

Whereas, the Town of Hamburg received a request from Alchemy Shores to rezone property located at 3780 Hoover Road (SBL # 159.11-1-8.111) from M-2 (Light Industrial District) and amended to MU1 (Mixed Use District) for the reuse of an existing building and other improvements to the site for the operation of an event facility (see description of uses) and other activities ; and

WHEREAS, the Hamburg Town Board referred this rezoning request to the Planning Board and the Planning Board recommended approval of this rezoning with conditions and concerns, and

Whereas, the Hamburg Town Board held the required public hearing on this proposed rezoning on July 17, 2023; and

Whereas, based on comments received, the applicant provided additional information about the project and further clarified the proposed plan at the 9/25/23 Hamburg Town Board meeting, and therefore another public hearing was scheduled and held on 10/23/23; and

Whereas, the Hamburg Town Board has reviewed the information submitted by the applicant, revisions that have been made to the plan and the comments received from the public, agencies and Town departments, committees, and staff; and

Whereas, the Hamburg Town Board has determined that the proposed rezoning and project is consistent with the Town's LWRP and that it will not result in any significant negative impact on the environment (based on the conditions included in this rezoning) and has issued a Negative Declaration; and

Whereas, pursuant to Municipal Home Rule Law, the Town Board is 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: rezone 3.64 acres of property located at 3780 Hoover Road (SBL # 159.11-1-8.111) from M-2 (Light Industrial District) to MU1 (Mixed Use District).

Now, Therefore, Be It Resolved, that the Town Board of the Town of Hamburg hereby rezones the above referenced property, in accordance with the MU1 requirements with the following conditions:

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.
 - 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 11 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).

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 M-2 (Light Industrial District) to MU1 (Mixed Use District) for 3.64 acres of property located at 3780 Hoover Road (SBL # 159.11-1-8.111).