



New York State Department of Environmental Conservation

Brownfield Cleanup Program

Citizen Participation Plan for **LIGHTHOUSE POINTE RIVERFRONT** **AND** **LIGHTHOUSE POINTE INLAND**

Pattonwood Drive
Town of Irondequoit, City of Rochester
Monroe County, New York

June, 2011

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Note: The information presented in this Citizen Participation Plan was current as of the date of its approval by the New York State Department of Environmental Conservation. Portions of this Citizen Participation Plan may be revised during the site's investigation and cleanup process.

Applicant: Lighthouse Pointe Property Associates LLC (“Applicant”)
Site Name: Lighthouse Pointe Riverfront/Lighthouse Pointe Inland (together the “Site”)
Site Address: Pattonwood Drive, Rochester, New York 14617
Site County: Monroe
Site Number: C828140/ C828141

1. What is New York's Brownfield Cleanup Program?

New York's Brownfield Cleanup Program (BCP) works with private developers to encourage the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and developed. These uses include recreation, housing, and business.

A *brownfield* is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination. A brownfield typically is a former industrial or commercial property where operations may have resulted in environmental contamination. A brownfield can pose environmental, legal, and financial burdens on a community. If a brownfield is not addressed, it can reduce property values in the area and affect economic development of nearby properties.

The BCP is administered by the New York State Department of Environmental Conservation (NYSDEC) which oversees Applicants that conduct brownfield site investigation and cleanup activities. An Applicant is a person who has requested to participate in the BCP and has been accepted by NYSDEC. The BCP contains investigation and cleanup requirements, ensuring that cleanups protect public health and the environment. When NYSDEC certifies that these requirements have been met, the property can be reused or redeveloped for the intended use.

For more information about the BCP, go online at: <http://www.dec.ny.gov/chemical/8450.html> .

2. Citizen Participation Activities

Why NYSDEC Involves the Public and Why It Is Important

NYSDEC involves the public to improve the process of investigating and cleaning up contaminated sites, and to enable citizens to participate more fully in decisions that affect their health, environment, and social well being. NYSDEC provides opportunities for citizen involvement and encourages early two-way communication with citizens before decision makers form or adopt final positions.

Involving citizens affected and interest in site investigation and cleanup programs is important for many reasons. These include:

- Promoting the development of timely, effective site investigation and cleanup programs that protect public health and the environment
- Improving public access to, and understanding of, issues and information related to a particular site and that site's investigation and cleanup process
- Providing citizens with early and continuing opportunities to participate in NYSDEC's site investigation and cleanup process

- Ensuring that NYSDEC makes site investigation and cleanup decisions that benefit from input that reflects the interests and perspectives found within the affected community
- Encouraging dialogue to promote the exchange of information among the affected/interested public, State agencies, and other interested parties that strengthens trust among the parties, increases understanding of site and community issues and concerns, and improves decision making.

This Citizen Participation (CP) Plan provides information about how NYSDEC will inform and involve the public during the investigation and cleanup of the site identified above. The public information and involvement program will be carried out with assistance, as appropriate, from the Applicant.

Project Contacts

Appendix A identifies NYSDEC project contact(s) to whom the public should address questions or request information about the site's investigation and cleanup program. The public's suggestions about this CP Plan and the CP program for the site are always welcome. Interested people are encouraged to share their ideas and suggestions with the project contacts at any time.

Locations of Reports and Information

The locations of the reports and information related to the site's investigation and cleanup program also are identified in Appendix A. These locations provide convenient access to important project documents for public review and comment. Some documents may be placed on the NYSDEC web site. If this occurs, NYSDEC will inform the public in fact sheets distributed about the site and by other means, as appropriate.

Site Contact List

Appendix B contains the site contact list. This list has been developed to keep the community informed about, and involved in, the site's investigation and cleanup process. The site contact list will be used periodically to distribute fact sheets that provide updates about the status of the project. These will include notifications of upcoming activities at the site (such as fieldwork), as well as availability of project documents and announcements about public comment periods. The site contact list includes, at a minimum:

- chief executive officer and planning board chairperson of each county, city, town and village in which the site is located;
- residents, owners, and occupants of the site and properties adjacent to the site;
- the public water supplier which services the area in which the site is located;
- any person who has requested to be placed on the site contact list;
- the administrator of any school or day care facility located on or near the site for purposes of posting and/or dissemination of information at the facility;

- location(s) of reports and information.

