

**New York State Department of Environmental Conservation**  
**Division of Environmental Remediation**  
**Bureau of Technical Support, 11<sup>th</sup> Floor**  
625 Broadway, Albany, New York 12233-7020  
**Phone:** (518) 402-9553 • **FAX:** (518) 402-9577  
**Website:** www.dec.state.ny.us

file



Erin M. Crotty  
Commissioner

**MEMORANDUM**

**TO:** Dave Smith, NYSDEC - DER Remedial Bureau B  
Gary Litwin, NYSDOH - DEHI Bureau of Env. Exposure Investigation  
James Burke, NYSDEC - Region 7  
Tom Suozzo, NYSDEC - Region 7  
Anthony Quartararo, NYSDEC - DEE Superfund and Voluntary Cleanup Bureau  
Christina Dowd, NYSDEC - DFWMR Bureau of Habitat

**FROM:** Kelly Bologna, NYSDEC - DER Bureau of Technical Support *Kelly Bologna*

**SUBJECT:** Voluntary Cleanup Program (VCP) Site Transferring to Brownfield Cleanup Program (BCP)  
Former Endicott Johnson, V00726 to C704041  
Ranger Paracord Sites, V00727 to C704042

**DATE:** APR 21 2004

The attached is the applicant's request to transfer from the Voluntary Cleanup Program (VCP) to the Brownfield Cleanup Program (BCP), along with a new BCP application and attachments. Note that a new record in the DER Tracking System has been created with a site code beginning with "C". Also, please be aware that counsel has advised that a public comment period for the application may be necessary for transition sites. If you require additional copies or the complete series of the related application's attachments, please contact me at 518-402-9553.

Attachment(s)

Distribution

Original (with all attachments) to:

Gary Litwin, NYSDOH - DEHI Bureau of Environmental Exposure Investigation

Copy (without attachments) to:

Dave Smith, NYSDEC - DER Remedial Bureau B

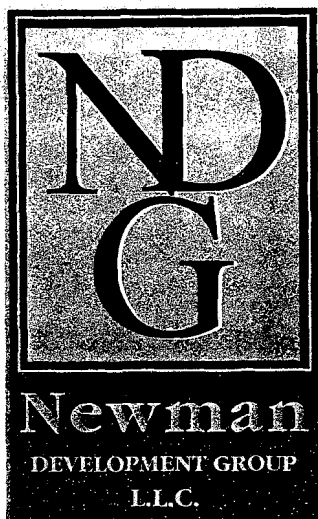
James Burke, NYSDEC - Region 7

Tom Suozzo, NYSDEC - Region 7

Anthony Quartararo, NYSDEC - DEE Superfund and Voluntary Cleanup Bureau

Christina Dowd, NYSDEC - DFWMR Bureau of Habitat

c



<u>New York Office:</u>	<u>Pennsylvania Office:</u>	<u>California Office:</u>
3101 Shippers Road (Vestal, NY 13850) P.O. Box 678 Vestal, NY 13851-0678	Plymouth Greene Office Campus-Unit E-2 1000 Germantown Pike Plymouth Meeting, PA 19462	2255 Van Ness Avenue-Suite #102 San Francisco, CA 94109
Phone: 607.770.0155 Fax: 607.777.9464	Phone: 610.277.0300 Fax: 610.277.0328	Phone: 415.923.0880 Fax: 415.923.0680

March 29, 2004

Thomas Suozzo, P.E.  
New York State Department of Environmental Conservation  
Division of Environmental Remediation, Region 7  
New York Route 11  
Kirkwood, New York 13795-9772

**RECEIVED**

MAR 30 2004

BUREAU OF  
TECHNICAL SUPPORT

David Smith, P.E.  
Division of Environmental Remediation  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233-7017

Glen R. Bailey, Esq.  
New York State Department of Environmental Conservation  
Division of Environmental Enforcement  
270 Michigan Avenue  
Buffalo, New York 14203-2999

Re: Voluntary Cleanup Agreement – Site # V00726-7  
Former Ranger Paracord Facility, NE Section  
Request to Transition Into the Brownfield Cleanup Program

Dear Messrs. Suozzo, Smith and Bailey:

The Cleanup Volunteers who are parties and signatories to the above Voluntary Cleanup Agreement (“VCA”), which was executed by the New York State Department of Environmental Conservation (DEC) on March 4, 2004, have elected to transition into the Brownfield Cleanup Program. Accordingly, we respectfully request DEC to approve our entry into a Brownfield Cleanup Agreement (“BCA”) that supercedes and replaces the VCA. In accordance with DEC policy, we expect that implementation of the investigatory and remedial program initiated under the VCA will proceed under the BCA from the stage that it was in under the VCA.

To facilitate your review of this request and to expedite our entry into a BCA, I attach a DRAFT of a filled-in Brownfield Cleanup Program (“BCP”) Application for your



Member

*Letter to Messrs. Suozzo, Smith & Bailey*  
*March 29, 2004*  
*Page 2 of 4*

information and use. This unsigned DRAFT is presented merely for the information it contains and should not be treated as a brand-new application.

Please note that we wish to slightly expand the parameters of the Site to be included in the BCP by adding to the Northeast Section of the Former Ranger Paracord Facility (the "Gannett Parcel") discrete areas in the Southern Section of the Facility ("NYSEG-Related Areas") that will need to be cleared and prepared for electric utility service in support of operations on the Gannett Parcel. If possible, we'd like to treat these as inter-related "operable units" which, although part of one BCA, can be addressed either under one or two Certificates of Completion—depending on whether all required measures on the NYSEG-Related Areas have been completed by the time work is finished on the Gannett Parcel. (Time is of the essence in turning over the Gannett Parcel for installation of its special-order Printing Press. So, while it is critical that the NYSEG work be expedited, any delays in that portion of the Facility cannot be allowed to hold back transfer of the Gannett Parcel and installation of the Gannett Printing Press.)

A Plan is attached which shows both the original Northeast Section (the Gannett Parcel) and the NYSEG-Related Areas. Metes and Bounds descriptions are also provided.

The undersigned Volunteers hereby make the following certifications, to the best of their knowledge and belief, and subject to the penalties of Section 210.45 of the Penal Law. Each signatory is authorized by the entity it represents to make these certifications on the entity's behalf.

#### Certifications

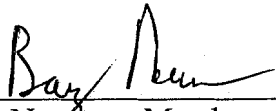
- (i) Each Volunteer meets the criteria set forth in ECL Section 1405.1(b) as a "Volunteer."
- (ii) The Site meets the definition of "brownfield site" set forth in ECL 27-1405.2.
- (iii) No Volunteer has been identified as responsible for cleanup and removal costs for the discharge of petroleum at or emanating from the site that is the subject of the request. And
- (iv) None of the factors set forth in ECL Section 1407.8 or ECL Section 1407.9 are applicable to any Volunteer.

Sincerely,  
STELLA IRELAND ROAD ASSOCIATES, LLC

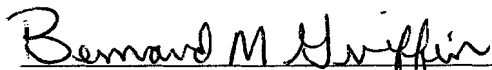
Kenneth S. Kamlet  
Director of Legal Affairs

**CERTIFICATIONS:**

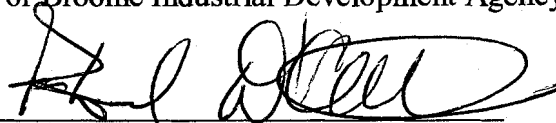
1. For Stella Ireland Road Associates, LLC:

  
\_\_\_\_\_  
Barry Newman, Member

2. For Gannett Satellite Information Systems, Inc.

  
\_\_\_\_\_  
Bernard M. Griffin, President & Publisher  
Binghamton Press & Sun-Bulletin

3. For Broome Industrial Development Agency

  
\_\_\_\_\_  
Richard D'Attilio, Executive Director

*Enclosures*

cc: Kenneth Lynch, Esquire  
Regional Director  
NYS Department of Environmental Conservation, Region 7  
615 Erie Blvd. West  
Syracuse, NY 13204-2400

Gary Litwin  
Bureau of Environmental Exposure Investigation  
New York State Department of Health  
Flanigan Square  
547 River Street  
Troy, New York 12180-2216

Mr. Marc Newman, Managing Member  
Stella Ireland Road Associates, LLC  
3101 Shippers Road, P.O. Box 678  
Vestal, New York 13851-0678

*Letter to Messrs. Suozzo, Smith & Bailey*  
*March 29, 2004*  
*Page 4 of 4*

Vincent B. Dick, P.E.  
Haley & Aldrich of New York  
200 Town Centre Drive, Suite 2  
Rochester, New York 14623-4264

Eric J. Nemeth, Esq.  
Edwards & Angell, LLP  
51 John F. Kennedy Parkway  
Short Hills, New Jersey 07078

Richard D'Attilio, Executive Director  
Broome County Industrial Development Agency  
Edwin L. Crawford County Office Building, 6<sup>th</sup> Floor  
44 Hawley Street, P.O. Box 1510  
Binghamton, New York 13902-1510

Joseph B. Meagher, Esq.  
Thomas, Collison & Meagher  
1201 Monroe Street, P.O. Box 329  
Endicott, New York 13761-0329

Bernard M. Griffin  
Gannett Satellite Information Network, Inc.  
c/o Press & Sun-Bulletin  
4421 Vestal Parkway East, P.O. Box 1270  
Binghamton, New York 13902-1270

Allan E. Floro, Esq.  
Nixon Peabody, LLP  
1300 Clinton Square  
P.O. Box 31051  
Rochester, New York 14603

Dale A. Henn  
Director, Capital Appropriations and Planning  
Gannett Co., Inc.  
7950 Jones Branch Drive  
McLean, Virginia 22107

## **EXHIBIT 1**

### **Ranger Paracord BCP Letter of Intent: List of Enclosures**

- Exhibit 1: List of Enclosures**
- Exhibit 2: Draft BCP Application**
- Exhibit 3: Subdivision Plan (Showing "Gannett Parcel" and Southern Parcel to be retained by Stella Ireland Road Associates, LLC)**
- Exhibit 4: Proposed Gannett Site Plan**
- Exhibit 5: NYSEG-Related Areas**
- Exhibit 6: Metes and Bounds Description of Entire Ranger Paracord Facility**
- Exhibit 7: Metes and Bounds Description of Gannett Parcel**
- Exhibit 8: Metes and Bounds Description of NYSEG-Related Areas**
- Exhibit 9: USGS Aerial (with lat. and long. grids)**
- Exhibit 10: Gannett Site Plan in Relation to Existing Features**
- Exhibit 11: Aerial of Ranger Paracord Facility Plus CFJ Park (Park is Not Part of Site)**
- Exhibit 12: Aerial Photo**



## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION

10/9/03

<b>Applicant Information #1</b>			
NAME		Stella Ireland Road Associates, LLC	
ADDRESS		3101 Shippers Road, P.O. Box 678	
CITY/TOWN		ZIP CODE	13851-0678
PHONE	607-770-0155, X-229	FAX	607-770-3482
NAME OF APPLICANT'S REPRESENTATIVE		Kenneth S. Kamlet, Director of Legal Affairs	
ADDRESS		SAME AS ABOVE	
CITY/TOWN		ZIP CODE	
PHONE	FAX		E-MAIL
THE APPLICANT MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:			
<input type="checkbox"/> PARTICIPANT An applicant who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.		<input checked="" type="checkbox"/> VOLUNTEER An applicant other than a participant, including an applicant whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. NOTE: By checking this box, the applicant certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.	
Applicant Relationship to Property (check one):			
<input type="checkbox"/> Previous Owner <input checked="" type="checkbox"/> Current Owner <input type="checkbox"/> Potential / Future Purchaser <input checked="" type="checkbox"/> Other    Redeveloper			
<b>Applicant Information #2</b>			
NAME		Gannett Satellite Information Network, Inc., c/o Press & Sun-Bulletin	
ADDRESS		4421 Vestal Parkway East, P.O. Box 1270	
CITY/TOWN		ZIP CODE	13902-1270
PHONE	(607) 798-1111	FAX	(607) 798-0300
NAME OF APPLICANT'S REPRESENTATIVE		Bernard M. Griffin, President & Publisher	
ADDRESS		SAME AS ABOVE	
CITY/TOWN		ZIP CODE	
PHONE	FAX		E-MAIL
THE APPLICANT MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:			
<input type="checkbox"/> PARTICIPANT An applicant who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.		<input checked="" type="checkbox"/> VOLUNTEER An applicant other than a participant, including an applicant whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. NOTE: By checking this box, the applicant certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.	
Applicant Relationship to Property (check one):			
<input type="checkbox"/> Previous Owner <input type="checkbox"/> Current Owner <input checked="" type="checkbox"/> Potential / Future Purchaser <input checked="" type="checkbox"/> Other    Future redeveloper			
<b>Applicant Information #3</b>			
NAME		Broome County Industrial Redevelopment Agency	
ADDRESS		Edwin L. Crawford County Office Bldg., 6 <sup>th</sup> Floor, 44 Hawley Street, P.O. Box 1510	
CITY/TOWN		ZIP CODE	13902-1510
PHONE	607-778-1019	FAX	607-778-2911
NAME OF APPLICANT'S REPRESENTATIVE		Richard D'Attilio, Executive Director	
ADDRESS		SAME AS ABOVE	

CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
THE APPLICANT MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:			
<input type="checkbox"/> <b>PARTICIPANT</b> An applicant who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.		<input checked="" type="checkbox"/> <b>VOLUNTEER</b> An applicant other than a participant, including an applicant whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. NOTE: By checking this box, the applicant certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.	
Applicant Relationship to Property (check one): <input type="checkbox"/> Previous Owner <input type="checkbox"/> Current Owner <input checked="" type="checkbox"/> Potential / Future Purchaser <input type="checkbox"/> Other _____			
<b>Current Owner/Operator Information</b>			
OWNER'S NAME (if different from applicant)		Stella Ireland Road Associates, LLC	
ADDRESS		SAME AS ABOVE	
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
OPERATOR'S NAME (if different from applicant)		No operations have been carried out on site since 1993	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<b>Site Information</b>			
SITE NAME		Former Endicott Johnson Ranger Paracord Site	
SITE ADDRESS		CITY/TOWN	ZIP CODE
90 Lester Ave.		Village of Johnson City	13790
COUNTY	Broome	SITE SIZE (ACRES) 11.56 acres (main Gannett parcel) plus miscellaneous areas encompassing proposed NYSEG easements and Challenge Building ("NYSEG-Related Areas")	
LATITUDE 42.117 (N)		LONGITUDE -75.947 (W)	
PLEASE ATTACH A COUNTY TAX MAP WITH IDENTIFIER NUMBERS, ALONG WITH ANY FIGURES NEEDED TO SHOW THE LOCATION AND BOUNDARIES OF THE SITE. ALSO INCLUDE A USGS 7.5 MINUTE QUAD MAP IN WHICH THE SITE IS LOCATED.			
1. DO THE SITE BOUNDARIES CORRESPOND TO TAX MAP METES AND BOUNDS? IF NO, PLEASE ATTACH A METES AND BOUNDS DESCRIPTION OF THE SITE. A metes and bounds description of the entire Ranger Paracord Facility was submitted as part of an ERP application previously submitted to DEC by Broome County IDA on January 8, 2004. A metes and bounds description of the "NYSEG-Related Areas" has been developed and is appended to this document. (If a separate metes and bounds description is required for the "Gannett parcel," one can be generated and provided on request.)		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
2. IS THE SITE PART OF A DESIGNATED BROWNFIELD OPPORTUNITY AREA PURSUANT TO GML970-R? IF YES, IDENTIFY AREA (NAME)		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
3. IS THE SITE PART OF A DESIGNATED EN-Zone PURSUANT TO TL § 21(b)(6)? IF YES, IDENTIFY AREA (NAME)		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<b>Applicant Eligibility Information (Please refer to ECL § 27-1407)</b>			
1. ARE ANY ENFORCEMENT ACTIONS PENDING AGAINST THE APPLICANT REGARDING THIS SITE?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
2. IS THE APPLICANT SUBJECT TO AN OUTSTANDING CLAIM BY THE SPILL FUND FOR THIS SITE?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
3. HAS THE APPLICANT VIOLATED ANY PROVISION OF ECL ARTICLE 27?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
4. HAS THE APPLICANT BEEN PREVIOUSLY DENIED ENTRY TO THE BCP?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
5. HAS THE APPLICANT COMMITTED A NEGLIGENT OR INTENTIONALLY TORTIOUS ACT REGARDING HAZARDOUS WASTE OR PETROLEUM?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
6. HAS THE APPLICANT BEEN CONVICTED OF A CRIMINAL OFFENSE THAT INVOLVES A VIOLENT FELONY, FRAUD, BRIBERY, PERJURY, THEFT, OR OFFENSE AGAINST PUBLIC ADMINISTRATION?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
7. HAS THE APPLICANT KNOWINGLY FALSIFIED STATEMENTS OR CONCEALED MATERIAL		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	



<b>FACTS IN A MATTER RELATED TO THE DEPARTMENT?</b>		
<b>8. HAS THE APPLICANT, BASED ON THE PROVISIONS OF ECL ARTICLE 27-1407 (OR A SIMILAR PROVISION OF FEDERAL OR STATE LAW), COMMITTED AN ACT OR FAILED TO ACT, AND SUCH ACT OR FAILURE TO ACT COULD BE THE BASIS FOR DENIAL OF A BCP APPLICATION?</b>	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
<b>Site Eligibility Information (Please refer to ECL § 27-1405)</b>		
<b>1. DOES THE SITE MEET THE DEFINITION OF A BROWNFIELD SITE (REAL PROPERTY, THE REDEVELOPMENT OF WHICH MAY BE COMPLICATED BY THE PRESENCE OR POTENTIAL PRESENCE OF A HAZARDOUS WASTE, PETROLEUM, POLLUTANT, OR CONTAMINANT)?</b>	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
<b>2. IS THE SITE LISTED ON THE NATIONAL PRIORITIES LIST?</b>	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
<b>3. IS THE SITE LISTED ON THE NYS REGISTRY OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES? IF YES, PLEASE PROVIDE: SITE # _____ CLASS # _____</b>	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
<b>4. IS THE SITE SUBJECT TO A PERMIT UNDER ECL ARTICLE 27, TITLE 9, OTHER THAN AN INTERIM STATUS FACILITY?</b>	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
<b>5. IS THE SITE SUBJECT TO A CLEANUP ORDER UNDER NAVIGATION LAW ARTICLE 12 OR ECL ARTICLE 17, TITLE 10?</b>	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
<b>6. IS THE SITE SUBJECT TO A STATE OR FEDERAL ENFORCEMENT ACTION RELATED TO HAZARDOUS WASTE OR PETROLEUM?</b>	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
<b>Project Description</b>		
PLEASE ATTACH A DESCRIPTION OF THE PROJECT WHICH INCLUDES THE FOLLOWING COMPONENTS:		
<ul style="list-style-type: none"> <li>• PURPOSE AND SCOPE OF THE PROJECT</li> </ul> <p> <b>Project Purpose and Scope:</b> The purpose of the project is to clean up and revitalize the prime brownfield site in Broome County: the 28±-acre former Endicott-Johnson Ranger Paracord site. <u>The present application includes both a supplemental investigation and necessary remediation (and associated IRMs, including necessary building demolition and associated asbestos abatement), centering on the 11.56-acre northeastern segment of the site to be acquired by Gannett. It has been slightly expanded to include limited areas within the 15.85-acre southern parcel needed for NYSEG utility lines and a substation ("NYSEG-Related Areas") to support redevelopment of the Gannett parcel.</u> </p> <p>           Although once part of a thriving shoe manufacturing operation, this site (along with other remnants of the Endicott-Johnson era) has been vacant and decaying for more than a decade. Located in a prominent, easily accessed location just off the Airport Road exit of State Route 70 (future I-86), the eastern edge of the site marks the juncture of the Village of Johnson City, the Town of Dickinson, and the City of Binghamton. Its cleanup and redevelopment would give a major economic boost, not only to surrounding neighborhoods, but to the entire Greater Binghamton region and the State of New York. The proposed project would also reinvigorate CFJ Park (a public park owned and maintained by the Village of Johnson City), which directly adjoins the site along its northwestern boundary.         </p> <p> <u>The site will be investigated, cleaned up, and redeveloped in two segments: (1) The 11.56-acre northern segment ("Segment A" or the "Gannett parcel"), extending south from CFJ Boulevard between Lester Avenue and Market Street and adjoining CFJ Park—plus limited "NYSEG-Related Areas" in the southern parcel; and (2) the remaining 15.85-acre southern segment ("Segment B") extending south to the Railroad tracks—less the limited NYSEG-Related Areas. Work in the NYSEG-Related Areas will focus on: excavating any contamination "hot spots" within the required 50-foot NYSEG easements along the eastern and southern property lines and/or in the vicinity of a proposed NYSEG electric transmission substation; and in demolishing the 7-story Challenge Building (to avoid interference with NYSEG utility poles and transmission lines).</u> </p> <ul style="list-style-type: none"> <li>• ESTIMATED PROJECT SCHEDULE</li> </ul> <p> <b>Estimated Project Schedule:</b> Phase I and Phase II Environmental Site Assessments and extensive additional site investigations were carried out (the latter under DEC and DOH oversight pursuant to the Voluntary Cleanup         </p>		

Program) by the site's previous owner, MHC, Inc. The property was acquired by MHC, Inc. from the original owner/operator, the Endicott-Johnson Corporation in 1995. All onsite manufacturing operations ended in 1993. The site was purchased from MHC, Inc. by Stella Ireland Road Associates, LLC (an innocent purchaser) on December 31, 2003. Title to the "Gannett Parcel" (northeastern portion of the Site) is expected to be transferred to Gannett on or before June 30, 2004.

- Oct. 31, 2003: Prospective purchasers Stella Ireland Road Associates, LLC and Broome IDA submit Voluntary Cleanup Program applications (for a 12-acre segment and a 16-acre segment). Gannett Satellite Network Information, Inc. was subsequently added as a co-Volunteer.
- Dec. 31, 2003: Stella Ireland road Associates, LLC (innocent purchaser) purchases site from MHC, Inc. (innocent current owner).
- Jan. 8, 2004±: Broome IDA submits Investigation ERP application. SEQRA Environmental Assessment Form and Village of Johnson City negative declaration must still be provided to make this application complete. [It is anticipated that the application will be amended to include both investigation and remediation of the southern portion of the Facility – minus the "Site" (Gannett parcel plus NYSEG-Related Areas) covered by the present BCP Letter of Intent.]
- Mar. – May, 2004: Demolition and asbestos abatement of Paracord Building (followed by Zing Building and Challenge Building)—as Interim Remedial Measures—to permit completion of site investigation and geotechnical studies beneath footprint of proposed Printing Press Building on 12-acre site segment, and to allow upgraded NYSEG electric transmission infrastructure to be put in place.
- March 4, 2004: DEC approval of VCA application.
- March 10, 2004: Supplemental Investigation Work Plan submitted to DEC; approved verbally March 16, 2004 (written approval letter is dated March 25, 2004).
- Early April 2004: Supplemental Investigation Report submitted to DEC.
- March 2004: IRM Work Plan(s) submitted to DEC covering necessary hotspot removal and building demolition.
- March 18, 2004: Removal of remaining Underground Storage Tank near Paracord Building.
- March 30, 2004: Submittal to DEC of BCP Letter of Intent.
- March - April 2004: Supplemental Investigation (and IRM) Report(s) and Remediation Work Plan submitted to DEC for Gannett Parcel and NYSEG-Related Areas.
- May 2004: Remediation Work conducted and Remediation Report submitted for Gannett Parcel and NYSEG-Related Areas.
- June 2004: Remediation Work completed and Certificate of Completion issued by DEC for 12-acre site segment.
- July 2004: Groundbreaking for Printing Press facility on Gannett Parcel.

### **Site's Environmental History**

TO THE EXTENT THAT EXISTING INFORMATION/STUDIES/REPORTS ARE AVAILABLE TO THE APPLICANT, PLEASE ATTACH THE FOLLOWING:

#### **1. ENVIRONMENTAL DATA**

A PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT PREPARED IN ACCORDANCE WITH ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), AND ALL ENVIRONMENTAL REPORTS RELATED TO CONTAMINANTS ON OR EMANATING FROM THE SITE.

IF A FINAL INVESTIGATION REPORT IS INCLUDED, INDICATE WHETHER IT MEETS THE REQUIREMENTS OF ECL ARTICLE 27-1415(2):                   X YES    ☐ NO

All available environmental site assessment reports were previously submitted as part of the VCP application. These include: (a) and (b) Phase I and II Environmental Site Assessment reports by Dames & Moore (1993 and 1997); (c) a New Supplemental Site Investigation by MFG, Inc. (2001); (d) a 2-volume Summary Report by Camp Dresser & McKee (2001); and (e) Vertex Engineering Services Data Report (Jan. 21, 2004). summarizing all prior data collection efforts by MFG and Camp Dresser & McKee (and including 12-volumes of raw analytical data).

## 2. OWNERS

A LIST OF PREVIOUS OWNERS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER LISTED. IF NO RELATIONSHIP, PUT "NONE").

(From the Abstract of Title by Monroe Title Insurance Corporation: )

Wells & Brigham Brickyard premises, to

Endicott-Johnson Realty Co., to

Endicott Johnson Corporation of 99 Wood Avenue South, Iselin, NJ 08830 (by Warranty Deed dated April 3, 1919), to

MHC Inc. of 20 Wight Ave., Suite 100, Hunt Valley, MD 21030\* [Fax: 410-229-4122] (Sept. 25, 1996), to

Stella Ireland Road Associates, LLC of 3101 Shippers Road, P.O. Box 678, Vestal, NY 13851-0678 (Dec. 31, 2003) [NONE]

Note: The properties acquired by Endicott Johnson Corporation (which were subsequently conveyed to MHC and Stella Ireland) also included several small privately owned parcels, as set forth more fully in the Title Abstract.

\*MHC did not acquire the Site from Endicott Johnson Corporation (EJC) until 1996, following the cessation of all shoe manufacturing, storage and shipment operations in 1993. EJC was a wholly owned subsidiary of **McDonough Co.** when the latter was acquired by an indirect, wholly owned subsidiary of **Hanson PLC** in a stock acquisition. **Millennium Chemicals Inc.** was formed as a result of a "demerger" by Hanson on October 1, 1996. In this demerger, the stock of EJC and certain excess real estate, including the Site, was conveyed to an indirect, wholly owned subsidiary of Millennium [MHC Inc.]. This stock was sold to a third party (**Newman Properties Ltd.** [no relation to Newman Development Group]) on October 12, 1996, prior to the Site being transferred to MHC Inc.

## 3. OPERATORS

A LIST OF PREVIOUS OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBER (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OPERATOR LISTED. IF NO RELATIONSHIP, PUT "NONE").

Wells & Brigham Brickyard (pre-1919)

Endicott-Johnson Corporation (1919-1993) [None?]

## Contact List Information

PLEASE ATTACH, AT A MINIMUM, THE NAMES AND ADDRESSES OF THE FOLLOWING:

1. THE CHIEF EXECUTIVE OFFICER AND ZONING BOARD CHAIRPERSON OF EACH COUNTY, CITY, TOWN AND VILLAGE IN WHICH THE SITE IS LOCATED.

Village of Johnson City:

Mayor Harry G. Lewis

243 Main Street

Johnson City, NY 13790

Zoning Board of Appeals Chairman

Steve Petrick

243 Main Street

Johnson City, NY 13790

Town of Dickinson

Supervisor Michael Marinaccio

Dickinson Town Hall

531 old Front Street

Binghamton, NY 13905

Zoning Board of Appeals Chairman

Jeanne Compton

Dickinson Town Hall

531 old Front Street

Binghamton, NY 13905

City of Binghamton

Mayor Richard Bucci

City Hall

38 Hawley Street

Binghamton, NY 13901

Zoning Board of Appeals Chairman

Alex Roberts  
City Hall  
38 Hawley Street  
Binghamton, NY 13901

2. RESIDENTS, OWNERS, AND OCCUPANTS OF THE SITE AND PROPERTIES ADJACENT TO THE SITE.

PROPERTY OWNER	PROPERTY	MAILING ADDRESS	CITY AND STATE	ZIP CODE
Village of Johnson City	C. Fred Johnson Park	243 Main St.	Johnson City, NY	13790
Thomas & Sharon Lesko	43 Market St.		Johnson City, NY	13790
Teddy & Jennie Slezak	41 Market St.		Johnson City, NY	13790
John M. Kolly	39 Market St.		Johnson City, NY	13790
Rat V. Le & Th Tuoi	37 Market St.		Johnson City, NY	13790
Carl & Helen Podlinsek	35 Market St.		Johnson City, NY	13790
Local 281 Carpenters Union	23-29 Market St.		Binghamton, NY	13905
Ronald Ruffo, et al	21 Market St.		Binghamton, NY	13905
Walter J. Lewis	19 Market St.		Binghamton, NY	13905
Pennsylvania Lines, LLC	Railroad Tracks	c/o Norfolk Southern Rail 110 Franklin Rd. SE	Roanoke, VA	24042-0028
Richard, Glenn & Edward Miller	43-47 Lake Avenue		Binghamton, NY	13905
Richard, Glenn & Edward Miller	51 Lake Avenue	43 Lake Avenue	Binghamton, NY	13905
Thomas E. Ryan	53 Lake Avenue	151 Bay Mor Drive	Fort Myers Beach, FL	33931
Marie Capps & Patricia Sutton	55 Lake Avenue		Binghamton, NY	13905
Daniel & Janet L Wolfenbarger	59 Lake Avenue		Binghamton, NY	13905
Jean E. Zebrois	61 Lake Avenue		Binghamton, NY	13905
Louis J & Pauline Alapeck	63 Lake Avenue		Binghamton, NY	13905
Robert J & Barbara Rose	65 Lake Avenue	459 Bornt Hill Road	Endicott, NY	13760
James F. Valada	71 Lake Avenue		Binghamton, NY	13905
Andrey Pecheny	76 Lake Avenue	6-2 Ely Park	Binghamton, NY	13905
Dalores Benkovic, LU	5 Market Street	c/o Michael Benkovic 104 Florence Avenue	Revere, MA	02151
LJC Realty, LLC	9-11 Market Street	P. O. Box 64	Binghamton, NY	13903

Walter P. Hannon	13 Market Street		Binghamton, NY	13905
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3. LOCAL NEWS MEDIA FROM WHICH THE COMMUNITY TYPICALLY OBTAINS INFORMATION.

- Binghamton Press & Sun-Bulletin, P.O. Box 1270, Binghamton, NY 13902-1270; phone: 607-798-1111; fax: 607-798-0300; email: [bgriffin@binghamt.gannett.com](mailto:bgriffin@binghamt.gannett.com)
- WICZ-TV, 4600 Vestal Parkway East, Vestal, NY 13850-3674; phone: 607-770-4040; fax: 607-798-7950; email: [fox40@wicz.com](mailto:fox40@wicz.com)
- WIVT-TV / WBGH-TV, 203 Ingraham Hill Rd., Binghamton, NY 13903-5504; phone: 607-771-3434; fax: 607-723-1034; email: [newschannel34@newschannel34.com](mailto:newschannel34@newschannel34.com)
- WBNG - CBS/WBXL-WB, 560 Columbia Dr., Suite #1, Johnson City, NY 13790; phone: 607-729-8812; fax: 607-797-6211; email: [wbng@wbngtv.com](mailto:wbng@wbngtv.com)

4. THE PUBLIC WATER SUPPLIER WHICH SERVICES THE AREA IN WHICH THE SITE IS LOCATED.  
Village of Johnson City Water Department, Robert Bennett, P. E., Director of Services, 124 Brown Street, Johnson City, NY 13790

5. ANY PERSON WHO HAS REQUESTED TO BE PLACED ON THE SITE CONTACT LIST.  
William Klish, Planning Board Chairman, Village of Johnson City, 243 Main Street, Johnson City, NY 13790; Supervisor Michael Marinaccio, Dickinson Town Hall, 531 Old Front Street, Binghamton, NY 13905

6. THE ADMINISTRATOR OF ANY SCHOOL OR DAY CARE FACILITY LOCATED ON OR NEAR THE SITE.  
None.

7. THE LOCATION OF A DOCUMENT REPOSITORY FOR THE PROJECT (E.G., LOCAL LIBRARY)  
Village of Johnson City Clerk, Thomas Augostini, 243 Main Street, Johnson City, NY 13790; Your Home Public Library, 107 Main Street, Johnson City, NY 13790; Broome County Public Library, 185 Court Street, Binghamton, NY 13901

Contaminant Information					
INDICATE KNOWN OR SUSPECTED CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN OR SUSPECTED TO HAVE BEEN AFFECTED:					
Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum	Not as addressed under the Navigation Law	No	No	No	TBD
Chlorinated Solvents	No	No	No	No	No/TBD
Other VOCs	Yes (low levels of BTX compounds)	*	No	No	TBD
SVOCs	Yes (PAHs)	*	No	No	TBD
Metals	Yes	**	No	No	No
Pesticides	No	*	No	No	TBD
PCBs	Limited to low levels at one small location controlled by NYSEG and low levels at Zing Building Oil House	No	No	No	No
Other*	No?	No	No	No	TBD

\*Please describe: \*Not in excess of DEC Groundwater Guidance values. \*\*Only Sb, Na, Mn, Fe, and CN were found in filtered samples above guidance values

<b>Land Use Factors (Please refer to ECL § 27-1415(3))</b>			
Current Use: <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Other <u>VACANT—not used since 1993</u>			
Future Use: <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Other _____ Commercial printing, newspaper publishing, warehouse, distribution, and office uses. (Also NYSEG electric power poles, transmission lines, and a new substation.)			
Please check the appropriate boxes and provide an explanation as an attachment if appropriate.			
	Yes	No	Unknown
1. Do current historical and/or recent development patterns support the proposed use?	X	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the proposed use consistent with applicable zoning laws/maps?	X	<input type="checkbox"/>	<input type="checkbox"/>
3. Is the proposed use consistent with applicable brownfield opportunity area designations? (See GML 970-r) No BOA has yet been nominated or designated for this area—although one may be in the future. The proposed use is fully consistent with any conceivable future BOA designation.	X	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, other adopted land use plans?	X	<input type="checkbox"/>	<input type="checkbox"/>
5. Are there any Environmental Justice Concerns? (See § 27-1415(3)(p)).	<input type="checkbox"/>	X	<input type="checkbox"/>
6. Are there any federal or State land use designations relating to this site?	<input type="checkbox"/>	X	<input type="checkbox"/>

7. Do the population growth patterns and projections support the proposed use?	X	<input type="checkbox"/>	<input type="checkbox"/>
8. Is the site accessible to existing infrastructure?	X	<input type="checkbox"/>	<input type="checkbox"/>
9. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site? The C. Fred Johnson Park Carousel, located in CFJ Park, west of the Gannett Parcel, was added to the National Register of Historic Places in 1992 (Object #91001968)	X	<input type="checkbox"/>	<input type="checkbox"/>
10. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species proximate to the site? Little Choconut Creek is located immediately opposite the CFJ Boulevard/Lester Ave. intersection. The Susquehanna River, to which the creek is tributary, is located about 2-1/2 miles SSW of the Site.	<input type="checkbox"/>	X	<input type="checkbox"/>
11. Are there floodplains proximate to the site?	<input type="checkbox"/>	X	<input type="checkbox"/>
12. Are there any institutional controls currently applicable to the site? Not of an environmental nature. However, the Site is zoned Industrial (which permits all of the proposed uses), which is a form of institutional control.	<input type="checkbox"/>	X	<input type="checkbox"/>
13. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas. Site is adjacent to residential property to the east and approximately 100 feet from residential property to the north. The east side of the property is adjacent to a mixture of residential, commercial and industrial uses. The property is adjacent to active rail tracks to the south and active parkland to the west and north. Further south and west are industrial properties. The setting of the site is urban and is located near interchange 71 of NYS Route 17.			
14. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the site, including proximity to wellhead protection and groundwater recharge areas. If the Site is not remediated and redeveloped as proposed, localized soil contamination hotspots and lesser levels of soil contamination could eventually spread to underlying groundwater which has thus far largely escaped impact. The site is located over a sole source aquifer (Clinton Street-Ballpark) that serves the Village of Johnson City. The nearest production well is located on North Broad Street approximately 1960 ft from the western boundary of the site. According to the Village of Johnson City Wellhead protection Ordinance it is located in Zone II which is outside the cone of depression for the well.			
15. Describe on attachment the geography and geology of the site. The site is an old industrial site that was developed between 1910 and 1945 for the most part. The site is relatively flat. According to the USDA Soil Survey of Broome County, New York, the site is classified Cy-Cut and Fill Lands, Silty Materials. "Cut and fill lands are a miscellaneous land type made by landforming for urban development or other construction purposes. It consists of areas that have been excavated or have been filled with soils and other geologic materials."  <u>The Site is a paved industrial site (the only unpaved areas are lawn areas east and south of the Paracord Building and surrounding the Pavilion)</u>  [Beneath 0.1-0.5 feet of asphalt are 5" to 9" of topsoil. Except in the southwestern part of the Site (south of the Pavilion), this is underlain by a layer of fill of variable depth (2.5' to 12.0'). In most of the northern part of the Site (except in the area surrounding the Zing Building), coinciding with the location of a former Pond, the fill is primarily an earthen fill composed of a mixture of silt, sand and gravel. In the southern portions of the Site, the fill is an operational fill consisting of operational waste materials such as cinder, ash, brick, and shredded leather and rubber. Below the fill material, there is generally a loose to firm silt deposit of up to 14 feet in thickness (the greatest thicknesses are in a westerly and southerly direction). Underlying the silt is a loose to very compact sand and gravel deposit with trace silt and an occasional cobble.]			
(Note: the 16 <sup>th</sup> criterion relates to comments from the public, which would not be received at the time of application)			

