



City of Rochester



FAX (585) 428-6010
TDD/Voice 232-3260

**Department of
Environmental Services**

Office of the Commissioner
Division of Environmental Quality
30 Church Street, Rm 300B
Rochester, New York 14614-1278
Tel#: (585) 428-6294

January 3, 2005

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

Re: Brownfield Cleanup Program application - 399 Gregory Street, Rochester, New York

Dear Ms. Lewandowski:

Enclosed are an original and two copies of the City of Rochester's Brownfield Cleanup Program (BCP) application with supporting documents for the above-referenced site. The 0.4 acre, 399 Gregory Street site is a New York State Department of Environmental Conservation (NYSDEC) class 2A Inactive Hazardous Waste Disposal Site (828091) recently acquired by the City of Rochester (City) through tax foreclosure. The NYSDEC has already completed site investigations and removal actions at the site. The City plans to install fencing and demolish the building to facilitate the remedial investigation and eventual cleanup.

The project is being funded with US Environmental Protection Agency brownfield assessment grant. A pre-application and remedial investigation (RI) scoping meeting was held on November 15, 2004 with NYSDEC Region 8, and the RI work plan is being submitted with this application in order to combine public notice and review periods. Once cleanup cost estimates become available the City will likely apply for a USEPA brownfield grant to finance the cleanup. The following documents are enclosed:

1. The City's Brownfield Cleanup Program application form (with attachments) signed by Mayor Johnson;
2. A Remedial Investigation Work Plan prepared by Stantec Consulting on behalf of the City;
3. A site specific Citizen Participation Plan;
4. An updated community contact list; and
4. A Draft Fact Sheet

Thank you for your consideration and, if you have any questions regarding this application, I can be reached at (585) 428-5978. We look forward to working with the NYSDEC on this project.

Sincerely,

Mark Gregor, CHMM
Manager, Division of Environmental Quality

Attachments

xc: Ed Doherty, DES
Johanna Brennan, Law
Bart Putzig NYSDEC w/attachments
Frank Sowers, NYSDEC
Debra McNaughton, NYSDOH
Joe Albert, MCDOH
Pete Saxe, NET D

EEO/ADA Employer



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EEO/ADA Employer



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION
ECL ARTICLE 27 / TITLE 14

10/9/03

Applicant Information				
NAME City of Rochester				
ADDRESS 30 Church Street Room 300B				
CITY/TOWN Rochester		ZIP CODE 14614		
PHONE 585-428-5978	FAX 585-428-6010	E-MAIL mgregor@cityofrochester.gov		
NAME OF APPLICANT'S REPRESENTATIVE Mark Gregor, Manager Division of Environmental Quality				
ADDRESS -as above-				
CITY/TOWN -----		ZIP CODE -----		
PHONE -----	FAX -----	E-MAIL -----		
<p>THE APPLICANT MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top;"><p><input type="checkbox"/> PARTICIPANT</p><p>An applicant who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p></td><td style="width: 50%; vertical-align: top;"><p><input checked="" type="checkbox"/> VOLUNTEER</p><p>An applicant other than a participant, including an applicant whose of liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or petroleum.</p><p>NOTE: By checking this box, the applicant certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.</p></td></tr></table>			<p><input type="checkbox"/> PARTICIPANT</p> <p>An applicant who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p>	<p><input checked="" type="checkbox"/> VOLUNTEER</p> <p>An applicant other than a participant, including an applicant whose of liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or petroleum.</p> <p>NOTE: By checking this box, the applicant certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.</p>
<p><input type="checkbox"/> PARTICIPANT</p> <p>An applicant who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p>	<p><input checked="" type="checkbox"/> VOLUNTEER</p> <p>An applicant other than a participant, including an applicant whose of liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or petroleum.</p> <p>NOTE: By checking this box, the applicant certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.</p>			
Applicant Relationship to Property (check one):				
<input type="checkbox"/> Previous Owner <input checked="" type="checkbox"/> Current Owner <input type="checkbox"/> Potential / Future Purchaser <input type="checkbox"/> Other				
Current Owner / Operator Information				
OWNER'S NAME (if different from applicant) -as above-				
ADDRESS -----				
CITY/TOWN -----		ZIP CODE -----		
PHONE -----	FAX -----	E-MAIL -----		
OPERATOR'S NAME (if different from applicant) -as above-				
ADDRESS -----				
CITY/TOWN -----		ZIP CODE -----		
PHONE -----	FAX -----	E-MAIL -----		

