



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: _____

PART A (note: application is separated into Parts A and B for DEC review purposes) BCP App Rev 10

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME EJ Victory Building, LLC

ADDRESS 225 Wilkinson Street

CITY/TOWN Syracuse

ZIP CODE 13204

PHONE 315-416-9566

FAX

E-MAIL matthew@paulusdevelopment.com

Is the requestor authorized to conduct business in New York State (NYS)? Yes No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. Please note: If the requestor is an LLC, the members/owners names need to be provided on a separate attachment.

Do all individuals that will be certifying documents meet the requirements detailed below? Yes No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Documents that are not properly certified will be not approved under the BCP.

Section II. Project Description

1. What stage is the project starting at? Investigation Remediation

NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.

2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law

(ECL) Article 27-1415(2): Yes No

3. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated.

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). **Please submit a separate electronic copy of each report in Portable Document Format (PDF).**

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	Unknown	Unknown	Benzene, 1,2,4-trimethylbenzene, naphthalene
Chlorinated Solvents	Below Unrestricted SCOs	Carbon Tetrachloride and Chloroform below TOGS	Various present below USEPA and NYSDOH screening levels
Other VOCs	Acetone above Unrestricted SCO	Present but below TOGS	Benzene, 1,2,4-Trimethylbenzene, Naphthalene above USEPA Regional S
SVOCs	Above RRSCOs	None Detected	Not Analyzed
Metals	Arsenic, Chromium, Zinc Above Unrestricted SCOs	Numerous above TOGS AWQS	Not Analyzed
Pesticides	Unknown	Unknown	Unknown
PCBs	None Detected	Not Analyzed	Not Analyzed
Other*	Unknown	Below USEPA Groundwater Screening Level	Unknown

*Please describe: PFAS

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.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?* Yes No
 (*answering No will result in an incomplete application)

4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

- | | | | |
|---|---|---|--|
| <input type="checkbox"/> Coal Gas Manufacturing | <input checked="" type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner |
| <input type="checkbox"/> Salvage Yard | <input type="checkbox"/> Bulk Plant | <input type="checkbox"/> Pipeline | <input type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill | <input type="checkbox"/> Tannery | <input type="checkbox"/> Electroplating | <input type="checkbox"/> Unknown |

Other: _____

Section IV. Property Information - See Instructions for Further Guidance

PROPOSED SITE NAME EJ Victory Building

ADDRESS/LOCATION 59 Lester Avenue

CITY/TOWN Johnson City ZIP CODE 13790

MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Village of Johnson City

COUNTY Broome SITE SIZE (ACRES) 4.971

LATITUDE (degrees/minutes/seconds) 42 ° 6 ' 56 " LONGITUDE (degrees/minutes/seconds) -75 ° 57 ' 7 "

Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed, please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section No.	Block No.	Lot No.	Acreage
59 Lester Avenue, Johnson City, NY	143.58	1	19	4.13

1. Do the proposed site boundaries correspond to tax map metes and bounds? Yes No
If no, please attach an accurate map of the proposed site.

2. Is the required property map attached to the application? Yes No
(application will not be processed without map)

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)?
(See [DEC's website](#) for more information) Yes No
If yes, identify census tract : 139
Percentage of property in En-zone (check one): 0-49% 50-99% 100%

4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? Yes No
If yes, identify name of properties (and site numbers if available) in related BCP applications: _____

5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? Yes No

6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? Yes No
If yes, attach relevant supporting documentation.

7. Are there any lands under water? Yes No
If yes, these lands should be clearly delineated on the site map.

Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas? If yes, identify here and attach appropriate information. Yes No

Easement/Right-of-way Holder

Description

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**? Yes No

Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? Yes No

If yes, requestor must answer questions on the supplement at the end of this form.

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? Yes No

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? Yes No

NOTE: If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: _____

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

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Matthew Paulus			
ADDRESS 225 Wilkinson Street			
CITY/TOWN Syracuse		ZIP CODE 13204	
PHONE 315-416-9566	FAX	E-MAIL matthew@paulusdevelopment.com	
NAME OF REQUESTOR'S CONSULTANT AECC/Bradford Engineering, D.P.C. - Richard McKenna			
ADDRESS 6308 Fly Road			
CITY/TOWN East Syracuse		ZIP CODE 13057	
PHONE 315-432-9400	FAX 315-432-9405	E-MAIL rmckenna@aeccgroup.com	
NAME OF REQUESTOR'S ATTORNEY Brown, Duke & Fogel, P.C. - Michael Fogel			
ADDRESS 120 Madison Street			
CITY/TOWN Syracuse		ZIP CODE 13202	
PHONE 315-399-4343	FAX	E-MAIL mfogel@bdflegal.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME (Requestor)		OWNERSHIP START DATE: 03/04/2020	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<p>PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".</p> <p>IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.</p>			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? Yes No
- 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 No

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:

PARTICIPANT

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 involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

VOLUNTEER

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.

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.

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

- Previous Owner Current Owner Potential /Future Purchaser Other _____

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached?

- Yes No

Note: a purchase contract does not suffice as proof of access.

Section 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. Yes No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? Yes No
If yes, please provide: Site # _____ Class # _____
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? Yes No
If yes, please provide: Permit type: _____ EPA ID Number: _____
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 under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. Yes No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? Yes No
If yes, please provide: Order # _____
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? Yes No
If yes, please provide explanation as an attachment.

Section IX. Contact List Information

To be considered complete, the application must include the Brownfield Site Contact List in accordance with DER-23 / Citizen Participation Handbook for Remedial Programs. Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

Section X. Land Use Factors

1. What is the current municipal zoning designation for the site? General Commercial

What uses are allowed by the current zoning? (Check boxes, below)

Residential Commercial Industrial

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply)

Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.

3. Reasonably anticipated use Post Remediation: Residential Commercial Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing? Yes No

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 hereby 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 *DER-32, Brownfield Cleanup Program Applications and Agreements*; 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: _____ Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Authorized Signatory (title) of ET VICTORY BUILDING, LLC (entity); 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 *DER-32, Brownfield Cleanup Program Applications and Agreements*; 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: 4/30/20 Signature: _____

Print Name: MATTHEW PAULUS

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

FOR DEC USE ONLY
BCP SITE T&A CODE: _____ **LEAD OFFICE:** _____

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.

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Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
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)(6)? Please see DEC's website for more information. <input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No
From ECL 27-1405(31):	
<p>"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.</p>	
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:	
<p>(l) "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</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(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</p> <p>(c) there are no structures.</p>	
<p>"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.</p>	

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.

BCP Application Summary (for DEC use only)

Site Name: EJ Victory Building
City: Johnson City

Site Address: 59 Lester Avenue
County: Broome **Zip:** 13790

Tax Block & Lot
Section (if applicable): 143.58 **Block:** 1 **Lot:** 19

Requestor Name: EJ Victory Building, LLC
City: Syracuse

Requestor Address: 225 Wilkinson Street
Zip: 13204 **Email:** matthew@paulusdevelopment.com

Requestor's Representative (for billing purposes)

Name: Matthew Paulus
City: Syracuse

Address: 225 Wilkinson Street
Zip: 13204

Email: matthew@paulusdevelopment.com

Requestor's Attorney

Name: Brown, Duke & Fogel, P.C. - Michael Fogel
City: Syracuse

Address: 120 Madison Street
Zip: 13202

Email: mfogel@bdflegal.com

Requestor's Consultant

Name: AECC/Bradford Engineering, D.P.C. - Richard McKenna
City: East Syracuse

Address: 6308 Fly Road
Zip: 13057

Email: rmckenna@aecgroup.com

Percentage claimed within an En-Zone: 0% <50% 50-99% 100%

DER Determination: Agree Disagree

Requestor's Requested Status: Volunteer Participant

DER/OGC Determination: Agree Disagree
Notes:

For NYC Sites, is the Requestor Seeking Tangible Property Credits: Yes No

Does Requestor Claim Property is Upside Down: Yes No

DER/OGC Determination: Agree Disagree Undetermined

Notes:

Does Requestor Claim Property is Underutilized: Yes No

DER/OGC Determination: Agree Disagree Undetermined

Notes:

Does Requestor Claim Affordable Housing Status: Yes No Planned, No Contract

DER/OGC Determination: Agree Disagree Undetermined

Notes:

LIST OF ATTACHMENTS

PART A – SECTION I

PART A – SECTION II.3

PART A – SECTION III.1

PART A – SECTION III.3

PART A – SECTION IV.1

PART A – SECTION IV.2

PART A – SECTION IV.10

PART B – SECTION VI

PART B – SECTION VII

PART B – SECTION IX

PART B – SECTION X.2

PART B – SECTION X.3

PART B – SECTION X.5

CORPORATE ENTITY INFORMATION

PROJECT DESCRIPTION

PRIOR INVESTIGATION REPORT

**(AS REQUESTED, THIS REPORT WILL BE SUBMITTED IN
ELECTRONIC FORMAT ONLY)**

SITE DRAWINGS

PROPERTY INFORMATION AND USGS MAP

**PROPERTY MAP INCLUDING ADJACENT
PROPERTY OWNERS**

PROPERTY DESCRIPTION NARRATIVE

FORMER PROPERTY OWNERS/OPERATORS

VOLUNTEER STATUS CONSIDERATION

CONTACT LIST

CURRENT USE

PROPOSED USE AND CONCEPT SITE PLAN

ZONING MAP AND ORDINANCE

PART A – SECTION I
CORPORATE ENTITY INFORMATION

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through April 23, 2020.

Selected Entity Name: EJ VICTORY BUILDING, LLC

Selected Entity Status Information

Current Entity Name: EJ VICTORY BUILDING, LLC

DOS ID #: 5596635

Initial DOS Filing Date: JULY 31, 2019

County: ONONDAGA

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

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 COMPANY
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 Date	Name Type	Entity Name
JUL 31, 2019	Actual	EJ VICTORY BUILDING, 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.

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Requestor Information

EJ VICTORY BUILDING, LLC

Section I. – Requestor Information

Requestor Information

Contact information and the names of members/owners of EJ Victory Building, LLC are set forth below:

Entity Name/Requestor	Members/Owners	Contact Information
EJ Victory Building, LLC (a New York Limited Liability Company)	Paulus Capital, LLC is the sole member of EJ Victory Building, LLC	225 Wilkinson Street Syracuse, NY 13204 (315) 416-9566 matthew@paulusdevelopment.com

The NYS Department of State's Corporation and Business Entity Database information for EJ Victory Building, LLC has been attached to this application. The entity is herein referred to as (the "Requestor").

Matthew Paulus is authorized to execute Brownfield Cleanup Program documents on behalf of the Requestor.

**EJ VICTORY BUILDING, LLC AUTHORIZATION
TO COMPLETE REMEDIAL REQUIREMENTS**

The undersigned, being all of the members of EJ Victory Building, LLC, a New York limited liability company (the "Company") hereby certify as of April 30th, 2020, as follows and adopt the following resolutions and authorize the Company to authorize and direct Matthew Paulus (the "Authorized Signatory") to take the following actions on behalf of the Company:

WHEREAS, the Company desires to undertake actions necessary to redevelop 59 Lester Avenue, Johnson City, Broome County, New York (Tax ID: 143.58-1-19) (the "Property" or the "Site").

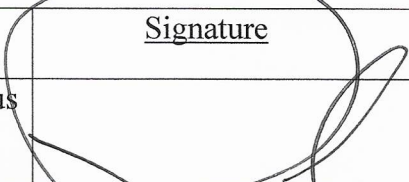
WHEREAS, in connection with the redevelopment of the Property, the Company has or will prepare and submit an application to participate in the New York State Brownfield Cleanup Program ("BCP") and, if accepted into the BCP, enter into a Brownfield Cleanup Agreement ("BCA"); file related documents with the New York State Department of Environmental Conservation ("DEC") to participate in the BCP; and undertake certain environmental remediation work related thereto consistent with applicable laws, regulations and guidance under the BCP (collectively referred to as the "Remedial Program Requirements");

NOW THEREFORE, BE IT

RESOLVED, the Authorized Signatory be, and hereby is, authorized and directed, in the name of and on behalf of the Company, to execute and to deliver all applications, documents and instruments required to effectuate the BCA (including execution of the BCA), and make any filings required to comply with the BCA consistent with the Remedial Program Requirements; and be it further;

RESOLVED, that this Authorization may be signed in any number of counterparts, including but not limited to electronic, and shall become effective as of the date herein below written when each person named below shall have signed a copy hereof; and

RESOLVED, the Authorized Signatory is authorized to bind the Company as an Authorized Signatory for the purposes set forth in this Authorization, the signature set forth opposite his name below is his actual signature:

<u>Authorized Signatory</u>	<u>Title</u>	<u>Signature</u>
Matthew Paulus	Manager of Paulus Capital, LLC	

IN WITNESS WHEREOF, the undersigned have signed and sealed this Member Consent on April 30th 2020.

MEMBER:

Paulus Capital, LLC

By: Matthew Paulus, Manager

PART A – SECTION II.3
PROJECT DESCRIPTION

PROJECT DESCRIPTION

EJ VICTORY BUILDING 59 LESTER AVENUE, JOHNSON CITY, NEW YORK

The planned historic rehabilitation of the former EJ Victory Building will revitalize an iconic “anchor asset” in Downtown Johnson City. Presently, it is anticipated that construction on the historic rehabilitation will commence in mid-to-late 2021 and will be completed in late 2022 or early 2023. Upon completion, the historic rehabilitation will provide the community with approximately 170 apartments, commercial space and enclosed and surface parking.

A Phase II Environmental Site Assessment identified soil, groundwater, and sub-slab/soil vapor contamination associated with historic operations at the Site (manufacturing). A Remedial Investigation will further define the nature and extent of contamination on-site and off-site.

It is anticipated that Interim Remedial Measures will include soil handling/disposal in areas where construction activities require excavations, and the installation of a Sub-Slab Depressurization System (SSDS).

