

Clarence Town Environmental Quality Review
(TEQR)
Meeting Minutes
Monday October 15, 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
Paul Shear	Lisa Bertino-Beaser
Jonathan Hickey	

Other Town Officials Present:

Director of Community Development James Callahan
Jeffrey Grenzebach
Town Attorney Steve Bengart
Councilman Scott Bylewski

Item 1-Approval of minutes from the previous meeting.

Motion by John Moulin, seconded by Patrick Miner, to **approve** the minutes for the meeting held on August 20, 2007, as written.

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

MOTION CARRIED.

Motion by Matthew Balling, seconded by John Moulin, to **approve** the minutes for the meeting held on September 17, 2007, as written.

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

MOTION CARRIED.

Item 2-Communications.

Communications will be discussed under the appropriate agenda item.

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

Lisa Bertino-Beaser recuses herself from the meeting at this time.

DISCUSSION:

Jim Callahan provides the history on the project. The completed draft environmental impact statement has been received and was distributed to all involved agencies on September 21, 2007. To date, no comments have been received related to the project.

Matthew Balling said the committee does not need to take any action until the 30 day comment period expires.

Lisa Bertino-Beaser rejoins the meeting.

Item 4a-Dunkin' Donuts, 9430 Main Street.**DISCUSSION:**

Jim Callahan provides the history on the project. It was previously reviewed by the TEQR Committee as well as the Planning Board and Town Board. A Negative Declaration was previously issued as well as a Special Exception Use Permit (SEUP) by the Town Board. The applicant is now seeking a redesign to the previously reviewed and approved project. Phil Silvestri, from Silvestri Architects is present to introduce the amended design.

Mr. Silvestri explains the applicant is requesting a change in the driveway location; he wants to maintain the east curb cut as presently existing and close off the west curb cut. The landlord of Wilson Farms has expressed extreme concern over illuminating the east driveway. The DOT has reviewed the new plan and has submitted a letter dated October 12, 2007 indicating they would approve the location of the new driveway. Reid Petroleum has made it very clear to the applicant that the driveway will always remain where it is.

Mr. Shear refers to a letter from Watts Engineering dated December 11, 2006 in which it refers to eliminating the proposed center driveway and making the west driveway an in and out drive. He then refers to the EAF on file, question number 15. This question indicates there will be an impact on transportation systems. This would be a potentially large impact since this area of Main Street already has a poor Level-of-Service (LOS). If DOT does not allow the curb cuts for the current plan a new site plan must be assessed with regards to vehicular traffic and pedestrian traffic. Without the westerly driveway the TEQR Committee would have to review and possibly make changes to the Negative Declaration.

ACTION:

Motion by Paul Shear, seconded by Matthew Balling, to **rescind** the original recommendation for a Negative Declaration and review the project in light of the changes. The original site plan has changed; the impacts are different.

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

MOTION CARRIED.

DISCUSSION:

When the original site plan was received, the Town also received an e-mail from DOT stating that the applicant has designed a single entrance to address the DOT's comment in a letter dated October 18, 2006. It should be noted that the existing curb cut that will not be used should be removed and reestablished to match the surrounding area. Matthew Balling suggests the applicant readdress the proposal to see if there is a possibility to make the other site plan work. The applicant met with the developers across the street and was advised that those developers absolutely will not change the location of their driveway.

Mr. Balling asked why a truck can not make the maneuver that was originally proposed. A representative from Reid Petroleum said the original plan shows the same curb cut as is seen on the current drawing. The tankers go in the eastern most curb cut; make the delivery and then back up to make the radius around, between the canopy and the store, and go out the westbound access path. The driveway must stay as it is critical to the success of the Wilson Farms and the fuel business. Mr. Balling does not think the proposed configuration of the driveways is safe. The driveways should be aligned with the driveways across the street on Main Street. Mr. Balling said there may be a different use that is acceptable at this site, but with the traffic that a Dunkin' Donuts generates the driveways need to be aligned with the driveways across the street.

