

Town of Hamburg
Planning Board Meeting
July 1, 2026, Minutes

The Town of Hamburg Planning Board met for a Regular Meeting at 7:00 PM, on Wednesday, July 1, 2026, Room 7A/7B of Hamburg Town Hall.

REGULAR MEETING

CALL TO ORDER:

The meeting was called to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

Kaitlin Chmura led the meeting attendees in the recitation of the Pledge of Allegiance.

ROLL CALL

Present: Member Chmura, Member Clark, Member Geraci, Member Ryan,
Member Stewart, Member Zajac, Member Quandt (alternate)

Absent: Chair Gronachan (Excused)

Staff: Josh Rogers, Planning Department; Planning Board Attorney
Joseph Gogan; Camie Jarrell, Engineering Department

3556 Lakeshore Development, LLC- Requesting Site Plan Approval for the development of a mixed-use site, offering condominiums for residential use, and commercial use, such as restaurants, hotel space, and continuing the use of some of the existing office space at the Gateway Building to be located at 3556 Lake Shore Road

and

3556 Lakeshore Development, LLC- Requesting Preliminary Plat Approval on a proposal for a 2-lot subdivision to be located at 3556 Lake Shore Road

Mr. Andrew Tzanides appeared on behalf of the project.

Mr. Rogers explained to the Planning Board that at the last meeting, a public hearing was held for both the Site Plan Approval and for the Subdivision, and no one spoke regarding the project. Draft approval resolutions have been provided for the Board for both the Site Plan and Subdivision based off of some of the Board Members' comments and some comments that were provided by the State Parks letter in terms of vegetation.

Gateway Building Site Plan Approval

3556 Lakeshore Road

July 1, 2026

Site Plan

Whereas, The Hamburg Planning Department received a Site Plan Application from 3556 Lakeshore Road, LLC for the development of a mixed-use site, offering condominiums for residential use, and commercial uses, such as restaurants, hotel space, and continuing the use of some of the existing office space at the Gateway Building, to be located at 3556 Lakeshore Road; and

Whereas, the Town of Hamburg Planning Board held the required public hearing on June 17th, 2026; and

Whereas, the Town of Hamburg Planning Board has reviewed the project against the Town Code, has received input from Town departments and other agencies, has received additional information/reports from the Applicant, and provided input to the Applicant that has resulted in amended plans addressing the Planning Board's concerns; and

Whereas, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act- SEQRA) of the Environmental Conservation Law, the Hamburg Town Board previously issued a Coastal Consistency Determination and a SEQR Negative Declaration on 12/2/24; and

Whereas, the rezoning was approved with conditions and the Planning Board has considered those conditions in the approval of the site plan; and

Now, Therefore Be It Resolved, The Town of Hamburg Planning Board issues conditional site plan approval for this project with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated 06/26/26.
2. The Applicant shall comply with all of the rezoning conditions from the December 2nd, 2024, Town Board approval resolution.
3. Fencing types and locations shall be installed per the site plan dated 06/12/26 revision 'B'.
4. The landscaping plan dated 06/12/26 shall be approved by the Planning Department in consultation with New York State Parks, Recreation and Historic Preservation.
5. Lighting shall be shielded and dark sky compliant as shown on the lighting plan dated 06/12/26.

6. Sidewalks shall be installed internally within the project site as denoted on the site plan dated 06/12/26.
7. Parking with 863 spaces shall be installed as shown on the site plan dated 06/12/26. Modifications that impact the proposed parking as deemed by Code Enforcement, Engineering and the Planning Department (addition or reduction of parking spaces) will have to come back to the Planning Board for amended site plan approval.
8. The Town of Hamburg Legal Department has determined that the applicant has met the Town's requirements for the proof of access condition (Condition #8 from the 12/2/24 Town Board rezoning approval resolution).
9. The Applicant shall be responsible for all third-party permitting and approvals, including but not limited to approvals from the County, State and Federal agencies.
10. The Applicant shall submit proof of a shared access agreement to be approved by the Town of Hamburg Legal Department, prior to issuance of a certificate of occupancy.
11. The walking trail and associated landscaping shall be completed and installed in the first phase of the project.

