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OCT 19 2011
**BUREAU OF
TECHNICAL SUPPORT**

October 18, 2011

BY FEDERAL EXPRESS

Kelly Lewandowski
Chief, Site Control Section
New York State Department of
Environmental Conservation
625 Broadway
Albany, New York 12233-7016

Bart Putzig, Regional Engineer
Brownfield Project Manager
New York State Department of
Environmental Conservation
Region 8 Office
6274 East Avon-Lima Road
Avon, NY 14414

RE: Site: Mutiple-Canandaigua Industrial Site
Official Site Address: 25 Booth Street and 24, 26, 28, 30, 130 & 158 Lakeshore Drive
Requestor: Sarah-Frank, LLC
Brownfield Cleanup Program Application

Dear Ms. Lewandowski and Mr. Putzig:

Enclosed please find the Brownfield Cleanup Program application and support documentation for requestor, Sarah-Frank, LLC for site address 25 Booth Street and 24, 26, 28, 30, 130 & 158 Lakeshore Drive .

Thank you.

Sincerely,

Knauf Shaw LLP

Linda R. Shaw

LRS/eah
Enclosures

pc: David Genecco, Sarah-Frank, LLC (w/enclosures)



K N A U F

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RECEIVED
OCT 28 2011
**BUREAU OF
TECHNICAL SUPPORT**

October 27, 2011

VIA FEDERAL EXPRESS

Barb Wolosen
New York State Department of
Environmental Conservation
625 Broadway
Albany, New York 12233-7016

Bart Putzig, Regional Engineer
Brownfield Project Manager
New York State Department of
Environmental Conservation
Region 8 Office
6274 East Avon-Lima Road
Avon, NY 14414

RE: Site: Mutiple-Canandaigua Industrial Site
Official Site Address: 25 Booth Street and 24, 26, 28, 30, 130 & 158 Lakeshore Drive
Requestor: Sarah-Frank, LLC
Brownfield Cleanup Program Application

Dear Ms. Wolosen and Mr. Putzig:

Pursuant to the October 25, 2011 email of Barb Wolosen, enclosed is a CD containing the complete application with the modifications discussed in Ms. Wolosen's email regarding the above referenced matter.

Thank you.

Sincerely,

Knauf Shaw LLP

Linda R. Shaw

LRS/eah
Enclosure



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



BROWNFIELD CLEANUP PROGRAM (BCP)

ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY
BCP SITE #: C 835025

07/2010

Section I. Requestor Information

NAME Sarah-Frank, LLC (see Exhibit A)

ADDRESS c/o David L. Genecco, 1850 Rochester Road

CITY/TOWN Canandaigua, New York 14424

ZIP CODE 14424

PHONE 585-394-1025

FAX (585) 394-8824

E-MAIL

Is the requestor authorized to conduct business in New York State (NYS)?

☒ Yes ☐ No

-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 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 to DEC with the application, to document that the applicant is authorized to do business in NYS.

NAME OF REQUESTOR'S REPRESENTATIVE Richard Rising, Manager of Economic Development

ADDRESS HB Solutions, LLC, 99 Garnsey Road

CITY/TOWN Pittsford, New York

ZIP CODE 14534

PHONE (585) 419-8747

FAX (585) 419-8811

E-MAIL rrising@harrisbeach.com

NAME OF REQUESTOR'S CONSULTANT Stantec, Dwight Harrienger

ADDRESS 61 Commercial Street

CITY/TOWN Rochester, New York

ZIP CODE 14614

PHONE 585-475-1440

FAX 585-272-1814

E-MAIL dharrienger@stantec.com

NAME OF REQUESTOR'S ATTORNEY Knauf Shaw LLP, Linda R. Shaw, Esq.

ADDRESS 2 State Street, Suite 1125

CITY/TOWN Rochester, New York

ZIP CODE 14614

PHONE 585-546-8430

FAX 585-546-4324

E-MAIL lshaw@nyenvlaw.com

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☐ **PARTICIPANT**

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

☒ **VOLUNTEER**

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, the requestor 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.

Requestor Relationship to Property (check one):

☐ Previous Owner

☒ Current Owner

☐ Potential /Future Purchaser

☐ Other _____

If requestor is not the site owner, requestor will have access to the property throughout the BCP project. ☐ Yes ☐ No

-Proof of site access must be submitted for non-owners

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Section II. Property InformationCheck here if this application is to request significant changes to property set forth in an existing BCA: ☐

Existing BCP site number: _____

PROPERTY NAME **Canandaigua Multi-Brownfield Site Redevelopment Project; See Exhibit B**ADDRESS/LOCATION **24-30, 130 & 158 Lakeshore Drive, 25 Booth Street** CITY/TOWN **Canandaigua, New York** ZIP CODE **14424**MUNICIPALITY(If MORE THAN ONE, LIST ALL): **City of Canandaigua**COUNTY **Ontario**SITE SIZE (ACRES) **approx. 15.5 acres**LATITUDE (degrees/minutes/seconds) **42 ° 52 ' 34.47N "**LONGITUDE (degrees/minutes/seconds) **77 ° 16 ' 04.42W "**HORIZONTAL COLLECTION METHOD: ☐ SURVEY ☐ GPS ☒ MAPHORIZONTAL REFERENCE DATUM: **Google Earth**

COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address Parcel No. Section No. Block No. Lot No. Acreage

See Tax Maps and List of 7 Tax Parcels in Exhibit C**24, 26, 28, 30, 130 & 158 Lakeshore Drive, 25 Booth Street** **84** **18** **1** **20, 19, 18, 15** **15.5****13, 10 (12, 8, 1) 17**

1. Do the property boundaries correspond to tax map metes and bounds?

☒ Yes ☐ No

If no, please attach a metes and bounds description of the property.

2. Is the required property map attached to the application? (application will not be processed without map)

☒ Yes ☐ No

3. Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)?

☐ Yes ☒ NoFor more information please see Empire State Development's [website](#).

If yes, identify area (name) _____

Percentage of property in En-zone (check one): ☐ 0-49% ☐ 50-99% ☐ 100%

4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? If yes, identify name of properties in related BCP applications: _____

☐ Yes ☒ No

5. Property Description Narrative:

See Property Description in Support Document Section II.5

6. List of Existing Easements (type here or attach information)

Easement HolderDescription

See list of Easements in Exhibit J; see also Sections VII.6 and IX.13; NOTE: most of the easements that exist between each parcel will be extinguished by virtue of law when the Requestor redevelops adjacent parcels to form one larger development project. RG&E, and City of Canandaigua (sewer and water) easements will still exist. The easements are shown on the survey map in Exhibit B.

7. List of Permits issued by the NYSDEC or USEPA Relating to the Proposed Site (type here or attach information)

TypeIssuing AgencyDescription**None**

If any changes to Section II are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: _____

Section III. Current Property Owner/Operator Information

OWNER'S NAME Sarah-Frank, LLC

ADDRESS 1850 Rochester Road

CITY/TOWN Canandaigua, New York

ZIP CODE 14424

PHONE 585-394-1025

FAX None

E-MAIL None

OPERATOR'S NAME See Support Document Section III Operator Information; land is mostly vacant

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Section IV. Requestor Eligibility Information (Please refer to ECL § 27-1407)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

- | | | |
|--|------------------------------|--|
| 1. Are any enforcement actions pending against the requestor regarding this site? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. Is the requestor subject to an existing order relating to contamination at the site? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. Has the requestor been determined to have violated any provision of ECL Article 27? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. Has the requestor previously been denied entry to the BCP? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.8(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="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Section V. Property Eligibility Information (Please refer to ECL § 27-1405)

- | | | |
|--|------------------------------|--|
| 1. Is the property, or was any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. Is the property, or was any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites?
If yes, please provide: Site # _____ Class # _____ | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Is 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: _____
Date permit issued: _____ Permit expiration date: _____ | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____ | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
If yes, please provide explanation as an attachment. | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Section VI. Project Description

What stage is the project starting at?

☒ Investigation☐ Remediation

Please attach a description of the project which includes the following components:

- Purpose and scope of the project
- Estimated project schedule

Section VII. Property's Environmental History

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. Environmental Reports

A Phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site.

If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): ☐ Yes ☒ No

2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents		TCE/PCE			
Other VOCs					
SVOCs					
Metals					
Pesticides					
PCBs					
Other*					

*Please describe: _____

3. SUSPECTED CONTAMINANTS: INDICATE SUSPECTED CONTAMINANTS AND THE MEDIA WHICH MAY HAVE BEEN AFFECTED. PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum	gas stations/mobile home park	gas stations/ mobile home park			gas stations/ mobile home park
Chlorinated Solvents	PCE dry cleaners	PCE dry cleaners			PCE dry cleaners
Other VOCs	TCE landfill	TCE landfill			TCElandfill
SVOCs	historic fill	historic fill			historic fill
Metals					
Pesticides					
PCBs	transformers				
Other*					

*Please describe: Multiple historical uses have caused suspect contamination

4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS (CHECK ALL THAT APPLY). PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

- ☒ Above Ground Pipeline or Tank ☐ Lagoons or Ponds ☒ Underground Pipeline or Tank ☒ Surface Spill or Discharge
☐ Routine Industrial Operations ☒ Dumping or Burial of Wastes ☐ Septic tank/lateral field ☒ Adjacent Property
☒ Drums or Storage Containers ☐ Seepage Pit or Dry Well ☐ Foundry Sand ☐ Electroplating
☐ Coal Gas Manufacture ☐ Industrial Accident ☐ Unknown

Other: _____

5. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

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

Other: Former Mobile Home Park with multiple tanks

6. PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".

Section VIII. Contact List Information

Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property.