### Statement of Certification

(By an applicant other than an individual)

I certify that I am \_\_\_\_\_ (title) of \_\_\_\_\_ (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

### Statement of Certification

(By an applicant other than an individual)

I certify that I am \_\_\_\_\_ (title) of \_\_\_\_\_ (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: _____	Signature: _____	Print Name: _____
<b>Statement of Certification</b>		
(By an applicant other than an individual) I certify that I am _____ (title) of _____ (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.		
Date: _____	Signature: _____	Print Name: _____

**SUBMITTAL INFORMATION:**

**Four (4)** complete copies, one with original signatures, are required.

- **Three (3)** of the copies, one with original signatures, must be sent to:

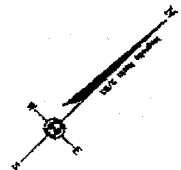
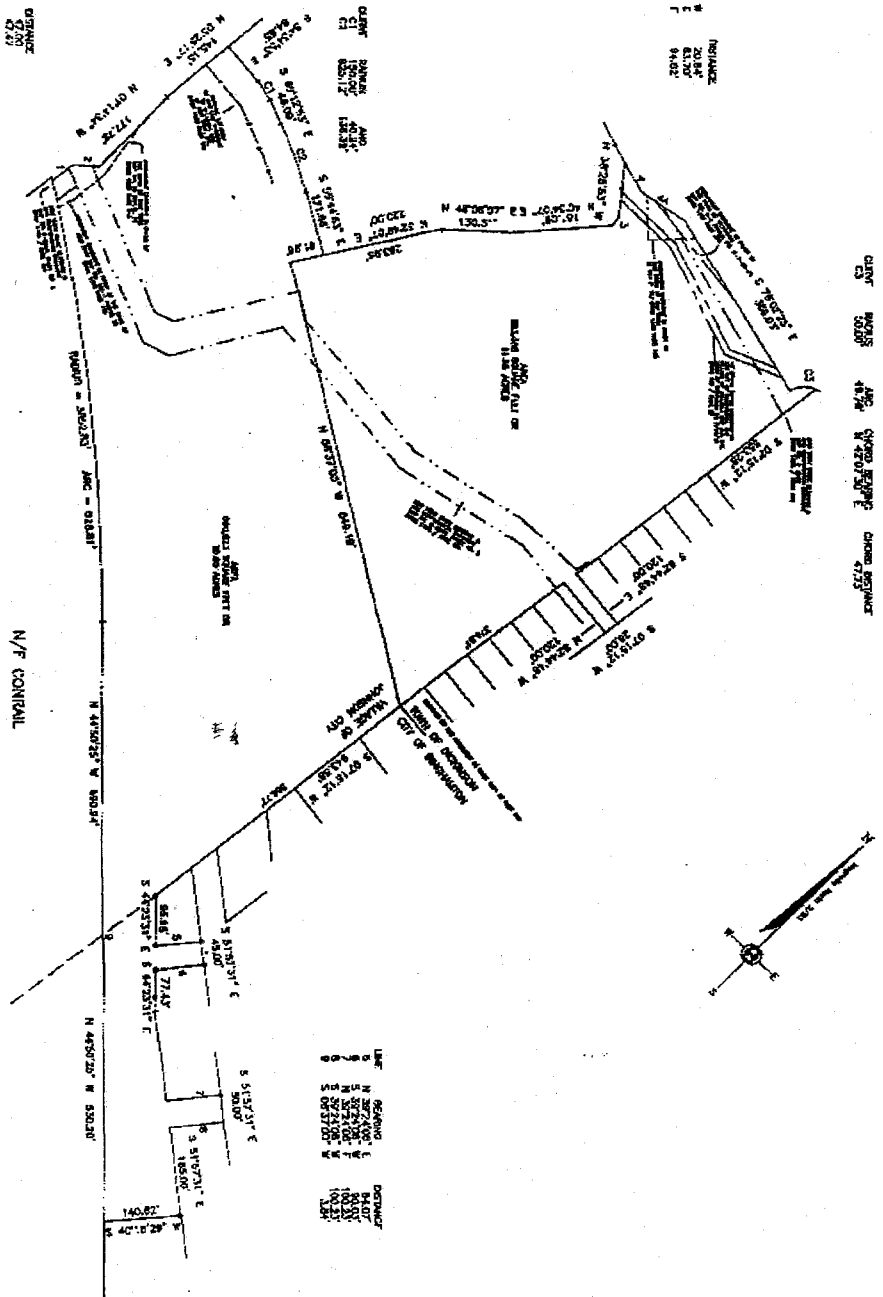
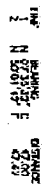
Chief, Site Control Section  
 New York State Department of Environmental Conservation  
 Division of Environmental Remediation  
 625 Broadway  
 Albany, NY 12233-7020

- **One (1)** copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located.  
 Please check our website for the address of our regional offices: <http://www.dec.state.ny.us/website/der/index.html>

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**FOR DEPARTMENT USE ONLY**

BCP SITE NO: \_\_\_\_\_ BCP SITE T&A CODE: \_\_\_\_\_ PROJECT MANAGER: \_\_\_\_\_

[illegible]





This is a detailed street map of the University of Chicago campus area. The map is oriented with Market Street running diagonally from the top left to the bottom right. Other major streets shown include Lake Avenue running vertically on the right, and Lester Avenue running horizontally at the bottom. C.J. Boulevard is shown on the left side, and Variable Width R.O.W. (Right of Way) is indicated along several streets. Key landmarks and buildings are labeled, including the Paracord Plant, Pump House, Power House, Mechanical Shop, and various smaller buildings and parking lots. The map also shows the University of Chicago City of Chicago and the University of Chicago City of Chicago. The map is a technical drawing with precise lines and labels, typical of a city planning or engineering document.

100 0 100 200  
1" = 100'

THE UNIVERSITY OF MICHIGAN LIBRARY  
100 N. ZEEB RD., ANN ARBOR, MI 48106-1000  
TEL: 734 763 1000 FAX: 734 763 1001

**Former Ranger Paracord Site: NYSEG/Related Areas**  
Johnson City, New York - March 19, 2004

**Norman Development Group, L.L.C.**  
3101 Shipper Road P.O. Box 678  
Verdi, New York 13851  
Phone: (607) 770-0155  
Fax: (607) 777-9464  
[www.normandevelopment.com](http://www.normandevelopment.com)



EXHIBIT 6

LEGAL DESCRIPTION OF THE PROPERTY

Tract 1

ALL THAT TRACT OR PARCEL OF LAND, situate in Johnson City (formerly village of Lestershire) county of Broome and state of New York, bounded and described as follows, viz: commencing at a point in the east line of Lester Avenue where it is intersected by the north line of lands of the Erie Railroad; thence northerly along the east line of Lester Avenue to a point where the said east line of Lester Avenue is intersected by the south line of a street or highway running northeasterly between the premises herein conveyed and premises formerly owned by Ezekiel Cary and now known as premises of the Francis estate; thence northeasterly along the south line of said street or highway to a point where the said south line intersects the westerly line of a portion of the premises of the said Francis estate, lying south of said street or highway thence south along the west line of said premises of said Francis estate to the southwest corner thereof; thence easterly along the south line of the premises of said Francis estate to the southwesterly line of a street or highway extending southerly from the street or highway above mentioned, and along the easterly side said premises of said Francis estate; thence along said southwesterly line of said street or highway to the easterly boundary line of the premises formerly known as the Wells & Brigham Brickyard premises, being upon or near the division line between the village of Lestershire and the City of Binghamton; thence southerly along said boundary line to the north line of lands of the Erie Railroad; thence northwesterly along said north line of said Erie Railroad to the place of beginning, containing thirty (30) acres, more or less; also all the right, title and interest of the parties of the first part in and to the streets and highways adjoining the said premises to the center line thereof.

