Agenda

Brad M. Rybczynski Town Clerk

Town Board of the Town of Hamburg

August 4, 2025

1. Roll Call

2. Pledge of Allegiance

3. Minutes of Previous Meeting
RESOLVED, that the Town Board does hereby approve the minutes of the previous meeting as
follows:
5.19.25 Town Board Regular Meeting
6.2.25 Town Board Regular Meeting

4. Agenda Items

4.1. Public Hearing Proposed Local Law #4, 2025

4.2. Public Hearing Proposed Local Law #5, 2025

4.3. Public Hearing Proposed Local Law #7, 2025

4.4. Public Hearing-Idlewood Subdivision Water Distribution District

4.5. Hilbert College Facility Use Agreement

4.6. POLICE-Out of Town Travel Request

4.7. POLICE-Out of Town Travel Request

4.8. POLICE – Disposal of Surplus Water Equipment

4.9. POLICE – Disposal of Surplus Workout Equipment

4.10. POLICE – PAF

4.11. POLICE-PAF

4.12. MOA-Chief of Police

4.13. Approve appointment of Assistant Code Enforcement Officer

4.14. Code Enforcement School

4.15. Amended Resolution to approve Verizon New York, Inc. cable franchise

4.16. Lake Shore Volunteer Fire Company Member Requests

4.17. Scranton Volunteer Fire Company Member Requests

4.18. Local Law #5, 2025 Adoption Resolution

4.19. 39 Long Avenue Building Demolition Bid Award

4.20. BOCES Volunteer Work Program Agreement

4.21. Taylor Road Alcohol Waivers

4.22. Ice Rink Arena Phase 4 Sampling and Air Monitoring

4.23. PO-17 creating four (4) additional Motor Equipment Operator positions for the Highway Department.

4.24. Emergency PAF for a Van Driver in the Recreation Department

4.25. Emergency PAF for Senior Recreation Supervisor in the Recreation Department

4.26. Emergency PAF for the Recreation Dept.

4.27. Emergency PAF for a Recreation Specialist in the Recreation Department

4.28. Youth, Recreation, & Senior Services PAF

4.29. Trade-In of Senior Transportation Service Vehicle

4.30. PAF for the Planning Department

4.31. B&G Revenue Account Transfer

4.32. B&G Steel Dump Body Purchase

4.33. B&G ZTrak Purchase

4.34. B&G PAF

4.35. Community Senior Center Rejection of Bids

4.36. Community Senior Center Re-bid

4.37. Non-CFA Zoning Industrial Zoning District Code and Map Amendments Resolution

4.38. Highway Budget Amendment

4.39. Funding for continued Town Hall Renovation

4.40. Village of Blasdell Appointment-Castiglia

4.41. Non-CFA Phase 1 Zoning Code Amendments Resolution

4.42. Non-CFA Lakeview Commercial District Code and Map Amendments Resolution

4.43. Authorizing Funding for Capital Deficits

5. Public Comment

6. Meeting is adjourned by Supervisor

Town Board of the Town of Hamburg
August 4, 2025 Meeting

4.1. Public Hearing Proposed Local Law #4, 2025

Legal Notice

Town of Hamburg

Notice of Hearing Proposed Local Law #4, 2025

PLEASE TAKE NOTICE that there has been presented to the Town Board of the Town of Hamburg on July 7, 2025, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #4, 2025; the proposed local law amends Chapter 90 of the Hamburg Town Code entitled "Dead Trees". An abstract of the proposed local law is described as follows:

The purpose of this local law is to amend the provisions of Chapter 90 of the Code of the Town of Hamburg entitled "Dead Trees", by amending §90-2, entitled "Cutting and removal of dead trees" and §90-3, entitled "Removal of cut dead trees".

A detailed copy of the proposed amendments will be available, for public review, during regular business hours at Hamburg Town Hall, Hamburg Town Clerk's Office, 6100 South Park Avenue, Hamburg, NY 14075 and on the Town of Hamburg website: www.townofhamburgny.gov "Click on Legal Notices and Bids"

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on the aforesaid law, at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York, at 7:00 p.m. on the 4th day of August, 2025, at which time all persons interested may be heard.

Dated: July 7, 2025

Brad M. Rybczynski

Town Clerk

Town of Hamburg

4.2. Public Hearing Proposed Local Law #5, 2025

LEGAL NOTICE TOWN OF HAMBURG

NOTICE OF PUBLIC HEARING Proposed Local Law #5, 2025

PLEASE TAKE NOTICE that there has been presented to the Town Board on July 7, 2025, pursuant to the Municipal Home Rule Law, a proposed local law, to be known as proposed local law 5, 2025; said local law provides for amendments of the Hamburg Town Code: Chapter 280 entitled "Zoning"; Chapter 240, entitled "Town Owned Property-Regulation of", in the following sections. The proposed amendments are in accordance with the recommendations of the Town of Hamburg Code Review Committee. The amendments can be described as follows:

Repeal Chapter 280 Article V Classification and Interpretation of Permitted Uses in its entirety (§280-15 and §280-16).

Amend Article VIII (R-1 Single Family Residence District) §280-31, entitled "Permitted uses and structures."

Amend Article XIII (C-1 Local Retail Business District) §280-70, entitled "Permitted uses and structures"

Use Groups are referenced in §280-119A(6)(a), but the Town of Hamburg, through the Non-CFA Zoning Updates process, is proposing to repeal Article XVIII (M-1 Industrial Park - Research and Development District) in its entirety, eliminating the need to amend this section.

A detailed copy of the proposed amendments will be available, for public review, during regular business hours at the following locations:

HAMBURG TOWN HALL-

Town Clerk's Office

6100 South Park Avenue

Hamburg, New York 14075

And on the Town of Hamburg's website: **www.townofhamburgny.gov** Click on Legal Notices & Bid

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on August 4, 2025, at 7:00 p.m. (local time), at which time all interested people may be heard.

Dated: July 7, 2025

Brad M. Rybczynski

Town Clerk

Town of Hamburg

4.3. Public Hearing Proposed Local Law #7, 2025

LEGAL NOTICE

TOWN OF HAMBURG

NOTICE OF HEARING ON PROPOSED LOCAL LAW #7, 2025

PLEASE TAKE NOTICE that there has been presented to the Town Board of the Town of Hamburg on July 7, 2025, pursuant to the Municipal Home Rule Law, a proposed Local Law #7, 2025; said proposed local law provides for the amendment of Chapter 188, Section 188-21(A). Use permit: penalties for offenses.

Section 188-21(A)Use permit: Penalties for offenses

The driver of said motor vehicle entering said park without displaying a valid use permit shall be guilty of an offense punishable by a minimum fine of $100 and a maximum not to exceed $150.

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a Public Hearing on the 4th day of August, 2025, at 7:00 p.m. local time, at which time all interested people may be heard.

Dated: July 7, 2025

Brad M. Rybczynski

Town Clerk

4.4. Public Hearing-Idlewood Subdivision Water Distribution District

WHEREAS, the Idlewood Subdivision, located within the Town of Hamburg, County of Erie, New York (the "Town"), consists of single-family residential homes located in a loop formed by West Arnold Drive; and

WHEREAS, the Town Board of the Town of Hamburg (the "Town Board"), pursuant to Article 12-a of the New York Town Law, desires to establish the Idlewood Subdivision Water Distribution District ("District") in the Town to provide the residents of the District with a safe and adequate public water supply, operated and maintained by the Town; and

WHEREAS, by Resolution dated September 9, 2024, the Town Board directed Nussbaumer & Clarke, Inc. ("Engineer"), competent engineers duly licensed by the State of New York, to prepare a general Map, Plan and Report pursuant to the requirements of Town Law § 209-c to support the establishment of the District; and

WHEREAS, Engineer has prepared and delivered to the Town Board the Map, Plan and Report for Water District Formation, Idlewood Subdivision to the Town, dated May 2025 (the "Report"), which describes the proposed improvements, financing, estimated annual costs, and required easements of the proposed District; and

WHEREAS, pursuant to Resolution dated May 19, 2025, the Report has been filed with, and is available for public review and inspection at, the Town Clerk's Office; and

WHEREAS, the boundaries of the District consist of those areas within the Town as set forth in Appendix "A" annexed hereto and incorporated herein; and

WHEREAS, the estimated maximum cost of the improvements and creation of the District is $632,000, with the proposed method of financing such cost of said improvements consisting of the issuance of serial bonds of the Town maturing in annual installments over a period not exceeding 38 years; and

WHEREAS, the estimated annual cost for the typical property or the typical one-family or two-family home in the District is $2,051 for the first year, which includes $1,773.00 for debt service, operation and maintenance and $278.00 for water usage charges (calculated based on the Erie County Water Authority's minimum quarterly charge per customer), which is described in detail in Appendix C of the

Report; and

WHEREAS, the capital cost and debt service for the construction and establishment of the District shall be assessed, levied, and collected from all the taxable real property within the District on an ad valorem basis; and

WHEREAS, there are no estimated hook-up or connection fees anticipated for the property owners in the District; and

WHEREAS, a detailed explanation of how the estimated cost to the typical property was computed has been filed with, and is available for public review and inspection at, the Town Clerk's Office; and

WHEREAS, pursuant to Town Law § 209-f, approval of this District by the State Comptroller is required because the estimated total annual cost of the typical property in the District is above the annual estimated cost threshold for similar types of districts as set by State Comptroller; and

WHEREAS, the formation of the District will require the Town to comply with the New York State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law and its implementing regulations at 6 NYCRR Part 617; "SEQRA") and the Town's Local Waterfront Revitalization Program; and

WHEREAS, the Town Board, in compliance with Section 209-d of the Town Law, now desires to conduct a public hearing concerning the proposed District;

NOW, THEREFORE, BE ORDERED, by the Town Board, as follows:

Section 1: The Town Board will hold a public hearing pursuant to Article 12-A, Section 209-d of the N.Y. Town Law on the 4th of August 2025 starting at 7 p.m. at the Hamburg Town Hall, to consider the establishment of the proposed District, and at which all interested persons may be heard (the "Public Hearing").

Section 2: The Town Clerk is hereby authorized and directed to cause a copy of this Order to be published once in the official newspaper of the Town, the first publication thereof to be not less than ten nor more than twenty days before the day set herein for the Public Hearing, and said Town Clerk shall also cause a copy thereof to be posted on the sign-board of the Town maintained pursuant to the subdivision 6 of Section 30 of the N.Y. Town Law not less than ten nor more than twenty days before the day set for the Public Hearing. The Town Clerk shall also cause a copy of this Order to be posted

on the Town's official website not less than ten nor more than twenty days before the day set for the Public Hearing.

Section 3: The Town Clerk shall file a certified copy of this Order with the Office of the State Comptroller, on or about the date of publication of this Order.

Section 4: This Order shall take effect immediately.

4.5. Hilbert College Facility Use Agreement

WHEREAS, Hilbert College desires to enter into a Facility Use Agreement with the Town of Hamburg to utilize the Town of Hamburg Nike Base Ice Arena, located at 2982 Lakeview Road, solely for use by the Hilbert College Women's Ice Hockey Team, and

WHEREAS, the term of this Agreement will commence on October 1, 2025, and shall continue until February 28, 2028, unless terminated early in accordance with the Agreement, and

WHEREAS, Hilbert College shall pay annual rental fees as follows: $25,000.00 for the 2025-2026 season; $30,000.00 for the 2026-2027 season, and $35,000.00 for the 2027-2028 season, and

NOW THEREFORE BE IT RESOLVED that the Town of Hamburg shall enter into a Facility Use Agreement with Hilbert College, and

BE IT FURTHER RESOLVED that the Supervisor is authorized to sign the Facility Use Agreement on behalf of the Town of Hamburg.

BE IT FURTHER RESOLVED that rental payments received under this Agreement shall be receipted to revenue code A.0000.2026.0000 (Ice Arena - Rink and Rental Fees).

4.6. POLICE-Out of Town Travel Request

WHEREAS, the 2025 NYS/EC FBINAA Chapter Re-Trainer is being at the Saratoga Springs Hotel in Saratoga Springs, NY from Monday, September 15, 2025 to Tuesday, September 16, 2025, and

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes Captain Todd Ehret to attend the 2025 NYS/EC FBINAA Chapter Re-Trainer Conference, with the following expenses:

Lodging (3 nights EACH @ $159.00):	$ 477.00
Registration:	$ 350.00
Meals (2 days @ $50 per day):	$ 100.00
TOTAL COST:	**$ 927.00**

BE IT FURTHER RESOLVED, the Town Board authorizes the use of an Unmarked Police Vehicle for transportation.

Money is available in B3120.492 Seminars/Dept Training.

4.7. POLICE-Out of Town Travel Request

WHEREAS, the New York State Children's Alliance will host the **Sex Offenders: What Every Children's Justice/Advocacy Professional Should Know** training in Cazenovia, NY on Wednesday, July 30, 2025 and;

WHEREAS, the extensive training is provided free of cost to attendees, and;

NOW, THEREFORE BE IT RESOLVED, the Town Board authorize Detective Jonathan Wright, Officer Mindy Sausner, Officer Kelsi Ebert, and Officer MaryBeth Calabrese to attend the Sex Offender training, with the following expenses:

LODGING (1 night EACH @ $110):	$440.00
MEALS (1 day EACH @ $50 per day):	$200.00
TOTAL COST:	**$640.00**

BE IT FURTHER RESOLVED, the Town Board authorizes the use of an unmarked Police vehicle(s) for transportation.

Funds are available in B3120.492 PD Seminars & Training.

4.8. POLICE – Disposal of Surplus Water Equipment

WHEREAS, the Town Board recognizes the need to efficiently manage the assets owned by the Town and to ensure responsible utilization of public resources; and

WHEREAS, it has been determined that certain Town assets are no longer required for public use, have become obsolete, or are in a state of disrepair beyond reasonable cost of restoration; and

WHEREAS, the disposal of these assets will facilitate the efficient operation of the town and provide an opportunity for the generation of revenue or cost savings;

NOW, THEREFORE, BE IT RESOLVED that the following assets shall be disposed of in accordance with the Town Sale of Surplus property policy:

Miscellaneous water equipment including a boat ladder, anchor, and prop as well as scuba vests, regulators, tanks, fins, and wet suits that are obsolete and no longer of use to the Police Department; and

WHEREAS, these items were sold via public auction through Auctions International, and;

WHEREAS, the disposition of the **Miscellaneous Water Equipment** resulted in the receipt of $1,650.00 and,

WHEREAS, these items are not included in the 2025 budget,

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Town Board approves the receipt of these monies and approves the transfer of these funds to B3120.0411 to be used for Police Department supplies.

ATTACHMENTS:

Auctions International - Misc Water Equipment - Sale Summary 7-2025.pdf

AUCTIONS INTERNATIONAL

Auctions International
11167 Big Tree Rd
East Aurora, NY 14052
800-536-1401 FAX 800-569-3334
auctionsinternational.com

Seller Number: 3927
Town of Hamburg PD
Capt. Nicholas Ugale
6100 South Park Ave. Hamburg, NY 14052 USA
Phone 716-649-3800 x 2610

APPROVED

Statement Date: 07/03/2025
Email: nugale@thpdny.org

Statement For: Town of Hamburg PD-NY #42717

Lot	Buyer	Description	Quantity	Price	Commission	Net Due
0001	35229	Miscellaneous Water Equipment	1	1,650.00	0.00	1,650.00

Summary of Sales Activity at Town of Hamburg PD-NY #42717

Commissions are Calculated on a Percent of the Sale Price of EACH LOT.

Commission Summary:

Commission Description	Commission Rate	Amount Sold	Comm. Amount
	0.00%	1,650.00	0.00

Statement Totals	
1 Lots Sold.	
Total Sales	$1,650.00
Less: Fees	$0.00
Less: Commissions	$0.00
Total Amount Due	$1,650.00

Note: **Auction Closed 06/11/25 MNM**

4.9. POLICE – Disposal of Surplus Workout Equipment

WHEREAS, the Town Board recognizes the need to efficiently manage the assets owned by the Town and to ensure responsible utilization of public resources; and

WHEREAS, it has been determined that certain Town assets are no longer required for public use, have become obsolete, or are in a state of disrepair beyond reasonable cost of restoration; and

WHEREAS, the disposal of these assets will facilitate the efficient operation of the town and provide an opportunity for the generation of revenue or cost savings;

NOW, THEREFORE, BE IT RESOLVED that the following assets shall be disposed of in accordance with the Town Sale of Surplus property policy:

Miscellaneous workout equipment including a rowing machine, spin bike, and mountain climber that are obsolete and no longer of use to the Police Department; and

WHEREAS, these items were sold via public auction through Auctions International, and;

WHEREAS, the disposition of the **Miscellaneous Workout Equipment** resulted in the receipt of $85.00 and,

WHEREAS, these items are not included in the 2025 budget,

NOW, THEREFORE BE IT RESOLVED, that the Town Board approves the receipt of these monies and approves the transfer of these funds to B3120.0411 to be used for Police Department supplies.

ATTACHMENTS:

Auctions International - Misc Workout Equipment - Sale Summary 7-2025.pdf

AUCTIONS INTERNATIONAL

Auctions International
11167 Big Tree Rd
East Aurora, NY 14052
800-536-1401 FAX 800-569-3334
auctionsinternational.com

Seller Number: 3927
Town of Hamburg PD
Capt. Nicholas Ugale
6100 South Park Ave. Hamburg, NY 14052 USA
Phone +1 716-648-5111

APPROVED

Statement Date: 07/15/2025
Email: nugale@thpdny.org

Statement For: Town of Hamburg PD-NY #42903

Lot	Buyer	Description	Quantity	Price	Commission	Net Due
0001	44656	Miscellaneous Workout Equipment	1	85.00	0.00	85.00

Summary of Sales Activity at Town of Hamburg PD-NY #42903

Commissions are Calculated on a Percent of the Sale Price of EACH LOT.

Commission Summary:

Commission Description	Commission Rate	Amount Sold	Comm. Amount
	0.00%	85.00	0.00

Statement Totals	
1 Lots Sold.	
Total Sales	$85.00
Less: Fees	$0.00
Less: Commissions	$0.00
Total Amount Due	$85.00

Note: **Auction Closed 06/26/25 MNM**

4.10. POLICE – PAF

BE IT RESOLVED, the Town Board approves the termination of personnel for the Police Department as follows:

ATTACHMENTS:

PAF_Waldman_Matthew.pdf

TOWN OF HAMBURG - PERSONNEL ACTION FORM

Date of Request: **July 24, 2025** Department: **POLICE**

Department Head Signature _____

Supervisor Signature _____ Date 7/24/25

TOWN BOARD MEETING OF: August 4, 2025

PAGE 1 of 1

I request that a Town Board Resolution be adopted approving the following personnel action:

#	Emp #	Emp Name	N or R	Position	Start date	Full time hrly rate	PT/Sea/temp hrly rate	Term date
1	**5412**	**Waldman, Matthew**		**Police Officer**				**7/26/2025**
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								

rev 03/14

4.11. POLICE-PAF

WHEREAS, the Hamburg Police Department has a vacancy for an Administrative Aide –Police (Administrative Assistant to Chief of Police) position; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board approves the recommendation of the Chief of Police to appoint Teresa Gier to the full-time position of Administrative Aide – Police (Administrative Assistant to Chief of Police) through a one-time Civil Service transfer effective Tuesday, August 5, 2025; and

BE IT FURTHER, RESOLVED, the salary is $33.83 per hour, and funds are available in account B3120.100.

ATTACHMENTS:

PAF - Adm Aide - Chief of Police.pdf

TOWN OF HAMBURG - PERSONNEL ACTION FORM

Date of Request: **7/31/2025** Department: **POLICE**

Department Head Signature Peter Dlugosz

Supervisor Signature C. Rybarczyk Date 7/31/25

TOWN BOARD MEETING OF: August 4, 2025

PAGE 1 of 1

I request that a Town Board Resolution be adopted approving the following personnel action:

#	Emp #	Emp Name	N or R	Position	Start date	Full time hrly rate	PT/Sea/temp hrly rate	Term date
1	**5060**	**Teresa Gier**	**R**	**Adm Aide-Chief of Police**	**8/5/2025**	**$33.83**		
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								

rev 03/14

4.12. MOA-Chief of Police

RESOLVED, the Hamburg Town Board hereby ratifies the Memorandum of Agreement between the Town of Hamburg and the Chief of Police regarding Retirement Sick Time Sell Back.
ATTACHMENTS:

DOC073125-001.pdf

MEMORANDUM OF AGREEMENT BETWEEN

TOWN OF HAMBURG NEW YORK

AND

THE CHIEF OF POLICE

1. Any Chief of Police who has reached his (her) 17th year of service may avail himself(herself) of a one-time only option to participate in a pre-retirement series of draws upon the Officer's sick leave benefits during the last three years of employment.
2. On or before August 10th in the year 2025, and August 1st in the subsequent years before an Officer's final three years of service, he or she shall notify the Town's Director of Finance of his or her decision to receive appropriations of accumulated and accrued sick leave in a maximum of three installments in the final three years of employment at the maximum rate of 33% of accumulated and accrued sick leave in their third last year of service, 50% of the remaining balance of accumulated and accrued sick leave during the second last year, and the total remaining balance of accumulated and accrued sick leave upon retirement as prescribed in paragraph 5.
3. The first payment of 33% and second payment of 50% of accumulated sick leave benefits shall be paid to the Chief of Police on or before February 15th, in the first two years of the final years of service pursuant to the terms of a Memorandum to be signed by the Town Supervisor and the Chief of Police, prior to the first payment being paid.
4. Such payments shall be paid in lump sums to the Chief of Police designated tax deferred account or paid on a non-sheltered basis directly to the Chief of Police subject to all appropriate withholdings.
5. The remaining balance of accumulated and accrued sick time or any lesser percentage actually remaining at the time of retirement shall be paid to the Chief of Police upon retirement in any one of the following ways:
    a. A lump sum payment in the final paycheck before retirement to a designated tax-deferred account consistent with plan requirements and all applicable tax laws.
    b. A direct payment in the last paycheck to the retiring Chief of Police subject to all Federal and State withholdings.
    c. Periodic payments of the remaining accumulated and accrued sick leave benefits over a two- or three-year period as the retiring Chief of Police may

designate either directly to him (or her) or to an IRA account or any other lawful designation.

