

Clarence Town Environmental Quality Review Committee  
(TEQR)  
Meeting Minutes  
Monday, February 26, 2007

TEQR Members Present:

Matthew Balling	Patrick Miner
Richard McNamara	Paul Shear
Lisa Bertino-Beaser	

TEQR Members Absent:

Albert Schultz	John Moulin
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Other Town Officials Present:

James Callahan, Director of Community Development  
Councilman Scott Bylewski  
Jeffrey Grenzebach  
Town Attorney Steve Bengart

Other Interested Parties Present:

Paul Case	Leanne Voit
Laura Pfennig	Carol Minnick
Al Hopkins	Don Wolf
Jeff Palumbo	Garrett Meal
Angelo Tomasello	Dan D'Andrea
Craig Tierney	

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

**Item 1**-Approval of minutes from the previous meeting.

Motion by Richard McNamara, seconded by Lisa Bertino-Beaser, to **table** the minutes for the meeting held on January 22, 2007, pending further review by the TEQR Committee.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	Paul Shear	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

**Item 2-Communications.****DISCUSSION:**

Matthew Balling refers to the Memorandum from Stephen Murtaugh, Town Ethics Board Chairman, dated February 7, 2007. The subject of the Memorandum is the Mandatory Filing of Transactional Disclosures Upon Recusing Oneself from Discussion and Action on a Matter. He reads the memorandum to make sure all members are aware of the procedure on Transactional Disclosures.

**Item 3-Unfinished Business****Item 3a-Stage and Schurr Subdivision.****DISCUSSION:**

Jim Callahan explains this project is a long-standing tabled item. It is a residential development proposed for the northeast corner of Stage and Schurr Roads. The TEQR Committee has previously tabled the project pending receipt of a Phase II Archeological report; to date the report has not been received.

In response to Councilman Bylewski's question regarding how long this project has been pending, Mr. Balling states it has been at least one (1) year. Councilman Bylewski asks at what point it becomes too "stale" for review. Mr. Callahan will look into an answer to his question. Councilman Bylewski also asks if the applicant is seriously considering moving forward. Mr. Callahan said, per his last discussion with him, the applicant had the report "in hand", but never forwarded it.

**ACTION:**

Motion by Matthew Balling, seconded by Patrick Miner, to **table** Stage and Schurr Subdivision pending receipt of the Phase II Archeological report.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	Paul Shear	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

**Item 3b-Utilization of Sewer Capacity outside of Erie County Sewer District #5 for areas not included in a sewer district and proposed Harris Hill Commons Open Space Design Subdivision.****DISCUSSION:**

Mr. Callahan provides the history on the project. It is located along the west side of Harris Hill Road between Greiner Road and Sheridan Drive. The actions have been tabled at the request of the New York State Department of Environmental Conservation (NYSDEC). As of today, no correspondence has been received. The item is currently tabled until the input from the NYSDEC is received.

Leanne Voit, of Greenman Pedersen, and the petitioner's attorney, John Garas are both present. Ms. Voit explains that they are in the process of speaking with the DEC and are not seeing much progress with regards to Lead Agency letters. She wonders if it would be beneficial to have the Town write a letter to the DEC re-requesting Lead Agency status. Mr. Callahan said her suggestion is taken under advisement and explains that the issue is sewer capacity not only for this project but for many others as well.

Ms. Voit offers an update with regards to the sewer capacity. There have been discussions with the Towns of Amherst and Clarence, the DEC and the petitioner. At this point the petitioner is willing to advance forward in discussions with any of the parties involved and any potential down stream adjustments that need to be made. She will keep the Town updated as the petitioner moves forward.

Mr. Balling explains that the TEQR Committee is not in a position to move forward with the environmental review process until they hear from the DEC as to whether they were going request Lead Agency status. Ms. Voit understands.

John Garas said anything that the TEQR Committee can do to move this project forward is appreciated.

