



January 26, 2018

VIA FEDEX

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

**RE: Recorded Notices of COC
Volunteers of America Back Lot Site
Site #C828126**

Dear Kelly:

Enclosed please find two Notices of Certificate of Completion for the above-mentioned Site that were recorded on January 25, 2018, with the Monroe County Clerk.

Please do not hesitate to contact me if you have any questions or comments.

Sincerely,

KNAUF SHAW LLP

MELISSA M. VALLE

CC: Volunteers of America of Western New York, Inc.
Charlotte B Theobald (electronic only)

RECEIVED

JAN 29 2018

Bur. Of Tech. Support

MONROE COUNTY CLERK'S OFFICE

THIS IS NOT A BILL. THIS IS YOUR RECEIPT

ROCHESTER, NY

Receipt # 1733703

Index DEEDS

Book 11977 Page 76

No. Pages : 12

Instrument CERTIFICATE OF COMPLETION

Date : 01/25/2018

Time : 12:04:41PM

Control # 201801250321

Return To:

KNAUF SHAW LLP
2 STATE STREET
SUITE 1400
ROCHESTER, NY 14614-

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION

VOLUNTEERS OF AMERICA OF WESTERN NEW YORK INC

Ref 1 #

Employee : RoseM

COUNTY FEE NUMBER PAGES	\$	55.00
RECORDING FEE	\$	45.00

Total \$ 100.00

State of New York

MONROE COUNTY CLERK'S OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

ADAM J BELLO
MONROE COUNTY CLERK



11

NOTICE OF CERTIFICATE OF COMPLETION

Brownfield Cleanup Program
6 NYCRR Part 375-1.9(d)

Volunteers of America Back Lot Site, Site ID No.: C828126

214 Lake Avenue & 18 Ambrose Street, City of Rochester, New York 14608

City of Rochester, Monroe County, Tax Map Identification Number(s) 105.60-2-59.003 & 105.60-2-1.002

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 Volunteers of America of Western New York, Inc. for a parcel approximately 3.055 acres located at the 214 Lake Avenue & 18 Ambrose Street in 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):

- Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- 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 Easements granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Monroe County as 201710240495 & 201710240496.

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

Volunteers of America Back Lot Site, CR28126, 214 Lake Avenue & 18 Ambrose Street

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, 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 entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

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

WHEREFORE, the undersigned has signed this Notice of Certificate

County of Monroe Industrial Development Agency

By: 

Title: Executive Director

Date: 1-2-18

STATE OF NEW YORK) SS:
COUNTY OF MONROE)

On the 2nd day of JANUARY, in the year 2018, before me, the undersigned, personally appeared Jeffery R. Adair, 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

Lori A. Palmer
Notary Public, State of New York
Qualified in Monroe County
Commission Expires May 31, 2019

Please record and return to:
County of Monroe Industrial Development Agency
Jeffery Adair
City Place Suite 8100
50 West Main Street
Rochester, New York 14614

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

Name Volunteers of America of Western New York, Inc. **Address** 214 Lake Avenue, Rochester, NY 14608

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 4/26/05 **Agreement Execution:** 6/15/05 **Agreement Index No.:** B 8-0688-05-04

Application Approval Amendment: 6/27/16 **Agreement Execution Amendment:** 6/27/16

Application Approval Amendment: 9/27/17 **Agreement Execution Amendment:** 9/27/17

SITE INFORMATION:

Site No.: C828126 **Site Name:** Volunteers of America Back Lot Site

Site Owner: County of Monroe Industrial Development Agency
Volunteers of America of Western New York, Inc.

Street Address: 214 Lake Avenue and 18 Ambrose Street

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

Site Size: 3.055 Acres

Tax Map Identification Number(s): 105.60-2-1.002 (portion of), 105.60-2-59.003

Percentage of site located in an EnZone: 100 %

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: Restricted-Residential, 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 20 %.

Tangible Property Credit Component Rate is 20 %.

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

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 18 %.

Tangible Property Credit Component Rate is 18 %.

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 Easements granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Monroe County as 201710240495 and 201710240496.

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/REVOCATION

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 is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Scggos
Commissioner
New York State Department of Environmental Conservation

By:  Date: 12/28/17

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

EXHIBIT A
ENVIRONMENTAL EASEMENT METES AND BOUNDS

SCHEDULE "A" PROPERTY DESCRIPTION

**ENVIRONMENTAL EASEMENT AREA
18 AMBROSE STREET (VOLUNTEERS OF AMERICA)**

ALL THAT TRACT OR PARCEL OF LAND, SITUATED IN LOT 46, 20.000 ACRE TRACT, TOWNSHIP 1, SHORT RANGE, MILL SEAT TRACT, PHELPS & GORHAM PURCHASE, IN THE CITY OF ROCHESTER, COUNTY OF MONROE, STATE OF NEW YORK, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY OF AMBROSE STREET, (60' ROW), AT ITS INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF HAIDT PLACE. (45' ROW); THENCE,

1. NORTH 29°19'43" WEST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF HAIDT PLACE, A DISTANCE OF 115.00 FEET TO A POINT; THENCE,
2. NORTH 59°46'17" EAST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF HAIDT PLACE, A DISTANCE OF 45.00 FEET TO A POINT; THENCE
3. NORTH 01°45'00" WEST, A DISTANCE OF 275.88 FEET TO A POINT; THENCE,
4. NORTH 30°12'25" WEST, A DISTANCE OF 160.22 FEET TO A POINT; THENCE,
5. NORTH 66°44'11" EAST, A DISTANCE OF 207.69 FEET TO A POINT; THENCE,
6. SOUTH 50°20'06" EAST, A DISTANCE OF 42.49 FEET TO A POINT; THENCE,
7. SOUTH 16°38'32" EAST, A DISTANCE OF 156.86 FEET TO A POINT; THENCE,
8. SOUTHWESTERLY, ALONG A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 23°52'18", A RADIUS OF 620.57 FEET, AN ARC LENGTH OF 258.55 FEET, A CHORD BEARING OF SOUTH 10°24'44" WEST, AND A CHORD DISTANCE OF 256.69 FEET TO A POINT; THENCE,
9. SOUTH 79°01'56" WEST, A DISTANCE OF 6.44 FEET TO A POINT; THENCE,
10. SOUTH 65°02'15" WEST, A DISTANCE OF 45.88 FEET TO A POINT; THENCE,
11. SOUTH 19°01'58" EAST, A DISTANCE OF 9.65 FEET TO A POINT; THENCE,
12. SOUTH 64°35'23" WEST, A DISTANCE OF 42.62 FEET TO A POINT; THENCE,
13. SOUTH 29°19'43" EAST, A DISTANCE OF 105.83 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF AMBROSE STREET; THENCE,
14. SOUTH 59°46'17" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 97.37 FEET TO THE POINT OF BEGINNING, CONTAINING 1.997 ACRES ±

ALL AS SHOWN ON A MAP, PREPARED BY PASSERO ASSOCIATES, ENTITLED "BROWNFIELD AREA MAP", PROJECT NUMBER 20121554.0005. DATED OCTOBER 19, 2014, AND REVISED ON APRIL 20, 2017.

SCHEDULE "A" PROPERTY DESCRIPTION

**ENVIRONMENTAL EASEMENT AREA
ON PART OF 214 LAKE AVENUE (COMIDA)**

ALL THAT TRACT OR PARCEL OF LAND, SITUATED IN LOT 46, 20,000 ACRE TRACT, TOWNSHIP 1, SHORT RANGE, MILL SEAT TRACT, PHELPS & GORHAM PURCHASE, IN THE CITY OF ROCHESTER, COUNTY OF MONROE, STATE OF NEW YORK, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

