

# New York State Department of Environmental Conservation

## Division of Environmental Remediation

Office of the Director, 12th Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 • Fax: (518) 402-9020

Website: [www.dec.ny.gov](http://www.dec.ny.gov)

NOV 12 2014



Joe Martens  
Commissioner

IBM Corporation  
Attn: Mr. Thomas Morris  
Route 100, Building 2  
Somers NY, 10589

Re: Certificate of Completion  
Site Name: IBM Gun Club Burn Pit  
Site No. C704044  
Town of Union, Broome County, NY

Dear Mr. Morris:

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

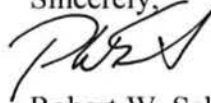
Please note that you are required to perform the following tasks:

- If you are the site owner, you must record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC 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 of COC is recorded within the time frame specified. A standard notice form is attached to this letter;
- Place the notice of the COC in the document repository for the site within 10 days of issuance of the COC;
- Implement the DEC-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 DEC 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 DEC in March, 2016; and
- You and your lessees must submit an annual report to the New York State Department of Taxation and Finance within one year and for each of the following eleven years after the execution of the Brownfield Site Cleanup Agreement. The Report must provide the information required by Chapter 390 of the Laws of 2008, Tax Law Section 171-s.

DEC will prepare and distribute to the Site Contact List a Fact Sheet describing the institutional and engineering controls that are required at the site.

If you have any questions regarding any of these items, please contact the project manager for this site, Jonathan Greco at (518) 402-9694.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

cc: Kevin Whalen, IBM Corp ([whalen@us.ibm.com](mailto:whalen@us.ibm.com))  
Peter Putignano, IBM Corp. ([pputig@us.ibm.com](mailto:pputig@us.ibm.com))  
Krista Anders, DOH  
Bridgette Boyd, DOH  
Maureen Shuck, DOH  
Michael Ryan, DEC  
Robert Cozzy, DEC  
Janet Brown, DEC  
Jonathan Greco, DEC  
Harry Warner, DEC  
Margaret Sheen, DEC  
Benjamin Conlon, DEC  
Andrew Guglielmi, DEC

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

**CERTIFICATE HOLDER(S):**

Name	Address
IBM Corporation	RT. 100, BLDG. 2, Somers, NY 10589

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 6/7/04 **Agreement Execution:** 8/22/05 **Agreement Index No.:**B7-0661-04-05

**Application Approval Amendment:** 3/22/12 **Agreement Execution Amendment:** 4/26/12

**SITE INFORMATION**

**Site No.:** C704044 **Site Name:** IBM Gun Club, Burn Pit  
**Site Owner:** IBM Corporation  
**Street Address:** Robinson Hill Road  
**Municipality:** Union **County:** Broome **DEC Region:** 7  
**Site Size:** 15.590 Acres  
**Tax Map Identification Number(s):** 126.18-1-20  
**Percentage of site located in an EnZone:** 0 - 49 %

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:** Residential as described in 6 NYCRR Part 375-1.8(g)(2)(i), Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii), Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv), except for the portion of the Controlled Property consisting of 2.060 acres described in Schedule A, which may be used for Restricted Residential, Commercial, and Industrial Uses but not Residential Use.

**Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:**

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 12 %.  
Tangible Property Credit Component Rate is 12 %.

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

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 10 %.  
Tangible Property Credit Component Rate is 10 %.

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 Broome County as 201400035835.

#### **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 received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Joseph J. Martens  
Commissioner  
New York State Department of Environmental Conservation

By:  Date: November 12, 2014  
Robert W. Schick, P.E., Director  
Division of Environmental Remediation

**NOTICE OF CERTIFICATE OF COMPLETION**

**Brownfield Cleanup Program**

**6 NYCRR Part 375-1.9(d)**

**IBM Gun Club Burn Pit, Site ID No. C704044**

**Robinson Hill Road, Town of Union, NY 13760**

**Town of Union, Broome County, Tax Map Identification Number 126.18-1-20**

**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 the IBM Corporation for a parcel approximately 15.95 acres located on Robinson Hill Road in the Town of Union, Broome County, NY.