Jim Geiger, representing Dunkin' Donuts, said this project has been almost 15 months in the works; it's a 2300 square foot building with not many seats in it. They have exhausted all the avenues that they know of, they met with the developer across the street, they've discussed lighting, landscaping, two lanes in and out of the drive-thru for safety; they've addressed many concerns. They have reviewed the plan with Dunkin' Corporate and with DOT and it is understood that there is more than enough lanes for stacking of vehicles, twice as many as those similar businesses up the street. Mr. Geiger does not know how else to address the issue. He goes on to say if another project is proposed at the site they will run into the same issues.

It is suggested that the building be moved back, this will make it easier for traffic to go in and out of the site, however, it will not change the TEQR Committee's opinion on the driveways. Mr. Geiger said no matter what they do, they can not lose that driveway. Mr. Geiger asked for the status of the approval process for the project that is across the street, that project has the opportunity to line up his driveway with the proposed Dunkin' Donuts. Town Attorney Steve Bengart said that project is beyond this stage, they are at Development Plan.

Mr. Balling said the project can be tabled this evening to allow time for the applicant to study the plan more carefully and make it work or a Positive Declaration can be recommended.

Town Attorney Bengart asked for clarification and said if the issue is Reid Petroleum there is some interest in looking at the plan, if the interest is a lease hold issue, then it is contractually binding and the Committee may be wasting their time.

A survey has not been done on the driveway, it has been generally observed.

If the building is moved back it will have no impact on the driveway issue.

A representative of the applicant asked if the driveway is reconfigured, either to move it near the eastern cut or combine the two, would that be acceptable to the Board. It is indicated that the driveways across the street still have to line up.

Paul Shear said it is difficult for the TEQR Committee to take any action with the information that was provided this evening by the applicant.

The representative of the applicant prefers to be tabled this evening.

ACTION:

Motion by Matthew Balling, seconded by Jonathan Hickey, to **table** the proposed Dunkin' Donuts at 9430 Main Street per the applicant's request.

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

MOTION CARRIED.

Item 4b-Stormwater Pollution Prevention Local Laws.

DISCUSSION:

Jim Callahan provides the background saying that the Town, in compliance with the Stormwater II Regulations, has developed local legislation to address the requirement that municipalities take over enforcement of and regulation of Stormwater facilities. The Town Board is seeking a recommendation to proceed with the document. Mr. Callahan has prepared a Part I and Part II EAF on this Unlisted Action. The involved agency is the DEC and they have worked with the Town in developing this legislation and have signed off that it is acceptable in meeting the requirements. A recommendation for a Negative Declaration is requested from the TEQR Committee.

Town Attorney Bengart said the proposed legislation includes some permitting requirements and some oversight. Mr. Callahan said the proposed legislation puts the enforcement in the Town's hands as opposed to the DEC; it becomes a local law violation for someone to violate the regulations identified.

Mr. Balling said the proposed legislation appears to be environmentally friendly.

ACTION:

Motion by Paul Shear, seconded by John Moulin, to **accept** the Part II EAF as drafted by the Planning and Zoning Office and **recommend** a Negative Declaration be issued by the Town Board with regards to the proposed Stormwater Pollution Prevention Local Law.

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

MOTION CARRIED.

Item 5-Miscellaneous

Mr. Balling explains that there is a vacancy in the Planning and Zoning Office. Applications for a Planner are currently being accepted.

Mr. Balling said the Erie County Department of Environment and Planning will be hosting a Planning Board Overview session in November 2007.

Mr. Moulin asked if all buildings that are to be demolished come before the TEQR Committee. He explains that the Floss building on Transit Road has been demolished. Town Attorney Bengart and Mr. Callahan both indicate that the demolition for the Floss building came before the TEQR Committee.

Item 6-Next meeting date.

The next meeting date is scheduled for November 19, 2007.

Meeting adjourned at 8:51 p.m.

Carolyn Delgato
Senior Clerk Typist