

Brownfield Cleanup Program Application

Location:

**3750 Monroe Avenue
Pittsford, New York**

Prepared for:

**3750 Monroe Avenue Associates
c/o Norry Management Corporation
1465 Monroe Avenue
Rochester, New York**

LaBella Project No. 213131

July 2013

3750 Monroe Avenue Associates
3750 Monroe Avenue
Brownfield Cleanup Program Application

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Brownfield Cleanup Program Application



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



BROWNFIELD CLEANUP PROGRAM (BCP)

ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY
BCP SITE #:

07/2010

Section I. Requestor Information

NAME 3750 Monroe Avenue Associates, LLC

ADDRESS c/o Norry Management Corporation, 1465 Monroe Avenue

CITY/TOWN Rochester

ZIP CODE 14618

PHONE 585-271-4800

FAX 585-271-4802

E-MAIL Lewis@Norry.com

Is the requestor authorized to conduct business in New York State (NYS)?

☒ Yes

☐ No

-If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS. [Refer to Exhibit A](#)

NAME OF REQUESTOR'S REPRESENTATIVE Norry Management Corporation, Lewis Norry, President

ADDRESS 1465 Monroe Avenue

CITY/TOWN Rochester

ZIP CODE 14618

PHONE 585-271-4800

FAX 585-271-4802

E-MAIL Lewis@Norry.com

NAME OF REQUESTOR'S CONSULTANT LaBella Associates, P.C., Mr. Daniel Noll, Project Manager

ADDRESS 300 State Street

CITY/TOWN Rochester

ZIP CODE 14614

PHONE 585-454-6110

FAX 585-454-3660

E-MAIL DNoll@LaBellaPC.com

NAME OF REQUESTOR'S ATTORNEY Woods Oviatt Gilman LLP, Mr. James P. Pronti, Attorney

ADDRESS 700 Crossroads Building; 2 State Street

CITY/TOWN Rochester

ZIP CODE 14614

PHONE 585-987-2830

FAX 585-987-2930

E-MAIL JPronti@woodsoviatt.com

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☐ PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum 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 hazardous waste or discharge of petroleum.

☒ 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 disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste 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 natural resource exposure to any previously released hazardous waste.

Requestor Relationship to Property (check one):

☐ Previous 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

-Proof of site access must be submitted for non-owners

Section II. Property InformationCheck here if this application is to request significant changes to property set forth in an existing BCA: ☐

Existing BCP site number: _____

PROPERTY NAME **3750 Monroe Avenue Associates**ADDRESS/LOCATION **3750 Monroe Avenue**CITY/TOWN **Pittsford**ZIP CODE **14534**

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

Town of PittsfordCOUNTY **Monroe**SITE SIZE (ACRES) **9.37 (Note, Tax Map Parcel Size is 41.9 acres)**LATITUDE (degrees/minutes/seconds) **43 ° 5 ' 50.4522 "**LONGITUDE (degrees/minutes/seconds) **-77 ° 31 ' 33.8736 "**HORIZONTAL COLLECTION METHOD: ☐ SURVEY ☒ GPS ☐ MAPHORIZONTAL REFERENCE DATUM: **NAD83**COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS. **Refer to Exhibit B**

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
3750 Monroe Avenue	151	013	0001	022	41.9

NOTE: Site Tax Parcel is 41.9 acres. Proposed BCP Site is 9.37 acres.

1. Do the property boundaries correspond to tax map metes and bounds?

If no, please attach a metes and bounds description of the property.

Refer to Figure 1 & Exhibit B☐ Yes ☒ No

2. Is the required property map attached to the application? (application will not be processed without map)

☒ Yes ☐ No3. Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)? **Refer to Exhibit M**☐ Yes ☒ NoFor more information please see Empire State Development's [website](#).

If yes, identify area (name) _____

Percentage of property in En-zone (check one): ☒ 0-49% ☐ 50-99% ☐ 100%

4. Is this application one of multiple applications for a large development project, where the development

☐ Yes ☒ No

project spans more than 25 acres (see additional criteria in BCP application instructions)? If yes, identify name of properties in related BCP applications: _____

5. Property Description Narrative:

See attached.

6. List of Existing Easements (type here or attach information)

Easement HolderDescription

A list of easements are provided in the Title included in Exhibit C and shown on the Survey Map included in Exhibit B.

7. List of Permits issued by the NYSDEC or USEPA Relating to the Proposed Site (type here or attach information)

TypeIssuing AgencyDescription**None**

If any changes to Section II are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor:  _____**RECEIVED****JUL 31 2013****BUREAU OF
TECHNICAL SUPPORT**

Section III. Current Property Owner/Operator Information See BCP Application Supplement		
OWNER'S NAME 3750 Monroe Avenue Associates, LLC		
ADDRESS c/o Norry Management Corporation, 1465 Monroe Avenue		
CITY/TOWN Rochester		ZIP CODE 14618
PHONE 585-271-4800	FAX 585-271-4802	E-MAIL
OPERATOR'S NAME Norry Management Corporation, Lewis Norry, President		
ADDRESS 1465 Monroe Avenue		
CITY/TOWN Rochester		ZIP CODE 14618
PHONE 585-271-4800	FAX 585-271-4802	E-MAIL Lewis@Norry.com
Section IV. Requestor Eligibility Information (Please refer to ECL § 27-1407) See BCP Application Supplement		
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
2. Is the requestor subject to an existing order relating to contamination at the site?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
4. Has the requestor been determined to have violated any provision of ECL Article 27?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5. Has the requestor previously been denied entry to the BCP?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Section V. Property Eligibility Information (Please refer to ECL § 27-1405) See BCP Application Supplement		
1. Is the property, or was any portion of the property, listed on the National Priorities List? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please provide relevant information as an attachment.		
2. Is the property, or was any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please provide: Site # _____ Class # _____		
3. Is the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please provide: Permit type: _____ EPA ID Number: _____ Date permit issued: _____ Permit expiration date: _____		
4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please provide: Order # _____		
5. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please provide explanation as an attachment.		
Section VI. Project Description See BCP Application Supplement		
What stage is the project starting at? <input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Remediation		
Please attach a description of the project which includes the following components:		
<ul style="list-style-type: none"> Purpose and scope of the project Estimated project schedule 		

Section VII. Property's Environmental History

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. Environmental Reports

A Phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site. [Refer to Exhibit D](#)

If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): ☐ Yes ☒ No

2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum		X			
Chlorinated Solvents	x	X			
Other VOCs					
SVOCs					
Metals		X			
Pesticides					
PCBs					
Other*					