#### **ACTION:**

Motion by Matthew Balling, seconded by Lisa Bertino-Beaser, to **table** Agenda Item 3b pending receipt of correspondence from the DEC.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	Paul Shear	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

**Item 3c-Kausner Open Development Area, 4180 Ransom Road.**

#### **DISCUSSION:**

Mr. Callahan provides the history on the project. It is located on the west side of Ransom Road, south of Tillman Road. The item was tabled pending receipt of additional information related to storm water and drainage, archeology and buried tanks.

Al Hopkins and Paul Case, both of Metzger Civil Engineering, are present and representing the applicant. Mr. Hopkins explains the property is approximately 7.75 acres; there is an existing home to the front of the property. The proposal is to create an Open Development Area with two additional homes. One home would be on one (1) acre and the other would be on three (3) acres. Mr. Hopkins states that a Phase I Archeological Assessment has been ordered through National Heritage Preservation; however, they need to wait until the weather improves before they can conduct the assessment. With regards to the proposed underground storage tank, the applicant has information from a neighbor as to where he thought the tank may be located, he also informed the applicant that the tank was out of service 34 years ago, the piping has been removed but it is unknown if the tank was removed. Mr. Balling refers to the original request of the TEQR Committee, which was confirmation that the tank was located on a part of the property that was not going to be disturbed. Town Attorney,

Steve Bengart, said this is an environmental concern and locating the tank and stating that it will not be disturbed is not going to be enough, most likely there will have to be a Phase II if there is no record of the tank and the applicant needs to be made aware of this. Mr. Hopkins said he is aware that this is an outstanding issue that needs to be addressed.

At the request of the TEQR Committee, Mr. Hopkins submits an aerial photograph overlaid on the property and the storm water calculation for review by the Committee. He knows that drainage is a big concern and said he was relieved because it will be very simple to keep the drainage from going on to the neighbor's property to the south. In general, the existing drainage at the property drains very clearly to the north and west of the site.

Councilman Bylewski refers to the proposed storage tank issue and suggests the applicant contact either the Historical Society or Doug Kohler. Perhaps there is an archival photo that may show part of the pump for the tank, thus, helping to locate the tank. All appropriate information should be forwarded to the Planning Board for review.

Laura Pfennig, 4170 Ransom Road, said there is definitely an underground tank on the property. She points out that when the snow is shoveled it will pile up between the road and her property, then it is going to melt and is not going to melt towards his property, which is uphill. She thinks the project is out of character with the community.

#### **ACTION:**

Motion by Matthew Balling, seconded by Paul Shear, to **table** the Kausner Open Development Area pending receipt of additional information.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	Paul Shear	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

**Item 3d-9435 Main Street Office Park, 9435 Main Street**

#### **DISCUSSION:**

Mr. Callahan provides the history of the project. It is located on the south side of Mains Street west of Goodrich Road. This agenda item was previously tabled pending receipt of comments related to traffic and storm water. Comments have been received from the NYSDEC, as well as supporting documentation related to storm water and traffic. To date, there have been no comments received from NYSDOT.

Jeff Palumbo, of Renaldo & Palumbo, is representing the applicant. He explains that the problem with providing a more detailed engineering report is until you have a Concept Plan Approval you don't know a final engineer. Mr. Balling said other projects have provided the information the TEQR Committee is looking for prior to Concept Plan Approval, Mr. Palumbo points out that it is just an estimate at that point.

Mr. Palumbo states that the traffic report shows documentation that the traffic at the intersection of Clarence Center Road and Main Street is not negatively impacted or significantly impacted by the project. The same is true at the Main Street and Gunville Road intersection. He feels the detailed reports should be requested after Concept Plan Approval.

