

# Young / Sommer LLC

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December 15, 2016

**VIA FIRST CLASS MAIL**

Chief, Site Control Section  
New York State Department of Environmental Remediation  
Division of Environmental Remediation  
625 Broadway  
Albany, New York 12233-7020

RE: Notices of Certificate of Completion – Brownfield Cleanup Program  
ALCO-Maxon Site – Parcel A, Site ID No. C447042  
ALCO-Maxon Site – Parcel B, Site ID No. C447043  
Location of Site: 301 Nott Street, City of Schenectady, Schenectady County

Dear Sir/Madam:

Enclosed please find for the Department's records with regard to the above referenced DEC Site Nos. C447042 and C447043, proof of recording of the Notices of Certificate of Completion, as recorded with the Schenectady County Clerk today, December 15, 2016.

Thank you.

Very truly yours,



Allyssa T. Moody  
Paralegal

Enclosure

cc via email: Bradford Burns, Esq., NYSDEC  
Robert A. Panasci, Esq., Young/Sommer LLC

RECEIVED  
DEC 19 2016  
BUR. OF TECH. SUPPORT

YOUNG/SOMMER LLC

31345

DATE DESCRIPTION

INVOICE #

AMOUNT

DEDUCTION

NET AMOUNT

CHECK

*Galbraith - Hico*  
*Parcel A*

CHECK DATE

CONTROL NUMBER

TOTALS

12/15/16

61.00

COUNTY CLERK'S OFFICE  
SCHENECTADY COUNTY, NY

INVOICE # 894357  
0201-RECEIPT GMS

## -- CHARGES --

#001 EASEMENT \$61.00

Instrument Number - 201658207  
Recorded on - Dec 15, 2016 11:01:17 AM  
Document Number - 2016-5353  
Book/Page: DEED/1952/176  
Total Pages: 4  
Grantor - MAXON ALCO HOLDINGS LLC  
Grantee - NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION DEPT

## Fee Detail:

COUNTY RECORDING FEE	\$20.00
COUNTY LAND COMPTROLLER SURCHARGE	\$0.75
COUNTY LAND SURCHARGE	\$0.25
NEW YORK LAND COMPTROLLER SURCHARGE	\$14.25
NEW YORK LAND SURCHARGE	\$4.75
PER NAME FEE	\$1.00
PER PAGE FEE	\$20.00

Comment - 301 NOTT ST - *Parcel A*

TOTAL CHARGES \$61.00

## -- PAYMENTS --

CHECK: 31345 \$61.00

TOTAL PAYMENTS \$61.00

AMOUNT DUE	\$61.00
PAYMENT ON INVOICE	(\$61.00)
BALANCE DUE	\$0.00

Customer ID: SC  
SCHENECTADY COUNTY CLERKS OFFICE

THANK YOU  
JOHN J. WOODWARD  
COUNTY CLERK  
COUNTY # 47  
12/15/2016 11:00:54 AM

RECEIVED

DEC 19 2016

BUR. OF TECH. SUPPORT

DEC 19 2016



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

**ALCO-Maxon Site – Parcel A, Site ID No. C447042**  
**301 Nott Street, Schenectady, NY 12305**

**City of Schenectady, Schenectady County**, Tax Map Identification Number(s) 39.34-1-8 (portion of), 39.34-1-9, 39.41-1-10, 39.41-1-11, 39.41-1-12, 39.41-1-13, 39.41-1-14, 39.41-1-15, 39.41-1-16, 39.41-1-17, 39.41-1-18, 39.41-1-19, 39.41-1-20, 39.41-1-21, 39.41-1-22, 39.41-1-23, 39.41-1-24, 39.41-1-4 (portion of), 39.41-1-5 (portion of), 39.41-1-6 (portion of), 39.41-1-7, 39.41-1-9, 39.49-2-1.7 (portion of)