The site contact list will be reviewed periodically and updated as appropriate. Individuals and organizations will be added to the site contact list upon request. Such requests should be submitted to the NYSDEC project contact(s) identified in Appendix A. Other additions to the site contact list may be made at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

CP Activities

The table at the end of this section identifies the CP activities, at a minimum, that have been and will be conducted during the site's investigation and cleanup program. The flowchart in Appendix D shows how these CP activities integrate with the site investigation and cleanup process. The public is informed about these CP activities through fact sheets and notices distributed at significant points during the program. Elements of the investigation and cleanup process that match up with the CP activities are explained briefly in Section 5.

- **Notices and fact sheets** help the interested and affected public to understand contamination issues related to a site, and the nature and progress of efforts to investigate and clean up a site.
- **Public forums, comment periods and contact with project managers** provide opportunities for the public to contribute information, opinions and perspectives that have potential to influence decisions about a site's investigation and cleanup.

The public is encouraged to contact project staff at any time during the site's investigation and cleanup process with questions, comments, or requests for information.

This CP Plan may be revised due to changes in major issues of public concern identified in Section 3 or in the nature and scope of investigation and cleanup activities. Modifications may include additions to the site contact list and changes in planned citizen participation activities.

Technical Assistance Grant

NYSDEC must determine if the site poses a significant threat to public health or the environment. This determination generally is made using information developed during the investigation of the site, as described in Section 5.

If the site is determined to be a significant threat, a qualifying community group may apply for a Technical Assistance Grant (TAG). The purpose of a TAG is to provide funds to the qualifying group to obtain independent technical assistance. This assistance helps the TAG recipient to interpret and understand existing environmental information about the nature and extent of contamination related to the site and the development/implementation of a remedy.

An eligible community group must certify that its membership represents the interests of the community affected by the site, and that its members' health, economic well-being or enjoyment of the environment may be affected by a release or threatened release of contamination at the site.

For more information about TAGs, go online at <http://www.dec.ny.gov/regulations/2590.html>

Note: The table identifying the citizen participation activities related to the site's investigation and cleanup program follows on the next page:

Citizen Participation Requirements (Activities)	Timing of CP Activity(ies)
Application Process:	
<ul style="list-style-type: none"> • Prepare site contact list • Establish document repositories 	At time of preparation of application to participate in the BCP.
<ul style="list-style-type: none"> • Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period • Publish above ENB content in local newspaper • Mail above ENB content to site contact list • Conduct 30-day public comment period 	When NYSDEC determines that BCP application is complete. The 30-day public comment period begins on date of publication of notice in ENB. End date of public comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice, and notice to the site contact list should be provided to the public at the same time.
After Execution of Brownfield Site Cleanup Agreement:	
<ul style="list-style-type: none"> • Prepare Citizen Participation (CP) Plan 	Before start of Remedial Investigation
Before NYSDEC Approves Remedial Investigation (RI) Work Plan:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list about proposed RI activities and announcing 30-day public comment period about draft RI Work Plan • Conduct 30-day public comment period 	Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, public comment periods will be combined and public notice will include fact sheet. Thirty-day public comment period begins/ends as per dates identified in fact sheet.
After Applicant Completes Remedial Investigation:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes RI results 	Before NYSDEC approves RI Report
Before NYSDEC Approves Remedial Work Plan (RWP):	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list about proposed RWP and announcing 45-day public comment period • Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager) • Conduct 45-day public comment period 	Before NYSDEC approves RWP. Forty-five day public comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day public comment period.
Before Applicant Starts Cleanup Action:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes upcoming cleanup action 	Before the start of cleanup action.
After Applicant Completes Cleanup Action:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that announces that cleanup action has been completed and that summarizes the Final Engineering Report • Distribute fact sheet to site contact list announcing issuance of Certificate of Completion (COC) 	At the time NYSDEC approves Final Engineering Report. These two fact sheets are combined if possible if there is not a delay in issuing the COC.

3. Major Issues of Public Concern

This section of the CP Plan identifies major issues of public concern that relate to the site. Additional major issues of public concern may be identified during the course of the site's investigation and cleanup process.

The highest and best use of this land is either residential and/or mixed-use commercial/residential. However, due to the contamination, which impedes financing, development of the site cannot proceed. As a result, an attractive waterfront site adjacent to the river is vacant and run down, encouraging urban decay. Further, the contamination poses a threat to the health of both adjacent residents and persons who enter the site, as well as potential future residents of the site

4. Site Information

Appendix C contains a map identifying the location of the site.

