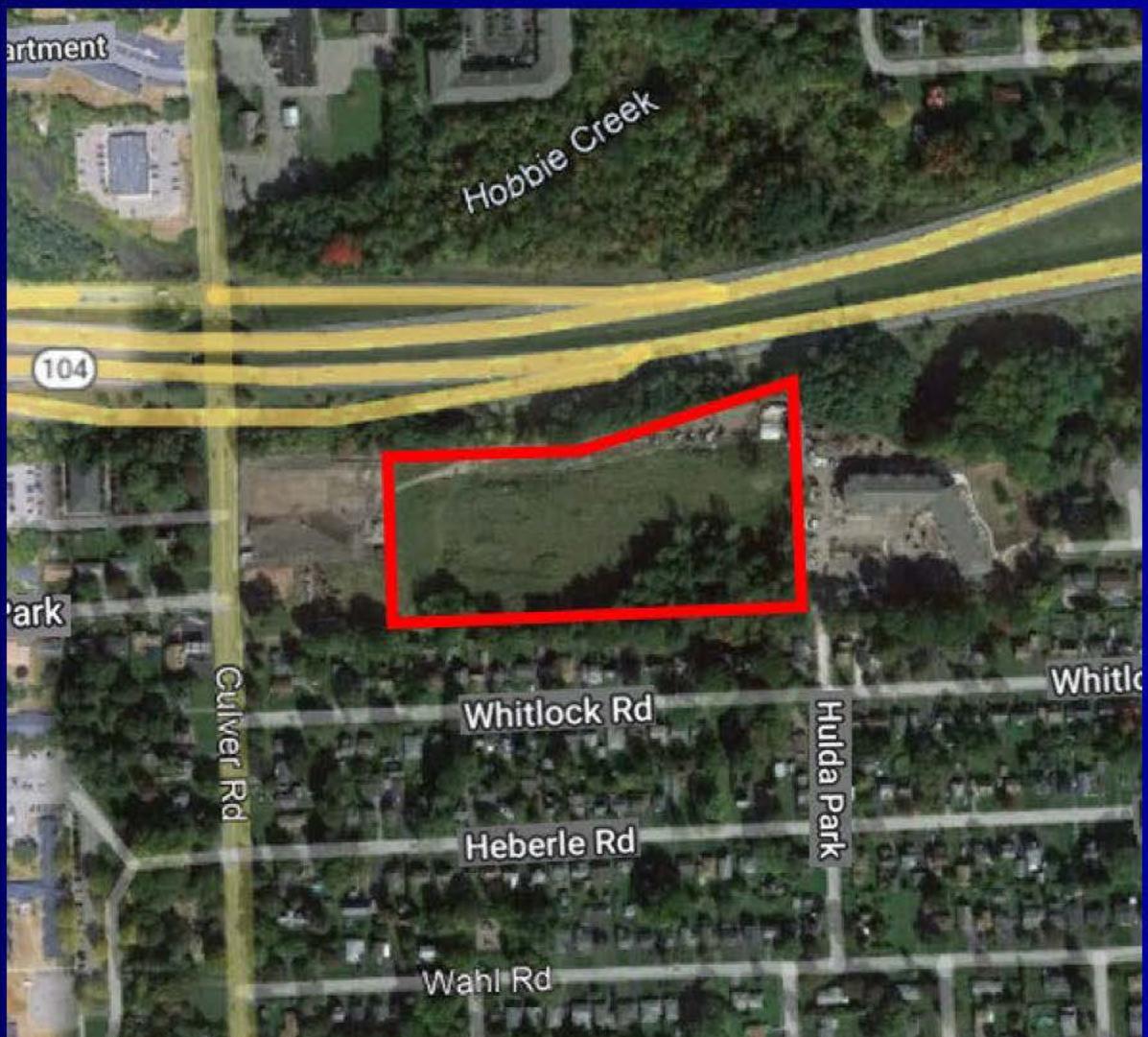


Providence Culver Housing LLC

Brownfield Cleanup Program Application

Wambach Farm Site

Culver Road, Rochester, NY 14609



Legal & Consulting Team:
Knauf Shaw LLP & Bergmann P.C..
September 2022

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1400 Crossroads Building
2 State Street
Rochester, New York 14614
nyenvlaw.com

September 15, 2022

LINDA R. SHAW
ATTORNEY AT LAW

T 585.546.8430
C 585.414.3122
lshaw@nyenvlaw.com

VIA FEDEX

Kelly A. Lewandowski, P.E.
Chief Site Control Section
New York State Division of Environmental Conservation
Site Control Section
625 Broadway, 11th Floor
Albany, NY 12233

**RE: Brownfield Cleanup Program Application
Providence Culver Housing LLC
Wambach Farm Site
Culver Road, Rochester, New York 14609**

Dear Ms. Lewandowski:

Enclosed please find a Brownfield Cleanup Program (“BCP”) Application and support documentation for Requestor, Providence Culver Housing LLC, in relation to the aforementioned Site, in both electronic and hardcopy form. For the convenience of Site Control, we have included a single PDF of the entire BCP Application, “Complete App Package PDF,” as well as the individual application files.

Please do not hesitate to contact me if you have any questions. Thank you.

Sincerely,

KNAUF SHAW LLP

A handwritten signature in black ink that reads "Linda R. Shaw".

LINDA R. SHAW

Encl.

CC: Mark Greisberger (mark.greisberger@dor.org)
Ariadna Cheremeteff (acheremeteff@bergmannpc.com)



Is this an application to amend an existing BCA with a major modification? Please refer to the application instructions for further guidance related to BCA amendments.

If yes, provide existing site number: _____

 Yes No

Is this a revised submission of an incomplete application?

If yes, provide existing site number: _____

 Yes No

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SECTION I: Property Information

PROPOSED SITE NAME Wambach Farm Site

ADDRESS/LOCATION Culver Road

CITY/TOWN Rochester, New York

ZIP CODE 14609

MUNICIPALITY (LIST ALL IF MORE THAN ONE) Rochester and Monroe County

COUNTY Monroe

SITE SIZE (ACRES) 9.245

LATITUDE 43 ° 11 ' 42.6N LONGITUDE 77 ° 33 ' 30.6W

Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, please indicate as such by inserting "p/o" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding acreage column.

ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section	Block	Lot	Acreage
Culver Road	092.10	3	2.12	9.245

1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.	<input type="radio"/> Y	<input type="radio"/> N
2. Is the required property map provided in electronic format with the application? (Application will not be processed without a map)	<input checked="" type="radio"/>	<input type="radio"/>
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) If yes, identify census tract: _____ Percentage of property in En-zone (check one): 0% <input type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100%	<input type="radio"/>	<input checked="" type="radio"/>
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input checked="" type="radio"/>	<input type="radio"/>
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>

6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications:	<input type="radio"/>	<input checked="" type="radio"/>
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?	<input type="radio"/>	<input checked="" type="radio"/>
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.	<input type="radio"/>	<input checked="" type="radio"/>
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.	<input type="radio"/>	<input checked="" type="radio"/>
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number:	<input type="radio"/>	<input checked="" type="radio"/>
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: Class:	<input type="radio"/>	<input checked="" type="radio"/>
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information.	<input type="radio"/>	<input checked="" type="radio"/>

Easement/Right-of-Way Holder

Description

13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information):	<input type="radio"/>	<input checked="" type="radio"/>
<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>

14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?

Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.

15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.	<input type="radio"/>	<input checked="" type="radio"/>
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?	<input type="radio"/>	<input checked="" type="radio"/>
17. If you have answered YES to Question 16 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?	<input type="radio"/>	<input checked="" type="radio"/>

NOTE: If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.

Initials of each Requestor:

SECTION II: Project Description

1. The project will be starting at: Investigation Remediation

NOTE: If the project is proposed to start at the remediation stage, at a minimum, a Remedial Investigation Report (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Action Work Plan (RAWP) are also included (see [DER-10, Technical Guidance for Site Investigation and Remediation](#) for further guidance), then a 45-day public comment period is required.

2. If a final RIR is included, does it meet the requirements in ECL Article 27-1415(2)?

Yes

No

N/A

3. Have any draft work plans been submitted with the application (select all that apply)?

RIWP

RAWP

IRM

No

4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued.

Is this information attached?

Yes

No

SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? R-5

2. What uses are allowed by the property's current zoning (select all that apply)?

Residential Commercial Industrial

3. Current use (select all that apply):

Residential Commercial Industrial Recreational Vacant

4. Please provide a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant.

Is this summary included with the application?

Y	N
<input checked="" type="radio"/>	<input type="radio"/>

5. Reasonably anticipated post-remediation use (check all that apply):

Residential Commercial Industrial

If residential, does it qualify as single-family housing?

N/A

6. Please provide a statement detailing the specific proposed post-remediation use.
Is this summary attached?

7. Is the proposed post-remediation use a renewable energy facility?
See application instructions for additional information.

8. Do current and/or recent development patterns support the proposed use?

9. Is the proposed use consistent with applicable zoning laws/maps?
Please provide a brief explanation and additional documentation if necessary.

10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?

Please provide a brief explanation and additional documentation if necessary.

SECTION IV: Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that contamination of environmental media exists on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the site property and that the site requires remediation. To the extent that existing information/studies/reports are available to the requestor, please attach the following (**please submit 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](#)). Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.

2. **SAMPLING DATA: INDICATE (BY SELECTING THE OPTIONS BELOW) KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED AS AN ATTACHMENT, WITH LABORATORY REPORTS REFERENCED AND INCLUDED.**

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum			
Chlorinated Solvents			
Other VOCs			
SVOCs	✓		
Metals	✓		
Pesticides	✓		
PCBs			
PFAS			
1,4-dioxane			
Other – indicated below			

*Please describe other known contaminants and the media affected:

Nuisance Petroleum Odors

3. For each impacted medium above, include a site drawing indicating:

- Sample location
- Date of sampling event
- Key contaminants and concentration detected
- For soil, highlight exceedances of reasonably anticipated use
- For groundwater, highlight exceedances of 6 NYCRR part 703.5
- For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

These drawings are to be representative of all data being relied upon to determine if the site requires remediation under the BCP. Drawings should be no larger than 11"x17" and should only be provided electronically. These drawings should be prepared in accordance with any guidance provided.

Are the required drawings included with this application?

YES

NO

4. Indicate Past Land Uses (check all that apply):

Coal Gas Manufacturing	Manufacturing	Agricultural Co-Op	Dry Cleaner
Salvage Yard	Bulk Plant	Pipeline	Service Station
<input checked="" type="checkbox"/> Landfill	Tannery	Electroplating	Unknown

Other:

SECTION V: Requestor Information

NAME Providence Culver housing LLC	
ADDRESS 1150 Buffalo Road	
CITY/TOWN Rochester, New York	ZIP CODE 14624
PHONE (585) 265-3730	EMAIL mark.greisberger@dor.org
1. Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="radio"/> <input type="radio"/> 2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS 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 with this application to document that that requestor is authorized to conduct business in NYS. Is this attached? <input checked="" type="radio"/> <input type="radio"/> 3. If the requestor is an LLC, the names of the members/owners need to be provided on a separate attachment. Is this attached? <input checked="" type="radio"/> <input type="radio"/> 4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP.	
Y N	

SECTION VI: Requestor Eligibility

If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? <input type="radio"/> <input checked="" type="radio"/> 2. Is the requestor subject to an existing order for the investigation, removal or remediation of 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 this 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 ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government? <input type="radio"/> <input checked="" type="radio"/> 5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application. <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 of contaminants? <input type="radio"/> <input checked="" type="radio"/>	
Y N	

SECTION VI: Requestor Eligibility (CONTINUED)

	Y	N
7. Has the requestor been convicted of a criminal offence (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved 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 DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>
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 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	VOLUNTEER
<p>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.</p>	<p>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.</p> <p>NOTE: By selecting this option, 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; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste.</p> <p>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.</p>

13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?

Yes

No

N/A

SECTION VI: Requestor Eligibility (CONTINUED)

14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):

Previous Owner Current Owner Potential/Future Purchaser Other: _____

If the requestor is not the current owner, **proof of site access sufficient to complete remediation must be provided.** 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 environmental easement on the site.

Is this proof attached? Yes No

Note: A purchase contract or lease agreement does not suffice as proof of site access.

SECTION VII: Requestor Contact Information

REQUESTOR'S REPRESENTATIVE

Mark Greisberger

ADDRESS

1150 Buffalo Road

CITY

Rochester, New York

ZIP CODE

14624

PHONE

(585) 265-3730

EMAIL

mark.greisberger@dor.org

REQUESTOR'S CONSULTANT (CONTACT NAME)

Ariadna Cheremeteff, Environmental Discipline Leader

COMPANY

Bergmann P.C.,

ADDRESS

280 East Broad Street, Suite 200

CITY

Rochester, NY

ZIP CODE

14604

PHONE

585.498.7952

EMAIL

acheremeteff@bergmannpc.com

REQUESTOR'S ATTORNEY (CONTACT NAME)

Linda R. Shaw, Esq.

COMPANY

Knauf Shaw LLP

ADDRESS

1400 Crossroads Building, 2 State Street

CITY

Rochester, New York

ZIP CODE

14614

PHONE

(585) 546-8430

EMAIL

lshaw@nyenvlaw.com

SECTION VIII: Program Fee

Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of \$50,000. Requestors may apply for a fee waiver based on demonstration of financial hardship.

	Y	N
1. Is the requestor applying for a fee waiver based on demonstration of financial hardship?	<input checked="" type="radio"/>	<input type="radio"/>
2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information.	<input checked="" type="radio"/>	<input type="radio"/>
Is the appropriate documentation included with this application?		

SECTION IX: Current Property Owner and Operator Information

CURRENT OWNER

Peter G. Wambach

CONTACT NAME

Peter G. Wambach

ADDRESS

9 Hasting Circle

CITY

Pittsford, New York

ZIP CODE

14534

PHONE

585-694-4125

EMAIL

peterwambach1@gmail.com

OWNERSHIP START DATE

December 1984

CURRENT OPERATOR

Vacant - there are no ongoing operations. Site was historically operated as a farmer's market after site was landfilled

CONTACT NAME

Same as above

ADDRESS

CITY

ZIP CODE

PHONE

EMAIL

OPERATION START DATE

SECTION X: Property Eligibility Information

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>

SECTION X: Property Eligibility Information (continued)

<p>3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: _____ EPA ID Number: _____</p>	<input type="radio"/>	<input checked="" type="radio"/>	
Date Permit Issued: _____	Permit Expiration Date: _____		
<p>4. If the answer to question 2 or 3 above is YES, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents.</p>	N/A	<input checked="" type="radio"/>	<input type="radio"/>
<p>5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____</p>	<input type="radio"/>	<input checked="" type="radio"/>	
<p>6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information.</p>	<input type="radio"/>	<input checked="" type="radio"/>	

SECTION XI: Site Contact List

To be considered complete, the application must include the Brownfield Site Contact List in accordance with *DER-23: Citizen Participation Handbook for Remedial Programs*. Please attach, at a minimum, the names and mailing addresses of the following:

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

SECTION XII: Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby 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 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 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: _____

(By a requestor other than an individual)

I hereby affirm that I am _____ (title) of _____ (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby 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 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 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: 8/15/22 Signature: Mark Greisberger

Print Name: Mark Greisberger

SUBMITTAL INFORMATION

- Two (2) copies, one unbound paper copy of the application form with original signatures and table of contents, and one complete electronic copy in final, non-fillable Portable Document Format (PDF), must be sent to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

PLEASE DO NOT SUBMIT PAPER COPIES OF SUPPORTING DOCUMENTS. Please provide a hard copy of ONLY the application form and a table of contents.

FOR DEC USE ONLY

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

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY

Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27-1407(1-a) must be submitted if requestor is seeking this determination.

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Please respond to the questions below and provide additional information and/or documentation as required.		Y	N
1. Is the property located in Bronx, Kings, New York, Queens or Richmond County?		<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?		<input type="radio"/>	<input type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?		<input type="radio"/>	<input type="radio"/>
4. Is the property upside down or underutilized as defined below?			
		Upside down	<input type="radio"/>
		Underutilized	<input type="radio"/>

From ECL 27-1405(31):

“Upside down” shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.

From 6 NYCRR 375-3.2(I) as of August 12, 2016 (Please note: Eligibility determination for the underutilized category can only be made at the time of application):

375-3.2:

(I) “Underutilized” means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and

- (1) the proposed use is at least 75 percent for industrial uses; or
- (2) at which:
 - (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;
 - (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and
 - (iii) one or more of the following conditions exists, as certified by the applicant:
 - (a) property tax payments have been in arrears for at least five years immediately prior to the application;
 - (b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or
 - (c) there are no structures.

“Substantial government assistance” shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

5. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review).

Check appropriate box below:

Project is an Affordable Housing Project – regulatory agreement attached

Project is planned as Affordable Housing, but agreement is not yet available*

*Selecting this option will result in a “pending” status. The regulatory agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

This is not an Affordable Housing Project

From 6 NYCRR 375-3.2(a) as of August 12, 2016:

(a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty-seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ household’s annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income.

(3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

6. Is the site a planned renewable energy facility site as defined below?

Yes – planned renewable energy facility site
 No – not a planned renewable energy facility site

If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.

From ECL 27-1405(33) as of April 9, 2022:

"Renewable energy facility site" shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

From Public Service Law Article 4 Section 66-p as of April 23, 2021:

(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and meets the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

Yes
 No

From ECL 75-0111 as of April 9, 2022:

(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.

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BCP APPLICATION SUMMARY (FOR DEC USE ONLY)

SITE NAME Wambach Farm Site	SITE ADDRESS Culver Road		
CITY Rochester, New York	COUNTY Mornoe	ZIP 14609	
REQUESTOR NAME Providence Culver housing LLC	REQUESTOR ADDRESS 1150 Buffalo Road		
CITY Rochester, New York	ZIP 14624	EMAIL	mark.greisberger@dor.org

PROPERTY ADDRESS	SECTION	BLOCK	LOT
Culver Road	092.10	3	2.12

REQUESTOR'S REPRESENTATIVE

NAME Mark Greisberger	ADDRESS 1150 Buffalo Road	
CITY Rochester, New York	ZIP 14624	EMAIL mark.greisberger@dor.org

REQUESTOR'S ATTORNEY

NAME Linda R. Shaw, Esq.	ADDRESS 1400 Crossroads Building, 2 State Street	
CITY Rochester, New York	ZIP 14614	EMAIL lshaw@nyenvlaw.com

REQUESTOR'S CONSULTANT

NAME Ariadna Cheremeteff, Environmental Discipline Leader	ADDRESS 280 East Broad Street, Suite 200	
CITY Rochester, NY	ZIP 14604	EMAIL acheremeteff@bergmannpc.com

REQUESTOR'S REQUESTED STATUS	PARTICIPANT <input type="checkbox"/>	VOLUNTEER <input checked="" type="checkbox"/>
DEC DETERMINATION	AGREE	DISAGREE

APPLIED FOR FEE WAIVER	YES <input checked="" type="radio"/>	NO <input type="radio"/>
ELIGIBLE FOR FEE WAIVER	YES	NO

PERCENTAGE WITHIN AN EN-ZONE	0% <input type="radio"/>	<50% <input type="radio"/>	50-99% <input type="radio"/>	100% <input type="radio"/>
DEC DETERMINATION	AGREE			
	DISAGREE			

BCP APPLICATION SUMMARY (FOR DEC USE ONLY) (CONTINUED)**FOR SITES IN NEW YORK CITY ONLY**

IS THE REQUESTOR SEEKING TANGIBLE PROPERTY CREDITS?	YES <input type="radio"/>	NO <input checked="" type="radio"/>
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UPSIDE DOWN	YES <input type="radio"/>	NO <input type="radio"/>
DEC DETERMINATION	AGREE	DISAGREE

UNDERUTILIZED	YES <input type="radio"/>	NO <input type="radio"/>
DEC DETERMINATION	AGREE	DISAGREE

AFFORDABLE HOUSING STATUS	PLANNED <input type="radio"/>	YES <input type="radio"/>	NO <input type="radio"/>
DEC DETERMINATION	AGREE	DISAGREE	

DISADVANTAGED COMMUNITY AND CONFORMING BOA	YES <input type="radio"/>	NO <input type="radio"/>
DEC DETERMINATION	AGREE	DISAGREE

RENEWABLE ENERGY FACILITY SITE	YES <input type="radio"/>	NO <input type="radio"/>
DEC DETERMINATION	AGREE	DISAGREE

NOTES:

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP)
INSTRUCTIONS FOR COMPLETING A BCP APPLICATION

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional Office](#) to schedule a meeting. To add a party to an existing BCP Agreement, use the [BCP Agreement Amendment Application](#).

For further information regarding the determination of a complete application, please refer to the guidance following these instructions, as well as the [NYSDEC BCP website](#).

SUBMITTAL INSTRUCTIONS

Please submit one unbound paper copy of ONLY the application form and a table of contents to the address below:

Chief, Site Control Section
New York State Department of Environmental Conservation
625 Broadway, 11th Floor
Albany, NY 12233-7020

Additionally, please submit an electronic (Portable Document Format [PDF]) version of the application as follows:

- One file containing the application form, table of contents, and supporting documentation, excluding historical environmental reports and draft work plans
- One file for each historical environmental report (not merged with each other or with the application file)
- One file for each draft work plan, if applicable

PLEASE DO NOT SUBMIT PAPER COPIES OF SUPPORTING DOCUMENTS. Please provide a hard copy of ONLY the application form and table of contents.

SECTION I: Property Information

PLEASE NOTE	If any changes to SECTION I are required prior to application approval, a new page 2, initialed by each requestor, must be submitted with the revisions.
Proposed Site Name	Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e., ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.
Site Address	Provide a street address, city/town, zip code, and each municipality and county in which the site is located.
Site Size	Provide the approximate acreage of the site.
GIS Information	Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.

SECTION I: Property Information (continued)

Tax Parcel Information	Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5-minute quad map on which the property appears and clearly indicate the proposed site's location.
Tax Map Boundaries	State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/ reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.
Site Map	Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: (i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and (ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.
En-zone	Is any part of the property in an En-zone? If so, what percentage? For information on En-zones, please see DEC's website .
Disadvantaged Communities	For additional information on disadvantaged communities, please refer to the Climate Leadership and Community Protection Act website .
Brownfield Opportunity Area (BOA)	For more information on designated BOAs, please refer to the NYS DOS website . Additional information on BOA conformance determinations can be found at the Office of Planning and Development website .
Multiple Applications	Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where (1) the development project spans more than 25 acres; (2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and (3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).
Previous BCP Applications	If all or part of the proposed site has been the subject of a previous BCP application (whether accepted, denied or withdrawn), please provide the assigned DEC site number from the previous application as well as any relevant information regarding why the property is not currently in the program.

SECTION I: Property Information (continued)	
Registry Listing and P-site Status	If all or part of the proposed site is now or ever was listed on the Registry of Inactive Hazardous Waste Disposal Sites, or is currently the subject of investigation as a Potential Site, please provide the assigned DEC site number.
Property Description Narrative	<p>Provide a property description in the format provided below. Each section should be no more than one paragraph long.</p> <p><u>Location:</u></p> <p>Example: "The XYZ Site is located in an {urban, suburban, rural} area." {Add reference points if address is unspecific; e.g., "The site is approximately 3.5 miles east of the intersection of County Route 55 and Industrial Road."}</p> <p><u>Site Features:</u></p> <p>Example: "The main site features include several large, abandoned buildings surrounded by former parking areas and roadways. About one quarter of the site area is wooded. Little Creek passes through the northwest corner."</p> <p><u>Current Zoning and Land Use:</u> (Ensure the current zoning is identified)</p> <p>Example: "The site is currently inactive and is zoned for commercial use. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility rights-of-way. The nearest residential area is 0.3 miles east on Route 55."</p> <p><u>Past Use of the Site:</u> include source(s) of contamination and remedial measures (site characterizations, investigations, Interim Remedial Measures, etc.) completed outside of the current remedial program (e.g., work under a petroleum spill incident).</p> <p>Example: "Until 1992 the site was used for manufacturing wire and wire products (e.g., conduit, insulators) and warehousing. Prior uses that appear to have led to site contamination include metal plating, machining, disposal in a one-acre landfill north of Building 7, and releases of wastewater into a series of dry wells."</p> <p>When describing the investigations/actions performed outside of the remedial program, include the major chronological remedial events that lead to the site entering a remedial program. The history should include the first involvement by government to address hazardous waste/petroleum disposal. Do not cite reports. Only include remedial activities which were implemented PRIOR to the BCA. Do not describe sampling information.</p> <p><u>Site Geology and Hydrogeology:</u></p> <p>As appropriate, provide a very brief summary of the main hydrogeological features of the site including depth to water, groundwater flow direction, etc.</p>

SECTION I: Property Information (continued)

Environmental Assessment	<p>The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semi-volatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths.</p> <p>The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SGCs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.</p> <p>A typical Environmental Assessment would look like the following:</p> <p>Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).</p> <p><i>Soil</i> - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).</p> <p><i>Groundwater</i> - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.</p> <p><i>Soil Vapor & Indoor Air</i> - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.</p>
Questions 15-17: New York City Sites	<p>These questions pertain ONLY to sites located within the five counties comprising New York City. If the requestor is seeking a determination that the site is eligible for tangible property tax credits, this section and the <i>Supplemental Questions for Sites Seeking Tangible Property Credits in New York City</i> must be completed.</p>

SECTION II: Project Description

As a separate attachment, provide complete and detailed information about the project, including the purpose of the project, the date the remedial program is to start, and the date the issuance of the Certificate of Completion is anticipated.

SECTION III: Land Use Factors

In addition to eligibility information, site history, and environmental data/reports, the application requires information regarding the current, intended and reasonably anticipated future land use.

This information consists of responses to the "land use" factors to be considered relative to the "Land Use" section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a "brownfield site" pursuant to ECL 27-1405(2).

This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

Zoning and Current Use	Provide the current municipal zoning designation and uses permitted by that designation. Provide a summary of the current use of the site, including identifying possible contaminant source areas. If the site is no longer in use, provide the date by which operations ceased.
Anticipated Use	Identify the anticipated post-remediation use of the site and provide a detailed description of the specific anticipated post-remediation use as an attachment.
Renewable Energy Facility Site	Indicate if the post-remediation use of the site is proposed to be a renewable energy facility. A "renewable energy facility site" shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system. Section 66-p of the Public Service Law: "Renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity. Provide any detailed plans or documentation to support this.
Compliance with Zoning Laws, Recent Development, and Community Master Plans	Provide additional explanation and/or documentation as necessary to support the responses to these items.

SECTION IV: Property's Environmental History

For all sites, an investigation report is required that is sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data include site drawings and data summary tables requested in Section III, #3 of the BCP application form. Specific instructions regarding the data summary tables are attached at the end of these instructions.

SECTION V: Requestor Information

Requestor Name	Provide the name of the person(s)/entity requesting participation in the BCP (if more than one, attach additional sheets with requested information.) The requestor is the person or entity seeking DEC review and approval of the remedial program.
Address, etc.	Provide the requestor's mailing address, telephone number and e-mail.
LLC Information	If the requestor(s) is/are an LLC, the names of the members/owners need to be provided on a separate attachment.
Document Certification	All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of DER-10 . Persons preparing and certifying the various work plans and reports identified in Section 1.5 include: <ul style="list-style-type: none">• New York State licensed professional engineers (P.E.s), as defined at 6 NYCRR 375-1.2(a) and paragraph 1.3(b)47. Engineering documents must be certified by a P.E. with current license and registration for work that was done by them or those under their direct supervision. The firm by which the P.E. is employed must also be authorized to practice engineering in New York State;• qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;• remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or• site owners, which are the owners of the property comprising the site at the time of the certification.

SECTION VI: Requestor Eligibility

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

Volunteer Statement	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.
Proof of Site Access	If a requestor is not the current owner of the entirety of the site, a site access agreement must be provided that demonstrates that the requestor will have access to the property before signing the BCA and throughout the BCP project. Additionally, the access agreement must include language allowing the requestor the ability to place an environmental easement on the site should the requestor not be the owner at the time remediation is complete and a Track 1 cleanup has not been achieved.

SECTION VII: Requestor Contact Information

Requestor's Representative	Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc. will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative of Applications determined to be Participants unless another contact name and address is provided with the application.
Requestor's Consultant and Requestor's Attorney	Provide all requested information.

SECTION VIII: Program Fee

If the requestor is applying for a fee waiver, sufficient documentation must be provided to demonstrate financial hardship. To demonstrate financial hardship, the applicant must show that with the payment of the program fee, remediation of the brownfield site would not be economically viable. This documentation may be in the form of federal tax returns with applicable schedules, financial statements and balance sheets, proof that the applicant has waived its right to tax credits, or any other documentation deemed acceptable by the Department.

SECTION IX: Current Property Owner and Operator Information

Owner Information	Provide requested information of the current owner of the property. List <u>all</u> parties holding an interest in the property and, if the requestor is not the current owner, describe the requestor's relationship to the current owner. If the property consists of multiple parcels, be sure to include the ownership start date of each.
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SECTION IX: Current Property Owner and Operator Information (continued)

Operator Information	Provide requested information of the current operator(s). If multiple operators, attach the requested information for each operator, including the date each operator began utilizing the property.
Historical Owners and Operators	Provide a list of previous owners and a list of previous operators, including dates of ownership or operation and last-known addresses and phone numbers. Describe the requestor's relationship to each previous owner and operator; if no relationship, indicate "none". When describing the requestor's relationship to current and historical owners and operators, include any relationship between the requestor's corporate members and the previous owners and operators.

SECTION X: Property Eligibility Information

As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.

CERCLA / NPL Listing	Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.
Registry Listing	Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) website for a database of sites with classifications.
RCRA Listing	Does the property have a Resource Conservation and Recovery Act (RCRA) TSDF Permit in accordance with the ECL 27-0900 et seq? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.
Registry/RCRA Sites Owned by Volunteers	If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27- 1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

SECTION X: Property Eligibility Information (continued)

Existing Order	Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.
Pending Enforcement Actions	Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information as an attachment.

SECTION XI: Site Contact List

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project. For sites located in a city with a population of one million or more, the appropriate community board must be included as an additional document repository, and acknowledgement of their agreement to act as such must also be provided.

SECTION XII: Statement of Certification and Signatures

The requestor must sign the application or designate a representative who is authorized to sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each requestor must sign a signature page. 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 entity's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database.

DATA SUMMARY TABLE INSTRUCTIONS

Data summary tables should include the following columns:

Soil Table:

Analytes > SCOs ^a	Detections > SCOs ^b	Max. Detection (ppm) ^c	SCO (ppm) ^d	Depth (ft bgs)
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Groundwater Table:

Analytes > AWQS ^e	Detections > AWQS ^f	Max. Detection (ppb) ^c	AWQS (ppb) ^g
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Soil Gas Table:

Analytes ^h	Total Detections	Max. Detection (ug/m ³) ^c	Type ⁱ
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^a Include all contaminants over the applicable soil cleanup objectives (SCOs). Column header should specify which SCOs are being compared to. (i.e., "RRSCOs" for Restricted Residential SCOs)

^b Number of detections over applicable SCOs. Specify which SCOs are being compared to in column header.

^c Maximum detection in parts per million (ppm) for soil, parts per billion (ppb) for groundwater, or micrograms per cubic meter (ug/m³) for soil gas.

^d List the respective SCO. Specify which SCOs are being compared to in column header.

^e Include all contaminants over Class GA Ambient Water Quality Standards (AWQS).

^f Number of detections over AWQS.

^g List the respective AWQS.

^h Include all chlorinated volatile organic compound (VOCs) detections.

ⁱ Specify type: soil vapor, sub-slab or indoor air.

