

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

December 23, 2022

EJ Victory Building LLC
Attn: Matthew Paulus
225 Wilkinson Street
Syracuse, NY 13204

Re: Certificate of Completion
EJ Victory Building
Village of Johnson City, Broome County
Site No. C704060

Dear Matthew Paulus:

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

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

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

Anthony Bollasina, Bureau D
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233



- Provide the Notice of Certificate of Completion to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in April 2024.

If you have any questions, please do not hesitate to contact Anthony Bollasina the Department's project manager at (518) 402-2754.

Sincerely,

Andrew Guglielmi

Andrew Guglielmi
Division Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

R. McKenna, rmckenna@neu-velle.com
M. Fogel, mfogel@fogelbrown.com
C. Vooris – NYSDOH, christine.vooris@health.ny.gov
S. McLaughlin, scarlett.mclaughlin@health.ny.gov
S. Surani, shaun.surani@health.ny.gov
M. Gokey, matthew.gokey@tax.ny.gov
P. Takac, paul.takac@tax.ny.gov

ec w/o enc.:

A. Bollasina, anthony.bollasina@dec.ny.gov
E. Hausamann, eric.hausamann@dec.ny.gov
G. Priscott, gary.priscott@dec.ny.gov
D. Harrington, david.harrington@dec.ny.gov
J. Andaloro, jennifer.andaloro@dec.ny.gov
M. Sheen, margaret.sheen@dec.ny.gov
K. Lewandowski, kelly.lewandowski@dec.ny.gov

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

EJ Victory Building, LLC

Address

225 Wilkinson Street, Syracuse, NY 13204

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 9/9/20 **Agreement Execution:** 9/17/20

Agreement Index No.: C704060-09-20

Application Amendment Approval: 11/21/22

Agreement Amendment Execution: 11/21/22

SITE INFORMATION:

Site No.: C704060 **Site Name:** EJ Victory Building

Site Owner: EJ Victory Building, LLC

Street Address: 59 Lester Avenue

Municipality: Johnson City **County:** Broome

DEC Region: 7

Site Size: 4.971 Acres

Tax Map Identification Number(s): 143.57-2-44, 143.58-1-19

Percentage of site located in an EnZone: 100 %

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

CERTIFICATE ISSUANCE

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

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

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

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

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

Tax Credit Provisions:

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

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

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

The Remedial Program includes use restrictions or reliance on the long-term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Broome County as 202200032567.

LIABILITY LIMITATION

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

CERTIFICATE TRANSFERABILITY

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

CERTIFICATE MODIFICATION/REVOCATION

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

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

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

Basil Seggos
Commissioner
New York State Department of Environmental Conservation

By: Andrew Guglielmi Date: 12/23/2022

Andrew O. Guglielmi, Director
Division of Environmental Remediation

Exhibit A

Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

EJ Victory Site
BCP Site Number: C704060
Metes and Bounds 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 218.58 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 & the lands now or formerly of Gerald Williams and Olesya Michael 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 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 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 said 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 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, 196.31 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.

Exhibit B

Site Survey

SITE ADDRESS
59 LESTER AVENUE
JOHNSON CITY, N.Y. 13790

C.T. MALE ASSOCIATES
SVAOUSE OFFICE
200 GATEWAY PARK DRIVE
SVAOUSE, N.Y. 13220
(315) 458-6498

LEGEND

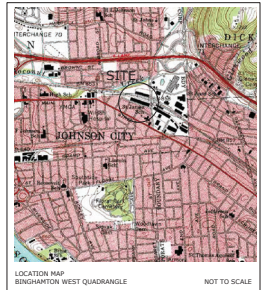
- Legend symbols for various utility lines: LIGHT POLE, SIGN, SOLID, SANITARY MANHOLE, TELEPHONE MANHOLE, DRAINAGE MANHOLE, CATCH BASIN, UTILITY POLE, POST INDICATOR VALVE, HYDRANT, WATER VALVE, GAS VALVE, HIGH FIRE FOUND, IRON ROD FOUND, GUY WIRE, MANHOLE, WATER MANHOLE, TELEPHONE MANHOLE, DRAINAGE MANHOLE, CATCH BASIN, STORM MANHOLE, CEMENT, CHAIN LINE, OVERHEAD WIRES, GAS LINE, WATER LINE, STORM SEWER LINE, SANITARY SEWER LINE.

