

Agenda

Natalie E. Nitsche Town Clerk

Town Board of the Town of Hamburg

January 26, 2026

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:

November 17, 2025

December 8, 2025

December 22, 2025

4. Agenda Items

4.1. Proclamation Honoring the Palace Theatre's 100th Anniversary

4.2. Public Hearing Proposed Local Law #18, 2025

4.3. Schedule Article LX Smoke Shops and Vape Shops Public Hearing

4.4. Schedule Chapter 34 Mandatory Training Code Amendments Public Hearing

4.5. Out of Town Travel Request - NYSYB Annual Youth Leadership Forum

4.6. 2026 Association of Towns Annual Meeting and Training School

4.7. Engineering APWA Conference Attendance

4.8. Delegates for Association of Towns Annual Meeting

4.9. Youth, Recreation, and Senior Services P.A.F.

4.10.PAF – Police Matron

4.11.PAF – Police - Clerk Typist, Temp

4.12.POLICE - Internship

4.13.B&G PAF

4.14.Committee Appointments

4.15.POLICE –Budget Amendment

4.16.Budget Amendment: Receipt of Revenue

4.17.Budget Transfer

4.18.Idlewood Subdivision Engineer's Report Services

4.19.Authorized Signer - Highway Department

4.20.Police Copier Renewal Agreements

4.21.Professional Services

4.22.Planning Board and Zoning Board Carry-Over Hours Approval

4.23.Armor VFC-Liaison

4.24.B&G ZTrak Mower Purchase

4.25.Lakeview Commercial District TB PH Reso

5. Public Comment

6. Meeting is adjourned by Supervisor

Town Board of the Town of Hamburg
January 26, 2026 Meeting

4.1. Proclamation Honoring the Palace Theatre's 100th Anniversary

Whereas, the Palace Theatre, located in the Village of Hamburg, first opened its doors on January 14, 1926, and has since stood as a cherished cultural landmark in the Town of Hamburg for one hundred years; and

Whereas, for a century, the Palace Theatre has provided generations of residents and visitors with entertainment, opportunities for artistic expression, and shared experiences, serving as a gathering place that strengthens community connections; and

Whereas, the Palace Theatre has played a vital role in preserving the rich history, character, and charm of the Village of Hamburg while also adapting to changing times and continuing to serve as a vibrant destination for film, performance, and community events; and

Whereas, the continued success of the Palace Theatre is a testament to the dedication, vision and hard work of its owners, staff, supporters, and patrons who have ensured its legacy for the last 100 years and for future generations to come; and

Whereas, the preservation and celebration of historic places such as the **Palace Theatre** strengthen community pride and honor the past while inspiring future generations; **and**

Whereas, reaching the milestone of one hundred years is a remarkable achievement worthy of recognition and celebration by the entire community.

NOW, THEREFORE, BE IT RESOLVED, that the Hamburg Town Board, on behalf of the entire Hamburg community, does hereby recognize and celebrate the 100th Anniversary of the Palace Théâtre, and extends sincere congratulations and gratitude for its enduring contributions to the cultural life and history of our community.

In Witness Whereof, we have caused the seal of the Town of Hamburg to be affixed this 26th day of January 2026.

Elizabeth Farrell Lorentz, Supervisor

Dan Kozub, Deputy Supervisor

Frank Bogulski, Councilmember

Lynne Dixon, Councilmember

Nick Ortiz, Councilmember

Town Board of the Town of Hamburg
January 26, 2026 Meeting

4.2. Public Hearing Proposed Local Law #18, 2025

LEGAL NOTICE TOWN OF HAMBURG

NOTICE OF PUBLIC HEARING Proposed Local Law #18, 2025

PLEASE TAKE NOTICE that there has been presented to the Town Board on December 22, 2025, pursuant to the Municipal Home Rule Law, a proposed local law, to be known as proposed local law 18, 2025; said local law provides for amendments of the Hamburg Town Code: Chapter 280 entitled “Zoning”, by amending the Town’s Zoning Map as follows:

- Rezone SBL #: 159.18-3-24 from C-3 (Office District) to NC (Neighborhood Commercial General Residence District)
- Rezone SBL #s: 159.18-3-25, 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-3 (Multifamily Residence District)

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on January 26, 2026, at 7:00 p.m. (local time), at which time all interested people may be heard.

Dated: December 22, 2025

Natalie Nitsche
Town Clerk

Town of Hamburg

Town Board of the Town of Hamburg
January 26, 2026 Meeting

4.3. Schedule Article LX Smoke Shops and Vape Shops Public Hearing

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

WHEREAS, the Town has received complaints from residents regarding smoke shops and vape shops; and

WHEREAS, the Code Review Committee has generated a draft for smoke shops and vape shops regulations, 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 (full copies attached):

- Add a new “Article LX Smoke Shops and Vape Shops” to Chapter 280

WHEREAS, the Hamburg Town Board referred this proposed law amendment to Erie County through the 239-m referral process and received no objections,

NOW, THEREFORE BE IT RESOLVED, the Hamburg Town Board hereby sets a public hearing on this proposed local law amendment for February 23rd, 2026, at 7 pm in the Court Room of Hamburg Town Hall.

ATTACHMENTS:

[Smoke and Vape Shops Draft Code.pdf](#)

Article LX

Smoke Shops and Vape Shops

§ 280-429. Findings; purpose.

To further the goals of New York State's tobacco use prevention and control program, as identified in New York State Public Health Law § 1399-ii, the Town of Hamburg finds that:

- A. Tobacco is a leading cause of preventable death and disease in New York State;
- B. Adolescent brains are uniquely vulnerable to the effects of nicotine and the formation of nicotine dependence;
- C. Tobacco and vapor/e-cigarette retail outlet density is associated with high rates of youth and adult tobacco use, as well as higher rates of initiation of nicotine use among adolescents and young adults;
- D. Tobacco and vapor products usage is linked to an increased incident in cancers and disease and therefore is harmful to the public health; and
- E. Restricting the sale of tobacco and vapor/e-cigarette products to certain zoning districts and reducing the concentration of sale locations will reduce the availability of tobacco and nicotine to residents, including adolescents, improving public health and lessening the incidence of various cancers and diseases.

§ 280-430. Definitions.

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

SMOKE SHOP(S) — Any shop, store or business of which the primary activity is the sale, manufacture, or promotion of tobacco, tobacco products, and accessories, either at wholesale or retail, dedicated to the sale of tobacco products and/or smoking paraphernalia, as herein defined.

