

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

Mayor Nancy Johnsen
Village of Manchester
8 Clifton St.
Manchester, NY 14504

MAR 26 2019

Re: Certificate of Completion,
SAC No.: C301640 and C302654
Frederick Property Site, Village of Manchester
Ontario County, #B00131

Dear Mayor Johnsen:

Congratulations on having satisfactorily completed the Remediation phase of the environmental restoration project that the Village of Manchester undertook with State Assistance funds provided pursuant to the 1996 Clean Water/Clean Air Bond Act. The New York State Department of Environmental Conservation (Department) has determined, based upon our inspection of the above-referenced site and upon our review of the documents you have submitted, that you completed the project in accordance with the terms and conditions of the above-referenced State Assistance Contract (SAC).

As a result, the Department is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above referenced site. Enclosed please find an original, signed COC. The Village of Manchester is hereby entitled to the benefit of the liability limitation provisions described in the New York State Environmental Conservation Law (ECL) 56-0509.

Please be advised that the significant benefits described in ECL 56-0509 are contingent upon the Village of Manchester fulfilling all continuing obligations set forth in ECL Article 56, Title 5, accompanying regulations, and the above-referenced SACs, including but not limited to, the obligations involving reimbursement to the State if the municipality receives payments or other consideration with respect to the project; disposition of proceeds upon the sale, transfer, or lease of the property; ensuring that Department has access to the property; and providing complete notice of any proposed change of use, as defined in ECL 56-0511.

Please note that in addition to the requirements discussed above, you are required to perform the following tasks:



Department of
Environmental
Conservation

- 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, and provide the Department with proof of filing within 30 days of receipt. 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

- Place the notice of the COC in the document repository for the site within 10 days of issuance of the COC; and

- 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 June 2020.

The Department will prepare and distribute to the Site Contact List a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls, if any, that are required at the site.

The final payment under the SAC will be made after the execution of all necessary amendments, and the issuance of the COC.

If you have any questions, please do not hesitate to contact Danielle Miles, the Department's project manager, at 585-226-5349.

Sincerely,



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

Enclosure

ec w/ enclosure:

C. Vooris – NYSDOH
S. Berninger - NYSDOH

ec w/o enc:

D. Miles

B. Schilling

M. Cruden

F. Sowers

K. Lewandowski

D. Tuohy

D. Tinsley

N. Simon, nsimon@daymail.net

R. Gurewitch, rjg@rochester.rr.com

NYSDEC ENVIRONMENTAL RESTORATION PROGRAM (ERP)
CERTIFICATE OF COMPLETION

Name

VILLAGE OF MANCHESTER

Address

8 Clifton St, Manchester, NY 14504

SITE INFORMATION

Site No.: B00131 **Site Name:** Frederick Property Site Investigation

State Assistance Contract No.: C301640
C302654

Site Owner: Village Of Manchester

Street Address: 147 State Street

Municipality: Manchester **County:** Ontario **DEC Region:** 8

Site Size: 0.479 Acres

Tax Map Identification Number(s): 31.20-1-4

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 56, Title 5 of the New York State Environmental Conservation Law ("ECL") and 6NYCRR 375.

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 State Assistance Contract, 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 approved 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 ERP: Restricted-Residential, Commercial, and Industrial

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 Ontario County with recording identifier Book 01237 page 0878.

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 56-0509. 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 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 and any other applicable provision of law.

NOTICE OF CERTIFICATE OF COMPLETION

**Environmental Restoration Program
Pursuant to 6 NYCRR Part 375-1.9(d)**

**Frederick Property Site, Site ID No. B00131
147 State Street, Manchester, NY 14504**

Village of Manchester, Ontario County, Tax Map Identification Number 31.20-1-4

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to 6 NYCRR Part 375 to the Village of Manchester for a parcel approximately 0.479 acres located at 147 State Street in the Village of Manchester, Ontario 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 State Assistance Contract, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 56, Title 5 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):

- 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 Ontario County in Book 02137 Page 0878.

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 56-0509. 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 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 and any other applicable provision of law.

Frederick Property Site, B00131, 147 State Street Manchester NY 14504

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 be only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by 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 8 located at 6274 E Avon Lima Rd Avon, NY 14414 by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

Village of Manchester

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:

Village of Manchester
Mayor Nancy Johnsen
8 Clifton Street
Manchester, NY 14504

12/03/09

Exhibit A
Site Description

SCHEDULE "A"
ENVIRONMENTAL EASEMENT
PROPERTY DESCRIPTION
Village of Manchester
Frederick Property
South side, State Street

Address: 147 State Street, Manchester, Ontario, NY
Tax Id No: Section 31.20 - Block 1 - Lot 4.000

All That Tract or Parcel of Land, situate in the Village of Manchester, Town of Manchester, County of Ontario and State of New York, more particularly bounded and described as follows:

Beginning at a point marked by a reinforced rod set in the south street line of State Street, which said point is located approximately 175.1 feet west of the west line of Bennett Avenue; thence, S 03° 00' 00" W a distance of 319.25 feet along the west line of premises of various owners to a point marked by a reinforced rod; thence, N 70° 13' 00" W along the north line of premises now or formerly of Niagara Mohawk Power Company a distance of 36.55 feet to a point marked by a reinforced rod; thence, N 09° 53' 30" W along the east line of premises now or formerly of Richard Cirulli and Sharon Cirulli (Liber 976 of Deeds at page 795) a distance of 296.51 feet to a point in the south line of State Street; thence, N 82° 00' 00" E along the south line of State Street a distance of 103.04 feet to the point or place of beginning; containing an area of 0.479 acre of land as depicted upon a map of a survey prepared by Freeland-Parrinello Land Surveyors, which said map is dated January 5, 2009, a copy of which said map is annexed hereto.