Site Description

Riverfront Properties

<u>Street Address</u>	<u>Tax Parcel ID</u>	<u>Municipality</u>	<u>County</u>	<u>Setting</u>
20 Stutson Street	47.71-1-3	Town of Irondequoit, City of Rochester	Monroe	Suburban
5 Stutson Street	47.71-1-4	Town of Irondequoit, City of Rochester	Monroe	Suburban
7 Stutson Street	47.71-1-5	Town of Irondequoit, City of Rochester	Monroe	Suburban
25 Stutson Street	47.78-1-6	Town of Irondequoit, City of Rochester	Monroe	Suburban
1035 Thomas Avenue	47.78-1-7	Town of Irondequoit, City of Rochester	Monroe	Suburban
1025 Thomas Avenue	47.78-1-8	Town of Irondequoit, City of Rochester	Monroe	Suburban
1007 Thomas Avenue	47.78-1-9	Town of Irondequoit, City of Rochester	Monroe	Suburban
1015 Thomas Avenue	47.78-1-10	Town of Irondequoit, City of Rochester	Monroe	Suburban
0 Hudson Avenue	61.22-1-5	Town of Irondequoit, City of Rochester	Monroe	Suburban
0 Thomas Avenue	47.18-2-99	Town of Irondequoit, City of Rochester	Monroe	Suburban
45 Pattonwood Drive	47.18-2-2	Town of Irondequoit, City of Rochester	Monroe	Suburban
1027 Thomas Avenue	47.18-2-3.1	Town of Irondequoit, City of Rochester	Monroe	Suburban
0 Thomas Avenue	47.18-2-3.2	Town of Irondequoit, City of Rochester	Monroe	Suburban
0 Thomas Avenue	47.18-2-4	Town of Irondequoit, City of Rochester	Monroe	Suburban
951 Thomas Avenue	47.18-2-12	Town of Irondequoit, City of Rochester	Monroe	Suburban
20 Marina Dr. (part)	47.18-1-4	Town of Irondequoit, City of Rochester	Monroe	Suburban

The Riverfront Site consists of sixteen parcels totaling approximately 22.0 acres.

Inland Properties

<u>Street Address</u>	<u>Tax Parcel ID</u>	<u>Municipality</u>	<u>County</u>	<u>Setting</u>
0 Marina Drive	47.18-1-8.2	Town of Irondequoit, City of Rochester	Monroe	Suburban
20 Marina Drive	47.18-1-4	Town of Irondequoit, City of Rochester	Monroe	Suburban
25 Marina Drive	47.18-1-5.1	Town of Irondequoit, City of Rochester	Monroe	Suburban
26 Marina Drive	47.18-1-5.2	Town of Irondequoit, City of Rochester	Monroe	Suburban
50 Marina Drive	47.18-1-8.1	Town of Irondequoit, City of Rochester	Monroe	Suburban
55 Marina Drive	47.18-1-6.1	Town of Irondequoit, City of Rochester	Monroe	Suburban
80 Marina Drive	47.18-1-7.12	Town of Irondequoit, City of Rochester	Monroe	Suburban
85 Marina Drive	47.18-1-7.2	Town of Irondequoit, City of Rochester	Monroe	Suburban
90 Marina Drive	47.18-1-7.112	Town of Irondequoit, City of Rochester	Monroe	Suburban
100 Marina Drive	47.18-1-7.111	Town of Irondequoit, City of Rochester	Monroe	Suburban
74 Pattonwood Drive	47.18-1-9	Town of Irondequoit, City of Rochester	Monroe	Suburban
180 Pattonwood Drive	47.18-1-1	Town of Irondequoit, City of Rochester	Monroe	Suburban

The Inland Site consists of twelve parcels totaling approximately 25.4 acres

History of Site Use, Investigation, and Cleanup

Prior to development to its current conditions, the Site was part of a marsh that extended several hundred feet east of the present location of the east riverbank. The Gilbert residence, located on the Site, was built in the 1860s. The Voyager property includes two other buildings used for boat sales and maintenance that were constructed in the late 1960s.

In approximately 1920, the Town of Irondequoit North St. Paul Wastewater Treatment Plant (WWTP) was located on the eastern portion of the Site, just north of Pattonwood Drive. The WWTP consisted of three trickle filters, two digesters, a maintenance garage, and two small storage buildings. Effluent from the WWTP was discharged directly to the Genesee River. Operation of the WWTP ceased in the early 1980s, and the plant was demolished in the late 1990s. Sewage sludge was landfilled. One empty 250-gallon steel AST was observed in the wooded area, northeast of the former WWTP.