Motion made by Member Stewart, with a second from Member Zajac.

Resolution passes with no opposition.

Gateway Building
3556 Lakeshore Road
Preliminary Plat Approval
7/1/26

Whereas, the Town of Hamburg received a Minor Subdivision application from 3556 Lakeshore Development, LLC for a 2-lot subdivision of a 25.32-acre parcel at 3556 Lakeshore Road (SBL # 150.00-1-16); and

Whereas, the Hamburg Planning Board reviewed the application at the meetings in June and July of 2026; and

Whereas, the Hamburg Planning Board has reviewed the project and determined that the project will not adversely affect the natural resources of the State and/or the health, safety, and welfare of the public and is consistent with social and economic considerations and a Negative Declaration was previously issued by the Hamburg Town Board on 12/02/24; and

Whereas, the Hamburg Planning Board held the required Public Hearing on 06/17/26 and received no objections from the public; and

Whereas, the Hamburg Planning Board has determined that the proposed Minor Subdivision application is in accordance with the Town of Hamburg Subdivision Code, the requirements of the PUD approval and other applicable regulations of the Town's Zoning Code.

Now, Therefore, Be it Resolved, the Hamburg Planning Board issues Preliminary Plat Approval with the following conditions:

1. Lot one shall consist of 15.12 acres including the Gateway Building, the proposed hotel buildings, associated parking amenities and stormwater infrastructure. Lot 2 shall consist of 10.2 acres, including the proposed condominium buildings, associated parking, amenities and stormwater infrastructure.
2. The Applicant shall submit proof of shared access agreement to be approved by the Town of Hamburg Legal Department.

Be It Further Resolved, The Hamburg Planning Board does not waive the completion of the Final Plat and the Applicant will have to file a map cover, and the Hamburg Planning Board Chair is authorized to sign the Final Plat once the Town Engineer signs off on the Plat.

Motion made by Member Zajac, with a second from Member Ryan.

Resolution passes with no opposition.

Seven (7) Brew Coffee- Requesting Site Plan Approval of a proposal to construct a 510 sq-ft building with two drive-thru lanes to be located on a 0.78-acre parcel at 3701 McKinley Parkway (SBL#: 160.07-2-28.2)

Anthony Pandolfe of Carmina Wood appeared on behalf of the project.

Mr. Rogers explained that at the last meeting a public hearing was held, and no one spoke regarding the project. A draft approval resolution was provided for the Board's consideration.

Town Engineer Camie Jarrell stated she had no comments other than the engineering memo.

**7 Brew Coffee
3701 McKinley Parkway (SBL#: 160.07-2-28.2)
SEQR and Approval Resolution**

Whereas, The Hamburg Planning Board received a Site Plan Application from 7 Brew Coffee for the construction of a 510 sq-ft building with two drive-thru lanes along with

associated parking and landscaping improvements to be located at 3701 McKinley Parkway (SBL# 160.07-2-28.2); and

Whereas, the Hamburg Planning Board has determined that this is a Type II action under SEQR, and no further SEQR review is necessary; and

Whereas, The Town of Hamburg Planning Board held the required public hearing on June 17th, 2026; and

Whereas, the Town of Hamburg Planning Board has thoroughly reviewed this project and Site Plan and received input from the Town Departments, Advisory Boards, and consultants and has found the project to be in accordance with the Town Code.

Now, Therefore, Be it Resolved, that the Town of Hamburg Planning Board issues conditional site plan approval for the project with the following conditions:

1. Approval contingent upon the engineering memo dated 06/26/2026.
2. Landscaping plan dated 5/20/2026 shall be approved by Planning Department.
3. Sidewalks shall be installed as donated in the site plan dated 06/12/2026
4. The dumpster enclosure shall be located in the southwestern part of the site, as denoted on the site plan dated 06/12/2026.
5. Traffic flows of the site shall be in accordance with the submitted Traffic Management Plan.
6. Proposed signage shall be in accordance with the Sign Regulations (Article XXXVI) of the Hamburg Town Code.

