

# New York State Department of Environmental Conservation

## Division of Environmental Remediation

Office of the Director, 12th Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 • FAX: (518) 402-9020

Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



Alexander B. Grannis  
Commissioner

DEC 31 2009

Gary and Marcia Stern Family Limited Partnership  
c/o Gary Stern  
274 North Goodman Street  
Rochester, New York 14607

RE: Certificate of Completion  
Rochester Drug Cooperative Building C828115  
Monroe(C), Rochester(C)

Dear Mr. Stern:

Congratulations on having satisfactorily completed the remedial program at the Rochester Drug Cooperative Building Site. Enclosed please find an original, signed Certificate of Completion. The New York State Department of Environmental Conservation (NYSDEC) 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.

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 standard notice form is enclosed to this letter;
- Provide a notice of the COC and a fact sheet describing the institutional and engineering controls (IC/EC) that are required at the site to the Brownfield Site Contact list within 10 days of issuance of the COC;
- 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 enclosed Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department on June 30, 2011; and



You and your lessees must submit an annual report to the New York State Department of Taxation and Finance within one year and for each of the following eleven years after the execution of the Brownfield Site Cleanup Agreement. The Report must provide the information required by Chapter 390 of the Laws of 2008, Tax Law Section 171-s.

If you have any questions regarding any of these items, please contact Todd M. Caffoe, P.E. at (585)226-5350.

Sincerely,

Dale A. Desnoyers  
Director  
Division of Environmental Remediation

- cc: w/enclosure  
L. Shaw
- ec: G. Litwin - NYSDOH
- cc: w/o enclosure  
T. Caffoe  
B. Putzig  
R. Knizek  
D. McNaughton, NYSDOH  
M. Desmond

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)  
**CERTIFICATE OF COMPLETION**

**CERTIFICATE HOLDER(S):**

Name	Address
GARY and MARCIA STERN FAMILY LIMITED PARTNERSHIP	274 N. Goodman Street, Rochester, NY 14607

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 4/17/04 **Agreement Execution:** 6/10/04 **Agreement Index No.:** B8-0657-04-03

**Application Approval Amendment:** none **Agreement Execution Amendment:** none

**SITE INFORMATION**

**Site No.:** C828115 **Site Name:** Rochester Drug Cooperative Building

**Site Owner:** GARY and MARCIA STERN FAMILY LIMITED PARTNERSHIP

**Street Address:** 320 N. Goodman Street

**Municipality:** Rochester **County:** Monroe **DEC Region:** 8

**Site Size:** 2.70 Acres

**Tax Map Identification Number(s):** 106.84-01-01

**Percentage of site located in an EnZone:** 0 - 49 %

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 12 %.

Tangible Property Credit Component Rate is 12 %.

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

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 10 %.

Tangible Property Credit Component Rate is 10 %.

The Remedial Program includes use restrictions or reliance on 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 Monroe County as 200912220875.

#### **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/REVOCAION**

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;

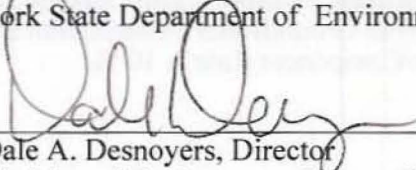
(4) there is good cause for such modification or revocation;

(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 received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Alexander B. Grannis  
Commissioner  
New York State Department of Environmental Conservation

