

## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

DEC 06 2016

Pittsford Canalside Properties LLC  
301 Exchange Boulevard  
Rochester, New York 14608

Re: Certificate of Completion  
Monoco Oil Site  
Site No. C828137  
Village of Pittsford, Monroe County

Dear Mr. DiMarzo:

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

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

- If you are the site owner, you must record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. A copy of the recorded notice should be provided to the Department's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter. Please return the proof of recording to:

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



Department of  
Environmental  
Conservation

- Provide the notice of the COC to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days;
- Implement the Department-approved Site Management Plan (SMP) which details the activities necessary to assure the performance, effectiveness, and protectiveness of the remedial program; and you must report the results of these activities to the Department in a Periodic Review Report (PRR) which also includes any required IC/EC Certifications. The site IC/ECs are identified on the attached Site Management Form. The first PRR including the certification of the IC/ECs is due to the Department in May 15, 2018.

If you have any questions regarding any of these items, please contact Charlotte B. Theobald at 585-226-5354.

Sincerely,



Robert W. Schick, P.E.  
Director

Division of Environmental Remediation

ec w/ enclosure:

Christopher DiMarzo - Pittsford Canalside Properties LLC  
(cdimarzo@markiventerprises.com)

Steve DiMarzo – Pittsford Canalside Properties LLC  
(Sdimarzo@markiventerprises.com)

Ronald Hull – Underberg & Kessler (RHull@underbergkessler.com)

K. Anders - NYSDOH

M. Sergott - NYSDOH

ec w/o enc.:

C. Theobald

B. Schilling

M. Cruden

T. Caffoe

D. Loew

G. Heitzman

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)  
**CERTIFICATE OF COMPLETION**

**CERTIFICATE HOLDER(S):**

Name	Address
Pittsford Canalside Properties LLC	301 Exchange Boulevard, Rochester, NY 14608

**BROWNFIELD CLEANUP AGREEMENT:**

**Application Approval:** 9/7/06    **Agreement Execution:** 8/14/07    **Agreement Index** B8-0728-06-08

**Application Approval Amendment:** none

**Agreement Execution Amendment:** none

**SITE INFORMATION:**

**Site No.:** C828137    **Site Name:** Monoco Oil Site  
**Site Owner:** Pittsford Canalside Properties, LLC  
**Street Address:** 75 Monroe Avenue  
**Municipality:** Pittsford    **County:** Monroe **DEC Region:** 8  
**Site Size:** 7.386 Acres  
**Tax Map Identification Number(s):** 151.18-1-51.1  
**Percentage of site located in an EnZone:** 0 - 49 %

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

**CERTIFICATE ISSUANCE**

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

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

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

**Allowable Uses under the BCP:** Restricted-Residential, Commercial, and Industrial  
**Cleanup Track:** Track 4: Restricted use with site-specific soil cleanup objectives

**Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:**  
Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 12 %.  
Tangible Property Credit Component Rate is 12 %.

**Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:**  
Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 10 %.  
Tangible Property Credit Component Rate is 10 %.

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Monroe County as 201509090737.

#### LIABILITY LIMITATION

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

#### CERTIFICATE TRANSFERABILITY

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

#### CERTIFICATE MODIFICATION/REVOCAION

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

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

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

Basil Seggos  
Commissioner  
New York State Department of Environmental Conservation

By:

  
Robert W. Schick, P.E., Director  
Division of Environmental Remediation

Date: December 6, 2016

SCHEDULE "A" PROPERTY DESCRIPTION

TOP OF SHEET

Particulars of the subject parcel and Environmental Assessment Area  
ALL THAT PART OR PARTS OF LANDS CONTAINING 7.265 acres more or less situated  
in the Village and Union Parishes, Township 13 Range 5 Town 104 N. Village  
of Pittsburg, County of Monroe, and State of Louisiana, being more  
particularly bounded and described as follows:

