

prosecution and penalty. The Town may also enforce this article by injunction or other civil proceeding.

§ 270-8. Applicability.

This article shall supersede and repeal any previous local regulations regarding consistency with LWRP. This article shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

§ 270-9. Severability.

The provisions of this article are severable. If any provision of this article is found invalid, such finding shall not affect the validity of this article as a whole or any part or provision hereof other than the provision so found to be invalid.

270 Attachment 1

**Town of Hamburg
Waterfront Assessment Form**

A. INSTRUCTIONS (Please print or type all answers)

1. Applicants, or in the case of direct actions, Town of Hamburg agencies, shall complete this WAF for proposed actions which are subject to the consistency review law. This assessment is intended to supplement other information used by the designated Town agency in making a determination of consistency with the Town of Hamburg Local Waterfront Revitalization Program.
2. Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the Town Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the waterfront area.
3. If any questions in Section C on this form are answered "yes", then the proposed action may affect the achievement of the LWRP policy standards contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination regarding its consistency with the LWRP policy standards. If an action cannot be certified as consistent with the LWRP policy standards, it shall not be undertaken.
4. This form should be filled out by the applicant and submitted to the Town of Hamburg Planning Division

B. DESCRIPTION OF SITE AND PROPOSED ACTION

1. Type of Town of Hamburg agency action (check appropriate response):

Town of Hamburg Local Waterfront Revitalization Program

- (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) Proposed Commercial Project
- (b) Financial assistance (e.g. grant, loan, subsidy) Not applicable
- (c) Permit, approval, license, certification X (Site Plan Approval)
- (d) Agency undertaking action Town of Hamburg Planning Board

2. Describe nature and extent of action: Proposed 10,000 s.f., two-story brewery and restaurant with associated parking, site lighting, landscaping, stormwater management and on-site utility improvements located on a vacant 5.44 acre parcel. The layout of the proposed commercial project is depicted on the Site Plan [Drawing C-100] prepared by Carmina Wood Morris DPC

3. Location of action (Street or Site Description. Please include the parcel(s) tax map number(s)): 0 Lake Shore Road (Part of lot 24, Township 9, Range 8)

4. Size of site: 5.44 acres

5. Present land use: Vacant

6. Present zoning classification: WC (Waterfront Commercial District) & Rt. 5 Overlay

7. Describe any unique or unusual landforms on the project site (i.e. bluffs, wetlands, ground depressions, other geological formations): _____

There are no unique or unusual landform present on the project site.

8. Percentage of site which contains slopes of 15% or greater: 0%

9. Streams, lakes, ponds or wetlands existing within or continuous to the project area?

(a) Name N/A

(b) Size (in acres) N/A

10. Is the property serviced by public water? Yes _____ No X (Extension proposed)

11. Is the property serviced by public sewer? Yes _____ No X (Extension proposed)

12. If an application for the proposed action has been filed with the Town of Hamburg agency, the following information shall be provided:

(a) Name of applicant: Bob Johnson

(b) Mailing address: 4046 Lake Shore Road, Hamburg, NY 14219

(c) Telephone number: Area Code (716) 574-9701

(d) Application number, if any: _____

(e) Property tax number: Part of lot 24, Township 9, Range 8

(Please attach copy of tax map with parcel highlighted)

13. Will the action be directly undertaken, require funding, or approval by a State or federal agency? Yes X No _____

If yes, which State or federal agency? NYSDOT (Proposed curb cut)

C WATERFRONT ASSESSMENT (Check either "Yes" or "No" for each of the following questions)

1. Will the proposed action be located in, or contiguous to, _____ YES NO
 or have a potentially adverse effect upon any of the resource areas
 identified on the waterfront area map? _____ X

(a) Significant fish or wildlife habitats? _____ X

(b) Scenic resources of local or statewide significance? _____ X

(c) Important agricultural lands? _____ X

(d) Natural protective features in an erosion hazard area _____ X

If the answer to any question above is yes, please explain in Section D any measures which will be undertaken to mitigate any adverse effects.

2. Will the proposed action have a significant effect upon: _____ YES NO

(a) Commercial or recreational use of fish and wildlife resources? _____ X

(b) Scenic quality of the waterfront environment? _____ X

(c) Development of future, or existing water dependent uses? _____ X

(d) Stability of the shoreline? _____ X

(e) Surface or groundwater quality? _____ X

(f) Existing or potential public recreation opportunities? _____ X

(g) Structures, sites or districts of historic, archeological or cultural significance to the Town of Hamburg State or nation? _____ X

3. Will the proposed action involve or result in any of the following: _____ YES NO

(a) Physical alteration of land along the shoreline, land under water or coastal waters? _____ X

