

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director

625 Broadway, 12th Floor, Albany, New York 12233-7011

P: (518) 402-9706 | F: (518) 402-9020

www.dec.ny.gov

DEC 24 2019

Bruce Levine  
3D Development Group L.L.C.,  
Binghamton Northside Limited Partnership,  
and Community Potential, Inc.  
4549 Main Street, Suite 100  
Amherst, NY 14226

Elaine Miller  
Binghamton Northside Housing  
Development Fund Company, Inc.  
35 Exchange Street  
Binghamton, NY 13902

Re: Certificate of Completion  
Former Stow Manufacturing  
Site No.: C704058  
City of Binghamton, Broome County

Dear Mr. Levine:

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

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

- If you are the site owner, you must record 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. A copy of the recorded notice should be provided to the Department's project manager. 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. Please return the proof of recording to:



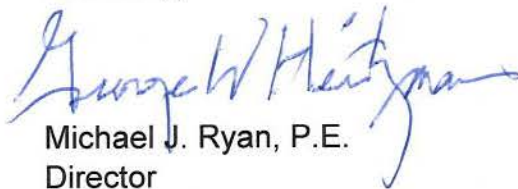
Department of  
Environmental  
Conservation

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

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in April 2021.

If you have any questions regarding any of these items, please contact Gary Priscott at (607) 775-2545 extension 116.

Sincerely,



Michael J. Ryan, P.E.  
Director

Division of Environmental Remediation

ec w/ enclosure:

Elaine Miller, [elaine@binghamtonha.org](mailto:elaine@binghamtonha.org)

John Bohrer-Yardley, Esq., [jbohrer-yardley@chwattys.com](mailto:jbohrer-yardley@chwattys.com)

Dan Noll, [dnoll@labellapc.com](mailto:dnoll@labellapc.com)

Michael Pelychaty, [mpelychaty@labellapc.com](mailto:mpelychaty@labellapc.com)

C. Vooris, NYSDOH

E. O'Neil, NYSDOH

Matt Gokey, [matthew.gokey@tax.ny.gov](mailto:matthew.gokey@tax.ny.gov)

Paul Takac, [paul.takac@tax.ny.gov](mailto:paul.takac@tax.ny.gov)

ec w/o enc.:

G. Priscott

H. Warner

S. Edwards

M. Sheen

K. Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

*CERTIFICATE OF COMPLETION*

**CERTIFICATE HOLDER(S):**

**Name**

**Address**

3D Development Group L.L.C.

4549 Main Street, Suite 100, Amherst, NY 14226

Binghamton Northside Limited Partnership

4549 Main Street, Suite 100, Amherst, NY 14226

Community Potential, Inc.

4549 Main Street, Suite 100, Amherst, NY 14226

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 3/7/17 **Agreement Execution:** 4/18/17

**Agreement Index No.:** C704058-02-17

**Application Approval Amendment:** 10/3/18

**Agreement Execution Amendment:** 10/3/18

**Application Approval Amendment:** 12/19/19

**Agreement Execution Amendment:** 12/19/19

**SITE INFORMATION:**

**Site No.:** C704058 **Site Name:** Former Stow Manufacturing

**Site Owner:** Binghamton Northside Housing Development Fund Company, Inc.  
Binghamton Northside Limited Partnership

**Street Address:** 435 State Street

**Municipality:** Binghamton **County:** Broome

**DEC Region:** 7

**Site Size:** 2.857 Acres

**Tax Map Identification Number(s):** 144.82-1-9.1

**Percentage of site located in an EnZone:** 100 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

**CERTIFICATE ISSUANCE**

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

**Allowable Uses under the BCP:** Restricted-Residential, Commercial, and Industrial

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

**Tax Credit Provisions:**

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

Tangible Property Credit is 15%. Comprised of 10% Base.

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

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Broome County as 201900029083.

#### **LIABILITY LIMITATION**

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

#### **CERTIFICATE TRANSFERABILITY**

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

#### **CERTIFICATE MODIFICATION/REVOCATION**


This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos  
Commissioner  
New York State Department of Environmental Conservation

By:

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

Date:

12/24/19

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

Former Stow Manufacturing, Site ID No. C704058  
435 State Street, Binghamton, NY 13901  
City of Binghamton, Broome County, Tax Map Identification Number 144.82-1-9.1

**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 3D Development Group L.L.C., Binghamton Northside Limited Partnership, and Community Potential, Inc. for a parcel approximately 2.857 acres located at the 435 State Street in the City of Binghamton, Broome County.

