

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

700 Out Parcel LLC, c/o Woodbine Group
Norman Swanson, Member
505 East Fayette Street
Syracuse, New York 13202

NOV 03 2017

Re: Certificate of Completion
Site No. C734111
Site: 700 Out Parcel, LLC
City of Syracuse, Onondaga County

Dear Mr. Swanson:

Congratulations on having satisfactorily completed the remedial program at the *700 Out Parcel, LLC Site*. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

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

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

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



Department of
Environmental
Conservation

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in March 2019.

If you have any questions regarding any of these items, please contact Christopher F. Mannes at 315-426-7515.

Sincerely,



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

cc w/ enclosure:

R. McKenna- AECC; rmKenna@aeccgroup.com

M. Fogel - Brown Sharlow Duke & Fogel, P.C.; mFogel@bsdlaw.com

C. Mannes

M. Sheen

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

Name 700 Out Parcel, LLC c/o Woodbine Group **Address** 505 East Fayette Street, Syracuse, NY 13202

BROWNFIELD CLEANUP AGREEMENT:

Execution: 10/31/07 **Agreement Index No.:** B7-0743-07-05

Application Approval Amendment: none

Agreement Execution Amendment: none

SITE INFORMATION:

Site No.: C734111 **Site Name:** 700 Out Parcel, LLC

Site Owner: 700 Out Parcel, LLC

Street Address: 701-709 East Water Street

Municipality: Syracuse **County:** Onondaga **DEC Region:** 7

Site Size: 0.440 Acres

Tax Map Identification Number(s): 030-14-01.0, 030-14-02.0

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: Commercial and Industrial

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

Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 20 %.

Tangible Property Credit Component Rate is 20 %.

Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 18 %.

Tangible Property Credit Component Rate is 18 %.

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

LIABILITY LIMITATION

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

CERTIFICATE TRANSFERABILITY

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

CERTIFICATE MODIFICATION/REVOCATION

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

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

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

Basil Seggos
Commissioner
New York State Department of Environmental Conservation

By:  Date: 11/3/17

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

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

700 Out Parcel, LLC Site, Site ID No. C734111
701-709 East Water Street Syracuse, New York 13202
City of Syracuse, Onondaga County
Tax Map Identification Number(s) 030-14-1.0 and 030-14-2.0

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 700 Out Parcel, LLC for a parcel approximately 0.440 acres located at 701-709 East Water Street in the City of Syracuse and Onondaga County.

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

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

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

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

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Onondaga County as Liber and Page 5370/911.

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.

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

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

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

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

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

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

WHEREFORE, the undersigned has signed this Notice of Certificate

700 Out Parcel, 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:
700 Out Parcel, LLC c/o Woodbine Group
Attn: Norman Swanson
505 East Fayette Street
Syracuse, New York 13202

Exhibit A
Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

NYSDEC Brownfield Site No.: C734111

All that tract or parcel of land situate in the City of Syracuse, County of Onondaga, and State of New York being part of Block 261 of said City and also being part of the former Erie Canal Lands and being more particularly bounded and described as follows:

Beginning at the Intersection of the easterly line of Almond Street and the southerly line of Erie Boulevard East;

Thence S, 89°-31'-20" E., along the southerly line of Erie Boulevard East, a distance of 237.96 feet to a point therein;

Thence S. 00°-29'-10" W., a distance of 18.8 feet to a point in the blue line of the former Erie Canal;

Thence N. 89°-31'-20" W., along said blue line, a distance of 1.33 feet to a point;

Thence S. 00°-20'-00" W., a distance of 61.62 feet to a point in the northerly line of East Water Street;

Thence N. 89°-30'-50" W., along the northerly line of East Water Street, a distance of 236.58 feet to the easterly line of Almond Street;

Thence N. 00°-20'-00" E., along the easterly line of Almond Street, a distance of 80.39 feet to the point and place of beginning.

