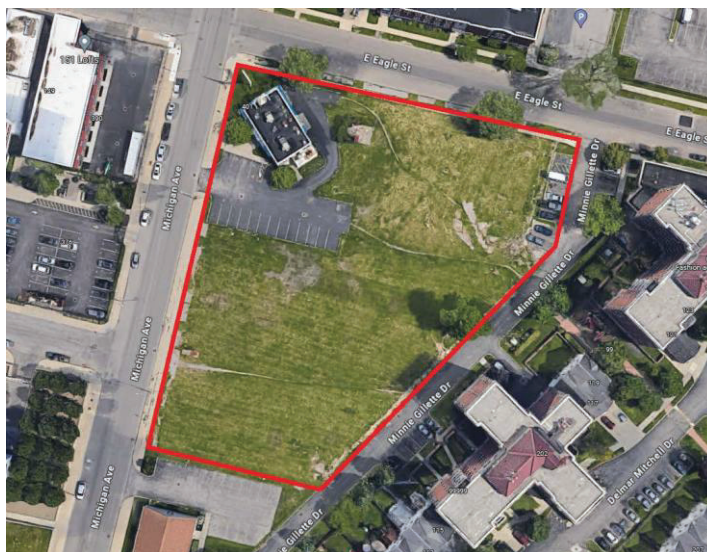


**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**BROWNFIELD CLEANUP PROGRAM  
APPLICATION FORM REVISION 16.1**

**375 MICHIGAN AVENUE PROJECT  
375 MICHIGAN AVENUE  
BUFFALO, ERIE COUNTY, NEW YORK**



Submitted for:

Beacon Communities, LLC  
Two Center Plaza, Suite 700  
Boston, MA 02108

Submitted by:



960 Busti Avenue, Suite B-150  
Buffalo, NY 14213

**June 2025**

Revised November 2025

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*Phase I ESA, 375 Michigan Avenue, Buffalo, Erie County, New York, June 2020.*

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*Phase II ESA, 375 Michigan Avenue, Buffalo, Erie County, New York, March 2024.*



**SUBMITTAL INSTRUCTIONS:**

1. Compile the application package in the following manner:
  - a. one file in non-fillable PDF which includes a Table of Contents, the application form, and supplemental information (excluding the previous environmental reports and work plans, if applicable);
  - b. one individual file (PDF) of each previous environmental report; and,
  - c. one file (PDF) of each work plan being submitted with the application, if applicable.
2. \*OPTIONAL: Compress all files (PDFs) into one zipped/compressed folder
3. Submit the application to the Site Control Section either via NYSDEC dropbox or ground mail, as described below.

**Please select only ONE submittal method – do NOT submit both via dropbox and ground mail.**

a. VIA SITE CONTROL DROPBOX:

- [Request an invitation](#) to upload files to the Site Control submittal dropbox.
- In the “Title” field, please include the following: “New BCP Application - *Proposed Site Name*”.
- After uploading files, an automated email will be sent to the submitter’s email address with a link to verify the status of the submission. Please do not send a separate email to confirm receipt.
- Application packages submitted through third-party file transfer services will not be accepted.

a. VIA GROUND MAIL:

- Save the application file(s) and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
- Mail the external storage device to the following address:  
Chief, Site Control Section  
Division of Environmental Remediation  
625 Broadway, 12<sup>th</sup> Floor  
Albany, NY 12233-7015

**SITE NAME:** 375 Michigan Avenue

**Is this an application to amend an existing BCA with a major modification?** Please refer to the application instructions for further guidance related to BCA amendments.

If yes, provide existing site number: \_\_\_\_\_

☐

Yes

☒

No

**Is this a revised submission of an incomplete application?**

If yes, provide existing site number: C915417

☒

Yes

☐

No





# BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

BCP App Rev 16.1 – March 2025

## SECTION I: Property Information

PROPOSED SITE NAME **375 Michigan Avenue**

ADDRESS/LOCATION **375 Michigan Avenue**

CITY/TOWN **Buffalo**

ZIP CODE **14203**

MUNICIPALITY (LIST ALL IF MORE THAN ONE) **City of Buffalo**

COUNTY **Erie**

SITE SIZE (ACRES) **2.15**

LATITUDE

LONGITUDE

42° 52' 57.23" 78° 52' 5.63"

Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, please indicate as such by inserting "p/o" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding acreage column.

**ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS. See Figures 1 and 2**

Parcel Address	Section	Block	Lot	Acreage
375 Michigan Avenue	111.63	1	1.11	2.15

1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description. See Figure 3	<input checked="" type="radio"/> Y	<input type="radio"/> N
2. Is the required property map, provided in electronic format, included with the application? (Application will not be processed without a map) See Figures 4 and 5	<input checked="" type="radio"/> Y	<input type="radio"/> N
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) See Figure 6 If yes, identify census tract: _____ Percentage of property in En-zone (check one): <input type="radio"/> 0% <input type="radio"/> 1-49% <input type="radio"/> 50-99% <input checked="" type="radio"/> 100%	<input checked="" type="radio"/> Y	<input type="radio"/> N
4. Is the project located within a disadvantaged community? See application instructions for additional information. See Figure 7	<input checked="" type="radio"/> Y	<input type="radio"/> N
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	<input type="radio"/> Y	<input checked="" type="radio"/> N
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications:	<input type="radio"/> Y	<input checked="" type="radio"/> N

SECTION I: Property Information (continued)		Y	N
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?		<input type="radio"/>	<input checked="" type="radio"/>
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.		<input type="radio"/>	<input checked="" type="radio"/>
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.		<input type="radio"/>	<input checked="" type="radio"/>
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____		<input type="radio"/>	<input checked="" type="radio"/>
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____		<input type="radio"/>	<input checked="" type="radio"/>
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information.  <div style="display: flex; justify-content: space-between;"> <div><u>Easement/Right-of-Way Holder</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information):  <div style="display: flex; justify-content: space-between;"> <div><u>Type</u></div> <div><u>Issuing Agency</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format? <b>See Appendix A</b>		<input checked="" type="radio"/>	<input type="radio"/>
<b>Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City. Not Applicable</b>			
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.		<input type="radio"/>	<input type="radio"/>
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?		<input type="radio"/>	<input type="radio"/>
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?		<input type="radio"/>	<input type="radio"/>
<b>NOTE:</b> If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.			
<b>If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.</b> <b>Initials of each Requestor:</b> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> </div>			

## SECTION II: Project Description

1. The project will be starting at: ☒ Investigation ☐ Remediation

If the project is proposed to start at the remediation stage, at a minimum, a Remedial Investigation Report (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Action Work Plan (RAWP) are also included (see [DER-10, Technical Guidance for Site Investigation and Remediation](#) for further guidance), then a 45-day public comment period is required.

2. If a final RIR is included, does it meet the requirements in ECL Article 27-1415(2)?

☐ Yes ☐ No ☒ N/A

3. Have any draft work plans been submitted with the application (select all that apply)?

☐ RIWP ☐ RAWP ☐ IRM ☒ No

4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued. See Appendix B and Figures 10 and 11. Is this information attached? ☒ Yes ☐ No

Beginning January 1, 2024, all work plans and reports submitted for the BCP shall address Green and Sustainable Remediation (GSR) and DER-31 (see [DER-31, Green Remediation](#)). Work plans, reports and design documents will need to be certified in accordance with DER-31.

5. Please provide a description of how Green and Sustainable Remediation will be evaluated and incorporated throughout the remedial phases of the project including Remedial Investigation, Remedial Design/Remedial Action, and Site Management and reporting efforts. Is this information attached? ☒ Yes ☐ No See Appendix B

6. If the project is proposed to start at the remediation stage (Section 2, Item 1, above), a climate change screening or vulnerability assessment must have been completed. Is this attached?

☐ Yes ☒ No

## SECTION III: Ecological Concerns

- |   | Y                                | N                                |
|---|----------------------------------|----------------------------------|
| 1. Are there fish, wildlife, or ecological resources within a ½-mile radius of the site?  | <input checked="" type="radio"/> | <input type="radio"/>            |
| 2. Is there a potential path for contamination to potentially impact fish, wildlife or ecological resources?  | <input checked="" type="radio"/> | <input type="radio"/>            |
| 3. Is/are there a/any Contaminant(s) of Ecological Concern?   | <input checked="" type="radio"/> | <input type="radio"/>            |
| If any of the conditions above exist, a Fish and Wildlife Resources Impact Analysis (FWRIA) Part I, as outlined in DER-10 Section 3.10.1, is required. The applicant may submit the FWRIA with the application or as part of the Remedial Investigation Report. |                                  |                                  |
| 4. Is a Fish and Wildlife Resources Impact Analysis Part I included with this application? Will be submitted with Remedial Investigation Report   | <input type="radio"/>            | <input checked="" type="radio"/> |










N/A

**SECTION IV: Land Use Factors**

1. What is the property's current municipal zoning designation? <u>N-2E (Mixed-Use Edge)</u>		
2. What uses are allowed by the property's current zoning (select all that apply)? <b>See Figure 8</b>		
Residential <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/>		
3. Current use (select all that apply):		
Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Recreational <input type="checkbox"/> Vacant <input checked="" type="checkbox"/>		
4. Please provide a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant. Is this summary included with the application? <b>See Appendix C</b>	Y <input checked="" type="radio"/>	N <input type="radio"/>
5. Reasonably anticipated post-remediation use (check all that apply):		
Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/>		
If residential, does it qualify as single-family housing? N/A <input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
6. Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached? <b>See Appendix C</b>	<input checked="" type="radio"/>	<input type="radio"/>
7. Is the proposed post-remediation use a renewable energy facility? See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>
8. Do current and/or recent development patterns support the proposed use? <b>See Appendix C</b>	<input checked="" type="radio"/>	<input type="radio"/>
9. Is the proposed use consistent with applicable zoning laws/maps? <b>See Appendix C</b> Please provide a brief explanation. Include additional documentation if necessary.	<input checked="" type="radio"/>	<input type="radio"/>
10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? <b>See Appendix C</b> Please provide a brief explanation. Include additional documentation if necessary.	<input checked="" type="radio"/>	<input type="radio"/>

**SECTION V: Current and Historical Property Owner and Operator Information** **See Appendix H**

CURRENT OWNER ETC Commercial, Inc.		
CONTACT NAME Jeffrey Orlans		
ADDRESS 7077 Keele Street, Suite 102		
CITY Concord	STATE Ontario-Canada	ZIP CODE L4K0B6
PHONE (905)738-0754	EMAIL jorlans@norstarcan.com	
OWNERSHIP START DATE 9/5/1996		
CURRENT OPERATOR N/A		
CONTACT NAME N/A		
ADDRESS N/A		
CITY N/A	STATE N/A	ZIP CODE N/A
PHONE N/A	EMAIL N/A	
OPERATION START DATE N/A		

**SECTION VI: Property's Environmental History**

See Appendix D

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that contamination of environmental media exists on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the site property and that the site requires remediation. To the extent that existing information/studies/reports are available to the requestor, please attach the following (***please submit information requested in this section in electronic format ONLY***):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard ([ASTM E1903](#)). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.**
2. **SAMPLING DATA:** Indicate (by selecting the options below) known contaminants and the media which are known to have been affected. Data summary tables should be included as an attachment, with laboratory reports referenced and included.

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chlorinated Solvents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other VOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SVOCs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCBs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1,4-dioxane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – indicated below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Please describe other known contaminants and the media affected:

3. For each impacted medium above, include a site drawing indicating:

- Sample location
- Date of sampling event
- Key contaminants and concentration detected
- For soil, highlight exceedances of reasonably anticipated use
- For groundwater, highlight exceedances of 6 NYCRR part 703.5
- For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

These drawings are to be representative of all data being relied upon to determine if the site requires remediation under the BCP. Drawings should be no larger than 11"x17" and should only be provided electronically. These drawings should be prepared in accordance with any guidance provided.

Are the required drawings included with this application? See Appendix D ☒ YES ☐ NO

4. Indicate Past Land Uses (check all that apply):

<input type="checkbox"/> Coal Gas Manufacturing	<input type="checkbox"/> Manufacturing	<input type="checkbox"/> Agricultural Co-Op	<input checked="" type="checkbox"/> Dry Cleaner
<input type="checkbox"/> Salvage Yard	<input type="checkbox"/> Bulk Plant	<input type="checkbox"/> Pipeline	<input checked="" type="checkbox"/> Service Station
<input type="checkbox"/> Landfill	<input type="checkbox"/> Tannery	<input type="checkbox"/> Electroplating	<input type="checkbox"/> Unknown

Other: Various residential and storefronts in typical urban block which included service station and dry cleaner. After demolition of the structures the property was used for vehicle parking until later becoming vacant

SECTION VII: Requestor Information					
NAME Beacon Communities Services LLC					
ADDRESS Two Center Plaza, Suite 700					
CITY/TOWN Boston		STATE MA	ZIP CODE 02108		
PHONE 716-698-1436		EMAIL bsarama@BeaconCommunitiesLLC.com			
				Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?				<input checked="" type="radio"/>	<input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a> . A print-out of entity information from the database must be submitted with this application to document that the requestor is authorized to conduct business in NYS. Is this attached? <b>See Appendix E</b>				<input checked="" type="radio"/>	<input type="radio"/>
3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached? N/A <input type="radio"/>				<input checked="" type="radio"/>	<input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of <a href="#">DER-10: Technical Guidance for Site Investigation and Remediation</a> and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? <b>See Appendix E</b> <b>Documents that are not properly certified will not be approved under the BCP.</b>				<input checked="" type="radio"/>	<input type="radio"/>

SECTION VIII: Requestor Contact Information			
REQUESTOR'S REPRESENTATIVE Brian D. Sarama			
ADDRESS 505 Ellicott Street, Suite 44			
CITY Buffalo		STATE NY	ZIP CODE 14203
PHONE 716-698-1436		EMAIL bsarama@BeaconCommunitiesLLC.com	
REQUESTOR'S CONSULTANT (CONTACT NAME) Jason Brydges			
COMPANY Brydges Engineering in Environment and Energy			
ADDRESS 960 Busti Avenue, Suite B-150			
CITY Buffalo		STATE NY	ZIP CODE 14213
PHONE 716-249-6880		EMAIL jbrydges@be3corp.com	
REQUESTOR'S ATTORNEY (CONTACT NAME) Amy L. Reichhart			
COMPANY Lippes Mathias LLP			
ADDRESS 350 Linden Oaks Drive, Suite 215			
CITY Rochester		STATE NY	ZIP CODE 14625
PHONE 585-770-7590		EMAIL areichhart@lippes.com	



**SECTION IX: Program Fee**

Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of \$50,000. Requestors may apply for a fee waiver with supporting documentation.

