

Store Away Warehousing at Guilderland, LLC
50 State Street, 6th Floor
Albany, New York 12207
518-462-7411

Friday, April 2nd, 2021

Daniel P. McCoy
Albany County Executive
Harold L. Joyce Albany County Office Building
112 State Street, Room 1200
Albany, NY 12207
county_executive@albanycountyny.gov

Mike McLaughlin
Director of Policy and Research
Office of the Albany County Executive
112 State Street, Room 1200
Albany, NY 12207
michael.mclaughlin@albanycountyny.gov

LETTER OF INTENT

Please accept this letter as a formal offer to purchase the Albany County tax delinquent properties at Railroad Avenue in the Town of Colonie & Guilderland known as:

- **50 Railroad Avenue:** Tax ID: 53.5-4-24 (0.16 Acres)
- **54 Railroad Avenue:** Tax ID: 53.05-1-15 (3.10 Acres)

Store Away Warehousing at Guilderland, LLC is offering \$100,000 Dollars and 00/100 (\$0.00) to purchase property located in the Town of Colonie - 50 Railroad Ave - Tax Map 53.05-4-24 and property located in the Town of Guilderland - 54 Railroad Ave Tax Map 53.03-1-15 to develop and construct warehouses .

As these properties contains hazardous soil contamination, requested is the following from Albany County whereby permission is granted for Store Away Warehousing at Guilderland, LLC to pursue this sale regarding NYSDEC implications:

- 180 Days Due Diligence timeframe from certified Legislative sale approval to address the following:
 - Store Away Warehousing at Guilderland, LLC to obtain a Liability Release upon terms and conditions acceptable to Store Away regarding the outstanding public funds owed to the NYSDEC for the environmental contamination remediation which it conducted on these properties.
 - Refer to Appendix B & C
 - Store Away Warehousing at Guilderland, LLC will coordinate a Site Management Plan with NYSDEC acceptable to Store Away for the ongoing environmental obligations associated with these properties upon their acquisition.
 - 180 day extension in the event all has not been completed with the NYSDEC contingent on proof that negotiations are ongoing

- Albany County will convey by “deed in assignment”, upon the purchase, deed title will be transferred directly to the purchaser by assignment without recourse.

The purchase offer valuation is based on the redevelopment factors associated with the property which include but are not limited to:

- **Significant environmental concerns**
 - Existing site contamination / ongoing mitigation factors extend across multiple tax parcels which include tax parcels not being considered in this purchase offer further complicating redevelopment efforts
- **Site infrastructure costs which include building(s) demolition**
 - One of the existing buildings is on two separate tax parcels which will require cross easements / negotiations with the current owner further complicating redevelopment efforts
 - Refer to Appendix D & E
- **Purchasing the property without municipal approvals in place**
 - The Colonie / Guilderland municipal boundaries cut thru the property requiring dual agency involvement which further complicates municipal approval efforts

REDEVELOPMENT PLAN

The redevelopment plan will include seeking municipal approvals with the Town of Guilderland for the construction of new warehouse(s) on the property. The project would include demolishing the current building(s) which could include additional unknown mitigation costs and upgrade any required infrastructure. The applicant would then construct a Warehouse facility.

SITE ENVIRONMENTAL HISTORY

The site is located in an industrial and commercial area bounded by Fuller Road to the west, the raised Amtrak main line to the south, and Railroad Avenue to the north. Patroon Creek is located to the south of the site and flows to the east-southeast. The soil consists of fine sand and the site topography is flat. The property has been largely unoccupied since at least 2002. Various lumber companies which occupied the property ran a wood treatment operation at this location from the early 1950s until sometime before 1978. Wood was preserved by treating it with chromated copper arsenate (CCA - a solution of chromic acid, cupric oxide, and arsenic pentoxide) in a large pressure vessel. After treatment, the batches of lumber were removed from the pressure vessel and allowed to air dry on site. An estimated 2,000 - 3,000 gallons of CCA spilled at the site in 1965. Soil contamination resulted from the spill and excess CCA solution dripping off the wood and/or from being washed

off by rainfall. Groundwater is impacted beneath the site. According to available aerial photographs, the building containing the pressure vessel was removed sometime between 1982 and 1985. The 8.8-acre property was being investigated under the Voluntary Cleanup Program but the volunteer never submitted an acceptable Remedial Action Plan. NYSDEC negotiated a settlement with the responsible parties and volunteer in March 2007, and the site was referred to the State Superfund to complete the investigation and cleanup.

