

Brownfield Cleanup Program Application Former Wollensack Optical 872 & 886 Hudson Avenue, Rochester New York August 2018

Prepared for: Jefferson Wollensack LLC 312 State Street Rochester, New York 14608 Prepared by: LaBella Associates 300 State Street, Suite 201 Rochester, New York 14614



Former Wollensack Optical 872 & 886 Hudson Avenue Rochester, New York Brownfield Cleanup Program Application

Table of Contents

BCP Application Form BCP Application Supporting Documentation

Figures

Figure 1 – Proposed Brownfield Cleanup Program Site

Figure 2 - Site & Surrounding Properties

Figure 3 – USGS Topographic Map

Figure 4 – Historical Features and Previous Testing Locations

Figure 5A - Summary of Groundwater Data Above NYS Standards

Figure 5B - Summary of Soil Data Above NYS Standards

Figure 6 - Groundwater Elevation Mapping

Exhibits

Exhibit A – Entity Information

Exhibit B - Tax Map

Exhibit C – Document Repository Confirmation

Exhibit D - En-Zone Map

Exhibit E – Zoning Map

Exhibit F – Soil and Groundwater Descriptions

Exhibit G - Previous Investigation Report

Exhibit H - Building Plans

Exhibit I – 14621 Revitalization Strategy Nomination Study

Exhibit J – Sanborn Fire Insurance Maps and Street Directory Summary

Exhibit K - Access Agreement





BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. Is this an application to amend an existing BCA?

			sed in the same manner as this an application to am				
Yes	No	If ye	s, provide existing site n	umber:			
PART A (note: a _l	oplication is sepa	arated into P	arts A and B for DEC revi	ew pur	ooses)	BCP A	pp Rev 9
Section I. Req	uestor Information	on - See Inst	ructions for Further Guid	lance	DE BCP SITE	C USE ONL	Y
NAME							
ADDRESS							
CITY/TOWN			ZIP CODE				
PHONE		FAX		E-MAIL			
 If the re Departr above, informa Conservin NYS. Do all individua of Section New 	questor is a Corponent of State to co in the NYS Depar- tion from the data vation (DEC) with Refer to Exhibit Is that will be cert als that will be ce on 1.5 of DER-10	oration, LLC, onduct busine tment of State base must be the application A diffying documentifying BCP of tion Law. Do	ss in New York State (NYS) LLP or other entity requiring ss in NYS, the requestor's es Corporation & Business submitted to the New York on, to document that the recents meet the requirements locuments, as well as their uidance for Site Investigation cuments that are not property.	g author name m Entity D c State D questor i detailed employe on and F	bust appea patabase. Departments authorized below? ers, meet authorizers, meet authorizers.	ar, exactly A print-ont of Envioced to do Yes the requi	y as given ut of entity ironmenta business No irements article 145
Section II. Pro	ject Description						
1. What stage	is the project start	ing at?	Investigation		R	emediati	on
Analysis, and F		an must be at	tage, a Remedial Investiga tached (see <u>DER-10 / Tecl</u> ance).				tives
3. If a final RIR (ECL) Article 2		se verify it me Yes	ets the requirements of En No _{NA}	vironme	ntal Cons	ervation	Law
4. Please attac	h a short descript	ion of the ove	rall development project, in	cluding			
the date	e that the remedia	ıl program is t	o start; and				

the date the Certificate of Completion is anticipated.

Refer to Supporting Documentation

Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (please submit the information requested in this section in electronic format only):

- 1. Reports: an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903).
- 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	Soil Gas
Petroleum			
Chlorinated Solvents			
Other VOCs			
SVOCs			
Metals			
Pesticides			
PCBs			
Other*			
*Please describe:	•		

- 3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:
 - SAMPLE LOCATION
 - DATE OF SAMPLING EVENT
 - KEY CONTAMINANTS AND CONCENTRATION DETECTED
 - FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE
 - FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5
 - FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE
THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN
11" Y 17" THESE DRAWINGS SHOULD BE BEEN ABED IN ACCORDANCE WITH ANY CHIDANCE PROVIDED.

11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE	E WITH	ANY GUID	ANCE PROVIDED.
ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*	.,		Refer to Figure 5
(*answering No will result in an incomplete application)	Yes	No	

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

Section IV. Property Information - See Instruction	ons for Fu	rther Guida	nce		
PROPOSED SITE NAME					
ADDRESS/LOCATION					
CITY/TOWN ZIF	CODE				
MUNICIPALITY(IF MORE THAN ONE, LIST ALL):					
COUNTY	S	SITE SIZE (AC	RES)		
LATITUDE (degrees/minutes/seconds)	LONG	ITUDE (degre	es/minutes/se	econds)	и
COMPLETE TAX MAP INFORMATION FOR ALL TAX I BOUNDARIES. ATTACH REQUIRED MAPS PER THE				ROPERTY	
Parcel Address		Section No.	Block No.	Lot No.	Acreage
Do the proposed site boundaries correspond to If no, please attach a metes and bounds descrip			unds?	Yes	No
2. Is the required property map attached to the ap (application will not be processed without map)	plication?			Yes	No
3. Is the property within a designated Environmen (See DEC's website for more information)	tal Zone (E	En-zone) purs	suant to Tax Ye		6)?
If yes	, identify c	ensus tract :			
Percentage of property in En-zone (check one):	0-49	9%	50-99%	100%)
Is this application one of multiple applications for project spans more than 25 acres (see additional).					opment es No
If yes, identify name of properties (and site num applications:	bers if ava	ilable) in rela	ated BCP		
5. Is the contamination from groundwater or soil vasubject to the present application?	apor solely	emanating f	rom propert	y other than Ye	
6. Has the property previously been remediated posterior ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation)	Titles 9, 13, o	or 14 of ECL	. Article 27, [°] Ye	
7. Are there any lands under water? If yes, these lands should be clearly delineated	on the site	map.		Υe	es No