Example Data Summary Tables

Soil Table:

Analytes > RR SCOs	Detections > RR SCOs	Maximum Detection (ppm)	RR SCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	3	11	1	5 – 7
Benzo(a)pyrene	4	15	1	5 – 7
Benzo(b)fluoranthene	5	15	1	5 – 7
Benzo(k)fluoranthene	1	5.3	3.9	5 – 7
Indeno(1,2,3-cd)pyrene	7	8.4	0.5	5 – 7
barium	2	967	400	0.5 – 2.5
cadmium	2	94.1	4.3	6 – 8
lead	3	1,790	400	0.5 – 2.5

Groundwater Table:

Analytes > AWQS	Detections > AWQS	Max. Detection (ppb)	AWQS (ppb)
Benz(a)anthracene	2	0.2	0.002
Benzo(a)pyrene	2	0.221	ND
Benzo(b)fluoranthene	2	0.179	0.002
Benzo(k)fluoranthene	2	0.189	0.002
Indeno(1,2,3-cd)pyrene	2	0.158	0.002
Tetrachloroethene (PCE)	1	12	5

Soil Gas Table:

Analytes	Total Detections	Max. Detection ($\mu\text{g}/\text{m}^3$)	Type
Carbon tetrachloride	1	0.84	Soil vapor
Methylene chloride	1	2.6 J	Soil vapor
Tetrachloroethene	2	47	Soil vapor
Trichloroethene	1	1.2	Soil vapor
Trichlorofluoromethane	1	21	Soil vapor

NEW YORK STATE

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DETERMINATION OF A COMPLETE APPLICATION

1. The first step in the application review and approval process is an evaluation to determine if the application is complete. To help ensure that the application is determined complete, requestors should review the list of common application deficiencies and carefully read these instructions.
2. DEC will send a notification to the requestor within 30 calendar days of receiving the application, indicating whether such application is complete or incomplete.
3. An application must include the following information relative to the site identified by the application, necessary for making an eligibility determination, or it will be deemed incomplete. (Please note: the application as a whole requires more than the information outlined below to be determined complete). The application must include:
 - a. for all sites, an investigation report sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings requested in Section III, #3 of the BCP application form.
 - b. for those sites described below, documentation relative to the volunteer status of all requestors, as well as information on previous owners or operators that may be considered responsible parties and their ability to fund remediation of the site. This documentation is required for:
 - i. real property listed in the registry of inactive hazardous waste disposal sites as a class 2 site, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP; or
 - ii. real property that was a hazardous waste treatment, storage or disposal facility having interim status pursuant to the Resource Conservation and Recovery Act (RCRA) program, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP.
 - c. for sites located within the five counties comprising New York City, in addition to (a) and if applicable (b) above, if the application is seeking a determination that the site is eligible for tangible property tax credits, sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a). If this determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.
 - d. for sites previously remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law, relevant documentation of this remediation.

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DETERMINATION OF A COMPLETE APPLICATION (CONTINUED)

4. If the application is found to be incomplete:
 - a. the requestor will be notified via email or phone call regarding minor deficiencies. The requestor must submit information correcting the deficiency to DEC within the 30-day review time frame; or
 - b. the requestor will receive a formal Letter of Incomplete Application (LOI) if an application is substantially deficient, if the information needed to make an eligibility determination identified in #4 above is missing or found to be incomplete, or if a response to a minor deficiency is not received within the 30-day period. The LOI will detail all of the missing information and request submission of the information. If the information is not submitted within 30 days from the date of the LOI, the application will be deemed withdrawn. In this case, the requestor may resubmit the application without prejudice.

5. If the application is determined to be complete, DEC will send a Letter of Complete Application (LOC) that includes the dates of the public comment period. The LOC will:
 - a. include an approved public notice to be sent to all parties on the Contact List included with the application;
 - b. provide instructions for publishing the public notice in the newspaper on the date specified in the letter, and instructions for mailing the notice to the Contact List;
 - c. identify the need for a certification of mailing form to be returned to DEC along with proof of publication documentation; and
 - d. specify the deadline for publication of the newspaper notice, which must coincide with, or occur before, the date of publication in the Environmental Notice Bulletin (ENB).
 - i. DEC will send a notice of the application to the ENB. As the ENB is only published on Wednesdays, DEC must submit the notice by the Wednesday before it is to appear in the ENB.
 - ii. The mailing to parties on the Contact List must be completed no later than the Tuesday prior to ENB publication. If the mailings, newspaper notice and ENB notice are not completed within the timeframes established by the LOC, the public comment period on the application will be extended to ensure that there will be the required comment period.
 - iii. Marketing literature or brochures are prohibited from being included in mailings to the Contact List.

BCP APPLICATION SUPPORT DOCUMENT

BCP APPLICATION SUPPORT DOCUMENT

Exhibit List

Exhibit A	Site Location and Base Property Map
Exhibit B	Survey, Tax Map and Subdivision Map
Exhibit C	BOA, Disadvantaged Communities, Environmental Justice and En-Zone Maps
Exhibit D	Flood Map
Exhibit E	Zoning Map and Rezoning Resolution
Exhibit F	Previous Owners and Operators
Exhibit G	Site Drawing Spider Maps
Exhibit H	DOS Entity Information
Exhibit I	Corporate Consent
Exhibit J	Deed & Easement
Exhibit K	Site Access Agreements
Exhibit L	Site Contact List
Exhibit M	Repository Letter

ENVIRONMENTAL REPORTS SEPARATELY ATTACHED ON CD:

1. July 2019 Foundation Design, PC, Geotechnical Report
2. September 2020 Bergmann Phase I Environmental Site Assessment (“ESA”) prepared for Providence Housing
3. December 2020 Bergmann Phase II ESA prepared for Providence Housing
4. June 2021 Bergmann Supplemental Phase II ESA prepared for Providence Housing
5. September 2020 Bergmann Preliminary Wetlands Assessment

SECTION I – PROPERTY INFORMATION

The Site is located on Culver Road, Town of Irondequoit, Monroe County, New York 14609, Tax Parcel Identification No. 092.10-3-2.12 and was formerly part of adjacent property located at 2590 Culver Road (“Site” or “BCP Site”). The Site Location, Base Property and Street Maps are in Exhibit A. The Site tax lot was recently subdivided from 2590 Culver Road Tax Lot 092.10-3-2.11. See Subdivision Map, Survey and Tax Map in Exhibit B. The Town of Irondequoit’s policy is to not assign an address to a vacant lot until it has been developed. Therefore, this BCP Site does not have an address other than Culver Road at this time.

1. Site Boundary and Tax Parcel Information

The Site boundary does correspond to the new tax lot boundary. The Tax Boundary Map and a Survey map is provided in Exhibit B. This tax lot was recently subdivided from other property to the east and was rezoned from R-1 Residential to R-5 Residential by the Requestor on November 17, 2020 to permit multiple dwelling apartments. It was then subdivided again recently to redevelop property to the west as a Quicklie’s gas station (new Lot 2.11) and this Site for the planned affordable housing project to support lower paid health care workers who work at nearby large health care facilities. *See Exhibit E Zoning map and Rezoning Resolution.*

2. Property Maps

The Site Location and Base Property Map are in Exhibit A. A Survey Map and Tax Map are in Exhibit B.

3. – 5. BOA, Disadvantage Communities, EJ and En-Zone Designations

The Site BOA, Disadvantaged Communities, Environmental Justice and En-Zone Maps are in Exhibit C. The Site is not located in an En-Zone, a BOA, or a Potential Environmental Justice Area. The EPA ArcGIS map indicates that approximately 2% of the population surrounding this Site is composed of people of color. Only approximately 10% of the area surrounding the Site is linguistically isolated, so the BCP documents will not need to be translated. However, the Site is located in a Disadvantaged Community Area. According to the New York State Disadvantaged Communities Map, the Site is located on Census Tract 36055010902, which has an environmental burden higher than 58% of Census Tracts statewide and a population vulnerability higher than 72% of Census Tracts statewide.

Please refer to responses to Questions 6-11 on the BCP Application Form.

12. Easements and Existing Rights of Way

In January 2022, Peter Wambach entered into an Amendment and Restated Declaration of Easement with PEMM Culver, LLC (“PEMM”), 664361 Ontario Limited, and 2600613, which is the developer of the new Quicklie’s gas station. *See Exhibit J, Deed & Easement.* PEMM is the owner of property located adjacent to the Site to the west. PEMM granted a permanent, non-exclusive easement for vehicular and pedestrian access, ingress, and egress over

a driveway entrance into this BCP Site. The presence of this easement will not impact remediation efforts at the Site since the majority of this easement is not part of the BCP Site.

Please refer to responses to Question 13 on the BCP Application Form.

14. Property Description and Environmental Assessment Narrative

A. Site Location

The Site is located at east of 2590 Culver Road, Town of Irondequoit, Monroe County, New York 14609, but does not yet have an official Culver Road numeric address but is identified as Tax Parcel No. 092.10-3-2.12. *See Exhibits A and B.* The Site is located in a primarily residential and commercial area. Highway Route 104 and residential houses are present beyond the tree line on the northern boundary of the Site. Culver Road and residential houses are located west of the Site. A gasoline station and the Shire at Culverton Adult Home are located southwest of the Site. Residential houses and several commercial buildings are located south of the Site. Residential housing and Interstate 590 are located east of the Site. It is surrounded by several retail, commercial, and convenience-oriented amenities along East Ridge Road. The closest rail line is located approximately 2.60 miles from the Site. However, the Site is accessible to public bus transportation and in close proximity to Rochester General Hospital and St. Anne's Nursing Home facility. The immediate surrounding area is supportive of both residential and commercial development. The Site is located on a bus line, with frequent and reoccurring service every 30 minutes. It is also located immediately adjacent to highway access, which will enable drivers to get to health care options, employment opportunities, day care options and other community services within minutes.

B. Site Features

The Site currently consists of undeveloped land, which was formerly used for landfilling before being used for an agricultural farm market. Vegetation is present throughout the property. Trash and other waste materials are present on the Site.¹ Based on information obtained through the FEMA Flood Map online application, the Site is located within Zone X, Area of Minimal Flood Hazard. Hobbie Creek is located approximately 0.087 miles from the Site. Irondequoit Bay is located approximately 1.1 miles from the Site. *See Exhibit D, Flood Map.*

C. Current Zoning and Land Use

The Site was rezoned from a R-1 (Residential) District to a R-5 District on November 20, 2020, which will allow for the Requestor's multi-family affordable housing intended post-

¹ It is important to note that the Phase I discussed a vacant two-story residential house and vacant farm market building on the western portion of original unsubdivided property and a former farm market building. During on-Site investigations, the consultant did observe a fill port along the side of the on-Site house. However, these former structures were not present on this BCP Site but rather on the western most lot that has been redeveloped as a Quicklie's gas station.

remediation use. The Town zoning maps, however have not been updated to reflect this new zoning designation. *Compare* Exhibit E, Zoning Map with the Exhibit E Rezoning Resolution. When the Rezoning Resolution was adopted, the BCP Site was not yet subdivided with the Quicklie's gas station site to the east and both parcels were known as Block 092-10 Section 3 Lot 2. When Lot 2 was subdivided, the BCP Site became Lot 2.12 and the Quicklie's lot became Lot 2.11. *See* Subdivision Map in Exhibit B, which does not include the lot numbers but shows the subdivided site described the 9.245 acre BCP Site as Lot R-1A (later designated as Tax Lot 092.10-3-2.12) and the adjacent Quicklie's gas station 3.242 acre lot as R-1B (later designated as Tax Lot 092.10-3-2.11). *See* Exhibits A and B. The BCP Site is currently vacant. The surrounding properties include commercial and residential buildings.

D. Past Use of the Site

See Section IV.4 for full description of past land uses. The Site originally had a deep ravine in the center of the Site and the owner allowed landfilling of the ravine to fill in the gap and to make the surface of the property usable for a farm market. The owner was unaware that allowing such landfilling activities with asphalt and other contaminated material including ash and cinders, could result in Site contamination when the landfilling occurred in the early 1960's and 1970's. The historical owners and uses associated with the Site are described in the Exhibit F, Previous Owners and Operators List.

E. Site Geology and Hydrogeology

According to the United States Geological Survey Division ("U.S.G.S.") 7.5-minute Topographic Map of Rochester East, NY Quadrangle, 2013, the Site is located approximately 375 feet above mean sea level. Hobbie Creek is located approximately 500 feet north of the site. Groundwater in the area is expected to flow northeast. During the on-Site investigation groundwater was encountered at various depths throughout the Site. In some soil borings, groundwater was encountered as high as 6 feet below ground surface ("ft-bgs"), and in other borings, groundwater not encountered at the bottom of the boring.

The soil on the Site is generally classified as Akport very fine sandy loam. It is well drained with moderate infiltration rates, and it is not hydric. According to the 2019 Foundation Design, P.C. ("FD"), Report, subsurface at the Site consists of topsoil over layer silty sand and sandy silt with little clay. The topsoil ranged from 4 to 15 inches and averaged about 9 ½ inches across the Site. Fill was encountered below topsoil. FD noted that the fill was associated with two separate operations: (i) an older operation in the 1960s and 1970s that used ash and cinder to fill an east/west drainage ravine; and (ii) a mass fill, which consisted of mixed earth, asphalt and other debris, which covered the west end of the parcel. The grading and vegetation at the Site, suggest that the fill was likely sourced over a period of time from multiple sources.

During sampling, two overburden soil deposits were encountered at the test pit locations. The deposits included fill and lacustrine. Bergmann, the consultant of record, noted that

the fill deposits represent soils that have been transported to the Site and landfilled containing what appears to be urban fill materials intermixed with construction and demolition materials/debris. The fill material ranged from approximately 2 to greater than 15 ft-bgs and is generally distributed across the Site in the former ravine. Investigations to date have noted that the fill material had a wide variety of descriptions including brown gravel, little coarse to fine sand, with wood, concrete, metal, plastic, and glass fragments to black coarse to fine sand, with boulders, slag, wood, brick, metal, ash, and cinders. The fill material was likely from many sources, including but not limited to construction waste. In some portions of the Site, fill is anticipated to be approximately 20 ft-bgs. Bedrock was not encountered during site exploration activities. Geologic mapping shows bedrock as part of the Queenstown Formation. The formation consists of horizontally bedded siltstone and shale. Bedrock should not have an impact on the project.

F. Environmental Assessment

Based on the investigations conducted to date, the primary contaminants of concern are semi-volatile organic compounds (“SVOCs”), metals and pesticides in soil. *See Exhibit G Soil Spider Map.*

Regarding Questions 15-17 on the BCP Application:

There are no responses to question 15-17 on the BCP Application Form since this Site is not located in New York City.

SECTION II - PROJECT DESCRIPTION

Please refer to responses to Questions 1-3 on the BCP Application Form.

4. Short Project Description

The R-5 residential District rezoning of the BCP Site now allows for the BCP Site to be used for multiple dwellings but is still subject to Site Plan Review by the Planning Board. *See Exhibit E Zoning Map and Rezoning Resolution.*

The proposed project will include (12) townhouse style buildings for a total of 96 affordable family housing units, with a club house at the entrance to be equipped with leasing and resident service offices, community room space, a fitness room, a central laundry facility, and other common amenities for resident use. The apartments will consist of (1), (2) or (3) bedroom apartments, and there will be a 1-story community center building to be called the “club house”. Parking for the proposed Project will include 160 parking spaces and 32 banked parking spaces for a total of 192 parking spaces. The project will be managed by a property management affiliate of Providence Housing Development Corporation.

Schedule- Commencement through COC

The BCP application letter completion (LOC) is anticipated in October 2022. Simultaneously, the

Requestor will be applying for affordable housing agency funding and Town Site Plan approval, which will be prepared during the four month timeframe that it takes to get through the BCP public notice process and to obtain the executed Brownfield Cleanup Agreement (“BCA”), which is expected to be received by the end of 2022 or early 2023. Commencement of the Remedial Investigation is expected to be completed on the Site by Spring 2023. Site preparation activities, including on-Site building demolition of the few small structures on the Site in order to prepare the Site for remediation is also expected to commence by Spring 2023. The Remedial Action Work Plan (“RAWP”) will be completed in April 2023 and any required remediation may commence in June 2023, which is expected to coincide with affording housing agency construction financing. The Certificate of Completion is anticipated to be issued by December 2023.

SECTION III- LAND USE FACTORS

1. Current Zoning

The Site is located in a R-5 Residential, which permits multiple dwellings. *See Exhibit E Zoning Map and Rezoning Resolution.*

2. Allowed Uses

The R-5 District allows for various uses, including, but not limited to, single- and multi-family dwellings, public parks and playgrounds, farms, greenhouses, and plant nurseries.

3. – 4. Current Use

This Site is undeveloped land. The surrounding properties include commercial and residential buildings.

5. Intended Use Post Remediation

After the remediation, the Site will be used for an affordable housing townhouse and community center project. *See Section II.4 Short Project Description above for additional details about the project.*

6. Post Remediation Use

Post remediation use of the Site will contain 12 two-story residential townhouse buildings and a community center building. *See Section II.4, Short Project Description for a more detailed description.*

7. Renewable Energy Facility

The proposed post-remediation use is not a renewable energy facility.

8. Do current historical and/or recent development patterns support the proposed use?

Yes, the proposed development is consisted with development patterns in the area, which is also in need of additional affordable housing options.

9. Is the proposed use consistent with applicable zoning laws/maps?

The proposed use is consistent with applicable zoning law. *See Exhibit E.*

10. Consistent with the Master Plan?

Yes, the project is consistent with the Irondequoit Master Plan, which intends to encourage a wide range of residential living opportunities for residents of all ages and income levels.

SECTION IV- PROPERTY'S ENVIRONMENTAL HISTORY

1. List of Environmental Reports

The following is the list of environmental reports for the Site separately attached:

- A. July 2019 Foundation Design, PC, Geotechnical Report
- B. September 2020 Bergmann Phase I ESA prepared for Providence Housing
- C. September 2020 Bergmann Preliminary Wetlands Assessment
- D. December 2020 Bergmann Phase II ESA prepared for Providence Housing
- E. June 2021 Bergmann Supplemental Phase II ESA prepared for Providence Housing

2. Sampling Data

See Exhibit G Spider Map which includes the soil sampling data summary, and Section IV.3 below.

Soil:

Analytes	Detections > UUSCOs	Maximum Detection (mg/kg)	UUSCO RRSCO (mg/kg)	Depth (ft-bgs)
VOCs				
Acetone	6	0.959	0.05 100	2.5 – 3.0
SVOCs				
Benzo(a)anthracene	2	1.94	1 1	2.5 – 3.0
Benzo(a)pyrene	2	1.56	1 1	2.5 – 3.0
Benzo(b)fluoranthene	2	1.2	1 1	2.5 – 3.0
Chrysene	2	1.68	1 3.9	2.5 – 3.0

Indeno (1,2,3-cd) pyrene	4	1.385	0.5 500	18.0 – 18.5
METALS				
Arsenic	2	50.9	13 16	11.0 – 11.5
Cadmium	2	5.43	2.5 4.3	0.5 – 5. 5
Chromium	1	30.7	30 180	0.5 – 0.7
Lead	7	439	63 400	0.5 – 8.5
Mercury	1	0.2	0.18 0.81	5.0 – 5. 5
PESTICIDES				
4,4' – DDD	8	0.0269	0.0033 13	8.0 – 8. 5
4,4' – DDE	8	0.0608	0.0033 8.9	0.5 – 8. 5
4,4' – DDT	6	0.0465	0.0033 7.9	0.5 – 8. 5
Aldrin	1	0.0134	0.005 0.097	0.5 – 0.7
Dieldrin	8	0.649	0.005 0.2	11.0 – 11.5

Groundwater & Soil Vapor:

Groundwater and soil vapor testing has not yet been completed on the Site. Additional testing will be performed prior to remediation and redevelopment at the Site as part of the Remedial Investigation (“RI”) Work Plan (“RIWP”).

3. Past Use of the Site

1. Past Use of the Site

Prior to 1895, the Site was undeveloped. A stream is shown as formerly flowing through the center of the Site on topographic maps from between 1895 and 1920. A residential home was constructed along Culver Road in approximately 1920. George Wambach was initially listed as an occupant of the Site as well as adjacent property in 1932. Aerial photographs from 1938 through 1958 depict agricultural fields and woods on the Site and adjacent property. In addition, a second structure was added to the Site prior to 1952. At this time, the surrounding area was lightly developed with residential housing. Aerial photographs from 1966 appear to be in a similar configuration to the 1958 configuration. A clearing was present along the northern boundary of the Site in 1966. It is believed that the clearing may have been related to the construction of Route 104 along the northern boundary of the Site.

In the late 1960s, the east/west drainage ravine that was present on the Site was filled in. The ravine was initially partially filled in with ash/cinder fill material and filling continued until the 1990's. Aerial photographs from 1982 through approximately 1994 depict a parking lot on the Site in the vicinity of the farm market building. Access roads leading to a centrally located clearing were also present. The configuration of the Site has remained consistent since approximately 1994 until the present.

Several Wambach family related entities associated with George Wambach have owned or occupied the Site since approximately 1932. The people and entities included, but are not limited to, George Wambach, Wambach Farm Market, Wambach Farms, Inc., Wambach

Garden Center, Peter Wambach.

2. Past Investigations Related to Uses and Environmental Conditions that Led to the Submission of this Application.

In July 2019, FD prepared a Geotechnical Evaluation of the Site for an adjacent lot developer Rochester, Management, Inc., but which included the Site. This investigation first revealed the landfilling activities that had occurred on the Site when fill was encountered in several borings. FD's report noted that it was possible that the fill was associated with two separate operations: (i) an operation in the 1960s and 1970s that used ash and cinder to fill an east/west drainage ravine; and (ii) a mass fill, which consisted of mixed earth, construction and demolition debris and other debris that covered the west end of the parcel. Grading and vegetation at the Site suggested that the fills were likely sourced over a period of time and from different sources. FD noted that the extent of fill would need to be confirmed prior to construction. Bedrock was not encountered during FD's evaluation of the Site. FD noted that it believed bedrock would not have an impact on the proposed project however, it also concluded that some limited removal/replacement of fill soils was required prior to development. FD recommended the placement of six inches of granular material NYSDOT Item 304.12 (crushed stone) below slabs-on-grade.

In September 2020, Bergmann prepared a Phase I ESA for not for profit Providence House. At the time of the investigation, the property was developed with a two-story residential house and a farm market building on the western-most portion of the Site. A fill port was observed along the outside of the residential building. Bergmann was unable to access the interior of the house in order to make further observations. The farm building was immediately surrounded by an asphalt parking lot. The remainder of the lot was undeveloped. Vegetation, trash, debris, and other waste materials were present throughout the Site. Bergmann observed lamp posts on the Site during site reconnaissance and noted that appropriate disposal of the lamp posts would be required during remediation due to the potential for mercury containing components.

Bergmann submitted several FOIL requests and reviewed several databases during its investigations. No FOIL response was received from the NYSDEC, NYSDOH, or the Town of Irondequoit. The Monroe County Health Department FOIL response noted that the Site was identified as a suspected site for unknown waste. Bergmann identified this listing as a recognized environmental condition ("REC") for the Site. The potential fill port observed along the exterior of the two-story residential house was also identified as a REC. The adjacent gasoline station, as well as several documented spills of petroleum and pesticides within 0.10 miles from the Site, were also identified as RECs for the Site. Bergmann also identified business environmental risks ("BERs") for the Site including the potential exists for asbestos containing material, lead-based paint, and polychlorinated biphenyl caulk in the on-Site buildings, and the potential presence for hazardous substances or petroleum from off-site sources that could result in air quality issues in existing and future buildings at the Site as a BER. The lamp posts observed during Site reconnaissance were also noted to be a BER due to the potential mercury present within them.

In December 2020, Bergmann performed a Phase II subsurface environmental investigation for the parcel known as Lot 1 Wambach Farms (Tax ID no. 092.10-3-2), which was the Site's tax lot number at that time. The investigation included the installation of twenty-three (23) test pits, which were excavated to completion depths ranging from approximately four (4) to sixteen (16) ft-bgs. The weather during the field work was windy with a mix of rain and snow and the temperature was 33 degrees. These conditions were not optimal for field screening soils and may have caused inaccurate Photoionization Detector ("PID") readings. The PID measurements were non-detect for soils screen from each test pit location. Based on PID screening results, soil samples were collected from seven test pits. During this test pit investigation, Bergmann noted that the fill deposits that were landfilled at the Site including ash historic fill intermixed with construction and demolition materials/debris. The fill material ranged from approximately 2 to greater than 15 ft-bgs and is generally distributed across the Site in the former ravine, which runs through the center of the Site.

Analytical results indicated that three petroleum Volatile Organic Compounds ("VOCs") were detected, but the concentrations were below the Unrestricted Use Soil Cleanup Objectives ("UUSCOs") and Restricted Residential SCOs ("RRSCOs"). Bergmann noted that m,p-xylene, o-xylene, and n-propyl benzene. Petroleum nuisance odors were present. Bergmann noted that soil should be cleaned up for nuisance conditions that appear to exceed the conditions presented in NYSDEC CP-51/Soil Cleanup Guidance. The Phase II ESA noted that it appeared that VOCs had been released to the subsurface soils at the sample locations and there is a potential for vapor intrusion and vapor encroachment conditions from the fill soils into future buildings.

Bergmann noted that Semi-volatile organic compounds ("SVOCs"), metals, and pesticides were also detected in soil. See Section IV.3 for full environmental assessment. Poly aromatic hydrocarbons typically associated with incomplete combustion materials such as cinder and ash were detected in soil. Bergmann noted that the source of metals is likely the fill soils and landfill materials. Metal concentrations may also result from cinders, ash, and slag observed in the fill soils. The source of pesticides is likely to be from the former farming uses on the Site. Bergmann concluded that the limited soil sample laboratory results and visual observations from test pit excavations confirmed that the Site has been landfilled and impacted by the RECs identified in Bergmann's Phase I ESA. Bergmann recommended that additional subsurface investigation be performed to characterize the nature and extent of the landfilled materials and their impacts on soil, groundwater, and soil gas quality. Bergmann noted that future subsurface investigations should be coordinated with the NYSDEC, NYSDOH, and other involved agencies.

SECTION V - REQUESTOR INFORMATION

The Requestor is Providence Culver Housing LLC, a New York limited liability company, located at 1150 Buffalo Road, Rochester, New York 14624. Providence Culver Housing LLC is authorized to do business in the State of New York. *See* Exhibit A, NYSDOS Entity Information. The sole member of Providence Culver Housing LLC is Providence Housing Development Corporation.

The Written Consent provides Mark Greisberger, Executive Director of the sole member of the Requestor with authority to sign all Brownfield Cleanup Program (“BCP”) documents on behalf of the Requestor Providence Culver Housing LLC. *See Exhibit I Corporate Consent.*

Requestor is not the owner of the site. As more fully described below in Section VI, Peter Wambach is the current owner of the Site. *See Exhibits J Deed.* The Requestor has received an access agreement from the Owner to access the property to perform investigation and remediation work required by the BCP. *See Exhibit K Site Access Agreement.*

The Requestor has no prior relationship with any current or past owners or operators of the Site other than Requestor or an affiliated entity or development partner will acquire the Site from the current owner subsequent to entry into the BCP. *See Sections V and VI below, and Exhibit F Previous Owners and Operators List.* The Requestor did not cause any of the contamination of the Site, which predates the Requestor’s involvement at the Site.

SECTION VI- REQUESTOR ELIGIBILITY INFORMATION

Please refer to responses to Questions 1-10 on the BCP Application Form.

11. Unregistered bulk storage tanks

There are no known unregistered bulk storage tanks on the Site. Therefore, the answer to this question on the application is “No”. The house with an above ground storage tank (AST) noted in the Phase I Report was not located on this portion of the Site but rather was located on the Quicklie’s site. The Site is not listed on the NYSDEC petroleum bulk storage or chemical bulk storage database.

REQUESTOR CERTIFICATION

The Requestor certifies it is a Volunteer, since it does not own the Site; and does not have nor has ever had a relationship with any of the past owners or operators of the Site that caused the contamination, nor did it have involvement with the Site at the time of disposal. The Requestor has performed all required environmental due diligence prior to acquiring the Site and submitting this application.

SECTION VII- REQUESTOR CONTACT INFORMATION

Please refer to the BCP Application Form for the Requestor Contact information.

SECTION VIII – PROGRAM FEE

The Requestor's hardship application request letter and financial statement in support are attached hereto in Exhibit N. The sole member of the Requestor is a not for profit and the project is an affordable housing project on a complex landfilled site, which will be expensive to remediate. The Requestor has provided a letter explaining why paying the \$50,000 is a severe hardship and may jeopardize this remedial project from proceeding if not waived.

SECTION IX - CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Peter Wambach is the owner of the Site. Peter Wambach has owned the parcels since December 1984 *See Deed in Exhibit J.*

The Previous Owner and Operator list is attached in Exhibit F. This Exhibit includes both current and previous property owners and operators by name, last known address, telephone number, and the Requestor's relationship to each owner and operator (all of which are "None"). Exhibit F also includes the prior operators' use of the Site.

SECTION X - PROPERTY ELIGIBILITY INFORMATION

Please refer to the responses to the Questions 1-6 on the BCP Application Form, which confirms the Site is not ineligible for the BCP.

In addition to the responses on the application form, which clarify the Site is an eligible brownfield site pursuant to ECL § 27-1405, the following information further demonstrates this Site's eligibility for the BCP.

The Site meets the definition of an eligible "brownfield site" in Environmental Conservation Law § 27-1405(2) as "any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by the department that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations." Environmental investigation results show evidence of impact from previous landfilling on the Site, which can be linked to and caused Site contamination above the applicable cleanup standards. *See Environmental Reports separately attached and the Spider Maps in Exhibit G, providing the data demonstrating exceedances of the cleanup standards*

for this Site. As a result, the Site meets the definition of a brownfield site pursuant to Environmental Conservation Law §27-1405(2).

SECTION XI - CONTACT LIST INFORMATION

See Exhibit L for the Site Contact List. See Exhibit M, for the Library Repository Letter.

EXHIBIT A

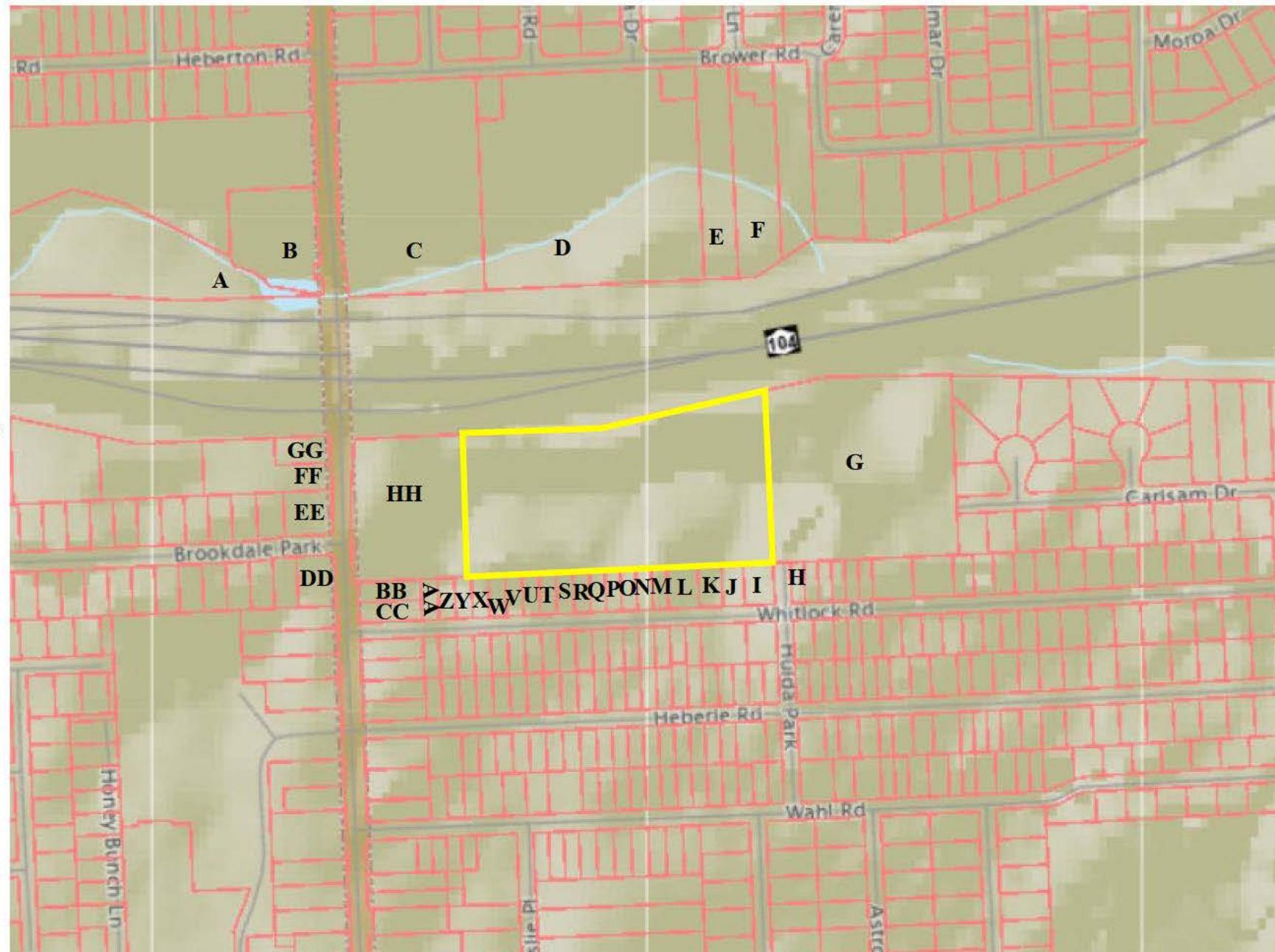
BASE MAP

Wambach Farm Site
Culver Road
Rochester, New York 14609

Legend:

— Site Property Boundary

Corresponding page
lists adjacent property owners by
letter A – HH



All feature locations are approximate. This map is intended as a schematic to be used in conjunction with associated Application and Support Information, and should not be relied upon as a survey for planning and other activities.

