Agenda

Brad M. Rybczynski Town Clerk

Town Board of the Town of Hamburg

November 3, 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:

   September 22, 2025

4. **Agenda Items**

4.1. Proposed local law #11 2025 to adopt the tax levy override

4.2. Proposed code changes for a Schedule of Fines and Penalties

4.3. 4922 Oregon Road Rezoning Public Hearing Resolution

4.4. 2025 Hamburg LWRP Proposed Rezonings Lead Agency and PH Resolution

4.5. Adult Use Cannabis Law Amendments Referral to Planning Board

4.6. Police – Budget Amendment & Purchase

4.7. Police-Out of Town Travel Request

4.8. Building Permit Refund

4.9. Big Tree Volunteer Fire Company Member Request

4.10. Budget adjustment for Building Inspection Department

4.11. Award of Nick Concession/Bathroom Electrical Service

4.12. Emergency Demolition Contractor Bid Award

4.13. Approve PO17-Creation of two Skilled Labor positions in the Highway Department

4.14. Adopt Special Town charges indicated on Letter of Authorization

4.15. B&G PAF

4.16. B&G Utility Trailer Purchase

4.17. Schedule Town Board Hearing-Bay View Hotel for local landmark designation

4.18. Highway Budget Amendment

4.19. Interest Re-Allocation

4.20. Youth, Recreation, & Senior Services P.A.F.

4.21. Supervisor Account Transfer

4.22. 5310 Mobility Enhancement Project

4.23. Budget adjustment for Building Inspection to IT

4.24. 2026 Hamburg Multimodal Trails Master Plan

4.25. Approve Internship in the Finance Department

4.26. Refund for Building Permit

4.27. Non-CFA Zoning Industrial Zoning District Code and Map Amendments SEQR

4.28. Non-CFA Zoning Industrial Zoning District Code and Map Amendments Adoption

4.29. Non-CFA Phase 1 Zoning Code Amendments SEQR Resolution

4.30. Authorize Agreement - Hamburg Volunteer Ambulance Company

4.31. Non-CFA Phase 1 Zoning Code Amendments Adoption Resolution

4.32. Chapter 227 Streets and Sidewalks Amendments Referral to PB

5. Public Comment

6. Meeting is adjourned by Supervisor

4.1. Proposed local law #11 2025 to adopt the tax levy override

WHEREAS, a public hearing was held on October 20, 2025, for discussion and public comment concerning adoption of proposed local law #11, 2025

WHEREAS, proposed local law #11, 2025, is a local law to override the tax levy limit established in General Municipal Law Section 3-c,

NOW THEREFORE BE IT RESOLVED that the Hamburg Town Board adopt this proposed local law to read as follows:

ATTACHMENTS:

DOC102925-002.pdf

A Local Law of the Town of Hamburg to override the tax levy limit established in General Municipal Law Section 3-c, as follows:

Be it enacted by the Town Board of the Town of Hamburg:

A local law to override the tax levy limit established in General Municipal Law §3-c.

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Hamburg to adopt a budget for the fiscal year commencing January 1, 2026 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of the General Municipal Law Section 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of no less than sixty (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Hamburg, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2026 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4. Severability

If a court determines that any, clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm, corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

4.2. Proposed code changes for a Schedule of Fines and Penalties

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

BE IT RESOLVED that the Town Clerk is authorized to schedule a public hearing on a Proposed Local Law. The proposed local law would provide for amendments to the Hamburg Town Code in accordance with the recommendations of the Town of Hamburg Code Review Committee, specifically:

Amendment #1 Add the following Chapter: Schedules of Fines and Penalties

The Town Board of the Town of Hamburg hereby establishes a unified Schedule of Fines and Penalties for the Town of Hamburg, which said Schedule may be adopted or amended from time to time, by resolution of the Town Board; said Schedule of Fines and Penalties hereinafter adopted pursuant to this chapter and shall be entitled "Schedule of Fines and Penalties for the Town of Hamburg, New York." Same shall be filed at the time of adoption, and upon any amendment thereof, in the office of the Town Clerk of the Town of Hamburg.

Amendment #2 Fines and Penalties. Specific fines and penalties are removed from throughout the Code and replaced with text indicating that fines and penalties will be set by a schedule of fines and penalties set from time to time by resolution of the Town Board. Specific fines and penalties have been removed from the following sections:

- 1-10 Penalties for tampering with code
- 28-9 Fire prevention bureau; penalties and violations
- 31-14 A. Historic Preservation Commission; Penalties for Offenses
- 67-12 Animals; Violations and penalties
- 70-3 Beach control; Violations and penalties
- 75-5 Brush, Grass and Weeds; Penalties for offenses
- 76-17C.(1) Building Construction and Fire Prevention; Violations penalties for offenses
- 76-17 C.(2) Building Construction and Fire Prevention; Violations penalties for offenses
- 76-27 K.(1) Building Construction and Fire Prevention; Plumbing and site utility work administrative rules and regulation
- 80-10 Unsafe buildings; Penalties for offenses
- 90-5 Dead Trees; Violation and penalty
- 93-6 Diesel Engine Control; Violations and penalties
- 100-14 B. Dogs; Penalties for offenses
- 107-7 Excavation and soil removal; Penalties for offenses
- 107-19 B. Excavation and soil removal; Notification of violation; penalties for offenses
- 109-7 A.(1) Fair Housing; Penalties for offenses
- 111-3 Firearms and other devices; Violations and penalties
- 113-85 A. Fire prevention code; Penalties for offenses
- 115-9 Flood damage prevention; Penalties for offenses
- 135-4 B. Commercial operation of incinerators; Persons liable to penalties
- 135-6 Commercial operation of incinerators; Penalties for offenses
- 145-11 B. Junk Vehicles; Penalties for offenses

- 147-8 B. Junkyards; Enforcement; penalties for offenses
- 155-5 Lighting Nuisances; Penalties for offenses
- 165-9 Mobile home parks; Penalties for offenses
- 175-6 A. Noise; Penalties for offenses
- 185-8 Parking code; Penalties for offenses
- 188-15 Parks and Recreation; Penalties for offenses
- 188-21 A. Parks and recreation; Use permit; Penalties for offenses
- 188-25 A. Parks and recreation; Boat permit; penalties for offenses
- 190-9 B. Garage sales; Enforcement and enforcement alternatives
- 191-13 Peddling and soliciting; Penalties for offenses
- 191-23 Peddling and soliciting; Penalties for offenses
- 200-2 Abandoned Refrigerators; Penalties
- 207-4 Sex offender residency; Penalties for offenses
- 210-4 Traffic regulations shopping centers and other areas of assembly; Penalties for offenses
- 213-5 Smoking; Penalties for offenses
- 215-6 Snowmobiles; Penalties for offenses
- 220-2 Solid waste; Penalties for offenses
- 220-9 F.(1) Solid waste; General prohibition against littering
- 220-30 A. Solid waste; Penalties for offenses
- 220-30 B. Solid waste; Penalties for offenses
- 220-30 D. Solid waste; Penalties for offenses
- 225-9 B. Storage trailers; Penalties for offenses
- 226-13 B. Storm Sewers; Enforcement; Penalties for offenses
- 226A-8 D. Stormwater management and erosion and sediment control; Enforcement; Penalties for offenses
- 230-7 Subdivision of land; Penalties for offenses
- 232-15 Swimming pool code; Violations and penalties
- 240-7 A. Regulation of Town-Owned property; Penalties for offenses
- 240-7 B. Regulation of Town-Owned property; Penalties for offenses
- 240-7 D. Regulation of Town-Owned property; Penalties for offenses
- 243-16 A. Tree management; Penalties for offenses
- 245-8 Trespassing; Violations and penalties
- 262-3 Vandalizing of traffic devices; Penalties for offenses
- 270-7 A. Waterfront Revitalization; Penalties for offenses
- 280-305 A. Zoning administration; Penalties for offenses
- 280-333 B. Special use permits; Penalties for offenses
- 280-353 A. Commercial wind energy conservation systems; Enforcement; Penalties for offenses; Remedies for violations
- 280-371 A. Residential wind energy conversion systems; Enforcement; Penalties for offenses; Remedies for violations
- 280-384 Solar energy systems; Enforcement
- 280-396 Battery energy storage systems; Enforcement
- 280-418 Bituminous processing facilities; Penalties for offenses
- 280-427 Adult-Use cannabis; Enforcement

Amendment #3 Sewer permit fees. Specific permit fees for sewers are removed from throughout the

Code and replaced with text indicating that permit fee will be set in the schedule of permit fees set from time to time by resolution of the Town Board. Specific fees have been removed from 76-27P. and will read:

Erie County Sewer District No. 2, Erie County Sewer District No. 3 and miscellaneous districts. The fees for a sewer permit to make any connection to the sanitary sewers in Erie County Sewer District No. 2, Erie County Sewer District No. 3 and miscellaneous districts in Hamburg shall be established by the Town of Hamburg Board by resolution of permit fees. Note: Water services used for the sole purpose of fire protection shall not be considered in the determination of sewer permit fees.

Amendment #4 Brush, Grass and Weeds. 75-4 B. has two specific items talked about. Amendment would be adding a subsection C. as follows.

Chapter 75 Brush, Grass and Weeds

75-4Inspection; removal by town.

A.

Ten days after the mailing of a notice by certified mail to the last known address of the property owner, the Town Building Inspector shall make an inspection, and if such inspection discloses that the owner or occupant has not complied with said notice, then the Inspector shall cause weeds, grass and other vegetation on such lands or portions thereof to be cut and removed.

B.

If the topography of said land is such as to make it impossible or impractical to use machinery in the clearing and cutting, the Inspector shall first grade the land in order that the cutting and removal may be done by machinery.

C.

The actual cost of such cutting and removal, and grading, if necessary, plus a fee of 20% for inspection and administrative overhead therewith, shall be certified by the Building Inspector to the Town Receiver of Taxes and shall thereupon become and be a lien upon the property on which said weeds, grass and other vegetation were located, and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes levied and assessed against such property.

The above would separate the charging of the cutting from B. It seems to makes sense to have this in its own section.

BE IT FURTHER RESOLVED that, in accordance with the State Environmental Quality Review Act (SEQRA), the Town Board will seek Lead Agency status for this proposed legislation and authorizes the Planning Department to perform the appropriate mailings and notifications.

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 December 8, 2025.

ATTACHMENTS:

Code Changes for Court Fines.docx

Code Changes for Court Fines

New code to be added:

Schedule of Fines and Penalties

The Town Board of the Town of Hamburg hereby establishes a unified Schedule of Fines and Penalties for the Town of Hamburg, which said Schedule may be adopted or amended from time to time, by resolution of the Town Board; said Schedule of Fines and Penalties hereinafter adopted pursuant to this chapter and shall be entitled "Schedule of Fines and Penalties for the Town of Hamburg, New York." Same shall be filed at the time of adoption, and upon any amendment thereof, in the office of the Town Clerk of the Town of Hamburg.

Chapter 1 General Provisions

§ 1-10**Penalties for tampering with Code.**

Any person who, without authorization from the Town Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Town of Hamburg or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Hamburg to be misrepresented thereby or who violates any other provision of this local law shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine or penalty set in the Schedule of Fines and Penalties.

Chapter 28 Fire Prevention Bureau

§ 28-8**Penalties and violations.**

A.

Any owner or occupant failing to comply with such order within 10 days after said appeal shall have been determined or if no appeal is taken then within 10 days after the services of said order shall, upon conviction thereof, be liable to the penalties prescribed in § **28-9** of this chapter.

B.

Full opportunity to be heard will be given to any citizen and all parties in interest.

§ 28-9**Further penalties and violations.**

For any and every violation of the provisions of this chapter the owner, general agent, or contractor of a building or premises where such violations have been committed, or shall exist, and the lessee or tenant or an entire building or entire

premises where such violation has been committed, or shall exist, and the owner, general agent, contractor, lessee or tenant or any part of a building or premises in which part of such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any other person who knowingly commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist, shall be liable on conviction thereof to a fine or penalty set in the Schedule of Fines and Penalties for each and every offense, and whenever such person shall have been notified, by the Inspector or by the service of a summons in a prosecution or in any other way, that he is committing such violation after such notification, such continued violation shall constitute a separate offense by a like fine or penalty. Such fine or penalty shall be collected as like fines or penalties are now by law collected.

Chapter 31 Historic Preservation Commission

§ 31-14**Penalties for offenses.**

A.

Any person who violates any provision of this chapter or any regulation adopted hereunder is guilty of an offense punishable by a fine or penalty set in the Schedule of Fines and Penalties. Each week's continued violation shall constitute a separate violation.

B.

Failure to comply with any provision of this chapter shall result in the termination of any permits issued or any proceedings commenced under provisions of this chapter.

C.

Any person(s) who demolishes, alters, constructs or permits a landmark to fall into a serious state of disrepair which results in a violation of this chapter shall be required to restore the property and its site to an appearance acceptable to the Historic Preservation Commission. Any action to enforce this subsection shall be brought by the Town Attorney upon authorization by the Town Board. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

Chapter 67 Animals

§ 67-12**Violations and penalties.**

Unless otherwise stated, violation of any provision of these regulations shall be punishable by a fine or penalty set in the Schedule of Fines and Penalties. The provisions of these regulations may be enforced utilizing the procedures contained in General Municipal Law, as a noncriminal alternative.

Chapter 70 Beach Control

§ 70-3**Violations and penalties.**

Any violation of any section of this chapter shall be declared an offense and upon conviction a person shall be subject to a fine or penalty set in the Schedule of Fines and Penalties.

§ 70-4**Court action.**

In addition to the above provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of this chapter.

Chapter 75 Brush, Grass and Weeds

§ 75-4**Inspection; removal by town.**

A.

Ten days after the mailing of a notice by certified mail to the last known address of the property owner, the Town Building Inspector shall make an inspection, and if such inspection discloses that the owner or occupant has not complied with said notice, then the Inspector shall cause weeds, grass and other vegetation on such lands or portions thereof to be cut and removed.

B.

If the topography of said land is such as to make it impossible or impractical to use machinery in the clearing and cutting, the Inspector shall first grade the land in order that the cutting and removal may be done by machinery.

C.

The actual cost of such cutting and removal, and grading, if necessary, plus a fee of 20% for inspection and administrative overhead therewith, shall be certified by the Building Inspector to the Town Receiver of Taxes and shall thereupon become and be a lien upon the property on which said weeds, grass and other vegetation were located, and shall be added to and become and form a part of the taxes next

to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes levied and assessed against such property.
The above would separate the charging of the cutting from B. It seems to makes sense to have this in its own section.

§ 75-5**Penalties for offenses.**
Any person who shall neglect to cut and remove weeds, grass or other vegetation as directed in this chapter, or who shall fail, neglect or refuse to comply with the provisions of any notices herein provided, or who shall resist or obstruct the Town Building Inspector or his employees in the cutting and removing of weeds, grass and other vegetation, or grading, if necessary, shall, upon conviction thereof, be subject to a fine or penalty set in the Schedule of Fines and Penalties, and each day on which such violation continues shall constitute a separate offense.

Chapter 76 Building Construction and Fire Prevention
§ 76-17**Violations; penalties for offenses.**
A.
Orders to remedy.
(1)
The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. An order to remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following: "The person or entity served with this order to remedy must completely remedy each violation described in this order to remedy by a time to be determined by the Code Enforcement Officer, which is 30 days after the date of this order to remedy."

(2)

The order to remedy may include provisions ordering the person or entity served with such order to remedy 1) to begin to remedy the violations described in the order to remedy immediately, or within some other specified period of time which may be less than 30 days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within 30 days of the date of such order to remedy; and/or 2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this chapter or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the order to remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five days after the date of the order to remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the order to remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five days after the date of the order to remedy; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

B.

Appearance tickets. The Code Enforcement Officer and each inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

C.

Penalties. In addition to such other penalties as may be prescribed by state law,

(1)

Any person who violates any provision of this chapter or any term, condition, or provision of any building permit, certificate of occupancy, certificate of compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter shall be punishable by a fine or penalty set in the Schedule of Fines and Penalties per day of violation.

(2)

Any person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any building permit, certificate of occupancy, certificate of compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter shall be liable to pay a civil penalty set in the Schedule of Fines and Penalties for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the Town of Hamburg

D.

Injunctive relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any building permit, certificate of occupancy, certificate of compliance, temporary certificate, stop-work order, operating permit, order to remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any stop-work order, order to remedy or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Town Board of this Town.

E.

Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in § **76-6** (Stop-work orders) of this chapter, in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § **76-6** (Stop-work orders) of this chapter, in any other section of

this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 382 of the Executive Law.

§ 76-27**Plumbing and site utility work administrative rules and regulations.**
Penalties for offenses.
K.
(1)
Any person violating the provisions of this section or any rules or regulations of the Town Code Enforcement Department and who fails to remove or correct such violations after notice as provided in Subsection **J** hereof shall be guilty of a misdemeanor and, on conviction, shall be subject to a fine or penalty set in the Schedule of Fines and Penalties, and in addition, if a licensed plumber, shall forfeit his or its license.
(2)
All violations under this article shall be prosecuted in the name of the inspector on behalf of the Town of Hamburg.

Chapter 80 Unsafe Buildings
§ 80-10**Penalties for offenses.**
Every owner, tenant or other person who maintains or uses any building, structure or premises in, upon or by which any provision of this chapter is violated, shall for each and every violation be subject to a fine or penalty set in the Schedule of Fines and Penalties, and in addition thereto, every person violating any of the provisions of this chapter shall be and hereby is declared to be a disorderly person, and such violation is hereby declared to be disorderly conduct, and may be proceeded against and punished as a disorderly person; whenever such person or persons shall have been notified by due and proper notice that he is committing such violation, after such notification such continued violation shall constitute a separate offense punishable by a like fine or penalty.

Chapter 90 Dead Trees

§ 90-5**Violation and penalty.**

A violation of this chapter and conviction thereof shall be punishable by a fine or penalty set in the Schedule of Fines and Penalties for each and every offense.

Chapter 93 Diesel Engine Control

§ 93-6**Violations and penalties.**

Any violation of any section of this chapter shall be deemed an offense and upon conviction a person shall be subject to a fine or penalty set in the Schedule of Fines and Penalties.

Chapter 100 Dogs

§ 100-14**Penalties for offenses.**

A.

It shall be a violation, punishable as provided in Subsection **B** of this section, for the owner of any dog to permit, at any time, a violation of this chapter.

B.

A violation of this section shall be punishable, where prosecuted, pursuant to the Penal Law, by a fine or penalty set in the Schedule of Fines and Penalties.

Chapter 107 Excavation and Soil Removal

§ 107-7**Penalties for offenses.**

Any violation of this article shall be deemed an offense and, upon conviction thereof, shall be subject to a fine or penalty set in the Schedule of Fines and Penalties for each and every offense.

§ 107-19**Notification of violation; penalties for offenses.**

A.

If there is any violation of this article, the person, firm, partnership, corporation or other party responsible shall be notified and shall immediately cease all construction operations or site preparation deemed in violation. The same shall cause any damage due to a violation of this article to be corrected within 36 hours

of notice. If it is acceptable to the authorized enforcer, a compliance schedule may be submitted for approval. In the event of an immediate danger to the public health or safety, notice shall be given by the most expeditious means, and the violation shall be remedied immediately. In the event that the damage is not properly remedied, the town shall cause such, and the cost of such by the town shall be paid to the town by the party who failed to so remedy and shall be a debt owed to the town.

B.

Penalties for offenses. Any violation of this article is an offense punishable by a fine or penalty set in the Schedule for Fines and Penalties. Each day's continued violation shall be deemed to have occurred from the date of written notification of violation issued by the authorized official or other enforcing officer or from such date as may be designated in such written notice.

C.

Complaints of violations. Whenever a violation of this article occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the authorized official or other enforcing officer, who shall properly record such complaint and immediately investigate any report thereon.

D.

Action on complaints; appearance tickets. Upon the complaint of any owner, tenant, resident, citizen or other person or upon the authorized official having reasonable cause to believe that a violation of this article has been committed, the authorized official or other enforcing officer shall issue and serve an appearance ticket for such violation.

Chapter 109 Fair Housing

§ 109-7**Penalties for offenses.**

A.

Any person found to have violated any provision of this chapter shall be subject to the following:

(1)

A fine or penalty set in the Schedule of Fines and Penalties. The Town may choose to designate a portion of any recovery to further the purposes of this chapter.

(2)

Revocation or suspension of any license or permit necessary for the operation of the dwelling unit in question.

(3)

Costs, expenses and disbursements incurred by the Town, necessary to obtain complete compliance by the respondent with the chapter; and/or restraining orders and temporary or permanent injunctions necessary to obtain complete compliance with this chapter.

B.

Each day a violation continues shall constitute a separate violation of this chapter.

C.

The Town Attorney may institute criminal action to punish a violation of this chapter by imprisonment for a term not exceeding 30 days if the above proceeding does not result in compliance with this chapter.

D.

The Town may choose to designate a portion of any penalties recovered to further the purposes of this chapter, including further public information; the engagement of a fair housing agency or agencies to further promote fair housing activities within the Town; the participation by the Town in/with any other organization whose principal goal is to provide fair housing and/or housing counseling activities; the offset of any fees and/or expenses originated with the pursuit of this chapter.

Chapter 111 Firearms and other Devices

§ 111-3**Violations and penalties.**

Any violation of this chapter and conviction thereof shall be deemed an offense and upon conviction shall be subject to a fine or penalty set in the Schedule of Fines and Penalties for each and every offense.

Chapter 113 Fire Prevention Code

§ 113-85**Penalties for offenses.**

A.

Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Uniform Code Board of Review pursuant to Part 440 of the New York Codes, Rules and Regulations or by a court of competent jurisdiction, within the time fixed herein shall, severally for each and every such violation and noncompliance respectively, be guilty of an offense, punishable by a fine or penalty set in the Schedule of Fines and Penalties. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense.

[Amended 4-9-1984 by L.L. No. 4-1984]

B.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Chapter 115 Flood Damage Prevention

§ 115-9**Penalties for offenses.**

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a

violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be punished by fine or penalty set in the Schedule of Fines and Penalties. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Hamburg from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under Article **VI** will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

Chapter 135 Commercial Operation of Incinerators

§ 135-4**Persons liable to penalties.**

A.

Any person owning, operating, having charge of or having control of any equipment, who shall cause, permit or participate in violation of this rule and regulation shall be individually and collectively liable for any penalties imposed herein.

B.

Any person violating any of the provisions of this rule and regulation, or making any false, statement or false report in connection therewith, shall be subject to fines and penalties set in the Schedule of Fines and Penalties.

§ 135-6**Penalties for offenses.**

Any person or persons who shall violate any provision of this code or who shall fail to comply therewith, or with any of the requirements thereof, shall be punishable by a fine or penalty set in the Schedule of Fines and Penalties.

Chapter 145 Junk Vehicles

§ 145-11**Penalties for offenses.**

A.

If the owner has not removed and/or disposed of the junk vehicle or has not otherwise abated the violation so as to fully comply with the provisions of this chapter within 10 days of the date the notice was issued, it will be declared an offense and subject to the following penalties. In situations where more than one junk vehicle is found to occupy the property, each vehicle unit shall constitute a separate offense.

B.
Any person permitting any junk vehicle to remain, or to be parked, stored or abandoned on his/her property as defined in the provisions of this code shall be, upon conviction, punishable by a fine or penalty set in the Schedule of Fines and Penalties.

Chapter 147 Junkyards
§ 147-8**Enforcement; penalties for offenses.**
A.
Should the Enforcement Officer find that an alleged junkyard exists without the necessary permit, the Enforcement Officer is hereby authorized, pursuant to Criminal Procedure Law § 150.20, Subdivision 3, to issue an appearance ticket to any person who the Enforcement Officer has reason to believe has violated this chapter, and shall cause such person to appear before the Town Justice.
B.
Any person who shall violate any of the provisions of this chapter shall be guilty of a violation and subject to a fine or penalty set in the Schedule of Fines and Penalties.
C. Every such person shall be deemed guilty of a separate violation for each week such violation, disturbance, omission, neglect or refusal shall continue, without the necessity of issuing any additional appearance ticket or notice of continuing violation.
D.
The Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this chapter.

Chapter 155 Lighting Nuisances
§ 155-5**Penalties for offenses.**
Any person or persons responsible for such nuisance or annoying lighting as described hereinbefore, whether owner, lessee or lessees or others using any premises with or without the permission of the owner, violating any of the provisions of this chapter shall, upon conviction thereof, a complaint having been made, after a thirty-day period to abate the problem, be subject to a fine or penalty set in the Schedule of Fines and Penalties. Each day that a particular violation shall continue shall constitute a separate offense.

Chapter 165 Mobile Home Parks

§ 165-9**Penalties for offenses.**

Any person who violates any provision of this chapter shall be guilty of a violation and be subject to such fine or penalty set in the Schedule of Fines and Penalties as determined by the Town Justice. The imposition of any penalty for a violation of this chapter shall not excuse the violation nor permit it to continue.

Chapter 175 Noise

§ 175-6**Penalties for offenses.**

[Amended 6-14-1982 by L.L. No. 2-1982]

A.

Any violation of this chapter may be declared an offense and, upon conviction of a first offense hereunder, a person shall be subject to a criminal fine or penalty set in the Schedule of Fines and Penalties.

B.

Each day (a twenty-four-hour period) shall constitute a separate offense.

Chapter 185 Parking Code

§ 185-8**Penalties for offenses.**

[Amended 8-31-2020 by L.L. No. 4-2020]

Any person, firm or corporation permitting any vehicle to remain parked or standing on any street contrary to the provisions of this Code shall, upon conviction, be punished by a minimum fine or penalty set in the Schedule of Fines and Penalties.

Chapter 188 Parks and Recreation

§ 188-15**Penalties for offenses.**

Any violation of any of the provisions of this article shall constitute an offense[1] and shall be punishable by a fine or penalty set in the Schedule of Fines and Penalties.

§ 188-21**Use permit: penalties for offenses.**

[Amended 8-31-2020 by L.L. No. 4-2020]

A.

The driver of said motor vehicle entering said park without displaying a valid use permit shall be guilty of an offense punishable by a fine or penalty set in the Schedule of Fines and Penalties.

B.

Such violation for jurisdictional purposes only shall be deemed a misdemeanor, and for such purposes only all provisions of law relating to misdemeanors shall apply to such offense.

§ 188-25**Boat permit: penalties for offenses.**

A.

The driver of said motor vehicle entering said boat launch area without displaying a valid boat permit shall be guilty of an offense punishable by a fine or penalty set in the Schedule of Fines and Penalties.

B.

Such violations for jurisdictional purposes only shall be deemed a misdemeanor and for such purposes only all provisions of law relating to misdemeanors shall apply to such offense.

Chapter190 Garage Sales

§ 190-9**Enforcement and enforcement alternatives.**

A.

This chapter shall be enforced by the Town Code Enforcement Department, Town Police Department and any other persons who are authorized by resolution of the Town Board.

B.

Any person who or which violates any provision of this chapter shall be subject to the payment of a fine or penalty set in the Schedule of Fines and Penalties. Such persons shall include, but not be limited to, the owner, occupant, or tenant of the premises on which the sale occurs and all persons participating in and all premises used for the garage sale.

C.
Any alleged violation of any of the provisions of this Code may be pursued by appropriate remedy, whether by injunctive, declaratory or other civil relief or criminal sanction, in court at the option of the Town.

Chapter 191 Peddling and Soliciting
§ 191-13**Penalties for offenses.**
Any person who shall violate any of the provisions of this article shall, upon conviction thereof, be guilty of an offense and shall be required to purchase a license as provided herein and shall be sentenced to pay a fine or penalty set in the Schedule of Fines and Penalties for each and every offense.

§ 191-23**Penalties for offenses.**
Any person violating the provisions of this article shall be guilty of a violation and, upon conviction thereof, shall pay a fine or penalty set in the Schedule of Fines and Penalties for each offense and, further, shall be directed to obtain a license pursuant to this article, paying the appropriate fee. Every day that a violation of this article shall continue shall constitute a separate and distinct offense.

Chapter 200 Abandoned Refrigerators
§ 200-2**Penalties.**
Any person, firm or corporation who violates any provision of this chapter shall be guilty of a misdemeanor and subject to a fine or penalty set in the Schedule of Fine and Penalties. The imposition of all penalties for any violation of this chapter shall not excuse the violation or permit it to continue. The application of the above penalty or penalties or the prosecution of the violation of the provisions of this chapter shall not be held to prevent the enforced removal of conditions prohibited by this chapter.

Chapter 207 Sex offender residency
§ 207-4**Penalties for offenses.**
Failure to comply with this chapter shall be considered a violation punishable by a fine or penalty set in the Schedule of Fines and Penalties.

Chapter 210 Traffic regulations shopping centers and other areas of assembly

§ 210-4**Penalties for offenses.**

[Amended 6-28-82 by L.L. No. 4-1982]

Every person convicted of a traffic infraction for a violation of any of the above provisions of this chapter, adopted pursuant to § 1660-a of the Vehicle and Traffic Law of the State of New York, shall be punishable by a fine or penalty set in the Schedule of Fines and Penalties.

Chapter 213 Smoking

§ 213-5**Penalties for offenses.**

Any person committing an offense against any provision of this chapter shall be guilty of a violation punishable by a fine or penalty set in the Schedule of Fines and Penalties. A repeat offense shall constitute, for each specific violation of this chapter, a separate and distinct offense hereunder.

Chapter215 Snowmobiles

§ 215-6Penalties for offenses.

In addition to any penalty contained in any other provisions of law, any person who shall violate any provision of this chapter shall be guilty of a violation and be punished by a fine or penalty set in the Schedule of Fines and Penalties.

Chapter 220 Solid Waste

§ 220-2**Penalties for offenses.**

For any and every violation of the provisions of this Part **1**, the owner, general agent or contractor of a building or premises where such violations have been committed or shall exist, and the lessee or tenant or an entire building or entire premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant or any part of a building or premises in which part of such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any person who knowingly commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist, shall be liable, on conviction thereof, to a fine or penalty set in the Schedule of Fines and Penalties for each and every offense, and whenever such person shall have been notified, by the Inspector or by the

service of a summons in a prosecution or in any other way, that he is committing such violation after such notification, such continued violation shall constitute a separate offense by a like fine or penalty. Such fine or penalty shall be collected as like fine or penalties are now by law collected.

§ 220-9 General prohibition against littering.

[Amended 7-19-1983 by L.L. No. 5-1983]

No person shall throw or deposit litter in or upon any private or public place except in public receptacles or authorized private receptacles for collection or at the town landfill, provided that public receptacles shall not be used by persons owning or occupying property in the vicinity of public receptacles for the deposit of domestic, commercial and industrial litter arising from the conduct of their activities.

A.

Manner of placing litter in receptacles. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

B.

Littering from vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the town or upon private property.

C.

Leaking or spilling loads. No person shall drive or move any truck or other vehicle within the town unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley, mall or other public place.

D.

Parks and recreation areas. No person shall throw or deposit litter in any park, playground or recreation area except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street, mall or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park, playground or recreation area by the person responsible for its presence and properly disposed of elsewhere as provided herein.

E.
Posting of notices on lampposts and other structures. No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or shade tree or upon any public structure or building, except as may be authorized by the owners thereof or as required by law.
F.
Violations and penalties.
(1)
Upon conviction thereof, shall be a fine or penalty set in the Schedule of Fines and Penalties.
(2)
Separate violations. Except as otherwise provided, each and every day in which a violation of any provision of this Part **2** exists shall constitute a separate violation.

§ 220-30**Penalties for offenses.**
A.
Any action by any person or other legal entity who or which violates or does not comply with any provision of this Part **3** or any regulation thereof shall be given a written notice to remedy upon the first violation and thereafter shall be punishable by a fine or penalty set in the Schedule of Fines and Penalties.
B.
Any person or other legal entity who or which collects such recyclables without authorization of the owner and of the Town Board shall be punishable by a fine or penalty set in the Schedule of Fines and Penalties.
C.
Any authorized collector who collects, picks up or removes materials in a manner not in compliance with this Part **3** shall be guilty of a violation punishable by a fine or penalty set in the Schedule of Fines and Penalties.
D.
Any person improperly disposing of solid waste and/or recyclables either on or off his property shall be subject to a fine or penalty set in the Schedule of Fines and Penalties.
E.
This Part **3** shall be enforced in the Town of Hamburg Justice Court.

Chapter 225 Storage Trailers

§ 225-9**Penalties for offenses.**

A.

If the owner of the property has not properly removed and/or disposed of the storage trailer within 30 days of the date the notice was issued it will be declared an offense and subject to the following mandatory penalties. In situations where more than one storage trailer are found to occupy the property, each storage unit shall constitute a separate offense.

B.

Any person, firm or corporation permitting any storage trailer to remain parked or stored on his or her property, as defined in the provisions of this Code, shall be, upon conviction, punishable by a fine or penalty set in the Schedule of Fines and Penalties for each violation.

Chapter 226 Storm Sewers

§ 226-13**Enforcement; penalties for offenses.**

A.

Notice of violation. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this article, he/she may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

(1)

The elimination of illicit connections or discharges;

(2)

That violating discharges, practices, or operations shall cease and desist;

(3)

The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

(4)

The performance of monitoring, analyses, and reporting;

(5)

Payment of a fine; and

(6) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

B.

Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this article shall be guilty of a violation punishable by a fine or penalty set in the Schedule of Fines and Penalties. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this article shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

Chapter 226A Stormwater Management and Erosion and Sediment Control

§ 226A-8**Enforcement; penalties for offenses.**

A.

Notice of violation. When the Town of Hamburg determines that a land development activity is not being carried out in accordance with the requirements of this chapter and Chapter **280**, Article **LI**, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

(1)

The name and address of the landowner, developer or applicant;

(2)

The address, when available, or a description of the building, structure or land upon which the violation is occurring;

(3)

A statement specifying the nature of the violation;

(4)

A description of the remedial measures necessary to bring the land development activity into compliance with this chapter and Chapter **280**, Article **LI** and a time schedule for the completion of such remedial action;

(5)
A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;

(6)
A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within 15 days of service of notice of violation.

B.
Stop-work orders. The Town of Hamburg may issue a stop-work order for violations of this chapter and Chapter **280**, Article **LI**. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Town of Hamburg confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter and Chapter **280**, Article **LI**.

C.
Violations. Any land development activity that is commenced or is conducted contrary to this chapter and Chapter **280**, Article **LI** may be restrained by injunction or otherwise abated in a manner provided by law.

D.
Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter and Chapter **280**, Article **LI** shall be guilty of a violation punishable by a fine or penalty set in the Schedule of Fines and Penalties. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter and Chapter **280**, Article **LI** shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

E.
Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this chapter and Chapter **280**, Article **LI**, the Stormwater Management Officer may prevent the occupancy of said building or land.

F.
Restoration of land. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Hamburg may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

Chapter 230 Subdivision of Land
§ 230-7**Penalties for offenses.**
Any violation of these regulations shall be deemed an offense and is punishable by a fine or penalty Set in the Schedule of Fines and Penalties. Each day that such violation continues to exist may further be declared to constitute a separate and additional violation. The public improvement permit shall be revoked for violation of the standards for the construction of improvements and a fine or penalty imposed.

Chapter 232 Swimming Pool Code
§ 232-15**Violations and penalties.**
Any person who shall violate this chapter shall be guilty of an offense and upon conviction shall be subject to a fine or penalty set in the Schedule of Fines and Penalties. Each week's offense (violation) shall constitute a separate and additional violation. Notwithstanding the penalty hereinbefore provided, the Town of Hamburg may enforce obedience to this chapter or any part thereof by injunction to restrain such violation.

Chapter 240 Regulation of Town-Owned Property
§ 240-7**Penalties for offenses.**
[Amended 6-22-2015 by L.L. No. 6-2015]
A.
Any person committing an offense against § **240-4A** or **B**, **240-5** or **240-6** of this chapter shall be guilty of a violation punishable by a fine or penalty set in the Schedule of Fines and Penalties. The continuation of an offense against § **240-4A** or **B**, **240-5** or **240-6** shall constitute, for each day the offense is continued, a separate and distinct offense hereunder. In addition, anyone holding a special

permit is subject to revocation thereof or denial of permit for a special event for a period of one year from the offense.

B.

Any person committing an offense against § **240-4C** of this chapter shall be guilty of a violation punishable by a fine or penalty set in the Schedule of Fines and Penalties. Each violation of any provision of § **240-4C** shall be deemed a separate and distinct offense. A person may be charged with more than one offense and shall be subject to an imposition of a fine for such offense(s).

C.

Aggravated offense. It shall be an aggravated offense if the use of recreational vehicle in violation of this chapter results in any injury to any person or any damage to property. The person convicted of such an aggravated offense shall be subject to doubling of the fines set forth in § **240-7B**.

D.

Civil compromise. The Town Justice is empowered to approve and enter an order on consent as a civil compromises between the Town and any person consenting to the imposition of a civil penalty in an amount set in the Schedule of Fines and Penalties and suspending prosecution until all conditions imposed in the civil compromise are completed by the defendant within the time frames established in the order.

Chapter 243 Tree Management

§ 243-16**Penalties for offenses.**

A.

Any person who violates any provision of this chapter shall be, upon conviction or a plea of guilty, guilty of a violation, subject to a fine or penalty set in the Schedule of Fines and Penalties. Notwithstanding the foregoing, an offense in violation of § **243-4A** shall be punishable by a fine or penalty set in the Schedule of Fines and Penalties. Each violation of the provisions of this chapter shall be a separate and distinct offense. In addition, any offender may be ordered by the court to replant trees that were improperly removed, insofar as that is possible. The court shall specify a reasonable time for completion of such restoration, which shall be effected under the supervision of the Town.

B.
In addition to the penalties outlined above, the Town shall not issue a building permit, temporary certificate of occupancy or certificate of occupancy for any property for which a violation of this chapter has been served until said violation is dismissed or resolved to the satisfaction of the Town or Court, as appropriate.
C.
The Town Building Inspectors are hereby authorized to issue appearance tickets and summonses for violation of this chapter.

Chapter 245 Trespassing
§ 245-8**Violations and penalties.**
Any violation of any section of this chapter shall be declared an offense and upon conviction a person shall be subject to a fine or penalty set in the Schedule of Fines and Penalties.

Chapter 262 Vandalizing of Traffic Devices
§ 262-3**Penalties for offenses.**
Any violation of this chapter shall be declared an offense and upon conviction the guilty person(s) shall be subject to a fine or penalty set in the Schedule of Fines and Penalties.

Chapter 270 Waterfront Revitalization
§ 270-7**Penalties for offenses.**
A.
A person who violates any of the provisions of, or who fails to comply with any condition imposed by, this article shall have committed a violation punishable by a fine or penalty set in the Schedule of Fines and Penalties. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.
B.
The Town Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this article. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty. The Town may also enforce this article by injunction or other civil proceeding.

Chapter 280 Zoning Administration

§ 280-305**Penalties for offenses.**

A.

Pursuant to § 268 of Article 16 of the Town Law, a violation of this chapter is hereby declared to be an offense, punishable by a fine or penalty set in the Schedule of Fines and Penalties.

B.

A person shall be subject to the penalties imposed by this section and § 268 of Article 16 of the Town Law in any case where an order to remove any violation of any of the provisions of this chapter has been served by the Building Inspector upon the owner, general agent, lessee or tenant of the building, other structure or tract of land, or any part thereof, or upon the architect, builder, contractor or anyone who commits or assists in any such violation and where such person shall fail to comply with such order within two days after the service thereof. Each week's continued violation shall constitute a separate additional violation and shall be punishable hereunder.

Chapter 280 Special Use Permits

§ 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.

Chapter 280 Commercial Wind Energy Conservation Systems

§ 280-353**Enforcement; penalties for offenses; remedies for violations.**

A.

Any person owning, controlling, or managing any building, structure, or land who shall undertake the construction or operation of a commercial WECS in violation of this article or in noncompliance with the terms and conditions of any permit

issued pursuant to this article or any order of the Code Enforcement Officer, and any person who shall assist in so doing, shall be guilty of an offense and subjected to a fine or penalty set in the Schedule of Fines and Penalties. Every such person shall be deemed guilty of a separate offense for each week such violation shall continue. The Town may institute a civil proceeding to collect civil penalties in the amount set in the Schedule of Fines and Penalties for each violation, and each week said violation continues shall be deemed a separate violation without the need to file an additional notice of offense/violation.
[Amended 8-9-2010 by L.L. No. 5-2010]

B.

In case of any violation or threatened violation of any of the provisions of this article, including the terms and conditions imposed by any permit issued pursuant to this article, in addition to other remedies and penalties herein provided, the Town may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving, and/or use, and to restrain, correct, or abate such violation to prevent the illegal act.

Chapter 280 Residential Wind Energy Conversion Systems

§ 280-371**Enforcement; penalties for offenses; remedies for violations.**

A.

Any person owning, controlling, or managing any building, structure, or land who shall undertake the construction or operation of a residential WECS in violation of this Code or in noncompliance with the terms and conditions of any permit issued pursuant to this Code, or any order of the Code Enforcement Officer, and any person who shall assist in so doing shall be guilty of an offense and subjected to a fine or penalty set in the Schedule of Fines and Penalties. Every such person shall be deemed guilty of a separate offense for each week such violation shall continue. The Town may institute a civil proceeding to collect civil penalties in the amount set in the Schedule of Fines and Penalties for each violation and each week said violation continues shall be deemed a separate violation.

B.

In case of any violation or threatened violation of any of the provisions of this Code, including the terms and conditions imposed by any permit issued pursuant to this Code, in addition to other remedies and penalties herein provided, the Town may institute any appropriate action or proceeding to prevent such

unlawful erection, structural alteration, reconstruction, moving and/or use, and to restrain, correct, or abate such violation, to prevent the illegal act.

Chapter 280 Solar Energy Systems
§ 280-384**Enforcement.**
Any violation of this solar energy article shall be subject to a the same enforcement requirements, including the civil and criminal fines or penalties set in the Schedule of Fines and Penalties.

Chapter 280 Battery Energy Storage Systems
§ 280-396**Enforcement.**
Any violation of this Battery Energy Storage System Law shall be subject to the same enforcement requirements, including the civil and criminal fines or penalties set in the Schedule of Fines and Penalties.

Chapter 280 Bituminous Processing Facilities
§ 280-418**Penalties for offenses.**
Any person or persons who shall violate any provision of this code or who shall fail to comply therewith, or with any of the requirements thereof, shall be punishable by a fine or penalty set in the Schedule of Fines and Penalties.

Chapter 280 Adult-Use Cannabis
§ 280-427**Enforcement.**
Any violation of this article shall be subject to the same enforcement requirements, including the civil and criminal fines and penalties set in the Schedule of Fines or Penalties.

Code change for adding sewer permits to the permit fee section
Chapter 76-27

P.

Erie County Sewer District No. 2, Erie County Sewer District No. 3 and miscellaneous districts. The fees for a sewer permit to make any connection to the sanitary sewers in Erie County Sewer District No. 2, Erie County Sewer District No. 3 and miscellaneous districts in Hamburg shall be established by the Town of Hamburg Board by resolution of permit fees. Note: Water services used for the sole purpose of fire protection shall not be considered in the determination of sewer permit fees.

Town Board of the Town of Hamburg
November 3, 2025 Meeting

4.3. 4922 Oregon Road Rezoning Public Hearing Resolution

Whereas, the Town of Hamburg received a request from Marc Wittman to rezone a 0.35-acre lot at 4922 Oregon Road (SBL# 170.66-1-6.1) from R-3 (Multi-Family District) to C-2 (General Commercial District); and

Whereas, the Code Review Committee reviewed the application and recommended that the

Town Board entertain this rezoning request with concerns; and

Whereas, the Hamburg Town Board referred this rezoning request to the Planning Board for its review and recommendation; and

Whereas, the Hamburg Town Board received the Planning Board's report and recommendation; and

Whereas, the Hamburg Town Board conducted a coordinated SEQR process to establish the Town Board as SEQR Lead Agency in accordance with the New York State Environmental Quality Review Act (SEQRA) and completed a 239-m County referral; and

Now, Therefore, Be It Resolved, that the Hamburg Town Board sets a Public Hearing on this proposed Rezoning application at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, NY at 7:00 pm on November 17th, 2025.

4.4. 2025 Hamburg LWRP Proposed Rezonings Lead Agency and PH Resolution

WHEREAS, the Town of Hamburg has completed a draft amendment of the Town's Local Waterfront Revitalization Program (LWRP) and is proceeding towards adoption; and

WHEREAS, the New York State Department of State (NYSDOS) has recommended that the Town adopt the Consistency Review Law, and the amendments to the Zoning Map, prior to adopting the LWRP amendment; and

WHEREAS, for the reasons set forth in this resolution, and pursuant to New York State Municipal Home Rule Law § 20 and Sections 8-15 and 280-338 of the Code, the Town Board hereby proposes a local law to amend the Zoning Map of the Town of Hamburg to rezone the following parcels:

- **Rezone SBL #: 150.16-2-27.13 that is split-zoned R-3 (Multi-Family Residential) and M-3 (General Industrial) to PR (Park/Recreation Lands District)**
- **Rezone SBL #: 150.16-2-27.11 from R-3 (Multi-Family Residential) to PR (Park/Recreation Lands District)**
- **Rezone SBL #: 150.16-2-27.2 from R-3 (Multi-Family Residential) to PR (Park/Recreation Lands District)**
- **Rezone SBL #: 150.00-1-6.3 from M-3 (General Industrial) to PR (Park/Recreation Lands District)**
- **Rezone SBL #: 159.00-1-16 from R-2 (Single Family Attached Residential) to PR (Park/Recreation Lands District)**
- **Rezone SBL #s: 159.18-4-9 and 159.18-4-15 that are split-zoned C-3 (Office District) and R-1 (Single-Family Residence District) to NC (Neighborhood Commercial General Residence District)**
- **Rezone SBL #s: 159.18-3-23 and 159.18-3-20 from C-3 (Office District) to NC (Neighborhood Commercial General Residence District)**
- **Rezone SBL #s: 159.18-3-25, 159.18-3-24, 159.18-3-22, 159.18-3-21, 159.18-3-19, 159.18-3-18, and 159.18-3-17 from C-3 Office District to R-1 (Single-Family Residence District)**
- **Rezone SBL #s: 196.13-1-6.1, 195.16-3-17.2, 195.16-3-17.1, 195.00-3-7.12, and 195.00-3-7.11 from R-A (Residential Agricultural) to PR (Park/Recreation Lands District); and**

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Hamburg Town Board would like to conduct a coordinated environmental review of the proposed zoning map amendments; and

WHEREAS, the Hamburg Town Board would also like to begin the adoption process for these zoning map amendments.

NOW, THEREFORE BE IT RESOLVED, that the Hamburg Town Board authorizes the Planning Department to initiate the SEQR coordinated review process, as well as the required § 239-m County Referral, and conduct the required mailings.

BE IT FURTHER RESOLVED, that the Hamburg Town Board refers these proposed zoning map amendments to the Planning Board for their review and recommendation, and sets a public hearing on these proposed rezonings for December 8th, 2025 at 7:00pm.

Town Board of the Town of Hamburg
November 3, 2025 Meeting

4.5. Adult Use Cannabis Law Amendments Referral to Planning Board

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

WHEREAS, the Code Review Committee has reviewed the Article LIX Adult-Use Cannabis regulations of Chapter 280 (Zoning) and has sent these suggested revisions for 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 as follows:

Be it enacted by the Town Board of the Town of Hamburg, New York, that the Hamburg Town Board proposes to amend the Hamburg Town Code as follows:

- Amend Article LIX Adult-Use Cannabis in its entirety;

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 Article LIX Adult-Use Cannabis of the Town Code; Chapter 280 – Zoning.

BE IT FINALLY RESOLVED, that the Hamburg Town Board hereby entertains this proposed local law amendment and authorizes the referral of this proposed law amendment to Erie County, and to the Hamburg Planning Board for its review and recommendation, and sets a public hearing for December 8th, 2025, at 7 pm in the Court Room of Hamburg Town Hall.

ATTACHMENTS:

Adult Use Cannabis Law Amendments with Track Changes 10-30-25.docx

§ 280-422. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ADULT-USE CANNABIS RETAIL DISPENSARY — An establishment which sells at retail any cannabis products, the sale of which requires a license issued by the New York State Cannabis Control Board.

MICROBUSINESS — An establishment which cultivates, processes, and distributes and/or sells at retail any cannabis products, which requires a license issued by the New York State Cannabis Control Board.

ON-SITE CANNABIS CONSUMPTION LOUNGE — An establishment which sells at retail any cannabis products and allows on-site consumption of said cannabis products, which requires a license issued by the New York State Cannabis Control Board.

PUBLIC YOUTH FACILITY — a location or structure owned by a government or government subdivision or agency, that is accessible to the public, where the primary purpose is to provide recreational opportunities or services to children or adolescents of whom the primary population is reasonably expected to be seventeen (17) years of age or younger.

§ 280-424. Permitting requirements for adult-use cannabis retail dispensaries.

Adult-use cannabis retail dispensaries are permitted through the issuance of a special use permit in accordance with Article LIX of this chapter, only within the General Commercial (C-2) District.

A. Applications for adult-use cannabis retail dispensaries shall follow the application procedure for special use permits set forth in § 280-319 of the Town Code.

B. Special use permit standards.

(1) Setbacks. Adult-use cannabis retail dispensaries shall not be located:

(a) Within 200 feet of a house of worship (if on the same road), as measured in a straight line from the center of the nearest entrance of such house of worship to the center of the nearest entrance of such adult-use cannabis retail dispensary.

(b) Within 500 feet of school grounds (if on the same road), as measured in a straight line from the nearest point of such school grounds to the center of the nearest entrance of such adult-use cannabis retail dispensary.

(c) Within 500 feet of a public youth facility (if on the same road), as measured in a straight line from the center of the nearest entrance of such public youth facility to the center of the nearest entrance of such adult-use cannabis retail dispensary.

(2) All adult-use cannabis retail dispensaries must be located within a fully enclosed building. Sale of cannabis products via a walk-up window is prohibited.

(3) Hours of operation. An adult-use cannabis retail dispensary may operate only between 8:00 a.m. and 10:00 p.m. on weekdays and Saturdays, and 12:00 noon and 9:00 p.m. on Sundays.

(4) Security. The applicant must demonstrate that the appropriate measures are in place to protect employees, customers, and adjoining properties, including, but not necessarily limited to, the installation of cameras and exterior lighting (dark sky compliant).

Downloaded from https://ecode360.com/HA0055 on 2025-05-07

§ 280-426. Permitting requirements for microbusinesses.

Microbusinesses are permitted through the issuance of a special use permit in accordance with Article LIX of this chapter only within the Light Industrial (M-2) District.

A. Applications for microbusinesses shall follow the application procedure for special use permits set forth in § 280-319 of the Town Code.

B. Special use permit standards.

(1) Setbacks. Microbusinesses shall not be located:

(a) Within 200 feet of a house of worship (if on the same road), as measured in a straight line from the center of the nearest entrance of such house of worship to the center of the nearest entrance of such microbusiness.

(b) Within 500 feet of school grounds (if on the same road), as measured in a straight line from the nearest point of such school grounds to the center of the nearest entrance of such microbusiness.

(c) Within 500 feet of a public youth facility (if on the same road), as measured in a straight line from the center of the nearest entrance of such public youth facility to the center of the nearest entrance of such microbusiness.

(2) All microbusinesses must be located within a fully enclosed building. Sale of cannabis products via walk-up window is prohibited.

(3) Hours of operation. A microbusiness may operate only between 8:00 a.m. and 10:00 p.m. on weekdays and Saturdays, and 12:00 noon and 9:00 p.m. on Sundays.

(4) Security. The applicant must demonstrate that the appropriate measures are in place to protect employees, customers, and adjoining properties, including, but not necessarily limited to, the installation of cameras and exterior lighting (dark sky compliant).

Downloaded from https://ecode360.com/HA0055 on 2025-05-07

Town Board of the Town of Hamburg
November 3, 2025 Meeting

4.6. Police – Budget Amendment & Purchase

WHEREAS, the Town of Hamburg Police Department SWAT Training Office, located at 2720 Lakeview Road, requires the replacement of its existing carpeting; and

WHEREAS, a quote was received from:

- CarpetSmart Walden - $2,573.92

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the quote from **CarpetSmart Walden** in the amount of **$2,573.92** for the replacement of the carpeting at the SWAT Training Office; and

WHEREAS, the Town Board has previously approved increases to the Asset Forfeiture revenue accounts (B000.0000.4358.0519 and B000.0000.4358.0000) per Resolutions 4.7 adopted on September 22, 2025, and October 6, 2025.

NOW, BE IT FURTHER RESOLVED, that the Town Board hereby authorizes a budget amendment to appropriate funds in B000.3120.0303.0519 (Police Department Permanent Improvements) in the amount of $2,573.92 to cover the cost of the carpet replacement.

4.7. Police-Out of Town Travel Request

WHEREAS, the National Computer Forensics Institute (NCFI) is offering Cyber Investigative Techniques Training from Monday, December 15, 2025 – Friday, December 19, 2025, in Hoover, Alabama; and

WHEREAS, there is NO COST for LODGING, MEALS, or TRANSPORTATION: and

NOW, THEREFORE BE IT, RESOLVED, the Town Board authorize Officer William Blette to attend the Cyber Investigative Techniques Training at no cost.

4.8. Building Permit Refund

Be It Resolved, that the Town Board refund fees in the amount of $1,799.00 for Building Permit number 2025-314 for a single-family dwelling that was overcharged. Make refund payable to:

Arr Holdings, LLC

4727 Camp Rd.

Hamburg, NY 14075

Funds available from A 2555

4.9. Big Tree Volunteer Fire Company Member Request

BE IT RESOLVED, that the Hamburg Town Board does hereby approve the request of the Big Tree Vol. Fire Company to add to the ranks of their membership (with restrictions) the following individual:

Julia Hodge
4038 Big Tree Road
Hamburg, NY 14075

ATTACHMENTS:

DOC103025.pdf

Big Tree Volunteer Firemen's Co., Inc.

Organized - 1936

Hamburg Town Board
Hamburg Town Hall
6100 South Park Ave.
Hamburg, New York 14075

October 16, 2025

Dear Board Members,

We respectfully request permission of the Town Board to accept the following applicant into the membership of the Big Tree Volunteer Firemen's Company, Inc. during the year of 2025.

Julia Hodge
4038 Big Tree Road
Hamburg, New York 14075
(Member with Restrictions)

Thank you for your cooperation.

Sincerely,

Carol R. Covert

Carol R. Covert
Secretary
Big Tree Volunteer Firemen's Co., Inc.

RECEIVED
OCT 23 2025

4112 Big Tree Road, Hamburg, New York 14075 • Phone: 716-824-0264 • Fax: 716-822-1526

Town Board of the Town of Hamburg
November 3, 2025 Meeting

4.10. Budget adjustment for Building Inspection Department

WHEREAS, the Building Inspection Department has requested a budget adjustment as outlined on the Town of Hamburg Budget Adjustment Form to fund necessary expenditures; and

WHEREAS, sufficient funds are available within the department's approved budget, or through the identified funding source(s), to accommodate this adjustment without exceeding the department's total allocation; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hamburg hereby authorizes the budget adjustment as detailed on the attached Budget Adjustment Form for Fiscal Year 2025; and

BE IT FURTHER RESOLVED, that this adjustment is necessary to fund the items and purposes as specified on the attached Budget Adjustment Form, and that no additional appropriations are required; and

BE IT FURTHER RESOLVED, that the final adopted resolution, together with the completed Budget Adjustment Form, shall be forwarded to the Town Finance Department for processing.

ATTACHMENTS:

digital signature.pdf

TOWN OF HAMBURG
BUDGET ADJUSTMENT FORM

All fields must be completed with the required backup for the request to be processed.

Budget Adjustment Details:

2005 — Fiscal Year

Building Inspection — Department

Type of Adjustment:

■ Within Department (Expense to Expense) ☐ Between Departments (Expense to Expense)

☐ Budget Amendment – Revenue & Expense ☐ Reserve Use/Fund Balance

☐ Other: _____

Transfer From / Funding Source (Account Number):	Transfer To / Expense Account (Account Number):	Amount:	Board Resolution Date and Number:
A3620.492	A3620.440	$ 1,250.00	
A3620.408	A3620.409	$ 1,750.00	
A3620.408	A3620.423	$ 2,250.00	
A3620.414	A3620.485	$ 500.00	

Explain purpose or justification for adjustment: The purpose for this adjustment is to add funds to the correct accounts for items that need to be purchased.

Explain why funds are available: The funds are available due to requested budget having funds allotted in some incorrect categories for the purchases our department needs.

I certify that the above is required for efficient program operation.

Jeffrey Skrzypek Digitally signed by Jeffrey Skrzypek Date: 2025.10.21 14:04:41 -04'00'

Signature of Authorized Department Representative

10-21-25

Date

Submit completed form and adopted resolution to the Town Finance Department for processing.

4.11. Award of Nick Concession/Bathroom Electrical Service

WHEREAS, the Town of Hamburg advertised for bids for the Nike Concession/Bathroom Electrical Service; and

WHEREAS, a Public Bid Opening was held on October 15, 2025, at 11:30AM and bids read aloud; and

WHEREAS, the bids have been reviewed by Engineering Department who determined that **Stenzel Electrical Construction Inc.** is a qualified and responsible lowest bidder, and recommended that the contract be awarded to them:

THEREFORE BE IT RESOLVED, that the contract for this project is awarded to **Stenzel Electrical Construction Inc.** in the amount of $46,828 total bid, that the Town Supervisor is authorized to sign the contractual agreement with their firm and issue the Notice of Award and Notice to Proceed at the appropriate times.

Funds available H.21.7141.0303

4.12. Emergency Demolition Contractor Bid Award

WHEREAS, the Town of Hamburg Code Enforcement Department is responsible for the enforcement of Town of Hamburg Local Law No. 5-1972 (Chapter 80) Unsafe Buildings, Village of Hamburg Local Law No. 1-2014. (Chapter 127) Dangerous Buildings, and Village of Blasdell Local Law No. 5-1997 (Chapter 100A) Unsafe Buildings and Structures, and such services to perform an emergency demolition of a structure that is in imminent danger of collapse are required

Whereas, the Town of Hamburg advertised for bids for the 2025 and 2026 Town Emergency Demolition Contractor and,

Whereas, a public bid opening was held on Tuesday, October 14, 2025 @10:30am, and bids were opened and read aloud and are summarized as follows;

Bidder	**Estimate**
Hannah Demolition, Inc.	$16,700.00
Empire Building Diagnostics, Inc.	$31,730.00
United Precision Construction Services	$35,000.00 - $44,000.00

BE IT RESOLVED, that the Town of Hamburg appoints Hannah Demolition, Inc. and Empire Building Diagnostics, Inc. as the two Town of Hamburg Emergency Demolition Contractors from end of year 2025 until December 31, 2026 to be on call for emergency demolitions, and,

Funds available in Account#

A.3620.0469 – Safety inspection – Clean up properties

ATTACHMENTS:

DOC102725-10272025152410.pdf



HANNAH
DEMOLITION, INC.

205 Baitz Avenue • Buffalo, NY 14206
Phone: (716) 856-4547 • Fax: (716) 856-0211
Cell: (716) 818-7418

CONTRACT

JOB NAME / NO. Hamburg NY
JOB LOCATION Town Hall
ARCHITECT
DATE OF PLANS

Submitted To Owner: Hannah Demolition

PHONE 716-856-4547
DATE 10-13-25

APPROXIMATE STARTING DATE _____
APPROXIMATE COMPLETION DATE _____
THE CONTRACTOR AND OWNER HAVE DETERMINED THAT A DEFINITE COMPLETION DATE:
☐ IS OF THE ESSENCE ☐ IS NOT OF THE ESSENCE

We hereby submit specifications for:

putting In a Bid for Approx 2,000 sq ft house estimated would be $16,700.00

If you need anymore Info please feel free to email us at Ahannahdemo@aol.com.

716-856-4547

We Will furnish material and labor - complete in accordance with above specifications, for the sum of :

_____ dollars ($ 16,700.00).

Payment Schedule: _____

All advanced funds will be deposited in an escrow account at _____ **Bank.**

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control.

Authorized Signature _____

Note: This contract may be withdrawn by us if not accepted within _____ days.

Acceptance of Contract - I have read this document and accept the prices, specifications and conditions stated. I understand that upon signing, this contract becomes a binding contract. You are authorized to do the work as specified. Payment will be made as outlined above.

NOTICE: You, the Buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction.

Signature _____ Date _____ Signature Albert Stark Date 10/13/25

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 10/21/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME: Lisa Sroda	
Briceland Agency, Inc. 6633 Main Street Williamsville NY 14221	PHONE (A/C, No, Ext): (716) 631-8800	FAX (A/C, No): (716) 631-2848
	E-MAIL ADDRESS: lisas@briceland.com	

INSURED	INSURER(S) AFFORDING COVERAGE	NAIC #
Hannah Demolition Inc 205 Baitz Ave Buffalo NY 14206	INSURER A: StarStone Specialty Ins Co	44776
	INSURER B: Progressive Casualty Ins	24260
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** CL2592302847 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [X] PRO-JECT [ ] LOC [ ] OTHER:			T87159252AEM	09/16/2025	09/16/2026	EACH OCCURRENCE	$ 2,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 10,000
							PERSONAL & ADV INJURY	$ 2,000,000
							GENERAL AGGREGATE	$ 4,000,000
							PRODUCTS - COMP/OP AGG	$ 4,000,000
							Transportation Pollution	$ 2,000,000
B	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] OWNED AUTOS ONLY [X] SCHEDULED AUTOS [X] HIRED AUTOS ONLY [X] NON-OWNED AUTOS ONLY			03921736	09/16/2025	09/16/2026	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
							Hired/borrowed	$
	[ ] UMBRELLA LIAB [ ] OCCUR [ ] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $						EACH OCCURRENCE	$
							AGGREGATE	$
								$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N [ ] N/A If yes, describe under DESCRIPTION OF OPERATIONS below						[ ] PER STATUTE [ ] OTH-ER	
							E.L. EACH ACCIDENT	$
							E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

All operations of the named insured performed for the Certificate Holder as required by written contract.

CERTIFICATE HOLDER

Town of Hamburg
6100 South Park Ave
Hamburg NY 14075

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF INSURANCE COVERAGE
NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by NYS disability and Paid Family Leave benefits carrier or licensed insurance agent of that carrier

1a. Legal Name & Address of Insured (use street address only)
HANNAH DEMOLITION INC
205 BAITZ AVENUE
BUFFALO, NY 14206

Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)*

1b. Business Telephone Number of Insured

1c. Federal Employer Identification Number of Insured or Social Security Number
510532049

2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)
Town of Hamburg
6100 South Park Ave
Hamburg, NY 14075

3a. Name of Insurance Carrier
ShelterPoint Life Insurance Company

3b. Policy Number of Entity Listed in Box "1a"
DBL584677

3c. Policy effective period
01/01/2025 to 12/31/2026

4. Policy provides the following benefits:
- [x] A. Both disability and paid family leave benefits.
- [ ] B. Disability benefits only.
- [ ] C. Paid family leave benefits only.

5. Policy covers:
- [x] A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law.
- [ ] B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability and/or Paid Family Leave Benefits insurance coverage as described above.

Date Signed 10/21/2025 By _____
(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number 516-829-8100 Name and Title Wade Harrison, President

IMPORTANT: If Boxes 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be emailed to PAU@wcb.ny.gov or it can be mailed for completion to the Workers' Compensation Board, Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200.

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4B, 4C or 5B have been checked)

State of New York
Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law(Article 9 of the Workers' Compensation Law) with respect to all of their employees.

Date Signed _____ By _____
(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number _____ Name and Title _____

Please Note: *Only insurance carriers licensed to write NYS disability and paid family leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1.* ***Insurance brokers are NOT authorized to issue this form.***

DB-120.1 (12-21)

DB-120.1 (12-21)

NYSIF
New York State Insurance Fund

PO Box 66699, Albany, NY 12206
| nysif.com

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

SCAN TO VALIDATE
AND SUBSCRIBE

^^^^^^ 510532049
LOVELL SAFETY MANAGEMENT CO
INC
22 CORTLANDT STREET 33RD FLR
NEW YORK NY 10007

POLICYHOLDER	CERTIFICATE HOLDER
HANNAH DEMOLITION INC. ATTN: ALBERT J STEELE 205 BAITZ AVE. BUFFALO NY 14206	TOWN OF HAMBURG 6100 SOUTH PARK AVE., HAMBURG NY 14075

POLICY NUMBER	CERTIFICATE NUMBER	POLICY PERIOD	DATE
Z1439 034-8	975647	10/01/2025 TO 10/01/2026	10/21/2025

THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE NEW YORK STATE INSURANCE FUND UNDER POLICY NO. 1439 034-8, COVERING THE ENTIRE OBLIGATION OF THIS POLICYHOLDER FOR WORKERS' COMPENSATION UNDER THE NEW YORK WORKERS' COMPENSATION LAW WITH RESPECT TO ALL OPERATIONS IN THE STATE OF NEW YORK, EXCEPT AS INDICATED BELOW.

IF YOU WISH TO RECEIVE NOTIFICATIONS REGARDING SAID POLICY, INCLUDING ANY NOTIFICATION OF CANCELLATIONS, OR TO VALIDATE THIS CERTIFICATE, VISIT OUR WEBSITE AT HTTPS://WWW.NYSIF.COM/CERT/CERTVAL.ASP. THE NEW YORK STATE INSURANCE FUND IS NOT LIABLE IN THE EVENT OF FAILURE TO GIVE SUCH NOTIFICATIONS.
THE POLICY INCLUDES A WAIVER OF SUBROGATION ENDORSEMENT UNDER WHICH NYSIF AGREES TO WAIVE ITS RIGHT OF SUBROGATION TO BRING AN ACTION AGAINST THE CERTIFICATE HOLDER TO RECOVER AMOUNTS WE PAID IN WORKERS' COMPENSATION AND/OR MEDICAL BENEFITS TO OR ON BEHALF OF AN EMPLOYEE OF OUR INSURED IN THE EVENT THAT, PRIOR TO THE DATE OF THE ACCIDENT, THE CERTIFICATE HOLDER HAS ENTERED INTO A WRITTEN CONTRACT WITH OUR INSURED THAT REQUIRES THAT SUCH RIGHT OF SUBROGATION BE WAIVED.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS NOR INSURANCE COVERAGE UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY.

NEW YORK STATE INSURANCE FUND

DIRECTOR,INSURANCE FUND UNDERWRITING

VALIDATION NUMBER: 425452263

Empire Building Diagnostics, Inc.
400 Ingham Ave
Lackawanna, NY 14218
Phone: (716) 685-4588 Fax: (716) 685-6055

PROPOSAL

Proposal Number: 657002667
Customer ID: ALL
Proposal Date: 10/14/2025

Thank you for the opportunity to work with Hamburg Code Enforcement Department.
Empire Building Diagnostics is built on the principals of mutual respect and customer service. Please see quote below.

Customer:	Job Name:
Hamburg Code Enforcement Department	Hamburg Emergency Demolition Contractor
	Terms: NET 30
Phone / Email: 716-331-8977 / LucasG@ebdinc.com	Prepared By: Lucas Goodin

Item	Description	Price	Scope
	Emergency Demolition	**$7,300**	For the initial emergency demolition of a 2,000 square foot residential house that has been damaged by fire
	Structural Demolition	**$24,430**	For the demolition of the above remaining structure to a seeded yard after the scene has been released by the investigators
	Available Equipment		- 80, 140, 200, 300, and 365 series excavators with various hydraulic attachments - Decontamination trailers for hazardous materials - Skid steers with various attachments - Compaction equipment - Remote controlled water mister for wetting asbestos debris

Proposal Terms and Conditions: See page 2 and 3

Our Services: Concrete Cutting/Coring/Removal, Roll Off and Waste Service, Selective/Total Demo, Abatement, Wrecking, Remediation, Hydro Excavation, Shoring/Dismantlement

Empire Building Diagnostics, Inc.
400 Ingham Ave
Lackawanna, NY 14218
Phone: (716) 685-4588 Fax: (716) 685-6055

PROPOSAL

Proposal Number: 657002667
Customer ID: ALL
Proposal Date: 10/14/2025

Terms and Conditions

Sales Tax:

Applicable sales tax is not included in the proposal pricing but will be included in the billing unless an appropriate tax-exempt certificate is provided.

Regulations:

All work will be done in strict accordance with all applicable state and federal rules and regulations. OSHA compliance for all EBD employees.

Proposal Insurance:

EBD insurance policy stated coverages only.
General liability insurance of 1 million and 5 million umbrella; per project aggregate of 2 million and all statutory workers' compensation; insurance.

Proposal Exception:

We reserve the right to withdraw our proposal if the 3rd party air/project monitor that may be awarded the project has any affiliation or shared ownership with an asbestos abatement company.

Not Included if Applicable:

Unless otherwise stated above, Main utility shutoffs; disposal of waste for other trades; temporary fall, weather and security protection at removals; pre-demolition asbestos survey; fence maintenance; 3rd party air and project monitoring/inspection, penetration layout; patching; repairs, preservation required approvals.

Payment:

Pricing is based on 30-day payment terms. Payment received more than 30 days past due subject to interest charges of 1.5% per month. Amounts paid will be credited first to accrued interest, then to the oldest unpaid balance. Please note that payments made via credit card are subject to a 4% convenience fee. ACH payments are accepted and are not subject to a fee.

Retention:

Payment retention 0%.

Proposal Quotation

This proposal is good for 30 days. After 30 days the quote is subject to change.

Empire Building Diagnostics, Inc.
400 Ingham Ave
Lackawanna, NY 14218
Phone: (716) 685-4588 Fax: (716) 685-6055

PROPOSAL

Proposal Number: 657002667
Customer ID: ALL
Proposal Date: 10/14/2025

Waste Materials:

By agreeing to hire Empire Building Diagnostics, the Customer warrants that the waste or materials collected by or received by Empire Building Diagnostics hereunder will not contain any Regulated Materials unless notified before the beginning of the project. Title to and liability for any Regulated Material shall remain with Customer at all times. Customer shall indemnify, hold harmless and pay or reimburse Empire Building Diagnostics for any and all costs, damages, and/or fines incurred as a result of or relating, directly or indirectly, to Customers tender or delivery of Regulated Materials or other failure to comply to the terms of this Agreement, including costs of inspection, testing and analysis of any waste material.

Concrete Cutting, Coring, and Grinding:

Any and all variations from above scope, including depth, diameter, or dimensions, will need to be requoted. Unless otherwise noted above, slurry control/disposal, concrete removal disposal and any excavating or trench digging is not included in price. Price does not include layout of cuts/cores; unless otherwise noted it is assumed layout will be done by others prior to EBD mobilization. If layout is not completed prior to EBD mobilization, the job will be rescheduled and an additional mobilization charge will be billed to the customer.

Pavement Damage:

Empire Building Diagnostics shall not be responsible for damage to the Customer's pavement or other driving surfaces resulting from the weight of the Empire Building Diagnostics vehicles servicing the location designated by the Customer.

Indemnification:

By agreeing to hire Empire Building Diagnostics the Customer agrees to indemnify, defend and hold harmless the Empire Building Diagnostics and their officers, directors and employees, against any and all claims, damages, suits, judgments, penalties, fines and other liability (including reasonable attorney's fees), which Empire Building Diagnostics and Affiliates may be responsible for or pay out as a result of bodily injury or death of persons, or loss or damage to property, or any violation or alleged violation of law to the extend caused, directly or indirectly, by Customer's breach of this Agreement or by any negligent act or omission or willful misconduct of the Customer or its employees, agents or contractors or arising out of the Customer's use, operation or possession of the Equipment or arising out of the Customer's breach of any warranty created hereunder by the Customer. The Customer will indemnify the Empire Building Diagnostics and Affiliates for damages, including repair and replacement costs of Equipment caused by, but not limited to, intentional misuse, abuse, theft and/or fire damage.

The signatory is authorized to approve the proposal and agrees with the stated proposal pricing and terms

Authorized Signature: _____

Print Name: _____

Date: _____

Provide Name and Address of Entity to Invoice if different than above

Our Services: Concrete Cutting/Coring/Removal, Roll Off and Waste Service, Selective/Total Demo, Abatement, Wrecking, Remediation, Hydro Excavation, Shoring/Dismantlement

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 05/12/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Willis Towers Watson Northeast, Inc. c/o 26 Century Blvd P.O. Box 305191 Nashville, TN 372305191 USA	CONTACT NAME: WTW Certificate Center PHONE (A/C, No, Ext): 1-877-945-7378 FAX (A/C, No): 1-888-467-2378 E-MAIL ADDRESS: certificates@wtwco.com
INSURED Empire Building Diagnostics, Inc. 400 Ingham Ave Lackawanna, NY 14218	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A: Aspen Specialty Insurance Company — 10717 INSURER B: Zurich American Insurance Company — 16535 INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES **CERTIFICATE NUMBER:** W38999622 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO-JECT LOC OTHER:	Y	Y	ER00R9525	05/12/2025	05/12/2026	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 500,000 $ 50,000 $ 1,000,000 $ 2,000,000 $ 2,000,000
B	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY HIRED AUTOS ONLY SCHEDULED AUTOS NON-OWNED AUTOS ONLY	Y	Y	BAP 3023398 - 03	05/12/2025	05/12/2026	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
A	UMBRELLA LIAB X OCCUR X EXCESS LIAB CLAIMS-MADE DED X RETENTION $ 0			EX00R9425	05/12/2025	05/12/2026	EACH OCCURRENCE AGGREGATE	$ 3,000,000 $ 3,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBEREXCLUDED? (Mandatory in NH) Y/N: No If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	Y	WC 3023399 03	05/12/2025	05/12/2026	X PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000
A	Contractors Pollution	Y	Y	ER00R9525	05/12/2025	05/12/2026	Ea Pollution Incident Deductible:	$1,000,000 $10,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Aspen Specialty Insurance Company Policy #EX00R9425 - Follow Form Excess Liability: $3M x Primary

Certificate Holder and all other entities are included as Additional Insureds as respects to General Liability, Auto Liability and Contractors Pollution Liability as required by written contract.

General Liability, Auto Liability and Contractors Pollution Liability policies shall be Primary and Non-contributory

CERTIFICATE HOLDER

Town of Hamburg
6100 South Park Avenue
Hamburg, NY 14075

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Patricia A Forry

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AGENCY CUSTOMER ID: _____

LOC #: _____

ADDITIONAL REMARKS SCHEDULE

AGENCY		NAMED INSURED
Willis Towers Watson Northeast, Inc.		Empire Building Diagnostics, Inc. 400 Ingham Ave Lackawanna, NY 14218
POLICY NUMBER See Page 1		
CARRIER See Page 1	NAIC CODE See Page 1	EFFECTIVE DATE: See Page 1

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: 25 FORM TITLE: Certificate of Liability Insurance

with any other insurance in force for or which may be purchased by Additional Insureds as required by written contract.

Waiver of Subrogation applies in favor of Additional Insureds with respects to General Liability, Auto Liability, Contractors Pollution Liability and Workers Compensation as required by written contract and as permitted by law.

Umbrella/Excess Follows form.

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SR ID: 27753728 BATCH: 3960095 CERT: W38999622

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF INSURANCE COVERAGE
NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by NYS disability and Paid Family Leave benefits carrier or licensed insurance agent of that carrier

1a. Legal Name & Address of Insured (use street address only)
EMPIRE BUILDING DIAGNOSTICS INC.
400 INGRAM AVENUE
LACKAWANNA, NY 14218

Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)*

1b. Business Telephone Number of Insured
7166854588

1c. Federal Employer Identification Number of Insured or Social Security Number
16-1315013

2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)
Town of Hamburg
6100 South Park Avenue
Hamburg, NY 14075

3a. Name of Insurance Carrier
Standard Security Life Insurance Company of New York

3b. Policy Number of Entity Listed in Box 1a
L96566-000

3c. Policy Effective Period
10/1/2024 to 2/19/2026

4. Policy provides the following benefits:
- [X] A. Both disability and Paid Family Leave benefits.
- [ ] B. Disability benefits only.
- [ ] C. Paid Family Leave benefits only.

5. Policy covers:
- [X] A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law.
- [ ] B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS disability and/or Paid Family Leave benefits insurance coverage as described above.

Date Signed 2/20/2025 By _____
(Signature of insurance carrier's authorized representative or NYS licensed insurance agent of that insurance carrier)

Telephone Number (212) 355-4141 Name and Title SUPERVISOR-DBL/POLICY SERVICES

IMPORTANT: If Boxes 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be emailed to PAU@wcb.ny.gov or it can be mailed for completion to the Workers' Compensation Board, Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200.

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4B, 4C or 5B of Part 1 has been checked)

State of New York
Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law(Article 9 of the Workers' Compensation Law) with respect to all of their employees.

Date Signed _____ By _____
(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number _____ Name and Title _____

Please Note: *Only insurance carriers licensed to write NYS disability and Paid Family Leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1.* ***Insurance brokers are NOT authorized to issue this form.***

uh

NEW YORK STATE | Workers' Compensation Board

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

1a. Legal Name & Address of Insured (use street address only)	1b. Business Telephone Number of Insured
Empire Building Diagnostics, Inc. 400 Ingham Avenue Lackawanna, NY 14218	716-685-4588
Work Location of Insured *(Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)*	1c. NYS Unemployment Insurance Employer Registration Number of Insured 50-429806
	1d. Federal Employer Identification Number of Insured or Social Security Number 16-1315013
2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)	3a. Name of Insurance Carrier Zurich American Insurance Company
Town of Hamburg 6100 S Park Ave Hamburg NY 14075	3b. Policy Number of Entity Listed in Box "1a" WC 3023399-03
	3c. Policy effective period 05/12/2025 to 05/12/2026
	3d. The Proprietor, Partners or Executive Officers are ☒ included. (Only check box if all partners/officers included) all ☐ excluded or certain partners/officers excluded.

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. **(To use this form, New York (NY) must be listed under Item 3A on the INFORMATION PAGE of the workers' compensation insurance policy).** The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from the coverage indicated on this Certificate. (These notices may be sent by regular mail.) **Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in box "3c", whichever is earlier.**

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This certificate may be used as evidence of a Workers' Compensation contract of insurance only while the underlying policy is in effect.

Please Note: Upon cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has the coverage as depicted on this form.

Approved by: Susan B. Kendziora
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by: Susan B. Kendziora 05/22/2025
(Signature) (Date)

Title: Vice President - Underwriting Services

Telephone Number of authorized representative or licensed agent of insurance carrier: 800-382-2150

Please Note: Only insurance carriers and their licensed agents are authorized to issue Form C-105.2. Insurance brokers are NOT authorized to issue it.

United Precision Construction Services, LLC.

Town & Village of Hamburg
Village of Blasdell
6100 South Park Ave.
Hamburg, NY 14075

EMAIL ADDRESS: Jeff Skrzypek	.com
TELEPHONE NUMBERS:	Office 716-649-6111 Ex 2214
	Cell 716-

Corporate Headquarters
2 Main St.
Suite 107
Depew, NY 14043
O: 716-759-8645
C: 716-481-7421

BID PROPOSAL

Bid # NY- 1800
PROPOSAL SENT VIA Email: RRROSSOW1@AOL.COM
AMENDMENTS 0 DATE 10/14/2025
VERSION 1

ASBESTOS LIC. # 114008
HAZWOOPER LIC. # 15050811411420

Project Name & Location: NYCRR 56 SUBPRT 56-11.5 control friable asbestos demolition project on a 2,000 sq ft house or building. Location: ?	**NOTE:** Building built in 19___ and 2,000 Sq Ft **NOTE:** N.Y.S. DOL DOH fee of $0,000.00 will be require a condemn letter from the Town to wave this fee from NYS DOL.
Specifications: Do a control friable asbestos demolition project to 2,000 sq ft building. haul all debris off site to asbestos landfill. back fill, topsoil, grade & grass seed.	**NOTE:** Estimated time to do demolition & cleaning once work started will be 2 to 5 days **NOTE:** I will do all utility disconnects to building.

Will install orange safety fence around work area with signs, will have dust water control machine running when needed,	**NOTE:** Town of Hamburg will supplies permit to United Precision Construction Services LLC to do demolition.
Disconnect all utilities	**NOTE:** Owners gives United Precision Construction Services full control of job site until work is all done.
Demo building, truck out all debris to landfill.	**NOTE:** Erie Country DOL prevailing rate for labor will be paid out to Employees.
Remove concrete foundation all site as needed. Back fill, grade, topsoil & grass seed.	**NOTE:** All work will be done to the NYS OSHA, DOL, EPA, DEC, Erie Country & Town of Hamburg Laws
Respond to emergency control demolitions projects has needed to do what is necessary for safety	**NOTE:** Town will supply property survey for this project
	NOTE: United Precision Construction Services will have all salvage rights on this project.
	NOTE: Town will be named additional insured
Equipment: Large excavators, Rubber track small excavator, Rubber track skid-steer, Water dust control machine, Asbestos deacon trailer, Dump ruck & trailer, Service truck, Erie country back-flow valve with meter.	**NOTE:** All Debris will go to WM Chaffee NY Landfill.
	NOTE: Town will hire & pay for air monitoring company.

Bid on a Control Asbestos demolition on 2,000 sq ft building without basement: $35,000.00

Bid on a Control Asbestos demolition on 2,000 sq ft building with basement:.....$44,000.00

x Randy R Rossow *Date 10/14/2025*
Randy R Rossow (Owner)
United Precision Construction Services, LLC.

4.13. Approve PO17-Creation of two Skilled Labor positions in the Highway Department

RESOLVED, that the Town Board approves the creation of two civil service non-competitive Skilled Labor positions in the Highway Department. The positions will be CSEA Blue Collar and will be funded by DB5110; and

BE IT FURTHER RESOLVED that the Town Board authorizes the Supervisor to sign Section 8 of the PO-17s fo the creation of the aforementioned positions.

ATTACHMENTS:

PO-17 Skilled Labor-HWY.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: 9/10/2025

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.)

SKILLED LABORER *HIGHWAY DEPT– NON-COMPETITIVE

1. DESCRIPTION OF DUTIES:

Percent of Total Time/Frequency	ACTIVITIES
100%	Performs miscellaneous carpentry work such as framing and patching walls, hanging doors, building shelves, hanging cabinets, repair trim molding, laying floors install and remove insulation, etc. Performs miscellaneous duties of brick laying, pointing, laying wall and floor tile, cold patch repair within the Highway Departments. Performs duties in operation of tree cutting, operation of chipper, stump grinder, brush truck. Performs miscellaneous duties in the areas of painting/staining of interior, exterior walls, doors, floors, buildings. Including areas of athletic fields and ice rink operations. Performs repairs in plumbing such as toilets, sinks, floor drains, pipes, water lines. Use of Sewer Jet to clear clogs in sewer lines, catch basin/drainage intakes within the Highway Department. Performs miscellaneous duties with light electrical repair with, outlets, switches, fixtures.

(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
CATHY RYBCZYNSKI	**SUPERVISOR**	**INDIRECT**
EDWARD HUGHES	**HIGHWAY SUPERINTENDENT**	**DIRECT**

3. Names and Titles of Persons Supervised by this position

NAME	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
Rodney Pawlowski	Skilled Laborer	Buildings and Grounds Dept.
Sean McLaughlin	Skilled Laborer	Buildings and Grounds Dept.
John Jewett	Skilled Laborer	Buildings and Grounds Dept.
Nick Curtis	Skilled Laborer	Buildings and Grounds Dept.
Reanna Krautsack	Skilled Laborer	Buildings and Grounds Dept.
David Rychlik	Skilled Laborer	Highway Dept.

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

High School or Vocational Diploma and three years of full-time paid experience as a helper in one or more of the skilled trades; Six years of experience as a helper in one or more of the skilled trades; Equivalent combination of training and experience.

Essential knowledge, skills, and abilities:

Above average knowledge of techniques and terminology in carpentry, block work, tree cutting, operation of brush trucks, sewer jet operation, cutting greens and tees, painting, basic plumbing, basic electrical. Assist building maintenance as needed. Ability to use tools and make repairs in the above-mentioned trades, as well as the ability to understand and follow written or oral instructions from higher rated classification employees.

Type of License or certificate required:

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

Date: 9·10·25 Title: Supervisor 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: **SKILLED LABORER *HIGHWAY DEPT. - NON-COMPETITIVE**

Date: 9/16/2025 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.

4.14. Adopt Special Town charges indicated on Letter of Authorization

BE IT RESOLVED that the Town Board of Hamburg adopt the special Town charges as indicated on the attached "Letter of Authorization" as part of the 2026 Town of Hamburg Budget.

ATTACHMENTS:

DOC102925.pdf

Letter of Authorization

To: Erie County Real Property Tax Department

From: Town of Hamburg

Subject: Unpaid items to be included in tax warrant

Date: October 27, 2025

In accordance with New York State Town Law, section 198, the town board has opted to enforce various unpaid accounts for water, sewer, refuse and other unpaid town services as indicated below, by placing a lien upon the real property for which such services were provided. **Be sure to include a copy of the resolution(s) adopting all special town charges.**

In light of the aforementioned, the Erie County Legislature shall levy in such sums as indicated below and against the applicable properties as provided for on the town assessor's master computer assessment roll file, which is also hereby being delivered by the assessor with this letter of authorization.

• Total Unpaid Water	$14,178.36
• Total Unpaid Sewer	$
• Total Unpaid Refuse	$
• Total Ag Penalty	$
• Total Other Charges	$508,140.00 (grass-cutting)
• board ups, demolition	$70,596.00 ($156.00 board-up/$70,440 demos)
• Total Omitted Taxes	$12,583.00
• **Total of Items Above**	**$605,497.36**
•	

Certification Town of Hamburg

Catherine A. Rybczynski

Town Supervisor, Catherine A. Rybczynski

Date: October 27, 2025

Brad M. Rybczynski

Town Clerk, Brad M. Rybczynski

Assessors Use Only

Date RPS file submitted to County RPTS_____

I hereby certify that the entries on the master assessment roll file delivered herewith equal the amounts as required by the town board as provided for above.

Kim Mercer

Kim Mercer, Assessor **Date: October 27, 2025**

County RPTS Use Only

Date filed received _____ By: _____

File in balance **Yes** _____ **No** _____

4.15. B&G PAF

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

ATTACHMENTS:

DOC102925-001.pdf

TOWN OF HAMBURG - PERSONNEL ACTION FORM

Department- Buildings & Grounds

Department Head Signature _____

Supervisor Signature C. Ruffino Date 10/27/25

TOWN BOARD MEETING OF NOVEMBER 3, 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	5312	Benjamin Kalieta		Seasonal Clerk/ A.7140.102				11/3/2025
	5312	Benjamin Kalieta	R	PT Clerk/A.7140.102	11/4/2025		$16.00	
2	5027	Matthew Ryan	R	PT Laborer/A.7140.102	11/6/2025		$16.00	
3	3613	Patrick Granville		PT Laborer/A.7140.102				11/3/2025

4.16. B&G Utility Trailer Purchase

WHEREAS, the Buildings & Grounds Department has a need for a 16-foot utility trailer, and

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

Trailer Sales of New York	$4,225.10
PJ NFB Trailer and Auto Sales	$4,312.93

BE IT RESOLVED, that the Town Board approves the purchase of a new 16-foot utility trailer from Trailer Sales of New York for $4,225.10.

Funds available in Account # A.1640.202

Town Board of the Town of Hamburg
November 3, 2025 Meeting

4.17. Schedule Town Board Hearing-Bay View Hotel for local landmark designation

WHEREAS, The Town of Hamburg Historic Preservation Commission held a public hearing on October 21, 2025, to consider the application to establish historic landmark designation of the Bay View Hotel, pursuant to Chapter 31 of the Hamburg Town Code, and

Whereas, Chapter 31, §31-6(I), requires the Hamburg Town Board to hold a public hearing prior to acting on the recommendation of the Town of Hamburg Historic Preservation Commission,

NOW THEREFORE BE IT RESOLVED THAT the Town Clerk is authorized to advertise for a public hearing to consider the application to establish historic landmark designation of the Bay View Hotel, pursuant to Chapter 31 of the Hamburg Town Code. The public hearing will be held on December 8, 2025 at 7:00 p.m. (local time.)

4.18. 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 $495.00.

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 $495.00.

4.19. Interest Re-Allocation

WHEREAS, the Town Board of the Town of Hamburg has determined that certain interest earnings for fiscal year 2024 were originally allocated to an account or fund other than the General Fund (A Fund); and

WHEREAS, upon review by the Finance Department, it has been determined that these interest earnings should be properly credited to the A Fund, which supports the general governmental operations of the Town; and

WHEREAS, the Finance Department has prepared a detailed accounting entry, attached hereto and made part of this resolution, specifying the source of the reallocation and the amount of interest to be transferred;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the reallocation of interest earnings, as detailed in the attached accounting entry, from their original allocation to the **A Fund**; and

BE IT FURTHER RESOLVED, that the Director of Finance is hereby authorized and directed to make all necessary accounting adjustments and journal entries to complete this reallocation; and

BE IT FURTHER RESOLVED, that a copy of this resolution and its attachment shall be maintained in the official records of the Town and provided to the Town's auditing firm for reference and compliance.

ATTACHMENTS:

DOC103025-003.pdf

Journal Entry

Journal Number: 00067-12-2024
GL Date: 12/31/2024
Input Date: 8/4/2025

Account Number:	Description:	Debit	Credit
A.200		88,448.23	
A.2401			88,448.23
S01.2401		4,245.74	
S01.200			4,245.74
S02.2401		2,355.43	
S02.200			2,355.43
S03.2401		174.09	
S031.200			174.09
S06.2401		216.25	
S06.200			216.25
S07.2401		11.17	
S07.200			11.17
S08.2401		0.23	
S08.200			0.23
S09.2401		0.27	
S09.200			0.27
S16.2401		0.49	
S16.200			0.49
S20.2401		0.22	
S20.200			0.22
S21.2401		1,941.78	
S21.200			1,941.78
S25.2401		1,689.89	
S25.200			1,689.89
S26.2401		3.69	
S26.200			3.69
S28.2401		2,621.52	
S28.200			2,621.52
S29.2401		697.33	
S29.200			697.33
S30.2401		277.42	
S30.200			277.42
S50.2401		515.15	
S50.200			515.15
SD.2401		0.30	
SD.200			0.30
SH.2401		4,833.30	
SH.200			4,833.30
SL.2401		54,657.89	
SL.200			54,657.89
X32.2401		688.98	
X32.200			688.98
X34.2401		0.35	

X34.200		0.35
X36.2401	119.77	
X36.200		119.77

Purpose: To reclass interest earned in the Operating Checking and Operating Saving from various funds to the General fund.

Review and Approval	
Prepared by:	Date:
Approved by:	Date:

Quarter 2 - 2025	
Account Number	Amount Increase or (decrease)
A.4089	$ 342,779.18
A.1989.440.403	$ 175,000.00
A.9950.975	$ 157,090.77
A.9901.900	$ 10,688.41
B.5031	$ 10,688.41
B.8020.456.403	$ 10,688.41
H119.5031	$ 157,090.77
H119.1490.440.403	$ 157,090.77

Quarter 3 - 2025	
Account Number	Amount Increase or (decrease)
A.4089	$ 162,431.11
A.9950.975	$ 127,974.45
A.9901.900	$ 34,456.66
B.5031	$ 34,456.66
B.8020.456.403	$ 16,066.66
B.3120.303.403	$ 18,390.00
H108.5031	$ 1,184.51
H108.1440.456.403	$ 1,184.51
H119.5031	$ 126,789.94
H119.1490.440.403	$ 126,789.94

4.20. Youth, Recreation, & Senior Services P.A.F.

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

scan_2025_10_29_14_11_16_754.pdf

Date of Request: 10/30/25 Department: Youth, Recreation, Senior Services

Department Head Signature: _____

Supervisor Signature: _____ Date: _____

TOWN BOARD MEETING OF 11/3/25

PAGE 1 of 4

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/ter hourly rate	Termination Date
1	5359	Farry, Georgia	R	Rec. Attendant A7310 P/T	11/4/25		$17.00	
2	655	Nelson, Gay Lynn	R	Rec. Attendant A6772 P/T				11/9/2025
	655	Nelson, Gay Lynn	R	Rec. Attendant A6772 Seas.	11/10/25		$ 16.25	
3	5378	Wattie. Alan	R	Rec. Attendant A6772 Seas.				11/16/25
	5378	Wattie, Alan	R	Rec. Attend A6772 P/T	11/17/25		$ 16.50	
4	3507	Biellak, Paul	R	Rec. Attend A7182 P/T				11/14/25
	3507	Biellak, Paul	R	Rec. Attend. A7184 Seas	11/15/25		$ 18.00	
5	5402	Kennedy, Matthew	R	Rec. Attend. A7182 Seas.				11/17/25
	5402	Kennedy, Matthew	R	Rec. Attend. A7184 P/T	11/18/25		$ 17.00	
6	5404	Davis, Colton	R	Rec. Attend. A7180 Seas.				11/17/2025
	5404	Davis, Colton	R	Rec. Attend A7310 P/T	11/18/25		$16.00	
7	5403	Phillips, Asa	R	Rec. Attend A7180 Seas.				11/17/2025
	5403	Phillips, Asa	R	Rec. Attend A7310 P/T	11/18/25		$16.00	
8	5112	Dayka, Carson	R	Rec. Attend A7310 Seas.				11/15/2025
	5112	Dayka, Carson	R	Rec. Attend A7310 P/T	11/16/25		$18.00	
9	5243	Smardz, Emilee	R	Rec. Attend A7310 Seas.				11/15/2025
	5243	Smardz, Emilee	R	Rec. Attend. A7310 P/T	11/16/25		$18.00	
10	5182	Staffone, Janene	R	Rec. Attend A7310 Seas.				11/15/2025
	5182	Staffone, Janene	R	Rec. Attend A7310 P/T	11/16/25		$17.50	
11	5305	Collins, Emilie	R	Rec. Attend A7182 P/t				11/3/2025
	5305	Collins, Emilie	R	Rec. Attend A7184 P/T	11/4/25		$15.50	

TOWN OF HAMBURG - PERSONNEL ACTION FORM

Date of Request: 10/30/25 Department: Youth, Recreation, Senior Services

Department Head Signature: _____

Supervisor Signature: _____ Date: _____

TOWN BOARD MEETING OF 11/3/25

PAGE 2 of 4

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/ter hourly rate	Termination Date
12	5094	Golembiewski, Jason	R	Rec. Attend A7182 P/T				11/3/2025
	5094	Golembiewski, Jason	R	Rec. Attend A7184 P/T	11/4/25		$ 15.50	
13	5235	Joslin Sr., Mark	R	Rec. Attend A7182 P/T				11/3/2025
	5235	Joslin Sr., Mark	R	Rec. Attend A7184 P/T	11/4/25		$ 15.50	
14	5320	Kumiega, Trevor	R	Rec. Attend A7182 P/T				11/3/2025
	5320	Kumiega, Trevor	R	Rec. Attend A7184 P/T	11/4/25		$ 15.50	
16	5310	Maher Sr., John	R	Rec. Attend A7182 P/T				11/3/2025
	5310	Maher Sr., John		Rec. Attend A7184 P/T	11/4/25		$ 15.50	
17	5132	O'Brien, Elizabeth	R	Rec. Attend A7182 P/T				11/3/2025
	5132	O'Brien, Elizabeth	R	Rec. Attend. A7184 P/T	11/4/25		$ 16.00	
18	5138	O'Brien, Kathryn	R	Rec. Attend A7182 P/T				11/3/2025
	5138	O'Brien, Kathryn		Rec. Attend. A7184 P/T	11/4/25		$ 16.00	
19	2875	Steger, Joseph	R	Rec. Attend A7182 P/t				11/3/2025
	2875	Steger, Joseph	R	Rec. Attend A7310 P/T	11/4/25		$19.00	
20	5131	Sullivan, Mikayla	R	Rec. Attend A7182 P/T				11/3/2025
	5131	Sullivan, Mikayla		Rec. Attend. A7184 P/T	11/4/25		$ 15.50	
21	5052	Valtin, Mary	R	Rec. Attend A7182 P/t				11/3/2025
	5052	Valtin, Mary	R	Rec. Attend A7310 P/T	11/4/25		$15.50	

rev 03/14

PERSONNEL ACTION FORM

Date of Request: 10/30/25 Department: Youth, Recreation, Senior Services

Department Head Signature: _____

Supervisor Signature: _____ Date: _____

TOWN BOARD MEETING OF ####

PAGE 3 of 4

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

#	Emp #	oyee Name	N or R	Position	Start date	Full time hourly rate	PT/Sea/ter hourly rate	Termination Date
22	5316	Alleca, Tamirat	R	Rec. Attend A7182 P/T				11/3/2025
	5316	Alleca, Tamirat	R	Rec. Attend. A7184 P/T	11/4/25		$ 15.50	
23	4166	Bonetto, Ryan	R	Rec. Attend A7182 P/t				11/3/2025
	4166	Bonetto, Ryan	R	Rec. Attend A7310 P/T	11/4/25		$16.50	
24	4828	Brooks, Peter	R	Rec. Attend A7182 P/T				11/3/2025
	4828	Brooks, Peter	R	Rec. Attend. A7184 P/T	11/4/25		$ 15.50	
25	5363	Carpenter, Dan	R	Rec. Attend A7182 P/T				11/3/2025
	5363	Carpenter, Dan	R	Rec. Attend. A7184 P/T	11/4/25		$ 15.50	
26	5077	Gorman, James	R	Rec. Attend A7182 P/T				11/3/2025
	5077	Gorman, James	R	Rec. Attend. A7184 P/T	11/4/25		$ 15.50	
27	5362	Herman, Garrett	R	Rec. Attend A7182 P/T				11/3/2025
	5362	Herman, Garrett		Rec. Attend. A7184 P/T	11/4/25		$ 15.50	
28	4221	Kumiega, Mark	R	Rec. Attend A7182 P/T				11/3/2025
	4221	Kumiega, Mark		Rec. Attend. A7184 P/T	11/4/25		$ 15.50	
29	5360	Reese, Cole	R	Rec. Attend A7182 P/T				11/3/2025
	5360	Reese, Cole		Rec. Attend. A7184 P/T	11/4/25		$ 15.50	
30	5324	Santoro, George	R	Rec. Attend A7182 P/T				11/3/2025
	5324	Santoro, George		Rec. Attend. A7184 P/T	11/4/25		$ 15.50	
31	5160	Scherer, Andrew	R	Rec. Attend A7182 P/T				11/3/2025
	5160	Scherer, Andrew		Rec. Attend. A7184 P/T	11/4/25		$ 15.50	

rev 03/14

TOWN OF HAMBURG - PERSONNEL ACTION FORM

Date of Request: 10/30/25 Department: Youth, Recreation, Senior Services

Department Head Signature: _____

Supervisor Signature: _____ Date: _____

TOWN BOARD MEETING OF 11/3/25

PAGE 4 of 4

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/ter hourly rate	Termination Date
32	5033	Siebert, James	R	Rec. Attend A7182 P/T				11/3/2025
	5033	Siebert, James	R	Rec. Attend. A7184 P/T	11/4/25		$ 15.50	
33	5358	Wahl, Robert	R	Rec. Attend A7182 P/T				11/3/2025
	5358	Wahl, Robert	R	Rec. Attend. A7184 P/T	11/4/25		$ 15.50	
34	5054	Wyman, Declan	R	Rec. Attend A7182 P/T				11/3/2025
	5054	Wyman, Declan	R	Rec. Attend. A7184 P/T	11/4/25		$ 17.00	
35	5156	Smith, Mindy	R	Rec. Attend. A6772 P/T				11/3/2025
	5156	Smith, Mindy	R	Rec. Attend A6772 Seas.	11/4/25		$ 17.00	

rev 03/14

Town Board of the Town of Hamburg
November 3, 2025 Meeting

4.21. Supervisor Account Transfer

BE IT RESOLVED, that the Town Board approve the following transfer of funds from the Supervisor's Contingency account: **A.1990.0419**, to the IT Department's account: **A000.1690.0499** to cover the following expenses for the updates that were made at the Taylor Road Facility:

- **TV: $479.99**
- **TV Mount $104.49**

Total $584.48

4.22. 5310 Mobility Enhancement Project

WHEREAS, the goal of the Federal Transit Administration (FTA) Section 5310 program is to improve mobility for seniors and individuals with disabilities throughout the country by removing barriers to transportation services and expanding the transportation mobility options available, and

WHEREAS, FTA provides financial assistance toward this goal for transportation services planned, designed, and carried out to meet the special transportation needs of seniors and individuals with disabilities to include but not limited to the purchase of: vehicles, technology, transportation amenities, and operating expenses, and

WHEREAS, the program requires coordination with other federally assisted programs and services in order to make the most efficient use of federal resources, and

WHEREAS, the Town of Hamburg was awarded 5310 funding on a competitive basis in 2011, 2015, 2017, & 2020 for the total purchase of twelve (12) vans at an 80% federal share (20% local share) to transport seniors and individuals with disabilities, and

WHEREAS, the Town of Hamburg is interested in redeveloping their existing 5310 transportation program to enhance access to and the availability of mobility services for seniors and individuals with disabilities.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

The Hamburg Town Board authorizes EECG Consulting to work with the Town of Hamburg Finance Department and Department of Youth, Recreation, & Senior Services to analyze the usage of exiting vehicles, contractual agreements with NYSDOT, and provide recommendations for mobility management and future program funding opportunities.

Town Board of the Town of Hamburg
November 3, 2025 Meeting

4.23. Budget adjustment for Building Inspection to IT

WHEREAS, the Building Inspection Department has requested a budget adjustment as outlined on the Town of Hamburg Budget Adjustment Form to fund necessary expenditures; and

WHEREAS, sufficient funds are available within the department's approved budget, or through the identified funding source(s), to accommodate this adjustment without exceeding the department's total allocation; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hamburg hereby authorizes the budget adjustment as detailed on the attached Budget Adjustment Form for Fiscal Year 2025; and

BE IT FURTHER RESOLVED, that this adjustment is necessary to fund the items and purposes as specified on the attached Budget Adjustment Form, and that no additional appropriations are required; and

BE IT FURTHER RESOLVED, that the final adopted resolution, together with the completed Budget Adjustment Form, shall be forwarded to the Town Finance Department for processing.

ATTACHMENTS:

budget adjustment for cd.pdf

TOWN OF HAMBURG
BUDGET ADJUSTMENT FORM

All fields must be completed with the required backup for the request to be processed.

Budget Adjustment Details:

2025 (Fiscal Year)

Building Inspection (Department)

Type of Adjustment:

☐ Within Department (Expense to Expense) ■ Between Departments (Expense to Expense)

☐ Budget Amendment – Revenue & Expense ☐ Reserve Use/Fund Balance

☐ Other: _____

Transfer From / Funding Source (Account Number):	Transfer To / Expense Account (Account Number):	Amount:	Board Resolution Date and Number:
A3620.100	A000.1690.0423	$ 5,738.00	
A3620.100	A000.1690.0499	$ 322.00	

Explain purpose or justification for adjustment: The adjustment is needed for the merge of community development into the building inspection office

Explain why funds are available: The building inspection department personnel line has the funds available due to new hires this year not being in for a full year as budgeted.

I certify that the above is required for efficient program operation.

Jeffrey Skrzypek
Signature of Authorized Department Representative

10-30-25
Date

Submit completed form and adopted resolution to the Town Finance Department for processing.

4.24. 2026 Hamburg Multimodal Trails Master Plan

WHEREAS, it was the primary objective of the 2017 Hamburg Multimodal Trails Master Plan to provide the Town of Hamburg, Village of Hamburg, and community stakeholders with a planning tool that would incorporate preexisting and proposed independent trail components into one comprehensive trails system, and

WHEREAS, the 2017 Hamburg Multimodal Trails Master Plan was a collaborative venture between the Town of Hamburg, Village of Hamburg, and EECG Consulting, and

WHEREAS, the Hamburg Trails and Hamburg Moves Committees have requested the development of an updated 2026 Hamburg Multimodal Trails Master Plan to provide the community with the information necessary for project planning, community engagement, stakeholder collaboration, and future grant opportunities.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

The Hamburg Town Board supports the overall development of the proposed project and will work with the Village of Hamburg, Village of Blasdell, EECG Consulting, Hamburg Trails Committee, Hamburg Moves Committee, Traffic Safety Board, and community stakeholders to move this project forward.

4.25. Approve Internship in the Finance Department

RESOLVED, that the Town Board hereby approves Ryan O'Neil, and Orchard Park High School student, to serve as an intern in the Finance Department. This internship, totaling 150 hours, is a requirement for Ryan's completion of the Academy of Finance program for graduation. There will be NO cost to the Town.

Town Board of the Town of Hamburg
November 3, 2025 Meeting

4.26. Refund for Building Permit

Be It Resolved, that the Town Board refund fees in the amount of $200.00 for Building Permit number 2025-1980 for a zoning board of appeals application that was double charged. Make refund payable to:

Stephanie Mahagan

3768 Lynn Dr.

Orchard Park, NY 14127

Funds available from A 2555

ATTACHMENTS:

DOC103025-10302025102051.pdf

BUILDING PERMIT

Town of Hamburg
Code Enforcement Department
6100 South Park Avenue, Hamburg, New York 14075
(716) 649-6111 Ext 2210 (716) 646-1967 fax

FILED IN THE CLERK'S OFFICE

2025 OCT 24 A 9:45

Permit No:	2025-01980
Issued:	10/24/2025
Expired:	04/24/2026
Muni:	TOH

Property Address:	Apt./Suite No:	Town:	County:	Fire:	Sch:	Tax Map Number:
3768 Lynn Dr		TOH	ERIE	NE	OP	160.12-2-44

Property Owner:	ESO:	Town Sewer Permit:	Co Sewer Permit:	Sewer District:
Mahagan, Stephanie				

Applicant

Name:	Mahagan, Stephanie
Address:	3768 Lynn Dr
City,St,Zip:	Orchard Park, NY 14127
Phone:	**Work:**

Contractor

Type/Name:	
Address:	
City,St,Zip:	
Phone:	**Cell:**
Ins Exp:	

Application is hereby made for: ZONING BOARD (15)

ZBA #6135 (Deck)

Violates 280-41(A) Required yards
Code: Front yard: 35 feet
Actual: 23 feet
Variance: 12 feet

Value of Construction: 0 **Square Feet:** 0

Mandatory Inspections / Special Instructions to Applicant.
NOTE: CALL FOR INSPECTIONS AT 649-6111 x2210 - 24 Hours Notice Required Prior to 10 am for same day.

Required Inspections for Permit: 2025-01980

SPOT SURVEY

Applicant/Contractor MUST call Underground Facilities Protective Organization (UFPO) at least two days before starting excavation! (1-800-962-7962)

The undersigned has submitted plans, specifications which are hereto attached, incorporated and made part of this application. In consideration of the granting of the permit hereby petitioned for, the undersigned hereby agrees that if such permit is granted he/she will comply with the terms thereof, the Laws of the State of New York, the Laws of the Town of Hamburg and the regulations of the various departments of the Town, the County of Erie and the State of New York; that he/she will preserve the established building line; give full notification to the Code Enforcement Office upon start of construction; contact the Code Enforcement Office to schedule all mandatory field inspections; and that he/she will not use or permit the use of the structure or structure covered by this permit until all sanitary facilities are completely furnished and a certificate of compliance has been issued. The restrictions of record affecting said premises. The Undersigned hereby certifies that all the information in this permit is correct and true, that he/she is the owner of record or has the permission of the owner of record to perform the work herein described.

Application accepted by: Michael Vella

Application and plans reviewed by: Steven Dusza

I do certify that I have examined the forgoing application and required decuments and find they conform to the applicable codes of the Town of Hamburg and State of New York

Michael Vella 10/24/25
(Code Enforcement Officer Date)

10 24 25
(Owner / Agent / Builder Signature Date)

John R. Kleen Jr
(Print Name)

Receipt is hereby acknowledge of the sum of 200.00 Cash, being the permit fee established by the Town of Hamburg
Bldg: 200.00 Plmg: 0.00 Rec: 0.00 Sewer: 0.00 Elec: 0.00 Trees: 0.00

(Town Clerk Date)

Town of Hamburg
6100 South Park Ave.
Hamburg, NY 14075

* * * RECEIPT * * *

Date: 10/29/25 **Receipt#:** 219871

Quantity	Transactions	Reference	Subtotal
1	Zba Application	2025-01980	$190.00
1	Zba Filing	2025-01980a	$10.00
		Total Paid:	$200.00

Notes:

dec 2nd @ 7:00 PM

Payment Type	Amount	Paid By
CASH	$200.00	Mahagan, Stephanie

Name: Mahagan, Stephanie
3768 Lynn Dr
Orchard Park, NY 14127

Clerk ID: MARISSA

Internal ID: 2025-01980a

4.27. Non-CFA Zoning Industrial Zoning District Code and Map Amendments SEQR

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 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 M-2 (Light Industrial District).

Rezone the portion of SBL #: 159.16-1-4.1 that is zoned M-1 to M-2 (Light Industrial District).

Rezone the portion of SBL #: 159.16-1-3 that is zoned M-1 to M-2 (Light Industrial District).

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

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

Rezone the portion of SBL #: 160.09-5-5 (Erie Lackawanna Railroad) that is zoned M-1 to M-2 (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).

WHEREAS, a public hearing was held regarding these Code amendments on September 8, 2025, and comments were received and acknowledged from the public, and from Erie County, based on the 239-m referral.

WHEREAS, based on comments from the public hearing, minor clarifications were made to the name of the districts to remain “M-2 Light Industrial” and “M-3 General Industrial”; and

NOW, THEREFORE, BE IT RESOLVED, that the Hamburg Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed amendments to the Zoning Code of the Town of Hamburg Code of Ordinances and the proposed zoning map amendments, will not adversely affect the natural resources of the State and/or the health, safety, and welfare of the public and is consistent with social and economic considerations and, therefore, issues the attached SEQRA Negative Declaration in accordance with Section 617.7 of the SEQRA regulations; and

BE IT FURTHER RESOLVED THAT, the Supervisor is authorized to sign the Full Environmental Assessment Form (FEAF Parts 1, 2, and 3), which will act as the Negative Declaration.

ATTACHMENTS:

Industrial Zoning Map and Code Amendments FEAF Part 3.pdf
Industrial Zoning Map and Code Amendments FEAF Part 2.pdf
Industrial Zoning Map and Code Amendments FEAF Part 1.pdf

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:
To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Part 2 of the FEAF identified no moderate to large environmental impacts as this proposal involves code amendments to the M-2 and M-3 zoning districts, the removal of the M-1 Zoning District, and the subsequent rezoning of numerous pieces of property to M-2, C-2, and PR, and presently includes no proposals for any construction. The rezoning is being done in accordance with the Town's new Comprehensive Plan.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☑ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☑ Part 1 ☑ Part 2 ☑ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
The Town's 2023 Comprehensive Plan

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Hamburg Town Board as lead agency that:

☑ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Non-CFA Zoning Industrial Zoning District Code and Map Amendments

Name of Lead Agency: Hamburg Town Board

Name of Responsible Officer in Lead Agency: Catherine Rybczynski

Title of Responsible Officer: Supervisor

Signature of Responsible Officer in Lead Agency: Date:

Signature of Preparer (if different from Responsible Officer) Date:

For Further Information:

Contact Person: Joshua Rogers

Address: 6100 South Park Avenue, Hamburg, NY

Telephone Number: 716-649-2023

E-mail: jrogers@townofhamburgny.gov

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

PRINT FULL FORM

Agency Use Only [If applicable]

Project : Non-CFA Zoning Industrial Zoning District C

Date : 11/3/25

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "**Yes"** to a numbered question, please complete all the questions that follow in that section.
- If you answer "**No"** to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land

Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)

☑ NO ☐ YES

If "Yes", answer questions a - j. If "No", move on to Section 2.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☐	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐
h. Other impacts: _____ _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☑ NO ☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	□	□
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	□	□
c. Other impacts: _____ _____		□	□

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☑ NO ☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	□	□
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	□	□
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	□	□
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	□	□
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	□	□
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	□	□
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	□	□
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	□	□
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	□	□
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	□	□
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	□	□

l. Other impacts: _____ _____		□	□

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	□	□
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	□	□
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	□	□
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	□	□
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	□	□
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	□	□
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	□	□
h. Other impacts: _____ _____		□	□

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2)

☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	□	□
b. The proposed action may result in development within a 100 year floodplain.	E2j	□	□
c. The proposed action may result in development within a 500 year floodplain.	E2k	□	□
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	□	□
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	□	□
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	□	□

g. Other impacts: _____ _____		☐	☐

6. Impacts on Air

The proposed action may include a state regulated air emission source. ☑ NO ☐ YES
(See Part 1. D.2.f., D.2.h, D.2.g)
If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO_2)	D2g	☐	☐
ii. More than 3.5 tons/year of nitrous oxide (N_2O)	D2g	☐	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF_6)	D2g	☐	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐
vi. 43 tons/year or more of methane	D2h	☐	☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____ _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☑ NO ☐ YES
If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	□	□
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	□	□
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	□	□
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____ _____	E1b	□	□
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	□	□
j. Other impacts: _____ _____		□	□

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	**No, or small impact may occur**	**Moderate to large impact may occur**
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	□	□
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, Elb	□	□
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	□	□
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	□	□
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	El a, E1b	□	□
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	□	□
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	□	□
h. Other impacts: _____		□	□

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	 ☐ ☐	 ☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	 ☐ ☐	 ☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☑ NO ☐ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical 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.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____ _____		□	□
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	□	□
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	□	□
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	□	□

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	□	□
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	□	□
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	□	□
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	□	□
e. Other impacts: _____ _____		□	□

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	□	□
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	□	□
c. Other impacts: _____ _____		□	□

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems. ☑ NO ☐ YES
(See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____ _____		☐	☐

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy. ☑ NO ☐ YES
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting. ☑ NO ☐ YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ☑ NO ☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No,or small impact may cccur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____ _____			

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. ☑ NO ☐ YES

(See Part 1. C.1, C.2. and C.3.)

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, Elb	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____ _____		☐	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. ☑ NO ☐ YES

(See Part 1. C.2, C.3, D.2, E.3)

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____ _____		☐	☐

PRINT FULL FORM

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

4.28. Non-CFA Zoning Industrial Zoning District Code and Map Amendments Adoption

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 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 M-2 (Light Industrial District).

Rezone the portion of SBL #: 159.16-1-4.1 that is zoned M-1 to M-2 (Light Industrial District).

Rezone the portion of SBL #: 159.16-1-3 that is zoned M-1 to M-2 (Light Industrial District).

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

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

Rezone the portion of SBL #: 160.09-5-5 (Erie Lackawanna Railroad) that is zoned M-1 to M-2 (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).

WHEREAS, a public hearing was held regarding these Code amendments on September 8, 2025, and comments were received and acknowledged from the public, the Hamburg Planning Board, and from Erie County, based on the 239-m referral.

WHEREAS, based on comments from the public hearing, minor clarifications were made to the name of the districts to remain “M-2 Light Industrial” and “M-3 General Industrial”; and

WHEREAS, the Hamburg Town Board, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law, has issued a SEQR Negative Declaration.

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 revision of the Town Code, and to provide for a change in the boundary of the Zoning Map whereby the Zoning is changed from M-1 (Industrial Park - Research and Development District) to M-2 (Light Industrial District), C-2 (General Commercial District), and PR (Park/Recreation Lands District) for the properties indicated above – see attached amended map as referenced above and attached.

ATTACHMENTS:

M-2 Light Industrial District Revised Version for Adoption 10-30-25.pdf
M-3 General Industrial District Revised Version for Adoption 10-30-25.pdf
280-348 Definition Additions for M-2 and M-3 Districts 10-30-25.pdf
11x17 Hamburg Zoning - M1 Only Map Series - All Zoning.pdf

ARTICLE XIX
M-2 Light Industrial District

§ 280-126.1 Intent.

The purpose of the Light Industrial District is to permit, where appropriate, the construction of research and development-oriented industries, high technology enterprises, light manufacturing facilities, and other moderately intensive industrial activities which would not generally be appropriate in residential areas, but which may not require the same level of separation from residential areas as more intensive industrial uses.

§ 280-126.2 Permitted uses and structures.

Uses and structures permitted in the M-2 District are as follows:

A. Principal uses and structures:

(1) Office buildings and offices.

(2) Warehousing and wholesale distribution where conducted within a completely enclosed building, associated with an allowed or permitted use.

(3) The following uses, when conducted within a completely enclosed building:

(a) Research and development activities including laboratories, testing, small-scale experimental and pilot plan operations, production operations, and other experimental work, including any process normal to laboratory practice and technique, provided that all necessary safeguards are employed to prevent hazard or annoyance to the community.

(b) The manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials, but not including any use first permitted in the M-3 District.

(4) Full scale buildings and/or the conversion of an existing building in which interior spaces are being rented for individual storage use. Access to storage units must be within an enclosed building (See indoor storage facilities definition in Article XLIX).

(5) Custom shops, including but not limited to printing, electrical, heating, plumbing or woodworking shops.

(6) Machine and tool sales, rentals and service.

(7) Other similar uses to permitted uses (1) – (6) as first determined by the Code Enforcement Officer.

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

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(a) Private rental storage facilities (a.k.a. public mini-storage).

(b) Nursery schools and day-care centers. **[Added 1-11-1993 by L.L. No. 1-1993[2]]**

C. Accessory uses and structures:

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

(2) Quarters for a caretaker or watchman.

(3) The repair of trucks in association with other allowable uses. **[Added 10-15-2018 by L.L. No. 7-2018]**

D. Limitations on permitted uses in the M-2 District:

(1) No use of land, building or structure shall be permitted, the operation of which normally results in any:

(a) Fire or explosive hazard.

(b) Dissemination of atmospheric pollutant, noise vibration or odor beyond the boundaries of the premises on which such use is located.

(2) No unneutralized refuse material shall be discharged into sewers, streams or ditches.

(3) The storage of flammable liquids shall be entirely underground and in storage tanks to conform with the New York State Uniform Fire Prevention and Building Code and the Town of Hamburg Fire Prevention Code, Chapter 113. Safety containers shall be used within any building or structure in which flammable liquids are handled.

(4) All side and rear lot lines abutting a lot in any R District or C District shall be fenced or screened by plantings. Unless otherwise provided, no fence other than one constructed of wire and commonly known as a "chain link fence" shall be permitted. Such fence shall not be more than 10 feet in height and shall not project into any required front yard.

(5) Unless otherwise provided, required side and rear yards shall be used only for landscaping and/or the off-street parking of employees', customers' and visitors' cars (meeting the required setback requirements for parking).

§ 280-127. Minimum lot size.

There shall be no minimum lot size requirement in the M-2 District.

§ 280-128. Maximum height of buildings.

There shall be no maximum building height requirement in the M-2 District, but any use over 50 feet in height shall require a Special Use Permit in accordance with § 280-318.

§ 280-129. Required yards.

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Unless otherwise provided, the minimum required yards and other open spaces in the M-2 District shall be as specified in this section.

A. Front yard: 40 feet, except that, when opposite any R District or when used for accessory parking, it shall be not less than 50 feet.

B. Side yards:

(1) Minimum: 15 feet.

(2) Where a side yard abuts any R District boundary, it shall be not less than 50 feet or the height of the principal building, whichever is greater.

C. Rear yard:

(1) Minimum: 10 feet.

(2) Where a rear yard abuts any R District boundary: same distance as for a side yard.

D. Other yard and screening requirements

(1) As described previously, where yards abut a residential district, an increase in setback will be required. In addition, the Planning Board can require greater setbacks and higher levels of screening depending on the proposed use and any potential higher impacts to the adjoining residential uses. This is especially important for the redevelopment of sites or additions to existing sites where the new use can cause greater impacts to these adjoining residential uses.

§ 280-130. Off-street parking.

For applicable off-street parking regulations, see Article XXXII.

§ 280-131. Signs.

For applicable sign regulations, see Article XXXVI.

§ 280-132. Supplemental regulations.

For applicable supplemental regulations pertaining to use, height, area or open space, see Articles XXXVII through XXXIX.

§ 280-132.1 Authorized pre-existing use.

Any properties currently made nonconforming by this local law prior to the date of the adoption of this local law shall be permitted to operate as such, as long as the nonconforming use is continuous by the current owner or any successor in interest.

---

1. **Editor's Note: Former Subsection A(4)(a), Wind energy conversion systems (WECS), was repealed 6-25-2007 by L.L. No. 3-2007.**
2. **Editor's Note: This local law also repealed former Subsection A(4)(b), Satellite dish antennas.**

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ARTICLE XX
M-3 General Industrial District

§ 280-133.1 Intent.

The purpose of this district is to provide areas in the Town for general industrial use and manufacturing that is most compatible in scale and location with other nearby and adjacent transportation, commercial, and industrial uses.

§ 280-133.2 Permitted uses and structures.

Uses and structures permitted in the M-3 District are as follows:

A. Principal uses and structures:

(1) Principal uses and structures permitted in the M-2 District, but without the requirement of being within a completely enclosed building.

(2) Lumberyards and coal yards.

(3) (Reserved)[1]

[1] Editor's Note: Former Subsection A(3), Incinerators, was repealed 4-9-1990 by L.L. No. 5-1990.

(4) Railroad freight yards.

(5) Manufacturing of abrasives.

(6) Automobile assembly and fabrication.

(7) Manufacture of heavy machinery.

(8) (Reserved)[2]

[2] Editor's Note: Former Subsection A(10), regarding bituminous products, was repealed 1-23-2023 by L.L. No. 2-2023.

(9) Metal casting and foundry products.

(10) Other similar uses to permitted uses (1) – (9) as determined by the Code Enforcement Officer.

(11) Adult uses, subject to the provisions of § 280-270.

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

(a) (Reserved)[4]

[4] Editor's Note: Former Subsection A(14)(a), 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).

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(b) Concrete products manufacturer: concrete or cement mixing plants.

(c) Storage of petroleum and petroleum products.

(d) Truck terminals, dispatch and transfer, provided that no vehicle loading, unloading or parking shall be permitted in a public right-of-way.

(e) Data Centers (see definition).

(f) AI (Artificial Intelligence) Data Centers (see definition).

C. Accessory uses and structures:

(1) Accessory uses permitted in the M-2 District.

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

(3) Open storage yards not otherwise regulated in this section. Junkyards are prohibited as defined in the Town's Junkyard Law.[3] **[Amended 11-28-2011 by L.L. No. 12-2011]**

D. Limitations on uses in the M-3 District.

(1) No use of land, building or structure shall be permitted, the operation of which normally results in any:

(a) Fire or explosive hazard beyond the boundaries of the district in which such use is located. Any approved use shall conform with the New York State Uniform Fire Prevention and Building Code and the Town of Hamburg Fire Prevention Code, Chapter 113.

(b) Dissemination of atmospheric pollutants, noise or odor into any R, C, or M-2 District.

(c) No vibration shall be registered beyond the property line.

(2) No un-neutralized refuse material shall be discharged into sewers, streams or ditches.

(3) No cryptocurrency mining facilities.

§ 280-134. Minimum lot size.

There shall be no minimum lot size requirement in the M-3 District.

§ 280-135. Maximum height of buildings.

There shall be no maximum building height requirement in the M-3 District, but buildings over 50 feet in height shall require a Special Use Permit, in accordance with § 280-318.

§ 280-136. Required yards.

Unless otherwise provided, the minimum required yards and other open spaces in the M-3 District

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shall be as specified in this section.

A. Front yard: 40 feet, except that, when opposite any R District or when used for accessory parking, it shall be not less than 50 feet.

B. Side yards:

(1) Minimum: 10 feet.

(2) Where a side yard abuts any R District boundary, it shall be not less than 75 feet or the height of the principal building, whichever is greater.

(3) Where a side yard abuts a C District boundary, it shall be not less than 25 feet in width.

(4) All side and rear lot lines abutting any lot in any R District or C District shall be fenced or screened in the same manner as prescribed in the M-2 District. All open storage yards not otherwise limited in this section, including junkyards, shall be fenced to a height of not less than eight feet nor more than 10 feet, as determined by the Planning Board, to screen such storage from adjacent view.

(5) Unless otherwise provided, required side yards shall be used only for landscaping and/or the off-street parking of employees', customers' and visitors' cars.

C. Rear yard:

(1) Minimum: 10 feet.

(2) Where a rear yard abuts the boundary of any R or C District: same distance as for a side yard.

D. Other yard and screening requirements:

(1) As described previously, where yards abut a residential district, an increase in setback will be required. In addition, the Planning Board can require greater setbacks and higher levels of screening depending on the proposed use and any potential higher impacts to the adjoining residential uses. This is especially important for the redevelopment of sites or additions to existing sites where the new use can cause greater impacts to these adjoining residential uses.

§ 280-137. Off-street parking.

For applicable off-street parking regulations, see Article XXXII.

§ 280-138. Signs.

For applicable sign regulations, see Article XXXVI.

§ 280-139. Supplemental regulations.

For applicable regulations pertaining to use, height, area or open space, see Articles XXXVII

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through XXXIX.

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

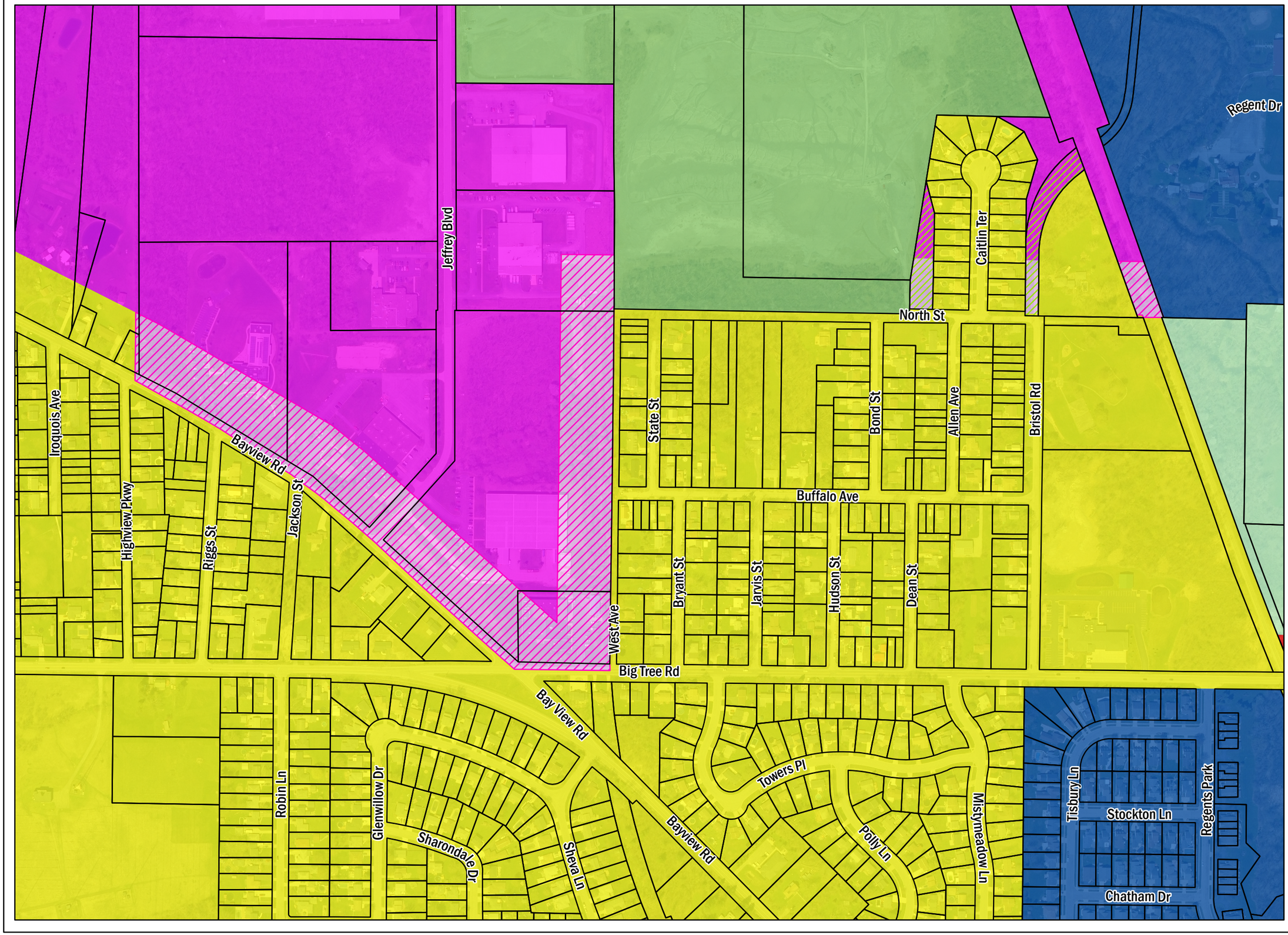
Artificial Intelligence (AI) Data Center -- a facility specifically designed to house the infrastructure needed for training, deploying, and delivering AI applications and services. It includes advanced computing, network, and storage architectures, as well as power and cooling capabilities tailored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

Data Center – An industrial use facility that is primarily used for the storage, management, processing, and transmission of digital data, and which houses computer or network equipment, systems, servers, appliances, and other associated components related to the digital data storage and processing as a principal land use on a parcel. Equipment and accessories customary to data centers including but not limited to air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure shall also be considered part of a data center.

Rezoning of M-1 Properties

Hamburg, New York



LEGEND

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

Town of Hamburg Zoning

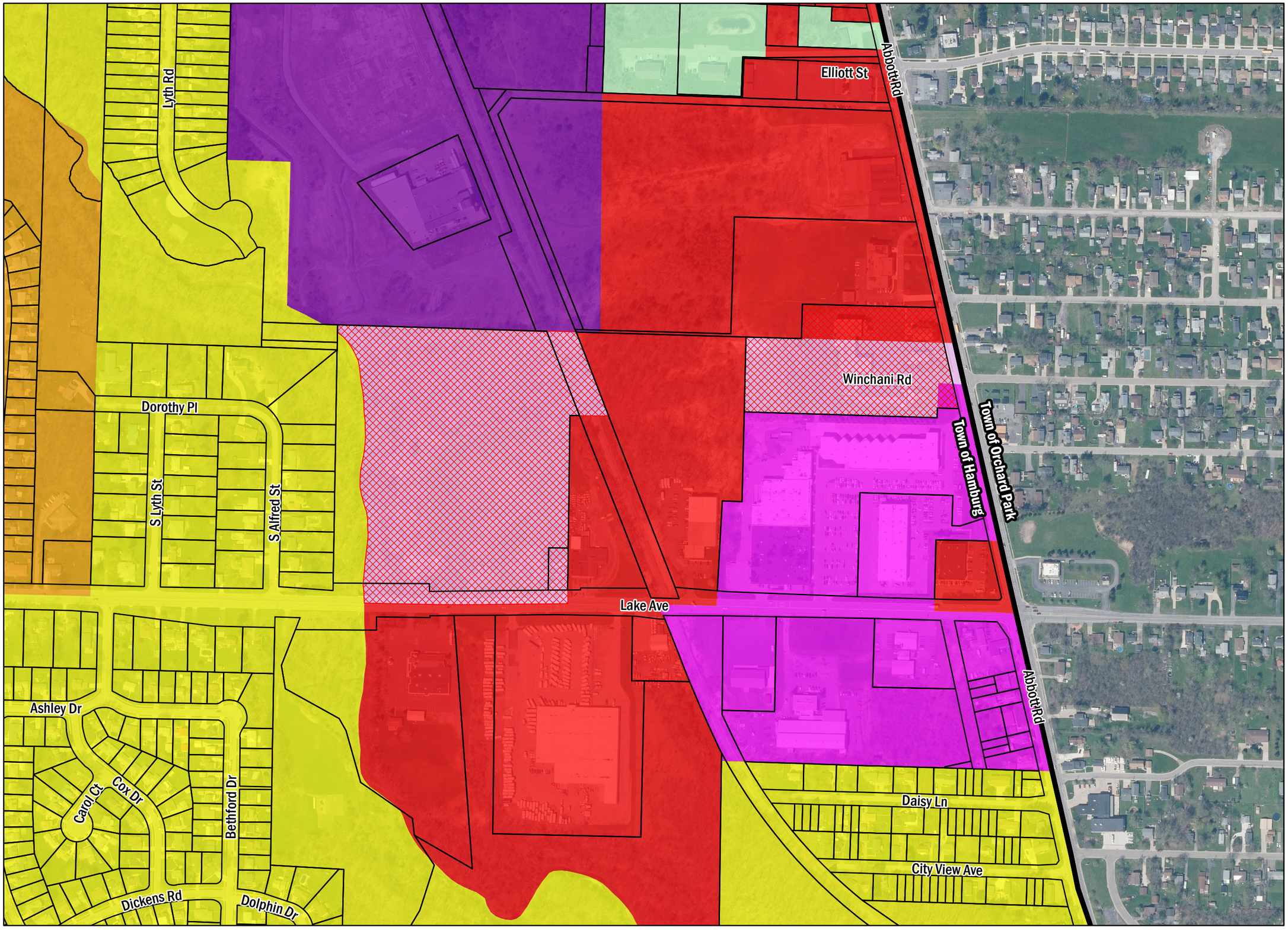
- C2
- M1
- M2
- NC
- PR
- PUD
- R2

0 100 200 400 Feet

wendel

WD Project # 300824 NCFA
Map Created: September 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

Town of Hamburg Zoning

- C2
- M1
- M2
- M3
- NC
- R2
- R3

0 100 200 400 Feet

wendel

WD Project # 300824 NCFA
Map Created: September 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

4.29. Non-CFA Phase 1 Zoning Code Amendments SEQR 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 (see adoption resolution):

- 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”; and

WHEREAS, a public hearing was held regarding these Code amendments on September 22, 2025, and no comments were received from the public or from Erie County, based on the 239-m referral; and

WHEREAS, these proposed Code amendments are in accordance with the recommendation from the Hamburg Planning Board; and

WHEREAS, based on comments received from the public hearing, minor revisions were made to the proposed code amendments and accepted by the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that the Hamburg Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed amendments to the Zoning Code (see attached copies) of the Town of Hamburg Code of Ordinances, will not adversely affect the natural resources of the State and/or the health, safety, and welfare of the public and is consistent with social and economic considerations and, therefore, issues the attached SEQRA Negative Declaration in accordance with Section 617.7 of the SEQRA regulations; and

BE IT FURTHER RESOLVED THAT, the Supervisor is authorized to sign the Full Environmental Assessment Form (FEAF Parts 1, 2, and 3), which will act as the Negative Declaration.

ATTACHMENTS:

Non-CFA Phase 1 Zoning Code Amendments FEAF Part 1.pdf
Non-CFA Phase 1 Zoning Code Amendments FEAF Part 2.pdf
Non-CFA Phase 1 Zoning Code Amendments FEAF Part 3.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

Agency Use Only [If applicable]

Project : Non-CFA Various Phase 1 Zoning District C

Date : 11/3/25

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "**Yes"** to a numbered question, please complete all the questions that follow in that section.
- If you answer "**No"** to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)
If "Yes", answer questions a - j. If "No", move on to Section 2.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☐	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐
h. Other impacts: _____ _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☑ NO ☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	□	□
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	□	□
c. Other impacts: _____ _____		□	□

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☑ NO ☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	□	□
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	□	□
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	□	□
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	□	□
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	□	□
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	□	□
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	□	□
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	□	□
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	□	□
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	□	□
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	□	□

l. Other impacts: _____ _____		□	□

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	□	□
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	□	□
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	□	□
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	□	□
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	□	□
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	□	□
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	□	□
h. Other impacts: _____ _____		□	□

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) ☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	□	□
b. The proposed action may result in development within a 100 year floodplain.	E2j	□	□
c. The proposed action may result in development within a 500 year floodplain.	E2k	□	□
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	□	□
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	□	□
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	□	□

g. Other impacts: _____ _____		☐	☐

6. Impacts on Air

The proposed action may include a state regulated air emission source. ☑ NO ☐ YES
(See Part 1. D.2.f., D.2.h, D.2.g)
If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO_2)	D2g	☐	☐
ii. More than 3.5 tons/year of nitrous oxide (N_2O)	D2g	☐	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF_6)	D2g	☐	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐
vi. 43 tons/year or more of methane	D2h	☐	☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____ _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☑ NO ☐ YES
If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	□	□
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	□	□
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	□	□
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____ _____	E1b	□	□
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	□	□
j. Other impacts: _____ _____		□	□

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	**No, or small impact may occur**	**Moderate to large impact may occur**
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	□	□
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, Elb	□	□
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	□	□
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	□	□
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	El a, E1b	□	□
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	□	□
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	□	□
h. Other impacts: _____		□	□

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☑ NO ☐ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical 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.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____ _____		□	□
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	□	□
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	□	□
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	□	□

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	□	□
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	□	□
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	□	□
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	□	□
e. Other impacts: _____ _____		□	□

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	□	□
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	□	□
c. Other impacts: _____ _____		□	□

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems. ☑ NO ☐ YES
(See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____ _____		☐	☐

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy. ☑ NO ☐ YES
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting. ☑ NO ☐ YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ☑ NO ☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No,or small impact may cccur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____ _____			

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. ☑ NO ☐ YES

(See Part 1. C.1, C.2. and C.3.)

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, Elb	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____ _____		☐	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. ☑ NO ☐ YES

(See Part 1. C.2, C.3, D.2, E.3)

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____ _____		☐	☐

PRINT FULL FORM

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:
To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Part 2 of the FEAF identified no moderate to large environmental impacts as this proposal involves code amendments to various sections of Chapter 280 of Hamburg Town Code, and presently includes no proposals for any construction. The rezoning is being done in accordance with the Town's new Comprehensive Plan.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☑ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☑ Part 1 ☑ Part 2 ☑ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
The Town's 2023 Comprehensive Plan

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Hamburg Town Board as lead agency that:

☑ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Non-CFA Various Phase 1 Zoning District Code Amendments

Name of Lead Agency: Hamburg Town Board

Name of Responsible Officer in Lead Agency: Catherine Rybczynski

Title of Responsible Officer: Supervisor

Signature of Responsible Officer in Lead Agency: Date:

Signature of Preparer (if different from Responsible Officer) Date:

For Further Information:

Contact Person: Joshua Rogers

Address: 6100 South Park Avenue, Hamburg, NY

Telephone Number: 716-649-2023

E-mail: jrogers@townofhamburgny.gov

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

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4.30. Authorize Agreement - Hamburg Volunteer Ambulance Company

Whereas, the town of Hamburg, Erie County, New York, desires to continue providing and/or arrange for advanced life support, first response services in the town;

Whereas, the town contracted with the Hamburg Volunteer Ambulance Company, Inc. for the provision of advanced life support, first response services in the town, including such adequate staffing, management, vehicles, and equipment, and has seen the benefit the service has provided to the town;

Now therefore, it is hereby resolved that the town opts to enter into a new agreement with the Hamburg Volunteer Ambulance Company, Inc, to continue providing the aforementioned services for a period of two (2) years and it is further

Resolved, that the Supervisor is authorized to execute such agreement.

4.31. Non-CFA Phase 1 Zoning Code Amendments Adoption 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”; and

WHEREAS, a public hearing was held regarding these Code amendments on September 22, 2025, and comments were received from the public or from Erie County, based on the 239-m referral; and

WHEREAS, these Code amendments are in accordance with the recommendation from the Planning Board; and

WHEREAS, based on comments received from the public hearing, minor revisions were made to the proposed code amendments and accepted by the Town Board, including adding § 280-332.7 AI (Artificial Intelligence) Data Centers to Article XLVI "Special Use Permits"; and

WHEREAS, the Hamburg Town Board, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law, has issued a SEQR Negative Declaration.

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 revision of the Town Code as referenced above and in the attached.

ATTACHMENTS:

Special regulations for townhouses Amendments 10-30-25docx.pdf
R-3 Minimum lot size. and Required yards Amendments 10-30-25.pdf
280-347 Word Definitions Additions 10-30-25.pdf
C-2 Mini-Storage Amendments 10-28-25.pdf
NC Amendments 10-30-25 .pdf
Private Storage Definitions 10-30-25.pdf
Special Use Permits Amendments with Track Changes 10-30-25.pdf

AMEND SECTION 280-289, AS FOLLOWS:

§ 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.

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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,

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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.

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REVISIONS TO ARTICLE X. R-3 MULTIFAMILY DISTRICT

Amend Sections 280-46 and 280-48, and add a new section 280-48.1 as follows:

§ 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.

(4) 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.

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]**

(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

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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.

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REVISIONS TO ARTICLE XLIX Definitions and Word Usage

Amend Sections 280-347 as follows:

§ 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-2 and M-3 Districts."

I. Any reference to a "mixed use district" shall be interpreted to mean "PUD and MU-1 Districts."

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Amend Sections 280-81 and replace with the following:

§ 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) Office buildings and offices.

(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) Garden centers.

(16) Hotels or motels.

(17) Banks and drive-thru banks provided that at least five car spaces are provided for stacking purposes.

(18) Racquetball clubs, squash courts, pickle ball courts, health spas and related physical fitness facilities.

(19) 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.

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(d) Machine and tool sales, rentals and service.

(e) Storage and sales of solid fuel.

(f) Storage and sales of feed for livestock.

(20) Private rental storage (mini-storage) is prohibited (see definition).

(21) 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.

(22) Research and development activities, including laboratories, testing, small-scale experimental and pilot plan operations and production operations incidental to research and development practice and techniques.

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

(a) Permitted uses [Subsections A(1) through (22) 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).

(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.

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(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.

(h) As an accessory use to an existing rental storage (mini-storage) facility, a screened outdoor storage area for leasing for storage purposes.

(i) Full scale buildings in which interior spaces are being rented for individual storage use. Access to storage units must be within an enclosed building. (See definition of Interior Storage Facilities).

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.

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Amend Sections 280-60 and 280-61 and replace with the following:

§ 280-60. Permitted uses and structures.

Uses and structures permitted in the NC District are as follows:

A. Principal uses and structures:

(1) Single family detached dwellings.

(2) Two-family dwellings.

(3) Minor retail sales serving the day-to-day convenient shopping needs of the surrounding neighborhood (less than 2,000 square feet).

(4) Real estate or insurance office.

(5) Funeral homes (no crematoriums).

(6) Art, dance, music schools or photography studios.

(7) Opticians or optometrists.

(8) Bed-and-breakfast establishments and tourist homes. **[Amended 2-22-1999 by L.L. No. 3-1999]**

(9) Fire substations.

(10) Meeting rooms for private clubs, lodges or fraternal organizations.

(11) Medical and/or dental buildings, clinics and laboratories (single practitioner).

(12) Other administrative, professional or executive offices (less than three employees).

(13) 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) Truck terminals and dispatch and transfer offices and all automotive-related businesses shall be prohibited.

(15) 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.

(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]**

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

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) 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.

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Article XLIX Definitions and Word Usage

Amend definition as follows:

Proposed Definitions

PRIVATE RENTAL STORAGE (also known as "public mini storage," "self-service storage facility")

A building or group of buildings (typically pre-fab metal structures) 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 and only have direct access from the exterior of the building. These facilities can have supervised or unsupervised access to the rental units.

Propose new definitions as follows:

INTERIOR STORAGE FACILITIES

A full-scale building or group of full-scale buildings having self-contained units or stalls for the storage of customers' (businesses, individuals, etc.) goods, wares, or contractor supplies for a rental fee and only have direct access from the interior of the building. These facilities can have supervised or unsupervised access to the rental units.

BUSINESS RENTAL UNITS

A building or group of buildings consisting of individual units for business operations including office areas, showrooms, workshops, and storage areas for material and equipment related to the business for a rental fee. These units must be accessible to the public during regular operating hours.

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).**

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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:

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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.

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§ 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

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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 with frontage on 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.

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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.

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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 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

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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 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.

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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

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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 Interior 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.

§ 280-332.7 AI (Artificial Intelligence) Data Centers

No special use permit for an AI Data Center shall be authorized unless the applicant's project meets the requirements of 280-312 B (1), (2), (3), (4) and the following:

A. All buildings and structures associated with AI data centers shall maintain a minimum 100-foot setback from all property lines.

B. All mechanical equipment shall be shown on any proposed site plan and must be fully screened on all sides with a design, materials, details, and treatment compatible with those used on the principal façade of the building.

C. Screening shall be required whenever an AI data center and accessory data center use is adjacent to any R district. The Planning Board may waive the screening when the data center is not adjacent to a residence or a residential district. The use of existing vegetation for

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landscaping and screening is strongly encouraged and may be substituted for new berms and plantings when approved by the Planning Board.

a. When fencing has been provided, screening shall be a minimum depth of 8 feet of vegetation when the AI data center abuts residential properties or a residential zoning district. iv. All fencing provided along road frontage shall be landscaped.

D. An acoustical study prepared by a professional acoustical engineer shall be required as part of the site plan and special use application that demonstrates that the use, including all its components, will not create any unnecessary and unreasonably loud or disturbing noise, in accordance with Chapter 175 of Hamburg Town Code.

a. The Planning Board may require additional sound mitigation if the acoustical study indicates potential impacts to sensitive receptors.

E. Fire protection and detection systems shall be in accordance with New York State Uniform Fire Prevention and Building Code and the Town of Hamburg Fire Prevention Code, Chapter 113.

F. The Planning Board may require submission of a decommissioning plan to address infrastructure created for the AI data center.

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§ 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.

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Town Board of the Town of Hamburg
November 3, 2025 Meeting

4.32. Chapter 227 Streets and Sidewalks Amendments Referral to PB

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

WHEREAS, the Code Review Committee has reviewed the Streets and Sidewalks regulations of Chapter 227 and has sent these suggested revisions for 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 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 227 (Streets and Sidewalks), by amending § 227-8, entitled "Unsafe sidewalks; notice to repair; appeals"

NOW, THEREFORE, BE IT RESOLVED, that the Hamburg Town Board hereby entertains this proposed local law amendment and authorizes the referral of this proposed law amendment to Erie County, and to the Hamburg Planning Board for its review and recommendation, and sets a public hearing for December 8th, 2025, at 7 pm in the Court Room of Hamburg Town Hall.

ATTACHMENTS:

Chapter 227 Proposed Amendments.docx

§ 227-8. Unsafe sidewalks; notice to repair; appeals.

A. Sidewalks shall be considered to be unsafe after notice, as required in Article I of this chapter, is received and if, by determination of the Town Engineer, they are so broken, cracked, lifted, spalled or scaled or otherwise deficient to cause a clear and present danger to pedestrians. Upon such determination, the owner of the property where such sidewalk is located will be notified, in writing by standard form, of the need to repair or replace the sidewalk in question. Such notice shall specify the sidewalk or portions thereof which require repair or replacement and contain a brief summary of the reasons therefor. Such notice shall be served upon such owner by personal service or by certified mail, return receipt requested, addressed to the last known address as shown on the latest completed assessment roll of the Town of Hamburg. If delivery of the certified mail is returned or unclaimed, then service shall be made by regular mail and shall be deemed complete five days after the date of mailing. The cost of such repair or replacement will be borne by the property owner.

B. Upon delivery of the written notice, the property owner shall make every attempt to correct the deficiency noted within a reasonable time after delivery of the notice; in no event shall more than 180 days elapse between the delivery of the written notice and correction of the deficient or unsafe sidewalk.

C. If, within said 180-day period, the sidewalks required to be repaired shall not have been repaired, then the Town Board may cause the same to be done at the expense of the property owner. If said expense, as determined by the Town, is not paid within 30 days after billing the property owner, such a charge shall be a lien upon the property benefited until paid and shall be added to the property owner's tax bill as an assessment as set forth in this article. If the notice of deficiency is issued between November 1st and April 1st, then the date where the 180-day period commences on April 1st.

D. Any property owner aggrieved by a determination to repair the sidewalk or any portion thereof as contained in the written notification of the same shall have a right to appeal such determination to the Town Board by delivering a written request for review of the determination to the Clerk within 60 days of delivery of said notification, which the Town Clerk shall thereupon transmit to the Town Board. Upon receipt of a timely request for review, the Town Board shall refer the matter to a person whom it shall designate for the purpose of hearing all evidence and arguments both against and in support of such determination. For this purpose, the person designated by the Town Board shall schedule a time and place for such a hearing and shall give or cause to be given adequate notice thereof to the property owner and to the Town Engineer. On such hearing, the formal rules of evidence shall not apply. Upon conclusion of such hearing, the person designated shall prepare and transmit to the Town Board a recommended decision, based upon the evidence and the arguments presented, either annulling, modifying or affirming the determination of the Town Engineer, together with a summary of the reasons therefor. Upon receipt of such recommended decision, the Town Board shall take up the matter at the next regularly scheduled Town Board meeting and shall accept, reject or modify said recommended decision. The determination of the Town Board so made shall be deemed final and binding upon the property owner and the Town Engineer.

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