

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

Michael P. Falcone  
FC 705 Broadway LLC  
333 W. Washington Street, Suite 600  
Syracuse, NY 13202

JUL 19 2019

Re: Certificate of Completion  
Capital Center, City of Albany, Albany County  
BCP Site No.C401070

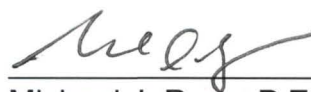
Dear Mr. Falcone:

Enclosed please find an updated, original, signed Certificate of Completion (COC) documenting the revised Track 1 and Track 4 areas for the above-referenced site.

A new notice of COC is not required. However, please keep this updated COC, with updated survey and metes and bounds, for your records. Additionally, I am copying the New York State Department of Taxation and Finance on this letter, as the revision to the Track 1 and Track 4 areas may affect available tax credits for the site.

If you have any questions regarding any of these items, please contact Michael MacCabe at 518-402-9687 or [michael.maccabe@dec.ny.gov](mailto:michael.maccabe@dec.ny.gov).

Sincerely,



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



Department of  
Environmental  
Conservation

ec w/ enclosure:

Christopher J. Bette - First Columbia. - [cbette@firstcolumbia.com](mailto:cbette@firstcolumbia.com)

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M. Platt - CHA - [meghanplatt@chacompanies.com](mailto:meghanplatt@chacompanies.com)

C. Vooris - NYSDOH

M. Sergott - NYSDOH

M. Gokey - NYSDTF

ec w/o enc.:

M. MacCabe

G. Burke

R. Mustico

A. Guglielmi

K. Lewandowski

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

Name	Address
First Columbia, L.L.C.	22 Century Hill Drive, Suite 301, Latham, NY 12110
705 Broadway Common Space, LLC	333 W. Washington Street, Suite 600, Syracuse, NY 13202
705 Broadway Hotel, LLC	333 W. Washington Street, Suite 600, Syracuse, NY 13202
705 Broadway Office, LLC	333 W. Washington Street, Suite 600, Syracuse, NY 13202
705 Broadway Parking, LLC	333 W. Washington Street, Suite 600, Syracuse, NY 13202
705 Broadway Resident One, LLC	333 W. Washington Street, Suite 600, Syracuse, NY 13202
705 Broadway Resident Two, LLC	333 W. Washington Street, Suite 600, Syracuse, NY 13202
705 Broadway Retail One, LLC	333 W. Washington Street, Suite 600, Syracuse, NY 13202
705 Broadway Retail Two, LLC	333 W. Washington Street, Suite 600, Syracuse, NY 13202
705 Broadway Retail, LLC	333 W. Washington Street, Suite 600, Syracuse, NY 13202
FC 705 Broadway LLC	333 W. Washington Street, Suite 600, Syracuse, NY 13202

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 10/24/13    **Agreement Execution:** 12/19/13    **Agreement Index No.:** C401070-10-13

**Application Approval Amendment:** 1/8/14

**Agreement Execution Amendment:** 1/15/14

**Application Approval Amendment:** 8/25/16

**Agreement Execution Amendment:** 8/25/16

**SITE INFORMATION:**

**Site No.:** C401070    **Site Name:** Capital Center

**Site Owner:** FC 705 Broadway LLC

**Street Address:** 705 Broadway

**Municipality:** Albany    **County:** Albany    **DEC Region:** 4

**Site Size:** 1.636 Acres

**Tax Map Identification Number:** 76.27-1-18

**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: Conditional Track 1 (1.56 Acres – See Exhibit A):**

**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 50 %.

Tangible Property Credit Component Rate is 22 %, consisting of 12% base rate; 8% EnZone, and; 2% Track 1

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

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

Tangible Property Credit Component Rate is 20 %, consisting of 10% base rate; 8% EnZone, and; 2% Track 1

**Allowable Uses under the BCP:** Restricted-Residential, Commercial, and Industrial  
**Cleanup Track: Track 4 (.075 Acres – See Exhibit A):**

**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 28 %.

Tangible Property Credit Component Rate is 20 %, consisting of 12% base rate; 8% EnZone

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

Site Preparation and on-Site Groundwater Remediation Credit Component Rate is 28 %.