Site Information			
SITE NAME Davidson Collision			
SITE ADDRESS 399 Gregory Street		CITY/TOWN Rochester	ZIP CODE 14620
COUNTY Monroe		SITE SIZE (ACRES) 0.46 acres	
LATITUDE N 43 degrees - 142934		LONGITUDE W 77 degrees - 601023	
PLEASE ATTACH A COUNTY TAX MAP WITH IDENTIFIER NUMBERS, ALONG WITH ANY FIGURES NEEDED TO SHOW THE LOCATION AND BOUNDARIES OF THE SITE. ALSO INCLUDE A USGS 7.5 MINUTE QUAD MAP IN WHICH THE SITE IS LOCATED. See Figures 1 & 2			
1. DO THE SITE BOUNDARIES CORRESPOND TO TAX MAP METES AND BOUNDS? IF NO, PLEASE ATTACH A METES AND BOUNDS DESCRIPTION OF THE SITE.		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
2. IS THE SITE PART OF A DESIGNATED BROWNFIELD OPPORTUNITY AREA PURSUANT TO GML970-R? IF YES, IDENTIFY AREA (NAME) _____		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
3. IS THE SITE PART OF A DESIGNATED EN-Zone PURSUANT TO TL § 21(b)(6)? Census Tract 003300 IF YES, IDENTIFY AREA (NAME) _____		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Applicant Eligibility Information (Please refer to ECL § 27-1407)			
1. ARE ANY ENFORCEMENT ACTIONS PENDING AGAINST THE APPLICANT REGARDING THIS SITE?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
2. IS THE APPLICANT SUBJECT TO AN OUTSTANDING CLAIM BY THE SPILL FUND FOR THIS SITE?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
3. HAS THE APPLICANT VIOLATED ANY PROVISION OF ECL ARTICLE 27?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
4. HAS THE APPLICANT BEEN PREVIOUSLY DENIED ENTRY TO THE BCP?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
5. HAS THE APPLICANT COMMITTED A NEGLIGENT OR INTENTIONALLY TORTIOUS ACT REGARDING HAZARDOUS WASTE OR PETROLEUM?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
6. HAS THE APPLICANT BEEN CONVICTED OF A CRIMINAL OFFENSE THAT INVOLVES A VIOLENT FELONY, FRAUD, BRIBERY, PERJURY, THEFT, OR OFFENSE AGAINST PUBLIC ADMINISTRATION?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
7. HAS THE APPLICANT KNOWINGLY FALSIFIED STATEMENTS OR CONCEALED MATERIAL FACTS IN A MATTER RELATED TO THE DEPARTMENT?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
8. HAS THE APPLICANT, BASED ON THE PROVISIONS OF ECL ARTICLE 27-1407 (OR A SIMILAR PROVISION OF FEDERAL OR STATE LAW), COMMITTED AN ACT OR FAILED TO ACT, AND SUCH ACT OR FAILURE TO ACT COULD BE THE BASIS FOR DENIAL OF A BCP APPLICATION?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Site Eligibility Information (Please refer to ECL § 27-1405)			
1. DOES THE SITE MEET THE DEFINITION OF A BROWNFIELD SITE (REAL PROPERTY, THE REDEVELOPMENT OR REUSE OF WHICH MAY BE COMPLICATED BY THE PRESENCE OR POTENTIAL PRESENCE OF A HAZARDOUS WASTE, PETROLEUM, POLLUTANT, OR CONTAMINANT)?		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
2. IS THE SITE LISTED ON THE NATIONAL PRIORITIES LIST?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
3. IS THE SITE LISTED ON THE NYS REGISTRY OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES? IF YES, PLEASE PROVIDE: SITE # <u>828091</u> CLASS # <u>2A</u>		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
4. IS THE SITE SUBJECT TO A PERMIT UNDER ECL ARTICLE 27, TITLE 9, OTHER THAN AN INTERIM STATUS FACILITY?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
5. IS THE SITE SUBJECT TO A CLEANUP ORDER UNDER NAVIGATION LAW ARTICLE 12 OR ECL ARTICLE 17 TITLE 10?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
6. IS THE SITE SUBJECT TO A STATE OR FEDERAL ENFORCEMENT ACTION RELATED TO HAZARDOUS WASTE OR PETROLEUM?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Project Description			
PLEASE ATTACH A DESCRIPTION OF THE PROJECT WHICH INCLUDES THE FOLLOWING COMPONENTS:			
<ul style="list-style-type: none"> PURPOSE AND SCOPE OF THE PROJECT See Attachedment 1 ESTIMATED PROJECT SCHEDULE See Figure 3 			

Site's Environmental History

TO THE EXTENT THAT EXISTING INFORMATION/STUDIES/REPORTS ARE AVAILABLE TO THE APPLICANT, PLEASE ATTACH THE FOLLOWING:

1. ENVIRONMENTAL DATA

A PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT PREPARED IN ACCORDANCE WITH ASTM 3 1527 (American Society for Testing Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), AND ALL ENVIRONMENTAL REPORTS RELATED TO CONTAMINANTS ON OR EMANATING FROM THE SITE.

