED LIABILITY COMPANY  
**Current Entity Status:** ACTIVE

#### Selected Entity Address Information

#### **DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

FIRST PRIZE DEVELOPMENT PARTNERS, LLC  
8 PADDOCKS CIRCLE  
SARATOGA SPRINGS, NEW YORK, 12866

#### **Registered Agent**

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

#### **\*Stock Information**

# of Shares	Type of Stock	\$ Value per Share
-------------	---------------	--------------------

No Information Available

\*Stock information is applicable to domestic business corporations.

### Name History

Filing Date	Name Type	Entity Name
AUG 23, 2017	Actual	FIRST PRIZE DEVELOPMENT PARTNERS, LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

[Search Results](#) [New Search](#)

[Services/Programs](#) | [Privacy Policy](#) | [Accessibility Policy](#) | [Disclaimer](#) | [Return to DOS](#)  
[Homepage](#) | [Contact Us](#)





# State of Delaware

SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
P.O. BOX 898  
DOVER, DELAWARE 19903

9076648

07-28-2017

KNAUF SHAW LLP  
1400 CROSSROADS BUILDING  
2 STATE STREET  
ROCHESTER, NY, 14614

ATTN: MEAGHAN COLLIGAN

## DESCRIPTION

## AMOUNT

5663651 - FIRST PRIZE DEVELOPMENT PARTNERS, LLC

Entity Status - Short Form

Certification Fee \$50.00

TOTAL CHARGES \$50.00

TOTAL PAYMENTS \$50.00

BALANCE \$0.00

# Delaware

The First State

Page 1

*I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF  
DELAWARE, DO HEREBY CERTIFY "FIRST PRIZE DEVELOPMENT PARTNERS, LLC"  
IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN  
GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF  
THIS OFFICE SHOW, AS OF THE TWENTY-EIGHTH DAY OF JULY, A.D. 2017.*



5663651 8300

SR# 20175297491

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature of Jeffrey W. Bullock in black ink, written over a horizontal line.

Jeffrey W. Bullock, Secretary of State

Authentication: 202966055

Date: 07-28-17

# **EXHIBIT B**

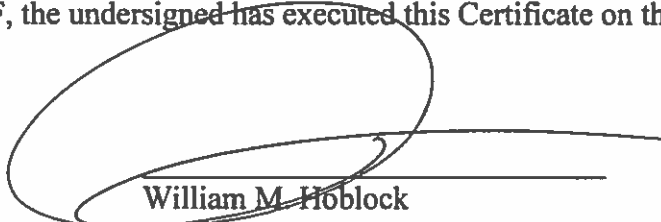
### WRITTEN CONSENT

The undersigned, being a Member of First Prize Development Partners, LLC, does hereby certify as follows:

1. First Prize Development Partners, LLC is the prospective volunteer for the First Prize Center located at 68 Exchange Street, Town of Colonie (Tax Parcel No. Section 53.16 Block 1 Lot 23.1); Rear Russell Road, City of Albany (Section 53.59 Block 1 Lot No. 3.1, and Russell Road, City of Albany (Section 53.60 Block 1 Lot 1) (the "Site").

2. The following person, Simon J. Milde, the Managing Member, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer First Prize Development Partners, LLC.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 30 day of AUG of 2017.



William M. Hobblock  
Member

# **EXHIBIT C**



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

**Return to:**

**GANZ WOLKENBREIT & SIEGFELD  
ONE COLUMBIA CIRCLE  
ALBANY NY 12203**

**Instrument                      Deed**

**Document Number:    11806925              Book: 3131    Page: 326**

**Grantor**

**ALBANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

**Grantee**

**EXCHANGE STREET ASSOCIATES LLC**

**Number of Pages:        4**

**Recorded Date/Time    03/31/2015 at 11:21 AM**

**Receipt Number            879211**

**Transfer Tax Receipt**

**Albany County Clerk Received:**

**Trans Tax # 4706**

**.....\$0.00**

**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.**

  
**Bruce A Hidley, County Clerk**

km  
3/8



**THIS INDENTURE**, Made this 31<sup>st</sup> day of March, 2015

Between Albany County Industrial Development Agency, 112 State Street, Albany, NY 12207, Party of the first part, and

Exchange Street Associates, LLC, 39 Mohawk Trail, Slingerlands, NY 12159, Party of the second part,

**WITNESSETH**, that Party of the first part, in consideration of One Dollar (\$1.00) lawful money of the United States, and other good and valuable consideration paid by the Party of the second part, do hereby grant and release unto the Party of the second part, its heirs, successors and assigns forever,

**ALL THAT CERTAIN** piece, parcel, and plot of land, together with the buildings and improvements situate thereon located both in the City of Albany and in the Town of Colonie, County of Albany, State of New York as more particularly described on Schedule "A" annexed hereto and made a part hereof.

Being a portion of the same premises conveyed to Albany County Industrial Development Agency by deed dated February 10, 1984 and recorded in the Albany County Clerk's Office on June 21, 1984 in Liber 2263 of Deeds at P. 297.

Also being a portion of the premises in which a lease purchase right was acquired by the party of the second part pursuant to a Lease Purchase Agreement dated December 30, 1983 and recorded June 27, 1985 in Liber 2286 at p. 37, and assigned to Exchange Street Associates by Assignment dated November 30, 1987 and recorded December 1, 1987 in Liber 2351 at p. 1131.

This conveyance is made subject to any and all covenants, conditions, easements, and restrictions of record, any zoning and environmental protection laws; any existing tenancies, and unpaid installments of street and improvement assessments payable after the date of transfer of title to the premises and any state of facts which an inspection and/or accurate survey may show.

**Together** with the appurtenances and all the estate and rights of the Party of the first part in and to said premises,

**To have and to hold** the premises herein granted unto the Party of the second part, its heirs and assigns forever,

**And** said Party of the first part covenants as follows:

**First**, That the Party of the second part shall quietly enjoy the said premises;

**Second**, That said Party of the first part will forever **Warrant** the title to said premises.



**Third,** That, in Compliance with Section 13 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

**In Witness Whereof,** The Parties of the first part hereto have hereunto set their hands and seal the day and year first above written.

In Presence of

Albany County Industrial Development Agency

By: \_\_\_\_\_

Gary W. Domalewicz, Chairman

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

On the 27<sup>th</sup> day of March, 2015 before me, the undersigned, a Notary Public in and for said State, personally appeared Gary W. Domalewicz, Chairman of ACIDA, 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, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

WALTER J. FORMAN  
Notary Public, State Of New York  
No. 4870407  
Qualified In Albany County  
Commission Expires September 2, 2018

\_\_\_\_\_  
Notary Public



## EXHIBIT A

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, with the buildings and improvements thereon, situate, lying and being partly in the City of Albany and partly in the Town of Colonie, County of Albany, State of New York being bounded and described as follows:

BEGINNING at a point in the southerly line of Exchange Street, said point being at the northerly corner of the lands now or formerly of Camarota; and

RUNNING THENCE South 47 degrees 13 minutes 07 seconds West, along the lands now or formerly of Camarota 239.04 feet to a point, at the northwest corner of said lands now or formerly of Camarota and in the division line between the Town of Colonie and the City of Albany;

THENCE South 42 degrees 34 minutes 53 seconds East, along said division line 37.70 feet to a point;

THENCE South 56 degrees 09 minutes 23 seconds West, along Everett Road Extension 198.16 feet to a point;

THENCE South 05 degrees 54 minutes 20 seconds East, along Everett Road Extension 55.87 feet to a point;

THENCE South 43 degrees 58 minutes 40 seconds West, 33.45 feet to a point in the easterly line of the lands now or formerly of New York Central Railroad;

THENCE North 42 degrees 49 minutes 15 seconds West, along the easterly line of said railroad 2103.60 feet to a point in the southerly line of the lands conveyed to the Town of Colonie by the Albany County Industrial Development Agency by deed dated March 1, 1989 and recorded April 19, 1989 in Liber 2389 cp 379;

THENCE along the lands of the Town of Colonie conveyed as aforesaid the following seven courses:

- 1) South 76 degrees 35 minutes 55 seconds East, 11.99 feet to a point;
- 2) North 43 degrees 01 minutes 59 seconds East, 30.00 feet to a point;
- 3) North 02 degrees 37 minutes 08 seconds West, and crossing the division line between the City of Albany and the Town of Colonie, 399.47 feet to a point;
- 4) North 54 degrees 25 minutes 16 seconds East, 440.10 feet to a point;
- 5) North 60 degrees 40 minutes 13 seconds, 56.29 feet to a point;
- 6) South 30 degrees 39 minutes 05 seconds East, 20.00 feet to a point; and
- 7) North 59 degrees 20 minutes 55 seconds East, 50.01 feet to a point in the southerly line of Exchange Street;

THENCE South 30 degrees 39 minutes 05 seconds East, along the southerly line of Exchange Street 1556.15 feet to a point;

THENCE CONTINUING along the southerly line of Exchange Street South 42 degrees 46 minutes 52 seconds East, 727.86 feet to the point and place of beginning.

TICOR TITLE INSURANCE COMPANY

**First American Title Insurance Company**  
*Issued by*  
**SNEERINGER MONAHAN PROVOST REDGRAVE**  
**TITLE AGENCY, INC.**

**SCHEDULE B – SECTION 2**  
**EXCEPTIONS:**

<b>Fee P</b>	<b>Loan P</b>	<b>The policy or policies to be issued will contain exceptions to the following (unless the same are disposed of to the satisfaction of this Company):</b>
		<ol style="list-style-type: none"><li>1. Persons in possession and lessees.</li><li>2. The amount of acreage or square footage is not insured.</li><li>3. Water and Sewer Rents, if any. Municipal department charges, if any, not returned to county tax enforcing officer for collection.</li><li>4. Utility Easements - Liber 797 cp 381, Liber 797 cp 466, Liber 811 cp 449, Liber 911 cp 470, Liber 1895 cp 102.</li><li>5. Right of Way - Liber 1086 cp 245.</li><li>6. Road and Drainage Easement - Liber 524 cp 284.</li><li>7. Covenants and Restrictions in Liber 1380 cp 273.</li><li>8. Rights and easements of others in and to and cost of maintenance of private road - Liber 573 cp 286.</li><li>9. Drainage Easement Liber 1763 cp 317, Map 305 Parcel 350.</li><li>10. Access between the premises herein and Everett Road.</li><li>11. Temporary Grading Easement Liber 2752 cp 963, Map No. 15 Parcel No. 15.</li><li>12. Access and Parking Easements Liber 2389 cp 379.</li><li>13. Temporary Easement Liber 2389 cp 381.</li><li>14. Terms, covenants, conditions and agreements contained in Lease dated January 22, 1985 made by and between First Prize Industrial Parks, Inc., Lessor, and The Goodyear Tire and Rubber Company, Lessee.</li><li>15. Terms, covenants, conditions and agreements contained in Lease dated March 7, 1985 made by and between First Prize Industrial Parks, Inc., Lessor, and The Goodyear Tire and Rubber Company, Lessee, recorded May 20, 1985 in Liber 2283 cp 830.</li><li>16. Terms, covenants, conditions and agreements contained in Lease dated September</li></ol>

*First American Title Insurance Company*  
*Issued by*  
**SNEERINGER MONAHAN PROVOST REDGRAVE**  
**TITLE AGENCY, INC.**

**SCHEDULE B – SECTION 2**  
**EXCEPTIONS:**

<b>Fee P</b>	<b>Loan P</b>	<b>The policy or policies to be issued will contain exceptions to the following (unless the same are disposed of to the satisfaction of this Company):</b>
		24, 1988 made by and between Exchange Street Associates, Lessor, and The Goodyear Tire and Rubber Company, Lessee, recorded March 27, 1989 in Liber 2387 cp 712.
		17. Terms, covenants, conditions and agreements contained in Lease dated October 19, 1988 made by and between Exchange Street Associates, Lessor, and Polacsek Farms, Inc. Lessee, a Memorandum of which is recorded July 11, 1989 in Liber 2395 cp 659.
		18. Any state of facts that an accurate current survey would show.
		19. Exact location, courses and distances of premises described in Schedule "A" cannot be guaranteed without an accurate survey.

# **EXHIBIT D**

**First Prize Development Partners, LLC**  
**8 Paddocks Circle**  
**Saratoga Springs, New York 12866**  
**518.786.7100**

Frank J. Crisafulli  
Exchange Street Associates, LLC  
25 Mason Lane  
Slingerlands, New York 12159

**Re: Site Access to Perform Brownfield Cleanup Program Work**  
**The First Prize Center**  
**Exchange Street**  
**City of Albany and Town of Colonie, Albany County, New York**

Dear Frank:

As you are aware, First Prize Development Partners, LLC is submitting a Brownfield Cleanup Program ("BCP") Application to the New York State Department of Environmental Conservation to voluntarily investigate and remediate The First Prize Center located in the City of Albany and Town of Colonie, Albany County, New York known and designated as 76 Exchange Street (assessed as 68 Exchange Street, Town of Colonie, tax map number 53.16-1-23.1, Russell Road, City of Albany, tax map number 53.60-1-1, and Rear Russell Road, City of Albany, tax map number 53.59-1-3.1) (the "BCP Site"). As you obviously know, Exchange Street Associates, LLC owns the aforementioned parcels that make up the BCP Site. We need your written permission below to access your property for the purpose of performing environmental investigation and remediation work as a criteria for acceptance into the BCP.

If you agree to sign below, you are granting us what is known as a "temporary license" to allow an appropriate contractor we hire to enter the property to perform investigation and remediation work. We promise to provide you with copies of any information we generate about the property, and if we do accidentally damage your property in any way, we agree to repair the damages to restore the property to the way it was before we entered. Our contractor will also maintain insurance that would cover any accidents on the job. We promise to minimize any and all inconvenience to you in connection with this work, and will give you one week notice before the work begins. If you have any questions, please do not hesitate to call William M. Hoblock who is coordinating investigation and remediation at 518.786.7100. Otherwise, please sign below so that this work can proceed.

Thank you for your cooperation.


Sincerely,



First Prize Development Partners, LLC

By: Simon J. Milde  
Managing Member

As a member of the site owner, I am authorized to grant this temporary license and agree to allow First Prize Development Partners, LLC and its agents to enter my property to perform the BCP investigation and/or remediation work required.



Exchange Street Associates, LLC

By: Frank J. Crisafulli  
Managing Member-Sales &  
Development

# **EXHIBIT E**

# CURRENT AND PREVIOUS OWNERS & OPERATORS LIST

First Prize Center

68 Exchange Street, Town of Colonie, New York (SBL: 53.16-1-23.1);

Rear Russel Road (SBL: 53.59-1-3.1) and Russel Road (SBL: 53.60-1-1), City of Albany, New York

CURRENT AND PREVIOUS OWNERS LIST		
Year	Owner	Relation to Requestor
?- October 30, 1953	Consolidated Rendering Company (INACTIVE - Termination (Jan 31, 1985)) <b><u>Registered Agent Address:</u></b> The Corporation Trust Co., 277 Park Ave., New York, New York 10017; <b><u>Phone:</u></b> UNKNOWN	None
October 30, 1953 – early 1980s	Tobin Packing Co., Inc. (INACTIVE - Dissolution by Proclamation / Annulment of Authority (Jan 25, 2012)) <b><u>Address:</u></b> No Registered Agent on file with NYSDOS; <b><u>Phone:</u></b> UNKNOWN	None
Early 1980s- Early 1980s	Economic Development Administration of the Department of Commerce of the United States of America <b><u>Address:</u></b> U.S. Department of Commerce, 1401 Constitution Avenue, NW, Suite 71014, Washington, DC 20230; <b><u>Phone:</u></b> (202) 482-2000	None
Early 1980s - 03/2015	Albany County Industrial Development Agency <b><u>Address:</u></b> 112 State Street Rm 740, Albany, New York 12207; <b><u>Phone:</u></b> (518) 466-7952	None
03/2015-Present	Exchange Street Associates, LLC <b><u>Address:</u></b> 25 Mason Lane, Singerlands, New York 12159; <b><u>Phone:</u></b> (518) 439-6103	None



## CURRENT AND PREVIOUS OWNERS & OPERATORS LIST

First Prize Center

68 Exchange Street, Town of Colonie, New York (SBL: 53.16-1-23.1);

Rear Russel Road (SBL: 53.59-1-3.1) and Russel Road (SBL: 53.60-1-1), City of Albany, New York

CURRENT AND PREVIOUS OPERATOR LIST			
Year	Operator	Use	Relation to Requestor
Unknown-1954	Consolidated Rendering Company (INACTIVE - Termination (Jan 31, 1985)) Registered Agent Address: The Corporation Trust Co., 277 Park Ave., New York, New York 10017; Phone: UNKNOWN	Manufactured fertilizers and glue; animal slaughter, meat packaging,	None
~1920s – early 1980s	Tobin Packing Co., Inc. (INACTIVE - Dissolution by Proclamation / Annulment of Authority (Jan 25, 2012)) Address: UNKNOWN; Phone: UNKNOWN	Animal slaughter, meat packaging, automobile repair	None
~1975s	West Albany Athletic Association, Inc. <b>Address:</b> Exchange Street, Albany, New York; <b>Phone:</b> (518) 482-2652	Ball fields on the northern portion of the Site	None
early 1980s-~1985	McNar Industries, Inc. (INACTIVE – Dissolution by Proclamation / Annulment of Authority (March 24, 1993)) <b>Address:</b> UNKNOWN; <b>Phone:</b> UNKNOWN	Leased from Albany County IDA	None
1984-Unknown	Fire Equipment Service (INACTIVE – Dissolution (June 5, 2012)) <b>Address:</b> UNKNOWN; <b>Phone:</b> UNKNOWN	Paint and repair fire trucks and ambulances in garage building	None
~1985~1986	First Prize Industrial Park, Inc. (INACTIVE – Dissolution by proclamation / Annulment of Authority (March 25, 1992)) <b>Address:</b> UNKNOWN; <b>Phone:</b> UNKNOWN	Leased from Albany County IDA	None
1985~1990s	Goodyear Tire and Rubber Co <b>Address:</b> 46 Wolf Road, Albany, New York 12205-2603; <b>Phone:</b> (518) 459-9122	Recaped and repaired truck tires in garage building	None
1986 - Unknown	Sound Barriers <b>Address:</b> UNKNOWN; <b>Phone:</b> UNKNOWN	Used former storage building and car repair shop used by Tobin. Uses the space as a recording studio.	None

## CURRENT AND PREVIOUS OWNERS & OPERATORS LIST

### First Prize Center

**68 Exchange Street, Town of Colonie, New York (SBL: 53.16-1-23.1);**

**Rear Russel Road (SBL: 53.59-1-3.1) and Russel Road (SBL: 53.60-1-1), City of Albany, New York**

1986 - Unknown	Armor Elevator (INACTIVE – Termination (February 27, 1996)) <b><u>Address:</u></b> UNKNOWN; <b><u>Phone:</u></b> UNKNOWN	Used former storage building and car repair shop used by Tobin. Maintains office space and warehouse space for elevator parts.	None
~1986- 11/30/1987	Brooks Financial Corp. of New York City (foreclosure) (INACTIVE – Dissolution by Proclamation / Annulment of Authority (September 27, 1995)) <b><u>Address:</u></b> UNKNOWN; <b><u>Phone:</u></b> UNKNOWN	The 2.3 acre fenced-in, partially paved area on the northwest portion of the site was used for RV Rentals of Albany, which was a sublessee of Brooks, and stored mobile homes, items of heavy construction equipment, and two guard houses.	None
September 1987- November 30, 1987	Community Federal Savings and Loan of Bridgeport, Connecticut (merged into and operated as part of Wells Fargo Bank, National Association) <b><u>Address:</u></b> c/o Wells Fargo Bank, 101 North Phillips Avenue, One Wachovia Center, Sioux Falls, SD 57104; <b><u>Phone:</u></b> 605-575-6900	Temporary lease holder following foreclosure of Brooks Financial Corp.	None
11/30/1987- Present	Exchange Street Associates <b><u>Address:</u></b> 25 Mason Lane, Slingerlands, New York 12159; <b><u>Phone:</u></b> (518) 439-6103	Landlord/property manager	None
June 1987- Unknown	Albany Ladder (INACTIVE – Merged Out (January 1, 2000)) <b><u>Address:</u></b> UNKNOWN; <b><u>Phone:</u></b> UNKNOWN	Equipment storage in garage building	None
June 1987- Unknown	John's Truck Repair, Inc. (INACTIVE – Dissolution (December 2, 1996)) <b><u>Address:</u></b> UNKNOWN; <b><u>Phone:</u></b> UNKNOWN	body shop, also leases space in the garage building.	None
June 1987- Unknown	Limo – Scene Inc. (INACTIVE – Dissolution by Proclamation / Annulment of Authority (January 23, 1993)) <b><u>Address:</u></b> UNKNOWN; <b><u>Phone:</u></b> UNKNOWN	Stored and maintain thre) limousines in garage building	None
June 1987- Unknown	Northeast Fiberglass Products, Inc. (INACTIVE – Dissolution (March 30, 2015)) <b><u>Address:</u></b> UNKNOWN <b><u>Phone:</u></b> UNKNOWN	Silled and repaired fiberglass truck hoods in garage building	None