**Exhibit A**

**Site Description**

- 1. A 57 degree 33' 45" E, a distance of 1131 feet to a point corner
- 2. Southwesterly, along a tangent curve to the right, having a radius of 1014.50 feet, a distance of 217.40 feet to a point corner
- 3. A 12 degree 00' 00" E, a distance of 81.50 feet to a point corner
- 4. Southwesterly, along a non-tangent curve to the right, having a radius of 1043.00 feet and a chord bearing of S 71 degrees 11' 00" E, a distance of 84.11 feet to a point corner
- 5. A 51 degree 45' 30" E, a distance of 850.85 feet to a point corner
- 6. A 12 degree 00' 00" E, a distance of 818.11 feet to a point corner
- 7. A 61 degree 00' 00" E, a distance of 118.11 feet to the point of beginning

**SCHEDULE "A" PROPERTY DESCRIPTION**

Description of the Subject Parcel and Environmental Easement Area

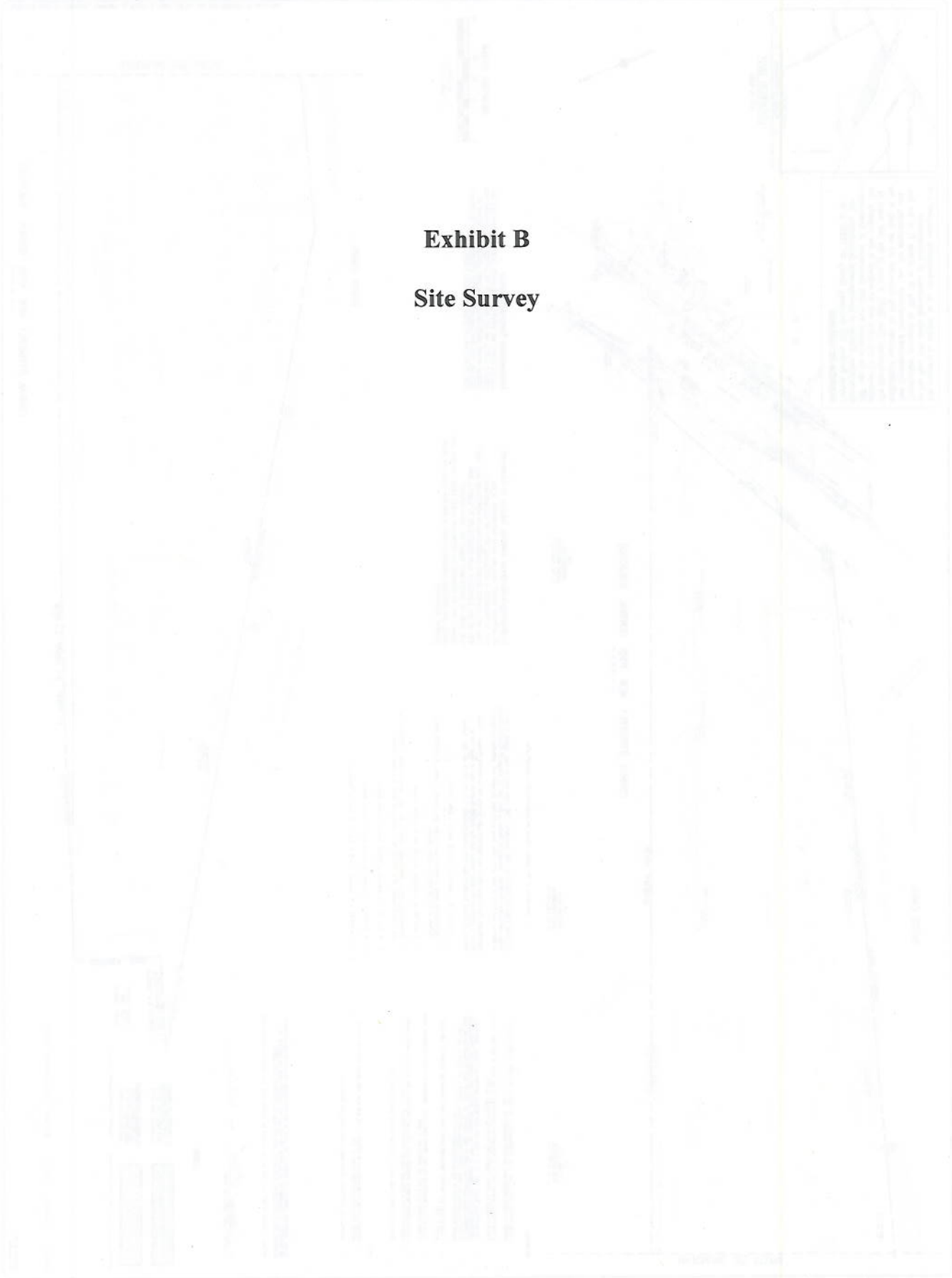
ALL THAT TRACT OR PARCEL OF LAND containing 7.386 acres more or less, situate in the Phelps and Gorham Purchase, Township 12, Range 5, Town Lot 24, Village of Pittsford, County of Monroe, and State of New York, being more particularly bounded and described as follows:

*Tom of Pittsford*

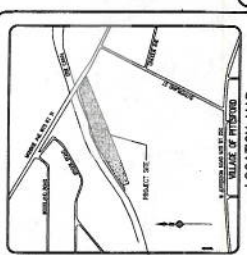
Beginning at the intersection of the southerly right-of-way line of Monroe Avenue - State Route 31 (Right-of Way width varies) with the westerly boundary line of lands now or formerly of Conrail (Formerly New York Central Railroad) (T.A. 151.18-01-36); thence

1. S 67 Degrees 52'48" W, a distance of 1131.36 feet to a point; thence
2. Southwesterly, along a tangent curve to the right, having a radius of 10726.50 feet, a distance of 577.40 feet to a point; thence
3. N 19 Degrees 02'09" W, a distance of 83.50 feet to a point; thence
4. Southwesterly, along a non-tangent curve to the right, having a radius of 10643.00 feet and a chord bearing of S 71 Degrees 13'03" W, a distance of 94.12 feet to a point; thence
5. N 57 Degrees 42'30" E, a distance of 820.90 feet to a point; thence
6. N 72 Degrees 53'15" E, a distance of 835.33 feet to a point; thence
7. S 63 Degrees 55'33" E, a distance of 236.71 feet to the Point of Beginning.

**Exhibit B**  
**Site Survey**



This property is subject to an environmental assessment held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the New York Environmental Conservation Law. The engineering and institutional controls for this Easement are set forth in the Site Management Plan (SMP). A copy of the SMP must be obtained by any party with an interest in the property. The SMP can be obtained from NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12243 or at [dec.state.ny.us/smp](http://dec.state.ny.us/smp).