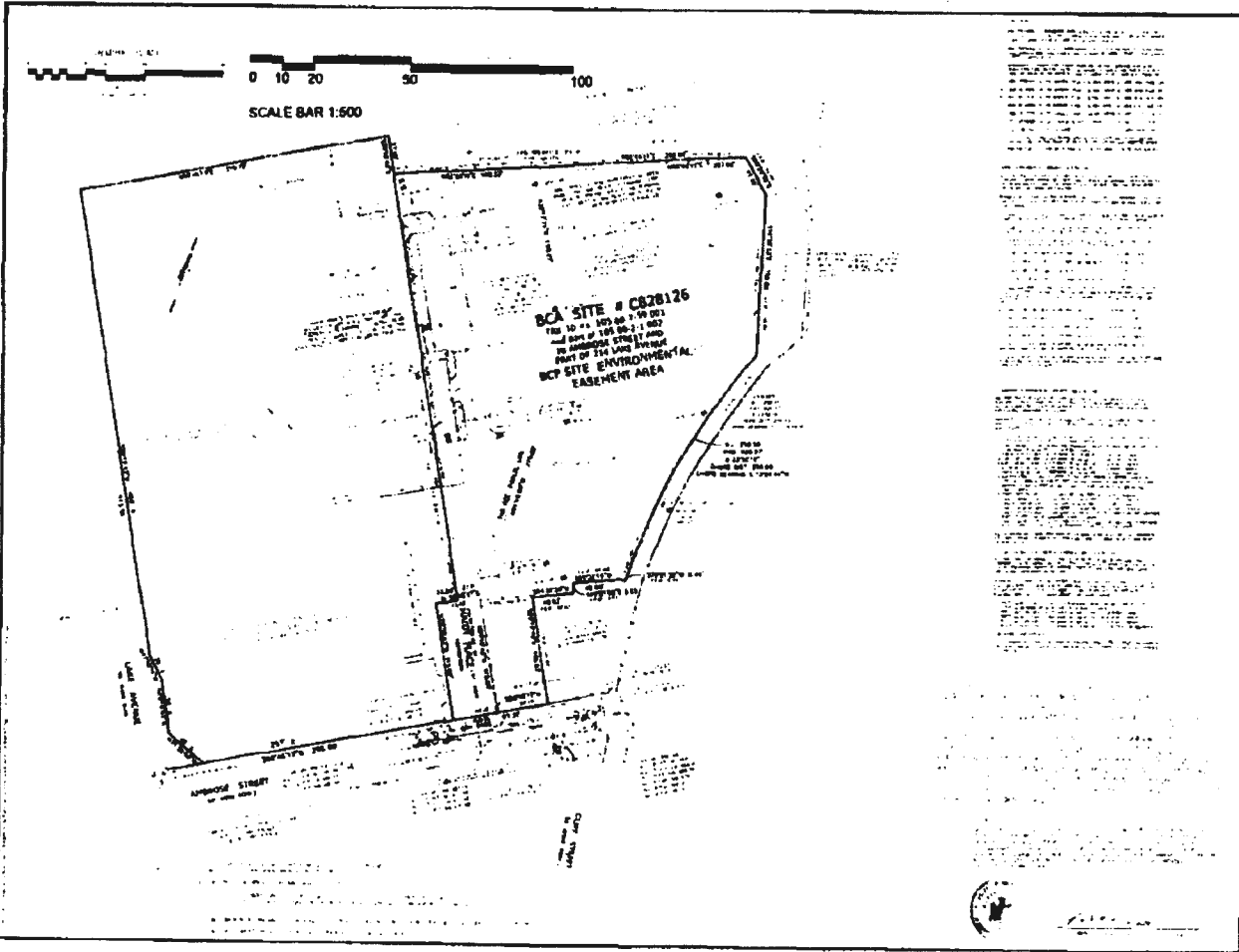
BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY OF HAIDT PLACE, (45' ROW), SAID POINT BEING NORTH 29°19'43" WEST, 115.00 FEET FROM THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE OF HAIDT PLACE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF AMBROSE STREET, (60' ROW); THENCE,