## CURRENT AND PREVIOUS OWNERS & OPERATORS LIST

### First Prize Center

**68 Exchange Street, Town of Colonie, New York (SBL: 53.16-1-23.1);**

**Rear Russel Road (SBL: 53.59-1-3.1) and Russel Road (SBL: 53.60-1-1), City of Albany, New York**

1989 - 2006	American Laminating Co. (INACTIVE – Dissolution (January 10, 2008)) <b><u>Address:</u></b> UNKNOWN; <b><u>Phone:</u></b> UNKNOWN	Plastic laminating on paper in basement of main bldg.	None
~1989- Unknown	Morey C. Draper <b><u>Address:</u></b> UNKNOWN <b><u>Phone:</u></b> UNKNOWN	Local trucker-stored trailers outside on west end of property	None
~1989- Unknown	Rollerfun, Inc. (INACTIVE – Dissolution (July 22, 1998)) <b><u>Address:</u></b> UNKNOWN; <b><u>Phone:</u></b> UNKNOWN	Roller skate storage on the second floor ( #203A) of Main bldg.	None
~1989 – Present	R. V. Rental of Albany <b><u>Address:</u></b> UNKNOWN <b><u>Phone:</u></b> UNKNOWN	Motor home sales on lot on the west side of property	None
~1989- Unknown	All Star Paving <b><u>Address:</u></b> UNKNOWN <b><u>Phone:</u></b> UNKNOWN	Stored paving & equipment on the south side of the Main bldg.	None
~1989- Unknown	C.A.R.S. Management Associates, Corp. (INACTIVE – Dissolution by Proclamation / Annulment of Authority (September 29, 1993)) <b><u>Address:</u></b> UNKNOWN; <b><u>Phone:</u></b> UNKNOWN	Car customizing in the Goodyear bldg.	None
~1989- Unknown	Food Exchange <b><u>Address:</u></b> UNKNOWN <b><u>Phone:</u></b> UNKNOWN	Deli in the Goodyear bldg.	None
~1989- Unknown	Beltrone Construction Co., Inc.(INACTIVE – Dissolution (June 27, 2008)) <b><u>Address:</u></b> N/; <b><u>Phone:</u></b> UNKNOWN	Office and small storage shed in rm #114 of Masonry bldg. in southwest corner of site	None
~1989- 2013	W. J. Kendall, Inc. (INACTIVE – Dissolution by Proclamation / Annulment of Authority (March 24, 1993)) <b><u>Address:</u></b> UNKNOWN; <b><u>Phone:</u></b> UNKNOWN	Truck repair garage room #101 in Main bldg.	None

## CURRENT AND PREVIOUS OWNERS & OPERATORS LIST

### First Prize Center

**68 Exchange Street, Town of Colonie, New York (SBL: 53.16-1-23.1);**

**Rear Russel Road (SBL: 53.59-1-3.1) and Russel Road (SBL: 53.60-1-1), City of Albany, New York**

~1989- Unknown	Midstate Elevator Co. <b><u>Address:</u></b> UNKNOWN <b><u>Phone:</u></b> UNKNOWN	Office & storage of elevator parts in rm. #104 of Main bldg.	None
~1989- Unknown	Glasrock Home Health Care Center (INACTIVE – Termination (September 18, 1995)) <b><u>Address:</u></b> UNKNOWN; <b><u>Phone:</u></b> UNKNOWN	Medical services to home health patients in rooms' 112 & 113 in the Masonry bldg. in SW corner of the site	None
~1989- Unknown	Barn Raisers, Inc. <b><u>Address:</u></b> 5 Washington Square, Albany, New York 12205; <b><u>Phone:</u></b> UNKNOWN	Office on the 2 <sup>nd</sup> floor (Rm. #207) in the Main Bldg.	None
1989-1999	Realty Assets, Inc. (Inactive) Address: CRISAFULLI BROS. INC., 875 BROADWAY, WALTER LOTZ ALBANY, NEW YORK,	Prior office manager for current owner; Office in Rm. #114 of Main Bldg.	None
~1989- Unknown	United Publishing Co. <b><u>Address:</u></b> 21a Railroad Ave, Albany, New York 12205; <b><u>Phone:</u></b> (518) 438-1600	Storage of text books for school in Rm. #115 & 116-Office and Rm. #109-warehouse	None
~1989- Unknown	Subo Chemical Corp. (INACTIVE – Dissolution (April 7, 1997)) <b><u>Address:</u></b> PO Box 13434, Albany, New York 12212; <b><u>Phone:</u></b> UNKNOWN	Office & warehouse for storage of soaps for restaurants & cleaners in Rm. #117 & 126 of the Main Bldg.	None
~1989- Unknown	All American Office Coffee (INACTIVE – Dissolution by Proclamation / Annulment of Authority (June 26, 2002)) <b><u>Address:</u></b> 76 Exchange Street, Albany, New York 12205; <b><u>Phone:</u></b> UNKNOWN	Coffee suppliers in Rm. 118-Office & Rm. #108-warehouse in the Main Bldg.	None
~1989- Unknown	Ma-Co Electrical Corp. (INACTIVE – Dissolution by Proclamation / Annulment of Authority (December 28, 1994)) <b><u>Address:</u></b> UNKNOWN; <b><u>Phone:</u></b> UNKNOWN	Electrical Contractors in Rm #119-office and Rm. 112-warehouse of Main Bldg.	None
~1989- Unknown	Total Lighting Concepts, Inc. (INACTIVE – Dissolution (November 10, 1991)) <b><u>Address:</u></b> UNKNOWN; <b><u>Phone:</u></b> UNKNOWN	Lighting sales in Rm. #120, A, B, C, D, E of Main Bldg.	None

## CURRENT AND PREVIOUS OWNERS & OPERATORS LIST

### First Prize Center

**68 Exchange Street, Town of Colonie, New York (SBL: 53.16-1-23.1);**

**Rear Russel Road (SBL: 53.59-1-3.1) and Russel Road (SBL: 53.60-1-1), City of Albany, New York**

~1989- Unknown	Center Wallpaper Outlet <b><u>Address:</u></b> UNKNOWN; <b><u>Phone:</u></b> UNKNOWN	Wallpaper sales, Rm. #123 of Main Bldg.	None
1989-1989	Polacsek Farms, Inc. (INACTIVE – Merged Out (November 10, 1989)) <b><u>Address:</u></b> UNKNOWN <b><u>Phone:</u></b> UNKNOWN	Office for meat processing, storage and sales in Rm. #132 & 131 of Main Bldg.	None
~1989- Unknown	John's Dairy, Inc. (INACTIVE – Dissolution by Proclamation / Annulment of Authority (July 29, 2009)) <b><u>Address:</u></b> UNKNOWN; <b><u>Phone:</u></b> UNKNOWN	Dairy distributor; office & warehouse. Some refrigerator space	None
~1989- Unknown	Cowan & Lobel, Limited <b><u>Address:</u></b> Stuyvesant Plaza, Albany, New York 12203; <b><u>Phone:</u></b> UNKNOWN	Dead storage files and furniture for other business	None
~1989- Unknown	Bruegger's Bagel <b><u>Address:</u></b> 12201 Merit Drive Suite 900 Dallas, Texas 75251; <b><u>Phone:</u></b> 1-802-660-4020	Office space Rm. #207 area	None
~1989- Unknown	Mr. Ding-A-Ling Ice Cream <b><u>Address:</u></b> 324 Old Niskayuna Road, Latham, New York 12110-3514; <b><u>Phone:</u></b> (518) 786-9246	Freezer to store ice cream in the Former Wastewater Treatment Bldg.	None
~1989- Unknown	Ellis Hospital <b><u>Address:</u></b> 1101 Nott Street, Schenectady, New York 12308; <b><u>Phone:</u></b> (518) 243-4000	Storage of hospital furniture, etc. in Rm. #401 of the Main Bldg.	None
~1989- Unknown	Bollman, Sheedy, Torani & Co. <b><u>Address:</u></b> 26 Computer Dr W, Albany, NY 12205; <b><u>Phone:</u></b> (518) 459-6700	Record storage in Rm. #400 of the Main Bldg.	None
~1989- Unknown	Midstate Industries, Ltd. <b><u>Address:</u></b> 1105 Catalyn Street, Schenectady, New York 12303; <b><u>Phone:</u></b> (518) 374-1461	Fiberglass restoration – architectural work done on site in Rm. #403 of the Main Bldg.	None

## CURRENT AND PREVIOUS OWNERS & OPERATORS LIST

### First Prize Center

**68 Exchange Street, Town of Colonie, New York (SBL: 53.16-1-23.1);**

**Rear Russel Road (SBL: 53.59-1-3.1) and Russel Road (SBL: 53.60-1-1), City of Albany, New York**

~1989- Unknown	J.A.H. Auto (INACTIVE – Dissolution by Proclamation / Annulment of Authority (April 27, 2011)) <b><u>Address:</u></b> UNKNOWN; <b><u>Phone:</u></b> UNKNOWN	Small garage for auto repairs in the Goodyear Bldg.	None
~1989- Unknown	John's National Repair, Inc. (John's Truck Repair) (INACTIVE – Dissolution (December 2, 1996)) <b><u>Address:</u></b> UNKNOWN; <b><u>Phone:</u></b> UNKNOWN	Truck repairs garage in the Goodyear Bldg.	None
~1989- Unknown	Closet Crafters & More, Inc. <b><u>Address:</u></b> 1 Hickory Lane, Averill Park, New York 12018; <b><u>Phone:</u></b> (518) 459-0037	Retail storage units/sales & storage-Main Bldg Rm. 103A	None
~1989- Unknown	Art Associates (INACTIVE – Dissolution by Proclamation / Annulment of Authority (March 23, 1994)) <b><u>Address:</u></b> UNKNOWN; <b><u>Phone:</u></b> UNKNOWN	Art gallery & workshop for framing, etc. in the Main bldg. - Rm. #103B	None
~1989- Unknown	Tommy & Leonard DiFabio <b><u>Address:</u></b> UNKNOWN; <b><u>Phone:</u></b> UNKNOWN	Records storage in the Main Bldg.-Rm. 112B	None
~1989-- Unknown	Pizza Express <b><u>Address:</u></b> 1178 Western Ave, Albany, New York 12203; <b><u>Phone:</u></b> (518) 489-2222	Storage of cardboard boxes in the Main Bldg.-Rm. # 112C	None
~1989- Unknown	All Star Driving School <b><u>Address:</u></b> 15 Industrial Park Road, Albany, New York; 12206; <b><u>Phone:</u></b> (518) 417-2537	Office for classroom driving courses-in the Main Bldg.-Rm. #208C	None
~1989- Unknown	Crowley Foods <b><u>Address:</u></b> 55 Commerce Ave, Albany, NY 12206; <b><u>Phone:</u></b> (518) 482-4474	Rent freezer for ice cream storage in the Main Bldg. -Rm. #311	None
~1989- Unknown	Paul Roth <b><u>Address:</u></b> 256 North Wisconsin, N Massapequa, New York 11748; <b><u>Phone:</u></b> UNKNOWN	Cooler room-made sandwiches in the Main Bldg-Rm. #129A	None

## CURRENT AND PREVIOUS OWNERS & OPERATORS LIST

### First Prize Center

**68 Exchange Street, Town of Colonie, New York (SBL: 53.16-1-23.1);**

**Rear Russel Road (SBL: 53.59-1-3.1) and Russel Road (SBL: 53.60-1-1), City of Albany, New York**

~1989- Unknown	Loca Industrial USA, Inc. (INACTIVE – Dissolution by Proclamation / Annulment of Authority (December 28, 1994)) <b><u>Address:</u></b> UNKNOWN; <b><u>Phone:</u></b> UNKNOWN	Office Importer –Main Bldg.-Rm. #232A	None
~1989- Unknown	Adrian Brisee	Made counter tops in the Main Bldg.-Rm. #107	None
~1989- Unknown	JMB Enterprises, Inc. Address: 84 Court Street, Suite 201, Binghamton, New York 1390; Phone: UNKNOWN	Office and freezer space renter in the Main Bldg.-Rm. #207 area & #127	None
~1989- Unknown	Dormitory Authority of NYS <b><u>Address:</u></b> 515 Broadway, Albany, NY 12207-2964; <b><u>Phone:</u></b> (518) 257-3000	Storage of records in the Main bldg. Rm. #401	None
04/01/89-09/30/98	Stuart, Susan <b><u>Address:</u></b> 172 Jay Street, Albany, New York 12210; <b><u>Phone:</u></b> (518) 438-9717	Artist studio	None
04/01/96-10/31/03	Hanifan, J.M. <b><u>Address:</u></b> 39 Ramsey Place, Albany, New York 12208; <b><u>Phone:</u></b> (518) 424-5597	Vehicle parking	None
08/01/98-12/31/07	Ashley Automotive, Inc. <b><u>Address:</u></b> 8 Highland Ave., Albany, New York 12205; <b><u>Phone:</u></b> (518) 461-1503	Sub rents to commercial lock sales and vehicles	None
01/01/88-11/02	WJ Kendall Inc. <b><u>Address:</u></b> 83 Exchange Street, Albany, New York 12205; <b><u>Phone:</u></b> (518) 482-7022	Servicing construction equipment	None
07/31/88-07/31/15	RV One Superstones, Inc. <b><u>Address:</u></b> PO Box 12309, Albany, New York 12212; <b><u>Phone:</u></b> (518) 459-4695	Storage and office	None

## CURRENT AND PREVIOUS OWNERS & OPERATORS LIST

First Prize Center

68 Exchange Street, Town of Colonie, New York (SBL: 53.16-1-23.1);

Rear Russel Road (SBL: 53.59-1-3.1) and Russel Road (SBL: 53.60-1-1), City of Albany, New York

10/01/88-Month to month	Art Associates <b>Address:</b> 76 Exchange Street, Albany, New York 12205; <b>Phone:</b> (518) 459-1307/ (518) 438-9007	Sell and frame art	None
03/11/89-02/28/011	American Graphic Finishers Inc., Chris Urbano <b>Address:</b> 76 Exchange Street, Albany, New York 12205; <b>Phone:</b> (518) 438-4283/ (800) 735-6100	Main building – graphics and printing	None
07/01/89-12/30/04	Patren Hardware Corporation <b>Address:</b> 76 Exchange Street, Albany, New York 12205; <b>Phone:</b> (518) 458-8411	Retail	None
07/12/95-08/31/2003	Anything Towing & Transportation, Inc. <b>Address:</b> 76 Exchange Street, Albany, New York 12205; <b>Phone:</b> (518) 432-1420	Parked tow trucks and office	None
09/05/96-12/31/02 (Present)	Hafner Valuation Group Inc. <b>Address:</b> 4 Avis Drive, Latham, New York 12110; <b>Phone:</b> (518) 785-5996/ (518) 785-6428	Storage	None
11/13/96- 09/04	Eddie's Corner CD's <b>Address:</b> 22 Collamer Rd., Malta, New York 12020; <b>Phone:</b> (518) 446-1949	Storage	None
11/01/97-01/04	Fishco, LLC <b>Address:</b> 76 Exchange Street, Albany, New York 12205; <b>Phone:</b> (518) 438-2885	Stored and delivered fish	None
12/01/97-06/30/10	M&R Associates Mapco <b>Address:</b> 99 Cordell Rd., Schenectady, New York; <b>Phone:</b> (518) 346-4678	Sand blasting and vehicle painting	None



## CURRENT AND PREVIOUS OWNERS & OPERATORS LIST

First Prize Center

68 Exchange Street, Town of Colonie, New York (SBL: 53.16-1-23.1);

Rear Russel Road (SBL: 53.59-1-3.1) and Russel Road (SBL: 53.60-1-1), City of Albany, New York

12/01/97-10/07	American Energy Care, Inc. <b>Address:</b> 401 New Karner Rd., 2nf Fl., Albany, New York 12205; <b>Phone:</b> (518) 869-6862	Stored energy efficient lightbulbs	None
12/01/99-02/28/04	Replay Office Interiors, Inc <b>Address:</b> 1275 Broadway, Albany, New York 12204; <b>Phone:</b> (518) 433-0029	Offices	None
12/15/00-07/15/04	Vitamin Center, Inc. <b>Address:</b> 568 Columbia Turnpike, East Greenbush, New York 12061; <b>Phone:</b> (518) 573-6416	Retail distribution vitamins	None
01/01/00-09/03	Kraft Foods North America, Inc. <b>Address:</b> 76 Exchange Street, Albany, New York 12205; <b>Phone:</b> Freezer tenant, not available	Storage freezer	None
09/01/01-03/01/17	VJ Anastasi General Contra. <b>Address:</b> 313 Elsmere Ave., Delmar, New York 12054; <b>Phone:</b> (518) 478-0965	Store trucks and equipment repair trucks	None
12/01/01-05/05	Albany Light Truck Repair, Joe Gentile Albany Light Truck Repair, Inc. <b>Address:</b> 76 Exchange Street, Albany, New York 12205; <b>Phone:</b> (518) 437-0304	Auto repair	None
01/01/04-06/30/04	AFS Limo Service, c/o Emil Armendoia <b>Address:</b> PO Box 5276, Albany, New York 12205; <b>Phone:</b> (518) 862-0686	Store vehicles and office	None
02/01/02-03/31/18	Albany Winwater Works Co. <b>Address:</b> PO Box 353, Walden, New York 12586; <b>Phone:</b> (519) 438-9717	Sell and store piping	None
	TECH Valley Dental Lab LLC	Manufactured false teeth	

## CURRENT AND PREVIOUS OWNERS & OPERATORS LIST

First Prize Center

68 Exchange Street, Town of Colonie, New York (SBL: 53.16-1-23.1);

Rear Russel Road (SBL: 53.59-1-3.1) and Russel Road (SBL: 53.60-1-1), City of Albany, New York

02/01/02-12/31/06	<b>Address:</b> 76 Exchange St., Albany, New York 12205; <b>Phone:</b> (518) 549-1400		None
06/01/02-05/01/03	Office Furniture Express <b>Address:</b> 75 Maple Ave., Troy, New York 12180; <b>Phone:</b> (518) 365-6227	Storage and delivery	None
08/01/02-05/15/15	M. Romano & Son, Inc. <b>Address:</b> 6 Alyssa Court, Albany, New York 12205; <b>Phone:</b> (518) 365-8855	Plowing company- salt, gravel, and sand	None
10/01/02-Present	Everett Road Storage <b>Address:</b> 76 Exchange Street, Albany, New York 12205; <b>Phone:</b> (518) 482-3163	Freezer and shed storage	None
10/01/02-11/02	GE Silicones Santosh Sarawgi <b>Address:</b> 260 Hudson River Road, Waterford, New York 12188; <b>Phone:</b> (518) 233-3727	Storage freezer	None
11/01/02-08/03	Gilett Creamery <b>Address:</b> PO Box 347, Ellenville, New York 12428; <b>Phone:</b> (800) 522-2507 x 105	Storage in freezers	None
02/01/03-09/01/06	OnGuard Security <b>Address:</b> 76 Exchange Street, Albany, New York 12205; <b>Phone:</b> (518) 221-9797	Storage and office	None
03/01/03-04/30/17	Empire State Companies, Inc., Dan Blei <b>Address:</b> 161 Exchange Street, Albany, New York 12205; <b>Phone:</b> (518) 458-8030	Stored equipment and vehicles	None

## CURRENT AND PREVIOUS OWNERS & OPERATORS LIST

First Prize Center

68 Exchange Street, Town of Colonie, New York (SBL: 53.16-1-23.1);

Rear Russel Road (SBL: 53.59-1-3.1) and Russel Road (SBL: 53.60-1-1), City of Albany, New York