Garrett Meal, of Urban Engineers, has prepared a letter addressing the storm water; the letter is on file in the Planning and Zoning Office. He explains that it is difficult to do a full storm water prevention plan in advance of the design of the project because many things are subject to change with the design. What has been provided in the letter is the maximum development potential of the project. The quality will be handled in storm water swales, the final location of the swales has not been determined yet, but will be once the plan is approved. The detention will probably be under the parking lot for Phase I, there are other areas that will allow open detention as well.

Mr. Balling questions the placement of the detention pond under the parking lot and asks for an explanation. Mr. Meal said it is not uncommon to put additional piping underneath paved surfaces; basically the pipes are oversized storm water pipes.

Mr. Balling brings attention to the 100' wetland boundary which comes to the back of some of the proposed paved parking area. There is a drainage easement that is owned by the State of New York on the property. These are some factors that led the TEQR Committee to request a better example of what the applicant's storm water management plan is. Mr. Meal is aware of these factors and plans to work with them; he goes on to say that they will not build in the wetland area.

Mr. Balling said he understands that the applicant objects to having to submit a full engineers report at this time; however, the TEQR Committee expects to see a full report based on the proposed plan, the Committee can not come to a conclusion on environmental impacts without seeing an engineer's report. Mr. Palumbo said they simply can not do this; it is in violation of the State Law. The law states that the SEQRA process be conducted after approval of the Concept Plan. Mr. Palumbo wonders if it makes sense to review an engineer's report on a plan that has not been approved yet. Mr. Balling said that this is the time to review the engineer's report per the Town and State laws. Mr. Palumbo asks the Committee to make a decision on the SEQRA this evening, if the recommendation is for the Town Board to issue a Positive Declaration, then so be it, but a detailed engineering report will not be done at this point.

Don Wolf, from Watts Engineering, has prepared the traffic information. He states that re-timing the signal brought the time of delay down from 70 seconds to 40 seconds. This report has been submitted to the DOT. The traffic study that is in the file is from August 2006; Mr. Balling requests a complete updated traffic study be submitted. Mr. Wolf said there would be one sentence added to the existing study to make it current and that would be the information regarding the re-timing of the signal. Mr. Balling thinks updating the report would involve more information than just the statement regarding the signal. Mr. Balling said the first traffic study draft had many items that needed clarification; the TEQR Committee is asking the applicant to prepare the complete report. Mr. Palumbo feels the report is complete; it includes the August 2006 study and the supplemental letter of February 14, 2007 which takes into consideration the other projects in the area. He asks how Dunkin' Donuts' received a Negative Declaration; did they take his applicant's traffic into consideration? He is willing to wait for the DOT's response, if they are satisfied, why wouldn't the TEQR Committee be?

Town Attorney, Steve Bengart, suggests the project be tabled until a response from DOT is received.

Angelo Tomasello, of 4720 Spaulding Drive, said he thought what was agreed upon at the last meeting, with regards to the storm water management, was that a letter would be accepted. With regards to the traffic study, he is shocked that Dunkin' Donuts may have been approved already.

**ACTION:**

Motion by Matthew Balling, seconded by Richard McNamara, to **table** 9435 Main Street Office Park pending the receipt of the information requested of the applicant.

**ON THE QUESTION:**

Paul Shear suggests adding the requirement of receiving information from the DOT to the motion. Mr. Balling amends his motion.

**ACTION:**

Motion by Matthew Balling, seconded by Richard McNamara, to **table** 9435 Main Street Office Park pending the receipt of the information requested of the applicant and the response from the DOT with regards to the traffic impacts of the project.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	Paul Shear	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Mr. Palumbo asks for clarification on what is to be submitted by the applicant in order to satisfy the TEQR Committee requirements.

Mr. Bengart announces there will be a meeting held at next month's TEQR Committee meeting on March 19, 2007 at 6:00 p.m. The meeting will address the Town's new storm water law that will be put into effect. He suggests delaying further detailed discussions on this project until after this meeting.

