

Agenda

Natalie E. Nitsche Town Clerk

Town Board of the Town of Hamburg

April 13, 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: March 23,2026

4. Agenda Items

4.1. Blasdell Volunteer Fire Department

4.2. Zoning Board of Appeals Alternate Member Appointment

4.3. Approve Buffalo Niagara Waterkeeper annual spring sweep

4.4. Town of Hamburg EBO

4.5. Out of Town Travel Request - Police / Dog Control Officer

4.6. Police - Out of Town Travel Request

4.7. Authorize Out of Town travel for Emergency Manager utilizing Town Vehicle

4.8. Annual Grass Cutting Bid

4.9. POLICE –Budget Amendment

4.10.B&G PAF

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

4.12.Town Clerk's Office PAF

4.13.Engineering Department PAF

4.14.Budget Amendment - JCAP Grant

4.15.New Audio System at Town of Hamburg Arena Bids

- 4.16.Dog Shelter Lease Agreement Addendum**
- 4.17.Article LX Smoke Shops and Vape Shops SEQR Resolution**
- 4.18.Article LX Smoke Shops and Vape Shops Adoption Resolution**
- 4.19.Nike Concession and Bathroom National Grid Service**
- 4.20.McKinley Sidewalk Extension Engineering Design**
- 4.21.West Arnold Archeological Phase 1B Study**
- 4.22.SW Blvd and Big Tree Road Traveler Center Rezoning SEQR Resolution**
- 4.23.SW Blvd and Big Tree Road Traveler Center Rezoning Approval Resolution**
- 4.24.Budget Amendment**
- 4.25.Ice Arena Pro-Shop and Concession Stand RFP**
- 5. Public Comment**
- 6. Meeting is adjourned by Supervisor**

Town Board of the Town of Hamburg
April 13, 2026 Meeting

4.1. Blasdell Volunteer Fire Department

WHEREAS, the Village Board of Trustees of the Village of Blasdell conducted a public hearing with respect to the issue of whether the Village of Blasdell shall be permitted to merge its Volunteer Fire Department into the adjacent Fire Protection District maintained by the Big Tree Volunteer Fire Company, Inc.; and

WHEREAS, the Board of Trustees considered input from the public and duly considered ramifications of a contemplated merger, as above referenced; and

WHEREAS, the Village of Blasdell acknowledges that the declining enrollment of active volunteer firefighters renders it impossible for the Village to maintain its own independent volunteer fire department and meet basic fire protection needs throughout the Village pertaining to Village residential, commercial and industrial properties, along with protection for the life, safety and general wellbeing of its citizens; and

WHEREAS, the Village Board of Trustees of the Village of Blasdell respectfully requested that State Senator Gallivan of the New York Senate and Assemblyman Rivera of the New York State Assembly Co-Sponsor Enabling Legislation, which upon its adoption shall be forwarded to the Governor for her review and consideration; and

WHEREAS, the Village Board of Trustees humbly requested that if such Enabling Legislation is duly adopted that the Governor of the State of New York shall expediently sign said legislation to enable the merger and to continue the outstanding fire protection and emergency services that the Village of Blasdell has received in the last three years and throughout its history.

NOW THEREFORE BE IT RESOLVED, the Hamburg Town Board also respectfully requests the same aforementioned actions to authorize the Village of Blasdell to merge its Volunteer Fire Department into the adjacent Fire Protection District maintained by the Big Tree Volunteer Fire Company Inc., and

BE IT FURTHER RESOLVED, the Town Supervisor is authorized to sign any affiliated required documentation.

Town Board of the Town of Hamburg

April 13, 2026 Meeting

4.2. Zoning Board of Appeals Alternate Member Appointment

RESOLVED, pursuant to Town Code §34-12, the Hamburg Town Board appoints Catherine Mika as an Alternate to the Zoning Board of Appeals for a two (2) year term ending December 31, 2027.

Town Board of the Town of Hamburg
April 13, 2026 Meeting

4.3. Approve Buffalo Niagara Waterkeeper annual spring sweep

WHEREAS, Buffalo Niagara Waterkeeper desires to enter into an agreement with the Town of Hamburg, to provide access for volunteer beach and waterfront cleanup events, at Hamburg Town Park and local beaches to conduct the annual spring sweep, to be held on Saturday, April 25, 2026, and

WHEREAS, the Town Board of the Town of Hamburg supports this project, and purpose of the event, and

WHEREAS, the Hamburg Town Board approves the Application for Special Event

NOW THEREFORE BE IT RESOLVED that the Town of Hamburg enter into an agreement with Buffalo Niagara Waterkeeper, and

BE IT FURTHER RESOLVED THAT the Supervisor is authorized to sign the agreement on behalf of the Town of Hamburg.

ATTACHMENTS:

[Special Event Permit & Insurance.pdf](#)

TOWN OF HAMBURG

Town Clerks Office

6100 South Park Ave
Hamburg, NY 14075
716-649-6111 ext. 2360
(fax) 716-646-1384

Application for Special Event Permit

Event Type: ☐ Foot Race ☐ Motorcycle Event
☐ Bicycle Event ☐ Parade
☒ Other (specify type) Volunteer Cleanup

Date of Application: 3/3/2026	
Requesting Organization Buffalo Niagara Waterkeeper	Name of Representative: Emily Burch
Address: 721 Main Street Buffalo NY 14203	
Business Phone: 716-852-7483	Cell Phone:
Email: eburch@bnwaterkeeper.org	

Name of Event: Spring Sweep

Date & Time of Event: 4/25/2026 10am-12pm

Event Location/Route: (map of the route to be attached to the application)

Hamburg Town Beach Google Map link - <https://goo.gl/maps/BZft35nyjIEvwhhAA>

Wanakah Beach Google Map link - <https://goo.gl/maps/GptYJgZeG7WzXbyW7>

Estimated Number of Participants: 120

Public Resources Requested: (includes traffic cones, barricades, Police & Fire services, road closures, etc.)

trash pick up needed after Noon on day of event

Have You Purchased Liability Insurance?: Yes (Minimum \$1,000,000 policy required)
(Copy of the policy must be provided before the application can be approved)

Internal Use Only

Approval Received from: _____ Police _____ Recreation
_____ Highway Dept. _____ Emergency Management

Application Approved/Denied _____ Town Clerk



BUFFNIA-08

LFOLSTER

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/20/2026

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 License # 1009544

Lawley, LLC
361 Delaware Avenue
Buffalo, NY 14202

CONTACT NAME: Lexi Folster

PHONE (A/C, No, Ext): (716) 849-8609 8609

FAX (A/C, No): (716) 849-8291

E-MAIL ADDRESS: lfolster@lawleyinsurance.com

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: Philadelphia Indemnity Ins Co

18058

INSURED

Buffalo Niagara Waterkeeper, Inc.
721 Main Street
Buffalo, NY 14203

INSURER B:

INSURER C:

INSURER D:

INSURER E:

INSURER F:

COVERAGES

CERTIFICATE NUMBER:

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	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☒ LOC OTHER:	X		PHPK2623572-013	1/1/2026	1/1/2027	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY			PHPK2623572-013	1/1/2026	1/1/2027	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	☒ UMBRELLA LIAB ☒ EXCESS LIAB ☒ OCCUR ☐ CLAIMS-MADE DED ☒ RETENTION \$ 10,000	X		PHUB889244-005	1/1/2026	1/1/2027	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NY) ☐ Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				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)

Additional Insured and Waiver of Subrogation coverage shown above and marked with an X. Terms set forth as evidenced by the attached endorsement(s) identified on the ACORD 101.

PI-GL-005 - Additional Insured Primary Non-Contributory Insurance
Town of Hamburg

CERTIFICATE HOLDER

CANCELLATION

Town of Hamburg
6100 South Park Avenue
Hamburg, NY 14075

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

AGENCY CUSTOMER ID: **BUFFNIA-08**

LFOLSTER

LOC #: **1****ADDITIONAL REMARKS SCHEDULE**Page **1** of **1**

AGENCY Lawley, LLC		License # 1009544	NAMED INSURED Buffalo Niagara Waterkeeper, Inc. 721 Main Street Buffalo, NY 14203
POLICY NUMBER SEE PAGE 1			
CARRIER SEE PAGE 1	NAIC CODE SEE P 1	EFFECTIVE DATE: SEE PAGE 1	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: **ACORD 25** FORM TITLE: **Certificate of Liability Insurance**

When required by executed written contract, the following endorsements apply:

General Liability:

PI-GLD-HS NY - General Liability Deluxe Endorsement: Human Services
(Includes Additional Insured, Waiver of Subrogation)

Umbrella:

PI-CXL-041 NY - General Liability Follow Form Endorsement

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE (RENEWED)

***** 222993054
BUFFALO NIAGARA WATERKEEPER INC
721 MAIN ST
BUFFALO NY 14203



SCAN TO VALIDATE
AND SUBSCRIBE

POLICYHOLDER BUFFALO NIAGARA WATERKEEPER INC 721 MAIN ST BUFFALO NY 14203		CERTIFICATE HOLDER BUFFALO NIAGARA WATERKEEPER 721 MAIN STREET BUFFALO NY 14203	
POLICY NUMBER B1402 397-2	CERTIFICATE NUMBER 443022	POLICY PERIOD 10/04/2025 TO 10/04/2026	DATE 2/18/2026

THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE NEW YORK STATE INSURANCE FUND UNDER POLICY NO. 1402397-2, 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, AND, WITH RESPECT TO OPERATIONS OUTSIDE OF NEW YORK, TO THE POLICYHOLDER'S REGULAR NEW YORK STATE EMPLOYEES ONLY.

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](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.

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: 1073408045

Town Board of the Town of Hamburg
April 13, 2026 Meeting

4.4. Town of Hamburg EBO

WHEREAS, the New York State Department of Transportation (NYSDOT) Equitable Business Opportunities (EBO) system is a web-based, free of charge civil rights reporting tool for construction and engineering industries, and

WHEREAS, the EBO system streamlines tracking DBE, M/WBE, and SDVOB participation, contractor payments, and employee hours on federally funded or state-sponsored projects, and

WHEREAS, as per a request from NYSDOT, the Town of Hamburg must designate a Responsible Local Official (RLO) and an EBO Administrator.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS: As Supervisor, Elizabeth Farrell Lorentz will serve as the Responsible Local Official (RLO) and Director of Finance, Patrick Shea will serve as the EBO Administrator.

Town Board of the Town of Hamburg
April 13, 2026 Meeting

4.5. Out of Town Travel Request - Police / Dog Control Officer

WHEREAS, the 2026 Webster Dog Control Educational Seminar is being held at the West Webster Fire Hall in Webster, NY from Wednesday, May 6, 2026, to Thursday, May 7, 2026, and

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes Dog Control Officer Richard Stoberl to attend the 2026 Webster Dog Control Education Seminar, with the following expenses:

Lodging (2 nights):	\$300.96
Meals (2 days: Dinner Only \$32.50 per day):	\$ 65.00
Registration:	\$180.00
 TOTAL COST:	 \$545.96

Money is available in A000.3510.0492.0000 (Training and Professional Development).

ATTACHMENTS:

[2026 Webster Dog Control Educ Seminar 5-6-2026 to 5-7-2026.pdf](#)

2026 WEBSTER Dog Control Educational Seminar

West Webster Fire Hall 🐾 1051 Gravel Road 🐾 Webster, NY

Wednesday, May 6th & Thursday, May 7th

Doors open for registration and light breakfast at 7:00am with presentations 8:00am - 4:30pm

Accommodations Nearby

Fairfield Inn by Marriott and Suites
Rochester East
915 Hard Road, Webster NY

Hampton by Hilton
878 Hard Road
Webster, NY

Holiday Inn Express
860 Holt Road
Webster, NY

Registration Fee

Early bird rate of \$160 if received prior to April 15th

Rate increase to \$180 if received after April 15th

Please note, registration closes on May 1st and there will be no registration at the door

Includes light breakfast, snacks, and lunch on both days

Please mail completed registration form with payment to:

Webster Town Hall
Attn: Danene Marr, Town Clerk
1000 Ridge Road Webster, NY 14580
townclerk@websterny.gov

Checks and money orders can be made payable to:
Webster Town Clerk

Topics to be Discussed Include:

- NYSAGM Article 7 & Physical Exam Review
- Sanitation
- Euthanasia Decisions
- Wellness/PTSD
- Ticket Writing & Citations
- Pet CPR: Certification for Attendees!

For more information, please feel free to contact:

Barbara Hollands, LVT/ACO

bhollands@ci.webster.ny.us

585.872.7009

Ann Marie Brade, LVT/AHI

annmarie.brade@agriculture.ny.gov

585.480.0600

Town Board of the Town of Hamburg

April 13, 2026 Meeting

4.6. Police - Out of Town Travel Request

WHEREAS, the FBINAA National Annual Training Conference will take place in Niagara Falls, Ontario, Canada from Saturday, June 27, 2026 to Tuesday, June 30, 2026, and;

WHEREAS, the FBINAA National Annual Training Conference offers education and networking with law enforcement veterans, fellow chiefs, and future leaders, and;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes Captain Todd Ehret to attend the FBINAA National Annual Training Conference, with the following expenses:

Lodging (5 nights @ \$289 CAD per night plus fees):	\$1,414.88
Registration:	\$ 600.00
Parking (\$50.00 CAD daily):	\$ 185.00
Meals	
1 day @ \$32.50 (Dinner Included)	
2 days @ \$48.75 per day (Lunch Included)-\$97.50	
1 day @ \$16.25 (Lunch / Dinner Included)	\$ 146.25
 TOTAL COST:	 \$2,346.13

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

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

Town Board of the Town of Hamburg

April 13, 2026 Meeting

4.7. Authorize Out of Town travel for Emergency Manager utilizing Town Vehicle

Whereas the Town of Hamburg is a member agency for the Niagara International Transportation Technology Coalition (NITTEC), represented by Emergency Management and the Police Department,

Whereas the 2026 New York State TIMposium is scheduled to take place at the New York State Fairgrounds in Syracuse, NY on May 20, 2026 from 7am until 445pm,

Whereas this full-day event will bring together professionals from various fields to enhance responder safety and roadway clearance practices; whose attendees participate in five sessions led by national experts, covering real-world scenarios, planning, and on-scene tactics,

Whereas this TIMPosium event aims to improve both responder and public safety, streamlining traffic incident management across New York State,

Whereas Emergency Manager Sean Crotty has been asked by the NYS TIMPosium Organizing Committee to present with NITTEC Operations Manager an Educational Session on Public Safety Telecommunications Role in Traffic Incident Management,

Therefore, be it resolved the Town Board Authorize Emergency Manager Sean Crotty to attend the NYS TIMPosium, and present his educational session at the attendance,

There is no cost for Emergency Manager Sean Crotty to attend and has requested the use of a town vehicle.

ATTACHMENTS:

[Session Descriptions & Bios TIMPosium Draft_3-10-26.pdf](#)



2026 New York State TIMposium

Wednesday, May 20, 2026, 7:00 AM – 4:45 PM

New York State Fairgrounds, Art & Homes Building, Syracuse, New York

Session and Presentation Descriptions

7:00 AM - 7:45 AM

Event Registration Sign-In and Morning Refreshments

7:45 AM - 9:00 AM

Opening Ceremonies

Martha Eddy Room

Opening Ceremonies Emcee: Tom With, Co-Chair NYS TIM Steering Committee

Presentation of Colors

Troop D Honor Guard, New York State Police

Pledge of Allegiance

Welcome & Opening Remarks:

NYSDOT Executive

State Fire Admin

Lieutenant Colonel Christopher T. Zaba currently serves as the Assistant Deputy Superintendent for the Uniformed Force of the New York State Police. Lt. Colonel Zaba has over 24 years of service with the State Police and over 30 years in law enforcement having served as a patrolman with Cobleskill Police Department and as an Environmental Conservation Officer with NYS DEC. Lt. Colonel Zaba has served as an operator with the Special Operations Response Team (SORT), Uniform Sergeant, Station Commander, BCI Lieutenant, Uniform Zone Commander, Aviation Detail Commander, Special Operations Detail Commander, and Staff Inspector.

In his current position, Lt. Colonel Zaba oversees all the uniform operations in the state, the Office of Emergency Management, Special Operations, Aviation, and Division Traffic. He also oversees numerous committees within the New York State Police, and is a member of the New York State Association of Chiefs of Police and the International Association of Chiefs of Police

9:10 AM - 9:40 AM
Concurrent Session 1

Understanding the Role of Emergency Responders and Roadway Safety

Concurrent Session 1A, Empire Theater

Description: Struck-by incidents continue to be an alarming trend for responders. During this interactive presentation, Chief Denniston will explain the importance of attitude, training, and proper policies and procedures in reducing the number of injuries and deaths across the state and country each year. Unified Command, advanced warning, coordination, and public education are no longer options; they are necessities. Each organization must complete a community vulnerability and needs assessment in order to mitigate the chances of YOU becoming the next tragic headline.

Presenter & Biography Info: David Denniston is the Senior Vice President of Risk Management for McNeil and Company (ESIP) and serves as Executive Director of the National FARMEDIC Training Program. Dave has been in Emergency Services for 30-plus years with the Cortlandville Fire Department in Upstate NY. He has served as Chief of the Department, President, and Chairman of the Board of Directors. Dave serves Cortland County as Deputy Fire Coordinator and also serves the Town of Virgil as Fire Commissioner. He serves as VP for the New York State Association of Fire Districts, as Secretary of the National Volunteer Fire Council Foundation Board, and on the Advisory Board for The New York State Fire Chiefs Association. Chief Denniston has presented emergency vehicle operation, social media, and leadership classes at several state, regional, and national shows and conventions, including Firehouse Expo in Baltimore, San Diego, and Orlando, and IAFC conferences in Dallas, Denver, Chicago, and Atlanta. He has been the keynote speaker at State Conventions in New York, Indiana, Colorado, and Washington. Dave sits on two NFPA tech committees and has articles printed in several trade magazines.

NYSDOT Work Zone Safety & Practices to use at a Crash

Concurrent Session 1B, Martha Eddy

Description: An overview of the safety components and equipment found in work zones and how they relate to crash scenes.

Presenter & Biography Info: Craig D'Allaird is a Professional Engineer currently serving as a Safety Evaluation Engineer with NYSDOT's Highway Safety Bureau. In this role, he evaluates roadway safety performance and supports initiatives aimed at improving transportation safety across New York State. Prior to joining NYSDOT, Craig worked as a civil engineer with NYSDEC and also served as the Commissioner of Public Works for the Town of Glenville, New York, where he oversaw municipal infrastructure and public works operations.

Craig has experience in engineering education as well, having served as an Assistant Professor and Department Chair at Hudson Valley Community College. Earlier in his career, he worked as a Project Engineer at The Chazen Companies.

Craig holds a Master of Science from Rensselaer Polytechnic Institute and has built a career focused on public infrastructure, engineering practice, and transportation safety.

