



Department of  
Environmental  
Conservation

## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

### PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

Check the appropriate box below based on the nature of the amendment modification requested:

☐ Amendment to [check one or more boxes below]

- ☐ Add
- ☐ Substitute
- ☐ Remove
- ☐ Change in Name

applicant(s) to the existing Brownfield Cleanup Agreement [*Complete Section I-IV below and Part II*]

Does this proposed amendment involve a transfer of title to all or part of the brownfield site? ☐ Yes ☐ No

If yes, pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been previously submitted. If not, please submit this form with this Amendment. See <http://www.dec.ny.gov/chemical/76250.html>

☐ Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Sections I and V below and Part II*]

☒ Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [*Complete Section I and V below and Part II*]

☐ **Sites in Bronx, Kings, New York, Queens, or Richmond counties ONLY:** Amendment to request determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit. Please answer questions on the supplement at the end of the form.

☐ Other (explain in detail below)

Please provide a brief narrative on the nature of the amendment:

Please see attached narrative as related to ALCO Maxon Site - Parcel A.

**\*Please refer to the attached instructions for guidance on filling out this application\***

## **ALCO- MAXON SITE – PARCEL A**

**Site ID No. C447042**

**BCA Index No. C447042-08-10**

**ADDRESS:** 301 Nott Street,  
Schenectady, NY 12305

### **BRIEF NARRATIVE**

In furtherance of the clean-up and development of the three brownfield program parcels that make up the entire ALCO Maxon Site, Volunteer Maxon ALCO Holdings, LLC is now specifically defining the size of ALCO - Maxon Site – Parcel A (BCP Site No. C447042). Attached, as Exhibit 1, is a metes and bounds description of Parcel A as of the current date.

When the Application for ALCO - Maxon Site – Parcel A (BCP Site No. C447042) was initially submitted the application stated that Parcel A was *approximately 21.00 acres*. Parcel A, after project adjustment, now consists of approximately 20.57 acres. This change and recalculation of acreage occurred with the additional property and easements acquired from RPI. See map entitled “ALCO Site” dated January 24, 2016 attached hereto as part of Exhibit 2 for an illustration of what is now Parcel A.

For Department reference and for illustration purposes only, attached as Exhibit 2 is a proposed “draft subdivision plan for “Mohawk Harbor.” As the work progresses, properties within the three parcels will eventually become separate lots owned by separate LLCs. These LLCs have been added to the Brownfield Cleanup Agreements. These separate tax parcel lots will be sold or transferred to such various entities. The subdivision plan shows the completed lots and the project as a whole and not only as ALCO –Maxon Site – Parcel A, ALCO-Maxon Site Parcel B and ALCO-Maxon Site Parcel C. It is the future proposed subdivision of the separate lots that makes this amendment to BCP Parcel A necessary and more fully define the current status of the BCP parcels.

The changes made to ALCO –Maxon Site- Parcel B (BCP Site No. C447043) and ALCO - Maxon Site- Parcel C (BCP Site No. C447044) are set forth in two separate amendment applications submitted herewith.

<b>Section I. Existing Application Information</b>			
BCP SITE NAME: ALCO- Maxon Site - Parcel A		BCP SITE NUMBER: C447042	
NAME OF CURRENT APPLICANT(S): Maxon ALCO Holdings LLC			
INDEX NUMBER OF EXISTING AGREEMENT: C447042-08-10		DATE OF EXISTING AGREEMENT: 8/18/10	
<b>Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)</b>			
NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Is the requestor authorized to conduct business in New York State (NYS)? <input type="checkbox"/> Yes <input type="checkbox"/> No			
<ul style="list-style-type: none"> <li>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 (DOS) Corporation &amp; Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.</li> </ul>			
NAME OF NEW REQUESTOR'S REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Requestor must submit proof that the party signing this Application and Amendment has the authority to bind the Requestor. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC. Is this proof attached? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Describe Requestor's Relationship to Existing Applicant:			

**Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight new information)**

OWNER'S NAME (if different from requestor)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

**Section IV. Eligibility Information for New Requestor (Please refer to ECL § 27-1407 for more detail)**

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? ☐ Yes ☐ No
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site? ☐ Yes ☐ No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? ☐ Yes ☐ No  
Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the subject law; ii) any order or determination; iii) any regulation implementing ECL Article 27 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, Department 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 the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department? ☐ 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. Have all known bulk storage tanks on-site been registered with DEC? ☐ Yes ☐ No

THE NEW REQUESTOR MUST CERTIFY THAT IT 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 contamination 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 contamination.

