

Town of Hamburg  
Planning Board Meeting  
January 21, 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, January 21, 2026, in Room 7B of Hamburg Town Hall.

## **WORK SESSION**

### **Carl DiNezza- Requesting Preliminary Plat Approval of a 2-lot subdivision at 58 North Shore Drive**

Mr. Carl Dinezza appeared on behalf of the project.

Mr. DiNezza explained that the request is being made because he is looking to build a home for his daughter who is moving back to the area. He would like to have the property split and he did go to the Hoover Beach Community Association and got their approval as well as having the property surveyed. After he gets done with the Planning Board, he will be going before the Zoning Board, get an address for the property from Engineering, then he can work with an architect to find out exactly what can be built properly and within code. It was suggested by Code Enforcement that he utilize a framed garage that is on the parcel to keep costs down.

Mr. Rogers explained that Mr. DiNezza came before the Planning Board in 2023 with a similar request to subdivide property over on North Shore Drive, which is in the Hoover Beach area. Mr. DiNezza was going to go before the Zoning Board but did not move forward at that point in time. He is back before the Planning Board to subdivide the property so he may build a house for his daughter and her family. Mr. Rogers brought to the Boards attention that parcel is located in Hoover Beach and that area has its own set of rules. Though technically in the Town of Hamburg, the residents do not own their parcels and lease. As such, they are required to get authorization from the Hoover Beach Community Association, which Mr. DiNezza did and the letter of approval is on file with the Planning Department. The reason Mr. DiNezza has to go before the Zoning Board is because his proposed subdivision request and the lots that would be created do not meet the minimum lot size in R-2. When served by public sewer you are required to have 10,000 sq-ft., which obviously by subdividing this property the second lot would not meet that requirement. One of the variances for lot size that Code Enforcement mentioned was that there would be rear and side yard setback variances that would be requested. What Mr. DiNezza is looking for is any comments that this Board has that will be passed on to the Zoning Board as they take a look at this request for all the variances for the subdivision.

Mr. DiNezza told the current Planning Board that in 2023 when he first appeared before the Planning Board the members thought it would be prudent to bring in surveys from the other neighbors, showing equal or well within the realm of square footage, which Mr. DiNezza did. There are some lots that have homes that are less than 4000sq. ft so there would be enough square footage once the variance to definitely build something.

Engineering Department had no comment.

Member Chmura asked about the above-mentioned garage, and does the current location and setting of that need the same setback requirements or is that a kind of grandfathered situation

Mr. Rogers stated that he believes it is grandfathered as it has been there for about eighteen (18) years.

Member Chmura asked if they were to build a house utilizing that garage, because of the additional construction to the existing garage, would Mr. DiNezza still need to have these variances, to which Mr. Rogers responded that is correct

Member Chmura asked how much of a variance is the Board looking at with respect to the setbacks. The reason that setbacks exist is to allow for public safety, access and so forth. She further asked how close are we actually making this lot, and if there are going to be any issues with respect to that access around the structure?

Mr. DiNezza stated that there is no issue at all and the lot next to him is vacant. It is just a driveway. The house for that property is in line with his home, up front, so there is nothing back there at all.

Member Chmura stated for the record that she has concerns with adding in the variances and the proximity to the property lines for the future proposed house.

Mr. DiNezza was tabled to appear before the Zoning Board and will return to the Planning Board after a decision is made.

### **Richard Saunders- Requesting Preliminary Plat Approval of a 2-lot subdivision at 5225 Scranton Road**

Mr. Richard Saunders appeared on behalf of this project.

Mr. Rogers explained that Mr. Saunders is looking to do a two-lot subdivision on a parcel zoned R-2. From a SEQR perspective, it would be an unlisted action. He has had this proposal reviewed by Code Enforcement and based off of the layout provided to Mr. Rogers, the Planning Department and Code Enforcement there does not need to be any variances, so he does not need to go to the Zoning Board.

Mr. Saunders explained that the lot in question is 0.58 acres and he is looking to split this lot so it will meet two different requirements for R-2 and single-family homes. He does have a survey which was provided to Mr. Rogers at the start of the meeting. He is looking to have a single family on the lot that smaller lot, and on the bigger lot he is looking to have a duplex there.

Engineering Department commented that if they are approved for two lots, Engineering will look at a drainage plan at that time.