By:   
Dale A. Desnoyers, Director  
Division of Environmental Remediation

Date: 12/31/09

## Exhibit A

### LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Rochester, County of Monroe and State of New York, being part of Lot 50, Second Division, Township 13, Range 7, and more particularly bounded and described as follows: Beginning at the point of intersection of the easterly line of North Goodman Street and the southerly line of the land of the New York Central Railroad Company 495.5 feet to the northwest corner of premises now or formerly of Gary L. and Marcia Stern Liber 8778 of Deeds, page 79; thence (2) southwesterly making an interior angle of 90° with the last described course, and along the westerly line of the premises so conveyed to Stern as aforesaid, 146.89 feet to a PK nail; thence (3) easterly making an interior angle of 284° 50' 53" and continuing along the westerly line of lands now or formerly Stern as aforesaid, 51.2 feet to a PK nail; thence (4) southerly making an interior angle of 90° with the last described course and continuing along the westerly line of premises now or formerly Stern, as aforesaid 45.00 feet to a PK nail in the northerly line of other premises now or formerly Gary L. Stern and Marcia Stern, Liber 8778 of Deeds, page 79; thence (5) westerly making an interior angle of 90° with the last described course and along the northerly line of the lands now or formerly Stern, as aforesaid, 490.31 feet to a point in the easterly line of North Goodman Street, which point is marked by a PK nail and is 478.83 feet northerly from the intersection of the northerly line of Anderson Avenue and the easterly line of North Goodman Street; and thence (6) northerly, making an interior angle of 90° 22' 07" with the last described course and along the easterly line of North Goodman Street 313.97 feet to the point and place of beginning, containing 2.699 acres of land, more or less.

Together with all the right, title and interest of the mortgagor in and to all easements and agreements in connection with the railroad tracks and subsidiary tracks on the premises hereby mortgaged on the premises conveyed by Rochester Drug Cooperative, Inc. to Frank & Fraser Wholesale Lumber Corporation and on the premises conveyed by Thomas C. Spencer, as Trustee and Agent to Gleason Fund Incorporated by deed recorded in Monroe County Clerk's Office in Liber 2744 of Deeds, page 119 on March 31, 1952, as described in said deed, together with the right to use the railroad sidings and all existing track facilities now located upon premises hereby mortgaged, on the premises so conveyed by Thomas G. Spencer, as Trustee and Agent to Gleason Fund Incorporated, as aforesaid.

Also together with the right and easements reserved by Rochester Drug Cooperative, Inc. in the deed made June 3, 1952 to Frank & Fraser Wholesale Lumber Corp. recorded June 4, 1952 in the Monroe County Clerk's Office in Liber 2756 of Deeds, Page 29

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Rochester, County of Monroe and State of New York, being part of Lot 20, Second Division, Township 13, Range 7, and more particularly bounded and described as follows: Beginning at the point of intersection of the easterly line of North Goodman Street and the westerly line of the New York Central Railroad Company #82.3 feet to the northwest corner of premises now or formerly of Guy L. and Marcia Stern, Liber 8778 of Deeds, page 79; thence (2) southwesterly making an interior angle of 90° with the last described course, and along the westerly line of the premises so conveyed to Stern as aforesaid, 140.89 feet to a PK nail; thence (3) easterly making an interior angle of 284° 50' 53" and continuing along the westerly line of lands now or formerly Stern as aforesaid, 21.2 feet to a PK nail; thence (4) southerly making an interior angle of 90° with the last described course and continuing along the westerly line of premises now or formerly Stern, as aforesaid 42.00 feet to a PK nail in the northerly line of other premises now or formerly Stern, Liber 8778 of Deeds, page 79; thence (5) westerly making an interior angle of 90° with the last described course and along the northerly line of the lands now or formerly Stern, as aforesaid, 490.71 feet to a point in the easterly line of North Goodman Street, which point is marked by a PK nail and is 478.81 feet northerly from the intersection of the northerly line of Anderson Avenue and the easterly line of North Goodman Street, as aforesaid, 490.71 feet to a point in the last described course, and continuing along the last described course, containing 2.099 acres of land, more or less.

Exhibit B

ALTA/ACSM Land Title Survey

Together with all the right, title and interest of the mortgagee in and to all easements and agreements in connection with the railroad tracks and subsidiary tracks on the premises hereby mortgaged on the premises conveyed by Rochester Drug Cooperative, Inc. to Frank & Ernest Wholesale Lumber Corporation and on the premises conveyed by Thomas G. Spencer, as Trustee and Agent to Gleason Fund Incorporated by deed recorded in Monroe County Clerk's Office in Liber 2744 of Deeds, page 119 on March 31, 1952, as described in said deed, together with the right to use the railroad sidings and all existing track facilities now located upon premises hereby mortgaged, on the premises so conveyed by Thomas G. Spencer, as Trustee and Agent to Gleason Fund Incorporated, as aforesaid.