**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):

**The Controlled Property may be used for:**

**Residential as described in 6 NYCRR Part 375-1.8(g)(2)(i), Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii), Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv), except for the portion of the Controlled Property consisting of 2.060 acres described in Schedule A, which may be used for Restricted Residential, Commercial, and Industrial Uses but not Residential Use.**

Further, 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 Broome County as **Control No. 201400035835**.

**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

**IBM Gun Club Burn Pit, Site #C704044, Robinson Hill Rd., Union, NY**

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.

**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**, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

**PLEASE TAKE NOTICE**, the Certificate may be only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by 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**, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 7 offices, located at 615 Erie Blvd. West, Syracuse, NY 13204 by contacting the Regional Environmental Remediation Engineer.

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

*(Applicant)*

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF NEW YORK        ) SS:  
COUNTY OF                )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Signature and Office of individual  
taking acknowledgment

**Please record and return to:**  
IBM Corporation  
Route 100, Building 2  
Somers NY, 10589  
ATTN: Mr. Thomas Morris



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
 Site Management Form  
 11/10/2014



**SITE DESCRIPTION**

**SITE NO.** C704044

**SITE NAME** IBM Gun Club, Burn Pit

**SITE ADDRESS:** Robinson Hill Road      **ZIP CODE:** 13760

**CITY/TOWN:** Union

**COUNTY:** Broome

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

**SITE MANAGEMENT DESCRIPTION**

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Monitoring Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Periodic Review Frequency: once a year	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Periodic Review Report Submitted Date: 03/30/2016		

**Description of Institutional Control**

**IBM Corp.**  
 RT. 100, BLDG 2  
**Robinson Hill Road**  
 Environmental Easement  
 Block: 1  
 Lot: 20  
 Sublot:  
 Section: 126  
 Subsection: 18  
 S\_B\_L Image: 126.18-1-20  
 Ground Water Use Restriction  
 Landuse Restriction  
 Monitoring Plan  
 O&M Plan  
 Site Management Plan  
 Soil Management Plan

**Description of Engineering Control**

**IBM Corp.**

RT. 100, BLDG 2

**Robinson Hill Road**

Environmental Easement

Block: 1

Lot: 20

Sublot:

Section: 126

Subsection: 18

S\_B\_L Image: 126.18-1-20

Cover System

Fencing/Access Control

Groundwater Treatment System



**SCHEDULE "A" PROPERTY DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Union, County of Broome, State of New York, being a portion of the property now or formerly of International Business Machines Corporation described in L. 445 P. 291 as recorded in the Broome County Clerk's Office on February 15, 1935 (TM# 126.18-1-20), bounded and described as follows:

BEGINNING at a 5/8 inch rebar capped "KEYSTONE BING NY" (KEYSTONE capped rebar) on the westerly boundary of Robinson Hill Road at its intersection with the division line between the property now or formerly of Binghamton Country Club per L. 302 P. 432 (TM# 142.06-2-3) on the south and International Business Machines Corporation (IBM) per L. 445 P. 291 (TM# 126.18-1-20) on the north;

RUNNING THENCE S86°13'10"W along said division line, a distance of 1102.57 feet to a 3/4 inch rebar; thence through said IBM the following five (5) courses and distances:

- 1) N16°11'56"E, a distance of 457.00 feet to a 3/4 inch rebar;
- 2) N26°46'43"E, a distance of 191.00 feet to a 3/4 inch rebar;
- 3) N58°30'47"E, a distance of 260.00 feet to a 3/4 inch rebar;
- 4) N80°26'19"E, a distance of 271.00 feet to a 3/4 inch rebar;
- 5) S89°43'09"E, a distance of 347.00 feet to a 3/4 inch rebar at its intersection with said westerly boundary of Robinson Hill Road; thence along said Robinson Hill Road the following two (2) courses and distances:
  - 1) On a curve to the left having a radius of 939.50 feet, an arc length of 177.04 feet to a point, the last mentioned curve being subtended by a chord having a bearing of S00°01'13"W and a length of 176.78 feet;
  - 2) S05°22'42"E, a distance of 541.39 feet to the POINT OF BEGINNING.

