

Clarence Town Environmental Quality Review
(TEQR)
Meeting Minutes
Monday July 21, 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
Jonathan Hickey	Robert Sackett

TEQR Member(s) Absent:

Lisa Bertino-Beaser

Other Town Officials Present:

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

Other Interested Parties Present:

Roy Jordan	Jim Mahoney
Darlene Clancey	John Clancey

Item 1-Approval of minutes from the previous meeting.

Motion by Robert Sackett, seconded by John Moulin, to **approve** the minutes for the meeting held on June 16, 2008, as written.

Matthew Balling	Aye	John Moulin	Aye
Paul Shear	Aye	Richard McNamara	Aye
Jonathan Hickey	Aye	Robert Sackett	Aye

MOTION CARRIED.

Item 2-Communications.

Communications will be discussed under Unfinished Business.

Item 3a-North Forest Office Providers, 6051 Transit Road
(tabled-coordinated review commenced on 5/28).

DISCUSSION:

Jim Callahan provides an update on the project and explains that it is located on the east side of Transit Road north of Clarence Center Road. The Town Planning Board has forwarded a recommendation to amend Master Plan 2015 that would include a zoning change to allow the proposed office park to a greater depth. The proposed Master Plan amendment was referred out for coordinated review at the May 28, 2008 Town Board meeting. This referral included the proposed North Forest Office project. Correspondence has been received from the DEC, DOT and the Town of Amherst on this project.

Chairman Balling said the Planning and Zoning office drafted a Part II and a Part III. A letter was received from the NYSDOT regarding the traffic impact on Transit Road. The Town's Transit Road Corridor study from April 2004 shows the property having a large number of curb cuts and cross access opportunities. The goal of the study was to identify curb cuts that could be reduced in order to eliminate conflict points on Transit Road. The drafted Part II and Part III reflects that various access management techniques be used on the property, Chairman Balling would like to see the Planning Board take this into consideration as the project moves forward. The Part III identifies three (3) potentially large impacts. The project will result in a physical change on the site, the change in zoning would allow for a change in potential future uses, the change of use from vacant to development would be mitigated by reviewing the site plans at the Town Board and Planning Board levels. The project has 100 year and 500 year floodplains and would have to meet regulatory standards of the Storm Water Design guidelines. A project on the site would affect the current character of the community, however the existing character is mostly vacant frontage and smaller scale development; the downzoning of this part of Transit Road would increase its attractiveness.

ACTION:

Motion by Paul Shear, seconded by Richard McNamara, to **accept** the drafted Part II and Part III and **recommend** the document to the Town Board.

Matthew Balling	Aye	John Moulin	Aye
Paul Shear	Aye	Richard McNamara	Aye
Jonathan Hickey	Aye	Robert Sackett	Aye

MOTION CARRIED.

ACTION:

Motion by Matthew Balling, seconded by John Moulin, to **recommend** the Town Board consider a Negative Declaration for the North Forest Office Providers project.

Matthew Balling	Aye	John Moulin	Aye
Paul Shear	Aye	Richard McNamara	Aye
Jonathan Hickey	Aye	Robert Sackett	Aye

MOTION CARRIED.

Item 3b-Master Plan 2015 Amendments-Transit Road Corridor
(coordinated review commenced on 5/28, including item "a" above).

DISCUSSION:

Chairman Balling said comments have been received from the NYSDEC in regards to wanting to have future traffic studies on that section of Transit Road, referred to as "Section D" which runs between Miles Road to County Road. The DEC feels that any additional trips generated by the proposals on this corridor will have a significant impact on the highway system. Chairman Balling suggests the Part III reflect the DOT's comment that mitigating action to the rezoning of traffic studies may be required for future projects on this segment of Transit Road.

ACTION:

Motion by Matthew Balling, seconded by Paul Shear, to **recommend** the Town Board accept the Part II and Part III as drafted with the amendment to include the DOT's comment that future projects on Transit Road between Miles Road and County Road may be required to prepare impact studies.

Matthew Balling	Aye	John Moulin	Aye
Paul Shear	Aye	Richard McNamara	Aye
Jonathan Hickey	Aye	Robert Sackett	Aye

MOTION CARRIED.

ACTION:

Motion by Robert Sackett, seconded by John Moulin, to **recommend** the Town Board issue a Negative Declaration.

Matthew Balling	Aye	John Moulin	Aye
Paul Shear	Aye	Richard McNamara	Aye
Jonathan Hickey	Aye	Robert Sackett	Aye

MOTION CARRIED.

