

NYSDEC BCP APPLICATION VOELKERS LANES APARTMENTS

1624, 1628, 1634 ELMWOOD AVENUE; 666, 668, 670, 680 AMHERST
STREET; 155 MARION STREET
BUFFALO, ERIE COUNTY, NEW YORK



Prepared for:

SAA | EVI
110 Elmwood Avenue
Buffalo, NY 14201

Prepared by:



960 Busti Ave Suite B-150
Buffalo, New York, 14213

May 2026

Revised July 2026

Table of Contents

Brownfield Cleanup Program Application Form

Figures

Figure 1: Tax Map

Figure 2: USGS 7.5-minute Quad Map

Figure 3: BCP Parcel Boundaries Map

Figure 4: Site Survey

Figure 5: Site Location Map

Figure 6: Adjacent Property Owners

Figure 7: En-Zone Map

Figure 8: Disadvantaged Communities Map

Figure 9: Brownfield Opportunity Area (BOA) Map

Figure 10: Zoning Map

Figure 11: Phase II Boring and Exceedances Map

Figure 12: Project Schedule - Voelkers Lanes Apartments

Figure 13: Finance Schedule

Tables

Table 1: Summary of 2019 Soil Analytical Results

Table 2: Summary of 2019 Groundwater Analytical Results

Table 3: Summary of 2024 Soil Analytical Results

Table 4: Summary of 2024 Vapor/Indoor Air Analytical Results

Table 5: Summary of 2026 Soil Analytical Results

Table 6: Summary of Soil Analytical Results Restricted Residential Exceedances Only

Appendices

Appendix A. Section I: Property Information

Appendix B. Section II: Project Description

Appendix C. Section IV: Land Use Factors

Appendix D. Section VI: Property's Environmental History

Appendix E. Section VII: Requestor Information

Appendix F. Section IX: Program Fee

Appendix G. Section X: Requestor Eligibility

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

Appendix I. Section XII: Site Contact List

Appendix J. Section III: Ecological Concerns

Previous Environmental Reports (separate submittal)

2019 Phase I ESA by TurnKey Environmental Restoration, LLC

2019 Phase 2 ESA by TurnKey Environmental Restoration, LLC

2024 Phase 2 ESA by BE3 Corp

2026 Phase 2 ESA by BE3 Corp



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, 12th Floor
Albany, NY 12233-7015

SITE NAME:

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: _____

Yes

No



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

BCP App Rev 17 – October 2025

SECTION I: Property Information

PROPOSED SITE NAME

ADDRESS/LOCATION

CITY/TOWN

ZIP CODE

MUNICIPALITY (LIST ALL IF MORE THAN ONE)

COUNTY

SITE SIZE (ACRES)

LATITUDE

LONGITUDE

° ' "

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

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 figures 3 and 4

Y 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, 5 and 6

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 7

If yes, identify census tract: _____

Percentage of property in En-zone (check one): 0% 1-49% 50-99% 100%

4. Is the project located within a disadvantaged community?

See application instructions for additional information.

See figure 8

5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.

See figure 9

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: _____

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?			
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.			
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.			
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____			
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: _____			
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. <u>Easement/Right-of-Way Holder</u> <u>Description</u>			
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <u>Type</u> <u>Issuing Agency</u> <u>Description</u>			
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? See Appendix A			
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City. N/A			
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.		Y	N
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?			
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?			
NOTE: 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.			
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. Initials of each Requestor: _____ _____ _____ _____ _____ _____ _____			

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
4a. Please provide a short description of the overall project development, including a complete project schedule with all key BCP program milestones through issuance of the Certificate of Completion. Include DEC/DOH review times in the schedule (best efforts to review documents within 45 days pursuant to 6 NYCRR Part 375-3.6(b)).			
Is this information attached?		See Appendix B	No
4b. Please include in the project schedule the dates of any outside public or private funding source deadlines with the associated BCP milestones, e.g., NYC HPD or NYS HCR funding deadlines, or private funding interim milestones from loan documents, that depend on a particular BCP milestone such as a work plan or report approval, decision document issuance, etc.			
Is this information clearly identified in the BCP project schedule?		Yes	No
			N/A
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		
1. Are there fish, wildlife, or ecological resources within a ½-mile radius of the site?	Y	N
2. Is there a potential path for contamination to potentially impact fish, wildlife or ecological resources?		
3. Is/are there a/any Contaminant(s) of Ecological Concern?		
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?		
	N/A	

SECTION IV: Land Use Factors			
1. What is the property's current municipal zoning designation? _____			
2. What uses are allowed by the property's current zoning (select all that apply)?			
Residential	Commercial	Industrial	See Figure 10
3. Current use (select all that apply):			
Residential	Commercial	Industrial	Recreational Vacant
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? See Appendix C			Y N
5. Reasonably anticipated post-remediation use (check all that apply):			
Residential	Commercial	Industrial	
If residential, does it qualify as single-family housing?			N/A
6. Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached? See Appendix C			
7. Is the proposed post-remediation use a renewable energy facility? See application instructions for additional information.			
8. Do current and/or recent development patterns support the proposed use? See Appendix C			
9. Is the proposed use consistent with applicable zoning laws/maps? See Appendix C Please provide a brief explanation. Include additional documentation if necessary.			
10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? See Appendix C Please provide a brief explanation. Include additional documentation if necessary.			

SECTION V: Current and Historical Property Owner and Operator Information			
CURRENT OWNER			
See Appendix H			
CONTACT NAME			
ADDRESS			
CITY		STATE	ZIP CODE
PHONE	EMAIL		
OWNERSHIP START DATE			
CURRENT OPERATOR			
CONTACT NAME			
ADDRESS			
CITY		STATE	ZIP CODE
PHONE	EMAIL		
OPERATION START DATE			

SECTION VI: Property's Environmental History

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			
Chlorinated Solvents			
Other VOCs	See Appendix D		
SVOCs			
Metals			
Pesticides			
PCBs			
PFAS			
1,4-dioxane			
Other – indicated below			

*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.

See Figure 11

Are the required drawings included with this application? YES NO

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

Coal Gas Manufacturing	Manufacturing	Agricultural Co-Op	Dry Cleaner
Salvage Yard	Bulk Plant	Pipeline	Service Station
Landfill	Tannery	Electroplating	Unknown

Other:

SECTION VII: Requestor Information					
NAME					
ADDRESS					
CITY/TOWN			STATE	ZIP CODE	
PHONE		EMAIL			
1. Is the requestor authorized to conduct business in New York State (NYS)?				Y	N
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 NYS Department of State's Corporation & Business Entity Database . 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? See Appendix E					
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? See Appendix E N/A					
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP.					

SECTION VIII: Requestor Contact Information			
REQUESTOR'S REPRESENTATIVE			
ADDRESS			
CITY		STATE	ZIP CODE
PHONE	EMAIL		
REQUESTOR'S CONSULTANT (CONTACT NAME)			
COMPANY			
ADDRESS			
CITY		STATE	ZIP CODE
PHONE	EMAIL		
REQUESTOR'S ATTORNEY (CONTACT NAME)			
COMPANY			
ADDRESS			
CITY		STATE	ZIP CODE
PHONE	EMAIL		

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?		
2. If yes, appropriate documentation must be provided with the application. See application instructions for additional information. See Appendix F		
Is the appropriate documentation included with this application? N/A		

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?		
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		
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.		
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?		
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.		
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?		
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?		
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?		
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?		
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?		
11. Are there any unregistered bulk storage tanks on-site which require registration?		

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?

Yes

No

N/A

See Appendix G

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.		
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: _____		
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: _____		
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. N/A		
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: _____		
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.		

SECTION XII: Site Contact List
To be considered complete, the application must include the Brownfield Site Contact List in accordance with <i>DER-23: Citizen Participation Handbook for Remedial Programs</i>. 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 _____ (title) of _____ (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: _____

Signature:  _____

Print Name: _____

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

Figures



Site tax parcels:
1624, 1628 & 1634
Elmwood Avenue
666, 668, 670 & 680
Amherst Street
155 Marion Street

WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

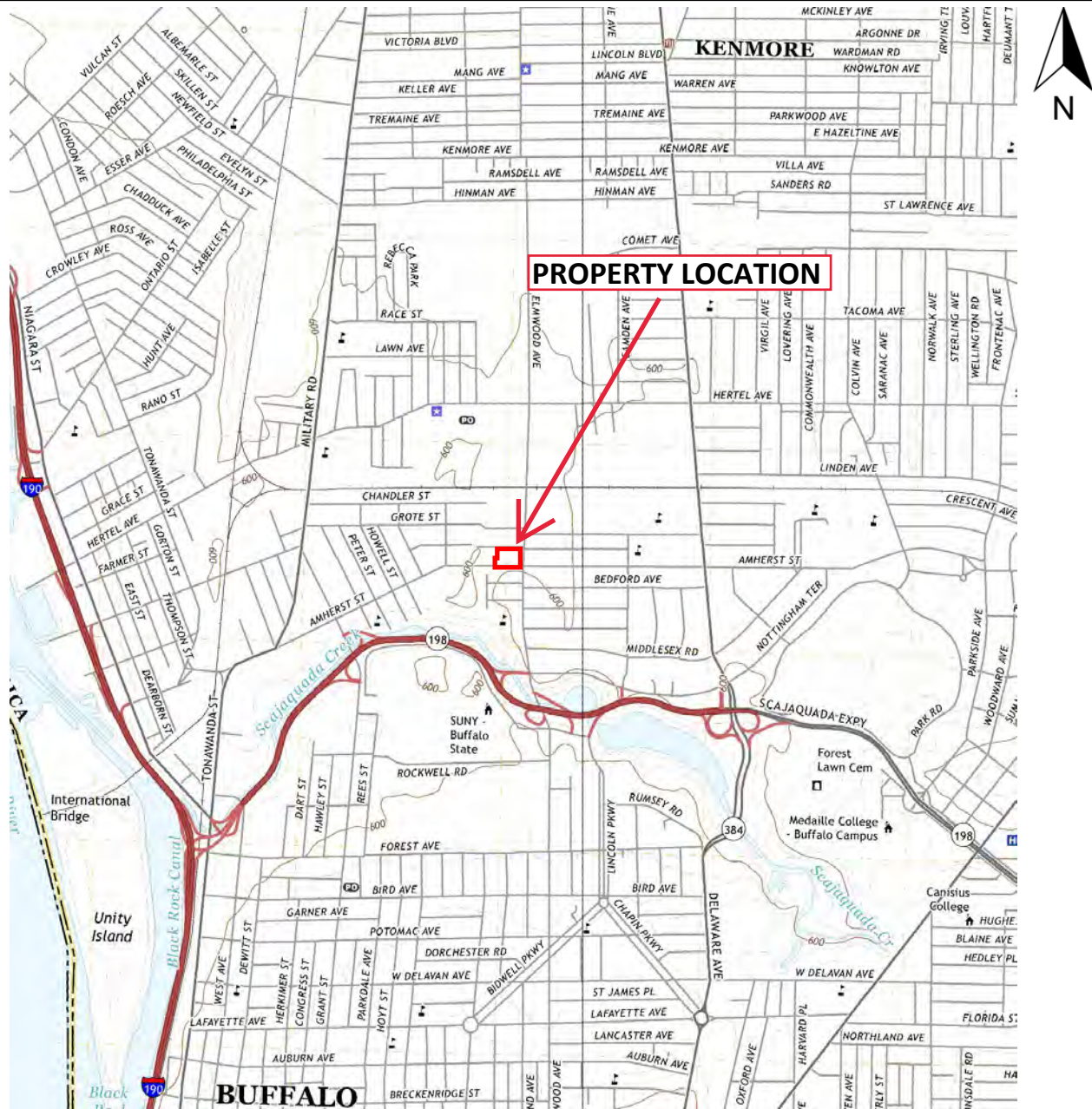
**ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS**

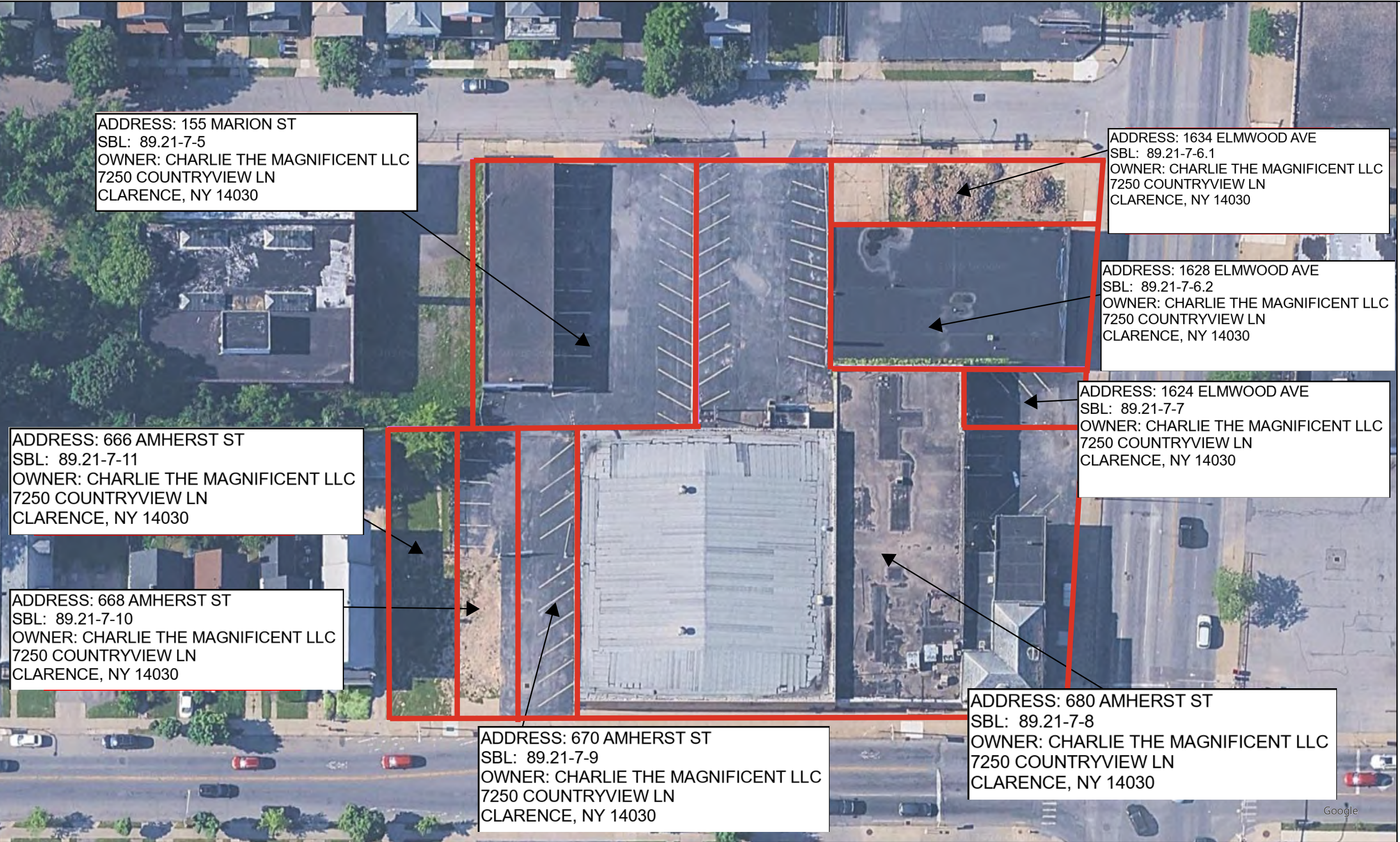
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 2,257