IF A FINAL INVESTIGATION REPORT IS INCLUDED, INDICATE WHETHER IT MEETS THE REQUIREMENTS OF ECL ARTICLE 27-1415(2):

___ YES ___X___ NO

2. OWNERS

A LIST OF PREVIOUS OWNERS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER LISTED. IF NO RELATIONSHIP, PUT "NONE"). **See Attachedment 1**

3. OPERATORS

A LIST OF PREVIOUS OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBER (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OPERATOR LISTED. IF NO RELATIONSHIP, PUT "NONE"). **See Attachedment 1**

Contact List Information

PLEASE ATTACH, AT A MINIMUM, THE NAMES AND ADDRESSES OF THE FOLLOWING: **See Attachedment 1**

1. THE CHIEF EXECUTIVE OFFICER AND ZONING BOARD CHAIRPERSON OF EACH COUNTY, CITY, TOWN AND VILLAGE IN WHICH THE SITE IS LOCATED.
2. RESIDENTS, OWNERS, AND OCCUPANTS OF THE SITE AND PROPERTIES ADJACENT TO THE SITE.
3. LOCAL NEWS MEDIA FROM WHICH THE COMMUNITY TYPICALLY OBTAINS INFORMATION.
4. THE PUBLIC WATER SUPPLIER WHICH SERVICES THE AREA IN WHICH THE SITE IS LOCATED.
5. ANY PERSON WHO HAS REQUESTED TO BE PLACED ON THE SITE CONTACT LIST.
6. THE ADMINISTRATOR OF ANY SCHOOL OR DAY CARE FACILITY LOCATED ON OR NEAR THE SITE.
7. THE LOCATION OF A DOCUMENT REPOSITORY FOR THE PROJECT (E.G., LOCAL LIBRARY)

Contaminant Information

INDICATE KNOWN OR SUSPECTED CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN OR SUSPECTED TO HAVE BEEN AFFECTED:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum	X				
Chlorinated Solvents	X				
Other VOC's	X	X			X
SVOC's	X	X			
Metals	X	X			
Pesticides					
PCBs					
Other *					

* Please describe:

Land Use Factors (Please refer to ECL § 27-1415(3))

Current Use: ___ Residential ___X___ Commercial ___ Industrial ___ Other ___

Future Use: ___ Residential ___X___ Commercial ___ Industrial ___ Other ___

Please check the appropriate boxes and provide an explanation as an attachment if appropriate. **See Attachment 1 for Land Use Factor explanations**

	Yes	No	Unknown
1. Do current historical and/or recent development patterns support the proposed use?	X		
2. Is the proposed use consistent with applicable zoning laws/maps?	X		
3. Is the proposed use consistent with applicable bronxfield opportunity area designations? (See GML 970-r)	X		
4. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, other adopted land use plans?	X		
5. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).		X	
6. Are there any federal or state land use designations relating to this site?	X		
7. Do the population grown patterns and projections support the proposed use?	X		
8. Is the site accessible to existing infrastructure?	X		

9. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site?	<u>X</u> ___ ___
10. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species proximate to the site? Genesee River 0.6 miles away	<u>X</u> ___ ___
11. Are there floodplains proximate to the site?	___ <u>X</u> ___
12. Are there any institutional controls currently applicable to the site? 6NYCRR Part 375 Change of use notice	<u>X</u> ___ ___
13. Describe on attachment the proximity to real property currently sued for residential use, and to urban, commercial, industrial, agricultural, and recreational areas.	
14. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the site, including proximity to wellhead protection and groundwater recharge areas.	
15. Describe on attachment the geography and geology of the site.	
(Note: the 16 th criteria relates to comments from the public, which would not be received at the time of application)	

<p>Statement of Certification</p> <p>(By applicant who is an individual)</p> <p>I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.</p> <p>Date: <u>NA</u> Signature: <u>NA</u> Print Name: <u>NA</u></p> <p>(By an applicant other than an individual)</p> <p>I certify that I am <u>Mayor</u> (title) of <u>the City of Rochester</u> (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.</p> <p>Date: _____ Signature: _____ Print Name: _____</p>
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SUBMITTAL INFORMATION:

Four (4) complete copies, one with original signatures, are required.