- 1. SOUTH 59°46'17" WEST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF HAIDT PLACE, A DISTANCE OF 22.50 FEET TO A POINT; THENCE,**
- 2. NORTH 29°17'55" WEST, A DISTANCE OF 420.77 FEET TO A POINT; THENCE,**
- 3. NORTH 66°44'11" EAST, A DISTANCE OF 148.37 FEET TO A POINT; THENCE,**
- 4. SOUTH 30°12'25" EAST, A DISTANCE OF 160.22 FEET TO A POINT; THENCE,**
- 5. SOUTH 01°45'00" EAST, A DISTANCE OF 275.88 FEET TO THE POINT OF BEGINNING.**

CONTAINING 1.058 ACRES ±

ALL AS SHOWN ON A MAP, PREPARED BY PASSERO ASSOCIATES, ENTITLED "BROWNFIELD AREA MAP", PROJECT NUMBER 20121554.0005, DATED OCTOBER 19, 2014, AND REVISED ON APRIL 20, 2017.

EXHIBIT B
SITE SURVEY MAP



THE INFORMATION CONTAINED
 HEREIN IS FOR INFORMATIONAL
 PURPOSES ONLY AND DOES NOT
 CONSTITUTE AN OFFER OF
 INSURANCE OR ANY OTHER
 FINANCIAL PRODUCT. THE
 INFORMATION IS NOT INTENDED
 TO BE USED AS A BASIS FOR
 INVESTMENT DECISIONS.
 THE INFORMATION IS NOT
 GUARANTEED AND IS SUBJECT
 TO CHANGE WITHOUT NOTICE.
 PLEASE CONSULT YOUR
 FINANCIAL ADVISOR FOR
 MORE INFORMATION.

PA
PASSERO ASSOCIATES

17th St, Rochester
 Passero Associates
 17th St, Rochester
 14620-1100
 (716) 243-1100
 www.passero.com

BCP Site Environmental
 Assessment Area
 BCA Site # C828126
 Portions of Amherst
 St, Amherst, NY and
 Port of 21st Street
 Amherst, NY

20131554-0003
 E8-1 1 of 1
 1" = 40'
 May 2010



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 12/11/2017



SITE DESCRIPTION

SITE NO. C828126

SITE NAME: Volunteers of America Back Lot Site

SITE ADDRESS: 214 Lake Avenue **ZIP CODE:** 14608

CITY/TOWN: Rochester

COUNTY: Monroe

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: once a year

Periodic Review Report Submitted Date: 08/30/2019

Description of Institutional Control

County of Monroe Industrial Development
 50 West Main Street, City Place, Suite 8100
 214 Lake Avenue (portion)
 Environmental Easement
 Block: 2
 Lot: 1
 Sublot: 002
 Section: 105
 Subsection: 60
 S_B_L Image: 105.60-2-1.002 (portion of)
 Ground Water Use Restriction

IC/EC Plan
 Landuse Restriction
 Monitoring Plan
 Site Management Plan

Volunteers of America of Western NY
 214 Lake Avenue
 18 Ambrose Street

Environmental Easement

Block: 2

Lot: 59

Sublot: 003

Section: 105

Subsection: 60

S_B_L Image: 105.60-2-59.003

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Description of Engineering Control

County of Monroe Industrial Development

50 West Main Street, City Place, Suite 8100

214 Lake Avenue (portion of)

Environmental Easement

Block: 2

Lot: 1

Sublot: 002

Section: 105

Subsection: 60

S_B_L Image: 105.60-2-1.002 (portion of)

Cover System

Volunteers of America of Western NY

214 Lake Avenue

18 Ambrose Street

Environmental Easement

Block: 2

Lot: 59

Sublot: 003

Section: 105

Subsection: 60

S_B_L Image: 105.60-2-59.003

Cover System