*Please describe: _____

3. SUSPECTED CONTAMINANTS: INDICATE SUSPECTED CONTAMINANTS AND THE MEDIA WHICH MAY HAVE BEEN AFFECTED. PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum		X			
Chlorinated Solvents	X	X			
Other VOCs					
SVOCs					
Metals	X	X			
Pesticides					
PCBs					
Other*					

*Please describe: _____

4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS (CHECK ALL THAT APPLY). PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

- ☐ Above Ground Pipeline or Tank
 ☐ Lagoons or Ponds
 ☒ Underground Pipeline or Tank
 ☐ Surface Spill or Discharge
☐ Routine Industrial Operations
 ☐ Dumping or Burial of Wastes
 ☐ Septic tank/lateral field
 ☐ Adjacent Property
☐ Drums or Storage Containers
 ☒ Seepage Pit or Dry Well
 ☐ Foundry Sand
 ☒ Electroplating
☐ Coal Gas Manufacture
 ☐ Industrial Accident
 ☐ Unknown

Other: _____

5. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

- ☐ Coal Gas Manufacturing
 ☒ Manufacturing
 ☐ Agricultural Co-op
 ☐ Dry Cleaner
 ☐ Salvage Yard
 ☐ Bulk Plant
☐ Pipeline
 ☐ Service Station
 ☐ Landfill
 ☐ Tannery
 ☒ Electroplating
 ☐ Unknown

Other: _____

6. PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S [See BCP Application Supplement](#) RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".

Section VIII. Contact List Information [See BCP Application Supplement](#)

Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property. [Refer to Figure 2](#)
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property. [Refer to Exhibit F](#)

Section IX. Land Use Factors (Please refer to ECL § 27-1415(3))

1. Current Use: ☐ Residential ☒ Commercial ☒ Industrial ☐ Vacant ☐ Recreational (check all that apply)
Provide summary of business operations as an attachment.

2. Intended Use Post Remediation: ☐ Unrestricted ☐ Residential ☒ Commercial ☒ Industrial (check all that apply)
Provide specifics as an attachment.

- | | |
|--|---|
| 3. Do current historical and/or recent development patterns support the proposed use? (See #14 below re: discussion of area land uses) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|--|---|

- | | |
|--|---|
| 4. Is the proposed use consistent with applicable zoning laws/maps? Refer to Exhibit K | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|--|---|

- | | |
|--|---|
| 5. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|--|---|

- | | |
|---|---|
| 6. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)). Refer to Exhibit G | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|---|---|

- | | |
|--|---|
| 7. Are there any federal or state land use designations relating to this site? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|--|---|

- | | |
|--|---|
| 8. Do the population growth patterns and projections support the proposed use? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|--|---|

- | | |
|---|---|
| 9. Is the property accessible to existing infrastructure? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|---|---|

- | | |
|--|---|
| 10. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile? Refer to Exhibit H | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|--|---|

- | | |
|--|---|
| 11. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile? Refer to Exhibit I | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|--|---|

- | | |
|---|---|
| 12. Are there floodplains within ½ mile? Refer to Exhibit J | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|---|---|

- | | |
|--|---|
| 13. Are there any institutional controls currently applicable to the property? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|--|---|

14. Describe the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas in an attachment. [See BCP Application Supplement](#)

15. Describe the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge areas in an attachment. [See BCP Application Supplement](#)

16. Describe the geography and geology of the site in an attachment. [See BCP Application Supplement](#)

Section X. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. 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: [Signature] Print Name: _____

(By an requestor other than an individual)

I hereby affirm that I am manager (title) of 3750 MARBREE AVENUE ASSOCIATES, 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. If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. 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: 7/18/2013 Signature: [Signature] Print Name: Lewis Nony

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD, 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)** paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our website for the address of our regional offices.

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

BCP Application Support

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SECTION I. REQUESTOR INFORMATION

Name of Requestor's Representative:
Mr. Lewis Norry, President
3750 Monroe Avenue Associates, LLC
c/o Norry Management Corporation
1465 Monroe Avenue
Rochester, New York 14618
Phone: 585-271-4800
Fax: 585-271-4802
Email: Lewis@Norry.com

SECTION II. PROPERTY INFORMATION- SITE DESCRIPTION AND BCP ELIGIBILITY

5) SITE DESCRIPTION

The "BCP Site" subject to this Brownfield Cleanup Program ("BCP") application is comprised of approximately 9.37 acres. The BCP Site is a portion of the Site Tax Parcel, which is 41.90 acres; however, the BCP Site is 9.37 acres. Figures 1, 2 and 4 attached illustrate the location and surrounding area of the Site. Approximately 6.38 acres of the BCP Site is utilized as a commercial office building and the remainder of the BCP Site is utilized as a parking lot (and associated/adjacent landscaped areas).

The BCP Site is located entirely within the Site Tax Parcel, in the central portion of the Site Tax Parcel. The Site Tax Parcel is bounded by Monroe Avenue to the southwest, a Rochester Gas and Electric (RG&E) transmission line to the northeast, by vacant real property and a developed commercial property southeast, and by several residential properties developed with apartment complexes to the northwest.

The Site Tax Parcel was initially operated by Graflex, Inc. from 1956 until at least 1979 and utilized for industrial purposes, including plating operations and printing. Additional tenants at that time included the Singer Company, Xerox Inc., and General Precision Inc. Historical mapping of the Site indicates the former presence of a "waste disposal testing area" and hazardous waste storage areas on the western side of the Site building (within the BCP Site) prior to the 1980's. Ownership changed several times until purchased by 3750 Monroe Avenue Associates, LLC in 1985. Since that time, 3750 Monroe Avenue Associates, LLC has leased portions of the Site Tax Parcel to various tenants for use including but not limited to the Town of Pittsford Town Court, a printing shop, a senior center, a daycare and various commercial and light industrial operations.

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An undated figure of the Site Tax Parcel obtained from the Town Assessor Office indicates that the building uses included (among other things) ‘machine shop’, ‘press room’, and ‘heat treat’ areas. In addition, a review of assessment records obtained from the Town of Pittsford identified the installation of one (1) 2,000-gallon petroleum underground storage tank (UST) at the Site Tax Parcel in 1960. These records included a map which depicted the UST to be located to the west of the Site building.

A Preliminary Phase II ESA of the Site Tax Parcel completed by LaBella in 2012 included conducting a geophysical survey (EM-61 survey), test pitting work and collecting soil and groundwater samples via direct push technology. Additional subsurface testing (soil and groundwater) was completed in the interior portion of the BCP Site in June 2013. Although one anomaly of the size and shape of a UST was identified by the geophysical survey, test pitting activities did not identify any USTs in the pits excavated. However, soil and groundwater samples collected from the BCP Site portion of the Site Tax Parcel identified concentrations of chlorinated volatile organic compounds (VOCs) and some petroleum-related VOCs above the New York State Department of Environmental Conservation (NYSDEC) Part 703 Groundwater Standards.

