



Department of
Environmental
Conservation

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

Please refer to the attached instructions for guidance on completing this application.

Submission of a full BCP application will be required should this application be determined to be a major amendment. If the amendment seeks to add or subtract more than an insignificant acreage of property to the BCA, applicants are encouraged to consult with the DEC project team prior to submitting this application.

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

1. Check the appropriate box(es) below based on the nature of the amendment modification(s) requested:

<input checked="" type="checkbox"/>	Amendment to modify the existing BCA (check one or more boxes below):
<input checked="" type="checkbox"/>	Add applicant(s)
<input type="checkbox"/>	Substitute applicant(s)
<input type="checkbox"/>	Remove applicant(s)
<input type="checkbox"/>	Change in name of applicant(s)
<input type="checkbox"/>	Amendment to reflect a transfer of title to all or part of the brownfield site:
	<p>a. A copy of the recorded deed must be provided. Is this attached? Yes <input type="radio"/> No <input type="radio"/></p> <p>b. <input type="checkbox"/> Change in ownership <input type="checkbox"/> Additional owner (such as a beneficial owner)</p> <p>c. Pursuant to 6 NYCRR Part 375-1.11(d), a Change of Use form should have been submitted prior to a transfer of ownership. If this has not yet been submitted, include the form with this application. Is this form attached? Yes <input type="radio"/> No <input type="radio"/> Submitted on: _____</p>
<input type="checkbox"/>	Amendment to modify description of the property(ies) listed in the existing BCA
<input type="checkbox"/>	Amendment to expand or reduce property boundaries of the property(ies) listed in the existing BCA
<input type="checkbox"/>	Sites in Bronx, Kings, New York, Queens or Richmond Counties ONLY: amendment to request determination that the site is eligible for tangible property credit component of the brownfield redevelopment tax credit.
<input type="checkbox"/>	Other (explain in detail below)

2. REQUIRED: Please provide a brief narrative describing the specific requests included in this amendment:

10 Chapin Street, LLC, the prospective title owner of the BCP Site, is being added to the BCA. 10 Chapin Street, LLC has no prior relationship with any past owners or operators of the Site and did not cause any of the contamination of the Site; therefore, 10 Chapin Street, LLC is a Volunteer. Joel Barrett is the Sole Member of 10 Chapin Street, LLC. 2240 North Forest Road, LLC, the current Volunteer, is remaining a party to the BCA. 2240 North Forest Road, LLC plans to transfer the title of the BCP Site to 10 Chapin Street, LLC early this year. Please note that David Kulbacki, the Managing Member of 2240 North Forest Road, LLC, is now the authorized signatory for 2240 North Forest Road LLC. Please see Ex. A - NYS DOS Entity Information, Ex. B - Site Access Agreement, and Ex. C - Written Consents.

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

BCP SITE NAME: Former Labelon Corp. Facility	BCP SITE CODE: C835016
NAME OF CURRENT APPLICANT(S): 2240 North Forest Road, LLC	
INDEX NUMBER OF AGREEMENT: C835016-12-10	DATE OF ORIGINAL AGREEMENT: 01/25/2011

