

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

The Town of Hamburg Planning Board met for a Work Session at 6:30 PM, followed by a Regular Meeting at 7:00 PM, on Wednesday April 1, 2026, in Room 7B of Hamburg Town Hall.

Work Session

Planning Board to discuss various zoning code amendments for a report and recommendations

Mr. Rogers spoke regarding the zoning code amendments that were discussed in previous Planning Board work sessions.

1. Electric Vehicle (EV) Charging Stations

Recommendation:

- a. Instead of having requirements for EV charging stations in the site plan, there should be a chapter specific for EV charging stations that will cover all the different parameters that the Planning Board reviews.

Discussion:

Member Clark:

- If the Planning Board wanted to have EV charging stations in parking lots, this will just outline the process to apply for them and would not require them.

Member Chmura:

- Would the Planning Board be able to set parameters and requirements?
 - Mr. Rogers explained that it would be similar to Special Use Permits where you would reference that section.

Member Stewart:

- How do we determine how many charges per project?
 - Mr. Rogers: recommends that the Planning Board follow a similar process as determining parking spaces where you would look at the kind of use, the number of units, the number of people who would be in the development and come up with

- Member Chmura: Would it be advantageous to use a percentage of the parking spaces, i.e. 1%.
- Chair Gronachan: Agrees with a percentage instead of the number of residents because it will cover commercial buildings as well as residential.
- Mr. Rogers: As always, there will be a provision that allows the Planning Board to waive or modify the percentage if it is determined that more is needed.

Chair Gronachan:

- On a mixed-use location are the EV stations going to be available to only the residential use or is it going to be a part of the whole project or do we need to clarify?
 - Member Clark: Does not feel that there needs to be clarification. The way it normally works is the chargers are serviced by different companies and when a user plugs the car in and the car stops taking power the car owner gets charged a penalty for keeping it plugged in.
 - Member Chmura: With a percentage, it gives the charging company the ability to decide whether or not they want to dedicate it to residents or not.

Mr. Rogers:

- There are instances where there are changes to parking numbers due to the movement of a dumpster and it takes away parking. In those cases, they return to the Planning Board to have site plan approval amended, would we do the same for EV charging stations?
 - Chair Gronachan: Until this gets more established and there is precedent, yes they should have to return to the Planning Board.

Attorney Gogan:

- Wants to make sure that the Planning Board is aware of and following the New York State EV Make-Ready Program.

REGULAR MEETING

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present: Chair Gronachan, Member Clark, Member Geraci, Member Ryan
Member Stewart, Member Chmura, and Member Zajac

Absent:

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

Coral Cottage Holiday Rental, LLC- Requesting Site Plan and Special Use Permit Approval to operate a short-term rental at 3538 Heatherwood Drive

Withdrawn at the request of the Applicant.

Erie County Agricultural Society- Requesting Site Plan Approval for a proposal to demolish three (3) structures and construct a 32,850+/- sq-ft one story building within the existing Slade Park between the existing Fireman's building and Grange Building, to be located at 5600 McKinley Parkway

Doug Hutter of Zaxis Architectural appeared on behalf of the project. He is looking for site plan approval for the project and the setting of a public hearing for May 5, 2026, on behalf of the Erie County Agricultural Society.

Mr. Hutter explained that the project is to propose a new building for Slade Park which is located in the middle of the Fairgrounds. This area currently contains the Fireman's Building, New York State Police Building, the rappelling tower, a marketplace building, the Grange Building, and the Historical Building. Most of the buildings are used all year long with the exception of the Fireman's Building and the Historical Building.

The Fairgrounds are proposing to construct a new building that will replace some of the existing structures. They are looking to build a 32,850 sq-ft facility that will help with large events such as Plantasia but also be used for events that do not need a building as large as the Event Center (70,000 sq-ft).

This project meets all the requirements for the special zoning. The Fairgrounds have a very specific district accommodation for them that distinguishes between fair and non-fair events, and this building will be used for both the fair and non-fair events.

Due to the fact that this location is so far from the roads, it meets all the building setbacks, the height requirements, and the signage requirements.

They are looking to have a building that fits in with the esthetic and architecture that is already there.

There will be more green space at the end of this project than there is currently.

The new building is located so that the event center is in direct alignment with each other.

The main entrance of the building is facing the parking lot; there will be another entrance on the sides of the building. On the back of the building is where they will have an eight-foot-high enclosure that will house the dumpsters, transformers, and condenser units.

