



THE CITY OF BUFFALO

ZONING BOARD OF APPEALS

912 City Hall
Buffalo, NY 14202
<http://www.buffalony.gov>

~AGENDA~

James Lewis

Wednesday, September 16, 2026

2:00 PM

OPS Conference Room

I. Call to Order

Meeting Notice - This meeting will be held via videoconferencing and in-person. Anyone who wishes to attend may do so in Room 912 City Hall or via videoconferencing. To join on-line go to www.microsoft.com/en-us/microsoft-teams/join-a-meeting, Meeting ID: 241 983 707 830 95, Password: Cm6Yn7t6; or by calling (716) 221-4568, Phone Conference ID: 879 465 987#.

II. Roll Call

III. Minutes Approval

IV. New Business

1. 1707 Hertel Ave. - Extension request.
2. 54 High View Terrace - Extension request.

V. Public Hearings

3. 79 Pomona Pl. — Install parking pad; "In excess of maximum driveway width", and "Parking is not permitted forwards of any detached house building type." Zone N-3R. Section Table 8C, and 496-8.3.2.A.2.
4. 11 Armbruster St. - Construct building; "Accessory structure must be clearly incidental and subordinate to the principal use", "Accessory structures may not occupy more than 50% of any required yard", In excess of maximum height for an accessory structure", and "No more than one driveway permitted for residential use". Zone N-4-30. Section 496-6.2.1.C.2, -6.2.1.D.2, -6.2.1.D.5, and -8.3.2.C.
5. 992 Fillmore Ave. — Install parking pad; "In excess of maximum driveway width", and "Parking not allowed forward of a house." Zone N-3R. Section 496-8.3.2.B, and -8.3.3.A.2.
6. 21 Folger St. — Permit short-term rental; "Non-owner-occupied short-term rental not permitted in zone. Zone N-3R. Section 496-380-7.A.2.
7. 22 & 26 Lemon St. — Combine lots; "In excess of maximum lot width." Zone N-2R. Section 496-3.2.6.C.B.

8. 200 Englewood Ave. — Renovate building; "In excess of maximum residential density." Zone N-3R. Section 496-3.2.1.E.
9. 247 Georgia St. — Install parking pad; "No more than one driveway permitted for residential use", "Curb cuts must be located at least 60 feet from intersection", and "Parking not permitted in corner side yard." Zone N-4-30. section 496-8.3.2.c, -8.3.2.A.2, and -8.3.3.A.1.
10. 306 Carolina St. - Construct addition; "Insufficient interior side yard", and "Insufficient build-to percentage front facade." Zone N-2R. Section 496-3.2.6.D.E., and -3.2.6.D.B.
11. 27 Ashland Ave. — Install fence; "In excess of maximum fence height, interior side yard", and "In excess of maximum fence height, rear yard." Zone N-2R. Section 496-7.2.2.B.4, and -7.2.2.B.5.
12. 62 Brownell St. — Install fence; "In excess of fence height, interior side yard." Zone N-4-30. Section 496-7.2.2.B.4.
13. 35 McCarthy Dr. - Expand driveway; "In excess of maximum driveway width", and "Parking not permitted forward of any detached house." Zone N-4-50. Section 496-8.3.2.B, -8.3.3.A.2.
14. 36 Tennyson Ave. - Install fence; "In excess of maximum fence height, rear yard." Zone N-3R. Section 496-7.2.2.B.5.
15. 38 Brinkman Ave. - Permit bookstore; "Use not permitted in zone." Zone N-3R. Section 496-6.1.1.B.
16. 42 Ada Pl. - Install driveway; "In excess of maximum driveway width", and "Parking not allowed forward of a house." Zone N-3R. Section 496-8.3.2.B, and -8.3.3.A.2.
17. 9-25 Lakeview Ave. - Combine lots; "In excess of maximum lot width." Zone N-2R. Section 496-3.2.11.C.B.
18. 92 Pooley Pl. — Install parking pad; "Parking not allowed forward of a house." Zone N-2R. Section 496-8.3.3.A.2.
19. 333 Wyoming Ave. — Combine lots; "In excess of lot width." Zone N-3R. Section 496-3.2.6.C.B.
20. 3070 Bailey Ave. — Install signage; "Monument sign may be erected only where building is set back at least 15 feet from lot line", "In excess of wall signs per right-of-way frontage (Bailey)", "In excess of wall signs per right-of-way frontage (Kensington)", and "In excess of sign area per right-of-way frontage". Zone N-3C. Section 496-9.2.7.1, -9.2.13.1, -9.2.13.1, and -9.2.1.C.
21. 80 Midway Ave. - Permit Parking lot; "off-site accessory parking not permitted as a principal use." Zone N-3C. Section 496-8.3.1.F.2.

22. 107 Delaware Ave. - Install banner sign; "In excess of maximum sign area for a banner sign", "In excess of maximum display period", and "No sign may be placed so as to obstruct any window." Zone N-1D. Section 496-9.4.2.A.2, -9.4.2.A.4.B, and 9.1.2.E.

VI. Adjournment

Forward Development LLC
164 Quaker Rd
East Aurora, NY 14052

August 18, 2026

City of Buffalo Zoning Board of Appeals
Office of Strategic Planning
65 Niagara Square, Room 920
Buffalo, NY 14202

RE: 1707 Hertel Avenue Mixed Use Development – Extension of ZBA Approval

Dear Members of the Zoning Board of Appeals:

I am writing to request an extension of the approval granted by the City of Buffalo Zoning Board of Appeals on October 16, 2024 for the proposed mixed-use project at 1707 Hertel Avenue. This approval was previously extended for one year by the Zoning Board of Appeals at its meeting on September 17, 2025.

The project was granted seven (7) variances to the Buffalo Unified Development Ordinance, Sections 496-3.2.1.C.5, -3.2.5.C.C, -3.2.5.D.F, -3.2.5.E.A, -3.2.1.F, -3.2.5.D.C, and -3.2.1.F.:

1. "In Excess of Maximum Building Width",
2. "In Excess of Maximum Building Coverage Area",
3. "Insufficient Rear Yard Setback",
4. "In Excess of Maximum Building Height",
5. "In Excess of Maximum Transitional Building Height",
6. "In Excess of Maximum Corner Side Yard Setback", and
7. "Insufficient Vehicle Clearance Zone".

The project has continued to advance since the Board's approval and was awarded NYSERDA's Buildings of Excellence Award. Our work is now focused on assembling project financing. Elevated construction and financing costs have made that process more challenging and time-consuming than anticipated. We are targeting the start of construction for late Summer 2027.

Sincerely,



Jacob Stiller
Principal, Forward Development LLC

Cc: John Fell, AICP, Principal Planner



Outlook

Re: Zoning Board of Appeals Results Letter for 54 High View Terrace

From Melanie Desiderio <melaniedesi@yahoo.com>

Date Tue 8/11/2026 11:54 AM

To Webber,Angela <awebber@buffalony.gov>

Good Morning Ms Webber,

I am reaching out to ask regarding the procedure for requesting a time extension for this variance (application #9645289 for 54 High View Terrace). I could not find anything about it on the website and I did call the office and left a message, but have not heard back.

There have been construction delays and the project may not be complete by 10/15/26. I do not want to be in violation of the variance.

I would truly appreciate any assistance with this matter.

Thank you

Melanie & Joe Desiderio

On Wednesday, October 22, 2025 at 09:12:11 AM EDT, Webber,Angela <awebber@buffalony.gov> wrote:



CHRISTOPHER P. SCANLO
Mayor of Buffalo

NADINE MARRERO, AIC
Executive Director

REVEREND JAMES LEWIS III
Chairman

**OFFICE OF STRATEGIC PLANNING
ZONING BOARD OF APPEALS**

October 21, 2025

Joseph Desiderio
54 High View Terrace
Buffalo, NY 14220

**RE: 54 High View Terrace
Application # 9645289**

Dear Sir/Madame,

The Zoning Board of Appeals, at its Meeting on 10/15/2025, "**Approved**" your petition to "Construct Addition" – variance/s for "Insufficient build-to percentage, front facade" at **54 High View Terrace**.

AS A RESULT OF THIS FAVORABLE ACTION BY THE BOARD, YOU MUST NOW OBTAIN A PERMIT IN ROOM 301 CITY HALL, 851-4111 AND PAY ANY FEES THAT ARE REQUIRED.

Per Section 496-11.3.5.H of the City Code, unless a building permit application has been submitted (including the payment of applicable fees), a certificate of occupancy has been issued, or a request for a time extension has been made to the Zoning Board of Appeals (and subsequently approved), by 10/15/2026, the Board's approval will expire, and a new application will have to be made.

Very truly yours,

James A. Lewis III, Chairman
ZONING BOARD OF APPEALS
JAL/aw



CITY OF BUFFALO

DEPARTMENT OF PERMIT AND INSPECTION SERVICES

Christopher P. Scanlon, Mayor

NOTICE OF DENIAL

Date of Denial: 06/27/2025

Property Owner Name: Randy Kolasinski

Assessed Address: 79 Pomona Buffalo, NY 14210
Street Zip Code

Zone: N-3R

Applicant Name: Randy Kolasinski

Applicant Address: 79 Pomona Buffalo NY 14210
Street City State Zip Code

Based on the information provided to the Department of Permit and Inspection Services at the time of registration, a Notice of Denial from the Commissioner of Permit and Inspection Services is hereby given to the applicant for the associated project based on the reasons detailed below.

Application for: Area

Reason for Denial:

City Code Section	City Code Requirement	Request from Applicant
Table 8C	12' max width	To allow: 26'
Table 8D	Front yard parking not allowed	To allow: front yard parking

State of New York)
County of Erie) ss

On the 27th day of June in the year 2025 before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(Notary Public) or (Commissioner of Deeds)

Appellant sign here



Area Variance Application

City of Buffalo - Office of Strategic Planning

Section 496-11.3.5 of the City Code: An Area Variance is the authorization by the Zoning Board of Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

Procedure

1. If not already completed, register the project with the Department of Permit and Inspection Services (DPIS) in Room 301 City Hall or via the ePermits Electronic Plan Review portal available at the city's website (www.buffalony.gov). During Registration, DPIS staff will provide a Notice of Denial indicating an Area Variance from the Zoning Board of Appeals will be required.
2. Complete the Area Variance Application Form (available online at www.buffalony.gov or in Room 913 City Hall).
3. Attach to this form all requested submittals in the Required Submittals section on page 2 of this application.
4. Send an electronic copy (in PDF format) of the completed Area Variance Application Form with attachments to Room 913 City Hall via either USB flash drive or email/file transfer site to ZoningBoardOfAppeals@buffalony.gov. PDF files must be compressed to the extent practicable and no single file may exceed 10MB. If emailed, you will receive a response email confirming receipt of the application. If no email confirmation occurs, please follow up with the Office of Strategic Planning at (716) 851-4064. If an applicant is unable to provide an electronic copy of the application/attachments, hardcopies may be sent to Room 913 City Hall.
5. Staff will review the Area Variance Application and determine if it is complete.
 - a. **An application is complete if:** All questions on the Area Variance Application Form have been fully answered and sufficient photos and relevant materials have been attached.
 - b. **An application is not complete if:** One or more questions on the Area Variance Application Form have not been answered or if additional relevant photos or relevant materials need to be attached (see Requested Submits list on Page 2). Notice will be provided to the applicant identifying any needed changes.
6. Once the application is determined complete, the applicant will receive a Notice of Complete Application which includes a public hearing date. Until a Notice of Complete Application is issued, the project will not be scheduled for a public hearing regardless of the date the application was submitted by the applicant.
7. At least ten (10) days prior to the scheduled public hearing, all applicants for variances must install a posted notice sign at the project site. An electronic template of this sign is available from Office of Strategic Planning Staff. Requirements and standards for this sign are found in Section 496-11.2.2.C of the City Code. The sign must be removed when the public hearing is closed. **If the sign is not installed the hearing cannot be scheduled.**
8. Attend the public hearing and present the Area Variance Application to the Zoning Board of Appeals. Please be prepared to answer questions related to the variance request.
9. After the public hearing, the Zoning Board of Appeals has up to 62 days to approve, approve with modifications, or deny the application. Once the Zoning Board of Appeals has made a decision, a written notice will be sent to the applicant within 5 business days.

For assistance with the Area Variance Application, please contact the Office of Strategic Planning at (716) 851-4064 or ZoningBoardOfAppeals@buffalony.gov.

Please note: Any information provided with this application will be made public at www.buffalony.gov/meetings

Fee

Pay associated fee of \$150 plus \$25 for each additional variance for one (1) or two (2) unit dwellings.
\$250 plus \$50 for each additional variance for all other applications respective of the above.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Required Submittals

Send an electronic copy (in PDF format) of the completed Area Variance Application Form with attachments (per the requested submittals listed below) to Room 913 City Hall via either USB flash drive or email/file transfer site to ZoningBoardOfAppeals@buffalony.gov. PDF files must be compressed to the extent practicable and no single file may exceed 10MB. If an applicant is unable to provide an electronic copy of the application/attachments, hardcopies may be sent to Room 913 City Hall.

Include the following as appropriate:

1. All Variance Applications

- Photos of the site of the variance request.
- Notice of Denial issued by Department of Permit and Inspection Services.

2. Variance applications for new construction or additions

A. Site Plan

Scale: One (1) inch equals thirty (30) feet or larger scale

- Date of preparation, clear scale, north arrow, and dimensions
- Project boundaries and total area
- Dimensions of lots and property lines
- Existing and proposed site improvements (structures, easements, vehicular and pedestrian access, landscape, established trees, fences or walls, stormwater facilities, lighting, parking and loading facilities, signs)

B. Architectural Elevations (If applicable)

Scale: One (1) inch equals four (4) feet or larger scale

- Date of preparation, clear scale, and dimensions
- Detailed facade materials

3. Variance applications for parking pads

- Sketch of the proposed location with dimensions, on a survey if possible.
- Description of the impacts to landscaping, street trees, and on-street parking.

4. Completed Part 1 of the New York State Environmental Quality Review (SEQR)

Depending on the type of project, a Short Environmental Assessment Form (SEAF) may also be required. Generally, all variance applications, other than area variances for residential projects three (3) units or less, fences, and projects only involving individual setback and lot line variances and adjustments, will have to complete a Part 1 SEAF.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Applicant Information

Property Owner Name(s): Randy Kolesinski

Phone Number: _____

Email: _____

Address: 79 Pomona Pl City: Buffalo State: NY Zip: 14210

Architect Name(s): _____

Phone Number: _____

Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Contractor Name(s): _____

Phone Number: _____

Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Property Information

Assessed Address: 79 Pomona Pl

Area of Parcel (square feet): _____ Acres: _____

Zone: Residential Zone Overlay (if applicable): _____

Project Description

Current Use: Home

Proposed Use: Home

Briefly Describe the Proposed Project (attach additional information if necessary):

to have parking pool in front



Area Variance Application

City of Buffalo - Office of Strategic Planning

Area Variance Request

No area variance will be granted without showing by you (the applicant) supporting evidence for the following (where applicable). Attach all supporting materials.

A. Benefit to Applicant. Describe how the requested variance would benefit the project.

off Street Parking, opens three spots

B. Character of Neighborhood. Describe whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.

N/A 2 other lots have this

C. Other Means. Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance:

No Room for Parking

D. Substantial. Describe whether or not the requested variance is substantial in nature:

No Empty lot no trees

E. Physical or Environmental Conditions. Describe if the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district, including but not limited to traffic circulation, noise, or odor.

N/A



Area Variance Application

City of Buffalo - Office of Strategic Planning

- F. **Not self-created.** Describe if the alleged difficulty was self-created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance:

opens three spots for parking

Disclosure Affidavit

I maintain that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): Randy Kolasinski

Date: 5-11-26

Property owner or applicant signature: [Signature]

Feet - Inches
 0.08 - 1 inch
 0.17 - 2"
 0.25 - 3"
 0.33 - 4"
 0.42 - 5"
 0.50 - 6"
 0.58 - 7"
 0.67 - 8"
 0.75 - 9"
 0.83 - 10"
 0.92 - 11"
 1.00 - 12"

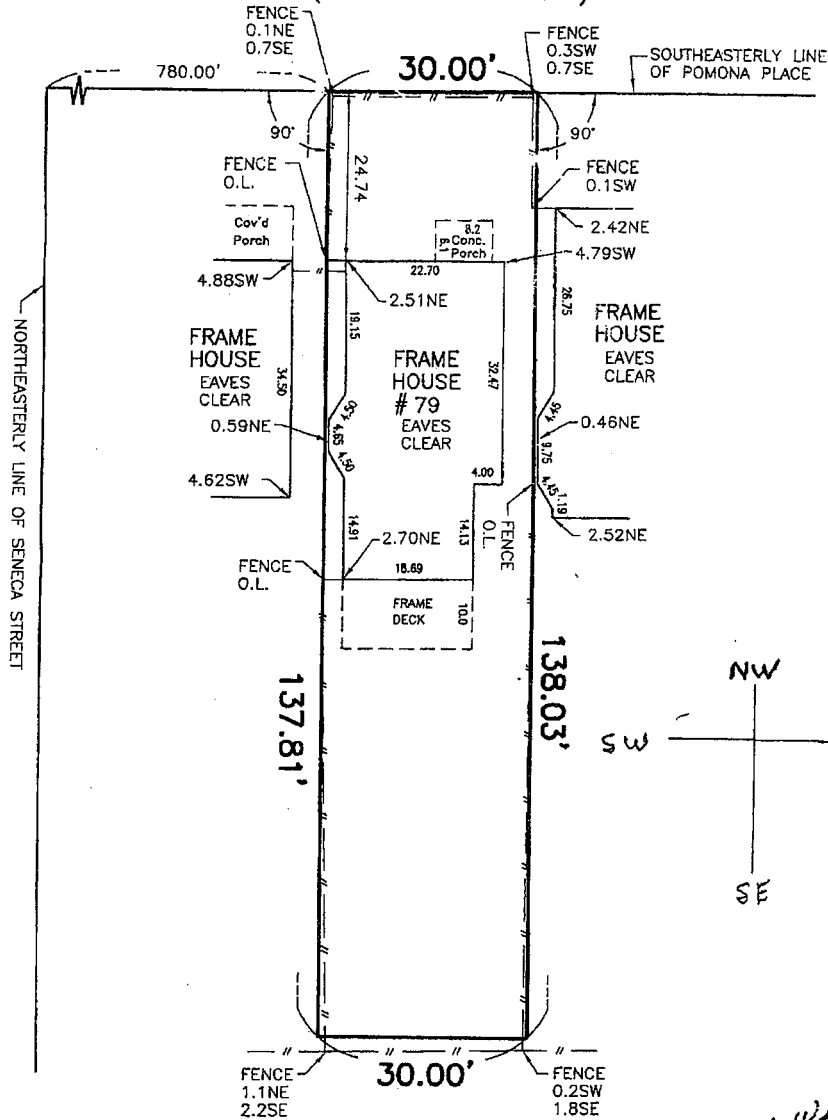
NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH



POMONA (50' WIDE) PLACE

(F.K.A. OLIVE PLACE)

SENECA (66' WIDE) STREET

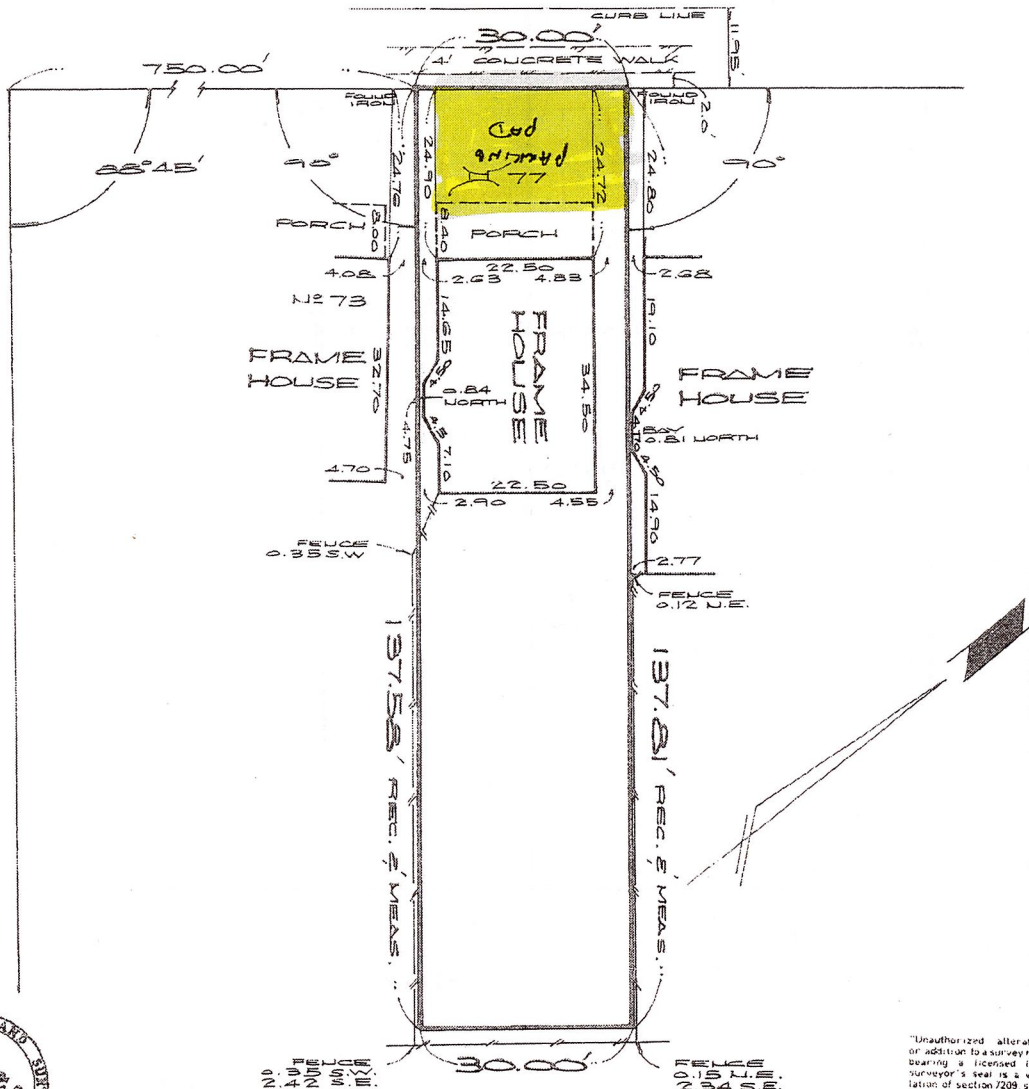


Bernard S. Wells

LOCATION: CITY OF BUFFALO	SCALE: 1"=20'	Foit-Albert Associates Architecture, Engineering and Surveying, P.C. 763 Main Street, Buffalo, New York 14203 SUCCESSOR TO THE RECORDS OF CHARLES E. DENVER PHONE: (716) 856-3933 FAX: (716) 856-3961
COUNTY OF ERIE, STATE OF NEW YORK	DRAWN BY: O. A. REYES	
PART OF LOT 4, TOWNSHIP 10, RANGE 7	CHECKED BY: B. WELLS	
OF THE BUFFALO CREEK RESERVATION	RESURVEY:	
MAP COVER: 389		Unauthorized alteration or addition to any survey, drawing, design, specification, plan or report is a violation of Section 7208, Provision 2 of the New York State Education Law. Only copies from the original of this survey map marked with an original of the land surveyor's embossed seal and signature shall be considered to be valid true copies.
SUBLOT(S): 75		
REVISIONS:		Copyright: Foit-Albert Associates, all rights reserved. No portion of this drawing may be reproduced, stored or transmitted by any means without prior written permission of the architect, engineer or surveyor.
DATE: JUNE 04, 2005	JOB No.: 05-29423	NO COR. MON. SET

(FORMERLY OLIVE PLACE)
POMONA WIDE PLACE

SENECA WIDE STREET



"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, subdivision 2, of the New York State Education Law." This map is void unless embossed with New York State Land Surveyor seal.

SURVEY OF SUB-LOT 74

COVER 369

LOCATION CITY OF BUFFALO, ERIE COUNTY OF ERIE, N.Y.

DATE 10.21.21 SCALE 1 INCH = 20 FEET

RESURVEYED

MILLARD & MCKAY

Land Surveying
 5727 MAIN STREET
 WILLIAMSVILLE, NEW YORK 14221
 (716)-831-5140

12065-1-20



CITY OF BUFFALO

DEPARTMENT OF PERMIT AND INSPECTION SERVICES

Christopher P. Scanlon, Mayor

NOTICE OF DENIAL

Date of Denial: 07-09-2026

Property Owner Name: Property Ink Inc

Assessed Address: 11 Armbruster

Street

Buffalo, NY 14212

Zip Code

Zone: N-4-30

Applicant Name: Micheal Anderson

Applicant Address: 313 Broadway

Street

Buffalo

City

NY

State

14204

Zip Code

Based on the information provided to the Department of Permit and Inspection Services at the time of registration, a Notice of Denial from the Commissioner of Permit and Inspection Services is hereby given to the applicant for the associated project based on the reasons detailed below.

Application for: AREA VARIANCES

Reason for Denial:

City Code Section	City Code Requirement	Request from Applicant
6.2.1.C.2	clearly incidental & subordinate to the principle use	to allow it not to be
6.2.1.D.2	not to occupy more than 50%	to allow 75.8 %
6.2.1.D.5	maximum of 18'	to allow 18.5'
8.3.2.C	1 driveway allowed	to allow 2 driveways

State of New York)
) ss
County of Erie)

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

(Notary Public) or (Commissioner of Deeds)

Appellant sign here



Area Variance Application

City of Buffalo - Office of Strategic Planning

Applicant Information

Property Owner Name(s): Property Ink Inc.

Phone Number: _____ Email: _____

Address: 1504 Bailey Ave City: Buffalo State: NY Zip: 14212

Architect Name(s): Michael Anderson - Abstract Architecture PC

Phone Number: () Email: ()

Address: 313 Broadway City: Buffalo State: NY Zip: 14204

Contractor Name(s): Atlantic Garages of Western New York

Phone Number: () Email: _____

Address: 1504 Bailey Ave City: Buffalo State: NY Zip: 14212

Property Information

Assessed Address: 11 Armbruster Street, Buffalo NY 14212

Area of Parcel (square feet): 10,560 Acres: 0.245

Zone: N-4-30 - Single-Family Zone Overlay (if applicable): N/A

Project Description

Current Use: Single-Family Dwelling (R-3)

Proposed Use: No Change

Briefly Describe the Proposed Project (attach additional information if necessary):

See Attached.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Area Variance Request

No area variance will be granted without showing by you (the applicant) supporting evidence for the following (where applicable). Attach all supporting materials.

A. Benefit to Applicant. Describe how the requested variance would benefit the project.

[See Attached.](#)

B. Character of Neighborhood. Describe whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.

[See Attached.](#)

C. Other Means. Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance:

[See Attached.](#)

D. Substantial. Describe whether or not the requested variance is substantial in nature:

[See Attached.](#)

E. Physical or Environmental Conditions. Describe if the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district, including but not limited to traffic circulation, noise, or odor.

[See Attached.](#)



Area Variance Application

City of Buffalo - Office of Strategic Planning

- F. Not self-created.** Describe if the alleged difficulty was self-created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance:

See Attached.

Disclosure Affidavit

I maintain that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): Michael Anderson - Architect

Date: 6.26.2026

Property owner or applicant signature: Michael Anderson

Area Variance Request:

Project Description

The proposed project is the construction of a new accessory structure for an existing single-family residential dwelling.

We are requesting relief from the following city code sections:

6.2.1 C-2: Proposed accessory structure is not incidental and subordinate to the principle structure in area. Proposed structure is 3,632sf while the existing dwelling is 1,431sf.

6.2.1 D-2: Proposed accessory structure encroaches on the rear setback in excess of 50% of the area. Proposed structure covers 75.8% of the area of the rear yard.

6.2.1 D-5: Proposed accessory structure exceeds maximum permitted height of 18'. Proposed structure is 18.5' in height.

8.3.2.C: Proposed accessory structure will have (2) driveways where only (1) is allowed.

Area Variance Request:

A. Benefit to Applicant.

The size of the structure is based on the desire to provide a garage (none exists currently) for the tenant of the primary residential dwelling while also providing additional storage for his own vehicles. No actual commercial activity will take place on the property. The property has just been purchased by the current owner, the primary residence has been vacant for a number of years now and the new owner is undergoing cosmetic renovations so it can be rented. The benefit of a second driveway is to accommodate access to the accessory structure without impeding or being impeded by the tenant and their use of the current driveway.

B. Character of Neighborhood.

The approval of the requested variance will not negatively impact the character of the immediate neighborhood. There are several other structures within the visual area of the proposed structure that are similar in scale and construction, including a soon to be constructed storage structure on the property across Armbruster St from this site.

This is the final property on Armbruster St that is zoned residential, the adjacent properties to the south are D-C Flex Commercial. This structure would be permitted under D-C zoning.

C. Other Means.

The property owner has expended an extensive amount of time determining the best option for ensuring the successful rehabilitation and renovation of this property that supports his business that has been in this immediate area for almost 10 years now.

D. Substantial.

We accept that two of the three variances requested are substantial. The difference in maximum permitted and actual height is minimal.

E. Physical or Environmental Conditions.

No adverse impact will be created, impacting the physical or environmental conditions of the immediate neighborhood with the approval of the requested variances to the neighborhood. The proposed structure is in keeping with the scale and type of structures that would be permitted on immediately adjacent properties.

F. Not self-Created.

We accept that the scale of the structure is at the request of the client and that while a smaller structure or a group of smaller structures could potentially accomplish the same outcome, it is our belief that these alternatives would also require variances to meet the needs of the client.

Photos:



Photo 1: View from the street (Armbruster St) looking at 11 Armbruster Street.



Photo 2: Aerial view of 11 Armbruster Street and adjacent D-C properties

- A. ALL EXTERIOR SITE HARDSCAPE WORK IS EXISTING - REFER TO OWNER PROVIDED SURVEY.
- B. DURING THE GRADING PROCESS REMOVE UNDESIRABLE SOIL AND CLEARING DEBRIS FROM THE SITE. ALL MATERIALS SHALL BE PROPERLY DISPOSED OF. WHERE GRASSES ARE INDICATED ON THE LANDSCAPE PLAN, PROVIDE A MINIMUM OF 6" TOP SOIL, GRADE SMOOTH AND UNIFORM WITHIN 1/2" +/- OF FINISH ELEVATION. ROLL AND RAKE TO REMOVE RIDGES AND FILL DEPRESSIONS. PROVIDE A SUN AND SHADE SEED MIX OF KENTUCKY BLUEGRASS, RED FESCUE AND PERENNIAL RYE GRASS AND BROADCAST PER SEED SUPPLIED RECOMMENDATION. PROTECT SEEDED AREAS WITH STRAW MULCH AND KEEP MOIST UNTIL NEW LAWN IS ESTABLISHED.
- C. THERE ARE NO SIGNIFICANT TREES LOCATED WITHIN THE DEVELOPMENT AREA ON THE PROPERTY.
- D. IT IS THE LAW, BEFORE YOU DIG, DRILL, OR BLAST, CALL UFPO AT 1-(800) 962-7962. - ANY PROPOSED GAS, ELECTRIC, PHONE, AND CABLE UTILITIES TO BE PROVIDED BY RESPECTIVE UTILITY COMPANIES.

SITE DATA:

ZONING: N-4-30 SINGLE-FAMILY

LOT DIMENSIONS:

LOT AREA	REQUIRED MIN. 2,400 SF	EXISTING 10,560 SF
LOT WIDTH	30'/70' MIN./MAX.	80'

LOT COVERAGE:

	REQUIRED (MAX.)	PROPOSED
BUILDING COVERAGE	60%	43.7%
IMPERVIOUS COVERAGE	80%	62.9%

BUILDING SETBACKS:

	REQUIRED (MIN.)	EXISTING
FRONT YARD	13.7'	13.7'
INTERIOR SIDE YARD	16' COMBINED	21.5'/37.7'
REAR YARD	33'	63.7'

HEIGHT:

	REQUIRED	PROPOSED
BUILDING HEIGHT	3 STORIES/40' (MAX.)	1 STORY/18.5'

STORY HEIGHT:

	REQUIRED	PROPOSED
GROUND FLOOR LEVEL	0'/4' (MIN./MAX.)	0.2'

ACCESSORY STRUCTURE

BUILDING SETBACKS:

	REQUIRED (MIN.)	EXISTING
FRONT YARD	>20'	57.1'
INTERIOR SIDE YARD	1.5'	2.8'/5.2'
REAR YARD	1.5'	5.2'

HEIGHT:

	REQUIRED	PROPOSED
BUILDING HEIGHT	18' MAX.	18.5'

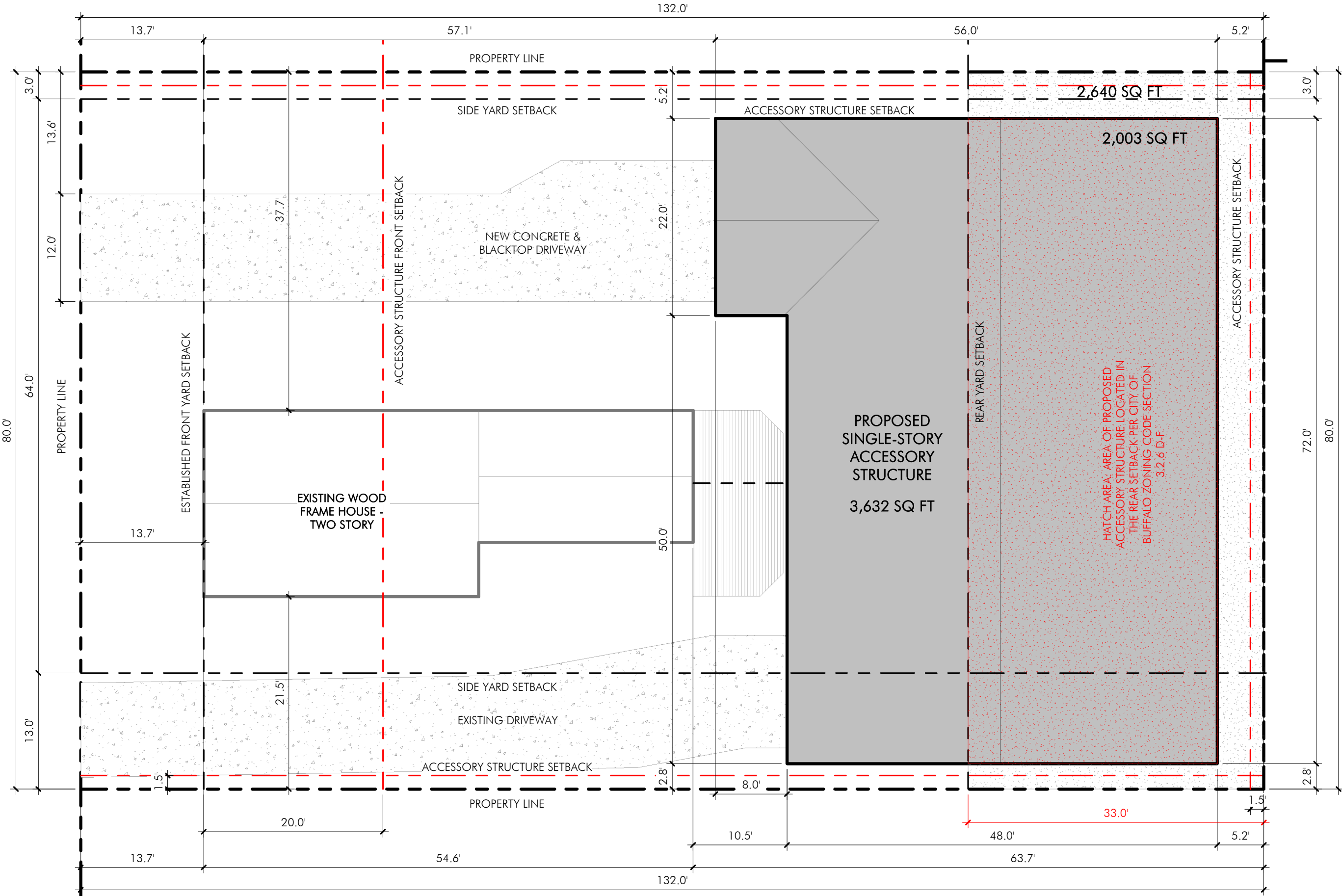
PROPOSED NEW ACCESSORY STRUCTURE IN REAR YARD SETBACK REQUIRES THE FOLLOWING VARIANCES PER CITY OF BUFFALO ZONING CODE:

1. SECTION 6.2.1 C-2: PROPOSED STRUCTURE NOT INCIDENTAL AND SUBORDINATE TO THE PRINCIPLE STRUCTURE IN AREA.
2. SECTION 6.2.1 D-2: PROPOSED STRUCTURE ENCROACHES ON THE REAR SETBACK TO AN AMOUNT EXCEEDING 50% OF THE AREA: 75.8%
3. SECTION 6.2.1 D-5: PROPOSED STRUCTURE EXCEEDS MAXIMUM PERMITTED HEIGHT OF 18': 18.5'
4. SECTION 8.3.2.C: PROPOSED STRUCTURE HAS (2) DRIVEWAYS WHERE ONLY (1) IS PERMITTED.

Ambuster Street

50' WIDE

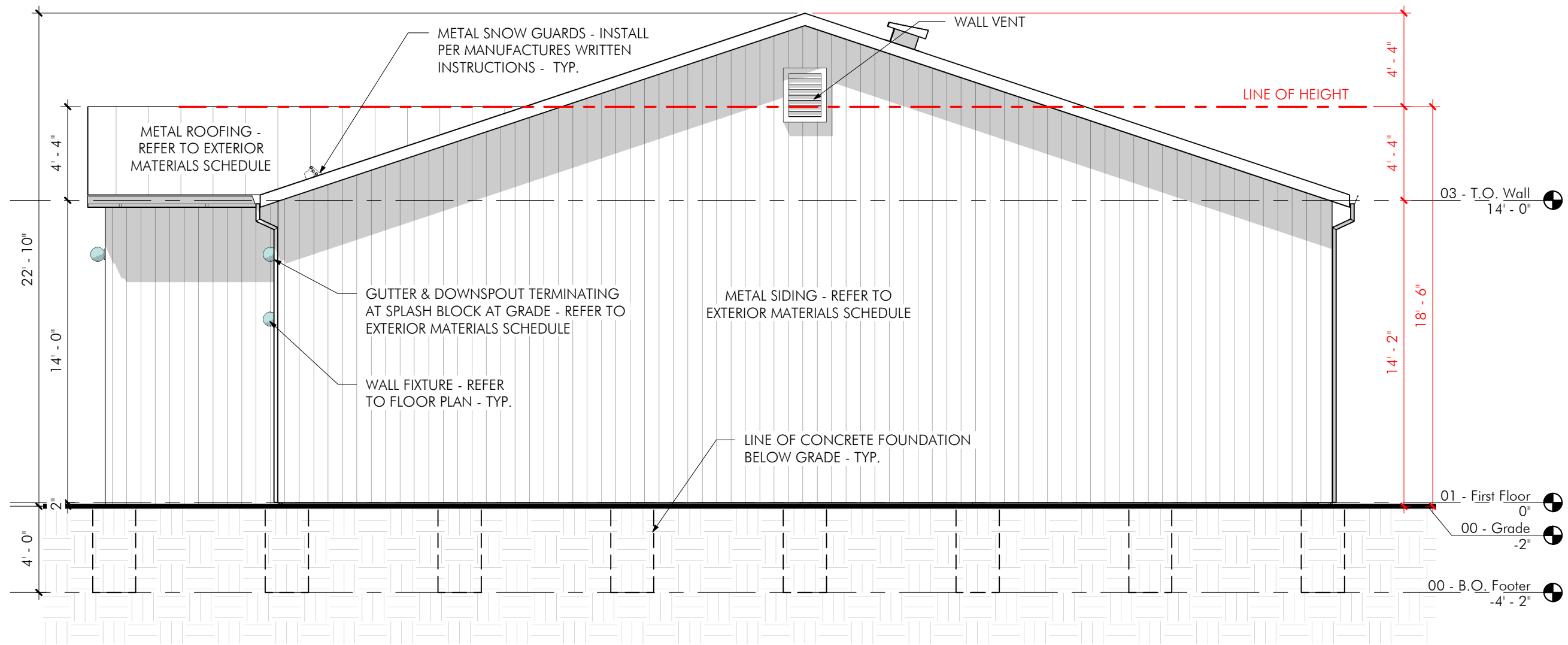
80.0'



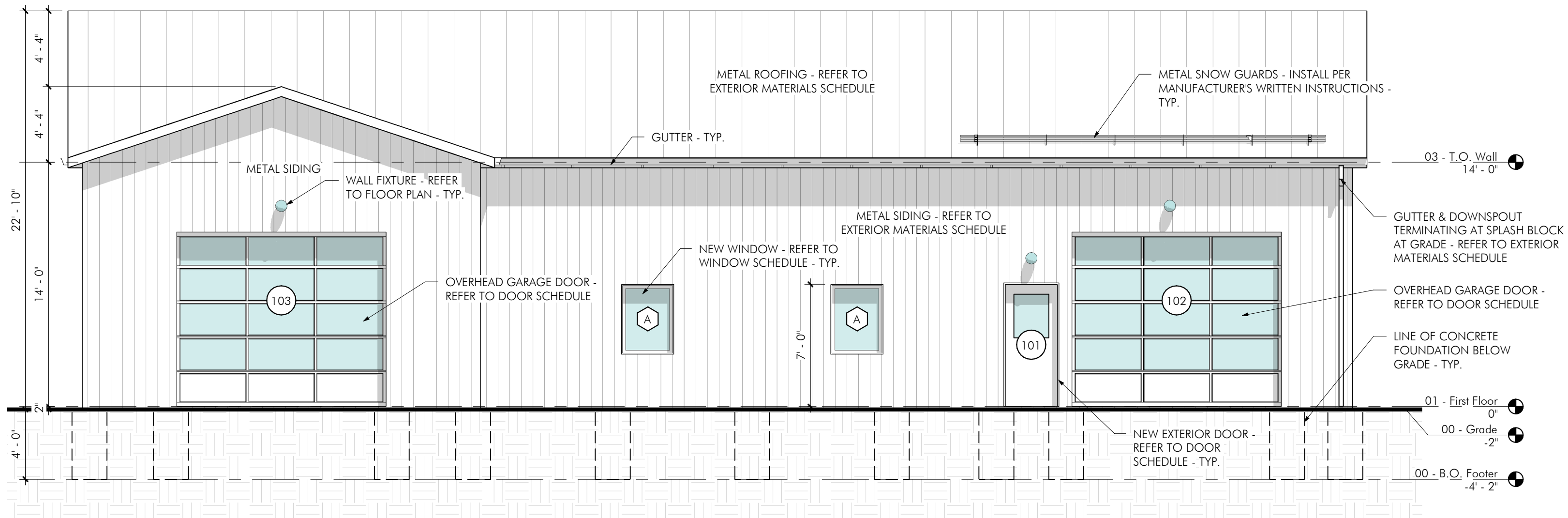
Proposed Site Plan

Scale: $1'' = 10' - 0''$

Date: 7.9.2026



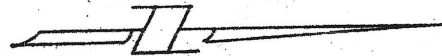
South Elevation



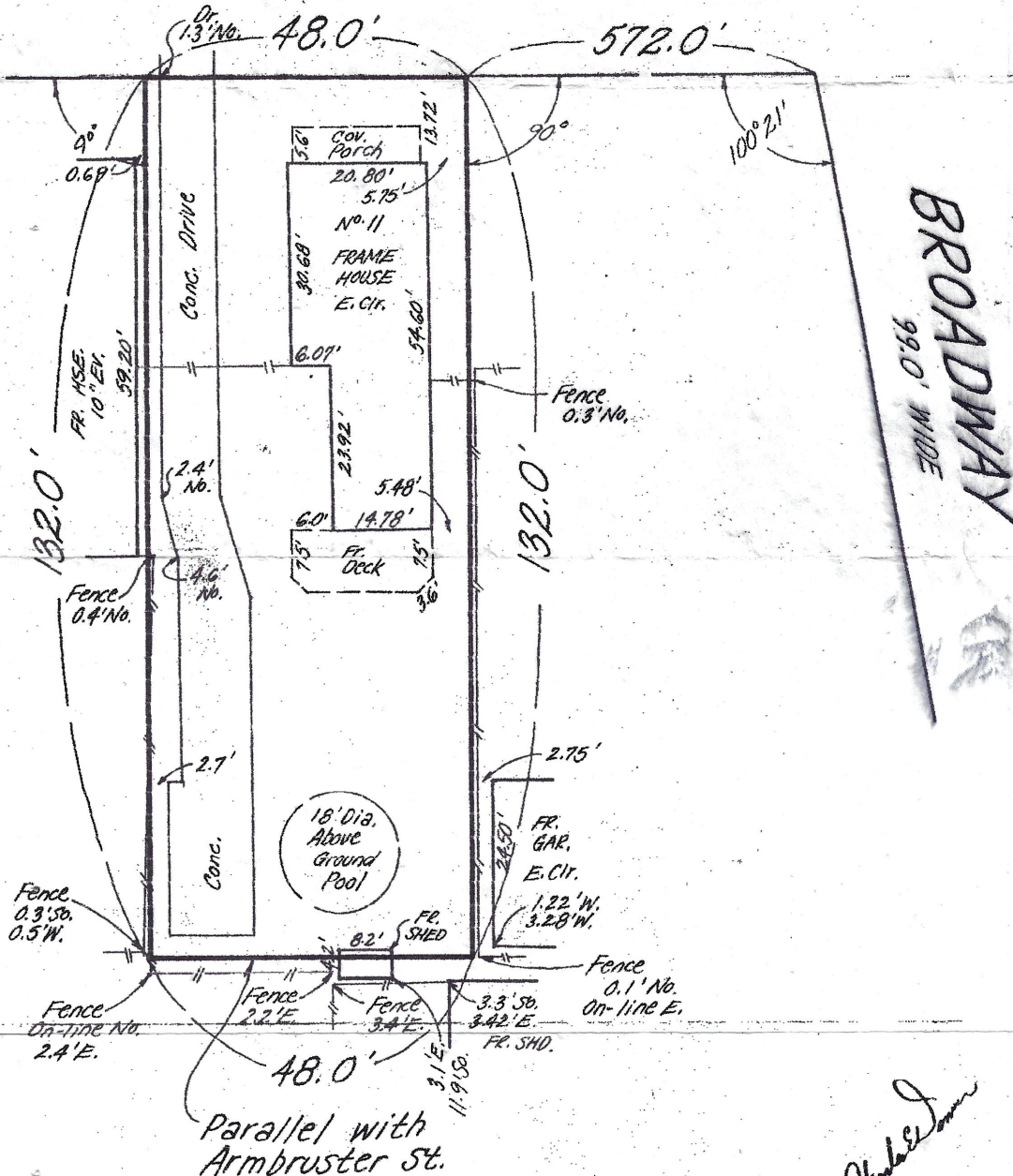
West Elevation

Feet Inches
 0.06 - 1 inch
 0.17 - 2 "
 0.25 - 3 "
 0.33 - 4 "
 0.42 - 5 "
 0.50 - 6 "
 0.58 - 7 "
 0.67 - 8 "
 0.75 - 9 "
 0.83 - 10 "
 0.92 - 11 "
 1.00 - 12 "

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



ARMBRUSTER ST. 50.0' WIDE



Charles E. Denver

SURVEY DATE 7-29-92	SCALE: 1" = 20'	SBL NO. 112.82-5-20	CHARLES E. DENVER LICENSED LAND SURVEYOR N.Y.S. LICENSE NO. 49262 6 HUNTINGTON COURT WILLIAMSVILLE, N.Y. 14221 PHONE (716) 631-8041
LOCATION City of Buffalo	JOB NO. 92-8015	RE-SURVEY	
County of Erie, New York	No CHANGE		
Part of Lot 50, Twp. 11, Rge. 7	Nov. 507.		
MAP COVER			

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information									
Name of Action or Project: P26044 11 Armbruster Street - Residential Auxiliary Structure									
Project Location (describe, and attach a location map): 11 Armbruster Street, Buffalo NY 14212									
Brief Description of Proposed Action: construction of a new accessory structure - garage - for an existing single-family residential property									
Name of Applicant or Sponsor: Michael Anderson - Abstract Architecture PC		Telephone: [REDACTED]							
		E-Mail: [REDACTED]							
Address: 313 Broadway									
City/PO: Buffalo		State: NY	Zip Code: 14204						
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 5px;">☒</td> <td style="text-align: center; padding: 5px;">☐</td> </tr> </table>	NO	YES	☒	☐		
NO	YES								
☒	☐								
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: City of Buffalo Building Permit			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 5px;">☐</td> <td style="text-align: center; padding: 5px;">☒</td> </tr> </table>	NO	YES	☐	☒		
NO	YES								
☐	☒								
<table style="width: 100%;"> <tr> <td style="width: 60%;">3.a. Total acreage of the site of the proposed action?</td> <td style="width: 40%; text-align: right;">0.245 acres</td> </tr> <tr> <td>b. Total acreage to be physically disturbed?</td> <td style="text-align: right;">0.074 acres</td> </tr> <tr> <td>c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?</td> <td style="text-align: right;">4.2 acres</td> </tr> </table>				3.a. Total acreage of the site of the proposed action?	0.245 acres	b. Total acreage to be physically disturbed?	0.074 acres	c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	4.2 acres
3.a. Total acreage of the site of the proposed action?	0.245 acres								
b. Total acreage to be physically disturbed?	0.074 acres								
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	4.2 acres								
4. Check all land uses that occur on, adjoining and near the proposed action. ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____ ☐ Parkland									

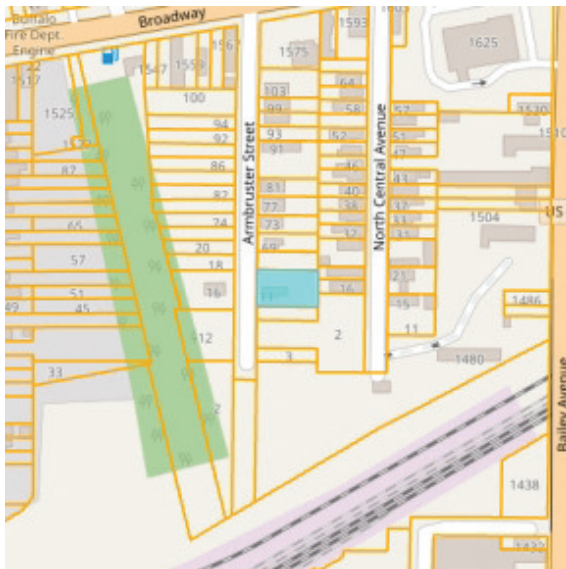
5. Is the proposed action, a. A permitted use under the zoning regulations?	NO ☐	YES ☒	N/A ☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☒	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☒	YES ☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: The project exceeds NYS Energy Code requirements as confirmed using ResCheck Compliance software.	NO ☐	YES ☒	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ No water service to accessory structure occurring	NO ☒	YES ☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ No wastewater service from accessory structure occurring	NO ☒	YES ☐	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO ☒ ☒	YES ☐ ☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO ☒ ☒	YES ☐ ☐	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☒	YES ☐	
16. Is the project site located in the 100 year flood plain?	NO ☒	YES ☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES	NO ☒	YES ☐	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO ☒	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO ☒	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO ☒	YES ☐
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Michael Anderson - Abstract Architecture PC</u> Date: <u>6/22/2026</u> Signature: <u>Michael Anderson</u>		

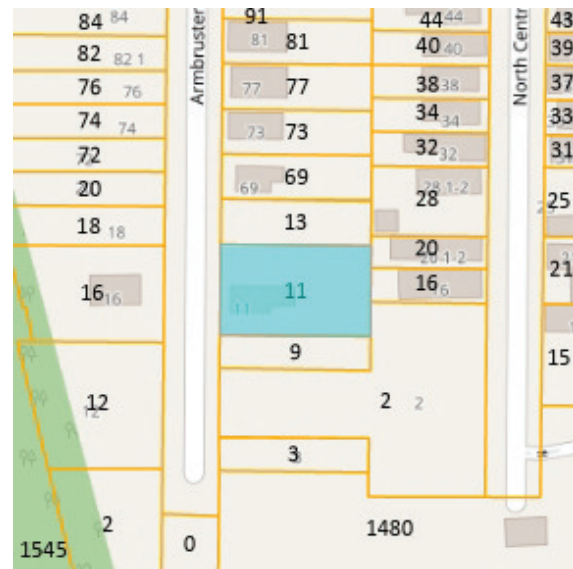
Erie County On-Line Mapping System

Parcel Detail Report

Report generated:
3/3/2026 8:32:15 AM



Parcel Overview Map



Parcel Detail Map

PIN: 1402001123200005019120

SBL: 112.32-5-19.12

Address: 11 ARMBRUSTER

Owner 1: KOGUTOWSKI MARK

Owner 2:

Mailing Address: 11 ARMBRUSTER ST

City/Zip: BUFFALO NY 14212

Municipality: City of Buffalo

Property Class: 210

Class Description: R - 1 Family Res

Front: 80

Depth: 132

Deed Roll: 1

Deed Book: 11255

Deed Page: 5428

Deed Date:

Acreage: 0.24503952

Total Assessment: \$87,000

Land Assessment: \$8,000

County Taxes: \$87,000

Town Taxes: \$0

School Taxes: \$0

Village Taxes: \$0

School District: CITY OF BUFFALO

Year Built: 1900

Sqft Living Area: 1431

Condition: 0

Heating: 0

Basement: 0

Fireplace: 0

Beds: 4

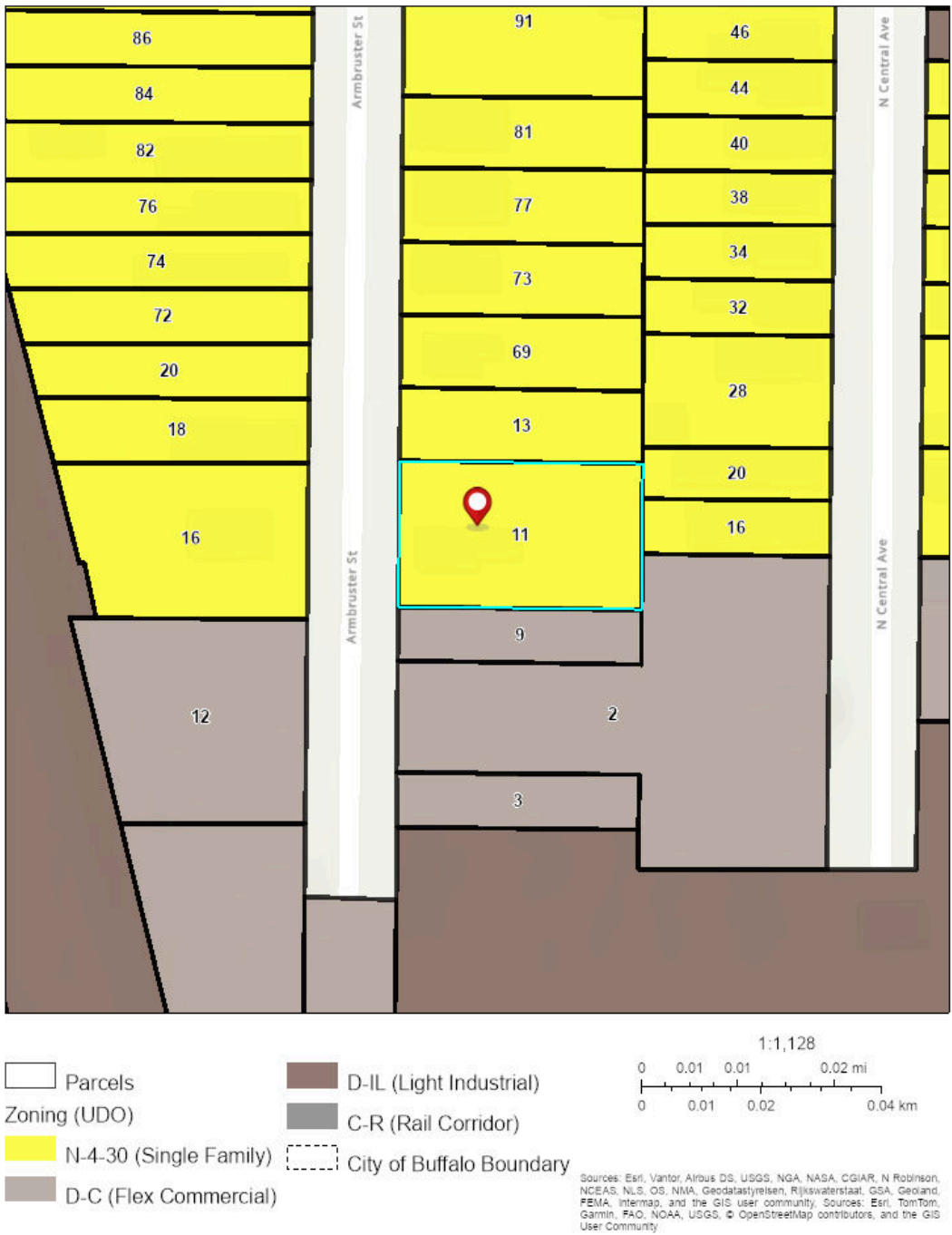
Baths: 0



City of Buffalo Property Report

Area of Interest (AOI) Information

Jun 27 2026 16:01:55 Eastern Daylight Time



Parcels

#	Print Key	Tax District	Bill Number	Address	Front (ft)
1	112.32-5-19.12	147012	9310360	11 ARMBRUSTER BUFFALO NY 14212	80

#	Depth (ft)	Acres	Property Class	Owner(s)	Mailing Address
1	132	0	210 - ONE FAMILY DWELLING	PROPERTY INK, INC.	1504 BAILEY AVE BUFFALO, NY 14212

#	Description 1	Description 2	Description 3	Primary Use Code	Land Use	Area(ft²)
1	540. S BROADWAY	No Data	No Data	No Data	Residential	N/A

City of Buffalo, its officials, and its employees assume no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of provided. Tax parcel data was prepared for tax purposes only and is not to be reproduced or used for surveying or conveyancing. 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.

SEQRA Notice of Determination

Non Significance

Negative Declaration

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (SEQR – State Environmental Quality Review) of the Environmental Conservation Law.

Lead Agency: City of Buffalo, Zoning Board of Appeals
912 City Hall
65 Niagara Square
Buffalo, NY 14202

As per the provision of SEQR, the Lead Agency has reviewed the following action as it relates to the environment:

Action Title: 11 Armbruster Street Garage

Location: 11 Armbruster Street, Buffalo, NY

Type of Action: Unlisted – Uncoordinated

Description: The Action involves area variances (accessory structure must be clearly incidental and subordinate to the principal use, accessory structures may not occupy more than 50% of any required yard, in excess of maximum height for an accessory structure and no more than one driveway permitted for residential use) for the construction of a one-story accessory building (3,632 square feet) on an existing residential property, on a 0.245-acre parcel at 11 Armbruster Street. Vehicular access will be provided from an existing driveway and a new driveway to Armbruster Street.

As a Result of this Environmental Review: The Lead Agency has determined the undertaking of this action will not have a significant adverse effect on the quality of the environment. No further environmental review will be conducted prior to implementation of the action and a Draft Environmental Impact Statement will not be prepared.

Reasons Supporting This Determination: Potential environmental impacts associated with the action were identified in the Environmental Assessment Form to assess potential adverse environmental impacts compared to the criteria for determining significance identified in 6 NYCRR §617.7(c)(1) and in accordance with §617.7 (c)(2)(3). The potential impacts are not significant.

Impacts on Land

The proposed action will not have any significant adverse environmental impacts on land as the site contains an existing residential building and maintained greenspace. No significant adverse environmental impacts are anticipated.

Impacts on Air Quality

The project will not have a significant impact on air and would not require an air permit. No significant adverse environmental impacts are anticipated.

Impacts on Surface Water

The project will not have a significant adverse impact on ground or surface water quality or quantity. Any required stormwater treatment on site will be in accordance with Buffalo Sewer Authority requirements to address any new impervious areas. No significant adverse environmental impacts are anticipated.

Impacts on Transportation

The proposed action will not have a substantial adverse change in existing traffic levels or roadway/intersections levels of service and therefore no significant adverse environmental impacts are anticipated.

Impacts on Noise, Odor and Light

The project will not have a substantial adverse change on noise levels. The proposed accessory use is similar to the existing character of the area which consists of commercial and residential uses in an urban environment.

The project will not have a substantial increase in solid waste production. The accessory use will not significantly increase waste. Waste from the site will be disposed of in accordance with local and state regulations.

The project will use code compliant lighting and not have an impact on adjacent properties.

No significant adverse environmental impacts are anticipated.

Impacts on Flooding

The proposed action is not located within a 100-year floodplain and therefore will not have any significant adverse environmental impacts on flooding.

Impacts on Flora and Fauna

The project will not result in the removal or destruction of large quantities of vegetation or fauna; substantially interfere with the movement of any resident or migratory fish or wildlife species; impact on a significant habitat area; impact a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.

Impacts on a Critical Environmental Areas

The project is located in an urban area and is not within or adjacent to a Critical Environmental Area and will therefore not impair the environmental characteristics of a Critical Environmental Area.

Consistency with Community Plans and Character

The proposed action is generally consistent with the community's current plans and goals, including the construction of accessory buildings in the project area, and is overall consistent with the existing community and neighborhood character. The applicant is requesting area variances to the accessory structure must be clearly incidental and subordinate to the principal use, accessory structures may not occupy more than 50% of any required yard, maximum height for an accessory structure and maximum residential driveway requirements of the zoning code. Although the proposed use is generally consistent with the existing pattern of development in the project area, the requested variances are inconsistent with community plans, specifically the zoning code. This is, however, a minor adverse environmental impact and is not a significant adverse environmental impact.

Impacts on Historic and Archeological Resources

The project will not significantly impact the character and quality of a historic resource. The site does not contain any landmarked buildings and/or structures on site and is not located within or adjacent to a historic district. No significant adverse environmental impacts are anticipated.

The project will not impact the character and quality of an archeological resource. There are no known and/or identified significant cultural resources on site or adjacent to the property, and the site is not located within an area designated as sensitive for archaeological sites on the NYSHPO archaeological site inventory. No significant adverse environmental impacts are anticipated.

Impacts on Energy

The project will not result in a major change in the quantity or type of energy used. There will be a minor increase in energy consumption consistent with the accessory use at this site, but these impacts would not be significant and would not require utility upgrades to provide an increase in demand in the service area as adequate capacity currently exists. No significant adverse environmental impacts are anticipated.

Impacts on Human Health

The project will not create a hazard to human health. The proposed use does not involve hazardous materials and/or operations. All applicable local and state regulations must be adhered to in regards to any environmental contaminants present on site and/or from any building materials removed from the site. No significant adverse environmental impacts are anticipated.

Impacts on Aesthetic Resources

The project will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. No significant adverse environmental impacts are anticipated.

Additional Considerations

The project will not encourage or attract a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

The project will not create a material demand for other actions that would result in one of the above consequences.

The project will not involve changes in two or more elements of the environment, no one of which has a significant adverse impact on the environment, but when considered together result in a substantial adverse impact on the environment.

The project does not include two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCCR 617.7(c)(1).

For further information relative to this Negative Declaration, contact Mr. John Fell, AICP, Principal Planner, Room 920 City Hall, Buffalo, New York 14202, (716) 851-4533.

Dated: September 16, 2026

CC: Applicants



CITY OF BUFFALO

DEPARTMENT OF PERMIT AND INSPECTION SERVICES

Christopher P. Scanlon, Mayor

NOTICE OF DENIAL

Date of Denial: 6/24/2026

Property Owner Name: MD AHMED

Assessed Address: 992 FILLMORE Buffalo, NY 14211
Street Zip Code

Zone: N-3R

Applicant Name: MD AHMED

Applicant Address: 1003 FILLMORE BUFFALO NY 14211
Street City State Zip Code

Based on the information provided to the Department of Permit and Inspection Services at the time of registration, a Notice of Denial from the Commissioner of Permit and Inspection Services is hereby given to the applicant for the associated project based on the reasons detailed below.

Application for: AREA

Reason for Denial:

City Code Section	City Code Requirement	Request from Applicant
TABLE 8C	SINGLE LANE DRIVEWAY 12 FT MAX WIDTH	TO ALLOW 16FT
TABLE 8D	PARKING LOCATION REAR YARD ONLY	TO ALLOW FRONT/SIDE YARD PARKING

State of New York)
) ss
 County of Erie)

On the 24 day of JUNE in the year 2026 before me, the undersigned, personally appeared MD. M. Ahmed personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

[Signature]
 (Notary Public) or (Commissioner of Deeds)

[Signature]
 Appellant sign here

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

FENDRIVE Information Report

Report Date 6/24/2026

Page 1 of 2

A/P # FEND26-9694100

Application Information

Processed 6/24/2026 1:52:26PM By ccurtin

Issued By

Final By

Type of Work DRVWY_ENCR **# Plans** 0 **Declared Valuation** \$5,000.00

Priority **# Pages** 0 **Calculated Valuation** \$0.00

Actual Valuation \$0.00

Description of Work

To an existing 2 story 1 family dwelling install a 16ft x 35ft parking pad.

ZBA ***work by owner***

Property Information

Address 992 FILLMORE **SBL** 1008400003032100
BUFFALO, NY 14211

CENSUS 166.00

Location

Applicants

Contact ID 12264578 **Primary** N **Name** Moulvi & Anwara Mgmt Inc

Mailing Address 1003 Fillmore Ave Buffalo, NY 14211

Day Phone

Contact ID 12442680 **Primary** Y **Name** MD AHMED

Mailing Address 1003 FILLMORE BUFFALO, NY 14211

Day Phone

Fees	Status	Paid Date	Amount
Application Fee Fine	U		\$25.00
Application Fee	U		\$25.00
Zoning Board Fee	U		\$175.00

Plan Reviews

City of Buffalo

65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

FENDRIVE Information Report**Report Date** 6/24/2026

Page 2 of 2

Building	N	Electrical	N	Fire	N
Sewer	N	HVAC	N		
Plumbing	N	Elevator	N		

Prior Approvals

Address	Common Council	Restricted Use
Asbestos	Curb Cut	S.E.Q.R.A.
Assessment	Encroach	Thruway
City Wide	Human Services	Trees



Area Variance Application

City of Buffalo - Office of Strategic Planning

Applicant Information

Property Owner Name(s): MD MARUF AHMED

Address: 1003 Fillmore Ave City: Buffalo State: NY Zip: 14211

Architect Name(s): _____

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Contractor Name(s): _____

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Property Information

Assessed Address: 992 Fillmore Ave Buffalo NY 14211

Area of Parcel (square feet): _____ Acres: _____

Zone: _____ Zone Overlay (if applicable): _____

Project Description

Current Use: Driveway

Proposed Use: Driveway

Briefly Describe the Proposed Project (attach additional information if necessary):

Requesting approval for existing 16-foot wide residential driveway at the side of the property. The driveway was partially constructed and is intended to provide off street parking for the residence. I hired Bella Concrete Solution LLC to install a residential driveway. I was informed that the contractor would obtain all required permits and ensure the work complied with city requirements. However, the work was started without the permit and was subsequently stopped by a city inspector. as a result I am now applying for the required permits and seeking any necessary approvals and variances to bring the project into compliance and complete the



Area Variance Application

City of Buffalo - Office of Strategic Planning

Area Variance Request

No area variance will be granted without showing by you (the applicant) supporting evidence for the following (where applicable). Attach all supporting materials.

A. Benefit to Applicant. Describe how the requested variance would benefit the project.

The requested variance will allow the property to have a safe and functional off-street parking area. The driveway provides necessary access for parking vehicles on the property as there is no other practical location available for off-street parking.

B. Character of Neighborhood. Describe whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.

The proposed driveway will not create an undesirable change in the character of the neighborhood or negatively impact nearby properties.

C. Other Means. Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance:

There is no feasible alternative method to achieve the same benefit.

D. Substantial. Describe whether or not the requested variance is substantial in nature:

While the requested width exceeds the standard requirement, the variance is limited in scope and is necessary to provide safe vehicle access and parking for the property.

E. Physical or Environmental Conditions. Describe if the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district, including but not limited to traffic circulation, noise, or odor.

The proposed variance will not create any adverse physical or environmental impacts. It will not affect traffic circulation, create excessive noise, produce odors, or otherwise impact neighboring properties.



Area Variance Application

City of Buffalo - Office of Strategic Planning

- F. **Not self-created.** Describe if the alleged difficulty was self-created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance:

The Situation was not Intentionally Self-Created. I hired a Contractor who represented that all required Permits and approvals would be obtained. After learning that Permits had not been secured, I began working with the City to obtain the necessary approvals and bring the Project into compliance.

Disclosure Affidavit

I maintain that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): MD Maruf Ahmed

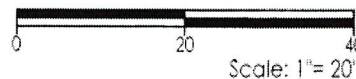
Date: 06/24/26

Property owner or applicant signature: [Signature]

40' Wide 24.10' Pavement



100' Wide 50.20' Pavement



Richard

1. The first part of the document is a list of the names of the members of the committee who have been appointed to the various sub-committees. The names are listed in alphabetical order of the last name.



CITY OF BUFFALO

DEPARTMENT OF PERMIT AND INSPECTION SERVICES

Sean M. Ryan, Mayor

NOTICE OF DENIAL

Date of Denial: 7/24/2026

Property Owner Name: CORY MCALLISTER (COMMUNITY REALTY 716 LLC)

Assessed Address: 21 FOLGER Buffalo, NY 14220
Street Zip Code

Zone: N-3R

Applicant Name: CORY MCALLISTER (COMMUNITY REALTY 716 LLC)

Applicant Address: 5165 ROGERS RD HAMBURG NY 14075
Street City State Zip Code

Based on the information provided to the Department of Permit and Inspection Services at the time of registration, a Notice of Denial from the Commissioner of Permit and Inspection Services is hereby given to the applicant for the associated project based on the reasons detailed below.

Application for: USE

Reason for Denial:

City Code Section	City Code Requirement	Request from Applicant
380-7.A.2	NON-OWNER OCCUPIED SHORT	TO ALLOW
	TERM RENTAL NOT ALLOWED	
	IN THE N-3R ZONE	

State of New York)
) ss
 County of Erie)

On the 24TH day of JULY in the year 2026 before me, the undersigned, personally appeared CORY MCALLISTER personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


 (Notary Public) or (Commissioner of Deeds)


 Appellant sign here



Use Variance Application

City of Buffalo - Office of Strategic Planning

Section 496-11.3.5 of the City Code: A Use Variance is the authorization by the Zoning Board of Appeals for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning regulations.

Procedure

1. If not already completed, register the project with the Department of Permit and Inspection Services (DPIS) in Room 301 City Hall or via the ePermits Electronic Plan Review portal available at the city's website (www.buffalony.gov). During Registration, DPIS staff will provide a Notice of Denial indicating an Area Variance from the Zoning Board of Appeals will be required.
2. Complete the Use Variance Application Form (available online at www.buffalony.gov or in Room 913 City Hall).
3. Send an electronic copy (in PDF format) of the completed Use Variance Application Form with attachments (per the Requested Submittals listed on Page 2) to Room 913 City Hall via either USB flash drive or email/file transfer site to ZoningBoardOfAppeals@buffalony.gov. PDF files must be compressed to the extent practicable and no single file may exceed 10MB. If emailed, you will receive a response email confirming receipt of the application. If no email confirmation occurs, please follow up with the Office of Strategic Planning at (716) 851-4064. If an applicant is unable to provide an electronic copy of the application/attachments, hardcopies may be sent to Room 913 City Hall.
4. Staff will review the Use Variance Application and determine if it is complete.
 - a. **An application is complete if:** All questions on the Use Variance Application Form have been fully answered and sufficient photos and relevant materials (per No. 3 above) have been attached.
 - b. **An application is not complete if:** One or more questions on the Use Variance Application Form have not been answered or if additional relevant materials (including Competent Financial Evidence and SEAF) need to be attached. Notice will be provided to the applicant identifying any needed changes.
5. Once the application is determined complete, the applicant will receive a Notice of Complete Application which includes a public hearing date. Until a Notice of Complete Application is issued, the project will not be scheduled for a public hearing regardless of the date the application was submitted by the applicant.
6. At least ten (10) days prior to the scheduled public hearing, all applicants for variances must install a posted notice sign at the project site. An electronic template of this sign is available from Office of Strategic Planning Staff. Requirements and standards for this sign are found in Section 496-11.2.2.C. of the City Code. The sign must be removed when the public hearing is closed. **If the sign is not installed the hearing cannot be scheduled.**
7. Attend the public hearing and present the Use Variance Application to the Zoning Board of Appeals. Please be prepared to answer questions related to the variance request.
8. After the public hearing, the Zoning Board of Appeals has up to 62 days to approve, approve with modifications, or deny the application. Once the Zoning Board of Appeals has made a decision, a written notice will be sent to the applicant within 5 business days.