Tentative Schedule

Submittal of BCP Application	April 2020
DEC Determination of Application Completeness	May 2020
End 30 Day Comment Period	June 2020
Execute BCP Agreement	June 2020
Submit Remedial Investigation Work Plan.....	June 2020
Submit IRM Work Plan (Limited Soil Handling/Disposal).....	July 2020
End 30 Day RI Comment Period.....	July 2020
DEC Approval of Remedial Investigation Plan	July 2020
Begin Investigation Field Work.....	August 2020
Complete Investigation Field Work.....	August 2020
DEC Approval of IRM Work Plan	August 2020
Submit Draft Remedial Investigation Report	October 2020
Significant Threat Determination / Fact Sheet.....	October 2020
DEC Approval of Remedial Investigation Report.....	November 2020
Submit Remedial Action Work Plan with Alternatives Analysis	December 2020
End 45 Day Comment Period	February 2021
DEC Approval of Remedial Action Work Plan	February 2021
Submit Fact Sheet Announcing Start of Construction	March 2021
Begin Remediation	May 2021
Submit Environmental Easement Package	May 2021
Submit Draft Site Management Plan.....	June 2021
Begin Construction.....	Spring/Summer 2021
Submit Executed Environmental Easement Package	July 2021
DEC Approval of Site Management Plan	September 2021
Submit Draft Final Engineering Report	December 2021
Environmental Easement Recorded.....	Spring 2022
DEC Approval of Draft Final Engineering Report	Spring 2022
Submit Fact Sheet Announcing Final Engineering Report.....	Spring 2022
Complete Construction	Fall/Winter 2022
Certificate of Completion	Fall/Winter 2022
Fact Sheet Describing Institutional/Engineering Controls.....	Fall/Winter 2022

PART A – SECTION III.1
PRIOR INVESTIGATION REPORT

As requested, this report will be submitted in electronic format only

PART A – SECTION III.3
SITE DRAWINGS

Sample ID / Location				SB-10
Sampling Date				10/23/2019
Sample Depth (feet bgs)				0-8
SVOC	SCO	RRSCO	CONC	
Benzo(a)anthracene	1	1	15	
Benzo(a)pyrene	1	1	12	
Benzo(b)fluoranthene	1	1	19	
Chrysene	1	3.9	14	
Dibenz(a,h)anthracene	0.33	0.33	2.4 J	
Indeno(1,2,3-cd)pyrene	0.5	0.5	6.9	

Sample ID / Location				SB-2
Sampling Date				10/18/2019
Sample Depth (feet bgs)				0-4
VOC	SCO	RRSCO	CONC	
Acetone	0.05	100	0.055	

Sample ID / Location				SB-9
Sampling Date				10/23/2019
Sample Depth (feet bgs)				0-4
SVOC	SCO	RRSCO	CONC	
Benzo(a)anthracene	1	1	1.5 J	
Benzo(a)pyrene	1	1	1.3 J	
Benzo(b)fluoranthene	1	1	1.9 J	
Indeno(1,2,3-cd)pyrene	0.5	0.5	1.2 J	

Sample ID / Location				SB-3
Sampling Date				10/21/2019
Sample Depth (feet bgs)				0-6
SVOC	SCO	RRSCO	CONC	
Benzo(a)anthracene	1	1	3.7 J	

Sample ID / Location				SB-8
Sampling Date				10/24/2019
Sample Depth (feet bgs)				0-4
SVOC	SCO	RRSCO	CONC	
Benzo(a)anthracene	1	1	5.9 J	
Benzo(a)pyrene	1	1	4.7 J	
Benzo(b)fluoranthene	1	1	5.7 J	
Chrysene	1	3.9	6.1 J	
Indeno(1,2,3-cd)pyrene	0.5	0.5	3.1 J	
Metals				SCO RRSCO CONC
Arsenic	13	16	15.5	
Zinc	109	10,000	115	

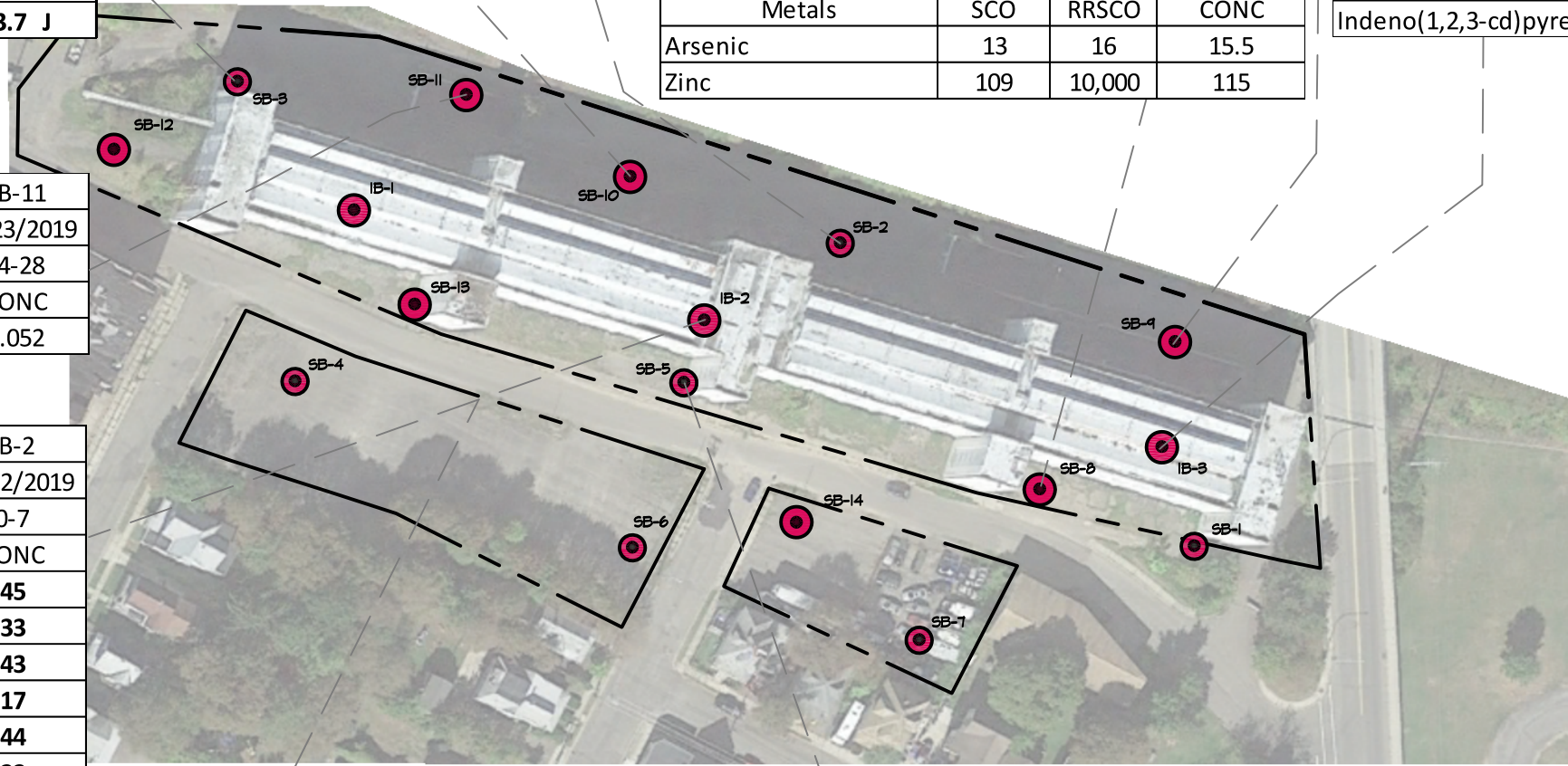
Sample ID / Location				IB-3
Sampling Date				10/22/2019
Sample Depth (feet bgs)				0-9
SVOC	SCO	RRSCO	CONC	
Benzo(b)fluoranthene	1	1	1.1	
Indeno(1,2,3-cd)pyrene	0.5	0.5	0.56	

Sample ID / Location				SB-11
Sampling Date				10/23/2019
Sample Depth (feet bgs)				24-28
VOC	SCO	RRSCO	CONC	
Acetone	0.05	100	0.052	

Sample ID / Location				IB-2
Sampling Date				10/22/2019
Sample Depth (feet bgs)				0-7
SVOC	SCO	RRSCO	CONC	
Benzo(a)anthracene	1	1	45	
Benzo(a)pyrene	1	1	33	
Benzo(b)fluoranthene	1	1	43	
Benzo(k)fluoroanthene	0.8	3.9	17	
Chrysene	1	3.9	44	
Indeno(1,2,3-cd)pyrene	0.5	0.5	23	

Sample ID / Location				IB-2
Sampling Date				10/22/2019
Sample Depth (feet bgs)				9-14
SVOC	SCO	RRSCO	CONC	
Benzo(a)anthracene	1	1	53	
Benzo(a)pyrene	1	1	36	
Benzo(b)fluoranthene	1	1	42	
Benzo(k)fluoroanthene	0.8	3.9	21	
Chrysene	1	3.9	48	
Indeno(1,2,3-cd)pyrene	0.5	0.5	21	

Sample ID / Location				SB-5
Sampling Date				10/17/2019
Sample Depth (feet bgs)				28-32
Metals	SCO	RRSCO	CONC	
Chromium	30	180	31.8	



LEGEND:

- APPROXIMATE PROPERTY LINE
- SB-# SOIL BORING LOCATION AND ID

TABLE NOTES:

ALL SOIL VALUES ARE REPORTED IN mg/kg (APPROXIMATE PARTS PER MILLION - ppm)

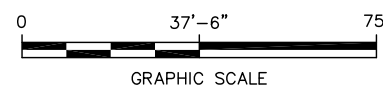
SCO - NYSDEC UNRESTRICTED USE SOIL CLEANUP OBJECTIVE

RRSCO - NYSDEC RESTRICTED RESIDENTIAL USE SOIL CLEANUP OBJECTIVE

J - ESTIMATED VALUE (THE CONCENTRATION IS GREATER THAN THE METHOD DETECTION LIMIT, BUT BELOW THE QUANTITATION LIMIT)

BOLD - CONCENTRATION EXCEEDS APPLICABLE RRSCO VALUE

- NOTES / DISCLAIMERS:
- APPROXIMATE PROPERTY LINE BASED ON TBD
 - ALL LOCATIONS ARE APPROXIMATE.



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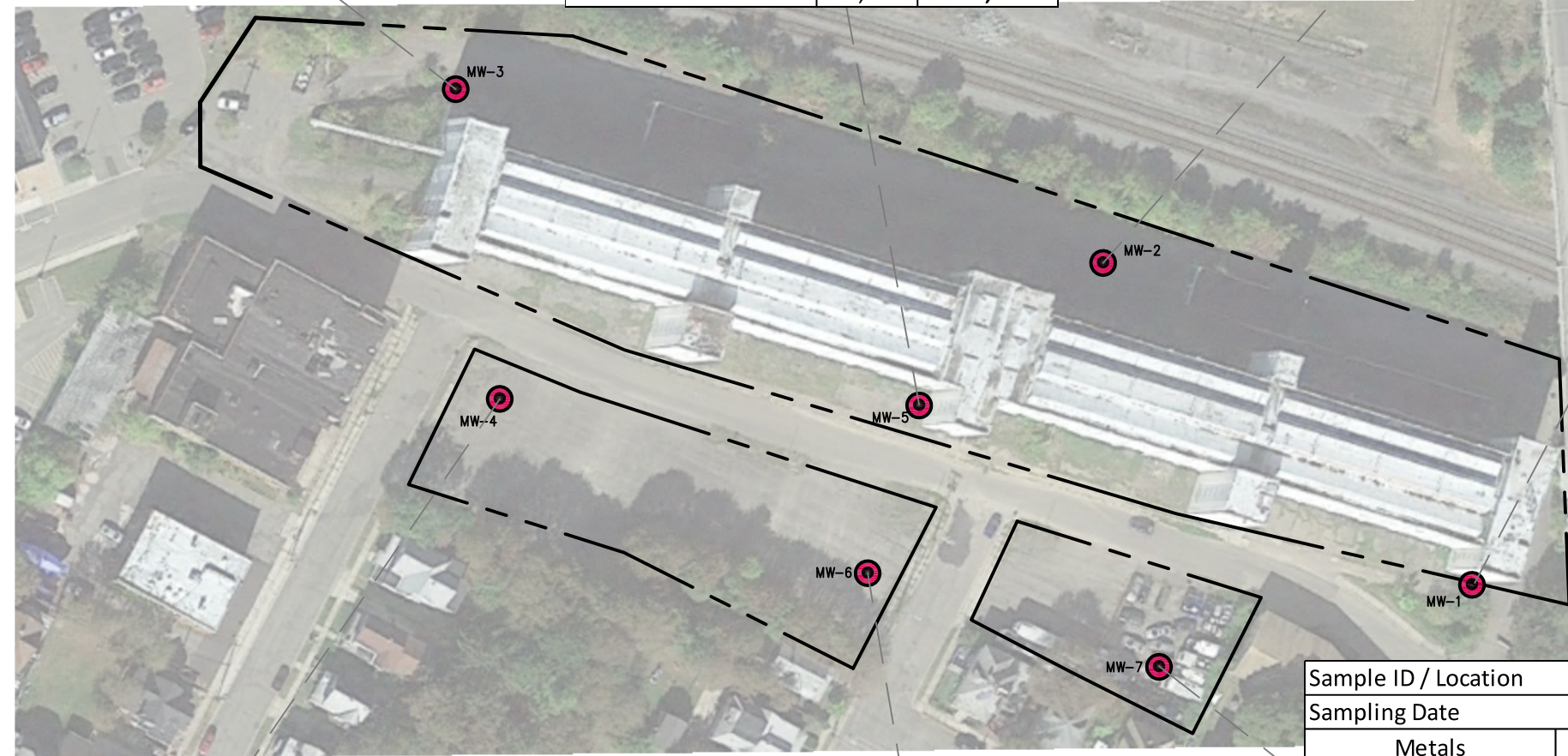
<p>Asbestos & Environmental Consulting Corporation 6308 Fly Road East Syracuse, NY 13057</p>	PROJECT NO. 20-056	<p>Summary of Analytical Exceedances In Soil</p>	<p>EJ Victory Building 59 Lester Avenue Johnson City, New York 13790</p>
	DRAWN: MAR 2020		
	DRAWN BY: NP/DB	<p>FIGURE A-III 1</p>	
	CHECKED BY: HNB		

Sample ID / Location			MW-3
Sampling Date			10/24/2019
Metals	AWQS	CONC	
Aluminum	NE	3,500	
Iron	300	5,400	
Manganese	300	350	
Sodium	20,000	84,300	

Sample ID / Location			MW-5
Sampling Date			10/23/2019
Metals	AWQS	CONC	
Aluminum	NE	40,600	
Arsenic	25	35	
Chromium	50	180	
Iron	300	84,800	
Lead	25	76	
Magnesium	35,000	68,200	
Manganese	300	2,500	
Nickel	100	110	
Sodium	20,000	216,000	

