Agenda

Natalie E. Nitsche Town Clerk

Town Board of the Town of Hamburg

November 16, 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 meetings as follows: November 2, 2026

4. Agenda Items

4.1.
Proclamation Honoring EUGENE PAOLINI

4.2. Business/Community Recognition

4.3. Police Promotion - Captain

4.4. Police Promotion - Lieutenant

4.5. Big Tree Volunteer Fire Company New Member

4.6. Lake Shore Volunteer Fire Company- New Member

4.7. Adopt Letter of Authorization (2027 Special Assessments)

4.8. Amendments to the 2027 Supervisor's Budget

4.9. Adoption of 2027 Preliminary Budget

4.10. PAF - Police

4.11. PAF - Youth, Recreation, & Senior Services

4.12. PAF - Finance

4.13. Town of Hamburg 2027 Employee Holiday Calendar

4.14. Vacation Carry over

4.15. Requesting the New York State Legislature to promptly review existing bail, release, and detention laws

4.16. Requesting the New York State Legislature to Enact Legislation

4.17. Traffic Safety Advisory Board Petition to NYSDOT

4.18.
Ice Arena Concession Vendor

4.19. Taylor Road Alcohol Waiver Requests

4.20. Acceptance of Drainage Studies

4.21. Order Establishing The Town Of Hamburg Drainage And Stormwater Management District

4.22.
Demolition of 5272 South Park Avenue

4.23. Public Works Budget Amendment

4.24. Budget Amendment: Receipt of Revenue

4.25. ARPA Funds Reallocation

4.26. Buildings & Grounds Garage Foam Insulation Project (Bid)

4.27. Town Hall East Wing & ADA Holding Cells & Bathroom Renovation (Bid)

4.28. Streetlight Maintenance & Emergency Repair Contract (2027-28) (Bid)

4.29. Article XLIV Site Plan Review Amendments Public Hearing and Lead Agency Resolution

4.30. Creation of Parker Road Overlay and Amendment of Southeastern Hamburg Overlay District Lead Agency and PH Resolution

4.31. Repeal of C-3 Zoning District, Subsequent Rezonings, and Amendments to Neighborhood Commercial District Lead Agency and PH Resolution

5. Public Comment

6. Meeting is adjourned by Supervisor

Town Board of the Town of Hamburg
November 16, 2026 Meeting

4.1.

Proclamation Honoring EUGENE PAOLINI

In Recognition of 50 Years of Dedicated Public Service

To The Traffic Safety Advisory Board

WHEREAS, the Town of Hamburg recognizes the importance of dedicated individuals who give their time, knowledge, and experience to protect the safety and well-being of its residents; and

WHEREAS, Eugene Paolini served the Town of Hamburg Police Department and dedicated an extraordinary fifty years, from 1974 through 2024, as a member of the Town of Hamburg Traffic Safety Advisory Board; and

WHEREAS, throughout those five decades, Eugene Paolini demonstrated an unwavering commitment to traffic safety, accident prevention, public awareness, and the protection of motorists, pedestrians, and families throughout the community; and

WHEREAS, following his career in law enforcement, Eugene Paolini continued his commitment to public safety by also teaching the National Safety Council Defensive Driving Course, helping educate motorists and promoting safer driving practices; and

WHEREAS, fifty years of service represents an extraordinary commitment to the residents of Hamburg and reflects the highest ideals of community involvement, dedication, and civic responsibility; and

WHEREAS, the Town of Hamburg is proud to recognize Eugene Paolini for his remarkable record of service and the lasting impact he has made on traffic safety and the community he has served so faithfully.

NOW, THEREFORE, BE IT PROCLAIMED, that the Town of Hamburg hereby honors and recognizes **Eugene Paolini** for his remarkable fifty years of dedicated service to the Town of Hamburg Traffic Safety Board; and

BE IT FINALLY PROCLAIMED, that his fifty years of service shall stand as an example of extraordinary community dedication and a lasting legacy of service to the Town of Hamburg.

4.2. Business/Community Recognition

4.3. Police Promotion - Captain

WHEREAS, Lieutenant Jonathan Cross is currently on the Police Captain 2nd Line Supervisory (Promotional) List #70021580; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approves the recommendation of the Chief of Police in promoting Lieutenant Jonathan Cross to the position of POLICE CAPTAIN effective Sunday, November 29, 2026; and

NOW, BE IT FURTHER RESOLVED, the salary is $68.83 per hour, and funds are available in B3120.100.

4.4. Police Promotion - Lieutenant

WHEREAS, Police Officer Nedim Catovic is currently on the Police Lieutenant – 1st Line Supervisor Civil Service List, Exam #70013840; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board approve the recommendation of the Chief of Police in promoting Police Officer Nedim Catovic to the position of LIEUTENANT effective Sunday, November 29, 2026; and

BE IT FURTHER RESOLVED, the salary is $56.26 per hour, and funds are available in B3120.100.

4.5. Big Tree Volunteer Fire Company New Member

BE IT RESOLVED, the Hamburg Town Board approves Peter Robinson membership of the Big Tree Volunteer Firemen's Company

ATTACHMENTS:

DOC110926-001.pdf

Big Tree Volunteer Firemen's Co., Inc.

Organized 1936

RECEIVED
NOV 0 9 2026

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

November 4, 2026

Dear Board Members,

We respectfully request permission of the Town Board to accept the following applicant into the membership of the Big Tree Volunteer Firemen's Company, Inc. during the year of 2026.

Peter Robinson
4103 Hudson. St.
Blasdell, New York 14219

Thank you for your cooperation.

Sincerely,

Carol R. Covert

Carol R. Covert
Secretary

4.6. Lake Shore Volunteer Fire Company- New Member

BE IT RESOLVED, the Hamburg Town Board approves new membership of Morgan Carrie Good Weber to the Lake Shore Volunteer Fire Company.

ATTACHMENTS:

Lakeshore Volunteer.docx

Lake Shore Volunteer Fire Company, Inc.

October 30, 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, October 21, 2026, the following applicant was approved for active membership:

Morgan Carrie Good Weber
5179 Orchard Ave.
Hamburg, NY 14075

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

Thank you for your consideration in this matter.

Sincerely,

Peggie Lipka

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

4.7. Adopt Letter of Authorization (2027 Special Assessments)

BE IT RESOLVED that the Town Board of the Town of Hamburg adopt the special Town charges as indicated on the attached "Letter of Authorization" as part of the 2027 Town of Hamburg Budget.

ATTACHMENTS:

20261112105750.pdf
20261112105800.pdf

Letter of Authorization

To: Erie County Real Property Tax Department

From: Town of Hamburg

Subject: Unpaid items to be included in tax warrant

Date: November 12, 2026

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

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

• Total Unpaid Water	$751,711.21
• ECWA Surcharge	$35,629.33
• Town of Hamburg 10% admin-fee	$75,172.17
• Total Omitted Taxes	$12,082.96 Town County
• Total Other Charges	$106,620.00 (grass) + $3,891.35 (sidewalk repair)
Total of Items Above	**$985,107.02**

Certification Town of Hamburg Date: November 12, 2026

Elizabeth Farrell-Lorentz
Town Supervisor

Natalie Nitsche
Town Clerk

Assessors Use Only

Date RPS file submitted to County RPTS_____

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

Kim Mercer

Kim Mercer
Assessor

11/12/26

Date

County RPTS Use Only

Date filed received _____ By: _____

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

Town of Hamburg
2027 Budget
Special Assessments

Erie County Water Authority delinquent water charges	
-Total	$751,711.21
-ECWA Surcharge	$35,629.33
-Town of Hamburg 10% Admin Fee	$75,172.17
Removal of weeds, grass, and brush	
-Total	$ 106,620.00
Sidewalk repair	
-Total	$3,891.35
Omitted Tax	$12,082.96 Town/County
TOTAL	**$985,107.02**

Town Board of the Town of Hamburg
November 16, 2026 Meeting

4.8. Amendments to the 2027 Supervisor's Budget

NOW, THEREFORE, BE IT RESOLVED, that the Hamburg Town Board hereby amends the 2027 Supervisor's Budget as below and attached:

Amendments to Supervisor's Budget 2027

Account #	Description/Dept	Change
	Revenue:	0
		0
	Appropriated Fund Balance:	
	Expense:	
A.1620.0303	Permanent Improvements	75,000
DB.5142.0467	Chemicals (Salt)	200,000

ATTACHMENTS:

Budget Amendments 11_16-26.pdf

Amendments to Supervisor's Budget 2027

Account #	Description/Dept	Change
	Revenue:	
		-
	Appropriated Fund Balance:	
		-
	Expense:	
A.1620.0303	Permanent Improvements	75,000
DB.5142.0467	Chemicals (Salt)	200,000

-

4.9. Adoption of 2027 Preliminary Budget

WHEREAS the Hamburg Town Board adopted amendments to the 2027 Supervisors Budget which now becomes the 2027 Preliminary Budget,

AND WHEREAS this 2027 Preliminary Budget results in the following Tax Rates as compared to those in the 2027 Supervisor Budget

2027 PRELIMINARY BUDGET

	Town Outside Village	**Village of Hamburg**
Change in Tax Rate		
General Fund	3.62%	3.62%
Town Outside Village Fund	2.72%	0.00%
Highway - DA (Bridges)	97.61%	97.66%
Highway - DB	5.69%	0.00%
	3.99%	**3.73%**

2027 SUPERVISOR BUDGET

	Town Outside Village	**Village of Hamburg**
Change in Tax Rate		
General Fund	3.05%	3.05%
Town Outside Village Fund	2.72%	0.00%
Highway - DA (Bridges)	97.61%	97.66%
Highway - DB	2.77%	0.00%
	2.93%	**3.16%**

BE IT RESOLVED, The Hamburg Town Board does hereby adopt the 2027 Preliminary Budget.

4.10. PAF - Police

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

ATTACHMENTS:

Signed Police PAF Grande_M - Term 11-1-2026.pdf

TOWN OF HAMBURG - PERSONNEL ACTION FORM

Date of Request: 11/1/26 Department: POLICE

Department Head Signature: [signature]

Supervisor Signature: [signature] Date: 11/4/26

TOWN BOARD MEETING OF 11/16/26

PAGE 1 of 1

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

#	Emp #	Employee Name	Town Resident Yes (Y) or No (N)	New(N) or Rehire (R) or Change (C)	Position/Status/Fund	Start date	Full Time hourly rate	Part Time hourly rate	Separation Date
	5248	Grande, Maureen	Y	C	Beach Security / PT Seasonal/ A7180.0104			$25.00	11/1/2026

