

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
P: (518) 402-9706 | F: (518) 402-9020
www.dec.ny.gov

March 3, 2021

Carolyn Vitale
Jefferson Wollensack LLC
Jefferson Wollensack Housing Development Fund Corp.
312 State Street
Rochester, New York 14608

Re: Certificate of Completion
Former Wollensack Optical
City of Rochester, Monroe (C)
Site Number: C828209

Dear Ms. Vitale:

Congratulations on having satisfactorily completed the remedial program at the Former Wollensack Optical. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record the Notice of Certificate of Completion in the recording office for the county (or counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record the Notice within 30 days of the date that you acquire the site. If you are a non-owner, you must work with the owner to assure the Notice is recorded within the time frame specified. A standard Notice of Certificate of Completion form is attached to this letter.
- Provide electronic copies of the recorded Notice and proof of recording to the Department's project manager. Please return the hard copy of the proof of recording to:

Charlotte B. Theobald
New York State Department of Environmental Conservation
Division of Environmental Remediation
6274 East Avon-Lima Road
Avon, New York 14414

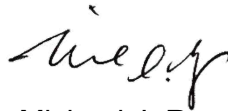


Department of
Environmental
Conservation

- Provide the Notice of Certificate of Completion to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days.
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in June 2022.

If you have any questions regarding any of these items, please contact Charlotte B. Theobald at 585-226-5354 or via e-mail at charlotte.theobald@dec.ny.gov.

Sincerely,



Michael J. Ryan, P.E.
Director
Division of Environmental Remediation

Enclosure

ec w/ enclosure:

Christine Vooris, NYSDOH, Christine.Vooris@health.ny.gov
Justin Deming, NYSDOH, justin.deming@health.ny.gov
Melissa Doroski, NYSDOH, Melissa.doroski@health.ny.gov
Arunesh Ghosh, NYSDOH, arunesh.ghosh@health.ny.gov
Matt Gokey, matthew.gokey@tax.ny.gov
Paul Takac, paul.takac@tax.ny.gov

ec w/o enc.:

Charlotte Theobald (NYSDEC)
David Pratt (NYSDEC)
Michael Cruden (NYSDEC)
Kieran McCarthy (NYSDEC)
Todd Caffoe (NYSDEC)
Kelly Lewandowski (NYSDEC)

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

Jefferson Wollensack LLC

Address

312 State Street, Rochester, NY 14608

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 11/26/18 **Agreement Execution:** 1/3/19

Agreement Index No.: C828209-11-18

Application Approval Amendment: 2/11/21

Agreement Execution Amendment: 2/11/21

SITE INFORMATION:

Site No.: C828209 **Site Name:** Former Wollensack Optical

Site Owner: Jefferson Wollensack Housing Development Fund Corp and Jefferson Wollensack LLC

Street Address: 872 and 886 Hudson Avenue

Municipality: Rochester

County: Monroe

DEC Region: 8

Site Size: 0.491 Acres

Tax Map Identification Number(s): 091.81-2-58 & 091.81-2-59

Percentage of site located in an EnZone: 100 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the BCP: Restricted-Residential, Commercial, and Industrial

Cleanup Track: Track 4: Restricted use with site-specific soil cleanup objectives

Tax Credit Provisions:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28 %.

Tangible Property Credit is 15%. Comprised of 10% Base, 5% EnZone.

Dependent upon the project being developed in a manner consistent with the approved Brownfield Cleanup Program application, additional rate increases may be available if the site is developed as affordable housing (5%), if the Certificate Holder receives a separate Determination of Conformance with the BOA from the Secretary of State (5%), or if the site is used primarily for manufacturing activities (5%) not to exceed a maximum 24 %.

The Remedial Program includes use restrictions or reliance on the long-term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Monroe County as 202010260737.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.


CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos
Commissioner
New York State Department of Environmental Conservation

By:  Date: March 3, 2021

Michael J. Ryan, P.E., Director
Division of Environmental Remediation

NOTICE OF CERTIFICATE OF COMPLETION
Brownfield Cleanup Program
6 NYCRR Part 375-1.9(d)

Former Wollensack Optical, Site ID No. C828209
872 & 886 Hudson Avenue, Rochester, New York, 14621
City of Rochester, Monroe County, Tax Map Identification Number(s): 091.81-2-58 & 091.81-2-59

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to Jefferson Wollensack LLC for a parcel approximately 0.491 acres located at the 872 and 886 Hudson Avenue in the City of Rochester, Monroe County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, the remedial program for the site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- ☐ Unrestricted Use, as set forth in 6 NYCRR 375-1.8(g)(1)i
- ☐ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☒ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long-term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Monroe County as 202010260737.

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved Site Management Plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the site and to a person who develops or otherwise occupies the site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

Former Wollensack Optical, C828209, 872 & 886 Hudson Avenue

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

PLEASE TAKE NOTICE, the Certificate may be revoked if the Environmental Easement as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

PLEASE TAKE NOTICE, the Certificate may only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 8 located at 6274 East Avon-Lima, Avon, New York 14414, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C828209/>

WHEREFORE, the undersigned has signed this Notice of Certificate

Jefferson Wollensack Housing Development Fund Corp

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 20__, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of individual taking
acknowledgment

WHEREFORE, the undersigned has signed this Notice of Certificate

Jefferson Wollensack LLC

By: _____

Title: _____

Date: _____

STATE OF NEW YORK) SS:
COUNTY OF)

On the _____ day of _____, in the year 20__, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of individual taking
acknowledgment

Please record and return to:

Jefferson Wollensack LLC
312 State Street
Rochester, New York 14608

4/20/2020

Exhibit A

Site Description

County: Monroe Site No: C828209 Brownfield Cleanup Agreement Index : C828209-11-18

SCHEDULE "A" PROPERTY DESCRIPTION

ENVIRONMENTAL EASEMENT: (EE1)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF ROCHESTER, COUNTY OF MONROE AND STATE OF NEW YORK DESCRIBED AS:

THAT PART OF LOTS 48 AND 49 OF THE WATERSTRAAT AND WUNDER TRACT, BEING A SUBDIVISION OF PART OF TOWN LOT #45, TOWNSHIP #14, RANGE 7 AND FILED IN THE MONROE COUNTY CLERK'S OFFICE IN LIBER 10 OF MAPS AT PAGE 119 DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT A POINT IN THE SOUTHWEST CORNER OF SAID LOT NO. 48, BEING A POINT AT THE INTERSECTION BETWEEN THE NORTHERLY RIGHT-OF-WAY FOR AVENUE "D" AND THE EASTERLY RIGHT-OF-WAY FOR HUDSON AVENUE, ALSO BEING THE SOUTHWEST CORNER FOR THE LANDS NOW OR FORMERLY OF JEFFERSON WOLLENSACK HOUSING DEVELOPMENT FUND CORP. TA# 91.81-02-59; THENCE

1. N 03°22'48" W ALONG SAID EASTERLY RIGHT-OF-WAY OF HUDSON AVENUE FOR A DISTANCE OF 112.27 FEET TO A POINT IN THE DIVISION LINE BETWEEN THE LANDS NOW OR FORMERLY OF THE CITY OF ROCHESTER TA# 91.81-02-12 ON THE NORTH/EAST AND THE LANDS NOW OR FORMERLY OF JEFFERSON WOLLENSACK HOUSING DEVELOPMENT FUND CORP. TA# 91.81-02-58 ON THE SOUTH/WEST; THENCE

2. N 87°43'42" E ALONG SAID DIVISION LINE FOR A DISTANCE OF 134.00 FEET PASSING ALONG THE SOUTH LINE FOR THE LANDS NOW FOR FORMERLY OF BERTRAM C. GAMORY TA# 91.81-02-13 TO A POINT IN SOUTHEAST CORNER OF SAID LANDS; THENCE