For assistance with the Use Variance Application, please contact (716) 851-4064 or ZoningBoardOfAppeals@buffalony.gov.

Please note: Any information provided with this application will be made public at www.buffalony.gov/meetings

Fee

Pay associated fee of \$350 plus \$50 for each additional variance.



Use Variance Application

City of Buffalo - Office of Strategic Planning

Required Submittals

Send an electronic copy (in PDF format) of the completed Use Variance Application Form with attachments (per the required submittals listed below) to Room 913 City Hall via either USB flash drive or email/file transfer site to ZoningBoardOfAppeals@buffalony.gov. PDF files must be compressed to the extent practicable and no single file may exceed 10MB. If an applicant is unable to provide an electronic copy of the application/attachments, hardcopies may be sent to Room 913 City Hall.

Include the following as appropriate:

1. Completed Part 1 of the New York State Environmental Quality Review (SEQR) Short Environmental Assessment Form (SEAF) (available on-line or provided by Office of Strategic Planning staff).
2. Photos of the site of the variance request.
3. Any additional materials such as site plan, elevations, or other materials.
4. Notice of Denial issued by Department of Permit and Inspection Services.
5. Competent Financial Evidence
Per New York State General City Law, Article 5A, Section 81-B.3 - "Use Variances," an applicant must prove (as demonstrated by "dollars and cents proof") that he or she cannot realize a reasonable return from each of the uses permitted in the zoning district. A list of permitted principal uses by zoning district is provided on pages 6-4 and 6-5 of the City of Buffalo Unified Development Ordinance (Section 496 of the City Code). The Unified Development Ordinance is available online at the city's website (www.buffalony.gov). For additional information regarding Competent Financial Evidence, please contact Office of Strategic Planning staff.



Use Variance Application

City of Buffalo - Office of Strategic Planning

Applicant Information

Property Owner Name(s): Community Realty 716 LLC (Cory and Melissa McAllister)

Phone Number: [REDACTED] Email: [REDACTED]

Address: 1675 Seneca Street City: Buffalo State: NY Zip: 14210

Architect Name(s): NA

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Contractor Name(s): NA

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Property Information

Assessed Address: 21 Folger Street Buffalo, NY 14220

Area of Parcel (square feet): 1,886 sq.ft.(home) Acres: 3,600 square feet lot

Zone: N 3R Zone Overlay (if applicable): NA

Project Description

Current Use: long term rental

Proposed Use: non owner occupied short term rental

Briefly Describe the Proposed Project (attach additional information if necessary):

The single family home located at 21 Folger Street Buffalo, NY 14220 will be used as a non owner occupied short term rental verse a long term rental. This property would be directly monitored and operated by the owners of Community Realty 716 who are native to South Buffalo and reside 20 minutes away from the property.



Use Variance Application

City of Buffalo - Office of Strategic Planning

Use Variance Request

No use variance will be granted without showing by you (the applicant) that applicable zoning regulations and restrictions have caused unnecessary hardship. The following tests must be met for each and every use allowed by zoning on the property, including uses allowed by special use permit. Below please briefly describe how each of the four variance tests are met. Attach all supporting materials.

A. Description of Hardship. Provide evidence the applicant cannot realize a reasonable return demonstrated by competent financial evidence:

Community Realty 716 will face a hardship by not receiving the expected return on investment for this property. If able to operate as a short term rental, Community Realty 716 can meet their return on investment goals and can continue to purchase homes in the City of Buffalo to provide safe and affordable housing to its residents.

B. Unique Circumstances. Describe how the alleged hardship related to the property in question is unique and does not apply to a substantial portion of the zone or neighborhood:

This zone primarily consists of live-in home owners and investment companies that rent out multi-use properties. Community Realty 716 purchased a single family home in this zone which created a unique circumstance. Community Realty 716 is seeking to operate this property as a short term rental in order to receive a return on investment.

C. Character of Neighborhood. Describe how the proposed use would not alter the essential character of the neighborhood:

This property is a single family home in the neighborhood. The home will not be altered and will stay intact. No major renovations are being completed, small minor cosmetic home enhancements and updates will be completed to improve the home. The character of the neighborhood will not be affected with this proposed use.

D. Not self-created. Describe how the alleged hardship is not self-created:

Community Realty 716 purchased the home with the intent to properly maintain the home to help support the neighborhood. The current zoning regulation is creating a barrier by not allowing the operation of a short term rental. Community Realty 716 will face financial hardship by not receiving the anticipated return on investment.

Disclosure Affidavit

I affirm that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): Cory McAllister

Date: 8/4/26

Property owner or applicant signature:

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information							
Community Realty 716 LLC							
Name of Action or Project: This property to be operated as a non owner occupied short term rental.							
Project Location (describe, and attach a location map): 21 Folger Street Buffalo, NY 14220 residential home in N 3R zone of Buffalo							
Brief Description of Proposed Action: This property is a single family home located in the N 3R zone of Buffalo. The address is 21 Folger Street Buffalo, NY 14220. The home will be operated as a non owner occupied short term rental. There will be no renovations or major changes to the residence other than minor cosmetic repairs and improvements.							
Name of Applicant or Sponsor: Cory McAllister/Community Realty 716		Telephone: 716 913 5862 E-Mail: cory.mcallister@yahoo.com					
Address: 1675 Seneca Street Buffalo, NY 14210							
City/PO: Buffalo		State: NY	Zip Code: 14210				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If No, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td>☒</td> <td>☐</td> </tr> </table>	NO	YES	☒	☐
NO	YES						
☒	☐						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: City of Buffalo Permits and Inspections			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td>☐</td> <td>☒</td> </tr> </table>	NO	YES	☐	☒
NO	YES						
☐	☒						
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, are adjoining or near the proposed action: ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland							

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☒	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify:	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:	☒	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	☒	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☒	YES ☐
16. Is the project site located in the 100-year or 500-year flood plain?	NO ☒	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO ☒	YES ☐
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☒	☐
If Yes, briefly describe: _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO ☒	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO ☒	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO ☒	YES ☐
21. Is the project located within, or within ½ mile of, a disadvantaged community?	NO ☒	YES ☐
If No, could impacts from the project affect a disadvantaged community?	☒	☐
If Yes to either question in 21, answer the following question.		
a. Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management): _____		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Cory McAllister</u> Date: <u>8/3/26</u> Signature: <u>[Signature]</u> Title: <u>owner</u>		





Community Realty 716 owns multiple rental properties in the City of Buffalo and provides safe and affordable housing to its residents. Community Realty 716 has collaborated with various housing agencies such as Rental Assistance Corporation of Buffalo, HOME, Belmont Housing Resources for WNY, and Best Self Behavioral Health to provide the best housing opportunity for adults, families, and individuals with disabilities. Community Realty 716 is dedicated to helping the residents of the City of Buffalo and Western New York.

Community Realty 716 is a local real estate investment company who is directly involved with the operations and maintenance of its properties.

Community Realty 716 is requesting a use variance for the property located in the N-3R zone (21 Folger Street Buffalo, NY 14220) so it can operate as a non-owner-occupied short-term rental.

This short-term rental property will be closely monitored by the owners of Community Realty 716 LLC to ensure city ordinances and short-term rental regulations are adhered to and followed by its occupants.

Community Realty 716 LLC
Cory McAllister
716-913-5862
cory.mcallister@yahoo.com

A handwritten signature in black ink, appearing to read "Cory McAllister", with a stylized, flowing script.



CITY OF BUFFALO

DEPARTMENT OF PERMIT AND INSPECTION SERVICES

Sean M. Ryan, Mayor

NOTICE OF DENIAL

Date of Denial: 7/24/2026

Property Owner Name: CORY MCALLISTER (COMMUNITY REALTY 716 LLC)

Assessed Address: 21 FOLGER Buffalo, NY 14220
Street *Zip Code*

Zone: N-3R

Applicant Name: CORY MCALLISTER (COMMUNITY REALTY 716 LLC)

Applicant Address: 5165 ROGERS RD HAMBURG NY 14075
Street *City* *State* *Zip Code*

Based on the information provided to the Department of Permit and Inspection Services at the time of registration, a Notice of Denial from the Commissioner of Permit and Inspection Services is hereby given to the applicant for the associated project based on the reasons detailed below.

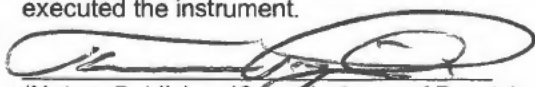
Application for: USE

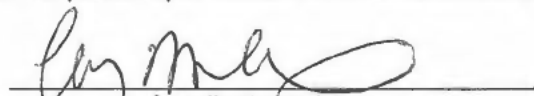
Reason for Denial:

City Code Section	City Code Requirement	Request from Applicant
380-7.A.2	NON-OWNER OCCUPIED SHORT	TO ALLOW
	TERM RENTAL NOT ALLOWED	
	IN THE N-3R ZONE	

State of New York)
County of Erie) ss

On the 24TH day of JULY in the year 2026 before me, the undersigned, personally appeared CORY MCALLISTER personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


(Notary Public) or (Commissioner of Deeds)


Appellant sign here

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

USE Information Report

Report Date 7/24/2026

Page 1 of 2

A/P # USE26-9697670

Application Information

Processed 7/24/2026 2:46:33PM By tpuglisi

Issued By

Final By

Type of Work # Plans 0 Declared Valuation \$1.00

Priority # Pages 0 Calculated Valuation \$0.00

Actual Valuation \$0.00

Description of Work

Use permit to have a non-owner occupied short term rental located in the N-3R zone as per owner.

*** ZBA ***

Property Information

Address 21 FOLGER SBL 1333800002025000
BUFFALO, NY 14220 CENSUS 02.00

Location

Applicants

Contact ID 12104372 Primary N Name Zwick Jean

Mailing Address 21 Folger Buffalo, NY 142201403

Day Phone

Contact ID 12446289 Primary Y Name CORY MCALLISTER

Mailing Address 5165 ROGERS RD HAMBURG, NY 14075

Day Phone

Fees	Status	Paid Date	Amount
Application Fee	U		\$25.00
Zoning Board Fee	U		\$350.00

Plan Reviews



City of Buffalo
Office of Licenses
301 City Hall
65 Niagara Sq.
Buffalo, NY 14202
716-851-4078

Payment Transaction Receipt

Report Date: **7/24/2026**

Page 1 of 1

AMT

Application # **USE26-9697670**

Transaction Date: **7/24/2026 3:07:21PM**

Customer

CORY MCALLISTER
5165 ROGERS RD
HAMBURG, NY 14075

Payment #: **1632152**

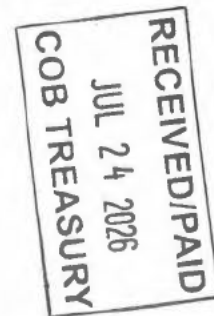
Transaction By: **CPUGH**

Trans Type: **9**

Property/Project Address: **21 FOLGER 14220**

Line Items

TRANS NO	AMOUNT	FEE CODE	FEE DESCRIPTION	TRANS DATE
7822845.00	\$25.00	APPLICATION-INTAKE	Application Fee	07/24/2026
7822846.00	\$350.00	USE	Zoning Board Fee	07/24/2026



Payment Details

PAYMENT AMOUNT	\$375.00	CHECKNO
METHOD	CREDIT	CHECK BANK
RECEIVED ON	7/24/2026 3:07:00PM	CHECK NAME
PAYMENT ENTERED	7/24/2026 3:07:21PM	
CARDAUTH		
CARD EXPIRE DATE		
CARDTYPE	I6YVYG	

**NEW YORK STATE DEPARTMENT OF STATE
DIVISION OF CORPORATIONS, STATE RECORDS AND UNIFORM COMMERCIAL CODE
FILING RECEIPT**

ENTITY NAME : COMMUNITY REALTY 716, LLC
DOCUMENT TYPE : CERTIFICATE OF PUBLICATION
ENTITY TYPE : DOMESTIC LIMITED LIABILITY COMPANY

DOS ID : 6238627
FILE DATE : 11/19/2021
FILE NUMBER : 220521000025
TRANSACTION NUMBER : 202204110003549-799100
EXISTENCE DATE : 08/09/2021
DURATION/DISSOLUTION : PERPETUAL
COUNTY : ERIE



SERVICE OF PROCESS ADDRESS : COMMUNITY REALTY 716, LLC
1675 SENECA ST.,
BUFFALO, NY, 14120, USA
FILER : RICHARD BOORMAN, ESQ.
BOORMAN LAW, PLLC, 4330 MAPLE R. SUITE 103
AMHERST, NY, 14226, USA

You may verify this document online at : <http://ecorp.dos.ny.gov>

AUTHENTICATION NUMBER : 100001601933

TOTAL FEES:	\$50.00	TOTAL PAYMENTS RECEIVED:	\$50.00
FILING FEE:	\$50.00	CASH:	\$0.00
CERTIFICATE OF STATUS:	\$0.00	CHECK/MONEY ORDER:	\$50.00
CERTIFIED COPY:	\$0.00	CREDIT CARD:	\$0.00
COPY REQUEST:	\$0.00	DRAWDOWN ACCOUNT:	\$0.00
EXPEDITED HANDLING:	\$0.00	REFUND DUE:	\$0.00

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

KATHY HOCHUL
GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

Filer: RICHARD BOORMAN, ESQ.
BOORMAN LAW, PLLC
4330 MAPLE R. SUITE 103
AMHERST, NY, 14226, USA

Your document has been filed by the Department of State.

We have attached the official filing receipt and related document(s) for the following entity:

DOS ID: 6238627
Entity Name: COMMUNITY REALTY 716, LLC
Statement Due Date: 08/31/2023

- Retain this letter and attachment(s) for your records. The Department of State does not mail additional copies of the filing receipt or related attachment(s).
- Limited Liability Companies are required to file a Biennial Statement with the Department of State. To receive an email notice when the Biennial Statement is due, provide an email address at the Department of State's Email Address Submission/Update Service. <https://filing.dos.ny.gov/eBiennialWeb/>

Contact Information

- Department of State: Email the Division of Corporations at corporations@dos.ny.gov.
- Department of Taxation and Finance: Visit <https://www.tax.ny.gov/help/contact> for self-help options and telephone numbers.



MICHALEK & HARRINGTON
ATTORNEYS AT LAW
300 Center Road
West Seneca, NY 14224
(716) 675-6715

CLOSING STATEMENT

RE: Sale of 19-21 Folger, Buffalo, NY
Zwick to Justin W. Zwick Community Realty 716 LLC
Closing Date May 15, 2026

PURCHASE PRICE	\$120,000.00
2026 County Tax Adj. (19 Folger)	
\$47.55 adj. 230 days @\$0.13 per day	\$29.90
2026 County Tax Adj. (21 Folger)	
\$348.39 adj. 230 days @\$0.95 per day	\$218.50
2026-2026 City & Sewer Tax Adj. 7/1/2026-6/30/2026 (19 Folger)	
\$112.52 adj, 46 days @\$0.31 per day	\$14.26
2026-2026 City & Sewer Tax Adj. 7/1/2026-6/30/2026 (21 Folger)	
\$536.08 adj, 46 days @\$1.47 per day	\$67.62
User Fee \$72.50 (4/1/2026-6/30/2026) 46 adj days @\$0.81 per day	\$37.26
TOTAL AMOUNT DUE & OWING	\$120,367.50
LESS: Deposit	\$NA
BALANCE DUE AT CLOSING	\$120,367.50

Payable as follows:

\$540.50	Erie County Clerk
\$3130.00	Michalek & Harrington, LLC
\$116,697.00	Jean Zwick

* No Third Party Endorsed checks will be accepted at closing

s/Jane Harrington, Esq.

For Michalek & Harrington, Attorneys for Seller

<u>Seller Expenses</u>		<u>Purchaser Expenses</u>	
Erie County Clerk- Transfer Tax	\$480.00 (Sr)	Erie County Clerk- Deed	\$185.00
Erie County Clerk- Equalization form	\$10.00	Capital Abstract- Title Ins	\$748.00
Discharge of Mortgage	\$50.50	Attorney Fee	\$600.00
Capital Abstract	\$980.00	TOTAL	\$1533.00
Capital Abstract	\$835.00		
Marshall Mill- Survey	\$615.00		
Misc, Expenses(parking, postage, etc)	\$100.00		
Attorney Fees	\$600.00		

ERIE COUNTY CLERK'S OFFICE



County Clerk's Recording Page

Return to:
BOX 266

Party 1:
ZWICK JEAN

Party 2:
COMMUNITY REALTY 716 LLC

Book Type: D Book: 11461 Page: 554

Page Count: 3
Doc Type: DEED
Rec Date: 05/18/2026
Rec Time: 02:51:19 PM
Control #: 2026091885
UserID: Megan F
Trans #: 26084221

Document Sequence Number
TT2025018623

Recording Fees:

RECORDING	\$35.00
COE CO \$1 RET	\$1.00
COE STATE \$14.25 GEN	\$14.25
COE STATE \$4.75 RM	\$4.75
RP5217 CNTY \$9	\$9.00
RP5217 ST-RES \$116	\$116.00
TP584	\$10.00

Consideration Amount: 120000.00

BASIC MT	\$0.00
SONYMA MT	\$0.00
ADDL MT/NFTA	\$0.00
SP MT/M-RAIL	\$0.00
NY STATE TT	\$480.00
ROAD FUND TT	\$0.00

Total: \$670.00

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERK'S ENDORSEMENT REQUIRED
BY SECTION 319&316-a (5) OF THE REAL PROPERTY LAW OF THE STATE OF NEW
YORK. DO NOT DETACH. THIS IS NOT A BILL.

Michael P. Kearns
Eric County Clerk

3042106

Warranty Deed with Lien Covenant

This Indenture, made the 6th day of May, 2026

Between Jean Zwick, 21 Folger, Buffalo, NY 14210

GRANTOR

and Community Realty 716 LLC, 1675 Seneca St. Buffalo NY 14210

GRANTEE

WITNESSETH, that the Grantors in consideration of One and MORE Dollars (\$1.00 and more), lawful money of the United States, paid by the Grantee, does hereby grant and release unto the Grantee, her heirs and assigns forever.

SEE ATTACHED SCHEDULE A

This conveyance is given within the family, does not render any party insolvent and is not intended to defraud creditors.

TOGETHER with the appurtenances and all the estate and rights of the Grantors in and to said premises.

TO HAVE AND TO HOLD, the above granted premises onto the said Grantee.

AND, the said Grantor does covenant with said Grantee as follows:

FIRST.-That the Grantee shall quietly enjoy the said premises.

SECOND.-That the Grantor will forever WARRANT the title to said premises

THIRD.-Subject to the trust fund provisions of Section thirteen of the Lien Law.

IN WITNESS WHEREOF, the GRANTOR has hereunto set her hand and seal the day and year first above written.

IN PRESENCE OF

Jean Zwick L.S.
Jean Zwick

STATE OF NEW YORK
COUNTY OF ERIE

)ss.:
)

On this 6th day of May, 2026, before me, the undersigned, a notary public in and for said state, personally appeared Jean Zwick., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individuals, or the persons upon behalf of which the individuals acted, executed the instrument.

Diane R. Watroba

DIANE R. WATROBA
No. 01-WA6320309
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Mar. 9, 20 27

9/885
SR 2P CTY
DEED-2

No. 28CT22162

Parcel A: (19 Folger Street)

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot Number forty-eight (48) Township ten (10) Range eight (8) of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point in the east line of Folger Street one hundred eighty (180) feet north of the north line of Tifft Street; thence easterly at right angles to Folger Street one hundred twenty (120) feet; thence northerly parallel with Folger Street thirty (30) feet; thence westerly at right angles to Folger Street one hundred twenty (120) feet to the easterly line of Folger Street; thence southerly on the easterly line of Folger Street thirty (30) feet to the place of beginning.

Parcel B: (21 Folger Street)

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot Number forty-eight (48) Township ten (10) Range eight (8) of the Buffalo Creek Reservation, described as follows:

BEGINNING at a point in the easterly line of Folger Street distant two hundred ten (210) feet north of the point of intersection of the said easterly line of Folger Street with the northerly line of Tifft Street; running thence easterly at right angles to said easterly line of Folger Street one hundred twenty (120) feet; thence northerly at right angles thirty (30) feet; thence westerly at right angles one hundred twenty (120) feet to the said easterly line of Folger Street; and thence southerly along the easterly line of Folger Street thirty (30) feet to the place of beginning.



Cory and Melissa McAllister
Community Realty 716
1675 Seneca Street
Buffalo, NY 14210

716-913-5862 (Cory)
cory.mcallister@yahoo.com
716-289-8943 (Melissa)
melissamcallister8@gmail.com

9/9/26

Competent Financial Evidence Document

Five to ten years is the typical average time frame financial experts recommend real estate investors use when projecting financial returns, appreciation, and eventual resale of a rental property.

21 Folger Street Buffalo, NY 14220

\$120,000	purchase price of home
\$15,000	repairs, renovations
\$2,500	school/property taxes
\$2,000	insurance for the home
\$1,800	water fee
\$600	garbage user fee
\$4,800	utilities (gas and electric)
\$1,500	<u>lawn care and snow removal</u>
\$148,200	Total of initial investment and yearly operating costs

To break even on an investment of **\$148,200** over 5 years (60 months) with zero growth, you must receive **\$2,470.00 per month**.

Annual Return Rate (APR)	Monthly Payment	Total Amount Received	Total Net Profit
0% (Breakeven)	\$2,470.00	\$148,200.00	\$0.00
5%	\$2,796.72	\$167,803.01	\$19,603.01
7%	\$2,934.54	\$176,072.26	\$27,872.26

If Community Realty 716 is required to operate the property solely as a long-term rental, the resulting reduction in rental income would create a significant financial hardship. The lower and less flexible rental revenue would make it more difficult to cover the property's ongoing expenses that have been provided above.

Operating the property as a short-term rental provides the potential for significantly greater rental income than a traditional long-term lease. Short-term rental rates can reflect market demand, seasonal activity and events, and various occupancy patterns allowing the property to generate higher monthly revenues.

Community Realty 716 purchased the property from a family member who has health concerns and could no longer maintain the property. Community Realty 716 is preventing the property from falling into disrepair and avoiding any possibilities of foreclosure. The goal is to continue to preserve this residential home in the City of Buffalo.

If any further information is needed please contact us at the number/email listed above.

Thank you,

Cory and Melissa McAllister

SEQRA Notice of Determination

Non Significance

Negative Declaration

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (SEQR – State Environmental Quality Review) of the Environmental Conservation Law.

Lead Agency: City of Buffalo, Zoning Board of Appeals
912 City Hall
65 Niagara Square
Buffalo, NY 14202

As per the provision of SEQR, the Lead Agency has reviewed the following action as it relates to the environment:

Action Title: 21 Folger Street Short-Term Rental

Location: 21 Folger Street, Buffalo, NY

Type of Action: Unlisted – Uncoordinated

Description: The Action involves a use variance for a non-owner occupied short-term rental in an existing single family residential property at 21 Folger Street.

As a Result of this Environmental Review: The Lead Agency has determined the undertaking of this action will not have a significant adverse effect on the quality of the environment. No further environmental review will be conducted prior to implementation of the action and a Draft Environmental Impact Statement will not be prepared.

Reasons Supporting This Determination: Potential environmental impacts associated with the action were identified in the Environmental Assessment Form to assess potential adverse environmental impacts compared to the criteria for determining significance identified in 6 NYCRR §617.7(c)(1) and in accordance with §617.7 (c)(2)(3). The potential impacts are not significant.

Impacts on Land

The project will not have any significant adverse environmental impacts on land as the site is currently developed. No significant adverse environmental impacts are anticipated.

Impacts on Air Quality

The project will not have a significant impact on air and would not require an air permit. No significant adverse environmental impacts are anticipated.

Impacts on Surface Water

The project will not have a significant adverse impact on ground or surface water quality or quantity and will not result in any significant adverse impacts on surface water or groundwater quality or quantity. No significant adverse environmental impacts are anticipated.

Impacts on Transportation

The proposed action will not have a substantial adverse change in existing traffic levels or roadway/intersections levels of service. The project is located in a developed urban area and road capacity is adequate to accommodate any increase in

traffic generated by the project. The project is also served by public transportation in the form of bus service within the immediate project area. No significant adverse environmental impacts are anticipated.

Impacts on Noise, Odor and Light

The proposed action will not have a substantial adverse change on noise levels. The proposed use is similar to the existing character of the area which consists of commercial, institutional, residential and mixed uses in an urban environment.

The proposed action will not have a substantial increase in solid waste production. Any waste from the site will be disposed of in accordance with local and state regulations.

The proposed action will utilize code compliant lighting where applicable and will adhere to all applicable codes so there are no impacts on adjacent properties.

No significant adverse environmental impacts are anticipated.

Impacts on Flooding

The proposed action is not located within a 100-year floodplain and therefore will not have any significant adverse environmental impacts on flooding.

Impacts on Flora and Fauna

The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; substantially interfere with the movement of any resident or migratory fish or wildlife species; impact on a significant habitat area; impact a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.

Impacts on a Critical Environmental Areas

The proposed action is located in an urban area and is not within or adjacent to a Critical Environmental Area and will therefore, not impair the environmental characteristics of a Critical Environmental Area.

Consistency with Community Plans and Character

The proposed action is generally consistent with the community's current plans and goals, including short-term rentals in existing buildings in the project area, and is overall consistent with the existing community and neighborhood character. The applicant is requesting a use variance to allow for the operation of a non-owner occupied short-term rental in an existing single family residential structure that is currently rented long-term. Although the proposed project is generally consistent with the existing pattern of development in the project area, the requested variance is inconsistent with community plans, specifically the zoning code. The requested use variance is a moderate adverse environmental impact, as it is not an allowed use in the zoning district in non-owner occupied homes, although there are short-term and long-term rentals in the project area and allowing the existing single family residential building to be used as a short-term rental in a residential setting would therefore not be a significant adverse environmental impact.

Impacts on Historic and Archeological Resources

The project will not significantly impact the character and quality of a historic resource as it involves a short-term rental in an existing single family residential building. No significant adverse environmental impacts are anticipated.

The project will not impact the character and quality of an archeological resource. There are no known and/or identified significant cultural resources on site or adjacent to the property and no ground disturbance will occur as the site is currently developed. No significant adverse environmental impacts are anticipated.

Impacts on Energy

The project will not result in a major change in the quantity or type of energy used. No significant adverse environmental impacts are anticipated.

Impacts on Human Health

The project will not create a hazard to human health. The proposed action does not involve hazardous materials and/or operations. No significant adverse environmental impacts are anticipated.

Impacts on Aesthetic Resources

The project will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. No significant adverse environmental impacts are anticipated.

Additional Considerations

The project will not encourage or attract a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

The project will not create a material demand for other actions that would result in one of the above consequences.

The project will not involve changes in two or more elements of the environment, no one of which has a significant adverse impact on the environment, but when considered together result in a substantial adverse impact on the environment.

The project does not include two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCCR 617.7(c)(1).

For further information relative to this Negative Declaration, contact Mr. John Fell, AICP, Principal Planner, Room 920 City Hall, Buffalo, New York 14202, (716) 851-4533.

Dated: September 16, 2026

CC: Applicants



CITY OF BUFFALO

DEPARTMENT OF PERMIT AND INSPECTION SERVICES

Christopher P. Scanlon, Mayor

NOTICE OF DENIAL

Date of Denial: 07-31-2026

Property Owner Name: Willa Arnet

Assessed Address: 26 lemon

Street

Buffalo, NY 13204

Zip Code

Zone: N-2R

Applicant Name: Willa Arnet

Applicant Address: 399 Doat

Street

Buffalo

City

NY

State

14211

Zip Code

Based on the information provided to the Department of Permit and Inspection Services at the time of registration, a Notice of Denial from the Commissioner of Permit and Inspection Services is hereby given to the applicant for the associated project based on the reasons detailed below.

Application for:

AREA VARIANCE

Reason for Denial:

City Code Section	City Code Requirement	Request from Applicant
3.2.6.C.B	MAX ALLOWED IS 60'	TO ALLOW 103'

State of New York)

) ss

County of Erie)

On the 31 day of 07 in the year 2026 before me, the undersigned, personally appeared Willa Arnet personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

[Signature]
(Notary Public) or (Commissioner of Deeds)

[Signature]
Appellant sign here



Area Variance Application

City of Buffalo - Office of Strategic Planning

Section 496-11.3.5 of the City Code: An Area Variance is the authorization by the Zoning Board of Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

Procedure

1. If not already completed, register the project with the Department of Permit and Inspection Services (DPIS) in Room 301 City Hall or via the ePermits Electronic Plan Review portal available at the city's website (www.buffalony.gov). During Registration, DPIS staff will provide a Notice of Denial indicating an Area Variance from the Zoning Board of Appeals will be required.
2. Complete the Area Variance Application Form (available online at www.buffalony.gov or in Room 913 City Hall).
3. Attach to this form all requested submittals in the Required Submittals section on page 2 of this application.
4. Send an electronic copy (in PDF format) of the completed Area Variance Application Form with attachments to Room 913 City Hall via either USB flash drive or email/file transfer site to ZoningBoardOfAppeals@buffalony.gov. PDF files must be compressed to the extent practicable and no single file may exceed 10MB. If emailed, you will receive a response email confirming receipt of the application. If no email confirmation occurs, please follow up with the Office of Strategic Planning at (716) 851-4064. If an applicant is unable to provide an electronic copy of the application/attachments, hardcopies may be sent to Room 913 City Hall.
5. Staff will review the Area Variance Application and determine if it is complete.
 - a. **An application is complete if:** All questions on the Area Variance Application Form have been fully answered and sufficient photos and relevant materials have been attached.
 - b. **An application is not complete if:** One or more questions on the Area Variance Application Form have not been answered or if additional relevant photos or relevant materials need to be attached (see Requested Submits list on Page 2). Notice will be provided to the applicant identifying any needed changes.
6. Once the application is determined complete, the applicant will receive a Notice of Complete Application which includes a public hearing date. Until a Notice of Complete Application is issued, the project will not be scheduled for a public hearing regardless of the date the application was submitted by the applicant.
7. At least ten (10) days prior to the scheduled public hearing, all applicants for variances must install a posted notice sign at the project site. An electronic template of this sign is available from Office of Strategic Planning Staff. Requirements and standards for this sign are found in Section 496-11.2.2.C of the City Code. The sign must be removed when the public hearing is closed. **If the sign is not installed the hearing cannot be scheduled.**
8. Attend the public hearing and present the Area Variance Application to the Zoning Board of Appeals. Please be prepared to answer questions related to the variance request.
9. After the public hearing, the Zoning Board of Appeals has up to 62 days to approve, approve with modifications, or deny the application. Once the Zoning Board of Appeals has made a decision, a written notice will be sent to the applicant within 5 business days.

For assistance with the Area Variance Application, please contact the Office of Strategic Planning at (716) 851-4064 or ZoningBoardOfAppeals@buffalony.gov.

Please note: Any information provided with this application will be made public at www.buffalony.gov/meetings

Fee

Pay associated fee of \$150 plus \$25 for each additional variance for one (1) or two (2) unit dwellings.
\$250 plus \$50 for each additional variance for all other applications respective of the above.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Required Submittals

Send an electronic copy (in PDF format) of the completed Area Variance Application Form with attachments (per the requested submittals listed below) to Room 913 City Hall via either USB flash drive or email/file transfer site to ZoningBoardOfAppeals@buffalony.gov. PDF files must be compressed to the extent practicable and no single file may exceed 10MB. If an applicant is unable to provide an electronic copy of the application/attachments, hardcopies may be sent to Room 913 City Hall.

Include the following as appropriate:

1. All Variance Applications

- Photos of the site of the variance request.
- Notice of Denial issued by Department of Permit and Inspection Services.

2. Variance applications for new construction or additions

A. Site Plan

Scale: One (1) inch equals thirty (30) feet or larger scale

- Date of preparation, clear scale, north arrow, and dimensions
- Project boundaries and total area
- Dimensions of lots and property lines
- Existing and proposed site improvements (structures, easements, vehicular and pedestrian access, landscape, established trees, fences or walls, stormwater facilities, lighting, parking and loading facilities, signs)

B. Architectural Elevations (If applicable)

Scale: One (1) inch equals four (4) feet or larger scale

- Date of preparation, clear scale, and dimensions
- Detailed facade materials

3. Variance applications for parking pads

- Sketch of the proposed location with dimensions, on a survey if possible.
- Description of the impacts to landscaping, street trees, and on-street parking.

4. Completed Part 1 of the New York State Environmental Quality Review (SEQR)

Depending on the type of project, a Short Environmental Assessment Form (SEAF) may also be required. Generally, all variance applications, other than area variances for residential projects three (3) units or less, fences, and projects only involving individual setback and lot line variances and adjustments, will have to complete a Part 1 SEAF.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Applicant Information

Property Owner Name(s): Willa Arnet & Steve Mackie

Phone Number: [REDACTED] Email: [REDACTED]

Address: 399 Doat St City: Buffo State: NY Zip: 14211

Architect Name(s): N/A

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Contractor Name(s): N/A

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Property Information

Assessed Address: 22 & 26 Lemon

Area of Parcel (square feet): _____ Acres: _____

Zone: N-2R Zone Overlay (if applicable): _____

Project Description

Current Use: empty

Proposed Use: rental property

Briefly Describe the Proposed Project (attach additional information if necessary):

Project has not started



Area Variance Application

City of Buffalo - Office of Strategic Planning

Area Variance Request

No area variance will be granted without showing by you (the applicant) supporting evidence for the following (where applicable). Attach all supporting materials.

A. **Benefit to Applicant.** Describe how the requested variance would benefit the project.

*It would make paying bills easier
to have 1 bill for both addresses*

B. **Character of Neighborhood.** Describe whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.

*There will be no undesirable
changes & detriment to property*

C. **Other Means.** Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance:

*There is no other way to combine
the 2 addresses*

D. **Substantial.** Describe whether or not the requested variance is substantial in nature:

*The requested variance is not
substantial in nature. The proposed
involves creating 1 unified parcel*

E. **Physical or Environmental Conditions.** Describe if the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district, including but not limited to traffic circulation, noise, or odor.

*The proposed variance will not
have an impact on the physical
or environment conditions in neighborhood*



Area Variance Application

City of Buffalo - Office of Strategic Planning

- F. **Not self-created.** Describe if the alleged difficulty was self-created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance:

The alleged difficulty was not self-created. The need for the variances arise from the existing configuration & intended consolidation of adjoining properties.

Disclosure Affidavit

I maintain that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): Willa Arnet

Date: 7/31/26

Property owner or applicant signature: Willa Arnet

CITY OF BUFFALO DEPARTMENT OF ASSESSMENT & TAXATION

CITY HALL, ROOM 101, 65 NIAGARA SQUARE, BUFFALO, NEW YORK 14202

PRE-APPROVAL FOR COMBINATION OF PARCELS*To request a combination, complete this form. List all parcels to be combined, have all liens checked and return this form to the above address*

DATE CLERK DISTRICT COM RES

(Check Appropriate Item)

Arnet,Willia; Mackie, Steve

TITLE ON DEED

(MUST BE EXACT FOR ALL PARCELS TO BE COMBINED)

PARCEL ADDRESSES

	Hse #	Street Name	SBL Number	Bill Number	Class Code	Exempt Code
1	26	Lemon	111.32-4-3	01826700	220	na
2	22	Lemon	111.32-4-4	01826500	311	na
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						

716-429-3344 waarnet@yahoo.com

**PARCEL COMBINATIONS REQUIRE PRE-APPROVAL BY
PERMIT & INSPECTION SERVICES OFFICE, ROOM 301 CITY HALL
RETURN SIGNED PRE-APPROVAL FORM TO
ASSESSOR'S OFFICE, ROOM 101 CITY HALL**

Inspector's Signature

Badge Number

Approval Date

Inspector's Printed Signature

City of Buffalo

65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

USE Information Report**Report Date** 7/31/2026

Page 1 of 2

A/P # USE26-9699051**Application Information****Processed** 7/31/2026 12:41:32PM By dclark**Issued** By**Final** By**Type of Work** # Plans 0**Declared Valuation** \$0.00**Priority** # Pages 0**Calculated Valuation** \$0.00**Actual Valuation** \$0.00**Description of Work**

*** USE PERMIT *** TO COMBINE 26 LEMON AND 22 LEMON *** SUBDIVISION APPROVAL ***

Property Information**Address** 26 LEMON
BUFFALO, NY 14204**SBL** 1113200004003000**CENSUS** 25.02**Location****Applicants****Contact ID** 12381436 **Primary** Y **Name** Willa Arnet**Mailing Address** 5325 Sheridan Dr Unit 116 Williamsville, NY 14231**Day Phone****Contact ID** 12381437 **Primary** N **Name** Steve Mackie**Mailing Address** 5325 Sheridan Dr Unit 116 Williamsville, NY 14231**Day Phone**

Fees	Status	Paid Date	Amount
Application Fee	U		\$25.00
Zoning Board Fee	U		\$150.00

Plan Reviews

RM 913

City of Buffalo

65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

USE Information Report**Report Date** 7/31/2026

Page 2 of 2

Building	N	Electrical	N	Fire	N
Sewer	N	HVAC	N		
Plumbing	N	Elevator	N		

Prior Approvals

Address	Common Council	Restricted Use
Asbestos	Curb Cut	S.E.Q.R.A.
Assessment	Encroach	Thruway
City Wide	Human Services	Trees



CITY OF BUFFALO

DEPARTMENT OF PERMIT AND INSPECTION SERVICES

Sean M. Ryan, Mayor

NOTICE OF DENIAL

Date of Denial: 8/6/2026

Property Owner Name: LS & TS PROPERTY LLC

Assessed Address: 200 ENGLEWOOD Buffalo, NY 14214
Street Zip Code

Zone: N-3R

Applicant Name: TODD MCLELLAN

Applicant Address: 66 OAKLAND RD WILLIAMSVILLE NY 14221
Street City State Zip Code

Based on the information provided to the Department of Permit and Inspection Services at the time of registration, a Notice of Denial from the Commissioner of Permit and Inspection Services is hereby given to the applicant for the associated project based on the reasons detailed below.

Application for: AREA

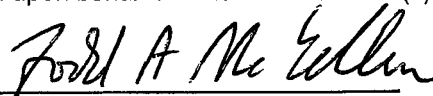
Reason for Denial:

City Code Section	City Code Requirement	Request from Applicant
3.2.1.E	NO MORE THAN ONE DWELLING UNIT FOR	TO ALLOW A MAXIMUM OF
	EACH 1,500 SQUARE FEET OF LOT AREA	THREE DWELLING UNITS
	IN THE N-3R ZONE	FOR EXISTING 3,450 SQUARE FOOT LOT

State of New York)
) ss
County of Erie)

On the 6TH day of AUGUST in the year 2026 before me, the undersigned, personally appeared TODD MCLELLAN personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


(Notary Public) or (Commissioner of Deeds)


Appellant sign here

City of Buffalo

65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

INTBLDOUT Information Report**Report Date** 8/6/2026

Page 1 of 2

A/P # IBO26-9700360**Application Information****Processed** 8/6/2026 2:58:17PM By tpuglisi**Issued** By**Final** By**Type of Work** CONVERT **# Plans** 0**Declared Valuation** \$1.00**Priority** **# Pages** 0**Calculated Valuation** \$0.00**Actual Valuation** \$0.00**Description of Work**

*** Change of Use / Use *** Change of use to convert the existing attic space to habitable space and create a 3rd dwelling unit to the 3rd floor of existing 2-family dwelling and establish (Dwelling, Multiple Unit) use in the (N-3R) zone for a multiple dwelling (3) unit structure.

*** Plans Required *** *** Site Plan & Property Survey Required *** *** ZBA ***

Property Information**Address** 200 ENGLEWOOD
BUFFALO, NY 14214**SBL** 0793800009010000**CENSUS** 46.01**Location****Applicants****Contact ID** 12228023 **Primary** N **Name** Ls & Ts Property Llc**Mailing Address** 66 Oakland Rd Williamsville, NY 14221**Day Phone****Contact ID** 12437955 **Primary** Y **Name** TODD MCLELLAN**Mailing Address** 66 OAKLAND RD WILLIAMSVILLE, NY 14221**Day Phone**

Fees	Status	Paid Date	Amount
Zoning Board Fee	U		\$75.00
Application Fee	U		\$50.00

Plan Reviews



Area Variance Application

City of Buffalo - Office of Strategic Planning

Section 496-11.3.5 of the City Code: An Area Variance is the authorization by the Zoning Board of Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

Procedure

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Please note: Any information provided with this application will be made public at www.buffalony.gov/meetings

Fee

Pay associated fee of \$150 plus \$25 for each additional variance for one (1) or two (2) unit dwellings.
\$250 plus \$50 for each additional variance for all other applications respective of the above.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Required Submittals

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- Notice of Denial issued by Department of Permit and Inspection Services.

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- Sketch of the proposed location with dimensions, on a survey if possible.
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Area Variance Application

City of Buffalo - Office of Strategic Planning

Applicant Information

Property Owner Name(s): Todd A McLellan

Address: 66 Oakland rd City: Williamsville State: ny Zip: 14221

Architect Name(s): Greg & Mark Dean Architects

Email: _____

Address: 8353 Main street City: Williamsville State: ny Zip: 14221

Contractor Name(s): Cortese Construction

Address: Main street City: Clarence State: ny Zip: _____

Property Information

Assessed Address: 200 Englewood Ave Buffalo 14214

Area of Parcel (square feet): 3400 Acres: _____

Zone: _____ Zone Overlay (if applicable): _____

Project Description

Current Use: Attic

Proposed Use: Apartment

Briefly Describe the Proposed Project (attach additional information if necessary):

Convert 3rd floor Attic to habitable
apartment



Area Variance Application

City of Buffalo - Office of Strategic Planning

Area Variance Request

No area variance will be granted without showing by you (the applicant) supporting evidence for the following (where applicable). Attach all supporting materials.

A. Benefit to Applicant. Describe how the requested variance would benefit the project.

There is shortage of quality affordable housing in city and There are many people that would love an Affordable apartment

B. Character of Neighborhood. Describe whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.

I don't think there would be any undesirable change to neighborhood

C. Other Means. Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance:

I don't think so

D. Substantial. Describe whether or not the requested variance is substantial in nature:

I don't think variance is substantial new water service & upgrade sprinklers & electric

E. Physical or Environmental Conditions. Describe if the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district, including but not limited to traffic circulation, noise, or odor.

I don't think there is any noise odor & traffic congestion issue at all



Area Variance Application

City of Buffalo - Office of Strategic Planning

- F. **Not self-created.** Describe if the alleged difficulty was self-created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance:

Affordable high quality housing is in short supply and there are many people looking for quality housing at an affordable price. There are too many housing units that are ~~un~~affordable to people in Buffalo.

Disclosure Affidavit

I maintain that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): Todd A McEllan

Date: 8/4/2026

Property owner or applicant signature: Todd A McEllan



CITY OF BUFFALO

DEPARTMENT OF PERMIT AND INSPECTION SERVICES

Christopher P. Scanlon, Mayor

NOTICE OF DENIAL

Date of Denial: 8/12/2026

Property Owner Name: DERRICK INGLUT

Assessed Address: 247 GEORGIA

Buffalo, NY 14201

Street

Zip Code

Zone: N-4-30

Applicant Name: DERRICK INGLUT

Applicant Address: 1466 HARVARD ST

WASHINGTON

DC

20009

Street

City

State

Zip Code

Based on the information provided to the Department of Permit and Inspection Services at the time of registration, a Notice of Denial from the Commissioner of Permit and Inspection Services is hereby given to the applicant for the associated project based on the reasons detailed below.

Application for:

AREA

Reason for Denial:

City Code Section	City Code Requirement	Request from Applicant
8.3.2.C	only 1 driveway allowed in	
	a N-4-30 zones	to allow 2
8.3.2.A.2	Curb cuts must be located	
	at least 60ft from intersection	to allow less.
TABLE 8D	ACCESSORY SURFACE PARKING	
	not allowed in side yard	To allow side yard parking

[illegible]

On the 12 day of AUGUST in the year 2026 before me, the undersigned, personally appeared David Inglut personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(Notary Public) or (Commissioner of Deeds)

Appellant sign here

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

FENDRIVE Information Report

Report Date 8/12/2026

Page 1 of 2

A/P # FEND26-9689320

Application Information

Processed 5/24/2026 4:13:56PM By WEB
Issued By
Final By

Type of Work DRIVEWAY	# Plans 0	Declared Valuation	\$5,000.00
Priority	# Pages 0	Calculated Valuation	\$0.00
		Actual Valuation	\$0.00

Description of Work

To an existing 2 story 2 family dwelling install a 2nd driveway{parking pad facing Rabin Terrace.

ZBA ***DPW*** ***Licensed Contractor for Apron and curb cut****

Property Information

Address	247 GEORGIA BUFFALO, NY 14201	SBL 1113700007018000
		CENSUS 71.02
Location	Paver Driveway installation with curb cut on Rabin Ter.	

Applicants

Contact ID 12294413 **Primary** Y **Name** Mr Derrick Inglut
Mailing Address 1466 Harvard St NW Washington, DC 20009
Day Phone (571)228-6277

Fees	Status	Paid Date	Amount
Application Fee	U		\$25.00
Zoning Board Fee	U		\$200.00

Plan Reviews

Building	N	Electrical	N	Fire	N
Sewer	N	HVAC	N		
Plumbing	N	Elevator	N		



Area Variance Application

City of Buffalo - Office of Strategic Planning

Applicant Information

Property Owner Name(s): Derrick Inglot

Phone Number: [REDACTED] Email: [REDACTED]

Address: 1466 HARVARD ST. NW #PH1 City: WASHINGTON State: DC Zip: 20009

Architect Name(s): N/A

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Contractor Name(s): _____

Phone Number: TBO Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Property Information

Assessed Address: 247 Georgia St. Buffalo NY 14201

Area of Parcel (square feet): 3283 sq ft. Acres: _____

Zone: _____ Zone Overlay (if applicable): _____

Project Description

Current Use: Back yard

Proposed Use: DRIVEWAY ON REAR SIDE, ACCESSIBLE TO REAR ENTRANCE

Briefly Describe the Proposed Project (attach additional information if necessary):

I propose a small brick paved DRIVEWAY on the rear yard to make my two family home
MORE handicapped ACCESSIBLE (currently there is only parking for 1 vehicle) AS WELL AS to allow
for my tenants to charge their vehicles (electric)



Area Variance Application

City of Buffalo - Office of Strategic Planning

Area Variance Request

No area variance will be granted without showing by you (the applicant) supporting evidence for the following (where applicable). Attach all supporting materials.

A. Benefit to Applicant. Describe how the requested variance would benefit the project.

This is a two family home, But parking is only avail for 1 family. My goal is to make both apartments more handicap accessible by offering parking close to the rear entrance, as well as be able to offer a way to charge their (tenant) vehicles. This would also remove 1 car from the street to make plowing snow easier

B. Character of Neighborhood. Describe whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.

every home on RABIN TER has A DRIVEWAY. This ~~new~~ DRIVEWAY will blend in with the other DRIVEWAYS on the street.

C. Other Means. Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance:

It cannot happen without A VARIANCE

D. Substantial. Describe whether or not the requested variance is substantial in nature:

N/A. There are currently properties in the immediate neighborhood at 273 NIAGARA, 221 VIRGINIA; 50 COLLEGE that have two driveways.

E. Physical or Environmental Conditions. Describe if the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district, including but not limited to traffic circulation, noise, or odor.

no impact that I am aware of. My immediate neighbor at 38 RABIN TER loves the idea of the new DRIVEWAY. He can be reached at 410-409-8659 (cell)



Area Variance Application

City of Buffalo - Office of Strategic Planning

F. **Not self-created.** Describe if the alleged difficulty was self-created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance:

Not self created. I just want to do something nice for my tenant
who is currently without parking.

Disclosure Affidavit

I maintain that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): Derick Tinsley

Date: 8/12/26

Property owner or applicant signature: [Signature]



Outlook

Proposed driveway at 247 Georgia Street

From [REDACTED]

Date Mon 8/10/2026 4:47 PM

To [REDACTED]

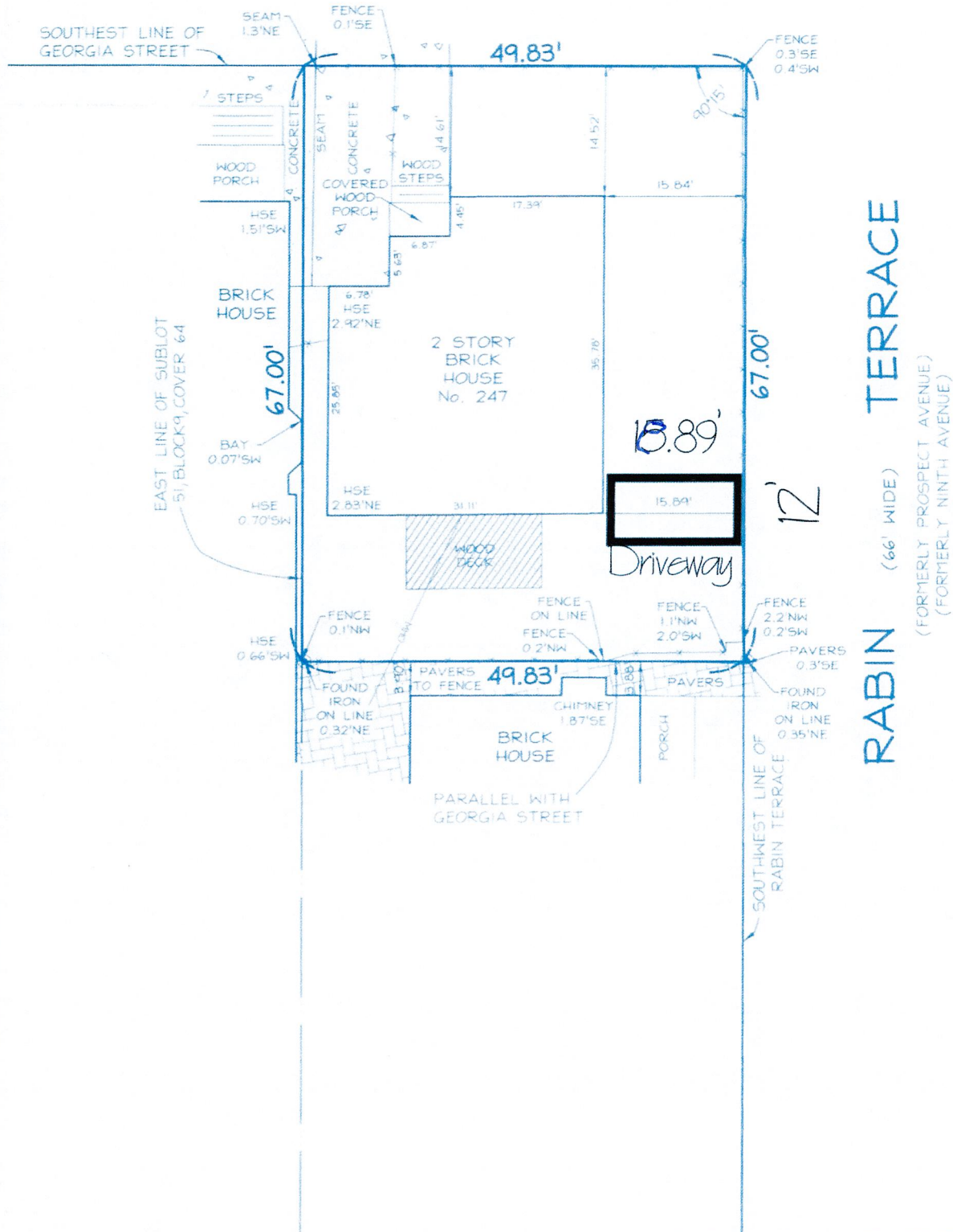
To Whom It May Concern:

I own my home at 38 Rabin Terrace, which is next door to 247 Georgia Street, the property for which a new driveway is being proposed. I have seen the plans for the driveway, which would be located near my home, and I fully support this project, as planned, without hesitation. Feel free to contact me with any questions. [REDACTED]

Sincerely,
Ben Stump

[Sent from the all new AOL app for iOS](#)

GEORGIA STREET (66' WIDE)



NO IRONS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON.

509 Main Street, P.O. Box 516, East Aurora, NY 14052
p (716) 655-1058 f (716) 655-1964 www.nussclarke.com

This survey was prepared without the benefit of an abstract of title and is subject to any state of facts that may be revealed by an examination of such.

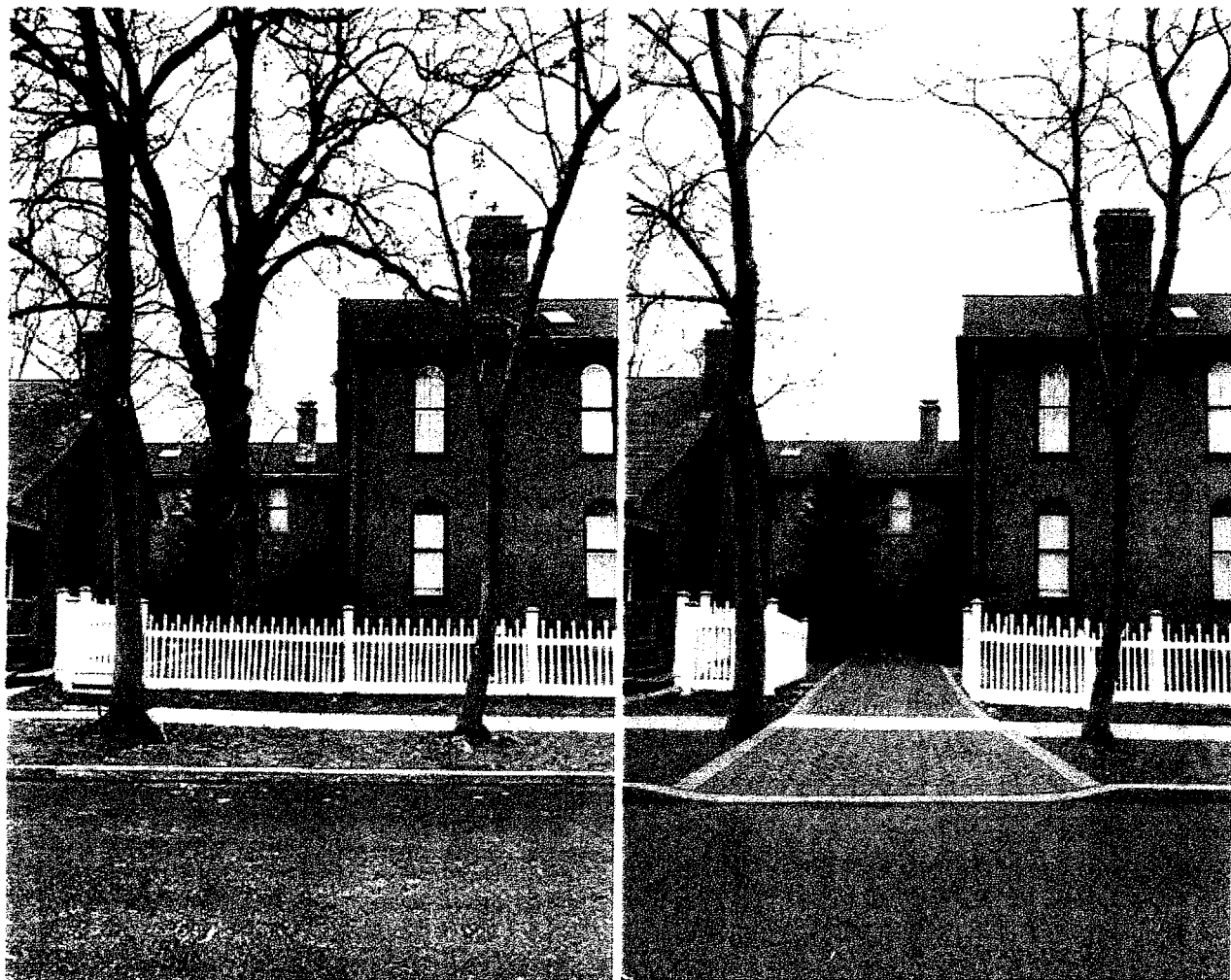
Unauthorized alterations or additions to any survey, drawing, design, specification, plan or report is a violation of section 7209, provision 2 of the New York State Education Law.



BOUNDARY SURVEY 247 GEORGIA STREET

Part of Block 9
City of Buffalo

Thorton A. Kenyon





CITY OF BUFFALO

DEPARTMENT OF PERMIT AND INSPECTION SERVICES

Sean M. Ryan, Mayor

NOTICE OF DENIAL

Date of Denial: 7/7/2026

Property Owner Name: DIVAN MIGAJ

Assessed Address: 306 CAROLINA Buffalo, NY 14201
Street Zip Code

Zone: N-2R

Applicant Name: JOEY TRIPI (BMMEL ARCHITECTS)

Applicant Address: 6264 W QUAKER ST ORCHARD PARK NY 14127
Street City State Zip Code

Based on the information provided to the Department of Permit and Inspection Services at the time of registration, a Notice of Denial from the Commissioner of Permit and Inspection Services is hereby given to the applicant for the associated project based on the reasons detailed below.

Application for: AREA

Reason for Denial:

City Code Section	City Code Requirement	Request from Applicant
3.2.6.D.E	INTERIOR SIDE YARD (MIN) 3'	TO ALLOW LESS THAN 3'
		2'-4" / 9"
3.2.6.D.B	BUILD-TO PERCENTAGE, FRONT FACADE (MIN) 65%	TO ALLOW 61%

State of New York)
County of Erie) ss

On the 13TH day of July in the year 2026 before me, the undersigned, personally appeared PATRICK HENRY personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(Notary Public) or (Commissioner of Deeds)

Appellant sign here

City of Buffalo

65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

GC Information Report**Report Date** 7/13/2026

Page 1 of 2

A/P # GC26-9693587**Application Information****Processed** 6/16/2026 10:30:30AM By WEB**Issued** By**Final** By**Type of Work** ADDITION **# Plans** 3 **Declared Valuation** \$80,000.00**Priority** **# Pages** 3 **Calculated Valuation** \$70,575.42**Actual Valuation** \$300.00**Description of Work**

Alterations and renovation for (426 sf) addition to existing 2-story frame 1-family dwelling as per plans submitted.
Project to include reconfigured bedroom layout, new walk-in closet and expansion of existing dining room. *** To Be Bid ***

*** ZBA *** *** Asbestos Survey Required ***

*** All footings must be inspected by the building inspector before being filled. ***

*** All separate required mechanical, electrical and plumbing permits must be applied for as needed per permit. ***

Property Information**Address** 306 CAROLINA
BUFFALO, NY 14201**SBL** 1112900003005100**CENSUS** 71.02**Location****Applicants****Contact ID** 12442345 **Primary** Y **Name** Bammel Architects**Mailing Address** 6264 W Quaker St Orchard Park, NY 14127**Day Phone**

Fees	Status	Paid Date	Amount
Zoning Board Fee	P	7/7/2026 2:44:55PM	\$150.00
Application Fee	P	7/9/2026 9:09:44AM	\$25.00
Zoning Board Fee	P	7/9/2026 9:09:44AM	\$175.00

Plan Reviews

sep 16



Area Variance Application

City of Buffalo - Office of Strategic Planning

Section 496-11.3.5 of the City Code: An Area Variance is the authorization by the Zoning Board of Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

Procedure

1. If not already completed, register the project with the Department of Permit and Inspection Services (DPIS) in Room 301 City Hall or via the ePermits Electronic Plan Review portal available at the city's website (www.buffalony.gov). During Registration, DPIS staff will provide a Notice of Denial indicating an Area Variance from the Zoning Board of Appeals will be required.
2. Complete the Area Variance Application Form (available online at www.buffalony.gov or in Room 913 City Hall).
3. Attach to this form all requested submittals in the Required Submittals section on page 2 of this application.
4. Send an electronic copy (in PDF format) of the completed Area Variance Application Form with attachments to Room 913 City Hall via either USB flash drive or email/file transfer site to ZoningBoardOfAppeals@buffalony.gov. PDF files must be compressed to the extent practicable and no single file may exceed 10MB. If emailed, you will receive a response email confirming receipt of the application. If no email confirmation occurs, please follow up with the Office of Strategic Planning at (716) 851-4064. If an applicant is unable to provide an electronic copy of the application/attachments, hardcopies may be sent to Room 913 City Hall.
5. Staff will review the Area Variance Application and determine if it is complete.
 - a. **An application is complete if:** All questions on the Area Variance Application Form have been fully answered and sufficient photos and relevant materials have been attached.
 - b. **An application is not complete if:** One or more questions on the Area Variance Application Form have not been answered or if additional relevant photos or relevant materials need to be attached (see Requested Submits list on Page 2). Notice will be provided to the applicant identifying any needed changes.
6. Once the application is determined complete, the applicant will receive a Notice of Complete Application which includes a public hearing date. Until a Notice of Complete Application is issued, the project will not be scheduled for a public hearing regardless of the date the application was submitted by the applicant.
7. At least ten (10) days prior to the scheduled public hearing, all applicants for variances must install a posted notice sign at the project site. An electronic template of this sign is available from Office of Strategic Planning Staff. Requirements and standards for this sign are found in Section 496-11.2.2.C of the City Code. The sign must be removed when the public hearing is closed. **If the sign is not installed the hearing cannot be scheduled.**
8. Attend the public hearing and present the Area Variance Application to the Zoning Board of Appeals. Please be prepared to answer questions related to the variance request.
9. After the public hearing, the Zoning Board of Appeals has up to 62 days to approve, approve with modifications, or deny the application. Once the Zoning Board of Appeals has made a decision, a written notice will be sent to the applicant within 5 business days.

For assistance with the Area Variance Application, please contact the Office of Strategic Planning at (716) 851-4064 or ZoningBoardOfAppeals@buffalony.gov.

Please note: Any information provided with this application will be made public at www.buffalony.gov/meetings

Fee

Pay associated fee of \$150 plus \$25 for each additional variance for one (1) or two (2) unit dwellings.
\$250 plus \$50 for each additional variance for all other applications respective of the above.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Required Submittals

Send an electronic copy (in PDF format) of the completed Area Variance Application Form with attachments (per the requested submittals listed below) to Room 913 City Hall via either USB flash drive or email/file transfer site to ZoningBoardOfAppeals@buffalony.gov. PDF files must be compressed to the extent practicable and no single file may exceed 10MB. If an applicant is unable to provide an electronic copy of the application/attachments, hardcopies may be sent to Room 913 City Hall.

Include the following as appropriate:

1. All Variance Applications

- Photos of the site of the variance request.
- Notice of Denial issued by Department of Permit and Inspection Services.

2. Variance applications for new construction or additions

A. Site Plan

Scale: One (1) inch equals thirty (30) feet or larger scale

- Date of preparation, clear scale, north arrow, and dimensions
- Project boundaries and total area
- Dimensions of lots and property lines
- Existing and proposed site improvements (structures, easements, vehicular and pedestrian access, landscape, established trees, fences or walls, stormwater facilities, lighting, parking and loading facilities, signs)

B. Architectural Elevations (If applicable)

Scale: One (1) inch equals four (4) feet or larger scale

- Date of preparation, clear scale, and dimensions
- Detailed facade materials

3. Variance applications for parking pads

- Sketch of the proposed location with dimensions, on a survey if possible.
- Description of the impacts to landscaping, street trees, and on-street parking.

4. Completed Part 1 of the New York State Environmental Quality Review (SEQR)

Depending on the type of project, a Short Environmental Assessment Form (SEAF) may also be required. Generally, all variance applications, other than area variances for residential projects three (3) units or less, fences, and projects only involving individual setback and lot line variances and adjustments, will have to complete a Part 1 SEAF.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Applicant Information

Property Owner Name(s): Devon Migay + Patrick Healy

Address: 306 carolina st City: Buffalo State: NY Zip: 14201

Architect Name(s): Joey Tripi (Bammel Architects)

Address: 6264 W quaker st City: Orchard Park State: NY Zip: 14127

Contractor Name(s): _____

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Property Information

Assessed Address: 306 carolina st Buffalo NY 14201

Area of Parcel (square feet): 1944 sqft Acres: .11

Zone: N-2R Zone Overlay (if applicable): _____

Project Description

Current Use: a gut bedroom

Proposed Use: Bedroom expansion, adding mudroom + pantry

Briefly Describe the Proposed Project (attach additional information if necessary):

a 7' addition on the back of house to add a mudroom and pantry to 1st floor and expand the primary bedroom on the 2nd floor.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Area Variance Request

No area variance will be granted without showing by you (the applicant) supporting evidence for the following (where applicable). Attach all supporting materials.

A. Benefit to Applicant. Describe how the requested variance would benefit the project.

this would allow us to add necessary usable space to our home. our family is growing and we will need additional space, as we have began to outgrow the existing structure.

B. Character of Neighborhood. Describe whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.

I believe, this project will improve the character of the home and neighborhood

C. Other Means. Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance:

N/A

D. Substantial. Describe whether or not the requested variance is substantial in nature:

this project would be an improvement to condition and character of the neighborhood

E. Physical or Environmental Conditions. Describe if the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district, including but not limited to traffic circulation, noise, or odor.

