

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director  
625 Broadway, 12th Floor, Albany, New York 12233-7011  
P: (518) 402-9706 | F: (518) 402-9020  
[www.dec.ny.gov](http://www.dec.ny.gov)

July 14, 2021

Ms. Susan McCann  
Hamilton Hill II Limited Partnership  
90 State Street  
Suite 602  
Albany, NY 12207  
[smccann@tcbinc.org](mailto:smccann@tcbinc.org)

Re: Certificate of Completion  
Hamilton Hill II - Target Area 1 Site  
Schenectady City and County  
Site No. C447052

Dear Ms. McCann:

Congratulations on having satisfactorily completed the remedial program at the Hamilton Hill II - Target Area 1 Site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record the Notice of Certificate of Completion in the recording office for the county (or counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record the Notice within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to assure the Notice is recorded within the time frame specified. A standard Notice of Certificate of Completion form is attached to this letter.
- Provide electronic copies of the recorded Notice and proof of recording to the Department's project manager. Please return the hard copy of the proof of recording to:

Joshua Haugh  
NYS Department of Environmental Conservation, Region 4  
Division of Environmental Remediation  
1130 North Westcott Road  
Schenectady, NY 12306

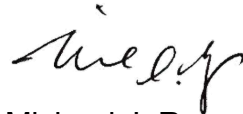


Department of  
Environmental  
Conservation

- Provide the Notice of Certificate of Completion to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days.

If you have any questions regarding any of these items, please contact Joshua Haugh at 518-357-2008 or [joshua.haugh@dec.ny.gov](mailto:joshua.haugh@dec.ny.gov).

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

ec w/ enclosure:

C. Vooris – NYSDOH, ([christine.vooris@health.ny.gov](mailto:christine.vooris@health.ny.gov))  
J. Deming – NYSDOH, ([justin.deming@health.ny.gov](mailto:justin.deming@health.ny.gov))  
S. Wagh – NYSDOH, ([sarita.wagh@health.ny.gov](mailto:sarita.wagh@health.ny.gov))  
K. Moline – C.T. Male, ([k.moline@ctmale.com](mailto:k.moline@ctmale.com))  
J. Marx – C.T. Male, ([j.marx@ctmale.com](mailto:j.marx@ctmale.com))  
D. Sommer – Young Sommer, ([dsommer@youngsommer.com](mailto:dsommer@youngsommer.com))  
M. Gokey, ([matthew.gokey@tax.ny.gov](mailto:matthew.gokey@tax.ny.gov))  
P. Takac, ([paul.takac@tax.ny.gov](mailto:paul.takac@tax.ny.gov))

ec w/o enclosure:

J. Haugh  
C. O'Neill  
G. Burke  
K. Lewandowski  
S. Repsher  
J. Andaloro

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

Hamilton Hill II Limited Partnership

**Address**

90 State Street, Albany, NY 12207

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 11/6/18    **Agreement Execution:** 11/14/18

**Agreement Index No.:** C447052-10-18

**Application Approval Amendment:** 7/12/21

**Agreement Execution Amendment:** 7/12/21

**SITE INFORMATION:**

**Site No.:** C447052    **Site Name:** Hamilton Hill II - Target Area 1 Site

**Site Owner:** Hamilton Hill II Limited Partnership

**Street Address:** 830 and 834 Albany Street

**Municipality:** Schenectady    **County:** Schenectady

**DEC Region:** 4

**Site Size:** 0.808 Acres

**Tax Map Identification Number(s):** 49.33-2-33.1, 49.33-4-10.1

**Percentage of site located in an EnZone:** 100 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

**CERTIFICATE ISSUANCE**

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been 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 applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

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):

**Allowable Uses under the BCP:** Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial

**Cleanup Track:** Track 1: Unrestricted use

**Tax Credit Provisions:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 50 %.

Tangible Property Credit is 20%. Comprised of 10% Base, 5% EnZone, 5% Track 1.

Dependent upon the project being developed in a manner consistent with the approved Brownfield Cleanup Program application, additional rate increases may be available if the site is developed as affordable housing (5%), if the Certificate Holder receives a separate Determination of Conformance with the BOA from the Secretary of State (5%), or if the site is used primarily for manufacturing activities (5%) not to exceed a maximum 24%.

The Remedial Program includes use restrictions or reliance on the long term employment of institutional controls which are contained in an Environmental Easement pertaining to the use of groundwater, granted pursuant to ECL Article 71, Title 36, which has been duly recorded in the Recording Office for Schenectady County as Book of Deeds 2056, Page 329.

#### **LIABILITY LIMITATION**

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, 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.

#### **CERTIFICATE TRANSFERABILITY**

This Certificate may 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 6NYCRR Part 375-1.9.