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

NAME: 10 Chapin Street, LLC			
ADDRESS: 15 Fairhaven Road			
CITY/TOWN: Rochester, New York			ZIP CODE: 14610
PHONE: (585) 577-2223	EMAIL: joel@43northre.com		
REQUESTOR CONTACT: Joel Barrett			
ADDRESS: 15 Fairhaven Road			
CITY/TOWN: Rochester, New York			ZIP CODE: 14610
PHONE: (585) 577-2223	EMAIL: joel@43northre.com		
REQUESTOR'S CONSULTANT: Leader		CONTACT: Michael P. Rumrill	
ADDRESS: 271 Marsh Road, Suite 2			
CITY/TOWN: Pittsford, New York			ZIP CODE: 14534
PHONE: (585) 248-2413	EMAIL: mrumrill@leaderlink.com		
REQUESTOR'S ATTORNEY: Knauf Shaw LLP		CONTACT: Alan J. Knauf, Esq.	
ADDRESS: 2600 Innovation Square, 100 S. Clinton Avenue			
CITY/TOWN: Rochester, New York			ZIP CODE: 14604
PHONE: (585) 546-8430	EMAIL: aknauf@nyenvlaw.com		
			Y
			N
1. Is the requestor authorized to conduct business in New York State?			<input checked="" type="radio"/>
2. If the requestor is a corporation, LLC, LLP, or other entity requiring authorization from the NYS Department of State (NYSDOS) to conduct business in NYS, the requestor's name must appear exactly as given above in the NYSDOS Corporation & Business Entity Database. A print-out of entity information from the NYSDOS database must be submitted with this application. Is this print-out attached?			<input checked="" type="radio"/>
3. Requestor must submit proof that the party signing this application and amendment has the authority to bind the requestor. This would be documentation showing the authority to bind the requestor in the form of corporate organizational papers, a Corporate Resolution or an Operating Agreement or Resolution for an LLC. Is this proof attached?			<input checked="" type="radio"/>
4. If the requestor is an LLC, the names of the members/owners must be provided. Is this information attached?			<input checked="" type="radio"/>
5. Describe the new requestor's relationship to all existing applicants: New requestor is not related to the existing applicant, but is under contract to purchase the property from 2240 North Forest Road, LLC.			<input checked="" type="radio"/>

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

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

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

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

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

SECTION IV: NEW REQUESTOR ELIGIBILITY INFORMATION (continued)		Y	N
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	<input type="radio"/>	<input checked="" type="radio"/>	
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	<input type="radio"/>	<input checked="" type="radio"/>	
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>	
12. THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:			
<input type="checkbox"/> PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination.	<input checked="" type="checkbox"/> VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of a hazardous waste or discharge of petroleum. NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that they have exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste. If a requestor's liability arises solely as a result of ownership, operation of or involvement with the site, they must submit a statement describing why they should be considered a volunteer – be specific as to the appropriate care taken.		
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?	N/A <input type="radio"/>	Y <input checked="" type="radio"/>	N <input type="radio"/>
14. Requestor's relationship to the property (check all that apply): <input type="checkbox"/> Prior Owner <input type="checkbox"/> Current Owner <input checked="" type="checkbox"/> Potential/Future Purchaser <input type="checkbox"/> Other: _____			
15. If the requestor is not the current site owner, proof of site access sufficient to complete the remediation must be submitted. Proof must show that the requestor will have access to the property before being added to the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?	N/A <input type="radio"/>	Y <input checked="" type="radio"/>	N <input type="radio"/>

SECTION V: PROPERTY DESCRIPTION AND REQUESTED CHANGES

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

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

ADDRESS:

CITY/TOWN

ZIP CODE:

CURRENT PROPERTY INFORMATION

TOTAL ACREAGE OF CURRENT SITE:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

2. Requested change (check appropriate boxes below):

☐

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

PARCELS ADDED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

TOTAL ACREAGE TO BE ADDED: _____

☐

b. Reduction of property

PARCELS REMOVED:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

TOTAL ACREAGE TO BE REMOVED: _____

☐

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

NEW PROPERTY INFORMATION:

PARCEL ADDRESS

SECTION

BLOCK

LOT

ACREAGE

3. TOTAL REVISED SITE ACREAGE: _____

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

Y

☐

N

☐

**APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT SUPPLEMENT
QUESTIONS FOR SITE SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY**

Complete this section only if the site is located within the five counties comprising New York City and the requestor is seeking a determination of eligibility for tangible property credits. Provide supporting documentation as required. Refer to the application instructions for additional information.