The commercial structure at 951 Thomas Avenue was reportedly a lumber store since about 1880. The other remaining structures found on the parcel at 951 Thomas Avenue were constructed in the 1940s. More recently, the commercial building was used as a radio repair shop during the 1980s, and an outboard motor repair business during the 1990s. It presently houses a canvas repair workshop.

In the early half of the twentieth century, parts of the marsh were filled for industrial use. By 1930, railroad spur lines, a roundhouse and a dock used for the loading of barges was located at or very near the Site. It was abandoned some time between 1938 and 1951. By 1951, most of the Site was graded with fill. In 1964, the railroad sold its property, except for the portions now owned by the municipalities, and the property was developed into the current use as a marina. Impacts from these historic on-Site operations have affected the soil and groundwater.

From the late 1940s to about 1962, the Gilbert and City of Rochester properties to the west and south were landfilled with residential refuse, ash, slag, cinders, sewage sludge, glass bottles and construction debris. Several underground fuel tanks (USTs) were historically located across Thomas Avenue at Weller Motors (later Marina Dodge), which may be partially included in the southern portion of the Site. On the Shumway Marine property west of the Site, three USTs are currently located, and four USTs, and 150 tons of contaminated soil were removed in 1998 or 1999. One UST was formerly located on the adjacent Gilbert property. Contamination from these sources may have migrated onto the Site.

From as early as the 1930s to at least 1962, and possibly as late as 1978, the Old Rochester City Landfill was operated on most of the Site. The Landfill was listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites, but was delisted. However, the December 1, 1998 *Hazardous Substance Waste Disposal Site Study* prepared by NYSDEC included the site on the “Active Data Base of Hazardous Substance Waste Disposal Sites in New York.”

One underground storage tank (UST) containing gasoline was operated on the Voyager Boat Sales property from the mid 1960s to 1975, when it was removed. Existing documentation does not conclusively confirm clean closure of the USTs. Several underground fuel USTs were historically located across Thomas Avenue. On the Shumway Marine property northeast of the Site, three USTs are currently located, and four USTs, and 150 tons of contaminated soil were removed in 1998 or 1999.

Beginning in about 1982, lead contaminated soils have been found on the Site. These are believed to have originated from lead paint on the old Stutson Street Bridge. Some lead-contaminated soils have been buried on the Site.

Contaminants related to the site that are currently known to include gasoline and petroleum constituents, solvents, pesticides, metals, and industrial wastes in the soil and/or groundwater.

Engineering-Science, Inc. was retained by NYSDEC to conduct an investigation at the Old Rochester City Landfill between November 1990 through December 1992, in order to determine whether hazardous wastes were present in soils and groundwater, and migrating or posing a potential threat to human health and the environment. The results are reported in its *Engineering Investigation at Inactive Hazardous Waste Sites, Phase II Investigations, Old Rochester City Landfill, Irondequoit, New York* (December 1992).

The most recent environmental data for the Site was prepared by Conestoga-Rovers & Associates (CRA). A Phase I Environmental Site Assessment and a Detailed Environmental File Review and Data Gaps Analysis were performed by CRA in 2005. This revealed evidence of numerous Recognized Environmental Conditions (RECs) pertaining to the Site.

In September 2005, CRA performed a Detailed Environmental File Review and Data Gaps Analysis (R&A) related to the Project. The CRA R&A summarizes previous environmental reports related to the Project and describes the current conditions of the Site.

CRA conducted a Remedial Investigation (RI) for the Site in October 2005. The RI delineated groundwater, soil, subsoil, and soil gas contamination at the Site.

5. Investigation and Cleanup Process

Application

The Applicant has applied for and been accepted into New York's Brownfield Cleanup Program as a Volunteer. This means that the Applicant was not responsible for the disposal or discharge of the contaminants or whose ownership or operation of the site took place after the discharge or disposal of contaminants. The Volunteer must fully characterize the nature and extent of contamination onsite, and must conduct a "qualitative exposure assessment," a process that

characterizes the actual or potential exposures of people, fish and wildlife to contaminants on the site and to contamination that has migrated from the site.

The Applicant in its Application proposes that the site will be used for restricted purposes.

