

Town of Hamburg
Planning Board Meeting
August 5, 2026, Minutes

The Town of Hamburg Planning Board met for a Regular Meeting at 7:00 PM, on Wednesday, August 5, 2026, Room 7A/7B of Hamburg Town Hall.

REGULAR MEETING

CALL TO ORDER:

The meeting was called to order at 7:01 PM.

PLEDGE OF ALLEGIANCE

Cynthia Gronachan led the meeting attendees in the recitation of the Pledge of Allegiance.

ROLL CALL

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

Absent: Member Chmura (Excused)

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

Public Hearing- 7:00 P.M., Radius Federal Credit Union- Requesting Site Plan Approval on a proposal for a 2,460 sq-ft credit union with a drive thru, 4-car garage, and other associated site improvements to be located at 5505 Southwestern Blvd

Chair Gronachan made the following statement:

“A public hearing is an opportunity for the community to share information on how they are impacted by the project; a three-minute rule will apply. It is not a question-and-answer period. All statements made during the hearing, as well as written correspondence regarding the projects, will be sent to the Planning Department to be reviewed by the Planning Board as well as the applicant.”

Doug Feyes of Carmina Woods Design appeared on behalf of the project.

Member Geraci read the following Public Hearing Notice:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a public hearing on a proposal for a 2,460 sq-ft credit union with a drive thru, 4-car garage, and other associated site improvements to be located at 5505 Southwestern Blvd. The Public Hearing will be held on August 5, 2026, at 7:00 p.m. in Room 7A/7B of Hamburg Town Hall.”

Chair Gronachan declared the public hearings open.

No one spoke.

Chair Gronachan declared the public hearing closed with no comment provided.

**Radius Federal Credit Union
5505 Southwestern Boulevard
SBL # 182.09-1-5
SEQRA and Approval Resolution
August 5, 2026**

SEQR

Whereas, The Hamburg Planning Board received a site plan application from Radius Federal Credit Union for the construction of a 2,460 sq-ft credit union with a drive thru, 4-car garage, and other associated site improvements to be located at 5505 Southwestern Blvd (SBL # 182.09-1-5); and

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

Whereas, The Hamburg Planning Board held the required public hearing for this project on August 5th, 2026; and

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

Now, Therefore, Be It Resolved, that 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 memo dated 8/3/26.
2. The landscaping plan dated 7/8/26 shall be approved by the Planning Department.
3. The installation of sidewalks is not warranted as they already exist along Southwestern Boulevard.
4. Any proposed signage shall be in accordance with the sign regulation (article XXXVI) of Hamburg Town Code.

5. Lighting must be dark sky compliant.

There was a motion made by Member Stewart, with a second from Member Quandt Resolution passed with no opposition.

Public Hearing- 7:00 P.M. A.K. Kaid- Requesting Change of Use and Site Plan Approval on a proposal for a retail cannabis dispensary and associated site improvements to be located at 3233 Lakeshore Road

Tommaso Briatico of Tommaso Briatico Architects appeared on behalf of the project.

Mr. Briatico explained that last time, the Planning Board requested a topographical evaluation of the site as well as a lighting analysis which was submitted. They are planning to remove the existing concrete and put in a new black-top parking lot in the front of the building. They are also going to have a green space to the south side with a series of trees.

Mr. Rogers noted that this property did receive a use variance from the Zoning Board which is why it is before the Planning Board for Site Plan approval and change of use. There were questions last time regarding the renderings showing a deck which has changed on the site plan due to the fact that there is no outdoor consumption allowed in the Town of Hamburg.

Chair Gronachan made the following statement:

“A public hearing is an opportunity for the community to share information on how they are impacted by the project; a three-minute rule will apply. It is not a question-and-answer period. All statements made during the hearing, as well as written correspondence regarding the projects, will be sent to the Planning Department to be reviewed by the Planning Board as well as the applicant.”

Member Geraci read the following Public Hearing Notice:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a public hearing on a proposal for a cannabis dispensary and associated site improvements to be located at 3233 Lakeshore Road. The Public Hearing will be held on August 5, 2026, at 7:00 p.m. in Room 7A/7B of Hamburg Town Hall.”