N/A



Area Variance Application

City of Buffalo - Office of Strategic Planning

F. **Not self-created.** Describe if the alleged difficulty was self-created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance:

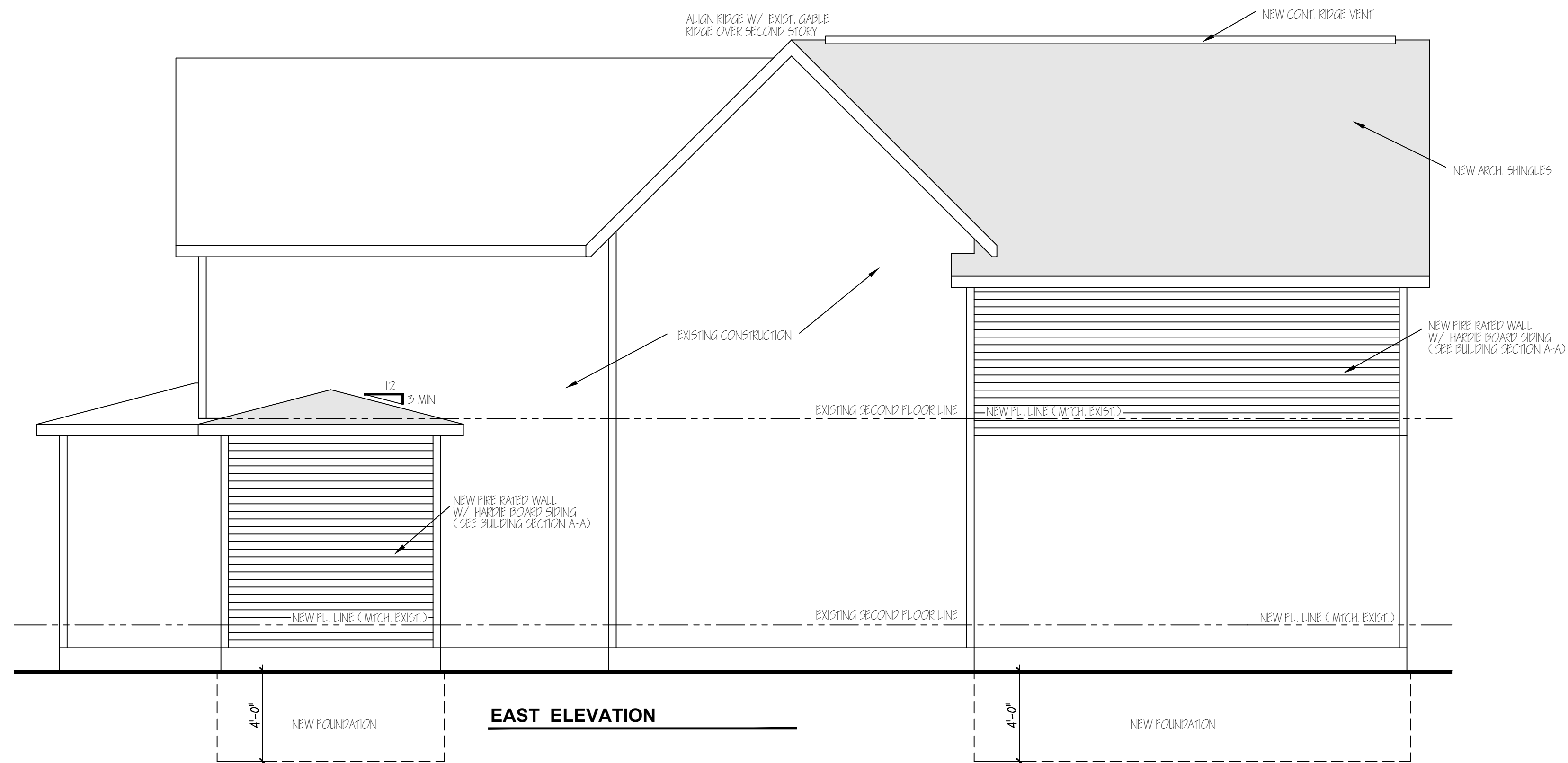
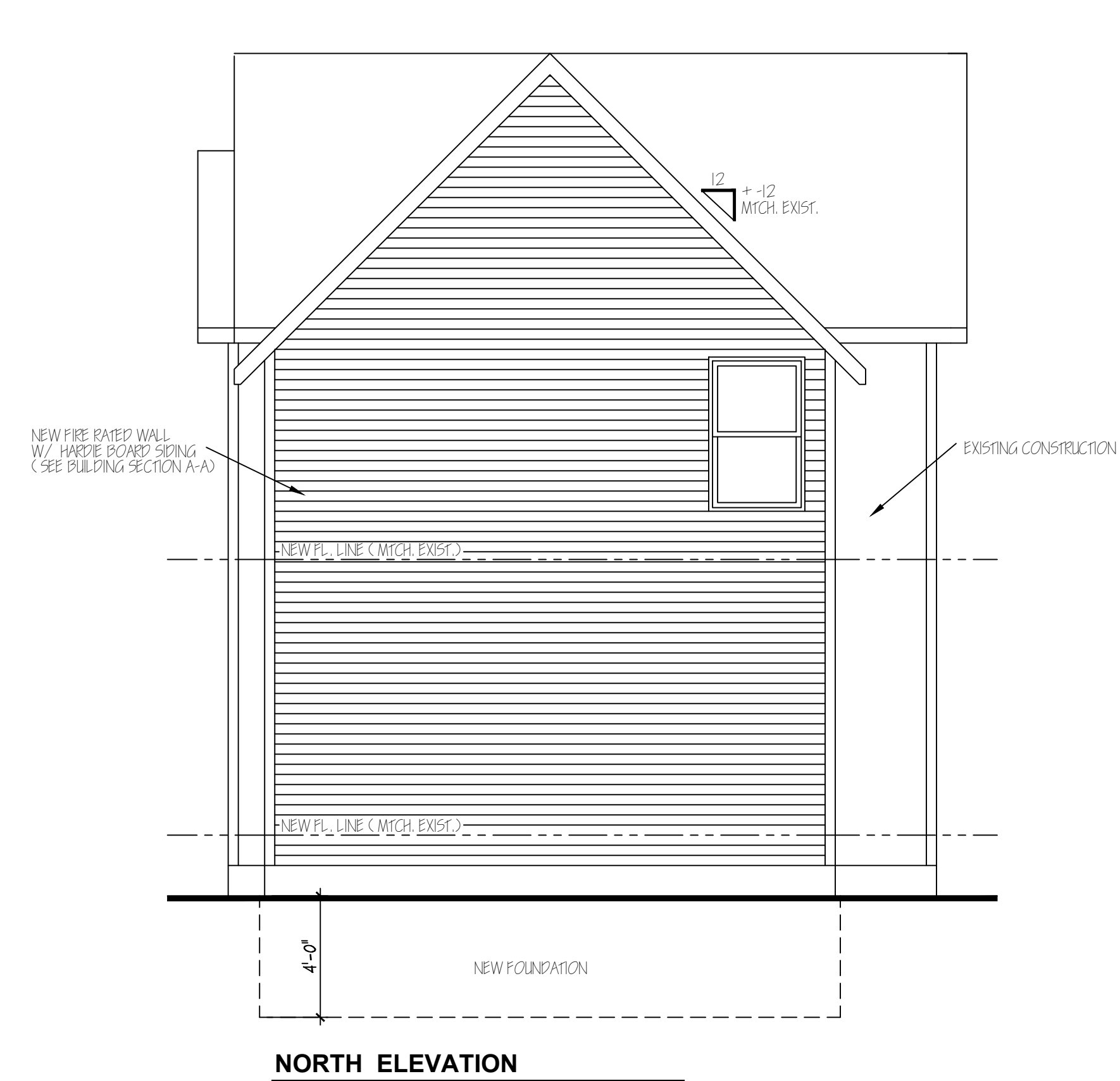
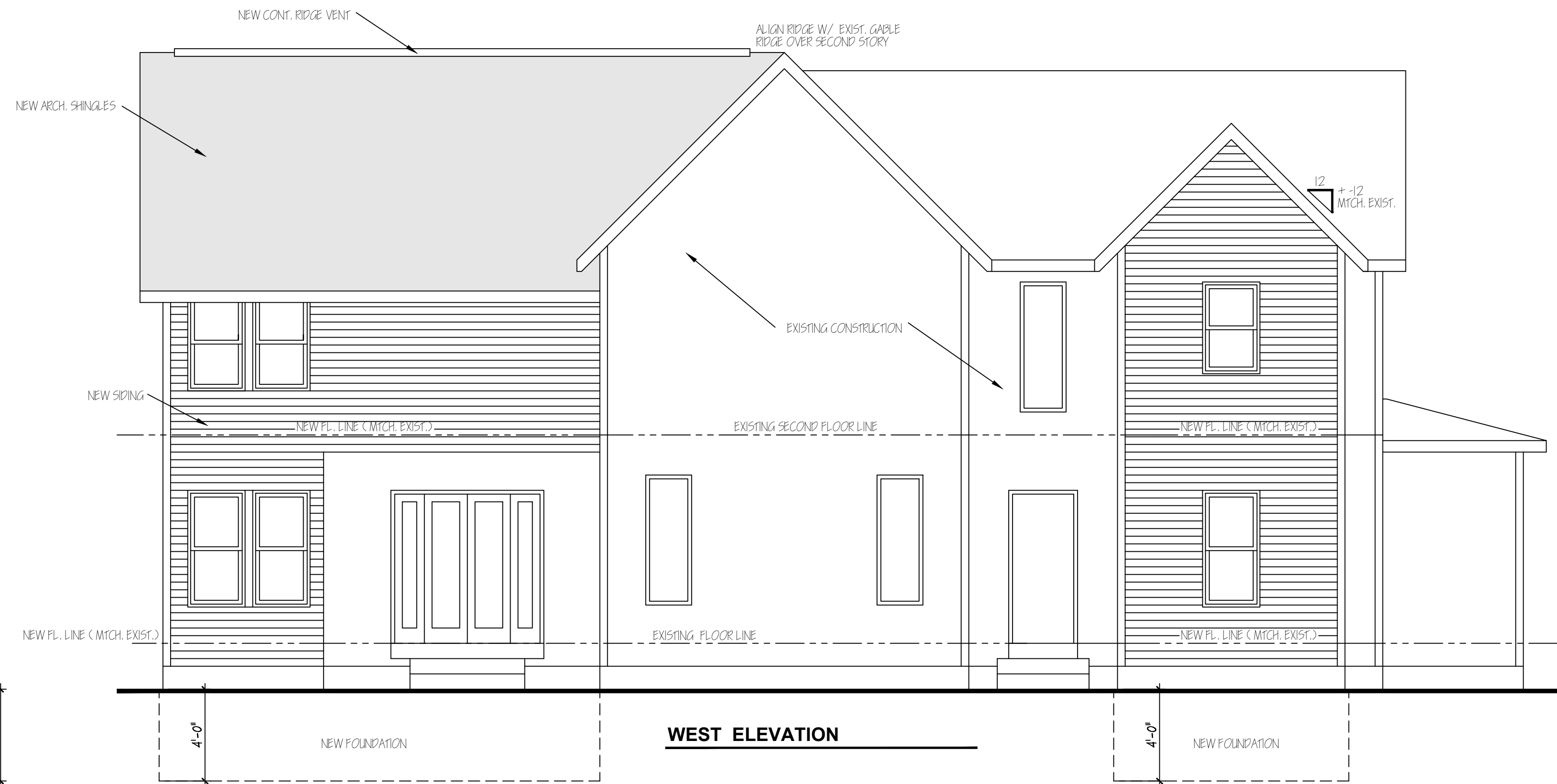
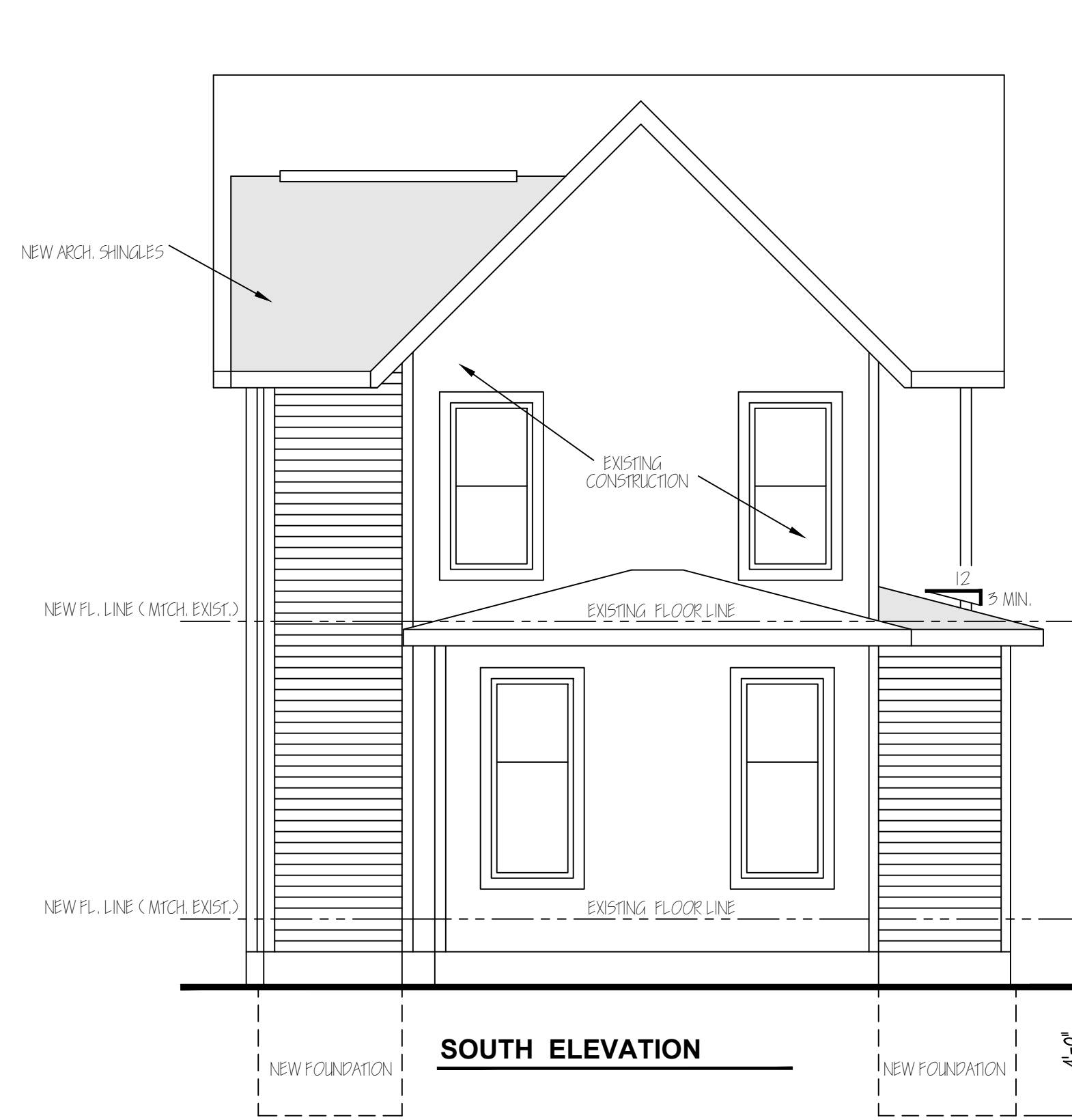
it is self created however this is the most
practical way to add to the existing structure.
and I believe it would be a major upgrade
in terms of functionality and form.

Disclosure Affidavit

I maintain that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): Patrick Healy Date: 7/13/26

Property owner or applicant signature: Patrick Healy



JUNE 10, 2026



PROPOSED ADDITION - RENOVATION TO
THE HEALY RESIDENCE
306 CAROLINA STREET
BUFFALO, N.Y.

DATE: MAY 2026
SCALE: 1/4" = 1'-0"
DRAWN BY: P.G.P.

DWG. NO.

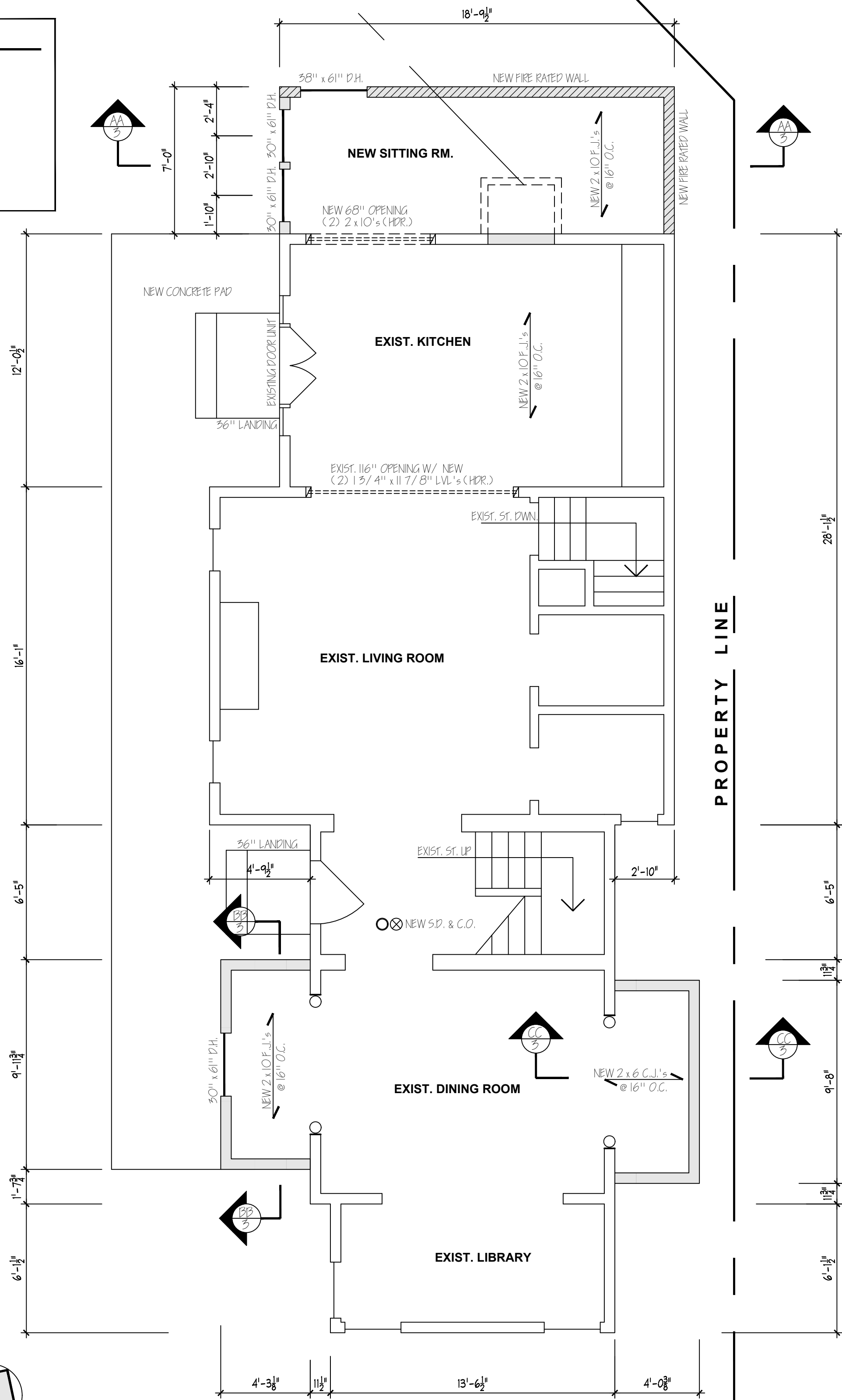
OF 3

PROPERTY LINE

FIRST FLOOR PLAN

WALL LEGEND

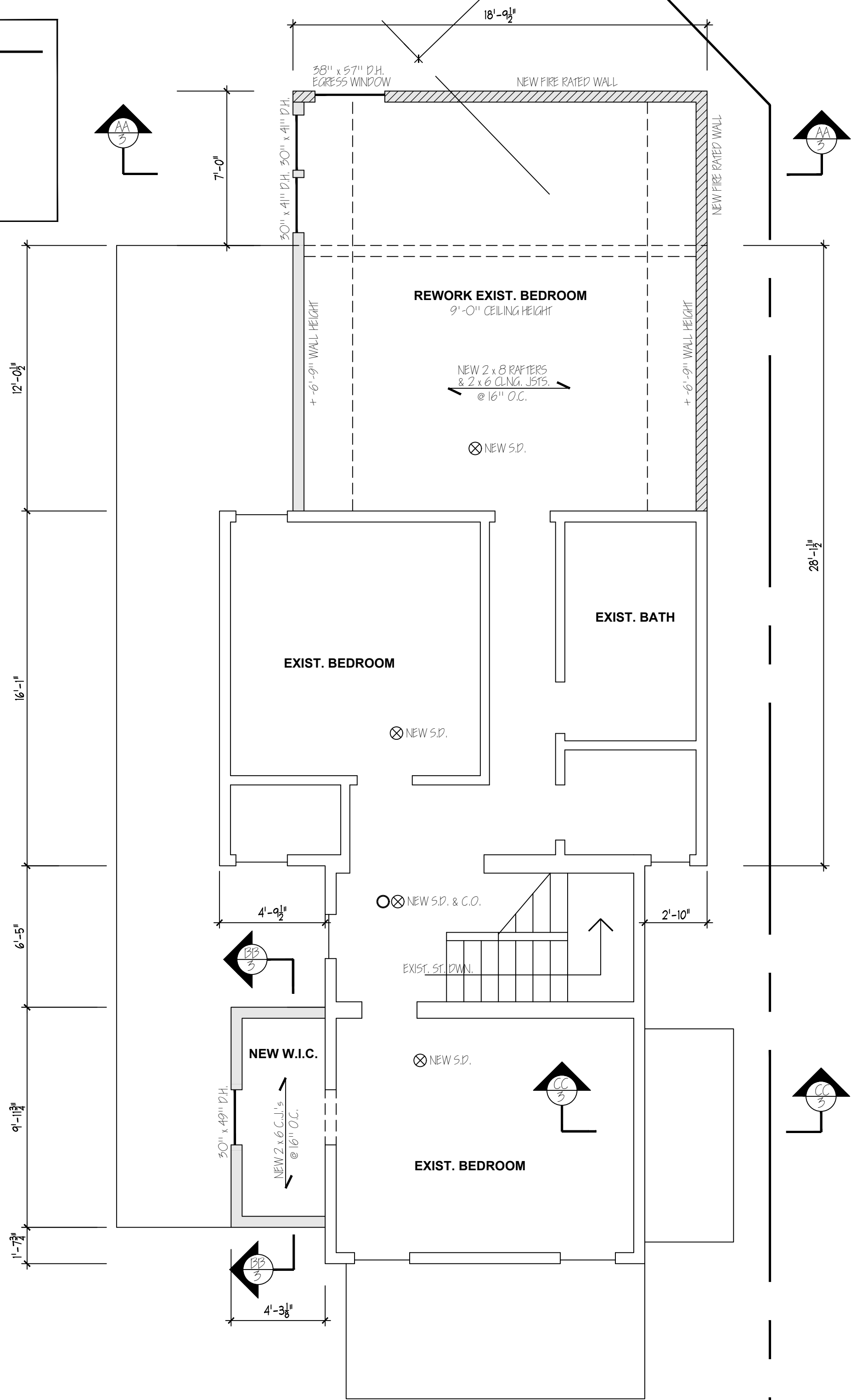
- EXISTING WALLS TO REMAIN
- EXISTING WALLS TO BE REMOVED
- NEW WALL CONSTRUCTION
- NEW FIRE RATED WALL CONSTR.



WALL LEGEND

- EXISTING WALLS TO REMAIN
- EXISTING WALLS TO BE REMOVED
- NEW WALL CONSTRUCTION
- NEW FIRE RATED WALL CONSTR.

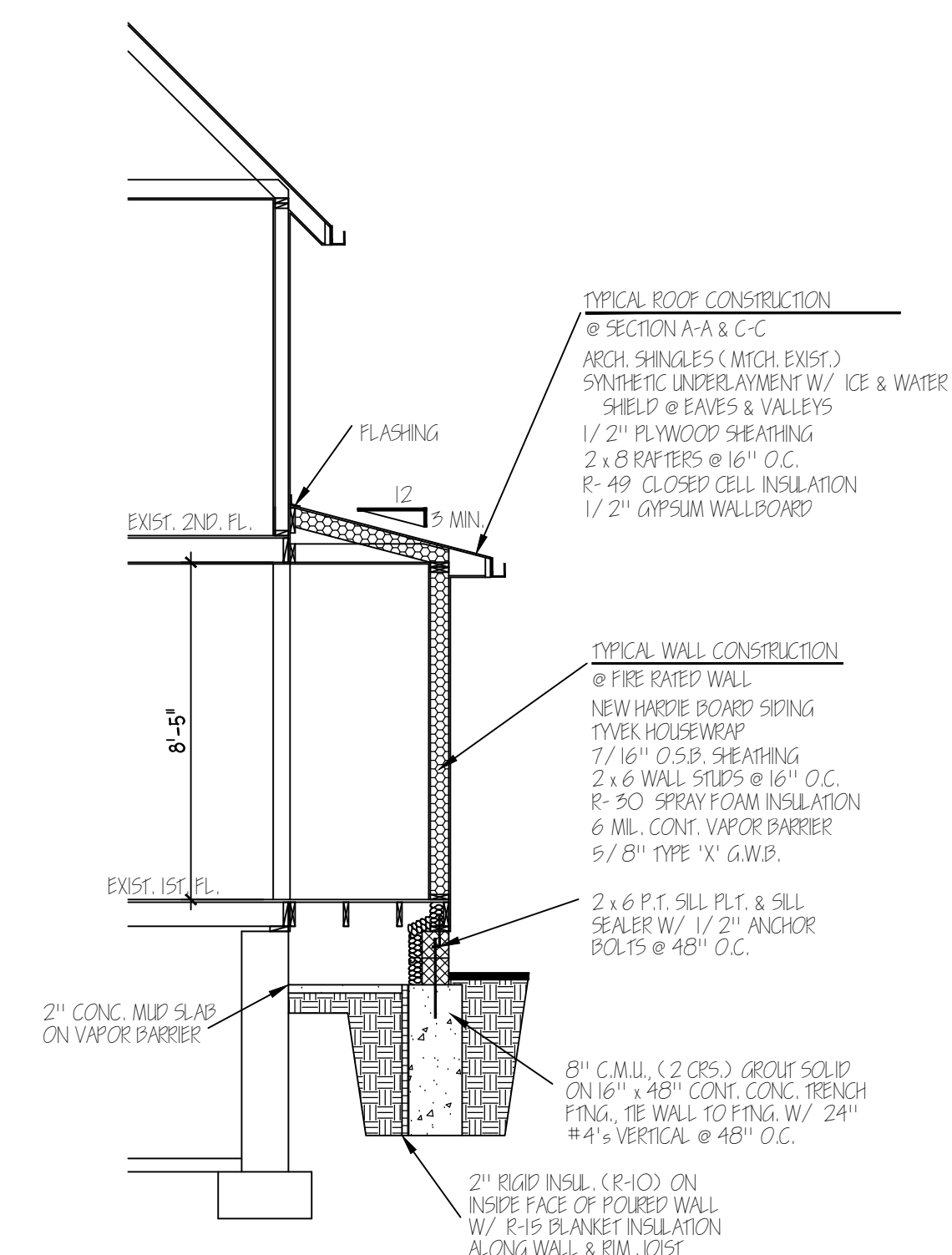
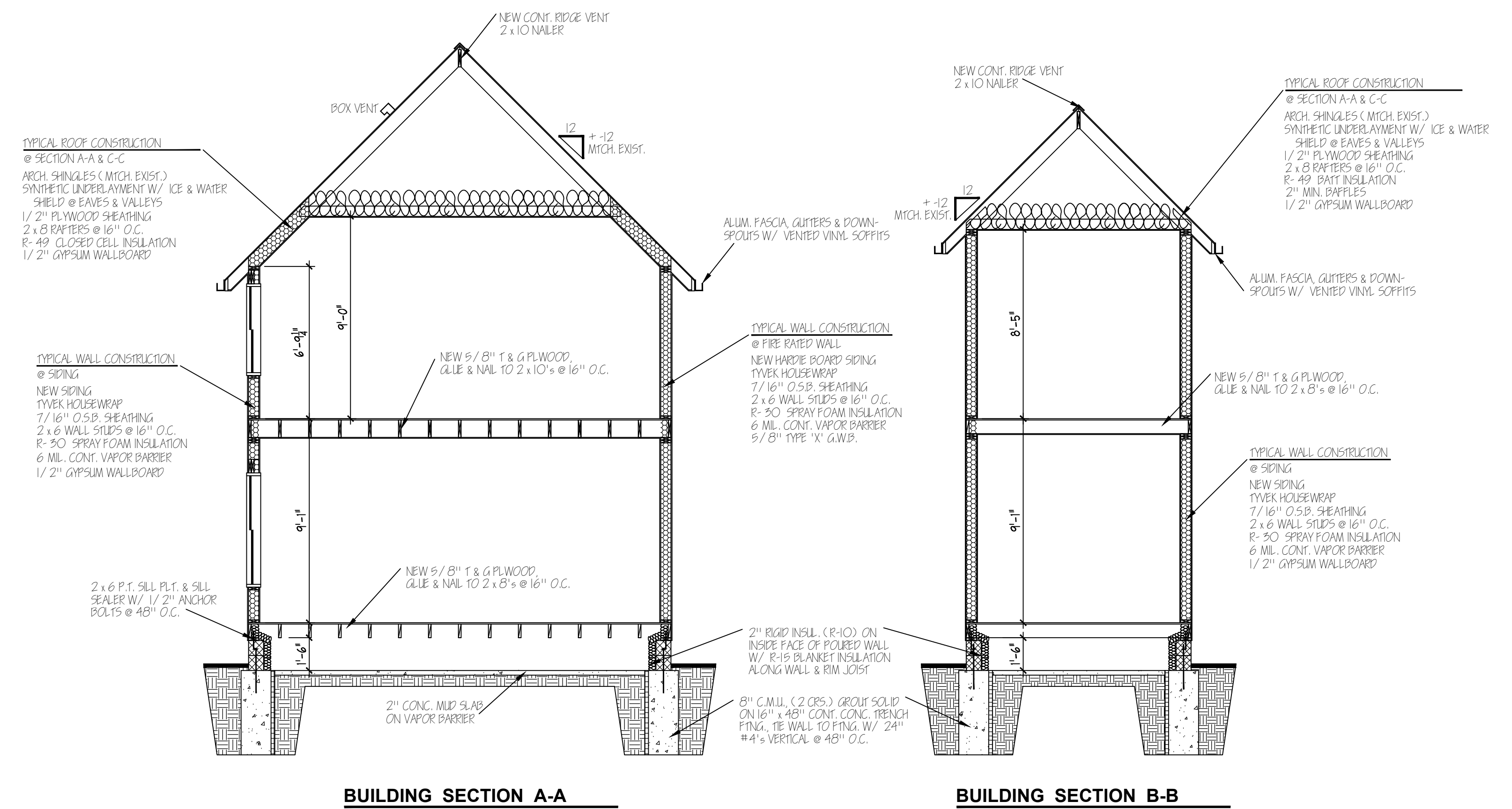
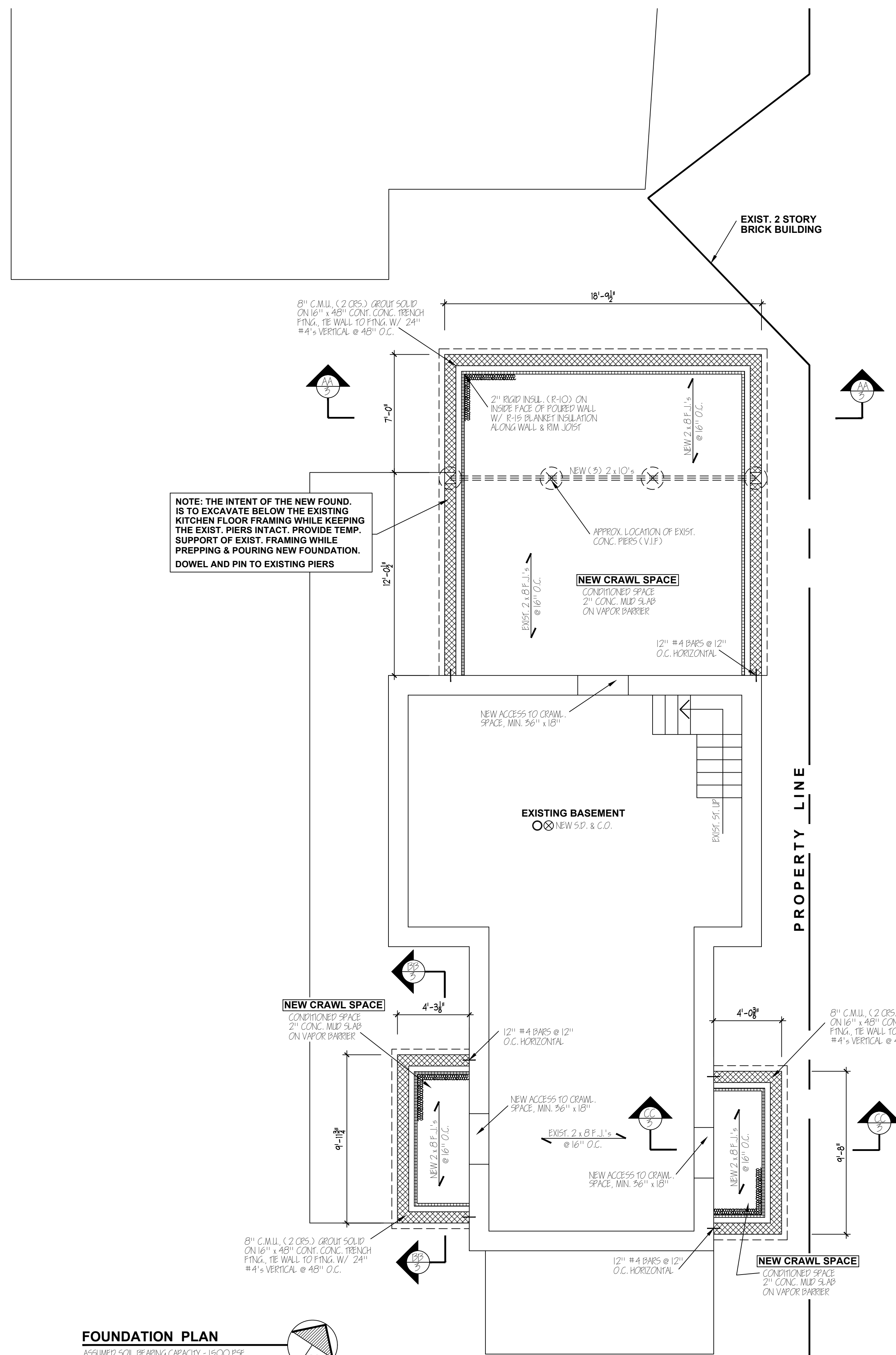
SECOND FLOOR PLAN



PROPOSED ADDITION - RENOVATION TO
THE HEALY RESIDENCE
306 CAROLINA STREET
BUFFALO, N.Y.

DATE: MAY 2026
SCALE: 1/4" = 1'-0"
DRAWN BY: P.G.P.

DWG. NO.
2 OF 3



THE HEALY RESIDENCE
306 CAROLINA STREET
BUFFALO, N.Y.

DATE: MAY 2026
SCALE: 1/4" = 1'-0"
DRAWN BY: P.G.P.

DWG. NO.

3 OF 3



BAMMEL ARCHITECTS
A PROFESSIONAL CORPORATION

6264 WEST QUAKER STREET
ORCHARD PARK, NY 14127
phone (716) 662-2482
fax (716) 662-2487

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Any unauthorized alteration of or addition to this drawing/document is a violation of section 7307 of the New York State education law, article 147-architecture

SEAL:

NEW BUILDING FOR :

HEALY

306 CAROLINA STREET
BUFFALO, NY 14201

ISSUE

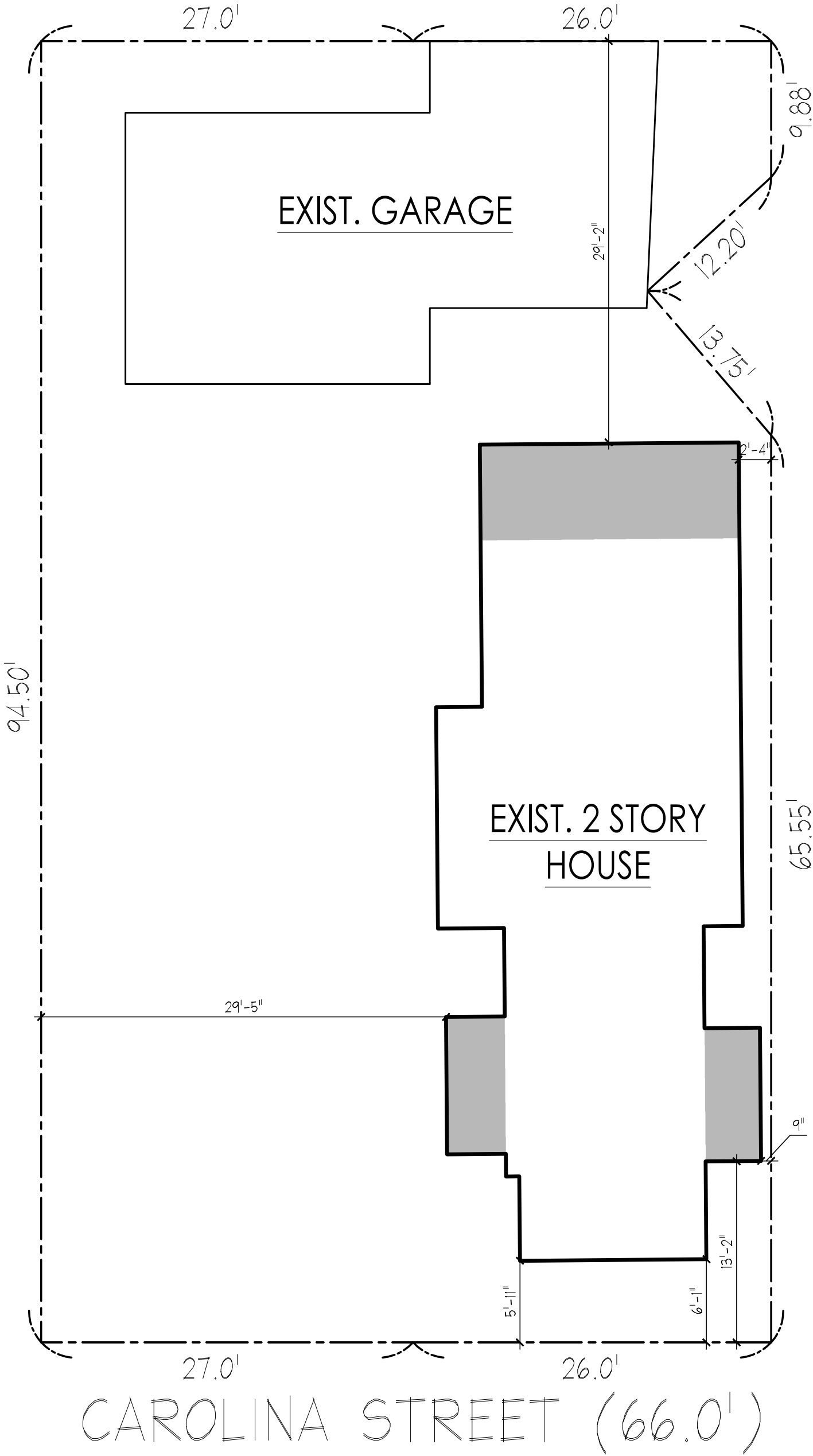
ISSUE DATE:	7/2/2026
PROJECT NUMBER:	PJP
SCALE:	AS NOTED
DRAWN BY:	JT
CHECKED BY:	ALL

SHEET TITLE:

SITE PLAN

DRAWING NO:

SP-1



1 SITE PLAN
1/8" = 1'-0"



Registration - New Construction & Additions

City of Buffalo - Department of Permit and Inspection Services

All projects for which an application is required under Chapter 496 of the City Code must be registered with the Department of Permit and Inspection Services (DPIS). This form must be completed by you (the applicant) if your project includes new construction and/or additions. **The questions on this form are related to City Code and not the New York State Building Code.** At registration, all approvals required under Chapter 496 of the City Code will be identified and all appropriate application forms will be provided.

Applicant Information

Property Owner Name(s): Peyton Healy

Address: 306 Carolina Street City: Buffalo State: NY Zip: 14201

Architect Name(s): Jim Rammel

Address: 6264 W Quaker Street City: Orchard Park State: NY Zip: 14127

Contractor Name(s): Peyton Healy

Address: 306 Carolina Street City: Buffalo State: NY Zip: 14201

Property Information

Assessed Address: 306 Carolina Street, Buffalo, NY 14201

Area of Parcel (square feet): 4891 Acres: 0.11

Zone: N-2R Zone Overlay (if applicable): _____

Current Use: Residential

Historic District/Property (within or adjacent): No

Statement of Intent

Briefly state the intent of the project (attach additional information if needed):

426 sqft. addition for bedroom, closet, and living room.

NYS Classifications

NYS Work Classification:

- | | | |
|---|--|--|
| ☐ Erection | ☒ Addition | ☐ Change of Use |
| ☐ Alteration Level 3 | ☐ Demolition | |
| ☐ Alteration Level 2 | ☐ Interior Tear Out | |
| ☐ Alteration Level 1 | | |

NYS Use/Occupancy Classification	NYS Building Construction Type	Square Feet of Work Area



Registration - New Construction & Additions

City of Buffalo - Department of Permit and Inspection Services

Project Description

Building type (if in Neighborhood zone): 5B - Unprotected Wood Frame

Proposed principal use #1: Residential, Single Family Area (square feet): 1139

Proposed principal use #2: _____ Area (square feet): _____

Proposed principal use #3: _____ Area (square feet): _____

(Attach additional information if more principal uses are proposed)

Accessory Structure or Use #1: _____ Area (square feet): _____

Accessory Structure or Use #2: _____ Area (square feet): _____

(Attach additional information if more accessory structures or uses are proposed)

Dwellings units added: 0 Dwelling units lost: 0

Lot size: Area (square feet): 4891 Width (feet): 53 Depth (feet): 94

Building coverage (percent): 23% Impervious coverage (percent): _____

Setbacks/Build-to Percentages:

Front yard setback (feet): 5 Corner side yard setback (feet): 3

Rear yard setback (feet): 10 Interior side yard setback (feet): 3

Front façade build-to percentage: 43% Corner side façade build-to percentage: 63%

Building/Story Height:

Height (feet): 27.75 Height (stories): 2

Finished ground floor level height (feet): 2.1 Ground story height (feet): 2.1

Transparency:

Ground floor transparency (percent) front: _____ corner side (if applicable): _____

Ground floor blank wall width (feet) front: _____ corner side (if applicable): _____

Ground floor window sill height (feet) front: _____ corner side (if applicable): _____

Upper floor transparency (percent) front: _____ corner side (if applicable): _____

Pedestrian Access:

Location of Main entrance: West

Entrance spacing (if applicable): _____



Registration - New Construction & Additions

City of Buffalo - Department of Permit and Inspection Services

Exterior facade material(s):

Front: Wood Siding

Corner side: Wood Siding

Rear: Wood Siding

Interior side: Wood Siding

Frontage:

Frontage element (type) #1: _____

Dimensions: _____

Frontage element (type) #2: _____

Dimensions: _____

(Attach additional information if more frontage elements are proposed)

Total project cost: 80,000

Additional Required Materials

1. Site plan (if applicable)
2. Architectural elevations (if applicable)
3. Building Plan (if applicable)
4. Owner Authorization Form (if required)
5. Any additional documents that clearly describe the proposed work and its code compliance

Disclosure Affidavit

I, Joey Tripi (Bammel Architects) (print name), as agent for the above-noted project, have reviewed the project's required Prior Approvals and City Code Requirements with a Permits Inspector. I am aware that it is my responsibility to accomplish all prior approvals, and then to bring paperwork for these approvals to the Permit Office at permit application. In addition, I am aware that it is my responsibility to collect all the required building/site plan documents and to bring them to the Permit Office at application in order for the reviews of this projects plans to proceed. It is my responsibility to supply any additional documents that the project requires to clearly and completely describe the proposed work and its code compliance. I understand that per City Code Section 103-13.1, if more than on plan revision per trade is required, additional review fees will be assessed. Furthermore, I understand that it is my responsibility to fully inform the property owner about all of the above.

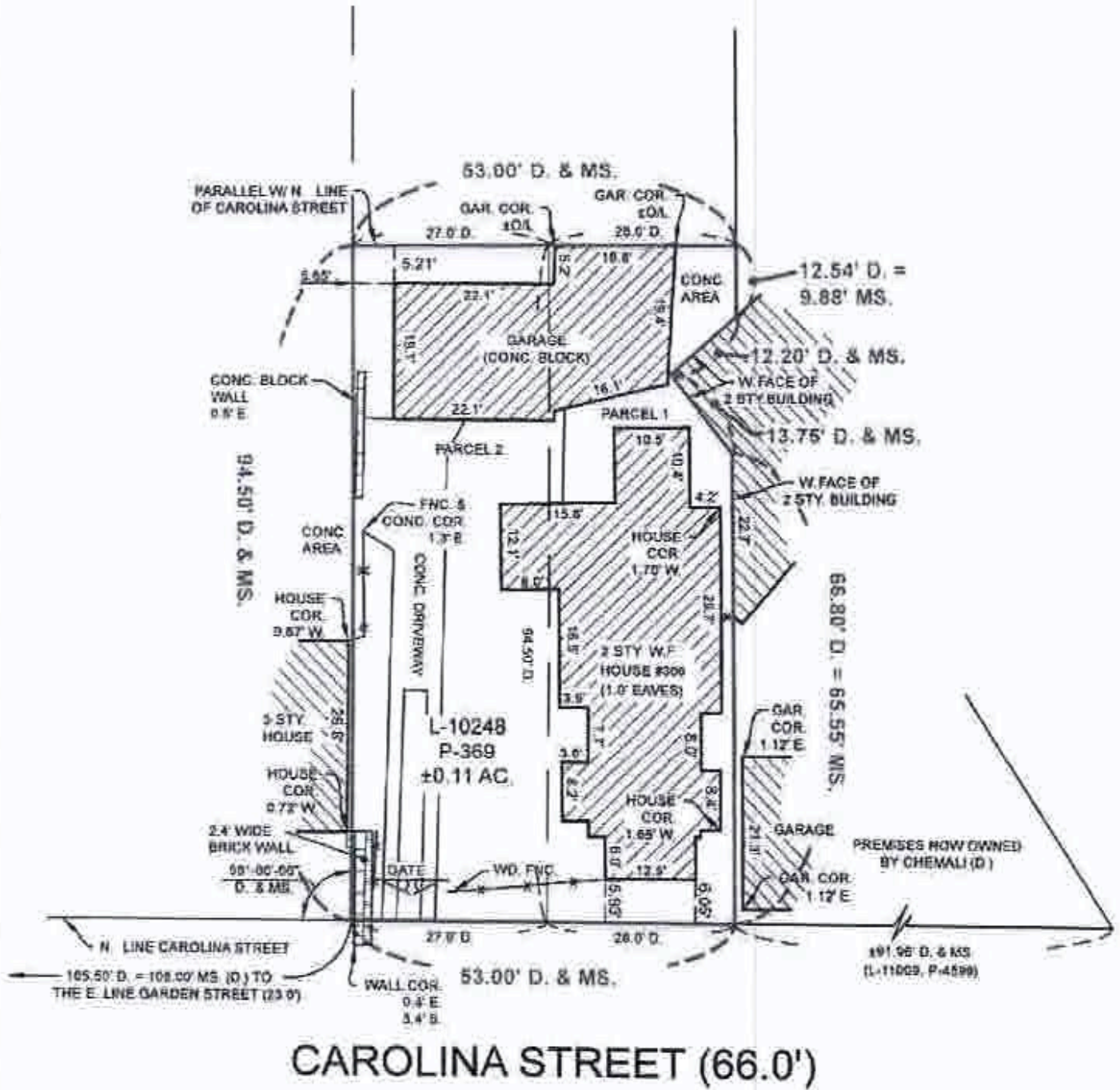
Applicant signature: [Signature]

Date: 6/19/2026

Office Use Only

A/P#: _____

SUBJECT TO:
TOGETHER WITH AN EASEMENT AND RIGHT OF WAY OVER
THE REAR OF PREMISES OWNED BY CHEMALI



PART OF LOT	SEC	TWP	RMS	MAP REFERENCE





CITY OF BUFFALO

DEPARTMENT OF PERMIT AND INSPECTION SERVICES

Sean M. Ryan, Mayor

NOTICE OF DENIAL

Date of Denial: 8/10/2026

Property Owner Name: DAVID HERZBERG

Assessed Address: 27 ASHLAND

Street

Buffalo, NY 14222

Zip Code

Zone: N-2R

Applicant Name: DAVID HERZBERG

Applicant Address: 27 ASHLAND

Street

BUFFALO

City

NY

State

14222

Zip Code

Based on the information provided to the Department of Permit and Inspection Services at the time of registration, a Notice of Denial from the Commissioner of Permit and Inspection Services is hereby given to the applicant for the associated project based on the reasons detailed below.

Application for:

AREA

Reason for Denial:

NOTARY PUBLIC STATE OF NEW YORK
AMY NAYMAN
ERIE COUNTY
LIC.# 01NA0044660
COMM. EXP. 12/12/2029

City Code Section	City Code Requirement	Request from Applicant
7.2.2.B.4	FENCES ALONG INTERIOR SIDE LOT LINES OR WITHIN INTERIOR SIDE YARDS MUST NOT EXCEED FOUR FEET IN HEIGHT	TO ALLOW EIGHT FEET IN HEIGHT
7.2.2.B.5	FENCES ALONG REAR LOT LINES OR WITHIN REAR YARDS MUST NOT EXCEED SIX FEET IN HEIGHT	TO ALLOW EIGHT FEET IN HEIGHT

State of New York)
County of Erie) ss

On the 13th day of August in the year 2026 before me, the undersigned, personally appeared David Herzberg personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Amy Nayman
(Notary Public) or (Commissioner of Deeds)

David Herzberg
Appellant sign here

City of Buffalo

65 Niagara Square

Buffalo, NY 14202

(716)851-4949 Fax (716)851-5472

FENDRIVE Information Report

Report Date 8/10/2026

Page 1 of 2

A/P # FEND26-9697966

Application Information

Processed 7/30/2026 11:13:24AM By WEB

Issued By

Final By

Type of Work FENCE # Plans 1 Declared Valuation \$8,000.00

Priority # Pages 2 Calculated Valuation \$0.00

Actual Valuation \$0.00

Description of Work

Place an eight foot high wood stockade fence along a portion of the right interior side lot line and within the right interior side yard and within the rear yard along the right side lot line as per scanned attachments.

*** To Be Bid *** *** ZBA ***

Property InformationAddress 27 ASHLAND SBL 1006100004014000
BUFFALO, NY 14222

CENSUS 67.01

Location The fence is in the back yard of 27 Ashland Ave, Buffalo, NY 14222.

Applicants

Contact ID 11925619 Primary Y Name David Herzberg

Mailing Address 27 Ashland Ave Buffalo, NY 14222

Day Phone

Fees	Status	Paid Date	Amount
------	--------	-----------	--------

Plan Reviews

Building Electrical Fire

Sewer HVAC

Plumbing Elevator



Area Variance Application

City of Buffalo - Office of Strategic Planning

Applicant Information

Property Owner Name(s): David Herzberg and Erin Hatton

Phone Number: [REDACTED]

Address: 27 Ashland Ave City: Buffalo State: NY Zip: 14222

Architect Name(s): N/A

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Contractor Name(s): Superior Fence and Rail / Kris Christensen

Phone Number: [REDACTED]

Address: 1517 Kenmore Ave Ste 2 City: Buffalo State: NY Zip: 14222

Property Information

Assessed Address: 27 Ashland Ave, Buffalo NY 14222

Area of Parcel (square feet): see attached survey Acres: _____

Zone: _____ Zone Overlay (if applicable): _____

Project Description

Current Use: Single family home back yard.

Proposed Use: Single family home back yard.

Briefly Describe the Proposed Project (attach additional information if necessary):

We need to replace an aging back yard fence between our property and the parking lot and garbage dumpsters of the apartment building next door on our Southern side. We would like to replace the 6' wooden picket fence with an 8' wooden picket fence to increase visual privacy.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Area Variance Request

No area variance will be granted without showing by you (the applicant) supporting evidence for the following (where applicable). Attach all supporting materials.

A. **Benefit to Applicant.** Describe how the requested variance would benefit the project.

A fence runs along the property line to our South. On the other side of the fence is the parking lot + garbage dumpsters of the next door apartment building. A higher fence (8 feet) would provide more visual protection from the dumpsters.

B. **Character of Neighborhood.** Describe whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.

This will enhance the historic character of the block which is almost entirely single-family homes except for the apartment building.

C. **Other Means.** Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance:

We can replace the existing fence with another 6' fence but it will not block view of the dumpsters. There is no other way to accomplish this other than a higher fence.

D. **Substantial.** Describe whether or not the requested variance is substantial in nature:

It is minor (for everyone except us). There is already a fence that we will replace with the same type of fence, just taller.

E. **Physical or Environmental Conditions.** Describe if the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district, including but not limited to traffic circulation, noise, or odor.

It's in the back yard. It will have no impact on anything except for providing visual privacy between a single family home and a large apartment building.



Area Variance Application

City of Buffalo - Office of Strategic Planning

F. **Not self-created.** Describe if the alleged difficulty was self-created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance:

Not self-created. We tried to discuss this issue with the apartment building owners multiple times over the years but they never returned our phone calls or emails. They need a parking lot and dumpsters.

Disclosure Affidavit

I maintain that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print):

David Herzberg

Date:

7/17/2026

Property owner or applicant signature:

Dave Herzberg
27 Ashland Avenue
Buffalo, NY 14222



SUPERIOR FINANCING



\$164 per month

8' H Stockade Fence

8'H Stockade

Natural

Features & Benefits

- Superior Wood Specification
- Hot Dipped Galvanized Ring-Shank Nails
- Superior Construction Built from Scratch On-Site

Specifications

- **Post:** 4" x 4"
- **Rail:** 2" x 4"

- **Picket:** 1" x 6"

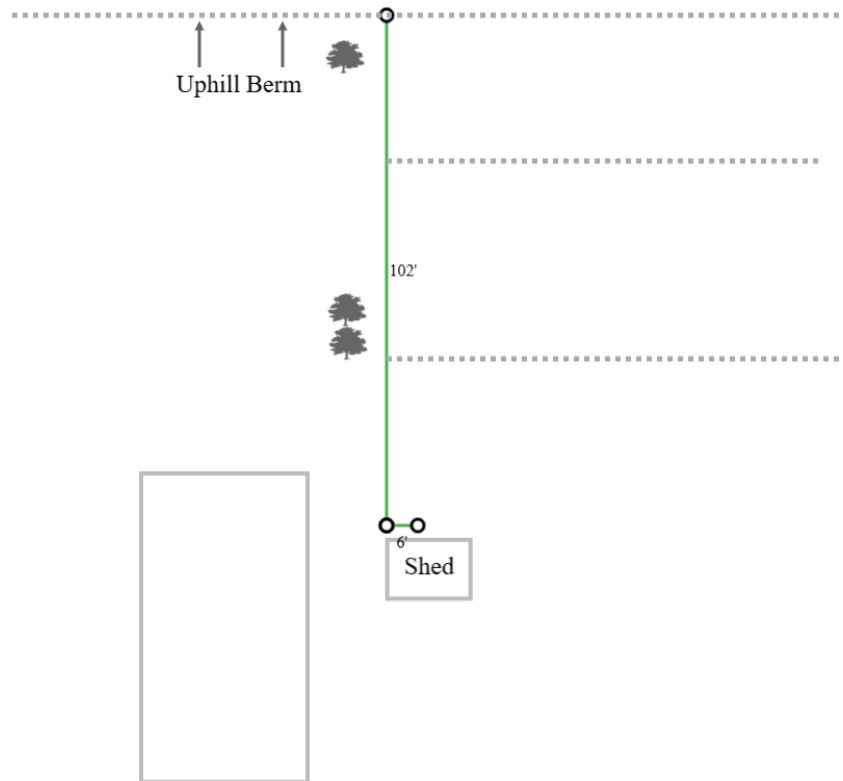
Warranty

- Minimum 15-year warranty against termite damage and rot (up to Lifetime in some areas)
- 3 Year Workmanship Warranty

The image shown is a representation of the style of the fence, and not meant to be a specification of the height, color, or grade.

8' H Stockade Fence - 108 LF

8'H Stockade



Fence footage contained in this proposal is approximate based on the field measurements, final price will be adjusted based on actual footage used, as set forth in the terms and conditions.

Included in the job

(98 Linear Feet) Take Down and Haul Away

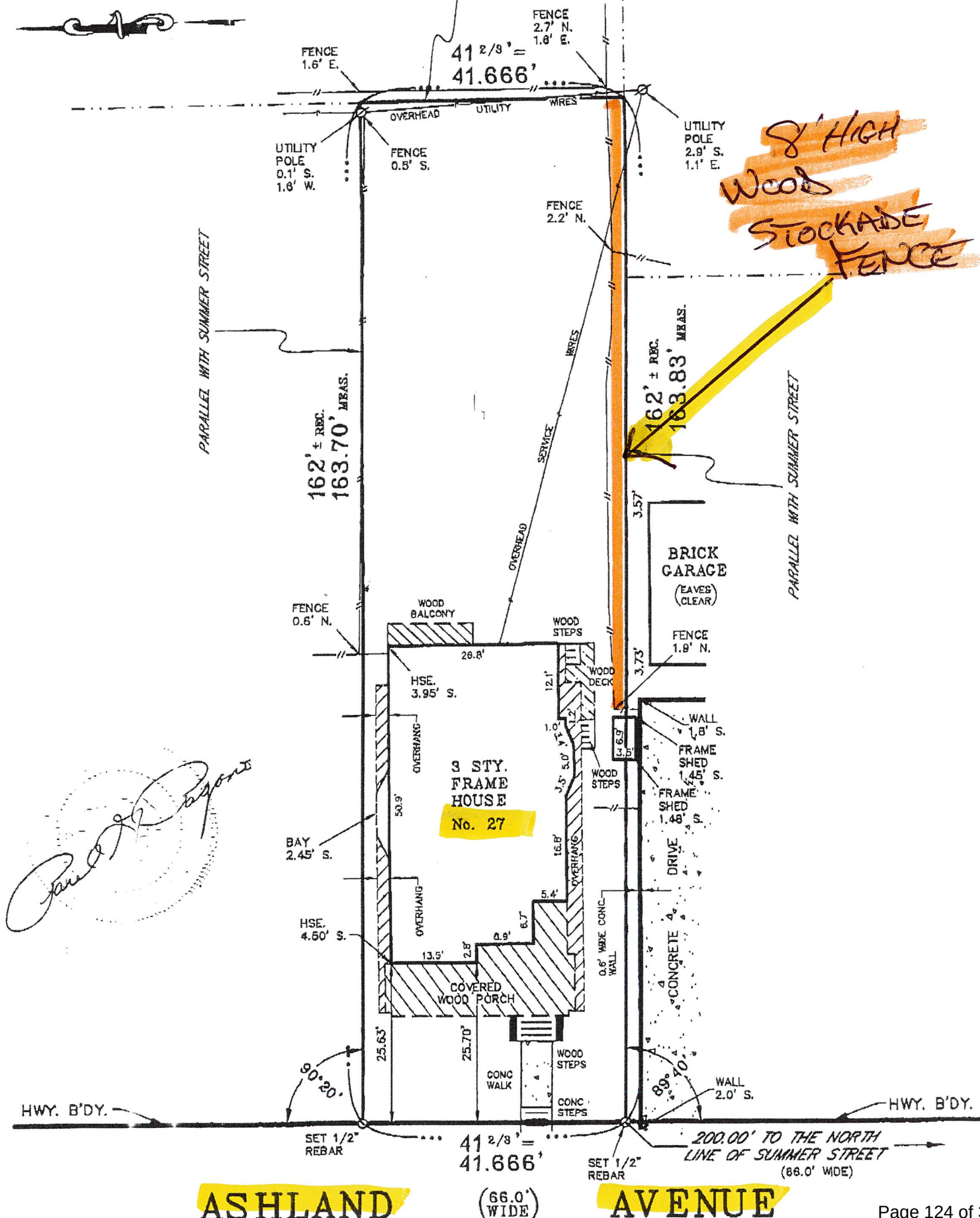
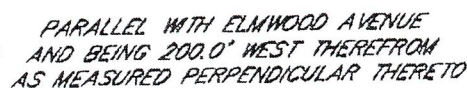
Job Notes

Installation Lead Time is 8-12 weeks from date of signed contract and deposit (50%). Superior Fence will t
Customer to clear fence line.

No returns for special order products

UNAUTHORIZED ALTERATION OR ADDITION TO ANY
SURVEY DRAWING, DESIGN, SPECIFICATION, PLAN
OR REPORT IS A VIOLATION OF SECTION 7209,
PROVISION 2 OF THE NEW YORK STATE EDUCATION
LAW.

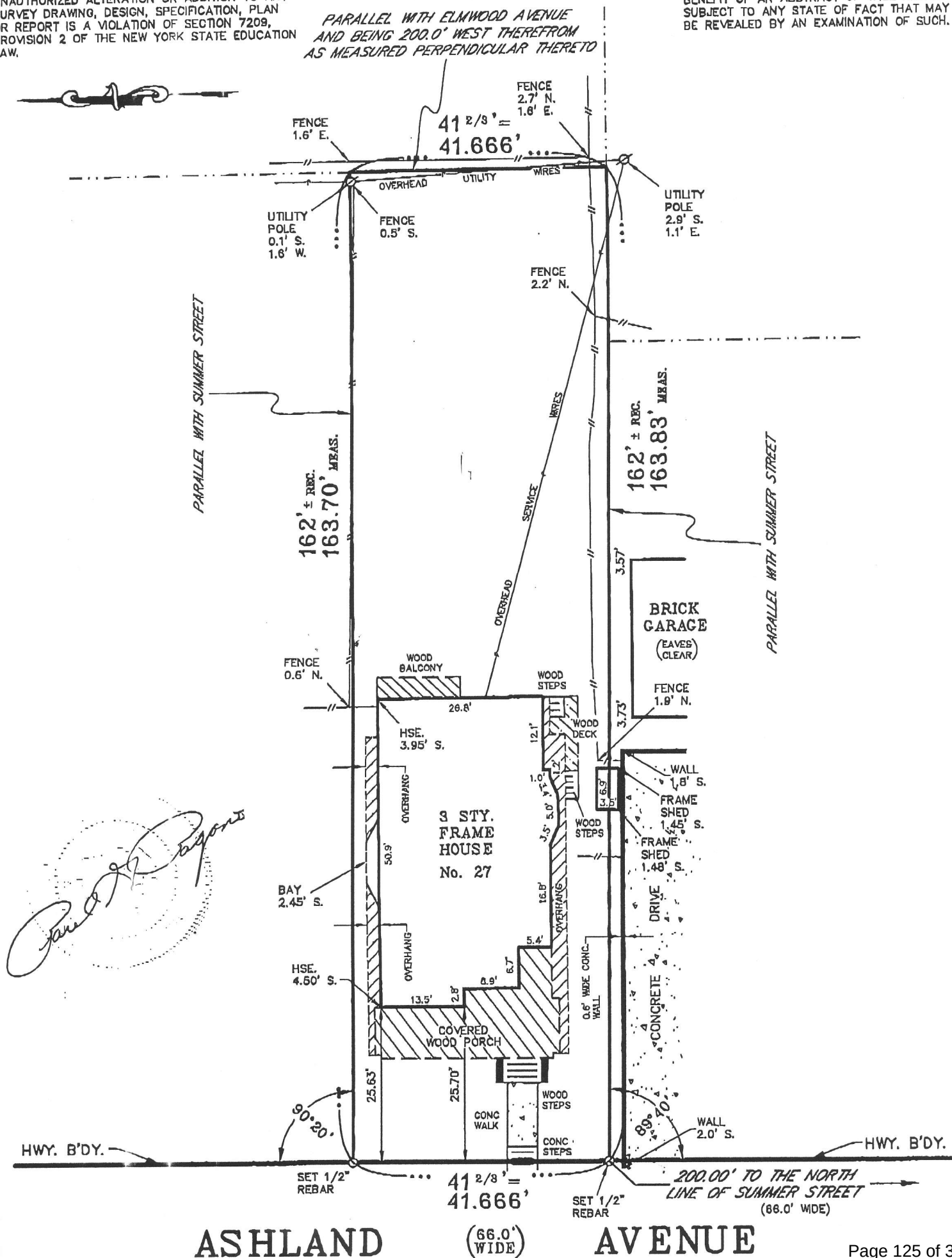
THIS SURVEY WAS PREPARED WITHOUT THE
BENEFIT OF AN ABSTRACT OF TITLE AND IS
SUBJECT TO ANY STATE OF FACT THAT MAY
BE REVEALED BY AN EXAMINATION OF SUCH.



UNAUTHORIZED ALTERATION OR ADDITION TO ANY
SURVEY DRAWING, DESIGN, SPECIFICATION, PLAN
OR REPORT IS A VIOLATION OF SECTION 7209,
PROVISION 2 OF THE NEW YORK STATE EDUCATION
LAW.

PARALLEL WITH ELMWOOD AVENUE
AND BEING 200.0' WEST THEREFROM
AS MEASURED PERPENDICULAR THERETO

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



Rm 913



CITY OF BUFFALO

DEPARTMENT OF PERMIT AND INSPECTION SERVICES

Christopher P. Scanlon, Mayor

NOTICE OF DENIAL

Date of Denial: 7/27/2026

Property Owner Name: GERALD WOZNIAK

Assessed Address: 62 BROWNELL Buffalo, NY 14212
Street Zip Code

Zone: N-4-30

Applicant Name: GERALD WOZNIAK

Applicant Address: 56 BROWNELL BUFFALO NY 14212
Street City State Zip Code

Based on the information provided to the Department of Permit and Inspection Services at the time of registration, a Notice of Denial from the Commissioner of Permit and Inspection Services is hereby given to the applicant for the associated project based on the reasons detailed below.

Application for: AREA

Reason for Denial:

City Code Section	City Code Requirement	Request from Applicant
7.2.2.B.4	fences along interior side yards	
	must not exceed 4ft in height	to allow 6ft.

State of New York)
) ss
 County of Erie)

On the 27 day of JULY in the year 2026 before me, the undersigned, personally appeared Gerald Wozniak personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

[Signature]
 (Notary Public) or (Commissioner of Deeds)

Gerald Wozniak
 Appellant sign here

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

FENDRIVE Information Report

Report Date 7/27/2026

Page 1 of 2

A/P # FEND26-9697727

Application Information

Processed	7/27/2026 11:20:32AM	By	ccurtin
Issued		By	
Final		By	
Type of Work	FENCE	# Plans	0
Priority		# Pages	0
		Declared Valuation	\$5,000.00
		Calculated Valuation	\$0.00
		Actual Valuation	\$0.00

Description of Work

To an existing lot install a 6ft stockade fence along the front and side yards.

work by owner ***ZBA***

Property Information

Address	62 BROWNELL BUFFALO, NY 14212	SBL	1123100006006000
		CENSUS	24.00
Location			

Applicants

Contact ID	12328731	Primary	Y	Name	Gerald Wozniak
Mailing Address	56 Brownell Buffalo, NY 14212				
Day Phone					

Fees	Status	Paid Date	Amount
Application Fee	U		\$25.00
Zoning Board Fee	U		\$150.00

Plan Reviews

Building	N	Electrical	N	Fire	N
Sewer	N	HVAC	N		
Plumbing	N	Elevator	N		



Area Variance Application

City of Buffalo - Office of Strategic Planning

Section 496-11.3.5 of the City Code: An Area Variance is the authorization by the Zoning Board of Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

Procedure

1. If not already completed, register the project with the Department of Permit and Inspection Services (DPIS) in Room 301 City Hall or via the ePermits Electronic Plan Review portal available at the city's website (www.buffalony.gov). During Registration, DPIS staff will provide a Notice of Denial indicating an Area Variance from the Zoning Board of Appeals will be required.
2. Complete the Area Variance Application Form (available online at www.buffalony.gov or in Room 913 City Hall).
3. Attach to this form all requested submittals in the Required Submittals section on page 2 of this application.
4. Send an electronic copy (in PDF format) of the completed Area Variance Application Form with attachments to Room 913 City Hall via either USB flash drive or email/file transfer site to ZoningBoardOfAppeals@buffalony.gov. PDF files must be compressed to the extent practicable and no single file may exceed 10MB. If emailed, you will receive a response email confirming receipt of the application. If no email confirmation occurs, please follow up with the Office of Strategic Planning at (716) 851-4064. If an applicant is unable to provide an electronic copy of the application/attachments, hardcopies may be sent to Room 913 City Hall.
5. Staff will review the Area Variance Application and determine if it is complete.
 - a. **An application is complete if:** All questions on the Area Variance Application Form have been fully answered and sufficient photos and relevant materials have been attached.
 - b. **An application is not complete if:** One or more questions on the Area Variance Application Form have not been answered or if additional relevant photos or relevant materials need to be attached (see Requested Submits list on Page 2). Notice will be provided to the applicant identifying any needed changes.
6. Once the application is determined complete, the applicant will receive a Notice of Complete Application which includes a public hearing date. Until a Notice of Complete Application is issued, the project will not be scheduled for a public hearing regardless of the date the application was submitted by the applicant.
7. At least ten (10) days prior to the scheduled public hearing, all applicants for variances must install a posted notice sign at the project site. An electronic template of this sign is available from Office of Strategic Planning Staff. Requirements and standards for this sign are found in Section 496-11.2.2.C of the City Code. The sign must be removed when the public hearing is closed. **If the sign is not installed the hearing cannot be scheduled.**
8. Attend the public hearing and present the Area Variance Application to the Zoning Board of Appeals. Please be prepared to answer questions related to the variance request.
9. After the public hearing, the Zoning Board of Appeals has up to 62 days to approve, approve with modifications, or deny the application. Once the Zoning Board of Appeals has made a decision, a written notice will be sent to the applicant within 5 business days.

For assistance with the Area Variance Application, please contact the Office of Strategic Planning at (716) 851-4064 or ZoningBoardOfAppeals@buffalony.gov.

Please note: Any information provided with this application will be made public at www.buffalony.gov/meetings

Fee

Pay associated fee of \$150 plus \$25 for each additional variance for one (1) or two (2) unit dwellings.
\$250 plus \$50 for each additional variance for all other applications respective of the above.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Required Submittals

Send an electronic copy (in PDF format) of the completed Area Variance Application Form with attachments (per the requested submittals listed below) to Room 913 City Hall via either USB flash drive or email/file transfer site to ZoningBoardOfAppeals@buffalony.gov. PDF files must be compressed to the extent practicable and no single file may exceed 10MB. If an applicant is unable to provide an electronic copy of the application/attachments, hardcopies may be sent to Room 913 City Hall.

Include the following as appropriate:

1. All Variance Applications

- Photos of the site of the variance request.
- Notice of Denial issued by Department of Permit and Inspection Services.

2. Variance applications for new construction or additions

A. Site Plan

Scale: One (1) inch equals thirty (30) feet or larger scale

- Date of preparation, clear scale, north arrow, and dimensions
- Project boundaries and total area
- Dimensions of lots and property lines
- Existing and proposed site improvements (structures, easements, vehicular and pedestrian access, landscape, established trees, fences or walls, stormwater facilities, lighting, parking and loading facilities, signs)

B. Architectural Elevations (If applicable)

Scale: One (1) inch equals four (4) feet or larger scale

- Date of preparation, clear scale, and dimensions
- Detailed facade materials

3. Variance applications for parking pads

- Sketch of the proposed location with dimensions, on a survey if possible.
- Description of the impacts to landscaping, street trees, and on-street parking.

4. Completed Part 1 of the New York State Environmental Quality Review (SEQR)

Depending on the type of project, a Short Environmental Assessment Form (SEAF) may also be required. Generally, all variance applications, other than area variances for residential projects three (3) units or less, fences, and projects only involving individual setback and lot line variances and adjustments, will have to complete a Part 1 SEAF.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Applicant Information

Property Owner Name(s): GERALD WOZNIAK

Phone Number: _____

Address: 62 BROWNELL ST City: BUFFALO State: NY Zip: 14212

Architect Name(s): _____

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Contractor Name(s): _____

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Property Information

Assessed Address: _____

Area of Parcel (square feet): 100 - 35 Acres: _____

Zone: _____ Zone Overlay (if applicable): _____

Project Description

Current Use: SECURITY

Proposed Use: _____

Briefly Describe the Proposed Project (attach additional information if necessary):

INSTALL 6 FT

IN SIDE YARD



Area Variance Application

City of Buffalo - Office of Strategic Planning

Area Variance Request

No area variance will be granted without showing by you (the applicant) supporting evidence for the following (where applicable). Attach all supporting materials.

A. **Benefit to Applicant.** Describe how the requested variance would benefit the project.

SECURITY & SAFETY

B. **Character of Neighborhood.** Describe whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.

PEOPLE HAVE 6FT FENCE'S ALL OVER

C. **Other Means.** Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance:

A 4 FOOT FENCE WOULD NOT BE
SAFE!

D. **Substantial.** Describe whether or not the requested variance is substantial in nature:

MAYBE IN A DIFFERENT AREA

E. **Physical or Environmental Conditions.** Describe if the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district, including but not limited to traffic circulation, noise, or odor.

I GET ALONG WITH
ALL NEIGHBORS



Area Variance Application

City of Buffalo - Office of Strategic Planning

- F. **Not self-created.** Describe if the alleged difficulty was self-created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance:

NOT CREATED,
STOLING GRILL BOAT BROKE INTO

Disclosure Affidavit

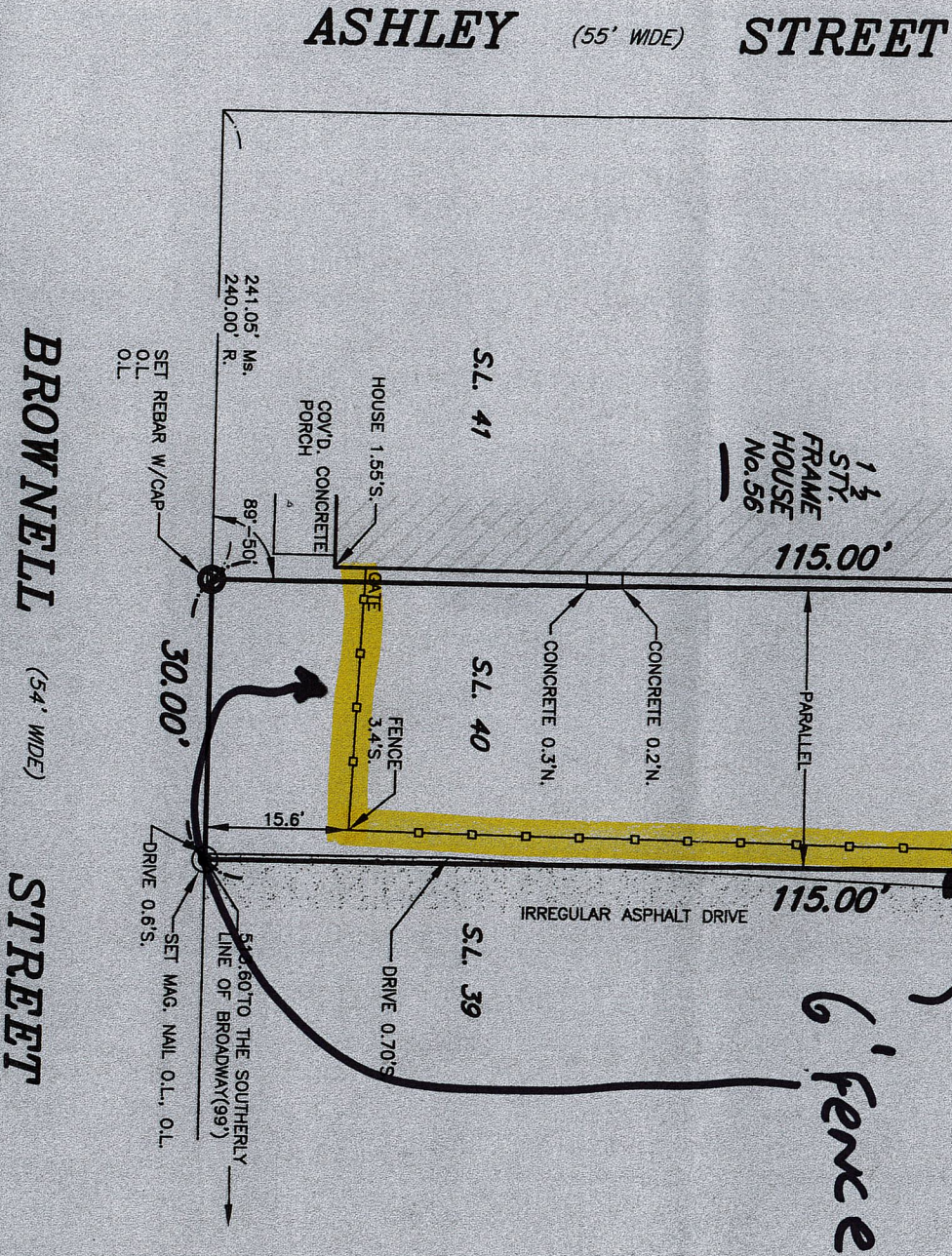
I maintain that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): BERALD WOZNIAK

Date: 7-27-26

Property owner or applicant signature: Merald Wozniak

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



S.L. 40, BLOCK "C" ~ LIBER 394 OF DEEDS, Pg. 212

PART OF L 50 S T 11 R 7 OF THE HOLLAND LAND COMPANY
VILLAGE OF : CITY/TOWN OF : COUNTY OF : STATE OF NEW YORK

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY, DRAWING, DESIGN SPECIFICATION PLAN OR REPORT IS A VIOLATION OF SECTION 1709, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

DATE	REVISION
	DESCRIPTION

KHEOPS
ARCHITECTURE, ENGINEERING
& SURVEY, DPC

392 Pearl Street, Suite 401
Buffalo, New York 14202
P. 716.849.8739
F. 716.856.0981
WWW.KHEOPSPDPC.COM

DRAWN BY GTC SCALE 1"=20' JOB NO. 26NY055.01
CHECKED BY GEM FIELD DATE 7-8-26
CAD FILE#2 BROWNELL-66468 OFFICE DATE 7-9-26

SBL No. 112.31-6-6

BOOK 436 PAGE 58 MAP 66468



CITY OF BUFFALO

DEPARTMENT OF PERMIT AND INSPECTION SERVICES

Christopher P. Scanlon, Mayor

NOTICE OF DENIAL

Date of Denial: 07-27-2026

Property Owner Name: _____

Assessed Address: 35 McCARTHY Buffalo, NY 14211
Street Zip Code

Zone: N-4-50

Applicant Name: Ronda Prophet

Applicant Address: 35 McCarthy Buffalo NY 14211
Street City State Zip Code

Based on the information provided to the Department of Permit and Inspection Services at the time of registration, a Notice of Denial from the Commissioner of Permit and Inspection Services is hereby given to the applicant for the associated project based on the reasons detailed below.

