

Clarence Town Environmental Quality Review
(TEQR)
Meeting Minutes
Monday February 23, 2009

Chairman Matthew Balling called the meeting to order at 7:00 p.m. and led the pledge to the flag.

TEQR Members Present:

Matthew Balling
Richard McNamara
Jonathan Hickey

Paul Shear
Lisa Bertino-Beaser
Robert Sackett

TEQR Members Absent:

John Moulin

Other Town Officials Present:

Director of Community Development James Callahan
Planner Brad Packard
Town Attorney Steven Bengart
Councilman Peter DiCostanzo

Other Interested Parties Present:

James Radwan
David Chiarolanza

Sean Hopkins

Item 1-Approval of minutes from the previous meeting.

Motion by Matthew Balling, seconded by Jonathan Hickey, to **approve** the minutes for the meeting held on January 26, 2006, as written.

Matthew Balling	Aye	Paul Shear	Aye
Richard McNamara	Aye	Lisa Bertino-Beaser	Aye
Jonathan Hickey	Aye	Robert Sackett	Abstain

MOTION CARRIED.

Item 2-Communications.

Communications will be discussed under Unfinished Business.

Item 3a-Shadow Woods Open Space Design Subdivision, Goodrich Road.

DISCUSSION:

Jim Callahan provides the history on the project. It is located on the west side of Goodrich Road, north of Keller Road. It is a proposed Open Space Design Subdivision that was referred from the Planning Board on February 20, 2008. The application was tabled on the January 26, 2009 TEQR meeting pending a review of the submitted traffic analysis. The applicant is present seeking a recommendation for action under SEQRA.

Sean Hopkins is present and representing the applicant. David Chiarolanza is also present.

Chairman Balling reports that there have not been any comments received from the involved agencies.

Mr. Hopkins points out that the current layout of the plan that is before the TEQR Committee is the layout that was based on the recommendations received from the DEC during their most recent meeting. The applicant has minimized any impacts to the State Wetland as well as the 100' adjacent area. For conceptual purposes the DEC has indicated that the plan is good.

Chairman Balling questions the applicability of the Subdivision Regulations in regards to the pedestrian and bicycle traffic and whether improvements should be included in the project. Mr. Hopkins said the applicant will consider this. Mr. Callahan said the Subdivision Law requires sidewalks, he is not sure if there is a County sidewalk in the project area.

Chairman Balling refers to the EAF Part II and indicates that the proposed action will result in a physical change to the project site as it is converting vacant land into a residential subdivision. This is a small to moderate impact. Question No. 2 is marked "no". Question No. 3 is marked "yes" as the proposal is a potentially large impact as there will be construction in a designated freshwater wetlands, this can be mitigated by a project change. The mitigations are stipulated in the design standards that the DEC approves for the project. Question No. 4 is marked "no". Question No. 5 is marked "yes" as the proposed action will affect surface or groundwater quality or quantity. The project will adversely affect groundwater; is a potentially large impact and can be mitigated by a project change. A Storm Water Prevention Pollution Plan will need to be prepared. Question No. 6 is marked "yes" as the proposed action will alter drainage flow or patterns, or surface water runoff. It may cause substantial erosion and is a potentially large impact but can be mitigated as the project will be required to prepare an erosion control as part of DEC regulations. Questions No. 7 through 10 are marked "no". Question No. 11 is marked "yes"; it is a small to moderate impact as the project will affect the quantity of Open Space in the Town. Question No. 12 is marked "no". Question No. 13 is marked "yes" as the quantity or quality of existing or future open spaces or recreation opportunities will be affected. This is a small to moderate impact as it is a minor reduction in open space. Question No. 14 is marked "no". Question No. 15 is marked "yes" as the proposed action will result in major traffic problems as a small to moderate impact. Questions No. 16 through 20 are marked "no". A Part III can now be completed.

ACTION:

Motion by Paul Shear, seconded by Lisa Bertino-Beaser, to **accept** the Part II as drafted and to direct the Planning Department to prepare a Part III.

Matthew Balling	Aye	Paul Shear	Aye
Richard McNamara	Aye	Lisa Bertino-Beaser	Aye
Jonathan Hickey	Aye	Robert Sackett	Aye

MOTION CARRIED.

ACTION:

Motion by Paul Shear, seconded by Matthew Balling, to **recommend** the Town Board issue a Negative Declaration for the Shadow Woods Subdivision.

Matthew Balling	Aye	Paul Shear	Aye
Richard McNamara	Aye	Lisa Bertino-Beaser	Aye
Jonathan Hickey	Aye	Robert Sackett	Aye

MOTION CARRIED.

Robert Sackett points out that the traffic study at the intersection of Clarence Center and Goodrich Roads was graded “E” and “F” during the a.m. and p.m. hours.

ACTION:

Motion by Robert Sackett, seconded by Matthew Balling, to **recommend** the Town Board pursue the possibility of a vehicle weight limit as possible mitigation due to the traffic study results for the Shadow Woods Subdivision.

Matthew Balling	Aye	Paul Shear	Aye
Richard McNamara	Aye	Lisa Bertino-Beaser	Aye
Jonathan Hickey	Aye	Robert Sackett	Aye

MOTION CARRIED.

Item 3b-Wood Meadows Open Development Area, 8625 Tonawanda Creek Road.

DISCUSSION:

Chairman Balling said the project remains tabled pending receipt of information requested. Mr. Callahan spoke with Mr. Reggentine, a consultant on the project, who indicated the TEQR Committee will not see any information in the near future as the applicant is not willing to spend the money at this time to do the required studies.

