

TOWN OF HAMBURG

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Supt. of Highways
EDWARD S. HUGHES

February 27, 2024

NYS Department of State
Division of Corporations, State Records and UCC
One Commerce Plaza
99 Washington Avenue
Albany, New York 12231

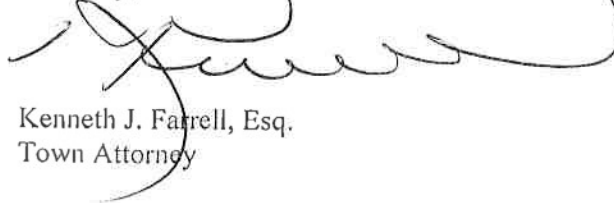
Dear Sir/Madam:

Re: Town of Hamburg, New York
Filing/Local Law #2, 2024

Enclosed for filing, please find one certified copy of Town of Hamburg Local Law #2 for the year 2024.

Kindly acknowledge receipt of this local law. Thank you.

Sincerely,



Kenneth J. Farrell, Esq.
Town Attorney

KJF/cc
Enclosure

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. 2 of the year 2024

A local law to amend Local Law #10 1986, of the Code of the Town of Hamburg, Chapter 280,
(Insert Title)
entitled "Zoning", to provide for a change in the boundary of the Zoning Map whereby
the zoning is changed from R-4 to C-2 for the property identified as SBL # 182.09-1-8

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 Local Law #10, 1986 of the Code of the Town of Hamburg, Chapter 280 entitled "Zoning" to provide for a change in the boundary of the Zoning Map for a 3.82 acre lot at 5489 Southwestern Boulevard (SBL # 182.09-1-8) that is split zoned as R-4 (General Residence, Mobile Home Court District) in the back and C-2 (General Commercial District) in the front to all C-2 (General Commercial District.) This rezoning is approved with the condition set forth in the resolution following this page.

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

Dated: February 26, 2024

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

RESOLUTION

Heussler Rezoning

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

Whereas, the Town of Hamburg received a request from William Heussler rezone a 3.82-acre lot at 5489 Southwestern Boulevard (SBL# 182.09-1-8) that is split-zoned with R-4 (General Residence, Mobile Home Court District) in the back, and C-2 (General Commercial District) in the front of the property to all C-2; and

Whereas, the Hamburg Planning Board reviewed the rezoning request and recommended on November 15, 2023, that this rezoning request be approved; 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 the Town Code; Chapter 280 – Zoning and the Town’s Zoning Map in accordance with the requirements of the State Environmental Quality Review Act (SEQRA) and has issued a SEQR Negative Declaration, and

Whereas, a public hearing was held regarding the zoning map revision on January 22, 2024, and comments were received from the public and from Erie County, based on the 239 m referral; and

Now, Therefore, Be It Resolved, that the Town of Hamburg Town Board hereby rezones the property identified below from R-4 to C-2 with the following conditions:

1. A 50-foot buffer to be established on the site at the rear of the property, to protect the adjacent residential properties and to allow adequate for additional landscaping on site plans.

Be It Further Resolved, that the Zoning Code of the Town of Hamburg be amended as follows:

To amend Local Law #10 of the year 1986 of the Code of the Town of Hamburg Chapter 280 entitled “Zoning” to provide for a change in the boundary of the Zoning Map whereby the Zoning is changed from R-4 to C-2 for the property identified by SBL # 182.09-1-8.

(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. 2 of 2024 of the ~~(County)(City)(Town)(Village)~~ of Hamburg was duly passed by the Town Board on February 26, 2024, 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. Pappalardo

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

Date: 2/27/24

(Seal)