They are looking at a 14-month schedule to build the building. After the Fair of this year, they would start the demolition of the State Police Building and the reconfiguration of the utilities.

During the Fair next year, they would erect a chain-link fence to enclose the location so there can be no interaction between the site and the public.

In Spring 2028 the Marketplace building will be demolished, and a circulation node will be built in its place, so that by the time the Fair of 2028 opens, everything is ready to be open to the public.

The layout of the building will consist of a center exhibit space of just over 15,000 sq-ft with two conference areas on the left side of the building. On the right side of the building will be the loading, mechanical room and concessions.

The building design will have clear story windows that wrap around the building, and each entrance will have a little different look to it.

Mr. Rogers explained that this is located within the Fairground District Zoning, which Mr. Rogers provided a copy of to the Board. Typically, it is temporary structures that are associated with the Fair and do not come before the Board and are handled by the Building Department. Code Enforcement felt that due to the size of the project, the fact that there will be some non-fair events, and that it is a permanent structure, it needed to come before the Planning Board.

It does not need any variances at this time, and from the SEQR perspective, it is considered an unlisted action and in his recommendation, it is not worthy of a coordinated review.

Town Engineer Camie Jarrell stated that at this time, there is not a great deal to add. As it was mentioned, Engineering would review the project going forward in regard to utilities, grades, drainage, etc.

Member Ryan asked is the concert area in Slade Park leaving or is it being incorporated into this project.

Mr. Hutter answered that it will be reorganized into the park. The Fairgrounds does not have a final place for it yet, but it will exist. He added that the picnic areas will also exist for families.

Member Chmura asked if the applicant could provide a landscaping plan that shows the trees that are going to remain, be removed, and the new landscaping. She stated she understands that there will be temporary landscaping that comes in as well.

Mr. Hutter responded they are working with a landscape architect, Joy Kuebler, who is working with the understanding that this is a park and absolutely needs to stay a park. He is hopeful that at the next meeting he will have renderings that he can present to the Board, it may not be a formal landscape plan, but he will certainly have renderings and the number of trees that will be staying and coming down.

A public hearing was scheduled for the project for the May 6, 2026 Planning Board meeting.

Brandon Santa- Requesting Site Plan Approval for a proposal to construct six (6) shop warehouse buildings along with other associated site improvements to be located on a 7.46-acre parcel at 0 Lakeshore Road (SBL #: 150.00-1-6.2)

Attorney Sean Hopkins and Anthony Pandolfe with Carmina Wood Design appeared on behalf of the project along with Brandon and Brittany Santa.

A public hearing was held on March 4, 2026, and there was extensive input received.

Mr. Hopkins explained that the Applicant made an updated project submission on March 27, 2026, with the landscaping being moved from the property line to being directly behind the buildings. The applicant feels that this provides more effective landscaping. They also did look at shortening the interior drive aisle however the width that is being shown is necessary in order for vehicles to have proper space to maneuver.

Mr. Hopkins acknowledged they are aware of a comment from a Planning Board member, who has a background in landscaping, regarding modifying the planting which they are willing to look into and will aim to incorporate.

Mr. Hopkins gave a presentation and went over the follow topics:

State Environmental Quality Review Act (SEQRA):

- Intent of SEQRA (6 NYCRR Part 617.1 (d)): “It was the intention of the Legislature that the protection and enhancement of the environment, human and community resources should be given appropriate weight with social and economic considerations in determining public policy, and that those factors be considered together in reaching decisions on proposed activities. Accordingly, it is the intention of this Part that a suitable balance of social, economic and environmental factors be incorporated into the planning and decision-making process of state, regional and local agencies. It is not the intention of SEQR that environmental factors be the sole consideration in decision making.”
 - Part 1 of Full Environmental Assessment Form submitted on January 27, 2025
 - Project is Unlisted Action pursuant to SEQRA
 - 30-day response period for involved agencies to object to the Planning Board being the Lead Agency expired on February 29, 2026
- SEQRA's substantive requirements:
 - Identify the potential environmental impacts,
 - Hard look at the identified impacts, and
 - Issue SEQRA determination supported by a reasoned elaboration
- No Impact Letter Issued by SHPO on March 2, 2026
 - Based upon the review, it is the opinion of OPRHP that no properties, including archeological and/or historic resources, listed in or eligible for the New York State and Natural Registers of Historic Places will be impacted by this project.

