#### NEW YORK STATE OF OPPORTUNITY

Department of Environmental Conservation

# F BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "*BCA*" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA**?

Yes

No

If yes, provide existing site number:

	arated into Parts A and B for DEC rev	view purposes) BCP App Rev 9
Section I. Requestor Information	on - See Instructions for Further Gu	dance DEC USE ONLY BCP SITE #:
NAME		
ADDRESS		
CITY/TOWN	ZIP CODE	
PHONE	FAX	E-MAIL
<ul> <li>above, in the <u>NYS Depart</u> information from the data Conservation (DEC) with in NYS.</li> <li>Do all individuals that will be cert</li> <li>Individuals that will be cert of Section 1.5 of <u>DER-10</u></li> </ul>	ifying documents meet the requirement rtifying BCP documents, as well as their <i>Technical Guidance for Site Investiga</i> tion Law. <b>Documents that are not pro</b> <b>P</b> .	s Entity Database. A print-out of entity k State Department of Environmental equestor is authorized to do business s detailed below? Yes No r employers, meet the requirements tion and Remediation and Article 145
Section II. Project Description		
1. What stage is the project start	ing at? Investigation	Remediation
2. If the project is starting at the	remediation stage, a Remedial Investion an must be attached (see <u>DER-10 / Te</u>	ation Report (RIR), Alternatives
2. If the project is starting at the Analysis, and Remedial Work Pla <u>Investigation and Remediation</u> for	remediation stage, a Remedial Investion an must be attached (see <u>DER-10 / Te</u>	ation Report (RIR), Alternatives chnical Guidance for Site
<ol> <li>If the project is starting at the Analysis, and Remedial Work Plate Investigation and Remediation for</li> <li>If a final RIR is included, pleas (ECL) Article 27-1415(2):</li> </ol>	remediation stage, a Remedial Investig an must be attached (see <u>DER-10 / Te</u> or further guidance). se verify it meets the requirements of E	ation Report (RIR), Alternatives <u>chnical Guidance for Site</u> nvironmental Conservation Law
<ol> <li>If the project is starting at the Analysis, and Remedial Work Plate Investigation and Remediation for</li> <li>If a final RIR is included, pleas (ECL) Article 27-1415(2):</li> </ol>	remediation stage, a Remedial Investig an must be attached (see <u>DER-10 / Te</u> or further guidance). se verify it meets the requirements of E Yes No ion of the overall development project,	ation Report (RIR), Alternatives <u>chnical Guidance for Site</u> nvironmental Conservation Law

#### Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (please submit the information requested in this section in electronic format only):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903).

# 2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum			
Chlorinated Solvents			
Other VOCs			
SVOCs			
Metals			
Pesticides			
PCBs			
Other*			

\*Please describe:

3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:

- SAMPLE LOCATION
- DATE OF SAMPLING EVENT
- KEY CONTAMINANTS AND CONCENTRATION DETECTED
- FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE
- FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5
- FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

-	MAPS INCLUDED WITH THE APPLICATION?* sult in an incomplete application)		Yes	No	
4. INDICATE PAST LAND US	ES (CHECK ALL TH	AT APPLY):			
Coal Cas Manufacturing	Manufacturing	Agricultural Co-op		nor	

Coal Gas Manufacturin	g Manufacturing	Agricultural Co-op	Dry Cleaner	
Salvage Yard	Bulk Plant	Pipeline	Service Station	
Landfill	Tannery	Electroplating	Unknown	

Other:

Section IV. Property Information - See Instructions	s for Fu	rther Guida	nce		
PROPOSED SITE NAME					
ADDRESS/LOCATION					
CITY/TOWN ZIP C	ODE				
MUNICIPALITY(IF MORE THAN ONE, LIST ALL):					
COUNTY	S	SITE SIZE (AC	RES)		
LATITUDE (degrees/minutes/seconds)	LONG	ITUDE (degre	es/minutes/se	econds)	"
COMPLETE TAX MAP INFORMATION FOR ALL TAX PAI BOUNDARIES. ATTACH REQUIRED MAPS PER THE AP				ROPERTY	
Parcel Address		Section No.	Block No.	Lot No.	Acreage
1. Do the proposed site boundaries correspond to tax If no, please attach a metes and bounds description			unds?	Yes	No
2. Is the required property map attached to the applic (application will not be processed without map)	ation?			Yes	No
3. Is the property within a designated Environmental (See <u>DEC's website</u> for more information)	Zone (E	in-zone) pure	suant to Tax Ye	• • •	6)?
If yes, ic	lentify c	ensus tract :			
Percentage of property in En-zone (check one):	0-49	9% !	50-99%	100%	Ď
<ol> <li>Is this application one of multiple applications for a project spans more than 25 acres (see additional of</li> </ol>					opment es No
If yes, identify name of properties (and site numbe applications:	rs if ava	ilable) in rela	ated BCP		
<ol> <li>Is the contamination from groundwater or soil vapor subject to the present application?</li> </ol>	or solely	emanating f	rom propert	y other than Ye	
<ol> <li>Has the property previously been remediated purs ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.</li> </ol>	uant to	Titles 9, 13, 0	or 14 of ECL	Article 27, Ye	
<ol> <li>Are there any lands under water?</li> <li>If yes, these lands should be clearly delineated on</li> </ol>	the site	map.		Ye	es No

Section IV. Property Informatio	n (continued)		
<ol> <li>Are there any easements or explicitly here and attach</li> </ol>	xisting rights of way that would		se are <u>as</u> ? Yes <b>✔</b> No
Easement/Right-of-way Holde	<u>r</u>	Descriptio	<u>n</u>
9. List of Permits issued by the D information)	DEC or USEPA Relating to the	Proposed Site (type here o	r attach
Туре	Issuing Agency	Des	cription
10. Property Description and Env the proper format of <u>each</u> r		ase refer to application ins	structions for .
Are the Property Description in the <b>prescribed format</b> ?	and Environmental Assessme	ent narratives included	✓ Yes No
	ve counties comprising New Y eligible for tangible property ta r questions on the supplement	x credits?	eking a
12. Is the Requestor now, or w that the property is Upside	-	re, seek a determination	Yes No
	to Question 12, above, is a y, as of the date of applicati the property is not contami	on, prepared under the	Yes No
<b>NOTE:</b> If a tangible property to participate in the BCP, the ap a certificate of completion by eligibility under the underutilized	plicant may seek this deterr using the BCP Amendment	mination at any time before	e issuance of
If any changes to Section IV are remust be submitted. Initials of each Requestor:	equired prior to application app	proval, a new page, initialed	by each requestor,

# BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)

Section V. Additional Requestor See Instructions for Further Gu	or Information	DEC USE ONLY BCP SITE NAME: BCP SITE #:
NAME OF REQUESTOR'S AUTHOR		NTATIVE
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
NAME OF REQUESTOR'S CONSUL	TANT	·
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
NAME OF REQUESTOR'S ATTORN	EY	
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
Section VI. Current Property Ow	/ner/Operator I	nformation – if not a Requestor
CURRENT OWNER'S NAME		OWNERSHIP START DATE:
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
CURRENT OPERATOR'S NAME		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
OWNER, INCLUDING ANY RELATIO CURRENT OWNER. PROVIDE A LIST OF PREVIOUS PR ADDRESSES AND TELEPHONE NU TO EACH PREVIOUS OWNER AND	ONSHIP BETWEE OPERTY OWNE JMBERS AS AN A OPERATOR, INC	ESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT EN REQUESTOR'S CORPORATE MEMBERS AND THE TRS AND OPERATORS WITH NAMES, LAST KNOWN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, CLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".
Section VII. Requestor Eligibility	/ Information (F	Please refer to ECL § 27-1407)
<ol> <li>Are any enforcement actions per</li> <li>Is the requestor subject to an erat the site?</li> <li>Is the requestor subject to an or</li> </ol>	ending against the xisting order for utstanding claim	s, please provide an explanation as an attachment. he requestor regarding this site? Yes No the investigation, removal or remediation of contamination Yes No n by the Spill Fund for this site? Any questions regarding d be discussed with the Spill Fund Administrator. Yes No

#### Section VII. Requestor Eligibility Information (continued)

- 4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. Yes No
- 5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. Yes No
- 6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? Yes No
- 7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state?
- 8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? Yes No
- 9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9 (f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? Yes No
- 10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? Yes No
- 11. Are there any unregistered bulk storage tanks on-site which require registration? Yes

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

No

PARTICIPANT	VOLUNTEER
A requestor 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	A requestor other than a participant, including a requestor 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.
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, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site 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; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.
	If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

Se	ction VII. Requestor Eligibility Information (continued)		
	equestor Relationship to Property (check one): Previous Owner Current Owner Potential /Future Purchaser Other		
be	equestor is not the current site owner, <b>proof of site access sufficient to complete the ren</b> <b>submitted</b> . Proof must show that the requestor will have access to the property before sign d throughout the BCP project, including the ability to place an easement on the site Is this p	ning the	BCA
	Yes No		
	ote: a purchase contract does not suffice as proof of access.		
Se	ction VIII. Property Eligibility Information - See Instructions for Further Guidance		
1.	Is / was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide relevant information as an attachment.	Ň	
2.	Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive	Yes	No
	Hazardous Waste Disposal Sites pursuant to ECL 27-1305? If yes, please provide: Site # Class #	Yes	No
3.	Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim facility? If yes, please provide: Permit type: EPA ID Number:	Yes	No
	Date permit issued: Permit expiration date:		
4.	If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined up 1405(1)(b), or under contract to be transferred to a volunteer? Attach any information availar requestor related to previous owners or operators of the facility or property and their finance including any bankruptcy filing and corporate dissolution documentation.	able to t	he
5.	Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 1 If yes, please provide: Order #	7 Title 1 Yes	0? No
6.	Is the property subject to a state or federal enforcement action related to hazardous waste If yes, please provide explanation as an attachment.	or petro Yes	oleum? No
Se	ction IX. Contact List Information		
DE an	be considered complete, the application must include the Brownfield Site Contact List in act <u>ER-23 / Citizen Participation Handbook for Remedial Programs</u> . Please attach, at a minimum d addresses of the following: The chief executive officer and planning board chairperson of each county, city, town and we the property is located.	n, the n	ames
3. 4. 5. 6.	Residents, owners, and occupants of the property and properties adjacent to the property. Local news media from which the community typically obtains information. The public water supplier which services the area in which the property is located. Any person who has requested to be placed on the contact list. The administrator of any school or day care facility located on or near the property. The location of a document repository for the project (e.g., local library). In addition, attach acknowledgement from the repository indicating that it agrees to act as the document repository		
8.	property. Any community board located in a city with a population of one million or more, if the propo located within such community board's boundaries.	sed site	e is

Section X. Land Use Factors		
<ol> <li>What is the current zoning for the site? What uses are allowed by the current zoning? Residential Commercial Industrial If zoning change is imminent, please provide documentation from the appropriate zoning au</li> </ol>	uthority.	
<ol> <li>Current Use: Residential Commercial Industrial Vacant Recreational (check apply)</li> <li>Attach a summary of current business operations or uses, with an emphasis on ident possible contaminant source areas. If operations or uses have ceased, provide the data</li> </ol>		
3. Reasonably anticipated use Post Remediation: Residential Commercial Industrial that apply) Attach a statement detailing the specific proposed use.	(check all	
If residential, does it qualify as single family housing?	Yes No	D
4. Do current historical and/or recent development patterns support the proposed use?	Yes	No
5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.	Yes	No
6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.	Yes	No

XI. Statement of Certification and Signatures
(By requestor who is an individual)
If this application is approved, I hererby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the <i>Proposed DER-32, Brownfield Cleanup Program Applications and Agreements</i> ; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm 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: $\frac{1-25-18}{2}$ Signature:
(By a requestor other than an individual)
I hereby affirm that I am <u>Manager</u> (title) of <u>Freewheel,h</u> <u>ANSCO, L(E)</u> ; that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the <i>Proposed DER-32</i> , <i>Brownfield Cleanup Program Applications and Agreements</i> ; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm 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. $Date: \underline{1-25-18}$ Signature: Print Name: <u>Matthew Paulus</u>

#### SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
  - Chief, Site Control Section
  - o New York State Department of Environmental Conservation
  - Division of Environmental Remediation
  - o 625 Broadway
  - Albany, NY 12233-7020

# FOR DEC USE ONLY BCP SITE T&A CODE:\_\_\_\_\_\_ LEAD OFFICE:\_\_\_\_\_

9

# Supplemental Questions for Sites Seeking Tangible Property Credits in New

**York City ONLY.** Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

# BCP App Rev 9

Property is in Bronx, Kings, New York, Queens, or Richmond counties.			No	
Requestor seeks a determination that the site is eligible for the tangible property credit component of t brownfield redevelopment tax credit.				
Please answer questions below and provide documentation necessary to support answers.				
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)( Please see <u>DEC's website</u> for more information. Yes No				
2. Is the property upside down or underutilized as defined below?	Upside Down?	Yes	No	
	Underutilized?	Yes	No	

# From ECL 27-1405(31):

"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.

From 6 NYCRR 375-3.2(I) as of August 12, 2016: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)

375-3.2:

(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and

(1) the proposed use is at least 75 percent for industrial uses; or

(2) at which:

(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;

(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and

(iii) one or more of the following conditions exists, as certified by the applicant:

(a) property tax payments have been in arrears for at least five years immediately prior to the application;

(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or (c) there are no structures.

"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.

#### Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)

3. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the New York City Department of Housing, Preservation and Development; the New York State Housing Trust Fund Corporation; the New York State Department of Housing and Community Renewal; or the New York State Housing Finance Agency, though other entities may be acceptable pending Department review). Check appropriate box, below:

Project is Planned as Affordable Housing, But Agreement is Not Yet Available\* (\*Checking this box will result in a "pending" status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);

This is Not an Affordable Housing Project.

#### From 6 NYCRR 375- 3.2(a) as of August 12, 2016:

(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

Site Name: City: Tax Block & Lot Section (if applicable): Block Requestor Name: City: Requestor's Representative (for billing pur Name: Addres City: Requestor's Attorney Name: Addres City:	County (: rposes) ess:	-	Lot: or Address:	Zip: Email: Email:	
Section (if applicable): Block Requestor Name: City: Requestor's Representative (for billing pur Name: Addres City: Requestor's Attorney Name: Addres	rposes) ss: ss:	Zip: Zip:		Email:	
City: Requestor's Representative (for billing pur Name: Addres City: Requestor's Attorney Name: Addres	ess:	Zip: Zip:	or Address:	Email:	
Name: Addres City: Requestor's Attorney Name: Addres	ess:				
Name: Addres		Zip:			
				Email:	
Requestor's Consultant Name: Addres City:	55:	Zip:		Email:	
Percentage claimed within an En-Zone:	0%	<50%	50-99%	100%	
· ·	Disagree				
Requestor's Requested Status: Volun	nteer	Participant	t		
DER/OGC Determination: Agree Notes:	Disag	jree			
For NYC Sites, is the Requestor Seeking Tangible Property Credits: $Yes$ No					
Does Requestor Claim Property is Ups	side Down	: Yes	No		
DER/OGC Determination: Agree	Disagre	e Unde	termined		
Notes:					
Does Requestor Claim Property is Une	derutilizec	d: Yes	No		
<b>DER/OGC Determination:</b> Agree Notes:	Disagr	ee Unde	etermined		
Does Requestor Claim Affordable Hou	using Statu	u <b>s</b> : Yes	No	Planned, No (	Contract
<b>DER/OGC Determination:</b> Agree Notes:	Dis	sagree	Undetermi		

# New York State Department of Environmental Conservation

# **BROWNFIELD CLEANUP PROGRAM**

BROWNFIELD CLEANUP PROGRAM APPLICATION SUPPLEMENTAL AND SUPPORTING INFORMATION

for

Former ANSCO Camera Factory 9 – 16 Emma Street City of Binghamton, Broome County, New York

January 2018

#### **BCP APPLICATION – SUPPLEMENTAL AND SUPPORTING INFORMATION**

#### Former ANSCO Camera Factory, City of Binghamton, Broome County, New York

# **BCP APPLICATION – ADDITIONAL INFORMATION**

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#### FIGURES

Figure 1	USGS Topographic Map
Figure 2	Site Survey and Metes & Bounds Description
Figure 3	Broome County Tax Map
Figure 4	Site Map
Figure 5	Adjacent Properties
Figure 6	Land Use
Figure 7	Soil Sampling Results
Figure 8	Endicott-Johnson City Industrial Spine BOA Map

# TABLES

Table 1	Summary of Surface Soil Data
Table 2	Summary of Subsurface Soil Data

# ATTACHMENTS

Attachment A	NYSDOS Database of Entities Printout and Corporate Resolution
Attachment B	Site Assessment / Investigation Documentation
Attachment C	Proof of Access for Remediation
Attachment D	Title Search
Attachment E	Repository Documentation

#### BCP APPLICATION – SUPPLEMENTAL AND SUPPORTING INFORMATION

#### Former ANSCO Camera Factory, City of Binghamton, Broome County, New York

# ACRONYM LIST

Acronym	Description
BCP Site, Site, Project, or Property	Area that includes 9 and 16 Emma Street
BOA	Brownfield Opportunity Area
City	City of Binghamton
EJ	Environmental Justice
En-zone	Environmental Zone
ESA	Environmental Site Assessment
ESD	Empire State Development
FEMA	Federal Emergency Management Agency
LWRP	Local Waterfront Revitalization Program
NYSDEC	New York State Department of Environmental Conservation
РСВ	Poly-chlorinated Biphenyls
SCO	Soil Cleanup Objective
SVI	Soil Vapor Intrusion
SVOC	Semi-Volatile Organic Compound
TOGS	Technical and Operational Guidance Series
USEPA	United States Environmental Protection Agency
USGS	United States Geologic Society
UST	Underground Storage Tank
VOC	Volatile Organic Compound

This document and its attachments supplement the Brownfield Cleanup Program (BCP) Application. The information is organized by the BCP Application sections. If no additional information is required, it is noted under its relevant section.

#### **Section I - Requestor Information**

The requestor is:

Freewheelin ANSCO, LLC 225 Wilkinson Street Syracuse, New 13204

Authorized Representative: Mr. Matthew Paulus, sole member of LLC Phone: (315) 416-9566 Email: <u>matthew@paulusdevco.com</u>

A New York State Department of State's Corporation & Business Entity Database printout for Freewheelin ANSCO, LLC, as well as an executed corporate resolution from Freewheelin ANSCO, LLC authorizing Mr. Paulus to act as representative in BCP application are located in **Attachment A**.

#### Section II - Project Description

The Former ANSCO Camera Factory (collectively the "Property") is located along Emma Street in the City of Binghamton, Broome County, New York. The Property includes an active four-story commercial / industrial building that is approximately 145,000 square feet in size. The building was constructed in 1927-28, with an addition in 1950. The Property is approximately 4.2 acres in size, which includes a parking lot along the western side of Emma Street. The building is largely vacant or underutilized. However, Wilson Instruments operates a metal plating company in the basement. As discussed in section 1 below, and observed by C&S during an October 2017 walkover, housekeeping practices in the basement plating operation are poor, resulting in the spillage of various liquids to the floor. On the first floor is the Crystal Lyn Chemical Company as well as an electrical contractor. Portions of the upper floors are used as creative and gallery spaces for artists, and an indoor batting cage is also present.

Figure 1 depicts the Brownfield Cleanup Program Site ("BCP Site") on a USGS 7.5 minute quadrangle map.

The Property is currently owned by Broome County and they are planning to lease and subsequently sell the Property to Freewheelin ANSCO, LLC for the purpose of completing a historic rehabilitation of the building for mixed-use residential / commercial uses. The completed project is expected to provide approximately 100 market rate apartments, as well as 50,000 square feet of commercial space.

The reuse of the Property is planned to utilize incentives under the Empire State Development Grant and NYSEG Economic Development Brownfield/Building Redevelopment Program Grant.

The Site is located immediately south of the Binghamton First Ward neighborhood. The Site, as well as the First Ward neighborhood are located within designated Brownfield Opportunity Areas (BOA). The Site is located in the Endicott-Johnson City Industrial Spine BOA (EJ BOA). The site is bounded to the north by an active railroad and Main Street to the south. Properties along the railroad and Main Street are generally commercial or industrial in nature, with residential properties beyond.

The Property has been the subject of a recent environmental investigation which demonstrated that the Property has been affected by past site uses and may be a candidate for inclusion in the BCP. The results of the recent site investigation are discussed in Section III.

**Estimated Project Schedule**:

January 2018	Brownfield Cleanup Program (BCP) Application Submission and
	Remedial Investigation / Interim Remedial Measures Work Plan (RI /
	IRM WP) Submission
February 2018	BCP Acceptance
March 2018	Brownfield Cleanup Agreement (BCA) Executed and RI / IRM WP
	Approved
March / April 2018	Remedial Investigation
May – July 2018	Interim Remedial Measures
July 2018	RI / IRM / Alternatives Analysis (AA) Report Submission
August 2018	Remedial Work Plan Submission

September 2018	RI / IRM / AA Report Approved
September 2018	Remedial Plan Approved
October 2018	SMP / Final Engineering Report (FER) Submission
November 2018	Decision Document
December 2018	SMP and FER Approved
December 2018	Certificate of Completion (COC) Issued

# Section III - Property's Environmental History

### <u> 1. Environmental Reports</u>

Environmental information currently exists for the Site from a Phase I Environmental Site Assessment (ESA) completed at the Site by Jennings Environmental Management, Inc. (Jennings) in September 2015 and a Limited Site Characterization completed at the site by C&S Engineers (C&S) in November 2017. The following summarizes those efforts. These reports are provided in **Attachment B**.

#### <u> Jennings Phase I ESA Report – 2015</u>

The 2015 Phase I ESA identified the following RECs:

- The Subject Property has operated as a manufacturing facility since at least 1940. Wastes generated have included chlorinated solvents and a spill in 1990 of 1,000 gallons of a white milky substance that included chlorinated solvents. That spill was reported to have impacted groundwater.
- Observations of the hazardous material areas identified surficial releases to the floor and floor drains. Pools of liquids, corrosion, and staining were noted throughout the plating area, as well as in the second floor hazardous waste neutralization area.
- A spill in 1994 included the release of 500 gallons of number 4 fuel oil near the boiler house. 450 gallons were recovered.
- Gasoline service stations and dry cleaning facilities have been present on adjoining properties since at least 1950. In addition, a coal yard was present on the northwest adjoining property.

#### **<u>C&S Engineers Limited Site Characterization – 2017</u>**

The Limited Site Characterization (i.e., Investigation) was completed to obtain an overview of the environmental and subsurface conditions. It was not the intent of the Investigation to delineate potential impacts from historical site uses or the RECs identified in the Jennings Phase I ESA. A ground penetrating radar (GPR) survey has not been completed to identify buried private utilities or investigate for the potential of buried features such as dry wells or underground storage tanks (UST). In addition, since the basement plating processes were in operation at the time of the Investigation, intrusive activities to assess soil and groundwater were not conducted in that area (e.g., below the footprint of the building).

