

Clarence Town Environmental Quality Review  
(TEQR)  
Meeting Minutes  
Monday October 20, 2008

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

Other Town Officials Present:

Director of Community Development James Callahan  
Assistant Planner Brad Packard  
Councilman Peter DiCostanzo  
Planning Board Liaison Jeffrey Grenzebach  
Town Attorney Steven Bengart

Other Interested Parties Present:

Al Hopkins	Paul J. Casilio
Rob Pidanick	Leanne Voit
Phil Casilio	Peter Sorgi
David Chiarolanza	

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

Motion by Paul Shear, seconded by Richard McNamara, to **approve** the minutes for the meeting held on July 21, 2008, which includes the following corrections:

- The acronym "DEC" in the first paragraph on page 3 shall be replaced with "DOT".
- The last full paragraph on page 5 shall read "the SEQRA process has **not** been completed for the project."

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

MOTION CARRIED.

**Item 2-Communications.**

Communications will be discussed under Unfinished Business.

**Item 3a-Shadow Woods Open Space Design Subdivision, Goodrich Road**

(coordinated review initiated at 3/26/08 Town Board meeting-tabled at 5/19 meeting).

**DISCUSSION:**

Jim Callahan provides the history on the project. It is located on the west side of Goodrich Road, north of Keller Road and is a proposed Open Space Design Subdivision. It was referred for coordinated review on March 26, 2008. The NYSDEC had not concurred with Lead Agency and held the project up for several months. Within the last few weeks the DEC has forwarded a letter identifying that they would concur with the Town being Lead Agency on the project and identified several other issues.

Peter Sorgi, of Hopkins, Garas and Sorgi and David Chiarolanza, of Essex Homes, are present. Mr. Sorgi said the DEC confirmed in the July meeting after their investigation of the project site that there are no endangered bird species on the list. The DEC recommended a resolution be adopted whereby the Town is Lead Agency.

Chairman Balling notes that several members of the Town staff met with the DEC and Sean Hopkins of Hopkins, Garas and Sorgi on October 7, 2008. A new site plan was shown to the DEC; it was stated that the new site plan meets the density requirements of the Town. The proposed Phase II road would be eliminated from the plan and a preferred sewer alternative was documented, whereby a sewer line would be installed beneath the wetlands. The Town would like to see a copy of the sewer analysis; this analysis would provide evidence that the downstream sewer lines from the project site to the sewer treatment plant would have adequate capacity to meet the state regulations. Mr. Sorgi said the applicant will comply with all regional requests; however this evening's meeting is to establish Lead Agency.

Chairman Balling said traffic is another issue and a traffic study will need to be completed. The TEQR Committee has questions such as how much background traffic will be loaded into the model. Mr. Sorgi said the project is on a County road and the County has not made such a request.

Chairman Balling notes that Lead Agency status has been granted by the DEC, therefore the next decision is to seek out additional study. Jim Callahan said, typically, the Town does not take a separate action to declare Lead Agency. Town Attorney Steve Bengart said the applicant needs to start working on the items that are being suggested by the TEQR Committee this evening.

Paul Shear voices his concern with regards to the coordinated review. He suggests a second coordinated review be implemented due to the significant change in project. Chairman Balling said the new site plan still meets the density requirement and it has the approval of the DEC; he does not think a second coordinated review is necessary. Mr. Shear asked what the restraints are in terms of having an appropriate period of time for reviewing the project as the TEQR Committee only viewed the updated plan this evening. Jim Callahan said the TEQR Committee has completed the coordinated review process; the action should be subject to the Committee's satisfaction that there is complete information to recommend an action. It is clear that there is a lack of information for the TEQR Committee to make an informed decision. The applicant will need to submit information on the traffic

issue and the sewer capacity downstream. The TEQR Committee is not prepared this evening to provide the parameters for the traffic issue. There is other information identified by the DEC that needs to be addressed including endangered species.

The applicant needs to address how safe the intersection at Goodrich Road would be, especially with one road going in and out of the development. The impact of the project at the intersection of Goodrich Road and Clarence Center Road needs to be investigated. It is clarified that the most recent plan shows 59 sites. Chairman Balling asked the applicant what year he expects to break ground and what year he expects to be built out. Mr. Chiarolanza said he hopes to break ground whenever the approval process is complete. Chairman Balling said it will be helpful to know when the full build out will happen because he could take the figures from Spaulding Greens and scale it down to that year vs. Spaulding's full build out which could be much longer. Mr. Sorgi said this is helpful; he will submit an estimate and a new layout.

