

Town of Hamburg
Planning Board Meeting
March 4, 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 4, 2026, in Room 7B of Hamburg Town Hall.

Seven (7) Brew Coffee- Requesting Site Plan Approval of a proposal to construct a 510 sq-ft building with two drive-thru lanes to be located on a 0.78- acre parcel at 3701 McKinley Parkway (SBL #: 160.07-2-28.2)

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

Mr. Pandolfe explained that previously, the design team was before the Planning Board with a location on Southwestern Boulevard near Taco Bell. The applicant has decided to forgo that location and is now looking at 3701 McKinley Parkway which is located within the roundabout of the McKinley Mall. It is located near the northern entrance across from McKinley Plaza and next to the Dollar Tree.

They have a single curb cut entrance with drive-thru stacking around the back of the site. For efficiency, the employees will go through the drive-thru with tables to take people's orders so that when the customer gets up to the takeout window it can be ready for them.

Mr. Pandolfe stated that at this point in time, the Applicant is looking for direction on the sketch plan and would like to move forward with a full site plan submittal.

Mr. Rogers explained that he had a pre-application meeting with the Applicant, and they spoke about this parcel on McKinley. Mr. Rogers stated that he felt that this location is better suited than the one on Southwestern Boulevard due to the concerns regarding traffic backups that may have occurred onto Southwestern Boulevard.

The new location has not been sent to the fire company yet, but one concern that Mr. Rogers does have is if people are coming into any of the drive-thru lanes and change their mind, they are stuck in the queue and this issue may arise during the grand opening. Mr. Rogers had no concerns regarding the location of the dumpster or the handicap parking.

Town Engineer Camie Jarrell stated that the issue with the queue is the one that stood out the most. She stated that this is a small enough site that a full stormwater pollution prevention plan (SWPPP) will not be required.

Ms. Jarrell believes that the drainage on the out parcel goes into the main lot and connects to the drainage system, however drainage is something that will be looked at should it get that far.

Member Ryan wanted to clarify if the curb cut would be new.

Mr. Pandolfe stated that there is an existing one, but what the applicant is looking to do is close that existing curb cut and open a new one in a different location.

Member Ryan is also concerned about safety of the employees in respect to the existing building being so narrow in the drive thru lanes.

Mr. Pandolfe explained that the new building is going to be pushed up towards the front of the lot where the old building was located. According to the site plan, the proposed back end of the new building is where the front of the old building was. There may be enough room to extend the pass thru lane all the way around the site so there would then be three lanes; two for customers and one for a pass-thru should someone need to exit the line.

Chair Gronachan stated that she thinks that this is a much better selection than the location on Southwestern Boulevard.

This has been tabled indefinitely until the applicant is ready to come for a full site plan approval.

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, and Member Zajac

Absent: Member Chmura

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

Approval of Past Minutes

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

July 23, 2025
December 3, 2025
December 17, 2025
January 7, 2026
January 21, 2026
February 4, 2026
February 18, 2026

As the vote on the motion was six (6) ayes, the motion carried.

Public Hearing- 7:00 P.M., 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)

Mr. Rogers clarified that the number of buildings has been revised since the agenda was sent out from eight (8) to six (6) warehouse buildings.

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

Mr. Hopkins gave the following background on the project:

The project site consists of two contiguous parcels located at 0 and 3401 Lakeshore Road. The size of this site is 7.46 acres, it is zoned M3 and is located in the Route 5 Overlay District. What the applicant is proposing to build are contractor shops/warehouse buildings. This will require an environmental review pursuant to the New York State Environmental Quality Review Act., and it is an unlisted action.

There have been some questions regarding whether or not this is one parcel or two. To reiterate, these are currently two contiguous parcels, and they will remain separate parcels. The proposed project will occur on 0 Lakeshore Road, which is the larger of the two parcels.

Being that this is zoned M3, the code does allow for uses permitted in the underlying M2 zoning classification, which includes those with outdoor storage and custom shops. That being said, they are not looking to change the zoning classification of this site.