9:40 AM - 9:55 AM
Networking Break/ Exhibitor Review/ Photos

9:55 AM - 10:55 AM
Concurrent Sessions 2 –
Supplemental TIM Training

2-Lane TIM

Concurrent Session 2A, Empire Theater

Description: TIM is not just for highways. This supplemental training focuses on highlighting the specific concerns and practices for sparsely populated areas, such as towns, villages, and the rolling hillsides of New York. A hands-on practical exercise will let you analyze and test a scenario showcasing how TIM is utilized on narrow roads with farms, different cultures, communities, and the ever-changing topography.

Presenter & Biography Info: Rich Flanagan is a public safety leader and educator serving in various leadership positions in law enforcement, the fire service, and emergency management. He retired from the Onondaga County Sheriff's Department after 20 years of service, where he held supervisory positions in patrol, the detective bureau, SWAT, and the police academy. He then served as director of the Central New York Police Academy and Public Safety Training Center for the next 20 years.

He also has taught various incident command and incident management courses for five different state agencies, focusing in the last several years on the traffic incident management system, TIMS. He has taught extensively for the past 15 years at the National Emergency Training Center in Emmittsburg, Maryland.

He is a member of the NYS Incident Management team that responds statewide and nationally to support major disasters as an operations section Chief and a member of the command and general staff. He is a member of the statewide TIMS steering committee and a member of the NYSOEM instructor training team.

Public Safety Telecommunicators Role in Traffic Incident Management

Concurrent Session 2B, Martha Eddy

Description: What do 911, NITTEC, TOC, and TMC's have to do with TIM? Take a peek behind the curtains and see how these centers operate and what resources they have to offer. This presentation will cover the roles of dispatch centers and traffic operation centers (TOC) with TIM. The presentation will give the audience a better understanding of how these centers operate and what resources they have to offer. Participants will walk away with the tools necessary to get more involved with the centers in their region and learn how to use the resources they provide.

Presenter & Biography Info: Bill Lobuzzetta is the Operations Manager of the Niagara International Transportation Technology Coalition (NITTEC), providing leadership and management of the 24/7 Traffic Operations Center (TOC). Bill is responsible for the TOC staff that operates multi-agency Intelligent Transportation Systems (ITS) within Western New York and Southern Ontario, Canada. Bill's professional career includes over 18 years of management experience in TOC's. Bill has a Bachelor of Science degree in Business, Management, and Economics from Empire State College. Bill has attended the Operations Academy Senior Management Program, the Traffic Management Center Operations Academy, and is a National Traffic Incident Management Responder Program Trainer.

Sean Crotty currently serves as the Emergency Manager for the Town of Hamburg, New York, where he also oversees the Regional Public Safety Communications Office. He is in his ninth year as Chair of the Erie County Emergency Managers Association and most recently served as Co-Chair of the NITTEC Western New York Traffic Incident Management Committee. Crotty brings more than three decades of experience as a public safety responder across multiple disciplines throughout Western New York. His service as a street and flight

paramedic, volunteer firefighter, and multidisciplinary instructor and subject matter expert (SME) has provided him with broad, practical experience addressing a wide range of threats and hazards. In addition, Crotty is a Nationally Certified Fire Service Instructor II with the Erie County Division of Homeland Security & Emergency Services (DHSES), Fire Safety Division. He is the Past Chief of the North Boston Fire Company and has been an active member of the department for 35 years. Crotty has facilitated training at the New York State Preparedness Training Center in Oriskany, New York, serving as a subject matter expert for first responders from across New York State, in addition to conducting training locally throughout Western New York.

11:00 AM– 12:00 PM
Concurrent Sessions 3

NYS Agriculture and Markets Traffic Incident Notifications & CART - Large Animal

Transport Incidents: Spilled Food, Livestock, and Plants Oh My, what to do next? What to do and what resources are out there?

Session 3A, Martha Eddy

Description: Ag & Markets will go into detail and provide clear direction/context on the Department's involvement in traffic incidents involving Dairy, Food Commodities, and Animal haulers throughout New York State. The Onondaga County Animal Response Teams (ONCART) presentation showcases what tools they have and how they use them. To help all responders plan, prepare, and respond to disasters affecting pets and livestock, ensuring animal welfare during emergencies. From llamas to cats around the state, they do it all.

<https://alert.ny.gov/county-animal-response-teams>

Presenter & Biography Info: Paolo Audino is currently the Emergency Management Coordinator, Health and Safety Director, and Cyber Risk Coordinator for NYS Ag & Markets. Before joining Ag & Markets, Paola was a member of the DHSES team as a security analyst and a Special Projects coordinator Intern, conducting research and analysis on terrorist actions towards first responders, supporting and developing outreach programs such as Safeguard NY, Citizens Preparedness, and emergency services Intel Sharing.

Mark Burger has been a volunteer firefighter for 44 years, starting as a member of the volunteer fire department's Explorer Post for four years before becoming a full member. He has served in officer roles for many years. He is also a founding member of Onondaga County's Animal Response Team "OnCART", where he currently serves as President. His day job is as the Executive Director of the Onondaga County Soil and Water Conservation District (SWCD), where the staff of 12 work with over 300 farms across Onondaga County and the Skaneateles Lake Watershed. He received his Bachelor's and Master of Science from the SUNY College of Environmental Science and Forestry in Syracuse.

How to stay safe from Electrical Hazards on a scene?

Session 3B, Outdoor Demo Area

Description: Electrical safety demonstration using a mobile trailer that recreates hazards of live power lines, showing how objects like fences, ladders, and even water can become energized, often with dramatic sparks and fire, to educate first responders, utility workers, and the public on the dangers of downed lines and how to stay safe by calling 911 and assuming all wires are live.

Presenter: National Grid - Live Wire

Bus Rollover Scene Set-Up Competition

Session 3C, Outdoor Demo Area

Description: “Understanding from your initial dispatch to when Everybody Goes Home.”

A Bus Rollover incident will be staged outdoors of the main building, and participants will learn how to safely set up around an incident, stage equipment, and discuss ways to keep first responders and motorists safe while keeping traffic moving. At the same time, all participants will sharpen their learned skills and work on their teamwork with all the other first responding disciplines. Participants will also be given the opportunity to check out responding vehicles, their purpose of operation, and how they will perform during the incident.

Presenter & Biography Info: Tom With is An Active member / Interior firefighter of the Fuller Road Fire Department of Colonie (2/88). Currently a Safety Officer, Fire Police Officer, and Past Captain in charge of FD Training. Operations CAR #8 Fire Police, of the Town of Colonie Emergency Services Committee, 1996 to present. Conduct a Monthly Meeting and Drill Program for all Town of Colonie Fire Police. TIMS training updates are always on the Program Agenda. Past President of The Fire Police Association of Albany County, 1995 – 2011, and current Member (since 1989). Past President of the Volunteer Fire Police Association of NYS, 1999 – 2001. Co-Chair of the NYSDOT TIMS Statewide Steering Comm. (2024 to present), Member since 2016, representing Volunteer Fire Police Association of the State of New York (VFPASNY) and the Firefighters Association of the State of New York (FASNY). Attended the “FHWA National Traffic Incident Management Responder Leadership, Technology, and Training Symposium”, October 20 – 22, 2023, at the National Emergency Training Center, National Fire Academy, Emmitsburg, Maryland. Represented the NYSDOT TIMS Statewide Steering Committee. Alumnus of National Fire Academy 1995, NYS Weekends & Volunteer Incentive Program Classes.

Alexander Ruckh is a public safety professional with experience spanning military service, law enforcement, volunteer firefighting, and emergency transportation operations. He currently serves with the NYS DOT, supporting emergency preparedness, operations, training, and incident coordination. His Background reflects a long-standing commitment to public safety through all levels of government.

12:00 PM – 1:00 PM

***Provided Working Lunch/ Networking/ Exhibitors
LODD overview***

1:00 PM – 2:00 PM

Plenary Presentation

Data, Dollars, and Deaths: Making TIM an Uncompromising Priority

Keynote, Martha Eddy

Description: Behind every "struck-by" statistic is a family forever changed, a budget stretched thin, and a gap in our collective safety net. This session moves beyond the "Move Over" stickers to look at the cold, hard realities of roadway incidents through the lens of the Struck-By Sentinel (SBS). By analyzing the intersection of economic impact and human loss, we will build a professional case for why Traffic Incident Management (TIM) must be a non-negotiable priority for all disciplines—from the smallest towing outfit to the largest law enforcement agency. We will challenge the status quo and provide the data-driven "why" behind making every responder a TIM hero.

Presenter & Biography Info: Todd Leiss is a career Traffic Incident Management (TIM) specialist with over 30 years of hands-on experience across the emergency response spectrum. His background includes service as a volunteer firefighter, EMT, HazMat technician, and 911 dispatcher, giving him a unique, 360-degree

perspective on roadway safety. Todd is the retired TIM Coordinator for the Pennsylvania Turnpike Commission, where he managed the towing and recovery program and established landmark training requirements for leadership. Currently, he serves as the volunteer Deputy Director of Training for the Emergency Responder Safety Institute (ERSI) and is the Founder of TIM Heroes, Inc. As the creator of the Struck-By Sentinel, Todd focuses on the data-driven economic and human impacts of struck-by incidents. He is a co-founder of the National Emergency Roadway Responder Safety Coalition (NERRSC) and currently serves as the 1st Vice President of the CVVFA.

2:05 PM – 3:05 PM
Concurrent Sessions 4

On Scene Media Relations-Awareness: What to do with the Media? Why is it a good idea to have a plan? How can they help TIM?

Concurrent Session 4A, Martha Eddy

Description: This presentation will focus on the needs of the media at the scene of an incident and what they are trying to get, as well as the role that responders play in facilitating good media relations and keeping a secure and safe scene.

Presenter & Biography Info: Steve Hauck has over 17 years of experience as a public information officer and is currently a PIO for the NYS Incident Management Team. Steve retired after 22 years from the Utica, NY Police Department, where he retired as a Lieutenant.

Steve has multiple deployments to disasters across the country and serves as a Public Information instructor for the NYS Office of Emergency Management and FEMA.

Technical Sergeant Jack L. Keller serves as the Assistant Director of Public Information for the New York State Police, assigned to Division Headquarters in Albany. In this role, he oversees statewide media relations, strategic communications, and public messaging on behalf of the Superintendent and Executive Staff.

Sgt. Keller has extensive experience coordinating communications during large-scale incidents, critical investigations, and high-profile events. He works closely with Troop Public Information Officers across New York to ensure accurate, timely, and coordinated messaging that supports responder safety, operational integrity, and public awareness. With a background in field operations and incident response, Sgt. Keller brings practical, on-scene experience to media and scene management. His focus is on integrating public information strategy into Traffic Incident Management, helping agencies maintain scene control, protect responders, and use media engagement as a tool to improve roadway safety and public compliance.

How to stay safe from Electrical Hazards on a scene?

Session 4B, Outdoor Demo Area

Description: Electrical safety demonstration using a mobile trailer that recreates hazards of live power lines, showing how objects like fences, ladders, and even water can become energized, often with dramatic sparks and fire, to educate first responders, utility workers, and the public on the dangers of downed lines and how to stay safe by calling 911 and assuming all wires are live.

Presenter: National Grid - Live Wire

Drones for Reconstruction: What Do They Need & Why:

Session 4C, Outdoor Demo Area

Description: Discuss and provide a live demonstration on the usage and role of the UAS/Drone in the on-scene investigation of collisions and crime scenes. What helps them & what hurts? What does the reconstruction look like?

Presenter & Biography Info: Investigator Devin Bacon with the NYS Police Troop E Collision Reconstruction Unit, joined the New York State Police in 2012 and worked as a Trooper in Troop E. In 2017, Devin received his Part 107 UAS (Unmanned Aerial System) License from the FAA. The New York State Police created a UAS unit in 2018, in which Devin was one of thirty operators to first receive training and fly successful missions across the state. Devin was promoted to Investigator and assigned to the Collision Reconstruction Unit in Troop E in 2020. The Troop E Collision Reconstruction Unit covers and provides Collision Reconstruction services to ten counties in the greater Finger Lakes/Rochester Region.

During his last six years, Devin has continued the professional reputation of this specialty unit throughout Troop E. Annually, over 70 reconstruction and crime scene investigations benefit from his knowledge and expertise in the operational standards, continuous training, and advanced equipment. Devin has received over 1500 hours of crash reconstruction training and provided expert testimony in numerous criminal and civil proceedings. Devin holds an ACTAR (Accreditation Commission for Traffic Accident Reconstruction) accreditation.

3:05 PM – 3:20 PM

Networking Break/ Exhibitor Review/ Photo Booth

3:20 PM – 4:20 PM

Concurrent Sessions 5

Vicarious Trauma and PTSD of the First Responder

Session 5A, Martha Eddy

Description: provide specialized mental health, trauma support, and peer-to-peer counseling for first responders (police, firefighters, EMS) to combat high rates of stress, burnout, and PTSD. These programs address the "culture of silence" and stigma in the first responder community by providing confidential resources, including post-critical incident seminars and specialized training for peer volunteers.

Presenters: NYS Police Investigator Alexander Hyra and Investigator Lisa MacLauchlin. Senior Investigator Alexander Hyra has been serving in the NY State Police since May 2006. In 2017, Hyra was promoted to Investigator after working as a road Trooper in Wappinger, Poughkeepsie, and Brunswick. In 2019, Investigator Hyra attained his permanent rank as a Sergeant and became the Acting Senior Investigator at the Brunswick Barracks. In 2020, Investigator Hyra interviewed and became a Regional Coordinator within the Employee Assistance Program and covered Troops K, H, and G. Additionally, Investigator Hyra has assisted numerous outside agencies with EAP services. In 2025, he was promoted to Senior Investigator in the Employee Assistance Program and is responsible for and oversees the 11 EAP Investigators throughout the state. Prior to his career in law enforcement, Senior Investigator Hyra was a career Firefighter/Paramedic with the City of Watervliet Fire Department from 2003-2006. Senior Investigator Hyra has also been a Volunteer Firefighter with the Center Brunswick Fire Company since he was 16 and is currently the Fire Chief.

How to stay safe from Electrical Hazards on a scene?

Session 5B, Outdoor Demo Area

Description: Electrical safety demonstration using a mobile trailer that recreates hazards of live power lines, showing how objects like fences, ladders, and even water can become energized, often with dramatic sparks and fire, to educate first responders, utility workers, and the public on the dangers of downed lines and how to stay safe by calling 911 and assuming all wires are live.

Presenter: National Grid - Live Wire

Inside Look at the Tow World

Session 5C, Outdoor Demo Area

Description: Can you upright a School Bus? Why do they do the things they do? Why is this taking so long? How do they make it happen? Unseen factors they are looking at.

Presenter & Biography Info: Chris Morin, Towing and Recovery Operations Manager for Big Red Towing. Chris has been a member of the Big Red family for 16 years. Born into the towing and recovery industry through his family's recovery business, Chris developed a deep respect for the profession from an early age. In 2024, he was recognized as a WreckMaster Top 10 Operator by WreckMaster, Inc., an honor presented during an award ceremony at the American Towman Exposition in Baltimore. Despite his leadership role, Chris remains active in the field, believing that staying hands-on helps him stay connected to the evolving challenges, expectations, and responsibilities of the towing and recovery industry. Chris is also a strong advocate for professional development and safety. He encourages all of his staff to attend TIM (Traffic Incident Management) training and to build strong working relationships with their responding partners to ensure safer and more efficient incident response.

4:20 PM – 4:45 PM
Closing Remarks

Martha Eddy Room

Emcee: Tom With

Announce the Winner of the Competitive Exercise

Thank You's

Distribute Learning/ Promo Item

Town Board of the Town of Hamburg
April 13, 2026 Meeting

4.8. Annual Grass Cutting Bid

WHEREAS, the Town of Hamburg Code Enforcement Department is responsible for the enforcement of Town of Hamburg Local Law No. 9-1974 (Chapter 75) Brush, Grass and Weeds, Village of Hamburg Local Law No. 3 – 1998 Section 182-2 and Village of Blasdel Chapter 95 Article 1 and such services to perform cutting of grass and weeds on private property as required.

BE IT RESOLVED, that the Town Clerk is authorized to advertise for sealed bids entitled “Hamburg Code Enforcement 2026 Annual Contract for Grass/Weed Cutting Services”

Sealed bids must be received at Hamburg Town Hall, Town Clerk’s Office, 6100 South Park Avenue, Hamburg, New York 14075, and said bid will be publicly opened and read aloud on

May 12, 2026 at 11:30 a.m. in Conference Room 7A Mailed bids should be sent to:

Town of Hamburg, Attn: Town Clerk 6100 South Park Avenue, Hamburg, New York 14075.

Please mark clearly on the envelope: Bid Enclosed – “Hamburg Code Enforcement 2026 Annual Contract for Grass/Weed Cutting Services”

Charged to Clean up of properties A3620.469

ATTACHMENTS:

[Final Grass cutting bid.docx](#)

**TOWN OF HAMBURG, NEW YORK
REQUEST FOR WEED/GRASS CUTTING SERVICES (2026 SEASON)
FOR THE CODE ENFORCEMENT DEPARTMENT**

Your firm is hereby invited to submit a proposal to provide professional weed and/or grass removal services as authorized by the Town of Hamburg Code Enforcement Department. The requested services and related proposal requirements are as described below.

General

The Town of Hamburg Code Enforcement Department is responsible for the enforcement of Town of Hamburg Local Law No. 9-1974 (Chapter 75) Brush, Grass and Weeds, Village of Hamburg Local Law No. 3 – 1998 Section 182-2 and Village of Blasdell Chapter 95 Article 1. These local laws provide for the cutting and removal of high grass and weeds verified to be in excess of ten inches of height by the Town and when determined that the owner of such property has failed to comply with the Town of Hamburg certified mail notification.

This Department is seeking a reliable contractor to perform the cutting and removal of high grass and weeds located on those properties found to be in violation within the Town of Hamburg and the Villages of Hamburg and Blasdell. These services would be executed on an “as directed basis” under the supervision of the Town of Hamburg Code Enforcement Department. The cost of these services under such agreement will be funded through Town account A 3620.469 (Clean up of properties).

This request for proposal neither commits the Town of Hamburg to select the contractor nor reimburse any costs associated with the preparation or submittal of proposals in this regard. The Town reserves the right to reject any and all proposals, should it be deemed to be in the best interest of the Town of Hamburg.

Scope of Work Services

The services to be provided by the contractor are to include, but not to be limited to, the following:

(A) Initial Cutting

- (1) After receiving notification by the Code Enforcement Department as to the location of violation, perform a site visit to investigate and become familiar with the specific physical conditions essential to the required scope of work. It is essential that the contractor notify the Code Enforcement Department of any obstructions present on the premises such as tree limbs, brush or refuse which would impede their ability to perform the cutting. Upon approval from the Code Enforcement Officer the contractor shall remove any of the obstructions from the premises prior to undertaking the initial cutting.

- (2) Upon authorization to proceed, mobilize the necessary equipment to the subject property to promptly perform the cutting of weeds, grass and/or other rank vegetation as required on the premises. The grass should be cut to be maximum height of four inches and excess grass/weeds should be removed and properly disposed of off the premises. It is anticipated that the contractor complete this work within 48 hours of authorization to proceed by this Department.

