

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

December 30, 2020

Highland Grove LLC
Steven DiMarzo
301 Exchange Boulevard
Rochester, New York 14608

Re: Certificate of Completion
Former Sherwood Shoe Company
625 South Goodman Street
City of Rochester, Monroe (C)
Site No: C828201

Dear Mr. DiMarzo:

Congratulations on having satisfactorily completed the remedial program at the Former Sherwood Shoe Company 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 Site. Please note that you are required to perform the following tasks:

- If you are the Site owner, you must record the Notice of Certificate of Completion (“Notice”) 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 the Notice within 30 days of the date that you acquire the Site. If you are a non-owner, you must work with the owner to assure the Notice is recorded within the time frame specified. A standard Notice of Certificate of Completion form is attached to this letter.
- Provide electronic copies of the recorded Notice and proof of recording to the Department’s project manager. Please return the hard copy of the proof of recording to:

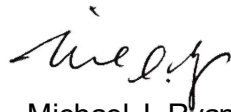
Charlotte B. Theobald
Region 8 Office
New York State Department of Environmental Conservation
Division of Environmental Remediation – Hazardous Waste Remediation
6274 East Avon-Lima Road
Avon, New York 14414

- Provide the Notice of Certificate of Completion 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 Periodic Review Reports (PRRs) which also include 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 April 2022.

If you have any questions regarding any of these items, please contact Charlotte B. Theobald at 585-226-5354 or via e-mail at charlotte.theobald@dec.ny.gov.

Sincerely,



Michael J. Ryan, P.E.

Director

Division of Environmental Remediation

Enclosure

ec w/ enclosure:

Steven DiMarzo – sdimarzo@MARKIVENTERPRISES.com

Ronald Hull - rhull@hnhattorneys.com

Dan Noll - dnoll@LaBellaPC.com

Jennifer Gillen – jgillen@LaBellaPC.com

Christine Vooris – NYSDOH, Christine.Vooris@health.ny.gov

Justin Deming – NYSDOH, justin.deming@health.ny.gov

Daniel Tucholski – NYSDOH, Daniel.tucholski@health.ny.gov

Matt Gokey - matthew.gokey@tax.ny.gov

Paul Takac - paul.takac@tax.ny.gov

ec w/o enc.:

Charlotte Theobald

David Pratt

Michael Cruden

Todd Caffoe

Dusty Tinsley

Kelly Lewandowski

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	Address
Highland Grove LLC	301 Exchange Boulevard, Rochester, NY 14608

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 3/9/18 **Agreement Execution:** 3/20/18

Agreement Index No.:C828201-02-18

Application Approval Amendment: None **Agreement Execution Amendment:** None

SITE INFORMATION:

Site No.: C828201 **Site Name:** Former Sherwood Shoe Company

Site Owner: Highland Grove LLC

Street Address: 625 South Goodman Street

Municipality: Rochester **County:** Monroe **DEC Region:** 8

Site Size: 1.8 Acres

Tax Map Identification Number(s): 121.65-2-39

Percentage of site located in an EnZone: 100%

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:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 28%.

Tangible Property Credit is 15%. Comprised of 10% Base, 5% EnZone.

Dependent upon the project being developed in a manner consistent with the approved Brownfield Cleanup Program application, additional rate increases may be available if the site is developed as affordable housing (5%), if the Certificate Holder receives a separate Determination of Conformance with the BOA from the Secretary of State (5%), or if the site is used primarily for manufacturing activities (5%) not to exceed a maximum 24%.

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 201909300676.

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 6 NYCRR 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:  Date: 12/30/2020

Michael J. Ryan, P.E., Director
Division of Environmental Remediation

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

Former Sherwood Shoe Company, Site ID No. C828201
625 South Goodman Street, City of Rochester, New York 14620
City of Rochester, Monroe County, Tax Map Identification Number 121.65-2-39

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 Highland Grove LLC for a parcel approximately 1.8 acres located at 625 South Goodman Street in the City of Rochester and Monroe County.

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):

- 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 at the Site 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 201909300676.

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 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.

