

Clarence Town Environmental Quality Review  
(TEQR)  
Meeting Minutes  
Monday, August 20, 2007

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	Patrick Miner
Richard McNamara	John Moulin
Lisa Bertino-Beaser	Jonathan Hickey

TEQR Members Absent:

Paul Shear

Other Town Officials Present:

Director of Community Development James Callahan  
Assistant Director of Community Development James Hartz  
Councilman Scott Bylewski

Other Interested Parties Present:

Jerry Young	Nick Piestrak
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**Item 1-**Approval of minutes from the previous meeting.

Motion by Matthew Balling, seconded by Richard McNamara, to **table** the approval of the minutes for the meeting held on July 16, 2007, as there is not a quorum in order to vote.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Jonathan Hickey	Abstain	Lisa Bertino-Beaser	Aye

MOTION CARRIED.

**Item 2-**Communications.

Communications will be discussed under Unfinished Business.

**Item 3a-**Spaulding Greens, Supplemental Draft Environmental Impact Statement Acceptance.

**DISCUSSION:**

Lisa Bertino-Beaser recuses herself and leaves the meeting.

Nick Piestrak is representing the applicant.

Matthew Balling explains that at the last TEQR meeting it was recommended to accept the DEIS contingent on the completion of updates on the document. Mr. Piestrak said everything is done except for the traffic study part of Greiner and Goodrich Roads; the Town Highway Superintendent has agreed to obtain the information, as of today it was not received by Mr. Piestrak. He was told that the information was inaccessible because the person who had it was on vacation.

Jim Callahan explains that the TEQR Committee took an action at the last meeting; therefore, it is not necessary to take another action at this meeting.

Lisa Bertino-Beaser has rejoined the meeting.

**Item 3b-Staybridge Suites Hotel, 8005 Sheridan Drive (Proposed Demolition/New Hotel Construction).**

### **DISCUSSION:**

Mr. Callahan provides an update on the project. It is located on the southeast corner of Sheridan Drive and Transit Road. The proposed project was referred out for coordinated review on June 27, 2007. Responses have been received from the NYS DEC and a verbal response from the NYS DOT as of today has been received.

Jerry Young is representing the applicant. Mr. Young has the traffic impact study and provides a summary. He points out that the study said each of the driveways should remain where it is and the driveways should each consist of an inbound and an outbound lane; no mitigation on the roadway system will be warranted. With reference to the site distance along Sheridan Drive and where that was compared to the bridge; page 4 of the study states that the site distance exceeds the recommended site distance of 500' for passenger cars turning on to a 45 mile per hour roadway. Mr. Young refers to the bottom of page 9 of the traffic study and the concern of turning left on to Transit Road. It is noted in the study that the projected outbound left turn volume is only 21 vehicles during the weekday afternoon peak hours and 39 vehicles during Saturday peak hour. The projected conditions on the driveway are typical of conditions that currently occur on other driveways along Transit Road. If the actual delays for left turns onto Transit Road are excessive, outbound motorists will have the option of turning left from the site onto Sheridan Drive and then using the ramp connector to reach Transit Road. Mr. Young has tried this himself and found it manageable.

Mr. Balling said the DOT made a suggestion to the Town via e-mail that the grade could be lowered. Mr. Young said he would go along with that, in fact, the current plan shows the angled road more perpendicular, and the grade will be lowered. Mr. Balling suggests the Sheridan Drive area be brought up in the depressed area, Mr. Young agrees.

Mr. Balling asked how soon the accident analysis would be completed. Mr. Young does not know the answer to that.

The Town's Building Department has been to the site. The demolition permit has been applied for. Mr. Young said the applicant does not want to spend the money on the demolition until he is sure that the project can move forward.

Mr. Balling said the accident analysis is a critical piece of information and he would feel more comfortable with that report in front of the Committee before making a final determination.

Mr. Callahan does not see where the accident report is relevant to moving the project forward. There is not going to be any history because there has not been a business at the site in years. Mr. Young said the accident history will not change the traffic study conclusions.

Ms. Beaser said she would like to see the accident history but is inclined to feel that it is probably not going to add validity; it is going to be dated. The applicant is willing to make adjustments according to DOT's recommendations; she is comfortable with this. The remaining committee members agree.

Mr. Balling said the driveway alignments can be identified as potentially large impacts that can be mitigated by project changes; the problem is there would not be much to go on in terms of how to mitigate. The Part 2 can be completed this evening, however, Mr. Balling will not be voting in favor of the project.

