

Clarence Town Environmental Quality Review
(TEQR)
Meeting Minutes
Monday April 19, 2010

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
Robert Sackett	

Other Town Officials Present:

Director of Community Development James Callahan
Councilman Peter DiCostanzo
Planning Board Liaison Gregory Todaro

Other Interested Parties Present:

John Wabick	Sean Hopkins
Jeff Lapides	

Item 1-Approval of minutes from the previous meeting.

Motion by Chairman Balling, seconded by Paul Shear, to **approve** the minutes for the meeting held on November 16, 2009, as written.

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

MOTION CARRIED.

Item 2-Communications.

Chairman Balling received communication from Buffalo Niagara River Keeper who has started a new initiative on the Niagara River water study. The paperwork is available for anyone who would like to review it.

Item 3a-Newhouse Acres, West side of Newhouse Road between Roll Road and Clarence Center Road, proposed Incentive Lot Design Subdivision (coordinated review commenced on 10/22/08).

DISCUSSION:

Jim Callahan said there is nothing new to report on this agenda item. The Town is still awaiting information on the drainage and creek corridor. This item will remain tabled.

Item 3b-Brookfield Flying Club, 8600 Roll Road, Requests Approval to Operate a Model Plane Flying Club (coordinated review commenced on 3/25/09).

DISCUSSION:

Jim Callahan said there have been a number of meetings between the NYS Department of Environmental Conservation (DEC) and the applicant. The DEC has responded and identified concern over that landfill being disturbed. They are trying to set up an additional meeting with the applicant to finalize any required mitigation before they free the Town to take any action.

Chairman Balling suggests the TEQR Committee initiate conversation with the Town Attorney's office as to what the Committee's next action might be in consideration of the DEC's findings.

ACTION:

Motion by Chairman Balling, seconded by Paul Shear, to **request** the Town Attorney's presence at the next TEQR Committee work session to discuss the Brookfield Flying Club

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

MOTION CARRIED.

Item 4a-Master Plan 2015 Amendment-Increase depth of Major Arterial Zoning along Transit Road Corridor, south of Roll Road.

DISCUSSION:

Jim Callahan explained that the annual public hearing on the Master Plan 2015 was held on February 24, 2010. The Town Board received a request from West Herr to add depth to the Commercial Zone along Transit Road, south of Roll Road. It is existing Major Arterial zone and is currently at a depth of approximately 600' from the property line. The applicant is requesting an additional 220' of depth to be converted to a Commercial Class, probably the Major Arterial. The Planning Board has forwarded a concept to extend Major Arterial Zone for three (3) properties: 5505, 5535 and 5555 Transit Road. The extension would be approximately 220' leaving 440'+ of Residential Single-Family Zoning adjoining the major subdivision to the east. The Planning Board referred this request to the TEQR Committee for its review and consideration.

Sean Hopkins, of Hopkins & Sorgi PLLC, is representing the applicant. John Wabick, Vice-President of West Herr, is present. He explained that the request to extend the Major Arterial Zone would encompass 1.7 acres in size. It is clear that this request is an Unlisted Action, but the applicant provided an EAF long form anyway. Mr. Hopkins explained that the applicant is making the request

in order to expand the existing parking area. A Wetland Delineation has been submitted and shows approximately .07 acres of Federal Wetlands on the property; a permit is required. Mr. Hopkins is confident that he can obtain such a permit. There is a storm water pond that is currently located on the property. The intention is to replace the pond with an underground storm water system that will cost at least \$100,000. The storm water system will have to comply with the DEC's requirements for storm water quality and quantity. This will be an improvement to the property. Mr. Shear asked if injection wells would be used. Mr. Hopkins said no, it is a series of larger pipes placed underground to store the water. A large portion of the 440' buffer is Federal Wetland; it may have future development potential as Residential but would be very limited. A 45' permanent open space buffer will also be required directly adjacent to the new Major Arterial zoning line; this would be done via the recording of a declaration of restrictions at the Erie County Clerk's Office.

Mr. Shear asked if the applicant intended on installing another berm. Mr. Wabick said yes. The location of the existing house will be paved over.

Mr. Hopkins referred to the lighting requirements and explained that the project area is for display and the lighting will be minimized. There will be no lighting impacts on the adjacent subdivision. The goal is to have no lighting spill-over onto the residential piece.

It is clarified that the proposal is to reclassify the zoning in the Master Plan for an area that is less than 3.5 acres in size. Chairman Balling said technically the EAF submitted by the applicant does not reflect what the TEQR Committee has been asked to study.

Chairman Balling does not see any potentially large impacts with the reclassification of the 1.7 acres.

ACTION:

Motion by Matthew Balling, seconded by Paul Shear, to **accept** the submitted EAF Part I for the 1.7 acre parcel of the proposed Master Plan 2015 Amendment reclassification as drafted and to **recommend** the Town Board consider this an Unlisted Action and therefore forgo coordinated review. This motion is only applicable to 5505 Transit Road

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

MOTION CARRIED.

Motion by Matthew Balling, seconded by Robert Sackett, to **recommend** the Town Board issue a Negative Declaration based on the information contained in the EAF Part I and studies submitted; there are no potentially large impacts. This motion applies to 5505 Transit Road.

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

MOTION CARRIED.

Motion by Matthew Balling, seconded by Paul Shear, that the applicant is to submit correspondence to the Planning Board for the TEQR Committee to consider the additional two (2) parcels that are being recommended for reclassification. The applicant is to work with the Planning and Zoning Department in order to submit the proper EAF Part I for the TEQR Committee to consider. The applicant is to specifically identify the location.

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

MOTION CARRIED.

Item 5-Miscellaneous.

A pamphlet for the new Wetland Delineation was distributed to all TEQR Committee members.

The next meeting date is May 17, 2010.

Meeting adjourned at 7:29 p.m.

Carolyn Delgato
Senior Clerk Typist