Chair Gronachan declared the public hearings open.

No one spoke.

Chair Gronachan declared the public hearing closed with no comment provided.

Member Ryan asked if there was going to be any other way in or out of the parking lot such as onto the side street?

Mr. Briatico answered no, just on the front. There are two existing curb cuts that are going to be reused.

It was reiterated that both the entrance and exit will be on Route 5.

Member Zajac asked if the glass where the old garage doors are located was going to be frosted?

Mr. Briatico responded no, they are going to be a new overhead door that the applicant is looking to be able to lift up and make more inviting. However, they will be closed 99% of the time.

Due to the fact that there is a youth music studio across the street, Member Zajac does not want the doors to be open at all and that the glass be frosted

Mr. Briatico stated if the Planning Board would like the doors closed at all times, the Applicant will comply.

As the drawings have a security office, Member Zajac asked what are the security measures going to be?

Mr. Briatico answered that it will be very secure with a sophisticated security system in place. There will be cameras on site to monitor and make sure that people are not smoking or using cannabis on site.

Chair Gronachan confirmed that the business must follow the New York State regulations under Cannabis Law and then the Planning Board can impose or add to the conditions under a special use permit. In regard to the garage door, line two (2) of the NYS Code, under section B states that it must be in a fully enclosed building, so that would mean no garage door.

Mr. Rogers confirmed that Chair Gronachan was correct. However, he did add that although it is somewhat covered, the Planning Board can still add it as a condition so that Code Enforcement has it in writing, and the condition is specific and enforceable.

Member Quandt asked if the architect could explain the purpose of the outdoor concrete patio if consumption of the products is illegal.

Mr. Briatico answered that the gazebo is next to the entrance which was done to make the entrance a little larger and more welcoming, and it is not designed for people to sit and smoke. They are trying to use light and different shapes/forms to be more welcoming.

Member Quandt stated he would like to see a condition that states that no outdoor seating maybe provided on the concrete patio to prevent any congregation or potential outdoor consumption.

All board members were in agreement.

Chair Gronachan summarized the following:

- Since the first rule is that the building has to be completely enclosed, they will be putting that as a condition.
- The Applicant is to change the garage door and patio so that there is no false invitation.
- The garage door is not going to be installed, and it is going to be glass.
 - The Planning Board is not opposed to frosted or tinted glass.
- There will be notification outside that there is no use or outdoor consumption.
- The Planning Board will need the detailed security narrative with a breakdown of all cameras and security measures.

The project was then tabled to the August 19, 2026 Planning Board meeting.

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

Attorney Sean Hopkins appeared on behalf of the project along with Jeremy Kauffman the Project Manager at RIC Energy, Paul Rogers from Emergency Safety Response Group (ESRG), Samantha Parker-Fann the Environmental Project Manager, and Andrew Welch, Director of Development at RIC Energy.

Mr. Kauffman stated as requested, they have submitted the noise study, emergency response plan, and hazard mitigation analysis for Planning Board review.

Mr. Hopkins explained that this project is simultaneously in front of the Zoning Board of Appeals because this project does require a use variance. Prior to the Zoning Board of Appeals being in a position to issue a decision on a use variance, they require a SEQRA determination from this board. At this time, the Applicant is asking the Planning Board to issue a Negative Declaration so that they may go to the Zoning Board of Appeals. The reason for tonight's meeting was to have the subject matter experts present to answer some of the technical questions that had previously been asked. This project was sent out to other agencies for comments and the only two (2) comments that were received were from the New York State Department of Environmental

Conservation which was a Lead Agency Concurrence letter, and from the Town Conservation Advisory Board, which indicated that it was in support of the project.

Mr. Rogers explained that in addition to the comments that have been received from the DEC and the Conservation Advisory Board, a letter was sent to Chief Hauser from the Lake View Fire District. Chief Hauser did provide some comments via email which were shared with the Board and the Applicant. Mr. Kauffman and his team did provide a response to those comments which Mr. Rogers shared with the Planning Board.

