

# 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

Honorable Vincent J. Battista  
Mayor, Village of Sackets Harbor  
112 North Broad Street  
Sackets Harbor, NY 13685

MAR 30 2017

Re: Certificate of Completion,  
SAC No.: C303893  
Former AFMC, Inc., Petroleum Bulk  
Storage Facility, Village of Sackets  
Harbor, Jefferson County, E623014

Dear Mayor Battista:

Congratulations on having satisfactorily completed the Remediation phase of the environmental restoration project that the Village of Sackets Harbor 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, the Department is pleased to inform you that the Final Engineering Report 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 Village of Sackets Harbor 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 Village of Sackets Harbor 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.



Department of  
Environmental  
Conservation

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, and provide the Department with proof of filing within 30 days of receipt. A standard notice form is attached to this letter. Please return the proof of recording to:

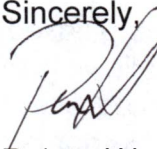
Chief, Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7020

- Place the notice of the COC in the document repository for the site within 10 days of issuance of the COC; and

The Department will prepare and distribute to the Site Contact List a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls, if any, that are required at the site.

The final payment under the SAC will be made after the execution of all necessary amendments, and the issuance of the COC.

If you have any questions, please do not hesitate to contact Peter Ouderkirk, the Department's project manager, at 315-785-2513.

Sincerely,  


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

Enclosure

cc w/ enclosure:

Honorable Vincent J. Battista, Mayor, Village of Sackett Harbor  
([mayor@sackettsharbor-ny.gov](mailto:mayor@sackettsharbor-ny.gov))  
Steven Haas, Schwerzmann & Wise ([whelpley@schwerzmannwise.com](mailto:whelpley@schwerzmannwise.com))  
Nevin Bradford, Strategic Environmental, LLC  
([nbradford@strategicenv.com](mailto:nbradford@strategicenv.com))



NYSDEC ENVIRONMENTAL RESTORATION PROGRAM (ERP)

*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

Village of Sackets Harbor

**Address**

112 North Broad Street, Sackets Harbor, NY 13685

**SITE INFORMATION**

**Site No.:** E623014 **Site Name:** Former AFMC Facility

**State Assistance Contract No.:** C303893

**Site Owner:** Village Of Sackets Harbor

**Street Address:** Ambrose Street

**Municipality:** Sackets Harbor Village

**County:** Jefferson

**DEC Region:** 6

**Site Size:** 19.550 Acres

**Tax Map Identification Number(s):** 88.35-1-4.31 and 88.35-1-4.1

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:** Residential, Restricted-Residential, Commercial, and Industrial

**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;

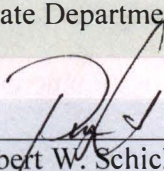
(5) the environmental easement as implemented, if applicable, is not protective or enforceable;  
or

(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 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:

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

Date: MARCH 30, 2017

## **NOTICE OF CERTIFICATE OF COMPLETION**

### **Environmental Restoration Program**

#### **Pursuant to 6 NYCRR Part 375-1.9(d)**

Former AFMC Facility, Site ID No. E623014  
Ambrose Street, Village of Sackets Harbor, New York 13685  
Tax Map Identification Numbers 88.35-1-4.31 and 88.35-1-4.1

**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 the Village of Sackets Harbor for parcels approximately 19.55 acres in size located on Ambrose Street in the Village of Sackets Harbor, Jefferson 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 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):

- ☐ 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.

**PLEASE TAKE NOTICE**, provided that the Certificate is 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.

**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.

***Former AFMC Facility, Site No. E623014, Ambrose Street, Sackets Harbor, NY 13685***

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 6 Office located at 7<sup>th</sup> Floor, 317 Washington Street, Watertown, NY 13601 by contacting the Regional Environmental Remediation Engineer.

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

Village of Sackets Harbor

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:**  
Village of Sackets Harbor  
112 North Broad Street  
Sackets Harbor, NY 13685

**Exhibit A**  
**Metes and Bounds**



Daren L. Morgan, P.L.S., President  
Robert J. Busler, P.L.S., Vice President

Aziel LaFave, P.L.S. (1915-2009)  
Robert F. McGivern, P.E. (1925-2005)  
Robert C. White, P.L.S. (Ret. Consultant)



LaFave, White & McGivern, L.S., P.C.

