

Clarence Town Environmental Quality Review  
(TEQR)  
Meeting Minutes  
Monday July 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:

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  
Planner Brad Packard

Other Interested Parties Present:

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

Motion by Paul Shear, seconded by John Moulin, to **approve** the minutes for the meeting held on June 15, 2009, as written.

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

MOTION CARRIED.

**Item 2-**Communications.

There are no new communications.

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

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

**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:**

Agenda items 3a, 3b and 3c were tabled at the previous TEQR meeting pending further information; the information has not yet been received.

**ACTION:**

Motion by Matthew Balling, seconded by Richard McNamara, to **table** Newhouse Acres pending receipt of requested information.

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

MOTION CARRIED.

**Item 4a**-Patrick Development, west of 8795 Roll Road, Open Development Area  
(referred from Planning Board on 6/17/09).

**DISCUSSION:**

Jim Callahan provides the background on the project. It is located on the south side of Roll Road, west of Shimerville Road and consists of approximately 8.3 acres in the Residential Single-Family Zone. The Planning Board has forwarded a proposed Open Development Area. Part I EAF was submitted by the applicant and forwarded to the TEQR members.

Kevin Curry, of Patrick Development, is present.

Chairman Balling clarifies that there are four (4) or five (5) existing lots on Roll Road that have not been developed yet, Mr. Curry does not currently have title of these properties. Mr. Curry had no involvement in the previous land splits. There are no water mains on Roll Road. Mr. Curry has had conversations with the Water Authority about extending the water west from Shimerville Road, on the south side of the street. Mr. Curry thinks the Water Authority wants to make sure the water service goes to the western edge of the property in question.

Mr. Shear refers to the drainage ditch that runs across the property east to west and north to south on an angle. The ditch crosses two (2) of the driveways and comes relatively close to one of the homes. Mr. Shear thinks the drainage ditch also drains the four (4) lots that this project is not involved in. He asked Mr. Curry if he plans to leave the ditch open or tile it. Mr. Curry wants to leave it as open as possible in order to maintain the topography. Mr. Shear voices his concern with the ditch being so close to the house at the northwest and if it is draining additional property from the front. Mr. Curry said he thinks the ditch flows from south to north; it comes off the property and goes underneath Roll Road.

Mr. Shear refers to the creek at the west side of the property and said there are concerns of potential wetlands associated with the creek. This issue needs to be reviewed.

It is unclear as to whether the applicant is required to prepare a Stormwater Pollution Prevention Plan. Chairman Balling said the existing ditches help move water on and off the property. The Planning Board has a significant interest in wetlands

Chairman Balling said the TEQR Committee will recommend the Town Board initiate coordinated review and have the Department of Environmental Conservation and the Erie County Water Authority comment on the water line and the ability to engineer it. Comments on the wetlands will also be needed to be sure they have not migrated; open space shall not be disturbed as it is considered a community treasure.

Chairman Balling asked if the section of land shown on the plan that is about 65' wide and 260' long has a purpose or just to give the adjoining lot more acreage. Mr. Curry thinks it is for acreage.

There is not a minimum Open Space Area requirement for this proposal, as it is an Open Development, requiring 2 acre minimum lot size.

#### **ACTION:**

Motion by Matthew Balling, seconded by Paul Shear, to **recommend** the Town Board seek Lead Agency Status and engage in coordinated review particularly contacting DEC with regards to the wetlands and the Erie County water authority for comment on the water service.

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

MOTION CARRIED.

#### **MISCELLANEOUS:**

Discussion ensued regarding the proposed Master Plan 2015 amendment for Transit Road Segment B. Mr. Shear asked what the distance is from the end of the 860' to the nearest existing house. Mr. Packard said it would be 110' to lot line. He goes on to explain that the Wegman's proposal would be 860' of Commercial zoning, then 110' of buffer, then the lot line. Mr. Callahan said a critical issue is the potential loss of the transitional land use.

The next meeting date is August 17, 2009.

Meeting adjourned at 7:27 p.m.

Carolyn Delgato  
Senior Clerk Typist