Brownfield Site Cleanup - "EJ Victory Building"

DEC Site No.: C704060

Site Address: 59 Lester Avenue, Johnson City, N.Y. 13790

"This Property is subject to an environmental easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the New York Environmental Conservation Law. The engineering and institutional controls for this Easement are set forth in more detail in the Site Management Plan (SMP). A copy of the SMP must be obtained by any party with an interest in the property. The SMP can be obtained from NYS Department of Environmental Conservation, Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, NY 12233 or at derweb@dec.ny.gov".



Notes to Title Commitment No. FJA-21-376EC

- Notes to Title Commitment No. FJA-21-376EC regarding easements and survey data.

Miscellaneous Notes

- Miscellaneous Notes detailing survey observations, easements, and site conditions.

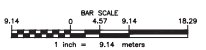
Schedule A Description & Environmental Easement Description

Schedule A Description & Environmental Easement Description text detailing the terms of the easement.

Zoning Information

Table with columns: DISTRICT, GENERAL COMMERCIAL, ITEM, REQUIRED. Lists zoning requirements for minimum setbacks, height, coverage, etc.

PARKING REQUIREMENT: SITE WAS GRANTED A VARIANCE FOR NUMBER OF PARKING SPACES...



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.

To: CPC FUNDING SPC I LLC, THE COMMUNITY PRESERVATION CORPORATION; STATE OF NEW YORK MORTGAGE AGENCY; FITCH TITLE AGENCY, LLC; EJ VICTORY BUILDING, LLC; VICTORY MASTER TENANT, LLC; CHASE COMMUNITY EQUITY, LLC, its successors and assigns; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.

Surveyor's Certification text certifying the map and survey.



Table with columns: DATE, REVISIONS RECORD/DESCRIPTION, DRAFTER, CHECK, APRR. Lists revision history.

ALTA/NSPS LAND TITLE SURVEY MAP FOR THE LAND OF EJ VICTORY BUILDING, LLC. 59 LESTER AVENUE & 28 AVENUE B. Includes project details, scale, date, and sheet information.

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

EJ Victory Building, Site ID No. C704060
59 Lester Avenue, Johnson City, NY, 13790
Johnson City, Broome County, Tax Map Identification Numbers: 143.58-1-19, 143.57-2-44

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to EJ Victory Building, LLC for a site of approximately 4.971 acres located at 59 Lester Avenue in Johnson City, Broome County.

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

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

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

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

PLEASE TAKE NOTICE, the remedial program relies upon use restrictions or the long-term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Broome County as Instrument # 202200032567.

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

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

EJ Victory Building C704060
59 Lester Avenue and 28 Avenue B, Johnson City, NY, 13790

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

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

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

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

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

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 7 Office located at 615 Erie Boulevard West, Syracuse, NY 13204, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C704060/>

WHEREFORE, the undersigned has signed this Notice of Certificate

EJ Victory Building, LLC

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

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

Signature and Office of individual
taking acknowledgment

Please record and return to:
EJ Victory Building, LLC
Matthew Paulus
225 Wilkinson Street
Syracuse, NY 13204

Feb. 2022



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 12/21/2022



SITE DESCRIPTION

SITE NO. C704060

SITE NAME EJ Victory Building

SITE ADDRESS: 59 Lester Avenue ZIP CODE: 13790

CITY/TOWN: Johnson City

COUNTY: Broome

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	■	<input type="checkbox"/>
Monitoring Plan	■	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	■	<input type="checkbox"/>
Periodic Review Frequency: once a year	■	<input type="checkbox"/>
Periodic Review Report Submitted Date: 04/23/2024		

Description of Institutional Control

EJ Victory Building, LLC

225 Wilkinson Street

28 Avenue B

Environmental Easement

Block: 2

Lot: 44

Sublot:

Section: 143

Subsection: 57

S_B_L Image: 143.57-2-44

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

59 Lester Avenue

Environmental Easement

Block: 1

Lot: 19

Sublot:

Section: 143

Subsection: 58

S_B_L Image: 143.58-1-19

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

EJ Victory Building, LLC

225 Wilkinson Street

59 Lester Avenue

Environmental Easement

Block: 1

Lot: 19

Sublot:

Section: 143

Subsection: 58

S_B_L Image: 143.58-1-19

Cover System