03/15/03-04/07	Sun Sales & Service LLC <b>Address:</b> 154 Delaware Ave., Delmar, New York 12054; <b>Phone:</b> (518) 475-3057	Storage	None
05/03-07/04	Pogge, Karl <b>Address:</b> 436 New Scotland Ave., Albany, New York 12208; <b>Phone:</b> (518) 857-1876	Storage	None
12/15/03-12/31/07	Dorsey, Benard Walt <b>Address:</b> 351 Manning Blvd., Albany, New York 12205; <b>Phone:</b> (519) 489-0955	UNKNOWN	None
04/15/04-05/04	MusicWeb.Com, Inc. <b>Address:</b> 76 Exchange St., Albany, New York 12205; <b>Phone:</b> (518) 453-0960/ (518) 453-0960	Storage	None
05/01/04-04/30/05	Mark Young <b>Address:</b> 500 River Road, Troy, New York 12180; <b>Phone:</b> Not available	Storage	None
06/01/04-06/30/05	AAA Partitions, Inc. <b>Address:</b> 76 Exchange, Albany, New York 12205; <b>Phone:</b> (518) 453-1117	Office Partition Storage	None
08/01/04-01/07	Albany Massage Therapy <b>Address:</b> 1096 Madison Ave., Albany, New York 12208; <b>Phone:</b> (518) 689-2180	Storage Message Trailer	None
11/01/04-09/05	Wicked Smart Screen Printing, Inc. <b>Address:</b> 74 Exchange St., Albany, New York 12205; <b>Phone:</b> (518) 785-1393	Printed T-shirt logos	None
	Young, Mark	Storage	

## CURRENT AND PREVIOUS OWNERS & OPERATORS LIST

First Prize Center

68 Exchange Street, Town of Colonie, New York (SBL: 53.16-1-23.1);

Rear Russel Road (SBL: 53.59-1-3.1) and Russel Road (SBL: 53.60-1-1), City of Albany, New York

11/01/04-05/05	<b>Address:</b> 500 River Rd., Troy, New York 12180; <b>Phone:</b> Not available		None
12/01/04-07/06	OBC Films <b>Address:</b> 563 Blue Factory Rd., Averill Park, New York 12018; <b>Phone:</b> (518) 788-2875	Storage and Delivery film supplies	None
05/01/05-05/01/06	Classic Environmental Inc. <b>Address:</b> PO Box 480, Clifton Park, New York 12065-0480; <b>Phone:</b> (518) 664-1209	Office	None
07/22/05-11/01/05	Airline Luggage Delivery Service, Inc. <b>Address:</b> 21 Gage Ave., Albany New York 12203 <b>Phone:</b> (518) 689-0467	Office	None
10/01/05-03/11	Albany Public Library <b>Address:</b> 161 Washington Ave., Albany, New York 12210; <b>Phone:</b> (518) 427-4319/ (518) 330-0927	Storage	None
11/05-02/06	Membrane Products Corporation <b>Address:</b> PO Box 3806, Copper Mountain, Colorado 80443; <b>Phone:</b> (626-344-03361	Storage and office retail	None
11/05/05-05/05/06	Brustle, Robert <b>Address:</b> 120 Hamilton Street, Albany, New York 12207; <b>Phone:</b> (518) 459-5481	Parked cars	None
11/22/05-11/30/08	Groundworks Utilities, Inc. <b>Address:</b> 1281 St. Rt. 9, Gansevoort, New York 12831; <b>Phone:</b> (518) 792-9198	Store vehicles and office	None
	Time Warner Cable, Gary Withey	Storage	

## CURRENT AND PREVIOUS OWNERS & OPERATORS LIST

First Prize Center

68 Exchange Street, Town of Colonie, New York (SBL: 53.16-1-23.1);

Rear Russel Road (SBL: 53.59-1-3.1) and Russel Road (SBL: 53.60-1-1), City of Albany, New York

12/01/05-02/08	<b><u>Address:</u></b> 7800 Crescent Executive Drive, Charlotte, North Carolina 28217; <b><u>Phone:</u></b> (866) 321-2225		None
12/09/05-12/31/06	InfraSource Underground Installation L <b><u>Address:</u></b> 454 River Rd., Glenmont, New York 12077; <b><u>Phone:</u></b> (518) 396-4164	Stored equipment and vehicles and office	None
12/01/05-12/10	I.I.C.D. Clothing Collection <b><u>Address:</u></b> PO Box 520, 1117 Hancock Rd., Williamstown, Massachusetts 01267; <b><u>Phone:</u></b> (413) 884-2692	Clothing collection container	None
01/18/06-04/09	Hitchcock Building Grounds <b><u>Address:</u></b> 28 Clarendon Rd., Albany, New York 12203; <b><u>Phone:</u></b> (518) 438-7325	Storage	None
07/20/06-03/07	Mid-State Industries, Ltd. <b><u>Address:</u></b> 1105 Catalyn Street, Schenectady, New York 12303; <b><u>Phone:</u></b> (518) 374-1461	Storage - equipment	None
10/01/06-09/30/09	The Printshop <b><u>Address:</u></b> 752 Logtown Rd., Glen, New York 12072-2605; <b><u>Phone:</u></b> (518) 225-0508	Printing press	None
10/01/06-08/07	Peak Fitness Equipment Inc. <b><u>Address:</u></b> 7 Criswood Drive, Albany, New York 12204; <b><u>Phone:</u></b> (518) 209-4375	Retail – exercise equipment	None
01/23/07-03/07	Steal A Deal Auto Plaza <b><u>Address:</u></b> PO Box 215, Glenmont, New York 12077; <b><u>Phone:</u></b> (518) 528-0316	Store cars	None
	Capital Car Care, Inc., Alberto Rodrequec	Repaired cars	

## CURRENT AND PREVIOUS OWNERS & OPERATORS LIST

First Prize Center

68 Exchange Street, Town of Colonie, New York (SBL: 53.16-1-23.1);

Rear Russel Road (SBL: 53.59-1-3.1) and Russel Road (SBL: 53.60-1-1), City of Albany, New York

02/08/07-06/16	<b>Address:</b> 76 Exchange Street, Albany, New York 12205; <b>Phone:</b> (518) 435-0644		None
02/15/07-07/08	Wettig, Ralph <b>Address:</b> 1 Coventry Court, Latham, New York 12110; <b>Phone:</b> (518) 330-5573	Dry storage – main building	None
04/2007-09/30/12	Albany Aqua Ducks Inc. <b>Address:</b> PO Box 446, Albany, New York 12201; <b>Phone:</b> (518) 431-7528	Store vehicles and office	None
07/07-11/07	Leonard, Adele <b>Address:</b> 7 Barry Court, Loudonville, New York 12211; <b>Phone:</b> (518) 330-1959	Storage	None
07/07-01/09	Larose, Debbie <b>Address:</b> 6B Gadsen Ct, Albany, New York 12205; <b>Phone:</b> (518) 459-6232	Vehicle storage	None
07/01/07-02/08	Edison G. Granda <b>Address:</b> 1 Seward Street, Albany, New York 12203-5007; <b>Phone:</b> (518) 464-2645	Marble countertop prep and sales	None
09/01/07-02/08	Squire, Robert <b>Address:</b> PO Box 12962, Albany, New York 12212; <b>Phone:</b> Not available	Pallet storage	None
07/01/07- Present	Takach, William <b>Address:</b> 260 1 <sup>st</sup> Street Floor 2, Albany, New York 12206; <b>Phone:</b> (518) 694-0596	Personal car parking and repair	None
	Owusu, Bernard		

## CURRENT AND PREVIOUS OWNERS & OPERATORS LIST

### First Prize Center

**68 Exchange Street, Town of Colonie, New York (SBL: 53.16-1-23.1);**

**Rear Russel Road (SBL: 53.59-1-3.1) and Russel Road (SBL: 53.60-1-1), City of Albany, New York**

12/10/07-04/11	<b>Address:</b> 258 Manning Blvd., Albany, New York 12206; <b>Phone:</b> (518) 588-8610	Trailer Parking	None
12/15/07-07/11	Zalavary, Atalia <b>Address:</b> 200 Woodlawn Ave., Albany, New York 12206; <b>Phone:</b> (518) – 438-9007	Furniture storage in 10,000 sf rm.	None
12/10/07-06/31/09	Five Star Cleaning Service, Arthur Join <b>Address:</b> 4 S. Main St., Albany, New York 12208 ; <b>Phone:</b> (518) 489-5809	Office and storage	None
01/01/08-03/30/08	Delaney Group, Inc. <b>Address:</b> PO Box J, Mayfield New York 12117-0199; <b>Phone:</b> (518) 661-5304	Office space	None
02/08-07/08	Lineberry, Craig <b>Address:</b> 66 N. Allen Street, Albany, New York 12203; <b>Phone:</b> (518) 334-0942	Stored vehicles in garage	None
02/19/08-07/18/08	Haas, Joseph <b>Address:</b> 67 W. Hearthstone Dr., Albany, New York 12205-1320; <b>Phone:</b> (518) 459-2930	Storage roofing materials	None
03/10/08-02/09	Dan's Hauling (Garage) <b>Address:</b> 68 Exchange Street, Albany, New York 12205; <b>Phone:</b> (518) 438-9800	Store equipment and office, stored vehicles	None
03/13/08-04/16	Breedlove, John <b>Address:</b> 289 Sheridan Ave., Albany, New York 12206; <b>Phone:</b> (518) 542-2725	Outside Storage Dump Truck	None

## CURRENT AND PREVIOUS OWNERS & OPERATORS LIST

### First Prize Center

**68 Exchange Street, Town of Colonie, New York (SBL: 53.16-1-23.1);**

**Rear Russel Road (SBL: 53.59-1-3.1) and Russel Road (SBL: 53.60-1-1), City of Albany, New York**

03/10/08-02/09	Dan's Hauling <b>Address:</b> 68 Exchange Street, Albany, New York 12205; <b>Phone:</b> (518) 438-9800	Stored vehicles	None
04/29/08-07/31/2008	Bissette, Ben <b>Address:</b> 120 Hamilton St., Albany, New York 12207; <b>Phone:</b> (704) 340-3910	Storage	None
05/08-11/11	Kingsley Arms to Acres <b>Address:</b> 76 Exchange Street, Albany, New York 12205; <b>Phone:</b> (518) 753-6128	Leased 2 acres for vehicle storage	None
08/08-12/31/16	Skinner, Nicholas <b>Address:</b> 40 Edwards Rd., Wynantskill, New York 12198; <b>Phone:</b> (518) 858-2116	Pallet Storage Month to Month	None
08/08-12/31/09	Boyd Printing <b>Address:</b> 4 Weed Rd., Latham, New York 12110; <b>Phone:</b> (518) 339-5832	Office	None
09/01/08-10/10 (Present)	REJHA Group, LLC <b>Address:</b> 75 Exchange Street, Albany, New York 12205 <b>Phone:</b> (518)433-7433	Furniture storage	None
10/08-02/09	J P Cruise Lines <b>Address:</b> 278 River Street, Troy, New York 12180; <b>Phone:</b> (518) 470-5208	Storage – boat	None
01/09-03/30/10	Auto Indulgence, Inc. <b>Address:</b> PO Box 1545, Green Island, New York 12183; <b>Phone:</b> (518) 459-1413	Auto repair	None
03/01/09-04/09	Rick Zayas <b>Address:</b> 301 Nutgrove Ln., Albany, New York 12202; <b>Phone:</b> (518) 308-7175	Storage	None



## CURRENT AND PREVIOUS OWNERS & OPERATORS LIST

### First Prize Center

**68 Exchange Street, Town of Colonie, New York (SBL: 53.16-1-23.1);**

**Rear Russel Road (SBL: 53.59-1-3.1) and Russel Road (SBL: 53.60-1-1), City of Albany, New York**

02/01/09-04/30/13	Skyview Landscapes, Inc. <b><u>Address:</u></b> 595 New London Road #226, Latham, New York 12110; <b><u>Phone:</u></b> (518) 433-0293	Store equipment, vehicles, and office	None
12/22/09-02/21/10	KMJ Distribution <b><u>Address:</u></b> 24 Wawayanda Rd., Warwick, New York 10990-3339; <b><u>Phone:</u></b> (845) 544-6978	Refrigeration – Freezer tenant storage	None
01/01/10-03/10	Eric Roche <b><u>Address:</u></b> 301 Nutgrove Ln., Albany, New York 12202; <b><u>Phone:</u></b> (518) 427-1423	Vehicle storage	None
03/01/10-07/16	Frank Auto Service <b><u>Address:</u></b> 74 Exchange St., Albany, New York 12205; <b><u>Phone:</u></b> (518) 253-6421/ (518) 727-4840	Auto repair	None
05/10-07/10	Street Kings <b><u>Address:</u></b> 3 Sunset Ave., Albany, New York 12203; <b><u>Phone:</u></b> (518) 435-0011	Detail shop (cars)	None
09/01/10-10/01/10	Jay's Auto Detailing <b><u>Address:</u></b> 19 Park Ave., Berlin, New York 12022; <b><u>Phone:</u></b> (518) 221-9175	Spray painting cars	None
02/16/11-02/29/12	Clean Cut Landscaping <b><u>Address:</u></b> 24 Miracle Lane, Loudonville, New York 12211; <b><u>Phone:</u></b> (518) 301-8441/ (518) 365-6915	Storage equipment and vehicles	None
07/06/11-05/06/12	Resnick Enterprise Corp <b><u>Address:</u></b> 1529 Central Ave., Albany, New York 12205; <b><u>Phone:</u></b> (518) 862-9015/ ( 518) 221-1188	Stored furniture	None
	Trichilo, Carl	Stores and repairs construction equipment	

## CURRENT AND PREVIOUS OWNERS & OPERATORS LIST

**First Prize Center**

**68 Exchange Street, Town of Colonie, New York (SBL: 53.16-1-23.1);**

**Rear Russel Road (SBL: 53.59-1-3.1) and Russel Road (SBL: 53.60-1-1), City of Albany, New York**

04/01/11- Present	<b><u>Address:</u></b> 161 Helderberg Trail, East Berne, New York 12059; <b><u>Phone:</u></b> (518) 857-2156		None
10/01-12- Present	The Bridge Runner Express LLC <b><u>Address:</u></b> 7 White Fir Drive, Loudonville, New York 12211; <b><u>Phone:</u></b> (518) 334-3444	Bus parking	None
08/11-07/13	WJ Kendall Inc. <b><u>Address:</u></b> 83 Exchange St., Albany, New York 12205; <b><u>Phone:</u></b> (518) 453-0824	Garage equipment and vehicle storage	None
03/12-04/30/15	Angela & Darwin Granda <b><u>Address:</u></b> 1 Seward St., Albany, New York 12203; <b><u>Phone:</u></b> (518) 253-2276	Marble countertop prep and sales	None
06/01/13- 11/31/14	Eric Gonzalez <b><u>Address:</u></b> 74 Exchange St., Albany, New York 12205 ; <b><u>Phone:</u></b> (518) 210-2629/ (941) 747-4200	Painted cars	None
09/01/14-02/14	Jay Monette <b><u>Address:</u></b> 2 Gaslight Dr., Albany, New York 12205 ; <b><u>Phone:</u></b> (518) 858-0246	Car painting	None
10/14-12/31/14	Rick & Sons Towing <b><u>Address:</u></b> 74 Exchange St., Albany, New York 12205; <b><u>Phone:</u></b> (518) 256-3753	Stored vehicles	None
04/01/15- 04/30/15	Adams Auto Sale Inc. <b><u>Address:</u></b> 74 Exchange St., Albany, New York 12209 ; <b><u>Phone:</u></b> (518) 210-0210	Retail Auto Store	None
	First Prize Auto Service Corp. Montaser	Personal vehicle repair and parking (30-50)	

## CURRENT AND PREVIOUS OWNERS & OPERATORS LIST

First Prize Center

68 Exchange Street, Town of Colonie, New York (SBL: 53.16-1-23.1);

Rear Russel Road (SBL: 53.59-1-3.1) and Russel Road (SBL: 53.60-1-1), City of Albany, New York

06/01/15-Present	<b>Address:</b> 302 2 <sup>nd</sup> Ave. Apt. 1, Albany, New York 12209; <b>Phone:</b> (518) 253-5935		None
07/01/15-Present	Ike Azadian <b>Address:</b> 169 Exchange Street, Albany, New York 12205; <b>Phone:</b> (518) 928-9261	Personal garage car repair	None
10/01/15-Present	All Star Tractor Trailer Driving School <b>Address:</b> 15 Industrial Park Road, Albany, New York 12206; <b>Phone:</b> (518) 459-5995/ (518) 783-0846	Vehicle storage on vacant lot	None
06/01/15-06/16	Castillo Romulo <b>Address:</b> 71 Southern Blvd., Albany, New York 12209; <b>Phone:</b> (646) 465-2351	Storage	None
02/28/17- 02/28/17	Gerri Walsh <b>Address:</b> 10 Woodridge Dr., Albany, New York 12211; <b>Phone:</b> deceased	Picture framing	None
03/01/17-Present	Art Associates Gallery, Inc. <b>Address:</b> 76 Exchange Street, Albany, New York 12205; <b>Phone:</b> (518) 459-1307/ (518) 438-9007	Sell and frame art	None
04/01/17- 09/30/17 (Current)	DePaula Chevrolet <b>Address:</b> 785 Central Ave, Albany, New York 12206; <b>Phone:</b> (518) 489-5551	*Park new vehicles on vacant property	None
06/01/17-Present	Dan Gagiardi <b>Address:</b> 63B Spring Ave., Latham, New York 12110; <b>Phone:</b> (518) 590-2589	Personal garage – repairs cars	None

# **EXHIBIT F**

Sample Location	Parameter	Result	Unremixed Use COCs	Residential Use COCs	Commercial Use COCs
SB-56	<b>Metals (mg/kg)</b>				
Date Sampled: 3/8/2001	Arsenic	24.5	13	16	16
	Copper	51.7	50	270	270
	Mercury	0.271	0.18	0.81	2.8
	Lead	90.1	63	400	1,000
	Selenium	8.43	3.9	36	1,500

Sample Location	Parameter	Result	Unrestricted Use SCOs	Residential Use SCOs	Commercial Use SCOs
GZ-A15 Date Sampled: 3/8/2001	<b>SVOCS (ug/kg)</b>				
	Naphthalene	49,000	12,000	100,000	500,000
	Dibenzofuran	17,000	7,000	14,000	350,000
	Benzo(a)anthracene	24,000	1,000	1,000	5,600
	Chrysene	16,000	1,000	1,000	56,000
	Benzo(b)fluoranthene	19,000	1,000	1,000	5,600
	Benzo(a)pyrene	21,000	800	1,000	56,000
	Benzo(b)pyrene	14,000	1,000	1,000	1,000
	Indeno(1,2,3-cd)pyrene	4,000	500	500	5,600
	Benz(a,h)anthracene	6,000	330	330	5,600

Sample Location	Parameter	Result	Unrestricted Use SCOs	Residential Use SCOs	Commercial Use SCOs
SB-C10	<i>Pesticides by EPA Method 8081</i>				
Date Sampled: 3/9/2001	DDE	13	3.3	1,800	62,000
	DDD	15	3.3	2,600	92,000
	DDT	27	3.3	1,700	47,000
	DDD	20	3.3	2,600	92,000
	DDT	31	3.3	1,700	47,000

Sample Location	Parameter	Result	Unrestricted Use SCO's	Residential Use SCO's	Commercial Use SCO's
SB-87	Metals (mg/kg)				
Date Sampled: 3/8/2001	Lead	63.3	63	400	1,000

Sample Location	Parameter	Result	Unrestricted Use SCOs	Residential Use SCOs	Commercial Use SCOs
SB-C7	Metals (mg/kg)				
Date Sampled: 3/8/2001	Lead	125	63	400	1,000

Sample location	Parameter	Result	Unrestricted Use SCO's	Residential Use SCO's	Commercial Use SCO's
5-S1	<i>Metals (mg/kg)</i>				
Sampled: 3/12/2001	Selenium	6.4	3.9	36	1,500

Sample Location	Parameter	Result	Unrestricted Use SCOs	Residential Use SCOs	Commercial Use SCOs
GZ-SB-C5-1 Date Sampled: 3/12/2001	<b>VOCs (ug/kg)</b>				
	Acetone	1,800	50	100,000	500,000
	Xylenes, total	1,800	260	100,000	500,000
	<b>SVOCs (ug/kg)</b>				
	Naphthalene	520,000	12,000	100,000	500,000
	Acenaphthene	176,000	20,000	100,000	500,000
	Dibenzokanthracene	140,000	14,000	100,000	300,000
	Phenanthrene	350,000	100,000	100,000	500,000
	Anthracene	180,000	100,000	100,000	500,000
	Fluoranthene	290,000	100,000	100,000	500,000
	Pyrene	200,000	100,000	100,000	500,000
	Benzo(a)anthracene	32,000	1,000	1,000	5,600
	Chrysene	73,000	1,000	1,000	5,600
	Benzo(b)fluoranthene	27,000	1,000	1,000	5,600
	Benzo(k)fluoranthene	39,000	800	1,000	5,600
	Benzo(a)pyrene	23,000	1,000	1,000	1,000
	Indeno(1,2,3-cd)pyrene	17,000	500	500	5,600
	Dibenz(a,h)anthracene	1,500	330	330	560
	<b>Pesticides (ug/kg)</b>				
	DDE	310	3.3	1,800	62,000
	DDD	670	3.3	2,600	92,000
	DDT	1,200	3.3	1,700	47,000
	Alpha-chlordane	210	94	91	24,000
	<b>Metals (mg/kg)</b>				
	Selenium	5.05	3.9	36	1,500

**NOTES:**

1) BASE MAP DEVELOPED FROM DIGITIZED PLAN PROVIDED BY ALTMAN, KRITZER AND LEVICK ENTITLED "SITE PLAN—FIRST PRIZE CENTER PHASE I ENVIRONMENTAL SITE ASSESSMENT UPDATE", PREPARED BY C.T. MALE ASSOCIATES, DATED JULY 1990, DRAWING NO.90-393, FILE NO. 90-3039.