Chair Gronachan wanted to reiterate that although there are multiple lots in the discussion, the Applicant is before the Planning Board to discuss one lot, at 0 Lakeshore Road.

Mr. Hopkins highlighted the following changes that have been submitted:

1. The number of buildings has been modified from eight (8) to six (6). All buildings are single story.
2. A concept fire service was added to the site plan to demonstrate how the service will connect to the existing water supply and provide fire protection for the development. The 6" or 8" service will connect to the existing water main along Rt. 5 and service the site via an easement with the 3401 Lakeshore Road property. Two (2) private fire hydrants will be located on the site as shown on the Site Plan Sheet C-100. Additionally, all buildings will be equipped with a sprinkler system.
3. The berms along Rush Creek were extended the full length of the creek and pulled back from the creek bank.
4. The proposed 10-ft chain link fence was shifted to the south to allow landscaping screening to be placed on the residential (north) side of the fence
5. A dimension was added to the site plan to show the nearest proximity of the buildings to the creek bank (41.35 ft)
6. A second version of the Site Plan with an aerial underlay was submitted to the Planning Board.

In addition to the reduction of buildings, they are showing a 25 ft conservation area measured from the center line of Rush Creek and there will be no buildings within 100 ft of the center line of Rush Creek.

Updated landscaping has been submitted as well. The Applicant is focusing the landscaping at two particular locations along the Rush Creek corridor and along the border of the residential neighborhood. They are looking to plant a mixture of both evergreen and deciduous trees as well as bushes and shrubs. The breakdown of landscaping is 28 deciduous trees, three different types of ornamental trees, 136 evergreen trees and 15 shrubs.

As for the SEQR, the Applicant has provided a completed Part 1 of the Full Environmental Assessment Form (FEAF) that has detailed information regarding potential impacts.

SHPO issued a No Impact letter dated March 2, 2026.

There are a lot of questions regarding whether or not there are wetlands on this project site. Per the New York State Department of Environmental Conservation and the United States Army Corps of Engineers, there are no jurisdictional wetlands so there is no need for a wetland permit from either of those agencies.

Town Engineer Camie Jarrell spoke regarding what she will be looking at under her review of this project in relation to stormwater and drainage. In general terms, if a project is approved by the Planning Board the fully engineered plans and the

stormwater pollution prevention plan (SWPPP) is submitted to her office, and a full review is done to make sure New York State DEC standards are met.

Ms. Jarrell further clarified that for a project this size, you must get a state permit for stormwater discharges, and you have to design your site in accordance with the state standards. When Mr. Hopkins mentions the 100-year storm, that is just one part of the design requirements. They must also show that they control a certain amount of water for three different storm events with the 100-year storm being the largest. The calculations are made by looking at the site as it sits vacant and what the site will do once it is developed. The Applicant must show that they are not releasing any increase in the runoff and they must control the runoff with a stormwater management area and provide in detail all the modeling and calculations that will be reviewed by Ms. Jarrell.

Mr. Hopkins said that with regard to Rush Creek, they are aware that it is adjacent to the site and is a 303(D) creek/waterway and as such will require increased inspections during construction (two per week).

In terms of traffic and light pollution, at full build out based on national standards during peak travel periods, this project would generate 36 vehicles. As for light pollution, it should be noted that there will not be any lighting on the buildings facing the residential neighborhood and the applicant will comply with the Towns' stringent lighting standards.

Mr. Rogers stated that he knows that there are no tenants ready for this project, but asked if Mr. Santa could speak to what type of storage is being discussed.

Mr. Santa answered that the type of storage that they are looking for are landscapers, plumbers, electricians, framing contractors, and concrete contractors. They are looking for small companies that would use these buildings to store their trucks, equipment, materials etc.

The applicant was asked to provide a draft of a Declaration of Easements so that if in the future Mr. Santa were to sell one of the parcels, there would be a permanent access easement not just for access for utilities but all related improvements. Mr. Hopkins has submitted the draft and welcomes input from the Town Attorney, Planning Department, and Engineering Department.