Figure 2: Historical Topographic Map





ADDRESS: 155 MARION ST
SBL: 89.21-7-5
OWNER: CHARLIE THE MAGNIFICENT LLC
7250 COUNTRYVIEW LN
CLARENCE, NY 14030

ADDRESS: 1634 ELMWOOD AVE
SBL: 89.21-7-6.1
OWNER: CHARLIE THE MAGNIFICENT LLC
7250 COUNTRYVIEW LN
CLARENCE, NY 14030

ADDRESS: 1628 ELMWOOD AVE
SBL: 89.21-7-6.2
OWNER: CHARLIE THE MAGNIFICENT LLC
7250 COUNTRYVIEW LN
CLARENCE, NY 14030

ADDRESS: 1624 ELMWOOD AVE
SBL: 89.21-7-7
OWNER: CHARLIE THE MAGNIFICENT LLC
7250 COUNTRYVIEW LN
CLARENCE, NY 14030

ADDRESS: 666 AMHERST ST
SBL: 89.21-7-11
OWNER: CHARLIE THE MAGNIFICENT LLC
7250 COUNTRYVIEW LN
CLARENCE, NY 14030

ADDRESS: 668 AMHERST ST
SBL: 89.21-7-10
OWNER: CHARLIE THE MAGNIFICENT LLC
7250 COUNTRYVIEW LN
CLARENCE, NY 14030

ADDRESS: 670 AMHERST ST
SBL: 89.21-7-9
OWNER: CHARLIE THE MAGNIFICENT LLC
7250 COUNTRYVIEW LN
CLARENCE, NY 14030

ADDRESS: 680 AMHERST ST
SBL: 89.21-7-8
OWNER: CHARLIE THE MAGNIFICENT LLC
7250 COUNTRYVIEW LN
CLARENCE, NY 14030

LEGEND

Project Boundary

NOTES

1. All buildings besides the one on 155 Marion Street and the one on 1628 Elmwood Ave have been demolished

2. Basemap adapted from Google Maps

BE3

BRYDGES
ENGINEERING
IN ENVIRONMENT
AND ENERGY, DPC

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

CLIENT - SAA EVI MC FAMILY, LLC

Figure 3 - BCP Parcel Boundaries Map

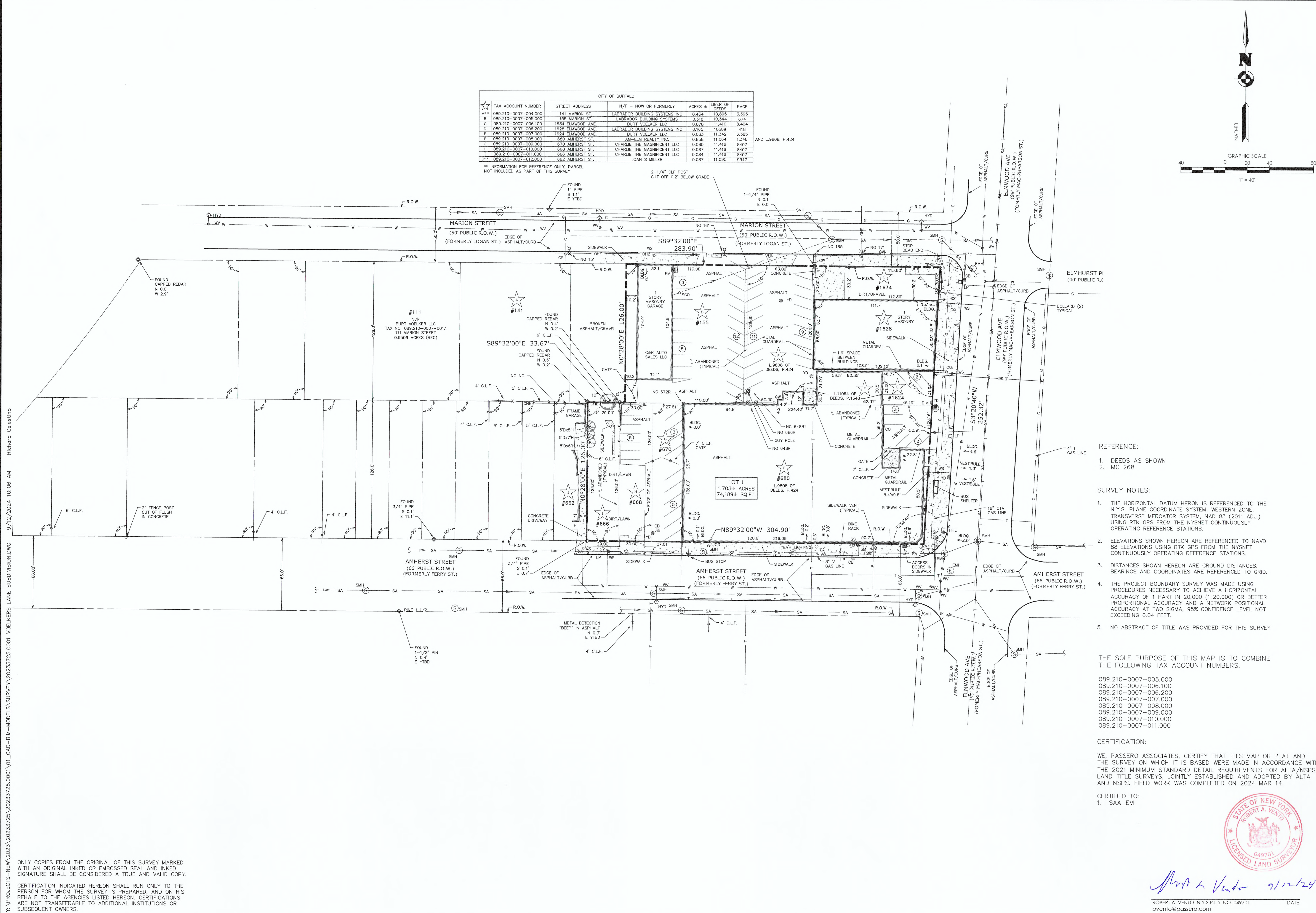
666, 668, 670, and 680 Amherst Street;
1624, 1628, ad 1634 Elmwood Avenue; and
155 Marion Street
Buffalo, NY 14207

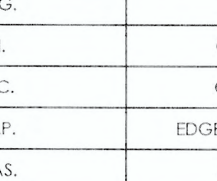
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May 12, 2026

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Passero Associates

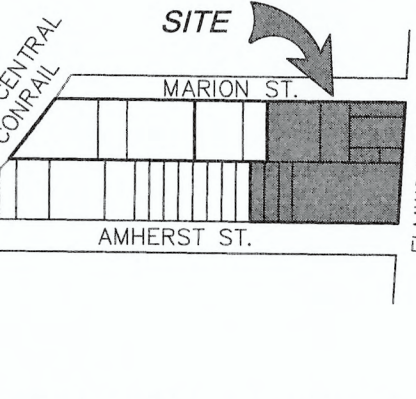
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ABERRATION TABLE	
B.D.G.	BUILDING
C.I.	CAST IRON
CNC.	CONCRETE
E.O.P.	EDGE OF PAVEMENT
MEAS.	MEASURES
R.O.W.	RIGHT OF WAY

LEGEND	
	CATCHBASIN
	CLEANOUT (UNKNOWN TYPE)
	CLEANOUT DRAINAGE SEWER
	CLEANOUT SANITARY SEWER
	END SECTION DRAINAGE PIPE
	GAS VALVE
	HYDRANT
	LIGHTPOLE
	MANHOLE (UNKNOWN TYPE)
	MANHOLE ELECTRIC
	MANHOLE DRAINAGE INLET
	MANHOLE DRAINAGE SEWER
	MANHOLE SANITARY SEWER
	MANHOLE TELE/COMM
	SIGN POST (SINGLE)
	TRAFFIC LIGHT SPAN POLE
	TREE CONIFEROUS
	TREE DECIDUOUS
	UTILITY POLE
	UTILITY POLE ANCHOR WIRE
	UTILITY POLE WITH LIGHT
	WATER SERVICE
	WATER VALVE

Revisions			
No.	Date	By	Description

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VOELKER'S LANES
SUBDIVISION
1.703± ACRES

PART OF TOWN LOT 83, TOWNSHIP 11, RANGE 8,
OF THE HOLLAND LAND COMPANY'S SURVEY,
CITY OF BUFFALO, ERIE COUNTY, NEW YORK STATE

Project No.
20233725.0001

Drawing No. SUB-1	Sheet No. 1 of 1
-----------------------------	----------------------------

Scale:
1" = 40'

Date
SEPTEMBER 2024



LEGEND

— BCP Site Boundary

NOTES

Imagery adopted from City of Buffalo Property Viewer



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AND ENERGY, DPC

960 Busti Avenue
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jbrydges@be3corp.com

Prepared for: SAA & EVI LLC

Figure 5
Site Location Map

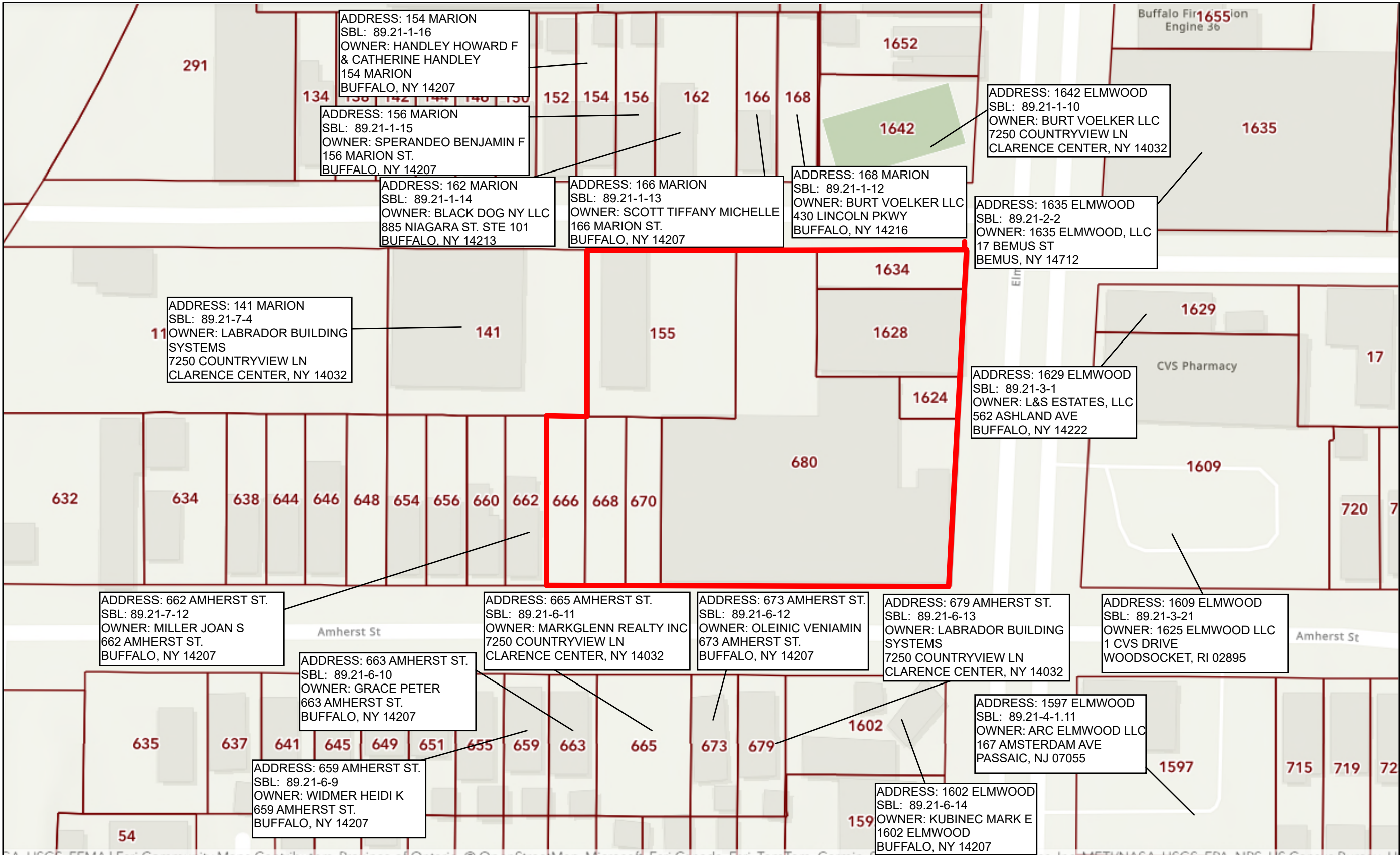
Voelkers Lanes Apartments
Buffalo, NY 14207



DATE ISSUED:
March 28, 2026

△

SCALE: 1:1,667



LEGEND

— BCP Site Boundary

NOTES

Imagery adopted from City of Buffalo Property Viewer



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Figure 6 Adjacent Owners Map

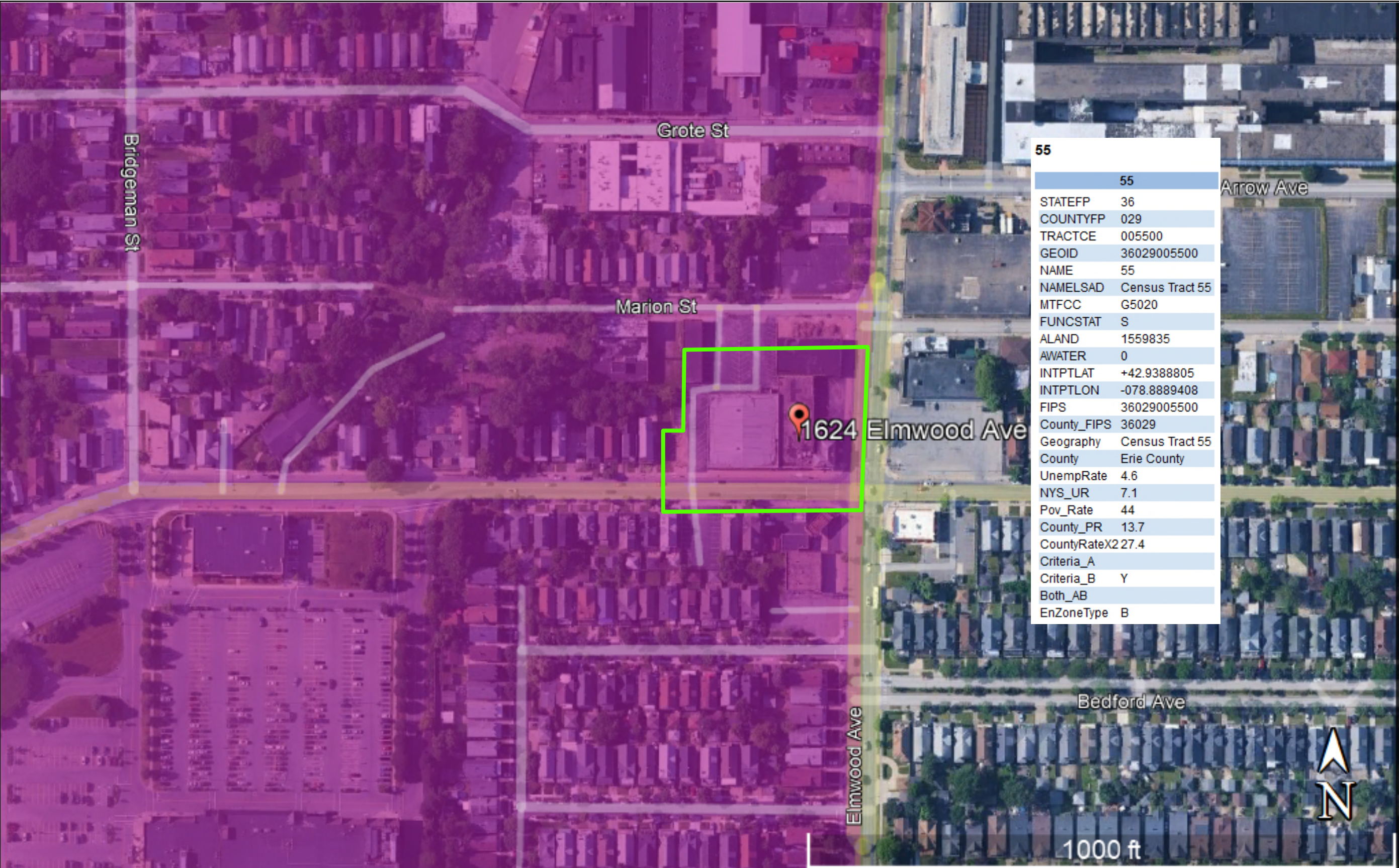
Voelkers Lanes Apartments
Buffalo, NY 14207



DATE ISSUED:
March 28, 2026

△

SCALE: 1:1,667



55	
STATEFP	36
COUNTYFP	029
TRACTCE	005500
GEOID	36029005500
NAME	55
NAMELSAD	Census Tract 55
MTFCC	G5020
FUNCSTAT	S
ALAND	1559835
AWATER	0
INTPTLAT	+42.9388805
INTPTLON	-078.8889408
FIPS	36029005500
County_FIPS	36029
Geography	Census Tract 55
County	Erie County
UnempRate	4.6
NYS_UR	7.1
Pov_Rate	44
County_PR	13.7
CountyRateX2	27.4
Criteria_A	
Criteria_B	Y
Both_AB	
EnZoneType	B

