

Clarence Town Environmental Quality Review  
(TEQR)  
Meeting Minutes  
Monday August 17, 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	Richard McNamara
Lisa Bertino-Beaser	Jonathan Hickey
Robert Sackett	

TEQR Members Absent:

Paul Shear	John Moulin
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Other Town Officials Present:

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

Other Interested Parties Present:

Jared Lusk

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

Motion by Robert Sackett, seconded by Lisa Bertino-Beaser, to **approve** the minutes for the meeting held on July 20, 2009, as written with the following changes:

- Page 2, fourth sentence in the third paragraph under the discussion shall read: Mr. Curry has had conversations with the Water Authority about extending the water west **from** Shimerville Road, on the **south** side of the street.
- Page 3, first sentence of the second paragraph shall read: 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.

Matthew Balling	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).

**DISCUSSION:**

Jim Callahan reports there is no new information on this project and it will remain tabled until additional information is received from NYSDEC. Town representatives met with the DEC and the DEC has identified they would like corrective measures taken in terms of sewer capacity before the project moves forward.

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

**DISCUSSION:**

Jim Callahan describes the property as being on the north side of Wehrle Drive, west of Gunnville Road. It is a proposed new church facility. The project has been in coordinated review awaiting additional information regarding archeological impacts. The study has been received and the Board has a summary as well as a letter from the State Historic Preservation Office identifying their proposal on the subject.

A representative of the Church is present.

Chairman Balling said the TEQR Committee identified one impact in regards to archeological and they wanted to see what the results of the Phase I study would be; the TEQR Committee has received these results. The significant comment was that the rear of the property may contain some significant archeological artifacts. The specifics of what the artifacts might be and their possible site location(s) can be found in the report. A Phase II archeological study will need to be conducted if there is any development in the vicinity of the identified sites. The TEQR Committee feels there is still some risk to those identified areas during construction but they are ready to move it forward with some contingencies. Chairman Balling refers to the Part II EAF in which there are a few potentially large impacts listed. The first one has to do with affecting the surface or groundwater quality. The project is large enough that it is going to require coverage for construction activities in need of a discharge permit from the DEC to address storm water related impacts; this can be mitigated with a project change. The second potentially large impact is that the area lacks sewer service; this can be mitigated with a project change by constructing a septic system. The other potentially large impact is the archeological impact which can be mitigated during construction by erecting a conspicuous temporary structure such as orange fencing to prevent construction vehicles from entering the sensitive part of the site.

**ACTION:**

Motion by Robert Sackett, seconded by Richard McNamara, to **recommend** forwarding the Part II EAF to the Town Board.

**ON THE QUESTION:**

Chairman Balling suggests the Planning Department prepare a Part III EAF base upon this evening's comments.

Matthew Balling	Aye	Richard McNamara	Aye
Lisa Bertino-Beaser	Aye	Jonathan Hickey	Aye
Robert Sackett	Aye		

MOTION CARRIED.

#### **ACTION:**

Motion by Matthew Balling, seconded by Richard McNamara, to **recommend** the Town Board issue a Negative Declaration on the project.

Matthew Balling	Aye	Richard McNamara	Aye
Lisa Bertino-Beaser	Aye	Jonathan Hickey	Aye
Robert Sackett	Aye		

MOTION CARRIED.

**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:**

Representatives from the Town held an on-site meeting with the DEC. The DEC will do some investigative work in terms of potential impacts of the land fill on Gott Creek. The item remains tabled pending the receipt of this information.

**Item 3d**-Patrick Development, west of 8795 Roll Road, Open Development Area (referred from Planning Board on 6/17/09).

#### **DISCUSSION:**

This project remains tabled as it is within the 30 day comment period.

**Item 4a**-Verizon Wireless, 8095 Tonawanda Creek Road, Telecommunications Tower (referred from Planning Board on 8/5/09).

#### **DISCUSSION:**

Jim Callahan provides the history on the project. It is located east of Transit Road on the south side of Tonawanda Creek Road. It is sited within the Agricultural Floodzone. The applicant is proposing a telecommunications tower of approximately 99' in height.

Jared Lusk, of Nixon Peabody, is representing the applicant. Brett Morgan, the site specialist and John Albert, the real estate manager for the Buffalo region, are both present. Mr. Lusk explains that the original submission was for a 122' tower. After discussions with the Planning Board the height of the tower was reduced to 99' in order to bring it into compliance with the Town Code. They are proposing to erect the tower in the location of the former building. There will be a minor

disturbance to the Federal and State Wetlands on the site. The applicant has applied for a permit and intends to fully comply with the conditions of the permit. Remediation has been identified including the planting of 85 trees. Chairman Balling asked where the 85 trees will be planted. Mr. Lusk points out, on the plan, the proposed location of the trees. The size of the trees will be number three (3).

Chairman Balling said this project does not meet the threshold under the SEQRA Law that requires coordinated review. A Part II EAF has been drafted and identifies one potentially large environmental impact: item 3 indicates there would be construction occurring proximate to known freshwater wetlands; this can be mitigated by a project change. The project has to go for Landscape approval; this may be an opportunity for the applicant to do something creative with the 85 trees.

**ACTION:**

Motion by Lisa Bertino-Beaser, seconded by Jonathan Hickey, to **forward** the EAF Part II on to the Town Board.

Matthew Balling	Aye	Richard McNamara	Aye
Lisa Bertino-Beaser	Aye	Jonathan Hickey	Aye
Robert Sackett	Aye		

MOTION CARRIED.

**ACTION:**

Motion by Matthew Balling, seconded by Robert Sackett, to **recommend** the Town Board issue a Negative Declaration on this project based upon the applicant's mitigating the potentially large impacts as identified.

Matthew Balling	Aye	Richard McNamara	Aye
Lisa Bertino-Beaser	Aye	Jonathan Hickey	Aye
Robert Sackett	Aye		

MOTION CARRIED.

The next meeting date is September 21, 2009.

Meeting adjourned at 7:21 p.m.

Carolyn Delgato  
Senior Clerk Typist