

Clarence Town Environmental Quality Review
(TEQR)
Meeting Minutes
Monday May 19, 2008

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

TEQR Members Present:

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

Town Officials Present:

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

Interested Parties Present:

Chris Cardillo	Roy Jordan
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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 April 21, 2008, as written.

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

MOTION CARRIED.

Item 2-Communications.

Communications will be discussed under Unfinished Business.

Item 3a-North Forest Office Providers, 6051 Transit Road (tabled at 4/21 meeting).

DISCUSSION:

Jim Callahan provides an update on the project. The property is located on the east side of Transit Road, north of Clarence Center Road. It was referred in January 2008 for the area identified in

the Major Arterial Zone. The project sponsor controls additional lands extending into the Residential Zone. TEQR identified segmentation concerns and requested full build-out alternatives. The application was tabled at the previous meetings pending information on alternatives. The applicant has asked for Master Plan Amendments simultaneously and that is now being reviewed by the Planning Board and has been referred for TEQR Review.

Roy Jordan is present. He submitted 7 copies of a plan for the potential maximum build out in its present zoning, he also submitted a copy of the plan he prefers.

Chairman Balling asked if a Part I has been prepared for the full build-out. Jim Callahan said there is only a new site plan. Chairman Balling goes on to explain that the project would meet a threshold under SEQR; it would be classified as a Type I Action and would have to go out for coordinated review. Prior to going out for coordinated review a completed Part I is required. Chairman Balling asked Jim Callahan to complete the Part I for the proposal. This agenda item will remain tabled pending receipt of the completed Part I.

Item 3b-Dan Furmanek, 8230 County Road, Open Space Design Subdivision (coordinated review initiated by Town Board on 2/13/08-tabled at 4/21 meeting).

DISCUSSION:

Chris Cardillo, of Damon and Morey LLP, is representing Mr. Furmanek.

Jim Callahan provides an update on the project. It is located on the north side of County Road, east of Stahley Road. It is a proposed Open Space Design Subdivision in the Swormville Traditional Neighborhood District. The application was tabled at previous meetings awaiting additional information on sewer capacity. The applicant is present seeking a recommendation under SEQR. Coordinated review initiated on February 13, 2008.

Mr. Cardillo recalls three (3) issues per the last meeting: 1.) A response from a SHPO letter indicating more information was required, 2.) Flow in Sewer District #5 and 3.) Disposition of a drainage channel ditch or a waterway and some stumps. Mr. Cardillo goes on to explain that at the May 21, 2008 TEQR meeting the applicant addressed the SHPO letter. They addressed the drainage issue with photos and charts. A letter from Erie County was obtained by the applicant indicating sewer flow would be available for this project with conditions. The conditions require the applicant obtain plans and engineering reports and forward the information to the County. The letter is on file.

Paul Shear refers to the March 13, 2008 letter from SHPO and asked if any correspondence has been received back from SHPO indicating that the issue in that letter has been addressed. The follow up letter from SHPO is dated April 14, 2008 and is in the file. The letter indicates it is the SHPO's opinion that the project will have no effect upon cultural resources in or eligible for inclusion in the National Registers of Historic Places.

Chairman Balling drafted a Part II and III for the Committee to review. The drafted Part II had the potentially large impacts identified within its content. One impact is that the project would result in construction on land where the depth to the water table is less than 3 feet; it would also have impacts on protected water bodies and wetlands. These can be mitigated by preparing a Stormwater Pollution Prevention Plan and an Erosion Control Plan. The draft also identified the project would result in major traffic and transportation impacts because of its location and the congestion the Town is

currently experiencing. Zoning provides for design standards in terms of sidewalks, this would be a mitigating action. Mr. Cardillo referred to the DOT letter dated March 25, 2008 and asked how he can reconcile the traffic issue with what the letter indicates, which is the project would not have a significant impact on traffic. Chairman Balling can not speak to what the DOT letter refers to. The Town Zoning and Subdivision Law require sidewalks. Chairman Balling goes on to explain the Part II also discusses a need to promote neighborhood activity by providing open spaces, the project site plan does not provide these amenities. The sewer issue is also addressed in the Part II. The Part II that is being accepted is an amended version per the work session discussion.

ACTION:

Motion by Matthew Balling, seconded by Paul Shear, to **recommend** the amended Part II and the original Part III.

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

MOTION CARRIED.

ACTION:

Motion by Matthew Balling, seconded by Lisa Bertino-Beaser, to **recommend** the Town Board issue a Negative Declaration.

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

MOTION CARRIED.

Item 3c-Rockledge Professional Office Park, 8175 Sheridan Drive (coordinated review initiated by Town Board on 2/27/08-tabled at 4/21 meeting).

DISCUSSION:

Action taken at previous meeting, no need to discuss.

Item 3d-Shadow Woods Open Space Design Subdivision, Goodrich Road (coordinated review initiated at 3/26/08 Town Board meeting-NYSDEC letter of non-concurrence with Lead Agency Request).

DISCUSSION:

Jim Callahan provides the history of the project. It is located on the west side of Goodrich Road, north of Keller Road and is within the Clarence Sewer District #2. The proposed Open Space Design Subdivision was introduced to TEQR on March 26, 2008 and referred for coordinated review. A letter from the DEC identified non-concurrence with Lead Agency. The applicant is present to further analyze the project.

Sean Hopkins, of Hopkins, Garas and Sorgi PLLC, is representing the applicant. David Chiarolanza is also present. Mr. Hopkins said the DEC issued a letter indicating that it was not yet ready to concur with the Town's request to act as Lead Agency. A new wetland delineation is scheduled for May 27, 2008. Mr. Hopkins has submitted a detailed letter in response to Supervisor Bylewski's letter. A copy of Mr. Hopkins' letter dated May 5, 2008 is in the file.