LEGEND

BCP Site Boundary

Enzone Census Tract 55

NOTES

(1) The BCP Site is located in Census Tract 55 which is an EnZone Type B

(2) Imagery adopted from Google Earth

(3) Overlay and data adopted from NYSDEC En-Zone Boundary file

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Figure
En-Zone Map

Voelkers Lanes Apartments
Buffalo, Erie County, New York

N

W

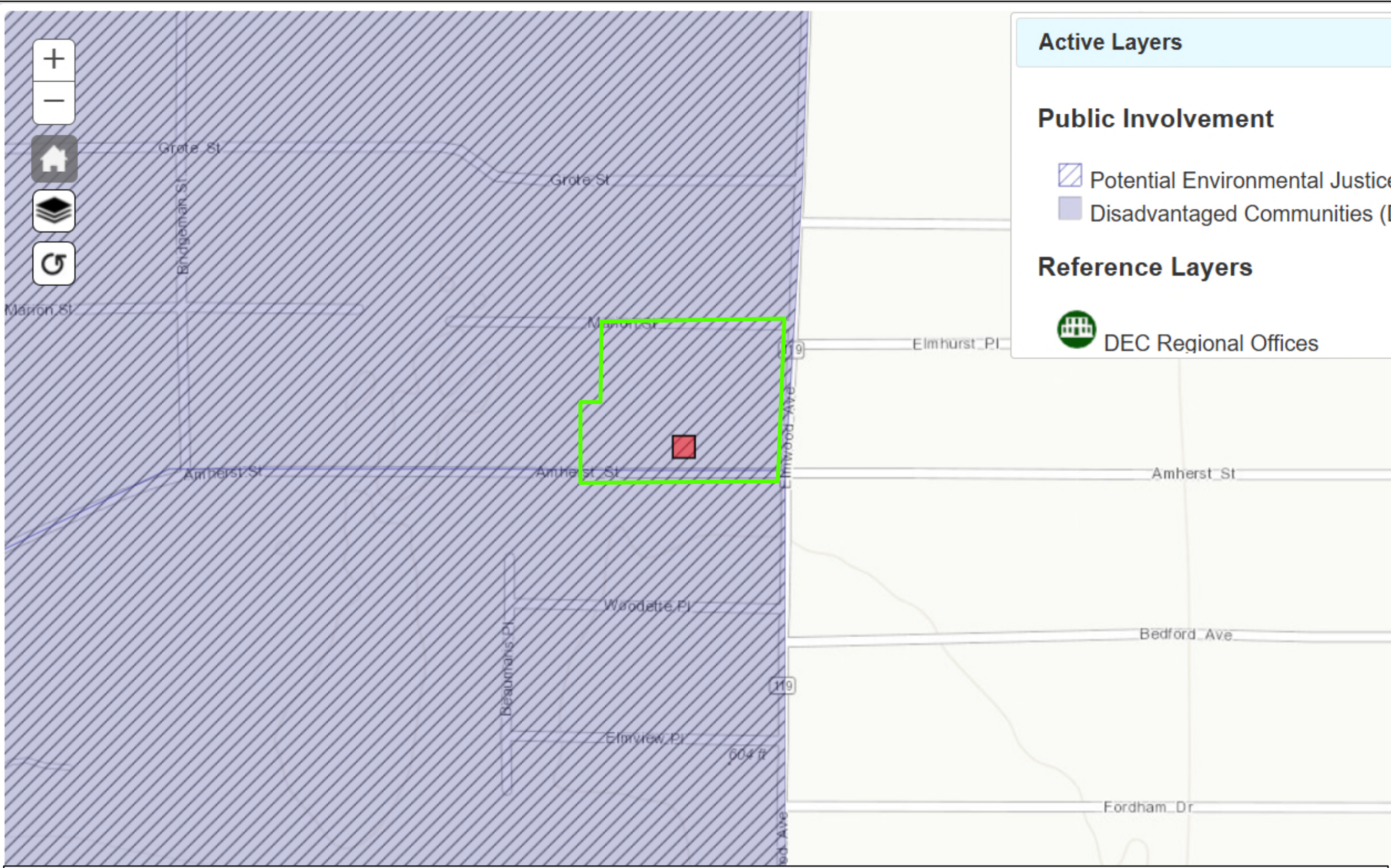
E

S

DATE ISSUED:
March 30, 2026

△

SCALE PROVIDED ON FIGURE



LEGEND

- BCP Site
- Potential Environmental Justice Areas
- Disadvantaged Communities (DAC)

NOTES

(1) The BCP Site is located in both a Potential Environmental Justic Area and DAC
(2) Imagery adopted from DECinfo Locator

Active Layers

Public Involvement

- Potential Environmental Justice Areas
- Disadvantaged Communities (DAC)

Reference Layers

- DEC Regional Offices



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Figure 8

Disadvantaged Community Map

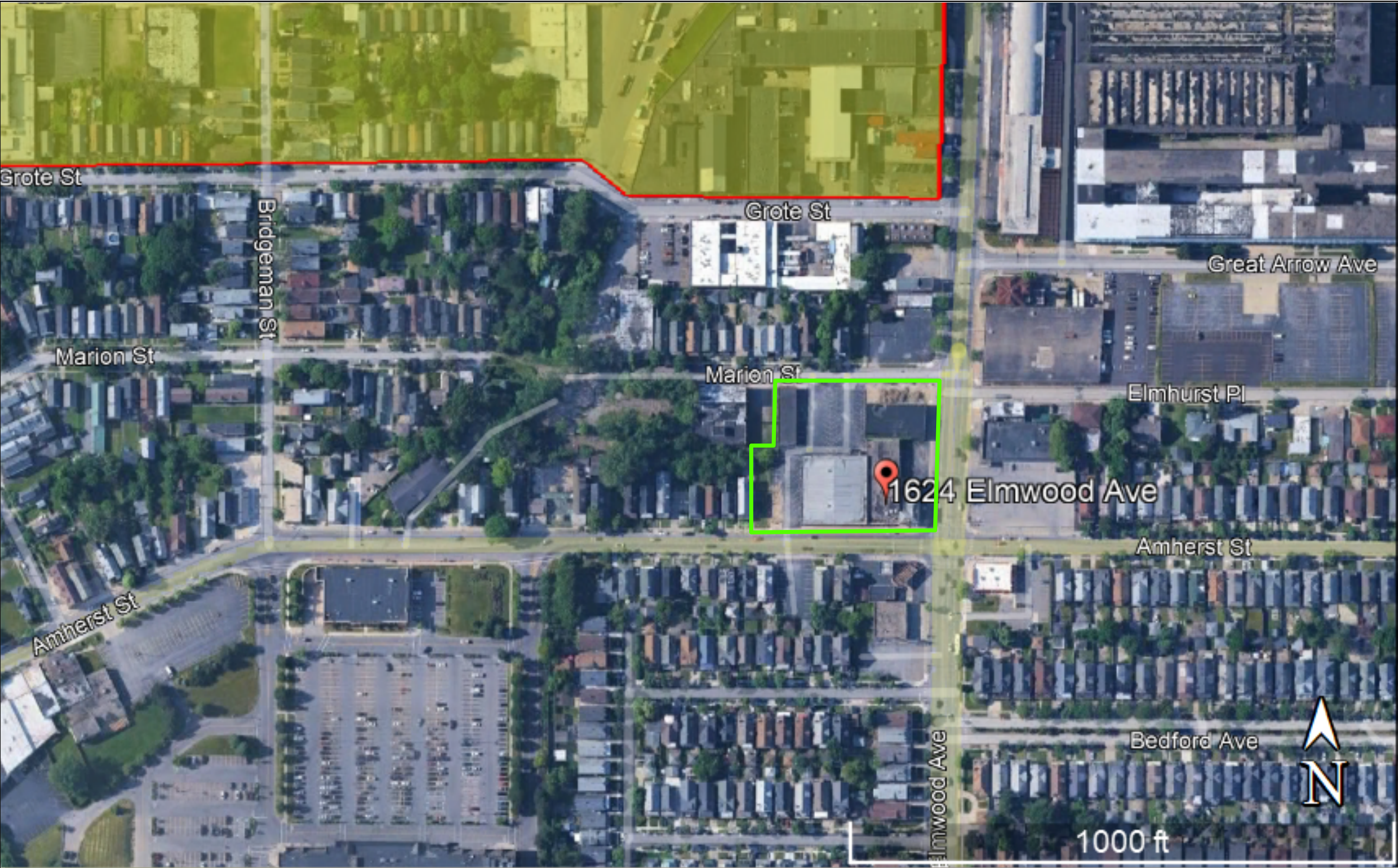
Voelkers Lanes Apartments
Buffalo, NY 14207



W N E
S

DATE ISSUED:
March 28, 2026

△



LEGEND

- BCP Site Boundary
- Tonawanda Street Corridor

NOTES

- (1) The BCP Site is not located in a Brownfield Opportunity Area (BOA).
- (2) The nearest BOA (Tonawanda Street Corridor) is approximately 300 feet north of the Site.
- (3) Imagery adopted from Google Earth.
- (4) Overlay and data adopted from NYSDEC BOA Designations as Polygons.

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Figure 9
BOA Map

Voelkers Lanes Apartments
Buffalo, NY 14207

1000 ft

DATE ISSUED:
March 30, 2026

△

SCALE PROVIDED ON FIGURE



LEGEND

	N-2C (Mixed-Use Center)		N-3E (Mixed-Use Edge)		D-E (Educational Campus)		D-OS (Square)		N-1D (Downtown Hub)
	D-IL (Light Industrial)		N-3R (Residential)		D-M (Medical Campus)		D-OG (Green)		N-1C (Mixed-Use Core)
	D-IH (Heavy Industrial)		N-4-30 (Single Family)		D-S (Retail Strip)		D-ON (Natural)		N-1S (Secondary Employment Center)
	C-R (Rail Corridor)		N-4-50 (Single Family)		D-C (Flex Commercial)		D-R (Residential Campus)		

NOTES

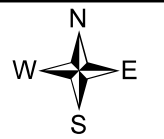
(1) Basemap from City of Buffalo Property Viewer



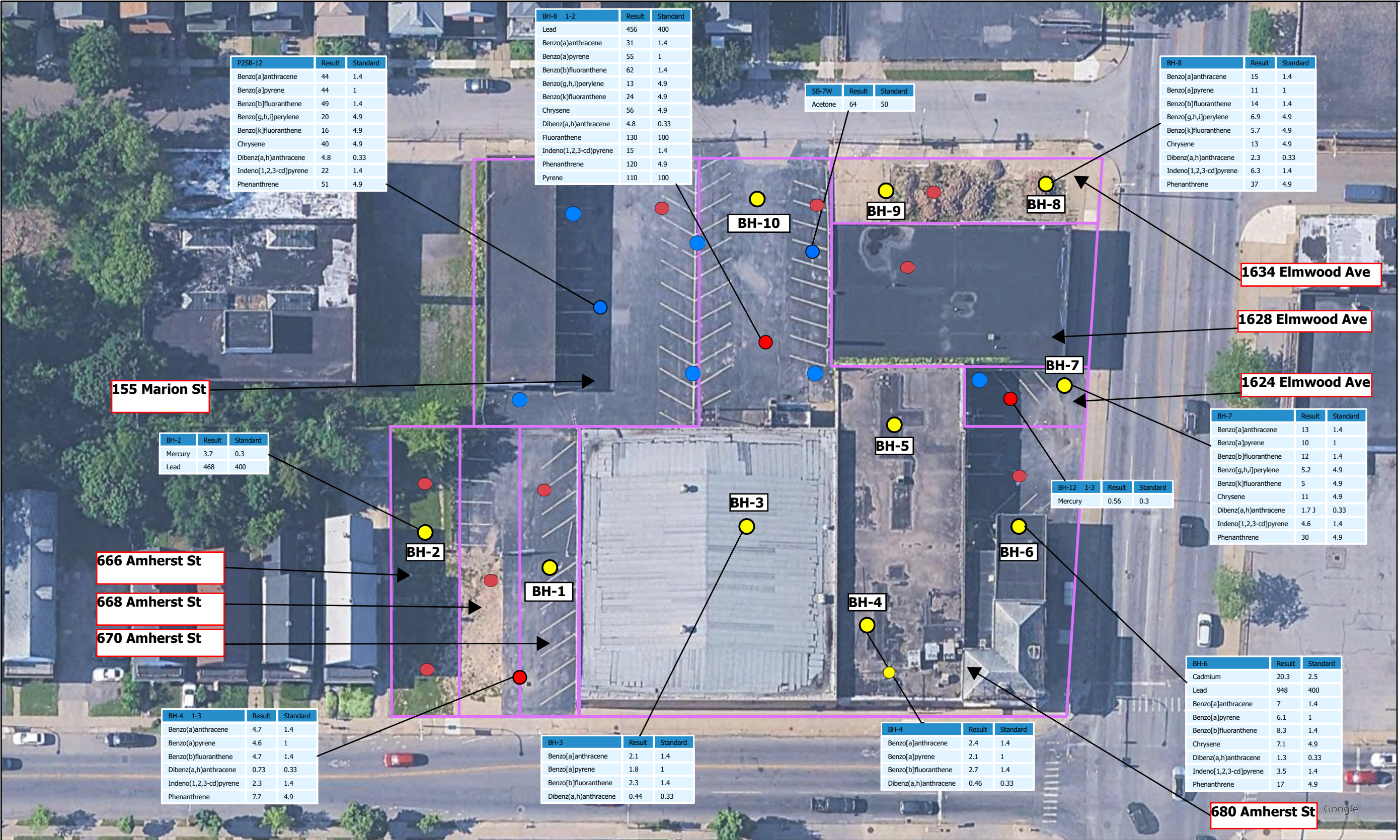
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CLIENT: SAA & EVI LLC

Figure 10 Zoning Map
Voelkers Lanes Apartments
Buffalo, New York 14207



DATE ISSUED:
May 11, 2026



LEGEND

- Soil Boring 01/2026
- Previous Boring 03/2024
- Previous Boring 06/2019
- Project Boundary

NOTES

- All buildings besides the one on 155 Marion Street and the one on 1628 Elmwood Ave have been demolished
- Basemap adapted from Google Maps
- All values except for Table SB-7W are presented in parts per million (ppm) or milligram per kilogram (mg/kg)
- Values presented in Table SB-7W are presented in parts per billion (ppb) or micrograms per liter (ug/L)
- All standards except for Table SB-7W are 12/31/2025 Part 375 Restricted Residential Soil Cleanup Objective (SCO)
- Standard for Table SB-7W is NYS Ambient Water Quality and Guidance Values

BE3

BRYDGES ENGINEERING
IN ENVIRONMENT AND ENERGY, DPC

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CLIENT - SAA EVI MC FAMILY, LLC

Figure 11 - BE3 Phase II Investigation
666, 668, 670, and 680 Amherst Street;
1624, 1628, ad 1634 Elmwood Avenue; and
155 Marion Street
Buffalo, NY 14207

DATE ISSUED:
February 25, 2026

△
△
△

Scale: 1:734

BUFFALO, NY

Notes:

- BCP - Brownfield Cleanup Program
- DEC - Department of Environmental Conservation
- DD - Decision Document
- DOH - Department of Health
- HFA - Housing Finance Agency
- FER - Final Engineering Report
- COC - Certificate of Completion
- RWP - Remedial Work Plan
- RIR - Remedial Investigation Report
- RIWP - Remedial Investigation Work Plan
- SMP - Site Management Plan

BCP Items

Funding Items

Figure 13
Finance Schedule
Voelkers Lanes Apartments
Site No. C915421

Task	Deadline
Submit Full HFA Application	09/2026
HFA Credit Committee	01/2027
HFA Board Approval	01/2027
HFA Project Sign-Off	03/2027
HFA Escrow Closing (Final Documents)	03/2027
HFA Construction Finance Closing/Start Construction	03/2027

Tables



TABLE 1
SUMMARY OF 2019 SOIL SAMPLE ANALYTICAL RESULTS PHASE
II ENVIRONMENTAL INVESTIGATION REPORT
ELMWOOD AVENUE AND AMHERST STREET PARCELS BUFFALO,
NEW YORK

