

Town of Hamburg
Planning Board Meeting
September 2, 2026, Minutes

The Town of Hamburg Planning Board met for a Regular Meeting at 7:00 PM, on Wednesday, September 2, 2026, Room 7A/7B of Hamburg Town Hall.

REGULAR MEETING

CALL TO ORDER:

The meeting was called to order at 7:02 PM.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

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

Public Hearing- 7:00 P.M., 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 will be recusing herself from this project and Member Quandt will be filling in.

Jeremy Kauffman, the Project Manager at RIC Energy, appeared on behalf of the project along with Samantha Parker-Fann the Environmental Project Manager, Sean Hopkins the project counsel, and Chief Daniel Murray from ESRG.

Mr. Kauffman provided an introduction to the Planning Board. He explained that ESRG has prepared the Hazard Mitigation Analysis and the Draft Emergency Response Plan for this project. Chief Murray is a retired New York Fire Department Deputy Chief and was formally the Chief in charge of Hazmat operations for the NYFD.

Mr. Kauffman detailed responses to concerns from the Planning Board's August 5th comments:

- Characterization of prior battery fires
 - Response found on August 19th letter, Section 2, with a full incident table
- Hazard Mitigation Analysis and the ERP disclaimer
 - Response found on August 19th letter, Sections 1 and 3; HMA (July 27); draft ERP (July 28)
- Long-term vibration from adjacent rail corridors
 - Response found on August 19th letter, Section 5
- Nearby residences, churches, schools, and Lake Erie
 - Response found on August 19th letter, Section 4; Noise Impact Assessment (July 30)
- Fire-service access, hydrant routing, and mutual aid
 - Response found on August 19th letter, Section 7; meeting with Fire Chief and Town staff on August 24th
- Why this site and not another location
 - ESS feasibility map and parcel-by-parcel analysis, submitted May 3rd
- Input from the railroad companies
 - CSX and Norfolk Southern formally noticed during coordinated review; no response received
- Distance to nearby homes and extent of tree clearing
 - Proximity and Tree Clearing Exhibits, submitted August 27th
- Rare, threatened and endangered species
 - Habitat Assessment and USFWS species list, submitted August 31st

Mr. Kauffman also highlighted a presentation, with the following comments:

- The Project at a Glance
 - Two facilities. Hamburg II East and Hamburg II West, 4.9 MWac each (4,896 kW AC), on one parcel.
 - Ten Tesla Megapack 2XL units, five per facility.
 - Lithium iron phosphate chemistry, selected for thermal stability.
 - Fenced equipment area about 14,108 square feet, roughly 0.32 acre, on a parcel of about 2.7 acres.
 - No permanent employees. Monitored remotely 24 hours a day.
 - Connects to the existing distribution line on Railroad Avenue.
- Project Location and Existing Conditions

- 6433 Railroad Avenue, Lake View, New York 14085 (SBL # 193.00-4-2)
- The parcel sits between two active railroad rights-of-way.
- Dense existing vegetation screens the parcel on all sides
- No wetlands on the parcel; NYSDEC confirmed it has no jurisdiction, and a 2025 delineation found none.
- Mostly flat topography across roughly 2.7 acres.
- Why This Site
 - We screened parcels across the area on interconnection capacity, size, slope, wetlands, railroad constraints, ownership, and willingness to transact.
 - The feasibility map and parcel-by-parcel analysis were submitted to the Planning Board on May 3rd.
 - Limited frontage, a narrow buildable strip between two rail corridors, and immediate access to the distribution line.
 - The same features make it a poor fit for the homes, shops, schools, offices, or lodging allowed in Neighborhood Commercial.
 - CSX and Norfolk Southern were formally noticed during the coordinated review. Neither returned comment.

Mr. Murray gave a background on the batteries and the history of the laws.

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 Tier 3 battery energy storage system (BESS) to be located on a 2.7-acre site at 6433 Railroad Avenue. The Public Hearing will be held on September 2nd, 2026 at 7:00 p.m. in Room 7A/7B of Hamburg Town Hall.”

Chair Gronachan declared the public hearing open.

Charles Fiorello: Spoke in opposition to the project with the following comments:

- This is in an area that is zoned residential. Why would the residents want to have the zone changed to commercial or industrial to put this in?

- Safety- he feels that the information that has been presented by RIC is only partially true.
- If there is a fire, the fallout would be deemed very toxic and dangerous both to the ground soil and homes.
- He provided a printout to the Planning Board for their review.