Motion made by Member Ryan, with a second from Member Geraci.

Resolution passes with no opposition.

Chris Van Leaven- Requesting Preliminary Plat Approval on a proposal for a 4-lot subdivision to be located at 4261 Lake Shore Road (SBL #: 159.17-1-16.1)

Attorney Sean Hopkins appeared on behalf of the project along with Chris Van Leaven Tracy Tavakoli and Tom Reynolds from Nussbaumer and Clark.

Mr. Rogers provided an update, stating that the Planning Board did not do a coordinated review. Based on input from the public hearing, the Planning Board requested the Planning Department contact the DOT for their input on this proposal. The DOT responded to that request on July 1, 2026, and Mr. Rogers forwarded those comments to the Planning Board and the Applicant.

The comments from the DOT included the following:

- Lot Four (4), which has access from Durham Road, would not be permitted to have access onto the State Highway System.
- Their policy is that there is one driveway per lot on their State Highway and that it would be subject to a State Highway Work Permit.
- DOT did not say that the two buildable lots would not be able to receive a driveway onto the State system.

Sean Hopkins stated that the Applicant asks that there be a waiver the requirement for sidewalks. There are no sidewalks in the vicinity of this parcel so if some were to be built, they would be sidewalks to nowhere.

Mr. Hopkins also mentioned that he does not see a need for a conservation easement due to the fact that the site is nearly nine acres in size and that the Applicant is proposing four lots in total. The property has been immaculately maintained for the past 20 years and will continue to be immaculately maintained. The Applicant also asks that the Planning Board waive the requirement to file a map cover with the Erie County Clerk's office.

Town Engineer Camie Jarrell stated she had nothing to add at this point.

**TRACY TAVAKOLI FOUR (4)-LOT SUBDIVISION
4261 LAKESHORE ROAD (SBL#:159.17-1-16.1)
NEGATIVE DECLARATION AND APPROVAL RESOLUTION**

SEQR

Whereas, The Town of Hamburg Planning Department received a Minor Subdivision Application from Tracy Tavakoli for the approval of a 4-lot subdivision to be located at 4261 Lakeshore Road (SBL#: 159.17-1-16.1); and

Whereas, the Town of Hamburg Planning Board held the required public hearing on June 3rd, 2026; and

Whereas, the Town's LWRP committee has reviewed the waterfront consistency form (WAF) and recommended to the Planning Board that the project is consistent with the Town's LWRP, and the Planning Board has reviewed this information and determined that the project is consistent with the Town's LWRP (Coastal Consistency Determination); and

Whereas, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act- SEQRA) of the Environmental Conservation Law, the Town of Hamburg Planning Board has reviewed Part 1 of the

SEAF and has completed Parts 2 and 3 of the SEAF and reviewed the criteria for determining significance in accordance with Section 617.7 of SEQR.

Now, Therefore Be It Resolved, the Town of Hamburg Planning Board has determined that this proposed project will also not significantly adversely affect the natural resources of the State and/or the health, safety, and welfare of the public and is consistent with social and economic considerations and therefore issues a Negative Declaration in accordance with Section 617.7 of SEQR; and

Be It Further Resolved, The Town of Hamburg Planning Board Chair is authorized to sign the Short Environmental Assessment Form which will act as the SEQR Negative Declaration.

Motion made by Member Geraci, with a second from Member Stewart.

Resolution passes with no opposition.

Preliminary Plat Approval

The Hamburg Planning Board hereby grants Preliminary Plat Approval for Tracy Tavakoli for a four (4)-lot subdivision with the following conditions and waivers:

1. The installation of sidewalks is not warranted.
2. All lots to be developed on Route 5 will be subject to the regulations and permit requirements by the NYSDOT.
3. The Applicant shall provide copies of the recorded deeds for the purpose of creating the four (4) parcels to the Planning Department, including proof of recording.

The Hamburg Planning Board waives the completion of a Final Plat, and the Hamburg Planning Board Chair is authorized to sign the Plat once the Town Engineer signs off on the Plat.