6. In the event that the Chief of Police fails to retire pursuant to his or her written memorandum as referred in paragraph 3, then the final payment of accumulated and accrued sick leave benefits shall not in fact be paid to the Chief of Police in the final year until after the Chief of Police actually retires from his or her employment as Chief of Police with the Town of Hamburg.

SUBSCRIPTION

In witness whereof the duly authorized representatives of the parties signed their names below on the date shown below.

FOR THE TOWN OF HAMBURG, NY:

X Catherine A. Rybzynski

Supervisor Catherine A Rybzynski

X Peter Dienes

Chief of Police Peter Dienes

4.13. Approve appointment of Assistant Code Enforcement Officer

RESOLVED, the Town Board approve the recommendation of the Town Supervisor and Supervising Code Enforcement Officer to the lateral hire of David Rice to the vacant permanent/probationary White-Collar position of Assistant Code Enforcement Officer, effective September 2, 2025, pending satisfactory results of pre-employment conditions. The candidate is a transfer and currently holds the title of Assistant Code Enforcement Officer and therefore no additional testing is required. Salary is $34.88 per hour; funds are available in A3620.100.

ATTACHMENTS:

DOC073025-001.pdf

TOWN OF HAMBURG - PERSONNEL ACTION FORM

Date of Request: Department: Building Inspection

Department Head Signature_____

Supervisor Signature_____ Date: _____

TOWN BOARD MEETING OF 8/4/2025_____

PAGE 1 of ___

I request that a Town Board Resolution be adopted approving the following personnel action:

						Full time	PT/Sea/temp	
#	Emp #	Emp Name	N or R	Position	Start date	hrly rate	hrly rate	Term date
1		David Rice	N	Assistant Code Enforcement Officer	9/2/2025	$34.88		
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								

rev 03/14

4.14. Code Enforcement School

Whereas, The State of New York requires continuing education for Code Enforcement Officers within the Building Inspection Department, and

Whereas, The Western Southern Tier Building Officials Association is holding a conference on September 10-12, 2025 located at the Chautauqua Harbor Hotel, 10 Dunham Avenue Celoron, NY, and

Be It Resolved, That the Town Board approve David Rice to register and attend the training event. Use of a Town vehicle is required.

The cost of the course is not to exceed $375.00.

Funds available in Account#

A.3620.0492 – Safety inspection – Training and Seminars

ATTACHMENTS:

RICE .pdf

Western Southern Tier Building Officials Educational Conference

INVOICE

July 30, 2025

INVOICE No: NY0012109 - 2025

Payable To:
WESTERN SOUTHERN TIER BUILDING OFFICIALS ASSOCIATION
PO BOX 167
DUNKIRK NY 14048
Phone: 716-366-9858

Attendee:
DAVID RICE
EDEN TOWN HALL
2795 EAST CHURCH STREET
EDEN NY 14057

Attendance at The Western Southern Tier Building Officials Educational Conference September 10 - 12, 2025	**$325.00**
2025 Annual Dues - Active Member	**$ 50.00**
TOTAL AMOUNT DUE	**$375.00**

PLEASE MAKE CHECKS PAYABLE TO:

WESTERN SOUTHERN TIER BUILDING OFFICIALS ASSOCIATION

TAX ID: 27-4178308

4.15. Amended Resolution to approve Verizon New York, Inc. cable franchise

WHEREAS, a resolution to approve the cable franchise agreement with Verizon New York, Inc. was adopted by the Hamburg Town Board on May 19, 2025. The effective date of the initial franchise was incorrect in the May 19, 2025 resolution. This resolution amends the May 19, 2025 resolution as follows:

WHEREAS, the Town of Hamburg , (the "Town") is a franchising authority in accordance with Title VI of the Communication Act, (see 47 U.S.C. §522(10) and is authorized to grant one or more nonexclusive franchises pursuant to Article 11 of the New York Public Service Law, as amended, and Title 16, Chapter VIII, Parts 890.60 through 899 of the Official Compilation of Codes, Rules, and Regulations of the State of New York, as amended (collectively the "Cable Laws"); and

WHEREAS, the Town granted Verizon New York Inc., a corporation duly organized under the applicable laws of the State of New York (the "Franchisee"), effective as of July 18, 2008 a nonexclusive initial Franchise to install, maintain, extend, and operate a Cable System in the Town of Hamburg for a term of ten (10) years (the "initial Franchise"); and

WHEREAS, the Franchisee has operated a Cable System in accordance with the Initial Franchise as of the effective date on its Telecommunications Facilities consisting of a Fiber to the Premises Telecommunications Network ("FTTP Network") in the Franchise Area which also transmits Non-Cable Services pursuant to authority granted by Section 27 of the New York Transportation Corporations Law, as amended, and Title II of the Communications Act, which Non-Cable Services are not subject to the Cable Law or Title VI of the Communications Act; and

WHEREAS, pursuant to and in accordance with applicable federal and state law, the Town undertook a process to determine whether it should renew the Initial Franchise and the terms for such a renewal; and

WHEREAS, the Town has examined the past performance of Franchisee and has determined that Franchisee is and has been in material compliance with the Initial Franchise and applicable law; and

WHEREAS, the Town has examined the past quality of the Franchisee's service, including signal quality, response to consumer complaints, and billing practices, and has determined that Franchisee's practice has been reasonable in light of community needs; and

WHEREAS, the Town has examined the financial, legal and technical ability of the Franchisee to provide the services, facilities, and equipment as set forth in the proposed Renewal Agreement; and

WHEREAS, the Town has determined that the Franchisee's proposal is reasonable to meet the future cable-related community needs and interests; and

WHEREAS, the Town determined that Franchisee's Cable System is adequate and feasible in full public proceedings affording due process to all parties; and

WHEREAS, pursuant to and in accordance with applicable federal and state law, the Franchisee submitted to the Town a proposal to renew the Initial Franchise to operate a cable System in the

franchise Area; and

WHEREAS, following good faith negotiations between the parties, Local Franchise Authority and Franchisee have agreed on the terms for a renewal Franchise under which franchisee will continue to operate its cable Systemin the Franchise Area; and

WHEREAS, the Town has determined that in accordance with the provisions of the Cable Law, the Franchise complies with the New York Public Service Commission's franchise standards and the grant of a nonexclusive franchise to Franchisee is consistent with the public interest; and

WHEREAS, a duly noticed Public Hearing, affording an opportunity for all those interested parties to be heard on the proposed Franchise Renewal Agreement was held before the Town on May 19, 2025; and

WHEREAS, the project, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have a significant effect on the environment,

NOW THEREFORE, BE IT RESOLVED, that the Town Board determines that it is in the best interest of the public to award the Franchise Renewal Agreement to the Franchisee; and be it

FURTHER RESOLVED that the Town Board authorizes the Town Supervisor to enter into the Franchise Renewal Agreement with Verizon New York, Inc. and to execute any other documents necessary to effectuate the granting of the franchise renewal on behalf of the Town of Hamburg.

4.16. Lake Shore Volunteer Fire Company Member Requests

BE IT RESOLVED, that the Hamburg Town Board does hereby approve the request of the Lake Shore Volunteer Fire Co. to add to the ranks of their membership of the following individual:

Sarah Jayne Tanski
9 Lexington Avenue
Hamburg, NY 14075

ATTACHMENTS:

Tanski Lake Shore Fire Department.pdf

Lake Shore Volunteer Fire Company, Inc.

July 17, 2025

Hamburg Town Board
S-6100 South Park Avenue
Hamburg, New York 14075

Attn: Brad M. Rybczynski

At the last regular company meeting of the Lake Shore Volunteer Fire Company Inc. held on Wednesday July 16, 2025, the following applicant was approved for active membership:

Sarah Jayne Tanski
9 Lexington Avenue
Hamburg, NY 14075

Upon your approval, we will commence with her active membership.

Thank you for your consideration in this matter.

Sincerely,

Peggie Lipka

Peggie Lipka
Corresponding Secretary
Lake Shore Volunteer Fire Co. Inc.

4.17. Scranton Volunteer Fire Company Member Requests

BE IT RESOLVED, that the Hamburg Town Board does hereby approve the request of the Scranton Volunteer Fire Co. to add to the ranks of their membership of the following individual:

Jake Gibbons

Cody Catalano

ATTACHMENTS:

Scranton Fire Department Jake Gibbons.pdf

Outlook

Fw: Request for Approval to Add Cody Catalano to Town Insurance for Scranton VFC

From Brad Rybczynski <brybczynski@townofhamburgny.gov>
Date Mon 7/28/2025 4:22 PM
To Jill Slisz <jslisz@townofhamburgny.gov>; Wendy Pietrzak <wpietrzak@townofhamburgny.gov>

Please see the email below adding a second new member, Jake Gibbons, to Scranton Fire Department.

Brad M. Rybczynski
Town Clerk
6100 South Park Ave
Hamburg, NY 14075
716-649-6111, ext. 2360

Notice: This communication, including any attachments, is intended solely for the use of the individual or entity to which it is addressed or intended. This communication may contain information that is protected from disclosure under State and/or Federal law. Please notify the sender immediately if you have received this communication in error and delete this email from your system. If you are not the intended recipient, you are requested not to disclose, copy, distribute or take any action in reliance on the contents of this information.

From: Cathy Rybczynski <carybczynski@townofhamburgny.gov>
Sent: Monday, July 28, 2025 4:17 PM
To: Brad Rybczynski <brybczynski@townofhamburgny.gov>; Tara Rinaldi <trinaldi@townofhamburgny.gov>
Subject: Fw: Request for Approval to Add Cody Catalano to Town Insurance for Scranton VFC

From: SVFC President <president@scrantonvfc.com>
Sent: Monday, July 28, 2025 3:59 PM
To: Cathy Rybczynski <carybczynski@townofhamburgny.gov>
Cc: Brad Rybczynski <brybczynski@townofhamburgny.gov>; Tara Rinaldi <trinaldi@townofhamburgny.gov>
Subject: Re: Request for Approval to Add Cody Catalano to Town Insurance for Scranton VFC

Town of Hamburg Warning: Exercise caution with email messages from external sources such as this message. Always verify the sender and avoid clicking on links, attachments or QR codes unless certain of their authenticity.

Thank you for your assistance with this matter. I also forgot to add Jake Gibbons in my email also. Can you please see that he is added also.

Do I need to follow up with a letter from Scranton vfc to add these names on the minutes so they get read off at the next board meeting ?

4.18. Local Law #5, 2025 Adoption Resolution

WHEREAS, the Hamburg Town Code contains and specifies the local laws and ordinances of the Town of Hamburg; and

WHEREAS, the Code Review Committee reviewed various regulations of Chapter 280 based on issues raised by the Building Department and Planning Department and sent these suggested revisions to the Town Board to begin the adoption process; and

WHEREAS, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law (Local Law #5, 2025) as follows:

Be it enacted by the Town Board of the Town of Hamburg, New York, that the Hamburg Town Board amends the Hamburg Town Code as follows (full copies attached):

- Repeal Chapter 280 Article V Classification and Interpretation of Permitted Uses in its entirety (§280-15 and §280-16).
- Amend Article VIII (R-1 Single Family Residence District) §280-31, entitled "Permitted uses and structures."
- Amend Article XIII (C-1 Local Retail Business District) §280-70, entitled "Permitted uses and structures"; and

WHEREAS, Use Groups are referenced in §280-119A(6)(a), but the Town of Hamburg, through the Non-CFA Zoning Updates process, is proposing to repeal Article XVIII (M-1 Industrial Park - Research and Development District) in its entirety, eliminating the need to amend this section; and

WHEREAS, a public hearing was held on August 4, 2025, for discussion and public comment concerning adoption of proposed Local Law #5, 2025; and

WHEREAS, the Town of Hamburg has determined that this proposed local law amendment is a Type II action under SEQR, and no SEQR decision is necessary; and

WHEREAS, this proposed local law amendment was referred to Erie County through the 239-m

referral process and received no objections; and

WHEREAS, the proposed local law amendment is in accordance with the recommendation of the Town of Hamburg Code Review Committee and the Town of Hamburg Planning Board.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board amends Local Law #10 of the year 1986 of the Code of the Town of Hamburg Chapter 280 entitled "Zoning" to provide for the revisions of the Town Code as referenced above and attached.

ATTACHMENTS:

C-1 Permitted uses and structures Track Changes 6-19-25.pdf
Classification and Interpretation of Permitted Use Repealed Track Changes 6-19-25.pdf
R-1 Permitted uses and structures Track Changes 6-19-25.pdf

§ 280-70. Permitted uses and structures.

Uses and structures permitted in the C-1 District are as follows:

A. Principal uses and structures (less than 15,000 square feet or as noted):

(1) Principal uses and structures permitted in the NC District, ~~except Use Group 1~~ (no residential housing shall be permitted), and principal uses and structures permitted in the HC District.

(2) The following uses, when conducted entirely within an enclosed building:

(a) Retail sales, but not including any use first permitted in the C-2 or M District.

(b) Dry-cleaning and pressing establishments, limited to 2,000 square feet of floor area per establishment.

(c) Eating or drinking establishments, provided that any entertainment shall be limited to television, radio or music, and further provided that no sale of alcoholic beverages for consumption on the premises shall be permitted on any lot where the principal building is less than 500 feet from a side lot line that abuts any R District boundary.

(d) Garden center (indoor use only, see special use permit for outdoor display[1]). **[Added 11-28-2011 by L.L. No. 14-2011]**

(3) Hotels or motels, subject to the above restrictions on eating and drinking establishments.

(4) Banks and drive-through banks, provided that at least five reservoir spaces are provided on the lot for each drive-in teller's window. Such reservoir spaces shall be exclusive of required parking spaces.

(5) Racquetball clubs, squash courts, health spas and related physical fitness facilities.

(6) The following uses by special use permit authorized by the Planning Board (see Article XLVI):

(a) Nursery schools and day-care centers.

(b) Garden center (with outdoor display/storage). **[Added 11-28-2011 by L.L. No. 14-2011]**

B. Accessory uses and structures:

(1) ~~Accessory uses permitted in the NC District, except accessory uses included in Use Group 1.~~

(2) Unless otherwise provided, accessory uses and structures customarily incidental to permitted principal uses.

(3) Shops for the manufacture or processing of articles incidental to the conduct of a retail

---

1. **Editor's Note: See § 280-319.1, Garden centers with outdoor display/storage.**

Downloaded from https://ecode360.com/HA0055 on 2025-06-19

business lawfully conducted on the premises, provided that:

(a) All such articles manufactured or processed are sold at retail on the premises.

(b) Not more than four persons are engaged in such manufacturing or processing at any one time and in any one establishment.

(c) Such activity shall not produce offensive odors, noise, vibration, heat, glare or dust.

(d) No automotive service, repair or installation activities.

Downloaded from https://ecode360.com/HA0055 on 2025-06-19

ARTICLE V
Classification and Interpretation of Permitted Uses

§ 280-15. Classification by use groups. [Amended 1-26-1998 by L.L. No. 1-1998]

In order to carry out the provisions of this chapter, the uses of buildings or other structures and of land are hereby classified and combined into the use groups listed below. A lower number of a use group indicates a more restricted use group.

Use Group 1: uses first permitted in the R-A District
Use Group 2: uses first permitted in the R-E District
Use Group 3: uses first permitted in the R-1 District
Use Group 4: uses first permitted in the R-2 District
Use Group 5: uses first permitted in the R-3 District
Use Group 6: uses first permitted in the R-4 District
Use Group 7: uses first permitted in the NC District
Use Group 8: uses first permitted in the HC District
Use Group 9: uses first permitted in the C-1 District
Use Group 10: uses first permitted in the C-2 District
Use Group 11: uses first permitted in the M-1 District
Use Group 12: uses first permitted in the M-2 District
Use Group 13: uses first permitted in the PUD District
Use Group 14: uses first permitted in the M-3 District

§ 280-16. Interpretation.

Unless otherwise provided:

A. When a use is first included in any use group, such use shall be interpreted as being excluded from any use group with a lower number.

B. A use which is not listed in any zoning district shall be interpreted as being excluded from all use groups until this chapter has been amended listing such use as a permitted use in the appropriate district.

Downloaded from https://ecode360.com/HA0055 on 2025-06-19

§ 280-31. Permitted uses and structures.

Uses and structures permitted in the R-1 District are as follows:

A. Principal uses and structures:

(1) Principal uses and structures permitted in the R-E District, except ~~use groups 4 and 5~~ principal uses and structures in the R-2 and R-3 District.
[Amended 7-12-1993 by L.L. No. 6-1993]

(2) Single-family detached dwellings.

(3) Cluster housing, subject to regulations stipulated in Article XL and subject to site plan approval by the Planning Board.

(4) Private nonprofit elementary or secondary schools accredited by the New York State Department of Education.

(5) Public libraries and public museums.

(6) The following uses by special use permit authorized by the Planning Board (see Article XLVI):

(a) Barns for storage purposes. **[Amended 1-11-1993 by L.L. No. 1-1993[1]]**

B. Accessory uses and structures:

(1) Accessory uses and structures customarily incidental to permitted principal uses.

(2) Private garages or off-street parking spaces (see Article XXXII), including the parking of not more than one commercial vehicle, provided that the vehicle is used by the occupant of the premises, does not exceed 3/4 ton rated capacity and is stored within a completely enclosed building.

(3) Storage of unoccupied house trailers, utility trailers or boats owned by the occupant of the premises for his personal use.

(4) Buildings for private horticultural purposes, not to exceed 500 square feet in floor area, provided that such buildings are located to the rear of the front setback line and do not occupy any part of a required side yard.

(5) Private tennis courts and/or private swimming pools, provided that any such facility is located to the rear of the front setback line and does not occupy any part of a required side yard. In the case of any private nonmovable swimming pool, such pool shall comply with applicable provisions of Chapter 232 of the Code of the Town of Hamburg.[2]

(6) Professional residence-offices, when approved by the Zoning Board of Appeals, provided that:

(a) Such use shall be located entirely within a dwelling.

---

1. **Editor's Note: This local law also repealed former Subsection A(6)(a), Satellite dish antennas.**
2. **Editor's Note: See Ch. 232, Swimming Pool Code.**

Downloaded from https://ecode360.com/HA0055 on 2025-06-19

(b) Such use shall not include the confinement of any person under care or treatment.

(7) Home occupations, as defined in this chapter. Home businesses, as defined in this chapter, when reviewed and approved by the Code Enforcement Officer. **[Amended 11-14-2011 by L.L. No. 11-2011]**

(8) Satellite dish antennas, provided that they are of a dull finish and located as close to the main structure in the rear yard and as far from property lines as possible. **[Added 1-11-1993 by L.L. No. 1-1993]**

(9) Temporary structures, as defined in § 280-342 of this chapter, are permitted for a period of time not to exceed seven consecutive days. **[Added 4-10-2000 by L.L. No. 2-2000]**

Downloaded from https://ecode360.com/HA0055 on 2025-06-19

4.19. 39 Long Avenue Building Demolition Bid Award

Whereas, The Town of Hamburg provides code enforcement for the Village of Hamburg, and,

Whereas, The Village of Hamburg Board on February 3, 2025 deemed the building at 39 Long Avenue a dangerous building in violation of Section 123 and 127 of the Village Code and ordered the building repaired or demolished within 60 days, and,

Whereas, Work to repair or demolish the building at 39 Long Avenue has not been started, The Village Board has ordered the building to be demolished under Section 127-5 of the Village Code, and,

Whereas, the Town Board authorized the Town Supervising Code Enforcement Officer to advertise for bids for the proposed demolition, and,

Whereas, written requests for quotations were solicited to interested contractors to demolish said structure in accordance with the defined scope of work, and

Whereas, sealed bids were received on July 10, 2025, by the Town Clerk for demolition of the unsafe structure and are summarized as follows:

Bidder	**Estimate**
Empire Building Diagnostics Inc.	$39,790.00
Geiter Done of WNY Inc.	$18,000.00
Hannah Demolition, Inc.	$17,000.00

Whereas, it has been determined that Hannah Demolition Inc. having provided the lowest bid and being fully qualified, it is recommended that the contract be awarded to their firm to conduct the demolition as specified at 39 Long Avenue, and,

Be It Resolved, that the Town Board award Hannah Demolition Inc. for the demolition of the unsafe structure located at 39 Long Avenue for the cost of $17,000.00

Funds available in Account#

A.3620.0469 – Safety inspection – Clean up properties

4.20. BOCES Volunteer Work Program Agreement

THIS AGREEMENT, made this 20th day of June, Two Thousand Twenty-Five, between TOWN OF HAMBURG ("TOWN"), a municipal corporation with a principal office at 6100 South Park Avenue, Hamburg, New York, and the Board of Cooperative Educational Services for the Second Supervisory District of Erie, Chautauqua, and Cattaraugus Counties, also known as Erie 2-Chautauqua-Cattaraugus BOCES ("E2CCB"), having its principal offices at 8685 Erie Road, Angola, New York 14006.

WHEREAS, the Town of Hamburg is desirous of providing volunteer work experience to E2CCB student Drew Norton ("Student"), throughout the Town of Hamburg Recreation Department by assigning tasks/duties, providing general on-going supervision at the site, and providing verbal feedback to E2CCB staff relative to the student's performance.

WHEREAS, the E2CCB will comply with all TOWN insurance requirements, provide proof of insurance meeting the TOWN requirements, transportation arrangements, initial one-on-one training on assigned tasks, on-going follow-up and assistance as needed to the student.

NOW, THEREFORE, in consideration of the good and valuable consideration recited below, and the mutual promises contained herein, it is hereby agreed as follows:

1. THAT the TOWN shall provide volunteer work experience to the Student through E2CCB at the Town of Hamburg Recreation Department.

4.21. Taylor Road Alcohol Waivers

RESOLVED, that the Hamburg Town Board does hereby approve alcohol waivers for the September 2025

Taylor Road Cabin rentals are as follows:

9/4/25

9/5/25

9/5/25

9/6/25

9/7/25

9/12/25

9/13/25

9/14/25

9/19/25

9/20/25

9/21/25

9/26/25

9/27/25

9/28/25

4.22. Ice Rink Arena Phase 4 Sampling and Air Monitoring

WHEREAS, the Town authorized Paradigm Environmental Services Inc. to perform air monitoring during the abatement and demolition at the Town ice rink as part of the Phase 4 project, and

WHEREAS, during the abatement, the contractor found additional materials behind wall boards that were high risk, and

WHEREAS, Paradigm provided the cost for sampling the materials (which came back positive for asbestos) and additional air monitoring while the contractor removed the materials (work covered under the project allowance).

BE IT RESOLVED, that the Town Supervisor is authorized to sign the proposal from Paradigm Environmental Services Inc. for $970.

BE IT FURTHER RESOLVED that the Town Board hereby authorizes a budget amendment transferring $970.00 from General Fund Contingency (A.1990.419) to capital project account H111.7185.0303 to fund this expenditure

Account Code	Description	Original Budget	Increase/(Decrease)	Amended Budget
A000.1990.0419.0000	General Fund Contingency	$ 50,000.00	$ (970.00)	$ 49,030.00
A000.9950.0975.0000	Interfund Transfers - Transfer to Capital Fund	$ 550,710.87	$ 970.00	$ 551,680.87
H111.0000.5031.0000	Interfund Transfers - Transfer from General Fund		$ 970.00	$ 970.00
H111.7185.0303.0000	Permanent Improvements		$ 970.00	$ 970.00

ATTACHMENTS:

08-04-2025 Ice Arena Air Monitoring additional services.pdf

PARADIGM
ENVIRONMENTAL SERVICES, INC.

WWW.PARADIGMENV.COM

1430 B Millersport Hwy Williamsville, New York 14221 OFFICE: 716-775-5777 TOLL FREE: 800-724-1997

July 10, 2025

Ms. Camie Jarrell
Town of Hamburg
6100 South Park Avenue
Hamburg, NY 14075

Re: Asbestos Air/Project Monitoring at Town of Hamburg Arena 2982 Lakeview Road Hamburg NY 14075 per CAYSEA Schedule 2 Large Projects 8 Days 10 Days with Backgrounds/Finals 2 Additional Days and Samples

Dear Ms. Jarrell,

Paradigm Environmental Services, Inc. proposes air sampling and laboratory analysis for an asbestos removal project located at the above-mentioned location. Paradigm's estimate is based upon the scope of work provided by CAYSEA.

Paradigm Environmental Services, Inc. hereby proposes to furnish all labor, supplies, materials, and equipment incidental to environmental consulting as required by and in strict accordance with all Federal, State, and Local regulations.

SCOPE OF WORK

Work in this contract is to include the following services:

* Air sampling, and laboratory analysis to fulfill the requirements of New York State Department of Labor (NYSDOL) Asbestos Industrial Code Rule 56, 12NYCRR 56.

* All air samples collected during the course of the project will be analyzed by Paradigm Environmental Services, Inc., a NYDOH/ELAP certified laboratory.

* Air sampling activities will be coordinated with the Contractor's schedule of abatement work.

* All air monitoring will be performed utilizing PCM with an option to utilize TEM after the approval from the Owner.

* Air sampling results generated by Paradigm Environmental Services, Inc. will be available to the Contractor and Owner for information and consideration within twenty-four hours after the completion of the sampling.

* Final air clearance sampling and analysis will be performed by Phase Contrast Microscopy (PCM) in accordance with Industrial Code Rule 56, Subparagraph 56-17.4 (d) upon conclusion of the asbestos abatement project. This air sampling monitoring will be conducted to establish that the Contractor has met the clearance criteria for airborne asbestos fibers.

* A complete record, certified by Paradigm Environmental Services, Inc., of all air sampling tests and results will be furnished to the Owner and Contractor within seven working days upon project completion.

PROJECT BUDGET

Paradigm's estimates to complete the air monitoring for this project is based upon the reported scope of work. Our breakdown is as follows:

	Quantity	Rate $	Total $
PCM Air Sample Analysis	16	$10.00	$160.00
NYS Certified Air Monitor	18	$45.00	$810.00
NYS Certified Project Monitor 2 Large Project Visual Inspection	0	$50.00	$.00
Estimated Total			**$970.00**

This proposal for air monitoring is an estimate based on standard abatement contractor's projections for the type of set-up and overall schedule. Actual on-site activities by the abatement contractor typically vary from initial projections. The final bill will reflect the work we are required by code to perform, to address the actual contractor activities.

Paradigm appreciates this opportunity to provide you with our professional services. If you have any questions, please feel free to contact me at (716) 818-1313.

Sincerely, John Cygan

Client Approval:

John Cygan
Director of Regional Project Management
Paradigm Environmental Services Inc.
(716) 818-1313 cell

4.23. PO-17 creating four (4) additional Motor Equipment Operator positions for the Highway Department.

BE IT RESOLVED, that the Town Board authorize the Supervisor to sign the Civil Service approved PO17 creating four (4) additional Motor Equipment Operators for the Highway Department.

ATTACHMENTS:

PO-17 -MEO.Civil Service executed.pdf

Form PO-17

NEW POSITION DUTIES STATEMENT

Rev 08/15

To:
PERSONNEL OFFICER County of Erie
Edward A. Rath County Office Bldg.
95 Franklin St
Buffalo, NY 14202

Date: July 28, 2025

From: Town of Hamburg

☐County Dept ☒Town
☐Special Dist. ☐Village

Pursuant to the provisions of Section 22, of the Civil Service Law, I am submitting statement of duties of the proposed new position. (NOTE: Department head or other authority requesting the creation of a new position, shall prepare a description for each new position to be created except that one description may cover two or more identical positions in the same unit. Send three typed copies to the Personnel Officer.)

MOTOR EQUIPMENT OPERATOR

1. DESCRIPTION OF DUTIES:

Percent of Total Time/Frequency	ACTIVITIES
100%	Operates one or more of the machines mentioned above for highway and bridge construction, repair and maintenance projects; Performs tasks indigenous to assigned machine according to instructions received from supervisor; Operates a bituminous paver, rollers, self-propelled sweepers, and front-end loaders; Operates all trucks to transport material crews, or equipment; Operates trucks with plow, wing and spreader attachments to simultaneously plow snow and control ice; Operates a Vactor truck to remove dirt and debris from catch basins and drop inlets; Maintains daily record of work performed and materials used; Performs routine maintenance and repairs on machine, both in-the-field and in-the-shop, to insure safe and efficient operations including washing, adding or changing fluids, changing spark plugs, filters, tires and other minor equipment; Assists mechanic and blacksmith in equipment repair; May operate the lo-boy tractor-trailer unit. Performs tasks and activities listed for Laborer class; Picks up and delivers tools, requisitions, vouchers, parts, purchase orders, payrolls, etc., as required.

(Attach additional sheets if more space is needed.)

2. Names and Titles of Persons Supervising this position (General, Direct, Administrative, etc.)

NAME	TITLE	TYPE OF SUPERVISION
Ed Hughes	**Highway Superintendent**	**Direct**

3. Names and Titles of Persons Supervised by this position

TITLE	TYPE OF SUPERVISION

4. Names and Titles of Persons doing substantially the same kind and level of work as will be done by the incumbent of this new position.

NAME	TITLE	LOCATION OF POSITION
Thomas Fadale	Motor Equipment Operator	Town Highway Department
Joseph Bergmann	Motor Equipment Operator	Town Highway Department
Michael Jackson	Motor Equipment Operator	Town Highway Department
John Ronayne	Motor Equipment Operator	Town Highway Department
Jason Craig	Motor Equipment Operator	Town Highway Department
Jacob Fanning	Motor Equipment Operator	Town Highway Department
Michael Reed	Motor Equipment Operator	Town Highway Department
Collin Raiman	Motor Equipment Operator	Town Highway Department
William Schnor	Motor Equipment Operator	Town Highway Department
Michael Krull	Motor Equipment Operator	Town Highway Department
Jerret Baker	Motor Equipment Operator	Town Highway Department
Dave Rychlik	Motor Equipment Operator	Town Highway Department
John McCormick	Motor Equipment Operator	Town Highway Department
Michael Scinta	Motor Equipment Operator	Town Buildings and Grounds
Chris Kolb	Motor Equipment Operator	Town Buildings and Grounds
Robert Baron	Motor Equipment Operator	Town Buildings and Grounds
Ceejay Boswell	Motor Equipment Operator	Town Buildings and Grounds

5. What minimum qualification do you think should be required for this position? (High school, College Degrees, etc. plus years of experience.)

Six (6) months of work experience in the operation of self-propelled highway maintenance equipment noted above.

SPECIAL REQUIREMENT: Possession of a valid New York State Commercial Driver's License (CDL) appropriate for Class of vehicle operated.

NOTE: Verifiable part-time and/or volunteer experience will be pro-rated toward meeting full-time experience requirements

6. As Department Head (or other Authority) I certify the above statements are accurate and complete.

Date: 7-28-2025 Title: Highway Superintendent Signature:

CERTIFICATE OF PERSONNEL OFFICER

7. In accordance with the provisions of Civil Service Law, Section 22, the ERIE COUNTY PERSONNEL OFFICER certifies that the appropriate service title for the position described is: Motor Equipment Operator - Non Comp

Date: 7/29/2025 Signature:

ACTION BY LEGISLATIVE BODY OR OTHER APPROVING AUTHORITY

8. Creation of described position:

☐ Approved ☐ Disapproved

Date: Signature:

RETURN ONE COMPLETE COPY TO PERSONNEL OFFICER- After completing section 8 when position(s) are approved.

4.24. Emergency PAF for a Van Driver in the Recreation Department

BE IT RESOLVED that the Town Board approves the attached emergency PAF signed by the Supervisor appointing a Van Driver to the Recreation department. Salary is $16.00 per hour.

Funds are available in A6772.0102

ATTACHMENTS:

Emergency PAF Van Driver-Rec Dept..pdf

Town of Hamburg

Emergency Employment Request

DEPARTMENT Recreation

NAME	TITLE	DATE OF EMPLOYMENT	HOURLY RATE
Stanley Gasiewicz	Van Driver	7/28/2025	$ 16.00

DATE 7/24/25

ACCOUNT A.6772

DEPARTMENT HEAD SIGNATURE

COPY TO: Supervisor
Personnel Office
File

APPROVED C. Pfeiffer

DATE 7/24/25

4.25. Emergency PAF for Senior Recreation Supervisor in the Recreation Department

WHEREAS, recent retirements and resignations have created vacancies and necessitated a realignment of duties within the Department of Youth, Recreation & Senior Services Department; and

THEREFORE, BE IT RESOLVED that the Town Board approves the attached emergency PAF recommended by the Director of Youth, Recreation and Senior Services and signed by the Supervisor appointing Hilary Pundt to the Managerial Confidential permanent probational position of Senior Recreation Supervisor effective 7/14/2025. Hilary Pundt is reachable from Civil Service list #85-742. Salary is $33.50 per hour.

Funds are available in A7020.0100

ATTACHMENTS:

Emergency PAF Rec Dept Sr Rec Supervisor.pdf

Town of Hamburg

Emergency Employment Request

DEPARTMENT Recreation Administration

NAME	TITLE	DATE OF EMPLOYMENT	HOURLY RATE
Hilary Pundt	Senior Recreation Supervisor	7/14/2025	$ 33.50

DATE 7/14/25

ACCOUNT A7020.100

DEPARTMENT HEAD SIGNATURE

COPY TO: Supervisor
Personnel Office
File

APPROVED

DATE 7/28/25

4.26. Emergency PAF for the Recreation Dept.

BE IT RESOLVED that the Town Board approves the attached emergency PAF signed by the Supervisor appointing a Recreation Attendant as a greeter at the beach. This position will be responsible for assisting with adherence to the rules and regulations specific to Town Park admittance and Town policies. The position will be managed and scheduled by the Police Department. Salary is $20.00 per hour.

Funds are available in A7180.0104

ATTACHMENTS:

08042025-Emergency PAF Recreation Dept..pdf

Town of Hamburg

Emergency Employment Request

DEPARTMENT Recreation Administration

NAME	TITLE	DATE OF EMPLOYMENT	HOURLY RATE
Karen Ioviero	Recreation Attendant	7/25/2025	$ 20.00

DATE 7/25/25

ACCOUNT A.7180.104

Cathy Lyszczynski
DEPARTMENT HEAD SIGNATURE

COPY TO: Supervisor
Personnel Office
File

APPROVED _____

DATE _____

4.27. Emergency PAF for a Recreation Specialist in the Recreation Department

WHEREAS, recent retirements and resignations have created vacancies and necessitated a realignment of duties within the Department of Youth, Recreation & Senior Services Department; and

WHEREAS, the White Collar non-competitive probational position of Recreation Specialist was posted as per the White-Collar CBA as a vacancy within the Town of Hamburg and upon the Town's website; and

WHEREAS, the Personnel department received one applicant: now

THEREFORE, BE IT RESOLVED that the Town Board approves the attached emergency PAF recommended by the Director of Youth, Recreation and Senior Services and signed by the Supervisor appointing Megan Ott to the non-competitive White Collar permanent probational position of Recreation Specialist effective 7/24/2025. Salary is $23.51 per hour.

Funds are available in A7020.0100

ATTACHMENTS:

Emergency PAF Rec Dept Rec Specialist.pdf

Town of Hamburg

Emergency Employment Request

DEPARTMENT Recreation

NAME	TITLE	DATE OF EMPLOYMENT	HOURLY RATE
Megan Ott	Recreation Specialist		$ 23.51

DATE 7/24/25

ACCOUNT A.7020.100

DEPARTMENT HEAD SIGNATURE

COPY TO: Supervisor
Personnel Office
File

APPROVED

DATE 7/28/25

4.28. Youth, Recreation, & Senior Services PAF

BE IT RESOLVED, that the Town Board approve the termination and hiring of personnel for the Youth, Recreation & Senior Services Department as follows:
ATTACHMENTS:

8-4-25 YRSS PAF.pdf

Date of Request: 7/31/25 Department: Youth, Recreation, Senior Services

Department Head Signature: _____

Supervisor Signature: _____ Date: _____

TOWN BOARD MEETING OF 8/4/25

PAGE 1 of 1

I request that a Town Board Resolution be adopted approving the following personnel action:

#	Emp #	Employee Name	N or R	Position	Start date	Full time hourly rate	PT/Sea/temp hourly rate	Termination Date
1	4040	Jedynak, Richard	R	Van Driver A6772 P/T				9/6/2025
	4040	Jedynak, Richard		Van Driver A6772 Seas.	9/7/25		$ 16.75	
2	4678	Mangenello, Jack	R	Van Driver A6772 P/T				9/6/2025
	4678	Mangenello, Jack		Van Driver A6772 Seas.	9/7/25		$ 16.75	
3	4692	Sambora, David	R	Van Driver A6772 P/T				8/9/2025
	4692	Sambora, David		Van Driver A6772 Seas.	8/10/25		$ 16.50	
4	4146	Spute, Ila	R	Rec. Attend. A6772				8/5/2025
5	2258	White, Timothy	R	Rec. Attend. A7180				8/5/25
6	5357	Reimann, Nathan	R	Rec. Attend. A7180				8/5/2025

rev 03/14

4.29. Trade-In of Senior Transportation Service Vehicle

WHEREAS, the Town of Hamburg Youth, Recreation and Senior Services Department owns a 2015 Ford Transit Connect with 140,000 miles, used for the Department's van service to transport special needs and elderly persons, and

WHEREAS, based on age, mileage, nature, frequency of use, and maintenance inspection, it has been determined that the vehicle should be replaced to avoid costly repair and/or impact on ability to provide transportation services, and

WHEREAS, the Department anticipates an increased need for shuttling patrons at ECC South, and

WHEREAS the Town has an agreement with Enterprise Fleet Management, and

WHEREAS the trade-in value has been assessed at $4,000, which is estimated to be more than the price if taken to auction.

NOW THEREFORE BE IT RESOLVED that the Town Board approves the trade-in of this vehicle to Enterprise for $4,000, and

BE IT FURTHER RESOLVED that the Town Board approves the lease-to-own agreement with Enterprise for a 2024 Chrysler Pacifica Wheelchair Van in the amount of $1,403.07 per month for a period of 48 months.

BE IT FURTHER RESOLVED that the Town Board authorizes the transfer of $8,000.00 from account A.7020.100 (Recreation Administration – Personal Services) to A.6772.478.01 (Programs for the Aging – Contracted Services) to support this vehicle replacement; and

BE IT FURTHER RESOLVED that sufficient funds are available in account A.6772.478.01 to cover the lease payments.

4.30. PAF for the Planning Department

RESOLVED, the Town Board approves the attached PAF from the Planning Department.
ATTACHMENTS:

DOC072825.pdf

TOWN OF HAMBURG - PERSONNEL ACTION FORM

Date of Request: Department: Building Inspection

Department Head Signature

Supervisor Signature Date:

TOWN BOARD MEETING OF 8/4/2025

PAGE 1 of 1

I request that a Town Board Resolution be adopted approving the following personnel action:

#	Emp #	Emp Name	N or R	Position	Start date	Full time hrly rate	PT/Sea/temp hrly rate	Term date
1		Annalyse Paulsen		Assistant Planner				7/17/2025
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								

rev 03/14

4.31. B&G Revenue Account Transfer

WHEREAS, the Buildings & Grounds Department received a check from Essex Homes of WNY, Inc. for $571.90 for street sign installation, and

THEREFORE BE IT RESOLVED, the Town Board approves funds in the amount of $571.90 to be deposited into Revenue Account A.2770.07 and transferred to Account A.3310.205 for the purchase and installation of signs.

4.32. B&G Steel Dump Body Purchase

WHEREAS, the Buildings & Grounds Department has a need to replace a steel dump body, and

WHEREAS, the Buildings & Grounds Department has received two quotes:

Kaminski and Sons Truck Equipment	$14,870.00
Valley Fab and Equipment, Inc.	$21,000.00

BE IT RESOLVED, that the Town Board approves the purchase of a new stainless-steel dump body from Kaminski and Sons Truck Equipment.

Funds available in Account # A.1640.202

4.33. B&G ZTrak Purchase

BE IT RESOLVED, that the Town Board hereby authorizes the purchase of one (1) John Deere Z960M ZTrak mower from Deere & Company in the amount of $8,708.58, after trade-in, pursuant to New York State Landscaping Grounds Contract PC69683 (PG XN CG 22); and

BE IT FURTHER RESOLVED that the Town Board approves a transfer of $3,708.58 from account A.1640.201 to account A.7181.201; and

BE IT FURTHER RESOLVED that the total cost of the purchase shall be charged to account A.7181.201.

4.34. B&G PAF

BE IT RESOLVED, that the Town Board approves the termination and hiring of the following employees in Buildings & Grounds.

ATTACHMENTS:

DOC073125.pdf

TOWN OF HAMBURG - PERSONNEL ACTION FORM

Department- Buildings & Grounds

Department Head Signature

Supervisor Signature Date 7/30/25

TOWN BOARD MEETING OF AUGUST 4, 2025

PAGE 1 of 1

I request that a Town Board Resolution be adopted approving the following personnel action:

#	Emp #	Emp Name	N or R	Position	Start date	Full time hrly rate	PT/Sea/temp hrly rate	Term date
1	4717	Jay Bergmann		Seasonal Laborer/ A.7140.102				8/4/2025
2	5374	Haley Klubek		Seasonal Laborer/ A.7140.102				8/11/2025
3	5374	Haley Klubek	R	PT Laborer/A.7140.402	8/12/2025		$16.00	
4	5376	Ethan Tanner		Seasonal Laborer/ A.7140.102				8/13/2025
5	5376	Ethan Tanner	R	PT Laborer/A.7140.402	8/14/2025		$16.00	
6	5375	Amber Krull		Seasonal Laborer/ A.7140.102			$16.00	8/4/2025
7	5375	Amber Krull	R	FT Cleaner/A.7140.100	8/5/2025	$19.30		
8				*Pending satisfactory result of pre-employment conditions*				
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								

4.35. Community Senior Center Rejection of Bids

WHEREAS, the Town advertised and made available for public bid the contract documents and drawings for the **Community Senior Center**, and

WHEREAS, a Public Bid Opening was held on Wednesday July 23, 2025, at

11:30 AM, and

WHEREAS, no bids were received under the General Contract and therefore, the Town cannot award any contracts at this time.

THEREFORE BE IT RESOLVED, that the Town Board per recommendation by the Engineering Department hereby rejects all bids on this project.

4.36. Community Senior Center Re-bid

WHEREAS, the Town of Hamburg has rejected all bids for the new construction of the Community Senior Center to ensure the best value; and

WHEREAS, it is determined that modification of the timeline and rebidding of the project is in the best interest of the Town.

NOW THEREFORE BE IT RESOLVED, that the Town Clerk is authorized to re-advertise for sealed bids "Town of Hamburg Senior & Community Center, Project 2025-3 (G, M, E, or P)"

Project bid documents will be ready for viewing on August 8, 2025, and the notice will be published on August 15, 2025;

Sealed separate bids will be received at Hamburg Town Hall, Town Clerk's Office, 6100 South Park Ave, Hamburg, New York, 14075, and said bid will be publicly opened and read aloud on August 29, 2025 in Conference Room 7 A/B (downstairs) at 11:30 AM. Mailed bids should be sent to: Town of Hamburg, 6100 South Park Ave, Hamburg, NY 14075, (clearly marked) **Attn: TOWN CLERK, Bid Enclosed – Town of Hamburg Senior & Community Center, Project G, M, E or P.**

4.37. Non-CFA Zoning Industrial Zoning District Code and Map Amendments Resolution

Whereas, the Hamburg Town Code contains and specifies the local laws and ordinances of the Town of Hamburg; and

Whereas, the Town of Hamburg, over a three-year process, completed and adopted a new Comprehensive Plan for the Town; and

Whereas, zoning must be in accordance with a Comprehensive Plan and the Town wants to continue the process of bringing the Town's zoning Code and Zoning map into conformance with the Town's new 2022 Comprehensive Plan; and

Whereas, the Town formed a Comprehensive Plan Implementation Committee (CPIC) who, in accordance with the Comprehensive Plan and having completed other studies and reports on land use issues in the Town, has recommended that the Town Board pursue numerous code amendments; and

Whereas, the Town of Hamburg directed the Town Planner to work with the CPIC and a special zoning code committee to develop other priority zoning code updates that were not included in a CFA grant that was received by the Town; and

Whereas, the Town CPIC, special zoning code committee, and the Town Planner have developed specific Code and zoning map revisions related to industrial zoning in the Town; and

Whereas, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law as follows:

Be it enacted by the Town Board of the Town of Hamburg, New York, that the Hamburg Town Board amends the Hamburg Town Code as follows (full copies attached):

Amend Chapter 280 (Zoning), by adding new Articles, entitled "LI Light Industrial District" and "GI General Industrial District", and repealing "Article XVIII M-1 Industrial Park - Research and Development District";

Amend Chapter 280 (Zoning) by adding new definitions to "Article XLIX Definitions and Word Usage"; and

Whereas, pursuant to Municipal Home Rule Law, the Town Board is also proposing to enact a local law which proposes to amend the Town's Zoning Map as follows:

Be it enacted by the Town Board of the Town of Hamburg, New York, that the Hamburg Town Board amends the Town Zoning map as follows:

Rezone the following lot with the SBL # 151.02-1-13 from M-1 to C-2.

Rezone the portion of SBL #: 151.02-1-5.1 that is zoned M-1 and M-2 to C-2.

Rezone the portion of SBL #: 151.02-1-2 (the Baltimore and Ohio Railroad) that is currently zoned M-1 to C-2.

Rezone the portion of SBL #: 151.02-1-14.1 that is zoned M-1 to C-2.

Rezone the portion of SBL #: 159.16-1-7 that is zoned M-1 to LI (Light Industrial District).

Rezone the portion of SBL #: 159.16-1-4.1 that is zoned M-1 to LI (Light Industrial District).

Rezone the portion of SBL #: 159.16-1-3 that is zoned M-1 to LI (Light Industrial District).

Rezone the portion of SBL #: 159.16-1-1 that is zoned M-1 to LI (Light Industrial District).

Rezone the portion of SBL #: 159.16-1-2 that is zoned M-1 to LI (Light Industrial District).

Rezone the portion of SBL #: 160.09-5-5 (Erie Lackawanna Railroad) that is zoned M-1 to LI (Light Industrial District);

and rezone the following SBL #s from M-1 to PR Park/Recreation Lands District: 160.13-1-30 and 160.13-1-1.

(as illustrated on the attached maps).

Now, Therefore, Be It Resolved , pursuant to Part 617 6NYCRR, Article 8 of the Environmental Conservation Law (SEQRA), it is the intent of the Town of Hamburg Town Board to establish itself as SEQR Lead Agency and conduct a coordinated review of proposed revisions to the Town Code; Chapter 280 – Zoning and the Town's Zoning Map amendment.

Be It Further Resolved, that the Hamburg Town Board hereby authorizes the referral of these proposed laws and map amendments to Erie County and to the Hamburg Planning Board; and

Be It Finally Resolved, that the Hamburg Town Board sets a Public Hearing on these proposed amendments at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, NY at 7:00 pm on September 8, 2025.

ATTACHMENTS:

Industrial Zoning Map and Code Amendments FEAF Part 1.pdf
280-348 Definition Additions for LI and GI Districts.pdf
11x17 Hamburg Zoning - M1 Map Series.pdf

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Non-CFA Zoning Industrial Zoning District Code and Map Amendments		
Project Location (describe, and attach a general location map): See attached maps		
Brief Description of Proposed Action (include purpose or need): The proposed action involves the removal of the M-1 zoning district from the Town of Hamburg Zoning Code, the rezoning of M-1 parcels, the amendment of the M-2 and M-3 districts from the Zoning Code into the newly created LI (Light Industrial District) and GI (General Industrial District), and the addition of word definitions. For zoning map amendments, see the attached map, for Zoning Code revisions, see the attached code amendments, and see the attached word definition additions.		
Name of Applicant/Sponsor: Town of Hamburg	Telephone: 716-649-6111 E-Mail:	
Address: 6100 South Park Avenue		
City/PO: Hamburg	State: NY	Zip Code: 14075
Project Contact (if not same as sponsor; give name and title/role):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees ☑Yes ☐No	Town Board Approval	October 2025
b. City, Town or Village Planning Board or Commission ☐Yes ☐No		
c. City, Town or Village Zoning Board of Appeals ☐Yes ☐No		
d. Other local agencies ☐Yes ☐No		
e. County agencies ☑Yes ☐No	Erie County 239-m referral	August 2025
f. Regional agencies ☐Yes ☐No		
g. State agencies ☐Yes ☐No		
h. Federal agencies ☐Yes ☐No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes ☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes ☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☑Yes ☐No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes ☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes ☐No

If Yes, identify the plan(s):

NYS Heritage Area: West Erie Canal Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes ☑No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
C-2, M-1, and M-2

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☑ Yes ☐ No
If Yes,
i. What is the proposed new zoning for the site? LI and GI (Light Industrial and General Industrial)

C.4. Existing community services.

a. In what school district is the project site located? Frontier CSD

b. What police or other public protection forces serve the project site?
Town of Hamburg Police and Erie County Sherrif's Office

c. Which fire protection and emergency medical services serve the project site?
Big Tree Fire Company

d. What parks serve the project site?
Penn Dixie

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Industrial, commercial

b. 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

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☑ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☑ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐Yes ☑No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐Yes ☑No

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐Yes ☑No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐Other specify:

_____

iii. If other than water, identify the type of impounded/contained liquids and their source.

_____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

_____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐Yes ☑No

If Yes:

i .What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

_____

_____

i*v.* Will there be onsite dewatering or processing of excavated materials? ☐Yes ☐No

If yes, describe. _____

_____

v. What is the total area to be dredged or excavated? _____acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐Yes ☐No

ix. Summarize site reclamation goals and plan: _____

_____

_____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐Yes ☑No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

_____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

_____

_____

_____

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐Yes ☐No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐Yes ☐No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

_____

c. Will the proposed action use, or create a new demand for water? ☐Yes ☑No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐Yes ☐No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No
- Do existing lines serve the project site? ☐Yes ☐No

iii. Will line extension within an existing district be necessary to supply the project? ☐Yes ☐No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐Yes ☐No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

_____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐Yes ☑No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

_____

_____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐Yes ☐No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No

- Do existing sewer lines serve the project site? ☐Yes ☐No
- Will a line extension within an existing district be necessary to serve the project? ☐Yes ☐No

  If Yes:
  - Describe extensions or capacity expansions proposed to serve this project: _____

_____

_____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☐No

If Yes:
- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

_____

_____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

_____

_____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐Yes ☑No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

_____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

_____

_____

- If to surface waters, identify receiving water bodies or wetlands: _____

_____

_____

- Will stormwater runoff flow to adjacent properties? ☐Yes ☐No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes ☑No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

_____

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

_____

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

_____

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☑No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:
- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

_____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend ☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

_____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☑No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

_____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☑ No

If yes:

i. Provide details including sources, time of day and duration:

_____

_____

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No

Describe: _____

_____

n. Will the proposed action have outdoor lighting? ☐ Yes ☑ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

_____

_____

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No

Describe: _____

_____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

_____

_____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities:_____

_____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☑ No

If Yes:

i. Describe proposed treatment(s):

_____

_____

_____

_____

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☑ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____

  _____
- Operation: _____

  _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____

  _____
- Operation: _____

  _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

_____

_____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

_____

_____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

_____

_____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

_____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

_____

_____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☑ Industrial ☑ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

_____

_____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☑ No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☑ No

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐ Yes ☑ No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Has the facility been formally closed? ☐ Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☑ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures:_____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? N/A feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☑ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: _____ _____%
_____ _____%
_____ _____%

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: ☐ Well Drained: _____% of site
☐ Moderately Well Drained: _____% of site
☐ Poorly Drained _____% of site

f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____% of site
☐ 10-15%: _____% of site
☐ 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? ☐ Yes ☑ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☑ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☑ Yes ☐ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☑ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☑ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☑ No

j. Is the project site in the 100-year Floodplain? ☐ Yes ☑ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☑ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☑ No
If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____

_____ _____ _____

_____ _____ _____

n. Does the project site contain a designated significant natural community? ☐ Yes ☑ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

_____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☑ No

If Yes:

i. Species and listing (endangered or threatened): _____

_____

_____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☑ No

If Yes:

i. Species and listing: _____

_____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☑ No

If yes, give a brief description of how the proposed action may affect that use: _____

_____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☑ No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☑ No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

_____

_____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☑ No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

e. 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? ☐ Yes ☑ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. 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? ☑ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☑ Yes ☐ No

If Yes:

i. Identify resource: Penn Dixie Fossil Park and Nature Reserve

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Fossil Park/Nature Preserve

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Joshua Rogers Date 8/4/2025

Signature  Title Town Planner

PRINT FORM

Add the following definitions to Article XLIX Definitions and Word Usage:

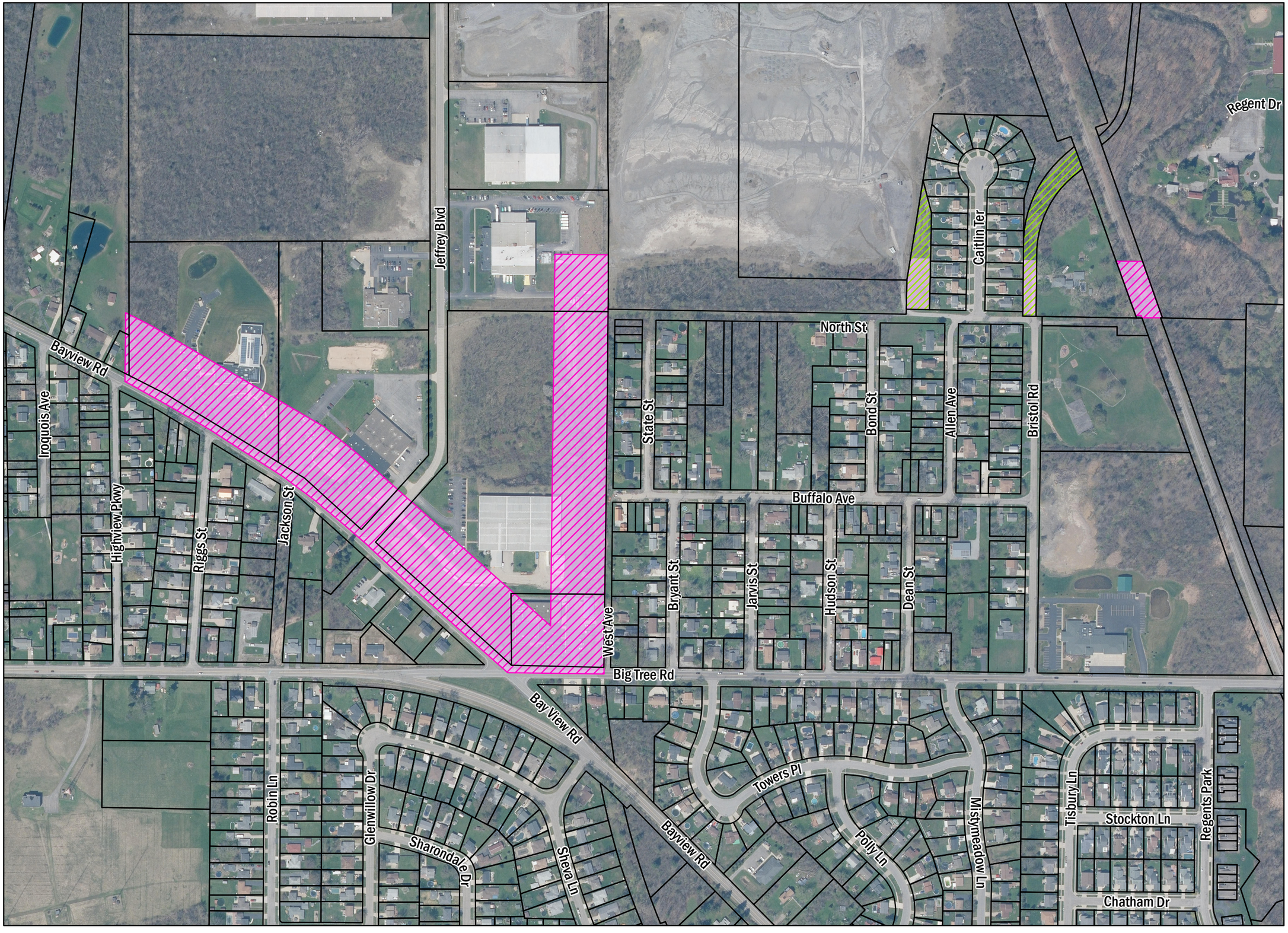
Artificial Intelligence (AI) Data Center -- a facility specifically designed to house the infrastructure needed for training, deploying, and delivering AI applications and services. It includes advanced computing, network, and storage architectures, as well as power and cooling capabilities tailored to the demands of AI workloads.

Cryptocurrency Mining Facility -- a large-scale operation that uses specialized hardware to verify and record cryptocurrency transactions on a blockchain. These facilities are designed to handle a high volume of computation, requiring substantial infrastructure for space, cooling, and electricity.

Research and Development -- comprises establishments primarily engaged in conducting research and experimental development (except nanotechnology and biotechnology research and experimental development) in the physical, engineering, and life sciences, such as agriculture, electronics, environmental, biology, botany, computers, chemistry, food, fisheries, forests, geology, health, mathematics, medicine, oceanography, pharmacy, physics, veterinary and other allied subjects.

Rezoning of M-1 Properties

Hamburg, New York



LEGEND

- Parcels (2024)
- Proposed PR
- Proposed LI
- Proposed C-2
- R2

Town of Hamburg Zoning

- M1

0 100 200 400 Feet

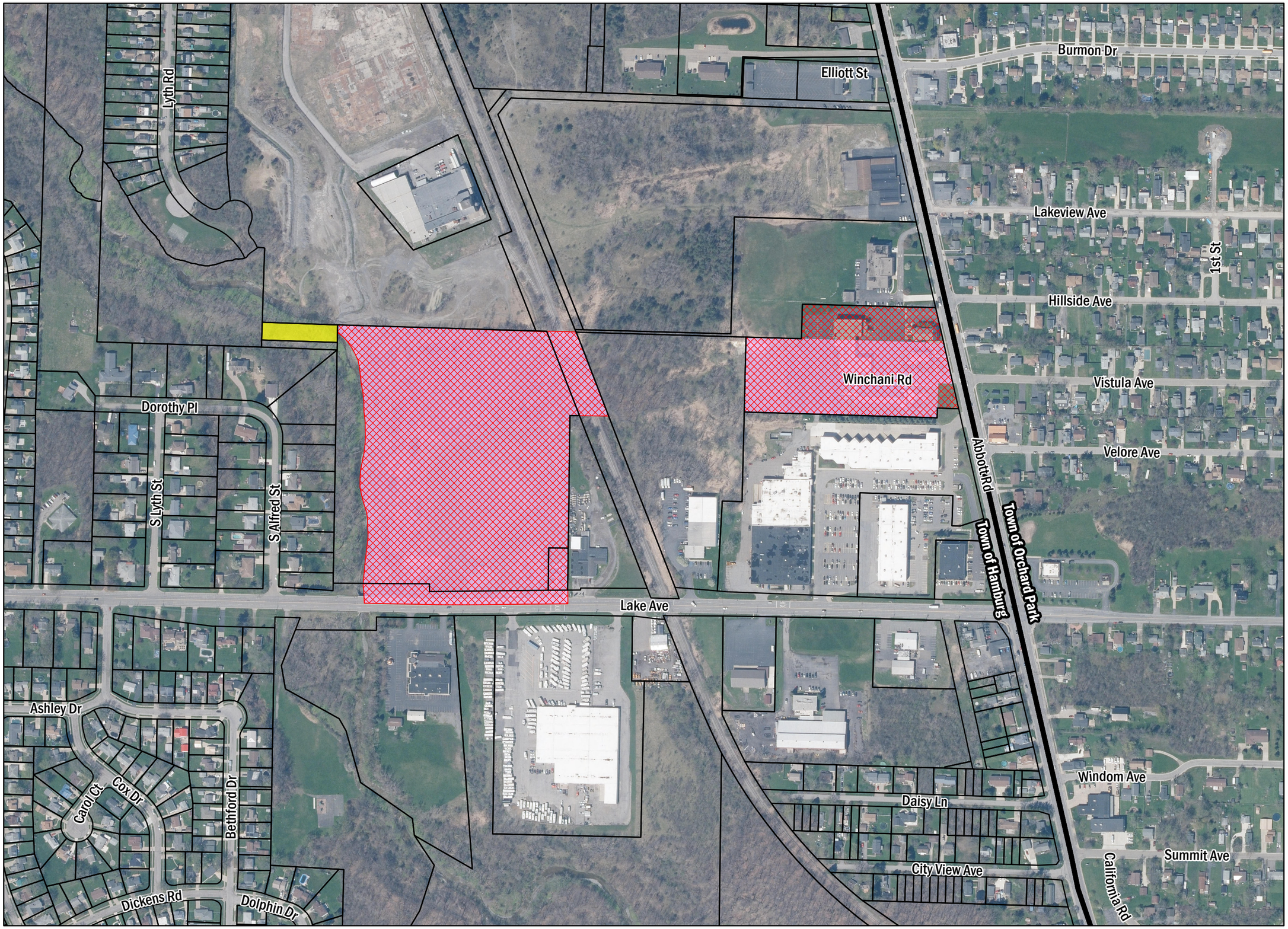
wendel

WD Project # 300824 NCFA
Map Created: July 2025

Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. shall assume no liability for 1. Any errors, omissions, or inaccuracies in the information provided regardless of how caused or; 2. Any decision or action taken or not taken by the reader in reliance upon any information or data furnished hereunder.
Data Sources: Erie County Real Property Tax Services, NYS ITS Geospatial Office, Town of Hamburg

Rezoning of M-1 Properties

Hamburg, New York



N
W E
S

LEGEND

- Parcels (2024)
- Proposed PR
- Proposed LI
- Proposed C-2
- R2

Town of Hamburg Zoning

- M1

0 100 200 400 Feet

wendel

WD Project # 300824 NCFA
Map Created: July 2025

Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. shall assume no liability for
1. Any errors, omissions, or inaccuracies in the information provided regardless of how caused or; 2. Any decision or action taken or not taken by the reader in reliance upon any information or data furnished hereunder.
Data Sources: Erie County Real Property Tax Services, NYS ITS Geospatial Office, Town of Hamburg

4.38. Highway Budget Amendment

WHEREAS, The Highway Dept. has received funds from residents for installation of drainage pipe that has exceeded the amount budgeted for 2025 by $2,366.00.

THEREFORE, BE IT RESOLVED, that the Town Board approve that the funds exceeding the budgeted amount will be deposited into Revenue Account DB.2770.7 and transferred to DB.5110.474.

BE IT FURTHER RESOLVED, that the Expense Account DB.5110.474 be increased by $2,366.00.

4.39. Funding for continued Town Hall Renovation

WHEREAS, the Town Board previously authorized and appropriated funds for the renovation of the Old Dispatch area of Town Hall, and

WHEREAS, abatement and demolition expenses related to the renovation were more extensive than anticipated, increasing the total estimated cost of the project, and

WHEREAS, additional funding is needed to ensure the timely and proper completion of the project;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the following budget amendment to appropriate $100,000.00 from the General Fund unassigned fund balance and transfer said amount to the Capital Projects Fund H21 – Old Dispatch Renovation Project:

Account Code	Description	Original Budget	Increase/ (Decrease)	Amended Budget
A000.0000.0909.0000	General Fund Unassigned Fund Balance	NA	$ (100,000.00)	NA
A000.9950.0975.0000	Interfund Transfers - Transfer to Capital Fund	$ 402,666.64	$ 100,000.00	$ 502,666.64
H021.0000.5031.0000	Interfund Transfers - Transfer from General Fund	$ -	$ 100,000.00	$ 100,000.00
H021.1620.0303.0000	Permanent Improvements	$ -	$ 100,000.00	$ 100,000.00

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor and the Finance Department to make all necessary budget adjustments and accounting entries to effectuate this resolution.

4.40. Village of Blasdell Appointment-Castiglia

WHEREAS, the Village of Blasdell did vote 4-0 to appoint Patrick Castiglia as their representative on the Hamburg Industrial Development Agency and the Hamburg Land Development Corporation.

NOW THEREFORE BE IT RESOLVED, that the Town Board does hereby approve Patrick Castiglia as the Village of Blasdell representative to the Hamburg Industrial Development Agency and the Hamburg Land Development Corporation.

ATTACHMENTS:

Blasdell Rep to Industrial Development Agency and Land Dev Corp.pdf

ROB HEFNER
Mayor

DENNIS FOX
PETER E. MURPHY
CHRISTOPHER DRZAL
PATRICK CASTIGLIA
Trustees

JANET L. PLARR
Village Administrator
Village Clerk & Treasurer

JOSEPH SHAW JR.
Village Attorney

JON GORMAN
Village Justice

Village of Blasdell

"Gateway to the Southtowns"

STATE OF NEW YORK
COUNTY OF ERIE **SS.:**
VILLAGE OF BLASDELL

I, Janet L. Plarr, do hereby certify that I am the duly qualified and acting Clerk and Treasurer of the Village of Blasdell, County of Erie and State of New York: That the attached Resolution duly adopted by the Village Board of the said Village of Blasdell, at a regular meeting held on the 16th of July 2025 and duly entered in the Minutes of said Board on said day. That I have compared the foregoing copy with the original thereof so entered in the Minutes of said Board and the same is a full, true and complete copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the Village of Blasdell, this 30th day of July 2025.

Janet L. Plarr, Village Clerk & Treasurer
Village of Blasdell

4.41. Non-CFA Phase 1 Zoning Code Amendments Resolution

Whereas, the Hamburg Town Code contains and specifies the local laws and ordinances of the Town of Hamburg; and

Whereas, the Town of Hamburg, over a three-year process, completed and adopted a new Comprehensive Plan for the Town; and

Whereas, zoning must be in accordance with a Comprehensive Plan and the Town wants to continue the process of bringing the Town's zoning Code and Zoning map into conformance with the Town's new 2022 Comprehensive Plan; and

Whereas, the Town formed a Comprehensive Plan Implementation Committee (CPIC) who, in accordance with the Comprehensive Plan and having completed other studies and reports on land use issues in the Town, has recommended that the Town Board pursue numerous code amendments; and

Whereas, the Town of Hamburg directed the Town Planner to work with the CPIC and a special zoning code committee to develop other priority zoning code updates that were not included in a CFA grant that was received by the Town; and

Whereas, the Town CPIC, special zoning code committee, and the Town Planner have developed specific Code amendments related to other various zoning issues in the Town; and

Whereas, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law as follows:

Be it enacted by the Town Board of the Town of Hamburg, New York, that the Hamburg Town Board amends the Hamburg Town Code as follows (full copies attached):

Amend Article XLIX "Definitions and Word Usage"

Amend Article XIV “C-2 General Commercial” Section 280-81

Amend Article XLVI "Special Use Permits" by adding a new section 280-332.5 "Full-scale rental storage buildings" and a new section 280-332.6 “Mixed-use buildings in an NC District”

Amend 280-332.2 “Private rental storage (a.k.a public mini-storage, self storage facility)”

Amend 280-239 "Commercial car washes"

Amend Article XII "Neighborhood Commercial" Section 280-60 and 280-61

Amend § 280-289 “Special regulations for townhouses”

Amend Article X "R-3 Multi-Family District" Section 280-46 and 280-48, and adding a new section 280-48.1 “Open Space and Recreational Requirements”

Now, Therefore, Be It Resolved , pursuant to Part 617 6NYCRR, Article 8 of the Environmental Conservation Law (SEQRA), it is the intent of the Town of Hamburg Town Board to establish itself as SEQR Lead Agency and conduct a coordinated review of proposed revisions to the Town Code; Chapter 280 – Zoning and the Town’s Zoning Map amendment.

Be It Further Resolved, that the Hamburg Town Board hereby authorizes the referral of these proposed Code amendments to Erie County and to the Hamburg Planning Board; and

Be It Finally Resolved, that the Hamburg Town Board sets a Public Hearing on these proposed Code amendments at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, NY at 7:00 pm on September 22, 2025.

ATTACHMENTS:

Non-CFA Phase 1 Zoning Code Amendments FEAF Part 1.pdf
Special regulations for townhouses Amendments with Track Changes 7-31-25docx.pdf
C-2 Mini-Storage Amendments with Track Changes 7-28-25.pdf
R-3 Minimum lot size. and Required yards Amendments with Track Changes 7-31-25.pdf

NC Amendments with Track Changes 7-30-25.pdf
Special Use Permits Amendments with Track Changes 7-31-25.pdf
Word Definitions Additions with Track Changes 7-31-25.pdf

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Non-CFA Various Phase 1 Zoning District Codes		
Project Location (describe, and attach a general location map): See attached code amendments		
Brief Description of Proposed Action (include purpose or need): The proposed action involves amendments to the following Codes in Chapter 280 (Zoning): Amending Article XLIX "Definitions and Word Usage", amending Article XIV C-2 General Commercial 280-81, amending Article XLVI "Special Use Permits" by adding a new section 280-332.5 "Full-scale rental storage buildings" and a new section 280-332.6 "Mixed-use buildings in an NC District". amending 280-332.2 "Private rental storage (a.k.a public mini-storage, self storage facility)". amending 280-239 "Commercial car washes", amending Article XII "Neighborhood Commercial" Section 280-60 and 280-61, amending 280-289 "Special regulations for townhouses", and amending Article X "R-3 Multi-Family District" Section 280-46 and 280-48, and adding a new section 280-48.1 "Open Space and Recreational Requirements". (See attached Code amendments)		
Name of Applicant/Sponsor: Town of Hamburg	Telephone: 716-649-6111 E-Mail:	
Address: 6100 South Park Avenue		
City/PO: Hamburg	State: NY	Zip Code: 14075
Project Contact (if not same as sponsor; give name and title/role):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees ☑Yes ☐No	Town Board Approval	October 2025
b. City, Town or Village Planning Board or Commission ☐Yes ☐No		
c. City, Town or Village Zoning Board of Appeals ☐Yes ☐No		
d. Other local agencies ☐Yes ☐No		
e. County agencies ☑Yes ☐No	Erie County 239-m referral	August 2025
f. Regional agencies ☐Yes ☐No		
g. State agencies ☐Yes ☐No		
h. Federal agencies ☐Yes ☐No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes ☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes ☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☑Yes ☐No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes ☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes ☐No

If Yes, identify the plan(s):

NYS Heritage Area: West Erie Canal Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☑Yes ☐No

If Yes, identify the plan(s):

Open Space and Recreation Plan

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
All zoning districts

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? N/A

b. What police or other public protection forces serve the project site?
Town of Hamburg Police and Erie County Sherrif's Office

c. Which fire protection and emergency medical services serve the project site?
N/A

d. What parks serve the project site?
N/A

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? N/A, involves zoning code amendments

b. 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

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☑ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☑ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐Yes ☑No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐Yes ☑No

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐Yes ☑No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐Other specify:

_____

iii. If other than water, identify the type of impounded/contained liquids and their source.

_____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

_____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐Yes ☑No

If Yes:

i .What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

_____

_____

i*v.* Will there be onsite dewatering or processing of excavated materials? ☐Yes ☐No

If yes, describe. _____

_____

v. What is the total area to be dredged or excavated? _____acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐Yes ☐No

ix. Summarize site reclamation goals and plan: _____

_____

_____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐Yes ☑No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

_____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

_____

_____

_____

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐Yes ☐No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐Yes ☐No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

_____

c. Will the proposed action use, or create a new demand for water? ☐Yes ☑No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐Yes ☐No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No
- Do existing lines serve the project site? ☐Yes ☐No

iii. Will line extension within an existing district be necessary to supply the project? ☐Yes ☐No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐Yes ☐No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

_____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐Yes ☑No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

_____

_____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐Yes ☐No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No

- Do existing sewer lines serve the project site? ☐Yes ☐No
- Will a line extension within an existing district be necessary to serve the project? ☐Yes ☐No

  If Yes:
  - Describe extensions or capacity expansions proposed to serve this project: _____

_____

_____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☐No

If Yes:
- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

_____

_____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

_____

_____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐Yes ☑No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

_____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

_____

_____

- If to surface waters, identify receiving water bodies or wetlands: _____

_____

_____

- Will stormwater runoff flow to adjacent properties? ☐Yes ☐No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes ☑No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

_____

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

_____

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

_____

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☑No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:
- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

_____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend ☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

_____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☑No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

_____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☑ No

If yes:

i. Provide details including sources, time of day and duration:

_____

_____

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No

Describe: _____

_____

n. Will the proposed action have outdoor lighting? ☐ Yes ☑ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

_____

_____

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No

Describe: _____

_____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

_____

_____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities:_____

_____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☑ No

If Yes:

i. Describe proposed treatment(s):

_____

_____

_____

_____

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☑ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____

  _____
- Operation: _____

  _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____

  _____
- Operation: _____

  _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

_____

_____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

_____

_____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

_____

_____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

_____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

_____

_____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☑ Urban ☑ Industrial ☑ Commercial ☑ Residential (suburban) ☑ Rural (non-farm)
☑ Forest ☑ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

_____

_____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☑ No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☑ No

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐ Yes ☑ No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Has the facility been formally closed? ☐ Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☑ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures:_____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? N/A feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☑ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: _____ _____%
_____ _____%
_____ _____%

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: ☐ Well Drained: _____% of site
☐ Moderately Well Drained: _____% of site
☐ Poorly Drained _____% of site

f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____% of site
☐ 10-15%: _____% of site
☐ 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? ☐ Yes ☑ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☑ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☑ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐ Yes ☑ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☑ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☑ No

j. Is the project site in the 100-year Floodplain? ☐ Yes ☑ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☑ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☑ No
If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____

_____ _____ _____

_____ _____ _____

n. Does the project site contain a designated significant natural community? ☐ Yes ☑ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

_____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☑ No

If Yes:

i. Species and listing (endangered or threatened): _____

_____

_____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☑ No

If Yes:

i. Species and listing: _____

_____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☑ No

If yes, give a brief description of how the proposed action may affect that use: _____

_____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☑ No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☑ No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

_____

_____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☑ No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

e. 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? ☐ Yes ☑ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. 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? ☐ Yes ☑ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☑ No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Joshua Rogers Date 8/4/2025

Signature  Title Town Planner

PRINT FORM

§ 280-289. Special regulations for townhouses.

In addition to other regulations for townhouses contained in this chapter, the following special regulations shall apply to townhouse development in the Town of Hamburg.

A. Group length. A grouping of townhouses shall not exceed 160 feet in length.

B. Unit size. No townhouse shall be smaller than 750 square feet, and the average size of townhouses in any group shall be a minimum of 1,000 square feet.

C. Height. The maximum height for any townhouse shall be 2 1/2 stories, not to exceed 35 feet.

D. Minimum development area. There shall be no minimum size of site for development, except as may be required by the Planning Board pursuant to site plan review.

E. Lot area for each unit. No townhouse lot shall contain an area of less than 2,000 square feet, and the average size for a group of townhouse lots shall not be less than 2,200 square feet. Each townhouse shall have its foundation on its individual lot, except where the townhouse units are separated by a common wall, in which event the foundation may be installed equidistant on each side of the lot line for the length of a party wall and its extension along the offset of the townhouses on abutting lots.

F. Minimum yards:

   (1) Front yard: 35 feet.

   (2) Side yard requirement. A minimum side yard of 10 feet shall be provided between the end of a group of townhouses and an interior side lot line, and 35 feet shall be provided between the end of such group and a public or private street, such thirty-five-foot setback to be unencumbered by walls, fences or other structures or buildings. A spacing of 20 feet shall be provided between each group of townhouses, and an additional 10 feet shall be required for each driveway provided between such groups. Such separation between such groups shall be unencumbered by walls or other structures or other obstructions which will prevent emergency vehicular access between such groups.

   (3) Rear yard: no rear yard shall have a depth of less than 20 feet.

G. Street frontage. Each townhouse lot must have a clear, direct frontage on a public street or to accessways complying with private street requirements.

H. Utilities and services. Each townhouse shall be independently served by separate heating, air-conditioning, sewer, water, electricity, gas or other facility and utility services wherever such utilities and services are provided, and no townhouse shall be in any way dependent upon such services or utility lines located within another unit or on or in another townhouse or townhouse site, except as may be installed in public easements. All townhouses must be connected to public water-and sewer lines, and all electrical and telephone lines in a townhouse development site shall be placed underground. Proper and adequate access for fire-fighting purposes and access to service areas to provide garbage and waste collection and for any other necessary services shall be provided.

I. Parking. A minimum of two off-street parking spaces shall be provided for each townhouse.

Downloaded from https://ecode360.com/HA0055 on 2025-07-31

Such parking spaces may be provided on the lot of the townhouse or in a commonly owned and maintained off-street parking facility, provided that no parking space shall be more than 150 feet, by the most direct pedestrian route, from the door of the townhouse it is intended to serve. Where on-site parking space is provided in the front yard area, it shall be limited to two parking spaces, and the balance of the front yard area shall be landscaped. Each townhouse site must provide its own off-street parking area and driveway thereto where on-site off-street parking is to be provided.

J. Street right-of-way and improvements. The right-of-way width of public streets and private streets, where permitted by the Town Board, serving a group of townhouses and the improvements therein shall conform to all applicable minimum Town of Hamburg standards and requirements for such streets.

K. Walls, fences and buffering. All patio outdoor living areas on each townhouse lot shall be enclosed by a wall, fence or dense hedge affording complete screening. In the plat review process, the Planning Board may modify this requirement as to type and extent of such enclosure on any townhouse lot while assuring the intent of such enclosure to provide adequate outdoor privacy on each townhouse lot. Where provided, such wall, fence or dense hedge shall be six feet in height with a life expectancy of not less than 20 years. All walls or fences erected pursuant to this provision shall be solid structures which afford visual privacy. A walled-in patio may include a roof. All rear yard areas used for service shall be completely screened from view from the street and from adjoining lots by walls, fencing or dense landscaping.

L. Patios and service areas. There shall be provided on each townhouse lot at least 250 square feet of patio living area, exclusive of parking and service areas.

M. Recreation space. There shall be provided on the site of each townhouse development an area or areas devoted to the joint or common recreational use by the residents thereof. Such recreation space shall consist of not less than 500 square feet of space per dwelling unit. Each such recreation space shall be developed for passive and active purposes and shall include the facilities normally attendant thereto. These private recreational lands are not in lieu of the subdivision code requirements of public recreation land requirements (see Chapter 230 Subdivision of Land).

N. Accessory buildings. No accessory building shall be permitted in unwalled or unfenced areas or areas lacking a dense hedge on sites containing a townhouse and, where located within an area so enclosed, shall not extend above the height of such enclosure.

O. Site plan specifications.

(1) As part of the supplementary data required for Planning Board review of a proposed townhouse development, a scaled and dimensioned site plan of the development, a typical tentative plan showing front elevations of proposed townhouses and typical tentative floor plans of proposed townhouses, prepared by a licensed architect, shall be submitted to the Planning Board. If the subdivision plat for townhouse development receives final approval by the Planning Board, the townhouse development shall be in accordance with such approval plan.

(2) The site plan shall include but shall not be limited to the location of buildings in relation to property and lot lines: off-street parking spaces and bays; patio and service areas,

Downloaded from https://ecode360.com/HA0055 on 2025-07-31

including garbage disposal areas; landscaping; walls or fences; public streets; driveways; all common facilities; open space and walkways; and utilities, showing the same underground where such is required. In addition, the lot size, the percentage of building ground coverage and open space, the square footage of each townhouse and its patio living area, the density, etc., shall be included as data on such plan.

(3) If, after final approval of a plan, a substantial change therein is desired, such request for such change may be filed with the Planning Board, which shall consider such requested change pursuant to its procedures for amendment to an approved plat.

Downloaded from https://ecode360.com/HA0055 on 2025-07-31

§ 280-81. Permitted uses and structures.

Use and structures with a size limitation of 100,000 square feet (base floor dimension) are permitted in the C-2 District as follows:

A. Principal uses and structures:

(1) Principal uses and structures permitted in the C-1 District. No residential housing shall be permitted.

(2) Retail sales.

(3) Eating or drinking establishments.

(4) Boat or marine sales and service.

(5) Laundry or dry-cleaning plants.

(6) Custom shops, including but not limited to printing, electrical, heating, plumbing or woodworking shops.

(7) Warehouses, but not including the storage of highly flammable or explosive materials.

(8) Billiard or pool halls, bowling alleys, skating rinks, dance halls and video game rooms.

(9) Dairies; bottling of nonalcoholic beverages from previously prepared ingredients.

(10) Wholesale sales and distribution.

(11) Commercial swimming pools.

(12) Drive-in restaurants.

(13) Theaters and drive-in theaters.

(14) Golf driving ranges or miniature golf.

(15) The following uses, provided that they are conducted within a completely enclosed building or within an area enclosed by a solid wall or fence at least eight feet in height.

(a) Building materials supply, including incidental millwork.

(b) Public utility storage, service buildings and yards.

(c) Small-animal hospitals.

(d) Machine and tool sales, rentals and service.

(e) Storage and sales of solid fuel.

(f) Storage and sales of feed for livestock.

~~(16) Private r~~Rental storage (mini-storage) is prohibited (see definition). ~~This prohibition does not include full-scale buildings in which interior spaces are being rented for individual storage usage.~~ ~~**[Amended 12-13-2010 by L.L. No. 10-2010]**~~

Downloaded from https://ecode360.com/HA0055 on 2025-07-23

~~(17)~~(16) The manufacture, compounding, and assembly of products from previously prepared materials, provided that they are conducted in a completely enclosed building and that the operations associated with such use will not produce any detrimental pollutant, noise, odors or similar nuisances infringing on the surrounding neighborhood. These types of uses can include but are not limited to the following: **[Added 2-11-2013 by L.L. No. 2-2013[1]; amended 7-15-2013 by L.L. No. 7-2013]**

(a) Electrical and electronic components and equipment.

(b) Musical, scientific, medical, dental and photographic equipment and supplies.

(c) Recreation equipment and toys.

(d) Clothing and other textile products.

(e) Printing, publishing and engraving.

(f) Furniture and furnishings for households and offices, and related wood and metal products.

(g) Food and beverage products.

~~(18)~~(17) The following uses by special use permit authorized by the Planning Board (see Article XLVI):

(a) Permitted uses [Subsections A(1) through (15) above] greater than 100,000 square feet (gross floor dimension).

(b) Nursery schools and day-care centers.

(c) New or used motor vehicles sales (servicing of vehicles is allowed at these facilities). **[Amended 6-14-1999 by L.L. No. 5-1999]**

(d) Terminals for local trucking and delivery service, but not including any tractor, trailer or tractor-trailer combination, or automobile conveyor, provided that all vehicle loading, unloading and parking is on the premises.

(e) Commercial car washes.

(f) Filling stations, gasoline stations and automotive repair services (including oil change, muffler and brake shops, collision shops and tire shops), provided that all repairs/work shall be conducted in an enclosed building. **[Amended 6-14-1999 by L.L. No. 5-1999]**

(g) Towing and recovery impoundment areas, but not including auto wrecking or the storage of motor vehicles not eligible for New York State motor vehicle inspection stickers. **[Amended 1-14-2013 by L.L. No. 1-2013]**

(h) As an accessory use to an existing ~~private~~ rental storage (mini-storage) facility, a screened outdoor storage area for leasing for storage purposes. **[Added 12-13-2010**

1. **Editor's Note: This local law also provided for the redesignation of former Subsection A(17) as Subsection A(18).**

Downloaded from https://ecode360.com/HA0055 on 2025-07-23

by L.L. No. 10-2010]

(i) Full scale buldings in which interior spaces are being rented for individual storage use. Access to storage units must be within an enclosed building (see § 280-332.5).

B. Accessory uses and structures:

(1) Accessory uses permitted in the C-1 District.

(2) Accessory uses and structures customarily incidental to permitted principal uses.

Downloaded from https://ecode360.com/HA0055 on 2025-07-23

§ 280-46. Minimum lot size.

Unless otherwise provided, the minimum lot size in the R-3 District shall be as specified in this section.

A. Lot area:

(1) Minimum (single-family home): 9,000 square feet. **[Amended 8-4-2003 by L.L. No. 4-2003]**

(2) Minimum (two-family dwellings): 5,000 square feet per dwelling unit. **[Amended 8-4-2003 by L.L. No. 4-2003; 12-11-2006 by L.L. No. 7-2006]**

~~(3)~~ Three-or-more-family dwellings, not to exceed three stories: no minimum lot size. Density shall be determined based on compliance with all other minimum setbacks, open space, and other requirements of the Town Code. The parcel of land for a permitted use shall be sufficient in size to adequately accommodate buildings, required parking, open space, recreation, landscaping, and other accessory uses as dictated by all other bulk regulations and other applicable sections of the Code. ~~Density shall be determined based on compliance with all other minimum setback requirements of this section. The parcel of land for a permitted use shall be sufficient in size to adequately accommodate all buildings, required off-street parking, landscaping and other accessory uses as dictated by all other bulk regulations. **[Amended 12-11-2006 by L.L. No. 7-2006]**~~

~~(4)~~(3) Three-or-more-family dwellings over three stories in height: no minimum lot size. Density shall be determined based on compliance with all other minimum setbacks, open space, and other requirements of the Town Code. The parcel of land for a permitted use shall be sufficient in size to adequately accommodate buildings, required parking, open space, recreation, landscaping, and other accessory uses as dictated by all other bulk regulations and other applicable sections of the Code. ~~Density shall be determined based on compliance with all other minimum setback requirements of this section. The parcel of land for a permitted use shall be sufficient in size to adequately accommodate all buildings, required off-street parking, landscaping and other accessory uses as dictated by all other bulk regulations. **[Amended 12-11-2006 by L.L. No. 7-2006]**~~

B. Lot width at the building line: 70 feet for one dwelling unit, plus an additional 15 feet for a second dwelling unit and an additional 20 feet for each dwelling unit over two, but need not exceed 200 feet. **[Amended 8-4-2003 by L.L. No. 4-2003]**

C. Lot width at the front lot line: 30 feet. **[Amended 8-4-2003 by L.L. No. 4-2003]**

§ 280-48. Required yards.

Unless otherwise provided, the minimum required yards and other open spaces in the R-3 District shall be as specified in this section.

A. Front yard: 35 feet.

B. Side yards: two required.

(1) Single-family dwellings: The minimum width of any side yard shall be 10 feet. **[Amended 12-18-2017 by L.L. No. 3-2018]**

Downloaded from https://ecode360.com/HA0055 on 2025-07-31

(2) Two-family dwellings: The minimum width of any side yard shall be 10 feet.
Other principal buildings. Except as otherwise provided, each side yard shall equal 30 feet or a distance equal to the height of the principal building, whichever is greater; provided, however, that when a side yard adjoins a lot in any district other than an R District, such side yard shall equal 15 feet or a distance equal to 1/2 the height of the principal building, whichever is greater.

C. Rear yard. Except as otherwise provided, no rear yard shall have a depth of less than 30 feet or a distance equal to the height of the principal building, whichever is greater.

D. Three-or-more-family dwellings, not to exceed three stories in height, shall be a minimum of 50 feet from any property line.

E. Three-or-more-family dwellings over three stories in height shall be a minimum of 50 feet from any property line, with an additional one foot for each additional foot exceeding 35 feet in height.

F. Open space between principal buildings on a single lot. No vertical wall of a principal building shall be nearer to a vertical wall of any other principal building than a distance of 30 feet or a distance equal to the average height of such vertical walls measured from the adjoining finished grade, whichever is greater.

§ 280-48.1 Open Space and Recreational Requirements

A. All proposals for multi-family uses (three or more family dwellings) must include a minimum of 20% greenspace (areas that are treed, lawned, or landscaped to the satisfaction of the Planning Board).

B. All proposals for multi-family uses must include recreation space in accordance with Section 280-270.1 of the Zoning Code.

Downloaded from https://ecode360.com/HA0055 on 2025-07-31

§ 280-60. Permitted uses and structures.

Uses and structures permitted in the NC District are as follows:

A. Principal uses and structures:

~~(1) Principal uses and structures permitted in the R-3 District, except cluster housing.~~

(1) Single family detached dwellings.

(2) Two-family dwellings.

~~(2)~~(3) Minor retail sales serving the day-to-day convenient shopping needs of the surrounding neighborhood (less than 2,000 square feet).

~~(3)~~(4) Telephone exchanges.

~~(4)~~(5) Real estate or insurance office.

~~(5)~~(6) Funeral homes (no crematoriums).

~~(6)~~(7) Art, dance, music schools or photography studios.

~~(7)~~(8) Opticians or optometrists.

~~(8)~~(9) Bed-and-breakfast establishments and tourist homes. **[Amended 2-22-1999 by L.L. No. 3-1999]**

~~(9)~~(10) Fire substations.

~~(10)~~(11) Meeting rooms for private clubs, lodges or fraternal organizations.

~~(11)~~(12) Medical and/or dental buildings, clinics and laboratories (single practitioner).

~~(12)~~(13) Other administrative, professional or executive offices (less than three employees).

~~(13)~~(14) Personal service establishments, including but not limited to barbershops, beauty parlors, glove or hat cleaning or repair, hand laundry, laundromats, dry cleaning, glass shops and small appliance repair. **[Amended 7-13-2009 by L.L. No. 9-2009]**

~~(14)~~(15) Truck terminals and dispatch and transfer offices and all automotive-related businesses shall be prohibited.

~~(15)~~(16) The following uses by special use permit authorized by the Planning Board (see Article XLVI): **[Added 9-25-2000 by L.L. No. 5-2000]**

(a) Banks and drive-through banks.

~~(a)~~(b) Mixed-use buildings which include an allowed commerical use in this district, with up to four (4) residential units on the second floor.

B. Accessory uses and structures:

(1) Accessory uses permitted in the R-3 District, without the limitations on accessory offices within a dwelling for permitted home occupations and home businesses as defined herein. **[Amended 11-14-2011 by L.L. No. 11-2011]**

Downloaded from https://ecode360.com/HA0055 on 2025-07-23

(2) Unless otherwise specified, accessory uses and structures customarily incidental to permitted principal uses.

~~(3)~~ Installations of glass at an approved glass shop. **[Added 7-13-2009 by L.L. No. 9-2009]**

§ 280-61. Minimum lot size.

Unless otherwise provided, the minimum lot size for dwellings and nonresidential uses in the NC District shall be as specified in this section.

A. Lot area:

(1) Minimum:

(a) Where the lot is served by a public sanitary sewer: 8,125 square feet.

(b) Where a lot is not served by a public sanitary sewer: 30,000 square feet.

(2) Two-family dwellings:

(a) Where the lot is served by a public sanitary sewer: 5,000 square feet per dwelling unit.

(b) Where a lot is not served by a public sanitary sewer: 15,000 square feet per dwelling unit.

~~(3) Three-or-more-family dwellings, not to exceed three stories: 3,500 square feet per dwelling unit, provided that public sanitary sewers are available.~~

~~(4) Three-or-more-family dwellings over three stories in height: 2,000 square feet per dwelling unit, provided that public sanitary sewers are available.~~

~~(5)~~(3) Nonresidential uses and mixed-use buildings: lot areas will be based on the size of the building, parking, landscaping and other zoning requirements.

B. Lot width at the building line:

(1) Where a lot is served by a public sanitary sewer: 65 feet for one dwelling unit, plus an additional 15 feet for a second dwelling unit and an additional 20 feet for each dwelling unit over two, but need not to exceed 200 feet.

(2) Where a lot is not served by a public sanitary sewer: 100 feet.

(3) Nonresidential buildings: 75 feet.

C. Lot width at the front lot line: 25 feet.

Downloaded from https://ecode360.com/HA0055 on 2025-07-23

ARTICLE XLVI
Special Use Permits
[Amended 6-12-1989 by L.L. No. 4-1989; 1-26-1998 by L.L. No. 1-1998]

§ 280-318. General provisions.

A. A use listed as requiring a special use permit shall not be presumed to be an allowable use. It shall be the responsibility of the petitioner for a special use permit to prove to the satisfaction of the Town that the items listed in this section and under the section of that particular special use are met. These uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered on an individual case.

B. No special permit shall be authorized by the Town unless, in addition to other requirements specified in this chapter, it finds that such special permit:

(1) Will be in harmony with the general purposes and intent of this chapter.

(2) Will not create a hazard to health, safety or the general welfare.

(3) Will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.

(4) Will not otherwise be detrimental to the public convenience and welfare.

C. In authorizing any special permit, the Town Planning Board may prescribe appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety or general welfare.

§ 280-319. Application procedure.

A. Applications for special use permits shall be acted on by the Planning Board after a public hearing.

B. A plan or the proposed development of a site for a permitted special use shall be submitted with an application for a special use permit, and such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping and other pertinent information that may be necessary to determine if the proposed special use meets the requirements of this chapter.

C. If a special use permit is granted, the applicant will then proceed with site plan approvals and with any other required approvals or permits.

§ 280-320. (Reserved)[1]

§ 280-321. Nursery schools and day-care centers.

No special use permit for a nursery school or day-care center shall be authorized unless the applicant's project meets the requirements of § 280-312B(1), (2), (3) and (4) and the following:

1. **Editor's Note: Former § 280-314, Wind energy conversion systems (WECS), was repealed 6-25-2007 by L.L. No. 3-2007. See now Art. L, Commercial Wind Energy Conversion Systems, (WECS).**

Downloaded from https://ecode360.com/HA0055 on 2025-07-31

A. Nursery schools or day-care centers shall not receive an occupancy permit until licensed by the State of New York.

B. Adequate outdoor play space shall be provided based on the number of children. There shall be a minimum of 75 square feet per child under the age of three and 100 square feet per child three years and older. No play area or equipment shall be located in a front yard.

C. Where a nursery school or day-care center abuts a residential property or an area zoned residential, there shall be a minimum thirty-foot buffer with adequate screening as determined by the Planning Board.

D. Child discharge and pickup areas shall not be in the public right-of-way.

E. There shall be one off-street parking space for each full-time staff person and a minimum of three spaces for parents and visitors.

§ 280-322. Commercial radio and television transmission facilities.

Commercial radio and television transmission facilities may be permitted in the R-A District, provided that:

A. A special use permit is obtained by the property owner from the Planning Board.

B. Any tower shall be set back from all property lines a distance equal to or greater than its height.

C. Each tower shall be built sufficiently strong to permit shared usage (multiplexing), and developers shall be encouraged to utilize their towers in this manner.

D. Each tower shall be approved by the Federal Communications Commission.

E. All towers at least 200 feet high shall be approved by the Federal Aviation Administration.

§ 280-323. Private airports and heliports.

No special use permit for a private airport or heliport shall be authorized unless the applicant's project meets the requirements of § 280-312B(1), (2), (3) and (4) and the following:

A. All proposed airports shall, at a minimum, meet the spacing requirements as listed in § 249 of Article 14 of the State of New York General Business Law.

B. All proposed airports shall be reviewed and approved by the United States Federal Aviation Administration and the New York State Department of Transportation.

C. The proposed location of airports, including storage areas, taxi strips and runways, shall recognize the public safety, comfort and general welfare needs of the residents.

§ 280-324. Commercial picnic grounds and groves.

No special use permit for commercial picnic grounds and groves shall be authorized unless the applicant's project meets the requirements of § 280-312B(1), (2), (3) and (4) and the following:

Downloaded from https://ecode360.com/HA0055 on 2025-07-31

A. The size of the parcel will be determined by the Planning Board based on the magnitude of the proposed development, but in no instance shall it be less than 10 acres.

B. There shall be a minimum of 100 feet in an undisturbed state along side and rear property lines. Any fencing or additional plantings of vegetation in these strips of land needed to adequately buffer adjacent properties shall be determined by the Planning Board.

C. A copy of the Erie County Health Department annual inspection certificate shall be provided to the Town Building Inspector/Code Enforcement Officer.

D. The Town Building Inspector/Code Enforcement Officer shall make periodic inspections of each operating facility to ensure the proper structural maintenance of all structures and the adequate cleanup of litter.

E. The size, location and materials used in the construction of off-street parking facilities shall be determined by the Planning Board based on the intensity of use of the proposed development.

§ 280-325. Barns for nonagricultural storage purposes.

No special use permit for a barn for nonagricultural storage purposes shall be authorized unless the applicant's project meets the requirements of § 280-312B(1), (2), (3) and (4) and the following:

A. All storage must be within the enclosed barn.

B. The storage of anything which would adversely affect public health or safety is specifically prohibited.

§ 280-325.1. Garden centers with outdoor display/storage. [Added 11-28-2011 by L.L. No. 14-2011]

No special use permit for a garden center with outdoor display/storage shall be authorized in the C-1 District unless the applicant's project meets the requirements of § 280-312B and the following:

A. All outdoor storage, display or sales of merchandise/products must be a minimum of 50 feet from any residential use or zoning property line. This fifty-foot area must include a fence (of at least six feet in height) or another form of screening (hedge line, etc.) approved by the Planning Board.

B. Materials stored in these areas must not exceed six feet in height (except for trees and other plant materials).

C. No open storage of materials such as mulch, stone, sand, soil, fertilizers shall be allowed, unless in an area completely screened from surrounding properties. These materials can also be stored and sold in bags. The area devoted to storing these types of materials is limited to less than 10% of the site.

D. All outdoor use areas (storage, display, sales, etc.) must be clearly shown on approved plans, and no outdoor uses shall take place outside of these areas. These outdoor display areas shall only encompass less than 30% of the subject property.

Downloaded from https://ecode360.com/HA0055 on 2025-07-31

§ 280-326. Banks and drive-through banks. [Added 9-25-2000 by L.L. No. 5-2000]

A. No special use permit for a bank or drive-through bank in an NC Neighborhood Commercial District shall be authorized unless the applicant's project meets the requirements of § 280-312B(1), (2), (3) and (4), and the following:

(1) The bank building shall not be larger than 2,500 square feet.

(2) The bank building architecture shall be compatible with the surrounding uses.

(3) Any drive-through lanes proposed shall be a minimum of 100 feet from any residential structure (measured from the actual drive-through machines, including ATM's, to the residential building footprint). The drive-through lanes, including the stacking area, and ATM equipment shall be screened (landscaped area or fencing) from residentially zoned areas or residential uses.

(4) In general, the operating hours shall not include times prior to 8:00 a.m. or after 9:00 p.m. (ATM's are assumed to be twenty-four-hour operations).

B. No special use permit for a bank or drive-through bank in the H-C Hamburg Commercial District shall be authorized unless the applicant's project meets the requirements of § 280-312B(1), (2), (3), and (4), and the following: **[Added 9-13-2004 by L.L. No. 4-2004]**

(1) Buffering of surrounding residential areas.

(2) Meeting of any overlay zoning requirements.

(3) Proper access and internal traffic flow, and access management techniques: cross access, shared driveways, etc.

§ 280-327. New or used motor vehicle sales and service.

No special use permit for new or used motor vehicle sales and service facilities shall be authorized unless the applicant's project meets the requirements of § 280-312B(1), (2), (3) and (4) and the following:

A. The property has frontage along Camp Road (NY Route 75) between the boundaries of the New York State Thruway (I-90) and the railroad tracks north of Nash Road.

B. The site shall not include the outdoor storage of any junk or unregistered vehicles.

C. The Town Building Inspector/Code Enforcement Officer shall make periodic inspections of each operating facility to ensure the proper structural maintenance of all structures and the adequate cleanup of litter and motor vehicle parts.

D. The size, location and materials used in the construction of off-street parking facilities shall be determined by the Planning Board based on the intensity of use of the proposed development.

§ 280-328. Terminals for local trucking and delivery service.

No special use permit for terminals for local trucking and delivery service shall be authorized

Downloaded from https://ecode360.com/HA0055 on 2025-07-31

unless the applicant's project meets the requirements of § 280-312B(1), (2), (3) and (4) and the following:

A. Terminals for local trucking and delivery service, but not including any tractor, trailer or tractor-trailer combination, or automobile conveyor, provided that all vehicle loading, unloading and parking is on the premises.

B. These facilities are to be located on a major or arterial highway.

C. The lot shall not be located within 500 feet of any residential building.

§ 280-329. Commercial car washes.

No special use permit for commercial car washes as permitted in the C-2 District shall be authorized unless the applicant's project requests the requirements of § 280-312B(1), (2), (3) and (4) and the following:

A. No new commercial car washes (to be constructed after the adoption of this local law) shall be allowed on property fronting South Park, Southwestern, McKinley, or Route 5.

~~A.~~B. These facilities shall not be located within ~~200~~ 500 feet of any residential structure or within ~~500~~ 1000 feet of another such facility.

~~B.~~C. Architectural features of the car wash buildings and other buildings on the property be in harmony with the surrounding uses.

~~C.~~D. Visibility from the road shall be minimized through proper siting, setbacks, existing topographic features, berming, and landscaping features.

§ 280-330. Filling stations, gasoline stations and automotive repair services (oil change, muffler and brake shops, collision shops and tire shops).

Filling stations and/or gasoline stations are permitted as a special use, provided that all servicing of vehicles, except fueling and minor emergency repairs, will be conducted in an enclosed building. No special use permit for these uses shall be authorized unless the applicant's project meets the requirements of § 280-312B(1), (2), (3) and (4) and the following:

A. The Town Building Inspector/Code Enforcement Officer shall make periodic inspections of each operating facility to ensure the proper structural maintenance of all structures and the adequate cleanup of litter.

B. No part of any building used as a filling station, gasoline service station or towing and recovery impoundment area, and no filling pump, lift or other service appliance, shall be erected within 200 feet of any R District boundary or within 300 feet of any school, church, playground or park located in an R District. **[Amended 1-14-2013 by L.L. No. 1-2013]**

C. No gasoline or oil pump, no oiling or greasing mechanism and no other service appliance shall be installed in connection with any filling station, gasoline service station or towing and recovery impoundment area within 20 feet of any street line. **[Amended 1-14-2013 by L.L. No. 1-2013]**

D. Two reservoir spaces for each gasoline pump shall be provided on the lot for waiting vehicles. Such reservoir space shall not include space at the pump or required parking space.

Downloaded from https://ecode360.com/HA0055 on 2025-07-31

E. Storage of gasoline shall be in underground tanks approved by the American Insurance Association and all applicable state and federal regulations.

F. There shall be no use of the lot, except for landscaping or screening, within 20 feet of any R District boundary.

G. All portions of the lot not enclosed in a building and used for a reservoir space or for the storage, parking or servicing of a motor vehicle shall be subject to the provision of § 280-266 of this chapter.

§ 280-331. Towing and recovery impoundment areas. [Amended 1-14-2013 by L.L. No. 1-2013]

The following uses are permitted as a special use, provided that they are conducted within a completely enclosed building or within an area enclosed by a solid wall or fence at least eight feet in height:

A. Towing and recovery impoundment areas, but not including auto wrecking or the storage of motor vehicles not eligible for New York State motor vehicle inspection stickers.

(1) The Town Building Inspector/Code Enforcement Officer shall make periodic inspections of each operating facility to ensure the proper structural maintenance of all structures and the adequate cleanup of litter.

(2) The size, location and materials used in the construction of off-street parking facilities shall be determined by the Planning Board based on the intensity of use of the proposed development.

§ 280-332. Bed-and-breakfast establishments and tourist homes. [Added 2-22-1999 by L.L. No. 3-1999

No special permit for a bed-and-breakfast establishment or tourist home shall be authorized unless the applicant's project meets the requirements of § 280-312B(1), (2), (3) and (4) and the following:

A. The applicant shall be the owner and full-time resident of the premises, and the bed-and-breakfast or tourist home use shall be subordinate and incidental to the residential use of the structure.

B. All guestrooms shall be contained within the principal structure and limited to the first and second floors of said structure.

C. No external modifications of the structure shall be allowed in conjunction with the creation of a bed-and-breakfast or tourist home use, and no visible evidence of the conduct of the establishment other than the posting of one sign, in accordance with Article XXXVI, shall be present.

D. The architectural integrity and arrangement of interior spaces must be maintained and the number of guestrooms shall not be increased, except as required to meet health, safety and sanitation requirements.

E. Accommodations shall not exceed a maximum of four guestrooms.

Downloaded from https://ecode360.com/HA0055 on 2025-07-31

F. The length of stay at a bed-and-breakfast or tourist home establishment shall not exceed seven days.

G. Guestroom living quarters shall not constitute a separate dwelling unit and shall not be leased or rented as such.

H. The serving of meals at the premises shall be limited to breakfast for lodgers only; no cooking or cooking facilities shall be permitted in individual guestrooms.

I. Smoke detectors shall be installed in each guestroom and in adjacent hallways and corridors. All emergency exits shall be obvious and clearly identified.

J. Outside activities shall not be permitted by guests where it will create a nuisance or in any way alter the character of the neighborhood.

K. All off-street parking shall be regulated in accordance with Articles XXXII and XXXV of the Town Code. Parking areas for four or more vehicles may require adequate screening from adjacent residential uses, if deemed necessary by the Town.

L. The special permit shall be issued only after a public hearing and upon the determination that the proposed use is in compliance with the conditions and limitations of this section.

M. The special use permit shall be valid for a period not to exceed two years and shall be renewed for a bi-annual fee of $200. This permit may be revoked at any time by the Building Inspector upon noncompliance with the conditions and limitations set forth in this section or in the permit itself.

N. A certificate of occupancy shall be issued by the Building Inspector only after it has been determined that the structure meets the New York State Uniform Building and Fire Prevention Code, and after the special permit has been issued by the Town Board.

§ 280-332.1. Private rental storage; outdoor storage. [Added 12-13-2010 by L.L. No. 10-2010]

No special use permit for outdoor storage in association with private rental storage shall be authorized unless the applicant's project meets the requirements of § 280-312B(1), (2), (3), (4) and the following:

A. This outdoor storage area must be at least 200 feet from the road right-of-way and include landscaping to properly screen it from the road (if necessary).

B. All areas abutting residential districts or uses shall be screened from them by a landscaped berm.

§ 280-332.2. ~~Private r~~Rental storage (a.k.a. ~~public~~ mini-storage, self service storage facility). [Added 12-13-2010 by L.L. No. 10-2010]

No special use permit for private rental storage shall be authorized unless Applicant's project meets the requirements of § 280-312B(1), (2), (3), (4) and the following:

A. Mini-storage units shall be set back a minimum of 100 feet from any residential zoning

Downloaded from https://ecode360.com/HA0055 on 2025-07-31

district or residential structure.

B. Mini-storage units shall not be visible from the highway, and the following options can be utilized to accomplish this:

(1) A landscaped berm, solid architectural fence or wall can be added in the front yard. These shall be of a height to sufficiently screen the units.

(2) Full-scale buildings (with an approved architectural style) that include offices or other approved uses along with components listed in Subsection B(1) can be utilized to screen the units.

C. ~~Public m~~Mini-storage units are prohibited on lots fronting Route 5, Southwestern Boulevard and Camp Road, and in the waterfront area (LWRA) of the Town's Local Waterfront Revitalization Plan (LWRP).

§ 280-332.3. Craft (farm) breweries and craft brewery activities. [Added 1-14-2013 by L.L. No. 1-2013; amended 10-21-2019 by L.L. No. 10-2019; 5-20-2024 by L.L. No. 4-2024]

No special use permit for a craft (farm) brewery or a craft (farm) brewery with craft brewery activities shall be authorized unless the project meets the requirements of § 280-312B(1), (2), (3) and (4), and the following:

A. Definitions.

CRAFT FARM BREWERY — As defined by the farm brewery license under the New York State Liquor Authority.

LICENSED PRODUCT — As defined by the farm licenses in New York State Alcoholic Beverage Control Law (§§ 51-a, 76-a and 61, Subsection 2-a).

B. Principle farm business activities may include (depending on site location and attributes) the following:

(1) Licensed product tasting.

(2) Retail sale of licensed product.

(3) Retail sales of related products, souvenirs, etc.

(4) Drying spent grain.

(5) Recovering carbon dioxide and yeast.

C. Accessory uses and structures to farm license businesses may include the following (as determined and approved under the SUP process):

(1) Making and serving of food.

(2) Hosted party and event space.

(3) Production of related products such as soft drinks, syrups, and other beverages permitted by New York State Liquor Authority.

Downloaded from https://ecode360.com/HA0055 on 2025-07-31

D. The minimum acreage of the lot required for a craft (farm) brewery shall be 15 acres (and must be large enough to accommodate parking, required setbacks, etc.).

E. Craft (farm) breweries with retail sales will need to show adequate parking and screening from adjacent residential uses.

F. All manufacturing activities and storage must take place within an enclosed building.

G. Manufacturing buildings must be located a minimum of 500 feet from any residential structures located on surrounding properties (unless a "sign-off" letter is received from such adjacent residential use) and must have adequate buffering and screening.

H. Obtain and maintain a farm brewery license from the State of New York Liquor Authority and operate in conformance with said license.

§ 280-332.4. Craft winery. [Added 10-21-2019 by L.L. No. 10-2019; amended 5-20-2024 by L.L. No. 4-2024]

No special use permit for a craft winery shall be authorized unless the project is shown to meet the requirements of § 280-312B(1), (2), (3) and (4) and the following:

A. Definitions.

CRAFT WINERY — As defined by the farm winery license under the New York State Liquor Authority.

LICENSED PRODUCT — As defined by the farm licenses in New York State Alcoholic Beverage Control Law (§§ 51-a, 76-a and 61, Subsection 2-a).

B. Principle craft winery activities may include (depending on site location and attributes) the following:

(1) Licensed product tasting.

(2) Retail sale of licensed product (in accordance with New York State law) and must be made on site.

(3) Retail sales of related products, souvenirs, etc.

C. Accessory uses and structures to farm license businesses may include the following (as determined and approved under the SUP process):

(1) Making and serving of food.

(2) Hosted party and event space.

(3) Production of related products such as soft drinks, syrups, and other beverages permitted by New York State Liquor Authority.

D. The minimum acreage of the lot used for a craft winery shall be five acres (and must be large enough to accommodate parking, required setbacks, etc.).

E. Craft wineries with retail sales will need to show adequate parking and screening from

Downloaded from https://ecode360.com/HA0055 on 2025-07-31

adjacent residential uses.

F. All manufacturing/process activities and storage must take place within an enclosed building.

G. Manufacturing/process buildings must be located a minimum of 200 feet from any residential structures located on surrounding properties (unless a sign-off letter is received from such adjacent residential use).

H. The winery must operate in accordance with all New York State laws.

§ 280-332.5 Full-scale rental storage buildings

No special use permit for a full-scale rental storage building shall be authorized unless the applicant's project meets the requirements of 280-312 B (1), (2), (3), (4) and the following:

A. The building must be a full-scale building that has the appearance of a commercial structure. It must have windows and must fit into the character of the area in which it is proposed.

B. No outdoor storage is allowed, unless another SUP is granted for outdoor storage.

C. The Planning Board, based on location, will determine the needs for landscaping and other features to fit the proposed project into the character of the area.

§ 280-332.6 Mixed-use buildings in an NC District

No special use permit for a mixed-use building in the NC district shall be authorized unless the applicant's project meets the requirements of 280-312 B (1), (2), (3), (4) and the following:

A. Provision of appropriate parking (as limited in the Intent section of the NC District)

B. Architectural features to meet the character of the area/neighborhood (typically residential in nature – pitched roofs, appropriate windows, etc.).

C. The scale of the building shall be in accordance with the Intent of the NC District, as determined by the Planning Board.

D. Landscaping and buffers as determined by the Planning Board.

§ 280-333. Penalties for offenses.

A. In the event of any violation of a special use permit, the Town may seek enforcement under any available authority, including but not limited to Town Law § 268.

B. Any use receiving a special use permit that subsequently does not meet the requirements and/or conditions of that permit or this chapter shall be subject to fines under Town Law and shall have its permit revoked, and the use shall be terminated within 90 days of notification by the Town.

§ 280-334. Expiration.

A special use permit shall be deemed to authorize only one particular use and shall expire if the special use shall cease for a period of more than one year.

Downloaded from https://ecode360.com/HA0055 on 2025-07-31

§ 280-347. Rules of construction of language.

A. Words used in the present tense include the future tense.

B. Words used in the singular include the plural, and words used in the plural include the singular.

C. The word "person" includes an individual, firm, company, partnership or corporation.

D. The words "shall" or "will" are mandatory; the word "may" is permissive.

E. The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."

F. Any reference to an "R District" shall be interpreted to mean "R-A, R-E, R-1, R-2, R-3, R-4 and NC Districts."

G. Any reference to a "C District" shall be interpreted to mean "C-1, C-2, LC, and HC Districts."
[Amended 1-26-1998 by L.L. No. 1-1998]

H. Any reference to an "M District" shall be interpreted to mean "~~M-1, M-2 and M-3~~LI and GI Districts."

I. Any reference to a "mixed use district" shall be interpreted to mean "PUD and MU-1 Districts."

§ 280-348. Definitions. [Amended 1-26-1998 by L.L. No. 1-1998; 2-22-1999 by L.L. No. 3-1999; 4-10-2000 by L.L. No. 2-2000; 4-22-2002 by L.L. No. 4-2002; 6-25-2007 by L.L. No. 3-2007; 8-9-2010 by L.L. No. 6-2010; 12-13-2010 by L.L. No. 10-2010; 11-14-2011 by L.L. No. 11-2011; 11-28-2011 by L.L. No. 14-2011; 1-14-2013 by L.L. No. 1-2013; 12-18-2017 by L.L. No. 3-2018; 10-21-2019 by L.L. No. 10-2019; 12-16-2024 by L.L. No. 14-2024]

For the purposes of this chapter, certain terms or words used herein shall be interpreted or defined as follows:

ACCESSORY BUILDING OR STRUCTURE — A building or structure, the use of which is incidental to that of the main building and which is located on the same premises.

ACCESSORY USE — A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building, except as otherwise provided for off-street parking.

ALTERATION — Any change in, rearrangement of, addition to or relocation of a building or structure, or any modification in construction or equipment.

ANIMAL HOSPITAL — The premises or buildings used for the diagnosis, treatment or other care of the ailments of domesticated, household animals, which may include related facilities such as laboratories, offices and temporary quarters for such animals.

ARTIFICIAL INTELLIGENCE (AI) DATA CENTER — a facility specifically designed to house the infrastructure needed for training, deploying, and delivering AI applications and services. It includes advanced computing, network, and storage architectures, as well as power and cooling capabilities tailored to the demands of AI workloads.

BED-AND-BREAKFAST — See "tourist home."

Downloaded from https://ecode360.com/HA0055 on 2025-07-28

BUILDING — A combination of any materials, whether portable or fixed, having a roof, to form a structure affording shelter for persons, animals or property. The word "building" shall be construed, when used herein, as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

BUILDING HEIGHT — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.

BUILDING INSPECTOR — The officer(s) designated by the Town of Hamburg and charged with the enforcement of zoning, building and fire prevention codes.

BUILDING LINE — See "setback."

CLUSTER HOUSING — A residential subdivision, designed for single-family dwelling purposes, comprising 10 or more acres, in which minimum lot areas and minimum lot dimensions may be reduced by a specific amount, provided that land not used for residential lots, except streets, in the subdivision is used for recreational or open space purposes. The phrase "clustering" shall refer to "cluster housing."

COMMERCIAL WIND ENERGY CONVERSION SYSTEM (WECS) — A wind energy conversion system consisting of one wind turbine, one tower, and associated control or conversion electronics, which has a rated capacity greater than 250 kilowatts, and a total height of more than 150 feet, and is intended to solely supply electrical power into a power grid for sale.

CONDOMINIUM — An apartment house or houses, the apartments or dwelling units of which are individually owned, each owner receiving a deed enabling him to sell, mortgage or exchange his apartment independent of the owners of the owner apartments in the building or buildings.

CRAFT (FARM) BREWERY — Any place or premises, located on a farm (land used in agricultural production), as defined by New York State Agriculture and Markets Law Article 25-AA, in which New-York-State-labeled beer is manufactured, stored and sold in quantities of up to 60,000 finished barrels of beer annually.

CRAFT WINERY — A small-scale winery meeting the definition of a microwinery or a farm winery under New York State law, and meeting the requirements under the Town's Zoning Code.

CRYPTOCURRENCY MINING FACILITY — a large-scale operation that uses specialized hardware to verify and record cryptocurrency transactions on a blockchain. These facilities are designed to handle a high volume of computation, requiring substantial infrastructure for space, cooling, and electricity.

DAY-CARE CENTER OR NURSERY SCHOOL — A place, person, association, corporation, institution or agency licensed by the State of New York providing care for three or more children for at least three hours, but less than 24 hours, away from their homes and in which parents, guardians or others responsible for care place children. This does not include care provided in an after-school program operated for the primary purpose of religious education.

DOG KENNEL — The keeping of more than two dogs that are more than three months old.

DRIVE-IN RESTAURANT — A restaurant wherein all patrons thereof are not required to be seated to be served.

DWELLING — A building used as the living quarters for one or more families.

A. DWELLING UNIT — One or more rooms designed for occupancy by one family for cooking, living and sleeping purposes.

Downloaded from https://ecode360.com/HA0055 on 2025-07-28

B. SINGLE-FAMILY DWELLING — A building containing one dwelling unit and designed or used exclusively for occupancy by one family.

C. TWO-FAMILY DWELLING — A building containing two dwelling units and designed or used exclusively for occupancy by two families living independently of each other, or two one-family dwellings having a party wall in common.

D. MULTIFAMILY DWELLING — A building or portion thereof containing three or more dwelling units and designed or used for occupancy by three or more families living independently of each other.

DWELLING GROUP — A group of two or more dwellings located on the same lot and having any yard or open space in common.

ENLARGEMENT — An increase in floor area of an existing building, or an increase in the size of an existing structure, or an increase in the area of land used for an existing open use.

EXTENSION — An increase in the amount of existing floor area used for an existing use in an existing building.

FAMILY — One or more persons living together in one dwelling unit and maintaining a common household, including domestic servants and gratuitous guests, together with boarders, roomers or lodgers not in excess of the number allowed by this chapter as an accessory use.

FILLING STATION — Any area of land, including structures thereon, used for the retail sale of gasoline or other motor vehicle fuel for the propulsion of vehicles. A "filling station" can be either self-service or attendant-operated.

FOREST FARMING — The management of a stand of forest on a sustained-yield basis, which includes replanting as well as harvesting.

GARAGE, PRIVATE — An accessory building or portion of a main building used for the storage of self-propelled vehicles, including one commercial vehicle having a rated capacity of not more than 3/4 ton, used by the occupants of the premises, and may include space for not more than one passenger vehicle used by others.

GARDEN CENTER — A retail establishment that primarily stores, displays, sells plants and/or other agricultural/horticultural/landscaping-related products.

GASOLINE STATION — Any area of land, including structures thereon, that is used for the sale of gasoline, other motor vehicle fuel, oil or other lubricating substances and motor vehicle accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but not including the painting thereof or the storage of vehicles for any purpose other than servicing with fuel, lubricants, antifreeze, tire repair and other emergency repairs of a temporary nature.

GROSS LEASABLE AREA — The enclosed building area of a shopping center, exclusive of all common areas such as enclosed pedestrian walks, walkways, hallways, public restrooms, open-area garden facilities, maintenance rooms, utility rooms and other areas of a like and similar nature.

HOTEL — A building containing sleeping rooms in which lodging is provided primarily for transient guests for compensation, and which may include public dining facilities.

JUNKYARD — A place where junk, waste and discarded or salvaged materials are bought, sold, exchanged, sorted, stored, baled, packed, disassembled, handled or abandoned, but not including pawn shops, antique shops, establishments for the sale, purchase or storage of used furniture, household equipment, clothing, used motor vehicles capable of being registered or machinery to

Downloaded from https://ecode360.com/HA0055 on 2025-07-28

be reused for the purpose for which originally manufactured.

KENNEL, BOARDING — The temporary storage for pay of domestic pets. Domestic pet breeding is permitted. Specifically excluded are pets and animals that may be pets but are normally considered wild.

KENNEL, DOG — The keeping of more than two dogs over three months old.

LOT — A parcel or plot of land occupied or capable of being occupied by a principal building or use, or a group of principal buildings or uses that are united by a common interest or customary accessory buildings or uses, and including such open spaces to be used in connection with such buildings or uses.

LOT, CORNER — A lot at the junction of and fronting on two or more intersecting streets.

LOT COVERAGE — The amount of the lot covered by imperious surfaces, including but not limited to buildings, driveways, accessory structures, parking lots, etc. It is the intent that these areas not covered will remain in their natural state or are to be landscaped.

LOT DEPTH — The mean horizontal distance between the front and rear lot lines.

LOT, INTERIOR — A lot other than a corner lot.

LOT LINE — The property line bounding a lot. Where any property line parallels a street and is not coincident with the street line, the street line shall be construed as the property line for the purpose of complying with the area and setback regulations of this chapter.

LOT LINE, FRONT — Where a lot abuts upon only one street, the street line shall be the "front lot line." Where a lot abuts upon more than one street, the assessment roll of the Town of Hamburg shall determine the "front lot line."

LOT LINE, REAR — Any lot line which is opposite and more or less parallel with the front lot line. In the case of a lot which comes to a point at the rear, the "rear lot line" shall be an imaginary line 10 feet in length, entirely within the lot, parallel to and most distant from the front lot line.

LOT LINE, SIDE — Any lot line which is not a front lot line or a rear lot line.

LOT, THROUGH — A lot in which the front lot line and the rear lot line abut a street.

LOT WIDTH — The least horizontal distance across the lot between side lot lines, measured at the front of a main building erected or to be erected on such a lot or at a distance from the front lot line equal to the required depth of the front yard.

MOBILE HOME — As defined pursuant to L.L. No. 7 of 1973, Chapter 165 of the Code of the Town of Hamburg, entitled "Mobile Home Parks."

MOBILE HOME COURT — As defined pursuant to L.L. No. 7 of 1973, Chapter 165 of the Code of the Town of Hamburg, entitled "Mobile Home Parks."

MOTEL — A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing accessory off-street parking facilities. The term "motel" includes buildings designated as "motor lodges," "auto courts" and similar appellations.

NONCOMMERCIAL WIND ENERGY CONVERSION SYSTEM — A wind energy conversion system consisting of one wind turbine, one tower, and associated control or conversion electronics, which has a rated capacity of not more than 250 kilowatts and a total height of not more than 150 feet, and is intended to solely supply electrical power for use on the subject property.

Downloaded from https://ecode360.com/HA0055 on 2025-07-28

NONCONFORMING — Any lawful building or structure or any lawful use of land, premises, building or structure which does not conform to the regulations of this chapter for the district in which such building, structure or use is located either at the effective date of this chapter or as a result of subsequent amendments thereto.

NURSERY SCHOOL — See "day-care center."

NURSING OR CONVALESCENT HOME — Any building where persons are housed or lodged and furnished with meals and nursing care for hire.

OPEN SPACE — The unoccupied area open to the sky on the same lot with a principal building or structure and/or any accessory building, exclusive of parking areas or driveways. "Open space" also refers to a parcel or parcels of land or an area Of water, or a combination of land and water, within a site with any or all of such features as common outdoor recreation areas, woodland areas, parks, playfields, playgrounds, golf courses, tennis courts, skiing facilities, nature trails, formal gardens, lakes and swimming pools, camping facilities, unoccupied areas in a natural state and similar open areas, exclusive of streets and parking areas.

PATIO HOME — A single-family detached home of one story in height, located on its own lot that is typically smaller in size (meeting the zoning requirements of the Town), with common areas in the development owned by a homeowner's association. Patio homes are allowed anywhere single-family detached units are allowed, as long as they meet the zoning requirements of the town and the particular district they are located in.

PETS — Animals normally considered domestic pets, such as dogs and cats. Other animals that are being treated as "pets," such as farm animals and exotic pets that are normally considered as wild, are limited to the R-A District unless otherwise approved by the Zoning Board of Appeals.

RESEARCH AND DEVELOPMENT — comprises establishments primarily engaged in conducting research and experimental development (except nanotechnology and biotechnology research) in the physical, engineering, and life sciences, including but not limited to agriculture, electronics, environmental, biology, botany, computers, chemistry, food, fisheries, forests, geology, health, mathematics, medicine, oceanography, pharmacy, physics, veterinary and other allied subjects.

~~PRIVATE~~ RENTAL STORAGE (also known as "~~public~~ mini storage," "self-service storage facility") — A building or group of buildings in a controlled access or fenced compound, consisting of individual, self-contained units or stalls for the storage of customers' (businesses, individuals, etc.) goods, wares, or contractor supplies for a rental fee. These facilities can have supervised or unsupervised access to the rental units.

QUARRY, SANDPIT GRAVEL PIT, TOPSOIL STRIPPING — A parcel of land or part thereof used for the purpose of extracting stone, sand, gravel or topsoil for sale, as an industrial operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which a building permit has been issued by the Township of Hamburg.

REPAIR — The replacement or renewal, excluding additions, of any part of a building, structure, device or equipment, with like or similar materials or parts, for the purpose of maintaining such building, structure, device or equipment.

REPAIR GARAGE — Any garage other than a private garage, and which is used for the storage, repair, rental, greasing, washing, lubrication, servicing, adjusting or equipping of automobiles or other motor vehicles.

RESERVOIR SPACE — A temporary storage space for a vehicle waiting for service or admission.

Downloaded from https://ecode360.com/HA0055 on 2025-07-28

RESORT COMPLEX — A lodging facility, primarily for transient guests for compensation, that provides access to or offers ancillary amenities and accommodations which may include but is not limited to a minimum of two or more of a restaurant and/or lounge or bar area, business center with access to internet connectivity and common area office equipment, conference rooms, swimming pool, fitness center or similar amenities that would be consistent with industry standards as additional benefits for the patrons of such lodging facilities.

SCHOOL — A public, parochial or private school.

SETBACK (BUILDING LINE) — The minimum horizontal distance from any existing or proposed building or structure to the nearest point in an indicated lot line or street line.

SHOPPING CENTER — The division of a single structure or grouping of structures (some of which may be in separate ownership) which constitute a convenient, planned and harmonious shopping and entertainment place with shared customer and employee parking areas.

A. LOCAL SHOPPING CENTER — A shopping center with a gross leasable area of less than 100,000 square feet.

B. COMMUNITY SHOPPING CENTER — A shopping center with a gross leasable area of more than 100,000 square feet but less than 400,000 square feet.

C. REGIONAL SHOPPING CENTER — A shopping center with a gross leasable area of more than 400,000 square feet.

SIGN — Any structure or part thereof, or any device attached to, painted on or represented on a building or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device or representation used as or which is in the nature of an announcement, direction, advertisement or other attention-directing device. A sign shall not include a similar structure or device located within a building, except for illuminated signs within show windows. A sign includes any billboard, but does not include the flag, pennant or insignia of any nation or association of nations, or of any state, city or other political unit, or of any political, charitable, educational, philanthropic, civic, professional, religious or like campaign, drive, movement or event.

A. ADVERTISING SIGN — A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot on which the sign is located.

B. FLASHING SIGN — Any moving or animated sign or any illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any revolving illuminated sign shall be considered a flashing sign.

C. ILLUMINATED SIGN — Any sign designed to give forth any artificial light, or designed to reflect light from one or more sources.

SPORTSMAN AND GUN CLUBS — Institutions whereby members and/or guests enjoy said sport without any permanent occupancy of premises.

STORY — That portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between any floor and the ceiling next above it. A basement shall be counted as a story for purposes of height measurement if the ceiling is more than five feet above the average adjoining ground level or if used for business or dwelling

Downloaded from https://ecode360.com/HA0055 on 2025-07-28

purposes. A "half story" is a story under a sloping roof, having a ceiling height of seven feet or more for an area not exceeding 1/2 the floor area of the next lower full story in the building.

STREET — A public right-of-way for vehicular and pedestrian circulation, which has been dedicated, improved and accepted.

STREET LINE — A line separating a lot from a street. In any case where a future street line has been established or approved by the Town Board, such future street line shall be considered as a street line for the purposes of determining lot area and setback requirements.

STRUCTURAL ALTERATION — Any change in the supporting members of a building or other structure, such as bearing walls, columns, beams or girders.

STRUCTURE — Anything constructed or erected which requires permanent location in or on the ground or attachment to something having such location, but not including a trailer or mobile home.

STUDIO APARTMENT — A small apartment (approximately 350 to 500 square feet) consisting of one main living space, a small kitchen and a bathroom.

TEMPORARY STRUCTURE — An assembly of materials, forming a construction of component structural parts for occupancy exceeding 15 persons or such other uses, having a fixed location in or on the ground or attachment to something having such location but not including a trailer or mobile home for less that seven consecutive days. A temporary structure shall not be erected for a period of 90 consecutive calendar days thereafter, beyond the expiration of the initial seven-day period.

TOTAL HEIGHT (also MAXIMUM OVERALL HEIGHT) — The height of the wind energy conversion system measured from the ground elevation to the top of the tip of the blade in the vertical position.

TOURISM FACILITY — Refers to the infrastructure, services, and amenities specifically designed to create an environment and destination that promotes entertainment attractions or opportunities and enhances the experiences of tourists and travelers.

TOURIST HOME — A private, owner-occupied residential dwelling in which overnight accommodations are provided or offered for tourist and transient guests for compensation, with or without the inclusion of one meal. This use is subordinate and incidental to the main residential use of the dwelling. This definition includes uses/services such as Airbnb.

TOWER — The support structure, including guyed, monopole, and lattice types, upon which a wind turbine and other mechanical devices are mounted.

TOWER HEIGHT — The height above grade of the uppermost fixed portion of the tower, excluding the length of any axial rotating turbine blades.

TOWING AND RECOVERY IMPOUNDMENT AREA — Any off-street parking area or facility that provides secure parking for vehicles stored in connection with the roadside services carried out by a towing and recovery company.

TOWNHOUSE — A building or dwelling designed for or occupied by no more than one family and attached to other similar buildings or dwellings by not more than two common walls extending from the foundation to the roof and providing two direct means of access from the outside. A townhouse is individually owned, an owner receiving a deed enabling him to sell, mortgage or exchange his dwelling unit independent of the owners of any other dwelling unit attached thereto by a common wall.

Downloaded from https://ecode360.com/HA0055 on 2025-07-28

TRAILER — A vehicle, other than a mobile home, used as sleeping or living quarters, whether self-propelled or towed, or a camper body mounted on a motor vehicle. A trailer shall also include any vehicle towed or used for carrying goods, equipment, machinery or recreation vehicles or as a site office.

USE — The specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained.

WILDLIFE RESERVATIONS — Areas, including conservation areas, set aside to protect and encourage native species of birds and wildlife.

WIND ENERGY CONVERSION SYSTEMS — One or more mechanical devices which are designed and used to convert wind energy into a form of electric energy.

WIND ENERGY FACILITY — Any wind energy conversion system, wind measurement tower, or wind energy system, including all related infrastructure, electrical lines and substations, access roads, and accessory structures.

WIND MEASUREMENT TOWER — A tower used for the measurement of meteorological data such as temperature, wind speed, and wind direction.

WIND TURBINE — Any piece of electrical generating equipment that converts wind energy into electrical energy through the use of airfoils, rotating turbine blades, or similar devices to capture the wind.

YARD — That portion of a lot extending open and unobstructed from the ground upward along a lot line.

YARD, FRONT — A yard extending the full length of the front lot line between side lot lines. The front yard depth of a lot located on a curve shall be measured from the cord connecting the are of the front lot line.

YARD, FRONT, EQUIVALENT — That portion of a rear yard of a through lot extending along a street line and from the street line for a depth equal to a required front yard. Any front yard equivalent shall be subject to the regulations of this chapter which apply to front yards.

YARD, REAR — On an interior lot, a yard extending for the full length of the rear lot line between side lot lines. On a corner lot, a yard extending along a rear lot line between an interior side line and a side yard which abuts a street.

YARD, REQUIRED — A yard having a depth or width set forth in the applicable district regulations. Such width or depth shall be measured perpendicular to lot lines.

YARD, SIDE — A yard extending along a side lot line from the required front yard to the required rear yard, except that, on a corner lot where the side lot line abuts a street, the side yard shall extend from the required front yard to the rear lot line.

A. EXTERIOR SIDE YARD — A side yard extending along a street line.

B. INTERIOR SIDE YARD — A side yard extending along a lot line of an adjoining lot.

ZONING MAP — A composite of 71 sectional maps, including all areas of the Town of Hamburg, plus a single index map which locates each of said sectional maps in the Town. The index map also indicates the legend of the zoning districts, by description and symbol, used on said sectional maps. Each of said 71 sectional maps is at a scale of one-inch equals 200 feet. Affixed to each sectional map is a stamp which identifies said map as a section of the Zoning Map of the Town of Hamburg and indicates the number of said map to correspond with its number and location as

Downloaded from https://ecode360.com/HA0055 on 2025-07-28

shown on the index map. Each of said sectional maps includes, in whole or in part, area in the Town of Hamburg outside any incorporated village. Any zoning district described on said sectional maps is described by district boundary lines and by appropriate district symbols as indicated in the aforesaid legend on the index map.

Downloaded from https://ecode360.com/HA0055 on 2025-07-28

4.42. Non-CFA Lakeview Commercial District Code and Map Amendments Resolution

Whereas, the Hamburg Town Code contains and specifies the local laws and ordinances of the Town of Hamburg; and

Whereas, the Town of Hamburg, over a three-year process, completed and adopted a new Comprehensive Plan for the Town; and

Whereas, zoning must be in accordance with a Comprehensive Plan and the Town wants to continue the process of bringing the Town's zoning Code and Zoning map into conformance with the Town's new 2022 Comprehensive Plan; and

Whereas, the Town formed a Comprehensive Plan Implementation Committee (CPIC) who, in accordance with the Comprehensive Plan and having completed other studies and reports on land use issues in the Town, has recommended that the Town Board pursue numerous code amendments; and

Whereas, the Town of Hamburg directed the Town Planner to work with the CPIC and a special zoning code committee to develop other priority zoning code updates that were not included in a CFA grant that was received by the Town; and

Whereas, the Town CPIC, special zoning code committee, and the Town Planner have developed specific Code and zoning map revisions related to creating a new commercial district in the Lakeview area in the Town; and

Whereas, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law as follows:

Be it enacted by the Town Board of the Town of Hamburg, New York, that the Hamburg Town Board amends the Hamburg Town Code as follows (full copies attached):

Amend Chapter 280 (Zoning), by adding a new Article, entitled "LC Lakeview Commercial District"; and

Whereas, pursuant to Municipal Home Rule Law, the Town Board is also proposing to enact a local law which proposes to amend the Town's Zoning Map as follows:

Be it enacted by the Town Board of the Town of Hamburg, New York, that the Hamburg Town Board amends the Town Zoning map as follows:

Rezone SBL #: 194.00-7-6 from C-2 to R-A.

Rezone SBL #: 194.14-1-63 from C-2 to R-A.

Rezone SBL #: 194.00-3-34.11 from C-2 to R-A.

Rezone SBL #: 194.00-3-34.2 from C-2 to R-A.

Rezone SBL #: 194.00-3-34.12 from C-2 to R-A.

Rezone SBL #: 194.00-3-38 from C-2 to R-A.

Rezone the portion of SBL #: 194.00-6-33.21 that is zoned C-2 to R-A.

Rezone the portion of SBL #: 194.14-1-56.1 that is zoned C-2 to LC (Lakeview Commercial District).

Rezone SBL #: 194.14-1-56.2 from C-2 to LC (Lakeview Commercial District).

Rezone SBL #: 194.14-1-57 from C-2 to LC (Lakeview Commercial District).

Rezone SBL #: 194.14-1-58 from C-2 to LC (Lakeview Commercial District).

Rezone SBL #: 194.14-1-59 from C-2 to LC (Lakeview Commercial District).

Rezone SBL #: 194.14-1-60 from C-2 to LC (Lakeview Commercial District).

Rezone SBL #: 194.14-1-61 from C-2 to LC (Lakeview Commercial District).

Rezone SBL #: 194.00-3-41.2 from C-2 to LC (Lakeview Commercial District).

Rezone SBL #: 194.00-3-41.1 from C-2 to LC (Lakeview Commercial District).

Rezone SBL #: 194.00-3-39 from C-2 to LC (Lakeview Commercial District).

Rezone SBL #: 181.09-5-2 from C-1 to R-1

Rezone SBL #: 181.09-5-3 from C-1 to R-1

Rezone SBL #: 181.09-5-4 from C-1 to R-1

Rezone SBL #: 181.09-5-5 from C-1 to R-1

Rezone SBL #: 181.09-5-6 from C-1 to R-1

Rezone SBL #: 181.09-5-7.1 from C-1 to R-1

Rezone SBL #: 207.00-6-9.2 from C-2 to R-A

Rezone SBL #: 207.00-6-10 from C-2 to R-A

Rezone SBL #: 207.00-6-11 from C-2 to R-A

Rezone SBL #: 207.00-6-16.11 from C-2 to R-A

Rezone SBL #: 207.00-6-12 from C-2 to R-A

Rezone SBL #: 207.00-6-13 from C-2 to R-A

Rezone SBL #: 207.00-6-14 from C-2 to R-A

Rezone SBL #: 207.00-6-17 from C-2 to R-A

Rezone SBL #: 207.006-6-18 from C-2 to R-A

(as illustrated on the attached maps).

Now, Therefore, Be It Resolved , pursuant to Part 617 6NYCRR, Article 8 of the Environmental Conservation Law (SEQRA), it is the intent of the Town of Hamburg Town Board to establish itself as SEQR Lead Agency and conduct a coordinated review of proposed revisions to the Town Code; Chapter 280 – Zoning and the Town's Zoning Map amendment.

Be It Further Resolved, that the Hamburg Town Board hereby authorizes the referral of these proposed laws and map amendments to Erie County and to the Hamburg Planning Board; and

Be It Finally Resolved, that the Hamburg Town Board sets a Public Hearing on these proposed amendments at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, NY at 7:00 pm on September 22, 2025.

ATTACHMENTS:

Lakeview Commercial District Draft 7-30-25.pdf
Lakeview Commercial Zoning Map and Code Amendments FEAF Part 1.pdf
11x17 Lake Shore Rd & Triangle Road.pdf
11x17 Hamburg Zoning Report - Map 2B - Southwestern Blvd & N Creek Rd.pdf
11x17 Hamburg Zoning Report - Map 2B - Southwestern Blvd and Heltz Focus.pdf
11x17 Hamburg Zoning Report - Map 2A - Lakeview Focus.pdf

Chapter 280. Zoning
Article LVIV LC Lakeview Commercial District
§ 280-420. Intent.

A. The Lakeview Commercial District is intended to provide a controlled environment for light commercial uses adjacent to regional arterial highways in the Lakeview area of the Town of Hamburg. These uses shall not be permitted to develop in such concentrations or in such a manner as to become a nuisance or hazard to the public welfare and safety. This district is intended to help to protect adjoining residential areas and recognizes that certain parcels fronting Southwestern Boulevard and Lakeshore Road and adjacent to Interstate 90 may not be suitable for residential development. Design will be important and will need to help blend any use into this nature of the Lakeview area which has rural, residential, and important environmental features.

§ 280-421. Permitted Uses.

A. Permitted uses shall be as follows:

(1) Personal service establishments, such as but not limited to barbershops, beauty parlors, laundromats, dry cleaning, glass shops and small appliance repair.

(2) Office buildings and offices.

(3) Custom shops, including but not limited to printing, electrical, heating, plumbing or woodworking shops.

(4) Landscaping sales or services.

(5) Agricultural related and support businesses (No AG tourism).

(6) Churches or other places of worship or religious education, parish houses, convents, rectories or parsonages.

(7) Medical and other health services.

(8) Banks.

(9) Instructional facilities.

(10) Existing homes, as of the date of the adoption of this local law.

(11) Prohibited uses.

a) Car washes.

b) Any use permitted in a Light Industrial or General Industrial district under the Town of Hamburg Zoning Code.

c) All uses not expressly or conditionally permitted are prohibited.

(12) The following uses by special use permit authorized by the Planning Board (see Article XLVI):

a) Drive-thru facilities.

b) Allowed commercial uses with up to 2 residential units.

c) Rental storage (mini-storage) (see definition). This also includes full-scale buildings in which interior spaces are being rented for individual storage usage.

d) Outdoor display.

(13) Accessory uses and structures:

a) Accessory uses and structures customarily incidental to permitted principal uses.

§ 280-422. Minimum lot size.

Lot area. Lot area will be based on the size of the building, parking requirements, and landscaping.

§ 280-423. Maximum height of buildings.

Maximum: 30 feet.

§ 280-424. Lot coverage.

Maximum: 75%.

§ 280-425. Required yards.

Unless otherwise provided, the minimum required yards and other open spaces in the LC District shall be as specified in this section.

A. Front yard: 40 feet.

B. Side yard:

(1) Principal buildings: none required, except that:

a) Where a side yard is provided, it shall be no less than five feet.

b) Where a side yard abuts any R District boundary, it shall be not less than 20 feet or the height of the principal building, whichever is greater.

c) Where a side yard is used for either vehicular ingress or egress, it shall be at least 12 feet.

d) Where a side yard is used for vehicular ingress and egress, it shall not be less than 25 feet.

C. Rear yard:

(1) Minimum: 10 feet.

(2) Abutting an R District boundary: same distance as required for a side yard along an R district boundary.

§ 280-426. Supplemental regulations.

For applicable supplemental regulations pertaining to use, height, area or open space, see Articles XXXVII through XXXIX.

§ 280-427. Landscaping requirements.

Existing natural features and vegetation shall be preserved. Other landscaping treatments such as trees and shrubbery shall be located as directed by the Planning Board to achieve residential character and conformance with the surrounding properties.

§ 280-428. Architectural requirements.

Building elevation plans must be submitted to the Planning Board which reflect designs that accomplish the aesthetically enhanced look described in the intent section of this Code, and any applicable zoning overlay requirements. Buildings visible from Route 5 or Route 20 shall have a higher design image, including pitched roofs, higher quality materials, and windows facing Route 5 or Route 20, in accordance with the Intent Section.

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Lakeview Commercial Zoning District Code and Map Amendments		
Project Location (describe, and attach a general location map): See attached maps		
Brief Description of Proposed Action (include purpose or need): The proposed action involves the creation of a new Lakeview Commercial District to the Town of Hamburg Zoning Code, as well as zoning map amendments to this new district. For zoning map amendments, see the attached map, and for the proposed Lakeview Commercial District, see the attached draft district Code.		
Name of Applicant/Sponsor: Town of Hamburg	Telephone: 716-649-6111 E-Mail:	
Address: 6100 South Park Avenue		
City/PO: Hamburg	State: NY	Zip Code: 14075
Project Contact (if not same as sponsor; give name and title/role):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees ☑Yes ☐No	Town Board Approval	October 2025
b. City, Town or Village Planning Board or Commission ☐Yes ☐No		
c. City, Town or Village Zoning Board of Appeals ☐Yes ☐No		
d. Other local agencies ☐Yes ☐No		
e. County agencies ☑Yes ☐No	Erie County 239-m referral	August 2025
f. Regional agencies ☐Yes ☐No		
g. State agencies ☐Yes ☐No		
h. Federal agencies ☐Yes ☐No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes ☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes ☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☑Yes ☐No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes ☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes ☐No

If Yes, identify the plan(s):

NYS Heritage Area: West Erie Canal Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☑Yes ☐No

If Yes, identify the plan(s):

Open Space and Greenspace Plan

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
C-1, C-2, R-1, R-A

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☑ Yes ☐ No
If Yes,
i. What is the proposed new zoning for the site? LC (Lakeview Commercial District)

C.4. Existing community services.

a. In what school district is the project site located? Frontier CSD

b. What police or other public protection forces serve the project site?
Town of Hamburg Police and Erie County Sherrif's Office

c. Which fire protection and emergency medical services serve the project site?
Lakeview Fire District

d. What parks serve the project site?
N/A

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential, Commercial

b. 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

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☑ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☑ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐Yes ☑No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐Yes ☑No

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐Yes ☑No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐Other specify:

_____

iii. If other than water, identify the type of impounded/contained liquids and their source.

_____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

_____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐Yes ☑No

If Yes:

i .What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

_____

_____

i*v.* Will there be onsite dewatering or processing of excavated materials? ☐Yes ☐No

If yes, describe. _____

_____

v. What is the total area to be dredged or excavated? _____acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐Yes ☐No

ix. Summarize site reclamation goals and plan: _____

_____

_____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐Yes ☑No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

_____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

_____

_____

_____

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐Yes ☐No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐Yes ☐No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

_____

c. Will the proposed action use, or create a new demand for water? ☐Yes ☑No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐Yes ☐No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No
- Do existing lines serve the project site? ☐Yes ☐No

iii. Will line extension within an existing district be necessary to supply the project? ☐Yes ☐No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐Yes ☐No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

_____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐Yes ☑No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

_____

_____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐Yes ☐No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No

- Do existing sewer lines serve the project site? ☐Yes ☐No
- Will a line extension within an existing district be necessary to serve the project? ☐Yes ☐No

  If Yes:
  - Describe extensions or capacity expansions proposed to serve this project: _____

_____

_____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☐No

If Yes:
- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

_____

_____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

_____

_____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐Yes ☑No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

_____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

_____

_____

- If to surface waters, identify receiving water bodies or wetlands: _____

_____

_____

- Will stormwater runoff flow to adjacent properties? ☐Yes ☐No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes ☑No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

_____

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

_____

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

_____

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☑No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:
- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

_____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend ☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

_____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☑No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

_____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☑ No

If yes:

i. Provide details including sources, time of day and duration:

_____

_____

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No

Describe: _____

_____

n. Will the proposed action have outdoor lighting? ☐ Yes ☑ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

_____

_____

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No

Describe: _____

_____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

_____

_____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities:_____

_____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☑ No

If Yes:

i. Describe proposed treatment(s):

_____

_____

_____

_____

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☑ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____

  _____
- Operation: _____

  _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____

  _____
- Operation: _____

  _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

_____

_____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

_____

_____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

_____

_____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

_____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

_____

_____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☑ Commercial ☑ Residential (suburban) ☑ Rural (non-farm)
☑ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

_____

_____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☑ No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☑ No

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐ Yes ☑ No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Has the facility been formally closed? ☐ Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☑ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures:_____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? N/A feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☑ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: _____ _____%
_____ _____%
_____ _____%

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: ☐ Well Drained: _____% of site
☐ Moderately Well Drained: _____% of site
☐ Poorly Drained _____% of site

f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____% of site
☐ 10-15%: _____% of site
☐ 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? ☐ Yes ☑ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☑ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☑ Yes ☐ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☑ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☑ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☑ No

j. Is the project site in the 100-year Floodplain? ☐ Yes ☑ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☑ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☑ No
If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____

_____ _____ _____

_____ _____ _____

n. Does the project site contain a designated significant natural community? ☐ Yes ☑ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

_____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☑ No

If Yes:

i. Species and listing (endangered or threatened): _____

_____

_____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☑ No

If Yes:

i. Species and listing: _____

_____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☑ No

If yes, give a brief description of how the proposed action may affect that use: _____

_____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☑ No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☑ No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

_____

_____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☑ No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

e. 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? ☐ Yes ☑ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. 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? ☑ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☑ No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

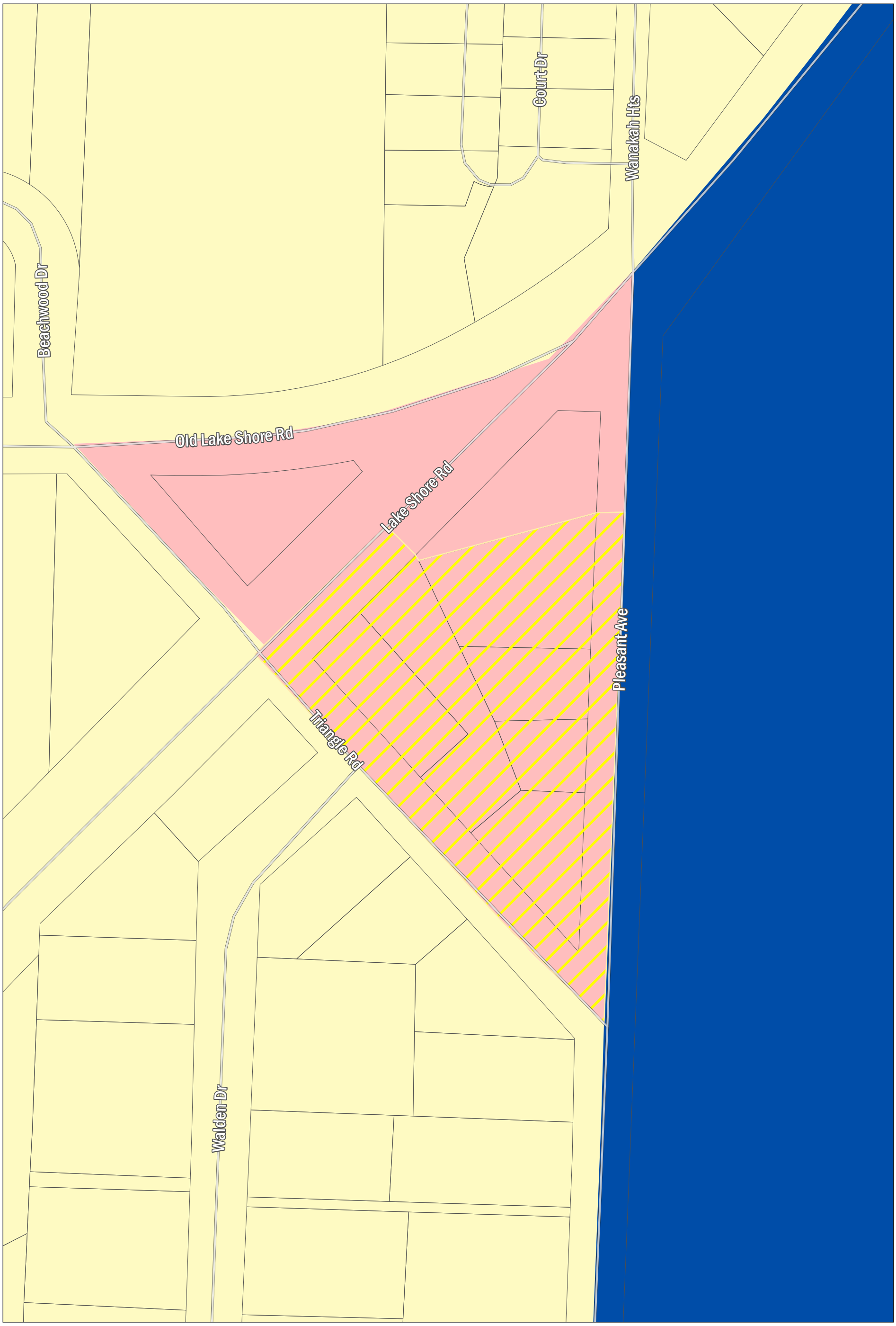
G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Joshua Rogers Date 8/4/2025

Signature  Title Town Planner

PRINT FORM



ZONING MAP - Lake Shore Rd & Triangle Rd

Hamburg, New York

LEGEND

- Parcel Boundary (2024)
- Proposed R1
- PUD
- R1

Town of Hamburg Zoning as of 06/30/2025

- C1

0 50 100 Feet

N

wendel

WD Project # 300824 NCFA
Map Created: July 2025

Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. shall assume no liability for 1. Any errors, omissions, or inaccuracies in the information provided regardless of how caused or; 2. Any decision or action taken or not taken by the reader in reliance upon any information or data furnished hereunder. Data Sources: NYS GIS Clearinghouse, Erie County, Town of Hamburg

TOWN OF HAMBURG
ERIE COUNTY, NEW YORK

ZONING MAP - Southwestern Blvd and N Creek Rd

N
W E
S

0 100 200 400
Feet

LEGEND

- Parcel Boundary (2024)
- Town of Hamburg Zoning as of 06/30/2025
- C2
- NC
- R1
- RA
- Proposed RA

wendel

WD Project: 300824 NCFA
Map Updated: July 2025

**The information on this document is based on data gathered from the following data sources and should not be used for design or construction. -Data Sources: NYS GIS Clearinghouse, Erie County, Town of Hamburg

Zoning Layer Last Updated: 3/27/2025

Southwestern Blvd

N Creek Rd

Staffel Dr

TOWN OF EVANS

TOWN OF EDEN

Shadagee Rd

Interstate 90 Westbound

Interstate 90 Eastbound

TOWN OF HAMBURG
ERIE COUNTY, NEW YORK

ZONING MAP - Southwestern Blvd and Heltz Rd

N
W E
S

0 100 200 400
Feet

LEGEND

- Parcel Boundary (2024)
- **Town of Hamburg Zoning as of 06/30/2025**
- AG
- C1
- C2
- PR
- R1
- R2
- RA
- Proposed RA
- Proposed LC District

wendel

WD Project: 300824 NCFA
Map Updated: July 2025

**The information on this document is based on data gathered from the following data sources and should not be used for design or construction. Data Sources: NYS GIS Clearinghouse, Erie County, Town of Hamburg

Zoning Layer Last Updated: 3/27/2025

Agassiz Dr
Hobblebush Ln
Trefoil Ct
Pincherry Way
Winterberry Dr
White Oak Way
Hackberry Dr
Heltz Rd
Schultz Rd
Southwestern Blvd
Lakeview Rd
Interstate 90 Westbound
Interstate 90 Eastbound
Schultz Rd
Heltz Rd
N Creek Rd

TOWN OF HAMBURG
ERIE COUNTY, NEW YORK

ZONING MAP - Lakeview

N
W E
S

0 500 1,000 2,000 Feet

LEGEND

- Parcel Boundary (2024)
- **Town of Hamburg Zoning as of 06/30/2025**
- AG
- C1
- C2
- RE
- M2
- NC
- PR
- PUD
- R1
- R2
- RA
- Proposed RA
- Proposed LC District
- Proposed R1

wendel
WD Project: 300824 NCFA
Map Updated: July 2025

**The information on this document is based on data gathered from the following data sources and should not be used for design or construction. -Data Sources: NYS GIS Clearinghouse, Erie County, Town of Hamburg

Zoning Layer Last Updated: 3/27/2025

TOWN OF EVANS

TOWN OF EDEN

Town Board of the Town of Hamburg
August 4, 2025 Meeting

4.43. Authorizing Funding for Capital Deficits

WHEREAS, a recent audit has identified deficit balances in the following capital project accounts:

- **H104 – Highway Garage Improvements**: $(47,322.68)
- **H105 – Town Hall ADA Bathroom**: $(721.55); and
-

WHEREAS, pursuant to General Municipal Law, the Town Board is authorized to appropriate funds from the General Fund unassigned fund balance or another lawful source to eliminate such deficits; and

WHEREAS, it is fiscally responsible and necessary to address these deficits in order to ensure accurate financial reporting and maintain compliance with municipal accounting standards;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the appropriation and transfer of $48,044.23 from the General Fund unassigned fund balance (A.0000.0909.0000) to the following capital project accounts to eliminate the respective deficits:

Account Code	Description	Original Budget	Increase/ (Decrease)	Amended Budget
A000.0000.0909.0000	General Fund Unassigned Fund Balance	NA	$ 48,044.23	NA
A000.9950.0975.0000	Interfund Transfers - Transfer to Capital Fund	$ 502,666.64	$ 48,044.23	$ 550,710.87
H104.0000.5031.0000	Interfund Transfers - Transfer from General Fund	$ -	$ 47,322.68	$ 47,322.68
H105.0000.5031.0000	Permanent Improvements	$ -	$ 721.55	$ 721.55

BE IT FURTHER RESOLVED, that the Town Supervisor and the Finance Department are hereby authorized to make all necessary budget amendments and accounting entries to effectuate this resolution.