

Town of Hamburg
Planning Board Meeting
May 20, 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, May 20, 2026, Room 7A/7B of Hamburg Town Hall.

WORK SESSION

Jonathan Johnsen- Requesting Preliminary Plat Approval on a proposal for a 2-lot subdivision to be located at 2342 Pleasant Ave (SBL#: 181.00-1.5.11)

Attorney Jonathan Johnsen appeared on behalf of the project and explained that the owners of the property are looking to subdivide the property so that they can sell the parcel that they are not using.

Mr. Rogers explained to the Board that the applicant is looking to split off 14 acres from the original site. The property that the applicant is looking to subdivide is zoned R-1 with the main use is single family housing and there would be access from Harbor Run Lane.

Chair Gronachan asked if there would be one or two access points.

Mr. Rogers stated there would be one access from Harbor Run Lane.

Member Ryan asked for clarification that there is no need for a zoning change.

Mr. Rogers confirmed that is correct.

Member Chmura would like it noted on the record that Harbor Run Lane is a Town road.

The project was tabled to the June 17th, 2026, Planning Board meeting, and the Planning Board authorized a public hearing and for the Planning Department to produce draft SEQR resolutions for consideration.

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

Attorney Sean Hopkins appeared on behalf of the project along with Christopher Van Leaven.

Mr. Hopkins stated that the landowners are looking to divide an 8.53-acre parcel which is zoned R-1 into four single family lots. The proposed layout will create four buildable

lots each with frontage and direct access to Lake Shore Road that will require adding three (3) additional curb cuts on Lake Shore Road and one of the lots would have an extra access point from Durham Road.

The configuration is in accordance with the zoning requirements as far as minimum lot area, frontage and setbacks. The property is currently improved with a bed and breakfast on the property with no immediate plans to change that proposed structure.

There are public utilities available to serve the four lots.

Mr. Rogers explained that Code Enforcement and the Planning Department did a preliminary review of the minor subdivision request to make sure it met all zoning requirements and at this point, it does not require a variance from the Zoning Board of Appeals.

Mr. Rogers asked the Applicant about a small strip of land that is on the lakefront, and if they can explain what parcel that strip of land will be paired with.

The Applicant replied there is a parcel of land that is located across the street from the main property, that will go with subplot B however, everyone in the four (4) sublots would have access to that land.

Mr. Rogers noted that because this is within the Waterfront Revitalization Area (WRA), the project will need a Coastal Consistency Recommendation from the LWRP Committee. The project is also located in the Route 5 Overlay which does not have any specific requirements for minor subdivisions, so this is not against the intent of the Route 5 Overlay.

In regard to all the structures currently located on the property, Mr. Rogers asked if there is no plan for demolition.

The Applicant answered that all structures that are on the property will remain.

Mr. Rogers reiterated these parcels will be zoned R-1 and that zoning district does not allow for commercial development, condos, apartments, or anything of that nature. Should the Planning Board approve this, the Applicant would not be allowed to put an apartment complex or shopping plaza there.

Chair Gronachan asked how are the buildings going to be divided up between the lots.

The Applicant responded that Lot C will include the main house and gazebo. Lot D will include the carriage house and barn with the secondary access to Durham Road.

Chair Gronachan stated that when looking at the map, it looks as if there is a road that goes through the property, and asked is that true?

The Applicant answered that there is a driveway that travels through the property.

Chair Gronachan also asked if there is only one parcel that will have access to Durham Road.

The Applicant confirmed that is the case.

Member Ryan asked how would someone access the parcel across the road, and if it will be by a tunnel that connects the property.

The Applicant responded that no, the tunnel is gone and the current owner does not know the location of the tunnel. The property in question sits on a bluff and is not a parcel that people would go out to it just exists with the property.

Member Clark stated that for the driveways that are located on Route 5, he feels that there should be a condition of a turnaround so that no one is backing out onto Route 5.

The Planning Board asked Mr. Rogers to send this to the LWRP Committee to get their recommendation.

The project was then tabled to the June 3rd, 2026, Planning Board meeting for a public hearing.

Golf Carts Unlimited- Requesting Site Plan Approval of a proposal to construct a 4,700 sq-ft 1-story building with a 1,350 sq-ft covered patio to be located at 2330 Lakeview Road

Mark Passon appeared on behalf of the project.