SMOKING PARAPHERNALIA — All equipment, products, and materials, of any kind, which are used, intended for use, or designed and/or adapted for use in packaging, repackaging, storing, containing, injecting, ingesting, inhaling and/or otherwise introducing into the human body tobacco products.

TOBACCO PRODUCTS — Tobacco, tobacco products, including but not limited to cigarettes, chewing tobacco, cigars, electronic cigarettes, vape pens, vapors, e-liquids, e-vaporizers and other like substances, CBD (cannabidiol), and CBD products, including but not limited to CBD gummies and/or CBD oil.

§ 416-3. General regulations.

- A. Smoke shop locations may only operate between the hours of 8:00 a.m. and 10:00 p.m. on weekdays and Saturdays, and 12:00 noon and 9:00 p.m. on Sundays.
- B. A special use permit (§ 280-318) is required for each and every smoke shop. No smoke shop may open, operate, or exist in the Town without first obtaining a special use permit from the Planning Board following a public hearing. A property owner and/or landlord shall not permit a tenant or subtenant to open or operate a smoke shop within the Town unless a special use permit has been obtained for the demised premises.
- C. A smoke shop is only allowable, subject to a special use permit, on a parcel of land in the C-2 General Commercial District.
- D. It is unlawful for a smoke shop to knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any smoke shop.

- E. Each and every smoke shop shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. One said sign, measuring approximately 144 square inches, shall be placed in a conspicuous location near each public entrance to each and every smoke shop. It shall be unlawful for a smoke shop to fail to display and maintain, or fail to cause to be displayed or maintained, said signage.

§ 416-4. Location.

- A. A smoke shop shall be allowable only within the C-2 General Commercial District, subject to the issuance of a special use permit, and subject to the regulations set forth herein.
- B. No smoke shop shall be permitted within 500 feet of another smoke shop.
- C. No smoke shop shall be permitted within 500 feet of a school, nursery school, day care, playground, public library, municipal park, or other similar uses where children regularly gather at the discretion of the Supervising Code Enforcement Officer.
- D. No smoke shop shall be permitted within 500 feet of the lot line of any lot zoned for residential use.
- E. No smoke shop shall be permitted within 500 feet of a house of worship.
- F. Said distances shall be measured from property line to property line.

§ 416-5. Penalties for offenses.

A violation of this chapter constitutes an offense, and the owner, person, or smoke shop violating this chapter shall be subject to a fine for each and every day that the violation exists, as set forth in the Schedule of Fines and Penalties determined by the Hamburg Town Board. This chapter shall be enforced by the Town of Hamburg Code Enforcement Department, the Town of Hamburg Police Department, and/or the New York State Police.

§ 416-7. Existing smoke shops.

The provisions of Article XLI of Chapter 280 of the Town Code concerning nonconforming uses in existence at the time of the adoption of this chapter shall apply to smoke shops. In addition to the provisions of Article XLI of Chapter 280 of the Town Code, if there is any change in the ownership of an existing smoke shop after the adoption of this chapter, then any further use of such property as a smoke shop shall be required to conform to this chapter and be required to apply for a special use permit, as applicable. No existing smoke shop shall be permitted to expand the square footage of its existing footprint without conforming to this chapter and obtaining a special use permit, as applicable.

§ 416-8. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgement of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Town Board of the Town of Hamburg

January 26, 2026 Meeting

4.4. Schedule Chapter 34 Mandatory Training Code Amendments Public Hearing

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 “Mandatory Training” regulations of Chapter 34 of Hamburg Town Code, 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 (full copies attached):

- Amend Chapter 34 “Mandatory Training”, by renaming it “Training and Attendance Requirements for Planning Board and Zoning Board of Appeals” and adding new subsections

WHEREAS, the Hamburg Town Board referred this proposed law amendment to Erie County through the 239-m referral process and received no objections, and

NOW, THEREFORE, BE IT RESOLVED, the Hamburg Town Board hereby sets a public hearing on this proposed local law amendment for February 23rd, 2026, at 7 pm in the Court Room of Hamburg Town Hall.

Town Board of the Town of Hamburg
January 26, 2026 Meeting

4.5. Out of Town Travel Request - NYSYB Annual Youth Leadership Forum

WHEREAS, the Town of Hamburg Youth, Recreation and Senior Services Department receives financial support from New York State to run its Youth Engaged in Service, Youth Mentoring, and Rec on the Go programs, and

WHEREAS, the Town of Hamburg Youth, Recreation and Senior Services Department promotes leadership, community service, and civic engagement, and

WHEREAS, the Association of New York State Youth Bureaus is holding its Annual Youth Leadership Forum in Albany, NY on February 3 and 4, 2025, and

WHEREAS, this event is an interactive leadership and educational seminar offered to youth and staff managing youth services from across New York State, and

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes Nicole Dayka, Youth-at-Risk Coordinator, to compile the appropriate documentation for the aforementioned youth, secure registration and lodging for all parties, and attend the Youth Leadership Forum as the acting chaperone for up to four Youth, Recreation and Senior Services Department youth representatives, with the following expenses:

REGISTRATION: No cost LODGING (1 night): No cost

MEALS (\$50 per day x 2 days): \$100

TRANSPORTATION (coach bus, arranged by the Western New York Association of Youth Bureaus): No cost

Total cost not to exceed \$100.

Money is available in A.7020.492 Seminars.

Town Board of the Town of Hamburg
January 26, 2026 Meeting

4.6. 2026 Association of Towns Annual Meeting and Training School

BE IT RESOLVED, that the Town Board approve the out-of-town travel request of Town Attorney, Kenneth Farrell, to attend the New York State Association of Towns Training School and Annual Meeting in New York City from February 14, 2026, through February 18, 2026, and

WHEREAS, actual and necessary expenses incurred in attending this training school and meeting, including registration fee, are proper municipal charges under Town Law §116(12) and General Municipal Law §77(b), and

WHEREAS, the Town Attorney may attend sessions for which required Continuing Legal Education/Professional Development credit hours are given;

NOW THEREFORE BE IT RESOLVED, the Town Board does hereby authorize Town Attorney, Kenneth Farrell, to attend the Association of Towns State of New York Annual Meeting and Training School, with the following expenses:

-Registration: \$150.00

-Up to four (4) nights hotel @ \$303 per night

-Four (4) days of meals @ \$65.00 per day

BE IT FURTHER RESOLVED, the Town Board authorizes either mileage and parking reimbursement or plane fare and ground transportation reimbursement to travel to and from the Meeting and Training School.