4.11. PAF - Youth, Recreation, & Senior Services

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

ATTACHMENTS:

scan_2026_11_12_09_20_57_146.pdf

TOWN OF HAMBURG - PERSONNEL ACTION FORM

Date of Request: 11/12/26 Department: Youth, Recreation, & Senior Services

Department Head Signature: _____

Supervisor Signature: _____ Date: _____

TOWN BOARD MEETING OF 11/16/26

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

#	Emp #	Employee Name	Town Resident Yes (Y) or No (N)	New(N) or Rehire (R) or Change (C)	Position/Status/Fund	Start date	Full Time hourly rate	Part Time hourly rate	Separation Date
1	5402	Kennedy, Matthew	Y	C	Rec. Attend. Seas. A7184 to Rec. Attend. PT A7184	11/18/26		$17.00	
2	5310	Maher, John	Y	C	Rec. Attend. Seas. A7184 to Rec. Attend. PT A7184	11/24/26		$16.00	
3	5408	Balaya, Sophia	Y	C	Lifeguard Seas A7180 to Lifeguard PT A7310	12/9/26		$19.52	
4	5186	Davis, Brody	Y	C	Lifeguard Seas A7180 to Lifeguard PT A7310	11/24/26		$19.00	
5	5403	Phillips, Asa	Y	C	Lifeguard Seas A7180 to Lifeguard PT A7310	11/18/26		$19.50	
6	5210	Cappara, Rachel	Y	C	Rec. Attend. Seas. A7310 to Rec. Attend. PT A7310	11/30/26		$18.50	
7	5112	Dayka, Carson	Y	C	Rec. Attend. Seas. A7310 to Rec. Attend. PT A7310	11/16/26		$19.00	
8	5251	Doyle, Nelle	Y	C	Rec. Attend. Seas. A7310 to Rec. Attend. PT A7310	11/7/26		$16.00	
9	5460	Gawlak, Erin	Y	C	Rec. Attend. Seas. A7310 to Rec. Attend. PT A7310	11/10/26		$18.00	
10	5465	Jurusik, Roman	Y	C	Rec. Attend. Seas. A7310 to Rec. Attend. PT A7310	11/10/26		$16.00	
11	5243	Smardz, Emilee	Y	C	Rec. Attend. Seas. A7310 to Rec. Attend. PT A7310	11/16/26		$19.00	
12	4186	Sullivan, Amanda	Y	C	Rec. Attend. Seas. A7310				11/17/2026
13	5167	Otremba, Steve JR.	Y	C	Rec. Attend PT A7184				11/17/2026
14	1729	Otremba, Steve SR	Y	C	Rec. Attend PT A7184				11/17/2026
15	5421	Day, Kress	Y	C	Van Driver PT A6772				11/17/2026

16	5224	Lizak, Thomas	Y	C	Van Driver PT A6772				11/17/2026
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4.12. PAF - Finance

BE IT RESOLVED, the Hamburg Town Board approves the attached PAF.
ATTACHMENTS:

Finance PAF.pdf

TOWN OF HAMBURG - PERSONNEL ACTION FORM

Date of Request: 11/12/26 Department: Finance

Department Head Signature: Pat Shea

Supervisor Signature: [signature] Date: 11/12/26

TOWN BOARD MEETING OF 11/16/26

PAGE 1 of 1

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

#	Emp #	Employee Name	Town Resident Yes (Y) or No (N)	New(N) or Rehire (R) or Change (C)	Position/Status/Fund	Start date	Full Time hourly rate	Part Time hourly rate	Termination Date
	4906	Sessanna, Kimberly			Assistant Accountant				11/9/2026

4.13. Town of Hamburg 2027 Employee Holiday Calendar

BE IT RESOLVED, that the Town Board approves the 2027 Holiday Calendar depicting the dates that the Town will be closed for business.

ATTACHMENTS:

Holiday Calendar 2027.pdf

TOWN OF HAMBURG
2027
EMPLOYEE HOLIDAY CALENDAR

LISTED BELOW ARE THE DATES THAT THE TOWN OF HAMBURG WILL BE CLOSED IN OBSERVANCE OF THE HOLIDAYS FOR THE YEAR 2027

New Year's Day	Friday	January 1, 2027
Martin Luther King, Jr.	Monday	January 18, 2027
President's Day	Monday	February 15, 2027
Good Friday	Friday	March 26, 2027
Memorial Day	Monday	May 31, 2027
Independence Day	Monday (Observed)	July 5, 2027
Labor Day	Monday	September 6, 2027
Columbus Day	Monday	October 11, 2027
Election Day	Tuesday	November 2, 2027
Veteran's Day	Thursday	November 11, 2027
Thanksgiving Day	Thursday	November 25, 2027
Day after Thanksgiving	Friday	November 26, 2027
Christmas Eve	Thursday (Observed)	December 23, 2027
Christmas Day	Friday (Observed)	December 24, 2027
New Year's Eve	Thursday (Observed)	December 30, 2027
New Year's Day (2028)	Friday (Observed)	December 31, 2027

4.14. Vacation Carry over

WHEREAS, the white collar contract requires Town Board approval for an employee to carry five days of vacation time over to the following year, and

WHEREAS, probationary Assistant Code Enforcement Officer Kevin Jewett will receive five days of vacation time off after his six month anniversary with the Town on December 9, 2026, and

WHEREAS, Kevin Jewett having lower seniority and his vacation time will be earned at the end of the year, there will not be an opportunity for Kevin Jewett to use his five days of vacation before December 31, 2026,

NOW THEREFORE IT BE RESOLVED that the Town Board approve the request for Kevin Jewett, Assistant Code Enforcement Officer, to carry over five days of vacation time to the 2027 calendar year.

4.15. Requesting the New York State Legislature to promptly review existing bail, release, and detention laws

WHEREAS, municipalities throughout New York State continue to experience incidents involving repeat offenders who are repeatedly arrested, released, fail to appear for scheduled court proceedings, and subsequently engage in additional unlawful contact; and

WHEREAS, repeated failures to appear undermine the integrity of the judicial process, delay the administration of justice, and place additional burdens on local courts, law enforcement agencies, victims, and taxpayers; and

WHEREAS, local governments have a fundamental responsibility to promote public safety, support crime victims, and advocate for policies that strengthen accountability while preserving due process protections.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hamburg respectfully urges the New York State Legislature to promptly review and amend existing bail, release, and detention laws to more effectively address repeat offenders, chronic failures to appear, and ongoing threats to public safety; and

BE IT FURTHER RESOLVED, that such reforms should provide courts with appropriate discretion to consider an individual's history of repeat offending, prior compliance with court appearances, and risk to the community when making release and detention determinations as permitted by law; and

BE IT FINALLY RESOLVED, that the Town Clerk shall transmit copies of this Resolution to appropriate state and local elected officials, legislative leaders, neighboring municipalities, and other interested stakeholders.

Town Board of the Town of Hamburg
November 16, 2026 Meeting

4.16. Requesting the New York State Legislature to Enact Legislation

WHEREAS, the Town of Hamburg provides essential municipal services, infrastructure maintenance, and public safety initiatives that benefit both residents and visitors; and

WHEREAS, tourism and overnight lodging contribute significantly to the local economy, increasing the demand for municipal services; and

WHEREAS, a short-term rental, hotel, or motel occupancy tax would provide a dedicated revenue source to help support these services without imposing additional burdens on local taxpayers; and

WHEREAS, the authority to impose such a tax requires specific enabling legislation from the New York State Legislature; and

WHEREAS, similar occupancy taxes have been successfully implemented in other New York municipalities, providing additional revenue for essential services.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Hamburg as follows:

1. The Town of Hamburg formally requests that the New York State Legislature enact legislation authorizing the Town of Hamburg to impose an occupancy tax at a rate not to exceed three percent (3%) of the per diem rental rate for each room occupied.
2. The revenue generated from this tax shall be deposited into the Town's general fund to support municipal services, infrastructure, and other essential expenditures as determined by the Town Board.
3. The Town Clerk is hereby directed to forward copies of this resolution to the Governor of the State of New York, the Speaker of the New York State Assembly, the President Pro Tempore of the New York State Senate, and the members of the State Legislature representing the Town of Hamburg, requesting their support and sponsorship of the necessary enabling legislation.
4. This resolution shall take effect immediately upon its adoption.

4.17. Traffic Safety Advisory Board Petition to NYSDOT

WHEREAS the Traffic Safety Advisory Board (TSAB) is requesting that the Hamburg Town Board authorize TSAB to petition the New York State Department of Transportation (NYSDOT) to conduct a review of the Camp Road corridor from the Saint Francis Drive and Big Tree Road intersection to the Sowles Road and Camp Road intersection.

NOW, THEREFORE, BE IT RESOLVED, That the Hamburg Town Board hereby authorizes the Traffic Safety Coordinator to submit a formal letter to the New York State Department of Transportation requesting a review of Camp Road corridor from the Saint Francis Drive and Big Tree Road intersection to the Sowles Road and Camp Road intersection.

Town Board of the Town of Hamburg
November 16, 2026 Meeting

4.18.

Ice Arena Concession Vendor

WHEREAS, the Town of Hamburg desires to enter into a 3 year agreement with Donald Bond d/b/a Bonds Bussin Bites, to operate a concession area at the Hamburg Ice Arena for a period commencing as soon as all required permits issued by the Erie County Health Department, and insurance certificates are submitted and approved until the end of the hockey season on or about April 15, 2027 and the vendor will pay the Town $2000.00; and

WHEREAS, the vendor will pay the Town $2500 for the 2027-2028 and 2028-2029 hockey season each; and

WHEREAS, all payments will be received by the town prior to the start of the season; and

WHEREAS, this agreement will be eligible for a one-year renewal extension for the 2029-2030 ice season.

NOW THEREFORE BE IT RESOLVED, that the Town of Hamburg enter into a 3 year agreement with Donald Bond d/b/a Bonds Bussin Bites to operate a concession area at the Hamburg Ice Arena; and

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

ATTACHMENTS:

DOC111326-11132026141305.pdf

Agreement
Between Donald Bonds d/b/a Bonds Bussin Bites
And
Town of Hamburg

WHEREAS, The Town of Hamburg is the owner of certain premises known as the Hamburg Ice Arena; and

WHEREAS, THE Town of Hamburg is desirous of maximizing amenities at the Hamburg Ice Arena; and

WHEREAS, Donald Bonds d/b/a Bonds Bussin Bites acknowledges the Town of Hamburg as owner and operator of the properties and all buildings and/or structure and/or equipment on the properties; and

WHEREAS, Donald Bonds d/b/a Bussin Bites shall operate the concession stand on dates and times as mutually agree to by the parties; and

WHEREAS, Donald Bonds d/b/a Bonds Bussin Bites shall pay the Town of Hamburg the amount of $2000 as payment to conduct and operate food vendor services during the remainder of the 2026-2027 hockey season and $2500 for the 2027-2028 and 2028-2029 hockey seasons each; and

WHEREAS, this agreement shall be considered for renewal for the 2029-2030 hockey season; and

WHEREAS, all other terms and conditions of the agreement are in full force and effect, including obtaining all necessary permits, specific insurance requirements and all required insurance coverage, including Workman's' Compensation, must be submitted and approved prior to commencement of operations by Donald Bonds d/b/a Bonds Bussin Bites; and

WHEREAS, Donald Bonds d/b/a Bonds Bussin Bites shall comply with all Town Insurance and shall indemnify and hold the Town of Hamburg harmless from any liability resulting from its actions as required in Schedule A; and

WHEREAS, all equipment must be maintained and cleaned so as to maintain its current condition.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed by subscribing the same, this 16th day of November 2026.

TOWN OF HAMBURG

BY:_____
Elizabeth Farrell Lorentz, Supervisor

BY:_____
Donald Bonds d/b/a Bonds Bussin Bites

Schedule A

1. **Insurance Requirements:**

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

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

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

Notice of Cancellation: The Vendor's required liability policies must be endorsed to provide a 30-day notice of cancellation or notice of non-renewal to the Town of Hamburg.