Item 3c-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, tabled at 5/19 meeting).

DISCUSSION:

Jim Callahan provides an update on the project. It is located on the west side of Goodrich Road, north of Keller Road. It is a proposed Open Space Design Subdivision and was referred for coordinated review on March 26, 2008. The NYSDEC has not concurred with Lead Agency. The project has remained tabled until formal DEC comments are received. A meeting was held last week and the applicant is present to update the Board on the issues discussed.

Sean Hopkins is representing the applicant and explains that on April 22, 2008 a letter was received from the DEC basically stating that it was not ready at that point to concur with the Town's request for Lead Agency. The reason for this is the wetland delineation was about to expire and the applicant knew an updated delineation would be necessary. Within the last month the DEC was back

on the project site and has seen that the wetland area has grown. The applicant has revised the submission to show 62 lots and has eliminated any previously proposed wetland impacts that would result from residential lots. The proposed roadway connection between Phase I and II still exists on the plan. At the meeting with the DEC, it was not clear what the DEC's ultimate determination on the wetland permitting process will be but it was fairly clear that before the TEQR Committee's next meeting the DEC will concur that the Town Board can act as Lead Agency. The updated plan is dated July 2008; the DEC has a copy of this. This plan may change depending on the DEC's comments.

Chairman Balling said there was no endangered species identified on the project site. He asked that any updated site plans submitted to DEC are forwarded to the TEQR Committee. Mr. Hopkins agrees to do this and said he will quantify the differences in the wetland impacts.

The project remains tabled pending release of Agency Status to the Town Board.

Item 3d-Wood Meadows Open Development Area, 8625 Tonawanda Creek Road
(coordinated review commenced on 6/25/08).

DISCUSSION:

Jim Callahan provides an update on the project. It is located on the south side of Tonawanda Creek Road, west of Northfield Road. It is a proposed four-lot Open Development Area and was referred for coordinated review on June 25, 2008. Correspondence has been received from the DEC with multiple concerns that will need to be addressed.

Bob Reggentine, representative from the engineering firm Land Design Surveyors and Engineers, is present. Mr. Reggentine explains that the site has some archeological and floodplain concerns, he is trying to avoid the area so as not to have numerous permitting requirements. He is in the process of securing some proposals for the Federal Wetlands. He thinks the DEC is satisfied with where their boundaries lie and the back of the property. The site is 45 acres and the proposal is for developing less than half of it. The proposal is for a private road and a private water system on septic. He is also in the process of obtaining proposals for archeological studies in accordance with the letter of the DEC.

Chairman Balling explains that the project will remain tabled until the expiration of the 30 day comment period; the TEQR Committee expects a Phase I Archeological Study prior to the consideration of forwarding the project.

Item 4a-John Clancey, 10255 Clarence Center Road, Requests a Demolition Permit for a structure greater than 50 years.

DISCUSSION:

Jim Callahan describes the property as being located on the south east corner of Strickler Road and Clarence Center Road. It consists of an existing single-family residence in the Agricultural Rural Residential zone. The applicant is proposing to demolish a structure greater than 50 years old. The Planning and Zoning Office has forwarded this to the Historic Preservation Commission, the involved agency with the most jurisdiction in the matter. The Commission has identified no significant historic identity with the structure. The Town Board referred the matter at the June 11, 2008 meeting. The

Planning and Zoning office sent out the referrals on June 15, 2008. The 30 day comment period has been informally concluded. It has been identified, through the Historic Preservation Commission, that the building is not significant in terms of historic value.

John Clancey is present and explains that the property is owned by his father. The reason for the demolition is a house for his sister is planned to be built on the property. The garage will be torn down as well.

ACTION:

Motion by Robert Sackett, seconded by John Moulin, to **recommend** the Town Board issue a Negative Declaration.

ON THE QUESTION:

Paul Shear explains he will abstain from voting as he had not had a chance to review the property.

Matthew Balling	Aye	John Moulin	Aye
Paul Shear	Abstain	Richard McNamara	Aye
Jonathan Hickey	Aye	Robert Sackett	Aye

MOTION CARRIED.

Chairman Balling informs the Committee that a letter from the DEC has been received with regards to Spaulding Greens. The letter indicates the DEC feels the SEQRA process has been completed for the project. The letter is available for anyone who would like to review it. Mr. Callahan does not believe the Town has corresponded with the DEC indicating final action has been taken.

The next meeting date is August 18, 2008.

Meeting adjourned at 7:31 p.m.

Carolyn Delgato
Senior Clerk Typist