

New York State Department of Environmental Conservation

Division of Environmental Remediation

Office of the Director, 12th Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 • Fax: (518) 402-9020

Website: www.dec.ny.gov

MAR 19 2012



Joe Martens
Commissioner

Jayne Lahut
Executive Director
Schenectady Metroplex Development Authority
433 State Street
Schenectady NY, 12305

Re: Certificate of Completion
314 Clinton Street Site
Site No.: E447036
Contract No.: C302801
314 Clinton Street, Schenectady (C),
Schenectady County,

Dear Mr. Lahut:

Congratulations on having satisfactorily completed the Remediation phase of the environmental restoration project that the Schenectady Metroplex Development Authority undertook with State Assistance funds provided pursuant to the 1996 Clean Water/Clean Air Bond Act. The New York State Department of Environmental Conservation (Department) has determined, based upon our inspection of the above-referenced site and upon our review of the documents you have submitted, that you completed the project in accordance with the terms and conditions of the above-referenced State Assistance Contract (SAC).

As a result of the "No Further Action" Record of Decision for the site, no Final Engineering Report is required at the site and, the Department is pleased to inform you that the Final Site Management Plan (July 2012) is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above referenced site. Enclosed please find an original, signed COC. The Schenectady Metroplex Development Authority is hereby entitled to the benefit of the liability limitation provisions described in the New York State Environmental Conservation Law (ECL) 56-0509.

Please be advised that the significant benefits described in ECL 56-0509 are contingent upon the Schenectady Metroplex Development Authority fulfilling all continuing obligations set forth in ECL Article 56, Title 5, accompanying regulations, and the above-referenced SAC, including but not limited to, the obligations involving reimbursement to the State if the municipality receives payments or other consideration with respect to the project; disposition of proceeds upon the sale, transfer, or lease of the property; ensuring that Department has access to the property; and providing complete notice of any proposed change of use, as defined in ECL 56-0511.

Please note that in addition to the requirements discussed above, you are required to perform the following tasks:



- Record a notice of the COC 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. A standard notice form is attached to this letter;
- Provide a notice of the COC and a fact sheet describing the institutional and engineering controls (IC/EC) that are required at the site to the Site Contact list within 10 days of issuance of the COC; and
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in June 2013 (16 months from the date of this letter). A copy of the PRR is attached for your reference.

The final payment will be made after the execution of all SAC amendments which may be required and the issuance of the COC.

If you have any questions, please contact Ian Beilby, the Department's project manager, at (518) 402-9767.

Sincerely,

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

Enclosure
ec:

S. Bates – NYSDOH
S. Selmer – NYSDOH
R. Cozzy
M. Komoroske
I. Beilby
M. Caruso
B. Conlon
Y. Ward

NYSDEC ENVIRONMENTAL RESTORATION PROGRAM (ERP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

SCHENECTADY METROPLEX DEVELOPMENT AUTHORITY

Address

433 State Street, Schenectady, NY 12305

SITE INFORMATION

Site No.: E447036 **Site Name:** 314 Clinton Street Site

State Assistance Contract No.: C302801

Site Owner: Schenectady Metroplex Development Authority

Street Address: 314 Clinton Street

Municipality: Schenectady **County:** Schenectady **DEC Region:** 4

Site Size: 2.020 Acres

Tax Map Identification Number(s): 39.80-3-1.211

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 56, Title 5 of the New York State Environmental Conservation Law ("ECL") and 6NYCRR 375.

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 State Assistance Contract, 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 approved 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 ERP: Restricted-Residential, Commercial, and Industrial

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 Schenectady County with recording identifier 201152007.

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 56-0509. 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 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 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 56-0509(1) and 6NYCRR Part 375.

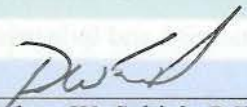
CERTIFICATE MODIFICATION/REVOCATION

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

- (1) either the Municipality or the Municipality's successors or assigns have failed to comply with the terms and conditions of the State Assistance Contract;
 - (2) either the Municipality or the Municipality's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
 - (3) either the Municipality or the Municipality's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the approved remedial work plan were reached;
 - (4) the terms and conditions of the environmental easement, if applicable, have been intentionally violated;
 - (5) the environmental easement as implemented, if applicable, is not protective or enforceable;
- or
- (6) there is good cause for such modification or revocation.

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.

Joseph J. Martens
Commissioner
New York State Department of Environmental Conservation

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

Date: MARCH 19, 2012

NOTICE OF CERTIFICATE OF COMPLETION

Environmental Restoration Program Pursuant to 6 NYCRR Part 375-1.9(d)

314 Clinton Street, Site ID No. E447036
314 Clinton Street, Schenectady, NY, 12305
Schenectady Metroplex Development Authority,
Schenectady County, Tax Map Identification Number(s): 39.80-3-1.211

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to 6 NYCRR Part 375 to Schenectady Metroplex Development Authority for a parcel approximately 2.02 acres located at 314 Clinton Street Schenectady, NY, 12305 in the City of Schenectady.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the construction completion report and data submitted pursuant to the State Assistance Contract, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 56, Title 5 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):

- ☐ 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 Instrument Number 201152007, Book of Deeds 1848 Page 436.

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 56-0509. 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 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 and any other applicable provision of law.

314 Clinton Street, E447036, 314 Clinton Street, Schenectady, NY, 12305

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 only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by 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 4 located at 1130 North Westcott Road, Schenectady, NY 12306-2014 by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

(Municipality)

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:
Schenectady Metroplex Development Authority
433 State Street
Schenectady NY, 12305

12/03/09



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
2/15/2012



SITE DESCRIPTION

SITE NO. E447036

SITE NAME 314 Clinton Street Site

SITE ADDRESS: 314 Clinton Street **ZIP CODE:** 12305

CITY/TOWN: Schenectady

COUNTY: Schenectady

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Periodic Review Frequency: 1 year

Periodic Review Report Submittal Date:

Description of Institutional Control

SCHENECTADY METROPLEX DEVELOPMENT AUTHOR

314 Clinton Street

Environmental Easement

Block: 3

Lot: 1

Sublot: 21

Section: 39

Subsection: 80

S_B_L Image: 39.80-3-1.211

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

SCHENECTADY METROPLEX DEVELOPMENT AUTHOR

314 Clinton Street

Environmental Easement

Block: 3

Lot: 1

Sublot: 21

Section: 39

Subsection: 80

S_B_L Image: 39.80-3-1.211

Cover System

SCHEDULE "A" PROPERTY DESCRIPTION

Property Address: 314 Clinton Street, Schenectady, NY

Tax Map Number: 39.08-3-1.211

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, lying generally Northwesterly of Clinton Street, Northeasterly of Hamilton Street, Southeasterly of Broadway, Southwesterly of Stratton Plaza, and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the Northwesterly margin of Clinton Street with the Northeasterly margin of Hamilton Street and runs thence from said point of beginning along said Northeasterly margin North 32 deg. 50 min. 10 sec. West, a distance of 208.55 feet to a point; thence along a Southeasterly margin of Broadway North 24 deg. 04 min. 25 sec. East, a distance of 141.29 feet to a point; thence along a common line between the lands herein described on the Southwest and the lands now or formerly of Schenectady Industrial Development Agency on the Northeast, South 65 deg. 26 min. 30 sec. East, a distance of 20.00 feet to a point; thence along the common line between the lands herein described on the South and the said lands of Schenectady Industrial Development Agency on the North, North 68 deg. 22 min. 30 sec. East, a distance of 27.49 feet to a point; thence along the common line between the lands herein described on the Southwest and the said lands of Schenectady Industrial Development Agency on the Northeast, South 33 deg. 11 min. 15 sec. East, a distance of 15.79 feet to a point; thence along the common line between the lands herein described on the Southeast and the said lands of Schenectady Industrial Development Agency on the Northwest, North 47 deg. 07 min. 44 sec. East, a distance of 41.39 feet to a point; thence along the common line between the lands herein described on the Southwest and the said lands of Schenectady Industrial Development Agency on the Northeast, South 43 deg. 17 min. 52 sec. East, a distance of 5.94 feet to a point; thence along the common line between the lands herein described on the Southeast and the said lands of Schenectady Industrial Development Agency on the Northwest, North 57 deg. 43 min. 45 sec. East, a distance of 21.22 feet to a point; thence along the common line between the lands herein described on the Southwest and the said lands of Schenectady Industrial Development Agency on the Northeast, South 32 deg. 45 min. 30 sec. East, a distance of 114.98 feet to a point; thence along the common line between the lands herein described on the Southeast and the said lands of Schenectady Industrial Development Agency on the Northwest, North 57 deg. 14 min. 30 sec. East, a distance of 99.50 feet to a point; thence along the common line between the lands herein described on the Northeast and the said lands of Schenectady Industrial Development Agency on the Southwest, North 32 deg. 45 min. 30 sec. West, a distance of 93.10 feet to a point; thence along the common line between the lands herein described on the Southeast and the said lands of Schenectady Industrial Agency on the Northwest, North 57 deg. 14 min. 30 sec. East, a distance of 85.40 feet to a point; thence along the common line between the lands herein described on the Southwest and the lands now or formerly of Schenectady Urban Renewal Agency known as Stratton Plaza on the Northeast, South 32 deg. 45 min. 30 sec. East, a distance of 227.28 feet to a point; thence along the Northwesterly margin of Clinton Street South 57 deg. 14 min. 25 sec. West, a distance of 403.83 feet to the point or place of beginning and containing 2.02 acres of land.

Certificate of Completion

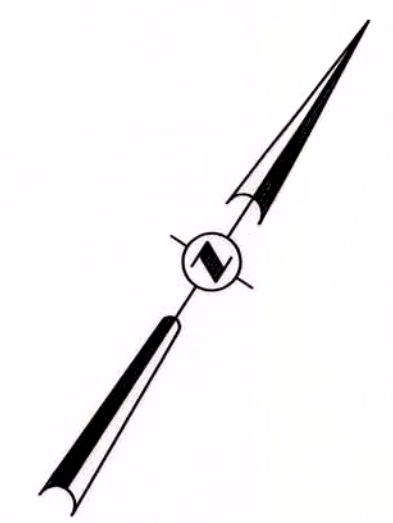
Contract No.: C302801

314 Clinton Street, Schenectady (C), Schenectady County

Site No.: E447036

Exhibit B

Site Survey



-
- The map shows the Schenectady area with various streets. A callout points to a specific location on Clinton St, labeled 'SITE'. The map includes major roads like Broadway, State St, and Van Dyke Ave. The map is titled 'Schenectady' in the top right corner.

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, lying generally Northwesternly of Clinton Street, Northeasterly of Hamilton Street, Southeasterly of Broadway, Southwesterly of Stratton Plaza, and being more particularly bounded and described as follows:

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

COPIES OF THIS MAP SIGNED IN RED INK AND EMBOSSED
THE SEAL OF AN OFFICER OF C.T. MALE ASSOCIATES, P.C.
A DESIGNATED REPRESENTATIVE SHALL BE CONSIDERED TO
A VALID TRUE COPY".

The diagram shows two horizontal scales. The top scale is labeled 'BAR SCALE' and has markings at 0, 15, 30, and 60. Below the scale, it says '1 inch = 30 ft.'. The bottom scale is labeled 'METERS' and has markings at 0, 20, 40, 60, 80, 100, and 120.

ALTA/ACSM LAND TITLE BOUNDARY SURVEY

PREPARED FOR

SCHENECTADY METROPLEX DEVELOPMENT AUTHORITY

STRATTON PARKING LOT

314 CLINTON STREET