

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

WORK SESSION

Dato Development, LLC- Requesting Preliminary Plat Approval of a subdivision for a mixed-use development to be located on the northwest corner of Rogers Road and Southwestern Boulevard

Postponed indefinitely.

Ellicott Development- Requesting Preliminary Plat Approval of a 2-lot subdivision to be located at 3800 Hoover Road

Postponed.

Planning Board to discuss various zoning code amendments as presented by the Planning Department

Mr. Rogers presented the following to the Planning Board:

Background: There is the Non-CFA Zoning Code Committee

- This committee looks at Zoning Code amendments outside of some of the State Grants that the Town has received such as the Buffalo Bills stadium area, Mickinley Mall and some land outside of the waterfront area.
- Members of this board include Mr. Rogers- Planning Department, Cindy Gronachan- Chair of the Planning Board, Nick Ortiz- Member of the Hamburg Town Board, Camie Jarrell -Engineering Department and Jeff Skrzypek- Code Enforcement as well as some members from the Zoning Board.
- From this The Non-CFA Code Committee that is before the Planning Board is Site Plan Review, which makes up the legislation of what the Planning Board does from when site plan applications are submitted to fees.
- Due to the length of this review, Mr. Rogers will be presenting it in parts over the next few meetings.

- Site Plan Review in the Town Code 280-307 provides the parameters of what the Planning Board reviews under site plan review. Some of the changes are as follows:
 - 280-307.01- talks about the authority of site plan review. It states that the Town Board grants the Planning Board the power and authority to review site plans, approve with conditions or disapproval.
 - Removed the clause that said that the chapter will be enforced by Code Enforcement or any such duly authorized entity.
 - 280-307.02- added a clause of what comes to the Planning Board versus what does not.
 - For things that does not come to the Planning Board, the verbiage “signs” and “or similar use as determined by the Supervising Code Enforcement Officer” was added
 - What the clause now says is that anything that needs a building permit or a CFO is subject to site plan approval except for the uses that are listed
 - Member Chmura: if a project has signage include in the site plan, are we saying that it is not a part of the Planning Boards review, or does this mean an individual sign that is going to be erected that would not come to the Planning Board?
 - Mr. Rogers explained that it would be individual signs that are being erected that would not come to the Planning Board. Signs that are included in site plans can be provided recommendations and comments, but the Planning Board does not have approval power of that sign.
 - So, are we no longer able to put a condition on a site plan related to signage?
 - This language does not prevent that from happening. The verbiage is that anyone who applies for a sign permit or applies for a variance for a sign does not need to come to the Planning Board for site plan review. However, if the signage is part of an overall site plan then the Board can still add conditions

- The last part of this section clarifies what comes to the Planning Board. The words “three or more dwelling units” was put in specifically because the Planning Board excludes single family homes or two-family homes.
- Next code to be covered is 280-308.
 - Previously this section of the code was called Site Plan Waiver. For some background site plan waivers used to come to the Site Plan Waiver Committee, which is made up of the Planning Chair, Planning Department, a member of the Building Department and either the head of the Engineering Department or the Town Engineer. It will now be called the Administrative Review Waiver Committee.
 - Changes are:
 - Removed the verbiage “structure or building not being visible from the road” as that was ambiguous and at the discretion of the site plan committee.
 - Also took out minor change that does not require any additional parking or any use that were determined by the Waiver Committee.
 - 280-308b
 - Changed it from 1,000 sq feet to 2,500 sq feet or 10% of the existing structure, as there had been previous discussions of increasing the square footage to accommodate larger additions that do not pose significant impacts to surrounding neighborhoods/residents.
 - Member Chmura: Clarification on even though it was 1,000 sq. feet and now being 2,500 sq. feet or less than 10% and no variances are required. There may still be a need for a variance, and the size of your proposed plan does not mean you automatically have a waiver.
 - Chair Gronachan: Did the Planning Board already discuss this at length regarding the signatures on a site plan waiver?
 - Yes it was discussed and it was changed to three signatures. As of now, if there is a tie vote and not a majority, it will come to the Planning Board for a regular site plan review.

