

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

**WORK SESSION**

**Planning Board to discuss various zoning code amendments for a report and recommendation.**

Mr. Rogers presented on recommendations to the Planning Board, including the following:

Mr. Andrew Reilly presented to the Planning Board in January regarding smoke and vape shops and requiring them to have a special use permit. If this was added, the Planning Board would need to add special use permit standards into the special use permit section of the code. When talking to Mr. Reilly it was pointed out that there are some standards already in place.

- a. Mr. Rogers will add the 500 ft perimeter so that when you go to the special use permit section of the code it will be listed.
  - i. Question from Chair Gronachan to whether or not someone could go to the Zoning Board and ask for the distance to be changed. According to Attorney Gogan, the applicants would not be able to get variances on an area variance as these are minimum requirements.
- b. The public hearing for these amendments was set for February 23<sup>rd</sup>, 2026 at the Town Board.

Chapter 34 is an existing Town Code that deals with mandatory training requirements for the Planning Board and the Zoning Board. It talks about the minimum number of four (4) hours per year of training for all Planning Board and Zoning Board members related to zoning, planning and land use. Members of these boards that are attorneys are exempt from this training. As it is written, it talks about the different acceptable forms of training, the different providers of where you can get training, how to submit the certificates, and the number of hours you can carry over.

- a. The Town Board wanted it to specify somewhere in the code what the responsibilities of a Planning Board and Zoning Board member are. The

- Town Board also wanted to enact an attendance requirement for both Planning Board and Zoning Board members.
- b. Section 34-11 A-C talks about how Planning Board members are expected to conduct themselves and the rules and regulations that are adopted by the Town Board. The change recommendation is under C and states that no Planning Board member may miss no more than five (5) regularly scheduled meetings during a calendar year other than for a medical emergency or other just cause approved in advance by the Chair of the Planning Board. It is expected that the members will be on time and call the Chair or Secretary of the Planning Board if he/she cannot attend.
    - i. Chair Gronachan said that for 34.11 C notification should be in writing not just a phone call and change it to contacting the Chair or the Planning Department.
  - c. The remaining part of this Chapter talks about the Town Board having the power to remove Planning Board members with just cause including noncompliance with the minimum attendance requirements related to training, maintaining the Town's Code of Ethics.
  - d. Article Four (4) has to do with having an Alternate Board Member for both the Planning Board and the Zoning Board. Alternate members of the Planning and Zoning Boards would be appointed by the Town Board. These individuals would be members who would serve when members are absent or unable to participate. The definition of the alternate is an individual who would be appointed by the Town Board when a regular member is not able to participate.
    - i. Subsection B talks about the process. Alternate members of the Planning Board and Zoning Board can be appointed by the Town Board for a term of two (2) years, with the term to expire on December 31<sup>st</sup> of the second year of the date of their appointment. The Chairperson of the Planning Board or Zoning Board can designate an alternate person to substitute for a member when such member is unable to participate on an application before the Board. When designated, the alternate member shall possess all the powers and responsibilities of such member of the Board. Such designations will be entered into the minutes or the Planning Board or Zoning Board. All provisions of the law related to the Planning Board and Zoning Board including compensation, continuing education, training etc., so they have the same information the active members have.

Chair Gronachan approves of this matter but would like to add that the alternate is required to attend every meeting because they need to know the background of the cases and it is unknown when a member may have to recuse themselves from a vote.

Attorney Gogan stated it is unknown if this needs to be in the code, but for clarification why the substitute is present at the meeting so there is no question as to the validity of a vote. This was not recommended by the Board.

A clause will be added that states that in the absence of the Chairperson, the Vice Chair or Designee takes over the job duties and responsibilities of the chairperson.

The public hearing for these amendments was set for the February 23<sup>rd</sup>, 2026 Town Board meeting.

**REGULAR MEETING**

**CALL TO ORDER:**

The meeting was called to order at 7:05 PM.

**PLEDGE OF ALLEGIANCE**

Chair Gronachan led the meeting attendees in the recitation of the Pledge of Allegiance.

**ROLL CALL**

Present: Chair Gronachan, Member Clark, Member Ryan, Member Geraci, Member Stewart and Member Zajac

Absent: Member Chmura

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

**Public Hearing- 7:00 PM, Richard Saunders- Requesting Preliminary Plat Approval on a proposal for a 2-lot subdivision at 5225 Scranton Road**

Mr. Richard Saunders appeared on behalf of the project.