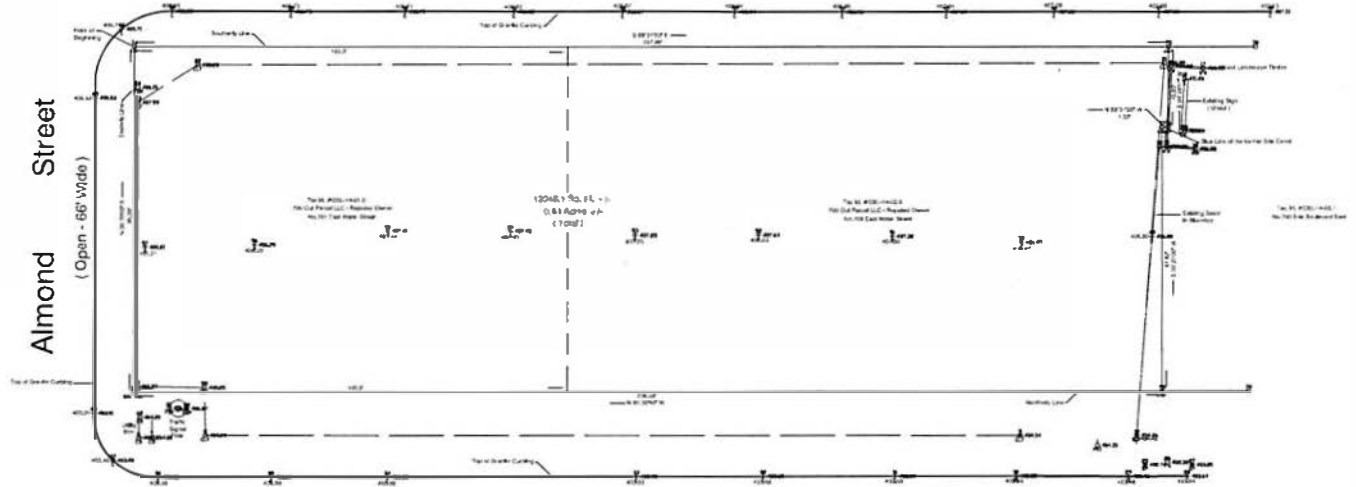
The hereinbefore described parcel of land contains 19,048.1 square feet (0.44 acres) more or less and is subject to and together with any and all easements, restrictions and/or rights of way of record.

Exhibit B
Site Survey

Erie Boulevard East
(Open - 80' Wide)

Almond Street
(Open - 66' Wide)

East Water Street
(Open - 66' Wide)



LEGEND

These symbols indicate the location of the property and its boundaries.

—	City Line - 10'00"
—	Team B Boundary
—	City Line
—	City Line - 10'00"
—	City Line - 10'00"

General Notes

- 1) The boundaries of this property are shown as surveyed and shown as shown on the attached survey. The survey is the basis for this plan.
- 2) The lot area is 0.61 Acres +/- (17087 sq ft).
- 3) All other dimensions and notes are as shown on the attached survey.
- 4) The survey was performed on July 28, 2015.
- 5) The survey was performed by J.R.L. Land Surveying, PLLC.

Graphic Scale
Scale: 1" = 10'
One Meter = 3.280833333'

J.R.L. Land Surveying, PLLC	
James R. Land Surveying, PLLC	1000 North 10th Street, Suite 100, Fargo, ND 58102
James R. Land Surveying, PLLC	1000 North 10th Street, Suite 100, Fargo, ND 58102
James R. Land Surveying, PLLC	1000 North 10th Street, Suite 100, Fargo, ND 58102
James R. Land Surveying, PLLC	1000 North 10th Street, Suite 100, Fargo, ND 58102



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 11/2/2017



SITE DESCRIPTION

SITE NO. C734111

SITE NAME 700 Out Parcel, LLC

SITE ADDRESS: 701-709 East Water Street **ZIP CODE:** 13202

CITY/TOWN: Syracuse

COUNTY: Onondaga

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	■	□
Monitoring Plan	■	□
Operation and Maintenance (O&M) Plan	□	■

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 03/03/2019

Description of Institutional Control

700 Out Parcel, LLC c/o Woodbine Group

505 East Fayette Street

701 East Water Street

Environmental Easement

Block: 14

Lot: 01

Sublot:

Section: 030

Subsection:

S_B_L Image: 030-14-01.0

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

709 East Water Street

Environmental Easement

Block: 14
Lot: 02
Sublot:
Section: 030
Subsection:
S_B_L Image: 030-14-02.0
Ground Water Use Restriction
IC/EC Plan
Landuse Restriction
Monitoring Plan
Site Management Plan
Soil Management Plan

Description of Engineering Control

700 Out Parcel, LLC c/o Woodbine Group

505 East Fayette Street

701 East Water Street

Environmental Easement

Block: 14

Lot: 01

Sublot:

Section: 030

Subsection:

S_B_L Image: 030-14-01.0

Cover System

709 East Water Street

Environmental Easement

Block: 14

Lot: 02

Sublot:

Section: 030

Subsection:

S_B_L Image: 030-14-02.0

Cover System