

Clarence Town Environmental Quality Review
(TEQR)
Meeting Minutes
Monday November 16, 2009

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

Other Town Officials Present:

Director of Community Development James Callahan
Town Attorney Steven Bengart

Other Interested Parties:

Paul Wheeler

Item 1-Approval of minutes from the previous meeting.

Motion by Matthew Balling, seconded by John Moulin, to **approve** of the minutes for the meeting held on October 19, 2009, as written with the following change:

-Jonathan Hickey's vote on the approval of the September 21, 2009 minutes is changed to "abstain" as he was not present at that meeting.

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 2-Communications.

Communications will be discussed under Unfinished Business.

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

DISCUSSION:

Jim Callahan explained there is no new correspondence for the project. The item remains 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:

Matthew Balling said coordinated review had been completed. The Department of Environmental Conservation (DEC) submitted a letter to both the applicant and the Town of Clarence discussing the status of the landfill on the property. The letter is on file. The landfill is the site where the planes are flown; the DEC has concerns about the status of the property. The DEC feels the applicant is responsible to remediate the site which would include recapping or replacing all the soil that was stripped off the top of the landfill. The item shall be tabled until the applicant is present to discuss the remediation plan. Chairman Balling reads from the letter dated April 17, 2009 from Steven J. Doleski: "I can definitely state that I believe that it would be improper for the Town of Clarence to make a decision on environmental significance of the proposal, at this time, given the existing problems now occurring at the site." The letter is on file.

The Planning Office has tried to contact the applicant for three days via numerous phone calls but there has been no response. This meeting was identified to the applicant and an agenda was mailed to him.

Paul Shear asked what the Town's view is in regards to the usage of the land, given the information in the DEC letter received November 2, 2009. Town Attorney Steven Bengart said the flying of model airplanes has ceased at the site. Mr. Shear asked if there are a set of circumstances that quarantines the area or causes the applicant not to use it for whatever reason. Town Attorney Bengart said that is not in the Town's prevue; the Town has done all they can at this point.

ACTION:

Motion by Matthew Balling, seconded by Jonathan Hickey, to **table** further action on this agenda item until the applicant is present to discuss the remediation plan for the landfill.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Robert Sackett asked if a representative from the Planning and Zoning office would contact the DEC to ask if they have received anything by November 27, 2009 and if they have, send a copy to the Planning and Zoning office. Mr. Callahan will contact the DEC.

Item 4-New Business.

There is no new business.

Item 5-Miscellaneous.**DISCUSSION:**

Chairman Balling refers to a memo regarding Clarence Sewer District #2 dated November 16, 2009 and a letter dated October 14, 2009 which was distributed to all TEQR members. The Town Engineer recommended halting any further activities for development until they can sort the problem out.

Paul Shear notes, for the record, that the TEQR Committee has not received any information regarding the Master Plan 2015 Amendment.

Chairman Balling announced a State Environmental Quality Review Training to be held on Thursday, November 19, 2009 at ECC North Campus from 6:30pm to 9:00pm. He suggests anyone interested should attend.

The Town of Clarence employee holiday dinner is on December 11, 2009. Chairman Balling encourages all to attend.

The next meeting date is December 21, 2009.

Meeting adjourned at 7:21 p.m.

Carolyn Delgato
Senior Clerk Typist