(B) Maintenance Cutting

Within two (2) weeks of the initial cutting and at a frequency every two weeks thereafter the contractor shall maintain cutting said premises in good condition until the end of the growing season or until directed otherwise by the Code Enforcement Department.

Form of Proposal

Two (2) copies of your proposal are to be submitted. Proposals are to be concise and specific. The proposal shall include the following:

(1) A cost for all necessary work as deemed necessary to accomplish the initial cutting and maintenance cutting described in the scope of work. This cost should include all the necessary costs (including but not limited to labor, equipment, tools, mobilization to the work site and any other direct and indirect costs associated with the performance of the specified services). Bidders must provide an estimate on the attached **Estimate Forms** showing the cost involved with the cutting of each of the following lot types located within the Town of Hamburg.

A. Type I lot – A typical residential lot with a typical Square footage up to 15,000 square feet to cut. Primarily Flat lots, lots with five or less structures, and lots with trees to cut around.

B. Type II lot – A typical commercial lot with a typical square footage up to 15,000 square feet to cut. Primarily flat lots with commercial buildings, paved parking lots, and possible obstructions to mow around such as guard rails, parking signs, business signs, dumpsters, other landscaping features, etc.

C. Type III Lot – Unique lots. Lots with extreme hills/slopes, deep ditches, ponds, area to cut is significantly higher than 15,000 square feet, or an extreme number of obstacles to mow around etc.

The successful low bid will be awarded based on a weighted average of the cost for the above categories, (A) Initial Cutting and (B) Maintenance Cutting. The cost for Initial Cutting will be the average cost of the three described lot types and will be weighted at 10%. The cost of Maintenance Cutting of Type I lots will be weighted at 60%, Type II lots will be weighted at 20%, and Type III lots will be weighted at 10%. The Total Bid will be sum of the costs for each category/lot type described above multiplied by the assigned weight

expressed as a percentage.

- (2) Equipment on hand to perform the work.
- (3) Insurance (Liability and Workmen's Compensation & Disability).
Commercial Liability (Town of Hamburg must be named as additional insured)

General Aggregate	\$1,000,000.00
Products and Comp/Op, Aggregate	\$2,000,000.00
Personal & Advertising Injury	\$1,000,000.00
Each Occurrence	\$1,000,000.00
Fire Damage (any one fire)	\$ 50,000.00
Med. Expense (any one person)	\$ 5,000.00

Additional Insured: Coverage in Commercial General Liability, Automobile Liability, and Excess Liability and/or Umbrella Liability policies or coverage sections shall be written or endorsed so as to apply to the following as additional insured on a primary and non-contributory basis:

"Town of Hamburg and its employees, authorized volunteers and board members."

The Certificate of Insurance must clearly state how Additional Insured coverage is achieved in the General Liability, Automobile Liability, and Umbrella/Excess Liability policies. Certificates of Insurance must show the form numbers that are used to achieve all of the Additional Insured coverage. A copy of the actual policy language that effects this coverage in each policy must be provided to the Town with the Certificate of Insurance.

Waiver of Subrogation: To the fullest extent permitted by applicable state law, a Waiver of Subrogation Clause shall be added to the General Liability, Automobile, Umbrella/Excess Liability, and Workers Compensation policies in favor of the Town.

Automobile Liability Insurance

Bodily injury and Property Damage, coverage for the Vendors as the owner or the lessee of automobiles, trucks, trailers, self-propelled Vendor's equipment and all other owned, hired and non-owned vehicles registered for use on the public highway and/or used in operations relating to work under contract. The coverage limit applicable shall be the greater of the amounts below or the amount(s) carried by the Vendor.

Combined Single Limit	\$1,000,000.00
-----------------------	----------------

Excess Liability and/or Umbrella Liability:

Applicable to Commercial General and Automobile Liability policies. The Excess Liability and/or Umbrella Liability coverage limits applicable shall be the

greater of the amounts indicated below or the amounts carried by the Town.

Each Occurrence	\$1,000,000.00
Aggregate	\$1,000,000.00

Workers Compensation and Employer's Liability Insurance

Coverage as required by New York State statutory limits

New York State Disability (NYDBL)

Coverage as required by New York State statutory limits

Proposal Due Date

Proposals are to be received by the:

Hamburg Town Clerks Office

Hamburg Town Hall

6100 South Park Avenue

Hamburg, New York 14075

Please mark clearly on the envelope:

Bid Enclosed – 2026 Annual Grass/Weed Cutting Services

Bids must be submitted no later than 11:00 am on Tuesday, May 12, 2026.

Late submittals will not be accepted, and will be returned unopened.

Estimate Form

Lot Type I

Initial cut

Maintenance cut

Lot Type II

Initial cut

Maintenance cut

Lot Type III

Initial cut

Maintenance cut

Town Board of the Town of Hamburg
April 13, 2026 Meeting

4.9. 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 2026 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:

Recoveries and Sales Budget Adjustment

Receipt	Revenue Code	Expenditure Code	Purpose/Source
Amount	To Increase	To Increase	
\$8,308.91	B.4358.519		Assets Forfeited

Total:
\$8,308.91

Town Board of the Town of Hamburg
April 13, 2026 Meeting

4.10. B&G PAF

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

ATTACHMENTS:

[DOC041026-001.pdf](#)

Department- Buildings & Grounds

Supervisor Signature _____

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
April 13, 2026 Meeting

4.11. 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_2026_04_06_11_27_28_731.pdf](#)

Date of Request: 4/2/26

Department Head Signature: 

Supervisor Signature: _____ Date: _____

TOWN BOARD MEETING OF 4/13/26

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

[illegible]

Town Board of the Town of Hamburg
April 13, 2026 Meeting

4.12. Town Clerk's Office PAF

BE IT RESOLVED, that the Town Board approves the attached PAF.

ATTACHMENTS:

[DOC040626-04062026124137.pdf](#)

Date of Request: 4/9/26

Department: Town Clerk

Department Head Signature:

Patula & Butche

Supervisor Signature:

Date: _____

TOWN BOARD MEETING OF

4/13/26

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
April 13, 2026 Meeting

4.13. Engineering Department PAF

RESOLVED, that the Town Board approve the attached PAF.

ATTACHMENTS:

[Paf.pdf](#)

Date of Request: 4/6/26 Department: Engineering

Department Head Signature:

Supervisor Signature: Date: _____

TOWN BOARD MEETING OF 4/13/26

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
April 13, 2026 Meeting

4.14. Budget Amendment - JCAP Grant

WHEREAS, the Hamburg Town Justice Court has been awarded a grant under the 2025-26 cycle of the Justice Court Assistance Program (JCAP), funding to be recorded under revenue code A000.0000.3089.0510; and

WHEREAS, it is necessary to amend the current budget to accurately reflect the receipt and allocation of these funds; and

WHEREAS, these grant funds will be used to purchase new office furniture for the Judges' Chambers in support of operational and administrative needs;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves a budget amendment to increase the revenue budget line A000.0000.3089.0510 by the amount of \$4,000.00; and

BE IT FURTHER RESOLVED, that the corresponding appropriations be increased in the following expense codes to support the grant activities;

A000.1110.0203.0510 - Office Equipment - JCAP Grant.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption.

Town Board of the Town of Hamburg
April 13, 2026 Meeting

4.15. New Audio System at Town of Hamburg Arena Bids

BE IT RESOLVED, that the Town Board approve the rejection of the “New Audio System at Town of Hamburg Ice Arena” RFP and corresponding bids, authorized on December 9, 2025, with a submission deadline of December 23, 2025.

Town Board of the Town of Hamburg
April 13, 2026 Meeting

4.16. Dog Shelter Lease Agreement Addendum

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the attached contract amendment pending legal review and approval.

ATTACHMENTS:

[Addendum.docx](#)

Addendum (2) to the 2026 Dog Shelter Lease Agreement
Between the Town of Hamburg and the Eden Veterinary Clinic

As directed by the New York State Agriculture and Markets Law Article 26-C, veterinary facilities providing sheltering services are now expected to meet expanded requirements relating to intake assessments, physical examinations, vaccination timing, parasite control, behavioral documentation, written medical protocols, staff training, and recordkeeping. These requirements significantly increase the medical oversight, administrative workload, staffing needs, and operational costs associated with the housing stray or municipal animals.

In order to remain compliant and continue providing these services in a medically appropriate and sustainable manner, the following contract addendum and fee authorizations will be required for each dog received, regardless of the duration of stay:

Requirement of Dog Control Officer at Intake

- Initial exam/evaluation and note findings as required by the shelter

Required Medical Services at Intake

Physical Examination

- \$65.00 per healthy animal
- \$80.00 per sick or medically compromised animal

Deworming/Parasite Prevention-Credelio Quattro

- \$50.00 per dog (0-100 lbs)
- Dogs over 100 lbs will require two doses
- Each dose provides approximately 30 days of coverage and must be repeated if the animal remains in our facility beyond 30 days

Upon Expiration of Stray Hold (5/7/9 days per NYS Agriculture & Markets Law Section 117)

- Distemper vaccine & parvo vaccine will be administered within 24-48 hrs
- \$50.00 per dog
- Bordetella vaccine
- \$60.00 per dog

Boarding Fee Adjustment

- Boarding fees will increase to \$40.00 per day per animal, effective April 1, 2026 through December 31, 2026, to account for the additional handling, documentation, monitoring, sanitation, enrichment, and regulatory compliance requirements now expected.

Additional Medical Treatments

- Any additional diagnostics, treatments, medications, procedures, or emergency care deemed medically necessary will be charged at our regular fees consistent with those charged to the general public.

Authorization for the above medical services and associated fees must be included as a formal addendum to the current municipal contract.

Eden Veterinary Clinic

Town of Hamburg

Print name: _____

Elizabeth Farrell Lorentz

Town Supervisor

Date: _____

Date: _____

Town Board of the Town of Hamburg

April 13, 2026 Meeting

4.17. Article LX Smoke Shops and Vape Shops SEQR Resolution

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 (Zoning)

WHEREAS, a public hearing was held on February 23rd, 2026, for discussion and public comment concerning adoption of this proposed local law; and

WHEREAS, these proposed local law amendments were referred to Erie County through the 239-m referral process and received no objections; and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQR) of the Environmental Conservation Law, the Hamburg Town Board established itself as SEQR Lead Agency for this Unlisted action; and

WHEREAS, the Town Board has completed the FEAF (Parts 1, 2, and 3) and solicited input from the public and from other Involved and Interested agencies, and has taken a hard look at the social, economic, and environmental impacts of the adoption of the proposed Code changes; and

WHEREAS, the findings of this review indicate that the proposed Code changes will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public.

NOW, THEREFORE BE IT RESOLVED, that the Hamburg Town Board, as Lead Agency has determined that the adoption of the Smoke Shop and Vape Shops Code will not result in any significant adverse impacts on the environment, and a Negative Declaration is hereby issued, based on the reasons as set forth in the Full Environmental Assessment Form (Parts 1, 2 and 3); and

BE IT FINALLY RESOLVED, that the Town Board authorizes the Town Supervisor to sign the Environmental Assessment Form, which will act as the SEQR Negative Declaration, and authorizes that the appropriate notices and filings be made.

ATTACHMENTS:

[FEAF Part 1.pdf](#)

[FEAF Part 2.pdf](#)

[FEAF Part 3.pdf](#)

Full Environmental Assessment Form
Part 1 - Project and Setting

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 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Proposed code changes to Chapter 280 for a new Smoke Shops and Vape Shops Code		
Project Location (describe, and attach a general location map): N/A (Involves local law amendment)		
Brief Description of Proposed Action (include purpose or need): The proposed local law involves the Hamburg Town Board establishing a new Smoke Shops and Vape Shops Code, to create a unified code that sets special use permit standards and regulations for new and existing smoke shops/vape shops in the Town of Hamburg.		
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, ☒ Yes ☐ No or Village Board of Trustees	Town Board Approval	April 2026
b. City, Town or Village ☐ Yes ☒ No Planning Board or Commission		
c. City, Town or ☐ Yes ☒ No Village Zoning Board of Appeals		
d. Other local agencies ☐ Yes ☒ No		
e. County agencies ☒ Yes ☐ No	County 239 referral	January 2026
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☐ Yes ☒ No		
h. Federal agencies ☐ Yes ☒ No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☒ Yes ☐ No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☒ Yes ☐ No iii. Is the project site within a Coastal Erosion Hazard Area? ☒ Yes ☐ No		

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):

NYS Heritage Area: West Erie Canal Corridor

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

If Yes, identify the plan(s):

Open Space and Greenspace Plan

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district?	☒ Yes ☐ No
All _____ _____	
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? If Yes,	☐ Yes ☒ No
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? <u>Frontier CSD and Hamburg CSD</u>	
b. What police or other public protection forces serve the project site? <u>Hamburg Police and Erie County Sheriff's</u>	
c. Which fire protection and emergency medical services serve the project site? <u>All Fire Districts</u>	
d. What parks serve the project site? <u>All parks</u>	

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)? _____	
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.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
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? ☐ Yes ☐ No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) 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.	

iv. 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? _____ • Will a line extension within an existing district be necessary to serve the project? _____ If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____ _____ _____	☐ Yes ☐ No ☐ Yes ☐ No	
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____ If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	☐ Yes ☐ No	
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? _____ 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 ☐ Yes ☐ No ☐ Yes ☐ No	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____		
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? _____ 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) _____	☐ Yes ☐ No ☐ Yes ☐ No ☐ Yes ☐ No	
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? _____ 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) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)		☐ Yes ☐ No ☐ Yes ☐ No

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. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
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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. <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;">Land use or Covertypes</th> <th style="width: 15%;">Current Acreage</th> <th style="width: 25%;">Acreage After Project Completion</th> <th style="width: 20%;">Change (Acres +/-)</th> </tr> </thead> <tbody> <tr> <td>• Roads, buildings, and other paved or impervious surfaces</td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Forested</td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Agricultural (includes active orchards, field, greenhouse etc.)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Surface water features (lakes, ponds, streams, rivers, etc.)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Wetlands (freshwater or tidal)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Non-vegetated (bare rock, earth or fill)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Other Describe: _____</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>				Land use or Covertypes	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: _____			
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c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____	☐ Yes ☐ No
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? If Yes, i. Identify Facilities: _____ _____	☐ Yes ☐ No
e. Does the project site contain an existing dam? 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: _____ _____	☐ Yes ☐ No
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? If Yes: i. Has the facility been formally closed? • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____	☐ Yes ☐ No ☐ Yes ☐ No
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? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ _____	☐ Yes ☐ No
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? 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 – Spills Incidents database ☐ Yes – Environmental Site Remediation database ☐ Neither database Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ ii. If site has been subject of RCRA corrective activities, describe control measures: _____ _____	☐ Yes ☐ No ☐ Yes ☐ No
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): _____ iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ _____	☐ Yes ☐ No

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? _____ 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>i</i> or <i>ii</i> , 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 _____ 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 five 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 1/21/2026

Signature  Title Planner

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

Project :	Agency Use Only [If applicable] Proposed code changes for a new Smoke S
Date :	4/13/26

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) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i> ☒ 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 <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	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 <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	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: _____ _____		☐	☐
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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) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		☒ NO	☐ YES
	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) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		☒ 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 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: _____ _____		☐	☐
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6. Impacts on Air The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If “Yes”, answer questions a - f. If “No”, move on to Section 7.</i>				☒ NO	☐ YES
	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 ₂ O)	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.) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 8.</i>				☒ NO	☐ YES
	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 <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	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, E1b	☐	☐
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.	E1 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.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		☒ NO	☐ YES
	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 1/2 -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.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		☒ NO	☐ YES
	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 occur	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. (See Part 1. C.1, C.2. and C.3.) <i>If “Yes”, answer questions a - h. If “No”, go to Section 18.</i>			
		☒ NO	☐ YES
	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, E1b	☐	☐
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. (See Part 1. C.2, C.3, D.2, E.3) <i>If “Yes”, answer questions a - g. If “No”, proceed to Part 3.</i>			
		☒ NO	☐ YES
	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: _____ _____		☐	☐

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.

The adoption of Article LX Smoke Shops and Vape Shops is not anticipated to have any significant environmental impacts, as the action only involves Code changes to Chapter 280 Zoning to create special use permit provisions for new and existing smoke shops and vape shops, and will not include any development or construction.

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

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 617.7(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: Adoption of Article LX Smoke Shops and Vape Shops

Name of Lead Agency: Hamburg Town Board

Name of Responsible Officer in Lead Agency: Elizabeth Farrell-Lorentz

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

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>

Town Board of the Town of Hamburg
April 13, 2026 Meeting

4.18. Article LX Smoke Shops and Vape Shops Adoption Resolution

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 (Zoning)

WHEREAS, a public hearing was held on February 23rd, 2026, for discussion and public comment concerning adoption of this proposed local law; and

WHEREAS, this proposed local law amendment was referred to Erie County through the 239-m referral process and received no objections; and

WHEREAS, pursuant to Part 617 6NYCRR, Article 8 of the Environmental Conservation Law (SEQRA), the Town of Hamburg Town Board established itself as SEQR Lead Agency and has issued a SEQR Negative Declaration; and

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

NOW THEREFORE BE IT RESOLVED, 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 attached.

ATTACHMENTS:

[Smoke and Vape Shops Draft Code 4-8-26.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 incidence 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) AND/OR VAPE SHOPS— 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.

§ 280-431. General regulations.

- A. All smoke shops and vape shops within the Town of Hamburg after the effective date of this chapter must obtain a special use permit and site plan approval in accordance with Town Code.
- B. Smoke shop or vape 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.
- C. A special use permit (§ 280-318) is required for each and every smoke shop or vape shop. No smoke shop or vape 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 or vape shop within the Town unless a special use permit has been obtained for the desired premises. Application procedures for a special use permit shall follow § 280-319 of the Town Code.
- D. A smoke shop/vape shop is only allowable, subject to a special use permit, on a parcel of land in the

C-2 General Commercial District.

- E. A special use permit issued for a smoke shop or vape shop is not transferable to a new owner or operator. The new owner or operator of the smoke shop or tobacco retailer must file a new application in accordance with the terms of this chapter if such property is to continue to be used as a smoke shop or tobacco retail operation.
- F. It is unlawful for a smoke shop or vape 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.
- G. Each and every smoke shop or vape 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. It shall be unlawful for a smoke shop or vape shop to fail to display and maintain, or fail to cause to be displayed or maintained, said signage.
- H. All smoke shops and vape shops must comply with the sign regulations (Article XXXVI Sign Regulations) contained in the Town Code.

§ 280-432. Location.

- A. A smoke shop or vape 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 or vape shop shall be permitted within 500 feet of another smoke shop or vape shop.
- C. No smoke shop or vape 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 or vape shop shall be permitted within 500 feet of the lot line of any lot zoned for residential use.
- E. No smoke shop or vape shop shall be permitted within 500 feet of a house of worship.
- F. Said distances shall be measured from property line to property line.

§ 280-433. Existing smoke shops or vape 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 or vape 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 or vape shop after the adoption of this chapter, then any further use of such property as a smoke shop or vape 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 or vape 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.

§ 280-434. Enforcement.