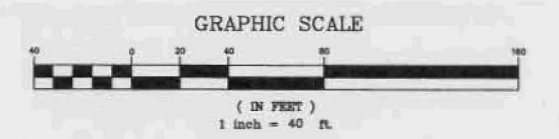
Also together with the right and easements reserved by Rochester Drug Cooperative, Inc. in the deed made June 4, 1952 to Frank & Ernest Wholesale Lumber Corp. recorded June 4, 1952 in the Monroe County Clerk's Office in Liber 2744 of Deeds, Page 29.

- REFERENCES
1. ROCHESTER DRUG COOPERATIVE INC. TO GARY & MARCIA STERN FAMILY LIMITED PARTNERSHIP BY DEED RECORDED JULY 15, 2003 AT LIBER 9814, PAGE 559.
  2. FIDELITY NATIONAL TITLE INSURANCE COMPANY, TITLE No. RT-253867 AND DATED MARCH 28, 2009.
  3. MAP OF A SURVEY PREPARED BY DENLUICK-O'NEILL OF 320 NORTH GOODMAN STREET, LAST DATED 02/02/01
  4. RELEASE OF EASEMENT RECORDED AUGUST 19, 2009 AT LIBER 10781 OF DEEDS, PAGE 519

UTILITIES SERVED BY:  
 WATER - CITY OF ROCHESTER WATER BUREAU  
 10 FELIX STREET  
 ROCHESTER, NY 14611 585-428-7568  
 GAS & ELECTRIC - ROCHESTER GAS & ELECTRIC CO.  
 89 EAST AVENUE  
 ROCHESTER, NY 14649 1-800-456-5153  
 SEWER - ROCHESTER PURE WATERS DISTRICT (MONROE COUNTY PURE WATERS)  
 50 WEST MAIN STREET  
 ROCHESTER, NY 585-753-7800  
 TELEPHONE - FRONTIER COMMUNICATIONS  
 1225 WEST HENRIETTA ROAD  
 ROCHESTER, NY 14623 585-777-1234

Legend of Symbols & Abbreviations

- METAL FENCE
- OVERHEAD ELECTRIC
- LIGHT POLE
- STORM SEWER MANHOLE
- CATCH BASIN AND CLEANOUT
- WATER VALVE, HYDRANT AND SHUT OFF
- POST INDICATOR VALVE
- POWER POLE W/ ANCHOR WIRE
- GAS VALVE
- TWO & ONE POST SIGNS
- SURVEY MONUMENT
- MONITORING WELL
- RESTRICTED PARKING AREA



Engineering / Institutional Controls Subject to Easement

- SUB-SLAB DEPRESSURIZATION SYSTEM (SSDS) AREA - SOIL VAPOR MITIGATION SYSTEM IN BUILDING MUST BE INSPECTED, CERTIFIED, OPERATED AND MAINTAINED AS REQUIRED BY THE SITE MANAGEMENT PLAN
- COVER SYSTEM [SURFACE SOIL, ASPHALT PAVED SURFACES INCLUDING PARKING LOT AND BUILDING ITSELF], AND
- ENTIRE ENVIRONMENTAL EASEMENT AREA SUBJECT TO SITE MANAGEMENT PLAN, WHICH REQUIRES ALL INTRUSIVE WORK OR DISTURBANCE OF COVER SYSTEM TO BE CONDUCTED IN ACCORDANCE WITH THE SITE MANAGEMENT PLAN; AND
- GROUNDWATER USE RESTRICTION COVERS ENTIRE EASEMENT AREA / PARCEL; AND
- GROUNDWATER WELL MONITORING WELLS REQUIRED TO BE MONITORED AS REQUIRED IN SITE MANAGEMENT PLAN.