• **Three (3)** of the copies, one with original signatures, must be sent to:

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

• **One (1)** copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located.
Please check our website for the address of our regional offices: }

FOR DEPARTMENT USE ONLY

BCP SITE NO: _____ **BCP SITE T&A CODE:** _____ **PROJECT MANAGER:** _____

Project Description

Purpose

This project is being performed as part of the City of Rochester's 2003 Brownfield Assessment grant from the United States Environmental Protection Agency (EPA). The objectives of the proposed project include identification of site soil and groundwater gaps, performing additional investigation in order to perform a qualitative exposure assessment, establishing appropriate remedial objectives and selecting effective remedial alternatives. The evaluation of remedial alternatives will be consistent with the contemplated site reuse plans.

The investigation and remediation of the Davidson Collision site is a key to the City's efforts to redevelop several vacant and abandoned properties located throughout the City in densely populated commercial and residential areas.

Several neighbors have expressed interest in the property and there is a documented need for additional parking in the area. Concept redevelopment plans will incorporate input obtained from neighborhood meetings as well as input from the City. It is assumed the property will have future commercial use that will include a parking lot.

Background

The Davidson Collision Site consists of two adjoining parcels. The Davidson Collision business located at 399 Gregory Street, operated as an auto body shop from the early 1960s until it went out of business in March 1993. In June 1993, the auto body shop reopened under new management and the new name of South Wedge Collision. The adjoining 10 Cayuga Street parcel consists of an unimproved grass-covered parcel that was formerly owned by Davidson Collision.

Previous investigations at the site between 1991 and 1994 identified the disposal of a consequential amount of hazardous waste (primarily paint waste including paint thinner) through a pipe leading from a paint booth inside the shop to a storage container outside the building. This method of discharging paints and paint thinner contaminated soil near the southwestern corner of the auto body shop. In January 1993, some contaminated soil from the waste disposal area was excavated, however, confirmatory soil samples were not taken and the vertical and lateral limits of impacted soil were not determined prior to backfilling. The 1991 and 1993 activities were performed without DEC approval or oversight. In 1994 the DEC conducted an investigation and determined the 1993 soil removal activity did not remove all of the subsurface contamination at the site. As such, the DEC conducted an investigation in 2000-2002 to obtain additional information regarding the nature and extent of contamination at the site and to determine if the site represents a significant threat to human health or the environment.

1. Project Scope

The proposed scope of work includes the following tasks:

- Identification of site soil and groundwater data gaps that require additional investigation in order to perform an exposure assessment, establish appropriate remedial objectives, and select effective remedial alternatives;
- Preparation of a project remedial investigation work plan for submission to the DEC;
- Investigation of the area where the 1993 soil removal action was performed at the site to identify the magnitude and extent of the remaining soil and groundwater impacts;

- Investigation of an apparent source of VOC (BTEX) contamination of soils in a former auto maintenance area under the eastern section of the building footprint;
- Evaluation of soil and groundwater data;
- Evaluation of remedial alternatives consistent with the contemplated site reuse and recommend a preferred approach;
- Preparation of draft and final remedial investigation and remedy selection reports, including a data usability report for submission to the DEC and EPA; and
- Preparation of a reuse concept plan, with involvement from the community, for use by parties interested in redeveloping the site.

2. Estimated Project Schedule

The City would like to have all work completed by the Fall of 2005 given the EPA grant time frame.

A proposed project schedule is presented in Figure 3.

Site's Environmental History

1. Environmental Data

Environmental investigations performed at 399 Gregory Street in 1991 indicated the presence of volatile organic compounds in soils. The contamination at the site reportedly resulted from disposal of paint and solvent (paint thinner) through a pipe leading from a paint booth inside the shop to a storage container outside the building. This method of discharging paints and solvents resulted in soil contamination near the south west corner of the auto body shop. In January 1993, William Farmer, operator of Davidson's Collision, removed some contaminated soil from the waste disposal area; however, excavation activities were ceased before confirming whether all contaminated soil had been removed to acceptable soil cleanup levels. The soil removal work was completed without NYSDEC oversight and approval.

In 1994, the NYSDEC conducted an environmental investigation at the property to further evaluate the site and the soil removal area. The NYSDEC investigation indicated that soil contamination was still present at the site. In March 2001 the NYSDEC initiated additional soil, soil gas and groundwater investigation at the site to determine if consequential amounts of hazardous wastes were disposed of at the site, and to determine if contaminants present at the site were impacting the surrounding neighborhood. During this investigation an emergency removal action was completed to remove and properly dispose of hazardous wastes and petroleum products abandoned at the site.