The above described parcel contains 679,126 square feet or 15.591 acres, more or less.

The above described parcel is subject to an easement granted to New York Telephone Company as recorded in the Broome County Clerk's Office in L. 490 P. 404.

The above described parcel is subject to any and all easements of record and/or as found in the field.

Within the above-described tract or parcel of land consisting of 15.591 acres there is another area of land cleaned pursuant to a "Track 4" cleanup as defined by 6 NYCRR 375-1.8(g), which is described as follows:

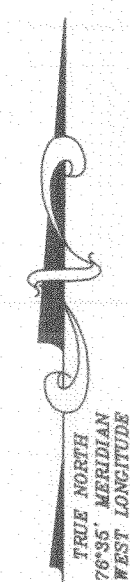
ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Union, County of Broome, State of New York, being a portion of the property now or formerly of International Business Machines Corporation described in L. 445 P. 291 as recorded in the Broome County Clerk's Office on February 15, 1935 (TM# 126.18-1-20), bounded and described as follows:

COMMENCING, at a 5/8 inch rebar on the westerly boundary of Robinson Hill Road at its intersection with the division line between the property now or formerly of Binghamton Country Club per L. 302 P. 432 (TM# 142.06-2-3) on the south and International Business Machines Corporation (IBM) per L. 445 P. 291 (TM# 126.18-1-20) on the north; thence N79°23'05"W through said IBM, a distance of 362.51 feet to a bollard;

RUNNING THENCE through said IBM the following ten (10) courses and distances:

- 1) N89°50'45"W, a distance of 174.79 feet to a bollard;
- 2) N89°51'25"W, a distance of 175.65 feet to a bollard;
- 3) N00°06'49"E, a distance of 134.44 feet to a bollard;
- 4) N00°21'33"E, a distance of 134.29 feet to a bollard;
- 5) N89°52'05"E, a distance of 119.56 feet to a bollard;
- 6) S01°09'29"E, a distance of 21.18 feet to a bollard;
- 7) N89°49'03"E, a distance of 113.71 feet to a bollard;
- 8) S89°36'57"E, a distance of 116.83 feet to a bollard;
- 9) S00°06'11"W, a distance of 124.37 feet to a bollard;
- 10) S00°26'53"W, a distance of 124.30 feet to the POINT OF BEGINNING.

The above described parcel contains 89,752 square feet or 2.060 acres, more or less.



- LEGEND**
- MONUMENT FOUND AND NOTED
  - NOW OR FORMERLY
  - TM# TAX MAP NUMBER
  - (NSZ02'W) BEARINGS & DISTANCES PER DEED
  - PROPERTY LINE
  - UTILITY POLE
  - UNDERGROUND UTILITIES
  - CLEAN OUT
  - MONITORING WELL
  - BOLLARD (DEED RESTRICTION BOUNDARY MONUMENT)
  - DEED RESTRICTION BOUNDARY MONUMENT WITH SIGNAGE
  - CHAIN LINK FENCE
  - TREE LINE
  - ▨ ASPHALT PATCH
  - ▨ GRAVEL HATCH

**SURVEYOR'S DESCRIPTION - DEED RESTRICTION ASSOCIATED WITH TRACK & CLEANUP AREA AS DEFINED BY THE NYS PART 175-1.76(a) THAT MAY BE USED FOR RESTRICTED RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USES, AND SOIL EXCAVATION OF ANY KIND IS RESTRICTED UNDER THE SITE MANAGEMENT PLAN (SEE DEED RESTRICTION LEGEND BELOW) - 2.066± ACRES**

**COMMENCING** at a 5/8 inch rebar on the westerly boundary of Robinson Hill Road at its intersection with the division line between the property now or formerly of International Business Machines Corporation described in L. 445 P. 291 as recorded in the Broome County Clerk's Office on February 15, 1935 (TM# 126.18-1-20), bounded and described as follows:

- RUNNING THENCE** through said IBM the following ten (10) courses and distances:
- 1) N89°50'45"W, a distance of 174.79 feet to a bollard;
  - 2) N89°51'25"W, a distance of 175.65 feet to a bollard;
  - 3) N00°06'49"E, a distance of 134.44 feet to a bollard;
  - 4) N00°21'33"E, a distance of 134.29 feet to a bollard;
  - 5) N89°42'02"E, a distance of 119.55 feet to a bollard;
  - 6) S01°09'29"E, a distance of 21.18 feet to a bollard;
  - 7) N89°49'03"E, a distance of 113.71 feet to a bollard;
  - 8) S89°36'57"E, a distance of 116.83 feet to a bollard;
  - 9) S00°08'11"W, a distance of 124.37 feet to a bollard;
  - 10) S00°26'53"W, a distance of 124.30 feet to the POINT OF BEGINNING.

The above described parcel contains 89,752 square feet or 2.066 acres, more or less.

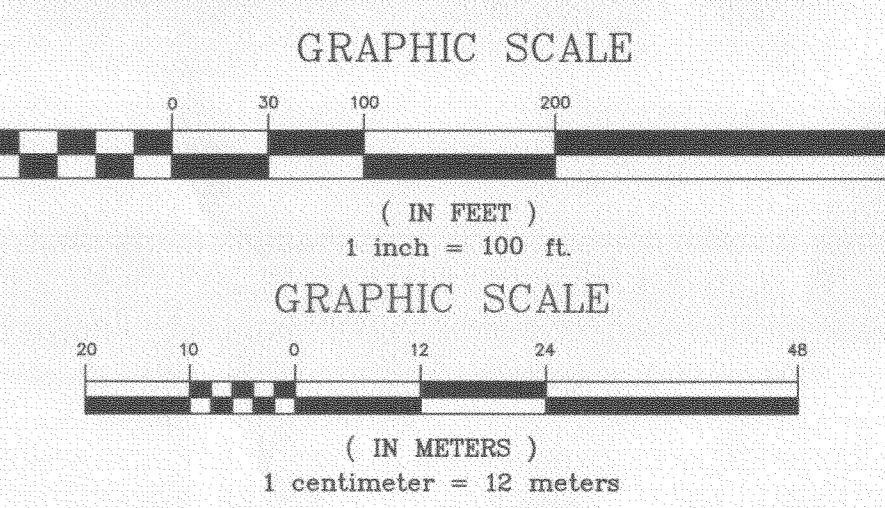
- NOTES**
1. PREMISES SOURCE OF TITLE BEING L. 445 P. 291 RECORDED IN THE BROOME COUNTY CLERK'S OFFICE FEBRUARY 15, 1935.
  2. SUBJECT TO AN EASEMENT GRANTED TO NEW YORK TELEPHONE COMPANY RECORDED IN THE BROOME COUNTY CLERK'S OFFICE IN LIBER 409 PAGE 404 TO CONSTRUCT, MAINTAIN, REPAIR, AND OPERATE UNDERGROUND COMMUNICATION LINES, CONSISTING OF SUCH CABLES, CONDUITS, MANHOLES AND APPURTENANCES. NOT PLOTTED - NO SPECIFIED WIDTH.
  3. SUBJECT TO ANY AND ALL EASEMENTS OF RECORD AND/OR AS FOUND IN THE FIELD.
  4. TITLE REPORT PREPARED BY STEWART TITLE INSURANCE COMPANY, TITLE NO. TA#14(00)169 WITH AN EFFECTIVE DATE OF APRIL 24, 2014 WAS REVIEWED FOR THIS SURVEY.
  5. THE DEED OF RECORD CONTAINS 422.75 ACRES, MORE OR LESS. ONLY LINES THAT STILL EXIST ARE SHOWN ON THIS MAP.

