

Town of Hamburg
Planning Board Meeting
March 18, 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 March 18, 2026, in Room 7B of Hamburg Town Hall.

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

Mr. Rogers presented the proposed site plan amendments and provided background on recent zoning work.

§280-311. Submission of site plan and supporting data

- A. The applicant or their agent shall submit five (5) hard copies of the site plan application form, site plan other required Town forms, a SEQR EAF (part 1), and an application fee (to be determined by the Town). An electronic copy of these materials must also be submitted.

The copies of the site plan and supporting data are to be prepared by and bearing the official seal and signature of a licensed architect, landscape architect, civil engineer or land surveyor (permitted by law to do such). These materials will include the following information, presented in drawn form at a scale approved by the Town and accompanied by a written text:

1. Survey of the property showing existing topographic features, including contours, large trees, buildings, structures, streets, property lines, utility easements, right-of-way and land use, and the zoning and ownership of surrounding property.
2. A site plan showing proposed lots, blocks, building locations, all land use areas, including any outdoor proposed uses, fire and emergency vehicle access (any communication with emergency service providers), and lighting (lighting analysis, if required).
3. An aerial photograph of the site and surrounding properties marked up to illustrate how the proposed plan fits in with the surrounding properties.
4. Traffic circulation, parking and loading spaces and pedestrian walks.
5. Landscaping plans, including site grading, drainage existing and proposed landscape materials, including trees and shrubs, and their locations, identification of those materials to be removed, existing and

proposed structures and all greenspace areas designed as part of the site environment. Natural site features and vegetation shall be preserved and integrated into the proposed site development whenever possible. These areas to be preserved/protected shall include some form or means to accomplish their protection including the use of conservation easements. All new trees shall have a minimum of three inches of caliper measured six inches above the ground and be in accordance with the Town's approved tree and vegetation list.

6. If requested by the Planning Board, a visualization of the proposed project and how the new development and proposed landscaping will help buffer or improve the character of the area (a visual impact analysis may also be required).
7. Preliminary engineering plans, including street improvements, storm drain system, public utility extensions, water supply, sanitary sewer facilities, outdoor lighting and the location of existing and proposed fire hydrants as approved by the Fire Chief or Town Engineer.
8. Preliminary architectural drawings/elevations for buildings to be constructed.
9. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas.
10. Other information as determined during sketch plan review and/or during site plan application review.

B. §280-314. Site plan revision

A property owner wishing to make any changes in an approved site plan shall submit a revised site plan to the Planning and Engineering Departments for review and approval. Any changes deemed significant variant from the approved site plan, as determined by these departments, shall go before the Planning Board for approval.

1. There was discussion regarding this, and it has been determined that it shall follow the same format as the administrative review waiver process in section §280-308.

C. §280-315. Other Requirements

1. Increased drainage standards
2. Requirement for EV charging stations for the site plan with parking lots over a certain size.

The Planning Board asked Mr. Rogers to return to the April 1st Planning Board meeting with precedent examples of EV charging stations requirements, and other recommendations.

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

Liza Acanfora appeared on behalf of the project.

Ms. Acanfora is currently in the preliminary phase of development for opening a childcare center that consists of six classrooms and other standardized needs, per the Office of Child and Family Services, that will have an occupancy of 66 children starting at age six weeks, and twelve staff members (six teachers and six teacher assistants).

At this point in time, she is looking for some guidance and comments from the Planning Board. Ms. Acanfora provided different views and angles of the project's exterior. On the plan there are identified the following areas: drop-off/pick up location, playground, staff parking, guest parking, as well as the exit and entrance.

Regarding the outdoor playground, it will be fenced in for use during business hours (7am-6pm) and there will be no significant exterior lighting added.

Mr. Rogers explained that 4090 Jeffrey Blvd is zoned M-2 and as such childcare centers are an allowed use, however they require a special use permit from the Planning Board.

