

Clarence Town Environmental Quality Review  
(TEQR)  
Meeting Minutes  
Monday October 18, 2010

Chairman Robert Sackett called the meeting to order at 7:00 p.m.

TEQR Members Present:

Robert Sackett	John Moulin
Paul Shear	Richard McNamara
Lisa Bertino-Beaser	Jonathan Hickey

Other Town Officials Present:

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

Other Interested Parties Present:

James Murphy	Richard Ehlers
Noel Dill	Michael Metzger

**Item 3a**-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 this project site is located on the Gold Bond land fill. It was tabled at a previous TEQR Committee meeting awaiting NYS DEC correspondence related to impact on that cap before the environmental review is completed. Discussions have been held with the NYS DEC; they are preparing correspondence but because of a change in administration it has been delayed.

**ACTION:**

Motion by Robert Sackett, seconded by Paul Shear, to **table** the project pending NYS DEC correspondence with the intention of making a recommendation to the Town Board by the end of 2010.

John Moulin	Aye	Paul Shear	Aye
Richard McNamara	Aye	Lisa Bertino-Beaser	Aye
Jonathan Hickey	Aye	Robert Sackett	Aye

MOTION CARRIED.

Chairman Sackett reminds everyone that the TEQR Committee is a recommending body only; they have no authority to take any final action other than recommendations to the Planning Board and the

Town Board. Mr. Callahan will introduce each project and the petitioner will address the committee; there will be a question and answer period between the Committee and the petitioner. People in the audience then have the opportunity to speak on the project. The developer will have another chance to address any issues that were brought up. The Committee will then take action.

**Item 4a-Rock Oak Manufactured Housing Park and Additional Residential and Commercial Development.**

**DISCUSSION:**

Jim Callahan explained that this project is the proposed expansion of the Rock Oak Manufactured Housing Park that is located on the south side of Main Street, east of Gunnville Road. Besides the expansion, it also includes additional residential and commercial structures. Coordinated review of the preliminary Concept was transmitted on September 16, 2010 to involved agencies. Correspondence has been received by the NYS DEC identifying concerns related to sewage disposal, storm water management and permitting. Correspondence from NYS Office of Parks, Recreation and Historic Preservation, received on October 1, 2010, identified that the Phase I Archeological investigation should be completed. Correspondence was received today for Erie County Department of Environment and Planning concurring that the Town should act as Lead Agency Status and identified that County review under 239M would be required as the project moves through the review process. The applicant is present to introduce the project.

Noel Dill, of Stephen Development, is representing the applicant. Michael Metzger, engineer for the project, is also present. Mr. Dill explained there are three (3) different elements to the project. The first is the expansion of the Rock Oak West manufactured housing development; the existing development has 246 units. They are looking to add 71 units appealing to the 55 and older age group. The lot sizes are larger and there will be two-car garages for the units. The paved surface will be increased. The lots will be 7600 square feet with 100' of depth. The project will provide another egress on to Main Street in order to increase people's options in terms of their destination; this will comprehensively be incorporated in the other land uses through cross easements. Second, in the frontage area of the project Mr. Dill is proposing mixed-use buildings consisting of commercial and residential areas. Residential would be on the second floor of the buildings and the first floor would consist of commercial uses. The purpose of this is to have a clean look along Main Street and to have some cash flow from the buildings while they are developing the commercial uses. The third element of the proposal would be townhouse units. There would be private roads and private water and sewer throughout the project. There is an easement held by the gas company that runs all the way back on the property, which leads to Mr. Jones' property and will provide access to his land. Town Attorney Steven Bengart asked Mr. Dill to provide the TEQR Committee with copies of the document he is referring to, which is information regarding the easement on the property. Mr. Dill agreed. The traffic situation has been studied by the State numerous times, Jim Murphy has advised Mr. Dill that the State will look at the traffic once more however, up to this point, the State continues to say there is no need for a traffic light at the intersection.

Chairman Sackett referred to page 5 of the EAF Part I where it is indicated that the maximum number of vehicle trips generated per hour will be 119. He asked for clarification on the number. Mr. Metzger explained they used the Institute of Traffic Engineering tables, which is an industry standard for trip generation, to come up with their figures. He does not have the figures with him but there are three (3) components to the project: the townhouse component, the commercial/residential component and the manufactured housing component. The tables determined what the peak hour traffic will be per unit

for each component. The commercial component is included in the number that is on the EAF. Mr. Metzger said the numbers that are generated from the tables will be greater than what will actually be generated by this project because of how Rock Oak West has been developed; many empty-nesters and retirees are the residents. These are not the same trip generation rates at peak hour as under the old situation which is a mixture of families of all ages. Chairman Sackett said the TEQR Committee will take numbers generated by the standard.