Mr. Hopkins explained that as for the Woodlawn Sewer line, it is important to note that what is being proposed does not impact that existing sewer line. The fence is located 15 ft off the north property line of the Woodlawn Sewer District parcel, which is not an uncommon proximity for buildings to be located.

Mr. Rogers provided the following overview of the SEQR process. At this time the coordinated review process has ended, which means that he has sent all the materials

and site plans to a number of different agencies throughout the State including the DOT, because Route 5 is a state road, the DEC, and the County for their review. To date the Planning Department has received responses from the DEC, which Mr. Hopkins showed in the presentation, and Erie County which stated that this project is of local concern and they do not have any further comments.

Mr. Rogers is still waiting on further comments from the DOT. On Monday, March 2nd, the DOT did comment that they concur to the Planning Board being the lead agency, but did request additional time to review the updated site plan so that they could provide comments.

Woodlawn Fire Company provided comments which were forwarded to the Applicant and shared with the Planning Board. The fire company did ask about the size of the water lines for the hydrants.

There have been a number of public comments on this project via phone calls and emails. Mr. Rogers let the audience know that every phone call and email has been shared with the Planning Board.

Mr. Rogers clarified that there was a letter from a resident who went to the Zoning Board meeting regarding regulations for the fence. It was incorrectly stated that 3401 Lakeshore Road is zoned multi-family residential, as that property and Mr. Santa's home are zoned M-3 General Industrial. There has been a lot of comments from people who have reviewed the code and have asked about the 75 ft setback in M-3 zoning district. Mr. Rogers explained that setback is if M-3 is abutting R-3, and for 0 Lakeshore Road, the northern boundary is technically another M-3 parcel so because of that, the rear yard setback is only 10 ft, and the buildings do not have to be 75 ft back for 0 Lakeshore Road.

There have also been comments regarding Chapter 272, which is our Local Wetlands Law. This law relates to whether or not there are wetlands on a property and if an applicant is filling those wetlands in. Due to the fact that the Planning Department has received the two jurisdictional letters from the DEC and the Army Corps of Engineers, as well as a wetland report from Scott Livingstone, stating there are no wetlands located on the proposed site, in the eyes of the Town of Hamburg and the Planning Board there are no wetlands on this property.

The Planning Board did receive a memo from the Conservation Advisory Board (CAB) in which they recommended that the Planning Board take a harder look at the environmental impacts and recommended an EIS.

Chairperson Leona Rockwood spoke on behalf of the CAB and stated they suggest that the Planning Board consider requesting an Environmental Impact Study on the project instead of the suggested mitigations.

At the March 3, 2026, meeting CAB members voted to resubmit the memo with the additional suggestions:

1. The wetlands are mentioned in numerous maps including maps from both the State and Wendel. Since they were unable to access the site on foot, they are convinced that there are wetlands as it has been identified that way for years.
2. They reviewed the SEQR form and found numerous impacts
 - a. This action is inconsistent with the community character.
 - b. Impact on esthetic resources, meaning the situation or activity in which viewers are engaged while viewing the property. Routine travel by residents including travel to and from work. This property can easily be spotted as you drive on Route 5.
3. This project may result in increased erosion whether from physical disturbance or vegetation removal.
4. Impacts on surface water. The proposed action may cause soil erosion and otherwise create a source of stormwater discharge that may lead to siltation or other degrading of the receiving bodies, namely Rush Creek and Lake Erie.
5. The proposed action may result in development of land subject to flooding. It has been identified as a 100-year floodplain.
6. The proposed action may require modifications of the existing drainage patterns.
7. The proposed action may cause reduction in the population or loss of individuals of threatened or endangered species as listed by the DEC.
 - a. The EAF Mapper identified two species of plants that are threatened or endangered, the Wafer Ash and the Stalked Bugleweed