SITE NOTES

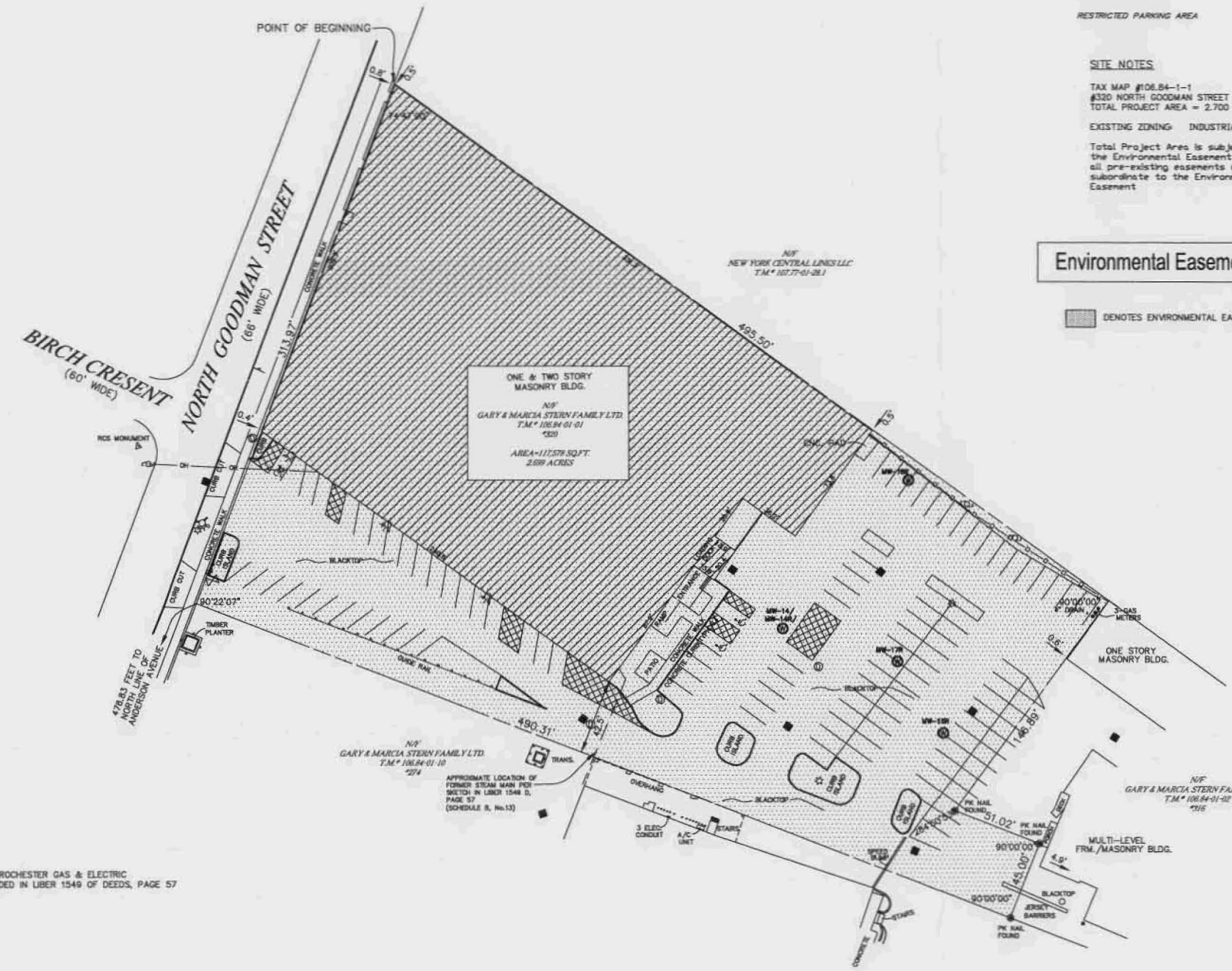
TAX MAP #106.84-1-1  
 #320 NORTH GOODMAN STREET  
 TOTAL PROJECT AREA = 2.700 ACRES

EXISTING ZONING: INDUSTRIAL, M-1

Total Project Area is subject to the Environmental Easement and all pre-existing easements are subordinate to the Environmental Easement

Environmental Easement Area

DENOTES ENVIRONMENTAL EASEMENT AREA



NOTE: SEE ENVIRONMENTAL EASEMENT FOR DETAILS ON THE ENGINEERING AND INSTITUTIONAL CONTROLS

RECORD TITLE DESCRIPTION

Note: The Environmental Easement Area is the same as the Record Title Description.