Funds are available in account A1420.0492

Town Board of the Town of Hamburg
January 26, 2026 Meeting

4.7. Engineering APWA Conference Attendance

WHEREAS, the American Public Works Association (APWA) 2026 Annual Conference, in Utica, NY, will feature expert speakers and sessions in the area of public works and municipal engineering and this year will feature a construction inspection track that will be invaluable to work by Town staff in the Engineering Department; and

WHEREAS, Robert Haag has also been awarded a full scholarship to attend this year's conference which will cover registration and hotel;

NOW, THEREFORE BE IT RESOLVED, that the Town Board approve Robert Haag to register and attend the conference on March 17-19, 2026, at no cost to the Town.

Town Board of the Town of Hamburg
January 26, 2026 Meeting

4.8. Delegates for Association of Towns Annual Meeting

BE IT RESOLVED, that Town Supervisor Elizabeth Farrell Lorentz be designated as the delegate to represent and vote on behalf of the Town of Hamburg at the Annual Business Meeting of the Association of Towns of the State of New York held from February 14, 2025 - February 18, 2025.

Town Board of the Town of Hamburg
January 26, 2026 Meeting

4.9. Youth, Recreation, and 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:

[DOC012226.pdf](#)

Youth, Recreation, Senior Services

Date:

1/26/26

1 of

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

[illegible]

Town Board of the Town of Hamburg
January 26, 2026 Meeting

4.10. PAF – Police Matron

BE IT RESOLVED, the Town Board approve the termination of Shannon Rovnak as a Jail Matron for the Police Department.

Town Board of the Town of Hamburg
January 26, 2026 Meeting

4.11. PAF – Police - Clerk Typist, Temp

BE IT RESOLVED, the Town Board approve the appointment of Kathleen Morlock as a Clerk Typist, Temp for the Police Department.

ATTACHMENTS:

[PAF - Emergency - Morlock K - Clerk Typist Temp 1-12-2026.pdf](#)

Town of Hamburg

Emergency Employment Request

DEPARTMENT Police Department

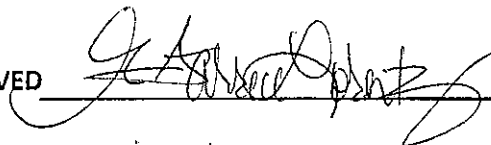
NAME	TITLE	DATE OF EMPLOYMENT	HOURLY RATE
Kathleen Morlock	Clerk Typist, Temp	1/12/2026	\$25.00

DATE 1/12/26

ACCOUNT B3120.0102


DEPARTMENT HEAD SIGNATURE

COPY TO: Supervisor
Personnel Office
File

APPROVED 

DATE 1/12/26

Town Board of the Town of Hamburg
January 26, 2026 Meeting

4.12. POLICE - Internship

RESOLVED, the Town Board authorize Mackenzie Esskuchen, student at Hilbert College, to complete an Internship in the Police Department from January 27, 2026 to May 30, 2026, at no cost to the Town of Hamburg.

Town Board of the Town of Hamburg
January 26, 2026 Meeting

4.13. B&G PAF

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

ATTACHMENTS:

[Signed BG PAF 01-26-26.pdf](#)

Department- Buildings & Grounds

Supervisor Signature: _____

Date _____

TOWN BOARD MEETING OF JANUARY 26, 2026

PAGE 1 of 1

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

[illegible]

Town Board of the Town of Hamburg
January 26, 2026 Meeting

4.14. Committee Appointments

Resolved, the Hamburg Town Board makes the following committee appointments for 2026:

Thomas Chmielowiec and Jennifer Robertson to the Health and Safety Committee for a one (1) year term for the year 2026:

Thomas Chmielowiec to the Emergency Management Committee for a one (1) year term for the year 2026:

Matthew Giacomini/Lindsey Dunne to the Hamburg Trails and Hamburg Moves Committee for a one (1) year term for the year 2026:

**Town Board of the Town of Hamburg
January 26, 2026 Meeting**

4.15. POLICE –Budget Amendment

WHEREAS, the Town of Hamburg Police Department receives distribution payments from a share of assets forfeited from defendants from time to time and,

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

NOW, THEREFORE BE IT RESOLVED, that the Town Board approves the receipt of the following monies and approves a budget amendment to the revenue account as follows: B000.0000.4358.0519 or B.4358.519.

ATTACHMENTS:

[2025 POLICE Budget Adjustment Resolution - 1-26-2026.pdf](#)

Board Meeting Date: **Monday, January 26, 2026**
Resolution Number:

Recoveries and Sales Budget Adjustment			
Receipt	Revenue Code	Expenditure Code	
Amount	To Increase	To Increase	Purpose/Source
\$1,645.80	B4358		Assets Forfeited
Total:			
\$1,645.80			

Town Board of the Town of Hamburg
January 26, 2026 Meeting

4.16. Budget Amendment: Receipt of Revenue

Resolved, the Hamburg Town Board approves the deposit of unanticipated funds received to be recorded in Account A000.0000.2770.0000 Sponsorships and Naming Rights.

Town Board of the Town of Hamburg
January 26, 2026 Meeting

4.17. Budget Transfer

RESOLVED, that the Town Board hereby approves a budget amendment transferring \$62,500 from Account A000.0000.2770.0000 (Sponsorships and Naming Rights) to Account A000.7020.0440.0000 (Independent Contractor Services); and

BE IT FURTHER RESOLVED, that the Town Supervisor and Finance Office are authorized and directed to make the necessary accounting and budgetary entries to carry out this amendment.

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Town Board of the Town of Hamburg
January 26, 2026 Meeting

4.18. Idlewood Subdivision Engineer's Report Services

WHEREAS, the Town of Hamburg requires an Engineer's Report for the Idlewood Subdivision West Arnold Dr prepared in conformance with EFC requirements to apply for grant opportunities; and

WHEREAS, Nussbaumer & Clarke Inc. previously completed the Map Plan & Report and the engineered plans for the waterline project and are best qualified to complete the Engineer's Report;

NOW THEREFORE BE IT RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the proposal for \$9,200 with Nussbaumer & Clarke and for work on the project to begin immediately.

Funds available in B.1490.1440.2

ATTACHMENTS:

[01-26-2026.01.14 Proposal - West Arnold Drive Water Main Improvement Project.pdf](#)



January 14, 2026

Camie Jarrell, PE
Town Engineer
Cjarrell@townofhamburgny.gov
Town of Hamburg
6100 South Park Avenue
Hamburg, New York 14075

Re: Proposal to provide Professional Engineering Services
Engineering Report
Idlewood Subdivision - West Arnold Drive Water Main Improvement Project
Town of Hamburg, NY
File No. 26P1-0020

Dear Town Engineer Jarrell;

Nussbaumer & Clarke, Inc. (Nussbaumer) is pleased to submit this proposal and letter of engagement to the Town of Hamburg (Town) for the preparation of an Engineering Report in connection with the replacement of the existing waterline on West Arnold Drive (Idlewood Subdivision).