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 two-lot subdivision proposed by Richard Saunders, to be located at 5225 Scranton Road. The Public Hearing will be held on February 4, 2026, at 7:00 p.m. in Room 7A/7B of Hamburg Town Hall.”

Chair Gronachan made the following statement:

“A public hearing is an opportunity for the community to share information on how they are impacted by the project. A three (3) minute rule will apply. It is not a question-and-answer period. All statements made during the public hearing, as well as written

correspondence regarding the projects will be sent to the planning department, to be reviewed by the Planning Board as well as the applicant.”

Mr. Rogers stated that he did receive a few questions from people who lived in Scranton, just asking for clarification as to what was going on. Mr. Rogers informed them that it was not a large subdivision going into the neighborhood but instead splitting an existing lot into two, and they had no further concerns.

Chair Gronachan declared the public hearing open. No one spoke.

Chair Gronachan declared the public hearing closed.

Mr. Rogers explained that at the last meeting there was a question as to whether or not there was a structure on the property. Per Building Inspection, that structure has been demolished and Mr. Rogers showed proof of that with the demolition permit.

Mr. Rogers asked the applicant if he had thought about what is going to go on the second lot, a single-family home or a duplex.

Mr. Saunders responded that it would be a duplex.

Mr. Rogers stated that on the subdivision plat, it is asked that the applicant please note that he is looking to put a duplex there as it helps Engineering and the Building Department.

Chair Gronachan asked is there still a shed on the property and if so, is it going to stay on the property.

Mr. Saunders responded that there is a shed still on the property and it is going to stay, however, it is going to be moved to the larger lot on the west corner of the property. It will not be on the flag lot.

Mr. Rogers asked that in the final drawing that gets approved by the Town Engineer, that the shed in its correct spot.

The project was tabled to the February 18<sup>th</sup>, 2026, Planning Board meeting for a potential approval decision.

**3556 Lakeshore Development LLC- Requesting Site Plan Approval for the development of a mixed-use site, offering condominiums and townhomes for residential use, and commercial uses, such as restaurants, hotel space and continuing the use of some of the existing office space at the Gateway Building to be located at 3556 Lake Shore Road**

This case has been postponed and will be going before the Town Board.

**Briad Development LLC- Requesting a Planning Board report and recommendation for the rezoning of a 4.14- acre parcel (SBL #: 160.18-1-9.1) from C-1 to C-2 for the development of a small-scale traveler center, anchored by an 8,700 sq-ft building to include several quick-service restaurants (QSR) establishments, separate fuel pump stations, and other associated parking and site improvements.**

Attorney Sean Hopkins and Mr. James Talarico, Sr. Vice President of Retail and Restaurant Development for the Braid Group appeared on behalf of this project.

Mr. Hopkins gave a detailed recap of what the applicant is looking to build and use the site for. The site itself is located at the intersection of Southwestern Boulevard and Big Tree Road and is 4.1 acres in size. This property is currently zoned C-1, and the applicant is asking that it be changed to C-2 and showed a map that the area is predominantly zoned C2.

Breakdown of the timeline of this project so far:

1. November 19, 2025, presented to the code review committee and they did deem there was enough merit for it to move forward.
2. December 4, 2025, Town Board referred the project to the Planning Board
3. December 17, 2025, presented to the Planning Board during the work session
4. December 12, 2025, received a no impact letter from the New York State of Parks, Recreation and Historic Preservation.

Site Plan Proposal:

1. A new building approximately 8000 sq. ft in size for various tenants- it is important to note that the developer is atypical in that they are also the franchisee meaning they have complete control over the operation. Circle K is the anchor company
2. Fuel stations. This is what is causing there to be a change from C1 to C2 zoning.
3. They are showing 43 parking spaces, supplemented by 14 parking spaces for the gas canopy.
4. They have moved the driveway onto Big Tree Road as far from the intersection with Southwestern Boulevard as possible. However, given the location access onto both Southwestern and Big Tree is integral and essential.

They have submitted part one of the Long Environmental Assessment Form with the Rezoning Application (dated 12.05.25). The Town is in the process of conducting a coordinated environmental review. They are aware that in the future they will have to submit a fully engineered plan along with the stormwater pollution prevention plan.

There are no mapped wetlands subject to the jurisdiction of either the US Army Corps of Engineers or the New York State Department of Environmental Conservation. However, based on the delineation there is a very small (0.06 acres) potentially Federal wetland that they are going to leave alone.