(Source: New York State Department of Environmental Conservation: Fact Sheet – State Superfund Program. Former Paulsen-Holbrook Site. Site ID# 401046. Feb 20210)

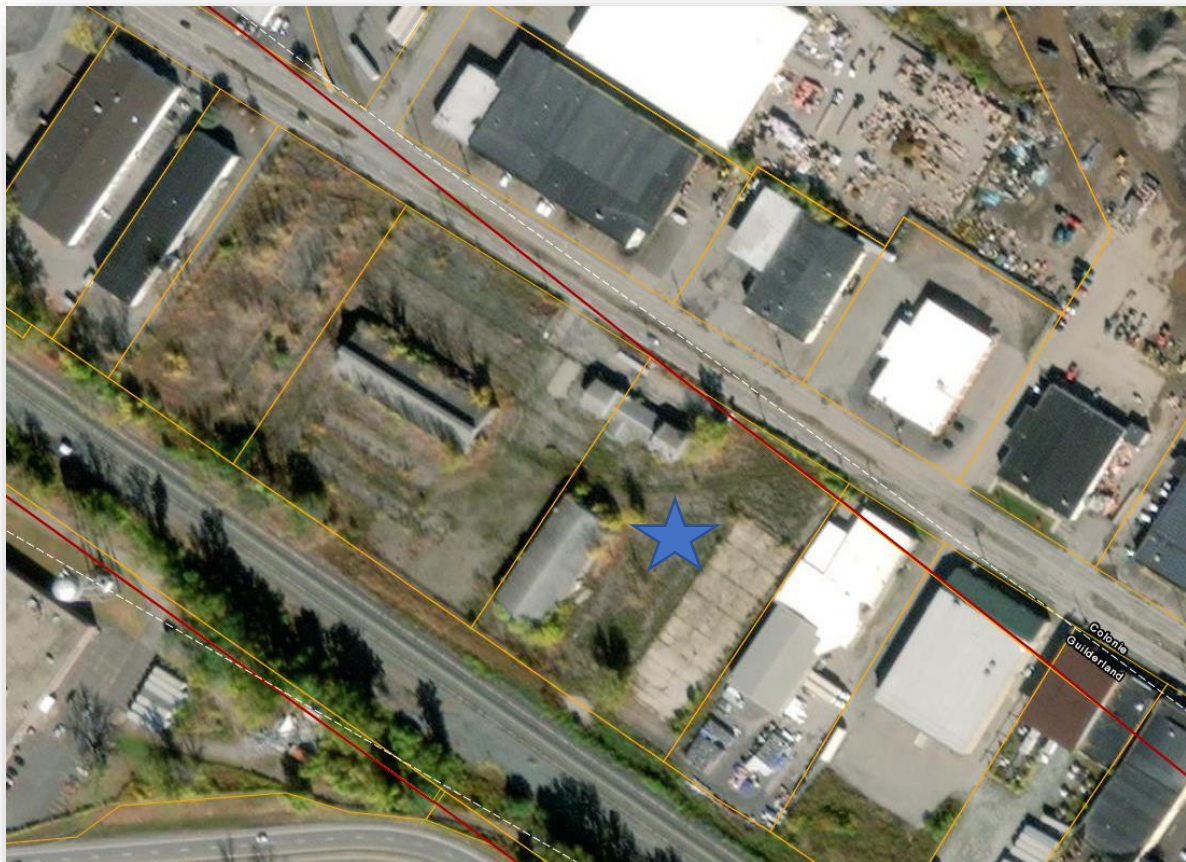
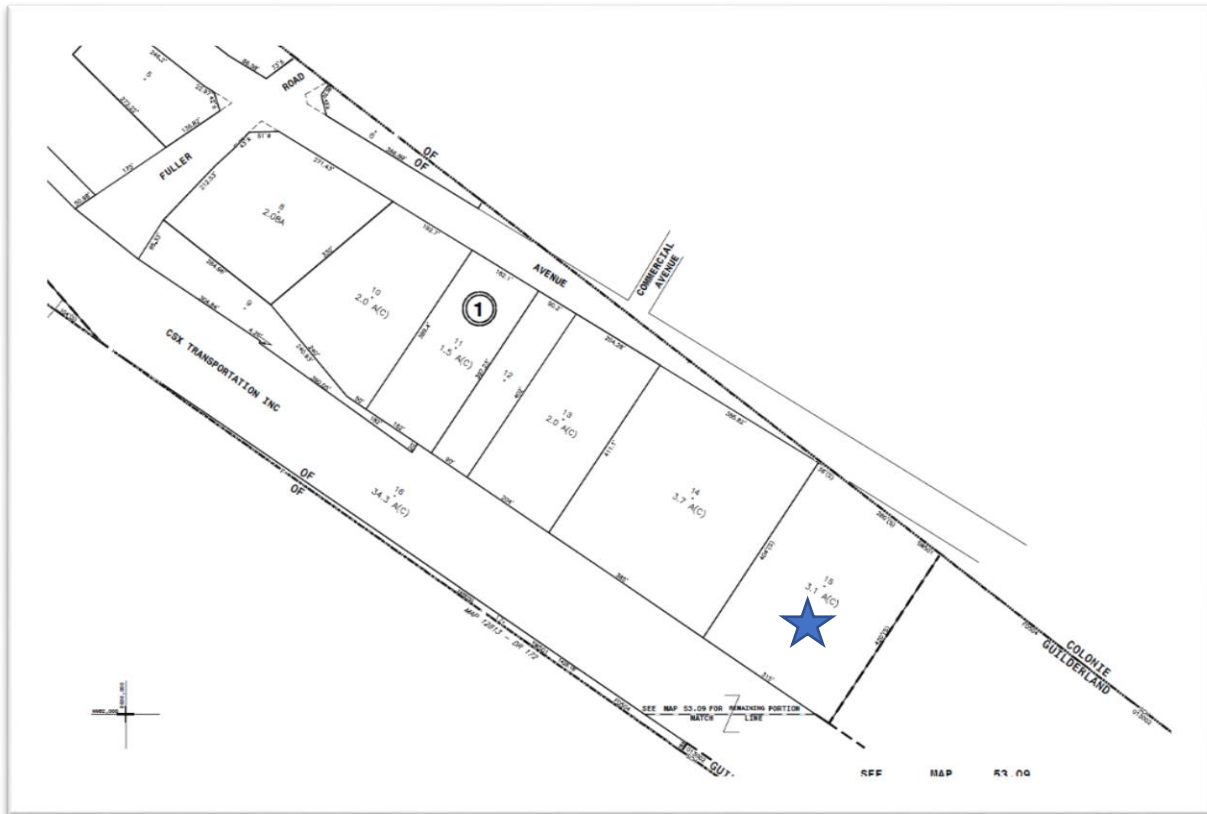
APPLICANT INFORMATION