ACTION:

Motion by Paul Shear, seconded by Matthew Balling, to **remove** agenda item 3b pending receipt of the requested information.

Matthew Balling	Aye	Paul Shear	Aye
Richard McNamara	Aye	Lisa Bertino-Beaser	Aye
Jonathan Hickey	Aye	Robert Sackett	Aye

MOTION CARRIED.

**Item 3c-Newhouse Acres, West side of Newhouse Road between Roll Road and Clarence Center Road
Proposed Incentive Lot Design Subdivision**

DISCUSSION:

Jim Callahan provides the history on the project. It is located on the west side of Newhouse Road between Roll Road and Clarence Center Road. It is a proposed Incentive Lot Design Subdivision referred from the Planning Board in October 2008. The action has remained tabled pending concurrence from the NYSDEC on Lead Agency Status. A meeting has been scheduled for March 4, 2009 at 1:30pm with the DEC. The project can remain tabled until concurrence of Lead Agency.

Chairman Balling said a letter was received from an adjoining property owner on January 26, 2009. The letter voiced the concern regarding the buffer between the two properties. The neighboring property is a horse farm. Chairman Balling has been in contact with Jean Griffiths, an expert on horses and author of Equine Science, to find out what kind of buffer is appropriate between a residential area and a horse farm, Ms. Griffiths said she was not aware of any study pertaining to this issue. She referred Chairman Balling to a doctor who is a world renowned animal behaviorist. Chairman Balling will continue conversations with the experts to help come up with a solution to the problem.

There is a meeting pending with the DEC regarding this project, Town Officials have been invited to attend; it is scheduled for March 4, 2009.

The project remains tabled.

Item 3d-Rubino Subdivision, Clarence Center and Shimerville Road.

DISCUSSION:

Jim Callahan provides the history on the project. It is located on the southwest corner of Clarence Center and Shimerville Roads. The project was referred from the Town Board for further proceedings on the creation of a record which comments on significant evidence submitted by the petitioners. Any action was tabled at the January 26, 2009 meeting pending receipt and review of requested information from involved agencies. The applicant is present seeking a recommendation or action under SEQRA.

Chairman Balling reports that the Town Board asked the TEQR Committee to review the three issues that were raised in the original EAF Part II and III. The TEQR Committee has reviewed the documentation that would mitigate the proposed impacts that were identified.

Brad Packard explains there were a number of FOIL requests for this project. The DEC still maintains there are existing surcharging conditions at Dodge Road that have not been properly mitigated. The Town of Clarence and Sewer District #6 is the relevant agency for applying for

sanitary sewer permits. Should the project move forward, the Town of Clarence would be the agency responsible for applying for sanitary sewer permits for a subdivision. For residential subdivisions the DEC has the authority to approve sewer permit issuance. Residential projects deriving capacity within the bounds of ECSD #5 are considered under a joint review process, as two projects. The first project is the residential subdivision itself; the second project is some sort of mitigation effort to undo the surcharge condition at Dodge Road. Projects that are reviewed within ECSD #5, at the time of development plan approval the DEC, as an involved agency, will require an engineer's report that would qualify that there has been a four (4) to one (1) mitigation satisfied at the Dodge Road surcharging sight to allow permitting for sanitary sewers for this subdivision.

Sean Hopkins, representing the applicant, understands that the Erie County Health Department and the Erie County DEC will have to sign off on the project.

There is a clearance letter dated February 2007 from SHPO regarding the archeological study.

DEC identified no State Wetlands on the site. Minimal Federal Wetlands were identified; however the design works to mitigate the impacts associated with the Federal Wetlands.

ACTION:

Motion by Paul Shear, seconded by Robert Sackett, to **recommend** the Town Board issue a Negative Declaration on the proposed subdivision at Clarence Center and Shimerville Roads.

Matthew Balling	Aye	Paul Shear	Aye
Richard McNamara	Aye	Lisa Bertino-Beaser	Aye
Jonathan Hickey	Aye	Robert Sackett	Aye

MOTION CARRIED.

Item 3e-Epiphany United Church of Christ, 9520 Wehrle Drive.

DISCUSSION:

James Radwan, of Trautman Associates, is representing the applicant.

Chairman Balling explains the SEQRA process requires 30 days be afforded to involved agencies to comment on the project. The 30 days has not yet lapsed. No further action will be taken at this meeting.

Mr. Packard said the current design under review should depict only one driveway. Mr. Sackett would like the County to comment on the location of the driveway. Mr. Callahan said his office will specifically follow-up on this issue. Mr. Shear thought this issue was discussed originally and that was the reason the "C01" plan was chosen. Mr. Callahan clarified that the "C01" plan was a referral at the Planning Board level. Mr. Radwan said originally all the parking was to be at the back of the site, but this was costly; the plan now depicts the parking towards the front of the site. In Phase II as much of the parking as possible is proposed to be relocated behind the building.

Mr. Radwan said there are no detailed plans for the septic system at this point.

Mr. Shear said there is a letter from the DEC dated February 20, 2009. The letter questions the archeological sensitivity of the site; Mr. Shear suggests the applicant look into this issue.

Item 4a- New Business

Chairman Balling encourages the TEQR Committee members to attend the Planning Board Work Session where Earth Dimensions will make a presentation; the meeting is scheduled for April 15, 2009.

The next meeting date is March 16, 2009.

Meeting adjourned at 7:40 p.m.

Carolyn Delgato
Senior Clerk Typist