2) THE LOCATION OF SITE FEATURES WERE APPROXIMATELY DETERMINED BY LINE OF SIGHT AND PACING FROM EXISTING SITE FEATURES. THESE DATA SHOULD BE CONSIDERED ACCURATE ONLY TO THE DEGREE IMPLIED BY THE METHOD USED.

MAP REFERENCE:

1. "FIRST PRIZE CENTER PROPERTY 76 EXCHANGE STREET ALBANY, NY PROPOSED EXPLORATION LOCATION PLAN" PREPARED BY GZI GEOENVIRONMENTAL, INC. DATED NOV. 29, 2000, JOB NO. 16552, FIGURE 2.

Sample Location	Parameter	Result	Unrestricted Use SCOs	Residential Use SCOs	Commercial Use SCOs
GZ-SB-A1-S2	<i>Metals (mg/kg)</i>				
Date Sampled: 3/12/2001	Selenium	4.38	3.9	36	1,500

PARAMETER ANALYTICAL RESULTS COMPARED TO SOIL CLEANUP OBJECTIVES (SCO'S)  
PROMULGATED AT 6 NYCRR PART 375.  
RESULTS HIGHLIGHTED IN YELLOW HAVE EXCEEDED UNRESTRICTED USE SCO'S. PARAMETERS  
HIGHLIGHTED IN BLUE HAVE EXCEEDED RESIDENTIAL USE SCO'S.  
PARAMETERS HIGHLIGHTED IN RED HAVE EXCEEDED COMMERCIAL USE SCO'S.

UNAUTHORIZED ALTERATION OR  
ADDITION TO THIS DOCUMENT IS A  
VIOLATION OF THE NEW YORK STATE  
EDUCATION LAW.

© 2017  
C.T. MALE ASSOCIATES

DESIGNED:

DRAFTED : MDD

CHECKED : SB

PROJ. NO : 17.7536

SCALE : NONE

DATE : AUG. 18, 2017

## ALBANY COUNTY, NEW YORK

SHEET 1 OF 2

DWG. NO: 17-477



Location	Parameter	Results (ug/l)	NYSDEC Standard or Guidance Value (ug/l)
GZ-A3 Sample Date: 3/13/2001	<i>Metals</i>		
	Arsenic	218	25
	Chromium	89	50
	Lead	25.7	25
	Antimony	138	3
	Selenium	121	10

Location	Parameter	Results (ug/l)	NYSDEC Standard or Guidance Value (ug/l)
MW-4 Sample Date: 9/8/1988	<i>Metals</i>		
	Lead	150	25

Location	Parameter	Results (ug/l)	NYSDEC Standard or Guidance Value (ug/l)
GZ-A1 Sample Date: 3/13/2001	<i>Metals</i>		
	Selenium	75.8	10

Location	Parameter	Results (ug/l)	NYSDEC Standard or Guidance Value (ug/l)
GZ-B1 Sample Date: 3/14/2001	VOCs		
	m&p-Xylene	5.8	5
	<i>Metals</i>		
	Selenium	50.3	10

Location	Parameter	Results (ug/l)	NYSDEC Standard or Guidance Value (ug/l)
MW-5 Sample Date: 9/8/1988	<i>Metals</i>		
	Lead	110	25

Location	Parameter	Results (ug/l)	NYSDEC Standard or Guidance Value (ug/l)
GZ-C4 Sample Date: 3/13/2001	<i>Metals</i>		
	Selenium	44.2	10

Location	Parameter	Results (ug/l)	NYSDEC Standard or Guidance Value (ug/l)
GZ-E1 Sample Date: 3/15/2001	<i>Metals</i>		
	Selenium	51.9	10

Location	Parameter	Results (ug/l)	NYSDEC Standard or Guidance Value (ug/l)
GZ-D3 Sample Date: 3/14/2001	VOCs		
	1,2-Dichloroethane	6.5	0.6
	benzene	240	1
	toluene	21	5
	Ethylbenzene	290	5
	m&p-Xylene	150	5
	o-Xylene	11	5
	Isopropylbenzene	52	5
	n-propylbenzene	130	5
	1,2,4-Trimethylbenzene	6.4	5
	SVOcs		
	Napthalene	190	10 GV
	<i>Metals</i>		
	Selenium	31.7	10

Location	Parameter	Results (ug/l)	NYSDEC Standard or Guidance Value (ug/l)
GZ-D5 Sample Date: 3/14/2001	SVOcs		
	Napthalene	14	10 GV
	<i>Metals</i>		
	Selenium	47.9	10

Location	Parameter	Results (ug/l)	NYSDEC Standard or Guidance Value (ug/l)
GZ-A1 Sample Date: 3/13/2001	<i>Metals</i>		
	Selenium	75.8	10

Location	Parameter	Results (ug/l)	NYSDEC Standard or Guidance Value (ug/l)
GZ-A5 Sample Date: 3/13/2001	<i>Metals</i>		
	Selenium	48	10

Location	Parameter	Results (ug/l)	NYSDEC Standard or Guidance Value (ug/l)
GZ-B6 Sample Date: 3/13/2001	<i>Metals</i>		
	Selenium	26.4	10

Location	Parameter	Results (ug/l)	NYSDEC Standard or Guidance Value (ug/l)
MW-3 Sample Date: 9/8/1988	<i>Metals</i>		
	Lead	100	25

Location	Parameter	Results (ug/l)	NYSDEC Standard or Guidance Value (ug/l)
MW-1 Sample Date: 9/8/1988	<i>Metals</i>		
	Lead	50	25

Location	Parameter	Results (ug/l)	NYSDEC Standard or Guidance Value (ug/l)
GZ-A15 Sample Date: 3/14/2001	SVOcs		
	Napthalene	92	10 GV
	<i>Metals</i>		
	Selenium	42.9	10

Location	Parameter	Results (ug/l)	NYSDEC Standard or Guidance Value (ug/l)
GZ-B15 Sample Date: 3/14/2001	<i>Metals</i>		
	Selenium	67.5	10

Location	Parameter	Results (ug/l)	NYSDEC Standard or Guidance Value (ug/l)
MW-2 Sample Date: 9/8/1988	<i>Metals</i>		
	Lead	40	25

Location	Parameter	Results (ug/l)	NYSDEC Standard or Guidance Value (ug/l)
GZ-B18 Sample Date: 3/14/2001	<i>Metals</i>		
	Selenium	61	10

Location	Parameter	Results (ug/l)	NYSDEC Standard or Guidance Value (ug/l)
GZ-E19 Sample Date: 3/14/2001	<i>Metals</i>		
	Selenium	65	10

Location	Parameter	Results (ug/l)	NYSDEC Standard or Guidance Value (ug/l)
GZ-E14 Sample Date: 3/14/2001	<i>Metals</i>		
	Cadmium	5.4	5
	Selenium	64.4	10

Location	Parameter	Results (ug/l)	NYSDEC Standard or Guidance Value (ug/l)
GZ-C9 Sample Date: 3/13/2001	<i>Metals</i>		
	Selenium	68.3	10

NOTE:  
1. SITE BENCHMARK: TOP OF RAILROAD SPIKE IN POLE NM 27 ON THE NORTHEASTERN SIDE OF EXCHANGE STREET. ELEVATION IS 214.4.

LEGEND:  
FORMER GROUNDWATER MONITORING WELL INSTALLED BY OTHERS  
GZA BORING WITH MONITORING WELL  
GEOTECHNICAL BORING  
GZA SHALLOW SOIL BORING  
GEOTECHNICAL TEST PIT  
GZA TEST PIT  
GROUND ELEVATION  
ELEV. TOP OF PVC WELL CASING  
ELEVATOR  
SITE BOUNDARY  
MISCELLANEOUS PROPERTY BOUNDARY  
TOWN BOUNDARY

PARAMETER ANALYTICAL RESULTS COMPARED TO AMBIENT GROUNDWATER STANDARDS AND GUIDANCE VALUES (GV) PROHIBITED AT NYSDEC DIVISION OF WATER TECHNICAL AND OPERATIONAL GUIDANCE SERIES (TOGS) 1.1.1.1. AMBIENT WATER QUALITY STANDARDS AND GUIDANCE VALUES AND GROUNDWATER EFFLUENT LIMITATIONS.

NOTES:  
1) BASE MAP DEVELOPED FROM DIGITIZED PLAN PROVIDED BY ALTMAN, KRITZER AND LEWIS ENTITLED "SITE PLAN-FIRST PRIZE CENTER PHASE I ENVIRONMENTAL SITE ASSESSMENT UPDATE", PREPARED BY C.T. MALE ASSOCIATES, DATED JULY 1990, DRAWING NO. 90-365, FILE NO. 90-3008.  
2) THE LOCATION OF SITE FEATURES WERE APPROXIMATELY DETERMINED BY LINE OF SIGHT AND PACING FROM EXISTING SITE FEATURES. THESE DATA SHOULD BE CONSIDERED ACCURATE ONLY TO THE DEGREE IMPLIED BY THE METHOD USED.

## MAP REFERENCE:

1. "FIRST PRIZE CENTER PROPERTY 76 EXCHANGE STREET ALBANY, NY PROPOSED EXPLORATION LOCATION PLAN" PREPARED BY G21 GEOENVIRONMENTAL, INC. DATED NOV. 29, 2000, JOB NO. 16552, FIGURE 2.

DATE	REVISIONS RECORD/DESCRIPTION	DRAFTER	CHECK	APPR.	UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW.
12/14/17	SHOW PARCEL BOUNDARIES AND TOWN LINE	MDD			

## CONTAMINANTS IN GROUNDWATER EXCEEDING STANDARD AND GUIDANCE VALUES

PREVIOUS SITE INVESTIGATIONS  
FIRST PRIZE CENTER SITE

CITY OF ALBANY AND TOWN OF COLONIE

ALBANY COUNTY, NEW YORK

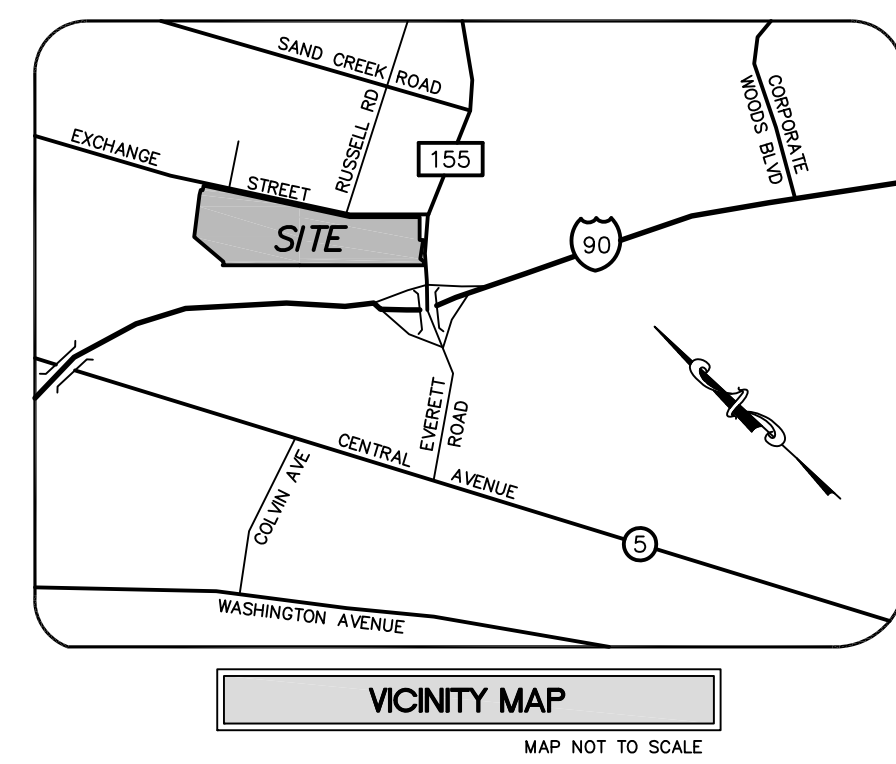
**C.T. MALE ASSOCIATES**  
Engineering, Surveying, Architecture & Landscape Architecture, D.P.C.50 CENTURY HILL DRIVE, LATHAM, NY 12110  
518.786.7400 \* FAX 518.786.7299**FIG 2**

SHEET 2 OF 2

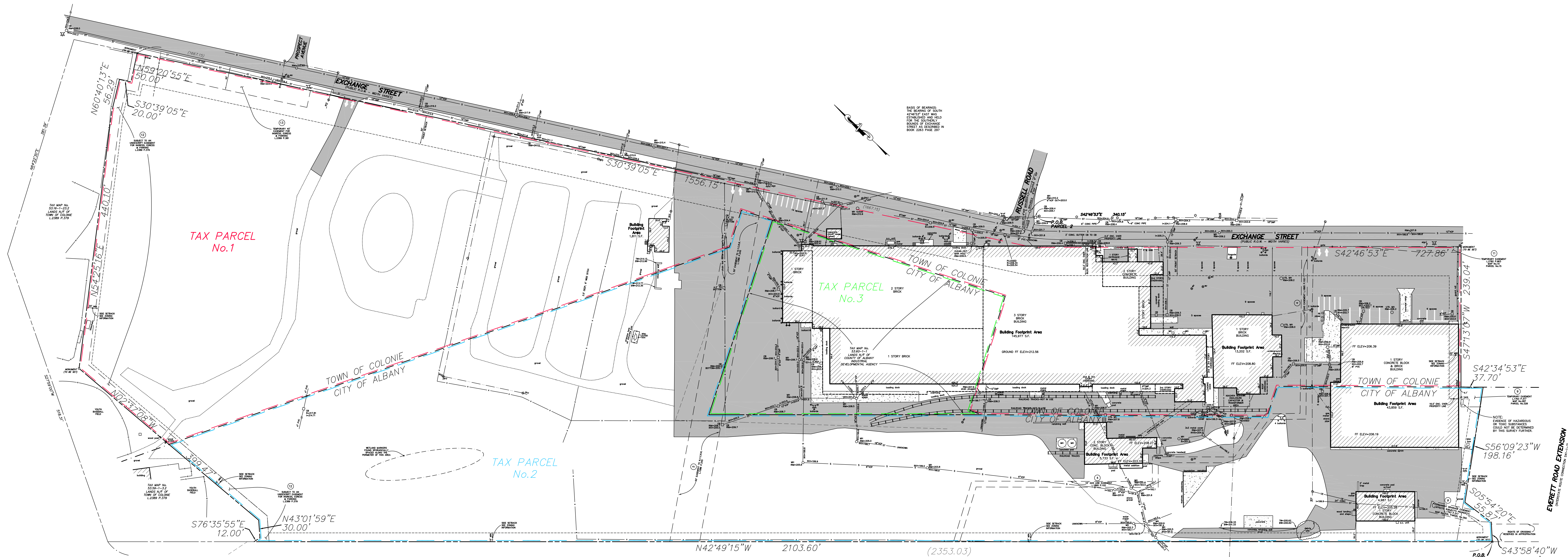
DWG. NO: 17-477

# **EXHIBIT G**





LEGEND		
R.O.W.	RIGHT OF WAY	MONUMENT
NL	NUMBER	IRON ROD
ENC.	ENCROACHMENT	MANHOLE
P.O.B.	POINT OF BEGINNING	CATCHBASIN
S.F.	SQUARE FEET	SIEN
N/F	NOW OR FORMERLY	BOLLARD
FL	FEET	FENCE LINE
DWG	DEGREE	GUARD RAIL
R	RECORD	OVERHEAD WIRE, UTILITY POLE & GUY WIRE
M	MEASURED	THATCHED ROOF ACCESS AREA
N	NORTH	WATER SHUT OFF
S	SOUTH	WATER VALVE
E	EAST	HYDRANT
W	WEST	GAS VALVE
TEL	TELEPHONE	STREET LIGHT
ELN	ELECTRIC	LIGHT POLE
L	LIBER	CONCRETE
P	PAGE	PAVEMENT
ST	STORM SEWER	
U	UNDERGROUND ELECTRIC	



Parcel No.	Parcel Owner	Parcel Address	Section No.	Sq. Ft.	Acreage
No.1	Exchange Street Associates LLC, L3131 P.326	68 Exchange Street, Town of Colonie, New York 12205	53.16-1-23.1	683440	15.69
No.2	Exchange Street Associates LLC, L3131 P.326	Rear Russell Road, City of Albany, New York 12203	53.59-1-3.1	597790	13.72
No.3	Exchange Street Associates LLC, L3131 P.326	Russell Road, City of Albany, New York 12203	53.60-1-1	116730	2.68
Total				1397960	32.09

#### LEGAL DESCRIPTION

All that tract or parcel of land situate partly in the City of Albany and partly in the Town of Colonie more particularly bounded and described as follows:

BEGINNING at a point in the northeasterly line of Everett Road Extension at its intersection with the division line between lands formerly of New York Central Railroad Company on the southwest and the herein described premises on the northeast and run thence along said division line North 42°40'15" West 2,353.03 feet; thence along lands of the Town of Colonie the following two courses and distances: North 27°59' East a distance of 518.31 feet and North 64°22'30" East a distance of 381.39 feet to a point in the southeasterly line of Exchange Street; thence along the southeasterly line of Exchange Street the following two courses and distances: South 30°39'07" East a distance of 1,687.15 feet and South 42°46'53" East a distance of 727.86 feet to a point in the northeasterly line of lands now or formerly of Camaroto, thence along the northeasterly and southeasterly lines of said lands now or formerly of Camaroto the following two courses and distances: South 47°32'07" West a distance of 235.04 feet and South 42°34'53" East a distance of 37.70 feet to a point in said northeasterly line of Everett Road Extension; thence along said northeasterly line of Everett Road Extension the following three courses and distances: South 56°09'23" West a distance of 198.16 feet; South 05°54'20" East a distance of 55.87 feet and South 43°58'40" West a distance of 33.45 feet to the point and place of beginning.

ALSO All that tract or parcel of land situate in the Town of Colonie, County of Albany and State of New York more particularly bounded and described as follows:

BEGINNING at the intersection of the northeasterly line of Exchange Street with the southeasterly line of Russell Road and run thence from said point of beginning South 42°46'53" East along said northeasterly line of Exchange Street a distance of 1,640.15 feet; thence North 64°10'07" East a distance of 299.84 feet; thence North 26°34'53" West a distance of 326.90 feet to a point in said southeasterly line of Russell Road; thence South 63°57'07" West along said southeasterly line of Russell Road a distance of 384.73 feet to the point and place of beginning.

ALSO the permanent right, privilege and easement to construct, reconstruct, maintain and operate railroad sidings and driveway facilities as said facilities existed on August 28, 1962 over and upon the parcel of land situate in the City of Albany, County of Albany and State of New York more particularly described upon map No. 287, Parcel No. 327 of Appropriation maps filed by the State of New York in Albany County Clerk's Office on July 22, 1963 in Envelope 3902 for Interstate Route Connection 541-1-3 (Everett Road Extension) Railway - Highway Grade Crossing.

