

ACTION: Motion by Lisa Bertino-Beaser, seconded by Richard McNamara, to **table** Agenda Item #3.a., at the request of the applicant, to allow more time to complete the archeological study.

VOTING: Ayes: ALL
Nays: NONE

MOTION PASSED.

Agenda Item #3.b. – Arthur Fuerst, 9450 Main Street Coffee Shop

The applicant has submitted a traffic report detailing the potential traffic impacts at the intersection of Main Street and Goodrich Road. Don Wolf, of Watts Engineers, and Peter Casilio, of PAT Construction, are present. Arthur Fuerst, the applicant, is present as well.

The traffic study, a set of renderings and a letter to Supervisor Kathleen Hallock have been received and reviewed by the TEQR Committee.

Peter Casilio explains that he met with Supervisor Kathleen Hallock approximately one (1) year ago and described this project to her as a “face-lift” to the Executive Cleaners existing building. Adding a coffee shop will be a “face-lift” for the entire corner. The applicant will rip up the existing stone, relocate the dumpster enclosure and dress up the front of the building by adding green space and some landscaping. The applicant agreed to eliminate a parking spot in order to save a tree.

Don Wolf indicates this site generates approximately seventy-five (75) cars an hour, with one-hundred twenty (120) cars as a worse case scenario, at peak time. The drive-thru window can only discharge a car every thirty (30) or forty (40) seconds, so the vehicles that enter are going to be spaced evenly and will not pile-up in congestion at the driveways.

Albert Schultz asks for clarification on the type of coffee shop that is being proposed. Mr. Fuerst confirms that it will be a specialty coffee shop; he is not interested in the “Tim Horton’s” type of coffee shop. Mr. Fuerst also confirms that this is a long-term commitment. He will not change the nature of the coffee shop 6 months down the road just to move more traffic through the coffee shop. Mr. Schultz notes that there would be significantly more traffic if a “Tim Horton’s” type coffee shop were located at the site.

Matt Balling asks how the tally for the vehicles was done; were buses, cars and trucks counted as one vehicle. Mr. Wolf replied, “They are all one vehicle, yes.” Mr. Wolf goes on to explain that the report also separated the different types of vehicles; this was entered into the computer program as a percentage of the total that was heavy vehicles. Mr. Balling refers to the “short report” that was included in the study and asks what it calculates. Mr. Wolf advises the “short report” summarizes the detailed report. Mr. Balling voices his concern with the conclusion on the “short report” regarding the percentage of heavy vehicles; the report shows zero (0). He asks Mr. Wolf if this is normal, Mr. Wolf advises it is not. The percentage is very

low and should read one (1) or two (2) percent, Mr. Wolf apologizes for the error. Heavy vehicles are part of the study.

Peter Casilio has contacted the neighbor to the north regarding access to their driveway; the neighbor has denied access. The denial letter is on file.

If the southbound approach to Goodrich Road fails any further, what would the DOT or the County, in Mr. Wolf's opinion, do to improve the traffic flow through the approach. Mr. Wolf suggests putting in a double turn lane; however, currently there are not enough lanes on Main Street. He also thinks the signal timing can be tweaked or Goodrich Road could be improved.

Matt Balling advises the applicant that the Traffic Safety Committee may have further input on traffic implications on the project.

ACTION: Motion by Matt Balling, seconded by Albert Schultz, to **amend** Part II of the Environmental Assessment Form to indicate major traffic problem as a small to moderate impact. A traffic study has been completed; the project is a one-thousand square foot (1,000') coffee shop drive-thru serving only beverages.

ON THE QUESTION:

Jim Hartz will draft Part III of the Environmental Assessment Form and will forward it to the TEQR Committee. If there are any problems prior to the next Town Board meeting advise Jim Hartz immediately.

VOTING: Ayes: ALL
Nays: NONE

MOTION PASSED.

Matt Balling indicates that the rendering shows a significant improvement to the intersection. The Committee appreciates that two (2) of the mature trees are going to be saved. Matt Balling asks for clarification on a photo that shows a tree that is supposed to be saved, however the caption reads, "tree to be removed." The photo is from Phil Silvestri. Peter Casilio has not reviewed this photo, however he assures the Committee that the trees that he looked at, with Matt Balling and Phil Silvestri, at the site, will be saved.

The site plan from March 30, 2006 shows a twenty-four inch (24") tree off the planting island. This tree is badly mangled and Matt Balling is not sure why it is shown to be saved. Peter Casilio explains this tree will not be saved. Matt Balling suggests replacing the mangled tree with a mature tree. It is Mr. Casilio's intent to save the pine trees that are located at a corner of the site.

Originally the Part II identified a potentially large impact due to the removal of sixty-four (64) trees, six (6) of which would be over twenty inches (20") in diameter. In the Part III it

should be on record that the applicant has made the effort to save two (2) of those six (6) trees. The applicant is also proposing architectural improvements to the existing building on the site; this is a mitigating action to keep the character of the area.