The site investigation results were reported in a Site Investigation Report issued in a March 2003 report prepared by Frank Sowers of the NYSDEC Region 8 Office. The investigation indicated that the contamination from hazardous waste disposal "is currently limited to the subsurface soils and groundwater near the southwest corner of the auto body repair shop.

Additional findings reported include:

No indication of VOC surface soil contamination at the site except for a small amount of pain which was spilled by vandals and remediated during the course of the investigation.

Significant groundwater contamination associates with hazardous waste disposal appears to be limited to the overburden.

A source of VOC contamination which is not associated with the paint waste disposal area, could potentially be present under the eastern section of the Davidson Collision building. This contamination is located in a area where automobile maintenance was routinely performed and appears to be petroleum related.

There are no indications of significant off-site migration of contaminated groundwater toward the neighboring residences.

Existing Environmental Reports:

Phase II Investigation for Davidson's Collision, 399 Gregory Street, Rochester, New York 14620, prepared by; Day Engineering, P.C., September 1991. (Attached)

Preliminary Site Assessment Report, prepared for the New York State Department of Environmental Conservation by ABB Environmental Services, August 1995. (Volume 1 attached)

Site Investigation Report prepared for the New York State Department of Environmental Conservation by Frank Sowers, NYSDEC Region 8 Office, March 2003. (Text of report attached)

2. Owners

The City of Rochester acquired 399 Gregory Street through tax foreclosure proceedings in October 2004. The prior owner was Andrews Realty Inc. City assessment records indicate that ownership transferred from Davidson Enterprises, Inc. to Andrews Realty Inc. In May 1994.

Deed History (Applies to Site only)

A review of the City of Rochester Deed history for 399-409 Gregory Street resulted in the following listings.

Date	Owner	Relationship to City
May 1914	Dan'l J. Fitzsimmons	None
May 1923	Elmer Philp and wife Martha	None
May 1936	Bessie M Philip	None
May 1941	Frank J. Moore	None
April 1941	Clarissa Miller	None
October 1941	Fredrick N. Axmacher	None
June 1943	Harold Philp and wife Dorothy	None
June 1952	Warren C. Riter	None
June 1954	William A. Newbauer	None
March 1955	Gordon G. Davidson and wife Evelyn	None
April 1959	Grantee: Davidson Collision Service Inc., Grantor: Gordon G. Davidson	None
May 1965	Davidson Collision Service Inc., Grantor: Harold Philip	None

July 1966	Davidson Collision Service Inc., Grantor: 393 Gregory Corp.	None
May 1994	Grantee: Andrews Realty Inc., 399 Gregory Street Rochester, New York 14620 Grantor: Davidson Enterprises Inc. F/K/A Davidson Collision Service Inc.	None

3. Operators

Davidson's Collision operated as an auto body shop from the early 1960's until going out of business in March 1993. Before going out of business Davidson's Collision was reportedly operated by William Farmer for an unspecified period of time. In June 1993 the auto body shop reopened under the name of South Wedge Collision, a business owned by Robert Andrews. According to the Preliminary Site Assessment report prepared by ABB Environmental Services for the NYSDEC Division of Hazardous Waste Remediation, (August 1995), "Environmental contamination at the site is believed to have resulted from improper disposal of paint and solvents when the auto body shop was operated as Davidson's Collision."

Polk Directories (Applies to Site only)

A review of City of Rochester Polk Directories between 1919-2004 resulted in the following listings with the address of 399 Gregory Street.

Date	Operator	Relationship to City
1922-35	Fitzsimmons Auto Co.; Fitzsimmons Danl J; John Franklin Automobiles	None
1940-42	Vacant store; Fitzsimmons Danl J; rear vacant	None
1943-48	Guarantee Bedding Co.(mattress manufacturing);Axmacher Fredrick	None
1949-51	Guarantee Bedding Co.(mattress manufacturing); Hall Jacob (washing machine repair); Axmacher Fredrick	None
1952	Guarantee Bedding Co.(mattress manufacturing);Axmacher Fredrick	None
1953-55	Vacant	None
1956-93	Davidson Collision Service(body work and painters)	None
1994-1997	South Wedge Collision (auto body repair)	None

Contact List Information

(Note: A complete list, including property owners and residents, is being provided as a separate document.)