August 2022

Source: Monroe County GIS

Scale: 1" = 100' approximately

Letter	Adjacent Property Owner(s) Name(s)	Property Address	Section-Block-Lot
A	Culver Terrace LLC	2753 Culver Road	092.06-4-23.1
B	Roxbury Management LLC	2701 Culver Road	092.06-4-24
C	St. Cecilia Church of Rochester	2732 Culver Road	092.06-4-25
D	Brower Rd Housing	111 Brower Road	092.06-4-27.1
E	Town of Irondequoit	157 Brower Road	092.06-4-29
F	[REDACTED]	165 Brower Road	092.06-4-31.1
G	[REDACTED]	2662 Culver Road	092.10-3-1
H	[REDACTED]	1018 Whitlock Road	092.11-1-28
I	[REDACTED]	1006 Whitlock Road	092.10-3-23
J	[REDACTED]	990 Whitlock Road	092.10-3-22
K	[REDACTED]	982 Whitlock Road	092.10-3-21
L	[REDACTED]	968 Whitlock Road	092.10-3-20
M	[REDACTED]	962 Whitlock Road	092.10-3-19
N	[REDACTED]	956 Whitlock Road	092.10-3-18
O	[REDACTED]	950 Whitlock Road	092.10-3-17
P	[REDACTED]	944 Whitlock Road	092.10-3-16
Q	[REDACTED]	938 Whitlock Road	092.10-3-15

Letter	Adjacent Property Owner(s) Name(s)	Property Address	Section-Block-Lot
R		930 Whitlock Road	092.10-3-14
S		924 Whitlock Road	092.10-3-13
T		918 Whitlock Road	092.10-3-12
U		910 Whitlock Road	092.10-3-11
V		904 Whitlock Road	092.10-3-10
W		896 Whitlock Road	092.10-3-9
X		892 Whitlock Road	092.10-3-8
Y		884 Whitlock Road	092.10-3-7
Z		876 Whitlock Road	092.10-3-6
AA		870 Whitlock Road	092.10-3-5
BB		2570 Culver Road	092.10-3-3
CC		2562 Culver Road	092.10-3-4
DD	Eastwest Energy Corporation	2575 Culver Road	092.10-2-33
EE		2601 Culver Road	092.10-2-5
FF	Private Enterprise Properties LLC	2615 Culver Road	092.10-2-3.111
GG	Private Enterprise Properties LLC	2627 Culver Road	092.10-2-4
HH	PEMM Culver, LLC	2590 Culver Road	092.10-3-2.11

SITE LOCATION MAP



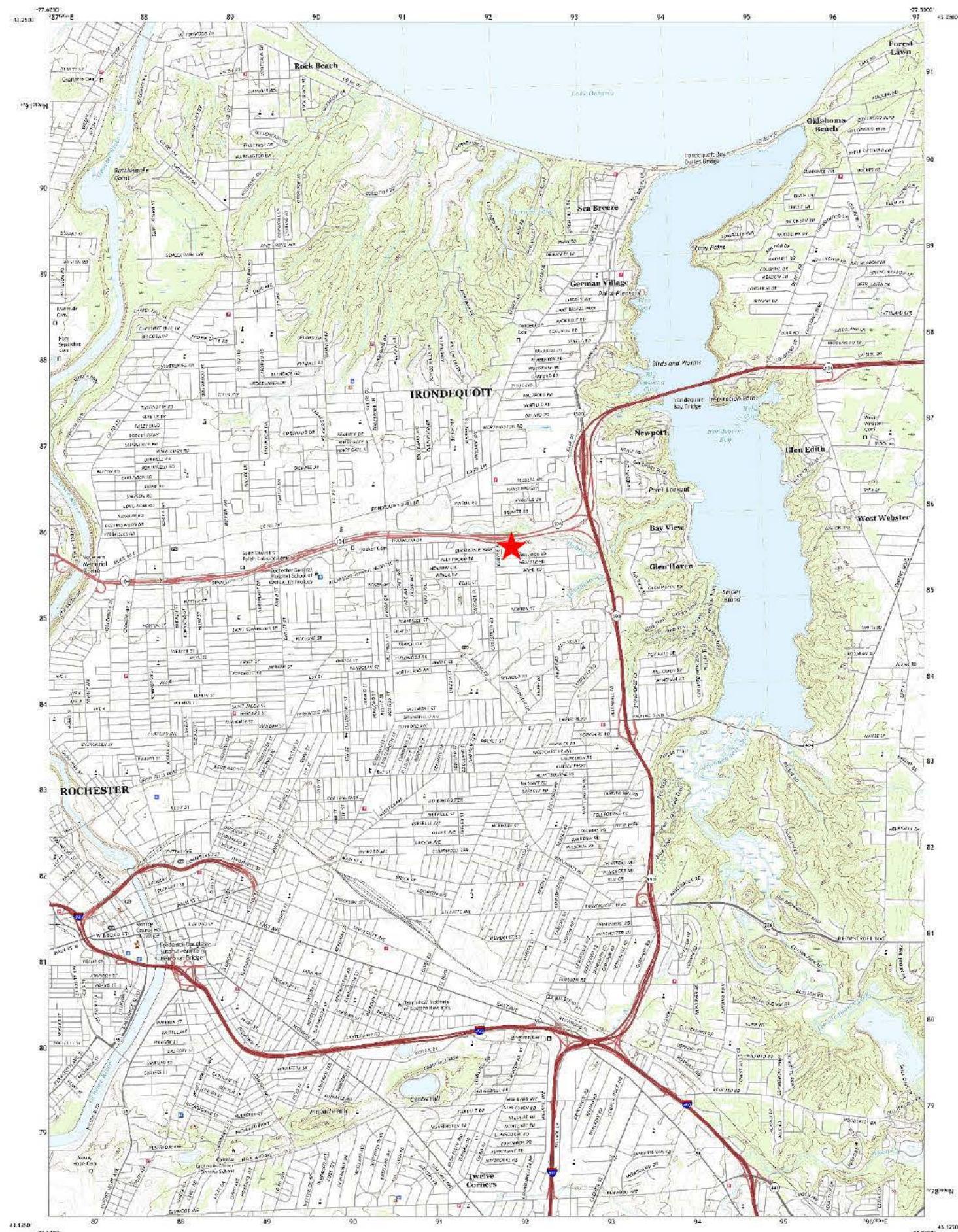
BCP Site Location



U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



ROCHESTER EAST QUADRANGLE
NEW YORK - MONROE COUNTY
7.5-MINUTE SERIES



Produced by the United States Geological Survey
Rockville, Maryland 20852
Ninth edition, October 1973 (1965-1970)
Scale 1:250,000, Sheet 1344 (1965-1970). Projection and
1:100,000-scale United States Topographic Network, Zone 13T.
This map is not a legal document. Boundaries may be
approximate for this year 1973. Private lands with government
transcisions may not be shown. Other permanent features
are not to scale.

Imagery	MAP	September 2017 - December 31
Roads	USGS	USGS, DigitalGlobe
Waters		USGS, 1990
Hydrology	Global Hydrology Resource Center	1990 - 2017
Locality	Wards, Electoral District	1990 - 2017
Boundaries	Wards, Districts, see Localities	1990 - 2017

Method,....., PWS, Sulfuric, Wetlands, mercury, 1994

The screenshot shows the 'U.S. Market Data' section of the Bloomberg Terminal. The main title 'U.S. Market Data' is at the top, with a small '1' icon to its left. Below it, a list of categories is shown: 'U.S. Bonds', 'U.S. Equities', 'U.S. Commodities', 'U.S. Fixed Income', 'U.S. Derivatives', and 'U.S. Options'. The 'U.S. Bonds' category is highlighted with a blue box and a large '1' icon. At the bottom of the screen, the text 'U.S. Bonds' is displayed again, followed by a small '1' icon.

SCALE 1:24,000

1 0.5 0.25 0.125 0.0625 0.03125 0.015625 0.0078125 0.00390625 0.001953125 0.0009765625 0.00048828125 0.000244140625 0.0001220703125 0.00006103515625 0.000030517578125 0.0000152587890625 0.00000762939453125 0.000003814697265625 0.0000019073486328125 0.00000095367431640625 0.000000476837158203125 0.0000002384185791015625 0.00000011920928955078125 0.000000059604644775390625 0.0000000298023223876953125 0.00000001490116119384765625 0.000000007450580596923828125 0.0000000037252902984619140625 0.00000000186264514923095703125 0.000000000931322574615478515625 0.0000000004656612873077392578125 0.00000000023283064365386962890625 0.000000000116415321826934814453125 0.0000000000582076609134674072265625 0.000000000029103830456733703613125 0.0000000000145519152283668518065625 0.000000000007275957614183425903125 0.0000000000036379788070917129515625 0.00000000000181898940354585647578125 0.000000000000909494701772928237890625 0.0000000000004547473508864641189453125 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CONTOUR INTERVAL, 10 FEET
NORTH AMERICAN Vertical Datum of 1955

1	2	3
4		5
6	7	8

1. Braddock Heights
2. Rochester - East ORR
3. Rochester - West
4. Braddock - West
5. Webster
6. West Webster
7. Philo - W
8. Philo - E

32,000 G. Q. 1,000 G. L.S.

ROAD CLASSIFICATION
Expressway _____ Local Connector _____
Secondary Hwy _____ Local Road _____
Ramp _____ 4WD _____
 Alternate Route US Route State Route

ROCHESTER EAST, NY
2019

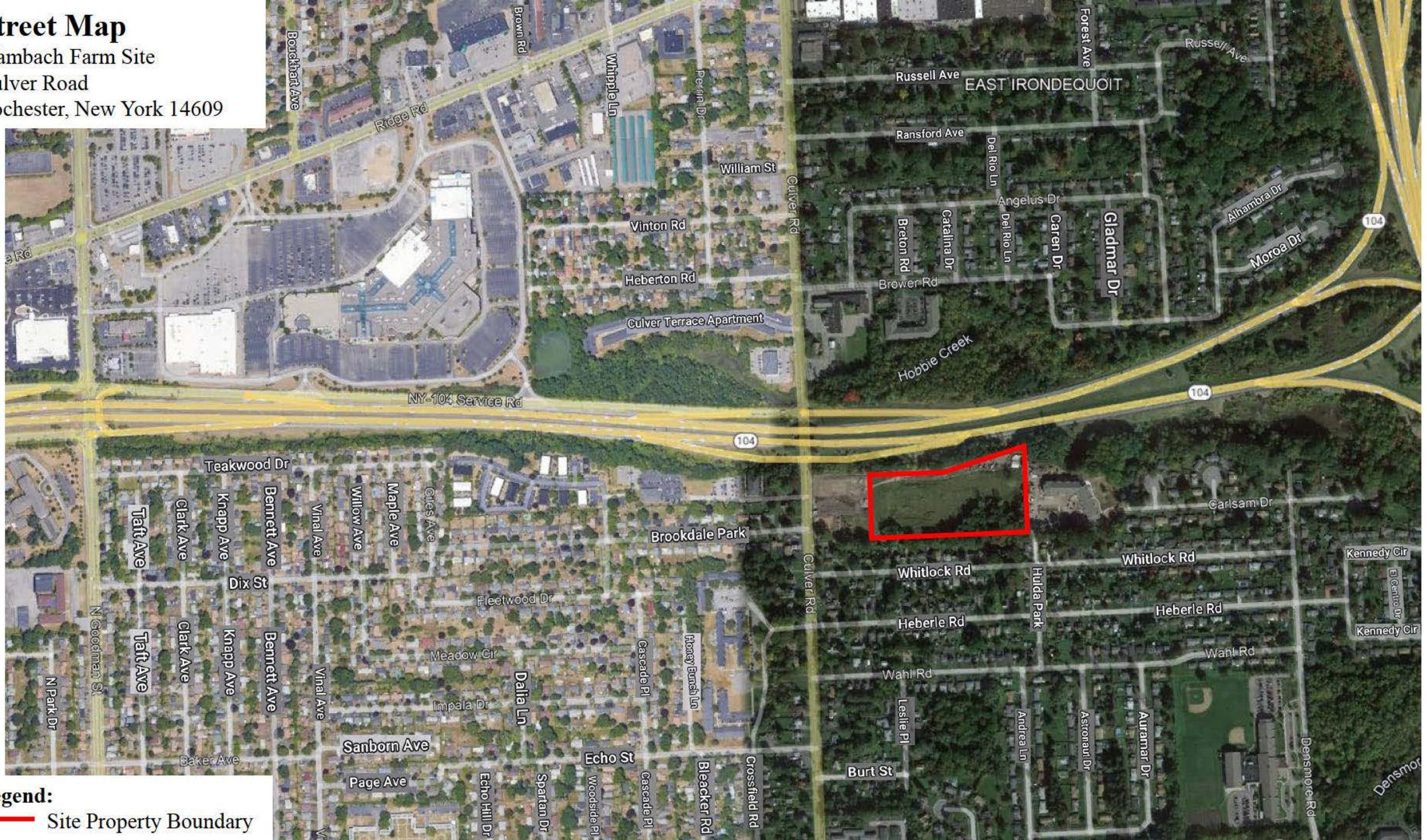


Street Map

Wambach Farm Site

Culver Road

Rochester, New York 14609



Legend:

— Site Property Boundary

EXHIBIT B

Lot R-1B
(Part of T.A. No. 92.10-3-2.1)
Irondequoit, New York, 14622

All that tract or parcel of land situate in the Town Lot 42, Township 14, Range 7, Town of Irondequoit, County of Monroe, State of New York, being more particularly bounded and described as follows:

Commencing at a point on the easterly right of way line of Culver Road (County Road 120) as appropriated by the Monroe County Department of Transportation (Map No. 35, Parcel No. 40), said point also being on the division line between the lands now or formerly of Peter G. Wambach (Liber 6644 of Deeds, Page 153) on the north and the lands of Culver Manor Subdivision (Liber 59 of Maps, Page 12) on the south, said point is also the southwest corner of Lot R-1A as shown on a map entitled "Re-Subdivision Map of Lot 1 of L. 361 of Maps, P. 48 Wambach Property", prepared by Bergmann Associates and filed in the Monroe County Clerk's Office in Liber 364 of Maps, Page 8; thence, North 86°42'31" East, on said north line of Culver Manor Subdivision, a distance of 341.57 feet to a point on the division line between said Lot R-1A on the west and Lot R-1B on the east and the Point of Beginning; thence,

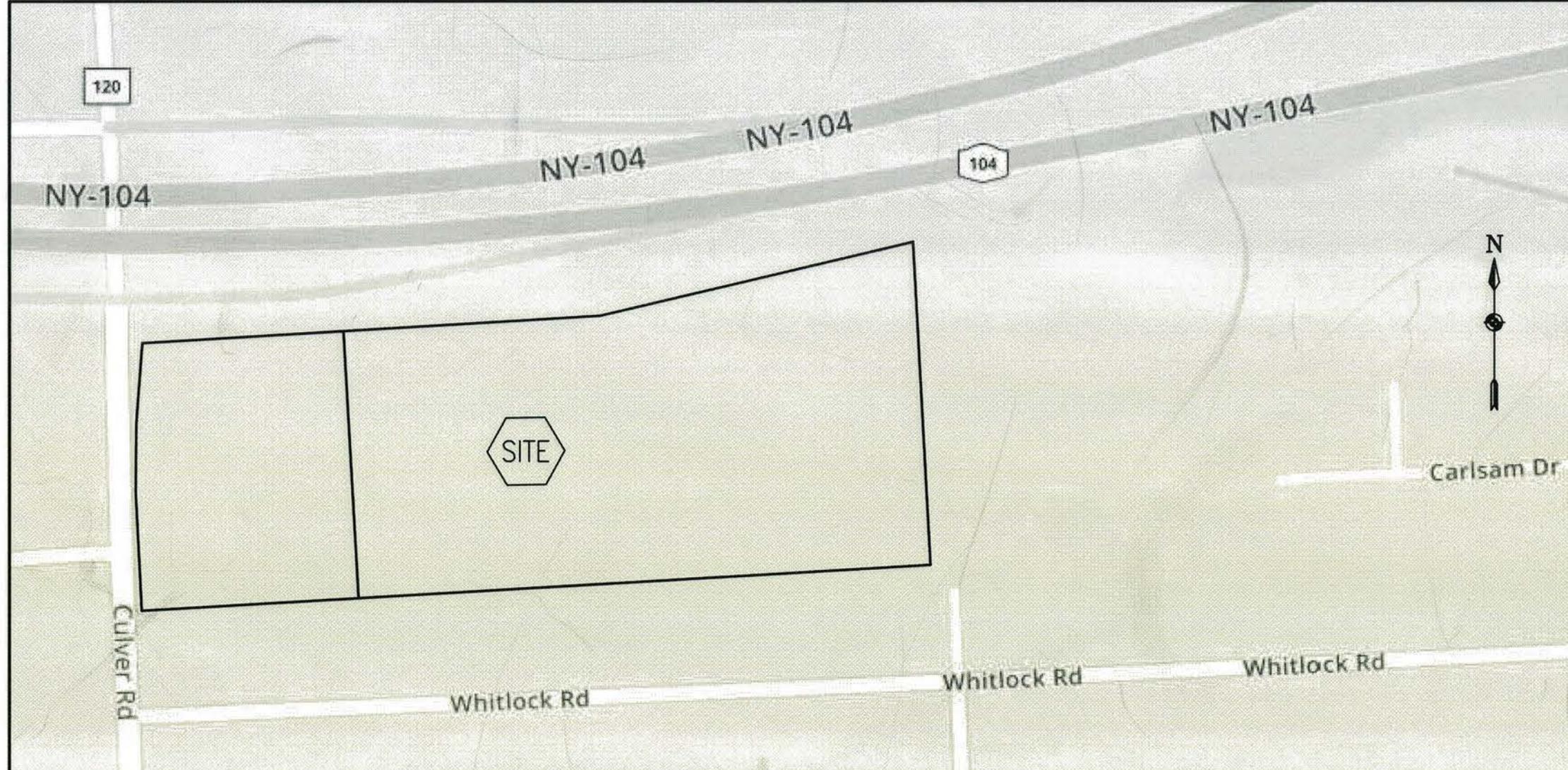
North 03°17'29" West, on said division line, a distance of 421.41 feet to a point on the southerly right of way line of New York State Route 104 as appropriated by the New York State Department of Public Works (Map No. 216, Parcel No. 318); thence, the following two courses on said southerly right of way line of New York State Route 104:

- 1) North 86°35'51" East, a distance of 404.80 feet to a monument found; thence,
- 2) North 76°44'05" East, a distance of 506.51 feet to a rebar found on the division line between said Lot R-1B on the west and Lot 2 on the east as shown on a Subdivision map filed in the Monroe County Clerk's Office in Liber 361 of Maps, Page 48; thence,

South 03°04'17" East, on said division line, a distance of 509.92 feet to a rebar found on the north line of said Culver Manor Subdivision; thence,

South 86°42'31" West, on said north line of Culver Manor Subdivision, a distance of 901.69 feet to the Point of Beginning.

Said parcel containing 9.245 acres, more or less.



Wambach Property

2590 Culver Road
Irondequoit, New York

NOTES:

1) THE DEVELOPER'S AND CONTRACTOR'S ATTENTION IS DIRECTED TO MONROE COUNTY LOCAL LAW NO. 6 OF 2019 REGARDING LIABILITY INCURRED THROUGH DISTURBANCE OR DESTRUCTION OF GEODETIC SURVEY MONUMENTS. THE CONTRACTOR SHALL LOCATE, MARK, BARRICADE, SAFEGUARD AND PRESERVE ALL SURVEY CONTROL MONUMENTS AND RIGHT OF WAY MONUMENTS IN THE AREAS OF CONSTRUCTION. FOR DESCRIPTIVE AND SURVEY DATA FOR GEODETIC CONTROL MONUMENTS, GO TO THE COUNTY OF MONROE SURVEYORS OFFICE AT: <HTTP://WWW2.MONROECOUNTY.GOV/PROPERTY-SURVEY.PHP> AND USE THE LINK TO THE GEODETIC MONUMENT WEB VIEWER OR CONTACT GREGORY BLY, P.L.S., COUNTY SURVEYOR, MONROE COUNTY SURVEYOR'S OFFICE AT 585-753-1156 OR GREGORYBLY@MONROECOUNTY.GOV.

2) THIS PROJECT IS LESS THAN 2500' FROM THE NEAREST MONROE COUNTY MONUMENTATION AND IS TIED INTO MONROE COUNTY MONUMENTS. THE HORIZONTAL DATUM IS REFERENCED TO THE NEW YORK STATE PLANE COORDINATE SYSTEM OF 1927, TRANSVERSE MERCATOR PROJECTION, WESTERN ZONE, THROUGH GPS TIES TO THE FOLLOWING CONTROL MONUMENTS USING METHODS AND PROCEDURES TO ACHIEVE A PRECISION OF 1 PART IN 20,000, OR BETTER. THE BEARINGS SHOWN ARE GRID AND THE DISTANCES SHOWN ARE GROUND. THE COMBINED FACTOR IS 1.0000098108.

MONUMENT NORTON-R (C+GS) 1930

NAD27 PUBLISHED (HELD)	N 1,163,302.923	E 772,540.253
NAD83 OBSERVED	N 1,163,342.478	E 1,420,899.546

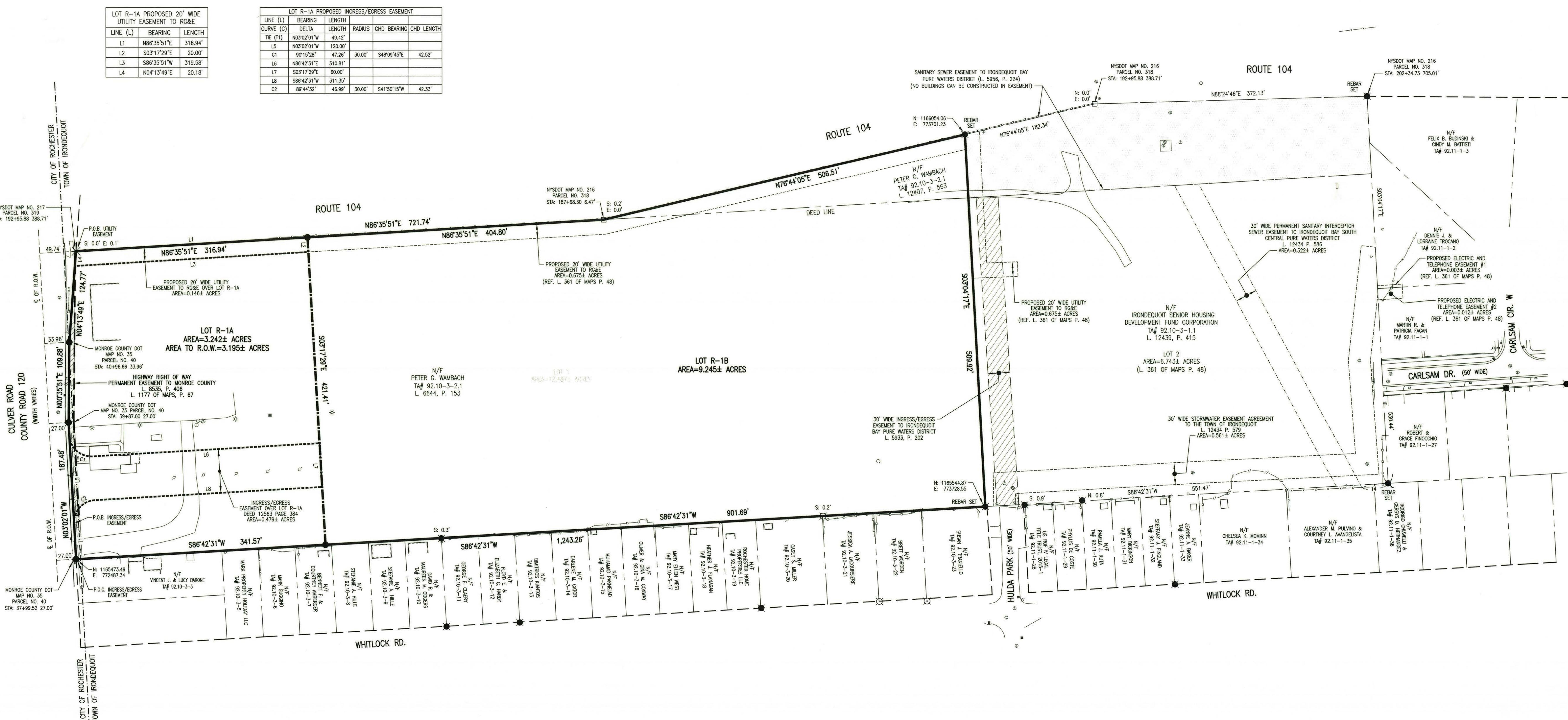
MONUMENT 4-2-129

NAD27 PUBLISHED	N 1,166,099.872	E 772,371.415
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BERGMANN

Bergmann Associates, Architects, Engineers,
Landscape Architects & Surveyors, D.P.C.
280 East Broad Street
Suite 200
Rochester, NY 14604
office: 585.232.5135
fax: 585.232.4652
www.bergmannpc.com

REVISIONS



MONROE COUNTY DEPARTMENT OF HEALTH	
<p>Monroe County Department of Public Health</p> <p>Realty Subdivision Approval NOT Required for the filing of this map in the Monroe County Clerk's Office.</p> <p><i>[Signature]</i> 10/13/21</p> <p>NOTE: Other Department of Public Health Approvals may be needed.</p>	

MONROE COUNTY SURVEYORS OFFICE/DEPT. OF TRANSPORTATION

REFERENCES

REFERENCES:

- 1) THE FOLLOWING DEEDS FILED IN THE MONROE COUNTY CLERK'S OFFICE:
LIBER 6644, PAGE 153
LIBER 5956, PAGE 224
LIBER 8535, PAGE 406
LIBER 12407 PAGE 563
LIBER 12439, PAGE 415
- 2) THE FOLLOWING MAPS FILED IN THE MONROE COUNTY CLERK'S OFFICE:
LIBER 59, PAGE 12
LIBER 177, PAGE 30
LIBER 361, PAGE 48
- 3) THE FOLLOWING NYSDOT APPROPRIATION MAPS FOR THE KEELER STREET EXPRESSWAY:
MAP 216, PARCEL 318
MAP 217, PARCEL 319
MAP 222R-1, PARCEL 326
- 4) THE FOLLOWING MONROE COUNTY DOT APPROPRIATION MAPS FOR CULVER ROAD:
MAP 35, PARCEL NO'S 40 & 42
- 5) TITLE INSURANCE POLICY PREPARED BY STEWART TITLE INSURANCE COMPANY,
POLICY NUMBER M-8912-001332382, DATED AUGUST 2, 2018.
- 6) TITLE INSURANCE POLICY PREPARED BY STEWART TITLE INSURANCE COMPANY,
TITLE NUMBER WOG-M-02533 (1st AMENDED), DATED JUNE 22, 2018.
- 7) ABSTRACT OF TITLE PREPARED BY STEWART TITLE INSURANCE COMPANY FOR THE LANDS
OF PETER G. WAMBACH (TAX ACCOUNT NUMBER 92.10-3-2), ABSTRACT NO. 194092-1,
ORDER NO. 81109745, DATED JULY 14, 2020.

IRONDEQUOIT APPROVALS

WE, BERGMANN ASSOCIATES, DO HEREBY CERTIFY THAT THIS MAP WAS MADE FROM THE NOTES OF AN INSTRUMENT SURVEY LAST DATED 11/09/2020 AND FROM THE REFERENCES LISTED HEREON.

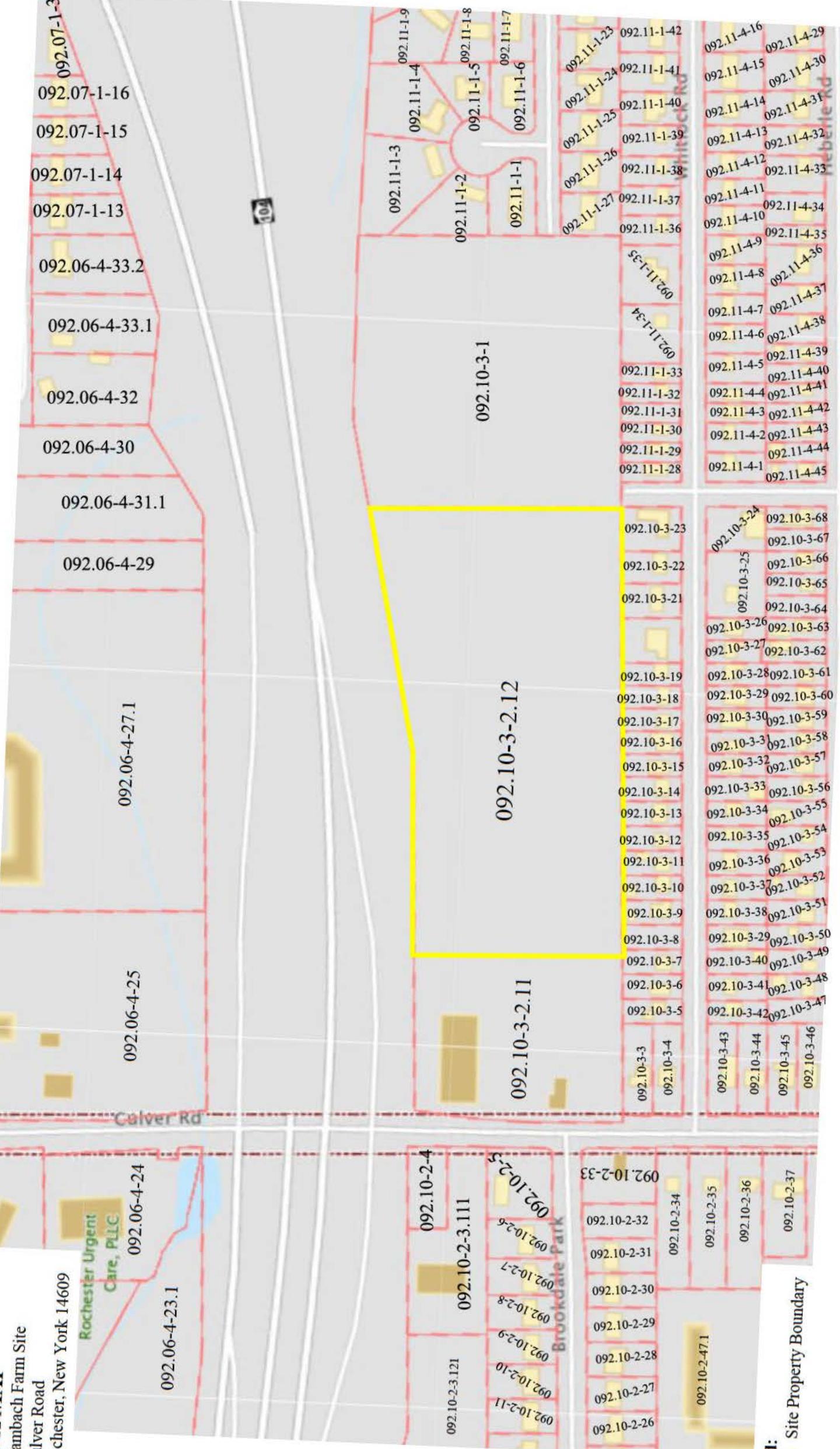
The image shows a circular state seal of New York. The outer ring contains the text "STATE OF NEW YORK" at the top and "LICENCED LAND SURVEYOR" at the bottom. The center of the seal features an eagle perched on a shield, with the word "EXCELSIOR" below the shield. Overlaid on the seal is a handwritten signature that appears to read "C. Bruce McNamara". To the right of the seal, the date "10/01/2021" is printed, and below it, the word "DATE" is printed. The bottom left corner of the image contains the text "RA, 051012".