ACTION: Motion by Matt Balling, seconded by Lisa Bertino-Beaser, to **recommend** the Planning and Zoning Department prepare the Part III of the Environmental Assessment Form, taking into consideration the previous comments regarding the community character. The potentially large impact is being mitigated by the architectural improvements to the existing building, including the preservation of the trees as depicted on the tree plan.

VOTING: Ayes: ALL
Nays: NONE

MOTION PASSED.

Pedestrian safety was also identified as a potentially large impact. The applicant has amended the site plan to include a sidewalk that directly connects the sidewalk on Main Street. This is a major improvement.

All items, per the discussion above, need to be made clear, with documentation, prior to being reviewed by the Planning Board.

Matt Balling suggests a pedestrian cross walk sign be placed in the appropriate location at the site. Mr. Wolf states that a cross walk provides a false sense of security to the pedestrian. Albert Shultz agrees with placing a bright, clearly designated pedestrian crosswalk and a sign that says, "Yield to Pedestrians" at the site. Mr. Wolf said a private person can do whatever he wants, the sidewalk can be striped or a regular highway sign can be used. A stop sign is also suggested. Mr. Casilio said if the Town deems the cross walk as a required safety measure, the applicant has no problem doing it.

ACTION: Motion by Matt Balling, seconded by Richard McNamara, to **amend** Part II to indicate the pedestrian safety is a potentially large impact, but can be mitigated by a project change. The Part III shall indicate that a pedestrian cross walk treatment, similar to those in commercial plazas, be incorporated in to the site design.

VOTING: Ayes: ALL
Nays: NONE

MOTION PASSED.

ACTION: Motion by Matt Balling, seconded by Albert Schultz, to **recommend** a negative declaration to the Town Board moving forward with the Part II and Part III as the TEQR Committee recommended accordingly.

VOTING: Ayes: ALL
Nays: NONE

MOTION PASSED.

Agenda Item #3.c. – Roll Road Industrial Business Park, 8540 Roll Road

The coordinated review commenced on March 8, 2006. Five (5) to six (6) involved agencies were solicited, all receiving an EAF Part I. The project has been through a few concept submissions; however the plan that is before the Committee this evening is for a public road and potentially a twelve (12) lot subdivision. The lots would be sold according to how much land a potential tenant needs. No written comments have been received back from the Department of Environmental Conservation (DEC) or the County Highway Department. The thirty (30) day comment period is closed.

A representative from Greenman-Pedersen, Inc. (GPI), addresses the Committee on behalf of Dominic Piestrak. Originally Mr. Piestrak had intentions of building an industrial park at this site. There is a potential business that would like a site at this location. This business is in the medical field; however it is not a doctor's office. Their current lease is about to expire.

Matt Balling did not think there was decision made on the road being public or private. The GPI representative indicates that this road has always been proposed as a public road.

Matt Balling refers to the Subdivision Law Article IV, Required Improvements, item (J) (1) Block lengths shall not exceed 1,500 feet. Mr. Balling measured the public highway from Roll Road to where it is proposed to terminate and found it to be over 1,800 feet. He is aware of the access issues that come with large lots. This project precludes any public right-of-way to the east. Mr. Balling asks if the applicant needs to obtain a variance to achieve the 1,800 feet. Jim Hartz advises a variance would be required. The applicant was asked to explore alternatives in creating a connection to the property to the east in order to provide access to the property in the future.

The GPI representative states that under the New York State Law this project can not be filed as a realty subdivision with the state. Individual site plans for this parcel will be submitted as lots are bought.

Matt Balling asks why the applicant is dividing the parcel as proposed instead of showing the right-of-way going through the parcel. The GPI representative indicates this is strictly for marketing purposes; this is how the client wanted it. The lot lines will have no legal consequence.

Matt Balling asks what happens if the Town approves this map, can the applicant then say it is residential? Steve Bengart advises it is not zoned appropriately for residential, thus it would be subject to rezoning.

Referring to the Subdivision Law, Matt Balling explains that if there are more than four (4) lots that are less than five (5) acres in size, the project can not be on septic, it must be on public sewers, this project would fall under this category. Mr. Balling asks if the applicant knows where the sewer service will be coming from. The GPI representative suspects that the sewer service would come from the Peanut Line. It would have to be brought down as a tributary line to the Heise-Brookhaven Sewer Corporation line. Another option would be to build a pump station and tie into the District #5 lines. The applicant is proposing building individual systems. The property is in Sewer District #6.

Matt Balling suggests identifying transportation, the traffic pattern and the block length as a small to moderate impact on the Part II, but can be addressed by a project change.

Paul Shear voices his concerns regarding the floodplain, the public right-of-way and access. He is also concerned that the project has no substance other than what might be. What is the Committee actually being asked to decide? The GPI representative explains that the applicant wants permission, from the Town, to build a road for an industrial park.