PARAMETER ¹	CP-51 SCLs ²	Unrestricted Use SCOs ³	Commercial Use SCOs ³	Property 1 - Sample Location (Depth - ft)				Property 2 - Sample Location (Depth - ft)					Property 3 - Sample Location (Depth - ft)					
				P1SB-2 (1-2)	P1SB-3 (2-4)	P1SB-4 (1-2)	P1SB-4 (4-5)	P2SB-7 (0.5-1.5)	P2SB-8 (0.5 - 1.5)	P2SB-10 (0.5-2)	P2SB-11 (8-10)	P2SB-12 (0.5-2)	P3SB-1 (0-2)	P3TP-1 (0-2)	P3TP-3 (0-2)	P3TP-3 (6-7)	P3TP-5 (1-2)	P3TP-7 (1-2)
				6/19/2019									6/20/2019					
Volatile Organic Compounds (VOCs) - mg/Kg ⁴																		
1,2,4-Trimethylbenzene	3.6	3.6	190	ND	ND	1.6	ND	--	--	--	ND	--	--	--	--	0.69	--	--
1,3,5-Trimethylbenzene	8.4	8.4	190	ND	ND	5.3	ND	--	--	--	ND	--	--	--	--	0.23	--	--
2-Butanone (MEK)	--	0.12	500	0.0029 J	ND	ND	ND	--	--	--	ND	--	--	--	--	ND	--	--
Acetone	--	0.05	500	0.027	0.025	ND	0.012	--	--	--	0.028	--	--	--	--	ND	--	--
Bromomethane (Methyl bromide)	--	--	--	ND	ND	--	ND	--	--	--	ND	--	--	--	--	0.038 J	--	--
cis-1,2-Dichloroethene	--	0.25	500	ND	ND	0.15 J	ND	--	--	--	ND	--	--	--	--	ND	--	--
Cyclohexane	--	--	--	ND	ND	ND	ND	--	--	--	ND	--	--	--	--	0.56 J	--	--
Ethylbenzene	1	1	390	ND	ND	ND	ND	--	--	--	ND	--	--	--	--	0.032 J	--	--
Isopropylbenzene (Cumene)	2.3	--	--	ND	ND	ND	ND	--	--	--	ND	--	--	--	--	0.025 J	--	--
Methyl acetate	--	--	--	ND	0.014	ND	0.0011 J	--	--	--	ND	--	--	--	--	ND	--	--
Methyl tert butyl ether (MTBE)	0.93	0.93	500	ND	ND	ND	ND	--	--	--	0.00028 J	--	--	--	--	ND	--	--
Methylcyclohexane	--	--	--	ND	ND	ND	ND	--	--	--	ND	--	--	--	--	2.4	--	--
n-Butylbenzene	12	12	500	ND	ND	1.2	ND	--	--	--	ND	--	--	--	--	0.11	--	--
n-Propylbenzene	3.9	3.9	500	ND	ND	ND	ND	--	--	--	ND	--	--	--	--	0.099	--	--
p-Isopropyltoluene	--	--	--	ND	ND	4.5	ND	--	--	--	ND	--	--	--	--	0.049 J	--	--
sec-Butylbenzene	11	11	500	ND	ND	2.8	ND	--	--	--	ND	--	--	--	--	0.044 J	--	--
Tetrachloroethene	1.3	1.3	150	ND	ND	0.19 J	ND	--	--	--	ND	--	--	--	--	ND	--	--
m&p-Xylene	0.26	0.26	500	ND	ND	ND	ND	--	--	--	ND	--	--	--	--	0.11 J	--	--
o-Xylenes	0.26	0.26	500	ND	ND	ND	ND	--	--	--	ND	--	--	--	--	0.039 J	--	--
Total Xylenes	0.26	0.26	500	ND	ND	ND	ND	--	--	--	ND	--	--	--	--	0.149 J	--	--
Polycyclic Aromatic Hydrocarbons (PAHs) - mg/Kg ⁴																		
Acenaphthene	20	20	500	--	--	ND	--	--	0.23	0.052 J	ND	2.2 J	ND	7.7	0.2	0.045 J	0.62	ND
Acenaphthylene	100	100	500	--	--	ND	--	--	ND	0.089 J	ND	3.9 J	ND	ND	0.32	ND	1.2	ND
Anthracene	100	100	500	--	--	0.044 J	--	--	0.42	0.18	ND	14	ND	17	0.88	0.053 J	1.4	ND
Benzo(a)anthracene	1	1	5.6	--	--	0.15	--	--	0.82	0.66	0.029 J	44	0.034 J	42	2.5	0.15	2.9	ND
Benzo(a)pyrene	1	1	1	--	--	0.15 J	--	--	0.73	0.76	ND	44	ND	39	2.6	0.18	2.4	ND
Benzo(b)fluoranthene	1	1	5.6	--	--	0.18	--	--	0.89	0.92	0.037 J	49	0.036 J	52	3.4	0.25	5.9	ND
Benzo(ghi)perylene	100	100	500	--	--	0.085 J	--	--	0.39	0.58	ND	20	ND	20	1.5	0.11 J	2.1	ND
Benzo(k)fluoranthene	0.8	0.8	56	--	--	0.06 J	--	--	0.29	0.32	ND	16	ND	18	1	0.088 J	1.7	ND
Chrysene	1	1	56	--	--	0.13	--	--	0.86	0.67	0.028 J	40	0.047 J	36	2.2	0.13	3.6	ND
Dibenzo(a,h)anthracene	0.33	0.33	0.56	--	--	ND	--	--	0.091 J	0.098 J	ND	4.8	ND	5.5	0.41	0.028 J	0.59	ND
Fluoranthene	100	100	500	--	--	0.29	--	--	1.9	1.3	0.062 J	89	0.041 J	85	4.5	0.26	6.5	0.024 J
Fluorene	30	30	500	--	--	ND	--	--	0.23	0.06 J	--	4.4 J	ND	7.2	0.32	0.051 J	0.38	ND
Indeno(1,2,3-cd)pyrene	0.5	0.5	5.6	--	--	0.093 J	--	--	0.42	0.48	ND	22	ND	24	1.6	0.16	2.2	ND
Naphthalene	12	12	500	--	--	--	--	--	0.26	0.059 J	ND	3.1 J	0.37	5.4 J	0.24	0.06 J	2.5	0.032 J
Phenanthrene	100	100	500	--	--	0.15	--	--	2.2	0.68	0.036 J	51	0.17	60	2.8	0.21	3.8	0.058 J
Pyrene	100	100	500	--	--	0.25	--	--	1.8	1.2	0.055 J	81	0.049 J	66	3.9	0.25	5.8	0.024 J
Total PAHs	--	--	--	--	--	1.582 J	--	--	11.531 J	8.108 J	0.247 J	484 J	0.747 J	477.6 J	28.05 J	1.974 J	43.21	0.138 J
RCRA Metals - mg/Kg																		
Arsenic	--	13	16	--	--	5.66	--	--	8.98	9.34	--	5.3	4.37	20.2	5.01	--	17.8	4.29
Barium	--	350	400	--	--	154	--	--	96.5	152	--	49.8	28.6	126	120	--	39.2	15.4
Cadmium	--	2.5	9.3	--	--	1	--	--	1.08	0.775	--	0.511 J	0.463	1.92	0.553	--	2.46	0.757
Chromium	--	30	1500	--	--	18.5	--	--	8.52	15.1	--	13.3	4.6	22.2	16.5	--	18.2	4.46
Lead	--	63	1000	--	--	349	--	--	47.5	266	--	39.7	9.91	352	51.3	--	113	16.6
Mercury	--	0.18	2.8	--	--	ND	--	--	0.073	0.132	--	ND	0.062 J	0.174	ND	--	ND	ND
Selenium	--	3.9	1500	--	--	1.37	--	--	1.32	0.968 J	--	0.676 J	0.653 J	1.3	1.27	--	2.73	0.931 J
Silver	--	2	1500	--	--	0.646	--	--	ND	0.192 J	--	ND	ND	0.629	0.152 J	--	0.166 J	ND
Polychlorinated biphenyls (PCBs) - mg/Kg																		
Total PCBs	0.1	0.1	1	--	--	--	--	ND	--	--	--	--	--	--	--	--	--	ND

Notes:
1. Only those parameters detected at a minimum of one sample location are presented in this table; other compounds were reported as non-detect.
2. Values per NYSDEC CP-51 Soil Cleanup Levels (SCLs) for gasoline/fuel oil impacted sites.
3. Values per NYSDEC Part 375 Unrestricted Soil Cleanup Objectives (SCOs).
4. Sample results were reported by the laboratory in ug/kg and converted to mg/kg for comparisons to SCOs.

Definitions:
ND = Parameter not detected above laboratory detection limit.
"--" = No value available for the parameter; Parameter not analyzed for.
J = Estimated value; result is less than the sample quantitation limit but greater than zero.
Analyte exceeds its CP-51 SCL and/or Part 375 USCO.
Analyte exceeds its Part 375 CSCO.



TABLE 2

SUMMARY OF 2019 GROUNDWATER ANALYTICAL RESULTS
PHASE II ENVIRONMENTAL INVESTIGATION ELMWOOD AVENUE
AND AMHERST STREET PARCELS BUFFALO, NEW YORK

PARAMETER ¹	GWQS ²	Sample ID			
		Property 1 SB-4W	Property 2 SB-6W	Property 2 SB-7W	Property 2 SB-11W
		6/20/2019	6/21/2019		
Volatile Organic Compounds (VOCs) - ug/L					
1,3,5-Trimethylbenzene	5	2 J	ND	ND	ND
2-Butanone (MEK)	50	ND	2.1 J	ND	2 J
Acetone	50	ND	22	64	25
Cyclohexane	--	ND	ND	0.29 J	ND
n-Butylbenzene	5	0.88 J	ND	ND	ND
p-Isopropyltoluene	5	1.2 J	ND	ND	ND
sec-Butylbenzene	5	0.8 J	ND	ND	ND
Tetrachloroethene	5	0.56	ND	ND	ND

Notes:

- Only those parameters detected at a minimum of one sample location are presented in this table; other compounds were reported as non-detect.
- Regulatory limits are NYSDEC Class "GA" Groundwater Quality Standards (GWQS) and Guidance Values and Groundwater Effluent Limitations.

Definitions:

ND = Parameter not detected above laboratory detection limit.
 "--" = No value available for the parameter.
 J = Estimated value; result is less than the sample quantitation limit but greater than zero.

Bold = Result exceeds NYSDEC Groundwater Quality Standards.

TABLE 3
SUMMARY OF 2024 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	BH-2	BH-3	BH-4	BH-5	BH-6	BH-7	Restricted Residential
	0-1	2-4	1-3	1-3	1-3	1-3	1-3	
3/25/2024								
METALS/INORGANICS								
Arsenic	5.6	7	3.4	6.2	3.3	3.5	4.1	16
Barium	104	113	76.2	108	59	112	116	410
Beryllium	0.73	0.74	0.49	0.79	0.42	0.77	0.84	43
Cadmium	0.13 J B	ND	0.24 B	0.31 B	0.21 J	0.15 J	0.2 JB	2.5
Chromium	26.9	39.7	15.9	27.5	14.7	28.3	19.8	110
Copper	33.5	46.7	21.0	26.7	12.8	12.5	11	280
Lead	127	359	50	123	38.7	49.9	35.6	400
Manganese	302 B	416 B	216 B	494 B	218 B	208 B	294 B	2000
Mercury	0.11	0.26	0.065	0.2	0.059	0.065	0.089	0.3
Nickel	20	21.6	11.8	27.6	12.4	16.4	107	320
Zinc	88.2	83.3	60.7	113	49	63.8	58.3	6600
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)								
Acenaphthene	ND	ND	ND	1.1 J	ND	ND	ND	100
Anthracene	ND	ND	ND	1.9 J	ND	ND	ND	100
Benzo(a)anthracene	0.068 J	0.11 J	0.14 J	4.7	ND	0.036 J	0.24 J	1.4
Benzo(a)pyrene	0.053 J	0.13 J	0.15 J	4.6	ND	0.042 J	0.51 J	1
Benzo(b)fluoranthene	0.075 J	0.14 J	0.16 J	4.7	ND	0.06 J	0.76 J	1.4
Benzo(g,h,i)perylene	0.032 J	0.077 J	ND	2.2	ND	0.031 J	0.63 J	4.9
Benzo(k)fluoranthene	0.03 J	0.061 J	ND	2.6	ND	ND	0.3 J	4.9
Chrysene	0.0785 J	0.12 J	ND	4.4	ND	0.055 J	0.46 J	4.9
Dibenz(a,h)anthracene	ND	ND	ND	0.73 J	ND	ND	ND	0.33
Dibenzofuran	ND	ND	ND	0.54 J	ND	ND	ND	18
Fluoranthene	0.14 J	0.21 J	0.24 J	10	5.5 J	0.11 J	0.77 J	100
Fluorene	ND	ND	ND	0.81	ND	ND	ND	100
Indeno(1,2,3-cd)pyrene	0.034 J	0.075 J	ND	2.3	ND	0.03 J	0.49 J	1.4
Naphthalene	ND	ND	ND	0.3 J	ND	ND	ND	100
Phenanthrene	0.1 J	0.085 J	0.14 J	7.7	3.9 J	0.054 J	0.3 J	4.9
Pyrene	0.1 J	0.2 J	0.22 J	8.5	4.1 J	0.09 J	0.58 J	100
VOLATILE ORGANIC COMPOUNDS (VOCs)								
Acetone	ND	ND	ND	ND	0.014 J	ND	0.006 J	100
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								
	Reported concentration greater than or equal to the NYSDEC Restricted Residential SCO							

TABLE 3
SUMMARY OF 2024 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-8 1-2	BH-9 1-2	BH-10 0-1	BH-11 4-5	BH-12 1-3	BH-13 1-2	Restricted Residential
	3/25/2024						
METALS/INORGANICS							
Arsenic	12.8	5	6.5	4.9	4.7	9.5	16
Barium	217	123	109	104	82.4	89	410
Beryllium	0.89	0.68	0.08	0.68	1.7	0.93	43
Cadmium	0.67 B	0.18 J B	0.33 B	0.13 J B	0.21 JB	ND	2.5
Chromium	27.3	26.6	23.0	22.6	11.9	31.5	110
Copper	54.7	28.6	112.0	17	8.7	8.7	280
Lead	456	219	121	332	41.6	130	400
Manganese	1240 B	212 B	377 B	292 B	441 B	230 B	2000
Mercury	0.26	0.087	0.260	0.069	0.56	0.047	0.3
Nickel	25.1	17.1	28.8	16	10.1	18.9	320
Selenium	0.55 J	ND	ND	ND	ND	ND	110
Zinc	243	97.5	145	58	41.1	67.3	6600
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)							
Acenaphthylene	7.2	ND	ND	ND	ND	ND	100
Anthracene	6.4	ND	ND	ND	ND	ND	100
Benzo(a)anthracene	31	0.55 J	0.13 J	0.045 J	ND	0.27 J	1.4
Benzo(a)pyrene	55	0.62 J	0.12 J	0.043 J	ND	0.25 J	1
Benzo(b)fluoranthene	62	0.85 J	0.14 J	0.056 J	ND	0.32 J	1.4
Benzo(g,h,i)perylene	13	0.25 J	0.081 J	0.029 J	ND	0.17 J	4.9
Benzo(k)fluoranthene	24	0.4 J	0.083 J	ND	ND	0.19 J	4.9
Chrysene	56	0.77 J	0.13 J	ND	ND	0.32 J	4.9
Dibenz(a,h)anthracene	4.8	ND	ND	ND	ND	ND	0.33
Dibenzofuran	6.6	ND	ND	ND	ND	ND	18
Fluoranthene	130	1.9	0.26	0.085 J	3.3 J	0.86 J	100
Fluorene	15	ND	ND	ND	ND	ND	100
Indeno(1,2,3-cd)pyrene	15	0.28 J	0.06 J	ND	ND	ND	1.4
Naphthalene	1.4 J	ND	ND	ND	ND	ND	100
Phenanthrene	120	1.2	0.16 J	0.047 J	ND	0.56 J	4.9
Pyrene	110	1.3	0.22	0.077 J	2.7 J	0.63 J	100

ND Analyte not detected
- Not Applicable or sample not tested for this analyte
J Estimated Concentration
B Analyte 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
Reported concentration greater than or equal to the NYSDEC Restricted Residential SCO

Table 4 - Summary of 2024 Vapor/Indoor Air Analytical Results

Contaminants	Type of Sample, Sample Identification, Date Analyzed and Analysis Method									NYSDOH Indoor Air Guideline Values	Table C2. EPA 2001 Indoor Air Mean Value	Decision Matrix Guidance Values (Soil Vapor) (µg/m3)
	Sub-slab	Indoor Air	NYSDOH Matrix Recommended Action	Sub-slab	Indoor Air	NYSDOH Matrix Recommended Action	Sub-slab	Indoor Air	NYSDOH Matrix Recommended Action			
	SS-1	IA-1		SS-2	IA-2		SS-3	IA-3				
	3/27/2024											
	Volatile Organic Compounds (TO-15)											
1,1,1-Trichloroethane	ND	ND	No Further Action	ND	0.45	No Further Action	0.91	ND	No Further Action	-	16.2	
1,1-Dichloroethane	ND	ND	No Further Action	ND	ND	No Further Action	ND	ND	No Further Action	-	0.2	
1,2,4-Trimethylbenzene	0.67	0.37	No Further Action	0.83	1.6	No Further Action	0.75	0.77	No Further Action	-	4.8	60
1,3,5-Trimethylbenzene	ND	ND	No Further Action	ND	0.5	No Further Action	ND	0.25	No Further Action	-	1.6	60
2-Hexanone (MBK)	ND	ND	-	ND	ND	-	ND	0.42	-	-	-	
4-Ethyltoluene	ND	ND	-	ND	0.28	-	ND	0.2	-	-	1.7	
Acetone	22	7	-	15	ND	-	ND	14	-	-	54	
Benzene	1.8	0.93	No Further Action	1.8	3	No Further Action	6.1	1.5	No Further Action	-	4.5	60
Bromomethane	ND	ND	-	ND	ND	-	ND	0.16	-	-	-	
Carbon Disulfide	20	2.3	-	ND	ND	-	72	ND	-	-	1.9	
Carbon Tetrachloride	ND	0.39	No Further Action	ND	0.39	No Further Action	ND	0.25	No Further Action	-	0.5	6
Chloroethane	ND	ND	-	ND	ND	-	ND	0.15	-	-	-	
Chloroform	1.7	ND	-	ND	ND	-	1.5	ND	-	-	0.5	
Chloromethane	0.46	0.92	-	1.2	1.1	-	0.58	1.3	-	-	2.9	
cis-1,2-Dichloroethylene	ND	ND	No Further Action	ND	ND	No Further Action	1.9	ND	No Further Action	-	0.6	
Cyclohexane	4.7	0.39	No Further Action	0.73	2	No Further Action	21	0.97	No Further Action	-	-	60
Dichlorodifluoromethane (Freon 12)	54	49	-	39	19	-	4.9	3.7	-	-	-	
Ethanol	15	9	-	32	9.4	-	39	17	-	-	89.3	
Ethyl Acetate	ND	ND	-	120	ND	-	ND	ND	-	-	-	
Ethylbenzene	0.48	0.49	No Further Action	0.78	1.5	No Further Action	0.89	0.78	No Further Action	-	2.8	60
Heptane	4.3	0.64	No Further Action	1.9	3.1	No Further Action	28	1.6	No Further Action	-	1.7	200
Hexane	ND	ND	No Further Action	ND	5.6	No Further Action	26	ND	No Further Action	-	6.3	200
Isopropanol	ND	ND	-	ND	ND	-	ND	8	-	-	-	
m&p-Xylene	1.3	1.7	No Further Action	2.5	4.7	No Further Action	2.5	2.6	No Further Action	-	10.8	200
Methylene Chloride	ND	ND	No Further Action	ND	ND	No Further Action	ND	ND	No Further Action	60	21.2	100
Naphthalene	ND	ND	No Further Action	ND	0.19	No Further Action	ND	ND	No Further Action	-	6.6	60
o-Xylene	ND	0.55	No Further Action	1.3	1.7	No Further Action	0.89	1.1	No Further Action	-	3.8	60
Propene	ND	ND	-	ND	3.2	-	ND	ND	-	-	-	
Styrene	ND	ND	-	ND	0.25	-	0.51	ND	-	-	1.5	
Tetrachloroethylene	ND	ND	No Further Action	ND	0.35	No Further Action	45	0.26	No Further Action	30	6	100
Tetrahydrofuran	ND	ND	-	ND	1.5	-	ND	1.1	-	-	-	
Toluene	2.5	2.3	No Further Action	4.7	8.9	No Further Action	8.9	4.9	No Further Action	-	25.1	300
Trichloroethylene	ND	ND	-	ND	ND	-	20	ND	-	2	2.6	6
Vinyl Acetate	ND	ND	-	ND	7.1	-	29	4	-	-	-	
Vinyl Chloride	ND	ND	No Further Action	ND	ND	No Further Action	ND	ND	No Further Action	0.2	0.5	6

Notes: All units in micrograms per liter (µg/m3)

NO FURTHER ACTION: No additional actions are recommended to address human exposures.