Application for: area variance

Reason for Denial:

City Code Section	City Code Requirement	Request from Applicant
8.3.2.B table 8C	max allowed 12'	to allow 28.15
8.3.3.2	parking not allowed forward	
	of any detached house	to allow

State of New York)
) ss
County of Erie)

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

[Signature]
(Notary Public) or (Commissioner of Deeds)

[Signature]
Appellant sign here

City of Buffalo

65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

FENDRIVE Information Report**Report Date** 7/27/2026

Page 1 of 2

A/P # FEND26-9695819**Application Information****Processed** 7/8/2026 1:40:46PM By TCARTER**Issued** 7/8/2026 12:00:00AM By dclark**Final** By**Type of Work** DRIVEWAY **# Plans** 0 **Declared Valuation** \$20,000.00**Priority** **# Pages** 0 **Calculated Valuation** \$0.00**Actual Valuation** \$0.00**Description of Work**

Remove existing driveway and replace in-kind / install new patio at rear of structure *** will not cross encroachment line*** ***ZBA ***

Property Information**Address** 35 MCCARTHY
BUFFALO, NY 14211**SBL** 1011600001028000**CENSUS** 30.00**Location****Applicants****Contact ID** 11844404 **Primary** N **Name** Robert Tigg**Mailing Address** 35 MCCARTHY DR BUFFALO, NY 14211**Day Phone****Contact ID** 11882871 **Primary** N **Name** Theresa Harris-Tigg**Mailing Address** 35 MCCARTHY DR BUFFALO, NY 14211**Day Phone****Contact ID** 12013924 **Primary** Y **Name** James Smith**Mailing Address** 2078 GENESEE ST BUFFALO, NY 14211**Day Phone** (716)583-2912

Fees	Status	Paid Date	Amount
Application Fee	P	7/8/2026 1:48:04PM	\$25.00
Permit Fee	P	7/8/2026 1:48:04PM	\$25.00
Permit Fee	P	7/27/2026 11:03:04AM	\$25.00
Zoning Board Fee	U		\$175.00



Area Variance Application

City of Buffalo - Office of Strategic Planning

Section 496-11.3.5 of the City Code: An Area Variance is the authorization by the Zoning Board of Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

Procedure

1. If not already completed, register the project with the Department of Permit and Inspection Services (DPIS) in Room 301 City Hall or via the ePermits Electronic Plan Review portal available at the city's website (www.buffalony.gov). During Registration, DPIS staff will provide a Notice of Denial indicating an Area Variance from the Zoning Board of Appeals will be required.
2. Complete the Area Variance Application Form (available online at www.buffalony.gov or in Room 913 City Hall).
3. Attach to this form all requested submittals in the Required Submittals section on page 2 of this application.
4. Send an electronic copy (in PDF format) of the completed Area Variance Application Form with attachments to Room 913 City Hall via either USB flash drive or email/file transfer site to ZoningBoardOfAppeals@buffalony.gov. PDF files must be compressed to the extent practicable and no single file may exceed 10MB. If emailed, you will receive a response email confirming receipt of the application. If no email confirmation occurs, please follow up with the Office of Strategic Planning at (716) 851-4064. If an applicant is unable to provide an electronic copy of the application/attachments, hardcopies may be sent to Room 913 City Hall.
5. Staff will review the Area Variance Application and determine if it is complete.
 - a. **An application is complete if:** All questions on the Area Variance Application Form have been fully answered and sufficient photos and relevant materials have been attached.
 - b. **An application is not complete if:** One or more questions on the Area Variance Application Form have not been answered or if additional relevant photos or relevant materials need to be attached (see Requested Submits list on Page 2). Notice will be provided to the applicant identifying any needed changes.
6. Once the application is determined complete, the applicant will receive a Notice of Complete Application which includes a public hearing date. Until a Notice of Complete Application is issued, the project will not be scheduled for a public hearing regardless of the date the application was submitted by the applicant.
7. At least ten (10) days prior to the scheduled public hearing, all applicants for variances must install a posted notice sign at the project site. An electronic template of this sign is available from Office of Strategic Planning Staff. Requirements and standards for this sign are found in Section 496-11.2.2.C of the City Code. The sign must be removed when the public hearing is closed. **If the sign is not installed the hearing cannot be scheduled.**
8. Attend the public hearing and present the Area Variance Application to the Zoning Board of Appeals. Please be prepared to answer questions related to the variance request.
9. After the public hearing, the Zoning Board of Appeals has up to 62 days to approve, approve with modifications, or deny the application. Once the Zoning Board of Appeals has made a decision, a written notice will be sent to the applicant within 5 business days.

For assistance with the Area Variance Application, please contact the Office of Strategic Planning at (716) 851-4064 or ZoningBoardOfAppeals@buffalony.gov.

Please note: Any information provided with this application will be made public at www.buffalony.gov/meetings

Fee

Pay associated fee of \$150 plus \$25 for each additional variance for one (1) or two (2) unit dwellings.
\$250 plus \$50 for each additional variance for all other applications respective of the above.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Required Submittals

Send an electronic copy (in PDF format) of the completed Area Variance Application Form with attachments (per the requested submittals listed below) to Room 913 City Hall via either USB flash drive or email/file transfer site to ZoningBoardOfAppeals@buffalony.gov. PDF files must be compressed to the extent practicable and no single file may exceed 10MB. If an applicant is unable to provide an electronic copy of the application/attachments, hardcopies may be sent to Room 913 City Hall.

Include the following as appropriate:

1. All Variance Applications

- Photos of the site of the variance request.
- Notice of Denial issued by Department of Permit and Inspection Services.

2. Variance applications for new construction or additions

A. Site Plan

Scale: One (1) inch equals thirty (30) feet or larger scale

- Date of preparation, clear scale, north arrow, and dimensions
- Project boundaries and total area
- Dimensions of lots and property lines
- Existing and proposed site improvements (structures, easements, vehicular and pedestrian access, landscape, established trees, fences or walls, stormwater facilities, lighting, parking and loading facilities, signs)

B. Architectural Elevations (If applicable)

Scale: One (1) inch equals four (4) feet or larger scale

- Date of preparation, clear scale, and dimensions
- Detailed facade materials

3. Variance applications for parking pads

- Sketch of the proposed location with dimensions, on a survey if possible.
- Description of the impacts to landscaping, street trees, and on-street parking.

4. Completed Part 1 of the New York State Environmental Quality Review (SEQR)

Depending on the type of project, a Short Environmental Assessment Form (SEAF) may also be required. Generally, all variance applications, other than area variances for residential projects three (3) units or less, fences, and projects only involving individual setback and lot line variances and adjustments, will have to complete a Part 1 SEAF.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Applicant Information

Property Owner Name(s): Ronda Prophet + Robert A Tiggs III

Phone Number: [REDACTED]

Address: 35 McCarthy Drive City: Buffalo State: NY Zip: 14211

Architect Name(s): _____

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Contractor Name(s): Ground Pro Contracting INC

Phone Number: [REDACTED]

Address: 2078 Genesee St. City: Buffalo State: NY Zip: 14211

Property Information

Assessed Address: 35 McCarthy Dr

Area of Parcel (square feet): _____ Acres: _____

Zone: _____ Zone Overlay (if applicable): _____

Project Description

Current Use: Grass area

Proposed Use: Parking Pad for Landscaping/mowing business trailer

Briefly Describe the Proposed Project (attach additional information if necessary):

Rebuilding extending driveway ~~area~~ width.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Area Variance Request

No area variance will be granted without showing by you (the applicant) supporting evidence for the following (where applicable). Attach all supporting materials.

A. Benefit to Applicant. Describe how the requested variance would benefit the project.

need parking for truck w/ trailer. I have a sister who is disabled who needs special assistance to get into my home.

B. Character of Neighborhood. Describe whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.

NO

C. Other Means. Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance:

NO

D. Substantial. Describe whether or not the requested variance is substantial in nature:

Currently extending 9 feet to abut driveway, is 12 feet I want to extend it only to 21 feet.

E. Physical or Environmental Conditions. Describe if the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district, including but not limited to traffic circulation, noise, or odor.

no only grass will be removed.



Area Variance Application

City of Buffalo - Office of Strategic Planning

- F. **Not self-created.** Describe if the alleged difficulty was self-created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance:

I need to have this completed for husband's truck & trailer to be out of the current driveway.

Disclosure Affidavit

I maintain that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): Ronda Prophet

Date: 27 JUL 26

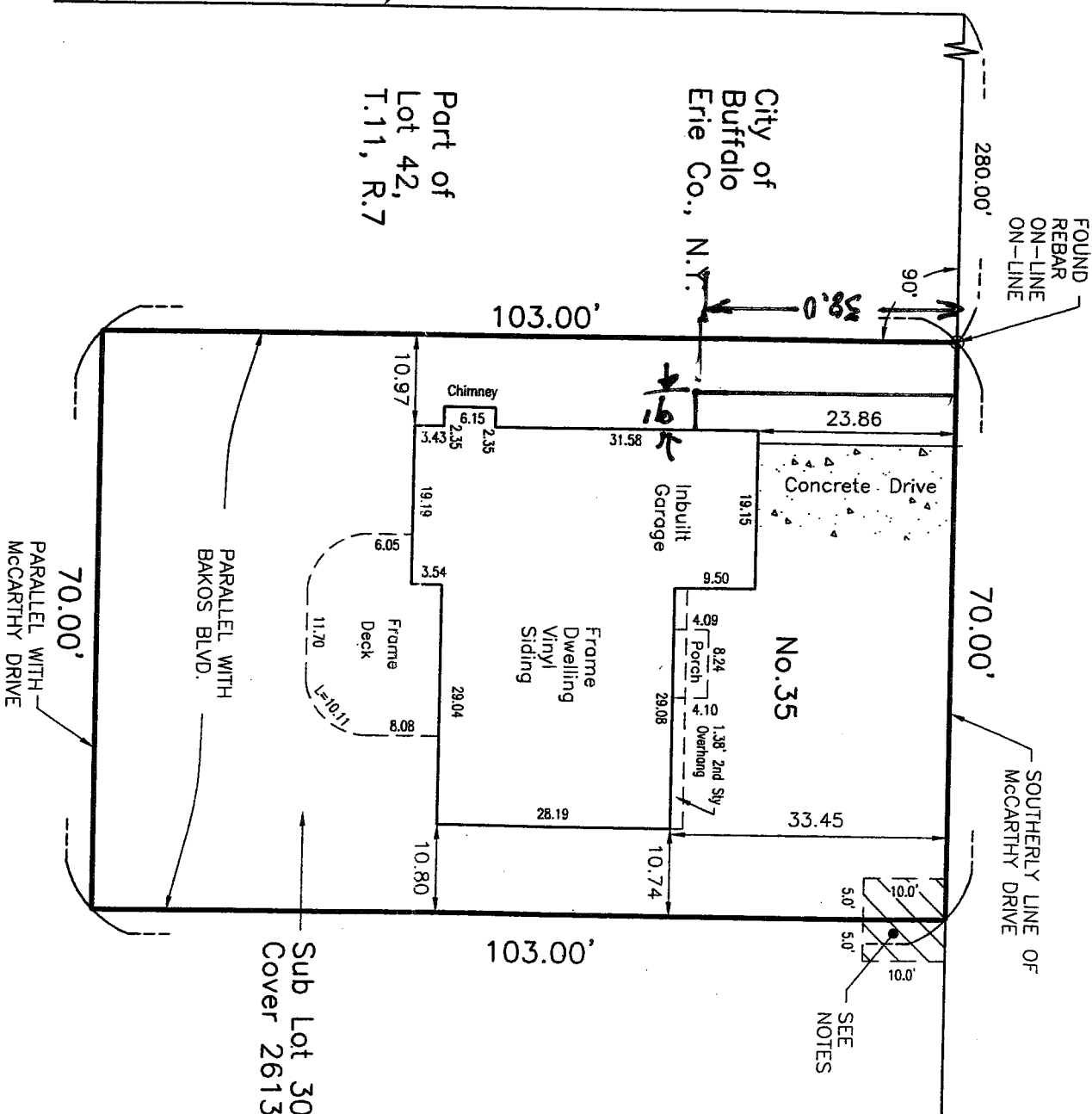
Property owner or applicant signature: *[Signature]*

MCCARTHY DRIVE

(66' Wide)

BAKOS (60' Wide) BLVD.

EASTERLY LINE OF BAKOS BOULEVARD



- NOTES:
1. EASEMENT TO N.Y. TEL. CO., NATIONAL FUEL GAS DIST. CORP. & NIAGARA MOHAWK POWER CORP. IN L-8122, P-801.
 2. EASEMENT TO CITY OF BUFFALO IN L-8122, P-317 DOES NOT AFFECT PREMISES.

SURVEY
made for
VINAL & VINAL, Attorneys
335 LeBrun Road
Amherst, N.Y.
Job No. 84548

May 05, 2004
Scale-1"=20'

MARK A. FENTER - Professional Licensed Surveyor No. 49810
5355 Main Street, Williamsville, N.Y. 14221, Phone (716) 831-1515, Fax 631-1085

Successor to the Records of C.E. Hartke
& J.W. Darling, Established Since 1923



CITY OF BUFFALO- PERMIT APPLICATION

65 NIAGARA SQUARE CITY HALL ROOM 301 BUFFALO, NY 14202
PHONE (716)851-4926 FAX (716)851-5043

WORK BY OWNER PERMIT AFFIDAVIT

X Ronda Prophet, residing at X 35 McCarthy Drive Buffalo NY 14211
(Owner/Authorized Agent). (Street #) (City, Town or Village) (State) (Zip Code)

Am the Owner or Agent, acting on behalf of and with consent of the Owner, to apply for a Permit for work to be performed at X SAME, in the City of Buffalo, being duly sworn on oath, depose and state as follows:

- I. I AM THE LEGAL OWNER OF SAID PREMISE OR I AM THE AUTHORIZED AGENT ACTING ON BEHALF AND WITH THE CONSENT OF SAID OWNER.
- II. ALL WORK TO BE PERFORMED AT SAID PREMISE WILL BE FULLY DISCLOSED IN SAID PERMIT APPLICATION.
- III. THE FULL MONETARY VALUE FOR WORK PERFORMED IS BEING FULLY DISCLOSED.
- IV. ALL WORK WILL BE PERFORMED SOLEY BY THE OWNER OF SAID PREMISE AND THERE ARE NO CONTRACTORS AND/OR THERE IS NO TYPE OF COMPENSATION BEING PAID TO ANYONE FOR ANY OF THE WORK BEING PERFORMED.

X Ronda Prophet
(Signature of Owner/Authorized Agent)

STATE OF NEW YORK
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

Subscribed and sworn to before me this _____ Day of _____,

(Commissioner of Deeds/Notary Public)

Photocopy of Legal ID



CITY OF BUFFALO

DEPARTMENT OF PERMIT AND INSPECTION SERVICES

Christopher P. Scanlon, Mayor

NOTICE OF DENIAL

Date of Denial: 7/9/2026NY

Property Owner Name: JOSHUA BRENNER

Assessed Address: 36 TENNYSON

Street

Buffalo, NY 14216

Zip Code

Zone: N-3R

Applicant Name: JOSHUA BRENNER

Applicant Address: 36 TENNYSON

Street

BUFFALO

City

NY

State

14216

Zip Code

Based on the information provided to the Department of Permit and Inspection Services at the time of registration, a Notice of Denial from the Commissioner of Permit and Inspection Services is hereby given to the applicant for the associated project based on the reasons detailed below.

Application for:

AREA

Reason for Denial:

City Code Section	City Code Requirement	Request from Applicant
7.2.2.B.5	Fences along the rear of the property	
	must not exceed 6ft in height	to allow 8ft

State of New York)

County of Erie)

) ss

On the 24th day of July in the year 2026 before me, the undersigned, personally appeared Joshua Brenner personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Anisha Marie Rodriguez
(Notary Public) or (Commissioner of Deeds)

Joshua Brenner
Appellant sign here

ANISHA MARIE RODRIGUEZ
Notary Public - State of New York

No. 01RO0034695

Revised August 9, 2017

Qualified in Erie County
My Commission Expires Mar. 11, 2029



Area Variance Application

City of Buffalo - Office of Strategic Planning

Section 496-11.3.5 of the City Code: An Area Variance is the authorization by the Zoning Board of Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

Procedure

1. If not already completed, register the project with the Department of Permit and Inspection Services (DPIS) in Room 301 City Hall or via the ePermits Electronic Plan Review portal available at the city's website (www.buffalony.gov). During Registration, DPIS staff will provide a Notice of Denial indicating an Area Variance from the Zoning Board of Appeals will be required.
2. Complete the Area Variance Application Form (available online at www.buffalony.gov or in Room 913 City Hall).
3. Attach to this form all requested submittals in the Required Submittals section on page 2 of this application.
4. Send an electronic copy (in PDF format) of the completed Area Variance Application Form with attachments to Room 913 City Hall via either USB flash drive or email/file transfer site to ZoningBoardOfAppeals@buffalony.gov. PDF files must be compressed to the extent practicable and no single file may exceed 10MB. If emailed, you will receive a response email confirming receipt of the application. If no email confirmation occurs, please follow up with the Office of Strategic Planning at (716) 851-4064. If an applicant is unable to provide an electronic copy of the application/attachments, hardcopies may be sent to Room 913 City Hall.
5. Staff will review the Area Variance Application and determine if it is complete.
 - a. **An application is complete if:** All questions on the Area Variance Application Form have been fully answered and sufficient photos and relevant materials have been attached.
 - b. **An application is not complete if:** One or more questions on the Area Variance Application Form have not been answered or if additional relevant photos or relevant materials need to be attached (see Requested Submits list on Page 2). Notice will be provided to the applicant identifying any needed changes.
6. Once the application is determined complete, the applicant will receive a Notice of Complete Application which includes a public hearing date. Until a Notice of Complete Application is issued, the project will not be scheduled for a public hearing regardless of the date the application was submitted by the applicant.
7. At least ten (10) days prior to the scheduled public hearing, all applicants for variances must install a posted notice sign at the project site. An electronic template of this sign is available from Office of Strategic Planning Staff. Requirements and standards for this sign are found in Section 496-11.2.2.C of the City Code. The sign must be removed when the public hearing is closed. **If the sign is not installed the hearing cannot be scheduled.**
8. Attend the public hearing and present the Area Variance Application to the Zoning Board of Appeals. Please be prepared to answer questions related to the variance request.
9. After the public hearing, the Zoning Board of Appeals has up to 62 days to approve, approve with modifications, or deny the application. Once the Zoning Board of Appeals has made a decision, a written notice will be sent to the applicant within 5 business days.

For assistance with the Area Variance Application, please contact the Office of Strategic Planning at (716) 851-4064 or ZoningBoardOfAppeals@buffalony.gov.

Please note: Any information provided with this application will be made public at www.buffalony.gov/meetings

Fee

Pay associated fee of \$150 plus \$25 for each additional variance for one (1) or two (2) unit dwellings.
\$250 plus \$50 for each additional variance for all other applications respective of the above.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Required Submittals

Send an electronic copy (in PDF format) of the completed Area Variance Application Form with attachments (per the requested submittals listed below) to Room 913 City Hall via either USB flash drive or email/file transfer site to ZoningBoardOfAppeals@buffalony.gov. PDF files must be compressed to the extent practicable and no single file may exceed 10MB. If an applicant is unable to provide an electronic copy of the application/attachments, hardcopies may be sent to Room 913 City Hall.

Include the following as appropriate:

1. All Variance Applications

- Photos of the site of the variance request.
- Notice of Denial issued by Department of Permit and Inspection Services.

2. Variance applications for new construction or additions

A. Site Plan

Scale: One (1) inch equals thirty (30) feet or larger scale

- Date of preparation, clear scale, north arrow, and dimensions
- Project boundaries and total area
- Dimensions of lots and property lines
- Existing and proposed site improvements (structures, easements, vehicular and pedestrian access, landscape, established trees, fences or walls, stormwater facilities, lighting, parking and loading facilities, signs)

B. Architectural Elevations (If applicable)

Scale: One (1) inch equals four (4) feet or larger scale

- Date of preparation, clear scale, and dimensions
- Detailed facade materials

3. Variance applications for parking pads

- Sketch of the proposed location with dimensions, on a survey if possible.
- Description of the impacts to landscaping, street trees, and on-street parking.

4. Completed Part 1 of the New York State Environmental Quality Review (SEQR)

Depending on the type of project, a Short Environmental Assessment Form (SEAF) may also be required. Generally, all variance applications, other than area variances for residential projects three (3) units or less, fences, and projects only involving individual setback and lot line variances and adjustments, will have to complete a Part 1 SEAF.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Applicant Information

Property Owner Name(s): Joshua Brenner

Address: _____ City: _____ State: _____ Zip: _____

Address: 36 Tennyson Ave City: Buffalo State: Ny Zip: 14216

Contractor Name(s): Sadler Fence and Sons LLC

Address: 128 E Felton St, North Tonawanda, NY 14120 City: _____ State: _____ Zip: _____

Property Information

Assessed Address: 36 Tennyson Ave, Buffalo, NY 14216

Area of Parcel (square feet): _____ Acres: _____

Zone: _____ Zone Overlay (if applicable): _____

Project Description

Current Use: Residential - single-family dwelling

Proposed Use: Residential - single-family dwelling (no change in use)

Briefly Describe the Proposed Project (attach additional information if necessary):

Applicant proposes to install an 8-foot-tall fence along the rear property line, which abuts a commercial property (Mighty Taco on Delaware Ave). Buffalo Green Code Sec. 7.2.2.B.5 limits rear-yard fences to a maximum height of 6 feet. Applicant requests a 2-foot area variance to permit an 8-foot fence, constructed of a permanent code-compliant material, to provide privacy and a buffer from noise, lighting, and activity generated by the adjoining commercial use.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Area Variance Request

No area variance will be granted without showing by you (the applicant) supporting evidence for the following (where applicable). Attach all supporting materials.

A. Benefit to Applicant. Describe how the requested variance would benefit the project.

The variance allows a taller fence that shields the rear yard from the noise, lighting, odors, and activity of the adjoining commercial use (Mighty Taco). A standard 6-foot fence would not provide adequate visual or acoustic separation given the intensity of that adjacent use, so the additional 2 feet directly benefits the applicant's use and enjoyment of the property.

B. Character of Neighborhood. Describe whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.

No undesirable change to the neighborhood character is anticipated. The fence sits along the rear property line, is not visible from the street, and will be built of a permanent, code-compliant material consistent with residential fencing in the area. It faces a commercial property, not a residential neighbor, so no detriment to nearby residential properties will result.

C. Other Means. Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance:

Other means, such as landscaping or a lower fence, were considered but would not adequately block the sightlines, noise, and lighting from the commercial use next door. A taller, solid fence is the most practical and immediate way to achieve the needed buffer without relying on plantings that take years to mature and still would not fully screen year-round.

D. Substantial. Describe whether or not the requested variance is substantial in nature:

The requested variance is modest in scale, a 2-foot increase over the 6-foot maximum, or about 33 percent. It applies only to the rear yard fence line and does not affect setbacks, lot coverage, or any other dimensional requirement, so it is not substantial relative to the code standard or the surrounding context.

E. Physical or Environmental Conditions. Describe if the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district, including but not limited to traffic circulation, noise, or odor.

No adverse impact on traffic circulation, noise, or odor is expected. The fence itself will help reduce, not increase, the noise and light spillover reaching the property from the adjacent commercial use. It does not affect parking, access, or circulation on either property.



Area Variance Application

City of Buffalo - Office of Strategic Planning

F. Not self-created. Describe if the alleged difficulty was self-created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance:

The difficulty is not self-created. It results from the property's location next to a commercial use (Mighty Taco), not from any action taken by the applicant. The applicant is simply seeking a reasonable buffer from an existing adjacent commercial operation.

Disclosure Affidavit

I maintain that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): Joshua Brenner Date: 7/28/2026

Property owner or applicant signature: Joshua Brenner

Colin Sadler
Managing Member
128 East Felton Street
North Tonawanda, NY 14120

Sadler Fence and Sons LLC.

☒ Estimate/Quote ☐ Final Contract

Phone: [REDACTED]
Email: [REDACTED]
Web: www.sadlerfence.com

Name: Josh Rohan

Address: 36 Tennyson

City: Buffalo

Cross Streets: Hertel Ave

Zip: 14216

County: Eric

Date: 7/6/26

Text OK: Yes

Email:

Phone: [REDACTED]

New ☐ Repair ☐ Wood ☒ Vinyl ☐ Chain Link ☐ Aluminum ☐ Custom ☐

Underground: ☐ exp. ☐

Fence Installation:

Footage: 36 Ft

Height: 8 Ft

Material: Wood

Color: Natural PT

Post /Cap Style: Flat

Post Height: Below Picket Top

Picket Style: Dog Ear

Panel Style/Spacing: Privacy

Solid or Spaced—Picket Spacing: Solid

Rails In/Out: In

Type of nails: Hot Dipped Ring

Tension wire: Shank Galv.

Core-drilling: -

Gates: -

Hardware: -

Drop rods: -

Pool Code?: -

Run Level or To Grade: Level

Average height off of ground: 2"

Minimum height off of ground: 1"

Max. height off of ground: 3"

Location for dirt: Spread

Spread under?: Yes

Obstructions: -

Tear Down: Yes

Type: wood

Haul Away: Yes

Survey: Yes

Permit:

Start Date: October

Customer To Do list: Variance

Job Description

Wright Taco

Derry, L-1

Shed

House

Water:

Electric:

Bring:

Material List:

Total: 2,840

Deposit: 1,420

Balance Due on
Completion: 1,420

Utility Protection Purchased

Yes ☐ No ☒

Terms and Conditions are found on the back of this document. Please read and understand this entire document before signing below. A signature below signifies a legally-binding contract. Please Pay foreman upon job completion. If payment is not made within 30 days of job completion, a 1.5% per month (18% per year) interest rate will apply to remaining balance.

Dirt /Spoils remain on site next to each post. We can refer you to a professional landscaper for dirt removal or cleanup.

Owner:

Date:

Sold by:

Date:

Accepted by Sadler Fence and Sons LLC:

Date:

Cash and checks are accepted. Credit Cards are not accepted at this time. Please make checks payable to Sadler Fence and Sons LLC.

City of Buffalo

65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

FENDRIVE Information Report**Report Date** 7/9/2026

Page 1 of 2

A/P # FEND26-9695832**Application Information****Processed** 7/8/2026 4:02:14PM By WEB**Issued** By**Final** By**Type of Work** FENCE **# Plans** 1 **Declared Valuation** \$2,840.00**Priority** **# Pages** 0 **Calculated Valuation** \$0.00**Actual Valuation** \$0.00**Description of Work**

Applicant proposes to install an 8-foot-tall fence along the rear property line, which abuts a commercial property (Mighty Taco on Delaware Ave). Buffalo Green Code Sec. 7.2.2.B.5 limits rear-yard fences to a maximum height of 6 feet. Applicant requests a 2-foot area variance to permit an 8-foot fence, constructed of a permanent code-compliant material, to provide privacy and a buffer from noise, lighting, and activity generated by the adjoining commercial use.

ZBA

Property Information**Address** 36 TENNYSON
BUFFALO, NY 14216 **SBL** 0786300002016000**CENSUS** 50.00**Location** 36 Tennyson along the rear property line, which abuts a commercial property (Mighty Taco on Delaware Ave). Applicant requests a 2-foot area variance to permit an 8-foot fence, constructed of a permanent**Applicants****Contact ID** 12381637 **Primary** Y **Name** Joshua Brenner**Mailing Address** 36 Tennyson Ave Buffalo, NY 14216**Day Phone**

Fees	Status	Paid Date	Amount
Application Fee	U		\$25.00
Zoning Board Fee	U		\$150.00

Plan Reviews

Building	N	Electrical	N	Fire	N
Sewer	N	HVAC	N		
Plumbing	N	Elevator	N		

City of Buffalo

65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

FENDRIVE Information Report**Report Date** 7/9/2026

Page 2 of 2

Prior Approvals

Address	N	Common Council	N	Restricted Use	N
Asbestos	N	Curb Cut	N	S.E.Q.R.A.	N
Assessment	N	Encroach	N	Thruway	N
City Wide	N	Human Services	N	Trees	N



CITY OF BUFFALO

DEPARTMENT OF PERMIT AND INSPECTION SERVICES

Christopher P. Scanlon, Mayor

NOTICE OF DENIAL

Date of Denial: 7/7/2026

Property Owner Name: MOHAMMED RASHID

Assessed Address: 38 BRINKMAN Buffalo, NY 14211
Street Zip Code

Zone: N-3R

Applicant Name: MOHAMMED RASHID

Applicant Address: 55 BLAKE BUFFALO NY 14211
Street City State Zip Code

Based on the information provided to the Department of Permit and Inspection Services at the time of registration, a Notice of Denial from the Commissioner of Permit and Inspection Services is hereby given to the applicant for the associated project based on the reasons detailed below.

Application for: USE

Reason for Denial:

City Code Section	City Code Requirement	Request from Applicant
TABLE 6A	NO RETAIL/SERVICE GENERAL	
	ALLOWED IN A N3R ZONE	TO ALLOW RETAIL/SERVICE GENERAL
		IN FRONT 2 ROWS OF A 2 DWELLING
		UNIT HOME.

State of New York)
) ss
 County of Erie)

On the 7 day of JULY in the year 2026 before me, the undersigned, personally appeared MOHAMMED RASHID personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(Notary Public) or (Commissioner of Deeds)

Appellant sign here

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

Rm 913

USE Information Report

Report Date 7/7/2026

Page 1 of 2

A/P # USE26-9695682

Application Information

Processed 7/7/2026 9:44:48AM By ccurtin

Issued By

Final By

Type of Work # Plans 0 **Declared Valuation** \$0.00

Priority # Pages 0 **Calculated Valuation** \$0.00

Actual Valuation \$0.00

Description of Work

Change of Use To an existing 2 story 2 family dwelling, use the front portion {2rooms} on the first floor dwelling as a "Retail and Service" / library.

ZBA ***Plans required***

Property Information

Address 38 BRINKMAN
BUFFALO, NY 14211

SBL 1017300001012000

CENSUS 28.02

Location

Applicants

Contact ID 12264949 **Primary** N **Name** Harunur Corporation

Mailing Address 55 Blake St lower Buffalo, NY 14211

Day Phone

Contact ID 12444224 **Primary** Y **Name** MOHAMMED RASHID

Mailing Address 55 BLAKE ST BUFFALO, NY 14211

Day Phone

Fees	Status	Paid Date	Amount
Application Fee	U		\$25.00
Zoning Board Fee	U		\$150.00

Plan Reviews

City of Buffalo

65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

USE Information Report**Report Date** 7/7/2026

Page 2 of 2

Building	Y	Electrical	Y	Fire	Y
Sewer	N	HVAC	N		
Plumbing	Y	Elevator	N		

Prior Approvals

Address	Common Council	Restricted Use
Asbestos	Curb Cut	S.E.Q.R.A.
Assessment	Encroach	Thruway
City Wide	Human Services	Trees

Notice of Denial is missing



Use Variance Application

City of Buffalo - Office of Strategic Planning

Applicant Information

Property Owner Name(s): Harunur Corporation

Phone Number: [REDACTED] Email: [REDACTED]

Address: 55 Blake Street City: Buffalo State: NY Zip: 14211

Architect Name(s): _____

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Contractor Name(s): _____

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Property Information

Assessed Address: 38 Brinkman Ave, Lower Apt, Buffalo NY 14211

Area of Parcel (square feet): 400sf Acres: _____

Zone: Residential Zone Overlay (if applicable): _____

Project Description

Current Use: Library, on call by appointment only sale

Proposed Use: Library, on call by appointment only sale

Briefly Describe the Proposed Project (attach additional information if necessary):
this is library or storage. 1 or 2 people comes a day. no foot traffic in the area.

Disclosure Affidavit

I affirm that the information provided above is true and accurate to the best of my knowledge.

Property owner or applicant name (print): Harunur Corporation Date: 2/15/24

Property owner or applicant signature: [Signature]



Use Variance Application

City of Buffalo - Office of Strategic Planning

Use Variance Request

No use variance will be granted without showing by you (the applicant) that applicable zoning regulations and restrictions have caused unnecessary hardship. The following tests must be met for each and every use allowed by zoning on the property, including uses allowed by special use permit. Below please briefly describe how each of the four variance tests are met. Attach all supporting materials.

A. Description of Hardship. Provide evidence the applicant cannot realize a reasonable return demonstrated by competent financial evidence:

Variance for bookstore. Residential property 38 Brinkman Ave, Buffalo NY 14211
lower apt. use for commercial bookstore. continue will sale by phone appointment.

Address: _____ City: _____ State: _____ Zip: _____
Contractor Name(s): _____

B. Unique Circumstances. Describe how the alleged hardship related to the property in question is unique and does not apply to a substantial portion of the zone or neighborhood:
this book storage only sale by phone

Property Information: _____
38 Brinkman Ave Lower Apt, Buffalo NY 14211

C. Character of Neighborhood. Describe how the proposed use would not alter the essential character of the neighborhood:
no change

Project Description: _____
Current Use: Library, on call by appointment only sale
Proposed Use: Library, on call by appointment only sale

D. Not self-created. Describe how the alleged hardship is not self-created:
I am doing for community

Disclosure Affidavit

I affirm that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): MOHAMMED RASHID

Date: 8/16/20

Property owner or applicant signature: Mohammed Rashid

MASJID BAITUL AMAN
Buffalo Islamic Cultural Center Inc. (BICC)

637 Walden Ave, Buffalo, NY 14211

Phone: [REDACTED]

Date: 08/06/2026

To Whom It May Concern

This letter is to certify that Mr. Mohammed H. Rashid, owner of Buffalo Islamic Book Service, located at 38 Brinkman Avenue, Buffalo, NY 14211, is an active member of Buffalo Islamic Cultural Center (Masjid Baitul Aman).

As the Imam of our mosque, I have known Mr. Rashid to be a dedicated member of our congregation who has consistently supported the religious and educational needs of our community. Through Buffalo Islamic Book Service, he makes Islamic books and educational materials available to our members and to the wider community. His business operates online and by appointment only.

Based on my knowledge of Mr. Rashid and his involvement with our community, I am pleased to confirm his association with our mosque and his ongoing efforts to serve the educational needs of Muslims in the Buffalo area.

Should you require any additional information or verification, please do not hesitate to contact me at the phone number below.

Sincerely,

ASM Sirajul Islam 08/06/2026

ASM Sirajul Islam
Imam
Buffalo Islamic Cultural Center
Masjid Baitul Aman
Phone: [REDACTED]

**Buffalo Islamic Cultural
Center Inc. (BICC)**

637 Walden Ave,
Buffalo, NY 14211
[REDACTED]

MASJID BAITUL AMAN
Buffalo Islamic Cultural Center Inc. (BICC)

637 Walden Ave, Buffalo, NY 14211

Phone: [REDACTED]

Date: 08/06/2026

To Whom It May Concern

This letter is to certify that Mr. Mohammed H. Rashid, owner of Buffalo Islamic Book Service, located at 38 Brinkman Avenue, Buffalo, NY 14211, is a valued member of Buffalo Islamic Cultural Center (Masjid Baitul Aman).

As President of Buffalo Islamic Cultural Center, I am pleased to confirm that Mr. Rashid is an active member of our mosque and contributes to the needs of our community through his business. Buffalo Islamic Book Service provides Islamic books and educational resources to our congregation and the wider community. The business operates online and by appointment only.

We appreciate Mr. Rashid's commitment to serving the educational needs of our community and are pleased to confirm his association with Buffalo Islamic Cultural Center.

Should you require any additional information or verification, please do not hesitate to contact me at the phone number below.

Sincerely,

Gias Uddin 08.10.26

Gias Uddin
President
Buffalo Islamic Cultural Center
Masjid Baitul Aman
Phone: [REDACTED]

**Buffalo Islamic Cultural
Center Inc. (BICC)**

637 Walden Ave,
Buffalo, NY 14211
[REDACTED]

Financial evidence variance

38 Brinkman ave,
Buffalo NY 14211

Sub: Sale on call or online library, "Buffalo Islamic book Service Inc."

No foot traffic.

House: Double family. library in lower apartment. House market value around 150K

Structure: Wood structure

Library Size: 400sf

Library Rent: \$250.00 around

Note: library is already there. Since 2023

Architect: unknown

Engineer: unknown

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Mohammed Rashid			
Name of Action or Project:			
Library			
Project Location (describe, and attach a location map):			
38 Brinkman Ave, lower apt, Buffalo NY 14211			
Brief Description of Proposed Action:			
this is the library for community service. it's only on call by appointment service. No foot traffic. running around two years now.			
Name of Applicant or Sponsor:			
Mohammed Rashid			
Address:			
55 Blake Street			
City/PO:		State:	Zip Code:
Buffalo		NY	14211
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If No, continue to question 2.			☒ ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO YES
If Yes, list agency(s) name and permit or approval:			☒ ☐
3. a. Total acreage of the site of the proposed action?		0.009183 acres	
b. Total acreage to be physically disturbed?		0.009183 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.009183 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☒	☐	☐
b. Consistent with the adopted comprehensive plan?	☒	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☒	☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify:	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:	☒	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water:	☒	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment:	☒	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:	☒	☐	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☒	YES ☐
16. Is the project site located in the 100-year or 500-year flood plain?	NO ☒	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO ☒	YES ☐
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☒	☐
If Yes, briefly describe:		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO ☒	YES ☐
If Yes, explain the purpose and size of the impoundment:		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO ☒	YES ☐
If Yes, describe:		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO ☒	YES ☐
If Yes, describe:		
21. Is the project located within, or within 1/2 mile of, a disadvantaged community?	NO ☒	YES ☐
If No, could impacts from the project affect a disadvantaged community?	☒	☐
If Yes to either question in 21, answer the following question.		
a. Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management):		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Mohammed Rashid</u> Date: <u>8/16/2026</u> Signature: <u><i>Mohammed Rashid</i></u> Title: <u>Owner</u>		

SEQRA Notice of Determination

Non Significance

Negative Declaration

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (SEQR – State Environmental Quality Review) of the Environmental Conservation Law.

Lead Agency: City of Buffalo, Zoning Board of Appeals
912 City Hall
65 Niagara Square
Buffalo, NY 14202

As per the provision of SEQR, the Lead Agency has reviewed the following action as it relates to the environment:

Action Title: Buffalo Islamic Book Service

Location: 38 Brinkman Avenue, Buffalo, NY

Type of Action: Unlisted – Uncoordinated

Description: The Action involves a use variance for the continued use of an existing bookstore in an existing multi-unit residential property at 38 Brinkman Avenue.

As a Result of this Environmental Review: The Lead Agency has determined the undertaking of this action will not have a significant adverse effect on the quality of the environment. No further environmental review will be conducted prior to implementation of the action and a Draft Environmental Impact Statement will not be prepared.

Reasons Supporting This Determination: Potential environmental impacts associated with the action were identified in the Environmental Assessment Form to assess potential adverse environmental impacts compared to the criteria for determining significance identified in 6 NYCRR §617.7(c)(1) and in accordance with §617.7 (c)(2)(3). The potential impacts are not significant.

Impacts on Land

The project will not have any significant adverse environmental impacts on land as the site is currently developed. No significant adverse environmental impacts are anticipated.

Impacts on Air Quality

The project will not have a significant impact on air and would not require an air permit. No significant adverse environmental impacts are anticipated.

Impacts on Surface Water

The project will not have a significant adverse impact on ground or surface water quality or quantity and will not result in any significant adverse impacts on surface water or groundwater quality or quantity. No significant adverse environmental impacts are anticipated.

Impacts on Transportation

The proposed action will not have a substantial adverse change in existing traffic levels or roadway/intersections levels of service. The project is located in a developed urban area and road capacity is adequate to accommodate any increase in

traffic generated by the project. The project is also served by public transportation in the form of bus service within the immediate project area. No significant adverse environmental impacts are anticipated.

Impacts on Noise, Odor and Light

The proposed action will not have a substantial adverse change on noise levels. The proposed use is similar to the existing character of the area which consists of commercial, institutional, residential and mixed uses in an urban environment.

The proposed action will not have a substantial increase in solid waste production. Any waste from the site will be disposed of in accordance with local and state regulations.

The proposed action will utilize code compliant lighting where applicable and will adhere to all applicable codes so there are no impacts on adjacent properties.

No significant adverse environmental impacts are anticipated.

Impacts on Flooding

The proposed action is not located within a 100-year floodplain and therefore will not have any significant adverse environmental impacts on flooding.

Impacts on Flora and Fauna

The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; substantially interfere with the movement of any resident or migratory fish or wildlife species; impact on a significant habitat area; impact a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.

Impacts on a Critical Environmental Areas

The proposed action is located in an urban area and is not within or adjacent to a Critical Environmental Area and will therefore, not impair the environmental characteristics of a Critical Environmental Area.

Consistency with Community Plans and Character

The proposed action is generally consistent with the community's current plans and goals, including commercial uses in existing buildings in the project area, and is overall consistent with the existing community and neighborhood character. The applicant is requesting a use variance to allow for the continued operation of a bookstore in the lower unit of an existing multi-unit residential building. Although the proposed project is generally consistent with the existing pattern of development in the project area, the requested variance is inconsistent with community plans, specifically the zoning code. The requested use variance is a moderate adverse environmental impact, as it is not an allowed use in the zoning district, although there are commercial uses in mixed-use buildings in the project area and allowing the existing bookstore to continue operations would therefore not be a significant adverse environmental impact.

Impacts on Historic and Archeological Resources

The project will not significantly impact the character and quality of a historic resource as it involves the operation of an existing business in an existing multi-unit residential building. No significant adverse environmental impacts are anticipated.

The project will not impact the character and quality of an archeological resource. There are no known and/or identified significant cultural resources on site or adjacent to the property and no ground disturbance will occur as the site is currently developed. No significant adverse environmental impacts are anticipated.

Impacts on Energy

The project will not result in a major change in the quantity or type of energy used. No significant adverse environmental impacts are anticipated.

Impacts on Human Health

The project will not create a hazard to human health. The proposed action does not involve hazardous materials and/or operations. No significant adverse environmental impacts are anticipated.

Impacts on Aesthetic Resources

The project will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. No significant adverse environmental impacts are anticipated.

Additional Considerations

The project will not encourage or attract a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

The project will not create a material demand for other actions that would result in one of the above consequences.

The project will not involve changes in two or more elements of the environment, no one of which has a significant adverse impact on the environment, but when considered together result in a substantial adverse impact on the environment.

The project does not include two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCCR 617.7(c)(1).

For further information relative to this Negative Declaration, contact Mr. John Fell, AICP, Principal Planner, Room 920 City Hall, Buffalo, New York 14202, (716) 851-4533.

Dated: September 16, 2026

CC: Applicants



CITY OF BUFFALO

DEPARTMENT OF PERMIT AND INSPECTION SERVICES

Christopher P. Scanlon, Mayor

NOTICE OF DENIAL

Date of Denial: 07-27-2026

Property Owner Name: JoAnn Dixon

Assessed Address: 41 Ada Place Buffalo, NY 14208
Street *Zip Code*

Zone: N-3R

Applicant Name: JoAnn Dixon

Applicant Address: 3 Harlow Pl Buffalo NY 14208
Street *City* *State* *Zip Code*

Based on the information provided to the Department of Permit and Inspection Services at the time of registration, a Notice of Denial from the Commissioner of Permit and Inspection Services is hereby given to the applicant for the associated project based on the reasons detailed below.

Application for: AREA VARIANCES

Reason for Denial:

City Code Section	City Code Requirement	Request from Applicant
8.3.3.2.B table 8C	12' MAX	TO ALLOW 18'
8.3.3.2	parking not allowed forward of dwelling	to allow

State of New York)
) ss
County of Erie)

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

(Notary Public) or (Commissioner of Deeds)

Appellant sign here

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

FENDRIVE Information Report

Report Date 7/27/2026

Page 1 of 2

A/P # FEND26-9697737

Application Information

Processed 7/27/2026 12:10:54PM By dclark

Issued By

Final By

Type of Work DRVWY_ENCR # Plans 0 Declared Valuation \$4,000.00

Priority # Pages 0 Calculated Valuation \$0.00

Actual Valuation \$0.00

Description of Work

Install a 18 ' wide by 60' deep to left side of dwelling. *** WORK BY OWNER ***

Property Information

Address 42 ADA
BUFFALO, NY 14208

SBL 1002500006059000

CENSUS 168.02

Location

Applicants

Contact ID 12357005 Primary Y Name Joann Dixon Rev Living Trust

Mailing Address 3 Harlow Pl Buffalo, NY 14208

Day Phone

Fees	Status	Paid Date	Amount
Application Fee	U		\$25.00
Zoning Board Fee	P	7/27/2026 12:44:34PM	\$400.00
Zoning Board Fee	U		\$175.00

Plan Reviews

Building	N	Electrical	N	Fire	N
Sewer	N	HVAC	N		
Plumbing	N	Elevator	N		

Rm 913



Area Variance Application

City of Buffalo - Office of Strategic Planning

Applicant Information

Property Owner Name(s): JoAnn Dixon

Phone Number: [REDACTED]

Address: 42 Ada Place City: Buffalo State: NY Zip: 14208

Architect Name(s): NA

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Contractor Name(s): NA

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Property Information

Assessed Address: 42 Ada Place Buffalo NY 14208

Area of Parcel (square feet): _____ Acres: _____

Zone: _____ Zone Overlay (if applicable): _____

Project Description

Current Use: DRIVEWAY

Proposed Use: DRIVEWAY

Briefly Describe the Proposed Project (attach additional information if necessary):

DRIVEWAY completed



Area Variance Application

City of Buffalo - Office of Strategic Planning

Area Variance Request

No area variance will be granted without showing by you (the applicant) supporting evidence for the following (where applicable). Attach all supporting materials.

A. **Benefit to Applicant.** Describe how the requested variance would benefit the project.

home improvement

B. **Character of Neighborhood.** Describe whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.

improvement

C. **Other Means.** Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance:

No hardship LawnCare

D. **Substantial.** Describe whether or not the requested variance is substantial in nature:

No

E. **Physical or Environmental Conditions.** Describe if the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district, including but not limited to traffic circulation, noise, or odor.

No



Area Variance Application

City of Buffalo - Office of Strategic Planning

F. **Not self-created.** Describe if the alleged difficulty was self-created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance:

Load over burden no

Disclosure Affidavit

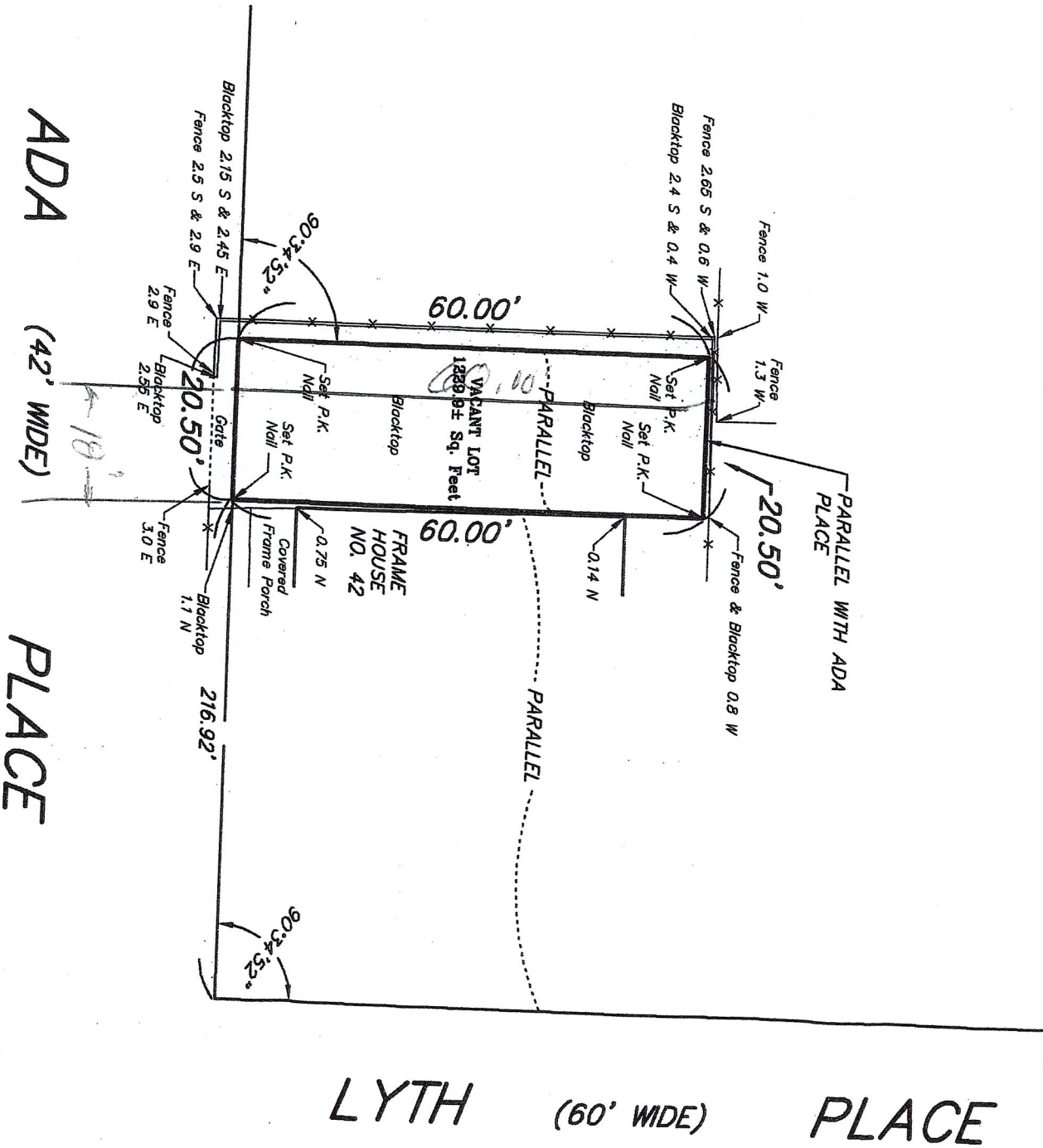
I maintain that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): JoAnn Dixon

Date: 7-27-26

Property owner or applicant signature: JoAnn Dixon

29649



INSTRUMENT(S) UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: Liber 11350 Deeds Page 5983
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED IN SAID ABSTRACT.

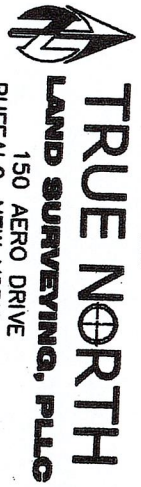
NOTE: THIS SURVEY WAS PERFORMED UNDER SEVERE SNOW AND ICE CONDITIONS.

THIS SURVEY MAP WAS PREPARED IN ACCORDANCE WITH THE
CURRENT STANDARDS FOR LAND SURVEYS ADOPTED BY THE
BAR ASSOCIATION OF ERIE COUNTY AT THE REQUEST OF
Jordan Dixon

Christopher J. Barr
CHRISTOPHER J. BARR

NYSEPLS No. 081068

©COPYRIGHT 2024 BY:



AMEND:

SURVEY DATE: 12-5-24

DRAWING DATE: 12-6-24

SCALE: 1" = 20'

"ALL RIGHTS RESERVED"

THIS MAP VOID UNLESS
EMBOSSED
WITH NEW YORK STATE LICENSED LAND
SURVEYOR'S SEAL. ALTERING ANY ITEM
ON THIS MAP IS A VIOLATION OF THE
LAW EXCEPT AS PROVIDED IN SECTION
7209, PART 2, OF THE NEW YORK
STATE EDUCATION LAW.

PART OF LOT 38 SECTION 11 TOWNSHIP 8 OF THE:
Holland Land Company's SURVEY - Erie COUNTY, N.Y.
SURVEY OF: 40 Ada Place, City of Buffalo

SBL No. 100.25-6-60



CITY OF BUFFALO

DEPARTMENT OF PERMIT AND INSPECTION SERVICES

Christopher P. Scanlon, Mayor

NOTICE OF DENIAL

Date of Denial: 07/21/2026

Property Owner Name: Buffalo Lakeview, LLC

Assessed Address: 9, 21, & 25 Lakeview Buffalo, NY 14201
Street *Zip Code*

Zone: N-2R

Applicant Name: Paul Accardo

Applicant Address: 2914 Pine Ave. Niagara Falls NY 14301
Street *City* *State* *Zip Code*

Based on the information provided to the Department of Permit and Inspection Services at the time of registration, a Notice of Denial from the Commissioner of Permit and Inspection Services is hereby given to the applicant for the associated project based on the reasons detailed below.

Application for: Area

Reason for Denial:

City Code Section	City Code Requirement	Request from Applicant
3.2.11 C (B)	Lot width max. 60'	To allow: 240'

State of New York)
County of Erie) ss

On the 21st day of July in the year 2026 before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

[Signature]
(Notary Public) or (Commissioner of Deeds)

[Signature]
Appellant sign here



Area Variance Application

City of Buffalo - Office of Strategic Planning

Applicant Information

Property Owner Name(s): 9 LAKEVIEW LLC

Phone Number: [REDACTED]

Email: [REDACTED]

Address: 80 FRUEHAUF

City: Amherst

State: NY

Zip: 14206

Architect Name(s): Manguso

Phone Number: _____

Email: _____

Address: _____

City: _____

State: _____

Zip: _____

Contractor Name(s): _____

Phone Number: _____

Email: _____

Address: _____

City: _____

State: _____

Zip: _____

Property Information

Assessed Address: 9, 21 & 25 Cahoon

Area of Parcel (square feet): _____

Acres: _____

Zone: _____

Zone Overlay (if applicable): _____

Project Description

Current Use: Vacant Land

Proposed Use: 6 Story Condominium Project

Briefly Describe the Proposed Project (attach additional information if necessary):

40 units under the NYC Affordable Program



Area Variance Application

City of Buffalo - Office of Strategic Planning

Area Variance Request

No area variance will be granted without showing by you (the applicant) supporting evidence for the following (where applicable). Attach all supporting materials.

A. **Benefit to Applicant.** Describe how the requested variance would benefit the project.

ability to build new Condo's

B. **Character of Neighborhood.** Describe whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.

will improve Neighborhood & provide new affordable Condo's units

C. **Other Means.** Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance:

NO

D. **Substantial.** Describe whether or not the requested variance is substantial in nature:

yes

E. **Physical or Environmental Conditions.** Describe if the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district, including but not limited to traffic circulation, noise, or odor.

Brown Field Site



Area Variance Application

City of Buffalo - Office of Strategic Planning

- F. **Not self-created.** Describe if the alleged difficulty was self-created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance:

NOT self created

Disclosure Affidavit

I maintain that the information provided above is true and accurate to the best of my knowledge:

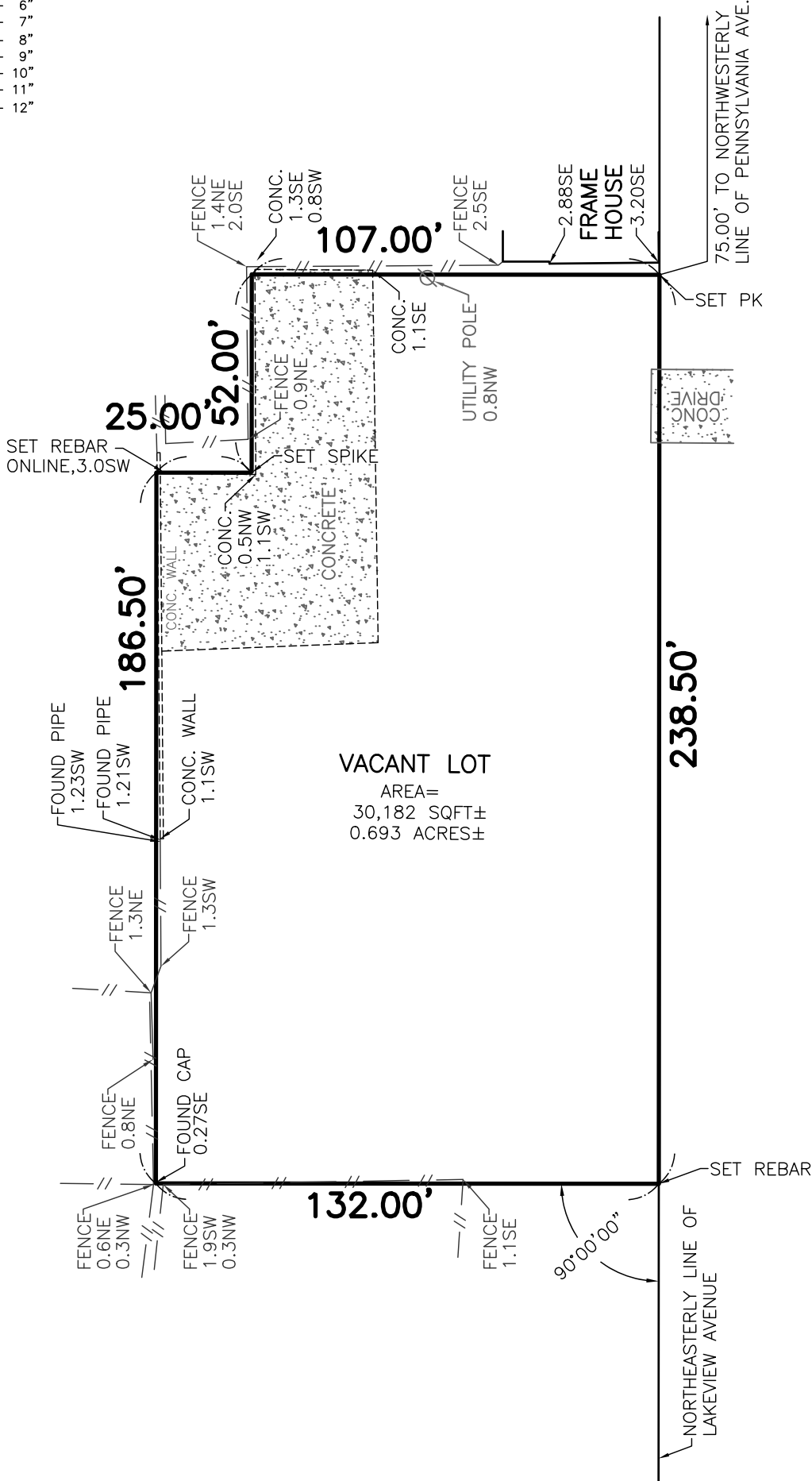
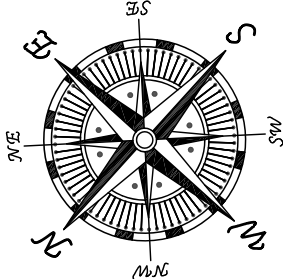
Property owner or applicant name (print): Joseph A GIAMBRA

Date: 7-28-20

Property owner or applicant signature: [Signature]

Feet Inches
0.08 - 1 inch
0.17 - 2"
0.25 - 3"
0.33 - 4"
0.42 - 5"
0.50 - 6"
0.58 - 7"
0.67 - 8"
0.75 - 9"
0.83 - 10"
0.92 - 11"
1.00 - 12"

NOTE: 1) THIS SURVEY IS NULL AND VOID WITH AN AFFIDAVIT OF NO CHANGE
2) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH



LOCATION: CITY OF BUFFALO		MAP COVER:		JOB NO.: 25-13686	
COUNTY OF ERIE, STATE OF NEW YORK		SUBLOT(S):		DRAWN BY: J. HARTWELL	
PART OF BLOCK 97		DATE: NOVEMBER 19, 2025	SCALE: 1"= 40'	CHECKED BY: S. CARVER	
 STEVE A. CARVER PLS. LAND SURVEY SERVICES 318 BRYANT STREET N. TONAWANDA NY 14120 TEL. 716-525-1250 FAX 716-525-1275 STEVE@CARVERSURVEY.COM		REVISIONS:			
		Unauthorized alteration or addition to any survey, drawing, design, specification, plan or report is a violation of Section 7209, Provision 2 of the New York State Education Law. Only copies from the original of this survey map marked with an original of the land surveyor's embossed seal and signature shall be considered to be valid true copies.		Copyright Steve A. Carver PLS, all rights reserved. No portion of this drawing may be reproduced, stored or transmitted by any means without prior written permission of the surveyor. This survey is a report of the findings in the field and is not a guarantee of Title. This survey is null and void with an affidavit of no change.	



CITY OF BUFFALO

DEPARTMENT OF PERMIT AND INSPECTION SERVICES

Christopher P. Scanlon, Mayor

NOTICE OF DENIAL

Date of Denial: 8/3/2026

Property Owner Name: OLANO GAYLE

Assessed Address: 92 POOLEY Buffalo, NY 14213
Street Zip Code

Zone: N-2R

Applicant Name: OLANO GAYLE

Applicant Address: 92 POOLEY BUFFALO NY 14213
Street City State Zip Code

Based on the information provided to the Department of Permit and Inspection Services at the time of registration, a Notice of Denial from the Commissioner of Permit and Inspection Services is hereby given to the applicant for the associated project based on the reasons detailed below.

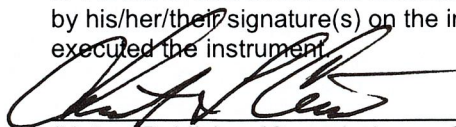
Application for: AREA

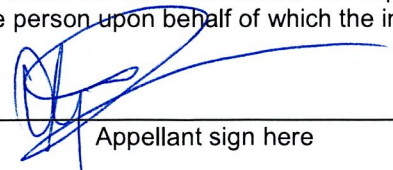
Reason for Denial:

City Code Section	City Code Requirement	Request from Applicant
TABLE 8D	parking allowed in rear yard	to allow front yard parking

State of New York)
County of Erie) ss

On the 3 day of August in the year 2026 before me, the undersigned, personally appeared Olano Gayle personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


(Notary Public) or (Commissioner of Deeds)


Appellant sign here



Area Variance Application

City of Buffalo - Office of Strategic Planning

Section 496-11.3.5 of the City Code: An Area Variance is the authorization by the Zoning Board of Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

Procedure

1. If not already completed, register the project with the Department of Permit and Inspection Services (DPIS) in Room 301 City Hall or via the ePermits Electronic Plan Review portal available at the city's website (www.buffalony.gov). During Registration, DPIS staff will provide a Notice of Denial indicating an Area Variance from the Zoning Board of Appeals will be required.
2. Complete the Area Variance Application Form (available online at www.buffalony.gov or in Room 913 City Hall).
3. Attach to this form all requested submittals in the Required Submittals section on page 2 of this application.
4. Send an electronic copy (in PDF format) of the completed Area Variance Application Form with attachments to Room 913 City Hall via either USB flash drive or email/file transfer site to ZoningBoardOfAppeals@buffalony.gov. PDF files must be compressed to the extent practicable and no single file may exceed 10MB. If emailed, you will receive a response email confirming receipt of the application. If no email confirmation occurs, please follow up with the Office of Strategic Planning at (716) 851-4064. If an applicant is unable to provide an electronic copy of the application/attachments, hardcopies may be sent to Room 913 City Hall.
5. Staff will review the Area Variance Application and determine if it is complete.
 - a. **An application is complete if:** All questions on the Area Variance Application Form have been fully answered and sufficient photos and relevant materials have been attached.
 - b. **An application is not complete if:** One or more questions on the Area Variance Application Form have not been answered or if additional relevant photos or relevant materials need to be attached (see Requested Submits list on Page 2). Notice will be provided to the applicant identifying any needed changes.
6. Once the application is determined complete, the applicant will receive a Notice of Complete Application which includes a public hearing date. Until a Notice of Complete Application is issued, the project will not be scheduled for a public hearing regardless of the date the application was submitted by the applicant.
7. At least ten (10) days prior to the scheduled public hearing, all applicants for variances must install a posted notice sign at the project site. An electronic template of this sign is available from Office of Strategic Planning Staff. Requirements and standards for this sign are found in Section 496-11.2.2.C of the City Code. The sign must be removed when the public hearing is closed. **If the sign is not installed the hearing cannot be scheduled.**
8. Attend the public hearing and present the Area Variance Application to the Zoning Board of Appeals. Please be prepared to answer questions related to the variance request.
9. After the public hearing, the Zoning Board of Appeals has up to 62 days to approve, approve with modifications, or deny the application. Once the Zoning Board of Appeals has made a decision, a written notice will be sent to the applicant within 5 business days.

For assistance with the Area Variance Application, please contact the Office of Strategic Planning at (716) 851-4064 or ZoningBoardOfAppeals@buffalony.gov.

Please note: Any information provided with this application will be made public at www.buffalony.gov/meetings

Fee

Pay associated fee of \$150 plus \$25 for each additional variance for one (1) or two (2) unit dwellings.
\$250 plus \$50 for each additional variance for all other applications respective of the above.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Required Submittals

Send an electronic copy (in PDF format) of the completed Area Variance Application Form with attachments (per the requested submittals listed below) to Room 913 City Hall via either USB flash drive or email/file transfer site to ZoningBoardOfAppeals@buffalony.gov. PDF files must be compressed to the extent practicable and no single file may exceed 10MB. If an applicant is unable to provide an electronic copy of the application/attachments, hardcopies may be sent to Room 913 City Hall.

Include the following as appropriate:

1. All Variance Applications

- Photos of the site of the variance request.
- Notice of Denial issued by Department of Permit and Inspection Services.

2. Variance applications for new construction or additions

A. Site Plan

Scale: One (1) inch equals thirty (30) feet or larger scale

- Date of preparation, clear scale, north arrow, and dimensions
- Project boundaries and total area
- Dimensions of lots and property lines
- Existing and proposed site improvements (structures, easements, vehicular and pedestrian access, landscape, established trees, fences or walls, stormwater facilities, lighting, parking and loading facilities, signs)

B. Architectural Elevations (If applicable)

Scale: One (1) inch equals four (4) feet or larger scale

- Date of preparation, clear scale, and dimensions
- Detailed facade materials

3. Variance applications for parking pads

- Sketch of the proposed location with dimensions, on a survey if possible.
- Description of the impacts to landscaping, street trees, and on-street parking.

4. Completed Part 1 of the New York State Environmental Quality Review (SEQR)

Depending on the type of project, a Short Environmental Assessment Form (SEAF) may also be required. Generally, all variance applications, other than area variances for residential projects three (3) units or less, fences, and projects only involving individual setback and lot line variances and adjustments, will have to complete a Part 1 SEAF.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Applicant Information

Property Owner Name(s): Diana Gayle

Phone Number: [REDACTED]

Address: 92 Poolley Place City: Buffalo State: NY Zip: 14213

Architect Name(s): _____

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Contractor Name(s): _____

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Property Information

Assessed Address: 92 Poolley Place

Area of Parcel (square feet): _____ Acres: _____

Zone: _____ Zone Overlay (if applicable): _____

Project Description

Current Use: Parking Pad for electric vehicle

Proposed Use: Parking Pad for electric vehicle

Briefly Describe the Proposed Project (attach additional information if necessary):

I put down some concrete over grass to have a
Parking pad to allow me to charge my vehicle eventually
The curb was already cut and I didn't do any
digging.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Area Variance Request

No area variance will be granted without showing by you (the applicant) supporting evidence for the following (where applicable). Attach all supporting materials.

A. **Benefit to Applicant.** Describe how the requested variance would benefit the project.

allow me to charge my vehicle, going green and saving the planet

B. **Character of Neighborhood.** Describe whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.

Be good, safe space for my car

C. **Other Means.** Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance:

None

D. **Substantial.** Describe whether or not the requested variance is substantial in nature:

Yes, I can also leave my car there when I have to go for military obligation

E. **Physical or Environmental Conditions.** Describe if the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district, including but not limited to traffic circulation, noise, or odor.

None, only grass was ~~not~~ removed. No trees was cut or animals killed



Area Variance Application

City of Buffalo - Office of Strategic Planning

F. **Not self-created.** Describe if the alleged difficulty was self-created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance:

Since I got a car I have to charge it there

Disclosure Affidavit

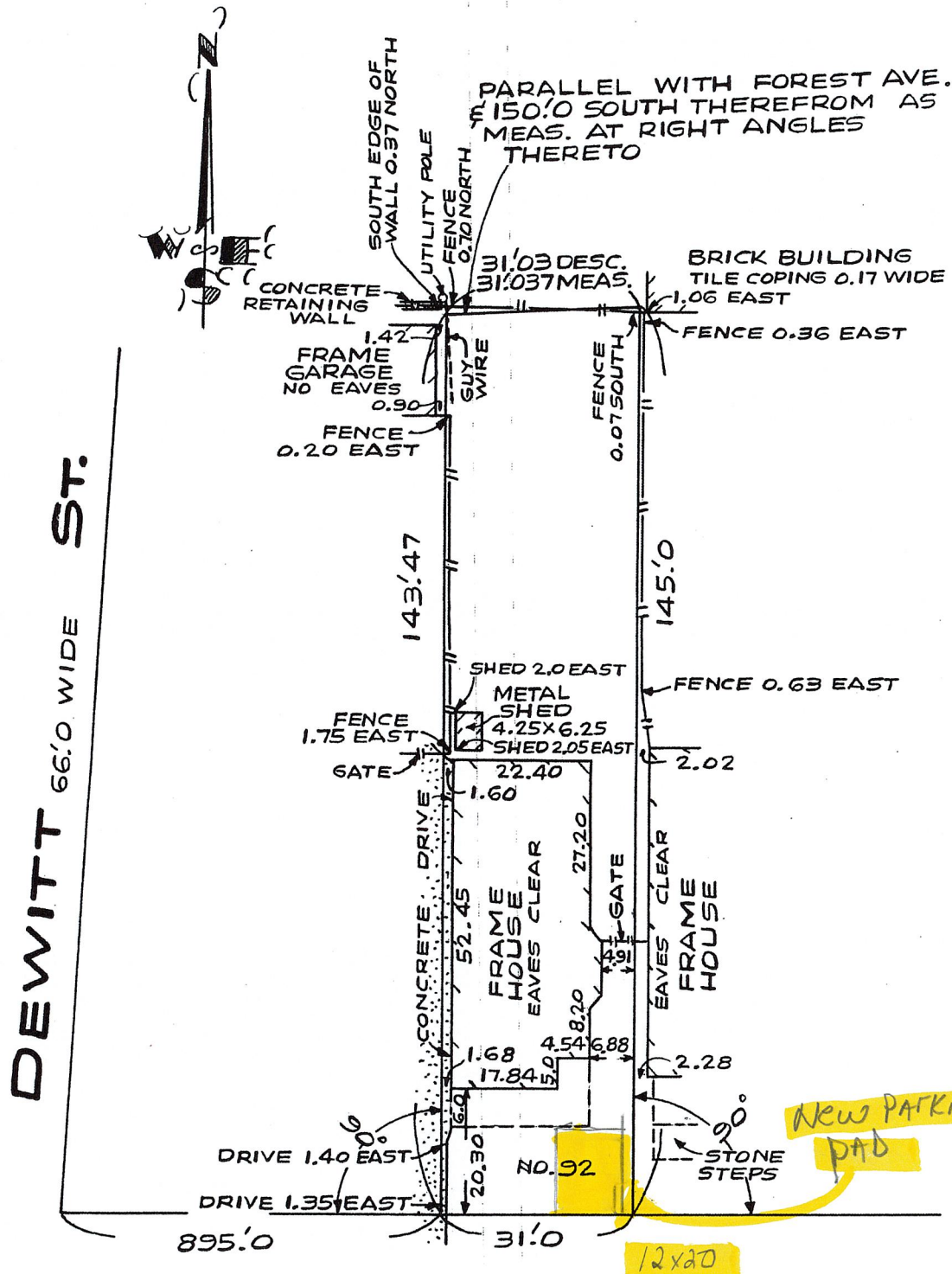
I maintain that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): Olando Gayle

Date: 3 AUG 26

Property owner or applicant signature: [Signature]

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SAME.



PART OF LOT 154
STEVENS SURVEY
CITY OF BUFFALO
ERIE COUNTY NEW YORK

RAY L. SONNENBERGER
LAND SURVEYOR
N.Y.S. LIC. NO. 036193
BUFFALO, N.Y.

SCALE 1"=20' DATE MAY 3, 1993
SHEET 62792 NO. 93-240-A

This map void unless EMBOSSED with
New York State Licensed Land Surveyor's
Seal No. 036193

COPYRIGHT 1993

Altering any item on this map is in violation of
the law, excepting as provided in Section 7209,
Part 2 of the New York State Education Law.



City of Buffalo

65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

FENDRIVE Information Report**Report Date** 8/3/2026

Page 1 of 2

A/P # FEND26-9699134**Application Information****Processed** 8/3/2026 1:48:57PM By ccurtin**Issued** By**Final** By**Type of Work** DRVWY_ENCR **# Plans** 0 **Declared Valuation** \$5,000.00**Priority** **# Pages** 0 **Calculated Valuation** \$0.00**Actual Valuation** \$0.00**Description of Work**

To an existing 2 story 2 family dwelling install a 12 x 20 parking pad according to survey.

work by owner ***ZBA***

Property Information**Address** 92 POOLEY
BUFFALO, NY 14213**SBL** 0886700001056000**CENSUS** 171.00**Location****Applicants****Contact ID** 12349854 **Primary** Y **Name** Olano Gayle**Mailing Address** 92 Pooley Buffalo, NY 14213**Day Phone**

Fees	Status	Paid Date	Amount
Application Fee	U		\$25.00
Zoning Board Fee	U		\$150.00

Plan Reviews

Building	N	Electrical	N	Fire	N
Sewer	N	HVAC	N		
Plumbing	N	Elevator	N		

City of Buffalo

65 Niagara Square

Buffalo, NY 14202

(716)851-4949 Fax (716)851-5472

FENDRIVE Information Report**Report Date** 8/3/2026

Page 2 of 2

Prior Approvals

Address	Common Council	Restricted Use
Asbestos	Curb Cut	S.E.Q.R.A.
Assessment	Encroach	Thruway
City Wide	Human Services	Trees

City of Buffalo

65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

USE Information Report**Report Date** 8/14/2026

Page 1 of 2

A/P # USE26-9701776**Application Information****Processed** 8/14/2026 12:43:36PM By tpuglisi**Issued** By**Final** By**Type of Work** # Plans 0**Declared Valuation** \$1.00**Priority** # Pages 0**Calculated Valuation** \$0.00**Actual Valuation** \$0.00**Description of Work**

Parcel combination of (333, 331 & 329 Wyoming) to be combined as one parcel as per owner.