2. WORKERS COMPENSATION AND EMPLOYER'S LIABILITY INSURANCE

Must include Waiver of Subrogation in favor of Owner.
Coverage required by the laws of New York State as further described below.
The Contractor must provide one of the following forms to the Owner, or the current equivalent of any of them in the event of revisions or replacements:

(a) Either: CE-200, Affidavit For New York Entities and Any Out Of State Entities With No Employees, That New York State Workers' Compensation and/or Disability Benefits Insurance Coverage Is Not Required
Or: CE-200, Affidavit That An OUT-OF-STATE OR FOREIGN EMPLOYER Working In New York State Does Not Require Specific New York State Workers' Compensation and/or Disability Benefits Insurance Coverage
(Affidavits must be stamped as received by the N.Y.S. Workers' Compensation Board)
OR

(b) Either: C-105.2, Certificate of Workers' Compensation
Or: U-26.3, New York State Insurance Fund Certificate of Workers' Compensation Coverage
OR
(c) Either: SI-12 – Certificate of Workers' Compensation Self-Insurance,
Or: GSI-105.2 – Certificate of Participation in Workers' Compensation Group Self-Insurance

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

To the fullest extent permitted by law, the undersigned agrees to indemnify, defend, and hold harmless the Town of Hamburg, its officers, officials, employees, agents, and their respective successors and assigns (hereinafter collectively referred to as the "Town") from and against any and all claims, damages, losses, liabilities, demands, lawsuits, causes of action, fines, penalties, and expenses (including, but not limited to, attorneys' fees, court costs, and any consequential or punitive damages) arising out of or in connection with the above noted use or occupancy of Town facilities or property. This includes any acts, omissions, negligence, or willful or intentional misconduct by the undersigned, their employees, agents, contractors, subcontractors, guests, invitees, or any person or entity for whom the undersigned is contractually or legally responsible.

The indemnification and defense obligations shall apply regardless of whether such claims, damages, demands, losses, or liabilities are alleged to be caused in whole or in part by the negligence or other fault of the Town, except to the extent that such claims, damages, demands, losses, or liabilities are finally determined by a court of competent jurisdiction to have been caused by the sole negligence or willful misconduct of the Town.

Furthermore, the undersigned agrees to be responsible for and shall pay the Town for all damages to Town property, whether caused by the undersigned, their employees, agents, contractors, subcontractors, guests, invitees, or any person or entity for whom the undersigned is contractually or legally responsible. The undersigned shall promptly repair or replace any damaged property to the satisfaction of the Town or reimburse the Town for any necessary repairs or replacements.

The undersigned also agrees to comply with all federal, state, and local laws, regulations, and ordinances applicable to the use of Town facilities and to obtain all necessary permits, licenses, or approvals required by the Town or any other governmental entity.

4.19. Taylor Road Alcohol Waiver Requests

BE IT RESOLVED, The Hamburg Town Board does hereby approve the alcohol waivers for December 2026 as follows:
12/4/26
12/6/26
12/11/26
12/12/26
12/13/26
12/19/26
12/20/26
12/23/26
12/26/26
12/27/26
12/30/26

Town Board of the Town of Hamburg
November 16, 2026 Meeting

4.20. Acceptance of Drainage Studies

WHEREAS, in recent years, the Town of Hamburg authorized Clark Patterson Lee to perform a drainage study and then authorized GHD to expand the study to include additional areas and closed system analysis, and

WHEREAS, CPL finalized their report in 2023 and GHD finalized their report in 2026; and

WHEREAS, the Town Engineer has provided these reports to the Town Clerk for their records.

NOW THEREFORE BE IT RESOLVED, that the Town Board accepts the 2023 and the 2026 Drainage Studies.

4.21. Order Establishing The Town Of Hamburg Drainage And Stormwater Management District

WHEREAS, on October 5, 2026, the Town Board of the Town of Hamburg, New York (the "Town Board"), in accordance with the requirements of Article 12-a of the New York Town Law, adopted a resolution approving the creation of the Town of Hamburg Drainage and Stormwater Management District ("District") subject to a permissive referendum (the "Resolution"); and

WHEREAS, prior to the adoption of the Resolution, the Town Board authorized the Town Engineer to prepare a map, plan and report pursuant to the requirements of Town Law § 209-c ("Report") to support the establishment of the District; and

WHEREAS, prior to the adoption of the Resolution, on September 14, 2026, the Town Board duly adopted an order pursuant to Town Law § 209-d calling for a public hearing on the establishment of the District ("Notice of Hearing"); and

WHEREAS, prior to the adoption of the Resolution, on September 28, 2026, the Town Board held a public hearing on the establishment of the District and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, the Town Clerk reported to the Town Board that notices of the adoption of the Resolution were duly posted and published as required by law and that the Town Clerk had petitions requesting a permissive referendum available in the Town Clerk's Office and that more than thirty (30) days have elapsed since October 5, 2026 and no petitions requesting a permissive referendum have been filed with the Town Clerk; and

WHEREAS, this Town Board is now empowered to order the establishment of the District:

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

1. The Town of Hamburg Drainage and Stormwater Management District is hereby established to include the parcels of land as identified in the Resolution, the Notice of Hearing, and the Report.
2. The Town Clerk is hereby directed to certify a copy of this Order and forthwith record the same in the office of the Clerk of the County of Erie in which the Town of Hamburg is situated and to forward a certified copy of the same to the Department of Audit and Control.

Town Board of the Town of Hamburg
November 16, 2026 Meeting

4.22.

Demolition of 5272 South Park Avenue

WHEREAS, the Town of Hamburg Board deemed the chapel of the main building and the detached greenhouse structures at 5272 South Park Ave. unsafe and ordered the demolition of those structures, and,

WHEREAS, the property owner of 5272 South Park Ave. has contacted the Town with a request to demolish the same structures themselves, and,

WHEREAS, the property owner has supplied a scope of work and timeframe that is equivalent to the Town's scope of work and timeframe for demolition, now therefore,

BE IT RESOLVED, that the Town Board postpone the Town's demolition of the chapel and greenhouse located at 5272 South Park Ave., with the condition that property owner will begin removing the structures by December 31, 2026 per the scope of work submitted, and,

BE IT FINALLY RESOLVED, that the Town Board shall proceed by scheduling the demolition at 5272 South Park Ave. if the conditions of postponement are not met by December 31,2026.

ATTACHMENTS:

Hamburg_Demolition_Letter_Skrzypek.pdf

November 12, 2026

Mr. Jeffrey Skrzypek
Supervising Code Enforcement Officer
Town of Hamburg Building Department
S-6100 South Park Avenue
Hamburg, NY 14075

RE: 5272 South Park Avenue, Hamburg, NY 14075
Demolition Scope of Work and Mobilization Commitment

Dear Mr. Skrzypek:

Thank you for meeting with our team on site on Monday, November 9, 2026. We appreciate the Town's time and guidance regarding the condition of the existing structures on the campus. This letter confirms the scope of work discussed at that meeting and our schedule for mobilization.

Sinatra Development is currently in negotiations with two qualified demolition contractors to perform the following scope of work:

1. Demolition of the chapel.
2. Demolition of the two hallway wings off the rear of the building, with all resulting openings boarded up and secured against weather and unauthorized entry.
3. Demolition and removal of the greenhouse at the rear of the property.

This scope is based on the items reviewed during our November 9 meeting. In our communications with the demolition contractors, we have relayed our understanding from that meeting that the Town will issue a letter of condemnation for all structures on the property. We would appreciate receiving that letter at your earliest convenience, as it will allow us to finalize contractor pricing, sequencing, and permitting.

Upon execution of a contract with the selected demolition contractor, we will submit all required demolition permit applications, contractor insurance certificates, and supporting documentation to your office.

Sinatra Development is committed to mobilizing on this project no later than December 31, 2026. We will keep your office informed as contractor selection is finalized and will provide a detailed start date and schedule once available.

Should you have any questions or require additional information, please contact us at 716.220.8468 ext. 7.

Respectfully,

Sinatra Development Company

4.23. Public Works Budget Amendment

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby authorizes a budget amendment appropriating $75,000 from the B Fund Unassigned Fund Balance (B000.0000.0599.0000) to increase the Contracted Services – Stormwater expenditure account (B.1490.0440.1) by $75,000 to fund the completion of necessary stormwater work in 2026.

4.24. Budget Amendment: Receipt of Revenue

Resolved, The Hamburg Town Board approves the deposit of $1,193.00 generated from the Legacy Trail Partner Agreement into Account A.2770 - Sponsorships and Naming Rights; 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.

4.25. ARPA Funds Reallocation

RESOLVED, the Hamburg Town Board approves the reallocation of $49,000 of previously committed ARPA funds from the following projects:

1. Senior Center - $44,000
2. ARPA Management and Advisory Services - $5,000

as follows: Town-wide Security Systems - $49,000

4.26. Buildings & Grounds Garage Foam Insulation Project (Bid)

WHEREAS, the Town of Hamburg B&G Garage roof insulation was damaged by recent water issues and, although the roof was repaired, the insulation needs to be replaced; and

WHEREAS, the Engineering, Building and B&G Departments have worked together to prepare bid documents for foam insulation of the B&G Garage and request authorization to advertise the project.

NOW THEREFORE BE IT RESOLVED that the Town Clerk is authorized to advertise for sealed bids entitled "B&G Garage Foam Insulation, Contract 2026-04"

Project bid documents will be ready for viewing on the Town's website on November 17, 2026, and the notice will be published on November 27, 2026;

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, December 21, 2026, in Conference Room 7 A/B (downstairs) at 10:15 AM. Mailed bids should be sent to: Town of Hamburg, (clearly marked) Attn: TOWN CLERK, Bid Enclosed – B&G Garage Foam Insulation, Contract 2026-04, 6100 South Park Ave, Hamburg, NY 14075

Town Board of the Town of Hamburg
November 16, 2026 Meeting

4.27. Town Hall East Wing & ADA Holding Cells & Bathroom Renovation (Bid)

WHEREAS, the Town of Hamburg intends to renovate the unused former dispatch area in the East wing of Town Hall to establish new office space and court holding cells, including meeting all ADA requirements; and

WHEREAS, the project was advertised for public bid in October 2026, but no bids were received; therefore, the Engineering Department recommends rebid with an extended timeline and posting on additional construction websites.

NOW THEREFORE BE IT RESOLVED that the Town Clerk is authorized to advertise for sealed bids entitled "Town Hall East Wing & ADA Holding Cells & Bathroom Renovation, Contract 2026-03"

Project bid documents will be ready for viewing on the Town's website on November 17, 2026, and the notice will be published on November 27, 2026;

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, December 21, 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 – Town Hall East Wing & ADA Holding Cells & Bathroom Renovation, Contract 2026-03, 6100 South Park Ave, Hamburg, NY 14075

4.28. Streetlight Maintenance & Emergency Repair Contract (2027-28) (Bid)

WHEREAS, the Town of Hamburg owns and maintains the streetlights within the Town and as such requires a contractor to perform maintenance on the streetlights; and

WHEREAS, the Engineering Department has prepared bidding documents for the 2027-28 streetlight and emergency repair contract.

NOW THEREFORE BE IT RESOLVED that the Town Clerk is authorized to advertise for sealed bids entitled "2027-28 Streetlight Maintenance and Emergency Repair, Contract 2026-05"

Project bid documents will be ready for viewing on the Town's website on November 17, 2026, and the notice will be published on November 27, 2026;

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, December 21, 2026, in Conference Room 7 A/B (downstairs) at 10:30 AM. Mailed bids should be sent to: Town of Hamburg, (clearly marked) Attn: TOWN CLERK, Bid Enclosed – 2027-28 Streetlight Maintenance & Emergency Repair, Contract 2026-05, 6100 South Park Ave, Hamburg, NY 14075

Town Board of the Town of Hamburg
November 16, 2026 Meeting

4.29. Article XLIV Site Plan Review Amendments Public Hearing and Lead Agency Resolution

Whereas, the Hamburg Town Code contains and specifies the local laws and ordinances of the Town of Hamburg; 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 § 280-310 entitled "Procedure for review and approval of a site plan application"; and

Whereas, pursuant to Part 617 6NYCRR, Article 8 of the Environmental Conservation Law (SEQRA), the Town of Hamburg Town Board established itself as SEQR Lead Agency and conducted a coordinated review of proposed revisions to Chapter 280 (Zoning) in the Town Code; and

Whereas, pursuant to section 617.4 (b)(1) of the SEQRA regulations, the Town Board has determined that the Proposed Action constitutes a "Type I Action," and a coordinated review will be conducted; and

Whereas, pursuant to SEQRA and its implementing regulations, the Town of Hamburg Town Board has determined that it is the appropriate agency to coordinate the environmental review of the proposed action.