Sample ID / Location			MW-2
Sampling Date			10/23/2019
Metals	AWQS	CONC	
Aluminum	NE	26,500	
Chromium	50	340	
Iron	300	52,200	
Lead	25	48	
Magnesium	35,000	87,000	
Manganese	300	1,800	
Nickel	100	210	
Sodium	20,000	66,000	

Sample ID / Location			MW-1
Sampling Date			10/23/2019
Metals	AWQS	CONC	
Aluminum	NE	17,600	
Chromium	50	120	
Iron	300	29,900	
Lead	25	45	
Magnesium	35,000	38,800	
Manganese	300	1,500	
Sodium	20,000	144,000	



Sample ID / Location			MW-4
Sampling Date			10/24/2019
Metals	AWQS	CONC	
Aluminum	NE	7,700	
Iron	300	14,000	
Manganese	300	500	
Sodium	20,000	145,000	

Sample ID / Location			MW-6
Sampling Date			10/24/2019
Metals	AWQS	CONC	
Aluminum	NE	47,200	
Arsenic	25	54	
Chromium	50	83	
Copper	200	270	
Iron	300	99,400	
Lead	25	110	
Magnesium	35,000	95,000	
Manganese	300	3,400	
Nickel	100	120	
Sodium	20,000	324,000	

Sample ID / Location			MW-7
Sampling Date			10/23/2019
Metals	AWQS	CONC	
Aluminum	NE	27,500	
Arsenic	25	30	
Chromium	50	110	
Iron	300	60,000	
Lead	25	81	
Magnesium	35,000	61,800	
Manganese	300	1,800	
Sodium	20,000	194,000	

LEGEND:

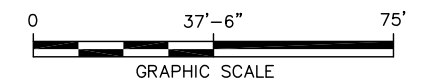
- APPROXIMATE PROPERTY LINE
- MW-# MONITORING WELL LOCATION AND ID

TABLE NOTES:

- ALL GROUNDWATER VALUES ARE REPORTED IN ug/L (APPROXIMATE PARTS PER BILLION - ppb)
- AWQS - NYSDEC AMBIENT WATER QUALITY STANDARD OR GUIDANCE VALUE FOR CLASS GA GROUNDWATER
- J - ESTIMATED VALUE (THE CONCENTRATION IS GREATER THAN THE METHOD DETECTION LIMIT, BUT BELOW THE QUANTITATION LIMIT)
- NE - NO AWQS ESTABLISHED FOR THIS COMPOUND
- BOLD** - CONCENTRATION EXCEEDS THE RESPECTIVE AWQS FOR THIS COMPOUND

NOTES / DISCLAIMERS:

1. APPROXIMATE PROPERTY LINE BASED ON TBD
2. ALL LOCATIONS ARE APPROXIMATE.

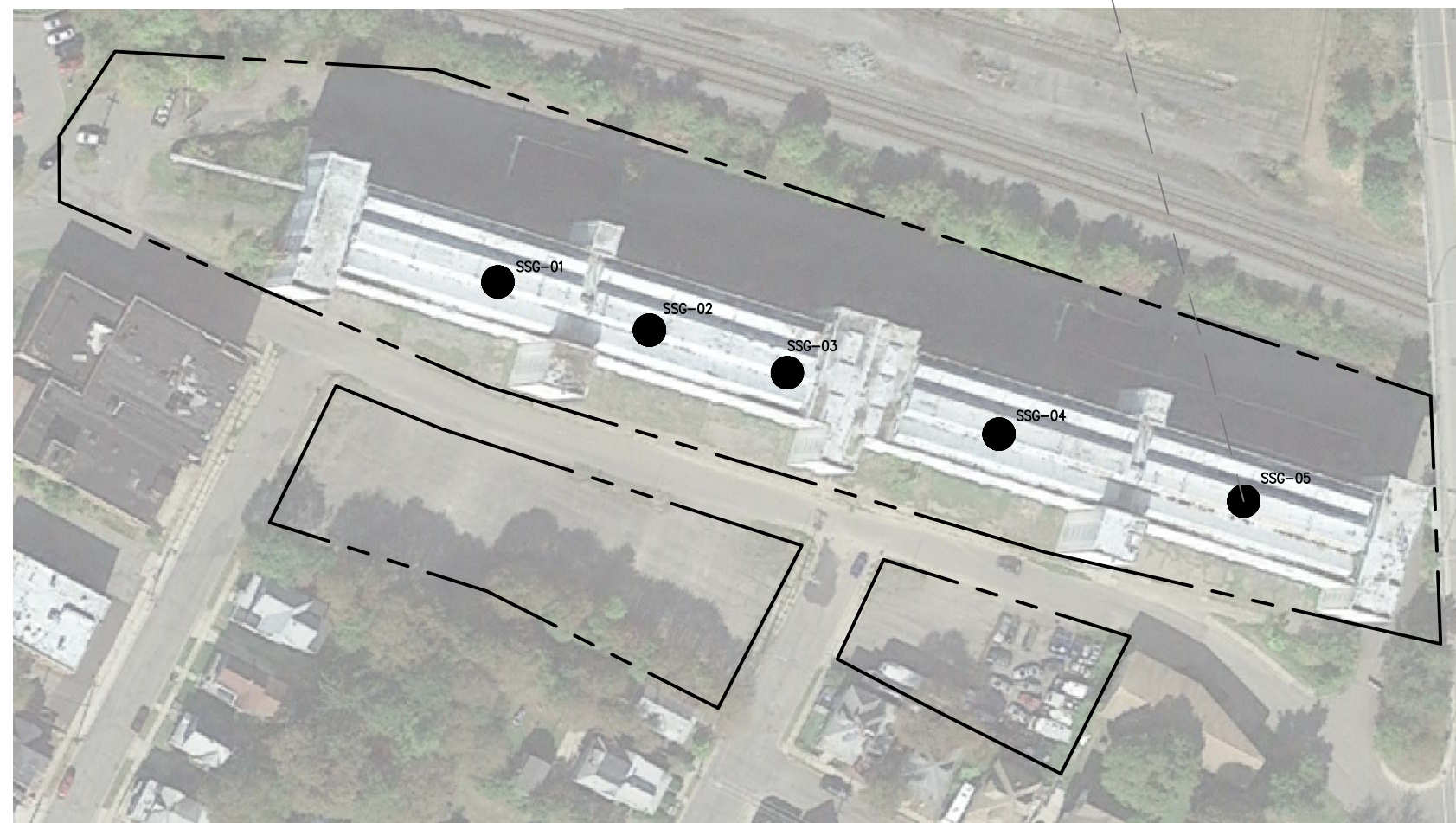


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<p>Asbestos & Environmental Consulting Corporation 6308 Fly Road East Syracuse, NY 13057</p>	PROJECT NO. 20-056	<p>Summary of Analytical Exceedances in Groundwater</p>	<p>EJ Victory Building 59 Lester Avenue Johnson City, New York 13790</p>
	DRAWN: MAR 2020		
	DRAWN BY: NP/DB	<p>FIGURE A-III</p> <p>2</p>	
	CHECKED BY: HNB		



Sample ID / Location			SSG-05
Sampling Date			10/16/2019
VOC	EPAR	EPAI	CONC
Benzene	12.0	53	16
1,2,4-Trimethylbenzene	7.0	867	42
Naphthalene	0.083	0.36	4,100



LEGEND:

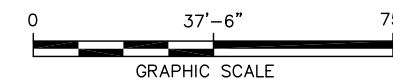
- APPROXIMATE PROPERTY LINE
- SSG-# SUB-SLAB SOIL GAS SAMPLE LOCATION AND ID

TABLE NOTES:


- ALL SOIL GAS / VAPOR VALUES ARE REPORTED IN MICROGRAMS PER CUBIC METER (ug/m³)
- DOH - NOTE THAT SUB-SLAB SOIL GAS CONCENTRATION AT WHICH MITIGATION MAY BE REQUIRED IS DEPENDENT ON MEASURED CONCENTRATION OF INDOOR VAPORS.
- BOLD** - CONCENTRATION EXCEEDS EPA RESIDENTIAL SUB-SLAB SOIL GAS RSL
- EPAR - EPA RESIDENTIAL SUB-SLAB SOIL GAS RSL
- EPAI - EPA INDUSTRIAL SUB-SLAB SOIL GAS RSL

NOTES / DISCLAIMERS:

1. APPROXIMATE PROPERTY LINE BASED ON TBD
2. ALL LOCATIONS ARE APPROXIMATE.
3. THE NYSDOH ONLY MAINTAINS STANDARDS FOR A LIMITED NUMBER OF COMPOUNDS

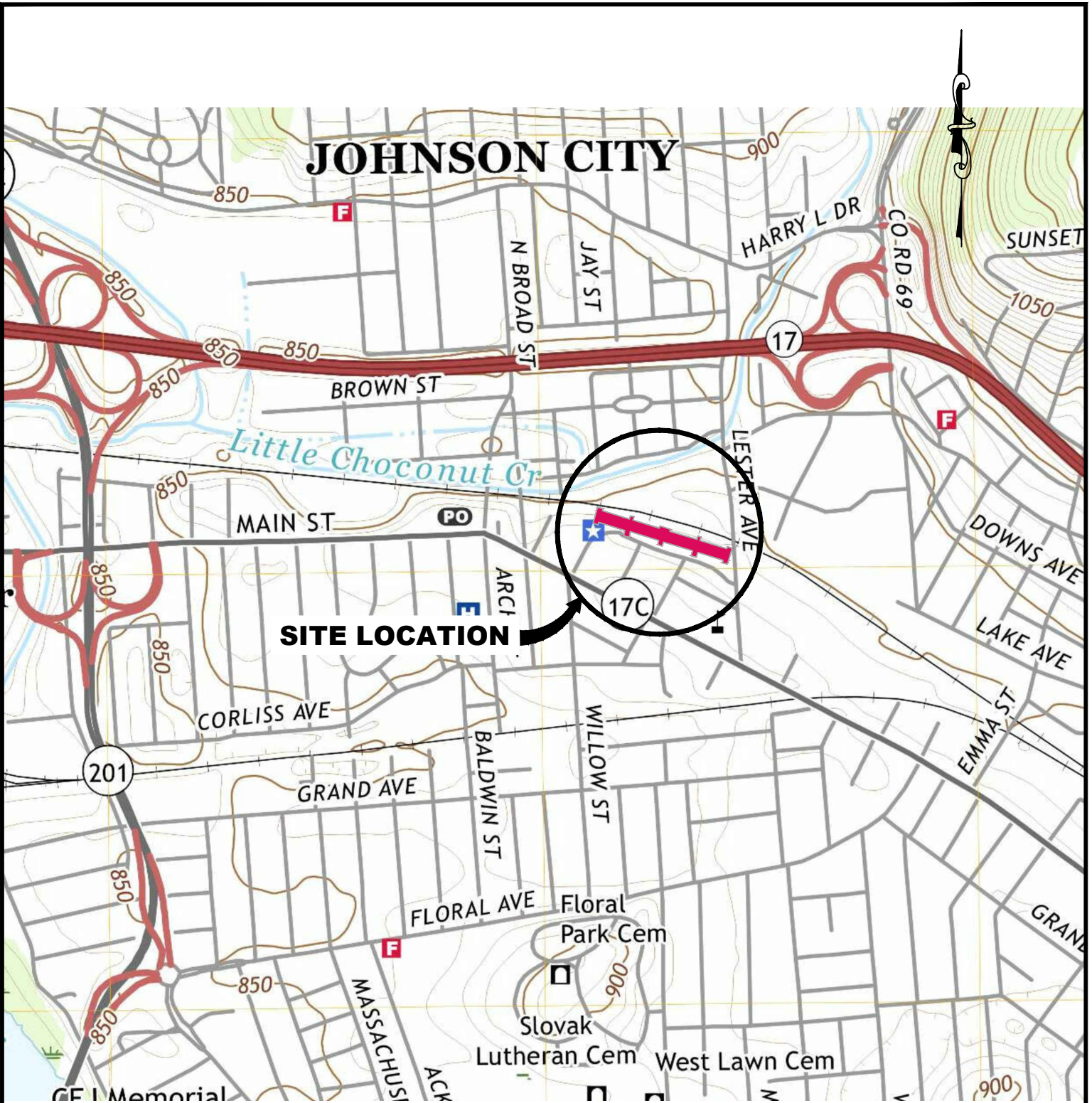


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 Asbestos & Environmental Consulting Corporation 6308 Fly Road East Syracuse, NY 13057	PROJECT NO. 20-056	Summary of Analytical Exceedances In Soil Vapor	FIGURE
	DRAWN: MAR 2020		A-III
	DRAWN BY: NP/DB	EJ Victory Building 59 Lester Avenue Johnson City, New York 13790	3
	CHECKED BY: HNB		

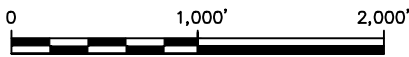
PART A – SECTION IV.1

PROPERTY INFORMATION AND USGS MAP



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SOURCE: USGS BINGHAMTON WEST QUADRANGLE, 15 SERIES, BINGHAMTON WEST, NY 2019



Asbestos & Environmental Consulting Corporation

6308 Fly Road
East Syracuse, NY 13057

PROJECT NO. 20-056

DRAWN: MAR 2020

DRAWN BY: NP

CHECKED BY: HNB

SITE LOCATION PLAN

E.J. Victory Building
59 Lester Avenue
Johnson City, New York 13790

FIGURE

AIV

Broome County Parcel Mapper



DISCLAIMER: Broome County does not guarantee the accuracy of the data presented. Information should be used for illustrative purposes only.

