

Clarence Town Environmental Quality Review  
(TEQR)  
Meeting Minutes  
Monday March 17, 2008

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

TEQR Members Present:

Chairman Matthew Balling	John Moulin
Paul Shear	Richard McNamara
Lisa Bertino-Beaser	Jonathan Hickey

Other Town Officials Present:

Director of Community Development James Callahan  
Planner Brad Packard  
Councilman Peter DiCostanzo  
Planning Board Liaison Jeffrey Grenzebach  
Town Attorney Steven Bengart

Other Interested Parties Present:

Chris Cardillo	William Schutt
Sean Hopkins	

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

Motion by Richard McNamara, seconded by Jonathan Hickey, to **approve** the minutes for the meeting held on February 25, 2008, as written.

Chairman Matthew Balling	Aye	John Moulin	Abstain
Paul Shear	Aye	Richard McNamara	Aye
Lisa Bertino-Beaser	Aye	Jonathan Hickey	Aye

MOTION CARRIED.

**Item 2-**Communications.

Any communications will be discussed under Unfinished Business.

**Item 3a-Spaulding Greens, Findings Statement Development (awaiting findings from involved agencies)**

Lisa Bertino-Beaser recuses herself from the participation of the deliberations on this agenda item and has left the meeting.

**DISCUSSION:**

Jim Callahan explains that the Town Board officially accepted the Final Supplemental Environmental Impact Statement on February 27, 2008. The required 10 day waiting period is now complete as of Friday March 14, 2008. The final findings are being developed by the involved agencies. It is anticipated that there will be comments received by the next TEQR meeting. Findings were received from the Clarence School District agreeing with the final and identifying a potential mitigation of switching districts to Clarence Center School, if it is needed. The District does not anticipate that there would be a “crunch” at the Ledgeview Elementary School. A draft can be put together that matches similar types of findings that were developed on the Heise-Brookhaven Trunk Sewer Line and Gables on the Green and discussion can take place at the next meeting. The project remains tabled.

Lisa Bertino-Beaser joins the meeting.

**Item 3b-North Forest Office Providers, 6051 Transit Road (awaiting alternative development options)****DISCUSSION:**

Jim Callahan said this project was identified as an office park in the Major Arterial Zone. It was initially distributed to involved agencies in January 2008. At the annual Public Hearing of the Master Plan 2015 the applicant asked the Town Board to consider Commercial Zoning to a greater depth in that area to allow the project to expand further to the east; this will be reviewed and probably referred by the Planning Board to the TEQR Committee in the near future. The applicant has been asked to provide full build-out alternatives related to various zoning classifications. The Town is awaiting comments from other involved agencies. To date, comments have been received from State Historic Preservation Office (SHPO) and from the Town of Amherst on the original proposal. The project would not have to be re-referred because it has been identified to involved agencies that the comments should relate to the full build-out. This project remains tabled.

**Item 3c-Dan Furmanek, 8230 County Road, Open Space Design Subdivision (coordinated review initiated by Town Board on February 13, 2008)****DISCUSSION:**

Chris Cardillo from Damon & Morey is representing the applicant.

Jim Callahan said coordinated review commenced on February 13, 2008. Comments have been received from NYS DEC, the Town of Amherst and the NYS Office of Parks and Recreation.

Chairman Balling explains that the letter from the NYS Office of Parks and Recreation said they did not receive enough information in order to review the project and provide comments. The Town of Clarence requested information from the Town of Amherst specific to the parcel being located in Sewer District #5 and having available capacity. The TEQR Committee will table the project until comments have been received from the two mentioned agencies.

Town Attorney Steven Bengart said there was also discussion regarding the buried stumps and tree issues.

Mr. Cardillo refers to the SHPO letter and said the applicant is considering what is in the letter as a potential barrier, there may be a way around it, they are unsure at this point. Mr. Cardillo asked what he could provide the Town of Clarence with to satisfy the comments made in the Town of Amherst letter. Jim Callahan said, historically, the Town has received letters from Sewer District #5 and the Town of Amherst identifying that capacity exists.

Chairman Balling voices a concern regarding the disposition of a drainage channel, a creek or a stream which may have existed on the west side of the property. The TEQR Committee will ask that the Town investigate this matter further. Chairman Balling asked that Mr. Cardillo speak with the applicant to determine if he has any knowledge of a drainage-way that may have been filled in at the site. Town Attorney Bengart suggests the applicant speak with the previous land owner, Dan Lamm, as well.

#### **ACTION:**

Motion by John Moulin, seconded by Paul Shear, to **table** agenda item #3c pending receipt of additional information as discussed.

Chairman Matthew Balling	Aye	John Moulin	Aye
Paul Shear	Aye	Richard McNamara	Aye
Lisa Bertino-Beaser	Aye	Jonathan Hickey	Aye

MOTION CARRIED.

#### **Item 3d-Doodle Bugs/Office Park, 8574 Sheridan Drive (coordinated review initiated by Town Board on February 27, 2008)**

#### **DISCUSSION:**

Jim Callahan provides the history on the project. It was introduced at the last TEQR meeting and coordinated review commenced by the Town Board on February 27, 2008. The project is currently in the middle of the 30 day comment period for involved agencies.