1. Chief Executive Officer – City of Rochester

Mayor William A. Johnson, Jr.
City Hall, Room 307A
30 Church St.
Rochester, NY 14614

Chief Executive Officer – Monroe County

Maggie Brooks
County Executive
39 W. Main St.
Rochester, NY 14614

City Zoning Director

Arthur Ientilucci.
City Hall, Room 125B
30 Church St.
Rochester, NY 14614

2. Residents, owners, and occupants of the site and properties adjacent to the site.

Site:

399 Gregory Street

Owner:
City of Rochester, New York
30 Church Street Room 300B
Rochester, NY 14614

Adjacent Properties:

415 Gregory Street (3 housing units)

Owner:
Miguel Quezada
36 Samoset Ave
Providence, RI 02908

10 Cayuga St (vacant lot)

Owner: John Tricky, Jr.
P.O. Box 18491
Rochester, NY 14618

389 Gregory Street (Commercial first floor & 2 upper level housing units)

Owner:
John Trickey, Jr.
P.O. Box 18491
Rochester, NY 14618

Note: Initial project announcements and Fact Sheets will be hand delivered to rental occupants

3. Local news media from which the community typically obtains information

Democrat & Chronicle
55 Exchange St.
Rochester, NY 14614
585-232-7100

4. The public water supplier which services the area in which the site is located.

City of Rochester Water Bureau
Donald Navor, Director of Water
10 Felix St.
Rochester, NY 14608
585-428-7509

5. Any person who has requested to be placed on the site contact list.

In the course of completing the City's EPA Brownfield Assessment Grant application the following individuals provided support for the project at 399 Gregory Street and/or have expressed interest in being informed of the project.

Dan Buyer, Executive Director
South Wedge Planning Committee
224 Mt. Hope Ave
Rochester, NY 14620
585-2561740 x 7
dbuyer@swpc.org

John T. Trickey Jr.
P.O. Box 18491
Rochester, New York 14618
585-415-4466

Mary Wells
SEAC
990 S. Clinton Avenue
Rochester, New York 14620
585-244-7405

Terry Correa
Sector 6
37 Rossiter Road
Rochester, New York 14620

Kammy Heaster
5 Countryview Terrace
Brockport, New York 14420

Peter Saxe
NET Area D
846 S. Clinton
Rochester, New York 14620
585-428-6373

6. The administrator of any school or day care facility located on or near the site.

Sister Mary Smith, SSND, Principal St Boniface School, 15 Whalin St, Rochester, New York 14620

7. The location of a local document repository for the project. (E.G., local library)

Rochester Public Library
115 Court St.
Rochester, NY 14604
585-428-7300

Land Use Factors

1. Current, intended or reasonably anticipated future land uses of the site

The property is currently an abandoned auto body shop. The property use is anticipated to be commercial and will likely include at least some parking since there is a shortage of parking in the neighborhood.

2. Applicable zoning laws and maps

The site is located in a Commercial District and zoned C-2. According to City Zoning code, the C-2 Community Center District provides diverse commercial development along gateway transportation corridors and neighborhood or village centers with a dense mixture of uses such as housing, retail and other complementary uses that serve the adjacent neighborhood and the community at large. The C-2 District is preserved through appropriate design elements, amenities or treatments that create, enhance and reinforce the design relationships between the buildings, sites and streets and still establish an ambience that is uniquely urban and pedestrian-oriented.

3. Brownfield Opportunity Areas

As of December 1, 2004 there are no Brownfield Opportunity Areas designated yet in the City of Rochester.

4. Applicable Community Master Plans

The project and intended use at 399 Gregory Street are consistent with the new City Zoning code and the City's comprehensive plan, Renaissance 2010. In addition, the project is consistent with the neighborhoods goals and plans. The City's 40 neighborhood groups are organized into 10 sectors. The neighborhood groups in each sector develop an action plan for the City to use when planning projects and allocating budget resources. The site at 399 Gregory Street falls within Sector 6. The Sector 6 Action Plan identifies a strategy to improve parking plans by developing shared commercial parking lots and to market vacant commercial parcels.

The site specific investigation proposed for 399 Gregory Street is the location of the former Davidson Collision site. The half acre site has localized chlorinated solvent contamination in soil and groundwater. We have received substantial private sector interest in the reuse of the site, but most of the private parties who have contacted the city are concerned about taking title to the property without understanding a cleanup approach and cost. One of the campaigns of the 2010 plan is the campaign to engage the widest array of citizens in the renewal of neighborhoods. This plan has eleven focus areas or "campaigns" including environmental stewardship, regional partnerships, economic vitality and healthy neighborhoods. Local neighborhood groups have been vital in bringing attention to the need to deal with this site so that private investment in the neighborhood will continue. The site is zoned for general commercial use; reuse options include parking to support active, adjacent developments, or sale as vacant land for future commercial development. We have also received inquiries and proposals that would reuse the property for commercial uses. The goals of the economic vitality campaign are to promote a business environment that facilitates the expansion and retention of existing businesses and the attraction and creation of new businesses with a special focus on emerging high-technology industries. An additional goal of this campaign is to develop strong, economically viable and diverse neighborhood commercial areas that provide entry level jobs, high quality goods and personal services to our citizens, offer entrepreneurial opportunities and help increase our city's economic development and growth.