Paul Shear refers to the Part I, which indicates there will be two-hundred (200) people employed, there will be two-hundred (200) vehicles moving through the area as well. Mr. Shear has concerns with the seventy foot (70') right-of-way not lining up with Harris Hill Road and not having a second egress access to it. There is a significant amount of traffic on Roll Road at peak hours.

Richard McNamara points out the Master Plan Infrastructure is rating Harris Hill Road with a Level of Service (LOS) of "E" or "F", this road is already failing, this project is going to add another two-hundred and fifty (250) cars.

The GPI representative points out that the agency that has jurisdiction over this realm, which is Erie County DPW, has not sent a letter to the Town advising the Town to step back because they do not concur with lead agency.

Town Attorney Steve Bengart submits that based on the fact that this road goes into what is potentially going to be Town road, and if this is a concern to the TEQR Committee, a traffic study may not be out of the question.

Matt Balling would like to see a plan that would align the roadway, prior to making any recommendation to the Town Board. The way the environments are going to line up will only provide approximately thirty-five feet (35') between the right-of-way lines. The typical standard for a residential street is twenty-eight feet (28'); two (2) fourteen foot (14') travel lanes. Mr. Balling is not sure thirty-five (35') will be adequate. The applicant needs to provide more information to the TEQR Committee showing the two (2) right-of-ways aligning with the mechanism the applicant is conveying on the opposite side of Roll Road.

Matt Balling is concerned with access to the east and the block length being eighteen-hundred feet. This would be a potentially large impact.

Paul Shear explains that there are some areas at the site that are within the floodplain. Matt Balling asks if the right-of-way that is going through the floodplain needs to be elevated off the existing grade. The GPI representative said, “Not to the level of one-hundred foot (100’).”

A floodplain is hydrostatic flow and a floodway is hydrodynamic flow. Structures can not be built in a floodway. Matt Balling asks the applicant to provide information showing a floodway at the site, if there is one. The applicant also needs to provide documentation if there is no floodway.

ACTION: Motion by Matt Balling, seconded by Paul Shear, to **table** Item #3.c. to allow the applicant time to provide documentation about the floodway, the intersection, the alignment of the right-of-ways, and the concern regarding the access to the eastern property.

ON THE QUESTION:

The GPI representative indicates there is a significant time restraint; any delay like this can make this project an impossibility. He has every intention to make the roads align. He will commit to providing the Town access to the east. He thinks there are floodway and floodplain maps at Town Hall. He will not build in these areas. He thinks tabling this project is unnecessary.

Paul Shear understands the time constraints; however, the TEQR Committee can not rely on verbal assurances. The Committee deals with what is put in front of them.

VOTING: Ayes: ALL
Nays: NONE

MOTION PASSED.

Agenda Item #4 – New Business

Agenda Item #4.a. – SEQRA Sewer Addendum

Based on meetings and discussions regarding the Town Sewers, Matt Balling created a draft addendum. The addendum was sent to Councilman Scott Bylewski with the intention that he brings it before the Town Board members for their input. Mr. Balling would also like input from the TEQR Committee members.

Jim Hartz refers to the addendum and the question regarding which line the sewer will be going through: Heise-Brookhaven or the Peanut Line, he advises there is a third option. The third option is the Dodge Road interceptor. The Heise-Brookhaven Sewer, at approximately 1,000 taps, feeds into the Peanut-Line Sewer.

Question 3.(c) will be re-worded for clarification.

ACTION: Motion by Matt Balling, seconded by Albert Schultz, to **table** Item #4.a. to allow time for more feedback on the SEQRA Sewer Addendum from various Town Offices.

VOTING: Ayes: ALL
Nays: NONE

MOTION PASSED.

Agenda Item #5 – Miscellaneous

Agenda Item #5.a. – Residential Building Cap-SEQRA on Recommendation

The Town Board solicited Lead Agency status at their March 20, 2006 meeting. The official comment period ends May 1, 2006. To date, there have been no comments received back.

ACTION: Motion by Matt Balling, seconded by Lisa Bertino-Beaser, to **table** Item #5.a. to allow the thirty (30) day comment period to lapse.

VOTING: Ayes: ALL
Nays: NONE

MOTION PASSED.

Agenda Item #5.b. – Adequate Public Facilities Local Law/Amendments to Master Plan 2015

A report is expected by the end of Spring 2006.

ACTION: Motion by Matt Balling, seconded by Richard McNamara, to **table** Agenda Item #5.b. pending the expected report.

VOTING: Ayes: ALL
Nays: NONE

MOTION PASSED.

Agenda Item #5.C. – Land Use Training

Matt Balling said the discussion meeting that was held on March 29, 2006 regarding the Land Use Training was a great meeting and encourages anyone who could not make it, to try and attend the next discussion on May 31, 2006. He reminds the Committee to turn in their tutorial quizzes.

Agenda Item #6 – Establish next meeting date

Matt Balling states the next meeting date is Monday May 15, 2006.

Meeting adjourned at 8:55 p.m.

Matt Balling, Chairman