Mr. Rogers went through the following special use permit standards with the Planning Board:

§280-321 Nursery schools and day-care centers

No special use permit for a nursery school or day-care center shall be authorized unless the applicant's project meets the requirements of §280-312B (1), (2), (3) and (4) and the following:

- A. Nursery schools or day-care centers shall not receive an occupancy permit until licensed by the State of New York
- B. Adequate outdoor play space shall be provided based on the number of children. There shall be a minimum of 75 square feet per child under the age of three and 100 square feet per child three years and older. No play area or equipment shall be located in a front yard.
- C. Where a nursery school or day-care center abuts a residential property or an area zoned residential, there shall be a minimum thirty-foot buffer with adequate screening as determined by the Planning Board.
- D. Child discharge and pickup areas shall not be in the public right-of-way.

- E. There shall be one off-street parking space for each full-time staff person and a minimum of three spaces for parents and visitors.

Member Clark asked if the layout for the playground met the square footage requirements.

Ms. Acanfora stated that it is not drawn to scale, but the architect she is using is familiar with the Town of Hamburg Special Use permit process.

Chair Gronachan asked for clarification on what would be going around the playground.

Ms. Acanfora responded that the standard for OCFS, Office of Child and Family Services, is a four-foot chain link fence which is what she is expecting.

Chair Gronachan also asked with the entrance and exit, would any of the other businesses be using the childcare center entrance.

Ms. Acanfora stated that the majority of the occupancy load is on the opposite side of the parking lot. While they cannot guarantee that no one will come though there, it is certainly not a high traffic area.

Member Ryan asked if the playground was going to be fenced in from the door to the playground so that the children do not take off.

Ms. Acanfora responded yes and explained that it will also be separated by age-appropriate equipment.

Member Chmura stated that she believes a daycare will be a great addition to Hamburg. She supports the option to have the building entry closer to the playground and outdoor space as it will pull the potential of kids in the parking lot away from the entry and exit points. The enter only and exit only traffic flow is an asset for the project to limit cars backing up and turning around.

Mr. Rogers stated that the next steps are to have the applicant's internal team and the architecture team reach out to the Planning Department to make sure they have a copy of the Special Use Permit Standards. Once they are ready to move forward, they will submit the drawings and then there will be a site plan application and special use permit application that will need to be filled out. Once the drawings are prepared the applicant will return to the Planning Board for a full site plan review.

The Planning Board tabled the Applicant indefinitely until they were ready to submit a full site plan application.

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: None

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

EDF Power Solutions Inc.- Requesting Site Plan and Special Use Permit Approval of a proposal to construct a 2.5 MW Tier 3 solar project on a 17-acre parcel to be located south of East Pleasant Avenue (SBL #: 182.14-2-4.11)

Torry Van Slyke, project developer with EDF, appeared on behalf of the project along with Kelly Sullivan from LaBella Associates.

Mr. Van Slyke presented a PowerPoint, where he explained that EDF Power Solutions North America is a low-carbon power generation, storage, and energy management solutions that create value- from origination to operation- to help customers reduce long-term energy costs, increase resiliency and achieve sustainability goals. It started almost 40 years ago and cover the United States, Canada and Mexico employing around 1600 people across the three countries.

They are a full-service renewable energy developer that includes wind, solar, hydro, pumped hydro storage, EV charging and energy storage.

To date in New York State, they are pushing almost 60MW across 20 projects with most of them being located in Central New York.

The project they are looking to start here is being called Eighteen Mile Solar to be located at 3489 Pleasant Avenue. This property is zoned Residential-Agricultural and is 16.9 acres in size and they are looking to lease about 9.25 acres for a term of 25 years (up to 40 years).