In addition to the specific and general concerns identified in the Jennings Phase I ESA, C&S' Investigation also considered the following areas:

- Boiler houses
- Electrical substation

- Plating operation exhaust
- Industrial wastewater storage tank

C&S' Investigation included the advancement of 10 soil borings and the collection of surface and subsurface soil samples. Groundwater was not encountered during the Investigation. Soil samples were analyzed for a combination of US Environmental Protection Agency (EPA) Target Compound List (TCL) volatile organic compounds (VOCs), TCL semi-volatile organic compounds (SVOCs), Target Analyte List (TAL) metals, and poly-chlorinated biphenyls (PCBs).

Area	Sampling Method(s)	No. of Samples	Analysis
New / Old Boiler	Geoprobe Borings (3)	2	VOC, SVOC,
Houses	Hand Holes (1)	3	PCBs, Metals
Electrical Substation	Hand Holes (1)	1	PCBs
Plating Exhaust	Hand Holes (1)	1	Metals
Wastewater	Geoprobe Borings (1)	1	VOC, SVOC,
Storage	Hand Holes (1)	1	PCBs, Metals
Site-Wide	Geoprobe Borings (6)	7	VOC, SVOC,
Site-Wide	Hand Holes (3)	/	PCBs, Metals

The following table summarizes the areas investigated, as well as the number and types of samples collected during the C&S Investigation.

The principle contaminants at the site are VOCs (chlorinated solvents), SVOCs (PAHs – polycyclic aromatic hydrocarbons), and metals, as follows:

- Chlorinated solvents were identified in borings SB-2, SB-3, and SB-4. Those identified included trichloroethene (TCE), tetrachlorethene (PCE), cis and trans 1,2-dichloroethene (DCE), and vinyl chloride (VC). In each of these areas, fill material containing ash, coal fragments, or brick was identified. At location SB-2, soil was stained black and emitted a strong petroleum odor. SB-2 was advanced adjacent to the former location of a 15,000-gallon fuel oil UST. At locations SB-3 and SB-4, there was no physical evidence of impacts. In total, the areas that include fill cover approximately 40,000 square feet of the northern and eastern portion of the Property. The concentrations of chlorinated solvents in surface soils were well below soil cleanup objectives (SCO).
- SVOCs were detected at elevated concentrations in both surface and subsurface soils. In general, the elevated concentrations appear to be related to fill material, which is located from ground surface to 4 to 5 feet below ground surface across the site.
- Metals were detected at elevated concentrations in both surface and subsurface soils. In general, the elevated concentrations appear to be related to fill material, which is located from ground surface to 4 to 5 feet below ground surface across the site. In addition, elevated concentrations were detected in soil located adjacent to the plating operation exhaust.

Analytical sample results from the Investigation are summarized below.

### <u>2. Sampling Data</u>

# C&S Limited Site Characterization

A total of six subsurface soil samples and seven surface soil samples were collected from within the BCP Site boundaries in October 2017. The soil samples were analyzed for USEPA TCL VOCs, SVOCs, PCBs, and TAL Metals.

#### Surface Soil Data Summary:

Comparison of the surface soil analytical data to the Part 375-6 SCOs indicates:

- VOCs were detected at concentrations greater than laboratory detection limits in SS-3, SS-4, and 9 Emma Street South. However, none of the concentrations exceeded a SCO.
- SVOCs were detected at concentrations greater than laboratory detection limits in each of the six samples analyzed for SVOCs.
  - There were four contaminant concentrations that were greater than Restricted-Residential Use SCOs in SS-3.
  - There were five contaminant concentrations that were greater than Restricted-Residential Use SCOs in both SS-4 and 9 Emma Street North.
  - Benzo(a)pyrene exceeded the Industrial Use SCO in SS-3, SS-4, and 9 Emma Street North.
  - Dibenzo(a,h)anthracene exceeded the Commercial Use SCO in SS-4.
- PCBs were detected at concentrations greater than laboratory detection limits in five of the six samples analyzed for PCBs.
  - PCB concentrations in SS-3 and SS-6 exceeded the Unrestricted Use SCO.
  - The PCB concentration in SS-4 exceeded the Commercial Use SCO.
- Metals were detected at concentrations greater than laboratory detection limits and greater than at least one SCO in all the samples, except for 9 Emma Street South.
  - The only metal detected above an SCO in SS-1 and SS-6 was zinc, which was greater than the Unrestricted Use SCO.
  - Six metals were detected at concentrations greater than Restricted-Residential or Commercial Use SCOs in SS-3. These included barium, cadmium, chromium, copper, lead, and mercury.
  - Four metals were detected at concentrations greater than Restricted-Residential or Commercial Use SCOs in SS-4. These included cadmium, chromium, copper, and nickel.
  - Two metals were detected at concentrations greater than Commercial Use SCOs in SS-5. These included cadmium and copper.
  - The arsenic concentration exceeded the Industrial Use SCO in 9 Emma Street North.
  - In total, there were 15 different detections of metals at concentrations greater than Unrestricted Use SCOs. This accounted for six different metals (arsenic, cadmium, lead, mercury, silver, and zinc).

A summary of the surface soil data is provided in **Table 1**, attached to this application.

Subsurface Soil Data Summary:

Comparison of the subsurface soil analytical data to the Part 375-6 SCOs indicates:

- VOCs were detected at concentrations greater than laboratory detection limits in four of the six samples.
  - There were no contaminant concentrations greater than laboratory detections limits in SB-1 and SB-9.
  - PCE and VC were detected at concentrations greater than Restricted-Residential Use SCOs in SB-2.
  - PCE, toluene, TCE, and xylene were detected at concentrations greater than Unrestricted Use SCOs in SB-3.
  - TCE was detected at a concentration greater than Commercial Use SCOs in SB-4.
  - The five VOCs detected in SB-8 were below Unrestricted Use SCOs.
- SVOCs were detected at concentrations greater than laboratory detection limits in five of the six samples.
  - No SVOCs were detected at concentrations greater than laboratory detection limits in SB-1.
  - The SVOC concentrations detected in SB-2, SB-4, and SB-9 were below Unrestricted Use SCOs.
  - Four SVOCs were detected at concentrations greater than Restricted-Residential Use SCOs in SB-3.
  - The benzo(a)pyrene concentration exceeded the Industrial Use SCO in SS-3.
  - The Chrysene concentration in SB-8 exceeded the Residential Use SCO.
- PCBs were detected at concentrations greater than laboratory detection limits in four of the six samples. PCB concentrations in SB-2 and SB-3 exceeded the Unrestricted Use SCO.
- Metals were detected at concentrations greater than laboratory detection limits and greater than at least one SCO in three of the six samples.
  - The concentrations of metals detected in B-1, SB-8, and SB-9 were less than Unrestricted Use SCOs.
  - Arsenic was detected at a concentration greater than the Industrial Use SCO in SB-2.
  - Three metals were detected at concentrations greater than Restricted-Residential Use SCO in SB-3. These included cadmium, copper, and lead. The cadmium concentration is greater than the Industrial Use SCO.
  - Copper was detected at a concentration greater than the Commercial Use SCO in SB-4.
  - In total, there were nine different detections of metals at concentrations greater than Unrestricted Use SCOs. This accounted for seven different metals (arsenic, copper, lead, mercury, nickel, silver, and zinc).

A summary of the subsurface soil data is provided in **Table 2**, attached to this application.

### <u> 3. Site Figures</u>

Numerous figures have been generated depicting pertinent details concerning the site and adjacent properties. These figures are referenced throughout this document.

#### 4. Past Land Uses:

The proposed BCP site was originally developed in 1927/28. Since that time, the Property has been utilized by the following significant occupants:

#### 9 Emma Street

In 1918, Achilles Rubber & Tire Company occupied a building along the western boundary of the parcel. The building was later occupied by AFGA-ANSCO.

Between 1940 and 1970 AFGA-ANSCO, Division of General Analine and Film Corporation occupied buildings along the western boundary of 9 Emma Street and on 16 Emma Street. The Achilles and ANSCO buildings located along the western side of Emma Street appeared to be located directly adjacent to, but not on the current 9 Emma Street parcel. However, based on information gathered during C&S' 2017 investigation, contaminated historic fill was placed on the 9 Emma Street parcel at some point in its history, and SVOCs and metals were detected at concentrations greater than Restricted-Residential Use SCOs (including some greater than Industrial Use SCOs).

#### <u>16 Emma Street</u>

- 1927/28 to 1940: The General Cigar factory.
- 1940 to 1970: ANSCO Camera Factory.
- 1992 to present: Wilson Instruments / Electroplating (present occupant), Glowa Manufacturing, Chamonix Industries, BC Reprographics, K&S Industries, Simcona Electronics, and Crysta Lyn Chemical Company (present occupant).

#### <u>Adjacent Usage:</u>

Historical neighboring land use has consisted of residential, commercial, and industrial uses. A railroad has been present along the northern Property boundary since approximately 1900. From 1950 to sometime after 1970, gasoline filling stations were located at both the northwest and northeast intersection of Emma Street and Main Street, and a third filling station was located to the southeast along Main Street in 1950. The closest filling station was located within 100 feet of the Property. In addition, a bulk oil storage facility was located adjacent to the Site from at least 1950 to sometime before 1970. The pumphouse and tanks associated with that facility straddled the Site's northeast Property boundary.

#### **Section IV - Property Information**

The Former ANSCO Camera Factory Brownfield Cleanup Program Site includes 9 and 16 Emma Street (SBL: 143.75-1-5 and 143.75-1-16), as noted in the form.

#### 1. Tax Map Boundaries

The boundaries of the BCP Site correspond to the tax map boundaries. A metes and bounds description of the parcel is provided with the Site Survey, which are attached as **Figure 2**. A Broome County tax map is included as **Figure 3**.

#### 2. Property Base Map

A map showing the proposed BCP Site on an aerial photograph is included as **Figure 4. Figure 5** shows parcel lines, tax map parcel numbers and owner information for adjacent parcels. **Figure 6** depicts land use for the local area.

#### 3. En-Zone

Designation of En-Zones is limited to eligible 2013 Census Tracts with a poverty rate of at least 20% according to the 2013 American Community Survey 5-year estimates and an unemployment rate of at least 125% of the New York State average, or a poverty rate of at least double the rate for the county in which the tract is located.

The BCP site is within US Census Tract 1. According to the NYSDEC En-zone Boundaries Data Set, Broome County Census Tract 1 is a designated Environmental Zone ("En-Zone"), based on 2013 data, in which tax credits are enhanced.

#### 4. Multiple Applications

The proposed project is a stand-alone project and is not the subject of multiple applications.

#### 5. Property Description Narrative

#### 5.1 Location

The proposed BCP Site is located south of the First Ward neighborhood of the City of Binghamton near the northeast intersection of Emma and Main Streets. A railroad is located adjacent to the north, and Route 86 is located approximately  $\frac{1}{2}$  mile to the north.

#### 5.2 Site Features

The Property contains an active commercial / industrial building on the eastern side of Emma Street and an asphalt parking lot on the western side of Emma Street. The building is four stories, situated on a concrete foundation with a basement, constructed with masonry walls with brick facade, and a flat rubber roof. The interior is generally finished with wood panels, open beam ceilings, and wood or tile flooring. The building is approximately 145,000 square feet and was

constructed in 1927-28, with an addition in 1950. The building is heated by an onsite natural gas fired boiler plant and cooled by an electric roof-mounted HVAC unit.

The topography of the Subject Property is generally flat. The exterior of the Subject Property consists of asphalt parking and some vegetated areas.

#### 5.3 Current Zoning and Land Use

The Site is currently zoned for Light and Medium Industrial (I-2). The adjacent properties along the railroad are also zoned I-2. Parcels to the south along Main Street are zoned for Service Commercial (C-1). The majority of the properties outside of this area are zoned for a mix of commercial or residential uses.

#### 5.4 Past Use of the Site

As discussed above in section 3, the Jennings Phase I ESA indicated that the proposed BCP site was originally developed for industrial purposes in 1927/28.

#### **Remedial Events Prior to BCP sampling**

Five spills have occurred at the Property, as follows:

- Spill number 90-00878 was reported in April 1990 due to the release of a white milky liquid. According to NYSDEC field records, the release may have been as much as 2,000 gallons. The release was related to the intentional discharge of liquids from a former plating operation tank that was located outdoors. The release traveled across the parking lot into the stormwater system and was visible in five or six catch basins. The NYSDEC requested that the liquids that accumulated in the catch basins be pumped back to the tank and that the liquids be tested. The liquid contained methylene chloride, trichlorofluoromethane, 1,1,1-trichloroethene, TCE, and xylenes. The spill was closed as meeting standards in August 1991.
- Spill number 91-11890 was reported in February 1992 due to the release of 1 gallon of used oil and an unknown volume of transmission fluid. The spill report is unclear and indicates that the used oil was related to a tank excavation and the transmission fluid was found on the surface of the parking lot. It is unclear if the incidents are related. The spill was closed as meeting standards in February 1992.
- Spill number 9403491 was reported in June 1994 due to the report of an anonymous caller that there was 10 gallons of a green substance on the floor. The report indicates that nothing was found. The spill was closed as meeting standards in June 1994.
- Spill number 9406578 was reported in August 1994 due to the release of 500 gallons of no. 4 fuel oil. The oil spilled into the boiler room, as well as a storm drain. 450 gallons of fuel was recovered. Product was pumped from the floor and absorbed with speedy dry. The spill was closed as meeting standards in August 1994.

• Spill number 9407386 was reported in August 1996 due to the release of eight gallons of hydraulic fluid from a truck. The spill was cleaned up with absorbents and drummed. The spill was closed as meeting standards in September 1994.

In May / June 2010, a 10,000-gallon aboveground storage tank (AST) and a 15,000-gallon UST were removed. The AST was located in the old boiler house and the UST was located between the old and new boiler houses. Approximately 70 yards of contaminated soil was removed as part of the project. Soil analytical data generated from closure activities indicated that petroleum-related VOCs and SVOCs were below laboratory detection limits. However, the laboratory detections limits for the SVOCs were significantly elevated (as much as 370 ppm) for the north, west, and south wall samples. In addition, as discussed throughout this document, grossly petroleum impacted soils were found in the subsurface between the boiler houses during C&S' Investigation.

# 5.5 Site Geology and Hydrogeology

The Site contains urban fill across a significant portion of the site from grade to approximately four to five feet below ground surface. Native soil is located below the fill and consists of brown sand and some silt with abundant rock. The depth to groundwater is unknown.

#### 5.6 Environmental Assessment

#### <u>Soil</u>

Based on the C&S Investigation, the known contaminants of concern in the soil include chlorinated solvents, PAHs, and metals. With the exception of chlorinated solvent impacts near the boiler houses, impacts are generally from grade to four to five feet below ground surface within the fill material. Impacts at the boiler house extend to approximately 15 feet below grade.

The following tables indicates the number of samples which contained contaminants at concentrations greater than a respective SCO.

Soil Sample Type	Restricted- Residential	Commercial	Industrial
Surface	4 of 7	4 of 7	3 of 7
Subsurface	3 of 6	3 of 6	2 of 6

#### Surface Soil

VOCs did not exceed any SCO.

PAHs at concentrations ranging from 0.6 ppm to 5.2 ppm, slightly to moderately exceeded Restricted-Residential Use SCOs at three locations. Benzo(a)pyrene concentrations exceeded Industrial Use SCOs in three samples.

Metals marginally to significantly exceeded SCOs:

• An arsenic concentration exceeded the Industrial Use SCO at one location.

- Concentrations of cadmium were detected above Restricted-Residential Use SCOs at three locations and above Commercial Use SCOs at two locations. Concentrations ranged 8.9 ppm to 51.8 ppm.
- Concentrations of chromium were detected above Restricted-Residential Use SCOs at two locations. Concentrations ranged 191 ppm to 199 ppm.
- Concentrations of copper were detected above Commercial Use SCOs at three locations. Concentrations ranged 793 ppm to 2,910 ppm.
- A nickel concentration exceeded the Commercial Use SCO at one location.

# Subsurface Soil

Five chlorinated VOCs exceeded Unrestricted Use SCOs at three locations. PCE and VC exceeded Restricted-Residential Use SCOs at one location. TCE exceeded the Commercial Use SCO at one location.

PAHs at concentrations ranging from 1.1 ppm to 1.8 ppm, slightly exceeded Restricted-Residential Use SCOs at one location. The benzo(a)pyrene concentration exceeded the Industrial Use SCO.

Metals marginally to significantly exceeded SCOs:

- An arsenic concentration exceeded the Industrial Use SCO at one location.
- A cadmium concentration exceeded the Industrial Use SCO at one location.
- Concentrations of copper were detected above Commercial Use SCOs at two locations. Concentrations ranged 393 ppm to 5,820 ppm.
- A lead concentration exceeded the Restricted-Residential Use SCO at one location.

The Site figure detailing the impacted soil is included as **Figure 7**.

# Section V - Additional Requestor Information

No additional information is required.

Requestor's Authorized Representative:	Mr. Matthew Paulus Freewheelin ANSCO, LLC 225 Wilkinson Street, Syracuse, NY 13204 Phone: 315-416-9566 Email: <u>matthew@paulusdevco.com</u>
Requestor's Consultant:	Matt Walker

Matt Walker C&S Engineers, Inc. 499 Colonel Eileen Collins Blvd. Syracuse, NY 13212 Phone: 315-703-4323 Fax: 315-703-9667 mawalker@cscos.com

Requestor's Attorney:

Craig Slater The Slater Law Firm 500 Seneca Street Buffalo, NY 14204 Office: 716-845-6760 Fax: 716-845-6764 <u>CSlater@CSlaterLaw.com</u>

# Section VI – Current Property Owner/Operator Information

The Former ANSCO Camera Factory Brownfield Cleanup Program Site includes 9 and 16 Emma Street (SBL: 143.75-1-5 and 143.75-1-16), as noted in the form.

1. Parcel owner name and information are provided below:

Owner / Operator:	Broome County
Contact:	Mr. Dave Hamlin
	Real Property Tax Service Director
Address:	60 Hawley Street, Binghamton, NY 13901
Phone:	607-778-2169
Fax:	607-778-2359
Email:	<u>Dhamlin2@co.broome.ny.us</u>

2. Previous Property owners, occupants, and information are provided below:

A title search has been requested. However, the complete title search is not available at this time due to complexities in the ownership history, specifically related to foreclosures and industrial development authority transactions. However, ownership history back to 1982 is available as listed below.

- July 2016- Present: County of Broome (took title by tax foreclosure/tax deed for unpaid taxes owed by Link Technology Center, Inc.)
- July 1995 July 2016: Link Technology Center, Inc.
- July 1995: ARC Machining and Plating, Inc. (foreclosed of a mortgage under which Dimmick was the mortgagor and took title by referee's deed)
- January 1994 July 1995: Calvin A. Dimmick
- September 1985 January 1994: ARC Machining and Plating, Inc. (f/k/a Special Products Manufacturing, Inc.)
- September 1985: Ozalid Corporation
- December 1982 September 1985: Broome County Industrial Development Agency
- December 1981 December 1982: Ozalid Corporation
- January 1982: General Aniline & Film Corporation

Although verification of previous ownership via a title search is limited to 1982 – 2017 at this time; it should be noted that Sanborn Fire Insurance Maps for 1952 indicate that the owners / occupants of the Site at that time are consistent with owners in the 1980s. The 1952 fire insurance map identified the 9 and 16 Emma Street parcel as being owned / occupied by AFGA-ANSCO, a Division of General Aniline & Film Corporation, as well as Ozalid Products Division of General Aniline & Film Corporation.

The available deeds and 1952 Sanborn Fire Insurance Maps are provided in **Appendix D.** The complete title search will be provided when available.

Year	16 Emma Street	Last Known	Relationship
		Phone Number	to Requestor
2013	All Phase Electric & Maintenance, Inc	(607) 797-6535	None
	American Quality Technology	(607) 777-9482	
	Crystalyn Chemical Company, Inc	(607) 770-6096	
	Dittos Discount Copiers	(607) 798-0591	
	E&M Power	(607) 766-9620	
	Glowa Manufacturing, Inc.	(607) 770-0811	
	Linko Technology Center	(607) 729-0891	
	Mechanical Power Conversion	Unknown	
	Wilson Electroplating	(607) 770-4500	
2008	All Phase Electric & Maintenance, Inc	See above	None
	American Quality Technology	See above	
	BC Reprographics	Unknown	
	Crystalyn Chemical Company, Inc	See above	
	E&M Power	See above	
	ED Tech Services, Inc	Unknown	
	GJC Ltd, Inc	Unknown	
	Glowa Manufacturing, Inc.	See above	
	Metroexpress Logistics	Unknown	
	Tempters, Inc	Unknown	
	The Computer Warehouse LLC	Unknown	
	Wilson Electroplating	See above	
2003	BC Reprographics	Unknown	None
	Chamonix Industries, Inc	(607) 729-5022	
	Crystalyn Chemical Company, Inc	See above	
	E&M Power	See above	
	GJC Ltd, Inc	Unknown	
	Glowa Manufacturing, Inc.	See above	
	K&S Industries	(607) 798-7156	
	M&D Services	(607) 231-7615	
	Mechanical Power Conversion	Unknown	
	Northeast Rehab Inc	(800) 485-9717	
	Ray Trading	Unknown	
	Simcona Electronics	(607) 770-6774	
	The Computer Warehouse LLC	(607) 231-7615	
1999	American Quality Technology	(607) 777-9482	None
1,,,,	American Sign Company	Unknown	None
	BC Reprographics, Inc	Unknown	
	Chamonix Industries, Inc	See above	
	Glowa Manufacturing, Inc.	See above	
	K&S Industries	See above	
	Mechanical Power Conversion	Unknown	
	Royalite Simoona Electronica	(607) 729-3328	
	Simcona Electronics	See above	
	Wilson Electroplating	See above	

Based on the city directory reports provided in the Jennings Phase I ESA, the historical occupants of the Site are as follows:

1995	American Sign Company	Unknown	None
	BC Reprographics, Inc	Unknown	
	Chamonix Industries, Inc	See above	
	Glowa Manufacturing, Inc.	See above	
	Kasmer Engineering	Unknown	
	Kasmer Hydristor Corp	Unknown	
	Kintner Equipment Corp	(607) 757-9711	
	Royalite	See above	
	Wilson Electroplating	See above	
1992	Wilson Instruments	See above	None
1970	General Analine and Film (GAF) Corp	Unknown	None
1964	ANSCO	Unknown	None
1958	ANSCO	Unknown	None
1949	ANSCO	Unknown	None
1940	AFGA-ANSCO Corp	Unknown	None
1930	General Cigar	Unknown	None

9 Emma Street was not listed in the city directories.

# Section VII – Requestor Eligibility Information (ECL §27-1407)

Freewheelin ANSCO, LLC, the Volunteer, is not the current owner of the site and has not operated or been involved with the site at any time prior to the purchase, and has had no legal relationship with or to any prior owner.

Proof of site access sufficient to complete the remediation is provided in **Attachment C**.

# Section VIII - Property Eligibility Information (ECL §27-1405)

The Site is not on the National Priorities List, not on the NYS Registry of Inactive Hazardous Waste Disposal Sites, not subject to permitting under ECL Article 27-16305, not subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10, and not subject to current state or federal enforcement actions related to hazardous waste or petroleum.

