

Agenda

Natalie E. Nitsche Town Clerk

Town Board of the Town of Hamburg

April 27, 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: April 13, 2026
- 4. Agenda Items**
 - 4.1. Proclamation Recognizing May as Amyotrophic Lateral Sclerosis (ALS) Awareness Month**
 - 4.2. Public Hearing Proposed Local Law #6, 2026 Amend Chapter 65 of the Hamburg Town Code**
 - 4.3. Non-CFA Zoning Code Site Plan Review Referral and Public Hearing Resolution**
 - 4.4. Town of Hamburg Plumbing Exam**
 - 4.5. Amendment to Chapter 65 - Avoidable Alarms**
 - 4.6. Approval of the 2026 Schedule of Fees for Avoidable Alarms**
 - 4.7. Schedule a public hearing for amending Chapter 75-4 A.**
 - 4.8. Out of Town Travel: 2026 OCFS/ANYSYB Director's Training**
 - 4.9. POLICE - Out of Town Travel Request**
 - 4.10.2026 Highway School**
 - 4.11.Taylor Road Cabin Alcohol Waivers**
 - 4.12.RFP for New Speaker System at the Hamburg Town Arena**
 - 4.13.Youth, Recreation, and Senior Services Budget Adjustment**
 - 4.14.Youth, Recreation, & Senior Services Budget Adjustment**

4.15.Budget Adjustment

4.16.Youth, Recreation, & Senior Services Budget Adjustment - Youth Council

4.17.Budget Transfer

4.18.2026 Home Grant

4.19.2026 CDBG Grant

4.20.Purchase and Sale Agreement with Erie County

4.21.B&G Emergency Employment Request

4.22.B&G PAF

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

4.24.PAF - Justice Court

4.25.Lake Shore Volunteer Fire Company, Inc.-New Members Tessmer & Valera

4.26.Town Hall Brick Repair Contract 2026-01

4.27.Town Beach Jetty Repair Contract 2026-02

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

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

5. Public Comment

6. Meeting is adjourned by Supervisor

Town Board of the Town of Hamburg
April 27, 2026 Meeting

4.1. Proclamation Recognizing May as Amyotrophic Lateral Sclerosis (ALS) Awareness Month

WHEREAS, Amyotrophic Lateral Sclerosis (ALS), often referred to as Lou Gehrig's Disease, is a progressive neurodegenerative disease that affects nerve cells in the brain and spinal cord, leading to loss of muscle control; and

WHEREAS, ALS causes individuals to lose the ability to speak, move, eat, and eventually breathe, while their cognitive function is often preserved; and

WHEREAS, the disease currently has no known cure, and most people diagnosed with ALS live only two to five years following diagnosis; and

WHEREAS, ALS impacts thousands of Americans each year, affecting individuals and their families emotionally, physically, and financially; and

WHEREAS, organizations such as The ALS Association work tirelessly to provide patient support, advance research, and advocate for improved care and policies; and

WHEREAS, increased public awareness and funding for research are critical to discovering treatments and ultimately a cure for ALS; and

WHEREAS, recognizing ALS Awareness Month provides an opportunity to honor those living with ALS, remember those who have lost their lives to the disease, and support ongoing efforts to improve quality of life for patients and families.

NOW, THEREFORE, the Hamburg Town Board, does hereby proclaim May 2026 as Amyotrophic Lateral Sclerosis Awareness Month, and encourage all residents to join in raising awareness, supporting those affected, and promoting efforts to find a cure.

In Witness Whereof, we have caused the seal of the Town of Hamburg to be affixed this 20th day of April 27, 2026.

Elizabeth Farrell Lorentz, Supervisor

Dan Kozub, Deputy Supervisor

Frank Bogulski, Councilmember

Lynne Dixon, Councilmember

Nick Ortiz, Councilmember

Town Board of the Town of Hamburg
April 27, 2026 Meeting

4.2. Public Hearing Proposed Local Law #6, 2026 Amend Chapter 65 of the Hamburg Town Code

Legal Notice Town of Hamburg

Notice of Hearing Proposed Local Law #6, 2026

PLEASE TAKE NOTICE that there has been presented to the Town Board of the Town of Hamburg on March 23, 2026, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #6, 2026; the proposed local law amends Chapter 65 of the Hamburg Town Code entitled "Alarm Systems". An abstract of the proposed local law is described as follows:

The purpose of this local law is to amend the provisions of Chapter 65 of the Code of the Town of Hamburg entitled "Alarm Systems", specifically §65-6. Avoidable Alarms. §65-7 Enforcement, §65-8 Penalties for offense and §65-9 Fines. A complete copy of the proposed amendments will be available at:

HAMBURG TOWN HALL

Town Clerk's Office/upper level

6100 South Park Avenue

Hamburg, New York 14075

And on the Town of Hamburg's website:

www.townofhamburgny.com Click on Legal Notices & Bid

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on the aforesaid law, at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York, at 7:00 p.m. on the 27th day of April, 2026, at which time all persons interested may be heard.

Dated: March 23, 2026

Natalie E. Nitsche

Town of Hamburg

Town Clerk

Town Board of the Town of Hamburg
April 27, 2026 Meeting

4.3. Non-CFA Zoning Code Site Plan Review Referral and Public Hearing Resolution

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

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

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

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

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

Whereas, the Town CPIC, special zoning code committee, and the Town Planner have developed specific Code amendments to improve, consolidate, and modernize the existing site plan review regulations in the Town; and

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

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

- Amend Chapter 280 (Zoning) "Article XLIV Site Plan Review" in its entirety; and

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

Be It Further Resolved, that the Hamburg Town Board hereby authorizes the referral of this proposed law amendment to Erie County.

Be It Finally Resolved, that the Hamburg Town Board sets a Public Hearing on these proposed amendments at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, NY at 7:00 pm on May 18th, 2026.

ATTACHMENTS:

[4-11-26 Town of Hamburg Site Plan Law Clean Final Version.pdf](#)

ARTICLE XLIV Site Plan Review

§ 280-307 Intent.

The intent of site plan review within the Town of Hamburg is to ensure the efficient use of land, consideration of potential impacts on the community and the environment and their avoidance, wherever possible, and the promotion of high standards in the design, layout, landscaping and construction of development, to ensure development conforms to the Town of Hamburg Comprehensive Plan and provisions of this chapter.

§ 280-307.1 Authority; Enforcement.

The Town Board of the Town of Hamburg, pursuant to the provisions of §274-a of Town Law, does hereby grant the Hamburg Planning Board the power and authority to review and approve, approve with conditions, or disapprove plans that require site plan approval under this chapter.

§ 280-307.2 Applicability.

Unless otherwise provided and as regulated by the Subdivision Regulations of the Town of Hamburg, ¹ site plan review and a site plan approval shall be required for all uses, buildings, and structures that require a building permit or a certificate of occupancy under this chapter and for which an application therefor has been made to the Town of Hamburg, except for a farm, residential decks, signs, fences, one- family dwelling or a two-family dwelling and their permitted accessory uses, buildings or structures, or similar uses as determined by the Supervising Code Enforcement Officer prior to the issuance of a building permit or certificate of occupancy.

In general, this includes the following actions:

1. All new commercial, industrial, or institutional structures and uses.
2. All new multifamily housing.
3. Any exterior modification/or addition of existing commercial, industrial, institutional or multifamily buildings.
4. Any conversion of an existing residential structure to a nonresidential structure.
5. Any conversion of an existing nonresidential structure into a residential structure containing three or more dwelling units.
6. Any modification to an existing residential structure which increases the number of dwelling units in the building to three or more dwelling units.
7. Any conversion of an existing nonresidential building from one type of use specified in this chapter to another.
8. The removal of greenspace, significant revisions to landscaping, additions of impervious surface, and/or modifications which affect parking for commercial, industrial, or institutional structures and uses, or residential structures containing three or more dwelling units.

§ 280-308. Administrative review waiver.