SCALE BAR
1" = 60'

**RE-SUBDIVISION MAP
OF LOT 1 OF
L. 361 OF MAPS, P. 48
WAMBACH PROPERTY**

PROPERTY SITUATE IN TOWN LOT 42,
TOWNSHIP 14, RANGE 7 OF
THE PEHPLS AND GORHAM PURCHASE
WN OF IRONDEQUOIT, COUNTY OF MONROE
STATE OF NEW YORK

SM-02



Wambach Farm Site
Culver Road
Rochester, New York 14611

EXHIBIT C

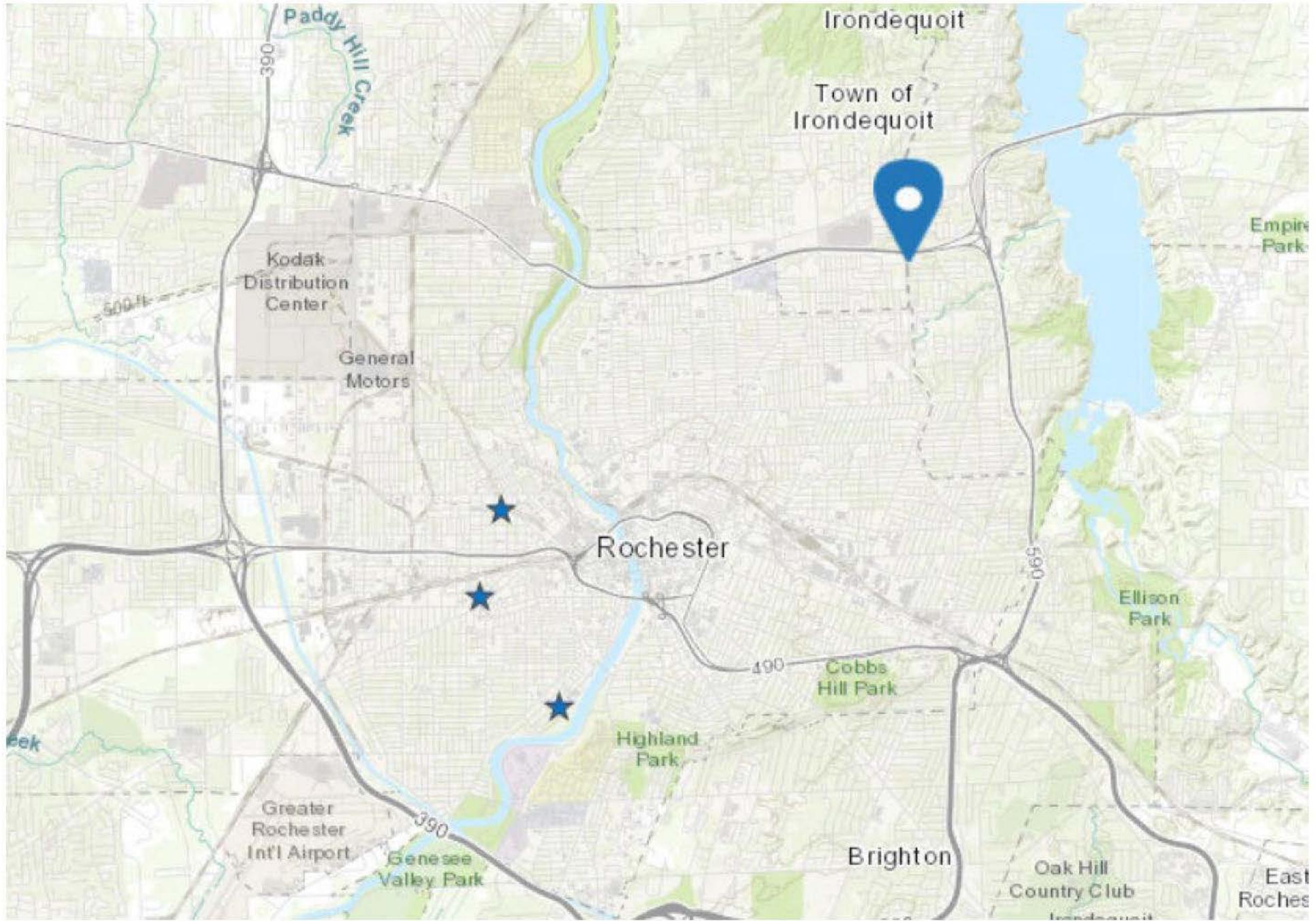
BOA Map

Wambach Farm Site
Culver Road
Rochester, New York 14609

Legend:

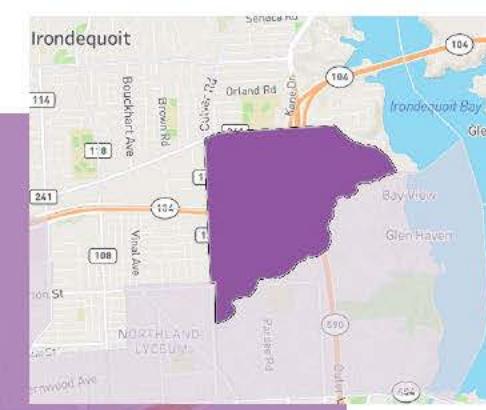
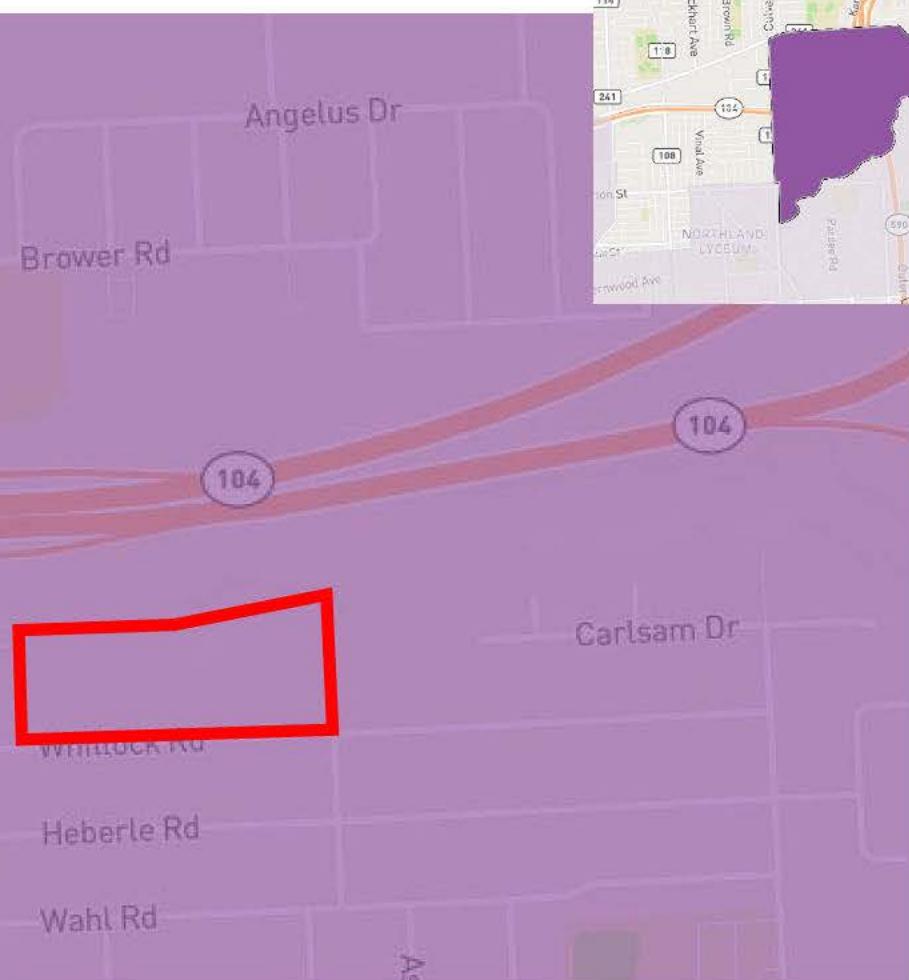
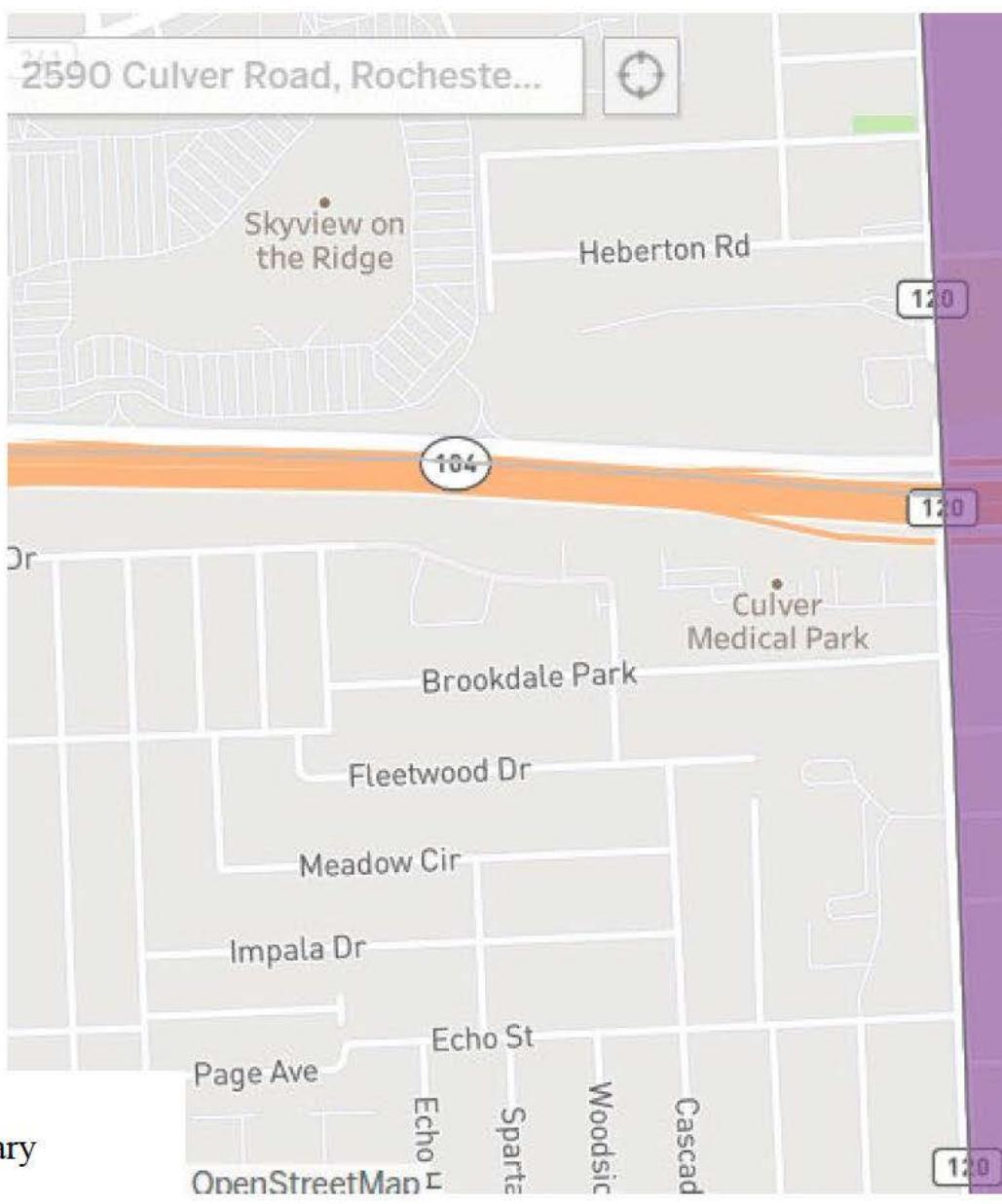
-  Site Location
-  BOA Designation

April 2022
Source: NYS Geographic
Information Gateway
Scale: 1" = 100' approximately



Disadvantage Communities Map

Wambach Farm Site Culver Road Rochester, New York 14609



Census Tract 36055010902 is **Designated a Draft DAC**
This Tract covering **Irondequoit** has a population of **3,144**

Environmental Burden is higher
than **58%** of Census Tracts statewide
Population Vulnerability is higher
than **72%** of Census Tracts statewide

Legend:

— Site Property Boundary

Disadvantaged Community

Population Characteristics & Vulnerability

Health Impacts & Burdens	
Asthma ED visits	56%
COPD ED visits	67%
Heart attack (MI) Hospitalization	54%
Low Birthweight	69%
Pct Adults Age 65+	93%
Pct w/ Disabilities	96%
Pct w/o Health Insurance	65%
Premature Deaths	2%
Housing, Mobility, Communications	
Energy Poverty / Cost Burden	58%
Homes Built Before 1960	16%
Housing Cost Burden (Rental C...	86%
Manufactured Homes	0%
Pct Renter-Occupied Homes	57%
Pct w/o Internet (home or cellul...	92%
Income	
Pct <100% of Federal Poverty ..	72%
Pct <80% Area Median Income	71%
Pct Single-Parent Households	73%
Pct w/o Bachelor's Degree	72%
Unemployment Rate	35%
Race/Ethnicity	
Historical Redlining Score	32%
Limited English Proficiency	49%
Pct Asian	32%
Pct Black or African American	65%
Pct Latino/a or Hispanic	61%
Pct Native American or Indigen...	33%

Environmental Burden & Climate Change Risk

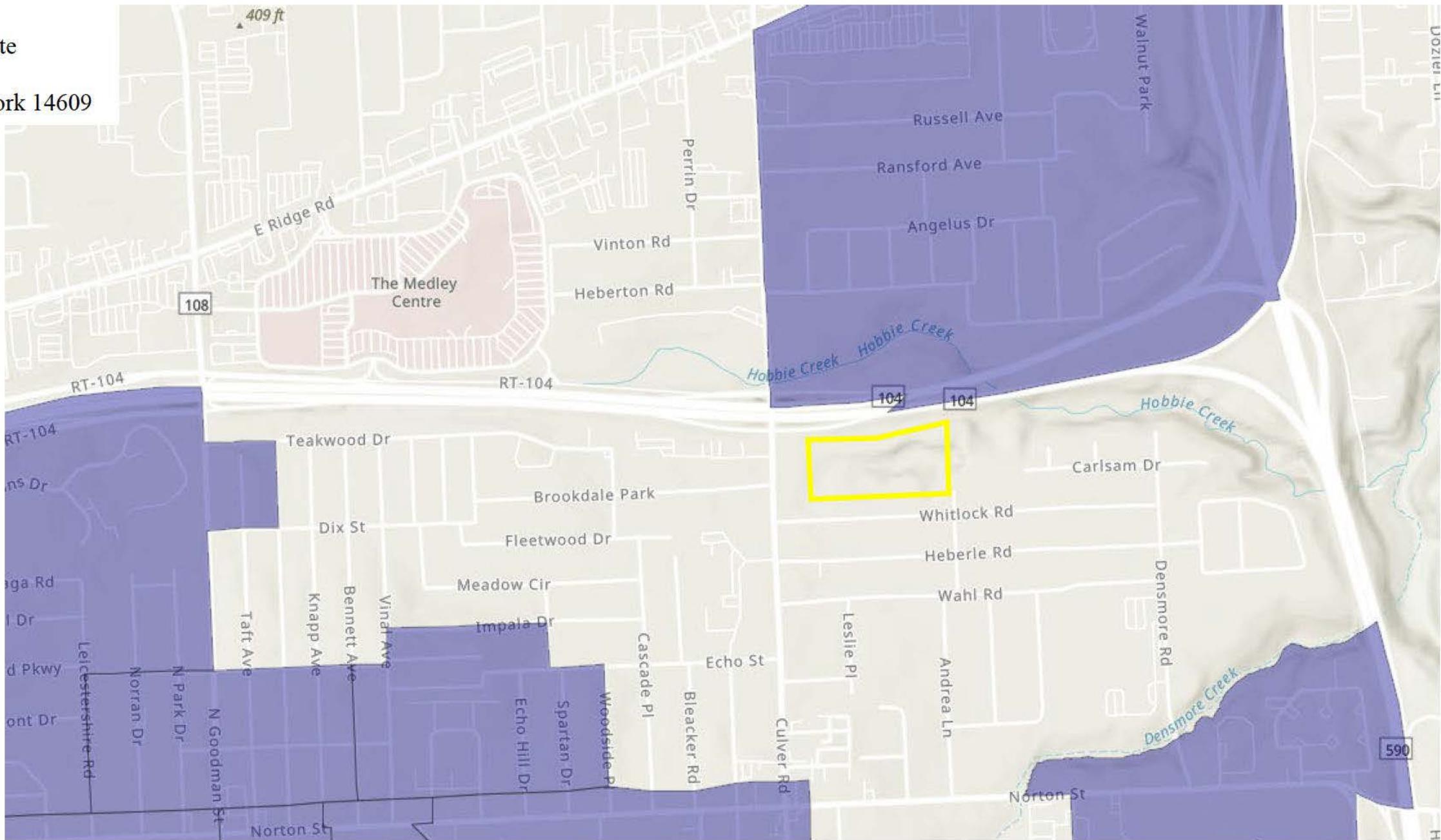
Land Use & Historic Discrimination	
Active Landfills	0%
Housing Vacancy Rate	20%
Industrial/Manufacturing/Mining La...	0%
Major Oil Storage Facilities	0%
Municipal Waste Combustors	0%
Power Generation Facilities	0%
Regulated Management Plan (Ch...	32%
Remediation Sites	0%
Scrap Metal Processing	0%
Potential Climate Change Risk	
Agricultural Land Use	41%
Coastal Flooding and Storm Risk ..	58%
Driving Time to Urgent/Critical Care	75%
Extreme Heat Projections (>90° d..	62%
Inland Flooding Risk Areas	0%
Low Vegetative Land Cover	32%
Potential Pollution Exposure	
Benzene Concentration (Modeled)	33%
Particulate Matter (PM2.5)	27%
Traffic: Diesel Trucks	64%
Traffic: Number of Vehicles	75%
Wastewater Discharge	0%

EJ MAP

Wambach Farm Site

Culver Road

Rochester, New York 14609



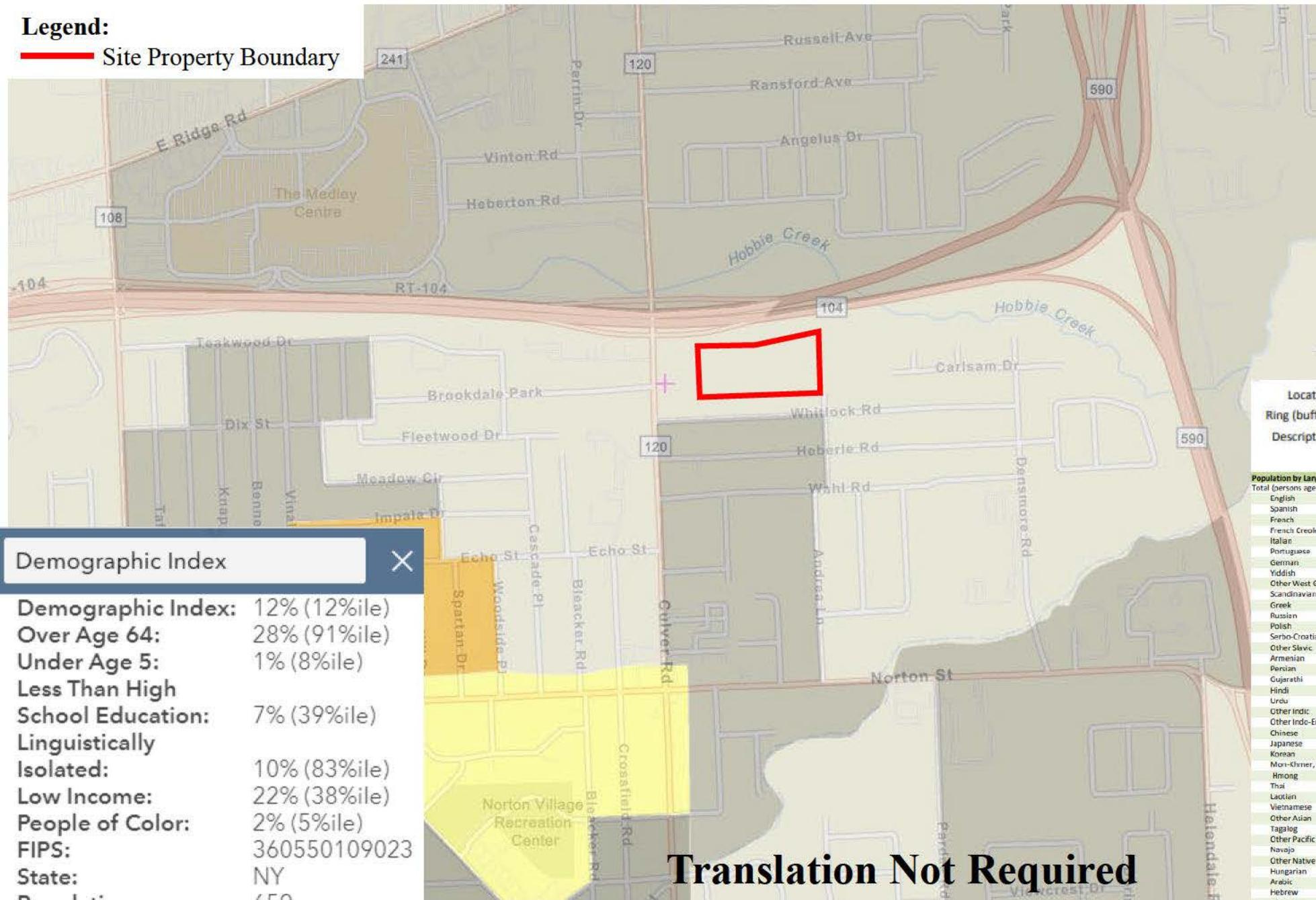
April 2022

Source: NYS ArcGIS

Scale: 1" = 100' approximately

Legend:

Site Property Boundary

Legend:**Site Property Boundary****Demographic Index (National Percentiles)**

- 95 - 100 percentile
- 90 - 95 percentile
- 80 - 90 percentile
- 70 - 80 percentile
- 60 - 70 percentile
- 50 - 60 percentile
- Less than 50 percentile
- Data not available

Location: User-specified point center at 43.194571, -77.561030
 Ring (buffer): 1-miles radius

Description:

	2015 - 2019 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	14,760	100%	520
English	11,531	78%	478
Spanish	2,107	14%	393
French	57	0%	57
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	20	0%	22
Yiddish	N/A	N/A	N/A
Other West Germanic	N/A	N/A	N/A
Scandinavian	N/A	N/A	N/A
Greek	N/A	N/A	N/A
Russian	N/A	N/A	N/A
Polish	N/A	N/A	N/A
Serbo-Croatian	N/A	N/A	N/A
Other Slavic	N/A	N/A	N/A
Armenian	N/A	N/A	N/A
Persian	N/A	N/A	N/A
Gujarathi	N/A	N/A	N/A
Hindi	N/A	N/A	N/A
Urdu	N/A	N/A	N/A
Other Indic	N/A	N/A	N/A
Other Indo-European	261	2%	126
Chinese	9	0%	24
Japanese	N/A	N/A	N/A
Korean	26	0%	56
Mor-Khmer, Cambodian	N/A	N/A	N/A
Hmong	N/A	N/A	N/A
Thai	N/A	N/A	N/A
Lao/	N/A	N/A	N/A
Vietnamese	74	1%	106
Other Asian	116	1%	80
Tagalog	0	0%	12
Other Pacific Island	N/A	N/A	N/A
Navajo	N/A	N/A	N/A
Other Native American	N/A	N/A	N/A
Hungarian	N/A	N/A	N/A
Arabic	20	0%	44
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	144	1%	104
Total Non-English	3,229	22%	706

Translation Not Required

En-Zone Map

Wambach Farm Site

Culver Road

Rochester, New York 14609



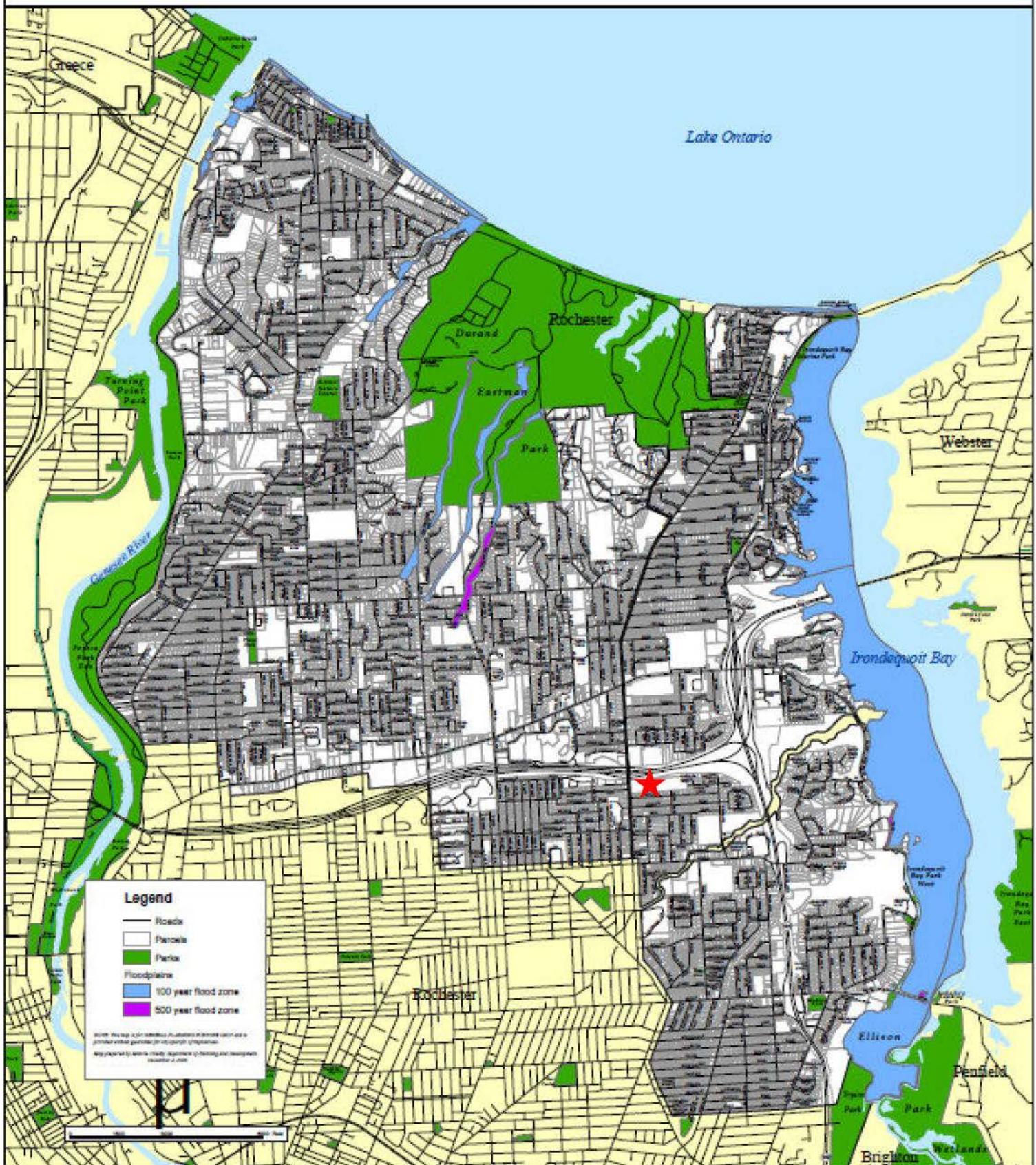
April 2022

Source: Google Earth

Scale: 1" = 100' approximately

EXHIBIT D

TOWN OF IRONDEQUOIT, NEW YORK



Maggie Brooks
County Executive

Floodplain Map

Department of
Planning and Development

Legend:
★ Site Location

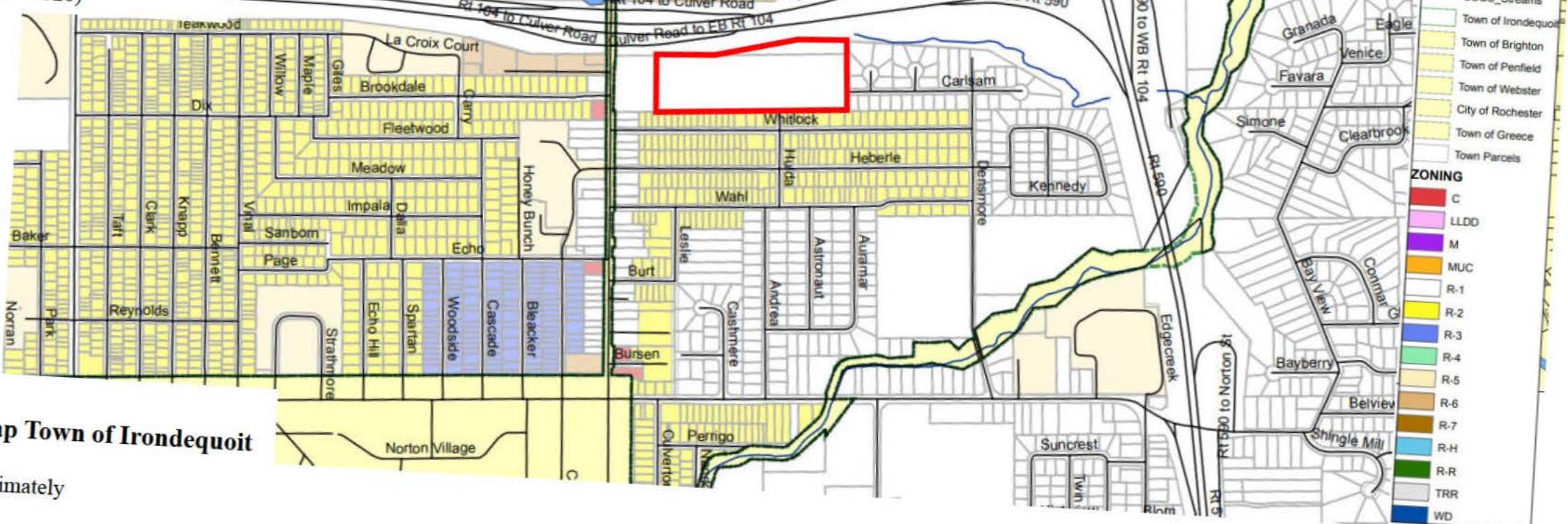
EXHIBIT E

ZONING MAP

Wambach Farm Site

Culver Road

Rochester, New York 14609



April 2022

Source: Zoning Map Town of Irondequoit

ArcGIS

Scale: 1" = 100' approximately

Zoning District: R-5 (Residential)

§ 235-18 Permitted Uses

In R-5 Residential Districts the following uses are permitted:

- A. Single-family dwellings.
- B. Churches or similar places of worship, parish houses, convents, rectories or parsonages.
- C. Private, nonprofit, elementary or secondary schools accredited by the New York State Department of Education, public hospitals, public libraries and municipal and special district buildings, provided that no such buildings shall be located within 50 feet of any adjoining lot line.
- D. Fire stations without club facilities.
- E. Farms, greenhouses, plant nurseries and riding stables lawfully existing on the effective date of this chapter, provided that:
 - (1) No new building or structure shall be constructed nor existing buildings or structures enlarged, converted or moved in which horses or other farm animals are kept, unless such building is at least 100 feet from any lot line.
 - (2) No storage of manure or other odor- or dust-producing substance shall be permitted within 100 feet of any lot line.

F. Home occupations. [Amended 2-17-2009 by L.L. No. 1-2009]

- (1) "Home occupation" is defined for the purpose of this section as any activity carried out for gain by a resident of a dwelling unit which results in the manufacture or sale or provision of goods and/or services and is clearly incidental and subordinate to the use of the premises as a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.
- (2) Occupations included; where conducted.

(a) Home occupations shall include:

- [1] General office, business, and professional services (computer services, doctors, counselors, bookkeeping, etc.)
- [2] Studios/work spaces for handicraft production, fine arts, cooking, etc.
- [3] Direct sale product distribution (Avon, Tupperware, etc.)
- [4] Individual instruction (music lessons, etc.)

(b) All home occupations shall be conducted wholly within the main dwelling unit exclusive of any accessory structures.

- (3) The following uses shall not be deemed a home occupation: retail selling; firewood sales; stocking firearms sales; clinic; hospital; funeral home; restaurant; motel, hotel, rooming house, kennels, animal hospital, mortuary; personal service shop; spa; dance, aerobic exercise, martial art studio, etc.; repair, storage and/or painting of motorized vehicles or boats; welding shop; large appliance repair; place of amusement; public storage facility; and any use similar to the above.