Mr. Balling refers to the existing State Laws and indicates that this project would need to obtain a State Pollution Discharge Elimination System General Permit for storm water discharge construction activities, part of this permit is the requirement for a storm water prevention plan, this information is what the TEQR Committee is seeking.

Mr. Shear agrees with holding off detailed discussions regarding storm water management until after the TEQR Committee meeting on March 19, 2007.

**Item 3e-Russell Gullo Retail Landscape Shop, 9800 Transit Road.**

**DISCUSSION:**

Jim Callahan provides the history on the project. It is located on the east side of Transit Road, north of County Road in the Swormville Traditional Neighborhood District. The project was

previously tabled pending receipt of comments from NYSDEC and NYSDOT. DEC comments have been received, additional information will need to be requested to address all issued identified.

Al Hopkins and Paul Case, both of Metzger Civil Engineering, are representing the applicant. Mr. Hopkins explains that the project consists of three (3) parcels which will be combined into one (1) parcel, making the proposed site 3.3 acres in size. The proposal is for a 3,800 square foot greenhouse; attached to the greenhouse will be a 2,800 square foot retail store. There are forty-four (44) proposed parking spaces. An Environmental Assessment Form (EAF) has been submitted. The applicant is aware of the requirements for obtaining a SPDES General Permit. The wetlands have been delineated by Earth Dimensions. There is a small area of .37 acres of wetlands in the back corner of the property; this does not affect the proposed parking area as it is laid out. The applicant has entered into a contract with Heritage Preservation to perform an archeological study; however, the weather has kept them from performing the study; once the weather breaks the study will be done. The record search of the archeological study came up with an insignificant impact. Mr. Hopkins understands that without the full archeological study the SEQRA process can be started, however, he asks the TEQR Committee refer this project back to the Planning Board so it may be considered for Development Plan Review.

Paul Shear refers to the DEC letter dated January 26, 2007, item number 4. This item indicates that the project requires Sewer Extension Approval, without this approval he is not sure the TEQR Committee can take any type of action on the project. Mr. Hopkins does not believe Sewer Extension Approval is required because there is sewer capacity available in this area.

Mr. Balling asks if the County would want to see revised information because this is not a commercial use and might not be considered residential waste. Mr. Hopkins said when the applicant goes for the sewer tap; the County will review this issue. Mr. Balling said the Committee needs to have enough information about the discharge of the various treatments for plants, like herbicides, pesticides or fertilizers. Russell Gullo clarifies the intended use of the facility is retail, not a growing facility. Mr. Balling asks if it is possible to request the applicant to follow up with Erie County Sewer District #5 with regards to hooking up. Mr. Hopkins is not sure this can be done given the early stage the project is in.

Mr. Balling would like to receive DOT comments to know if the alignment of the proposed driveway is acceptable. Mr. Callahan has attempted to contact Mr. Rutkowski at DOT, but has received no comment from him, there seems to be a communication problem at DOT.

The question is raised as to how much time is provided to DOT in order to respond. Mr. Balling said there are other issues with this project, but if the response from DOT is all the project was waiting for in order to move along, the TEQR Committee would ask the Town to pursue a response in a more aggressive manner.

#### **ACTION:**

Motion by Matthew Balling, seconded by Paul Shear, to **table** Russell Gullo Retail Landscape, 9800 Transit Road pending the receipt of additional information and the receipt of comments from the NYS DOT with regards to the proposed driveway.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	Paul Shear	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

#### **Item 4-New Business**

**Item 4a**-Dan D'Andrea, 5445 Salt Road, requests a demolition permit.

#### **DISCUSSION:**

Jim Callahan provides the history on the project. It is located on the east side of Salt Road, north of Greiner Road. Existing residential and agricultural structures are proposed for demolition. It is a Type I Action under SEQRA and was referred to the Historical Society for comment over 30 days ago, no comments have been received. The Historic Resources Survey identified the home as being non-contributory towards the historic fabric of the community.