- A. An administrative review waiver may be issued if a proposed project is minor in nature to the extent that a full site plan review before the Planning Board may not be necessary. An administrative review waiver requires the site to have previously approved existing structure(s) and use(s). If the modifications are deemed minor by the Administrative Review Waiver Committee, consisting of a representative of the Building Department, the Town Engineer, a representative of the Planning Department and the Planning Board Chair, an administrative review waiver may be issued upon payment of the required fee (as set by the fee schedule that is established by resolution of the Hamburg Town Board). A minimum of three (3) signatures from the Administrative Review Waiver Committee must be secured on the administrative review waiver application to approve an administrative review waiver. Should there be a tie vote from the Administrative Review Waiver Committee, the project will be required to come to the Planning Board for site plan review. Once the administrative review waiver is approved or the Planning Board has issued site plan approval if the waiver was not granted, then the applicant may apply for a building permit. Furthermore, the administrative review waiver may include conditions that must be met for the issuance of the building permit.
- B. In general, an administrative review waiver may be issued for a project that has met one or more following criteria as determined by the Administrative Review Waiver Committee:
- (1) Additions or detached accessory structures of less than 1,500 square feet or which represent less than 10% of the existing structure, whichever is less, where no variances are needed for construction.
 - (2) A minor change in use that does not require additional parking.
 - (3) Such other minor changes or similar uses as determined by the Administrative Review Waiver Committee.
- C. In certain cases, the preparation of a site plan application may be deemed necessary to meet the requirements of an administrative review waiver process. It may also be determined that the proposed project needs formal site plan approval from the Planning Board.
- D. Determinations and approval conditions for an administrative review waiver may only be appealed by the applicant by appearing before the Planning Board under a formal site plan application. Approval of any administrative review waiver shall remain in effect for a period of not more than one year, unless a successful application for a building permit has been made within that period.

1. Editor's Note: See Ch. 230, Subdivision Regulations.

§ 280-309. Pre-application and Sketch Plan Submittal Process.

- A. If desired, an applicant may submit an optional sketch plan application, including a form (available from the Planning Department and on the Town website) and the appropriate associated fee at least 14 calendar days prior to the next available Planning Board meeting. Applicants are also encouraged to schedule a coordination meeting with the Planning Department prior to submitting a sketch plan application.
- B. Although there are no specific material requirements for a sketch plan submittal, the applicant should supply as much information as possible to illustrate what they are proposing. A survey of the property and a sketch of what is proposed would be very important, and any other materials that could further outline the proposed project, including but not limited to: conceptual site plan and renderings, elevation drawings, aerial maps, etc...
- C. The purpose of sketch plan review is to assist the applicant with understanding any concerns of the Planning Board, application requirements, and interpretation of the type of project.
- D. The Planning Board will informally review the overall design and layout against the intent and requirements of this chapter and provide feedback to the applicant on potential issues or concerns that should be addressed or additional information that should be submitted, if the applicant proceeds to full site plan application. The applicant can decide as to whether to submit an amended sketch plan to the Planning Board for further review, make a formal site plan application, or decide not to proceed.

§ 280-310. Procedure for review and approval of a site plan application.

- A. Once it is determined that a full site plan process is needed (see previous sections), the applicant must decide if they want to move forward with their application. If an applicant wants to move forward, a complete site plan application, including any specific information that the Planning Board requested during the sketch plan step (if the applicant received sketch plan direction), must be submitted to the Planning Department at least 14 calendar days prior to the next available Planning Board meeting. If the Planning Department determines that the application meets the site plan requirements, the application will be placed on the next available Planning Board agenda.
- B. Prior to any formal approval of a site plan, and once the Planning Board determines that the application is acceptable for further consideration and action, the Planning Board shall hold a public hearing, which shall be advertised at least once in a newspaper of general circulation in the Town at least five business days before such hearing. The Town shall also notify all adjoining property owners by mail of the public hearing. As a part of the public hearing for the site plan, a sign-in sheet shall be provided for the purpose of inclusion in Planning Board meeting minutes.
- C. Prior to moving forward with any decisions on the site plan application, the Planning Board shall hold the required public hearing, complete SEQR, and meet the requirements of County and adjoining community referral, if required, for the action.
- D. The Planning Board shall review the application, site plan and supporting data and, at a regular meeting of the Planning Board, after completing the public hearing, determining that all requirements have been met, after completing any required referrals and the SEQR process

(as needed), shall approve, approve with modification, or disapprove the site plan. The Planning Board Chair will sign the site plan once the Town Engineer has determined that the engineering plans are acceptable and authorize the chair to sign the plan. The signed site plan shall be kept in the Planning and Engineering department files.

- E. Approval of any site plan so deemed shall remain in effect for a period of not more than one year unless a successful application for a building permit (or any other necessary required permit for a site plan that does not require a building permit) has been made within that period. If the applicant cannot meet this expiration period, they can apply in writing to the Planning Department for a single six-month extension prior to expiration, that could be granted by the Planning Board. When an extension is received, the Planning Department shall add the request to the 'Other Business' portion of the next available Planning Board meeting for the Planning Board to approve or deny.
- F. Site plan applications that are tabled by the Planning Board for additional information, or at the request of the applicant, will remain as tabled items for up to ninety calendar days (six subsequent Planning Board meetings). If during this ninety-day period, no new information is received, or unless an extension is requested and approved, the application will be considered to be expired after this ninety-day period of inactivity. Prior to the expiration of the application, the applicant can request in writing to the Planning Department that the ninety-day period be extended for one additional ninety-day period. To begin the process again, within one hundred eighty days of the expiration, the applicant will need to resubmit the application with 50% of the required fee. After one hundred eighty days of the date of expiration of the application, a new application will be required with the full application fee.
- G. If a site plan has been approved with conditions, pre-construction related conditions must be met prior to issuing any permit to begin construction. Construction or post construction conditions must be ensured through the Town's inspection process and confirmed to be met prior to any certificate of occupancy or operation permit is granted.

§ 280-310.1. Authority to require additional data.

In addition to the required site plan and supporting data indicated in this Article, the Planning Board may request of an applicant or their agent additional supporting data or plans that the Planning Board deems necessary and pertinent to carry out its responsibility for site plan review as provided in this Article.

§ 280-311. Submission of site plan and supporting data.

- A. The applicant or their agent shall submit five (5) hard copies of the site plan application form, site plan, other required Town forms, a SEQR EAF (part 1), and an application fee (to be determined by the Town). An electronic copy of these materials must also be submitted.

The copies of a site plan and supporting data are to be prepared by and bearing the official seal and signature of a licensed architect, landscape architect, civil engineer or land surveyor (permitted by law to do such). These materials will include the following information, presented in drawn form at a scale approved by the Town and accompanied by a written text:

- (1) Survey of the property showing existing topographic features, including contours, large trees, buildings, structures, streets, property lines, utility easements, rights-of-way and

land use, and the zoning and ownership of surrounding property.

- (2) A site plan showing proposed lots, blocks, building locations, all land use areas, including any outdoor proposed uses, fire and emergency vehicle access (any communication with emergency service providers), and lighting (lighting analysis, if requested).
 - (3) An aerial photograph of the site and surrounding properties, marked up to illustrate how the proposed plan fits in with the surrounding properties.
 - (4) Traffic circulation, parking and loading spaces and pedestrian walks.
 - (5) Landscaping plans, including site grading, drainage existing and proposed landscape materials, including trees and shrubs, and their locations, identification of those materials to be removed, existing and proposed structures and all greenspace areas designed as part of the site environment. Natural site features and vegetation shall be preserved and integrated into the proposed site development wherever possible. These areas to be preserved/protected shall include some form or means to accomplish their protection, including the use of conservation easements. All new trees shall have a minimum of three inches of caliper measured six inches above the ground and be in accordance with the Town's approved tree and vegetation list.
 - (6) If requested by the Planning Board, a visualization of the proposed project and how the new development and proposed landscaping will help buffer or improve the character of the area (a visual impact analysis may also be requested).
 - (7) Preliminary engineering plans, including street improvements, storm drainage system, public utility extensions, water supply, sanitary sewer facilities, outdoor lighting and the location of existing and proposed fire hydrants as approved by the Fire Chief or Town Engineer.
 - (8) Preliminary architectural drawings/elevations for buildings to be constructed.
 - (9) Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas.
 - (10) Other information as determined during sketch plan review and/or during site plan application review.
- B. Stormwater pollution prevention plan. When applicable, a stormwater pollution prevention plan consistent with the requirements of the Town's laws, shall be required for final engineering approval and shall be submitted to the engineering department following site plan approval by the Planning Board. The SWPPP shall meet the performance and design criteria and standards in the Town of Hamburg laws. The approved site plan shall be consistent with the provisions of the Town's codes and laws.
- C. Access management. **[Added 8-17-2015 by L.L. No. 11-2015]**
- (1) General. One of the most important objectives of access management is reducing the potential for conflicts, particularly along the most heavily traveled roads. The best methods for achieving a reduction in conflicts are reducing the number of conflict points and separating through from local traffic. Land use development and transportation can be brought into balance, and conflicts can be reduced, through appropriate limitations on the number of driveways and the enforcement of driveway and corner clearance

standards.