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 for this Type I action and conduct a coordinated review of proposed revisions to the Town Code; Chapter 280 – Zoning.

Be It Further Resolved, the Hamburg Town Board has already received a recommendation from the Hamburg Planning Board and hereby authorizes the referral of this proposed law amendment to Erie County.

Be It Finally Resolved, the Hamburg Town Board sets a Public Hearing on this proposed local law amendment at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, NY at 6:00 pm on December 14, 2026.

ATTACHMENTS:

11-12-26 Town of Hamburg Site Plan Law Application Procedure Clean Version.docx
11-12-26 Town of Hamburg Site Plan Law Application Procedure Track Changes.docx

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.

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§ 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.

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

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§ 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. After receiving site plan approval (with or without conditions) from the Planning Board, an applicant has one calendar year to receive final engineering approval from the Engineering Department, starting from the date of approval received at a Planning Board meeting. What constitutes as final engineering approval is at the discretion of the Engineering Department. If the applicant cannot meet this expiration period for good cause shown, they can apply in writing with justification to the Engineering Department for a single six-month extension prior to expiration, that may be granted by the Engineering Department. Upon receipt of the extension request, the Engineering Department shall review the request and provide in writing a decision to approve or deny the request within twenty-one calendar days of the date of receipt. Should an applicant fail to receive final engineering approval within the one calendar year time period, and the applicant's request for an extension be denied, the applicant will be required to submit a new site plan review application, along with paying all applicable fees for full site plan review.

   Following receiving final engineering approval, an applicant has one hundred eighty days to obtain applicable permit(s) from the Town Code Enforcement Department, starting from the date of final approval by the Engineering Department. If said permit(s) are not successfully obtained in this time period, the applicant shall be required to submit a new site plan review application, along with paying all applicable fees for full site plan review.

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 from the date of the applicant's last appearance at a Planning Board meeting. 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 site plan 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 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).

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.

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§ 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.

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

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§ 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. After receiving site plan approval (with or without conditions) from the Planning Board, an applicant has one calendar year to receive final engineering approval from the Engineering Department, starting from the date of approval received at a Planning Board meeting,. What constitutes as final engineering approval is at the discretion of the Engineering Department. If the applicant cannot meet this expiration period for good cause shown, they can apply in writing with justification to the Engineering Department for a single six-month extension prior to expiration, that may be granted by the Engineering Department. Upon receipt of the extension request, the Engineering Department shall review the request, and provide in writing a decision to approve or deny the request within twenty-one calendar days of the date of receipt. Should an applicant fail to receive final engineering approval within the one calendar year time period, and the applicant's request for an extension be denied, the applicant will be required to submit a new site plan review application, along with paying all applicable fees for full site plan review. Following receiving final engineering approval, an applicant has one hundred eighty days to obtain applicable permit(s) from the Town Code Enforcement Department, starting from the date of final approval by the Engineering Department. If said permit(s) are not successfully obtained in this time period, the applicant shall be required to submit a new site plan review application, along with paying all applicable fees for full site plan review.

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 from the date of the applicant's last appearance at a Planning Board meeting.. 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 site plan 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 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).

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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.

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§ 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.

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§ 280-315. Other Requirements.

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

4.30. Creation of Parker Road Overlay and Amendment of Southeastern Hamburg Overlay District Lead Agency and PH Resolution

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

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

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

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

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

Whereas, the Town CPIC, special zoning code committee, and the Town Planner have developed specific Code and zoning map revisions related to creating a Parker Road Overlay District in the Town, as well as amending the existing Southeastern Hamburg Overlay District; and

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

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

- Amend Chapter 280 (Zoning), by amending Article XXXIE Southeastern Hamburg Overlay District
- Amend Chapter 280 (Zoning) by creating a new Article XXXIF entitled "Parker Road Overlay District"; and

Whereas, pursuant to section 617.4 (b)(1) of the SEQRA regulations, the Town Board has determined that the Proposed Action constitutes a "Type I Action," and a coordinated review will be conducted; and

Whereas, pursuant to SEQRA and its implementing regulations, the Town of Hamburg Town Board has determined that it is the appropriate agency to coordinate the environmental review of the proposed action.

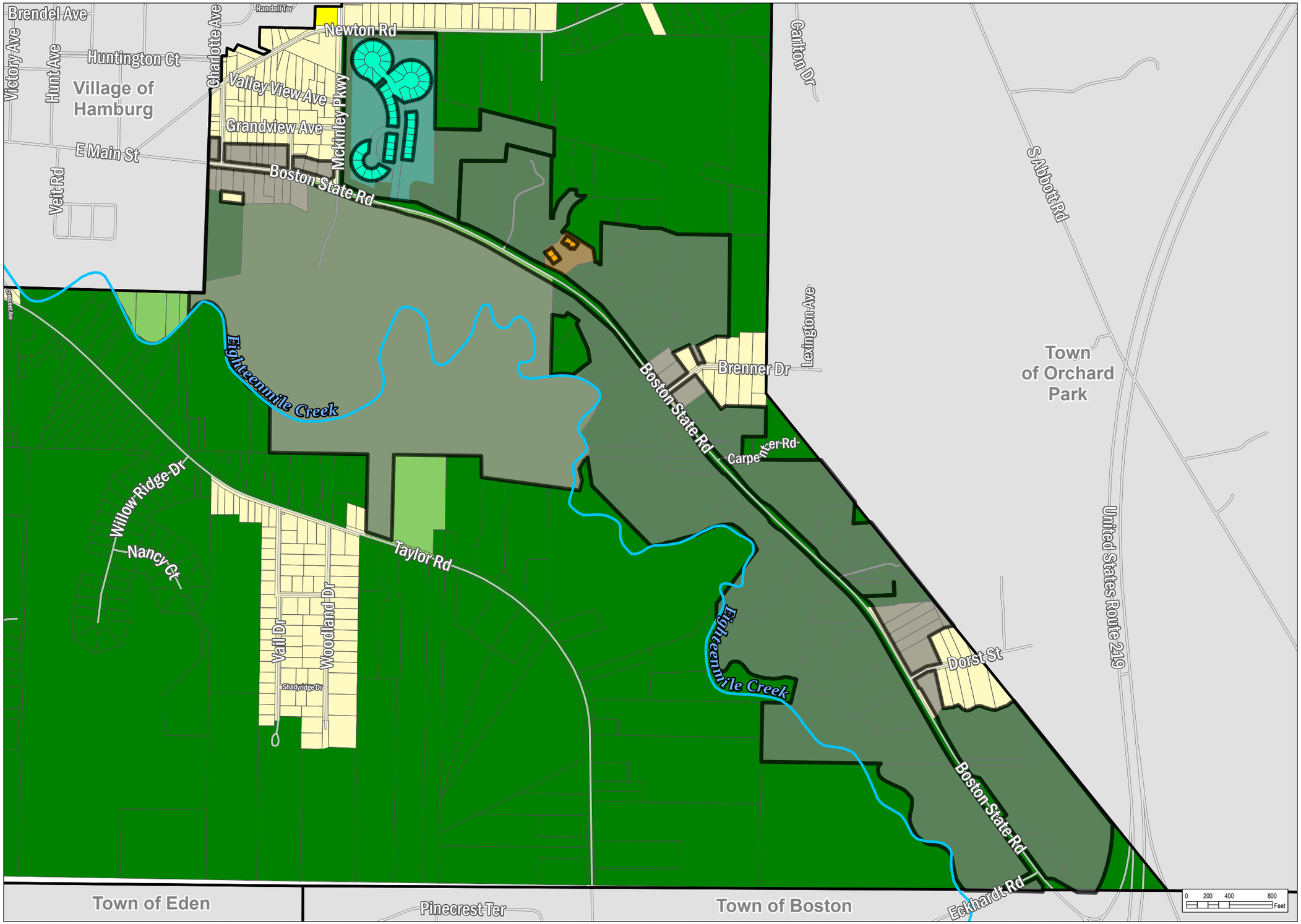
Now, Therefore, Be It Resolved, pursuant to Part 617 6NYCRR, Article 8 of the Environmental Conservation Law (SEQRA), it is the intent of the Town of Hamburg Town Board to establish itself as SEQR Lead Agency for this Type I action and conduct a coordinated review of proposed revisions to the Town Code;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

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

Be It Finally Resolved, the Hamburg Town Board sets a Public Hearing on these proposed amendments at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, NY at 6:00 pm on December 14, 2026.

ATTACHMENTS:

11x17 Boston State Rd Overlay Zoning with 18MileCreek.pdf
11x17 Parker Road Overlay Zoning2.pdf
Parker Road Overlay District2.docx
Southeastern CSD Hamburg Overlay District.docx



Town of Hamburg Boston State Rd Overlay Zoning

Erie County, NY

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LEGEND

- Municipal Boundary
- Parcel Boundary (2024)
- Boston State Road Overlay
- Eighteenmile Creek

Town of Hamburg Zoning as of 06/30/2025

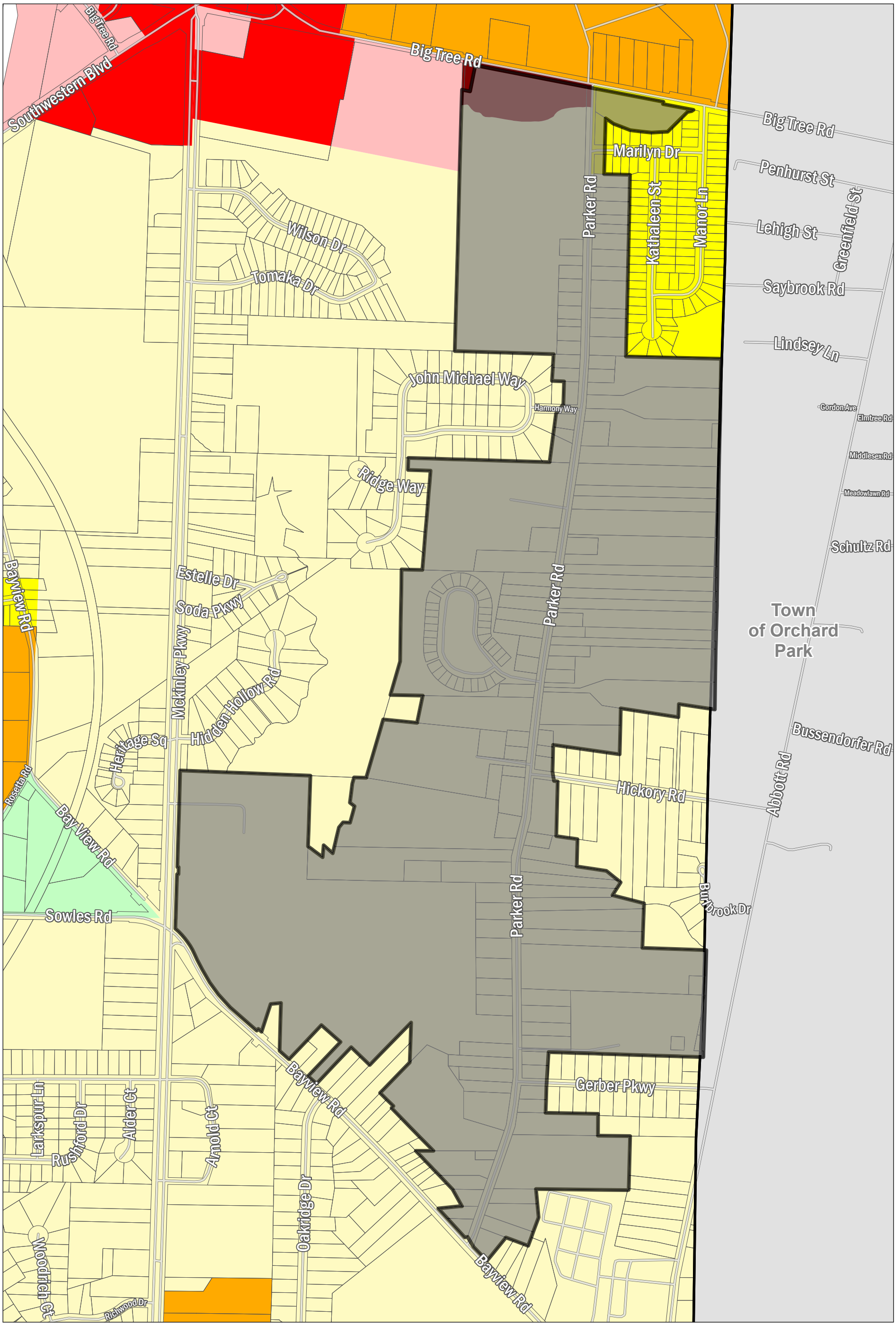
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- R2
- R3
- RA