Property Information**Address** 333 WYOMING
BUFFALO, NY 14215**SBL** 0907100002040000**CENSUS** 170.00**Location****Applicants****Contact ID** 12302942 **Primary** Y **Name** Rupali Yasin**Mailing Address** 333 WYOMING BUFFALO, NY 14215**Day Phone**

Fees	Status	Paid Date	Amount
Application Fee	U		\$25.00
Zoning Board Fee	U		\$150.00

Plan Reviews

Building	N	Electrical	N	Fire	N
Sewer	N	HVAC	N		
Plumbing	N	Elevator	N		

Prior Approvals



Area Variance Application

City of Buffalo - Office of Strategic Planning

Applicant Information

Property Owner Name(s): RUPALI YASIN
[REDACTED]
Address: 333 Wyoming Ave City: Buffalo State: NY Zip: 14215

Architect Name(s): _____

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Contractor Name(s): _____

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Property Information

Assessed Address: 333 Wyoming Ave

Area of Parcel (square feet): _____ Acres: _____

Zone: _____ Zone Overlay (if applicable): _____

Project Description

Current Use: combination of 329 & 331 with 333 Wyoming

Proposed Use: Combining lots

Briefly Describe the Proposed Project (attach additional information if necessary):

Combining 329, 331 & 333 Wyoming into
1 large parcel.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Area Variance Request

No area variance will be granted without showing by you (the applicant) supporting evidence for the following (where applicable). Attach all supporting materials.

A. Benefit to Applicant. Describe how the requested variance would benefit the project.

Combine to make it one property

B. Character of Neighborhood. Describe whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.

None

C. Other Means. Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance:

None

D. Substantial. Describe whether or not the requested variance is substantial in nature:

None

E. Physical or Environmental Conditions. Describe if the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district, including but not limited to traffic circulation, noise, or odor.

None



Area Variance Application

City of Buffalo - Office of Strategic Planning

F. **Not self-created.** Describe if the alleged difficulty was self-created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance:

Required by City

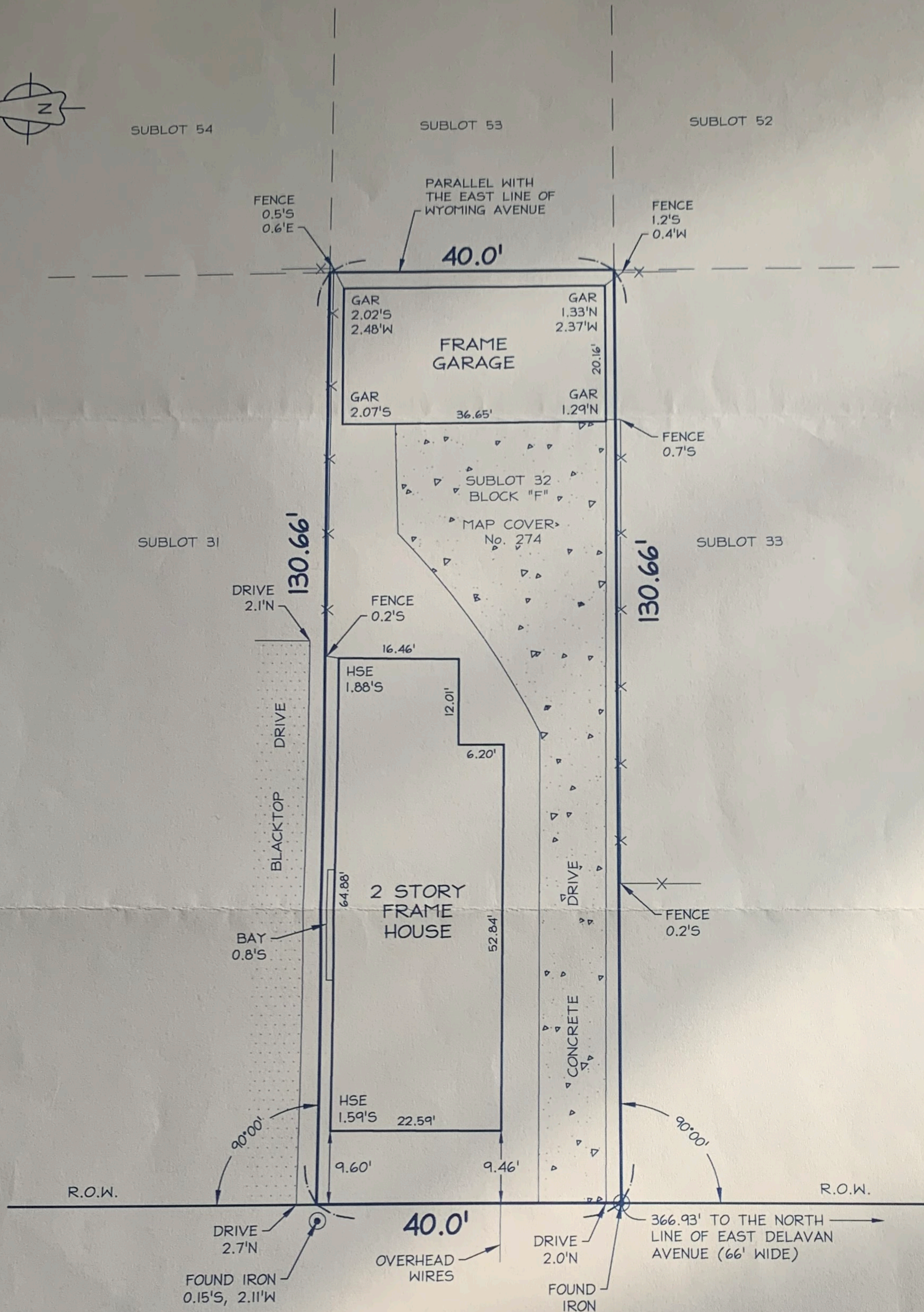
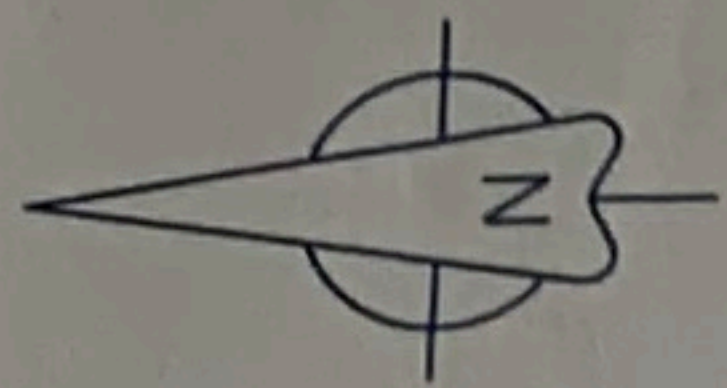
Disclosure Affidavit

I maintain that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): RUPALI YASIN

Date: 08/14/2026

Property owner or applicant signature: Rupali Yasin



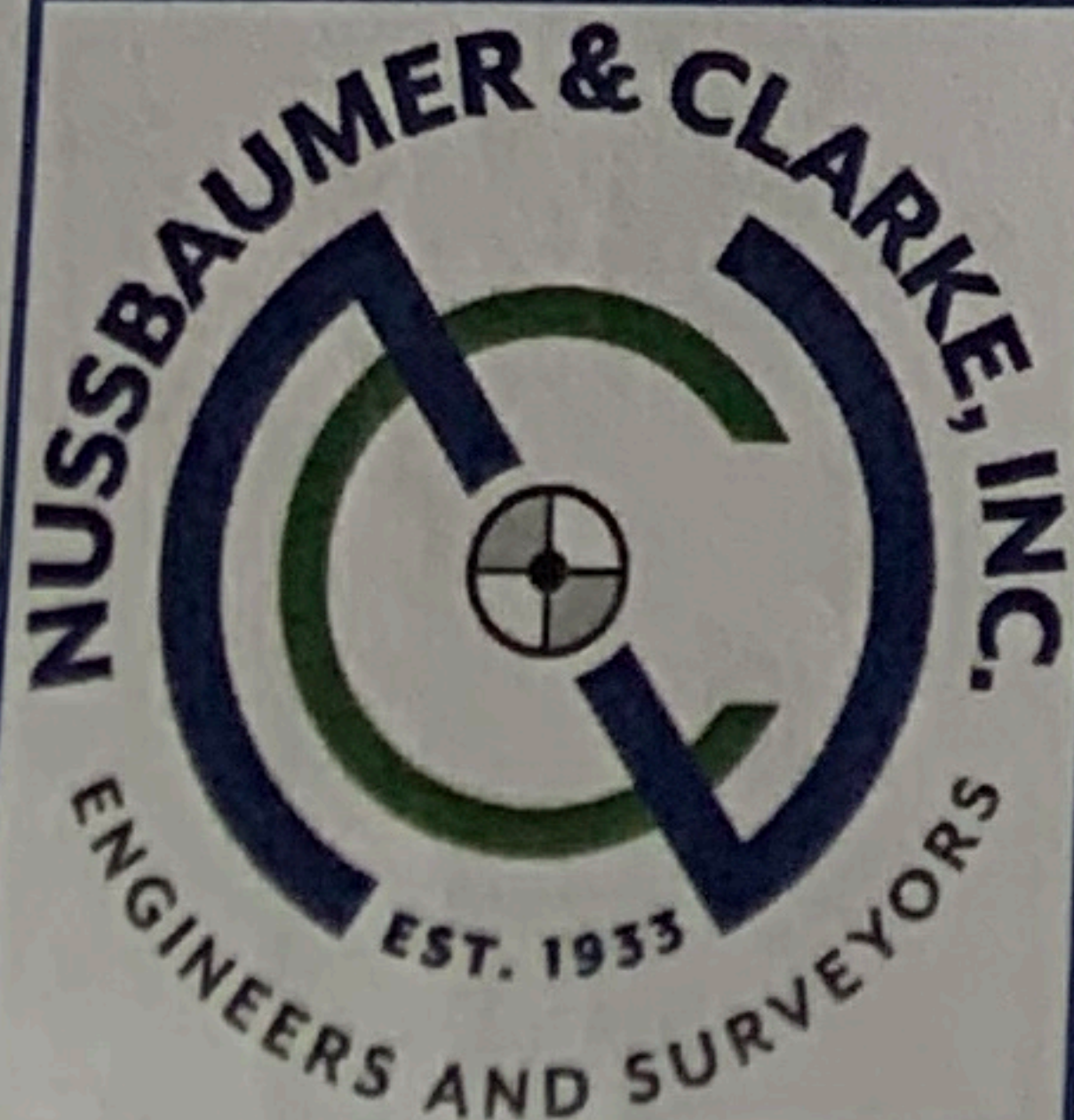
WYOMING (80' WIDE) AVENUE

NO IRONS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON.

84 Sweeney Street, Suite C-13, North Tonawanda, NY 14120
p (716) 692-0800 f (716) 389-0491 www.nussclarke.com

This survey was prepared without the benefit of an abstract of title and is subject to any state of facts that may be revealed by an examination of such.

Unauthorized alterations or additions to any survey, drawing, design, specification, plan or report is a violation of section 7209, provision 2 of the New York State Education Law.



BOUNDARY SURVEY
No. 333 Wyoming Avenue
Part of Lot 54, Township 11, Range 7
Holland Land Company's Survey
City of Buffalo
County of Erie, State of New York

Date of Survey: 09/23/2021

SBL No. 90.71-2-40

Project No. 21J4-0372
Scale: 1" = 20'

John F. Raimondo
1933
John F. Raimondo, P.E.

CITY OF BUFFALO

DEPARTMENT OF PERMIT AND INSPECTION SERVICES

Christopher P. Scanlon, Mayor

NOTICE OF DENIAL

Date of Denial: 7/1/2026

Property Owner Name: THE EVERGREEN FOUNDATION OF WESTERN NY

Assessed Address: 3070 BAILEY Buffalo, NY 14215
Street *Zip Code*

Zone: N-3C

Applicant Name: TAKEFORM

Applicant Address:	11601 MAPLE RIDGE RD	MEDINA	NY	14103
	<i>Street</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>

Based on the information provided to the Department of Permit and Inspection Services at the time of registration, a Notice of Denial from the Commissioner of Permit and Inspection Services is hereby given to the applicant for the associated project based on the reasons detailed below.

Application for: _____ AREA _____

Reason for Denial:

City Code Section	City Code Requirement	Request from Applicant
9.2.7.1	Monument sign may be erected	
	only when bldg. is set back 15ft	to allow less for both monument signs
9.2.13.1	maximum of 1 wall sign per ROW	to allow 2 signs to face Bailey
9.2.13.1	maximum of 1 wall sign per ROW	to allow 3 signs to face Kensington
Table 9 C	maximum sign area per ROW	
	is 35sqft	to allow 57sf.facing Bailey

State of New York)
Orleans) ss
 County of ~~Eric~~)

On the 23rd day of July in the year 2026 before me, the undersigned, personally appeared Jacob Zimmerman personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

TERESA L. WILKINS
NOTARY PUBLIC - STATE OF NEW YORK
No. 01116896866
Qualified in Orleans County
My Commission Expires August 11, 2022

~~Appellant sign here~~



Area Variance Application

City of Buffalo - Office of Strategic Planning

Applicant Information

Property Owner Name(s):

Phone Number:

Email:

Address: 206 S. Elmwood Ave

City: Buffalo

State: NY

Zip: 14201

Architect Name(s):

Phone Number:

Email:

Address: 726 Exchange St., Suite 920

City: Buffalo

State: NY

Zip: 14210

Contractor Name(s):

Phone Number:

Email:

Address: 100 Corporate Pkwy, Suite 500

City: Amherst

State: NY

Zip: 14226

Property Information

Assessed Address: 3070 Bailey Avenue

Area of Parcel (square feet): 30,911.1

Acres: .71

Zone: N-3C

Zone Overlay (if applicable): N/A

Project Description

Current Use: New Build

Proposed Use: Health Care Center

Briefly Describe the Proposed Project (attach additional information if necessary):

Exterior signage for the new Evergreen Health Care Center located at 3070 Bailey Ave.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Area Variance Request

No area variance will be granted without showing by you (the applicant) supporting evidence for the following (where applicable). Attach all supporting materials.

A. Benefit to Applicant. Describe how the requested variance would benefit the project.
See separate attachment Variance Description

B. Character of Neighborhood. Describe whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.

C. Other Means. Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance:

D. Substantial. Describe whether or not the requested variance is substantial in nature:

E. Physical or Environmental Conditions. Describe if the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district, including but not limited to traffic circulation, noise, or odor.



Area Variance Application

City of Buffalo - Office of Strategic Planning

F. Not self-created. Describe if the alleged difficulty was self-created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance:

Disclosure Affidavit

I maintain that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): Hafsa Quddus Date: 6/18/2026

Property owner or applicant signature: *Hafsa Quddus*

Area Variance Description Answers

A. Benefit to Applicant

The proposed variance will allow Evergreen Health to provide adequate building identification and patient wayfinding throughout its healthcare facility located at 3074 Bailey Avenue. Due to the size of the building, multiple public entrances, and visibility from both Bailey Avenue and Kensington Avenue, additional signs are necessary to ensure patients and visitors can easily identify the facility, locate entrances, and navigate to the appropriate healthcare services. The proposed signage will improve accessibility, reduce confusion for patients, and support the efficient operation of the healthcare facility.

B. Character of Neighborhood

The requested variance will not produce an undesirable change in the character of the neighborhood nor create a detriment to nearby properties. The property is located within a commercial corridor containing a variety of businesses, institutional uses, and existing signage. The proposed signs have been professionally designed to complement the building architecture and serve a functional purpose of identification and wayfinding. The signage is appropriately scaled for the size of the building and will not create excessive visual clutter or negatively impact surrounding properties.

C. Other Means

The benefit sought by the applicant cannot be achieved through another feasible method without compromising the effectiveness of the facility's identification and wayfinding program. Limiting the property to the number of signs permitted by the ordinance would significantly reduce visibility from certain approaches and make it more difficult for patients and visitors to identify entrances and healthcare providers located within the building. Due to the building's multiple elevations, entrances, and service areas, the proposed signage represents the most practical and effective solution to provide adequate identification while maintaining a cohesive signage program.

D. Substantial

While the requested variance exceeds the number of signs permitted by the ordinance, the request is not substantial when considered in relation to the overall size and function of the facility. The proposed signs are modest in size, distributed among various building elevations, and intended primarily for identification and wayfinding purposes. The signage does not represent an excessive increase in advertising but rather provides necessary visibility for patients and visitors accessing healthcare services at the property.

E. Physical or Environmental Conditions

The proposed variance will not have an adverse impact on the physical or environmental conditions of the neighborhood or district. The signage will not generate additional traffic, noise, odors, or other environmental impacts. All signs are being installed on an existing developed site and will not require changes to the building footprint, parking areas, circulation patterns, drainage systems, or utility infrastructure. The proposed signage will improve visitor navigation and safety while maintaining compatibility with surrounding development.

Evergreen Health - Simplified Sign Application Information

Type Q.2a – CAS Community Access Services

Sign Type: Wall Sign – Internally Illuminated Channel Letters on Raceway

Quantity: 2 Sets

Area: 12.88 sq. ft. (109.00" W x 17.00" H)

Height: 1.42 ft

Width: 9.08 ft

Projection from Wall: 0.42 ft (5")

Setback from Curb: N/A (Wall Sign)

Encroaches into Right-of-Way: No

Vertical Clearance: To be determined from elevation/site survey

Illumination Type: Internal LED

Percentage Illuminated: 100%

Intensity: Per Manufacturer Specifications

Type N – Address Numbers (3070)

Sign Type: Halo-Lit Address Numbers

Quantity: 4 Sets

Area: 3.31 sq. ft. (39.66" W x 12.00" H)

Height: 1.00 ft

Width: 3.31 ft

Projection from Wall: 0.08 ft (1")

Setback from Curb: N/A (Wall Sign)

Encroaches into Right-of-Way: No

Vertical Clearance: To be determined from elevation/site survey

Illumination Type: Halo LED

Percentage Illuminated: 100%

Intensity: Per Manufacturer Specifications

Type Q.1a – Evergreen Health

Sign Type: Wall Sign – Internally Illuminated Channel Letters on Raceway

Quantity: 2 Sets

Area: 26.00 sq. ft. (117.02" W x 32.00" H)

Height: 2.67 ft

Width: 9.75 ft

Projection from Wall: 0.42 ft (5")

Setback from Curb: N/A (Wall Sign)

Encroaches into Right-of-Way: No

Vertical Clearance: To be determined from elevation/site survey

Illumination Type: Internal LED

Percentage Illuminated: 100%

Intensity: Per Manufacturer Specifications



BAILEY-KENSINGTON HEALTH CENTER EVERGREEN CAS

EXTERIOR RENDERING

SCALE:

Type E
Double sided, internally illuminated
Monument cabinet
Panel count: Side A (1), Side B (1)
Flange mount to concrete base
QTY: 2

takeform

11601 Maple Ridge Rd, Medina, NY, 14103
P 800.528.1398 F 585.798.8889
www.takeform.net

Rendering

Project:
Evergreen Health - Bailey Ave.
Exterior

Date: 09.20.24
Drawn By: CJ

Filename:
EVE0030_222770_EXT_rev12

Revisions:

10.07.24	CJ	10.22.24	CJ
08.08.25	CJ	10.28.25	CJ
11.13.25	JB	12.22.25	CJ
01.21.26	BR	02.03.26	BR
03.24.26	BR	03.31.26	BR
06.02.26	DH	06.09.26	BR

Scale: 1" = 1'

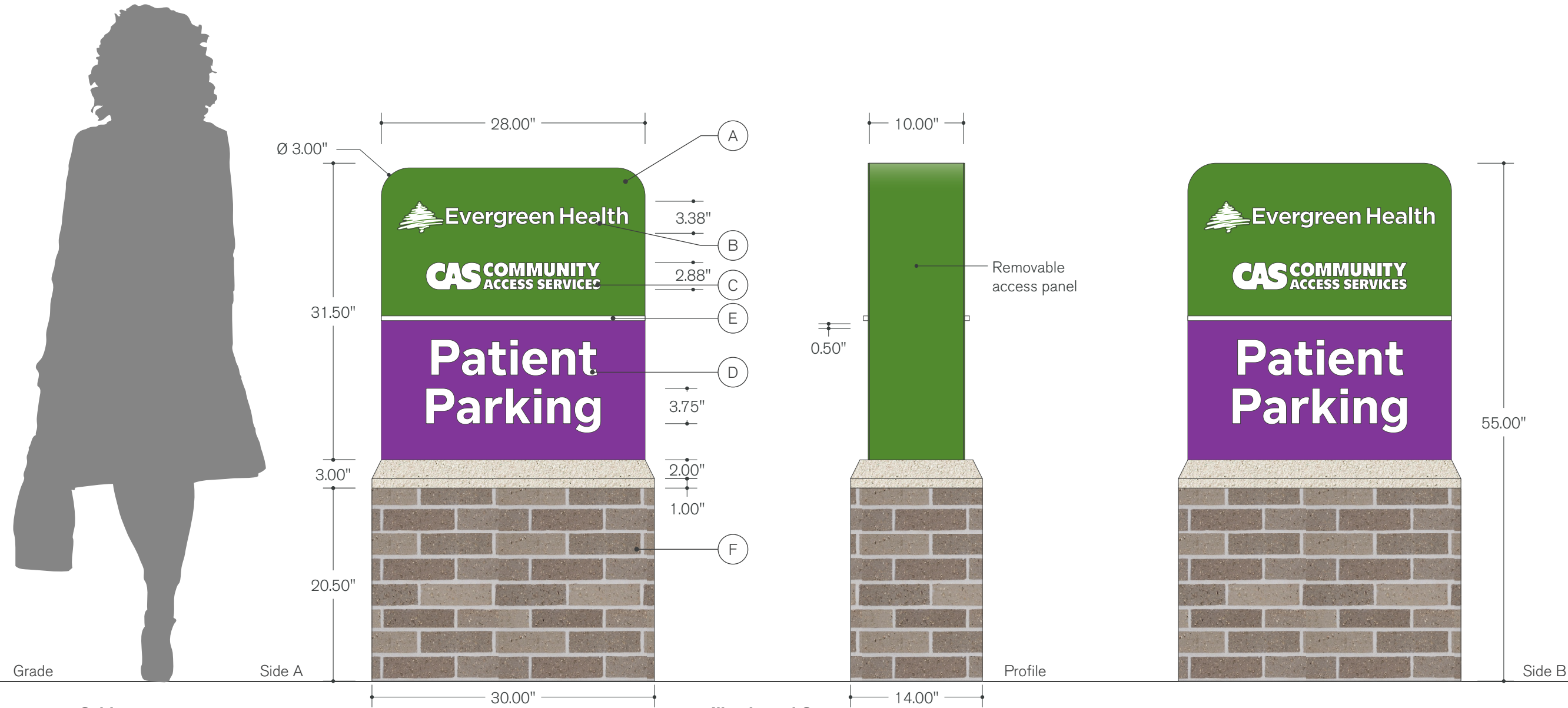
Custom

EXTERIOR SIGNAGE

Notes:
Site survey required
120V Electrical service required

Product Approval

☐ As Is ☐ As Noted
Approved By: _____
Date: _____



Cabinet
Painted, 10" deep fabricated aluminum to match **PMS 363 C / PMS 2593 C**

Illuminated EH Logo
3/16" Acrylic backer w/ first surface applied translucent vinyl Graphic: Customer supplied artwork print to match **PMS 363 C / 7328 White**

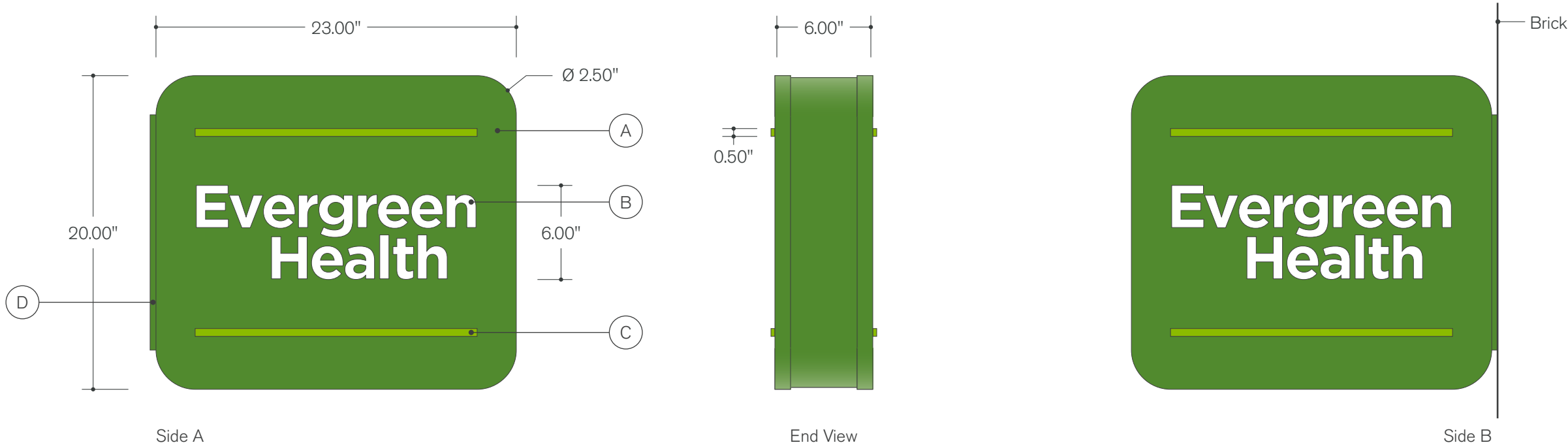
Illuminated CAS Logo
3/16" Acrylic backer w/ first surface applied translucent vinyl Graphic: Customer supplied artwork **7328 White**

Illuminated Copy
Push-thru 3/4" translucent acrylic, 1/2" proud of face Font: Infra Bold **7328 White**

Accent Bar
Painted, .50" aluminum **C0104 White**

Masonry Base
TBD

Type F
Double sided, internally illuminated
Flag mount cabinet
Mechanically fasten to building fascia
Mounting hardware to suit wall construction
QTY: 1



takeform

11601 Maple Ridge Rd, Medina, NY, 14103
P 800.528.1398 F 585.798.8889
www.takeform.net

Rendering

Project:
Evergreen Health - Bailey Ave.
Exterior

Date: 09.20.24
Drawn By: CJ

Filename:
EVE0030_222770_EXT_rev12

Revisions:
10.07.24 CJ 10.22.24 CJ
08.08.25 CJ 10.28.25 CJ
11.13.25 JB 12.22.25 CJ
01.21.26 BR 02.03.26 BR
03.24.26 BR 03.31.26 BR
06.02.26 DH 06.09.26 BR

Scale: 1 1/2" = 1'

Custom

EXTERIOR SIGNAGE

Notes:
Site survey required
120V Electrical service required
Wall construction details required
One wall sign is permitted
with a max of 35 sq ft.

Face

 (A) Painted, routed .125 aluminum w/ 1" welded returns
to match **PMS 363 C**

Illuminated Logo

 (B) 3/16" Acrylic backer
Graphic: Customer supplied artwork
7328 White

Accent Bar

 (C) Painted, .250" aluminum
to match **PMS 376 C**

Mounting

 (D) Painted, .50 aluminum plate
to match **PMS 363 C**

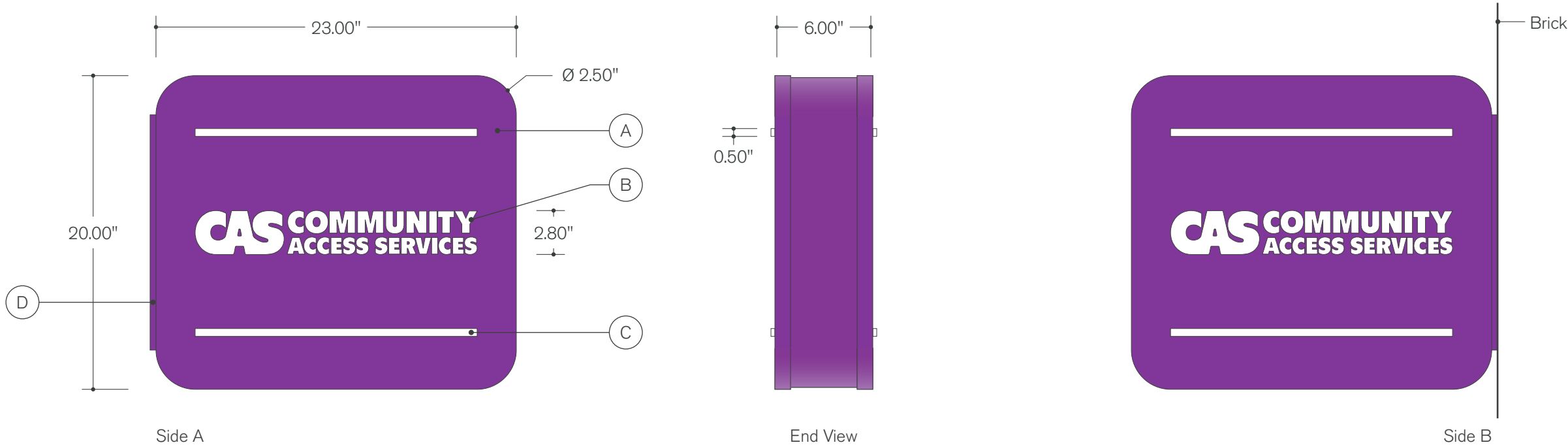
Product Approval

☐ As Is ☐ As Noted

Approved By: _____

Date: _____

Type F.2
Double sided, internally illuminated
Flag mount cabinet
Mechanically fasten to building fascia
Mounting hardware to suit wall construction
QTY: 1



takeform

11601 Maple Ridge Rd, Medina, NY, 14103
P 800.528.1398 F 585.798.8889
www.takeform.net

Rendering

Project:
Evergreen Health - Bailey Ave.
Exterior

Date: 09.20.24
Drawn By: CJ

Filename:
EVE0030_222770_EXT_rev12

Revisions:

10.07.24	CJ	10.22.24	CJ
08.08.25	CJ	10.28.25	CJ
11.13.25	JB	12.22.25	CJ
01.21.26	BR	02.03.26	BR
03.24.26	BR	03.31.26	BR
06.02.26	DH	06.09.26	BR

Scale: 1 1/2" = 1'

Custom

EXTERIOR SIGNAGE

Notes:
Site survey required
120V Electrical service required
Wall construction details required
One wall sign is permitted with a max of 35 sq ft.

Face

 (A) Painted, routed .125 aluminum w/ 1" welded returns to match PMS 2593 C

Illuminated Logo

 (B) 3/16" Acrylic backer w/ first surface applied translucent vinyl Graphic: Customer supplied artwork 7328 White

Accent Bar

 (C) Painted, .250" aluminum CO104 White

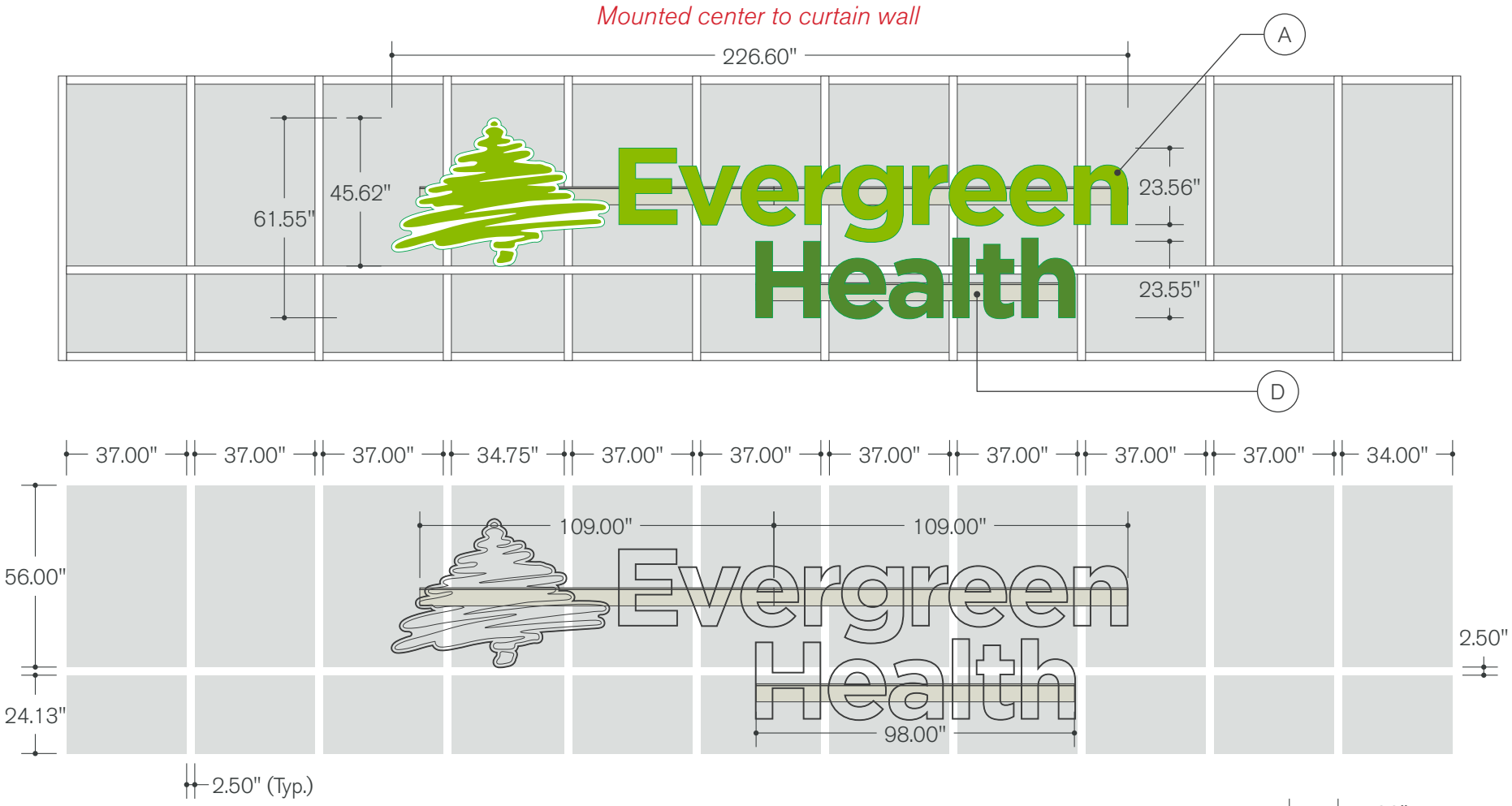
Mounting

 (D) Painted, .50 aluminum plate to match PMS 2593 C

Product Approval

☐ As Is ☐ As Noted
Approved By: _____
Date: _____

Type Q.1
Face-lit channel letters on a raceway
Mechanically fasten to mullion knife plates
QTY: 1 set



Illuminated Logo

(A) 3/16" Translucent acrylic w/ first surface applied translucent vinyl
Graphic: Customer supplied artwork
print to match **PMS 376 C / PMS 363 C / 7328** White

Face Trim

(B) 1" Trim cap
3555 Spring Green

Returns

(C) Painted, 5" deep, .040 aluminum channel coil
to match **PMS 376 C / PMS 363 C**

Raceway

(D) Painted, 3 1/2" deep extruded aluminum
SC-1970N / SC-1976N
to match Building Fascia - **Color match required**

takeform

11601 Maple Ridge Rd, Medina, NY, 14103
P 800.528.1398 F 585.798.8889
www.takeform.net

Rendering	
Project: Evergreen Health - Bailey Ave. Exterior	
Date: 09.20.24	Drawn By: CJ
Filename: EVE0030_222770_EXT_rev12	
Revisions: 10.07.24 CJ 10.22.24 CJ 08.08.25 CJ 10.28.25 CJ 11.13.25 JB 12.22.25 CJ 01.21.26 BR 02.03.26 BR 03.24.26 BR 03.31.26 BR 06.02.26 DH 06.09.26 BR	
Scale: 1/4" = 1'	

Ethos
LETTERS & LOGOS

Notes:

Site survey required

120V Electrical service required

Customer is responsible for providing knife plate installation

One wall sign is permitted with a max of 35 sq ft.

Product Approval

☐ As Is

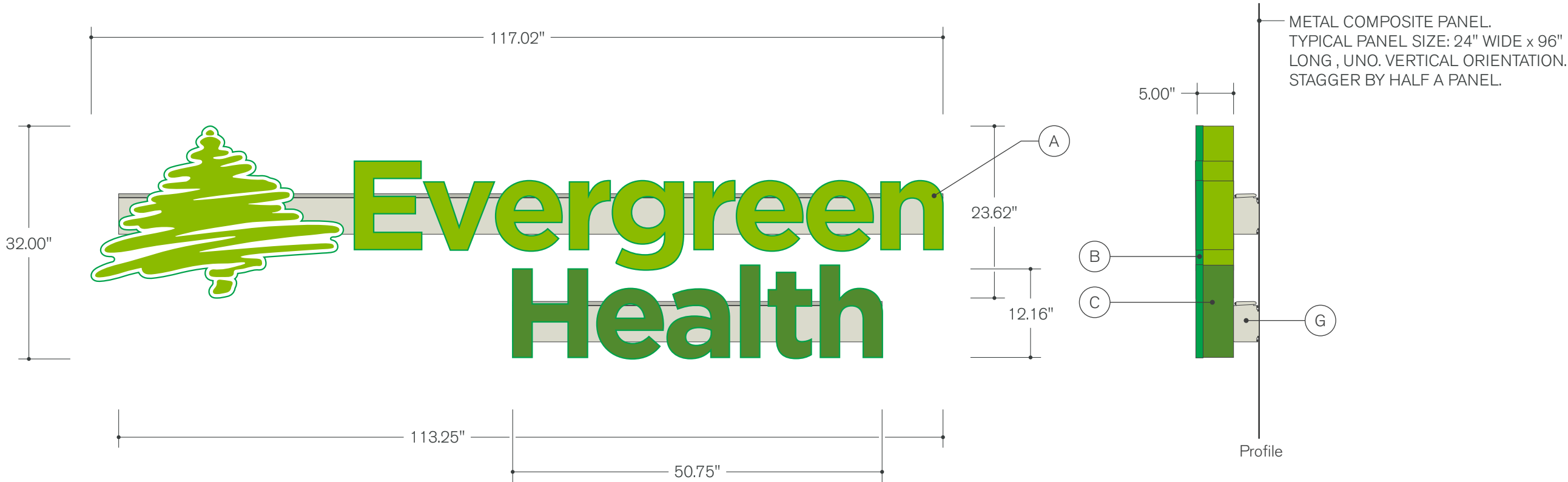
☐ As Noted

Approved By: _____

Date: _____

Page 211 of 347

Type Q.1a
Face-lit channel letters on a raceway
Mechanically fasten to building fascia
Mounting hardware to suit wall construction
QTY: 2 sets



takeform

11601 Maple Ridge Rd, Medina, NY, 14103
P 800.528.1398 F 585.798.8889
www.takeform.net

Rendering

Project:
Evergreen Health - Bailey Ave.
Exterior

Date: 09.20.24
Drawn By: CJ

Filename:
EVE0030_222770_EXT_rev12

Revisions:			
10.07.24	CJ	10.22.24	CJ
08.08.25	CJ	10.28.25	CJ
11.13.25	JB	12.22.25	CJ
01.21.26	BR	02.03.26	BR
03.24.26	BR	03.31.26	BR
06.02.26	DH	06.09.26	BR

Scale: 3/4" = 1'

Ethos
LETTERS & LOGOS

Notes:

Site survey required

120V Electrical service required

Artwork requires modification for production purposes

One wall sign is permitted with a max of 35 sq ft.

Illuminated Logo

 (A) 3/16" Translucent acrylic w/ first surface applied translucent vinyl
Graphic: Customer supplied artwork
print to match **PMS 376 C / PMS 363 C / 7328 White**

Face Trim

 (B) 1" Trim cap
3555 Spring Green

Returns

 (C) Painted, 5" deep, .040 aluminum channel coil
to match **PMS 376 C / PMS 363 C**

Raceway

 (D) Painted, 3 1/2" deep extruded aluminum
SC-1970N / SC-1976N
to match Building Fascia - **Color match required**

Product Approval

☐ As Is ☐ As Noted

Approved By: _____

Date: _____

Type Q.2a
Face-lit channel letters on a raceway
Mechanically fasten to building fascia
Mounting hardware to suit wall construction
QTY: 2 sets



takeform

11601 Maple Ridge Rd, Medina, NY, 14103
P 800.528.1398 F 585.798.8889
www.takeform.net

Rendering

Project:
Evergreen Health - Bailey Ave.
Exterior

Date: 09.20.24
Drawn By: CJ

Filename:
EVE0030_222770_EXT_rev12

Revisions:			
10.07.24	CJ	10.22.24	CJ
08.08.25	CJ	10.28.25	CJ
11.13.25	JB	12.22.25	CJ
01.21.26	BR	02.03.26	BR
03.24.26	BR	03.31.26	BR
06.02.26	DH	06.09.26	BR

Scale: 3/4" = 1'

Ethos

LETTERS & LOGOS

Notes:

Site survey required

120V Electrical service required

Artwork requires modification for production purposes

One wall sign is permitted with a max of 35 sq ft.

Illuminated Logo

  (A) 3/16" Translucent acrylic w/ first surface applied translucent vinyl
Graphic: Customer supplied artwork
to match **PMS 2593 C** / **7328** White

Face Trim

  (B) 1" Trim cap
2287 Purple / **5687** White

Returns

  (C) Painted, 5" deep, .040 aluminum channel coil
to match **PMS 2593 C** / **CO104** White

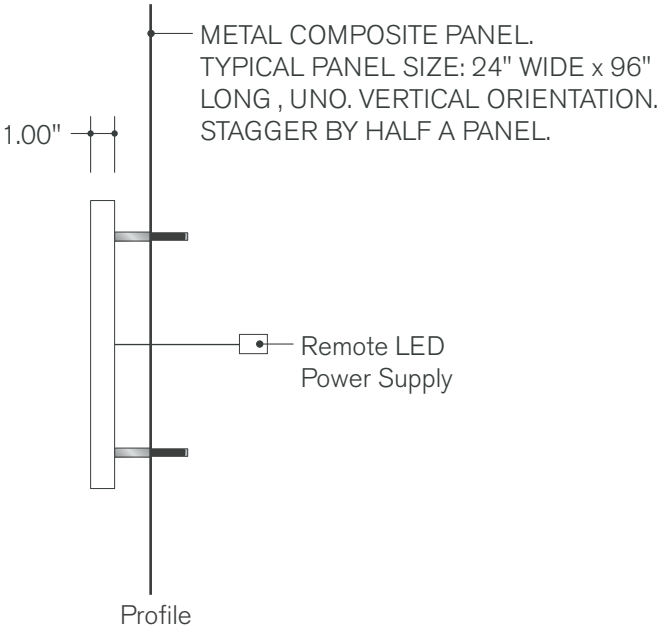
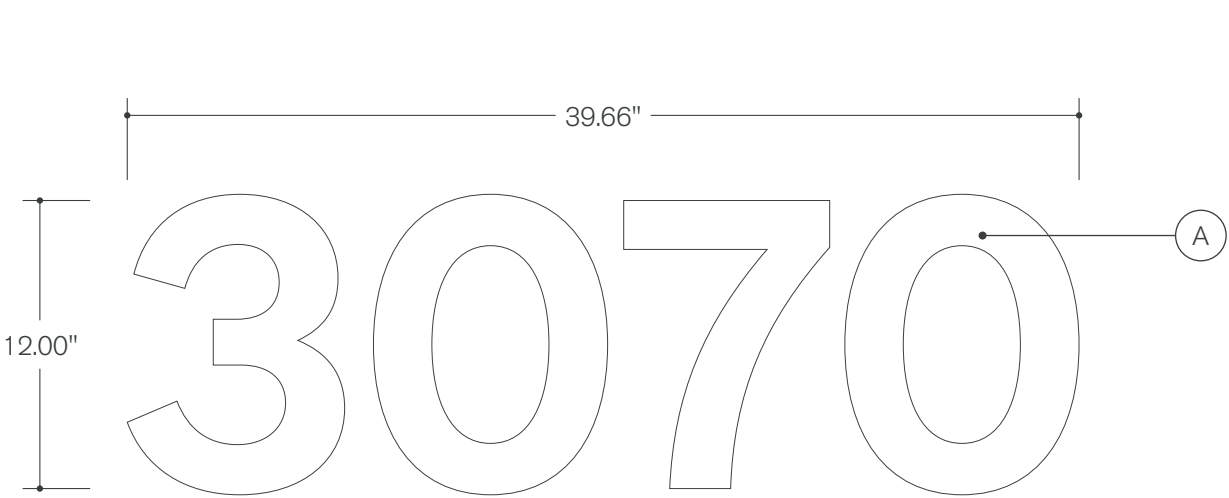
Raceway

 (D) Painted, 3 1/2" deep extruded aluminum
SC-1970N / **SC-1976N**
to match Building Fascia - **Color match required**

Product Approval

☐ As Is ☐ As Noted
Approved By: _____
Date: _____

Type N
Halo-lit copy
Stud mount
Stand off - 1 1/2"
QTY: 4 sets



Rendering

Project:
Evergreen Health - Bailey Ave.
Exterior

Date: 09.20.24
Drawn By: CJ

Filename:
EVE0030_222770_EXT_rev12

Revisions:			
10.07.24	CJ	10.22.24	CJ
08.08.25	CJ	10.28.25	CJ
11.13.25	JB	12.22.25	CJ
01.21.26	BR	02.03.26	BR
03.24.26	BR	03.31.26	BR
06.02.26	DH	06.09.26	BR

Scale: 1 1/2" = 1'

Ethos

LETTERS & LOGOS

- Notes:
- Site survey required
 - 120V Electrical service required
 - Wall construction details required

Halo Illuminated Copy

A

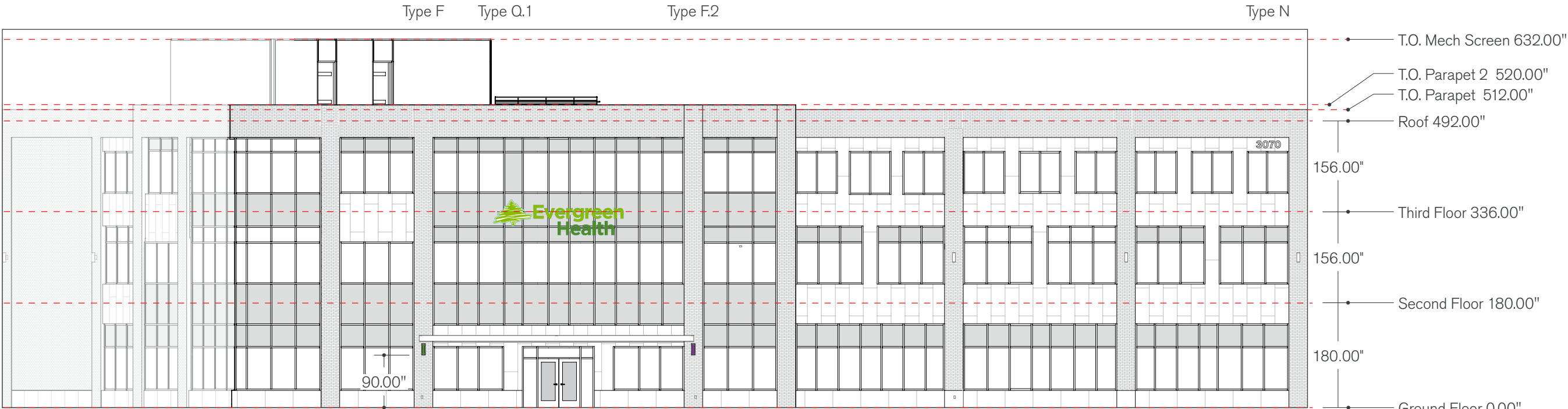
Painted, 1" deep fabricated aluminum w/ 3/16" clear polycarbonate backs
Font: Infra Semibold
CO104 White

Product Approval

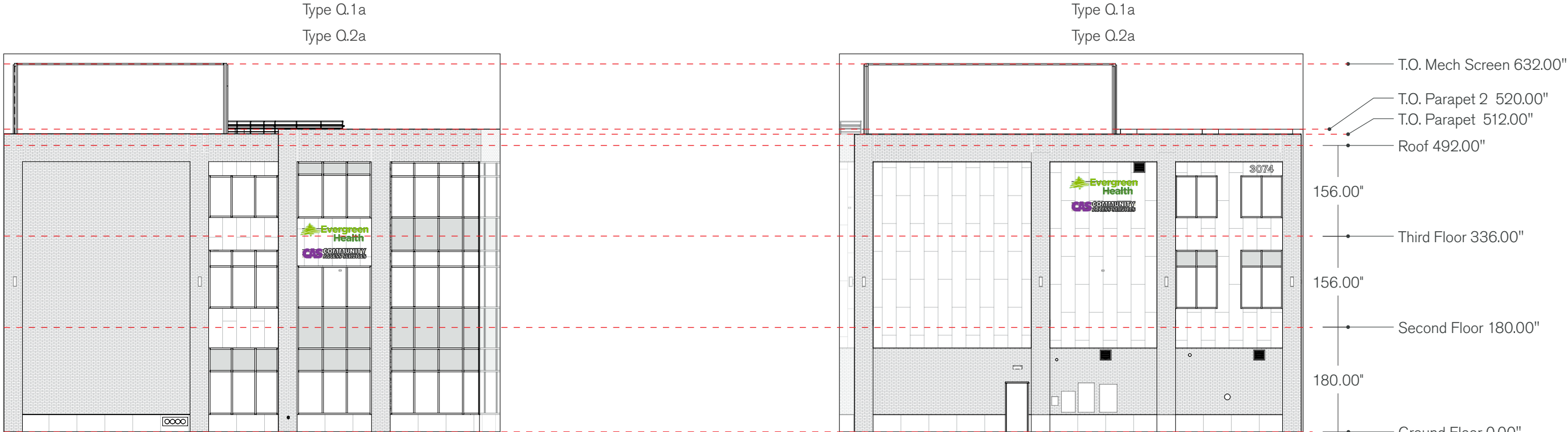
☐ As Is☐ As Noted

Approved By: _____

Date: _____



East Elevation - Bailey Ave.



South Elevation - Kensington Ave.

Southwest Elevation

Rendering

Project:
Evergreen Health - Bailey Ave.
Exterior

Date: 09.20.24
Drawn By: CJ

Filename:
EVE0030_222770_EXT_rev12

- Revisions:
- | | | | |
|----------|----|----------|----|
| 10.07.24 | CJ | 10.22.24 | CJ |
| 08.08.25 | CJ | 10.28.25 | CJ |
| 11.13.25 | JB | 12.22.25 | CJ |
| 01.21.26 | BR | 02.03.26 | BR |
| 03.24.26 | BR | 03.31.26 | BR |
| 06.02.26 | DH | 06.09.26 | BR |

Scale: 1/16" = 1'

Ethos
LETTERS & LOGOS

Notes:

Product Approval

☐ As Is☐ As Noted

Approved By: _____

Date: _____



Registration - Signage

City of Buffalo - Department of Permit and Inspection Services

All projects for which an application is required under Chapter 496 of the City Code must be registered with the Department of Permit and Inspection Services (DPIS). This form must be completed by you (the applicant) if your project includes signage. **The questions on this form are related to City Code and not the New York State Building Code.** At registration, all approvals required under Chapter 496 of the City Code will be identified and all appropriate application forms will be provided.

Applicant Information

Property Owner Name(s): _____

Phone Number: _____ Email: _____

Address: 206 S. Elmwood Ave City: Buffalo State: NY Zip: 14201

Applicant Name(s): _____

Phone Number: _____ Email: _____

Address: 11601 Maple Ridge Rd City: Medina State: NY Zip: 14103

Contractor Name(s): _____

Phone Number: _____ Email: _____

Address: 100 Corporate Parkway Suite 500 City: Amherst State: NY Zip: 14226

Property Information

Assessed Address: 3070 Bailey Ave

Area of Parcel (square feet): 30,911.1 Acres: .71

Zone: _____ Zone Overlay (if applicable): _____

Current Use: _____

Historic District/Property (within or adjacent): _____

Statement of Intent

Briefly state the intent of the project including a physical description of any existing signage (attach additional information if needed):



Registration - Signage

City of Buffalo - Department of Permit and Inspection Services

Provide the following for each proposed sign as required in Section 496-6 of the City Code (as applicable).

Project Description

Existing/Remaining Signage on Property:

Existing (square feet): _____ Remaining (square feet): _____

Proposed Sign #1:

Sign type (if on premise): Monument Sign (Double-Faced, Internally Illuminated) _____

Height (feet): 4.58 ft

Projection from wall (feet): N/A (Monument Sign)

Does the sign encroach in to the right-of-way? ☐ Yes

☒ No

Vertical clearance from sidewalk (feet): N/A (Monument Sign) _____

Illumination type (if applicable): Internally Illuminated LED Cabinet _____

Area (square feet): 6.12 sq. ft.

Width (feet): 2.50

Setback from curb (feet): ft

Percentage: 100% Intensity: 105 lumens per mod _____

Proposed Sign #2:

Sign type (if on premise): Wall Sign (Double-Faced, Internally Illuminated Flag-Mounted Cabinet) _____

Height (feet): 1.67 ft

Projection from wall (feet): 0.50 ft

Does the sign encroach in to the right-of-way? ☐ Yes

☒ No

Vertical clearance from sidewalk (feet): _____

Illumination type (if applicable): Internally Illuminated LED Cabinet _____

Area (square feet): 3.19 sq. ft.

Width (feet): 1.92 ft

Setback from curb (feet): N/A

Percentage: 100% Intensity: _____

Proposed Sign #3:

Sign type (if on premise): Wall Sign (Double-Faced, Internally Illuminated Flag-Mounted Cabinet) _____

Height (feet): 1.67 ft

Projection from wall (feet): 0.50 ft

Does the sign encroach in to the right-of-way? ☐ Yes

☒ No

Vertical clearance from sidewalk (feet): _____

Illumination type (if applicable): Internally Illuminated LED Cabinet _____

Area (square feet): 3.19 sq. ft.

Width (feet): 1.92 ft

Setback from curb (feet): N/A

Percentage: 100% Intensity: 105 lumens per mod _____



Registration - Signage

City of Buffalo - Department of Permit and Inspection Services

Proposed Sign #4:

Sign type (if on premise): Wall Sign - Internally Illuminated Channel Letters on Raceway

Area (square feet): 42.4 sq. ft.

Height (feet): 4.67 ft

Width (feet): 9.08 ft

Projection from wall (feet): 0.42 ft

Setback from curb (feet): N/A

Does the sign encroach in to the right-of-way? ☒ Yes ☐ No

Vertical clearance from sidewalk (feet): N/A

Illumination type (if applicable): Internally Illuminated LED Channel Letters

Percentage: 100% Intensity: 105 lumens per mod

*If more than four (4) types of signs are proposed, please attach additional pages to the application.

Total project cost: 92,910.86

Additional Required Materials

1. Site plan (if applicable)
2. Architectural elevations (if applicable)
3. Building Plan (if applicable)
4. Owner Authorization Form (if required)
5. Any additional documents that clearly describe the proposed work and its code compliance

Disclosure Affidavit

I, Hafsa Quddus (print name), as agent for the above-noted project, have reviewed the project's required Prior Approvals and City Code Requirements with a Permits Inspector. I am aware that it is my responsibility to accomplish all prior approvals, and then to bring paperwork for these approvals to the Permit Office at permit application. In addition, I am aware that it is my responsibility to collect all the required building/site plan documents and to bring them to the Permit Office at application in order for the reviews of this projects plans to proceed. It is my responsibility to supply any additional documents that the project requires to clearly and completely describe the proposed work and its code compliance. I understand that per City Code Section 103-13.1, if more than on plan revision per trade is required, additional review fees will be assessed. Furthermore, I understand that it is my responsibility to fully inform the property owner about all of the above.

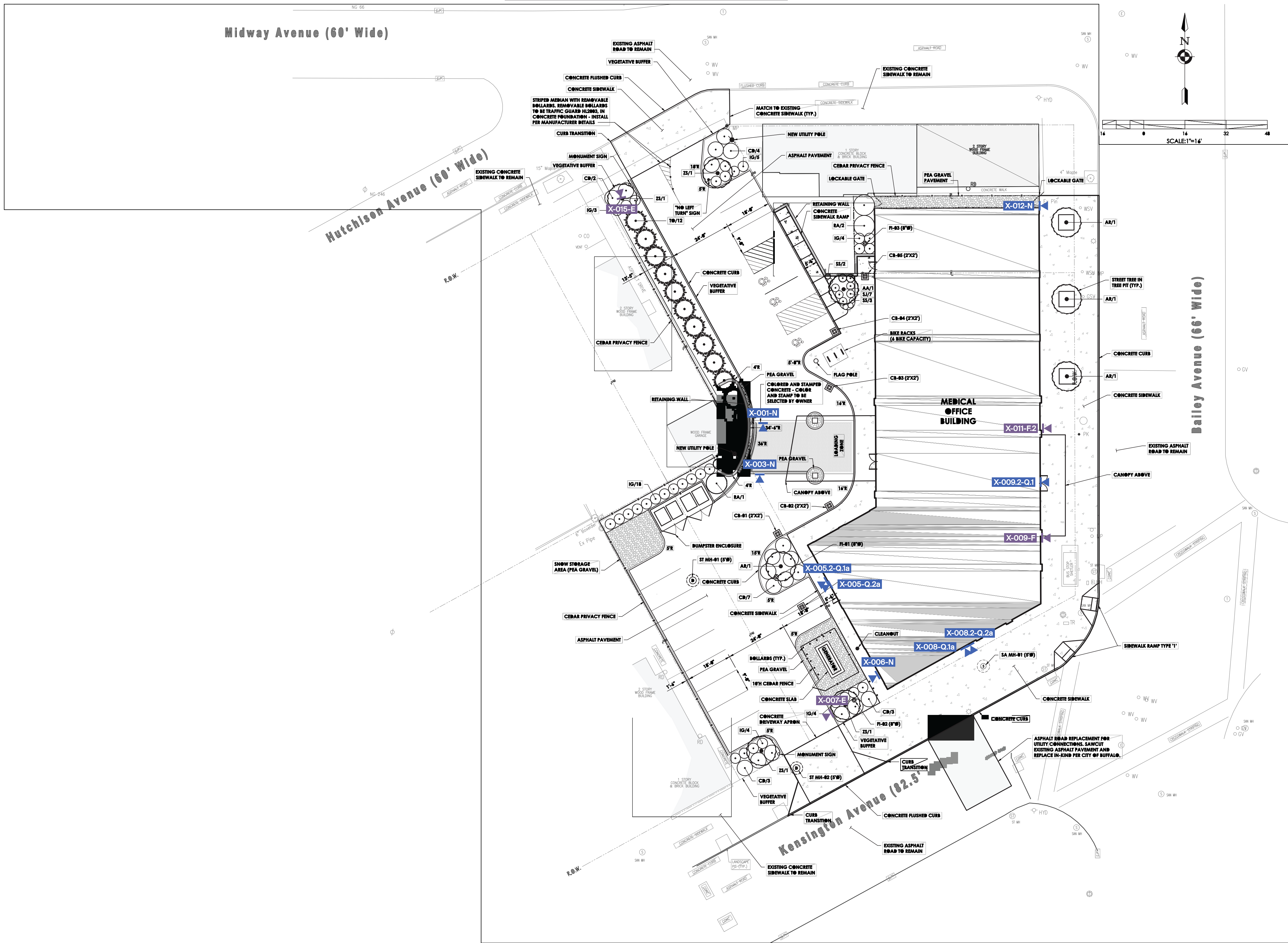
Applicant signature: Hafsa Quddus Date: 6/16/26

Office Use Only

A/P#: _____

Counts

Type	Description	Space Available	Qty
Evergreen Health - Bailey Ave - Planning			
E	Illuminated Sign with masonry base		2
F.2	Illuminated Exterior Flag (CAS)		1
F	Illuminated Exterior Flag (Evergreen Health)		1
N	Dimensional Numbers		4
Q.1	Face Lit Channel Letters (Evergreen Health)		1
Q.1a	Face-Lit Channel Letters (Evergreen Health)		2
Q.2a	Face-Lit Channel Letters (CAS)		2
Subtotal:			13



Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: The Evergreen Foundation of WNY, Inc.			
Project Location (describe, and attach a location map): 3074 Bailey Ave, Buffalo NY, 14215			
Brief Description of Proposed Action: 			
Name of Applicant or Sponsor:			
Address: 11601 Maple Ridge Road			
City/PO: Medina	State: NY	Zip Code: 14103	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If No, continue to question 2.		NO ☐	YES ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		signage SQ minimal acres	
b. Total acreage to be physically disturbed?		n/a acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.71 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☒
b. Consistent with the adopted comprehensive plan?	☐	☐	☒
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☒	YES ☐
16. Is the project site located in the 100-year or 500-year flood plain?	NO ☐	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO ☐ ☐ ☐	YES ☐ ☐ ☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO ☐	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO ☐	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO ☐	YES ☐
21. Is the project located within, or within ½-mile of, a disadvantaged community? (https://on.ny.gov/DACAT) If No, could impacts from the project affect a disadvantaged community? If Yes to either question in 21, answer the following question: a. Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management):	NO ☐ ☐	YES ☐ ☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Takeform</u> Date: <u>7/27/26</u> Signature: _____ Title: _____		

SEQRA Notice of Determination

Non Significance

Negative Declaration

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (SEQR – State Environmental Quality Review) of the Environmental Conservation Law.

Lead Agency: City of Buffalo, Zoning Board of Appeals
912 City Hall
65 Niagara Square
Buffalo, NY 14202

As per the provision of SEQR, the Lead Agency has reviewed the following action as it relates to the environment:

Action Title: Evergreen Health & CAS Signs

Location: 3070 Bailey Avenue, Buffalo, NY

Type of Action: Unlisted – Uncoordinated

Description: The Action involves area variances (monument signs may be erected only where building is set back at least 15 feet from front lot line, in excess of wall signs per right-of-way frontage on Bailey and Kensington Avenues, and in excess of maximum total sign area per right of way frontage) for the placement of two (2) monument signs and eleven (11) wall signs on a commercial building at 3070 Bailey Avenue.

As a Result of this Environmental Review: The Lead Agency has determined the undertaking of this action will not have a significant adverse effect on the quality of the environment. No further environmental review will be conducted prior to implementation of the action and a Draft Environmental Impact Statement will not be prepared.

Reasons Supporting This Determination: Potential environmental impacts associated with the action were identified in the Environmental Assessment Form to assess potential adverse environmental impacts compared to the criteria for determining significance identified in 6 NYCRR §617.7(c)(1) and in accordance with §617.7 (c)(2)(3). The potential impacts are not significant.

Impacts on Land

The proposed action will not have any significant adverse environmental impacts on land as the site is currently developed.

Impacts on Air Quality

The project will not have a significant impact on air quality and would not require an air permit.

Impacts on Surface Water

The project will not have an adverse impact on ground or surface water quality or quantity and will not result in any significant adverse impacts on surface water or groundwater quality or quantity.

Impacts on Transportation

The proposed action will not have a substantial adverse change in existing traffic levels or roadway/intersections levels of service and therefore no significant adverse environmental impacts are anticipated.

Impacts on Noise, Odor and Light

The project will not have a substantial adverse change on noise levels, will not result in a substantial increase in solid waste production and will not have a significant impact on lighting on adjacent properties.

Impacts on Flooding

The project is not located within a 100-year floodplain and therefore will not have any significant adverse environmental impacts on flooding.

Impacts on Flora and Fauna

The project will not have a significant adverse environmental impacts on flora or fauna.

Impacts on a Critical Environmental Areas

The project is located in an urban area and is not within or adjacent to a Critical Environmental Area.

Consistency with Community Plans and Character

The project is generally consistent with the community's current plans and goals, including accessory uses in the project area, and is overall consistent with the existing community and neighborhood character. The applicants are requesting area variances to the monument sign location, number of wall signs per right-of-way frontage on Bailey and Kensington Avenues, and total sign area per right of way frontage requirements of the zoning code. Although the proposed accessory uses are consistent with the existing pattern of development in the project area, the requested variances are inconsistent with community plans, specifically the zoning code. This is however a minor adverse environmental impact and is not a significant adverse environmental impact.

Impacts on Historic and Archeological Resources

The project will not significantly impact the character and quality of a historic resource or an archeological resource as it involves the placement of signs on an existing commercial building. No significant adverse environmental impacts are anticipated.

Impacts on Energy

The project will not result in a major change in the quantity or type of energy used.

Impacts on Human Health

The project will not create a hazard to human health and no significant adverse environmental impacts are anticipated.

Impacts on Aesthetic Resources

The project will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. No significant adverse impacts are anticipated.

Additional Considerations

The project will not encourage or attract a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

The project will not create a material demand for other actions that would result in one of the above consequences.

The project will not involve changes in two or more elements of the environment, no one of which has a significant adverse impact on the environment, but when considered together result in a substantial adverse impact on the environment.

The project does not include two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCCR 617.7(c)(1). For further information relative to this Negative Declaration, contact Mr. John Fell, AICP, Principal Planner, Room 920 City Hall, Buffalo, New York 14202, (716) 851-4533.

Dated: September 16, 2026

CC: Applicants



CITY OF BUFFALO

DEPARTMENT OF PERMIT AND INSPECTION SERVICES

Sean Ryan, Mayor

NOTICE OF DENIAL

Date of Denial: 08/18/26

Property Owner Name: EVERGREEN OF WESTERN NEW YORK INC.

Assessed Address: 80 MIDWAY Buffalo, NY 14215
Street Zip Code

Zone: N-3C

Applicant Name: ARI GOLDBERG

Applicant Address: 200 DELAWARE AVE Buffalo NY 14202
SUI Street 200 City State Zip Code

Based on the information provided to the Department of Permit and Inspection Services at the time of registration, a Notice of Denial from the Commissioner of Permit and Inspection Services is hereby given to the applicant for the associated project based on the reasons detailed below.

Application for: _____

Reason for Denial:

City Code Section	City Code Requirement	Request from Applicant
8.3.F.2	NOT PERMITTED	To Permit

State of New York)

County of Erie) ss

On the 12 day of August in the year 2016 before me, the undersigned, personally appeared Ari Goldberg personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

[Signature]
(Notary Public) or (Commissioner of Deeds)

[Signature]
Appellant sign here



Use Variance Application

City of Buffalo - Office of Strategic Planning

Applicant Information

Property Owner Name(s): City of Buffalo; Evergreen Foundation of Western New York, Inc.

Phone Number: [REDACTED] Email: [REDACTED]

Address: 206 S. Elmwood Avenue City: Buffalo State: NY Zip: 14201

Architect Name(s): _____

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Contractor Name(s): _____

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Property Information

Assessed Address: 78 Midway (90.32-4-32), 80 Midway (90.32-4-31)
portion of 77 Thornton (90.32-4-22) and portion of 79 Thornton (90.32-4-23)

Area of Parcel (square feet): 10,900 Acres: 0.25

Zone: N-3C Zone Overlay (if applicable): n/a

Project Description

Current Use: General public parking lot

Proposed Use: Evergreen Health Center parking lot

Briefly Describe the Proposed Project (attach additional information if necessary):
Repairs of parking lot to accommodate employee parking associated with Evergreen Health's adjoining development. Off-site accessory parking is permitted within 1,250 feet of the primary use unless the parcel is in the N-3C zone. Therefore, a use variance is required. Parking lot will be gated and site work is for minor repairs, including milling, protection/maintenance of existing drainage, and replacement of aging light stanchion.



Use Variance Application

City of Buffalo - Office of Strategic Planning

Use Variance Request

No use variance will be granted without showing by you (the applicant) that applicable zoning regulations and restrictions have caused unnecessary hardship. The following tests must be met for each and every use allowed by zoning on the property, including uses allowed by special use permit. Below please briefly describe how each of the four variance tests are met. Attach all supporting materials.

A. Description of Hardship. Provide evidence the applicant cannot realize a reasonable return demonstrated by competent financial evidence:

see attached analysis.

B. Unique Circumstances. Describe how the alleged hardship related to the property in question is unique and does not apply to a substantial portion of the zone or neighborhood:

see attached analysis.

C. Character of Neighborhood. Describe how the proposed use would not alter the essential character of the neighborhood:

see attached analysis.

D. Not self-created. Describe how the alleged hardship is not self-created:

see attached analysis.

Disclosure Affidavit

I affirm that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): Evergreen Foundation by its agent/attorney Date: 8/19/2026

Property owner or applicant signature: Corey Auerbach Corey Auerbach, Barclay Damon LLP

USE VARIANCE ANALYSIS

Property:

78 Midway Avenue – SBL 90.32-4-32

80 Midway Avenue – SBL 90.32-4-31

77 Thornton Avenue – SBL 90.32-4-22 (portion)

79 Thornton Avenue – SBL 90.32-4-23 (portion)

Zoning District: N-3C

Proposed Use: Off-site accessory parking for the Evergreen Health Bailey-Kensington Health Center

Evergreen Health seeks a use variance to permit approximately 10,920 square feet comprising portions of four existing parcels to be used as a ±33-space off-site accessory parking lot serving Evergreen's separately approved Bailey-Kensington Health Center immediately across Midway Avenue. The Health Center is a three-story, approximately 36,000-square-foot facility providing pharmacy, primary and specialty care, care coordination, pantry services, community events, counseling, community engagement, laboratory services, and administrative functions. Its approved Transportation Demand Management Plan provides 18 on-site parking spaces intended for patients and visitors and expressly contemplates the use of off-site parking for employees.

The proposed parking lot is located within the N-3C District. Although the Unified Development Ordinance permits parking to be located on an off-site lot within 1,320 feet of the principal use it serves, the Code does not permit such an accessory parking lot to exist as the principal use of property in the N-3C District unless operated as a parking lot available to the general public. The requested variance is therefore narrowly tailored to permit the existing parking area to be used as off-site accessory parking serving the approved Evergreen Health Center.

1. Reasonable Return

The Property cannot realize a reasonable return under the uses permitted as of right in the N-3C District. In support of this statutory criterion, Evergreen commissioned an independent real estate appraisal from K LW Appraisal Group, Inc., prepared by New York State Certified General Real Estate Appraisers Jessica A. Sauer and Gregory C. Klauk (the "Appraisal"). The Appraisal evaluates the Property's physical characteristics, zoning, development potential, highest and best use, and market value and provides competent financial evidence demonstrating that the inability to realize a reasonable return is substantial and attributable to the Property itself, rather than merely to Evergreen's preference for the proposed use.

The Property consists of portions of four contiguous parcels totaling approximately 10,920 square feet, with approximately 60 feet of combined frontage and a depth of approximately 182 feet. The Property is presently improved as a surface parking area, although the existing improvements are substantially deteriorated and have reached the end of their economic life. The appraisal concludes that the existing parking improvements contribute no positive value to the Property and, in fact, detract from its value because of the cost necessary to remove them. The

appraiser estimates approximately \$47,000 in demolition and removal costs, resulting in an as-is market value of only approximately \$24,000, compared with an estimated value of approximately \$71,000 assuming vacant land without the deteriorated improvements.

The appraisal further evaluates the Property's physical characteristics, zoning, location and potential development alternatives and concludes that its highest and best use is limited by its narrow configuration and relationship to the surrounding development pattern. Significantly, the appraiser identifies the Property as best suited either for limited residential development or as an assemblage for parking serving the commercial properties along Bailey Avenue. The latter use corresponds directly with the Property's historical physical function and its location immediately behind the Bailey Avenue commercial frontage.

The economics of the proposed investment further demonstrate that the variance is not being sought merely to obtain a more profitable use of otherwise readily developable property. Evergreen proposes to acquire a Property appraised at only approximately \$24,000 in its existing condition and make a substantial investment to repair and improve the existing parking area. Current estimates place the cost of the proposed repairs and improvements at several hundred thousand dollars, many times the Property's existing market value. The proposed use therefore represents a substantial investment in an otherwise economically constrained and deteriorated property rather than an attempt to obtain an enhanced economic return through a more intensive use.

