

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

MINUTES OF MEETING – September 23, 2014

The Regular Meeting of the Town of Elma Conservation Board, hereinafter referred to as the ECB, was held on Tuesday, September 23, 2014, being called to order at 7:03 PM in the Conference Room at the Elma Town Hall, 1600 Bowen Road, Elma, NY

PRESENT:

Chairman Bryant Zilke
Member Raymond Boy
Member William Jackson
Member Kenneth Schroeder
Member Michael Sobczak
Member Laurence Daley
Recording Secretary Kerry Galuski

ABSENT:

Member Eric Weaver

GUEST:

Jim Malczewski-Councilman
Tracy Petrocy-Councilman
Phyllis Todoro-Town Attorney
Mr. Post-resident

I APPROVE MINUTES

Motion was made by Ray Boy and seconded by Bill Jackson to approve the August 26, 2014 minutes.
Ayes: 6. Nays: 0. Motion Carried.

II UPDATE ON LAND INVENTORY PROJECT

Review Elma Parcel Maps

Progress on the GIS is delayed due to lack of available time and staff resources currently dedicated to the improvements being done at this time at the Water Department.

III PROPOSED CONSERVATION EASEMENT LEGISLATION

Review of Application Status

An update was given by the Town Attorney Phyllis Todoro as to the current status regarding the survey from Mr. Krull. Phyllis has called him twice a week for about seven weeks and has not received any returned phone calls. Bryant asked if the Town has used Mr. Krull's services in the past and was informed only a few times. Councilman Jim Malczewski wanted to know when the "drop dead" timeframe was before we switch to someone else to do the survey. Mike Sobczak informed Phyllis that Mr. Krull is a relative and that he would make a phone call and let her know the status the following day.

The Rupp's received an application from the Assessor and Phyllis is going to check with the Assessor Kandy Wittmeyer as to the status of the application. Bill Jackson reached out to a third party attorney to do the easement program process for the Town. Bill submitted the name of the person for the Town Board to contact. Her rate would be approximately \$110.00/hour.

Jim Malczewski proposed at the next work session to request a different attorney or the Deputy Town Attorney. Jim also suggested that at the next work session it should be brought up about a new Attorney

for the easement program. Bill Jackson commented that an agreement should be signed between the Town Board and an outside Attorney. The ECB will meet with the Attorney from Hodgson and Ross, Jim & Tracy will attend as well. Jim suggested the meeting take place before the next Town Board meeting. Bill asked what day of the week would be best for a meeting and was informed that Tuesday's would work for the two Councilmen; the dates suggested were September 30 or October 7, 2014.

The Post property was discussed with the two councilmen at the meeting. Bryant went over the land locked property across the 400 expressway. Bill gave a view of how to get to the parcel on the other side of the expressway. Mr. Post advised that there is a culvert pipe under the 400 expressway that leads to his parcel. Bill spoke about the farm sted portion and how it should be exempt from the easement but that the land that runs along side of it should be included. The free standing building should also be excluded from the easement. Jim Malczewski asked why not just take the back portion of his property and include that in the easement. It was explained that the entire property minus the items that Mr. Post would like excluded will be in the easement. Bryant asked both councilmen how they felt about the entire property minus the farm portion and the free standing buildings being included in the easement and both councilmen were fine with the proposed Post property. Both Jim and Tracy are fine with the Post property. It was agreed that the Post file would be submitted in November at the work session to discuss with the other Town Board members. The next file being reviewed will be the Orynawka easement.

IV OTHER CONSERVATION ACTIVITY

A.) Historical Preservation

Ray Boy gave an update on the program and a clarification on the difference between the two different programs that the Town can approve.

B.) Multiple Dwelling Code

Jim Malczewski updated everyone as to where the process is at regarding the multiple dwelling code. The SEQR is the next step of the process. There are four overlay districts created in the multiple dwelling code.

V ADJOURN

Motion made by Ray Boy and seconded by Larry Daley to adjourn the meeting at 8:34 PM. Ayes: 6. Nays: 0. Motion Carried.

Respectfully submitted,

Kerry Galuski,
ECB Recording Secretary