- (4) The use of noxious, combustible, corrosive, flammable, explosive, radioactive or other materials that would endanger the health and safety of the occupants and the surrounding residents is prohibited.

- (5) No home occupation shall require trash and recyclables pickup in excess of that required normally in single-family dwelling residential areas.

[Amended 3-19-2015 by L.L. No. 2-2015]

- (6) A home occupation shall employ no more than one person in addition to the resident(s) of the dwelling unit.

- (7) Renters shall provide written evidence of owner approval for a home occupation with their application.

- (8) All parking associated with the home occupation must be in the driveway where the home occupation is located. No parking shall be permitted in the street or yard. No shared parking is permitted associated with any home occupation.

- (9) The number of clients hosted by the home occupation shall not exceed the rate of two per hour and shall occur only between 8:00 a.m. and 6:00 p.m., Monday through Saturday.

- (10) Servicing by trucks with three axles or more shall be prohibited. All servicing by trucks, such as UPS, or other vehicles shall occur only between 8:00 a.m. and 6:00 p.m., Monday through Saturday, and not exceed the rate of six per day.

Zoning District: R-5 (Residential)

- (11) Not more than 25% of the total gross floor area of the main dwelling unit may be used for a home occupation.
- (12) Outside storage and/or outside display of goods is prohibited.
- (13) The display and/or storage of goods within a dwelling unit in such a manner as to be visible from the outside of the dwelling unit is prohibited.
- (14) The use shall not produce offensive noise, odors, vibrations, smoke, fumes, heat, or dust detectable to normal sensory perception beyond the premises. No equipment or process shall be used in a home occupation which creates visual or audible electrical interference in any radio or television receiver off the premises or which causes fluctuations in line voltage off premises.
- (15) Owners of home occupations shall submit a completed home occupation application form, with applicable fee, to the Director of Community Development for approval.
- (16) The owner of a home occupation may appeal the decision of the Director of Community Development to the Zoning Board of Appeals. Renters must provide written approval of appeal from the building owner.
- (17) When a property containing a home occupation is sold, the home occupation shall cease.
- (18) Any home occupation that was lawful at the time of the effective date of this section may be continued upon written affirmation from the business owner that such home occupation shall have continued in operation, does not constitute a nuisance, and shall not be enlarged, altered, or changed in area, activity, or content during its continuance, except as provided otherwise in this section.

G. Private garages with a maximum area of 900 square feet having a frontage of not more than 30 feet.

H. Public parks, playgrounds and similar recreational areas and structures not operated for gain.

I. Swimming pools, subject to provisions of § 235-71.

J. (Reserved) [1]

[1] Editor's Note: Former Subsection J, regarding signs, was repealed 6-17-1997 by L.L. No. 4-1997.

K. (Reserved) [2]

[2] Editor's Note: Former Subsection K, regarding storage of mobile homes, etc., was repealed 6-17-1997 by L.L. No. 4-1997.

L. (Reserved) [3]

[3] Editor's Note: Former Subsection L, regarding parking of trucks, was repealed 6-17-1997 by L.L. No. 4-1997.

M. Multiple dwellings subject to the provisions of § 235-19.

N. A dwelling group, i.e., two or more buildings, subject to limitations of height, lot size, dwelling unit size, yard size as required in § 235-19.

O. Hospitals and nursing homes or institutions of a religious, charitable or philanthropic organization, provided that they are not used primarily for treatment of contagious diseases, mental patients, epileptics, drug or alcohol addicts or for penal correctional purposes. Such principal shall be set back at least 50 feet from any lot line.

[Added 4-24-2001 by L.L. No. 3-2001]

**EXTRACT OF MINUTES OF MEETING OF THE TOWN BOARD ADOPTING A
RESOLUTION REAPPROVING AN APPLICATION ON THE MATTER OF REZONING A
PORTION 2590 AND 2662 CULVER ROAD (TAX ID NOS: 092.10-3-2 AND 092.10-3-1) FROM
R-1 RESIDENTIAL TO R-5 RESIDENTIAL**

At the regular meeting of the Town Board of the Town of Irondequoit, Monroe County, New York held via Zoom, on the 17th day of November 2020, at 7:00 P.M. local time, there were:

PRESENT:

David Seeley
Patrina Freeman
John Perticone
Kimie Romeo
Peter Wehner

Town Supervisor
Town Board Member
Town Board Member
Town Board Member
Town Board Member

Harter Secrest & Emery LLP

Attorney for the Town



Town Board Member Freeman offered the following resolution and moved its adoption:

WHEREAS, Bergman Associates acting as agent for Providence Housing, has submitted an application for rezoning of a portion of land located at **2590 and 2662 Culver Road** (Tax ID No's: 092.10-3-2 & 092.10-3-1) from R-1 Residential to R-5 Residential (the "Application"), shown as Lot 1 on the attached plan, and

WHEREAS, the Application was referred to the Town Planning Board and the Monroe County Planning Department for review and comment pursuant to the requirements of the Town of Irondequoit Code, New York Town Law and New York General Municipal Law; and

WHEREAS, the Application was reviewed and discussed at the Town Planning Board meetings held on September 28, 2020, and the Town Planning Board issued a report on September 29, 2020 regarding rezoning to the Town Board recommending a Positive Referral; and

WHEREAS, the Monroe County Department of Planning and Development issued comments on the Application, under referral #IR20006Z, dated August 18, 2020; and

WHEREAS, a public hearing was held by the Town Board, pursuant to Section 235-99 of the Town of Irondequoit Code and Section 20 of the New York State Municipal Home Rule Law on September 15, 2020 at the Irondequoit Town Hall, 1280 Titus Avenue, in the Town of Irondequoit, New York, where public input was received and the public hearing was closed; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act and its implementing regulations, the rezoning was classified as an unlisted action, but the Town Board elected to conduct a coordinated review, and, by separate Town Board resolution approved on October 20, 2020, issued a negative declaration; and

WHEREAS, The Town Board on October 20, 2020 adopted a resolution approving the application requesting the zoning map amendment but omitted the copy of the accompanying local law; and

WHEREAS, a copy of the final draft of the local law was delivered to the members of the Town Board at least 10 days before this meeting and is attached hereto, in accordance with the New York State Municipal Home Rule Law; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board rescinds its vote on Resolution Number 2020-265 from the October 20, 2020 regular Town Board meeting.

AND, BE IT FURTHER RESOLVED, the Town Board has determined that the proposed rezoning of the portion of 2590 Culver Road to R-5 is consistent with and in furtherance of the goals and intent of the Town of Irondequoit Comprehensive Master Plan Update adopted by the Town Board in October 2014.

AND, BE IT FURTHER RESOLVED, that the requested rezoning to R-5 is hereby approved.

AND, BE IT FURTHER RESOLVED, that the Town Board hereby adopts said Local Law 6 of 2020, amending the Official Zoning Map of the Town of Irondequoit to rezone the portion of **2590 and 2662 Culver Road** (Tax ID Nos: 092.10-3-2 and 092.10-3-1) shown on the plan attached hereto as "Attachment A" and made a part hereof, from R-1 Residential to R-5 Residential, and the Town Clerk is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Irondequoit, and to give due notice of the adoption of said Local Law to the New York Secretary of State.

This resolution shall take effect immediately upon its adoption.

Seconded by the Town Board Member Wehner and duly put to vote, which resulted as follows:

Town Board Member	Wehner	voting	<u>Aye</u>
Town Board Member	Perticone	voting	<u>Aye</u>
Town Board Member	Romeo	voting	<u>Aye</u>
Town Board Member	Freeman	voting	<u>Aye</u>
Town Supervisor	Seeley	voting	<u>Aye</u>

**LOCAL LAW NO. 6 OF 2020
TO AMEND THE
OFFICIAL ZONING MAP OF THE TOWN OF IRONDEQUOIT**

Be it enacted by the Town Board of the Town of Irondequoit as follows:

Section 1. The Official Zoning Map of the Town of Irondequoit is hereby amended so that portion of 2590 and 2662 Culver Road (Tax Account Numbers 092.10-3-1 & 092.10-3-2) are rezoned so that proposed Lot 1 be rezoned from R-1 Residential to R-5 Residential in accordance with the plan submitted as Attachment A (attached hereto).

Section 2. This law shall be effective upon filing with the Secretary of State of New York, as required by the Municipal Home Rule Law.

EXHIBIT F

PREVIOUS OWNERS & OPERATORS LIST
Wambach Farm Site
Culver Road, Rochester, New York 14609 (SBL No.: 092.10-3-2.12)

Year	Owners Contact Information	Status	Relation to Requestor
1958 – 1984	Everett G. Wambach and Marion L. Wambach Address: N/A	Deceased	None
1984 – Present	Peter G. Wambach Address: 9 Hasting Circle Pittsford, New York 14534	Active	None
Year	Operators	Status	Relation to Requestor
1895 – 1920	Stream visible through center of Property	N/A	None
1932	George A. Wambach Address: N/A	Deceased	None
1938 – 1958	Undeveloped with Agriculture Fields and Woods	N/A	None
1966	Northern Portion of Property cleared (May be related to the construction of Route 104 to the north of the Property)	N/A	None
1960s/1970s	ash/cinder fill were potentially used to fill an east/west drainage ravine (AKA Stream)	N/A	None
1969 – 1980	Undeveloped	N/A	None
1982 – 1999	Wambach Farm Market – Everett G. Wambach Address: 2590 Culver Road Rochester, New York	Deceased /Inactive	None
1985 – 2017	Access road leads to a clearing centrally located on Property	N/A	None
2004 – 2009	Wambach Farms, Inc. Address: 2590 Culver Road Rochester, New York	Inactive	None
2014 – 2017	Wambach's Garden Center Address: 2590 Culver Road Rochester, New York	Inactive	None
Present	Undeveloped land formerly used for Agricultural Purposes	N/A	None

EXHIBIT G

CONTAMINANT	UUSCO (mg/kg)	RRSCO (mg/kg)
SVOCs		
Benzo(a)anthracene	1	1
Benzo(a)pyrene	1	1
Benzo(b)fluoranthene	1	1
Chrysene	1	3.9
Indeno(1,2,3-cd)pyrene	0.5	500
METALS		
Arsenic	13	16
Cadmium	2.5	4.3
Chromium	30	180
Lead	63	400
Mercury	0.18	0.81
PESTICIDES		
4,4'-DDD	0.0033	13
4,4'-DDE	0.0033	8.9
4,4'-DDT	0.0033	7.9
Dieldrin	0.005	2

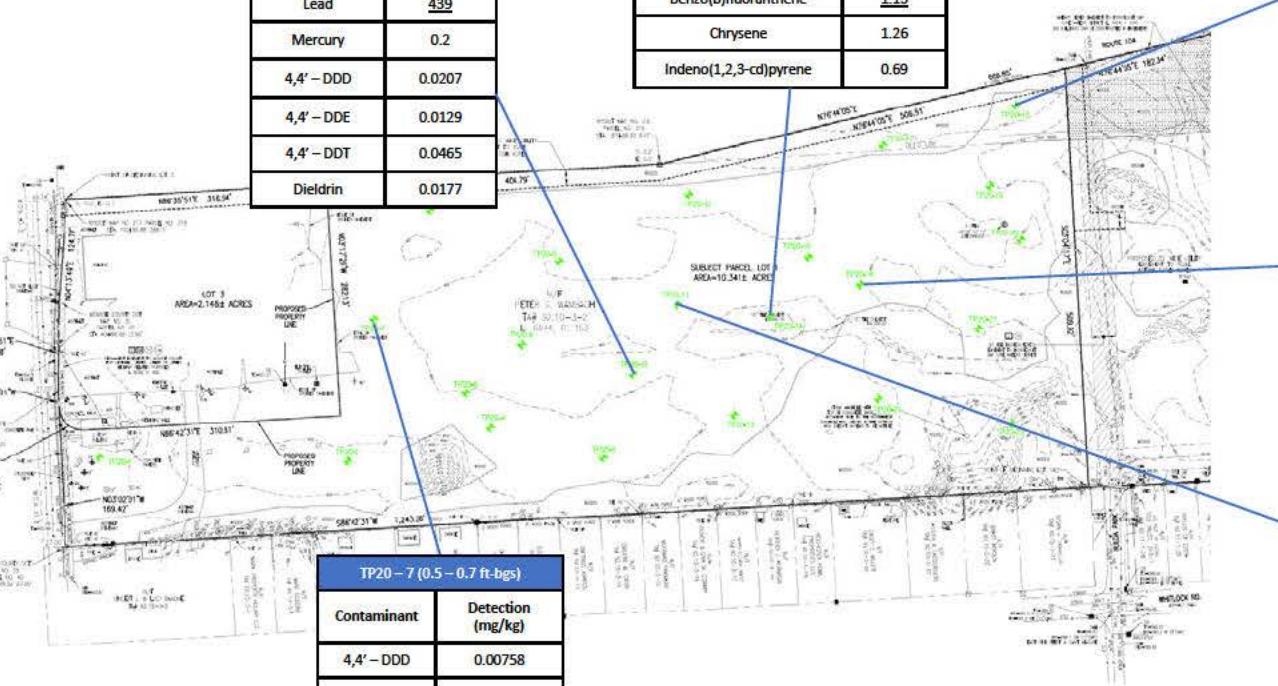
TP20 – 10 (5.0 – 5.5 ft-bgs)	
Contaminant	Detection (mg/kg)
Arsenic	<u>23.5</u>
Cadmium	<u>5.43</u>
Lead	<u>439</u>
Mercury	0.2
4,4'-DDD	0.0207
4,4'-DDE	0.0129
4,4'-DDT	0.0465
Dieldrin	0.0177

TP20 – 14 (8.5 – 9.0 ft-bgs)	
Contaminant	Detection (mg/kg)
Benzo(a)anthracene	<u>1.5</u>
Benzo(a)pyrene	<u>1.23</u>
Benzo(b)fluoranthene	<u>1.13</u>
Chrysene	1.26
Indeno(1,2,3-cd)pyrene	0.69

TP20 – 18 (0.5 – 0.7 ft-bgs)	
Contaminant	Detection (mg/kg)
Cadmium	3.37
Chromium	30.7
Lead	255
4,4'-DDD	0.0206
4,4'-DDE	0.0608
4,4'-DDT	0.0199

TP20 – 16 (8.0 – 8.5 ft-bgs)	
Contaminant	Detection (mg/kg)
Lead	120
4,4'-DDD	0.0269
4,4'-DDE	0.00795
4,4'-DDT	0.00353

TP20 – 11 (6.0 – 7.0 ft-bgs)	
Contaminant	Detection (mg/kg)
Lead	95.1



* Underlined values indicate RRSCO exceedances



EXHIBIT H

Department of State

Division of Corporations

Entity Information

[Return to Results](#)[Return to Search](#)

Entity Details



ENTITY NAME: PROVIDENCE CULVER HOUSING LLC **DOS ID:** 6466993
FOREIGN LEGAL NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY
SECTION OF LAW: LIMITED LIABILITY COMPANY LAW - 203
LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY
COMPANY LAW
DATE OF INITIAL DOS FILING: 04/25/2022 **REASON FOR STATUS:**
EFFECTIVE DATE INITIAL FILING: 04/25/2022 **INACTIVE DATE:**
FOREIGN FORMATION DATE:
COUNTY: MONROE
JURISDICTION: NEW YORK, UNITED STATES **STATEMENT STATUS:** CURRENT
NEXT STATEMENT DUE DATE: 04/30/2024
NFP CATEGORY:

[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

Service of Process Name and Address

Name: THE LLC**Address:** 1150 BUFFALO ROAD, ROCHESTER, NY, UNITED STATES, 14624

Chief Executive Officer's Name and Address

Name:**Address:**

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:**Address:**

Entity Primary Location Name and Address

Name:**Address:**

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value	Number Of Shares	Value Per Share

Exhibit I

WRITTEN CONSENT

The undersigned, being a Member of Providence Culver Housing LLC, does hereby certify as follows:

1. Providence Culver Housing LLC is the prospective volunteer for the prospective Brownfield Cleanup Program (BCP) Site located at 2590 Culver Road, Rochester, NY 14609 (Tax Block 092.10 Lot 3-2.12) (collectively the “BCP Site”).

2. The following person, Mark Greisberger, Executive Director of Providence Culver Housing LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer Providence Culver Housing LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 15th day of August, 2022.



Daniel Sturgis
Member of Providence Culver Housing LLC

Exhibit J

THIS INDENTURE, made the day of December 1984
BETWEEN EVERETT G. WAMBACH, residing at 2590 Culver Road,
Rochester, New York

PETER G. WAMBACH, residing at 9 Hastings
Circle, Pittsford, New York

GRANTOR: PETER G. WAMBACH
REEL: 6644 PAGE 153
NO PAGES 1
12/31/84 10 24:00
AT MONROE COUNTY CLERK

WITNESSETH, that the grantor, in consideration of ONE AND MORE (\$1 00+) Dollars, paid by the grantee

bereby grants and releases unto the grantee, the heirs or successors and assigns of the grantee forever,

ALL THAT TRACT, PIECE OR PARCEL OF LAND, situate in the Town of Irondequoit, County of Monroe and State of New York, west of Irondequoit Bay in Township No. 14 in the 7th Range of Townships, known and distinguished as part of lot number Forty-two (42) bounded and described as follows. Beginning at the southwest corner of said lot number Forty-two (42) in the center of the highway; thence running easterly along the south line of said lot number Forty-two (42) twenty-seven (27) chains and sixty (60) links to a stake; thence northerly six (6) chains and fifty-five (55) links to a stake; thence westerly in a line parallel with the said south line of said lot number Forty-two (42) twenty-seven (27) chains and sixty (60) links to the center of the highway; thence southerly along the center of said highway six (6) chains and thirty-six (36) links to the place of beginning, containing seventeen and eight hundred fifteen one thousandths (17.815) acres of land and being the premises designated as "No. 2 Edward Costich" on a map of the Estate of Francis Costich of parts of lots Nos. 42 and 43 which map was made by W. H. Perrin, Surveyor, in the month of May, 1895 and filed in Monroe County Clerk's Office upon the 14th day of June, 1895; a few feet of the front of the above property may be in the City of Rochester, County of Monroe and State of New York.

This conveyance is made and accepted subject to all easements, covenants and restrictions of record affecting said premises, if any.

Being and hereby intending to convey the same premises conveyed to Everett G. Wambach and Marion Lucille Wambach (now deceased) by deed dated December 30, 1958 and recorded in the Monroe County Clerk's Office in Liber 3187 of Deeds at page 6.

TAX ACCOUNT NUMBER: 092 100-03-002

MAILING ADDRESS: 2590 Culver Rd
Rochester NY 14609

TOGETHER with the appurtenances and all the estate and rights of the grantor in and to said premises
TO HAVE AND TO HOLD the premises here granted unto the grantee, the heirs or successors and assigns forever,

AND the said grantor covenants as follows:

FIRST.—That the grantor is seized of the said premises in fee simple, and has good right to convey the same.

SECOND.—That the grantee shall quietly enjoy the said premises,

THIRD.—That the said premises are free from incumbrances,

FOURTH.—That the grantor will execute or procure any further necessary assurance of the title to said premises,

FIFTH.—That the grantor will forever warrant the title to said premises,

This deed is subject to the trust provisions of Section 13 of the Lien Law

STATEMENT: "Grantor" and "grantee" shall be construed to read in the plural whenever the sense of this deed so requires.

IN WITNESS WHEREOF, the grantor has signed this deed the day and year first above written.

RECEIVED
RECEIVED ON 12/31/84
TIME 10:24:00
BOOK 6644 PAGE 153
REEL 153

RECEIVED

\$ 1,00.00

REAL ESTATE

DEC 31 1984

TRANSFER TAX
MONROE
COUNTY before
the personally came
to me known,
who, being by me duly sworn, did depose and say that deponent resides
at No.

deponent is

the corporation described in and which
executed, the foregoing instrument, deponent knows the seal of said
corporation, that the seal affixed to said instrument is such corporate
seal, that it was so affixed by order of the Board of Directors of said
corporation, deponent signed deponent's name thereto by like order

Everett G. Wambach, I.S.

Everett G. Wambach

C-10414

STATE OF NEW YORK, COUNTY OF MONROE

On the 31st day of December 1984, before
me personally came

Everett G. Wambach

to me known to be the individual described in, and who depose
the foregoing instrument, and acknowledged that he executed
the same.

Michael F. McConville
Notary Public in the State of New York
MONROE COUNTY, N.Y.
Commission Expires March 30, 1986

MONROE COUNTY CLERK'S OFFICE

THIS IS NOT A BILL. THIS IS YOUR RECEIPT.

Receipt # 2970672

Book Page D 12618 0121

Return To:
BOX 74 1/2

No. Pages: 18

Instrument: AMENDMENT TO DECLARATION

Control #: 202201260965
Ref #: TT0000012317

Date: 01/26/2022

Time: 3:28:13 PM

PEMM CULVER LLC,
WAMBACH, PETER G
WAMBACH, EVERETT G
664361 ONTARIO LIMITED,
2600613 ONTARIO INC,

PEMM CULVER LLC,
WAMBACH, PETER G
WAMBACH, EVERETT G
664361 ONTARIO LIMITED,
2600613 ONTARIO INC,

Recording Fee	\$26.00
Pages Fee	\$85.00
State Fee Cultural Education	\$14.25
State Fee Records	\$4.75
Management	Employee: CT
TP-584 Form Fee	\$5.00
Total Fees Paid:	\$135.00

State of New York

MONROE COUNTY CLERK'S OFFICE
WARNING – THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

Consideration: \$1.00

JAMIE ROMEO

MONROE COUNTY CLERK



S
19
RECORDED
Time: 3:38pm

R+R Box 24 1/2

JAN 26 2022

Monroe County Clerk's Office

AMENDED AND RESTATED DECLARATION OF EASEMENT

THIS AMENDED AND RESTATED DECLARATION OF EASEMENT (this “*Agreement*”) is made and entered into as of the 20th day of January 2022 (the “*Effective Date*”) by and between **PEMM CULVER, LLC**, a New York limited liability company with an address of 2697 Lakeville Road, Suite 1, Avon, New York 14414 (“**PEMM**”), **PETER G. WAMBACH**, with an address of 9 Hastings Circle, Pittsford, New York 14534 (“**Wambach**”), the **ESTATE OF EVERETT G. WAMBACH**, with an address c/o Peter G. Wambach, 9 Hastings Circle, Pittsford, New York 14534 (the “*Estate*”) (each of PEMM, Wambach and the Estate, a “*Party*”, and collectively, the “*Parties*”), **664361 ONTARIO LIMITED**, an Ontario corporation formed under the laws of Ontario, Canada with its principal office located at 711 Millwood Road, Toronto, Ontario M4G 1V7 (“*Ontario Limited*”), and **2600613 ONTARIO INC.**, an Ontario corporation formed under the laws of Ontario, Canada, with its principal office located at 26 Truman Road, Toronto, Ontario M2L 2L5 (“*Ontario Inc.*”; together with Ontario Limited, “*Mortgagees*”).

WITNESSETH:

WHEREAS, Wambach is the owner of that certain parcel of real property identified as “Lot R-1B” on the subdivision map entitled “Resubdivision Map of Lot 1 of L. 361 of Maps, P. 48, Wambach Property” last dated September 2, 2021 prepared by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors D.P.C., said map to be filed herewith (the “*Map*”), such parcel being more particularly described on Exhibit A attached hereto, consisting of approximately 9.245 acres of land located in the Town of Irondequoit, County of Monroe, and the State of New York (the “*Wambach Property*”);

WHEREAS, the Estate is the owner of a certain parcel of land adjacent to the Wambach Property ~~consisting of approximately _____ acres of land~~ located in the Town of Irondequoit, County of Monroe, and the State of New York and more particularly described on Exhibit B attached hereto (the “*Estate Property*”);

WHEREAS, PEMM is the owner of a certain parcel of real property adjacent to the Wambach Property identified as “Lot R-1A” on the Map hereto and as more particularly described on Exhibit C attached hereto, consisting of approximately 3.242 acres of land located in the Town of Irondequoit, County of Monroe, and the State of New York, together with improvements located thereon (the “**PEMM Property**”; the Wambach Property, the Estate Property and the PEMM Property are sometimes referred to herein individually as a “*Property*” and collectively as the “*Properties*”);

WHEREAS, Wambach granted a lien on and security interests in the Wambach Property to Mortgagees by a certain Mortgage in the amount of Seven Hundred Thirty-Six Thousand and 00/100 Dollars (\$736,000.00) dated and recorded August 2, 2018 in the Monroe County Clerk’s Office at Liber 27707 of Mortgages, page 399 (the “*2018 Mortgage*”) and a certain Assignment of Leases and Rents dated and recorded August 2, 2018 in the Monroe County Clerk’s Office in Liber 12062 of Deeds, page 441, which security interests are evidenced and perfected by a certain

Form UCC-1 Financing Statement filed in the Monroe County Clerk's Office bearing File No. U2018/000394 (collectively, the "**2018 Security Instruments**");

WHEREAS, Wambach and the Estate granted a mortgage lien on the Properties to Mortgagees by a certain Gap Mortgage in the amount of Two Hundred Thirty Thousand and 00/100 Dollars (\$230,000.00) dated July 14, 2020 and recorded in the Monroe County Clerk's Office on July 15, 2020 at Liber 28618 of Mortgages, page 428 (the "**2020 Mortgage**");

WHEREAS, Wambach, the Estate and Mortgagees executed a Consolidation, Modification and Extension Agreement dated July 14, 2020 and recorded in the Monroe County Clerk's Office on July 15, 2020 at Liber 28618 of Mortgages, page 437 (the "**CEMA**"), which CEMA consolidated the liens of the 2018 Mortgage and the 2020 Mortgage (as consolidated, the "**Consolidated Mortgage**");

WHEREAS, Wambach and the Estate granted a mortgage to Mortgagees by a certain Mortgage in the amount of One Hundred Fifty-Nine Thousand Seven Hundred and 00/100 Dollars (\$159,700.00) dated July 14, 2020 and recorded in the Monroe County Clerk's Office on July 15, 2020 at Liber 28618 of Mortgages, page 462 (the "**2020 Second Mortgage**"; and together with the Consolidated Mortgage, the other 2018 Security Instruments, and any other instrument evidencing security interests in favor of any Mortgagee in the Properties, the "**Ontario Security Instruments**");

WHEREAS, Mortgagees have previously released the lien and other security interests under the Ontario Security Instruments from the PEMM Property;

WHEREAS, prior to Wambach's transfer of the PEMM Property to PEMM, Wambach executed a Declaration of Easement dated September 22, 2021 and recorded in the Monroe County Clerk's Office at Liber 12563 of Deeds, page 384 (the "**Original Declaration**") to create an easement for ingress and egress over and across a portion of the PEMM Property for the benefit of the Wambach Property;

WHEREAS, by their execution and delivery of this Agreement and its recording in the Monroe County Clerk's Office, the Parties desire to amend and restate the Original Declaration and set forth certain rights and obligations with respect to the Easement Area herein described and the improvements to be constructed and maintained thereon;

WHEREAS, completion of the purpose of the Easement will enhance the value of the Properties, to the benefit of the Parties and the Mortgagees; and

WHEREAS, Mortgagees are executing and delivering this Agreement to indicate their consent to its terms and to subordinate the liens and interests under the Ontario Security Instruments to the rights and obligations set forth in this Agreement.

NOW, THEREFORE, in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties and Mortgagees covenant and agree as follows:

1. CONFIRMATION OF EASEMENT. PEMM hereby confirms the grant of a permanent, non-exclusive easement, subject to the restrictions set forth in Section 2 below (the "*Easement*"), to Wambach and the Estate and to Wambach's and the Estate's agents, licensees, tenants, guests, and invitees in, upon, over, across, along and through a portion of the PEMM Property depicted as a "60.0' Ingress/Egress Easement" on the Map and as more particularly described on Exhibit D attached hereto (the "*Easement Area*"). The purpose of the Easement shall be for vehicular and pedestrian access, ingress, and egress over the Driveway as set forth and defined below.

2. RESTRICTIONS ON THE EASEMENT. The Easement shall be subject to the following restrictions, which shall be binding on PEMM, Wambach, the Estate, and their respective tenants, employees, agents, guests, and invitees:

(a) No Obstruction. Neither Party shall obstruct the Easement Area or the Driveway or otherwise obstruct the free flow of traffic, except as permitted by this Agreement. The openings and access points contemplated for use of the Driveway is shown on the Map and such openings and access points between the Properties for use of the Driveway (the "*Access Openings*") shall in no event be blocked, closed, altered, changed, or removed and shall at all times remain in place as shown on the Map. There shall be maintained between the Access Openings a smooth and level grade transition to allow the use of the Driveways for pedestrian and vehicular ingress and egress in accordance with Section 1 above.

(b) Compliance. Each Party shall comply at all times with all laws, rules, regulations, orders, directives, codes, and requirements of any kind imposed by any federal, state, or local government or any agency or instrumentality of any such government which are applicable to the Easement Area.

(c) Avoidance of Interference. Each Party shall, in its use of the Easement Area, use commercially reasonable efforts to avoid interference with the business operations of the other Party. Any permitted construction on the Easement Area shall be conducted in a manner that will limit, to the extent practicable, any unreasonable interference with the business operations of the other Party. Except in cases of emergency, access to the Parties' respective properties shall not be materially obstructed.

(d) Bona Fide Users. Notwithstanding anything herein to the contrary, the Easement rights conferred and conditions imposed hereunder shall apply to Wambach and to the Estate and to their successors and assigns; provided, however, that any such successors and/or assigns shall constitute (i) Wambach's heirs, (ii) legatees under the Estate; (iii) one or more trusts for Wambach's benefit; (iv) Mortgagees and their successors and/or assigns who hold title to all the Properties, or (v) a party who purchases for value in one coordinated transaction all of the

Wambach Property and the Estate Property (as described in Exhibit A and Exhibit B, respectively) (all of the foregoing being herein collectively referred to as “***Bona Fide Users***”). Each Bona Fide User’s rights under this Agreement shall also benefit each Bona Fide User’s agents, licensees, tenants, guests and invitees.

(e) Taxes. Each Party acknowledges that it is responsible for and shall pay or cause to be paid all real property taxes and assessments (collectively, “***Taxes***”) imposed upon its Property on or before the date such Taxes become due.

3. CONSTRUCTION OF DRIVEWAY.

(a) A driveway (the “***Driveway***”) shall be constructed and maintained in the Easement Area. The Driveway as well as other improvements required for its operation and use will be constructed in accordance with plans and specifications prepared by SRF Associates, a full and complete set of originals or copies of which plans and specifications have been delivered to Wambach and PEMM (the “***Plans***”).

(b) Subject to the costs cap set forth in Subsection 3(d) below, the Parties shall share on an equal basis the cost of construction of the Driveway in accordance with the Plans “***Driveway Construction Costs***”), which may include, but not be limited to: (a) grading, paving, and striping; (b) the cost of installing traffic signals and signs (including at the intersection of the Driveway and Culver Road); (c) the cost of widening Culver Road; (d) the relocation of any utilities to accommodate the construction of the Driveway; (e) all costs related to the demolition of the previously existing house on the Easement Area, including an asbestos/demolition survey and remediation; and (f) any other items required by any appropriate municipal authority as a condition to granting municipal approvals relative to the Easement Area.

(c) PEMM will perform or cause to be performed the construction of the Driveway in accordance with the Plans. PEMM shall pay the first \$200,000 of the Driveway Construction Costs and shall provide evidence thereof in reasonable detail to Wambach. Upon Wambach’s receipt of evidence of detailed payments by PEMM of the Driveway Construction Costs in an amount equal to or exceeding \$200,000, Wambach shall authorize the use of the Escrow Amount (defined below) towards Driveway Construction Costs that exceed \$200,000 of Driveway Construction Costs paid by PEMM.