Chair Gronachan explained that there were several correspondences in response to the Applicant pulling a tree permit to cut down some trees that are on a piece of property not tied to this project and a request to issue a stop work order was placed. The Planning Board is aware of the situation and are working with Code Enforcement. In a letter from Code Enforcement Officer Jeffrey Skrzypek, the Planning Board was made aware that Mr. Skrzypek went to the site with Inspector Michael Vella. Both inspectors observed that any tracks from the machine used to take down the trees did not cross the sewer line and there are no violations on that property. The inspectors did speak with a National Grid representative that was on site and were going to replace the pole. The National Grid representative did not know about an easement from the particular property off hand. They were unable to issue a stop work order because a fence is allowed by right on the property with proper permits which have been obtained. Per the Planning Department, the Planning Board will require landscaping for the 0 Lakeshore

project and the fence on the 30 ft strip is not part of the Planning Board review. Fences do not require site plan approval unless they are barbed wire. The trees being removed do not require a permit due to the amount of trees being removed from the property.

Member Clark stated that it was mentioned that a SWPPP inspection has to be done twice a week, and asked who does that inspection.

Mr. Pandolfe stated Carmina Wood Design has a certified SWPPP Inspector in-house that will go out twice a week to take pictures and write a report. That report will then be sent to Ms. Jarrell as well as the owner and their contractor.

Member Clark asked how close is the project to the walkway over Route 5.

Mr. Pandolfe responded that the setback is 240 ft per the GIS.

Clarification was provided that the parcel that is not part of this meeting tonight is about 30 ft wide.

Ms. Rockwood mentioned that the CAB has not been able to access the site by foot, and asked if there is anyway access can be granted.

Mr. Santa stated that they are more than welcome to come and look at the property.

Chair Gronachan stated that she will have CAB reach out to Mr. Rogers and he will schedule it with Mr. Santa.

Member Stewart asked will there be any stipulations on what the contractors can and cannot store such as hazardous materials.

Mr. Hopkins said that they would be willing to provide an overview of how they will be regulated. Each tenant will be required to sign a lease and as the landlord, Mr. Santa wants to protect his property, so we are all aligned to that view.

Mr. Rogers stated that should the project go to site plan approval, the Planning Board can lay a number of conditions where certain uses or certain storage would not be allowed in some of the buildings.

Member Geraci asked will the individual renters be required to carry their own liability insurance.

The Applicant responded absolutely, they will be required to have their own liability insurance as well as insurance on whatever property they have on site.

Chair Gronachan, due to open meeting law, said she is obligated to notify the Applicant of a conversation she had after the last meeting with the Woodlawn Sewer Department. They shared with Chair Gronachan that the applicant has cut down trees on their part of

the property without permission and that their biggest concern is that the Applicant's heavy equipment is entering on the sewer line. They are very concerned over that and fear that there could be damage to the sewer line.

There is a paper road called Beam Road, and she finds it interesting that the fence ended at Beam Road. She wants to make sure that at no point in time will the people who are using 0 Lakeshore Road be using the entrance off Nelson Road onto Beam Road to access this project

Mr. Pandolfe stated that the fence actually goes across Beam Road, it is the landscaping that stops. There will not be any driving onto the property or crossing of any sewer easement.

Mr. Rogers believed that at a previous meeting the Board talked about the landscaping component that was going to be on the other parcel, but he remembered that the Board did inquire if the applicant could put landscaping on the 0 Lakeshore Road parcel as well behind the buildings. He just wants to make sure that the Board asked for that landscaping on the Lakeshore Road parcel itself.

Chair Gronachan stated that there is no landscaping behind the buildings. She appreciates that there was a reduction in the square footage, that they went through the creek and added buffering, and that they were listening to the concerns of the board. However, there are still some major concerns that need to be addressed. She feels that with these buildings there needs to be some landscaping behind them. She would suggest reducing the buildings even more and the reason for that is because if they did a different layout the landscaping would fit. She understands that they feel the landscaping on the property that is not part of this project should count but it does not and in the past this Board has looked at storage buildings that have become an eyesore because they didn't take into account the landscaping.