1 inch = 212 feet

0 130 260 ft

Broome County, NY
GIS
www.bcgis.com



Property Description Report For: 59 Lester Ave, Municipality of Village of Johnson City

No Photo Available

Status:	Active
Roll Section:	Taxable
Swis:	034603
Tax Map ID #:	143.58-1-19
Property Class:	710 - Manufacture
Site:	COM 1
In Ag. District:	No
Site Property Class:	710 - Manufacture
Zoning Code:	UMF
Neighborhood Code:	01401 - N-Johnson City
School District:	Johnson City
Total Assessment:	2019 - \$10,800 2018 - \$10,800
Total Acreage/Size:	4.13
Land Assessment:	2019 - \$3,000 2018 - \$3,000
Full Market Value:	2019 - \$254,118 2018 - \$250,000
Equalization Rate:	----
Deed Book:	2617
Grid East:	991569
Property Desc:	001h13008x0000000000
Deed Page:	289
Grid North:	771464

Owners

EJ Victory Building LLC
225 Wilkinson St
Syracuse NY 13204

Sales

Sale Date	Price	Property Class	Sale Type	Prior Owner	Value Usable	Arms Length	Addl. Parcels	Deed Book and Page
3/4/2020	\$1,600,000	710 - Manufacture	Land & Building	59 Lester Empire LLC	Yes	Yes	No	2617/289
12/28/2017	\$250,000	710 - Manufacture	Land & Building	County of Broome	No	No	No	2545/325
8/4/2014	\$0	710 - Manufacture	Land & Building	Planavsky, Danny R	No	No	Yes	2439/122
5/14/2001	\$1	000 - 000	Land Only		No	No	Yes	1962/460
3/18/1998	\$1	000 - 000	Land Only		No	No	Yes	1893/347

Utilities

Sewer Type:	Comm/public	Water Supply:	Comm/public
Utilities:	Electric		

Inventory

Overall Eff Year Built:	0	Overall Condition:	Normal
Overall Grade:	Average	Overall Desirability:	4

Buildings

AC%	Sprinkler%	Alarm%	Elevators	Basement Type	Year Built	Condition	Quality	Gross Floor Area (sqft)	Stories
0	100	100	4		1950	Normal	Average	343603	6

Improvements

Structure	Size	Grade	Condition	Year
Pavng-asphlt	80000 × 3	Economy	Fair	1950
Ld dock-st/c	550.00 sq ft	Average	Normal	1950

Special Districts for 2019

Description	Units	Percent	Type	Value
SL461-Union Lighting Dist	0	0%		0
UV461-Union Ambulance Dist	0	0%		0
LB462-Union Library Dist	0	0%		0

Special Districts for 2018

Description	Units	Percent	Type	Value
UV461-Union Ambulance Dist	0	0%		0
SL461-Union Lighting Dist	0	0%		0
LB462-Union Library Dist	0	0%		0

Exemptions

Year	Description	Amount	Exempt %	Start Yr	End Yr	V Flag	H Code	Own %
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Taxes

Year	Description	Amount
2020	County	\$14,153.92

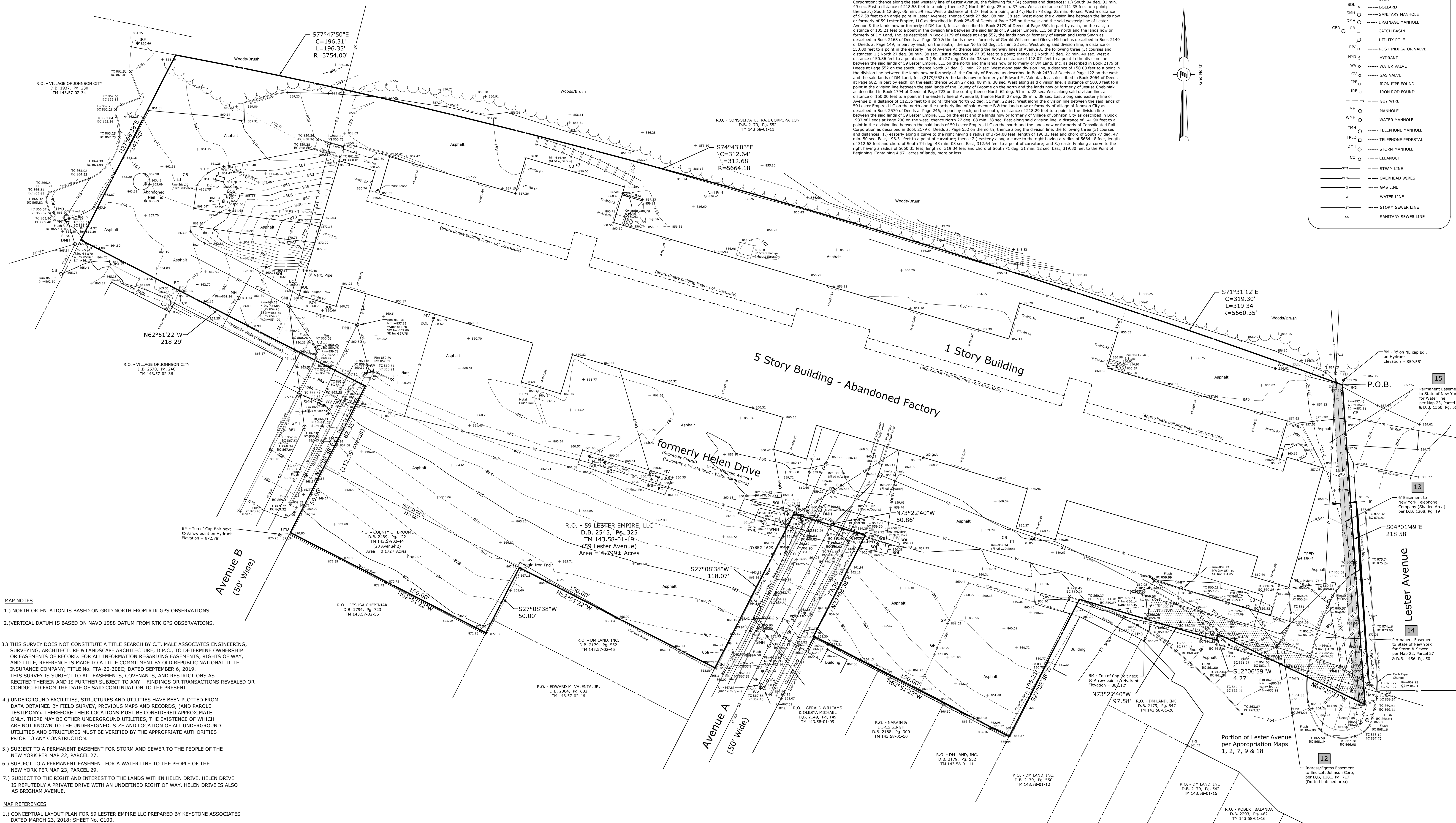
*** Taxes reflect exemptions, but may not include recent changes in assessment.**

Modern Description

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate in the Village of Johnson City, County of Broome, State of New York, being Lots 44, 47, 48, 50-55, 64, 66-75, 91 & 94 and part of Lots 49, 76-78, 89, 92, 93 & 95 of the Lestershire Subdivision and being more particularly bounded and described as follows:

Beginning at a point in the westerly line of Lester Avenue at the intersection with the southerly line of the Consolidated Rail Corporation; thence along the said westerly line of Lester Avenue, the following four (4) courses and distances: 1.) South 04 deg. 01 min. 49 sec. East a distance of 218.50 feet to a point; thence 2.) North 54 deg. 25 min. 37 sec. West a distance of 111.35 feet to a point; thence 3.) South 12 deg. 06 min. 59 sec. West a distance of 4.27 feet to a point; and 4.) North 73 deg. 22 min. 40 sec. West a distance of 97.58 feet to an angle point in Lester Avenue; thence South 27 deg. 08 min. 38 sec. West along the division line between the lands now or formerly of 59 Lester Empire, LLC as described in Book 2545 of Deeds at Page 325 on the west and the said westerly line of Lester Avenue & the lands now or formerly of DM Land, Inc. as described in Book 2179 of Deeds at Page 550, in part by each, on the east, a distance of 105.21 feet to a point in the division line between the said lands now or formerly of 59 Lester Empire, LLC on the north and the lands now or formerly of DM Land, Inc. as described in Book 2179 of Deeds at Page 552, the lands now or formerly of Narain and Doris Singh as described in Book 2149 of Deeds at Page 149, in part by each, on the south; thence North 62 deg. 51 min. 22 sec. West along said division line, a distance of 150.00 feet to a point in the easterly line of Avenue A; thence along the highway lines of Avenue A, the following three (3) courses and distances: 1.) North 27 deg. 08 min. 38 sec. East a distance of 77.35 feet to a point; thence 2.) North 73 deg. 22 min. 40 sec. West a distance of 50.86 feet to a point; and 3.) South 27 deg. 08 min. 38 sec. West a distance of 118.07 feet to a point in the division line between the said lands now or formerly of 59 Lester Empire, LLC on the north and the lands now or formerly of DM Land, Inc. as described in Book 2179 of Deeds at Page 552 on the south; thence North 62 deg. 51 min. 22 sec. West along said division line, a distance of 150.00 feet to a point in the division line between the lands now or formerly of the County of Broome as described in Book 2439 of Deeds at Page 122 on the west and the said lands of DM Land, Inc. (2179/552) & the lands now or formerly of Edward M. Valenta, Jr. as described in Book 2064 of Deeds at Page 682, in part by each, on the east; thence South 27 deg. 08 min. 38 sec. West along said division line, a distance of 50.00 feet to a point in the division line between the said lands of the County of Broome on the north and the lands now or formerly of Jesusa Chiebniak as described in Book 1794 of Deeds at Page 723 on the south; thence North 62 deg. 51 min. 22 sec. West along said division line, a distance of 150.00 feet to a point in the easterly line of Avenue B & the lands now or formerly of Village of Johnson City as described in Book 2570 of Deeds at Page 246, in part by each, on the south, a distance of 218.29 feet to a point in the division line between the said lands of 59 Lester Empire, LLC on the east and the lands now or formerly of Village of Johnson City as described in Book 1837 of Deeds at Page 230 on the west; thence North 27 deg. 08 min. 38 sec. East along said division line, a distance of 141.90 feet to a point in the division line between the said lands of 59 Lester Empire, LLC on the south and the lands now or formerly of Consolidated Rail Corporation as described in Book 2179 of Deeds at Page 552 on the north; thence along the division line, the following three (3) courses and distances: 1.) easterly along a curve to the right having a radius of 3754.00 feet, length of 196.33 feet and chord of South 77 deg. 47 min. 50 sec. East 196.33 feet to a point of curvature; thence 2.) easterly along a curve to the right having a radius of 5664.18 feet, length of 312.68 feet and chord of South 74 deg. 43 min. 03 sec. East 312.64 feet to a point of curvature; and 3.) easterly along a curve to the right having a radius of 5600.35 feet, length of 319.34 feet and chord of South 71 deg. 31 min. 12 sec. East 319.30 feet to the Point of Beginning, containing 4.971 acres of lands, more or less.

LEGEND table with symbols for LIGHT POLE, SIGN, ROLLROAD, SANITARY MANHOLE, DRAINAGE MANHOLE, CATCH BASIN, UTILITY POLE, POST INDICATOR VALVE, HYDRANT, WATER VALVE, GAS VALVE, IRON PIPE FOUND, IRON ROD FOUND, GUY WIRE, MANHOLE, WATER MANHOLE, TELEPHONE MANHOLE, TELEPHONE PEDESTAL, STORM MANHOLE, CLEANOUT, STEAM LINE, OVERHEAD WIRES, GAS LINE, WATER LINE, STORM SEWER LINE, SANITARY SEWER LINE.



MAP NOTES
1.) NORTH ORIENTATION IS BASED ON GRID NORTH FROM RTK GPS OBSERVATIONS.
2.) VERTICAL DATUM IS BASED ON NAVD 1988 DATUM FROM RTK GPS OBSERVATIONS.
3.) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY C.T. MALE ASSOCIATES ENGINEERING, SURVEYING, ARCHITECTURE & LANDSCAPE ARCHITECTURE, D.P.C., TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS OF WAY, AND TITLE, REFERENCE IS MADE TO A TITLE COMMITMENT BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, TITLE No. FTA-20-30EC, DATED SEPTEMBER 6, 2019. THIS SURVEY IS SUBJECT TO ALL EASEMENTS, COVENANTS, AND RESTRICTIONS AS RECITED THEREIN AND IS FURTHER SUBJECT TO ANY FINDINGS OR TRANSACTIONS REVEALED OR CONDUCTED FROM THE DATE OF SAID CONTINUATION TO THE PRESENT.
4.) UNDERGROUND FACILITIES, STRUCTURES AND UTILITIES HAVE BEEN PLOTTED FROM DATA OBTAINED BY FIELD SURVEY, PREVIOUS MAPS AND RECORDS, (AND PAROLE TESTIMONY), THEREFORE THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. THERE MAY BE OTHER UNDERGROUND UTILITIES, THE EXISTENCE OF WHICH ARE NOT KNOWN TO THE UNDERSIGNED. SIZE AND LOCATION OF ALL UNDERGROUND UTILITIES AND STRUCTURES MUST BE VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO ANY CONSTRUCTION.
5.) SUBJECT TO A PERMANENT EASEMENT FOR STORM AND SEWER TO THE PEOPLE OF THE NEW YORK PER MAP 22, PARCEL 27.
6.) SUBJECT TO A PERMANENT EASEMENT FOR A WATER LINE TO THE PEOPLE OF THE NEW YORK PER MAP 23, PARCEL 29.
7.) SUBJECT TO THE RIGHT AND INTEREST TO THE LANDS WITHIN HELEN DRIVE. HELEN DRIVE IS REPUTEDLY A PRIVATE DRIVE WITH AN UNDEFINED RIGHT OF WAY. HELEN DRIVE IS ALSO AS BRIGHAM AVENUE.

Notes to Title Commitment No. FTA-20-30EC
12. INGRESS/EGRESS EASEMENT GRANTED BY ENDICOTT JOHNSON CORPORATION TO ELECTRIC SERVICES SUPPLY & INC. CO., INC. AS CONTAINED WITHIN A DEED BETWEEN THE FORESAID PARTIES DATED APRIL 3, 1972 AND RECORDED APRIL 10, 1972 IN BOOK 1184 OF DEEDS AT PAGE 712. (PLOTTED)
13. EASEMENT GRANTED TO NEW YORK TELEPHONE COMPANY FROM ENDICOTT JOHNSON CORPORATION DATED OCTOBER 26, 1973 AND RECORDED NOVEMBER 1, 1973 IN BOOK 1208 OF DEEDS AT PAGE 19. (PLOTTED)
14. SEWER LINE EASEMENT APPROPRIATED BY NEW YORK STATE DEPARTMENT OF TRANSPORTATION IN A NOTICE OF APPROPRIATION DATED JUNE 19, 1985 AND RECORDED JUNE 19, 1985 IN BOOK 1456 OF DEEDS AT PAGE 50. (PLOTTED)
15. WATER LINE EASEMENT APPROPRIATED BY NEW YORK STATE DEPARTMENT OF TRANSPORTATION IN A NOTICE OF APPROPRIATION DATED SEPTEMBER 12, 1986 AND RECORDED SEPTEMBER 12, 1986 IN BOOK 1560 OF DEEDS AT PAGE 50. (PLOTTED)

TO: CPC FUNDING SPE 1 LLC; THE COMMUNITY PRESERVATION CORPORATION, their successors and/or assigns:
I CERTIFY THAT THIS SURVEY WAS PREPARED FROM AN ACTUAL FIELD SURVEY AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND HAS BEEN PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE OF THE N.Y.S. ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.
DAVID M. SLUSKI PLS # 50105 DATE 02/26/2020

Table with columns: DATE, REVISIONS RECORD/DESCRIPTION, DRAFTER, CHECK, APPR. Includes a signature stamp for David M. Sluski and a table of revisions.