The anticipated post remediation use of the site is a mixed-use residential / commercial building. The completed project is expected to provide approximately 100 market rate apartments, as well as 50,000 square feet of commercial space. In order to do so, the Volunteer must remediate the Property to Restricted-Residential Soil Clean-up levels (Track 4) under 6 NYCRR Part 375.

The Property has been used for industrial and commercial purposes since it as first developed in 1927/28. Businesses such as a cigar manufacturer, camera manufacturer (and possibly photo film), electroplater, and chemical sales have been present on the Property. The C&S Investigation indicated the presence of contaminated historic fill to a depth of 5 feet in various locations throughout the Property. Generally, the fill material contains metals and SVOCs/PAHs at concentrations in excess of Restricted-Residential Use SCOs. In addition, subsurface soils between the boiler houses are physically impacted (strong petro odor and staining). Restricted-Residential Use SCOs will be applied to achieve the reasonably anticipated use of the site.

Since the basement plating operation were active at the time of the C&S Investigation, intrusive activities to assess soil and groundwater were not conducted below the footprint of the building. Based on the current housekeeping practices of the plating operation, as well as historical site usage, contamination may exist below the footprint of the structure.

Multiple spills have occurred at the Property. One spill involved the loss of approximately 2,000 gallons of a white milky substance that contained chlorinated solvents, while a separate spill involved the loss of 500 gallons of number 4 fuel oil, of which 50 gallons was not accounted for. Both of these spills reached land and the onsite stormwater system. While, the spill files were closed, soil analytical data from the C&S Investigation suggest that residual impacts from the spills remain.

A 15,000-gallon fuel oil UST was removed from the area between the old and new boiler houses in 2010. Approximately 70 yards of contaminated soil was removed as part of the project. Soil analytical data generated from closure activities indicated that petroleum-related VOCs and SVOCs were below laboratory detection limits. However, the laboratory detections limits for the SVOCs were significantly elevated (as much as 370 ppm) for the north, west, and south wall samples. In addition, as discussed throughout this document, grossly petroleum impacted soils were found in the subsurface between the boiler houses during C&S' Investigation.

There is also the potential that adjacent properties (gasoline filling stations and bulk oil terminal) could contribute to onsite contamination.

The known contamination and historical uses of the Property complicate the redevelopment of the site for residential purposes and also creates a financial burden for the Volunteer.

#### Section IX – Site Contact List

#### <u>1. Local Government – City of Binghamton and Broome County</u>

Richard David City of Binghamton Mayor Binghamton City Hall 38 Hawley Street Binghamton, NY 13901

Juliet Berling Binghamton Planning Commission Director Binghamton City Hall 38 Hawley Street Binghamton, NY 13901

Jason Garnar Broome County Executive Broome County Office Building Sixth Floor 60 Hawley Street Binghamton, NY 13902

Robert Murphy Director of Economic Development Binghamton City Hall 38 Hawley Street Binghamton, NY 13901

Binghamton, NY 13905

#### 2. Residents, Owners and Occupants of Property and Property Adjacent to Site:

Adjacent land owners are listed below and shown in Figure 4.

**CECA 3000 LP** Victoir Casiuk 4 Emma Street 324 Main Street Binghamton, New York 13905 Binghamton, NY 13905 **Jose Hernandez** Phelps Corporation 5 Emma Street 322 Main Street Binghamton, NY 13905 Binghamton, NY 13905 19 Emma Street, LLC **Chang Family Trust** 312 Main Street 19 Emma Street Binghamton, NY 13905 Binghamton, NY 13905 **Edward Lane** WT Cole LLC 334 Main Street 306 Main Street

Binghamton, NY 13905

Scarano Properties 302 Main Street Binghamton, NY 13905 James Spear 197 Matthew Street Binghamton, NY 13905

William Smith 40 Brown Street Binghamton, NY 13905

#### 3. Local Media:

Local Newspaper:

Press and Sun Bulletin 33 Lewis Road, Suite 9 Binghamton, NY 13905 (607) 798-1234 http://www.pressconnects.com

Local Television:

WBNG – TV Channel 12 560 Columbia Drive Johnson City, NY 13790 (607) 729-8812 <u>news@wbng.com</u>

#### Radio:

WSKG 89.3 FM Radio 601 Gates Road Vestal, NY 13850 http://www.wskg.org

WNBF News Radio 1290 AM 59 Court Street Binghamton, NY 13901 (607) 772-8400 http://www.wnbf.com

#### 4. Local Water Supplier:

City of Binghamton Water & Sewer Department 25 Broome Street Binghamton, NY 13901 (607) 772-7210

#### 5. Persons Requesting to be Placed on Contact List:

To Be Completed as Necessary

#### 6. School and Day Care Facilities:

There are several schools or day care facilities located on or in the vicinity (1 mile) of the proposed BCP Site.

Thomas Jefferson School 151 Helen Street Binghamton, NY 13905 Superintendent: Tonia Thompson

Woodrow Wilson School 287 Prospect Street Binghamton, NY 13905 Superintendent: Tonia Thompson

The Crescent Academy 1 Endicott Avenue Johnson City, NY 13790 Principal: Sister Amber Smith

St. James School 143 Main Street Johnson City, NY 13790 Principal: Suzy Kitchen

West Middle School 0 West Middle Avenue Binghamton, NY 13905 Superintendent: Tonia Thompson Horace Mann School 30 College Street Binghamton, NY 13905 Superintendent: Tonia Thompson

All My Child Daycare 50 Glenwood Avenue Binghamton, NY 13905 Administrator: Unknown

Two-De Tots 370 Clinton Street Binghamton, NY 13905 Administrator: Unknown

Child Care Resource & Referral 24 Cherry Street Johnson City, NY 13790 Administrator: Unknown

J&J Day Care 33 Charlotte Street Binghamton, NY 13905 Administrator: Unknown

Big Apple Social Daycare 201 Main Street Binghamton, NY 13905 Administrator: Unknown

#### 7. Document Repositories:

The Broome County Public Library was identified as a document repository due to its proximity to the Site and flexible hours. The address is 185 Court Street, Binghamton, NY 13901. A copy of the correspondence indicating that they agree to act as the repository for the project is provided in **Attachment E.** 

## Section X - Land Use Factors

## 1. <u>Current Zoning</u>

The proposed BCP Site is zoned I-2, Light and Medium Industrial. The intent of the I-2 district is to designate those areas which are suitable for light- and medium-density industrial development. Regulations such as performance standards will mitigate the negative impacts of traffic, noise, smoke, odor, and other potential nuisances while preserving the character of existing adjacent residential districts. It is intended that the industrial character of the land in this district be preserved by restricting incompatible uses.

## 2. Current Uses: Summary of Business Operations

The site includes an active four-story building utilized for commercial and industrial purposes. The basement of the building is occupied by Wilson Instruments, who perform zinc, tin, and aluminum plating of metals. On the first floor is the Crystal Lyn Chemical Company as well as an electrical contractor. Portions of the upper floors are used as creative and gallery spaces for artists, and an indoor batting cage is also present.

## 3. Intended Use – Post Remediation

The anticipated post remediation use of the site is a mixed-use residential / commercial building. The completed project is expected to provide approximately 100 market rate apartments, as well as 50,000 square feet of commercial space.

## 4. <u>Current, Historical and/or Recent Development Patterns</u>

Population, housing values, and the number of manufacturing jobs have declined since the 1970s. As such, the area in which the proposed BCP Site is located in an area that has been the focus of public interest concerning the stabilization of existing neighborhoods and plan for future growth. Due to these concerns, three local areas / neighborhoods have recently been designated as BOAs. These include the Endicott Johnson Industrial Spine BOA (EJ BOA) which includes the Site, as well as the First Ward Neighborhood immediately to the north, and the North Chenango River Corridor located to the east. These areas include a total of approximately 1,100 acres of land.

The City of Binghamton received a \$155,000 BOA grant for the planning and assessments that are integral to appropriately redeveloping the EJ BOA. The BOA includes 222 acres of industrial, commercial, and residential areas, including several suspect "Brownfield" sites. The BOA contains cultural and educational assets, including UHS Wilson Medical Center, the Goodwill Theatre, and the Binghamton University School of Pharmacy and Pharmaceutical Sciences. Redevelopment of the Site could trigger additional development in this area, which has seen much decline. **Figure 8** shows the extent of the BOA in relation to the BCP Site.

## 5. <u>Consistency with Zoning</u>

The Property is currently zoned I-2, Light and Medium Industrial zoning. However, it is being rezoned to the C-1 Service Commercial District. The adopted land use map from Blueprint Binghamton Comprehensive Plans calls for the Site to be rezoned for "Production / Mixed Use" land

use. The Project will use the existing land and building for mixed-use commercial operations. The uses will include light industrial and commercial along with dwelling units. The project will provide underground parking and surface parking.

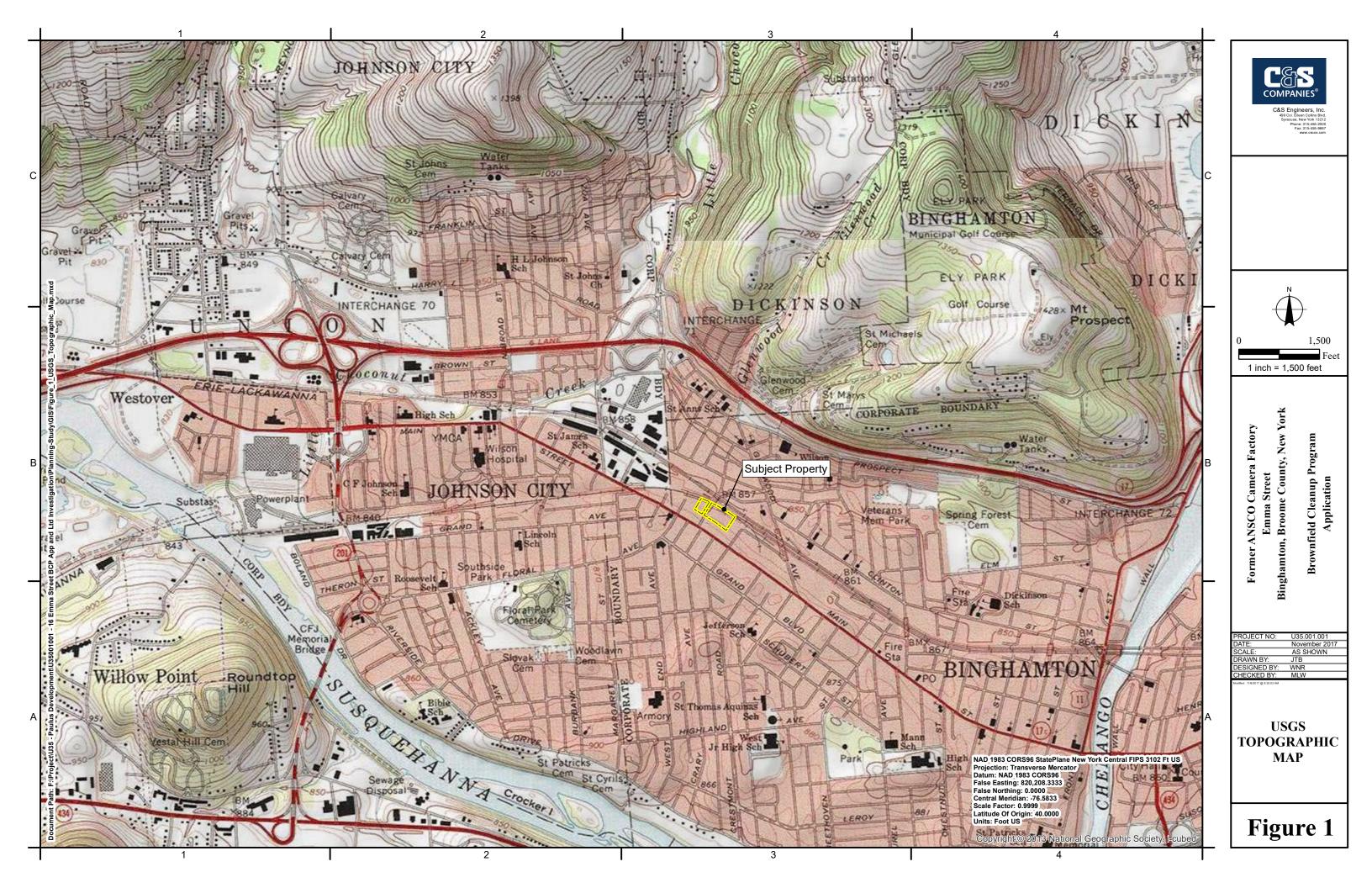
## 6. <u>Consistency with Plans</u>

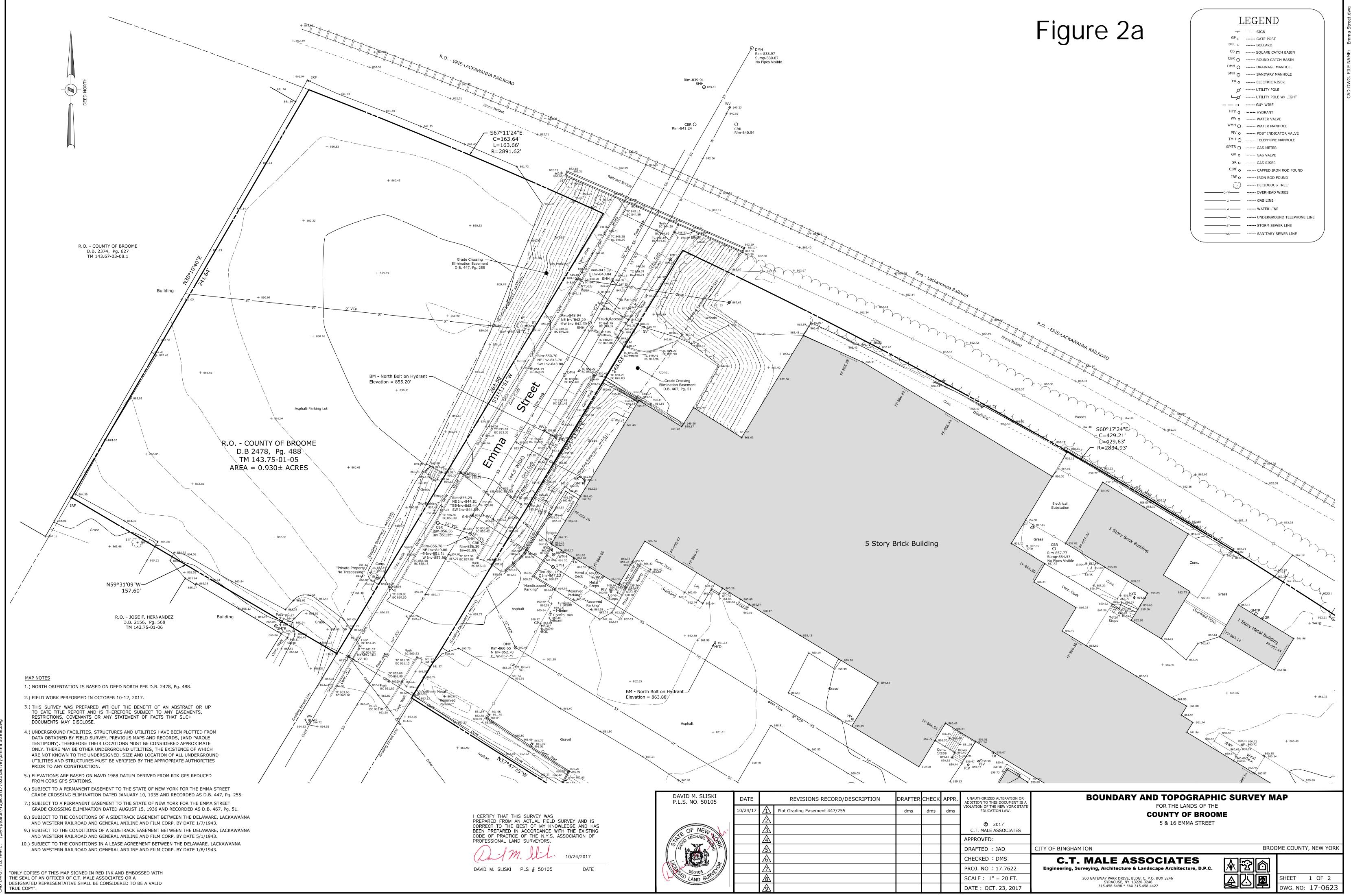
The proposed BCP Site is located within the EJ BOA, and as such, has been designated as a targeted redevelopment and investment area for the cities of Johnson City and Binghamton. The BOA planning efforts provide a revitalization vision for an area containing 17 sites that are considered brownfield, abandoned, or vacant. It should be noted that the list does not include the BCP Site. The primary revitalization goals discussed in the EJ BOA Nomination Study are to: provide opportunities for private investment on strategic sites; and to ensure that redevelopment is undertaken in a fashion consistent with the community's vision for the neighborhood. The implementation strategy will focus on techniques to ensure anticipated investment and redevelopment, including: modifications to local laws; architectural design standards; market feasibility studies and site plan design alternatives for strategic sites; marketing to attract developers; and establishing a local management structure to ensure plan implementation. <sup>1</sup>

Concerted investment efforts are underway into nearby UHS Wilson Medical Center, as well as Binghamton University. Due to these efforts, there is a projected population growth of individuals age 25 to 34. As such, the area will require additional housing for professionals and students. However, within the BOA, many properties have fallen into disrepair, and the concentrated nature of blighted properties has impacted the areas viability to support residential and commercial uses, and stands as a barrier to improvement. As such, the redevelopment of the Property for both commercial and residential purposes, closely aligns with the intent of the revitalization vision to redevelop an underutilized site, as well as to provide housing.

<sup>&</sup>lt;sup>1</sup> <u>https://www.dos.ny.gov/opd/programs/brownFieldOpp/BOA\_Projects/region08.html</u>