Motion made by Member Geraci, with a second from Member Quandt.

Resolution passes with no opposition.

Liza Acanfora- Requesting Site Plan Approval on a proposal for a childcare center to be located at 4090 Jeffrey Blvd

The Applicant was not present.

Mr. Rogers provided an update for the Planning Board. This project requires a special use permit, and the Applicant is scheduled to appear before the Zoning Board of Appeals at their July 7th meeting. The Planning Board is lead agency for SEQR, and

before the Zoning Board can make a determination on the variance, the Planning Board needs to issue a SEQR decision. If the Applicant receives the variance from the Zoning Board, they will return to the Planning Board for a public hearing on the July 15th, 2026, meeting.

SEQR

Whereas, The Town of Hamburg Planning Department received a Site Plan, Special Use Permit and Area Variance application from the Southtowns Early Nesting LLC for the interior build out of a 5,000 sq ft. daycare center with a new 3,000 sq ft. playground exterior to be located at 4090 Jeffrey Boulevard; and

Whereas, the Town of Hamburg Planning Board initiated the SEQR process for this unlisted action and received input from Town Departments and Boards; and

Whereas, the Town of Hamburg Planning Board has reviewed the EAF submitted by the Applicant and received input from the Planning Department; and

Whereas, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act- SEQRA) of the Environmental Conservation Law, the Town of Hamburg Planning Board has reviewed Part 1 of the SEAF and has completed Parts 2 and 3 of the SEAF and reviewed the criteria for determining significance in accordance with Section 617.7 of SEQR.

Now, Therefore Be It Resolved, the Town of Hamburg Planning Board has determined that this proposed project will also not significantly adversely affect the natural resources of the State and/or the health, safety, and welfare of the public and is consistent with social and economic considerations and therefore issues a Negative Declaration in accordance with Section 617.7 of SEQR; and

Be It Further Resolved, The Town of Hamburg Planning Board Chair is authorized to sign the Short Environmental Assessment Form (EAF) Parts 1, 2 and 3, which will act as the SEQR Negative Declaration.

Motion made by Member Quandt, with a second from Member Ryan.

Resolution passes with no opposition.

The project was then tabled to the July 15th, 2026, Planning Board meeting for a public hearing.

Hamburg II East ESS, LLC and Hamburg II West ESS, LLC- Requesting Zoning Board Approval of a Use Variance and Planning Board Approval for a Change of Use and Site Plan Approval for a Tier 3 battery energy storage system (BESS) to be located on a 2.7- acre site at 6433 Railroad Avenue

Member Chmura has recused herself from this project due to a potential conflict of interest where her employer does work with the Applicant. Due to this, Member Chmura is asking the Planning Board to approve Member Clark to run this section of the meeting in her absence.

There was no opposition, and Member Clark will run this portion.

Attorney Sean Hopkins appeared on behalf of the project along with Jeremy Kaufman, project manager from RIC Energy, and Donald Spittler the property owner.

Mr. Rogers stated that in terms of SEQR, the Planning Board did conduct a coordinated review and that process has since ended. Comments were received from the DEC and Erie County Department of Planning. There is no public hearing tonight, so members of the audience are unable to come up to the microphone and speak. However, if members of the public have comments or concerns, they are able to email Mr. Rogers and he will in turn forward them to the Planning Board.

Attorney Sean Hopkins provided the following presentation:

Site Background

- The site is located at 6433 Railroad Avenue and is zoned Neighborhood Commercial.
- There is some dense vegetation surrounding the site which will provide screening to the battery energy storage project that is being proposed.
- There is no impact to wetlands.
- They are looking to utilize a portion of the parcel which is a total of 2.6 acres in size.