Based on the investigations recently completed at the Site Tax Parcel, contamination appears limited to the area to the northwest of the Site building and beneath the western portion of the Site building, although additional investigation appears warranted to delineate impacts in the BCP Site area. This known contamination complicates future redevelopment and reuse of the BCP Site and requires remediation.

SECTION III. CURRENT SITE OWNER/OPERATOR INFORMATION

Owners/Operators- 3750 Monroe Avenue Associates, LLC currently owns the property. Operators/tenants as of January 2013 are summarized in the table below.

Operator/Tenant	Approximate Date Lease Began	Contact Information
Bricklayer’s Union	April 2003	3750 Monroe Avenue Pittsford, NY 14534
*Concentrix Corporation	1998	3750 Monroe Avenue Pittsford, NY 14534
**Creative Arts Center	July 2001	3750 Monroe Avenue Pittsford, NY 14534
*Crossfit	October 2011	3750 Monroe Avenue Pittsford, NY 14534
Pittsford Printing	October 2003	3750 Monroe Avenue Pittsford, NY 14534
Pittsford Town Court	March 2004	3750 Monroe Avenue Pittsford, NY 14534

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Operator/Tenant	Approximate Date Lease Began	Contact Information
*Turftime	October 2011	3750 Monroe Avenue Pittsford, NY 14534
*VoltDelta	July 2008	3750 Monroe Avenue Pittsford, NY 14534
Maximus	Summer 2012	3750 Monroe Avenue Pittsford, NY 14534
*Senior Center	March 2004	3750 Monroe Avenue Pittsford, NY 14534
Former Coldwell Bank	October 2002 to Winter 2009	3750 Monroe Avenue Pittsford, NY 14534

*Indicates a company located on the western side of the building whose employees/visitors are most likely to park within the BCP Site.

**The Creative Arts Center's lease expires on June 30, 2013, and will not be renewed by 3750 Monroe Avenue Associates, LLC. Refer to Exhibit N for additional information.

SECTION IV. ELIGIBILITY FOR ACCEPTANCE INTO THE BROWNFIELD CLEANUP PROGRAM

The BCP Site meets the definition of a “Brownfield site” as set forth in the New York State Environmental Conservation Law (the “ECL”). ECL Section 27-1405(2) defines a “Brownfield Site” as “any real property, the development or reuse of which may be complicated by the presence or potential presence of a contaminant”. The regulations in 6 NYCRR 375-3.3(a)(1) reiterate that a brownfield site has two elements and adds a “reasonable basis” test to each:

A brownfield site has two elements:

(i) There must be confirmed contamination on the property or a reasonable basis to believe that contamination is likely to be present on the property (the “Contamination Element”); and,

(ii) There must be a reasonable basis to believe that the contamination or potential presence of contamination may be complicating the development, use or reuse of the property (the “Complication Element”).

Moreover, the New York State Department of Environmental Conservation BCP Eligibility Guidance dated March 2005, which is incorporated into the Brownfield Cleanup Program Guide establishes several factors that the Department considers in evaluating whether the Contamination Element and the Complication Element exist.

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The Contamination Element

The Department of Environmental Conservations considers the following factors with respect to the Contamination Element, to the extent they are relevant to a proposed BCP site:

- (A) the nature and extent of known or suspected contamination;
- (B) whether contaminants are present at levels that exceed standards, criteria or guidance;
- (C) whether contamination on the proposed site is historic fill material or exceeds background levels;
- (D) whether there are or were industrial or commercial operations at the proposed site which may have resulted in environmental contamination; and/or,
- (E) whether the proposed site has previously been subject to closure, a removal action, an interim or final remedial action, corrective action or any other cleanup activities performed by or under the oversight of the State or Federal government.

The Contamination Element of the BCP Eligibility Test has clearly been met in this application because:

- A. The previous investigations have established that on-site soils and groundwater have been impacted by contaminants that will require remediation. See Exhibit D.
- B. Previous industrial operations at the Site may have resulted in the identified contamination.

The Complication Element

The Department of Environmental Conservations considers the following factors with respect to the Complication Element; to the extent they are relevant to a proposed BCP site:

- (A) whether the proposed site is idled, abandoned or underutilized;
- (B) whether the proposed site is unattractive for redevelopment or reuse due to the presence or reasonable perception of contamination;
- (C) whether properties in the immediate vicinity of the proposed site show indicators of economic distress such as high commercial vacancy rates or depressed property values; and/or,

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(D) whether the estimated cost of any necessary remedial program is likely to be significant in comparison to the anticipated value of the proposed site as redeveloped or reused.

The Complication Element of the BCP Eligibility Test has clearly been met in this application because the Project Site is unattractive for redevelopment or reuse due to the presence of contamination and the estimated cost of any necessary remedial program is likely to be significant in comparison to the anticipated value of the proposed site as redeveloped or reused. This factor is clearly established by the following:

A. A financial transaction recently fell through due to the identification of contamination at the BCP Site.

B. The estimated cost of a proposed remedial program with regard to the BCP Site is significant in comparison to the value of the entire Site Tax Parcel.

The Requestor as a Volunteer

A BCP applicant may be either a “Participant” or a “Volunteer.”

A “Participant” is an applicant who either (i) was the owner of the site at the time of the disposal or discharge of contaminants; or (ii) is otherwise responsible according to applicable principles of statutory or common law liability, unless such person’s liability arises solely as a result of such person’s ownership or operation of or involvement with the site subsequent to the disposal or discharge. New York Environmental Conservation Law 27-1405(1)(a). This definition is repeated verbatim at 6 NYCRR 375-3.2(b)(1) and is paraphrased in the Brownfield Cleanup Program Guide at Section 2.4(1)(A).

A “Volunteer” is an applicant other than a participant, including a person whose liability arises solely as a result of such person’s ownership or operation of or involvement with the site subsequent to the disposal or discharge of contaminants provided that such person exercises appropriate care with respect to the contamination. New York Environmental Conservation Law 27-1405(1)(b). This definition is repeated verbatim at 6 NYCRR 375-3.2(b)(2) and is paraphrased in the Brownfield Cleanup Program Guide at Section 2.4(1)(B).

Because the applicant became involved with the property after the disposal or discharge of contaminants, and has exercised appropriate care with respect to the contamination, it is entitled to Volunteer status under New York Environmental Conservation Law 27-1405(1)(b).

Based on the foregoing and as further set forth in this BCP application, the Project Site meets the Contamination Element and the Complication Element tests. As such, the Project Site qualifies as a Brownfield Site eligible for participation in the BCP, with the applicant as a

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Volunteer because there is confirmed contamination at the Project Site and the contamination is complicating the redevelopment and re-use of the Project Site.