Any violation of this article shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town. This article shall be enforced by the Town of Hamburg Code Enforcement Department, the Town of Hamburg Police Department, and/or the New York State Police.

§ 280-435. 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
April 13, 2026 Meeting

4.19. Nike Concession and Bathroom National Grid Service

WHEREAS, the Town of Hamburg installed a new concession and bathroom building at the soccer fields on the Nike Recreational Facility; and

WHEREAS, the building requires an electrical service extension across Lakeview Road by National Grid including installation of one new utility pole; and

WHEREAS, National Grid would like to set the pole on our property and has requested a 20 ft x 20 ft easement around the pole; and

WHEREAS, National Grid has also prepared the proposal for the work on the public utility associated with the extension at a cost of \$10,541.00.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the supervisor to sign the attached easement and the attached agreement with National Grid and authorizes the payment upon receipt of an invoice.

Funds are available in H.21.7141.0303

ATTACHMENTS:

[WR# 31203402, Town of Hamburg.pdf](#)

[Letter Agreement - Customer Convenience Rule 28.2 06.14.2024.pdf](#)

GRANT OF EASEMENT

Town of Hamburg, a New York municipal corporation, having an address at 6100 South Park Avenue, Hamburg, New York 14075 (hereinafter referred to as “Grantor”), is the owner of that certain parcel of real property commonly known as 2800 Lakeview Road, located in the Town of Hamburg, County of Erie in the State of New York, identified on the tax maps of the County of Erie, as Section 194.00/Block 4/Lot 16 (SBL# 194.00-4-16) and pursuant to that certain deed recorded with the County Clerk of the County of Erie on November 19, 1993 in Liber 10797 at Page 0238 (the “Grantor’s Land”), and Grantor, for consideration in the amount of One Dollar (\$1.00) and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, hereby grants to **NIAGARA MOHAWK POWER CORPORATION**, a New York corporation, having an address at 300 Erie Boulevard West, Syracuse, New York 13202 and **VERIZON NEW YORK INC.**, having an address at 140 West Street, New York New York 10007 hereinafter collectively referred to as “Grantees”), for Grantees and their lessees, licensees, successors, and assigns a perpetual and nonexclusive easement and right of way through, over, across, under and upon the Grantor’s Land (the “Easement”) under the following terms and conditions.

Section 1 – Description of the Easement. The Easement provides the Grantees with the right, privilege, and authority to:

- a. construct, reconstruct, relocate, extend, repair, maintain, operate, inspect, patrol, and, at their pleasure, remove any poles or lines of poles, supporting structures, cables, crossarms, overhead and underground wires, guys, guy stubs, insulators, transformers, braces, fittings, foundations, anchors, lateral service lines, communications facilities, and other fixtures and appurtenances (collectively, the “Facilities”), which the Grantees shall require now and from time to time, for the transmission and distribution of high and low voltage electric current and for the purpose of transmitting intelligence and communication data, by any means, whether now existing or hereafter devised, for public or private use, in, through, upon, over, under, and across that certain portion of the Grantor’s Land described in Section 2 below (the “Easement Area”), and any highways abutting or running through the Grantor’s Land, and to renew, replace, remove, add to, and otherwise change the Facilities and each and every part thereof and the location thereof within the Easement Area, and utilize the Facilities within the Easement Area for the purpose of providing service to the Grantor and others; and
- b. from time to time, without further payment therefor, to clear the Easement Area of obstructions or structures, and clear and keep cleared the Easement Area by physical and/or mechanical means, of any and all brush, trees, limbs, branches, roots, vegetation, or other obstructions; and
- c. from time to time, without further payment therefor, to clear and keep cleared by physical and/or mechanical means, the Grantor’s Land beyond the bounds of the Easement Area, of any and all trees, limbs, branches, roots or vegetation that, in the sole judgment of the Grantees, due to species or structural defects or their tall growing nature, are likely to fall into or encroach upon the Easement Area or interfere in any way with the safe and reliable operation of Grantees’ existing or proposed Facilities; and
- d. excavate or change the grade of the Grantor’s Land as is reasonable, necessary, and proper for any and all purposes described in this Easement; provided, however, that the Grantees will, upon completion of the work, backfill and restore any excavated areas to reasonably the same condition as existed prior to such excavation; and
- e. pass and repass on foot and with vehicles and equipment, along, over, across and upon the Easement Area and the Grantor’s Land in order to access the Easement Area and construct, reconstruct, relocate, use, and maintain roads, paths, causeways, and ways of access to and from the Easement Area as is reasonable and necessary in order to exercise to the fullest extent the Easement.

Section 2 – Location of the Easement Area. The “Easement Area” shall consist of a portion of the Grantor’s Land twenty (20) feet in width throughout its extent, the centerline of the Easement Area being the centerline of the Facilities. The general location of the Easement Area is shown on the sketch entitled, “**Easement Sketch-Exhibit A, WR# 31203402**”, which sketch is attached hereto as Exhibit A and recorded herewith. The final and definitive location(s) of the Easement Area shall become established by and upon the final installation and erection of the Facilities by the Grantees in substantial compliance with Exhibit A hereto.

Section 3 – Facilities Ownership. It is agreed that the Facilities shall remain the property of the Grantees, their successors and assigns.

Section 4 – General Provisions. The Grantor, for itself, its heirs, legal representatives, successors, and assigns, hereby covenants and agrees with the Grantees that no act will be permitted within the Easement Area which is inconsistent with the Easement hereby granted; no buildings or structures, or replacements thereof or additions thereto,

swimming pools, or obstructions will be erected or constructed above or below grade within the Easement Area; no trees shall be grown, cultivated, or harvested, and no excavating, mining, or blasting shall be undertaken within the Easement Area without the prior written consent of the Grantees; the Easement shall not be modified nor the Easement Area relocated by the Grantor without the Grantees' prior written consent; the present grade or ground level of the Easement Area will not be changed by excavation or filling; the Grantees shall quietly enjoy the Grantor's Land; and the Grantor will forever warrant title to the Grantor's Land.

The Grantees, their successors and assigns, are hereby expressly given and granted the right to assign this Easement, or any part thereof, or interest therein, and the same shall be divisible between or among two or more owners, as to any right or rights created hereunder, so that each assignee or owner shall have the full right, privilege, and authority herein granted, to be owned and enjoyed either in common or severally. This Grant of Easement shall at all times be deemed to be and shall be a continuing covenant running with the Grantor's Land and shall inure to and be binding upon the successors, heirs, legal representatives, and assigns of the parties named in this Grant of Easement.

IN WITNESS WHEREOF, the Grantor has duly executed this Grant of Easement under seal this _____ day of _____, 20____.

Town of Hamburg

By: _____
(signature)

Name: _____
(printed)

Its: _____
(title)

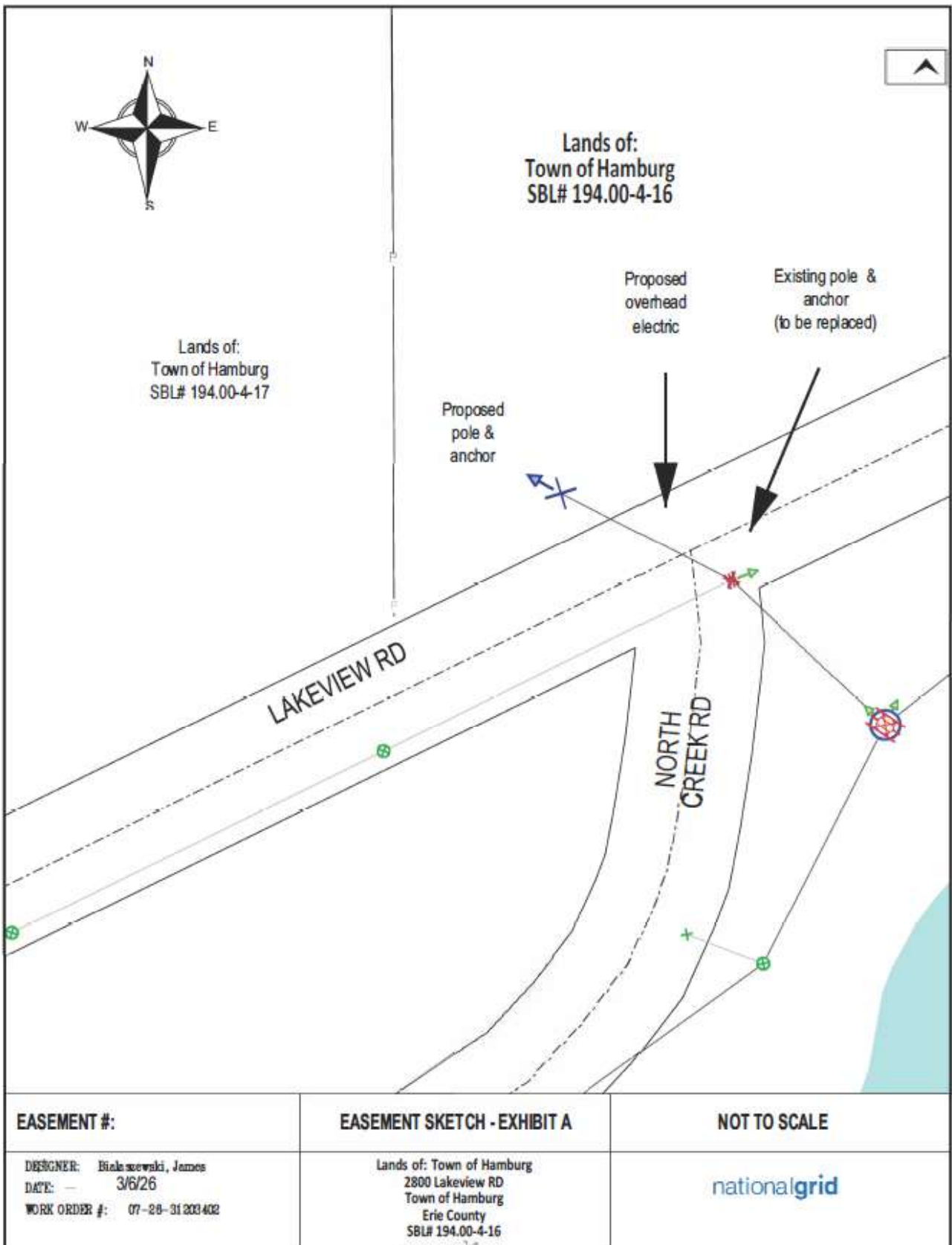
State of _____)
County of _____) ss:

On the ____ day of _____ in the year 20____, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

RETURN TO:

The NLS Group
Attn: Kathleen Foster
P.O. Box 198
Dansville, NY 14437



April 1, 2026

Town of Hamburg
2980 Lakeview Rd
Hamburg, NY 14075

**Re: Electric Service Proposal 31203402
2800 Lakeview Rd, Hamburg, NY 14075**

Enclosed please find an Electric Service Proposal for installing new pole/transformer, replacing 2 poles and installing 200' overhead single-phase primary wire at 2800 Lakeview Rd, Hamburg, NY.

This project falls under PSC No. 220 Tariff Rule 28.2. Rule 28.2 requires that the customer pay all costs associated with the project. Under this rule, there is an estimated cost to you in the amount of \$10,541.00.

NOTE: *If you have an applicable tax exemption certificate, please forward along with this signed proposal.*

If this Proposal is acceptable, please sign and return this letter. Upon receipt of your acceptance, you will be billed under separate cover in the amount of \$10,541.00. This estimate is valid for 90 days from the date of this letter.

This work will be scheduled upon receipt of this signed proposal, payment of invoice, and completion of all responsibilities as outlined in the attached proposal.

Pursuant to PSC No. 220, you are responsible for the actual costs of this project. Upon project completion, costs will be reconciled to the installed span footage whenever the installed span footage varies from the footage provided in the initial design by more than 10 feet and actual number of pole sets (if applicable). The Company will subsequently bill you if our costs run over the invoiced amount or refund the difference if costs run below the invoiced amount. You are responsible for all invoiced amounts.

Additionally, under Rule 28.2, there is an option to pay via a monthly surcharge for a period of 10 years (120 months). If you are interested in that option, please let me know.

Should you have any questions, please contact me at 716-343-5490.

Sincerely,

Howard Winkler
Consumer Representative
Regional Account Service
National Grid

I ACCEPT AND AGREE TO BE BOUND BY THE TERMS OF THIS PROPOSAL:

Print Name: _____

Title:
(if applicable) _____

Signature: _____

Date: _____

By signing this agreement, the signatory represents and warrants that he or she is duly authorized and has legal capacity to execute, deliver, and bind the party to this agreement.

ELECTRIC SERVICE PROPOSAL WR#31203402

**Town of Hamburg
2800 Lakeview Rd
Hamburg, NY 14075**

Service Work Request:	31203402
Electrical Contractor:	Stenzel Electric
Customer's Contribution:	\$10,541.00
Billing Party:	Town of Hamburg
Customer's Responsibilities:	➤ Return signed Proposal cover letter, if accepted ➤ Provide all necessary right-of-way easements ➤ Notify National Grid if any changes in the Billing Party occur ➤ Payment in full, upon receipt of invoice ➤ Provide copy of Tax-Exempt Certificate (if applicable) ➤ Adherence to applicable Electric Service bulletin(s) Electric Specifications (site.com)
National Grid Responsibilities:	Installing new pole/transformer, replacing 2 poles and installing 200' OH single phase primary wire.
Construction Lead Time:	Approximately 4-6 weeks will be necessary for construction. Upon receipt of payments, permits, right-of-way and the signed Agreement, this project will be added to National Grid's construction schedule. Note: Payment must be made upon receipt of invoice. The correct mailing address for payments will be noted on the invoice you receive.
Customer Communications Update:	If a progress report is needed during construction, including the expected date for the Owners project completion, the expected completion date for the utility's work, and confirmation of the expected date for the service connection of permanent power, please contact the Company Job Owner at the number listed below.
Remarks:	This Proposal is based upon projected cost and rate schedule provisions in effect at the date of this proposal and will be withdrawn if not accepted within 90 days of the date of this Proposal. This proposal and all attached documentation are proprietary property of National Grid and can only be used for its intended purpose and shall not otherwise be disclosed.
Prepared By:	<i>Howard Winkler</i>

	Regional Account Services 716-343-5490
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Town Board of the Town of Hamburg
April 13, 2026 Meeting

4.20. McKinley Sidewalk Extension Engineering Design

WHEREAS, the Clark and McKinley intersection project was completed and funding remains under the County ARPA allocation; and

WHEREAS, the Town would like to extend the new sidewalk along the west side of McKinley from the intersection to the Fairgrounds driveway; and

WHEREAS, Watts Engineering, who designed the original project, has provided a proposal for the extension.

BE IT RESOLVED, that the Town Board authorizes the supervisor to sign the proposal from Watts Engineering in the amount not-to-exceed \$8,600.

Funds are available in H.106.1440.440

ATTACHMENTS:

[24-394 Proposal Letter to Town of Hamburg for Additional Services 03 11 2026 rev 03 30 2026.pdf](#)



Transmitted via Email: Camie.Jarrell@ghd.com

March 31, 2026

Town of Hamburg
Camie Jarrell, P.E.
Engineering & Building Department
6100 South Park Avenue
Hamburg, New York 14075

**RE: Intersection Improvement Project, Clark Street and McKinley Parkway
Proposal for Engineering and Construction Support Services
Watts Proposal No. 24-394 (Revision 1) – Additional Services**

Dear Camie Jarrell:

Watts Architects & Engineers (Watts) is pleased to submit this proposal to provide the above-referenced service. Our proposal is presented in the following sections: Background, Scope of Services, Compensation, Assumptions, and Schedule.

BACKGROUND

In 2025, the Town of Hamburg and Watts completed the subject project. Based on the final project payments, the Town has remaining County ARPA funding and is considering using the balance to fund an extension of the sidewalk along McKinley Parkway, as shown on the attached sketch. If the cost of the project exceeds the amount of the remaining ARPA funds, the Town and the Agricultural Society will find a solution together for covering the overage. Given Watts's involvement with the original project, the Town contacted Watts for engineering services to develop bid-ready contract documents and provide support during the construction phase.

The Town can award contracts based on quotes (minimum of 3) if the cost is under \$35,000 (limit). Therefore, the Town would like Watts to prepare the necessary drawings for the Town to solicit quotes from contractors. If the quotes come back below the limit, Watts will not need to prepare a full bid package. In this case, the Town will award the construction contract to the bidder with the lowest quote. If all quotes exceed the limit, then Watts will proceed with preparing documents for a formal bid process.

SCOPE OF SERVICES

Watts shall provide the following services:

1. Conduct a topographic survey and prepare a base map of the project area
2. Prepare contract drawings, details, and proposal book
3. Prepare a construction cost estimate
4. Provide the Town with a review set of the contract documents and address comments prior to bidding
5. Provide a PDF of the bid-ready contract documents for the Town's use (i.e., the contract deliverable)
6. Assist the Town with contacting prospective bidders
7. Respond to questions from prospective bidders
8. Review the bids received, verify the bid tabulations, and identify any errors
9. Respond to Requests for Information during the construction phase

COMPENSATION

We propose a Lump Sum fee of \$8,600.00.

If Watts does not need to prepare a full bid package, the fee for the services is a Lump Sum of \$7,500.00

Intersection Improvement Project, Clark Street and McKinley Parkway
Proposal for Engineering and Construction Support Services
Watts Proposal No. 24-394 (Revision 1) – Additional Services

Compensation for the Scope of Services indicated above shall be in accordance with the fee stated above and Appendix A - General Conditions for Professional Services. Our invoices shall be submitted monthly with 30 days terms of net. The fees in this proposal are firm for 30 days from the date shown but thereafter are subject to change without notice.

ASSUMPTIONS

1. The NYSDOT *Standard Specifications for Materials and Construction* shall be used.
2. The project will be bid as a lump sum – individual pay items will not be used.
3. The design shall conform to NYSDOT design standards and Public Right-of-Way Accessibility Guidelines (PROWAG). The width of the sidewalk will be 5-feet wherever possible and 4-feet where not.
4. The Town shall advise Watts of any special provisions that need to be included in the bidding documents.
5. The bid documents shall consist of the standard proposal book which shall contain the drawings in 11"x17" format.
6. The Town shall be responsible for printing the bid documents and plan sales.
7. The bid documents shall require New York State prevailing wage rates and the Town's insurance requirements.
8. The Town shall be responsible for the administration of the entire bid phase except for tasks #7 and #8 of the Scope of Services. All direct costs incurred during the bidding phase, including the services of a public plan room, shall be the responsibility of the Town.
9. The Town shall be responsible for construction inspection and administration.
10. The survey and mapping shall be provided by a subconsultant to Watts.

SCHEDULE

Watts is prepared to begin services within two (2) weeks of receiving written notice to proceed. The Town would like to advance this project in a timely manner so the sidewalk can be completed and ready prior to the opening of the Erie County Fair.

If the above Scope of Services, Compensation, Assumptions, Schedule, and Appendix A - General Conditions for Professional Services are acceptable to the Town of Hamburg, please indicate your acceptance by returning a purchase order or the proposal acceptance page, which will constitute our agreement and notice to proceed.