	Y	N
1. Is the site located in Bronx, Kings, New York, Queens or Richmond County?	<input type="radio"/>	<input 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 Tax Law 21(6)? Please see DEC's website for more information.	<input type="radio"/>	<input type="radio"/>
4. Is the property upside down as defined below?	<input type="radio"/>	<input type="radio"/>
<p>From ECL 27-1405(31):</p> <p>"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.</p>		
5. Is the project and affordable housing project as defined below?	<input type="radio"/>	<input type="radio"/>
<p>From 6 NYCRR 375-3.2(a) as of August 12, 2016:</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>		

APPLICATION SUPPLEMENT FOR NYC SITES (continued)	Y	N
<p>6. Is the project a planned renewable energy facility site as defined below?</p> <p>From ECL 27-1405(33) as of April 9, 2022:</p> <p>"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.</p> <p>From Public Service Law Article 4 Section 66-p as of April 23, 2021:</p> <p>(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.</p>	<input type="radio"/>	<input type="radio"/>
<p>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?</p> <p>From ECL 75-0111 as of April 9, 2022:</p> <p>(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.</p>	<input type="radio"/>	<input type="radio"/>

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT**EXISTING AGREEMENT INFORMATION**

BCP SITE NAME: Former Labelon Corp. Facility

BCP SITE CODE: C835016

NAME OF CURRENT APPLICANT(S): 2240 North Forest Road, LLC

INDEX NUMBER OF AGREEMENT: C835016-12-10

DATE OF ORIGINAL AGREEMENT 01/25/2011

Declaration of Amendment:

By the requestor(s) and/or applicant(s) signature(s) below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from obligations held under the Agreement or those same laws.

STATEMENT OF CERTIFICATION AND SIGNATURES: NEW REQUESTOR

Complete the appropriate section (individual or entity) below only if this Amendment adds a new requestor. Attach additional pages as needed.

(Individual)

I hereby affirm that the 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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am the Sole Member (title) of 10 Chapin Street, LLC (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and 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.

Joel Barrett's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 12/03/2024Signature: 

Digitally signed by Joel Barrett
Date: 2024.12.03 09:09:42 -05'00'

Print Name: Joel Barrett

STATEMENT OF CERTIFICATION AND SIGNATURES: EXISTING APPLICANT(S)

An authorized representative of each applicant must complete and sign the appropriate section (individual or entity) below. Attach additional pages as needed.

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: _____ Signature: _____

Print Name: _____

(Entity)

I hereby affirm that I am Managing Member (title) of 2240 North Forest Road, LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. David Kulbacki's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 12/1/2024 Signature: Print Name: David Kulbacki**PLEASE SEE THE FOLLOWING PAGE FOR SUBMITTAL INSTRUCTIONS****REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

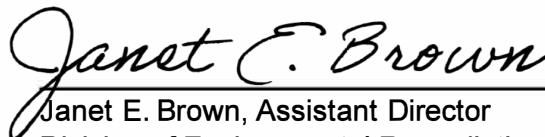
<input type="checkbox"/> PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of contamination or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of contamination.	<input checked="" type="checkbox"/> VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the contamination.
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Effective Date of the Original Agreement: 01/25/2011

Signature by the Department:

DATED: 1/17/25NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:


Janet E. Brown, Assistant Director
Division of Environmental Remediation



**60-Day Advance Notification of Site Change of Use, Transfer of
Certificate of Completion, and/or Ownership**

Required by 6NYCRR Part 375-1.11(d) and 375-1.9(f)

To be submitted at least 60 days prior to change of use to:

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

I. Site Name: Former Labelon Corp. Facility **DEC Site ID No.** C835016

II. Contact Information of Person Submitting Notification:

Name: Alan J. Knauf, Esq., Knauf Shaw LLP
Address1: 2600 Innovation Square, 100 S. Clinton Avenue
Address2: Rochester, New York 14604
Phone: (585) 546-8430 E-mail: aknauf@nyenvlaw.com

III. Type of Change and Date: Indicate the Type of Change(s) (check all that apply):

- ☒ Change in Ownership or Change in Remedial Party(ies)
☐ Transfer of Certificate of Completion (CoC)
☐ Other (e.g., any physical alteration or other change of use)

Proposed Date of Change (mm/dd/yyyy): May 30, 2025

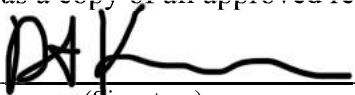
IV. Description: Describe proposed change(s) indicated above and attach maps, drawings, and/or parcel information.