Section IX. Land Use Factors (Please refer to ECL § 27-1415(3))

1. Current Use: ☒ Residential ☒ Commercial ☐ Industrial ☒ Vacant ☐ Recreational (check all that apply)
Provide summary of business operations as an attachment.

2. Intended Use Post Remediation: ☐ Unrestricted ☒ Residential ☒ Commercial ☐ Industrial (check all that apply)
Provide specifics as an attachment.

3. Do current historical and/or recent development patterns support the proposed use? (See #14 below re: discussion of area land uses) ☒ Yes ☐ No

4. Is the proposed use consistent with applicable zoning laws/maps? ☒ Yes ☐ No

5. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans? ☒ Yes ☐ No

6. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)). ☐ Yes ☒ No

7. Are there any federal or state land use designations relating to this site? ☐ Yes ☒ No

8. Do the population growth patterns and projections support the proposed use? ☒ Yes ☐ No

9. Is the property accessible to existing infrastructure? ☒ Yes ☐ No

10. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile? ☒ Yes ☐ No

11. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile? ☒ Yes ☐ No

12. Are there floodplains within ½ mile? ☒ Yes ☐ No

13. Are there any institutional controls currently applicable to the property? ☒ Yes ☐ No

14. Describe the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas in an attachment.

15. Describe the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge areas in an attachment.

16. Describe the geography and geology of the site in an attachment.

Section X. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. 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: N/A Signature: _____ Print Name: N/A

(By an requestor other than an individual)

I hereby affirm that I am Managing Member (title) of Sarah-Frank, 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. If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. 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: 9/12/11 Signature: David L. Genecco Print Name: David L. Genecco

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- Two (2) copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD, must be sent to:

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

- One (1) paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our [website](#) for the address of our regional offices.

FOR DEPARTMENT USE ONLY

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

**BROWNFIELD CLEANUP PROGRAM APPLICATION
SUPPORT DOCUMENT
Exhibit List**

- Exhibit A – DOS Forms for Requestor/Applicant LLC**
- Exhibit B - Site Location Map/ Survey/ BCP Site Map**
- Exhibit C - Tax Map and Tax Parcel Numbers**
- Exhibit D - Adjacent Use Map**
- Exhibit E - Deeds and Legal Property Descriptions**
- Exhibit F - Former Use/Recognized Environmental
Conditions Map**
- Exhibit G - Letter of Support from Ellen Polimeni, City of Canandaigua Mayor**
- Exhibit H - Project Design Map from approved
Final Environmental Impact Statement (FEIS) & FEIS Approval**
- Exhibit I - SEQRA Documents**
- Exhibit J - Previous Owners and Operators**
- Exhibit K - Adjacent Site Owners List**
- Exhibit L - Library Letter**
- Exhibit M - Zoning Map showing PUD**
- Exhibit N - Adjacent Wetland**
- Phase I Reports Attached Separately**

SECTION I - REQUESTOR INFORMATION

The Requester is an active New York Domestic Limited Liability Company. See Exhibit A. The Requestor owns all seven of the seven parcels representing the property. See Exhibit E.

SECTION II - PROPERTY INFORMATION

II.5: PROPERTY DESCRIPTION NARRATIVE:

The “Site” that will be the subject of this application is made up of approximately 15.5 acres in the City of Canandaigua, Ontario County, New York. See Exhibit B, including the Site Location Map, Survey and BCP Site Map overlayed on the survey. The Site is located near the shore of Canandaigua Lake across from Kershaw Park directly on the Lake. This multi-brownfield site is made up of seven individual parcels, currently characterized by some remaining commercial uses, but is otherwise vacant. [NOTE: Some of the exhibit maps show temporary residential uses (i.e. mobile homes) but these have all been removed from the Site]. The addresses for the seven parcels are 25 Booth Street [Tax Map No. 84.18-1-17], and 24 [Tax Map No. 84.18-1-20], 26 [Tax Map No. 84.18-1-19], 28 [Tax Map No. 84.18-1-18], 30 Lakeshore Drive (formerly 100) [Tax Map No. 84.18-1-15], 130 [Tax Map No. 84.18-1-13], and 158 Lakeshore Drive (formerly 150 and 158) [Tax Map No. 84.18-1-8.1 and 12; Note: these two lots were recently consolidated into Lot 10 on the City’s most recent Tax Map and the address was consolidated in 158 Lakeshore Drive]. See Exhibit C, including address and tax parcel chart and Tax Map.

The Site is immediately surrounded by commercial uses. To the north, the Site backs up to a retail plaza, called Parkway Plaza, which includes a former dry cleaning business (VCP Site Former Parkway Cleaners Site No. V00238-8; Index No. B8-0555-99-06) and the location of several former dry cleaning business to the east of Parkway Plaza; to the south is Lakeshore Drive, with Kershaw Park and Canandaigua Lake beyond; to the east is a Hess Gas Station and Muar Street; and to the west is GWF Real Estate (an inactive RCRA generator of hazardous waste and as a NYSDEC Petroleum Bulk Storage Facility), Booth Street and the Canal Feeder. See Exhibit B Survey for Adjacent Uses and Exhibit D, Adjacent Use Map.

See deeds and legal property descriptions included in Exhibit E.

SECTION III - CURRENT PROPERTY OWNER/OPERATOR INFORMATION

The Site is currently owned by:

- 25 Booth Street – Sarah-Frank, LLC, 1850 Rochester, Road, Canandaigua, New York 14424; Tel. 585-394-1025; Fax 585-394-8824. The owner does not have an email account.
- 24 Lakeshore Drive – Sarah-Frank, LLC -same
- 26 Lakeshore Drive – Sarah-Frank, LLC -same
- 28 Lakeshore Drive – Sarah-Frank, LLC - same
- 30 Lakeshore Drive – Sarah-Frank, LLC - same
- 130 Lakeshore Drive – Sarah-Frank, LLC -same
- 150-158 Lakeshore Drive (k/n/a 158 Lakeshore)– Sarah-Frank, LLC –same
See Exhibit E.

The Site is currently operated as follows:

- 25 Booth Street – vacant land of the former Red Jack Mobile Home Park, 1850 Rochester Road, Canandaigua, New York 14424 585-394-1025
- 24 Lakeshore Drive – Scoop’s Ice Cream Stand, 24 Lakeshore Drive Canandaigua, New York 14424 585-3946734 – (next to RCRA hazardous waste generator/petroleum bulk storage site)
- 26 Lakeshore Drive – vacant structure formerly used as Polimeni’s Restaurant John Polimieni, 26 Lakeshore Drive, Canandaigua, NY 14424 585-394-1410
- 28 Lakeshore Drive – Parking Lot (used by Polimeni’s; former dry cleaner and oil company/gas station) contact same as above
- 30 Lakeshore Drive – vacant mobile home park (former landfill, gas station and Spill Site # 9515876),
- 130 Lakeshore Drive – Waterfront Grill and Motel, 130 Lakeshore Drive, Canandaigua, New York 14424 585-394-3909 (contains two unidentified metal pipes suggesting USTs are present)
- 158 Lakeshore Drive – vacant structure formerly used as Bella Lago Restaurant 158 Lakeshore Drive, Canandaigua, New York 14424 585-394-5620 (Spill Site #8700894 and 1965 stained transformer likely containing PCBs).

SECTION IV – REQUESTOR ELIGIBILITY INFORMATION

As provided in the application, the Requestor is an eligible requestor in compliance with ECL§27-1407. Any contamination that may have occurred on the Site pre-dated the Requestor’s ownership.

SECTION V – PROPERTY ELIGIBILITY INFORMATION

In addition to the responses on the application, the following information further demonstrates this Site's eligibility for the BCP. Past uses include two former gas stations and a dry cleaner in the southwest area of the Site, a former landfill in the northwest area of the Site, underground (USTs) and above ground storage tanks (ASTs) throughout the center of the Site, a reported petroleum spill, and a suspect, leaking PCB containing transformer in the northeast area of the Site (which area is also downgradient of several former off-site dry cleaners) and historic fill, suspect USTs from two unidentified pipes in the southwest area of the Site, and a reported petroleum spill (likely crossgradient contamination from the existing Hess gas station). See Exhibit F, Former Use/Recognized Environmental Conditions Map. See Section VII "Property's Environmental History" for additional details regarding the past uses for each parcel.

The environmental history of each parcel is described in more detail below in Section VII entitled Property's Environmental History. Section VII, in conjunction with this entire application, and the Phase I reports attached separately, collectively demonstrate that the past uses of this Site create a reasonable basis to believe that contamination is likely to be present on this Site, and as such, the Site meets the brownfield site statutory definition in Environmental Conservation Law §27-1405(2), and the regulatory eligibility definition in 6 NYCRR §375-3.3(a)(1). Suspect contamination is anticipated to be confirmed from multiple historic uses, including the presence of multiple underground and above ground storage tanks used to store and distribute petroleum and chlorinated solvent products, an on-site landfill, a former gas station and dry cleaner, historic fill material, and at least one transformer. These historic uses were distributed throughout the Site such that it is reasonable to believe suspect contamination is present throughout the entire Site.