	Y	N
1. Is the requestor applying for a fee waiver? <span style="color: red;">See Appendix F</span>	<input checked="" type="radio"/>	<input type="radio"/>
2. If yes, appropriate documentation must be provided with the application. See application instructions for additional information.		
Is the appropriate documentation included with this application? <span style="float: right;">N/A <input type="radio"/></span>	<input checked="" type="radio"/>	<input type="radio"/>

**SECTION X: Requestor Eligibility**

If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	<input type="radio"/>	<input checked="" type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input checked="" type="radio"/>
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government?	<input type="radio"/>	<input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.	<input type="radio"/>	<input checked="" type="radio"/>
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?	<input type="radio"/>	<input checked="" type="radio"/>
7. Has the requestor been convicted of a criminal offence (i) involving the handling, storing, treating, disposing or transporting of contaminants; or (ii) that involved a violent felony, fraud, bribery, perjury, theft or offense against public administration (as that term is used in Article 195 of the Penal Law) under Federal law or the laws of any state?	<input type="radio"/>	<input checked="" type="radio"/>
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(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="radio"/>	<input checked="" type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>

## SECTION X: Requestor Eligibility (continued)

12. The requestor must certify that he/she/they is/are 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 selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site 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.

**If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.**

13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached? **See Appendix G**

☒ Yes

☐ No

☐ N/A

14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):

☐ Previous Owner ☐ Current Owner ☒ Potential/Future Purchaser ☐ Other: \_\_\_\_\_

If the requestor is not the current owner, **proof of site access sufficient to complete remediation must be provided.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an environmental easement on the site.

Is this proof attached?

☒ Yes

☐ No

☐ N/A

**See Appendix G**

**Note:** A purchase contract or lease agreement does not suffice as proof of site access.



## SECTION XI: Property Eligibility Information

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>
3. Is/was 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="radio"/>	<input checked="" type="radio"/>
4. If the answer to question 2 or 3 above is YES, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents. <div style="text-align: right;">N/A <input checked="" type="radio"/></div>	<input type="radio"/>	<input type="radio"/>
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____	<input type="radio"/>	<input checked="" type="radio"/>
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information as an attachment.	<input type="radio"/>	<input checked="" type="radio"/>

## SECTION XII: Site Contact List

To be considered complete, the application must include the Brownfield Site Contact List in accordance with *DER-23: Citizen Participation Handbook for Remedial Programs*. Please attach, at a minimum, the names and mailing addresses of the following: **See Appendix I**

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.
- For sites located in the five counties comprising New York City, the Director of the Mayor's Office of Environmental Remediation.

### SECTION XIII: Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

(By a requestor other than an individual)

I hereby affirm that I am Chief Executive Officer (title) of Beacon Communities Services LLC (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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: 10.14.25

Signature:  \_\_\_\_\_

Print Name: Dara Kovel, Chief Executive Officer

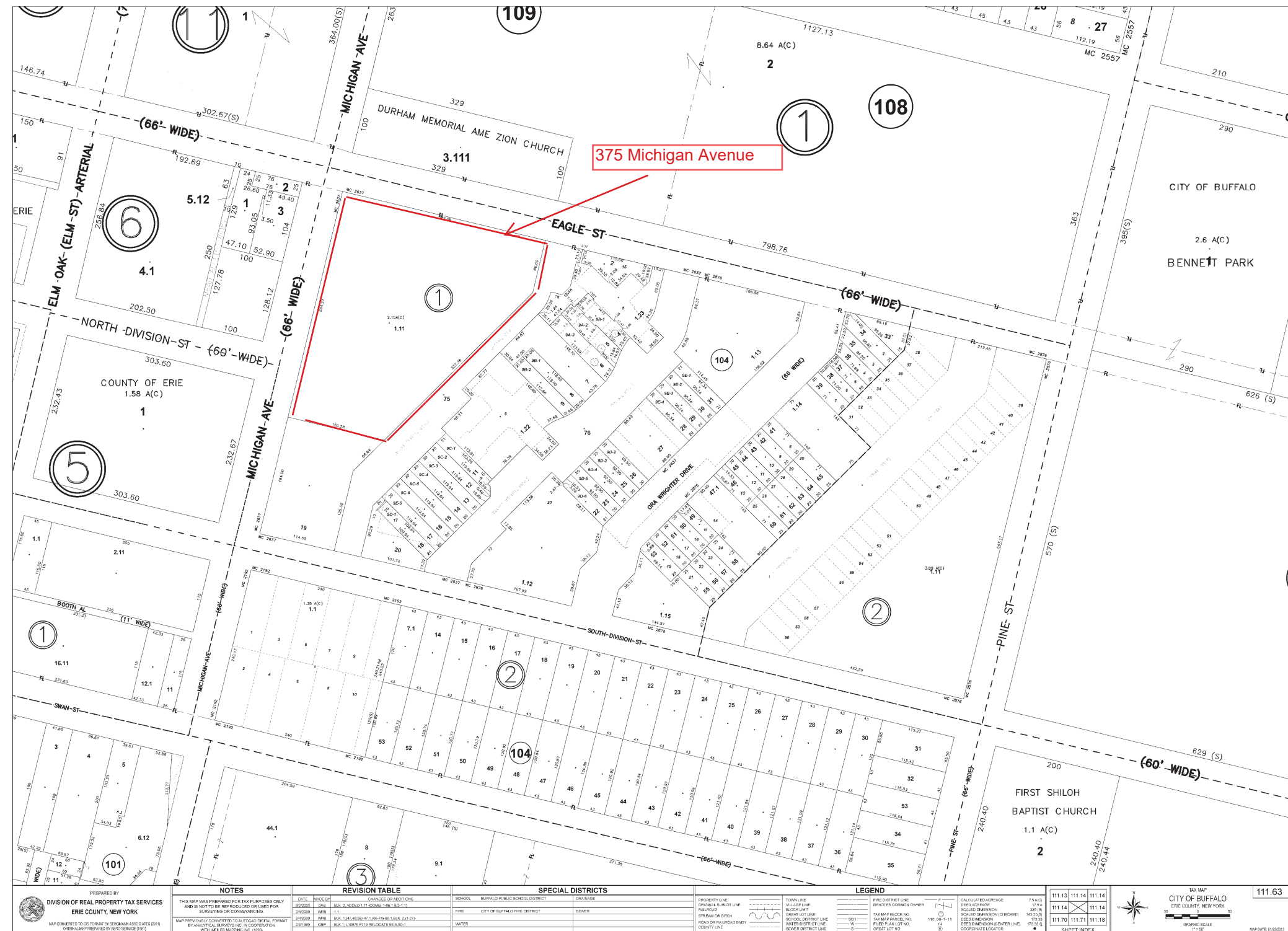
**PLEASE REFER TO THE APPLICATION COVER PAGE AND BCP APPLICATION INSTRUCTIONS FOR DETAILS OF PAPERLESS DIGITAL SUBMISSION REQUIREMENTS.**