Mr. Rogers added for clarification, this project is before this board for a SEQRA determination. There has been a lot of comments and input from the public.

Mr. Rogers reiterated so that the public is aware, this project is not before the Town Board at all. This project is solely before the Planning Board and the Zoning Board of Appeals.

Chair Gronachan stated on Friday afternoon (July 31, 2026) an Emergency Response Plan of 35 pages was received that is incomplete. Also received was a Hazard Mitigation Analysis Plan and a Noise Impact Assessment report.

Chair Gronachan asked can members of the public get copies of these reports?

Mr. Rogers answered yes, they can be found on the Town of Hamburg website under the Planning Board page.

Chair Gronachan stated due to the fact that more information is needed, especially regarding some questions for Chief Hauser, she feels that the case should be postponed due to the following reasons:

- If there is an emergency response on this project, the fire department would have to get permission from the railroad to put hoses across the track.
- Per the documents presented to the Planning Board, it states that training should be organized in coordination with the local fire department and provided on at least an annual basis. What is not addressed is that due to where this project is located, it is not just the Lake View Fire District that handles emergencies in that part of the Town. This document does not address the other fire stations.

All members of the Planning Board were in agreement that they would like to postpone the project to get more information and have the reports completed.

Mr. Hopkins stated that the report is compete it is just not finalized.

Chair Gronachan responded that per the report, it states that it is not complete.

Chair Gronachan explained her other reasons for wanting a postponement:

- This project is not zoned for this piece of property
- This is a highly dangerous project. The reports talk about the flammable gases, how the Fire Department cannot lay down a hose, and answers are needed.
- In the past when before the Planning Board, conflicting information was presented about past fires. In May when asked about past fires, a member of the Applicant's committee informed the Board that there was one fire when there were in fact five (5). The Board was told that a fire that occurred in Australia was a different kind of battery, and it was then revealed that it was not a different kind of battery.

Member Quandt stated that if the Board allows the Applicant's expert to speak tonight, he would like it to be noted that in relation to the Emergency Response Plan (page 6) it explicitly states that this document should not be provided externally until agreed upon by all responsible parties and it has been submitted. It further states that this document is not meant to serve as professional and credentialed engineering, legal, technical or emergency response judgement and that ESRG disclaims all liability for personal wrongful death resulting from the use of this document.

Ms. Parker-Fann asked what amount of lead time does the Planning Board need so that they can provide all requested information?

Mr. Rogers responded that the lead time depends on the date the project is tabled to.

Chair Gronachan feels the September 2, 2026, Planning Board meeting is appropriate so that they can reach out to the experts and have the materials submitted by August 19, 2026.

Mr. Rogers explained that public hearings are technically not required under SEQR, but given the magnitude of this project, he assumes that the Planning Board would want public input on the September 2nd meeting.

Chair Gronachan affirmed that they would want public input and asked that a public hearing be scheduled for that meeting.

The Applicant stated they are willing to reach out to the railroad companies as well as the Planning Department to try and get a response.

Member Ryan stated she would like a vibration analysis due to the fact that this project is going to be located between two heavily used tracks.

Andrew Welch, Director of RIC Energy explained that the basic answer to the vibration concern is that the cabinets are designed for and placed on concrete pads. They are going to be able to withstand and absorb any vibrations through the concrete pads

better than any of the homes of businesses that are along the rail line. A more detailed answer will be forthcoming

Paul Rogers from the ESRG Energy Safety Response Group provided the following overview:

- The seismic issue is part of the listing itself. The battery has to go through performance listings through Underwriter Laboratories a nationally recognized testing laboratory.
- The draft reports that people will see online are in draft form because the applicants team wants to look at the approved plans before they are finalized. They make sure that all signage is correct, and they do not approve their plans until they do a walkthrough, and everything is built according to the approved plans such as the safety functionalities and central monitoring stations.
- In regard to the training for the Fire Departments, that is in the New York State Fire Code.
 - The New York State Fire Code is one of the most progressive Fire Codes in the country.
 - When the New York Fire Code was being updated it was understood that there are a lot of volunteer fire services and that there is a tremendous amount of turnover. That is why it was captured that a yearly annual training be offered by the developer.
 - Also in the code, it states that a subject matter expert needs to be available immediately.
- Part of the testing that is required for a system to come into New York State is for there to be a test burning done at a nationally recognized laboratory that shows if one system were to start on fire, it would not spread to other units. This is not normally done in the fire protection world.