- (a) Properties with frontage on two or more roads do not have the right to driveway access to all such roads.
 - (b) Driveways may be required to be located so as to provide shared access and/or cross-access with an abutting parcel or properties.
 - (c) Curb cuts and driveway spacing for new development or redevelopment will be evaluated by the Planning Board on a case-by-case basis to reduce conflicts and ensure traffic safety and efficiency. In certain cases, minimum spacing requirements, as deemed appropriate by the Planning Board and that comply with established State, County or Town standards, shall be applied.
- (2) Corner clearance. Corner properties present special problems because they are extremely attractive to high-volume peak-hour traffic businesses whose designs often create conflict areas that overlap with the conflict area of the intersection.
- (a) Corner clearance is to be measured along the road from the center line of the driveway pavement to the closest edge of the road pavement. Where road widening is planned or anticipated in the future, corner clearance should be increased to provide for the width of the additional lane.
 - (b) Driveways for corner properties shall meet or exceed the minimum corner clearance requirements as determined by the jurisdictional agency.
 - (c) Driveways should be located outside of the functional area of the intersection or, if this is not possible, driveways should be placed as far as possible from the intersection.
 - (d) Cross-access to adjoining properties should be encouraged to the greatest extent possible.
- (3) Driveway location.
- (a) Driveway location will be based on a site plan that has been approved by the Town Planning Board in consultation with the Town Engineer and, where appropriate, the Town Highway Superintendent (Or County or NYSDOT officials for County and NYS roadways).
 - (b) The Town Planning Board may allow the location of driveways (on Town roads) at less than the minimum driveway spacing standards and corner clearances standards if:
 - [1] A dual-driveway system, cross-access driveway system or shared driveway is proposed and this improves the safe and efficient movement of traffic between the parcel and the road;
 - [2] A driveway or driveways could be located so as to meet the minimum driveway spacing standards and corner clearance standards, but the characteristics of the parcel or the physical or operational characteristics of the road are such that a change of location will improve the safe and efficient

movement of traffic between the parcel and the road; or

[3] Conformance with the driveway spacing standards or corner clearance standards imposes undue and exceptional hardship on the property owner.

[4] The spacing is approved by the Town Highway Department.

- (4) For properties unable to meet the minimum driveway spacing standards or corner clearance standards, a temporary driveway may be granted. The granting of a temporary driveway will be conditioned on obtaining a shared driveway, cross-access driveway or unified parking and circulation with an adjoining parcel, and closure of the temporary driveway in the future.

D. Landscaping. [Added 8-17-2015 by L.L. No. 11-2015]

- (1) A detailed landscaping plan shall be included with the site plan submission. This landscape plan shall be prepared and certified by a New York State licensed landscape architect.
- (2) A minimum ground area of not less than 10% of the total site area to be developed shall be landscaped area. Five percent of internal parking areas) shall be green space (landscaped islands).
- (3) For all areas, planted deciduous trees shall have a minimum of caliper of 3 inches, measured six inches above grade. All planted coniferous trees shall have a minimum height of five feet above finished grade.
- (4) All existing trees larger than six inches in diameter, groups of trees and other natural vegetation shall be incorporated into the landscape plan to the maximum extent practicable to provide natural buffering from adjacent properties (especially residential uses). Efforts shall be made to preserve these features, especially along lot lines. If these trees along boundaries cannot be preserved, greater setbacks/buffers may be required. Areas noted on the site plan for preservation must be protected by an instrument (like a conservation easement) approved by the Town Attorney, delineated at the site and approved by the Town prior to construction. A note indicating this requirement must appear on the site plan to be approved.
- (5) Selected vegetative plantings shall be compatible with soil conditions on the development site as well as the regional climate.
- (6) Plastic or other types of artificial plantings shall not be permitted.
- (7) The landscaping design shall include the provision for pedestrian access to and from the site.
- (8) The landscape plan shall include trees and other design treatments that complement the existing streetscape design.
- (9) The arrangement and location of landscaped areas shall be dispersed throughout the development site so as to prevent unsightliness and eliminate the monotony of parked cars.
- (10) At least one tree per 30 feet of frontage shall be planted in the required forty-foot setback

area. Additional trees shall be planted throughout the developed area at a ratio of one tree per 30 feet of side and rear yard dimension with the area to be developed. Trees may be spaced evenly or clustered. Acceptable trees shall be limited to those trees listed on the Town's planting list. This list is available from the Planning Department. Substitution of planting material may be approved by the Planning Board.

- (11) All required vegetative plantings shall be maintained in a healthy and productive condition and shall be routinely examined. Plant materials shall be replaced, as necessary or as directed by the Town. The Town Code Enforcement Officer shall enforce the upkeep of landscaped areas through periodic inspections and in response to complaints (five years after site plan development finalized or final Certificate of Occupancy).
- (12) In areas of specific overlay districts, these districts may have additional or other specific landscaping requirements.

E. Architectural standards. **[Added 8-17-2015 by L.L. No. 11-2015]**

- (1) Blank walls and other dead or dull spaces at the street level shall be avoided. Visually interesting activities at the sidewalk edge shall be maintained and/or established to engage pedestrian interest.
- (2) Building frontages should be active, with large nonreflective, minimally tinted window openings at ground level.
- (3) New building forms and elevations should be detailed and articulated to create interesting rooflines and strong patterns of shade and shadow.
- (4) Large structures should be designed to reduce their perceived height and bulk by dividing the building mass into smaller-scale components.
- (5) The rear of buildings (existing and proposed) shall be enhanced, where appropriate, to improve public access from parking lots and to improve views to surrounding residential properties.
- (6) In some cases, the Planning Board may ask for alternative architectural plans to be submitted.
- (7) The visibility of rooftop equipment should be minimized by grouping this equipment away from public view. If visible, it will also be necessary to screen these units.
- (8) Building designs should incorporate traditional building materials such as masonry, stone, brick and other natural appearing materials. Building colors should accent, blend with or complement the surrounding environment.
- (9) Dumpsters shall be placed on a concrete pad, and completely enclosed.
- (10) In areas of specific overlay districts, these districts may have additional or other specific architectural requirements.

§ 280-312. Criteria for review and approvals.

- A. The Planning Board shall review the site plan and supporting data and take into consideration

the following:

- (1) Harmonious relationship between proposed uses and existing adjacent uses.
 - (2) Maximum safety of vehicular circulation between the site and street network.
 - (3) Pedestrian and bicycle accommodation.
 - (4) Adequacy of interior traffic circulation and parking and loading facilities, with particular attention to vehicular and pedestrian safety.
 - (5) Adequacy of landscaping, areas to be protected, and setbacks in regard to achieving maximum compatibility with and protection of adjacent property and land uses.
 - (6) The specific requirements of any overlay or other Town design requirements (wetlands, floodplains, conservation areas, etc.).
 - (7) Aesthetic, landscaping and other design requirements.
 - (8) Infrastructure impacts.
 - (9) Public health and safety.
 - (10) Drainage, flooding, and grading impacts.
 - (11) Environmental impacts.
 - (12) For residential development, the adequacy of open space, playgrounds, and other recreational amenities.
 - (13) Other applicable ordinances and laws of the Town of Hamburg.
- B. Should changes or additional facilities be recommended by the Planning Board, recommended approval of the site plan shall be conditional upon satisfactory compliance by the applicant with the changes or additions.
- C. In cases where any action of the Zoning Board of Appeals is required, the site plan shall be the subject of a preliminary review by the Planning Board, in accordance with the review procedure set forth above, before action is taken by the Zoning Board of Appeals. After such action by the Zoning Board of Appeals, the Planning Board shall conduct a final review of the site plan.
- D. The Planning Board, in making its decision concerning the site plan, shall determine if a sidewalk is warranted to be placed along the site's frontage along a town, county, or state highway. The Planning Board shall state in its approval resolution the reasoning as to whether the sidewalk is or is not required for the site's frontage (Reference to the Town of Hamburg's Sidewalk Plan shall be made – once adopted).

§ 280-313. Performance bond as condition of approval.

The Planning Board may require, as a condition of site plan approval, that the property owner file a performance bond, in such amount as determined by the Town Engineer, to ensure that the proposed development will be built in compliance with accepted plans.

§ 280-313.1. Violations of approved plans. [Added 6-25-2012 by L.L. No. 2-2012]

In the event that, during construction, the property is not developed in accordance with the approved site plan, the Building Inspector will utilize his enforcement responsibilities to bring the site into conformance with the approved plan. In the case where the site cannot be brought into conformance with the approved plan (for example, an area denoted on the plan for preservation of trees is disturbed), the Building Inspector can issue a stop-work order and require the owner/applicant to return to the Planning Board for potential approval of a revised plan. This approval of a revised plan may require mitigation actions (for example, replacement of trees in a higher ratio than those removed, screening, additional landscaping, improved aesthetics to the site, etc.) or modifications to the plan, and bonding in accordance with § 280-313.

§ 280-313.2. Violations and penalties.

A violation of this Chapter and conviction thereof shall be punishable by a fine as set forth in the Schedule of Fines and Penalties.