☒ 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.

Requestor's Relationship to Property (check one):

☐ Prior 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 V. Property description and description of changes/additions/reductions (if applicable)**

ADDRESS 301 Nott Street

CITY/TOWN Schenectady

ZIP CODE 12305

TAX BLOCK AND LOT (TBL) (in existing agreement )

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
301 Nott Street, Schenectady, NY					
See attached list					

**ALCO- MAXON SITE – PARCEL A****Site ID No. C447042****BCA Index No. C447042-08-10**

**ADDRESS:** 301 Nott Street,  
Schenectady, NY 12305

**TAX BLOCK AND LOT (TBL) (In Existing Agreement)**

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.
301 Nott Street Schenectady, NY	39	41	1	1.1
301 Nott Street Schenectady, NY	39	41	1	1.2
301 Nott Street Schenectady, NY	39	41	1	2
301 Nott Street Schenectady, NY	39	41	1	3
301 Nott Street Schenectady, NY	39	34	1	1.1
301 Nott Street Schenectady, NY	39	49	2	1.311

Check appropriate boxes below:



Changes to metes and bounds description or TBL correction See Exhibits 1 and 2



Addition of property (may require additional citizen participation depending on the nature of the expansion – see attached instructions)

Approximate acreage added: \_\_\_\_\_

**ADDITIONAL PARCELS:**

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage



Reduction of property

Approximate acreage removed: \_\_\_\_\_

**PARCELS REMOVED:**

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.

**Supplement to the Application To Amend Brownfield Cleanup Agreement And Amendment - Questions for Sites Seeking Tangible Property Credits in New York City ONLY.**

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input 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 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 Tax Law 21(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 as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>From ECL 27-1405(31):</b></p> <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>	
3. Is the project an affordable housing project as defined below?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>From 6 NYCRR 375- 3.2(a) as of July 1, 2015:</b></p> <p>(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.</p> <p>(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, that 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.</p> <p>(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, that sets affordable units aside for tenants at a defined maximum percentage of the area median income.</p> <p>(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.</p>	



## PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

<b>Existing Agreement Information</b>	
BCP SITE NAME: ALCO-Maxon Site- Parcel A	BCP SITE NUMBER: C447042
NAME OF CURRENT APPLICANT(S): Maxon ALCO Holdings LLC	
INDEX NUMBER OF EXISTING AGREEMENT: C447042-08-10	
EFFECTIVE DATE OF EXISTING AGREEMENT: 8/18/10	

### Declaration of Amendment:

By the Requestor(s) and/or Applicant(s) signatures below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

<b>Statement of Certification and Signatures: New Requestor(s) (if applicable)</b>
(Individual)
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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.
Date: _____ Signature: _____
Print Name: _____
(Entity)
I hereby affirm that I am (title _____) of (entity _____); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and 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.
_____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.
Date: _____ Signature: _____
Print Name: _____

**Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)**

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

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

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

(Entity)

I hereby affirm that I am <sup>an authorized representative</sup> (title) of Maxon ALCO Holdings LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. David M. Buicko's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: March 15, 2016 Signature: 

Print Name: David M. Buicko

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

☐

**PARTICIPANT**

A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination.

☐

**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 contamination.

Effective Date of the Original Agreement:

Signature by the Department:

DATED:

NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

By:

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

**SUBMITTAL INFORMATION:**

- **Two (2) copies, one hard 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

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**FOR DEPARTMENT USE ONLY**

**BCP SITE T&A CODE:** \_\_\_\_\_ **LEAD OFFICE:** \_\_\_\_\_

**PROJECT MANAGER:** \_\_\_\_\_

## **BROWNFIELD CLEANUP PROGRAM (BCP)**

### **INSTRUCTIONS FOR COMPLETING A BCP AMENDMENT APPLICATION**

This form must be used to add a party, modify a property description, or reduce/expand property boundaries for an existing BCP Agreement and/or Application. **NOTE: DEC requires a standard application to request major changes to the description of the property set forth in the 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). The application must be submitted to DEC in the same manner as the original application to participate.**

#### **SECTION II**

#### **NEW REQUESTOR INFORMATION**

##### **Requestor Name**

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.