We appreciate the opportunity to present this proposal and look forward to working with you again. Should you have any questions or need additional information, please contact me at (716) 206-5121.

Sincerely,

WATTS ARCHITECTS & ENGINEERS



Phillip Galbo, PE, F.ASCE
Vice President

Attachments:

1. Sketch showing the proposed project limits and preliminary sidewalk layout
2. Appendix A - General Conditions for Professional Services

Intersection Improvement Project, Clark Street and McKinley Parkway
Proposal for Engineering and Construction Support Services
Watts Proposal No. 24-394 (Revision 1) – Additional Services

PROPOSAL ACCEPTANCE

The above Scope of Services, Compensation, Assumptions, Schedule, and Appendix A are acceptable for Watts Proposal 24-394, Additional Services, for the Town of Hamburg (Client).

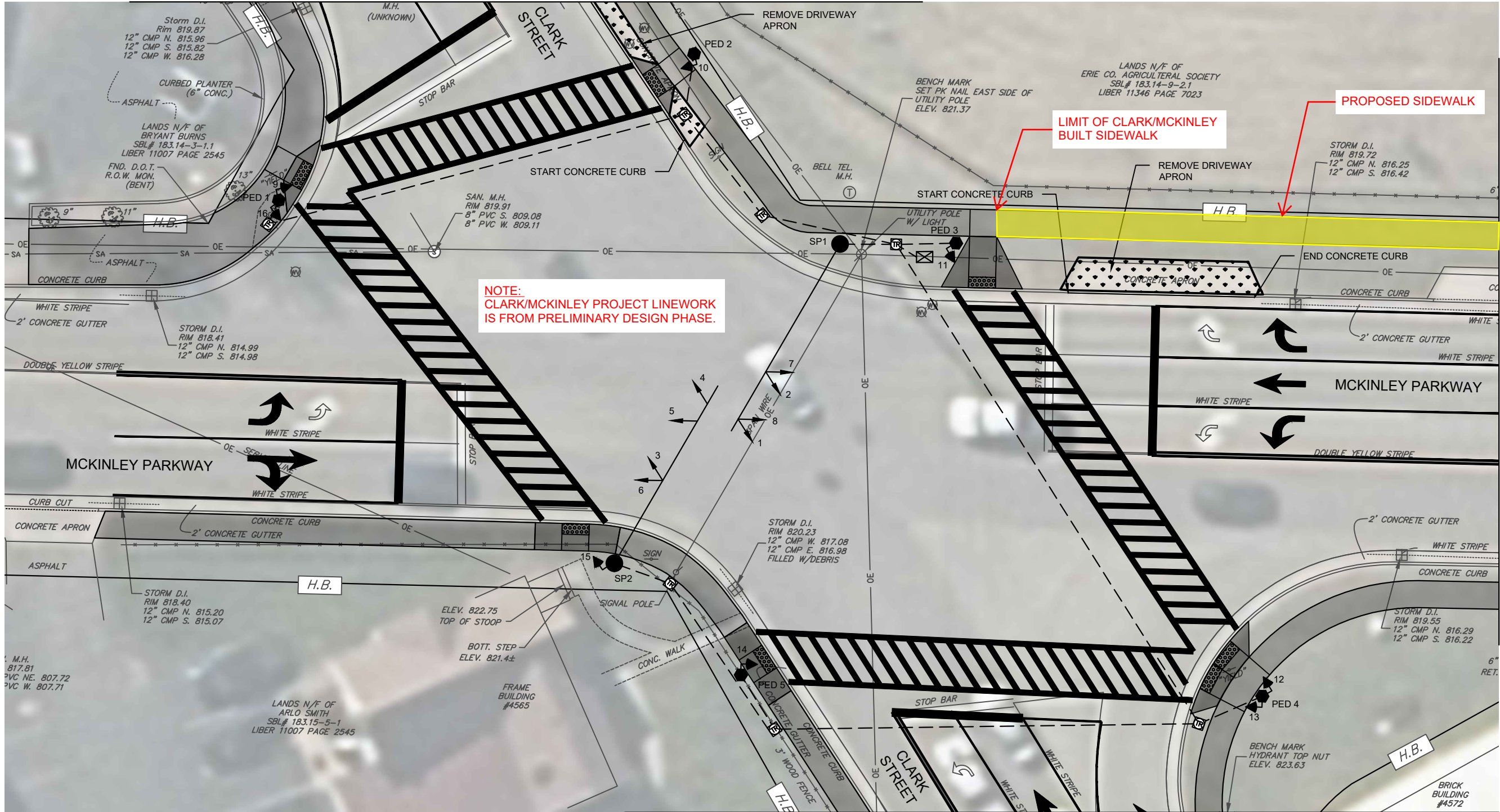
Agreed to and accepted this _____ day of _____, 2026.

Signed: _____

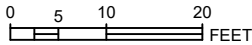
Name: _____
(please print)

Title: _____

Town's Reference Number
to Appear on our Invoice(s): _____



LEGEND	
	4" CONCRETE SIDEWALK



AFFIX SEAL: ON:	ALTERED BY: ON:

AS-BUILT REVISIONS
DESCRIPTION OF ALTERATIONS:

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR SHALL STAMP THE DOCUMENT AND INCLUDE THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.



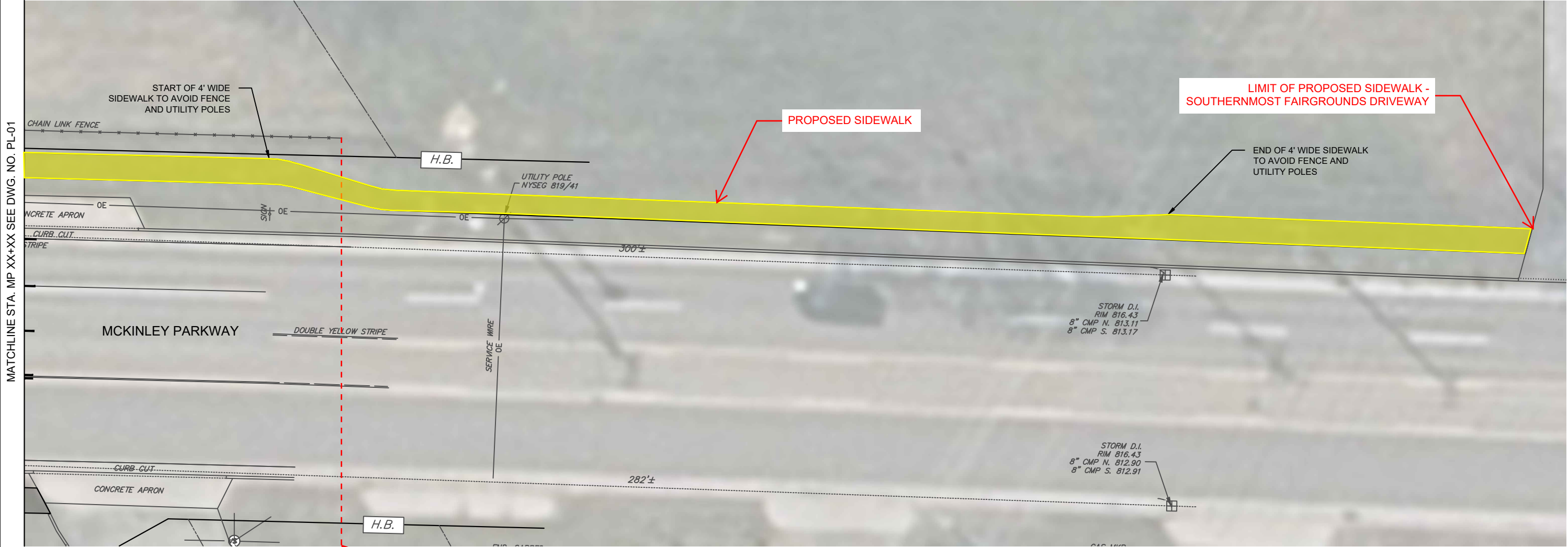
ALL DIMENSIONS IN ft UNLESS OTHERWISE NOTED
INTERSECTION IMPROVEMENT PROJECT
CLARK STREET AND MCKINLEY PARKWAY
GENERAL PLAN

TOWN OF HAMBURG
ERIE COUNTY, NY
DRAWING NO. PL-01
SHEET NO.

MATCHLINE STA. MP XX+XX SEE DWG. NO. PL-03

MATCHLINE STA. CS XX+XX SEE DWG. NO. PL-04

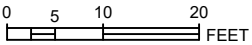
MATCHLINE STA. CS XX+XX SEE DWG. NO. PL-02



APPROX. END OF
CLARK/MCKINLEY SURVEY

LEGEND	
	4" CONCRETE SIDEWALK

- NOTES:**
1. PROPOSED SIDEWALK IS DRAWN AS 5'-0" WIDE EXCEPT WHERE NOTED DUE TO ANTICIPATED WIDTH CONSTRAINTS.
 2. SURVEY FROM THE CLARK & MCKINLEY PROJECT ENDS APPROXIMATELY WHERE INDICATED. PROPOSED SIDEWALK LAYOUT BEYOND THAT POINT IS APROXIMATED USING AERIAL IMAGRY OF EXISTING SITE FEATURES SUCH AS FENCING AND UTILITY POLES. FIELD VERIFICATION WOULD BE NEEDED TO CONFIRM CONSTRUCTABILITY, PARTICULARLY IN THE AREA OF UTILITY POLE NYSEG 819/41.
 3. LAYOUT ASSUMES GUY WIRE FOR UTILITY POLE NYSEG 819/41 IS EITHER NOT IN CONFLICT WITH PROPOSED SIDEWALK OR IS ABLE TO BE RESET/RELOCATED.
 4. LAYOUT ASSUMES HIGHWAY BOUNDARY LINE CONTINUES ALONG THE SURVEYED OFFSET PAST THE END OF SURVEY.
 5. LAYOUT ASSUMES GRADING PAST THE END OF SURVEY IS FEASIBLE WITHOUT MAJOR ADJUSTMENTS WITHIN HIGHWAY BOUNDARY.



AS-BUILT REVISIONS
DESCRIPTION OF ALTERATIONS:

ALL DIMENSIONS IN ft UNLESS OTHERWISE NOTED

INTERSECTION IMPROVEMENT PROJECT
CLARK STREET AND MCKINLEY PARKWAY
GENERAL PLAN

TOWN OF HAMBURG
ERIE COUNTY, NY

DRAWING NO. PL-03
SHEET NO.

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR SHALL STAMP THE DOCUMENT AND INCLUDE THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

Appendix A
GENERAL CONDITIONS FOR PROFESSIONAL SERVICES

Watts Architects & Engineers (WATTS) will perform professional services in a timely manner but it is agreed between the parties to this Agreement that WATTS cannot be responsible for delays occasioned by factors beyond its control, nor by factors which could not reasonably have been foreseen at the time this Agreement was prepared and executed.

WATTS will perform its services using that degree of care and skill ordinarily exercised under similar conditions by professional consultants practicing in the same field at the same time in the same or similar locality. No other warranty, express or implied, is made or intended related to the services provided. Watts shall only be liable for its own negligent acts or omissions and assumes no liability for the acts or omissions of any other party.

Drawings, specifications and other documents, prepared by WATTS and their consultants are Instruments of Service for use solely with respect to this Project. This includes documents in electronic form. WATTS and their consultants shall be deemed the authors and owners of their respective Instruments of Service and shall retain all common law, statutory and other reserved rights, including copyrights. The Instruments of Service shall not be used by any other party for future additions or alterations to this Project or for other projects, without the prior written agreement of WATTS. Any unauthorized use of the Instruments of Service shall be at the other party's sole risk and without liability to WATTS and their consultants.

During the performance of services within this Agreement, the scope of WATTS' services and compensation thereon may be adjusted by written consent of the client.

If a dispute arises out of or relates to this Agreement or its breach, and if the dispute cannot be settled through direct discussions, the parties agree that prior to the filing of any legal action, they will first endeavor to settle the dispute in an amicable matter by non-binding mediation, using a certified mediator or certified mediation service. Failure of the parties to resolve the dispute through mediation shall in no way remove the right of either party to pursue any legal action or recourse. Unless otherwise specified within the Agreement, this Agreement shall be governed by the laws of the State of New York.

Neither party shall hold the other responsible for damages or delays in performance caused by acts of God, strikes, lockouts, accidents, pandemics, epidemics or other events beyond the control of the other or the other's employees and agents.

Progress payments shall be made in proportion to services performed and shall be due and payable within 30 days of submittal, without retainage unless other terms are specified in proposal. Overdue invoices shall bear an interest rate of 1-1/2% per month calculated from the 31st day after submittal.

The total liability, in the aggregate, of WATTS to CLIENT and anyone claiming by, through, or under CLIENT, for any and all claims, losses, costs or damages whatsoever arising out of, resulting from or in any way related to the Project or the Agreement from any cause or causes, including but not limited to the negligence, professional errors or omissions, strict liability or breach of contract, or warranty express or implied, of WATTS, shall not exceed the total insurance proceeds paid on behalf of or to CLIENT by WATTS insurers in settlement or satisfaction of CLIENT's claims under the terms and conditions of WATTS insurance policies applicable thereto (excluding fees, costs, and expenses of investigation, claims adjustment, defense, and appeal).

To the fullest extent permitted by law, WATTS shall indemnify and hold harmless CLIENT's officers, directors, partners, and employees from and against any and all damages caused solely by the negligent acts or omissions of WATTS in the performance and furnishing of services under this Agreement.

To the fullest extent permitted by law, CLIENT shall indemnify and hold harmless WATTS from and against any and all costs, losses and damages (including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals, and all court or other dispute resolution costs) caused solely by the negligent acts or omissions of CLIENT with respect to this Agreement or the Project.

To the fullest extent permitted by law, WATTS' total liability to CLIENT and anyone claiming by, through, or under CLIENT for any cost, loss or damages caused in part by the negligence of WATTS and in part by the negligence of CLIENT or any other negligent entity or individual shall not exceed the percentage share that WATTS' negligence bears to the total negligence of CLIENT, WATTS, and all other negligent entities and individuals.

To the fullest extent permitted by law, CLIENT shall indemnify and hold harmless WATTS from and against all costs, losses, and damages (including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals, and all court or arbitration or other dispute resolution costs) caused by, arising out of or resulting from a Hazardous Environmental Condition, provided that (i) any such cost, loss, or damage is attributable to bodily injury, sickness, disease, or death, or to injury or destruction of tangible property (other than completed Work), including the loss of use resulting therefrom, and (ii) nothing shall obligate CLIENT to indemnify any individual or entity from and against the consequences of that individual's or entity's own negligence or willful misconduct.

The Parties agree that this Agreement may be executed in counterparts, each of which shall be enforceable against the other Party signing it and together shall be deemed to be a single original. The Parties agree that electronic copies and facsimile transmissions of signatures shall be deemed originals for all purposes.

Town Board of the Town of Hamburg
April 13, 2026 Meeting

4.21. West Arnold Archeological Phase 1B Study

WHEREAS, as the Town pursues funding opportunities for the waterline replacement project on W Arnold Drive for the Idlewood Subdivision, the Office of Parks, Recreation and Historic Preservation requires the investigation for any historic or archeological resources in the project area; and

WHEREAS, the Town must conduct a Phase 1B archeological study and has obtained a proposal from Heritage Chronicle in the amount of \$9946.88; and

WHEREAS, the proposal has been reviewed by Town departments working on this project and find it adequate.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the legal team to enter into a contract with Heritage Chronicle for the performance of a Phase 1B archeological study.

Funds are available in H120.8397.283

ATTACHMENTS:

[Phase IB - Proposed Idlewood Subdivision, Hamburg PA.Final.pdf](#)



April 1, 2026

Mr. Ian Shavitz
Lippes Mathias
50 Fountain Plaza, Suite 1700
Buffalo, New York 14202

RE: Phase 1B Archaeological Field Investigation for the Proposed Idlewood Subdivision Water District Formation, Town of Hamburg, Erie County, New York; 25PR04922

Dear Ian,

The Buffalo Office of Chronicle Heritage (PaleoWest, LLC d/b/a Chronicle Heritage) is pleased to submit a cost and technical proposal to conduct a Phase 1B Archaeological Field Investigation for the proposed Idlewood Subdivision Water District Formation, Town of Hamburg, Erie County, New York. The project involves the abandonment of the existing system and installation of approximately 1,600 linear feet of 8-inch PVC water main and three fire hydrants along West Arnold loop road.

At the request of Lippes Mathias Attorneys at Law, Chronicle Heritage completed a Phase 1A cultural Resources Investigation of the Area of Potential Effect (APE) associated with the proposed Idlewood Subdivision Water District Formation project.

The results of the investigation indicate that the APE is in an archaeologically sensitive area. A known Indigenous American archaeological site sites within the APE, while another is less than 100 meters to the North. The proximity to known sites and low levels of soil disturbance indicate the APE has an elevated potential for containing archaeological deposits. On this basis, Chronicle Heritage recommended a Phase 1B archaeological investigation be conducted to determine if such deposits are present in the project area. The New York State Historic Preservation Office (NYSHPO) has confirmed agreement with Chronicle Heritage's recommendations.

At the request of Lippes Mathias, we are providing a Scope of Work (SOW) and cost estimate to complete a Phase 1B Archaeological Field Investigation of the APE.

Please contact me if you have any questions or would like to discuss any of the enclosed information in more detail.

Sincerely,
CHRONICLE HERITAGE

Erin Linn, M.A. | Office Principal

SOW – Phase 1B Archaeological Survey

The purpose of a Phase 1B archaeological survey is to conduct field testing to determine the presence or absence of archaeological sites within a project's APE. The following scope of work outlines the key tasks required to complete the Phase 1B investigations.

Task 1. Pre-field Project Coordination

This task includes the set-up of the project in our systems, monthly invoicing, staff coordination, communication with NY SHPO as required, and an internal project kick-off call within 5 business days of Notice to Proceed.

Chronicle Heritage will present a fully justified sampling plan for any recommended field identification survey (Phase 1B survey). This sampling plan will be developed for the project area and will be based on the results of the Phase 1A investigations and consideration for ground slope and wetlands. Support for assumptions underlying the model will be presented, and this will be derived from comparison of results of similar projects in the area and information on previously recorded sites in the project vicinity.

Task 2. Field Survey

Upon completion of pre-field work, Chronicle will conduct field-based surveys of the specified areas. Key tasks will include, but not be limited to:

Subsurface testing:

If subsurface investigations are required, field investigation will include an on-site field inspection of the proposed routes and subsurface shovel testing conducted according to SHPO standards in all sensitive areas. The data collected will be utilized by the archaeological field crew to identify any previously disturbed areas, wetlands, etc. that will be visually examined with limited shovel testing and undisturbed sensitive areas that will be shovel tested at the standard 50-foot interval.