IDENTIFY SOURCE(S) AND RESAMPLE OR MITIGATE: It is recommended that reasonable and practical actions be taken to identify the source(s) affecting the indoor air quality and that actions be implemented to reduce indoor air concentrations to within background ranges.

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 or sub-slab vapor have changed and/or to evaluate temporal influences.

MITIGATE: Mitigation is recommended to minimize current or potential exposures associated with soil vapor intrusion.

Elevated concentrations detected in the subsurface above indoor air guidance values (NYSDOH Table C2.) but below levels that would require mitigation

ND Not detected

0.69 Analyte detected

- Not applicable

J Estimated concentration

Table 4 - Summary of 2024 Vapor/Indoor Air Analytical Results

Contaminants	Type of Sample, Sample Identification, Date Analyzed and Analysis Method										NYSDOH Indoor Air Guideline Values	Table C2. EPA 2001 Indoor Air Mean Value	
	Sub-slab	Indoor Air	NYSDOH Matrix Recommended Action	Sub-slab	Indoor Air	NYSDOH Matrix Recommended Action	Soil Vapor	Soil Vapor	Soil Vapor	Outdoor Air			
	SS-4	IA-4		SS-5	IA-5		SV-1	SV-2	SV-3	OA-1			
	3/27/2024												
	Volatile Organic Compounds (TO-15)												
1,1,1-Trichloroethane	ND	0.77	No Further Action	640	0.33	No Further Action	ND	ND	ND	ND	-	16.2	
1,1-Dichloroethane	ND	ND	No Further Action	4.6	ND	No Further Action	ND	ND	ND	ND	-	0.2	
1,1-Dichloroethylene	ND	ND	-	0.63	ND	-	ND	ND	ND	ND	-	0.5	
1,2,4-Trimethylbenzene	ND	1.8	No Further Action	ND	1.1	No Further Action	ND	ND	0.66	ND	-	4.8	
1,3,5-Trimethylbenzene	ND	0.48	No Further Action	ND	0.39	No Further Action	ND	ND	ND	ND	-	1.6	
1,3-Butadiene	ND	0.63	-	ND	0.55	-	ND	ND	ND	ND	-	1.4	
2-Hexanone (MBK)	ND	0.42	-	ND	ND	-	ND	ND	0.58	0.17	-	-	
4-Ethyltoluene	ND	0.41	-	ND	0.35	-	ND	ND	ND	ND	-	1.7	
4-Methyl-2-pentanone (MIBK)	ND	ND	-	ND	ND	-	ND	ND	ND	0.55	-	3.1	
Acetone	15	ND	-	40	ND	-	37	9.6	140	7.7	-	54	
Benzene	1.1	2.6	No Further Action	3.1	2.7	No Further Action	0.91	0.59	2.1	0.51	-	4.5	
Carbon Disulfide	23	ND	-	81	ND	-	ND	ND	ND	ND	-	1.9	
Carbon Tetrachloride	ND	0.32	No Further Action	ND	0.43	No Further Action	ND	ND	ND	0.43	-	0.5	
Chlorobenzene	ND	ND	No Further Action	ND	ND	No Further Action	ND	ND	ND	ND	-	0.4	
Chloroform	ND	ND	-	2.3	ND	-	ND	ND	ND	ND	-	0.5	
Chloromethane	ND	0.98	-	ND	1.1	-	1.3	1.1	1.7	1.1	-	2.9	
cis-1,2-Dichloroethylene	ND	ND	No Further Action	ND	ND	No Further Action	ND	ND	ND	ND	-	0.6	
cis-1,3-Dichloropropene	ND	ND	No Further Action	ND	ND	No Further Action	ND	ND	ND	ND	-	0.9	
Cyclohexane	3.2	1.6	No Further Action	24	1.7	No Further Action	ND	0.67	1.3	ND	-	-	
Dichlorodifluoromethane (Freon 12)	9.2	7.4	-	7.1	5.5	-	2.3	2.2	2.6	2.3	-	-	
Ethanol	18	13	-	25	25	-	18	ND	29	13	-	89.3	
Ethylbenzene	0.58	1.4	No Further Action	0.55	1.4	No Further Action	ND	ND	0.44	0.16	-	2.8	
Heptane	2.4	2.3	No Further Action	15	3.8	No Further Action	0.8	1.2	2	0.32	-	1.7	
Hexane	ND	ND	No Further Action	ND	5	No Further Action	ND	ND	ND	ND	-	6.3	
Isopropanol	ND	ND	-	ND	ND	-	ND	ND	ND	3.5	-	-	
m&p-Xylene	1.4	4.6	No Further Action	1.8	4.5	No Further Action	ND	ND	1.4	0.39	-	10.8	
Methyl tert-Butyl Ether (MTBE)	ND	ND	No Further Action	ND	ND	No Further Action	0.37	ND	ND	ND	-	3.3	
Methylene Chloride	ND	ND	No Further Action	ND	ND	No Further Action	ND	ND	ND	ND	60	21.2	
Naphthalene	ND	0.78	No Further Action	ND	ND	No Further Action	ND	ND	ND	ND	-	6.6	
o-Xylene	0.59	2	No Further Action	0.76	1.9	No Further Action	ND	ND	0.57	0.22	-	3.8	
Propene	ND	2.9	-	ND	2.9	-	ND	45	9.2	ND	-	-	
Styrene	ND	0.24	-	ND	0.19	-	ND	ND	ND	ND	-	1.5	
Tetrachloroethylene	0.69	0.38	No Further Action	4.8	0.34	No Further Action	ND	0.79	ND	ND	30	6	
Tetrahydrofuran	ND	1.2	-	ND	ND	-	ND	ND	ND	ND	-	-	
Toluene	3.8	7.8	No Further Action	5.7	9.6	No Further Action	1.7	0.52	4.4	0.92	-	25.1	
Trichloroethylene	ND	ND	-	ND	ND	-	ND	ND	ND	ND	2	2.6	
Trichlorofluoromethane (Freon 11)	ND	1.3	No Further Action	ND	1.3	No Further Action	ND	ND	ND	1.1	-	19.4	
Vinyl Acetate	ND	5.7	-	14	6	-	ND	ND	ND	ND	-	-	
Vinyl Chloride	ND	ND	No Further Action	ND	ND	No Further Action	ND	ND	ND	ND	0.2	0.5	

Notes: All units in micrograms per liter (µg/m3)

NO FURTHER ACTION: No additional actions are recommended to address human exposures.

IDENTIFY SOURCE(S) AND RESAMPLE OR MITIGATE: It is recommended that reasonable and practical actions be taken to identify the source(s) affecting the indoor air quality and that actions be implemented to reduce indoor air concentrations to within background ranges.

MONITOR: It is recommended that monitoring , including but not necessarily limited to sub-slab vapor, basement air and outdoor air sampling, to

MITIGATE: Mitigation is recommended to minimize current or potential exposures associated with soil vapor intrusion.

Elevated concentrations detected in the subsurface above indoor air guidance values (NYSDOH Table C2.)

ND Not detected

0.69 Analyte detected

- Not applicable

TABLE 5
SUMMARY OF 2026 SOIL ANALYTICAL RESULTS

Analyte	Sample Identification, Sample Depth and Sample Collection Date										NYSDEC Part 375 Soil Cleanup Objectives (SCOs)				
	BH-1	BH-10	BH-2	BH-3	BH-4	BH-5	BH-6	BH-7	BH-8	BH-9	Unrestricted	Residential	Restricted Residential	Commercial	Industrial
	2-3'	1-2'	2-3'	1-3'	1-2'	2-3'	2-3'	1-2'	2-3'	1-2'					
	1/28/2026														
METALS (ppm)															
Mercury	ND	0.1	3.7	0.14	0.28	0.015 J	0.43	0.041	0.21	0.19	0.18	0.3	0.3	1.1	1.1
Arsenic	5.6	3.9	8.6	7.1	6.7	3.2	14.1	5.1	5.6	6.3	13	16	16	16	16
Barium	14.9	169	147	187	127	90.7	216	108	121	99.5	410	410	410	410	10000
Beryllium	0.24 B	1.3 B	0.82 B	1.4 B	0.43 B	0.63 B	0.41 B	0.88 B	0.81 B	0.88 B	4.4	8.8	43	670	750
Cadmium	2.2	0.14 J	0.99	0.97	0.63	0.14 J	20.3	0.18 J	0.28	0.51	2.5	2.5	2.5	3.7	4.4
Chromium	5	26.2	24.8	29.3	9.9	18.3	18.4	20.5	12.6	19.5	30	30	110	1700	2000
Copper	5.2	20.9	193	258	175	14.8	55.6	19.4	32.6	114	50	280	280	280	10000
Lead	27.9	35	468	278	292	13.8	948	17.9	121	108	63	400	400	1000	3900
Manganese	547	196	421	465	188	422	262	454	574	520	1600	2000	2000	10000	10000
Nickel	6.8	31.8	28.2	34.2	13	17.4	11.5	24.6	16.9	28.6	30	87	320	320	5900
Selenium	ND	ND	ND	ND	1.2 J	ND	ND	ND	ND	ND	3.9	22	110	1700	2000
Silver	ND	ND	ND	0.31 J ^5-	ND	ND	0.47 J ^5-	ND	ND	ND	2	22	110	1700	2000
Zinc	103	115	429	628 F2	164	47.9	253	69.3	125	240	109	1300	6600	10000	10000
SEMIVOLATILE ORGANIC COMPOUNDS (SVOCs) (ppm)															
Acenaphthene	ND	ND	ND	0.27 J	ND	ND	1.2 J	4.4	2.3	ND	20	100	100	500	1000
Acenaphthylene	ND	ND	ND	ND	ND	ND	0.56 J	ND	0.46 J	ND	100	100	100	500	1000
Anthracene	ND	ND	0.2 J	0.78 J	0.74 J	ND	3.5	9.5	8.3	0.19 J	100	100	100	500	1000
Benzo[a]anthracene	0.25 J	0.062 J	0.83 J	2.1	2.4	ND	7	13	15	0.84 J	1	1	1.4	37	37
Benzo[a]pyrene	ND	0.056 J	0.81 J	1.8	2.1	ND	6.1	10	11	0.81J	1	1	1	3.7	3.7
Benzo[b]fluoranthene	0.37 J	0.078 J	1.2	2.3	2.7	ND	8.3	12	14	1.1	1	1	1.4	37	37
Benzo[g,h,i]perylene	ND	0.048 J	0.71 J	1.3	1.5 J	ND	4	5.2	6.9	0.59 J	0.64	1.2	4.9	47	78
Benzo[k]fluoranthene	ND	ND	0.53 J	1.1	1.3 J	ND	2.8	5	5.7	0.52 J	0.8	1.2	4.9	47	78
Chrysene	ND	0.061 J	0.93 J	2.1	2.3	ND	7.1	11	13	0.85 J	1	1.2	4.9	47	78
Dibenz[a,h]anthracene	ND	ND	0.24 J	0.44 J	0.46 J	ND	1.3 J	1.7 J	2.3	0.22 J	0.33	0.33	0.33	3.7	3.7
Dibenzofuran	ND	ND	ND	0.33	ND	ND	1.4 J	3	2.7	ND	2.1	4.2	18	180	290
Fluoranthene	0.71 J	0.12 J	1.9	4.9	5.1	ND	18	30	37	1.6	85	100	100	500	1000
Fluorene	ND	ND	ND	0.27 J	ND	ND	1.5 J	5.2	3.1	ND	30	100	100	500	1000
Indeno[1,2,3-cd]pyrene	ND	0.047 J	0.57 J	1.1	1.3 J	ND	3.5	4.6	6.3	0.57 J	0.5	0.5	1.4	37	37
Naphthalene	ND	ND	ND	0.48 J	ND	ND	1.4 J	2.1	0.56 J	ND	12	84	100	500	1000
Phenanthrene	0.52 J	0.083 J	1	3.7	3.3	ND	17	30	37	0.83 J	1.1	1.2	4.9	47	78
Pyrene	0.51 J	0.094 J	1.6	3.9	4.3	ND	15	24	29	1.4	64	100	100	500	1000

ACRONYMS:

ND Analyte not detected
 - Not Applicable or sample not tested for this analyte
 J Estimated Concentration
 Analyte detected in method blank
 F1 MS and/or MSD recover exceeds control limits
 F2 MS/MSD RPD exceeds control limits
 vs Reported analyte may be biased low
 ^5- Linear Range Check (LRC) is outside acceptable limits, low biased
 ^5+ Linear Range Check (LRC) is outside acceptable limits, high biased

NOTES:

1) All values are presented in parts per million (ppm) or milligram per kilogram (mg/kg)
 Above Industrial
 Above Commercial and Below Industrial
 Above Restricted Residential and Below Commercial
 Above Residential and Below Restricted Residential
 Above Unrestricted and Below Residential

TABLE 6: SUMMARY OF SOIL ANALYTICAL RESULTS RESTRICTED RESIDENTIAL EXCEEDANCES ONLY				
Analyte > SCOs	Detections > SCOs	Max. Detection (ppm)	RR SCO (ppm)	Depth (ft bgs)
METALS/INORGANICS				
Mercury	2	3.7	0.3	0.5-4
Cadmium	1	20	2.5	0.5-4
Lead	3	948	400	0.5-4
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)				
Benzo(a)anthracene	8	44	1.4	0.5-4
Benzo(a)pyrene	8	55	1	0.5-4
Benzo(b)fluoranthene	8	62	1.4	0.5-4
Benzo(g,h,i)perylene	4	20	4.9	0.5-4
Benzo(k)fluoranthene	4	24	4.9	0.5-4
Chrysene	5	56	4.9	0.5-4
Dibenz(a,h)anthracene	8	4.8	0.33	0.5-4
Indeno(1,2,3-cd)pyrene	6	22	1.4	0.5-4
Phenanthrene	6	120	4.9	0.5-4
Pyrene	1	110	100	0.5-4

NOTES:

bgs below ground surface

ppm parts per million

RR Restricted Residential

SCO Soil Cleanup Objective

Appendix A

Section I: Property Information

Appendix A. Section I: Property Information

Location

The 1.7-acre Voelkers Lanes Apartments site (Site) encompasses eight parcels located in Buffalo, Erie County, New York. The associated SBL numbers are provided below. The middle of the Site is at approximately latitude 42°56'27" N; Longitude -78°52'45" W and is 600 feet above sea level.

Parcel Address	Section No.	Block No.	Lot No.	Acreage	Ownership
1624 Elmwood Ave	89.21	7	7	0.0328	Charlie The Magnificent LLC
1628 Elmwood Ave	89.21	7	6.2	0.166	Charlie The Magnificent LLC
1634 Elmwood Ave	89.21	7	6.1	0.0752	Charlie The Magnificent LLC
155 Marion Street	89.21	7	5	0.3177	Charlie The Magnificent LLC
666 Amherst Street	89.21	7	11	0.084	Charlie The Magnificent LLC
668 Amherst Street	89.21	7	10	0.0879	Charlie The Magnificent LLC
670 Amherst Street	89.21	7	9	0.077	Charlie The Magnificent LLC
680 Amherst Street	89.21	7	8	0.852	Charlie The Magnificent LLC

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

The Site is located in the block bounded by Marion Street to the north, Amherst Street to the south, a vacant lot and residential building to the west, and Elmwood Avenue to the east. The Site is located in the City of Buffalo, approximately 1.6 miles east of the Niagara River, less than 0.35 miles north of Scajaquada Creek, and about 1.4 miles northwest of the Buffalo Zoo. The area is mixed use with commercial and residential buildings.

It is important to note that all parcels are anticipated to be combined.

Current Site Features

The Site is currently occupied by two vacant buildings, one was most recently used as an autobody repair shop and the other is a vacant warehouse that was formerly operated by a neon sign making company. The former autobody repair shop building is located in the northwestern corner of the Site. The structure is one story and contains a hydraulic lift, office space, and a separate garage area. It is mainly empty besides some minor debris and left-over empty storage drums. The vacant warehouse formerly operated by a neon sign making company is located in the northeastern corner of the Site. The structure is one story and is empty in the interior. The remaining northern portion of

the Site is paved parking lot and the entire southern portion of the Site is vacant soil covered with minor vegetation.

Current Zoning and Land Use

The property is zoned N-3C (Mixed-Use Center) and N-3E (Mixed-Use Edge). The site is currently vacant and all operations ceased between 2019 and 2023.

Past Use of the Site

Historic documentation indicates that an auto repair shop was located on the former 155 Marion Street address. Municipal records indicate installation of presumed Underground Storage Tanks (USTs) at 155 Marion Street in unknown locations. Specifically, one 1,000-gallon gas tank was installed in 1946 and one additional 1,000-gallon gas tank was installed in 1955. Historic documentation indicates that there were historic uses as a former dry cleaners and auto repair shop at 1630 Elmwood Avenue which is now part of the 1628 Elmwood parcel, which represents a potential vapor concern. Aboveground Storage Tanks (ASTs) use for fuel oil storage were identified in the basement of the former building on the 680 Amherst Street parcel during a Phase I ESA reconnaissance. This building was subsequently demolished and removed. This could represent a possible historic release to the environment. Historic documentation indicates USTs located at the 141 Marion Street, including one 550-gallon gasoline tank installed in 1937. Urban fill material was identified across the Site in the Phase 2 ESAs completed in July 2019, April 2024, and January 2026.

