

Clarence Town Environmental Quality Review
(TEQR)
Meeting Minutes

Monday, December 17, 2007

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	Patrick Miner
Jonathan Hickey	

Other Town Officials Present:

Director of Community Development James Callahan
Councilman Scott Bylewski
Planning Board Liaison Jeffrey Grenzebach
Town Attorney Steven Bengart

Other Interested Parties Present:

Susan Green	Frank Cordaro	Maureen Crotty	Kevin Waldorf
Jane Sweet	Sandy Schofield	Roy Jordan	Rebecca Cordaro
Art Lovell	Dan Schofield	Chris Laczi	B & C Caruana

Item 1-Approval of minutes from the previous meeting.

Motion by John Moulin, seconded by Jonathan Hickey, to **approve** the minutes for the meeting held on November 19, 2007, as written.

ON THE QUESTION:

The minutes of the November 19, 2007 need to reflect Lisa Bertino-Beaser as recused from the action on Spaulding Green. John Moulin agrees to amend his motion to include Ms. Beaser's recusal; Jonathan Hickey agrees to amend his second.

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

MOTION CARRIED.

Item 2-Communications.

Communications will be discussed under Unfinished Business.

Item 3a-Spaulding Greens, Supplemental Draft Environmental Impact Statement-Public Hearing
Scheduled for 7:00 p.m. for Comments on the DSEIS (Comment period must be open for 10 days after the Public Hearing.).

DISCUSSION:

Ms. Beaser is recused and has left the meeting.

Mr. Balling explains that the comment period will remain open for ten (10) business days after this Public Hearing. After any interested parties have spoken this evening the applicant will have the opportunity to respond.

Jim Callahan provides the background on the project. The Spaulding Greens was initially identified in the Environmental Impact Statement (EIS) for the Clarence Hollow Pollution Abatement project. As identified and approved Clarence Hollow Pollution Abatement project involved a public private partnership to address the pollution in Clarence Hollow by extending a private truck sewer line from Heise Road to Clarence Hollow. In exchange for private interests and incurring costs of extending the sewer line, the private interests were allowed to utilize the excess capacity within that trunk line. This excess capacity being equivalent to approximately 1,000 equivalent dwelling unit sewer taps. 1,000 taps were identified on the EIS in two (2) spots within the Town; 500 taps for the Waterford Village PURD, which is north of Roll Road between Shimerville and Thompson Roads, and 500 taps for the unnamed development east of Goodrich Road and north of Greiner Road. Spaulding Greens represents the specific development identified as the development east of Goodrich Road and north of Greiner Road. At this time the project sponsors have submitted a site plan identifying an Open Space Subdivision containing 380 units and the potential environmental impacts associated with this project is the subject of tonight's Public Hearing. The Town has accepted a Draft Supplemental Environmental Impact Statement and is seeking comments on this document. The Public Hearing will remain open for ten (10) business days so that written comments on the plan can be received; these comments should be forwarded to the Planning and Zoning Office.

Blase Caruana, of 9950 Greiner Road, explains that his property adjoins this development. He wants to know what the accessibility of the sewer taps is to him. He asks what the start date of the project is and what the completion date is.

Maureen Crotty, of 9820 Greiner Road, has two (2) concerns. Ten (10) years ago she put up a garage on the east side of her property; she was told there would not be a road. She was aware that there was a plan to develop in the back. She was given zero (0) clearance so the garage goes to the property line. The original road was on the west side of her house, the new drawing of the project shows the road on the east side. There is an easement where her septic tank is, behind her house, she asked how this will be addressed. The applicant points out her property on a plan that it on display for all to see. The applicant has also provided a copy of the plan to the TEQR Committee, this copy shows the location of her property in relationship to the project. Mr. Crotty provides a copy of the easement for the file; the easement was passed on in the deed and is for the septic system on the property. The Crotty's septic system is in the golf course. They are also concerned with water and drainage issues.

Chris Laczi is not yet a Clarence resident but is interested in 5745 Goodrich Road, he is curious as to what will happen to the greenspace that is adjacent to this lot as it appears it is being used for a road.

Rebecca Cordaro, of 5275 Green Valley, is opposed to the development of the property. She said the whole idea of putting more developments in Clarence is ludicrous; it is only making wealthy people and developers wealthier; there are enough people at Wegmans and the High School. She does not know why a public/private agreement would be used to build a sewer line. She is opposed to the property being wasted by putting up more ugly housing developments in Clarence; she feels the development is immoral. She heard that Newstead has created a law that will prohibit the development for housing of farm land; she suggests the Town consider a similar law.