(b) Physical alteration of two (2) acres or more of land

Town of Hamburg Local Waterfront Revitalization Program

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|-----|---|----------|----------|
| | located elsewhere in the waterfront area? | ___ | <u>X</u> |
| (c) | Expansion of existing public services or infrastructure in undeveloped or low density areas of the coastal area? | ___ | <u>X</u> |
| (d) | Energy facility not subject to Article VII or VIII of the Public Service Law? | ___ | <u>X</u> |
| (e) | Mining, excavation, filling or dredging in waterfront waters? | ___ | <u>X</u> |
| (f) | Reduction of existing or potential public access to or along the shore? | ___ | <u>X</u> |
| (g) | Sale or change in use of publicly-owned lands located on the shoreline or underwater? | ___ | <u>X</u> |
| (h) | Development within a designated flood or erosion hazard area? | <u>X</u> | ___ |
| (i) | Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion? | ___ | <u>X</u> |
| (j) | Construction or reconstruction of erosion protective structures? | ___ | <u>X</u> |
| (k) | Diminished surface or groundwater quality? | ___ | <u>X</u> |
| (l) | Removal of ground cover from the site? | ___ | <u>X</u> |

4. PROJECT

- | | | | |
|-----|---|-----|------------|
| | If a project is to be located adjacent to shore: | YES | NO |
| (1) | Will water-related recreation be provided? | ___ | <u>N/A</u> |
| (2) | Will public access to the foreshore be provided? | ___ | |
| (3) | Does the project require a waterfront site? | ___ | |
| (4) | Will it supplant a recreational or maritime use? | ___ | |
| (5) | Do essential public services and facilities presently exist at or near the site? | ___ | |
| (6) | Is it located in a flood prone area? | ___ | |
| (7) | Is it located in an area of high erosion? | ___ | <u>∇</u> |
| (b) | If the project site is publicly owned: | YES | NO |
| (1) | Will the project protect, maintain and/or increase the level and types of public access to water-related recreation resources and facilities? | ___ | <u>N/A</u> |
| (2) | If located in the foreshore, will access to those and adjacent lands be provided? | ___ | <u>∇</u> |
| (3) | Will it involve the siting and construction of major energy | | |

Town of Hamburg Local Waterfront Revitalization Program

	facilities?	—	<u>N/A</u>
(4)	Will it involve the discharge of effluents from major steam electric generating and industrial facilities into waterfront facilities?	—	↓
(c)	Is the project site presently used by the community neighborhood as an open space or recreation area?	YES —	NO <u>X</u>
(d)	Does the present site offer or include scenic views or vistas known to be important to the community?	—	<u>X</u>
(e)	Is the project site presently used for commercial fishing or fish processing?	—	<u>X</u>
(f)	Will the surface area of any waterways or wetland areas be increased or decreased by the proposal?	—	<u>X</u>
(g)	Does any mature forest (over 100 years old) or other locally important vegetation exist on this site which will be removed by the project?	—	<u>X</u>
(h)	Will the project involve any waste discharges into coastal waters?	—	<u>X</u>
(i)	Does the project involve surface or subsurface liquid waste disposal?	—	<u>X</u>
(j)	Does the project involve transport, storage, treatment or disposal of solid waste or hazardous materials?	—	<u>X</u>
(k)	Does the project involve shipment or storage of petroleum products?	—	<u>X</u>
(l)	Does the project involve discharge of toxics, hazardous substances or other pollutants into coastal waters?	—	<u>X</u>
(m)	Does the project involve or change existing ice management practices?	—	<u>X</u>
(n)	Will the project affect any area designated as a tidal or freshwater wetland?	—	<u>X</u>
(o)	Will the project alter drainage flow, patterns or surface water runoff on or from the site?	—	<u>X</u>
(p)	Will best management practices be utilized to control storm water runoff into coastal waters?	<u>X</u>	—
(q)	Will the project utilize or affect the quality or quantity of sole source or surface water supplies?	—	<u>X</u>

- (r) Will the project cause emissions which exceed federal or state air quality standards or generate significant amounts of nitrates or sulfates? X

D. **REMARKS OR ADDITIONAL INFORMATION** (Add any additional sheets necessary to complete this form)

The proposed commercial project will not result in any adverse impacts on any resource areas identified on the waterfront area map and will comply with the applicable technical standards for a commercial project subject to the Town's site plan review process.