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 DEC with the application, to document that the applicant is authorized to do business in NYS.

##### **Requestor Address, etc.**

Provide the requestor's mailing address, telephone number; fax number and e-mail address.

##### **Representative Name, Address, etc.**

Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative unless another contact name and address is provided with the application.

##### **Consultant Name, Address, etc.**

Provide information for the requestor's consultant.

##### **Attorney Name, Address, etc.**

Provide information for the requestor's attorney.

#### **SECTION III CURRENT PROPERTY OWNER/OPERATOR INFORMATION - only include if new owner/operator or new existing owner/operator information is provided, and highlight new information in form.**

##### **Owner Name, Address, etc.**

Provide information for the new owner of the property. List all new parties holding an interest in the property.

##### **Operator Name, Address, etc.**

Provide information for the new operator (if different from the new requestor or owner).

#### **SECTION IV NEW REQUESTOR ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

#### **SECTION V PROPERTY DESCRIPTION AND DESCRIPTION OF CHANGES / ADDITIONS / REDUCTIONS (IF APPLICABLE)**

NOTE: DEC requires a standard application to request major changes to the description of the property set forth in the 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). The application must be submitted to DEC in the same manner as the original application to participate.

##### **Property Address**

Provide a street address, city/town, and zip code. For properties with multiple addresses, provide information for all.

##### **Tax Parcel Information**

Provide the tax parcel/section/block/lot information. If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, and/or acceptable site map to this application. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears.

## **EXHIBIT 1**

**PARCEL A**  
**LANDS OF MAXON ALCO HOLDINGS, LLC**

**ALL** that certain tract, piece or parcel of land situate, lying and being in the City of Schenectady, County of Schenectady, State of New York, more particularly bounded and described as follows:

**BEGINNING** at a point in the southerly bounds of the Mohawk River at the intersection with the division line between the lands now or formerly of Legere Holdings, LLC as described in a deed filed in the Office of the Clerk of Schenectady County in Liber 1684 of Deeds at Page 306 to the west and the lands now or formerly of Maxon Alco Holdings, LLC to the east; **THENCE** along the southerly bounds of the Mohawk River the following eighteen (18) courses and distances:

- 1) N. 69° – 29' – 20" E., 96.25 feet to a point;
- 2) N. 55° – 59' – 50"E., 145.50 feet to a point;
- 3) N. 52° –27' – 10'E., 158.73 feet to a point;
- 4) N. 49° – 54'– 40"E., 454.49 feet to a point;
- 5) N. 49° – 50' – 20"E., 157.77 feet to a point;
- 6) N. 38° – 20' – 50"W., 16.17 feet to a point;
- 7) N. 51° – 39' – 10"E., 60.00 feet to a point;
- 8) N. 38° – 20' – 50"W., 12.00 feet to a point;
- 9) N. 51° – 39' – 40"E., 56.01 feet to a point;
- 10)S. 38° – 20' – 50"E., 31.62 feet to a point;
- 11)N. 61° – 59' – 40"E., 600.28 feet to a point;
- 12)N. 70° – 06' – 50"E., 217.05 feet to a point;
- 13)N. 75° – 31' – 10"E., 132.75 feet to a point;
- 14)N. 76° – 41' – 20"E., 610.71 feet to a point;

- 15) N.  $65^{\circ} - 44' - 00''$  E., 328.75 feet to a point;
- 16) N.  $51^{\circ} - 49' - 10''$  E., 109.81 feet to a point;
- 17) N.  $48^{\circ} - 21' - 20''$  E., 69.77 feet to a point;
- 18) N.  $38^{\circ} - 01' - 40''$  E., 23.37 feet to a point in the westerly line of Maxon Road (also known as Maxon Road Arterial Highway);

**THENCE** along the westerly line of Maxon Road by the following three (3) courses:

- 1) S.  $18^{\circ} - 05' - 10''$  E., 110.78 feet to a point;
- 2) S.  $28^{\circ} - 40' - 50''$  W., 231.11 feet to a point;
- 3) S.  $28^{\circ} - 06' - 00''$  W., 175.82 feet to a point;