The Engineering Report will be prepared in general conformance with the relevant parts of the NYS Environmental Facilities Corporation (NYSEFC) outline for drinking water projects (refer to attached copy). The Town can then use the Engineering Report to apply for grant and/or financial assistance via the Consolidated Funding Application process (late July submission in past years).

PROJECT FEE

Nussbaumer proposes to provide the engineering services as detailed above for a lump sum fee of \$9,200.00.

INITIATION OF CONTRACT

Nussbaumer appreciates the opportunity to submit this letter proposal, and we look forward to working with the Town on this Project. We are available at your convenience to discuss any aspect of this proposal.

Upon acceptance of our proposal, please sign where indicated and return a copy to Nussbaumer. The signed copy will serve as our Agreement and Notice to Proceed. Please retain the original for your records.



If you have any questions regarding this proposal or need further clarification, please do not hesitate to call.

Sincerely,
NUSSBAUMER & CLARKE, INC.

Caroline Bukowski, P.E.
Project Manager

CC: David Britton, P.E. - Nussbaumer

Accepted By: **Town of Hamburg**

Signature: _____ Title: _____

Printed Name: _____ Date: _____



**Department
of Health**

**Environmental
Facilities Corporation**

Engineering Report Outline for New York State Assisted Drinking Water Infrastructure Projects

Effective October 1, 2021

For Projects Receiving Assistance Through the Drinking Water State Revolving Fund (DWSRF) or Other State Assistance Requiring Approval by the New York State Department of Health.

Statement of Purpose

This document provides guidance to municipalities, consulting engineers and others interested in receiving Drinking Water State Revolving Fund (DWSRF) and other state financial assistance requiring an acceptable engineering report. This outline was created to promote the development of comprehensive engineering evaluations that communities can use to make informed decisions about infrastructure. Use of the outline may help to ensure that a submitted report satisfies DWSRF programmatic and technical requirements. While it is intended that all the items in the outline must be addressed for every project, the engineer's evaluation may determine that some elements of the outline do not apply to a project and can be stated as such.

After reviewing a submitted report, the New York State Department of Health (DOH) may determine that the report may need additional information before it can be found acceptable for funding purposes. In addition, a report determined to be acceptable for funding purposes may not contain the detailed technical information necessary for DOH to complete a technical review and approval of the proposed project, and a more detailed basis of design report may be required as the project progresses. DOH will advise prospective applicants if needed. While this outline has been prepared as guidance for applicants seeking New York State financial assistance, it may also be suitable for use for public water system infrastructure projects that are not being financed through the State.

Engineering Report Preparation Standards

Engineering reports shall be prepared, stamped, and dated by a New York State licensed Professional Engineer and developed in accordance with the following standards whenever practicable and as appropriate:

1. Recommended Standards for Water Works, Latest Edition - Policies for the Review, and Approval of Plans and Specifications for Public Water Supplies (commonly known as the 10 States Standards)
2. New York Codes, Rules and Regulations, Title 10, Part 5, Subpart 5-1
3. Applicable standards (latest edition) published by the American Water Works Association
4. Table B-3 of the New York State Design Standards for Intermediate Sized Wastewater Treatment Systems (March 5, 2014) if applicable for estimating water demand
5. New York State Flood Risk Management Guidance for Implementation of the Community Risk and Resiliency Act (CRRA)

There may be components described in the applicable standards that are pertinent to a project that are not addressed in this outline. The engineer preparing the report should ensure that applicable standards are addressed during the development of the report.

If seeking assistance from these federal agencies; Department of Agriculture – Rural Development, Environmental Protection Agency, Department of Homeland Security, and Housing and Urban Development, the engineering report may need to comply with the January 16, 2013 Engineering Report Interagency Memo (Bulletin 1780-2 found online at <http://www.rd.usda.gov/publications/regulations-guidelines/bulletins/water-and-environmental>)

Drinking Water Engineering Report Outline

Engineering reports must include a Table of Contents with page numbers, and the sections outlined below.

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Appendix A - Capacity Development Evaluation Form

Appendix B - Examples of Short-Lived Assets

Appendix C - Smart Growth Assessment Form

Executive Summary

Provide a brief description of the purpose of the report, need for the project, evaluations conducted, recommended alternative, and proposed course of action.

Project Background & History

1. Site Information

Describe the area(s) under consideration and include the following:

- Location
- Geologic conditions (soil type, depth to bedrock and groundwater, slope if significant)
- Surface water features
- Environmental resources (potentially impacted areas, aquifers, species, etc.)
- Environmental justice areas potentially impacted
- Floodplain considerations (100-year flood elevation and highest flood of record, if known)

2. Ownership & Service Area

Describe the ownership of the facilities and area(s) being served or to be served. Include details of the following:

- Publicly or Privately-owned
 - Municipal, State, Federal, Water Authority, Water Works Corporation, Homeowners Association, Water Works Transportation Corporation, Native American Reservation, Commercial, Industrial, School, Other
- Water system management
 - Water system operators (name and certification level)
- Water district boundaries (existing and proposed)
 - Projects financed through New York State need to comply with the State's Smart Growth Act and therefore care should be taken when setting the boundaries if creating new or expanding existing water districts. Large areas of vacant lands should not be included if state funding will be sought for a project. District boundaries should be set to capture residences and businesses that will be within the district. For example, instead of using tax map boundaries that may include significant areas of vacant land, district boundaries could be set at some distance from center of the right always sufficient to capture homes and businesses that will be served.
- Outside users
 - Discuss any existing/required water purchase contracts between water supplies, and/or inter-municipal/private/industrial agreements
- Nearby agricultural or industrial land use activities
- Population trends and growth
 - U.S. Census or other data (include references) for the service area for at least the past 20 years or Period of Probable Usefulness (PPU) if available
 - Discuss any planned or anticipated development
 - Projected population over next 20 years in five-year intervals
- Historical and projected water use data
 - Type of use (i.e., residential, commercial, agricultural, industrial)
 - Equivalent Dwelling Units (EDUs)
 - Average and maximum day demands, including fire flow demand

- Peak hourly flow
- Percent of unaccounted water and estimated reduction of water loss as a result of the proposed project
- Adjacent or nearest public water systems
- Community involvement (support/opposition)

3. Existing Facilities

Provide overview of major system components and include the following:

- Location and layout
 - Map, site plan and schematic layout for existing facilities and treatment processes
 - Photographs of existing facilities
- General description & history
 - Purpose of system component
 - When component was constructed, renovated, expanded, or removed from service
 - Failure history and component limitations
 - History of damage due to storm or flood impacts
- Present condition
 - Adequacy of current facilities (source, conveyance, treatment, storage, disposal and security)
 - Source capacity
 - Description of watershed
 - Ground water – total and with largest producing well out of service. Include safe yield analysis.
 - Surface water – capacity during one in fifty-year drought or extreme drought of record, include consideration of multiple year droughts. Include safe yield analysis.
 - Table of design capacity and normal and peak operating capacity for each facility component
 - Raw water and finished water quality
 - Ability to meet treatment objectives
 - Monitoring parameters
 - Sampling requirements/frequency
 - Ability to maintain system pressure and required fire flows (if applicable)
 - Type and quantity of wastes generated and disposal ability
 - Energy consumption (include energy audit results if available)
 - Suitability for continued use
- Permit conditions (e.g., Water Withdrawal Permit limits, SPDES permit requirements)
- History of infrastructure damage due to storm or flood impacts (include elevation of floodwaters)

4. Need for Project

Describe the need for the project. Include maps, photographs, or schematics as it relates to:

- Health, sanitation, and/or security
 - Water quality and quantity
 - Regulations
- Aging infrastructure
 - Loss of source capacity
 - Distribution system water loss
 - System pressure
 - Treatment or storage needs

- Inefficient design
- Safety concerns
- Reasonable growth
 - Future growth needs (provide supporting calculations)
 - Adequacy of revenue to meet future growth needs
- Water, energy, and/or waste considerations (include audits, if available)
- Suitability for continued use
- Storm & flood resiliency (sea level rise, storm surge, potential for flooding impacts, or other extreme weather event)
- Compliance with local, state and federal requirements. Discuss and provide copies of the following:
 - Notices of violation
 - Consent orders
 - Judicial orders
 - EPA orders
 - Sanitary survey
- Compliance with current design standards (i.e., Recommended Standards for Water Works, latest edition)

5. Capacity Development

DOH is required to ensure that all systems receiving DWSRF assistance have adequate technical, managerial, and financial capabilities to provide safe drinking water. Systems that lack adequate capacity may be determined as ineligible by DOH to receive DWSRF assistance unless the project to be financed corrects the technical, managerial, and financial deficiencies.

- For projects funded with DWSRF assistance, complete the Capacity Development Program Evaluation Form (Appendix A)

Alternatives Analysis

Conduct a comprehensive analysis of each feasible alternative, including a no-action alternative. All projects must also evaluate the possibility to interconnect to another public water system. If the system applying for DWSRF assistance decides not to pursue a possible interconnection alternative when such alternative exists and would address the scope of the project with respect to its priority health ranking, then a detailed justification satisfactory to DOH must be provided demonstrating that the interconnection is a technically, financially, or managerially disadvantageous option.

Briefly discuss any alternatives considered that were found to be technically infeasible.

As appropriate, the following alternatives should be evaluated:

- No action
- Repair or replacement versus new construction
- Regional consolidation and/or interconnection
- Shared services or partnership opportunities
- Technically feasible alternatives

For each alternative, the analysis should include the information outlined below.

1. Description

Describe how each alternative will resolve the identified need. Present the following information for each technically feasible alternative, as appropriate:

- Proposed preliminary design, design standards, sizing, and supporting calculations
- Impact on existing facility
 - Average and peak design flows
 - Change in system pressure
 - Change in required operator certification grade
 - Potential for change in water chemistry in the distribution system as a result of changes to water source or treatment, and means of addressing such change
 - Waste generated
- Location map and/or schematic drawing
- Land requirements
 - Current ownership
 - Land to be acquired
 - Lease or access agreement
 - Easements required
- Environmental impacts & mitigation measures
 - Potential State Environmental Quality Review (SEQR) concerns such as water quality and supply, noise levels, air quality, population growth, wetlands, floodplains, and other sensitive areas
 - Potential impacts (both positive and negative) on environmental justice areas
- Construction and site considerations
 - Subsurface rock
 - High water table
 - Access limitations
 - Flood prone areas
 - Availability of utility and communication infrastructure
- Permit requirements (new/proposed and existing)
- Identify the water & energy efficiency measures used in each alternative
 - Efficient water use, reuse, conservation, and energy efficient design, and/or renewable generation of energy
- Storm & flood resiliency (sea level rise, storm surge, potential for flooding impacts, or other extreme weather events)
- Schedule and constructability

2. Cost Estimate

Provide cost estimates for each alternative, including a breakdown of the following:

- Total project cost showing itemized construction, non-construction & contingency costs
 - Non-construction may include land/easement acquisition, legal, engineering, construction management, fiscal advisor, grant/loan administrator, etc.
- Annual operation and maintenance (O&M) costs (existing and proposed) considering the following:
 - Personnel
 - Administration
 - Water purchase
 - Waste treatment/disposal costs
 - Insurance
 - Energy cost (fuel or electric)

- Process chemical, monitoring & testing
- Short-lived asset maintenance and replacement (see Appendix B - Examples of Short-Lived Assets)
- Professional services
- Annual debt service resulting from each alternative

3. Non-Monetary Factors

Include discussion of all relevant non-monetary factors such as increased recreational opportunities, increased local employment, aesthetics, improved habitat, reduced carbon footprint, climate resiliency, standardization, personnel impacts, permit issues, or community objections.

Summary and Comparison of Alternatives

Provide a summary table of all feasible alternatives identifying any major differences, pros and cons, non-monetary factors, and costs.

- Provide a summary life cycle cost analysis for all technically feasible alternatives. A comprehensive life cycle cost analysis may be warranted for projects involving new infrastructure technologies. This analysis should convert capital, O&M, short-term assets, and salvage costs to present worth values. State the time period and the interest rate used in the evaluation.

Recommended and Selected Alternatives

Identify the recommended alternatives for consideration if more than one and the selected alternative including:

- Basis of selection
- Cost estimate
- Project schedule (including submittal of plans and specification, advertisement for bid, contract award, initiation of construction, substantial completion, final completion, startup)
- Next steps (including special studies, pilot tests, special coordination, community engagement)

Engineering Report Certification

All engineering reports must be signed and sealed by a professional engineer licensed to practice engineering in the state of New York.