Mr. Passon explained that in August 2025, there was a fire at the facility, and he needs to reconstruct the building. The plans that were submitted were approved in a prior Planning Board meeting as part of an expansion that had expired. It is the same footprint that was approved, just a more updated building that is all one building with more curb appeal and space.

Due to the fact that there are new members on the Planning Board, Mr. Rogers asked if Mr. Passon could give a little history so they can be aware of what buildings were previously on the site.

Mr. Passon replied the original building footprint was 40 ft. long by 30 ft. wide, then they put in an addition off the back of an additional 20 ft. wide by 94 ft. long. Since the fire, he would like to square it off and make it all one building instead of a series of additions over the couple of years they have been in business.

Mr. Rogers explained to the Planning Board this parcel is currently zoned C-2 and there are some proposed changes coming to Lakeview from a zoning standpoint. There are talks of creating a new Lakeview Commercial District specifically for the C-2 properties that have frontage onto Lakeview Road or Route 20, which to date have not happened.

Mr. Passon does have a special use permit for some minor auto-body work and as the Lakeview Commercial District is currently written, this would be a permitted use.

Town Engineer Camie Jarrell noted that in the general sense, she will need to know grading and other basic items. It appears that Mr. Passon will be doing some work on the parking lot so the Engineering Department will need the basic drawings to be reviewed accordingly.

Member Ryan asked if the building Mr. Passon is going to be constructing is the building that had a fire and if he is going to be adding onto that building.

Mr. Passon replied the entire building is coming down and needs to be rebuilt.

Member Ryan further clarified if the other building that is on the lot is the auto shop and asked if that is going to stay.

Mr. Passon replied that is correct.

Chair Gronachan stated after reviewing the original project, it states that there will be no outdoor storage but there is a lot of objects outside. Due to that, in order for her to support this project, there would need to be no outdoor storage, and the property would need to be cleaned up. She asked Mr. Passon when he rebuilds, will all the stuff located outside now be kept inside.

Mr. Passon responded that he will keep as much inside as he can since it is a large building. He was unaware that he could not keep any carts outside because he has always done that.

Chair Gronachan was also surprised but it is very clear in the resolution when this was first passed. She would like to see the lot cleaned up when construction is done.

Chair Gronachan asked will the setback from the road be the same for the new building?

Mr. Rogers clarified that it will, and will verify this.

Chair Gronachan then asked the following questions, and received the following answers:

- What is the total square footage of the lot?

- 1.0048 acres.
- When this is completed, how many buildings will be on the lot?
 - 2 buildings.
- What is the total square footage of the new building?
 - 4,700 for the building with a covered patio that is attached which is another 1,350 sq-ft, and the other building has 2,899 square footage.
- What is the potential number of golf carts that you could have on the property during peak season?
 - 30-40 carts.
- Do the carts not have Lithium batteries?
 - They are a combination of both lead acid and lithium.

The project was then tabled until the June 3, 2026, Planning Board meeting for a public hearing and to allow for Mr. Passon to provide a landscape plan.

REGULAR MEETING

CALL TO ORDER:

The meeting was called to order at 7:12 PM.

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, Member Zajac, Member
Quandt (alternate)

Absent:

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

Erie County Agricultural Society- Requesting a 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 and gave an overview of the project.

The Town Conservation Advisory Board provided the Planning Board a memo with the following comments:

- Save as many trees as possible and consider planning more trees than 32.
- Relocate as many trees as possible, especially the two red Japanese Maples.
- Plant mature trees, suggest 3" caliper.
- Support tree diversity. The importance of planting a variety of tree species is significant to note considering the ash borer impact and likelihood of threat to other species in the future. The architect reported that details of the replacement species were still to be determined.
- Ensure tree survival with appropriate post planting care with an action plan for replacement if needed.
- Architect, Doug Hutter mentioned that the long-term plan for the Fairgrounds is to connect park-like space throughout the Fairgrounds. Since there will be an increase in parking space and impermeable surface area, consider adding islands of trees in the new parking and transportation areas for shade, native species and a wide variety to best survive future climate change.
- As conservationists it is important that we draw attention to the impact of development and mature tree removal. Timing of mature tree removal is significant to birds and animals who use these trees as their nesting grounds. When nearly 30 mature trees are removed it impacts birds, insects, squirrels and other animals. Consider timing tree removal with the least impact to the wildlife.

