



Department of
Environmental
Conservation

**BROWNFIELD CLEANUP PROGRAM (BCP)
APPLICATION TO AMEND BROWNFIELD
CLEANUP AGREEMENT AND AMENDMENT**

Please refer to the attached instructions for guidance on completing this application.

Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment seeks to add or subtract more than an insignificant acreage of property to the BCA, applicants are encouraged to consult with the DEC project team prior to submitting this application.

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

1. Check the appropriate box(es) below based on the nature of the amendment modification(s) requested:

<input type="checkbox"/>	Amendment to modify the existing BCA (check one or more boxes below):
<input type="checkbox"/>	Add applicant(s)
<input type="checkbox"/>	Substitute applicant(s)
<input type="checkbox"/>	Remove applicant(s)
<input type="checkbox"/>	Change in name of applicant(s)
<input type="checkbox"/>	Amendment to reflect a transfer of title to all or part of the brownfield site:
	a. A copy of the recorded deed must be provided. Is this attached? Yes <input type="radio"/> No <input type="radio"/>
	b. <input type="checkbox"/> Change in ownership <input type="checkbox"/> Additional owner (such as a beneficial owner)
	c. Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this has not yet been submitted, include the form with this application. Is this form attached? Yes <input type="radio"/> No <input type="radio"/> Submitted on: _____
<input checked="" type="checkbox"/>	Amendment to modify description of the property(ies) listed in the existing BCA
<input type="checkbox"/>	Amendment to expand or reduce property boundaries of the property(ies) listed in the existing BCA
<input type="checkbox"/>	Sites in Bronx, Kings, New York, Queens or Richmond Counties ONLY: amendment to request determination that the site is eligible for tangible property credit component of the brownfield redevelopment tax credit.
<input type="checkbox"/>	Other (explain in detail below)

2. REQUIRED: Please provide a brief narrative describing the specific requests included in this amendment:

This Brownfield Cleanup Agreement ("BCA") amendment application is being submitted to revise the Site SBLs/tax parcel ID numbers and total acreage listed in the BCA to match those listed in the Site survey and Environmental Easement associated with the Site.

A revised Site survey is attached to this amendment application, which reflects the correct SBLs/tax parcel ID numbers and Site acreage (152.15-2-13.11, measuring approximately 4.673 acres; and, 152.15-2-9.1, measuring approximately 9.938 acres; for a total Site area of approximately 14.611 acres) to be modified in the BCA.

Parcel reports and a tax map from the Monroe County GIS are attached hereto as Exhibit A.

SECTION I: CURRENT AGREEMENT INFORMATION	
<i>This section must be completed in full. Attach additional pages as necessary.</i>	
BCP SITE NAME: Qualitrol Company LLC	BCP SITE CODE: C828185
NAME OF CURRENT APPLICANT(S): Qualitrol Company LLC	
INDEX NUMBER OF AGREEMENT: C828185-03-13	DATE OF ORIGINAL AGREEMENT: 04/11/2013

SECTION II: NEW REQUESTOR INFORMATION		
<i>Complete this section only if adding new requestor(s) or the name of an existing requestor has changed.</i>		
NAME:		
ADDRESS:		
CITY/TOWN:		ZIP CODE:
PHONE:	EMAIL:	
REQUESTOR CONTACT:		
ADDRESS:		
CITY/TOWN:		ZIP CODE:
PHONE:	EMAIL:	
REQUESTOR'S CONSULTANT:		CONTACT:
ADDRESS:		
CITY/TOWN:		ZIP CODE:
PHONE:	EMAIL:	
REQUESTOR'S ATTORNEY:		CONTACT:
ADDRESS:		
CITY/TOWN:		ZIP CODE:
PHONE:	EMAIL:	
	Y	N
1. Is the requestor authorized to conduct business in New York State?	<input type="radio"/>	<input type="radio"/>
2. If the requestor is a corporation, LLC, LLP, or other entity requiring authorization from the NYS Department of State (NYSDOS) to conduct business in NYS, the requestor's name must appear exactly as given above in the NYSDOS Corporation & Business Entity Database. A print-out of entity information from the NYSDOS database must be submitted with this application. Is this print-out attached?	<input type="radio"/>	<input type="radio"/>
3. Requestor must submit proof that the party signing this application and amendment has the authority to bind the requestor. This would be documentation showing the authority to bind the requestor in the form of corporate organizational papers, a Corporate Resolution or an Operating Agreement or Resolution for an LLC. Is this proof attached?	<input type="radio"/>	<input type="radio"/>
4. If the requestor is an LLC, the names of the members/owners must be provided. Is this information attached?	N/A <input type="radio"/>	<input type="radio"/>
5. Describe the new requestor's relationship to all existing applicants:		

