



DEC 31 2012

Andrew Germanow
Germanow-Simon Corporation
408 St. Paul Street
PO Box 101
Rochester, NY 14603-1091

Re: Certificate of Completion
Site Name: 8-28 Ward Street
Site No. C828136
City of Rochester, Monroe County

Dear Mr. Germanow:

Congratulations on having satisfactorily completed the remedial program at the Ward Street Site. Enclosed please find an original, signed Certificate of Completion. The New York State Department of Environmental Conservation (DEC) 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.

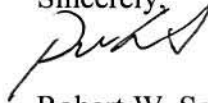
Please note that you are required to perform the following tasks:

- 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. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter;
- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. DEC will develop a fact sheet describing the institutional and engineering controls (IC/EC) that are required at the site and distribute it to the County Listserv within 10 days;
- Implement the DEC-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 DEC in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The next PRR including the certification of the IC/ECs are due to DEC in December 2013; 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 Caffoe at 585-226-5350.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

cc: K. Anders, DOH
D. McNaughton, DOH
Todd Caffoe, DEC
Bart Putzig, DEC
Michael Cruden, DEC
James Charles, DEC

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CORRECTED CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

GERMANOW-SIMON CORPORATION

Address

408 ST. PAUL STREET, Rochester, NY 14605

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 8/14/06 **Agreement Execution:** 10/3/06 **Agreement Index No.:** B8-0566-99-10

Application Approval Amendment: none

Agreement Execution Amendment: none

SITE INFORMATION

Site No.: C828136 **Site Name:** 8-28 Ward Street

Site Owner: GERMANOW-SIMON CORPORATION

Street Address: 8-28 Ward Street

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

Site Size: 1.222 Acres

Tax Map Identification Number(s): 106.63-1-16

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: 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 a corrected Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Monroe County as Liber 11163 of deeds, page 114.

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 received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice. The effective date of this Corrected Certificate is the same as the original Certificate of Completion, December 31, 2008.

Joseph J. Martens
Commissioner
New York State Department of Environmental Conservation

By:



Robert W. Schick, P.E., Director
Division of Environmental Remediation

Date:

DECEMBER 31, 2012

NOTICE OF CERTIFICATE OF COMPLETION

Brownfield Cleanup Program

6 NYCRR Part 375-1.9(d)

Ward Street Site, Site ID No. C828136

8-28 Ward Street

City of Rochester, Monroe County, Tax Map Identification Number 106.63-1-16

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a corrected Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to Germanow-Simon Corporation for a parcel approximately 1.222 Acres located at the 8-28 Ward Street in the City of Rochester.

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.

PLEASE TAKE NOTICE, provided that the Certificate is 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.

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 Liber 11163 of Deeds, page 114.

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 NYSDCE, 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-

8-28 Ward Street Site, C828136, 8-28 Ward Street

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 located at 6274 East Avon-Lima Rd, Avon, NY, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate
Germanow-Simon Corporation

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:
Germanow-Simon Corporation
408 St. Paul Street
PO Box 101
Rochester, New York 14603-1091



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/28/2012



SITE DESCRIPTION

SITE NO. C828136

SITE NAME 8-28 Ward Street

SITE ADDRESS: 8-28 Ward Street **ZIP CODE:** 14603-1061

CITY/TOWN: Rochester

COUNTY: Monroe

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan

☐ YES ☒ NO

Monitoring Plan

☐ YES ☒ NO

Operation and Maintenance (O&M) Plan

☐ YES ☒ NO

Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 12/15/2012

Description of Institutional Control

Germanow-Simon Corporation

408 St. Paul Street

8-28 Ward Street

Environmental Easement

Block: 1

Lot: 16

Sublot:

Section: 106

Subsection: 63

S_B_L Image: 106.63-1-16

Ground Water Use Restriction

Landuse Restriction

Site Management Plan

Soil Management Plan

Description of Engineering Control

Germanow-Simon Corporation

408 St. Paul Street

8-28 Ward Street

Environmental Easement

Block: 1

Lot: 16

Sublot:

Section: 106

Subsection: 63

S_B_L Image: 106.63-1-16

Cover System

Vapor Mitigation

EXHIBIT A

PROPERTY DESCRIPTION

Address: 8-28 Ward Street, City of Rochester, NY Monroe County

Tax Map: 106.63-1-016

All that tract or parcel of land containing 1.220 acres, more or less, situate in the City of Rochester, County of Monroe and State of New York and more particularly bounded and described as follows:

Commencing at a point which is the intersection of the easterly right-of-way line of St. Paul Street (66' R.O.W.) and the northerly right-of-way line of Ward Street (80' R.O.W.), thence

N 65° 58' 35" E, a distance of 117.02 feet to the point of beginning, thence

1) N 29° 10' 20"W, a distance of 74.17 feet to a point, thence

2) N 65° 58' 35" E, a distance of 41.60 feet to a point, thence

3) N 36° 43' 26" W, a distance of 105.92 feet to a point, thence

4) N 51° 42' 33" E, a distance 71.01 feet to a point, thence

5) S 37° 22' 13" E, a distance of 2.00 feet to point, thence

6) N 50° 56' 44" E, a distance of 18.01 feet to a point, thence

7) N 37° 22' 13" W, a distance of 28.00 feet to a point, thence

8) N 50° 56' 44" E, a distance of 132.00 feet to a point on the westerly right-of-way line of Emmett Street, (62' R.O.W.), thence

9) S 37° 22' 13" E, along the westerly right-of-way line of Emmett Street, a distance of 168.26 feet to a point of curvature, thence

10) Southerly, along a curve to the right, a distance of 85.96 feet along the westerly right-of-way line of Emmett Street to a point of compound curvature, said curve having a delta angle of 13° 20' 48" and a radius of 369.00 feet, thence

11) Southwesterly, along a curve to the right, a distance of 15.71 feet to a point on the northerly right-of-way line of Ward Street, said curve having a delta angle of 90° 00' 00" and a radius of 10.00 feet, thence

12) S 65° 58' 35" W, along the northerly right-of-way line of Ward Street, a distance of 258.15 feet to the point and place of beginning.