Taken together, the Appraisal's analysis of the Property's market value, physical constraints, existing deteriorated improvements, demolition costs, development alternatives and highest and best use provides competent financial evidence demonstrating that the Property cannot yield a reasonable return through the uses otherwise permitted under its existing zoning.

2. Unique Circumstances

The hardship affecting the Property results from unique physical and locational circumstances that do not generally affect property throughout the N-3C District.

The Property is an unusually configured assemblage consisting of portions of four parcels, with only approximately 60 feet of combined frontage and a depth of approximately 182 feet. It is already substantially improved and historically used as a surface parking area and is situated immediately behind the commercial properties fronting Bailey Avenue. The appraisal specifically recognizes that the Property's physical characteristics and location make it particularly suited as an assemblage for parking serving the Bailey Avenue commercial corridor.

The Property's relationship to the surrounding parcels further distinguishes it from a typical N-3C development site. The northern portions of the Thornton Avenue parcels are being retained by the City for parking, while the portions proposed for acquisition by Evergreen extend south to Midway Avenue directly opposite the approved Evergreen Health Center. The result is a narrow, existing parking assemblage physically positioned between the Bailey Avenue commercial frontage and the surrounding neighborhood and particularly suited to supporting nearby institutional and commercial uses.

These circumstances are specific to the Property and its immediate surroundings. The requested relief therefore does not arise from a condition generally applicable throughout the N-3C District, but from the Property's particular configuration, existing improvements, historical function and relationship to the Bailey Avenue commercial corridor.

3. No Alteration of the Essential Character of the Neighborhood

Granting the requested variance will not alter the essential character of the neighborhood. To the contrary, the proposed use will continue the Property's existing physical function as a parking area while substantially improving its appearance, condition and operation.

The Property is already paved and presently used for parking. Evergreen does not propose to introduce a parking use onto vacant or residentially developed land. Instead, the proposed project will repair and improve the existing deteriorated parking area by providing 33 striped parking spaces, including accessible spaces, together with pavement and drainage repairs, fencing, controlled access, and other site improvements.

The proposed use is also consistent with the existing development pattern. The appraisal describes the immediate area as characterized by commercial development along Bailey Avenue with residential development extending west along the side streets. The Property already serves as a transitional parking area immediately behind the Bailey Avenue commercial frontage. Continued use of the Property for parking associated with the Health Center directly across Midway Avenue will therefore maintain, rather than disrupt, the established physical character of the site and surrounding area.

Moreover, the proposed parking directly advances the transportation and parking strategy developed in connection with the separately approved Health Center. Evergreen's Transportation Demand Management Plan provides 18 on-site parking spaces intended for patients and visitors and expressly contemplates off-site parking for employees. Indeed, during preparation of the Transportation Demand Management Plan, Evergreen specifically identified this City-owned parking area north of Midway Avenue for employee parking and discussed its use with the City's Parking Commissioner. Providing dedicated off-site employee parking immediately across Midway Avenue will preserve the limited on-site spaces for patients and visitors and reduce the potential for employee parking on surrounding neighborhood streets. The use of existing off-site parking also complements the Health Center's approved site design, which intentionally limits surface parking at the Health Center itself in order to maintain the urban, pedestrian-oriented character of the Bailey Avenue corridor.

Accordingly, the requested variance will not introduce an incompatible use or adversely affect the neighborhood. It will improve an existing parking area, support an already approved community health facility and provide an orderly off-street alternative to parking on surrounding residential streets.

4. Hardship Is Not Self-Created

The hardship is not the product of any physical alteration, subdivision or development undertaken by Evergreen. The Property already exists in its present narrow configuration, is already improved and used as a parking area, and was created and operated in that condition before Evergreen's proposed acquisition and use of the Property.

The need for zoning relief instead results from the interaction between the Property's existing physical condition and the Code's regulation of off-site accessory parking. The Code recognizes off-site accessory parking as an appropriate means of serving a principal use and permits such parking to be located within 1,320 feet of the use served. The Health Center is located immediately across Midway Avenue, well within that distance. The variance is required because, notwithstanding that proximity, the Code does not permit the off-site accessory parking lot itself to constitute the principal use of an N-3C parcel.

Evergreen did not create the Property's configuration, its longstanding use as a parking area, its location immediately behind the Bailey Avenue commercial frontage, or the zoning framework that gives rise to the need for relief. The City presently owns the affected parcels and has authorized Evergreen to pursue the permits and land use approvals necessary for the proposed project. The requested variance therefore responds to pre-existing, site-specific conditions and the Code's treatment of off-site accessory parking, rather than any condition created by Evergreen.

Minimum Variance Necessary

The requested relief is the minimum variance necessary to address the demonstrated hardship. Evergreen does not seek authority to operate the Property as an unrestricted commercial or public parking lot or to establish any unrelated principal use. The variance can be limited to use of the Property as off-site accessory parking serving the separately approved Evergreen Health Bailey-Kensington Health Center immediately across Midway Avenue.

Such narrowly tailored relief will allow an existing and deteriorated parking area to be repaired and improved for continued use as parking in direct support of an approved community health facility, while preserving the character of the surrounding neighborhood and avoiding any broader alteration of the uses otherwise permitted within the N-3C District.



OFFICE OF STRATEGIC PLANNING

DIVISION OF REAL ESTATE

Thomas E. Baines, Esq.

DEPUTY MAYOR

Yvonne Bailey

DIRECTOR

August 17, 2026

The Evergreen Foundation of WNY, Inc.
ATTN: Justin Azzarella
206 S. Elmwood Ave.
Buffalo, NY 14201

Re: 78 & 80 Midway Avenue; 77 & 79 Thorton Avenue Buffalo, New York

Dear Justin Azzarella,

The City of Buffalo, Office of Strategic Planning, Division of Real Estate has received a request from The Evergreen Foundation of WNY, Inc. for permission to request Permits and Inspections, and approvals as related to 78 & 80 Midway Avenue; 77 & 79 Thorton Avenue.

This letter is to confirm that the Division of Real Estate is aware of the project and has no objection to The Evergreen Foundation of WNY, Inc., moving forward with obtaining the necessary permits and approvals as related to 78 & 80 Midway Avenue; 77 & 79 Thorton Avenue, Buffalo, New York.

Sincerely,

A handwritten signature in black ink, appearing to read "Yvonne M. Bailey", written over a large, loopy flourish that extends to the left and under the signature.

Yvonne M. Bailey

Director of Real Estate

Corey A. Auerbach
Partner

August 19, 2026

VIA ELECTRONIC MAIL

City of Buffalo Zoning Board of Appeals
City of Buffalo City Hall
65 Niagara Square, Room 913
Buffalo, NY 14202

Re: Evergreen Health – Midway Avenue
Use Variance Application Submission

Dear Members of the Zoning Board of Appeals:

Barclay Damon LLP represents Evergreen Health and the Evergreen Foundation of Western New York, Inc. (collectively “Evergreen”). Evergreen is under contract with the City to purchase 78 Midway Avenue, 80 Midway Avenue, and portions of 77 Thornton Avenue and 79 Thornton Avenue. The parcels are zoned N-3C and currently serve as public parking. Evergreen seeks a use variance to permit the existing parking area to be used as an off-site accessory parking lot serving employees of its Bailey-Kensington Health Center.

The Health Center is a three-story, approximately 36,000-square-foot facility providing pharmacy, primary and specialty care, pantry services, community events and engagement, counseling, laboratory services, and administrative functions. Its approved Transportation Demand Management Plan provides 18 on-site parking spaces intended for patients and visitors and expressly contemplates the use of off-site parking for employees.

The proposed parking lot is directly across Midway Avenue from the Health Center. The Unified Development Ordinance (UDO) permits accessory parking to be located on an off-site lot within 1,320 feet of the principal use it serves. However, the UDO does not permit such an accessory parking lot to exist as the principal use of property in the N-3C District unless operated as a parking lot available to the general public. Accordingly, a variance is required to permit the existing parking area to be used as off-site accessory parking serving Evergreen’s Health Center.

As detailed in the enclosed Use Variance Analysis and supporting Appraisal Report, the requested relief satisfies the statutory criteria for a use variance. The Property’s existing condition, configuration, and historical use as a parking area, as well as its location immediately behind the Bailey Avenue commercial corridor and directly across Midway Avenue from the Health Center, make it particularly suited to the proposed use. The requested variance will allow Evergreen to repair and improve the existing parking area while supporting the transportation and parking strategy developed in connection with the separately approved Health Center.

Evergreen Health | Midway Avenue
Use Variance
August 19, 2026
Page 2

Enclosed please find the following exhibits:

1. Notice of Denial and Project Registration
2. Use Variance Application Form
3. Site Plan
4. Use Variance Analysis with Appraisal Report
5. Short Environmental Assessment Form
6. Owner Authorization

Thank you for your consideration and please let me know if you require anything additional to facilitate this request.

Very truly yours,

A handwritten signature in black ink, appearing to read "Corey Auerbach", written in a cursive style.

Corey A. Auerbach

1. SEDIMENT FROM THE SITE SHALL BE PREVENTED FROM DISCHARGING TO ANY SURFACE WATER OR STORMWATER PIPING SYSTEM BY THE INSTALLATION OF EROSION AND SEDIMENTATION CONTROL MEASURES AND PRACTICES PRIOR TO OR DURING CONSTRUCTION WITH THE FOLLOWING REQUIREMENTS:
2. CONTRACTOR SHALL APPOINT A PERSON TO BE RESPONSIBLE FOR ALL EROSION AND SEDIMENT CONTROL MEASURES. THIS PERSON SHALL BE TRAINED IN ACCORDANCE WITH NYSDEC REQUIREMENTS FOR EROSION AND SEDIMENT CONTROL ACTIVITY.
3. CONTRACT SHALL CONSTRUCT STABILIZATION ENTRANCES IN ACCORDANCE WITH DETAIL. COORDINATE LOCATION WITH OWNER PRIOR TO ANY ON-SITE ACTIVITIES.
4. EROSION AND SEDIMENT PROTECTION ON ALL EXISTING AND NEW CATCH BASINS, MANHOLES AND INLETS UNTIL DRAINAGE AREAS ARE STABILIZED. USE COMPOST FILTER SOCK IN PLACE OF SILT FENCE IN PAVED AREAS.
5. PROVIDE AND MAINTAIN SILT FENCE AROUND PERIMETER OF ALL WORK AREAS, EXCAVATED SOIL STOCKPILES, AND BETWEEN DISTURBED AREAS AND DRAINAGE WAYS OR WATER BODIES. COORDINATE LOCATIONS WITH OWNER AS WORK PROGRESSES. JOINTS TO BE REINFORCED AND ENTHRENCED (MIN 6" BELOW GRADE ELEVATION). SILT SOCK MAY BE USED ON PAVED OR GRAVEL AREAS.
6. ALL EXPOSED SUBGRADE AREAS INTENDED FOR PAVEMENT SHALL BE STABILIZED WITH SUBBASE STONE WITHIN THREE (3) DAYS OF EXPOSURE.
7. EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO ANY SOIL DISTURBANCE ACTIVITIES, INCLUDING GRADING OR FILLING OPERATIONS AND INSTALLATION OF PROPOSED STRUCTURES OR UTILITIES.
8. CONTRACTOR SHALL MAINTAIN EROSION CONTROL MEASURES AT ALL TIMES. UNTIL IMPLEMENTATION OF THE APPROVED PLAN DOES NOT PROVE TO BE EFFECTIVE FOR EROSION CONTROL, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED.
9. ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES AND PRACTICES, WHETHER TEMPORARY OR PERMANENT, SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AND AFTER THE WORK AREAS ARE STABILIZED.
10. CONTRACT TEMPORARY SILT FENCING ALONG BOTTOM EDGE OF ALL SLOPES AND/OR AS SHOWN, AS DESIGNATED, OR AS DIRECTED BY OWNER'S REPRESENTATIVE.
11. CONTRACTOR SHALL MAINTAIN ALL DITCHES AND DRAINAGE DAMS ALONG DITCH LINES AS SPECIFIED AND/OR AS SHOWN, AS DESIGNATED, OR AS DIRECTED BY OWNER'S REPRESENTATIVE.
12. ALL EROSION AND SEDIMENT CONTROL MEASURES MUST BE INSPECTED AND MAINTAINED WEEKLY. CONTRACTOR SHALL KEEP ON FILE A RECORD OF THE REQUIRED INSPECTION REPORTS.
13. ALL DISTURBED AREAS SHALL BE COVERED WITH VEGETATED (TEMPORARY SEEDING) WITHIN 14 CALENDAR DAYS FOLLOWING COMPLETION OF ANY PHASE OF GRADING.
14. JUTE MESH OR OTHER STABILIZATION FABRIC SHALL BE APPLIED TO ANY SLOPES GREATER THAN 1:1V:H IMMEDIATELY UPON COMPLETION OF GRADING. EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL THE VEGETATION IS ESTABLISHED.
15. TEMPORARY SEEDING SHALL BE ANNUAL RYE GRASS AT A RATE OF FIVE (5) LBS PER 1,000 SQUARE FEET OF AREA. CONTINUALLY REAPPLY TEMPORARY SEEDING AT FIRST SIGN OF EROSION OR DETEIORATION OF THE SURFACE GRADE.
16. CONTRACTOR SHALL MAINTAIN ALL DISTURBED AREAS WITHIN 5 WORKING DAYS FOLLOWING COMPLETION OF CONSTRUCTION OR DEVELOPMENT.
17. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE REMOVED COMPLETELY UPON FINAL STABILIZATION. COORDINATE TIMING OF REMOVAL WITH OWNER'S REPRESENTATIVE.
18. CONTRACTOR SHALL CLEAN ALL EXISTING AND NEW STORM PIPING WITHIN PROJECT LIMITS AFTER FINAL STABILIZATION IS COMPLETE.
19. WALKWAYS AND ROADWAYS TO BE KEPT FREE AND CLEAR OF DEBRIS, REFUSE AND SILT AT ALL TIMES.
20. DEBRIS, REFUSE AND OTHER SPILLS REMOVED AS PART OF THE CONSTRUCTION ACTIVITIES SHALL BE DISPOSED OF AT UP-LAND LOCATIONS.
21. AND IN ACCORDANCE WITH LOCAL LAWS AND REGULATIONS, SEDIMENT DISPOSAL IN WATER BODY, WETLANDS, OR OTHER SENSITIVE AREAS SHALL BE STRICTLY PROHIBITED.
22. DURING CONSTRUCTION, NO WET OR FRESH CONCRETE OR LEACHATE SHALL BE ALLOWED TO ESCAPE INTO ANY WETLANDS OR WATERS OF NEW YORK STATE, NOR SHALL WASHINGS FROM READY-MIX CONCRETE TRUCKS, MIXERS OR OTHER DEVICES BE ALLOWED TO ENTER ANY WETLAND OR WATERS, ONLY WATERPROOF OR FORMS SHALL BE USED. WET CONCRETE SHALL BE REMOVED IMMEDIATELY.
23. CONTRACTOR TO CONSTRUCT A TEMPORARY CONCRETE WASHOUT AREA ADJACENT TO EACH WORK AREA ENTRANCE.
24. THE CONTROL OF DUST ORIGINATING FROM THE CONSTRUCTION OPERATIONS IS CONSIDERED A CRITICAL RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DEVELOPMENT AND MAINTENANCE OF THE DUST CONTROL PLAN. THE CONTRACTOR SHALL MAINTAIN DUST CONTROL EFFORTS. WORK MAY BE SUSPENDED UNTIL ADEQUATE DUST CONTROL IS ATTAINED.

1. AT THE COMMENCEMENT OF EXTERIOR DEMOLITION WORK OR ANY OTHER EXTERIOR WORK, THE CONTRACTOR SHALL PROVIDE ADEQUATE FENCING TO PROTECT THE EXISTING DRIVEWAY AND ADJACENT DRIVEWAY FROM DAMAGE. THE CONTRACTOR SHALL ADJUST THE TEMPORARY FENCING THROUGHOUT THE DURATION OF DEMOLITION AND CONSTRUCTION ACTIVITIES UNTIL ALL THE EXTERIOR ACTIVITIES ARE COMPLETED OR UNTIL DIRECTED OTHERWISE BY THE OWNER'S REPRESENTATIVE.
2. WHEN REPAIRING PAVEMENT, CURBS THAT ARE ADJACENT TO PAVEMENT, CURING OR CURED PAVEMENT THAT ARE TO REMAIN, FILL ADJACENT DRIVEWAY AND DRIVEWAY SHALL BE REMOVED UNLESS SEPARATELY NOTED ON THE EXISTING DOWNSIDE CURB.
3. PROTECT ALL UTILITIES, EXISTING DEVICES & ROAD SIGNS THAT ARE TO REMAIN.
4. STORE ON-SITE AND REUSE PARKING/BUILDING/STREET SIGNS WHEREVER POSSIBLE. REUSED SIGNS TO BE ALLOWED TO REMAIN ON-SITE UNTIL THE CONTRACTOR HAS BEEN ADVISED BY THE OWNER'S REPRESENTATIVE THAT THEY MAY BE REUSED.
5. REMOVE & PROPERLY DISPOSE OF ALL TREES, BRUSH & DEBRIS WITH LIMITS OF DISTURBANCE AS DESIGNATED. CLEARING AND GRUBBING SHALL INCLUDE THE REMOVAL AND DISPOSAL OF ALL ORGANIC MATERIAL, INCLUDING STUMPS AND LIMBS. BRUSH AND LIMBS SHALL BE CHIPPED OR RECYCLED. ALL BRUSH AND LIMBS SHALL BE PROTECTED FROM DAMAGE.
6. REMOVE & STOCK PILE ON SITE ALL TOP SOIL WITHIN AREA OF DISTURBANCE FOR LATER USE. EXCESS TOPSOIL TO BE STOCKPILED AT DESIGNATED LOCATION.
7. COORDINATE WITH OWNER'S REPRESENTATIVE TO INSPECT GROUND DURING TOPSOIL REMOVAL & CLEARING AND GRUBBING PROCESS. TO PROTECT EXISTING ROOTS FROM TREE ROOT REMOVAL SHOULD BE BACKFILLED & COMPACTED WITH STRUCTURAL BACKFILL AS DIRECTED BY OWNER'S REPRESENTATIVE.
8. PROOF ROLL THE NEWLY EXPOSED SUBGRADE IN THE PRESENCE OF OWNER'S REPRESENTATIVE. UNDERCUT UNSUITABLE SUBGRADE TO PROTECT EXISTING UTILITIES.
9. PROTECT TREES, UTILITY POLES, GUY WIRES, POSTS, EDGE OF CONCRETE WALKS & CURB, AND ROOT SYSTEMS TO REMAIN AS NOTED, OR AS REQUIRED, FROM DAMAGE DURING CONSTRUCTION. CONTRACTOR SHALL REPAIR OR REPLACE AS NECESSARY ANY ITEM DAMAGED DURING CONSTRUCTION AT NO ADDITIONAL COST TO THE OWNER.
10. PROTECT EXISTING UTILITIES TO REMAIN. CONTRACTOR'S RESPONSIBILITY TO PROTECT EXISTING ROOTS DURING CONSTRUCTION. ROOTS SHALL BE CLEAN CUT AS DIRECTED BY THE OWNER'S REPRESENTATIVE.
11. ALL UNDERGROUND UTILITIES AND THEIR LOCATION SHOWN HEREON ARE APPROXIMATE. CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL EXISTING UTILITIES AND THEIR LOCATION PRIOR TO ANY CONSTRUCTION. DURING CONSTRUCTION, THE CONTRACTOR IS RESPONSIBLE FOR ALL REPAIRS TO EXISTING UTILITIES IF DAMAGED BY WORK.
12. CONTRACTOR TO COORDINATE ALL WORK DONE RELATED TO UTILITY POLES AND OVERHEAD LINES WITH UTILITY PROVIDERS.
13. CONTRACTOR SHALL REMOVE ALL EXISTING UNDERGROUND UTILITIES DESIGNATED, AND FILL EXCAVATION AREA WITH STRUCTURAL FILL AND COMPACTED IN 6" LIFTS.

1. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH APPLICABLE FEDERAL, STATE, COUNTY AND LOCAL COMMUNITY REQUIREMENTS.
2. THE CONTRACTOR, SIZES, AND ELEVATIONS OF EXISTING UTILITIES ARE BASED ON INFORMATION COMPILED BY THE ENGINEER FROM DRAWINGS OF RECORDS AND INFORMATION FURNISHED BY THE VARIOUS UTILITIES, WITH FIELD CHECKING WHERE NECESSARY AND POSSIBLE. THE ACCURACY OF THIS INFORMATION IS NOT GUARANTEED AND MAY BE APPROXIMATE ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO HAVE INFORMATION VERIFIED AND LOCATED PRIOR TO CONSTRUCTION. NO CONSTRUCTION SHALL BE UNDERTAKEN UNTIL THE CONTRACTOR HAS OBTAINED SUFFICIENT VERIFICATION OF THE DEPTH AND LOCATION OF PUBLIC UTILITIES AT LEAST 48 HOURS PRIOR TO COMMENCING WORK.
3. THE CONTRACTOR SHALL EXPOSE EXISTING UTILITIES, SERVICES, SEWERS AND LATERALS AHEAD OF PILE LAYING OR OTHER OPERATIONS SO THAT IF MINOR ADJUSTMENTS MUST BE MADE IN ELEVATION AND/OR ALIGNMENT, DUE TO INTERFERENCES, THESE ADJUSTMENTS CAN BE MADE IMMEDIATELY WITHOUT THE NEED FOR THE OWNER TO RELOCATE OR RE-CONSTRUCT AND WITHOUT INTERRUPTING TRAFFIC AND ACCESS TO THE VEHICLE LANE AND ADJACENT OWNER DRIVEWAYS, SERVICE ROADS AND PUBLIC STREETS SHALL BE MAINTAINED THROUGHOUT THE PERIOD OF CONSTRUCTION.
4. THE CONTRACTOR SHALL LOCATE, FLAG, AND PRESERVE SURVEY MONUMENTS AND PROPERTY CORNER MARKERS. THE CONTRACTOR SHALL HAVE A LICENSED SURVEYOR RE-ESTABLISH ANY PROPERTY CORNERS OR SURVEY MONUMENTS DISTURBED DURING CONSTRUCTION AT NO ADDITIONAL COST TO THE OWNER.
5. EXISTING UTILITY SERVICES SHALL BE MAINTAINED AT ALL TIMES.
6. THE CONTROL OF EROSION AND SEDIMENT ORIGINATING FROM CONSTRUCTION OPERATIONS IS CONSIDERED A CRITICAL RESPONSIBILITY OF THE CONTRACTOR. EROSION CONTROL DEVICES SHALL BE ESTABLISHED PRIOR TO COMMENCING WORK. THE CONTRACTOR'S REPRESENTATIVE SHALL BE RESPONSIBLE FOR THE DESIGN, INSTALLATION, MAINTENANCE, MONITORING, CONTROL AND MAY SUSPEND WORK UNTIL ADEQUATE CONTROL IS ATTAINED.
7. UTILITY POLES SHALL BE SUPPORTED, WHERE NECESSARY, AT NO ADDITIONAL COST TO THE OWNER.
8. CONTRACTOR SHALL PRESERVE AND PROTECT FROM DAMAGE ALL TREES, FENCES, AND OTHER ITEMS NOT SLATED FOR DEMOLITION.
9. THE CONTRACTOR SHALL RETAIN THE SERVICES OF A QUALIFIED TREE EXPERT TO REMOVE, WHERE NECESSARY, BRANCHES WHICH INTERFERE WITH THE CONSTRUCTION OPERATIONS, OR REPAIR TREES HAVING SUFFERED DAMAGE BY CONSTRUCTION ACTIVITIES. COST TO BE INCLUDED IN THE BID.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DRAINAGE OR SHORING (IF REQUIRED) DURING CONSTRUCTION WORK BE PROVIDED. CONTRACTOR SHALL COORDINATE WITH OWNER FOR THE RELOCATION/REMOVAL OF EXCESS EXCAVATED MATERIALS AND BE RESPONSIBLE FOR PROPER DISPOSAL OF EXCESS EXCAVATED MATERIAL FROM THE SITE.
11. THE CONTRACTOR SHALL CONFORM TO ALL CONDITIONS OF ANY APPLICABLE EASEMENTS.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONTROL OF EROSION AND SEDIMENT DURING CONSTRUCTION. THE CONTRACTOR'S REPRESENTATIVE SHALL BE THE FINAL JUDGE OF THE ADEQUACY OF THE CONTRACTORS DUST CONTROL EFFORTS. WORK MAY BE SUSPENDED BY THE OWNER'S REPRESENTATIVE UNTIL ADEQUATE DUST CONTROL IS ATTAINED.
13. ROADWAYS AND PAVED AREAS ADJACENT TO THE WORK TO BE KEPT CLEAR OF MUD AND DEBRIS AT ALL TIMES.
14. EXISTING DRAINAGE SYSTEM TO BE MAINTAINED AT ALL TIMES.
15. COORDINATE STAGING AREA(S) WITH OWNER. IN GENERAL, MATERIALS, EQUIPMENT AND VEHICLES ARE NOT TO BE STORED OR PARKED WITHIN HIGHWAY RIGHT-OF-WAY.
16. DURING ALL CONTRACTOR WORK, THE CONTRACTOR SHALL BE RESPONSIBLE FOR SECURING THE PROJECT SITE AT THE END OF EACH WORK DAY. ALL GATES TO REMAIN CLOSED DURING THE WORK DAY, TO PREVENT PATRONS AND STAFF FROM ENTERING THE CONSTRUCTION WORK AREAS. IF TEMPORARY CONSTRUCTION FENCING IS REMOVED TO ACCESS ACTIVE WORK AREAS, IT MUST BE IMMEDIATELY RESTORED UPON COMPLETION OF WORK OR AT THE END OF THE WORK DAY.
17. ALL OWNER WALKWAYS IN AREA ACCESSIBLE TO THE PATRONS OR STAFF MUST BE KEPT CLEAN OF DEBRIS, REFUSE AND LITTER AT ALL TIMES.
18. AREAS DISTURBED OR DAMAGED AS PART OF THIS PROJECTS CONSTRUCTION THAT ARE OUTSIDE THE PRIMARY WORK AREA SHALL BE RESTORED AT THE CONTRACTORS EXPENSE TO THE SATISFACTION OF THE OWNER'S REPRESENTATIVE.

1. ALL PROPOSED SPOT ELEVATIONS ARE FINISH GRADES UNLESS OTHERWISE NOTED.
2. ALL PROPOSED SPOT ELEVATIONS AT CURB LINES ARE BOTTOM OF CURB (TOP OF PAVEMENT) UNLESS OTHERWISE NOTED.
3. GRADES TO DRAIN AT FATH CATCH BASINS, STORM DRAINS, AND INLETS. NOTIFY OWNER'S REPRESENTATIVE IMMEDIATELY IF AREAS ARE NOT DRAINING APPROPRIATELY.
4. FINISH GRADES SHALL SLOPE AWAY FROM ALL BUILDINGS AND STRUCTURES FOR A MINIMUM OF 10 FEET UNLESS DIRECTED OTHERWISE.
5. ADJUST ALL EXISTING AND PROPOSED MANHOLE RISHS, CLEAN OUTS, VALVE COVERS, HAND HOLES, AND ALL OTHER UTILITY STRUCTURES TO FINISH GRADES.
6. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL FINAL GRADES, ELEVATIONS, AND INVERTS.
7. WHEN REQUIRED, ADJUST ELEVATIONS OF ALL BURIED UTILITY LINES (SEWER & WATER) TO PROVIDE MINIMUM REQUIRED COVER FOR FINISHED GRADE ELEVATIONS (COORDINATE WITH UTILITY PROVIDERS).

1. ALL TOP COURSE PAVEMENT AND FINAL STRIPING SHALL BE PLACED ONLY AFTER COMPLETION OF ALL SITE WORK UNLESS NOTED OTHERWISE. CONTRACTOR SHALL BE RESPONSIBLE FOR PLACING TEMPORARY PAVEMENT MARKINGS ON TOP OF BINDER COURSE IF TOP COURSE IS NOT INSTALLED. ALL STRUCTURES, RIMS, AND GRATES SHALL BE PROTECTED WITH TEMPORARY ASPHALT BINDER.
2. ALL ASPHALT PAVING SHALL MEET THE LINES AND GRADES AS SHOWN ON THE CONTRACT PLANS.

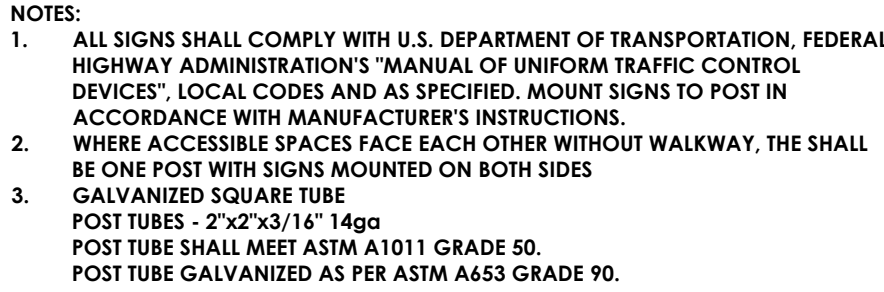


Diagram illustrating the layout of a four-stall accessible parking area, showing the placement of signs and pavement markings relative to the stalls.

Stalls and Markings:

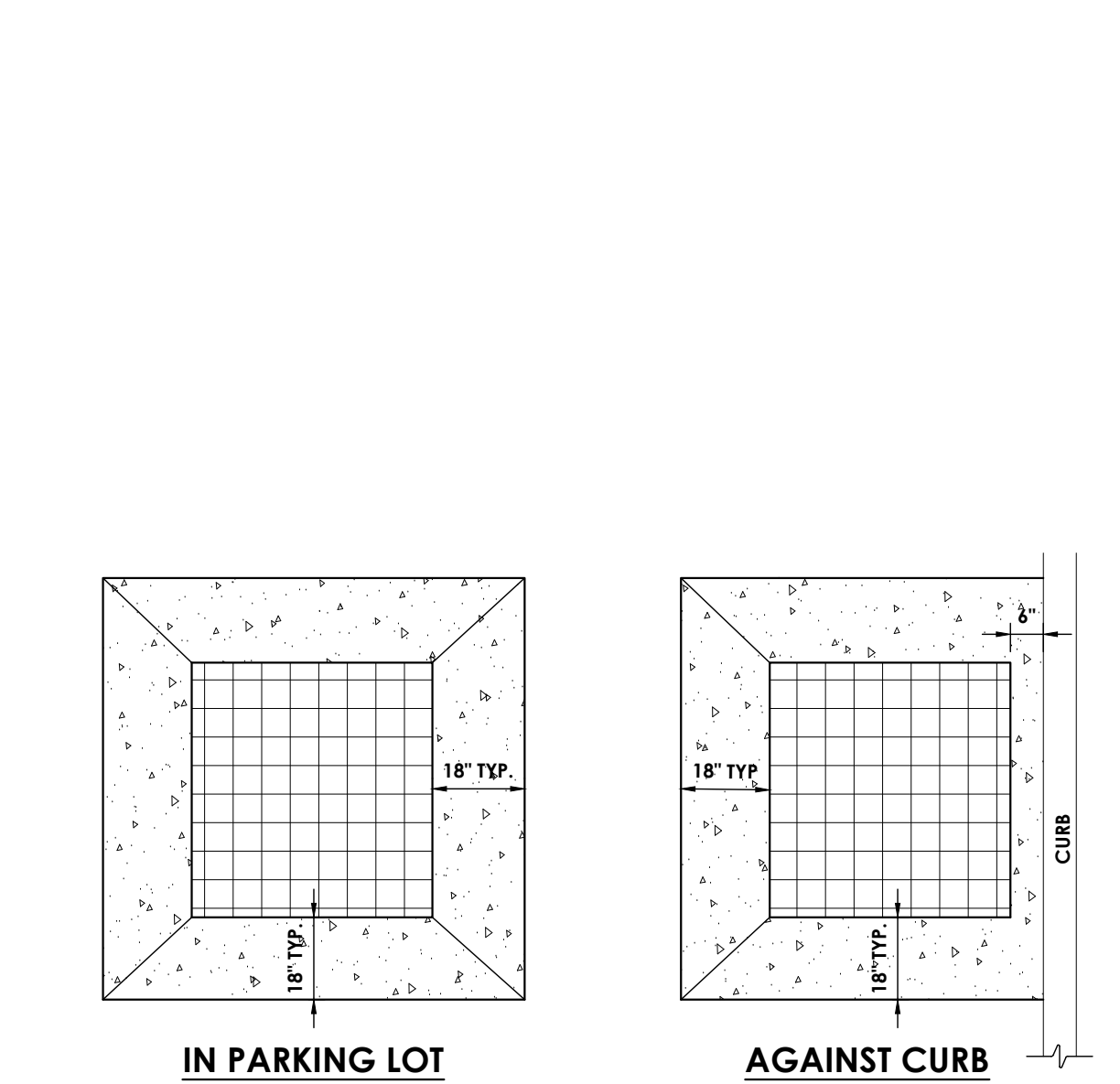
- Stall 1 (Leftmost):** Shaded area with diagonal hatching. Labeled "4\" BLUE PAVEMENT MARKING (TYP.)".
- Stall 2:** Contains a wheelchair symbol. Labeled "RESERVED PARKING" SIGN W/ ARROWS (MUTCD R7-8D) TO BE LOCATE PER SITE PLAN."
- Stall 3:** Shaded area with diagonal hatching. Labeled "SEE SITE PLAN FOR DIMENSIONS".
- Stall 4 (Rightmost):** Contains a wheelchair symbol. Labeled "SEE SITE PLAN FOR DIMENSIONS".

Signage and Markings:

- Sign 1:** "NEW \"NO PARKING ANYTIME\" SIGN W/O ARROW (MUTCD R7-1) TO BE LOCATED PER SITE PLAN." Located above the first stall.
- Sign 2:** "NEW \"RESERVED PARKING\" SIGN W/O ARROWS (MUTCD R7-8) TO BE LOCATED PER SITE PLAN." Located above the second stall.
- Sign 3:** "4\" DOUBLE LINE WHITE/ BLUE PAVEMENT MARKING (TYP.)" Located above the third and fourth stalls.

Dimensions:

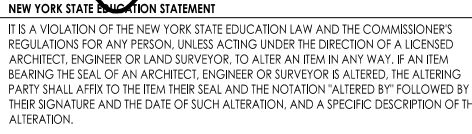
- Stall Width:** Labeled "SEE SITE PLAN FOR DIMENSIONS".
- Stall Depth:** Labeled "NON-ACCESSIBLE PARKING STALL" (indicating the depth of the stalls relative to the accessible stalls).



Project Number
R23.01264.00
Client Name

Project Name

**BAILEY-KENSINGTON HEALTH
CENTER**

PROFESSIONAL STAMP:

Issued
03/27/2026
Project Status

Drawn By
JMR

NOTES

Drawing Number

C800

- A. EXISTING UNDERGROUND UTILITIES SHOWN, THE CONTRACTOR SHALL OBTAIN THROUGH EXISTING DOCUMENTS AND FIELD WORK AND ARE SHOWN FOR REFERENCE PURPOSES ONLY. THE ELECTRICAL CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF ALL UNDERGROUND UTILITIES IN AREAS OF NEW UNDERGROUND ELECTRICAL WORK PRIOR TO EXCAVATION. ALL EXISTING ADJACENT UTILITIES SHALL BE TRACED AND MARKED ON SITE PRIOR TO EXCAVATION. ELECTRICAL CONTRACTOR SHALL HAND EXCAVATE AS REQUIRED. THE ELECTRICAL CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE CAUSED TO ADJACENT UNDERGROUND UTILITIES AND SHALL INCUR ALL ASSOCIATED REPAIR COSTS.
- B. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE ALL WORK ASSOCIATED WITH THE UTILITY SERVICE WITH THE ASSOCIATED UTILITY COMPANY, NATIONAL GRID. ALL WORK SHALL CONFORM WITH ASSOCIATED UTILITY COMPANY SPECIFICATIONS.
- C. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH TRENCHING, SAW CUTTING, ETC. ELECTRICAL CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR FULL RESTORATIONS OF ALL EXISTING CONDITIONS INCLUDING BUT NOT LIMITED TO REPLACING AND PATCHING OF ALL PAVEMENT, CONCRETE, SIDEWALKS, GRASS, CURBS, STRIPING, SIGNAGE, ETC. NOT PROVIDED BY SITE CONTRACTOR AS INDICATED ON CIVIL DRAWINGS. REFER TO CIVIL DRAWINGS FOR COORDINATION.
- D. REFER TO SINGLE LINE DIAGRAM ON THIS DRAWING FOR UNDERGROUND CONDUIT SIZES.
- E. ALL CONDUIT ROUTES SHOWN ARE APPROXIMATE ONLY. CONTRACTOR SHALL FIELD VERIFY FINAL ROUTE.
- F. UNLESS NOTED OTHERWISE, UNDERGROUND BRANCH CIRCUITS SHALL BE INSTALLED IN 1" SCHEDULE 40 PVC CONDUIT. UNLESS NOTED OTHERWISE, UNDERGROUND CONDUIT TO BE PLACED IN TRENCH SO THAT TOP OF CONDUIT IS 24" BELOW GRADE. INSTALL WARNING TAPE 12" ABOVE CONDUIT.
- G. ALL ABOVE GRADE EXPOSED CONDUITS SHALL BE IN RIGID GALVANIZED STEEL.
- H. ALL UNDERGROUND CONDUIT ELBOWS AND SWEEPS SHALL BE IN RIGID GALVANIZED STEEL.
- I. THE INSTALLATION SHALL COMPLY WITH ALL REQUIREMENTS OF THE LATEST ADOPTED EDITION OF THE NATIONAL ELECTRICAL CODE (NFPA 70) AND WITH THE NEW YORK STATE BUILDING CODE.
- J. FURNISH ALL MATERIALS, EQUIPMENT, SERVICES, AND LABOR FOR A COMPLETE OPERABLE ELECTRICAL INSTALLATION AS INDICATED ON THE DRAWINGS. ALL MATERIAL SHALL BE NEW AND BEAR THE UNDERWRITERS LABORATORIES, INC. (UL) LABEL WHERE AVAILABLE. INCIDENTAL ITEMS NOT INDICATED ON THE DRAWINGS, NOR MENTIONED IN THE SPECIFICATIONS, THAT CAN BE LEGITIMATELY & REASONABLY BE INFERRER TO BELONG TO THE WORK DESCRIBED OR BE NECESSARY IN GOOD PRACTICE TO PROVIDE A COMPLETE SYSTEM, SHALL BE FURNISHED & INSTALLED AS THOUGH ITEMIZED HERE IN EVERY DETAIL.
- K. ALL WORK SHALL BE EXECUTED IN ACCORDANCE WITH RECOGNIZED STANDARDS OF WORKMANSHIP. ALL WORK SHALL BE INSTALLED IN A NEAT AND ORDERLY MANNER.
- L. ALL EQUIPMENT SUPPLIED SHALL BE THE STANDARD EQUIPMENT OF THE MANUFACTURER.
- M. ELECTRICAL WORK TO BE INSPECTED BY A LICENSED THIRD PARTY INSPECTION AGENCY. INSPECTION FEE TO BE PAID BY CONTRACTOR AND REPORT SHALL BE SUBMITTED TO ENGINEER/ARCHITECT.
- N. THE CONTRACTOR SHALL PROVIDE, INSTALL, AND CONNECT A COMPLETE SYSTEM OF GROUNDING FOR ALL EQUIPMENT AND STRUCTURES. A GOOD MECHANICAL AND ELECTRICAL CONNECTION SHALL BE MADE WITH APPROVED GROUNDING CONNECTORS.
- O. ALL METAL RACEWAYS SHALL BE GROUNDED. ALL CONNECTIONS IN METAL RACEWAYS SHALL BE COMPLETED IN SUCH A MANNER AS TO MAINTAIN A CONTINUOUS PATH TO GROUND THROUGHOUT THE ENTIRE LENGTH OF THE RACEWAY.
- P. THE METALLIC CONDUIT SYSTEM SHALL BE USED AS PERMITTED BY THE ELECTRICAL CODE FOR EQUIPMENT AND ENCLOSURE GROUNDING SYSTEM. PROVIDE, AS DEFINED BY THE ELECTRICAL CODE, GROUNDING LUGS, STRAPS AND GREEN INSULATED COPPER GROUNDING CONDUCTORS. SIZE ACCORDING TO THE ELECTRICAL CODE.
- Q. GROUND CONDUCTOR SHALL BE SUPPLIED IN ALL NON-METALLIC CONDUIT.
- R. GROUNDING CONDUCTORS SHALL BE COPPER. USE EXOTHERMIC WELDED CONNECTIONS TO STRUCTURAL STEEL AND FOR UNDERGROUND CONNECTIONS. USE BOLTED PRESSURE CLAMPS FOR ALL OTHER CONNECTIONS.
- S. MAKE ALL JOINTS AND CONNECTIONS OF THE CONDUIT SYSTEM TIGHT TO MAINTAIN CONTINUITY OF MECHANICAL AND ELECTRICAL GROUND THROUGHOUT ENTIRE SYSTEM.
- T. CONDUIT RUNS SHOWN ARE SCHEMATICAL AND DO NOT INDICATE THE NECESSARY FITTINGS AND JUNCTION BOXES THAT ARE INCLUDED IN THE SCOPE OF THE WORK.
- U. JUNCTION, PULL AND OUTLET BOXES SHALL BE INSTALLED SUCH THAT THE WIRING CONTAINED IN BOX MAY BE RENDERED ACCESSIBLE.
- V. ALL ELECTRICAL EQUIPMENT OUTSIDE SHALL BE IN NEMA-3R ENCLOSURES.
- W. USE COLOR CODED ADHESIVE MARKING TAPE FOR RACEWAYS, WIRES AND CABLES. CODE WIRING AS FOLLOWS: PHASE A: BLACK, PHASE B: RED, NEUTRAL: WHITE, GROUND: GREEN.
- X. CONDUCTORS SHALL BE COPPER, 600 VOLTS, THHN-THWN, 75 DEGREES C. INSULATION. MINIMUM SIZE BRANCH CIRCUIT CONDUCTORS SHALL BE NUMBER 12 AWG. ALL CONDUCTORS SHALL BE IN CONDUIT.
- Y. NUMBER 12 AWG SHALL BE SOLID, AND NUMBER 10 AWG AND LARGER SHALL BE STRANDED.
- Z. UNLESS NOTED OTHERWISE ON THE DRAWINGS, EACH BRANCH CIRCUIT SHALL BE THREE (3) #12 AWG THHN/THWN (1 HOT, 1 NEUTRAL & 1 EQUIPMENT GROUND) IN 1/2" EMT CONDUIT. PROTECT EACH CIRCUIT WITH A 20 AMPERE, 1-POLE OVERCURRENT DEVICE UNLESS OTHERWISE NOTED. PROVIDE #10 AWG FOR 120V BRANCH CIRCUITS LONGER THAN 100 FEET. COMBINED NEUTRALS ARE NOT PERMITTED.

LUMINAIRE SCHEDULE						
MARK	DESCRIPTION	MANUFACTURER	MODEL	LUMENS	TOTAL QTY	REMARKS
LP1	LED POLE LIGHT WITH TYPE 4 WIDE DISTRIBUTION WITH MAX BACKLIGHT CONTROL AND BLACK FINISH	BEACON	VP-SS-1-40L-50-4K7-4W-120 -MAF-BLT-MBC-BTS-14F	7500	2	1.2.3

A. PROVIDE ALL MOUNTING BRACKETS AND ACCESSORIES AS NECESSARY FOR INSTALLATION OF FIXTURE.

1. PROVIDE FIXTURE WITH INTEGRAL PHOTOCELL AND PROGRAMMABLE OCCUPANCY SENSOR. FIXTURE SHALL DIM TO 50% WHEN NO OCCUPANCY DETECTED FOR 15 MINUTES. PROVIDE PROJECT WITH (1) REMOTE FOR COMMISSIONING FIXTURES AS REQUIRED FOR FIXTURE.
2. PROVIDE WITH MATCHING 3" SQUARE, 15" HIGH ROUND ALUMINUM POLE WITH BOLT COVER, AND GFCI RECEPTACLE WITH WEATHERPROOF PADLOCKABLE IN-USE COVER.
3. PROVIDE FIXTURE WITH 48" MAST ARM.



Drawing Number



REAL ESTATE APPRAISAL

Midway Avenue and Thornton Avenue
City of Buffalo, Erie County, New York

Property Type
VACANT LAND

For
EVERGREEN HEALTH SERVICES
c/o Jessica Schanne
170 W. Chippewa Street
Buffalo, NY 14201

Effective Date of Valuation
March 12, 2026

Prepared By
JESSICA A. SAUER
KLW Appraisal Group, Inc.
247 Cayuga Road
Buffalo, New York 14225
KLW File: 15096



May 22, 2026

Evergreen Health Services
c/o Jessica Schanne
170 W. Chippewa Street
Buffalo, NY 14201

**Re: Real Estate Appraisal
Midway and Thornton Avenue
Buffalo, Erie County, New York 14215**

Dear Ms. Schanne:

As requested, we have undertaken the real property appraisal of the above-captioned property. This is an **appraisal report** as defined by the Appraisal Foundation in the Uniform Standards of Professional Appraisal Practice. This appraisal is prepared in accord with the scope of services set out in this report. The appraisal is intended to provide a summary of the pertinent aspects of the property and market information, sufficient to produce a credible estimate of market value.

The subject property is comprised of portions of four contiguous city owned, commercially zoned vacant tax parcels, containing a combined 10,920 square feet (.251 acres) improved with a paved parking lot located on the north side of Midway Avenue, south of Thornton Avenue.

Tax Parcel	Assessor's Street Address	Municipality	Brief Description
90.32-4-32	78 Midway Avenue	Buffalo	Vacant lot 30' x 110'
90.32-4-31	80 Midway Avenue	Buffalo	Vacant lot 30' x 110'
90.32-4-22 (part of)	77 Thornton Avenue	Buffalo	Vacant lot 30' x 72'
90.32-4-23 (part of)	79 Thornton Avenue	Buffalo	Vacant lot 30' x 72'

The purpose of the appraisal is to estimate market value of the appraised property based on highest and best use, and in accord with the Scope of Services set forth in this report. The effective date of valuation is the date of inspection.

The remainder of the Thornton Avenue parcels 60' x 38' (2,280 SF) will be retained by the City of Buffalo to serve parking needs for its contiguous property at 3102 Bailey Avenue.

Based on the results of our investigations, research, and analysis we have estimated the market value of the appraised property to be as follows:

Value Types	Interest Appraised	Date of Valuation	Value Conclusions
Market Value As Is	Fee Simple	March 12, 2026	\$24,000

This appraisal is contingent upon the following **extraordinary assumptions***:

- The properties are appraised assuming no restrictions will be placed on the properties other than zoning constraints.
- The remainder portions of the Thornton Avenue parcels to be retained by the city are assumed to be necessary to serve parking needs of the city owned property at 3102 Bailey Avenue.

If this assumptions are not accurate there could be an adverse impact on market value.

Hypothetical condition:** None

The market value opinion is also subject to the general limiting conditions and assumptions that follow.

The estimated exposure time for the property to have achieved the appraised value was 6 to 12 months, which is characteristic of this property type and market conditions preceding the date of appraisal. The marketing time for the property is also estimated to be 6 to 12 months.

The intended use is to aid in the sale of the property.

The intended user of this report is our client, Evergreen Health Services, and the City of Buffalo Real Estate Division, and the City of Buffalo's Appraisal Review Panel.

The value estimate and opinions expressed reflect market conditions in the local market area as of the valuation date.

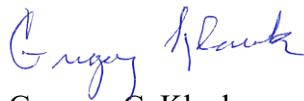
The following report sets forth, in more detail the scope of our investigation and the conclusions drawn from our analyses.

Respectfully submitted,

KLW Appraisal Group, Inc.



Jessica A. Sauer
Appraiser
New York State Certified General
Real Estate Appraiser
Certificate # 46-53494
[Redacted]



Gregory C. Klauk
Supervising Appraiser
New York State Certified General
Real Estate Appraiser
Certificate #46-0250
[Redacted]

***Extraordinary Assumption:** An assignment-specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser's opinions or conclusions. (USPAP, 2025 ed., pg. 4).

****Hypothetical Condition:** a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the of the assignment results, but is used for the purpose of analysis. (USPAP 2025 Edition, pg. 4.).

GENERAL LIMITING CONDITIONS AND ASSUMPTIONS:

1. That the date of value to which the opinions expressed in this report apply is set forth in the letter of transmittal. The appraiser assumes no responsibility for economic or physical factors occurring at some later date which may affect the opinions herein stated.
2. That no opinion is intended to be expressed for legal matters or that would require specialized investigation or knowledge beyond that ordinarily employed by real estate appraisers, although such matters may be discussed in the report.
3. That no opinion as to title is rendered. Data on ownership and the legal description were obtained from sources generally considered reliable. Title is assumed to be marketable; free and clear of all liens, encumbrances, easements and restrictions except those specifically discussed in the report. The property is appraised assuming it to be under responsible ownership and competent management and available for its highest and best use.
4. That no engineering survey has been made by the appraiser. Except as specifically stated, data relative to size and area were taken from sources considered reliable, and no encroachment of real property improvements is assumed to exist.
5. The maps, plats, and exhibits included herein are for illustration only, as an aid in visualizing matters discussed within the report. They should not be considered as surveys or relied upon for any other purpose.
6. That the projections included in this report are utilized to assist in the valuation process and are based on current market conditions, anticipated short term supply and demand factors, and a continued stable economy. Therefore, the projections are subject to changes in future conditions that cannot be accurately predicted by the appraiser and could affect the future income or value projections.
7. That testimony or attendance in court or at any other hearing is not required by reason of rendering this appraisal unless such arrangements are made a reasonable time in advance.
8. That since a title report was not made available no responsibility is assumed for such items of record not disclosed by his normal investigation.
9. That no consideration has been given in this appraisal to personal property located on the premises, unless otherwise noted.
10. Unless otherwise stated in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyls, petroleum leakage, or agricultural chemicals, which may or may not be present on the property, or other environmental conditions, were not called to the attention of nor did the appraiser become aware of such during the appraiser's inspection. The appraiser has no knowledge of the existence of such materials on or in the property unless otherwise stated.

GENERAL LIMITING CONDITIONS AND ASSUMPTIONS: (Cont'd.)

11. Furthermore, the appraiser is not qualified to test for such substances or conditions. The presence of such substances (e.g. asbestos, urea formaldehyde foam insulation, or other hazardous substances or environmental conditions) may affect the marketability and/or value of the property. The opinions rendered in this report are predicated on the assumption that there are no such conditions on or in the property or in such proximity thereto that would cause a loss in marketability and/or value. No responsibility is assumed for any such conditions, nor for any expertise or engineering knowledge required to discover them.
12. The information within this report is presented with the understanding that appraisals and reporting formats vary greatly, depending upon the client's individual needs, time constraints, the size and complexity of the property, and the intended use of the data. It should be clearly understood this appraisal has been prepared subject to certain limitations as detailed in the scope of work detailed in the report.
13. The possession of this report does not carry with it the right of publication or copying in whole or in part, and there is no accountability or obligation expressed or implied to anyone other than the "intended user(s)". If this report is placed in the hands of anyone other than the intended user, it is at your risk and obligation to make such party aware of all of the limiting conditions and assumptions of this assignment, and any of the related discussions. Furthermore, this appraisal report is to be used only in its entirety and may not be used for any purpose other than its intended use.
14. The reader should note that if you are contemplating obtaining mortgage financing from a federally regulated institution and using this property as collateral, the lender or its agent is required to directly engage the appraiser.

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Certification

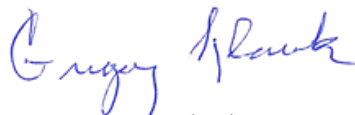
I certify that, to the best of my knowledge and belief:

- the statements of fact contained in this report are true and correct.
- the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved. Furthermore, this appraisal report was not based on reporting a minimum valuation, specific valuation or approval of a loan.
- compensation for this assignment is not contingent on an action or event resulting from the analyses, opinions or conclusions in, or the use of, this report.
- the reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute which include the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation and its Competency Rule.
- I am competent to undertake the appraisal assignment that is the subject of this report based on my achievement of voluntary certification as a General Real Estate Appraiser within the State of New York, previous experience in valuing similar properties, attendance at seminars and courses relating to the specific subject matter or related matters and also based upon personal study and readings relative to the subject property type.
- I am currently certified as a General Real Estate Appraiser with the State of New York's Voluntary Certification Program. This certification indicates competency to perform residential and non-residential appraisals.
- As of the date of this report Gregory C. Klauk has completed the continuing education program for Affiliate Members of the Appraisal Institute.
- I have made an inspection of the property that is the subject of this report.
- use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- I have provided no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three year period immediately preceding acceptance of this assignment.
- No one has provided real property appraisal assistance to the persons signing this certification.

Date: May 22, 2026



Jessica A. Sauer
Appraiser
New York State Certified General
Real Estate Appraiser
Certificate # 46-53494
jsauer@klwgroup.com



Gregory C. Klauk
Supervising Appraiser
New York State Certified General
Real Estate Appraiser
Certificate #46-0250
gklauk@klwgroup.com

Executive Summary:

Property Information:

Address:	Midway and Thornton Avenue, City of Buffalo, Erie County, New York
Parcel ID (SBL) #:	78 Midway Avenue - 90.32-4-32 80 Midway Avenue - 90.32-4-31 77 Thornton Avenue - 90.32-4-22 (part of) 79 Thornton Avenue - 90.32-4-23 (part of)
Ownership:	City of Buffalo
Property Rights Appraised:	Fee Simple
Assessment:	\$84,000 (combined)
True Taxes:	\$1,059 (combined estimate)

Site Information:

Land Area Appraised :	10,920 SF (0.251 acre combined)
Zoning:	N-3C Mixed Use Center
Shape:	Rectangular
Frontage:	60 Feet on the north side of Midway Avenue (combined)
Utilities:	All Public
Flood Zone:	X
Property Type:	Vacant Commercial Land Improved w/ Paved Parking Lot
Easements:	None Noted Other Than Typical Utility Easements
Encroachment:	None Noted
Wetlands:	None
Environmental:	Assumed Clean

Highest & Best Use:

As Is:	Commercial Development
---------------	------------------------

Sales Comparison Approach:

Appraised Value As Vacant:	\$71,000 (rounded)
Demolition & Removal	(\$47,000)
As Is Value:	\$24,000

Relevant Dates & Times:

Effective Date of Valuation:	March 12, 2026
Date of Inspection:	March 12, 2026
Exposure Time:	6 to 12 Months
Marketing Time:	6 to 12 Months

Identification of the Subject Property:



The appraised properties consist of four contiguous, commercially zoned tax parcels, located on the south side of Thornton Avenue and on the north side of Midway Avenue, just west of Bailey Avenue in the city of Buffalo, county of Erie and State of New York.

The properties are further identified as follows:

Legal Address	SBL #	Brief Description
78 Midway Avenue	90.32-4-32	30' x 110' / 3,300 SF (.076 acre)
80 Midway Avenue	90.32-4-31	30' x 110' / 3,300 SF (.076 acre)
77 Thornton Avenue	90.32-4-22	30' x 110' / 3,300 SF (.076 acre)
79 Thornton Avenue	90.32-4-23	30' x 110' / 3,300 SF (.076 acre)

The appraisal addresses each parcel at 78 and 80 Midway Avenue and the southern 72 feet of the Thornton Avenue parcels. The total area appraised is 60 feet wide at Midway Avenue to a depth of 182 feet containing 10,920 SF.

Property Rights Appraised:

The rights appraised are those inherent in the fee simple estate, subject to police powers, taxation, eminent domain, escheat and existing easements and/or encroachments. Non realty rights and values such as special tax benefits, unique financing terms, personal property not permanently attached to the real estate or business value were not considered.

Intended Use of the Appraisal:

The intended use of this appraisal is to aid the analysis of the properties for an acquisition of the defined area.

Intended Users:

The intended user of this report is our client, Evergreen Health Service, and the City of Buffalo Real Estate Division and the City of Buffalo's Appraisal Review Panel.

Definition of Market Value:

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeable and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised, and each acting in what they consider their own best interests.
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale. (12 C.F.R. Part 34.42(g); 55 Federal Register 34696, August 24, 1990 as amended at 57 Federal Register 12202, April 9, 1992; 59 Federal Register 29499, June 7, 1994).

Effective Date of Valuation:

The effective date of valuation of the analysis is March 12, 2026, the date of the most recent inspection. Marketing conditions which are analyzed are those in effect as of that date, opinions rendered in this report may not be valid for any future date due to the changing nature of the determinants of value. Unforeseen changes in the future economic conditions (rise or decline) or dynamic changes in any of the financial markets of US could have a material effect on the estimated value of property. Additionally new legislation (state or federal) or modifications to existing laws that may occur after the effective date, could also impact on the estimated value of the property. No responsibility is assumed for changes in market conditions or legislation.

Scope of the Assignment:

The scope of the appraisal assignment is intended to encompass the investigations, research and analysis necessary to prepare the report in accord with 1) the intended use of the report, 2) the Standards of Professional Practice of the Appraisal Institute, and the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation and 3) The Appraisal Standards of the City of Buffalo. Regarding this assignment it involved the following:

- Research and collection of market data related to market conditions and market activity.
- Review and analysis of the zoning ordinance governing the subject panels.
- An inspection of the appraised properties.
- A discussion with the Director of Real Estate and Franz Ross regarding the appraised parcels and the city's understanding and intended use of the parcels to be sold and its remainder.
- Review and analysis of the public records relating to the appraised properties.
- Review of available environmental and other survey reports.
- Exterior inspection of comparable and competitive properties.
- Consideration of all methods of valuation.
- Application of the direct sales comparison approach.
- Reconciliation and conclusion of final estimate of market value.

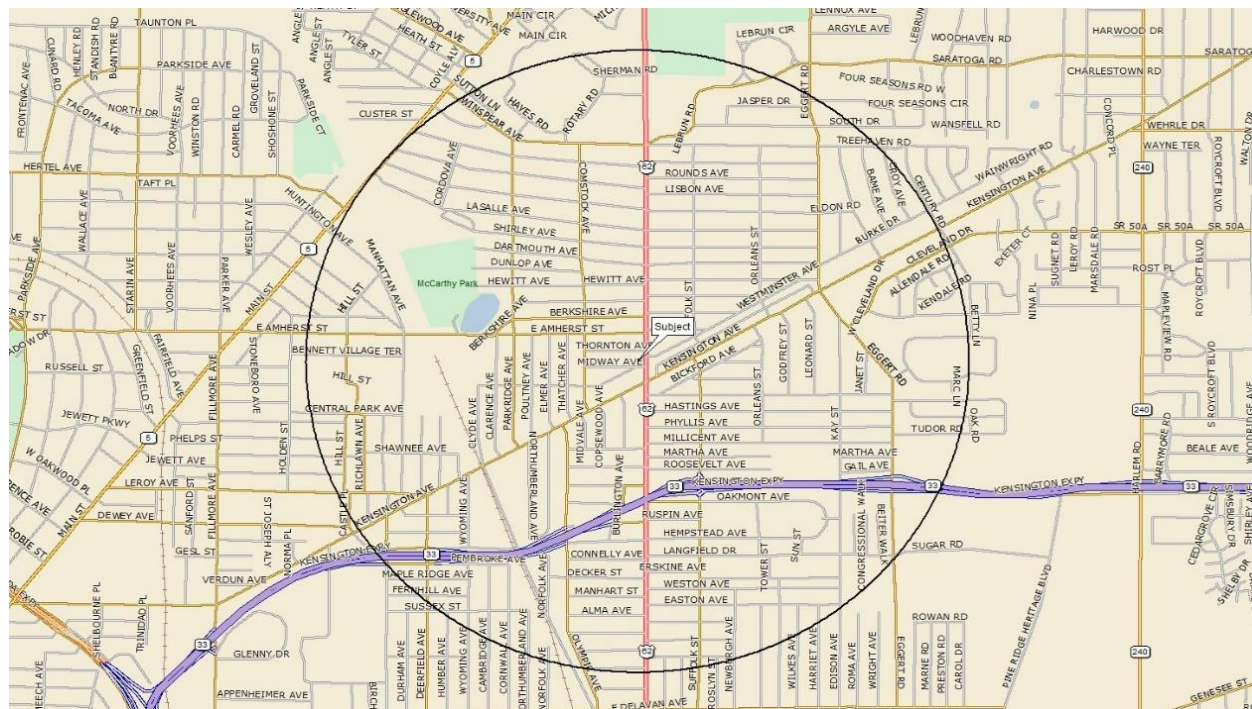
The appraisal is intended to provide a summary of the pertinent aspects of the property and market information, sufficient to produce a credible estimate of market value.

In the course of collecting and confirming market data, no important information has been knowingly withheld.

The land areas used in this report are based on county tax map and the survey provided.

Market Area Analysis:

The same locational, social, economic and governmental influences which act on a regional basis also operate on individual market areas. The term "market area" here is being defined as an area with complimentary land use and linkages. Although the area boundaries often coincide with physical features, the concept of the market area is more importantly related to economic and land use patterns.



Geographic Boundaries - The market area, given the subject's use, is best defined by a one mile radius. This area is loosely bounded by Winspear Avenue to the north, Eggert Road to the east, the Kensington Expressway to the south, and Main Street (NY-5) to the west.

Linkages – The subject property is located on the north side of Midway Avenue and the south side of Thornton Avenue, in the City of Buffalo, west of the Town of Cheektowaga.

Kensington Avenue, Main Street (NY-5) and Kensington Expressway (NY-33) are the primary northeast/southwest routes within the market area. Kensington Avenue travels through the city of Buffalo providing access to I-290 (northeast) and through the city of Buffalo (southwest), concluding at Main Street providing access to the Scajaquada Expressway (NY-198). NY-33 is south of the subject and extends west from NY-5 in Buffalo to NY-31 east in Rochester. NY-33 is one of several expressways leading out of downtown Buffalo that serves as a main route to the Buffalo Niagara International Airport (BNIA).

Bailey Avenue (US-62), Eggert Road and Harlem Road are the primary north/south routes within the market area. Bailey Avenue (U.S. 62) a north to south main route through the market area that enters the city through Lackawanna and exits at the town of Amherst. Harlem Road is a moderately traveled, north/south thoroughfare that connects the subject area with the Town of Amherst to the north and the Town of West Seneca to the south.

Market Area Analysis: (Cont'd.)

Land Uses - The subject property is located in a urban commercial and residential area, northeast of the city of Buffalo's Downtown Hub within the Kensington-Bailey Neighborhood. The subject is immediately surrounded by commercial buildings to the north, south and east along Bailey Avenue, and residential developments to the west.

The commercial development along Bailey Avenue is experiencing gradual commercial revitalization characterized primarily by public-sector investment and incremental private reinvestment. Key developments include planned large-scale municipal use such as the proposed DPW campus, expansion of institutional anchors including healthcare facilities, and corridor-wide infrastructure improvements led by the Bailey Avenue BRT and Complete Streets initiatives, which enhance accessibility and support future transit-oriented development. In addition, targeted placemaking efforts, storefront rehabilitation programs, and small business reinvestment are improving the overall commercial environment. Despite these positive trends, development remains fragmented, with much of the corridor still exhibiting older building stock, functional obsolescence, and localized vacancy, consistent with a transitioning secondary commercial corridor.

Evergreen Health and Community Access Services is constructing a new 36,000 sq. ft., three-story healthcare facility at 3070 Bailey Avenue with Uniland Development. They will relocate from 3297 Bailey Avenue and continue providing medical, behavioral, and supportive services, including testing, counseling, nutrition education, and food assistance for communities across Western New York.

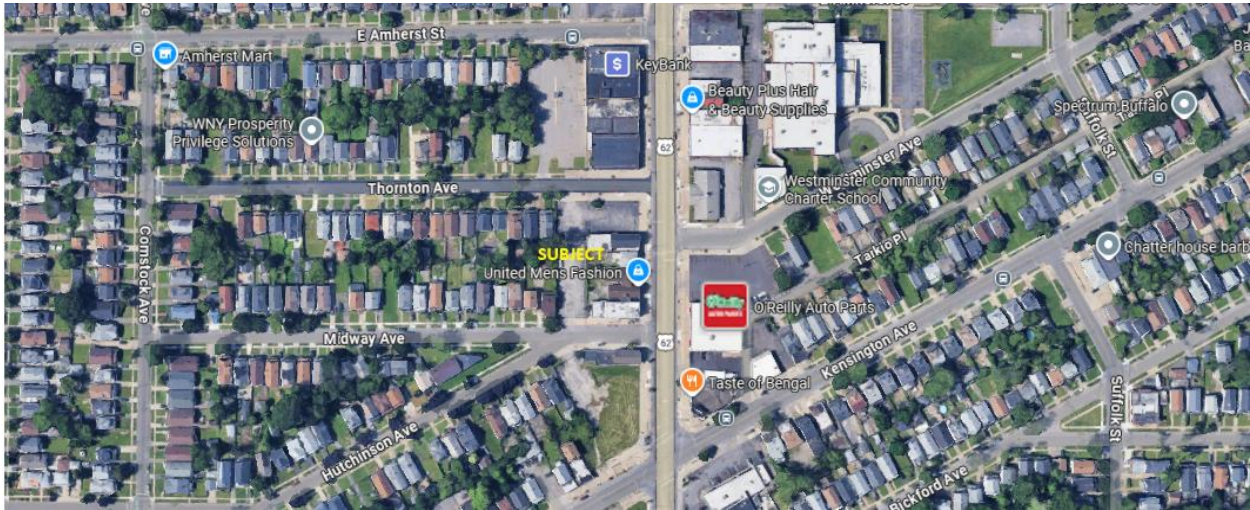
Dense residential development encompasses the subject property on various side streets originating from Bailey Avenue (US-62), Main Street (NY-5), Eggert Road and Kensington Avenue consisting of a mix of single-family, multi-family and apartment style residential developments. In 2024, Buffalo and Erie County approved a major 47-home construction initiative across several neighborhoods, including Kensington-Bailey and Old First Ward.

The most significant forward-looking project is the Bailey Avenue Bus Rapid Transit (BRT) system, a roughly 7.5-mile corridor investment incorporating dedicated lanes, station improvements, and signal prioritization, with construction anticipated to begin around 2026 and full implementation targeted by approximately 2028. This project represents a major catalyst for long-term commercial reinvestment and transit-oriented development.

In addition, public funding programs (e.g., East Side Building Fund) are actively supporting façade improvements, building rehabilitation, and small-scale infill commercial projects along Bailey Avenue, reinforcing incremental corridor stabilization.

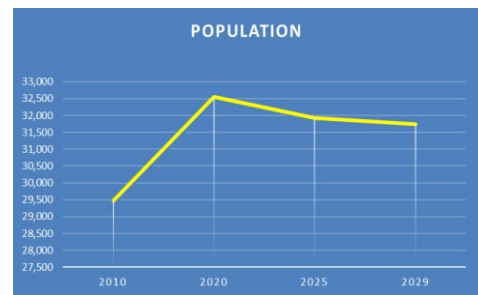
The University at Buffalo's South Campus is located about one mile northwest of the subject property along the west side of Bailey Avenue and the east side of Main Street. . Its 53 buildings are situated on over 153 acres and contains over three million square feet including six resident halls. The Jacobs School of Medicine and Biomedical Sciences, Architecture and Planning, Dental medicine, Public Health and Health Professions and Nursing are all located on the South Campus. In addition, the South Campus is the home of the WBFO radio station, the University's biomedical science research complex, the Health Sciences Library, and certain administrative offices.

Market Area Analysis: (Cont'd.)

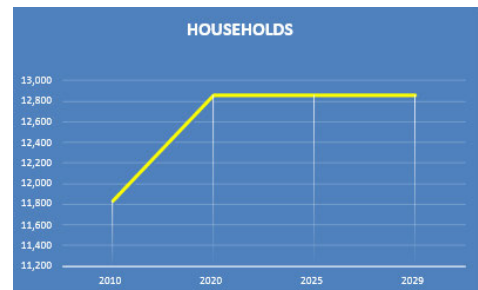


Following is a summary of the demographic information for a one-mile radius surrounding the subject site (source: gallery.alteryx.com).

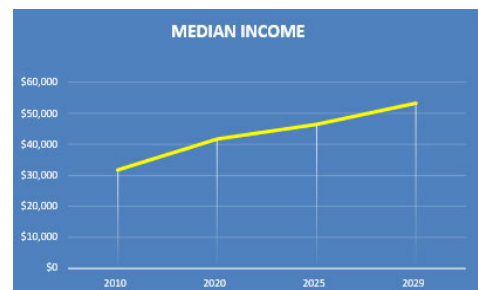
Population – The 2025 population estimate in this market area is 31,923. The 2020 Census revealed a population of 32,546 and in 2010 it was 29,470 representing a 10.4% change. It is projected the population in this market area will be 31,739 in 2030, representing a change of -0.6% from 2025. The 2025 population is 44.7% male and 55.3% female. In 2025, the median age of the population in this market area is 33.0. The population density in this market area is 10,139.49 people per square mile in 2025.



Households – There are 12,863 estimated households in this market area in 2024. The Census revealed household counts of 12,860 in 2020 and 11,836 in 2010, representing a change of 8.7%. It is projected the number of households in this market area will be 12,861 in 2030, representing a change of 0.0% from 2024. In 2024, the average number of years in residence in this market area was 18. The average household size in this market area is 2.41 people. The average number of vehicles per household in this market area is 0.05.



Income – In 2025, the estimated median household income in this market area is \$46,578. The Census revealed median household incomes of \$41,739 in 2020. It is projected the median household income in this market area will be \$53,314 in 2030, which would represent a change of 14.5% from 2025. In 2025, the per capita income in this market area is \$24,576. The 2024 average household income for this market area is \$59,320.



Market Area Analysis: (Cont'd.)

Housing – In this market area, there were an estimated 14,236 total housing units in 2025 of which 14,236 (90.4%) were occupied. In 2020 there were 38.7% owner occupied housing units in this market area vs. 40.2% estimated in 2025. Also in 2020, there were 61.3% renter occupied housing units in this market area vs. 59.9% estimated in 2025.

Employment – In 2025, there is an estimated 24,445 people over the age of 16 in this market area, of which 14,069 were in the labor force. Of these 52.3% were employed, 4.8% were unemployed, 0.4% were in the Armed Forces and 42.5% were not in the labor force. In 2025, there are 4,055 employees in this market area (daytime population age 16+) and there are 651 establishments. For this market area in 2025, white collar workers made up 59.4% of the population, and those employed in blue collar occupations made up 40.6%.

One Mile Demographic Trends Summary:

	2010	2020	2025	2030	%Δ	%Δ
	Census	Census	Estimate	Projection	2010-2020	2025-2030
Population	29,470	32,546	31,923	31,739	10.4%	-0.6%
Households	11,836	12,860	12,863	12,861	8.7%	0.0%
Median Income	\$31,800	\$41,739	\$46,578	\$53,314	31.3%	14.5%

Life Cycle – The subject neighborhood can be described as being in a early growth phase. This period is a stage in which the neighborhood is transitioning from a prolonged period of decline.

Conclusion – The area exhibits improving trends driven by public-sector investment, including infrastructure upgrades, transit enhancements, and brownfield redevelopment initiatives, along with incremental private reinvestment in commercial properties. While vacancy, deferred maintenance, and functional obsolescence remain evident in portions of the building stock, increasing stabilization of occupancy and targeted redevelopment efforts indicate emerging market support. Overall, the area reflects a transitional condition with modest upward momentum.

Exposure and Marketing Time:

The exposure time (which looks backward in time) for the subject property to have achieved the as is appraised value as of the effective date of the valuation is estimated to have required 6 to 12 months. This estimate is based upon the following:

- Statistical information about days on the market
- Information gathered through sales verification; and
- Interviews with market participants, primarily brokers

Marketing time (which is forward working) is also based on the preceding data and considers the current inventory available for the subject property type. The marketing time for the subject is estimated to require 6-12 months. This assumes reasonable pricing and proactive marketing.

Market Area Photographs:



Midway Avenue Viewing East/West



Market Area Photographs:



Thornton Avenue Viewing East/West



Ownership and Occupancy:

Ownership is as follows:

City of Buffalo
Division of Real Estate
905 City Hall
65 Niagara Square
Buffalo New York 14202

As of the effective date of valuation, the property was vacant commercial land improved with a paved parking lot in poor condition and will require demolition and removal.

Sales History:

The subject property has not transferred in the past decade.

I am **not aware** of any transactions, contracts, including leases, involving these properties since the transfers noted.