Former Sherwood Shoe Company, C828201, 625 South Goodman 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 entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

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, a copy of the Certificate can be reviewed at the NYSDEC's Region 8 located at 6274 East Avon-Lima Road, Avon, New York 14414, by contacting the Regional Environmental Remediation Engineer, or at <https://www.dec.ny.gov/data/DecDocs/C828201/>

WHEREFORE, the undersigned has signed this Notice of Certificate

Highland Grove 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:
Highland Grove LLC
Steven DiMarzo
301 Exchange Boulevard
Rochester, New York 14608

4/20/2020

EXHIBIT A
SITE DESCRIPTION

SCHEDULE "A" PROPERTY DESCRIPTION

ALL THAT TRACT, PIECE OR PARCEL OF LAND situate in the City of Rochester, County of Monroe, State of New York, the premises known and described as Parcel Nos. 369 and 371 on said Map No. 367 and Parcel No. 420 on said Map No. 370, which maps are entitled "Rochester City: Genesee Expressway (Rochester Inner Loop to Rochester City Line)" and which were filed in the Monroe County Clerk's Office on December 31, 1970 and March 25, 1971, respectively; and

Beginning at a point on the westerly highway boundary line of South Goodman Street at its intersection with the northerly highway boundary line of Uhlen Place, said point of beginning being northeasterly 33.93 feet, measured at right angles from Station 10+94.07 of the hereinafter described 2012 survey baseline for the conveyance of State property; thence northeasterly along the aforesaid westerly highway boundary line of South Goodman Street, 72.90 feet to a point, said point being northeasterly 106.82 feet measured at right angles from baseline Station 10+92.82, thence along the southerly highway boundary line of Interstate Route Connection 580: Rochester City (Eastern Expressway Parts 1 & 2) F.I.C. 58-2 the following: northerly on an angle to the right of 160°-33'-00", 30.04 feet to a point; thence northerly on an angle to the right of 155°-59'-00", 15.05 feet to a point; thence northwesterly on an angle to the right of 136°-27'-00" 53.44 feet to a point; thence westerly on an angle to the right of 167°-58'-00", 100.90 feet to a point; thence westerly on an angle to the right of 180°-32'-23", 144.91 feet to a point; thence westerly on an angle to the right of 183°-45'-37", 128.98 feet to a point as its intersection with the division line between People of the State of New York on the southeast and Ronal K. Geck and Richard Geck (reputed owners) on the northwest; thence southwesterly on an angle to the right of 130°-00'-16", 140.70 feet to a point; thence southeasterly on an angle to the right of 69°-56'-17" 254.39 feet to a point; thence southeasterly on an angle to the right of 199°-28'-40", 75.00 feet to a point on the northwesterly highway boundary line of Karges Place; thence northeasterly, along the aforesaid highway boundary line of Karges Place, on an angle to the right of 90°-00'-00", 191.25 feet to a point; thence southeasterly on an angle to the right of 235°-19'-47", 110.46 feet to the point of beginning and 90°-00'-00" from the first course; containing 78,316 S.F. 1.8± Acres.

The above mentioned 2012 survey base baseline is for the conveyance of State property and described as follows:

BEGINNING at Station I 0+00.00 thence South 65°-50'-02" East to station I 0+98.66. All bearings referred to True North at the 78°-35'-00" MERIDIAN OF WEST LONGITUDE (1983 N.A. Datum).

Subject to covenants, easements and restrictions of record.

EXHIBIT B
SITE SURVEY



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
 9/30/2020



SITE DESCRIPTION

SITE NO. **C828201**

SITE NAME: **Former Sherwood Shoe Company**

SITE ADDRESS: 625 South Goodman Street **ZIP CODE:** 14620

CITY/TOWN: Rochester

COUNTY: Monroe

ALLOWABLE USE: Restricted-Residential, Commercial, and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:	YES	NO
IC/EC Certification Plan	■	□
Monitoring Plan		
Operation and Maintenance (O&M) Plan	■	□
Periodic Review Frequency:	■	□
Periodic Review Report Submitted Date:		

Description of Institutional Control

Highland Grove LLC
 301 Exchange Boulevard
625 South Goodman Street
 Environmental Easement
 Block: 2
 Lot: 39
 Sublot:
 Section: 121
 Subsection: 65
 S_B_L Image: 121.65-2-39
 Ground Water Use Restriction
 IC/EC Plan
 Land use Restriction
 Monitoring Plan
 O&M Plan
 Site Management Plan
 Soil Management Plan

Description of Engineering Control

Highland Grove LLC

301 Exchange Boulevard

625 South Goodman Street

Environmental Easement

Block: 2

Lot: 39

Sublot:

Section: 121

Subsection: 65

S_B_L Image: 121.65-2-39

Cover System

Vapor Mitigation