- Shovel tests will be 30 to 50 centimeters in diameter and dug to undisturbed or non-artifact bearing subsoil at a 50-foot (15-meter interval) in relatively undisturbed portions of the archaeologically sensitive sections of the project area. Tests will be dug at 25-ft (7.5-m) intervals in front of Map Documented Structures (MDSs). All excavated soils will be screened through ¼-inch hardware cloth and results recorded on shovel test record forms. Any areas of severe slope (i.e., over 15%) will only be visually inspected. Several deeper tests will be dug in alluvial soils to assess the potential of deeply buried cultural deposits.
- Shovel test transects and shovel tests will be numbered in a systematic fashion, and tests will be indicated on project maps. Soils excavated from shovel tests will be carefully screened as noted above to recover any cultural material. All stratigraphic profiles will be described on appropriate field forms. Information recorded on the forms will include, but not be confined to, descriptions of soil type, texture, color, condition, and the presence or absence of cultural materials or cultural features.
- Documentation of fieldwork activities will include the recording of field observations in notebooks and on appropriate forms. Digital photography will be employed to document field conditions, observations, and field techniques. Photographs will be keyed to project maps. Any

archaeological sites identified during the field investigation will be documented on OPHRP site forms.

- If required, laboratory analysis of artifacts, including cleaning, identification, and cataloging, will be conducted at Chronicle's Buffalo office. Artifacts will be grouped by provenience and uniquely numbered and identified on artifact identification cards made from acid-free paper. Catalog numbers will not be written on artifacts. Results will be presented in final report.

Task 2. Laboratory Work

If there are artifacts recovered from features during the Phase 1B archaeological investigation, they will be returned to Chronicle Heritage's Buffalo, NY Office's laboratory for cleaning, cataloging, and analysis. Laboratory processing will be carried out in accordance with applicable state and federal curation guidelines. Following processing, an artifact inventory will be prepared. To the extent possible, the recovered artifacts will be identified as to material, temporal association, or cultural or chronological association, style, and function. Preliminary analysis will seek patterns in the relative composition of the recovered artifact assemblage, particularly to the extent that such patterns may indicate the functional nature of the assemblages, and the site formation processes associated with their deposition. These attributes are particularly relevant to the evaluation of potential archaeological significance. Artifacts and associated documentation will be processed and prepared in accordance with the requirements of the NYSHPO. At the conclusion of the investigation, the artifacts will be returned to the landowner or transferred to the NYSHPO for permanent curation along with field records and documentation.

Task 3: Reporting

The report will include a summary of relevant information, with accompanying maps (where appropriate), concerning the environmental/physical setting addressing geology, soils, hydrology, physiography/geomorphology, climate, flora, fauna, and any recent human/natural disturbances; a summary of background historical information and historical maps; a summary of official NYSHPO records for the Project Area derived from the NYSHPO online Cultural Resources Information System (CRIS) database research; the results of the walkover reconnaissance of the project area with digital photography to document field conditions, observations, areas of disturbance, and site setting; and recommendations for future cultural resources work, if necessary.

The report can be uploaded to NYSHPO at the request of the client. (Please note, however, we would need to be made a contact for the project in CRIS and have the upload token provided by NYSHPO to complete that task.)

Assumptions

The below cost estimate assumes:

1. as recommended in the Phase 1A report, STPs will be dug at a ten-meter intervals off of paved surfaces along the entire length of the project area,
2. property access to conduct the investigation will be granted before initiation of the survey,
3. project boundaries can be clearly delineated for the project area(s),
4. if the proposed project area design changes or is different to the figure provided on October 7, an additional cost may be required,

5. a client representative will be available to assist with property access and identification of project boundaries and locations, as necessary,
6. no deep testing (i.e., backhoe) is included in this bid,
7. the level of effort assumes that no areas of elevated cultural or archaeological sensitivity will be identified in the Phase 1A. If such areas are identified they may require additional field investigation.
8. no more than 5 archaeological resources will require radial testing,
9. that no more than 300 artifacts will be recovered during the proposed survey; if more than 300 artifacts are recovered, there will be an additional cost,
10. no curation costs are included in this bid,
11. if NYSHPO makes recommendations for additional work (e.g., monitoring during construction, more shovel testing) beyond the area proposed and time proposed, that work will be an additional cost,
12. no formal Tribal consultation is included in this bid (however, we can notify the pertinent Nation about the project and ask whether they have information specific to the project area, if requested),
13. the Chronicle archaeologists will be made contacts on the CRIS website to facilitate access for submitting documents and forms, and
14. a formal written notice to proceed and signed contract will be given before project initiation of the investigation.

Cost Estimate

Chronicle Heritage will complete the proposed work for: **\$9946.88 exclusive of tax.**

Costs are inclusive of all labor and direct expenses (lodging, vehicle rental, gas, materials and supplies, mileage, and per diem) with the exception of those outlined in the assumptions above.

This commercial offer is valid for 90 days.

Chronicle Heritage emphasizes professionalism, expertise, and timeliness in our services to provide exceptional value to our clients. We appreciate your consideration of Chronicle Heritage for this project and look forward to the prospect of being of service.

Town Board of the Town of Hamburg
April 13, 2026 Meeting

4.22. SW Blvd and Big Tree Road Traveler Center Rezoning SEQR Resolution

WHEREAS, the Town of Hamburg received a request from Briad Development, LLC to rezone 4.14 acres of land (SBL # 160.18-1-9.1) located at the intersection of Southwestern Boulevard and Big Tree Road from C-1 (Local Retail Business District District) to C-2 (General Commercial District) for the development of a small-scale travel center, to be anchored by an 8,700 sq-ft building with gasoline service, accompanied by several quick-service restaurant (QSR) establishments, and other site improvements; and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQR) of the Environmental Conservation Law, the Hamburg Town Board has established itself as SEQR Lead Agency and conducted a coordinated environmental (SEQR) review for this Unlisted action; and

WHEREAS, the Town Board has reviewed the FEAF (Parts 1, 2, and 3) and solicited input from the public and from other Involved and Interested agencies, and has taken a hard look at the social, economic, and environmental impacts of the adoption of the proposed zoning map amendment and subsequent project; and

WHEREAS, the findings of this review indicate that the proposed zoning map amendment and construction of the small-scale travel center with accompanying gasoline service (with the conditions proposed by the Planning Board and accepted by the Town) will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public; and

WHEREAS, the Town of Hamburg Town Board held the required public hearing on March 9th, 2026.

NOW, THEREFORE BE IT RESOLVED, the Hamburg Town Board, as SEQR Lead Agency for this action, has determined that the adoption of the Town of Hamburg zoning change and construction of the small-scale travel center with accompanying gasoline service at this location will not result in any significant adverse impacts on the environment, and a Negative Declaration is hereby issued, based on the reasons as set forth in the full Environmental Assessment Form and Part 3 analysis attachment; and

BE IT FINALLY RESOLVED, the Town Board authorizes the Town Supervisor to sign the Environmental Assessment Form, which will act as the SEQR Negative Declaration, and authorizes that the appropriate notices and filings be made.

ATTACHMENTS:

[04_SEQR - Circle K Hamburg.pdf](#)

[FEAF Part 2 - SW Blvd and Big Tree Road Traveler Center.pdf](#)

[FEAF Part 3.pdf](#)

[SW Blvd and Big Tree Road Rezoning Part 3 Analysis.pdf](#)

Full Environmental Assessment Form
Part 1 - Project and Setting

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 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Circle K / Jimmy John's / Dunkin' / QSR		
Project Location (describe, and attach a general location map): Intersection of Big Tree Road and NYS Route 20 (Southwestern Blvd)		
Brief Description of Proposed Action (include purpose or need): The proposed action consists of a zone change from C-1 to C-2 to allow the construction of a convenient store and a gas station facility with adjoining food services that is approximately +/- 8700 SF. This will include a drive-through area and 43 parking spaces for the proposed facilities as well as gas pumps associated with the Circle K. The project will provide easier access to a gas station for traffic on the North side of Southwestern Boulevard and make the restaurant franchises available for local residents and other traffic.		
Name of Applicant/Sponsor: Briad Development, LLC	Telephone: (973)214-9609	
	E-Mail: jtalerico@briad.com	
Address: 78 Okner Parkway		
City/PO: Livingston	State: NY07039	Zip Code: 07039
Project Contact (if not same as sponsor; give name and title/role): James Talerico (Senior Vice President of Restaurant and Retail Development)	Telephone: (973)214-9609	
	E-Mail: jtalerico@briad.com	
Address: 78 Okner Parkway		
City/PO: Livingston	State: NY	Zip Code: 07039
Property Owner (if not same as sponsor): James S. Metz & Jeffery Schwartz	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 Counsel, Town Board, ☒ Yes ☐ No or Village Board of Trustees	TOWN OF HAMBURG TOWN BOARD (ZONE CHANGE C-1 TO C-2)	12/05/2025
b. City, Town or Village Planning Board or Commission ☒ Yes ☐ No	TOWN OF HAMBURG PLANNING BOARD (SITE PLAN APPROVAL, SPECIAL USE PERMIT)	PROJECTED JANUARY 2026
c. City, Town or Village Zoning Board of Appeals ☐ Yes ☒ No		
d. Other local agencies ☐ Yes ☒ No		
e. County agencies ☒ Yes ☐ No	ERIE COUNTY PLANNING	PROJECTED MARCH 2026
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☒ Yes ☐ No	DEC(SWPPP), DOT(DRIVEWAY PERMIT)	PROJECTED FEBRUARY 2026
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 Areas: 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?

Zoning District C -1, Local Retail Business District.

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? Zoning District C-2, General Commercial District.

C.4. Existing community services.

a. In what school district is the project site located? Hamburg Central School District

b. What police or other public protection forces serve the project site?

Town of Hamburg Police

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

Big Tree Volunteer Fire Department and the Town of Hamburg Emergency Services Department

d. What parks serve the project site?

Brush Mountain Park (closest park to site)

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)? Commerical

b. a. Total acreage of the site of the proposed action? 4.08 acres

b. Total acreage to be physically disturbed? 2.2 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 4.08 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: 6 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.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
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 <u>2</u>	
ii. Dimensions (in feet) of largest proposed structure: <u> </u> +/- 21 height; <u> </u> +/- 80 width; and <u> </u> +/- 160 length	
iii. Approximate extent of building space to be heated or cooled: <u> </u> +/- 8,700 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? ☒ Yes ☐ No	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? <u>Foundations and Utilities</u>	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): <u>+/- 3,700 Cubic Yards</u> • Over what duration of time? <u>3 months</u>	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.	
<u>Existing soils. Reclaimed as backfill if suitable, otherwise removed from site, native.</u>	
iv. 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? <u> </u> +/- 2.2 acres	
vi. What is the maximum area to be worked at any one time? <u> </u> +/- 2.2 acres	
vii. What would be the maximum depth of excavation or dredging? <u> </u> 6 feet	
viii. Will the excavation require blasting? ☐ Yes ☒ No	
ix. Summarize site reclamation goals and plan: _____	
<u>Utilize native soils in backfill if suitable, otherwise remove from site</u>	

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: _____ 2,400 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: Erie County Water Authority
- 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: _____ 2,400 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): _____

Sanitary wastewater will be generated by the bathrooms constructed in the proposed Circle K and from daily operations of the food services.

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

- Name of wastewater treatment plant to be used: Southtowns Advanced Wastewater Treatment Facility
- Name of district: Erie County Sewer District No.3
- 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

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): _____ 3.6 visits a day from semi trucks, 3.2 visits a day from Panel Trucks iii. Parking spaces: Existing <u>0</u> Proposed <u>43</u> Net increase/decrease <u>43</u> 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: _____ 4,200 kw/hrs ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): <u>New York State Electric and Gas</u> 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. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: <u>7:00am - 5:00pm</u> • Saturday: <u>n/a</u> • Sunday: <u>n/a</u> • Holidays: <u>n/a</u> </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: <u>24/7</u> • Saturday: <u>24/7</u> • Sunday: <u>24/7</u> • Holidays: <u>Varies</u> </td> </tr> </table>		i. During Construction: • Monday - Friday: <u>7:00am - 5:00pm</u> • Saturday: <u>n/a</u> • Sunday: <u>n/a</u> • Holidays: <u>n/a</u>	ii. During Operations: • Monday - Friday: <u>24/7</u> • Saturday: <u>24/7</u> • Sunday: <u>24/7</u> • Holidays: <u>Varies</u>
i. During Construction: • Monday - Friday: <u>7:00am - 5:00pm</u> • Saturday: <u>n/a</u> • Sunday: <u>n/a</u> • Holidays: <u>n/a</u>	ii. During Operations: • Monday - Friday: <u>24/7</u> • Saturday: <u>24/7</u> • Sunday: <u>24/7</u> • Holidays: <u>Varies</u>		

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: The use of construction equipment and similar construction-related activities may produce noise exceeding the existing ambient noise levels during construction hours only	☒ Yes ☐ No
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☒ Yes ☐ No Describe: <u>Tree removal may be currently acting as a noise barrier</u>	☒ Yes ☐ No
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: Site <u>Lighting, downward projecting features on 17-foot poles and gas canopy lighting. Building mounted lighting.</u>	☒ Yes ☐ No
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☒ No Describe: _____	☐ Yes ☒ No
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: _____	☐ Yes ☒ No
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 <u>Petroleum / Diesel</u> ii. Volume(s) <u>40k/12k</u> gal per unit time _____ (e.g., month, year) iii. Generally, describe the proposed storage facilities: _____ <u>Underground Storage Tanks connected to Circle K fuel stations</u>	☒ Yes ☐ No
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): _____	☐ Yes ☒ No
ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No	☐ 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: _____ 0.6 tons per _____ month (unit of time) • Operation : _____ 0.72 tons per _____ week (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: _____ • Operation: <u>Bathroom use limited to customers, recycling bins available for use, general operations of proposed facilities</u> iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: _____ • Operation: <u>Solid waste generated from the constructed bathrooms will be directed through the existing municipal sanitary sewer system and any non-recyclable waste will go to the nearest landfill via trash cans and the dumpster on-site.</u>	☒ Yes ☐ No

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 Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.00	1.54	+ 1.54
• Forested	4.02	1.82	- 2.20
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.00	0.00	+/- 0.00
• Agricultural (includes active orchards, field, greenhouse etc.)	0.00	0.00	+/- 0.00
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.00	0.00	+/- 0.00
• Wetlands (freshwater or tidal)	0.06	0.06	+/- 0.00
• Non-vegetated (bare rock, earth or fill)	0.00	0.00	+/- 0.00
• Other Describe: <u>Lawn Area</u>	0.00	0.66	+0.66

c. Is the project site presently used by members of the community for public recreation? <i>i. If Yes: explain:</i> _____	☐ Yes ☒ No
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? If Yes, <i>i. Identify Facilities:</i> _____	☐ Yes ☒ No
e. Does the project site contain an existing dam? If Yes: <i>i. Dimensions of the dam and impoundment:</i> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet <i>ii. Dam's existing hazard classification:</i> _____ <i>iii. Provide date and summarize results of last inspection:</i> _____ _____	☐ Yes ☒ No
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? If Yes: <i>i. Has the facility been formally closed?</i> • If yes, cite sources/documentation: _____ <i>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:</i> _____ _____ <i>iii. Describe any development constraints due to the prior solid waste activities:</i> _____	☐ Yes ☒ No ☐ Yes ☐ No
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? If Yes: <i>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:</i> _____ _____	☐ Yes ☒ No
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? If Yes: <i>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:</i> ☐ Yes – Spills Incidents database ☐ Yes – Environmental Site Remediation database ☐ Neither database Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ <i>ii. If site has been subject of RCRA corrective activities, describe control measures:</i> _____ <i>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?</i> If yes, provide DEC ID number(s): _____ <i>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):</i> _____ _____	☐ Yes ☒ No ☐ Yes ☒ No

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? _____ > 6.5 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:	
RfB-Remsen silty clay loam	99.4 %
CtB-Collamer silt loam	0.6 %
_____	_____ %
d. What is the average depth to the water table on the project site? Average: _____ > 6.5 feet	
e. Drainage status of project site soils: ☐ Well Drained: _____ % of site	
☒ Moderately Well Drained: 99.4 % of site	
☒ Poorly Drained 0.6 % of site	
f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: 100 % 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>i</i> or <i>ii</i> , 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 Wetland 1 (from delineation report)	Approximate Size +/- 4,500 SF
• 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: <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border-bottom: 1px solid black;">Squirrels</td> <td style="width: 33%; border-bottom: 1px solid black;">Birds</td> <td style="width: 33%; border-bottom: 1px solid black;">Snakes</td> </tr> <tr> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black;"></td> </tr> </table>			Squirrels	Birds	Snakes			
Squirrels	Birds	Snakes						
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): _____ Northern Long-eared Bat, Monarch Butterfly								
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? +/- 4.08 _____ ii. Source(s) of soil rating(s): Web Soil Survey (Farmland Classification) _____								
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: _____								

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?

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 five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☒ Yes ☐ No

If Yes:

i. Identify resource: WNY Southtowns Scenic Byway

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

iii. Distance between project and resource: 2.5 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 Briad Development, LLC Date December 5, 2025

Signature *Patrick J. Scordo (CIVIL ENGINEER) For James Talento* Title Senior Vice President
PATRICK J. SCORDO



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources to confirm data provided by the Mapper or to obtain data not provided by the Mapper.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.h.ii [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No

E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

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

Agency Use Only [If applicable]
Project : Briard Development Southwestern and Big T
Date : 4/13/2026

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) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i> ☐ 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 <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	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 <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	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: _____ _____		☐	☐
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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) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		☒ NO	☐ YES
	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) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		☒ 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 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: _____ _____		☐	☐
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6. Impacts on Air The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If “Yes”, answer questions a - f. If “No”, move on to Section 7.</i>				☒ NO	☐ YES
	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 ₂ O)	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.) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 8.</i>				☒ NO	☐ YES
	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 <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	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, E1b	☐	☐
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.	E1 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.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		☒ NO	☐ YES
	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 1/2 -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.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		☒ NO	☐ YES
	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: _____ _____		☐	☐
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: e. i. The proposed action may result in the destruction or alteration of all or part of the site or property. ii. The proposed action may result in the alteration of the property’s setting or integrity. 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, E3g, E3f E3e, E3f, E3g, E1a, E1b 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.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i>				☒ 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) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>				☒ 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) <i>If "Yes", answer questions a - f. If "No", go to Section 14.</i>			
	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) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i>			
	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.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i>			
	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 occur	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. (See Part 1. C.1, C.2. and C.3.) <i>If “Yes”, answer questions a - h. If “No”, go to Section 18.</i>			
		☐ NO	☒ YES
	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, E1b	☒	☐
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. (See Part 1. C.2, C.3, D.2, E.3) <i>If “Yes”, answer questions a - g. If “No”, proceed to Part 3.</i>			
		☒ NO	☐ YES
	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: _____ _____		☐	☐

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.

The analysis completed for Part 2 included use of the following studies or analyses provided by the Applicant:

-Planning Board Rezoning Report
 -Site Survey
 -Proposed Site Plan
 -Circulation Plan
 -FEMA Flood Map
 -Wetland Delineation Plan
 -Safety Systems and Regulatory Controls at Modern Fueling Facilities Memo
 -Official Agency Comments from Coordinated Review
 -SHPO Letter of No Concern
 -ITE Trip Generation Analysis

Please find the attached Part 3 analysis as the basis for why this project should be issued a Negative Declaration.