SECTION V. PROJECT DESCRIPTION

A) PURPOSE & SCOPE OF THE PROJECT

The purpose of the project is to conduct a Remedial Investigation (RI) and appropriate Remedial Action(s) in accordance with NYSDEC DER-10. The RI is intended to determine the nature and extent of contamination in excess of NYSDEC standards. The scope of the RI will be defined in the RI Work Plan. Currently, the intention is to continue the existing industrial/commercial use of the Site Tax Parcel and potential expansion may be considered in the future.

B) ESTIMATED PROJECT SCHEDULE

Application Deemed Complete	10 Days from Submission
Public Comment Period on Application and RI Work Plan	6 Weeks from Publication
Execute Brownfields Cleanup Agreement	1 Month from Receipt of Draft
Revise RI Work Plan based on comments	1 Month from Receipt of Comments
Implement Remedial Investigation	2 Months from RIWP Approval
Submit RI Report & Remedial Alternatives Analysis (RAA) and Remedial Action Work Plan (RAWP)	3 Months from Receipt of Validated RI Data
NYSDEC Review of RI, RAA RAWP and Public Comment Period	2 Months from Submittal of RI Report
Revise RI, RAA and RAWP and submit	1 Month from Receipt of Comments
Initiate Remedy (if necessary)	1 Month from Approval of Remedial Design (if any)

Note: This schedule is tentative based on anticipated review times and responses from regulatory agencies, public comments and other interested parties.

SECTION VI. PROPERTIES ENVIRONMENTAL HISTORY

Previous Environmental reports completed for the Site are listed below and an electronic copy of each report is included in Exhibit D. The Passero Associates Phase I ESA is included within the appendix of the LaBella Phase I ESA.

- *Phase I Environmental Site Assessment, 3750 Monroe Avenue, Rochester, New York,*

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prepared by Passero Associates, dated September 2004

- *Phase I Environmental Site Assessment, 3750 Monroe Avenue, Rochester, New York*, prepared by LaBella Associates, P.C., dated May 2012
- *Phase II Environmental Site Assessment, 3750 Monroe Avenue, Rochester, New York*, prepared by LaBella Associates, P.C., dated January 2013
- *Building Pressurization Assessment, 3750 Monroe Avenue, Pittsford, New York*, prepared by LaBella Associates, P.C., dated January 2013
- *Limited Interior Subsurface Evaluation, 3750 Monroe Avenue, Pittsford, New York*, Prepared by LaBella Associates, P.C., dated July 2013

LaBella's 2012 Phase II ESA included the completion of twenty-four (24) direct-push soil borings (of which eighteen (18) are associated within the proposed BCP Site) and three (3) test pits. A total of twelve (12) borings advanced on the Site Tax Parcel were converted to groundwater monitoring wells and a temporary monitoring well was installed in boring GP-13 to collect a grab groundwater sample. Soil samples were submitted for laboratory analysis from nine (9) soil borings and one (1) test pit. Fifteen (15) groundwater samples were collected, fourteen of which were collected from the proposed Site. All soil and groundwater samples were submitted for laboratory analysis of volatile organic compounds (VOCs) and select samples were also submitted for analysis of semi-volatile organic compounds (SVOCs), metals, pesticides and PCBs. It should be noted that seven (7) soil borings and four (4) monitoring wells were installed at the Site Tax Parcel but outside of the proposed BCP boundary. The proposed BCP boundary was developed based on the lack of impacts observed in those test points (refer to Figure 3).

LaBella's Limited Interior Subsurface Evaluation completed in June 2013 included the completion of four (4) direct-push soil borings and the installation of four (4) overburden groundwater monitoring wells within these boring. A total of six (6) soil samples (and the appropriate quality assurance/quality control samples) were collected from the four (4) borings and submitted for laboratory analysis of the parameters summarized in the below table.

SOIL		
Sample ID	Sample Depth (ft bgs)	Parameters Analyzed
GP-25	3.5-4	VOCs
GP-25	9.5-10.2	VOCs, Metals (including cyanide), Total Petroleum Hydrocarbons, and PCBs
GP-25	22-23	VOCs
GP-26	7-8	VOCs
GP-27	6-8	VOCs
GP-28	6-7.5	VOCs

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GROUNDWATER:		
Sample ID	Screened Interval (ft bgs)	Parameters Analyzed
GPMW-25	~3-23	VOCs and Metals (filtered and unfiltered)
GPMW-26	~6-16	VOCs and Metals (filtered and unfiltered)
GPMW-27	~6-16	VOCs
GPMW-28	~6-16	VOCs

A map of the previous boring locations can be found in attached Figure 3. LaBella's Phase II ESA, included as part of Exhibit D.

1. KNOWN CONTAMINANTS

Soil and groundwater analytical results for the samples collected as part of LaBella's 2012 Phase II ESA and 2013 subsurface assessment can be found in the Phase II report included as part of Exhibit D. A summary of contaminants identified in the test point locations with exceedences of the appropriate standards and guidance values at the BCP Site are presented in the table below:

Soil	
Boring ID	Parameter(s) above Respective NYSDEC Part 375 6.8(a) Unrestricted Use SCOs
GP-11	Trichloroethylene (TCE) and methylene chloride (both chlorinated solvents)
GP-14	
GP-16	
GP-23	Calcium and iron (metals)
GP-24	Calcium and iron (metals)
GP-25 (9.5-10.2')	TCE
GP-25 (22-23')	TCE
GP-26	TCE
GP-27	TCE
GP-28	TCE
Groundwater	
Well ID	Parameter(s) above Respective NYSDEC TOGs Groundwater Standards
MW-03	Various chlorinated solvents
GP-15	
MW-11	
MW-12	
MW-14	
MW-16	
MW-17	
MW-20	
MW-21	
MW-22	
MW-23	
MW-24	Various chlorinated solvents and metals*
GPMW-25	TCE

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Well ID	Parameter(s) above Respective NYSDEC TOGs Groundwater Standards
GPMW-26	TCE
GPMW-27	TCE
GPMW-28	TCE

* It should be noted that this well was noted to be quite turbid during sampling and thus the elevated metal detections in this groundwater sample may not be representative of Site groundwater.

The above sampling was conducted within the area of the proposed BCP boundary. Exceedences of NYSDEC Standards or Guidance Values were not identified in samples collected outside of the proposed BCP boundary.

2. KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS

Potential sources for the identified contaminants are associated with the Site's industrial past. The Site (primarily the building) was primarily utilized for plating and printing operations from first development in 1956 to at least 1979 and utilized for various industrial and commercial purposes (including printing) since at least 1979. Historical mapping of the Site indicates the former presence of a waste disposal testing area and hazardous waste storage areas on the western side of the Site building (within the BCP Site) prior to the 1980's. This mapping is included in Exhibit E.