# FIGURES



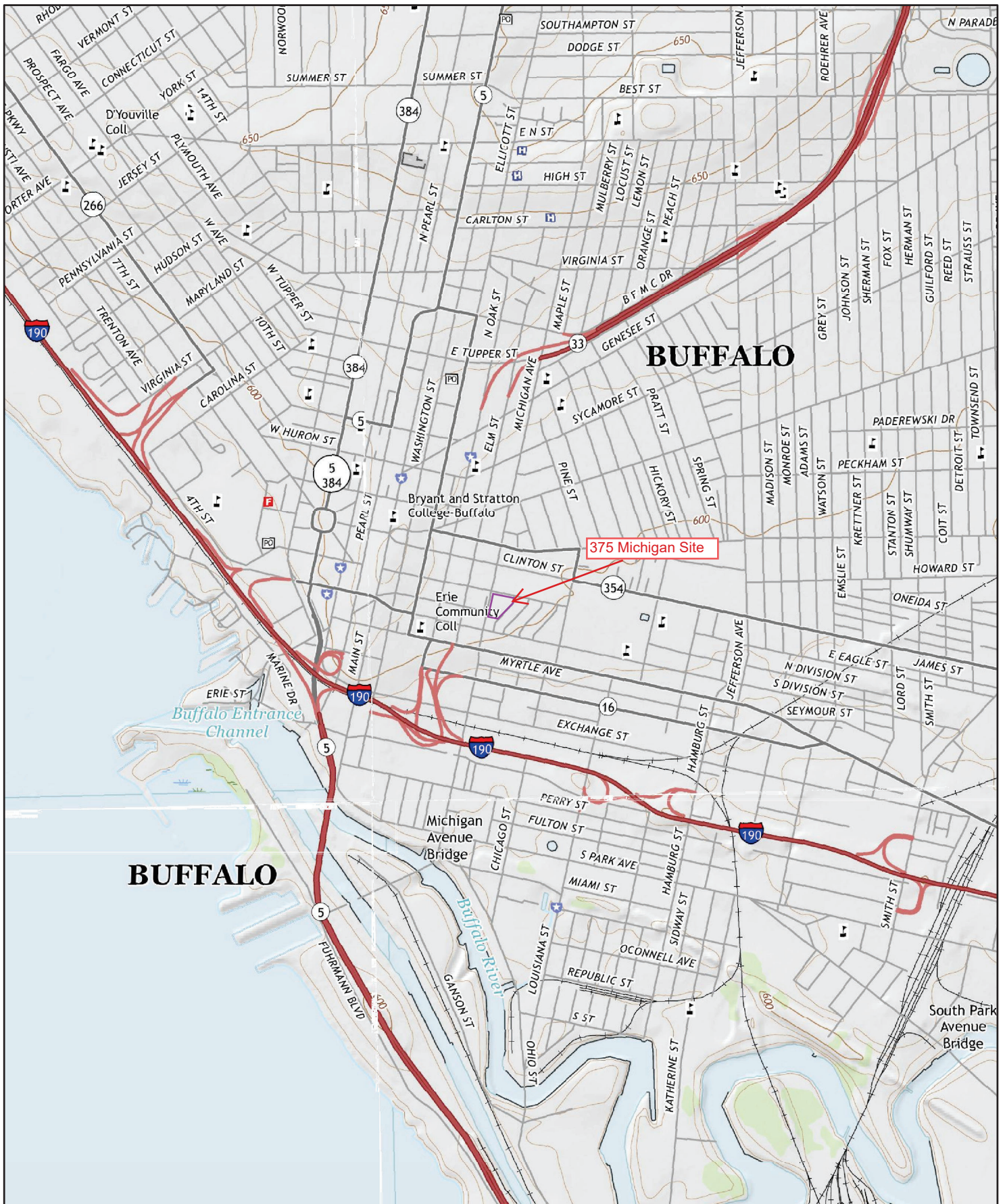
**BRYDGES ENGINEERING**  
IN ENVIRONMENT AND ENERGY, DPC

## FIGURE 1 - Tax Map





**FIGURE 2 - Historical Topographic Map**



**2016**

0 0.2 0.4 0.8 Miles

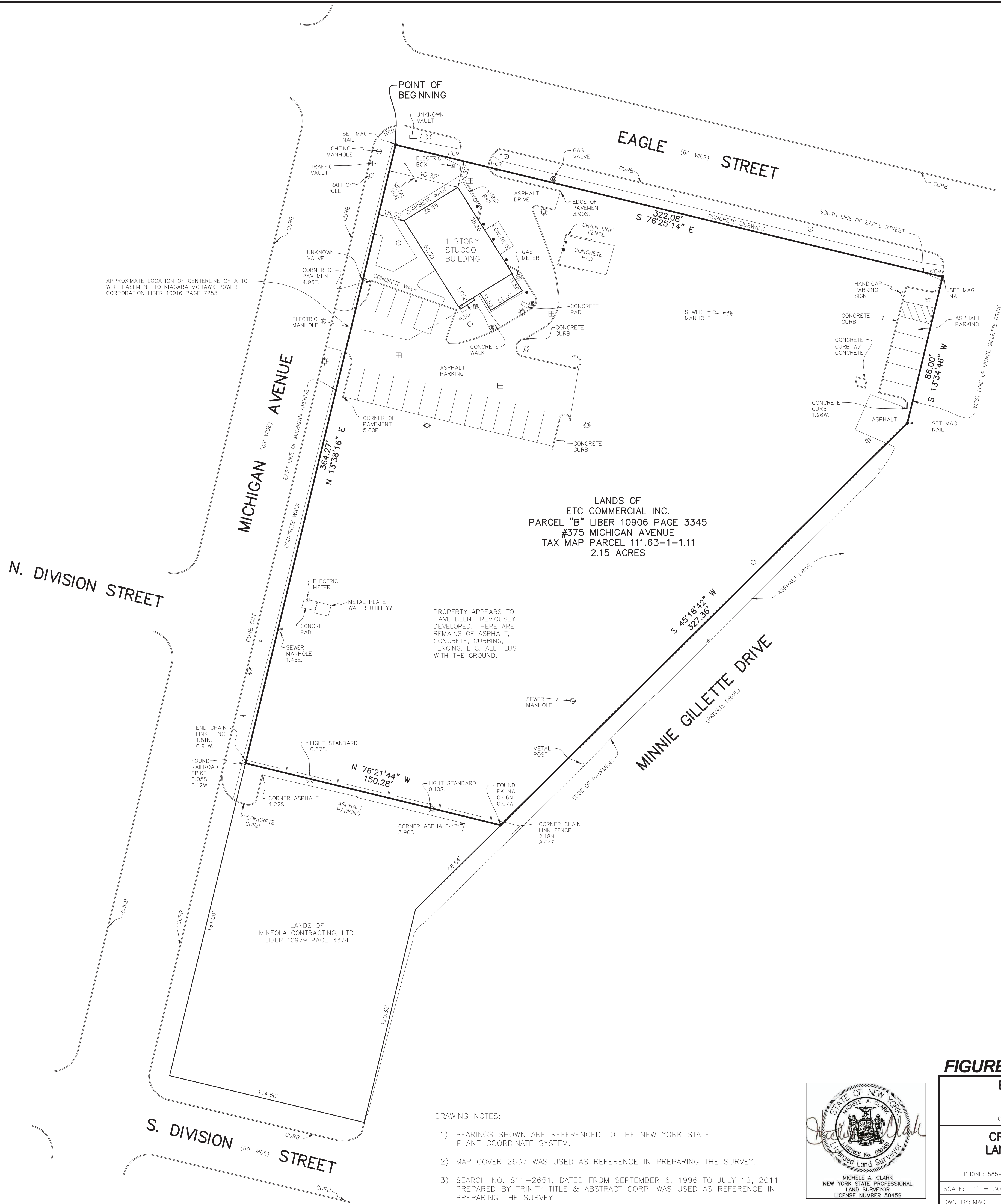
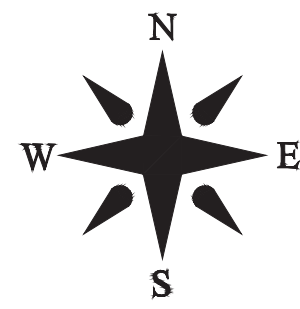
Order No. 20200513022

**Quadrangle(s): Buffalo NE, NY**

Source: USGS 7.5 Minute Topographic Map







ONLY VISIBLE UTILITY SERVICES AND/OR ENCUMBRANCES WERE LOCATED AND ARE SHOWN.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN UPDATED ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATEMENT OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

ONLY BOUNDARY SURVEY MAPS WITH THE SURVEYOR'S EMBOSSED SEAL ARE GENUINE, TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION.

ALTERING THIS DOCUMENT IS IN VIOLATION OF THE LAW EXCEPTING AS PROVIDED IN SECTION 7209, PART 2 OF THE NEW YORK STATE EDUCATION LAW.

THE ALTERATION OF BOUNDARY SURVEY MAPS BY ANYONE OTHER THAN THE ORIGINAL PREPARED IS MISLEADING, CONFUSING, AND NOT IN THE GENERAL WELFARE AND BENEFIT OF THE PUBLIC.

LEGEND	
•	GUARD POST
○	DECIDUOUS TREE
▣	DRAINAGE INLET
⊙	ROUND DRAINAGE INLET
☆	LIGHT STANDARD
+	SIGN
⊞	WATER VALVE
⊕	SANITARY VENT/CLEAN-OUT
⊗	SEWER MANHOLE
♿	HANDICAP PARKING
HCR	HANDICAP RAMP

DRAWING NOTES:

- BEARINGS SHOWN ARE REFERENCED TO THE NEW YORK STATE PLANE COORDINATE SYSTEM.
- MAP COVER 2637 WAS USED AS REFERENCE IN PREPARING THE SURVEY.
- SEARCH NO. S11-2651, DATED FROM SEPTEMBER 6, 1996 TO JULY 12, 2011 PREPARED BY TRINITY TITLE & ABSTRACT CORP. WAS USED AS REFERENCE IN PREPARING THE SURVEY.



FIGURE 3 - Boundary Survey

BOUNDARY SURVEY		
375 MICHIGAN AVENUE PART OF OUTER LOT 104 CITY OF BUFFALO COUNTY OF ERIE ~ STATE OF NEW YORK		
CREEKSIDE BOUNDARY LAND SURVEYING, PLLC		
1746 HIGGINS ROAD WARSAW, NEW YORK 14569 PHONE: 585-786-9640 EMAIL: mclark@creeksideboundary.com		
SCALE: 1" = 30'	DATE: 2/24/2020	
DWN BY: MAC	CKD BY: MAC	JOB NO.: 111.63-1-1.11

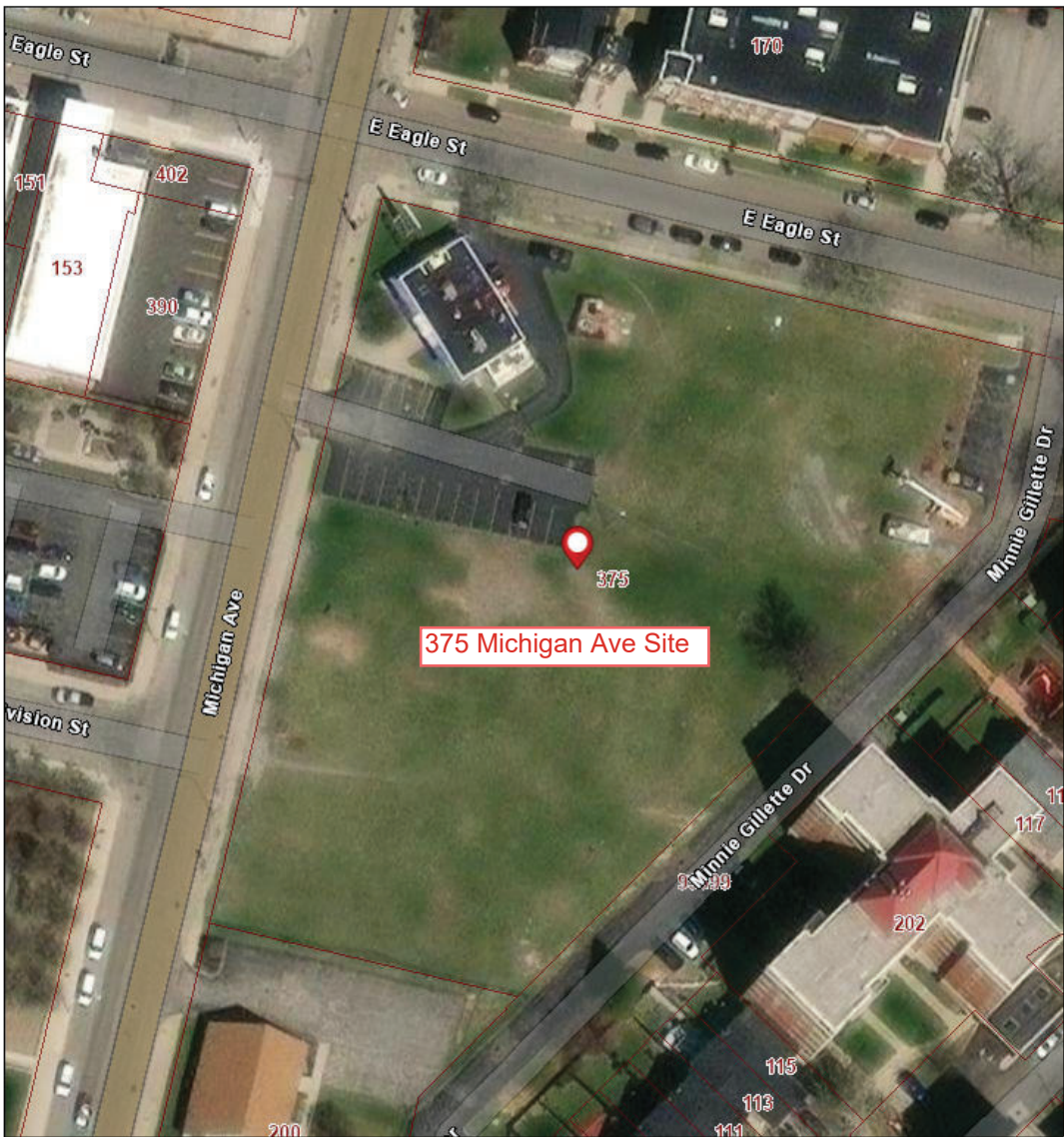
# FIGURE 4 - Site Map



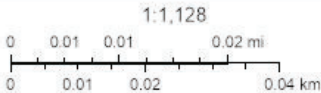
## City of Buffalo Property Report

### Area of Interest (AOI) Information

Aug 1 2024 15:08:00 Eastern Daylight Time



- Parcels
- City of Buffalo Boundary



Maxar, Microsoft, Esri Community Maps Contributors, Province of Ontario, © OpenStreetMap contributors, Esri, Garmin, GEBCO, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc., METINASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, NRCan, Parks Canada