5. Environmental Justice Concerns

The planned site investigation and remedy selection as well as the intended use are consistent with the neighborhood's action plan for the area. No environmental justice concerns have been identified for this project. The 399 Gregory Street site falls within neighborhood planning Sector 6 in Rochester. Minorities comprise 30% of the population in Sector 6 and 18% of the population lives below the poverty level. Twenty percent of those over 25 years old have not graduated from high school. Of the total housing units available, 33% are owner occupied.

Fifteen percent of the population is over age 65 and 5% is under age 5. Only 2 % of the population in the Sector has difficulty with the English language. The site is adjacent to but not within the Environmental Zones initially identified by the New York State Empire State Development Corporation.

6. Federal or State Land Use Designation

The property is a New York State Inactive Hazardous Waste Disposal site.

7. Population Growth Patterns and Projections

The area around 399 Gregory Street has been mixed commercial and residential for more than 70 years. Current nearby land uses include residential, restaurants, bars, Saint Boniface Church and elementary school. Immediately adjacent to the site is a residence on the north east and a commercial building to the south west. The commercial structure houses a coffee shop and a credit union is in the process of moving into the building as well.

8. Accessibility to existing infrastructure

The site is located in a highly developed section of the City of Rochester and is fully served by public utilities.

9. Proximity to Cultural Resources

Weider Hall, a multistory brick building, located at 389 Gregory Street is eligible for historic landmark status according to its owner, John T. Trickey, Jr.

10. Proximity to Natural Resources

The Genesee River is located 0.6 miles west of the site.

11. Proximity to Flood plains

The site is not proximate to a 100 year flood plain.

12. Current institutional controls at the site

With the exception of substantial change of use notice requirements in 6NYCRR Part 375-1.6, there are no institutional controls in place at this site.

13. Proximity to residential, urban, commercial, industrial, agricultural, and recreational areas

The site is located in a urban neighborhood. Commercial and residential uses are immediately adjacent to 399 Gregory Street. The nearest recreational area is a open space/public parks located .33 miles west of the site. The nearest manufacturing uses are 0.75 miles to the southwest. No agricultural land is located within one mile of the site. St. Boniface Church and school is located 0.1 miles west of the site.

14. Potential vulnerability of groundwater

Average depth to groundwater at the site varied seasonally. Based on prior NYSDEC investigations seasonally high groundwater depths in overburden and bedrock were 8.5 feet and 12.3 feet respectively. Seasonally low groundwater elevations were 13 feet in overburden wells with measurable water (three overburden wells were dry). Seasonally low groundwater depths in bedrock were measure at 16.7 feet.

The results of the site investigations completed to date indicate that subsurface soils and groundwater near the southwest corner of the auto body repair shop contain volatile organic compounds at concentrations above New York State standards and guidance values. A LNAPL layer containing nonchlorinated VOC's has been observed in one well. No DNAPL was been encountered at the site.

Localized groundwater flow is reported to a low area located on the southern portion of the property. Flow direction was reported to generally be in a west/northwest to east/southeast direction. The area is served by a public water supply. No private or public water supply wells exist within a ½ mile radius. Private drinking water wells are not permitted in the City of Rochester. According to the NYSDEC's March 2003 Site Investigation Report "contaminants from the site had not migrated to the nearby residential properties" and have no off site impacts to people, sensitive species, habitats, surface waters. The majority of the plume is located beneath the former collision shop and an adjoining parking lot.

15. Site geography & geology

The topography of the site and site vicinity is generally flat. A paved parking lot and former auto body shop were located on the north central portion of the site. The area south of the autobody shop was open, grassy, and fenced. The local topography of southeast Rochester is flat with a gradual slope toward the Genesee River located 0.6 miles west of the site. Regional topography is dominated south of the site is dominated by the Pinnacle Hills glacial moraine. Less than a mile due south of the site moraine forms an east-west ridge with an elevation approximately 50 - 125 feet higher than the surrounding area.

