

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

MINUTES OF MEETING – JANUARY 29, 2008

I The Regular Meeting of the Town of Elma Conservation Board, hereinafter referred to as the ECB, was rescheduled due to adverse weather conditions and held on Tuesday, January 29, 2008 PM in the Conference Room at the Elma Town Hall, 1600 Bowen Road, Elma, NY.

PRESENT:

**Chairman Bryant Zilke
Member Raymond Boy
Member Laurence Daley
Member William Jackson (arrived at 8:15 PM)
Member Marc Schneckenberger
Member Kenneth Schroeder
Alt/Recording Secretary Diane Rohl**

OTHERS:

Fred Streif, Member EC Environmental Management Council

WELCOME NEW MEMBER

Lawrence Daley was welcomed as a new member, replacing Glenn Reinhardt. A brief round table introduction of themselves and their backgrounds was made by each member. It was agreed that copies will be made for Mr. Daley of any previously distributed material specific to the Land Conservation Easement Program and other pertinent data as necessary.

II MINUTES OF December 11, 2007

Motion to Approve Minutes Made by Kenneth Schroeder and Second by Marc Schneckenberger.

Ayes: 6. Nays: 0. Motion Carried.

III CHAIRMAN'S REPORT

- A. Land Inventory 20+ AC – *Tabled until February. Unanimous.***
- B. Assign Continuation of Land Inventory–*Tabled until February. Unanimous.***
- C. Status of PDR Grant – No change from December.**

Diane Rohl is to provide a copy of the 2007 PDR Grant Application, which was not approved for funding, to each ECB member for the February Meeting.

Fred Streif requested to speak. He explained the function of the Erie County Environmental Management Council. He also spoke regarding the new Storm Water Pollution Regulations adopted by the Town Board in January. He had suggestions as to how the ECB members might be able to volunteer. It was decided that further information was needed before any decision could be made.

IV CRC MEETINGS (December 13, 2007 & January 10, 2008)

Bryant Zilke and Diane Rohl updated the ECB members on the progress being made by the Code Review Committee as it revises the Town's Commercial Codes. A proposal was presented to the CRC suggesting a role for the ECB in the Site Plan Review process as it relates to landscaping around buildings and in parking lots. It was also suggested that the previous proposal from the ECB, requiring the developer to extinguish development rights either for an adjacent property or for a non-adjacent property of comparable acreage of any commercial or industrial property prior to the beginning of any construction, be presented again to the CRC.

V 8:00 PM- DISCUSSION OF LCE PROGRAMS & ALTERNATIVES

Town Supervisor Nolan and Town Board Member Dennis Powers arrived at the invitation of the ECB. Prior to the meeting, they had been given a list of 13 questions prepared by the ECB to be used as a guideline in discussions.

Mr. Nolan stated that the Town has become a partner with Erie County and New York State in addressing land conservation and open space protection. He said there are counties across NYS that are neglecting conservation but that "how we started out is the way to go" (referring to Elma's LCE Program). He said there is little development pressure right now for Elma and it "is not in jeopardy of becoming another Lancaster". He stated: "Most of the land left is Residential C. We have no appetite to build new roads. I believe it is wrong to be building new roads. Erie County considers this as sprawl and may not even approve a new road. There is no fear or panic where we (the Town) have to move quickly." Bryant Zilke stressed the importance of land conservation and farmland protection. On the other hand, Mr. Streif said that many landowners are being forced to sell because paying the taxes is becoming too much of a hardship. Mr. Powers also explained that children who have inherited land are moving away and want to sell. Mr. Nolan mentioned that he does not agree with the method used by ORPS for assessing open land. It results in the equalization rate going down (from 5.5% to 5.1% in 2008) which results in taxes going up because the land has been increased in value.

The status of the Town's LCE Program was reviewed. It was pointed out that there are a number of other towns across NYS with the same type of programs including our neighbors, Orchard Park. Mr. Nolan and other Town Board members are going to attend the NY Association of Towns Conference in February and they hope to "raise the level of awareness" and solicit help of the other towns and legislators to have legislation passed which will legalize our LCE Program assessment reductions. Fred Streif also offered the help of the ECEMC in this endeavor. Mr. Daley said that his snow mobile club of over 500 members has been lobbying for tax incentives for landowners to keep their properties open and available for trails. He offered his help as well.

In regard to subdivisions and land conservation, the ECB asked if they could be part of the Site Plan Review Process. Mr. Nolan stated that the Town Board would be receptive to LCEs on these subdivisions; and that he believed that it would take a change in the Town Code for the ECB to be directly involved in the review process.