Project Description

- Two (2) co-located 5MWac projects that are Tesla Megapack 2XL
- 24-hour remote monitoring
- Project area: ~14,108 sq. ft. or ~0.324 acres
- Connects to existing distribution lines
- Grid stabilization
- Peak shaving
- Backup power

Project Description & History

- Planning Board reviewed the Project during its May 20th meeting- The Planning Board adopted a resolution for the purpose seeking lead agency status for a coordinated environmental review pursuant to SEQR
- Seeking a Use Variance since the project is not permitted in the Neighborhood Commercial General Residence District. Variance Application and supporting documentation filed on May 1, 2026.
- Pursuant to Section 280-393 of the Zoning Code, Tier 3 battery energy storage systems are permitted only in the industrially zoned areas of the Town through the issuance of a special use permit and shall be subject to the Uniform Code and the site plan application requirements set forth in the Tier 2 section and other applicable sections of these regulations and the Town Code.
- Lead Agency Solicitation Letter issued on behalf of the Planning Board on May 27, 2026.
- ZBA reviewed the project during its meeting held on June 2, 2026.
- 30-day lead agency response period expired on June 26, 2026
- Interconnection Connection Agreements entered into with National Grid on September 4, 2025.
- **Comment letter from the Erie County Department of Environment and Planning dated June 12, 2026**
 - Consented to the Planning Board being the Lead Agency
 - While the Town's code §280-392F requires "The one-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 45Dba as measured at the outside wall of any nonparticipating residence or occupied community building.", no information regarding such was included in the SEQR packet, and the FEA addressed only construction noise. The Town and developer should commission a Noise Study to ensure mitigation measures as needed are included to ensure no or low impact on neighboring sensitive receptors.
 - The Town and developer must ensure an Emergency Response Plan is reviewed, approved, and filed with the fire district
- **Comment letter from the NYS Department of Environmental Conservation dated June 24, 2026**
 - This is to acknowledge receipt of your notice, dated May 29, 2026, which requested State Environmental Quality Review Act (SEQR) Lead Agency status for the above-noted project. The New York State Department of Environmental Conservation (NYSDEC) concurs that the Town of Hamburg should act as SEQR Lead Agency. Based on a review of the project site, no significant environmental concerns were identified.
- **Memorandum of the Conservation Advisory Board dated June 23, 2026**

- On June 9, 2026, representatives from the Town of Hamburg Conservation Advisory Board, Amy Blundell and Leona Rockwood, met with site owner, Donald “Chip” Spittler and toured the site, 6433 Railroad Avenue, located between 2 sets of railroad tracks.
- We learned that historically the wooded site was a lake during glacial times, farmland and a baseball field.
- The site of the BESS is smaller than we initially thought, has no wetlands, no protected species and there are no plans to increase the size of the proposed BESS.
- Concerns about impacts of sound, lighting, future plans, visuals and monitoring were discussed and we felt satisfied, no significant environmental impacts on the topics reviewed.
- The CAB supports the position of NYSERTA, NYS Energy Research and Development Authority, as stated: “Energy Storage is a smart and reliable technology that helps modernize New York’s electric grid, helping to make the grid more flexible, efficient and resilient. With thousands of energy storage sites already in place across the State, this technology is playing an important role in making sure New York has affordable and dependable energy.”

Technology - Tesla Megapack 2XL

- Iron phosphate battery
- Best-in-Class Energy Density & Round-Trip Efficiency
- Rigorously tested for safety
- 24-hour remote monitoring
- Thermal imaging cameras
- 5MWh/20,000kWh (4 hours)

Safety

- Committed to full compliance with State guidelines and NFPA 855 safety standards
- Equipment and design compliant with national and local safety codes.
- Peer review during permitting.
- Manufacturer design for hazard control.
- Dispatchable personnel are available 24 hours a day.
- Signage at facility and near property entrance.
- Security monitoring of facility.
- Emergency response plan before commissioning.
- Central station monitoring.

Town Engineer Camie Jarrell had no comment at this time.

Member Ryan: Is this the first Tesla megapack that is going to be built?

Mr. Kaufman stated that no, the company has several of these battery storage projects using the Tesla megapacks in the works. There are 20,000 Tesla Megapacks throughout the country and there has never been an incident.

Member Ryan asked if there are some up and running?

Mr. Kaufman responded that no, there are not any that are up and running.

Member Ryan asked the Applicant if they will be working with a Fire Protection Engineer?