The site consists of approximately 20 feet of overburden on top of bedrock. Soils are generally fine sands and silt with some medium to coarse gravel. Layers of clay with silt were encountered in several borings. Perched water table conditions were not identified during 200-2002 investigations conducted by the NYSDEC. Bedrock underlying the site consists of gray dolomite of the Lockport Group. Three bedrock wells installed by the NYSDEC into the bedrock intercepted several fracture zones.

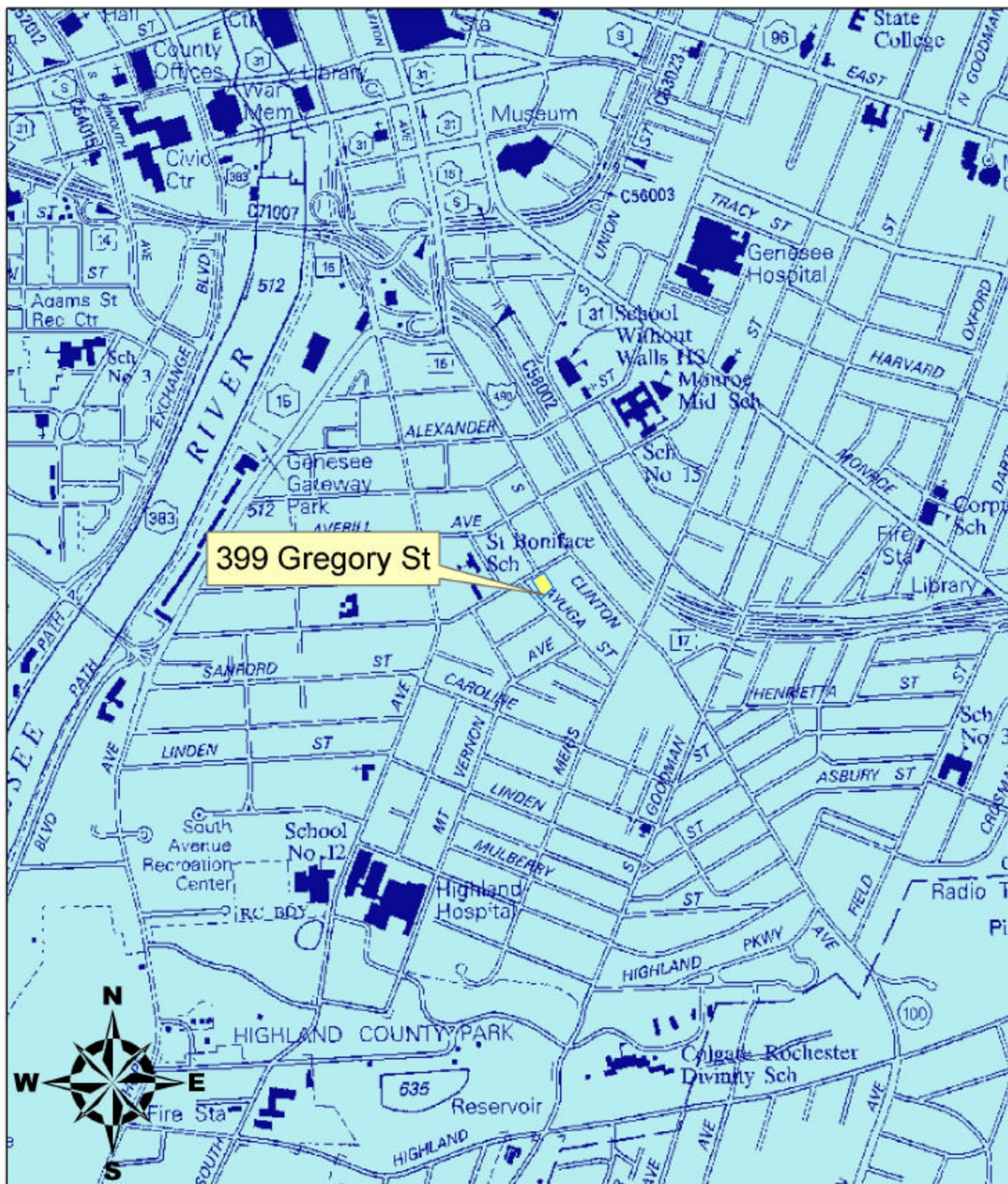


Figure 1. Site Location



CITY HALL
ROCHESTER
 NEW YORK

0 500 1,000 2,000 3,000 4,000 Feet

Figure 3
399 Gregory Street
EPA Brownfield Assessment Grant
NYSDEC BCP RI - Remedial Selection Schedule