Tangible Property Credit Component Rate is 18 %, consisting of 10% base rate; 8% EnZone

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 Albany County as R2017-20292.

**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

(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;

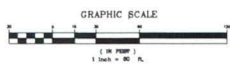
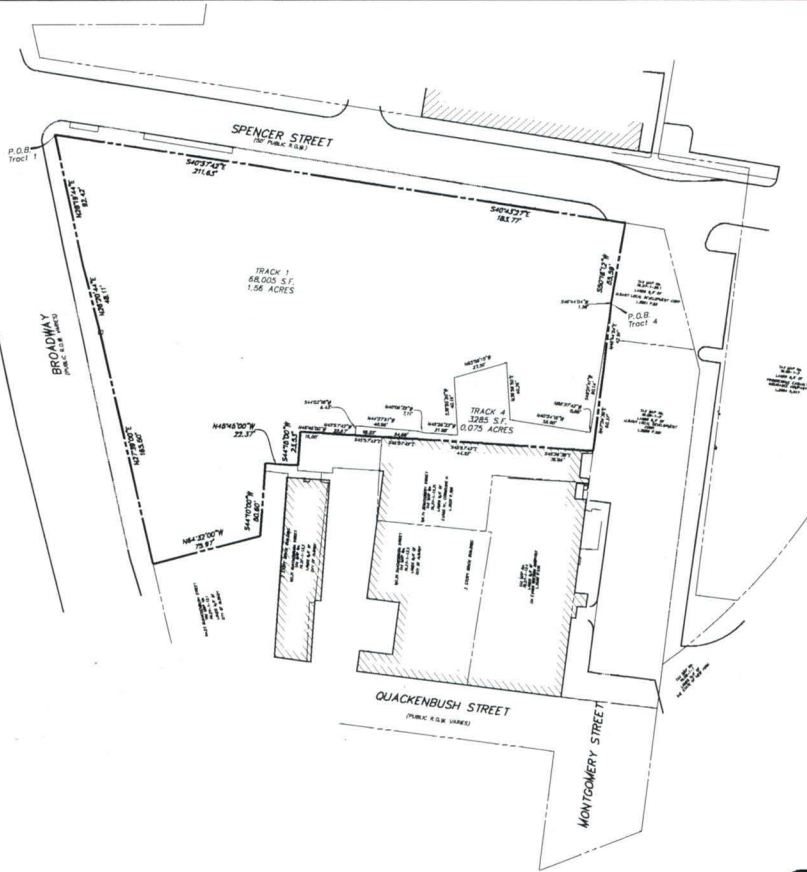
(6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.


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 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: 12/29/17

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





LANDS NOW OR FORMERLY OF  
FC 705 BROADWAY LLC

CITY OF ALBANY, COUNTY OF ALBANY, STATE OF NEW YORK

ALBANY, NEW YORK

DATE: 6/9/2018 | SCALE: 1"=30' | BY: HEC | CHK: GHT | MAP NO. 100083



## TRACK 1

ALL THAT PARCEL OF LAND situate in the City of Albany, County of Albany and State of New York bounded and described as follows:

**Beginning at a Point** of intersection between the easterly line of Broadway with the southwesterly line of Spencer Street. **Thence** along said line of Spencer Street the following two (2) courses and distances:

1. South 40°37'42" East 211.63 feet to a point;
2. South 40°43'27" East 183.77 feet to a point;

**Thence** along the division line between the lands now or formerly of Albany Local Dev. Corporation as described in Book 2861 of Deeds at Page 52 to the East and the herein described parcel to the West, the following two (2) courses and distances:

1. South 50°16'12" West a distance of 55.59 feet to a point;
2. South 46°44'04" West a distance of 1.28 feet to a point;

**Thence** through the lands now or formerly of FC 705 Broadway LLC as described in Book 3086 of Deeds at Page 85 the following thirteen (13) courses and distances:

1. South 49°21'41" West a distance of 90.14 feet to a point;
2. North 85°37'42" West a distance of 0.85 feet to a point;
3. North 40°34'16" West a distance of 55.00 feet to a point;
4. North 36°55'50" East a distance of 40.26 feet to a point;
5. North 65°59'15" West a distance of 37.50 feet to a point;
6. South 36°55'50" West a distance of 40.16 feet to a point;
7. North 45°25'33" West a distance of 21.98 feet to a point;
8. North 40°05'32" West a distance of 7.11 feet to a point;
9. North 44°37'51" West a distance of 40.96 feet to a point;
10. South 44°02'18" West a distance of 6.43 feet to a point;
11. North 45°57'42" West a distance of 22.67 feet a point;
12. North 45°45'00" West a distance of 15.00 feet a point;
13. South 44°15'00" West a distance of 23.53 feet a point;

**Thence** along the division line between the lands now or formerly of FC 705 Broadway LLC as described in Book 3086 of Deeds at Page 85 to the North and the lands now or formerly of the City of Albany to the South the following three (3) courses and distances:

1. North 45°45'00" West a distance of 22.37 feet to a point;
2. South 44°10'00" West a distance of 50.60 feet to a point;
3. North 64°32'00" West a distance of 75.97 feet to a point;

**Thence** along the Easterly bounds of Broadway the following three (3) courses and distances:

1. North 27°39'00" East a distance of 165.50 feet to a point;
2. North 26°20'44" East a distance of 48.11 feet to a point;
3. North 28°19'44" East a distance of 92.42 feet to the point of beginning.

Being 68,005 S.F. or 1.56 acres more or less.

Subject to any and all easements, restrictions and right-of-way records.

#### TRACK 4

ALL THAT PARCEL OF LAND situate in the City of Albany, County of Albany and State of New York bounded and described as follows:

**Beginning at a Point** located the following four (4) courses and distances from the intersection between the easterly line of Broadway with the southwesterly line of Spencer Street:

1. South 40°37'42" East along said line of Spencer Street a distance of 211.63 feet to a point;
2. South 40°43'27" East continuing along said line of Spencer Street a distance of 183.77 feet to a point;
3. South 50°16'12" West a distance of 55.59 feet to a point;
4. South 46°44'04" West a distance of 1.28 feet the **Point of Beginning**;

Thence from said **Point of Beginning**, through the lands now or formerly of FC 705 Broadway LLC as described in Book 3086 of Deeds at Page 85 the following eleven (11) courses and distances:

1. South 49°21'41" West a distance of 90.14 feet to a point;
2. North 85°37'42" West a distance of 0.85 feet to a point;
3. North 40°34'16" West a distance of 55.00 feet to a point;
4. North 36°55'50" East a distance of 40.26 feet to a point;
5. North 65°59'15" West a distance of 37.50 feet to a point;
6. South 36°55'50" West a distance of 40.16 feet to a point;
7. North 45°25'33" West a distance of 21.98 feet to a point;
8. North 40°05'32" West a distance of 7.11 feet to a point;
9. North 44°37'51" West a distance of 40.96 feet to a point;
10. South 44°02'18" West a distance of 6.43 feet to a point;
11. South 45°57'42" East a distance of 18.33 feet to a point;

**Thence** along the division line between the lands now or formerly of FC 705 Broadway LLC as described in Book 3086 of Deeds at Page 85 to the North and the lands now or formerly of Cornelius H. Evans IV as described in Book 3022 of Deeds at Page 356 to the South the following three (3) courses and distances:

1. South 45°57'42" East a distance of 24.68 feet to a point;
2. South 45°57'42" East a distance of 44.32 feet to a point;
3. South 45°26'38" East a distance of 75.95 feet to a point;

**Thence** along the former westerly line of Montgomery Street the following two (2) courses and distances:

1. North 47°34'39" East a distance of 60.37 feet to a point;
2. North 46°44'04" East a distance of 42.91 feet to the **Point of Beginning**.

Being 3,285 S.F. or 0.075 acres more or less.

Subject to any and all easements, restrictions and right-of-way records.