Attorney Gogan wanted to discuss the fence and tree matter that was brought up previously. It is his understanding that the permit was just for the fence and that any tree removal was authorized as a matter permitted by right, Section 243-5, that sets a number of trees that can be removed as a matter of right. If you are taking down ten trees or less, you are not required to obtain a permit.

Member Geraci read the following notice of public hearing:

"Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposal for the construction of an eight shop warehouse buildings along with other associated site improvements, to be located on a 7.46-acre parcel at 0 Lakeshore Road, SBL Number 150.00-1-6.2. The Public Hearing will be held on March 4, 2026, at 7:00 p.m. in Room 7A/7B of Hamburg Town Hall."

Chair Gronachan made the following statement:

“In order to hear from all the residence at a reasonable hour, a three-minute rule will apply during a public hearing. A public hearing is an opportunity for the community to share information on how they are impacted by the project. It is not a question-and-answer period, and I stress that we are not here to answer questions. All statements made during the hearing, as well as written correspondence, will be sent to the Planning Board as well as the applicant for response at a later time.”

Chair Gronachan declared the public hearing open.

1. Michael Paul Wilbert of 3693 Milestrip Road speaking out in opposition of the project:
 - a. He is here to speak on behalf of Woodlawn and the amount of disrespect the community has received from Mr. Santa and Underdog Construction. The fact that Mr. Santa was cutting trees on the sewer line on Monday is mind-blowing and shows the level of disrespect.
 - b. Mr. Wilbert feels that Mr. Santa has not followed all the legal steps and that includes not filing the proper permits, which shows his disrespect for the Town of Hamburg, the law as well as the community and individuals of Woodlawn.
 - c. Mr. Wilbert had a letter sent from his mother Liz Wilbert, who worked for the Zoning Board of Grand Island.
2. The following people read the attached statement which is a compilation of concerns and requests from the residents:
 - a. Scott Phillips of 3765 Nelson Ave- presented a petition of approximately 225 signatures
 - b. Rachel Phillips of 3765 Nelson Ave
 - c. Beth Caliguri
 - d. Audrey Barent of 3757 Nelson Avenue
 - e. Paul Szelest of 3761 Nelson Avenue
 - f. Angela Andolina of 3767 Nelson Avenue
3. Jeanette Bachman of 3749 Nelson Avenue had nothing to add but wanted it to be known that the previous community members said it all.
4. Carrie Meyer of 219 South Shore Drive. She grew up in Woodlawn in a home that backs up to the property. Since Mr. Santa cut down all the trees the noise pollution has increased, and you can hear the traffic from Route 5 and 179. You can also see all the lights from the different traffic and the Ford Plant.
 - a. Growing up in that area the residents were always told that this was an unbuildable property due to wetlands and now they are being told the complete opposite and she is unsure as to why it has changed.

- b. She is a member of the local LWRP, Local Waterfront Revitalization Program Committee, which was established to help communities redevelop the waterfront along Lake Erie, to enhance public access, improve water quality and foster economic growth. She does not see how this project fosters any of those ideals.
 - c. She hopes the Town of Hamburg will listen to the concerns of the community and demand that Mr. Santa replant the trees he removed “illegally without permits”
5. Amy Blundell of the Village of Hamburg asked the Planning Board to please listen to the residents of Woodlawn and apply the most rigorous standard when evaluating this project.
 - a. The Hamburg IDA website has a parcel of land for sale that the IDA purchased, and it includes all of the environmental contaminants and the extreme exposure and mitigation factors that will need to happen on that land to make it healthy. This property is in close proximity to the IDA property, and she would like to know who is accountable to ensure the well-being and health of the residents.
6. Christopher Saracino of 4340 South Park Avenue spoke in favor of the project as a local contractor. It is hard for local contractors to find areas to store their stuff and conduct business out that is up to code.
7. Joanne Warren of John Michael Way in Hamburg and she is against the project.
 - a. It is her understanding that the owner of the property violated the Town of Hamburg Code which requires a permit for the clear cutting of trees and in her opinion that should be a reason to halt the project.
 - b. She is very concerned about the development that is occurring in the Town of Hamburg.
 - c. She asked the Planning Board to follow the Comprehensive Plan, which are the guiding principles they adhere to. After reviewing the Comprehensive Plan for Woodlawn, she does not see how this project meets the guidelines.
8. Patrick McAnaney spoke in favor of the project because he owns an industrial strip of land in the area and has to wonder how this will affect his family’s ability to sell their property.
9. Jordan Andolina of 3767 Nelson Ave is opposed to the project. He feels that from the start of this project when the clearcutting took place, it should have been in front of the Planning Board. He feels that the Planning Board should be standing up for the landowners and from the onset of this process there have been no answers from the Board, just that Code Enforcement keeps walking the property.