(d) It is currently contemplated that PEMM will perform the construction of the Driveway. Subject to PEMM’s use of the Escrow Amount as provided in Section 3(e) below, Wambach shall reimburse PEMM within thirty (30) days after Wambach’s receipt of an invoice for such costs from PEMM. Consistent with the foregoing, PEMM shall have a first priority continuing lien on the Wambach Property and the Estate Property for all Driveway Construction Costs due and owing from Wambach to PEMM as provided in this Agreement. Within ten (10) days after Wambach’s written request, PEMM will execute and deliver an acknowledged written statement certifying (i) that this Agreement is unmodified and in full force and effect (or that this Agreement is in full force and effect as modified, listing the instruments of modification), (2) that

all of the Driveway Construction Costs payable hereunder have been paid or if such amounts have not been paid, the amounts that have not been paid, (3) whether to the best of its knowledge whether Wambach is in default (and if so, specifying the nature of the default), and (4) any other information with respect to this Agreement as Wambach may reasonably require. It is intended that any statement delivered pursuant to this Section 3(d) may be relied on by a prospective purchaser, or mortgagee of Wambach or the Estate's interest in the Wambach Property or the Estate Property. PEMM shall deliver and record with the Monroe County Clerk a release of lien within thirty (30) days after the earlier of (i) Wambach reaching the Driveway Costs Cap; and (ii) in the event the Driveway Costs Cap is not reached, upon Wambach's payment in full of his share of the Driveway Costs Cap.

(e) Wambach has escrowed the sum of \$200,000 (the "***Escrow Amount***") pursuant to the terms of that certain Escrow Agreement dated upon the Effective Date among Wambach, PEMM and Trevett Cristo, attorneys, as escrow agent (the "***Escrow Agreement***"). The Escrow Amount shall be used to reimburse PEMM for Wambach's portion of the Driveway Construction Costs on an ongoing basis after PEMM has incurred Driveway Construction Costs in an amount equal to or exceeding \$200,000. Notwithstanding Section 3(b) above, Wambach's portion of Driveway Construction Costs shall not exceed \$400,000 (the "***Construction Costs Cap***").

(f) Subject to Section 3(g) below, Wambach shall pay his share of the Driveway Construction Costs over and above the Escrow Amount either in cash or from the proceeds, if any, realized by Wambach upon Wambach's transfer of title to the Wambach Property to a third party, whether voluntarily, by operation of law, foreclosure, or otherwise, provided, however, that to the extent that such proceeds are insufficient to satisfy Wambach's portion of the Driveway Construction Costs, or if PEMM incurs Driveway Construction Costs after such transfer of title, (i) Wambach's heir, successor, or assign's (as applicable) obligation to reimburse PEMM for the Driveway Construction Costs, and (ii) the continuing lien upon the Wambach Property and the Estate Property in favor of PEMM therefor; shall both continue and shall be binding upon and run with the Wambach Property.

(g) Notwithstanding any other provision of this Agreement, Wambach shall pay his share of the Driveway Construction Costs to PEMM within two (2) years of the completion of the construction of the Driveway, such completion to be demonstrated and evidenced by such documentation as shall be reasonably acceptable to Wambach.

4. MAINTENANCE; REPAIR; SNOW REMOVAL.

(a) Maintenance Obligations. PEMM shall at all times be responsible for the maintenance and repair of and snow and ice removal from the Driveway including, without limitation, annual sealing and crack filling and repair (the "***Maintenance Obligations***"). If PEMM materially fails to perform the Maintenance Obligations, Wambach may provide written notice to PEMM indicating the specific actions required (the "***Cure Items***") and PEMM will have a reasonable amount of time, taking into account the nature of the Cure Items, to complete the Cure

Items. In the event PEMM fails to complete the Cure Items within such time, Wambach shall have the right to complete the Cure Items. Within ten (10) days of Wambach's issuance of a reasonably detailed invoice or invoices, PEMM shall reimburse Wambach for all reasonable out-of-pocket costs incurred by Wambach in connection with completing the Cure Items, including reasonable attorneys' fees, plus overhead charges of five percent (5%). Any amount left unpaid after such ten (10) day period shall be charged interest at an annual rate of four percent (4%).

(b) Cost Sharing. At all times prior to the Cost Sharing Date, the cost of the Maintenance Obligations shall be borne exclusively by PEMM. Commencing the date of the issuance of a building permit for the improvement of the Wambach Property and the Estate Property and at all times thereafter (the "***Cost Sharing Date***"), the cost of the Maintenance Obligations shall be shared by PEMM and Wambach on an equal basis. Wambach's heir, successor, or assign's share of the cost of the Maintenance Obligations is to be paid to PEMM on an annual basis within thirty (30) days after receipt of a reasonably detailed invoice or invoices from PEMM. Wambach's heir, successor, or assign shall be entitled to request from PEMM copies of reasonably detailed backup documentation supporting such invoice or invoices. Any amount left unpaid after such thirty (30) day period shall be charged interest at an annual rate of five percent (5%).

(c) Major Repairs; Replacements. In the event the Parties in the exercise of their reasonable discretion determine that resurfacing or replacement of the Driveway surface is required, then the Parties shall share on an equal basis the cost of such resurfacing or replacement.

(d) Force Majeure. Neither Party shall be liable to perform any of its obligations under this Section 4 when such failure is caused by fire, explosion, flood, Act of God or inevitable accident, vandalism, war, or weather or energy-related events or matters, governmental rules or regulations, pandemic, or similar causes beyond such Party's reasonable control.

5. INSURANCE AND INDEMNIFICATION.

(a) Insurance. Each Party acknowledges and agrees that it will carry or cause to be carried public liability insurance over its respective Properties, providing coverage of not less than One Million Dollars (\$1,000,000) per occurrence for personal injury or death arising out of any one occurrence, or such greater amount agreed by the Parties. Each Party, upon request, shall furnish the other Party with a certificate of insurance evidencing the coverages required by this Section 5(a).

(b) Indemnification. Each Party (the "***Indemnifying Party***") will indemnify and hold the other Party (the "***Indemnified Party***") harmless for any costs, loss, damages, and expenses, of any kind or nature whatsoever (including attorneys' fees and costs) associated with or acts or omissions or the Indemnifying Party occurring at or upon the Indemnifying Party's Property, except for such matters, acts, or omissions caused by the negligence or willful conduct of the Indemnified Party or the Indemnified Party's successors, assigns, tenants, subtenants, agents, licensees, customers, and invitees.

6. REMEDIES AND ENFORCEMENT.

(a) All Legal and Equitable Remedies Available. In the event of a breach or threatened breach by any Party or its agents of any of the terms, covenants, restrictions, or conditions hereof, the other Party shall be entitled to pursue all remedies available at law or in equity from the consequences of such breach, including damages, injunction, and/or specific performance.

(b) Self-Help. In addition to all other available remedies available at law or in equity, upon the failure of a Party to cure a breach of this Agreement within thirty (30) days following written notice from the other Party (unless, with respect to any such breach, the nature of which cannot reasonably be cured within such thirty (30) day period, the defaulting Party commences such cure within such thirty (30) day period and thereafter diligently prosecutes such cure to completion), the non-breaching Party shall have the right to perform such obligation on behalf of the defaulting Party, the defaulting Party shall upon demand reimburse the non-breaching Party for the reasonable costs thereof with interest at the prime rate charged by the Bank of America, plus two percent (2%) (not to exceed the maximum rate of interest allowed by law). Notwithstanding the foregoing, in the event of (i) an emergency, or (ii) the blockage or material impairment of access, the non-breaching Party may cure the same and the defaulting Party shall upon demand reimburse the non-breaching Party for the reasonable costs thereof with interest at the prime rate charged by the Bank of America, plus two percent (not to exceed the maximum rate of interest allowed by law).

(c) Remedies Cumulative. The remedies specified in this Agreement shall be cumulative and in addition to all other remedies permitted at law or in equity.

7. COVENANT RUNNING WITH THE LAND. This Agreement shall be deemed to be a covenant running with the land (including expressly the PEMM Property, the Estate Property and the Wambach Property) and shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns as provided in Section 2(d) above. Any subsequent purchaser, successor, or assign of the Properties or any part of them acknowledges the rights, obligations, and restrictions under this Agreement and agrees by taking title to any portion of the Properties to be bound by the terms and conditions of this Agreement.

8. COUNTERPARTS; AUTHORITY. This Agreement may be executed in counterparts, and each of which so executed, irrespective of the date of execution and delivery, shall be deemed an original, and all such counterparts together shall constitute one and the same instrument. Each Party represents and warrants to the other that the signatory executing this Agreement on behalf of such Party has the full power and authority to bind the Party for which he or she signs.

9. NOTICES. All notices, demands, requests, consents, or approvals (each, a “*Notice*”) which may or are required to be given by either Party to the other shall be in writing and shall be deemed given if by personal delivery upon the Party for whom it is intended on the day

so delivered, or if delivered by a national courier service on the next business day following such mailing, any such Notice mailed or delivered to the following:

If to PEMM:
PEMM Culver, LLC
2697 Lakeville Road
Suite 1
Avon, New York 14414
Attention: Kenneth Perelli

with a copy to:
Trevett Cristo
2 State Street, Suite 1000
Rochester, New York 14614
Attention: Colin R. Bruckel, Esq.

If to Wambach or the Estate:
Peter G. Wambach
9 Hastings Circle
Pittsford, New York 14534

with a copy to:
Lane Law PLLC
2 State Street, Suite 1400
Rochester, New York 14614
Attention: Gregory W. Lane, Esq.

The Parties may by written notice to the other designate a different person or entity to receive notices hereunder and/or a different address or addresses.

10. **PARTIAL INVALIDITY.** If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

11. ENTIRE AGREEMENT; RELIANCE; AMENDMENT; GOVERNING LAW.
This Agreement, together with the PEMM Mortgage and any exhibits attached hereto and thereto, constitute the entire agreement between the Parties' hereto with respect to the subject matter contained herein and supersede all prior written or oral agreements and understandings with respect to the rights granted herein. The Parties do not rely upon any statement, promise or representation not herein expressed, and this Agreement once executed and delivered shall not be modified or altered in any respect except by a writing executed and delivered in the same manner as required by this document. This Agreement shall be interpreted in accordance with the laws of the State of New York.

12. **NO DEDICATION TO THE PUBLIC.** Nothing contained in this Agreement shall be deemed to be a gift or dedication of any portion of the Easement Area or any interest therein to the general public or for the benefit of the general public or for any public purpose, it being the

intention of Grantor that this Agreement shall be strictly limited to and for the purposes in this Agreement expressed.

13. SUBORDINATION. The Mortgagees hereby subject and subordinate the liens of the Ontario Security Instruments to all terms and conditions of this Agreement and any and all rights created, amended, or supplemented hereby.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first set forth above.

PEMM:

PEMM CULVER, LLC

By: PEMM, LLC
Its: Sole Member

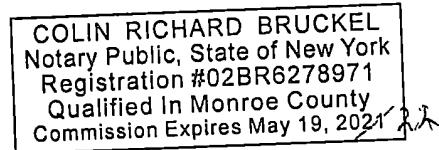
By: ~~Dan~~ ~~Perelli~~
Name: Kenneth Perelli
Title: Vice President

STATE OF NEW YORK)
COUNTY OF MONROE) ss.:

On January 20 ²⁰²¹, before me personally came KENNETH PERELLI, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual or the person on behalf of which the individual acted, executed the instrument.

Notary Public

[SIGNATURES CONTINUE ON FOLLOWING PAGE]



WAMBACH:
Peter G. WambachSTATE OF NEW YORK)
COUNTY OF MONROE) ss.:

On January 15th, 2022, before me personally came PETER G. WAMBACH, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual and the person on behalf of which the individual acted, executed the instrument.

GREGORY W. LANE
NOTARY PUBLIC, State of New York
Qualified in Monroe County
Reg. #02LA6159639
Commission Expires January 22, 2019


2023
Notary Public**THE ESTATE:**
Peter G. Wambach, ExecutorSTATE OF NEW YORK)
COUNTY OF MONROE) ss.:

On January 15th, 2022, before me personally came PETER G. WAMBACH, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual and the person on behalf of which the individual acted, executed the instrument.

GREGORY W. LANE
NOTARY PUBLIC, State of New York
Qualified in Monroe County
Reg. #02LA6159639
Commission Expires January 22, 2019


2023
Notary Public

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

ONTARIO LIMITED:**664361 ONTARIO LIMITED**

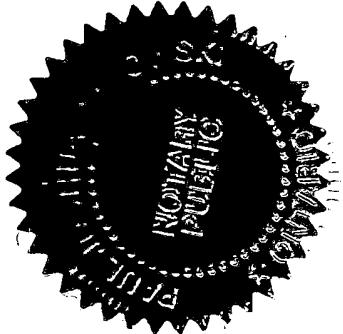
By: Harvey Frisch
Name: Harvey Frisch
Title: Director

STATE OF Ontario)
COUNTY OF Canada) ss.:

On 17 DECEMBER 2021, before me personally came Harvey Frisch, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual or the person on behalf of which the individual acted, executed the instrument.

Harvey Frisch
Notary Public

[SIGNATURES CONTINUE ON FOLLOWING PAGE]



ONTARIO INC.:

2600613 ONTARIO INC.

By:

Name: Wilf GoliwastTitle: President

STATE OF Ontario)
COUNTY OF Canada) ss.:

On 17 DECEMBER 2021, before me personally came
Wilf Goliwast, personally known to me or proved to me on the basis of
satisfactory evidence to be the individual whose name is subscribed to the within instrument and
acknowledged to me that he executed the same in his capacity and that by his signature on the
instrument, the individual or the person on behalf of which the individual acted, executed the
instrument.



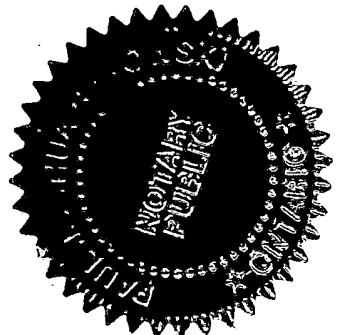
Notary Public

Exhibit A**Legal Description of Wambach Property****Lot R-1B
(Part of T.A. No. 92.10-3-2.1)
Irondequoit, New York, 14622**

All that tract or parcel of land situate in the Town Lot 42, Township 14, Range 7, Town of Irondequoit, County of Monroe, State of New York, being more particularly bounded and described as follows:

Commencing at a point on the easterly right of way line of Culver Road (County Road 120) as appropriated by the Monroe County Department of Transportation (Map No. 35, Parcel No. 40), said point also being on the division line between the lands now or formerly of Peter G. Wambach (Liber 6644 of Deeds, Page 153) on the north and the lands of Culver Manor Subdivision (Liber 59 of Maps, Page 12) on the south, said point is also the southwest corner of Lot R-1A as shown on a map entitled "Re-Subdivision Map of Lot 1 of L. 361 of Maps, P. 48 Wambach Property", prepared by Bergmann Associates and filed in the Monroe County Clerk's Office in Liber 364 of Maps, Page 8; thence, North 86°42'31" East, on said north line of Culver Manor Subdivision, a distance of 341.57 feet to a point on the division line between said Lot R-1A on the west and Lot R-1B on the east and the Point of Beginning; thence,

North 03°17'29" West, on said division line, a distance of 421.41 feet to a point on the southerly right of way line of New York State Route 104 as appropriated by the New York State Department of Public Works (Map No. 216, Parcel No. 318); thence, the following two courses on said southerly right of way line of New York State Route 104:

- 1) North 86°35'51" East, a distance of 404.80 feet to a monument found; thence,
- 2) North 76°44'05" East, a distance of 506.51 feet to a rebar found on the division line between said Lot R-1B on the west and Lot 2 on the east as shown on a Subdivision map filed in the Monroe County Clerk's Office in Liber 361 of Maps, Page 48; thence,

South 03°04'17" East, on said division line, a distance of 509.92 feet to a rebar found on the north line of said Culver Manor Subdivision; thence,

South 86°42'31" West, on said north line of Culver Manor Subdivision, a distance of 901.69 feet to the Point of Beginning.

Said parcel containing 9.245 acres, more or less.

Exhibit B

Legal Description of the Estate Property

TAX PARCEL NO. 92.10-01-001

Exhibit C**Legal Description of PEMM Property****Lot R-1A
(Part of T.A. No. 92.10-3-2.1)
Irondequoit, New York, 14609**

All that tract or parcel of land situate in the Town Lot 42, Township 14, Range 7, Town of Irondequoit, County of Monroe, State of New York, being more particularly bounded and described as follows:

Beginning at a point on the easterly right of way line of Culver Road (County Road 120) as appropriated by the Monroe County Department of Transportation (Map No. 35, Parcel No. 40), said point also being on the division line between the lands now or formerly of Peter G. Wambach (Liber 6644 of Deeds, Page 153) on the north and the lands of Culver Manor Subdivision (Liber 59 of Maps, Page 12) on the south, said point is also the southwest corner of Lot R-1A as shown on a map entitled "Re-Subdivision Map of Lot 1 of L. 361 of Maps, P. 48 Wambach Property", prepared by Bergmann Associates and filed in the Monroe County Clerk's Office in Liber 364 of Maps, Page 8; thence, on the said easterly right of way line of Culver Road as appropriated by the Monroe County Department of Transportation (Map No. 35, Parcel No. 40) the following three courses:

1) North 03°02'01" West, a distance of 187.48 feet a point; thence,

2) North 00°35'51" East, a distance of 109.88 feet a point; thence,

3) North 04°13'49" East, also along the easterly right of way line of New York State Route 104 as appropriated by the New York State Department of Public Works (Map No. 217, Parcel No. 319), a distance of 124.77 feet a nail found on the southerly right of way line of New York State Route 104 as appropriated by the New York State Department of Public Works (Map No. 216, Parcel No. 318); thence,

North 86°35'51" East, on the said southerly right of way line of New York State Route 104, a distance of 316.94 feet to a point on the division line between said Lot R-1A on the west and Lot R-1B on the east; thence,

South 03°17'29" East, on said division line, a distance of 421.41 feet to a point on the north line of said Culver Manor Subdivision; thence,

South 86°42'31" West, on said north line of Culver Manor Subdivision, a distance of 341.57 feet to the Point of Beginning.

Said parcel containing 3.242 acres, more or less.

Exhibit D**Legal Description of Easement Area****Proposed Ingress/Egress Easement
(Part of T.A. No. 92.10-3-2.1)
Irondequoit, New York, 14609**

All that tract or parcel of land situate in the Town Lot 42, Township 14, Range 7, Town of Irondequoit, County of Monroe, State of New York, being more particularly bounded and described as follows:

Commencing at a point on the easterly right of way line of Culver Road (County Road 120) as appropriated by the Monroe County Department of Transportation (Map No. 35, Parcel No. 40), said point also being on the division line between the lands now or formerly of Peter G. Wambach (Liber 6644 of Deeds, Page 153) on the north and the lands of Culver Manor Subdivision (Liber 59 of Maps, Page 12) on the south, said point is also the southwest corner of Proposed Lot R-1A as shown on a map entitled "Re-Subdivision Map of Lot 1 of L. 361 of Maps, P. 48 Wambach Property", prepared by Bergmann Associates and to be filed in the Monroe County Clerk's Office; thence, North 03°02'01" West, on the said easterly right of way line of Culver Road, a distance of 49.42 feet to the Point of Beginning; thence,

North 03°02'01" West, continuing on the said easterly right of way line of Culver Road, a distance of 120.00 feet to a point; thence, through said Lot R-1A the following five courses:

- 1) Southeasterly on a curve to the left, having a radius of 30.00 feet, an arc length of 47.26 feet, a central angle of 90°15'28", a chord bearing of South 48°09'45" East and a chord length of 42.52 feet; thence,
- 2) North 86°42'31" East, a distance of 310.81 feet to a point on the division line between said Lot R-1A on the west and Proposed Lot R-1B on the east; thence,
- 3) South 03°17'29" East, on said division line, a distance of 60.00 feet to a point; thence,
- 4) South 86°42'31" West, a distance of 311.35 feet to a point; thence,
- 5) Southwesterly on a curve to the left, having a radius of 30.00 feet, an arc length of 46.99 feet, a central angle of 89°44'32", a chord bearing of South 41°50'15" West and a chord length of 42.33 feet to the Point of Beginning.

Said easement parcel containing 0.479 acres, more or less.

Exhibit K

PROVIDENCE CULVER HOUSING LLC
1150 Buffalo Road
Rochester, NY 14624

Peter G. Wambach
9 Hastings Circle,
Pittsford, NY 14534

Re: Site Access to Perform Brownfield Cleanup Program Work
2590 Culver Road, Rochester, NY 14609

Dear Peter:

Providence Culver Housing LLC is submitting a Brownfield Cleanup Program ("BCP") Application to the New York State Department of Environmental Conservation to voluntarily investigate and remediate the following property: 2590 Culver Road, Rochester, NY 14609 (Tax Parcel No. 92.10-3-2.12) (the "BCP Site"). As you know, you own the aforementioned real property that make up the 9.245-acre BCP Site. We need your written permission below to access your property for the purpose of performing environmental investigation and remediation work for acceptance into the BCP.

If you agree to sign below, you are granting us what is known as a "temporary license" to allow an appropriate contractor we hire to enter the property to perform investigation and remediation work. We promise to provide you with copies of any information we generate about the property, and if we do accidentally damage your property in any way, we agree to repair the damages to restore the property to the way it was before we entered. Our contractor will also maintain insurance that would cover any accidents on the job. We promise to minimize any and all inconvenience to you in connection with this work, and will give you one week notice before the work begins.

In addition, in the unlikely circumstance that you still own the BCP Site when the remediation is complete and the Certificate of Completion is about to be obtained, and a Track 1 remediation level is not achieved, you are hereby also agreeing to impose an environmental easement on the BCP Site if required by the New York State Department of Environmental Conservation.

If you have any questions, please do not hesitate to call me at (585) 265-3730. Otherwise, please sign below so that this work can proceed. Thank you for your cooperation.

Sincerely,



Providence Culver Housing LLC
By. Mark Greisberger
Executive Director

As Owner of the Site, I am authorized to grant this temporary license and agree to allow Providence Culver Housing LLC and its agents to enter my property to perform the BCP Investigation and/or remediation work required.



By. Peter G. Wambach

Exhibit L

Site Contact List

Wambach Farm Site

Culver Road, Rochester, New York 14609

Name	Title	Address	City	State	Zip
Charles Schumer	U.S. Senator	780 Third Avenue, Suite 2301	New York	NY	10017
Kirsten Gillibrand	U.S. Senator	780 Third Avenue, Suite 2601	New York	NY	10017
Jospeh D. Morelle	U.S. House of Representatives	3120 Federal Building, 100 State Street	Rochester	NY	14614
Samra G. Brouk	New York State Senator, District 55	274 N. Goodman Street, Suite B127	Rochester	NY	14607
Adam J. Bello	Monroe County Executive	110 County Office Building, 39 W. Main St.	Rochester	NY	14614
Ana J. Liss	Monroe County Planning and Development, Director	1150 City Place, 50 W. Main St.	Rochester	NY	14614
Malik D. Evans	Mayor of the City of Rochester	City Hall, 30 Church Street	Rochester	NY	14614
Anna Keller	Rochester Planning Commission	Zoning Office, 30 Church St., Rm. 125B	Rochester	NY	14614
Roy Fitzpatrick	Town of Irondequoit, Supervisor	1280 Titus Avenue	Rochester	NY	14617
Bernard Blocchi	Town of Irondequoit Planning Board, Chair	1280 Titus Avenue	Rochester	NY	14617
The Daily Record	Media Outlet	16 W. Main Street, Suite 341	Rochester	NY	14614
Nicholas A. Noce	Monroe County Water Authority, Executive Director	475 Norris Drive	Rochester	NY	14610
Greg Benoit	Irondequoit Public Library, Library Director	1290 Titus Avenue	Rochester	NY	14617
Christina Sloane	East Irondequoit Middle School, Interim Principal	155 Densmore Road	Rochester	NY	14609
Meghan Bello	Laurelton-Pardee Intermediate School, Principal	600 Pardee Road	Rochester	NY	14609
Mary Martell	Bishop Kearney High School, Principal	125 Kings Highway S.	Rochester	NY	14617
Shalonda Garfield	Andrew J. Townson School No. 39, Principal	145 Midland Avenue	Rochester	NY	14621
Terri Morgan	Saint Kateri School, Principal	445 Kings Highway S.	Rochester	NY	14617
Deborah Decker	Ivan Green Primary School, Principal	800 Brown Road	Rochester	NY	14622
Timothy Heaphy	Eastridge High, Principal	2350 E Ridge Road	Rochester	NY	14622
Christa O'Connor	Creative Beginnings Child Care, Executive Director	2881 Culver Road	Rochester	NY	14622
Rosa Cortez	Blossom Home Day Care, Program Director	55 Norlane Drive	Rochester	NY	14622
Sinder Dunbar	Love & Kindness Childcare Center, Program Director	1292 East Ridge Road	Rochester	NY	14621
Robert Jackson	Jackson Family WeeCare, Owner	44 Furlong Street	Rochester	NY	14621
Jannette	The Places of The Little Angels WeeCare, Director	159 Oneida Street	Rochester	NY	14621
Lisa Rutter	Love, Learn & Play Childcare, Director	207 Marne Street	Rochester	NY	14609
Kenisha Gregory	Humbled Beginnings Child Care, Inc., Director	1515 N Goodman Street	Rochester	NY	14609
Culver Terrace LLC	Adjacent Property Owner of 2753 Culver Road	3375 Brighton Henrietta TL Road	Rochester	NY	14623
Roxbury Management LLC	Adjacent Property Owner of 2701 Culver Road	11 Roxbury Lane	Pittsford	NY	14534
St. Cecilia Church of Rochester	Adjacent Property Owner of 2732 Culver Road	445 Kings Highway S.	Rochester	NY	14617
Brower Rd Housing	Adjacent Property Owner of 111 Brower Road	400 East Avenue	Rochester	NY	14607
Town of Irondequoit	Adjacent Property Owner of 157 Brower Road	1280 Titus Avenue	Rochester	NY	14617
	Adjacent Property Owner of 165 Brower Road	175 Brower Road	Rochester	NY	14622
	Adjacent Property Owner of Site and 2662 Culver Road	9 Hasting Circle	Pittsford	NY	14534
	Adjacent Property Owner and Operator of 1018 Whitlock Road	1018 Whitlock Road	Rochester	NY	14609
	Adjacent Property Owner and Operator of 1006 Whitlock Road	1006 Whitlock Road	Rochester	NY	14609
	Adjacent Property Owner and Operator of 990 Whitlock Road	990 Whitlock Road	Rochester	NY	14609
	Adjacent Property Owner and Operator of 982 Whitlock Road	982 Whitlock Road	Rochester	NY	14609
	Adjacent Property Owner and Operator of 968 Whitlock Road	968 Whitlock Road	Rochester	NY	14609

	Adjacent Property Owner of 962 Whitlock Road	57 Cambridge Court	Fairport	NY	14450
	Adjacent Property Owner and Operator of 956 Whitlock Road	956 Whitlock Road	Rochester	NY	14609
	Adjacent Property Owner and Operator of 950 Whitlock Road	950 Whitlock Road	Rochester	NY	14609
	Adjacent Property Owner and Operator of 944 Whitlock Road	944 Whitlock Road	Rochester	NY	14609
	Adjacent Property Owner and Operator of 938 Whitlock Road	938 Whitlock Road	Rochester	NY	14609
	Adjacent Property Owner and Operator of 930 Whitlock Road	930 Whitlock Road	Rochester	NY	14609
	Adjacent Property Owner and Operator of 924 Whitlock Road	924 Whitlock Road	Rochester	NY	14609
	Adjacent Property Owner and Operator of 918 Whitlock Road	918 Whitlock Road	Rochester	NY	14609
	Adjacent Property Owner and Operator of 910 Whitlock Road	910 Whitlock Road	Rochester	NY	14609
	Adjacent Property Owner and Operator of 904 Whitlock Road	904 Whitlock Road	Rochester	NY	14609
	Adjacent Property Owner and Operator of 896 and 892 Whitlock Road	896 Whitlock Road	Rochester	NY	14609
	Adjacent Property Owner and Operator of 884 Whitlock Road	884 Whitlock Road	Rochester	NY	14609
	Adjacent Property Owner of 876 Whitlock Road	5503 W. Henrietta Road	W. Henrietta	NY	14586
	Adjacent Property Owner and Operator of 870 Whitlock Road	870 Whitlock Road	Rochester	NY	14609
	Adjacent Property Owner and Operator of 2570 Culver Road	2570 Culver Road	Rochester	NY	14609
	Adjacent Property Owner and Operator of 2562 Culver Road	2562 Culver Road	Rochester	NY	14609
Eastwest Energy Corporation	Adjacent Property Owner of 2575 Culver Road	355 Portland Avenue	Rochester	NY	14605
	Adjacent Property Owner and Operator of 2601 Culver Road	2601 Culver Road	Rochester	NY	14609
Private Enterprise Properties LLC	Adjacent Property Owner and Operator of 2615 and 2627 Culver Road	2615 Culver Road	Rochester	NY	14609
PEMM Culver, LLC	Adjacent Property Owner of 2590 Culver Road	2697 Lake Road, Suite 1	Avon	NY	14414
Hobie Creek Apartments	Adjacent Property Operator of 111 Brower Road	111 Brower Road	Rochester	NY	14622
	Adjacent Property Operator of 2615 Culver Road	2615 Culver Road	Rochester	NY	14609

Exhibit M



1400 Crossroads Building
2 State Street
Rochester, New York 14614
nyenvlaw.com

LINDA R. SHAW
ATTORNEY AT LAW

T 585.546.8430
C 585.414.31222
lshaw@nyenvlaw.com

September 7, 2022

VIA ELECTRONIC MAIL
irondequoit@libraryweb.org

Greg Benoit
Irondequoit Public Library
Library Director
1290 Titus Avenue
Rochester, New York 14617

RE: Brownfield Cleanup Program Application
Applicant: Providence Housing Development Corporation
Site Address: 2590 Culver Road, Rochester, New York 14609

Dear Mr. Benoit:

We represent Providence Housing Development Corporation in its anticipated Brownfield Cleanup Program application for the above-referenced site at 2590 Culver Road, Rochester, New York 14609. Your branch is currently the repository for this project. It is a requirement of the NYS Department of Environmental Conservation that we supply them with a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. To avoid significant use of your shelf space, all documents will be sent in CD format.

Please sign below and return the executed letter as an attachment to an email to my paralegal, Rebecca Stevens, at rstevens@nyenvlaw.com if you are able to certify that your library would be willing and able to act as the temporary public repository for this Brownfield Cleanup Program project.

Thank you

Sincerely,

KNAUF SHAW LLP

A handwritten signature in black ink, appearing to read "Linda R. Shaw".

LINDA R. SHAW

Yes, the Irondequoit Public Library is willing and able to act as a public repository for documents related to the cleanup of the above-referenced Site in Rochester, New York under the NYS Brownfield Cleanup Program.

A handwritten signature in black ink, appearing to read "Greg Benoit".

Greg Benoit

9/1/22
Date

Exhibit N

REQUEST FOR WAIVER OF APPLICATION FEE

Providence Culver Housing, LLC (the “Applicant”) hereby requests a hardship waiver of the application fee for its Brownfield Cleanup Program (“BCP”) application for real property located on Culver Road in the Town of Irondequoit, Monroe County, New York (the “Property”).

The Applicant is a newly formed single member LLC. Its sole member is Providence Housing Development Corporation (“Providence”), a New York State not-for-profit corporation. Providence’s mission is the development, ownership and management of affordable housing throughout the twelve counties comprising the Roman Catholic Diocese of Rochester, New York. Since its incorporation in 1994, Providence has developed over 30 affordable housing projects in the Diocese of Rochester. Each project is separately owned by a single asset entity controlled by Providence. Submitted with this waiver request is the 2021 Audit of Providence which lists each of these projects. The Applicant was formed for the sole purpose of developing the Property.

From its inception to date, Providence has accumulated working capital of approximately \$1,200,000 which is used to fund Providence’s day-to-day operations. However, this only covers a half year of salaries. The Covid-19 pandemic and the accompanying eviction moratorium has greatly stressed Providence’s working capital as many tenants were unable to make full rent payments during the pandemic. In fact, a good number of tenants could pay no rent at all. This caused Providence’s rent receivables to rise dramatically as disclosed in the attached financial statement showing almost \$337,873 was lost for the last 2 years in rent. See page 19. Even with the eviction moratorium ending in January 2022, and the receipt of some rent relief funds from governmental entities, the accounts receivables remain stubbornly high. This has placed great stress on Providence’s working capital. The Applicant’s source of funds to pay the cost of the proposed development of the Property is contributions and/or advances from Providence. To date, Providence has expended over \$104,301 in pre-development costs, which is already a very large pre-development expenditure for our projects. See page 20 of the attached financial statement. We have spent two years trying to pull this deal together in an area in desperate need of affordable housing to support low income health care workers who work at nearby health care facilities, but the costs of construction keep increasing.