The project was then tabled and a public hearing was scheduled for the September 2, 2026 Planning Board meeting.

Mike Sweeney- Requesting Site Plan Approval on a proposal for a 55,000 sq-ft industrial storage building on an existing asphalt-gravel storage yard to be located at 3100 Lakeshore Road (SBL# 150.00-1-1.2)

Thomas Shelberg of DEL Resources appeared on behalf of the project along with Mike Sweeney.

Mr. Shelberg provided background for the Planning Board on the status of the project. Last month they were before the Planning Board for sketch plan review, and received the go-ahead to submit a more detailed engineering site development and site plan

package for the Board to review. On July 23, 2026, the Applicant commissioned a geotechnical review and site equipment to dig and test the industrial fill in the back of the storage lot. The storage lot presently has large amounts of steel products that are left open to the elements. The 55,000 sq-ft industrial storage building that they are proposing will house these products. The proposed building is positioned in the back along the rear west property along the driveway of the current gravel storage yard. They removed the parking because the building is going to be used strictly for storage purposes.

Mr. Shelberg explained that for the Grading and Utility Plan they are showing:

- Water connection to the existing combination/connection water line.
- Installation of a new double check valve assembly.
- Extension of the line around the north end of the building.
- Installation of two (2) fire hydrants along with a fully sprinkled building to meet the fire code.
 - They have reached out to Jeff Skrzypek at the Building Department as well as Mike Cole with Woodlawn Fire.
- There were some existing fire hydrants on the property, but they were left over from Bethlehem Steel and are no longer operational. The applicant is bringing the water from either the Erie County Water Authority line or from a private line on site.
- There is a stormwater underground detention and infiltration system.
- There is no visible storage outlet or stormwater outlet to the site or to a municipal drainage system. They are relying on the existing drainage system that is percolating into the subbase of the compacted fill.

Mr. Rogers added that this is the first review of a full site plan. From a SEQRA perspective, this is an unlisted action, however, the Planning Department has recommended a coordinated review be done for the following reasons:

- This fronts onto a State Highway System (Lakeshore Road) so it would be helpful to hear from NYSDOT.
- Since it is on a State Highway, a 239 M Referral needs to be completed. This would mean that Erie County would comment.
- With every project, it will be sent to the DEC for their comment.

The Planning Board was in agreement with conducting a coordinated review.

The Planning Board may also instruct Mr. Rogers to send the project to the Town of Hamburg LWRP Committee as this project is in the Town of Hamburg's WRA (Waterfront Revitalization Area).

Chair Gronachan and the rest of the Planning Board agreed that it should be sent to the LWRP Committee for a recommendation.

Mr. Rogers recommended that the project be tabled until September 2, 2026, and it be scheduled for a public hearing at that time.

Town Engineer Camie Jarrell added this is a project that has the most progress as far as engineering is concerned. As the reports and updated drawings have been submitted, the Engineering Department has been doing at least a high-level review and at this point she is satisfied with what has been submitted. The Geotechnical report gave a lot of information as to what the ground is containing. It is appreciated that the Applicant has already identified that they do not have a drainage outlet so they will have a lot of onsite storage to handle the drainage.

The project was then tabled to the September 2, 2026, Planning Board meeting and a public hearing was scheduled.

Planning Board to discuss the draft Final Environmental Impact Statement submitted by Parker Road Developers, LLC regarding a proposed subdivision to be located on the west side of Parker Road, south of Big Tree Road

Attorney Sean Hopkins appeared on behalf of the project along with David Manko.

Mr. Rogers explained that before the Planning Board is the FEIS for the Parker Road project. The Planning Department has done a cursory review of the report and has put together a summary of the FEIS.

