

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Hamburg

Local Law No. 12 of the year 20²³

A local law To amend Local Law #10 of the year 1986 of the Hamburg Town Code, specifically
(Insert Title)
Chapter 280 entitled "Zoning", to provide for a change in the boundary of the Zoning Map
whereby the zoning is changed from M-2 (Light Industrial District) to MU1 (Mixed Use
District) for 3.64 acres of property located at 3780 Hoover Road

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Hamburg as follows:

Section 1: This local law amends the Town of Hamburg Zoning Map to rezone 3.64 acres of property located at 3780 Hoover Road (identified as SBL #159.11-1-8.111) from M-2 (Light Industrial District) to MU1 (Mixed Use District.) The property is rezoned in accordance with MU1 requirements with the following conditions. Please see following page outlining conditions of the rezoning.

Section 2: This local law to take effect immediately after proper filing, including with the Department of State.

Dated: December 11, 2023

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Conditions of rezoning property located at 3780 Hoover Road (SBL 159.11-1-8.111)
From M-2 (Light Industrial District) to MU1 (Mixed Use District)
Adopted December 11, 2023

1. Any naturally occurring sand dunes on the site must be preserved (see NYSDEC comments).
2. The property owner agrees to provide an easement for a multimodal trail if such a trail is proposed in the future.
3. A barrier (and other tools like “No Trespassing” signage) to discourage trespassing will be constructed adjacent to the Neighborhood Commercial zoning district (residential home) and extending as far toward the lake as allowed by State laws and regulations. It will be at a minimum a six-foot fence, but the exact position and composition of this barrier will be finalized prior to the site plan being approved.
4. No confetti, balloons, trash, or other items readily capable of causing litter will be permitted on the beach or outdoor areas of the lot.
5. The rezoning of the M-2 zoned lands to MU1 is based on the general uses proposed by the applicant (and to be operated by the applicant) but are limited to the following uses based on potential impacts: the adaptive reuse of the existing building and other improvements on the site to allow for a future principal use as a private event facility. This event facility and site will have the capacity to host the following:
 - a. private event space for personal occasions, such as: wedding ceremonies/receptions, showers, celebrations of life, birthdays, graduations, reunions, etc.
 - b. retail sales, storage of products, tasting areas, and indoor alcohol use during approved private events (no outdoor alcohol facilities). This use is not a bar that is open to the general public.
 - c. water-related, non-motorized, recreational rentals, such as: paddle boards, kayaks, wind surfing, and kiteboarding etc. (no docking facilities are being proposed).
 - d. outdoor athletic activities (involving no motorized equipment) such as stand-up paddle board yoga, rise-and-shine waterfront yoga, bocce ball, volleyball, corn-hole and other novelty league games (in accordance with other outdoor use restrictions).
 - e. other seasonal outdoor activities, seating, and ceremonies for up to 175 people, including staff, at the site.
6. Outdoor amplified noise/music will not be permitted.
7. There will be no outdoor events after dusk (sunset) and indoor events after 10:30 pm.
8. Events and all activities/uses shall be limited to 175 people, including staff.
9. All parking for staff and customers will occur on the site.
10. Site plan approval by the Planning Board is required to ensure that the above requirements are met, and any other conditions placed by the Town Board, and other site plan issues are addressed (landscaping, fencing, lighting, illustrating location of outdoor uses, parking lot design, building entrances and other site improvements, sewage, and drainage). The 9/25/23 site plan presented to the Town Board will be amended per the conditions of this rezoning. Drainage improvements are necessary to correct existing drainage problems and to meet NYS and Town requirements.
11. The building shall include improvements for noise attenuation, removing the downspouts that currently put stormwater on adjoining properties, and removal of the access door along the adjoining residential use property (this door removal must be in accordance with all building and fire safety codes).
12. The Applicant will complete sewer lateral improvements per any and all regulations from the Erie County Division of Sewer Management, as well as the Town of Hamburg Engineering Department.
13. There will be no fireworks at the site (no permit will be issued for fireworks).

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 12 of 20²³ of the ~~(County)(City)(Town)(Village)~~ of Hamburg was duly passed by the Town Board on December 11, 20²³, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Catherine A. Pulczynski

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12-12-23

(Seal)