Preparer's Name (Please print) : Anthony J. Pandolfe

Title: Project Engineer

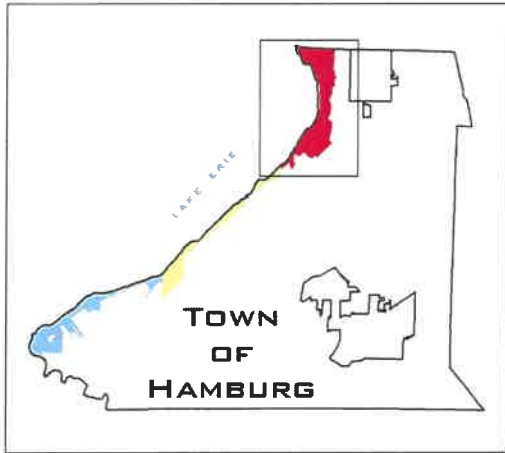
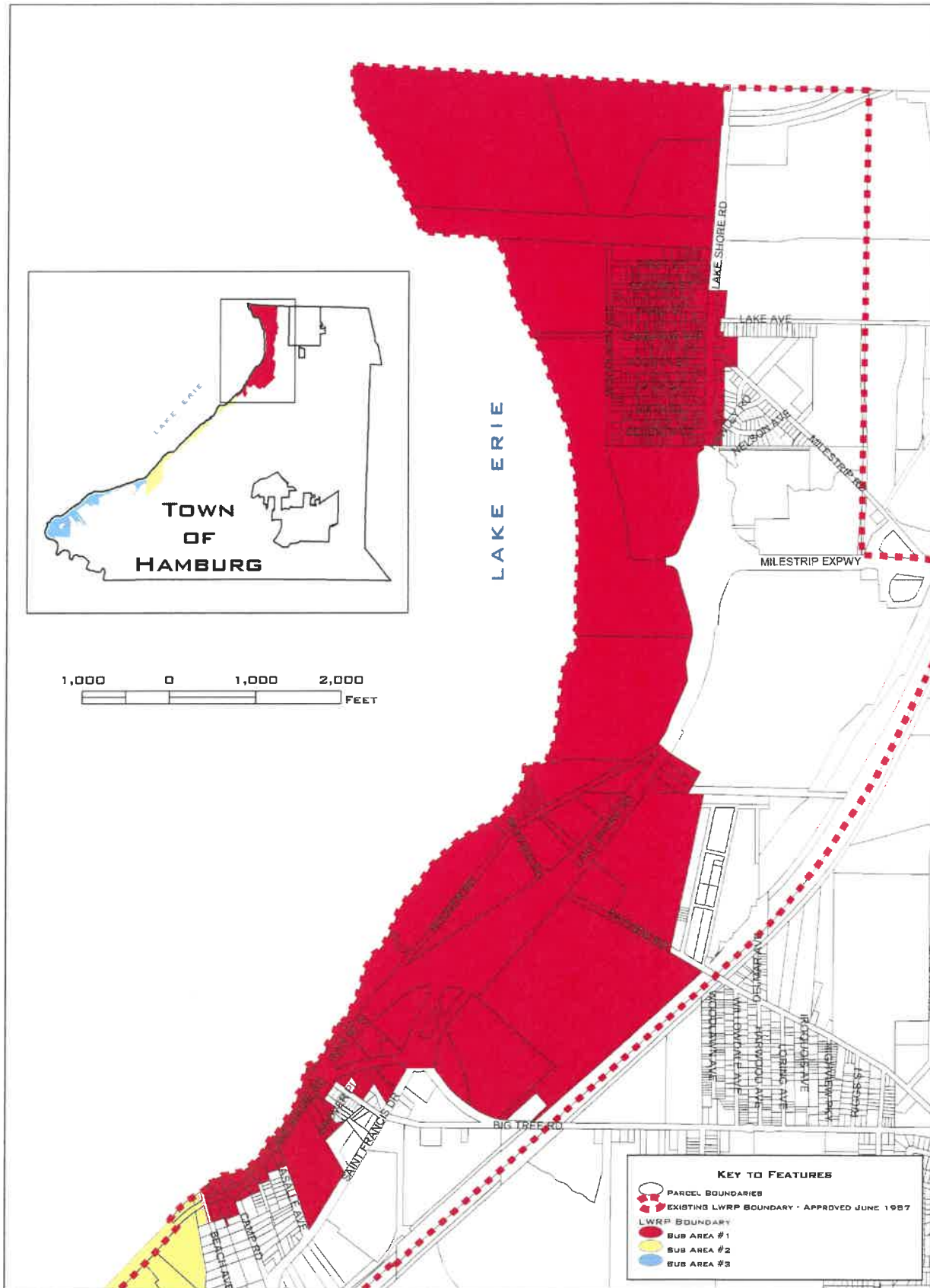
Agency: Carmina Wood Morris, DPC

Telephone Number: (716) 842-3165 x119

Date: 7/28/21

If assistance or further information is needed to complete this form, please contact Hamburg Engineering Department at (716) 649-6111.

TOWN OF HAMBURG LWRP BOUNDARY - SUB AREA #1



KEY TO FEATURES	
	PARCEL BOUNDARIES
	EXISTING LWRP BOUNDARY - APPROVED JUNE 1987
LWRP BOUNDARY	
	SUB AREA #1
	SUB AREA #2
	SUB AREA #3