

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Office of the General Counsel  
625 Broadway, 14th Floor, Albany, New York 12233-1500  
P: (518) 402-9185 | F: (518) 402-9018  
www.dec.ny.gov

July 24, 2015

**SENT VIA FIRST CLASS MAIL**

Somma & Sullivan  
Attn: Stephanie  
400 Plaza Drive, Suite B  
Vestal, NY 13850

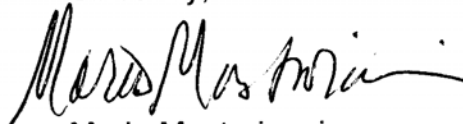
**RE: Modification of Deed Restriction  
DEC Site No. 704030  
48-50 Walnut Street  
Binghamton, NY**

Dear Stephanie:

Enclosed is the fully executed Consent to Modification of Deed Restriction referencing the property located at 48-50 Walnut Street, City of Binghamton, County of Broome, New York.

If you have any further questions or concerns relating to this matter, please contact attorney Brad Burns at 518-402-9518.

Sincerely,



Maria Mastroianni  
Legal Assistant  
Bureau of Remediation  
Office of General Counsel

Enclosure



Department of  
Environmental  
Conservation

## CONSENT TO MODIFICATION OF DEED RESTRICTION

WHEREAS, the premises at 48-50 Walnut Street, located in the City of Binghamton, County of Broome, State of New York (hereinafter "Property") is an inactive hazardous waste disposal Site which is listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State;

WHEREAS, the Property is the subject of an Administrative Order on Consent, Index No. A7-0408-0001, issued by the New York State Department of Environmental Conservation (hereinafter "Department") on March 3, 2000;

WHEREAS, the New York State Department of Environmental Conservation set forth a remedy to eliminate or mitigate all significant threats to the environment presented by hazardous waste disposal on the Site in an Operable Unit 1 Record of Decision (OU-1 ROD) dated November 2002, and such OU-1 ROD or the Work Plan for the implementation of the OU-1 ROD required that the Property be subject to restrictive covenants;

WHEREAS, said restrictive covenants were incorporated as Exhibit "A" in an Executor's Deed from Rollin L. Twining, as Executor of the Last Will and Testament of Henrietta M. Hardie to Benjamin H. Landry dated November 1, 2007 and filed in the Office of the Clerk of Broome County;

WHEREAS, Paragraph 3 of the deed restriction states that the "owner of the Property shall prohibit the Property from ever being used for purposes other than for non-residential commercial/industrial uses, excluding day-care and health care facilities, without the express written waiver of such prohibition by the Relevant Agency.";

WHEREAS, Paragraph 7 of the deed restriction states that "the owner of the Property may petition the Department to modify or terminate this Declaration of Covenants and Restrictions at such time as it can certify that reliance upon such covenants and restrictions is no longer required to meet the goals of the Remedial Program.";

WHEREAS, the owner of 48-50 Walnut Street, Benjamin H. Landry, has petitioned the Department to consent to the removal of Paragraph 3 of the 2007 deed restriction; and,

WHEREAS, the Department conducted indoor air sampling of the premises which shows no indoor air result above standard, and no remaining soil contamination exists above two feet of the property.



704030

**Burns, Bradford D (DEC)**

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**From:** Benjamin <benhlandry@gmail.com>  
**Sent:** Thursday, July 23, 2015 11:50 AM  
**To:** Burns, Bradford D (DEC)  
**Subject:** Re: Consent to Modification of Deed Restriction

Stephanie would like the original mailed to her. Overnight or two day would be great. Again thank you. Sale puts in an elderly homeowner and what I want. Me absentee renting although as lucrative destroys the house and the idea of residential restoration the neighborhood needs. Thanks for getting to this.

Sincerely,  
Ben

Stephanie  
Somma & Sullivan  
Attorneys at Law  
400 Plaza Drive, Suite B  
Vestal, New York 13850

Ben,

See attached. Please forward to your attorney and let me know if it is satisfactory to the title company.

Thanks.

Brad

Bradford D. Burns, Senior Attorney  
NYS Dept of Environmental Conservation  
Office of General Counsel  
625 Broadway, 14th Floor  
Albany, NY 12233-1500  
Phone: (518) 402-9518  
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