If Providence is forced to pay the fee on top of all the money spent to date, the remediation will not go forward because this site has been on the market a very long time and has not had any other buyers due to the complications of the on-site landfill and fear of excessive costs. However, if the BCP application is not approved, Providence’s financial strength will also be seriously impaired because Providence’s working capital would be significantly reduced, and making it significantly more difficult to fulfill its not-for-profit mission. Therefore, the application fee is a very real hardship for this project with increasing costs. The undersigned will be happy to provide any additional information as required so that this hardship request may be approved.

Respectfully Submitted,



Mark M. Greisberger
Executive Director
Providence Housing Development Corporation

**PROVIDENCE HOUSING DEVELOPMENT
CORPORATION AND AFFILIATES
CONSOLIDATED FINANCIAL STATEMENTS**

December 31, 2021



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INDEPENDENT AUDITORS' REPORT

To the Board of Directors
Providence Housing Development Corporation and Affiliates
Rochester, New York

Opinion

We have audited the accompanying consolidated financial statements of Providence Housing Development Corporation and Affiliates, which comprise the consolidated balance sheets as of December 31, 2021, and the related consolidated statements of activities, functional expenses, and cash flows for the year then ended, and the related notes to the financial statements.

In our opinion, the consolidated financial statements referred to above present fairly, in all material respects, the financial position of Providence Housing Development Corporation and Affiliates as of December 31, 2021, and the changes in net assets and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of Providence Housing Development Corporation and Affiliates and to meet our other ethical responsibilities in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about Providence Housing Development Corporation and Affiliates' ability to continue as a going concern within one year after the date that the financial statements are available to be issued.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements, including omissions, are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of Providence Housing Development Corporation and Affiliates' internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about Providence Housing Development Corporation and Affiliates' ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control related matters that we identified during the audit.

Report on Summarized Comparative Information

We have previously audited Providence Housing Development Corporation and Affiliates' 2020 consolidated financial statements, and we expressed an unmodified audit opinion on those audited consolidated financial statements in our report dated July 7, 2021. In our opinion, the summarized consolidated comparative information presented herein as of and for the year ended December 31, 2021 is consistent, in all material respects, with the audited consolidated financial statements from which it has been derived.

Report on Supplementary Information

Our audit was conducted for the purpose of forming an opinion on the consolidated financial statements as a whole. The accompanying individual, combining and consolidating balance sheets, and combining and consolidated statements of activities on pages 26-31 are presented for purposes of additional analysis and are not a required part of the consolidated financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the consolidated financial statements. The information has been subjected to the auditing procedures applied in the audit of the consolidated financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the consolidated financial statements or to the consolidated financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the consolidated financial statements as a whole.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated April 6, 2022 on our consideration of Providence Housing Development Corporation and Affiliates' internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of Providence Housing Development Corporation and Affiliates' internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Providence Housing Development Corporation and Affiliates' internal control over financial reporting and compliance.

Heveron & Company

Heveron & Company
Certified Public Accountants

Rochester, New York
April 6, 2022

PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
CONSOLIDATED BALANCE SHEETS
December 31, 2021 and 2020

ASSETS

	<u>2021</u>	<u>2020</u>
<u>Current Assets</u>		
Cash and Cash Equivalents	\$ 2,475,082	\$ 2,051,733
Grants Receivable	362,812	100,005
Interest Receivable	702,452	642,182
Accounts Receivable, Net of Allowance of \$125,833 and \$39,696, Respectively	337,873	257,354
Accounts Receivable From Related Parties	128,475	155,151
Development Fees Receivable	38,823	-
Other Assets	<u>638,080</u>	<u>619,541</u>
	<u>4,683,597</u>	<u>3,825,966</u>
<u>Property and Equipment</u>		
Buildings and Improvements	92,701,950	93,432,303
Land	3,662,453	3,662,453
Furniture and Fixtures	3,495,544	3,516,160
Vehicles	90,181	90,181
Projects in Progress	416,014	325,576
Construction in Progress	226,019	-
Less: Accumulated Depreciation	<u>(43,358,772)</u>	<u>(40,680,105)</u>
	<u>57,233,389</u>	<u>60,346,568</u>
<u>Other Assets</u>		
Cash - Restricted	6,293,956	5,681,694
Development Fees Receivable - Long Term	494,553	610,472
Loans Receivable From L.P.s/LLCs	5,049,636	5,057,687
Investment in L.P.s/LLCs	<u>2,199,824</u>	<u>2,199,824</u>
	<u>14,037,969</u>	<u>13,549,677</u>
TOTAL ASSETS	<u>\$75,954,955</u>	<u>\$77,722,211</u>

LIABILITIES AND NET ASSETS

	<u>2021</u>	<u>2020</u>
<u>Current Liabilities</u>		
Accounts Payable	\$ 1,172,736	\$ 757,416
Accrued Expenses	1,394,388	1,262,261
Refundable Advance	-	550,000
Deposits Held	408,135	401,349
Deferred Revenue	33,728	25,589
Developer Fee Payable	185,267	223,815
Loans Payable - To Be Paid	981,046	6,682,598
Loans Payable - To Be Forgiven	<u>295,600</u>	<u>272,893</u>
 Total Current Liabilities	 <u>4,470,900</u>	 <u>10,175,921</u>
<u>Long-Term Liabilities</u>		
Deferred Interest Payable	2,780,538	2,605,190
Loans Payable - To Be Paid, Net of Loan Acquisition Costs of \$313,131 and \$310,086, Respectively	33,956,332	33,148,394
Loans Payable - To Be Forgiven	<u>6,718,275</u>	<u>7,013,875</u>
 Total Long-Term Liabilities	 <u>43,455,145</u>	 <u>42,767,459</u>
 Total Liabilities	 <u>47,926,045</u>	 <u>52,943,380</u>
<u>Outside Interest in Limited Partnerships</u>		
	<u>21,617,094</u>	<u>17,199,221</u>
<u>Net Assets/Paid-In Capital/Equity</u>		
Without Donor Restrictions:		
Operating	3,446,188	4,500,920
Designated by the Board for Operating Reserve	<u>232,597</u>	<u>132,517</u>
 Total Net Assets Without Donor Restrictions	 3,678,785	 4,633,437
 Equity Investment - L.P.s/LLCs	 2,199,824	 2,199,824
 Paid-In Capital	 <u>533,207</u>	 <u>746,349</u>
 Total Net Assets/Paid-In Capital/Equity	 <u>6,411,816</u>	 <u>7,579,610</u>
TOTAL LIABILITIES, NET ASSETS/ PAID-IN CAPITAL/EQUITY	<u>\$75,954,955</u>	<u>\$77,722,211</u>

See Accompanying Notes to Financial Statements.

PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
CONSOLIDATED STATEMENTS OF ACTIVITIES
For The Years Ended December 31, 2021 and 2020

	<u>2021</u>	<u>2020</u>
<u>Support and Revenue</u>		
Forgiveness of Debt	\$ 272,893	\$ 1,103,485
Contributions	565,185	66,687
Rental Income, Net of Vacancy		
Loss of \$295,789 and \$264,538 in 2021 and 2020, Respectively	6,155,358	5,886,447
Government Grants/Contracts	8,130,637	2,542,349
Development Fees	-	32,495
Management Fees	247,626	214,852
Housing Programs Rental Fees	289,464	277,949
Interest Income	105,129	101,778
Other Grants	173,349	152,488
Other Income	160,176	112,375
Net Investment Loss - Partnerships	<u>(60,649)</u>	<u>(42,021)</u>
Total Support and Revenue	<u>16,039,168</u>	<u>10,448,884</u>
<u>Expenses</u>		
Program Services	16,864,863	10,727,427
Management and General	<u>1,668,570</u>	<u>1,580,208</u>
Total Expenses	<u>18,533,433</u>	<u>12,307,635</u>
<u>Other Gains/(Losses)</u>		
Net Gain on Sale of Assets	80,703	-
Gain on Insurance Claim Related to Fire Damage	<u>189,881</u>	<u>-</u>
Total Other Gains/(Losses)	<u>270,584</u>	<u>-</u>
Change in Net Assets	(2,223,681)	(1,858,751)
Net Assets/Paid in Capital/Equity - Beginning of Year	24,778,831	25,779,886
Net Capital Contributions/Distributions	<u>5,473,760</u>	<u>857,696</u>
Net Assets/Paid in Capital/Equity - End of Year	<u>\$28,028,910</u>	<u>\$24,778,831</u>

See Accompanying Notes to Financial Statements.

**PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
CONSOLIDATED STATEMENTS OF FUNCTIONAL EXPENSES**

**For The Year Ended December 31, 2021
(With Comparative Totals For The Year Ended December 31, 2020)**

	Program	Management	Totals	
	<u>Services</u>	<u>and General</u>	<u>2021</u>	<u>2020</u>
Salaries	\$ 2,210,892	\$ 520,683	\$ 2,731,575	\$ 2,355,727
Employee Benefits	<u>464,404</u>	<u>114,874</u>	<u>579,278</u>	<u>475,190</u>
Total Personnel Costs	2,675,296	635,557	3,310,853	2,830,917
Client Assistance	6,788,223	-	6,788,223	1,388,304
Depreciation and Amortization	3,045,660	9,213	3,054,873	2,829,023
Repairs and Maintenance	1,431,640	-	1,431,640	1,506,554
Interest Expense	897,827	-	897,827	909,954
Utilities	752,451	-	752,451	727,419
Property Insurance and Taxes	732,709	-	732,709	653,423
Professional Services - Other	-	311,833	311,833	194,687
Other Expenses	90,260	226,702	316,962	451,522
Participant Support Services	211,855	-	211,855	137,688
Office Expenses	45,051	149,668	194,719	199,971
Bad Debt	-	176,918	176,918	197,294
Rent	75,776	21,932	97,708	87,903
Professional Services-H.R. and Financial	-	87,506	87,506	73,297
Unreimbursed Development and				
Predevelopment Expenses	77,620	-	77,620	5,553
Travel	33,135	2,810	35,945	45,208
Charter Dues	-	30,000	30,000	30,000
Professional Services - Legal	-	15,241	15,241	27,024
Training	7,139	1,190	8,329	8,154
Equipment	<u>221</u>	<u>-</u>	<u>221</u>	<u>3,740</u>
Total Expenses	<u>\$16,864,863</u>	<u>\$ 1,668,570</u>	<u>\$18,533,433</u>	<u>\$12,307,635</u>

See Accompanying Notes to Financial Statements.

PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
CONSOLIDATED STATEMENTS OF CASH FLOWS
For The Years Ended December 31, 2021 and 2020

	<u>2021</u>	<u>2020</u>
Net Cash From Operating Activities		
Change in Net Assets	\$ (2,223,681)	\$ (1,858,751)
Noncash Expenses, Revenues, Losses and Gains		
Depreciation and Amortization	3,054,873	2,829,023
Loan Acquisition Interest Expense	28,101	30,739
(Gain)/Loss on Sale/Disposal of Assets	(80,703)	25,041
Forgiveness of Debt	(272,893)	(1,103,485)
Gain on Insurance Claim Related to Fire Damage	(189,881)	-
Bad Debt Expense	176,918	197,294
Decrease/(Increase) In:		
Accounts Receivable	(230,761)	(322,223)
Grants Receivable	(262,807)	143,365
Interest Receivable	(60,270)	(28,099)
Development Fees Receivable	77,096	1,041,755
Other Assets	(18,539)	(122,420)
(Decrease)/Increase In:		
Accounts Payable	316,798	(49,280)
Refundable Advance	(550,000)	300,000
Deferred Interest Payable	175,348	170,092
Developer Fee Payable	(38,548)	(624,009)
Accrued Expenses	132,127	143,294
Deposits Held	6,786	12,378
Deferred Revenue	8,139	4,799
Net Cash Flow Provided/(Used) By Operating Activities	<u>48,103</u>	<u>789,513</u>
Cash Flow From Investing Activities		
(Increase)/Decrease in Loans to L.P.s/LLCs	8,051	(61,985)
Proceeds from Insurance Claim	292,358	-
Purchase of Assets	(134,787)	(5,863,687)
Proceeds from Sale of Assets	<u>272,000</u>	<u>-</u>
Cash Flow Provided/(Used) By Investing Activities	<u>437,622</u>	<u>(5,925,672)</u>
Cash Flow From Financing Activities		
Capital Contributions	5,473,760	857,696
Receipts from Notes/Loans	1,153,085	5,252,772
Payments on Notes/Loans	(6,076,959)	(299,063)
Cash Flow Provided/(Used) By Financing Activities	<u>549,886</u>	<u>5,811,405</u>

PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
CONSOLIDATED STATEMENT OF CASH FLOWS
For The Years Ended December 31, 2021 and 2020
(Continued)

	<u>2021</u>	<u>2020</u>
Net Increase/(Decrease) in Cash, Cash Equivalents, and Restricted Cash	1,035,611	675,246
Cash, Cash Equivalents, and Restricted Cash - Beginning of Year	<u>7,733,427</u>	<u>7,058,181</u>
Cash, Cash Equivalents, and Restricted Cash - End of Year	<u>\$ 8,769,038</u>	<u>\$ 7,733,427</u>
<u>Supplemental Disclosures of Cash Flow Information:</u>		
Cash Paid During the Year for:		
Interest	<u>\$ 614,342</u>	<u>\$ 656,095</u>
Capitalized Interest	<u>-</u>	<u>49,968</u>
<u>Supplemental Disclosures of Non-Cash Investing Activities</u>		
Acquisition of Property and Equipment*	<u>\$ 98,518</u>	<u>\$ 55,331</u>

* These acquisitions were included in accounts payable at year end, therefore they have been excluded from the cash flows above.

**PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS
December 31, 2021**

**NOTE 1 - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING
POLICIES**

Organization

Providence Housing Development Corporation and Affiliates (The Organization) develops and manages affordable housing.

Principles of Consolidation

The financial statements, including affiliates and subsidiaries, are combined and consolidated and include the following:

Providence Housing Development Corporation (PHDC), a New York State not-for-profit corporation formed for the purpose of development and operation of affordable family, elderly, and special needs housing. The following serve as ex officio members of the Organization: the Diocesan Bishop; the Vicar General as designated by the Diocesan Bishop; the Chancellor; the Diocesan Director of Catholic Charities; and the President of the Organization's Board of Directors. PHDC obtains its support directly and indirectly from individuals, organizations and government agencies.

For-Profit Subsidiaries

The following for-profit corporations are wholly-owned subsidiaries of Providence Housing Development Corporation.

- Providence Castle Street Housing, Inc.
- Providence Olean Housing, Inc.
- Providence Powell Street, Inc.
- Providence Eastgate, Inc.
- Providence St. Salome Housing, Inc.
- Providence Olean-Kennedy Housing, Inc.
- Providence Union Meadows II Housing, Inc.
- Providence State Street Housing, Inc.
- Providence Village Square Housing, Inc.
- Providence Holy Rosary Housing, Inc.
- Providence Biltmore Crossings Properties, Inc.
- Providence Durand Senior Apartments, Inc.
- T.R.A. Mt. Morris, Inc.
- T.R.A. Horseheads, Inc.
- Providence Lansing, Inc.
- Providence WNY Housing Corporation
- Providence LaFrance Apartments, Inc.
- T.R.A. Trumansburg, Inc.
- Providence Shortsville Housing, Inc.

**PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS**

**December 31, 2021
(Continued)**

**NOTE 1 - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING
POLICIES (Continued)**

For-Profit Subsidiaries (Continued)

The Organization accounts for its interest in these companies using the equity method, which is eliminated on the consolidated financial statements. In accordance with terms of the Limited Partnership Agreements, the Organization has reinvested a portion of the development fees earned as an equity investment in various limited partnerships. As of December 31, 2021 and 2020, the for-profit corporations' investment in these partnerships was \$3,293,000 and \$3,291,667 respectively, as shown on the combining and consolidating financial statements.

Providence Kennedy Housing, Inc. is a for-profit corporation that is owned 51% by the Organization; the remaining by an unrelated for-profit entity. There was no activity in this Corporation for the years ended December 31, 2021 and 2020.

Providence Medina Housing, Inc. is a for-profit corporation that is owned 51% by the Organization; the remaining by an unrelated for-profit entity. There was no activity in this Corporation for the years ended December 31, 2021 and 2020.

Providence Lansing, Inc. is a for-profit corporation that has .0051% ownership and managing member of Milton Meadows Lansing, LLC. There was no activity in this Corporation for the years ended December 31, 2021 and 2020.

PHDC has a 95% interest as limited partner in Lowville Heights Associates, L.P. (a for-profit limited partnership); the remaining general partnership interest is held by an unrelated not-for-profit entity.

T.R.A. Horseheads, Inc. is a for-profit corporation that has a 16.2328% ownership Village Green Associates, L.P., and PHDC has a 5.5% interest as limited partner in Village Green Associates, L.P.

Providence WNY Housing Corporation is a for-profit corporation that has .00459% ownership and co-general partner of WNY Rural Preservation, L.P.

Providence Biltmore Crossings Properties, Inc. is a for-profit corporation that has .0051% ownership and co-managing member of Biltmore Crossing, LLC.

Providence Village Square Housing, Inc. is a for-profit corporation that has .0046% ownership and co-managing member of Village Square Senior, LLC.

**PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS**

December 31, 2021

(Continued)

**NOTE 1 - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING
POLICIES (Continued)**

For-Profit Subsidiaries (Continued)

Unless otherwise disclosed, the aforementioned corporations have a .01% - 1.0% interest in each of the limited partnerships and limited liability companies. These for-profit organizations were formed to serve as a managing general partner in these affordable housing limited partnerships and limited liability companies: Olean Housing, L.P., Powell Street Housing, L.P., Medina Apartments Partnership, L.P., Churchville Housing Group, L.P., St. Salome Housing, L.P., Olean-Kennedy Housing III, LLC, Union Meadows Associates II, L.P., East House State Street Apartments, L.P., Holy Rosary, L.P., Biltmore Crossing, LLC, Village Square Senior, LLC, Durand Senior Apartments, L.P., and LaFrance Apartments, L.P.

PHDC has 99.99% limited partnership interests in Castle Street Associates, L.P., Mt. Morris Elderly Housing Partnership, L.P., Trumansburg Apartments Partnership, L.P., Providence Brown Street Housing, L.P., and Shortsville Apartments Partnership, L.P., and the limited partnership interest of 99% in Union Meadows Associates, LLC and South Plymouth Housing, L.P. Effective January 1, 2020 the assets, liabilities, and operations of Union Park Housing, L.P. were transferred to Providence Housing Development Fund Company, Inc. Effective January 1, 2021, PHDC acquired the Limited Partners interest in Shortsville Apartments Partnership, L.P. Effective May 25, 2021, the assets, liabilities, and operations of Providence Brown Street Housing, L.P. were transferred to Providence Brown Street Housing Development Fund Company, Inc. Effective June 30, 2021 the Limited Partners of South Plymouth Housing, L.P. transferred their ownership interest to PHDC. Effective December 31, 2021, the assets, liabilities, and operations of Eastgate Apartments, L.P. were transferred to PHDC.

The aforementioned entities (with the exception of South Plymouth Housing, L.P.) are consolidated in these financial statements as they operate under common management and control. All significant inter-company transactions have been eliminated.

The financial statements do not include the assets, liabilities, capital, revenues, or expenses of South Plymouth Housing, L.P., Olean Housing, L.P., East House State Street Apartments, L.P., Milton Meadows Lansing, LLC., Medina Apartments Partnership, L.P., Churchville Housing Group, L.P., Village Square Senior, LLC, Biltmore Crossing, LLC, Lowville Heights Associates, L.P., WNY Rural Preservation, L.P., and Durand Senior Apartments, L.P. as there is no requirement to consolidate based on certain provisions included in the partnership and operating agreements.

**PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS**

**December 31, 2021
(Continued)**

**NOTE 1 - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING
POLICIES (Continued)**

Non-Profit Affiliates

The following not-for-profit corporations were established and are controlled by PHDC. These are non-profit housing development fund corporations organized under Article 11 of the Private Housing Finance Law. These corporations own property, have legal title to property and may serve as interim limited partners in limited partnerships.

- Providence Northstar Housing Development Fund Company
- Providence Union Park Housing Development Fund Company
- Providence South Plymouth Housing Development Fund Company
- Providence St. Andrews Housing Development Fund Company
- Providence Powell Housing Development Fund Company
- Providence Olean Housing Development Fund Company
- Providence Westside Housing Development Fund Company
- Providence Brown Street Housing Development Fund Corporation
- Union Meadows Housing Development Fund Company
- Churchville Housing Development Fund Corporation
- Providence Olean-Kennedy Housing Development Fund Company, Inc.
- Providence St. Salome Housing Development Fund Company, Inc.
- Providence Medina Housing Development Fund Company, Inc.
- West Town Village Housing Development Fund Company
- Providence Union Meadows II Housing Development Fund Company
- Providence Eastgate Development Company, Inc.
- Providence Atwood Park Housing Development Fund Company
- Providence Rivendell Court Apartments, Inc.
- Providence State Street Housing Development Fund Company, Inc.
- Son House Housing Development Fund Company, Inc.
- Providence Holy Rosary Housing Development Fund Company
- Clark Park Apartments Housing Development Fund Company, Inc.
- Providence Biltmore Crossing Housing Development Fund Company
- Providence Wayne Charities Corporation
- Providence Durand Housing Development Fund Company
- Providence WNY Housing Development Fund Company
- Providence Clemens Housing Corporation
- Providence Mt. Morris Housing Corporation
- Providence Lansing Housing Development Fund Company, Inc.
- Providence Canalside Housing Corporation
- Providence LaFrance Housing Development Fund Company, Inc.

**PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS**

**December 31, 2021
(Continued)**

**NOTE 1 - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING
POLICIES (Continued)**

Non-Profit Affiliates (Continued)

The aforementioned entities with assets, liabilities, net assets and activity are combined in these financial statements as they operate under common management and control. All significant inter-company transactions have been eliminated.

The Organization is the sole member in Providence Lyons Housing Development Fund Corporation and Providence Yates Housing Development Fund Corporation; however, Catholic Charities of the Diocese of Rochester-Catholic Charities Community Services (CCCS) operates these projects, is responsible for funding shortfalls, and is the beneficiary of any net asset increases. CCCS also provided funding to Providence Lyons HDFC as an equity investment. Control has been determined to lie with CCCS. Therefore, the net assets and the operating results are not included in the consolidated financial statements and are not required to be.

Basis of Accounting

The accompanying consolidated financial statements have been prepared on the accrual basis of accounting. The significant accounting policies followed are described below to enhance the usefulness of the consolidated financial statements to the reader.

Net Assets

In accordance with accounting principles generally accepted in the United States of America, the Organization reports information regarding its financial position and activities according to the existence or absence of donor or grantor imposed restrictions. Accordingly, net assets and changes therein are classified and reported as follows:

Net Assets Without Donor Restrictions – Net assets available for use in general operations and not subject to donor (or certain grantor) restrictions.

Designated by the Board – PHDC established an Operating Reserve in 2020. The purpose of the Operating Reserve account is to cover future increased costs related to employee benefits, salaries or other operating expenses related to short-term operating deficits. Utilization of funds from the Operating Reserve account will require unanimous approval from the PHDC Finance Committee or at least sixty percent approval from the Board of Directors.

**PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS**

**December 31, 2021
(Continued)**

**NOTE 1 - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING
POLICIES (Continued)**

Net Assets (Continued)

Net Assets With Donor Restrictions – Net assets subject to donor (or certain grantor) imposed restrictions. Some donor-imposed restrictions are temporary in nature, such as those that will be met by the passage of time or other events specified by the donor. Other donor-imposed restrictions are perpetual in nature, where the donor stipulates that resources be maintained in perpetuity. Donor-imposed restrictions are released when a restriction expires, that is, when the stipulated time has elapsed, when the stipulated purpose for which the resource was restricted has been fulfilled, or both. The Organization had no donor restrictions at December 31, 2021 and 2020.

Contributions restricted by donors are reported as increases in net assets without donor restrictions if the restrictions expire (that is, when a stipulated time restriction ends or purpose restriction is accomplished) in the reporting period in which the revenue is recognized. All other donor-restricted contributions are reported as increases in net assets with donor restrictions, based on the nature of the restrictions. When a restriction expires, net assets with donor restrictions are reclassified to net assets without donor restrictions and reported in the statements of activities as net assets released from restrictions.

Contributions

The Organization recognizes contributions when cash, securities or other assets, an unconditional promise to give, or a notification of a beneficial interest is received. Contributions that are expected to be received in future years are recorded at their present value. Conditional promises to give, that is, those with a measurable performance or other barrier and a right of return, are not recognized until the conditions on which they depend have been met.

Income Taxes

The not-for-profit corporations included in these financial statements have been ruled as tax-exempt under Internal Revenue Code Section 501(c)(3) by the Internal Revenue Service. The for-profit C-Corporations included in these consolidated financial statements are subject to federal and state income taxes. No income tax expense or benefit has been included in these consolidated financial statements for the limited partnerships since taxable income and losses pass through to, and are reportable by, the partners.

Comparative Financial Information

The consolidated financial statements include certain prior year summarized comparative information in total but not by net asset class. Such information does not include sufficient detail to constitute a presentation in conformity with accounting principles generally accepted in the United States of America. Accordingly, such information should be read in conjunction with the Organization's consolidated financial statements for the year ended December 31, 2020 from which the summarized information was derived.

**PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS**

**December 31, 2021
(Continued)**

**NOTE 1 - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING
POLICIES (Continued)**

Property and Equipment

Property and equipment are stated at cost. The Organization capitalizes property and equipment with a cost of over \$10,000 and estimated life of three years or more. Depreciation is computed using the straight-line method based on the estimated useful lives of the assets, as follows.

	<u>Years</u>
Buildings and Improvements	5-40
Furniture and Fixtures	5-10
Vehicles	5
Computer Equipment	3-5

Depreciation expense amounted to \$3,029,712 and \$2,803,237 for the years ended December 31, 2021 and 2020, respectively.

Cash, Cash Equivalents, and Restricted Cash

For the purposes of the statements of cash flows, cash, cash equivalents, and restricted cash include all cash on hand and in banks, which, at times, may exceed federally insured limits. The Organization considers all highly liquid investments with a maturity of three months or less when purchased to be cash equivalents, excluding those subject to reserve and other requirements which are considered restricted cash. The Organization has not experienced any losses in these accounts and does not believe it is exposed to any significant credit risk with respect to cash, cash equivalents, and restricted cash. The amounts reported as restricted cash represent security deposits held, escrow accounts, residual receipts, and operating and replacement reserves.

Cash, cash equivalents, and restricted cash consisted of the following at December 31:

	<u>2021</u>	<u>2020</u>
Checking	\$1,921,125	\$1,301,676
Savings	<u>553,957</u>	<u>750,057</u>
Subtotal - Cash and Cash Equivalents	2,475,082	2,051,733
Restricted Cash	<u>6,293,956</u>	<u>5,681,694</u>
Total Cash, Cash Equivalents, and Restricted Cash	<u><u>\$8,769,038</u></u>	<u><u>\$7,733,427</u></u>

Accounts, Grants, and Interest Receivable

Accounts, grants, and interest receivable are stated at the amount management expects to collect. Amounts that management believes to be uncollectible after collection efforts have been completed are written off. In addition, management provides an allowance to reduce receivables to amounts management expects will be collected. Management determined an allowance of \$125,833 and \$39,696 was necessary at December 31, 2021 and 2020, respectively.

**PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS**

**December 31, 2021
(Continued)**

**NOTE 1 - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING
POLICIES (Continued)**

Loan Acquisition Costs

Loan acquisition costs are reported on the balance sheet as a direct reduction from the face amount of debt in accordance with accounting principles generally accepted in the United States of America. The Organization reflects amortization of loan acquisition costs as interest expense on the straight-line method over the term of the obligation.

Use of Estimates in the Preparation of Financial Statements

Accounting principles generally accepted in the United States of America require management to make estimates and assumptions that affect the amounts of assets and liabilities, revenues and expenses and the disclosure of contingent assets and liabilities. Actual results could vary from those estimates.

Determining Fair Value of Financial Assets and Liabilities

Accounting principles generally accepted in the United States of America established a framework for measuring fair value. That framework provides a fair value hierarchy that prioritizes the inputs to valuation techniques used to measure fair value. The hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (level 1 measurements) and the lowest priority to unobservable inputs (level 3 measurements). The three levels of the fair value hierarchy are described below:

Level 1: Inputs to the valuation method are unadjusted quoted market prices in active markets for identical assets or liabilities.

Level 2: Inputs to the valuation method include:

- quoted prices for similar assets or liabilities in active markets;
- quoted prices for identical or similar assets or liabilities in inactive markets;
- inputs other than quoted prices that are observable for the asset or liability;
- inputs that are derived principally from or corroborated by observable market data by correlation or by other means.

Level 3: Inputs to the valuation method are unobservable and significant to the fair value measurement.

The asset or liability's fair value measurement level within the fair value hierarchy is based on the lowest level of any input that is significant to the fair value measurement. Valuation techniques used need to maximize the use of observable inputs and minimize the use of unobservable inputs.

**PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS**

December 31, 2021

(Continued)

**NOTE 1 - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING
POLICIES (Continued)**

Forgiveness of Debt

Certain notes contain provisions whereby repayment will be forgiven over a specific term as long as the Organization complies with the provisions of the related agreement. Forgiveness of debt is being recorded as income over the specified term.

Functional Expenses

The costs of providing the various program services have been summarized on a functional basis in the statement of functional expenses. Accordingly, certain costs have been allocated among the program, and management and general categories. An immaterial amount of fund raising costs for the year ended December 31, 2021 and 2020 are included in management and general expenses.

The financial statements report certain categories of expenses that are attributed to both program and supporting functions. Therefore, expenses require allocation on a reasonable basis that is consistently applied. The expenses that are allocated include rent and depreciation, which are allocated on a square footage basis, as well as salaries, benefits, payroll taxes, professional services, office expenses, travel, interest, insurance, and other, which are allocated on the basis of estimates of time and effort for each category.

Revenue and Revenue Recognition

A portion of the Organization's revenue is derived from cost-reimbursable federal and state contracts and grants, which are conditioned upon certain performance requirements and/or the incurrence of allowable qualifying expenses. Amounts received are recognized as revenue when the Organization has incurred expenditures in compliance with specific contract or grant provisions. Amounts received prior to incurring qualifying expenditures are reported as refundable advances in the balance sheet. Rental income is recognized monthly over the lease term. Prepayments of rental income are recorded as deferred revenue until earned. All leases between the Organization and tenants of the property are operating leases. Management fees income is recognized monthly based on terms in the agreements.

Advertising

Advertising costs are expensed as incurred.

Reclassifications

Certain account balances as of December 31, 2020 have been reclassified to conform with the presentation as of December 31, 2021. The reclassifications had no impact on previously reported net assets.

PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

December 31, 2021
(Continued)

NOTE 2 - RELATED PARTY RECEIVABLES

Accounts Receivable from related parties consisted of the following at December 31:

	<u>2021</u>	<u>2020</u>
Due from South Plymouth Housing, L.P.	\$ 98,595	\$ 117,611
Due from Durand Senior Apartments, L.P.	11,947	11,113
Due from Olean Housing, L.P.	9,539	17,472
Due from East House State Street Apartments, L.P.	8,394	8,955
 Total Accounts Receivable from L.P.s/LLCs	 \$ 128,475	 \$ 155,151

NOTE 3 - ACCOUNTS RECEIVABLE

The balance of accounts receivable at December 31 consists of the following:

	<u>2021</u>	<u>2020</u>
Rental Income	\$ 335,400	\$ 256,449
Other	2,473	905
 Accounts Receivable	 \$ 337,873	 \$ 257,354

NOTE 4 - LIQUIDITY AND AVAILABILITY

The Organization regularly monitors the availability of resources required to meet its operating needs and other contractual commitments, while striving to maximize the investment of its available funds. For purposes of analyzing resources available to meet general expenditures over a 12-month period, total current assets will be available for general expenditures within one year of the balance sheet date. General expenditures consists of ongoing activities of housing, community assistance, as well as the conduct of services undertaken to support those activities to be general expenditures.

