



**BOYLAN, BROWN,
CODE, VIGDOR & WILSON, LLP**
ATTORNEYS AT LAW

March 31, 2006

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

**Re: Brownfield Site Cleanup Agreement
Carriage Cleaners, 1600 Penfield Road, Penfield, New York
Index No. B8-0705-05-08
Site No. C828131**

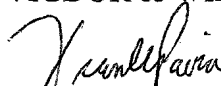
Dear Sir/Madam:

Enclosed please find a hard copy of an Application for Amendment to the above-referenced Brownfield Cleanup Program Agreement as originally signed by the Volunteer and Requestor, as well as one electronic copy on a CD-ROM diskette. We are also forwarding a hard copy of the Application for Amendment to Bart Putzig, P.E., the Regional Contact for Region 6, as required.

If you have any questions regarding the enclosed Application for Amendment, please feel free to contact me at 585-238-3529.

Very truly yours,

**BOYLAN, BROWN, CODE,
VIGDOR & WILSON, LLP**


Frank C. Pavia

FCP/dsp
Enclosures

cc: (w/ hard copy enclosure)
Bartholomew Putzig, P.E.
Maura C. Desmond, Esq.
David Clements



**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**



**APPLICATION FOR AMENDMENT TO
BROWNFIELD CLEANUP PROGRAM (BCP) AGREEMENT**

03/06

Section I: Existing Agreement Information		
BCP SITE NAME: Carriage Cleaners		BCP SITE NUMBER: C828131
NAME OF APPLICANT(S) UNDER EXISTING AGREEMENT: Dave Clements		
INDEX NUMBER OF EXISTING AGREEMENT: B8-0705-05-08		
Section II: Requestor Information		
NAME Springs Land Company, LLC		
ADDRESS P.O. Box 262		
CITY/TOWN Port Gibson		ZIP CODE 14537
PHONE 585-370-4493	FAX	E-MAIL dclemen1@rochester.rr.com
NAME OF REQUESTOR'S REPRESENTATIVE: David Clements		
ADDRESS SAME		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
NAME OF REQUESTOR'S CONSULTANT: LaBella Associates, P.C.		
ADDRESS 300 State Street		
CITY/TOWN Rochester		ZIP CODE 14614
PHONE 585-454-6110	FAX 585-454-3066	E-MAIL dnoll@labellapc.com
NAME OF REQUESTOR'S ATTORNEY Boylan, Brown, Brown, Code, Vigdor & Wilson, LLP		
ADDRESS 2400 Chase Square		
CITY/TOWN Rochester		ZIP CODE 14604
PHONE 585-232-5300	FAX 585-232-3528	E-MAIL fpavia@boylanbrown.com
<p>THE REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL §27-1405</p> <p><input type="checkbox"/> PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination.</p> <p><input checked="" type="checkbox"/> VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.</p> <p>NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the contamination 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</p>		

Section II. Requestor Information (Continued)

Requestor's Relationship to Property (check one):

Prior Owner
 Current Owner
 Potential /Future Purchaser
 Other _____

If requestor is not the site owner, requestor will have access to the property throughout the BCP project. Yes No

Describe Requestor's Relationship to Existing Applicant:

The previous BCP Application was submitted for an individual; however, for the potential purchase of the property, an LLC has been formed. The existing applicant is a member of the LLC.

Section III. Current Site Owner/Operator Information (only include new information)

OWNER'S NAME (if different from requestor) **James Reitze - Sixteen Hundred Penfield Road, Inc.**

ADDRESS **2101 Monroe Avenue**

CITY/TOWN **Rochester**

ZIP CODE **14618**

PHONE

FAX

E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Section IV. Eligibility Information for Requestor (Please refer to ECL § 27-1407 for more detail)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? Yes No
2. Is the requestor subject to an existing order relating to contamination at the site? Yes No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Yes No
4. Has the requestor been determined to have violated any provision of ECL Article 27? Yes No
5. Has the requestor previously been denied entry to the BCP? Yes No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants? Yes No
7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? Yes No
8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department? Yes No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.8(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? Yes No

Statement of Certification and Signatures - Requestor

(Individual)

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.

Date: _____ Signature: _____ Print Name: _____

(Entity)

I hereby affirm that I am Managing Member (title) of Spring Lake Company LLC (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.

Date: 3/28/06 Signature: [Signature] Print Name: David Clements

Statement of Certification and Signatures - Existing Applicant

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement referenced in Section I above, that I am aware of this Application for an Amendment to that Agreement, and that I will execute an Amendment to that Agreement if this Application for an Amendment is approved.

Date: 3/28/06 Signature: [Signature] Print Name: DAVID CLEMENTS

(Entity)

I hereby affirm that I am _____ (title) of _____ (entity) which is a party to the Brownfield Cleanup Agreement referenced in Section I above, that I am aware of this Application for an Amendment to that Agreement, and that _____ will execute an Amendment to that Agreement if this Application for an Amendment is approved.

Date: _____ Signature: _____ Print Name: _____

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- Two (2) copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD or diskette, 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) hard copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check DEC's website for the address of our regional offices:
<http://www.dec.state.ny.us/website/der/index.html>

FOR DEPARTMENT USE ONLY

BCPSITE T&A CODE: _____ LEAD OFFICE: _____

PROJECT MANAGER: _____