Planning Department commented that they did have Code Enforcement review the request and at this time, based off of the configuration and even the slightly changed lot lines, neither one requires any variances at this point. Mr. Rogers also mentioned that they did run it through DEC's Environmental Mapper due to the fact that on January 1, 2025, the wetlands regulations significantly changed. When he ran Mr. Saunders property through the mapper, there were no informational wetlands that showed up. That does not mean, however, there are none at all and the Planning Department will continue their due diligence with DEC but at this time, he does not believe there are any wetlands.

Member Chmura asked what they are planning to build on the larger lot.

Mr. Saunders replied that he would be looking to build a duplex.

The Planning Board tabled the project and scheduled a public hearing for the February 4<sup>th</sup>, 2026 Planning Board meeting.

**Seven (7) Brew Coffee- Requesting Site Plan Approval of a proposal to construct a 510 sq-ft building with two drive-thru lanes and 23 stacking spaces to be located on a 0.48-acre parcel at 4927 Southwestern Boulevard**

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

Mr. Pandolfe explained that he is there on behalf of Seven Brews and he is looking for a sketch plan direction on a proposed Seven Brew located at 4927 Southwestern Boulevard. Per the sketch plan presented to the Board, after meeting with Mr. Rogers they did identify one variance that will be needed in regard to the minimum lot width. The current lot width is 80 ft. wide, and the minimum is 100 ft. Seven brews will be located next to Taco Bell on Southwestern Boulevard, across from Lowes. They do have access off of Southwestern and egress out of the drive thru lane into the Taco Bell which would be negotiated with an across access agreement with the neighbor. Seven Brews is new to this area and is a drive thru based coffee shop that caters more towards the younger generation. They do not have a menu board and instead have

people who walk through the drive thru taking orders on tablets. The average queue time is only three to four minutes from site to off site.

Engineering Department commented that due to the fact that the site is under an acre, there won't be a stormwater pollution prevention plan, it will be a standard engineering drawing for review. At this point there are no red flags. They would express some concerns regarding cross access, but that is something the Planning Board should discuss and not really an engineering issue.

Mr. Rogers explained that the version of the site plan markup provided in red is from the applicant and what is in what is from the Planning Department in conjunction with code enforcement. Things that were looked at:

- This is a 0.48-acre parcel that does not need a lot variance in regard to max lot coverage. The maximum is 85% and this is 82%.
- There is concern about whether or not there is going to be a variance needed for minimum side setback as this is a skinny parcel. The minimum side setback is 12 feet, and they are exactly 12 ft.
- One thing that should be thought about, remembering that this is not a full site plan, is they show a one-way egress only on the site plan. Mr. Rogers would recommend that if there were to be any egress, which is contingent on across access agreement, he believes it should be only egress out. Right now, there are two driveways coming off of Southwestern Boulevard and then you exit right onto Southwestern Boulevard. He feels that if there was going to be another egress point it should be out of the site.
- Mr. Rogers would like to hear from Traffic Safety for their standpoint on how they feel circulation will be.
- Mr. Rogers would also suggest sending it to State DOT and a coordinated review because it is a state highway and acquires their input.
- Planning will most certainly get an opinion from the fire department because of how skinny the lot is and make sure that there is adequate fire access.

Member Clark asked for clarification that if no one goes into the restaurant, would all the parking spots are for employees only.

Mr. Pandolfe explained that Member Clark is correct, that the parking spaces are for employees only. There is no seating and the building is only 510 sq. ft., so if the stacking did back up it would only block the employees.

Member Chmura asked about the location in Amherst, if the Applicant knew the number of their stacking design?

Mr. Rogers stated he was unsure what their stacking number is. Also, he pointed out that they have access from a side street, so they do not have access from Maple Road.

Mr. Pandolfe offered to get the numbers from Seven Brew for the Board.

Member Chmura asked, with delineation between the two lanes is that meant to be primarily just paved painting and striping and so forth between the two drive-thru lanes.

Mr. Pandolfe answered yes, it is just going to be striping, no curb.

The Board determined when the project returns, a coordinated review should be done, and Mr. Pandolfe will work with Mr. Rogers.

The project was tabled indefinitely until the Applicant has submitted a full site plan application to the Planning Department.

## **REGULAR MEETING**

### **CALL TO ORDER:**

The meeting was called to order at 7:11 PM.