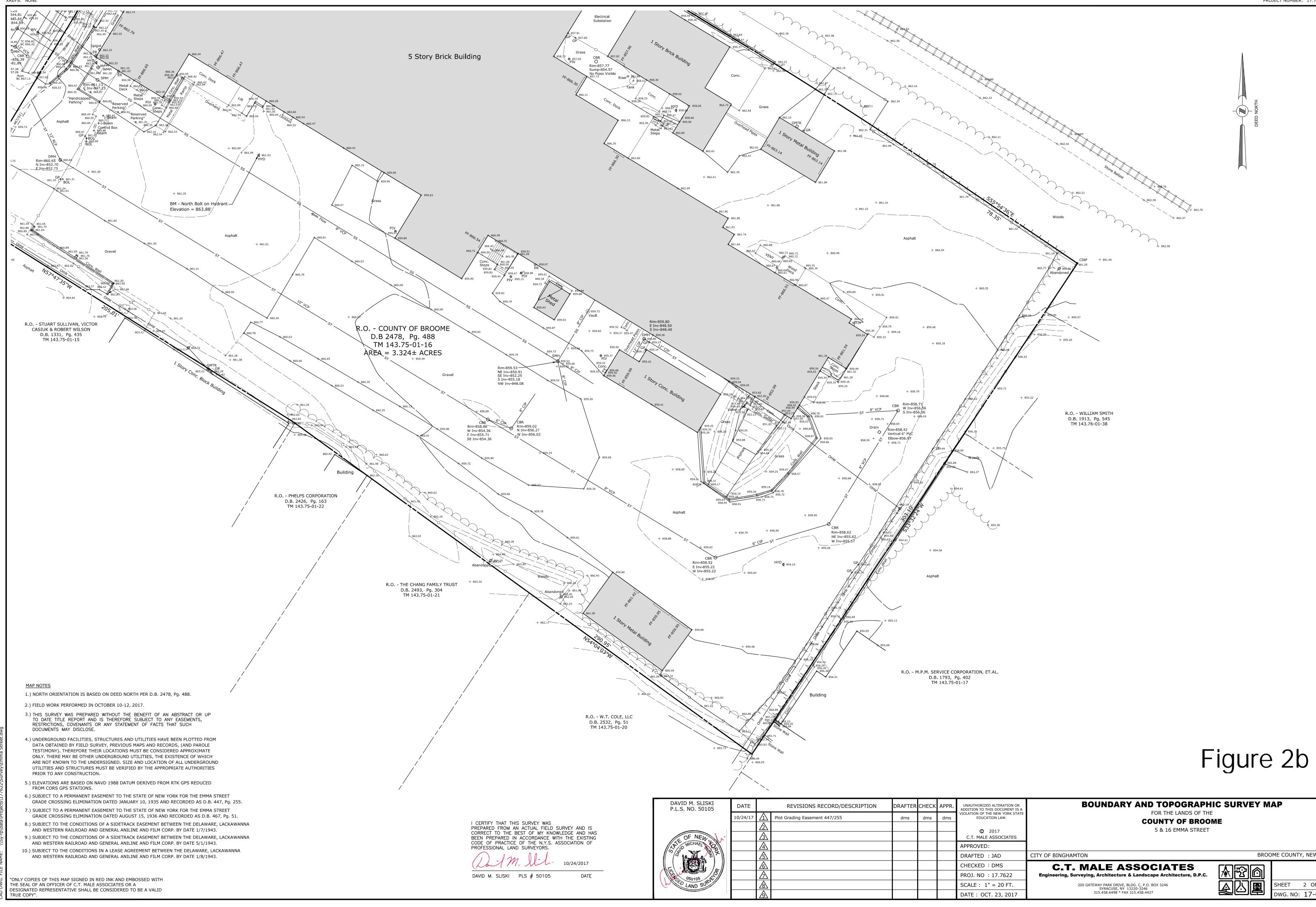
Figures





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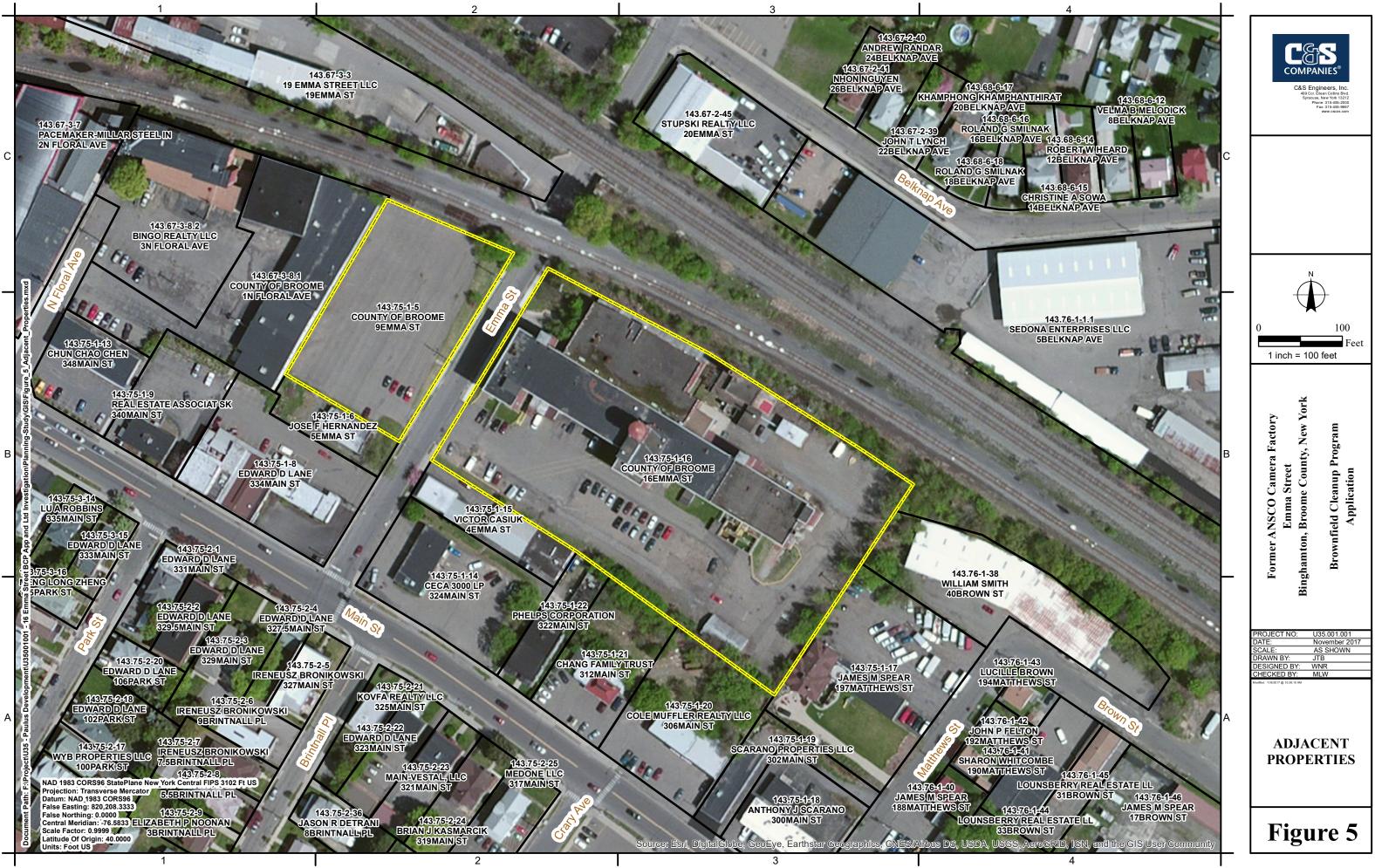
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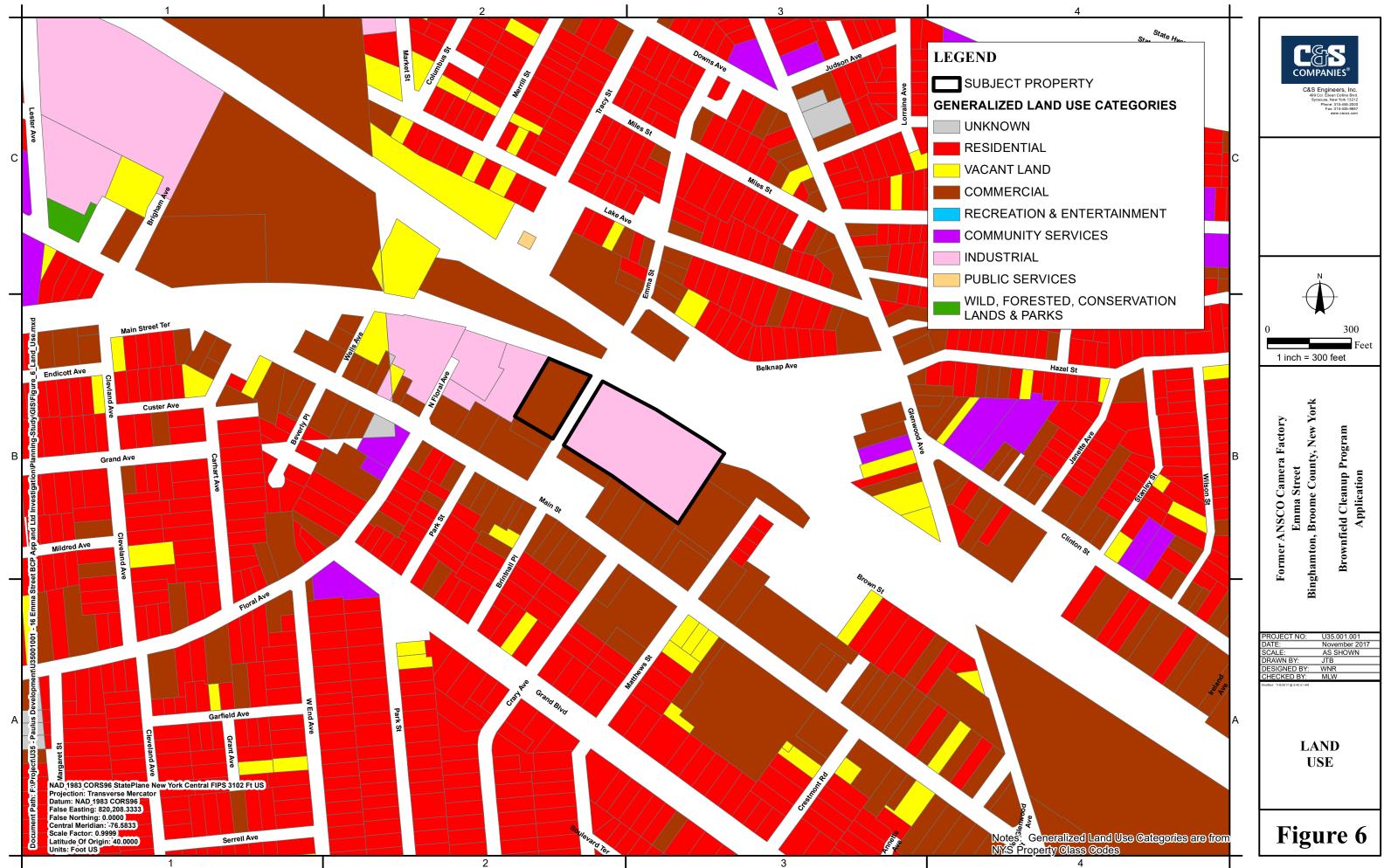


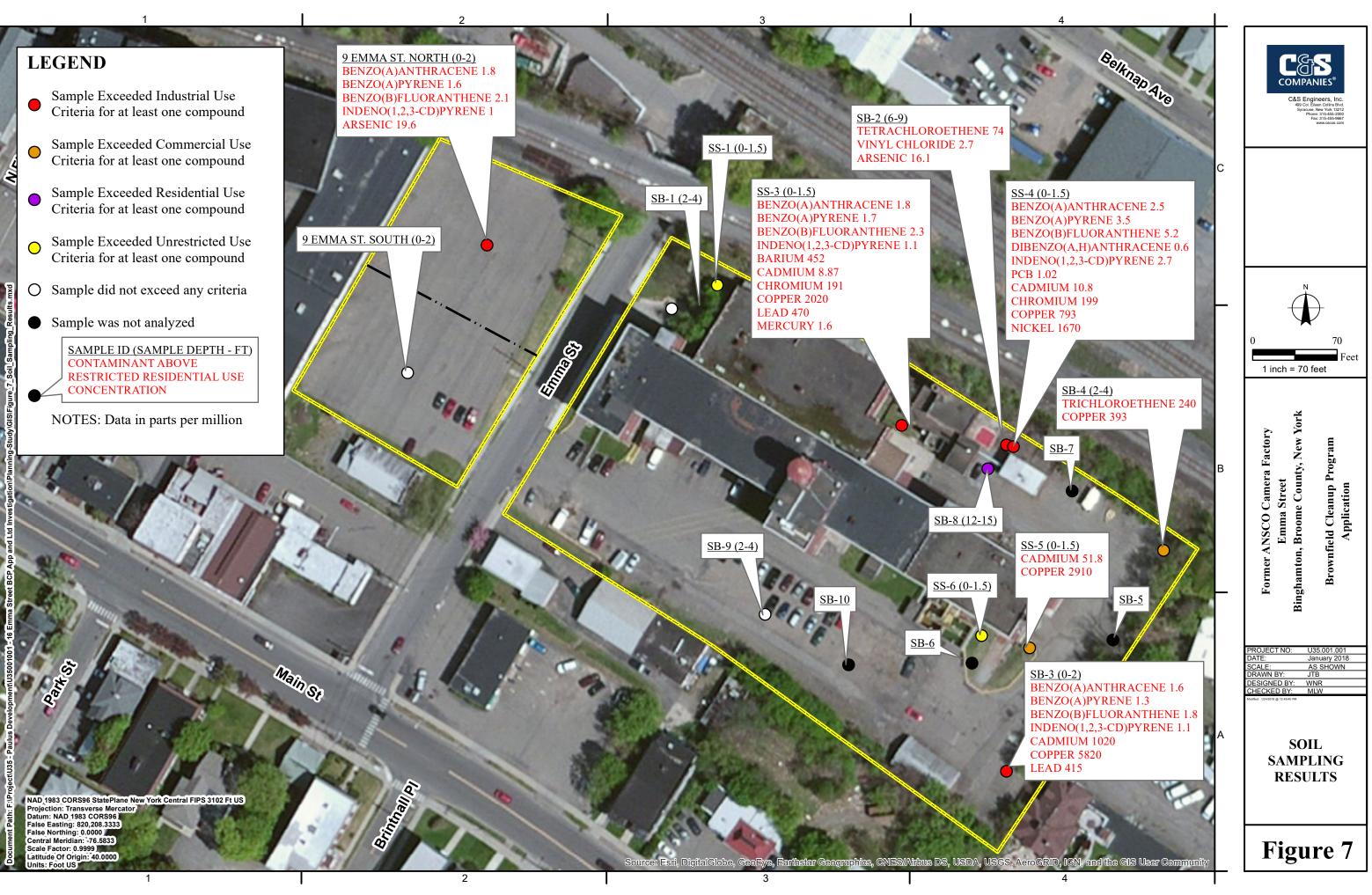
CK	APPR.	UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A										
าร	dms	VIOLATION OF THE NEW YORK STATE EDUCATION LAW.	FOR THE LANDS OF THE COUNTY OF BROOME									
		© 2017 C.T. MALE ASSOCIATES	5 & 16 EMMA STREET									
		APPROVED:										
		DRAFTED : JAD	CITY OF BINGHAMTON BROOME COUNTY, NEW YORI	OME COUNTY, NEW YORK								
		CHECKED : DMS										
		PROJ. NO : 17.7622	Engineering, Surveying, Architecture & Landscape Architecture, D.P.C.									
		SCALE : 1" = 20 FT.	200 GATEWAY PARK DRIVE, BLDG. C, P.O. BOX 3246 SYRACUSE, NY 13220-3246									
		DATE : OCT. 23, 2017	315.458.6498 * FAX 315.458.4427 DWG. NO: 17-0623	)								











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Tables

## Former ANSCO Camera Factory Limited Site Characterization Surface Soil Data Summary

						9 EMMA	ST.	9 EMMA ST.	SS-1		SS-3	SS	4			SS-	6	
Location					NORT		SOUTH					SS-4		SS-5				
Sample Date						10/31/20		10/31/2017	10/5/20		10/5/2017		10/5/2017		10/5/2017		10/5/2017	
Lab Sample ID							L1739838-02 L1739838-0		L1736023-01		L1736023-02		L1736023-03		L1736023-04		L1736023-05	
Sample Type Sample Depth (ft)						Surface SoilSurface Soil0-1.50-1.5				0-1.5	urface Soil Surface Soil 0-1.5 0-1.5		Surface Soil 0-1.5		Surface Soil 0-1.5			
Sample Depth (It)	<b>.</b>	D 11 (11	Residential-	a		Results							Oual				Oual	
	Unrestricted	Residential	Restricted	Commercial	Industrial	Results	Qual	Results Qual	Results	Qual	Results Qual	Results	Quai	Results	Qual	Results	Quai	
Volatile Organics Carbon tetrachloride	0.76	1.4	2.4	22	44											1		
1,1,2-Trichloroethane	0.76	1.4	2.4	22	44											-		
Tetrachloroethene	1.3	5.5	19	150	300						0.51	0.007	12					
1,1,1-Trichloroethane	0.68	100	19	500	1000						0.51	0.007	2					
Toluene	0.08	100	100	500	1000			0.00019 J			0.027 J	0.0002	7 I					
Ethylbenzene	1	30	41	390	780			0.00017 5			0.027 J	0.0008						
Bromomethane		50		570	700						0.07 J	0.0000						
Vinyl chloride	0.02	0.21	0.9	13	27						0.07 0							
trans-1,2-Dichloroethene	0.19	100	100	500	1000							0.001	2 J					
Trichloroethene	0.47	10	21	200	400						0.29	0.0007	14 J					
1,2-Dichlorobenzene	1.1	100	100	500	1000						0.026 J							
Methyl tert butyl ether	0.93	62	100	500	1000						0.015 J							
cis-1,2-Dichloroethene	0.25	59	100	500	1000							0.01	7					
Isopropylbenzene																		
Cyclohexane																		
Methyl cyclohexane											0.12 J							
Xylene	0.26	100	100	500	1000						0.048 J	0.006	53					
Semivolatile Organics																	]	
Acenaphthene	20	100	100	500	1000	0.19			0.046		0.23		2 J			0.064		
Fluoranthene	100	100	100	500	1000	3.6		0.075 J	0.88		3.8	4				1.4		
Naphthalene	12	100	100	500	1000	0.15			0.041	IJ	0.26	0.9	)/			0.02	IJ	
Bis(2-ethylhexyl)phthalate						0.085	J				0.2 J							
Butyl benzyl phthalate									0.044		1.4					0.00		
Di-n-butylphthalate						10		0.04 1	0.046		1	-	-			0.08		
Benzo(a)anthracene	1	1	1	5.6	11	1.8		0.04 J	0.4		1.8		.5			0.68		
Benzo(a)pyrene Benzo(b)fluoranthene	1	1	1	5.6	1.1 11	1.6			0.38		1.7	3				0.67		
Benzo(k)fluoranthene	0.8	1	3.9	5.6	110	<b>2.1</b> 0.76		0.052 J	0.19		2.3 0.82	5	.2			0.80		
	0.8	1	3.9	56	110	1.8		0.032 J 0.038 J	0.19		1.7		3			0.25		
Chrysene Acenaphthylene	100	100	100	500	1000	0.12		0.058 J	0.4	ł	0.051 J	0.07				0.02	5	
Actinghilitylene	100	100	100	500	1000	0.12			0.13	2	0.58	0.07				0.2	,	
Benzo(ghi)perylene	100	100	100	500	1000	0.94		0.031 J	0.11		0.98	2				0.39		
Fluorene	30	100	100	500	1000	0.25		0.051 5	0.05		0.21		.5 7 J			0.0		
Phenanthrene	100	100	100	500	1000	0.23		0.054 J	0.57		2.5	2				0.7		
Dibenzo(a,h)anthracene	0.33	0.33	0.33	0.56	1.1	0.27		0.054 5	0.056		0.27	0				0.09	-	
Indeno(1,2,3-cd)pyrene	0.5	0.5	0.5	5.6	11	1		0.031 J	0.24		1.1		.7			0.44		
Pyrene	100	100	100	500	1000	3		0.06 J	0.7		2.9	3				1.2		
Biphenyl	100	100	100	500	1000			0.00 0	0.7		2.7		21 J					
Dibenzofuran	7	14	59	350	1000	0.15	J		0.035	5 J	0.16 J	0.4				0.03	IJ	
2-Methylnaphthalene						0.1	J		0.054	4 J	0.2 J	1	.4			0.02	IJ	
1,2,4,5-Tetrachlorobenzene																		
Carbazole						0.32			0.08	3 J	0.34	0.3	86			0.094	4 J	
Benzaldehyde									0.093	3 J								
2,3,4,6-Tetrachlorophenol																		
Polychlorinated Biphenyls			-															
Total PCBs	0.1	1	1	1	25	0.0673	J		0.0225	5 J	0.467	1.0	2			0.24	4	
Metals	1		1							,								
Aluminum, Total						6620		8170	8980		8900	597		893		7240		
Antimony, Total						2.7			0.561		10.1		59 J		89 J	0.323		
Arsenic, Total	13	16	16	16	16	19.6		5.63	9.16		12.2	7.1			<b>3.3</b>	6.92		
Barium, Total	350	350	400	400	10000	168		102	88.8		452	67		98		46.8		
Beryllium, Total	7.2	14	72	590	2700	0.595		0.374 J	0.542		0.631	0.45		0.5		0.347		
Cadmium, Total	2.5	2.5	4.3	9.3	60	2.93		0.347 J	0.912		8.87	10		51 110		1.30		
Calcium, Total	20	26	100	1500	6000	11600		3120	6380		8840	888		110		7220		
Chromium, Total Cobalt, Total	30	36	180	1500	6800	16.1 6.5		10.7 5.54	14.1		<b>191</b> 20.5	20		7.5	<b>07</b> 88	17.8		
Cobait, Total Copper, Total	50	270	270	270	10000	6.5 72.8		5.54	32.6		20.5 2020	20 79		29		30.2		
Iron, Total	50	270	270	270	10000	20400		14.6	21000		36400	2020		241		17700		
Lead, Total	63	400	400	1000	3900	20400 319		21.4	54.1		<b>470</b>	2020			00 09	27.4		
Magnesium, Total	03	400	400	1000	3700	2580		1450	3070		3230	236		29		3340		
Maganese, Total	1600	2000	2000	10000	10000	386		1060	683		699	230			01	438		
Manganese, Total	0.18	0.81	0.81	2.8	5.7	0.26		0.05 J	08.		1.6	0.1		0.		0.02		
Nickel, Total	30	140	310	310	10000	18.7		11.8	19.8		207	167			12	21		
Potassium, Total	50	1-10	510	510	10000	428		325	408		454	43			58	280		
Selenium, Total	3.9	36	180	1500	6800	1.3		0.922 J	0.789		2.03		55 J		92 J	0.412		
Silver, Total	2	36	180	1500	6800	0.366		0.722 3	1.04		13.1	12			56	0.508		
Sodium, Total	-		- 00		2200	150		81.7 J	28		456		26 J		3.2 J	23.4		
Thallium, Total	1		1			0.55		0.885 J	0.304			12			71 U	<i>2</i> 0.		
Vanadium, Total	1		1			20.8		16.6	32		490	86	54	51		11.1	1	
Zinc, Total	109	2200	10000	10000	10000	577		69.5	130		1240	50		11		13		
.,		2200	-0000	-0000		577		07.0	150			50				10.		

Notes: Results and soil cleanup objectives (SCO) in mg/kg Only analytes detected at concentrations greater than laboratory detections limits are shown Analytical data compared to NYSDEC Part 375-6 Highlighted color indicates the respective use SCO(s) exceeded. Use type SCOs are listed from left to right from most restrictive to least restrictive. Blank space indicates that a SCO does not exist "J" indicates estimated concentration "-" indicates that sample was not anlayzed for that parameter. SS-5 was only analyzed for metals due to its location near the plating exhaust stack.

## Former ANSCO Camera Factory Limited Site Characterization Subsurface Soil Data Summary

Location						SB-1	SB-2	SB-3	SB-4	SB-8	SB-9	
Sample Date Lab Sample ID						10/5/2017	10/5/2017	10/5/2017	10/5/2017	10/5/2017	10/5/2017	
						L1736029-06 Subsurface Soil	L1736029-01 Subsurface Soil	L1736029-03 Subsurface Soil	L1736029-04 Subsurface Soil	L1736029-02 Subsurface Soil	L1736029-05 Subsurface Soil	
Sample Type Sample Depth (ft)						2-4	6-9	0-2	2-4	12-15	2-4	
Sumple Deptil (It)	Unrestricted	Residential	Residential-	Commercial	Industrial	Results Qual						
Volatile Organics	Christineteu	Restuction	Restricted	Commercial	multim	itesuits Quui	results Qua	Results Quai	itesuits Quai	Itesuits Quui		
Carbon tetrachloride	0.76	1.4	2.4	22	44	,	,	r r	1.9			
1,1,2-Trichloroethane	0.70	1.4	2.4						1.5 J			
Tetrachloroethene	1.3	5.5	19	150	300		74	2.1	3.6	0.1 J		
1,1,1-Trichloroethane	0.68	100	100	500	1000				5.7			
Toluene	0.7	100	100	500	1000			<u>1.8</u>		0.022 1		
Ethylbenzene Bromomethane	1	30	41	390	780			0.26 0.077 J		0.033 J 0.083 J		
Vinyl chloride	0.02	0.21	0.9	13	27		<b>2.7</b> J	0.077 3		0.085 5		
trans-1,2-Dichloroethene	0.19	100	100	500	1000		0.62 J					
Trichloroethene	0.47	10	21	200	400		6	4.7	240			
1,2-Dichlorobenzene	1.1	100	100	500	1000							
Methyl tert butyl ether	0.93	62 59	100	500 500	1000		<b>70</b>	0.082 1				
cis-1,2-Dichloroethene Isopropylbenzene	0.25	59	100	500	1000		<u>58</u>	0.082 J 0.045 J		0.12 J		
Cyclohexane								0.043 J		0.12 J		
Methyl cyclohexane	1							0.2 J		0.11 J		
Xylene	0.26	100	100	500	1000			2.91				
Semivolatile Organics		100	105									
Acenaphthene Fluoranthene	20	100	100	500	1000			0.18 J	0.12	2.7	0.15	
Fluoranthene	100	100 100	100	500 500	1000 1000			3.4 0.48 J	0.13 0.16 J	0.73	0.15	
Bis(2-ethylhexyl)phthalate	12	100	100	500	1000		0.14 J	1.2	0.10 J	1./		
Butyl benzyl phthalate	1											
Di-n-butylphthalate									0.21			
Benzo(a)anthracene	1	1	1	5.6	11			1.6	0.062 J	1	0.079 J	
Benzo(a)pyrene	1	1	1	1	1.1			1.3	0.049 J	0.63	0.077 J	
Benzo(b)fluoranthene Benzo(k)fluoranthene	0.8	1	1 3.9	5.6 56	11 110			<b>1.8</b> 0.67	0.11 J 0.032 J	0.38 J	0.099 J 0.041 J	
Chrysene	1	1	3.9	56	110			<b>1.6</b>	0.032 J	2	0.041 J 0.069 J	
Acenaphthylene	100	100	100	500	1000							
Anthracene	100	100	100	500	1000			0.5		1.3		
Benzo(ghi)perylene	100	100	100	500	1000			0.95		0.21 J	0.043 J	
Fluorene	30 100	100 100	100	500 500	1000			0.19 J 2.2	0.33	3.4 12	0.091 J	
Phenanthrene Dibenzo(a,h)anthracene	0.33	0.33	0.33	0.56	1.1			0.24 J	0.55	12	0.091 J	
Indeno(1,2,3-cd)pyrene	0.5	0.5	0.5	5.6	11			1.1			0.047 J	
Pyrene	100	100	100	500	1000			2.7	0.091 J	2.4	0.12	
Biphenyl		ļ										
Dibenzofuran	7	14	59	350	1000			0.17 J	0.08 J			
2-Methylnaphthalene 1,2,4,5-Tetrachlorobenzene		<sup> </sup>	<u> </u>		<b>├</b> ─────			0.3 J	0.19 J 0.036 J			
Carbazole		<sup> </sup>	<u> </u>		łł			0.26 J	0.050 J			
Benzaldehyde			1	1	1			0.20 3				
2,3,4,6-Tetrachlorophenol	1	ĺ							0.048 J			
Polychlorinated Biphenyls												
Total PCBs Matala	0.1	1	1	1	25		0.571	0.705	0.0893	0.0534 J		
Metals Aluminum, Total			<u> </u>	<u> </u>	<u>г т</u>	3990	2950	5210	4720	5120	7500	
Antimony, Total			<u> </u>	t		3770	2930	9.94	4/20 4.24 J	5120	1500	
Arsenic, Total	13	16	16	16	16	4.11	16.1	12.7	13.8	5.72	8.19	
Barium, Total	350	350	400	400	10000	18.2	86.2	197	81	14.1	58	
Beryllium, Total	7.2	14	72	590	2700	0.12 J	0.153 J	0.435 J	0.402 J	0.2 J	0.355 J	
Cadmium, Total	2.5	2.5	4.3	9.3	60	0.336 J	1.19	<b>1020</b>	<b>3.4</b>	0.566 J	0.71 J	
Calcium, Total Chromium, Total	30	36	180	1500	6800	90700 5.99	2350 9.15	17100 <b>87.4</b>	55100 13.3	80800 7.02	11900 11.8	
Cobalt, Total		50	100	1500	0000	4.28	2.51	6.59	7.72	7.81	7.01	
Copper, Total	50	270	270	270	10000	17.3	<u>62.2</u>	5820	393	20	26.3	
Iron, Total						8330	33900	19200	20300	12100	15200	
Lead, Total	63	400	400	1000	3900	6.84	19.1	415	<u>189</u>	7.34	31.6	
Magnesium, Total	1.000	2000	2000	10000	10000	19600	604	6730	7100	16600	6040	
Manganese, Total Mercury, Total	1600 0.18	2000 0.81	2000 0.81	10000 2.8	10000 5.7	365	49.6 0.05 J	304 0.19	339 0.13	1350	690 0.06 J	
Nickel, Total	30	140	310	2.8	5.7	8.92	8.01	87.8	<b>40.6</b>	24.4	14.6	
Potassium, Total		. 10	510		10000	322	894	317	337	360	334	
Selenium, Total	3.9	36	180	1500	6800		1.25 J	0.398 J				
Silver, Total	2	36	180	1500	6800			7.53				
Sodium, Total		ļ	ļ	Ļ	T	80.5 J	164 J	100 J	86.1 J	72.7 J	48.3 J	
								1 1		0.671 I		
Thallium, Total Vanadium, Total		ļ			<b>├───</b> ┤	7.62	10.6	43.6	15.2	0.671 J 21	13.2	

Notes: Results and soil cleanup objectives (SCO) in mg/kg Only analytes detected at concentrations greater than laboratory detections limits are shown Analytical data compared to NYSDEC Part 375-6

Highlighted color indicates the respective use SCO(s) exceeded. Use type SCOs are listed from left to right from most restrictive to least restrictive. Blank space indicates that a SCO does not exist

"J" indicates estimated concentration "-" indicates that sample was not anlayzed for that parameter

# Attachment A

# NYSDOS Database of Entities Printout & Corporate Resolution

# NYS Department of State

## **Division of Corporations**

## **Entity Information**

The information contained in this database is current through December 21, 2017.