Excepting from the above described premises so much thereof as has been conveyed by Albany County Industrial Development Agency to Town of Colonie by deed dated March 1, 1989 recorded in the Albany County Clerk's Office April 15, 1989 in Book 2386 of Deeds, of page 379.

#### SCHEDULE B - SECTION 2 ITEMS

- Right of Way Liber 1086 cp 245
- Utility Easements - Liber 797 cp 102
- Road and Drainage Easement Liber 524 cp 284, not able to plot on survey
- Rights and Easements Liber 573 cp 282, not able to plot on survey
- Drainage Easement Liber 1763 cp 317, Map No. 305 Parcel No. 350
- Temporary Grading Easement Liber 2782 cp 963, Map No. 15 Parcel No. 15
- Access and Parking Easement Liber 2389 cp 379
- Temporary Easement Liber 2389 cp 381

#### GENERAL NOTES

- 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.
- 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.
- 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. 048441.
- 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 HEREON AND ADDITIONAL UTILITIES MAY EXIST. CALL UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION AT 1-800-962-7862 TO HAVE UTILITIES MARKED ON SITE PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- THERE IS NO EVIDENCE OF CEMETERIES ON SUBJECT PARCEL.
- THIS SURVEY MAP WAS PREPARED WITH THE BENEFIT OF A TITLE POLICY NO. 852-A-09916, FIRST AMERICAN TITLE INSURANCE COMPANY OF NEW YORK, DATED JUNE 29, 2005.

#### ZONING INFORMATION

M-1 DISTRICT (HEAVY MANUFACTURING)  
(PORTION OF PARCEL WITHIN THE CITY OF ALBANY)

MIN. FRONT YARD 20 FEET  
MIN. SIDE YARD 15 FEET (ONE SIDE)  
40 FEET (TOTAL)  
MIN. REAR YARD 40 FEET  
MAX. BUILDING HEIGHT 55 FEET, 4 STORIES  
MAX. LOT COVERAGE 50%

ZONING INFORMATION ADOPTED FROM:  
CITY OF ALBANY PLANNING OFFICE  
PH. (518) 434-5190

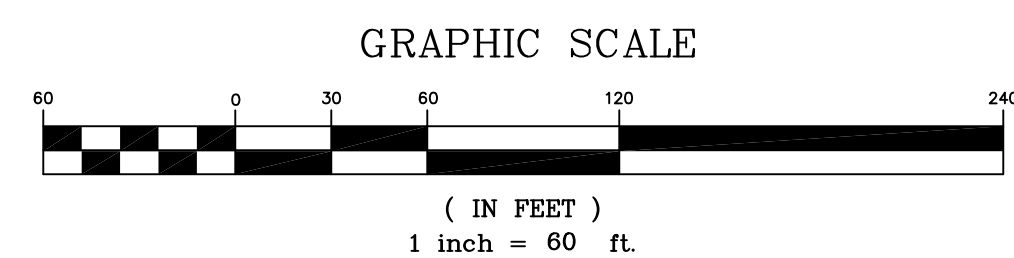
(PORTION OF PARCEL WITHIN THE TOWN OF COLONIE)

MIN. FRONT YARD 30 FEET  
MIN. SIDE YARD 20 FEET + 1' FOR EACH ADDITIONAL FOOT OF BLDG. HT. ABOVE 15'  
MIN. REAR YARD 15 FEET  
MAX. BUILDING HEIGHT 60 FEET  
MAX. LANDSCAPED AREA 50%

ZONING INFORMATION ADOPTED FROM:  
TOWN OF COLONIE BUILDING DEPARTMENT  
PH. (518) 783-2706

#### SURVEY CERTIFICATIONS

**THIS SURVEY IS CERTIFIED TO:**  
**1. FIRST AMERICAN TITLE INSURANCE COMPANY OF NEW YORK**  
**2. PROPERTY ACQUISITIONS, LLC.**



**HERSBERG & HERSBERG**  
Consulting Engineers  
and Land Surveyors  
18 Locust Street  
Albany, New York 12203

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

**FIRST PRIZE CENTER  
BCP SITE**

TOWN OF COLONIE/CITY OF ALBANY, COUNTY OF ALBANY, STATE OF NEW YORK

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

REVISIONS: 12/11/2017 (REVISED PARCEL INFORMATION TABLE)

DATE: 10/27/17 SCALE: 1"=60' BY: JMM CHK: CRT MAP NO.: 170312



# **EXHIBIT H**

# County Tax Map

## First Prize Center Site

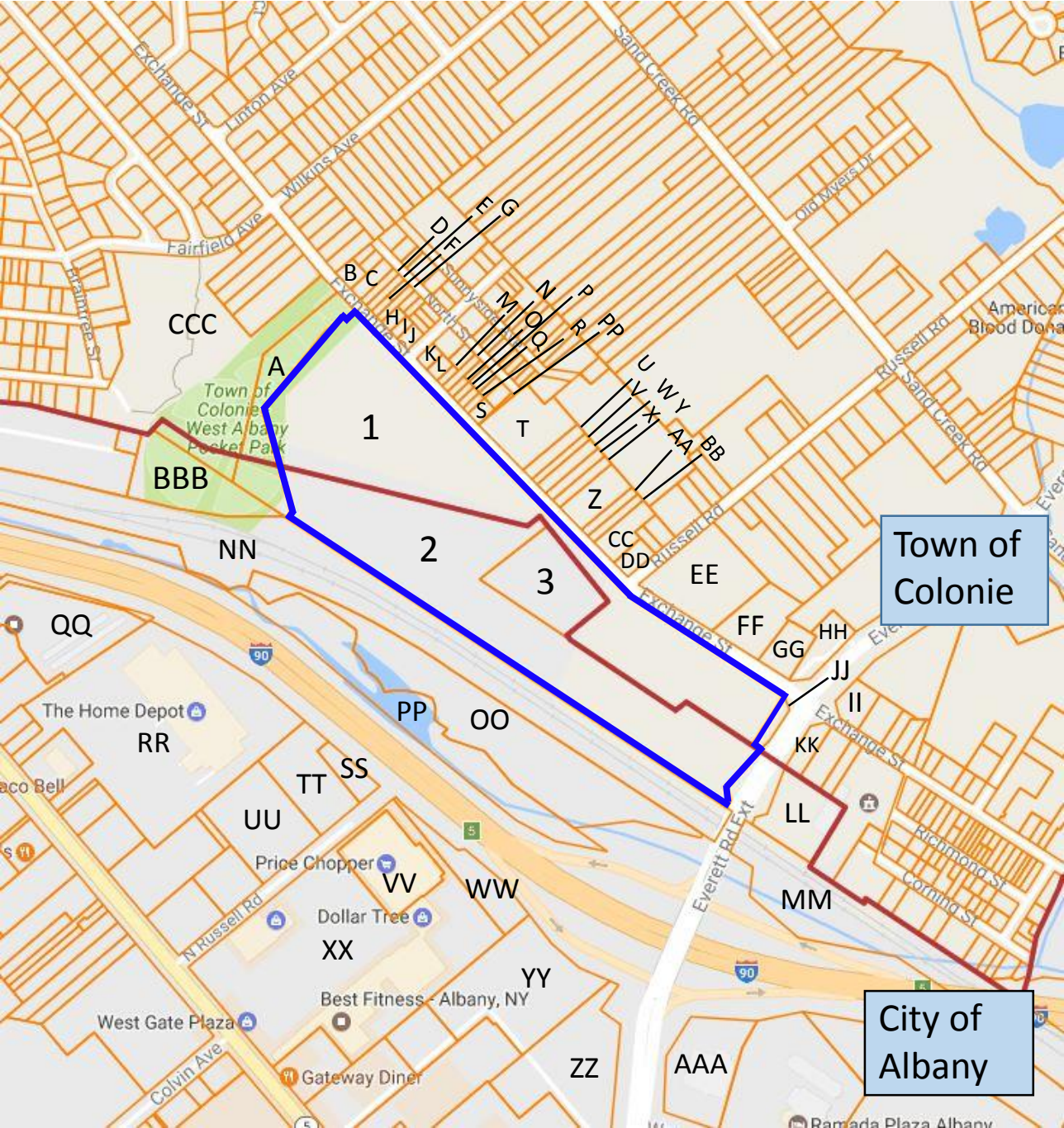
68 Exchange Street, Town of  
Colonie; Rear Russell Road, City  
of Albany; and Russell Road, City  
of Albany.

### Legend:

- Site Property Boundary
- Municipality Boundary

Corresponding page  
lists adjacent property owners by  
letter A – CCC

**August 1, 2017**  
**Source: Albany County**  
**GIS Parcel Locator**  
Property Information  
**Scale: 1" = 100'**  
approximately



All feature locations are approximate.  
This map is intended as a schematic to  
be used in conjunction with  
associated Application and Support  
Information, and should not be relied  
upon as a survey for planning and  
other activities.

## BCP Site Parcels

Number	Property Owner's Name	Address	SBL
1	Exchange Street Associate, LLC	68 Exchange Street Town of Colonie	53.16-1-23.1
2	Exchange Street Associate, LLC	Rear Russell Road City of Albany	53.59-1-3.1
3	Exchange Street Associate, LLC	Russell Road City of Albany	53.60-1-1

Letter	Property Address	Section-Block-Lot
A	164 Exchange Street	53.16-1-23.2
B	161 Exchange Street	53.12-6-1
C	157 Exchange Street	53.12-6-2
D	155 Exchange Street	53.12-6-3
E	153 Exchange Street	53.12-6-4
F	151 Exchange Street	53.12-6-5
G	149 Exchange Street	53.12-6-6
H	147 Exchange Street	53.12-6-7
I	145 Exchange Street	53.12-6-8
J	141 Exchange Street	53.12-6-9
K	139 Exchange Street	53.12-6-10
L	137 Exchange Street	53.12-6-11
M	133 Exchange Street	53.12-6-12
N	131 Exchange Street	53.12-6-13
O	129 Exchange Street	53.12-6-14
P	127 Exchange Street	53.12-6-15
Q	125 Exchange Street	53.12-6-16

Letter	Property Address	Section-Block-Lot
R	123 Exchange Street	53.12-6-17
S	121 Exchange Street	53.12-6-18
T	111 Exchange Street	53.16-1-19
U	107 Exchange Street	53.16-1-18
V	105 Exchange Street	53.16-1-17
W	103 Exchange Street	53.16-1-16
X	101 Exchange Street	53.16-1-15
Y	99 Exchange Street	53.16-1-14
Z	95 Exchange Street	53.16-1-13
AA	91 Exchange Street	53.16-1-12
BB	89 Exchange Street	53.16-1-11
CC	83 Exchange Street	53.16-1-10
DD	4 Russell Road	53.16-1-9
EE	69 Exchange Street	53.16-1-29
FF	65 Exchange Street	53.16-1-28
GG	59 Exchange Street	53.16-1-26

Letter	Property Address	Section-Block-Lot
HH	57 Exchange Street	53.16-1-25
II	41 Exchange Street	54.13-1-23
JJ	66 Exchange Street	53.16-1-24
KK	64 Exchange Street	54.13-2-1
LL	Rear 50 Exchange Street	53.68-2-1
MM	13 Anderson Drive	65.6-1-8.1
NN	Rear Anderson Drive	53.68-1-1 (Western half of 33.1 acre parcel not visible on Base Map)
OO	Pt. 1099 Central Ave	53.59-1-2
PP	2A North Street	53.12-6-19
QQ	Rear 1025 Central Ave	53.58.1-18.1
RR	981 Central Ave	53.66-3-3.6

Letter	Property Address	Section-Block-Lot
SS	42 North Russell Road	53.67-1-5.2
TT	40 North Russell Road	53.67-1-5.1
UU	32 North Russell Road	53.67-1-4
VV	1 Russell Road	53.67-1-7
WW	895 Central Ave	53.76-1-5
XX	911 Central Ave	53.75-1-2
YY	875 Central Ave	53.76-1-4
ZZ	845 Central Ave	53.761-1
AAA	1 Watervliet Ave Ext	53.76-1-5
BBB	Pt. 1099 Central Ave	53.59-1-2
CCC	90 Braintree Street	53.12-1-12

# **Exhibit I**



# BASE MAP

## First Prize Center Site

68 Exchange Street, Town of  
Colonie; Rear Russell Road, City  
of Albany; and Russell Road, City  
of Albany.

### Legend:

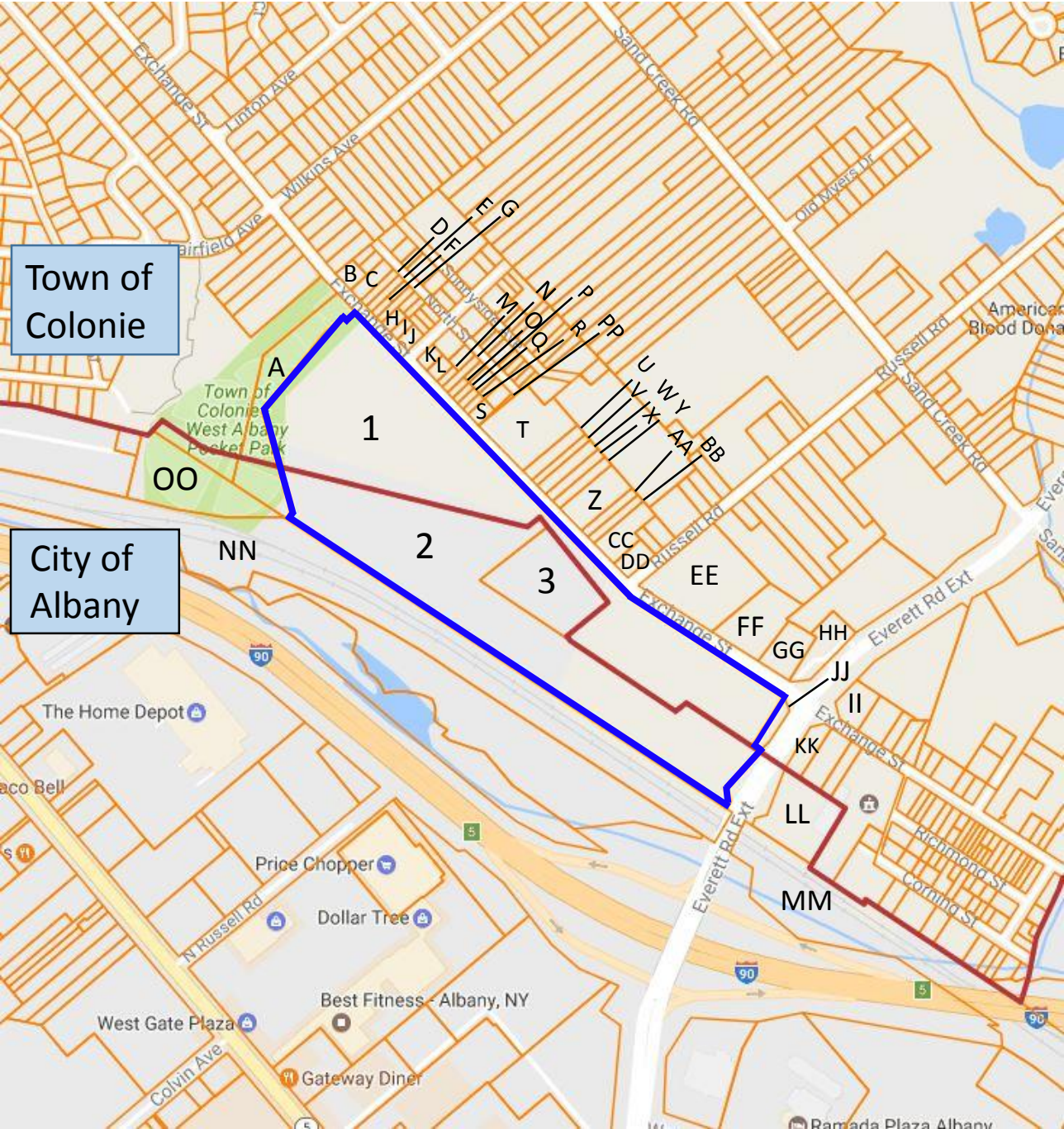
- Site Property Boundary
- Municipality Boundary

Corresponding page  
lists adjacent property owners by  
letter A – PP

July 17, 2017

Source: Albany County GIS Parcel Locator  
Property Information

Scale: 1" = 100' approximately



All feature locations are approximate.  
This map is intended as a schematic to be  
used in conjunction with associated  
Application and Support Information, and  
should not be relied upon as a survey for  
planning and other activities.

**BCP Site Parcels**

<b>Number</b>	<b>Property Owner's Name</b>	<b>Address</b>	<b>SBL</b>
1	Exchange Street Associates LLC	68 Exchange Street Town of Colonie, 12205	53.16-1-23.1
2	Exchange Street Associates LLC	Rear Russell Road City of Albany, 12203	53.59-1-3.1
3	Exchange Street Associates LLC	Russell Road City of Albany, 12203	53.60-1-1

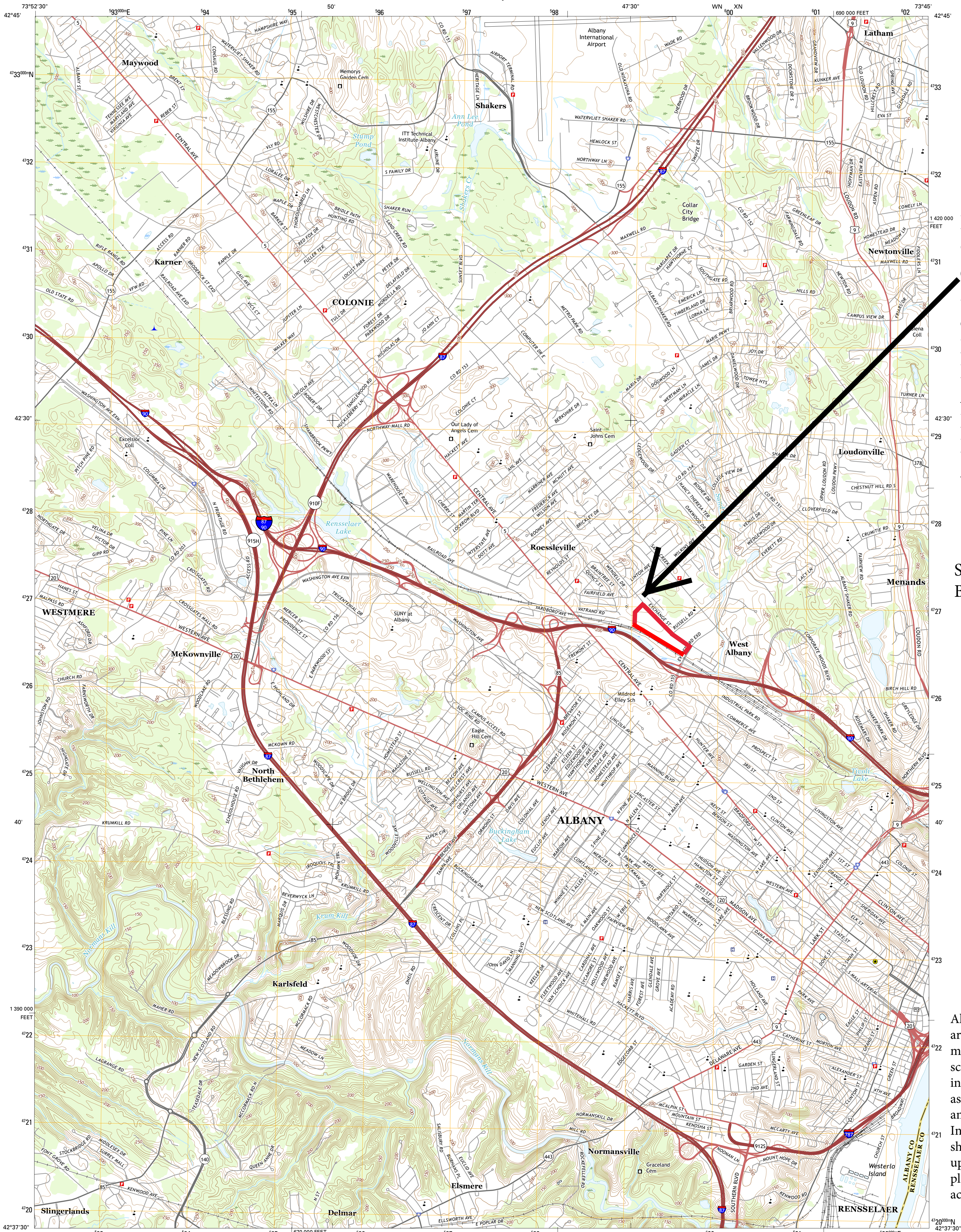


Letter	Adjacent Property Owner(s) Name(s)	Property Address	Section-Block-Lot
A	Town of Colonie	164 Exchange Street	53.16-1-23.2
B	John D. Bleichert	161 Exchange Street	53.12-6-1
C	Roger Pettianto	157 Exchange Street	53.12-6-2
D	Antonio Boncordo	155 Exchange Street	53.12-6-3
E	Henry J. and Rosemarie V. Bleichert	153 Exchange Street	53.12-6-4
F	Abel E. Granthon and Gino Benvenuto	151 Exchange Street	53.12-6-5
G	Defny Gamboa	149 Exchange Street	53.12-6-6
H	Alan L. and Sandra M. Bergeron	147 Exchange Street	53.12-6-7
I	Alan L. Bergeron	145 Exchange Street	53.12-6-8
J	Faragon Properties, LLC	141 Exchange Street	53.12-6-9
K	Faragon Properties, LLC	139 Exchange Street	53.12-6-10
L	Cynthia M. Shannon	137 Exchange Street	53.12-6-11
M	Joanne M. Frangella	133 Exchange Street	53.12-6-12
N	Todd and Jennifer Friend	131 Exchange Street	53.12-6-13
O	Walter M. and Rebecca S. Brown	129 Exchange Street	53.12-6-14
P	Jennifer L. White	127 Exchange Street	53.12-6-15
Q	Gurinder Garcha	125 Exchange Street	53.12-6-16