To achieve this goal, the Applicant will conduct cleanup activities at the site with oversight provided by NYSDEC. The Brownfield Cleanup Agreement executed by NYSDEC and the Applicant sets forth the responsibilities of each party in conducting these activities at the site.

Investigation

The Applicant has completed a full site investigation before it entered into the BCP. The Applicant has submitted an investigation report for the full site investigation. NYSDEC will determine if the investigation goals and requirements of the BCP have been met or if additional work is needed before a remedy can be selected.

The site investigation has several goals:

- 1) define the nature and extent of contamination in soil, surface water, groundwater and any other parts of the environment that may be affected;
- 2) identify the source(s) of the contamination;
- 3) assess the impact of the contamination on public health and the environment; and
- 4) provide information to support the development of a proposed remedy to address the contamination or the determination that cleanup is not necessary.

NYSDEC will use the information in the investigation report to determine if the site poses a significant threat to public health or the environment. If the site is a “significant threat,” it must be cleaned up using a remedy selected by NYSDEC from an analysis of alternatives prepared by the Applicant and approved by NYSDEC. If the site does not pose a significant threat, the Applicant may select the remedy from the approved analysis of alternatives.

Remedy Selection

When the investigation of the site has been determined to be complete, the project likely would proceed in one of two directions:

1. The Applicant may recommend in its investigation report that no action is necessary at the site. In this case, NYSDEC would make the investigation report available for public comment for 45 days. NYSDEC then would complete its review, make any necessary revisions, and, if appropriate, approve the investigation report. NYSDEC would then issue a “Certificate of Completion” (described below) to the Applicant.

or

2. The Applicant may recommend in its investigation report that action needs to be taken to address site contamination. After NYSDEC approves the investigation report, the Applicant may then develop a cleanup plan, officially called a “Remedial Work Plan”. The Remedial Work Plan describes the Applicant’s proposed remedy for addressing contamination related to the site.

When the Applicant submits a proposed Remedial Work Plan for approval, NYSDEC would announce the availability of the proposed plan for public review during a 45-day public comment period.

Cleanup Action

NYSDEC will consider public comments, and revise the draft cleanup plan if necessary, before approving the proposed remedy. The New York State Department of Health (NYSDOH) must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy.

The Applicant may then design and perform the cleanup action to address the site contamination. NYSDEC and NYSDOH oversee the activities. When the Applicant completes cleanup activities, it will prepare a final engineering report that certifies that cleanup requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the cleanup is protective of public health and the environment for the intended use of the site.

Certificate of Completion

When NYSDEC is satisfied that cleanup requirements have been achieved or will be achieved for the site, it will approve the final engineering report. NYSDEC then will issue a Certificate of Completion (COC) to the Applicant. The COC states that cleanup goals have been achieved, and relieves the Applicant from future liability for site-related contamination, subject to certain conditions. The Applicant would be eligible to redevelop the site after it receives a COC.

Site Management

Site management is the last phase of the site cleanup program. This phase begins when the COC is issued. Site management may be conducted by the Applicant under NYSDEC oversight, if contamination will remain in place. Site management incorporates any institutional and engineering controls required to ensure that the remedy implemented for the site remains protective of public health and the environment. All significant activities are detailed in a Site Management Plan.

An institutional control is a non-physical restriction on use of the site, such as a deed restriction that would prevent or restrict certain uses of the property. An institutional control may be used when the cleanup action leaves some contamination that makes the site suitable for some, but not all uses.

An engineering control is a physical barrier or method to manage contamination. Examples include: caps, covers, barriers, fences, and treatment of water supplies.

Site management also may include the operation and maintenance of a component of the remedy, such as a system that is pumping and treating groundwater. Site management continues until NYSDEC determines that it is no longer needed.

Appendix A – Project Contacts and Locations of Reports and Information

Project Contacts

For information about the site's investigation and cleanup program, the public may contact any of the following project staff:

New York State Department of Environmental Conservation (NYSDEC):

Todd Caffoe
Project Manager
NYSDEC Region 8
Division of Environmental Remediation
6274 East Avon-Lima Road
Avon, New York 14414
585-226-2466

Linda Vera
Citizen Participation Specialist
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New York State Department of Health (NYSDOH):

Katherine Fish, Public Health Specialist
Environmental Exposure Investigation
NYS Department of Health/Rochester Field
Office
335 E. Main Street
Rochester, New York 14604
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kjc05@health.state.ny.us