### **PLEDGE OF ALLEGIANCE**

Kaitlin Chmura led the meeting attendees in the recitation of the Pledge of Allegiance

### **ROLL CALL**

Present: Member Clark, Member Chmura, Member Ryan, Member Geraci, Member Stewart

Absent: Chair Gronachan and Member Zajac

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

### **Matt Kavanaugh- Requesting Re-Approval for an as-built site plan for a retail development at 5100 Camp Road**

The applicant did not appear on behalf of the project as he was told at the last meeting he did not need to.

Member Clark asked if the sign was covered as he was instructed to do. Member Chmura responded that as of last week when she passed it, the sign was not covered.

Mr. Rogers said that after consideration with Ms. Jarrell, they were wondering if the Board would like some sort of conditions about the upkeep and general maintenance of the driveway aprons and the entry way. They understand that they don't always have these conditions but due to this being a high visibility area it may be advantageous. Ms. Jarrell added that from an engineering perspective, they just wanted to make sure the Planning Board understands that in the approving of the 'as built' the applicant does not plan to change the remainder of the property at least for now. They have built part of their approved site plan and the rest of it is stone and some older asphalt. There is an area in the front of the map that is labeled gravel, but a lot of that area is overgrown. Engineering is concerned that if the lot is going to stay vacant that there is language for the Enforcement office to take measures so that the applicant must keep the ground clean and in good condition and not let it become overgrown.

Member Chmura asked what ability do they have to would be able to enforce that? And also, questioned if there is a definition for that or what would be considered good condition. Ms. Jarrell stated when looking at the plan, they have developed the front portion, and she is more concerned with the side piece of land that then goes up the adjacent road and is then a vacant area. This area was all going to be modified in their approved site plan with two new buildings. This is the area that she wants maintained in good condition in terms of visually.

Ms. Jarrell reminded the Board that this is revised site plan approval so if they do anything in the future, it is assumed that they would come back for site plan approval. She just wants to make sure that any land that is staying in its current condition is kept in good condition and maintained. This includes but is not limited to mowing and controlling vegetative overgrowth so they understand that they are not excused from keeping this site cleaned up.

Member Geraci asked does the property owner primarily have the responsibility of maintaining the parking areas and the area that we were just talking about, to which the answer is yes; it is the property owner not any of the leases that are in their individual buildings.

Member Stewart read the SEQR resolution:

### **5100 Camp Road SEQR and Approval Resolution**

**Whereas**, the Town of Hamburg received a new site plan application requesting amended Site Plan Approval of an as-built retail plaza project at 5110 Camp Road, which was originally approved in 2019; and

**Whereas**, the Hamburg Planning Board held the required public hearing on January 7<sup>th</sup>, 2026; and

**Whereas**, the Planning Board in accordance with the New York State Environmental Quality Review Act (SEQRA) did a thorough review of the project and its potential impacts in 2019 and issued a SEQR Negative Declaration; and

**Whereas**, the Hamburg Planning Board has determined that the proposed project has been reduced from the original approved plan and that the SEQR decision determining that the project would not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations, is still valid.

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

Motion to approved by member Stewart seconded by Member Ryan. Resolution passes with no opposition.

**Site Plan Approval:**

The Planning Board hereby grants Conditional Site Plan approval for the resubmitted Site Plan for the Kavcon Development retail plaza project to be located at 5110 Camp Road project with the following conditions and waivers:

1. Approval is contingent upon the Engineering Department comment letter dated 01/16/2026.
2. The Town of Hamburg Planning Board, in accordance with Section 280-306 of the Town Code, waives the requirement for the installation of sidewalks, as they already exist on Camp Road and Southwestern Boulevard.
3. Existing signage located on Southwestern Boulevard must be addressed by either removing the panels and turning off electronic signage, removing the sign entirely, relocating the sign closer to the existing driveway, or covering the existing sign.
4. The Applicant shall maintain the undeveloped areas facing Southwestern Boulevard in original and good condition.

Motion to approved by member Stewart seconded by Member Ryan. Resolution passes with no opposition.

**Boston State Holdings, LLC- Requesting Preliminary Plat Approval for a 2-lot subdivision for an additional single-family lot to be split from the Village at Cedar Valley at 3385 Cedar Valley Way**

The applicant did not appear on behalf of the project as he was told at the last meeting he did not need to.