Mr. Rogers explained that the CAB met with Mr. Hutter on Saturday, May 16th and were provided with a tour of the site along with an overview of the project. The CAB did provide a memo for the Planning Board to consider before making their site plan approval decision.

Town Engineer Camie Jarrell added that there has been a conversation between the Engineering Department and the architect since the last meeting to discuss utilities and grading and drainage. At this point, everything is going in a good direction.

Member Ryan asked a question directed for the CAB. In the report, it is suggested that the Japanese Maple Trees be saved, how successful is it to save a tree and replant it if it has to be moved?

Leona Rockwood, Chair of the CAB, stated that they do not have the information regarding the success rate. However, due to the fact that the Japanese Maples are

thriving and are estimated at around \$5,000.00 each, the CAB would like to see them saved.

Mr. Hutter stated that he has already spoken with the Erie County Agricultural Society and that they are willing to relocate the trees (which are between 12-15 ft tall and 4 inches in diameter) even though they are considered an invasive species. At this point, they do not have a current relocation point, but it is something that will be shown on a landscape plan

Member Clark would like to make it a condition for the site plan that the Japanese Maple trees be relocated to satisfy the requests from the CAB memo.

Member Chmura made a motion to approve the following resolution:

Erie County Agricultural Society New Event Center

5600 McKinley Parkway

SEQR and Approval Resolution

May 20th, 2026

1. SEQR:

In accordance with the New York State SEQR Law, the Town of Hamburg Planning Board has reviewed the Erie County Agricultural society even center project 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 at 5600 McKinley Parkway (SBL: 183.10-1-8), held the required public hearing on May 6th, 2026, and completed the required 239-m referral to Erie County. Based on this review for this Unlisted Action, and completion of Part 2 and Part 3 of the SEAF, the Planning Board has determined that the project is not anticipated to result in any significant adverse environmental impacts, and a Negative Declaration is hereby issued, and the Planning Board Chair is authorized to sign the Part 3 which will act as the Negative Declaration.

Original SEQR stated that the public hearing was held May 20th, 2026. Member Chmura made an amendment to change the date to May 6th, 2026.

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

Resolution passes with no opposition.

2. Site Plan Approval

Based on the review of the Erie County Agricultural Society event center project materials and having completed the SEQR process, the Hamburg Planning Board hereby approves the project with the following conditions and determinations:

1. Approval is contingent upon the Engineering Department comment letter dated 05/15/2026.
2. The installation of sidewalks is not warranted, as the project is located within the Erie County Fairgrounds property, and there will be pedestrian walking paths within the site.
3. The landscaping plan shall be approved by the Planning Department.
4. All proposed lighting on the project shall be dark sky-complaint.

Motion to approve by Member Chmura, seconded by Member Ryan.

Resolution passes with no opposition.

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 appeared on behalf of the project along with Brandon and Brittany Santa.

Mr. Hopkins:

A brief overview of the project was given.

After reviewing the site plan resolutions, there are three conditions that they would like to discuss.

1. Conditions 6 and 7 require that all vehicles do not use the State right-of-way off Hawley Road to access the project site. They would like this to be subject to heavy equipment and not to include passenger vehicles.
 - Mr. Santa will make sure that his employees follow this stipulation and that he has applicable language in the lease agreement to state this. However, they want it to be made clear that they cannot ultimately ensure or enforce that language against each and every instance where this may occur.

Chair Gronachan stated that the reason that she felt it was necessary to add this as part of the resolution in the lease is due to the fact that this is a contested project, and she thought that by putting it in the lease it would make the tenants aware of the stipulation. She is not in favor of making it only heavy equipment and she feels all vehicles should be included.

Mr. Hopkins responded that they are ok with that, but they would like the stipulation to apply to heavy equipment. However, if it must apply to all vehicles to make this pass, they are willing to put it in the lease and ensure compliance.

2. Condition 13 - the topic of hazardous waste has been discussed previously, and they would like to make a couple of things clear:
 - Mr. Santa already has two diesel tanks on the site with a capacity of 1,000 gallons and those would be moved to the back of the site to an appropriate location.
 - The type of tenants that they are envisioning do use materials that would qualify under the State definition of hazardous materials. What they are suggesting is to modify that condition to state that any material storage would comply with the applicable standards of the DEC.

Member Chmura noted that she has an issue with the fact that the site plan does not indicate that there are two (2) 1,000-gallon diesel tanks that are now going to be part of the site. She understands that they are already there, but that they are now going to be moved as part of this project and then be part of the site plan.