10. Michael Schumacher of 3696 First Street is against this project and has questions regarding the kind of heating that will be used. Is it going to be propane with tanks? Are they asking for a National Fuel pipeline to be put in because he has not heard. Think about it as if this was going in your backyard
11. Edward Szymborski of 3771 Nelson Avenue asked to be on the record that he strongly disapproves of the entire process.
12. Kim Preshoff of 3631 Milestrip Road recently sold her house in Woodlawn that has been in her family since her grandfather built it. As soon as she saw the trees being cut down behind the homes on Nelson she was up in arms about it and started to contact the Town immediately. She was told by the Town that they were aware of the incident with the trees and that the applicant was working with Scott Livingston from Earth Dimensions to ensure that he is compliant with working in the wetlands. She does not understand how someone who is working with Earth Dimensions does not know they need to have a permit to clear trees or how the Town did nothing. Woodlawn has been treated like the armpit of Hamburg, and they are sick of it. How would the Planning Board feel if this was your neighborhood?

Chair Gronachan declared the public hearing closed.

Mr. Rogers stated that because the DOT is requesting an extension, which he feels will be crucial to the Planning Board's SEQR and environmental review, this project should be tabled to the April 1, 2026, meeting. This will allow not only the DOT time to respond, but give the applicant time to respond to public comments and comments from the board members.

Chair Gronachan wanted to take time to thank the audience for their time and effort in coming in and being a part of this process. She wanted to reassure the audience that the members of the Planning Board do not take their job lightly. She understands that this case in particular has been an emotional drain on those that live in Woodlawn and the Planning Board is well aware of the pain you are feeling. She asks the public to understand that the Planning Board is guided by the comprehensive plan and the law.

Chair Gronachan wanted to reiterate that this project is zoned for this parcel, and they did not decide that this is the parcel it would be on. There is no LWRP in this area yet and there is no BOA. She would strongly recommend or suggest that the applicant look at the outdoor storage because there might be some creativity that can be used to reduce the size of the project for the lot that is there. Her biggest point is that she would like to see additional landscaping on the project and that is not an ask.

Mr. Hopkins asked if the Planning Board would like the applicant to take the landscaping they are showing on the outside of the fence and put it on the site.

Chair Gronachan responded that the Planning Board cannot take that into consideration as the fence has nothing to do with the Planning Board. What the Applicant decides to do on that 30 ft piece of property has nothing to do with the Planning Board. However, she reiterated that the project before the Planning Board at 0 Lakeshore Road needs additional landscaping.

Member Ryan stated that she is not in favor of the outdoor storage due to the following reasons:

1. Additional runoff from the materials that are stored there could be reduced by removing the outdoor storage which would limit the runoff to the creek
2. The site is overbuilt right now and if the outdoor storage was removed it would be more attractive.

Member Zajac wanted to know how the number of 36 trips was calculated.