Lindsay Dunn, Town of Hamburg Traffic Safety, spoke on behalf of the project. Traffic safety was approached by several residents about traffic issues in the area, so a lengthy traffic survey was done, some signage was done and they continue to monitor the situation.

Member Clark asked if Traffic Safety has any recommendations on conditions for this resolution.

Mr. Dunn stated that there does seem to be a lot of traffic in that little area just from the residents themselves. Mr. Rogers suggested that maybe a condition could be that Traffic Safety continues to monitor the area and will provide updates, recommendations and reports as seems fit. Member Clark suggested that the property owner could put up signage and maintain signage so the Town of Hamburg would not always have to do it.

Member Chmura asked when they were there doing the investigation and also putting up the signage.

Mr. Dunn responded that they parked in the area and did some counts. They tried to stagger it and go at different times in the morning, afternoon and night and they did not observe any speeders.

Member Geraci stated that he went to the site two different times, in the morning when people were going to work and in the afternoon when people were coming home. After seeing the traffic flow his opinion is that once the apartments are finished, that area will probably require a traffic light.

Member Chmura asked if there was any input from Traffic Safety in regard to placement of a house on the new proposed lot.

Mr. Dunn stated there had been discussion of another access out instead of a house that was brought to them, but they did not pursue that.

Attorney Gogan stated that while looking at the survey the parcel is not on the corner and is one away from the corner. With the setback concern, it could be stated that it should be treated as a corner lot.

Member Geraci read the SEQR resolution:

**Boston State Holdings LLC. Two Lot Subdivision Negative Declaration and Approval Resolution**

**SEQR**

In accordance with the New York State SEQR Law, The Town of Hamburg Planning Board has reviewed the two-lot subdivision proposed by Boston State Holdings, LLC to

be located at the intersection of Pleasant Avenue and Cooper Ridge. 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 approved by Member Geraci seconded by Member Stewart. Resolution passes with no opposition.

Member Geraci read the Preliminary Plat Approval resolution:

**Preliminary Plat Approval**

The Hamburg Planning Board hereby grants Preliminary Plat Approval for the Boston State Holdings, LLC. two-lot subdivision with the following conditions:

1. The instillation of sidewalks is not warranted as they already exist within the Village at Cedar Valley Development.
2. The Planning Board requests that Code Enforcement treat any development as a corner lot in regard to setbacks, to ensure visibility.

Finally, the Hamburg Planning Board waives the completion of a 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 approved by Member Geraci seconded by Member Stweart. Resolution passes with no opposition.

**Tom Gorczyca- Requesting Preliminary Plat Approval of a 2-lot subdivision to be located at 3189 Pleasant Ave.**

Member Clark asked for clarification in regard to whether the lot with significant wetlands is still buildable, and he was informed that it is.

Thomas Gorczyca appeared on behalf of the project.

Member Clark asked Mr. Gorczyca if he had any problems with the proposed conservation easements and Mr. Gorczyca expressed no concern since he owns the land behind the parcel as well, which landlocks it and makes it forever green.

Member Chmura asked what is the depth of where the conservation easement is.

It was determined that usually is put into the resolution. If there are distances on the survey, then the Board can use those distances for the easement.

Member Chmura asked if the intention of the conservation easement is to be the delineation of the wetlands or any other additional type of buffering.

Member Clark explained that as wetlands can change, the Board would be putting it in as buffering because they would not put in a conservation easement that can change with the wetlands.

Mr. Gorczyca stated that right now he is working with Scott Livingstone with the DEC. He needs a 100 ft variance so he may tap into those wetlands. He asked if the Planning Board were to make it a conservation easement, does that create a problem.

Member Clark stated that if the conservation easement is in the part where he wants to build, yes, so the Board would have to define it. Mr. Gorczyca explained that he needs about 30 feet of the wetlands to get 100ft away from the building per the DEC and there are applications going through now that allow him to do that.

A discussion was had about extending the conservation easement.

If the Board does a conservation easement, they will start from the South point and say how many feet North from there and then just do a straight line, which would be the easiest. Or they could say current wetland delineation and reference the map, but that is going to make it so Mr. Gorczyca can't ask for the 30 feet from the DEC. So, the Board would have to pick an amount that is a little bit South of the line. Again, the easiest solution would be just a straight line that went across it.

Mr. Gorczyca asked what the purpose was of all this. It was explained to him that it is to prevent anyone in the future from building.