Prospective Volunteer, 10 Chapin Street, LLC will become the title owner of the BCP Site in early 2025. 10 Chapin Street, LLC is being added to the BCA as a Volunteer by a BCA Amendment Application at this time.

If "Other," the description must explain and advise the Department how such change may or may not affect the site's proposed, ongoing, or completed remedial program (attach additional sheets if needed).

- V. **Certification Statement:** Where the change of use results in a change in ownership or in responsibility for the proposed, ongoing, or completed remedial program for the site, the following certification must be completed (by owner or designated representative; see §375-1.11(d)(3)(i)):

I hereby certify that the prospective purchaser and/or remedial party has been provided a copy of any order, agreement, Site Management Plan, or State Assistance Contract regarding the Site's remedial program as well as a copy of all approved remedial work plans and reports.

Name:  12/1/2024
(Signature) (Date)

David Kulbacki
(Print Name)

Address1: 2240 North Forest Road, LLC
Address2: 2 Welding Court, Lancaster, New York 14086
Phone: (716) 681-1600 E-mail: david_k@kulbacksconstruction.com

- VI. **Contact Information for New Owner, Remedial Party, or CoC Holder:** If the site will be sold or there will be a new remedial party, identify the prospective owner(s) or party(ies) along with contact information. If the site is subject to an Environmental Easement, Deed Restriction, or Site Management Plan requiring periodic certification of institutional controls/engineering controls (IC/ECs), indicate who will be the certifying party (attach additional sheets if needed).

☒ Prospective Owner ☐ Prospective Remedial Party ☐ Prospective Owner Representative

Name: 10 Chapin Street, LLC
Address1: 15 Fairhaven Road
Address2: Rochester, New York 14610
Phone: (585) 577-2223 E-mail: joel@43northre.com

Certifying Party Name: 2240 North Forest Road, LLC
Address1: 2 Welding Court
Address2: Lancaster, New York 14086
Phone: (716) 681-1600 E-mail: david_k@kulbacksconstruction.com

VII. Agreement to Notify DEC after Transfer: If Section VI applies, and all or part of the site will be sold, a letter to notify the DEC of the completion of the transfer must be provided. If the current owner is also the holder of the CoC for the site, the CoC should be transferred to the new owner using DEC's form found at <http://www.dec.ny.gov/chemical/54736.html>. This form has its own filing requirements (see 6NYCRR Part 375-1.9(f)).

Signing below indicates that these notices will be provided to the DEC within the specified time frames. If the sale of the site also includes the transfer of a CoC, the DEC agrees to accept the notice given in VII.3 below in satisfaction of the notice required by VII.1 below (which normally must be submitted within 15 days of the sale of the site).

Within 30 days of the sale of the site, I agree to submit to the DEC:

1. the name and contact information for the new owner(s) (see §375-1.11(d)(3)(ii));
2. the name and contact information for any owner representative; and
3. a notice of transfer using the DEC's form found at <http://www.dec.ny.gov/chemical/54736.html> (see §375-1.9(f)).