Selected Entity Name: FREEWHEELIN ANSCO, LLC<br/>Selected Entity Status InformationCurrent Entity Name:FREEWHEELIN ANSCO, LLCDOS ID #:5164886Initial DOS Filing Date:JULY 05, 2017County:ONONDAGAJurisdiction:NEW YORKEntity Type:DOMESTIC LIMITED LIABILITY COMPANYCurrent Entity StatusACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

C/O MATTHEW PAULUS PAULUS DEVELOPMENT CO. 225 WILKINSON STREET SYRACUSE, NEW YORK, 13204

## **Registered Agent**

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address (es) of the original members, however this information is not recorded and only available by viewing the certificate.

## \* Stock Information

# of Shares Type of Stock \$ Value per Share

No Information Available

\*Stock information is applicable to domestic business corporations.

## Name History

Filing DateName TypeEntity NameJUL 05, 2017ActualFREEWHEELIN ANSCO, LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

## Search Results New Search

<u>Services/Programs</u> | <u>Privacy Policy</u> | <u>Accessibility Policy</u> | <u>Disclaimer</u> | <u>Return to DOS</u> <u>Homepage</u> | <u>Contact Us</u>

### **FREEWHEELIN ANSCO, LLC**

## JOINT UNANIMOUS WRITTEN CONSENT OF THE MEMBERS

January 25, 2018

The undersigned being holders of all of the membership interest of FREEWHEELIN ANSCO, a New York limited liability company (the "Company"), hereby jointly consent to the adoption of the following resolutions without a meeting and direct that this Consent be filed with the minutes of the Company:

RESOLVED, that Matthew Paulus (an "Authorized Person") be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Company, to execute the Brownfield Cleanup Program ("BCP") Application, the BCP Agreement, or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation's Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property owned by the County of Broome located at 9-16 Emma St., Binghamton, New York; and be it further

RESOLVED, that the Authorized Person is hereby authorized, empowered and directed to take all such action on behalf of the Company as they may deem necessary, appropriate or advisable to carry out the intent and purposes of the foregoing resolutions; and be it further

RESOLVED, that any acts of any officer of the Company and of any persons designated and authorized to act by any such officer of the Company, which acts would have been authorized by the foregoing resolutions except that such acts were taken prior to the adoption of such resolutions, are hereby severally ratified, confirmed, approved and adopted as acts of the Company.

**IN WITNESS WHEREOF**, the undersigned have executed this Joint Unanimous Written Consent as of the date first set forth above.

Name: MATTHEW PANUS Manager Name: Chanlos F. Breven.

Manager

This Consent may be executed in various counterpart copies, and by facsimile, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

State of New York County of Onondaga) SS.:

On the <u>25</u> day of January in the year 2018, before me, the undersigned, a Notary Public in and for the said state, personally appeared mathew Pauly personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

A WEAVER ublic State of New York (o No. 4777111 cares Line 30, 2013

State of New York County of Onondaga) SS .:

On the 25 day of January, in the year 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Charles & Breus personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Auso Con Notary Public

LISA A. WEAVER Notary Public, State of New York Oue' in Mail Co., No., 4777111 Conversion Example June 30, 20, 13

# Attachment B

# Site Assessment / Investigation Documentation

Attachment C

# Proof of Access for Remediation



## State of New York County of Broome Government Offices

Broome County Attorney's Office Jason T. Garnar, County Executive · Robert G. Behnke, County Attorney

January 5, 2018

Ms. Kelly Lewandowski Chief, Site Control Selection New York State Department of Environmental Conservation Division of Environmental Remediation 625 Broadway Albany, New York 12233-7020

## Re: Access Authorization Freewheelin ANSCO, LLC ANSCO Camera Factory, 9-16 Emma Street, Binghamton, NY 13209 (the "Site") BCP Site Number

Dear Ms. Lewandowski,

The County of Broome is the owner of the above-referenced site (the "Site") and acknowledges Freewheelin ANSCO, LLC as an additional Applicant to the existing Brownfield Cleanup Agreement (BCA) for redevelopment of the Site under the NY State Brownfield Cleanup Program (BCP).

The County of Broome authorizes Freewheelin ANSCO, LLC and its designated contractors and consultants unlimited access to the Site to perform the required work related to and necessary to secure a Certificate of Completion, including an environmental easement to the Site, provided all activities are completed in accordance with the existing BCA.

Very Truly Yours,

ROBERT G. BEHNKE Broome County Attorney

RGB/mf

cc:

Matthew Paulus

Broome County Office Building · 60 Hawley Street · P.O. Box 1766 · Binghamton, New York 13902 Phone: (607) 778-2117 · Fax (607) 778-6122 · Email: bclaw@co.broome.ny.us Attachment D Title Search

Tax Deed	2498/561 9 Emma St County of BROOME 12/1/15- 2478/488 16 Emma St
	1853/927 9:16 Emmast Linko Technology Centur Inc. 7/27/95-7/21/16
Reference's Deed	1853/387 " " ARC Machining * Plaing Inc. 7/7/95-7/27/95
lod	1834/317 " " Calvin A. Dimmick 1/194 - 7/19/95
WD	1474/208 ARC Machining \$ Plating Inc - 1/26/94
	Special Products Manufacturing inc 915/85
	1474 /263 11 11 Ozalid Corporation 9/3/85 - 9/9/85
	1363/336 9:16 Emma + JC Broome County Industrial Development Clarge 12/20/22 = 19/85
	1351/42 "OCIVERAT DEVIDENT DEVIDENT DEVIDENT DEVIDENT DEVIDENT DEVIDENT DEVIDENT
	GAFCorporation - 1/8/82
	(General Aniline ? Film Corp)
•	
,	



# BROOME COUNTY - STATE OF NEW YORK RICHARD R. BLYTHE, COUNTY CLERK 60 HAWLEY STREET, P.O. BOX 2062 BINGHAMTON, NY 13902

#### COUNTY CLERK'S RECORDING PAGE \*\*\*THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH\*\*\*



BOOK/PAGE: D2498 / 561 INSTRUMENT #: 201600019375
Receipt#: 20160804721
Clerk: DS
Rec Date: 07/29/2016 03:36:24 PM
Doc Grp: D
Descrip: DEED
Num Dage 2
Num Pgs: 3
Rec'd Frm: BROOME COUNTY REAL PROPERTY
Party1: HAMLIN DAVID C-DIR
Party 2 · BROOME COUNTY ()E

Party1:	HAMLIN DAVID C-DIR
Party2:	BROOME COUNTY OF
Town:	CITY OF BINGHAMTON

Recording:	
Cover Page Recording Fee Cultural Ed Records Management - Coun Records Management - Stat TP584 RP5217 Residential/Agricu RP5217 - County	$\begin{array}{c} 0.00\\ 0.00\\ 0.00\\ 0.00\\ 0.00\\ 0.00\\ 0.00\\ 0.00\\ 0.00\\ 0.00\\ 0.00 \end{array}$
Sub Total:	0.00
Transfer Tax Transfer Tax - State Transfer Tax - County Sub Total:	0.00 0.00
Total: **** NOTICE: THIS IS NOT A BI	0.00 L ****
***** Transfer Tax ***** Transfer Tax #: TT004825 Transfer Tax Consideration: 0.00	

Total:

0.00

#### WARNING\*\*\*

This sheet constitutes the clerks endorsement, required by Section 316-A (5) & Section 319 of the Real Property Law of the State of New York. DO NOT DETACH.

Richard R Blotie

Richard R. Blythe Broome County Clerk

Record and Return To:

BROOME COUNTY REAL PROPERTY 44 HAWLEY ST BINGHAMTON NY 13901

Made this 29 day of July, 2016

# **BETWEEN:**

DAVID C. HAMLIN, as Director of Real Property Tax Service and as Enforcement Officer of Broome County, whose principal office is located at the Edwin L. Crawford County Office Building, Government Plaza, Binghamton, New York, GRANTOR, and

COUNTY OF BROOME, a municipal corporation having an office at the Edwin L Crawford County Office Building, Government Plaza, Binghamton, New York, GRANTEE,

WITNESSETH, that the grantor pursuant to the provisions of Article 11, Title 3, of the Real Property Tax Law of the State of New York, and in particular Section 1124 thereof, and Resolution No. 97 of the Broome County Board of Supervisors in the year 1951, and pursuant to an Order and Judgment duly made on June 2, 2016, and entered in the office of the Clerk of the County of Broome on July 26, 2016, (Index No(s)): 2002000136 in an Action entitled <u>COUNTY COURT: BROOME COUNTY</u>

IN THE MATTER OF THE FORECLOSURE OF TAX LIENS, PURSUANT TO ARTICLE 11, TITLE 3, OF THE REAL PROPERTY TAX LAW, BY THE COUNTY OF BROOME, LIST OF DELINQUENT TAXES (of parcels in the <u>City of Binghamton</u> in said County of Broome) **2002** 

and in consideration of One Dollar (\$1.00), lawful money of the United States, paid by the grantee, does hereby grant and release unto the grantee, its successors and assigns forever,

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, together with the buildings and improvements thereon situated, lying and being in the <u>City of Binghamton</u>, County of Broome, State of New York, and more particularly known and described as Said parcel is designated on the Broome County Tax Map as Tax Map No: <u>143.75-1-5</u>, also known as <u>9 Emma Street</u>.

See attached judgment

TO HAVE AND TO HOLD the above granted premises unto the grantee, its successors and assigns forever.

IN WITNESS THEREOF THE grantor has hereunto set his hand and seal the 29 day of July in the year 2016

David C. Hamlin Director Real Property Tax Service

STATE OF NEW YORK)

COUNTY OF BROOME)

**\$S**:

On the 29th day of \_\_\_\_\_\_\_\_ in the year 2015 before me, the undersigned, a Notary Public in and for said State, personally appeared, David C. Hamlin, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Dickinsor e<sup>c</sup>

Return to: Broome County Real Property Attention: Chloe A. Riley-Haner LORRAINE M. DICKINSON Notary Public, State of New York No. 01DI6190372 Residing in Broome County My Commission Expires July 28, 20

## STATE OF NEW YORK COUNTY COURT : COUNTY OF BROOME

### IN THE MATTER OF THE FORECLOSURE OF TAX LIENS PURSUANT TO ARTICLE 11 TITLE 3 OF THE REAL PROPERTY TAX LAW BY THE COUNTY OF BROOME, LIST OF DELINQUENT TAXES

**ORDER AND JUDGMENT** Index No. 2002000136 RЛ No. 2003-1937M

A motion having been duly made by the County of Broome for summary judgment in favor of the County against Respondent Linko Technology Center, Inc., and said motion having regularly come on to be heard,

NOW, after reading and filing the Notice of Motion dated June 2, 2016 with proof of due service thereof, the affidavit of Robert G. Behnke sworn to on the 2nd day of June 2016 together with all the pleadings and proceedings heretofore had herein in support of the motion and there being no opposition to the motion, and after hearing Robert G. Behnke, attorney for the County of Broome, in support of said motion and after due deliberation having been had, it is

ORDERED, ADJUDGED AND DECREED, that the motion of the County of Broome for summary judgment be and the same is hereby granted, and it is further

ORDERED, ADJUDGED AND DECREED, that the County of Broome is awarded possession of the parcel of land described in the List of Delinquent Taxes as <u>9 Emma Street (Tax Map No.</u> <u>143.75-1-5)</u> and the Tax Enforcing Officer is hereby directed to make, execute and cause to be recorded a deed conveying to said County of Broome, full and complete title to said parcel of land, and it is further

ORDERED, ADJUDGED AND DECREED, that upon executing and recording of the deed herein directed, the County of Broome, shall be seized of an estate in fee simple absolute in the parcel of land therein described, and all persons, including the People of the State of New York, infants, incompetents, absentees, and non-residents who may have any right, title, interest, claim, lien or equity of redemption, in and upon such lands shall be barred and forever foreclosed of all right, title, interest, claim, lien or equity of redemption, and it is further

ORDERED, ADJUDGED AND DECREED, that this action does not involve the personal liability of any person and involves only the disposition of real property in the manner herein described and no person is personally bound by this judgment beyond the property involved in this action.

Dated: July 26, 2016

DFFICE • BROOME COUNTY OFFICE BUILDING .AZA • BINGHAMTON, N.Y. 13901

BROOME COUNTY ATTORNEYS OFFICE . BROOME COUNTY OFFICE BUILDING GOVERNMENT PLAZA . BINGHAMTON, N.Y. 13801

Hon. Kevin P. Dooley Broome County Judge



.

# BROOME COUNTY - STATE OF NEW YORK Richard B. Blythe, county clerk 60 Hawley Street, P.O. Box 2062 Binghamton, Ny 13902

# COUNTY CLERK'S RECORDING PAGE



BOOK/PAGE: D2478 / 488 INSTRUMENT #: 201500035025

Clerk:	20150773707 DS 12/01/2015 10:14:45 D	AM
Descrip: Num Pgs;	3	DD00[1173/
Rec d Frm.	BROOME COUNTY REAL	PROPERIT

Party1:	HAMLIN DAVID C-DIR
Party2:	BROOME COUNTY OF
Town:	CITY OF BINGHAMTON

Recording:	
Cover Page Recording Fee Cultural Ed Records Management - Coun Records Management - Stat TP584 RP5217 - County RP5217 All others - State	$\begin{array}{c} 0.00\\ 0.00\\ 0.00\\ 0.00\\ 0.00\\ 0.00\\ 0.00\\ 0.00\\ 0.00\\ 0.00\\ 0.00\\ \end{array}$
sub Total:	0.00
Transfer Tax Transfer Tax - State Transfer Tax - County Sub Total:	0.00 0.00
Total: **** NOTICE: THIS IS NOT A BILL	0.00
***** Transfer Tax ***** Transfer Tax #: TT001662 Transfer Tax Consideration: 0.00	

Tota!:

0.00

WARNING\*\*\*

This sheet constitutes the clerks endorsement, required by Section 316-A (5) & Section 319 of the Real Property Law of the State of New York. DO NOT DETACH.

Richard R Station

Richard R. Blythe Broome County Clerk

Record and Return To:

BROOME COUNTY REAL PROPERTY 44 HAWLEY ST BINGHAMTON NY 13901 Made this <u>|</u> day of December, 2015

# **BETWEEN:**

DAVID C. HAMLIN, as Director of Real Property Tax Service and as Enforcement Officer of Broome County, whose principal office is located at the Edwin L. Crawford County Office Building, Government Plaza, Binghamton, New York, GRANTOR, and

COUNTY OF BROOME, a municipal corporation having an office at the Edwin L Crawford County Office Building, Government Plaza, Binghamton, New York, GRANTEE,

WITNESSETH, that the grantor pursuant to the provisions of Article 11, Title 3, of the Real Property Tax Law of the State of New York, and in particular Section 1124 thereof, and Resolution No. 97 of the Broome County Board of Supervisors in the year 1951, and pursuant to an Order and Judgment duly made on <u>November 20, 2015</u>, and entered in the office of the Clerk of the County of Broome on <u>November 20, 2015</u>, (Index No(s)): 200900902 in an Action entitled <u>COUNTY COURT: BROOME COUNTY</u>

IN THE MATTER OF THE FORECLOSURE OF TAX LIENS, PURSUANT TO ARTICLE 11, TITLE 3, OF THE REAL PROPERTY TAX LAW, BY THE COUNTY OF BROOME, LIST OF DELINQUENT TAXES (of parcels in the <u>City of Binghamton</u> in said County of Broome) 2009

and in consideration of One Dollar (\$1.00), lawful money of the United States, paid by the grantee, does hereby grant and release unto the grantee, its successors and assigns forever,

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, together with the buildings and improvements thereon situated, lying and being in the <u>City of Binghamton</u>, County of Broome, State of New York, and more particularly known and described as Said parcel is designated on the Broome County Tax Map as Tax Map No: <u>143.75-1-16</u>, also known as <u>16 Emma Street</u>.

See attached judgment

TO HAVE AND TO HOLD the above granted premises unto the grantee, its successors and assigns forever.

IN WITNESS THEREOF, THE grantor has hereunto set his hand and seal the  $\perp$  day of **December** in the year **2015** 

David C. Hamlin

Director Real Property Tax Service

STATE OF NEW YORK)

COUNTY OF BROOME)

san Warle Bain Ain Notary Public

ss:

Return to: Broome County Real Property Attention: Chloe A. Riley-Haner

## STATE OF NEW YORK COUNTY COURT : COUNTY OF BROOME

#### IN THE MATTER OF THE FORECLOSURE OF TAX LIENS PURSUANT TO ARTICLE 11 TITLE 3 OF THE REAL PROPERTY TAX LAW BY THE COUNTY OF BROOME, LIST OF DELINQUENT TAXES

ORDER AND JUDGMENT Index No. 2009000902 RJI No. 2010-0562M

A motion having been duly made by the County of Broome for summary judgment in favor of the County against Respondent Linko Technology Center, Inc., and said motion having regularly come on to be heard,

NOW, after reading and filing the Notice of Motion dated October 9, 2015 with proof of due service thereof, the affidavit of Robert G. Behnke sworn to on the 9th day of October 2015 and the affidavit of David Hamlin sworn to on the 9<sup>th</sup> day of October, 2015 together with all the pleadings and proceedings heretofore had herein in support of the motion and there being no opposition to the motion, and after hearing Robert G. Behnke, attorney for the County of Broome, in support of said motion and after due deliberation having been had, it is

ORDERED, ADJUDGED AND DECREED, that the motion of the County of Broome for summary judgment be and the same is hereby granted, and it is further

ORDERED, ADJUDGED AND DECREED, that the County of Broome is awarded possession of the parcels of land described in the List of Delinquent Taxes as <u>16 Emma Street (Tax Map No.</u> <u>143.75-1-16</u>) and the Tax Enforcing Officer is hereby directed to make, execute and cause to be recorded a deed conveying to said County of Broome, full and complete title to said parcel of land, and it is further

ORDERED, ADJUDGED AND DECREED, that upon executing and recording of the deed herein directed, the County of Broome, shall be seized of an estate in fee simple absolute in the parcel of land therein described, and all persons, including the People of the State of New York, infants, incompetents, absentces, and non-residents who may have any right, title, interest, claim, lien or equity of redemption, in and upon such lands shall be barred and forever foreclosed of all right, title, interest, claim, lien or equity of redemption, and it is further

ORDERED, ADJUDGED AND DECREED, that this action does not involve the personal liability of any person and involves only the disposition of real property in the manner herein described and no person is personally bound by this judgment beyond the property involved in this action.

Dated: November 29, 2015

 BROOME COUNTY OFFICE BUILDING BINGHAMTON, N.Y. 13901

BROCME COUNTY ATTORNEYS OFFICE • BROOME COUNTY OFFICE BUILDING GOVERNMENT PLAZA • BINGHAMTON, N.Y. 13901

Hon. Joseph F. Cawley

Hon. Joseph F. Cawley Broome County Judge

BROOME COUNTY CLERK COUNTY CLERK'S RECORDING	G PAGE		
Return To:			
LINKO TECHNOLOGY INC		Index BOOK OF DEEDS	
6 EMMA ST	-	Book 01853 Page 0927	
BINGHAMTON, NY 1390	5	No. Pages 0004	
		Instrument DEED	
		Control # 199507270278	
ARC MACHINING & PLATING	INC		
LINKO TECHNOLOGY CENTER	INC	MORTGAGE TAX	
		Serial #	
		City/Town \$ .	00
Recording	22.00	S.M.A. \$	00
	.00		00
trans tax	625.00		00
	.00 .00		00
	.00		
mata).			
Total: \$	647.00		
STATE OF NEW YORK BROOME COUNTY CLERK		TRANSFER TAX	
Recorded on 7/27/1995	at 3:43:11	Transfer Tax \$ 625.	00
Book 01853 Page 0927	of BOOK OF DEEDS	Amount \$ 125,000.	00
	RICHARD HOGAN		
	KICHARD HOORN	Transfer fax # 1119930040	

THIS PAGE IS A PART OF THE INSTRUMENT

Comp J Vcr. --------Bk. 



Hopen uchand . 1.

RICHARD A. HOGAN Broome County Clerk

U.S. Internal Revenue Stamp Affixed

M 290-Warrahiy deed: basic covenants : ind. or corp.