Mr. Hopkins explained that there is a national standard that applies to every land use category and the Institute of Transportation Engineers generated the report. They look at the square footage, compare it to the land use category and that is how they get the vehicular trips. It is a standard used by all traffic agencies including the DOT and the Erie County Department of Public Works. The number 36 is how many vehicles are coming and going during peak hour.

Member Zajac asked as for the outdoor storage, what does the Applicant foresee being stored there.

Mr. Santa stated that they are planning to store equipment, trailers, some excavators, bulldozers, some stone piles (which will be contained to bins that are designed to run to a catch basin not the creek), etc.

Member Zajac asked would Mr. Santa have topsoil.

The Applicant responded possibly yes, but they will have erosion controls.

Member Geraci does have concerns regarding the outdoor storage when it comes to landfill or concrete waste.

Mr. Hopkins wanted to confirm that there will not be any construction waste stored on the site.

The project was then tabled until the April 1st, 2026, Planning Board meeting.

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

The applicant did not need to appear.

Mr. Rogers provided background that Ten Lives Club Inc. appeared before the Planning Board for an initial cursory review before they went to the Zoning Board. The Planning Board established itself as the lead agency and this is a unique situation because it requires a use variance from the Zoning Board, but it also requires an action from the Planning Board which is a site plan approval and a change of use.

When the Planning Board established itself as the leading agency, under SEQR this is technically a Type II action. Mr. Rogers proceeded with this as an unlisted action so that he could coordinate with different agencies.

Mr. Rogers explained that before the Planning Board, there is a SEQR resolution to issue a negative declaration. The project went before the Zoning Board last night and was tabled until the Planning Board, as leading agency, makes an action.

Mr. Rogers stated that he feels that there are no adverse environmental impacts as it is a reuse of an existing building with no exterior construction, there are no wetlands, brownfields, or any impacts that were mentioned regarding the previous project.

He explained that if SEQR is issued tonight, the Applicant would go back before the Zoning Board, and should they choose to approve the use variance, it would return to the Planning Board for site plan approval and change of use approval.

Town Engineer Camie Jarrell had no further comments on the project.

Member Clark made a motion to approve the following resolution:

Whereas, the Town of Hamburg received an application from Ten Lives Club, Inc for a use variance from the Zoning Board of Appeals and change of use/site plan approval from the Hamburg Planning Board, for a project to be located at 3747 Lakeshore Road, for the purpose of expanding its current feline rescue facility located at the immediately adjoining property, 3741 Lakeshore Road; and

Whereas, the Town of Hamburg Planning Board initiated the SEQR process for this Unlisted Action and received input from Town departments and boards; and

Whereas, the Town of Hamburg Planning Board has reviewed the EAF submitted by the Applicant, and received input from the Planning Department; 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 reviewed Part 1 of the SEAF and has completed Parts 2 and 3 of the SEAF and reviewed the criteria for determining significance in accordance with Section 617.7 of SEQR; and

Now, Therefore Be It Resolved, the Town of Hamburg Planning Board has determined that the proposed project will not have a significant adverse impact on the natural resources of the State and/or the health, safety, and welfare of the public and is consistent with social and economic considerations and therefore issues a Negative Declaration in accordance with Section 617.7 of SEQR; and

Be It Finally Resolved That, the Town of Hamburg Planning Board Chair is authorized to sign the Short Environmental Assessment Form (EAF Parts 1, 2, 3) which will act as the SEQR Negative Declaration.

There was a motion to approve by Member Clark, seconded by Member Ryan. Resolution passed with no opposition or abstentions.

OTHER BUSINESS

Training date for the Planning Board will be March 25, 2026, at 6 pm.

Mr. Rogers wanted to inform the Planning Board that on March 18, 2026, there will be a solar project, to be located on Pleasant Avenue, presented during the work session. This has already gained a lot of attention, so he wanted the board to be made aware. This is the first solar project of its kind that the Planning Board will be reviewing as this is a traditional two-megawatt project.

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

The meeting was adjourned at 9:00 PM.

Respectfully submitted,
August Geraci, Secretary