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

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 617.7(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: Briad Development Southwestern and Big Tree Traveler Center Rezoning

Name of Lead Agency: Hamburg Town Board

Name of Responsible Officer in Lead Agency: Elizabeth Farrell-Lorentz

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 Ave

Telephone Number: 716-649-6111 ext. 2384

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>

Hamburg Town Board

Part 3 Analysis

Brad Development Southwestern and Big Tree Rezoning

0 Big Tree Road and Southwestern Boulevard, Hamburg, NY 14219 (SBL#: 160.18-1-9.1)

4/13/2026

Based on Part 1 and Part 2 of the FEAF, information submitted by the Applicant, correspondence received, and discussions of the Planning Board and Town Board, the following potentially moderate to large impacts were identified, and have been analyzed:

Project Description and Action

See FEAF.

1. Impact on Land

The project will disturb approximately 2.2 acres of land out of a 4.08-acre site, with conversion to a convenience store building, a gas station facility, with drive-thru space, 43 parking spaces, and other impervious areas. Approximately 1.5 acres of land will consist of impervious surface. Final engineered plans will be reviewed and approved by the Town Engineer, including a Stormwater Pollution Prevention Plan (SWPPP). Appropriate erosion and sediment control measures will be required during construction, with inspections occurring by a qualified person. A condition of the rezoning approval will be to maintain existing natural features, and vegetative buffers on the site, especially to keep a 0.66-acre lawned area on the site and to buffer the nearest adjoining neighbors at Big Tree Road and Burke Parkway, to be addressed during site plan review.

A landscaping plan will need to be prepared that focuses on highlighting the existing natural areas to be maintained in addition to the substantial tree planting that will take place around the Project Site and especially in screening areas easily meeting § 280-209's requirement for a single tree to be planted every 30 feet. This landscape plan can also be a rezoning condition that is subject to Planning Board review/approval during the site plan stage.

Information submitted and Analysis: Proposed Site Plan, FEAF Part 1, Planning Board Rezoning Report.

Conclusion: The project is not anticipated to have a significant impact on land.

13. Impact on Transportation

The site is bounded by Big Tree Road to the north, Interstate 90 to the west, Southwestern Boulevard to the south, and where the Seven Corners intersection was removed to the east. The project site is currently vacant land. Land uses within the vicinity of the project site are generally commercial. The proposed development consists of a multi-tenant commercial site designed to

function as a small-scale travel center serving both the local community and motorists traveling along the Interstate I-90 corridor.

The Applicant has submitted a circulation plan, showing a driveway onto Southwestern Boulevard located as far as possible from the intersection of Southwestern Boulevard and Big Tree Road, based on input from NYSDOT.

The project and its uses generate what is known as pass-by traffic, meaning that vehicles are already traveling on a road adjacent to a business, and will stop as part of their existing journey, rather than generating new, separate trips. These customers, commonly seen at gas stations or convenience stores, do not create new traffic, but simply make a turn-in maneuver. The table below shows the estimated daily visits for the development, as well as the AM and PM peak trips. These visits were determined using the 8th Edition ITE Trip Generation Rates.

Circle K Hamburg - ITE Trip Generation				
Name	ITE Description / Code	Daily Visits	AM Peak	PM Peak
Circle K	Convenience. Mkt w/ Gas Pumps 853	7,596	116	133
Jimmy John's	Fast Food with Drive Thru 934	893	44	30
BWW2GO	Fast Food w/o Drive Thru 933	993	30	18
QSR	Fast Food w/o Drive Thru 933	688	22	15
Total		10,170	213	197
<i>The estimated number of visits were determined by using the ITE Trip Generation Rates (8th Edition)</i>				

The Applicant has also been in communication with the NYSDOT regarding driveway access. The Applicant has proposed driveways from Southwestern Blvd and Big Tree Road into the project site. Correspondence from the NYSDOT has highlighted that they are open to considering the two entrances but noted that since the project is a major commercial development, review and comment from several of their teams will be required.

Information submitted and Analysis

Circulation Plan, Planning Board Rezoning Report, ITE Trip Generation Analysis, FEAF Part 1

Conclusion: Based on the information provided above, the project is not anticipated to have a significant impact on transportation.

15. Impact on Noise, Odor, and Light

The project will temporarily produce excess sound during construction, primarily between 7 am and 4 pm on weekdays (the project will need to follow Town noise ordinances). There will be outdoor lighting on the project site, and conditions of site plan approval will require the lighting to meet dark sky residential lighting standards as set forth by the Town of Hamburg. Parking lot lighting will be shielded and regulated by conditions of site plan approval. The fuel canopy component of the project will not produce adverse odors, and will have double-wall tanks, leak detection technology, spill containment systems.

Information submitted: FEAF Part 1, Safety Systems and Regulatory Controls at Modern Fueling Facilities Memo

Conclusion: The project is not anticipated to have a significant impact on the noise, odor, or light on the site.

16. Impact on Human Health

Given that part of the project involves a fuel station component, there have been some questions in regard to applicable safety standards for fueling facilities. The Applicant presented at the 3/9 Town Board public hearing and produced a memo detailing the applicable EPA and NYSDEC standards. Fueling facilities in New York State operate under strict environmental regulations requiring advanced engineering systems and operational safeguards. These protections—including double-wall tanks, leak detection technology, spill containment systems, operator training, and regular inspections—greatly reduce the risk of fuel releases compared to older filling station designs.

Information submitted: FEAF Part 1, Safety Systems and Regulatory Controls at Modern Fueling Facilities Memo

Conclusion: The project is not anticipated to have a significant impact on human health.

17. Impact on Community Plans

Due to the project needing a rezoning, the question of whether “the proposed action is inconsistent with local land use plans or zoning regulations” was checked as a moderate to large impact.

During Code Review and Planning Board review of the project, it was determined that a rezoning from C-1 to C-2 would not result in spot zoning, nor would it be inconsistent with zoning in the area, given that there are C-2 uses across the street, and to the immediate east of the property. The project is within a commercial corridor of the Town, and the rezoning report that was produced by the Planning Board highlights that Comprehensive Plan denotes that the north side of Southwestern Boulevard is a commercial area but suggests that it needs uses and restrictions that protect the surrounding residential areas.

There also is adequate fire protection and other community services in this area.

Information submitted and Analysis: Hamburg Planning Board Rezoning Report, Southwestern Blvd Excerpt from Hamburg Comp Plan

Conclusion: The project is not anticipated to have a significant impact on community plans.

Attachments:

- -Planning Board Rezoning Report
- -Site Survey

- -Proposed Site Plan
- -Circulation Plan
- -FEMA Flood Map
- -Wetland Delineation Plan
- -Safety Systems and Regulatory Controls at Modern Fueling Facilities Memo
- -Official Agency Comments from Coordinated Review
- -SHPO Letter of No Concern
- -ITE Trip Generation Analysis

Town Board of the Town of Hamburg
April 13, 2026 Meeting

4.23. SW Blvd and Big Tree Road Traveler Center Rezoning Approval Resolution

Whereas, the Town of Hamburg received a request from Briad Development, LLC to rezone 4.14 acres of land (SBL # 160.18-1-9.1) located at the intersection of Southwestern Boulevard and Big Tree Road from C-1 (Local Retail Business District District) to C-2 (General Commercial District) for the development of a small-scale travel center, to be anchored by an 8,700 sq-ft building with gasoline service, accompanied by several quick-service restaurant (QSR) establishments, and other site improvements; and

Whereas, the Hamburg Planning Board reviewed the rezoning request and recommended on February 4th, 2026, that this rezoning request be approved with conditions; and

Whereas, a public hearing was held regarding the zoning map revision and subsequent project on March 9th, 2026 and comments were received from the public, and the Town completed the required Erie County 239 m referral; and

Whereas, the Hamburg Town Board has determined that the proposed rezoning and project will not result in any significant negative effect on the environment and has issued a Negative Declaration and determined that the rezoning is in accordance with the Town's Comprehensive Plan.

Now, Therefore, Be It Resolved, that the Town of Hamburg Town Board hereby rezones the property identified above from C-1 to C-2 with the following conditions:

1. The following uses shall not be permitted:
 - All uses in the Permitted Uses section of the C-2 General Commercial Zoning District A§ 280-81(A) except for uses (2) Retail sales, (3) Eating or drinking establishments, and (23-f), but specifically filling stations, gasoline stations. Automotive repair services (including oil change, muffler and brake shops, collision shops and tire shops) are prohibited.
2. The fueling facility component of the project will comply with EPA and NYSDEC standards and shall require advanced engineering systems and operational safeguards. These protections will include double-wall tanks, leak detection technology, spill containment systems, operator training, alarm systems and regular inspections.
3. An adequate landscape buffer shall consist of a landscaped area, adjacent to Big Tree Road. The width and the landscaping to be provided in the landscaped area shall be determined by the Planning Board during the site plan review process.
4. All dumpsters to be located on the Project Site shall be enclosed by a six-foot-tall fence in accordance with Town requirements.
5. Fully engineered plans will be prepared and submitted with a SWPPP & Engineer's Report during the Site Plan Application review process, subject to Town Engineering review.
6. Dark sky compliant lighting will be provided for the entire project site and there will not be any lighting spillover onto the residential properties to the rear of the project site.

7. The Project will require a Special Use Permit from the Planning Board and shall meet the requirements per § 280-330 of the Zoning Code.

8. Site plan approval by the Planning Board is required to ensure that the above requirements are met, and other site plan issues are addressed (including landscaping, lighting, parking lot design, building aesthetics, and other site improvements).

Be It Further Resolved, that the Zoning Code of the Town of Hamburg be amended as follows: To amend Local Law #10 of the year 1986 of the Code of the Town of Hamburg Chapter 280 entitled "Zoning" to provide for a change in the boundary of the Zoning Map whereby the Zoning is changed from C-1 to C-2 for the property identified by SBL # 160.18-1-9.1.

ATTACHMENTS:

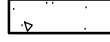
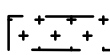
[Site 2025 - 094-C101 SITE DEVELOPMENT PLAN \(2\).pdf](#)

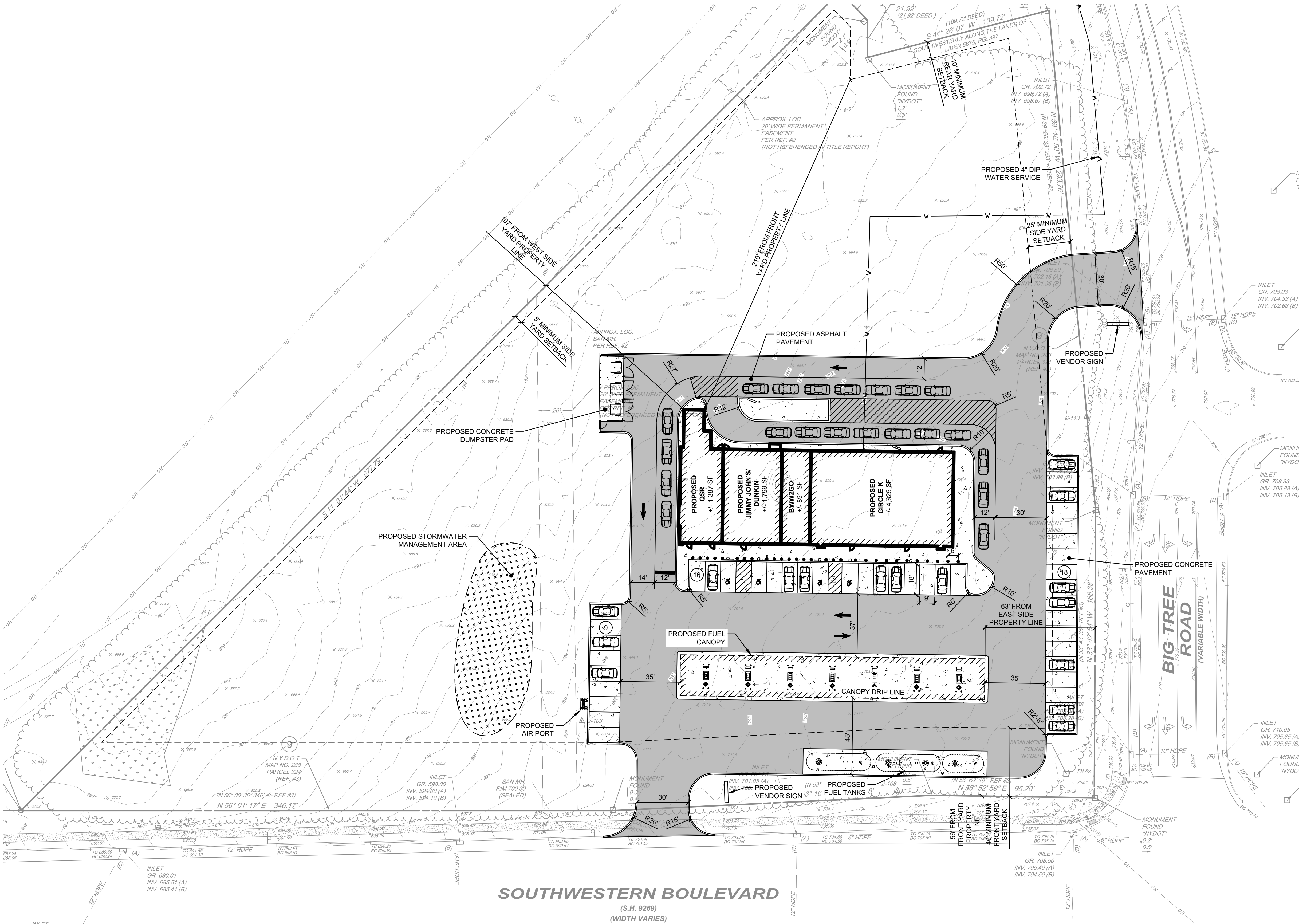
PLANNING DATA		
ZONING CLASSIFICATION: LOCAL RETAIL BUSINESS DISTRICT (C-1)		
PARCEL #: 160.16 - 9.1		
SEWER DISTRICT: ERIE COUNTY SEWER DISTRICT NO.3		
WATER DISTRICT: ERIE COUNTY WATER AUTHORITY		
ITEM	REQUIRED / ALLOWED	PROPOSED
MAX BUILDING HEIGHT	35 FT.	25 FT.
MAX LOT COVERAGE	75%	35.2%
MAXIMUM PRINCIPAL USE AND STRUCTURE SIZE	15,000 SF.	8,702 SF.
MINIMUM LOT WIDTH	100 FT.	> 100 FT.
MINIMUM FRONT YARD SETBACK	40 FT.	56 FT.
MINIMUM SIDE YARD SETBACK	5 FT. / 25 FT.	107 FT. / 54 FT.
MINIMUM REAR YARD SETBACK	10 FT.	210 FT.
PARKING SPACES	NUMBER OF PARKING SPACES IS DETERMINED BY THE TOWN OF HAMBURG NY PLANNING BOARD.	43 PARKING SPACES 14 GAS CANOPY SPACES

GENERAL SURVEY NOTES:

1. EXISTING CONDITIONS ARE BASED ON A FIELD SURVEY PREPARED BY BOWMAN CONSULTING TITLED *ALTANSPS LAND TITLE SURVEY* FOR BRIAD DEVELOPMENT, LLC, DATED OCTOBER 10, 2025.
2. THE SURVEY IS TIED HORIZONTALLY INTO THE NORTH AMERICAN DATUM OF 1983 (NAD 83).
3. THE SURVEY IS TIED VERTICALLY INTO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).

EXISTING LEGEND	
	EXISTING WETLAND
	CONCRETE SIDEWALK
	20' PERMANENT EASEMENT
	PROPERTY LINE
	MINOR CONTOUR LINE
	MAJOR CONTOUR LINE
	STORM SEWER LINE
	EXISTING OVERHEAD UTILITY LINE
	EXISTING ELECTRICAL BOX
	EXISTING TRANSMISSION POLE
	EXISTING UTILITY POLE
	EXISTING ELECTRICAL MANHOLE
	EXISTING GAS MARKER
	EXISTING CATCH BASIN
	SANITARY MANHOLE
	NYSDOT MONUMNET
	WETLAND MARKER
	TRAFFIC SIGN

PROPOSED LEGEND	
	BUILDING
	CONCRETE
	ASPHALT PAVEMENT
	PAVEMENT PAINT
	STORMWATER MANAGEMENT AREA
	SETBACK LINE
	WATER SERVICE LINE
	FULL HEIGHT CURB
	SIGN
	DRIVE THROUGH INTERCOM
	BOLLARD
	PARKING COUNT



GYMO

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Engineering
Land Surveying
WWW.GYMODPC.COM
18969 US Route 11
Watertown, NY 13601
315.788.3900

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& LAND SURVEYING, D.P.C.
IT IS A VIOLATION OF SECTION
7209, SUBDIVISION 2, OF THE
NEW YORK STATE EDUCATION
LAW FOR ANY PERSON, UNLESS
ACTING UNDER THE DIRECTION
OF A LICENSED PROFESSIONAL
ENGINEER OR LAND SURVEYOR
TO ALTER THIS DOCUMENT IN
ANY WAY. IF ALTERED, SUCH
LICENSEE SHALL AFFIX HIS OR
HER SEAL AND THE NOTATION
"ALTERED BY" FOLLOWED BY
HIS OR HER SIGNATURE, DATE
AND A SPECIFIC DESCRIPTION
OF ALTERATION.

PROJECT NO:	2025-094
SCALE:	1" = 30'
DRAWN BY:	CC
DESIGNED BY:	PS
CHECKED BY:	PS
DATE ISSUED:	N/A

PROJECT NO:	2025-094
SCALE:	1" = 30'
DRAWN BY:	CC
DESIGNED BY:	PS
CHECKED BY:	PS
DATE ISSUED:	N/A

CIRCLE K/ JIMMY JOHN'S/DUNKIN'/BWW/2GO
SOUTHWESTERN BLVD (NY'S ROUTE 20) AND BIG TRUCK
TOWN OF HAMBURG, ERIE COUNTY, STATE OF NEW YORK

LAST REVISED: N/A

PROGRESS PRINTS ONLY
JANUARY 13, 2026

DRAWING NO.

C101



GRAPHIC SCALE
1 inch = 30 ft.

15 0 7.5 15 30 60

Town Board of the Town of Hamburg
April 13, 2026 Meeting

4.24. Budget Amendment

RESOLVED, that the Town Board hereby approves a budget amendment to transfer \$25,000 from the General Fund to the Nike Arena Capital Account as follows:

GENERAL FUND (A):

A000.0000.0599.0000 - Appropriated Fund Balance - \$25,000

A000.9950.0975.0003 – Interfund Transfers to Capital Fund - \$25,000

CAPITAL FUND (H):

H111.0000.5031.0000 – Interfund Transfers from General Fund - \$25,000

H111.7185.0281.0000-Capital Construction - \$25,000

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.