Site Geology and Hydrogeology

Topography. The Site is located within the Lake Erie-Niagara River major drainage basin, which is typified by little topographic relief, except in the immediate vicinity of major drainage ways. In the Lake Erie-Niagara Basin, the major areas of groundwater are within coarser overburden deposits, limestone, and shale bedrock. Although the project area is relatively flat, this topography is by no means natural. The current landscape is a result of nearly two centuries of alteration and development.

Geology. Bedrock beneath the project area is Camillus Shale of the Upper Silurian period. 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.).

Soils. The United States Department of Agriculture (USDA) Erie County soil map was reviewed to identify soils. The map of this area identified the predominant soil types pertinent to the subject properties to be Urban land (Ud) and Urban Land-Odesa complex, 0 to 3 percent slopes (Ut). Urban land soils are typically identified as highly developed for commercial, industrial, or residential use, and much of the ground surface is covered by impervious features (e.g., buildings, streets, and paved parking lots). Usually disturbed from construction activities, soils in this category are typically dominantly nearly level, disturbed, and range from well-drained to poorly drained. Urban land areas are areas in which 80 percent or more of the soil is covered by asphalt, concrete, buildings, or other impervious structures including parking lots, shopping and business centers, and industrial parks.

From the 2019 Phase II ESA assessment completed, the overburden geology observed during the test pit and soil boring investigations is generally described as non-native fill materials at depths ranging in thickness between 0.5 fbgs and 8 fbgs overlying native soils consisting of sandy

lean clay and/or sand with silt and gravel to a depth of at least 24 fbgs (see the investigation logs provided in Appendix A). Fill materials encountered during the investigation were generally black and consisted of cinders, coal, ash and/or fragments of brick, glass and metal ranging in thickness between approximately 0.5 fbgs and 8 fbgs at soil borings and between 1 fbgs and 8 fbgs at test pits. Intermingled slag was noted at certain investigation locations at P1SB-4, P2SB-10, P2SB-11, P2SB-12, P2SB-13, P3SB-1, P3TP-1, P3TP-2, P3TP-3, P3TP-5, P3TP-7. In addition, slag cobbles were noted at P3TP-3.

Groundwater was encountered during the fieldwork at certain investigation locations at depths ranging from near surface at approximately 2 fbgs to 9 fbgs. Groundwater flow is likely to the south toward the Scajaquada Creek. Local groundwater flow, however, may be influenced by subsurface features, such as excavations, utilities, and localized fill-conditions.

Environmental Assessment

May 2019 Phase I ESA

A Phase I ESA was previously completed by TurnKey Environmental Restoration, LLC in May 2019. The report included the Site parcels in this report as well as 1609 Elmwood Avenue and 111 and 141 Marion Street. The RECs found in this report for each property assessed are as follows:

Property 1 (1609 Elmwood Avenue):

- Thorough Dry Cleaners, a presumed dry-cleaning operation, occupied a former building on the southern portion of Property 1 (current asphalt parking lot area) from at least 1935 through at least 1955.

Property 2 (668, 670, 680 Amherst Street, 1624, 1628, and 1634 Elmwood Avenue and 155 Marion Street):

- Current operations include automotive repair with the storage and use of hazardous/regulated materials. Historic operations have included automotive repair and/or a collision shop, a trucking company, an electrical equipment company, tool manufacturing, a machine shop, refrigeration service and laundry/laundromat facilities with the potential for dry cleaning. In addition, a portion of a railroad spur was formerly located on-site.
- Floor drains located within current repair areas and a paint room in Building 5 (155 Marion Street) reportedly discharge into the municipal sanitary sewer system.
- Black staining/spillage was noted to concrete ground surfaces proximate to a floor drain within Building 5 (155 Marion Street).
- Additional black staining was noted to concrete ground surfaces proximate to fuel oil ASTs within the basement of Building 2 (680 Amherst Street). Some of the staining was noted proximate to cracks in the concrete floor. In addition, a floor drain was noted proximate to the staining.
- A petroleum odor was noted within the basement of Building 2 (680 Amherst Street) proximate to the fuel oil ASTs.

July 2019 Phase II ESA

A subsequent Phase II ESA was also completed by TurnKey in July 2019 to investigate the previously identified RECs. The conclusions are as follows:

- On-Site fill materials (i.e., urban fill containing significant amounts of non-soil debris) identified across the Site would be considered solid waste under current NYSDEC solid waste regulations if removed from the property and would therefore need to be properly disposed of if removed from the Site for geotechnical or other redevelopment purposes.
- The P1SB-4/4W area at Property 1 (1609 Elmwood Avenue) proximate to the former dry cleaner where solvent-like odors and elevated PID readings were identified should be properly addressed via remedial excavation during construction activities. Due to the history of dry cleaning at Property 1 with field evidence of solvent-like impacts identified, if Building 1 is to remain, a Soil Vapor Intrusion Assessment should be completed within Building 1 to assess the potential for impacted breathing air within the building. Installation of an active subslab depressurization (ASD) system would be required to address VOC-impacted air within the existing or future buildings at Property 1.
- NYSDEC regulations require proper removal of the existing UST at Property 2, the two existing USTs at Property 3 and any orphan USTs encountered during the redevelopment project; the USTs and any impacted soil, groundwater or other materials encountered during the work should be removed in accordance with applicable local, state and federal regulations. Based on field

December 2023 Phase I ESA

A Phase I ESA was completed in December 2023, for 666, 668, 670, and 680 Amherst Street, 1624, 1628, and 1634 Elmwood Avenue, and 155 Marion Street. The following RECs, HRECs, and BERs were identified:

The following RECs are associated with the subject properties as follows:

- REC – Historic uses as an auto repair shop at 155 Marion Street represents a REC for the subject properties. Municipal records indicate installation of presumed USTs at 155 Marion Street in unknown locations. Specifically, one 1000-gallon gas tank was installed in 1946 and one additional 1,000-gallon tank was installed in 1955.
- REC – Historic uses as a former dry cleaners and auto repair shop at 1630 Elmwood Avenue may represent a potential vapor concern.
- REC – ASTs in the basement of 680 Amherst used for fuel oil storage as well as staining proximate to floor drains and cracks in the floor could represent a release to the environment.
- REC – Suspected USTs adjacent to the subject properties at 141 Marion Street represent a REC for the subject properties due to the unknown status of the tanks and proximity.

The following HREC is associated with the subject properties as follows:

- HREC - The Voelker's Bowling Center UST at 686 Amherst Street, which is now the eastern portion of 680 Amherst Street, was removed in May 2003. During the removal of the 5000-gallon heating oil tank, contamination was discovered and the spill was assigned #0375107. Approximately 160 tons of contaminated soil was removed from the site and samples were taken around the hole from the tank. The results came back below regulatory guidance and the spill was subsequently closed in September 2003. Even though the spill appears to have been adequately cleaned, it is still considered an HREC for the subject properties.

The following BERs are associated with the subject properties as follows:

- BER – Historic adjacent property uses near the subject properties including dry cleaners located at 1611 Elmwood Avenue and a filling station located at 1602 Elmwood Avenue may represent a potential vapor concern.
- BER – On-Site fill material (i.e., urban fill containing significant amounts of non-soil debris) identified in the Phase II ESA by TurnKey in July 2019 across the site is considered a BER for the subject properties.

April 2024 Phase II ESA

A subsequent Phase II ESA was also completed in April 2024 to investigate the previously identified RECs and assess eligibility for the BCP. The subsurface soil assessment identified the existence of fill materials across the site down to at least 4 feet below ground surface (bgs). Material such as construction and demolition debris, black clayey silts, cinder, and coal were observed in each of the soil borings advanced as part of the April 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 the restricted residential NYSDEC Soil Cleanup Objective (SCO) which require remediation to allow for the anticipated future use of the property. Specific metals include lead and mercury; and specific SVOCs (PAHs) include benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, fluoranthene, indeno(1,2,3-cd)pyrene, phenanthrene, and pyrene.

January 2026 Phase II ESA

A subsequent Phase II ESA was also completed in January 2026 to investigate the previously identified RECs and assess eligibility for the BCP. The subsurface soil assessment identified the existence of fill materials across the site down to at least 3 feet below ground surface (bgs). Material such as construction and demolition debris, black clayey silts, cinder, and coal were observed in each of the soil borings advanced as part of the January 2026 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 PAH compounds above the restricted residential NYSDEC SCO which require remediation to allow for the anticipated future use of the property. Specific metals include cadmium, lead, and mercury; and specific SVOCs (PAHs) include benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, and phenanthrene.

Appendix B

Section II: Project Description

Appendix B. Section II: Project Description

Voelkers Apartments LLC proposes to construct a mixed-use, 275-unit development over eight (8) parcels (1624, 1628, 1634 Elmwood Ave; 666, 668, 670, 680 Amherst St; 155 Marion St) in the City of Buffalo, Erie County. The development will contain 230-units of low-income housing in a City Block style mixed-use building. This City block building fronts Elmwood Avenue, Amherst Street, and Marion Street. The City of Buffalo Planning Board's approval of the PUD and SEQRA approval was obtained on November 4, 2025.

The eight (8) subject parcels will be combined into one lot after completion of the property acquisition. The parcels being combined are tax account numbers 89.210-0007-005.000; 89.210-0007-006.100; 89.210-0007-006.200; 89.210-0007-007.000; 89.210-0007-008.000; 89.210-0007-009.000; 89.210-0007-010.000; and 89.210-0007-011.000.

The project is anticipated to start in March of 2027 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 March 2027.

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).

Appendix C

Section IV: Land Use Factors

Appendix C. Section IV: Land Use Factors

Current Zoning

The site is zoned N-3C (Mixed-Use Center) and N-3E (Mixed-Use Edge). The N-3E 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. The N-3C zone addresses transitional areas, typically at the edges of N-3E, more intense mixed-use centers, in Buffalo's most compact neighborhoods. These areas are defined by a mix of homes and stores.

Current Use

Voelkers Lanes Apartments (Site) is currently occupied by two vacant buildings, one was most recently used as an autobody repair shop and the other one is a vacant warehouse that was formerly operated by a neon sign making company. The former autobody repair shop building is located in the northwestern corner of the Site. The structure is one story and contains a hydraulic lift, office space, and a separate garage area. It is mainly empty besides some minor debris and left-over empty storage drums. The vacant warehouse formerly operated by a neon sign making company is located in the northeastern corner of the Site. The structure is one story and is empty in the interior. The remaining northern portion of the Site is paved parking lot and the entire southern portion of the Site is vacant soil cover with minor vegetation. The site was completely vacant between the years of 2019 and 2023.

Proposed Post-Remediation Use

Voelkers Apartments LLC proposes to construct a mixed-use, 275-unit development over eight (8) parcels (1624, 1628, 1634 Elmwood Ave; 666, 668, 670, 680 Amherst St; 155 Marion St) in the City of Buffalo, Erie County. The development will contain 230-units of low-income housing in a City Block style mixed-use building. This City block building fronts Elmwood Avenue, Amherst Street, and Marion Street. The City of Buffalo Planning Board's approval of the PUD and SEQRA approval was obtained on November 4, 2025.

Proposed Use & Zoning Consistency

The proposed zoning for the development is Planned Unit Development (PUD). This is a specialized, flexible zoning designation that allows large or unique sites to be developed as a single, integrated project, rather than adhering to strict, standard lot-by-lot zoning regulations. PUDs promote flexible, mixed-use designs, often combining residential and commercial spaces. This would be consistent with the buildings and developments in the surrounding area (see **Figure 9**).

Proposed Use & City Planning

The Voelkers Lanes Apartments 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 (see **Figure 8**).

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

Appendix D. Section VI: Property's Environmental History

May 2019 Phase I ESA, completed by TurnKey

A Phase I ESA was previously completed by TurnKey Environmental Restoration, LLC in May 2019. The report included the subject properties in this report as well as 1609 Elmwood Avenue and 111 and 141 Marion Street. The RECs found in this report for each property assessed are as follows:

Property 1 (1609 Elmwood Avenue):

- Thorough Dry Cleaners, a presumed dry-cleaning operation, occupied a former building on the southern portion of Property 1 (current asphalt parking lot area) from at least 1935 through at least 1955.

Property 2 (668, 670, 680 Amherst Street, 1624, 1628, and 1634 Elmwood Avenue and 155 Marion Street):

- Current operations include automotive repair with the storage and use of hazardous/regulated materials. Historic operations have included automotive repair and/or a collision shop, a trucking company, an electrical equipment company, tool manufacturing, a machine shop, refrigeration service and laundry/laundromat facilities with the potential for dry cleaning. In addition, a portion of a railroad spur was formerly located on-site.
- Floor drains located within current repair areas and a paint room in Building 5 (155 Marion Street) reportedly discharge into the municipal sanitary sewer system.
- Black staining/spillage was noted to concrete ground surfaces proximate to a floor drain within Building 5 (155 Marion Street).
- Additional black staining was noted to concrete ground surfaces proximate to fuel oil ASTs within the basement of Building 2 (680 Amherst Street). Some of the staining was noted proximate to cracks in the concrete floor. In addition, a floor drain was noted proximate to the staining.
- A petroleum odor was noted within the basement of Building 2 (680 Amherst Street) proximate to the fuel oil ASTs.

July 2019 Phase II ESA, completed by TurnKey

A subsequent Phase II ESA was also completed by TurnKey in July 2019 to investigate the previously identified RECs. The conclusions are as follows:

- On-Site fill materials (i.e., urban fill containing significant amounts of non-soil debris) identified across the Site would be considered solid waste under current NYSDEC solid waste regulations if removed from the property and would therefore need to be properly disposed of if removed from the Site for geotechnical or other redevelopment purposes.

- The P1SB-4/4W area at Property 1 (1609 Elmwood Avenue) proximate to the former dry cleaner where solvent-like odors and elevated PID readings were identified should be properly addressed via remedial excavation during construction activities. Due to the history of dry cleaning at Property 1 with field evidence of solvent-like impacts identified, if Building 1 is to remain, a Soil Vapor Intrusion Assessment should be completed within Building 1 to assess the potential for impacted breathing air within the building. Installation of an active subslab depressurization (ASD) system would be required to address VOC-impacted air within the existing or future buildings at Property 1.
- NYSDEC regulations require proper removal of the existing UST at Property 2, the two existing USTs at Property 3 and any orphan USTs encountered during the redevelopment project; the USTs and any impacted soil, groundwater or other materials encountered during the work should be removed in accordance with applicable local, state and federal regulations. Based on field

December 2023 Phase I ESA, completed by BE3

A Phase I ESA was completed in December 2023, for 666, 668, 670, and 680 Amherst Street, 1624, 1628, and 1634 Elmwood Avenue, and 155 Marion Street. The following RECs, HRECs, and BERs were identified:

The following RECs are associated with the subject properties as follows:

- REC – Historic uses as an auto repair shop at 155 Marion Street represents a REC for the subject properties. Municipal records indicate installation of presumed USTs at 155 Marion Street in unknown locations. Specifically, one 1000-gallon gas tank was installed in 1946 and one additional 1,000-gallon tank was installed in 1955.
- REC – Historic uses as a former dry cleaners and auto repair shop at 1630 Elmwood Avenue (now part of the 1628 Elmwood parcel) may represent a potential vapor concern.
- REC – ASTs in the basement of 680 Amherst used for fuel oil storage as well as staining proximate to floor drains and cracks in the floor could represent a release to the environment.
- REC – Suspected USTs adjacent to the subject properties at 141 Marion Street represent a REC for the subject properties due to the unknown status of the tanks and proximity.

The following HREC is associated with the subject properties as follows:

- HREC - The Voelker's Bowling Center UST at 686 Amherst Street, which is now the eastern portion of 680 Amherst Street, was removed in May 2003. During the removal of the 5000-gallon heating oil tank, contamination was discovered and the spill was assigned #0375107. Approximately 160 tons of contaminated soil was removed from the site and samples were taken around the hole from the tank. The results came back below regulatory guidance and the spill was subsequently closed in September 2003. Even though the spill appears to have been adequately cleaned, it is still considered an HREC for the subject properties.

The following BERs are associated with the subject properties as follows:

- BER – Historic adjacent property uses near the subject properties including dry cleaners located at 1611 Elmwood Avenue and a filling station located at 1602 Elmwood Avenue may represent a potential vapor concern.
- BER – On-Site fill material (i.e., urban fill containing significant amounts of non-soil debris) identified in the Phase II ESA by TurnKey in July 2019 across the site is considered a BER for the subject properties.

April 2024 Phase II ESA, completed by BE3

A subsequent Phase II ESA was also completed in April 2024 to investigate the previously identified RECs and assess eligibility for the BCP. The subsurface soil assessment identified the existence of fill materials across the site down to at least 4 feet below ground surface (bgs). Material such as construction and demolition debris, black clayey silts, cinder, and coal were observed in each of the soil borings advanced as part of the April 2024 Phase II ESA. 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 the restricted residential NYSDEC Soil Cleanup Objective (SCO) which require remediation to allow for the anticipated future use of the property. Specific metals include lead and mercury; and specific SVOCs (PAHs) include benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, fluoranthene, indeno(1,2,3-cd)pyrene, phenanthrene, and pyrene.