Mr. Van Slyke presented project details as follows:

- Design complies with Town requirements for Tier 3 solar systems
 - Setbacks, fencing, panel height, access road, landscaping
- No impact to jurisdictional wetlands, archeological or cultural resources, or critical species or habitat
- Only minimal (spot) grading and stormwater treatment anticipated
 - Project will not increase peak stormwater runoff
- Disturbed areas seeded with native, pollinator-friendly, flowering mix
 - Mowed (or grazed) 3-4 times a year
 - Land allowed to rest and regenerate (no water, fertilizer, pesticides)
- Agricultural, open-know perimeter fence lets through small wildlife
- Landscaping (343) plantings mitigates views from nearby homes
- Coordination has begun with Hamburg Volunteer Fire and Erie County
- All solar equipment qualifies as (USA-made) domestic content

Local Benefits:

- Lease allows land to stay in family, potential for future use (farming)
- Possible agrivoltaics opportunities (sheep grazing, bee keeping)
- Supports Town and County energy and sustainability goals
 - County Community Action Climate Plan: Transition to decarbonized electrical grid
 - Town Comprehensive Plan: Protect and enhance environmental assets, focus on re-use and revitalization, maintain solid mixed-use base, revitalize infrastructure
- Financial benefits
 - Annual escalator PILOT payment to county IDA, e.g., \$4,500MW (TBD)
 - Local construction labor (prevailing wage/union): \$2.7m (est.)
- Distributed Generation or DG projects generate electricity for the local grid, for local use
 - 3,900,000+kWh in year 1: annual power use of 575 NY homes
 - Community Solar: bill credits for low/moderate-income households via S-SFA

Mr. Rogers explained to the Planning Board and the audience that this is the first time the Applicant has been before the Board so this meeting and a couple more meetings in the future are not open for public comment, meaning that no one will be able to come up to the microphone and speak. Mr. Rogers stated that he has provided his email address and members of the public are able to contact him with their comments which are shared with the Planning Board. When the project is going to be set for a public hearing,

notices will be sent out and will be posted on the Town website so that people may come and speak.

There will be a coordinated review done for this project which means that the materials received from the applicant will be sent to a number of different State agencies for their comments. He will also be making a 239-M referral which is to send the materials to the County Planning Board because Pleasant Avenue is a County Road and the project is within 500 feet.

Mr. Rogers encouraged the public, whether they are for or against the project, to read the Town Solar Law which is under Chapter 280 called Solar Energy systems. This law is going to be the parameters of what the Planning Board is going to review this project under.

This project is zoned correctly for solar so at this time, it will not be before the Zoning Board because it does not need a variance. Under the Solar Law, Tier III projects are allowed in the Residential-Agricultural zoning district, but they do require a special use permit.

Before the Planning Board asks their questions, Mr. Rogers would like to remind them that they can refer the applicant to the Town Board to have them consider whether a host community agreement is necessary or not. He explained that if they send it to the Town Board and they decide to enter into a host community agreement, that agreement must be finalized before the Planning Board can act on the special use permit.

The Planning Board can authorize the completion of the 239-M referral and start the coordinated review process, which is a 30-day process.

Mr. Rogers explained that the Applicant is also looking for the Planning Board to formally accept the application and that the Planning Board will establish itself as SEQR lead agency so that they can start the SEQR process.

Member Zajac stated that the Applicant said that the seed that is going to be used needs to be trimmed 3-4 times, but the proposal states maintenance is two times a year.

Mr. Van Slyke responded that it depends on the seed mix and area as well as growth rates. Mr. Van Slyke stated that his team will look at the landscape plan that the landscape designer gave them. They would like the foliage to grow so that it can hold the soil but not get too tall or start to cause soiling on the panels and shade.

Member Zajac reiterated that no matter what the mix, he believes two times a year will not be adequate.

Member Zajac also had a concern regarding the setback from the driveway that connects to the house and back located at the top of the screen. He stated that it appears that the setback was measured from the property line and not the edge of the driveway, and asked if there was an easement there.

Mr. Van Slyke responded that per the Town zoning code, the setbacks are measured from the property line to the fence so that is a 50-foot setback from the fence to the property line.

Member Zajac explained that since there is a road there, the setback should be from the edge of the driveway not the edge of the property line.

Mr. Van Slyke stated that he understands that sentiment, however, the project was designed to the letter of the law.