- Chair Gronachan: she is not comfortable with 2,500 sq. feet she feels that it is too much. She would like to see 1,500 sq. feet
 - Member Ryan and Member Geraci agree with the 1,500 sq. feet
- 280-312 – Criteria for review and approvals
 - Under subsection A it currently states that the Planning Board shall review the site plan and supporting data and take into consideration and list only four criteria. After reviewing the criteria and looking at other municipalities that are the same size or larger than Hamburg, it was determined that more criteria were needed for which the Planning Board has the ability to review.
 - Harmonious relationship between proposed uses and existing adjacent uses
 - Maximum safety of vehicular circulation between the site and street network
 - Now more than ever due to the way that Hamburg is developing and there are more projects that have circulation issues.
 - Pedestrian and bicycle accommodations
 - Adequacy of interior traffic circulation and parking and loading facilities, with particular attention to vehicle and pedestrian safety
 - Adequacy of landscaping, areas to be protected, and setbacks in regard to achieving maximum compatibility with the protection of adjacent property and land uses
 - The specific requirements of any overlay or other Town design requirements (wetlands, floodplains, conservation areas, etc.)
 - Aesthetic, landscaping and other design requirements
 - Infrastructure impacts
 - Public health and safety
 - Drainage, flooding and grading impacts
 - Environmental impacts
 - For residential development, the adequacy of open space, playgrounds and other recreational amenities
 - Added due to the number of subdivisions that have been approved over the past couple of years.
 - Other applicable ordinances and laws of the Town of Hamburg

- Chair Gronachan; this is a good list, however, there are two things she would like to discuss:
 1. Do we want to entertain the history of the property, who is the actual owner?
 - a. Attorney Gogan: There has been discussion with Mr. Rogers regarding this and who the applicant is and what is the contractual relationship for standing purposes.
 - b. Mr. Rogers: There will be a section that has not been detailed yet, that deals with the application phase that can have this information added to it.
 2. What about the history of the property and if there have been any violations in the past? In the past this has been brought to the attention of the Board, and if it is going to be part of the checklist maybe it could be part of the criteria.
 - a. Attorney Gogan: There may be legal issues with this because if the new owner has nothing to do with the prior violations then you are starting to go down a rabbit hole.
 - b. Mr. Rogers: He would rather it be on the application than in the code.
 - i. Member Chmura agreed with this approach

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 Chmura, Member Clark, Member Ryan, Member Geraci and Member Zajac

Absent: Member Stewart

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

Richard Saunders- Requesting Preliminary Plat Approval on a proposal for a 2-lot subdivision at 5225 Scranton Road

Mr. Saunders did not appear on behalf of the project as he was told he did not need to be in attendance.

Member Chmura recused herself from this project as she was not at the previous Planning Board meeting.

Mr. Rogers gave the following statement:

- The Planning Board had asked Mr. Saunders to put a note on the survey of where the single-family dwelling and the two-family dwelling were going to be located and he did do that on to the Preliminary Plat.
- He moved the shed to the back of the property as well

Member Clark: Usually with a two-lot subdivision the Planning Board does not require sidewalks, and there are no sidewalks there currently. However, due to the fact that there are no safe pedestrian areas in the vicinity, does the Planning Board want to talk about having sidewalks put in place?

Chair Gronachan: As this would be the only property that would have them, she does not feel it is necessary.

Member Geraci: Currently, with the snow, there is no place to walk down the road. Even if sidewalks were put in, in the winter it would not be practical.

Member Chmura: Understands the sentiment of trying to build sidewalks for future development, but looking at the area, she does not see much development or change that will be coming in that area that would spark the need for additional sidewalks.

Chair Gronachan: Concurs with Member Chmura. As this is an established area she cannot agree with Member Clark about the sidewalks for one or two houses.

Attorney Gogan: There is a code section (230.22 subsection L) that refers to this and what is being discussed does not fall into the parameters of that law.

Member Ryan made a motion to approve Richard Saunders two-lot subdivision Negative Declaration:

SEQR:

In accordance with the New York State SEQR Law, the Town of Hamburg Planning Board has reviewed the two-lot subdivision proposed by Richard Saunders to be located at 5225 Scranton Road (SBL #: 171.17-4-4). Based on the Preliminary Plat, review of the submitted materials and input from other departments, the Planning Board has determined that the proposed subdivision is not anticipated to result in any significant adverse environmental impact and that a Negative Declaration is hereby issued, and the Planning Board Chair is authorized to sign the EAF, which will act as the Negative Declaration.

Motion to approve by Member Geraci. Passed 5 Ayes, 1 abstention

Carried.

Member Ryan made a motion to approve the Preliminary Plat Approval:

The Hamburg Planning Board hereby grants Preliminary Plat Approval for the Richard Saunders two-lot subdivision with the following conditions and waivers:

1. The installation of sidewalks is not warranted as no other sidewalks exist along this stretch of Scranton Road.

Finally, the Hamburg Planning Board waives the completion of the Final Plat, and the Hamburg Planning Board Chair is authorized to sign the Preliminary Plat once the Town Engineer signs off on the Plat.