Diane Rohl was directed to make copies of the Town Code for the ECB to review at its February Meeting. Mr. Nolan also said he is in favor of cluster development as a way to preserve land – only without sewer treatment plants.

The ECB asked if there would be support for a bond issue for the purchase of development rights to certain properties such as East Aurora is presently doing. According to Mr. Nolan there is not enough developmental pressure or taxpayer support at this time to justify raising taxes for this kind of program – “but maybe in the future if things improve”. He said that flag lots are becoming a problem and that twenty feet of frontage is not enough; that is should be at least forty feet.

Questioned as to the progress of purchasing developmental rights for the Janiga Farm as part of the 2006 State Grant, Mr. Nolan said Mr. Janiga has been unavailable until recently; and that a meeting is now scheduled with him. He also said that the Town is supportive of grants and the work that Connie Miner, Grant Writer, has done; and that the Town wishes to continue to be pro-active in the area of grant applications. He said that an ECB Grants Committee would be a good thing; and that also there could be two people instead of one who works with the Supervisor’s Office to assist in coordination once the Grant is awarded.

Diane Rohl asked the question as to how the Supervisor sees the area of Jamison Road across from Moog Inc. Mr. Nolan specifically stated that: “Jamison Road should not be commercial, but should remain as Agricultural/Residential.” He added that the 300 feet commercial zoning is a good idea that allows the next owner of the property to keep the remaining land open for other uses. When asked where he saw any future commercial development, he answered: “On Transit Road or in the small area around Maple/Route 400.”

VI MANAGEMENT PLAN - CONSERVATION EASEMENT

William Jackson gave a brief overview of the Generic Outline for a Management Plan for a Conservation Easement and its intended purpose which is to monitor any use of the land to be certain it is in compliance with the Agreement between the landowner and the Town. At a minimum, a physical inspection should be performed annually and findings recorded. This could be done by members of the ECB or contracted with outside organizations. Other concerns were discussed such as the importance of having an inventory of what needs to be protected; how would violations be enforced; and how frequently inspections should be done. It was decided that when weather permits, a team from the ECB will inspect the land contained in the Springbrook Shores Land Conservation Easement Agreement, using the BDR as the source document for verification of compliance.

VII ESTABLISH GRANTS COMMITTEE

Motion to table due to lateness of the hour. Unanimous.

VIII STATUS OF BDR ON SPRINGBROOK SHORES

Diane Rohl reported that the Baseline Documentation Report on Springbrook Shores had been given to the Town Attorney a month ago for review and approval. A follow up memo was written this week to determine the status.

IX UPDATE ON LAND CONSERVATION EASEMENTS

Town Supervisor Michael Nolan met with Senator Volker and provided him with written documentation regarding the legal interpretation from ORPS on our Local Law on Land Conservation Easements. Senator Volker indicated his willingness to sponsor legislation to allow additional tax reductions to landowners who put their property in a land conservation easement agreement with the Town. Diane Rohl met with a representative of Kathy Konst, Erie County Legislator, who has also agreed to sponsor legislation to the State. The ECB will be providing additional information to both legislators in support of the Town's position. It is hoped that if enough towns work cooperatively with their legislators, that a new law will be passed by the NYS Legislature before the Summer recess.

X RECOMMENDATION FOR OPEN POSITION ON ECB

A Motion was Made by William Jackson and Second by Raymond Boy that Diane Rohl be appointed to the open position on the Elma Conservation Board as soon as possible and that she also continue in her role as Recording Secretary. We believe that she has been an asset to the Board and appreciate her past contributions in our efforts to preserve open space in the Town of Elma. Unanimous.

XI RE-TREE WNY PROGRAM

At the request of Town Supervisor Nolan and the unanimous consent of the ECB, this item was added to the Agenda.

Literature distributed to the ECB explained that Re-Tree WNY is a collaborative effort between the Federal, State and Local Region to replace trees lost in the "October Surprise" Storm of October 2006. This is a five year program in which the towns may apply for replacement trees and will be expected to share the cost on a 50-50 basis. Trees may only be planted in Town Right of Ways or on Municipal property. The work to be done would require the recruitment of volunteers. Diane Rohl was given the assignment of getting more information for the ECB and Supervisor to determine whether the Town of Elma would be eligible for this program.

XII FYI

Building Inspector's Report – December 2007
Code Review Committee Minutes 12/13/07
Elma Planning Board Minutes 12/18/07
Elma Town Board Minutes 11/21/07, 12/19/07, 1/02/08

XI Motion made by William Jackson and Second by Marc Schneckenberger to adjourn at 10:15. Unanimous.

Respectfully Submitted,



Diane Rohl,
Recording Secretary