Chairman Sackett referred to page 10 of the EAF Part I, in which the applicant indicated the proposed action will not result in the generation of traffic significantly above present levels. Chairman Sackett asked the applicant to explain how he came to that conclusion. Mr. Metzger said their conclusion is based on the layout of the entire complex; there will be four (4) entrances and exits. A traffic consultant was not involved in drawing this conclusion. Mr. Metzger said many people would like to see a traffic light at the intersection, however it is out of the applicant's control because it is based on an analysis that the NYS DOT does and unless a particular intersection meets the warrants it is not going to happen. If the NYS DOT would allow a traffic light at the intersection the applicant would be supportive of that.

Paul Shear said he received a few calls from residents voicing their concerns with rain drainage and septic odor in the area.

Mr. Dill said typically there will be odor from the septic system at the hottest time of the year when the pumps are running. This is not a permanent situation. Mr. Dill has taken steps to mitigate this issue. Recently he had a meeting with the NYS DEC and they said there is a charcoal filtration system in place and that should help. Addressing the drainage concern, Mr. Dill explained there is a comprehensive storm water management system designed as a part of this community. They have made improvements to the existing community as far as drainage is concerned, and they will continue to do so.

For the record, Mr. Shear said he drove through the existing sections and it is nicely done.

Chairman Sackett asked if it has been determined if the present septic system will satisfy the addition. Mr. Metzger explained that the septic system that was put in for Rock Oak West was massively overdesigned and underutilized. The systems are working exactly as they were intended to work. The applicant is looking into the possibility of utilizing the existing system for at least the portion of the park expansion itself. The plan has been drawn up with enough space to fit a system that would accommodate the 71 units. The plan also shows space of septic systems to accommodate the work to the front of the property.

Mr. Shear asked if there is a leach field currently at the site. Mr. Metzger explained that it is a modified sand filter or a bottomless sand filter. The disposal portion of the filter is in the fractures of the rock that the filter is built on. Mr. Shear noted that the applicant's paperwork indicated they will not blast. If the existing system is used, he asked if lift stations will need to be installed or if there is enough grade for the appropriate pitch. Mr. Metzger said it is too early to have a complete design but they may employ a lift station if the grades don't work, however they prefer to do it by gravity. There is one lift station on the existing site. Mr. Metzger said the intent is to rip and bust, not blast the rock. Mr. Dill said there is only one small area that had to be blasted in the existing Rock Oak West park, the rest was busted out. Chairman Sackett said if the plan to rip and bust the rock does not work, the applicant will be back before the board to change his statement. The residents who took issue with drainage currently live in the older section of the park.

Jim Murphy, president of the Rock Oak Homeowners Association, said he has a few problems with the design. One resident advised him she is concerned that they are going to eliminate her dead end road and make it go right through. There is also a complaint that more trees have been and will be taken down. Mr. Murphy would like to know if there is a permit to take the trees down. There is a concern regarding dust from the construction equipment, the Association has asked for better sweepers to clean the streets and keep the dust down but they have not seen an improvement. Mr. Murphy has been told it will be a 55 and older community, which is what they said for the west end and yet that is not a 55 and older community. There are people as young as 46 residing there with children. There is more capacity on the sewer system than what the applicants are actually claiming. There have been problems with the existing lift station.

Richard Ehlers, resident of Rock Oak West, said the septic system is a concern to a lot of people. Mr. Ehlers has done some research and the effluent should be removed every two (2) to three (3) years. In the Rock Oak West system the effluent has been removed two (2) to three (3) times a year. When this happens there is an odor in the air. Mr. Ehlers referred to a map that he brought with him that shows the new area, Rock Oak far West, and the layout of Rock Oak West as it exists now. The egress is limited; it is on Roehampton Way and Sandringham Dr. The third egress is through an apartment complex, people will not want to wind their way through to get to the egress on Rock Oak Parkway. The roads should all be put in at the same time. Mr. Ehlers said not only should we have a map showing Rock Oak West as it exists now, with Rock Oak far West drafted on to it, there should also be a map showing original Rock Oak to get the real picture of access and egress. The two (2) access/egress roads in old Rock Oak Estates are not a solution to any of the access/egress problems they presently have getting out of the park now or the additional problems that will occur with the expansion. Chairman Sackett asked Mr. Ehlers if he is suggesting the expansion is going to compound an existing problem (that people in the new addition will use roads in the older part of the park). Mr. Ehlers said yes.