§ 280-313.3. Landscaping installation certification. [Added 4-13-2015 by L.L. No. 3-2015]

Where a landscape plan is specifically required by law, or where it is required by the Planning Board, the applicant shall submit a certification from the Engineering Department that the required landscaping has been installed in accordance with the approved landscape plan. This certification shall be submitted to the Building Department along with other required information, prior to the Building Department issuing a certificate of occupancy (CO) or a conditional CO.

§ 280-314. Site plan revisions.

A property owner wishing to make any changes to an approved site plan shall submit a revised site plan to the Planning and Engineering Departments for review and approval. Any changes deemed significant variation from the approved plan, as determined by these departments, shall go before the Planning Board for approval.

§ 280-315. Other Requirements.

1. Requirement for EV charging stations for site plans (in accordance with Chapter LXII Electric Vehicle Charging Stations).

Town Board of the Town of Hamburg
April 27, 2026 Meeting

4.4. Town of Hamburg Plumbing Exam

BE IT RESOLVED that the Town Clerk is authorized to advertise for the Master Plumber, Journeyman Plumber and Site Utility Contractor examination. The examination is scheduled for June 15, 2026.

ATTACHMENTS:

[Plumbing exam legal notice.docx](#)

LEGAL NOTICE
TOWN OF HAMBURG

The Code Enforcement Department of the Town of Hamburg hereby gives notice of the regular examination for the Master Plumber License, Site Utility Contractor License, and Journeyman Plumber License to be held at the Hamburg Town Hall, 6100 South Park Avenue, Room 7A, Hamburg, New York on Monday, June 15, 2026, at 6:00 p.m. local time.

Anyone wishing to take this examination and meeting the qualifications listed below, should file an application in writing with the Town of Hamburg Code Enforcement Department Office **prior to June 4, 2025**. A nonrefundable deposit of \$100 per exam taken is due at the time of application. Upon approval of the Town Plumbing Examiner, each applicant will be required to pay on the night of the exam, to the Town Clerk, an additional fee of \$200 for each exam to be taken (Master Plumber Journeyman Plumber and Site Utility Contractor.)

Master Plumber, Journeyman Plumber, and Site Utility Contractors applicants must have:

(A). Two years of vocational school, plus four years of practical experience under the supervision of a master plumber for a master plumbing exam; Two years of vocational school, plus two years of practical experience under the supervision of a master plumber for a journeyman exam; Two years of vocational school, plus two years of practical experience under a licensed site utility contractor for a site utility contractor exam; or

(B). Six years of practical plumbing experience for a master plumbing exam; Four years of practical plumbing experience for a site utility contractor or journeyman plumber or

(C) An equivalent combination of training and experience indicated.

Certification must be attached or included with the application for the Master Plumber or Site Utility Contractor Exam.

Jeffrey Skrzypek
Supervising Code Enforcement Officer
Town of Hamburg

Dated: April 27, 2026

Town Board of the Town of Hamburg
April 27, 2026 Meeting

4.5. Amendment to Chapter 65 - Avoidable Alarms

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

WHEREAS, the Code Review Committee reviewed the provisions of Chapter 65 of the Code of the Town of Hamburg entitled “Alarm Systems”, and suggested amendments for the Town Board to consider; and

WHEREAS, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law to amend the following sections of Chapter 65: §65-6. Avoidable Alarms; §65-7. Enforcement; §65-8. Penalties for Offense and §65-9. Fines.

WHEREAS, a public hearing was held on April 27, 2026, for discussion and public comment concerning adoption of this proposed local law; and

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

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

WHEREAS, the proposed amendments are in accordance with the recommendations 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 #11 of the year 1994 of the Code of the Town of Hamburg Chapter 65 entitled “Avoidable Alarms” to provide for the revision of the Town Code as referenced above and attached.

ATTACHMENTS:

[avoidable alarms code changes final draft.docx](#)

Proposed Code Changes

§ 65-1 Purpose.

The purpose of this chapter is to protect and promote the health, safety and general welfare of the residents of the Town of Hamburg by reducing the number of avoidable alarms of fire, intrusion, holdup or other emergencies which contribute to ineffective utilization of police and fire emergency agencies, require emergency responses which are susceptible to high accident rates, interfere with genuine emergencies (responses) and produce unnecessary alarm noise to the surrounding community.

§ 65-2 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them by this section:

ALARM SYSTEM

A device or an assembly of equipment which is designated to detect smoke, abnormal rise in temperature, fire, medical emergency or an entry into or exit from a building, structure or facility and by reason thereof emits an audible response intended to alert persons outside of the premises and/or transmit a signal or message to an emergency agency, either directly or through a private answering point.

AUTOMATIC DIALER

A device that automatically dials and relays a prerecorded message to an emergency agency.

EMERGENCY AGENCY

The Police Department or Fire District, central fire dispatch or other emergency dispatch center.

§ 65-3 Compliance required.

A. The owners and lessees of premises having alarm systems shall comply with all of the provisions of this chapter.

B. Schools with students in kindergarten through twelfth grade, located in the Town of Hamburg, both public and private, shall be exempt from compliance with this chapter.

C. Also exempt from this chapter will be, buildings owned or operated by the Federal Government, State of New York, County of Erie, Town of Hamburg, and fire stations within the Town of Hamburg.

§ 65-4 Automatic cutoff system required.

A. No person shall install or maintain an external audible alarm device which does not contain an operational automatic cutoff system which turns off the external audible alarm after a period not to exceed 10 minutes. It is noted and stressed that this subsection applies to any alarm devices installed after the effective date of this chapter. That is to say, any alarm systems installed before the date of this chapter need not comply with this section.

B. An automatic dialer connected directly to an emergency agency shall automatically disconnect and/or terminate its message after the message has been transmitted a maximum of two times. Notwithstanding the foregoing, however, the total transmission time of all messages shall not exceed five minutes.

§ 65-5 Connection to 911 and emergency agencies restricted.

A. No alarm system shall have an automatic dialer feature or other type of alarm alter which connects automatically to the enhanced 911 emergency telephone system.

B. There shall be no automatic alarm system with direct communication of any type to an emergency agency without prior written authorization from the emergency agency where the alarms terminate.

§ 65-6 Avoidable alarms.

A. General provisions.

(1) For the purposes of this section, an “Avoidable Alarm” shall be defined as the activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner, user, custodian or lessee of an alarm system, or of his employees, requiring an emergency response when, in fact, an emergency does not exist. An alarm also includes intentional activation of an alarm system when the activator knows an emergency situation does not exist.

(2) An Avoidable Alarm does not include alarms activated by violent conditions of nature or similar cases beyond the control of the user, owner or operator of the alarm system. The activation of an alarm system under any circumstances in which the activator reasonably believes that an emergency situation exists shall not be deemed to be an Avoidable Alarm.

B. Charges. An owner or lessee of real property to which an emergency agency responds as a result of an Avoidable Alarm shall pay a fee for each such response as set forth in the Schedule of Fees for Avoidable Alarms. The fees will be assessed based on the previous calendar and payable upon receipt of written notice.

C. Notice of excessive use. The owner or lessee of real property which received an emergency response by reason of an Avoidable Alarm shall be notified, in writing, by means of first class mail, of all Avoidable Alarms from the previous calendar year. The letter shall inform the owner or lessee of the times and types of emergency responses provided to the address location and shall also contain a copy of this Alarm Code.

D. Administrative review. The Chief of Police and the Supervising Code Enforcement officer shall establish a policy and procedure whereby an owner of real property or lessee thereof on which an alarm system has been installed and who has been notified of an Avoidable Alarm may present evidence as to why any such alarm should not be classified as an Avoidable Alarm. The Chief of Police and

the Supervising Code Enforcement Officer shall designate members of their Departments, not to exceed five in total, to establish an appeal committee, to receive such evidence and make recommendations and findings of fact concerning such evidence. The Chief of Police and Supervising Code Enforcement Officer shall make the final determination concerning an appeal, which determination shall be final as to the administrative process. Any further review shall only be taken pursuant to procedures under Article 78 of the Civil Practice Law and Rules. To challenge the classification of an alarm as an Avoidable Alarm, the real property owner or lessee thereof shall, in writing, notify the Supervising Code Enforcement Officer within 20 days after receipt of notice of the Avoidable Alarm. The failure to give timely notice shall be deemed a waiver of the right to review the determination.

E. Payment of charges. Avoidable Alarm charges shall be paid to the Town Clerk of the Town of Hamburg at S-6100 South Park Avenue, Hamburg, New York 14075.

F. Failure to remit fee. Failure of a real property owner or lessee of property on which an alarm system is installed to pay the Avoidable Alarm charge within 30 days from notice of the amount due shall be assessed an additional fee of 20% to cover the costs of additional administrative expenses related thereto, shall be certified by the Building Inspector to the Town Receiver of Taxes and shall thereupon become and be a lien upon the property on which said Avoidable Alarms were located, and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes levied and assessed against such property.