Craig Tierney and Dan D'Andrea are present. Mr. D'Andrea explains that he sold 43 acres of the property last year to Brookfield Equestrian Center. The barn on the property is in good shape and will remain, the pole barn will come down because that's where the house will be built. Most likely the silo will come down as well.

Mr. Balling explains that a coordinated review needs to be conducted with all the interested agencies. The comments from the Town's Historic Preservation Committee indicate that the style and character are barely discernable.

Mr. Callahan said the State has identified that they do not want to be an involved agency for this coordinated review; an involved agency would be the local Historic Society or any other local agency that may have jurisdiction. When the Town sent the Demolition Delay Law to the State, the State identified that they were not interested in commenting on any projects regarding this law, as it is not their focus. Mr. Balling asked if this affects the 30 day comment period. In Mr. Bengart's opinion, the Committee should not deviate from the Law; he thinks the coordinated review process still needs to be followed.

#### **ACTION:**

Motion by Matthew Balling, seconded by Lisa Bertino-Beaser, to **recommend** the Town Board solicit Lead Agency Status and commence a 30 day comment period.

#### **ON THE QUESTION:**

Mr. Shear explains to the applicant if, in the future, he decides to take down the barn, he will have to go before the TEQR Committee again. Mr. Tierney said the applicant has received three (3) price quotes on tearing all structures down; this is probably what will be done given the fact that they would have to come back to the Committee if the remaining barn was to be demolished in the future. It is unknown if there is a time constraint on a demolition permit. Mr. Callahan said for the purposes of the Environmental Review the Committee can proceed identifying all the structures and the applicant can make the determination. Mr. Bengart explains that the Town Board can formally ask for

the 30 day comment period next week, once the comment period begins the TEQR Committee will have another meeting and the demolition could be conditionally approved pending the 30 days expiring at which time the Town Board could also make their determination.

Mr. D'Andrea describes the size of the house on the property at about 2600 square feet, the pole barn is approximately 35' x 70', there is also a barn that was damaged in the October 2006 storm and was approximately 30' x 40', the silo is approximately 14' in diameter and 40' high. There is also a damaged chicken barn.

**ACTION:**

Motion by Matthew Balling, seconded by Paul Shear, to **amend** the Part I so that the description of the action reads "demolition of four (4) existing structures at 5445 Salt Road consisting of an approximate 2600 square foot house, an approximate 2400 square foot pole barn, an approximate 1200 square foot barn and a grain silo."

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	Paul Shear	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

**ACTION:**

Motion by Matthew Balling, seconded by Richard McNamara, to **recommend** the Town Board solicit Lead Agency Status and commence a 30 day comment period.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	Paul Shear	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Councilman Bylewski reports that he does not see a start date in the Local Law with regards to demolition however once it has begun it must be completed within 30 days.

**Item 4b-**Donald Steinwachs, County/Heise, 4-Lot Open Development Area.

**DISCUSSION:**

Jim Callahan provides the history on the project. It is located on the northwest corner of County Road and Heise Road. It contains approximately 28 acres and is zoned Agricultural Rural Residential. The applicant is proposing to develop a 4-Lot Open Development Area on a portion of the property.

Paul Case and Al Hopkins, both of Metzger Civil Engineering, are representing the applicant. Mr. Case explains that the project was presented to the Town Board on December 20, 2006, at which time it was referred to the Planning Board. The project was presented to the Planning Board on January 10, 2007 and February 21, 2007. He explains that the proposal is for a 4-lot Open Development Area on 12.5 acres of vacant land, the Concept Plan complies with the Town Codes. The

lots are greater than the minimum requirement of 2 acres. There will be 60' of right-of-way on County Road for access. There is 1.8 acres of Federal Wetlands on site. The wetlands were delineated by Wilson Environmental; they've been surveyed and mapped. There is a letter into the Army Corp of Engineers for a permit for jurisdictional determination. The plan is to avoid the wetlands completely.