ACTION:

Motion by Matthew Balling, seconded by Richard McNamara, to keep the comment period for the Public Hearing on Spaulding Greens DSEIS open for 10 days.

ON THE QUESTION:

Matthew Balling clarifies that this will allow for any additional comments to be submitted to the Town.

Councilman Scott Bylewski refers to the mention of the Newstead Right-to-Farm Law and explains that the Town of Clarence already has Right-to-Farm Legislation and it is Councilman Bylewski's understanding that Newstead would base their law on Clarence's Legislation. He reminds the TEQR Committee that they have to consider the impacts on any farming operation located within one mile of a proposed project.

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

MOTION CARRIED.

Ms. Beaser rejoins the meeting.

Item 3b-Rubino Subdivision, Southwest corner of Clarence Center and Shimerville Roads- Coordinated Review initiated by the Town Board on November 28, 2007.

DISCUSSION:

Jim Callahan provides an update on the project. The property is located at the southwest corner of Shimerville Road and Clarence Center Road. The proposed Open Space Design Subdivision was reviewed at the last TEQR meeting and recommended for Coordinated Review. The Town Board initiated Coordinated Review on November 28, 2007. To date no comments have been received on this project.

Mr. Balling explains the 30 day comment period must expire before deliberating the preparation of the EAF Part 2 and 3 that would identify any potential impacts of the project. There will be no action taken on this agenda item this evening.

Item 4a-North Forest Office Providers, 6051 Transit Road, Referred from Planning Board at the November 14, 2007 meeting.

DISCUSSION:

Jim Callahan provides the background on the project. It is located on the east side of Transit Road north of Clarence Center Road and consists of approximately 9.7 acres in split zoning; Major Arterial along the frontage and Residential to the rear. The proposed professional office project is limited to the Major Arterial Zone; the zoning area was referred from the Planning Board. Full build-out of the entire property must be analyzed for SEQRA purposes; this creates several development scenarios that should be thoroughly analyzed.

Roy Jordan, from North Forest Development, explains that he has worked through the wetlands and has done an archeological study; which resulted in no findings. He hopes that the TEQR Committee can authorize the Planning Board to send out the appropriate letters to involved agencies so the feedback can begin. Once the feedback is received, Mr. Jordan would then make an intelligent decision as to whether or not the project should go forward.

Mr. Balling said the Committee is in favor of recommending the Town Board initiate Coordinated Review on the full build-out of the project; they did not see an avenue around the segmentation issue. The Committee reviewed the EAF Part I and requires one (1) correction to be made on page 8; the fifth item down should be marked "no".

ACTION:

Motion by Matthew Balling, seconded by Patrick Miner, to **accept** the EAF Part I with the correction to strike Town TEQR approval from page 8 of the form.

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

MOTION CARRIED.

ACTION:

Motion by Matthew Balling, seconded by Lisa Bertino-Beaser, to **recommend** the Town Board initiate Coordinated Review per the SEQRA Law.

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

MOTION CARRIED.

Item 4b-First Presbyterian Church, 9675 Main Street, Referred from Planning Board at the November 14, 2007 meeting.

DISCUSSION:

Jim Callahan provides an update on the project. It is located on the south side of Main Street, east of Gunnville Road. The existing church is located on approximately 5.5 acres, the applicant is proposing building additions as presented and seeking a recommendation under SEQRA.

Don Aubrecht, architect on the project, explains that the intent is to provide an 11,000 square foot addition to the existing facility and provide additional space. The main addition would be for a new worship space running parallel to the existing worship space. The existing worship space would be adapted for a fellowship hall with an addition of a kitchen; additional toilet spaces will also be provided.

Mr. Balling asked what other organizations might be using the proposed hall. Reverend Gregg Hall and two people from the Building Committee are present to answer questions. It is explained that a cooperative nursery school uses the area five (5) days a week.

Mr. Shear points out that the EAF Part I indicates the proposed addition is 130' x 150' which is 19,500 square feet. Mr. Aubrecht explains that along the existing east side of the current facility, the length of the proposed addition is approximately 130'; this is a corridor to connect the existing building. The corridor work space is approximately 8' wide; there are also toilets in this area. The correct size of the worship space is approximately 45' wide by 150' long. Mr. Aubrecht explains the specific site plan details to Mr. Shear. Mr. Balling clarifies the overall square footage that is being added is 11,000 square feet, the overall footprint of the additions being added is 130' x 150' understanding that not all of that is being developed; some of this includes courtyard area.

The project does not total over an acre in size; Mr. Balling thinks the EAF Part I reflects the action being proposed.