Town Board of the Town of Hamburg
April 13, 2026 Meeting

4.25. Ice Arena Pro-Shop and Concession Stand RFP

BE IT RESOLVED: the Town Board authorizes the Youth, Recreation and Senior Services Department to put out a Request for Proposal (RFP) for the operation of the pro-shop and concession stand at the Hamburg Town Arena. The new contract would be set up for the 2026-2027, 2027-2028 seasons with an option for the 2028 - 2029 season.

ATTACHMENTS:

[Ice Rink RFP Concession and Pro Shop updated 4-7-2026.pdf](#)

COMPANY _____

ADDRESS _____

**TOWN OF HAMBURG, NEW YORK
REQUEST FOR PROPOSALS FOR
TOWN OF HAMBURG ICE ARENA
CONCESSION AND PRO SHOP OPERATION
for 2026-2027, 2027-2028, with the option of (2028-2029) with the
opportunity to renegotiate the payment structure for (2028-2029).**

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

TOWN OF HAMBURG
REQUEST FOR PROPOSALS

Sealed Proposals are hereby requested on the following:

"Town of Hamburg Ice Arena Concession and Pro Shop Operation," all in accordance with specifications on file with the Hamburg Town Clerk, Natalie Nitsche, 6100 South Park Avenue, Hamburg, New York 14075. These specifications may be obtained in the Hamburg Town Clerk's office during regular business hours on weekdays (Monday-Friday) from 9:00 a.m. to 5:00 p.m. (local time).

Sealed proposals on the above must be filed and submitted in writing to the Hamburg Town Clerk, 6100 South Park Avenue, Hamburg, New York 14075, no later than 11:00 a.m. (local time) on **Wednesday May 13th, 2026**.

Proposals must be marked " Town of Hamburg Ice Arena Concession and Pro Shop Operation."

THE TOWN BOARD RESERVES THE RIGHT TO REJECT ALL PROPOSALS AND TO
WAIVE ANY INFORMALITIES.

Dated: Wednesday April 15th, 2026 Natalie Nitsche
Town Clerk
Town of Hamburg

Invitation

Your firm is hereby invited to submit a proposal for the operation of the Town of Hamburg's Ice Arena Concession Stand/Snack Bar and Pro Shop located at 2982 Lakeview Road, Hamburg, NY 14075. The concession contract includes both a hockey pro shop and a snack bar.

Introduction

The Town of Hamburg is seeking proposals (RFP) from experienced concessionaires familiar with the operation of an Ice Hockey Pro Shop and Snack Bar. The Hamburg Town Ice Arena is a year-round facility that has previously separated the snack bar and pro shop during the hockey season of mid-September to early April. The concessionaire would be required to be open for the duration of the season. The selected proposer will provide pro shop amenities and food, beverage, and/or recreational concession services to arena patrons in a manner that is safe, professional, environmentally responsible, and consistent with the character of the arena during the season (Mid-September through Early April).

The concessionaire will also have the option to operate an exterior concession window during summer months.

This RFP neither commits the Town of Hamburg to select an operator nor reimburse any costs associated with the preparation or submittal of proposals in this regard. The Town reserves the right to reject any and all proposals, should it be deemed to be in the best interest of the Town of Hamburg. The Vendor must be in good standing with the Town of Hamburg at the time of proposal submission.

Background

The Town of Hamburg Ice Arena is a year-round facility used in the winter for skating and hockey and in warmer weather for summer camp and sport rentals. The main programs held at the Ice Arena include Hamburg Hawks hockey, Hilbert College hockey, high school hockey, Public Skate, Learn to Skate, Skate and Shoot, SABAH (organization for individuals with disabilities), Summer Day Camp, organized sports rentals (lacrosse, etc.) and private rentals.

Time Frame

The vendor will operate the Pro Shop and Snack Bar from 4 p.m. to 9 p.m. Monday through Friday and from 8 a.m. to 8 p.m. Saturday and Sunday for the duration of the Fall/Winter season. The Pro Shop and Snack Bar hours will be subject to change with the approval of the Youth, Recreation and Senior Services Department on special events such as tournaments, college and high school hockey games, open skates, etc. Hours of operation are subject to change upon successful negotiations with the Youth, Recreation and Senior Services Department.

The vendor has the option to operate an exterior concession window during summer months for events/programs.

The Town of Hamburg desires a two-season contract (2026-2027, 2027-2028) with an option for a third season with the opportunity to renegotiate the payment structure (2028-2029).

Financial

The vendor/operator will provide the Town of Hamburg with a pre-determined agreed upon rental fee. Minimum bid to start at \$9,000.00 per season (September 10th – April 10th).

Scope of Work and Operating Responsibilities

The selected proposer will be responsible for operating arena concession/snack bar and arena pro shop, which includes

Concession/Snack Bar

- Sale of food and non-alcoholic beverages.
- Creation of menu with market pricing suitable for arena patrons.
- Purchase of food, beverages, condiments, napkins, straws, etc. to be sold and used for serving.
- Operator must supply own concession equipment, and all equipment must be approved by Hamburg Town Board prior to installation.

Pro Shop

- Skate sharpening.
- Basic equipment services.
- Retail sales of hockey, skating, and related merchandise (tape, laces, apparel, etc.).
- List of services and merchandise at reasonable competitive prices.
- Maintaining the Town of Hamburg's skate rental inventory with skate sharpening service twice during each season within the time frame of the contract.

General

- Daily setup, operation, and breakdown.
- Staffing, training, and supervision of employees.
- Maintaining cleanliness of concession area, pro shop, and immediate surroundings.
- Cash registers.
- Purchase of items to be sold.
- Signage such as menu and pricing.
- Only operating inside Pro Shop and Concession/Snack Bar areas (with optional exterior window).
- Compliance with all health, safety, licensing, permits and insurance requirements (insurance requirements attached).
- Security Bond.
- Three (3) References.
- Additional ideas to be considered for operation.

Town of Hamburg Support

- Keys for entry/lock up of concession area and pro shop area.
- Electric, gas and water utilities.

Form of Proposal

Two (2) copies of your proposal are to be submitted. Proposals are to be concise and specific, directed toward describing your firm's:

1. a. Proposed concession/snack bar menu with pricing.
b. Proposed pro shop services and retail items with pricing.
2. Business overview, related experience, qualifications and capabilities in providing a service of this nature.
3. Qualified available management staff to oversee both operations.
4. Commitment to set up and begin service within the listed time frame (to begin as soon as winning proposal is approved by the Town Board).
5. Specific plans to address all scope of work and operating responsibilities listed above.
6. Proposed seasonal rental fee for the Pro Shop/Snack Bar operations to be paid to the Town of Hamburg, 6100 South Park Avenue, Hamburg, New York 14075, (minimum bid \$9,000.00). Total winning proposal will be made in one payment (July 1st of 2026-2027, 2027-2028, option 2028-2029).
7. Proof of insurance & licenses (or ability to obtain).
8. The names, addresses and phone numbers of at least three (3) client references for similar type of projects performed by the firm, preferably in the Western New York area, are also to be furnished.
9. Any suggested optional items which the potential operator feels would be beneficial and appropriate to include in the scope of work, should be presented as part of the proposal.

Evaluation Procedure

Submissions will not only be evaluated based on overall proposal, but on best value procurement approach. Bids will be graded on a ten (10) point scale. See rubric listed below:

- 3 points – Price
- 3 points – Operation of Pro Shop services
- 2 points – Concession/creativity of menu
- 1 point – Off season operation of concessions
- 1 point – Installation and operation of vending machines year-round

Proposals are to be received by the Hamburg Town Clerk no later than 11:00 a.m. (local time) on Wednesday May 13th, 2026. Late submittals will not be accepted and will be returned unopened.

Award of Contract

The Town of Hamburg has elected to award this contract on the basis of best value pursuant to Town Code Chapter 48. The award of this contract will be made only to the responsible bidder whose proposals shall comply with all the provisions required to render it responsive and provides the best value to the Town. The Town Board reserves the right to reject any or all proposals if, in its opinion, the best interests of the Town will, thereby, be promoted.

Insurance, Legal and Agreements

Specifications for license to operate the concession/snack bar and pro shop at the Town of Hamburg Ice Arena for 2026-2027, 2027-2028, with an option for 2028-2029 seasons.

1. The vendor is to file with the Town Clerk a performance bond issued by an incorporated surety company in the amount of One Thousand (\$2000) Dollars.
2. The vendor shall comply with all applicable Federal, State, County and all local statutes, laws, regulations, and licensing requirements as well as an up-to-date health permit and shall maintain the property in accordance with such laws and all the regulations.
3. The vendor agrees to operate the Pro Shop and Snack Bar from 4 p.m. to 9 p.m. Monday through Friday and from 8 a.m. to 8 p.m. Saturday and Sunday, September 10th – April 10th unless the arena is closed by the Town of Hamburg. The Pro Shop and Snack Bar hours will be subject to change with the approval of the Youth, Recreation and Senior Services Department on special events such as tournaments, college and high school hockey games, open skates, etc. Hours of operation are subject to change upon successful

negotiations with the Youth, Recreation and Senior Services Department.

4. The vendor shall charge reasonably competitive prices for any concessions, services, and retail sold. For purposes of this agreement, “reasonably competitive prices” shall be defined as prices that are competitive or reasonably aligned with the fair market pricing for the sale of similar products at local establishments in the Hamburg, NY area.
5. The vendor shall be solely responsible and shall keep the concession, pro shop and surrounding areas clean and free of debris, food debris, paper, bottles, and trash connected with the concession and pro shop and shall dispose of all garbage daily.
6. The vendor shall secure and maintain in force during the term of the contract Workers’ Compensation and New York State Disability Benefits insurance as required by New York State Law.
7. The vendor shall also secure and maintain the following insurance: **See insurance document attached.** All coverages are to be written by a company licensed in New York and the company should have a Best’s Key rating Guide rating of at least B+.
8. A certificate of the above required insurance providing a minimum of 30 days written notice of cancellation or non-renewal of such insurance shall be submitted to the Town Attorney's office, Town Hall, 6100 South Park Avenue, Hamburg, New York 14075, prior to execution of the lease (see accompanying Certificate of Insurance sample for reference).
9. Indemnification: Vendor agrees that it shall, to the fullest extent permitted by law, defend, hold harmless and indemnify including the payment of attorney’s fees and costs, the Town of Hamburg and any other facility owner, and their respective agents, officers, and employees, from and against all claims, suits, damages, defense, and other legal costs and expenses of any kind, arising out of, resulting from, caused by, or in any way related to the activities and operations of Vendor and/ or use of Town owned or provided facilities.
10. If the vendor is a corporation or LLC, all corporate officers or managers, respectively, must execute an individual guarantee for all payments due and owing to the Town of Hamburg under the agreement.
11. The town's insurance requirements are subject to change at the sole discretion of the Town and its insurance consultants.

12. The vendor agrees not to subrogate against the Town for damage to vendor's property caused by Town employees or its' representatives.
13. The vendor shall abide by and enforce the following rules and regulations:
 - a. All space except concession stand and pro shop are reserved for Town use.
 - b. No beverages should be sold or delivered into containers that are brought by any patrons. No refreshments are to be dispensed in glass or metal containers.
 - c. No additions or alterations may be made to the premises temporarily or otherwise, by the vendor.
 - d. Vendor cannot sub-contract the sale or distribution of any food/beverage to any outside entities on the premises.
 - e. The vendor shall use reasonable and diligent care in using and maintaining the property and equipment in a condition as good as at present, ordinary wear and usage expected, and shall deposit with the Town the sum of One Thousand (\$1000) Dollars cash, or certified check, as security for said return. If said property and equipment is returned in a condition as good as at the present, ordinary wear and usage accepted, said deposit shall be returned to the bidder. If any property is damaged, such portion of said deposit necessary to repair and/or replace the damaged property and equipment shall be forfeited to the Town of Hamburg, but such forfeiture shall in no way prevent or limit the Town of Hamburg from pursuing any further claims for damages which exceed the amount of the deposit forfeited.
 - f. Vendor shall provide all necessary restaurant equipment, in addition to whatever equipment may now be on the premises owned by the Town of Hamburg.
14. The Town of Hamburg Ice Arena is deemed total smoke-free areas as governed by the Erie County Anti-Smoking Law. This decision is based on Section 6, Option to Declare Establishment "Smoke-Free" of the Local Law.
15. The bid price will be for the 2026-2027, 2027-2028, (2028-2029 option) arena seasons; at the amount specified.
16. Acceptable bids are at the discretion of the vendor and will be reviewed when opened on May 13th, 2026, at 11:00 a.m. Full payment must be received in one payment by July 1st of 2026-2027, 2027-2028, option 2028-2029.
17. The successful applicant shall enter into an agreement by June 1st, 2026, with the Town covering the foregoing terms herein set forth, prior to occupancy.

18. THE TOWN RESERVES THE RIGHT TO REJECT ALL PROPOSALS, to consider the reputation of the applicant in making its selection, and to waive any informalities or minor deviations from the specifications.
19. The Town reserves the right to include the Town of Hamburg Ice Arena Concession as part of any “pouring rights” contract negotiated for soft drink sales. Vendor must limit sales to the designated brand(s) if an agreement is in place. Vendor will be required to check to see if such an agreement is in place by February 1st of each year of the contract.
20. This sheet must be signed and returned with the proposal.

Signature of Applicant

Insurance Requirements

Instructions pertaining to the Town of Hamburg regarding:

CONTRACTORS' OR VENDORS'

INSURANCE COVERAGE AND CERTIFICATES

1. GENERAL PROVISIONS

As to all required insurance:

- .1** The Vendor shall provide current Certificates of Insurance and accompanying documents and agrees to obtain a health permit prior to opening as described herein for the Town's approval prior to Town's signing of contract(s).
- .2** "Certificate Holder" shall be **Town of Hamburg** at the address of **6100 South Park Avenue Hamburg, NY 14075.**
- .3** Coverage must comply with all specifications set forth herein.
- .4** All insurance documents must be executed with authorized signatures.
- .5** The Vendor's required liability policies must be endorsed to provide that any Notice of Cancellation or Notice of Non-Renewal given to the First Named Insured shall also be given to the Additional Insureds for this project. **A copy of such endorsement(s) must be furnished to the Certificate Holder.**
- .6** Failure of the Town to object to the Vendor's failure to furnish a Certificate or other evidence of the required insurance coverages, object to any defect in such Certificate or other evidence of coverage, or demand receipt of such Certificate or other evidence of coverage shall not be deemed a waiver of Vendor's obligation to furnish the required insurance coverages described herein. Nothing contained herein imposes on the Town a duty or obligation to review any evidence of insurance coverages or issue any formal approval or acceptance of such evidence.
- .7** The Vendor's liability and indemnification of the Town shall not be relieved or diminished by the Vendor securing insurance coverage in accordance with the Town's requirements. Any approval by the Town of such insurance coverage shall not

be construed as accepting in any way the deficiencies in the Vendor's insurance coverage.

- .8 In addition to Certificates of Insurance and other documents, the Vendor shall provide to the Town and other Certificate Holders, on a timely basis, copies of any subsequently issued endorsement(s) that amend applicable coverages or limits.
- .9 When any required insurance shall expire, due to the attainment of a normal expiration or renewal date, the Vendor shall supply, no later than ten (10) days prior to such expiration, the Town with Certificates of Insurance and accompanying documents evidencing continuation of coverage in the same manner, limits of protection and scope as provided by the previous policy.
- .10 The Vendor will assure that any and all subcontractors retained by the Vendor carry and maintain insurance with reasonably prudent limits and coverage satisfactory to the Town in light of the work to be performed, written by companies meeting the same criteria as required in Section 2. LIABILITY INSURANCE, and that the Town is named additional insured on the subcontractor's liability policies according to the same requirements as described in Section 2.1(b).
- .11 The Vendor shall disclose to the Owner any deductible or self-insured retentions applicable to any of the coverages required herein of the Vendor.
- .12 The Town reserves the right to modify the requirements herein, including limits, based on circumstances involved, including but not limited to the nature of the risk involved, prior experience, insurer, or coverage

2. LIABILITY INSURANCE

The Vendor agrees to secure and maintain, at the Vendor's own expense, all insurance coverage required herein from one or more insurance companies that are licensed to write such insurance in New York State or are eligible non-admitted insurers, per the current Excess Line Association of New York's (ELANY) official list. Insurers must carry an A.M. Best "Secure" rating of B+ or better. The vendor will secure health permit annually. The Vendor's insurance shall include the following, and shall be written with limits no less than hereinafter specified:

.1 COMMERCIAL GENERAL LIABILITY

- (a) Occurrence based Commercial General Liability coverage to include bodily injury, personal injury, and property damage applicable to ongoing operations and contractual liability. The coverage limits applicable shall be the greater of the amounts indicated below or the amounts carried by the VENDOR:

General Aggregate	\$2,000,000
Products & Comp/Op. Aggregate	\$2,000,000
Personal & Advertising Injury	\$1,000,000
Each Occurrence	\$1,000,000
Fire Damage (any one fire)	\$ 50,000
Med. Expense (any one person)	\$ 5,000

- (b) **Additional Insured:** Coverage in Commercial General Liability and Excess Liability and/or Umbrella Liability policies or coverage sections shall be written or endorsed so as to apply to the following as **additional insured on a primary and non-contributory basis:**

"Town of Hamburg and its employees, authorized volunteers and board members."

The Certificate of Insurance must clearly state how Additional Insured coverage is achieved in the General Liability and Umbrella/Excess Liability policies. Certificates of Insurance must show the form numbers that are used to achieve all of the Additional Insured coverage. A copy of the actual policy language that affects this coverage in each policy must be provided to the Town with the Certificate of Insurance.

(c) Waiver of Subrogation: To the fullest extent permitted by applicable state law, a Waiver of Subrogation Clause shall be added to the General Liability, Umbrella/Excess Liability, and Workers Compensation policies in favor of the Town.

.2 AUTOMOBILE LIABILITY INSURANCE

Bodily Injury and Property Damage, coverage for the Vendor as the owner or the lessee of automobiles, trucks, trailers, self-propelled Vendor's equipment and all other owned, hired and non-owned vehicles registered for use on the public highway and/or used in operations relating to work under contract. The coverage limit applicable shall be the greater of the amounts indicated below or the amount(s) carried by the Vendor:

Combined Single Limit	\$1,000,000
-----------------------	-------------

(b) Additional Insured: Coverage in Auto Liability policy or coverage sections shall be written or endorsed so as to apply to the following as **additional insured**:

"Town of Hamburg and its employees, authorized volunteers and board members."

.3 EXCESS LIABILITY AND/OR UMBRELLA LIABILITY applicable to Commercial General and Automobile Liability policies. The Excess Liability and/or Umbrella Liability coverage limits applicable shall be the greater of the amounts indicated below or the amounts carried by the Vendor:

Each Occurrence	\$1,000,000
Aggregate	\$1,000,000

See Section 2.1(b) above for *additional insured* requirements applicable to the Excess Liability and/or Umbrella Liability insurance.

4. WORKERS COMPENSATION AND EMPLOYER'S LIABILITY INSURANCE

Coverage as required by New York State statutory limits. Coverage shall include a waiver of subrogation in favor of the Town of Hamburg.

5. NEW YORK DISABILITY (NYDBL)

Coverage as required by New York State statutory limits.