Motion to approve by Member Geraci. Passed 5 Ayes, 1 abstention

Carried.

Ten Lives Club Inc.= Requesting a use variance for the expansion of rescue services to be located at 3747 Lakeshore Road

Attorney Kathleen Moriarty appeared on behalf of the Applicant.

Ms. Moriarty gave the following statement:

- The Ten Lives Club does not actually own the property at this point. They are hopefully purchasing it from 24 Karat Solid Gold in order to expand their feline rescue mission. The current facility is used mostly as a shelter with some veterinary services.
- If they purchase the second property, the second floor would be used for a senior cat shelter and the first floor would be used as either a retail facility or a cat café. If the Planning Board had any input as to what would be acceptable over the other, the Ten Lives Club would appreciate that.

Planning Department:

Mr. Rogers: The reason they are going for a use variance is that 3747 Lakeshore Road and Ten Lives Club are zoned M3 which is the heaviest industrial use. Code Enforcement has determined that a rescue service is not an approved use for M3.

- The Planning Board will be the leading agency on this project because the Town code says that if a project has two different approvals by two different boards, in this case Planning and Zoning, that the Planning Board will be the leading agency.
 - This Board will have to decide whether or not they want to do a coordinated review which will make a SEQR decision for both the

Planning Board and the Zoning Board. Or they can do an Uncoordinated Review where the Planning Board will make a SEQR decision but that will require the Zoning Board to make a SEQR decision before they act on the use variance.

- They will be going to the Zoning Board the first week of March

No comments from Engineering.

Planning Board:

Chair Gronachan: To clarify, they are before the Planning Board tonight for the following:

- For the Planning Board to make a recommendation to the Zoning Board for the use variance
- They are here for the Planning Board to decide if they are going to do a coordinated or uncoordinated review
- They are here for both.

Member Clark asked if there were going to be any changes to the existing building with the expansion other than cosmetic changes.

Attorney Kathleen Moriarty explained that there would be no structural changes, and that it would all be cosmetic changes on the outside of the building. On the inside of the building, she is unsure of what the exact plans are.

Member Clark also asked, with Ten Lives Club being a nonprofit, if there was a time frame with the finding on this that would impact could be negative if this drags on for a few months.

Attorney Kathleen Moriarty responded that is not the case here as they have some private funding through one of their donors.

Mr. Rogers stated that he would think that the Planning Board would look at this as a Type II action under SEQR. Ten Lives Club is reusing the existing building and there are no additions being made and using the same kind of footprint as before.

Chair Gronachan stated that she believed the Planning Board should authorize a coordinated review as there is no need to keep sending it back and forth between the Planning Board and the Zoning Board and delaying it.

All members of the Planning Board expressed support of the recommendation to the ZBA, and the project was tabled to the March 4th Planning Board meeting.

Brandon Santa- Requesting Site Plan Approval for a proposal to construct eight (8) 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)

Anthony Pandolfe with Carmina Wood Design appeared on behalf of the project along with Mr. Santa

Mr. Pandolfe explained that the updates that have been made since they were here in January are:

- One of the things asked was for the outdoor material areas to be better defined rather than oblong shaped. They have been squared off so that they are more defined on the site plan
- Per the Planning Boards request, they did fill out and submit a long form EAF rather than the short form

Planning Department:

Mr. Rogers stated that he did receive the full EAF that was included in the coordinated review package that went out to the different agencies. The thirty (30) day period will end on February 27, 2026. The Planning Department did hear from the Erie County Department of Planning, and they noted that this project is a local concern and they do not have any specific recommendations from the referral aspect, they have not provided any SEQR comments yet and may still do so.

Engineering:

Ms. Jarrell stated that it is still early from an engineering perspective, but they will obviously do a full review when it is the appropriate time.

Fire Department:

Mr. Pandolfe spoke about the letter from the fire department. The letter did refer to fire hydrants and as the applicant has mentioned before the site will have private hydrants on site for fire protection.

The Fire Chief also asked if anything would be stored or kept outside of the buildings that could hinder the movement of the fire apparatus?

Mr. Pandolfe explained that the outdoor material storage areas are behind the buildings as far as access to the public water supply, there will be 30-foot-wide access and utility easement, on property owned by Mr. Santa, that will be able to connect to the existing water main along Route 5 bringing a private line back that will have fire hydrants on.

Conservation Advisory Board Report:

Attorney Gogan explained that the members of the Planning Board have a memo from the CAB. After reviewing the memo, the purview that pertains to the Planning Board is part two of the environmental assessment form. After discussion between the Legal Department and Mr. Rogers, if the Conservation Advisory Board is doing a report, there should be recommendations that go along with it. There was a form that was provided to the CAB. In his professional opinion, the memo provided lacks in what would normally be required as it should be the report and recommendations on what can mitigate their concerns. Mr. Gogan recommended that the Planning Board should not accept the report.