BOUNDARY AND TOPOGRAPHIC SURVEY MAP FOR THE LANDS OF 59 LESTER EMPIRE, LLC 59 LESTER AVENUE. Includes project details, scale (1" = 30 FT), date (OCT. 15, 2019), and contact information for C.T. MALE ASSOCIATES.

ONLY COPIES OF THIS MAP SIGNED IN RED INK AND EMBOSSED WITH THE SEAL OF AN OFFICER OF C.T. MALE ASSOCIATES OR A DESIGNATED REPRESENTATIVE SHALL BE CONSIDERED TO BE A VALID TRUE COPY.



BROOME COUNTY – STATE OF NEW YORK
JOSEPH A. MIHALKO, 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: D2617 / 289
 INSTRUMENT #: 202000006413

Receipt#: 20201005484
 Clerk: AZD
 Rec Date: 03/18/2020 02:03:12 PM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 6
 Rec'd Frm: STEWART TITLE INSURANCE
 COMPANY

Party1: 59 LESTER EMPIRE LLC
 Party2: EJ VICTORY BUILDING LLC
 Town: TOWN OF UNION

Recording:

Cover Page	5.00
Recording Fee	45.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	10.00
Notice of Transfer of Sal	0.00
RP5217 - County	9.00
RP5217 All others - State	241.00

Sub Total: 330.00

Transfer Tax	
Transfer Tax - State	6400.00
Transfer Tax - County	1600.00

Sub Total: 8000.00

Total: 8330.00

**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
 Transfer Tax #: TT003245
 Commercial Transfer Tax
 Consideration: 1600000.00

Transfer Tax - State	6400.00
Transfer Tax - County	1600.00

Total: 8000.00

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.

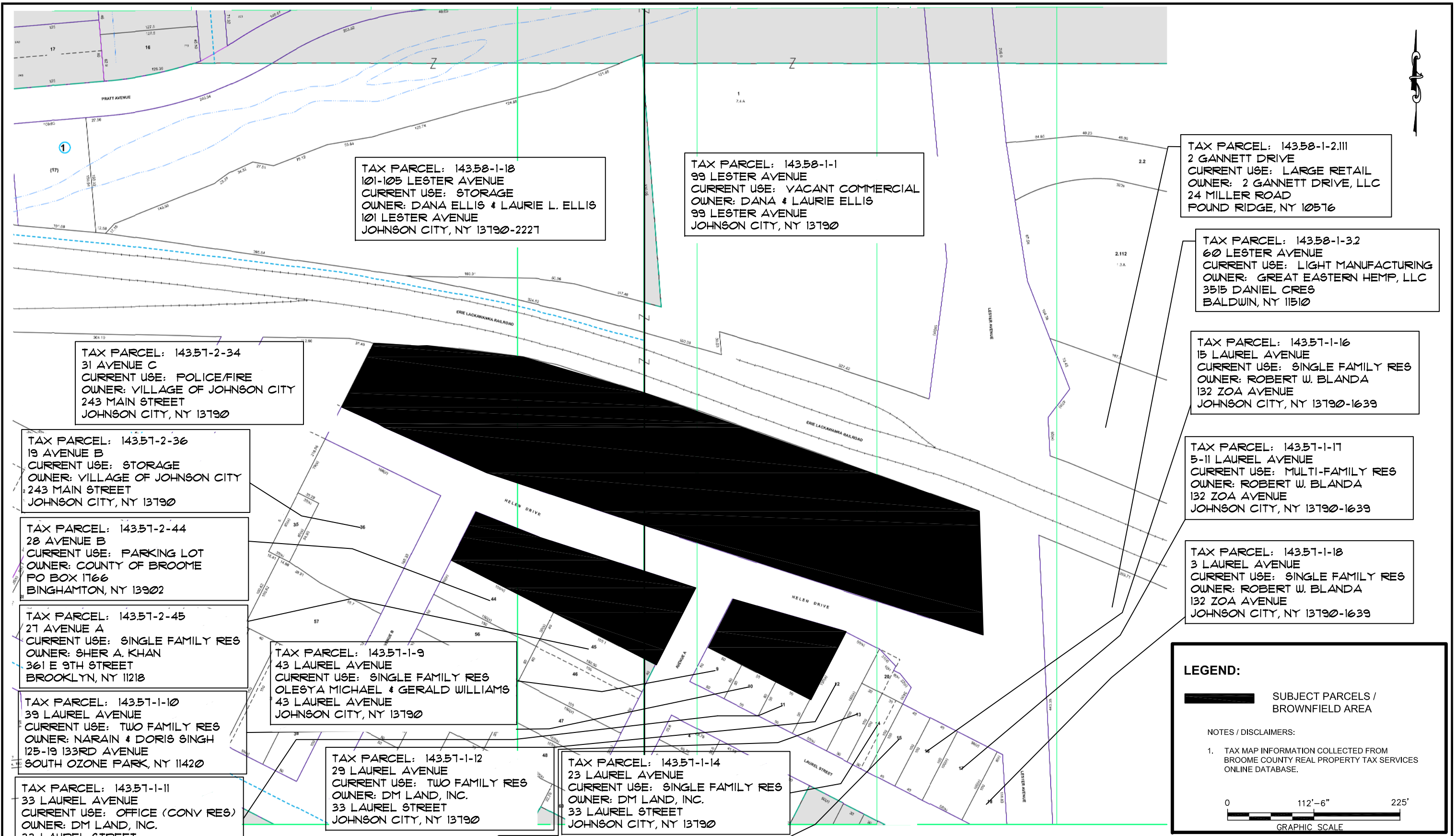
Joseph A. Mihalko
 Broome County Clerk

Record and Return To:

BARCLAY DAMON LLP
 125 EAST JEFFERSON STREET
 SYRACUSE NEW YORK 13202

PART A – SECTION IV.2

PROPERTY MAP INCLUDING ADJACENT PROPERTY OWNERS



TAX PARCEL: 143.58-1-18
 101-105 LESTER AVENUE
 CURRENT USE: STORAGE
 OWNER: DANA ELLIS & LAURIE L. ELLIS
 101 LESTER AVENUE
 JOHNSON CITY, NY 13790-2227

TAX PARCEL: 143.58-1-1
 99 LESTER AVENUE
 CURRENT USE: VACANT COMMERCIAL
 OWNER: DANA & LAURIE ELLIS
 99 LESTER AVENUE
 JOHNSON CITY, NY 13790

TAX PARCEL: 143.58-1-2.111
 2 GANNETT DRIVE
 CURRENT USE: LARGE RETAIL
 OWNER: 2 GANNETT DRIVE, LLC
 24 MILLER ROAD
 POUND RIDGE, NY 10516

TAX PARCEL: 143.58-1-3.2
 60 LESTER AVENUE
 CURRENT USE: LIGHT MANUFACTURING
 OWNER: GREAT EASTERN HEMP, LLC
 3515 DANIEL CRES
 BALDWIN, NY 11510

TAX PARCEL: 143.57-1-16
 15 LAUREL AVENUE
 CURRENT USE: SINGLE FAMILY RES
 OWNER: ROBERT W. BLANDA
 132 ZOA AVENUE
 JOHNSON CITY, NY 13790-1639

TAX PARCEL: 143.57-1-17
 5-11 LAUREL AVENUE
 CURRENT USE: MULTI-FAMILY RES
 OWNER: ROBERT W. BLANDA
 132 ZOA AVENUE
 JOHNSON CITY, NY 13790-1639

TAX PARCEL: 143.57-1-18
 3 LAUREL AVENUE
 CURRENT USE: SINGLE FAMILY RES
 OWNER: ROBERT W. BLANDA
 132 ZOA AVENUE
 JOHNSON CITY, NY 13790-1639

TAX PARCEL: 143.57-2-34
 31 AVENUE C
 CURRENT USE: POLICE/FIRE
 OWNER: VILLAGE OF JOHNSON CITY
 243 MAIN STREET
 JOHNSON CITY, NY 13790

TAX PARCEL: 143.57-2-36
 19 AVENUE B
 CURRENT USE: STORAGE
 OWNER: VILLAGE OF JOHNSON CITY
 243 MAIN STREET
 JOHNSON CITY, NY 13790

TAX PARCEL: 143.57-2-44
 28 AVENUE B
 CURRENT USE: PARKING LOT
 OWNER: COUNTY OF BROOME
 PO BOX 1766
 BINGHAMTON, NY 13902

TAX PARCEL: 143.57-2-45
 27 AVENUE A
 CURRENT USE: SINGLE FAMILY RES
 OWNER: SHER A. KHAN
 361 E 9TH STREET
 BROOKLYN, NY 11218

TAX PARCEL: 143.57-1-10
 39 LAUREL AVENUE
 CURRENT USE: TWO FAMILY RES
 OWNER: NARAIN & DORIS SINGH
 125-19 133RD AVENUE
 SOUTH OZONE PARK, NY 11420

TAX PARCEL: 143.57-1-11
 33 LAUREL AVENUE
 CURRENT USE: OFFICE (CONV RES)
 OWNER: DM LAND, INC.
 33 LAUREL STREET
 JOHNSON CITY, NY 13790

TAX PARCEL: 143.57-1-9
 43 LAUREL AVENUE
 CURRENT USE: SINGLE FAMILY RES
 OWNER: OLESYA MICHAEL & GERALD WILLIAMS
 43 LAUREL AVENUE
 JOHNSON CITY, NY 13790

TAX PARCEL: 143.57-1-12
 29 LAUREL AVENUE
 CURRENT USE: TWO FAMILY RES
 OWNER: DM LAND, INC.
 33 LAUREL STREET
 JOHNSON CITY, NY 13790

TAX PARCEL: 143.57-1-14
 23 LAUREL AVENUE
 CURRENT USE: SINGLE FAMILY RES
 OWNER: DM LAND, INC.
 33 LAUREL STREET
 JOHNSON CITY, NY 13790

TAX PARCEL: 143.57-1-13
 27 LAUREL AVENUE
 CURRENT USE: SINGLE FAMILY RES
 OWNER: DOLORES C. PLAIN
 27 LAUREL STREET
 JOHNSON CITY, NY 13790

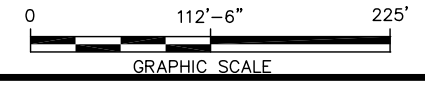
TAX PARCEL: 143.57-1-15
 19 LAUREL AVENUE
 CURRENT USE: SINGLE FAMILY RES
 OWNER: DM LAND, INC.
 33 LAUREL STREET
 JOHNSON CITY, NY 13790

LEGEND:

SUBJECT PARCELS / BROWNFIELD AREA

NOTES / DISCLAIMERS:

- TAX MAP INFORMATION COLLECTED FROM BROOME COUNTY REAL PROPERTY TAX SERVICES ONLINE DATABASE.



THE INFORMATION INCLUDED ON THIS GRAPHIC REPRESENTATION HAS BEEN COMPILED FROM A VARIETY OF SOURCES AND IS SUBJECT TO CHANGE WITHOUT NOTICE. AECG MAKES NO REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, AS TO ACCURACY, COMPLETENESS, TIMELINESS, OR RIGHTS TO THE USE OF SUCH INFORMATION. THIS DOCUMENT IS NOT INTENDED FOR USE AS A LAND SURVEY PRODUCT NOR IS IT DESIGNED OR INTENDED AS A CONSTRUCTION DESIGN DOCUMENT. THE USE OR MISUSE OF THE INFORMATION CONTAINED ON THIS GRAPHIC REPRESENTATION IS AT THE SOLE RISK OF THE PARTY USING OR MISUSING THE INFORMATION.

AEEC
 ENVIRONMENTAL CONSULTING
 Asbestos & Environmental
 Consulting Corporation
 6308 Fly Road
 East Syracuse, NY 13057

PROJECT NO.	20-056
DRAWN:	APR 2020
DRAWN BY:	DB
CHECKED BY:	HNB

Property Map
Including Adjacent Property Owners
 EJ Victory Building
 59 Lester Avenue
 Johnson City, New York 13790

FIGURE
A-IV
.2

PART A – SECTION IV.10
PROPERTY DESCRIPTION

PROPERTY DESCRIPTION AND ENVIRONMENTAL ASSESSMENT

EJ VICTORY BUILDING 59 LESTER AVENUE, VILLAGE OF JOHNSON CITY, NEW YORK

Location

The EJ Victory Building property (Site) is located on 4.971 acres in the Central Village Neighborhood and Historic District of the Village of Johnson City. It is bordered to the north by an active rail corridor owned by a Norfolk-Southern rail line, followed by a vacant commercial property (formerly Whipple Lumber); to the northeast by Lester Avenue, followed by a retail plaza containing a credit union branch (Visions Federal Credit Union) and a Walmart store; to the east by Lester Avenue, followed by a light manufacturing facility owned by Great Eastern Hemp, LLC; to the south by single-family and two-family residential buildings situated along Laurel Street, Avenue A, and Avenue B; to the southwest by a vacant industrial building, and to the west by the Village of Johnson City Justice Building/Police Department.

