



**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 checked="" type="checkbox"/>	Amendment to modify the existing BCA (check one or more boxes below):
<input checked="" 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:
	<p>a. A copy of the recorded deed must be provided. Is this attached? Yes <input type="radio"/> No <input type="radio"/></p> <p>b. <input type="checkbox"/> Change in ownership <input type="checkbox"/> Additional owner (such as a beneficial owner)</p> <p>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: _____</p>
<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:  
The City of Rochester seeks to add 10 Flint Street LLC as a Volunteer to the BCA and to document changes to the tax parcel numbers and acreages of select Site parcels relative to the existing BCA.

**SECTION I: CURRENT AGREEMENT INFORMATION***This section must be completed in full. Attach additional pages as necessary.*

BCP SITE NAME: Portion of Former Vacuum Oil Refinery	BCP SITE CODE: C828190
NAME OF CURRENT APPLICANT(S): City of Rochester	
INDEX NUMBER OF AGREEMENT: C828190-02-15	DATE OF ORIGINAL AGREEMENT: 04/06/2015

**SECTION II: NEW REQUESTOR INFORMATION***Complete this section only if adding new requestor(s) or the name of an existing requestor has changed.*

NAME: 10 Flint Street LLC			
ADDRESS: 209 Shafter Street			
CITY/TOWN: Islandia, NY			ZIP CODE: 11749
PHONE: 631-232-2600	EMAIL: mroux@rouxinc.com		
REQUESTOR CONTACT: Michael Roux			
ADDRESS: 209 Shafter Street			
CITY/TOWN: Islandia, NY			ZIP CODE: 11749
PHONE: 631-232-2600	EMAIL: mroux@rouxinc.com		
REQUESTOR'S CONSULTANT: Roux Environmental Engineering and Geology, D.P.C.		CONTACT: Noelle Clarke	
ADDRESS: 209 Shafter Street			
CITY/TOWN: Islandia, NY			ZIP CODE: 11749
PHONE: (781) 569-4000	EMAIL: nclarke@rouxinc.com		
REQUESTOR'S ATTORNEY: Hodgson Russ LLP		CONTACT: Michael J. Hecker, Esq.	
ADDRESS: 140 Pearl Street, #100			
CITY/TOWN: Buffalo, New York			ZIP CODE: 14202
PHONE: (716) 848-1599	EMAIL: MHecker@hodgsonruss.com		
		<b>Y</b>	<b>N</b>
1. Is the requestor authorized to conduct business in New York State?		<input checked="" 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 checked="" 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 checked="" 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 checked="" type="radio"/>
5. Describe the new requestor's relationship to all existing applicants: Non-affiliated third-party.			

**SECTION III: CURRENT PROPERTY OWNER/OPERATOR INFORMATION***Complete this section only if a transfer of ownership has taken place. Attach additional pages if necessary.*

Owner listed below is: <input type="checkbox"/> Existing Applicant <input type="checkbox"/> New Applicant <input type="checkbox"/> Non-Applicant	
OWNER'S NAME:	CONTACT:
ADDRESS:	
CITY/TOWN:	ZIP CODE:
PHONE:	EMAIL:
OPERATOR:	CONTACT:
ADDRESS:	
CITY/TOWN:	ZIP CODE:
PHONE:	EMAIL:

**SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION***Complete this section only if adding new requestor(s). Attach additional pages if necessary.*

If answering "yes" to any of the following questions, please provide additional information as an attachment. Please refer to ECL § 27-1407 for details.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor presently subject to an existing order for the investigation, removal or remediation relating to contamination at the site?	<input type="radio"/>	<input checked="" type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for the site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input checked="" type="radio"/>
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the subject law; (ii) any order or determination; (iii) any regulation implementing ECL Article 27 Title 14; or (iv) any similar statute or regulation of the state or federal government? If so, provide additional information as an attachment.	<input type="radio"/>	<input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as site name, address, DEC site number, reason for denial, and any other relevant information.	<input type="radio"/>	<input checked="" type="radio"/>
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting or contaminants?	<input type="radio"/>	<input checked="" type="radio"/>
7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting of contaminants; or (ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state?	<input type="radio"/>	<input checked="" type="radio"/>
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of the Department, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to the Department?	<input type="radio"/>	<input checked="" type="radio"/>