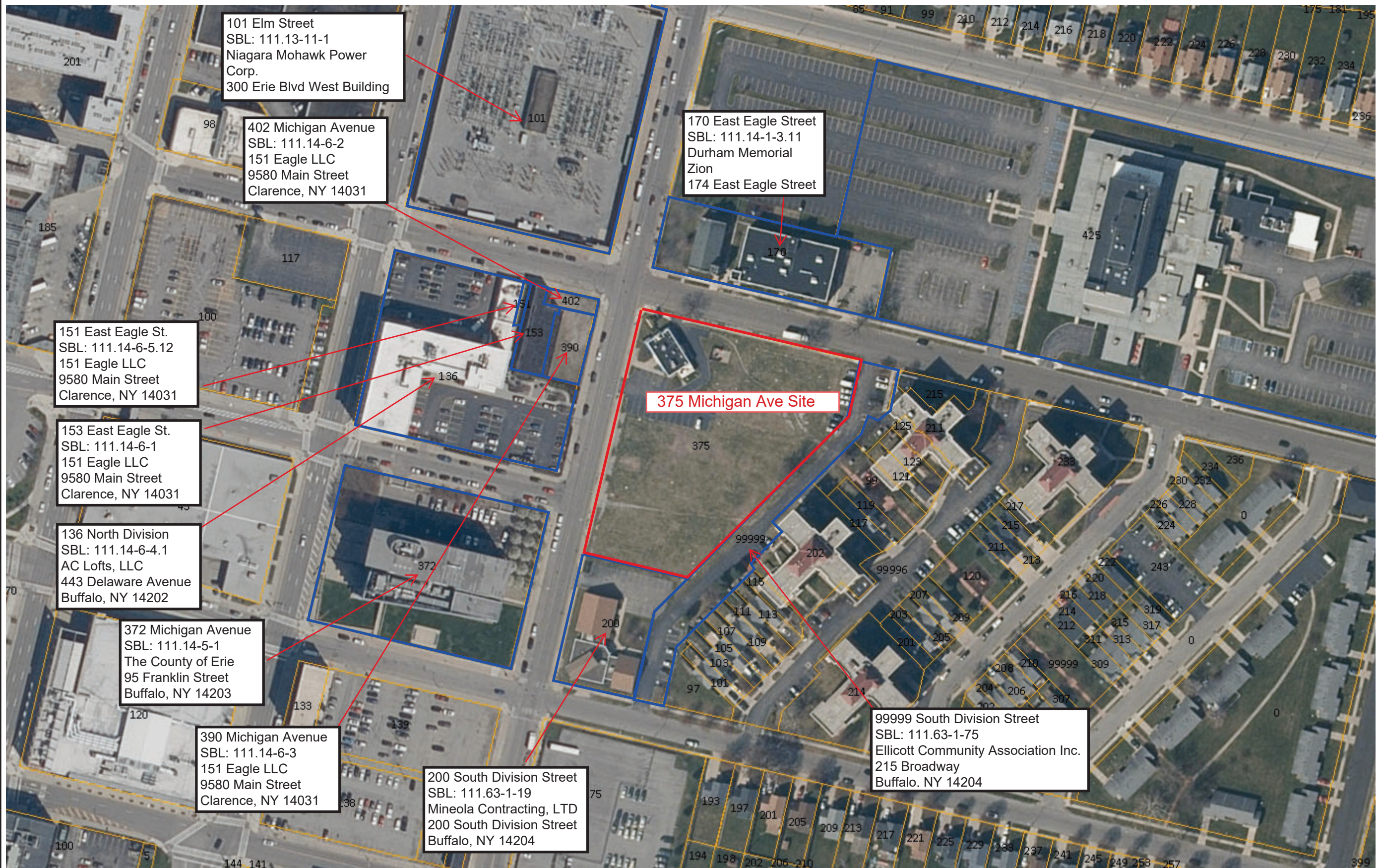




FIGURE 5 - Adjacent Property Owners



Legend  
Parcels



0.1 0 0.04 0.1 Miles

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

ERIE COUNTY  
DEPARTMENT OF ENVIRONMENT & PLANNING  
OFFICE OF GIS


This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



# FIGURE 6 - En-Zone Map

The Site is located in a designated En-Zone Type AB and Census Tract 14.03

Legend

 Site Location

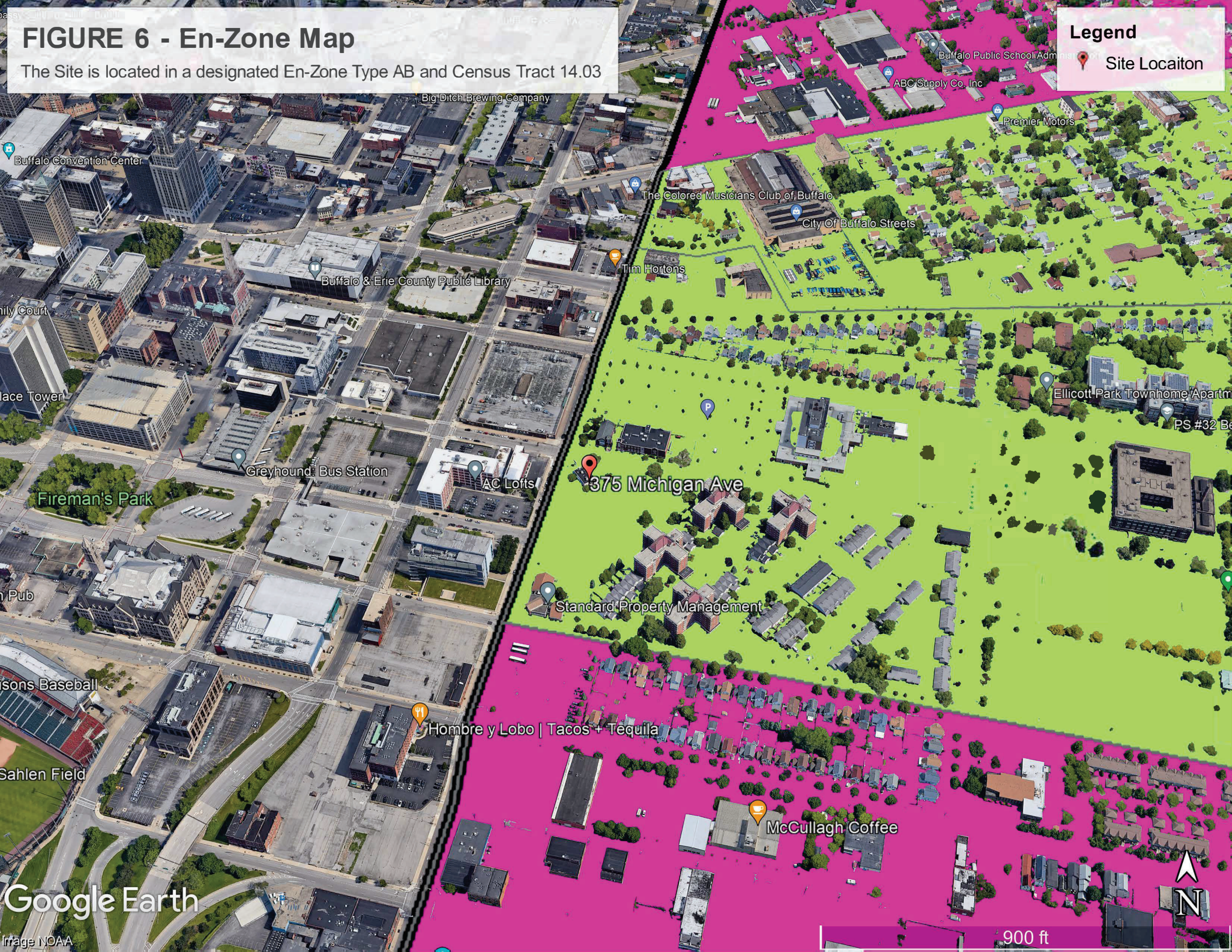
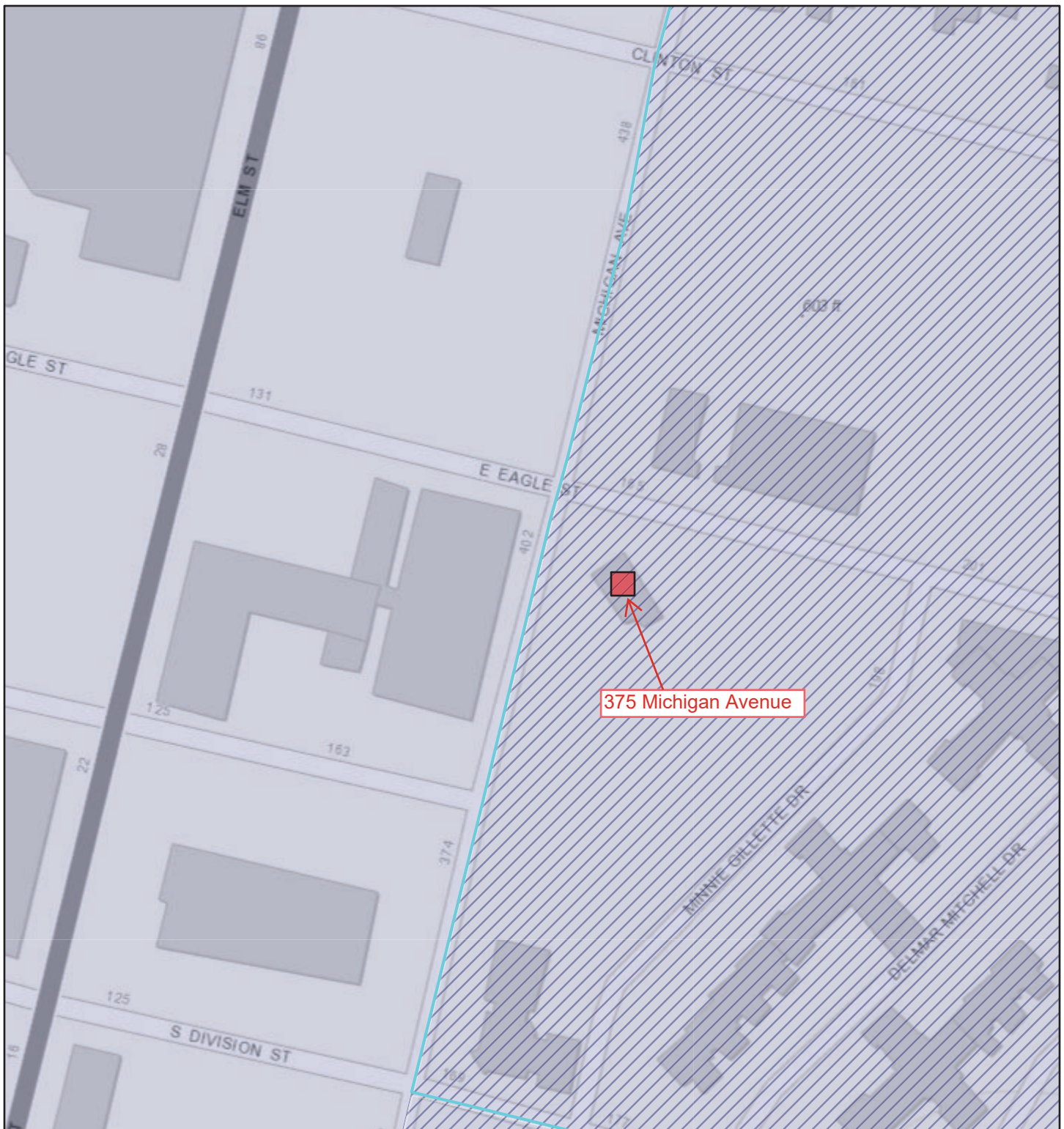
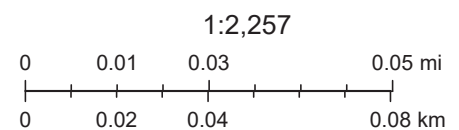




FIGURE 7 - Potential Environmental Justice Areas & Disadvantaged Communities Map



August 1, 2024



Province of Ontario, Ontario MNR, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, AAFC, NRCan

# ***LEGEND FOR FIGURE 7***

## **DECinfo Locator Legend (Active Layers)**

### **Public Involvement**



Potential Environmental Justice Areas



Disadvantaged Communities (DAC)

### **Reference Layers**



DEC Regional Offices



County Boundaries

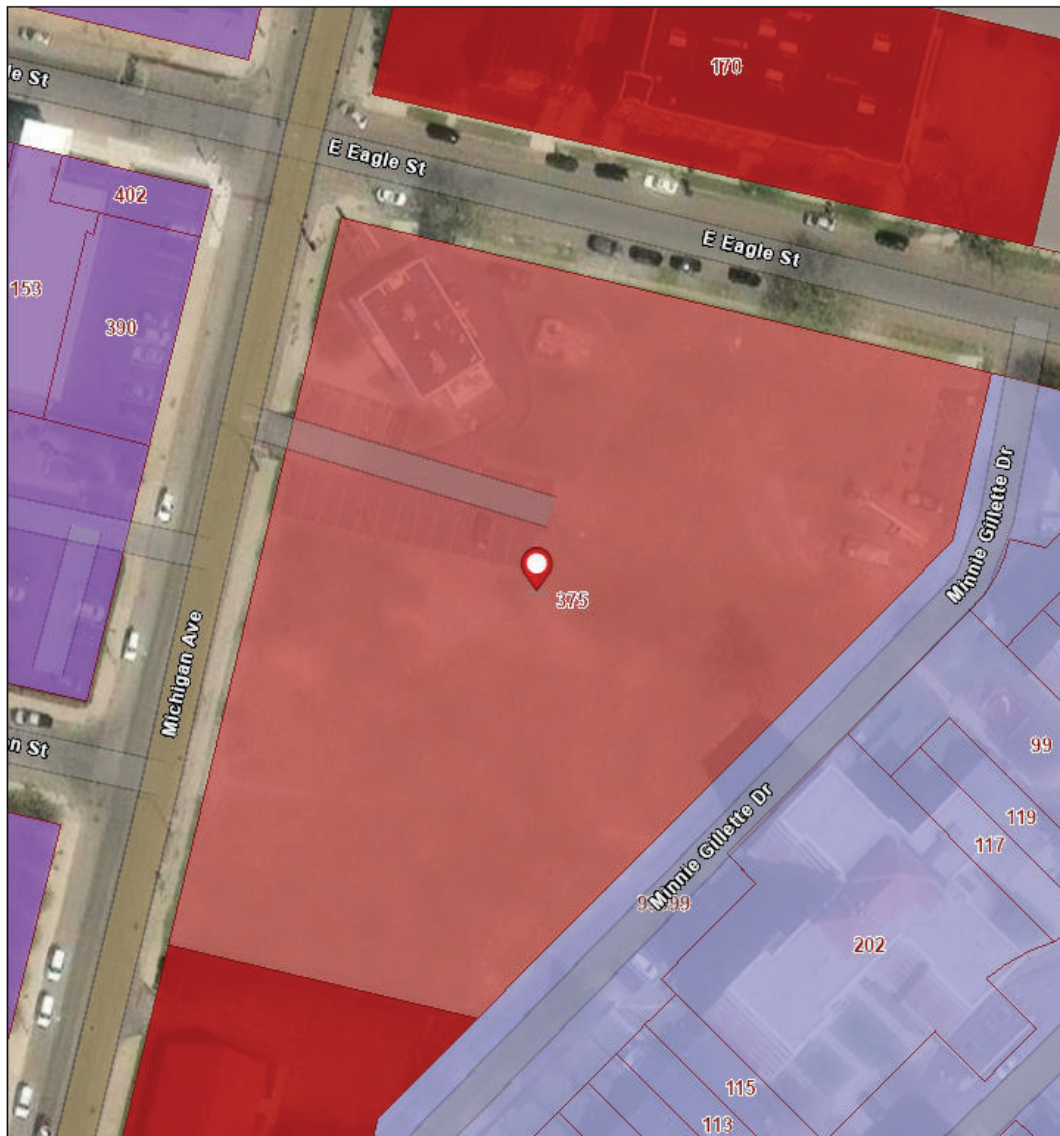
# FIGURE 8 - Zoning Map



## City of Buffalo Property Report

### Area of Interest (AOI) Information

Aug 1 2024 15:06:02 Eastern Daylight Time







Note:  
All results listed are in units of parts per million (ppm)  
All results listed are above restricted residential SCOs.