Tract 2

Together with ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Dickinson, County of Broome, and State of New York, being known and designated as Lot No. One Hundred Thirty-four (134) on a map of the "Glenwood Tract", so called, recorded in Broome County Clerk's Office in book of Maps No. 1, at pages 358 and 359, to which reference is had for a more particular description. Said Lot No. 134, is situate on the west side of Lake Avenue and being a portion of the same premises conveyed by deed dated October 22, 1918, and recorded in Broome County Clerk's Office October 31, 1918, in Liber 283 of Deeds, at page 198.

Tract 3

Together with ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Binghamton, County of Broome and State of New York, situate north of and adjoining property of the Erie Railroad Company which in its dimensions, according to a map recorded in Broome County Clerk's Office in Book of Maps No. 1, at Pages 358 and 359, is described as follows: --Commencing at a point being the intersection of the northerly line of the Erie Railroad property and the westerly line or limits of the City of Binghamton aforesaid; running thence in an easterly direction a distance of five hundred thirty-five (535) feet to a point; thence at an angle in a northerly direction a distance of one hundred forty-nine (149) feet to a point, which said point is located on the southerly line of the tier of lots fronting on the southerly side line of lots fronting on Lake Avenue, a distance of five hundred ninety-seven and sixty-five one-hundredths (597.65) feet to a point on the westerly line or limits of the City of Binghamton aforesaid; thence southeasterly at an interior angle a distance of one hundred twenty-two (122) feet to the point or place of beginning.

Also Lot Number Two Hundred One (201) as shown upon said map aforesaid, being fifty (50) feet in width, front and rear and one hundred (100) feet in depth.

Also Lot Number One Hundred Forty-Nine (149) as shown on said map aforesaid said lot is fifty (50) feet wide, front and rear; ninety and fifty one-hundredths (90.50) feet deep on the easterly side and about eighty-three and eighty-four one-hundredths (83.84) feet deep on the westerly side, both of which said lots adjoin the premises first hereinafter described and front upon Lake Avenue as shown on said map.

EXCEPTING from all three tracts described above, those premises conveyed to Michael Hudy, Lillian Hudy, Emery Hudy, Sr. and Pauline Hudy by deed recorded September 5, 1945 in Liber 555 of Deeds at Page 554; also excepting those premises conveyed to Walter W. Prospect and Mary M. Prospect by deed recorded December 17, 1962 in Liber 1061 of deeds at Page 247 ; also excepting those premises conveyed to John J. Rudy, Robert W. Rudy and Edward J. Rudy by deed recorded June 2, 1966 in Liber 1105 of Deeds at Page 656; also excepting those premises conveyed to Thorne Real Estate, Inc. by deed recorded in Liber 1115 of Deeds at Page 724.

Also excepting from all three tracts described above, those premises appropriated by the People of the State of New York by Notices of Appropriation recorded January 7, 1969 in Liber 1142 of Deeds at Page 846 and recorded June 19, 1985 in Liber 1456 of Deeds at Page 48.

The above property may also be described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Binghamton, Village of Johnson City, and Town of Dickinson, in the County of Broome, and State of New York, bounded and described as follows;

BEGINNING at a point located in the Village of Johnson City, in the Easterly street line of Lester Avenue at the intersection with the Northerly right-of-way line of the lands now or formerly of Conrail, said point being South 06 degrees 43 minutes 07 seconds West a distance of 664.06 feet from the intersection of the projection of the Easterly street line of Lester Avenue and the projection of the southerly street line of CFJ Boulevard, and running

THENCE North 07 degrees 35 minutes 32 seconds East, as the needle pointed in February of 1993, along the Easterly street line of Lester Avenue, a distance of 47.00 feet to a point;

THENCE North 50 degrees 01 minutes 42 seconds East along the Easterly line of Lester Avenue, a distance of 47.42 feet to a point;

THENCE North 01 degrees 14 minutes 34 seconds West along the Easterly street line of Lester Avenue, a distance of 177.78 feet to a point;

THENCE North 05 degrees 25 minutes 17 seconds East along the Easterly street line of Lester Avenue, a distance of 145.15 feet to a point;

THENCE South 84 degrees 34 minutes 53 seconds East along a Southerly line of the premises conveyed to the Village of Johnson City by deed dated July 16, 1968 and recorded July 17, 1968 in the Broome County Clerk's Office in Book 1136 of Deeds at Page 283, a distance of 84.65 feet to a point;

THENCE along a curve to the right, having a radius of 150.00 feet, along a Southerly line of said premises conveyed to the Village of Johnson City, an arc distance of 40.24 feet to a point;

THENCE South 69 degrees 12 minutes 53 seconds East along a Southerly line of said premises conveyed to the Village of Johnson City, a distance of 48.09 feet to a point;

THENCE along a curve to the right, having a radius of 825.12 feet along a Southerly line of said premises conveyed to the Village of Johnson City, an arc distance of 136.32 feet to a point;

THENCE South 59 degrees 44 minutes 53 seconds East along a Southerly line of said premises conveyed to the Village of Johnson City, a distance of 121.68 feet to a point;

THENCE North 32 degrees 49 minutes 07 seconds East along an Easterly line of said premises conveyed to the Village of Johnson City, a distance of 222.00 feet to a point;

THENCE North 48 degrees 06 minutes 07 seconds East along an Easterly line of said premises conveyed to the Village of Johnson City, a distance of 130.31 feet to a point;

THENCE North 40 degrees 34 minutes 07 seconds East along an Easterly line of said premises conveyed to the Village of Johnson City, a distance of 181.09 feet to a point;

THENCE North 11 degrees 29 minutes 53 seconds West along an Easterly line of said premises conveyed to the Village of Johnson City, a distance of 20.84 feet to an iron found;

THENCE North 38 degrees 25 minutes 53 seconds West along an Easterly line of said premises conveyed to the Village of Johnson City, a distance of 101.50 feet to a point in the Southerly street line of CFJ Boulevard;

THENCE South 73 degrees 24 minutes 23 seconds East along the Southerly street line of CFJ Boulevard, a distance of 63.70 feet to a point;

THENCE North 79 degrees 45 minutes 17 seconds East along the Southerly street line of CFJ Boulevard, a distance of 94.82 feet to a point;

THENCE South 76 degrees 02 minutes 25 seconds East along the Southerly street line of CFJ Boulevard, a distance of 369.03 feet to a point;

THENCE along a non-tangent curve toward the Northeast, having a radius of 50.00 feet, along the Southerly street line of CFJ Boulevard, an arc distance of 49.76 feet to a point on the line between the Village of Johnson City on the west and the Town of Dickinson on the east, said arc having a chord bearing of North 42 degrees 07 minutes 30 seconds East, and a chord distance of 47.73 feet;

THENCE South 07 degrees 15 minutes 12 seconds West along the line of the Village of Johnson City on the West and the Town of Dickinson on the East, a distance of 553.28 feet to a point;

THENCE South 82 degrees 44 minutes 48 seconds East into the Town of Dickinson, a distance of 120.00 feet to a point in the Westerly street line of Market Street;

THENCE South 07 degrees 15 minutes 12 seconds West along the Westerly street line of Market Street, a distance of 28.00 feet to a point;

THENCE North 82 degrees 44 minutes 48 seconds West, a distance of 120.00 feet to a point on the line between the Village of Johnson City on the West and the Town of Dickinson on the East;

THENCE South 07 degrees 15 minutes 12 seconds West along the line between the Village of Johnson City on the West and the Town of Dickinson on the East and then the City of Binghamton on the East, a distance of 943.58 feet to an iron found;

THENCE South 44 degrees 23 minutes 31 seconds East into the City of Binghamton, a distance of 95.98 feet to an iron found;

THENCE North 39 degrees 24 minutes 06 seconds East, a distance of 84.07 feet to an iron found in the Southerly street line of Lake Avenue;

THENCE South 51 degrees 57 minutes 31 seconds East along the Southerly street line of Lake Avenue, a distance of 45.00 feet to an iron found;

THENCE South 39 degrees 24 minutes 06 seconds West, a distance of 90.03 feet to an iron found;

THENCE South 44 degrees 23 minutes 31 seconds East, a distance of 77.43 feet through an iron found, to a point;

THENCE South 51 degrees 57 minutes 31 seconds East, a distance of 168.00 feet to a point;

THENCE North 39 degrees 24 minutes 06 seconds East, a distance of 100.23 feet to an iron found in the Southerly street line of Lake Avenue;

THENCE South 51 degrees 57 minutes 31 seconds East along the Southerly street line of Lake Avenue, a distance of 50.00 feet to a point;

THENCE South 39 degrees 24 minutes 06 seconds West, a distance of 100.23 feet to a point;

THENCE South 51 degrees 57 minutes 31 seconds East, a distance of 165.00 feet to an iron found;

THENCE South 40 degrees 18 minutes 29 seconds West, a distance of 140.62 feet to a point in the Northerly line of the right-of-way of land now or formerly of Conrail;

THENCE North 44 degrees 50 minutes 25 seconds West along the Northerly line of said Conrail, a distance of 530.20 feet to a point;

THENCE South 06 degrees 37 minutes 00 seconds West along the Northerly right-of-way line of said Conrail, a distance of 3.84 feet to a point;

THENCE North 44 degrees 50 minutes 25 seconds West in the City of Binghamton and then in the Village of Johnson City along the Northerly right-of-way line of said Conrail, a distance of 590.94 feet to a point in the Village of Johnson City;

THENCE along a curve to the left, having a radius of 3852.83 feet, along the Northerly right-of-way line of said Conrail, an arc distance of 826.81 feet to the point or place of beginning.