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT	
EXISTING AGREEMENT INFORMATION	
BCP SITE NAME: Qualitrol Company LLC	BCP SITE CODE: C828185
NAME OF CURRENT APPLICANT(S): Qualitrol Company LLC	
INDEX NUMBER OF AGREEMENT: C828185-03-13	DATE OF ORIGINAL AGREEMENT 04/11/2013

Declaration of Amendment:

By the requestor(s) and/or applicant(s) signature(s) below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from obligations held under the Agreement or those same laws.

STATEMENT OF CERTIFICATION AND SIGNATURES: NEW REQUESTOR
Complete the appropriate section (individual or entity) below only if this Amendment adds a new requestor. Attach additional pages as needed.

(Individual)

I hereby affirm that the 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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am _____(title) of _____(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.

_____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)

An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am Authorized Signatory (title) of Qualitrol Company LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Benjamin Gratto signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 12/18/23 Signature: *Benjamin Gratto*

Print Name: Benjamin Gratto

PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

<input checked="" 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.	<input 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.
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Effective Date of the Original Agreement: 04/11/2013

Signature by the Department:

DATED: 12/21/2023

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By:

David Harrington

David Harrington, Assistant Director
 Division of Environmental Remediation

EASEMENT DESCRIPTION OF PARCEL 1 AS MEASURED BY SURVEY:

All that tract or parcel of land situate in Part of Town Lot 53, Township 12, Range 4, Town of Perinton, Monroe County, Phelps and Gorham Purchase and State of New York, being more particularly described as follows:

Beginning at a point, being the intersection of the westerly line of Fairport Office Park Associates with the southerly appropriation line of Fairport Road, also known as New York State Route 31F; thence,

1. S 00°20'08" W, a distance of 1005.67 feet to a point being the northeasterly corner of Parcel 2 of the 1384 Fairport Road Subdivision filed in the Monroe County Clerk's Office under Liber 343 of Maps page 56; thence,
2. N 89°40'41" W, along the division line between Parcel 1 and 2, a distance of 411.11 feet to a point; thence,
3. N 00°39'03" W, a distance of 283.27 feet to an angle point; thence,
4. N 00°23'46" E, a distance of 125.77 feet to a point; thence,
5. S 89°40'41" W, a distance of 20.00 feet to a point; thence,
6. N 00°19'19" E, a distance of 408.93 feet to an angle point; thence,
7. N 00°23'05" E, a distance of 323.55 feet to a point along the southerly appropriation line of Fairport Road; thence,
8. S 71°45'34" E, a distance of 216.20 feet to a point; thence,
9. S 67°56'43" E, a distance of 150.33 feet to a point; thence,
10. S 74°30'59" E, a distance of 52.10 feet to the Point of Beginning.

Subject to all easements, covenants, and restrictions of record.

Containing 432,900.1 Square Feet or 9.938 Acres of land, more or less.

DESCRIPTION OF PARCEL 1 (LEASED PREMISES) AS RECORDED IN LIBER 1124 OF DEEDS, PAGE 59 & DEPICTED ON LIBER 343 OF MAPS, PAGE 46:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Perinton, County of Monroe and State of New York, and being a part of Town Lot 53, Township 12, Range 4, Phelps & Gorham Purchase bounded and described as follows:

Commencing at a point in the south line of Fairport Road (State Route 31), New York State appropriated Street Line per L. 1206 DP 93 & L. 1599 DP274, which point is 533.99 feet from an angle point of Jefferson Avenue and has coordinates of N 1,31,766.04 and E 800,033.22; thence along a course S 71° 45' 34" E, a distance of 216.20 feet to a point; thence along a course S 67° 56' 43" E, a distance of 153.33 [150.33] feet to a point; thence along a course S 74° 30' 59" E, a distance of 52.10 feet to a point with coordinates of N 1,131,628.01 and E 800,428.10; thence along a course S 00° 20' 08" W, a distance of 1005.67 feet to a point; thence along a course N 89° 40' 41" W, a distance of 414.44 feet to a point; thence along a course N 00° 03' 16" E, a distance of 283.25 feet to a found pipe; thence along a course N 00° 19' 19" E, a distance of 125.75 feet to a rebar found; thence along a course S 89° 40' 41" W, a distance of 20 feet to a point; thence along a course N 00° 19' 19" E, a distance of 408.93 feet to a found pipe; thence along a course N 00° 23' 05" E, a distance of 323.55 feet to the point and place of beginning.