Mr. Hopkins explained that ultimately, the goal for the Applicant is to have his home on one property and move his business to the back part of the property. This would require him to relocate those two tanks.

Member Chmura clarified that the location of those tanks would eventually be a part of the project site and because of that, the Applicant would have to indicate where those tanks would be located.

Member Chmura asked how does 2,000 gallons of diesel fuel end up contemplating what the DEC is calling a hot spot for any sort of engineering requirements with respect to the SWPPP?

Town Engineer Camie Jarrell explained that it would not have impacts with respect to the SWPPP, as tanks have very strict DEC requirements and any moving/relocation of the tanks would have to comply with their DEC permit to have fuel tanks.

Mr. Hopkins noted that just to be clear, the tanks already have a secondary containment, and they meet all safety requirements.

Chair Gronachan stated she has an issue with this because it is a change in the site plan being done at the eleventh hour. For clarification, the tanks are currently on the property with the house, so it is two separate pieces of property.

Mr. Hopkins confirmed that she is correct.

Chair Gronachan stated if the tanks are being moved, it is a change to the site plan, and she is not in favor of that. If they would like to make a move like that, then they would have to come back before the Planning Board.

Member Quandt explained that as part of his day job, he deals with tanks greater than the 1,000 gallon capacity. He asked for clarification on the following:

- Are these double wall tanks?
 - The Applicant responded yes.
- Are they steel or are they poly steel?
 - Steel
- Around the tanks, are there any concrete pads or are they sitting on gravel?
 - They are on gravel and owned by the fuel company.

Member Quandt explained with those types of tanks, as long as you are meeting all the DEC requirements, there should be no necessary additional conditions.

Mr. Rogers asked if the Board would like to specify a condition that speaks specifically about the fuel tanks and that they must meet the DEC applicable standards and have it codified in the site plan conditions as well?

The entire Board noted they were in favor of that.

Chair Gronachan wants it stated that if they were to move forward with the movement of the tanks, due to the fact that they are not on the site plan, the Applicant must return to the Planning Board with a new site plan.

Mr. Santa stated that ultimately if he has to leave them where they are currently located, he is ok with that.

3. Condition 16 - in the red line- the Applicant would like to make clear that business activities that could occur there in the future, in theory, could be a little broader than the definition that is there. They would not want to be boxed in where the tenants that usually utilize this type of facility would not be permitted.

Mr. Rogers asked if the Board wanted to add a provision that states “related business activities as determined by the Supervising Code Enforcement Officer”? He would be the one that would interpret what a related business activity would be.

Mr. Hopkins would rather it states based on what M-3 zoning allows and excludes.

Chair Gronachan stated that the Code Enforcement Officer is the one that reviews allowable uses and gives interpretations of the Code.

Mr. Rogers explained that it could be worded either way.

Mr. Rogers noted that the Planning Board previously issued a negative declaration at the May 6th Planning Board meeting, and it was sent to the County for a 239-m referral. A public hearing was also held on March 4th, 2026.

Member Chmura stated she would like for all the landscaping in regard to the berm enhancement to be completed in phase one of the project. She would like the site plan to state that there shall be no building mounted lighting on sides of the buildings that are adjacent to residential properties.

There was some back and forth with the Woodlawn Sewer District, and she does not believe that they have an access agreement between the Applicant and the sewer district for their property. Prior to the issuance of a building permit, she would like a condition that the Applicant provides a written agreement with access and maintenance with the Woodlawn Sewer District.

Town Engineer Camie Jarrell noted that in her engineering letter, it states that any third-party approvals or permits will be received before she will grant final engineering approval. She would consider that agreement with the Woodlawn Sewer District a third-party approval.

Member Zajac asked how would the access road be constructed, meaning, what materials are going to be used?

Mr. Santa stated that it is shown on the plan, he is not sure how it will be designed but he assumes that it will either be paved or a stone roadway, whatever is required.

Member Zajac asked if that will connect to the 0 Lakeshore Road property?

Mr. Santa stated that it is going to connect the project site with Beam Road.

Chair Gronachan stated that this is what Woodlawn requested and the Planning Board is unable to change that.