At December 31, the following financial assets could readily be made available within one year of the balance sheet date to meet general expenditures:

	<u>2021</u>	<u>2020</u>
Cash and Cash Equivalents	\$ 2,475,082	\$ 2,051,733
Accounts, Grants, and Interest		
Receivable, Net	1,531,612	1,154,692
Development Fees Receivable	38,823	-
Less: Board Designations	(232,597)	(132,517)
	 \$ 3,812,920	 \$ 3,073,908

**PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS**

**December 31, 2021
(Continued)**

NOTE 5 - PROJECTS IN PROGRESS

Projects in progress as of December 31 include:

	<u>2021</u>	<u>2020</u>
St. Leo's	\$ 136,944	\$ 115,270
Bath - Dana Lyons	64,835	71,557
Westgate	62,926	61,678
Wambach Farms	104,301	55,650
Ithaca - State St.	28,157	13,428
Other	<u>18,851</u>	<u>7,993</u>
	<u><u>\$ 416,014</u></u>	<u><u>\$ 325,576</u></u>

NOTE 6 - TRANSACTIONS WITH RELATED PARTIES

Limited Partnerships

The Organization's consolidated financial statements include their portion of the related partnerships referred to in Footnote 1 - Principles of Consolidation. These are long-term illiquid investments carried at cost. These investments will generally be held for 15 years or more from the start of each project. After that time, the Organization may: 1) be required to continue to invest to operate these projects, or 2) refurbish, and/or refinance projects which could require continued investment. Amounts that are not eliminated are recorded as Investment in L.P.s/LLCs and are attributable to the specific L.P.s/LLCs as of December 31, as follows:

	<u>2021</u>	<u>2020</u>
South Plymouth Housing, L.P.	\$ 1,700,000	\$ 1,700,000
Durand Senior Apartments, L.P.	<u>499,824</u>	<u>499,824</u>
Total Investment	<u>\$ 2,199,824</u>	<u>\$ 2,199,824</u>

All of the investments are based on Level 3 inputs in the hierarchy as described in Note 1.

Outstanding federal source loan balances and federal expenditures for Olean Housing, L.P., Union Park Housing, L.P., Union Meadows Associates, LLC, South Plymouth Housing, L.P., Providence Brown Street Housing, L.P., St. Salome Housing, L.P., Union Meadows Associates II, L.P., Holy Rosary Apartments, L.P., Shortsville Apartments Partnership, L.P., Village Green Associates, L.P., Mount Morris Elderly Housing Partnership, L.P., Powell St. Housing, L.P., Durand Senior Apartments, L.P., and Trumansburg Apartments Partnership, L.P. are included in the Organization's single audit reports.

**PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS**

**December 31, 2021
(Continued)**

NOTE 7 - LONG-TERM DEBT

Long-term debt at December 31, 2021 is detailed on pages 23 - 25.

Interest expense was \$897,827 and \$909,954 for the years ended December 31, 2021 and 2020, respectively.

NOTE 8 - RETIREMENT BENEFITS

Providence Housing Development Corporation participates in the retirement plan administered by the Catholic Charities of the Diocese of Rochester, Inc. which is a non-contributory plan. The employees are partially vested in the plan after one full year of service and become fully vested after five years of service. The employer may make contributions to the Trust Fund of the Plan on behalf of eligible employees on an annual basis. The amount of contributions made in a given year is left solely to the discretion of the employer. Retirement expenses for the years ended December 31, 2021 and 2020 were \$54,194 and \$39,065, respectively.

NOTE 9 - LOANS RECEIVABLE

The balance of loans receivable from L.P.s/LLCs that are not eliminated at December 31, are as follows:

	<u>2021</u>	<u>2020</u>
<u>Long-Term Loans Receivable</u>		
East House State Street Apartments, L.P.	\$ 3,575,061	\$ 3,583,112
Providence Olean Housing L.P.	654,500	654,500
South Plymouth L.P.	500,000	500,000
Milton Meadows Lansing LLC	<u>320,075</u>	<u>320,075</u>
Total Long Term Loans Receivable	<u>\$ 5,049,636</u>	<u>\$ 5,057,687</u>

NOTE 10 - DONATED SERVICES AND GOODS

The Organization receives donated services that, although substantial, do not meet the criteria for recording as revenue and expense under accounting principles generally accepted in the United States of America. During 2020, volunteers provided services as board members and to assist the Organization in furthering its' mission. During 2021, approximately 65 active volunteers provided 200 hours of service.

**PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS**

**December 31, 2021
(Continued)**

NOTE 11 - CONTINGENT LIABILITIES

Forgiveness of Debt

The Organization has numerous agreements with governmental entities to maintain revitalized property for the benefit of low-income individuals.

The Organization has several debt agreements, which contain provisions for the forgiveness of debt over specific terms, as long as the Organization complies with the provisions of the various agreements. It is the Organization's policy to recognize income over the term of forgiveness. The Organization is contingently liable for certain amounts recognized as income-to-date. If a lending agency determines that any of the agreements had not been complied with, the Organization could become liable for some or all of the amounts below as of December 31:

<u>Project</u>	<u>2021</u>	<u>2020</u>
Son House HDFC	\$ 789,433	\$ 687,597
St. Salome Housing, L.P.	415,000	385,000
East House State Street Apartments, L.P.	410,667	366,667
Holy Rosary Apartments, L.P.	358,333	315,333
Union Meadows II	172,667	158,667
Providence Rivendell Court Apartments, Inc.	171,667	151,667
Castle Street Associates, L.P.	78,460	60,695
Olean Housing, L.P.	-	654,500
South Plymouth Housing, L.P.	-	350,000
Union Park Housing, L.P.	-	250,000
Providence Northstar HDFC	-	100,000
Powell Street Housing, L.P.	-	80,208
Clark Park Apartments HDFC	-	660,000
	<u>\$ 2,396,227</u>	<u>\$ 4,220,334</u>

NOTE 12 - SUBSEQUENT EVENTS

Subsequent events have been evaluated through April 6, 2022, which is the date the statements were available for issuance.

As a result of the spread of the COVID-19 coronavirus, economic uncertainties continue to have a negative impact support and revenue. There continues to be considerable uncertainty around the duration. Therefore, the related financial impact and duration cannot be reasonably estimated at this time.

PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
SCHEDULE OF LONG-TERM DEBT
December 31, 2021

Payable To	Property/Security	Date of Loan	Due Date	Interest Rate	Monthly Payment	Original Loan	12/31/2021 Balance	TO BE REPAYED			TO BE FORGIVEN		
								Current Portion	Long-Term Portion	Current Portion	Long-Term Portion	Current Portion	Long-Term Portion
PHDC													
County of Monroe	Providence St. Andrews LP	12/31/2002	12/30/2022	0%	N/A	25,000	\$ 25,000	-	\$ -	\$ 25,000	\$ -		
Federal Home Loan Bank	Castle Street Associates, LP	6/6/2017	6/6/2032	0%	N/A	286,463	188,004	-	-	-	17,764	170,240	
HSBC	St. Salome	3/14/2008	3/14/2023	0%	N/A	450,000	35,000	-	-	-	30,000	5,000	
Federal Home Loan Bank	Union Meadows II, LP	8/21/2009	8/21/2024	0%	N/A	210,000	37,333	-	-	-	14,000	23,333	
Federal Home Loan Bank	East House State Street Apts, LP	9/1/2012	9/1/2027	0%	N/A	660,000	249,333	-	-	-	44,000	205,333	
Federal Home Loan Bank	Rivendell Court	1/18/2013	1/18/2028	0%	N/A	300,000	128,333	-	-	-	20,000	108,333	
Federal Home Loan Bank	Holy Rosary Apartments, LP	9/1/2013	9/1/2028	0%	N/A	645,000	286,667	-	-	-	43,000	243,667	
Federal Home Loan Bank	Son House	12/15/2014	12/15/2029	0%	N/A	241,525	131,551	-	-	-	15,108	115,443	
County of Tompkins	Milton Meadows Lansing LLC	11/6/2018	3/1/2050	0%	N/A	256,875	256,875	-	-	-	-	256,875	
Total to be Forgiven							1,338,096	-	-	-	209,872	1,128,224	
Nissan Motor Acceptance Corporation	Vehicle	9/30/2019	10/14/2024	0.00%	336	20,169	11,430	4,034	7,396	-	-	-	
Total to be Repaid							11,430	4,034	7,396	-	-	-	
							1,349,526	4,034	7,396	209,872	1,128,224		
Providence State Street HDFC, Inc.													
CPC	East House State Street Apts.	8/31/2012	9/1/2042	5.75%	17,164	2,941,195	2,492,618	60,735	2,431,883	-	-	-	
							2,492,618	60,735	2,431,883	-	-	-	
West Town Village HDFC													
County of Monroe	West Town Village	12/7/1999	12/6/2030	1%	N/A	300,000	292,500	7,500	285,000	-	-	-	
Housing Trust Fund Corporation	West Town Village	4/26/2001	4/26/2031	1%	N/A	1,770,000	1,761,828	-	1,761,828	-	-	-	
County of Monroe	West Town Village	12/7/1999	12/6/2030	0%	N/A	50,000	50,000	-	-	-	50,000	50,000	
							2,104,328	7,500	2,046,828	-	-	50,000	
Providence Rivendell Court Apartments, Inc.													
Rush Corporation	Rivendell Court	9/28/2010	3/1/2029	3.90%	152	25,000	20,112	1,057	19,055	-	-	-	
Tompkins Bank of Castle	13, 15, and 19 Rowley St	3/30/2021	4/1/2036	3.90%	2,999	426,124	399,938	21,889	376,049	-	-	-	
							420,050	22,946	397,104	-	-	-	
Providence Atwood Park HDFC													
Housing and Urban Development	4 Atwood Drive, Gates, NY	12/8/2009	12/1/2049	0%	N/A	as disbursed	3,842,700	-	-	-	-	3,842,700	
County of Monroe	4 Atwood Drive, Gates, NY	12/8/2009	10/1/2050	0%	N/A	as disbursed	400,000	-	-	-	-	400,000	
							4,242,700	-	-	-	-	4,242,700	
Providence Northstar HDFC													
City of Rochester	Providence Northstar	6/16/2004	8/14/2020*	1%	Interest Annually	363,000	106,280	106,280	-	-	-	-	
							106,280	106,280	-	-	-	-	
Providence Son House HDFC, Inc.													
NYS Homeless Housing and Assistance Corp	539 and part of 547-551 Joseph Ave	12/14/2012	12/14/2037	0%	N/A	2,139,957	1,383,079	-	-	-	85,728	1,297,351	
Housing Trust Fund Corporation	Son House Apts 539 Joseph Ave	1/30/2015	1/30/2045	0%	N/A	2,011,873	2,011,873	-	2,011,873	-	-	-	
City of Rochester	539 and part of 547-551 Joseph Ave	12/14/2012	12/14/2042	1%	N/A	105,000	105,000	-	105,000	-	-	-	
							3,499,952	-	2,116,873	85,728	1,297,351		
Providence Wayne Charities, Inc.													
Rush Corporation	180 East Union St., Newark, NY	12/31/2020	1/1/2024	4%	738	25,000	7,247	7,247	-	-	-	-	
Community Bank N.A.	180 East Union St., Newark, NY	9/22/2016	10/1/2023	4%	4,874	360,000	105,369	53,684	51,685	-	-	-	
							112,816	60,931	51,685	-	-	-	
Castle Street Associates, L.P.													
Housing Trust Fund Corporation	78-86 Castle St, Geneva, NY	4/1/2001	4/1/2031	1%	N/A	646,000	639,927	-	639,927	-	-	-	
							639,927	-	639,927	-	-	-	

PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
SCHEDULE OF LONG-TERM DEBT
December 31, 2021
(Continued)

Payable To	Property/Security	Date of Loan	Due Date	Interest Rate	Monthly Payment	Original Loan	12/31/2021 Balance	TO BE REPAYED		TO BE FORGIVEN	
								Current Portion	Long-Term Portion	Current Portion	Long-Term Portion
Providence Clemens Housing Corporation											
Housing Trust Fund Corporation	Clemens Manor	11/1/2000	11/1/2030	6%		N/A	711,609	704,059	-	704,059	-
City of Elmira	Clemens Manor	3/26/1999	6/1/2040	1%		N/A	250,000	250,004	-	250,004	-
							954,063	-	954,063	-	-
Mt. Morris Elderly Housing Partnership, L.P.											
U.S. Dept. of Agriculture - RD	12 Columbus Ave. Mt. Morris, NY	9/1/1999	9/1/2029	6.25%		734	346,258	298,136	4,133	294,003	-
Housing Trust Fund Corporation	12 Columbus Ave. Mt. Morris, NY	9/1/1999	9/1/2049	1%		N/A	558,900	558,900	-	558,900	-
							857,036	4,133	852,903	-	-
Providence St. Andrews HDFC, Inc.											
Housing Trust Fund Corporation	1180 Buffalo Rd., Rochester, NY	1/1/2004	1/1/2054	1%		N/A	742,837	738,018	-	738,018	-
County of Monroe	1180 Buffalo Rd., Rochester, NY	12/31/2002	2/28/2039	1%		N/A	100,000	90,000	5,000	85,000	-
							828,018	5,000	823,018	-	-
Providence Westside HDFC, Inc.											
City of Rochester	515-517, 523-525, 547-549 Brown St.	5/31/2002	6/1/2023	6.5%		N/A	361,473	360,382	-	360,382	-
Rochester Urban Renewal Agency	515-517, 523-525, 547-549 Brown St.	5/31/2002	6/1/2023	7%		N/A	323,527	323,527	-	323,527	-
							683,909	-	683,909	-	-
Union Meadows Associates, LLC											
Housing Trust Fund Corporation	1 Linnea Ln, Chili, NY	11/1/1998	11/1/2028	1%		N/A	1,650,000	1,648,010	-	1,648,010	-
County of Monroe	1 Linnea Ln, Chili, NY	6/20/1997	2/1/2026	1%		4,500/annual	450,000	422,284	4,500	417,764	-
Greater Rochester Housing Partnership, Inc.	1 Linnea Ln, Chili, NY	2/1/2016	2/1/2026	8%		1,705	153,559	72,449	16,936	55,513	-
							2,142,743	21,436	2,121,307	-	-
Holy Rosary											
City of Rochester	Scattered sites, Rochester, NY	7/16/2012	12/31/2043	1%		N/A	725,000	725,000	-	725,000	-
New York State	Scattered sites, Rochester, NY	8/28/2014	8/28/2044	1%		N/A	411,386	411,386	-	411,386	-
New York State Housing Trust Fund Corporation	Scattered sites, Rochester, NY	8/28/2014	8/28/2044	0.195%		N/A	3,503,099	3,476,830	-	3,476,830	-
							4,613,216	-	4,613,216	-	-
Village Green Associates, L.P.											
United States Department of Agriculture- Rural Development	Wygant Road, Horseheads, NY	4/22/2008	12/22/2058	5.75%		2,766	1,305,489	1,215,358	10,046	1,205,312	-
United States Department of Agriculture- Rural Development	Wygant Road, Horseheads, NY	4/22/2008	12/22/2058	5.75%		144	68,084	63,459	513	62,946	-
United States Department of Agriculture- Rural Development	Wygant Road, Horseheads, NY	4/22/2008	12/22/2058	5.375%		1,270	595,000	548,818	4,859	543,959	-
							1,827,635	15,418	1,812,217	-	-
Union Park Housing Development Fund Company, Inc.											
County of Monroe	49 Union Square Blvd. Chili, NY	1/20/2004	2/1/2036	1%		N/A	500,000	491,995	7,500	484,495	-
M&T Bank	49 Union Square Blvd. Chili, NY	9/1/2005	9/1/2035	7.15%		1,911	280,000	199,158	8,800	190,358	-
New York State Housing Trust Fund Corporation	49 Union Square Blvd. Chili, NY	9/1/2005	9/1/2055	1%		N/A	1,230,000	1,228,035	-	1,228,035	-
							1,919,188	16,300	1,902,868	-	-
Shortsville Apartments											
United States Department of Agriculture- Rural Development	45 East Avenue, Shortsville, NY	8/1/2006	8/1/2036	6.25%		2,044	375,000	347,176	2,908	344,268	-
New York State Housing Trust Fund Corporation	45 East Avenue, Shortsville, NY	8/1/2006	8/1/2036	1%		N/A	740,300	740,300	-	740,300	-
							1,087,476	2,908	1,084,568	-	-

**PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
SCHEDULE OF LONG-TERM DEBT**

December 31, 2021

(Continued)

Payable To	Property/Security	Date of Loan	Due Date	Interest Rate	Monthly Payment	Original Loan	12/31/2021 Balance	TO BE REPAYED		TO BE FORGIVEN	
								Current Portion	Long-Term Portion	Current Portion	Long-Term Portion
Powell Street											
New York State Housing Trust Fund Corporation	401 Powell Street, Rochester, NY	6/15/2007	6/15/2057	4.91%	N/A	373,530	372,926	-	372,926	-	-
							372,926	-	372,926	-	-
Eastgate Apartments											
New York State Urban Development Corporation	150 Harriet Street, Elmira, NY	7/20/2007	6/1/2034	0%	N/A	494,822	489,689	-	489,689	-	-
New York State Urban Development Corporation	150 Harriet Street, Elmira, NY	7/20/2007	6/1/2044	4.91%	N/A	420,401	415,956	-	415,956	-	-
Elmira Housing Authority Multifamily Mortgage Revenue Bonds	150 Harriet Street, Elmira, NY	7/17/2007	6/1/2044	6.25%	N/A	3,325,000	2,030,674	50,000	1,980,674	-	-
							2,936,319	50,000	2,886,319	-	-
St. Salome											
County of Monroe	4242 & 4282 Culver Road, Irondequoit, NY	3/14/2008	3/14/2038	1%	N/A	450,000	450,000	-	450,000	-	-
New York State Housing Trust Fund Corporation	4282 Culver Road, Irondequoit, NY	7/23/2009	7/23/2039	1%	N/A	1,799,000	1,787,389	-	1,787,389	-	-
							2,237,389	-	2,237,389	-	-
Olean-Kennedy III											
New York State Housing Trust Fund Corporation	Scattered sites, Rochester, NY	8/6/2009	8/6/2039	1%	N/A	2,200,000	2,195,364	-	2,195,364	-	-
							2,195,364	-	2,195,364	-	-
Union Meadows Assoc. II											
County of Monroe	45 & 46 Union Square Blvd, Chili, NY	9/10/2009	4/10/2040	1%	N/A	900,000	793,585	-	793,585	-	-
Housing Trust Fund Corporation	45 & 46 Union Square Blvd, Chili, NY	12/17/2010	12/17/2040	0.75%	N/A	553,858	528,288	-	528,288	-	-
							1,321,873	-	1,321,873	-	-
Brown Street Housing											
City of Rochester	Scattered sites, Rochester, NY	3/31/1988	12/31/2018*	4.98%	N/A	600,000	600,000	-	600,000	-	-
							600,000	-	600,000	-	-
Trumansburg Apartments Partnership, L.P.											
United States Department of Agriculture- Rural Development	1110 Park Side Drive, Trumansburg, NY	11/8/2004	11/8/2034	6.00%	852	401,467	363,824	3,425	360,399	-	-
Housing Trust Fund Corporation	1110 Park Side Drive, Trumansburg, NY	11/8/2004	11/8/2054	1.00%	N/A	904,070	904,070	-	904,070	-	-
							1,267,894	3,425	1,264,469	-	-
LaFrance Apartments, L.P.											
Housing Trust Fund Corporation	416 Powell St, Elmira, NY	6/9/2021	6/9/2051	0.50%	N/A	1,153,085	1,138,207	-	1,138,207	-	-
							1,138,207	-	1,138,207	-	-
Grand Totals							\$ 41,951,253	\$ 981,046	\$ 33,956,332	\$ 295,800	\$ 6,718,275

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Year Ending	To Be Repaid	To Be Forgiven	Total
2023	949,143	270,470	1,219,613
2024	220,678	235,803	456,481
2025	235,558	226,470	462,028
2026	624,630	226,470	851,100
Beyond	31,926,323	5,758,051	37,685,374
Totals	\$ 33,956,332	\$ 6,718,275	\$ 40,674,607

PROVIDENCE HOUSING DEVELOPMENT CORPORATION
BALANCE SHEETS
December 31, 2021 and 2020

ASSETS

	<u>2021</u>	<u>2020</u>
Current Assets		
Cash and Cash Equivalents	\$ 1,459,538	\$ 1,117,571
Grants Receivable	190,729	100,005
Interest Receivable, Net	917,295	831,309
Accounts Receivable, Net	33,190	89,760
Accounts Receivable From/(Payable To) Related Parties, Net	719,020	674,984
Development Fees Receivable	<u>41,313</u>	<u>615,000</u>
 Total Current Assets	 <u>3,361,085</u>	 <u>3,428,629</u>
Property and Equipment		
Vehicles	90,181	90,181
Projects in Progress	416,014	325,576
Less: Accumulated Depreciation	<u>(36,760)</u>	<u>(25,300)</u>
Net Property and Equipment	<u>469,435</u>	<u>390,457</u>
Other Assets		
Cash - Restricted	234,799	134,719
Development Fees Receivable - Long Term	494,553	932,386
Loan Receivable - Affiliate	541,625	541,625
Loan Receivable From L.P.s/LLCs	4,095,049	4,095,049
Investment in Subsidiaries	<u>2,934,478</u>	<u>2,893,142</u>
 Total Other Assets	 <u>8,300,504</u>	 <u>8,596,921</u>
 TOTAL ASSETS	 <u>\$ 12,131,024</u>	 <u>\$ 12,416,007</u>

LIABILITIES AND NET ASSETS

	<u>2021</u>	<u>2020</u>
<u>Current Liabilities</u>		
Accounts Payable	\$ 136,095	\$ 84,065
Accrued Expenses	256,400	201,437
Deposits Held	2,202	2,202
Developer Fee Payable	185,267	223,815
Loans Payable - To Be Paid	4,034	33,868
Loans Payable - To Be Forgiven	<u>209,872</u>	<u>187,165</u>
 Total Current Liabilities	<u>793,870</u>	<u>732,552</u>
<u>Long-Term Liabilities</u>		
Loans Payable - To Be Paid	7,396	82,620
Loans Payable - To Be Forgiven	<u>1,128,224</u>	<u>1,338,097</u>
 Total Long-Term Liabilities	<u>1,135,620</u>	<u>1,420,717</u>
 Total Liabilities	<u>1,929,490</u>	<u>2,153,269</u>
<u>Net Assets/Equity</u>		
Without Donor Restriction:		
Operating Fund	7,034,459	7,237,079
Designated by the Board for Operating Reserve	<u>232,597</u>	<u>132,517</u>
Total Net Assets Without Donor Restrictions	<u>7,267,056</u>	<u>7,369,596</u>
 Equity Investment - L.P.s/LLCs	<u>2,934,478</u>	<u>2,893,142</u>
 Total Net Assets/Equity	<u>10,201,534</u>	<u>10,262,738</u>
TOTAL LIABILITIES AND NET ASSETS	<u>\$ 12,131,024</u>	<u>\$ 12,416,007</u>

See Accompanying Notes to Financial Statements.

PROVIDENCE HOUSING DEVELOPMENT CORPORATION
STATEMENTS OF ACTIVITIES
For the Years Ended December 31, 2021 and 2020

	<u>2021</u>	<u>2020</u>
<u>Support and Revenue</u>		
Forgiveness of Debt	\$ 187,165	\$ 739,980
Contributions	15,185	66,687
Government Grants/Contracts	7,752,586	2,336,381
Management Fees	927,582	878,551
Development Fees	-	554,409
Housing Programs Rental Fees, Net of Vacancy Loss	289,464	277,949
Other Grants	173,349	152,488
Interest Income	102,160	95,270
Other Income	36,830	41,308
Investment Gain	<u>84,742</u>	<u>93,903</u>
 Total Support and Revenue	 <u>9,569,063</u>	 <u>5,236,926</u>
<u>Expenses</u>		
Program Services	8,692,328	2,882,328
Management and General	<u>983,350</u>	<u>849,965</u>
 Total Expenses	 <u>9,675,678</u>	 <u>3,732,293</u>
Change in Net Assets	(106,615)	1,504,633
Net Assets - Beginning of Year	10,262,738	8,693,833
Transfers/Change in Net Assets	<u>45,411</u>	<u>64,272</u>
 Net Assets - End of Year	 <u>\$ 10,201,534</u>	 <u>\$ 10,262,738</u>

See Accompanying Notes to Financial Statements.

PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
COMBINING AND CONSOLIDATING FINANCIAL STATEMENTS

December 31, 2021

PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
COMBINING AND CONSOLIDATING BALANCE SHEETS
December 31, 2021

ASSETS

	Providence Housing Development Corporation	Majority Owned NFP Affiliates	For Profit Subsidiaries	Minority Owned Rentals	Eliminations	Consolidated Total
Current Assets						
Cash and Cash Equivalents	\$ 1,459,538	\$ 576,412	\$ -	\$ 439,132	\$ -	\$ 2,475,082
Grants Receivable	190,729	172,083	-	-	-	362,812
Interest Receivable	917,295	36,839	-	-	(251,682)	702,452
Accounts Receivable, Net	33,190	178,481	-	126,202	-	337,873
Accounts Receivable From/(Payable To) Related Parties, Net	719,020	(591,023)	(5,000)	(227,910)	233,388	128,475
Development Fees Receivable	41,313	-	-	-	(2,490)	38,823
Other Assets	-	225,590	-	412,490	-	638,080
Total Current Assets	3,361,085	598,382	(5,000)	749,914	(20,784)	4,683,597
Property and Equipment						
Buildings and Improvements	-	47,538,005	-	46,185,859	(1,021,914)	92,701,950
Land	-	1,834,998	-	1,827,455	-	3,662,453
Furniture and Fixtures	-	1,819,332	-	1,676,212	-	3,495,544
Vehicles	90,181	-	-	-	-	90,181
Projects in Progress	416,014	-	-	-	-	416,014
Construction in Progress	-	-	-	226,019	-	226,019
Less: Accumulated Depreciation	(36,760)	(28,680,918)	-	(14,641,094)	-	(43,358,772)
Net Property and Equipment	469,435	22,511,417	-	35,274,451	(1,021,914)	57,233,389
Other Assets						
Cash - Restricted	234,799	3,602,025	-	2,457,132	-	6,293,956
Development Fees Receivable - Long Term	494,553	-	-	-	-	494,553
Loan Receivable - Affiliate	541,625	-	-	-	(541,625)	-
Loan Receivable From L.P.s/LLCs 5,049,636		4,095,049	2,915,061	86,790	-	(2,047,264)
Investment in Subsidiaries	2,934,478	-	-	-	(2,934,478)	-
Investment in L.P.s/LLCs	-	107,872	3,293,000	-	(1,201,048)	2,199,824
Total Other Assets	8,300,504	6,624,958	3,379,790	2,457,132	(6,724,415)	14,037,969
TOTAL ASSETS	\$ 12,131,024	\$ 29,734,757	\$ 3,374,790	\$ 38,481,497	\$ (7,767,113)	\$ 75,954,955

LIABILITIES AND NET ASSETS

	Providence	Majority		Minority			Consolidated	
	Housing	Owned	For Profit		Owned			
	Development	Rentals/	Subsidiaries	Rentals	Eliminations			
	Corporation	NFP	Affiliates	Subsidiaries	Rentals	Eliminations	Total	
Current Liabilities								
Accounts Payable	\$ 136,095	\$ 524,278	\$ -	\$ 404,845	\$ 107,518	\$ 1,172,736		
Accrued Expenses	256,400	921,336	-	468,334	(251,682)	1,394,388		
Deposits Held	2,202	258,937	-	146,996	-	408,135		
Deferred Revenue	-	23,273	-	10,455	-	33,728		
Developer Fee Payable	185,267	-	-	2,490	(2,490)	185,267		
Loans Payable and Forgivable								
- Current Portion	<u>213,906</u>	<u>976,889</u>	<u>-</u>	<u>85,851</u>	<u>-</u>	<u>1,276,646</u>		
Total Current Liabilities	<u>793,870</u>	<u>2,704,713</u>	<u>-</u>	<u>1,118,971</u>	<u>(146,654)</u>	<u>4,470,900</u>		
Long-Term Liabilities								
Deferred Interest Payable	-	2,947,225	-	212,434	(379,121)	2,780,538		
Loans Payable and Forgivable	<u>1,135,620</u>	<u>27,512,642</u>	<u>86,790</u>	<u>14,948,580</u>	<u>(3,009,025)</u>	<u>40,674,607</u>		
Total Long-Term Liabilities	<u>1,135,620</u>	<u>30,459,867</u>	<u>86,790</u>	<u>15,161,014</u>	<u>(3,388,146)</u>	<u>43,455,145</u>		
Total Liabilities	<u>1,929,490</u>	<u>33,164,580</u>	<u>86,790</u>	<u>16,279,985</u>	<u>(3,534,800)</u>	<u>47,926,045</u>		
Outside Interest in								
Limited Partnerships	-	-	-	21,617,094	-	21,617,094		
Net Assets/Paid-In Capital/Equity								
Net Assets Without Donor Restrictions:								
Operating Fund	7,034,459	(3,537,695)	-	-	(50,576)	3,446,188		
Designated by the Board	<u>232,597</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>232,597</u>		
Total Net Assets	<u>7,267,056</u>	<u>(3,537,695)</u>	<u>-</u>	<u>-</u>	<u>(50,576)</u>	<u>3,678,785</u>		
Equity Investment - L.P.s/LLCs	2,934,478	107,872	3,293,000	-	(4,135,526)	2,199,824		
Paid-In Capital	-	-	(5,000)	584,418	(46,211)	533,207		
Total Net Assets/Paid-In Capital/Equity	<u>10,201,534</u>	<u>(3,429,823)</u>	<u>3,288,000</u>	<u>584,418</u>	<u>(4,232,313)</u>	<u>6,411,816</u>		
TOTAL LIABILITIES AND NET ASSETS/PAID-IN CAPITAL/EQUITY								
	<u>\$ 12,131,024</u>	<u>\$ 29,734,757</u>	<u>\$ 3,374,790</u>	<u>\$ 38,481,497</u>	<u>\$ (7,767,113)</u>	<u>\$ 75,954,955</u>		

See Accompanying Notes to Financial Statements.

PROVIDENCE HOUSING DEVELOPMENT CORPORATION AND AFFILIATES
COMBINING AND CONSOLIDATING STATEMENTS OF ACTIVITIES
For the Year Ended December 31, 2021

	Providence Housing Development Corporation	Majority Owned Rentals/ NFP Affiliates	For Profit Subsidiaries	Minority Owned Rentals	Eliminations	Consolidated Total
Support and Revenue						
Forgiveness of Debt	\$ 187,165	\$ 85,728	\$ -	\$ -	\$ -	\$ 272,893
Contributions	15,185	550,000	-	-	-	565,185
Rental Income,						
Net of Vacancy Loss	-	4,154,345	-	2,001,013	-	6,155,358
Government Grants/Contracts	7,752,586	378,051	-	-	-	8,130,637
Management Fees	927,582	-	-	-	(679,956)	247,626
Housing Programs Rental Fees	289,464	-	-	-	-	289,464
Interest Income	102,160	39,851	-	2,252	(39,134)	105,129
Other Grants	173,349	-	-	-	-	173,349
Other Income	36,830	45,461	7,544	70,661	(320)	160,176
Net Investment Gain/(Loss)	84,742	-	-	-	(145,391)	(60,649)
Gain/(Loss) on Sale of Assets	-	81,425	-	(722)	-	80,703
 Total Support and Revenue	 9,569,063	 5,334,861	 7,544	 2,073,204	 (864,801)	 16,119,871
Expenses						
Program Services	8,692,328	5,186,158	-	3,025,881	(39,504)	16,864,863
Management and General	983,350	882,935	6,211	446,037	(649,963)	1,668,570
 Total Expenses	 9,675,678	 6,069,093	 6,211	 3,471,918	 (689,467)	 18,533,433
Other Gains/(Losses)						
Gain on Insurance Claim Related to Fire Damage	-	-	-	189,881	-	189,881
Change in Net Assets/Paid-in Capital/Equity	(106,615)	(734,232)	1,333	(1,208,833)	(175,334)	(2,223,681)
Net Assets/Paid-in Capital/Equity - Beginning of Year	10,262,738	(2,606,371)	3,286,667	17,997,151	(4,161,354)	24,778,831
Transfers/Change in Net Assets	45,411	(26,156)	-	(55,282)	36,027	-
Partner/Member Contributions/Distributions	-	(63,064)	-	5,468,476	68,348	5,473,760
Net Assets/Paid-in Capital/Equity - End of Year	<u>\$ 10,201,534</u>	<u>\$ (3,429,823)</u>	<u>\$ 3,288,000</u>	<u>\$ 22,201,512</u>	<u>\$ (4,232,313)</u>	<u>\$ 28,028,910</u>

See Accompanying Notes to Financial Statements.