§ 65-7 Enforcement.

The Supervising Code Enforcement Officer or Chief of Police shall enforce this chapter for alarm systems which detect medical emergencies, smoke, fire or abnormal rise in temperature and entry or exit from a building, structure or facility.

§ 65-8 Penalties for offenses.

Any person, business, firm, corporation, partnership, association or other entity that does not pay the fee as established in this code or that violates any other

provisions of this code shall be subject to a fine or penalty as set forth in the Schedule of Fines and Penalties for each offense. A separate offense shall be deemed committed upon each day from notice of an Avoidable Alarm or completion of administrative review of such notice until date of payment of all charges due.

§ 65-9 Fines and Fees.

Monies received for fines for shall go into the General Part of the Town Fund

§ 65-10 Severability.

If any section, clause or provision of this chapter or the application thereof to any person is adjudged invalid, such adjudication shall not affect other sections, clauses or provisions or the application thereof which can be sustained or given effect without the invalid section, clause or provision or application, and to this end the various sections, clauses or provisions of this chapter are declared to be severable.

§ 65-11 When effective.

The chapter shall become effective immediately after proper filing, including with the Secretary of State.

New Code section added to the TOH Code

Schedule of Fees for Avoidable Alarms

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

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4.6. Approval of the 2026 Schedule of Fees for Avoidable Alarms

WHEREAS, the Town of Hamburg Code established a Schedule of Fees for Avoidable Alarms to be imposed for Avoidable Alarms throughout the Town and

NOW, THEREFORE, BE IT RESOLVED, that the Hamburg Town Board adopt the 2026 Town of Hamburg Schedule of Fees for Avoidable Alarms.

ATTACHMENTS:

[2026 Avoidable alarms.pdf](#)

	A	B	C	D	E
1	Number of Avoidable Alarms throughout the past 12 Months	Residential Fee	Commercial Fee		
3	POLICE DEPARTMENT RESPONSES				
4					
5	First	No Fee	No Fee		
6	Second and Third	No Fee	\$100		
7	Fourth and Fifth	\$50	\$100		
8	Sixth Through Eighth	\$100	\$200		
9	Ninth and Over	\$200	\$500		
10					
11					
12	FIRE DEPARTMENT RESPONSES				
13	Number of Avoidable Alarms throughout the past 12 Months	Residential Fee	Commercial Fee		
14					
15	First	No Fee	No Fee		
16	Second	No Fee	\$100		
17	Third Through Fifth	\$50	\$200		
18	Sixth Through Eighth	\$100	\$500		
19	Ninth and Over	\$200	\$1,000		
20					
21					
22					

Town Board of the Town of Hamburg

April 27, 2026 Meeting

4.7. Schedule a public hearing for amending Chapter 75-4 A.

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

WHEREAS, the Code Review Committee reviewed various regulations of the Town of Hamburg Code and has sent these suggested revisions to the Town Board to begin the adoption process; and

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

The purpose of this local law is to amend the provisions of Chapter 75-4 A. Brush, grass and weeds, [Inspection; removal by town.](#)

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

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

Be It Finally Resolved, that the Hamburg Town Board sets a Public Hearing on these proposed Code amendments at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, NY at 7:00 pm on May 18, 2026.

ATTACHMENTS:

[Chapter 75 Brush code change.docx](#)

75-2 Standards

It shall be unlawful for any person having control or ownership or any type of tenancy in any lot for which at least one building permit has been issued, in the Town of Hamburg, County of Erie and State of New York, to permit or maintain on such land, or portion thereof, any growth of weeds, grass or other rank vegetation to a greater height than 12 inches on the average, or any accumulation of dead weeds, grass or brush.

Removed section above about being in a subdivision with a map cover filed. When a minor subdivision is done the planning board can waive the map cover filing and they do that sometimes. That would mean that those houses would not need to cut their grass.

§ 75-4 Inspection; removal by town.

A.

If an alleged violation has occurred, the Town Building Inspector shall send written notice of the violation to the last known address of the property owner by certified mail. The property owner shall then have ten (10) calendar days to cure the violation. At the end of the ten day period, the Town Building Inspector shall make an inspection, and if such inspection discloses that the owner or occupant has not complied with said notice, then the Inspector shall cause weeds, grass and other vegetation on such lands or portions thereof to be cut and removed. Once the initial removal of the weeds, grass and other vegetation has been completed by the Town of Hamburg, the Town shall continue to maintain the property with cuts or clearings at least every two weeks until such time as the property owner or occupant has provided written notice by certified and regular mail to the Supervising Code Enforcement Officer acknowledging the condition and confirming that the property will be maintained by the property owner or occupant.

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

C.

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

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4.8. Out of Town Travel: 2026 OCFS/ANYSYB Director's Training

BE IT RESOLVED; the Town Board authorizes Nicole Dayka (Youth at Risk Coordinator) to attend the 2026 OCFS/ANYSYB Director's Training in Saratoga Springs, NY. The event is scheduled for May 6 & 7, 2026. Estimated costs for the conference are as follows:

Milage (.725 per mile x 584 Miles)= \$423.40

Meals Per Diem (2 days x \$65)= \$130

Tolls and Incidentals= \$41.62

Total= \$595.02

Funds are available in A7020.0492.

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4.9. POLICE - Out of Town Travel Request

WHEREAS, the 2026 FBI-LEEDA Annual Executive Training Conference is being held Sunday, May 31, 2026 to Wednesday, June 3, 2026, at the Fort Lauderdale Marriott Harbor Beach Hotel in Fort Lauderdale, FL, and;

WHEREAS, all accommodations as well as meals and transportation are provided, and;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes Captain Todd Ehret to attend the 2026 FBI-LEEDA Annual Executive Training Conference with no cost to the department.

Town Board of the Town of Hamburg
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4.10. 2026 Highway School

RESOLVED, the Town Board Authorize Highway Superintendent Ed Hughes to attend the New York State Association of Towns 2026 Highway School from June 1, 2026 through June 3, 2026 at Ithaca College, Ithaca, New York.

REGISTRATION:	\$175.00
MEALS: (3 days EACH @ \$50.00 per day)	\$150.00
LODGING: (3 nights at \$200.00 per night)	\$600.00
TOTAL APPROXIMATE COST	\$925.00

Use of a town vehicle is requested.

Money is available in account A5010.492

Town Board of the Town of Hamburg
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4.11. Taylor Road Cabin Alcohol Waivers

RESOLVED, that the Hamburg Town Board does hereby approve alcohol waivers for May 2026

Taylor Road Cabin rentals as follows:

5/1/26

5/2/26

5/3/26

5/8/26

5/9/26

5/10/26

5/15/26

5/16/26

5/17/26

5/23/26

5/24/26

5/29/26

5/30/26

5/31/26

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4.12. RFP for New Speaker System at the Hamburg Town Arena

WHEREAS, the current speaker system at the Hamburg Town Ice Arena no longer serves its purpose due to age and disrepair;

BE IT RESOLVED; the Department of Youth, Recreation, and Senior Services be authorized to post and distribute a Request for Proposal (RFP) in relation to acquiring a new speaker system to be installed at the Hamburg Town Ice Arena.

ATTACHMENTS:

[RFP for New Audio System at Ice Arena Updated 4-13-2026.pdf](#)

COMPANY_____

ADDRESS_____

**REQUEST FOR PROPOSAL AND SPECIFICATIONS
FOR A NEW AUDIO SYSTEM AT
TOWN OF HAMBURG ICE ARENA**

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

TOWN OF HAMBURG
REQUEST FOR PROPOSALS

Sealed Proposals are hereby requested on the following:

"New Audio System at Town of Hamburg Ice Arena," all in accordance with specifications on file with the Hamburg Town Clerk, Natalie Nitsche, 6100 South Park Avenue, Hamburg, New York. 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 27th**, 2026.

Proposals must be marked " New Audio System at Town of Hamburg Ice Arena".

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

Dated: April 29th, 2026 Natalie Nitsche
Town Clerk
Town of Hamburg

Introduction/Background

The Town of Hamburg Ice Arena is seeking proposals from qualified audio/AV contractors to design, supply, install, and commission a brand-new facility wide audio system, replacing the current aging equipment. The upgraded audio equipment must support sporting events, skating sessions, announcements, emergency paging, music playback, private events, and rentals. 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. The Ice Arena needs a brand-new audio system in order to continue to service the community.

Project Objectives

- Removal and disposal of existing/outdated equipment and wiring.
- Install new audio system and necessary wiring which must
 - Deliver clear, reliable, even, and high-quality sound coverage throughout rink and lobby areas.
 - Provide sound quality for fluctuating crowd sizes for programs and events.
 - Include durable equipment suitable for cold, humid, and reverberant environments.