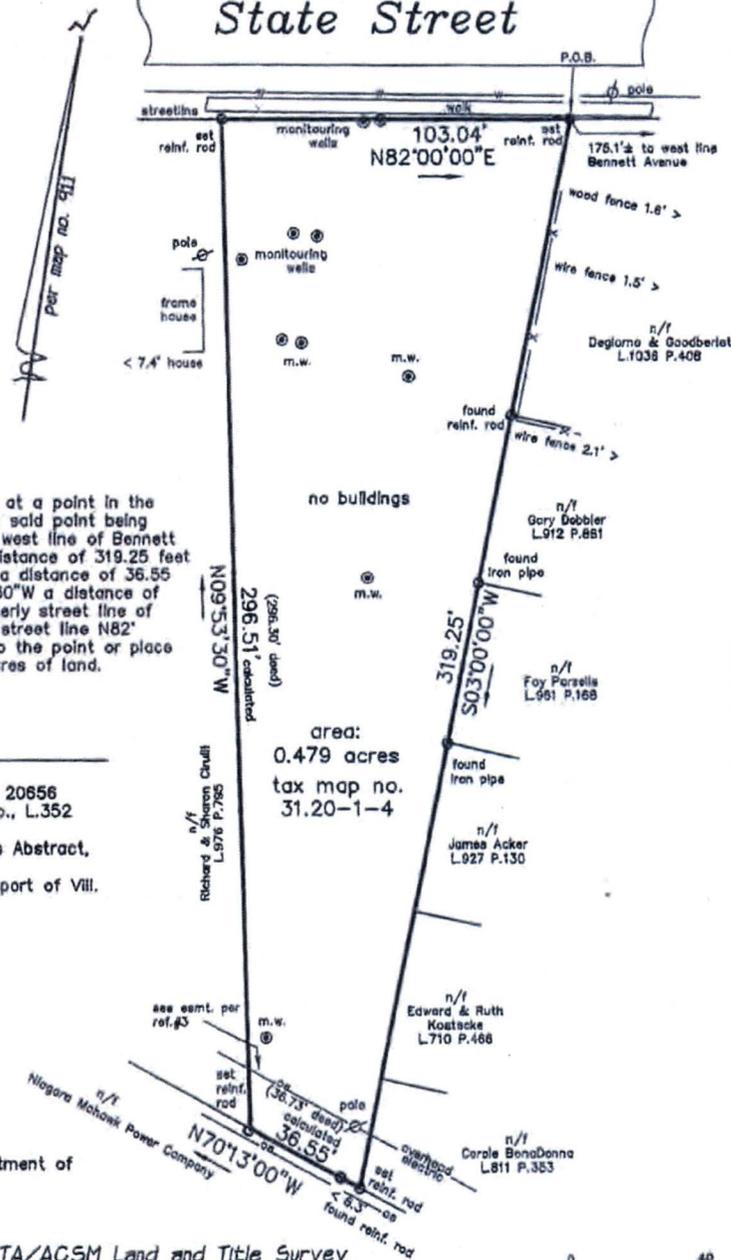
Subject to easements, covenants and restriction of record, if any, affecting said premises.

Being the same premises conveyed to the Village of Manchester by Joseph S. Frederick by warranty deed dated September 22, 1967, which said deed is recorded in the Ontario County Clerk's Office in Liber 686 of Deeds, at page 661.

Exhibit B

Site Survey

State Street



Property legal description: Beginning at a point in the southerly street line of State Street, said point being 175.1 feet, plus or minus, from the west line of Bennett Avenue; thence (1) S03°00'00\"/>

References

- 1. Deed No. 686, page 681 of deeds and Map Nos.: 911, 348, 19950, 20656
- 2. Easement Line Easement to RG&E Corp., L.352 P.70
- 3. Search No. 085004 by Crossroads Abstract, dated December 31, 2008
- 4. Search No. 085004 by Crossroads Abstract, dated December 31, 2008
- 5. NOTE: water main location per report of Vill. of Manchester official

Legend

- ⊙ utility pole
- ⊙ monitoring well
- ⊙ survey monumentation, as noted

Certification: New York State-Department of Environmental Conservation

ALTA/ACSM Land and Title Survey
of Lands of the
Village of Manchester
being in the Village of Manchester
Ontario County, New York

Scale: 1 inch = 40 feet January 5, 2009



That this plan was prepared January 5, 2009 from an instrument survey completed December 29, 2008 and from materials referenced hereon.

David M. Parrinello
David M. Parrinello NYSPLS 049724



Freeland-Parrinello
LAND SURVEYORS
42 Beeman Street
Canandalgua, New York 14424
(585)394-5110 2001-116R



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 2/22/2019



SITE DESCRIPTION

SITE NO. **B00131**

SITE NAME Frederick Property Site Investigation

SITE ADDRESS: 147 State Street **ZIP CODE:** 14504-

CITY/TOWN: Manchester

COUNTY: Ontario

ALLOWABLE USE: Restricted-Residential, 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: 1 year		

Description of Institutional Control

Village of Manchester
 147 State Street
 Environmental Easement
 Block: 1
 Lot: 4
 Sublot:
 Section: 31
 Subsection: 20
 S_B_L Image: 31.20-1-4
 Ground Water Use Restriction
 IC/EC Plan
 Landuse Restriction
 Monitoring Plan
 Site Management Plan
 Soil Management Plan

Description of Engineering Control

Village of Manchester

147 State Street

Environmental Easement

Block: 1

Lot: 4

Sublot:

Section: 31

Subsection: 20

S_B_L Image: 31.20-1-4

Cover System

Monitoring Wells

Vapor Mitigation