Member Zajac is uncomfortable with the fact that it is crossing over a parcel that is unusable to get to a usable parcel. He feels that there has been quite a few improvements on the other property that are benefiting this property. There have been so many improvements to the 30-foot-wide property that is not being developed, and he feels that some of them may not have occurred if this project was not being developed. It is very hard to separate the two.

Chair Gronachan stopped this conversation as it has been discussed at length by Member Zajac and other members of the Planning Board and Planning Department.

Chair Gronachan stated that on the first night that this project was presented, Mr. Rogers ruled that the Board could not include that piece of property in this project.

Attorney Gogan added that he reviewed the GIS Map and Woodlawn Sewer does have access that extends to the State Road, however, it is only 10-feet wide.

He stated that it was mentioned that the Applicant uses 3377 and 3379 Lakeshore Road that goes to Hawley, and he asked was a survey ever done that shows where that property line is? The GIS map shows that it is a trapezoid shape and that a person would have to cross this property if they were coming in off of Hawley Road.

Due to the way the property is set forth, Attorney Gogan stated that he believes the Applicant should get an agreement from the property owner.

The Applicant responded that he has already received an agreement.

Attorney Gogan asked if it is a recorded agreement?

Mr. Santa stated that he had the property staked by Nussbaumer and Clarke, to see where the property line actually lays. It is only a few feet off the building.

The Applicant was asked to send the survey to the Planning Department so that it can be reviewed.

Member Stewart made a motion:

Resolution – Site Plan Approval

0 Lakeshore Road Industrial Shops Project

5/20/2026

Whereas, the Town of Hamburg Planning Board received a site plan application from Brandon Santa for the construction of six (6) single-story contractor shop/warehouse buildings, totaling 75,220 sq-ft on a vacant lot along with associated parking, on-site utility improvements, stormwater management, site lighting, and landscaping at 0 Lake Shore Road located behind 3401 Lake Shore Road (SBL #: 150.00-1-6.2); and

Whereas, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQR) of the Environmental Conservation Law, the Hamburg Planning Board has established itself as SEQR Lead Agency and conducted a coordinated environmental (SEQR) review for this project which has been classified as an Unlisted action; and

Whereas, the Planning Department completed the required 239-m referral to Erie County; and

Whereas, the Town of Hamburg Planning Board held the required public hearing on March 4th, 2026; 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 issued a SEQR Negative Declaration on May 6, 2026.

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 5/15/2026.
2. The landscaping plan (dated 4/30/2026) shall be approved by the Planning Department.
3. Berms along Rush Creek that are extended the full length of the creek and pulled back from the creek bank shall be installed and maintained by the Applicant in phase 1 of the project.
4. The installation of sidewalks is not warranted as they already exist along the frontage of Lakeshore Road.
5. All proposed lighting on the project shall be shielded and dark sky-compliant to ensure there will not be any light spill onto adjacent properties. There will be no building mounted lighting on elevations of buildings adjacent to residential properties as shown on the site plan.
6. All vehicles shall be required to continue southbound and utilize the Woodlawn exit off of Route 5 to circle around and come back up Route 5 going northbound to make a right into the Project Site. The Applicant shall include language regarding this traffic plan in the lease agreements with tenants.
7. The Applicant will direct his company drivers, and to the maximum extent practicable his tenants, to not use the State right-of-way off of Hawley Road to access the Project Site.
8. The Applicant shall comply with Erie County Division of Sewerage Management (ECDSM) requirements to provide a 30-ft wide sanitary sewer easement, centered on the pipe, that will be required for the existing sanitary sewer located on the 10-ft wide parcel owned by the Woodlawn Sewer District (SBL #: 150.00-1-15).
9. Given that Rush Creek is considered a 303(d) by the NYSDEC, it shall be a requirement that there are two (2) SWPPP inspections per week to ensure that necessary erosion and sediment control measures are in place.
10. Stormwater management facilities shall be designed to meet NYSDEC requirements for water quality and quantity, including a 100-year storm event.