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to ALCO Hotel LLC, Airline Boulevard Properties, LLC, Airline Drive Development, LLC, ALCO Re Properties, LLC, Cohoes Avenue Associates, LLC, Cohoes Avenue Development, LLC, Erie Way Associates, LLC, Erie Way Properties, LLC, Locomotive Lane Properties, LLC, Maxon ALCO Holdings, LLC, Maxon ALCO Properties, LLC, Maxon Hotel, LLC, Mohawk Property Company Holdings LLC, Mohawk Propeco LLC, Mohawk Restoration, LLC, Prestige Parkway Associates, LLC, Prestige Parkway Properties, LLC, Sitterly Street Enterprises, LLC, West Yard Associates, LLC, West Yard Properties, LLC, Westcott Road Associates, LLC, Westcott Road Development, LLC for a parcel approximately 19.15 acres located at 301 Nott Street in the City of Schenectady.

**PLEASE TAKE NOTICE**, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

**PLEASE TAKE NOTICE**, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- ☐ Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- ☐ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☒ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

**PLEASE TAKE NOTICE**, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Schenectady County as 201650099.

**PLEASE TAKE NOTICE**, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations

**ALCO-Maxon Site -Parcel A, C447042, 301 Nott Street, Schenectady, NY**

on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

**PLEASE TAKE NOTICE**, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

**PLEASE TAKE NOTICE**, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

**PLEASE TAKE NOTICE**, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

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

**PLEASE TAKE NOTICE**, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

**PLEASE TAKE NOTICE**, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 4 located at 1130 N. Westcott Rd., Schenectady NY, by contacting the Regional Environmental Remediation Engineer.

**WHEREFORE**, the undersigned has signed this Notice of Certificate

Maxon ALCO Holdings LLC

By: 

Title: David M. Buicko, Auth. Rep

Date: December 13, 2014

Locomotive Lane Properties, LLC

By: 

Title: David M. Buicko, Auth. Rep

Date: December 13, 2016



ALCO Hotel LLC

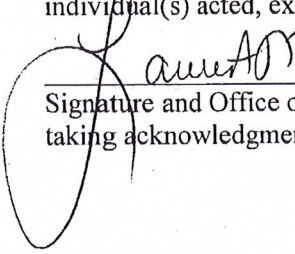
By: 

Title: David M. Buicko, Authorized Rep

Date: December 13, 2016

STATE OF NEW YORK ) SS:  
COUNTY OF Schenectady )

On the 13 day of December, in the year 2016, before me, the undersigned, personally appeared David M. Buicko personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
Signature and Office of individual  
taking acknowledgment

**LAURENE A. SMITH**  
Notary Public, State of New York  
Qualified in Rensselaer County  
No. 01SM4826017  
Commission Expires June 30, 2018

11/30/16

**Please record and return to:**  
Maxon ALCO Holdings, LLC  
David Buicko  
695 Rotterdam Industrial Park  
Schenectady, NY 12306

YOUNG/SOMMER LLC

31346

DATE	DESCRIPTION	INVOICE #	AMOUNT	CHECK	DEDUCTION	NET AMOUNT
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*Parcel A LLC*  
*Parcel B*

CHECK DATE	CONTROL NUMBER	TOTALS
12/15/16		61.00

COUNTY CLERK'S OFFICE  
SCHENECTADY COUNTY, NY

INVOICE # 894362  
0201-RECEIPT GMS

-- CHARGES --

#001 EASEMENT \$61.00

Instrument Number - 201658211  
Recorded on - Dec 15, 2016 11:07:37 AM  
Document Number - 2016-5354  
Book/Page: DEED/1952/180  
Total Pages: 4  
Grantor - MAXON ALCO HOLDINGS LLC  
Grantee - NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION DEPT

Fee Detail:  
COUNTY RECORDING FEE \$20.00  
COUNTY LAND COMPTROLLER SURCHARGE \$0.75  
COUNTY LAND SURCHARGE \$0.25  
NEW YORK LAND COMPTROLLER SURCHARGE \$14.25  
NEW YORK LAND SURCHARGE \$4.75  
PER NAME FEE \$1.00  
PER PAGE FEE \$20.00