- REFERENCE DATA**
1. MAP ENTITLED "SUBDIVISION MAP, SUBDIVISION NO. 8, CHERRY HILL, TOWN OF UNION-BROOME COUNTY, NEW YORK" PREPARED BY C.J. WINTERSBERGER ON AUGUST 14, 1992 AND FILED IN THE BROOME COUNTY CLERK'S OFFICE IN PLAT CABINET #5 PAGE 42A ON DECEMBER 22, 1992.
  2. MAP ENTITLED "MAP OF A PORTION OF THE I.B.M. COUNTRY CLUB AND THE HOMESTEAD PROPERTY, WATSON BOULEVARD - COUNTRY CLUB ROAD - ROBINSON HILL ROAD - TOWN OF UNION, BROOME COUNTY, N.Y." AS PREPARED BY SHUMAKER ENGINEERING & LAND SURVEYING ON MARCH 19, 2002.
  3. MAP ENTITLED "PRELIMINARY AND FINAL PLAN, WOODLAND HOLLOW SUBDIVISION" PREPARED BY CLARK PATTERSON ASSOCIATES DESIGN PROFESSIONALS ON SEPTEMBER 04, 2002 AND FILED IN THE BROOME COUNTY CLERK'S OFFICE IN PLAT CABINET #5 PAGE 146B ON OCTOBER 30, 2002.
  4. MAP ENTITLED "SURVEY FOR JOSEPH E. & KAREN M. SUWAK AND ALAN S. & SHIRLEY J. CUNDY, TOWN OF UNION, BROOME COUNTY, NEW YORK" PREPARED BY L'VIN PULLIS, L.L.S. AS PROJECT NO. D1584 ON APRIL 21, 2005.
  5. MAP ENTITLED "SURVEY MAP OF LANDS OF INTERNATIONAL BUSINESS MACHINES CORP., TOWN OF UNION, BROOME COUNTY, NEW YORK STATE" PREPARED BY BUTLER LAND SURVEYING, LLC AS FILE NO. 3881 MAP 2290 ON APRIL 25, 2006 AND AMENDED FEBRUARY 9, 2007.

ALL UNDERGROUND UTILITIES ARE APPROXIMATE.  
THE USER OF THIS MAP IS CAUTIONED THAT THE UNDERGROUND UTILITY LOCATIONS ARE NOT GUARANTEED, NOR IS THERE ANY GUARANTEE THAT ALL EXISTING UTILITIES WHETHER FUNCTIONAL OR ABANDONED WITHIN THE PROJECT AREA ARE SHOWN ON THIS DRAWING.

THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES BEFORE STARTING WORK & SHALL BE RESPONSIBLE FOR ALL DAMAGE RESULTING FROM HIS WORK. CONTRACTOR SHALL NOTIFY DIO SAFELY (FORMERLY UFPO) 1-800-962-7962 IN ACCORDANCE WITH 16 NYCRR PART 753.

I hereby certify to THE PEOPLE OF THE STATE OF NEW YORK ACTING THROUGH THEIR COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND TO THE TITLE COMPANY that this survey was prepared in accordance with the current Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. This certification is limited to persons for whom this map is prepared unless the map is updated. Certifications may be transferable to additional institutions or subsequent owners if the map is updated.



**DEED RESTRICTION LEGEND**

- DENOTES SURVEYED LIMITS OF AREA (SEE METES AND BOUNDS DESCRIPTION) WHERE LAND USE AND EXCAVATION ARE DEED RESTRICTED UNDER AN ENVIRONMENTAL EASEMENT WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC). THE LIMITS ARE MARKED IN THE FIELD BY MONUMENTS (○) AND SIGNAGE (□). THE DETAILS ARE PROVIDED IN A SITE MANAGEMENT PLAN FILED WITH THE NEW YORK STATE REGIONAL REMEDIATION ENGINEER FOR SITE NO. C704044.
- SURVEYED LIMITS OF ORANGE MESH SYNTHETIC MARKER LAYER BENEATH 2 FEET OF CLEAN SOIL. FILL PLACED AS AN ENGINEERED CONTROL CAPPING CONTAMINATED SOIL BELIEVED TO BE ASSOCIATED WITH FORMER BURN PIT DISPOSAL AND EXCEEDING STATE OF NEW YORK STANDARDS FOR RESIDENTIAL USE.