Metes and Bounds Description

The property metes and bounds description is contained on a survey map entitled *Boundary and Topographic Survey for the Lands of 59 Lester Empire, LLC, 59 Lester Avenue*, dated October 15, 2019 and prepared by C.T. Male Associates, Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C. A copy of the survey map follows in Attachment A-IV.10. The property description is as follows:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situated in the Village of Johnson City, County of Broome, State of New York, being Lots 44, 47, 50-55, 64, 66-75, 91 & 94 and part of Lots 49, 76-78, 89, 92, 93 & 95 of the Lestershire Subdivision and being more particularly bounded and described as follows:

Beginning at a point in the westerly line of Lester Avenue at the intersection with the southerly line of the Consolidated Rail Corporation; thence along the said westerly line of Lester Avenue, the following four (4) courses and distances: 1.) South 04 deg. 01 min. 49 sec. East a distance of 218.58 feet to a point; thence 2.) North 64 deg. 25 min. 37 sec. West a distance of 111.35 feet to a point; thence 3.) South 12 deg. 06 min. 59 sec. West a distance of 4.27 feet to a point; and 4.) North 73 deg. 22 min. 40 sec. West a distance of 97.58 feet to an angle point in Lester Avenue; thence South 27 deg. 08 min. 38 sec. West along the division line between the lands now or formerly of 59 Lester Empire, LLC as described in Book 2545 of Deeds at Page 325 on the west and the said westerly line of Lester Avenue & the lands now or formerly of DM Land, Inc. as described in Book 2179 of Deeds at Page 550, in part by each, on the east, a distance of 105.21 feet to a point in the division line between the said lands of 59 Lester Empire, LLC on the north and the lands now or formerly of DM Land, Inc. as described in book 2179 of Deeds at Page 552, the lands now or formerly of Narain and Doris Singh as described in Book 2168 of Deeds at Page 300 & lands now or formerly of Gerald Williams and Olesya Michael as described in Book 2149 of Deeds at Page 149, in part by each to the south; thence North 62 deg. 51 min. 22 sec. West along said division line, a distance of 150.00 feet to a point in the easterly line of Avenue A; thence along the highway lines of Avenue A, the following three (3) courses and distances: 1.) North 27 deg. 08 min. 38 sec. East a distance of 77.35 feet to a point; thence 2.) North 73 deg. 22 min. 40 sec. West a distance of 50.86 feet to a point; and 3.) South 27 deg. 08 min. 38 sec. West a distance of 118.07 feet to a point in the division line between the said lands of 59 Lester Empire, LLC on the north and lands now or formerly of DM Land, Inc. as described in Book 2179 of Deeds at Page 552 on the south; thence North 62 deg. 51 min. 22 sec. West along said division line, a distance of 150.00 feet to a point in the division line between the lands now or formerly of the County of Broome as described in Bok 2439 of Deeds at Page 122 on the west and the said lands of DM Land, Inc. (2179/552) & the lands now or formerly of Edward M Valenta, Jr. as described in Book 2064 of Deeds at Page 682, in part by each, on the east; thence South 27 deg. 08 min. 38 sec. West along said division line, a distance of 50.00 feet to a point in the division line between the said lands of the County of Broome on the north and the lands now or formerly of Jesusa Chebiniak as described in Book 1794 of Deeds at Page 723 on the South; thence North 62 deg. 51 min. 22 sec. West along said division line, a distance of 150.00 feet to a point in the easterly line of Avenue B; thence North 27 deg. 08 min. 38 sec. East along said easterly line of Avenue B, a distance of 112.35 feet to a point; thence North 62 deg. 51 min. 22 sec. West along the division line between the said lands of 59 Lester Empire, LLC on the north and the northerly line of Avenue B & the lands now or formerly of Village of Johnson City as described in Book 2570 of Deeds at Page 246, in part by each, on the south, a distance of 218.29 feet to a point in the division line between the said lands of 59 Lester Empire, LLC on the east and the lands now or formerly of Village of Johnson City as described in Book 1937 of Deeds at Page 230 on the west; thence North 27 deg. 08 min. 38 sec. East along said division line, a distance of 141.90 feet to a point in the division line between the said lands of 59 Lester Empire, LLC on the south and the lands now or formerly of Consolidated Rail Corporation as described in

Book 2179 of Deeds at Pate 552 on the north; thence along the division line, the following three (3) courses and distances: 1.) easterly along a curve to the right having a radius of 3754.00 feet, the length of 196.33 feet and chord of South 77 deg. 47 min. 50 sec. East, 196.31 feet to a point of curvature; thence 2.) easterly along a curve to the right having a radius of 5664.18 feet, length of 312.68 feet and chord of South 74 deg. 43 min. 03 sec. East, 312.64 feet to a point of curvature; and 3.) easterly along a curve to the right having a radius of 5660.35 feet, length of 319.34 feet and chord of South 71 deg. 31 min. 12 sec. East, 319.30 feet to the Point of Beginning. Containing 4.971 acres of lands, more or less.

Site Features

The Site is situated at an elevation of approximately 860 feet above mean sea level, and is relatively flat. The surrounding area exhibits a gradual gradient toward the northwest, in the direction of Little Choconut Creek, the nearest surface water feature. Little Choconut Creek is located approximately 375 feet to the northwest of the Site, and Creek originates approximately six (6) miles north of the Village, near the Greater Binghamton Airport. The Creek meanders on a general southerly course to the Village, where it assumes a more westerly course, ultimately draining to the Susquehanna River at a point approximately 6,000 feet west of the subject property.

The site is bisected from east to west by Helen Drive. The portion north of Helen Drive is currently developed with a vacant, historic industrial building containing a total of 343,603 square feet of gross floor area. The building contains five (5) complete above-grade floors, and a partial sixth floor containing seven (7) separate penthouse-level spaces. The penthouse-level spaces contain elevator motor equipment, electrical transformers, and/or stair tower access to the roof level. Two (2) single-story masonry block additions are attached to the exterior northern side of the main building. The majority of the area surrounding the building consists of asphalt-paved driveway.

The portion of the site that is located south of Helen Drive is comprised of two asphalt parking lots that are separated by Avenue A. These include a +/- 26,500 square foot lot located south of Helen Drive and bounded by Avenue A to the east and Avenue B to the west, and a +/- 12,500 square foot lot located to the south of Helen Drive and bounded by Avenue A to the west.

The property is served by municipal water and sewer services.

Current Zoning and Land Use

The Site is zoned General Commercial. The current and proposed uses are in accordance with existing zoning. The surrounding parcels to the north and east are currently utilized for commercial purposes. Surrounding properties to the southeast are currently used for residential purposes. Surrounding properties to the west include a vacant industrial building (southwest) and a municipal office building (Village of Johnson City Justice Building/Police Department).

Past Use of the Site

The Site contains a vacant, historic factory building that was constructed in or about 1921. For the majority of its existence, the building served as a shoe manufacturing facility owned and operated by Endicott-Johnson Corporation. These operations are reported to have utilized various chemicals, including solvents, alcohols, acids, and petroleum-based products. The facility also operated several electrical transformers and historically contained an oil house (exact nature of "oil" is unclear).

Prior to the construction of the Endicott-Johnson facility, the property was occupied by the Lestershire Lumber and Box Company. Such use pre-dates 1898, the date of the earliest available historic record. These operations included box manufacturing, and lumber production and planing. Ancillary activities appear to have included kiln operation, cabinet construction, and coal combustion.

Following the cessation of the Endicott-Johnson operations in or about 1988, the property has reportedly been used as storage warehouse space (boats, automobiles, and general storage). The property and existing structure have been vacant and unused since approximately 2013.

As part of environmental due diligence, the Requestor procured a Phase I and Phase II ESA to be completed at the Site. No remedial actions have been completed at the Site.

Site Geology and Hydrogeology

According to Geologic Map of New York – Finger Lakes Sheet (Lawrence V. Rickard and Donald W. Fisher, March 1970), the bedrock in the area of the Site is mapped as shale and siltstone of the Sonyea Group.

According to the Surficial Geologic Map of New York – Finger Lakes Sheet (Ernest H. Muller and Donald H. Cadwell, 1986), the overburden deposits at and in the vicinity of the site consist of outwash sand and gravel, described as “coarse to fine gravel with sand, proglacial fluvial deposition, well-rounded and stratified, thickness variable (2-20 meters)”.

The USDA online soil survey database identifies the soil at the Site as ‘Cut-and-Fill Land’. The southern approximately one-half of the site is mapped as “Cut-and-fill lands, gravelly materials”. This material is described as a well drained soil of Hydrologic Soil Group A, having a typical profile of very gravelly silt loam (0-4 inches) and very gravelly sandy loam (4-70 inches). The soil across the northern remainder of the property is mapped as “Cut-and-fill lands, silty materials”. This soil is described as well drained soil of Hydrologic Soil Group A, generally comprised of silt loam.

A Phase II ESA was performed at the site by EA Engineering, P.C. in October 2019. This assessment included the advancement of seventeen (17) soil borings (3 interior and 14 exterior), the installation of seven (7) groundwater monitoring wells, and the installation of five (5) temporary sub-slab vapor sampling points through the slab-on-grade building foundation. Thirty-four (34) soil samples (17 near surface and 17 at depth), eleven (11) groundwater, and five (5) sub-slab vapor samples were collected and subjected to laboratory analysis during the assessment. The majority of the soil borings were advanced to depths ranging from twenty-eight (28) to thirty-four (34) feet below grade. The observed soil generally consisted of sand and gravel.

Groundwater was encountered at depths ranging from approximately 23.5 to 32.4 feet bgs during the Phase II ESA, and was determined to flow in a general westerly to northwesterly direction across the Site.

There are no surface waters or wetlands on or immediately adjacent to the Site.

Environmental Assessment

It is recommended that the reader refer to the Site Drawing in Part A - Section III.3 of the attachments to this BCP Application.

Based on investigations performed to date, the primary contaminants of concern are:

- Soils: Various Polycyclic Aromatic Hydrocarbons (PAHs), including benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, and indeno(1,2,3-c,d)pyrene; acetone; arsenic, chromium, and metals, including arsenic, chromium, and zinc.
- Groundwater: Various metals, including aluminum, arsenic, chromium, copper, iron, lead, magnesium, manganese, nickel, and sodium.
- Soil Vapor: Non-chlorinated VOCs (benzene, 1,2,4-trimethylbenzene, and naphthalene).

Soil

Within soils, the following contaminants were detected above Restricted Residential Soil Cleanup Objectives (RRSCOs):

Compound	Unrestricted SCO	Restricted Residential SCO	Concentration Range (mg/L)
Benzo(a)anthracene	1	1	No Detection - 53
Benzo(a)pyrene	1	1	No Detection - 36
Benzo(b)fluoranthene	1	1	No Detection - 42
Benzo(k)fluoranthene	0.8	3.9	No Detection - 17
Chrysene	1	3.9	No Detection - 48
Dibenz(a,h,)anthracene	0.33	0.33	No Detection - 2.4
Indeno(1,2,3-cd)pyrene	0.5	0.5	No Detection - 23

Within soils, the following contaminants were detected above Unrestricted Soil Cleanup Objectives (SCOs), but below RRSCOs:

Compound	Unrestricted SCO	Restricted Residential SCO	Concentration Range (mg/L)
Acetone	0.05	100	No Detection - 0.055
Arsenic	13	16	2.4 - 15.5
Chromium	30	180	7.6 - 31.8
Zinc	115	10,000	24.6 - 115

Groundwater

Within groundwater, the following contaminants were detected above the corresponding Ambient Water Quality Standards for Class GA groundwater established by the NYSDEC in *Technical and Operation Guidance Series 1.1.1 – Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations (T.O.G.S. 1.1.1)*:

Compound	TOGS 1.1.1 AWQS (µg/L)	Concentration Range (µg/L)
Arsenic	25	No Detection - 54
Chromium	50	11 - 340
Copper	200	11 - 270
Iron	300	5,400 – 99,400
Lead	25	5.4 - 110
Magnesium	35,000	21,900 – 95,000
Manganese	300	350 – 3,400
Nickel	100	8 - 210
Sodium	20,000	66,000 – 324,000

Aluminum was also detected at significantly elevated concentrations (3,500 to 47,200 µg/L). While there is no established AWQS for Class GA groundwater established in T.O.G.S. 1.1.1, the AWQS for Class A surface drinking water sources is 100 µg/L.

Soil Vapor

Within soil vapor, the following contaminants were detected above applicable USEPA sub-slab soil vapor regional screening levels for residential use (NYSDOH does not currently have established standards or action levels for the detected compounds):

Compound	USEPA Sub-Slab Soil Vapor Regional Screening Level- Residential (ug/m³)	Concentration Range (ug/m³)
Benzene	12.0	0.26 – 16
1,2,4-Trimethylbenzene	7.0	0.4 – 42
Naphthalene	0.083	No Detection – 4,100

PART B – SECTION VI

FORMER PROPERTY OWNERS/OPERATORS

FORMER OWNERS AND OPERATORS

EJ VICTORY BUILDING 59 LESTER AVENUE, VILLAGE OF JOHNSON CITY, NEW YORK

Former Owners

Information regarding previous site ownership has been obtained from an Abstract of Title prepared by Bankers Title & Abstract, LLC in December 2017, and information compiled during previous Phase I Environmental Site Assessments conducted by EA Engineering, P.C. (2019) and Jennings Environmental Management, Inc. / Keystone Associates (2011). These records identify the following site owners:

Date	Grantee	Grantor	Liber	Page
12/28/2017	59 Lester Empire LLC 98 Main Street Binghamton, New York 13905 T: 607-699-1299	The County of Broome 60 Hawley Street Binghamton, New York 13902 T: 607-778-8000	2545	325
08/4/2014	The County of Broome 60 Hawley Street Binghamton, New York 13902 T: 607-778-8000	David C. Hamlin, as Director of Real Property Tax Service, via Foreclosure of Tax Lien against Danny R. Planavsky	2439	122
05/14/2002	Danny R. Planavsky 82 Wilson Hill Road Binghamton, New York 13905 T: 607-729-4744	40-46 Corliss Avenue Realty, Ltd., 72-76 Court Street Realty, Ltd., & 59 Lester Avenue Realty, Ltd. 82 Wilson Hill Road Binghamton, New York 13905 T: 607-729-4744	1962	460
03/18/1998	53 Lester Avenue Realty, Ltd. 82 Wilson Hill Road Binghamton, New York 13905 T: 607-729-4744	Dan R. Planavsky 82 Wilson Hill Road Binghamton, New York 13905 T: 607-729-4744	1893	347
07/06/1994	Dan R. Planavsky 82 Wilson Hill Road Binghamton, New York 13905 T: 607-729-4744	Endicott Johnson Corporation 1100 East Main Street Endicott, New York 13760	1841	187
To Endicott Johnson Corporation by the following six deeds:				
10/09/1919	Endicott Johnson Corporation 1100 East Main Street Endicott, New York 13760	Lestershire Lumber and Box Co. Village of Jonson City, New York	290	463
02/20/1920		Bert D. & Clara E. Kies	296	300
04/13/1920		Frank J. & Christine D. Boland	298	118
06/16/1924		John S. & Myrta D. Patterson	339	138
03/18/1929		Charles F. Jr. & Jeannette J. Johnson	390	463
03/22/1960		Nathalie E. Rulison & Jeanette Cronk	1019	252

NOTE: Addresses and contact information listed above represents last know information obtained through available public records and online information.