Member Ryan has been very conflicted about this project due to the number of wetlands in the area. She understands that CAB is an advisory board and in receiving their email she did not see a suggestion for mitigation. She is looking for the CAB to give the Planning Board feedback on mitigation for moving forward.

Member Zajac asked the applicant if they had reached out to the Army Corps of Engineers.

Mr. Pandolfe stated that they have. They had a wetland walkover done of the site that was submitted to both the DEC and the Army Corps of Engineers. As stated before, the DEC did delineate wetlands on the adjacent property to the south and the 100-foot buffer does extend onto the property that is not going to be disturbed. The Army Corps of Engineers had no jurisdictional wetlands on the site.

Member Zajac also asked if there was any correspondence from the Army Corps of Engineers.

Mr. Rogers stated that the Planning Department had not received any correspondence to date.

Mr. Pandolfe said that he will check on it and forward any information that they have.

Member Chmura agreed with Member Ryan on the CAB letter, and said it is difficult to understand what they are providing the Planning Board.

Chair Gronachan stated that there were a lot of negatives regarding this project before it even was seen by the Planning Board. She reiterated that it is not the job of the Planning Board to take part in or use the negativity to make a decision. The Planning Board takes a great responsibility in talking to different agencies as well as residents before they make decisions. Chair Gronachan also made the following comments:

1. This project is located off Route 5, and you cannot make a left hand turn from this property onto Route 5. She would like the applicant and the Traffic Safety Advisory Board to address this issue.
2. She would like to see the specific hydrants and lines on the site plan.

3. Lack of mitigation/suggestions from the CAB regarding protecting wetlands and Rush Creek. She requested that the CAB go back and complete the formal form that was presented to them in their February 2025 training and have it signed by all members.
4. She believes that the applicant is failing to recognize that this project is too big for the property based on what the Planning Board is hearing. She had originally felt that building eight (8) should be shrunk but at this point she feels that some of the buildings should be removed all together due to the wetlands and Rush Creek. She is not in favor of any outdoor storage due to the creek and the potential for runoff. She would like to see the project smaller with increased landscaping.

Mr. Pandolfe addressed some of the concerns:

1. When it comes to the outdoor storage and runoff into the creek, that would not happen as it would all be directed to the detention pond which will have stormwater treatment.
2. They are conforming with the 100-foot buffer from Rush Creek that is in the code.
3. Everything from the buildings to outdoor storage areas (which are allowed in the zoning) all will be going to the retention pond

Chair Gronachan asked what would happen if the creek were to flood.

Mr. Pandolfe explained that when the stormwater calculations are done, their runoff for the proposed project has to be less than what comes from the site now. It has to meet DEC requirements in that regard. If the creek were to flood, they have berms to protect the outdoor storage.

Chair Gronachan stated that due to the fact that there is no guarantee that there could not be flooding, which is why she feels there should not be any outdoor storage.

Mr. Pandolfe responded that it is not the Creek that is flooding, but the property is flooded because of grading. He explained that the Applicant is proposing landscaping along the north, not directly behind the buildings but on the strip of property that was mentioned. It is not just the fence; it is the fence and landscaping.

Mr. Santa explained that Chair Gronachan mentioned that she wished the project was smaller. He wanted to point out that the square footage did go down when they separated the buildings. He also stated that he would be willing to put in more berms.

Member Ryan asked about landscaping by the fence, and where exactly is the landscape going.

Mr. Santa stated that it will be the fence, landscaping, and then the project.

Member Chmura asked if the Applicant could shift the fence down and put the landscaping on the other side?

Mr. Santa explained that due to the fact that the property is only 30 ft. wide, if they were to shift the fence it would be in the center for the property making it so that they would not be able to install the fence or maintain the landscaping.

Angela Andolina spoke regarding photos that were presented to the Planning Board showing flooding from her back window on the applicants' property.

Member Zajac voiced his concerns over the Creek potentially shifting over time.

Mr. Rogers suggested that the site plan be overlaid with an aerial imagery so that the Planning Board can see how and if the creek has changed location.

This project was tabled until March 4th, 2026, when it will return for a public hearing. At that time, the coordinated review will have ended, and the Planning Board should have final comments from agencies.

OTHER BUSINESS

The training date for the Planning Board will be March 25, 2026.

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

The meeting was adjourned at 8:07 PM.

Respectfully submitted,
August Geraci, Secretary