

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

**MINUTES OF MEETING –June 24, 2008**

**I The Regular Meeting of the Town of Elma Conservation Board, hereinafter referred to as the ECB, was held on Tuesday, June 24, 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 May 27, 2008**

***Motion to Approve Minutes of May 27, 2008 Made by Raymond Boy and Second by Marc Schneckenberger..***

***Ayes: 6. Nays: 0. Motion Carried.***

**II CHAIRMAN'S REPORT**

- A. Chairman Zilke reported that the Appraisal for the Janiga Farm has been completed. The PDR Agreement must now be completed and signed by Mr. Janiga and the Town of Elma.**

***Motion Made by William Jackson and Second by Raymond Boy to recommend that the WNY Land Conservancy (WNYLC) be responsible for drafting the PDR Agreement between Leonard Janiga and the Town of Elma; that a Letter of Agreement be signed between the WNYLC and the Town of Elma; and that the funds to pay for this service be taken from the PDR Grant as already allocated.***

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

- B. Any new application for funding under the 2008 PDR Grant for Farmland Protection must be completed in September. Under the new guidelines, only one farm will be eligible, with NYS allocating a certain amount for WNY. On the other hand, multiple applications will be allowed from a municipality. The ECB discussed the potential of submitting an application for a farm which in the past has been rejected by NYS Agriculture and Markets. Chairman Zilke or William Jackson will contact the property owner to ascertain interest.**

*Motion made by Bryant Zilke and Second by Kenneth Schroeder to recommend to the Town Board that they enter into contract negotiations with James Miller to purchase his farm on Creek Road, currently up for sale. It is further recommended that the Town Board extinguish all development rights on the property and then subsequently put the property back on the market. The net proceeds from the sale of the farm would revert to the Town of Elma's General Fund.*

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

**II C. Table discussion on Assemblyman Cole's proposed "TDR" Funding Law until the July 22<sup>nd</sup> Meeting.**

- D. Statistics provided by Raymond Boy were analyzed. These included identified areas of open space, estimated acquisition cost per acre, annual incremental cost based upon a \$1 million 30 year bond issue for the Purchase of Developmental Rights, incremental benefits and net cost per year and net cost per resident estimated at \$3/year.**

It was suggested that if the "TDR" proposed law from Assemblyman Cole could be passed, the revenue from that could be used to fund the PDR Program as outlined. Therefore it was determined that the focus should be on the "TDR" proposal first.

**III UPDATE ON LAND INVENTORY PROJECT (NCRS)**

William Jackson reported that an intern under John Whitney is working on our project and there should be a progress report at the July Meeting.

**IV REVIEW OF CRC**

Diane Rohl reported on the revisions to the Commercial Codes being proposed by the CRC. She also reminded the ECB of the second Public Hearing scheduled for June 11<sup>th</sup> at 6:00 PM.

**V PROPOSED CONSERVATION EASEMENT LEGISLATION**

During the status report to the ECB Members by Diane Rohl, she received a call on her cell phone from Town Supervisor Michael Nolan. He told her that he had just been informed that although the proposed bill had passed the Senate, it had failed to pass the Assembly and was held up in the Encon (Environmental Conservation) Committee. Objections were being voiced by Assembly members from "Down State". He said he was being "assured" that it could pass in one of the special sessions during the summer. Diane Rohl said that she would continue to work with Assemblyman Mike Cole and the Town of Orchard Park.

**VI BDR – SPRINGBROOK SHORES**

William Jackson submitted the draft of a Monitoring Report for the site visit by the ECB Members on June 17<sup>th</sup> at 6:00 PM. The Board was able to walk the path but still had the perimeter of the property to examine. A second site visit will be scheduled for July 10<sup>th</sup> at 6:30 PM. The document was reviewed. It was decided that once the entire property is reviewed, a full report will be prepared and submitted to the Town Board for approval and filing with the original LCE Agreement with Marrano/Marc Equity.

Since the Subdivision is not fully developed, the ECB was uncertain as to who bares the responsibility for compliance: Marrano/Marc Equity or the Homeowners' Association?

*Motion Made by Raymond Boy and Second by Laurence Daley to respectfully request permission of the Town Supervisor to meet with the Town Attorney to review the findings of the site visit to Springbrook Shores. Subsequently, a final report with any recommendations will be produced and submitted to the Town Board for approval prior to filing with the LCE.*

*Ayes: 7. Nays: 0.*

**VII REPORTS ON WORKSHOPS**

Diane Rohl will report on the Conservation Subdivision Workshop at the July 22<sup>nd</sup> Meeting. William Jackson indicated that the DEC is seeking input on its Regional Open Space Plan; and will continue to schedule workshops before its deadline for the 2009 regulations.

**VIII INFORMATION ON NEW STORMWATER REGs**

Marc Schneckenberger will present information that he has gathered on the Stormwater Regulations at the July22nd meeting. Diane Rohl will also investigate the internal procedures required of the Town and report.

**IX FYI**

Building Inspector's Reports –May 2008  
Code Review Committee Minutes – 6/5//08  
Elma Planning Board Minutes – Town Web Site  
Elma Town Board Minutes – Town Web Site

**X ADJOURN at 9:45 PM. Motion Unanimous.**

Respectfully submitted,



Diane Rohl,  
Recording Secretary