**THENCE** through the lands of Maxon Alco Holdings LLC by the following ten (10) courses:

- 1) S.  $68^{\circ} - 50' - 10''$  W., 227.13 feet to a point;
- 2) S.  $68^{\circ} - 31' - 58''$  W., 365.92 feet to a point;
- 3) S.  $69^{\circ} - 22' - 35''$  W., 202.92 feet to a point;
- 4) N.  $89^{\circ} - 30' - 41''$  W., 83.83 feet to a point;
- 5) S.  $68^{\circ} - 53' - 43''$  W., 133.57 feet to a point;
- 6) S.  $68^{\circ} - 49' - 05''$  W., 454.67 feet to a point;
- 7) N.  $20^{\circ} - 59' - 34''$  W., 40.13 feet to a point;
- 8) S.  $69^{\circ} - 00' - 26''$  W., 407.96 feet to a point;
- 9) S.  $21^{\circ} - 28' - 44''$  W., 315.76 feet to a point;

10) S.  $67^{\circ} - 51' - 46''$  W., 751.18 feet to a point the easterly line of lands now or formerly of Legere Holdings, LLC as described in a deed filed in the Office of the Clerk of Schenectady County in Liber 1684 of Deeds at Page 306; **THENCE** along said easterly line N.  $20^{\circ} - 54' - 00''$  W., 187.35 feet to the **POINT AND PLACE OF BEGINNING**.

**EXCEPTING THEREFROM A PARCEL OF LAND CONVEYED TO RENSSELAER POLYTECHNIC INSTITUTE BY DEED FILED IN THE OFFICE OF THE CLERK OF SCHENECTADY COUNTY IN LIBER 1186 OF DEEDS AT**



**PAGE 188 SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING** at a point in the lands of Maxon Alco Holdings LLC said **POINT OF BEGINNING** located as follows: **COMMENCING** at a point in the southerly boundary of the Mohawk River at its intersection with the westerly line of Maxon Road (also known as Maxon Road Arterial Highway); **THENCE** from said **POINT OF COMMENCEMENT** ,S. 63° – 55' – 46" W., 818.70 feet to the first mentioned **POINT OF BEGINNING** which point is the **POINT OF BEGINNING** of the parcel herein described; **THENCE** through the first herein described parcel the following nine (9) courses and distances

- 1) S. 76° – 55' – 10" W., 165.95 feet to a point;
- 2) S. 12° – 19' – 05" E., 110.15 feet to a point;
- 3) N. 74° – 09' – 28" E., 69.13 feet to a point;
- 4) S. 35° – 16' – 17" E., 6.68 feet to a point;
- 5) N. 61° – 49' – 45" E., 19.69 feet to a point;
- 6) N. 67° – 28' – 03" E., 28.46 feet to a point;
- 7) N. 57° – 38' – 48" E., 26.14 feet to a point;
- 8) N. 47° – 54' – 28" E., 26.89 feet to a point
- 9) N. 12° – 40' – 49" W., 81.53 feet to the **POINT AND PLACE OF BEGINNING**.