**PLEASE TAKE NOTICE**, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

**PLEASE TAKE NOTICE**, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- ☐ Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- ☐ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☒ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

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 County Recording Identifier number 201900029083.

**PLEASE TAKE NOTICE**, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

**PLEASE TAKE NOTICE**, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

Former Stow Manufacturing, Site ID No. C704058  
435 State Street, City of Binghamton, Broome County

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

**PLEASE TAKE NOTICE**, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

**PLEASE TAKE NOTICE**, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

**PLEASE TAKE NOTICE**, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

**PLEASE TAKE NOTICE**, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 7 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

Binghamton Northside Housing Development  
Fund Company, Inc.

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:**  
Bruce Levine  
3D Development Group L.L.C.  
4549 Main Street, Suite 100  
Amherst, NY 14226

**Exhibit A**  
**Site Description**

**Former Stow Manufacturing, Site No.: C704058**  
**435 State Street**  
**City of Binghamton, Broome County**

**Metes and Bounds Description**

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Binghamton, County of Broome and State of New York more particularly described as follows:

Beginning at a mag nail set on the northerly street boundary of State Street at its intersection with the easterly street boundary of North Way Street:

Thence North  $02^{\circ} 10' 58''$  East along the easterly boundary of North Way Street a distance of 348.25 feet to rebar with cap stamped "Shumaker Engrs." set, herein after referred to as rebar set;

Thence North  $52^{\circ} 09' 06''$  East along the southerly boundary of the lands now or formerly of United Refining Company of Pennsylvania (L.1417 P.320) a distance of 47.27 feet to a rebar set;

Thence North  $76^{\circ} 58' 06''$  East continuing along the said southerly boundary of the lands now or formerly of United Refining Company of Pennsylvania, a distance of 155.94 feet to found rebar with cap marked "Southern Tier";

Thence South  $37^{\circ} 24' 46''$  East through the lands now or formerly of Binghamton Local Development Corporation (L.2467 P.517) a distance of 374.70 feet to a point on the northerly street boundary of State Street;

Thence along the said northerly street boundary of State Street the following three (3) courses and distances:

- 1) South  $43^{\circ} 42' 55''$  West a distance of 39.05 feet to a dock spike set;
- 2) South  $62^{\circ} 38' 15''$  West a distance of 162.19 feet to a dock spike set;
- 3) South  $87^{\circ} 23' 54''$  West a distance of 259.40 feet to the point or place of beginning.

Said parcel containing 124,437 square feet or 2.857 acres of land more or less.

**Exhibit B**  
**Site Survey**

Department of Psychology, University of Pennsylvania, Philadelphia, PA 19104-6201

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INTRE PARCEL CURRENTLY UNDER CONSTRUCTION.  
(PROPOSED BUILDING CONSTRUCTION)

Area:  
124,437± SQ. FT.  
2.857± ACRES

NORTH WAY STREET  
30' WIDE HIGH  
(PARKING STREET)

[illegible]



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
12/20/2019



**SITE DESCRIPTION**

**SITE NO.** C704058

**SITE NAME** Former Stow Manufacturing

**SITE ADDRESS:** 435 State Street **ZIP CODE:** 13901

**CITY/TOWN:** Binghamton

**COUNTY:** Broome

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

**SITE MANAGEMENT DESCRIPTION**

**SITE MANAGEMENT PLAN INCLUDES:** YES NO

IC/EC Certification Plan ☒ ☐

Monitoring Plan

Operation and Maintenance (O&M) Plan ☒ ☐

Periodic Review Frequency: once a year ☒ ☐

Periodic Review Report Submitted Date: 04/27/2021

**Description of Institutional Control**

**Binghamton Northside Housing Development**

35 Exchange Street

**435 State Street**

Environmental Easement

Block: 1

Lot: 9

Sublot: 1

Section: 144

Subsection: 82

S\_B\_L Image: 144.82-1-9.1

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

**Description of Engineering Control**

**Binghamton Northside Housing Development**

35 Exchange Street

**435 State Street**

Environmental Easement

Block: 1

Lot: 9

Sublot: 1

Section: 144

Subsection: 82

S\_B\_L Image: 144.82-1-9.1

Cover System

Groundwater Treatment System