<b>Letter</b>	<b>Adjacent Property Owner(s) Name(s)</b>	<b>Property Address</b>	<b>Section-Block-Lot</b>
<b>R</b>	Abasali and Mahadaye Khan	123 Exchange Street	53.12-6-17
<b>S</b>	Wells Fargo Bank, N.A.	121 Exchange Street	53.12-6-18
<b>T</b>	B.D.C., Inc.	111 Exchange Street	53.16-1-19
<b>U</b>	Thomas P. Davidson	107 Exchange Street	53.16-1-18
<b>V</b>	Christine C. Clifford	105 Exchange Street	53.16-1-17
<b>W</b>	James W. and Arbrena A. Traynham	103 Exchange Street	53.16-1-16
<b>X</b>	F and P Builders, LLC	101 Exchange Street	53.16-1-15
<b>Y</b>	George and Elizabeth Della Rocco	99 Exchange Street	53.16-1-14
<b>Z</b>	Elizabeth L. Kenneally	95 Exchange Street	53.16-1-13
<b>AA</b>	Robert J. and Elieen Wippich	91 Exchange Street	53.16-1-12
<b>BB</b>	Joan E. Valente	89 Exchange Street	53.16-1-11
<b>CC</b>	William J. Kendall	83 Exchange Street	53.16-1-10
<b>DD</b>	Estate of Nettie Seifert	4 Russell Road	53.16-1-9
<b>EE</b>	DF Development	69 Exchange Street	53.16-1-29
<b>FF</b>	John M. and Nicholas J. Audi	65 Exchange Street	53.16-1-28
<b>GG</b>	Todd R. Etesse	59 Exchange Street	53.16-1-26

Letter	Adjacent Property Owner(s) Name(s)	Property Address	Section-Block-Lot
HH	Atlantic Refining Mktg Corp	57 Exchange Street	53.16-1-25
II	Richard W. Zaccardo	41 Exchange Street	54.13-1-23
JJ	Eugene Camarota and Cynthia Kellogg	66 Exchange Street	53.16-1-24
KK	Delores Della Rocco	64 Exchange Street	54.13-2-1
LL	West Albany Italian	Rear 50 Exchange Street	53.68-2-1
MM	CSX Transportation Inc	13 Anderson Drive	65.6-1-8.1
NN	Consolidated Rail Corp	Rear Anderson Drive	53.68-1-1 (Western half of 33.1 acre parcel not visible on Base Map)
OO	Town of Colonie	Pt. 1099 Central Ave	53.59-1-2
PP	Edgar W. Foster	2A North Street	53.12-6-19





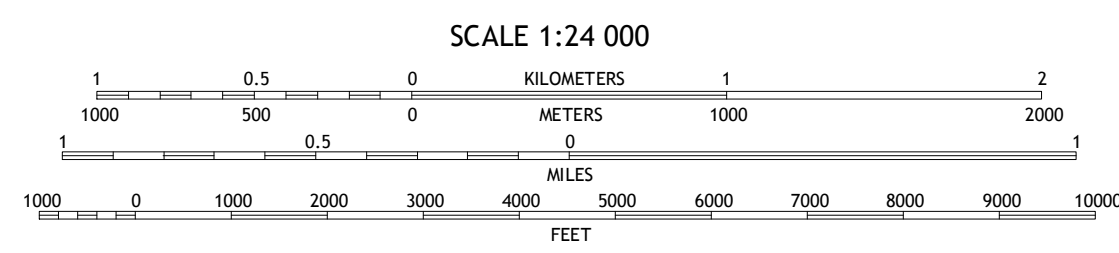
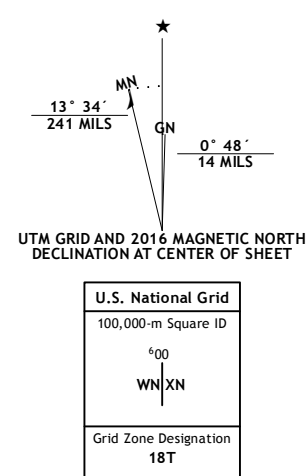
First Prize  
Center Site  
68 Exchange  
Street, Town  
of Colonie;  
Rear Russell  
Road, City of  
Albany; and  
Russell  
Road, City of  
Albany.

Site Property  
Boundary

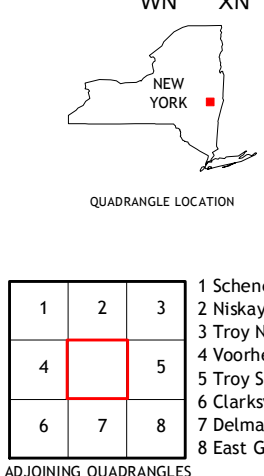


All feature locations  
are approximate. This  
map is intended as a  
schematic to be used  
in conjunction with  
associated Application  
and Support  
Information, and  
should not be relied  
upon as a survey for  
planning and other  
activities

Produced by the United States Geological Survey  
North American Datum of 1983 (NAD83)  
World Geodetic System of 1984 (WGS84). Projection and  
1000-meter grid: Universal Transverse Mercator, Zone 18T  
10 000-foot ticks: New York Coordinate System of 1983 (east  
zone)  
This map is not a legal document. Boundaries may be  
generalized for this map scale. Private lands within government  
reservations may not be shown. Obtain permission before  
entering private lands.  
Imagery.....U.S. Census Bureau, 2015 - 2016  
Names.....GNIS, 2016  
Hydrography.....National Hydrography Dataset, 2013  
Contours.....National Elevation Dataset, 1998  
Boundaries.....Multiple sources; see metadata file 1972 - 2016  
Wetlands.....FWS National Wetlands Inventory 1977 - 2014



CONTOUR INTERVAL 10 FEET  
NORTH AMERICAN VERTICAL DATUM OF 1988  
This map was produced to conform with the  
National Geospatial Program US Topo Product Standard, 2011.  
A metadata file associated with this product is draft version 0.6.19

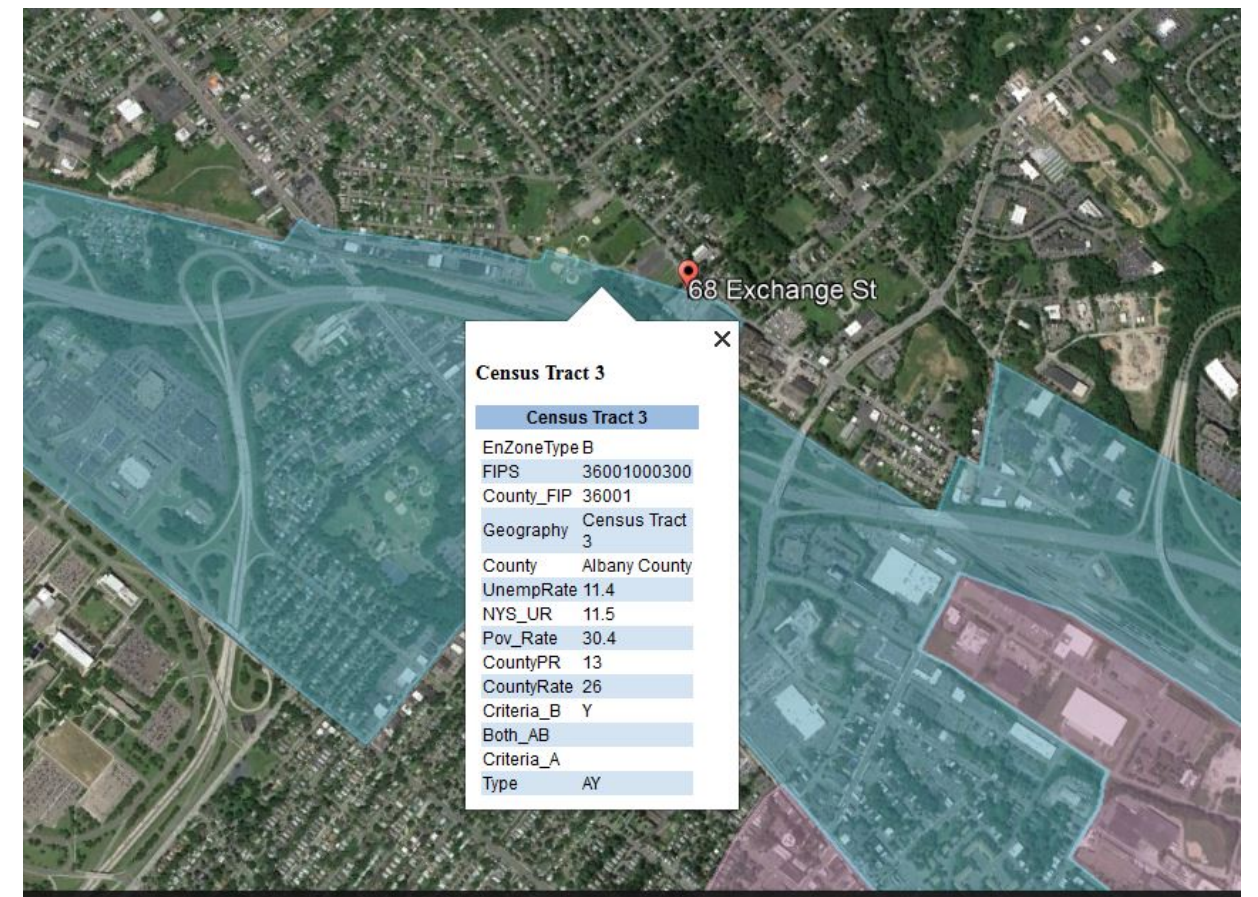


ROAD CLASSIFICATION	
Expressway	Local Connector
Secondary Hwy	Local Road
Ramp	4WD
Interstate Route	US Route
	State Route

ALBANY, NY  
2016







# Town of Colonie

City of Albany

Parcel No.	Parcel Address	Section No.	Block No.	Lot No.	Sq. Ft. (according to Survey (See Exhibit G))	Acreage (according to Survey (See Exhibit G))
1	68 Exchange Street, Town of Colonie, New York 12205	53.16	1	23.1	683,440	15.69
2	Rear Russell Road, City of Albany, New York 12203	53.59	1	3.1	597,790	13.72
3	Russell Road, City of Albany, New York 12203	53.60	1	1	116,730	2.68



# **Exhibit J**

4-17-17  
City  
version  
700 PM

**Council Member** offered the following :

**Ordinance Number 27.31.17 (as amended)**

**AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY IN RELATION TO ENACTING A NEW ARTICLE XXI (ALBANY-COLONIE INTERMUNICIPAL OVERLAY), WITH CORRESPONDING OVERLAY MAP**

**The City of Albany, in Common Council convened, does hereby ordain and enact:**

**Section 1. The Common Council of the City of Albany in the County of Albany, New York does hereby enact this Ordinance under and pursuant to the General Municipal Law, the General City Law, the Second Class Cities Law and the Municipal Home Rule Law of the State of New York.**

**Section 2. Chapter 375 of the Code of the City of Albany is hereby amended by adding a new Article XXI (Albany-Colonie Intermunicipal Overlay District) to read as follows:**

**ARTICLE XXI  
Albany-Colonie Intermunicipal Overlay District**

**§375-198. Legislative Purpose and Intent**

**The property, as described and/or depicted on the corresponding overlay map, has been a long vacant industrial property bisected by the municipal borders of the Town of Colonie and the City of Albany. The property formerly housed Tobin's First Prize meat processing and packaging facility, where meat packing activities were conducted, and has been significantly deteriorating since its closure decades ago. Several redevelopment opportunities have been explored over the years with no tangible results. One of the primary reasons cited for the lack of interest and or ability to redevelop the site is the uncertainty that results from the property being located in two separate municipalities and subject to two separate and complex land use approval processes.**

**Consistent with their respective Comprehensive Plans, the Town Board of the Town of Colonie and the Common Council of the City of Albany each desire to facilitate redevelopment of this vacant and deteriorating property. Redevelopment, through replanning, and demolition and reconstruction where appropriate will promote and encourage the elimination of blight in this area and promote economic growth. Maximum flexibility for future redevelopment is to be encouraged.**

**City of Albany Comprehensive Plan §3.1, which encourages ways to make the City attractive for business development and appealing to regional economic development practitioners, states:**

**[C]reation of new zoning or overlay districts, density evaluation and adjustment to bring about desired community vision, elimination of existing zoning districts that are obsolete or ineffective, and rezoning of areas of the City to existing or new districts. Form-based codes should be considered... and [p]romote development patterns that include walkable streets, compact, mixed use development, public spaces, and context sensitivity to historic design and development.**

**Town of Colonie Comprehensive Plan, §3.3, states:**

**Many opportunities exist within the Town of Colonie to regenerate and revitalize once vital industrial areas. Locations that are underutilized or even unused today, such as the First Prize Center ... could be returned to productive use. Trying to recreate value in these areas is consistent with the notion that the Town of Colonie cannot look at its remaining undeveloped land for all or most of its future development opportunities. The future revitalization of these areas should be viewed as a critical economic development opportunity... Success with this type of initiative will help the Town maintain its fiscal balance, making it possible to fund necessary services and desired quality of life improvements.**

**It is the purpose of this article to promote the health, safety, convenience and general welfare of the residents of the City and the Town by establishing a single intermunicipal zoning district applicable to the covered area which promotes and encourages economic development in both municipalities through an integrated mix of planned commercial and residential uses designed and constructed using smart growth principles. This intermunicipal zoning district encourages a mix of uses within multiple-story buildings and structures, encourages a high density of building structures and uses to create a village-like or urban setting, promotes pedestrian and other non-vehicular access between uses and provides sufficient separation and buffering from properties neighboring the zoning district to protect the existing character of existing land uses surrounding the district.**

**This article is intended to promote intergovernmental cooperation to increase coordination and effectiveness of comprehensive planning and land use regulation, make more efficient use of infrastructure and municipal revenues, as well as the enhanced protection of community resources, especially where such resources span municipal boundaries.**



**It is the intent of this article to create an intermunicipal overlay zoning district, and a set of self-contained regulations to apply to any future redevelopment that occurs within the zoning overlay district. The City of Albany and the Town of Colonie will accomplish this vision through creation of the Albany-Colonie Intermunicipal Overlay Zoning District.**

**The requirements of this article are intended to be the only land use requirements to apply within the zoning overlay district, except as provided in this article, and such requirements shall supersede any zoning requirements and other land use regulations that would otherwise apply in the absence of this article. The provisions of this article shall be broadly interpreted to promote the Town of Colonie's and the City of Albany's vision and goals as set forth herein, to ensure orderly development and to satisfy the legislative intent of this Article.**

**This article is adopted pursuant to, and in furtherance of, an Intermunicipal Agreement between the City of Albany and Town of Colonie.**

**This article may not be changed unilaterally by the Town of Colonie or the City of Albany. Any modification of this article shall be subject to Section 13 of the Intermunicipal Agreement.**

**§ 375-99. Establishment of Albany-Colonie Intermunicipal Overlay Zoning District**

- A. The Common Council hereby creates an intermunicipal Zoning District entitled Albany-Colonie Intermunicipal Overlay Zoning District ("AC-O").**
- B. The property depicted on the corresponding overlay map is hereby designated as the AC-O Zone and the City of Albany and Town of Colonie Zoning Maps are hereby amended accordingly.**
- C. The Town Board and the Common Council hereby adopt a concept redevelopment plan ("Concept Plan") for the AC-O Zone as contained in an Intermunicipal Agreement executed between the City of Albany and Town of Colonie. Such Concept Plan may be amended from time to time as provided herein:**
  - 1) Subject to the limitations set forth in subsections (G), (H) & (I) of this section, the actual mix and location of uses and other features of the Concept Plan, including access drives, shall be proposed by the Applicant in connection with each Phase(s), subject to site plan review.**
  - 2) Establishment of uses other than those listed in subsections (G) & (H) of this section or changes to the boundaries of the Development**

Envelope or the Buffer Area (except access drives approved as part of site plan review) shall not be permitted except by amendment to this chapter duly adopted by the Town and City.

- 3) Any changes made to the Concept Plan as provided herein, including approved Phase(s), shall become part of this article.
- D. These regulations shall apply to all or any redevelopment, construction, erection, location or expansion of any use, including any building, structure or appurtenant system, as herein provided for in the AC-O as shown on the Concept Plan (hereinafter, all or any part of same, the "Project").
- E. No redevelopment shall be undertaken in the AC-O except in conformity this article, including the Concept Plan. The Concept Plan may be constructed or otherwise undertaken in one or more phases (hereinafter, "Phase" or "Phases"). This article contains the only zoning or land use requirements applicable in the AC-O. No other zoning or land use requirements or provisions of either the City or Town zoning or land use requirements shall apply, including, but not limited to any such requirements relating to subdivision, demolition and outdoor uses. In the event that the Town or City zoning and land use laws contain a zoning requirement or provision not otherwise contained in, or which is in conflict with, the AC-O, the requirements of this article shall govern.
- F. Permits and/or approvals required. No use may be established and no development may be commenced without first obtaining site plan approval or other required permits and/or approvals pursuant to the requirements of the AC-O and the Intermunicipal Agreement, including, but not limited to compliance with applicable SEQRA requirements, and grading and clearing permits.

**G. Permitted Uses**

- (1) The principal uses shown on the Concept Plan, which are the same as the principal uses listed in the Permitted Use Table below, shall be permitted as of right in the AC-O. If a use is not listed in the Permitted Use Table, it shall be prohibited. Multiple principal uses shall be permitted on a single lot, or multiple lots, and may be bisected by the Town/City municipal border.

- (2) Permitted Use Table - The following uses are permitted:

- (a) Hotels
- (b) Banquet Centers
- (c) Restaurants
- (d) Retail

- (e) Residential**
- (f) Theaters**
- (g) Health Clubs/ Indoor recreation**
- (h) Entertainment**
- (i) Grocery stores/Supermarkets**
- (j) Amphitheaters and parks/cultural entertainment facilities**
- (k) Offices**
- (l) Parking and multi-level parking structures**
- (m) Any other use proposed which the Consolidated Zoning Board determines is consistent with and furthers the intent of this AC-O**

**H. Permitted accessory uses shall be as follows:**

- (1) All structures or uses which are subordinate to and serve a principal building or principal use shall be permitted.**

**I.] Area and Bulk Requirements**

- (1) The Project shall be constructed within the overall development envelope shown on the Concept Plan ("Development Envelope"), and the remainder of the Site (except for access drives through such area to neighboring public streets) shall be utilized as a buffer from surrounding properties and uses ("Buffer Area"). Provided that the Buffer Area is maintained as provided for herein, there shall be no yard setback requirements, or building or structure coverage limitation, provided however, that in all areas of the AC-O where there is an internal roadway, a sidewalk meeting the requirements of the Town must be constructed between such roadway and the ground floor of such adjoining building or structure.**
- (2) Maximum building height: 185 feet**
- (3) Parking.**
  - a. Parking shall be provided in accordance with the applicable industry standards and practices for mixed-use projects, taking into account the use or uses proposed in connection with each Phase. Such standards shall include shared parking facilities.**
  - b. The applicant shall demonstrate the fact that adequate and convenient parking is being provided and accessible to the proposed uses in connection with each Phase.**

- c. The Consolidated Planning Board may waive the requirements and allow the number of spaces deemed necessary, and their location relative to the use in connection with each Phase.
- d. Parking may be provided for any use or uses on one or more lots within the AC-O.