Name:

DAK
(Signature)

12/1/2024

(Date)

David Kulbacki

(Print Name)

Address1: 2240 North Forest Road, LLC

Address2: 2 Welding Court, Lancaster, New York 14086

Phone: (716) 681-1600

E-mail: david_k@kulbacksconstruction.com

EXHIBIT A

Department of State

Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details



ENTITY NAME: 10 CHAPIN STREET, LLC
DOS ID: 7312699
FOREIGN LEGAL NAME:
FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY
DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTIONOF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW
ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 04/24/2024
REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 04/24/2024
INACTIVE DATE:
FOREIGN FORMATION DATE:
STATEMENT STATUS: CURRENT
COUNTY: MONROE
NEXT STATEMENT DUE DATE: 04/30/2026
JURISDICTION: NEW YORK, UNITED STATES
NFP CATEGORY:

ENTITY DISPLAY NAME HISTORY FILING HISTORY MERGER HISTORY ASSUMED NAME HISTORY

Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

Name: THE LLC
Address: 15 FAIRHAVEN ROAD, ROCHESTER, NY, UNITED STATES, 14610

Electronic Service of Process on the Secretary of State as agent: Not Permitted

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 B

January 3, 2025

10 Chapin Street, LLC
Attn: Joel Barrett
15 Fairhaven Road
Rochester, New York 14610

RE: Access Agreement – Former Labelon Corp. Facility BCP Site

Dear Joel:

This letter shall serve to provide the terms and conditions upon which the Owners grant 10 Chapin Street, LLC access to the BCP Site, known as Former Labelon Corp. Facility, Site No.: C835016 (the “BCP Site”). Please be advised that 10 Chapin Street, LLC, its officers, employees and duly designated agents and contractors, and representatives of the United States Environmental Protection Agency, New York State Department of Environmental Conservation (“DEC”), the City of Canandaigua, the New York State Department of Health and Ontario County Department of Health, including but not limited to Leader Professional Services, Inc. (all together the “Permitted Persons”) are hereby granted permission from 2240 North Forest Road, LLC (the “Owner”) to enter upon and access the BCP Site, beginning on the date of this letter until the date permission is terminated by either 10 Chapin Street, LLC or the Owner by written notice to the other party, with a copy to DEC Region 8. 10 Chapin Street, LLC and the Permitted Persons shall only have access to the BCP Site for the purposes of: (1) any investigation and/or remediation of the BCP Site that may be approved by DEC pursuant to the Brownfield Cleanup Program (“BCP”); and (2) development of a remedial plan and/or a redevelopment plan (together the “Permitted Purposes”).


10 Chapin Street, LLC agrees at all times that 10 Chapin Street, LLC, and all of the Permitted Persons will comply with all applicable federal, state and local legal requirements applicable to the BCP Site and access and use of the BCP Site, as well as with the reasonable directions and requirements of the Owners. 10 Chapin Street, LLC will restore the BCP Site to its original or better condition following any work that it performs on the premises. In addition, if Owners still own all or a portion of the BCP Site when remediation is complete under the BCP and a certificate of completion is about to be obtained from DEC, but a Track 1 remediation level is not achieved, Owners will impose a standard environmental easement on such premises if required by DEC, upon such terms as reasonably acceptable to Owners.

10 Chapin Street, LLC hereby releases, indemnifies, and holds Owners harmless from, and agrees that Owners shall not be liable for, any loss, claim, damages, or liability incurred in connection with or arising out of any damage to property or injury to or death of any person, caused by use of or entry onto the BCP Site by 10 Chapin Street, LLC or any other Permitted Persons.

10 Chapin Street, LLC shall provide the Owners with evidence of liability insurance for 10 Chapin Street, LLC and any consultants or other contractors performing work at the BCP Site, which shall be reasonably satisfactory to Owners, and shall provide limits of at least \$3,000,000 for all claims, suits, actions, damages and costs of any kind for personal injury or property damage, and shall name the Owners as additional insured.

This agreement may be executed in counterparts, and all such counterparts taken together shall constitute one and the same instrument. Signatures on counterparts that are delivered via fax, email or by other electronic means are authorized and shall be acknowledged as if such signatures were an original execution.