During a pre-application meeting with NYSDEC Region 8, NYSDEC indicated that the Site address was associated with numerous waste manifests. NYSDEC provided LaBella copies of the manifests on-file on March 21, 2013. Table A included in the appendix summarizes these historical waste manifests and copies of the manifests are included as Exhibit O. In reviewing these manifests, the waste were disposed of between 1982 and 1999 and identify the off-site disposal of several different substances. A majority of the manifests relate to operations prior to the Applicant's ownership. Waste identified on manifests that relate to owners/operators prior to the ownership of 3750 Monroe Avenue Associates, LLC included, but not limited to the following: waste cutting oil sludge; waste cyanide, nickel and benzene; waste cutting oil; mineral spirits; and miscellaneous hazardous liquids containing solvents including trichloroethane (not TCE). It should be noted that these historical waste manifests are listed under several different operators including Telex Communications, Inc., Singer Education Systems, Somerville Packaging, Shorewood Packing, Rolph-Clark-Stone Packaging Corporation.

During the ownership of 3750 Monroe Avenue Associates, LLC (since March 27, 1985), waste materials were limited to three entities: 3750 Monroe Avenue Associates, LLC, The Norry Company and Moscom Corporation. Additional details on these legal and documented waste disposal activities are below:

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- Moscom Corporation – This entity is a tenant of 3750 Monroe Avenue Associates, LLC and there were five manifests from this entity. The waste products included 1,1,1-trichloroethane, ethanol, tetrachloroethene (PCE), isopropyl alcohol, propylene glycol and methyl ether. The main contaminant detected at the Site is TCE and although TCE can be a degradation product of PCE, it appears the impacts identified to date are from a TCE source based on concentrations detected. It should be noted that PCE was not detected in any of the 10 soil samples collected for VOCs and PCE was not detected above the minimum detection limit (MDLs) in 17 of the 19 groundwater samples. The two samples with detections of PCE in groundwater were relatively low and also at locations of high concentrations of TCE and as such may be interfering with the results.
- The Norry Company – This entity acts as the property manager for 3750 Monroe Avenue Associates, LLC. A letter from Norry Management Corporation is attached as Exhibit N and discusses these manifests. As indicated in the letter, the waste products disposed of in a legal and documented manner were related to cleaning out of a former tenant space when renovating for a new tenant. The waste for these materials are related to paints, roofing tar and cleaning products. TCE was not included in the wastes removed by Norry Company.
- 3750 Monroe Avenue Associates, LLC – This entity is the Applicant and the letter from the Norry Management Corporation also addresses the waste materials disposed of by 3750 Monroe Avenue Associates, LLC. As indicated in the letter, the waste products disposed of in a legal and documented manner were related to a program for addressing PCB transformer oil in transformers at the Site. The PCB oil removal program by 3750 Monroe Avenue Associates, LLC indicates that the Applicant is a responsible owner that addresses issues in a safe and legal manner. Only PCB oil was noted in the manifests associated with 3750 Monroe Avenue Associates, LLC.

3. PREVIOUS OWNERS AND OPERATORS

The complete list of known owners is below. This information was obtained through review of the Title.

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Owners	Dates(s)	Relationship to Applicant
3750 Monroe Avenue Associates, LLC PO Box 30051 Rochester, NY 14603	March 27, 1985 to Present	Applicant
<p>Mr. Morris Furman 1234 East 22nd Street Brooklyn, New York 11210 Deceased</p> <p>- and -</p> <p>Mr. Herman Wolfson 176-25 80th Road Jamaica Estates, New York 11432 Deceased</p> <p>- and -</p> <p>Ms. Joan Wolfson 1050 Fifth Avenue New York, NY 10028 212-410-1330</p> <p>- and -</p> <p>Ms. Marilyn Silvershein 8 Kestrel Court Washington, NJ 07882 917-453-7799</p>	August 10, 1967 to March 27, 1985	Ms. Wolfson and Ms. Silvershein as well as the children of Mr. Furman and Mr. Wolfson are member of the 3750 Monroe Avenue Associates, LLC.
3750 Monroe Avenue Company 1440 Broadway New York, NY 10018 Telephone No. Unavailable	Prior to August 10, 1967	None

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The complete list of known operators is below. This information was obtained through the review of local street directories at the Monroe County Public Library and through information from the Applicant.

Operators/Current Contact Information	Dates(s)	Relationship to Applicant
Graflex, Inc. Dissolved in 1973; contact information unavailable	Approx. 1956-1979	None
Singer Company (a division of Graflex) See above; contact information unavailable	At least 1979	
Xerox Corporation 45 Glover Avenue Norwalk, CT 06856-4505 800-275-9376	Approx. 1970-1975	
Coherent, Inc. Contact information unavailable	Approx. 1984	
Insight Advertising Contact information unavailable		
Santron Industries Out of business; contact information unavailable		
Telex Communications Office 130 Perinton Parkway Fairport, NY 14450 585-678-3484		
Waterbed World, Inc. Out of business; contact information unavailable		
Design Discovery Contact information unavailable	Approx. 1989	Tenant/former tenant
Electronic Accounting Systems Contact information unavailable		
Omnipage Corporation/Offices Contact information unavailable		
Ralph Clark Packaging Became Somerville Packaging; contact information unavailable		
Adtech, Inc. Out of business; contact information unavailable	Approx. 1994-2009	Tenant/former tenant

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Operators/Current Contact Information	Dates(s)	Relationship to Applicant
Moscom Corporation 300 Main Street East Rochester, NY 14445 585-385-6440	Approx. 1994	Tenant/former tenant
Somervill Packaging Contact information unavailable		
Concentrix Corporation 3750 Monroe Avenue Pittsford, NY 585-218-5788	Approx. 1998 to present day	
Veramark Technologies Eagle’s Landing Business Park Building 100, Suite 120 1565 Jefferson Road Rochester, NY 14623 585-381-6000	Approx. 1998 – 2009	
Elderberry Express Senior Center Transportation 3750 Monroe Avenue Pittsford, NY 14534 (585) 248-6237		
Creative Arts Center 3750 Monroe Avenue Pittsford, NY 14534 585-385-4140	Approx. 2001 to present day	
Bricklayer’s Union 3750 Monroe Avenue Pittsford, NY 585-385-1160	Approx. 2003 to present day	
Pittsford Printing 3750 Monroe Avenue Pittsford, NY 14534 585-383-0150		
Pittsford Town Court 3750 Monroe Avenue Pittsford, NY 14534 585-248-6238	Approx. 2004 to present day	
VoltDelta 3750 Monroe Avenue Pittsford, NY 14534 585-899-8826	Approx. 2008 to present day	