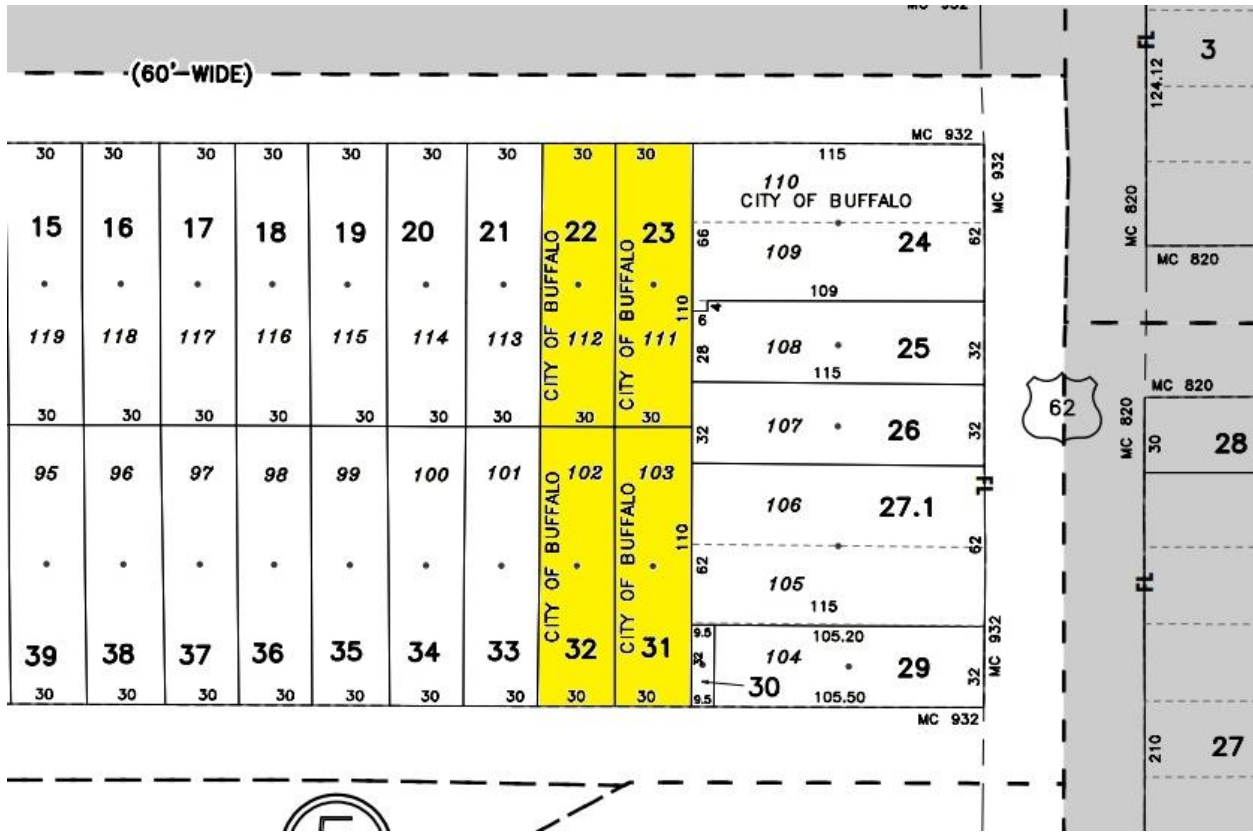
Tax and Assessment Analysis:

The subject sites are currently assessed individually on the city of Buffalo tax roll as follows:

Address Section Block & Lot	Non-Homestead				
	78 Midway 90.32-4-32	80 Midway 90.32-4-31	77 Thornton 90.32-4-22	79 Thornton 90.32-4-23	Combined
Land	\$13,200	\$13,200	\$13,200	\$13,200	\$52,800
Improvements	<u>\$7,800</u>	<u>\$7,800</u>	<u>\$7,800</u>	<u>\$7,800</u>	<u>\$31,200</u>
Total Assessment	\$21,000	\$21,000	\$21,000	\$21,000	\$84,000
Equalization Rate		100.0%			
Equalized Assessment	\$21,000	\$21,000	\$21,000	\$21,000	\$84,000
	<u>Rates</u>				
County	\$3.30	\$69	\$69	\$69	\$277
City	\$8.06	\$63	\$63	\$63	\$251
School	\$5.02	\$105	\$105	\$105	\$422
Sewer District	<u>\$1.30</u>	<u>\$27</u>	<u>\$27</u>	<u>\$27</u>	<u>\$109</u>
	\$17.68	\$265	\$265	\$265	\$1,059

A significant city tax rate increase is proposed for the upcoming tax year.

Tax Map:



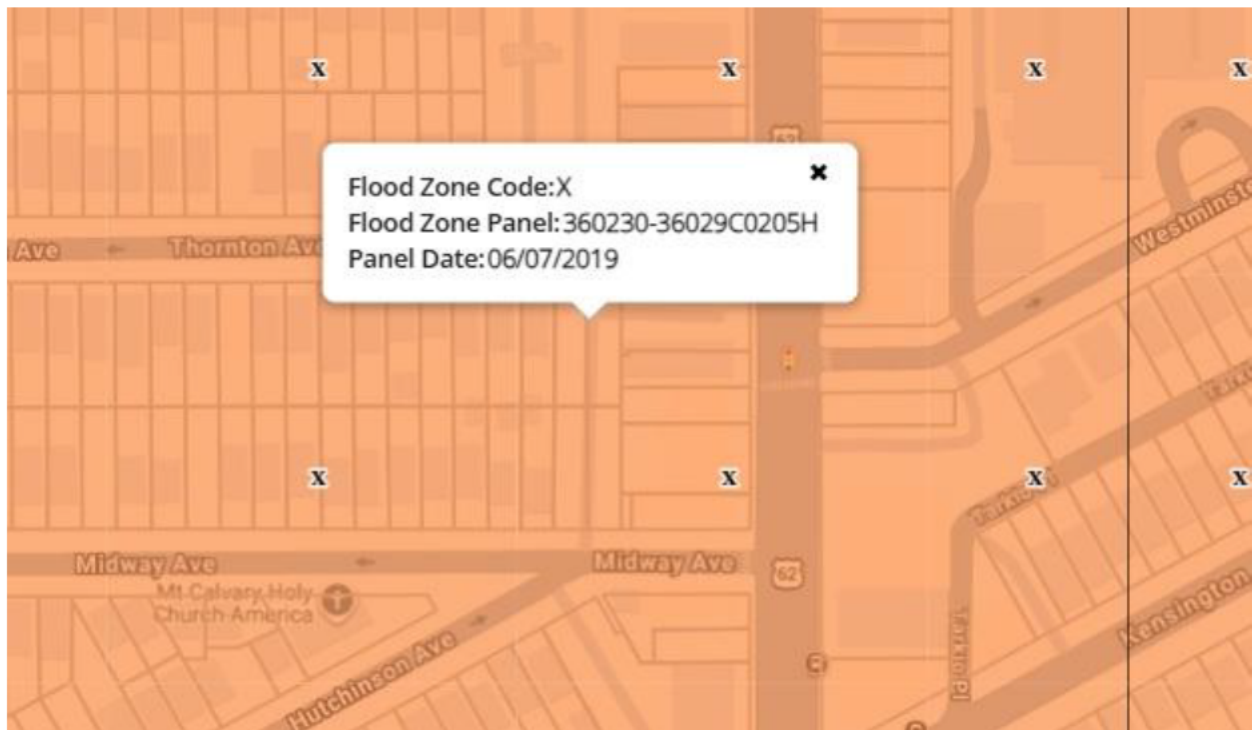
Aerial:



Description of the Real Estate: (Cont'd.)

Summary of Site Characteristics		
Location	Land Area As Is	Proposed Purchase
78 Midway Avenue	30' x 110' 3,300 SF (.076 acre)	3,300 SF (.076 acre)
80 Midway Avenue	30' x 110' 3,300 SF (.076 acre)	3,300 SF (.076 acre)
77 Thornton Avenue	30' x 110' 3,300 SF (.076 acre)	2,160 SF (.0495 acre)
79 Thornton Avenue	30' x 110' 3,300 SF (.076 acre)	2,160 SF (.0495acre)
Aggregated Area	60' x 220' / 13,200 SF (.30 acre)	60' x 182' / 10,920 SF (.251 acre)
Access / Visibility	Average / Average	
Topography	Generally level, at road grade	
Utilities	All Public Available	
Easements/Encroachments	Normal utility assumed	
Flood Hazard Data	Zone X; Community 360230; Panel 36029C0205H; Date: 06/07/2019; No special hazard	
Drainage	Appears adequate via parking lot and municipal drains	
Detrimental Conditions	None noted	

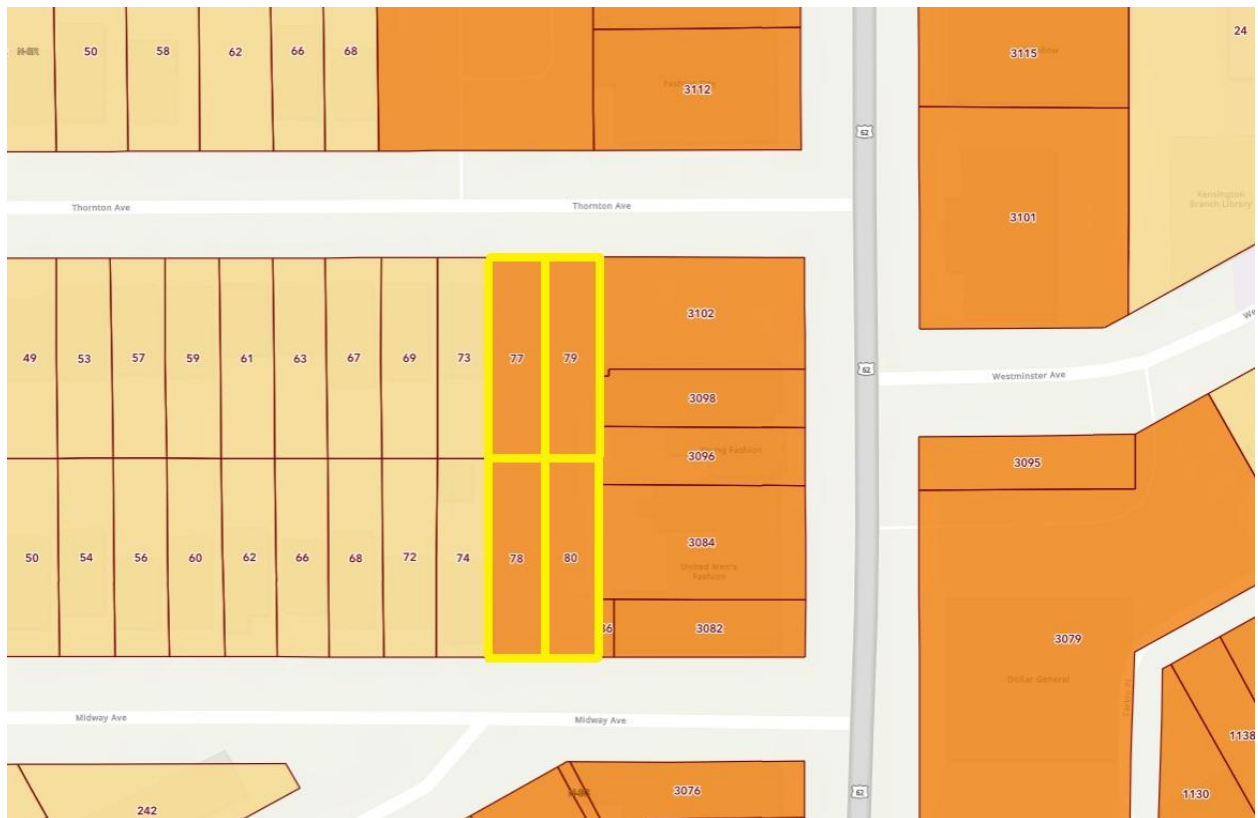
Flood Map:



Description of the Real Estate: (Cont'd.)

Zoning:

The appraised properties are located in an area zoned N-3C Mixed Use Center, a commercial district in the neighborhood. Permitted uses within N-3C zoning classification include single-, double- and multi- family dwellings, ancillary dwelling, fraternity/sorority house, group homes, residential care facilities, government offices, colleges, retail service, professional offices, open space and community gardens. Neighborhood parking lot is allowed by way of a special use permit.



Bulk Requirements for N-3C:

Minimum lot area	1,000 square feet
Minimum lot width (min/max)	15'/150'
Building coverage (max)	90%
Impervious coverage (max)	90%
Front yard (min/max)	0'/0'
Corner side yard (min/max)	0'/0'
Interior side yard (min)	0'
Interior side yard, end unit (min)	3'
Rear yard (min)	15% of lot depth
Building height (min/max)	2 stories / 3 stories 40'

Description of the Real Estate: (Cont'd.)

Environmental:

- The property is not listed by the New York State Department of Environmental Conservation, as an Inactive Hazardous Waste Site.
- Based on development in the area the subject parcel is not affected by any wetland concerns.
- Soil types are unknown therefore, soil stability cannot be addressed.
- The property is not located within a 100 year flood plain.

Site Summary:

The sites are generally level. The area development is primarily characterized as commercial along Bailey Avenue and residential to the west on side streets.

The individual tax parcels have adequate dimensions and size to accommodate legal development consistent with zoning provisions. The physical features and location of the property are best suited for residential development options or as an assemblage for parking for the commercial properties along Bailey Avenue.

The area intended to be acquired fronts on Midway (60 feet), extends north 182 feet and contains approximately 10,920 square feet.

The remainder area retained by the city has 60 feet of frontage and extends south 38 feet, containing 2,280 SF.

This area will serve as parking for a contiguous city owned property at 3102 Bailey Avenue.

Considering these factors the sale of the appraised area should have no adverse effect on the remainder parcel (2,280 SF) as it will serve to benefit the property at 3102 Bailey, offsetting any adverse impact of its severance from its larger parent parcels.

Flood insurance should not be a concern because of the Zone X location. In addition, wetlands should not be a concern because of the developed nature of the area. Soil stability and compatibility should be confirmed by an appropriate engineering study. The properties are appraised as if free and clear of any environmental problems including but not limited to flood hazards, wetlands, and soil contaminants.

Site Improvements:

The subject site is improved with two catch basins/drains and perimeter guardrails/parking barriers. The existing parking lot is in poor condition and is considered to have reached the end of its economic life, requiring demolition and replacement. As such, the existing site improvements are considered detrimental to the value of the property. The contractor's estimated cost to demolish and remove the existing site improvements is approximately \$47,000 (\$4.30/SF). This estimate is deemed reasonable based on discussion with area contractors and personnel experience.

Subject Photograph:



Viewing North from Midway



Parking Lot Catch Basin/Drain

Subject Photograph: (Cont'd)



View South, South of Thornton



View Southeast Towards Bailey Avenue

Highest and Best Use:

Introduction:

Highest and best use is defined as:

"the reasonably probable use of property that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productive."¹

The purpose of this analysis is to estimate the most profitable use to which the subject property can be put. The conclusions from this analysis will be the basis upon which the property is valued in the following approaches to value.

Highest and Best Use Analysis may be split into two sections:

- a) As vacant land available for development
- b) Improved property

The highest and best use of the site as though vacant assumes that the site is vacant or can be made so by demolishing any improvements. The focus of the analysis is to determine what use the vacant site should be put to; that is, what type of building or improvement should be constructed. The conclusion of the highest and best use will set the framework for the selection of comparable vacant land sales and the estimate of site value.

The highest and best use of the property as improved has to do with what use should be made of the improved property. In instances that address an improved site, rehabilitation, additions or changes to the improvements could alter its use. The purpose of this analysis is to determine what the most profitable use of the improved property is and, as noted, to act as a basis for the selection of comparable sales and rentals.

This division of the Highest and Best Use is necessary with improved property when

- 1) a separate estimate for site value is required, as in the cost approach
- 2) there is excess land
- 3) there is a question of the contributing value of the improvement versus land value as vacant.
- 4) as may be required by USPAP and/or FIRREA

¹ The Dictionary of Real Estate Appraisal, seventh edition (Chicago, Illinois: Appraisal Institute, 2022), p.88

Highest and Best Use: (Cont'd.)

In this particular instance the properties are vacant land therefore only the as vacant analysis applies.

Highest and Best use of Site - As Vacant:

The basic assumption that is required in this scenario is that the site is vacant or could be made vacant through the demolition of improvements. The point is to undertake an analysis that disregards the current improvements to the site, if any, and focus on what improvements should be built today based on current market standards and conditions. A separate estimate of the market value of the site is then undertaken based on the estimate of highest and best use. The highest and best use must meet four criteria. It must be physically possible, legally permissible, financially feasible and maximally productive.

Legally Permissible - The fee simple estate was previously defined as "absolute ownership, unencumbered by any other interest or estate, subject only to the four powers of government". Some of the powers of government include: zoning ordinances, federal and state laws, and building codes. Through the operation of these laws, municipalities can affect the use of land within their boundaries. In addition to governmental laws there are also private and deed restrictions that can affect land use. The subject lots are located in an area zoned N-3C a mix of commercial and residential development. The individual parcels are adequate for development but collectively provide scale for a multi-family or commercial development or continued use as accessory parking.

Physically Possible - One of the most important determinants of this criteria are the soil conditions, size, shape, area and other physical aspects of the site. Each of the subject sites have adequate width and depth to accommodate development.

Financially Feasible - This aspect attempts to separate out the financially feasible uses from among all the legally and physically possible uses. A description of the subject area was included in the market area analysis. Commercial development is occurring in the area.

Maximally Productive - Based on an analysis of the legally permissible, physically possible and financially feasible uses for the subject site, the highest and best use for the property is for sale of the assembled lots in whole or in part and development consistent with the zoning provisions.

The intended partial sale will leave a remainder area of only 2,280 SF (60' x 38'). This could potentially create a noneconomic remainder. However, the city owns a contiguous parcel at 3102 Bailey Avenue. It being the city's intent to merge this remainder area with the Bailey Avenue site which should offset any loss in value to the remainder that would otherwise occur.

Appraisal Process:

The purpose of this appraisal assignment is to estimate the market value of the fee simple estate of the subject property. Market value, as previously defined, is determined by the interaction of the forces of supply and demand in the subject market. The site analysis formalized the physical aspects of the subject property. The market area analysis focused on the existing development in the area and on the prospects for changes in supply and demand. Highest and Best Use Analysis built on all of these sections to conclude the most profitable use for the subject property. The conclusion from that analysis is one of the most important in the appraisal. Given that, a selection can now be made from among the alternative analytical techniques, the ones that will be most effective and appropriate in developing a value estimate. The three most important of these methods are the sales comparison approach, the income capitalization approach and the cost approach.

The property is commercial zoned land. Therefore, the most applicable method of valuation is the sales comparison approach. The other methods of valuation are not applicable in this market area for this property type.

The property improvements are in a very deteriorated condition and do not enhance the property value.

The appraisal addresses only the area intended to be sold (10,920 SF) since the remainder area is intended to be joined with a city owned property on Bailey which should negate any adverse factors arising from the sale of the appraised property.

SALES COMPARISON APPROACH

SALES COMPARISON APPROACH:

Land Value:

In estimating land value, it is common to employ the sales comparison approach. Sales prices of similar parcels are compared on a unit basis such as square foot of land, square foot of allowable building area, per acre or front foot. The sales are analyzed and adjusted for individual characteristics including the following:

- *Property Rights Conveyed:* fee simple, leased fee, partial interest, etc.
- *Financing Terms:* Seller financing or assumption of existing mortgage with favorable finance, installment sale contract, etc.
- *Conditions of Sale:* Motivation of buyer or seller, assemblage, forced sale, REO transaction, related parties transaction, demolition and unusual site preparation issues etc.
- *Market Conditions at the Time of Sale:* appreciation, depreciation, changes in supply and demand, etc.
- *Location:* demand, traffic, exposure, corner, view, surrounding uses, etc.
- *Physical Characteristics:* size, functional utility, attractiveness, amenities, etc.
- *Legal Encumbrances:* deed restrictions, easements, etc.
- *Availability of Utilities:* distance to bring to site, type, etc.
- *Zoning:* similarity, likelihood/probability of change, density, etc.
- *Highest and best Use:* similarity in type of development planned.

An adjustment grid is used to summarize the direction and magnitude of adjustments judged appropriate to the comparable sales. In some cases adjustments may be derived directly from quantifiable data (e.g., the estimated off-site costs). However, in many instances the adjustments involve judgment.

After a diligent effort has been made to identify and adjust for all salient differences, one of several patterns is likely to emerge: (1) there may be a clear clustering of adjusted values within a narrow range, (2) there may be no discernible pattern, or (3) there may be a general clustering, but with one or several adjusted sales outside the general range indicate by the other data. In the first instance a point estimate of value within the resulting adjusted range is typically concluded. In the second instance it is generally possible only to conclude a reasonable value range. In the third instance, the “outlying” sales typically receive little weight in the analysis unless they are the most comparable sales, represent a fundamental change in market dynamics, or are otherwise particularly relevant to the subject analysis.

These sales chosen for direct comparison include single parcels acquired for individual future development as well as assemblage parcels where buyers owned existing sites and acquired adjoining sites. The sales also reflect open market transactions offered through MLS.



Location

Address: 2204-2208 Niagara Street
City of Buffalo, NY 14207

SBL#: 77.80-2-1, 2-2 & 2-3

County: Erie

Description: Urban Comemrcial - Black Rock

Physical Characteristics

Property Class: 330-Vacant Land Located in
Commercial Areas

Water Frontage Ft.:

Land Area (Ac.): 0.50

Zoning: D-S Emp Retail Strip

Frontage Ft.: 150.00

Utilities: All Public Available

Sale Information

Deed Recorded: 05/23/25

Rights Conveyed: Fee Simple

Sale Date: 05/23/25

Sale Conditions: Normal

Contract Date: 02/18/25

Sale Price: \$125,000

Days on Market:

Price Per SF: \$5.80

Assessment: \$54,300

Price Per Acre: \$252,525

Grantor: GEA Buffalo LLC

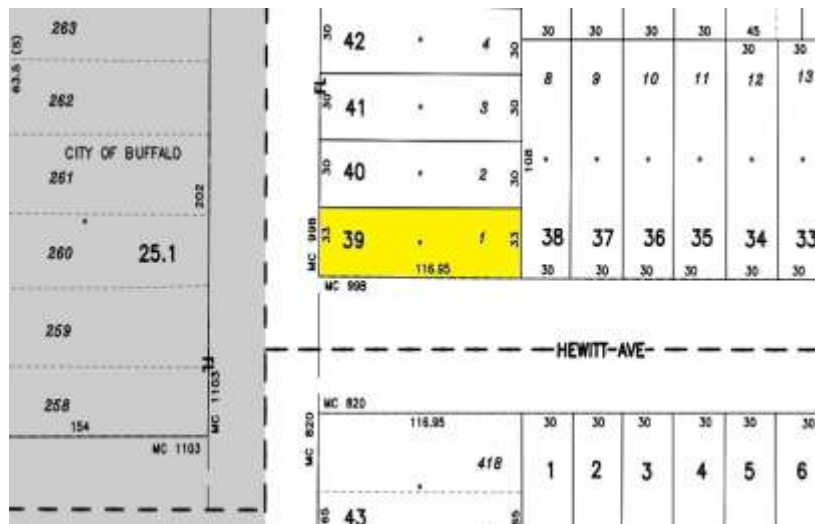
Liber: 11445

Grantee: United Refining Holdings Inc

Page: 9769

Remarks

Sale of three contiguous tax parcels (77.80-2-1, 2-2 & 2-3) of vacant commercial land combined forming an irregular shaped parcel (150' x 120') improved with a gravel parking area. Located on the northwest corner of Niagara Street with 150 feet of frontage and the I-190 exit ramp. One point of ingress/egress from Niagara Street. Not located in a state or federal wetland, historic district or flood zone. Buyer owns the adjoining gas station to the north.

**Location**

Address: 3229 Bailey Avenue
City of Buffalo, NY 14215

SBL#: 79.81-8-39

County: Erie

Description: Urban Commercial & Residential

Physical Characteristics

Property Class: 330-Vacant Land Located in Commercial Areas

Water Frontage Ft.: 0

Land Area (Ac.): 0.09

Zoning: N-3C- Mixed-Use Center

Frontage Ft.: 33.00

Utilities: All Public

Sale Information

Deed Recorded: 11/26/24

Rights Conveyed: Fee Simple

Sale Date: 11/21/24

Sale Conditions: Normal

Contract Date: 08/29/24

Sale Price: \$25,000

Days on Market:

Price Per SF: \$6.38

Assessment: \$4,000

Price Per Acre: \$277,778

Grantor: Anamul Islam

Liber: 11439

Grantee: Mohammed Alam

Page: 689

Remarks

Sale of a rectangular shaped parcel (33 x 116.95) of undeveloped vacant land. Located on the northeast corner of Bailey and Hewitt Avenue with 66 feet of road frontage. Corner lot with two points of ingress/egress. The sites topography is flat at grade level. Not located within a state or federal wetland area or flood zone. The land is 100% clear with gravel on the front portion of the parcel.



Location

Address: 250 Seneca Street
City of Buffalo, NY 14204
County: Erie

SBL#: 111.71-4-1.1

Description: Urban Commercial/Perry
Neighborhood

Physical Characteristics

Property Class: 438-Parking Lot
Land Area (Ac.): 0.64
Frontage Ft.: 156.00

Water Frontage Ft.: 0
Zoning: N-1S, Sec. Employment Center
Utilities: All Public

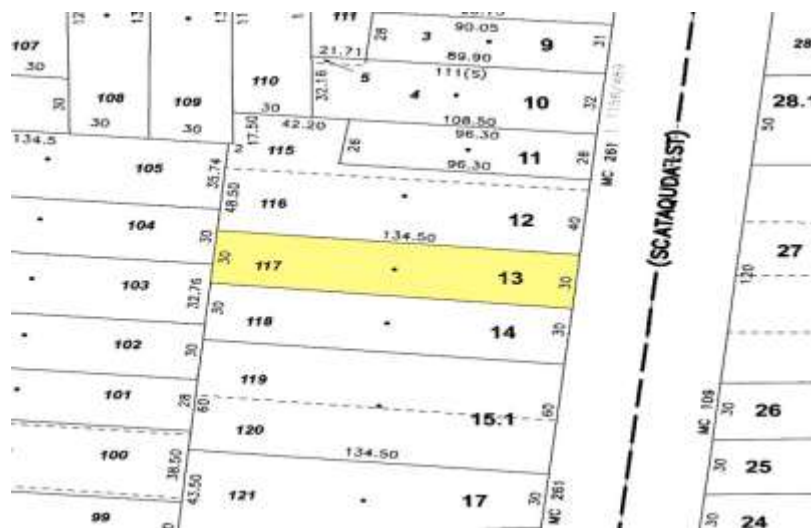
Sale Information

Deed Recorded: 11/07/24
Sale Date: 11/07/24
Contract Date: 07/25/24
Days on Market: N/A
Assessment: \$433,100
Grantor: L&A, LLC
Grantee: Buffalo Transportation Pierce Arrow Museum

Rights Conveyed: Fee Simple
Sale Conditions: Normal
Sale Price: \$350,000
Price Per SF: \$12.60
Price Per Acre: \$549,049
Liber: 11438
Page: 2880

Remarks

Sale of a rectangular shaped parcel (156' x 178') of an asphalt paved parking lot (80 spaces). Located on the northeast corner of Seneca Street (156 feet of frontage) and Elmira Place (178 feet of frontage) with additional frontage along Myrtle Avenue (156 feet). Corner lot with several points of ingress/egress from all roadways. Site not located in or near any mapped wetlands or flood zone. Purchased for continued use. Price per parking space: \$4,375.



Location

Address: 272 Grant Street
City of Buffalo, NY 14213

County: Erie

SBL#: 88.83-7-13

Description: Urban Commercial

Physical Characteristics

Property Class: 331-Commercial Vacant with minor improvements

Land Area (Ac.): 0.09

Frontage Ft.: 30.00

Water Frontage Ft.:

Zoning: N-2C Mixed-Use Center

Utilities: All Public

Sale Information

Deed Recorded: 08/02/23

Sale Date: 08/02/23

Contract Date:

Days on Market:

Assessment: \$49,000

Grantor: Guercio Brothers

Grantee: Mendez Brothers Properties

Rights Conveyed: Fee Simple

Sale Conditions: Normal

Sale Price: \$50,000

Price Per SF: \$12.39

Price Per Acre: \$539,777

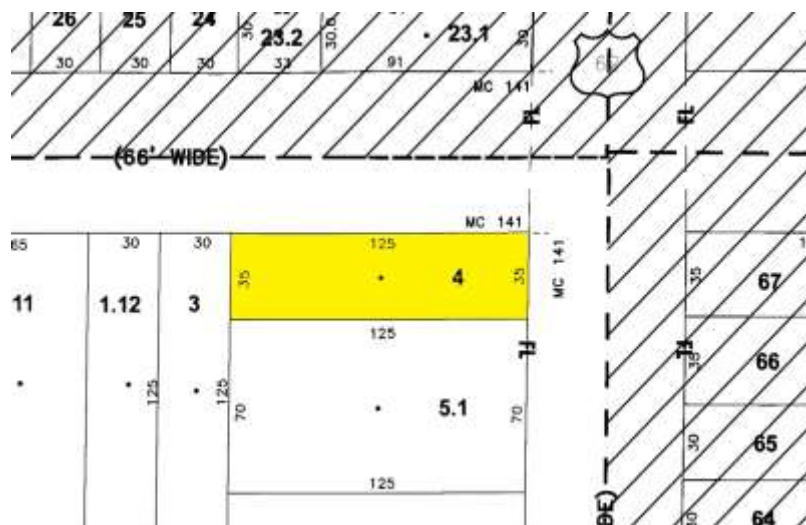
Liber: 11420

Page: 1902

Remarks

Sale of a rectangular shaped parcel (30' x 134.5') of commercial land improved with a parking lot. Located on the west side of Grant Street with 30 feet of frontage. Interior lot with one point of ingress/egress from Grant Street. Space for approximately 16 vehicles. Fully fenced.

COB



Location

Address: 1296 Bailey Avenue
City of Buffalo, NY 14206

County: Erie

SBL#: 112.48-2-4

Description: Commercial Vacant Land -
Lovejoy

Physical Characteristics

Property Class: 331-Commercial Vacant with minor
improvements

Land Area (Ac.): 0.10

Frontage Ft.: 35.00

Water Frontage Ft.:

Zoning: N-3R

Utilities: All Public

Sale Information

Deed Recorded: 06/21/23

Sale Date: 06/15/23

Contract Date: 04/04/23

Days on Market:

Assessment: \$19,000

Grantor: Daniel R Hanna

Grantee: BD Niagara I Corp

Rights Conveyed: Fee Simple

Sale Conditions: Normal

Sale Price: \$11,500

Price Per SF: \$2.63

Price Per Acre: \$114,501

Liber: 11418

Page: 4628

Remarks

Sale of a rectangular shaped parcel (35' x 125') of undeveloped commercial land. Located on the southwest corner of Bailey Avenue (35' of frontage) and East Lovejoy Street. Corner lot improved with a partial paved parking area in fair condition and one point of ingress/egress from Bailey Avenue. The site topography is level. The site is not located in a state or federal wetland. Not within a flood zone.



Location

Address: 96 West Ferry Street
City of Buffalo, NY 14215

County: Erie

SBL#: 99.34-2-18.1

Description: Urban Commercial & Residential

Physical Characteristics

Property Class: 438-Parking Lot

Land Area (Ac.): 0.20

Frontage Ft.: 198.00

Water Frontage Ft.: 0

Zoning: N-2E-

Utilities: All Public

Sale Information

Deed Recorded: 07/26/23

Sale Date: 07/26/23

Contract Date:

Days on Market:

Assessment: \$79,000

Grantor: Great Point Studio West Ferry Parcel LLC

Grantee: Rich Holdings LLC

Rights Conveyed: Fee Simple

Sale Conditions: Normal

Sale Price: \$79,000

Price Per SF: \$9.07

Price Per Acre: \$395,000

Liber: 11419

Page: 8690

Remarks

Sale of a rectangular shaped parcel of land improved with a parking lot located on the northeast corner of West Ferry Street with 66 feet of frontage and Gelston Street with 132 feet of frontage. Corner lot with two points of ingress/egress. The sites topography is flat at grade level. Not located within a state or federal wetland area or flood zone.



Location

Address: 1035 Kensington Avenue
City of Buffalo, NY 14215

SBL#: 90.32-8-3

County: Erie

Description: Urban Commercial & Residential

Physical Characteristics

Property Class: 330-Vacant Land Located in
Commercial Areas

Water Frontage Ft.:

Land Area (Ac.): 0.18

Zoning: N-3E-Mixed-Use Edge

Frontage Ft.: 66.00

Utilities: All Public

Sale Information

Deed Recorded: 08/16/22

Rights Conveyed: Fee Simple

Sale Date: 08/16/22

Sale Conditions: Normal

Contract Date: 05/29/22

Sale Price: \$18,500

Days on Market:

Price Per SF: \$2.34

Assessment: \$8,000

Price Per Acre: \$101,750

Grantor: TJ Local Estates

Liber: 11406

Grantee: Treon LLC

Page: 3381

Remarks

Sale of a rectangular shaped parcel (66 x 120) of undeveloped vacant land. Located on the south side of Kensington Avenue with 66 feet of road frontage. Interior lot with one point of ingress/egress. The sites topography is flat at grade level. Not located within a state or federal wetland area or flood zone. The land is 100% clear.



Location

Address: 1266 Fillmore Avenue
City of Buffalo, NY 14215

SBL#: 100.60-6-28

County: Erie

Description: Urban Commercial & Residential

Physical Characteristics

Property Class: 330-Vacant Land Located in Commercial Areas

Water Frontage Ft.: 0

Land Area (Ac.): 0.14

Zoning: N-3E- Mixed-Use Edge

Frontage Ft.: 158.50

Utilities: All Public

Sale Information

Deed Recorded: 12/29/22

Rights Conveyed: Fee Simple

Sale Date: 12/15/22

Sale Conditions: Normal

Contract Date: 08/01/22

Sale Price: \$40,000

Days on Market:

Price Per SF: \$6.56

Assessment: \$6,000

Price Per Acre: \$285,714

Grantor: Bari M

Liber: 11412

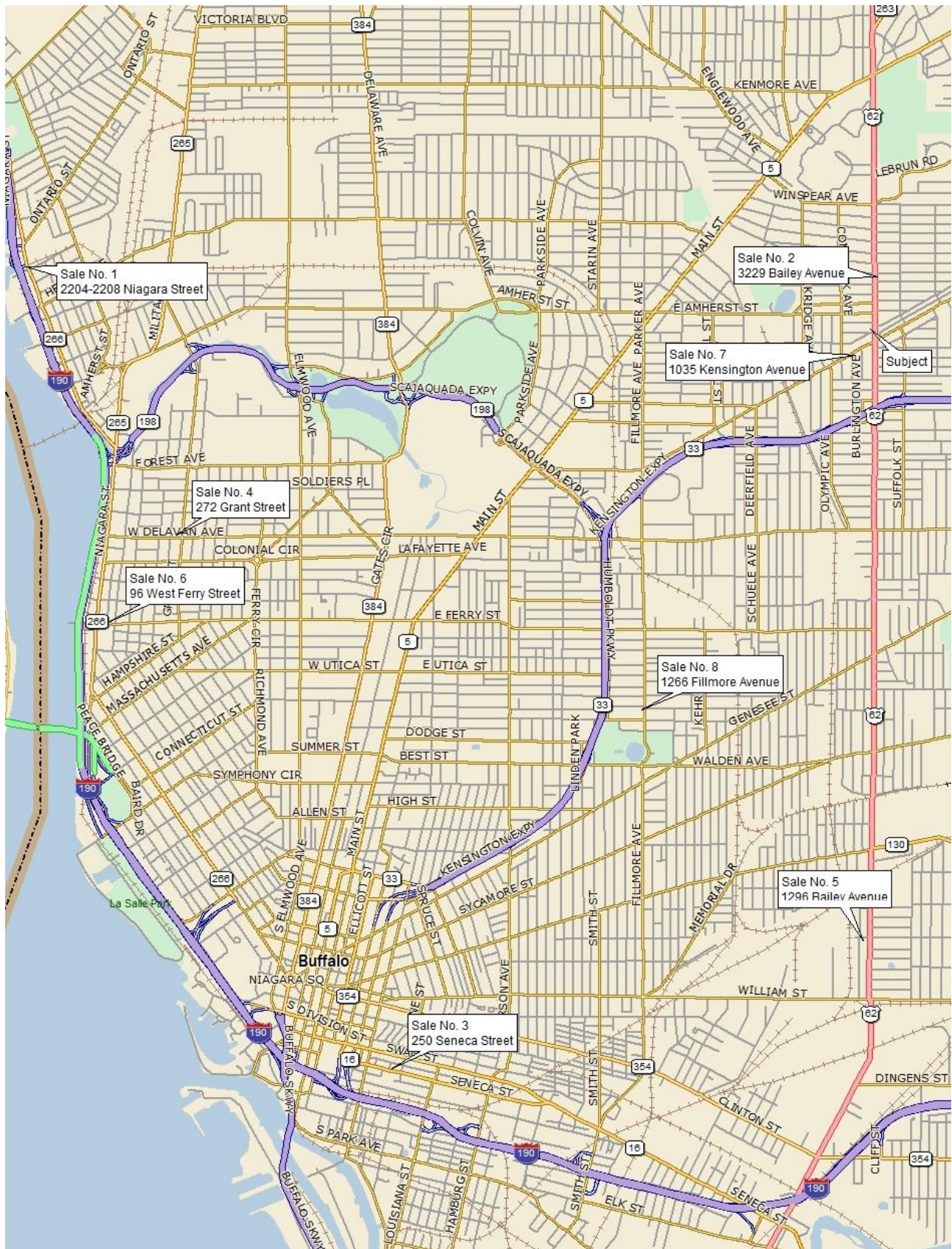
Grantee: Riad Saimum Islam

Page: 3334

Remarks

Sale of an irregular shaped parcel of undeveloped vacant land located on the southwest corner of Fillmore Avenue with 58.50 feet of frontage and Girard Place with 100 feet of frontage. Corner lot with two points of ingress/egress. The sites topography is flat at grade level. Not located within a state or federal wetland area or flood zone. The land is 100% clear.

LAND SALES LOCATION MAP:



SALES COMPARISON APPROACH:

File: 15096 DSA Partial

ADDRESS	SUBJECT	SALE NO. 1	SALE NO. 2	SALE NO. 3	SALE NO. 4	SALE NO. 5	SALE NO. 6	SALE NO. 7	SALE NO. 8
	Midway & Thornton	2204-2208 Niagara St	3229 Bailey Ave	250 Seneca Street	272 Grant Street	1296 Bailey Ave	96 West Ferry St.	1035 Kensington Ave	1266 Fillmore Ave
	Buffalo	Buffalo	Buffalo	Buffalo	Buffalo	Buffalo	Buffalo	Buffalo	Buffalo
SALE PRICE:	N/A	\$125,000	\$25,000	\$350,000	\$50,000	\$11,500	\$79,000	\$40,000	\$40,000
PROPERTY RIGHTS:	Fee Simple	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FINANCING:	Cash	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CONDITIONS:	Normal	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ADJUSTED PRICE:		\$125,000	\$25,000	\$350,000	\$50,000	\$11,500	\$79,000	\$40,000	\$40,000
DATE:	Mar-26	May-25	Nov-24	Nov-24	Aug-23	Jun-23	Feb-23	Aug-22	Apr-22
ADJUSTMENT:		\$3,125	\$1,000	\$14,000	\$3,875	\$949	\$7,308	\$4,300	\$4,700
TIME ADJ. PRICE:		\$128,125	\$26,000	\$364,000	\$53,875	\$12,449	\$86,308	\$44,300	\$44,700
UNIT PRICE:	Per Square foot	\$5.88	\$6.74	\$13.06	\$13.35	\$2.85	\$9.91	\$5.65	\$7.33
LOCATION:	Urban Comm/Res	Similar	Similar	Superior	Similar	Similar	Similar	Similar	Similar
		\$0.00	\$0.00	(\$1.31)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
LAND AREA:	10,920 SF / .25 ac	21,780	3,859	27,878	4,035	4,375	8,712	7,841	6,098
ADJUSTMENT:		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
DIMENSIONS/SHAPE	60' x 182'	100' x 110'	33' x 116.95'	156' 178'	30' x 134.5'	35' x 125'	66' x 132'	66' x 120'	58.50' x 100'
SHAPE:	Rectangular	3 parcels / Irreg	1 parcel / Rectangular	1 parcel / Rectangular	1 parcel / Rectangular	1 parcel / Rectangular	1 parcel / Rectangular	1 parcel / Rectangular	1 parcel / Irreg
ADJUSTMENT:		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
SITUATED:	Interior	Comer/1 ingress/egress	Comer	Comer	Interior	Comer/1 ingress/egress	Comer	Interior	Comer
ADJUSTMENT:		(\$0.29)	(\$0.67)	(\$1.31)	\$0.00	(\$0.14)	(\$0.99)	\$0.00	(\$0.73)
ZONING:	N-3C Mixed Use Center	D-S Emp Retail Center	N-3C	N-1S	N-2C	N-3R	N-2E	N-3E	N-3E
ADJUSTMENT:		\$0.00	\$0.00	\$0.00	\$0.00	\$0.28	\$0.00	\$0.00	\$0.00
UTILITIES:	All Available	All Available	All Available	All Available	All Available	All Available	All Available	All Available	All Available
ADJUSTMENT:		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
OTHER:	Paved Parking Poor Cond	Gravel Parking	Gravel Parking Area	Parking Lot/Good Cond	Parking Lot w/ Improv	Sm Parking Area	Paved Parking Fair	Unimproved	Unimproved
ADJUSTMENT:	Demolition Required	(\$0.50)	(\$0.50)	(\$2.00)	(\$2.00)	\$0.00	(\$1.00)	\$0.00	\$0.00
NET ADJUSTMENT:		(\$0.79)	(\$1.17)	(\$4.61)	(\$2.00)	\$0.14	(\$1.99)	\$0.00	(\$0.73)
		-13.5%	-17.4%	-35.3%	-15.0%	5.0%	-20.1%	0.0%	-10.0%
ADJUSTED UNIT PRICE:		\$5.09	\$5.56	\$8.45	\$11.35	\$2.99	\$7.92	\$5.65	\$6.60
Average Adjusted Unit Price \$6.70									
Median Adjusted Price \$6.12									
Gross Adjustment		\$0.79	\$1.17	\$4.61	\$2.00	\$0.43	\$1.99	\$0.00	\$0.73
Gross % Adjustment		13.50%	17.42%	35.32%	14.98%	15.00%	20.09%	0.00%	10.00%

SALES COMPARISON APPROACH: (Cont'd.)

Real Property Rights Conveyed:

The purchase price of a property is always based on the real property rights that are conveyed. The interest being appraised for the subject land is the fee simple estate. This represents the interests transferred for all of the sales and no adjustments are necessary.

Financing Terms:

The purchase price of a property may differ from that of a seemingly identical property due to the difference in the way the acquisition was financed. It would be reasonable to expect that a purchaser would be willing to pay more for a property to obtain below market financing. Cash equivalency analysis is the process in which the sale price of a comparable with non-market financing is adjusted to reflect atypical market terms. All of the sales involved conventional financing or its equivalent. No adjustment is required for this element of comparison.

Conditions of Sale:

This category attempts to reflect the motivations of buyers and sellers. Implicit in the definition of market value is the fact that the buyer and seller are typically motivated; that all parties were informed or advised and that a reasonable amount of time was allowed for the exposure of the property in the market. If non-market conditions of sale exist, an adjustment must be made or the comparable must be disregarded. None of the grantors or grantees in any of the comparables transactions are believed to be related. Therefore, each sale is considered to be arm's length transaction and no adjustments are required.

Market Conditions:

Changes in market conditions are caused by changes in the relationship between supply and demand, inflation and other factors. These changes will have an effect on the prices paid for property. Sales considered have occurred from 2022 through 2025. Demand for this property type has exceeded supply for the past several. All sales are adjusted up 3% per year (.25%/month).

Units of Comparison:

In order to proceed to the analysis of the elements of comparison, the sale price of the comparables will be reduced to a common unit of comparison. The most frequently used unit of comparison for vacant land in the subject's size range is whole to whole, per square foot or per front foot. Price per square foot is adopted for this analysis. The following adjustments are made on this basis.

Location:

An adjustment for location is required when the locational characteristics of the comparable properties are different from those of the subject. Sale 3 is superior with its location in proximity to the central business district and is adjusted down 10%. All remaining sales are overall similar with no adjustment.

Land Area:

The size adjustment is made based upon the premise that a smaller number of units will generally sell for more per unit than a larger volume of comparable units. This adjustment compares the size of the comparables, as well as any plottage, or assemblage factors. The subject is comprised of four

SALES COMPARISON APPROACH: (Cont'd.)

adjoining lots totaling 10,920 square feet (.25 ac). Sales 2, 4 and 5 are smaller sites but the size factor is offset by the subjects plottage advantages. The remaining sales are overall similar in size.

Dimensions/Shape:

This adjustment takes into consideration frontage and the relationship between width and depth, while the shape of a parcel can dictate functional use of the site.

An adjustment is considered appropriate only when the shape offers a significant enhancement or an adverse hardship to the development potential of the site or the dimensions enhance or inhibit development potential. The subject and sales are sufficiently similar, so that no adjustments are necessary.

Site Position:

The following adjustment reflects differences in site location and access characteristics. The subject property is an interior site with frontage along Midway Avenue.. Sale 1 is located on a corner lot; however, due to its proximity to a highway entrance, it has limited ingress and egress, effectively functioning with a single access point. Sales 1 and 5 are adjusted down by 5% of their superior exposure. its comparatively inferior access utility. Sales 4 and 7 are interior lots with typical access and are not adjusted. The remaining comparable sales are superior corner sites and are adjusted down 10% to reflect this difference.

Zoning:

The subject parcels are zoned N-3C. Sale 5 has inferior residential zoning and is adjusted down 10%. All remaining sales are commercially zoned sites, no adjustments apply.

Utilities:

The comparables and subject have all utilities available, no adjustments are necessary.

Other:

The subject property includes a paved parking area with capacity for approximately 48 vehicles. However the existing parking lot is in poor condition and is considered to have reached the end of its economic life and the existing paving and related improvements require removal for any future use of the property including parking.

Sales 1 and 2 have gravel parking areas that are usable and are adjusted down \$.50/SF for this feature. Sales 3, 4 and 6 have paved parking area in average usable condition and each is adjusted down \$2.00/SF for this factor. The other sales are essentially vacant lots and are not adjusted.

The adjustment for the cost to remove and dispose of the subject's deteriorated parking improvements is addressed at the end of this analysis.

Correlation of Land Sales:

The direct sales comparison approach has, as its premise, that the market value of the subject is directly related to the prices being paid for competing properties. To this end, comparable sales were researched based on the legal, physical, and economic and locational aspects previously outlined in the neighborhood analysis and highest and best use. Eight sales were chosen from among many which were available and were analyzed. The sales selected are considered most indicative of the market for this type of property.

Sales as adjusted to the subject indicate a value range extending from \$2.99/SF to \$11.35 per square foot. The mean unit value is \$6.70/SF, and the median adjusted price is \$6.12/SF. Sales 4 and 5 are outliers and are not considered in the final estimate of value.

Excluding the outliers the mean and median adjusted prices are \$6.54 and \$6.12/SF respectively.

The sales bracket the subject with plus and minus adjustments. Sales 3, 4 and 6 required the highest gross adjustment and are accorded least weight. The assembled lots are concluded to have a market value of \$6.50/SF as vacant and suitable for development is:

$$10,920 \text{ SF @ } \$6.50/\text{SF} = \$71,000 \text{ (rounded)}$$

The cost to demolish and remove the existing site improvements is reported by the prospective purchaser at approximately \$47,000 (\$4.30/SF). This estimate is deemed reasonable based on discussion with local contractors.

Therefore, the final value conclusion for the property as is **\$24,000** (\$71,000 - \$47,000).

RECONCILIATION AND CONCLUSIONS OF VALUE:

The value indication for the subject based on highest and best use is as follows:

Value Indicators:

Sales Comparison Approach.	\$24,000
------------------------------------	----------

The appraised property is a rectangular 60' x 182' segment of four tax parcels. The remaining area (60' x 38') will be retained by the city to serve as a parking area for an adjoining property on Bailey Avenue.

The highest and best use analysis concluded the area appraised is suitable for small-scale commercial or residential development consistent with surrounding land uses, or alternatively, for continued use as an accessory parking facility.

The sales comparison approach is considered the sole method of valuation of this property type.

The sales presented in the analysis are an array of transactions from similar areas in the city of Buffalo with similar zoning provisions and development potential.

An income capitalization approach was not developed because there is not sufficient data of rentals of similar zoned land or land offering in this market area.

A cost approach has not been developed since the existing improvements are in very deteriorated condition and are detrimental to future use of the property.

Based on the results of our investigations, research and analysis the estimated as is market value of the fee simple interest in the real property as is, as of March 12, 2026 is:

TWENTY-FOUR THOUSAND DOLLARS

\$24,000 (rounded)

The estimated exposure period for the property to have achieved the appraised value was 6 to 12 months, which is characteristic of this property type and market conditions preceding the date of appraisal.

Addenda

Definitions of Significant Terms

Qualifications of Jessica A. Sauer

Qualifications of Gregory C. Klauk

Zoning Excerpts

Contractor Estimate

Definitions of Significant Terms:

Disposition Value – The most probable price that a specified interest in property should bring under the following conditions:

1. Consummation of a sale within a specified time, which is shorter than a typical exposure time for such a property in that market.
2. The property is subjected to market conditions prevailing as of the date of valuation.
3. Both the buyer and seller are acting prudently and knowledgeably.
4. The seller is under compulsion to sell.
5. The buyer is typically motivated.
6. Both parties are acting in what they consider to be their best interests.
7. An adequate marketing effort will be made during the exposure time.
8. Payment will be made in cash in U.S. dollars (or local currency) or in terms of financial arrangements comparable thereto.
9. The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

This definition can also be modified to provide for valuation with specified financing terms.²

Market Value of the Going Concern – The market value of an established and operating business including the real property, personal property, financial assets, and the intangible assets of the business.³

Use Value – The value of a property assuming a specific use, which may or may not be the property's highest and best use on the effective date of the appraisal. Use value may or may not be equal to market value but is different conceptually.⁴

Value in Use - The value of a property assuming a specific use, which may or may not be the property's highest and best use on the effective date of appraisal. Value in use may or may not be equal to market value but is different conceptually.⁵

Market Value - The most probable price, as of a specified date, in cash, or in terms equivalent to cash, or in other precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress.

The following definition has been agreed upon by agencies that regulate federal insured financial institutions in the United States:

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- Buyer and seller are typically motivated;

²The Dictionary of Real Estate Appraisal, 7th edition, (Chicago, Illinois Appraisal Institute, 2022), Pg. 55

³Ibid, Pg. 119

⁴Ibid. Pg. 199

⁵Ibid. pg. 201

- Both parties are well informed or well advised, and acting in what they consider their own best interests;
- A reasonable time is allowed for exposure in the open market;
- Payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and
- The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale. (12 C.F.R. Part 34.42(g); 55 Federal Register 34696, August 24, 1990 as amended at 57 Federal Register 12202, April 9, 1992; 59 Federal Register 29499, June 7, 1994)⁶

Market Rent - The most probable rent that a property should bring in a competitive and open market reflecting conditions and restrictions of a specified lease agreement, including the rental adjustment and revaluation, permitted uses, use restrictions, expense obligations, term, concessions, renewal and purchase options and tenant improvements (TIs).⁷

Fee Simple Estate - Absolute ownership, unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.⁸

Fee Simple Conditional – A fee simple estate that may be terminated when a specified event occurs, which may be at any time or not at all. The condition does not automatically terminate the estate; the grantor, the heirs, or a designee must act to terminate it.⁹

Land-To-Building Ratio - The proportion of land area to gross building area; one of the factors determining comparability of properties.¹⁰

Leased Fee Interest - The ownership interest held by the lessor, which includes the right to receive the contract rent specified in the lease plus the reversionary right when the lease expires.¹¹

Leasehold Interest – The right held by the lessee to use and occupy real estate for a stated term and under the conditions specified in the lease.¹²

Liquidation Price - A forced price obtained without reasonable market exposure to find a purchaser.¹³

Liquidation Value - The most probable price that a specified interest in real property should bring under all of the following conditions.

1. Consummation of a sale will occur within a short period of time.
2. The property is subjected to market conditions prevailing as of the date of valuation.
3. Both buyer and seller are acting prudently and knowledgeably.
4. The seller is under extreme compulsion to sell.
5. The buyer is typically motivated.
6. Both parties are acting in what they consider their best interests.
7. A normal marketing effort is not possible due to the brief exposure time.
8. Payment will be made in cash in US dollars (or local currency) or terms of financial arrangements comparable thereto.
9. The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.¹⁴

⁶Ibid. Pg. 118

⁷Ibid. Pg. 116

⁸Ibid. Pg. 73

⁹ Ibid Pg. 73

¹⁰Ibid. pg. 73

¹¹Ibid. Pg. 104

¹²Ibid. Pg. 105

¹³Ibid. Pg. 109

¹⁴Ibid. Pg. 109

Definitions of Significant Terms: (Cont'd.)

Surplus Land - Land that is not currently needed to support the existing use but cannot be separated from the property and sold off. Surplus land does not have an independent highest and best use and may or may not contribute value to the improved parcel.¹⁵

Excess Land – Land that is not needed to serve or support the existing use. The highest and best use of the excess land may or may not be the same as the highest and best use of the improved parcel. Excess land may have the potential to be sold separately and is valued separately.¹⁶

Hypothetical Condition: a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis. The Appraisal Foundation, (USPAP 2020-2022 Edition, p. 4.).

Extraordinary Assumptions: An assignment-specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser's opinions or conclusions. (USPAP, 2020-2022 ed., pg 4).

CONDITION RATINGS:

In order to have as consistent a condition and quality rating system for improved properties (subjects and comparables) to make adjustments within market grids more reliable, we have adopted the following condition rating from the “Depreciation” section of the Marshall Valuation Service Cost Manual Section 97 page 3.

Excellent Condition – All items that can normally be repaired or refinished have recently been corrected, such as new roofing, paint, furnace overhaul, state-of-the-art components, etc. With no functional inadequacies of any consequence and all major short-lived components in like-new condition, the overall effective age has been substantially reduced upon complete revitalization of the structure regardless of the actual chronological age.

Very Good Condition – All items well maintained, many having been overhauled and repaired as they've shown signs of wear, increasing the life expectancy and lowering the effective age, with little deterioration or obsolescence evident and a high degree of utility.

Good Condition – No obvious maintenance required, but neither is everything new. Appearance and utility are above the standard, and the overall effective age will be lower than the typical property.

Average Condition – Some evidence of deferred maintenance and normal obsolescence with age in that a few minor repairs are needed, along with some refinishing. But with all major components still functional and contributing toward an extended life expectancy, effective age and utility are standard for like properties of its class and usage.

¹⁵Ibid. Pg. 186

¹⁶Ibid. Pg. 66

Definitions of Significant Terms: (Cont'd.)

CONDITION RATINGS: (Cont'd)

Fair Condition (Badly Worn) – Much repair needed. Many items need refinishing or overhauling, deferred maintenance obvious, inadequate building utility and services all shortening the life expectancy and increasing the effective age.

Poor Condition (Worn Out) – Repair and overhaul needed on painted surfaces, roofing, plumbing, heating, numerous functional inadequacies, substandard utilities, etc. (found only in extraordinary circumstances). Excessive deferred maintenance and abuse, limited value-in-use, approaching abandonment or major reconstruction; reuse or change in occupancy is imminent. Effective age is near the end of the scale regardless of the actual chronological age.

QUALITY RATINGS:

This classification system is also taken from the Marshall Valuation Service Cost Manual “Qualities of Construction” Section 1, page 10. These definitions relate to quality of materials and workmanship used in building a structure.

Excellent – Excellent buildings are normally prestige buildings. On an economic basis, part of the cost must be written off to pride of ownership and some of the income intangibly derived from advertising. Buildings of this classification reflect the best of materials and workmanship (craftsmen) with unique custom design, best brick, hardwoods, stone, solid core interior doors, etc.

Good – Buildings designed for good appearance, comfort and convenience, as well as an element of prestige, constitute the Good Quality category. Ornamental treatment is usually of higher quality and interiors are designed for upper-class rentals. The amenities of better lighting and mechanical work are primary items in their costs. The structures are characterized by superior quality workmanship, skilled labor; building materials exceeding building codes; custom design in many cases.

Average (Normal) – Average-quality constitute the largest group of buildings constructed, approximately fifty percent of all buildings. These are generally buildings designed for maximum economic potential without some of the pride of ownership or prestige amenities of higher-quality construction. They are of good standard code construction with simple ornamentation and finishes. Construction materials meet building code, design is commonplace but functional workmanship skilled and unskilled, few special features.

Low (Fair) – Buildings in this category are generally constructed to minimum requirements often with little regard for architectural appearance or other amenities. They are built with minimum investment in mind. Little ornamentation is used and interior partitioning and finish is minimal and/or of low quality. Buildings in this category reflect economy grade construction materials, some building code violations may exist, design is plain, little or no ornamentation, limited use of skilled labor.

APPRAISAL QUALIFICATIONS OF JESSICA SAUER

KLW APPRAISAL GROUP, INC.

Education:

- B.A.: Art History, Studio Art & Museum/Gallery Practices – State University of NY at Potsdam
- Master's Course Work: Seton Hall University

Technical Training:

- The Appraisal Institute: Basic Appraisal Principles; 10/2018
- The Appraisal Institute: Basic Appraisal Procedures; 11/2018
- McKissock Learning: General Appraiser Sales Comparison Approach; 11/2019
- McKissock Learning: General Appraiser Income Approach; 6/2020
- McKissock Learning: General Appraiser Site Valuation and Cost Approach; 11/2020
- McKissock Learning: General Appraiser Market Analysis & Highest & Best Use; 2/2021
- McKissock Learning: General Appraiser Report Writing and Case Studies; 5/2021
- McKissock Learning: USPAP; 6/2021
- McKissock Learning: Statistics, Modeling and Finance; 6/2021
- McKissock Learning: Fair Housing/Fair Lending & Environmental Issues; 6/2021
- McKissock Learning: Commercial Appraisal Review - Subject Matter Elective; 6/2021

Continuing Education and Seminars:

- Appraisal Institute, Real Estate Network Seminar, 10/22/2023
- Fair Housing / Fair Lending, 4/23/2024
- Uniform Appraisal Standard for Federal Land Acquisitions (Yellow Book), May 9, 2024
- 2024-2025 7-Hour National USPAP Update Course, May 9, 2024

Licensure/ Designation/Certifications:

- New York State Certified General Real Estate Appraiser ID #46000053494

Has Appraised For:

- | | |
|---------------------------|---------------------------|
| • M&T Bank | • CNB Bank |
| • Bank of America | • Cattaraugus County Bank |
| • Evans Bank | • The Upstate Bank |
| • KeyBank | • S&T Bank |
| • Five Star Bank | • The City of Buffalo |
| • Lake Shore Savings Bank | • Private Clients |
| • Alden State Bank | |

Real Property Revaluation Projects:

- City of Glen Falls, Warren County, 5,800 parcels

Appraisal Assignments: (Partial Listing)

- | | |
|------------------------|---------------------------------------|
| • Apartments | • Industrial |
| • Religious Facilities | • Office |
| • Mixed Use | • Self-Storage |
| • Auto Service | • Vacant Land |
| • Restaurants | • Retail |
| • Funeral Homes | • Single and Multi-Family Residential |

UNIQUE ID NUMBER
46000053494

State of New York
Department of State

DIVISION OF LICENSING SERVICES

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No. 1551748

PURSUANT TO THE PROVISIONS OF ARTICLE 6E OF THE
EXECUTIVE LAW AS IT RELATES TO R.E. APPRAISERS.

EFFECTIVE DATE

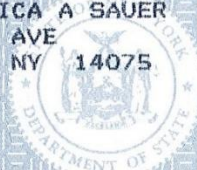
MO.	DAY	YR.
06	06	24

SAUER JESSICA A
C/O JESSICA A SAUER
209 HUNT AVE
HAMBURG, NY 14075

EXPIRATION DATE

MO.	DAY	YR.
06	05	26

HAS BEEN DULY CERTIFIED TO TRANSACT BUSINESS AS A
R. E. GENERAL APPRAISER



In Witness Whereof, The Department of State has caused
its official seal to be hereunto affixed.

BRENDAN C. HUGHES
ACTING SECRETARY OF STATE

DOS-1098 (Rev. 3/01)

Formal Education:

- Bachelor of Arts - Bridgewater College, Virginia
- Bishop Fallon College Preparatory High School, Buffalo, New York

Professional Affiliations:

- International Right-of-Way Association - Chapter 18
- Associate Member, Appraisal Institute
- Upstate New York Chapter of the Appraisal Institute.
- New York State Assessor's Association.

Licensure/Designations/Certifications:

- Licensed New York State Real Estate Salesperson (1975-2020)
- New York State Certified General Real Estate General Appraiser #46-0250

Prepared & Participated in Appraisals & Consultant Reports For:

- Numerous savings and loan and commercial lending institutions - residential and commercial mortgages and sale/purchase assets (KeyBank, Northwest Savings Bank, First Niagara Bank, PNC Bank, HSBC, Five Star Bank, Bank of America among others)
- Major, regional and local oil companies - acquisition, disposition and condemnation
- Special purpose properties (hospitals, schools, coke plants, etc.)
- Governmental agencies (state, federal, county, town and cities) acquisition, reuse, condemnation, Ad-Valorem and certiorari proceedings and specialized studies
- Private industry - mortgages, buy/sell, mergers
- Attorneys and private individuals - condemnation, investment counseling, mortgage appraisals and tax assessment matters
- Insurance companies - damage loss, sale/purchase, assets
- Third party residential transfer corporations

Fee Consultant For:

New York State

- | | |
|--|----------------------------------|
| • Department of Correction | • Housing Finance Agency (HFA) |
| • Department of Transportation | • State of NY Mortgage Agency |
| • Department of Environmental Conservation | • Thruway Authority |
| • Department of Parks & Recreation | • New York State Power Authority |
| • Department of MRDD | • Empire State Development |
| • Facilities Development Corporation | |

Federal Government

- | | |
|--|-------------------------------|
| • Farms Home Administration Federal | • Housing & Urban Development |
| • Federal Deposit Insurance Corp. (FDIC) | • Internal Revenue Service |

Testified as Expert Witness:

- United States District Court, Western District of NY Bankruptcy Court
- State Supreme Court
- New York State Court of Claims
- Cattaraugus County Court
- Various Commissions of Appraisal
- United States District Court, Western District of NY Tax Court.

Notable Court Experience

- Noco vs. People of the State of New York, New York State Court of Claims, Rochester, New York
- Gymnastics Training Center of Rochester Inc. vs. People of the State of New York, New York State Court of Claims, Rochester, New York
- Yorktown Builders vs. People of the State of New York, New York State Court of Claims, Buffalo, New York
- Transitowne Plaza Inc. vs. People of the State of New York, New York State Court of Claims, Buffalo, New York
- Jung vs. Town of Franklinville, New York State Supreme Court, Cattaraugus County, New York
- Various Claimants vs. Town of West Seneca, New York State Supreme Court, Erie County, New York
- Niagara Mohawk vs. City of Dunkirk, New York State Supreme Court, Chautauqua County, New York
- Milazzo vs. People of the State of New York, New York State Court of Claims, Erie County, New York
- Bevilacqua vs. People of the State of New York, New York State Court of Claims, Erie County, New York (Settled)
- Village Glen Tennis & Fitness Center vs. Town of Amherst Assessor, New York State Supreme Court, Erie County, New York
- Benevolent Protectors Order of Elks vs. People of the State of New York, New York State Court of Claims, Erie County, New York
- Fairway Heights Inc. v. Hillock et.al., New York State Supreme Court, Erie County, New York
- 120 Lawley Services LLC v. United States of America, (settled) Federal District Court (2008)
- New Creation Fellowship v. New York State Insurance Fund, New York State Supreme Court, Erie County, New York (2007)
- Statler Tower LLC v. City of Buffalo, New York State Supreme Court, Erie County, New York (2008)
- Rostikof vs. People of the State of New York, New York State Court of Claims, Erie County, New York (2008)
- Garmen v. Town of West Seneca, New York State Supreme Court, Erie County, New York (2008)
- Reeves et.al. v. People of State of New York, NYS Court of Claims, Erie County, New York (2008)
- Mark 1, LLC v. Universal Forest Products Eastern Division, Inc. and Universal Forest Products Inc., Sardinia, New York State Supreme Court, Erie County, New York (2009)
- Stahowiak v. People of the State of New York New York State Court of Claims, Erie County, NY (2010)
- StanCorp Mortgage Investors LLC v. Frederiksen Development LLC, United States Bankruptcy Court for the Western District of New York (2011)
- Rooks, Frey and Nabi vs. Town of Clarence, New York, State Supreme Court, Erie County, NY (2011)
- Sweeney Steel Corp vs. Town of Tonawanda, State Supreme Court, Erie County, NY (2011)
- Denise Faulkner vs. Northwest Savings Bank, United States Bankruptcy Court for the Western District of New York (2012)
- Turner vs. County of Erie, State Supreme Court, Erie County, NY (2012)
- Mercier vs. Cole, United States Bankruptcy Court for the Western District of New York (2013)
- Rite Aid vs. Town of Cheektowaga, State Supreme Court, Erie County, NY (2013)
- Penfold vs. People of the State of New York, Court of Claims, Erie County New York (2014)
- Kissling Interests, LLC vs. IRS, United States District Court, Western District of NY (2015)
- Villafrank v. Ross Estates, Surrogate Court, Chautauqua County (2016)
- RMF vs. Town of Lancaster, State Supreme Court, Erie County, NY (2017)
- Town of Lockport IDA vs. GM Components Holdings, LLC, Supreme Court, Niagara County, NY (2018)

Employment History:

- **KLW Appraisal Group Inc. (fka Klauk, Lloyd & Wilhelm Inc.), Buffalo, NY**, President, 1995-Present; Principal of KLW Municipal Inc. a Mass Valuation Appraisal Company; Principal and Vice President KLW Residential Inc. a residential appraisal company for one to four family dwellings.
- Upstate Appraisal Inc.- Commercial, Buffalo, NY, President, 1990-1995
- Independent Real Estate Consultant and Appraiser, Buffalo, NY, 1989-1990
- GAR Associates, Inc., Buffalo, NY, Staff Appraiser, Senior Consultant, Principal & Senior Vice President, Corporate Secretary.

Real Estate Courses and Seminars:

- American Institute of Real Estate Appraisers, successfully completed all required exams and/or courses for MAI designation, 9/86-3/89
- Appraisal Institute, Appraising Conservation/Preservation Easements, 3/87
- International Right of Way Assoc. -Course 403, "Easement Valuation", 6/87
- International Right of Way Assoc.-Course 701, "Property Management: Leasing", 6/87
- Continuing Education, "Investment Analysis", 10/87
- Environmental Compliance Service-Erie County, New York, "Hazardous Waste-Regulations Update, Management, Liability", 12/87
- Continuing Education, NYS Secretary of State Division of Licensing, "Brokers Course", 12/87
- Society of Real Estate Appraisers, successfully satisfied requirements for all courses necessary for SRPA designation, 2/88-5/89
- Environmental Compliance Service-Erie County, New York, "Environmental Liabilities in Real Estate Transactions", 5/88
- Appraisal Institute, Litigation Valuation (Exam 4), 9/88
- Appraisal Institute, Valuation of Leasehold Interests, 10/90
- Erie County Dept. Environment & Planning-Wetland Seminar, "The New Role of Federal Regulations in Land Use Decisions, 11/90
- Whiteman, Osterman and Hanna-Wetland Seminar, "Recent Changes in the Regulation of State & Federal Wetland", 2/92
- Appraisal Institute-Course SPP, "Standards of Professional Practice, Parts A & B", 10/92
- Appraisal Institute-Course 530, "Advanced Sales Comparison and Cost Approaches", 11/94
- National Highway Institute & NYS DOT, "Eminent Domain for Attorneys & Appraisers", 9/98
- International Right of Way Assoc.-Course 104, "Standards of Practice for Right of Way Professional", 9/99
- International Right of Way Assoc.-Course 401, "The Appraisal of Partial Acquisitions", 9/00
- International Right of Way Assoc.-Course 207, "Practical Negotiations for US Fed Funded Land Acquisitions", 2/01
- International Right of Way Assoc.- Course 900, "Principals of Real Estate Engineering", 10/01
- International Right of Way Assoc.- Course 800, "Principals of Real Estate Law", 8/02
- International Right of Way Assoc.- Course 200, "Principals of Real Estate Negotiation", 11/02
- International Right of Way Assoc.- Course H005, "Reviewing Appraisals in Eminent Domain", 5/04
- International Right of Way Assoc.- Course 403, "Easement Valuation", 5/04
- International Right of Way Assoc.- Course 409, "Integrating Appraisal Standards", 3/05
- International Right of Way Assoc.- Course 406B, "7 hour National USPAP Course", 8/05
- Lorman Education Services, "Eminent Domain: The Effect of Recent Supreme Court Decisions", 10/05
- Appraisal Institute, "Flipping and Fraudulent Flipping-Do You Know the Difference", 4/06
- Appraisal Institute, "7 Hour National USPAP Update Course", 5/06
- Appraisal Institute, "The Modern Cost Approach: Applied Methods & Techniques, Parts 1 & 2", 1/07
- The Cusack Center, "Residential Construction Basics", 8/07
- International Right of Way Assoc.- Course 400 "Principals of Real Estate Appraisal", 9/07
- Lorman Education Services "Law of Easements: Legal Issues and Practical Considerations", 6/08
- Appraisal Institute, "7 Hour National USPAP Update Course", 1/09
- Appraisal Institute, "Scope of Work: Expanding Your Range of Service" 4/09
- Appraisal Institute, "Valuation of Conservation Easements" 5/09
- Appraisal Institute, "7 Hour National USPAP Update Course", 12/09
- Appraisal Institute, Business Practices and Ethics, 8/10
- Appraisal Institute, Valuation and Market Perspectives 2011, 2/11
- Appraisal Institute, Appraisal Curriculum Overview 2011, 4/11
- BNAR, Uniform Appraisal Data Set 7/11,
- New York State Assessor's Association & The IAO – Valuation Factor File 2011, 12/2

Real Estate Courses and Seminars (Cont'd.)