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Rochester, County of Monroe and State of New York, being part of Lot 50, Second Division, Township 13, Range 7, and more particularly bounded and described as follows: Beginning at the point of intersection of the easterly line of North Goodman Street and the southerly line of the land of the New York Central Railroad Company, thence (1) southeasterly making an interior angle of 74° 47' 00" with the easterly line of North Goodman Street and along the southerly line of the lands of the New York Central Railroad Company 495.5 feet to the northwest corner of premises now or formerly of Gary L. and Marcia Stern, Liber 5778 of Deeds, page 79; thence (2) southwesterly making an interior angle of 90° with the last described course, and along the westerly line of the premises so conveyed to Stern, as aforesaid, 146.89 feet to a PK nail; thence (3) easterly making an interior angle of 284° 50' 53" and continuing along the westerly line of lands now or formerly Stern as aforesaid, 51.02 feet to a PK nail; thence (4) southerly making an interior angle of 90° with the last described course and continuing along the westerly line of premises now or formerly Stern, as aforesaid 45.00 feet to a PK nail in the northerly line of other premises now or formerly Gary L. Stern and Marcia Stern, Liber 5778 of Deeds, page 79; thence (5) westerly making an interior angle of 90° with the last described course and along the northerly line of the lands now or formerly Stern, as aforesaid, 490.31 feet to a point in the easterly line of North Goodman Street, which point is marked by a PK nail and is 478.83 feet northerly from the intersection of the northerly line of Anderson Avenue and the easterly line of North Goodman Street; and thence (6) northerly, making an interior angle of 90° 22' 07" with the last described course and along the easterly line of North Goodman Street 313.97 feet to the point and place of beginning, containing 2.699 acres of land, more or less.

Together with all the right, title and interest of the mortgagor in and to all easements and agreements in connection with the railroad tracks and subsidiary tracks on the premises hereby mortgaged on the premises conveyed by Rochester Drug Cooperative, Inc. to Frank & Frazer Wholesale Lumber Corporation and on the premises conveyed by Thomas C. Spencer, as Trustee and Agent to Gleason Fund Incorporated by deed recorded in Monroe County Clerk's Office in Liber 2744 of Deeds, page 119 on March 31, 1952, as described in said deed, together with the right to use the railroad sidings and all existing track facilities now located upon premises hereby mortgaged, on the premises so conveyed by Thomas C. Spencer, as Trustee and Agent to Gleason Fund Incorporated, as aforesaid.

Also together with the right and easements reserved by Rochester Drug Cooperative, Inc. in the deed made June 3, 1952 to Frank & Frazer Wholesale Lumber Corp. recorded June 4, 1952 in the Monroe County Clerk's Office in Liber 2756 of Deeds, Page 292.

CERTIFY TO:

- 1) The People of the State of New York acting through their Commissioner of the Department of Environmental Conservation
- 2) Gary and Marcia Stern Limited Family Partnership
- 3) Knaut Shaw LLP and
- 4) Four Corner Abstract



WE, MAGDE LAND SURVEYING, P.C., HEREBY CERTIFY THAT THIS MAP WAS PREPARED FROM NOTES OF A FIELD SURVEY COMPLETED ON MARCH 31, 2009 AND FROM THE REFERENCES LISTED HEREON. SUBJECT TO ANY FACTS AN UPDATED ABSTRACT OF TITLE MAY REVEAL.

*Douglas M. Magde*  
 DOUGLAS M. MAGDE, L.S. LIC. #049957

12/4/09 revise per revised title report/add certs.

SCHEDULE B

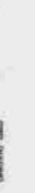
13. EASEMENT AGREEMENT GRANTED TO ROCHESTER GAS & ELECTRIC CORPORATION UNDER AGREEMENT RECORDED IN LIBER 1549 OF DEEDS, PAGE 57 ON JUNE 27, 1930. SHOWN

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 MAGDE LAND SURVEYING, P.C.  
 All rights reserved.