11. The Applicant shall comply with Chapter 243 Tree Management of Hamburg Town Code for any proposed tree clearing, clear cutting, or tree removal.
12. The Applicant and subsequent tenants shall be required to comply with the Chapter 175 Noise Ordinance of Hamburg Town Code.
13. There shall be no storage of hazardous waste materials as defined by the NYS Department of Environmental Conservation in the shop buildings or the outdoor storage areas that is not in compliance with applicable standards.
14. In the event above ground petroleum storage tanks, of any capacity, are to be located within the project site, the tanks shall comply with all standards of the NYSDEC, and the location and the installation details shall return to the Planning Board for amended site plan approval.
15. Outdoor storage shall be limited to the areas denoted on the approved site plan dated 4/30/26.
16. Use of the shop buildings is limited to storage of tenant equipment, machinery, materials, tenant workshop space and related business activities per the M-3 zoning district.
17. The Declaration of Easements for the parcels at 0 and 3401 Lake Shore Road shall be recorded at the Erie County Clerk's Office and a recorded copy shall be provided to the Planning Department.
18. Deviations from the approved site plan or approved landscaping plan determined to be significant by the Planning, Engineering, and Code Enforcement Departments will require amended site plan approval from the Planning Board.
19. There shall be no open burning on the project site.

There was a motion to approve by Member Stewart, seconded by Member Geraci.

Resolution passes with six (6) ayes and one (1) nay from Member Zajac, the motion carried.

716 Storage, LLC- Requesting Re-Approval for an as-built site plan for a 71,400 sq-ft self-storage facility on vacant land located at the southwest corner of South Park Avenue and Southwestern Boulevard

Darryl Martin, project architect, appeared on behalf of the project and gave a history of the project.

The applicant did not construct the two buildings, 6000 and 3000 square foot storage buildings, that were originally going to be located on the west property line.

Currently the building that is there is a climate-controlled storage building that is doing quite well. The other changes that was made are removal of lighting in the middle of the

parking area and the removal of landscaping with regard to the curb and grass area on the south side, closest to the car wash.

Mr. Rogers stated that the original site plan was approved in 2023 and had two buildings on the west property line as well as some striping for parking, and lighting. For the amended site plan, the two buildings are gone, and they are looking for an as-built site plan, meaning the Applicant is looking for approval of a site plan of what has been built to date with some other improvements.

Town Engineer Camie Jarrell noted that the removal of the buildings is of no concern. She agrees that eliminating the island by the gate is safer due to the way the road bends. By moving the lighting, there is no spillover to the neighboring property, but it does make the lighting less in the center of parking area. The removal of the striped island in the middle does mean that it is a little wide there and with no drive lanes there, cars coming in and out are left to their own device to make sure they stay to the right. From an engineering perspective, these are not a big concern at this time, but something for the Planning Board to consider.

The Planning Board is in agreement with not reopening SEQR.

The project was tabled to the June 3, 2026, Planning Board for a public hearing, and the Planning Department was authorized to draft approval resolutions for Planning Board consideration.

Hamburg II East Ess, LLC and Hamburg II West ESS, LLC- Requesting Planning 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 Andrew Welch, the Director of Development, and Jeremy Kaufman the Project Manager.

The Applicant understands that this project will require a use variance from the Zoning Board of Appeals so with the exception of potentially seeking Lead Agency status pursuant to SEQR, they are not asking for any other formal determination at this time.

The site itself is located at 6433 Railroad Avenue and owned by Donald Spittler who has entered into an agreement, which a copy has been provided with the variance application.

They are proposing a Tier 3 battery storage project which is defined in the Town Code.

The site was previously zoned industrial until recently when the Town Board changed the zoning classification and it became neighborhood commercial, hence the need for a use variance. If you look at the wide range of allowable uses for this zoning district, none of them would be allowed on the property due to the lack of frontage and the close proximity to the railroad tracks.

The Applicant has also already entered into an agreement with National Grid.

Mr. Joshua Rogers noted for full disclosure as well as being the Town Planner for the Town of Hamburg, he is employed by Wendel. Wendel was approached by RIC Energy to draw up site plan drawings for this project and declined to do so because of the conflict of interest. He does know the applicants through his work at Wendel, however, Wendel does not have anything to do with this specific project

Member Chmura noted due to the fact that she works at Wendel as well, she will be recusing herself from the review of this project, even though her company does not have any direct involvement in the project

Member Quandt was appointed as an active member.

Jeremy Kaufman gave a history of the company.