**SUBJECT** to all easements, rights-of-way or restrictions of record.

**PARCEL A CONTAINS 20.57± acres of land, more or less.**

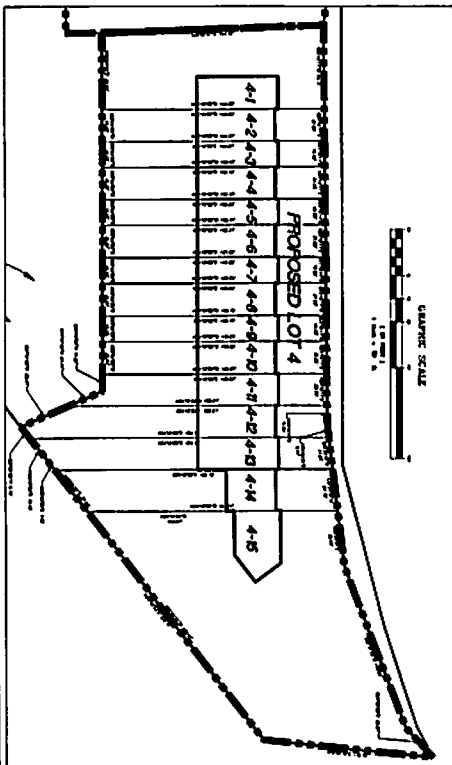
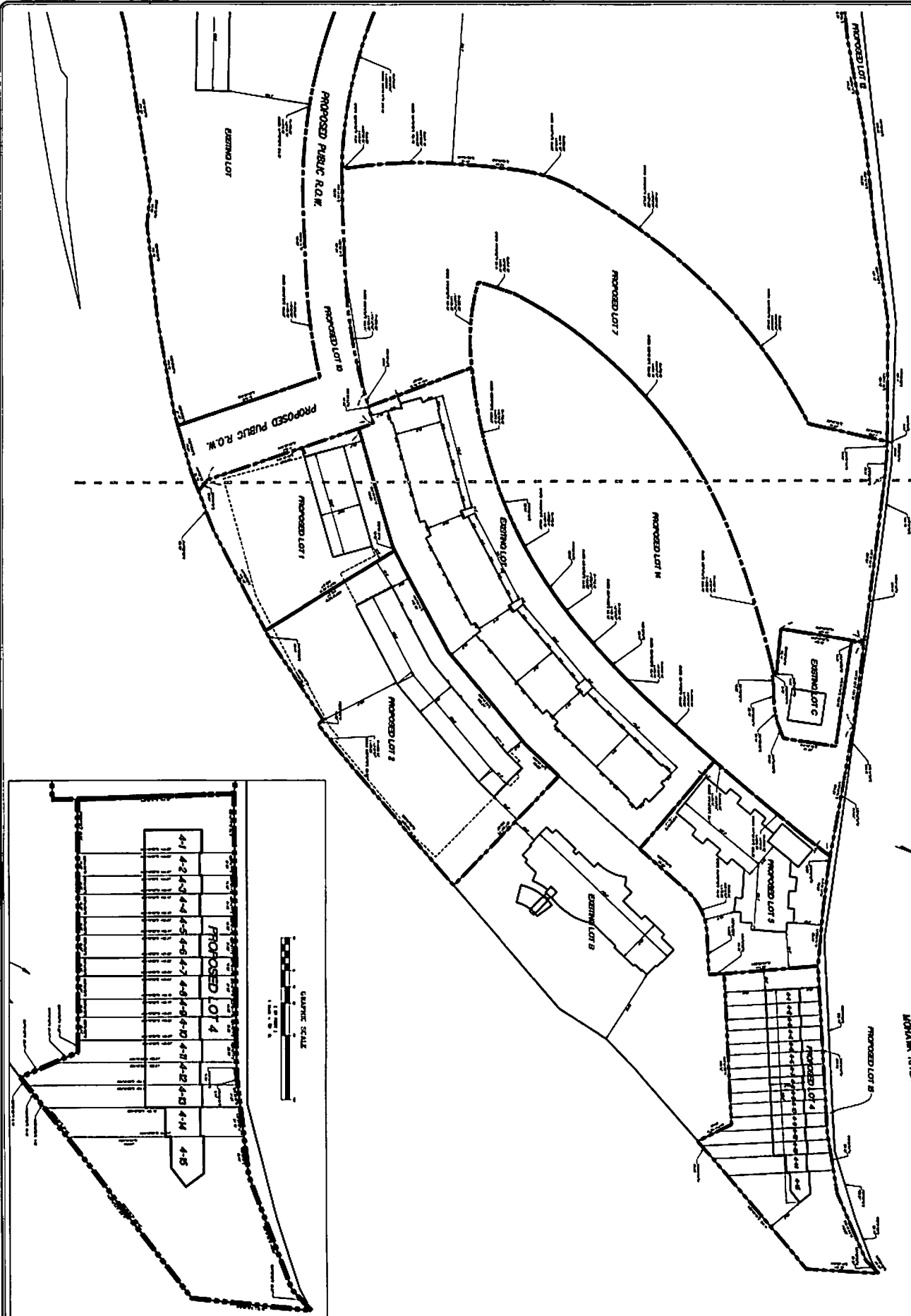
## **EXHIBIT 2**