Mr. Rogers asked the Applicant to give to the maximum extent possible, some information on the conversations that they had with the DOT and what they have said to date.

James Talarico stated that he has spoken with the DOT and stated that the Site Plan that was presented tonight was revised based off of comments from the Planning Board as well as conversations with the DOT in regard to the layout. Those plans were submitted back to the State, and an email was issued back to Mr. Talarico stating they were open to giving them access off of Southwestern Boulevard with a formal application.

Mr. Rogers discussed the draft rezoning report with the Planning Board, and explained that in the Comprehensive Plan, it does talk about how this area is one of the important gateway areas in the Town and how it is in close proximity to what is going to be the stadium impact area. The Board then approved the following rezoning report and recommendation to be sent to the Town Board:

**0 Southwestern Blvd and 0 Big Tree Road– REZONING REPORT AND RECOMMENDATION – 2/4/2026**

The rezoning request from Briad Development LLC is for a property at the intersection of Southwestern Boulevard and Big Tree Road, that consists of approximately 4.14 acres. The property is zoned C-1, and the rezoning request is to change the zoning of the property to C-2 General Commercial. Per Section 280 - 340 of the zoning code, the Planning Board must provide a recommendation and report. "In reporting, the Town Planning Board shall fully state its reasons for recommending or opposing the adoption of such proposed amendment and, if it shall recommend adoption, shall describe any changes in conditions which it believes make the amendment desirable and shall state whether such amendment is in harmony with a Comprehensive Plan for land use in the Town."

**REZONING REPORT:**

**Conformance to Comprehensive Plan**

The proposed rezoning is located at the intersection of Southwestern Boulevard and Big Tree Road, in the Seven Corners/Big Tree area. The project is in an important gateway area of the Town and is in close proximity to the Stadium Impact Area. The Comprehensive Plan does not set forth specific recommendations for the intersection of Southwestern and Big Tree where the project is located, but it does identify the need for traffic and multi-modal issues to be addressed in this area and suggest that the "Seven

Corners intersection” may need additional traffic improvement. One of the recommendations for this area that stems from the Comprehensive Plan includes investigating the potential for a new zoning district and zoning map revisions along the north side of Southwestern Boulevard. The Comprehensive Plan denotes that the north side of Southwestern Boulevard is a commercial area but suggests that it needs uses and restrictions that protect the surrounding residential areas.

### **History of the Site and the Rezoning request**

This site is located on a 4.14-acre parcel at the intersection of Southwestern Boulevard and Big Tree Road, between McKinley Parkway and the Thruway. The property is currently zoned C-1. The site is currently vacant and does not have curb cuts on either road. There have been previous projects proposed on the site over the years, but none have come to fruition.

### **Recommendation on the Rezoning Request**

As discussed above, it appears that the rezoning is in accordance with the Town’s Comprehensive Plan because the project is in alignment with the existing commercial development that exists on both sides of Southwestern Boulevard. C-2 property exists to the east and south of the Project Site so rezoning the property to C-2 would not create a spot zoning issue. Similar commercial uses exist in the area, and a gas station/traveler center would not create a significant change to the character of the area. Special consideration should be given to residents on Burke Parkway, and traffic concerns along Southwestern and Big Tree should also be addressed with NYSDOT, with input from the Town’s Traffic Safety Advisory Board.

The Planning Board recommends a rezoning from C-1 to C-2 with the following conditions:

- An adequate landscape buffer shall consist of a landscaped area, adjacent to Big Tree Road. The width and the landscaping to be provided in the landscaped area shall be determined by the Planning Board during the site plan review process.
- The Board asked for a traffic flow/circulation study to help aid the Town Board’s SEQR decision, which has subsequently been provided (see attached).

The Planning Board also made the following comments:

- The Board was concerned with the amount stacking spaces of the drive-thru, especially on Bills gamedays, and believes there are not enough parking spaces as presented on the current site plan
- The Board believes traffic from Bills game should not be used as an impediment for development.

The Planning Board will submit minutes from the 12/17 and 2/4 meetings to the Town Board.

**SEQR**

As an Involved Agency (site plan approval), the Planning Board agrees that the Town Board should act as SEQR Lead Agency and would recommend a SEQR Negative Declaration.

**OTHER BUSINESS**

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

The meeting was adjourned at 7:38 PM.

Respectfully submitted,  
August Geraci, Secretary