#### **CERTIFICATE MODIFICATION/REVOCATION**

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation.
- (5) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos  
Commissioner  
New York State Department of Environmental Conservation

By:  Date: July 14, 2021

Michael J. Ryan, P.E., Director  
Division of Environmental Remediation

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

**Hamilton Hill II - Target Area 1 Site, Site ID No. C447052**  
**830 and 834 Albany Street, Schenectady, NY, 12307**  
**Schenectady County, Tax Map Identification Numbers: 49.33-2-33.1 & 49.33-4-10.1**

**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 Hamilton Hill II Limited Partnership for a parcel approximately 0.808 acres located at 830 and 834 Albany Street in the City of Schenectady and County 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 Book of Deeds 2056, Page 329.

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

**PLEASE TAKE NOTICE**, the Certificate may 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.

**Hamilton Hill II - Target Area 1 Site, C447052  
830 and 834 Albany Street, Schenectady, NY 12307**

**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 North Westcott Road, Schenectady, NY 12306, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C447052>.

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

**Hamilton Hill II Limited Partnership**

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

Title: \_\_\_\_\_

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

STATE OF NEW YORK        ) SS:  
COUNTY OF                )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, 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

**Please record and return to:**  
Hamilton Hill II Limited Partnership  
Susan McCann  
90 State Street, Suite 602  
Albany, NY 12207

Exhibit A  
Site Description

County: Schenectady Site No: C447052 Brownfield Cleanup Agreement Index : C447052-10-18

**SCHEDULE "A" PROPERTY DESCRIPTION**

**DESCRIPTION  
LANDS NOW OR FORMERLY OF  
TCB HOLDINGS, INC.  
KNOWN AS 830 ALBANY STREET  
CITY OF SCHENECTADY, COUNTY OF SCHENECTADY, STATE OF NEW YORK  
AREA = 29,598± SQUARE FEET OF LAND**

All that certain tract, piece or parcel of land situate in the City of Schenectady, County of Schenectady, State of New York, lying Northwesterly of Craig Street and Southwesterly of Albany Street as shown on a map entitled "Lot Line Adjustment 820 Albany Street – 824 Albany Street – 830 Albany Street – 834 Albany Street – 840 Albany Street – 302 Craig Street – 304 Craig Street – 306 Craig Street – 308 Craig Street – 310 Craig Street Prepared For TCB Holdings, Inc.," prepared by C.T. Male Associates Engineering, Surveying, Architecture & Landscape Architecture, D.P.C. dated December 6, 2017, last revised August 23, 2018, Project No. 17.7266, Dwg No. 17-0707 and filed in the Schenectady County Clerk's Office on October 16, 2018 in Cabinet N as Map No. 390, and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the Southwesterly street boundary of Albany Street (right-of-way width varies) with the Northwesterly street boundary of Craig Street (right-of-way width varies) and runs thence from said point of beginning along said Northwesterly street boundary of Craig Street the following four (4) courses: 1) South 23 deg. 16 min. 36 sec. West 112.79 feet to a point; 2) South 23 deg. 52 min. 43 sec. West 72.45 feet to a point; 3) South 23 deg. 52 min. 32 sec. West 34.72 feet to a point; and 4) South 23 deg. 48 min. 41 sec. West 25.82 feet to its point of intersection with the division line between the lands now or formerly of TCB Holdings, Inc. as described in Book 1993 of Deeds at Page 122, Book 1986 of Deeds at Page 452, and Book 1952 of Deeds at Page 985 on the Northeast and the lands now or formerly of Schenectady Urban Renewal Agency as described in Book 2007 of Deeds at Page 152 on the Southwest; thence North 44 deg. 30 min. 11 sec. West along the last mentioned division line 94.16 feet to its point of intersection with the division line between the said lands now or formerly of TCB Holdings, Inc. on the Southeast and the lands now or formerly of Craig Street Limited Partnership as described in Book 1951 of Deeds at Page 930 and Book 1952 of Deeds at Page 985 on the Northwest; thence North 46 deg. 33 min. 58 sec. East along the last mentioned division line



County: Schenectady Site No: C447052 Brownfield Cleanup Agreement Index : C447052-10-18