Timothy Pike: Questions for the Planning Board:

- What is the overall goal of this project?
- Does it fit within a larger Town project?
- What problems does this project solve for residents?
- How does the Planning Board determine these problems?

Rick Schmidt: Spoke in opposition to the project. Stated that he feels this is inappropriate for a residential neighborhood and that the Planning Board must reject it. He is worried about the lack of unknown long-term health risks associated with the potential battery fire as well as the decrease in property values throughout the neighborhood.

Christine Noonan: With her background in real estate, she wanted to reiterate that property values will decrease whether there is an issue or not. Due to the current housing shortage, the Planning Board should be concerned with the fact that the property values will decrease not only in Lake View but in the surrounding area, as this has been proven in other areas. Miss Noonan had the following questions for the Planning Board:

- Why is the monitoring being done remotely? Does that mean no one wants to be there?
- Why should residents live around that?
- What is the response time?
- Will any type of issue have a longer response time because no one is there monitoring?
- If no one wants to be on site to monitor the property, why should they live near the site?

Kathy Moran: Spoke in support of the project. Ms. Moran is a member of Third Act Upstate New York, which is a grassroots organization advocating rapid clean energy expansion, stronger climate policies and uplift democracy as well as a member of The Climate Reality Project. She provided a handout to the Planning Board for them to review. Energy storage is a smart and reliable technology that helps modernize New York's electrical grid, helping to make the grid more flexible, efficient and resilient. This

technology is already playing an important role in making electricity in New York affordable and dependable.

Chris Barton: Spoke in opposition to the project. She feels that batteries have their place, but not in a residential neighborhood. It is her understanding that RIC has never build a functioning BESS system in the United States, which leads her to have concerns about the Planning Boards motivation for consider a project like this from a company that has no proven track record.

Joyce Culp: Spoke in opposition to the project. Her concerns:

- There is no information regarding evacuation plans for residents as there are many people that live within a few hundred feet of the proposed site.
- There is information that these fires can burn for days and may even regenerate several days after they are extinguished causing the surrounding areas to be unsafe. This would lead the residents to be misplaced for an unknown length of time.
- Where would the residents be evacuated?
- Who would cover the cost of the evacuation the families would endure?
- Due to the lack of knowledge regarding health concerns, who would cover the cost of health damage, home damage or work loss caused by exposure to the chemicals released by high temperature burns?

Colleen Kashino: Spoke in opposition to the project. When she was reviewing the project she was wondering why there is a distinction between Hamburg II East LLC and Hamburg II West LLC and after some research she found that they are shell companies for RIC Energies. When looking into the safety standards she found that if it were a single LLC, they would have the highest level of safety standards for the neighborhood in the country. However, because this is two different LLCs she found that they would have to follow the 2026 National Fire Protection Association Standards instead.

Nila Penfold: Spoke in opposition to the project.

- What are the specific benefits guaranteed for residents, like lower energy costs and improved grid reliability?
- Will it be enhanced with solar power or wind power?
- Will it provide backup power to our community or be sold back to National Grid?
- Does our neighborhood have a need for stored energy?
- Is there a formal plan for decommissioning this site?

Karen Melisz: Spoke in opposition to the project with the following concerns:

- Noise especially since it is just below the Town limit and since it is proposed next to railroad tracks that are used, it will be an enhancement of noise.
- There is also concern about contamination of the soil, to the surrounding neighbors, and to the business.

Kim Jablonski: Spoke in opposition to the project.

- Who is ultimately responsible for the development and commissioning of this project?
- Will the Town/taxpayers ultimately be held financially responsible? If so, which aspects are the applicant responsible for?
- Will our taxes be used to pay for any of the ongoing costs?
- Will the Planning Board require landscaping to help shield the structure from the view of immediate neighboring properties?
- From the project details, it does not appear that a fire truck or emergency vehicle could turn around at this location.
- It is not clear if no more than one truck could enter this location at the same time?
- Who will cover the cost of meeting New York State Fire Codes at this location?
- Does the Town have employees with the appropriate background to understand the contractual obligations of an approved BESS?
- Does the Town have current employees with the appropriate experience to verify all that is needed to construct or monitor this very specialized Battery Energy Storage System?
- Though they do seem secure, are the systems vandal proof?
- Who is responsible for the additional training and equipment that our firefighters will need?
- In the case of an emergency, how will it be communicated to the residents?
- How will the monitoring of the system work if there is a loss of internet or Wi-Fi?