LAND SURVEYORS & PHOTOGRAMMETRISTS

THERESA - BOONVILLE - ROME

Village of Sackets Harbor

14.80 Acre Parcel

All that parcel of land located in the Village of Sackets Harbor, Town of Hounsfield, County of Jefferson and State of New York, bounded and described as follows:

Beginning at a point now or formerly marked by an iron pipe at the intersection of the northwest margin of Ambrose Street with the southwest line of lands conveyed to William E. Simmons and Mary E. Simmons (Liber 1029, Page 226); and runs thence from the point of beginning, South 41 degrees 35 minutes 53 seconds West, 341.53 feet along the northwest margin of Ambrose Street to a point; thence South 48 degrees 37 minutes 12 seconds East, 24.93 feet to a point in the centerline of Ambrose Street; thence South 41 degrees 24 minutes 06 seconds West, 600.42 feet along the centerline of Ambrose Street to a point; thence North 48 degrees 35 minutes 54 seconds West, 694.33 feet to a point; thence North 41 degrees 24 minutes 06 seconds East, 933.19 feet to a point in the southwest line of lands conveyed to the Village of Sackets Harbor (Instrument 2007-00001023); thence South 50 degrees 06 minutes 58 seconds East, 466.31 feet along said line to a point now or formerly marked by an iron pipe at the most westerly corner of the aforementioned lands conveyed to Simmons (Liber 1029, Page 226); thence South 47 degrees 35 minutes 19 seconds East, 204.45 feet along the southwest line of said lands of Simmons to the point of beginning, containing 14.80 acres of land.

The above described parcel being a part of a 40.08 acre parcel conveyed by Sackets Harbor Local Development Corporation to the Village of Sackets Harbor by deed dated July 9, 2007 and recorded in the Jefferson County Clerk's Office on July 10, 2007 at Instrument 2007-00011856.

Together with and subject to rights, covenants, easements, restrictions and rights of way of record.

File: 2012S-05  
January 16, 2012



Daren L. Morgan, P.L.S., President  
Robert J. Busler, P.L.S., Vice President

Aziel LaFave, P.L.S. (1915-2009)  
Robert F. McGivern, P.E. (1925-2005)  
Robert C. White, P.L.S. (Ret. Consultant)



LaFave, White & McGivern, L.S., P.C.

LAND SURVEYORS & PHOTOGRAMMETRISTS

THERESA - BOONVILLE - ROME

Village of Sackets Harbor

4.75 Acre Parcel

All that parcel of land located in the Village of Sackets Harbor, Town of Hounsfield, County of Jefferson and State of New York, bounded and described as follows:

Beginning at a point in the southeast margin of Ambrose Street, said point being South 41 degrees 06 minutes 14 seconds West, 525.50 feet measured along said margin from a point at its intersection with the southwest margin of Edmund Street; and runs thence from the point of beginning, South 48 degrees 44 minutes 08 seconds East, 285.77 feet to a point; thence South 12 degrees 12 minutes 34 seconds East, 241.51 feet to a point; thence South 41 degrees 20 minutes 30 seconds West, 317.06 feet to a point; thence North 48 degrees 34 minutes 41 seconds West, 479.90 feet to a point in the southeast margin of Ambrose Street; thence North 41 degrees 25 minutes 14 seconds East, 319.58 feet along said margin to a point; thence North 41 degrees 06 minutes 14 seconds East, 139.90 feet continuing along the southeast margin of Ambrose Street to the point of beginning, containing 4.75 acres of land.

The above described parcel being a part of a 32.2 acre parcel conveyed by Sackets Harbor Local Development Corporation to the Village of Sackets Harbor by deed dated July 9, 2007 and recorded in the Jefferson County Clerk's Office on July 10, 2007 at Instrument 2007-00011856.

Together with and subject to rights, covenants, easements, restrictions and rights of way of record.

File: 2012S-05  
January 16, 2012

**Exhibit B**  
**Survey Figure**

NOTE: ALL BEARINGS, UNLESS OTHERWISE INDICATED, ARE REFERENCED TO GRID NORTH STATE PLANE COORDINATE SYSTEM.