Mr. Balling refers to Part 2 of the EAF which indicates the proposed action will result in a physical change to the project site. The proposed action will affect surface or groundwater quality or quantity; there will be an increase in impervious surface; this is a potentially large impact that can be mitigated by a project change. The proposed action will alter drainage flow or patterns or surface water runoff; there will be an increase in impervious surface area; this is a potentially large impact that can be mitigated by a project change. The proposed action will affect aesthetic resources; proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their employment of the aesthetic qualities of the resource; this is a small to moderate impact. The proposed action will impact the site or structure of historic, pre-historic, or paleontological importance; the proposed action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory; this is a small to moderate impact. There will be an effect to existing transportation systems; the proposed action will result in major traffic problems and is marked as a small to moderate impact; the driveway alignment and grade may impact motor vehicle safety, this is marked as a potentially large impact that can be mitigated by a project change.

Mr. Balling refers to Part 3 which will indicate the increase in impervious surface and the location and alignment of the proposed driveways may pose irreversible potentially large impacts that can be mitigated. A storm water pollution prevention plan should be prepared and implemented. An accident evaluation should be finalized to study what, if any, changes in driveway alignment or grade are desirable to maintain public motor vehicle safety.

#### **ACTION:**

Motion by John Moulin, seconded by Patrick Miner, to **accept** the Part 2 and Part 3.

Matthew Balling	Nay	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Jonathan Hickey	Abstain	Lisa Bertino-Beaser	Aye

**MOTION CARRIED.**

**ACTION:**

Motion by Lisa Bertino-Beaser, seconded by John Moulin, to **recommend** the Town Board issue a Negative Declaration on agenda item 3b.

Matthew Balling	Nay	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Jonathan Hickey	Abstain	Lisa Bertino-Beaser	Aye

MOTION CARRIED.

**Item 3c**-Four M's Development, 10120 County Road (Proposed Office/Warehouse Park).

**DISCUSSION:**

Jim Callahan provides the history on the project. It is located on the north side of County Road, west of Strickler Road. The proposed project was referred out for coordinated review on June 27, 2007. Responses have been received from the NYS DEC including identification and addressing the issue of the short-eared owl.

Mr. Balling said Parts 2 & 3 have been drafted. In this evening's work session, no one has identified any out of the ordinary impacts that would not have been addressed already. Part 2 identifies two (2) potentially large impacts: the project will result in an increase of storm water runoff which is a source of non-point source pollution. The project may also cause substantial soil erosion. There is a drainage ditch serving land uses along County Road which should be protected from erosion during construction. Both of these impacts are potentially large and may result in permanent impairment to the environment. These potentially large impacts can be mitigated by preparing and implementing a storm water pollution prevention plan and an erosion control plan in accordance with NYS DEC regulations.

**ACTION:**

Motion by Matthew Balling, seconded by Richard McNamara, to **accept** the Part 2, as written.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Jonathan Hickey	Abstain	Lisa Bertino-Beaser	Aye

MOTION CARRIED.

**ACTION:**

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

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Jonathan Hickey	Abstain	Lisa Bertino-Beaser	Aye

MOTION CARRIED.

**Item 3d-Master Plan 2015 Amendments (2007 Recommendation from Planning Board).**

**DISCUSSION:**

Jim Callahan explains that the document was recommend by the Planning Board and since the coordinated review commenced on July 25, 2007, the 30 day comment period has not yet expired. No comments have been received at this point.

Mr. Balling comments that it is a shame that the County Officials do not take more of a role in these issues. He approves of the proposed amendment, but can not take action since the comment period has not expired.

**Item 4-New Business.**

Mr. Balling welcomes Jonathan Hickey as the newest member of the TEQR Committee.

Jim Callahan explains that the proposed Kelkenberg Industrial Park plan has been distributed to the TEQR Committee members. This will be on the next TEQR agenda as it was referred by the Planning Board.

Mr. Balling said the Erie County Department of Environment and Planning will be hosting a training workshop later this Fall; it will go over the Planning and Zoning Laws.

Councilman Bylewski said the Clarence Hollow Association will be hosting the Ed McMahon presentation, again, for anyone who is interested.

Further discussion ensued regarding subdivisions and sewer capacity.

The next meeting date is September 17, 2007.

Meeting adjourned at 7:55 p.m.

Carolyn Delgato  
Senior Clerk Typist