Mr. Rogers stated that after discussion of the conservation easement and the complicated nature of it, he feels confident with it just being wetlands due to the permitting process and the difficulty of getting a permit to do any type of development on wetlands.

Members Stewart, Ryan, and Geraci all agreed with Mr. Rogers so they will let the concept of a conservation easement go.

Member Stewart read the SEQR resolution:

### **Tom Gorczyca 3189 Pleasant Avenue SEQR and Approval Resolution**

#### **SEQR**

**Whereas**, the Town of Hamburg Planning Department received a Subdivision Application from Tom Gorczyca for the approval of a 2-lot subdivision to be located at 3189 Pleasant Avenue; and

**Whereas**, the Hamburg Planning Board held the required public hearing on January 7<sup>th</sup>, 2026; and

**Whereas**, the Town of Hamburg Planning Board has reviewed the SEAF submitted by the applicant, received input from the Planning Department, reviewed the SEQR Negative Declaration materials from the previous project and received additional project information submitted by the applicant; and

**Whereas**, the Town of Hamburg Planning Board has considered the Town of Hamburg's adopted Comprehensive Plan and reviewed the Town Code; 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.

**Now, Therefore, Be It Resolved**, that the Town of Hamburg Planning Board has determined that this proposed smaller project will not significantly adversely affect 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 Further Resolved That**, the Town of Hamburg Planning Board Chair is authorized to sign the Short Environmental Assessment Form (SEAF Parts 1, 2 and 3), which will act as the SEQR Negative Declaration.

Motion to approved by Member Stewart seconded by Member Ryan. Resolution passes with no opposition.

**Minor Subdivision Approval:**

The Hamburg Planning Board, after reviewing this project against the requirements of the Town of Hamburg Subdivision law and granting a SEQR Negative Declaration, hereby grants Minor Subdivision Approval for the Tom Gorczyca 2-Lot Subdivision with the following conditions:

1. The installation of sidewalks is not warranted
2. It shall be noted on the Plat that "No Further Subdivision is Allowed".
3. The Filing of a Map Cover is required with the above restriction noted.

Motion to approved by Member Stewart seconded by Member Ryan. Resolution passes with no opposition.

**Matt Jaworski- Requesting Site Plan Approval of a proposal for parking improvements for a mini-storage project at 5661 Camp Road**

Mr. Rogers gave some background on this project. The improvements are not for parking per se but for outdoor storage of some RV's and other vehicles. At the last meeting, Mr. Reilly gave the Board an update on what would be needed from a SEQR perspective and the amending of the use variance.

Attorney Sean Hopkins appeared on behalf of the project.

Mr. Hopkins explained during the last meeting there was discussion as to whether or not the outdoor storage areas, which will be temporary until phase two of the project moves forward, require a use variance. Mr. Hopkins did speak with Code Enforcement and was informed that technically it would require a use variance from the Zoning Board of Appeals because it is a separate principal use. The purpose of tonight's meeting is to ask the Planning Board to recommend to the Zoning Board of Appeals that they grant the requested variance. He reiterated that this is temporary until phase two is built and where the outdoor storage area is depicted on the plans is exactly where the buildings will be in the future.

Engineering Department commented that what they would be looking for is revisions to what was labeled the phase one plans. After receiving the site plan approval for this project, engineering reviewed and approved phase one and phase two.

This appears to be a modification to phase one and to ensure that the engineering grading and everything works for what is being looked at, they would want to see the engineering plans updated. She stated that the applicant also does have a stormwater pollution prevention plan (SWPPP) and therefore a state permit, and that document does require that you document any modifications or changes. Ms. Jarrell stated that the engineering department would ask that the engineer with the state document it appropriately.

Mr. Hopkins did bring to the Boards attention that at the last meeting, the Board asked for an exact location of where those areas will be. Mr. Hopkins wanted to let them know that an update has been submitted.

Member Chmura asked for clarification on the fact that the reason for the variance is the fact that open storage is not an approved use in the area.

Mr. Hopkins explained that it is not an approved permitted use. When looking at a typical self-storage facility outside of the Town of Hamburg, it would be permitted as an accessory use. The Town of Hamburg has a unique code, and it calls it a separate

principal use. According to the site plan approval there was a condition stated of no outdoor storage.