Chairman Balling recommends the applicant become familiar with the traffic study that was prepared for the Spaulding Greens project.

Mr. Hopkins points out that the Town Board rezoned this property to Residential, making it appropriate to build a Residential Subdivision on the site; the applicant utilized the Open Space provisions. He said if there is discussion on mitigation it should be on a proportional basis. The plan shows public roadways.

Mr. Hopkins refers to the EAF Part III and said the applicant has no property that would allow for additional connectivity to existing public roadways.

Chairman Balling said the DEC has not concurred with Lead Agency; the Town has to reconcile this with the DEC.

ACTION:

Motion by John Moulin, seconded by Paul Shear, to **table** the Shadow Woods Subdivision.

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

MOTION CARRIED.

Chairman Balling said if the TEQR Committee learns that the Town Board comes up with some cost sharing on some of the capital improvements on Goodrich Road, they would incorporate them into the Environmental Review as possible mitigation.

Jim Callahan identifies that as building occurs with the subdivision, updated traffic generation and level-of-service analysis be conducted to determine if there needs to be mitigation. The applicant should, at least, submit a baseline. Mr. Hopkins agrees to do so.

Item 4a-Master Plan 2015 Amendments-Transit Road Corridor.

DISCUSSION:

Jim Callahan explains that the annual Public Hearing on Master Plan 2015 identified two (2) requests for change in the Future Land Use Plan Map along the Transit Road Corridor. The Planning Board has reviewed the Transit Road Corridor and has identified some changes to the Future Land Use Map. The Planning Board has forwarded the recommended changes for SEQR review. The proposed changes and EAF have been distributed for the TEQR Committee members review.

Chairman Balling said the recommendation appears to be down zoning the corridor. He thinks this amendment should be distributed for coordinated review with the North Forest Office Providers project as it involves the Transit Road Corridor.

Paul Shear said if the two projects are sent together, how the applicant for North Forest Office Providers knows what to submit as a proposal; what the applicant forwards for review is a function of whether or not there is movement made in adoption of the Master Plan 2015 amendments. It seems the TEQR Committee should move forward with the Master Plan 2015 amendment and that would give the applicant direction for his project. Mr. Shear does not think the two should be tied together.

Jim Callahan clarifies that the applicant submitted a second plan reflecting the Master Plan 2015 proposed amendments.

Chairman Balling does not want to see a mixed message sent such as the Town saying it is acceptable to amend the Master Plan and then a month later an applicant needs to have a traffic impact study completed.

Paul Shear said if the Master Plan Amendment is denied, would the applicant have to go back to square one for his proposal? Chairman Balling clarifies that there is an alternate build-out under existing zoning and suggests tabling this agenda item.

Sean Hopkins explains that he has a very specific project in the Transit Road Corridor as well. He will be doing all the project specific studies whether the Master Plan amendments are approved or not; however they will not be submitted until after the amendments are approved because if the Master Plan amendments are not approved, this project will no longer exist. Mr. Hopkins has the property under contract and if he has to wait until August for a recommendation from the TEQR Committee, this will delay the project even further.

Jim Callahan said the proposed Master Plan amendment and the project can be kept separate but can still be reviewed.

Chairman Balling prefers to table the Master Plan Amendment proposal; John Moulin does not think it is necessary to table the proposal. Jim Callahan said coordinated review can be sought on the Master Plan Amendments and include, with the referral, a copy of the proposed North Forest Office Providers project identifying to the review agency that this is a potential build-out under the proposed zoning changes. The comment period would end between the TEQR's June and July meetings.

Chairman Balling asked Councilman Peter DiCostanzo what the Town Board might prefer. Councilman DiCostanzo said he can not speak for the other Town Board members but he prefers to move this forward.

Lisa Bertino-Beaser said she does not have a problem moving the agenda item forward with Jim Callahan's suggestion.

ACTION:

Motion by Paul Shear, seconded by Richard McNamara, to **recommend** the Master Plan 2015 Amendments be moved forward for coordinated review.

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

MOTION CARRIED.

Item 4b-Proposed Zoning Law Amendments-Open Space/Incentive Lot Design Overlay.

DISCUSSION:

Jim Callahan explains that currently there is no detail as to Incentive Lot Design, with the exception of the requirement for 25% open space. The Planning Board has recommended amendments to the Open Space Design that details the process for determining yield and density of an Incentive Lot Design.

ACTION:

Motion by Chairman Balling, seconded by Jonathan Hickey, to **recommend** the Town Board issue a Negative Declaration on the proposed Zoning Law Amendments for Open Space/Incentive Lot Design Overlay.

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

MOTION CARRIED.

Item 5-Miscellaneous.

Chairman Balling advises the TEQR Committee members of the Planning and Zoning Summer Schools that are available. The closest location would be for the seminar held on July 31, 2008 at SUNY Geneseo. If any member is interested in attending, he/she is to advise Carolyn in the Planning and Zoning Office by the end of May 2008.

Paul Shear refers to the Town Board Work Session minutes from May 7, 2008. The minutes indicate that Chairman Balling addressed the Town Board with regards to the TEQR Committee's recommendation as it applies to Spaulding Greens. Mr. Shear respectfully asked that, in the future, Chairman Balling advise the TEQR Committee members when he addresses the Town Board on the TEQR Committee's behalf. Chairman Balling agrees.

The next meeting date is June 16, 2008.

Meeting adjourned at 8:00 p.m.

Carolyn Delgato
Senior Clerk Typist