Yours Sincerely,

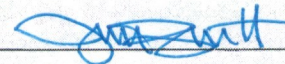


David Kulbacki, Managing Member
2240 North Forest Road, LLC

The terms and conditions of this letter are hereby accepted and agreed to this 4TH day of January, 2024
2025

10 CHAPIN STREET, LLC

By:



Joel Barrett, Sole Member

EXHIBIT C


SOLE MEMBER WRITTEN CONSENT

The undersigned, being the Sole Member of 10 Chapin Street, LLC, does hereby certify as follows:

1. 10 Chapin Street, LLC is a prospective Volunteer for the Brownfield Cleanup Program ("BCP") Site, known as the Former Labelon Corp. Facility, NYS DEC Site No.: C835016 (the "Site").

2. The following person, Joel Barrett, is the sole member of 10 Chapin Street, LLC and is therefore authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of the Volunteer 10 Chapin Street, LLC in relation to the Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 4TH day of January, 2025



Joel Barrett
10 Chapin Street, LLC
Sole Member

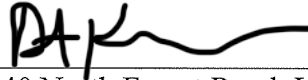
WRITTEN CONSENT

The undersigned, being a member of 2240 North Forest Road, LLC, does hereby certify as follows:

1. 2240 North Forest Road, LLC is the current Volunteer for the Brownfield Cleanup Program ("BCP") Site, known as the Former Labelon Corp. Facility, NYS DEC Site No.: C835016 (the "Site").

2. The following person, David Kulbacki, the Managing Member of 2240 North Forest Road, LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Volunteer 2240 North Forest Road, LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 2nd day of January, 2024. 2025

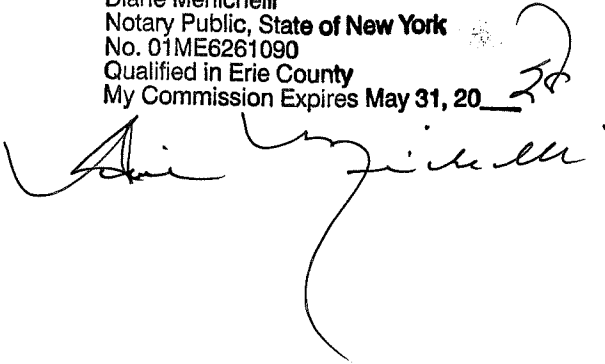


2240 North Forest Road, LLC

Name: David Kulbacki

Title: Managing Member

Diane Menichelli
Notary Public, State of New York
No. 01ME6261090
Qualified in Erie County
My Commission Expires May 31, 2025





2600 Innovation Square
100 South Clinton Avenue
Rochester, New York 14604
nyenvlaw.com

ALAN J. KNAUF
ATTORNEY AT LAW

T 585.546.8430
C 585.370.9362
aknauf@nyenvlaw.com

January 7, 2025

VIA ELECTRONIC MAIL
DESiteControl@dec.ny.gov

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

**RE: Brownfield Cleanup Program – BCA Amendment Application
Former Labelon Corp. Facility
C835016**

To Whom It May Concern:

Below please find a link to a Brownfield Cleanup Agreement (“BCA”) Amendment Application for the above-referenced BCP Site, along with a 60-Day Advanced Notification of Site Change of Use, Transfer of Certificate of Completion, and/or Ownership that was submitted to Site Control on December 4, 2024.

<https://www.dropbox.com/scl/fo/iiqegzft233l2641ypvdh/ABlBzGrXmdMk7OAeSqpnGu4?rlkey=yguohjkk8vq1dqc10r9oqqzi9&st=a4ml9v88&dl=0>

10 Chapin Street, LLC is being added to the BCA as a volunteer and the NYS DEC is being put on notice that 10 Chapin Street, LLC plans to purchase the BCP Site early this year. Please let me know if you have any questions or comments. Thank you.

Sincerely,

KNAUF SHAW LLP

ALAN J. KNAUF

AJK/sra
Enclosure

ec: Joel Barrett (joel@43northre.com)
David Kulbacki (david_k@kulbacksconstruction.com)
Michael Rumrill (mrumrill@leaderlink.com)