Smart Growth

All projects funded through EFC must comply with the New York State Smart Growth Public Infrastructure Policy Act to the extent practicable. Provide a completed and signed Smart Growth Assessment form (Appendix C). A copy of the form in a fillable format is available at www.efc.ny.gov/SmartGrowth

Maps and Figures

Provide a series of maps, drawings, schematics, and/or figures that provide detailed information regarding the site, the project, and its impacts. For each figure, overlay with applicable information such as municipal boundaries, water district boundaries, floodplain elevations, topography, and environmental justice Areas. Include necessary map elements including, but not limited to, a north arrow, legend, and scale. Include:

1. Overall service area
 - a. Water District or service area boundaries
 - b. Sources
 - c. Tanks
 - d. Distribution mains
 - e. Pump stations
 - f. Treatment plant(s)
2. Existing project site
 - a. Site layout/overall schematic drawing
 - b. Hydraulic profile
 - c. Process flow diagram
3. Proposed improvements for each alternative
 - a. Sources
 - b. Water Mains (Identify type of improvement: new, repair, replace, line, etc.)
 - c. Storage Tanks
 - d. Pump stations
 - e. Treatment plant site(s)
 - f. Hydraulic profile
 - g. Process flow diagram

Appendix A - Capacity Development Evaluation Form

CAPACITY DEVELOPMENT PROGRAM

TECHNICAL, MANAGERIAL, AND FINANCIAL EVALUATION CRITERIA FOR: COMMUNITY PUBLIC WATER SYSTEMS

SYSTEM NAME: _____

COUNTY: _____ **PWSID #:** _____

COMPLETED BY: _____ **DATE:** _____

Technical Capacity

A. System Infrastructure

1. Does the system have as-built plans, drawings, or maps of its facilities including source, treatment, storage, and distribution?

☐

Yes

☐

No

☐

Not Applicable

If the system lacks certain plans, please specify:

2. Does the system have exact location measurements of all main valves and service shut-offs?

☐

Yes

☐

No

☐

Not Applicable

3. Can the system's pumping, storage and distribution facilities meet current normal and peak demands and required distribution pressures?

☐

Yes

☐

No

☐

Not Applicable

4. Does the system have a water conservation plan?

☐

Yes

☐

No

☐

Not Applicable

5. Are all customers on the water system metered?

☐

Yes

☐

No

☐

Not Applicable

6. Is the system equipped with "master" meters that measure the amount of water the system produces or purchases for each source of water?

☐

Yes

☐

No

☐

Not Applicable

B. Source Water Evaluation

1. Does the system have a copy of its Source Water Assessment?

☐ Yes ☐ No ☐ Not Applicable

2. Has a yield analysis been done for the system's source?

☐ Yes ☐ No ☐ Not Applicable

3. Does the system have a description of the existing source-pumping capacity and the system's raw and finished water storage capacity?

☐ Yes ☐ No ☐ Not Applicable

4. For groundwater systems, does your system have a wellhead protection program in place?

☐ Yes ☐ No ☐ Not Applicable

C. Technical Knowledge

1. Has an evaluation of the water system facilities been conducted with respect to its ability to reliably meet current and proposed State and Federal drinking water regulations?

☐ Yes ☐ No ☐ Not Applicable

If system can't meet regulations, please specify:

2. Does the system have monthly water production records or treatment records that show daily and monthly water production for each source used by the system?

☐ Yes ☐ No ☐ Not Applicable

3. Has an evaluation been conducted to document the condition and remaining service life of existing facilities?

☐ Yes ☐ No ☐ Not Applicable

4. Has the system been cited within the past two years for failing to sample and report test results?

☐ Yes ☐ No ☐ Not Applicable

5. Has the system been cited within the past two years for operating deficiencies as a result of a sanitary survey or other inspection conducted by the DOH?

☐ Yes ☐ No ☐ Not Applicable

6. If you answered "Yes" to Questions 4 or 5, has corrective action been taken to correct all deficiencies?

☐

Yes

☐

No

☐

Not Applicable

D. Certified Operators

1. Does the water system have a certified water operator(s) and designated an operator in responsible charge?

☐

Yes

☐

No

2. If the water system does not have a state-certified water treatment operator, or lacks the necessary number of operators to safely and reliably operate the system, does the system have a plan to acquire the services of a (additional) state-certified operator?

☐

Yes

☐

No

☐

Not Applicable

Managerial Capacity

A. Staffing and Organization

1. What type of training/continuing education did system personnel attend within the last two years (please specify)?

2. Who is responsible for policy and operational decisions for the water system (*name and title*)?

3. Who is responsible for ensuring compliance with state regulatory requirements (*name and title*)?

4. Who is responsible for approving expenditures (*name and title*)?

5. *For systems that contract for system operation or management:* Does the system have a valid (signed) contract that summarizes the duties and responsibilities the contractor must provide to the system?

☐

Yes

☐

No

☐

Not Applicable

B. Ownership

1. *If the system is under temporary ownership*, has a future owner been found for the water system?

☐ Yes ☐ No ☐ Not Applicable

If "Yes", who will the future owner be?

2. *For systems that use, but do not own, land or facilities that are essential to water system operation*: Is there a valid long-term contract (i.e., lease) between the water system and the owner of the land or facilities essential to the operation of the system?

☐ Yes ☐ No ☐ Not Applicable

3. *For systems with a single proprietor*: Does the system have a contingency plan for continuing system operation in the event the owner becomes incapable of carrying out his/her responsibilities?

☐ Yes ☐ No ☐ Not Applicable

C. Consolidation/Restructuring

1. Has the system examined the feasibility of:
- a) Incorporating with an existing water system in the immediate proximity?

☐ Yes ☐ No ☐ Not Applicable

- b) Selling ownership to an existing water system?

☐ Yes ☐ No ☐ Not Applicable

- c) Contracting for the management or operation of the system with an existing system or satellite management/operations agency?

☐ Yes ☐ No ☐ Not Applicable

D. Emergency/Disaster Response Plans

1. Has the system developed an Emergency Response Plan?

☐ Yes ☐ No ☐ Not Applicable

2. Does the Emergency Response Plan:

- a) Designate responsible personnel in the event of an emergency?

☐ Yes ☐ No ☐ Not Applicable

b) Provide for emergency phone and radio capabilities?

☐ Yes ☐ No ☐ Not Applicable

c) Describe public and health department notification procedures?

☐ Yes ☐ No ☐ Not Applicable

3. Does the system have any emergency contract agreements under which it operates (e.g., emergency water interconnections and alternative sources)?

☐ Yes ☐ No ☐ Not Applicable

E. Water System Policies

1. Does the system have a *written* System Operations Manual or Policy?

☐ Yes ☐ No ☐ Not Applicable

F. Record Keeping

1. Does the system keep water utility records including: financial, regulatory, facility, operations and maintenance, data quality, Annual Water Quality Reports, and correspondence with the NYS Department of Health and/or local Health Departments (and where appropriate, the NYSPSC)?