Response to Public Hearing Comments:

- Wetlands: Determinations issued by the NYSDEC and USACE confirm there are no State nor Federal jurisdictional wetlands located on the project
 - Additionally, the Wetland Delineation Report prepared by Earth Dimensions, Inc. in October of 2024 did not identify wetlands of any kind, jurisdictional or non-jurisdictional on the Project site
- Stormwater Management/Flooding: Fully engineered design plans will include a grading and drainage plan. This will ensure that no drainage from the project parcel will be directed toward the neighboring properties.

- Additionally, a stormwater management area will be incorporated into the design that will include a bioretention area. The stormwater management area will be designed to meet the NYSDEC requirements for water quality and quantity including a 100-year storm event
- Rush Creek is considered a 303(d) by the NYSDEC and will require two (2) SWPPP inspections per week to ensure that the necessary erosion and sediment control measures are in place
- Traffic\Noise\Light Pollution: the proposed development is for an industrial use. Industrial uses produce less traffic than both commercial and residential type developments of similar sizes.
 - Lighting will comply with the Town's stringent lighting standards and will be dark sky compliant.
 - Per the ITE Trip Generation Manual, the proposed development can expect 36 trips during business hours which does not meet the NYSDOT threshold of 100 trips to warrant a Traffic Impact Study
 - The positioning of the buildings along the north and east side of the parcel will serve as a buffer
- Emergency Ingress/Egress: emergency access from the north can be accommodated via the widened right-of-way from Nelson Avenue to the project site. The project layout meets the requirements of the NYS Fire Code for access around the site and proposed buildings
 - Draft Declaration of Easements has been submitted for the two parcels comprising of the project site.
- Woodlawn Sewer: the proposed fence is offset 15-ft from the northern property line of the Woodlawn Sewer District, and the buildings are offset 10-ft from the southern property line as required by the Town of Hamburg Zoning Code
 - Neither of these structures are close enough to the sewer line itself to cause damage. Also, there will not be any heavy equipment driving over the Woodlawn Sewer District property
 - Letter from Woodlawn Sewer District dated March 27, 2026, Clarifications:
 - The applicant will comply with ECDSM requirements, including establishing the required easements for the existing sanitary sewer located on the Woodlawn Sewer District property and submitting an Out-of-District agreement
 - The proposed development does not meet the 2,500 gpd threshold that would warrant a downstream sewer capacity analysis (DSCA). The anticipated daily sewer demand for the proposed development is 1,200 gpd

Response to Town of Hamburg Conservation Advisory Board:

- Impact on Land: An erosion control plan will be implemented during construction and SWPPP inspections will take place twice a week
- Impacts on Surface Water: The proposed development will include a stormwater management area to comply with the NYSDEC water quality requirements.
- Impacts on Flooding: The proposed development will include a stormwater management area to comply with the NYSDEC water quality requirements. No buildings are proposed within the 100-yr floodplain.
- Impact on Plants and Animals: Acknowledged, additional environmental surveys may be required.
- Impact on Aesthetic Resources: Buffering for travelers on Rt. 5 is provided by adjacent property to the south and existing developments to the north.
- Consistency with Community Character: This site is properly zoned as M-3 for this type of development.

Response to NYSDEC dated February 27, 2026:

- State Wetlands: As previously documented, there are no NYSDEC jurisdictional wetlands located on the Project Site.
- Federal Wetlands: As previously documented, there are no USACE jurisdictional wetlands located on the Project Site.
- Rush Creek: Is located on the project site and has a Class and Standard of “c” (not regulated). Therefore, pursuant to the provisions of Article 15, Title 5 (Protection of Water) of the NYS Environmental Conservation Law, no Protection of Waters Permit will be required for the proposed project. SWPPP inspections will be required twice per week to ensure proper erosion control measures.
- SPDES Permit: Will be required
- 100-yr. Floodplain: As noted on the FEMA Map, the 100-yr floodplain only pertains to a small portion of the Project Site, where the landscaped berms will be. No buildings are proposed to be constructed in the 100-yr. floodplain.
- SHPO: As previously documented, there is a No Impact Letter dated March 2, 2026.
- Stalked Bugleweed: Environmental surveys may be required to assess the potential impact of the project on the Stalked Bugleweed; a NYS endangered species last identified 23 years ago in 2003 near the project location [not on the project site].

Mr. Rogers explained that in regard to the Coordinated Review, one of the comments that the Planning Board requires is from NYSDOT and they asked for an extension to review the most recent Site Plan. Their official comment back was that if there was any work in the right-of-way, a highway work permit would be required.

It was reiterated that although the public hearing has been closed so no one can come before the Board and speak, the Planning Department will continue to receive letters, emails, and all types of correspondence from the public. The correspondence will be reviewed by the Planning Department and the Planning Board.