Scope of Work

Vendors must tour the site prior to submitting a proposal and must provide a detailed description of the scope of work they will complete. This description should include all required equipment, labor, materials, programming, and time frame. The scope includes the following.

1. Design

- Create an audio system layout fair to the dimensions of the rink and lobby areas and specify the location and size of the speakers on the provided diagram.
 - Rink area dimensions: 240 feet by 221 feet
 - Lobby area dimensions: 131 feet by 18 feet.

2. Removal and Disposal of Existing Audio Equipment

- Safe removal and disposal of all existing and outdated audio system components and wiring.
- Patching and repairing small penetrations created by removal.

3. Equipment Components

Must include all components listed below or components equivalent to what is listed:

- Speakers
 - Custom indoor center clustered speaker system or equitable speaker arrangement that provides the same quality sound throughout the entire rink area (refer to Scope of Work section A).
 - Four (4) ceiling mount lobby speakers capable of delivering quality sound throughout the entire lobby area (refer to Scope of Work section A).
 - Suitable for cold or moisture-prone zones (all weather speakers).
- Microphone
 - Two (2) wired microphones or comparable wireless options and accessories.
- Audio Equipment
 - Amplifier, sequencer, on/off switch, CD/SD/USB player with Bluetooth receiver and FM/AM radio tuner, wiring, and multimedia mixer.

4. Installation

- Installation of new speakers, wiring, equipment components stated above and all other necessary components and accessories.
- Ensuring all mounting hardware and audio equipment is secure and suitable for an ice arena environment.

5. Testing & Training

- Complete a full system testing and tuning to ensure in full working condition.
- Provide written instructions for the entire audio system.

Project Timeline

- Project start date must be 4-6 weeks after proposal is accepted by the Hamburg Town Board.
- Project completion date must be 6-8 weeks after proposal is accepted by the Hamburg Town Board.
- Vendor must coordinate a schedule with both the Town of Hamburg Building and Grounds and Youth, Recreation, and Senior Services management staff prior to the commencement of work on this project.

Award of Contract and Evaluation Procedure

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.

The bidder must present evidence of:

- Prior municipal experience and performance, both with the Town of Hamburg or other municipalities.
- Ability to perform the project demonstrated by completion of prior projects of a similar nature and size and within required time horizons.
- Financial wherewithal to complete project within required time horizons.
- Prior experience with operation of specific plant and machinery necessary to complete the project, confirm current ownership of plant and machinery, or if not currently owned, availability and lead time for acquisition.
- The “Project Timeline” is provided above. Bidder may propose a modified timeline for consideration but must meet the provided milestones.

The above categories shall be weighed with the overall bid price as follows:

- 45% – Price
- 25% – Experience
- 10% – Ability to Perform
- 10% – Plant and Machinery
- 5% – Financial Wherewithal
- 5% – Timeline

Further categories for assessing proposal include:

- Geographic locality of business.
- Compatibility of system components to allow for future expansion, revision, or relocation.
- Overall design and plan to meet scope of work described.
- Meeting all conditions detailed in the RFP.

Insurance, Legal and Agreements

- The vendor must secure any applicable permits and make sure the project is in compliance with any town codes and regulations.

- The vendor shall also secure and maintain the following insurance: **See insurance document attached.** All coverages are to be written in a company licensed in New York and the company should have a Best's Key rating Guide rating of at least B+.
- 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 installation (see accompanying Certificate of Insurance sample for reference).
- 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.
- The town's insurance requirements are subject to change at the sole discretion of the Town and its insurance consultants.
- The Town will **NOT** provide any use of Town owned equipment for any portion of the project.
- 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.
- 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 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'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 effects 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 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.

3. 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.

4. NEW YORK DISABILITY (NYDBL)

Coverage as required by New York State statutory limits.

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4.13. Youth, Recreation, and Senior Services Budget Adjustment

WHEREAS, a check for \$5,000.00 was received from the Donny Thiry Foundation as a donation for the Adaptive Recreation Programing.

NOW THEREFORE BE IT RESOLVED, that the Town Board does hereby authorize a budget amendment in 2026 to increase the appropriate revenue and expenditure lines for the receipt of the donation.

Increase: A000.0000.2705.0000 (Gifts and Donations)

Increase: A000.7310.0440.0000 (Recreation Program Custodial and Contractual)

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4.14. Youth, Recreation, & Senior Services Budget Adjustment

WHEREAS, a check for \$300.00 was received from the Schenkler Family as a donation for the Adaptive Recreation Programing.

NOW THEREFORE BE IT RESOLVED, that the Town Board does hereby authorize a budget amendment in 2026 to increase the appropriate revenue and expenditure lines for the receipt of the donation.

Increase: A000.0000.2705.0000 (Gifts and Donations)

Increase: A000.7310.0412.0000 (Recreation Supplies)

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4.15. Budget Adjustment

RESOLVED, that the Town Board hereby approves a budget transfer of \$5,000 from Account A.1220.0102 (Supervisor Personal Services-Part-Time) to Account 1340.0102 (Budget Personal Services-Part-Time); and

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

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4.16. Youth, Recreation, & Senior Services Budget Adjustment - Youth Council

WHEREAS, a check for \$6000.00 was received from the Associate of NYS Youth Bureaus to help provide support for the coordination of the regional youth council members including virtual meetings and help in the development of recommendations on policy topics for submission/virtual presentation to statewide advisory council.

NOW THEREFORE BE IT RESOLVED, that the Town Board does hereby authorize a budget amendment in 2026 to increase the appropriate revenue and expenditure lines for the receipt of the donation.

Increase: A000.0000.2705.0000 (Gifts and Donations)

Increase: A000.7310.0440.0000 (Independent Contractor Services)

Town Board of the Town of Hamburg
April 27, 2026 Meeting

4.17. Budget Transfer

BE IT RESOLVED, that the Town Board hereby approves a budget transfer of \$10,000 from Account A000.0000.2770.0000 (Sponsorships and Naming Rights) to Account A000.7020.0440.0000 (Independent Contractor Services); and

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

Town Board of the Town of Hamburg
April 27, 2026 Meeting

4.18. 2026 Home Grant

BE IT RESOLVED that the Hamburg Town Board authorize the Department of Community Development to proceed with the following 2026 HOME projects based upon the 2026 HUD HOME grant allocation:

2026 HOME Grant via Erie County/Town of Hamburg Consortium: \$146,200.00

Hamburg Renovation Grants:	\$114,058.00
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Administration (Consortium):	\$ 10,212.00
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CHDO set-aside (Consortium):	\$ 21,930.00
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Town Board of the Town of Hamburg
April 27, 2026 Meeting

4.19. 2026 CDBG Grant

BE IT RESOLVED that the Hamburg Town Board authorize the Department of Community Development to proceed with the following 2026 CDBG projects based upon the 2026 HUD CDBG grant allocation:

Town of Hamburg 2026 Community Development Block Grant Funding: \$420,082.00

Housing Renovation Conditional Grants	\$100,000.00
Town of Hamburg Highway - Infrastructure Reconstruction	\$100,000.00
Village of Blasdell Infrastructure Reconstruction	\$100,000.00
Planning /Administration	\$40,082.00
First Time Homebuyer Conditional Grants	\$40,000.00
ADA	\$20,000.00
Housing Counseling	\$10,000.00
Legal/Eviction Services	\$10,000.00

Town Board of the Town of Hamburg
April 27, 2026 Meeting

4.20. Purchase and Sale Agreement with Erie County

WHEREAS, the Hamburg Town Board desires to enter into a Purchase and Sale Agreement with Erie County to acquire approximately 102 parcels of real property listed on the attached “Schedule A”, and

WHEREAS, the acquisition of the parcels is for the benefit of the residents of the Town of Hamburg,

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board approves the purchase and transfer of approximately 102 parcels of real property from Erie County to the Town of Hamburg, and the Supervisor is authorized to sign the Purchase and Sale Agreement.