The applicant Jeffrey Gordon is a third-generation developer born and raised in Albany County and a co-owner at Gordon Companies. Gordon Companies includes in house development, management and construction companies that will allow this project to move seamlessly through to completion.

Four Seasons Property Services, LLC serves as the general contractor for projects. Four Seasons Property Services, LLC has completed construction on over 500 residential units, one million square feet of commercial spaces including ground up retail facilities and interior fit-ups for many local and national businesses and storage facilities with over 1000 units.

Gordon Management Co., LLC performs continued management services for in-house projects and third-party management. This includes all financial, business and staffing support services.

APPENDIX A



APPENDIX B

FW: Cost Summary: Former Paulsen Holbrook, Site #401046; Related Site #V00208

Dougherty, Jennifer A (DEC) <Jennifer.Dougherty@dec.ny.gov>

Mon 11/23/2020 3:48 PM

To: johnmcguinness@outlook.com <johnmcguinness@outlook.com>

Cc: Scharf, Brianna L (DEC) <Brianna.Scharf@dec.ny.gov>

 1 attachments (912 KB)

memo.HW.401046_V00208.2020-11-20.Former_Paulsen_Holbrook_crsummary.pdf;

John,

I am writing to forward you the cost information that the DEC collected. The cost information indicates that there were over \$3 million dollars of outstanding public funds that were expended to investigate the property that have not been recouped. While it would be ideal if we could collect the entire amount, my guess is that the amount to remediate the property is not reflected in the current property value. In situations like the this, the Department has considered a settlement, in which the potential purchaser under a Consent Order, reimburses the Department for some portion of the costs and commits to completing the on-going site management and monitoring activities and the Department releases the prospective purchaser from liability for the past costs.

Please let me know where you are in your negotiations with the municipality and confirm that you are proceeding with the deal at this time. I am sure that there is a settlement amount/structure that will work for all parties involved. The next step will be to set up some time lines and prepare a proposed settlement offer. A quick call might be helpful in that respect.

Thank you,
Jennifer

Jennifer Dougherty, Esq.

Assistant Regional Attorney, Office of General Counsel

New York State Department of Environmental Conservation

Region 4

1130 North Westcott Road, Schenectady, NY 12306-2014

P: (518) 357-2088 | F: (518) 357-2087 | Jennifer.Dougherty@dec.ny.gov

www.dec.ny.gov |  |  | 



Department of
Environmental
Conservation



APPENDIX C

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Bureau of Program Management
625 Broadway, 12th Floor, Albany, NY 12233-7012
P: (518) 402-9764 | F: (518) 402-9722
www.dec.ny.gov

Transmitted via E-Mail
MEMORANDUM

TO: Jennifer Dougherty, Asst. Reg. Atty., Office of General Counsel, Region 4

FROM: Karen Diligent, Chief, RMRS, Bureau of Program Management, DER *KBD*

SUBJECT: Cost Summary – Former Paulsen Holbrook, Site #401046;
Related Site #V00208

DATE: November 20, 2020

This cost recovery summary has been prepared in response to your October 29, 2020, request. The following summarizes costs incurred by the New York State Department of Environmental Conservation (DEC) and the New York State Department of Health (DOH) to date. There may be additional future costs associated with this site that are not included in this summary. Please contact the project manager to determine if additional future costs are anticipated.

The total unreimbursed costs incurred by the State in association with the Former Paulsen Holbrook Site are \$3,185,234.23. This amount includes emergency response costs incurred at the site by a hazardous material spill, if any. Please note that if the site involves a petroleum spill, any costs incurred by the Oil Spill Fund would be recovered separately by the Office of the State Comptroller and are not included in this summary.

DEC costs for this site have been included through October 14, 2020 (the latest available data). DOH costs for this site have been included through September 16, 2020 (the latest available data). Please note that there is one open contract for this site for which we have outstanding obligations in the amount of \$105,374.55 (see Exhibit III.A).

Please contact Sue Bolesky at (518) 402-9732, if you have any questions on this summary.

Attachments

ec: B. Scharf
S. Saucier

APPENDIX D


RE: Property Line for Building/Town of Guilderland 54 and 60 Railroad Ave

DiLella, Anthony <Anthony.DiLella@albanycountyny.gov>

Thu 11/12/2020 2:56 PM

To: John McGuiness <johnmcguiness@outlook.com>; McLaughlin, Michael <Michael.McLaughlin@albanycountyny.gov>

Cc: Rogers, Lucas <Lucas.Rogers@albanycountyny.gov>; Jeffreygordon@gordondevelopment.net <Jeffreygordon@gordondevelopment.net>

 1 attachments (915 KB)

Survey of Lands of Paulsen.pdf;

As was discussed, after a county review of a building located on both 54 and 60 Railroad Ave located in the Town of Guilderland, attached is a survey map which our Tax Mapper John Davis obtained by working with SMPR. This map indicates that approximately 45 feet of this structure is on 60 Railroad Ave.

Hope this helps.

[illegible]