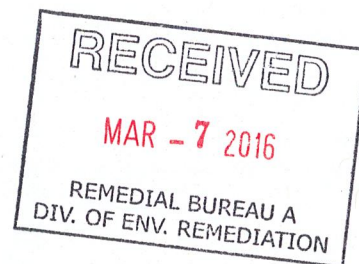


# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Bureau of Technical Support  
625 Broadway, 11th Floor, Albany, NY 12233-7020  
P: (518) 402-9543 | F: (518) 402-9547  
www.dec.ny.gov

## MEMORANDUM



**TO:** Dan Eaton, Project Manager

**FROM:** Kelly Lewandowski, Chief, Site Control Section *KAL*

**SUBJECT:** **Certificate of Completion Proof of Recording**  
Site Name: Former Grand Union Site  
Site ID No.: C558033

**DATE:** March 7, 2016

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The attached Proof of Certificate of Completion Recording for the subject site was mistakenly sent to the Site Control Section.

The original Proof of Recording is being forwarded to you, as Project Manager for this site.

SCS has filed the incoming correspondence and this memo in DECDocs.

Attachment

cc w/att.:

R. Huyck RHWRE, Region 5  
K. Lewandowski  
B. Anderson



Department of  
Environmental  
Conservation

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)  
**CERTIFICATE OF COMPLETION**

**CERTIFICATE HOLDER(S):**

**Name**

354 Broadway LLC  
Price Chopper Operating Co., Inc.  
Town of Fort Edward

**Address**

170 West 74th Street, New York, NY 10023  
461 Nott Street, Schenectady, NY 12308  
Town Hall, Fort Edward, NY 12828

**BROWNFIELD CLEANUP AGREEMENT:**

Application Approval: 1/22/14 Agreement Execution: 2/11/14 Agreement Index C558033-01-14

Application Approval Amendment: 9/11/15

Agreement Execution Amendment: 9/11/15

**SITE INFORMATION:**

Site No.: C558033 Site Name: Former Grand Union Site

Site Owner: Town of Fort Edward

Street Address: 354 Broadway

Municipality: Fort Edward County: Washington DEC Region: 5

Site Size: 5.926 Acres

Tax Map Identification Number(s): 163.10-1-46.3

Percentage of site located in an EnZone: 0 - 49 %

WASHINGTON COUNTY NY  
STEPHANIE LENERY  
CLERK

2016 Jan 06 04:00P

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:** Commercial and Industrial

**Cleanup Track:** Track 4: Restricted use with site-specific soil cleanup objectives

**Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 25 %.

Tangible Property Credit Component Rate is 12 %.

**Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 25 %.

Tangible Property Credit Component Rate is 10 %.

RECEIVED

JAN 11 2016

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Washington County as 2015-00098331.

#### **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**

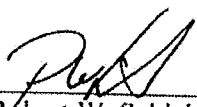
This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (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) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) 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 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  
Acting Commissioner  
New York State Department of Environmental Conservation

By:

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

Date: December 29, 2015



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

**Former Grand Union, Site ID No. C558033**  
**Site Address: 354 Broadway, Fort Edward, NY, 12828**  
**Fort Edward, Washington County, Tax Map Identification Number(s): 163.10-1-46.3**

**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 354 Broadway LLC, the Town of Fort Edward, and Price Chopper Operating Co., Inc., for a parcel approximately 5.9 acres located at 354 Broadway in the Town of Fort Edward, Washington County.

**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):

✓ *Check all that apply*

- ☐ 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 Washington County as 2015-00098331.

**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 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

Former Grand Union, C558033, 354 Broadway, Fort Edward, NY

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

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

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 5 located at 1115 NYS Route 86, P.O. Box 296, Ray Brook, NY 12977, by contacting the Regional Environmental Remediation Engineer.

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

Town of Fort Edward

By: Mitchell C. Suprenant

Title: Town Supervisor

Date: 12/31/15

STATE OF NEW YORK ) SS:  
COUNTY OF Washington

On the 31<sup>st</sup> day of December, in the year 2015, before me, the undersigned, personally appeared Mitchell C. Suprenant, 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.

Aimee Mahoney  
Signature and Office of individual  
taking acknowledgment

Please record and return to:  
Town of Fort Edward  
Mitch Suprenant, Supervisor  
Town Hall  
Fort Edward, NY 12828

AIMEE MAHONEY  
Notary Public, State of New York  
Washington Co. #01MA6187445  
My Comm. Expires May 19, 2016

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
12/23/2015

SITE NO. C558033 SITE DESCRIPTION

SITE NAME Former Grand Union Site

SITE ADDRESS: 354 Broadway ZIP CODE: 12828

CITY/TOWN: Fort Edward

COUNTY: Washington

ALLOWABLE USE: 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: once a year ☐ ☒