**J. Landscaping.** Landscaping for the particular Phase under review shall be subject to the standards and criteria set forth in 375-198(2)(L)(B)(5).

#### **K. Powers of Consolidated Planning Board**

(1) The Consolidated Planning Board shall have the powers set forth in the Intermunicipal Agreement.

(2) Each Phase of the Project, including the location and mix of uses, shall be subject to site plan review by the Consolidated Planning Board.

#### **L. Site Plan Review Standards and Procedure**

(1) Application for site plan review. An application for site plan review must be made to the Consolidated Planning Board on a prescribed Consolidated Planning Board application form. The application form shall be presumed the minimum required information and documentation, however, the Consolidated Planning Board may, at its discretion, require the submission of such additional information as it deems necessary to conduct its review, or waive information it determines is not needed. The Consolidated Planning Board shall have the authority to modify the application form in its discretion to further the purposes and intent of this Ordinance.

(2) Site Plan Review Standards and General Criteria. The Consolidated Planning Board shall review a site plan application in accordance with the requirements below:

(a) Conformance with the Concept Plan. The Phase must substantially conform with the Concept Plan.

(b) Traffic access and roads. All proposed intersections with public roads shall be adequate but not excessive in number;

adequate in width, paving, grade, alignment and visibility. Necessary traffic signalization, signs, dividers and other safety controls, devices and facilities shall be given proper consideration and duly provided wherever appropriate or warranted.

(c) Pedestrian safety and access. Safe, adequate and convenient pedestrian access and circulation shall be provided both within the Site and to adjacent public roads.

(d) Circulation and parking. Off-street parking shall be provided as set forth in §375-198(2)(I)(3). The interior circulation system shall be adequate to provide safe accessibility to, from and within all required parking areas. Parking on streets internal to the Site shall be permitted, subject to Consolidated Planning Board approval. The location and design of loading spaces shall not unreasonably interfere with neighboring off-site uses.

(e) Screening and landscaping. All structures and recreational, parking, loading, public and other service areas shall be reasonably landscaped and/or screened so as to provide adequate visual and noise buffers from neighboring off-Site uses. The scale and quality of the landscaping and screening on Site shall be harmonious with the character of the neighborhood abutting the landscaped and/or screened area.

(f) Drainage. A storm drainage system which demonstrates affirmative compliance with the form, scope and substance of all applicable design criteria shall be provided to accommodate expected loads from the tributary watershed. Drainage shall be conducted to a point of adequate and suitable disposal. Where appropriate, stormwater control shall be provided so as to retain the same rate of off-Site runoff as the existing condition.

(g) Water/Sewer. Each Phase shall be connected to the existing municipal water and sewer systems currently serving the Site. The applicant shall be required to construct the on-Site improvements necessary to assure that such systems are able to satisfactorily accommodate the use.

**(h) Lighting.** All site lighting shall be designed and installed so as not to unreasonably interfere with neighboring off-Site uses properties.

**(i) Fire protection.** All proposed structures, service areas, fire lanes, water distribution lines, hydrants, equipment and material shall be adequate and readily accessible for the protection of the proposed uses from fire. Sufficient water supply for fire-fighting purposes shall be provided.

**(j) Impact of the Project on adjacent land uses.** Adjacent and neighboring off-Site properties shall be protected against noise, glare, unsightliness or other objectionable features. Where a proposed use is nonresidential which would adjoin a residential area, the Planning Board shall minimize the impact of the proposed use on such off-Site residential properties.

**(k) Signage.** Signage for the particular Phase under review shall be as provided herein.

**(i) Signage located on the south side of the AC-O and facing the highway (I-90) and/or Everett Road will be consistent with existing other signage along I-90.**

**(ii) Signage that faces internally within the AC-O may differ from other areas of the Site, as long as not visible from properties to the north of the AC-O.**

**(iii) Signage located on the north side of the AC-O and facing outward to Exchange Street will comply with the Town of Colonie regulations pertaining to signage.**

**(3). Waivers.** An applicant may request, in writing, a waiver or modification of any of the site plan review standards herein. The Consolidated Planning Board may waive or otherwise modify such standards, or requirements, as the case may be, upon a finding that such action is appropriate to further the spirit and intent of this Ordinance.

#### **M.Powers of Consolidated Zoning Board of Appeals**

**(1)The Consolidated ZBA shall have the powers set forth in the Intermunicipal Agreement.**

(2) To the extent that the powers set forth in such laws are capable of differing interpretations, the Consolidated ZBA shall adopt and follow the interpretation that most furthers the purposes and goals of redeveloping the Site into the Project.

#### **N. Administration and Enforcement**

The provisions of this Ordinance shall be administered and enforced as provided herein.

#### **O. Definitions**

**Residential Use:** The use of all or a portion of a building or structure arranged, intended or designed to be occupied by three or more resident households living independently of each other. An apartment building and multiple or multifamily dwellings are the same type of structure. Residential use shall include owner-occupancy or for rent.

**Health Clubs/ Indoor Recreation:** An establishment that offers facilities, equipment and programs for exercise, weight loss and/or body development provided that, in order to be within the scope of this definition, any such use that requires a license to operate must demonstrate that it has or is qualified to obtain such a license. Food items may be offered. Outdoor athletic courts and facilities are permitted and may be included with a health club and/or indoor recreation use.

**Height:** The vertical distance from the average ground level of the foundation of the building or structure to the highest point of the roof, unless otherwise specified herein, provided that chimneys, spires, towers, elevators, penthouses, tanks, HVAC, and similar projections shall be excluded from such calculation.

**Hotel:** A building in which lodging is provided and offered to the public, which is customarily open to transient guests, and which may include ancillary facilities and services such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities. A hotel unit may contain a kitchen for extended stay lodgings. Outdoor athletic courts and other outdoor facilities are permitted and may be included with a hotel use.

**Restaurant:** A building or structure or portion thereof, arranged, intended or designed for the preparation and service of meals at tables or counters. A restaurant shall include banquet halls.

**Retail:** Establishments engaged in the sale of goods, merchandise and services to the public and rendering services incidental to the sale of such goods.

**Theater:** A building or space, or portion thereof, used for cultural education and experiences, motion pictures, live productions, or other entertainment, including, but not limited to, museums, art galleries, aquariums, amphitheaters, theaters, cultural entertainment facilities and performance halls.

**Offices:** Any building or part of a building where the principal use is the operation of a business, administrative, governmental, public utility, sales, professional, or other business or services.

**Multi-level parking structures:** A structure used for parking or temporary storage of motor vehicles on more than one floor.

### **Section 3      Supersession**

This Ordinance shall supersede all other local laws and ordinances of the Town of Colonie and the City of Albany applicable to the Site that are inconsistent with the provisions of this Ordinance.

**Section 4.**      If any clause, sentence, paragraph, word, section or part of this Ordinance shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder, thereof, but shall be confined in its operation of the clause, sentence, paragraph, or section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section 5      This Ordinance shall take effect immediately.**

**APPROVED AS TO FORM  
February 24, 2017**

---

**First Assistant Corporation Counsel**



Attachment 1  
(Albany-Colonie Intermunicipal Overlay zoning district map)

Attachment 2

(Concept Redevelopment Plan for the AC-O)

**TO:** Gerald Campbell, City Clerk  
**FROM:** , Council Member  
**RE:** Request for Common Council Legislation  
Supporting Memorandum  
**DATE:** February 24, 2017

**ORDINANCE NUMBER 27.31.17**

**TITLE:**

AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY BY  
ENACTING A NEW SECTION, 375--198(ALBANY-COLONIE INTERMUNICIPAL OVERLAY,  
"AC-O") AND AMENDING THE ZONING MAP ACCORDINGLY

---

**GENERAL PURPOSE OF LEGISLATION**

Creation of new zoning overlay district to eliminate the existing obsolete and ineffective zoning  
district. The proposed zone change will prevent continued blight and promote development patterns  
that include walkable streets, compact, mixed use development and public spaces.

---

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

Amendments regarding zoning must be approved by the Council. Changing the zoning to AC-O  
overlay classification allows for effective area redevelopment and elimination of existing blight.

---

**FISCAL IMPACT(S)**

Unknown at this time.

---



Paula A. Mahan  
Town Supervisor

# TOWN OF COLONIE

Town Attorney's Office  
Memorial Town Hall  
P.O. Box 508  
Newtonville, New York 12128

Phone (518) 783-2704 Fax (518) 786-7324  
Service by Facsimile Not Accepted  
Equal Opportunity Employer

Michael C. Maggiulli  
Town Attorney

March 30, 2017

State Records and Law Bureau  
NYS Department of State  
One Commerce Plaza  
Suite 600  
99 Washington Avenue  
Albany, New York 12231-0001

Re: Local Law 3 of 2017

Dear Sir or Madam:

Enclosed for filing in your office, is a certified copy of the above referenced local law.  
Please acknowledge receipt of same.

Thank you.

Very truly yours,

*Michael C. Maggiulli / KH*  
Michael C. Maggiulli

MCM/kh

Enc.

cc: Town Clerk

Local Law Filing

---

**(Use this form to file a local law with the Secretary of State.)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**Town of Colonie**

Local Law No. 3 of the year 2017

A local law establishing Chapter 191 of the Code of the Town of Colonie and the zoning map for the creation of the "First Prize Center Redevelopment Overlay Zoning District."

**Be it enacted by the Town Board of the Town of Colonie as follows:**

**SECTION 1. ENACTMENT.**

A. The Town Board of the Town of Colonie in the County of Albany, New York does hereby enact this Local Law under and pursuant to the General Municipal Law, the Town Law and the Municipal Home Rule Law of the State of New York.

B. The Common Council of the City of Albany in the County of Albany, New York does hereby enact this Local Law under and pursuant to the General Municipal Law, the General City Law and the Municipal Home Rule Law of the State of New York.

**SECTION 2. CREATION OF INTERMUNICIPAL OVERLAY DISTRICT.**

Chapter 191 of the Town of Colonie Code and Chapter 375-2 (F)(7) of the City of Albany Code is hereby created as follows:

**Chapter 191 - First Prize Center Redevelopment Overlay Zoning District**

§191-1 - Legislative Purpose and Intent.

The property, as described and/or depicted on Attachment 1, has been a long vacant industrial property bisected by the municipal borders of Town of Colonie and the City of Albany. The property formerly housed Tobin's First Prize meat processing and packaging facility, where meat packing activities were conducted, and has been significantly deteriorating since its closure decades ago. Several redevelopment opportunities have been explored over the years with no tangible results. One of the primary reasons cited for the lack of interest and or ability to redevelop the site is the uncertainty that results from the property being located in two separate municipalities and subject to two separate and complex land use approval processes.

Consistent with their respective Comprehensive Plans, the Town Board of the Town of Colonie and the Common Council of the City of Albany each desire to facilitate redevelopment of this vacant and deteriorating property. Redevelopment, through replanning, and demolition and reconstruction where appropriate will promote and encourage the elimination of blight in this

Consistent with their respective Comprehensive Plans, the Town Board of the Town of Colonie and the Common Council of the City of Albany each desire to facilitate redevelopment of this vacant and deteriorating property. Redevelopment, through replanning, and demolition and reconstruction where appropriate will promote and encourage the elimination of blight in this area and promote economic growth. Maximum flexibility for future redevelopment is to be encouraged.

City of Albany Comprehensive Plan §3.1, which encourages ways to make the City attractive for business development and appealing to regional economic development practitioners, states:

[C]reation of new zoning or overlay districts, density evaluation and adjustment to bring about desired community vision, elimination of existing zoning districts that are obsolete or ineffective, and rezoning of areas of the City to existing or new districts. Form-based codes should be considered... and [p]romote development patterns that include walkable streets, compact, mixed use development, public spaces, and context sensitivity to historic design and development.

Town of Colonie Comprehensive Plan, §3.3, states:

Many opportunities exist within the Town of Colonie to regenerate and revitalize once vital industrial areas. Locations that are underutilized or even unused today, such as the First Prize Center ... could be returned to productive use. Trying to recreate value in these areas is consistent with the notion that the Town of Colonie cannot look at its remaining undeveloped land for all or most of its future development opportunities. The future revitalization of these areas should be viewed as a critical economic development opportunity... Success with this type of initiative will help the Town maintain its fiscal balance, making it possible to fund necessary services and desired quality of life improvements.

It is the purpose of this chapter to promote the health, safety, convenience and general welfare of the residents of the City and the Town by establishing a single intermunicipal zoning district applicable to the covered area which promotes and encourages economic development in both municipalities through an integrated mix of planned commercial and residential uses designed and constructed using smart growth principles. This intermunicipal zoning district encourages a mix of uses within multiple-story buildings and structures, encourages a high density of building structures and uses to create a village-like or urban setting, promotes pedestrian and other non-vehicular access between uses and provides sufficient separation and buffering from properties neighboring the zoning district to protect the existing character of existing land uses surrounding the district.

This chapter is intended to promote intergovernmental cooperation to increase coordination and effectiveness of comprehensive planning and land use regulation, make more efficient use of infrastructure and municipal revenues, as well as the enhanced protection of community resources, especially where such resources span municipal boundaries.

It is the intent of this chapter to create an intermunicipal overlay zoning district, and a set of self-contained regulations to apply to any future redevelopment that occurs within the zoning overlay

district. The City and the Town will accomplish this vision through creation of the First Prize Redevelopment Overlay Zoning District.

The requirements of this chapter are intended to be the only land use requirements to apply within the zoning overlay district, except as provided in this chapter, and such requirements shall supersede any zoning requirements and other land use regulations that would otherwise apply in the absence of this chapter. The provisions of this chapter shall be broadly interpreted to promote the Town's and the City's vision and goals as set forth herein, to ensure orderly development and to satisfy the legislative intent of this Local Law.

This chapter is adopted pursuant to, and in furtherance of, an Intermunicipal Agreement between the City of Albany and Town of Colonie, executed on the \_\_ day of \_\_\_\_, 2017 (the "Intermunicipal Agreement").

This chapter may not be changed unilaterally by the Town of Colonie or the City of Albany. Any modification of this chapter shall be subject to Section 13 of the Intermunicipal Agreement.

§191-2 - Establishment of First Prize Center Redevelopment Overlay Zoning District.

A. The Town Board and Common Council hereby create an intermunicipal Zoning District entitled First Prize Center Redevelopment Overlay Zoning District ("Redevelopment Overlay Zone" or "Site").

B. The property depicted on Attachment 1 is hereby designated as the Redevelopment Overlay Zone and the City and Town Zoning Maps are hereby amended accordingly.

C. The Town Board and the City Council hereby adopt a concept redevelopment plan ("Concept Plan") for the Redevelopment Overlay Zone as contained in Attachment 2 hereto. Such Concept Plan may be amended from time to time as provided herein:

1) Subject to the limitations set forth in §191-2(C)(2) below, the actual mix and location of uses and other features of the Concept Plan, including access drives, shall be proposed by the Applicant in connection with each Phase(s), subject to site plan review.

2) Establishment of uses other than those listed in §191-4 or changes to the boundaries of the Development Envelope or the Buffer Area (except access drives approved as part of site plan review) shall not be permitted except by amendment to this chapter duly adopted by the Town and City.

3) Any changes made to the Concept Plan as provided herein, including approved Phase(s), shall become part of this chapter.

### §191-3 - Applicability.

A. These regulations shall apply to all or any redevelopment, construction, erection, location or expansion of any use, including any building, structure or appurtenant system, as herein provided for in the First Prize Center Redevelopment Overlay Zone as shown on the Concept Plan (hereinafter, all or any part of same, the "Project").

B. No redevelopment shall be undertaken in the First Prize Center Redevelopment Overlay Zone except in conformity this chapter, including the Concept Plan. The Concept Plan may be constructed or otherwise undertaken in one or more phases (hereinafter, "Phase" or "Phases"). This chapter contains the only zoning or land use requirements applicable in the First Prize Center Redevelopment Overlay Zone. No other zoning or land use requirements or provisions of either the City or Town zoning or land use requirements shall apply, including, but not limited to any such requirements relating to subdivision, demolition and outdoor uses. In the event that the Town or City zoning and land use laws contain a zoning requirement or provision not otherwise contained in, or which is in conflict with, the First Prize Center Redevelopment Overlay Zone, the requirements of this chapter shall govern.

C. Permits and/or approvals required. No use may be established and no development may be commenced without first obtaining site plan approval or other required permits and/or approvals pursuant to the requirements of the First Prize Center Redevelopment Overlay Zone and the Intermunicipal Agreement, including, but not limited to compliance with applicable SEQRA requirements, and grading and clearing permits.

### §191-4 - Permitted Uses.

A. The principal uses shown on the Concept Plan, which are the same as the principal uses listed in the Permitted Use Table below, shall be permitted as of right in the First Prize Center Redevelopment Overlay Zone. If a use is not listed in the Permitted Use Table, it shall be prohibited. Multiple principal uses shall be permitted on a single lot, or multiple lots, and may be bisected by the Town/City municipal border.

B. Permitted Use Table - The following uses are permitted:

- 1) Hotels
- 2) Banquet Centers
- 3) Restaurants
- 4) Retail
- 5) Residential
- 6) Theaters
- 7) Health Clubs/ Indoor recreation
- 8) Entertainment
- 9) Grocery stores/Supermarkets
- 10) Amphitheaters and parks/cultural entertainment facilities
- 11) Offices
- 12) Parking and multi-level parking structures
- 13) Any other use proposed which the Consolidated Zoning Board determines is consistent with and furthers the intent of this First Prize Center Redevelopment Overlay Zone

C. Permitted accessory uses shall be as follows:

- 1) All structures or uses which are subordinate to and serve a principal building or principal use shall be permitted.

§191-5 - Area and Bulk Requirements.

A. The Project shall be constructed within the overall development envelope shown on the Concept Plan ("Development Envelope"), and the remainder of the Site (except for access drives through such area to neighboring public streets) shall be utilized as a buffer from surrounding properties and uses ("Buffer Area"). Provided that the Buffer Area is maintained as provided for herein, there shall be no yard setback requirements, or building or structure coverage limitation, provided however, that in all areas of the First Prize Center Redevelopment Overlay Zone where there is an internal roadway, a sidewalk meeting the requirements of the Town must be constructed between such roadway and the ground floor of such adjoining building or structure.

B. Maximum building height: 185 feet

C. Parking.

1) Parking shall be provided in accordance with the applicable industry standards and practices for mixed-use projects, taking into account the use or uses proposed in connection with each Phase. Such standards shall include shared parking facilities.

2) The applicant shall demonstrate the fact that adequate and convenient parking is being provided and accessible to the proposed uses in connection with each Phase.

3) The Consolidated Planning Board may waive the requirements and allow the number of spaces deemed necessary, and their location relative to the use in connection with each Phase.

4) Parking may be provided for any use or uses on one or more lots within the First Prize Center Redevelopment Overlay Zone.

D. Landscaping

Landscaping for the particular Phase under review shall be subject to the standards and criteria set forth in §191-7(B)(5).

§191-6 - Powers of Consolidated Planning Board.

A. The Consolidated Planning Board shall have the powers set forth in the Intermunicipal Agreement.

B. Each Phase of the Project, including the location and mix of uses, shall be subject to site plan review by the Consolidated Planning Board.

§191-7 - Site Plan Review Standards and Procedure.



A. Application for site plan review. An application for site plan review must be made to the Consolidated Planning Board on a prescribed Consolidated Planning Board application form. Attached as Attachment 3 is the application form to be utilized. The application form shall be presumed the minimum required information and documentation, however, the Consolidated Planning Board may, at its discretion, require the submission of such additional information as it deems necessary to conduct its review, or waive information it determines is not needed. The Consolidated Planning Board shall have the authority to modify the application form in its discretion to further the purposes and intent of this Local Law.