Mr. Shear points out that there was an application submitted prior to this one and questions segmentation with regards to the remainder of the property; he asks if there are future plans for the build out of the site. Mr. Case said the applicant is not sure of what he wants to do with the remainder of property. Mr. Case understands that segmented reviews are acceptable if information on future project phases is too speculative. He explains that the prior application was not submitted by the applicant, it was submitted by a person who was looking at purchasing the land. He goes on to explain that the current phase would be functionally independent of any future Open Development Area. The property has not been split in the past few years; there is one owner for the entire parcel.

Town Attorney Steve Bengart suggests the applicant be prepared to go through the entire SEQRA process. He is not sure he agrees with the segmentation arguments.

Without obtaining further information, Mr. Balling does not necessarily agree with the argument regarding functional independence. He questions the northern part of the parcel and said it is anticipated that eventually there will need to be public access to it. This entire property may be the mechanism to obtain the level of access that is needed. Mr. Balling points out the triangular parcel on the site plan, this area is divided by easements on the property and he wonders if this will cause future problems with developing the property and wants to see more information regarding this issue.

Mr. Callahan explains the permitted uses at the site are 2 residential building lots or a potential for a 6-lot Open Development; residential or farm use. Mr. Balling does not think this project meets the requirements for permissible segmentation, he thinks it needs to be processed as a residential development for the entire parcel.

#### **ACTION:**

Motion by Matthew Balling, seconded by Paul Shear, to **recommend** the Town Board consider this impermissible segmentation and should require the applicant produce a full Development Plan for the entire parcel.

#### **ON THE QUESTION:**

Mr. Case explains the applicant will have the entire parcel looked at. Mr. Bengart thinks it is within the TEQR Committee's purview to look at the entire project, if presented, and not send it back to the Town Board. The TEQR Committee should make their determination on the entire build out. Mr. Case said the Planning Board discussed segmentation and having the TEQR Committee look at the entire project as a whole.

#### **ACTION:**

Motion by Matthew Balling, seconded by Paul Shear, to **rescind** the previous motion and **refer** the project to the Town Board to make a declaration of impermissible segmentation.

Mr. Balling suggests the applicant submit a revised full EAF Part I; the revision is to include the build out of the entire parcel of land. A revised site plan is also requested showing the concept division of the property, as seen fit, for the full/maximum build out. The Committee also wants a better understanding of the restrictions that the National Fuel easement places on the use of the property, in terms of access. A copy of the easement is acceptable and will be forwarded for review to the Town Attorney's office as well as to the TEQR Committee.

**Item 4c-Proposed Sign Law.**

**DISCUSSION:**

Jim Callahan explains that the Town Board and the Planning Board are contemplating an update to the existing Sign Law. This amendment to the Sign Law would include incorporation of the new zoning classifications including new TND and specific sign regulations to govern signage in those commercial areas, as well as updates to the Commercial, Major Arterial and Restricted Business zoning classifications. The draft law has been submitted as well as a Part I EAF for review and action under SEQRA.

Mr. Balling asks who the interested/involved agencies would be. Mr. Callahan said the County, Environment and Planning, NYSDOT and Erie County Highway, as well as the surrounding Towns of Amherst, Newstead, Lockport and Lancaster.

**ACTION:**

Motion by Matthew Balling, seconded by Lisa Bertino-Beaser, to **recommend** the Town Board solicit Lead Agency Status and commence the 30 day comment period with the interested and involved agencies identified.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	Paul Shear	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

**Item 4d-Proposed APFO Law.**

**DISCUSSION:**

Jim Callahan explains that the Town is proposing to develop an Adequate Public Facilities Local Law. The evolution of the process has led the Town Board to develop the Adequate Educational Facilities; this is the draft that has been submitted for the TEQR Committee's review. It has been discussed that it may be too limiting in terms of its name because it includes some annual review processes for public safety such as the Fire Departments and Emergency Services. The Planning Board has reviewed the draft and forwarded it to the TEQR Committee to commence an Environmental Review on the proposed legislation.