Julie Palmer: Spoke in opposition to the project. This project contradicts decades of land preservation efforts supported by the Town of Hamburg and the residents of Lake View. Although she does understand that this facility may contribute to the statewide green energy goals, she does not see that there is a direct benefit to the local Lake View community.

Dan Judd: Spoke in opposition to the project. As a retired New York Licensed Civil Engineer, he finds many of the comments regarding the vibration and the railroads laughable. The main railroad corridor that runs through Lake View is highly active and for that reason he feels that a battery storage system should not be located next to them due to the following engineering and safety risks:

- Vibration damages- heavy freight and passenger trains produce constant and intense ground vibrations which affect the physical integrity of the sensitive battery and electronic components which cause short circuits (which is the leading cause of thermal runaway or fires).
- Derailment impact- a train derailment could physically breach the battery containers triggering a thermal runaway, explosion or toxic chemical releases.
- Access obstructions- freight trains can block roadways and site access for hours preventing rapid emergency response and maintenance crews from reaching the facility during a battery fire.
- Flying debris- trains can throw ballasts, rocks, cargo fragments to name a few. The high-speed debris can severely damage the outer casing of the BESS units
- Electromagnetic Interferences- train signal networks generate intense electromagnetic fields. This can interfere with the hypersensitive electronics inside the BESS particularly its battery management systems.

Debbie Kaczmariski: Spoke in opposition to the project and reiterated the previous statements.

Kimberly Catalano-Pike: Spoke in opposition to the project and reiterated the previous statements.

Father Sean De Maria Judd: Spoke in opposition to the project and reiterated the previous statements.

Noah Fuchs: Spoke in opposition to the project and reiterated the previous statements.

Chair Gronachan declared the public hearing closed.

Chair Gronachan reiterated that if there was any other additional information that the public would like to present to the Planning Board, to please send letters and/or emails to Joshua Rogers.

The project was then tabled to the September 16th , 2026 Planning Board meeting.

Public Hearing- 7:00 P.M., Dave Manko- Requesting Amended Site Plan Approval of revised dumpster locations for the Mission Hills Villas Phase IV project, located on the east side of Camp Road

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 an amended site plan approval of revised dumpster locations

for the Mission Hills Villas Phase IV project, located on the East side of Camp Road. The Public Hearing will be held on September 2nd, 2026, at 7:00 p.m. in Room 7A/7B of Hamburg Town Hall.”

Chair Gronachan declared the public hearing open.

No one spoke.

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

Town Engineer Camie Jarrell stated that an engineering letter dated August 27, 2026, was written that states that there are no engineering comments.

**Mission Hills Villas Phase IV Revised Dumpster Locations
4543A Camp Road
SEQRA and Approval Resolution
September 2, 2026**

SEQR

Whereas, The Hamburg Planning Board received a new site plan requesting amended Site Plan Approval of revised dumpster locations for Phase IV of the Mission Hills project at 4543A Camp Road (SBL #:170.07-2-1.11), which was originally approved in 2023; and

Whereas, the Town of Hamburg Planning Board held the required public hearing on September 2nd, 2026; and

Whereas, The Mission Hiss project was the subject of an EIS and Findings were issued by the Town; and

Whereas, the Planning Board reviewed the SEQR Findings and has determined that the project, which is in substantial accordance with the original site layout, is in accordance with SEQR Findings.

Now, Therefore, Be it Resolved, that the Town of Hamburg Planning Board hereby determines that the SEQR Negative Declaration issued previously is still valid.

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

Resolution passes with no opposition.

Approval Resolution

The Planning Board hereby grants conditional Site Plan approval for revised dumpster locations for Phase IV of the Mission Hills project to be located at 4543A Camp Road (SBL #: 1740.07-2-1.11) with the following conditions and waivers:

1. Approval is contingent upon the Engineering Department comment letter dated 8/27/2026.

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

Resolution passes with no opposition.

Public Hearing- 7:00 P.M., 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. Rogers explained that the coordinated review comment period for SEQR will technically end on Friday September 4th, 2026. However, comments have been received from pretty much every major agency that has been contacted. None of the major agencies had any major concerns that were shared and Erie County had no recommendation.

Mr. Rogers detailed that the coordinated review package was sent to the Department of Conservation, NYSDOT, Erie County, and the Town of Hamburg Local Waterfront Revitalization Program (LWRP) Committee.