B. Site Plan Review Standards and General Criteria. The Consolidated Planning Board shall review a site plan application in accordance with the requirements below:

- 1) Conformance with the Concept Plan. The Phase must substantially conform with the Concept Plan.
- 2) Traffic access and roads. All proposed intersections with public roads shall be adequate but not excessive in number; adequate in width, paving, grade, alignment and visibility. Necessary traffic signalization, signs, dividers and other safety controls, devices and facilities shall be given proper consideration and duly provided wherever appropriate or warranted.
- 3) Pedestrian safety and access. Safe, adequate and convenient pedestrian access and circulation shall be provided both within the Site and to adjacent public roads.
- 4) Circulation and parking. Off-street parking shall be provided as set forth in §191-5(C). The interior circulation system shall be adequate to provide safe accessibility to, from and within all required parking areas. Parking on streets internal to the Site shall be permitted, subject to Consolidated Planning Board approval. The location and design of loading spaces shall not unreasonably interfere with neighboring off-site uses.
- 5) Screening and landscaping. All structures and recreational, parking, loading, public and other service areas shall be reasonably landscaped and/or screened so as to provide adequate visual and noise buffers from neighboring off-Site uses. The scale and quality of the landscaping and screening on Site shall be harmonious with the character of the neighborhood abutting the landscaped and/or screened area.
- 6) Drainage. A storm drainage system which demonstrates affirmative compliance with the form, scope and substance of all applicable design criteria shall be provided to accommodate expected loads from the tributary watershed. Drainage shall be conducted to a point of adequate and suitable disposal. Where appropriate, stormwater control shall be provided so as to retain the same rate of off-Site runoff as the existing condition.
- 7) Water/Sewer. Each Phase shall be connected to the existing municipal water and sewer systems currently serving the Site. The applicant shall be required to construct

the on-Site improvements necessary to assure that such systems are able to satisfactorily accommodate the use.

- 8) Lighting. All site lighting shall be designed and installed so as not to unreasonably interfere with neighboring off-Site uses properties.
- 9) Fire protection. All proposed structures, service areas, fire lanes, water distribution lines, hydrants, equipment and material shall be adequate and readily accessible for the protection of the proposed uses from fire. Sufficient water supply for fire-fighting purposes shall be provided.
- 10) Impact of the Project on adjacent land uses. Adjacent and neighboring off-Site properties shall be protected against noise, glare, unsightliness or other objectionable features. Where a proposed use is nonresidential which would adjoin a residential area, the Planning Board shall minimize the impact of the proposed use on such off-Site residential properties.
- 11) Signage. Signage for the particular Phase under review shall be as provided herein.
  - a. Signage located on the south side of the Redevelopment Overlay Zone and facing the highway (I-90) and/or Everett Road will be consistent with existing other signage along I-90.
  - b. Signage that faces internally within the Redevelopment Overlay Zone may differ from other areas of the Site, as long as not visible from properties to the north of the Redevelopment Overlay Zone.
  - c. Signage located on the north side of the Redevelopment Overlay Zone and facing outward to Exchange Street will comply with the Town of Colonie regulations pertaining to signage.

C. Waivers. An applicant may request, in writing, a waiver or modification of any of the site plan review standards herein. The Consolidated Planning Board may waive or otherwise modify such standards, or requirements, as the case may be, upon a finding that such action is appropriate to further the spirit and intent of this Local Law.

#### §191-8 - Powers of Consolidated Zoning Board of Appeals.

- A. The Consolidated ZBA shall have the powers set forth in the Intermunicipal Agreement.
- B. To the extent that the powers set forth in such laws are capable of differing interpretations, the Consolidated ZBA shall adopt and follow the interpretation that most furthers the purposes and goals of redeveloping the Site into the Project.

#### §191-9 - Administration and Enforcement.

The provisions of this Local Law shall be administered and enforced as provided herein.

#### §191-10 - Definitions.

**RESIDENTIAL USE** - The use of all or a portion of a building or structure arranged, intended or designed to be occupied by three or more resident households living independently of each other. An apartment building and multiple or multifamily dwellings are the same type of structure. Residential use shall include owner-occupancy or for rent.

**HEALTH CLUBS/INDOOR RECREATION** - An establishment that offers facilities, equipment and programs for exercise, weight loss and/or body development provided that, in order to be within the scope of this definition, any such use that requires a license to operate must demonstrate that it has or is qualified to obtain such a license. Food items may be offered. Outdoor athletic courts and facilities are permitted and may be included with a health club and/or indoor recreation use.

**HEIGHT** - The vertical distance from the average ground level of the foundation of the building or structure to the highest point of the roof, unless otherwise specified herein, provided that chimneys, spires, towers, elevators, penthouses, tanks, HVAC, and similar projections shall be excluded from such calculation.

**HOTEL** - A building in which lodging is provided and offered to the public, which is customarily open to transient guests, and which may include ancillary facilities and services such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities. A hotel unit may contain a kitchen for extended stay lodgings. Outdoor athletic courts and other outdoor facilities are permitted and may be included with a hotel use.

**RESTAURANT** - A building or structure or portion thereof, arranged, intended or designed for the preparation and service of meals at tables or counters. A restaurant shall include banquet halls.

**RETAIL** - Establishments engaged in the sale of goods, merchandise and services to the public and rendering services incidental to the sale of such goods.

**THEATER** - A building or space, or portion thereof, used for cultural education and experiences, motion pictures, live productions, or other entertainment, including, but not limited to, museums, art galleries, aquariums, amphitheaters, theaters, cultural entertainment facilities and performance halls.

**OFFICES** - Any building or part of a building where the principal use is the operation of a business, administrative, governmental, public utility, sales, professional, or other business or services.

**MULTI-LEVEL PARKING STRUCTURES** - A structure used for parking or temporary storage of motor vehicles on more than one floor.

**SECTION 3. SUPERSESSION.**

This Local Law shall supersede all other local laws and ordinances of the Town of Colonie and the City of Albany applicable to the Site that are inconsistent with the provisions of this Local Law.

**SECTION 4. SAVINGS CLAUSE.**

If any clause, sentence, paragraph, word, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder, thereof, but shall be confined in its operation of the clause, sentence, paragraph, or section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 5. SEQR DETERMINATION.**

The Town hereby determines that this amendment is a Type 1 action that will not have a significant effect on the environment and, therefore, no other determination or procedure under the State Environmental Quality Review Act ("SEQRA") is required.

**SECTION 6. EFFECTIVE DATE.**

This Local Law shall take effect immediately upon filing with the Secretary of State's Office.

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2017 of the **Town of Colonie** was duly passed by the Town Board on \_\_\_\_\_ in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 2017 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2017, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed adopted on \_\_\_\_\_ 2017, in accordance with applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 2017 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2017, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed adopted on \_\_\_\_\_ 2017. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 2012, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 2017 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2017, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed adopted on \_\_\_\_\_ 2017. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 2017, in accordance with the applicable provisions of law.

---

**\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2017 of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 2017, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2017 of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 2017, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.



Clerk of the Town or officer designated by local legislative body

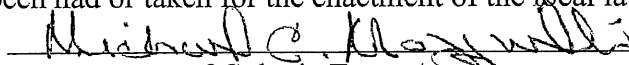
(Seal)

Date: 03-28-17

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF ALBANY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Town of Colonie Town Attorney

Date: 3/30/17

# **Exhibit K**



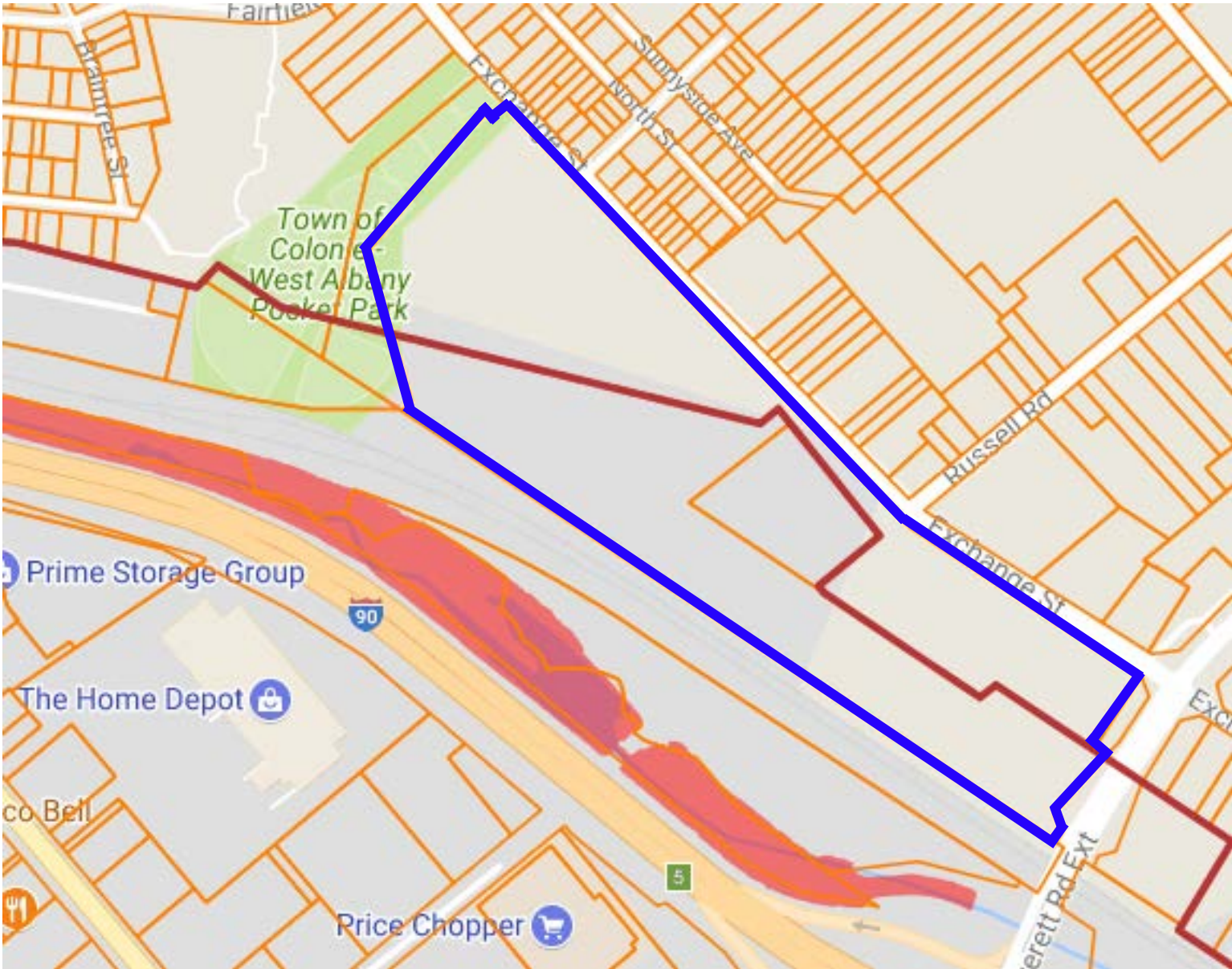
# FLOOD MAP

**First Prize Center Site**  
68 Exchange Street, Town of  
Colonie; Rear Russell Road, City of  
Albany; and Russell Road, City of  
Albany.

**Legend:**  
— Site property boundary

- Municipal Boundaries**
- City
  - Village
  - Town
- FEMA Flood Zones**
- 0.2% Annual Chance Flood Hazard
  - Flood Zone

**July 20, 2017**  
**Source: Albany County Interactive  
Maps**  
Scale: 1" = 100" approximately



All feature locations are approximate. This map is intended as a schematic to be used in conjunction with the associated report, and it should not be relied upon as a survey for planning or other activities.



# **Exhibit L**

# Site Contact List

## First Prize Center Site

68 Exchange Street, Town of Colonie; Rear Russell Road, City of Albany; and Russell Road, City of Albany

Name	Title	Address	City	State	Zip
Hon. Charles Schumer	U.S. Senate	780 Third Ave., Suite 2301	New York	NY	10017
Hon. Kirsten Gillibrand	U.S. Senate	780 Third Ave., Suite 2601	New York	NY	10017
Paul Tonko	U.S. House of Representatives	19 Dove Street, Suite 302	New York	NY	12210
Daniel P. McCoy	Albany County Executive	112 State Street, Room 1200	Albany	NY	12207
Dominic Rigosu	Albany County Planning and Land Use	449 New Salam Road	Voorheesville	NY	12186-4826
Kathy M. Sheehan	City of Albany Mayor	24 Eagle Street	Albany	NY	12205
Brad Glass	City of Albany Planning and Zoning	200 Henry Johnson Blvd	Albany	NY	12210
Joseph E. Coffey Jr.	City of Albany Public Water Supply Commissioner	10 N. Enterprise Dr.	Albany	NY	12210
Timesunion	City of Albany Media Outlet	Box 15000, News Plaza	Albany	NY	12212
Mary Coon	City of Albany Public Library, Pine Hills Branch	517 Western Ave	Albany	NY	12203
Paula Mahan	Town of Colonie Supervisor	534 Loudon Road	Latham	NY	12110
Peter Shamlian	Town of Colonie Planning Board Chairman	347 Old Niskayuna Road	Latham	NY	12110
John Frazer	Town of Colonie - Latham Water District	347 Old Niskayuna Road	Latham	NY	12110
Spotlightnews	Town of Colonie Media Outlet	341 Delaware Ave	Delmar	NY	12054
William K. Stanford Town Library	Town of Colonie Public Library	629 Albany Shaker Road	Albany	NY	12211
Town of Colonie	Adjacent Property Owner of 164 Exchange Street	Memorial Town Hall, P.O. Box 508	Newtonville	NY	12128-0508
John D. Bleichert	Adjacent Property Owner of 161 Exchange Street	161 Exchange Street	Albany	NY	12205-3315
Roger Pettinato	Adjacent Property Owner of 157 Exchange Street	157 Exchange Street	Albany	NY	12205
Antonio Boncordo	Adjacent Property Owner of 155 Exchange Street	515 1/2 Albany Shaker Road	Loudonville	NY	12211
Henry J. and Rosemarie V. Bleichert	Adjacent Property Owner of 153 Exchange Street	153 Exchange Street	Albany	NY	12205-0129
Abel E. Granthon and Gino Benvenuto	Adjacent Property Owner of 151 Exchange Street	151 Exchange Street	Albany	NY	12205-3315
Defny Gamboa	Adjacent Property Owner of 149 Exchange Street	149 Exchange Street	Albany	NY	12205-3315
Alan L. and Sandra M. Bergeron	Adjacent Property Owner of 147 Exchange Street	147 Exchange Street	Albany	NY	12205-3315
Alan L. Bergeron	Adjacent Property Owner of 145 Exchange Street	145 Exchange Street	Albany	NY	12205-3315
Faragon Properties, LLC	Adjacent Property Owner of 141 Exchange Street	141 Exchange Street	Albany	NY	12205-3315
Faragon Properties, LLC	Adjacent Property Owner of 139 Exchange Street	22 Gadsen Ct	Albany	NY	12205
Cynthia M. Shannon	Adjacent Property Owner of 137 Exchange Street	137 Exchange Street	Albany	NY	12205
Joanne M. Frangella	Adjacent Property Owner of 133 Exchange Street	133 Exchange Street	Albany	NY	12205
Walter M. and Rebecca S. Brown	Adjacent Property Owner of 129 Exchange Street	129 Exchange Street	Albany	NY	12205
Jennifer L. White	Adjacent Property Owner of 127 Exchange Street	127 Exchange Street	Albany	NY	12205
Gurinder Garcha	Adjacent Property Owner of 125 Exchange Street	125 Exchange Street	Albany	NY	12205
Abasali and Mahadaye Khan	Adjacent Property Owner of 123 Exchange Street	184 Central Ave, 2nd Floor	Albany	NY	12205
Wells Fargo Bank, N.A.	Adjacent Property Owner of 121 Exchange Street	1610 E. St. Andrew Pl., # B150	Santa Ana	CA	92705
Edgar W. Foster	Adjacent Property Owner of 2A North Street	2a North Street	Colonie	NY	12205
B.D.C., Inc.	Adjacent Property Owner of 111 Exchange Street	7 Westview Road	Pittsfield	MA	1201
Thomas P. Davidson	Adjacent Property Owner of 107 Exchange Street	107 Exchange Street	Albany	NY	12205
Christine C. Clifford	Adjacent Property Owner of 105 Exchange Street	105 Exchange Street	Albany	NY	12205
James W. and Arbrena A. Traynham	Adjacent Property Owner of 103 Exchange Street	103 Exchange Street	Albany	NY	12205
F and P Builders, LLC	Adjacent Property Owner of 101 Exchange Street	12 Balsam Quay	Albany	NY	12205
George and Elizabeth Della Rocco	Adjacent Property Owner of 99 Exchange Street	99 Exchange Street	Albany	NY	12205
Elizabeth L. Kenneally	Adjacent Property Owner of 95 Exchange Street	95 Exchange Street	Albany	NY	12205
Robert J. and Eileen Wippich	Adjacent Property Owner of 91 Exchange Street	91 Exchange Street	Albany	NY	12205
Joan E. Valente	Adjacent Property Owner of 89 Exchange Street	736 Flanders P	Delray Beach	FL	33484
William J. Kendall	Adjacent Property Owner of 83 Exchange Street	83 Exchange Street	Albany	NY	12205-3336
Estate of Nettie Seifert	Adjacent Property Owner of 4 Russell Road	4 Russell Road	Albany	NY	12205
DF Development LLC	Adjacent Property Owner of 69 Exchange Street	25 Mason Ln	Slingerlands	NY	12159
John M. and Nicholas J. Audi	Adjacent Property Owner of 65 Exchange Street	65 Exchange Street	Albany	NY	12205
Todd R. Etesse	Adjacent Property Owner of 59 Exchange Street	59 Exchange Street	Albany	NY	12205
Pro-Tech Lawn Sprinklers	Adjacent Operator of 59 Exchange Street	59 Exchange Street	Albany	NY	12205
Atlantic Refining Mktg Corp	Adjacent Property Owner of 57 Exchange Street	1900 Dalrock Road	Rowlett	TX	75088
Eugene Camarota and Cynthia Kellogg	Adjacent Property Owner of 66 Exchange Street	23 Russell Road	Albany	NY	12205-3312
Delores Della Rocco	Adjacent Property Owner of 64 Exchange Street	64 Exchange Street	Albany	NY	12205
West Albany Italian Benevolent Society	Adjacent Property Owner of Rear 50 Exchange Street	50 Exchange Street	Albany	NY	12205
CSX Transportation Inc	Adjacent Property Owner of 13 Anderson Drive	500 Water Street	Jacksonville	FL	32202
Consolidated Rail Corp	Adjacent Property Owner of Rear Anderson Drive	500 Water Street	Jacksonville	FL	32202
Town of Colonie	Adjacent Property Owner of Pt. 1099 Central Ave	Memorial Town Hall	Newtonville	NY	12128

# **Exhibit M**



August 18, 2017

VIA FIRST CLASS MAIL

William K. Stanford, Branch Manager  
Town of Colonie Public Library  
629 Albany Shaker Road  
Albany, New York 12211

**RE: Brownfield Cleanup Program Application**  
**Applicant: First Prize Development Partners, LLC**  
**Site Name: First Prize Center Site**  
**Site Address: 68 Exchange Street, Town of Colonie; Rear Russell Road, City of Albany; and Russell Road, City of Albany.**

Dear Mr. Stanford:

We represent First Prize Development Partners, LLC in its anticipated Brownfield Cleanup Program application for the above-referenced site at 68 Exchange Street, Town of Colonie; Rear Russell Road, City of Albany; and Russell Road, City of Albany, Albany County, New York. It is a requirement of the NYS Department of Environmental Conservation that we supply it with a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. To avoid significant use of your shelf space, all documents will be sent in CD format.

Please sign below and return the original in the enclosed stamped self-addressed envelope if you are able to certify that your library would be willing and able to act as the temporary public repository for this Brownfield Cleanup Program project.

Thank you.

Sincerely,

KNAUF SHAW LLP

LINDA R. SHAW

Yes, the Town of Colonie Public Library is willing and able to act as a public repository for documents related to the cleanup of 68 Exchange Street, Town of Colonie; Rear Russell Road, City of Albany; and Russell Road, City of Albany, Albany County, New York under the NYS Brownfield Cleanup Program

William K. Stanford  
Branch Manager

August 22, 2017