January 2026 Phase II ESA, completed by BE3

A subsequent Phase II ESA was also completed in January 2026 to investigate the previously identified RECs and assess eligibility for the BCP. The subsurface soil assessment identified the existence of fill materials across the site down to at least 3 feet below ground surface (bgs). Material such as construction and demolition debris, black clayey silts, cinder, and coal were observed in each of the soil borings advanced as part of the January 2026 Phase II ESA. Soil sample laboratory results indicate that there are urban fill conditions existing at the property with several elevated metals and PAH compounds above the restricted residential NYSDEC SCO which require remediation to allow for the anticipated future use of the property. Specific metals include cadmium, lead, and mercury; and specific SVOCs (PAHs) include benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, and phenanthrene.

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

Appendix E

Section VII: Requestor Information

Appendix E. Section VII: Requestor Information

The Requestor, Voelkers Apartments 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).

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.

An official website of New York State.
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Department of State

Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details



ENTITY NAME: VOELKERS APARTMENTS LLC

DOS ID: 7267414

FOREIGN LEGAL NAME:

FICTITIOUS NAME:

ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY

DURATION DATE/LATEST DATE OF DISSOLUTION:

SECTIONOF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW

ENTITY STATUS: ACTIVE

DATE OF INITIAL DOS FILING: 02/29/2024

REASON FOR STATUS:

EFFECTIVE DATE INITIAL FILING: 02/29/2024

INACTIVE DATE:

FOREIGN FORMATION DATE:

STATEMENT STATUS: CURRENT

COUNTY: ERIE

NEXT STATEMENT DUE DATE: 02/29/2028

JURISDICTION: NEW YORK, 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:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

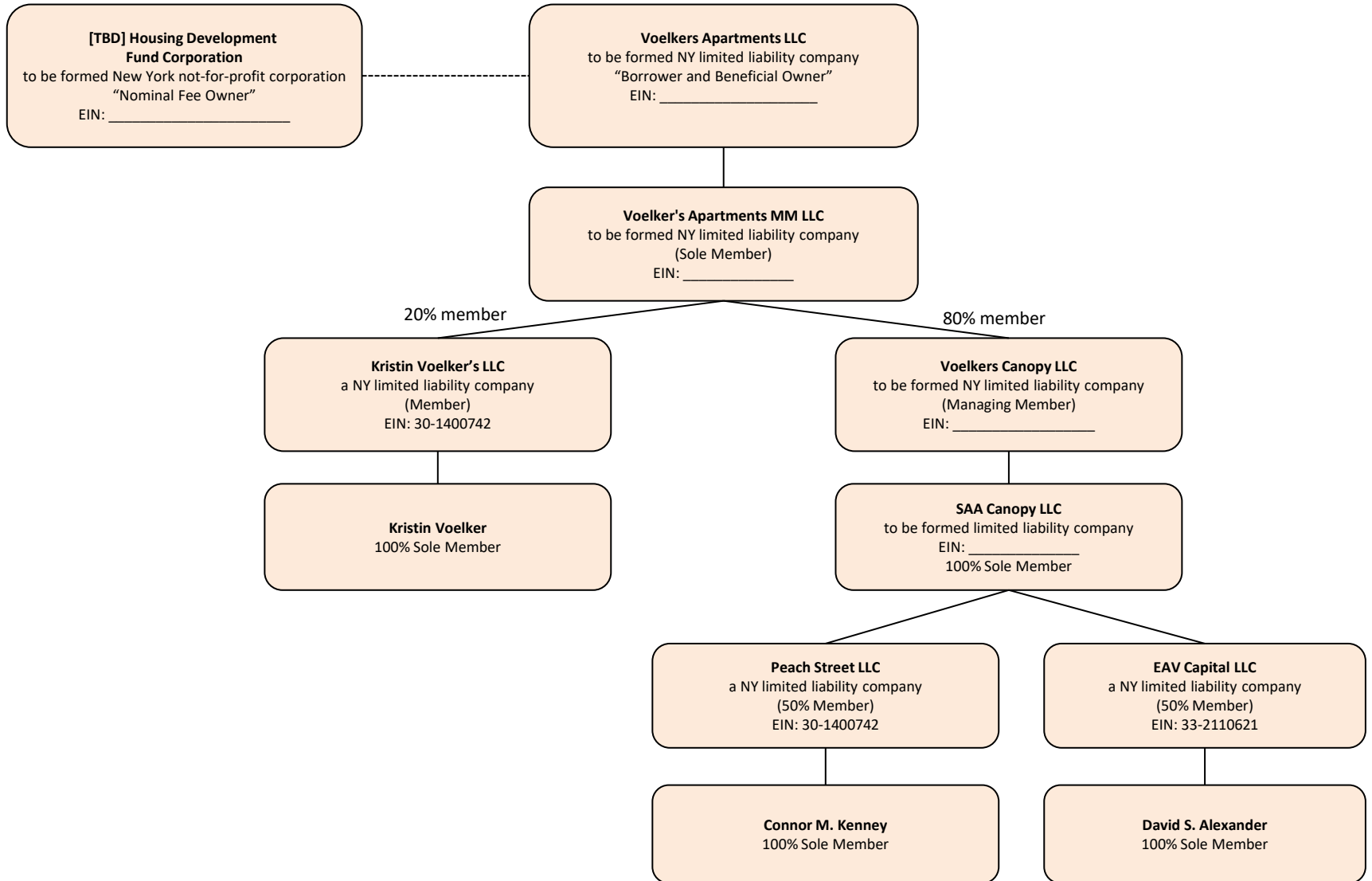
Stock Information

Share Value	Number Of Shares	Value Per Share
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VOELKERS APARTMENTS

Organizational Structure



Appendix F

Section IX: Program Fee

Appendix F. Section IX: Program Fee

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

Appendix G

Section IX: Requestor Eligibility

Appendix G. Section X: Requestor Eligibility

Volunteer Status

The requestor, Voelkers Apartments 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.

SECTION X: REQUESTOR ELIGIBILITY INFORMATION

Volunteer Statement

The answers to Section VII are “NO”.

The requestor is certifying that they are volunteers and their liability arises solely because of their eventual ownership and development of the Site. Once ownership of the property is obtained, the requestor will exercise appropriate care and perform reasonable steps to mitigate any (1) continuing discharge of, (2) threatened future release of, and (3) human or environmental exposure to hazardous materials from the Site.

The requestor should be considered as a volunteer, as it is anticipated hazardous material mitigation will be achieved at the site by utilizing the following approach:

- Knowing the potential historical site environmental impacts via previous assessments, identify extent of recognized environmental conditions performing a thorough investigation of the site including soil, water, and air.
- Utilizing results of investigation, perform remedial measures that could include soil removal, construction and demolition debris removal, soil vapor mitigation, groundwater treatment, abatement of building materials, installation of barriers, etc.
- Establish administrative controls at the site, as necessary, to protect human health and the environment during future activities and occupation at the site.

Furthermore, it should be noted that the requestor has not initiated any operations or property use that would contribute to environmental impacts; was not the owner of the site at the time of release of any contamination; and has no legal relationship with current owner beyond the real estate contract to purchase the property.

Consolidation and Access Agreement

This Consolidation and Access Agreement (the “Agreement”), dated as of May 5, 2026, is given as part of that certain Purchase and Sale of Real Property, by and among VOELKERS APARTMENTS LLC, a New York limited liability company, with an office at 110 Elmwood Avenue, Buffalo, New York 14203, for itself, or its permitted assignee or designee (“Purchaser”) and CHARLIE THE MAGNIFICENT, LLC, a New York limited liability company, BURT VOELKER, LLC, a New York limited liability company, AM-ELM REALTY, INC., a New York corporation, and LABRADOR BUILDING SYSTEMS, INC., a New corporation, each with an address at 7250 Country View Lane, Clarence, New York 14032 (collectively, the “Seller”).

WHEREAS, Krista Voelker is the sole shareholder/member of each of the Seller entities; and

WHEREAS, the Seller is engaging in the consolidation of the properties listed on Schedule “A”, attached hereto and made a part hereof, (the “Sale Parcel”) which are all the properties comprising the sale between Seller and Purchaser, as depicted on Schedule “B”, attached hereto and made a part hereof; and

WHEREAS, Seller intends to transfer a single consolidated parcel of land to Purchaser at the closing of the Purchase and Sale Transaction; and

WHEREAS, Seller is aware of Purchaser’s intent to apply for admission of the Sale Parcel to the New York State Brownfield Program.

NOW THEREFORE, IN CONSIDERATION of the mutual promises of the Parties hereto and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Seller and Purchaser hereby agree as follows:

1. Seller represents and warrants that she is the sole member of the Seller entities and has the power and authority to enter into this Agreement.
2. Seller shall continue pursuit of the consolidation of the various parcels listed on Schedule “A” to create the single Sale Parcel.
3. Any and all costs or expenses of the consolidation process shall be borne by Purchaser.
4. Seller agrees and grants to Purchaser access to the Premises identified on Schedule “B” for the purpose of environmental clean-up pursuant to the Brownfield Cleanup Program (“BCP”) as authorized under the NY Works legislation. Seller consent to the filing of any required environmental easements with respect to the Sale Parcel in the event the closing of the purchase of the Sale Parcel does not occur before such time as such environmental easement is required to be filed.
5. Purchaser agrees to cooperate with Seller to minimize interference with the activities of Seller at the Premises.

6. Seller represents to Purchaser that it holds legally sufficient interest in the Premises to be able to grant the access provided herein and that no other individual or entity holds rights with respect to the Premises which conflict with the rights granted to Purchaser hereunder.

7. This Agreement for consolidation and access shall continue until the sooner of (i) the closing of the sale of the Sale Parcel to Purchaser or (ii) Certificate of Completion is issued by the New York State Department of Environmental Conservation, unless otherwise terminate by mutual agreement of the Parties.

8. Purchaser, its agents, employees, contractors/subcontractors, licensees, invitees, and/or representatives (collectively Purchaser's "Designated Representatives") shall:

(a) use best efforts not to disrupt or interfere with Seller's operations while implementing the BCP at the Premises; and

(b) abide by all reasonable safety and security rules and policies Seller may have or develop for the Premises.

9. Purchaser shall have the obligation to obtain all necessary permits from the City of Buffalo and any other applicable regulatory agencies for the implementation of the BCP on the Premises. Purchaser's work shall at all times be performed in accordance with the terms of such permits, if any, and the plans and specification for the BCP and all applicable laws, regulations, orders and requirements of all governmental entities having jurisdiction over the same, whether federal, state or local. All contractors engaged by Purchaser shall be bondable, licensed contractors. Purchaser shall pay all costs, fees and expenses incurred in connection with the implementation of the BCP and shall be responsible for any damage caused to the Premises. Purchaser shall at all times cause all work required for implementation of the BCP to be performed (a) in a good, workmanlike and lien free manner, and (b) in a manner that, once commenced, is prosecuted continuously and diligently to completion, except for delays beyond the reasonable control of Purchaser or its Designated Representatives.

10. Purchaser shall promptly provide to Seller copies of: i) any plans, specification, drawing or similar project documents developed by Purchaser or its Designated Representatives for the investigation, design or construction of the BCP on the Premises; and ii) any Phase I, Phase II, monitoring, investigation or sampling reports, including sampling data, prepared by or performed by Purchaser or its Designated Representatives, with respect to the BCP on the Premises. Purchaser and its Designated Representatives shall at all times comply with applicable Environmental Laws. For the purposes of this Agreement "Environmental Law" shall mean any federal, state or local laws, statutes, codes, acts, ordinances, orders, judgments, decrees, injunctions, rules, regulations, permits, licenses, authorizations, agreements, ordinary or extraordinary, of any and all governmental officials, officers and agencies, which now or at any time hereafter may be applicable to the Premises or any portion thereof.

11. Purchaser does and shall hereby indemnify and hold harmless Seller, its directors, officers, shareholders, employees, agents, successors and assigns, against all losses, liabilities, obligations,

claims, damages, penalties, fines, costs and expenses (including, without limitation, reasonable attorneys' and consultants' fees) and costs of litigation, suits, judgments, liens, and encumbrances, including third party claims, arising from the acts or omissions of Purchaser and its Designated Representatives, or any or all of them, under this Agreement after the Effective Date of this Agreement and arising out of Purchaser's implementation of the BCP on the Premises. Provided, however, that notwithstanding the foregoing, the Parties hereby agree that any claims resulting from the gross negligence or willful misconduct of Seller shall be expressly excluded from the scope of the indemnity set forth in this Section 11. The indemnity provided in this Section 11 shall survive the expiration or any termination of this Agreement for a period equal to the applicable statute of limitations.

12. During the performance of any work pursuant to this Agreement, Purchaser shall cause any general contractor and all subcontractors to secure, pay for and maintain during the continuance of such work the following insurance in the following amounts, with respect to claims and liabilities arising from implementation of the BCP on the Premises by any general contractor, subcontractors or any of their subcontractors or by anyone directly or indirectly employed by any of them:

- (a) Worker's Compensation and Employer's Liability Insurance, with limits of not less than \$1,000,000 and such additional coverages as may be required by any Employee Benefits Acts or other statutes applicable where the work is to be performed; and
- (b) Commercial general liability insurance protecting against claims on account of personal injury or death or damage to the property, (and also including explosion and collapse coverage), of others caused by any accident or occurrence upon and about the Premises arising from or attributable to or in connection with the BCP or the access granted in this Agreement, such insurance to be written with limits of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate or such higher amounts from time to time as shall be consistent with commercially reasonable practice for similar properties; and
- (c) Comprehensive Automobile Liability insurance with a total limit (including umbrella coverage) of \$1,000,000 each occurrence.
- (d) All insurance required hereunder shall be procured and maintained in financially sound and generally recognized responsible insurance companies authorized to write such insurance in the State of New York and having a Best rating. All policies evidencing such insurance shall name the Seller as an additional insured, on a primary and noncontributory basis, and provide for at least thirty (30) days' written notice (or such shorter period as shall actually be available under applicable law) to the Seller prior to cancellation, lapse, reduction in policy limits or material change in coverage thereof. Certificates of such insurance, showing that such insurance is in full force and effect, shall be provided to Seller by Purchaser or its Designated Representative, upon commencement of the BCP on the Premises, and annually thereafter, and at other times upon the reasonable request of Seller.

13. Nothing in this Agreement, express or implied, shall be deemed to confer upon any other person any rights or remedies under, or by reason of, this Agreement and no third-party beneficiary is intended to be created or is created hereby, including without limitation employees of the Seller.

14. Notices under this Agreement shall be given by overnight delivery or by postpaid first class mail by any of the parties hereto to one or more of the others by sending such notice to such party or parties at their respective addresses set forth in the opening paragraph of this Agreement, with a copy to:

Kavinoky Cook LLP
726 Exchange Street, Suite 800
Buffalo, NY 14210
Attention: Deborah J. Chadsey, Esq.

and to:

Rupp Pfalzgraf LLC
1600 Liberty Building
424 Main Street
Buffalo, NY 14202
Attention: Horace Gioia, Esq.

Any notice sent by any reputable overnight delivery service shall be deemed received upon personal service or refusal and any notice sent by registered or certified mail shall be deemed received on the third calendar day following deposit in the mail. The parties to this Agreement may change their addresses for notice by notifying the other parties in the manner provided in this Section 14.

15. This Agreement shall be binding upon the parties' successors, assigns and transferees.

16. This Agreement may not be amended or modified except by a written instrument signed by the Parties, or each of their respective successors in interest.

17. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

18. This Agreement shall be governed by the laws of the State of New York and any dispute hereunder shall be heard by any court of competent jurisdiction located in the County of Erie, State of New York.

[Signature Follow Next Page]

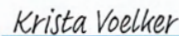
Signature page to Agreement to Consolidate Parcels and for BCP Access

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed this 8th day of May, 2026.

SELLER/OWNER:

On Behalf of
CHARLIE THE MAGNIFICENT, LLC
BURT VOELKER, LLC
AM-ELM REALTY, INC.
LABRADOR BUILDING SYSTEMS, INC.

By: Krista Voelker, the Sole Member/Shareholder


Krista Voelker (May 8, 2026 10:20:33 EDT)

Date of Execution by Seller: May 8, 2026

PURCHASER:

VOELKERS APARTMENTS LLC

By: Connor Kenney, Co-Managing Partner


Connor Kenney (May 8, 2026 11:07:19 EDT)

Date of Execution by Purchaser: May 8, 2026

Schedule A

<u>SBL #</u>	<u>Owner</u>	<u>Street Address</u>
89.21-7-7	Burt Voelker, LLC	1624 Elmwood Avenue
89.21-7-8	AM-ELM Realty, Inc.	680 Amherst Street
89.21-7-9	Charlie The Magnificent, LLC	670 Amherst Street
89.21-7-10	Charlie The Magnificent, LLC	668 Amherst Street
89.21-7-11	Charlie The Magnificent, LLC	666 Amherst Street
89.21-7-6.1	Burt Voelker, LLC	1634 Elmwood Avenue
89.21-7-6.2	Labrador Building Systems, Inc.	1628 Elmwood Avenue
89.21-7-5	Labrador Building Systems, Inc.	155 Marion Street
89.21-7-4	Labrador Building Systems, Inc.	141 Marion Street
89.21-7-1	Burt Voelker, LLC	111 Marion Street

CHARLIE THE MAGNIFICENT, LLC

BURT VOELKER, LLC

AM-ELM REALTY, INC.

LABRADOR BUILDING SYSTEMS, INC.