The Town of Hamburg's LWRP Committee reviewed the project and issued a positive recommendation which has been provided to the members.

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 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) The Public Hearing will be held on September 2nd, 2026, at 7:00 p.m. in Room 7A/7B of Hamburg Town Hall."

Chair Gronachan declared the public hearing open.

No one spoke.

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

Chair Gronachan asked if board members had any additional questions for the applicant or is the board in favor of moving forward?

Member Chmura stated she is in favor of moving forward as she feels that the applicant has addressed all comments and responses from agencies.

Member Stewart and Geraci agreed.

Chair Gronachan requested the Planning Department draft Part 2 and Part 3 of the Full Environmental Assessment Form (FEAF) for consideration by the Planning Board and the drafting of approval resolutions for the next meeting.

The project was then tabled to the September 16, 2026 Planning Board meeting.

M&T Bank- Requesting Site Plan Approval on a proposal for a drive-up ATM kiosk to be located at 6000 South Park Avenue

Stephen Movalli from Scheid Architectural appeared on behalf of the project along with Sandy Mancuso from M&T Bank.

Mr. Movalli provided background for the Planning Board. They are seeking Planning Board approval for a drive-up ATM kiosk to be located in the parking area behind the branch to give the customers additional ATM access. Mr. Movalli explained the project meets Town requirements for stacking and has no impact on stormwater or parking. It is an ATM, a clearance pole, and a light pole so that it meets the ATM Safety Act requirements.

Mr. Rogers explained a project like this normally would not come before the Planning Board. However, the reason it is before the Board is due to past precedent where everything in the plaza next to the Town Hall has come before the Planning Board. From a Planning Department standpoint, there are no issues. It will be a Type II Action under SEQRA with no environmental impacts. If the Planning Board is comfortable, it can be scheduled for a public hearing on September 16th, 2026, and can authorize approval resolutions for the same meeting.

No objections were presented and approval was given for the Planning Department to draft approval resolutions.

The project was then tabled to the September 16, 2026 Planning Board meeting.

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.

Chair Gronachan stated at the last meeting, the Planning Board was strict about closing off the garage door and removing the patio. On September 2, 2026, the Planning Board received an email saying that the patio will not be removed.

Chair Gronachan stated that she felt that this case should be tabled until the applicant decides what they are going to do.

Member Chmura reiterated that it was very clear the patio, regardless of trying to have architectural input and revitalize the corner, ends up encouraging on site congregation which would in turn end up encouraging on site consumption. She added that this is not that type of institution, and moreover, it is against the law to have on -site consumption.

Member Chmura stated it is disrespectful to the Planning Board that after multiple meetings and them being very clear to remove it, the patio is still in the drawings. If the applicant wants to have a trellis, they can put it over the doorway. There is no need for it to be on the side of the building that would then create a deck leading to a space for congregating.

Mr. Briatico explained it was not trying their intent to be disrespectful, and the reasoning behind the trellis was to improve the façade and entrance making it more inviting. He stated they do understand that if the Planning Board wants it removed, they must comply. This is just a conceptual drawing and will be taken out.

Chair Gronachan added that the Planning Board also requested further explanation on the security system.

Mr. Briatico explained there will be eight (8) cameras inside the store as well as eight (8) cameras outside. There will be a 24-hour monitoring system as required that is being backed up and covered by a third-party service.

Chair Gronachan clarified the question was regarding the monitoring; she asked will it be going through an agency?

Mr. Briatico answered yes, the Applicant is going to hire a third-party agency to monitor it 24 hours a day since when people leave, the premises must still be monitored.

Member Zajac said the Applicant stated that it will be a 30-day retention period for the video, an clarified that New York State Law is 60 days.

Mr. Briatico responded that New York State has requirements that if they are not complied with, New York State will revoke your license to operate. He reiterated the Applicant will follow New York State Law.

Member Zajac also added that part of New York State Law is that someone will be checking IDs to verify that no one under the age of 21 is in the building. He asked will there be a security officer on the premises?

Mr. Briatico responded yes, there will be someone checking IDs.

The project was then tabled to the September 16, 2026 Planning Board meeting.

OTHER BUSINESS

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

August 5, 2026

As the vote on the motion was seven (7) 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:

August 19, 2026

As the vote on the motion was seven (7) ayes and one (1) abstention from Member Geraci - the motion carried.

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

The meeting was adjourned at 9:10 P.M.

Respectfully submitted,
August Geraci, Secretary