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WPN 300825MHAM
Map Created: September 18, 2025

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Town of Hamburg
Parker Road Overlay Zoning

Erie County, NY

LEGEND

- Municipal Boundary
- Parcel Boundary (2024)
- Parker Road Overlay

Town of Hamburg Zoning as of 06/30/2025

- C1
- C2
- C3
- NC
- R1
- R2
- R3

0 200 400 800 Feet

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WD Project 300825MHAM
Map Created: September 2025

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2. Any decision or action taken or not taken by the reader in reliance upon any information or data furnished hereunder. Data Sources: Town of Hamburg, Erie County Real Property Tax Services, NYS ITS Geospatial Office

ARTICLE ----

Parker Road Overlay District

§ 280-xxx. Intent.

In accordance with the recommendations and policies of the Town of Hamburg 2023 Comprehensive Plan, the purpose of this zoning overlay is to establish measures to improve the quality of development and aesthetics along the Parker Road corridor. Following Context Sensitive Design principles, development adjoining this roadway shall meet the context of this road as a rural route with an agrarian legacy. Such measures are designed to improve the quality and appearance of development along this roadway, enhance the rural character, and provide for walkable and bikeable neighborhoods androadway corridors. Development within the Overlay District should contribute to a coordinated transportation network that supports safe pedestrian, bicycle, and vehicular movement while preserving the character of Parker Road and encouraging appropriate connections between adjoining properties and future development areas. This overlay acknowledges the existing character of Parker Road as a predominantly residential corridor characterized by large-lot development, mature vegetation, open spaces, and an agrarian heritage. The overlay further recognizes that the corridor is experiencing increasing development pressure due to its proximity to the Highmark Stadium area, Alumni Park, the Big Tree Road commercial corridor, and other regional destinations. These regulations are intended to guide future growth in a context sensitive manner that preserves the corridor's established character while improving connectivity, access management, pedestrian and bicycle circulation, and overall community appearance.

§ 280-xxx. Boundaries.

This zoning overlay district shall encompass the corridor of Parker Road in the Town of Hamburg, from its intersection with Big Tree Road to its intersection with Bayview Road. It primarily includes all those parcels with frontage on Parker Road plus some other existing adjoining large parcels (see the Town's Zoning map).

§ 280-xxx. Objectives.

The special regulations and requirements contained herein, which govern all potential development and redevelopment within the boundaries of the Parker Road Overlay District, are founded upon the following objectives:

A. The establishment of design regulations that encourage compatible building arrangements, size and form, character and landscaping to provide for a more livable, harmonious and diverse community environment.

B. Development and redevelopment should be designed to create a sense of identity and to help ensure that the character of this roadway area is not diminished.

C. Landscaping and other such amenities should be included in site design to compliment the neighborhood, roadway and past agrarian aesthetics.

D. Whenever possible, natural vegetation and open space should be preserved to the greatest extent possible to provide a natural buffer between development and the road and to maintain and improve the aesthetic quality of the community.

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E. Maintain and improve traffic conditions and the walkability and pedestrian circulation of the area as development and redevelopment takes place.

F. Establish minimum requirements that recognize the need for safe and efficient traffic operations, reducing the number of conflict points along Parker Road to better manage highway access.

G. Encourage development patterns that promote connectivity between neighborhoods, open spaces, recreational facilities, and adjacent properties through coordinated site planning and transportation improvements.

H. Promote safe pedestrian and bicycle circulation throughout the corridor by encouraging sidewalks, pathways, trails, and other non-motorized connections as development and redevelopment occurs.

I. Support access strategies that reduce vehicle conflict points while improving opportunities for pedestrian movement.

§ 280-xxx. Imposition of underlying zoning restrictions.

These overlay district regulations shall be superimposed over, and supplement, the underlying zoning restrictions. Each use must conform to the development standards required by the underlying zoning district and other provisions of this chapter, as well as this overlay district, and the more stringent standards shall prevail.

§ 280-xxx. Permitted uses and accessory uses.

Within the boundaries of the Parker Road Overlay District, the underlying allowable uses and accessory uses in the underlying zoning districts shall be as specified in this chapter. “Upzoning” (to denser residential, multi-family or commercial) of lands in this overlay shall be highly discouraged. Rezoning to RA or AG will be considered in this area.

§ 280-xxx. Site design and subdivision provisions.

A. Aesthetic and architectural features. The intent of the following design standards and provisions is to enhance the appearance of the built environment. By adding design detail, you can improve the character and appeal of the community and better define pedestrian linkages and areas for human activity. These types of improvements, in turn, can result in the enhancement of the character of the area, and overall enrichment of the quality of life in the area.

(1) All new buildings shall be set back not less than 20 feet from the rear or side property line. This setback area shall be landscaped with grass, trees and shrubs. Driveways may be allowed within this area at the discretion of the Planning Board. Front yard setbacks shall be 50 feet, or match the surrounding property’s setbacks (as determined by the Planning Board through the subdivision process).

(2) Flat-roofed structures are discouraged.

(3) Site design shall demonstrate architectural compatibility of buildings on the site, with consideration given to the appearance and style of surrounding uses. Non-residential building designs should emphasize an agrarian theme.

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(4) Buildings identified to be of historic or distinctive character shall be preserved. The removal or disruption of historic, traditional or significant structures or architectural elements shall be discouraged.

(5) The front facade of any building or accessory structure shall be constructed of brick, split block, stone, stucco or wood frame with cedar or lap siding or other materials acceptable to the Planning Board. The use of concrete block, cast-in-place concrete or cinder block is discouraged.

(6) For non-residential structures, elevations (minimum front and sides) and an architectural rendering with detailed drawings of facade treatments and selected building materials, specific to the proposed site, shall be submitted to the Planning Board for review and approval.

(7) Any needed outdoor storage areas are subject to the approval of the Planning Board.

(8) Sidewalks or paths should be included as a part of site design to assist with walkability. Where sites are adjacent to municipal sidewalks, they shall be connected with them.

(9) Where a site adjoins an existing sidewalk, pathway, trail, bikeway, or other pedestrian facility, the development should provide connections to the facility where practicable. Where such facilities are identified in an adopted Town plan but have not yet been constructed, the Planning Board may require accommodation for future connections.

(10) Commercial and mixed-use developments should provide opportunities for future vehicular and pedestrian connections to adjacent properties where such connections would improve access, or advance the purposes of this Overlay District

(11) Site layouts should avoid development patterns that unnecessarily limit future connectivity between adjoining properties, neighborhoods, or open spaces.

(12) Major subdivisions shall, in general, be discouraged, but if proposed and acceptable to the Town, will not have lots fronting Parker Road. Frontage areas along Parker Road shall be landscaped or remain undeveloped.

(13) Minor subdivisions creating additional road frontage lots are encouraged to have shared driveways or consider the use of an “open development area”.

B. Landscaping; general. Landscaping and the preservation of natural vegetation facilitates the creation of an attractive and harmonious community. Discouraging the unnecessary clearing and disturbance of land and encouraging the aesthetic improvement of site development through the use of trees and plantings and the preservation of natural areas, can result in the overall improvement of scenic quality and the stabilization and enhancement of property values and the neighborhood environment.

(1) A minimum ground area of not less than fifteen percent (15%) of the total lot area shall be preserved as open space and landscaping.

(2) All existing trees larger than 8 inches in diameter, as measured three feet above grade, shall not be removed without prior Planning Board approval. All groups of trees and other natural vegetation shall be incorporated onto the landscaping plan, where feasible. Efforts shall be made to preserve these features, particularly along rear lot lines.

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(3) Existing hedgerows, stone walls, woodlots, stream corridors, and other significant natural landscape features should be preserved and incorporated into site design to the maximum extent practicable.

(4) A minimum of one tree per 20 feet of frontage shall be planted in the required front yard setback area. Additional trees shall be planted throughout the developed area at a ratio of one tree per 30 feet of side yard and rear yard dimensions. Trees along the side and rear lot lines may be evenly spaced or clustered together to break up the monotony of the design.

(5) All trees planted shall have a minimum caliper of 2 1/2 inches as measured six inches above the ground.

(6) Plastic or other types of artificial plantings or vegetation shall not be permitted.

(7) The primary emphasis of the landscape treatment shall be on trees, and efforts shall be made to preserve existing trees. Shrubbery, hedges, grass and other vegetation should be used to complement the use of trees, but shall not be the sole contribution to the landscape treatment.

(8) All landscaped areas required or permitted by this section shall be maintained and preserved according to the plan as originally approved or amended by the Planning Board. Flora that dies shall be replaced within the next planting season with plantings of a similar nature.

C. Site lighting; General. It is the intent of these standards and provisions to prevent, reduce or eliminate the problems created by improperly designed and installed outdoor lighting. These provisions are intended to eliminate problems of glare, minimize light trespass and help to reduce energy usage and the financial costs of outdoor lighting by establishing standards that limit the area that certain kinds of outdoor lighting fixtures can illuminate and by limiting the total allowable illumination of properties located in the overlay district. The purpose of these standards is to ensure that outdoor lighting does not interfere with the reasonable use and enjoyment of property and to encourage lighting practices that will prevent light pollution by reducing up-light, glare and over lighting. These regulations are also intended to provide for the safe movement of traffic, for satisfactory vision for pedestrians and for the guidance of both vehicles and pedestrians.

(1) Lighting design shall not create a nuisance to adjacent residences.

(2) Pole-mounted lighting shall not exceed a total height of 15 feet from finished grade to the top of the fixture.

(3) Lighting illumination levels shall not exceed six lux / 0.6 footcandles.

(4) All external lighting sources shall be designed and shielded to avoid hazardous interference and direct glare onto adjacent streets and properties.

(5) The lenses in pole- and wall-mounted lighting shall be recessed to control the adverse impacts of light spillout and glare.

(6) A mixture of lamp types on the same site shall be avoided.

(7) To provide optimum color rendition, lamps are preferred in the following order: high-pressure sodium, metal halide, low-pressure sodium.

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(8) Parking area lighting fixtures shall not be illuminated after 11:00 p.m., unless otherwise approved by the Planning Board, and shall be designed to illuminate the parking area only.

(9) Security lighting and other building lighting will be allowed to operate as long as it does not create a nuisance to adjacent residences.

(10) The appearance and placement of lighting shall be subject to Planning Board discretion as part of the site plan approval process. Lighting plans shall be submitted and must include illumination footprints for review by the Planning Board.

D. Access management.

(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) The site layout, location and design of driveways and parking areas should be based on full build-out of the parcel. Future subdivision of the parcel or any future

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action that is contrary to an approved plan cannot occur without prior Planning Board approval.

(b) Properties with frontage on two or more roads do not have the right to driveway access to all such roads.

(c) Driveways may be required to be located so as to provide shared access and/or cross-access with an abutting parcel or properties.

[1] Shared driveways and/or cross-access driveways shall be of sufficient width (minimum 20 feet) to accommodate two-way travel for automobiles and for service and loading vehicles.

[2] Shared driveways, cross-access driveways, interconnected parking, and private roads constructed to provide access to properties internal to a subdivision shall be recorded as an easements and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities shall also be recorded with the deed, where applicable.

(d) Driveway spacing standards shall apply to driveways located on the same side of the road and shall be measured along the road from the center line of the driveway pavement to the center line of the next driveway.

(e) Pedestrian and bicycle circulation should be considered in the design of driveways, access points, and internal circulation systems. Developments should provide safe and convenient connections between buildings, parking areas, sidewalks, pathways, and adjacent properties where appropriate.

(f) 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 (with input from the traffic safety advisory board). § 280-211. Modification of requirements; referral to other agencies.

§ 280-xxx. Waivers

The Planning Board may waive or modify any design requirements under this article of Chapter 280, as long as it does not diminish the intent and purpose of the district and does not infringe upon the authority of the Zoning Board of Appeals.

§ 280-xxx. Referrals

A. The Planning Board may waive or modify any design requirements under this article of Chapter 280, as long as it does not diminish the intent and purpose of the District and does not infringe upon the authority of the Zoning Board of Appeals.

B. All projects, where applicable, must be referred to the Traffic Safety Advisory Board.

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§ 280-xxx. Severability

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder.

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NEW ARTICLE XXXIE

Southeastern Hamburg and Boston State Road CSD Overlay District

§ 280-220.38. Purpose and intent.

In accordance with the recommendations and policies of the Town of Hamburg Comprehensive Plan, the purpose of this overlay district is to preserve the rural character of the area and to establish measures to improve and maintain the quality of development and aesthetics along the Boston State Road corridor.

This overlay is also intended to manage development within the district to protect important environmental resources, including scenic views and vistas, and encourage bicycle and pedestrian access to the Village of Hamburg.

Following Context Sensitive Design principles, development adjoining this roadway shall meet the context of Boston State Road as a rural route with its newer agri-tourism uses and large residential lots. Such measures are designed to improve the quality and appearance of development along this roadway, enhance the rural character, and help maintain this roadway as a safe and efficient transportation corridor These regulations will also provide context for any future roadway plans (NYS roadway) and encourage coordination with the New York State Department of Transportation regarding roadway improvements, access, and corridor management. This overlay acknowledges the existing conditions of the road, the character of the existing development along the road, and some of the newer agri-tourism uses, but also reflects the existing conditions surrounding this area of the Town and the importance of this roadway corridor (connecting the Village and Town of Hamburg to the Route 219 Interstate highway). It also acknowledges the important environmental features of this area including the 18 Mile Creek CEA and the important viewshed of this area.The overlay regulations will supplement the underlying zoning restrictions and provide for harmonious, safe, and orderly development within the district.

§ 280-220.39. Boundary description.

The Southeastern Hamburg Overlay District shall encompass all that land area that is located east of East Eden Road; south and east of the boundary of the Incorporated Village of Hamburg; south of Newton Road; west and southwest of the boundary of the Town of Orchard Park; and north of the boundary with the Towns of Boston and Eden.

The Boston State Road component of this zoning overlay district, shall impact the corridor of Boston State Road in the Town of Hamburg, from its intersection with McKinley Parkway to the Town boundary near the Route 219 interchange. It primarily includes all those parcels with frontage on Boston State Highway (see the Town's Zoning map).

§ 280-220.40. Objectives.

The special regulations contained herein, which govern all proposed development and redevelopment within the boundaries of the Southeastern Hamburg and Boston State Road CSD Overlay District, shall be founded upon the following objectives.

A. Rural development guidelines and objectives.

(1) Land use decision making shall consider a wide variety of uses through the implementation of impact criteria to prevent potential adverse effects to adjoining properties and allow for more flexibility and creativity in design.

(2) Land use controls shall separate density from lot size, allowing for small lots, provided that overall density guidelines are maintained, thereby preserving open space and furthering the goals of the Town of Hamburg Comprehensive Plan.

(3) Commercial development shall be concentrated in existing commercial areas rather than spread out in strips along roadways to preserve the rural character of the district.

(4) Development shall be set back from roadways and adjacent agricultural development to preserve the rural character of the district. The aesthetics and layout of proposed development should be reviewed to prevent the area from taking on a suburban appearance.

(5) Agriculture, agricultural-related uses and agritourism uses shall be encouraged.

B. The Boston State Road Component of the Overlay

(1) To establish design regulations that encourage compatible building arrangements, size and form, character and landscaping to match the nature of this area and the roadway corridor.

(2) Development and redevelopment should be designed to create a sense of identity and to help ensure that the character of this roadway area and its views are not diminished. Consideration shall be given to the protection of views and vistas of the Boston Hills as viewed from public roads and other publicly accessible areas.

(3) Landscaping and other such amenities should be included in site/subdivision design to improve community aesthetics

(4) Whenever possible, natural vegetation and open space should be preserved to the greatest extent possible to provide a natural buffer between development and the road and to maintain and improve the aesthetic quality of the community.

(5) Acknowledge the importance of the 18 Mile Creek watershed, its designation as a Critical Environmental Area (CEA) and its importance to the character of this area.

(6) Maintain and improve traffic conditions and recognize that walkability and non-automotive transportation are difficult along this road, at this time.

(7) Establish minimum requirements that recognize the need for safe and efficient traffic operations and reduce the number of conflict points along Boston State Road to better manage highway access.

(8) Encourage development patterns that preserve the visual integrity of the Boston State Road corridor through coordinated site design.

C. Environmental protection guidelines and objectives.

(1) The amount of land clearing shall be minimized, and development shall be designed around significant resources on site, i.e., wetlands, steep slopes, scenic vistas, floodplain

boundaries and wooded areas, to manage growth and achieve a more desirable environment than what would be possible through the strict application of the existing zoning.

(2) Development should be concentrated in areas already developed to control suburban sprawl and further the goals of the Town of Hamburg Comprehensive Plan.

(3) The amount of land clearing should be limited, and development should be designed around important natural resources on site.

(4) Conservation easements should be utilized, to the greatest extent practicable, to preserve significant natural resources on developable lands.

(5) More stringent environmental review should be undertaken for development of properties that contain extensive woodlands or other important natural resources. More stringent environmental review is mandated along the 18 Mile Creek corridor.

§ 280-220.41. Permitted uses.

A. The uses permitted in the Southeastern Hamburg and Boston State Road CSD Overlay District shall be the same uses permitted in the underlying zoning district(s). Interpretation of allowable uses and rezoning of land (especially to the new AG District) will favor those uses that are agricultural-related, including agritourism businesses.

B. Clustered development shall be encouraged, and in certain cases required, in accordance with the provision of § 280-282A of the Town of Hamburg Zoning Ordinance.

C. Major subdivisions in the overlay area are highly discouraged, unless designed and shown to accomplish the objectives of this district and meet the design provisions articulated in this law.

§ 280-220.42. Permitted accessory uses.

The accessory uses permitted in the Southeastern Hamburg and Boston State Road CSD Overlay District shall be the same as the accessory uses permitted in the underlying zoning district(s).

§ 280-220.43. Subdivision regulations.

The division of lands, regardless of zoning classification, shall be subject to Chapter 230, Subdivision of Land, of the Code of the Town of Hamburg.

§ 280-220.44. Site design conditions.

Development and redevelopment in the Southeastern Hamburg and Boston State Road CSD Overlay District shall comply with the following:

A. No clear-cutting of trees; removal of trees must be minimized. Areas where trees will be removed must be shown on the site plan or subdivision plan submitted.

B. In accordance with the Town of Hamburg Tree Preservation Ordinance, plans shall be submitted that clearly delineate those vegetated areas of the site that will be preserved and those areas that will be disturbed for the construction of home sites, other structures, driveways, and septic systems. Penalties and/or tree replacement will be imposed and

enforced by the Building Inspector if unauthorized tree losses occur during construction. Furthermore, no more than 1/2 acre of any building site may be cleared for the construction of a single-family home in the district.

C. Subdivision plats and site plans must clearly depict all features identified in the Town of Hamburg Open Space/Recreation Plan and the Comprehensive Plan, and all other important environmental and cultural features in relation to the approximate location of proposed homes on the property. Special consideration shall be given to the important views and vistas in this area (to be illustrated on any plan submitted).

D. Creativity and flexibility in site design shall be encouraged, including variation in the configuration of lots (clustering) and building setbacks, as well as the utilization of conservation easements, deed restrictions, flag lots, common and curved driveways, the preservation of stone walls and hedges, and the like.

E. In certain cases, to preserve the rural character of the Southeastern Hamburg Overlay District, the Town may allow the establishment of open development areas, pursuant to § 280-a, Subdivision 4, of the New York State Town Law.

F. Standard road frontage lots shall be discouraged. Where road frontage lots are proposed, the bulk requirements for frontage and lot size shall be increased by 25%, and these lots must be laid out to encourage the preservation of all important environmental and cultural features.

G. Entrances to proposed subdivisions must be designed in a manner that will discourage extended views of the subdivision. Corner lots at entrance points shall front on the new entrance road, and these homes will be set back a minimum of 100 feet from the intersection.

H. All proposed applications shall illustrate how pedestrian and bicycle traffic will be accommodated on the property and, if applicable, provide/enhance connections to the Village of Hamburg.

I. All proposed commercial structures shall be designed to preserve and continue the rural character and appearance of the district. All site plan applications shall include perspective drawings to illustrate the proposed design.

J. The Planning Board may waive or modify any requirements under this section where an undue hardship on the property owner is clearly demonstrated and, that in doing so, the intent and purpose of the district is not diminished.

K. In all major and minor subdivisions, and multiple-dwelling structures located in the Southeastern Overlay District, all extensions of private utility and communication distribution facilities shall be installed below grade. Where existing overhead distribution facilities are already in place, service from lot line to the proposed house shall be installed below grade. Installation shall be in the manner prescribed by the Building Code and utility company having jurisdiction. Where facilities are provided, they shall be planned to anticipate future utility needs.

L. For the Boston State Road area of the Overlay district, the following shall apply:

(1) Aesthetic and architectural features. The intent of the following design standards and provisions are to enhance the appearance of the built environment. By adding design detail, you can improve the character and appeal of the community and better define linkages and areas for human activity. These improvements, in turn, can result in

enhancement of the aesthetics of this area, and overall enrichment of the quality of life in the area.

a. All new buildings shall be set back not less than 25 feet from the property line (side yard and rear yard) unless stricter standards apply. This setback area shall be landscaped with grass, trees and shrubs. Front yard setbacks shall be 50 feet from Boston State Road and meet the underlying zoning for frontages not fronting Boston State Road.

b. As all of this area is zoned RA or R-1, predominantly residential and agricultural buildings will be built. Therefore, all building designs shall be residential or agricultural in nature.

c. Site design shall demonstrate architectural compatibility of buildings on the site, with consideration given to the appearance and style of surrounding uses.

d. Buildings identified to be of historic or distinctive character shall be preserved. The removal or disruption of historic, traditional or significant structures or architectural elements shall be discouraged. All [projects shall be referred to the Historic Preservation Board for input on the potential historic nature of any site and buildings.

e. Outdoor storage areas are subject to the approval of the Planning Board.

f. Applications involving new principal buildings, communications facilities, utility structures, or significant vegetation removal shall demonstrate that identified public views of the Boston Hills and other designated scenic resources will not be substantially impaired. The Planning Board may require visual simulations, viewshed mapping, photographs, or similar documentation where scenic impacts are anticipated.