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Operators/Current Contact Information	Dates(s)	Relationship to Applicant
Coldwell Banker Prime Properties 10 Osgood Avenue Green Island, NY 12183 518-456-8950	October 2002 to Winter 2009	Tenant/former tenant
Crossfit 3750 Monroe Avenue Pittsford, NY 14534 585-202-7295	Approx. 2011 to present day	
Turftime 3750 Monroe Avenue Pittsford, NY 14534 585-281-2223		
Maximus 3750 Monroe Avenue Pittsford, NY 14534 585-348-3399	Summer 2012 to present day	
Pittsford Senior Center 3750 Monroe Avenue Pittsford, NY 14534 585-248-6235	March 2004 to present day	

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SECTION VII. CONTACT LIST INFORMATION

1. Local Officials

County Executive:

Maggie Brooks
Monroe County Executive
110 County Office Building
39 W. Main St.
Rochester, NY 14614
(585) 753-1000

Town of Pittsford Supervisor:

Sandra F. Zutes
11 S. Main Street
Pittsford, NY 14534
Phone (585) 248-6220
Fax (585) 248-6247

Town of Pittsford Public Works Commissioner:

Paul Schenkel
11 S. Main Street
Pittsford, NY 14534
Phone (585) 248-6250

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2. Residents, owners, and occupants of the Site Tax Parcel and adjacent properties:

Site Address: 3750 Monroe Avenue, Pittsford, New York 14534

Current Owner: 3750 Monroe Avenue Associates, LLC
c/o Mr. Lewis Norry
Norry Management Corporation
1465 Monroe Avenue
Rochester, New York 14618
Phone: 585-271-4800
Fax: 585-271-4802
Email: Lewis@Norry.com

Current Operators: Refer to the table below.

Operator/Tenant	Approximate Date Lease Began	Contact Information
Bricklayer's Union	April 2003	3750 Monroe Avenue Pittsford, NY 14534
*Concentrix Corporation	1998	3750 Monroe Avenue Pittsford, NY 14534
**Creative Arts Center	July 2001	3750 Monroe Avenue Pittsford, NY 14534
*Crossfit	October 2011	3750 Monroe Avenue Pittsford, NY 14534
Pittsford Printing	October 2003	3750 Monroe Avenue Pittsford, NY 14534
Pittsford Town Court	March 2004	3750 Monroe Avenue Pittsford, NY 14534
*Turftime	October 2011	3750 Monroe Avenue Pittsford, NY 14534
*VoltDelta	July 2008	3750 Monroe Avenue Pittsford, NY 14534
Maximus	Summer 2012	3750 Monroe Avenue Pittsford, NY 14534
*Senior Center	March 2004	3750 Monroe Avenue Pittsford, NY 14534
Former Coldwell Bank	October 2002 to Winter 2009	3750 Monroe Avenue Pittsford, NY 14534

*Indicates a company located on the western side of the building whose employees/visitors are most likely to park within the BCP Site.

**The Creative Arts Center's lease expires on June 30, 2013, and will not be renewed by 3750 Monroe Avenue Associates, LLC. Refer to Exhibit N for additional information.

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Adjacent Properties⁽¹⁾:

Address/Tax ID No.	Street	Direction	OWNER	OWNER Address	OWNER City, State Zip
3660	Monroe Avenue	West	Levine Holdings, LLC	1950 Brighton-Henrietta Townline Road	Rochester, New York 14623
3650	Monroe Avenue	West	BMJ Properties, LLC	95 Allens Creek Road, Building 2, Suite 301	Rochester, New York 14618
3600	Monroe Avenue	West	Carriage Hill, LLC	919 South Winton Road	Rochester, New York 14618
151.13-1-25.2	Monroe Avenue	Northwest	Carriage Hill, LLC	919 South Winton Road	Rochester, New York 14618
28B	Colonial Parkway	Northwest	Schneider, Carol M	28-B Colonial Parkway	Pittsford, New York 14534
151.13-1-58	French Road	Northeast	Rochester Gas & Electric Corp.	75 Farm View Drive	New Gloucester, Maine 04260
151.17-2-18.2	Monroe Avenue	East	Town of Pittsford	11 S Main Street	Pittsford, New York 14534
3800	Monroe Avenue	Southeast	Maguire, Thomas G.	770 Rock Beach Road	Rochester, New York 14617
3791	Monroe Avenue	South	Kanda Properties, LLC	10 Wyebrook Circle	Penfield, New York 14526
10	Woodland Road	South	Smicker, Ronald Sr.	10 Woodland Road	Pittsford, New York 14534
15	Woodland Road	South	Howk, Christopher C.	15 Woodland Road	Pittsford, New York 14534
3737	Monroe Avenue	Southwest	Bailey, Patrick M.	3349 Monroe Avenue #251	Rochester, NY 14618

Source – LandMax Data Systems, Inc.

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3. Local news media from which the community typically obtains information:

Brighton-Pittsford Post
c/o Messenger Post Media
73 Buffalo Street
Canandaigua, New York 14424
585-394-0770

4. The public water supplier that services the area where the site is located:

Monroe County Water Authority
475 Norris Drive
Rochester, New York 14610
(585) 442-2000

5. Any person who has requested to be placed on the site contact list:

None to date.

6. The administrator of any school or day care facility located on or near the site:

Brittany Schulik The Creative Arts Center* 3750 Monroe Avenue Pittsford, New York 14534 Distance: On-site	Mrs. Liz Konar, Principal Pittsford-Sutherland High School 55 Sutherland Street Pittsford, New York 14534 Distance ~ 0.50 miles, south
---	--

*The Creative Arts Center's lease will expire at the end of June 2013 and will not be renewed by 3750 Monroe Avenue Associates, LLC. Refer to Exhibit N for additional information.

7. The location of a document repository for the project (e.g., local library):

Pittsford Community Library
24 State Street
Pittsford, NY 14534
(585) 248-6275

A response from the library indicating that it will serve as a document repository can be found in Exhibit F.

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SECTION VIII. LAND USE FACTORS

Item 6. Environmental Justice Concerns

The BCP Site is not located in an area identified to have potential Environmental Justice concerns, refer to Exhibit G.

Item 10: Cultural Resources

According to the NY State Historic Preservation Office GIS-Public Access site (<http://www.oprhp.state.ny.us/nr/main.asp>), the BCP Site is located within an archeo-sensitive area, refer to Exhibit H. The BCP Site is located within ½ mile of the designated historical site detailed in the following table.