3. N 02°16'18" W ALONG THE DIVISION LINE BETWEEN THE LANDS NOW OR FORMERLY OF JEFFERSON WOLLENSACK HOUSING DEVELOPMENT FUND CORP. TA# 91.81-02-58 ON THE EAST AND THE LANDS NOW OR FORMERLY OF BERTRAM C. GAMORY TA# 91.81-02-13 ON THE WEST FOR A DISTANCE OF 74.00 FEET TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY OF ROYCROFT DRIVE; THENCE

4. N 87°43'42" E ALONG SAID SOUTHERLY RIGHT-OF-WAY OF ROYCROFT DRIVE FOR A DISTANCE OF 35.00 FEET TO A POINT IN THE DIVISION LINE BETWEEN THE LANDS NOW OR FORMERLY OF HENRY BAKER JR. & MARY TURNER TA# 91.81-02-14 ON THE EAST AND THE LANDS NOW OR FORMERLY OF JEFFERSON WOLLENSACK HOUSING DEVELOPMENT FUND CORP. TA# 91.81-02-58 ON THE WEST; THENCE

5. S 02°16'18" E ALONG SAID DIVISION LINE FOR A DISTANCE OF 74.00 FEET TO A POINT IN THE DIVISION LINE BETWEEN THE LANDS NOW OR FORMERLY OF JEFFERSON WOLLENSACK HOUSING DEVELOPMENT FUND CORP. TA# 91.81-02-58 ON THE NORTH/WEST AND THE LANDS NOW FOR FORMERLY OF LUZ A. WILD NUNEZ TA# 91.81-02-57 ON THE SOUTH/EAST; THENCE

County: Monroe Site No: C828209 Brownfield Cleanup Agreement Index : C828209-11-18

6. S 87°43'42" W ALONG SAID DIVISION LINE FOR A DISTANCE OF 0.35 FEET TO AN ANGLE POINT; THENCE

7. S 02°16'18" E CONTINUING ALONG SAID DIVISION LINE FOR A DISTANCE OF 112.25 FEET TO A POINT IN THE NORTHERLY RIGHT-OF-WAY OF AVENUE "D"; THENCE

8. S 87°43'42" W ALONG SAID NORTHERLY RIGHT-OF-WAY OF AVENUE "D" FOR A DISTANCE OF 166.48 FEET PASSING ALONG THE LANDS NOW OR FORMERLY OF JEFFERSON WOLLENSACK HOUSING DEVELOPMENT FUND CORP. TA# 91.81-02-59 ON THE NORTH TO THE POINT AND PLACE OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 0.491 ACRES (21,400 SQ FT.)

Exhibit B

Site Survey



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
2/22/2021



SITE DESCRIPTION

SITE NO. C828209

SITE NAME Former Wollensack Optical

SITE ADDRESS: 872 and 886 Hudson Avenue **ZIP CODE:** 14621

CITY/TOWN: Rochester

COUNTY: Monroe

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES: YES NO

IC/EC Certification Plan



Monitoring Plan



Operation and Maintenance (O&M) Plan



Periodic Review Frequency: once a year

Periodic Review Report Submitted Date: 07/31/2022

Description of Institutional Control

Jefferson Wollensack Housing Development Fund Corp.

312 State Street

872 Hudson Avenue

Environmental Easement

Block: 2

Lot: 59

Sublot:

Section: 091

Subsection: 81

S_B_L Image:

Ground Water Use Restriction

IC/EC Plan

Land use Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

886 Hudson Avenue

Environmental Easement

Block: 2

Lot: 58

Sublot:

Section: 091

Subsection: 81

S_B_L Image:

Ground Water Use Restriction

IC/EC Plan

Land use Restriction

Monitoring Plan

O&M Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

Jefferson Wollensack Housing Development Fund Corp.

312 State Street

872 Hudson Avenue

Environmental Easement

Block: 2

Lot: 59

Sublot:

Section: 091

Subsection: 81

S_B_L Image:

Cover System

Groundwater Treatment System

Monitoring Wells

Vapor Mitigation

886 Hudson Avenue

Environmental Easement

Block: 2

Lot: 58

Sublot:

Section: 091

Subsection: 81

S_B_L Image:

Cover System

Groundwater Treatment System

Vapor Mitigation