When it comes to the pond on the property, Member Zajac feels that there needs to be a lot more buffering and more setbacks because when you walk around this pond all you will see are solar panels. He stated that he felt that the landscaping that was presented does not do enough to shield.

Mr. Van Slyke said his team is open to additional discussions with the Planning Board regarding additional screening.

Member Stewart concurred with what Member Zajac stated regarding the setback and stated that he would like to make sure that there is adequate coverage as he is sure the people there do not want to hear the buzzing sound or see the solar panels.

Member Ryan was curious as to why the applicant chose a site that is so close to a residential area.

Mr. Van Slyke responded that when picking a site, there is a trifecta that is looked at:

- Where is their capacity on the power grid? They try and look for sites where there is a circuit or a feeder line essential to where capacity exists.
- They then look for a willing landowner. In this case it was a mailing campaign where they mailed to various landowners in the area to see if they were interested. This landowner responded and said they were interested in leasing the land to the applicant.
- Is the site viable? That is what is in the Board packet and what was presented earlier. This is where they look at whether or not there are wetlands, endangered species or habitats to contend with, any grading that needs to be done.

Mr. Van Slyke explained that they try to find a site that is relatively easy to put a project on, and this site meets the criteria.

Member Ryan asked what the noise level for the fans and transformers is when they are at their heaviest intake load. From what she has read, the buzzing can be quite loud which makes it a concern for her.

Mr. Van Slyke responded that the packets that were presented do include equipment specs and for example, the string inverters have a peak noise of 68 DB at one meter (three feet), and 68 DB is about equivalent to crowded restaurants and the sound dissipates logarithmically. With the distance to the homes the sound is ideally negligible because of the distance and the dissipation through the foliage/trees and fencing. They are confident that there should be no real sound.

Member Ryan also asked when the panels drop out of their peak efficiency, how does the Applicant dispose of the panels and when do they decide to change them out before any erosion starts that could contaminate the ground.

Mr. Van Slyke answered that the solar panels contain four things: glass, aluminum, silicon and some solder material. They are sealed components and are designed to last the lifetime of the site so 40 years. They are designed to take on UV energy and as such will withstand it. There will be periodic maintenance around the site as well as site maintenance inspections where if there are any that are damaged, they will be replaced. As for the sealed unit, that is part of the decommissioning plan. When the units are decommissioned, it includes recycling the panels, reusing the panels, and reconditioning.

Chair Gronachan explained that in the packet it states that the Applicant will be carrying \$10 million of insurance and asked if they would be interested in carrying insurance for the residents if there was any type of damage to their wells or septic or any kind of water source. She acknowledged that there may not be an answer to this right now, but it is something she would like the company to think about.

She feels that the landscaping plan is not enough. It is not tall enough, it's not thick enough, and she would like it so that no one sees the solar panels from the road or especially the neighborhood.

Chair Gronachan asked if there was any underground storage and what about battery safety.

Mr. Van Slyke answered that there is no underground storage and there are no batteries on this project.

Chair Gronachan asked who oversees the planting.

Mr. Van Slyke answered that the project owner essentially will have a contract with a landscaping company to do the installation and then that contract will also include maintenance. This is outlined in the operation maintenance plan and the landscape plan document.

Chair Gronachan also asked the following questions of the Applicant:

- Who would be the environmental monitor?
- Who is in charge of making sure that the landscaping takes and grows to height and provides protection from this project?
- Due to the neighbors worrying that their property values will decrease, has there been a marketing plan or marketing assessment done to debunk that theory or is that accurate?
- Can the Applicant confirm that the trees shown in the picture that was displayed on the TV are not on the project site.
- What if the company sponsoring this project goes bankrupt? What happens to the equipment and all?

Mr. Van Slyke provided the following answers in response to the questions from the Chair:

- Typically, they contract with a landscape company that then subcontract out the environmental monitoring or have an environmental monitor on staff.
- The owner of the project is in charge of making sure the landscaping is adequate.
- The theory that property values will decrease is one that they do not find accurate. A market assessment or property study has not been done for this project, however if it were something the Planning Board would like them to provide, they have done it for other projects.
- That is correct that the trees shown are not on the Project Site, and it should be noted that the project does not involve cutting down any trees.
- Per the Town's solar ordinance, the Applicant would post the decommissioning bond and if the company were to go under, the Town would call that bond and decommission the project. If the project does not produce at least 50% capacity for at least six months over a one-year period, then it is at the owner's expense to take down all the materials.

