#### NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director 625 Broadway, 12th Floor, Albany, New York 12233-7011 P: (518) 402-9706 | F: (518) 402-9020 www.dec.ny.gov

DEC 23 2019

Matthew Paulus Freewheelin ANSCO, LLC 225 Wilkinson Street Syracuse, NY 13204

Re:

Certificate of Completion

Former ANSCO Camera Factory

Site No.: C704059

City of Binghamton, Broome County

Dear Mr. Paulus:

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

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

If you are the site owner, you must record a notice of the COC in the recording office for the county (or counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. A copy of the recorded notice should be provided to the Department's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter. Please return the proof of recording to:

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



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

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

Sincerely,

Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

#### Enclosure

#### ec w/ enclosure:

Craig Slater, Esq., <u>cslater@cslaterlaw.com</u>
John O'Brien, <u>jobrien@hueber-breuer.com</u>
Matthew Walker, mawalker@cscos.com

C. Vooris, NYSDOH

S. McLaughlin, NYSDOH

S. Berninger, NYSDOH

Matt Gokey, matthew.gokey@tax.ny.gov

Paul Takac, paul.takac@tax.ny.gov

#### ec w/o enc.:

G. Priscott

H. Warner

S. Edwards

M. Sheen

K. Lewandowski

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

#### CERTIFICATE HOLDER(S):

Name Address

Freewheelin ANSCO, LLC 225 Wilkinson Street, Syracuse, NY 13204

**BROWNFIELD CLEANUP AGREEMENT:** 

Application Approval: 4/25/18 Agreement Execution: 5/3/18

Agreement Index No.: C704059-04-18

Application Approval Amendment: 9/5/19
Application Approval Amendment: 11/6/19
Agreement Execution Amendment: 11/6/19
Agreement Execution Amendment: 11/6/19

SITE INFORMATION:

Site No.: C704059 Site Name: Former ANSCO Camera Factory

Site Owner: Freewheelin ANSCO, LLC

Street Address: 16 Emma Street

Municipality: Binghamton County: Broome DEC Region: 7

Site Size: 4.254 Acres

Tax Map Identification Number(s): 143.75-1-16 Percentage of site located in an EnZone: 100%

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

#### CERTIFICATE ISSUANCE

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

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

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

Allowable Uses under the BCP: Restricted-Residential, Commercial, and Industrial Cleanup Track: Track 4: Restricted use with site-specific soil cleanup objectives

Tax Credit Provisions:

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

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

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

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Broome County as 201900031809.

#### LIABILITY LIMITATION

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

#### CERTIFICATE TRANSFERABILITY

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

#### CERTIFICATE MODIFICATION/REVOCATION

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

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

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

Basil Seggos Commissioner

New York State Department of Environmental Conservation

By: Mely Date: 12/23/19

Michael J. Ryan, P.E., Director

Division of Environmental Remediation

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

Former ANSCO Camera Factory, Site ID No. C704059
16 Emma Street, Binghamton, NY 13905
City of Binghamton, Broome County, Tax Map Identification Number 143.75-1-16

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to Freewheelin ANSCO, LLC for a parcel approximately 4.254 acres located at 16 Emma Street in the City of Binghamton, Broome County.

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

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

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

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Broome County as 201900031809.

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

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

#### Former ANSCO Camera Factory, Site ID No. C704059 16 Emma Street, City of Binghamton, Broome County

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

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

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

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

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

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

WHEREFORE, the undersigned has signed this Notice of Certificate

Syracuse, NY 13204

		Freewheelin ANSCO, LLC
		By:
		Title:
		Date:
STATE OF NEW YORK COUNTY OF	) \$S: )	
acknowledged to me that he/	she/they executed he instrument, the	ne year 20, before me, the undersigned, personally wn to me or proved to me on the basis of satisfactory is (are) subscribed to the within instrument and I the same in his/her/their capacity(ies), and that by a individual(s), or the person upon behalf of which the
Signature and Office of individual taking acknowledgment	/idual	Please record and return to: Freewheelin ANSCO, LLC Matthew Paulus 225 Wilkinson Street

# Exhibit A Site Description

## Former ANSCO Camera Factory, Site No.: C704059 16 Emma Street City of Binghamton, Broome County

#### Metes and Bounds Description

Broome County Tax Map No. 143.75-1-16 - Parcel northwest of Emma Street (formerly 9 Emma Street; Broome County Tax Map No. 143.75-1-5)

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 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 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 1 K.I. 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 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 0.930 acres of land, more or less.