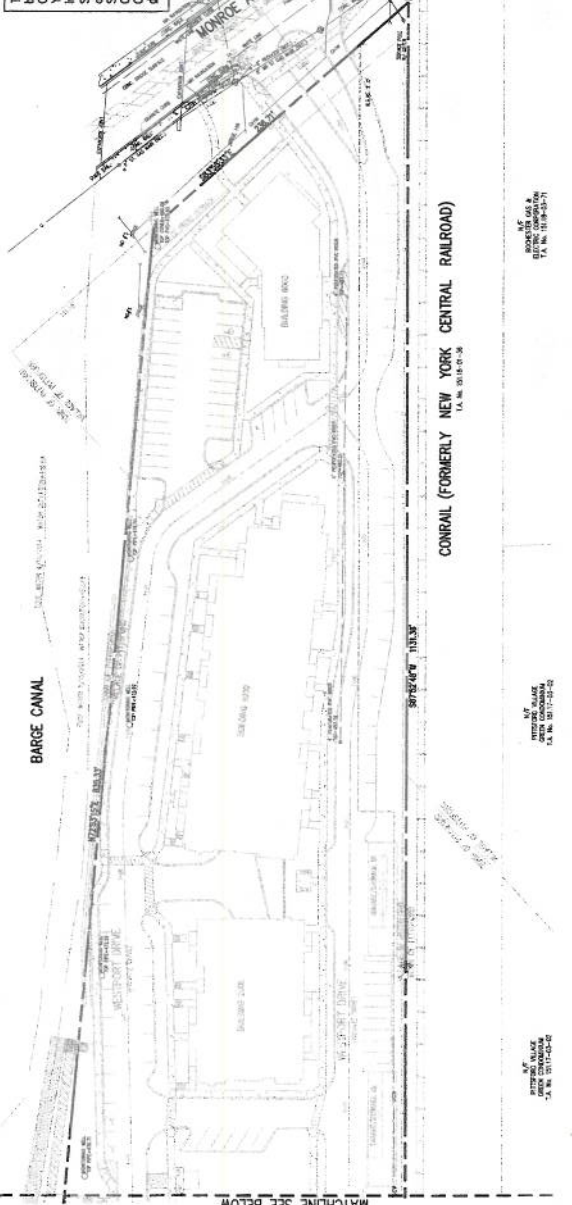
NO.	DATE	DESCRIPTION
1	02/25/09	ISSUED PER COMMENTS
2	03/19/09	ISSUED PER COMMENTS
3	04/14/09	ISSUED PER COMMENTS
4	05/11/09	ISSUED PER COMMENTS
5	06/01/09	ISSUED PER COMMENTS
6	06/22/09	ISSUED PER COMMENTS
7	07/17/09	ISSUED PER COMMENTS
8	08/10/09	ISSUED PER COMMENTS
9	08/10/09	ISSUED PER COMMENTS
10	08/10/09	ISSUED PER COMMENTS
11	08/10/09	ISSUED PER COMMENTS
12	08/10/09	ISSUED PER COMMENTS
13	08/10/09	ISSUED PER COMMENTS
14	08/10/09	ISSUED PER COMMENTS
15	08/10/09	ISSUED PER COMMENTS
16	08/10/09	ISSUED PER COMMENTS
17	08/10/09	ISSUED PER COMMENTS
18	08/10/09	ISSUED PER COMMENTS
19	08/10/09	ISSUED PER COMMENTS
20	08/10/09	ISSUED PER COMMENTS

**BME ASSOCIATES**  
 ENGINEERS - ARCHITECTS - ENVIRONMENTAL SCIENTISTS  
 111 WEST 10TH STREET  
 NEW YORK, NY 10011  
 TEL: 212 693 7700  
 FAX: 212 693 7700

*[Signature]*

**WESTPORT CROSSING**  
 ENVIRONMENTAL ASSESSMENT TO THE PEOPLE OF NEW YORK STATE  
 PROJECT: WESTPORT CROSSING  
 CLIENT: WESTPORT CROSSING  
 PROJECT NUMBER: 2240  
 DATE ISSUED: 08/10/09  
 SCALE: 1" = 100'-0"

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ISSUED BY	08/10/09
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ISSUED BY	08/10/09