Mr. Murphy said there are sixteen (16) egresses on Rock Oak Parkway to Main Street across from Kraus Road. There is the potential for five (5) more driveways to come out from businesses on Main Street; this is why there is such a concern for a traffic signal at this location.

Chairman Sackett asked if the applicant has a way of guaranteeing a 55 year and older community. Mr. Dill said yes, it can be made a deed restriction. Mr. Dill referred to the two (2) dead-end roads that will be incorporated into the expansion, one is Roehampton and the other is Sandringham. These are the natural spots to continue the roads in the new development with minimal disruption to the existing lots. It is important to have two (2) connection points to tie in to the expansion in case of an evacuation situation.

Mr. Dill referred to the lift station repair issue and said that any equipment of this size used for this number of homes will need repair from time to time. He stated that a pump motor predominately needs to be replaced because someone has flushed something down the toilet that should not have been flushed.

Mr. Dill will preserve as many trees as he can and will incorporate that into a benefit of Rock Oak; he is confident that the tree law has not been violated. Mr. Callahan clarified that the applicant can take down a maximum of ten (10) trees without a permit. Mr. Dill encourages anyone with questions or concerns to contact him/Stephen Development and they will be happy to work with everyone.

Mr. Dill said he has no problem with trying to mitigate the dust concern. He thinks full build-out will be in approximately three (3) years. The intention is to have all the roads built at once.

Mr. Metzger referred to the Phase II SPDES requirements for storm water management. It is very controlled during the construction phase; there will be an inspector on site at least once a week overseeing what the contractor does. There will be a Storm Water Pollution Prevention Plan prepared and a Notice of Intent filed with the NYS DEC and it will be reviewed by the Clarence Engineering Department. This very strictly controls storm water run-off and dust control.

Mr. Metzger, a design professional who does septic design said, he strongly recommends servicing the septic system for an individual residence once every two (2) years. For a larger system, he recommends more often, usually once a year. He indicated that servicing the system is not an indication of a failed system; it is an indication that the property owners are properly maintaining the system.

Mr. Callahan asked for clarification on the phasing of the project. Mr. Dill said if the buildings can be leased as soon as they are built, they will build them right away. He envisions the apartments as being built later. Mr. Callahan voices his concern regarding a construction road. Mr. Dill said he would like to run the road through the land that was the former Attea property, as opposed to down the easement road. His goal is to build the proposal in one construction cycle.

Mr. Callahan said this project will be referred to the Traffic Safety and Fire Advisory boards for their review and comment.

Mr. Dill said the traffic count on Main Street is approximately 9400 per day. Chairman Sackett said the TEQR Committee may consider additional traffic studies after the DOT gives their report.

Mr. Shear referred to the map and asked what the "4" indicates. Mr. Dill said it indicates additional parking for guests of the park. Mr. Callahan explained those spaces are required for the manufactured housing park. Mr. Metzger said they are showing 186 parking spaces, the code requirement is 162. It is clarified that if there is a medical use in the proposal, the applicant may need more parking spaces.

#### **ACTION:**

Motion by John Moulin, seconded by Richard McNamara, to **recommend** the Town Board take Lead Agency on this project.

John Moulin	Aye	Paul Shear	Aye
Richard McNamara	Aye	Lisa Bertino-Beaser	Aye
Jonathan Hickey	Aye	Robert Sackett	Aye

MOTION CARRIED.

The next meeting date is November 15, 2010.

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

Motion by John Moulin, seconded by Richard McNamara, to **approve** the minutes for the meeting held on August 16, 2010.

John Moulin           Aye  
Richard McNamara   Aye  
Jonathan Hickey      Aye

Paul Shear            Aye  
Lisa Bertino-Beaser  Aye  
Robert Sackett       Aye

MOTION CARRIED.

Meeting adjourned at 8:07 p.m.

Carolyn Delgato  
Senior Clerk Typist