Councilman Bylewski said the Town is also in the process of setting up another joint meeting with the Clarence School Board, Councilman Bylewski, Mr. Callahan and Mr. Bengart.

Mr. Callahan explains how the law would work; the Clarence Schools would be involved in project by project review and analysis of their facilities. There would be an annual review with the Williamsville School District as well as with Emergency Services.

Mr. Balling wonders if there are any restrictions on the type of environmental assessment form the Town uses; he asks this question because the existing form may not ask enough questions to get answers to clearly show what kind of information the TEQR Committee is looking for. He asks if the Town has the ability to adopt its own EAF. Mr. Callahan said, "Yes," and goes on to explain that an addendum to the EAF may be acceptable. Councilman Bylewski indicates that it is anticipated in the draft that there would be a form specifically dealing with education and whatever the application may be. The School would analyze the potential increase in volumes and make a determination on the level of service. Councilman Bylewski refers to the Code which says no development proposal shall be referred by the Town Board to the Planning Board for review and comment unless an EAF determination has been made by the School District prior to the referral to the Planning Board.

Mr. Balling asks what criteria the development community will use when it comes to the Town Board with a certain residential plan. Mr. Callahan said it will mainly be a function of the School District's historical data and what a typical development will generate in terms of impacts of the various levels.

Mr. Balling would like to see who, at the School Districts, will be making the decisions and determinations. Councilman Bylewski said it more a function of what they will do at the District.

Mr. Balling voices his concern by saying what if, in the future, the School District hesitates and decides they don't want to make any bad decisions, so they just stamp every proposal that comes through. Councilman Bylewski said the Town is interdependent with many different municipalities and it has been difficult to get in touch with many of these. The Town is starting with the School District and will continually try to contact the other municipalities and agencies.

#### **ACTION:**

Motion by Matthew Balling, seconded by Patrick Miner, to **recommend** the Town Board solicit Lead Agency Status and commence a 30 day comment period on the proposed Local Law.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	Paul Shear	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

#### **Item 4e-Proposed Zoning Map Amendments.**

#### **DISCUSSION:**

Jim Callahan explains that these are two areas that were discussed previously and were intended to go forward with Zoning Code reviews that were recently implemented. The Transit Road corridor, in the north part of the Town, were it was Restricted Business because of the flood zone, there is an area near the intersection with Millersport that is out of the flood zone and the Planning Board identified that it should go back to Major Arterial. This would incorporate more substantial commercial development. The other area is the Restricted Business Zone to increase the depth along

the Sheridan Drive corridor on the south side between Harris Hill Road and Helenwood Drive; this would allow larger office type development in this area.

Mr. Shear asked for confirmation on his understanding of what the Town is trying to do, which is increase the amount of potentially developable commercial property in the Town. Mr. Callahan confirms.

**ACTION:**

Motion by Matthew Balling, seconded by Lisa Bertino-Beaser, to **recommend** the Town Board solicit Lead Agency Status and commence a 30 day review period with interested and involved agencies.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	Paul Shear	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

The next meeting date is March 19, 2007. At this meeting, from 6:00 p.m. to 6:30 p.m., Town Engineer, Joe Latona and Town Attorney, Steve Bengart will be present to discuss Storm Water Regulations.

Mr. Balling said that an archeological expert from the University of Buffalo has offered to come and talk with the TEQR Committee with regards to how the various stages of an archeological study are developed. The Committee agrees that this would be appropriate and Mr. Callahan will get in touch with the appropriate contact to have him attend the April 2007 TEQR meeting.

Mr. Shear recently attended the New York State Associations of Towns meeting and distributed a brochure that has information regarding storm water regulations.

Meeting adjourned at 9:00 p.m.

Matthew Balling, Chairman