SUBJECT TO all easements, covenants and restrictions of record.



EXHIBIT

7

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Binghamton, Village of Johnson City, and Town of Dickinson, in the County of Broome, and State of New York, bounded and described as follows;

BEGINNING at a point located in the Village of Johnson City, in the Easterly street line of Lester Avenue at the intersection with the Northerly right-of-way line of the lands now or formerly of Conrail, said point being South 06 degrees 43 minutes 07 seconds West a distance of 664.06 feet from the intersection of the projection of the Easterly street line of Lester Avenue and the projection of the southerly street line of CFJ Boulevard, and running

THENCE North 07 degrees 35 minutes 32 seconds East, as the needle pointed in February of 1993, along the Easterly street line of Lester Avenue, a distance of 47.00 feet to a point;

THENCE North 50 degrees 01 minutes 42 seconds East along the Easterly line of Lester Avenue, a distance of 47.42 feet to a point;

THENCE North 01 degrees 14 minutes 34 seconds West along the Easterly street line of Lester Avenue, a distance of 177.78 feet to a point;

THENCE North 05 degrees 25 minutes 17 seconds East along the Easterly street line of Lester Avenue, a distance of 145.15 feet to a point;

THENCE South 84 degrees 34 minutes 53 seconds East along a Southerly line of the premises conveyed to the Village of Johnson City by deed dated July 16, 1968 and recorded July 17, 1968 in the Broome County Clerk's Office in Book 1136: pf Deeds at Page 283, a distance of 84.65 feet to a point;

THENCE along a curve to the right, having a radius of 150.00 feet, along a Southerly line of said premises conveyed to the Village of Johnson City, an arc distance of 40.24 feet to a point;

THENCE South 69 degrees 12 minutes 53 seconds East along a Southerly line of said premises conveyed to the Village of Johnson City, a distance of 48.09 feet to a point;

THENCE along a curve to the right, having a radius of 825.12 feet along a Southerly line of said premises conveyed to the Village of Johnson City, an arc distance of 136.32 feet to a point;

THENCE South 59 degrees 44 minutes 53 seconds East along a Southerly line of said premises conveyed to the Village of Johnson City, a distance of 121.68 feet to a point;

THENCE North 32 degrees 49 minutes 07 seconds East along an Easterly line of said premises conveyed to the Village of Johnson City, a distance of 222.00 feet to a point;

THENCE North 48 degrees 06 minutes 07 seconds East along an Easterly line of said premises conveyed to the Village of Johnson City, a distance of 130.31 feet to a point;

THENCE North 40 degrees 34 minutes 07 seconds East along an Easterly line of said premises conveyed to the Village of Johnson City, a distance of 181.09 feet to a point;

THENCE North 11 degrees 29 minutes 53 seconds West along an Easterly line of said premises conveyed to the Village of Johnson City, a distance of 20.84 feet to an iron found;

THENCE North 38 degrees 25 minutes 53 seconds West along an Easterly line of said premises conveyed to the Village of Johnson City, a distance of 101.50 feet to a point in the Southerly street line of CFJ Boulevard;

THENCE South 73 degrees 24 minutes 23 seconds East along the Southerly street line of CFJ Boulevard, a distance of 63.70 feet to a point;

THENCE North 79 degrees 45 minutes 17 seconds East along the Southerly street line of CFJ Boulevard, a distance of 94.82 feet to a point;

THENCE South 76 degrees 02 minutes 25 seconds East along the Southerly street line of CFJ Boulevard, a distance of 369.03 feet to a point;

THENCE along a non-tangent curve toward the Northeast, having a radius of 50.00 feet, along the Southerly street line of CFJ Boulevard, an arc distance of 49.76 feet to a point on the line between the Village of Johnson City on the west and the Town of Dickinson on the east, said arc having a chord bearing of North 42 degrees 07 minutes 30 seconds East, and a chord distance of 47.73 feet;

THENCE South 07 degrees 15 minutes 12 seconds West along the line of the Village of Johnson City on the West and the Town of Dickinson on the East, a distance of 553.28 feet to a point;

THENCE South 82 degrees 44 minutes 48 seconds East into the Town of Dickinson, a distance of 120.00 feet to a point in the Westerly street line of Market Street;

THENCE South 07 degrees 15 minutes 12 seconds West along the Westerly street line of Market Street, a distance of 28.00 feet to a point;

THENCE North 82 degrees 44 minutes 48 seconds West, a distance of 120.00 feet to a point on the line between the Village of Johnson City on the West and the Town of Dickinson on the East;

THENCE South 07 degrees 15 minutes 12 seconds West along the line between the Village of Johnson City on the West and the Town of Dickinson on the East and then the City of Binghamton on the East, a distance of 943.58 feet to an iron found;

THENCE South 44 degrees 23 minutes 31 seconds East into the City of Binghamton, a distance of 95.98 feet to an iron found;

THENCE North 39 degrees 24 minutes 06 seconds East, a distance of 84.07 feet to an iron found in the Southerly street line of Lake Avenue;

THENCE South 51 degrees 57 minutes 31 seconds East along the Southerly street line of Lake Avenue, a distance of 45.00 feet to an iron found;

THENCE South 39 degrees 24 minutes 06 seconds West, a distance of 90.03 feet to an iron found;

THENCE South 44 degrees 23 minutes 31 seconds East, a distance of 77.43 feet through an iron found, to a point;

THENCE South 51 degrees 57 minutes 31 seconds East, a distance of 168.00 feet to a point;

THENCE North 39 degrees 24 minutes 06 seconds East, a distance of 100.23 feet to an iron found in the Southerly street line of Lake Avenue;

THENCE South 51 degrees 57 minutes 31 seconds East along the Southerly street line of Lake Avenue, a distance of 50.00 feet to a point;

THENCE South 39 degrees 24 minutes 06 seconds West, a distance of 100.23 feet to a point;

THENCE South 51 degrees 57 minutes 31 seconds East, a distance of 165.00 feet to an iron found;

THENCE South 40 degrees 18 minutes 29 seconds West, a distance of 140.62 feet to a point in the Northerly line of the right-of-way of land now or formerly of Conrail;

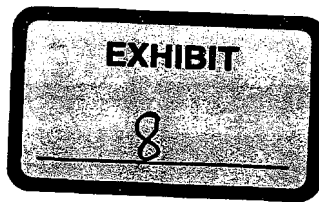
THENCE North 44 degrees 50 minutes 25 seconds West along the Northerly line of said Conrail, a distance of 530.20 feet to a point;

THENCE South 06 degrees 37 minutes 00 seconds West along the Northerly right-of-way line of said Conrail, a distance of 3.84 feet to a point;

THENCE North 44 degrees 50 minutes 25 seconds West in the City of Binghamton and then in the Village of Johnson City along the Northerly right-of-way line of said Conrail, a distance of 590.94 feet to a point in the Village of Johnson City;

THENCE along a curve to the left, having a radius of 3852.83 feet, along the Northerly right-of-way line of said Conrail, an arc distance of 826.81 feet to the point or place of beginning.

SUBJECT TO all easements, covenants and restrictions of record.



DAVID MARNICKI, PE&LS  
317 Front Street  
Vestal, NY 13850-1515

(607) 748-7379

SURVEYOR'S DESCRIPTION  
NYSE&G EASEMENT

ALL THAT TRACT OR PARCEL OF LAND situate in the Village of Johnson City, County of Broome, State of New York, bounded and described as follows:

BEGINNING at a point at the southwest corner of the premises, said point being located at the intersection of the easterly street line of Lester Avenue and the northerly line of Conrail;

THENCE North 07 degrees 35 minutes 32 seconds East along the easterly street line of Lester Avenue a distance of 47.22 feet to a point;

THENCE North 50 degrees 01 minutes 42 seconds East along the easterly street line of Lester Avenue a distance of 7.60 feet to a point;

THENCE Easterly by a curve to the south having a radius of 3902.83 feet an arc distance of 788.74 feet to a point;

THENCE North 40 degrees 23 minutes 40 seconds East along the outside face of a building a distance of 24.97 feet to a point;

THENCE South 49 degrees 36 minutes 20 seconds East along the outside face of a building a distance of 33.00 feet to a point;

THENCE North 40 degrees 23 minutes 40 seconds East along the outside face of a building a distance of 49.20 feet to a point;

THENCE South 49 degrees 36 minutes 20 seconds East along the outside face of a building a distance of 17.30 feet to a point;

THENCE South 40 degrees 23 minutes 40 seconds West along the outside face of a building a distance of 20.50 feet to a point;

THENCE South 49 degrees 36 minutes 20 seconds East along the outside face of a building a distance of 185.70 feet to a point;

THENCE North 40 degrees 23 minutes 40 seconds East along the outside face of a building a distance of 23.50 feet to a point;

THENCE South 49 degrees 36 minutes 20 seconds East along the outside face of a building a distance of 26.00 feet to a point;

THENCE South 40 degrees 23 minutes 40 seconds West along the outside face of a building a distance of 2.00 feet to a point;

THENCE South 49 degrees 36 minutes 20 seconds East along the outside face of a building a distance of 75.00 feet to a point;

THENCE South 40 degrees 23 minutes 40 seconds West along the outside face of a building a distance of 102.69 feet to a point;