- Appraisal Institute, Real Estate Net Work Seminar, 10/2012
- Appraisal Institute, Business Practices and Ethics, 12/12
- Appraisal Institute, A Residential and Commercial Perspective, 1/2013
- Institute of Assessing Officers, Valuation of Light Manufacturing Facilities 1/2013
- Appraisal Institute, "7 Hour National USPAP Update Course", 4/2013
- Appraisal Institute, Appraisal Review-General, 10/2013
- IRWA, "7 Hour National USPAP Update Course", 1/2014
- McKissock's Supervisor-Trainee Course for New York 12/2014
- Appraisal Institute, Residential and Commercial Trends, 2/2015
- Contamination and the Valuation Process, Appraisal Institute webinar 9/16/2015
- Appraising Commercial and Complex Properties in a Historic Area 11/18/2015
- Appraisal Institute, "7 Hour National USPAP Update Course", 12/7/2015
- Appraisal Institute, Residential and Commercial Trends, 2/5/2016
- Appraisal Institute, Real Estate Network Seminar 9/15/2016
- Appraisal Institute, Residential and Commercial Trends, 2/3/2017
- Appraisal Institute, Uniform Appraisal Standards for Federal Land Acquisition 2016 update, 10/18-19/2017
- IRWA, "7 Hour National USPAP Update Course", 2/2018
- Appraisal Institute, Residential and Commercial Trends, 3/8/2019
- Appraisal Methodologies Used By Assessors for Valuation 10/25/2019
- IRWA, Seminar Case Studies in Right of Way Valuation, Management and Acquisition 10/1/2020
- IRWA, Course 406B "7 Hour National USPAP Update Course", 2/6/2020
- IRWA, Course 415 "USPAP and the Yellowbook: A Guide to Understanding Their Relationship", 2/7/2020
- IRWA, Seminar Case Studies in Right of Way Valuation, Management and Acquisition 10/1/2020
- Appraisal Institute, Business Practices and Ethics, 3/5/2021
- Appraisal Institute, USPAP Update, 1/13/2022
- Appraisal Institute, Real Estate Network Seminar, 9/23/2022
- Appraisal Institute, Fair Housing & Fair Lending Course, 10/7/2022
- Appraisal Institute, Real Estate Network Seminar, 9/22/2023
- Appraisal Institute, Business Practices and Ethics, 10/19/2023
- Appraisal Institute, USPAP Update, 1/11/2024
- Appraisal Institute, Fair Housing-Fair Lending, 3/5/2024
- IRWA, Seminar Course 105 The Uniform Act Executive Summary, 4/10/2024
- Appraisal Institute, Residential and Commercial Trends Seminar, 2/21/2025
- Appraisal Institute, Real Estate Net Work Seminar, 9/9/2025
- Appraisal Institute, 7 hour National USPAP Update, 1/16/2026
- Appraisal; Institute, Residential and Commercial Trends Seminar, 2/13/2026

UNIQUE ID NUMBER 48000000250	State of New York Department of State DIVISION OF LICENSING SERVICES	FOR OFFICE USE ONLY Control No. 1560732
PURSUANT TO THE PROVISIONS OF ARTICLE 46 OF THE EXECUTIVE LAW AS IT RELATES TO R.E. APPRAISERS.		EFFECTIVE DATE MO. DAY YR. 10 08 25
KLANK GREGORY D C/O KLV APPRAISAL GROUP INC 247 CAYUGA RD BUFFALO, NY 14225		EXPIRATION DATE MO. DAY YR. 10 07 27
HAS BEEN DULY CERTIFIED TO TRANSACT BUSINESS AS A R.E. GENERAL APPRAISER		
In Witness Whereof, The Department of State has caused its official seal to be hereunto affixed		WALTER T. MOSLEY SECRETARY OF STATE
DOS-1098 (Rev. 3/01)		

TABLE 6A: PRINCIPAL USES

	N-1D	N-1C	N-1S	N-2C	N-2E	N-2R	N-3C	N-3E	N-3R	N-4-30	N-4-50	D-R	D-M	D-E	D-S	D-C	D-IL	D-H	D-OS	D-OG	D-ON	C-RT	DEFINITIONS/ STANDARDS
RESIDENTIAL																							
Dormitory	●	●	●	●			●					●	●	●	●	●							Sec. 6.1.2.A
Dwelling, Ancillary	●	●	●	●	●	●	●	●	●			●	●	●	●	●							Sec. 6.1.2.B
Dwelling, Caretaker	●	●	●									●	●	●	●	●	●	●					Sec. 6.1.2.C
Dwelling, Double Unit	●	●	●	●	●	●	●	●	●			●	●	●	●	●	●						Sec. 6.1.2.D
Dwelling, Multiple Unit	●	●	●	●	●	●	●	●	●			●	●	●	●	●	●						Sec. 6.1.2.E
Dwelling, Single Unit	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●						Sec. 6.1.2.F
Emergency Shelter	●	●	●	●	●	●	●	●	●			●											Sec. 6.1.2.G
Fraternity/Sorority House	●	●	●	●	●	●	●	●	●			●	●										Sec. 6.1.2.H
Group Home	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●						Sec. 6.1.2.I
Halfway House	●	●	●									●					●						Sec. 6.1.2.J
Residential Care Facility	●	●	●	●	●		●	●				●	●	●	●	●							Sec. 6.1.2.K
CIVIC																							
Assembly	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●			●			Sec. 6.1.3.A
Cemetery																			●				Sec. 6.1.3.B
College/University	●	●	●	●	●		●	●				●	●										Sec. 6.1.3.C
Cultural Facility	●	●	●	●	●	●	●	●	●			●	●	●	●	●	●	●	●	●	●		Sec. 6.1.3.D
Government Offices	●	●	●	●	●		●	●				●	●	●	●	●	●			●	●	●	Sec. 6.1.3.E
Hospital												●	●										Sec. 6.1.3.F
Lodge or Private Club	●	●	●	●	●		●	●				●	●	●	●	●	●						Sec. 6.1.3.G
Open Space	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	Sec. 6.1.3.H
Primary/Secondary School	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●			●				Sec. 6.1.3.I
Public Safety Facility	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	Sec. 6.1.3.J
Zoo																			●				Sec. 6.1.3.K
LODGING																							
Bed & Breakfast	●	●	●	●	●	●	●	●	●			●	●	●	●	●							Sec. 6.1.4.A
Hotel/Hostel	●	●	●	●	●	●	●	●	●			●	●	●	●	●	●						Sec. 6.1.4.B
Rooming House/S.R.O.	●	●	●	●	●	●	●	●	●			●	●	●	●	●							Sec. 6.1.4.C
RETAIL & SERVICE																							
Adult Establishment																	●	●					Sec. 6.1.5.A
Alcohol Sales	●	●	●	●	●		●	●							●	●	●						Sec. 6.1.5.B
Amusement Facility, Indoor	●	●	●	●	●		●	●				●	●	●	●	●	●			●			Sec. 6.1.5.C
Amusement Facility, Outdoor			●											●	●	●	●			●			Sec. 6.1.5.D
Animal Care Establishment	●	●	●	●	●		●	●				●	●	●	●	●	●						Sec. 6.1.5.E
Car Wash			●													●	●	●					Sec. 6.1.5.F
Commercial School	●	●	●	●	●		●	●				●	●	●	●	●	●	●					Sec. 6.1.5.G
Day Care Center	●	●	●	●	●		●	●				●	●	●	●	●	●	●					Sec. 6.1.5.H
Drive-Through Facility			●													●	●	●					Sec. 6.1.5.I
Food Center/ Supply Pantry	●	●	●	●	●		●	●				●	●	●	●	●	●						Sec. 6.1.5.J
Funeral Services	●	●	●	●	●		●	●				●			●	●	●						Sec. 6.1.5.K
Garden Center			●	●	●	●	●	●				●	●	●	●	●	●						Sec. 6.1.5.L
Gas Station		●	●	●			●					●			●	●	●	●					Sec. 6.1.5.M
Human Service Facility	●	●	●	●	●		●	●				●	●	●	●	●	●						Sec. 6.1.5.N
Kennel			●														●						Sec. 6.1.5.O
Live Entertainment	●	●	●	●	●		●	●				●	●	●	●	●	●		●	●			Sec. 6.1.5.P
Medical Clinic	●	●	●	●	●		●	●				●	●	●	●	●	●						Sec. 6.1.5.Q
Open-Air Market	●	●	●	●	●		●	●				●	●	●	●	●	●		●	●			Sec. 6.1.5.R
Restaurant	●	●	●	●	●		●	●				●	●	●	●	●	●		●	●			Sec. 6.1.5.S

TABLE 6A: PRINCIPAL USES

	N-1D	N-1C	N-1S	N-2C	N-2E	N-2R	N-3C	N-3E	N-3R	N-4-30	N-4-50	D-R	D-M	D-E	D-S	D-C	D-IL	D-IH	D-OS	D-OG	D-ON	C-R	DEFINITIONS/ STANDARDS
Retail & Service, General	●	●	●	●	●		●	●				●	●	●	●	●	●		●	●			Sec. 6.1.5.T
Retail & Service, Heavy			●													●	●	●					Sec. 6.1.5.U
Self-Storage Facility		●	●	●	●		●	●								●	●	●					Sec. 6.1.5.V
Stables/Riding Center			●														●	●		●	●		Sec. 6.1.5.W
Tavern	●	●	●	●	●		●	●				●	●	●	●	●	●	●		●	●		Sec. 6.1.5.X
Tobacco/Hookah/Vaping Est.	●	●	●	●	●		●	●								●	●	●					Sec. 6.1.5.Y
Vehicle Rental or Sales	●	●	●	●	●		●	●								●	●	●					Sec. 6.1.5.Z
Vehicle Repair, Major		●	●	●	●		●	●								●	●	●	●				Sec. 6.1.5.AA
Vehicle Repair, Minor		●	●	●	●		●	●								●	●	●					Sec. 6.1.5.AB
EMPLOYMENT																							
Industrial, Artisan	●	●	●	●	●		●	●				●	●	●	●	●	●	●					Sec. 6.1.6.A
Industrial, Heavy													●	●	●	●	●	●					Sec. 6.1.6.B
Industrial, Light		●	●										●	●		●	●	●					Sec. 6.1.6.C
Junk/Salvage Yard																		●					Sec. 6.1.6.D
Professional Offices	●	●	●	●	●		●	●					●	●	●	●	●			●			Sec. 6.1.6.E
Recycling Facility																	●	●					Sec. 6.1.6.F
Research/Laboratory Facility	●	●	●	●	●		●	●					●	●		●	●	●					Sec. 6.1.6.G
Storage Yard			●														●	●	●				Sec. 6.1.6.H
Warehouse/Distribution		●	●										●				●	●	●				Sec. 6.1.6.I
Waste Transfer Station																		●					Sec. 6.1.6.J
AGRICULTURE																							
Community Garden	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		Sec. 6.1.7.A
Market Garden	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●					Sec. 6.1.7.B
TRANSPORTATION																							
Bicycle Parking Station	●	●	●	●	●		●	●				●	●	●	●	●	●	●	●	●			Sec. 6.1.8.A
Dispatch Facility		●	●										●		●	●	●	●					Sec. 6.1.8.B
Freight Terminal			●														●	●				●	Sec. 6.1.8.C
Heliport			●										●	●			●	●					Sec. 6.1.8.D
Helistop	●	●	●										●	●			●	●					Sec. 6.1.8.E
Marina, Dry Storage		●	●	●	●		●	●								●	●						Sec. 6.1.8.F
Marina, Recreational	●	●	●	●	●		●	●				●				●	●			●			Sec. 6.1.8.G
Metro Rail Station	●	●	●	●	●		●	●					●	●								●	Sec. 6.1.8.H
Parking Lot, Commercial		●	●										●	●									Sec. 6.1.8.I
Parking Lot, Neighborhood		●	●	●	●		●	●				●	●	●	●	●	●	●		●			Sec. 6.1.8.J
Parking Structure	●	●	●	●	●		●	●				●	●	●	●	●	●	●					Sec. 6.1.8.K
Passenger Terminal	●	●	●	●	●		●	●								●	●	●		●		●	Sec. 6.1.8.L
Pedestrian or Bicycle Path	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	Sec. 6.1.8.M
Railway Facilities			●														●	●	●			●	Sec. 6.1.8.N
Truck Stop																	●	●					Sec. 6.1.8.O
INFRASTRUCTURE																							
District Energy System	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	Sec. 6.1.9.A
Solar Farm			●										●	●	●	●	●	●					Sec. 6.1.9.B
Utilities & Services, Major			●										●	●			●	●		●		●	Sec. 6.1.9.C
Utilities & Services, Minor	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	Sec. 6.1.9.D
Wind Farm																	●	●					Sec. 6.1.9.E
Wireless Communications	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	Sec. 6.1.9.F

● Permitted, ○ Special Use Permit required

ESTIMATE SUMMARY			
UNIFORMAT CLASSIFICATION		GSF =	10,382
		Cost	Cost / SF
A	SUBSTRUCTURE	\$0	\$0.00
B	SHELL	\$0	\$0.00
C	INTERIORS	\$0	\$0.00
D	SERVICES	\$0	\$0.00
E	EQUIPMENT AND FURNISHINGS	\$0	\$0.00
F	SPECIAL CONSTRUCTION AND DEMOLITION	\$0	\$0.00
G	SITework	\$242,387	\$23.35
G10	SITE PREPARATION	\$47,585	\$4.58
G20	SITE IMPROVEMENTS	\$194,802	\$18.76
Z	GENERAL REQUIREMENTS	\$17,119	\$1.65
Z10	GENERAL REQUIREMENTS	\$12,119	\$1.17
Z20	BUILDING PERMITS	\$5,000	\$0.48
SUBTOTAL		\$259,507	\$25.00
INSURANCE AND BONDING		\$10,335	\$1.00
	SUBCONTRACT DEFAULT INSURANCE	0.73%	\$1,894
	GENERAL LIABILITY INSURANCE	1.95%	\$7,950
	BUILDER'S RISK INSURANCE	0.02%	\$82
	CHOOSE BOND OR CORPORATE GUARANTEE	0.00%	\$0
	PROF. / POLL. LIABILITY, CYBER INSURANCES	0.10%	\$409
ESCALATION AND CONTINGENCY		\$63,762	\$6.14
	DESIGN CONTINGENCY	10.00%	\$25,951
	ESTIMATING CONTINGENCY	2.50%	\$6,488
	ESCALATION	2.50%	\$6,488
	PHASING PREMIUM	0.00%	\$0
	CONSTRUCTION CONTINGENCY	7.50%	\$24,836
SUBTOTAL - DIRECT COSTS		\$333,604	\$32.13
DESIGN SERVICES FOR DESIGN/BUILD CONTRACT		\$0	\$0.00
	DESIGN SERVICES FEE (D/B)	0.00%	\$0
CM SERVICES		\$75,132	\$7.24
	PRECONSTRUCTION SERVICES	0.00%	\$0
	CONSTRUCTION STAFF & REIMBURSABLES	15.00%	\$61,310
	CM FEE	3.50%	\$13,822
PROJECT CONSTRUCTION ESTIMATE TOTAL		\$408,736	\$39.37
SERVICES OUTSIDE OF CONSTRUCTION ESTIMATE		\$32,699	\$3.15
	PROJECT DESIGN SERVICES	0.00%	\$0
	GEOTECHNICAL SERVICES	1.50%	\$6,131
	SPECIAL INSPECTIONS AND TESTING SERVICES	1.50%	\$6,131
	UTILITIES (TAP FEES, CONNECTION & ACTIVATION EXPENSES)	5.00%	\$20,437
	PERMITS AND PLAN REVIEW FEES (IF NOT ABOVE)	0.00%	\$0

TBD	0.00%	\$0	\$0.00
OWNER FURNITURE, FIXTURES & EQUIPMENT (FF&E)	0.00%	\$0	\$0.00
ADDITIONAL ART BUDGET	0.00%	\$0	\$0.00
OWNER CONTINGENCY	0.00%	\$0	\$0.00

PROJECT ESTIMATE TOTAL		\$441,435	\$42.52
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Short Environmental Assessment Form

Part 1 - Project Information

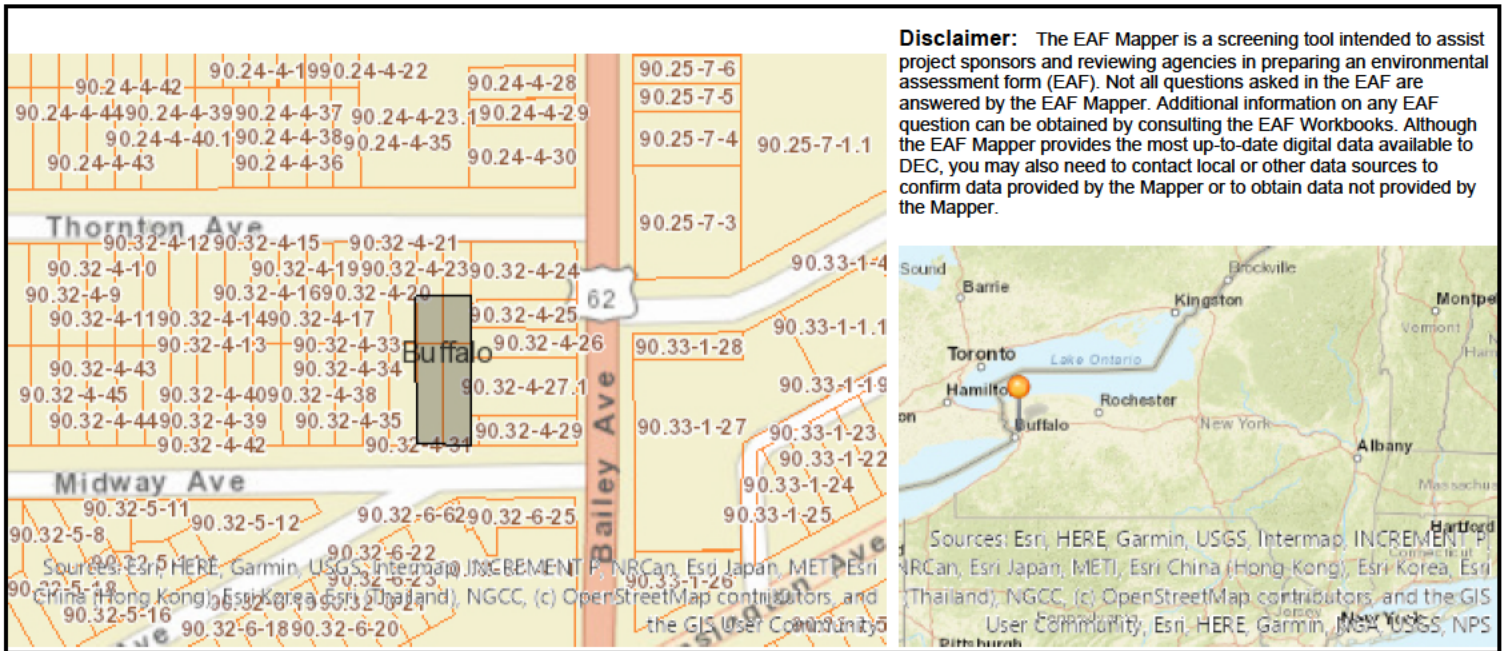
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Midway Parking Variance			
Project Location (describe, and attach a location map): 78 Midway (90.32-4-32), 80 Midway (90.32-4-31), and portion of 77 Thornton (90.32-4-22) and portion of 79 Thornton (90.32-4-23)			
Brief Description of Proposed Action: Evergreen Health seeks a use variance to permit an existing parking area to be used as off-site accessory parking serving its separately approved Bailey-Kensington Health Center, located directly across Midway Avenue. The proposed action has been defined broadly to include all associated site work and parking area repairs and improvements, including pavement milling and repairs, maintenance of existing storm drainage facilities, new fencing, replacement of light standards, and new pavement striping and markings.			
Name of Applicant or Sponsor:		Telephone: [REDACTED]	
		E-Mail: [REDACTED]	
Address: 200 Delaware Avenue, Suite 1200			
City/PO: Buffalo		State: NY	Zip Code: 14202
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If No, continue to question 2.		☒	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		☒	☐
3. a. Total acreage of the site of the proposed action?		+/- 0.25 acres	
b. Total acreage to be physically disturbed?		0.00 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.96 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☒	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify:	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:	☒	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	☒	☐	
No water connection needed for the use.			
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	☒	☐	
No wastewater produced from the use.			
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☐	☒	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 or 500 Year Floodplain]	No
Part 1 / Question 20 [Remediation Site]	Yes
Part 1 / Question 21 [Disadvantaged Community]	Yes

City of Buffalo

65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

USE Information Report**Report Date** 8/18/2026

Page 1 of 2

A/P # USE26-9701931**Application Information****Processed** 8/18/2026 2:35:48PM By TCARTER**Issued** By**Final** By**Type of Work** # Plans 0 **Declared Valuation** \$0.00**Priority** # Pages 0 **Calculated Valuation** \$0.00**Actual Valuation** \$0.00**Description of Work**

USE FOR EVERGREEN FOUNDATION OF WESTERN NEW YORK TO HAVE PRINCIPLE OFF SITE PARKING IN A N-3C ZONE WITH DRAINAGE ALREADY PROVIDED. THERE WILL BE LOTS AT 77 AND 79 THORNTON SUB-DIVIDED AND THE NEWLY DIVIDED SOUTHERN PORTIONS OF 77 AND 79 THORNTON WILL THEN BE COMBINED WITH 78 AND 80 MIDWAY TO BE ASSESSED AS 80 MIDWAY.

Property Information**Address** 80 MIDWAY
BUFFALO, NY 14215 **SBL** 0903200004031000**CENSUS** 42.00**Location****Applicants****Contact ID** 11721241 **Primary** Y **Name** OF WESTERN NEW YORK, INC. THE EVERGREEN FOUNDATI**Mailing Address** 206 SOUTH ELMWOOD BUFFALO, NY 14201**Day Phone** (716)847-0212**Contact ID** 12224339 **Primary** N **Name** City Of Buffalo**Mailing Address** 65 Niagara Sq Rm 905 Buffalo, NY 14202**Day Phone****Contact ID** 12372541 **Primary** N **Name** Div Of Real Estate**Mailing Address** 65 Niagara Sq Rm 905 Buffalo, NY 14202**Day Phone**

Fees	Status	Paid Date	Amount
Application Fee	U		\$50.00
Zoning Board Fee	U		\$250.00

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

USE Information Report

Report Date 8/18/2026

Page 2 of 2

Plan Reviews

Building	Y	Electrical	Y	Fire	N
Sewer	Y	HVAC	N		
Plumbing	N	Elevator	N		

Prior Approvals

Address	Common Council	Restricted Use
Asbestos	Curb Cut	S.E.Q.R.A.
Assessment	Encroach	Thruway
City Wide	Human Services	Trees



City of Buffalo
Office of Licenses
301 City Hall
65 Niagara Sq.
Buffalo, NY 14202
716-851-4078

Payment Transaction Receipt

Report Date: 8/18/2026

Page 1 of 1

AMT

Application # **USE26-9701931**

Transaction Date: **8/18/2026 2:59:25PM**

Customer

Payment #: **1637891**

OF WESTERN NEW YORK, INC. THE
EVERGREEN FOUNDATION
206 SOUTH ELMWOOD

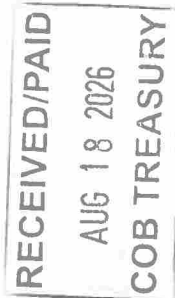
Transaction By: **CPUGH**

Trans Type: **9**

Property/Project Address: **80 MIDWAY 14215**

Line Items

TRANS NO	AMOUNT	FEE CODE	FEE DESCRIPTION	TRANS DATE
7867211.00	\$50.00	APPLICATION-INTAKE	Application Fee	08/18/2026
7867212.00	\$250.00	USE	Zoning Board Fee	08/18/2026



Payment Details

PAYMENT AMOUNT	\$300.00	CHECKNO
METHOD	CREDIT	CHECK BANK
RECEIVED ON	8/18/2026 2:59:00PM	CHECK NAME
PAYMENT ENTERED	8/18/2026 2:59:25PM	
CARDAUTH		
CARD EXPIRE DATE		
CARDTYPE	5M66EI	

SEQRA Notice of Determination

Non Significance

Negative Declaration

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (SEQR – State Environmental Quality Review) of the Environmental Conservation Law.

Lead Agency: City of Buffalo, Zoning Board of Appeals
912 City Hall
65 Niagara Square
Buffalo, NY 14202

As per the provision of SEQR, the Lead Agency has reviewed the following action as it relates to the environment:

Action Title: Evergreen Health Parking Lot

Location: 80 Midway Avenue, Buffalo, NY

Type of Action: Unlisted – Uncoordinated

Description: The Action involves an area variance (off-site accessory parking not permitted as a principal use in zone) for a 33 space parking lot at 80 Midway Avenue which will be used by clients of a commercial business at 3074 Bailey Avenue. Vehicular access will utilize a modified curb cut to Midway Avenue.

As a Result of this Environmental Review: The Lead Agency has determined the undertaking of this action will not have a significant adverse effect on the quality of the environment. No further environmental review will be conducted prior to implementation of the action and a Draft Environmental Impact Statement will not be prepared.

Reasons Supporting This Determination: Potential environmental impacts associated with the action were identified in the Environmental Assessment Form to assess potential adverse environmental impacts compared to the criteria for determining significance identified in 6 NYCRR §617.7(c)(1) and in accordance with §617.7 (c)(2)(3). The potential impacts are not significant.

Impacts on Land

The proposed action will not have any significant adverse environmental impacts on land as the site is currently developed. No significant adverse environmental impacts are anticipated.

Impacts on Air Quality

The project will not have a significant impact on air and would not require an air permit. No significant adverse environmental impacts are anticipated.

Impacts on Surface Water

The project will not have a significant adverse impact on ground or surface water quality or quantity. No significant adverse environmental impacts are anticipated.

Impacts on Transportation

The proposed action will not have a substantial adverse change in existing traffic levels or roadway/intersections levels of service. The project is located in a developed urban area and road capacity is adequate to accommodate any increase in

traffic generated by the project. The project is also served by public transportation in the form of bus service within the immediate project. No significant adverse environmental impacts are anticipated.

Impacts on Noise, Odor and Light

The project will not have a substantial adverse change on noise levels. The proposed use is similar to the existing character of the area which consists of commercial, mixed-use and residential uses in an urban environment.

The project will not have a substantial increase in solid waste production. The use of the site for mixed-uses will not significantly increase waste. Waste from the site will be disposed of in accordance with local and state regulations.

The project will use code compliant lighting and not have an impact on adjacent properties.

No significant adverse environmental impacts are anticipated.

Impacts on Flooding

The proposed action is not located within a 100-year floodplain and therefore will not have any significant adverse environmental impacts on flooding.

Impacts on Flora and Fauna

The project will not result in the removal or destruction of large quantities of vegetation or fauna; substantially interfere with the movement of any resident or migratory fish or wildlife species; impact on a significant habitat area; impact a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.

Impacts on a Critical Environmental Areas

The project is located in an urban area and is not within or adjacent to a Critical Environmental Area and will therefore not impair the environmental characteristics of a Critical Environmental Area.

Consistency with Community Plans and Character

The proposed action is generally consistent with the community's current plans and goals, including building renovations and the construction of supporting accessory uses in the project area, and is overall consistent with the existing community and neighborhood character. The applicants are requesting an area variance to the off-site accessory parking requirements of the zoning code. Although the proposed use is generally consistent with the existing pattern of development in the project area, the requested variance is inconsistent with community plans, specifically the zoning code. This is however a minor adverse environmental impact and is not a significant adverse environmental impact.

Impacts on Historic and Archeological Resources

The project will not significantly impact the character and quality of a historic resource. The site is not located in or adjacent to a local, state or national historic district, and does not contain any landmarked buildings and/or structures on site. No significant adverse environmental impacts are anticipated.

The project will not impact the character and quality of an archeological resource. There are no known and/or identified significant cultural resources on site or adjacent to the property and the proposed action is not located within an area designated as sensitive for archaeological sites on the NYSHPO archaeological site inventory. The site is currently a paved parking area in an area that has historically been developed over a significant period of time. No significant adverse environmental impacts are anticipated.

Impacts on Energy

The project will not result in a major change in the quantity or type of energy used. No significant adverse environmental impacts are anticipated.

Impacts on Human Health

The project will not create a hazard to human health. The proposed use does not involve hazardous materials and/or operations. All applicable local and state regulations must be adhered to in regards to any environmental contaminants present on site and/or from any removed building materials. No significant adverse environmental impacts are anticipated.

Impacts on Aesthetic Resources

The project will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. No significant adverse environmental impacts are anticipated.

Additional Considerations

The project will not encourage or attract a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

The project will not create a material demand for other actions that would result in one of the above consequences.

The project will not involve changes in two or more elements of the environment, no one of which has a significant adverse impact on the environment, but when considered together result in a substantial adverse impact on the environment.

The project does not include two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCCR 617.7(c)(1).

For further information relative to this Negative Declaration, contact Mr. John Fell, AICP, Principal Planner, Room 920 City Hall, Buffalo, New York 14202, (716) 851-4533.

Dated: September 16, 2026

CC: Applicants



CITY OF BUFFALO

DEPARTMENT OF PERMIT AND INSPECTION SERVICES

Christopher P. Scanlon, Mayor

NOTICE OF DENIAL

Date of Denial: 08/17/2026

Property Owner Name: Jemal's Statler, LLC

Assessed Address: 107 Delaware Buffalo, NY 14202
Street Zip Code

Zone: N-1D

Applicant Name: Michael Penfold

Applicant Address: 13363 Clinton St. Alden NY 20001
Street City State Zip Code

Based on the information provided to the Department of Permit and Inspection Services at the time of registration, a Notice of Denial from the Commissioner of Permit and Inspection Services is hereby given to the applicant for the associated project based on the reasons detailed below.

Application for: Area

Reason for Denial:

City Code Section	City Code Requirement	Request from Applicant
9.4.2 A 2	Banner Sign limited to 354 sf.	To allow: 13240 sf. ,
9.4.2 A 4 B	Display period 30 days	To allow: 6 Months
9.1.2 E	No signs to cover window(s)	To allow: Window coverage



District Columbia

State of New York)
) ss
County of Erie)

On the 17th day of Aug. in the year 2026 before me, the undersigned, personally appeared Paul Milsten personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

[Signature]
(Notary Public) or (Commissioner of Deeds)

[Signature]
Appellant sign here



Area Variance Application

City of Buffalo - Office of Strategic Planning

Section 496-11.3.5 of the City Code: An Area Variance is the authorization by the Zoning Board of Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

Procedure

1. If not already completed, register the project with the Department of Permit and Inspection Services (DPIS) in Room 301 City Hall or via the ePermits Electronic Plan Review portal available at the city's website (www.buffalony.gov). During Registration, DPIS staff will provide a Notice of Denial indicating an Area Variance from the Zoning Board of Appeals will be required.
2. Complete the Area Variance Application Form (available online at www.buffalony.gov or in Room 913 City Hall).
3. Attach to this form all requested submittals in the Required Submittals section on page 2 of this application.
4. Send an electronic copy (in PDF format) of the completed Area Variance Application Form with attachments to Room 913 City Hall via either USB flash drive or email/file transfer site to ZoningBoardOfAppeals@buffalony.gov. PDF files must be compressed to the extent practicable and no single file may exceed 10MB. If emailed, you will receive a response email confirming receipt of the application. If no email confirmation occurs, please follow up with the Office of Strategic Planning at (716) 851-4064. If an applicant is unable to provide an electronic copy of the application/attachments, hardcopies may be sent to Room 913 City Hall.
5. Staff will review the Area Variance Application and determine if it is complete.
 - a. **An application is complete if:** All questions on the Area Variance Application Form have been fully answered and sufficient photos and relevant materials have been attached.
 - b. **An application is not complete if:** One or more questions on the Area Variance Application Form have not been answered or if additional relevant photos or relevant materials need to be attached (see Requested Submits list on Page 2). Notice will be provided to the applicant identifying any needed changes.
6. Once the application is determined complete, the applicant will receive a Notice of Complete Application which includes a public hearing date. Until a Notice of Complete Application is issued, the project will not be scheduled for a public hearing regardless of the date the application was submitted by the applicant.
7. At least ten (10) days prior to the scheduled public hearing, all applicants for variances must install a posted notice sign at the project site. An electronic template of this sign is available from Office of Strategic Planning Staff. Requirements and standards for this sign are found in Section 496-11.2.2.C of the City Code. The sign must be removed when the public hearing is closed. **If the sign is not installed the hearing cannot be scheduled.**
8. Attend the public hearing and present the Area Variance Application to the Zoning Board of Appeals. Please be prepared to answer questions related to the variance request.
9. After the public hearing, the Zoning Board of Appeals has up to 62 days to approve, approve with modifications, or deny the application. Once the Zoning Board of Appeals has made a decision, a written notice will be sent to the applicant within 5 business days.

For assistance with the Area Variance Application, please contact the Office of Strategic Planning at (716) 851-4064 or ZoningBoardOfAppeals@buffalony.gov.

Please note: Any information provided with this application will be made public at www.buffalony.gov/meetings

Fee

Pay associated fee of \$150 plus \$25 for each additional variance for one (1) or two (2) unit dwellings.
 \$250 plus \$50 for each additional variance for all other applications respective of the above.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Required Submittals

Send an electronic copy (in PDF format) of the completed Area Variance Application Form with attachments (per the requested submittals listed below) to Room 913 City Hall via either USB flash drive or email/file transfer site to ZoningBoardOfAppeals@buffalony.gov. PDF files must be compressed to the extent practicable and no single file may exceed 10MB. If an applicant is unable to provide an electronic copy of the application/attachments, hardcopies may be sent to Room 913 City Hall.

Include the following as appropriate:

1. All Variance Applications

- Photos of the site of the variance request.
- Notice of Denial issued by Department of Permit and Inspection Services.

2. Variance applications for new construction or additions

A. Site Plan

Scale: One (1) inch equals thirty (30) feet or larger scale

- Date of preparation, clear scale, north arrow, and dimensions
- Project boundaries and total area
- Dimensions of lots and property lines
- Existing and proposed site improvements (structures, easements, vehicular and pedestrian access, landscape, established trees, fences or walls, stormwater facilities, lighting, parking and loading facilities, signs)

B. Architectural Elevations (If applicable)

Scale: One (1) inch equals four (4) feet or larger scale

- Date of preparation, clear scale, and dimensions
- Detailed facade materials

3. Variance applications for parking pads

- Sketch of the proposed location with dimensions, on a survey if possible.
- Description of the impacts to landscaping, street trees, and on-street parking.

4. Completed Part 1 of the New York State Environmental Quality Review (SEQR)

Depending on the type of project, a Short Environmental Assessment Form (SEAF) may also be required. Generally, all variance applications, other than area variances for residential projects three (3) units or less, fences, and projects only involving individual setback and lot line variances and adjustments, will have to complete a Part 1 SEAF.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Applicant Information

Property Owner Name(s): Jemal's Statler LLC c/o Paul Millstein

Phone Number: [REDACTED] Email: [REDACTED]

Address: 701 Eighth Avenue Street NW, Suite 620 City: Washington State: DC Zip: 20001

Architect Name(s):

Phone Number: Email:

Address: City: State: Zip:

Contractor Name(s):

Phone Number: Email:

Address: City: State: Zip:

Property Information

Assessed Address: 107 Delaware Avenue, Buffalo NY 14202

Area of Parcel (square feet): 76,230 Acres: 1.75

Zone: N-1D Zone Overlay (if applicable):

Project Description

Current Use: Hotel, commerical, and event space

Proposed Use:

Briefly Describe the Proposed Project (attach additional information if necessary):
See attached Letter of Intent



Area Variance Application

City of Buffalo - Office of Strategic Planning

Area Variance Request

No area variance will be granted without showing by you (the applicant) supporting evidence for the following (where applicable). Attach all supporting materials.

A. Benefit to Applicant. Describe how the requested variance would benefit the project.

See attached Letter of Intent

B. Character of Neighborhood. Describe whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.

See attached Letter of Intent

C. Other Means. Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance:

See attached Letter of Intent

D. Substantial. Describe whether or not the requested variance is substantial in nature:

See attached Letter of Intent

E. Physical or Environmental Conditions. Describe if the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district, including but not limited to traffic circulation, noise, or odor.

See attached Letter of Intent



Area Variance Application

City of Buffalo - Office of Strategic Planning

F. Not self-created. Describe if the alleged difficulty was self-created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance:

See attached Letter of Intent

Disclosure Affidavit

I maintain that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): Paul Millstein

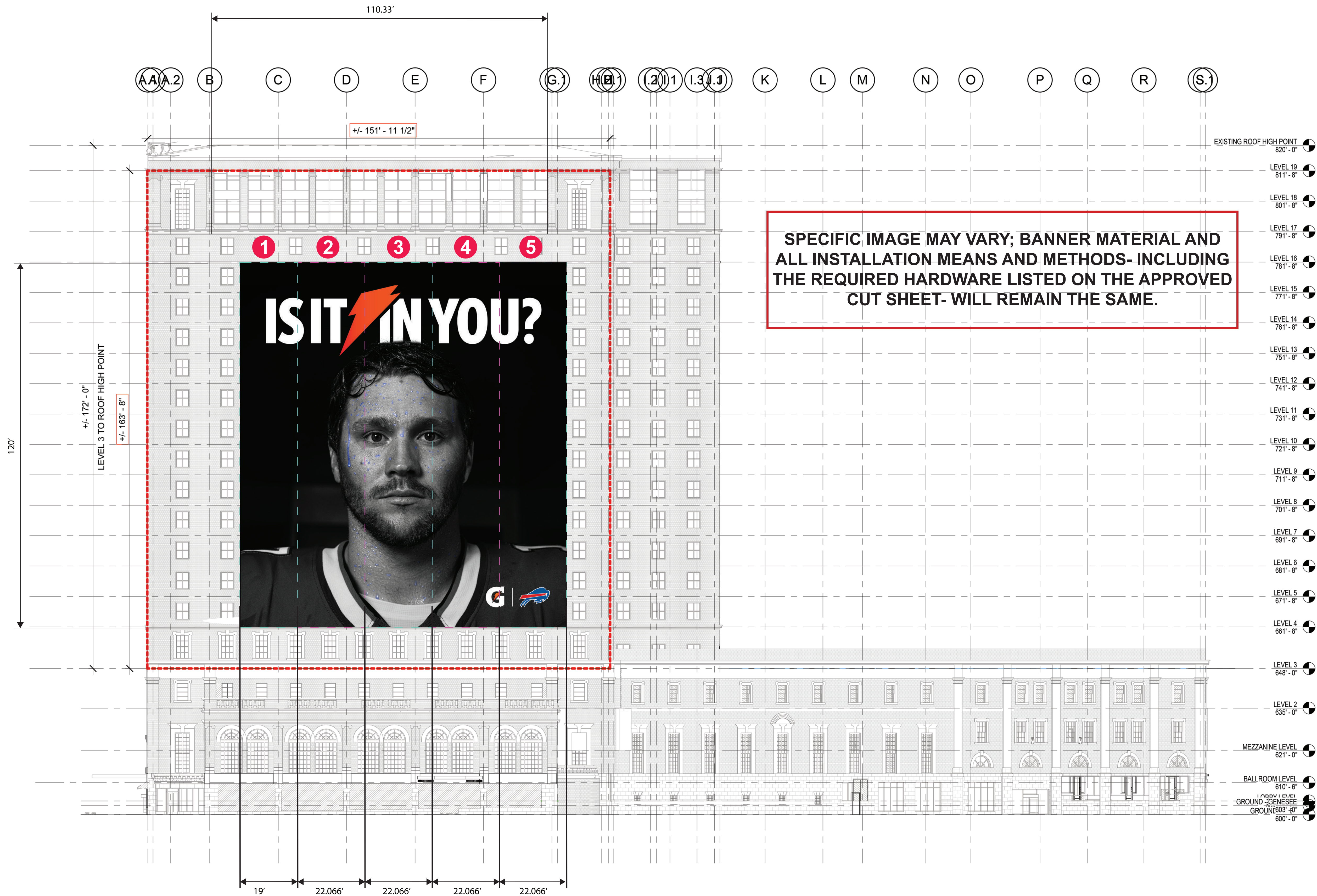
Date: 8-18-26

Property owner or applicant signature:

Paul Millstein

EXHIBIT A

EXHIBIT B



HARDWARE

1/4" X 4" Strong-Tie
THDC25400H6SS Titen HD
Screw Anchor, 316 Stainless Steel, Pkg 50



9oz Mesh
x5- 300 lb Sections
Webbing and Grommets
Fastened every 36"

EXHIBIT C

**IT
LIVES
HERE**



EXHIBIT D

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

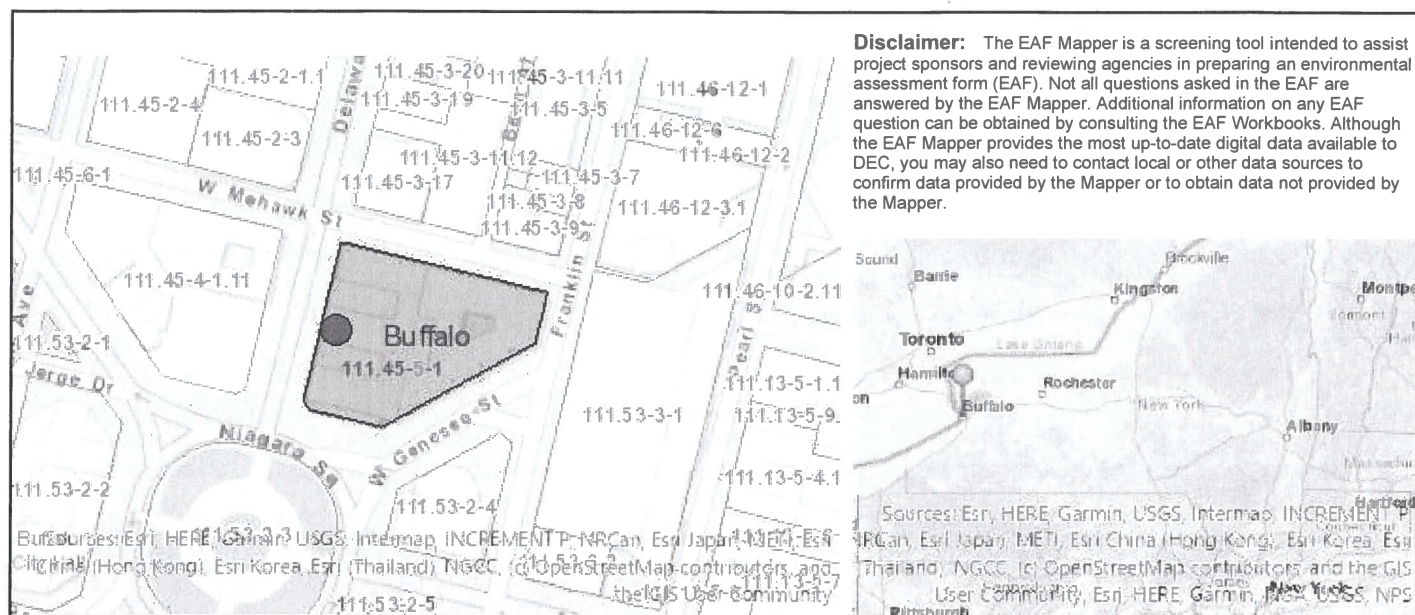
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Jemal's Statler LLC - Temporary Banner Sign			
Project Location (describe, and attach a location map): 107 Delaware Ave, Buffalo, New York, 14202			
Brief Description of Proposed Action: Proposed installation of a temporary banner sign that will be located on the southernmost tower of the Statler Hotel facing Niagara Square located at 107 Delaware Avenue in the City of Buffalo. The size of the temporary banner sign will be approximately 110 feet by 120 feet, for a total area of approximately 13,240 square feet. The banner sign will not be illuminated, and will be printed on 5 individual sections, displayed on flexible material with no frame, and installed with stainless steel screw anchors. The banner sign will promote an advertised partnership between the Buffalo Bills and Gatorade for approximately 6 months for the upcoming 2026-2027 NFL football season, and will be removed after the 6 months.			
Name of Applicant or Sponsor: Jemal's Statler LLC		Telephone: 202-638-6300	
		E-Mail: PMillstein@douglasdev.com	
Address: 701 Eighth Avenue Street NW, Suite 620			
City/PO: Washington		State: DC	Zip Code: 20001
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If No, continue to question 2.			NO ☐
			YES ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Approval of area variances from the City of Buffalo Zoning Board of Appeals			NO ☐
			YES ☒
3. a. Total acreage of the site of the proposed action?		0.3 acres	
b. Total acreage to be physically disturbed?		0.3 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.75 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations? YES	☐	☐	☐
b. Consistent with the adopted comprehensive plan? YES	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify:	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	☐	☒	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☐	☒	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Peregrine Falcon	NO ☐	YES ☒
16. Is the project site located in the 100-year or 500-year flood plain?	NO ☒	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO ☒	YES ☐ ☐ ☒
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO ☒	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO ☒	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO ☐	YES ☒
21. Is the project located within, or within ½ mile of, a disadvantaged community? If No, could impacts from the project affect a disadvantaged community? If Yes to either question in 21, answer the following question. a. Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management):	NO ☐ ☒	YES ☒ ☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Jemal's Statler LLC c/o Paul Millstein</u> Date: <u>8-19-26</u> Signature: <u></u> Title: <u>Vice president</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Peregrine Falcon
Part 1 / Question 16 [100 or 500 Year Floodplain]	No
Part 1 / Question 20 [Remediation Site]	Yes
Part 1 / Question 21 [Disadvantaged Community]	Yes

EXHIBIT E



Area Variance Application

City of Buffalo - Office of Strategic Planning

Section 496-11.3.5 of the City Code: An Area Variance is the authorization by the Zoning Board of Appeals for the use of land in a manner that is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

Procedure

1. If not already completed, register the project with the Department of Permit and Inspection Services (DPIS) in Room 301 City Hall or via the ePermits Electronic Plan Review portal available at the city's website (www.buffalony.gov). During Registration, DPIS staff will provide a Notice of Denial indicating an Area Variance from the Zoning Board of Appeals will be required.
2. Complete the Area Variance Application Form (available online at www.buffalony.gov or in Room 913 City Hall).
3. Attach to this form all requested submittals in the Required Submittals section on page 2 of this application.
4. Send an electronic copy (in PDF format) of the completed Area Variance Application Form with attachments to Room 913 City Hall via either USB flash drive or email/file transfer site to ZoningBoardOfAppeals@buffalony.gov. PDF files must be compressed to the extent practicable and no single file may exceed 10MB. If emailed, you will receive a response email confirming receipt of the application. If no email confirmation occurs, please follow up with the Office of Strategic Planning at (716) 851-4064. If an applicant is unable to provide an electronic copy of the application/attachments, hardcopies may be sent to Room 913 City Hall.
5. Staff will review the Area Variance Application and determine if it is complete.
 - a. **An application is complete if:** All questions on the Area Variance Application Form have been fully answered and sufficient photos and relevant materials have been attached.
 - b. **An application is not complete if:** One or more questions on the Area Variance Application Form have not been answered or if additional relevant photos or relevant materials need to be attached (see Requested Submits list on Page 2). Notice will be provided to the applicant identifying any needed changes.
6. Once the application is determined complete, the applicant will receive a Notice of Complete Application which includes a public hearing date. Until a Notice of Complete Application is issued, the project will not be scheduled for a public hearing regardless of the date the application was submitted by the applicant.
7. At least ten (10) days prior to the scheduled public hearing, all applicants for variances must install a posted notice sign at the project site. An electronic template of this sign is available from Office of Strategic Planning Staff. Requirements and standards for this sign are found in Section 496-11.2.2.C of the City Code. The sign must be removed when the public hearing is closed. **If the sign is not installed the hearing cannot be scheduled.**
8. Attend the public hearing and present the Area Variance Application to the Zoning Board of Appeals. Please be prepared to answer questions related to the variance request.
9. After the public hearing, the Zoning Board of Appeals has up to 62 days to approve, approve with modifications, or deny the application. Once the Zoning Board of Appeals has made a decision, a written notice will be sent to the applicant within 5 business days.

For assistance with the Area Variance Application, please contact the Office of Strategic Planning at (716) 851-4064 or ZoningBoardOfAppeals@buffalony.gov.

Please note: Any information provided with this application will be made public at www.buffalony.gov/meetings

Fee

Pay associated fee of \$150 plus \$25 for each additional variance for one (1) or two (2) unit dwellings.
 \$250 plus \$50 for each additional variance for all other applications respective of the above.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Required Submittals

Send an electronic copy (in PDF format) of the completed Area Variance Application Form with attachments (per the requested submittals listed below) to Room 913 City Hall via either USB flash drive or email/file transfer site to ZoningBoardOfAppeals@buffalony.gov. PDF files must be compressed to the extent practicable and no single file may exceed 10MB. If an applicant is unable to provide an electronic copy of the application/attachments, hardcopies may be sent to Room 913 City Hall.

Include the following as appropriate:

1. All Variance Applications

- Photos of the site of the variance request.
- Notice of Denial issued by Department of Permit and Inspection Services.

2. Variance applications for new construction or additions

A. Site Plan

Scale: One (1) inch equals thirty (30) feet or larger scale

- Date of preparation, clear scale, north arrow, and dimensions
- Project boundaries and total area
- Dimensions of lots and property lines
- Existing and proposed site improvements (structures, easements, vehicular and pedestrian access, landscape, established trees, fences or walls, stormwater facilities, lighting, parking and loading facilities, signs)

B. Architectural Elevations (If applicable)

Scale: One (1) inch equals four (4) feet or larger scale

- Date of preparation, clear scale, and dimensions
- Detailed facade materials

3. Variance applications for parking pads

- Sketch of the proposed location with dimensions, on a survey if possible.
- Description of the impacts to landscaping, street trees, and on-street parking.

4. Completed Part 1 of the New York State Environmental Quality Review (SEQR)

Depending on the type of project, a Short Environmental Assessment Form (SEAF) may also be required. Generally, all variance applications, other than area variances for residential projects three (3) units or less, fences, and projects only involving individual setback and lot line variances and adjustments, will have to complete a Part 1 SEAF.



Area Variance Application

City of Buffalo - Office of Strategic Planning

Applicant Information

Property Owner Name(s): Jemal's Statler LLC c/o Paul Millstein

Phone Number: 202-638-6300

Email: PMillstein@douglasdev.com

Address: 701 Eighth Avenue Street NW, Suite 620

City: Washington

State: DC

Zip: 20001

Architect Name(s):

Phone Number:

Email:

Address:

City:

State:

Zip:

Contractor Name(s):

Phone Number:

Email:

Address:

City:

State:

Zip:

Property Information

Assessed Address: 107 Delaware Avenue, Buffalo NY 14202

Area of Parcel (square feet): 76,230

Acres: 1.75

Zone: N-1D

Zone Overlay (if applicable):

Project Description

Current Use: Hotel, commerical, and event space

Proposed Use:

Briefly Describe the Proposed Project (attach additional information if necessary):

See attached Letter of Intent



Area Variance Application

City of Buffalo - Office of Strategic Planning

Area Variance Request

No area variance will be granted without showing by you (the applicant) supporting evidence for the following (where applicable). Attach all supporting materials.

A. **Benefit to Applicant.** Describe how the requested variance would benefit the project.
See attached Letter of Intent

B. **Character of Neighborhood.** Describe whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.
See attached Letter of Intent

C. **Other Means.** Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance:
See attached Letter of Intent

D. **Substantial.** Describe whether or not the requested variance is substantial in nature:
See attached Letter of Intent

E. **Physical or Environmental Conditions.** Describe if the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district, including but not limited to traffic circulation, noise, or odor.
See attached Letter of Intent



Area Variance Application

City of Buffalo - Office of Strategic Planning

F. Not self-created. Describe if the alleged difficulty was self-created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance:

See attached Letter of Intent

Disclosure Affidavit

I maintain that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): Paul Millstein

Date: 8-18-26

Property owner or applicant signature:

Paul Millstein

**IT
LIVES
HERE**





Phillips Lytle LLP

Via E-Mail

August 19, 2026

City of Buffalo Zoning Board of Appeals
65 Niagara Square, Room 913
Buffalo, New York 14202
ATTN: John Fell, Principal Planner

Re: Jemal's Statler LLC - Temporary Banner Sign
Amended Application for Area Variances

Dear Reverend Lewis and Members of the Zoning Board of Appeals ("ZBA"):

We represent Jemal's Statler LLC ("**Developer**") with respect to the installation of a temporary banner sign on the façade of one of towers of the Statler Hotel (the "**Banner Sign**"), located at 107 Delaware Avenue ("**Site**") in the City of Buffalo ("**City**"). As you are likely aware, Developer has been currently redeveloping and restoring the former Statler Hotel into residential apartments, structured parking, event space and commercial space. Developer now seeks to install a temporary Banner Sign in the heart of downtown promoting a partnership between the Buffalo Bills and Gatorade during the 2026-2027 NFL season. Developer is proud to use the location and prominence of the Statler Hotel to display a banner that, like so many other buildings downtown, including City Hall, pays tribute to and shows support for our beloved Buffalo Bills. The Banner Sign is sure to be the talk of the town and bring excitement and camaraderie to all sports fans and Buffalo residents.

Pursuant to the Unified Development Ordinance ("**UDO**") Sections 9.4.2(A)(2), 9.4.2(A)(4)(b), and 9.1.2(E), a temporary banner sign is limited to 35 square feet in area, a display period of 30 days, and cannot cover any windows. Developer seeks to install an approximately 13,240 square foot temporary Banner Sign on the southernmost façade of the Statler for approximately six (6) months during the 2026-2027 NFL football season, that will cover certain unoccupied windows. Based upon the dimensions of the Banner Sign, length of display period, and location of the banner on the exterior of the building, three area variances are required to (1) allow for an increase in the area square footage; (2) allow for an increase in the temporary display time period; and (3) allow for

ATTORNEYS AT LAW

LINDSEY E. HAUBENREICH, PARTNER DIRECT

ONE CANALSIDE 125 MAIN STREET BUFFALO, NEW YORK 14203-2887 PHONE FAX

NEW YORK: ALBANY, BUFFALO, CHAUTAUQUA, GARDEN CITY, NEW YORK, ROCHESTER | **CHICAGO, IL** | **WASHINGTON, DC** | **CANADA:** WATERLOO REGION | PHILLIPSLYTLE.COM



the covering of certain windows (“**Required Variances**”). See **Exhibit A (Notice of Denial)**.

On behalf of Developer, we submit this Letter of Intent (“**LOI**”) with supporting documentation (“**Application**”) to the ZBA for approval of the Required Variances. In addition, the following exhibits are attached hereto and made part hereof:

Exhibit A:	Notice of Denial
Exhibit B:	Elevations
Exhibit C:	Rendering
Exhibit D:	Short EAF
Exhibit E:	Area Variance Application Form

PROJECT DETAILS

Applicant:	Jemal’s Statler LLC
Developer Address:	701 Eighth Avenue Street NW, Suite 620 Washington, DC 20001
Attorney Contact:	Phillips Lytle LLP Attention: Lindsey Haubenreich, Esq. One Canalside, 125 Main Street Buffalo, New York 14203 Telephone: 716.604.6789 Email: lhaubenreich@phillipslytle.com
Project Location:	107 Delaware Avenue Buffalo, New York 14202
Parcel ID:	111.45-5-1
Zoning District:	N-1D; Downton/Regional Hub



PROJECT NARRATIVE

In 2020 Douglas Jemal purchased the Statler and immediately began preservation and restoration of the exterior of the building. Developer is also currently in the process of redeveloping and restoring the interior space of the iconic structure into a mixed-use of residential, commercial, hotel, parking, and event space, while embracing the original 1920's aesthetic. The Site principally consists of three interconnected 16-story hotel towers above a 3-story base which includes the former hotel lobby and event space, as well as a mezzanine and a basement level.

In celebration of the ongoing redevelopment of the Statler and excitement for the 2026-2027 NFL football season, Developer seeks to install a temporary Banner Sign located on the southernmost Tower façade facing Niagara Square, located in the heart of downtown Buffalo. The Banner Sign will be located on one of the towers, below the roof high point. The Banner Sign will be approximately 110 feet by 120 feet, for a total area of 13,240 square feet. The Banner Sign will not be illuminated, and will be printed on five (5) individual sections, and be displayed on flexible material with no frames covering some of the unoccupied windows on the southernmost façade. See **Exhibit B (Elevations)**.

The installation of the temporary Banner Sign will not alter or change any of the exterior architectural features of the Statler. The Banner Sign will be installed with internal anchor points/brackets mounted inside the windows of the Statler building. Fasteners in the motor joints will be used down the sides of the Statler to hold the Banner Sign in place, but there will be no penetrations in the brick or any other architectural features of the structure.

The Banner Sign will promote an advertised partnership between the Buffalo Bills and Gatorade, with star quarterback Josh Allen as the main feature. See **Exhibit C (Rendering)**. In addition, the Banner Sign will help promote viewing/watch party events coordinated by Developer at the Statler in connection with the Gatorade partnership. Lastly, the Banner Sign will be displayed temporarily for approximately six (6) months during the 2026-2027 NFL football season, at which time the Banner Sign will be then be removed and the motor joints repaired as necessary.



VARIANCE ANALYSIS

Pursuant to Section 11.3.5(C) of the UDO, the ZBA is authorized to review and take action on zoning variances, including area variances. The standards for granting area variances are well established. Pursuant to New York General City Law § 81-b(4)(b), the ZBA must engage in a balancing test, weighing the benefit to the applicant against the detriment to the health, safety and welfare of the community or neighborhood that might occur in the event an area variance is granted. This is the same balancing test employed in Section 11.3.5(E)(2) of the UDO. Section 11.3.5(E)(2)(a) of the UDO also provides certain relevant factors that the ZBA must consider when evaluating a request for an area variance. For the ZBA's consideration, each of the relevant factors are listed below, along with Developer's response to same included in italics.

Considering each of these factors in balance, we respectfully submit that issuance of the Required Variances is appropriate to (1) allow for an increase in the area square footage to approximately 13,240 square feet; (2) allow for an increase in the temporary display time period to 6 months; and (3) allow for the covering of certain unoccupied windows on the southernmost façade.

Based on the foregoing, we respectfully submit that (a) there is a benefit to the Developer; (b) no undesirable change will be produced in the character of the neighborhood and there will be no significant detriment to nearby properties; (c) the benefit sought cannot be achieved without the variance; (d) the requested variance is not substantial in the context of the overall Site; (e) and the requested variance will have no adverse effect or impact on the physical or environmental conditions in the neighborhood.

A. Benefit to Applicant. Describe how the requested variance would benefit the Project.

APPLICANT'S RESPONSE: The size of the Banner Sign, covering of certain unoccupied windows, and the display time period are necessary in order to allow viewers to see the advertisement and to promote the partnership between the Buffalo Bills and Gatorade for this upcoming 2026-2027 NFL season. The Banner Sign will be the talk of the town, will be a visual reminder of the excitement and camaraderie we feel for our beloved Bills.



B. Character of Neighborhood. Describe whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.

APPLICANT'S RESPONSE: It is respectfully submitted that the Required Variances will not create an undesirable change in the character of the neighborhood or be a significant detriment to nearby properties. The Banner Sign will not be illuminated and will not interfere with any of the surrounding structures or buildings. Because the Statler is under construction, the Banner Sign will only cover unoccupied windows. The Banner Sign will not change or alter the exterior architectural features of the Statler, the anchor points/brackets will be mounted inside the windows of the Statler, and the temporary Banner Sign will be removed after six months. Moreover, the Banner Sign will bring positive benefits, liveliness, and comraderies to the downtown area and for all Buffalo Bills fans. Developer is proud to be a part of the long standing tradition of displaying banners on buildings downtown (including City Hall) to support the Buffalo Bills.

C. Other Means. Describe whether the benefit being sought can be achieved by some other feasible method, other than an area variance.

APPLICANT'S RESPONSE: It is respectfully submitted that the benefit sought cannot be achieved without the Required Variances. As previously mentioned, the size, covering of unoccupied windows, and the display time period are necessary to promote the partnership between the Buffalo Bills and Gatorade during the upcoming NFL season. The Banner Sign is sized appropriately to be an eye-catching, talk piece in the heart of downtown Buffalo.

D. Substantial. Describe whether or not the requested variance is substantial in nature.

APPLICANT'S RESPONSE: Although the UDO limits temporary banner signs to an area of 35 square feet, to be displayed for only 30 days, and avoid the covering of windows, the Required Variances may seem substantial. However, given the purpose of the Banner Sign, and that it is only temporary, the Required Variances are not substantial. Both the size and the display time are necessary to fully promote the Buffalo Bills and Gatorade partnership, and only some of the unoccupied windows will be covered on the southernmost façade of the Statler. The purpose of the Banner Sign is to be seen throughout the City to celebrate the Bills and support them in the upcoming NFL season.



- E. **Physical or Environmental Conditions.** Describe if the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district, including but not limited to traffic circulation, noise or odor.

APPLICANT'S RESPONSE: It is respectfully submitted that given the size of the Banner Sign in comparison to the overall size of the entire Statler, the total area size of the Banner Sign will not have an adverse impact on the physical or environmental conditions in the neighborhood or district, including, but not limited to traffic circulation, noise and odor. The Banner Sign will not change or alter the exterior architectural features of the Statler. The Banner Sign will be installed with internal anchor points/brackets mounted inside the windows of the Statler building. Fasteners in the motor joints will be used down the sides of the Statler to hold the Banner Sign in place, but there will be no penetrations in the brick or any other architectural feature of the structure. In addition, the Banner Sign will not be illuminated and will only be temporarily installed for six months, at which time the Banner Sign will be removed and the motor joints repaired as necessary.

- F. **Not self-created.** Describe if the alleged difficulty was self-created, the consideration of which shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance.

APPLICANT'S RESPONSE: The Required Variances may be considered self-created, however, given the size of the Banner Sign in comparison to the entire Statler and the temporary display and removal after the six months, the overall impacts are minor. It is well established that the fact that the need for an area variance is self-created does not, in and of itself, preclude the granting of relief. See *Easy Home Program v. Trotta*, 276 AD2d 553, 714 NYS2d 509 (2nd Dep't 2000). As such, Developer respectfully submits that the balance of interests weighs in favor of Developer and that the Required Variances be issued.

STATE ENVIRONMENTAL QUALITY REVIEW ACT

Under the New York State Environmental Quality Review Act ("SEQRA"), prior to an agency undertaking or approving a project, it must consider the potential environmental impacts of a proposed project. We respectfully submit that the installation of the temporary Banner Sign is an Unlisted Action as this type of action is not identified as a Type I or Type II action. See 6 NYCRR § 617.2(al). A copy of Part 1 of the Short Environmental Assessment Form is annexed hereto as **Exhibit D**.



GENERAL MUNICIPAL LAW REFERRAL

To the extent this Application requires referral under GML 239-m to the Erie County Department of Environment and Planning, we ask that this Application be so submitted.

CONCLUSION

On behalf of the Developer, we respectfully request that the ZBA grant the Application and approve the Required Variances for the Banner Sign. We understand that the ZBA will hold a public hearing on September 16, 2026 and look forward to appearing before the ZBA at that time. In the meantime, please do not hesitate to contact us if there are any questions regarding this Application.

Very truly yours,

Phillips Lytle LLP

By /s/ *Lindsey E. Haubenreich*

Lindsey E. Haubenreich

LEH

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

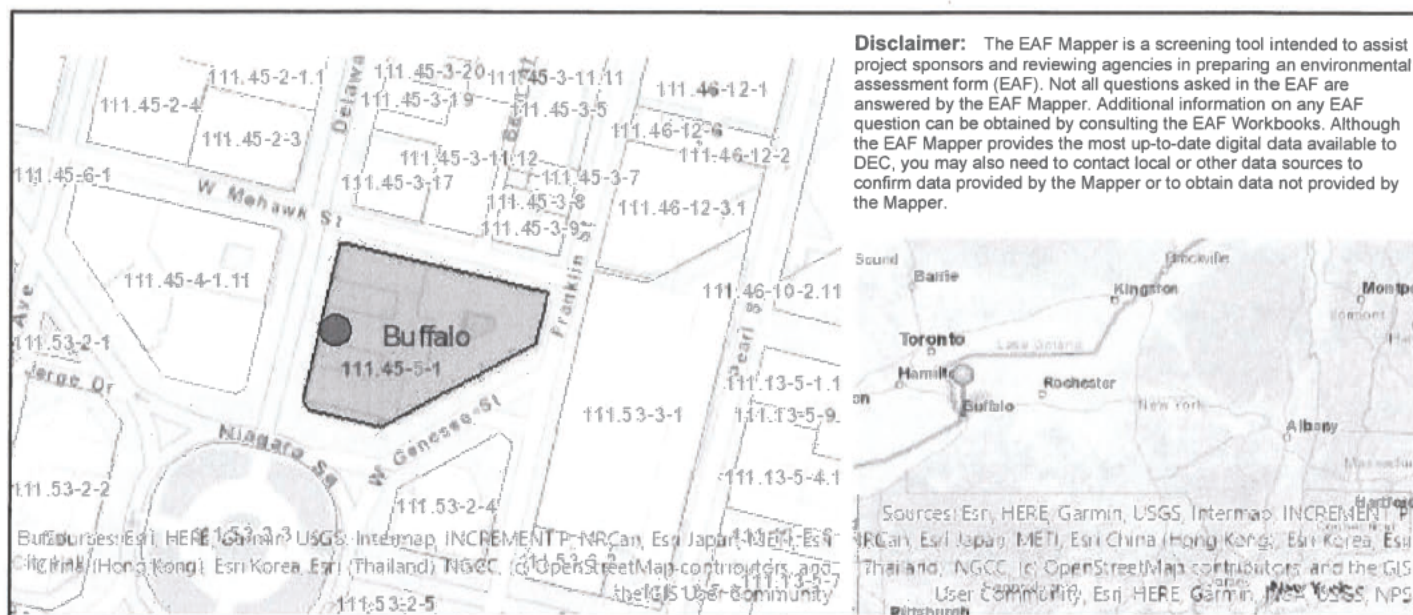
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information							
Name of Action or Project: Jemal's Statler LLC - Temporary Banner Sign							
Project Location (describe, and attach a location map): 107 Delaware Ave, Buffalo, New York, 14202							
Brief Description of Proposed Action: Proposed installation of a temporary banner sign that will be located on the southernmost tower of the Statler Hotel facing Niagara Square located at 107 Delaware Avenue in the City of Buffalo. The size of the temporary banner sign will be approximately 110 feet by 120 feet, for a total area of approximately 13,240 square feet. The banner sign will not be illuminated, and will be printed on 5 individual sections, displayed on flexible material with no frame, and installed with stainless steel screw anchors. The banner sign will promote an advertised partnership between the Buffalo Bills and Gatorade for approximately 6 months for the upcoming 2026-2027 NFL football season, and will be removed after the 6 months.							
Name of Applicant or Sponsor: Jemal's Statler LLC		Telephone: [REDACTED]					
		E-Mail: [REDACTED]					
Address: 701 Eighth Avenue Street NW, Suite 620							
City PO: Washington		State: DC	Zip Code: 20001				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If No, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td>☐</td> <td>☒</td> </tr> </table>	NO	YES	☐	☒
NO	YES						
☐	☒						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Approval of area variances from the City of Buffalo Zoning Board of Appeals			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td>☐</td> <td>☒</td> </tr> </table>	NO	YES	☐	☒
NO	YES						
☐	☒						
3. a. Total acreage of the site of the proposed action?		0.3 acres					
b. Total acreage to be physically disturbed?		0.3 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.75 acres					
4. Check all land uses that occur on, are adjoining or near the proposed action:							
☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland							

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations? YES	☐	☐	☐
b. Consistent with the adopted comprehensive plan? YES	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify:	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	☐	☒	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☐	☒	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
Peregrine Falcon	☐	☒
16. Is the project site located in the 100-year or 500-year flood plain?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☒
If Yes, briefly describe:		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	☐	☒
21. Is the project located within, or within ½ mile of, a disadvantaged community?	NO	YES
	☐	☒
If No, could impacts from the project affect a disadvantaged community?	☒	☐
If Yes to either question in 21, answer the following question.		
a. Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management):		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Jemal's Statler LLC c/o Paul Millstein</u> Date: <u>8-11-26</u>		
Signature: <u></u> Title: <u>Vice president</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Peregrine Falcon
Part 1 / Question 16 [100 or 500 Year Floodplain]	No
Part 1 / Question 20 [Remediation Site]	Yes
Part 1 / Question 21 [Disadvantaged Community]	Yes



Phillips Lytle LLP

Via E-Mail

September 14, 2026

City of Buffalo Zoning Board of Appeals
65 Niagara Square, Room 913
Buffalo, New York 14202
ATTN: John Fell, Principal Planner

Re: Jemal's Statler LLC - Temporary Banner Sign
Application for Area Variances

Dear Reverend Lewis and Members of the Zoning Board of Appeals ("ZBA"):

As you know, we represent Jemal's Statler LLC ("**Developer**") with respect to the installation of a temporary banner sign on the façade of one of towers of the Statler Hotel (the "**Banner Sign**" or "**Project**"), located at 107 Delaware Avenue ("**Site**") in the City of Buffalo ("**City**"). As you are likely aware, Developer has been currently redeveloping and restoring the former Statler Hotel into residential apartments, structured parking, event space and commercial space. Developer now seeks to install a temporary Banner Sign in the heart of downtown promoting a partnership between the Buffalo Bills and Gatorade during the 2026-2027 NFL season.

On August 19, 2026, Developer submitted an application to the ZBA seeking approval for three required area variances ("**Application**") related to the installation of the Banner Sign including: (1) to allow for an increase in the area square footage; (2) to allow for an increase in the temporary display time period; and (3) to allow for the covering of certain windows ("**Required Variances**"). As part of its Application, Developer provided Project details regarding the installation of the Banner Sign and explained that there would be no illumination.

To clarify, the Banner Sign will be illuminated during the evening with internal building lighting staged within the Statler. There will also be two LED lights on both sides of the Banner Sign that will not be permanently affixed to the building. All lights will be temporarily installed for the six months and then immediately removed alongside the Banner Sign. The lighting located within the Statler will be fully concealed

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and not be directed at passersby. No lighting will have a fluttering, flashing, or animating effects. Furthermore, illumination of the Banner Sign is permitted in accordance with the Unified Development Ordinance ("UDO") Section 9.1.5.

Developer looks forward to attending the upcoming ZBA meeting and further discussing the Banner Sign that will bring excitement and camaraderie to all sports fans and Buffalo residents. In the meantime, please do not hesitate to contact us if there are any questions regarding this Application.

Very truly yours,

Phillips Lytle LLP

By /s/ *Lindsey E. Haubenreich*

Lindsey E. Haubenreich

LEH

Doc #13643816.1

SEQRA Notice of Determination

Non Significance

Negative Declaration

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (SEQR – State Environmental Quality Review) of the Environmental Conservation Law.

Lead Agency: City of Buffalo, Zoning Board of Appeals
912 City Hall
65 Niagara Square
Buffalo, NY 14202

As per the provision of SEQR, the Lead Agency has reviewed the following action as it relates to the environment:

Action Title: Jemal's Statler Temporary Banner Sign

Location: 107 Delaware Avenue, Buffalo, NY

Type of Action: Unlisted – Uncoordinated

Description: The Action involves area variances (in excess of maximum banner sign area, in excess of maximum temporary sign display period and no sign may be placed so as to obstruct any window or door) for the placement of a temporary banner sign on the south side of an existing commercial building at 107 Delaware Avenue.

As a Result of this Environmental Review: The Lead Agency has determined the undertaking of this action will not have a significant adverse effect on the quality of the environment. No further environmental review will be conducted prior to implementation of the action and a Draft Environmental Impact Statement will not be prepared.

Reasons Supporting This Determination: Potential environmental impacts associated with the action were identified in the Environmental Assessment Form to assess potential adverse environmental impacts compared to the criteria for determining significance identified in 6 NYCRR §617.7(c)(1) and in accordance with §617.7 (c)(2)(3). The potential impacts are not significant.

Impacts on Land

The proposed action will not have any significant adverse environmental impacts on land as the site is currently developed.

Impacts on Air Quality

The project will not have a significant impact on air quality and would not require an air permit.

Impacts on Surface Water

The project will not have an adverse impact on ground or surface water quality or quantity and will not result in any significant adverse impacts on surface water or groundwater quality or quantity.

Impacts on Transportation

The proposed action will not have a substantial adverse change in existing traffic levels or roadway/intersections levels of service and therefore no significant adverse environmental impacts are anticipated.

Impacts on Noise, Odor and Light

The project will not have a substantial adverse change on noise levels, will not result in a substantial increase in solid waste production and will not have a significant impact on lighting on adjacent properties.

Impacts on Flooding

The project is not located within a 100-year floodplain and therefore will not have any significant adverse environmental impacts on flooding.

Impacts on Flora and Fauna

The project will not have a significant adverse environmental impacts on flora or fauna.

Impacts on a Critical Environmental Areas

The project is located in an urban area and is not within or adjacent to a Critical Environmental Area.

Consistency with Community Plans and Character

The project is generally consistent with the community's current plans and goals, including accessory uses in the project area, and is somewhat consistent with the existing community and neighborhood character. The applicants are requesting area variances to the banner sign area, temporary sign display period and sign obstruction requirements of the zoning code. Although the proposed accessory use is somewhat consistent with the existing pattern of development in the project area, the requested variances are inconsistent with community plans, specifically the zoning code.

The sign obstruction area variance is a minor adverse environmental impact as the banner sign will temporarily cover the building's south windows, although this would not be considered a significant adverse environmental impact as the sign is temporary in nature and would cover windows of unoccupied rooms in the building that are currently undergoing renovations. The requested temporary banner sign area (354 square foot maximum - 13,240 square feet requested) and the temporary sign display period (30-day maximum, six months requested) area variances are moderate adverse environmental impacts as the sign area and display period exceed established regulatory requirements of the zoning ordinance. While these area variances are moderate adverse environmental impacts, they would not be considered significant adverse environmental impacts as the temporary banner sign will be removed from the building after six months.

Impacts on Historic and Archeological Resources

The project will not significantly impact the character and quality of a historic resource or an archeological resource as it involves the placement of a temporary banner sign on an existing building. No significant adverse environmental impacts are anticipated.

Impacts on Energy

The project will not result in a major change in the quantity or type of energy used.

Impacts on Human Health

The project will not create a hazard to human health and no significant adverse environmental impacts are anticipated.

Impacts on Aesthetic Resources

The project will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. No significant adverse impacts are anticipated.

Additional Considerations

The project will not encourage or attract a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

The project will not create a material demand for other actions that would result in one of the above consequences.

The project will not involve changes in two or more elements of the environment, no one of which has a significant adverse impact on the environment, but when considered together result in a substantial adverse impact on the environment.

The project does not include two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR 617.7(c)(1).

For further information relative to this Negative Declaration, contact Mr. John Fell, AICP, Principal Planner, Room 920 City Hall, Buffalo, New York 14202, (716) 851-4533.

Dated: September 16, 2026

CC: Applicants