Mr. Hopkins stated that the purpose of that was to reiterate that it is not permitted.

Member Chmura asked since the Applicant stated that this is temporary in nature, is there a timeline.

Mr. Hopkins stated that at this point in time they envision, depending on revenue that they will have completed phase two at the maximum within five years.

Member Chmura had an issue with the fact that in the past they went through the extensive process and made the point that there was going to be no outdoor storage, and that if the Board were to now approve a plan that has outdoor storage after it has already been approved, that they are setting a precedent that they can change their minds and that no site plan is sacred.

Mr. Hopkins stated that he would be willing to talk to his client about a time limit being put in place with respect of phase one.

Mr. Rogers indicated that this project is going before the Zoning Board in March.

Member Chmura would like to see the project have a time limit of two (2) years for them to come back before the Board for an update on phase one. The two years are not a maximum of two years but that after two years it gets looked at again.

The project was tabled to allow the Applicant to appear before the Zoning Board of Appeals.

### **Ted Czosnyka- Requesting a use variance for an adult-use cannabis retail dispensary at 3233 Lakeshore Road**

Mr. Rogers gave the following background:

This applicant has been here before for a location at 3231 Lakeshore Road. In early 2025 the applicant was before this Board to get a referral to the Zoning Board where they did receive a use variance for a retail dispensary. This parcel is zoned M-3 and in the Town of Hamburg code retail dispensaries are typically allowed in the C-2 district. The original location fell through and they are now back looking for this Board to again refer them to the Zoning Board for the property located at 3233 Lakeshore Road.

Attorney Corey Auerbach appeared on behalf of the project.

There is an error on this agenda as this property is owned by Ms. Kathy Fabiats and Mr. Ted Czosnyka was the name that was on 3231 Lakeshore. The property on the corner

has been vacant for more than five years. He has previously appeared in front of the Board for 3231 Lakeshore Road, and he is currently seeking the same approval that was approved but for 3233 Lakeshore Road, to the extent that the Zoning Board sees fit to grant a use variance for 3233, and he will be withdrawing and abandoning the use variance that was previously issued for 3231. His office did not represent the applicant, Highland Hills, in its negotiation agreement with the property owner of 3231 Lakeshore and that transaction was not able to be completed so a transaction is now underway with the owner of 3233 Lakeshore Road which is next door.

The Engineering Department commented that this is similar to other projects where if use of an existing building, with no real outdoor changes, the engineering department uses the survey as the site plan and there is no engineering review.

Member Chmura asked for clarification on the exact location of the cannabis dispensary.

Mr. Auerbach clarified that the dispensary will now be located on the corner of Route 5 and Lake Avenue and not next door.

Mr. Rogers explained to the Planning Board that should the applicants receive their use variance; they will be back before this Board for the change of use/site plan approval process.

Member Chmura wished them luck with the Zoning Board.

**Brandon Santa- Requesting Sketch Plan Direction 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 Hopkins appeared on behalf of the project along with Mr. Santa

Mr. Hopkins explained based on the past meetings and the input they received, they have gone ahead and did submit a site plan application and that is what is in front of the Board at this time. The changes that have been made based on the original submission which was presented in November:

- There was discussion during the original meeting about whether or not this was two parcels or one parcel. It is indeed two separate parcels, and they are showing an emergency access easement to the rear of the parcel. That easement would be recorded at the Erie County Clerk's office, thereby ensuring if the parcels did not remain under singular ownership at some point in the future, that emergency easement would stay in place.

- They originally had buildings closer to the creek. They were made aware of the provision in the code that requires them to keep buildings 100 ft. away so the change was made to comply.
- In order to comply with the New York State Fire Code, they have reduced the size of the buildings and broken them up. They now have a layout that is in compliance with Appendix D of the Fire Code.
- They have designated two proposed outdoor storage areas. They will have berms located on the creek side of both of them that will ensure that there is a designated area on the opposite side of the single-family home.
- A ten-foot chain link fence will be installed on that off site parcel that is also owned by the applicant.

Based on the fact that they have provided a complete site plan application, they are asking the Planning Board to consider the following:

1. Commencing an environmental review pursuant to the State Environmental Quality Review Act.
2. Scheduling a hearing for a future meeting.