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION (continued)		Y	N
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(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="radio"/>	<input checked="" type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?		<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?		<input type="radio"/>	<input checked="" type="radio"/>
12. THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:			
<input type="checkbox"/> <b>PARTICIPANT</b>  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 checked="" type="checkbox"/> <b>VOLUNTEER</b>  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 a hazardous waste or discharge of petroleum.  NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that they have 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; (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste.  <b>If a requestor's liability arises solely as a result of ownership, operation of or involvement with the site, they must submit a statement describing why they should be considered a volunteer – be specific as to the appropriate care taken.</b>		
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		N/A <input type="radio"/>	Y <input checked="" type="radio"/> N <input type="radio"/>
14. Requestor's relationship to the property (check all that apply):			
<input type="checkbox"/> Prior Owner <input type="checkbox"/> Current Owner <input type="checkbox"/> Potential/Future Purchaser <input checked="" type="checkbox"/> Other: <u>Non-affiliated 3rd party</u>			
15. If the requestor is not the current site owner, proof of site access sufficient to complete the remediation must be submitted. Proof must show that the requestor will have access to the property before being added to the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?		N/A <input type="radio"/>	Y <input checked="" type="radio"/> N <input type="radio"/>

**SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES**

*Complete this section only if property is being added to or removed from the site, a lot merger or other change to site SBL(s) has occurred, or if modifying the site address for any reason.*

1. Property information on current agreement (as modified by any previous amendments, if applicable):

ADDRESS: Multiple addresses - see attached

CITY/TOWN: Rochester, NY

ZIP CODE: 14608

CURRENT PROPERTY INFORMATION

TOTAL ACREAGE OF CURRENT SITE: 15.406

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE


2. Requested change (check appropriate boxes below):

☐

a. Addition of property (may require additional citizen participation depending on the nature of the expansion – see instructions)

PARCELS ADDED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE


TOTAL ACREAGE TO BE ADDED: \_\_\_\_\_

☐

b. Reduction of property

PARCELS REMOVED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE


TOTAL ACREAGE TO BE REMOVED: \_\_\_\_\_

☒

c. Change to SBL (e.g., lot merge, subdivision, address change)

NEW PROPERTY INFORMATION:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

See attached				

3. TOTAL REVISED SITE ACREAGE: 15.406

4. For all changes requested in this section, documentation must be provided. Required attachments are listed in the application instructions. Is the required documentation attached?

Y  
☒

N  
☐

**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 Corporation Counsel of City of Rochester (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. M7 signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 3/7/25 Signature: \_\_\_\_\_Print Name: Patrick Beath

PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

<input type="checkbox"/> <b>PARTICIPANT</b> 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 checked="" type="checkbox"/> <b>VOLUNTEER</b> 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: 04/06/2015

Signature by the Department:

DATED: 9/12/2025NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

By:

David HarringtonDavid Harrington, Assistant Director  
Division of Environmental Remediation





## City of Rochester

Department of Law  
City Hall Room 400A, 30 Church Street  
Rochester, New York 14614-1295  
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Patrick Beath  
Corporation Counsel

February 7, 2025

Ms. Charlotte Theobald, P.E.  
NYS Department of Environmental Conservation  
6274 East Avon-Lima Road  
Avon, New York 14414

**Re: Property Access Authorization  
NYS Brownfield Cleanup Program  
Properties Associated with BCP Site C828190  
Rochester, New York**

Dear Ms. Theobald:

Please be advised that the City of Rochester, New York ("City") is the owner of the referenced properties located at 13, 31, 49 (formally part of 13), 69, 75, and portions of 1 Cottage Street; 100 Riverview Place; portions of 102 Violetta Street; portions of 1320 S. Plymouth Avenue, and portions of 10 Flint Street (formerly part of 1320 S. Plymouth Avenue) in Rochester, New York (the "Site"). The City is aware of and acknowledges that 10 Flint Street LLC will be filing an application to amend the existing New York State Brownfield Cleanup Program ("BCP") Application and Brownfield Cleanup Agreement ("BCA") with the New York State Department of Environmental Conservation ("NYSDEC") to add 10 Flint Street LLC as a Volunteer for environmental investigation and/or remediation of the Site.