☐ Yes ☐ No ☐ Not Applicable

Financial Capacity

A. Budget Projection – Revenues and Expenses

1. Does the system have a water budget?

☐ Yes ☐ No ☐ Not Applicable

2. Are the system's annual water revenues sufficient to cover the annual water expenses as well as anticipated capital improvements?

☐ Yes ☐ No ☐ Not Applicable

3. Are the system's water rates, when combined with other revenue sources, sufficient to cover all listed expenditures for the water system?

☐ Yes ☐ No ☐ Not Applicable

4. Does the system retain budget information for at least two years?

☐

Yes

☐

No

☐

Not Applicable

B. Reserves

1. Does the system have a reserve account (or funds within a reserve account) dedicated to:

a) Financing the emergency replacement of critical facilities in the event of their failure?

☐

Yes

☐

No

☐

Not Applicable

b) The maintenance of cash flow in the event of an unexpected funding shortfall?

☐

Yes

☐

No

☐

Not Applicable

2. If the system has a reserve account, how does it determine the amount to put into the account?

____ Fixed Amount ____ Percentage of Revenues ____ Percentage of Expenses

____ Other (please specify) _____

3. If the system has a reserve account, what type(s) of reserve account(s) does it have?

____ Operation and Maintenance ____ Capital Projects ____ Debt Service

____ Other (please specify) _____

C. Capital Improvement Plan

1. How do you finance operation and maintenance costs (Check all that apply)?

____ Rates collected from ratepayers

____ Rental fees

____ Other business revenue

____ Personal capital

____ Surcharges

____ Reserve account

____ Other (Please specify) _____

2. How did you finance your LAST major repair or improvement?

____ Commercial bank loan

____ Bonds

____ DWSRF

____ Other State or federal loan/grant program

____ Surcharge

____ Personal Capital

____ Reserve Account

____ Revenue from other business

____ Other (Please specify) _____

3. What options do you have for financing your NEXT major repair or improvement?

_____ Commercial bank loan	_____ Bonds
_____ DWSRF	_____ Other State or federal loan/grant program
_____ Surcharge	_____ Personal Capital
_____ Reserve Account	_____ Revenue from other business
_____ Other (Please specify) _____	

D. Water System Rates

1. Does the water system management review user fee, user charge, or rate system at least once every two years?

☐ Yes ☐ No ☐ Not Applicable

2. What is the frequency of billing (e.g., 12, 6, or 4 times per/year)? _____ times/year

3. Where applicable, what are the system's water rates?

4. What are rates based on?

_____ Capital Improvement Plan and Annual Budget
_____ Annual Budget Only
_____ Cash on Hand
_____ Last year's expenses
_____ Not sure
_____ Other (Please specify _____)

5. What was the date of the last rate increase? -

END OF DOCUMENT

Appendix B- Examples of Short-Lived Assets

<u>Source Relates</u> Pumps Pump Controls Pump Motors Telemetry Intake/Well Screens Water Level Sensors Pressure Transducers	<u>Distribution System Related</u> Residential and Small Commercial Meters Meter boxes Hydrants and Blow-offs Pressure Reducing Valves Cross Connection Control Devices Altitude Valves Alarms & Telemetry Vaults, Lids and Access Hatches Security Devices and Fencing Storage Reservoir Painting/Patching
<u>Treatment Related</u> Chemical Feed Pumps Altitude Valves Valve Actuators Water Level Sensors Pressure Transducers Air Compressor and Controls Pumps Pump Controls Pump Motors Chemical Feed Pumps Granular Filter Media Membranes Field & Process Instrumentation Equipment UV Lamps Back-up Power Generator Chemical Leak Detection Equipment Flow Meters SCADA Systems	

Appendix C - Smart Growth Assessment Form

**A copy of this form in a fillable format is available at
www.efc.ny.gov/SmartGrowth**

Town Board of the Town of Hamburg
January 26, 2026 Meeting

4.19. Authorized Signer - Highway Department

RESOLVED, the Hamburg Town Board confirms that Cynthia Pierce is authorized to sign Purchase Orders, Town vouchers, Request for supplemental or budget transfers, and Payroll input sheets for the Highway Department.

**Town Board of the Town of Hamburg
January 26, 2026 Meeting**

4.20. Police Copier Renewal Agreements

WHEREAS, the Town of Hamburg previously entered into an agreement with Eagle Systems, Inc. for the provision of copier equipment and maintenance services, and

WHEREAS, the current agreements are set to expire in January 2026, and

WHEREAS, the Police Chief, Peter Dienes, reviewed the terms and conditions of the proposed renewal agreements for the Police Records and Detective Bureau copiers, and

WHEREAS, the Town desires to continue such services without interruption and ensure continuity of operations, and

WHEREAS, the renewal agreements with Eagle Systems, Inc are for 63-month term periods, ending in January 2031, with the following estimated monthly payments:

- Police Records - \$143.30
- Detective Bureau - \$231.92

Funds are available in account B000.3120.0423

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the renewal agreements with Eagle Systems, Inc.

Town Board of the Town of Hamburg
January 26, 2026 Meeting

4.21. Professional Services

RESOLVED, the Hamburg Town Board approves the payment of \$62,500 to LegacyPro Marketing LLC for professional contracted services from account A000.7020.0440.0000 (Independent Contractor Services)

Town Board of the Town of Hamburg
January 26, 2026 Meeting

4.22. Planning Board and Zoning Board Carry-Over Hours Approval

WHEREAS, on February 23, 2009 the Town Board of the Town of Hamburg passed Local Law #1, 2009 that mandates a minimum of four (4) hours of training per year for members of the Planning Board and Zoning Board of Appeals; and

WHEREAS, Section 6 of said law provides that training received by a member in excess of four (4) hours in any one (1) year may be carried over into the succeeding year upon the approval of the Town Board; and

WHEREAS, the following members of the Planning Board and Zoning Board of Appeals have exceeded the four (4) hours of required training for 2025 as follows:

Zoning Board of Appeals

Dennis Chapman 2.0
Jeff Adrian 1.0
Laura Hahn 1.5

Planning Board

Kaitlin Chmura 1.0
Kim Ryan 1.5
Cindy Gronachan 1.0

NOW, THEREFORE, BE IT RESOLVED that the Town Board approve the carryover of up to two (2) hours of training as listed above for the applicable members to apply for the 2026 requirements for mandatory training.