Mr. Shear asked if a new Part I will be generated. Town Attorney Steve Bengart suggests an amendment to the Part I; it does not have to go out for coordinated review again. Mr. Sorgi will forward an amended Part I.

Chairman Balling recaps saying the applicant will need to submit a downstream sewer analysis, a reasonable estimate of a build-out year, a Part I revision that reflects such issues as the new environmental parameters of the property, number of lots and trips generated.

#### **ACTION:**

Motion by Matthew Balling, seconded by John Moulin, to **table** Shadow Woods Open Space Design Subdivision to allow the applicant time to obtain and submit the information requested by the TEQR Committee.

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

MOTION CARRIED.

**Item 3b**-Wood Meadows Open Development Area, 8625 Tonawanda Creek Road  
(coordinated review commenced on 6/25/08).

#### **DISCUSSION:**

Jim Callahan provides the history on the project. It was initially referred for coordinated review on June 25, 2008; it was tabled at subsequent meetings. The applicant has not generated the requested information including a wetland delineation and archeological delineation; therefore, they ask to remain tabled.

**Item 4a**-Newhouse Acres, west side of Newhouse Road between Roll Road and Clarence Center Road, Proposed Incentive Lot Design Subdivision.

Robert Sackett recuses himself.

**DISCUSSION:**

Jim Callahan provides the background on the project. It is located on the west side of Newhouse Road between Roll Road and Clarence Center Road. It is zoned Residential Single-Family and the applicant is proposing an Incentive Lot Subdivision Design.

Robert Pidanick, of Greenman Pedersen, Inc., is present. Mr. Pidanick is the consulting engineer for the project sponsor. Leanne Voit, of Greenman Pedersen, Inc., is present along with Peter Sorgi of Hopkins, Garas & Sorgi. Mr. Pidanick requests the TEQR Committee receive the Part I Environmental Assessment form that was submitted and send it out for coordinated review. The plan that is before the Committee is everything the Planning Board suggested in past meetings. It also reflects the public input. This plan proposes preservation of 35% open space. 60 lots are proposed. The sponsor is seeking all approvals. The action proposes not only the construction of the homes but all infrastructure, sewage, drainage and water lines. There is a storm water detention area proposed that will function not only as a storm water detention but storm water quality in accordance with the state DEC requirements. The proposal is to preserve 20.4 acres. Mr. Pidanick calls attention to the large buffer between the sublots and Gott Creek. The site has been delineated for Federal Wetlands and, according to the study, roughly .8 acres of the site is designated as Federal Wetlands; it is the project sponsor's intent to avoid that wetland area. There are no NYS Freshwater Wetlands located on the property. The site was determined to be in an archeologically sensitive area and a cultural resource investigation has been completed for the project. The applicant has yet to obtain a sign-off from the State Historic Preservation Office but it has been determined that project site would not impact any culturally sensitive areas. The applicant recognizes the fact that it will have to be demonstrated to the Town that sewer capacity will be available for this project. Initially, the applicant is looking at tying the sanitary sewer for this development into an existing sewer located on Roll Road. This will require Erie County Sewer District #5 and Town of Amherst approvals. The sewer line would follow Newhouse Road; there is a pump station that may need upgrading. Mr. Pidanick explains that no other agencies have seen the plan.

Mr. Shear asked what the distance is from the detention pond to the creek. Mr. Pidanick said the closest point is approximately 50'. Mr. Shear asked if this was less than the necessary allowance on each side of the creek. Mr. Pidanick said the submitted drawing is a conceptual plan, when the detailed engineering for the detention basin is done, the plan will abide by any requirements.

Jim Callahan explains that the detention pond will be subject to the Flood Damage Prevention Law and any impacts towards wetlands.

Phil Casilio, Executor of the Estate of Pat Casilio Sr., is present and speaks regarding the adjoining parcels 5930 and 5940 Newhouse Road. These properties have been used as a horse farm and facility since 1940. Mr. Casilio is requesting a minimal 100' buffer to the adjoining property because horses are easily spooked. The buffer shown on the plan is not substantial and creates a highly precarious facility. Mr. Casilio said all throughout Clarence developments have minimal setbacks of 100' and over. At one point on the adjoining property line there is no setback; Mr. Casilio requests a setback in this area as well.