Mr. Shear requests the record show the EAF Part I be changed to reflect the approximate total square footage of the proposed addition as opposed to indicating 130' x 150' which is 19,500 square feet. There are also Planning Board minutes that indicate the addition will be 6,000 square feet. He would like the number clarified.

Mr. Balling said the description of the action states that the proposed action is the addition of approximately 11,000 square feet of worship space. The statement can be amended under the description of the action to read: construction of an 11,000 square foot addition to existing church. This is acceptable to both Mr. Shear and the applicant.

Mr. Balling said the EAF Part I appears to be complete.

ACTION:

Motion by Matthew Balling, seconded by Paul Shear, to **accept** the EAF Part I as drafted with an amendment to the description of the action as follows:

-the proposed action is the addition of approximately an 11,000 gross square feet contained within a footprint with the dimensions of 130' x 150' of worship space including chancel, sanctuary and toilets.

ON THE QUESTION:

The parking remains in compliance with Zoning requirements.

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

MOTION CARRIED.

Mr. Balling explains that the EAF Part II was distributed to all TEQR members this evening. There is a sense that the project may not present any significant impact that would trigger the TEQR Committee recommend a coordinated review by the Town Board.

Mr. Callahan explains that the project is identified as an addition to existing property. The property itself has previously been disturbed, so there really is no significant impact associated with the disturbance of virgin land. The reduction in parking and the maintenance of existing access points leads to the thought of moving the project along, but certainly it is up to the Board's consideration.

Mr. Balling asked if the applicant allows students of the neighboring high school to park in the parking lot. The answer is "no".

Mr. Balling disagrees with Mr. Callahan on the point of there not being any potential impacts, specific to what the Board has learned about storm water quality and the Town's responsibility to address storm water impacts. This project will be adding additional impervious surface in the vicinity and it will be required by the Town to prepare a Storm Water Pollution Prevention Plan and an Erosion Control Plan. He is not aware of what the current drainage plan is. Mr. Aubrecht said the drainage plan is quite favorable; the parking is sheet drained and percolates through the soil, the roof run-off is carried into combined footing drains and roof leader drains to the south end of the site off the edge of the parking were they end below the surface. He feels that the run-off of the addition can be accommodated.

Mr. Balling asked how much of the parking area the project will disturb. Mr. Aubrecht said very little, there will be approximately 5-6 spaces on the east side of the entry drive that will be disturbed; the remainder of the parking will remain as is. Mr. Aubrecht believes the total footprint area will be less than one (1) acre in size. He is trying to minimize any disturbance to any of the drainage on the site. The new buildings are going in places where there is already existing parking and impervious surface. Mr. Balling said he stands corrected and explains that he does not believe the applicant meets the threshold to have to prepare a Storm Water Pollution Prevention Plan or an Erosion Control Plan. Mr. Aubrecht agrees.

Mr. Balling said the EAF Part II that has been drafted by the Town does not identify any potentially large impacts for the proposed project.

ACTION:

Motion by Matthew Balling, seconded by Paul Shear, to **accept** the EAF Part II as drafted by the Planning and Zoning Department.

Matthew Balling	Aye
Paul Shear	Aye
Lisa Bertino-Beaser	Aye
Jonathan Hickey	Aye

John Moulin	Aye
Richard McNamara	Aye
Patrick Miner	Aye

MOTION CARRIED.

ACTION:

Motion by Matthew Balling, seconded by John Moulin, to **recommend** the Town Board issue a Negative Declaration for the proposed 11,000 square foot addition with a building of 130' by 150'.

Matthew Balling	Aye
Paul Shear	Aye
Lisa Bertino-Beaser	Aye
Jonathan Hickey	Aye

John Moulin	Aye
Richard McNamara	Aye
Patrick Miner	Aye

MOTION CARRIED.

Item 5-Miscellaneous.

Mr. Balling refers to the list of TEQR meetings that has been distributed and explains that the meetings will be held, as in the past, on every third Monday of the month unless that day falls on a Holiday, in which the meeting will be moved to the following Monday. The next meeting date is January 28, 2008.

Mr. Moulin is unable to make the January and February 2008 meetings. Patrick Miner said he will not be available either.

Mr. Balling said if any member knows they are unable to make a meeting, he/she should let the Planning and Zoning office know as soon as possible.

Mr. Balling said the TEQR Committee is invited to attend the Installation Ceremonies for the Elected Officials on Wednesday, January 2, 2008 at 7:00 p.m. at the Town Hall.

Councilman Scott Bylewski thanks all members for responding with regards to the expiration date of each member's appointment to the Committee.

Meeting adjourned at 7:51 p.m.

Carolyn Delgato
Senior Clerk Typist