Town Board of the Town of Hamburg
January 26, 2026 Meeting

4.23. Armor VFC-Liaison

Be it resolved, that the Armor Volunteer Fire Company President:

Paul Zemla
32 Raymond Street
Hamburg, NY 14075
716-983-9317

Shall be the official liaison between the Armor Volunteer Fire Company and the Town of Hamburg effective immediately, and

Be it further resolved, that all money, correspondence, and other matters to be received by the Armor Volunteer Fire Company from the Town of Hamburg are to be directed to him.

**Town Board of the Town of Hamburg
January 26, 2026 Meeting**

4.24. B&G ZTrak Mower Purchase

BE IT RESOLVED, that the Town Board approves a budget adjustment to facilitate the purchase of two (2) John Deere Z950M ZTrak mowers and one (1) John Deere Z960M ZTrak mower from Deere & Company, pursuant to NY State Landscaping Grounds Contract PC69683 (PG XN CG 22), in the total amount of \$25,713.41, after trade-ins; and

BE IT FURTHER RESOLVED, that funds are available in account A.1640.201, and the Town Board hereby authorizes the transfer of \$15,732.00 to account A.7140.201 and \$9,981.41 to account A.7141.201 to cover the cost of said purchase; and

BE IT FURTHER RESOLVED, that the Town Supervisor and Finance Office are authorized and directed to make the necessary accounting and budgetary entries to carry out this resolution.

Town Board of the Town of Hamburg
January 26, 2026 Meeting

4.25. Lakeview Commercial District TB PH Reso

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 Planning Department to work with the CPIC and a special Non-CFA 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, Non-CFA Zoning Code Committee, and the Planning Department developed specific Code and zoning map revisions related to creating a new commercial district in the Lakeview area in the Town; and

Whereas, a public hearing was held on September 22nd, 2025 regarding zoning map and zoning text amendments for this Lakeview Commercial District, and the Town received several comments from the public; and

Whereas, based on these comments from the public and subsequent conversations with property owners in Lakeview, the Planning Department and the Non-CFA Zoning Code Committee have made revisions to the Lakeview Commercial District zoning text draft and would like to solicit further input from the public; and

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

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

- Amend Chapter 280 (Zoning), by adding a new Article, entitled “LC Lakeview Commercial District”; and

Be It Finally Resolved, that the Hamburg Town Board sets a Public Hearing on these proposed amendments at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, NY at 7:00 pm on February 23, 2026.

ATTACHMENTS:

[Lakeview Commercial District Draft 1-23-26.pdf](#)

Amend Chapter 280. Zoning

By adding a new Article LVIV LC Lakeview Commercial District, as follows:

Article LVIV LC Lakeview Commercial District

§ 280-420. Intent.

- A. The Lakeview Commercial District is intended to provide a controlled environment for light commercial uses adjacent to regional arterial highways in the Lakeview area of the Town of Hamburg. These uses shall not be permitted to develop in such concentrations or in such a manner as to become a nuisance or hazard to the public welfare and safety. This district is intended to help to protect adjoining residential areas and recognizes that certain parcels fronting Southwestern Boulevard and Lakeshore Road and adjacent to Interstate 90 may not be suitable for residential development. Design will be important and will need to help blend any use into this nature of the Lakeview area which has rural, residential, and important environmental features.

§ 280-421. Permitted Uses.

- A. Permitted uses shall be as follows:

- (1) Personal service establishments, such as but not limited to barbershops, beauty parlors, laundromats, dry cleaning, glass shops and small appliance repair.
- (2) Office buildings and offices.
- (3) Custom shops, including but not limited to printing, electrical, heating, plumbing or woodworking shops.
- (4) Landscaping sales or services.
- (5) Agricultural related and support businesses (No AG tourism).
- (6) Churches or other places of worship or religious education, parish houses, convents, rectories or parsonages.
- (7) Medical and other health services.
- (8) Banks.
- (9) Instructional facilities.
- (10) Non-drive-thru restaurants (under 10,000 square feet).
- (11) Light manufacturing services, including but not limited to fabrication, welding, and similar service trades.
- ~~(9)~~(12) Business rental units (see definition).
- (13) Existing homes, as of the date of the adoption of this local law.
- ~~(10)~~(14) Existing businesses (including those with a special use permit), as of the date of the adoption of this local law.
- ~~(11)~~(15) Prohibited uses.

a) Car washes.

~~b) Any use permitted in a Light Industrial or General Industrial district under the Town of Hamburg Zoning Code.~~

~~e)b)~~ All uses not expressly or conditionally permitted are prohibited.

~~(12)~~(16) The following uses by special use permit authorized by the Planning Board (see Article XLVI):

a) Drive-thru facilities permitted with an allowed use, except for non-drive thru restaurants.

b) Allowed commercial uses with up to 2 residential units.

~~e) Rental storage (mini storage) (see definition). This also includes full scale buildings in which interior spaces are being rented for individual storage usage.~~

~~d)c)~~ Outdoor display.

~~(13)~~(17) Accessory uses and structures:

a) Accessory uses and structures customarily incidental to permitted principal uses.

§ 280-422. Minimum lot size.

Lot area. Lot area will be based on the size of the building, parking requirements, and landscaping.

§ 280-423. Maximum height of buildings.

Maximum: ~~350~~ feet.

§ 280-424. Lot coverage.

Maximum: 75%.

§ 280-425. Required yards.

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

A. Front yard: 40 feet.

B. Side yard:

(1) Principal buildings: none required, except that:

a) Where a side yard is provided, it shall be no less than five feet.

b) Where a side yard abuts any R District boundary, it shall be not less than 20 feet or the height of the principal building, whichever is greater.

c) Where a side yard is used for either vehicular ingress or egress, it shall be at least 12 feet.

d) Where a side yard is used for vehicular ingress and egress, it shall not be less than 25 feet.

C. Rear yard:

- (1) Minimum: 10 feet.
- (2) Abutting an R District boundary: same distance as required for a side yard along an R district boundary.

§ 280-426. Supplemental regulations.

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

§ 280-427. Landscaping requirements.

Existing natural features and vegetation shall be preserved. Other landscaping treatments such as trees and shrubbery shall be located as directed by the Planning Board to achieve residential character and conformance with the surrounding properties.

§ 280-428. Architectural requirements.

Building elevation plans must be submitted to the Planning Board which reflect designs that accomplish the aesthetically enhanced look described in the intent section of this Code, and any applicable zoning overlay requirements. Buildings visible from Route 5 or Route 20 shall have a higher design image, including pitched roofs, higher quality materials, and windows facing Route 5 or Route 20, in accordance with the Intent Section.