- Project:
 - The current conditions of this parcel, located between two railroad tracks on both sides, in terms of other developments, are very constrained by how narrow the land is.
 - A large perk for this project is that there is dense screening on all sides so it would be very challenging for anyone outside of the parcel to see the battery storage project.
 - It is mostly flat topography and is roughly 2.6 acres.
 - They are saying it is one project, but it is comprised of two co-located five (5) megawatt battery storage projects.
 - They use Tesla megapack 2XL, which has 24-hour remote monitoring
 - Project area is about 14,108 square feet or 0.32 acres including the access road it is about 0.6 acres.
 - No need for the utility to add additional infrastructure for the project, the point of interconnection is at the edge of the parcel.
 - A key perk of battery storage for the local community is that it serves to stabilize the grid. Meaning that it balances supply and demand at all times.

Andy Welch, Director of Development, gave an overview of the technology

- Technology of Tesla Megapack 2XL:

- Chemistry is an Iron Phosphate battery
- It is the newest model and is much less volatile than earlier classes of batteries.
- As mentioned, it is a 24-hour remote monitoring project with additional thermal imaging cameras.
- Over 20,000 units deployed without a single incident
- Cabinets
 - About 8-9 feet tall, 6 feet wide and 30 ft. long.
 - Not a giant battery but it is made up of lots of cells that are 6X6.5X2 that are in trays which are stored in 24 modules that slide into the cabinets. This ensures a level of isolation and helps to keep the top of the cabinet which has the cooling equipment open
 - The center of the cabinet is the battery management system and is monitored at all times. The monitoring is looking for any abnormalities in behavior such as charging wrong or heating up so that it can be shut down immediately.
- Operation
 - Charge at night when the power is more readily available between 10pm-8am
 - Discharge between peak hours of 2pm-8pm
- 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
 - Physical Structure Safety:
 - Battery modules with active and passive fuses-externally serviceable
 - Touch-safe Customer Interface Bay
 - Non-walk-in IP66 enclosure and deflagration mitigation
 - Thermal roof with overpressure vents

Mr. Rogers stated that this is a unique project for the Town of Hamburg. There is a battery energy storage project in the Village of Blasdell, that was not done by this

company. This is unique because they are looking for a use variance from the Zoning Board. They are before the Planning Board first because they are going to be the lead agency and responsible for making a SEQR decision.

Mr. Rogers explained that after the Applicant gets a decision from the Zoning Board, they would return to the Planning Board for a change of use and ultimately Site Plan Approval. The Town Code states that if there is a decision between the Zoning Board and the Planning Board, the Planning Board takes lead agency.

Mr. Rogers recommended the Planning Board conduct a coordinated review with the DEC, if available, the owners of the railroads, and of course the Board may send it to any other agencies they deem appropriate.

Mr. Rogers asked the Applicant to submit a Full Environmental Assessment Form, not just the short form which had been submitted.

Town Engineer Camie Jarrell added for clarification to the Board, it looks as if the property does not have road frontage, however, there is a public right-of-way. Currently, the existing driveway that is shared zig zags throughout the public right-of-way to service both buildings on this property. The applicant is going to redo the driveway and bring it up to the new project. This would be within a public right-of-way. For consideration, the Board would be allowing a private driveway to be upgraded and used in a public right-of-way. As stated, there is already a driveway there so she can see how that would be permitted.

Member Ryan asked if the Applicant would provide a HMA (Hazard Mitigation Analysis)?

The Applicant responded yes, it is their intent to do that as part of the site plan approval.

Member Ryan asked if the Applicant works with fire protection engineers on these types of projects.

The Applicant responded yes, they typically work with a firm called ESG, who are the leaders in the field.

Member Ryan mentioned that the Applicant previously stated that once the fire has started, it is a four hour burn out. She asked for clarification, is that four hours per cell or four hours if a bunch go up in flames? How long could one expect a fire to last?

The Applicant answered that the most recent fire was in Warwick, and it was a total of six hours before it went down. It is not that the batteries cannot be put out it is that they are stored in cabinets that are watertight and you cannot get water onto them. The only way to get water onto the batteries is to open the door and pull the trays out which would be putting personnel in more danger.

Member Stewart asked what is the lifespan of the battery packs and what happens to the batteries after their life use?

The Applicant answered that the lifespan is 20 years for the battery pack. Once the battery is at its end there is a full decommissioning plan where the cabinets themselves are removed, with the batteries still in them and taken back to Tesla. Tesla then recycles all of the components and disposes them at their designated facility. Once the cabinets have been removed, the applicant would continue the decommissioning of the land by digging up the concrete foundations and restoring the land.

Mr. Rogers also wanted the Planning Board to know that similar to the Solar Law, if the project were not to be in operation for more than a year, the Town has the right to enact the decommissioning plan and use the bond that will be on file to then remove the infrastructure.