**BE3**  
BRYDGES  
ENGINEERING  
IN ENVIRONMENT  
AND ENERGY, DPC

960 Busti Avenue  
Buffalo, NY 14213  
716.249.6880  
jbrydges@be3corp.com

CLIENT - BEACON COMMUNITIES

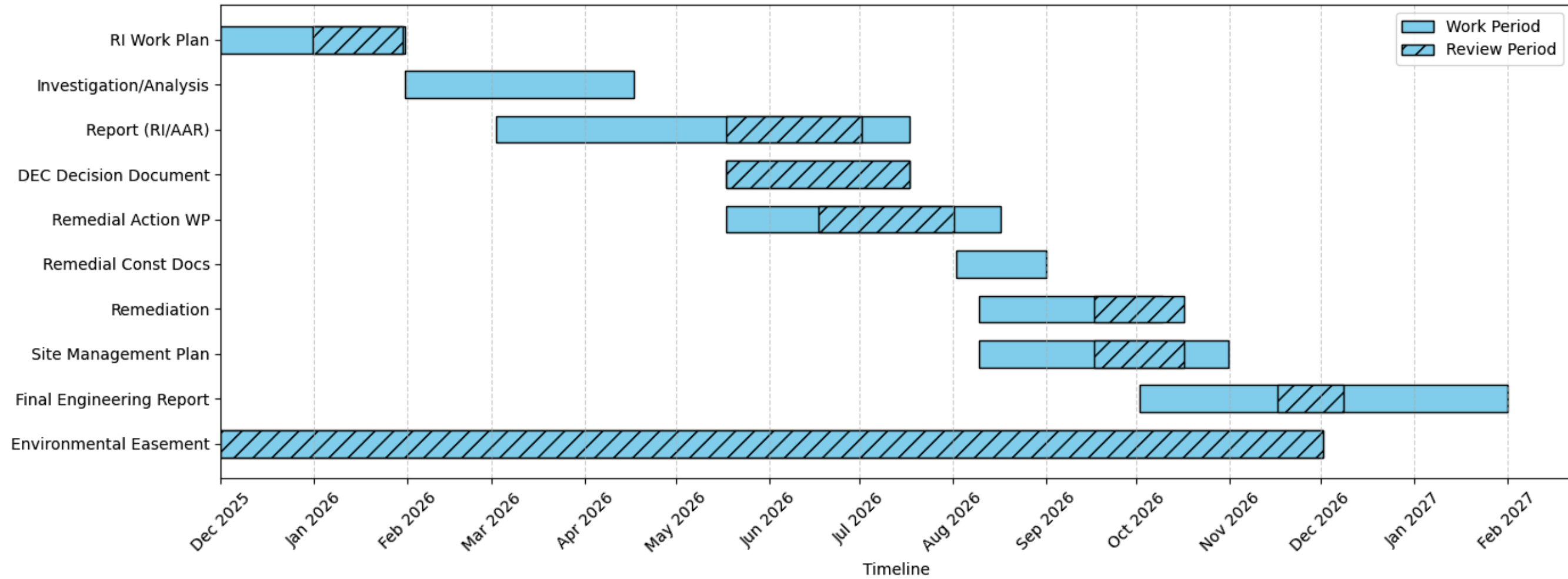
Figure 9 - BE3 Phase II Investigation  
Summary Results  
375 Michigan Avenue  
Buffalo, NY 14203



DATE ISSUED:  
March 18, 2024

Scale: 1:1,146

**Figure 10**  
Project Schedule  
375 Michigan BCP Site No. C915417



**Figure 11**  
Finance Schedule  
375 Michigan BCP Site No. C915417

Task	Deadline
HFA Pre-Application Submission	4/2026
HFA Pre-Application Meeting	5/2026
Submit Full HFA Application	6/2026
HFA Credit Committee	10/2026
HFA Board Approval	10/2026
HFA Project Sign-Off	11/2026
HFA Escrow Closing (Final Documents)	11/2026
HFA Construction Finance Closing/Start Construction	12/2026

# TABLES



**BRYDGES ENGINEERING**  
IN ENVIRONMENT AND ENERGY, DPC



TABLE 1  
SUMMARY OF SOIL ANALYTICAL RESULTS

Parameter Tested	BE3 Phase II Report April 2024 - Sample Identification, Sample Depth in feet below ground surface (bgs), and Sample Date										NYSDEC Soil Cleanup Objectives (SCOs)				
	BH-1 0.5-1	BH-2 1-2	BH-3 0.2-2	BH-7 0-0.5	BH-8 1-2	BH-9 1-2	BH-10 0.5-1.5	BH-12 0.5-1	BH-13 0.5-1	BH-14 0.5-1	Unrestricted	Residential	Restricted Residential	Commerical	Industrial
	3/15/2023														
METALS/INORGANICS															
Arsenic	6.6	6.5	6.6	8.2	6	17.2	4.4	7.1	4.5	4.2	13	16	16	16	16
Barium	188	221	175	231	183	1100	54.4	184	128	81.7	350	350	400	400	10,000
Beryllium	0.77	0.62	0.94	0.61	0.34	0.45	0.21 J	0.79	0.73	0.3	7.2	14	72	590	2,700
Cadmium	0.52	0.56	0.41	0.36	0.76	1.3	0.44	0.41	0.21 J	0.35	2.5	2.5	4.3	9.3	60
Chromium	7.5	16.9	24.7	24.7	14.5	38	9.3	24.7	23.7	17.6	30	36	180	1500	6800
Copper	50	24.4	85.9	55.2	21.2	90.6	26.8	29.9	16.2	16.1	50	270	270	270	10000
Lead	2.9	373	349	333	641	1570	51.5	359	237	188	63	400	400	1000	3,900
Manganese	439 B	378 B	384 B	314 B	324 B	258 B	209 B	548 B	38 B	443 B	1,600	2,000	2000	10000	10000
Mercury	0.18	0.64	0.17	0.18	0.33	1	0.15	0.39	0.21	0.23	0.18	0.81	0.81	2.8	5.7
Nickel	16	16.3	22.8	22.1	14.3	36.1	12.3	23.1	19	12.8	30	140	310	310	10000
Selenium	ND	ND	ND	ND	ND	0.51 J	ND	ND	ND	ND	3.9	36	180	1500	6,800
Silver	ND	ND	ND	ND	ND	1.1	0.37 J	ND	ND	ND	2	36	180	1500	6,800
Zinc	109	227	170	229	305	961	89.8	177	104	96.8	109	2,200	10000	10000	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)															
Acenaphthene	ND	0.42 J	ND	ND	ND	ND	ND	ND	ND	ND	20	100	100	500	1,000
Acenaphthylene	ND	2	0.049 J	ND	ND	ND	ND	ND	ND	ND	100	100	100	500	1,000
Anthracene	ND	3.3	0.058 J	ND	ND	ND	ND	ND	ND	ND	100	100	100	500	1,000
Benzo(a)anthracene	0.42 J	13	0.39	0.67 J	0.12 J	0.43 J	ND	0.34 J	0.11 J	0.47 J	1	1	1	5.6	11
Benzo(a)pyrene	0.38 J	12	0.39	0.69 J	0.13 J	0.47 J	ND	0.33 J	ND	ND	1	1	1	1	1.1
Benzo(b)fluoranthene	0.5 J	15	0.51	1.0 J	0.15 J	0.57 J	ND	0.42 J	ND	ND	1	1	1	5.6	11
Benzo(g,h,i)perylene	0.29 J	7.1	0.28	0.49 J	0.086 J	0.29 J	ND	0.25 J	ND	0.4 J	100	100	100	500	1,000
Benzo(k)fluoranthene	ND	5.3	0.19 J	0.36 J	0.093 J	0.38 J	ND	0.2 J	ND	ND	0.8	1	3.9	56	110
Chrysene	ND	13	0.44	0.79 J	0.13 J	0.53 J	ND	0.35 J	ND	ND	1	1	3.9	56	110
Dibenz(a,h)anthracene	ND	2.1	0.073 J	ND	ND	ND	ND	ND	ND	ND	0.33	0.33	0.33	0.56	1.1
Dibenzofuran	ND	0.27 J	ND	ND	ND	ND	ND	ND	ND	ND	2.1	4.2	18	180	290
Fluoranthene	0.9 J	26	0.80	1.6 J	0.27	1.1 J	ND	0.79 J	0.28 J	1.1 J	85	100	100	500	1,000
Fluorene	ND	0.67 J	ND	ND	ND	ND	ND	ND	ND	ND	30	100	100	500	1,000
Indeno(1,2,3-cd)pyrene	ND	6.1	0.22	0.44 J	0.079 J	0.3 J	ND	0.2 J	ND	ND	0.5	0.5	0.5	5.6	11
Phenanthrene	0.51 J	12	0.43	0.89 J	0.11 J	0.63 J	ND	0.39 J	0.15 J	0.63 J	1.1	100	100	500	1,000
Pyrene	0.65 J	23	0.74	1.3 J	0.22 J	0.89 J	ND	0.62 J	0.23 J	0.84 J	64	100	100	500	1,000

ND Analyte not detected  
- Not Applicable or sample not tested for this analyte  
J Estimated Concentration  
B Anaalyte detected in method blank  
K Result is reported as Benzo(b)fluoranthene  
E Results exceeded calibration range  
T Result is Tentatively Identifies Compound and an estimated value

Analyte detected  
Reported concentration greater than or equal to the NYSDEC Unrestricted SCO  
Reported concentration greater than or equal to the NYSDEC Residential SCO  
Reported concentration greater than or equal to the NYSDEC Restricted Residential SCO  
Reported concentration greater than or equal to the NYSDEC Commercial SCO  
Reported concentration greater than or equal to the NYSDEC Industrial SCO

**TABLE 2**  
**SUMMARY OF SOIL ANALYTICAL RESULTS**

Parameter Tested	BE3 Phase II Report April 2024 - Sample Identification, Sample Depth in feet bgs, and Sample Date					NYSDEC Soil Cleanup Objectives (SCOs)				
	NS-1 0.5-1	NS-5 0.5-1	NS-8 0.5-1	NS-10 0.5-1	NS-11 0.5-1	Unrestricted	Residential	Restricted Residential	Commerical	Industrial
	4/15/2024									
METALS/INORGANICS										
Arsenic	1.8 J	3.7	4.7	5.4	6.8	13	16	16	16	16
Barium	60.7	56.5	59.2	82.6	110	350	350	400	400	10,000
Beryllium	ND	0.31 J	0.39 J	0.57	0.57	7.2	14	72	590	2,700
Cadmium	1.3	0.27 J	0.33 J	0.36 J	0.37 J	2.5	2.5	4.3	9.3	60
Chromium	7.7	10.5	12.4	11.1	7.7	30	36	180	1500	6800
Copper	87.3	16	18.3	38.5	16.4	50	270	270	270	10000
Lead	19.9	114	90.2	2,080	208	63	400	400	1000	3,900
Manganese	65.2	192	280	314	171	1,600	2,000	2000	10000	10000
Mercury	0.19	0.11	0.11	0.17	0.12	0.18	0.81	0.81	2.8	5.7
Nickel	6.1 J	11.6	13.1	11.3	8.5 J	30	140	310	310	10000
Selenium	1.4 J	ND	ND	ND	ND	3.9	36	180	1500	6,800
Silver	0.64 J	ND	ND	ND	ND	2	36	180	1500	6,800
Zinc	163	96.6	82.2	103	71.7	109	2,200	10000	10000	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)										
Benzo(a)anthracene	ND	ND	ND	ND	0.81 J	1	1	1	5.6	11
Benzo(a)pyrene	ND	ND	1.6 J	ND	0.84 J	1	1	1	1	1.1
Benzo(b)fluoranthene	ND	ND	2.3 J	ND	1.1 J	1	1	1	5.6	11
Benzo(g,h,i)perylene	ND	ND	1.3 J	ND	0.46 J	100	100	100	500	1,000
Benzo(k)fluoranthene	ND	ND	ND	ND	0.55 J	0.8	1	3.9	56	110
Chrysene	ND	ND	ND	ND	0.8 J	1	1	3.9	56	110
Fluoranthene	1.4 J	1.4 J	2.4 J	0.41 J	1.8 J	100	100	100	500	1,000
Indeno(1,2,3-cd)pyrene	ND	ND	ND	ND	0.39 J	0.5	0.5	0.5	5.6	11
Phenanthrene	ND	ND	ND	ND	0.7 J	100	100	100	500	1,000
Pyrene	ND	ND	2 J	0.25 J	1.1 J	100	100	100	500	1,000

All Values are presented in Parts Per Million (PPM) or milligram per kilogram (mg/kg)

ACRONYMS:

ND Analyte not detected

J Estimated Concentration

bgs Below ground surface

NYSDEC New York State Department of Environmental Conservation

SCO Soil Cleanup Objective

NOTES:

	represents exceedance(s) above NYSDEC unrestricted SCOs but below NYSDEC residential SCOs
	represents exceedance(s) above NYSDEC residential SCOs but below NYSDEC restricted residential SCOs
	represents exceedance(s) above NYSDEC restricted residential SCOs but below NYSDEC commercial SCOs
	represents exceedance(s) above NYSDEC commercial SCOs but below NYSDEC industrial SCOs
	represents exceedance(s) above NYSDEC industrial SCOs

TABLE 3 - SOIL VAPOR SAMPLING RESULTS



Contaminants	Sample Identification, Type of Sample, and Date Analyzed	Table 3.1 NYSDOH Indoor Air Guideline Values (µg/m³)	Decision Matrix Guidance Values (Soil Vapor) (µg/m³)	Decision Matrix Guidance Values (Indoor Air) (µg/m³)
	SV-1 Soil Vapor 4/16/2024			
	Volatil Organic Compounds (TO-15)			
1,2,4-Trimethylbenzene	3	-	60	10
1,3,5-Trimethylbenzene	0.74	-	60	10
2-Butanone (MEK)	14	-		-
2-Hexanone (MBK)	1.2	-		-
Acetone	290	-		-
Benzene	1.7	-	60	10
Carbon Tetrachloride	ND	-	6	1
Chloroethane	0.41	-		-
Chloromethane	3.9	-		-
Dichlorodifluoromethane (Freon 12)	1.9	-		-
Ethanol	300	-		-
Ethylbenzene	1.3	-	60	10
Heptane	2.5	-	200	20
Hexane	ND	-	200	20
m&p-Xylene	5.8	-	200	20
Methylene Chloride	ND	60	100	10
Naphthalene	ND	-	60	10
o-Xylene	2.1	-	60	10
Propene	43	-		
Tetrachloroethylene	ND	30	100	10
Tetrahydrofuran	ND	-		
Toluene	3.5	-	300	50
Trichloroethylene	ND	2	6	1
Vinyl Chloride	ND	-	6	0.2

**NO FURTHER ACTION** No further action is required.

**IDENTIFY SOURCE(S) AND RESAMPLE OR MITIGATE:** It is recommended that resonable and practical actions be taken to identify the source(s) affecting the indoor air quality and that actions be implemented to reduce indoor air

**MONITOR:** It is recommended that monitoring , including but not necessarily limited to sub-slab vapor, basement air and outdoor air sampling, to determine whether concentrations in the indoor air

**MITIGATE:** Equal to or Above guideline values as compared to Table 3.1 Indoor Air Guidelines derived by NYSDOH

ND Not detected

- Not applicable

J Estimated concentration

# Appendix A

## Section I: Property Information



**BRYDGES ENGINEERING**  
IN ENVIRONMENT AND ENERGY, DPC

## Appendix A. Section I: Property Information

### *Location*

The 2.15-acre Brownfield Cleanup Program (BCP) site encompasses one parcel located at 375 Michigan Avenue, Buffalo, Erie County, New York. The associated SBL number is 111.63-1-1.11. The middle of the 375 Michigan Avenue parcel is located at approximately latitude 42°52'57.23" N; Longitude 78°52'5.63" W and is 603 feet above sea level.