ATTACHMENTS:

[Schedule A.pdf](#)

SCHEDULE A

<u>Property SBL</u>	<u>Parcel Location</u>
160.35-6-40	Olympic Avenue
161.37-2-11	Abbott Road
161.37-2-19	Olympic Avenue
171.61-2-1	Sowles Road
171.61-2-2	Sowles Road
171.61-2-21	Parker Avenue
171.61-2-27	Hoffeld Avenue
171.61-2-28	Hoffeld Avenue
171.69-2-20	Webster Avenue
171.69-3-2	Webster Avenue
171.69-3-3	Webster Avenue
171.69-3-4	Webster Avenue
171.69-3-5	Webster Avenue
171.69-3-6	Webster Avenue
171.69-3-7	Webster Avenue
171.69-3-8	Webster Avenue
171.69-3-9	Webster Avenue
171.69-3-10	Webster Avenue
171.69-3-26	Seward Avenue
171.69-3-27	Seward Avenue
171.69-3-28	Seward Avenue
171.69-3-29	Seward Avenue
171.69-3-30	Seward Avenue
171.69-3-31	Seward Avenue
171.69-3-32	Seward Avenue
171.69-5-1	Robinson Road
171.69-5-2	Robinson Road
171.69-5-3	Robinson Road
171.69-5-6	Robinson Road
171.69-5-7	Robinson Road
171.69-5-9	Webster Avenue
171.69-5-10	Webster Avenue
171.69-5-12	Webster Avenue
171.69-5-13	Webster Avenue
171.69-5-17	Webster Avenue
171.69-5-18	Webster Avenue
171.77-2-5	Seward Avenue
171.77-2-6	Seward Avenue
171.77-2-7	Seward Avenue

171.77-2-8	Seward Avenue
171.77-2-9	Seward Avenue
171.77-2-10	Seward Avenue
171.77-2-11	Seward Avenue
171.77-2-12	Seward Avenue
171.77-2-23	Arthur Avenue
171.77-2-24	Arthur Avenue
171.77-3-1	Arthur Avenue
171.77-3-2	Arthur Avenue
171.77-3-3	Arthur Avenue
171.77-3-4	Arthur Avenue
171.77-3-5	Arthur Avenue
171.77-3-6	Arthur Avenue
171.77-3-7	Arthur Avenue
171.77-3-8	Arthur Avenue
171.77-3-9	Arthur Avenue
171.77-3-10	Arthur Avenue
171.77-3-11	Arthur Avenue
171.77-3-12	Arthur Avenue
171.77-3-13	Arthur Avenue
171.77-3-22	Cusick Avenue
171.77-3-23	Cusick Avenue
171.77-3-24	Cusick Avenue
171.77-3-25	Cusick Avenue
171.77-3-26	Cusick Avenue
171.77-3-27	Cusick Avenue
171.77-3-28	Cusick Avenue
171.77-3-29	Cusick Avenue
171.77-3-30	Cusick Avenue
171.77-3-31	Cusick Avenue
171.77-3-32	Cusick Avenue
171.77-3-33	Cusick Avenue
171.77-3-34	Cusick Avenue
171.77-4-1	Cusick Avenue
171.77-4-3	Cusick Avenue
171.77-4-4	Cusick Avenue
171.77-4-5	Cusick Avenue
171.77-4-6	Cusick Avenue
171.77-4-7	Cusick Avenue
171.77-4-8	Cusick Avenue
171.77-4-9	Cusick Avenue
171.77-4-10	Cusick Avenue
171.77-4-11	Cusick Avenue

171.77-4-32	Boland Avenue
171.77-4-33	Boland Avenue
171.77-4-34	Boland Avenue
171.77-4-35	Boland Avenue
171.77-4-36	Boland Avenue
171.77-4-37	Boland Avenue
171.77-5-2	Boland Avenue
171.77-5-3	Boland Avenue
171.77-6-6	Arthur Avenue
171.77-6-7	Arthur Avenue
171.77-6-8	Arthur Avenue
171.77-6-13	Cusick Avenue
171.77-6-14	Cusick Avenue
171.78-1-9	Seward Avenue
196.13-2-38	Edwards Street
196.13-2-39	Edwards Street
196.13-2-40	Edwards Street
196.13-2-41	Edwards Street
196.13-2-62	Edwards Street
196.13-2-63	Edwards Street

Town Board of the Town of Hamburg
April 27, 2026 Meeting

4.21. B&G Emergency Employment Request

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

ATTACHMENTS:

[B&G Emergency Employment Request.pdf](#)

Town of Hamburg

Emergency Employment Request

DEPARTMENT B&G

NAME	TITLE	DATE OF EMPLOYMENT	HOURLY RATE
Gregory Leonard	P/T Laboer	4/21/2026	\$ ~~16.00~~ \$16.50
Chester Partacz	P/T Laboer	4/21/2026	\$ ~~16.00~~ \$16.50
John Gryz	P/T Laboer	4/21/2026	\$ ~~16.00~~ \$16.50

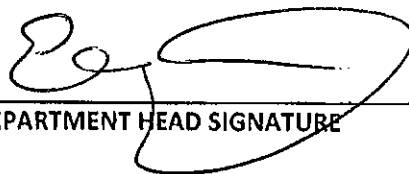
DATE

4/22/26

ACCOUNT

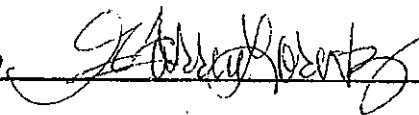
A. 7183.102

DEPARTMENT HEAD SIGNATURE



COPY TO: Supervisor
Personnel Office
File

APPROVED



DATE

4/22/26

Town Board of the Town of Hamburg
April 27, 2026 Meeting

4.22. B&G PAF

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

ATTACHMENTS:

[Signed BG PAF 04-27-26.pdf](#)

Department- Buildings & Grounds

Supervisor Signature _____

7/22/20

TOWN BOARD MEETING OF APRIL 27, 2026

PAGE 1 of 1

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

[illegible]

Town Board of the Town of Hamburg

April 27, 2026 Meeting

4.23. 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:

[Signed Rec PAF 04-23-26.pdf](#)

Youth, Recreation, Senior Services

07

Handwritten signature

42326

4/27/26

1 of

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

[illegible]

Town Board of the Town of Hamburg
April 27, 2026 Meeting

4.24. PAF - Justice Court

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

ATTACHMENTS:

[PAF-Zdon.pdf](#)

TOWN OF HAMBURG - PERSONNEL ACTION FORM

Date of Request 04/22/2026

Department- Justice Court

Department Head Signature Bugie ZarelliSupervisor Signature [Signature] Date 4/22/26

TOWN BOARD MEETING OF April 27, 2026

PAGE 1 of 1

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

#	Emp #	Emp Name	N or R	Position	Start date	Full time		PT/Sea/temp		Term date
						hrly rate		hrly rate		
1		Lisa Zdon		Senior Clerk Typist		\$25.31				4/15/2026
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										
19										
20										

Town Board of the Town of Hamburg
April 27, 2026 Meeting

4.25. Lake Shore Volunteer Fire Company, Inc.-New Members Tessmer & Valera

RESOLVED, that the Hamburg Town Board does hereby approve the request of the Lake Shore Volunteer Fire Company, Inc. to add to the ranks of their membership of the following individuals:
Benjamin Tessmer & Paul Valera

ATTACHMENTS:

[2026 0416 - Town Board Approval - Ben Tessmer - Paul Valera.docx](#)



Lake Shore Volunteer Fire Company, Inc.



April 16, 2026

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

Attn: Natalie Nitsche

At the last regular company meeting of the Lake Shore Volunteer Fire Company Inc. held on Wednesday, April 15, 2026, the following applicants were approved for active membership:

Benjamin Allen Tessmer
3264 Lake Heights Drive Apt. C
Hamburg, NY 14075

Paul R. P. Valera
41 Woodcreek Lane
Grand Island, NY 14072

Please notify us upon the Town Board's approval of their membership.

Thank you for your consideration in this matter.

Sincerely,

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

Town Board of the Town of Hamburg
April 27, 2026 Meeting

4.26. Town Hall Brick Repair Contract 2026-01

WHEREAS, the Town Buildings & Grounds Department has identified significant concerns with the deterioration of the brick around Town Hall which is in need of repair; and

WHEREAS, the project was bid on April 23, but no bids were received.

BE IT RESOLVED that the Town Clerk is authorized to readvertise for sealed bids entitled “Hamburg Town Hall Brick Repair, Contract 2026-01”

Project bid documents will be available for viewing and download on April 28, 2026, on the Town website, and the notice will be published as soon as possible in an official Town paper;

Sealed separate bids will be received at Hamburg Town Hall, Town Clerk’s Office, 6100 South Park Ave, Hamburg, New York, 14075, and said bid will be publicly opened and read aloud on Thursday, May 14, 2026 in Conference Room 7 A/B (downstairs) at 10:00 AM. Mailed bids should be sent to: Town of Hamburg, (clearly marked) Attn: TOWN CLERK, Bid Enclosed – Hamburg Town Hall Brick Repair, Contract 2026-01, 6100 South Park Ave, Hamburg, NY 14075

Town Board of the Town of Hamburg
April 27, 2026 Meeting

4.27. Town Beach Jetty Repair Contract 2026-02

WHEREAS, the Town is eligible for reimbursement from FEMA for storm damage for the repair of the Town Beach Jetty

BE IT RESOLVED that the Town Clerk is authorized to advertise for sealed bids entitled “Hamburg Town Beach Jetty Repair, Contract 2026-02”

Project bid documents will be available for viewing and download on April 28, 2026, on the Town website, and the notice will be published as soon as possible in an official Town paper and on the NYS Contract Reporter;