Historic Site ID	Historic Site Name	Approximate Distance from Site (ft)	Direction from Site
90NR01532	Pittsford Village Historic District	1,900	East

Item 11: Natural Resources

There are no New York State Regulated wetlands located within 0.5 miles of the BCP Site. A Federal Regulated wetland, the Erie Canal, is located approximately 750 feet south of the BCP Site, refer to Exhibit I. In addition, three freshwater ponds are located approximately 700 feet to the east of the BCP Site. According to the Federally Listed Endangered and Threatened Species and Candidate Species in New York, known or likely County occurrences of Federally-listed and candidate species in Monroe County include the Bald Eagle. No other natural resources including wildlife refuges or critical habitats of endangered or threatened species are known to exist in the immediate vicinity (<http://ecos.fws.gov/ipac/>). Refer to Exhibit I for natural resources mapping.

Item 12. Floodplains

The BCP Site is not located within a floodplain. The closest flood plain is located approximately 250 feet southwest of the BCP Site, refer to Exhibit J.

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Item 14. Proximate to residential, urban, commercial, industrial, agricultural and recreational areas

The BCP Site is currently zoned as “Monroe Avenue Transitional Zone Planned Unit Development” (MATZ PUD) and is surrounded by the same (see Exhibit K). The nearest agricultural use is approximately 3,800 feet east of the BCP Site. A walking trail is located on the RG&E owned-property located approximately 650 feet to the northeast of the BCP Site and the Erie Canal Heritage Trail is located approximately 1,600 feet to the southeast of the BCP Site.

Item 15: Groundwater Vulnerability

According to regional mapping, the nearest water body is an unnamed tributary of Allen Creek, which is located along the proposed BCP Site’s northern boundary. Groundwater flow at the BCP Site appears to be to the north, towards this drainage feature. Depth to water at the lower portion of the BCP Site (the monitoring point nearest the stream) is approximately 4 feet below ground surface.

According to the Monroe County Water Authority, drinking water in Monroe County is mainly supplied from Lake Ontario, with contributions from Canadice Lake, and Hemlock Lake. As such, while a low potential exists that contaminated groundwater from the Site could migrate to Lake Ontario via the Erie Canal or Genesee River, due to the large volume of water involved, the potential for such constituents from the site to contribute to detectable levels in drinking water is minute.

Based on the above, there is little to no potential for groundwater from the BCP Site to impact either municipal water supply wells, private wells, or recharge areas.

Item 16: Geography and Geology of the Site

According to the U.S. Department of Agriculture, Monroe County Soil Survey obtained from the Natural Resource Conservation Service (NRCS) website, soils at the BCP Site consist mainly of Schoharie silt loam (approximately 95%), Canandaigua Silt Loam (approximately 4%) and Ontario Loam (less than 1%). The soil report obtained from the NRCS website is included as Exhibit L.

The Schoharie series consists of very deep, moderately well drained soils formed from clayey lacustrine sediments. They are on glacial lake plains and uplands mantled with lake sediments. Saturated hydraulic conductivity is moderately high or high in the mineral surface and subsurface and low through moderately high in the subsoil and substratum. Slope ranges from 0 through 60 percent.

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The Canandaigua series consists of very deep, poorly and very poorly drained soils formed in silty glacio-lacustrine sediments. These soils are on lowland lake plains and in depressional areas on glaciated uplands. Slope ranges from 0 to 3 percent.

The Ontario series consists of deep or very deep, well drained soils formed in till. These soils are nearly level to very steep soils on convex upland till plains and drumlins. Slope ranges from 0 to 35 percent.

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Figures

Figure 1 – Proposed BCP Site Location Map



Figure 2 – Neighboring Parcel Information

Figure 3 – Previous Subsurface Investigation Point Locations

Figure 4 – USGS Map



Legend

-  Proposed BCP Boundary
-  Site Tax Parcel Boundary

Note:

(1) All locations are approximate.

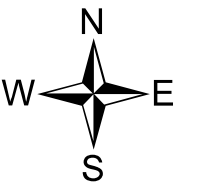
ABELLA
Associates, PC.
JANUARY 31, 2013
ROCHESTER, NY 14614
P: (585) 454-6110
F: (585) 454-3066
www.abellapc.com
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3750 Monroe Avenue
Pittsford, New York

3750 Monroe Avenue
Associates, LLC

Proposed BCP Site Map



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Drawn By: JMG
Reviewed By: DPN

50 0 200
1 inch = 200 feet

[213131]
[FIGURE 1]

J:\Norry Management Corporation\212440\Drawings\Figure 2 Groundwater Contour Map June 15, 2012.mxd



Legend

Monroe County Tax Parcels (2011)

Proposed BCP Boundary

Note:

(1) All locations are approximate.

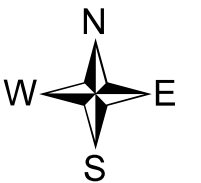
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3750 Monroe Avenue
Associates, LLC