**Engineering/Institutional Controls Subject to Easement:**  
 ANY ENGINEERING OR INSTITUTIONAL CONTROL SUBJECT TO THIS EASEMENT SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:  
 1. ANY SUCH CONTROL SHALL BE SUBJECT TO THE APPROVAL OF THE STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.  
 2. ANY SUCH CONTROL SHALL BE SUBJECT TO THE APPROVAL OF THE STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.  
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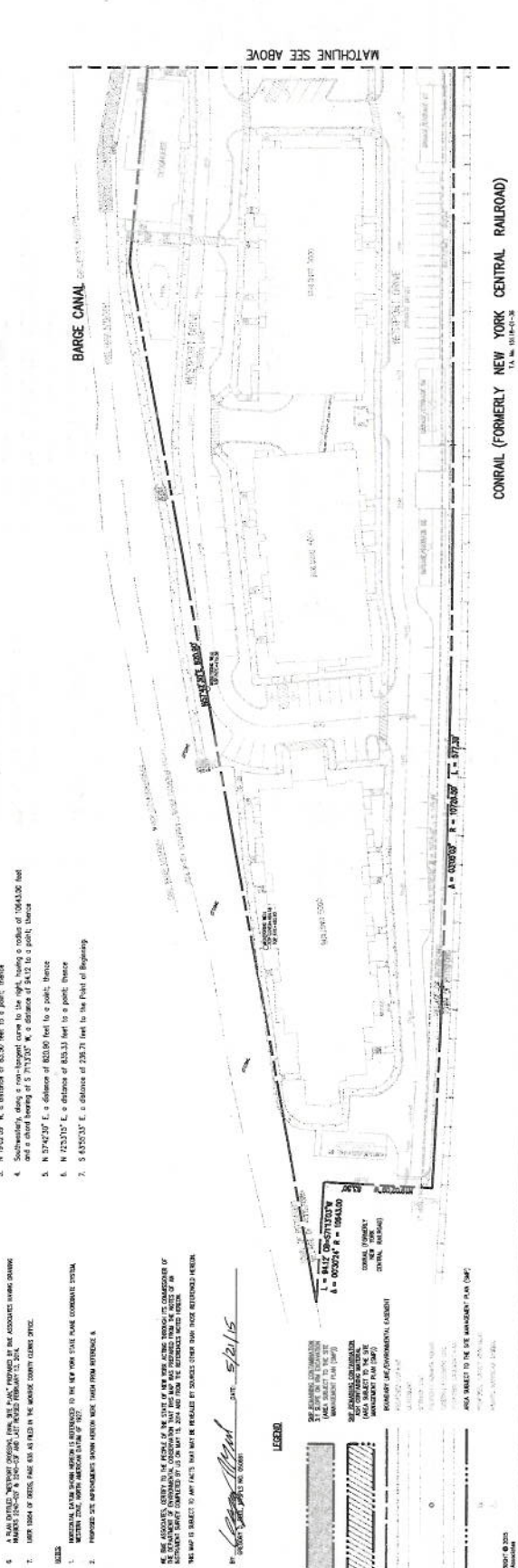
**Environmental Easement Access:**  
 THE STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL HAVE ACCESS TO THE PROPERTY FOR THE PURPOSES OF CONDUCTING AN ENVIRONMENTAL ASSESSMENT. SUCH ACCESS SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:  
 1. ACCESS SHALL BE LIMITED TO THE PROPERTY DURING THE HOURS OF 9:00 AM TO 4:00 PM, MONDAY THROUGH FRIDAY.  
 2. ACCESS SHALL BE LIMITED TO THE PROPERTY DURING THE HOURS OF 9:00 AM TO 4:00 PM, MONDAY THROUGH FRIDAY.  
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 20. ACCESS SHALL BE LIMITED TO THE PROPERTY DURING THE HOURS OF 9:00 AM TO 4:00 PM, MONDAY THROUGH FRIDAY.

**Description of the Subject Parcel and Environmental Easement Area:**  
 ALL THAT TRACT OF LAND, bounded on the north by the Erie Canal, on the east by the Erie Canal, on the south by the Erie Canal, and on the west by the Erie Canal, containing approximately 1.5 acres, more or less, and being more particularly bounded and described as follows:  
 Beginning at the intersection of the westerly right-of-way line of Monroe Avenue - State Route 31, and the southerly right-of-way line of the Erie Canal, and running southerly along the southerly right-of-way line of the Erie Canal, a distance of 112.36 feet to a point, thence  
 1. S 87°52'00" W, a distance of 112.36 feet to a point, thence  
 2. Southerly along the southerly right-of-way line of the Erie Canal, a distance of 27.40 feet to a point, thence  
 3. N 10°22'00" E, a distance of 82.00 feet to a point, thence  
 4. Southerly, along a non-tangent curve to the right, having a radius of 1044.00 feet and a central bearing of S 71°52'00" W, a distance of 84.15 feet to a point, thence  
 5. N 72°52'00" E, a distance of 82.00 feet to a point, thence  
 6. N 72°52'00" E, a distance of 82.00 feet to a point, thence  
 7. S 43°52'00" E, a distance of 202.71 feet to the point of beginning.