A. Some Actual and Overall Site-Wide Suspected Contamination

A "brownfield site" is defined by statute as "real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant." ECL §27-1405(2). This application demonstrates this Site is a brownfield site in conformance with the statutory and regulatory definition based on the Phase I reports attached, identifying suspect contamination from multiple historic uses that stored and used petroleum and chlorinated solvent products, an on-site landfill, historic fill material, the presence of underground and above ground storage tanks and at least one transformer.

Therefore, the site meets the first contamination element:

- (i) there must be confirmed contamination on the property or a ***reasonable basis to believe that contamination is likely to be present on the property;***

See 6 NYCRR §375-3.3(a)(1)(i).

With respect to evidence of actual contamination, Spill #9515876 was reported in March 1996 in

relation to a former gas station located in the center of the Site on parcel 30 Lakeshore Drive. The City of Canandaigua encountered petroleum while conducting street work along Lakeshore Drive in the vicinity of this parcel. Petroleum odor was also detected in the vicinity of two abandoned apparent fuel oil ASTs located on the northwest portion of the 30 Lakeshore Drive parcel. See Exhibit F identifying the location of these ASTs in the center of the Site. Spill Number #8700894, associated with 158 Lakeshore Drive, resulted from a suspect petroleum contamination leak and an on-site 1965 transformer, which is present. See Exhibit F. There is staining on the exterior of the transformer. Moreover, numerous ASTs have occupied 25 Booth Street and 30 Lakeshore Drive during the 50 years these sites were mobile home parks (the mobile home park at 30 Lakeshore Drive is now closed). While there is not yet any site data to demonstrate actual contamination, historic documented spills and visual observations of contamination provide sufficient evidence to conclude some portions of the Site are actually contaminated.

In addition, there is an existing on-site landfill covering approximately a quarter of the Site. See Exhibit F. Landfills have been deemed brownfields pursuant to Court of Appeals ruling in the *Lighthouse Pointe Associates, LLC v. NYSDEC*, 14 N.Y.3d 161 (2010), when the regular solid waste at the site contains hazardous substances in excess of the unrestricted and or restricted residential cleanup standards promulgated in 6 NYCRR Part 375-6.8(a) and (b), and the planned use is a residential project consistent with the City's zoning and development plans for that community. The off-site data that has been generated from the Parkway Plaza site suggests the landfill itself may also contain solvent contamination since despite 11 years of remedial efforts the contaminant levels at the property boundary and off-site are not significantly decreasing. See Exhibit F. Given the proximity of this landfill to Canandaigua Lake, there is a reasonable basis to believe all of the land between the landfill and the Lake may be impacted as a result of the presence of this landfill.

In addition, two former gas stations and another dry cleaner were present south of the landfill on the Site. Both gas stations and dry cleaners typically experience spills while such establishments are in operation. A spill is associated with one of the gas station sites. Therefore, there is a reasonable basis to believe these former uses caused Site contamination. See Exhibit F.

On the north and west side of the Site, two mobile parks have been present with numerous USTs and ASTs. In the *State v. Green* mobile home park case [96 N.Y.2d 403, 729 N.Y.S.2d 420 (2001)], leaking tanks required remediation of the site. Therefore, the presence of current or former ASTs and USTs creates a reasonable basis to believe suspect contamination is present. See Exhibit F.

Historic fill covers the remaining three quarters of the Site not otherwise filled by solid waste in the landfill area. See Exhibit F. Historic fill, like solid waste, typically contains hazardous substances caused by incomplete combustion of garbage and other hazardous substances such as coal ash and cinders, which were materials typically used to fill areas near water bodies such as this area. Therefore, the presence of a significant volume of historic fill creates a reasonable basis to believe suspect contamination is present.

B. Complication of Redevelopment is Also Confirmed

In addition to confirmed or suspect contamination:

- (ii) there must be a reasonable basis to believe that the contamination or potential presence of contamination may be complicating the development, use or re-use of the property.

See 6 NYCRR §375-3.3(a)(1)(ii).

According to the Department's March 3, 2005 Revised Eligibility Guidance document:

3. In determining whether there is a reasonable basis to believe that the contamination or potential presence of contamination may be complicating the development, use or re-use of the property, the Department will consider the following factors, to the extent such factors are relevant to the proposed site:

- (A) whether the proposed site is idled, abandoned or underutilized;
- (B) whether the proposed site is unattractive for redevelopment or reuse due to the presence or reasonable perception of contamination;
- (C) whether properties in the immediate vicinity of the proposed site show indicators of economic distress such as high commercial vacancy rates or depressed property values; and/or
- (D) whether the estimated cost of any necessary remedial program is likely to be significant in comparison to the anticipated value of the proposed site as redeveloped or reused.

There is also a reasonable basis to believe that the contamination or potential presence of contamination has been and is continuing to complicate the development, use or re-use of the property. First, the Site is situated in a prime location, but financing has been complicated by the suspected presence of contamination as a result of Phase I reports prepared in December 2007. *See* Phase I Reports separately attached. Financing has yet to be obtained for this project and the Requestor is hoping that by participating in the program, and beginning to fund the investigation and remediation, a lender will feel more comfortable loaning construction financing on the project. As a result, embarking upon this BCP project is a high risk investment for the Requestor, who does not know the extent of contamination on the Site, but has been presented with Phase I reports that conclude there are areas of environmental concern throughout the project Site.

In addition, the remediation efforts at the adjacent Parkway Cleaners VCP site is ongoing. The remediation of the residual solvent contamination still present has complicated redevelopment of that site. Since similar dry cleaning uses, and therefore, similar dry cleaning solvent, is either known or suspect to be present on this Site, there is a reasonable basis to believe that this contamination

known to exist, and/or suspect to exist, has been and will continue to complicate the development, use or re-use of this Site.

With respect to application of the Brownfield Guidance eligibility factors, to the extent still applicable, the following analysis of each Eligibility Guidance complication factor is provided below confirming the Site is eligible for the BCP:

(A) Whether the proposed site is idled, abandoned or underutilized – Much of the Site has been underutilized for some time now as it is vacant in most areas and completely underutilized particularly due to its close proximity to one of the State's most prestigious Finger Lakes. The highest and best use of this land is no longer for temporary, mobile home living, but for a new a mixed use residential development. Moreover, the on-site restaurant establishments are either abandoned or in need of renovation. The highest and best use of this land is not being realized, therefore, the Site meets the first brownfield site eligibility factor as it is vacant, abandoned, idle and underutilized.

(B) Whether the proposed site is unattractive for redevelopment or reuse due to the presence or reasonable perception of contamination - Based on the results of the Phase I investigations, which were prepared for Conifer Realty Corporation in 2007, Conifer did not purchase the parcels, and the project could not obtain financing. To this day, the planned project still cannot obtain financing. There are simply too many former uses on this Site such that lenders are concerned about a significant perception of contamination. Small releases of contamination from dry cleaners cause significant plumes and are difficult to remediate as demonstrated by the adjacent Parkway Plaza site. Even more than on-Site contamination, lenders fear migration of off-site contamination from a site on which they intend to place a loan due to off-site liability for other properties. The Requestor here knows that participation in this program enables lenders to proceed with financing due to NYSDEC and NYSDOH oversight of the remediation project and the issuance of a statutory and contractual State liability release.

In sum, the “dirty” Phase I reports, which acknowledge suspect areas of contamination, has made, and will continue to make, any real estate and financing transaction relating to this Site complicated due to the presence of this suspected contamination. Lenders and investors simply cannot run the risk of unknown contamination costs and toxic tort liability. This program enables some lenders to feel more comfortable about these risks. Outside of the program, it is not clear any lender would take on this risk in this economy. Any real estate transaction relating to this Site has been, and will continue to be, complicated by the presence of this contamination. All of these conditions have made the Site unattractive for redevelopment.

The City of Canandaigua strongly desires a new mixed use development to proceed on this Site and have already rezoned the area to enable such development. See Exhibit G: Support Letter from Ellen Polimeni, The City of Canandaigua Mayor. However, the developers, who have spent more than three years seeking financing for this project, and have been unable to proceed, now need to be given the opportunity to participate in this program to perform the level of cleanup required to secure a Certificate of Completion and Liability Release tied to achievement of the New York State unrestricted or residential cleanup standards in order to obtain the large construction loan needed to

redevelop the Site. It is extremely difficult to obtain financing at this time on a clean site. Therefore, formal participation in a program such as the BCP is required for contaminated real estate, especially in upstate New York.

All of the above have made the Site unattractive for redevelopment, particularly outside the context of this program. Thus, the Site meets the second brownfield site eligibility factor as it is unattractive for redevelopment due to not just perception of, but actual residual contamination, and significant suspect contamination from multiple on-Site former uses.

(C) Whether properties in the immediate vicinity of the proposed site show indicators of economic distress such as high commercial vacancy rates or depressed property values - The Site is not located in an Environmental Zone area. However, the Site is located in an area which has suffered from some level of economic distress due to the proximity of so many dry cleaners. The brownfield status of the property has prevented investment in the establishments on the Site. As noted above, this area is not desirable due to its long history of filling, including a landfill, multiple-dry cleaners, gas stations and numerous ASTs and USTs. As a result, the Site meets the third brownfield site eligibility factor.

(D) Whether the estimated cost of any necessary remedial program is likely to be significant in comparison to the anticipated value of the proposed site as redeveloped or reused - With respect to the fourth cost factor, while final costs are not yet available since Site investigation will continue under the BCP, the cost of remediation will likely be significant and at least proportional to the cost of redevelopment. The planned use for the Site is a commercial/residential development, and will likely require extensive Site work, capping and institutional and engineering controls if an unrestricted cleanup is not feasible, which is a likely result due to the landfill.

Cost associated with site preparation, soil remediation, and new infrastructure that will be required to redevelop this Site in contaminated soils, etc. is extremely expensive, and not the type of upfront costs that are being funded by any lender. Therefore, any remediation cost at this time will be expensive to the developer as such funds will come directly from their own pockets. Participation in this program is critical, since the program defines the limits of remediation for a volunteer, and promises certain forms of relief in exchange for the remedial efforts.

No one can accurately anticipate the future value of the land, particularly before the remaining remediation work is accomplished. Even after this work is accomplished, the Site is not likely to be able to achieve the unrestricted Track 1 cleanup levels, and therefore, institutional and engineering controls will be required causing long term, permanent stigma damages impacting future value even after the remediation is accomplished. The applicant will do what it can to overcome this stigma by performing a comprehensive remediation with the goal of achieving the highest level of residential standards feasible in order to assure the safety of future residential and recreational users. However, at this time, the applicant can only predict based on its prior experience that the fourth eligibility factor is satisfied in that the remedial cost will be significant, and is an upfront cost that will have to be expended in order to even minimally enhance the future value of the Site.

In sum, based on legislative history, existing BCP related case law, and facts relevant to this

particular Site, there is a reasonable basis to believe that the currently known contamination and suspect potential contamination is complicating development such that lenders and insurers remain reluctant to lend and insure this redevelopment project, and as such the complication element of the State's current eligibility test in its Eligibility Guidance document has been met.

SECTION VI - PROJECT DESCRIPTION

A. PURPOSE AND SCOPE OF THE PROJECT

A proposed mixed use development project has been planned for the Site including 334 dwelling units and 87,400 square feet of new commercial space. Exhibit H includes the Project Design Map from the approved Final Environmental Impact Statement (FEIS) and the City's Resolution #2010-056 approving the FEIS fully describing this project design. The project has gone through an extensive SEQRA process dating back to April 2008. The SEQRA process concluded in June 2010 with acceptance of the FEIS. See FEIS in Exhibit I. However, a re-evaluation of the project is also now going to occur to ensure the market can support the proposed uses.

B. ESTIMATED PROJECT SCHEDULE

The proposed project would begin with the remedial investigation soon after the Brownfield Cleanup Program Application for the Site is approved. This process is estimated to take approximately 2 ½ -3 months.

Construction of the proposed project is anticipated to take approximately 2-10 years over a multiple phase period.

For the First Phase: Excavation and Foundation: The excavation and foundation work required for the new building is expected to take approximately six months.

Building Construction: Erection and enclosure of the new structure would occur upon completion of the foundation, and is expected to require approximately six months.

Interior Construction: Interior construction activities are anticipated to require three months.

Tenant Build-outs and Finishing: The final three months of the construction sequence would be used for tenant build-outs and finishing. Depending on tenant size and leasing, certain interior tenant improvements may continue past the 18-month construction period.

However, construction work will not proceed until the Site investigation and Remedial Action Work Plan tasks are complete.

SECTION VII - PROPERTY ENVIRONMENTAL HISTORY

1. Summary of Environmental Reports

Copies of the ASTM Practice E1527-05 Phase I Environmental Site Assessment Reports, which have been prepared for each of the parcels that constitute this Site, are separately attached to this application and are summarized below by parcel. The Requestor has no relationship to the prior owners of each parcel below except for 25 Booth Street (Tax ID tax account #84.18-1-17) where Requestor Sarah-Frank LLC principal David Genecco was the owner of the parcel prior to the transfer of the parcel to Sarah-Frank LLC:

24 Lakeshore Drive, Tax Account #84.18-1-20

This portion of the overall site is approximately 0.35 acres in size. Its current use is a Scoops Ice Cream Stand. Past uses were residential and Carvel's Ice Cream Stand. The site includes an approximate 770-square foot, one-story, slab-on-grade, concrete block building and an asphalt-paved parking lot built in 1958. The property is utilized for commercial purposes. The vicinity is characterized by commercial uses. The property is reportedly serviced by the municipal sewer system and the municipal water system. The building is heated with a forced air furnace system fueled by natural gas.

Current adjoining properties are occupied as follows: vacant land (i.e. 25 Booth Street) to the north, Lakeshore Drive with Kershaw Park and Canandaigua Lake beyond to the south, a vacant structure formerly Polimeni's Restaurant (i.e. 26 Lakeshore Drive) to the east, and GWF Real Estate (i.e. 22 Lakeshore Drive) to the west.

A Phase I Environmental Site Assessment was performed for the property in December 2007 by Day Environmental, Inc. for Conifer Realty for the possible purchase of the Site for redevelopment into residential and commercial uses. The property was not found to be listed in any of the following regulatory databases: NPL, Delisted NPL, CERCLIS, CERCLIS NFRAP, RCRA CORRACTS facilities list, RCRA non-CORRACTS TSD facilities list, Federal institutional control/engineering control (IC/EC) registries, RCRA Generators, ERNS, NYSDEC IHWDS, NYSDEC HSWDS, SWF, NYSDEC Spills/LST, NYSDEC PBS, NYSDEC MOSF, NYSDEC CBS, State institutional control/engineering control registries, State Voluntary Cleanup Sites, State Brownfield Sites, State Environmental Remediation Program Sites, and Sites Subject to Environmental Easements.

However, two adjoining properties immediately to the west, 20 and 22 Lakeshore Drive, may have caused an environmental impact on this small tax parcel, along with migration from the landfill to the north and ASTs and USTs from the mobile home park. 20 Lakeshore Drive was occupied by Z&M Oil Company from 1930 to 1935, and GWF Homes Corporation in 1960. GWF Homes Corporation occupied 22 Lakeshore Drive from 1965 through 1994. GWF Real Estate is listed as an

inactive RCRA generator of hazardous waste and as a NYSDEC Petroleum Bulk Storage Facility. See Parcels marked “2E” and “2F” in Exhibit C; see also Exhibits D and F. In addition, various chemicals, solvents, and petroleum products are often used at oil companies. Since the past facility operations used and stored petroleum and generated hazardous waste, potential environmental impact was deemed suspect in the Phase I for this parcel.

26 Lakeshore Drive, Tax Account #84.18-1-19

This portion of the overall site is approximately 0.32 acres in size. Its current use is a vacant structure formerly Polimeni’s Restaurant, and an attached former motel, which is currently used for temporary residential purposes. Past uses include restaurant and motel. The site includes an approximate 4,142-square foot, one-story, concrete block building with a crawlspace built in 1920. The vicinity is characterized by commercial uses. The property is reportedly serviced by the municipal sewer system and the municipal water system. The building is heated with a forced air furnace system fueled by natural gas.

Current adjoining properties are occupied as follows: vacant land (i.e. 25 Booth Street) to the north, Lakeshore Drive, with Kershaw Park and Canandaigua Lake beyond to the south, parking lot (i.e. 28 Lakeshore Drive) to the east, and Scoop’s Ice Cream (i.e. 24 Lakeshore Drive) to the west.

A Phase I Environmental Site Assessment was performed for the property in December 2007 by Day Environmental, Inc. for Conifer Realty for the possible purchase of the Site for redevelopment into residential and commercial uses. The property was not found to be listed in any of the following regulatory databases: NPL, Delisted NPL, CERCLIS, CERCLIS NFRAP, RCRA CORRACTS facilities list, RCRA non-CORRACTS TSD facilities list, Federal institutional control/engineering control (IC/EC) registries, RCRA Generators, ERNS, NYSDEC IHWDS, NYSDEC HSWDS, SWF, NYSDEC Spills/LST, NYSDEC PBS, NYSDEC MOSF, NYSDEC CBS, State institutional control/engineering control registries, State Voluntary Cleanup Sites, State Brownfield Sites, State Environmental Remediation Program Sites, and Sites Subject to Environmental Easements.

While this parcel does not have its own suspect contamination history, it is likely this portion of the Site is being impacted by the same former uses adjacent to the 24 Lakeshore Drive site described above, the landfill and the mobile home park USTs and ASTs to the north and former dry cleaner and gas station to the east. See Exhibits C, D and F.

28 Lakeshore Drive, tax account #84.18-1-18

This portion of the overall Site is approximately 0.29 acres in size. Its current use is a parking lot. Past uses include residential, motel, dry cleaner, and gasoline station. This parcel is currently an approximately 0.29 acre asphalt paved parking lot. The vicinity is characterized by a mix of residential and commercial uses. The property is reportedly serviced by the municipal sewer system and the municipal water system.

Current adjoining properties are occupied as follows: vacant land (i.e. 25 Booth Street) to the north, Lakeshore Drive, with Kershaw Park and Canandaigua Lake beyond to the south, vacant mobile

home park (i.e. 30 Lakeshore Drive) to the east, and a vacant structure formerly Polimeni's Restaurant (i.e. 26 Lakeshore Drive) to the west.

A Phase I Environmental Site Assessment was performed for the property in December 2007 by Day Environmental, Inc. for Conifer Realty for the possible purchase of the Site for redevelopment into residential and commercial uses. The property was not found to be listed in any of the following regulatory databases: NPL, Delisted NPL, CERCLIS, CERCLIS NFRAP, RCRA CORRACTS facilities list, RCRA non-CORRACTS TSD facilities list, Federal institutional control/engineering control (IC/EC) registries, RCRA Generators, ERNS, NYSDEC IHWDS, NYSDEC HSWDS, SWF, NYSDEC Spills/LST, NYSDEC PBS, NYSDEC MOSF, NYSDEC CBS, State institutional control/engineering control registries, State Voluntary Cleanup Sites, State Brownfield Sites, State Environmental Remediation Program Sites, and Sites Subject to Environmental Easements.

The 28 Lakeshore Drive property (f/k/a 26 Lakeshore Drive), had the following past occupants listed in the City Directories: Sinclair Refining Company from 1930 and 1935, J&E Laundry in 1960, Lake Side Laundry in 1965 and 1970, and Lakeshore Laundromat in 1978. Various petroleum products are often used at gas stations, and chemicals and solvents are used at dry cleaning facilities. The fact that this parcel is a paved parking lot suggests the presence of contamination since typically prior facilities with operations such as these that stored petroleum products and generated solvent wastes paved their parcels to create a parking lot. These former operations likely contaminated this parcel and have caused an impact on adjacent parcels. The Laundromat/dry cleaner and oil company/ gas station formerly located on the property have been identified as a recognized environmental condition (REC) in relation to the Site.

30 Lakeshore Drive (a/k/a 100 Lakeshore Drive), Tax Account #84.18-1-15

This portion of the overall site is approximately 5.5 acres in size. Its current use is a vacant mobile home park. Past uses include a mobile home park, restaurant, motel, and gasoline station. There are no permanent structures present. The property is currently vacant. The vicinity is characterized by a mix of residential and commercial uses. The property is reportedly serviced by the municipal sewer system, the municipal water system, and gas and electric utilities.

Current adjoining properties are occupied as follows: McDonalds Restaurant and Parkway Plaza to the north, Lakeshore Drive, with Kershaw Park and Canandaigua Lake beyond to the south, vacant land (i.e. 25 Booth Street) to the northwest, parking lot (i.e. 28 Lakeshore Drive), to the southwest, and Water Front Grill Restaurant and motel cottages (i.e. 130 Lakeshore Drive) to the east.

A Phase I Environmental Site Assessment was performed for the property in December 2007 by Day Environmental, Inc. for Conifer Realty for the possible purchase of the Site for redevelopment into residential and commercial uses. The property was not found to be listed in any of the following regulatory databases: NPL, Delisted NPL, CERCLIS, CERCLIS NFRAP, RCRA CORRACTS facilities list, RCRA non-CORRACTS TSD facilities list, Federal institutional control/engineering control (IC/EC) registries, RCRA Generators, ERNS, NYSDEC IHWDS, NYSDEC HSWDS, SWF, NYSDEC PBS, NYSDEC MOSF, NYSDEC CBS, State institutional control/engineering control registries, State Voluntary Cleanup Sites, State Brownfield Sites, State Environmental Remediation

Program Sites, and Sites Subject to Environmental Easements.

The property is listed in the NYSDEC Spills/LST database. Spill #9515876 was reported on 3/11/96. The NYSDEC Spill Report Form states “while excavating along Lake Shore Drive, City of Canandaigua workers encountered petroleum contaminated soil approximately 5’ below grade. . . There appears to be no obvious source nearby. . .there was a hotel that was demolished about 1 year ago.” The Spill Report Form also indicates that the contaminated soil was stockpiled, sampled, and disposed of off the property. Day Environmental conducted a subsurface evaluation on the adjoining property to the east of the property in response to this spill, and petroleum contamination and fill materials were encountered. The extent of petroleum contamination and the extent of the fill materials were not defined during the subsurface evaluation. Thus, the petroleum contamination and fill materials encountered on the property were identified as a REC in relation to the Site as a result of the former gas station on this parcel.

In a 1938 aerial photograph, the property appears to be mostly undeveloped land, but also includes an area of disturbed land with access roads that appear to be partially covering the northern portion of the property. This is identified in the Phase I report as an indication of a possible landfill. The City of Canandaigua Fire Marshal informed Day Environmental that a City Dump was formerly located in the area of the property. Solid waste contains hazardous substances commonly found to contain contaminant levels above the unrestricted track 1 cleanup levels. The apparent existence of the former City Dump on this parcel is identified as a REC in relation to the Site.

There are also three other areas of concern with this parcel. First, approximately five propane aboveground storage tanks (ASTs) and approximately 10 apparent fuel oil ASTs of various sizes were observed on unpaved surfaces throughout the assessed property likely present from former mobile home trailer owners. Since a possible propane release would consist of a gas, the propane ASTs were not identified as a REC in relation to the property at the time the Phase I report of the parcel was prepared in 2007. However, the possibility of petroleum contamination from potential leakage of the abandoned fuel oil ASTs was identified as a REC. In addition, the property has been used as a mobile home park for approximately 50 years and fuel oil ASTs have been located throughout the property in various locations since that time. As such, suspected petroleum contamination due to spillage and overfilling on the unpaved ground surface was identified as a REC in the Phase I report.

Second, petroleum odor was detected in the vicinity of two abandoned apparent fuel oil ASTs located on the northwest portion of the property, which indicates the ASTs may have leaked fuel oil onto the ground surface. The possible exterior petroleum contamination by the historic use of fuel oil and leakage from the abandoned tanks on the assessed property was identified as a REC. Note: these tanks are no longer present.

Third, two monitoring wells were observed on the northern portion of the property. These are associated with the groundwater monitoring for the investigation of groundwater contamination at the adjoining VCP Parkway Plaza Dry Cleaners site.

130 Lakeshore Drive, Tax Account #84.18-1-13

This portion of the overall site is approximately 2.9 acres in size. Its current use is the Waterfront Grill and Motel. Past uses include residential, restaurant and motels. The site includes multiple buildings. The largest is an approximate 3,808-square foot, one-story, wood-frame building with two partial basements built in 1950. There are also six approximate 810-square foot, one-story, wood frame motel units. Two of the motel units have basements, one has a crawlspace, and three are slab-on-grade. The six smaller buildings were constructed 1930 through 1950. The property is utilized for commercial purposes. The vicinity is characterized by commercial uses. The property is reportedly serviced by the municipal sewer system and the municipal water system. The buildings are heated with a forced air furnace system fueled by natural gas.

Current adjoining properties are occupied as follows: Parkway Plaza (i.e. Eastern Blvd) and other former dry cleaners to the north, Lakeshore Drive, with Kershaw Park and Canandaigua Lake beyond to the south, a vacant structure formerly Bella Lago Restaurant (i.e. 158 Lakeshore Drive) to the east, and a vacant land formerly a mobile home park (i.e. 30 Lakeshore Drive) to the west.

A Phase I Environmental Site Assessment was performed for the property in December 2007 by Day Environmental, Inc. for Conifer Realty for the possible purchase of the Site for redevelopment into residential and commercial uses. The property was not found to be listed in any of the following regulatory databases: NPL, Delisted NPL, CERCLIS, CERCLIS NFRAP, RCRA CORRACTS facilities list, RCRA non-CORRACTS TSD facilities list, Federal institutional control/engineering control (IC/EC) registries, RCRA Generators, ERNS, NYSDEC IHWDS, NYSDEC HSWDS, SWF, NYSDEC SPILLS/LST, NYSDEC PBS, NYSDEC MOSF, NYSDEC CBS, State institutional control/engineering control registries, State Voluntary Cleanup Sites, State Brownfield Sites, State Environmental Remediation Program Sites, and Sites Subject to Environmental Easements.

However, of concern on the property were two unidentified metal pipes observed on the exterior of motel Unit #1. In addition, one unidentified pipe was observed on the exterior of motel Unit #2. The unidentified pipes that were observed may potentially be associated with a petroleum storage tank. The location of the potential tanks (i.e., UST or AST), and the status (i.e. existing or removed) of the potential tanks and the function of the unidentified pipes are unknown. In addition, it is not known if petroleum storage tanks were located on the assessed property, or if fuel oil was utilized as a heating source on this property. According to the Phase I report for this parcel, the unidentified pipes indicate that fuel oil may have been used as a heating source in the buildings located on the property. Thus, the possibility of petroleum contamination of the property due to spillage and overfilling of potential tanks is identified as a REC.

158 Lakeshore Drive, tax account #84.18-1-10 (f/k/a 8.1 and 12)

This portion of the overall site, which consists of two tax account numbers, is approximately 3.6 acres in size. Its current use is a vacant structure formerly the Bella Lago Restaurant. Past uses include residential, restaurant and motels. The parcel includes an approximate 12,876-square foot, one-story, concrete building with a basement built in 1960. This parcel is utilized for commercial purposes. The vicinity is characterized by commercial uses. This parcel is reportedly serviced by the municipal sewer system and the municipal water system. The buildings are heated with a forced

air furnace system fueled by natural gas.

Current adjoining properties are occupied as follows: Parkway Plaza and Fine Auto Parts to the north, City of Canandaigua Sanitary Sewer Pump Station to the northwest, Lakeshore Drive, with Kershaw Park and Canandaigua Lake beyond to the south, Hess Gasoline Station (i.e. 162 Lakeshore Drive) to the east and south, and Water Front Grill and Motel (i.e. 130 Lakeshore Drive) to the west.

A Phase I Environmental Site Assessment was performed for the property in December 2007 by Day Environmental, Inc. for Conifer Realty for the possible purchase of the Site for redevelopment into residential and commercial uses. The property was not found to be listed in any of the following regulatory databases: NPL, Delisted NPL, CERCLIS, CERCLIS NFRAP, RCRA CORRACTS facilities list, RCRA non-CORRACTS TSD facilities list, Federal institutional control/engineering control (IC/EC) registries, RCRA Generators, ERNS, NYSDEC IHWDS, NYSDEC HSWDS, SWF, NYSDEC PBS, NYSDEC MOSF, NYSDEC CBS, State institutional control/engineering control registries, State Voluntary Cleanup Sites, State Brownfield Sites, State Environmental Remediation Program Sites, and Sites Subject to Environmental Easements.

This parcel is listed in the NYSDEC Spills/LST database. Spill #8700894 was reported on 4/30/87 for Caruso's Lake Shore Restaurant at 158 Lakeshore Drive when "gasoline fumes in basement of restaurant" were detected. The Spill Report Form indicates that the Hess Station adjoining the spill site (i.e. 162 Lakeshore Drive) was the suspected source of the gasoline fumes. The monitoring wells at the Hess station were inspected and found to be clean. A sewage odor was also detected in the basement of the restaurant and it was suspected that the gasoline odor was from the sanitary sewer. The SRF indicates that the spill meets standards. Documentation was not obtained as part of this assessment nor a follow up study performed to determine the source and extent of the apparent gasoline odor (i.e., whether there was a spill or leak from the sewer, or whether groundwater from the monitoring wells at Hess were analyzed, etc.). Since the source of the gasoline odor was apparently not investigated, possible gasoline contamination at the parcel was identified as a REC. Moreover, as described below, the Hess Station has been undergoing remediation; therefore, off-site migration is likely.

In addition, five closed/inactive spills were identified on the Hess Station at the adjoining 162 Lakeshore Drive property, but one open spill remains from 1993 – Spill #9303037 – which relates to an unknown quantity of spilled petroleum. Based on a review of Spill #9303037 documents provided by NYSDEC in response to a FOIL request, investigation and remediation of the petroleum spill has been ongoing since 1993. In the most recent quarterly sampling report from the 3rd Quarter 2010, despite various attempted remediation approaches, BTEX concentrations at a monitoring well within 50 feet of the Site remain above 7,000 µg/liter and MTBE concentrations exceed 250 µg/liter. Based on the information provided on the Spill Report Forms, the Phase I report did not conclude the five closed spills as RECs in relation to this parcel. However, this does not mean the parcel has not been impacted by the Hess Station, and as described above, suspect petroleum contamination is still identified as a REC in relation to this parcel due to the uninvestigated Spill #8700894 incident and the open #9303037 spill. Further, since the Phase I report, Spill #9303037 has still not been closed and no off-site investigation has been performed on this Site to determine if off-site migration has occurred.

- Closed Spill #9104944 was reported on 8/7/91. The NYSDEC SRF indicates that customer overfilled their gasoline tank and three to four gallons of gasoline spilled onto pavement. The SRF states, “Speedy Dri applied and material cleaned up by Hess attendant. No further action needed.”
- Closed Spill #9110678 was reported on 1/14/92. The SRF states, “Hose on dispenser ruptured”, and “Fire Dept used Speedy Dri to absorb gasoline”. The SRF indicates that the spill meets standards.
- Closed Spill #9401252 was reported on 4/26/94. The SRF states, “Leaking fuel filter at dispenser caused 3-4 gals to spill to concrete pad,” and “material cleaned up with sorbents. .No further action needed by spills”.
- Closed Spill #9704934 was reported on 7/24/97. The SRF states, “A customer was filling a 5-gallon can some how the can is leaking. Fire Dept on scene and spill has been cleaned up. No further action needed by spills.”
- Closed/Inactive Spill #0485565 was reported on 2/15/05. The SRF states, “Caller complains that 1-2 gallons of gasoline spilled on the ground when an automatic shutoff did not work on pump #9,” and “follow up by Canandaigua Fire Dept, no further action needed by Spills.” The SRF indicates that the spill does not meet standards.

NYSDEC Petroleum Bulk Storage (PBS) facility (#8-302473) for the Amerada Hess Station #32451 at the adjacent 162 Lakeshore Drive indicates three removed and five currently installed 10,000 gallon tanks for gasoline, diesel and kerosene fuels. The five currently installed tanks are adjacent to the southern boundary of the Site and were installed around 1999 according to the documents provided by NYSDEC pursuant to a FOIL request. The FOIL documents also indicate the three tanks removed from service had last been leak tested in April 1993.

Another area of concern on this parcel is a concrete pad-mounted electrical transformer observed on the west side of the building. The exterior of the transformer appeared rusted, with staining on the sides of the transformer. This transformer was depicted on a 1965 survey map obtained from the City of Canandaigua Building Department, suggesting that the transformer may be over 45 years old. Based on the apparent age of the transformer, the Phase I Report concluded it is possible that it may contain dielectric fluid which contains PCBs. Due to the apparent poor condition of the transformer casing (i.e., rust with staining observed), there is a potential that PCB dielectric fluid may have been released to the surrounding ground surface. Therefore, this transformer is being identified as a recognized environmental condition.

In addition, two other areas of concern on adjoining properties may also be impacting this parcel. First, the vent and fill port for a fuel oil underground storage tank (UST) was observed on the adjoining property to the northwest (i.e. City of Canandaigua Sanitary Sewer Pump Station). According to Mr. Williard Clark, chief operator of Canandaigua Wastewater Treatment Facilities, as reported to Day Environmental, this diesel fuel UST fuels the back up generator for the pump station. This UST was identified as a recognized environmental condition in relation to the property. Second, numerous monitoring wells and an apparent vapor extraction system for remediation were observed on the adjoining property to the east (i.e. the Hess Gasoline Station at the adjacent 162 Lakeshore Drive). The Hess Gasoline Station is being identified as REC in relation to this parcel. A

spill remains open and no off-site investigation was performed.

25 Booth Street, tax account #84.18-1-17

This portion of the overall site is approximately 2.5 acres in size. Its currently vacant land and past, use is the Red Jacket Mobile Home Park. Before it was a mobile home park it was possible wetlands and grass-covered land. The site includes no permanent structures, but multiple mobile homes. The property is utilized for residential purposes. The vicinity is characterized by commercial uses. The property is reportedly serviced by the municipal sewer system, the municipal water system, and gas and electric utilities. Propane and fuel oil are used as a heating source for the mobile homes.

Current adjoining properties are occupied as follows: Booth Street, with commercial retail plaza (i.e. Grossmans) beyond to the north, commercial business (i.e. 20, 22, 24, 26 and 28 Lakeshore Drive) to the south, vacant land of a former mobile home park (i.e. 30 Lakeshore Drive) to the east, and Booth Street, with commercial retail plaza (i.e., Grossmans) beyond to the west.

A Phase I Environmental Site Assessment was performed for the property in December 2007 by Day Environmental, Inc. for Conifer Realty for the possible purchase of the Site for redevelopment into residential and commercial uses. The property was not found to be listed in any of the following regulatory databases: NPL, Delisted NPL, CERCLIS, CERCLIS NFRAP, RCRA CORRACTS facilities list, RCRA non-CORRACTS TSD facilities list, Federal institutional control/engineering control (IC/EC) registries, RCRA Generators, ERNS, NYSDEC IHWDS, NYSDEC HSWDS, SWF, NYSDEC Spills/LST, NYSDEC PBS, NYSDEC MOSF, NYSDEC CBS, State institutional control/engineering control registries, State Voluntary Cleanup Sites, State Brownfield Sites, State Environmental Remediation Program Sites, and Sites Subject to Environmental Easements.

An area of concern with the property is that approximately 25 propane aboveground storage tanks (ASTs) and approximately 15 apparent fuel oil ASTs of various sizes were observed throughout the property during the Phase I investigation in 2007. The ASTs were located on unpaved surfaces adjacent to the multiple mobile homes. The potential for contamination of the property by propane is unlikely, as propane would be released as a gas. Therefore, the propane ASTs were not identified as RECs in the Phase I. These tanks are no longer present. Suspect petroleum contamination of the parcel as a result of the fuel oil ASTs due to spillage and overfilling on the unpaved ground surface was identified as a REC, particularly given that the parcel has been used as a mobile home park for approximately 50 years and fuel oil ASTs have been located throughout the property in various locations. Thus, the possible exterior contamination of the ground surface by the historic and current use of fuel oil on the parcel was identified as a REC.

Adjacent Parcels That May be Impacting the Site

The following nearby properties were found to be listed in one of the databases for one or all of the seven properties that make up the application Site:

- A CERCLIS site (#NYN000204299) (i.e. City Mini Storage at 493 South Main Street) is

located approximately 0.4 miles northwest (i.e. assumed crossgradient direction) of the properties. Based on the location and information obtained from a representative of the NYSDEC, this CERCLIS site was not being identified as a recognized environmental condition in relation to the properties at the time of the 2007 Phase I Reports.

- A CERCLIS No Further Remedial Action Planned (NFRAP) site (#NYD980531339) (i.e. NYSEG Canandaigua Gas Plant Site at South Main Street) is located approximately 0.2 miles northwest (i.e. assumed crossgradient direction) of the properties. The Gas Plant site is also identified as a NYSDEC Hazardous Substance Waste Disposal Site. Based on the status and location of this NFRAP site, this NFRAP site was not being identified as a recognized environmental condition in relation to the properties at the time of the 2007 Phase I Reports.
- GWF Real Estate located at 22 Lakeshore Drive is listed as an inactive RCRA generator of hazardous waste (NYD987034303). This adjoining property is also identified as a NYSDEC Petroleum Bulk Storage Facility. Since the past facility operations, products used and stored, wastes generated, and operating practices are unknown for this inactive RCRA generator of hazardous waste, the potential environmental impact it may have on the properties cannot be ruled out. Therefore, this adjoining property is being identified as a recognized environmental condition in relation to the assessed properties.
- NYSDEC PBS facility (#8-600180) (i.e. GWF Homes Corporation at 22 Lakeshore Drive) is also identified as an inactive RCRA generator of hazardous waste. According to the NYSDEC PBS Facility Information Report, there were two PBS tanks located on this property. The first a 1,000 gallon gasoline tank and the second a 2,000 gallon gasoline tank. Both were removed in 1993. The PBS Facility Information Report lists the installation date for the two USTs as 1949. Thus, the USTs were located on this adjoining property for approximately 44 years. The condition of the two USTs at the time of removal, and if contaminated soil or groundwater was encountered, is unknown. The potential environmental impact these tanks may have caused to the Site was identified as a REC in the Phase I Report at least for 24 Lakeshore Drive.
- Amerada Hess Station #3245 at 162 Lakeshore Drive is listed as an inactive RCRA generator of hazardous waste (#NY0000288118). The Amerada Hess Station is also identified as a NYSDEC Petroleum Bulk Storage Facility. In addition, six closed spills have been identified for this site in the NYSDEC Spills/LST database. This adjoining property is being identified as a recognized environmental condition in relation to the properties.
- Parkway Laundromat (a/k/a Former Parkway Cleaners) at 51 Eastern Boulevard is listed as an inactive RCRA generator of hazardous waste (NY0000139691). This site is also listed as a Voluntary Cleanup Site. Remediation of this site is ongoing. Any residual contamination that has migrated onto this Site can be addressed as part of the remedy for this Site, although no active remedial measures have been identified in relation to this minor off-site migration of contamination
- A NYSDEC Hazardous Substance Waste Disposal Site (HSWDS) (#HS8014) (i.e. Former Canandaigua MGP Site at 699 South Main Street) is located approximately 0.2 miles northwest (i.e. assumed crossgradient direction) of the properties. This MGP site is also identified as a CERCLIS NFRAP site. Based on the location of this HSWDS, this HSWDS was not identified as a REC in relation to the Site at the time of the 2007 Phase I Reports. However, if coal tar was located at the Site, its origin would likely be this MGP Site.

- A review of the NYSDEC Spills/Leaking Storage Tank (LST) database identified as many as 60 closed/inactive spills within a 0.5-mile radius of the properties. In addition, 56 closed/inactive un-map-able spill sites are potentially located within a 0.5-mile radius of the properties. Based on the limited address information available for the closed/inactive un-map-able spill sites, they do not appear to be located on the properties or adjoining properties. Further investigation regarding the potential impact on the Site as a result of these closed/inactive spills did not appear warranted at the time of the 2007 Phase I Reports.
- Two closed/inactive spills are located at the adjoining property to the south (i.e. Kershaw Park). Closed Spill #9404946 was reported on 7/8/94. The Spill Report Form states, “caller indicates that past couple of days 20-25 fish have washed on to the shore.” The Spill Report Form indicates that the shoreline along Kershaw Park was investigated and no evidence of a fishkill or a spill was observed. The spill was closed and “no further action needed” by the Spills Unit. Based on the information provided on the Spill Report Form and the closed status of this spill, this spill was not identified as a REC in relation to the Site at the time of the 2007 Phase I Reports. Closed/inactive Spill #9605093 was reported on 7/18/96 when 10 55-gallon drums “oozing unknown petroleum” were encountered during an excavation. The Spill Report Form indicates that additional drums and five 30-gallon pails of black tar-like material were encountered during the installation of test pits on the site. “Ashes, decaying matter, C&D material, metal, and glass” were also found in test pit areas. The Spill Report Form indicates that the materials were sampled and disposed of as “Waste Flammable Solids”. The Spill Report Form also indicates that the spill does not meet standards. Since the extent of the apparent chemical waste and waste fill was not specified, it is possible that additional waste is present in the vicinity of the park. Based on the proximity of the park in relation to the Site, this spill was identified as a REC in relation to the Site at the time of the 2007 Phase I Reports.
- Five active map-able spills were also identified within a 0.5-mile radius of the properties. Based on a preliminary review of the topographic map, regional groundwater in the area of the Site appears to flow to the south toward the Lake. One active map-able spill is located approximately 0.4 miles northwest (i.e., assumed crossgradient direction) of the properties; one active map-able spill is located approximately 0.2 miles southwest (i.e. assumed crossgradient direction) of the Site; and one active mappable spill is located approximately 0.2 miles east (i.e. assumed crossgradient direction) of the Site. Based on the locations of these three active map-able spills, these active map-able spills were not identified as RECs in relation to the Site at the time of the 2007 Phase I Reports.
- One active map-able spill (#0750492) is located approximately 0.5 miles north (i.e. assumed upgradient direction) of the Site at the Ontario County Highway Department (i.e. 212 Saltonstall Street) and was reported on 7/2/07. The Spill Report Form states, “while performing a PBS inspection, nozzle is dripping into Bolard. Bolard top to be removed and cleaned up.” The Spill Report Form also indicates that the material spilled was gasoline and the resource affected is soil. Based on the information provided on the Spill Report Form, it appears that a small quantity of gasoline was spilled (i.e., leaked over time) onto the soil at this spill site. As such, it does not appear that this spill would be expected to have had an environmental impact (i.e., contaminant migration) on the Site. Therefore, this spill was not identified as a REC in relation to the properties at the time of the 2007 Phase I Reports.

- One active map-able spill (#0551459) is located approximately 0.4 miles north (i.e., assumed upgradient direction) of the Site at a residential home located at 170 Saltonstall Street. The Spill Report Form states, “Eco responding to report of deliberate dumping of at least 250-gallons of #2 Fuel Oil to sewers that lead to Canandaigua Lake Outlet. Also spillage to the soil beneath tank.” The Spill Report Form also indicates that a 275-gallon fuel oil tank leaked (i.e. until the tank was empty) fuel oil across the property, onto an adjoining property, and into the storm sewer. The Spill Report Form indicates that the storm sewer discharges into the feeder canal of Canandaigua Lake Outlet and that the spill occurred on the west side of the feeder canal. Approximately 1,000 gallons of contaminated water was recovered during the remediation of the spill with a vacuum truck. In addition, approximately 150 tons of contaminated soils were excavated from the spill site. The last entry on the Spill Report Form, dated 1/9/06, indicates that the soil excavation was completed, but that pooled water inside the excavation pit may need to be removed before the pit can be backfilled. No further information was provided on the Spill Report Form. The resources apparently affected by this spill were the soil on the spill site and the storm water that discharges into the Canandaigua Lake Outlet feeder canal. Since the property is located on the opposite side of the feeder canal, it does not appear that contamination from this spill would be expected to have migrated onto the Site. Therefore, this spill was not identified as a REC in relation to the properties at the time of the 2007 Phase I Reports.
- A State Voluntary Clean-up Program (VCP) Site (#V00595) (i.e. RGE Canandaigua [V] in proximity to 699 S. Main Street) is located approximately 0.2 miles northwest (i.e. assumed crossgradient direction) of the properties. This site is also identified as a CEFRLIS NFRAP site. Based on the location of this VCP, this VCP Site was not identified as a REC in relation to the Site at the time of the 2007 Phase I Reports.
- In addition, Parkway Plaza Cleaners at 85 Eastern Boulevard, a State VCP site (#V00238), is located within the Parkway Plaza, which adjoins the properties to the north. The NYSDEC Site Record for the VCP site indicates, “. . .dry cleaning with perchloroethene (PCE) was performed at this site”, and “investigations revealed soil and groundwater contamination with PCE and daughter products.” To date, soil removal has been conducted at the VCP site...” The Site Record also indicates, “vapor intrusion was mitigated by a sub-slab depressurization system”, and that microbes have been injected to treat groundwater. Day Environmental has been involved with the investigations and remediation of this adjoining VCP property. As part of these on-going studies, two groundwater monitoring wells were installed in September 2007 on property located at 30 Lakeshore Drive (i.e., the property located south of the VCP site and west of 130 Lakeshore Drive) to evaluate potential off-site contaminant impact. Samples collected from these wells in October 2007 did not contain detectable concentrations of PCE or daughter products. The NYSDEC has required additional rounds of groundwater sampling and/or additional remediation. This work is ongoing. The Parkway Plaza Dry Cleaners site was not identified as a REC in relation to the properties at the time of the 2007 Phase I Reports.