Chair Gronachan asked Mr. Roge about the 9 acres that are being used is zoned residential-agricultural, and what else could the property be used for without a special use permit.

Mr. Rogers explained that single family homes, cemeteries, and other similar agricultural uses (i.e. greenhouses) are permitted uses. With a special use permit, you could put a craft brewery or a craft winery.

Mr. Rogers asked the Applicant what would happen if the owner of the property were to pass away.

Mr. Van Slyke responded that essentially the lease runs with the land, so whoever takes ownership of the land, the lease will remain intact.

Mr. Rogers then asked for the Applicant clarify, there are no DEC regulated wetlands on the property per a letter from the DEC, but LaBella did mention that there is a little stream that runs through the center of the property.

Mr. Van Slyke answered that is correct. The landowner built two shallow ditches years ago to adequately drain the parcel, and they drain into the pond. They are what are called emergent wetlands. They look like wetlands and have foliage in them, so it was sent to the State for their review.

Mr. Rogers asked for the Applicant, to the best of their ability, to produce a more robust rendering of the site so that the neighbors and the Planning Board have a better understanding of it will look like different stages of completion.

Mr. Van Slyke said that they are willing to do that and ask that the neighbors allow them access to their property when the Applicant reaches out so that they can provide a more detailed rendering.

Member Chmura asked that the setback be 50 ft from the edge of the road, and that landscaping should also run along the access road.

Member Chmura then asked what is the impact to the Hamburg residents with respect to the cost of our power and any sort of community benefits which could be considered within this potential host agreement.

Mr. Van Slyke answered that the name 'community solar project' is more of a term used to classify a type of project. It is offered to people who are renters or people who cannot put panels on their roofs or in their yards but want to partake in solar energy. They can subscribe to receive their power from the project.

The number of homes (575) is from a metric that includes data from the EPA and the State of New York. The applicant knows how much energy the project is going to generate and they take the data of what the median use of energy is in the area and the matrix gives them the number of houses.

Member Chmura asked how our community will directly benefit from this installation and this generation.

Mr. Van Slyke answered that ideally this means that there is more generation on NYSEG's grid so that would mean there is more power that is available.

He explained that there is a possibility for a pilot payment, so payment in lieu of taxes agreement. Potential for a host community benefit agreement where the money would go to the County/Town for them to use as they see fit for things such as roads and schools. If there is an increase in property value on the project property, that would be an increase in tax revenue.

Member Chmura asked Mr. Rogers if the Town Board makes the decision to recommend a community host agreement, what does the process look like in respect to drafting the agreement?

Mr. Rogers explained that typically, the Town Attorney and their legal department will get in contact with the attorneys of said developer, and they will work out the legalese. As stated before, if the Town Board does take the recommendation to enter into a host community agreement with the developer, the Planning Board cannot act on a special use permit until that agreement is finalized. It was determined that the Planning Board can act on SEQR but cannot on the special use permit until the host community benefit agreement language was worked out.

To move forward at this time, the Planning Board must check for the completion of the application materials. If the Planning Board feels that it is complete, it can be sent to the Town Board and Mr. Rogers can start the 239 referral as well as the coordinated review. That will give the applicant time to work on some of the materials and visuals that the Planning Board has requested.

The Planning Board felt that the application was complete for review, and will forward the application to the Town Board, which will be the entity to decide whether or not they want to enter into a host community agreement. Mr. Rogers will submit the 239-m referral to the County as well as the SEQR Coordinated Review which goes to all the State agencies.

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

OTHER BUSINESS

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

The meeting was adjourned at 8:38 PM.

Respectfully submitted,
August Geraci, Secretary