**LEGEND**  
 SEE EXHIBIT A FOR LEGEND  
 SEE EXHIBIT B FOR LEGEND  
 SEE EXHIBIT C FOR LEGEND  
 SEE EXHIBIT D FOR LEGEND  
 SEE EXHIBIT E FOR LEGEND  
 SEE EXHIBIT F FOR LEGEND  
 SEE EXHIBIT G FOR LEGEND  
 SEE EXHIBIT H FOR LEGEND  
 SEE EXHIBIT I FOR LEGEND  
 SEE EXHIBIT J FOR LEGEND  
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 SEE EXHIBIT W FOR LEGEND  
 SEE EXHIBIT X FOR LEGEND  
 SEE EXHIBIT Y FOR LEGEND  
 SEE EXHIBIT Z FOR LEGEND

**NOTES:**  
 1. A PLAN ENTITLED "MAP SHOWING APPROVED BARGE CANAL LAYOUT" DATED AND ADDED BY THE STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, FILED IN THE OFFICE OF THE STATE ENGINEER, ALBANY, NEW YORK, ON 08/10/09.  
 2. A PLAN ENTITLED "MAP SHOWING APPROVED BARGE CANAL LAYOUT" DATED AND ADDED BY THE STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, FILED IN THE OFFICE OF THE STATE ENGINEER, ALBANY, NEW YORK, ON 08/10/09.  
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**CONRAL (FORMERLY NEW YORK CENTRAL RAILROAD)**  
 T.A. No. 8118-C-1-2



**CONRAL (FORMERLY NEW YORK CENTRAL RAILROAD)**  
 T.A. No. 8118-C-1-2

WESTPORT CROSSING  
 ENVIRONMENTAL ASSESSMENT TO THE PEOPLE OF NEW YORK STATE  
 PROJECT: WESTPORT CROSSING  
 CLIENT: WESTPORT CROSSING  
 PROJECT NUMBER: 2240  
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 SCALE: 1" = 100'-0"

DATE	08/10/09
SCALE	1" = 100'-0"
PROJECT NO.	2240
ISSUED BY	08/10/09
DATE	08/10/09
SCALE	1" = 100'-0"
PROJECT NO.	2240
ISSUED BY	08/10/09

CONRAL (FORMERLY NEW YORK CENTRAL RAILROAD)  
 T.A. No. 8118-C-1-2



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

**Monoco Oil Site, Site ID No. C828137**  
**75 Monroe Avenue, Village of Pittsford, New York 14534**  
**Village of Pittsford, Monroe County, Tax Map Identification Number: 151.18-1-51.1**

**PLEASE TAKE NOTICE**, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to Pittsford Canalside Properties LLC for a parcel approximately 7.386 acres located at the 75 Monroe Avenue in the Village of Pittsford, Monroe County, Tax Map Identification Number: 151.18-1-51.1.

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

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

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

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

**PLEASE TAKE NOTICE**, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Monroe County as 201509090737.

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

**PLEASE TAKE NOTICE**, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject

*Monoco Oil Site, C828137, 75 Monroe Avenue, Pittsford (V), Monroe (C)*

to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

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

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

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

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

**PLEASE TAKE NOTICE**, a copy of the Certificate can be reviewed at the NYSDEC's Region 8 office located 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

Pittsford Canalside Properties LLC

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF NEW YORK ) SS:  
COUNTY OF )

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

\_\_\_\_\_  
Signature and Office of individual  
taking acknowledgment

**Please record and return to:**  
Pittsford Canalside Properties LLC  
301 Exchange Boulevard  
Rochester, New York 14608