Nearby and
Adjacent
Parcel Information

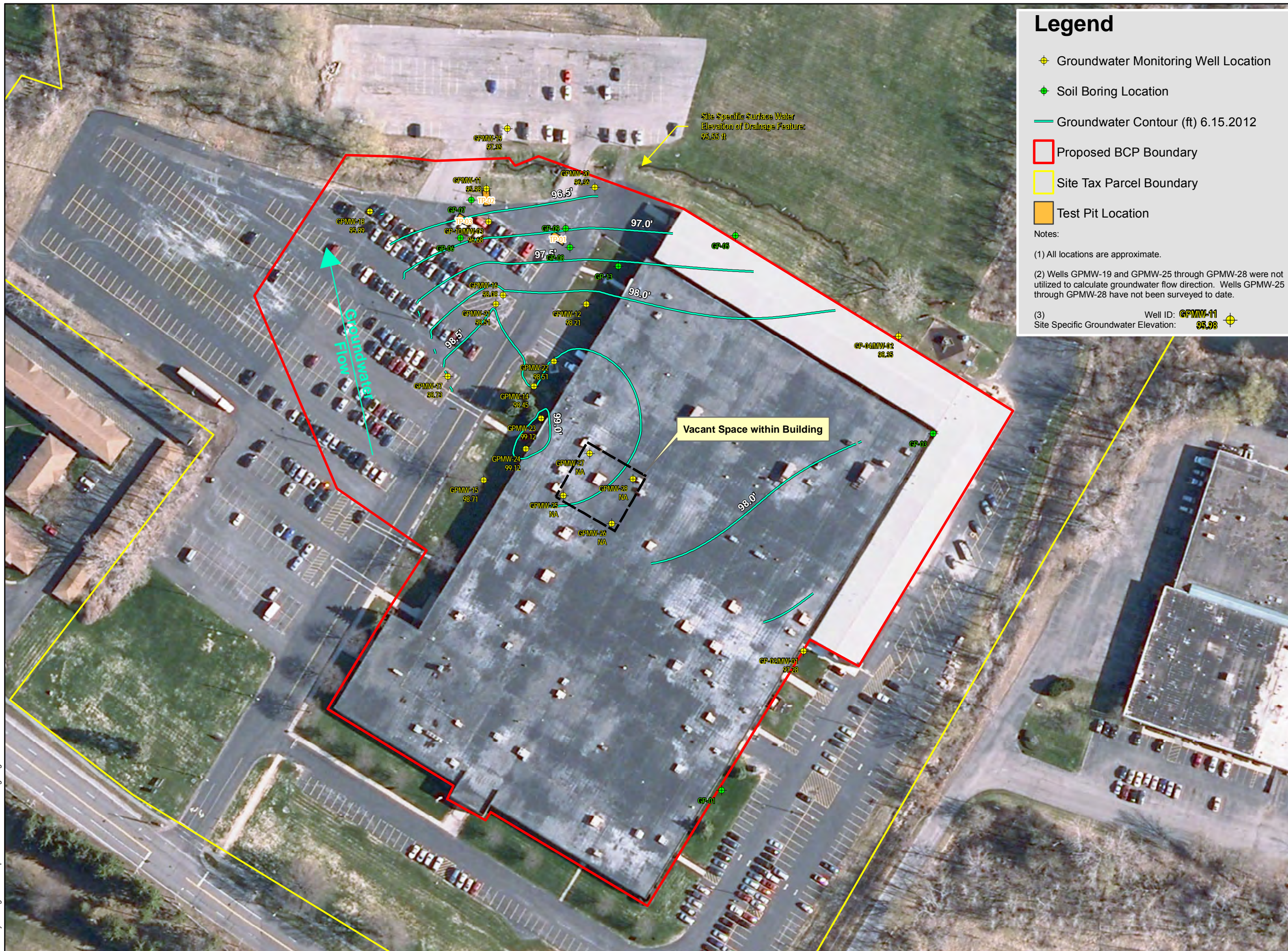


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Reviewed By: DPN

100 0 400
1 inch = 350 feet

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FIGURE 2



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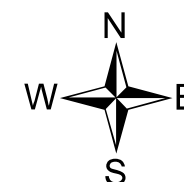
300 STATE STREET
ROCHESTER, NY 146
P: (585) 454-6110
F: (585) 454-3066
www.isabelspc.com
COLUMBIA HT 3003

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3750 Monroe Avenue
Pittsford, New York

3750 Monroe Avenue
Associates, LLC

Previous Subsurface Investigation Locations



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Drawn By: JMG

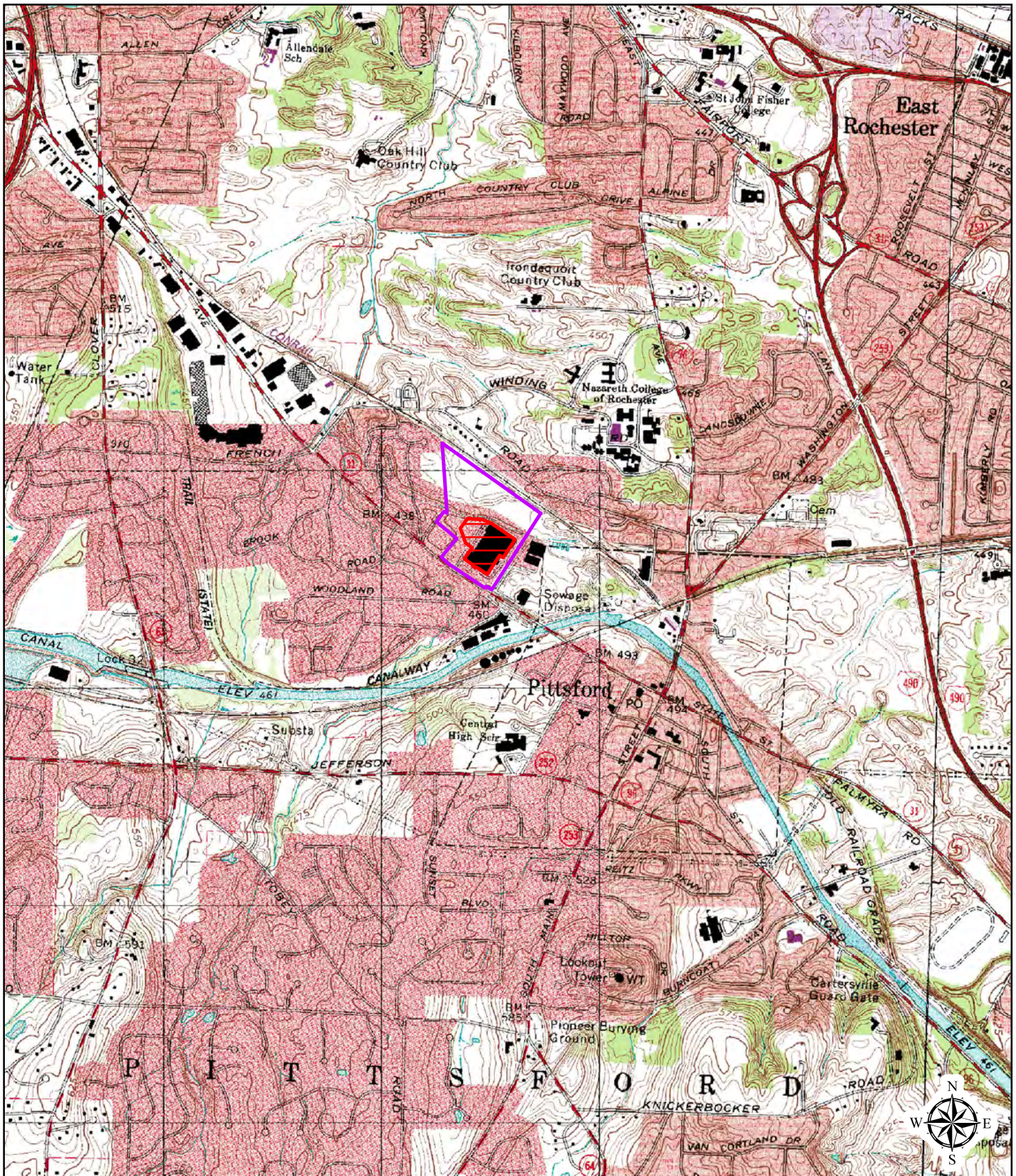
Reviewed By: DPN

50 0 50

1 inch = 100 feet

213131

FIGURE 3



LABELLA
Associates, P.C.

300 STATE STREET
ROCHESTER, NY 14614
P: (585) 454-6110
F: (585) 454-3066
www.labellapc.com
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FIGURE 4

**Brownfield Cleanup
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Legend

- Proposed BCP Boundary
- Site Tax Parcel Boundary

Scale:
1:24,000