Sealed separate bids will be received at Hamburg Town Hall, Town Clerk’s Office, 6100 South Park Ave, Hamburg, New York, 14075, and said bid will be publicly opened and read aloud on Monday, June 1, 2026 in Conference Room 7 A/B (downstairs) at 11:00 AM. Mailed bids should be sent to: Town of Hamburg, (clearly marked) Attn: TOWN CLERK, Bid Enclosed – Hamburg Town Beach Jetty Repair, Contract 2026-02, 6100 South Park Ave, Hamburg, NY 14075

Town Board of the Town of Hamburg

April 27, 2026 Meeting

4.28. 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 Deveopment, 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. If Yes, what is the zoning classification(s) including any applicable overlay district? <u>Zoning District C -1, Local Retail Business District.</u>	☒ Yes ☐ No
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, i. What is the proposed new zoning for the site? <u>Zoning District C-2, General Commercial District.</u>	☒ Yes ☐ No
C.4. Existing community services.	
a. In what school district is the project site located? <u>Hamburg Central School District</u>	
b. What police or other public protection forces serve the project site? <u>Town of Hamburg Police</u>	
c. Which fire protection and emergency medical services serve the project site? <u>Big Tree Volunteer Fire Department and the Town of Hamburg Emergency Services Department</u>	
d. What parks serve the project site? <u>Brush Mountain Park (closest park to site)</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)? <u>Commerical</u>	
b. a. Total acreage of the site of the proposed action?	<u>4.08</u> acres
b. Total acreage to be physically disturbed?	<u>2.2</u> acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	<u>4.08</u> 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: _____ <u>6</u> 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: _____ _____ _____	

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	
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>	
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>	
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 <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>	
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: _____ 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>	

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

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 27, 2026 Meeting

4.29. 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, 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:
 - Laundry or dry-cleaning plants;
 - Facilities for the manufacture, compounding, and assembly of products from previously prepared materials;
 - Retail cannabis dispensaries;
 - New or used motor vehicles sales (servicing of vehicles is allowed at these facilities);
 - Terminals for local trucking and delivery service, but not including any tractor, trailer or tractor-trailer combination, or automobile conveyor, provided that all vehicle loading, unloading and parking is on the premises;
 - Commercial car washes;
 - Automotive repair services (including oil change, muffler and brake shops, collision shops and tire shops); and
 - Towing and recovery impoundment areas, but not including auto wrecking or the storage of motor vehicles not eligible for New York State motor vehicle inspection stickers.
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).
9. A performance bond in accordance with § 280-313 of Hamburg Town Code shall be required as a condition of site plan approval. The scope of the performance bond shall not include the building or the fueling facility improvements and the scope of the site improvements to be subject to the performance bond such as landscaping, stormwater management, etc. shall be determined based on input from the Town Engineer.
10. The Applicant shall be required to obtain a Highway Work Permit from the NYS Department of Transportation for the driveway connection onto Big Tree Road and if a Highway Work Permit for the driveway connection onto Big Tree Road cannot be obtained, the Town Board expressly reserves the right to re-evaluate the appropriateness of the C-2 zoning of the property.
11. In the event construction of the project has not commenced within three years, the Town Board expressly reserves the right to re-evaluate the appropriateness of the C-2 zoning of the property.
12. Conditions No. 1 to 11 as set forth herein shall be subject to a Declaration of Restrictions at the Erie County Clerk's Office to be recorded when the Applicant closes on the purchase of the property. A recorded copy of the Declaration of Restrictions shall be provided to the Planning Department upon recording at the Erie County Clerk's Office.

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:

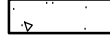
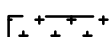
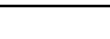
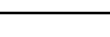
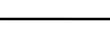
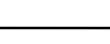
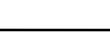
[Site 2025 - 094-C101 SITE DEVELOPMENT PLAN \(2\).pdf](#)

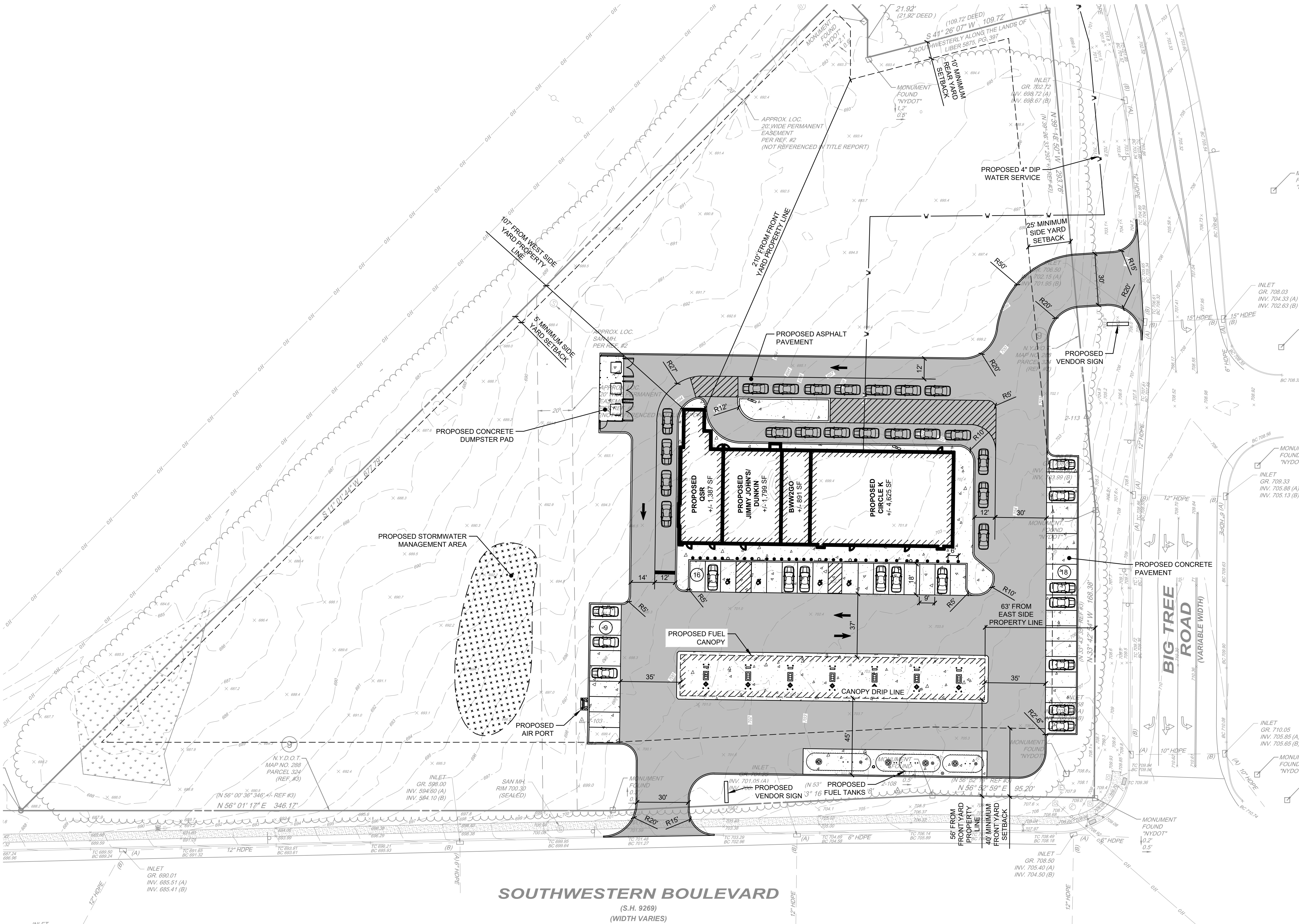
PLANNING DATA		
ZONING CLASSIFICATION: LOCAL RETAIL BUSINESS DISTRICT (C-1)		
PARCEL #: 160.16 - 9.1		
SEWER DISTRICT: ERIE COUNTY SEWER DISTRICT NO.3		
WATER DISTRICT: ERIE COUNTY WATER AUTHORITY		
ITEM	REQUIRED / ALLOWED	PROPOSED
MAX BUILDING HEIGHT	35 FT.	25 FT.
MAX LOT COVERAGE	75%	35.2%
MAXIMUM 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



Architecture
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Land Surveying
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Watertown, NY 13601
315.788.3900

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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

CONCEPT SITE DEVELOPMENT PLAN

CIRCLE K/ JIMMY JOHN'S/DUNKIN'/BWW2GO
SOUTHWESTERN BLVD (NYS ROUTE 20) AND BIG TREE ROAD
TOWN OF HAMBURG, ERIE COUNTY, STATE OF NEW YORK

LAST REVISED: N/A
PROGRESS PRINTS ONLY
JANUARY 13, 2026
DRAWING NO.
C101