Property information was obtained from the Erie County New York Interactive Mapping Viewer and the City of Buffalo Property Viewer.

The property is located in the block bounded by East Eagle Street to the north, South Division Street to the south, Michigan Avenue to the west and Minnie Gillette Drive to the east. The property is approximately 100 yards northeast of the Erie County Public Safety Campus which is an adjacent property across Michigan Avenue. The property is about a half-mile east-southeast of Buffalo City Hall and slightly less than a mile east of Lake Erie. The property is located near the eastern end of the downtown business district which predominantly contains commercial/office space with some buildings converted to mixed use residential. A large residential housing complex is located east of the property and a small office immediately south along South Division Street.

### *Current Site Features*

375 Michigan Avenue is currently occupied by a vacant building most recently used as Sunrise II Minimart in the northwest portion of the property at the southeast corner of Michigan Street and East Eagle Street. The one-story, 2,352 square foot slab-on-grade structure was constructed in 1997. The remaining area of the property is vacant, grass covered land. Large sized gravel and a few small patches of asphalt were observed across the property and are the remains of its former use as a parking lot.

### *Current Zoning and Land Use*

The property is zoned N-2E (Mixed-Use Edge) and associated with property class 486 (One-Story Small Structure).

### *Past Use of the Site*

Historic maps indicate that an auto repair shop and gas station were located where the current vacant mini mart sits on the northwest corner of the property from the 1930s to the 1950s. Whether the underground storage tanks (USTs) associated with the historic gas station have been removed is not currently known. In the 1950s there were not standardized and robust UST closure requirements. This data gap represents a potential source of ongoing and historic contamination at the property. In addition, an electrical storage/repair shop was historically located in this location from at least 1930 to at least 1955. The property at 383 Michigan Street, which is now part of the vacant property located south of the vacant mini mart along the western portion of the property, was a tailor. In 1950 Rear Twin Cleaners was also listed as operating on this portion of the property. Both historic operations could serve as a source of historic contamination due to the use of various hazardous materials for cleaning purposes. Historical records indicate that the property was a large parking lot from the late 1950's through the 1990s.

## *Site Geology and Hydrogeology*

The project area is situated within the Erie Lake Plain physiographic province, one of the two physiographic provinces of Erie County (the Allegheny Plateau is the other). The lake plain province is located along Lake Erie and its topography is typical of an abandoned lakebed with little significant relief except for narrow ravines carved by the area's streams. The current landscape is a result of nearly two centuries of alteration and development. Bedrock beneath the project area is Onondaga limestone, consisting of Middle Devonian age limestone and chert (Owens et al.). It lies deeply buried beneath glacial deposits and no rock outcroppings are visible on the ground surface. This formation is notable for its chert nodules that were the primary prehistoric lithic resource used in western New York. Relatively flat, the bedrock underlying Erie County tilts to the southwest at approximately 50 ft (15 m) per mile (Owens et al.). Local area topography is generally level. Surface relief in the immediate vicinity of the subject property is relatively uniform, with overall gentle downward slopes to the south-southwest, towards Lake Erie.

## *Environmental Assessment*

### July 2024 Phase II ESA

A Phase II ESA was completed in July 2024 to assess eligibility for the BCP. The subsurface soil assessment identified the existence of fill materials across the site down to at least 2-4 feet below ground surface (bgs). Material such as brick, ash, fill and black cinders were observed in each of the soil borings advanced as part of the July 2024 Phase II ESA (See **Appendix D**). Soil sample laboratory results indicate that there are urban fill conditions existing at the property with several elevated metals and polycyclic aromatic hydrocarbon (PAH) compounds above both restricted residential NYSDEC Soil Cleanup Objectives (SCOs) and commercial/industrial soil SCOs which require remediation to allow for the anticipated future use of the property. Specific metals include arsenic, barium, chromium, lead and mercury; and specific SVOCs (PAHs) include benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene dibenz(a,h)anthracene, and indeno(1,2,3-cd)pyrene.

One soil vapor sample was taken during the July 2024 Phase II ESA which identified several volatile organic compounds (VOCs) including 1,2,4-trimethylbenzene, benzene, ethylbenzene, heptane, xylenes, and toluene. The presence of VOCs in soil vapor at the property coupled with the known historic uses warrants additional investigation to evaluate the potential need for mitigation associated with the proposed future use.

### June 2020 Phase I ESA

A Phase I Environmental Site Assessment (ESA) was completed in June 2020 which identified the following Recognized Environmental Conditions (RECs) and Historical RECs (HRECs):

- REC – Historically, according to Sanborn maps of the property (listed as 403 Michigan Street), from the 1930s to 1950s a gas station as well as an auto repair shop was present in the northwest corner of the property. The removal/presence of any USTs is unknown.
- REC – From at least 1930 to at least 1955 the property 383 Michigan Street, which is now part of the vacant property, was a Tailor. In 1950 Rear Twin Cleaners was also listed on this property.
- HREC – Directly to the northeast of 375 Michigan exists Compass East, in which an active petroleum UST and AST is present. Contaminated soil was encountered when removing a

heating oil tank.

- HREC – Directly southwest of the property, across Michigan, petroleum contamination was encountered on the corner of Michigan St. and South Division St. while demolishing a building. The New York State Department of Environmental Conservation (NYSDEC) closed the spill after remediation.

#### August 2020 Phase II ESA

A Phase II ESA was completed in August 2020 to assess the potential environmental impacts related to the RECs identified during the Phase I ESA. The conclusion of that 2020 assessment was that field observations and screening completed during the Phase II ESA as well as the laboratory results from soil samples did not indicate any soil impacts during the limited subsurface soil assessment.

Refer to the attached electronic copies of these reports.

# Appendix B

## Section II: Project Description



**BRYDGES ENGINEERING**  
IN ENVIRONMENT AND ENERGY, DPC



## Appendix B. Section II: Project Description

375 Michigan Avenue is a transit-oriented, affordable housing development bordering on the City of Buffalo's eastside community and the downtown central business district. The project site is substantially vacant but for a small former convenient store structure (to be demolished). This infill new construction project will provide 156 affordable rental units for one-, two-, and three-bedroom households with incomes at or below 60% of the area median income (AMI), utilizing the federal Low-Income Housing Tax Credit ("LIHTC"). The building will include 5 stories along Michigan Avenue and East Eagle, with up to 66 parking spaces on the interior. The building will be energy efficient and sustainable and will advance Beacon's commitment to decarbonization. The project's location offers a unique and equitable opportunity for very low to low-income families to reside in close proximity to various day-to-day needs and community assets, such as employment and services opportunities in the central business district, access to Buffalo's internationally recognized medical campus, revitalized waterfront, education facilities, and cultural centers, as well as the multi-modal transportation options offered by the nearby metro rail line and several main bus routes.

Preliminary project plans are included as an attachment. The project is anticipated to start in November of 2026 with a construction duration period of approximately 24 months. Remediation will occur following the closing of construction financing. The Certificate of Completion (COC) is expected to be awarded in November 2028.

### *Green Remediation*

Green and Sustainable Remediation will be evaluated and incorporated throughout the remedial phases of the project including Remedial Investigation, Remedial Design/Remedial Action, and Site Management and reporting efforts. All work plans and reports submitted for the Brownfield Cleanup Program (BCP) will address Green and Sustainable Remediation (GSR) and New York State Department of Environmental Conservation (NYSDEC) Department of Environmental Remediation (DER)-31.

Applying green and sustainable principles and technologies to each program, consistent with each program's enabling legislation and regulations, will increase the long-term effectiveness, permanence and cost effectiveness of the cleanups and will minimize the overall environmental footprint of remediation. It is anticipated that, at a minimum, the following techniques will be used at the site:

- Reduce vehicle idling. All vehicles, both on and off road (including construction equipment) will be shut off when not in use for more than 5 minutes, consistent with 6 New York Codes, Rules and Regulations (NYCRR) Part 217 Motor Vehicle Emissions, Subpart 217-3 Idling Prohibition For Heavy Duty Vehicles.
- Design cover systems, to the extent possible, to be usable for alternate uses such as habitat or passive recreation, require minimal maintenance (e.g. less mowing), allow for infiltration of storm water and/or be integrated with the next use of the site.
- Beneficially reuse materials that would otherwise be considered a waste (e.g. crushed clean concrete as base or fill).

NOT FOR CONSTRUCTION

CERTIFICATE OF AUTHORIZATION NUMBER:  
PROFESSIONAL ENGINEERING: 018281  
LAND SURVEYING: 017878  
GEOLOGICAL: 018750

It is a violation of New York Education Law Art. 145 Sec. 7209 & Art. 147 Sec. 7307, for any person, unless acting under the direction of a licensed architect, professional engineer, or land surveyor, to alter an item in any way. If an item bearing the seal of an architect, engineer, or land surveyor is altered, the altering architect, engineer, or land surveyor shall affix to the item their seal and notation "altered by" followed by their signature and date of such alteration, and a specific description of the alteration.

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375 MICHIGAN AVE  
APARTMENTS

375 MICHIGAN AVE, BUFFALO NY, 14203

375 Michigan Ave. - Affordable  
Housing Project

375 Michigan Ave.

NO.	DATE	DESCRIPTION:
Revisions		

PROJECT NUMBER: P2301016

DRAWN BY: CDH  
REVIEWED BY: Approver

ISSUED FOR:

DATE:

DRAWING NAME:

SITE PLAN

DRAWING NUMBER:

--  
AA100

EAGLE STREET

MICHIGAN STREET

MINNIE GILLETTE DRIVE

1 SITE PLAN  
AA100 SCALE: 1/32" = 1'-0"

NOT FOR CONSTRUCTION

CERTIFICATE OF AUTHORIZATION NUMBER:  
PROFESSIONAL ENGINEERING: 018281  
LAND SURVEYING: 017075  
GEOLOGICAL: 018750

It is a violation of New York Education Law Art. 145 Sec. 7209 & Art. 147 Sec. 7307, for any person, unless acting under the direction of a licensed architect, professional engineer, or land surveyor, to alter an item in any way. If an item bearing the seal of an architect, engineer, or land surveyor is altered, the altering architect, engineer, or land surveyor shall affix to the item their seal and notation "altered by" followed by their signature and date of such alteration, and a specific description of the alteration.