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24.00 feet to its point of intersection with the division line between the said lands now or formerly of TCB Holdings, Inc. on the Northeast and the said lands now or formerly of Craig Street Limited Partnership on the Southwest; thence along said division line the following two (2) courses: 1) North 44 deg. 30 min. 11 sec. West 38.23 feet to a point; and 2) North 42 deg. 21 min. 49 sec. West 30.00 feet to its point of intersection with the division line between the said lands now or formerly of TCB Holdings, Inc. on the Southeast and the lands now or formerly of Better Neighborhoods, Inc. as described in Book 1503 of Deeds at Page 420 on the Northwest; thence North 47 deg. 38 min. 11 sec. East along the last mentioned division line 1.51 feet to its point of intersection with the division line between the said lands now or formerly of TCB Holdings, Inc. on the Northeast and the said lands now or formerly of Better Neighborhoods, Inc. on the Southwest; thence North 42 deg. 16 min. 06 sec. West along the last mentioned division line 28.33 feet to its point of intersection with the common division line between the said lands now or formerly of TCB Holdings, Inc. on the Southeast and the lands now or formerly of Duryea Memorial A.M.E. Zion Church as described in Book 1017 of Deeds at Page 537, Book 1073 of Deeds at Page 797, and Book 1357 of Deeds at Page 213 and lands now or formerly of Schenectady Urban Renewal Agency as described in Book 2006 of Deeds at Page 871 on the Northwest; thence along said common division line the following two (2) courses: 1) North 48 deg. 25 min. 50 sec. East 93.67 feet to a point; and 2) North 49 deg. 12 min. 08 sec. East 109.99 feet to its point of intersection with the above mentioned Southwesterly street boundary of Albany Street; thence along said Southwesterly street boundary South 42 deg. 31 min. 51 sec. East 86.64 feet to the point or place of beginning and containing 29,598± square feet of land.

Subject to any covenants, easements, or restrictions of records.

County: Schenectady Site No: C447052 Brownfield Cleanup Agreement Index : C447052-10-18

**DESCRIPTION  
LANDS NOW OR FORMERLY OF  
TCB HOLDINGS, INC.  
KNOWN AS 834 ALBANY STREET  
CITY OF SCHENECTADY, COUNTY OF SCHENECTADY, STATE OF NEW YORK  
AREA = 5,610± SQUARE FEET OF LAND**

All that certain tract, piece or parcel of land situate in the City of Schenectady, County of Schenectady, State of New York, lying Southwesterly of Albany Street and Southeasterly of Craig Street as shown on a map entitled "Lot Line Adjustment 820 Albany Street – 824 Albany Street – 830 Albany Street – 834 Albany Street – 840 Albany Street – 302 Craig Street – 304 Craig Street – 306 Craig Street – 308 Craig Street – 310 Craig Street Prepared For TCB Holdings, Inc.," prepared by C.T. Male Associates Engineering, Surveying, Architecture & Landscape Architecture, D.P.C. dated December 6, 2017, last revised August 23, 2018, Project No. 17.7266, Dwg No. 17-0707 and filed in the Schenectady County Clerk's Office on October 16, 2018 in Cabinet N as Map No. 390, and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the Southeasterly street boundary of Craig Street (right-of-way width varies) with the Southwesterly street boundary of Albany Street (right-of-way width varies) and runs thence from said point of beginning along said Southwesterly street boundary of Albany Street South 43 deg. 32 min. 21 sec. East 77.70 feet to its point of intersection with the division line between the lands now or formerly of TCB Holdings, Inc. as described in Book 1993 of Deeds at Page 122 on the Northwest and the lands now or formerly of Sherman Boyie as described in Book 1991 of Deeds at Page 633 on the Southeast; thence South 47 deg. 01 min. 39 sec. West along the last mentioned division line 100.00 feet to its point of intersection with the division line between the said lands now or formerly of TCB Holdings, Inc. on the Northeast and the lands now or formerly of Francisco Mendez and Sonia Mendez as described in Book 1704 of Deeds at Page 284 on the Southwest; thence North 43 deg. 32 min. 21 sec. West along the last mentioned division line 34.52 feet to its point of intersection with the above mentioned Southeasterly street boundary of Craig Street; thence along said Southeasterly street boundary North 23 deg. 34 min. 59 sec. East 108.53 feet to the point or place of beginning and containing 5,610± square feet of land.

Subject to any covenants, easements, or restrictions of records.

Exhibit B  
Site Survey





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
6/10/2021



**SITE DESCRIPTION**

**SITE NO.** C447052

**SITE NAME** Hamilton Hill II - Target Area 1 Site

**SITE ADDRESS:** 830 and 834 Albany Street **ZIP CODE:** 12307

**CITY/TOWN:** Schenectady

**COUNTY:** Schenectady

**ALLOWABLE USE:** Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial

**SITE MANAGEMENT DESCRIPTION**

**SITE MANAGEMENT PLAN INCLUDES:** YES NO

IC/EC Certification Plan  
Monitoring Plan  
Operation and Maintenance (O&M) Plan

**Periodic Review Frequency:**

**Periodic Review Report Submitted Date:**

**Description of Institutional Control**

An Institutional Control exists on both site parcels (SBL 49.33-2-33.1 & 49.33-2-33.1) in form of groundwater use restriction only (Environmental Easement: Book of Deeds 2056, Page 329). There is no Site Management Plan, certifying period, or Periodic Review Report requirement.

**Description of Engineering Control**