Paul Casilio, one of the Executors of the Estate of Pat Casilio Sr., names Angelo Natalie and Norman Castine as having a similar project with a 100' setback.

Mr. Pidanick said a stockade fence was offered for the entire length of the parcel on the adjoining Casilio's property; this offer was rejected. The Planning Board, with the input of the adjoining owner, agreed to a 50' buffer that is currently on the plan; this was determined to be adequate.

Leanne Voit said she was at the Planning Board meetings for this project and she urges the TEQR members to review the minutes in order to understand the discussions that were had.

Mr. Sorgi points out that the 50' buffer is from the rear lot line to the Casilio property, it is not the distance from the Casilio property to the home.

Mr. Casilio said the fence would have served as a divider and does not take into consideration the use of the facility as a horse bearing property. He points out that lots 22 & 23 have no buffer at all.

**ACTION:**

Motion by John Moulin, seconded by Lisa Bertino-Beaser, to **recommend** the Town Board accept the EAF Part I as drafted and **recommend** the Town Board seek Lead Agency Status and commence coordinated review.

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

MOTION CARRIED.

Town Attorney Steve Bengart reminds Robert Sackett to file the appropriate paperwork with the Town Clerk with regards to his recusal.

Mr. Sackett rejoins the meeting.

**Item 4b-**StoneRidge Estates Subdivision, south side of Stage Road, east of Ransom Road  
Proposed Open Development Area with frontage lots.

**DISCUSSION:**

Jim Callahan provides the background on the project. It is located on the south side of Stage Road, east of Ransom Road. It is a 100+ acre site in the Agriculture Rural-Residential Zone.

Al Hopkins, of Metzger Civil Engineering, is present and representing the applicant. He explains the proposal is for 19 lots. There are 5 frontage lots, 9 lots on the private driveway and 5 open development area lots. This plan was agreed to by the Planning Board. The lots are carved out around the houses and are between 5 and 10 acres each.

Chairman Balling asked the applicant to submit a full size color copy of the plan to the Planning Office. He goes on to ask what the current landscape looks like. Mr. Hopkins said there is a lot of dirt and in some places it is less than sub-soil. He anticipates putting in lawn areas around the houses. There is also grass and brush at the site. The development will have to be on septic systems.

Chairman Balling asked how a septic system will work without material that will absorb waste water. Mr. Hopkins said the material is there.

Mr. Moulin asked what the elevation is for the entire area. Mr. Hopkins said it is low grade, 30' deep in some areas.

Chairman Balling asked if the applicant has done any geo-technical analysis such as monitoring storm water changes. Mr. Hopkins explains the site is sand overlying bedrock and has a direct hydraulic connection with the groundwater so as the groundwater raises so will the level in the ponds. This has been confirmed by several of the neighbors who have lived there for years. Mr. Hopkins said the proposal will be for injection wells.

Mr. Moulin asked if gravel is stable enough to hold the foundation of a home. Mr. Hopkins said definitely.

Chairman Balling said there have been comments advising water pressure is poor in the area of the project site. Mr. Hopkins has heard these concerns as well.

Chairman Balling explains that in order for this project to go forward and meet the Subdivision Law a number of super majority variances will need to be approved by the Town Board. Among these variances are the topsoil issue and the preservation of the frontage by avoiding the "spaghetti" lots. There also may be some technical design issues with the Open Development.

#### **ACTION:**

Motion by Robert Sackett, seconded by Jonathan Hickey, to **recommend** the Town Board accept the EAF Part I and commence coordinated review. This is a Type I Action under SEQRA.

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

MOTION CARRIED.

Chairman Balling asked about the Land Use Training program. Jim Callahan said he encourages all TEQR members to pursue additional training or schooling.

Robert Sackett voices his concern with regards to the minutes being posted on the website; these minutes should have the word "draft" on them until they are approved. He would like the TEQR Committee members input. Chairman Balling agrees that the minutes should indicate "draft" until they are officially approved.

The next meeting date is November 17, 2008.

Meeting adjourned at 8:02 p.m.

Carolyn Delgato  
Senior Clerk Typist