Requestor has no relationship to any former owner.

Former Operators

Information regarding previous site operators/operations has been obtained from historic fire insurance maps spanning from 1898 through 1968, past property title records, and information compiled during previous Phase I Environmental Site Assessments conducted by EA Engineering, P.C. (2019) and Jennings Environmental Management, Inc. / Keystone Associates (2011). These records identify the following site operations:

Year	Former Operators
Pre-1898 to 1919	Lestershire Lumber and Box Co. (planing mill, box factory, kiln, cabinet shop, lumber sheds) Village of Johnson City, New York
1919 to 1994	Endicott-Johnson Corporation (shoe manufacturing) 1100 East Main Street, Endicott, New York 13760
1994-2014	Daniel R. Planavsky/TK Storage (auto, boat, and miscellaneous storage) 82 Wilson Hill Road, Binghamton, New York 13905 T: 607-729-4744
2014-2017	The County of Broome (Vacant/Unused) 60 Hawley Street, Binghamton, New York 13902 T: 607-778-8000
2017-2020	59 Lester Empire, LLC (Vacant/Unused) 98 Main Street, Binghamton, New York 13905 T: 607-699-1299

NOTE: Addresses and contact information listed above represents last know information obtained through available public records and online information.

Requestor has no relationship to any current or former operator.

PART B – SECTION VII
VOLUNTEER STATUS CONSIDERATION

VOLUNTEER CONSIDERATION

EJ VICTORY BUILDING 59 LESTER AVENUE, VILLAGE OF JOHNSON CITY, NEW YORK

The Requestor qualifies as a Volunteer with respect to the Site because it did not own or operate the Site at the time of the release of contamination at the Site and did not otherwise cause or contribute to contamination at the Site. The Requestor performed all appropriate inquiries prior to its acquisition of the Site (i.e., they retained a qualified environmental consultant to conduct a Phase I Environmental Site Assessment (ESA) and Phase II ESA of the Site), and is voluntarily applying to be accepted into the New York State Brownfield Cleanup Program to undertake all required investigation and remediation of the Site prior to and/or concurrent with its redevelopment plans.

PART B – SECTION IX
CONTACT LIST

CONTACT LIST INFORMATION

EJ VICTORY BUILDING 59 LESTER AVENUE, JOHNSON CITY, NEW YORK

BROOME COUNTY

County Executive – Broome County
Jason T. Garnar
Edwin L. Crawford County Office Building, 6th Floor
60 Hawley Street
Binghamton, New York 13902
(607) 778-2109

Broome County Planning Department
Frank Evangelisti - Director
Edwin L. Crawford County Office Building, 5th Floor
60 Hawley Street
Binghamton, New York 13902
(607) 778-2114

VILLAGE OF JOHNSON CITY

Village of Johnson City
Gregory W. Deemie, Mayor
243 Main Street
Johnson City, New York 13790
(607) 798-7861

Village of Johnson City Planning Board
Gerald Putnam, Chairperson
243 Main Street
Johnson City, New York 13790
(607) 798-7861

TOWN OF UNION

Town of Union
Richard A. Materese, Town Supervisor
3111 East Main Street
Endwell, New York 13760
(607) 786-2995
supervisor@townofunion.com

Town of Union Planning Board
Lisa Miller, Chairperson
3111 East Main Street
Endwell, New York 13760
(607) 786-2900

PUBLIC WATER SUPPLIER

Johnson City Water Department
243 Main Street
Johnson City, New York 13790
(607) 797-2523

LOCAL NEWS MEDIA

Fox 40 WICZ TV
4600 Vestal Parkway
Vestal, New York 13850
(607) 770-4040
fox40news@wicz.com

Binghamton Press & Sun-Bulletin
33 Lewis Road, Suite 9
Binghamton, New York 13905
(607)798-1234
bgm-newsroom@gannett.com

Newschannel 34 WIVT/WBGH
203 Ingraham Hill Road
Binghamton, New York 13903
(607)771-343
news@nc34.com

Spectrum News
815 Erie Blvd. East
Syracuse, NY 13210
(315) 234-1000 ext. 2
yournews@charter.com

DOCUMENT REPOSITORY *(see attached conformation correspondence at end of this section)*

Your Home Public Library
107 Main Street
Johnson City, New York 13790
(607) 797-4816

ADJACENT PROPERTY OWNERS**Tax Parcel / Property Address / Current Use**

Tax Parcel: 143.57-1-18
101 Lester Avenue
Storage

Owner Name / Address

Dana Ellis & Laurie L. Ellis
101 Lester Avenue
Johnson City, New York 13790-2227

Tax Parcel: 143.58-1-1
99 Lester Avenue
Vacant Commercial

Dana Ellis & Laurie L. Ellis
99 Lester Avenue
Johnson City, New York 13790

Tax Parcel: 143.58-1-2.111
2 Gannett Drive
Large Retail

2 Gannett Drive, LLC
24 Miller Road
Pound Ridge, New York 10576

Tax Parcel: 143.58-1-3.2
60 Lester Avenue
Light Manufacturing

Great Eastern Hemp, LLC
3515 Daniel Cres
Baldwin, New York 11510

Tax Parcel: 143.58-1-18
3 Laurel Street
Single Family Residence

Robert W. Balanda
132 Zoa Avenue
Johnson City, New York 13790-1639

Tax Parcel: 143.58-1-17
5-11 Laurel Street
Multi-Family Residence

Robert W. Balanda
132 Zoa Avenue
Johnson City, New York 13790-1639

Tax Parcel: 143.58-1-16
15 Laurel Street
Single Family Residence

Robert W. Balanda
132 Zoa Avenue
Johnson City, New York 13790-1639

Tax Parcel: 143.58-1-15
19 Laurel Street
Single Family Residence

DW Land, Inc.
33 Laurel Street
Johnson City, New York 13790

Tax Parcel: 143.58-1-14
23 Laurel Street
Single Family Residence

DW Land, Inc.
33 Laurel Street
Johnson City, New York 13790

Tax Parcel: 143.58-1-13
27 Laurel Street
Single Family Residence

Doris C. Plain
27 Laurel Street
Johnson City, New York 13790-2209

Tax Parcel: 143.58-1-12
99 Laurel Street
Two Family Residence

DW Land, Inc.
33 Laurel Street
Johnson City, New York 13790

ADJACENT PROPERTY OWNERS (Continued)**Tax Parcel / Property Address / Current Use**

Tax Parcel: 143.58-1-11
33 Laurel Street

Owner Name / Address

DW Land, Inc.
33 Laurel Street

Office (Converted Residence)

Johnson City, New York 13790

Tax Parcel: 143.58-1-10
39 Laurel Street
Two Family Residence

Naran Singh & Doris Singh
125-19 133rd Avenue
South Ozone Park, New York 11420

Tax Parcel: 143.58-1-9
43 Laurel Street
Single Family Residence

Olesya Michael & Gerald Williams
43 Laurel Street
Johnson City, New York 13790

Tax Parcel: 143.57-2-45
27 Avenue A
Single Family Residence

Sher A. Khan
361 East 9th Street
Brooklyn, New York 11218

Tax Parcel: 143.57-2-44
28 Avenue B
Parking Lot

County of Broome
P.O. Box 1766
Binghamton, New York 13902

Tax Parcel: 143.57-2-36
19 Avenue B
Storage

Village of Johnson City
243 Main Street
Johnson City, New York 13790

Tax Parcel: 143.57-2-34
31 Avenue C
Police/Fire

Village of Johnson City
243 Main Street
Johnson City, New York 13790

Note: A rail line owned by Consolidated Rail Corporation and operated by Norfolk-Southern Corporation lies immediately north of the site. The corridor is approximately 130 feet wide.

Nevin Bradford

From: Benjamin Lainhart [jc.benjamin@4cls.org]
Sent: Monday, April 27, 2020 1:47 PM
To: Nevin Bradford
Subject: Re: New submission from Contact

Hello Nevin,

Thanks for reaching out to us. Your Home Public Library will act as the repository for these items and agree to make them available to the public. The only caveat is that the library is currently closed due to COVID-19 and I do not have a time frame for when the building will open back up.

Please let me know how you would like to proceed.

Ben Lainhart
Executive Director
Your Home Public Library
Johnson City, NY
607-797-4816
jc.benjamin@4cls.org

Follow us on Facebook at <https://www.facebook.com/YourHomePublicLibrary>

----- Original Message -----

From: "Nevin Bradford" <no-reply@yhpl.org>
Sent: 4/27/2020 11:40:55 AM
To: jc.benjamin@4cls.org
Subject: New submission from Contact

First name
Nevin
Last name
Bradford
Phone
(315) 432-9400
Email
nbradford@aeccgroup.com
Message
<p>The Asbestos & Environmental Consulting Corporation (AECC) is currently working with EJ Victory Building, LLC on a NYSDEC Brownfield Cleanup Program (BCP) at the former EJ Victory site located at 59 Lester Avenue, in the Village of Johnson City, New York.</p> <p>A Brownfield site is a real property where a contaminant it present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. The goal of the NYSDEC's BCP is to encourage private-sector cleanups of Brownfields and to promote their redevelopment as a means to revitalize economically blighted communities. The BCP is an alternative to Greenfield development and is intended to remove some of the barriers to, and provide tax incentives for, the redevelopment of urban Brownfields.</p> <p>To facilitate the remedial process and enable citizens to participate more fully in decision that affect their health, the DEC will require opportunities for citizen involvement and will encourage consultation with the public early in the process. One part of this citizen involvement requirement is the ability for the public to review milestone documents at a local document repository (library). Typical documents that will be submitted as part of a BCP project are:</p> <ul style="list-style-type: none">• Remedial Investigation Work Plan (RIWP)• Interim Remedial Measures (IRM) Work Plan• Remedial Investigation Report (RIR)

- Remedial Action Work Plan (RAWP), Remedial Work Plan (RWP) or Alternative Analysis Report (AAR)
- Site Management Plan (SMP)
- Final Engineering Report (FER)
- NYSDEC Facts Sheets
- NYSDEC Decision Document

We anticipate the volume of documents will grow to approximately 1,000 pages, and will need to be held until the end of 2021.

We are requesting that Your Home Public Library agree to be the repository for this project. The Application for the Brownfield Program requires an acknowledgement from the repository indicating that it agrees to act as the document repository for the property. If you are in agreement, please respond via email stating that you agree to hold the documents for the Former EJ Victory Building BCP project, and that they will be made available to the inquiring public at a location designated by the library.

Thank you in advance for your time and consideration. We look forward to your response. Please feel free to contact me with any questions or concerns.

Form sent from: <https://www.yhpl.org/contact/>

PART B – SECTION X.2
CURRENT USE

CURRENT USE

**EJ VICTORY BUILDING
59 LESTER AVENUE, VILLAGE OF JOHNSON CITY, NEW YORK**

The EJ Victory Building is currently vacant and unused, and has been since approximately 2013.

PART B – SECTION X.3

PROPOSED USE AND CONCEPT SITE PLAN

PROPOSED USE

EJ VICTORY BUILDING 59 LESTER AVENUE, JOHNSON CITY, NEW YORK

The planned historic rehabilitation of the former EJ Victory Building will revitalize an iconic “anchor asset” in Downtown Johnson City. Presently, it is anticipated that construction on the historic rehabilitation will commence in mid-to-late 2021 and will be completed in late 2022 or early 2023. Upon completion, the historic rehabilitation will provide the community with approximately 170 apartments, commercial space and enclosed and surface parking.

The historic rehabilitation of the EJ Victory Building will meet the standards for rehabilitation set forth in Title 36 of the Code of Federal Regulations, Part 67.7, or any successor provisions, as amended, so the development of the Building qualifies for New York State and Federal Historic Tax Credits.

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 EJ 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 include the proposed 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.

Concerted investment efforts lead by UHS Wilson Medical Center and Binghamton University are underway near the proposed BCP Site. Due to these efforts, there is a projected population growth of individuals ages 25 to 34. As such, the area will require additional housing for professionals and students. However, within the EJ 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 BCP Site 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.



Client:

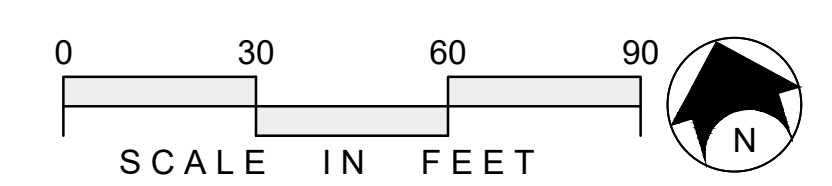
JOHNSON CITY HOUSING PROJECT
JOHNSON CITY, NY

REVISIONS	

Drawn By: V.E.R.
Checked By: S.L.F.
KFA Proj. No.: 39085
Date: OCTOBER 14, 2019
Scale: AS NOTED

