

Clarence Town Environmental Quality Review
(TEQR)
Meeting Minutes
Monday September 21, 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	Paul Shear
Richard McNamara	Lisa Bertino-Beaser
John Moulin	Robert Sackett

TEQR Member(s) Absent:

Jonathan Hickey

Other Town Officials Present:

Director of Community Development James Callahan
Town Attorney Steven Bengart
Councilman Peter DiCostanzo

Other Interested Parties Present:

Kevin Curry

Item 1-Approval of minutes from the previous meeting.

Motion by Lisa Bertino-Beaser, seconded by Richard McNamara, to **approve** the minutes for the meeting held on August 17, 2009, as written with the following correction:

-Let the record show that Town Attorney Steven Bengart was in attendance at the August 17, 2009 TEQR Committee meeting.

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

MOTION CARRIED.

John Moulin and Paul Shear were absent at the August 17, 2009 meeting, thus their abstentions from the vote.

Item 2-Communications.

Communications will be discussed under Unfinished Business.

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

DISCUSSION:

Jim Callahan explained there is nothing new to report on Newhouse Acres. The project will remain tabled.

Item 3b-Brookfield Flying Club, 8600 Roll Road, Requests Approval to Operate a Model Plane Flying Club (coordinated review commenced on 3/25/09).

DISCUSSION:

Jim Callahan explained input has been received from the Department of Environmental Conservation (DEC); the Town is awaiting formalized, written correspondence from the DEC. The DEC performed a site visit and verbally commented that there doesn't appear to be a significant PH impact associated with the landfill on Gott Creek. The DEC wanted to reserve and do some final determinations and then send formal written correspondence back to the Board. This correspondence has not been received yet. The project remains tabled.

Item 3c-Patrick Development, west of 8795 Roll Road, Open Development Area (coordinated review commenced on 7/22/09).

DISCUSSION:

Jim Callahan describes the project as being located on the south side of Roll Road, west of Shimerville Road and consists of approximately 8.37 acres in the Residential Single-Family Zone. The applicant is proposing to develop an Open Development Area per the submitted design. The Town Board initiated coordinated review on July 22, 2009. Correspondence from the NYS Department of Environmental Conservation (DEC), Erie County Department of Environment and Planning and the Erie County Water Authority has been received related to this project. The applicant is present seeking recommendation on environmental impact.

Kevin Curry is present. Chairman Balling explained the coordinated review has been completed. The DEC correspondence lists three (3) items. One item discusses the need for a Stormwater Pollution Prevention Plan. Another item addresses the need for SPDES permit if the waste water discharge is greater than 1,000 gallons a day. The third item addresses the gas pipeline; the new owners should be made aware of the easement for the pipeline. The letter from the Erie County Water Authority states the property would be serviced by a water line extension which would be installed by the Water Authority and paid for by the applicant. Since the project is private, the applicant must submit documentation stating he has complied with the Erie County Health Department requirements for a Special Improvement District, Transportation Corporation or a Homeowners Association.

A Part II EAF has been drafted and a Part III has been reviewed to address the projects potentially large impacts. Part III identifies the project being constructed on land that has a depth to the bedrock of less than five feet (5'), a very high water table that appears incompatible with the existing drainage pattern on the property. This would impact construction of homes and on-site septic

systems, which would likely need raised bed and sand filters constructed. It will also affect a significant drainage ditch that crosses three (3) of the four (4) parcels to be created. This can be mitigated by preparing and obtaining Town approval of Grading and Drainage Plan for the projects that would maintain the drainage structures or systems on-site and/or propose an alternative drainage system that protects neighboring property. Septic systems can be designed in a manner that does not affect the drainage. Necessary supervision by code enforcement personnel should oversee all grading and drainage installation activities on the property would ensure adherence to the plan.

Another issue is the public water service, as Erie County stated, they are willing to see that a water line is extended along Roll Road and the applicant must hook up to it.

Mr. Shear refers to a letter from the Erie County Water Authority dated July 30, 2009 and asked what “master metered” means. This means there is one meter for all four (4) lots; this would be covered in the Homeowners Agreement.

Mr. Moulin asked what size water line the applicant plans to install. Mr. Curry said whatever the Town requires.

ACTION:

Motion by Matthew Balling, seconded by Robert Sackett, to **forward** the EAF Part II and Part III as drafted to the Town Board.

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

MOTION CARRIED.

Motion by Matthew Balling, seconded by Paul Shear, to **recommend** the Town Board issue a Negative Declaration for the proposed Open Development Area on Roll Road.

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

MOTION CARRIED.

The next meeting date is Monday October 19, 2009.

Meeting adjourned at 7:18 p.m.

Carolyn Delgato
Senior Clerk Typist