The Applicant confirmed that they will.

Member Ryan asked then we do not know what the potential problems could be since we have not had anything other than controlled testing?

Mr. Hopkins informed the Board that these are relatively new projects throughout New York State, and there is a host of standards that will be complied with.

Member Ryan stated that at the last meeting, the Hazard Mitigation Analysis was brought up. Has the Applicant looked into that yet?

Mr. Kaufman responded that they are in the process of preparing that now and hopefully will have that in a couple of weeks.

Member Stewart asked how long have these Tesla Megapacks been in production?

Mr. Hopkins stated that they do not have the answer to that at this point, but will provide that information to the Board.

Member Quandt mentioned that the Applicant has stated that they could not find an instance in this country where there has been a fire with a Tesla Megapack. He found an example of a fire in Australia where the entire immediate area had to be evacuated, more than 150 firefighters were responding, and the authorities had to issue warnings about toxic smoke. After the fire investigation, it was determined that a coolant leak had led to a short circuit and the affected megapack had been placed in an offline service mode and the 24-hour monitoring was inactive. There was also a delayed connection to the monitor systems, meaning that they were not actively monitoring.

Member Quandt stated that on Tesla's website for their megapacks, they have firefighting measures. Tesla Industrial Lithium-Ion Battery Response Guide Revision 2.7, Section 5.2.2 simply states to evacuate the areas of all non-emergency personnel.

Section 5.2.6 states to allow the unit to cool down while maintaining contact with Tesla for guidance, and this process may take 12-48 hours or longer and continue to maintain a safe distance.

Mr. Hopkins stated they are unaware of this incident in Australia but would like to note that New York State has some of the toughest and most stringent standards.

Member Quandt brought up that the nearest residence is approximately 300 ft away with most other properties about 500 ft. The nearest school, Southtowns Catholic, is approximately 1,200 ft away and the nearest daycare is approximately 2,000 ft away.

Member Quandt stated that in January 2025, there was a Lithium-Ion battery facility that did catch fire. Approximately 1,200 to 1,500 residents were evacuated from the area, which is roughly two miles. For reference, Lakeview Road from Route 5 to Route 20 is only a mile and a half.

Mr. Kaufman explained that the referred Lithium-Ion Batteries are an older generation and that the Tesla Megapacks are using Iron Phosphate.

Member Quandt responded that is correct, but on Tesla's SDS sheet, for this project it is listed as Lithium Iron Phosphate batteries, so it is still a Lithium battery.

Mr. Rogers recapped for the Applicant that Member Ryan would like a Hazard Mitigation Analysis to be worked on and submitted to the Planning Board for review.

Mr. Rogers asked Member Quandt if he would like the Applicant to look into the technology of Lithium-Ion Batteries and come back with a little more clarification on the batteries themselves.

Member Quandt replied that is correct and asked that a noise study be completed, particularly in the overnight period when the facility is going to be most operational. The rest of the Planning Board members concurred with this request.

The project was then tabled to the August 5th, 2026 Planning Board meeting.

OTHER BUSINESS

Member Ryan made a motion, seconded by Member Quandt, to approve the following minutes:

- May 20, 2026

As the vote on the motion was seven (7) ayes, the motion carried.

Member Quandt made a motion, seconded by Member Geraci, to approve the following minutes:

- June 3, 2026

As the vote on the motion was seven (7) ayes, the motion carried.

Member Ryan made a motion, seconded by Member Stewart, to approve the following minutes:

- June 17, 2026

As the vote on the motion was seven (7) ayes, the motion carried.

Mr. Rogers provided an update for the Planning Board, that for the July 15th meeting, the Parker Road Final Environmental Impact Statement was submitted. This project has been a six-year process that has a ton of extensive documentation for the Board Members to read.

Also, for the July 15th meeting, there is the Wetzl Project that will also be reviewed concurrently.

Member Ryan made a motion, seconded by Member Geraci, to adjourn the meeting.

Carried.

The meeting was adjourned at 8:37 P.M.

Respectfully submitted,
August Geraci, Secretary