Appendix H

Section V: Current Property Owner and Operator Information

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 operator contact information was not able to be located as most of the properties were historically residential and storefronts. Below is a list of historic owners of each parcel prior to current ownership followed by a list of historic operators. Phone numbers were not attainable for either historical owners or operators.

The requestor, Voelkers Apartments LLC, is the contract vendee of the site pursuant to an arm's-length purchase and sale agreement with the current owner, Charlie the Magnificent LLC. The requestor has no other relationship to the current owner - no common ownership, management control, or familial relationship - and has never owned or operated the site.

DATE	HISTORIC OWNER	DEED
666 Amherst Street (89.21-7-11)		
8/07/1975	St. Pierre, Gail H.	8308/87
7/02/1981	Marshall, Neal F.	9035/443
3/01/1984	Labrador Bldg System Inc. 686 Amherst Street Buffalo, New York14207	9310/325
668 Amherst Street (89.21-7-10)		
2/10/1945	Napora, Thaddeus W & W	3664/172
9/19/1986	Napora, David W.	SC86/3639
12/31/1986	Labrador Building System 686 Amherst Street Buffalo, New York14207	9666/403
670 Amherst Street (89.21-7-9)		
2/10/1945	Napora, Thaddeus W. & W	3664/172
12/31/1986	Labrador Building System 686 Amherst Street Buffalo, New York14207	9666/464
680 Amherst Street (89.21-7-8)		
11/07/1945	Voelker, David	3795/597
10/03/1963	Western Mills Inc.	6935/359
12/30/1963	Western Mills Inc.	6962/423
10/11/1967	Am-Elm Realty Inc. 1691 Kenmore Avenue Kenmore, NY 14217	7514/629
12/24/1987	Am-Elm Realty Inc. 1691 Kenmore Avenue Kenmore, NY 14217	9808/424
12/14/2004	Am-Elm Realty Inc. 1691 Kenmore Avenue Kenmore, NY 14217	11604/1348
155 Marion Street (89.21-7-5)		
10/24/1952	Yanik, Stephen J et al	5211/351

11/07/1979	Yanik Bros Trucking Co	8850/285
11/04/1991	Labrador Bldg System Inc. 686 Amherst Street Buffalo, New York14207	13044/674
1624 Elmwood Avenue (89.21-7-7)		
6/03/1969	Volker, Mark E. 686 Amherst Street Buffalo, New York14207	7593/181
03/29/2019	Burt Voelker LLC 7250 Countryview Lane Clarence Center, NY 14032 (716) 316-8471	11342/6385
1628 Elmwood Avenue (89.21-7-6.2)		
7/24/1974	M & K Industries Inc. 686 Amherst Street Buffalo, New York14207	8190/581
9/11/1992	Labrador Building Systems 686 Amherst Street Buffalo, New York14207	10509/418
1634 Elmwood Avenue (89.21-7-6.1)		
7/24/1974	M & K Industries Inc.	8190/581
9/09/1999	Labrador Building System 430 Lincoln Parkway Buffalo, NY 14216	10959/9093
5/05/2023	Burt Voelker LLC 430 Lincoln Parkway Buffalo, NY 14216	11416/8404

Date	Historic Operator	Requestor Relationship
666 Amherst Street (89.21-7-11)		
1925-2020	Residential	None
668 Amherst Street (89.21-7-10)		
1925-2020	Residential	None
1964-1974	Notarp Roofing Co Inc	None
1975-1979	Gordons Driving School	None
1980-1991	Calvert Distillers Whse	None
1992-1997	Studio 601 Inc	None
1998-1999	Printers Express	None
670 Amherst Street (89.21-7-9)		
1925-1930	Residential	None
680 Amherst Street (89.21-7-8)		
1925-2020	Unlisted	None
155 Marion Street (89.21-7-5)		
1950-1992	Yanik Bros Trucking Co	None
1995-1999	American Paper Corp & Distributers	None
2000-2020	Maleks Collision	None
2005-2014	Phils Auto Service	None
1624 Elmwood Avenue (89.21-7-7)		

1925-1963, 1975-1979	Residential	None
1935-1939	Vacant store	None
1940-1945	Refrigeration Service Co	None
1960-1979	Michaels Dental Laboratory	None
1628 Elmwood Avenue (89.21-7-6.2)		
1925-1934	Residential	None
1995-2020	Neon Art Signs, Paul Strada Ice Carving	None
1634 Elmwood Avenue (89.21-7-6.1)		
1925-1949, 1955-2007, 2014-2019	Residential	None
1925-1934	Jo's Soft Drinks	None
1950-1954	Unlisted	None
1955-1969	Sam's Barber Shop	None
1970-174	John's Elmwood Avenue Barber Shop	None
1980-1984	M&K Industries Addn Space	None
1985-1997	Iseman Enterprises Research Development	None

Current Property Ownership					
Property Address	Owner/Operator	Owner Address	Phone number	Email Address	Ownership Start Date
666 Amherst Street	Charlie the Magnificent LLC	7250 Countryview Lane Clarence NY, 14030	716-316-8471	krstvlkr@yahoo.com	May 2, 2023
668 Amherst Street	Charlie the Magnificent LLC	7250 Countryview Lane Clarence NY, 14030	716-316-8471	krstvlkr@yahoo.com	May 2, 2023
670 Amherst Street	Charlie the Magnificent LLC	7250 Countryview Lane Clarence NY, 14030	716-316-8471	krstvlkr@yahoo.com	May 2, 2023
680 Amherst Street	Charlie the Magnificent LLC	7250 Countryview Lane Clarence NY, 14030	716-316-8471	krstvlkr@yahoo.com	May 2, 2023
1624 Elmwood Avenue	Charlie the Magnificent LLC	7250 Countryview Lane Clarence NY, 14030	716-316-8471	krstvlkr@yahoo.com	March 19, 2019

1628 Elmwood Avenue	Charlie the Magnificent LLC	7250 Countryview Lane Clarence NY, 14030	716-316-8471	krstvlkr@yahoo.com	September 10, 1991
1634 Elmwood Avenue	Charlie the Magnificent LLC	7250 Countryview Lane Clarence NY, 14030	716-316-8471	krstvlkr@yahoo.com	May 2, 2023
155 Marion Street	Charlie the Magnificent LLC	7250 Countryview Lane Clarence NY, 14030	716-316-8471	krstvlkr@yahoo.com	May 2, 2023

Appendix I

Section XII: Site Contact List

Appendix I. Section XII: Site Contact List

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

Federal Representative (U.S. House of Representatives)

U.S. Representative Timothy M. Kennedy
Erie County Office
Larkin at Exchange
726 Exchange Street
Suite 601
Buffalo, NY 14210
Phone: (716) 852-3501

2. New York State Senator and Assemblyperson

New York State Senator Kirsten Gillibrand
Larkin at Exchange
726 Exchange Street
Suite 511
Buffalo, NY 14210
Phone: (716) 854-9725

New York State Assemblywoman Crystal D. Peoples-Stokes
425 Michigan Avenue
Suite 107
Buffalo, NY 14203
Phone: (716) 897-9714

3. Chief Executive Officer, Planning Board Chairperson and City Administrator of each County, City, Town and Village in which the Site is located:

a. City of Buffalo

Office of the Mayor
Mayor Sean M. Ryan
Buffalo City Hall
Room 201
Buffalo, New York 14202
Phone: (716) 851-4841

Office of City Administrator
Jessica R. Brown, CPA
65 Niagara Square, Room 214
Buffalo, New York 14202
Phone: (716) 851-5922

Office of Planning Board
James A. Morrell - Chairman
920 City Hall
Buffalo, New York 14202
Phone: (716) 851-5082

b. Erie County

Erie County Executive
Mark C. Poloncarz
95 Franklin Street
Buffalo, New York 14202
Phone: (716) 858-8500

Erie County Clerk

Michael P. Kerns
92 Franklin Street
Buffalo, New York 14202
Phone: (716) 858-8785

Commissioner of Environment and Planning

Daniel R. Castle, AICP
95 Franklin Street, 10th Floor
Buffalo, New York 14202
Phone: (716) 858-8390

4. County and/or municipal agency directors of health, emergency services, economic development and planning departments.

a. Erie County

Erie County Commissioner of Health

Gale R. Burstein, MD, MPH, FAAP
95 Franklin Street
Buffalo, NY 14202
Phone: (716) 858-7690

Emergency Services Commissioner

Daniel J. Neaverth, Jr.
45 Elm Street
Buffalo, NY 14203
Phone: (716) 858-6578

Commissioner of Environment and Planning

Daniel R. Castle, AICP
95 Franklin Street, 10th Floor
Buffalo, New York 14202
Phone: (716) 858-8390

Industrial Development Agency:

Erie County Industrial Development Agency
95 Perry Street, Suite 403
Buffalo, NY 14203
Phone: (716) 856-6525

b. City of Buffalo

Buffalo Urban Renewal Agency

Buffalo City Hall

Room 901

Buffalo, NY 14202
Phone: (716) 851-2872

Division of Real Estate
Yvonne Bailey, Director of Real Estate
65 Niagara Square, Room 905

Buffalo, NY 14202
Phone: (716) 851-5280

Department of Permits and Inspections

Lou Petrucci, Commissioner
65 Niagara Square, Room 301

Buffalo, NY, 14202
Phone: (716) 851-4972

Emergency Management Services

Thomas Luby, Emergency Services Manager

195 Court Street

Buffalo, NY, 14202
Phone: (716) 851-5333

Office of Strategic Planning

Nadine Marrero, Executive Director

920 City Hall

65 Niagara Square

Buffalo NY 14202

Phone: (716) 851-4769

5. Residents, Owners and Occupants of the Site:

Charlie The Magnificent, LLC

155 Marion Street

Buffalo, New York 14207

Mailing address:

7250 Country View Lane

Clarence, New York 14032

Charlie The Magnificent, LLC

666, 668, and 670 Amherst Street

Buffalo, New York 14207

Mailing address:

7250 Country View Lane

Clarence, New York 14032

Charlie The Magnificent, LLC

1624 Elmwood Avenue

Buffalo, New York 14207

Mailing address:

7250 Country View Lane

Clarence, New York 14032

Charlie The Magnificent, LLC

1628 Elmwood Avenue

Buffalo, New York 14207

Mailing address:

7250 Country View Lane

Clarence, New York 14032

Charlie The Magnificent, LLC

1634 Elmwood Avenue

Buffalo, New York 14207

Mailing address:

7250 Country View Lane

Clarence, New York 14032

Charlie The Magnificent, LLC

680 Amherst Street

Buffalo, New York 14207

Mailing address:

7250 Country View Lane

Clarence, New York 14032

6. Persons requesting to be placed on distribution list

None identified to date.

7. School and/or Day Care Facility

Schools

PS 305 McKinley High School (.2 miles)

1500 Elmwood Avenue

Buffalo, NY 14207

Principal: Terence Jenkins

(716) 816-4480

PS 64 Frederick Law Olmsted (.5 miles)

874 Amherst Street

Buffalo, NY 14216

Principal: Marquita Bryant

(716) 816-3420

Tapestry Charter School (.4 miles)

111 Great Arrow Avenue

Buffalo, NY 14216

Principal: Melissa Rivera

(716) 332-0754

Tapestry Charter Middle School (.7 miles)

65 Great Arrow Avenue

Buffalo, NY 14216

Principal: Lindsay Lee

(716) 332-0755

Tapestry Charter High School (.7 miles)

65 Great Arrow Avenue

Buffalo, NY 14216

(716) 204-5883

Principal: Sara Hilligas

Elmwood Village Charter School (1.0 mile)

665 Hertel Avenue

Buffalo, NY 14207

Principal: Sara Corona

(716) 424-0555

Elmwood Franklin (1.0 mile)

104 New Amsterdam Avenue

Buffalo, New York 14216

Head of School: Johnathan Letcher

(716) 877-5035

Daycares

Buffalo State Child Care Center (1.1 miles)

1300 Elmwood Avenue

Buffalo, NY 14222

Executive Director: Shae Herron

(716) 878-5335

Schoolhouse Commons (.7 miles)

1005 Grant Street

Buffalo, NY 14207

Director: Sheryl Bates

(716) 852-6120 x114

Child Care Resource Network (.9 miles)
1000 Hertel Avenue
Buffalo, NY 14216
Chief Executive Officer: Kimberly Suminski
716-877-6666

Holy Cross Headstart (1.0 mile)
89 Military Road
Buffalo, NY 14207
Executive Director: Cortland Purks
(716) 852-8373

8. Water Supplier

Buffalo Water Board / Veolia North America
281 Exchange Street
Buffalo, NY 14204
Phone: (716) 847-1065

9. Location of Document Repository

Buffalo and Erie County Public Library
1 Lafayette Square
Buffalo, New York 14203

10. News Media

Buffalo News

726 Exchange Street
Buffalo, New York 14210
Phone: (716) 842-1111

WJL 1440 AM
1580 Kenmore Avenue
Buffalo, New York 14216
Phone: (716) 267-1440

WGRZ-NBC (Channel 2)
259 Delaware Avenue
Buffalo, New York 14202
Phone: (716) 849-2222

WIVB –CBS (Channel 4)
2077 Elmwood Avenue
Buffalo, New York 14202
Phone: (716) 874-4410

WKBW – ABC (Channel 7)
7 Broadcast Plaza
Buffalo, New York 14202
Phone: (716) 845-6100

WUTV-FOX (Channel 29)
699 Hertel Avenue, Suite 100
Buffalo, New York 14207
Phone: (716) 447-3200

Address	SBL/Tax ID	Owner	Owner Address
Adjacent Property Owners			
662 Amherst Street	89.21-7-12	Miller, Joan S	662 Amherst Street Buffalo, NY 14207
659 Amherst Street	89.21-6-9	Widmer, Heidi K	659 Amherst Street Buffalo, NY 14207
663 Amherst Street	89.21-6-10	Grace, Peter	663 Amherst Street Buffalo, NY 14207
665 Amherst Street	89.21-6-11	Mark Glenn Realty Inc.	7250 Countryview Lane Clarence Center, NY 14032
673 Amherst Street	89.21-6-12	Oleinic Veniamin	673 Amherst Street Buffalo, NY 14207
679 Amherst Street	89.21-6-13	Labrador Building Systems & Inc.	7250 Countryview Lane Clarence Center, NY 14032
1597 Elmwood Avenue	89.21-4-1.11	Arc Elmwood LLC	167 Amsterdam Avenue Passaic, NJ 07055
1609 Elmwood Avenue	89.21-3-21	1625 Elmwood LLC	1 CVS Drive Woodsocket, RI 02895
1629 Elmwood Avenue	89.21-3-1	L&S Estates, LLC	562 Ashland Avenue Buffalo, NY 14222
1635 Elmwood Avenue	89.21-2-2	1635 Elmwood, LLC	17 Bemus Street Bemus, NY 14712
1642 Elmwood Avenue	89.21-1-10	Burt Voelker LLC	7250 Countryview Lane Clarence Center, NY 14032
168 Marion Street	89.21-1-12	Burt Voelker LLC	430 Lincoln Parkway Buffalo, NY 14216
166 Marion Street	89.21-1-13	Scott, Tiffany Michelle	166 Marion Street Buffalo, NY 14207
162 Marion Street	89.21-1-14	Black Dog NY LLC	885 Niagara Street, Suite 101 Buffalo, NY 14213
156 Marion Street	89.21-1-15	Sperandeo, Benjamin F	156 Marion Street Buffalo, NY 14207
154 Marion Street	89.21-1-16	Howard F and Catherine Handley	154 Marion Street Buffalo, NY 14207
141 Marion Street	89.21-7-4	Labrador Building Systems & Inc.	7250 Countryview Lane Clarence Center, NY 14032



Outlook

Re: Repository - (Voelkers Lanes Apartments)

From April Tompkins <tompkinsa@buffalolib.org>**Date** Mon 6/29/2026 10:24 AM**To** Sean Stanton <SStanton@be3corp.com>**CAUTION:** This email originated from outside of the organization.

Good morning Sean,

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 **Voelkers Lanes Apartments Site**. 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 Offices located on the second floor or sent via mail/delivery carrier (USPS, FedEx, etc. 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

From: Sean Stanton <SStanton@be3corp.com>

Sent: Friday, June 26, 2026 12:07 PM

To: April Tompkins

Subject: Repository - (Voelkers Lanes Apartments)

CAUTION: This email originated from outside of the Library. Attachment and links may not be safe!

Hi April,

I am reaching out to request to use the City of Buffalo Public Library as the repository for all documents related to the Voelkers Lanes Apartments Brownfield Cleanup Program (BCP) Application. The site encompasses eight parcels located at 1624, 1628, 1634 Elmwood Avenue; 666, 668, 670 Amherst Street; 155 Marion Street, Buffalo, Erie County, New York. The associated SBL numbers are 89.21-7-7, 89.21-7-6.2, 89.21-7-6.1, 89.21-7-5, 89.21-7-11, 89.21-7-10, 89.21-7-9, and 89.21-7-8. Please let me know if any further information is required and thank you in advance for your help!

Sean Stanton

Project Engineer

[cid:5cf84ddd-4a66-4eeb-8da2-0e35950231ef]

960 Busti Avenue, Suite B-150

Buffalo, New York, 14213

Office: 716.249.6880

Direct: 716.869.1563

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Appendix J

Section III: Ecological Concerns

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Scajaquada Creek is less than 1500 feet from the subject property. The contamination found on site could possibly migrate to Scajaquada creek, as groundwater most likely flows in that direction.

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