27

JULIUS BLUMBERG, INC., LAW BLANK PUBLISHERE

This Indenture made

1995

Between

ARC MACHINING & PLATING, INC., 100 Chesnut Street, Newark, New Jersey

July

party of the first part, and

LINKO TECHNOLOGY CENTER, INC., 6 Emma Street, Binghamton, New York

party of the second part, main consideration of ----------- Dollars (\$ 1.00----- ) lawful moncy of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever, XX

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Binghamton, County of Broome and State of New York, comprised of the following (2) parcels, bounded and described as follows:

•

PARCEL 1

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, situate, lying and being on the southeasterly side of Emma Street in the City of Binghamton, County of Broome and State of New York, bounded and described as follows:

BEGINNING at a 5/8 inch rebar with cap on the existing southeasterly boundary of Emma Street at its intersection with the division line between the property now or formerly owned by Broome County Industrial Development Agency on the southwest, and the property now or formerly owned by Consolidated Rail Corporation on the northeast; running thence along said division line the following two (2) courses and distances: (1) on a curve to the right having a radius of 2,834.93 fect, an arc distance of 429. 63 feet to a 5/8 inch rebar with cap, said curve being subtended by a chord having a bearing of South 60 degrees 17 minutes 24 seconds East and a length of 429.21 feet; (2) thence South 55 degrees 54 minutes 36 seconds East, a distance of 78.35 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property owned by said Broome County Industrial Development Agency on the northwest and the property now or formerly owned by General Millwork Supply, Inc. on the southeast; thence South 33 degrees 32 minutes 24 seconds West along the last mentioned division line and along the division line between the property owned by said Broome County Industrial Development Agency on the Northwest and the property now or formerly owned by Cutler Ice Company on the southeast, a distance of 303.10 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property owned by said Broome County Industrial Development Agency on the northeast and the property now or formerly owned by Donald E. Cole on the southwest; thence North 54 degrees 04 minutes 03 seconds West along the last mentioned division line, along the division line between the property owned by said Broome County Industrial Development Agency on the northeast, and the property now or formerly owned by Russell H. Phelps on the southwest and along the division line between the property owned by said Broome County Industrial Development Agency on the northeast, and the property now or formerly owned by Gordon J. Gardner and Rosic Gardner on the southwest, a distance of 290.95 fect to a 5/8 inch rebar with cap, at its intersection with the division between the property owned by said Broome County Industrial Development Agency on the northeast and the property now or formerly owned by Stuart Sullivan, Victor Casiuk and Robert Wilson on the southwest; thence North 57 degrees 47 minutes 35 seconds West, along the last mentioned division line, a distance of 205.01 feet to a 5/8 inch rebar with cap at its intersection with said existing southeasterly boundary of Emma Street; thence North 31 degrees II minutes 51 seconds East along the last

mentioned boundary, a distance of 268.03 feet to the point or place of beginning. Containing 144,778 square feet or 3.3237 acres, more or less.

SUBJECT TO conditions contained in a sidetrack agreement between The Delaware, Lackawanna and Western Railroad Company and General Anilinc and Film Corporation, Agfa-Ansco Division, dated January 7, 1943.

SUBJECT TO conditions contained in a sidetrack agreement between The Delaware, Lackawanna and Western Railroad Company and General Aniline and Film Corporation, Ansco Division, dated May 1, 1947.

SUBJECT TO conditions contained in a Lease Agreement between The Delaware, Lackawanna and Western Railroad Company and General Aniline & Film Corporation, Agfa-Ansco Division, dated January 8, 1943.

SUBJECT TO a permanent easement to the State of New York for the Emma Street grade crossing elimination recorded in the Broome County Clerk's Office on August 15, 1936 in Book of Deeds 467 at page 51.

# PARCEL II

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, situate, lying and being on the northwesterly side of Emma Street in the City of Binghamton, County of Broome and State of New York, bounded and described as follows:

BEGINNING at a 5/8 inch rebar with cap on the existing northwesterly boundary of Emma Street at its intersection with the division line between the property now or formerly owned by Broome County Industrial Development Agency on the northeast and the property now or formerly owned by Gary J. Patrick on the southwest, said rebar being North 31 degrees II minutes 51 seconds East, a distance of 175.00 feet measured along said boundary from a railroad monument at its intersection with the existing northeasterly boundary of Main Street; running thence North 59 degrees 31 minutes 09 seconds West along said division line a distance of 157.60 fect to 5/8 inch rebar with cap at its intersection with the division line between the property owned by said Broome County Industrial Development Agency on the southeast and the property now or formerly owned by J. K. L. Realty on the northwest; thence North 30 degrees 10 minutes 40 seconds East along the last mentioned division line, a distance of 241.64 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property owned by said Broome County Industrial Development Agency on the southwest and the property now or formerly owned by Consolidated Rail Corporation on the northeast; thence southeasterly along the last mentioned division line, on a curve the right having a radius of 2,834.93 feet, an arc distance of 163.66 feet to a masonary nail in concrete sidewalk at its intersection with said existing northwesterly boundary of Emma Street, said curve being subtended by a chord having a bear, ing of South 67 degrees II minutes 24 seconds East and a length of 163.64 feet; thence South 31 degrees II minutes 51 seconds West along the last mentioned boundary, a distance of 263.50 feet to the point or place of beginning. Containing 40,499 square feet or 0.9297 acrc, more or less.

SUBJECT TO a permanent easement to the State of New York for the Emma Street gradecrossing elimination dated January 10, 1935 and recorded in the Broome County Clerk's Office in Liber 447 of Deeds at page 255 on April 10, 1935.

Being the same premises conveyed to ARC Machining & Plating, Inc. by Referee's Deed dated June , 1995 and recorded in the Broome County Clerk's Office on in Liber of Deeds at page

The property described herein does not constitute all or substantially all of the assets of the Grantor Corporation.

**Ungether** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

In have and in hald the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

And the party of the first part covenants as follows:

First, That the party of the second part shall quietly enjoy the said premises;

Second, That the party of the first part will forever Marrant the title to said premises.

**Uhird.** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

In Mitness Mherent, the party of the first part has duly executed this deed the day and year first above written.

In Presence of	ARC MACHINING & PLATING, INC.
By:	Rudard W. Mille (L.S.) L.S.
STATE OF NEW YORK, COUNTY OF ss.: On 19 , before me per- sonally came	STATE OF NEW YORK, COUNTY OF 85.: On 19, before me per- sonally came
to me known to be the individual described in, and who exe- cuted the foregoing instrument, and acknowledged that he executed the same.	to me known to be the individual described in, and who exe- cuted the foregoing instrument, and acknowledged that he executed the same.
Notary Public // Notary Public.	described in and who executed the foregoing instrument; that he, sold subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed h name as witness thereto. KILPATRICK State of New York 964019 Brooms County of

BROOME COUNTY CLERK COUNTY CLERK'S RECORDING PAGE	
Return To:	
COUGHLIN & GERHART	Index BOOK OF DEEDS
P.O. BOX 2039 ONE MARINE MIDLAND P	Book 01853 Page 0387
BINGHAMTON NY 13902	No. Pages 0005
	Instrument DEED
	Control # 199507190042
SCOTT B-REF ANGLEHART	
ARC MACHINING AND PLATING INC	
CALVIN A/REF DIMMICK	MORTGAGE TAX
	Serial #
Recording 25.00	City/Town \$ .00
.00	S.M.A. \$ .00
.00 trans tax 1,467.50	Trans. Auth. \$.00
.00 .00 .00	Total \$ .00
.00	
Total: \$ 1,492.50	
STATE OF NEW YORK BROOME COUNTY CLERK	TRANSFER TAX
Recorded on 7/19/1995 at 10:06:42	Transfer Tax \$ 1,467.50
Book 01853 Page 0387 of BOOK OF DEEDS	Amount \$ 293,272.45
RICHARD HOGAN	Transfer Tax # TT1995004733
THIS PAGE IS A PART OF THE INSTRU	INENT
POME COUNT	
	A. Elopan
RICHARD A. HO	~
Man so Broome County	

#### REFEREE'S DEED

THIS DEED, made the 7th day of July , 1995, between Scott B. Anglehart, having an address at P. O. Box 1750, Binghamton, NY 13902-1750, the Referee duly appointed in the action hereinafter mentioned ("Grantor"), and ARC MACHINING AND PLATING, INC., a domestic corporation, organized and existing under the laws of the State of New York, with address at 100 Chestnut Street, Newark, NY 07105, ("Grantee").

WITNESSETH, that Grantor, the Referee appointed in an action by ARC Machining and Plating, Inc. as Plaintiff against Calvin A. Dimmick et al. as Defendants, foreclosing a Mortgage recorded on January 26, 1994, in the office of the Clerk of the County of Broome in Liber 2306, page 1087, pursuant to a judgment of foreclosure and sale entered by the Supreme Court of the State of New York, Broome County, on May 11,1995, and in consideration of ONE HUNDRED THOUSAND AND 00/100 DOLLARS (\$100,000.00) paid by the Grantee, being the highest sum bid at the sale under said judgment, does hereby grant and convey unto Grantee and the heirs, executors, administrators, successors and assigns of Grantee forever,

> ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in City of Binghamton, the County of Broome, and the State of New York, being more particularly described in Exhibit A attached hereto and made a part hereof,

> TOGETHER with the appurtenances and all the estate and rights of Grantor in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto Grantee and the heirs, executors, administrators, successors and assigns of Grantee forever.

YV

IN WITNESS WHEREOF Grantor has duly executed this deed on the date first above written.

Scott B. Anglehart, Referee

STATE OF NEW YORK ) ) SS.: COUNTY OF BROOME )

On the  $7^{\prime\prime}$  day of  $\mathcal{G}_{\mu\nu}$ , 1995, before me personally came Scott B. Anglehart, to me known to be the individual described in and who executed the foregoing deed as Referee, and acknowledged that he executed said deed as such referee.

Uning C. Cedice Notary Public

Naney A. Adsit Notary Public, State of New York Qualities' (Clubba: Job County Generalistics Explored July 15, 1997 Registration No. 01A05013479

#### SCHEDULE "A"

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ALL THOSE TRACT OR PARCELS OF LAND situate in the City of Binghamton, County of Broome and State of New York, comprised of the following (2) parcels, bounded and described comprised o as follows:

PARCEL I

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ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, situate, lying and being on the Southeasterly side of Emma Street in the City of Binghamton, County of Broome, and State of New York, bounded and described as follows:

The City of Binghenton, County of Broome, and State of New York, bounded and described as follows: BEGINNING at a 5/8 inch rebar with cap on the existing Southeasterly boundary of Emma Street at its intersection with the division line between the property now or formerly owned by Broome County Industrial Development Agency on the Southwest, and the property now or formerly owned by Broome County Industrial Development Agency on the Southwest, and the property now or formerly owned by Broome County Industrial Development Agency on the Southwest, and the property now or formerly owned by Broome County Industrial Development Agency on the Southwest, and the property now or formerly owned by Broome County Industrial Development Agency on the 7,834,93 feet, an arc distance of 429.63 feet to a 5/8 inch rebar with cap, said curve being subtended by a chord having e bearing of South 60 degrees 17 minutes 24 seconds East and a longth of 429.21 feet; (2) thence South 35 degrees 54 minutes 36 seconds East, a distance of 78.35 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property owned by said Broome County Industrial Development Agency on the Northwest, and the property now or formerly owned by General Millwork Supply, Inc. on the Southeast, the the property owned by said Broome County Industrial Development Agency on the Northwest and the property owned by said Broome County Industrial Development Agency on the Southeast, a distance of 303.10 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property owned by said Broome County Industrial Development Agency on the Southeast, and the property now or formerly owned by said Broome County Industrial Development Agency on the Southeast, and the property now or formerly owned by said Broome County Industrial Development Agency on the Southeast, and the property now or formerly owned by said Broome County Industrial Development Agency on the Northeast and the property owned by Said Broome County place of beginning. acres, more or less.

SUBJECT TO conditions contained in a sidetrack agreement between The Delaware, Lackawanna and Western Railroad Company and General Aniline and Film Corporation, Agfa-Ansco Division, dated January 7, 1943.

SUBJECT TO conditions contained in a sidetrack agreement between The Delaware, Lackawanna and Western Railroad Company and General Aniline and Film Corporation, Aneco Division, dated May 1, 1947.

SUBJECT TO conditions contained in a Lease Agreement between The Delaware, Lackwanna and Western Railroad Company and General Aniline & Film Corporation, Agfa-Ansco Division, dated January 8, 1943.

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SUBJECT TO a permanent easement to the State of New York for the Emma Street grade crossing elimination, recorded in the Broome County Clerk's Office on August 15, 1936, in Book of Deeds 467 at page 51.

#### PARCEL II

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, situate, lying and being on the Northwesterly side of Emma Street in the City of Binghamton, County of Broome, and State of New York, bounded and described as follows:

The City of Dingnameton, County of Broome, and State of New York, bounded and described as follows:
BEGINNING at a 5/8 inch rebar with cap on the existing Northwesterly boundary of Emma Street at its intersection with the division line between the property now or formerly owned by Broome County Industrial Development Agency on the Northeast, and the property now or formerly owned by Gary J. Patrick on the Southwest, said rebar being North 31 degrees 11 minutes 51 seconds East, a distance of 175.00 feet measured along said boundary from a railroad monument at its intersection with the existing Northeasterly boundary of Main Street, RUNNING THENCE North 59 degrees 31 minutes 09 seconds West along said division line, a distance of 157.60 feet to a 5/8 inch rebar with cap at its incersection with the division line between the property owned by J.L. Realty on the Northwest, thence North 30 degrees 10 minutes 40 seconds East along the last mentioned division line, a distance of 241.64 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property owned by consolidated Rail Corporation on the Northwests; thence Southeast and the property now or formerly owned by Consolidated Rail Corporation on the Northwests; thence Southeast there scution with said existing Northwesterly boundary of Emma Street, said curve being subtended by a chord having a bearing of South 67 degrees 11 minutes 24 seconds East and a length of 163.64 feet; thence South 31 degrees 11 minutes 51 seconds West along the last mentioned by a chord having a bearing of South 67 degrees 11 minutes 51 seconds West along the last mentioned by a chord having a bearing of South 67 degrees 11 minutes 51 seconds West along the last mentioned boundary, a distance of 263.50 feet to the point or place of beginning. Containing 40,499 square feet or 0.9297 acre, more or less.

SUBJECT TO a permanent easement to the State of New York for the Emma Street gradecrossing elimination dated January 10, 1935 and recorded in the Broome County Clerk's Office in Liber 447 of Deeds at page 255 on April 10, 1935.

Being the same premises conveyed to Calvin A. Dimmick by deed from ARC Machining & Plating, Inc., dated January 1, 1994, and recorded in Broome County Clerk's Office on January 26, 1994, in Liber 1834 of Deeds at page 317.

S 1 - P

BROOME COUNTY CLERK COUNTY CLERK'S RECORDING PAGE

Return To: F SHAW

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123 FRONT ST BINGHAMTON, NY 13905

Index BOOK OF DEEDS Book 01834 Page 0317 No. Pages 0005 Instrument DEED Control # 199401260256

ARC MACHINING CLAVIN DIMMICK	G & PLATING INC A	
		MORTGAGE TAX
		Serial #
		City/Town \$ .00
Recording	25.00 .00 .00	S.M.A. \$ .00
trans tax	.00 1,000.00	Trans. Auth. \$.00
	.00 .00 .00 .00	Total \$ .00

STATE OF NEW YORK BROOME COUNTY CLERK

Total:

TRANSFER TAX \_\_\_\_\_\_

Recorded on	1/26/1994	at 4:41:30	T
Book 01834	Page 0317	of BOOK OF DEEDS	A
		RICHARD HOGAN	Т

\$ 1,025.00

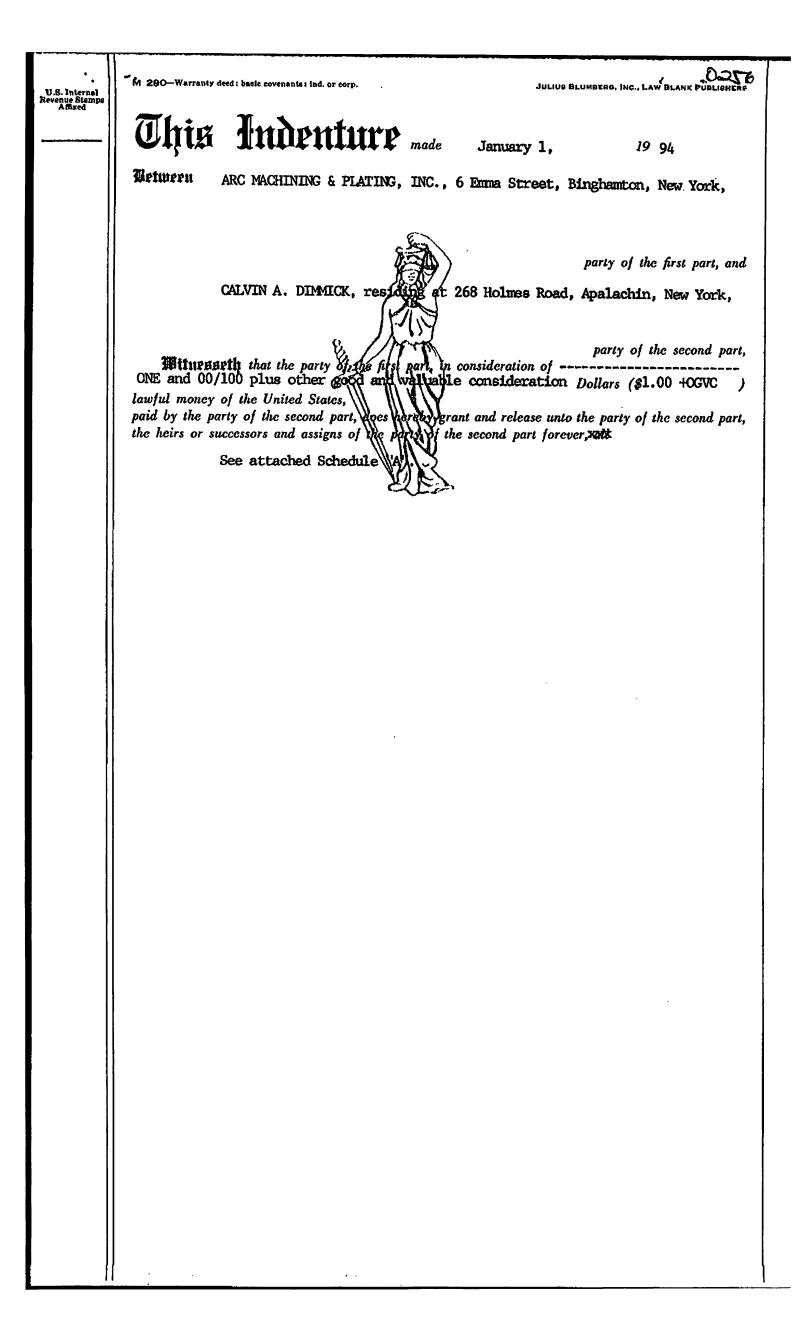
Transfer Tax \$ 1,000.00 250,000.00 Amount \$ Transfer Tax # TT1993002993

THIS PAGE IS A PART OF THE INSTRUMENT

Comp Ver. Bk.

Tichard

RICHARD A. HOGAN Broome County Clerk



SUBJECT TO conditions contained in a Lease Agreement between The Delaware, Lackwanna and Western Railroad Company and General Aniline & Film Corporation, Agfa-Ansco Division, dated January 8, 1943.

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SUBJECT TO a permanent easement to the State of New York for the Emma Street grade crossing elimination, recorded in the Broome County Clerk's Office on August 15, 1936, in Book of Deeds 467 at page 51.

#### PARCEL II

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, situate, lying and being on the Northwesterly side of Emma Street in the City of Binghamton, County of Broome, and State of New York, bounded and described as follows:

BEGINNING at a 5/8 inch rebar with cap on the existing Northwesterly boundary of Emmá Street at its intersection with the division line between the property now or formerly owned by Broome County Industrial Development Agency on the Northeast, and the property now or formerly owned by Gary J. Patrick on the Southwest, said rebar being North 31 degrees 11 minutes 51 seconds East, a distance of 175.00 feet measured along said boundary from a railroad monument at its intersection with the existing Northeasterly boundary of Main Street, RUNNING THENCE North 59 degrees 31 minutes 09 seconds West along said division line, a distance of 157.60 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property owned by said Broome County Industrial Development Agency on the Southeast and the property now or formerly owned by J.K.L. Realty on the Northwest, thence North 30 degrees 10 minutes 40 seconds East along the last mentioned division line, a distance of 241.64 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property owned by said Broome County Industrial Development Agency on the Southwest, and the property now or formerly owned by Consolidated Rai1 Corporation on the Northeast; thence Southeasterly along the last mentioned division line, on a curve to the right having a radius of 2,834.93 feet, an arc distance of 163.66 feet to a masonry nail in concrete sidewalk at its intersection with said existing Northwesterly boundary of Emma Street, said curve being subtended by a chord having a bearing of South 67 degrees 11 minutes 24 seconds East and a length of 163.64 feet; thence South 31 degrees 11 minutes 51 seconds West along the last mentioned boundary, a distance of 263.50 feet to the point or place of beginning. Containing 40,499 square feet or 0.9297 acre, more or less.

SUBJECT TO a permanent easement to the State of New York for the Emma Street gradecrossing elimination dated January 10, 1935 and recorded in the Broome County Clerk's Office in Liber 447 of Deeds at page 255 on April 10, 1935.

Being the same premises conveyed to Special Products Manufacturing, Inc., from Ozalid Corporation, dated September 5, 1985 and recorded in the Broome County Clerk's Office on September 5, 1985 in Book 1474 of Deeds at Page 298.

This conveyance has been made with the unanimous written consent of all the stockholders of the party of the first part.