PLEASE REFER TO THE ENVIRONMENTAL EASEMENT TEXT AND SITE MANAGEMENT PLAN SECTION 2.3 FOR A DESCRIPTION OF OTHER INSTITUTIONAL CONTROL DEED RESTRICTIONS.

**SURVEYOR'S DESCRIPTION - OVERALL PARCEL - 56.966± Acres**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Union, County of Broome, State of New York, being a portion of the property now or formerly of International Business Machines Corporation described in L. 445 P. 291 as recorded in the Broome County Clerk's Office on February 15, 1935 (TM# 126.18-1-20), bounded and described as follows:

**BEGINNING** at a 5/8 inch rebar on the westerly boundary of Robinson Hill Road at its intersection with the division line between the property now or formerly of Binghamton Country Club per L. 302 P. 432 (TM# 142.06-2-3) on the south and International Business Machines Corporation (IBM) per L. 445 P. 291 (TM# 126.18-1-20) on the north;

**RUNNING THENCE** S86°13'10"W, passing through a 3/4 inch rebar at a distance of 1102.57 feet, a total distance of 1487.10 to a concrete monument at its intersection with the division line between the property now or formerly of Joseph E. Suwak & Karen M. Suwak per L. 2250 P. 52 (TM# 126.18-1-7) on the west and said IBM on the east; thence N03°54'17"W along the last mentioned division line, passing through a 1-1/2 inch iron, along the division line between the property now or formerly of Robert F. Mastro & Therese A. Mastro per L. 1884 P. 1387 (TM# 126.18-1-4) on the west and said IBM on the east and along another division line between said Mastro per L. 1884 P. 1387 (TM# 126.18-1-4) on the north and said IBM on the south, a total distance of 1879.30 feet to a concrete monument at its intersection with the northwesterly boundary of said Robinson Hill Road; thence along said Robinson Hill Road the following four (4) courses and distances:

- 1) S24°12'50"W, a distance of 626.79 feet to a point;
- 2) On a curve to the left having a radius of 939.50 feet, an arc length of 308.18 feet to a 3/4 inch rebar, said curve being subtended by a chord having a bearing of S14°48'58"W and a length of 306.80 feet;
- 3) Continuing on a curve to the left having a radius of 939.50 feet, an arc length of 177.04 feet to a point, the last mentioned curve being subtended by a chord having a bearing of S00°01'13"W and a length of 176.78 feet;
- 4) S05°22'42"E, a distance of 541.39 feet to the POINT OF BEGINNING.

The above described parcel contains 2,481,427 square feet or 56.966 acres, more or less.

**SURVEYOR'S DESCRIPTION - PARCEL A (FORMER SHOOTING RANGE AREA) - 41.375± Acres**  
**THIS AREA NOT SUBJECT TO THE ENVIRONMENTAL EASEMENT**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Union, County of Broome, State of New York, being a portion of the property now or formerly of International Business Machines Corporation described in L. 445 P. 291 as recorded in the Broome County Clerk's Office on February 15, 1935 (TM# 126.18-1-20), bounded and described as follows:

**COMMENCING** at a 5/8 inch rebar on the westerly boundary of Robinson Hill Road at its intersection with the division line between the property now or formerly of Binghamton Country Club per L. 302 P. 432 (TM# 142.06-2-3) on the south and International Business Machines Corporation (IBM) per L. 445 P. 291 (TM# 126.18-1-20) on the north;

