

**ENVIRONMENTAL NOTICE**

**To be issued in lieu of Environmental Easement/Deed Restriction as referenced in DER-33**

**THIS ENVIRONMENTAL NOTICE** is made the 15<sup>th</sup> day of August 2013, by the New York State Department of Environmental Conservation (Department), having an office for the transaction of business at 625 Broadway, Albany, New York 12233.

**WHEREAS**, a parcel of real property identified as Preferred Electric Motors (828106), located on 42 Fernwood Avenue in the City of Rochester, County of Monroe, State of New York, which is part of lands conveyed by Frontier Carpets, Inc. to Fernwood Land Trust #060107, Inc. by deed dated June 29, 2007 and recorded in the Monroe County Clerk's Office on July 19, 2007 in Book 10490 of Deeds at Page 257 and being more particularly described in Appendix "A", attached to this noticed and made a part hereof, and hereinafter referred to as "the Property" is the subject of a Record of Decision executed by the State as part of the Department's State Superfund Program; and

**WHEREAS**, the Department approved a cleanup to address contamination disposed at the Property and such cleanup was conditioned upon certain limitations.

**NOW, THEREFORE**, the Department provides notice that:

**FIRST**, the Property subject to this Environmental Notice is as shown on a map attached to this Notice as Appendix "B" and made a part hereof.

**SECOND**, unless prior written approval by the Department or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained, where contamination remains at the Property subject to the provisions of the Site Management Plan ("SMP"), there shall be no disturbance or excavation of the Property which threatens the integrity of the institutional controls or which results or may result in a significantly increased threat of harm or damage at any site as a result of exposure to soils. A violation of this provision is a violation of 6 NYCRR 375-1.11(b)(2).

**THIRD**, no person shall disturb, remove, or otherwise interfere with the institutional controls required for the Remedy, including but not limited to those controls described in the SMP and listed below, unless in each instance they first obtain a written waiver of such prohibition from the Department or Relevant Agency.

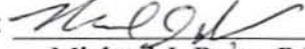
**FOURTH**, the remedy was designed to be protective for the following uses:

**Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii), Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial as described in 6 NYCRR Part 375-1.8(g)(2)(iv) for current use.** Therefore, any use for purposes other than Restricted Residential without the express written waiver of such prohibition by the Relevant Agency may result in a significantly increased threat of harm or damage at any site.

**FIFTH**, no person shall use the groundwater underlying the Property without treatment rendering it safe for drinking water or industrial purposes, as appropriate, unless the user first obtains permission to do so from the Department or Relevant Agency. Use of the groundwater without appropriate treatment may result in a significantly increased threat of harm or damage at any site.

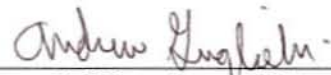
**SIXTH**, it is a violation of 6 NYCRR 375-1.11(b) to use the Property in a manner inconsistent with this environmental notice.

**IN WITNESS WHEREOF**, the undersigned, acting by and through the Department of Environmental Conservation as Designee of the Commissioner, has executed this instrument the day written below.

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

STATE OF NEW YORK     )  
  ) ss:  
COUNTY OF Albany     )

On the 15<sup>th</sup> day of August, in the year 2013, before me, the undersigned, personally appeared Michael J. Ryan, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his signature on the instrument, the individual, or the person upon behalf of which individual acted, executed the instrument.

  
Notary Public – State of New York

**ANDREW O. GUGLIELMI**  
Notary Public - State of New York  
No. 02GU6177593  
Qualified in Albany County <sup>15</sup>  
My Commission Expires November 13, 2014

## Appendix A

### Legal Description

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Rochester, County of Monroe and State of New York, known and described as follows, to wit: Lots 5 and 6 as shown on a map of a resubdivision of Lots 3 and 4 of Frank X. Dentinger's subdivision made for one Margranger by J.E. Thomas, February 17<sup>th</sup>, 1911, and filed in Monroe County Clerk's Office in Liber 24 of Maps at page 15. Said Lots 5 and 6 are described as follows: Beginning at a point in the northerly line of Jennings Street, now Fernwood Avenue, said point being 238 feet distant from the north-easterly corner of Portland Avenue and Jennings Street; thence northerly forty-seven and seven-tenths (47.7) feet and at right angles to said Jennings Street to a point; thence westerly sixty-eight and twenty-five one hundredths feet to a point one hundred feet easterly from the east line of Portland Avenue, thence north-easterly one hundred sixty-five (165) feet and parallel with the east line of Portland Avenue to a point; thence easterly seventy (70) feet to a point; thence south-westerly forty-one and eleven one-hundredths feet to a point; thence southerly fifty five (55) feet to a point which point is the north-easterly corner of lot seven (7) of W.A. Margranger's resubdivision of Joseph A. Stahley and wife's subdivision of lots 3 and 4 of Frank X. Dentinger's subdivision according to a map made February 17<sup>th</sup>, 1911, by J.E. Thomas, Surveyor; thence westerly and parallel with the north line of said Jennings Street 35 feet; thence southerly ninety-five (95) feet to the north line of said Jennings Street; thence along the north line of said Jennings Street thirty-five (35) feet to the place of beginning; hereby describing lots 5 and 6 of said Margrandger's subdivision.

Subject all covenants, easements and restrictions of record affecting said premises.

Being the same premises conveyed to the party of the first part by Warranty Deed dated August 14, 1952 and recorded the same day in the Monroe County Clerk's Office in Liber 2772 of Deeds, page 10.

Preferred Electric Motors, Inc. Site  
Site No. 828106  
42 Fernwood Avenue  
City of Rochester, County of Monroe, NY  
Tax Map: 106.27-1-77

---

## **Appendix B**

Site Map



Preferred Electric  
Motors Site  
Site #828106  
42 Fernwood Ave.  
SBL #106.27-1-77

300 ft



Scale: As  
Shown

New York State Department of Environmental  
Conservation

(Source: Monroe County, NY)

ENVIRONMENTAL NOTICE

Preferred Electric Motors  
Site  
Rochester, NY

April 2013  
Job No. 60238139



FIGURE 1

NYSDEC Site #828106