Mr. Rogers provided some items for the Planning Board to consider:

- The FEIS was first drafted by the Applicant with the caveat that it must be in the opinion of the Board. The Planning Board can then change answers or ask for additional studies, but it must be in the words of the Planning Board.
- From the SEQRA Law, the FEIS at a minimum must have copies of all the substantive comments that were received during the public comment period.
- The Lead Agency is responsible for the coordination and the accuracy of the FEIS

Mr. Rogers went over his cursory review, and explained that there were some minor spelling errors in the FEIS for the Applicant to correct.

Mr. Rogers has some clarifying questions in his review document that included the following:

- There seems to be a discrepancy/inconsistency with the number of lots for the Cluster Plan. On page 12, it states 57 lots and then on pages 154-156 and 168 (of the Traffic Study) it states 59 lots. This discrepancy should be clear.
 - Per Mr. Hopkins the Cluster Plan is 59 lots.
- The Applicant responded to most of the comments that were submitted during the Public Comment period. However, there were a couple of comments from residents who were not mentioned and the Planning Department felt that their comments were substantive in regard to concerns about the traffic impact.
- From previous Planning Boards, there was talk of three different layouts. There is the As-of-Right Plan that has 65 lots, the Cluster Plan that has 59 lots and a No Action Alternative. The Applicant stated that in their opinion, they did not add anything to the No Action Alternative because the property is properly zoned R-1 and some form of housing development can be achieved on the property. In previous cases, there has usually been some sort of narrative to the No Action Alternative. Mr. Rogers stated the Planning Board has to decide whether or not they want some sort of narrative or if they are comfortable with the Applicant's response as to why they did not include a No Action Alternative.
- There are some impacts in the FEIS that include: impacts on land, groundwater, surface water, water bodies and wetlands, plants and animals, transportation, energy and utility resources, noise and odor impacts, growth and character of the community, AG resources.

Mr. Rogers added some items for the Planning Board to consider while reviewing the FEIS:

- Did the applicant evaluate all the different sections that were from the Positive Declaration and the DIS?
- Did they provide mitigations that are to the Planning Board's liking?
- Does the Planning Board agree with the language of how those mitigations are proposed?
- Is the Planning Board comfortable with the formatting of the document?

Mr. Rogers explained that what the Planning Department is looking for is that by the August 19, 2026 meeting, the Planning Board will be able to have the FEIS deemed complete. Once it is deemed complete, there is a ten (10) day period where the FEIS is open to public comment from both outside agencies as well as members of public. They then have thirty (30) days to do issue SEQRA findings, which will ultimately be the Planning Boards decision.

Member Ryan asked in regard to the As-of-Right plan, would the Applicant consider a mitigation for a reduction of the number of houses to give more of a buffer and walking trail as there is in the Cluster Plan?

Mr. Hopkins responded that the primary reason that request is not feasible is because they don't get a reduction of the infrastructure. While a reduction of lots from 65 to 59 is acceptable, it actually results in substantial less cost in terms of roadways, sewer and water.

Member Ryan stated that the As-of-Right plan has the square footage of each individual lot on it. She would like to see that on the Cluster Plan so that she can see how much square footage is for each lot.

Mr. Hopkins responded that will be done.

Based on the proposed minimum lot size of 10,000 sq-ft (in the Cluster Plan), Member Ryan asked would the homeowner be able to construct a typical deck, install an inground pool, and/or place a shed on the property while still meeting all the required setbacks, lot coverage and zoning requirements without needing to obtain a variance?

Mr. Hopkins stated that the minimum lot size is 75 ft by 140 ft. and with the home plans prepared by the prospective purchaser, it shows that the lot dimensions comply with all setbacks and there is more than adequate room to provide sheds, pools, decks, patios etc. in the back of those yards.

Mr. Rogers reiterated that in the Town Code there are specific regulations for Cluster Subdivisions regarding specific setbacks. The front yard setback is 20 ft, the side yard is a minimum of 10 ft, and the rear yard cannot be less than 20 ft.

Mr. Hopkins informed the Planning Board that with either plan, there will be an HOA formed because the Town of Hamburg does not want to take responsibility for the long-term ownership and maintenance of the stormwater management.