As an authorized representative of the Site owner, the City hereby acknowledges that it has entered into a separate agreement by which 10 Flint Street LLC, (and any of its designated contractors and consultants), has all necessary access rights to, and attendant rights associated with, the Site in order to perform any required remedial work, related to and necessary to secure a Certificate of Completion under the BCP, including the requirement of the City to agree to the placing of an Environmental Easement on the Site. Accordingly, the City agrees that the necessary access to complete Site remediation, as required by the BCA amendment process, has been met.

Sincerely,

The City of Rochester, New York

By: 

Name: Patrick Beath

Title: Corporation Counsel



## Section V

### Property Description Changes

This attachment, along with the figures referenced herein, documents the revisions made to the tax parcels for BCP Site C828190 in Rochester, NY (the Site) between the existing Brownfield Cleanup Agreement (BCA) (BCA Index No. C828190-02-15) and this BCA amendment application. The Site is described in the existing BCA as consisting of approximately 15.406 acres and the following parcels owned by the City of Rochester (City):

<b>Tax Map/Parcel No.</b>	<b>Street Address</b>	<b>Acreage</b>
136.21-1-1	Portions of 1 Cottage Street	0.901
136.21-1-3	13 Cottage Street	4.000
136.21-1-4	31 Cottage Street	0.127
135.28-2-45	69 Cottage Street	0.187
135.28-2-44	75 Cottage Street	0.182
136.21-1-2	100 Riverview Place	2.044
121.70-1-39.001	Portions of 102 Violetta Street	3.185
121.77-1-86	Portions of 1320 S. Plymouth Avenue	4.78

Note: Acreage for individual parcels is sourced from the September 11, 2014 BCP Application.

A map of these parcels, prepared by O'Brien & Gere (August 2014), was provided as Figure 1 in the BCP Application dated September 11, 2014, which is included in this BCA amendment application for reference.

The current parcels for BCP Site C828190 (totaling approximately 15.406 acres) are as follows:

<b>Tax Map/Parcel No.</b>	<b>Street Address</b>	<b>Acreage</b>	<b>Parcel Revision</b>
136.21-1-1	Portions of 1 Cottage Street	0.90	No change
121.77-1-86.001	Portions of 10 Flint Street	3.83	Formerly part of 1320 S. Plymouth Avenue
136.21-1-3.001	13 Cottage Street	3.37	Split to create 49 Cottage Street, parcel number updated
136.21-1-4	31 Cottage Street	0.12	No change
136.21-1-3.002	49 Cottage Street	0.66	Formerly part of 13 Cottage Street
135.28-2-45	69 Cottage Street	0.18	No change
135.28-2-44	75 Cottage Street	0.18	No change
136.21-1-2	100 Riverview Place	2.06	No change
121.70-1-39.001	Portions of 102 Violetta Street	3.00	No change
135.28-2-63	Portions of 1320 S. Plymouth Avenue	1.10	Split to create 10 Flint Street, new parcel number

A map of the current parcels provided by the City of Rochester, titled "Brownfield Cleanup Program" and dated March 2025, is included in this BCA amendment application for reference.

A site location map is also provided, in accordance with the instructions for completing Section V of this application to amend the BCA.





- LEGEND**
- FORMER VACUUM OIL REFINERY (APPROXIMATE)
  - BROWNFIELD CLEANUP PROGRAM SITE LIMITS (APPROXIMATELY 15.4 ACRES)
  - ASPHALT PAVED BIKE/PEDESTRIAN PATH

**BROWNFIELD CLEANUP PROGRAM**

**PORTION OF FORMER VACUUM OIL REFINERY**

13, 31, 49, 69, AND 75 COTTAGE STREET; 100 RIVERVIEW PLACE; AND PORTIONS OF 1 COTTAGE STREET; 10 FLINT STREET; 102 VIOLETTA STREET; AND 1320 S. PLYMOUTH AVENUE ROCHESTER, NEW YORK



Parcel ID#	Address	Acreage
136.21-1-3.002	49 Cottage St.	0.66
136.21-1-3.001	13 Cottage St.	3.37
136.21-1-2	100 Riverview Pl.	2.06
121.70-1-39.001	102 Violetta St.	3.00
121.77-1-86.001	10 Flint St.	3.83
135.28-2-63	1320 S. Plymouth Ave.	1.10
136.21-1-1	1 Cottage St.	0.90
136.21-1-4	31 Cottage St.	0.12
135.28-2-45	69 Cottage St.	0.18
135.28-2-44	75 Cottage St.	0.18