Locations of Reports and Information

The facilities identified below are being used to provide the public with convenient access to important project documents:

Irondequoit Public Library
The Pauline Evans Branch (West)
45 Cooper Road
Rochester, New York 14617
Phone: 585-336-6062

Appendix B – Site Contact List

Monroe County Officials

County Executive Maggie Brooks
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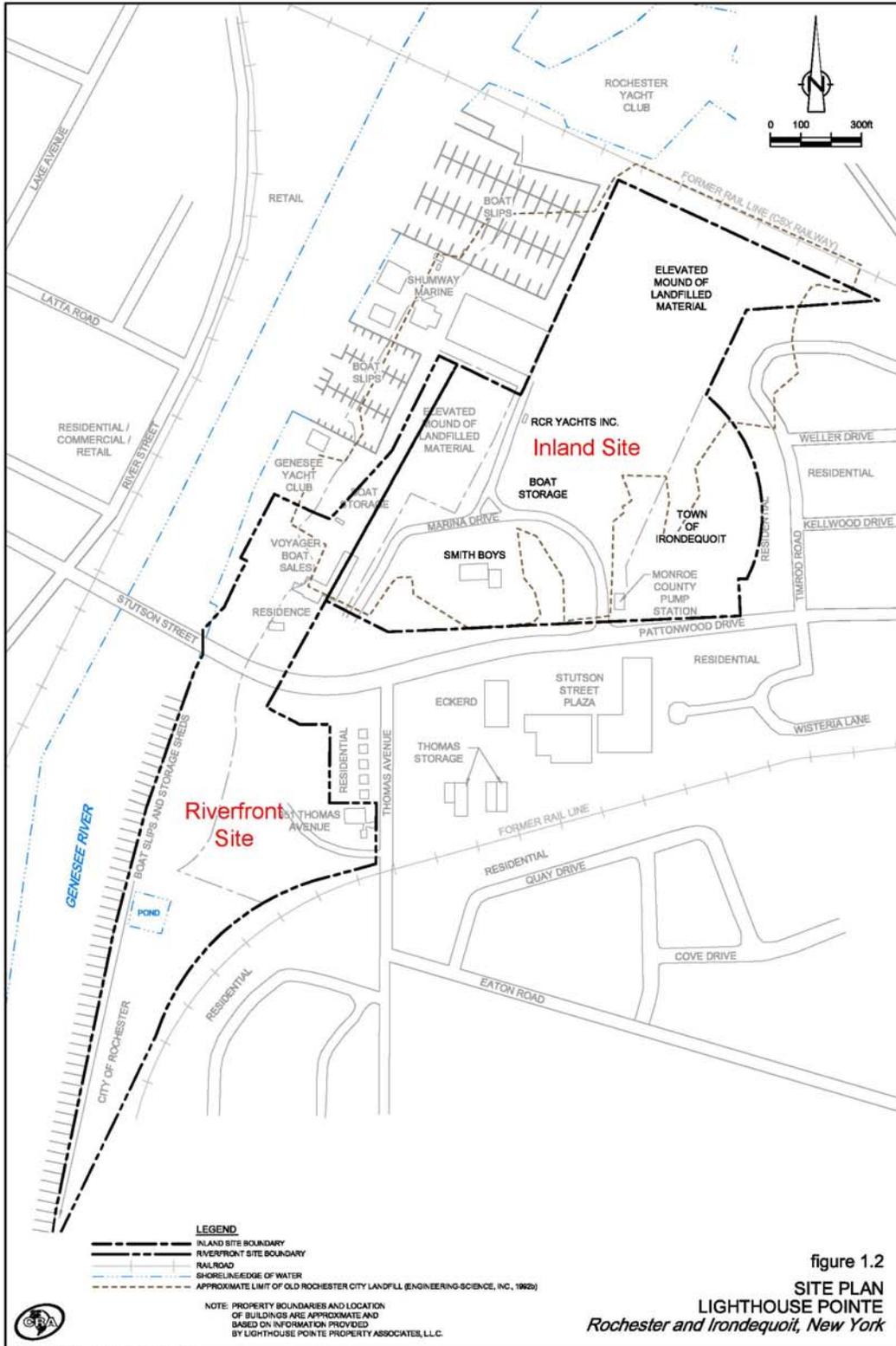
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*As per NYSDEC's confidentiality requirements, property owners and resident are not included herein.

Appendix C – Site Location Map



Appendix D– Brownfield Cleanup Program Process