Title:
**CONCEPTUAL
SITE PLAN**

1
CONCEPTUAL SITE PLAN
L-001

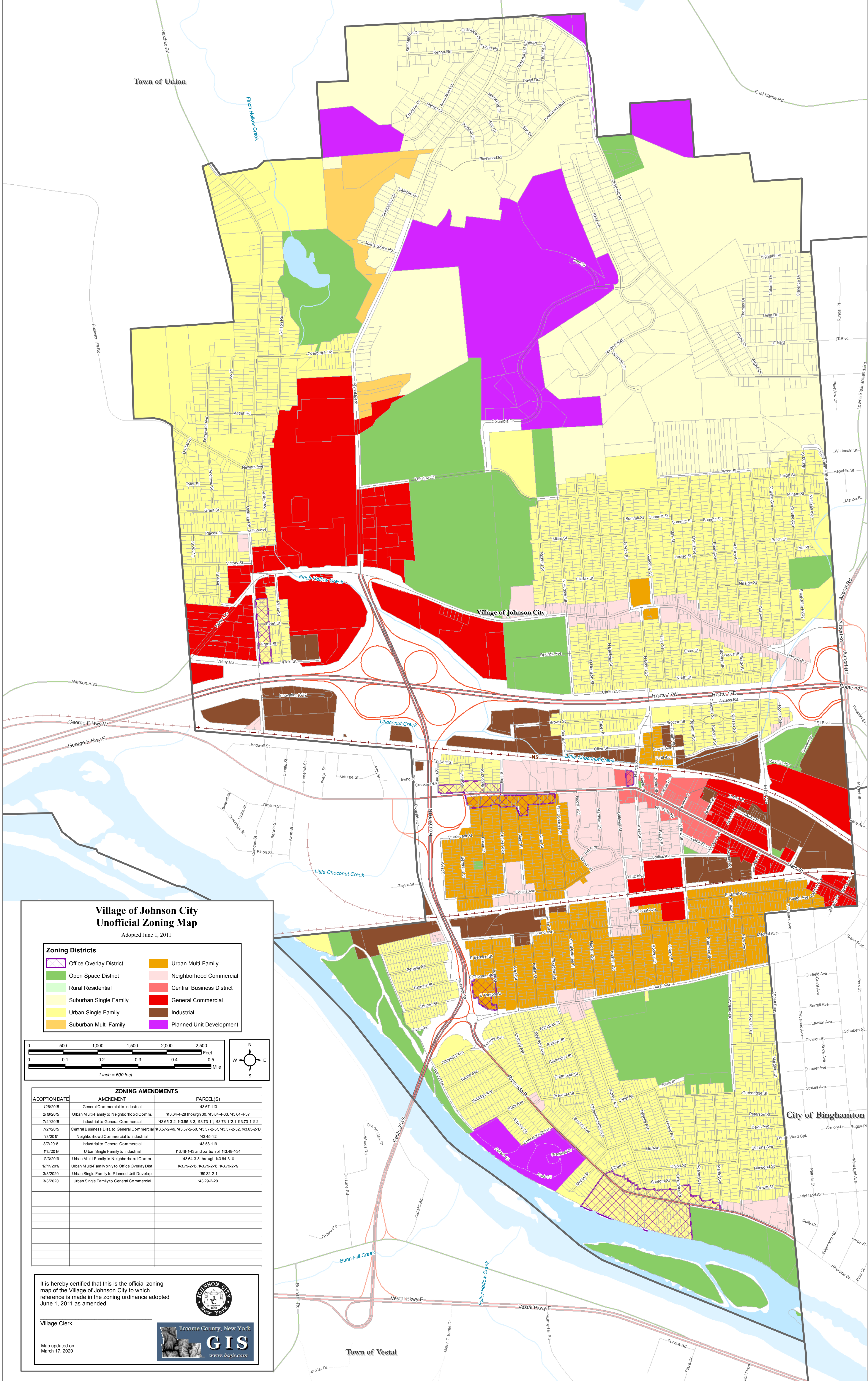


C-100

PART B – SECTION X.5
ZONING MAP AND ORDINANCE

Town of Union

East Maine Rd

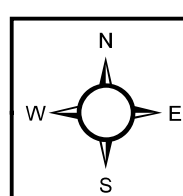
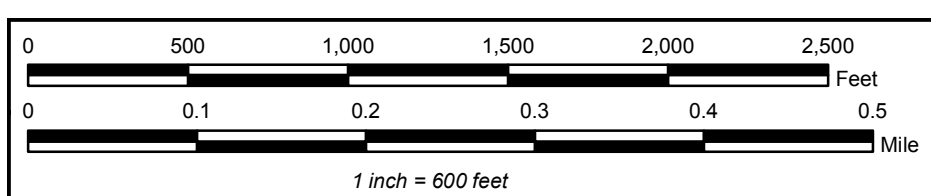


Village of Johnson City Unofficial Zoning Map

Adopted June 1, 2011

Zoning Districts

- Office Overlay District
- Open Space District
- Rural Residential
- Suburban Single Family
- Urban Single Family
- Suburban Multi-Family
- Urban Multi-Family
- Neighborhood Commercial
- Central Business District
- General Commercial
- Industrial
- Planned Unit Development



ZONING AMENDMENTS

ADOPTION DATE	AMENDMENT	PARCEL(S)
1/26/2015	General Commercial to Industrial	¶3.67-1-¶
2/19/2015	Urban Multi-Family to Neighborhood Comm.	¶3.64-4-28 through 30, ¶3.64-4-33, ¶3.64-4-37
7/21/2015	Industrial to General Commercial	¶3.65-3-2, ¶3.65-3-3, ¶3.73-1-1, ¶3.73-1-2, ¶3.73-1-2-2
7/21/2015	Central Business Dist. to General Commercial	¶3.57-2-49, ¶3.57-2-50, ¶3.57-2-51, ¶3.57-2-52, ¶3.65-2-1
1/3/2017	Neighborhood Commercial to Industrial	¶3.45-1-2
8/7/2018	Industrial to General Commercial	¶3.58-1-¶
1/5/2019	Urban Single Family to Industrial	¶3.48-1-43 and portion of ¶3.48-1-34
12/3/2019	Urban Multi-Family to Neighborhood Comm.	¶3.64-3-8 through ¶3.64-3-14
12/17/2019	Urban Multi-Family only to Office Overlay Dist.	¶3.79-2-5, ¶3.79-2-6, ¶3.79-2-¶
3/3/2020	Urban Single Family to Planned Unit Develop.	¶69.32-2-1
3/3/2020	Urban Single Family to General Commercial	¶3.29-2-20

It is hereby certified that this is the official zoning map of the Village of Johnson City to which reference is made in the zoning ordinance adopted June 1, 2011 as amended.



Village Clerk



Map updated on March 17, 2020

City of Binghamton

Town of Vestal

ARTICLE 21
Commercial Districts

§ 300-21.1. Establishment.

- A. The commercial districts are listed below. When this Zoning Ordinance refers to commercial, central business, office, or C zoning districts, it is referring to one of the following:

Table 21-1
Commercial Districts

District Name	Map Symbol
Neighborhood Commercial	NC
Central Business	CB
General Commercial	GC
Commercial Office	CO

- B. The district names and map symbols are intended to provide a general indication of what is allowed in the district by denoting the commercial or office orientation of the district.

§ 300-21.2. District purposes.

- A. **Neighborhood Commercial.** The purpose of the Neighborhood Commercial District is to encourage smaller-scaled commercial development, compatible with the scale and intensity of adjacent residential and noncommercial sites, and to support the goals and objectives contained in the Unified Comprehensive Plan. This district allows for commercial operations along collector and arterial type streets offering convenience shopping and services for adjacent residential areas.
- B. **Central Business.** The purpose of the Central Business District is to foster a concentration of small-scale, mixed use activity and to support the goals and objectives contained in the Unified Comprehensive Plan. The CB District is established to maintain and enhance the traditional mix of retail, office, civic and residential uses within the core of the Villages. Development in this district should reinforce compact, pedestrian-oriented development and preservation of traditional historic character.
- C. **General Commercial.** The purpose of the General Commercial District is to encourage commercial development and to support the goals and objectives contained in the Unified Comprehensive Plan. The GC District is established to provide areas for intensive

commercial activities that primarily depend upon a large volume of vehicular traffic and serve the daily shopping needs of the community-at-large and surrounding areas. This district encourages the application of site design and buffering techniques to mitigate the impacts of commercial operations and traffic on adjacent uses and the traveling public.

- D. Commercial Office. The purpose of the Commercial Office District is to accommodate office and nonretail activity in a manner that protects and enhances existing residential neighborhoods. The CO District permits a mix of residential and office type uses along primary and secondary thoroughfares that may not be suitable for single-family living due to increasing traffic volumes. These volumes create an environment suitable for certain multifamily and office uses that can exist in close proximity to neighborhoods without adversely affecting the residential environment.

§ 300-21.3. Uses. [Amended 3-6-2012 by L.L. No. 1-2012]

Uses are allowed in commercial and office zoning districts in accordance with Table 21-2.

- A. Uses identified with a "P" in Table 21-2 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this Zoning Ordinance.
- B. Uses identified with a "SP" in Table 21-2 may be allowed if reviewed and approved in accordance with the special permit procedures contained in Article 66.
- C. Uses not listed and those identified with a "-" are expressly prohibited.
- D. Other commercial or business uses, except those expressly prohibited, shall be permitted in the General Commercial and Central Business Districts under the following circumstances:
[Added 12-4-2018 by L.L. No. 14-2018]
- (1) Upon the finding by the Planning Board that such use is of the same general character as those permitted and will not be detrimental to the other uses within the district or to the adjoining land uses;
 - (2) Upon issuance of a special permit pursuant to Article 66; and
 - (3) Upon issuance of a site plan approval pursuant to Article 63.

Table 21-2
Permitted and Specially Permitted Uses

P = Permitted

SP = Specially permitted

— = Prohibited

Land Use	Zoning District			
	CB	NC	GC	CO
Commercial				
Professional, medical or dental office	P	P	P	P
Dance, art, or music studio	P	P	P	—
Bank or financial institution	P	P	P	P
Retail or personal service store or shop	P	P	P	—
Shopping center	SP	—	P	—
Veterinary clinic	P	SP	P	SP
Kennel	—	—	SP	—
Mortuary or funeral home	SP	SP	SP	SP
Laundromat or dry cleaning outlet	P	—	P	—
Dry cleaning facility	—	—	P	—
Drinking establishment or tavern	P	SP	P	—
Fast-food restaurant	P	—	P	—
Sit-down restaurant	P	SP	P	—
Take-out restaurant	P	SP	P	—
Dance hall, theater, private club	P	SP	P	—
Bowling alley	P	—	P	—
Indoor recreation facility	SP	—	P	—
Outdoor recreation facility	—	SP	SP	—
Adult uses	—	—	SP	—

Land Use	Zoning District			
	CB	NC	GC	CO
Lodging	P	P	P	—
Conference/meeting center	SP	—	P	—
Gasoline station	—	SP	SP	—
Car wash	—	—	SP	—
Auto sales or rental	—	—	SP	—
Auto repair establishment	—	—	SP	—
Motor vehicle parking lot	P	SP	P	SP
Outdoor sales or display	SP	—	P	—
Stand alone drive through establishments	—	—	P	—
Drive-through in conjunction with a permitted use	SP	SP	P	SP
Mix of permitted uses	P	SP	P	SP
Accessory use	P	P	P	P
Institutional				
Educational institution	SP	SP	P	SP
Nursery school	P	P	P	P
Church or religious institution	P	P	P	P
Hospital or health care facility	SP	SP	SP	SP
Public utility	P	P	P	P
Public or municipal use	SP	SP	P	P
Telecommunications facilities	SP	SP	SP	SP
Day care (adult and youth)	—	P	P	—
Residential				
Single-family dwelling	—	P	P	P
Apartment over commercial	P	P	P	—
Multifamily dwelling	P	P	P	P

Land Use	Zoning District			
	CB	NC	GC	CO
Boarding- or rooming house	P	—	—	—
Group care facility	—	—	SP	—

§ 300-21.4. Lot, area, and setback requirements.

The following lot, area, and setback requirements shall apply to the commercial districts within the Town and Villages.

**Table 21-3
Commercial Lot, Area, and Setback Requirements**

Land Use	District			
	CB	NC	GC	CO
Minimum lot size (with public water and sewer)				
Residential uses (square feet)	SPR ⁽⁴⁾	7,000	15,000	10,000
Nonresidential uses (square feet)	SPR ⁽⁴⁾	7,000	15,000	20,000
Minimum lot size (no public water and sewer)				
Residential uses (square feet)	NA	40,000	40,000	40,000
Nonresidential uses (square feet)	NA	40,000	40,000	40,000
Minimum lot width (with public water and sewer)				
Residential uses (feet)	NA	40	40	40
Nonresidential uses (feet)	SPR ⁽⁴⁾	50	80	80
Minimum lot width (no public water and sewer)				
Residential uses (feet)	NA	100	100	100
Nonresidential uses (feet)	NA	100	100	100
Minimum front setback				
Residential uses (feet)	0	20 ⁽¹⁾	30	20
Nonresidential uses (feet)	0	20 ⁽¹⁾	30	20
Maximum front setback				
Residential uses (feet)	5	NA	NA	NA

**Table 21-3
Commercial Lot, Area, and Setback Requirements**

Land Use	District			
	CB	NC	GC	CO
Nonresidential uses (feet)	5	NA	NA	NA
Minimum side setback				
Residential uses (principal use or structure) ⁽²⁾ (feet)	SPR ⁽⁴⁾	5/15	20/30	5/15
Residential uses (accessory use or structure) (feet)	SPR ⁽⁴⁾	10	10	15
Nonresidential uses (principal use or structure) ⁽³⁾ (feet)	SPR ⁽⁴⁾	5/15	20/30	5/15
Nonresidential uses (accessory use or structure) (feet)	SPR ⁽⁴⁾	10	10	10
Minimum rear setback				
Residential uses (principal use or structure) ⁽²⁾ (feet)	SPR ⁽⁴⁾	20	20/40	20
Residential uses (accessory use or structure) (feet)	SPR ⁽⁴⁾	10	10	15
Nonresidential uses (principal use or structure) ⁽³⁾ (feet)	SPR ⁽⁴⁾	20	20/40	20
Nonresidential uses (accessory use or structure) (feet)	SPR ⁽⁴⁾	10	10	15

NOTES:

- (1) Or average of front setbacks on the two adjacent lots, whichever is less.
- (2) The first number represents the required setback if the lot is located adjacent to a commercially zoned property or use. The second number is the required setback if the lot is adjacent to a residential property.
- (3) The first number represents the required setback if the lot is located adjacent to a commercially zoned property or use. The second number is the required setback if the lot is adjacent to a residential property.
- (4) SPR indicates that these requirements will be determined through the site plan review process.

§ 300-21.5. Bulk requirements.

The following bulk requirements shall apply to the commercial districts within the Town and Villages.

**Table 21-4
Commercial Bulk Requirements**

Land Use	District			
	CB	NC	GC	CO
Maximum building height				
Residential uses (principal use or structure) (feet)	65	30	50	35
Residential uses (accessory use or structure) (feet)	15	15	20	15
Nonresidential uses (principal use or structure) (feet)	40	30	50	35
Nonresidential uses (accessory use or structure) (feet)	18	18	20	18
Maximum building coverage				
Residential uses	90%	50%	40%	50%
Nonresidential uses	90%	50%	40%	50%
Maximum building footprint				
Residential uses (principal use or structure)	NA	NA	NA	NA
Residential uses (accessory use or structure)	NA	NA	NA	NA
Nonresidential uses (principal use or structure) (square feet)	NA	8,000	NA	NA
Nonresidential uses (accessory use or structure) (square feet)	NA	1,000	NA	NA

§ 300-21.6. Additional requirements.

The applicable specific use requirements (Part 4) and development standards (Part 5) in this chapter shall apply to all uses in the CB, NC, GC, and CO Districts.