Mr. Rogers stated that there has been a lot of questions regarding noise, and asked the Applicant if they could speak to the fact of whether or not this project produces more noise than a typical kind of facility.

The Applicant answered that the only noise associated with this project is the fans for the cooling system. They are not particularly robust and are variable speed fans, so their operating level is going to depend upon things such as ambient conditions. The noise does not propagate that far and there is virtually no impact on the surrounding areas.

Mr. Rogers noted that going back to the coordinated review, as stated before, there are no other agency approvals but as Mr. Hopkins noted earlier, this property had been rezoned about two years ago from M-2 to Neighborhood Commercial. At that time, the Town did get a number of comments from Erie County about the industrial rezoning that had been done. While the County does not have any approval power per se for this project, he suggested that the Board send the project to the County to get their comments from a regional standpoint.

Chair Gronachan stated that last month, she attended a Planning/Zoning training session, and this was a topic of discussion. These are the issues that she has:

- It was not just one fire in the State of New York; there was a total of 5. What was explained to her was the reason the fire code got changed in January was because there were not any fire stations that could handle the fires that took place in these towns, so the fires had to burn for day. Why is it that you think there was only one fire when she was told there were five.
- How many of these sites or operations are throughout the State of New York? And how many instances have there been in the last five years?

The Applicant responded that at this point, they do not have any of their projects operational. The first one is in its final approval stage. However, there are tens of thousands of the Megapack 2XL's in operation across the country. At this point in time, there have been zero instances of a fire with this battery, which is why they chose to go with this technology.

John Macon, Leader of the Southtowns Hazmat Team, was in attendance and available to answer questions the Planning Board may have.

Chair Gronachan asked if she was correct with what was stated in regard to the fires in the other cities? Are those fires similar to this kind of project?

Mr. Macon did not have knowledge of all the fires but could speak on 1 or 2 of them. This is a different project than what was involved in those other areas and to his knowledge a different company. Every company uses a different technology, and the chemistry of the batteries are different as well as different safety precautions. The fire that was near Watertown had older technology older systems and was very different from what is being proposed here.

Chair Gronachan asked Mr. Macon if he can address the concerns and rumors regarding whether if there is a fire, you cannot have water used on it and it has to burn for days?

Mr. Macon answered that every locality is different. Lithium-Ion Batteries are not a new technology, but it is a new problem. There is new technology coming out every day including new extinguishing agents that are being proposed to put out the batteries. However, you are correct that water is not a great extinguishing agent for these batteries.

Chair Gronachan asked what does the fire department have to do to meet the standards of the New York State Fire Code?

Mr. Macon said that he cannot speak to the fire code as he is not an expert on that. The Southtowns Hazmat Team has people that they call when they have questions.

Chair Gronachan would like to have someone look at the new State Fire Code because it has just changed due to what happened with these older fires.

She asked with respect to the Blasdel facility, do the fire departments in that area have to have different training required versus the typical training?

Mr. Macon said the training that was mentioned this evening is very similar to the training that was received for the facility in Blasdel. The Applicant is an expert in that

technology, and most fire departments will probably defer to them when it comes to an emergency situation.

Chair Gronachan noted she would like to see if the fire departments are trained for this.

Member Geraci asked, not being familiar with battery storage, do they produce their own electricity that is supplied to the area or sold to NYSEG?

The Applicant responded these are batteries, they do not generate electricity they store electricity. They charge at night and discharge during the day.

Member Geraci asked what is the purpose of storing electricity?

The Applicant responded there are several reasons. First, without effective battery storage, electricity needs to be generated at the same time as it is being used so the load has to match the supply. Secondly, batteries allow for cheaper power in the power industry and lastly all the power that is put out is used within Hamburg.

The Planning Board authorized the Planning Department to file the appropriate notices and conduct a coordinated review.

The project was tabled to the June 17th, 2026 PB meeting.

OTHER BUSINESS

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

- September 17, 2025
- November 19, 2025

As the vote on the motion was six (6) ayes, and two (2) abstention from Member Zajac and Member Quandt the motion carried.

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

- March 18, 2026
- April 1, 2026
- April 15, 2026
- May 6, 2026

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

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

The meeting was adjourned at 9:20 PM.

Respectfully submitted,
August Geraci, Secretary