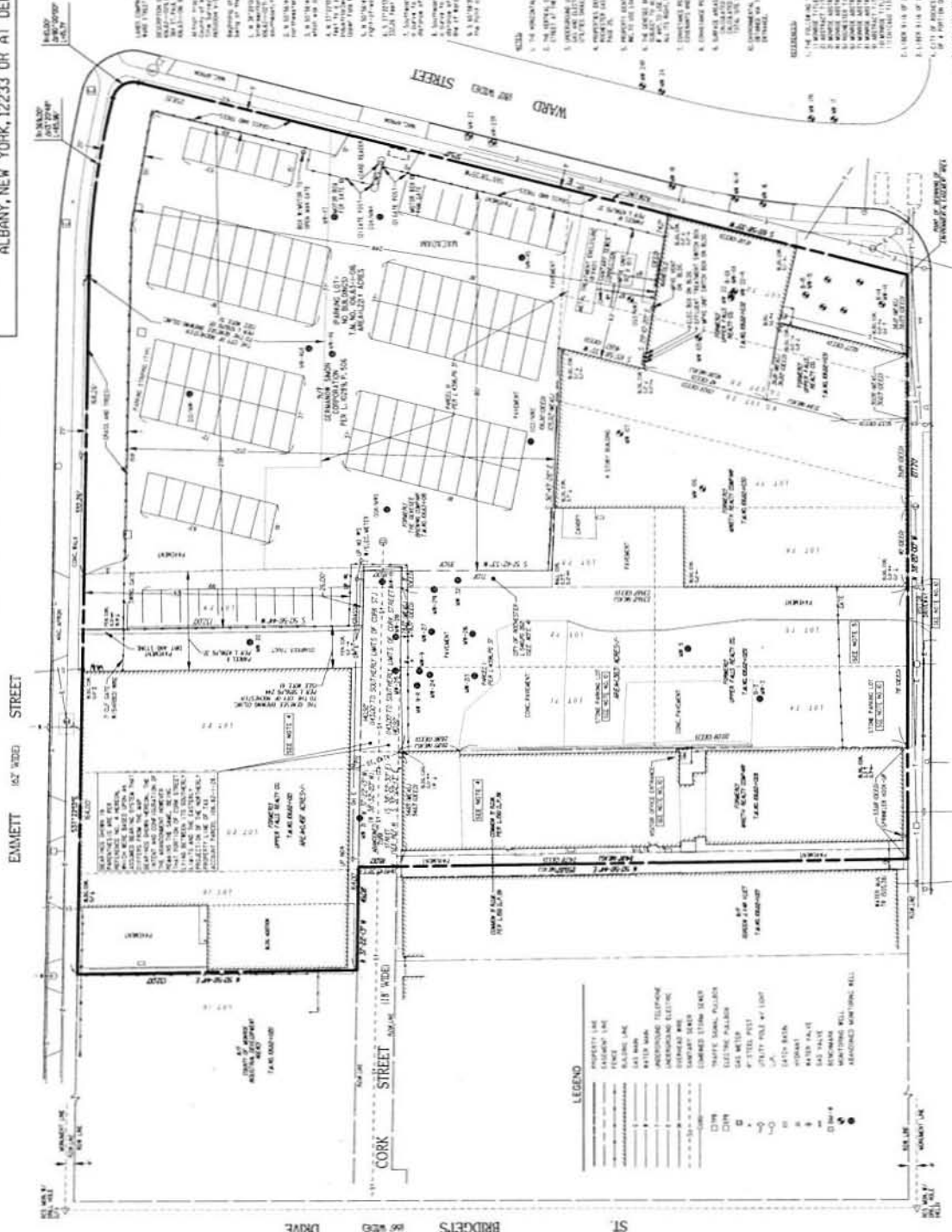
THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLANS (SMP), A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NEW YORK, 12233 OR A DERWEG@DCEC.STATE.NY.US.

[illegible]

81 Corporation Blvd
Rutherford, N.J. 07070
Tel (201) 475-1400
Fax (201) 273-1814
www.stantec.com

GERMANY-SNOM
N.Y.S. BROWNFIELD CLEANUP PROGRAM
WARD STREET SITE NO. C8287 &
8-28 WARD STREET SITE NO. C82836
COUNTY OF MONROE, STATE OF NEW YORK
ALL T.V./A.C.S.M. LAND TITLE SURVEY
ENVIRONMENTAL EASEMENT &
TITLE OF INSTRUMENT

PROJECT NO.
190500014
DRAWING NO.
V-3



ST. PAUL 166' WIDE STREET

[illegible]

THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW.

CONCLUSIONS

Year	Population	Area	Population Density
1990	1,000,000	100,000	10
2000	1,200,000	120,000	10
2010	1,400,000	140,000	10

[illegible][illegible]

U.S. CITIZEN AND NATURALIZATION SERVICE, 2011-2018, APPROVED AUGUST 15, 2018, ADVANCEMENT
IN A POSITION OF (JOB TITLE, ADDRESS) PER (YEAR) 1990 (11/11), PAGE 43.