

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

**MINUTES OF MEETING – July 22, 2008**

**I The Regular Meeting of the Town of Elma Conservation Board, hereinafter referred to as the ECB, was held on Tuesday, July 22, 2008 at 7:00 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  
Member Marc Schneckenberger  
Member Kenneth Schroeder  
Member/Recording Secretary Diane Rohl**

**I MINUTES OF June 24, 2008**

*Motion to Amend and Table the Minutes of June 24, 2008 until the August meeting; and to write a letter to Michael Nolan, Town Supervisor in regard to the Miller Farm; and to send the draft of the letter to the Chairman for approval before forwarding it to Mr. Nolan. Motion Made by Bryant Zilke and Second by Marc Schneckenberger. Ayes: 7. Nays: 0. Motion Carried.*

**II UPDATE ON LAND INVENTORY PROJECT**

At the request of the ECB and under the guidance of William Jackson, John Whitney of the USDA/NCRS has had a summer intern working on the land inventory for the Town of Elma. Using ARC View, ARC Map and the Erie County Intranet Web Site, the ECB was able to view land parcels of various sizes including developed residential lots and farms and golf courses, flood plains, open fields and woodlands, riparian waterways, etc. According to 2007 taxable properties the average farm in Erie County is 140 acres; in other areas it is 200+ acres.

Regarding flood plains, Mr. Whitney said one way to prevent development is to ask the Town Board to prohibit building in those areas. On the other hand Courts have said that you must compensate people for their loss. One of the options is to not tax the land as a regular lot. As for wetlands, a court case involving the DEC said that if wetlands are not connected to a stream, then they could be isolated wetlands and in under the jurisdiction of the DEC.

According to Mr. Whitney, the project is nearly completed. Requests for additional data or layering will have to be a coordinated effort between his Office and a Member(s) of the ECB. Asked what it would take for the Town of Elma and the Conservation Board to be able to take full advantage of this program, Mr. Whitney responded that ARC View runs around \$1,000 and ARC Map around \$5,000 for each license agreement.

Diane Rohl responded that there is ARC software at the Water Department which was acquired by the Town through a grant; and that she was given a demonstration of the program a short time ago. In order to use it presently for this application, the ECB would need to make arrangements with the Water Department. The ECB will be exploring the means necessary since this would be an important part of their land identification and program planning. They will be exploring means to download maps and data to the computer of use at public presentations. The target date will be either September or October. The ECB Members also decided that they can no longer wait for resolution of the Land Conservation Easement Law but must proceed with other aspects of land conservation.

It was suggested that a public survey would be helpful in determining what programs upon which to focus. Diane Rohl will contact the WNYLC, who have been a part of several surveys, for any information as well as any copies they may have.

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

- A. Chairman Zilke reported that he has received no further information on the status of this Grant. He believes that work is proceeding based upon the Appraisal for the Janiga Farm having been completed. Members questioned whether the ECB should be kept more abreast of what is transpiring.
- B. William Jackson reported that the WNYLC, as a land trust, received grant funding to work with farmers and local governments on farmland protection. He had earlier emailed a copy of the Bill to ECB Members.
- C. Discussion of Assemblyman Cole's PDR Draft Bill was tabled.
- D. Raymond Boy reviewed the latest data included in his Cost Benefit Model. He will be updating vacant residential, commercial and industrial land data at the August meeting.

### **IV REVIEW OF CRC**

Diane Rohl gave a brief overview of the major proposals and those that are scheduled for a final recommendation at CRC's last meeting on July 23<sup>rd</sup>. She said that it will then be the job of the consultant to draft the final code language for a Public Hearing and subsequent Town Board adoption.

**V PROPOSED CONSERVATION EASEMENT LEGISLATION**

Diane Rohl said that on behalf of the Town of Elma and the ECB, she attended a meeting at the Orchard Park Town Hall called by Mark Schroeder, Assemblyman for Orchard Park. In attendance was Michael Cole, Assemblyman for Elma; Assistants to the Legislators; Mary Murphy, Orchard Park Town Supervisor; Remy Orffeo, Town Planning Director; Town Assessor and Town Attorney. A revised draft of the Land Conservation Easement Bill was reviewed and a few minor suggestions were made before Assemblyman Schroeder returned to Albany to discuss the changes with the Encon (Environmental Conservation) Committee and ORPS representatives. Diane Rohl said that an earlier version of the Bill had already passed the Senate; and that when the final version was done, it would have to be voted on again in the Senate as well as in the Assembly. It was hoped that this would happen during one of the special summer sessions.

**VI SPRINGBROOK SHORES**

William Jackson submitted the final draft of the Springbrook Shores Conservation Easement Monitoring Report after a second visit by the ECB Members on July 11, 2008. (First visit was on June 18, 2008.) The ECB reviewed it and determined that it substantiated the fact that there are violations of the Land Conservation Easement Agreement between Marrano/Marc Equity and the Town of Elma. There was some question as to who is now the responsible party since there are not enough homes built within the subdivision to have a formal Homeowners' Association.

*Motion Made by Marc Schneckenberger and Second by William Jackson to write a letter to the Town Supervisor requesting permission to work with the Town Attorney regarding the violations observed during the two site visits; and what actions the Town of Elma should take to protect its interests in the Land Conservation Easement Agreement between the Town and Marrano/Marc Equity.*

*Ayes: 7. Nays: 0. Motion Carried.*

**VII REPORTS ON WORKSHOPS**

Due to the lateness of the hour the ECB unanimously agreed to table this item.

**VIII INFORMATION OF NEW STORMWATER REGs**

Due to the lateness of the hour, the ECB unanimously agreed to table both the review of regulations and the compliance review until the August meeting.

**IX FYI**

Building Inspector's Report – June 2008

Code Review Committee Minutes – 7/10/08

Elma Planning Board Minutes – Town Web Site

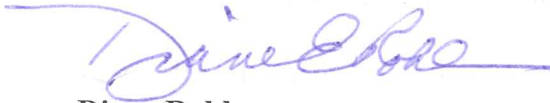
Elma Town Board Minutes – Town Web Site

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X ADJOURN

*Motion Made by Bryant Zilke and Second by Marc Schneckenberger to adjourn the meeting at 10:45 PM.*

Respectfully Submitted,



**Diane Rohl,  
Recording Secretary**