(2) Subdivision Provisions

a. Landscaping; general. Landscaping and the preservation of natural vegetation facilitates the creation of an attractive and harmonious community. Discouraging the unnecessary clearing and disturbance of land and encouraging the aesthetic improvement of site development through the use of trees and plantings and the preservation of natural areas, can result in the overall improvement of scenic quality and the protection of the character of the area and its views.

b. For non-single family home uses, a minimum ground area of not less than twenty-five percent (25%) of the total lot area shall be preserved as open space and landscaping.

c. All existing trees larger than 8 inches in diameter, as measured three feet above grade, shall not be removed without prior Planning Board approval. All groups of trees and other natural vegetation shall be incorporated onto the landscaping plan, where feasible. Efforts shall be made to preserve these features, particularly along rear lot lines.

d. A minimum of one tree per 30 feet of frontage shall be planted in the required front yard setback area. Additional trees shall be planted throughout the developed area at a ratio of one tree per 30 feet of side yard and rear yard dimensions. Trees along the side and rear lot lines may be evenly spaced or clustered together to break up the monotony of the design.

e. Landscape treatments shall be designed as an integral part of the entire development. Existing natural features and vegetation shall be preserved and incorporated into the landscaped areas wherever possible.

f. All trees planted shall have a minimum caliper of 2 1/2 inches as measured six inches above the ground.

g. The primary emphasis of the landscape treatment shall be on trees, and efforts shall be made to preserve existing trees. Shrubbery, hedges, grass and other vegetation should be used to complement the use of trees, but shall not be the sole contribution to the landscape treatment.

h. All landscaped areas required or permitted by this section shall be maintained and preserved according to the plan as originally approved or amended by the Planning Board. Flora that dies shall be replaced within the next planting season with plantings of a similar nature.

(3) Site lighting; General. It is the intent of these standards and provisions to prevent, reduce or eliminate the problems created by improperly designed and installed outdoor lighting. These provisions are intended to eliminate problems of glare, minimize light trespass and help to reduce energy usage and the financial costs of outdoor lighting by establishing standards that limit the area that certain kinds of outdoor lighting fixtures can illuminate and by limiting the total allowable illumination of properties located in the overlay district. The purpose of these standards is to ensure that outdoor lighting does not interfere with the reasonable use and enjoyment of property and to encourage lighting practices that will prevent light pollution by reducing up-light, glare and over lighting. These regulations are also intended to provide for the safe movement of traffic, for satisfactory vision for pedestrians and for the guidance of both vehicles and pedestrians.

a. All lighting fixtures shall be fully shielded and directed downward. (dark sky compliant).

b. Lighting shall not result in off-site glare onto adjacent properties or roadways.

(4) Access management.

a. 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.

b. The site layout, location and design of driveways and parking areas should be based on full build-out of the parcel. Future subdivision of the parcel or any future action that is contrary to an approved plan cannot occur without prior Planning Board approval.

c. Properties with frontage on two or more roads do not have the right to driveway access to all such roads.

d. Driveways may be required to be located so as to provide shared access and/or

cross-access with an abutting parcel or properties.

[1] Shared driveways and/or cross-access driveways shall be of sufficient width (minimum 20 feet) to accommodate two-way travel for automobiles and for service and loading vehicles.

[2] Shared driveways, cross-access driveways, interconnected parking, and private roads constructed to provide access to properties internal to a subdivision shall be recorded as an easements and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities shall also be recorded with the deed, where applicable.

e. Driveway spacing standards shall apply to driveways located on the same side of the road and shall be measured along the road from the center line of the driveway pavement to the center line of the next driveway.

f. Site plans shall demonstrate how future access connections to adjoining undeveloped lands may be accommodated.

g. Nothing contained within this Article shall be construed to supersede or limit the authority of the New York State Department of Transportation. Any work within the state highway right-of-way shall remain subject to NYSDOT permits and approvals.

§ 280-220.45. Modification of requirements; referral to other agencies.

A. The Planning Board may waive or modify any design requirements under this article of Chapter 280, as long as it does not diminish the intent and purpose of the District and does not infringe upon the authority of the Zoning Board of Appeals.

B. All projects, where applicable, must be referred to the Shoreline Revitalization Committee. Projects shall also be referred to the Traffic Safety Advisory Board.

§ 280-220.46. Severability

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder.

4.31. Repeal of C-3 Zoning District, Subsequent Rezonings, and Amendments to Neighborhood Commercial District Lead Agency and PH Resolution

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

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

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

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

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

Whereas, the Town CPIC, special zoning code committee, and the Town Planner have developed specific Code and zoning map revisions related to repealing the outdated existing C-3 District in the Town; and

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

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

- Amend Chapter 280 (Zoning), by repealing Article XV, entitled "C-3 Office District".
- Amend Chapter 280 (Zoning) by amending "Article XII, entitled NC Neighborhood Commercial General Residence District"; and

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

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

Big Tree Road and Parker Road

Rezone SBL #: 160.20-2-1 that is zoned C-3 to N-C.

Rezone SBL #: 160.20-2-2.2 that is zoned C-3 to N-C.

Rezone the portion of SBL #: 160.20-2-2.1 that is zoned C-3 to N-C.

Camp Road and Saint Francis Drive

Rezone SBL #: 159.18-3-23 that is zoned C-3 to N-C.

Rezone SBL #: 159.18-3-20 that is zoned C-3 to N-C.

Rezone the portion of SBL #: 170.06-2-5 that is currently zoned C-3 to R-3.

Rezone the portion of SBL #: 170.06-2-6 that is zoned C-3 to R-3.

Rezone the portion of SBL #: 170.06-2-7 that is zoned C-3 to R-3.

Rezone the portion of SBL #: 159.18-2-5 that is zoned C-3 to R-3.

Rezone SBL #: 159.18-4-9 that is zoned C-3 and R-1 to N-C.

Rezone SBL #: 159.18-4-15 that is zoned C-3 and R-1 to N-C.

Camp Road and Legion Drive

Rezone SBL #: 183.13-3-2 that is zoned C-3 to N-C.

Rezone SBL #: 183.13-3-4.21 that is zoned C-3 to N-C.

Rezone SBL #: 183.13-3-4.111 that is zoned C-3 to N-C.

Rezone SBL #: 183.13-3-6.11 that is zoned C-3 to N-C.

Rezone SBL #: 183.13-2-11.1 that is zoned C-3 to N-C.

Rezone SBL #: 183.13-2-10 that is zoned C-3 and R-1 to PR Park/Recreation Lands District.

South Park Avenue and the Thruway

Rezone SBL #: 171.13-3-19 that is zoned C-3 to PR Park/Recreation Lands District.

Rezone SBL #: 171.13-3-20 that is zoned C-3 to PR Park/Recreation Lands District.

Rezone SBL #: 171.13-3-15 that is zoned C-3 to PR Park/Recreation Lands District.

Rezone SBL #: 171.09-1-7 that is zoned C-3 to N-C.

Rezone SBL #: 171.09-1-8 that is zoned C-3 to N-C.

Rezone SBL #: 171.09-1-9 that is zoned C-3 to N-C.

Rezone SBL #: 171.13-3-1 that is zoned C-3 to N-C.

Rezone SBL #: 171.13-3-2 that is zoned C-3 and R-3 to N-C.

Rezone SBL #: 171.13-3-3 that is zoned C-3 to N-C.

And rezone SBL # 171.13-3-4 that is zoned C-3 to N-C.

(as illustrated on the attached maps).

Whereas, pursuant to section 617.4 (b)(1) of the SEQRA regulations, the Town Board has determined that the Proposed Action constitutes a "Type I Action," and a coordinated review will be conducted; and

Whereas, pursuant to SEQRA and its implementing regulations, the Town of Hamburg Town Board has determined that it is the appropriate agency to coordinate the environmental review of the proposed action.

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 for this Type I action and conduct a coordinated review of proposed revisions to the Town Code; Chapter 280 – Zoning and for the Town's Zoning Map amendments.

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

Be It Finally Resolved, the Hamburg Town Board sets a Public Hearing on these proposed amendments at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, NY at 6:00 pm on December 14, 2026.

ATTACHMENTS:

NC Additions to Permitted uses and structures 11-9-26.pdf
2x3 Hamburg Zoning - C3 Maps 11-13-26.pdf
Repealing of C-3 Track Changes Document.pdf

§ 280-60. Permitted uses and structures. [Amended 2-22-1999 by L.L. No. 3-1999; 9-25-2000 by L.L. No. 5-2000; 7-13-2009 by L.L. No. 9-2009; 11-14-2011 by L.L. No. 11-2011; 11-3-2025 by L.L. No. 9-2025]

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

A. Principal uses and structures:

(1) Single-family detached dwellings.

(2) Two-family dwellings.

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

~~(3)~~(4) Office buildings and offices, but not including truck terminals and dispatch or transfer offices.

~~(4)~~(5) ~~Real estate or insurance office.~~

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

(6) Funeral homes (no crematoriums).

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

(8) Opticians or optometrists.

(9) Bed-and-breakfast establishments and tourist homes.

(10) Fire substations.

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

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

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

(14) Personal service establishments, including but not limited to barbershops, beauty parlors, ~~glove or hat cleaning or repair~~, hand laundry, laundromats, dry cleaning, glass shops, and small appliance repair.

(15) Existing R-3 uses, as of the date of the adoption of this article (11/3/2025).

~~(15)~~(16) Veterinarian and small-animal hospitals; provided, however, that buildings for the confinement of animals shall be at least 100 feet from the property line in an R District.

~~(16)~~(17) Truck terminals and dispatch and transfer offices and all automotive-related businesses shall be prohibited.

~~(17)~~(18) The following uses by special use permit authorized by the Planning Board (see Article XLVI):

(a) Banks and drive-through banks. (See § 280-326 (A))

(b) Mixed-use buildings which include an allowed commercial use in this district, with up to four (4) residential units on the second floor. (See § 280-332.6)

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(c) Nursery schools and day care centers. (See § 280-321)

B. Accessory uses and structures:

Accessory uses permitted in the R-3 District, without the limitations on accessory offices within a dwelling for permitted home occupations and home businesses as defined herein.

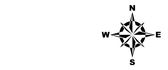
(1) Unless otherwise specified, accessory uses and structures customarily incidental to permitted principal uses.

(2) Installations of glass at an approved glass shop.