Chairman Balling said there is a concern within the Committee regarding drainage impacts on property based on individual site visits by the members of the Committee. The current property has a significant slope, which is high at the southwestern area of the site and low at the northeastern area. This may require more extensive mitigating action than a typical Storm Water Prevention Plan or Erosion Control Plan; however, the Committee is still awaiting comments. This project remains tabled.

#### **Item 3e-Rockledge Professional Office Park, 8175 Sheridan Drive (coordinated review initiated by Town Board on February 27, 2008)**

#### **DISCUSSION:**

Jim Callahan provides the history on the project. It was introduced at the last TEQR meeting and coordinated review was commenced by the Town Board on February 27, 2008. The project is

currently in the middle of the 30 day comment period for involved agencies. The project remains tabled pending receipt of comments from involved agencies.

**Item 4a-Shadow Woods Open Space Design Subdivision, Goodrich Road (EAF distributed at February 25, 2008)**

**DISCUSSION:**

Jim Callahan provides the history on the project. It is located on the west side of Goodrich Road north of the Pine Breeze subdivision. It is within the Residential Zone in Clarence Sewer District No. 2. The applicant is present to introduce an Open Space Design Subdivision that was officially referred by the Planning Board at their February 2008 meeting.

Sean Hopkins, of Hopkins, Garas and Sorgi, is representing the applicant. William Schutt of William Schutt and Associates is the engineer on the project and is present as well. Mr. Hopkins explains that the project site is 68 acres in size and is zoned Residential Single-Family. This is the ninth or tenth formal version of the layout. After much time and discussions the density determination of 64 lots was agreed upon. Some of the lots have been reduced in size in order to preserve wetlands. Mr. Hopkins said the project site itself is owned by Hamlet of Clarence LLC, the property to the north of the site is owned by C&F Land Development. There are common owners within each, namely Carmen Cimato. There is also adjacent property that is owned by Mr. Cimato's daughter. Chairman Balling wonders what kind of controlling interests these individual parties have in the ownership of the property; he is referring to the issue of segmentation and if there is any intent for future development on the lands owned.

Jim Callahan explains that segmentation is the division of an environmental review of an action so that various activities or stages are addressed as though they were independent. Very often it is so speculative on the second stages that there is no immediate identification of the impact; this could be permissible under segmentation. Mr. Hopkins said the definition of segmentation is in the General Rules section.

Chairman Balling asked if there are any protected wetlands in the area. Mr. Hopkins said the Army Corp of Engineers and DEC are going to visit the site and he expects that they will take jurisdiction over a portion of the project site, in addition to the mitigation area. Mr. Hopkins said easements will need to be obtained with regards to the issue of stormwater management systems shared by one parcel.

Chairman Balling would like to see it stated that the DEC is aware of the degree of ownership that exists with the surrounding properties.

The Part I EAF has been reviewed by all Committee members; there are no changes or corrections suggested.

**ACTION:**

Motion by Matthew Balling, seconded by Jonathan Hickey, to **recommend** the Town Board commence coordinated review; this is a Type I Action under SEQRA. The correspondence to NYS DEC include information in regards to the common ownership as was discussed in consideration of mitigating wetland impacts.

**ON THE QUESTION:**

Mr. Hopkins said this project has been around for four (4) years; 55% of the site will be preserved as Open Space. At the corner of lots 20 and 21 there is a minimum of 100' of greenspace being preserved; this is between the adjacent subdivision. The applicant has provided the Town with extensive environmental documentation and a wetland delineation report. 38 acres of the project site will be disturbed, which is 56%.

Mr. Hopkins said based on the IT Trip Generation Report the maximum trip generation in the peak hour would be 73 trips. The applicant realizes a traffic impact study needs to be submitted. Chairman Balling is unsure if a traditional type of highway capacity traffic study is going to reveal the problem at hand. This project in combination with others in the area will present significant impacts at some major intersections.

Mr. Hopkins explains a few changes made to the plan. All impacts to the 100' adjacent area associated with lots 9 thru 16 have been eliminated. The roadway connecting Phase I and II is linear in design in order to reduce the impacts. The update plan will be submitted to the DEC and the Army Corp of Engineers for their review and comment. The wetland delineation only looked at the project site not the properties to the north of the site.

Chairman Matthew Balling	Aye	John Moulin	Aye
Paul Shear	Aye	Richard McNamara	Aye
Lisa Bertino-Beaser	Aye	Jonathan Hickey	Aye

MOTION CARRIED.

Jim Callahan refers to the section in the SEQRA Handbook that identifies segmentation. He reads: The following circumstances when considered together may warrant segmentation when a project has more than one (1) phase. The circumstances are: information on future project phases is too speculative, future phases may never occur and future phases are functionally independent of current phases.

**Item 5-Miscellaneous**

Chairman Balling reports that the next Joint Meeting will be held at the Town Hall on April 30, 2008 at 7:00 p.m.

**Item 6-Next Meeting Date**

The next meeting date is January 22, 2007.

Meeting adjourned at 7:41 p.m.

Carolyn Delgato  
Senior Clerk Typist