MATCH LINE

MOHAWK RIVER



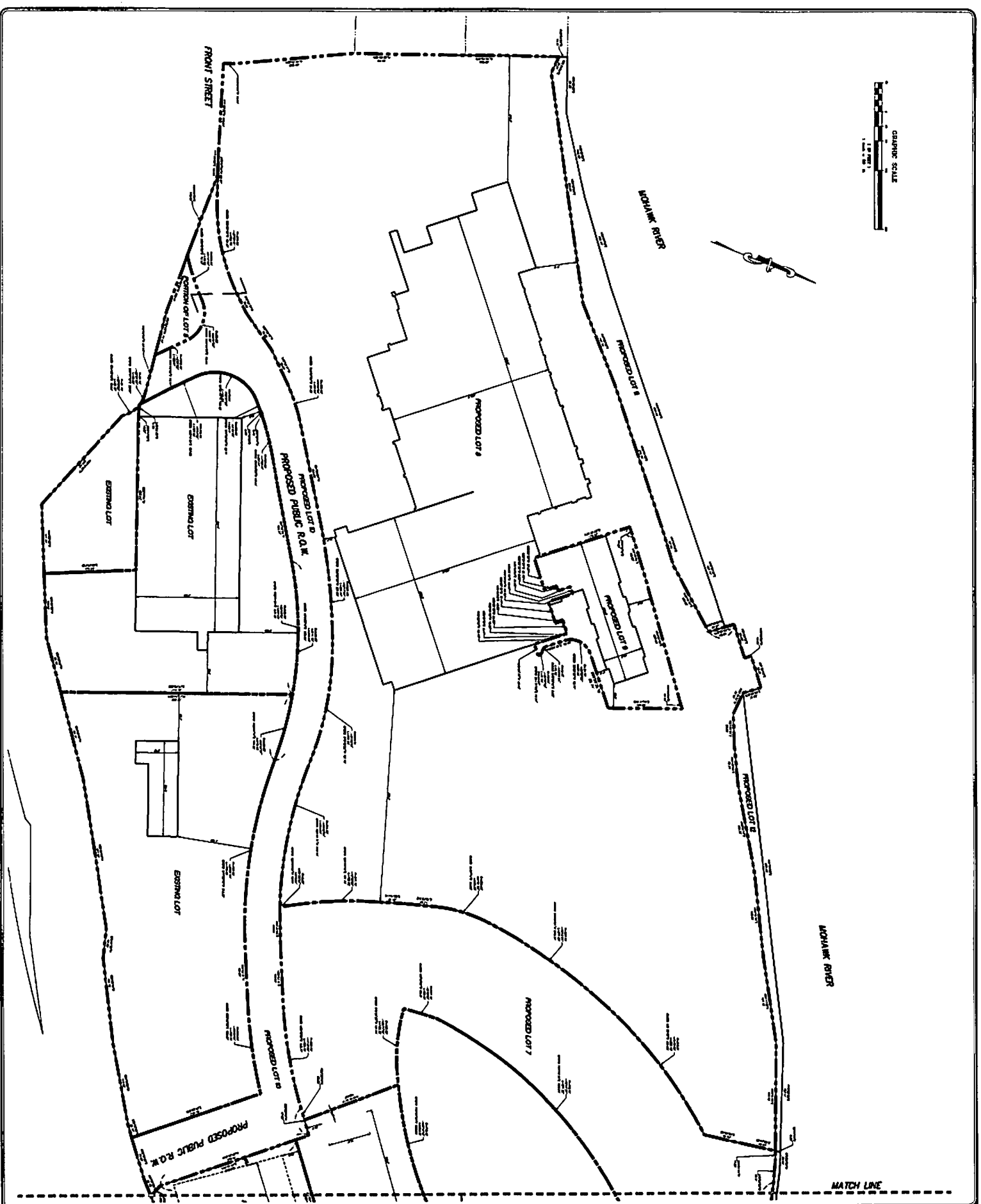
SUBDIVISION PLAN  
MOHAWK HARBOR  
SCHENECTADY, NEW YORK

REVISION	DATE	REVISION	DATE	REVISION	DATE
1. PREPARED BY	J. P. A.	2. CHECKED BY	J. P. A.	3. DESIGNED BY	J. P. A.
4. DRAWN BY	J. P. A.	5. ENGINEER	J. P. A.	6. SURVEYOR	J. P. A.



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SUBDIVISION PLAN  
 MOHAWK HARBOR  
 SCHENECTADY, NEW YORK

REVISION	DATE	BY	CHKD
1. PREPARED BY	1. 1. 19		
2. CHECKED BY	2. 1. 19		
3. APPROVED BY	3. 1. 19		



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