

## **11/27/07 Conservation Board Minutes**

TOWN of ELMA CONSERVATION BOARD  
1600 Bowen Road Elma, NY 14059

DRAFT MINUTES OF REGULAR MEETING – November 27, 2007

I The Regular Meeting of the Town of Elma Conservation Board, hereinafter referred to as the ECB, was held on Tuesday, November 27, 2007 at 7:00 p.m. in the Conference Room at the Elma Town Hall, 1600 Bowen Road, Elma, NY.

### **PRESENT:**

Chairman Bryant Zilke  
Member Raymond Boy  
Member William Massaro  
Member Marc Schneckenberger  
Member Kenneth Schroeder  
Alt/Recording Secretary Diane Rohl (Jackson)

### **ABSENT:**

Member William Jackson

### **II MINUTES OF October 23, 2007**

Motion to Approve Minutes Made by William Massaro and Second by Raymond Boy.  
Ayes: 6. Nays: 0. Motion Carried.

### **III CHAIRMAN'S REPORT**

#### **A. Land Inventory – William Massaro**

William Massaro has been in the process of compiling an inventory of properties in Elma which are twenty acres or more. Some of the categories were dairy farms, abandoned lands, properties owned by the utility companies or municipal governments, commercial and industrial properties, individual lots, creek corridors. The goal is to determine potential available lands for preservation, also keeping in mind the goals and recommendations within the Town's RCP of 2003.

The ECB also discussed what would be the appropriate amount of open space for the Town of Elma: 5%, 10%, 20%? Mr. Massaro is going to gather information on other surrounding towns and their percentage of open vs. populated space. He will report his findings to the ECB in January.

#### IV REVIEW OF CRC MEETINGS

##### A. Report by Diane Rohl and Bryant Zilke

Diane Rohl reviewed the progress being made by the CRC in designating three commercial codes and generally determining the criteria and requirements in each. Bryant Zilke explained the process and some of the differences of opinion regarding the types, sizes and placement of various businesses within the Town.

##### B. Discussion of Role of the ECB in Site Plan Reviews

Diane Rohl suggested that a appropriate role for the ECB would be in the code requirements involving landscaping, buffer areas, outdoor lighting apart from the buildings, parking lot layouts, pedestrian design and traffic as well as land preservation. The discussion then turned to the compliance and monitoring issue and who would be responsible for what. It was decided that more investigation was needed before a final decision and recommendation could be made.

#### V. AD HOC COMMITTEE REPORT

Raymond Boy has been working on identifying alternative proposals for land conservation. In his meeting with the Town Assessor, she said that there were 8,500 acres of open space with a total of 23,040 acres in Elma. Mr. Boy will continue his investigation and report back to the ECB in January.

#### VI DISCUSSION OF TDR PROGRAMS

The following proposal was passed at the October 23, 2007 meeting, announced at the October CRC meeting and forwarded to the Town Supervisor for his comment:

For all Commercial and Industrial Properties or Zones:

For each property that is proposed for development, the owner must extinguish the development rights, either for an adjacent property or for a non-adjacent property, of

comparable acreage, prior to the beginning of any construction or development. Such property shall be located in the Town of Elma. For definition purposes, comparable acreage shall mean of similar quality frontage and of total acreage.

Diane Rohl investigated laws applying to Transfer of Development Rights Programs, and also talked to the Town of Eden regarding their TDR Program which has been in effect for over thirty years. After some discussion it was decided that the ECB Proposal would not fall under the New York State Law for Transfer of Development Rights Programs. Further investigation would be needed regarding procedure, legality and applicability for the Town of Elma.

#### VII BDR – Springbrook Shores

After study and review by individual ECB members, it was determined that the Baseline Data Report for the 160+ acres of land contained in the Land Conservation Easement Agreement for Springbrook Shores was acceptable; and should be forwarded to the Town Attorney for review. Subsequent to attorney approval it will be recommended to the Town Board for approval and then filing in the Erie County Clerk's Office as part of the official deed.

Motion to approve the Baseline Data Report as submitted and forward to Town Attorney for review made by William Massaro and second by Raymond Boy.

Ayes: 6. Nays: 0. Motion carried.

The ECB requested that Diane Rohl send a letter of appreciation to Glenn Reinhardt for his extensive and thorough work on this document which he completed prior to his resignation from the Board.

Motion to send a letter of request to the Town Supervisor to investigate whether Marrano/Marc Equity followed the proper procedures as outlined in the Land Conservation Easement Agreement which specifies the "written notice and approval by the Town" before installation of the trails at Springbrook Shores, made by William Massaro and second by Raymond Boy.

Ayes: 6. Nays: 0. Motion Carried.

#### VIII A. RECOMMEND NEW ECB MEMBER

The ECB decided that it had no specific recommendation and that it would leave the

decision up to the Town Board when they interview prospective candidates.

#### B. RECOMMEND REPLACEMENT FOR THE CRC

The ECB decided that since Diane Rohl had already been serving as an Alternate on the CRC for the past three months, that it would be in the best interest of ECB representation, to consider her as the replacement for the resigning Mr. Massaro.

Motion to recommend to the Town Board that Diane Rohl be appointed to be the second ECB representative for the Code Review Committee made by William Massaro and second by Marc Schneckenberger.

Ayes: 6. Nays: 0. Motion Carried.

#### IX MEETINGS

##### A. PDR Workshop – Lockport

Diane Rohl attended the Purchase of Development Rights Workshop sponsored by the American Farmland Trust, WNYLC and the NYS Department of Agriculture and Markets. The purpose was to explain the program and the procedures for applying and for implementation of a farmland protection grant.

##### B. Zoning & Agriculture – Batavia

Bryant Zilke attended a meeting focusing on agriculture and how to create a more supportive environment for the local farming industry through the modification of existing zoning and laws and the use of an agriculture zone.

#### X FYI

Abstract of Minutes – Orchard Park Conservation Board 10/2/07

ECB Meeting Schedule for 2008

Building Inspector's Report – October 2007

Code Review Committee Minutes -10/25/07; Agendas 10/25 & 11/14/07

Elma Planning Board Minutes 10/16/07; Agenda 10/16/07

Elma Town Board 10/17/07 & 11/07/07

XI Motion to adjourn at 9:00 PM - unanimous.

Respectfully Submitted,

Diane Rohl, Recording Secretary