

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

December 23, 2020

Mr. Matt Gilhooly
Lofts at Globe Mill, L.P.
9333 N. Meridian Street, Suite 230
Indianapolis, IN 46260

Re: Certificate of Completion
Former Globe Woolen Mills, Utica (C),
Oneida County, Site No. C633084

Dear Mr. Gilhooly:

Congratulations on having satisfactorily completed the remedial program at the Former Globe Woolen Mills. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record the Notice of Certificate of Completion 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; or if you are a prospective purchaser of the site, you must record the Notice within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to assure the Notice is recorded within the time frame specified. A standard Notice of Certificate of Completion form is attached to this letter.
- Provide electronic copies of the recorded Notice and proof of recording to the Department's project manager. Please return the hard copy of the proof of recording to:

Rachel Gardner
New York State Department of Environmental Conservation
Division of Environmental Remediation
317 Washington Street
Watertown, NY 13601

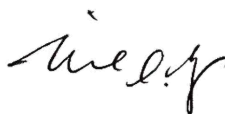


Department of
Environmental
Conservation

- Provide the Notice of Certificate of Completion to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- 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 April 2022.

If you have any questions regarding any of these items, please contact Rachel Gardner at 315-785-2522 or rachel.gardner@dec.ny.gov.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

Robert Wolff, EFI Global, Robert.Wolff@efiglobal.com
 Jason Brydges, P.E., BE3Corp, jbrydges@be3corp.com
 Linda Shaw, Knauf Shaw LLP, Lshaw@nyenvlaw.com
 C. Vooris, Christine.Vooris@health.ny.gov
 M. Schuck, Maureen.Schuck@health.ny.gov
 G. Rys, Gregory.Rys@health.ny.gov
 Matt Gokey, matthew.gokey@tax.ny.gov
 Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

R. Gardner
 P. Taylor, P.E.
 J. Brown, P.E.
 R. Rusinko
 K. Lewandowski, P.E.

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Lofts at Globe Mill, L.P.

Address

9333 N. Meridian St., Suite 230, Indianapolis, IN 46260

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 9/20/17 **Agreement Execution:** 10/27/17

Agreement Index No.: C633084-09-17

Application Approval Amendment: none

Agreement Execution Amendment: 7/16/20

SITE INFORMATION:

Site No.: C633084 **Site Name:** Former Globe Woolen Mills

Site Owner: Lofts at Globe Mill, L.P.

Street Address: 811-827 Court St

Municipality: Utica **County:** Oneida

DEC Region: 6

Site Size: 4.859 Acres

Tax Map Identification Number(s): 318.40-4-6

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: Restricted-Residential, Commercial, and Industrial

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

Tax Credit Provisions:

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

Tangible Property Credit is 15%. Comprised of 10% Base, 5% EnZone.

Dependent upon the project being developed in a manner consistent with the approved Brownfield Cleanup Program application, additional rate increases may be available if the site is developed as affordable housing (5%), if the Certificate Holder receives a separate Determination of Conformance with the BOA from the Secretary of State (5%), or if the site is used primarily for manufacturing activities (5%) not to exceed a maximum 24%.

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 Oneida County as R2020-000875.

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 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: 12/23/2020

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

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

Former Globe Woolen Mills, Site ID No. C633084
811-827 Court Street, Utica, NY 13502
Utica (C), Oneida County, Tax Map Identification Number(s) 318.40-4-6

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 Lofts at Globe Mill, L.P. for a parcel approximately 4.859 acres located at 811-827 Court Street in the City of Utica, Oneida 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):

- ☐ 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, 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 Oneida County as R2020-000875.

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 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.

Former Globe Woolen Mills, C633084, 811-827 Court Street, Utica, NY 13502

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 revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

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, 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, a copy of the Certificate can be reviewed at the NYSDEC's Region 6 Office located at 317 Washington Street, Watertown, NY 13601, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C633084/>.

WHEREFORE, the undersigned has signed this Notice of Certificate

Lofts at Globe Mill, L.P.