Periodic Review Report Submitted Date: 04/22/2017

Description of Institutional Control

Town of Fort Edward

Town Hall&#59; 118 Broadway  
354 Broadway

Environmental Easement

Block: 1

Lot: 46

Sublot: 3

Section: 163

Subsection: 10

S\_B\_L Image: 163.10-1-46.3

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

**Description of Engineering Control**

**Town of Fort Edward**

**Town Hall&#59; 118 Broadway**

**354 Broadway**

**Environmental Easement**

**Block: 1**

**Lot: 46**

**Sublot: 3**

**Section: 163**

**Subsection: 10**

**S\_B\_L Image: 163.10-1-46.3**

**Cover System**

**Subsurface Barriers**

## **Exhibit A**

### **Site Description**



**SCHEDULE "A" PROPERTY DESCRIPTION**

**LEGAL DESCRIPTION**

*Environmental Easement*

*354 Broadway*

*Site No.: C558033*

*Containing 5.93 acres*

DESCRIPTION: 354 Broadway 454 Supermarket Grand Union Sub Lot B  
Acres 5.93

TAX MAP NO.: 533089: 163.10-1-46.3

All that piece or parcel of land situate in the Town of Fort Edward, County of Washington and the State of New York, bounded and described as follows:

Beginning at a point located along the easterly line of Upper Broadway (N.Y.S. Route 4), said point being the intersection formed by said east line of Upper Broadway with the division line between the lands now or formerly of MHW Properties, LLC (Book 861, Page 186) on the south and the lands now or formerly of the County of Washington (Book 3178, Page 318) on the north; thence in a northerly direction and along the aforesaid Upper Broadway, North 12°45'00" East, 61.03 feet to a point; thence in a n easterly, northerly and westerly direction and along the lands now or formerly of J. Larry Fugate, Trustee (Book 3062, Page 181), the following three courses: 1) South 76°49'25" East, 227.20 feet to a point; 2) North 12°34'38" East, 172.04 feet to a point and 3) North 76°50'00" West, 31.22 feet to a point; thence in a northerly direction and along the lands now or formerly of Franchise Realty Interstate Corporation (Book 455, Page 767), North 12°37'00" East, 199.73 feet to a point; thence in an easterly direction and along the lands now or formerly of Maynard (Book 509, Page 16), lands of Mylott (Book 931, Page 258), lands of Melucci (Book 3131, Page 170), lands of Winter (Book 920, Page 89), lands of Miner (Book 653, Page 96), lands of Derby (Book 353, Page 461), lands of Aiken (Book 800, Page 26), lands of Trombley (Book 852, Page 350), the southerly end of Caputo Avenue and the lands now or formerly of Porier (Book 3232, Page 3), the following five courses: 1) South 76°50'00" East, 294.55 feet to a point; 2) South 21°09'00" West, 18.46 feet to a point; 3) South 68°51'28" East, 125.10 feet to a point; 4) South 51°31'34" East, 52.15 feet to a point and 5) South 68°54'48" East, 125.00 feet to a point; thence in a southerly direction and along the westerly line of the lands now or formerly of the Trustees of Union Free School District No. 9, the following two courses: 1) South 21°06'30" West, 93.83 feet to a point and 2) South 21°19'00" West, 443.26 feet to a point; thence in a westerly direction and along the aforesaid lands of School District No. 9 and also along the lands now or formerly of Wilmer McKinney (Book 2784, Page 158), North 83°44'00" West, 105.65 feet to a point; thence in a northerly and westerly direction and along the aforesaid lands of MHW Properties, LLC, the following two courses: 1) North 12°37'30" East, 186.65 feet to a point and 2) North 76°49'00" West, 596.23 feet to the point or place of beginning.

Containing in all 5.93 acres of land being more or less

## **Exhibit B**

### **Site Survey**

PROJECT LOCATION

SITE LOCATION PLAN: 1"=200'

**LEGAL DESCRIPTION:**

CONTAINING IN ALL 5,926 ACRES OF LAND BEING MORE OR LESS

DO NOT REPLY BY MAIL TO DATE

[illegible]

PROPERTY SHOWN HEREON DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA ("SFHA") AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE SITE IS LOCATED WITHIN AN UNWARRANTED

TOWNS OF FORT EDWARD, WASHINGTON COUNTY, NEW YORK  
SEC. 2816 MAY 1 1907

1000

ALBERT MOLETTE TO COUNTY OF WASHINGTON, GARDEN  
NUMBER 2, 2012 AND RECORDED IN THE WASHINGTON  
COUNTY CLERK'S OFFICE IN DEED BOOK 3172 AT PAGE 318

L. EV. INC. TO D.V. INC., DATED NOVEMBER 26, 2002 AND  
RECORDED IN THE WASHINGTON COUNTY CLERK'S OFFICE IN  
DEED BOOK 9444 AT PAGE 49

ORIGIN IS OBLIVIOUS TO (CITY REFERENCE 2

UNAUTHORIZED ATTEMPT TO OBTAIN OR ACCESS TO A USER'S MAIL ADDRESS OR TELEPHONE NUMBER, OR ANY INFORMATION THAT MAY BE OBTAINED FROM SUCH INFORMATION, SHALL BE CONSIDERED A VIOLATION OF SECTION 207B, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE. DATE 05-01-2001 BY 60322 UCBAW



<b>Waldorf &amp; Waldorf Land Surveyors LLP</b> 514 Rensselaer Street, Schenectady, N.Y. 12305 Phone: (518) 346-1595 Fax: (518) 346-1655 www.waldorf.com	PROJECT NO: 14-1704 VINCENT P. AUSIELLO P.E. (Schenectady, NY) www.vpawaldorf.com
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