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### 375 MICHIGAN AVE APARTMENTS

375 MICHIGAN AVE, BUFFALO NY, 14203

#### 375 Michigan Ave. - Affordable Housing Project

375 Michigan Ave.

NO.	DATE	DESCRIPTION
Revisions		

PROJECT NUMBER: P2301016

DRAWN BY: CDH  
REVIEWED BY: Approver

ISSUED FOR:

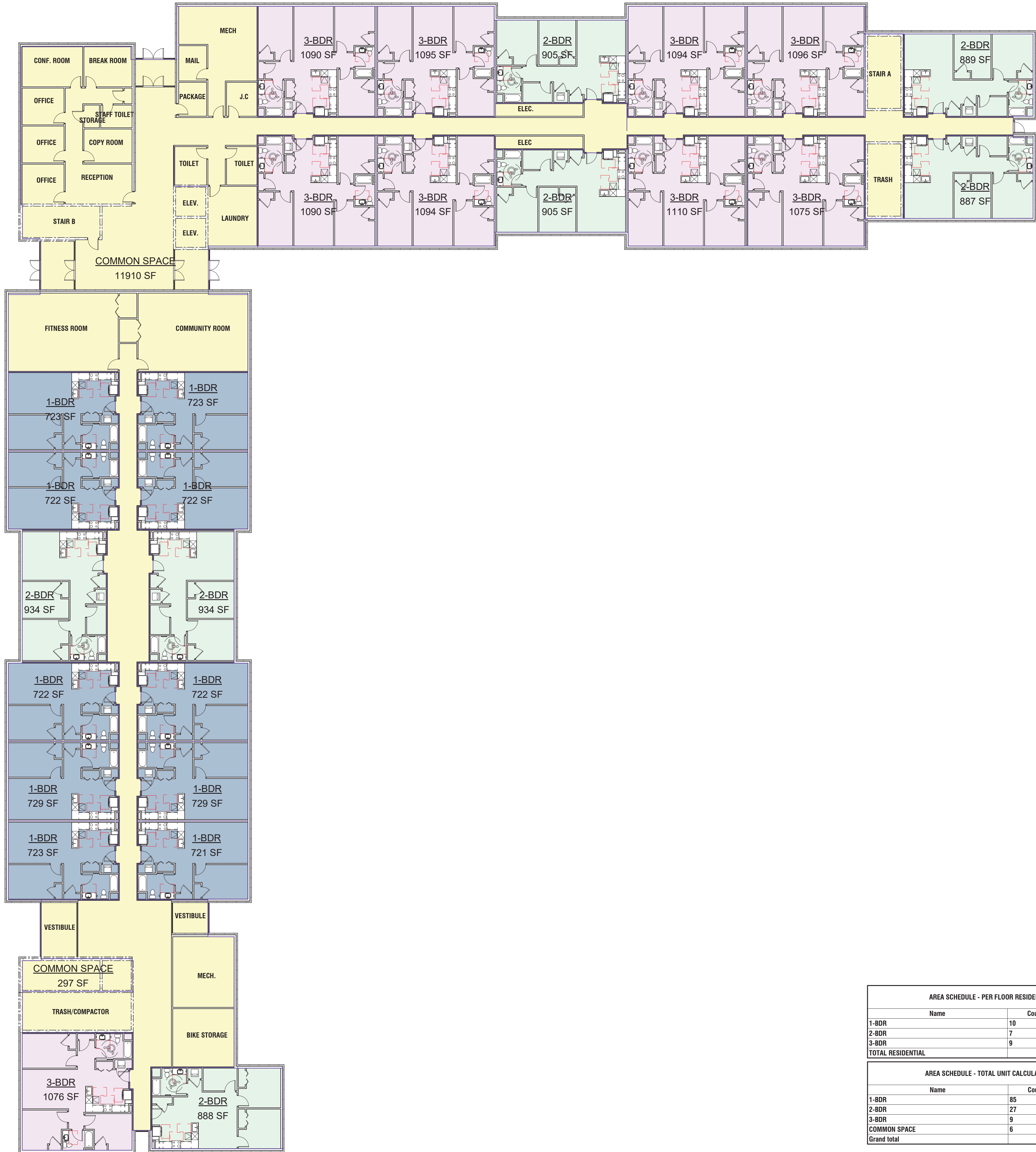
DATE:

DRAWING NAME:

#### FIRST FLOOR AREA PLAN

DRAWING NUMBER:

AA101



AREA SCHEDULE - PER FLOOR RESIDENTIAL			
Name	Count	Total Area	
1-BDR	10	7238 SF	
2-BDR	7	6340 SF	
3-BDR	9	9819 SF	
TOTAL RESIDENTIAL		23397 SF	

AREA SCHEDULE - TOTAL UNIT CALCULATIONS			
Name	Count	Total Area	
1-BDR	85	61726 SF	
2-BDR	27	24275 SF	
3-BDR	9	9819 SF	
COMMON SPACE	6	30519 SF	
Grand total		128338 SF	

1 FIRST FLOOR - AREA PLAN  
AA101 SCALE: 1/16" = 1'-0"





NOT FOR CONSTRUCTION

CERTIFICATE OF AUTHORIZATION NUMBER:  
PROFESSIONAL ENGINEERING: 018281  
LAND SURVEYING: 017875  
GEOLOGICAL: 018750

It is a violation of New York Education Law Art. 145 Sec. 7209 & Art. 147 Sec. 7307, for any person, unless acting under the direction of a licensed architect, professional engineer, or land surveyor, to alter an item in any way. If an item bearing the seal of an architect, engineer, or land surveyor is altered, the altering architect, engineer, or land surveyor shall affix to the item their seal and notation "altered by" followed by their signature and date of such alteration, and a specific description of the alteration.

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**375 MICHIGAN AVE  
APARTMENTS**

375 MICHIGAN AVE, BUFFALO NY, 14203

**375 Michigan Ave. - Affordable  
Housing Project**

375 Michigan Ave.

NO.	DATE	DESCRIPTION
Revisions		

PROJECT NUMBER: P2301016

DRAWN BY: CDH  
REVIEWED BY: Approver

ISSUED FOR:

DATE:

DRAWING NAME:

**EXTERIOR RENDERING**

DRAWING NUMBER:

--  
**AA105**



# Appendix C

## Section IV: Land Use Factors



**BRYDGES ENGINEERING**  
IN ENVIRONMENT AND ENERGY, DPC

## Appendix C. Section IV: Land Use Factors

### *Current Zoning*

The site is zoned N-2E (Mixed-Use Edge). The N-2E zone addresses transitional areas, typically at the edges of more intense mixed-use centers, in Buffalo's most compact neighborhoods. These areas are defined by a mix of homes and stores.

### *Current Use*

375 Michigan Avenue is currently occupied by a vacant building most recently used as Sunrise II Minimart in the northwest portion of the property at the southeast corner of Michigan Street and East Eagle Street. After reviewing available historical information and report, the business ceased operations and the building became vacant some time between June 2020 and July 2024. The one-story, 2,352 square foot slab-on-grade structure was constructed in 1997. The remaining area of the property is vacant, grass covered land. Large sized gravel and a few small patches of asphalt were observed across the property and are the remains of its former use as a parking lot.

### *Proposed Post-Remediation Use*

375 Michigan Avenue is a transit-oriented, mixed-income and affordable housing development bordering on the City of Buffalo's eastside community and the downtown central business district. The project site is substantially vacant but for a small former convenient store structure (to be demolished). This infill new construction project will provide 156 affordable rental units for one-, two-, and three-bedroom households with incomes at or below 60% of the area median income (AMI), utilizing the federal Low-Income Housing Tax Credit ("LIHTC").

### *Proposed Use & Zoning Consistency*

The proposed post-remediation use is consistent with the current zoning (see **Figure 9**).

### *Proposed Use & City Planning*

The project meets community objectives of restoration and reuse and will serve the surrounding area by providing affordable housing to a disadvantaged community located within a potential environmental justice (PEJ) area.

The Four-Year Strategic Plan (2023-2027) serves as a roadmap for the City of Buffalo to achieve its strategic priorities and goals over the next four years. The Plan is centered around four priorities: thriving neighborhoods and people, economic opportunities and mobility, smart and sustainable infrastructure, and climate resilience. This project exemplars the first two priorities of the Plan as it intends to revitalize the neighborhood and provide access to economic opportunities and public transportation to low-income communities.

The Buffalo Green Code (i.e., Unified Development Ordinance), adopted in January 2017, serves as the City's blueprint for zoning and development. The proposed use is consistent with all components of the Buffalo Green Code.

# Appendix D

## Section VI: Property's Environmental History



**BRYDGES ENGINEERING**  
IN ENVIRONMENT AND ENERGY, DPC



## Appendix D. Section VI: Property's Environmental History

### Phase I Environmental Site Assessment, June 2020, completed by BE3

The Phase I ESA was completed for Norstar Development USA, L.P., in support of due diligence property acquisition, identified the following Recognized Environmental Conditions (RECs) and Historical RECs (HRECs):

- REC – Historically, according to Sanborn maps of the property (listed as 403 Michigan Street), from the 1930s to 1950s a gas station as well as an auto repair shop was present in the northwest corner of the property. The removal/presence of any USTs is unknown.
- REC – From at least 1930 to at least 1955 the property 383 Michigan Street, which is now part of the vacant property, was a Tailor. In 1950 Rear Twin Cleaners was also listed on this property.
- HREC – Directly to the northeast of 375 Michigan exists Compass East, in which an active petroleum UST and AST is present. Contaminated soil was encountered when removing a heating oil tank.
- HREC – Directly southwest of the property, across Michigan, petroleum contamination was encountered on the corner of Michigan St. and South Division St. while demolishing a building. The New York State Department of Environmental Conservation (NYSDEC) closed the spill after remediation.

### Phase II Environmental Site Assessment, August 2020, completed by BE3

A subsequent Phase II ESA was completed in August 2020 to assess the potential environmental impacts related to the RECs identified during the Phase I ESA. This assessment included two analytical samples for VOCs. The conclusion of that 2020 assessment was that field observations and screening completed during the Phase II ESA as well as the laboratory results from soil samples did not indicate any soil impacts during the limited subsurface soil assessment.

### Phase II Environmental Site Assessment, July 2024, completed by BE3

A Phase II ESA was completed in July 2024 to assess eligibility for the BCP. The subsurface soil assessment identified the existence of fill materials across the site down to at least 2-4 feet below ground surface (bgs). Material such as brick, ash, fill and black cinders were observed in each of the soil borings advanced as part of the July 2024 Phase II ESA. The analytes that the samples were tested for included metals/inorganics, VOCs, and SVOCs. Soil sample laboratory results indicate that there are urban fill conditions existing at the property with several elevated metals and polycyclic aromatic hydrocarbon (PAH) compounds above both restricted residential NYSDEC Soil Cleanup Objectives (SCOs) and commercial/industrial soil SCOs which require remediation to allow for the anticipated future use of the property. Specific metals include arsenic, barium, chromium, lead and mercury; and specific SVOCs (PAHs) include benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene dibenz(a,h)anthracene, and indeno(1,2,3-cd)pyrene.

One soil vapor sample was taken during the July 2024 Phase II ESA which identified several volatile organic compounds (VOCs) including 1,2,4-trimethylbenzene, benzene, ethylbenzene, heptane, xylenes, and toluene. The presence of VOCs in soil vapor at the property coupled with

the known historic uses warrants additional investigation to evaluate the potential need for mitigation associated with the proposed future use.

See **Table 1** for a summary of soil analytical results and **Figure 9** for boring/soil sampling, soil vapor sampling locations and an analytical summary.

Per ECL 27-1407(1), copies of the referenced investigatory reports are provided individually in Portable Document Format (PDF) in a separate electronic folder.

**SOIL DATA SUMMARY TABLE – 375 MICHIGAN AVENUE SITE**

<b>Analytes</b>	<b>Detections Greater Than Industrial SCOs</b>	<b>Detections Greater Than Restricted Residential SCO</b>	<b>Maximum Detection (ppm)</b>	<b>SCOs Restricted Res/Industrial</b>	<b>Depth (ft bgs)</b>
Benzo(a)anthracene	1	1	13	1/11	1-2
Benzo(a)pyrene	2	2	11	1/1.1	0.5-2
Benzo(b)fluoranthene	1	3	15	1/11	0.5-1
Benzo(k)fluoranthene	0	1	5.3	3.9/110	1-2
Indeno(1,2,3cd)pyrene	0	1	6.1	0.5/11	1-2
Dibenz(a,h)anthracene	1	1	2.1	0.33/1.1	1-2
Chrysene	0	1	13	3.9/110	1-2
Barium	0	1	1100	400/10000	1-2
mercury	0	1	1	0.81/5.7	1-2
Lead	0	2	2080	400/3900	0.5-2
arsenic	1	1	17.2	16/16	1-2

# Appendix E

## Section VII: Requestor Information



**BRYDGES ENGINEERING**  
IN ENVIRONMENT AND ENERGY, DPC

#### Appendix E. Section VII: Requestor Information

The Requestor, Beacon Communities Services LLC, is a corporation authorized by the New York State (NYS) Department of State to conduct business in NYS (refer to the attached entity printout).

Dara Kovel is the CEO of Beacon Communities Corp., manager of Beacon Communities Services LLC.

Investigation, assessment and remedial workplans, reports and other documents will be prepared for the Requestor by Brydges Engineering in Environment & Energy (BE3). BE3 is a New York State Licensed Professional Engineering firm meeting the requirements of Section 7210 of the Education Law to provide professional engineering services in the State of New York (Certification number 0019059) and is authorized to practice engineering in New York State. All documents will be certified by a New York State licensed professional engineer.