#### SCHEDULE "A"

ALL THOSE TRACT OR PARCELS OF LAND situate in the City of Binghamton, County of Broome and State of New York, comprised of the following (2) parcels, bounded and described as follows:

#### PARCEL I

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, situate, lying and being on the Southeasterly side of Emma Street in the City of Binghamton, County of Broome, and State of New York, bounded and described as follows:

BEGINNING at a 5/8 inch rebar with cap on the existing Southeasterly boundary of Emma Street at its intersection with the division line between the property now or formerly owned by Broome County Industrial Development Agency on the Southwest, and the property now or formerly owned by Consolidated Rail Corporation on the Northeast; RUNNING THENCE along said division line the following two (2) courses and distances: (1) on a curve to the right having a radius of 2,834.93 feet, an arc distance of 429.63 feet to a 5/8 inch rebar with cap, said curve being subtended by a chord having a bearing of South 60 degrees 17 minutes 24 seconds East and a length of 429.21 feet; (2) thence South 55 degrees 54 minutes 36 seconds East, a distance of 78.35 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property owned by said Broome County Industrial Development Agency on the Northwest, and the property now or formerly owned by General Millwork Supply, Inc. on the Southeast; thence South 33 degrees 32 minutes 24 seconds West along the last mentioned division line and along the division line between the property owned by said Broome County BEGINNING at a 5/8 inch rebar with cap on the existing line between the property owned by said Broome County Industrial Development Agency on the Northwest and the property now or formerly owned by Cutler Ice Company on the Southeast, a distance of 303.10 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property owned by said Broome County Industrial Development property owned by said Broome County Industrial Development property owned by said Broome County Industrial Development Agency on the northeast and the property now or formerly owned by Donald E. Cole on the Southwest, thence North 54 degrees 04 minutes 03 seconds West along the last mentioned division line, along the division line between the property owned by said Broome County Industrial Development Agency on the Northeast, and the property now or formerly owned by Russell H. Phelps on the Southwest and along the division line between the property owned by said Broome County Industrial Development Agency on the Northeast, and the property now or formerly owned by Gordon J. Gardner and Rosie Gardner on the Southwest, a distance of 290.95 feet to a 5/8 inch rebar with cap. at its intersection with the division between the cap, at its intersection with the division between the property owned by said Broome County Industrial Development Agency on the Northeast and the property now or formerly owned by Stuart Sullivan, Victor Casiuk, and Robert Wilson on the Southwest; thence North 57 degrees 47 minutes 35 seconds West, along the last mentioned division line, a distance of 205.01 feet to a 5/8 inch rebar with cap at its intersection with said existing Southeasterly boundary of Emma Street; thence North 31 degrees 11 minutes 51 seconds East along the last mentioned boundary, a distance of 268.03 feet to the point or place of beginning. Containing 144,778 square feet or 3.3237 acres, more or less.

SUBJECT TO conditions contained in a sidetrack agreement between The Delaware, Lackawanna and Western Railroad Company and General Aniline and Film Corporation, Agfa-Ansco Division, dated January 7, 1943.

SUBJECT TO conditions contained in a sidetrack agreement between The Delaware, Lackawanna and Western Railroad Company and General Aniline and Film Corporation, Ansco Division, dated May 1, 1947.

**Ungetiver** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

On have and to hold the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

And the party of the first part covenants as follows:

First. That the party of the second part shall quietly enjoy the said premises;

Second. That the party of the first part will forever Murrant the title to said premises.

Third, the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenturc so requires.

In Witness Wherenf, the party of the first part has duly executed this deed the day and year first above written. ARC MACHINING & PLATING, INC.

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In Presence of	By: Richard W. Noble Richard W. Noble L.B. L.B. L.B. L.B.
STATE OF NEW YORK, COUNTY OF as.:	STATE OF NEW YORK, COUNTY OF es.:
On 19, before me per-	On 19 , before me por-
sonally came	sonally came
to me known to be the individual described in, and who exe-	to me known to be the individual described in, and who exe-
cuted the foregoing instrument, and acknowledged that he	cuted the foregoing instrument, and acknowledged that he
executed the same.	executed the same.
STATE OF NEW YORK, COUNTY OF BRAME, 85.: On January of 1994, before me per- sonally came Richard W. Noble to me known, who, being by ne duly sworn, did depose and say that deponent resides at No. deponent is Vice President of ARC MACHINING S Plating, Inc., the corporation described in and which executed, the foregoing instrument; deponent knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; deponent signed deponent's name thereto by like order.	STATE OF NEW YORK, COUNTY OF so.: On 19, before me per- sonally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. i that he knows that he knows to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed h name as witness thereto. DEFRIT JUCSON STATTH Y Public, State of New York No. 3062125 Median Excome County Me Explores Exptember 30, 1924

Rev. 3/11 FORM SI N. Y. DEED Indenture, This 07587 5 fin day of September Made the Nineteen Hundred and Bighty-Five Between OZALID CORPORATION a corporation organized under the laws of the State of New York, having its principal office at 111 West 2nd Street, Jamestown, Hew York 14701, party of the first part, and SPECIAL PRODUCTS MANUFACTURING INC., a corporation organized under the laws of the State of Manufact, having its principal office at 419 Park Avenue, New York, New York, New York 10016 G/o None, Restrict & Luci mitnesseth that the party of the first part, in consideration of towful money of the United States, and other good and valuable consideration paid by the part y of the second part, does hereby grant and release unto the part y of the second part, its successors and assigns forever, dir ALL THOSE TRACT OR PARCELS OF LAND situate in the City of Binghamton, County of Broome and State of New York, comprised of the following two (2) parcels, bounded and described as follows: (see attached) , ۱ LEUK 1474 - 298 ÷ -124 : '; 14 1 1 39318 3 1 e ai 1 ۰.

PARCEL 1 ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, situate, lying and being on the Southeasterly side of Emma Street in the City of Binghamton, County of Broome, and State of New York, bounded and described as follows: Southeasterly side of Emma Street in the City of Binghmaton, County of Broome, and State of New York, bounded and described as follows: BEGINNING at a 5/8 inch rebar with cap on the existing Southeasterly boundary of Brms Street et its intersection with the division line between the property now or form owned by Broome County Industrial Development Agency on the Southwest, and the property no or formerly owned by Consolidated Rail Corporation on the Northeast; RUNNING THENCE along said division line the following two (2) courses and distances: (1) on a curve to the right having a radius of 2,834.93 feet, an arc distance of 429.63 feet to a 5/8 inch rebar with cap, said curve being subtended by a chord having a bearing of South 60 degrees 17 minutes 24 seconds East and a length of 429.21 feet; (2) thence South 55 degrees 54 minutes 36 seconds East, a distance of 78.35 feet to a 5/8 inch rebar with cap at its intersection with the division line batween the property owned by said Broome County Industrial Development Agency on the Northwest, and the property now or formerly owned by General Milwork Supply. Inc. on the Southsast; thence South 33 degrees 32 minutes 24 seconds we along the last mentioned division line and along the division line between the property own of formerly owned by Cutler Ice Company on with the division line between the property now or formerly owned by Bonald E, Cole on the Southwest; thence North 54 degrees 04 minutes 03 seconds West along the last mentioned division line, along the division line boween the property now or formerly owned by Russell H. Pholps on the Southwest; and the property now or formerly owned by Russell H. Pholps on the Southwest and along the division line between the property now or formerly owned by Gordon J. Gardner and Rosie Gardnar on the Southwest, a distance of 200.95 feet to a 5/8 inch rebar with cap, at its Intersection with the division between the property now or formerly owned by Stuart Sullivan, Victor Casiuk, and Kobert Wileon on formerl SUBJECT TO conditions contained in a sidetrack agreement between The Delaware, Lackswanna and Western Railroad Company and General Aniline and Pilm Corporation, Agfa-Ansco Division, dated January 7, 1943. SUBJECT TO conditions contained in a sidetrack agreement between The Delaware, Lackawanna and Mestern Railroad Company and General Aniline and Film Corporation, Anaco Division, dated May 1, 1947. SUBJECT TO conditions contained in a Lease Agreement between The Deleware, Lackwanna and Western Railroad Company and General Amiline 4 Film Corporation, Agfa-Ansco Division, dated January 8, 1943. SUBJECT TO a permanent essement to the State of New York for the Emma Street grade crossing elimination, recorded in the Broome County Clerk's Office on August 15, 1936, in Book of Deeds 467 at page 51. UNER 1474 - 31 299 s.  $\Delta z$ 

# : PARCEL 2 ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, situate, lying and being on the Northwesterly side of Emms Street in the City of Binghamton, County of Brooms, and State of New York, bounded and described as follows: ing on the State of New York, bounded end described as follows: BEGINNING at a 5/8 inch rebar with cap on the existing Northwesterly boundary of owned by Broome County Industrial Development Agency on the Northeast, and the property now or formerly owned by Gary J. Patrick on the Southwest, and the property from or formerly owned by Gary J. Patrick on the Southwest, and the property of press 11 minutes 51 seconds East, a distance of 175.00 feet measured along said boundary of Main Street; RUNNING THENCE North 59 degrees 31 minutes 09 seconds West along said division line, a distance of 157.60 feet to a 5/8 inch rebar with cap at its intersection bevelopment Agency on the Southwest and the property now or formerly owned by J.K.L. Realty on the Korthwest; thence North 30 degrees 10 minutes 09 seconds East along the is intersection with the division line between the property now or formerly owned by J.K.L. Realty on the Korthwest; thence North 30 degrees 10 minutes 40 seconds East along the is intersection with the division line between the property owned by said Broome County Industrial Housing and division line, a distance of 241.64 foet to a 5/8 inch rebar with cap at is intersection with the division line between the property owned by said Broome County Industrial Development Agency on the Southwest, and the property now or formerly owned by Consolidated Rail Corporation on the Northeast; thence Southeasterly along the last set distance of 163.66 foet to a magnory nail in concrete sidewalk at its intersection with asid existing Northwesterly boundary of Emma Street, anid curve being subtended by a chord having a bearing of South 67 degrees 11 minutes 24 seconds Kest along the last fortioned division set of 263.50 feet to the point or place of beginning. SUBJECT TO a permanent easement to the State of Now York for the Emma Street rly 0 SUBJECT TO a permanent easement to the State of New York for the Emma Street gradecrossing elimination dated January 10, 1935 and recorded in the Broome County Clerk's Office in Liber 447 of Deeds at page 255 on April 10, 1935. Being the same premises conveyed by Oxalid Corporation to Broome County Industrial Development Agency by Deed dated and recorded December 30, 1982 in Book 1363 of Deeds at page 336 in the Broome County Clerk's Office, and also being the same promises convey by Broome County Industrial Development Agency to Oxalid Corporation by deed to be recorded simultaneously herewith in the Broome County Clerk's Office. ayed This conveyance does not constitute all or substantially all of the assets of the Corporation grantor. UBER 1474 - CE 800 :

Toge first part with the appurtenances and all the estate and to said premises, and rights the h ve and to hold the p of the second and assigns forever. party of the first part covenante as follows: hat the part of the second part shall quietly enjoy That the party of the first part will forever Warrant the And the First, Ti Th 13 of the Lien Law, the J old the right to receive a poying the cast of the in the improvement before Th ill ne el cu the elderation for these d to be applied first same first to the p the same for any conveyance an st for the purp bayment of the uch consideration as a trust mprovement and will apply using any part of the total funa the sai 1 .:. Sh? Presence. of DEPT OF ASSESSMENT Party TOMOLANSESSMENT duly SOLASST SEN ENTREY SOL arty of the first part has ercunto affixed, and they why authorized officer thi 7 60 these presents this Sth teen Hundred W Rightw SEP 9 1335 Ozalid Corporation Parint andun J. M. VILLANTI D. P. DERVAY E. F. SMITH M.A. BEANTH Juste of New York Jounty of Hard Jork Jore me persondly co 7 CHAIRMAN On this 5th day of September Nineteen Hundred and Bighty-Five R. QUINTUS ANDERSON being by me duly sworn, did depose and say that venue, Lakewood, New York 14750, of Oralid Corporation nd which executed, the within Instrument; that he the geal affized to said Instrument is such corporation of Board of Dimension of Statement is such corporation. personally known, wi 55 East Paris Chairman poration described in said corporation; th so efficient by order ( mana thereto by lik to me inc. at the the coi scal of it was his he resides that he is at UNIX 1474 ..... 301 ł 1 MAR • • Sumal for the second second of : -1 Ş •, • ۲ . . I

. • • • • • 100102 ą BROOK COUDIT CLIC ACCORDS OFFICE ACCORDING PAGE this space for the of Recording Office .... **٦**٢., ic loc charged felleuss Recording Charge Hortgage Am faling Charge (a) ... Tas Less beterence ters. Peieipt Dasie Additional Subtatal 1 10 يلا Special 114 tlached letal 401. q 5416 Ì0x21 t. Alchard A. Negan Brases County Clerb RECORD AND RETURN TOI ۰. (THIS PAGE IS & PAR INE COSTOCICET) . . UNIX 1474 - 302 •••• ۰. .... à

.. TUTELARX ELEISTERED US PAT OFFICE Fullic Low Print, Publishere, Rulland B Chis Indenture, 07577 Made the 3rđ Ninoteen Hundred and day of September **Eighty-Five** Between BROOME COUNTY INDUSTRIAL DEVELOPMENT ACENCY. a political subdivision of the State of New York, having its principal office at 349 Chanango Street, Binghamton, New York 13902, party of the first part, and OZALID CORPORATION, a corporation organized under the laws of the State of New York, having its principal office at 111 West 2nd Street, Jamestown, New York 14701, · part y of the second part; Witneweth that the party of the first part, in consideration of Dollar ) lawful money of the United States, and other good and (\$ 1.00 paid by the part of the second part, valuablo consideration does hereby grant and release unto the part y of the second nart. ite and assigns forever, WEX -----ALL THOSE TRACT OF PARCELS OF LAND situate in the City of Binghamton, Co rooms and State of New York, compired of the following two (2) parcels, ded end described as follows: (see attsched) County of Broo UBLA 1474 2 :. : ..... : ÷, .

#### PARCEL 1

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ALL THAT CERTAIN LOT, PIECE OF PARCEL OF LAND, situate, lying and being on the Southeasterly side of Emma Street in the City of Binghamton, County of Broome, and State of New York, bounded and described as follows:

BEGINNING at a 5/8 inch rebar with cap on the existing Southeasterly boundary of Zma Streat at its intersection with the division line between the property now or former owned by Broome County Industrial Development Agency on the Southwest, and the property now or formerly owned by Consolidated Eail Corporation on the Northeast, EUNNING THINGS along said division line the following two (2) courses and distances: (1) on a curve to the right having a radius of 2,834.93 fest, an arc distance of 429.63 feet to a 5/8 inch rebar with cap, said curve being subtended by a chord having a bearing of South 60 degrees 17 minutes 24 seconds East and a longth of 429.21 fest; (2) thence South 53 degrees 54 minutes 36 seconds East, a distance of 78.03 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property owned by eaid Broome County Industrial Development Agency on the Northwest, and the property onw or formerly owned by Consolidated Kast along the last mentioned division line and along the division line between the property owned by said Broome County Industrial Development Agency on the Northwest and the property owned by said Broome County Industrial Development Agency on the Northast and the property owned by said Broome County Industrial Development Agency on the Northast and the property own of formerly owned by Donald E. Cole on the Southwest; thence North 54 degrees 04 minutes 03 seconds West along the last mentioned division line, along the division line between the property owned by said Broome County Industrial Development Agency on the Northeast, and the property now of formerly owned by Russell H. Phelps on the Southwest; and along the division line between the property now or formerly owned by Carlon J. Gardner and Rosie Gardner on the Southwest, a distance of 200.95 feet to a 5/8 inch reber with cap, at is intersection with the division between the property now or formerly owned by Stuart Sullivan, victor Casiuk, and Robert Wilson on the Southwest; thence North 57 degre

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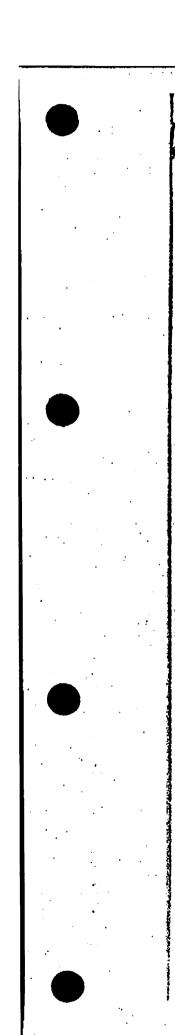
SUBJECT TO conditions contained in a sidetrack agreement between The Delaware. Lackawanna and Western Railroad Company and General Aniline and Film Corporation, Agfa-Ansco Division, dated January 7, 1943.

SUBJECT TO conditions contained in a sidetrack agreement between The Delaware. Lackewanna and Western Railroad Company and General Aniline and Film Corporation, Ansco Division, dated May 1, 1947.

BUBJECT TO conditions contained in a Lease Agreement between The Delaware, Lackwanna and Wastern Roilroad Company and General Aniline & Film Corporation, Agfa-Anaco Division, dated January 8, 1943.

SUBJECT TO a permanent essement to the State of New York for the Emma Street grade crossing elimination, recorded in the Broome County Clerk's Office on August 15, 1936, in Book of Deeds 467 at page 51.

uer1474 - 264



PARCEL 2

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, situate, lying and being on the Northwesterly side of Emma Street in the City of Binghamton, County of Broome, and State of New York, bounded and described as follows:

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State of New York, bounded and described as follows: BEGINNING at a 5/8 inch rebar with cap on the existing Northwesterly boundary of Emma Street at its intersection with the division line between the property now or formerly owned by Broome County Industrial Development Agency on the Northeast, and the property now or formerly owned by Cary J. Patrick on the Southwest, said rebar being North 31 degrees 11 minutes 51 seconds East, a distance of 175.00 feet measured along said boundary from a railroad monument at its intersection with the existing Northeasterly boundary of Main Street; RUNNING THENCE North 59 degrees 31 minutes 09 seconds West along said division line, a distance of 157.60 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property now or formerly owned by J.K.L. Realty on the Northwest; thence North 30 degrees 10 minutes 40 seconds East along the last mentioned division line, a distance of 241.64 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property owned by said Broome County Industrial Development Agency on the Southwest, and the property onw or formerly owned by Consolidated Rail Corporation on the Northeast; thence Southeasterly along the last mentioned division line, on a curva to the right having a radius of 2,634.93 feet, an arc distance of 163.66 feet to a measonry nail in concrete sidewalk at its intersection with said existing Northwesterly boundary of Emma Street, said curve being subtended by a chord having a bearing of Bouth 67 degrees 11 minutes 24 seconds East and a length of 163.64 feet; thence South 31 degrees 11 minutes 51 seconds West along the last mentioned boundary, a distance of 263.50 feet to the point or place of beginning. Containing 40,499 equare feet or 0.9297 acre, more or less.

SUBJECT TO a permanent essenant to the State of New York for the Emma Street gradecrossing elimination dated January 10, 1935 and recorded in the Broome County Clerk's Office in Liber 447 of Deeds at page 255 on April 10, 1935.

Being the same premises conveyed by Ozelid Corporation to Broome County Industrial Development Agency by Deed dated and recorded December 30, 1982 in Bock 1363 of Deeds at page 336 in the Broome County Clerk's Office, and elso being the same premises conveye by Broome County Industrial Development Agency to Ozelid Corporation by deed to be recorded simultaneously herewith in the Broome County Clerk's Office.

UBL#1474 ----- 265

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Cogettier with the appurtenances and all the estate party of the first part in and to said premises, To have and to hold the premiers borein granted unto the of the second part, its successors and assigns forever. And me party of the first part cou 4 or suffered anything whereby the said premises have been way whatever. And That, in Compliance with Sec. 18 of the Lien Law, the granter will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the Improve which assessment any part of the total of the same for any other purpose. SEP 9 1985 J.M. VILLANTI D. R. DERVAY JII DERVAY In Witness Whereof, m. party of the first part has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer the day and year first above written. Broome County Industrial Development Agency 1474 - 266 .

\_ . State of New York County of of NEW YORK State 3rd On this day of September . Nincloca Hundred and **Eighty-Five** before me personally came DAVID W. ALLEN to me personally known, who, being by me duly sworn, did depose and say that 1 ho is that resides in Vestal, New York Chairman tho of e County Industrial Development Agency Broo the corporation described in, and which executed, the above Instrument; that he knows the seal of said corporation; that the seal affixed to said Instrument is such corporate scal; that it was so affixed by order of the Board of Directors of said corporation; and that he signed his Hha order. na 1 Tel ¥. 11.85 ß Ð 388 UNDER TRAVE DEVISION ň COUCHLIN & CERENK antenber DEALED CORPORATIO 200 Ŀ

SACORE COUNTY CLIRE, RECORDS OFFICE RECORDING PAGE, Reserve this Space for the Of Recording Office Jun. 1.65 B 449 the clock Q. R. in Liber 1474 of 263 insulant and charged as fellous: D ... Hertgage Recording Charge Faling Charge Escapt Cross beforence Received Las tert./Fe.tipt -Additional tat h. 107 Subtotal Special 1. •4 lotel ... СB 2 (1811 .. 0820 1. 1. 4 Filed A.C. Richard A. Hogan Broose County Clerk RECORD AND RETURN TOI (LUIS PAGE IS & PART OF THE ENSTRUMENT) USER 1474 Hits 268 ۰. :•: .

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	a corporation or its principal c	ganized und office at 11	er the laws o L1 West 2nd	y the State Street, Jam	of New York, estown, New Yo	having ork 14701,	******
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	does hereby grant	and release u	into the part	y of the se	cond part, 1	te	in the second
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	stance of 268.03 feet	nutes, 51 sec	conde Bast alo	ng the last me	ntioned boundary	ence	•

PARCEL 2

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Binghamton, County of We and State of New York, bounded and described as follows: Broon

BEGINNING at a 5/8 inch rebar with cap on the existing Northwesterly boundary of Emma Street at its intersection with the division line between the property formerly owned by GAF Corporation on the Northeast, and the property now or formerly owned by Gary J. Patrick on the Southwest, said rebar being North 31 degrees, 11 minutes, 51 seconds East, a distance of 175.00 feet measured along said Boundary from a railroad monument at its intersection with the existing Northeasterly boundary of Main Street; running thence North 59 degrees, 31 minutes, 09 seconds West along said division line a distance of 157.60 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property formerly owned by said CAF Corporation on the Southeast, and the property now or formerly owned by JKL Realty on the Northwest; thence North 30 degrees, 10 minutes, 60 seconds East along the last mentioned division line, a distance of 241.64 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property formerly owned by said GAF Corporation on the southeast is a distance of 241.64 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property formerly owned by said GAF Corporation on the 5 1363 ë 55 thence North 30 degrees, 10 minutes, 50 states with cap at its intersection with line, a distance of 241.64 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property formerly owned by said GAF Corporation on the Southwest, and the property now or formerly owned by Consolidated Rail Corporation on the Northeast; thence Southeasterly along the last mentioned division line, on a curve to the right having a radius of 2,834.93 feet, an arc, distance of 163.66 feet to a masonry nail in concrete sidewalk at its intersection with said existing North-westerly boundary of Emma Street, said curve being subtended by a chord having a bearing of South 67 degrees, 11 minutes, 24 seconds East and a length of 163.64 feet; thence South 31 degrees, 11 minutes, 51 seconds West along the last mentioned boundary, a distance of 263.50 feet to the point or place of beginning.

