

Clarence Town Environmental Quality Review
(TEQR)
Meeting Minutes
Monday April 20, 2009

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	Robert Sackett

TEQR Members Absent:

Jonathan Hickey

Other Town Officials Present:

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

Other Interested Parties Present:

Lonny Lewis	Rob Pidanic
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Item 1-Approval of minutes from the previous meeting.

Motion by John Moulin, seconded by Lisa Bertino-Beaser, to **approve** the minutes for the meeting held on March 16, 2009, as written.

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

MOTION CARRIED.

Mr. Sackett explains he was not in attendance at the March 16, 2009 meeting, thus his abstention from the vote.

Item 2-Communications will be discussed under Unfinished Business.

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 explains that the project was referred from the Planning Board in October of 2008. The NYS DEC has identified issues to be addressed in the review process. The application was tabled at the March 16, 2009 meeting pending receipt of the necessary information as identified by the DEC.

Mr. Sackett recuses himself from discussion and voting on this agenda item as he owns property adjacent to the project site. His recusal information is on file with the Town Clerk.

Sean Hopkins, of Hopkins & Sorgi, is representing the project sponsor. Rob Pidanick, project engineer from Greenman Pedersen, is also in attendance. Mr. Hopkins said the DEC issued a letter dated March 9, 2009 indicating its concurrence with the Town of Clarence acting as Lead Agency for the required coordinated environmental review of this project. There was some confusion with the content of the letter. As a result, Mr. Hopkins sent a letter to Mr. Doleski of the DEC asking for clarification. Mr. Doleski issued a letter dated April 14, 2009 stating that it is indeed acceptable for the Town of Clarence to declare itself Lead Agency. The letters are on file. Mr. Hopkins is aware there are issues that still need to be addressed; he is working on these issues and will forward the information to the Town as soon as it becomes available. Mr. Hopkins recaps the letter dated March 9, 2009 which states the Town should not issue any determination of environmental significance before items 2, 3 and 4 are resolved, proof is needed that the project plans comply with the National Flood Insurance Program, submittal of the proposed subdivision's most recent Stormwater Pollution Prevention Plan, and the Town withholds its determination of significance until a Sewer Capacity Report is obtained. Wilson Environmental has done all the fieldwork for the updated Wetland Delineation. The report will be submitted to the Army Corp of Engineers. Mr. Hopkins understands that he will need to demonstrate that a Wetlands Permit has been issued. He explains that two (2) lots have been eliminated from the design.

ACTION:

Motion by Matthew Balling, seconded by Paul Shear, to **recommend** the Town Board accept Lead Agency status for this project.

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

MOTION CARRIED.

DISCUSSION:

Chairman Balling refers to a letter from the Williamsville Central School district dated April 14, 2009 and provides Mr. Hopkins with a copy of it. The letter indicates the school district thinks this project would have a potential impact on school capacity. He encourages Mr. Hopkins to meet with a representative of the school district. Mr. Hopkins will follow up with the school district.

The project remains tabled pending the receipt of all required information discussed.

Item 3b-Epiphany United Church of Christ, 9520 Wehrle Drive (coordinated review commenced on 2/11/09).

DISCUSSION:

Jim Callahan explains the property is located on the north side of Wehrle Drive, west of Gunnville Road. The proposed church was referred from the Planning Board on December 10, 2008. The application was tabled at the March 16, 2009 meeting pending receipt of identified information. The applicant has not submitted any information since the last TEQR meeting. The item remains tabled.

Item 3c-Brookfield Flying Club, 8600 Roll Road, requests approval to operate a model plane flying club (referred from Town Board on 2/11/09).

DISCUSSION:

Jim Callahan explains the property is located on the north side of Roll Road, east of Harris Hill Road. Coordinated review commenced on March 25, 2009. Correspondence has been received from the NYS DEC.

Chairman Balling said the letter from the DEC, dated April 17, 2009, raises a number of environmental issues. The DEC office has serious concerns about the present status of the property because of actions that have already been taken which have disturbed the landfill path, it would be improper for the Town to make a decision on the significance of the proposal. The letter also states that continued Model airplane flying at this location should not be encouraged until the owner and club members has met with this Department, at this office and with a representative from the Town of Clarence to properly resolve the matter.

William Marfurt, president of the flying club, said he spoke with Mr. Weiss, of the DEC, and they will meet at the site to discuss recommendations.

Mr. Shear points out that the letter from the DEC states that a Town of Clarence representative must be present at the meeting with the owner and the DEC representative. Mr. Marfurt will let the Planning and Zoning office know when the meeting will take place.

No action is taken.

Item 4a-Frank Raquet, 8035 Clarence Center Road, requests Master Plan Amendment to extend commercial zoning depth an additional 50+/- feet to encompass entire lot.

DISCUSSION:

Jim Callahan explains the property is located on the south side of Clarence Center Road, east of Transit Road; it is an existing residential use located in the Major Arterial Zone and is split with Single-Family Zone. The Planning Board has referred the proposed Master Plan 2015 Amendment to extend the Commercial Zone to include the entire lot.

Mr. Balling explains that technically the action is listed as an Unlisted Action under SEQRA, which means a long Environmental Assessment form is not necessary. However, there is a long form on file, it has been reviewed and Mr. Balling feels the Town does not need to engage in coordinated review with involved agencies.

ACTION:

Motion by Matthew Balling, seconded by John Moulin, to **recommend** the Town Board forego coordinated review at this time and **recommend** the Town Board consider issuing a Negative Declaration on the proposed Master Plan Amendment.

ON THE QUESTION:

Mr. Raquet asked if his Aunt's proposal was included in this motion. Mr. Callahan said Mr. Raquet's Aunt never submitted any information. Town Attorney Steven Bengart explains that the TEQR Committee can only act on what has been applied for.

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

MOTION CARRIED.

Chairman Balling explains the applicant has the ability to go to the Town Board if he wants to request a further extension.

Item 4b-Carmen Cimato, 6125 Herr Road, demolition of a home older than 50 years.

DISCUSSION:

Jim Callahan explains the property is located on the east side of Herr Road, between Clarence Center and Keller Roads. It is an existing residential home greater than 50 years old. The application is considered a Type I Action under Town Law. The application was referred to the Historic Preservation Commission for comment and the structure has been identified as non-contributing.

ACTION:

Motion by Paul Shear, seconded by Robert Sackett, to **recommend** the Town Board issue a Negative Declaration for the demolition of this structure.

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

MOTION CARRIED.

Chairman Balling suggests the Town revisit the 50 year threshold.

The next meeting date is May 18, 2009.

Meeting adjourned at 7:24 p.m.

Carolyn Delgato
Senior Clerk Typist