EASEMENT DESCRIPTION OF PARCEL 2 AS MEASURED BY SURVEY:

All that tract or parcel of land situate in Part of Town Lot 53, Township 12, Range 4, Town of Perinton, Monroe County, Phelps and Gorham Purchase and State of New York, being more particularly described as follows:

Commencing at a point, being the intersection of the westerly line of Fairport Office Park Associates with the southerly appropriation line of Fairport Road, also known as New York State Route 31F; thence, S 00°20'08" W, a distance of 1005.67 feet to the southeasterly corner of Parcel 1 of the 1384 Fairport Road Subdivision filed in the Monroe County Clerk's Office under Liber 343 of Maps page 56, marking the point of beginning; thence,

1. S 00°20'08" W, a distance of 527.35 feet to a point; thence,
2. N 88°12'14" W, a distance of 183.75 feet to a point; thence,
3. N 00°34'25" E, a distance of 35.01 feet to a point; thence,
4. N 88°12'11" W, a distance of 20.16 feet to a point; thence,
5. N 00°54'26" E, a distance of 105.68 feet to a point; thence,
6. N 89°47'15" W, a distance of 12.05 feet to a point; thence,
7. N 00°39'03" W, a distance of 376.60 feet to a point marking the southwest corner of Parcel 1; thence,
8. S 89°40'41" E, a distance of 411.11 feet to the Point of Beginning.

Subject to all easements, covenants, and restrictions of record.

Containing 203,541.8 Square Feet or 4.673 Acres of land, more or less.

DESCRIPTION OF PARCEL 2 AS DEPICTED ON LIBER 343 OF MAPS, PAGE 56 (Map Ref #1):

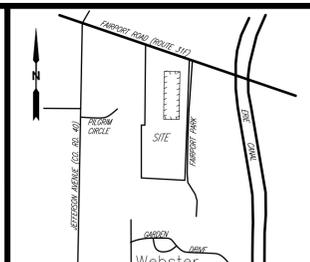
Conveys ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Perinton, County of Monroe and State of New York and being part of Town Lot #53 in Township 12, Range 4 and bounded and described as follows:

Commencing at a point, being the intersection of the westerly line of Fairport Office Park Associates with the southerly appropriation line of Fairport Road, also known as New York State Route 31F; thence, S 00°20'08" W, a distance of 1005.67 feet to the southeasterly corner of Parcel 1, marking the point of beginning; thence,

1. S 00° 20' 08" W, a distance of 527.35 feet to a point; thence, N 88° 12' 14" W, a distance of 394.12 feet to a point; thence, N 00° 54' 26" E, a distance of 139.99 feet to a point; thence, N 89° 05' 34" W, a distance of 20.00 feet to a point; thence, N 00° 03' 16" E, a distance of 377.02 feet to a point; thence, S 89° 40' 41" E, a distance of 414.44 feet to the point and place of beginning.

[Excepting L. 11221 D: 166 to James R. Parker & Maureen B. Parker] - Rec. February 14, 2013.

[Excepting L. 11221 D: 169 to Carole B. Frank] - Rec. February 14, 2013.



LOCATION SKETCH N.T.S.

DATE	REVISIONS	BY
12/8/23	REVISE N/F FOR PARCEL 1 & 2	ZTL
6/18/19	REVISED PER NYSDEC COMMENTS	BJW
6/3/2019	REVISED PER ATTORNEY COMMENTS	BJW



DRAWING ALTERATION

THE FOLLOWING IS AN EXCERPT FROM THE NEW YORK STATE EDUCATION LAW, ARTICLE 145, SECTION 7209 AND APPLIES TO THIS DRAWING:
 "IT IS A VIOLATION OF THIS LAW FOR ANY PERSON UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED ENGINEER OR LAND SURVEYOR TO ALTER AN ITEM IN ANY WAY, IF AN ITEM BEARING THE SEAL OF A LICENSED ENGINEER OR LAND SURVEYOR IS ALTERED. THE ALTERING ENGINEER OR LAND SURVEYOR SHALL AFFIX TO THE ITEM HIS SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY HIS SIGNATURE AND THE DATE OF SUCH ALTERATION AND A SPECIFIC DESCRIPTION OF THE ALTERATION."