Unpublished information or data in a survey map bearing a Surveyor's seal and signature is a violation of section 1703, subdivision 2, of the New York State Education Law.

Only licensed survey maps with the surveyor's seal and signature are legal. The location of underground improvements or encroachments on a lot shown herein and other facts not shown.

ALTA/ACSM LAND TITLE SURVEY  
 PREPARED FOR  
**320 NORTH GOODMAN STREET**  
 LOT 50, SECOND DIVISION, TOWNSHIP 13, RANGE 7  
 CITY OF ROCHESTER, MONROE COUNTY, NEW YORK



MAGDE LAND SURVEYING, P.C.  
 4460 CULVER ROAD \*\* ROCHESTER \*\* NEW YORK 14622  
 (585) 654 - 5897 \*\* (585) 654 - 6149 (FAX) \*\* email: dmagde@magdesurvey.com





**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Site Management Form**  
 12/30/2009



**SITE DESCRIPTION**

**SITE NO.** C828115

**SITE NAME** Rochester Drug Cooperative Building

**SITE ADDRESS:** 320 N. Goodman Street      **ZIP CODE:** 14607

**CITY/TOWN:** Rochester

**COUNTY:** Monroe

**ALLOWABLE USE:** Commercial and Industrial

**SITE MANAGEMENT DESCRIPTION**

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	<input type="checkbox"/>	<input type="checkbox"/>
Monitoring Plan	<input type="checkbox"/>	<input type="checkbox"/>
Operation and Maintenance (O&M) Plan	<input type="checkbox"/>	<input type="checkbox"/>

Periodic Review Frequency:      1 year

**Description of Institutional Control**

**Gary and Marcia Stern Fam. Ltd Partnersh**

320 N. Goodman Street

Environmental Easement

Block:

Lot:

Sublot:

Section:

Subsection:

S\_B\_L Image: 106.84-01-01

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

**Description of Engineering Control**



**Gary and Marcia Stern Fam. Ltd Partnersh**

320 N. Goodman Street

Environmental Easement

Block:

Lot:

Sublot:

Section:

Subsection:

S\_B\_L Image: 106.84-01-01

Cover System

Vapor Mitigation

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Form  
12/20/2009



SITE DESCRIPTION

CASE FILE

SITE NO.

SITE NAME PROJECT DRUG COOPERATIVE BUILDING

SITE ADDRESS 320 N Goodman Street X ZIP CODE 14801

CITY/TOWN Rochester

COUNTY Monroe

ALLOWED USE Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES

YES NO

ICD Control Plan

Monitoring Plan

Operator and Maintenance (O&M) Plan

Periodic Review Frequency: 1 year

Description of Institutional Control

Gary and Marcia Stern Fam. Ltd Partnersh

320 N. Goodman Street

Environmental Easement

Block:

Lot:

Sublot:

Section:

Subsection:

S\_B\_L Image: 106.84-01-01

Ground Water Use Restriction

ICD Plan

Land Use Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

**NOTICE OF CERTIFICATE OF COMPLETION**

**Brownfield Cleanup Program**

**6 NYCRR Part 375-1.9(d)**

***Rochester Drug Cooperative Building, Site ID No. C828115  
320 North Goodman Street, Rochester, New York 14607***

**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 Gary and Marcia Stern Family Limited Partnership for a parcel approximately 2.699 acres located at 320 North Goodman Street in the City of Rochester, Monroe 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):

- 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 Monroe County as document number 200912220875.

**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**, the Certificate may entitle the Certificate holder(s) to tax credits in

accordance with Tax Law Sections 21, 22 and 23.

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

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 8 Headquarters located at 6274 East Avon-Lima Road, Avon, NY 14414, by contacting the Regional Environmental Remediation Engineer.

**WHEREFORE**, the undersigned has signed this Notice of Certificate

(Applicant)

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:**

(Applicant) \_\_\_\_\_

(Applicant address) \_\_\_\_\_

12/03/09