Se	ection IV. Property Information (continued)			
8.	Are there any easements or existing rights of way that would preclude remediation in these lifyes, identify here and attach appropriate information.		s? No	
	Easement/Right-of-way Holder Description			
9.	List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or a information) NA	attach		
	Type <u>Issuing Agency</u> <u>Descri</u>	<u>ription</u>		
10	 Property Description and Environmental Assessment – please refer to application instr the proper format of each narrative requested. 	uction	s for	
	Are the Property Description and Environmental Assessment narratives included in the prescribed format ?	Yes	s N	10
11	. For sites located within the five counties comprising New York City, is the requestor seeki determination that the site is eligible for tangible property tax credits? NA If yes, requestor must answer questions on the supplement at the end of this form.	ng a Yes	s N	No
12	2. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?	Yes	s N	No
13	If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?	Ye	s N	No
p	NOTE: If a tangible property tax credit determination is not being requested in the apparticipate in the BCP, the applicant may seek this determination at any time before in certificate of completion by using the BCP Amendment Application, <u>except</u> for sites eligibility under the underutilized category.	ssuan	ce of	
If a	any changes to Section IV are required prior to application approval, a new page, initialed by	each	reques	stor
	ist be submitted.			
Init	ials of each Requestor:			

BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes) DEC USE ONLY Section V. Additional Requestor Information BCP SITE NAME: See Instructions for Further Guidance BCP SITE #: NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE **ADDRESS** CITY/TOWN ZIP CODE FAX **PHONE** E-MAIL NAME OF REQUESTOR'S CONSULTANT **ADDRESS** CITY/TOWN ZIP CODE PHONE FAX E-MAIL NAME OF REQUESTOR'S ATTORNEY **ADDRESS** CITY/TOWN ZIP CODE **PHONE** FAX E-MAIL Section VI. Current Property Owner/Operator Information – if not a Requestor OWNERSHIP START DATE: **CURRENT OWNER'S NAME ADDRESS** CITY/TOWN ZIP CODE FAX E-MAIL **PHONE** Refer to Supporting **CURRENT OPERATOR'S NAME** Documentation and **ADDRESS** Exhibit K for Additional Information. ZIP CODE CITY/TOWN FAX E-MAIL PHONE IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE **CURRENT OWNER.** PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE". Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407) 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? No 2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?

3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. Yes No

Section VII. Requestor Eligibility Information (continued)

- 4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment.

 Yes No
- 5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information.

 Yes
- 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 of contaminants? Yes No
- 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?

 Yes No
- 8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC?

 Yes No
- 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? Yes No
- 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? Yes No
- 11. Are there any unregistered bulk storage tanks on-site which require registration?

 Yes

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.

No

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 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; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

Se	ction VII. Requestor Eligibility Information (continued)					
	questor Relationship to Property (check one): Previous Owner Current Owner Potential /Future Purchaser Other					
If 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 signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached?						
	Yes No Refer to Exhibit K					
No	te: a purchase contract does not suffice as proof of access.					
Se	ction VIII. Property Eligibility Information - See Instructions for Further Guidance					
1.	Is / was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide relevant information as an attachment.	Voc	No			
2.	Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? If yes, please provide: Site # Class #	Yes Yes	No No			
3.	Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim facility? If yes, please provide: Permit type:	Yes	No			
4.	If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined un 1405(1)(b), or under contract to be transferred to a volunteer? Attach any information availar requestor related to previous owners or operators of the facility or property and their financincluding any bankruptcy filing and corporate dissolution documentation.	able to	the			
5.	Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 If yes, please provide: Order #	7 Title 7 Yes	10? No			
6.	Is the property subject to a state or federal enforcement action related to hazardous waste If yes, please provide explanation as an attachment.	or petro Yes	oleum? No			

Section IX. Contact List Information

To be considered complete, the application must include the Brownfield Site Contact List in accordance with <u>DER-23 / Citizen Participation Handbook for Remedial Programs</u>. 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.
- 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 an acknowledgement from the repository indicating that it agrees to act as the document repository for the property.
- 8. Any community board located in a city with a population of one million or more, if the proposed site is located within such community board's boundaries.

Section X. Land Use Factors		
What is the current zoning for the site? What uses are allowed by the current zoning? Residential Commercial Industrial If zoning change is imminent, please provide documentation from the appropriate zoning au	uthority.	
 Current Use: Residential Commercial Industrial Vacant Recreational (checapply) Attach a summary of current business operations or uses, with an emphasis on ident possible contaminant source areas. If operations or uses have ceased, provide the day 		
Reasonably anticipated use Post Remediation: Residential Commercial Industrial that apply) Attach a statement detailing the specific proposed use.	(check al	I
If residential, does it qualify as single family housing?	Yes N	Мо
4. Do current historical and/or recent development patterns support the proposed use?	Yes	No
5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.	Yes	No
Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.	Yes	No

XI. Statement of Certification and Signatures
(By requestor who is an individual)
If this application is approved, I hererby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the <i>DER-32</i> , <i>Brownfield Cleanup Program Applications and Agreements</i> ; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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:
Print Name:
I hereby affirm that I am Vice Prey clew (title) of Jefferson Willen Sade UC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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: 8 27 2018 Signature: Print Name: Caro yn Vitale
SUBMITTAL INFORMATION:
 Two (2) copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
o Chief, Site Control Section
 New York State Department of Environmental Conservation
o Division of Environmental Remediation
o 625 Broadway
o Albany, NY 12233-7020
FOR DEC USE ONLY BCP SITE T&A CODE: LEAD OFFICE: