



June 13, 2017

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

Re: Certificate of Completion
SAC No.: C303000
Orchard-Whitney Site
City of Rochester, Monroe County
Site Number E828123

Dear Chief:

Please find enclosed, proof of filing of the Certificate of Completion, with the Monroe County Recording Office, for the above referenced Site. A copy of the COC has also been placed in the project's document repository at the City's Lyell Avenue Branch Library, located at 956 Lyell Avenue, Rochester. The Site Management Plan, approved on October 17, 2016, will be implemented. The first Periodic Review Report (PRR) including certification of Institutional Controls/Engineering Controls (IC/EC) will be completed and submitted by May 2018.

Please feel free to contact me at (585) 428-7892 or via e-mail at Jane.Forbes@cityofrochester.gov if you have any questions or comments.

Regards,

Jane MH Forbes
Environmental Specialists – Remediation
City of Rochester – Division of Environmental Quality
30 Church Street Room 300B
Rochester, New York 14614
(585) 428-7892 (office)
(585) 428-6010 (fax)
(585) 314-1719 (cell)

Cc: Todd Caffoe, NYSDEC Region 8

G:\ENVQUAL\JANE\PROJECTS\Orchard Whitney\415 Orchard SI 2014\Notice to NYSDEC_COC Filing_June-13-2017.doc



NOTICE OF CERTIFICATE OF COMPLETION
Environmental Restoration Program
Pursuant to 6 NYCRR Part 375-1.9(d)

Orchard-Whitney Site, Site ID No. E828123
354 Whitney Street and 415 Orchard Street, Rochester, New York 14614
City of Rochester, Monroe County
Tax Map Identification Number(s) **105.66-3-23 and 105.6-3-24**

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to 6 NYCRR Part 375 to City of Rochester for a parcel approximately 4.073 acres located at 354 Whitney Street and 415 Orchard Street in the City of Rochester.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the State Assistance Contract, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 56, Title 5 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

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

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

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

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Monroe County as 201610250758.

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

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 56-0509. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 56-0509. The liability limitation shall be subject to all rights reserved to the State by ECL Section 56-0509 and any other applicable provision of law.

Orchard-Whitney Site, E828123, 354 Whitney Street and 415 Orchard Street

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

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

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

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

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 8 Headquarters at 6274 East Avon-Lima Road, Avon, New York 14414 by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

City of Rochester
By: [Signature]
Title: MANAGER OF ENVIRONMENTAL QUALITY
Date: 4-17-17

STATE OF NEW YORK) SS:
COUNTY OF MONROE)

On the 17th day of April, in the year 2017, before me, the undersigned, personally appeared Mark R. Gregor, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

[Signature]
Division of Environmental Quality
Signature and Office of individual
taking acknowledgment

Please record and return to:

City of Rochester
Mark Gregor, Manager Environmental Quality
30 Church Street, Room 300B
Rochester, New York 14614

VICKI BRAUN
Notary Public in the State of New York
MONROE COUNTY
Commission Expires August 18, 2018

01 BR 4868858

MONROE COUNTY CLERK'S OFFICE
ROCHESTER, NY

THIS IS NOT A BILL. THIS IS YOUR RECEIPT

Return To:
BOX 36

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION

ROCHESTER CITY OF

Receipt # 1610085

Index DEEDS

Book 11870 Page 645

No. Pages : 10

Instrument CERTIFICATE OF COMPLETION

Date : 06/07/2017

Time : 03:01:00PM

Control # 201706070706

Ref 1 #

Employee : TracyC

COUNTY FEE NUMBER PAGES	\$	45.00
RECORDING FEE	\$	45.00

Total \$ 90.00

State of New York

MONROE COUNTY CLERK'S OFFICE

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

ADAM J BELLO
MONROE COUNTY CLERK



PI182-201706070706-10

NOTICE OF CERTIFICATE OF COMPLETION

**Environmental Restoration Program
Pursuant to 6 NYCRR Part 375-1.9(d)**

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354 Whitney Street and 415 Orchard Street, Rochester, New York 14614
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RJR Box 36
SCS

017 JUN -7
F11 3:01

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Orchard-Whitney Site, E828123, 354 Whitney Street and 415 Orchard Street

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WHEREFORE, the undersigned has signed this Notice of Certificate

City of Rochester


By: 

Title: MANAGER OF ENVIRONMENTAL QUALITY

Date: 4-17-17

STATE OF NEW YORK) SS:
COUNTY OF MONROE)

On the 17th day of April, in the year 2017, before me, the undersigned, personally appeared Mark R. Gregor, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


Division of Environmental Quality
Signature and Office of individual
taking acknowledgment

VICKI BRAWN
Notary Public in the State of New York
MONROE COUNTY
Commission Expires August 18, 2018

01 BR 4868858

Please record and return to:

City of Rochester
Mark Gregor, Manager Environmental Quality
30 Church Street, Room 300B
Rochester, New York 14614

12/03/09

Section: 105
Subsection: 660
S_B_L Image: 105.66-3-23
Ground Water Use Restriction
Landuse Restriction
Site Management Plan

Description of Engineering Control

City of Rochester

354 Whitney Street

Environmental Easement

Block: 0003

Lot: 024

Sublot:

Section: 105

Subsection: 660

S_B_L Image: 105.6-3-24

Cover System

Vapor Mitigation

415 Orchard Street

Environmental Easement

Block: 0003

Lot: 023

Sublot:

Section: 105

Subsection: 660

S_B_L Image: 105.66-3-23

Cover System

Vapor Mitigation



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 12/8/2016



SITE DESCRIPTION

SITE NO. E828123

SITE NAME Orchard-Whitney Site

SITE ADDRESS: 415 Orchard Street & 354 Whitney Street **ZIP CODE:** 14806

CITY/TOWN: Rochester

COUNTY: Monroe

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	√	<input type="checkbox"/>
Monitoring Plan	<input type="checkbox"/>	√
Operation and Maintenance (O&M) Plan	<input type="checkbox"/>	√

Periodic Review Frequency: 1 year

Periodic Review Report Submittal Date: 05/31/18

Description of Institutional Control

City of Rochester
 354 Whitney Street
 Environmental Easement
 Block: 0003
 Lot: 024
 Sublot:
 Section: 105
 Subsection: 660
 S_B_L Image: 105.6-3-24
 Ground Water Use Restriction
 Landuse Restriction
 Site Management Plan

415 Orchard Street
 Environmental Easement
 Block: 0003
 Lot: 023
 Sublot:

Exhibit A
Site Description

SCHEDULE "A" PROPERTY DESCRIPTION

PARCEL A (354 WHITNEY STREET)

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF ROCHESTER, COUNTY OF MONROE, STATE OF NEW YORK, BEING PART OF TOWN LOT 62, 20,000 ACRE TRACT, TOWNSHIP 1, SHORT RANGE, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIN IN THE EASTERLY LINE OF WHITNEY STREET WHICH IRON PIN IS LOCATED 499.44 FEET SOUTH OF THE INTERSECTION OF THE EASTERLY LINE OF WHITNEY STREET WITH THE SOUTH LINE OF LYELL AVENUE; THENCE

- 1) NORTHERLY ALONG THE EASTERLY LINE OF EASTERLY LINE OF WHITNEY STREET A DISTANCE OF 332.28 FEET TO A POINT; THENCE
- 2) EASTERLY AND MAKING AN INTERIOR ANGLE WITH THE LAST DESCRIBED COURSE OF 89°55'44" A DISTANCE OF 218.98 FEET TO A POINT; THENCE
- 3) NORTHERLY AND MAKING AN INTERIOR ANGLE WITH THE LAST DESCRIBED COURSE OF 270°04'00" A DISTANCE OF 48.43 FEET TO A POINT; THENCE
- 4) EASTERLY AND MAKING AN INTERIOR ANGLE WITH THE LAST DESCRIBED COURSE OF 90°01'10" A DISTANCE OF 128.51 FEET TO A POINT; THENCE
- 5) SOUTHERLY AND MAKING AN INTERIOR ANGLE WITH THE LAST DESCRIBED COURSE OF 90°00'00" A DISTANCE OF 200.20 FEET TO A POINT; THENCE
- 6) WESTERLY AND MAKING AN INTERIOR ANGLE WITH THE LAST DESCRIBED COURSE OF 90°00'20" A DISTANCE OF 40.20 FEET TO A POINT; THENCE
- 7) SOUTHERLY AND MAKING AN INTERIOR ANGLE WITH THE LAST DESCRIBED COURSE OF 270°00'40" A DISTANCE 132.45 FEET TO A POINT; THENCE
- 8) EASTERLY AND MAKING AN INTERIOR ANGLE WITH THE LAST DESCRIBED COURSE OF 269°57'00" A DISTANCE OF 26.08 FEET TO A POINT; THENCE
- 9) SOUTHEASTERLY ON A CURVE TO THE LEFT, HAVING A RADIUS OF 7.44 FEET, A DISTANCE OF 18.46 FEET TO A POINT, SAID POINT BEING 14 FEET FROM THE END OF COURSE #8 EXTENDED; THENCE
- 10) EASTERLY ON THE LINE OF COURSE #8 EXTENDED, A DISTANCE OF 20.43 FEET TO A POINT; THENCE
- 11) SOUTHERLY AND MAKING AN INTERIOR ANGLE WITH THE LAST DESCRIBED COURSE OF 90°00'00" A DISTANCE OF 20.58 FEET TO A POINT; THENCE
- 12) EASTERLY AND MAKING AN INTERIOR ANGLE WITH THE LAST DESCRIBED COURSE OF 270°00'00" A DISTANCE OF 118.06 FEET TO A POINT; THENCE
- 13) SOUTHERLY AND MAKING AN INTERIOR ANGLE WITH THE LAST DESCRIBED COURSE OF 89°43'50" A DISTANCE OF 28.18 FEET TO A POINT; THENCE
- 14) WESTERLY AND MAKING AN INTERIOR ANGLE WITH THE LAST DESCRIBED COURSE OF 90°10'10" A DISTANCE OF 485.84 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING AN AREA OF APPROXIMATELY 120,697 SQUARE FEET OR 2.771 ACRES MORE OR LESS.

PARCEL B (415 ORCHARD STREET)

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF ROCHESTER, COUNTY OF MONROE, STATE OF NEW YORK, BEING PART OF TOWN LOT 62, 20,000 ACRE TRACT, TOWNSHIP 1, SHORT RANGE, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF ORCHARD STREET 192.42 FEET DISTANT SOUTH OF THE INTERSECTION OF THE INTERSECTION OF LYELL AVENUE WITH THE WEST LINE OF ORCHARD STREET; RUNNING THENCE THE FOLLOWING BEARINGS AND DISTANCES: THENCE

- 1) SOUTH ALONG THE WEST LINE OF ORCHARD STREET A DISTANCE OF 308.22 FEET TO ITS INTERSECTION WITH THE NORTH LINE OF LANDS NOW OR FORMERLY OF THE NEW YORK CENTRAL RAILROAD; THENCE
- 2) WEST AT AN INTERIOR ANGLE WITH COURSE No. 1 OF 89°53'50" AND ALONG THE NORTH LINE OF SAID NEW YORK CENTRAL RAILROAD LANDS A DISTANCE OF 42.49 FEET TO A POINT; THENCE
- 3) NORTH AT AN INTERIOR ANGLE WITH COURSE No. 2 OF 89°49'35" A DISTANCE OF 28.18 FEET; THENCE
- 4) WEST AT AN INTERIOR ANGLE WITH COURSE No. 3 OF 270°16'10" A DISTANCE OF 118.06 FEET; THENCE
- 5) NORTH AT AN INTERIOR ANGLE WITH COURSE No. 4 OF 90°00'00" A DISTANCE OF 20.58 FEET; THENCE
- 6) WEST AT AN INTERIOR ANGLE WITH COURSE No. 5 OF 270°00'00" A DISTANCE OF 20.43 FEET; THENCE
- 7) NORTHWESTERLY ON A CURVE TO THE RIGHT, A DISTANCE OF 18.23 FEET ON A CURVE HAVING A RADIUS OF 7.44 FEET; THENCE
- 8) WEST AND A CONTINUATION OF COURSE No. 6 A DISTANCE OF 26.08 FEET; THENCE
- 9) NORTH AT AN INTERIOR ANGLE WITH COURSE No. 8 OF 90°03'00" A DISTANCE OF 132.45 FEET; THENCE
- 10) EAST AT AN INTERIOR ANGLE WITH COURSE No. 9 OF 89°59'20" A DISTANCE OF 40.20; THENCE
- 11) NORTH AT AN INTERIOR ANGLE WITH COURSE No. 10 OF 269°59'40" A DISTANCE OF 126.20 FEET; THENCE
- 12) EAST AT AN INTERIOR ANGLE WITH COURSE No. 11 OF 90°11'30" A DISTANCE OF 180.86 FEET TO THE PLACE OF THE BEGINNING. THE LAST COURSE MAKING AN INTERIOR ANGLE WITH THE FIRST COURSE OF 89°46'51" TO THE POINT OR PLACE OF BEGINNING.

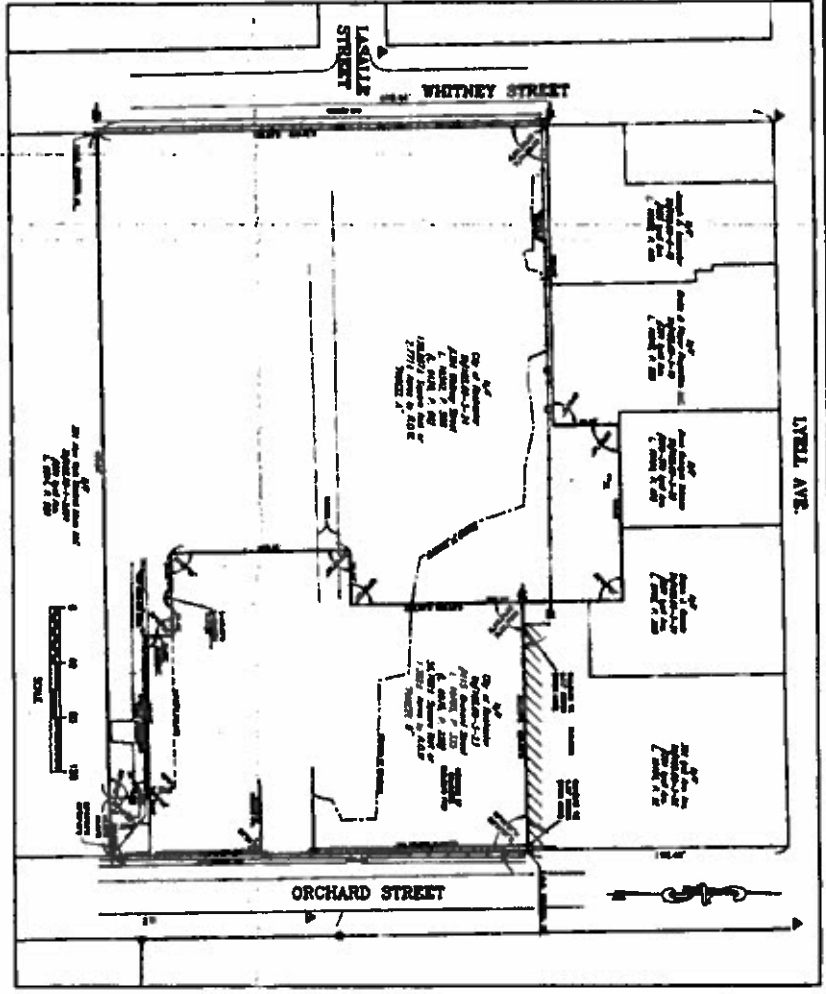
CONTAINING AN AREA OF APPROXIMATELY 56,702 SQUARE FEET OR 1.302 ACRES MORE OR LESS.

Exhibit B

Site Survey

LANDMARK DESCRIPTION

1. This is a plan of the property shown on the attached map, and is intended to show the location of the property in relation to the streets and other landmarks shown on the map. The property is bounded on the north by Whitney Street, on the east by 34th Ave., on the south by Orchard Street, and on the west by Lasalle Street. The property is divided into several lots, and is shown with its various features and improvements. The map is drawn to scale, and is intended to show the general location and boundaries of the property.



CONVEYANCE
 This plan is intended to show the location of the property in relation to the streets and other landmarks shown on the map. The property is bounded on the north by Whitney Street, on the east by 34th Ave., on the south by Orchard Street, and on the west by Lasalle Street. The property is divided into several lots, and is shown with its various features and improvements. The map is drawn to scale, and is intended to show the general location and boundaries of the property.

GENERAL NOTES
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THE PROPERTY IS SUBJECT TO AN EASEMENT
 GRANTED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 16 OF ARTICLE 11 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW. THE DEPARTMENT AND RECEIVING CONTRACTOR FOR THE EASEMENT ARE SET FORTH IN THE ATTACHED EASEMENT AGREEMENT. THE EASEMENT IS A PERPETUAL EASEMENT FOR THE PURPOSES OF THE ENVIRONMENTAL CONSERVATION LAW. THE EASEMENT IS GRANTED TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, ALBANY, NY 12212 OR ITS SUCCESSORS.

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LEGEND

1	Lot 1
2	Lot 2
3	Lot 3
4	Lot 4
5	Lot 5

<p>SHOWING EASEMENT TO NYA, D.E.C. PARCELS A & B</p>	<p>DATE: 1/1/81</p>
	<p>SCALE: 1" = 100'</p>
<p>City of Rochester ROOSEVELT, NEW YORK</p>	<p>Engineers</p>
<p>415 Orchard Street 204 Webster Street 507 5th Avenue City of Rochester, County of Monroe, State of New York</p>	<p>778 State Street, Suite 202 Rochester, New York 14604 Phone: 585-1487 Fax: (585) 268-0241 Telecommunications</p>