

RCSD sues over contaminated building

St. Paul St. site has been problematic for years

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The Rochester City School District sued its landlord at troubled 690 St. Paul St. this week over its alleged failure to address environmental and structural problems.

The lawsuit relates to a sequence of events beginning with the dumping of toxic chemicals more than a century ago and culminating last December, when students at Rochester Prep High School abandoned their sub-leased space in the building over fears of unsafe air and water. The district is further covering its bases by suing the charter school for breaking its sublease.

The eight-story building has been subject to oversight from the state Department of Environmental Conservation since 2009 due to the presence of trichloroethene, or TCE, an industrial solvent and likely carcinogen. The district has leased space from the owner, Genesee Valley Real Estate Co., since 2008; before that it housed a now-closed charter school whose employees often complained about headaches and breathing problems.

RCSD also moved its All City High students and staff out of the building last December but has continued paying rent. Its lawsuit lists several causes for breaking the lease:

■ The landlord did not disclose the presence of TCE before signing the initial lease in 2008 and tests have continued to show unsafe levels of TCE, preventing the district from occupying the space.

■ Other structural concerns including a leaking roof, rotted floors, broken windows, concrete falling off the building exterior, malfunctioning fire alarms that have gone off during standardized testing and untrustworthy elevators where students have repeatedly been trapped.

■ The landlord subleased another portion of the property to Castle Rock Industries, a die-cutting manufacturer, violating RCSD's right to "quiet enjoyment" of its premises.

2023, and award \$20 million in damages. It also asks, if the lease is not terminated, that the sublease be kept in effect as well, with Rochester Prep and its parent company, Uncommon Schools, liable for \$1 million in damages after not paying rent since November 2017 despite, the lawsuit alleges, failing to provide proper notice of its concerns.

Dante Gullace, owner of Genesee Valley Real Estate, said Friday that he had not seen the lawsuit and could not comment. An Uncommon Schools representative did not have an immediate comment. Board Chairman Geoff Rosenberger deferred to Uncommon except to say that the district's litany of complaints against the landlord "make (s) our case for moving pretty well for us."

Rochester Prep High School is now in temporary space at the former Nazareth Academy on Lake Avenue. Rosenberger said it would move in the fall to 305 Andrews St., the former site of the College at Brockport's Rochester Educational Opportunity Center.

That, too, will be temporary until the school can find a space better suited for its growing enrollment. The original — and eventual — plan is for Rochester Prep's West Campus Elementary School to occupy Andrews Street, Rosenberger said.

RCSD's All City High, meanwhile, is now in cramped space at 2 Austin St., a former parochial school that until recently housed Vertus Charter School.

The DEC last week announced it had approved a final engineering report for 690 St. Paul St., meaning all cleanup requirements had been, or soon will be, completed. Neither school showed immediate enthusiasm for returning.

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■ The landlord contracted with a new insurance company without first notifying the district as required, resulting in a 78 percent increase in the district's premium.

Contaminated groundwater and soil have plagued this building on St. Paul Street. FILE PHOTO / ROCHESTER DEMOCRAT AND CHRONICLE

The lawsuit asks the state Supreme Court to terminate the lease, which otherwise expires in