## Department of State Division of Corporations

### Entity Information

[Return to Results](#)[Return to Search](#)

#### Entity Details

**ENTITY NAME:** BEACON COMMUNITIES SERVICES LLC  
**DOS ID:** 4653097  
**FOREIGN LEGAL NAME:**  
**FICTITIOUS NAME:**  
**ENTITY TYPE:** FOREIGN LIMITED LIABILITY COMPANY  
**DURATION DATE/LATEST DATE OF DISSOLUTION:**  
**SECTION OF LAW:** 802 LLC - LIMITED LIABILITY COMPANY LAW  
**ENTITY STATUS:** ACTIVE  
**DATE OF INITIAL DOS FILING:** 10/20/2014  
**REASON FOR STATUS:**  
**EFFECTIVE DATE INITIAL FILING:** 10/20/2014  
**INACTIVE DATE:**  
**FOREIGN FORMATION DATE:** 01/19/2006  
**STATEMENT STATUS:** CURRENT  
**COUNTY:** WESTCHESTER  
**NEXT STATEMENT DUE DATE:** 10/31/2026  
**JURISDICTION:** MASSACHUSETTS, UNITED STATES  
**NFP CATEGORY:**

[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

#### Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

**Name:** C/O CORPORATION SERVICE COMPANY

**Address:** 80 STATE STREET, ALBANY, NY, UNITED STATES, 12207

**Electronic Service of Process on the Secretary of State as agent:** Not Permitted

#### Chief Executive Officer's Name and Address

**Name:**

**Address:**

#### Principal Executive Office Address

**Address:**

#### Registered Agent Name and Address

**Name:** CORPORATION SERVICE COMPANY

**Address:** 80 STATE STREET, ALBANY, NY, 12207 - 2543

Entity Primary Location Name and Address

**Name:**

**Address:**

Farmcorpflag

**Is The Entity A Farm Corporation:** NO

Stock Information

Share Value

Number Of Shares

Value Per Share

AgenciesApp DirectoryCountiesEventsProgramsServices

# Appendix F

## Section IX: Program Fee





Appendix F. Section IX: Program Fee

The Requestor, Beacon Communities Services LLC, is applying for a fee waiver on the basis that the project will be a 100% affordable housing project.

# Appendix G

## Section X: Requestor Eligibility



**BRYDGES ENGINEERING**  
IN ENVIRONMENT AND ENERGY, DPC

## Appendix G. Section X: Requestor Eligibility

### *Volunteer Status*

The requestor, Beacon Communities Services LLC, qualifies as a “Volunteer” in accordance with NY ECL27-1405(1)(b) and 6 NYCRR 375.2(b)(2). The volunteer requestor has no relationship to the historical series of owners and operators. The requestor has never utilized the premises other than developing re-development concepts for the property.

The requestor became involved with the property after the disposal or discharge of contaminants and has no relationship with the previous owners/operators of the site and is thus entitled to volunteer status.

## Site Access Certification

The undersigned hereby certifies as follows:

- 1.) I am duly authorized to furnish this Certification on behalf of ETC Commercial Inc. (the "Owner").
- 2.) As of the date hereof, the Owner is the fee simple owner of the property located at 375 Michigan Avenue (SBL No. 111.63-1-1.11), located in the City of Buffalo, New York.
- 3.) The Owner is aware that (a) Beacon Communities Services LLC (the "Applicant") is filing a Brownfield Cleanup Program Application ("BCPA") relating to the property.
- 4.) The Owner has no objection to the Applicant filing the BCPA with the New York State Department of Environmental Conservation ("NYSDEC").
- 5.) This will confirm that the Applicant has been granted legal access to the property for the purposes of the BCPA and will be granted all necessary legal access, including an easement, if required, to complete remediation of the property.

IN WITNESS WHEREOF, this Certification has been duly executed and delivered as of the date set forth above.

Signature: \_\_\_\_\_



Name: Richard L. Higgins

Title: Vice President

Date: July 23, 2024

# **Appendix H**

## **Section V: Current and Historical Property Owner and Operator Information**



**BRYDGES ENGINEERING**  
IN ENVIRONMENT AND ENERGY, DPC



#### Appendix H. Section V: Current Property Owner and Operator Information

Information regarding current ownership was adapted from Erie County Geographic Information System (GIS) and limited past ownership was provided by LightBox Environmental Data Resources (EDR), which included historic street directories and Sanborn maps. It is important to note that previous owner/operator contact information was not able to be located as most of the properties were historically residential and storefronts. The project area historically contained several parcels, however is now one parcel under the street address 375 Michigan Avenue.

Date	Operator	Requestor Relationship
<b>379 Michigan Avenue</b>		
1930-1935	Men's Store Liquor Store	None
1940	Liquor Store	None
1950	Liquor Store	None
1955	Liquor Store	None
1960-2018	Portion of Parking Lot	None
<b>383 Michigan Avenue</b>		
1930-1935	Residential Rubin Ascanazy - Tailor	None
1940	Tailor	None
1950	Twin City Cleaners Tailor	None
1955	Tailor	None
1960-2018	Portion of Parking Lot	None
<b>385 Michigan Avenue</b>		
1930-1935	Cigar Store Restaurant	None
1940-1955	Grocery	None
1960-2018	Portion of Parking Lot	None
<b>391-393 Michigan Avenue</b>		
1930-1935	Wahle Electric Co.	None
1940	Wahle Electric Co.	None
1950	Wahle Electric Co.	None
1955	Vacant	None
1960-2018	Portion of Parking Lot	None
<b>403 Michigan Avenue</b>		
1930-1935	Wahle Electric Co.	None
1940	Wahle Electric Co.	None
1950	Wahle Electric Co.	None
1955	Vacant	None
1960-2018	Portion of Parking Lot	None

Current Property Ownership					
Property Address	Owner/Operator	Owner Address	Phone number	Email Address	Ownership Start Date
375 Michigan Avenue	ETC Commercial Inc.	200 South Division Street, Buffalo, NY 14204	905-738-0754	<a href="mailto:jorlans@norstarcan.com">jorlans@norstarcan.com</a>	1996

Past Property Ownership						
Property Address	Owner	Owner Address	Phone number	Email Address	Ownership Start Date	Requestor Relationship
375 Michigan Avenue	Ellicott Mall Partnership	125 Delmar Mitchell Drive, Buffalo, NY 14204	N/A	N/A	1992	None
375 Michigan Avenue	Buffalo Municipal Housing Authority	300 Perry Street, Buffalo, NY 14204	716-855-6711	team1@bmha housing.com	N/A	None

During the 2020 Phase 1 ESA completed by BE3, a chain-of-title search was completed back to at least 1980, in accordance with ASTM E1527-13 standards. The table above shows the current and all past owners identified from the search.

# Appendix I

## Section XII: Site Contact List



**BRYDGES ENGINEERING**  
IN ENVIRONMENT AND ENERGY, DPC

Appendix I. Section XII: Site Contact List

All of the following contacts and adjacent property owners will receive fact sheets throughout the project duration.

Contact	Address
<b>Erie County</b>	
Honorable Mark Poloncarz Erie County Executive	95 Franklin Street Buffalo, NY 14202
Daniel Castle AICP County Environment & Planning Co.	95 Franklin Street, 16th Floor Buffalo, NY 14202
Howard Johnson Erie County Legislator	1367 Fillmore Ave Buffalo, NY 14211
Mr. Paul Kranz Erie Co. Environment & Plan.	95 Franklin Street Buffalo, NY 14202
Ms. Karen M. McCarthy Erie County Legislature Clerk	25 Delaware Avenue Buffalo, NY 14202
Mr. Steve Weathers ECIDA	95 Perry Street Buffalo, NY 14203
Commissioner Gale Burstein, MD Erie County Health Department	95 Franklin Street, Room 931 Buffalo, NY 14202
Commissioner Daniel Neaverth, Jr. Erie County Local Emergency	45 Elm Street Buffalo, NY 14203
<b>City of Buffalo</b>	
Byron Brown City of Buffalo Mayor	65 Niagara Square Buffalo, NY 14202
Brendan R. Mehaffy Director of Planning	65 Niagara Square, Room 901 Buffalo, NY 14202
Darius G. Pridgen Ellicott District Councilmember	65 Niagara Square, Rm 1315 Buffalo, NY 14202
James K. Morrell City of Buffalo Chairman	65 Niagara Square Buffalo, NY 14202
<b>Supplier of Potable Water</b>	
Buffalo Water Department Veolia Water	2 Porter Avenue Buffalo, NY 14201
Erie County Water Authority	295 Main Street #350 Buffalo, NY 14203
<b>Local News Media</b>	
Buffalo News	1 News Plaza Buffalo, NY 14240
WGRZ TV - Ch. 2	259 Delaware Avenue Buffalo, NY 14202
WIVB - Ch. 4	2077 Elmwood Avenue Buffalo, NY 14207
WKBW News Channel 7	7 Broadcast Plaza Buffalo, NY 14202
WJYE ATTN: Environmental News Desk	1700 Rand Building Buffalo, NY 14203
Business First	465 Main Street Buffalo, NY 14203-1793

WBEN News Radio 930 Entercom Radio of Buffalo	500 Corporate Pkwy, Suite 200 Buffalo, NY 14226
WNED, Environmental News Desk	P.O. Box 1263, Horizons Plaza Buffalo, NY 14240
<b>Nearby Schools and Day Cares</b>	
Buffalo Elementary School of Technology	414 South Division St., Buffalo, NY 14204
REACH Academy Charter Elementary School	115 Ash St., Buffalo, NY 14204
Waterfront Elementary School	95 4 <sup>th</sup> Street., Buffalo, NY 14202
<b>Document Repository</b>	
April Tompkins	Buffalo and Erie County Public Library 1 Lafayette Square Buffalo, NY 14203

Address	SBL/Tax ID	Owner	Owner Address
<b>Adjacent Property Owners</b>			
170 East Eagle St.	111.14-1-3.11	Durham Memorial Zion	174 East Eagle St. Buffalo, NY 14204
99999 South Division St.	111.63-1-75	Ellicott Community Association, LLC	215 Broadway Buffalo, NY 14204
200 South Division St.	111.63-1-19	Mineola Contracting LTD	200 South Division Sy. Buffalo, NY 14202
372 Michigan Avenue	111.14-5-1	The County of Erie	95 Franklin St. Buffalo, NY 14203
136 North Division St.	111.14-6-4.1	AC Lofts LLC	443 Delaware Avenue Buffalo, NY 14202
390 Michigan Avenue	111.14-6-3	151 Eagle LLC	9580 Main St. Clarence, NY 14031
153 East Eagle St.	111.14-6-1	151 Eagle LLC	9580 Main St. Clarence, NY 14031
151 East Eagle St.	111.14-6-5.12	151 Eagle LLC	9580 Main St. Clarence, NY 14031
402 Michigan Avenue	111.14-6-2	151 Eagle LLC	9580 Main St. Clarence, NY 14031
101 Elm St.	111.13-11-1	Niagara Mohawk Power Corp.	300 Erie Blvd. Syracuse, NY 13202
425 Michigan Ave.	111.14-1-2.1	425 Michigan Ave, LLC	455 Cayuga Rd., Suite 100 Buffalo, NY 14225





---

**RE: Request to use Repository (375 Michigan Avenue)**

---

**From** April Tompkins <tompkinsa@buffalolib.org>

**Date** Wed 6/4/2025 9:58 AM

**To** Alexis Palumbo <apalumbo@be3corp.com>

**CAUTION:** This email originated from outside of the organization.

Good morning Alexis,

Per your request, this is to inform you that the Buffalo and Erie County Public Library will be the repository for all documents (and updates) submitted by your company for the Brownfield Cleanup Program at the **375 Michigan Avenue in Buffalo, Erie County, New York**. These documents will be made available for public viewing at the Central (downtown) Library and/or any of the other 36 libraries of your choice within our System. Please refer to our procedure below.

We prefer that you do not take and/or send documents to individual libraries. We will process according to our procedure and distribute to the location(s) of your choice. **Be sure to include a cover letter.** **If you would like a confirmation that your documents were received, you will need to include the request in your cover letter and provide an email address.**

Please keep the following in mind:

- Documents (including updates) for public viewing should be either brought in person (to my attention) to the Central Library's administrative reception desk located on the second floor or sent via mail/**delivery carrier**. Documents sent via e-mail will not be accepted. The mailing address is:

**Attention: April Tompkins  
Re: Repository Documents  
Buffalo and Erie County Public Library  
1 Lafayette Square  
Buffalo, NY 14203**

- After processing, documents are made available usually within three business days after receipt, excluding weekends and holidays. Documents for the Central/Downtown library are located on the first floor in the Information Services Department.
- If you would like the documents distributed at **libraries other than Central**, you will need to send or give us the appropriate quantity of copies with labels or a list regarding their destination(s). We will distribution accordingly. We do not make copies for distribution.
- Documents that cannot be stapled, should be kept together in some type of binder. Please do not send 'loose' papers, especially if including a cd or flash drive.
- You have the choice regarding the format (hard copy print and/or disk or flash drive) you wish to submit. If submitting in more than one format (ex: print and disk), please be sure that they are titled/labeled accordingly. **If cd's or flash drives are included, please secure to the**

**corresponding printed document(s) to prevent it from getting lost or separated.** If submitting in cd and/or flash drive format only (with no printed documentation), it will need to be in some type of enclosed pocket/envelope (clear, if possible) to prevent it from being misplaced or lost. Although CD-ROMs are not accessible on public library computers, patrons may bring in their personal laptop or external optical drive to view the disk in-house. Public computers do have USB ports for flash drives. If optional, an alternative is the availability to go online using a provided link for patrons to read/print. Patrons are not allowed to take original repository documents out of the Library.

Please feel free to contact me by replying to this e-mail or by phone at 716-858-7129 if you still have any questions.

Regards,  
April

*April Tompkins, Sr. Library Clerk*

Office of Chief Operating Officer

Buffalo and Erie County Public Library

1 Lafayette Square | Buffalo, NY 14203

Voice: 716-858-7129 | Fax: 716-845-9053

E-mail: [tompkinsa@buffalolib.org](mailto:tompkinsa@buffalolib.org)

# Appendix J

## Section III: Ecological Concerns



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A Fish and Wildlife Resource Impact Analysis (FWRIA), Part 1 will be submitted with the Remedial Investigation Report.