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF ONEIDA)

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:

Matt Gilhooly
Lofts at Globe Mill, L.P.
9333 N. Meridian St., Suite 230
Indianapolis, IN 46260

Exhibit A

Site Description

ATTACHMENT A
BCP LEGAL DESCRIPTION

PARCEL 2 (811-827 COURT STREET, 318.40-4-6) (BCP SITE LEGAL DESCRIPTION)

All that tract or parcel of land situated in the City of Utica, County of Oneida and State of New York described as follows:

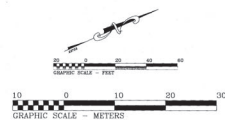
Beginning at the intersection of the southerly line of Court Street with the easterly line of Stark Street; thence running south 68 deg. 48' east two hundred eighty-eight and 24/100 (288.24) feet along Court Street to a point; thence south 67 deg. 21' E one hundred eighty-three and 21/100 (183.21) feet along Court Street to the easterly line of land conveyed to Globe Woolen Company by William Walter Lane and wife by deed recorded in the Oneida County Clerk's Office on January 26, 1888, in Book 420 of Deeds at page 337; thence south 31 deg. 02' west in a line parallel to Sunset Avenue one hundred ten and 96/100 (110.96) feet to an iron pipe; thence north 58 deg. 58' west in a line at right angles to Sunset Avenue sixty-four and 19/100 (64.19) feet to the southwesterly corner of premises conveyed to Globe Woolen Company by John Thorn and wife, by deed recorded in said Clerk's Office on April 19, 1881, in Book 403 of Deeds at page 455; thence south 23 deg. 02' west one hundred fifty-eight and 20/100 (158.20) feet to an iron pipe; thence south 42 deg. 07' west two hundred sixty-seven and 26/100 (267.26) feet to a post in a fence; thence south 31 deg. 02' west in a line parallel to Sunset Avenue forty-seven and 35/100 (47.35) feet to a post at land of the city of Utica; thence north 58 deg. 58' west one hundred seventeen (117) feet by land of said City of Utica, to a post; thence south 23 deg. 28' west by said land of the City of Utica one hundred seventy-four (174) feet more or less to land now or formerly of George W. and Helen B. Stoddard; thence north 59 deg. 37' west one hundred twenty-five and 94/100 (125.94) feet to a post, thence south 27 deg. 34' west thirty-three and 26/100 (33.26) feet; thence north 60 deg. 20' west forty-five and 80/100 (45.80) feet by land now or formerly of Ball; thence north 30 deg. 23' east eight and 52/100 (8.52) feet, thence north 59 deg. 37' west thirty-one and 5/10 (31.5) feet to an iron pipe at land now or formerly of Olkowski; thence north 30 deg. 23' east thirty-seven (37) feet; thence north 59 deg. 37' west sixty-eight and 5/10 (68.5) feet to Stark Street, said last two courses being by land now or formerly of Olkowski; thence north 30 deg. 23' east six hundred sixty-six and 65/100 (666.65) feet along Stark Street to the place of beginning.

Excepting from the above parcel that property conveyed to Oneida County Realty, Inc. by warranty deed dated December 28, 1956, and recorded in the office of the Oneida County Clerk the same day in Book 1536 of Deeds at page 493, and also excepting that property conveyed to August Engler by Warranty Deed dated January 3, 1957, and recorded in the office of the Oneida County Clerk the same day in Book 1538 of Deeds at page 76.

Said Parcel containing 4.859 acres, more or less.

Exhibit B

Site Survey

[illegible][illegible]

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW. THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM ANY DEPARTMENT OF ENVIRONMENTAL CONSERVATION DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT DEWRS@DEC.GOV.

[illegible]



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
11/25/2020



SITE DESCRIPTION

SITE NO. C633084

SITE NAME Former Globe Woolen Mills

SITE ADDRESS: 811-827 Court St ZIP CODE: 13502

CITY/TOWN: Utica

COUNTY: Oneida

ALLOWABLE USE: Restricted-Residential, 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 Submittal Date: 04/30/2022

Description of Institutional Control

Lofts at Globe Mill, L.P.

9333 N. Meridian Street, Suite 230

811-827 Court Street

Environmental Easement

Block: 4

Lot: 6

Sublot:

Section: 318

Subsection: .40

S_B_L Image: 318.40-4-6

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

O&M Plan

Site Management Plan

Description of Engineering Control

Lofts at Globe Mill, L.P.

9333 N. Meridian Street, Suite 230

811-827 Court Street

Environmental Easement

Block: 4

Lot: 6

Sublot:

Section: 318

Subsection: .40

S_B_L Image: 318.40-4-6

Cover System

Vapor Mitigation