2. **Sampling Data**—See Application and Information above.

3. **Suspected Contaminants** – See Chart in the Application

4. **Known or Suspected Sources of Contamination** – See Application and information throughout this narrative Support Document (Landfill, Historic Fill, Gas Stations, Dry Cleaners, a Transformer and USTs and ASTs)
5. **Past Land Uses** - See Application and information above in Section VII.1 and below in Section VII.
6. **Previous Owners and Operators:**

A list of previous owners and operators was compiled from the abstracts of title, the Phase I Reports, a review of historical uses, and based on Sanborn Maps, and has been summarized in Exhibit J. The list also includes a summary of the easements and license agreements affecting the Site. It is important to note that for most of the parcels, individuals have owned the sites. Therefore, addresses have not been provided. The commercial establishments still open are still the addresses listed in this exhibit.

Prior to the timeframes listed in Exhibit J, the City operated the vast majority of the site as a landfill. There are no historic records documenting the exact nature and extent of the landfill boundaries. The remedial investigation will be designed to determine the nature and extent of the landfill.

SECTION VIII - CONTACT LIST INFORMATION

1. **The Chief Executive Officer:**

Mayor Ellen Polimeni
City of Canandaigua
190 Spencer Lane
Canandaigua, New York 14424

2. **The City Zoning Bureau:**

Richard E. Brown
City of Canandaigua
Director of Development & Planning
2 North Main Street
Canandaigua, New York 14424

3. **Residents, owners, and occupants of the site and properties adjacent to the site:**

Owners or occupants of the Site and adjacent sites are listed in Exhibit J and Exhibit K, the BCP Contact List.

4. **Local news media from which the community typically obtains information:**

Messenger Post Newspapers
73 Buffalo Street
Canandaigua, New York 14424
(585) 396-3030

5. The public water supplier that services the area where the site is located:

Water and sewer services in the area is provided by the City of Canandaigua.

James P. Sprague, PE
City of Canandaigua
Public Works Director
205 Saltonstall Street
Canandaigua, New York 14424

6. Any person who has requested to be placed on the site contact list:

No person has yet requested to be placed on the site contact list.
Interested parties include: The City of Canandaigua Planning Department, the City of Canandaigua City Council, the City of Canandaigua Department of Public Works, the City of Canandaigua Building Department, Ontario County Planning Department, New York State DOT, New York State DEC, New York State Health Department and FEMA.

7. The administrator of any school or day care facility located on or near the site:

There are no schools or day care facilities located on the Site or near the Site.
The closest schools and day care facilities are located 1.37 miles away, St. Mary's School at 16 Gibson Street.

8. The location of a document repository for the project (e.g., local library):

Wood Library
134 North Main Street
Canandaigua, New York 14424
(585) 394-1381
WoodLibrary@OWWL.org
Hours: Mon-Thurs 10am-9pm, Fri 10am-5pm, Sat 10am-2pm
The library has accepted status as the repository.
See Exhibit L including library letter.

SECTION IX - LAND USE FACTORS

- 1. Current Use:** See Response to Section III. The current uses are two vacant parcels that used to house mobile home parks, several restaurant structures, an ice

cream stand and a parking lot, with much of the overall land area being vacant. See also Survey in Exhibit B.

2. **Intended Use Post Remediation:** To the extent unrestricted use can be feasibility achieved, this will be the remedial goal. However, based upon known facts, including extensive landfill and other fill materials, it is not yet known if achievement of the unrestricted cleanup standards can be achieved. However, the goal is restricted residential, either through a Track 2 or Track 4 approach.
3. **Do current historical and/or recent development patterns support the proposed use? (See #14 below re: discussion of area land uses)**
Yes. The City of Canandaigua supports this project and approved on June 3, 2010 a Final Environmental Impact Statement (FEIS) for the Planned Unit Development “PUD” zoning designation pursuant to the Planned Unit Development Ordinance of the City of Canandaigua as set forth in Article XII of the Code of the City of Canandaigua in support of the project based on the December 2009 PUD Sketch plan. See Exhibit G and FEIS in Exhibit I. Therefore, current historical and/or recent development patterns in the City support further redevelopment and improvement of properties near the Lake.
4. **Is the proposed use consistent with applicable zoning laws/maps?**
Yes. The Site is in the newly adopted PUD planned use development district, which allows for commercial and residential uses. A copy of the relevant zoning map showing the PUD is attached in Exhibit M.
5. **Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans?**
Yes. The City’s Comprehensive Plan and the DEIS for the project, which confirms the planned project is consistent with the Comprehensive Plan, are on the City of Canandaigua’s website (<http://canandaigua.govoffice.com>). According to the DEIS, the Project promotes the goals outlined by the City of Canandaigua within its Comprehensive Plan. The Comprehensive Plan encourages “a fine blend of mixed uses that are opened to the public, located within close walking distances from one another to create a lively, synergistic combination of activities.” The Lighting design will be consistent with the existing lights along Lakeshore Drive and the architecture will be a modern spin on the traditional style found on Main Street (see Section 3.10 and 4.10). The proposed street network is also consistent with the City’s goal to “promote construction of residential streets built on the traditional street grid” (see City Comprehensive Plan §5.2.3-7) A new east- west street is proposed that connects Booth Street to Muar Street and three new north-south bound streets are proposed, which will encourage pedestrian movement by providing sidewalks on all of the new proposed streets as well as walkways through the site connecting Kershaw Park with the public areas of the development. Finally, the project is consistent with the

Comprehensive Plan since it will create a holistic getaway for visitors to the Lake, spur local business development while eliminating blight, decrease the traffic issues that currently exist in the area, create a tax base for the City, and create jobs and quality housing options for the Canandaigua community.

6. Are there any Environmental Justice Concerns (See §27-1415(3) (p)).

There are no Environmental Justice Concerns pursuant to §27-1415(3)(p)

7-10. Answered as “yes” or “no” on the application form itself; See also DEIS.

11. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats or endangered or threatened species within ½ mile?

Yes, there is a New York State wetland CG-20 located on the adjacent parcel to the east of Muar Street as shown in Exhibit N. An Article 24 Wetland Buffer Zone permit will be required from NYSDEC. See DEIS. Additionally, Canandaigua Lake is to the south of the site.

12. Are there floodplains within ½ mile?

Yes. The Project area contains a 100 year floodplain with an elevation of 692 feet according to the Flood Emergency Rate Map (FIRM), map numbers 360597001C and 360597002C effective date September 24, 1982 (see DEIS Appendix 7). The highest recorded lake level elevation was 692.1 feet during Tropical Storm Agnes in 1972. The Project area floodplain generally follows the contours of the lake extending from the lake 125 feet north to Lakeshore Drive, except that it extends a maximum of 350 feet onto shore in the Lakeshore House / Hess Gas Station vicinity. The feeder canal (which is outside of the project area) has a floodplain extending approximately 25 feet onto each shoreline. Additionally, the floodplain extends along the southern side of Eastern Boulevard (NYS Route 5 & 20) from the former Wegman’s Plaza to Muar Street and is contained by the highway and the parking lots for Parkway Plaza. There are no FEMA floodways (as opposed to floodplains) within the project area. A floodplain development permit will be required from NYSDEC and FEMA. In order to accommodate this issue, portions of the site will be raised. See DEIS.

13. Are there any institutional controls currently applicable to the property?

The Site is subject to RG&E and City of Canandaigua easement described in Section II.6 of the application and as depicted on the survey map in Exhibit B. See also list of cross-parcel easements and license agreements in Exhibit J.

14. Describe the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas.

The Subject Property is located adjacent to one of the Finger Lakes and an existing public park. There are no adjacent agricultural uses and the surrounding commercial and residential uses have been described throughout this application.

15. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the site, including proximity to wellhead protection and groundwater recharge.

Based on the currently known conditions at the Site, it is possible groundwater could migrate from the site. However, the Site is supplied by municipal water. Therefore, there is very little potential that groundwater from the Site could affect either municipal water supply wells or recharge areas.

16. Describe on attachment the geography and geology of the site.

According to the United State Geological Survey (USGS) Canandaigua, New York quadrangle (dated 1978) and Canandaigua Lake, New York (dated 1978) information regarding site topography and physical setting, the Site is 700 feet above sea level and the topography is relatively level. There are no surface water bodies on the Site. Stormwater drains to a catch basin in the parking lot via the on-site sewer easement. Based on a preliminary review of the topographic maps, the Phase I Reports concluded that regional groundwater in the area appears to flow south toward Canandaigua Lake, located approximately 250 feet from the property boundary. This flow direction may be modified locally by buried utilities, nearby pumping, seasonable conditions and other factors.

With respect to geology of the site, according to contacts at the City, properties on Lakeshore Drive were originally wetlands filled in by a developer in or about the 1930s. Part of the site was apparently a municipal landfill and another part of the site was filled with historic fill material. Therefore, the surface soils do not consist of native geology.

The DEIS described the soils in the area in Table 3.1.2 as Sloan Silt Loam (0 to 1% slopes), a very fertile soil, but it is so poorly drained that it is unsuitable for agriculture. If there are no outlets for the water, draining the soil is challenging. Hydric soils are present in the designated wetland areas to the east shown in Exhibit N.