Downloaded from https://ecode360.com/HA0055 on 2026-02-22

Hamburg (T)
C3 Zoning

Hamburg, New York



LEGEND

- Parcels (2025)

Town of Hamburg Zoning as of 2/24/2026

- C2
- C3
- WC
- NC
- R1
- R3
- R4
- Proposed NC
- Proposed R3

0 50 100 200 Feet

wendel

WD Project # 300825CODE
Map Created: November 2026

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Data Sources: Erie County Real Property Tax Services, NYS ITS Geospatial Office, Town of Hamburg

Hamburg (T)
C3 Zoning

Hamburg, New York

Sheldon Rd
Southwestern Blvd
Big Tree Rd
Big Tree Rd
Town of Hamburg
Town of Orchard Park
Marilyn Dr
Parker Rd
Kathaleen St
Manor Ln
Wilson Dr
Tomaka Dr

LEGEND

- Parcels (2025)

Town of Hamburg Zoning as of 2/24/2026

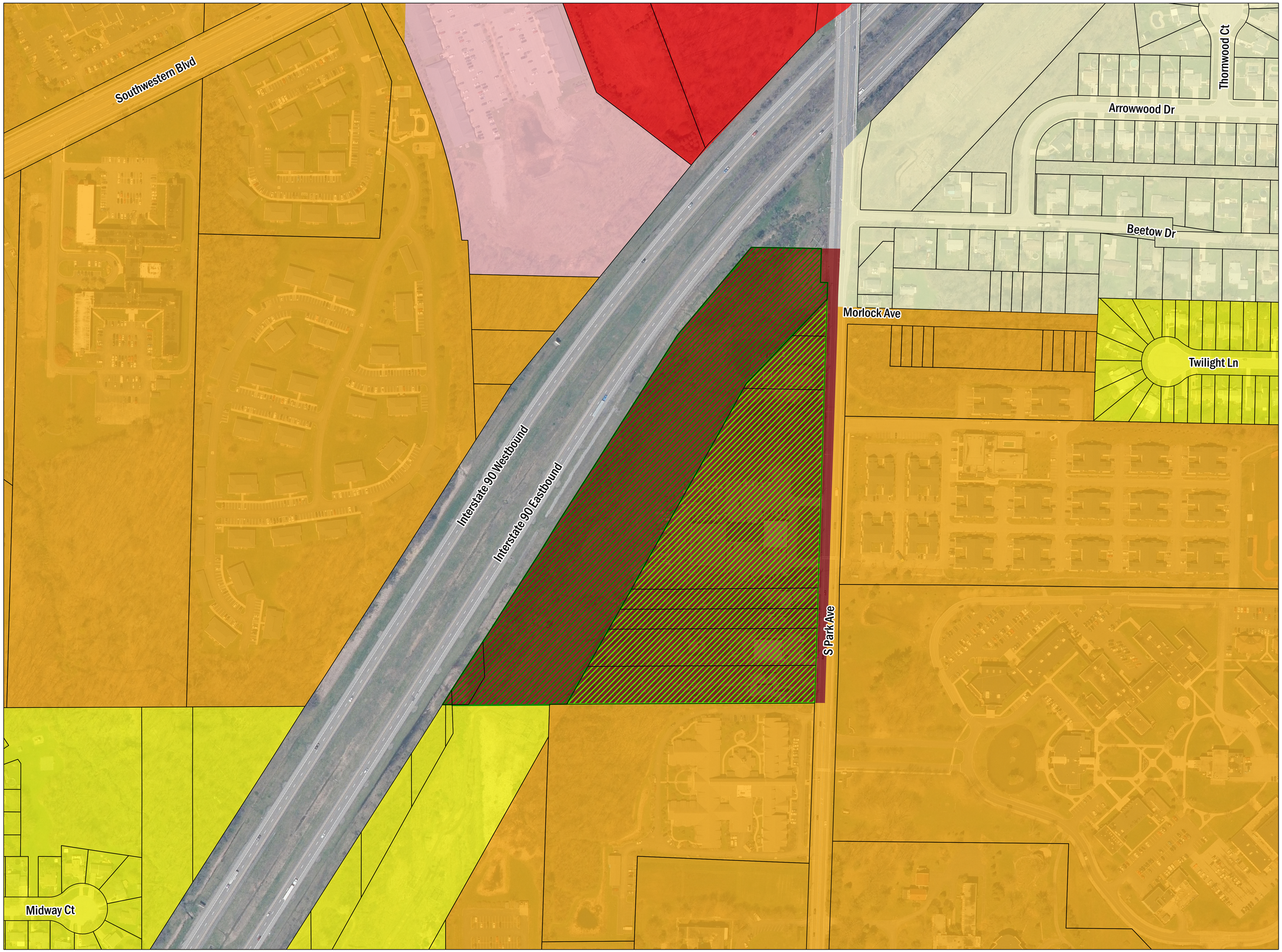
- C1
- C2
- C3
- R1
- R2
- R3
- Proposed NC

0 50 100 200 Feet

wendel

WD Project # 30082SCODE
Map Created: November 2026

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Data Sources: Erie County Real Property Tax Services, NYS ITS Geospatial Office, Town of Hamburg



Hamburg (T) C3 Zoning

Hamburg, New York

LEGEND

- Parcels (2025)

Town of Hamburg Zoning as of 2/24/2026

- C1
- C2
- C3
- R1
- R2
- R3
- Proposed NC
- Proposed PR

0 50 100 200 Feet

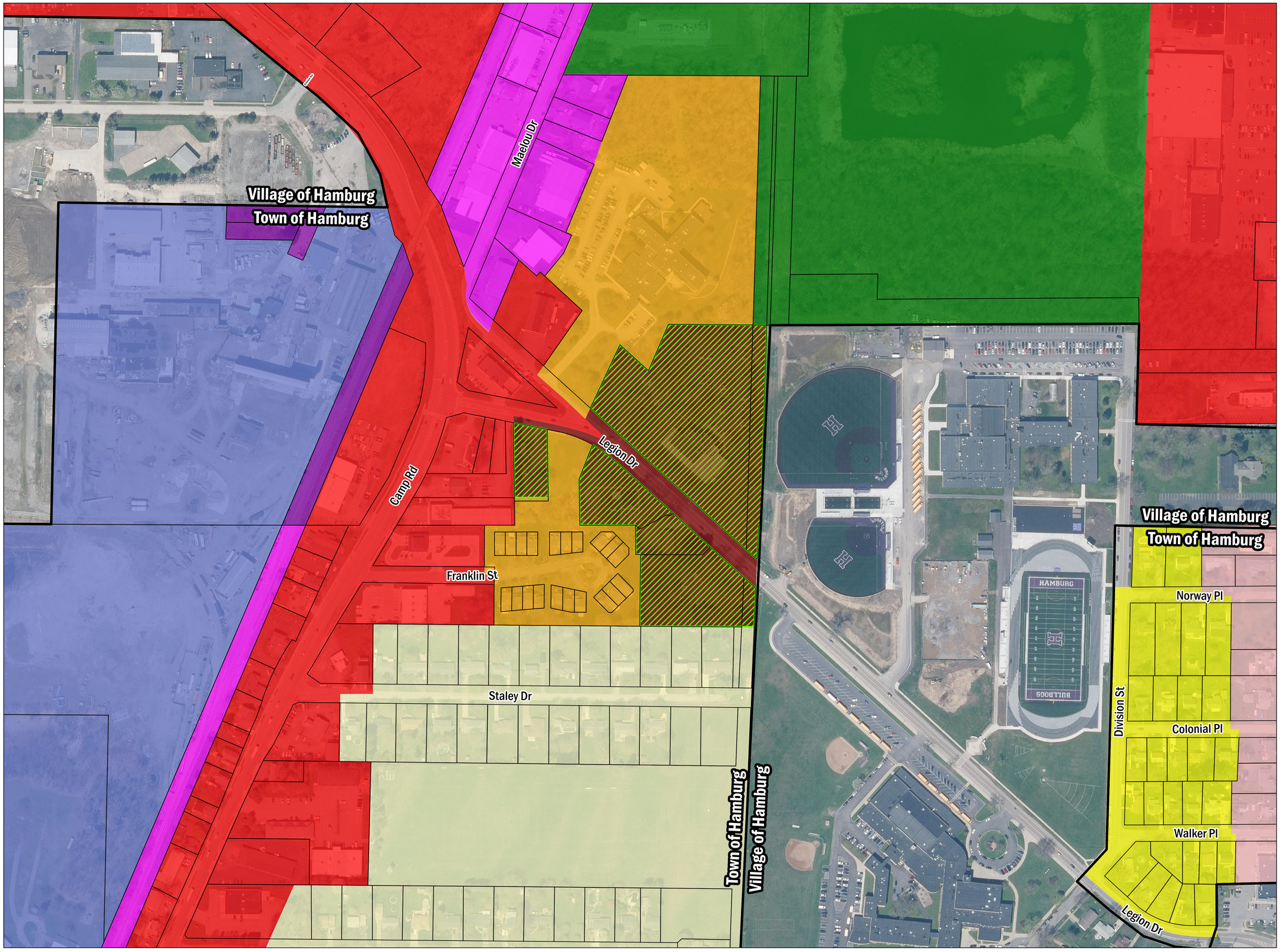
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WD Project # 300825CODE
Map Created: November 2026

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Data Sources: Erie County Real Property Tax Services, NYS ITS Geospatial Office, Town of Hamburg

Hamburg (T)
C3 Zoning

Hamburg, New York



LEGEND

- Parcels (2025)

Town of Hamburg Zoning as of 2/24/2026

- C1
- C2
- C3
- M2
- M3
- MU1
- R1
- R2
- R3
- RA
- Proposed NC

0 50 100 200 Feet

wendel

WD Project # 30082SCODE
Map Created: November 2026

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Data Sources: Erie County Real Property Tax Services, NYS ITS Geospatial Office, Town of Hamburg

ARTICLE XV
C-3 Office District

§ 280-91. Permitted uses and structures.

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

A. Principal uses and structures, where served by a public sanitary sewer:

(1) Office buildings and offices, but not including track terminals and dispatch or transfer offices.

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

(3) Hospitals or institutions of a religious, charitable, rehabilitative or philanthropic nature, provided that they are not used for penal or correctional purposes. No on-site incineration is permitted and no off-street parking is allowed in front of the principal structure. **[Added 7-12-1993 by L.L. No. 6-1993]**

(4) The following uses by Special Use Permit authorized by the Planning Board (see Article XLVI): **[Amended 1-11-1993 by L.L. No. 1-1993;** **[Editor's Note: This local law also repealed former Subsection A(3)(a), Satellite dish antennas.]** **7-12-1993 by L.L. No. 6-1993]**

(a) Nursery schools and day care centers.

B. Accessory uses and structures:

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

(2) Retail stores and services, restaurants and commercial recreation occupying not more than 15% of the gross floor area of the principal structure when incidental to the principal uses and planned and developed as an integral part of the principal structure.

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

§ 280-92. Minimum lot size.

Unless otherwise provided, the minimum lot size in the C-3 District shall be as specified in this section.

A. Lot area:

(1) One acre for all principal uses and structures.

B. Lot width at the building line:

(1) One hundred feet for all principal uses and structures.

§ 280-93. Maximum height of buildings.

Unless otherwise provided, the maximum height of buildings in the C-3 District shall be as specified in this section.

A. Maximum: 85 feet.

B. Accessory buildings: one story, not to exceed 18 feet.

§ 280-94. Required yards.

Unless otherwise provided, the minimum required yards and other open space in the C-3 District shall be as specified in this section.

A. Front yard: 40 feet.

B. Side yards: two required.

(1) Minimum: 25 feet.

C. Rear yard:

(1) Minimum: 20 feet or a distance equal to the height of a principal building, whichever is greater.

(2) Along an R District boundary: Same distance as required for a side yard.

D. Open space between principal buildings on a single lot. No vertical wall of a principal building shall be nearer to a vertical wall of any other principal building than a distance of 30 feet or a distance equal to the average height of such vertical walls measured from the adjoining finished grade, whichever is greater.

§ 280-95. Off-street parking.

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

§ 280-96. Signs.

For applicable sign regulations, see Article XXXVI.

§ 280-97. Supplemental regulations.

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