On March 31, 2026, there was a major rain event that flooded many parts of the Town of Hamburg including Woodlawn. A neighbor provided the Planning Board with pictures that they took and identified the locations showing the flooding in the vicinity of the proposed project site and Rush Creek.

Mr. Hopkins noted for the record that this is the first time that the applicant and his team are seeing these pictures. They feel that many of the pictures provided are not on the project site and they are unsure of the exact location. However, the pictures that do pertain to the project site, they would like to remind the Board and the public that the amount of rain that was received during the storm was atypical and that at this time there is no stormwater management system. Once there is a stormwater management system in place, the Applicant will be able to control runoff from the impervious surfaces on their site. They do understand that no one can come before the Board and take the position that it is going to dramatically improve off-site conditions.

The Planning Department has been in contact with the Conservation Advisory Board as well as the head of Traffic Safety. In regard to Traffic Safety, they are unable to comment on Route 5 as that is a State road, but they have been communicating regarding some sort of mitigation talks about Nelson Avenue and Hawley Road.

Member Zajac stated he would like to put it on record that while in the course of looking at the property, he had a conversation with the Applicant where he was informed that the petitioner has an agreement with a neighbor that relates to the back part of the property located closer to Mile Strip Road.

That agreement is a lease due to the neighbor having some of his sheds, fence, etc. on the property when the applicant purchased the land so that his neighbor would not have to move his things. This lease does not touch the parcel of land that this project is proposed on.

Member Chmura said while reviewing the FEAF Part 1, she noted that the Applicant has indicated that for the land use/cover type as meadows, grasslands and bushland is 0.3 acres which leaves the balance of the property or 6.5 acres, as non-vegetative (meaning bare rock earth or fill). She stated this needs to be changed in the FEAF as this is not the conditions of the land.

Member Chmura stated with respect to the utility plan, on the updated site plan it does indicate where the water service would end up coming through. However, there has

been discussion in regard to sewer and easements. She asked where the Applicant is planning for the electrical services.

The Applicant responded that electrical services would most likely come off Route 5. The Applicant does not design electrical services, the utility company will come in and tell them where to pull it from, and they will lay out the conduit as they see fit on the site. The Applicant can show it schematically but that does not mean that is the way it is going to be because until the project is under construction and there is an application for service, the utility company will not look at it.

Member Chmura asked if the Applicant is to pull it from Route 5 and this is considered a separate property, is it going to go through the proposed easement.

The Applicant responded that yes, the updated site plan has that access and utility easement. So, all utilities and access will be through Mr. Santa's current property.

Member Chmura asked the Applicant have they confirmed that they have the ability to tap Route 5 for gas.

Mr. Pandolfe answered yes, everything will come off of Route 5. Both gas and electricity are the same way, where once the project is under construction, the contractor or Mr. Santa will put in an application for service, and the utility company will inform them where to tap from and where they want the lines.

Member Chmura asked will there be individual services for each of the buildings or is there one service.

Mr. Pandolfe answered it is their assumption that the utility companies are going to want one considering this is one property. There would be a master meter, probably in the front building that will then split off and feed the other buildings. It is then up to the owner at that point if they want to submeter the other buildings.

Member Chmura asked does the applicant have an estimated square footage to be heated and cooled, because on the FEAF Part 1 it is listed as TBD.

The Applicant responded that all the storage units will be heated and there will be no cooling, and there will be no significant energy impact with any sort of cooling.

There was a request from the Planning Board that once the Applicant has an understanding of the dimensions of the easement that it be placed on the site plan, keeping into consideration the comments that were provided with respect to the alignment and distance with the buildings to the easement as well as landscaping.

Member Chmura said that it is stated 'no' in connection to whether there is a water line extension required in the FEAF Part 1. She asked when considering a water line extension, is that an extension of the main or it is by virtue.

Mr. Pandolfe answered that with the FEAF the purpose of a water main extension refers to a public water main extension, and this is a private service.

Mr. Rogers asked Member Chmura if she is requesting an amendment to the FEAF, specifically subsection E(1)-B where it talks about land uses. He asked if she wanted it changed to reflect that the 6.5 acres are not non-vegetated, and that it is actually meadows, grasslands and brushlands.

Member Chmura confirmed that it is correct, not that all 6.5 acres goes to zero, but it needs to be recognized that there is more than a third of an acre that is vegetative.

Mr. Hopkins stated that he does not know if it needs to be changed because a lot of the site has been cleared.