McMahon LaRue Associates, P. C.
 ENGINEERS AND SURVEYORS

822 HOLT ROAD
 WEBSTER, NY 14580
 (585) 436-1080
 WWW.McMAHON-LARUE.COM

CLIENT:
 HODGSON RUSS LLP
 THE GUARANTY BUILDING
 140 PEARL STREET, SUITE 100
 BUFFALO, NY 14202

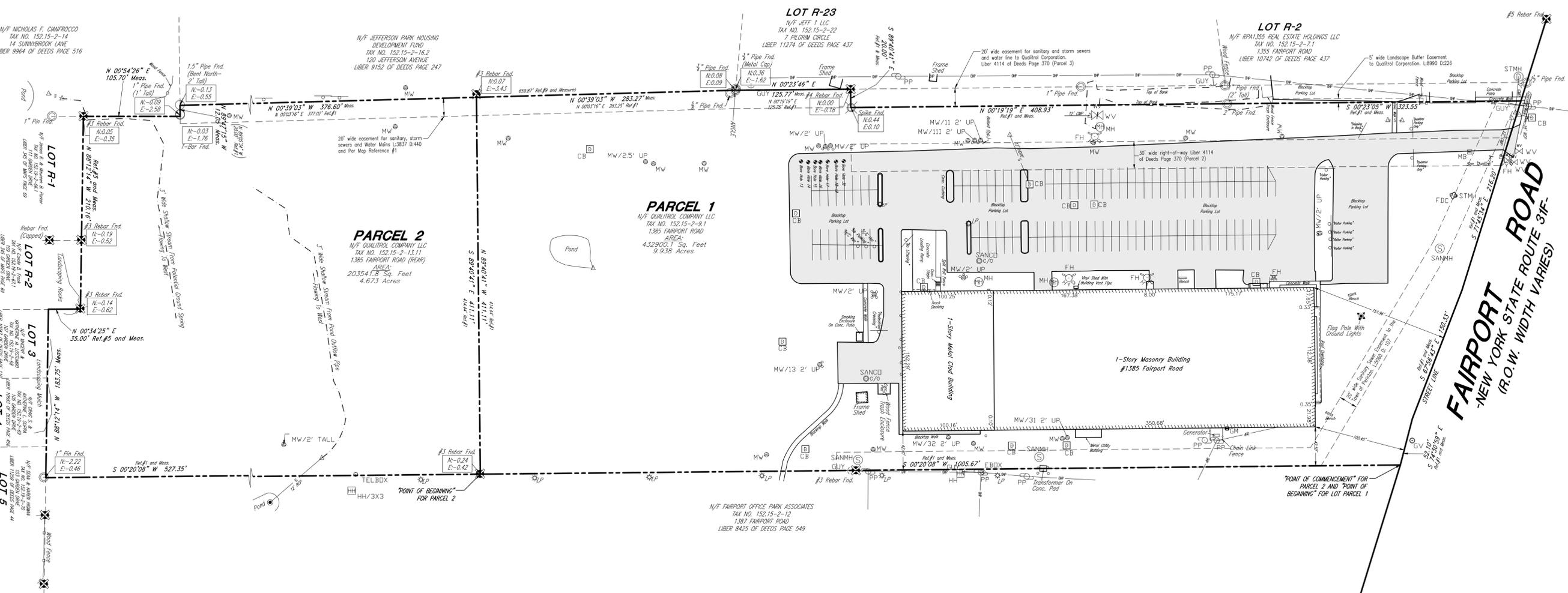
PROJECT:
1385 FAIRPORT ROAD
 TOWN OF PERINTON

DRAWING: INSTRUMENT SURVEY

PART OF TOWN LOT 53
 TOWNSHIP 12, RANGE 4
 PHELPS AND GORHAM PURCHASE
 TOWN OF PERINTON, MONROE COUNTY
 STATE OF NEW YORK

DESIGNED BY: BJW
 DRAWN BY: BJW
 CHECKED BY: AIL
 S.B.L. • 152,150-02-9.1 & 13.11
 PROJ. NO. 2019-042
 DATE: MAY 24, 2019
 SCALE: 60'

CADD FILE:
 1 SHEET OF 1 2019-042



LEGEND:

○/○	CLEANOUT	□	MAILBOX	—	PROPERTY LINE
⊙	SANITARY MANHOLE	⊙	FLAGPOLE	—	RIGHT-OF-WAY LINE
⊕	MONITORING WELL	⊙	LIGHT POLE	—	ADJOINING PROPERTY LINE
+	GUY WIRE	⊙	GROUND LIGHT	—	EASEMENT LINE
⊕	POWER POLE	⊙	SIGN	—	BUILDING
⊕	TELEPHONE PEDESTAL	⊙	BOLLARD	—	OVERHEAD POWER LINES
⊕	MANHOLE	⊙	BORING HOLE	—	SANITARY SEWER LINE
⊕	ELECTRIC BOX	⊙	WATER VALVE	—	STORM SEWER LINE
⊕	GAS METER	⊙	FIRE DEPT. CONNECTION	—	CHAIN LINK FENCE
⊕	GAS VALVE	⊙	FIRE HYDRANT	—	WOOD FENCE
⊕	HAND HOLE	⊙	STORM MANHOLE	—	GUARDRAIL
⊕	MAG NAIL FOUND	⊙	CATCH BASIN	—	
⊕	PIPE FOUND	⊙	PIPE END SECTION	—	
⊕	REBAR FOUND	⊙	EX-ST-END-SECTION-INVMARK	—	

NOTE:
 "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. THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (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, NY 12233 OR AT DERWEB@DEC.NY.GOV."

THE ENVIRONMENTAL EASEMENT IS INTENDED TO COVER THE ENTIRETY OF PARCEL 1 AND PARCEL 2 DEPICTED ABOVE.

- MAPS:**
- 1.) Liber 343 of Maps page 56, 1385 Fairport Road Subdivision
 - 2.) Liber 156 of Maps page 92, Perinton Meadows, Section 3
 - 3.) Liber 160 of Maps page 49, Perinton Meadows, Section 3
 - 4.) Liber 294 of Maps page 39, Mardies Restaurant
 - 5.) Liber 345 of Maps page 69, Resubdivision of Canal Grove Subdivision
 - 6.) Liber 1976 of Deeds page 29, Tax Map No. 152.15-02-011 & 012
 - 7.) Liber 327 of Maps page 74, Canal Grove Subdivision

REFERENCES:

- DEEDS:**
- 1.) Liber 4114 of Deeds page 370 to Quailtrac Corp.
 - 2.) Liber 9152 of Deeds page 247 to Jefferson Park Apartments
 - 3.) Liber 9964 of Deeds page 516, Tax Map No. 152.15-02-14

ABSTRACT OF TITLE:
 Chicago Title Insurance Co. #1916-1157sch dated April 15, 2019

TITLE REPORT:
 None Provided

- EASEMENTS:**
- 1.) Liber 5060 of Deeds, at page 107 = Easement to Town of Perinton (shown).
 - 2.) Liber 8990 of Deeds page 22680 = Easement to Quailtrac Co. (shown).
 - 3.) Liber 4114 of Deeds page 370 = Easement for Access to Parcel 2 (shown).
 - 4.) Liber 4114 of Deeds page 370 = Easement for Sanitary and Storm Sewers to Quailtrac Company (shown).
 - 5.) Liber 3837 of Deeds page 440 = Easement for Sanitary, Storm and Watermains to Hircell, LTD (shown).

SURVEY NOTES:

1. NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
2. NO CHANGES IN STREET RIGHT-OF-WAY LINES (EXCEPT AS SHOWN) EITHER COMPLETED OR PROPOSED, AND AVAILABLE FROM THE CONTROLLING JURISDICTION. NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
3. NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SLUMP OR SANITARY LAND FILL.

SURVEY CONTROL NOTES:

- BEARINGS SHOWN HEREON ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM: NAD1983 (2011)-NY WEST ZONE.
- ELEVATIONS SHOWN ARE REFERENCED TO NAVD 1988 GEOID MODEL 2012B.
- "DISTANCES ARE SHOWN AT GROUND"
- "NORTH ARROW REFERENCED TO GRID NORTH"

CERTIFICATION

I hereby certify to the parties listed here under that this map was made using the reference material listed hereon and the notes of an instrument survey performed in accordance with the current standards of the New York State Association of Professional Land Surveyors completed on

-Quailtrac Company LLC
 -Hodgson Russ LLP
 -The New York State Department of Environmental Conservation

McMahon LaRue, N.Y.S.P.L.S. # 046558