Broome County Tax Map No. 143.75-1-16 – Parcel southeast of Emma Street

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:

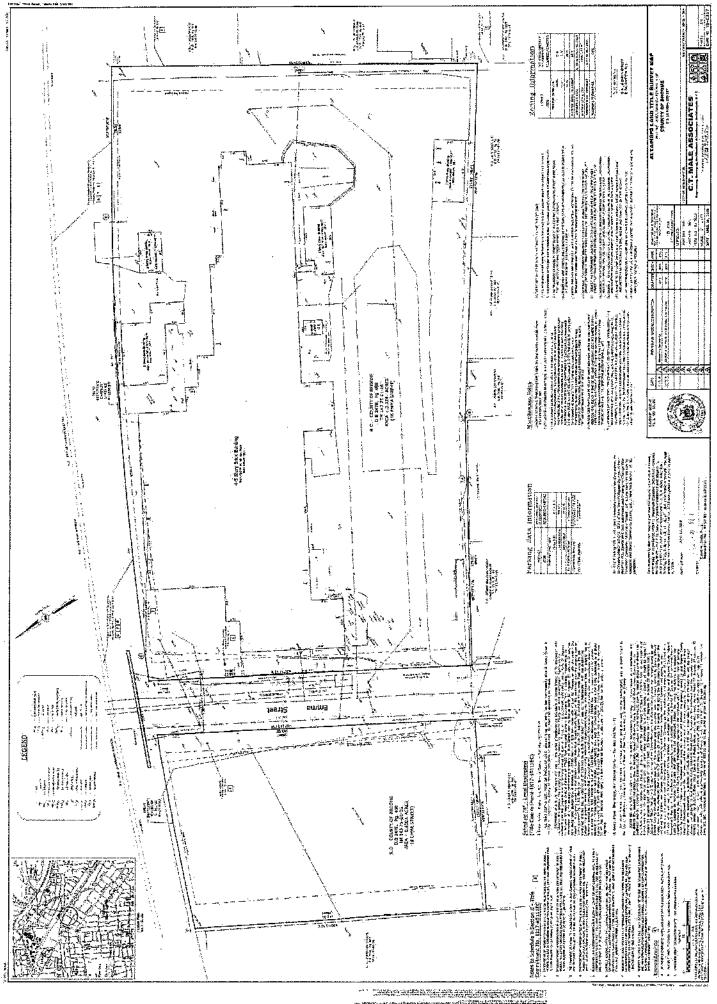
BEGINNING at a 5/8 inch rebar with cap on the existing southeasterly boundary of Emma Street at its intersection with the division line between the property now or formerly owned

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 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 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 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 3.324 acres of land, more or less.

Being the same premises conveyed to the County of Broome by David Hamlin, Real Property Tax Director, by deeds dated and recorded in the Broome County Clerk's Office on December 1, 2015 in Liber 2478 of deeds at page 488 and on July 29, 2016 in liber 2498 of deeds at page 561.

Exhibit B

Site Survey





#### NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION Site Management Form

12/19/2019

SITE DESCRIPTION



C704059

SITE NAME Former ANSCO Camera Factory

SITE ADDRESS: 16 Emma Street

ZIP CODE: 13905

CITY/TOWN:

Binghamton

COUNTY: Broome

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

#### SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:

YES NO

IC/EC Certification Plan

Monitoring Plan

Operation and Maintenance (O&M) Plan

Periodic Review Frequency; once a year

Periodic Review Report Submitted Date: 04/27/2021

#### **Description of Institutional Control**

#### Freewheelin ANSCO, LLC

225 Wilkinson Street

16 Emma Street

**Environmental Easement** 

Block: 1

Lot: 16

Sublot:

Section: 143

Subsection: .75

S\_B\_L Image: 143.75-1-16

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

#### **Description of Engineering Control**

#### Freewheelin ANSCO, LLC

225 Wilkinson Street

16 Emma Street

Environmental Easement

Block: 1

Lot: 16

ot: 16 Sublot:

Section: 143

Subsection: 75

S\_B\_L Image: 143.75-1-16 Cover System

Vapor Mitigation