Chair Gronachan stated that after going out to the site and walking it, it is definitely not all rocks. It was grass and trees at some point, and it is definitely grass now.

Member Stewart asked if the trees were to come down into the Creek due to erosion, who would be responsible for the removal of the trees?

Mr. Hopkins responded that generally, a tree from someone's property that falls is the responsibility of that particular property owner.

Member Ryan stated during the walk of the property, she noticed that there were still trees (7-10 trees) standing on the property. She asked if those trees were going to stay or were they going to be removed.

Mr. Santa responded that the trees that are out in the field will have to be removed but the trees along the Creek bank will stay.

Chair Gronachan stated that regarding the public hearing, this case has had its challenges, inaccurate information, misinformation, and verbal attacks on the Planning Board. Comments such as "We don't live in Woodlawn", "We don't have family that lives in Woodlawn" and that "Woodlawn is the 'armpit' of Hamburg" are inaccurate and unfair. Those who make comments like this are insulting all the other residents that don't feel that way and unfair to the population and Board members.

She stated this Board has a job to do and quite honestly there were some people that did not want them to do that job and have made it very difficult.

She explained that the Board has the documentation, they have the pictures, and they have walked the property so that when they come into the meetings they are prepared and they leave their feelings at the door.

She voiced her concern to Mr. Santa, Mr. Hopkins and Mr. Pandolfe, that this Board has been very adamant in regard to the size of this project and the downsizing of it. 1,200 sq-ft is not sufficient for what is proposed to go on the property.

She stated there have been requests for landscaping to help mitigate the back of the buildings. When the Board reviewed the list over the weekend, it was found to be lacking and would not sustain the longevity of the project.

She also stated there is also a video from a resident showing Rush Creek this morning after the rainfall that shows the Creek level is very high.

Chair Gronachan then pointed to the fact they also received a video of one of the Underdog trucks turning left and appearing to be driving not on a side street, but over the sidewalk. Her question is, does the applicant have permission from the property owner to use his property to access theirs and if he does, is it in writing and can it be presented to this Board, and why is the truck driving on the sidewalk.

Mr. Santa stated that yes, he does have permission from the property owner, however it is not in writing as this is a public access right of way and the property line sits only ten feet off their building. As for the truck in question, Mr. Santa has spoken with the driver regarding the incident.

Chair Gronachan asked with such apparent disregard for the rules, how can the Planning Board be assured that the Applicant is going to follow the conditions that are set forth.

She stated she would like to see:

- A smaller plan as there are too many water issues that were caused by removing the trees.
- Written notification from the owner saying that you have permission.
- How the Applicant is going to get into his property without driving on the sidewalk.

She also reiterated that the Planning Board was told that access would be from the Applicant's property, and that no one said that the left-hand turn can be made from the side street and that they would be using the right of way.

Mr. Rogers provided the following recap, that the Applicant is going to:

- Follow up with the DEC regarding the Stalked Bugleweed
- Follow up with Erie County DSM
- Amend the FEAF Part 1 per Member Chmura's comments
- Re-examine the landscaping based off of Member Zajac's comments
- Continue to look at alternative layouts of the buildings per Chair Gronachan
- Since the applicant has stated there is a verbal agreement with the owner of the property next to his, the Board has requested this be put into writing.

Member Chmura asked that while she recognizes that this is not an illegal pathway and that it is in fact a public right of way, does the Applicant intend to have this be the primary access point in the future for their project.

The Applicant responded that this has not been discussed but they do not believe so. That is something that will be assessed and they will address it at the next meeting.

Mr. Rogers suggested that the Applicant contact the Town of Hamburg Traffic Safety Advisory Board.

As Chair Gronachan stated about trust, if the Applicant says that this is not going to be the primary access point, what are the stipulations to ensure that it would be? If it does end up as a cut-through, there is an increase in truck traffic in that residential area which is a compounding issue.

The project was tabled to the April 15, 2026 Planning Board meeting.

OTHER BUSINESS

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

- July 23, 2025
- September 3, 2025

As the vote on the motion was six (6) ayes, and one (1) abstention from Member Zajac the motion carried.

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

- March 4, 2026

As the vote on the motion was six (6) ayes and one (1) abstention from Member Chmura the motion carried.

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

- November 5, 2025

As the vote on the motion was six (6) ayes and one (1) abstention from Member Zajac the motion carried.

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

The meeting was adjourned at 8:26 PM.

Respectfully submitted,
August Geraci, Secretary