As there was discussion about wetlands at the last meeting, Mr. Hopkins has provided Mr. Rogers with a letter issued by the DEC confirming the boundary of the wetlands that are on the site and the applicant is staying out of the 100ft. adjacent area. That is per determination issued by the DEC on July 14, 2025.

The Engineering Department commented that they had no specific comment.

The Planning Department commented that it has made both the applicant and the Planning Board aware that there have been many comments from neighbors regarding this project. All comments and letters have been forwarded to the applicant so that they are able to prepare responses as needed.

Member Chmura wanted to clarify for the record that the agenda states that there are six (6) warehouse buildings but based on the current site plan there are eight (8) located on the site plan.

Member Ryan stated that with the outside storage, she wondered what the Applicant was looking to store there so close to Rush Creek.

Branda Santa responded they were planning to have stone bins for stone storage, miscellaneous trailers.

Member Ryan asked Mr. Rogers, is outdoor storage allowed in M-3?

Mr. Rogers concurred that, yes, it is an allowed use in M-3.

Member Ryan asked if the Applicant had thought about moving those areas away from Rush Creek to take away any chance of runoff.

Mr. Hopkins responded that they added the landscaped berms on the creek side that will ensure that does not happen. It will also be graded accordingly and of course the Engineering Department will review and approve the full engineered plans.

Member Chmura asked regarding the property owned by the Woodlawn sewer district, and if there is an existing easement to allow for that access. Right now, Mr. Santa has a fence and the strip of land that you do not own and as per the prior meeting, there is no recorded easements in order to have access across that

Mr. Santa answered there is access from Route 5 to access that property directly next to the access to his home property.

Member Chmura asked if he anticipated any activity going north of the proposed building locations that would be crossing over that easement.

Mr. Santa answered no, that would be the back of the buildings, so there would be no need to go back there. There would only be the need to maintain the landscaping along the fence line but that can be accessed from Route 5.

Member Chmura asked for clarification that there will be roadway accommodations for fire trucks and accessibility because she feels that as of right now there does not seem to be much space without doing more demolition.

Mr. Pandolfe answered that the access for 3401 Lakeshore Road is off of Route 5, and this is where they are proposing a 30 ft. access easement that would not allow property owners to build on that access and keep it open. Because it is 30 ft. it actually exceeds the requirement of the New York State Fire Code.

Member Chmura asked about the easement, and what the Applicant is doing with respect to any site improvements on 3401 Lakeshore Road.

Mr. Santa answered that there will be heavy duty asphalt going there. Again, all to be reviewed and approved by the Engineering Department.

Member Chmura asked if there had been any reports from the Fire Department about accessibility.

Mr. Santa stated the reason for them pursuing secondary access was because if they did not then they would have to put a sprinkler system in the buildings, which would be much more expensive.

Member Chmura asked if all buildings have to have sprinklers, and if they are also providing private fire hydrants.

The Applicant answered yes. Per the Fire Code, the buildings will now have to be sprinklered and they have acknowledged that in writing.

Member Chmura asked if the Applicant understood where they are going to be accessing the line in order to provide the private fire hydrants and if it was even feasible.

The Applicant answered yes that it would be connecting to the existing water main along Route 5.

Member Chmura asked if there are any implications with respect to the easement that is being developed in order to allow for that access.

The Applicant explained that in addition to the access easement, they would probably have to provide a utility easement. It will be an all-inclusive easement. It would all be included in that easement so that no one builds on top of the water service.

A motion was made that the applicant was to complete a Full Environmental Assessment Form (FEAF) by Member Chmura, and was seconded by Member Ryan, and passed by all members.

It was determined that once the full Site Plan is completed, it will be circulated to the local fire department for their comment and review.

Member Chmura asked that Traffic Safety also be included in reviewing the project.

Mr. Rogers asked if the applicant could provide whatever efforts they are willing to take to have meetings with their neighbors, and what form those meetings will take.

Mr. Hopkins stated that his client would prefer to meet with the neighbors on an individual basis. Mr. Santa does reside on this site, so if anyone would like to reach out to him, they are welcome to.

Mr. Rogers explained the next steps of the project. The Planning Board authorized Mr. Rogers to draft and send out coordinated review materials and circulate them to different agencies for the project.

The project was tabled to the February 18<sup>th</sup>, 2026 Planning Board meeting.

## **OTHER BUSINESS**

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

The meeting was adjourned at 8:25 PM.

Respectfully submitted,  
August Geraci, Secretary