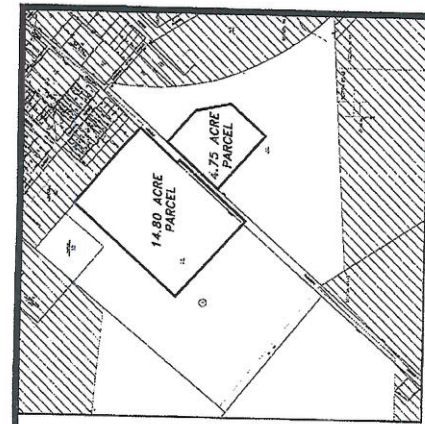
OLD TOWN  
TOWN OF SACKETT HARBOR  
NEW YORK

REMAINING PORTION OF  
THE VILLAGE OF SACKETT HARBOR  
INSTRUMENT 2007-001858  
(PART OF 40.68 ACRE PARCEL)

VILLAGE OF SACKETT HARBOR  
INSTRUMENT 2007-000023  
TAX PARCEL 88.35-1-4.32

VILLAGE OF SACKETT HARBOR  
INSTRUMENT 2007-000023  
TAX PARCEL 88.35-1-281

14.80 ACRE PARCEL  
4.75 ACRE PARCEL



TAX PARCEL

14.80 ACRE PARCEL  
BING A PART OF THE LANDS  
THE VILLAGE OF SACKETT HARBOR  
INSTRUMENT 2007-001858  
(PART OF 40.68 ACRE PARCEL)

VILLAGE OF SACKETT HARBOR  
INSTRUMENT 2007-000023  
TAX PARCEL 88.35-1-281

14.80 ACRE PARCEL  
4.75 ACRE PARCEL

88.35-1-4.31

VILLAGE OF SACKETT HARBOR  
INSTRUMENT 2007-000023  
TAX PARCEL 88.35-1-281

14.80 ACRE PARCEL  
4.75 ACRE PARCEL

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INSTRUMENT 2007-000023  
TAX PARCEL 88.35-1-281

14.80 ACRE PARCEL  
4.75 ACRE PARCEL

- LEGEND**
- - NOW OR FORMERLY AN EXISTING IRON ROD
  - - NOW OR FORMERLY AN EXISTING IRON PIPE
  - - EXISTING CONCRETE HIGHWAY MONUMENT
  - - UTILITY POLE
  - - MONITORING WELL
  - - OVERHEAD UTILITY LINES
  - - UTILITY SERVICE BOX
  - - WATER VALVE
  - - CHAIN LINK FENCE
  - - CONCRETE
  - - SANITARY SEWER MANHOLE

WARNING - It is a violation of Section 7209, Subdivision 2 of the New York State Education Law for any person other than a licensed land surveyor to alter this map.

Only boundary survey maps with the surveyor's embossed seal or red ink seal are genuine true and correct copies of this surveyor's original work and opinion.

Each surveyor is responsible for the accuracy of the map and the map was prepared in accordance with the current edition of the Surveying and Mapping Code of the State of New York, the Association of Professional Land Surveyors, Inc. The certification is limited to prevent for the surveyor's professional liability and to the land surveying map.

The certification herein are not transferable.

The location of underground improvements or attachments are not shown here and, if they must be estimated, if any underground improvements or attachments exist, they are not shown.

© COPPARD, LAFAYE, WHITE & MCGIVERN, L.S., P.C. 2012

GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.

**DEED REFERENCE**

BEING A PART OF  
SACKETT HARBOR LOCAL DEVELOPMENT CORPORATION  
VILLAGE OF SACKETT HARBOR  
INSTRUMENT 2007-001858  
RECORDED 7/10/2007  
PART OF TAX PARCELS 88.35-1-4.1 & 88.35-1-4.31  
MAP OF LAND SURVEYED FOR

**THE VILLAGE OF SACKETT HARBOR**  
VILLAGE OF SACKETT HARBOR, TOWN OF HONSFIELD, JEFFERSON COUNTY, NEW YORK

**LAFAYE, WHITE & MCGIVERN, L.S., P.C.**  
LAND SURVEYORS PHOTOGRAMMETRISTS  
THERESA BOONVILLE ROME  
NEW YORK

DRAWN	CHECKED	DATE	SCALE	FILE	SHEET
WPL	ABP	2/20/2012	1"=100'	2012S-05	1 OF 1

ROBERT J. BUSLER, P.L.S.  
VILLAGE OF SACKETT HARBOR