Member Stewart stated that when looking at the advantages of the Cluster Plan, it does not look as if there is much room on the side of the house. If a homeowner wanted to have something installed in their backyard, they would have to intrude on the neighbor's property in order to get the equipment into the backyard.

Mr. Hopkins responded that is not an uncommon situation.

Member Stewart asked, is this a similar situation to the Mission Hills Development?

David Manko answered that the lots that are located in Mission Hills are 60 ft by 130 ft and were about 5,000 to 6,500 sq-ft lots. The setback from the road is 35 ft so that there could be sidewalks.

Member Zajac added on page 11 for the mitigation required under Section 3.2 Impacts of Surface Water and Groundwater, it references a detailed SWPPP analysis that has determined that these are minor short-term impacts that do not require mitigation. He

asked what is that referring to and could there be wording in there as to what it refers to?

Mr. Hopkins answered that absolutely can be added.

Chair Gronachan asked Mr. Rogers about his referencing of a list from a previous project and if he could explain that?

Mr. Rogers explained that for the previous project there was a table of every comment that was received during the Public Comment Period, that the Planning Board deemed to be substantive, that the Applicant then addressed in the FEIS. Mr. Rogers felt that the table of comments made the process of addressing the comments more streamlined. It was a suggestion that he put forth to the Planning Board for their consideration and he had an associate prepare the table that he would be willing to share with the Applicant.

Mr. Hopkins said that would be appreciated.

In the document provided by Mr. Rogers, it asks "Did the applicant evaluate the proposed infrastructure improvements, including discussion of the existing topography and impacts to the property and surrounding lands, proposed grade and fill requirements, the removal of existing vegetation and topsoil, and construction related impacts including construction phasing?"

Chair Gronachan did not see where that was addressed.

Mr. Hopkins stated that he thought it was addressed in at least a narrative form, but he will check on it.

In the document provided by Mr. Rogers, it asks "Has the impact of the Buffalo Bills stadium been addressed with this subdivision?"

When Mr. Rogers did his review for the Planning Board, one of the things asked for were cumulative impacts not only on the adjoining project but any type of impact that would come from the new Bills stadium.

Mr. Hopkins responded originally there was a traffic study submitted by Passero with an updated study presented in December 2024. After the Planning Board determined the study to be complete, DOT asked for additional information.

Mr. Rogers asked since that December 2024 study, has it been shared with the DOT and if so, do they have any new comments on that study?

Mr. Hopkins believes that there is an email which Mr. Rogers was copied on that states that they have no additional concerns.

Chair Gronachan asked in the Cluster Plan, how many of the lots are going to be 17,500 sq-ft?

Mr. Hopkins answered very few, as those will be the corner lots. The general square footage of the lots in the Cluster Plan will be around 10,500 sq-ft.

The project was then tabled to the August 19, 2026 Planning Board meeting.

Planning Board to discuss the draft Final Environmental Impact Statement submitted by Wetzl Development LLC regarding a proposal by Glenn Wetzl to rezone property located east and south of 4255 McKinley Parkway

Attorney Sean Hopkins appeared on behalf of the project.

Mr. Hopkins updated the Planning Board that the FEIS is almost done. Mr. Hopkins is going to review it to make sure that every public comment is addressed. He asked that this project be tabled for two weeks. It was confirmed that they have received a Negative Determination on wetlands from the DEC, confirming that in light of a court case that was issued in April of 2026, there are no wetlands. As stated during the last presentation, after input from nearby property owners, the Applicant is proposing a preferred alternative.

Mr. Rogers explained that on August 19, 2026, the Planning Board should be receiving the FEIS and starting the process of the review like they did for the Parker Road project.

The project was then tabled to the August 19, 2026 Planning Board meeting.

OTHER BUSINESS

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

- July 15, 2026

As the vote on the motion was four (4) ayes and three (3) abstentions from Member Clark, Chair Gronachan and Member Zajac, the motion carried.

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

The meeting was adjourned at 8:55 P.M.

Respectfully submitted,
August Geraci, Secretary