THENCE South 44 degrees 50 minutes 25 seconds East a distance of 210.26 feet to a point;

THENCE North 07 degrees 15 minutes 12 seconds East a distance of 573.98 feet to a point;

THENCE North 82 degrees 44 minutes 48 seconds West a distance of 25.00 feet to a point;

THENCE North 07 degrees 15 minutes 12 seconds East a distance of 60.00 feet to a point;

THENCE South 82 degrees 44 minutes 48 seconds East a distance of 25.00 feet to a point;

THENCE North 07 degrees 15 minutes 12 seconds East a distance of 358.71 feet to a point;

THENCE South 82 degrees 44 minutes 48 seconds East partially along land N/F Podlinsek a distance of 170.00 feet to a point;

THENCE South 07 degrees 15 minutes 12 seconds West along the westerly street line of Market Street a distance of 28.00 feet to a point;

THENCE North 82 degrees 44 minutes 48 seconds West along land N/F Kotasek a distance of 120.00 feet to a point;

THENCE South 07 degrees 15 minutes 12 seconds West along the Village of Johnson City line a distance of 1066.99 feet to a point;

THENCE North 44 degrees 50 minutes 25 seconds West along the northerly line of Conrail a distance of 583.97 feet to a point;

THENCE Westerly by a curve to the south having a radius of 3852.83 feet along the northerly line of Conrail an arc distance of 826.81 feet to the point or place of beginning containing 150,143 square feet or 3.45 acres as surveyed by David Marnicki, NYLS 49903 on March 26, 2004.

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USGS Johnson City, New York, United States 03 May 1994



Image courtesy of the U.S. Geological Survey  
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# Exhibit 10

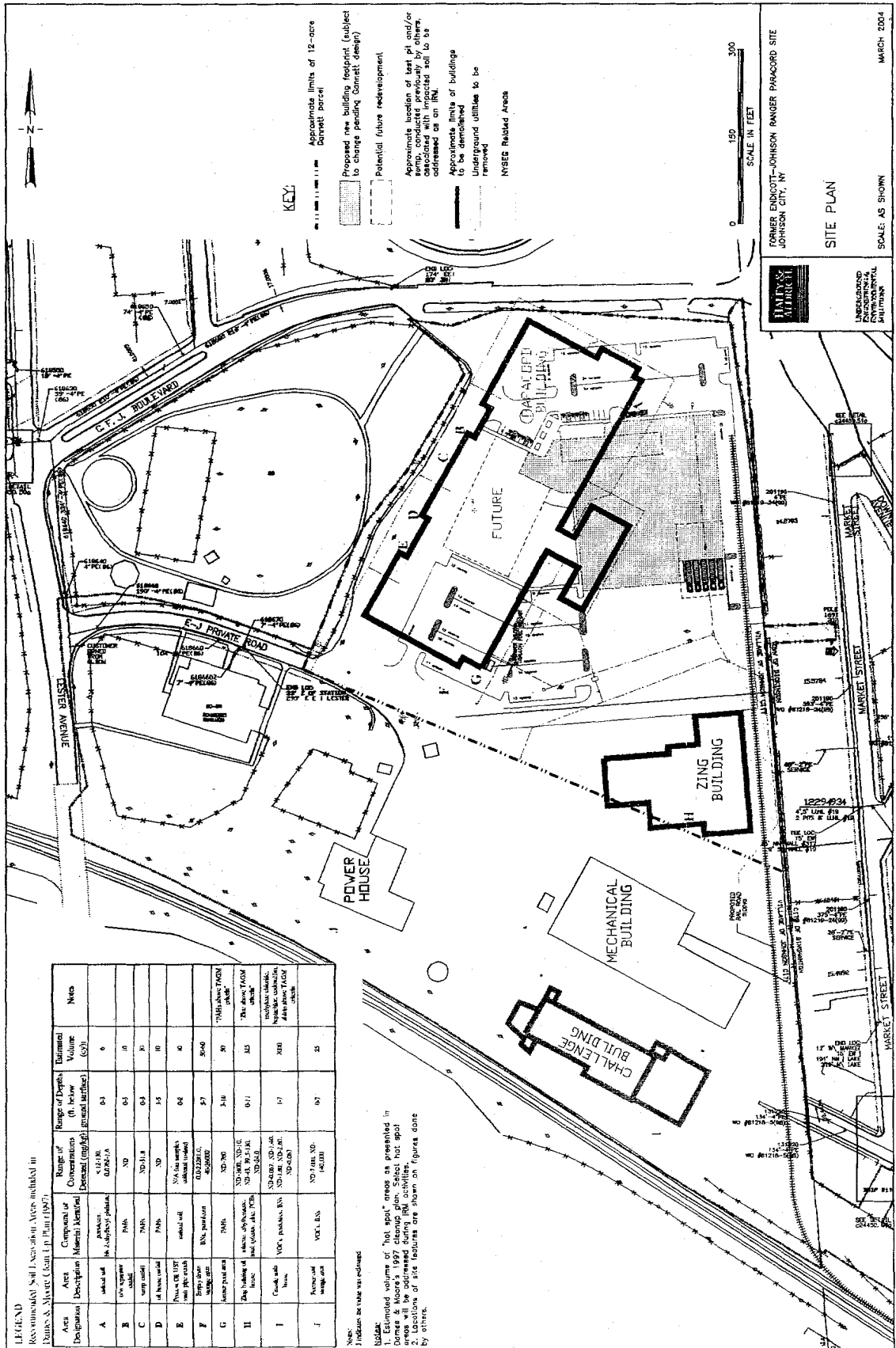




Exhibit 11

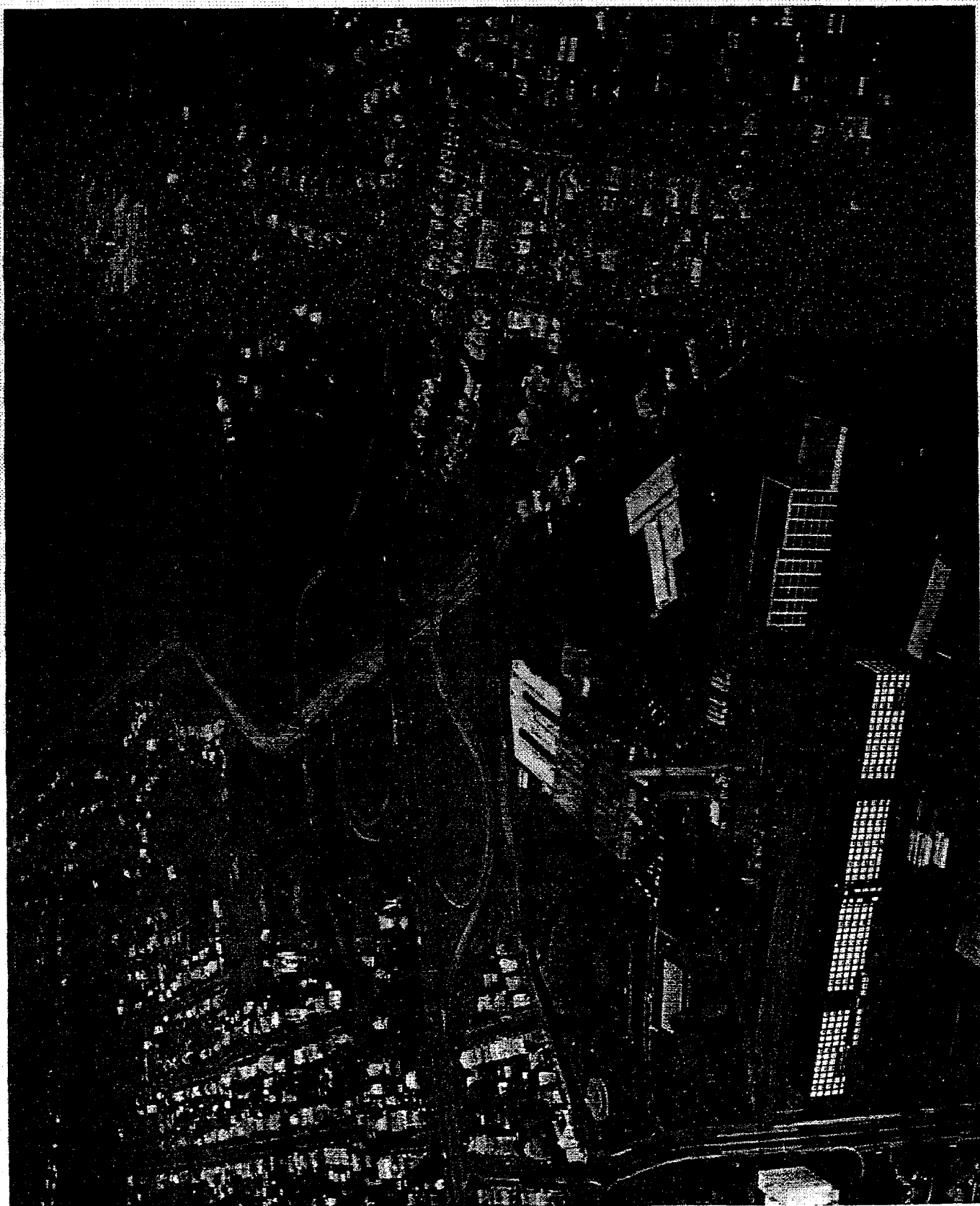


Exhibit 12