Comment - RELEASE 301 NOTT ST PARCEL B

TOTAL CHARGES \$61.00

-- PAYMENTS --

CHECK: 31346 \$61.00

TOTAL PAYMENTS \$61.00

AMOUNT DUE \$61.00  
PAYMENT ON INVOICE (\$61.00)  
BALANCE DUE \$0.00

Customer ID: SC  
SCHENECTADY COUNTY CLERKS OFFICE

THANK YOU  
JOHN J. WOODWARD  
COUNTY CLERK  
COUNTY # 47  
12/15/2016 11:07:34 AM



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

**ALCO-Maxon Site – Parcel B, Site ID No. C447043**  
**301 Nott Street, Schenectady, NY 12305**

**City of Schenectady, Schenectady County, Tax Map Identification Number(s) 39.34-1-8 (portion of), 39.42-1-21, 39.41-1-4 (portion of), 39.41-1-5 (portion of), 39.41-1-6 (portion of), 39.42-1-20, 39.42-2-12, 39.49-2-1.6 (portion of), 39.49-2-1.7 (portion of)**

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to ALCO Hotel LLC, Airline Boulevard Properties, LLC, Airline Drive Development, LLC, ALCO Re Properties, LLC, Cohoes Avenue Associates, LLC, Cohoes Avenue Development, LLC, Erie Way Associates, LLC, Erie Way Properties, LLC, Locomotive Lane Properties, LLC, Maxon ALCO Holdings, LLC, Maxon ALCO Properties, LLC, Maxon Hotel, LLC, Mohawk Property Company Holdings LLC, Mohawk Propco LLC, Mohawk Restoration, LLC, Prestige Parkway Associates, LLC, Prestige Parkway Properties, LLC, Sitterly Street Enterprises, LLC, West Yard Associates, LLC, West Yard Properties, LLC, Westcott Road Associates, LLC, Westcott Road Development, LLC for a parcel approximately 30.62 acres located at 301 Nott Street in the City of Schenectady.

**PLEASE TAKE NOTICE**, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

**PLEASE TAKE NOTICE**, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

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Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

**PLEASE TAKE NOTICE**, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Schenectady County as 201650095.

**PLEASE TAKE NOTICE**, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations

**ALCO-Maxon Site -Parcel B, C447043, 301 Nott Street, Schenectady, NY**

on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

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**PLEASE TAKE NOTICE**, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 4 located at 1130 N. Westcott Rd., Schenectady NY, by contacting the Regional Environmental Remediation Engineer.

**WHEREFORE**, the undersigned has signed this Notice of Certificate

Maxon ALCO Holdings, LLC

By: 

Title: David M. Buicko, Auth. Rep

Date: December 13, 2014

Locomotive Lane Properties, LLC

By: 

Title: David M. Buicko, Auth. Rep

Date: December 13, 2014



ALCO Hotel LLC

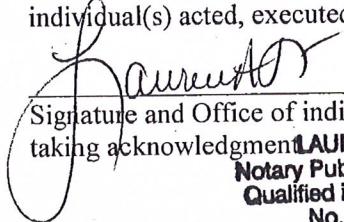
By: 

Title: David M. Buicko, Authorized Rep.

Date: December 13, 2016

STATE OF NEW YORK ) SS:  
COUNTY OF Schenectady )

On the 13 day of December, in the year 2016, before me, the undersigned, personally appeared David M. Buicko, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
Signature and Office of individual  
taking acknowledgment

**LAURENE A. SMITH**  
Notary Public, State of New York  
Qualified in Rensselaer County  
No. 01SM4826017  
Commission Expires June 30, 2018

**Please record and return to:**  
Maxon ALCO Holdings, LLC  
David Buicko  
695 Rotterdam Industrial Park  
Schenectady, NY 12306

11/30/16