**RUNNING THENCE** through said IBM the following five (5) courses and distances:

- 1) N89°43'09"W, a distance of 347.00 feet to a 3/4 inch rebar;
- 2) S89°36'57"E, a distance of 271.00 feet to a 3/4 inch rebar;
- 3) S58°30'47"W, a distance of 260.00 feet to a 3/4 inch rebar;
- 4) S28°48'43"W, a distance of 191.00 feet to a 3/4 inch rebar;
- 5) S16°11'56"W, a distance of 457.00 feet to a 3/4 inch rebar at its intersection with said division line between the Binghamton Country Club on the south and IBM on the north; thence S86°13'10"W along said division line, a distance of 384.53 feet to a concrete monument at its intersection with the division line between the property now or formerly of Joseph E. Suwak & Karen M. Suwak per L. 2250 P. 52 (TM# 126.18-1-7) on the west and said IBM on the east; thence N03°54'17"W along the last mentioned division line, passing through a 1-1/2 inch iron, along the division line between the property now or formerly of Robert F. Mastro & Therese A. Mastro per L. 1884 P. 1387 (TM# 126.18-1-4) on the west and said IBM on the east and along another division line between said Mastro per L. 1884 P. 1387 (TM# 126.18-1-4) on the north and said IBM on the south; thence N86°48'20"E along the last mentioned division line, passing through a 5/8 inch rebar at a distance of 1238.87 feet and along the division line between the property now or formerly of David Hoyer & Susan L. Jenkins per L. 2036 P. 539 (TM# 126.14-2-9) on the north and said IBM on the south, a total distance of 1879.30 feet to a concrete monument at its intersection with the northwesterly boundary of said Robinson Hill Road; thence along said Robinson Hill Road the following two (2) courses and distances:
  - 1) S24°12'50"W, a distance of 626.79 feet to a point;
  - 2) On a curve to the left having a radius of 939.50 feet, an arc length of 308.18 feet to the POINT OF BEGINNING, said curve being subtended by a chord having a bearing of S14°48'58"W and a length of 306.80 feet;

The above described parcel contains 1,802,302 square feet or 41.375 acres, more or less.

**SURVEYOR'S DESCRIPTION - PARCEL B (BURN PIT AREA) - 15.591± Acres**  
**THIS AREA SUBJECT TO THE ENVIRONMENTAL EASEMENT**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Union, County of Broome, State of New York, being a portion of the property now or formerly of International Business Machines Corporation described in L. 445 P. 291 as recorded in the Broome County Clerk's Office on February 15, 1935 (TM# 126.18-1-20), bounded and described as follows:

**BEGINNING** at a 5/8 inch rebar on the westerly boundary of Robinson Hill Road at its intersection with the division line between the property now or formerly of Binghamton Country Club per L. 302 P. 432 (TM# 142.06-2-3) on the south and International Business Machines Corporation (IBM) per L. 445 P. 291 (TM# 126.18-1-20) on the north;

**RUNNING THENCE** S86°13'10"W along said division line, a distance of 1102.57 feet to a 3/4 inch rebar; thence through said IBM the following five (5) courses and distances:

- 1) N16°11'56"E, a distance of 457.00 feet to a 3/4 inch rebar;
- 2) N26°46'43"E, a distance of 191.00 feet to a 3/4 inch rebar;
- 3) N58°30'47"E, a distance of 260.00 feet to a 3/4 inch rebar;
- 4) N89°43'09"W, a distance of 347.00 feet to a 3/4 inch rebar at its intersection with said westerly boundary of Robinson Hill Road; thence along said Robinson Hill Road the following two (2) courses and distances:
- 1) On a curve to the left having a radius of 939.50 feet, an arc length of 308.18 feet to a point, the last mentioned curve being subtended by a chord having a bearing of S00°01'13"W and a length of 176.78 feet;
- 2) S05°22'42"E, a distance of 541.39 feet to the POINT OF BEGINNING.

The above described parcel contains 679,126 square feet or 15.591 acres, more or less.

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 these Easements are set forth in more detail 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 may be obtained from New York State Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at derweb@gw.dec.state.ny.us.

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**NEW YORK STATE**  
TOWN OF UNION  
BROOME COUNTY

**ENVIRONMENTAL EASEMENT DESCRIPTION**  
**INTERNATIONAL BUSINESS MACHINES CORPORATION**  
NYSDEC SITE NO. C704044  
1395 ROBINSON HILL ROAD

SHEET NO.  
**B-1**  
PROJECT NO.  
**2224.10513.A3**  
DATE OF FIELD WORK:  
11/27/13  
DATE OF MAP:  
5/9/2014  
CAD FILE NO.:  
222410513A3-1.dwg