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#### PARCEL 3

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

BEGINNING at a masonry nail set in concrete walk on the existing Southerly boundary of Corliss Avenue at its intersection with the existing Easterly boundary of Willew Street; running thence Easterly along the last mentioned boundary the following two (2) courses and distances: (1) North 87 degrees, 08 minutes, 33 seconds East, a distance of 123.09 feet to a 5/8 inch iron; (2) thence South 89 degrees, 36 minutes, 27 seconds East, a distance of 501.10 feet to a railroad spike with punch hole set in walk joint at its intersection with the existing Westerly boundary of Ozalid Road; thence South 04 degrees, 08 minutes, 26 seconds East along the last mentioned boundary, a distance of 7.00 feet to a chiled "X" in concrete walk at its intersection with the existing Southerly boundary of said Ozalid Road; thence North 85 degrees, 51 minutes, 34 seconds East along the last mentioned boundary, along the division line between the property formerly owned by GAF Corporation on the South and the property now or formerly owned by John Sarnowski on the North, and along the division line between the property formerly owned by said CAF Corporation on the South, and the property now or formerly owned by said CAF Corporation on the South, a distance of 175.04 faet to a chain link fence corner post at its intersection with the division line between the property formerly owned by said GAF Corporation on the Wast, and the property now or formerly owned by said GAF Corporation on the South, and the property now or formerly owned by said GAF Corporation on the South, and the property now or formerly owned by said GAF Corporation on the South, and the property now or formerly owned by said GAF Corporation on the South, and the property now or formerly owned by said GAF Corporation on the South, and the property now or formerly owned by said GAF Gorporation on the South, and the property now or formerly owned by said GAF Gorporation on the South, and the property now or formerly owned by said GAF Corporation on the South, and the propert BEGINNING at a masonry nail set in concrete walk on the existing Southerly mentioned division line, a distance of 40.00 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property formerly owned by said GAP Corporation on the Southwest, and the property now or formerly owned by Kradro Realty Corporation on the Northeast; thence South 62 degrees, 43 minutes, 51 seconds Bast along the last mentioned division line, a distance of 150.00 feat to a 5/8 inch rebar with cap at its intersection with the Northwesterly boundary of Park Street; thence Southwesterly and Southerly long the last mentioned binding (2) with cap at its intersection with the Northwesterly boundary of Park Street; thence Southwesterly and Southerly along the last mentioned boundary the following two (2) courses and distances: (1) South 27 degrees, 19 minutes, 18 seconds West, a distance of 50.00 feet to a 1/2 inch rebar; (2) thence South 04 degrees, 30 minutes, 15 seconds East, a distance of 32.18 feet to a point at its intersection with the division line between the property formerly owned by said GAF Corporation on the North and the property now or formerly owned by Martin L. Hartman & Jennie A. Hartman on the South, the last mentioned point being 0.10 feet Westerly of a 1/2 inch rebar; thence South 85 degrees, 42 minutes, 43 seconds West along the last mentioned division line, a distance of 149.29 feet to a 5/8 inch rebar with cap at its intersection with the division line batween the property formerly owned by said Martin L. Hartman & Jennie A. Hartman on the East, said rebar being 0.25 feet Easterly of a fence post; thence South 04 degrees, 06 minutes, 31 seconds East along the last mentioned division line, a distance of 92.50 feet to a point which is 0.43 feet South and 0.21 feet East of a chain link fence post at its intersection with the division line, a distance of 92.50 feet to a point which is 0.43 feet South and 0.21 feet East of a chain link fence post at its intersection on the South, and the property formerly owned by said GAF Corporation on the property formerly owned by said GAF Corporation on the property formerly owned by said GAF Corporation on the South, and the property now or formerly

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owned by said Martin L. Hartman & Jennie A. Hartman on the North, the last mentioned course passes through a 1 inch pipe 1.39 feet Northerly from the last mentioned point; thence North 83 degrees, 06 minutes, 15 seconds East along the last mentioned division line, a distance of 150.72 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property formerly owned by said GAF Corporation on the West, and the property now or formerly owned by Consolidated Rail Corporation on the East; thence South 06 degrees, 53 minutes, 45 seconds East along the last mentioned division line, a distance of 41.06 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property now or formerly owned by said Consolidated Rail Corporation on the South; thence South 83 degrees, 04 minutes, 45 seconds West along the last mentioned division line, a distance of 620.00 feet to a 1/2 inch iron at its intersection with the division line, a distance of 61.33 feet to a 5/8 inch rebar with cap at 1/2 inch iron at its intersection with the division line, a distance of 41.33 feet to a 5/8 inch rebar with cap sid Consolidated Rail Corporation on the West; thence North 06 degrees, 53 minutes, 45 seconds West along the last mentioned division line, a distance of 41.33 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property formerly owned by said Consolidated Rail Corporation on the North, and the property now or formerly owned by said Consolidated Rail Corporation on the North, and the property now or formerly owned by said Consolidated Rail Corporation on the North, and the property now or formerly owned by said Consolidated Rail Corporation on the North, and the property now or formerly owned by said Consolidated Rail Corporation on the North, and the property now or formerly owned by said Consolidated Rail Corporation on the North, and the property now or formerly owned by said Consolidated Rail Corporation on the North, and the p Willow Street, the last mentioned rebar being Northerly 1.71 feet and Basterly 1.76 feet from a 4 inch concrete monument; thence North 04 degrees, 46 minutes, 02 seconds West along the last mentioned boundary, a distance of 380.37 feet to the point or place of beginning.

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#### PARCEL 4

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

BEGINNING at a 2 inch marking spike set in concrete walk on the existing Northerly boundary of Corliss Avenue at its intersection with the existing Southeasterly boundary of Jennison Avenue; running thence North 27 degrees, 29 minutes, 31 seconds East along the last mentioned boundary, a distance of 85.17 feet to a 5/8 inch iron at its inter-section with the division line between the property formerly owned by GAF Corporation on the Southwest, and the property now or formerly owned by George K. Sarkisian and John Sarkisian on the Northeast; thence South 62 degrees, 30 minutes, 56 seconds East along the last mentioned division line, a distance of 119.94 feet to a 1/2 inch iron at its intersection with the division line between the property formerly owned by said GAF Corporation on the Northwest, and the property now or formerly owned by said George K. Sarkisian and John Sarkisian on the Southeast; thence South 31 degrees, 09 minutes, 13 seconds West along the last mentioned division line, a distance of 24.67 feet to a 1 inch iron at its intersection with said existing Northerly boundary of Corliss Avenue; Inch iron at its intersection with said existing Northerly boundary of Corliss Avenue; thence North 89 degrees, 36 minutes, 27 seconds West along the last mentioned boundary, a distance of 132.97 feet to the point or place of beginning.

SUBJECT to covenants, easements, liens and restrictions of record, and subject to and together with the rights contained in any unrecorded easements or agreements affecting the premises.

TOGETHER with all right, title and interest of the Grantor in and to the streets abutting the premises above described.

All bearings are referred to True North at the 76 degree, 35 minute meridian of West Longitude.

• • • · · · · · · · A State of the second se • LIGER 1363 PAGE 339 WAR AND WAR DOLLA Together with the appurtonances and all the estate and rights of the on the second party of the first part in and to said premises, To have and to hold the premises herein granted unto the part y of the second part, its successors ÷ and assigns forever. South and the second a contraction ARCEIVED & DEC 3 0 1982 ESTATE TRANSFER TAX ME COUNTY, NEW YORK A. Cateria In Presence of In Witness Whereof. The party of the first part has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly 01 authorized officer the day and year first Le la marti above written. OZALID CORPORATION With all an and a start Louis M. Kraueli By Louis M. Bianchi, Vice President DEPT. OF ASSESSMENT BINGHAMTON, N.Y. JAN 0 3 1983 C.V. McDONALD J.M. VILLANTI S.M. BARRETT Concerns and the state of the A CAPARTY A Constant from 

TANK STREET LISER 1363. PAGE 34 State of New York County of øf On this 30th day of November , Nineteen Hundred and Eighty-Two before me personally came Louis M. Bianchi to me personally known, who, being by me duly sworn did depose and say that he resides in White Plains, New York . that he is the Vice President of OZALID CORPORATION .: the corporation described in, and which executed, the above Instrument; that he knows the scal of said dorporation; that the scal affixed to said Instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that he signed his name thereto by like 2. ANRICH Notary Public, State of New York. Certified in Erie County (1997) My Commission Expires March 30..... S.A. thorn the starts 82 WRIGHT HANIFIN BRADFORD & SROOME COUNTY INDUSTRIAL 0 CUST! ED ON THE EVELOPMENT AGENCY DZALID CORPORATION MEDI-30 THE OF NEW 2 REAGALA BUFFALO, NEW 2 SWADOS Y 6 in the state of the

• • • . . .. ss 00111 ላ LIDER 1339 PADE 42 くう is Indenture, Made the. 28 tr day of AECEMBER Nineteen Hundred and Eighty-one, Between GAF CORPORATION, a corporation organized under the laws of the State of Delaware, having its principal office and place of business at 140 West 51st Street, City, County and State of New York, party of the first part, and OZALID CORPORATION, a corporation organized under the laws of the State of New York, having its principal office and place of business at 111 West 2nd Street, Jamestown, New York, 14701, of the second part; party . . . . . . . . . . Continessetti that the party of the first part, in consideration of -----Dollar (\$1.00-----) lawful money of the United States, and other good and of the second part, paid by the part valuable consideration does hereby grant and release unto the party of the second part, its and assigns forever, solk successors ALL THOSE TRACTS OR PARCELS OF LAND situate in the City of Binghamton, Village of Johnson City and Town of Vestal, County of Broome and State of New York, comprised of the following five (5) parcels, bounded and described as follows: (see attached) State State . 

### PARCEL I

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of County of Broome, and State of New York, bounded and described Vestal

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## PARCEL 2

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

Binghamton, County of Broome and State of New York, bounded and described as follows: BEGINNING at a 5/8 inch rebar with cap on the existing Southeasterly boundary of Emma Street at its intersection with the division line between the property owned by GAF Corporation on the Southwest, and the property now or formerly owned by Consolidated Rail Corporation on the Northeast; RUNNING THENCE along said division line the following two (2) courses and distances: (1) on a curve to the right having a radius of 2,834.93 feet, an arc distance of 429.63 feet to a 5/8 inch rebar with cap, said curve being subtended by a chord having a bearing of South 60 degrees 17 minutes 24 seconds East and a length of 429.21 feet; (2) thence South 55 degrees 54 minutes 36 seconds East, a distance of 78.35 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property owned by said GAF Corpora-tion on the Northwest, and the property now or formerly owned by General Millwork Supply, Inc. on the Southeast; thence South 33 degrees 32 minutes 24 seconds West along the last mentioned division line and along the division line between the property own or formerly owned by Cutler Icc Company on the Southeast, a distance of 303.10 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property own of formerly owned by Donald E. Cole on the Southwest; thence North 54 degrees 04 minutes 03 seconds West along the last mentioned division line, along the division line between the property owned by said GAF Corporation on the Northeast and the property owned by Russell H. Phelps on the Southwest ad along the division line between the property owned by said GAF Corporation on the Northeast, and the property owned by said GAF Corporation on the Northeast, and the property owned by said GAF Corporation on the Northeast, and the property owned by said GAF Corporation on the Northeast, and the property owned by said GAF Corporation on the Northeast, and the property owned by said GAF Cor

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### PARCEL 3

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

described as follows: BEGINNING at a 5/8 inch rebar with cap on the existing Northwesterly boundary of Emma Street at its intersection with the division line between the property owned by GAF Corporation on the Northeast, and the property now or formerly owned by Gary J. Patrick on the Southwest, said rebar being North 31 degrees 11 minutes 51 seconds East, a distance of 175.00 feet measured along said boundary from a railroad monument at its intersection with the existing Northeasterly boundary of Main Street; RUNNIG THENCE North 59 degrees 31 minutes 09 seconds West along said division line, a distance of 157.60 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property owned by said GAF Corporation on the Southeast, and the property now or formerly owned by JKL Realty on the Northwest; thence North 30 degrees 10 minutes 40 seconds East along the last mentioned division line, a distance of 241.64 feet to a 5/8 inch rebar with cap at its intersection with the division fine between the property now or formerly owned by Consolidated Rail Corporation on the Northwest; thence Southeasterly along the last mentioned division line, on a curve to the right having a radius of 2,834.93 feet, an arc distance of 163.66 feet to a mesonry nail in concrete sidewalk at its intersection with said existing Northwesterly boundary of Suma Street, said curve being subtended by a chord having a bearing of South 67 degrees l1 minutes 24 seconds East and a length of 163.64 feet; thence South 31 degrees 11 minutes 51 seconds West along the last mentioned boundary, a distance of 263.50 feet to the POINT OR PLACE OF BEGINNING.

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### PARCEL 4

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

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the last mentioned point; thence North 83 degrees 06 minutes 15 seconds East along the last mentioned division line, a distance of 150.72 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property owned by said GAF Corporation on the West, and the property now or formerly owned by Consolidated Rail Corporation on the East; thence South 06 degrees 53 minutes 45 seconds East along the last mentioned division line, a distance of 41.06 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property now or formerly owned by said Consolidated Rail Corporation on the South; thence South 83 degrees 04 minutes 45 seconds West along the last mentioned division line, a distance of 620.00 feet to a 1/2 inch iron at its intersection with the division line between the property now or formerly owned by said Consolidated Rail Corporation on the West; thence North 06 degrees 53 minutes 45 seconds West along the last mentioned division line, a distance of 41.33 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property now or formerly owned by said Consolidated Rail Corporation on the South; thence North 06 degrees 06 minutes 15 seconds West along the last mentioned division line, a distance of 41.33 feet to a 5/8 inch rebar with cap at its intersection with the division line between the property now or formerly owned by said Consolidated Rail Corporation on the South; thence South 83 degrees 06 minutes 15 seconds West along the last mentioned division line, a distance of 324.95 feet to a 5/8 inch rebar with cap at its intersection with said existing Easterly boundary of Willow Street, the last mentioned rebar being Northerly 1.71 feet and Easterly 1.76 feet from a 4 inch concrete monument; thence North 04 degrees 46 minutes 02 seconds West along the last mentioned boundary, a distance of 380.37 feet to the POINT OR PLACE OF BEGINNING.

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### PARCEL 5

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

and described as follows: BEGINNING at a 2 inch marking spike set in concrete walk on the existing Northerly boundary of Corliss Avenue at its intersection with the existing Southeasterly boundary of Jennison Avenue, running thence North 27 degrees 29 minutes 31 seconds East along the last mentioned boundary, a distance of 85.17 feet to a 5/8 inch iron at its intersection with the division line between the property owned by GAF Corporation on the Southwest, and the property now or formerly owned by George K. Sarkisian and John Sarkisian on the Northeast; thence South 62 degrees 30 minutes 56 seconds East along the last mentioned division line, a distance of 119.94 feet to a 1/2 inch iron at its intersection with the division line between the property owned by said GAF Corporation on the Northwest, and the property now or formerly owned by said George K. Sarkisian and John Sarkisian on the Southeast; thence South 31 degrees 09 minutes 13 seconds West along the last mentioned division line; a distance of 24.67 feet to a 1 inch iron at its intersection with said existing Northerly boundary of Corliss Avenue; thence North 89 degrees 36 minutes 27 seconds West along the last mentioned boundary, a distance of 132.97 feet to the POINT OR PLACE OF BEGINNING.

SUBJECT to covenants, easements, liens and restrictions of record, and subject to and together with the rights contained in any unrecorded easements or agreements affecting the premises.

TOGETHER with all right, title and interest of the Grantor in and to the streets abutting the premises above described.

All bearings are referred to True North at the 76 degree 35 minute meridian of West Longitude.

The above described parcels are shown on two maps entitled "Parcels to be Conveyed by GAF Corporation", as prepared by Hawk Engineering, P.C., Binghamton, New York, dated November 2, 1981.

By amendment to its Certificate of Incorporation dated April 24, 1968, General Aniline & Film Corporation changed its name to GAF Corporation.



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**Cognities:** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**Co have and to hold** the premises herein granted unto the part of the second part, its successors and assigns forever.

And the party of the first part covenants that it has not done or suffered anything whereby the said premises have been incumbered in any way whatever.

And That, in Compliance with Sec. 18 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

## In Presence of

DEPT. OF ASSESSMENT BINGHAMTON, N. Y.

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JAN 8 1982 C.V. McDonald J.M. Villanti

S.M. BARRETT

BACEIVED .\_\_\_\_\_\_.40 JAN 8 1982 REAL ESTATE TRANSFER TAX BRODME COUNTY, NEW YORK

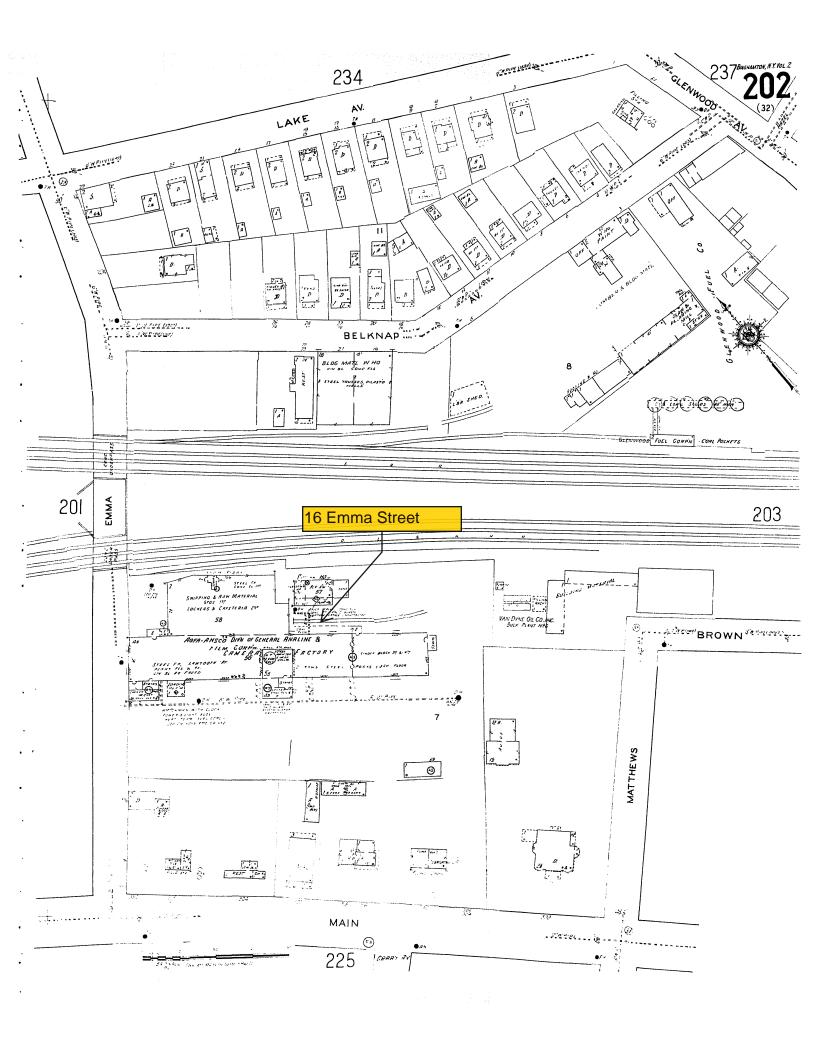
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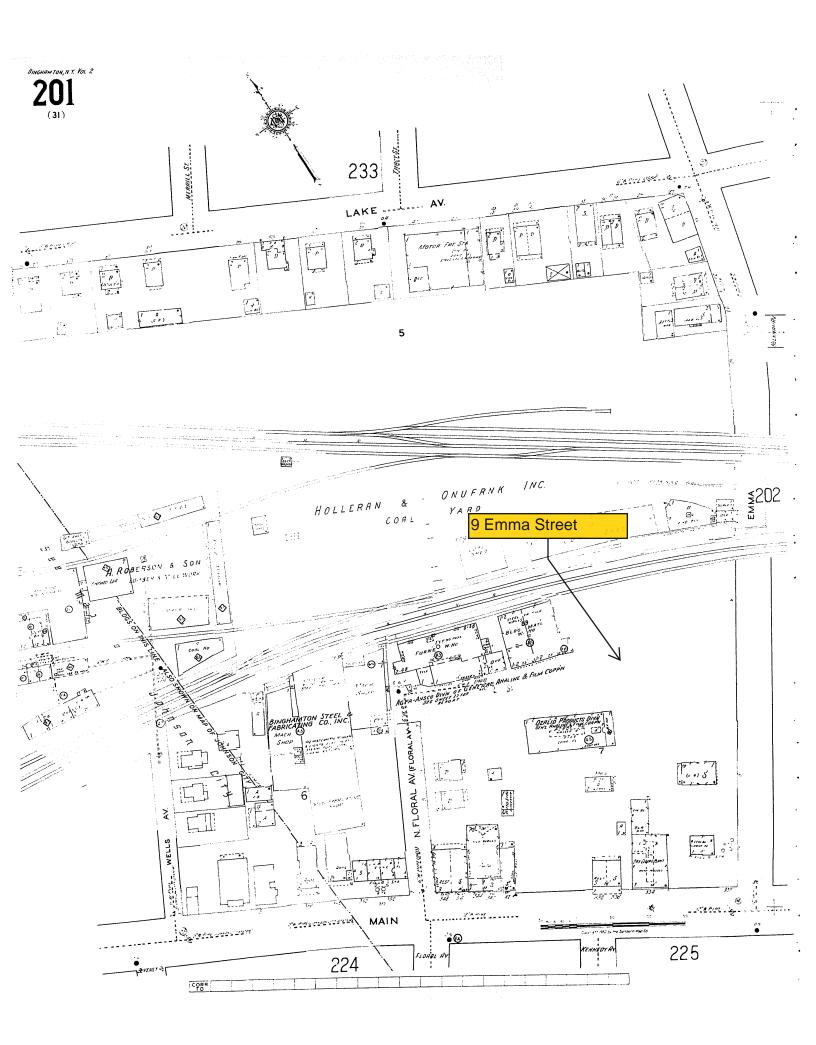
party of the first part has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer the day and year first above written.

GAF CORPORATION

20010 Executive Vice-President 7.

LIBER1339 PAGE 50 State of New York County of New YORK 88. XKK day of becernser, Nineteen Hundred and On this 28th before me personally came TAMES T. SHERWIN Eighty-one, to me personally known, who, being by me duly sworn, did depose and say that ne resides at 271 GENTRAL PARKW. NEW YORK N.Y. that he is the EXEC VICE PRES of GAF CORPORATION, the corporation described in, and which executed, the above Instrument; that he knows the seal of said corporation; that the seal affixed to said Instrument is such corporate seal; that it was so afflxed by order of the Board of Directors of said corporation; and that he signed his name sto OZALID CORPORATION CAF CORPORATION 0Ľ COUCHLIN Marine M -Be ...... 





Attachment E Repository Documentation

### **Matt Walker**

From:	Wise, Lisa S. <lwise@co.broome.ny.us></lwise@co.broome.ny.us>
Sent:	Thursday, November 16, 2017 10:58 AM
То:	Matt Walker
Subject:	RE: Document Repository - Emma Street BCP

## Hello Matt,

Yes, the Broome County Public Library will act as a document repository for the Emma St. Brownfield cleanup information. Thank you.

Lisa Wise, Director Broome County Public Library 185 Court St. Binghamton, NY 13901 607-778-6407

From: Matt Walker [mailto:mawalker@cscos.com] Sent: Thursday, November 16, 2017 10:57 AM To: Wise, Lisa S. <LWise@co.broome.ny.us> Cc: Matt Walker <mawalker@cscos.com> Subject: Document Repository - Emma Street BCP Importance: High

Good Morning Lisa,

Thank you for agreeing to have the Broome County Public Library serve as a document repository for the proposed Emma Street Brownfield Cleanup program project in the City of Binghamton. If you could respond to affirm your ability to serve as a repository it would be appreciated.

Thanks!

Matt



Matt Walker Senior Project Environmental Scientist C&S Companies mawalker@cscos.com 499 Col. Eileen Collins Blvd Syracuse, New York 13212 direct (315) 703-4323 | office: (315) 455-2000 cell: (315) 200-5872 | fax: (315) 455-9667

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