

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

**MINUTES OF MEETING – October 28, 2014**

The Regular Meeting of the Town of Elma Conservation Board, hereinafter referred to as the ECB, was held on Tuesday, October 28, 2014, being called to order at 7:01 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:**

Mr. Post - (Resident)

**I      APPROVE MINUTES**

Motion was made by Bill Jackson and seconded by Ray Boy to approve the September 23, 2014 minutes. Ayes: 6. Nays: 0. Motion Carried. Motion was made by Bill Jackson and seconded by Mike Sobczak to approve the October 7, 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**

Bryant went over where things are at regarding the special meeting on October 7 with the Attorney from Hodgson & Ross. Bill read an engagement letter he received from Elizabeth Holden regarding her services in assisting the Town with the easements. In the letter was the cost associated with the law firm handling the easement process.

The cost for outside counsel to process the Rupp property application could vary from \$1,000 to \$2,500 to finish the easement process. Bill requested that Kerry forward the engagement letter and the email with the Rupp application cost to both Councilmen Malczewski and Petrocy for their input and to the ECB to review as well.

Bryant inquired with Bill as to the checklist that Elizabeth spoke about at the last meeting. Bill thought she may be waiting to see if the Town approves her services before she proceeds with any additional work. Bill made the motion that, based on the email from Elizabeth to Bill, the ECB will forward to Jim Malczewski and Tracy Petrocy the engagement letter for the outside legal counsel to assist the Town Attorney with the easement documents. The ECB asks that the councilmen review and approve the hiring of outside counsel. Seconded by Ray Boy. Ayes: 6. Nays: 0. Motion carried.

Bill read his BDR that he had submitted on the Post property for comments by the ECB. Mr. Post and Bill walked the property before the BDR was written up and in doing so realized that it is not legally permissible or permitted to cross the 400 expressway to get to the parcel that is land locked on the other side. Bill has contacted the Dept. of Transportation to see if there is any way for the ECB to review the property every year. As of right now, the Erie County Sheriff's would have to escort the ECB or an alternative method (like satellite image) would be the way to get to that parcel for site review by the ECB. It may also be possible to ask other residents with land adjoining the parcel for access.

It was commented that maybe that section should be omitted but Bryant thought the section should still be included in the easement program. Bryant explained that someone could still buy the property and develop it for some other kind of purpose. The ECB reviewed the aerial photo that Bill submitted and it is clear that you can see the NYSEG trail for the power lines and poles on the property. Mr. Post commented that NYSEG has access to get back to the property when they need to.

Bryant asked about the BDR write up and the section that pertained to the zoning of the property. It was confirmed that it is a Residential C; Bill will amend his write up and send Kerry a revised copy. Once Kerry receives the final version of the BDR, it will be forwarded to both Tracy and Jim for their review. Kerry will check with the councilmen to see if the Post easement will be on the November work session and, if so, an email will be sent to the ECB to attend the meeting.

At the November meeting, Mike and Larry will go over the Orynowka file to make sure it is ready to be submitted to the Town Board. If the file is complete, both Tracy and Jim will be invited to the December meeting to review the case.

#### **IV OTHER CONSERVATION ACTIVITY**

##### **A.) Historical Preservation**

Ray Boy has nothing new on this initiative at this time.

##### **B.) Multiple Dwelling Code**

Ray informed the ECB that the multiple dwelling code committee is meeting now to review the design guidelines.

##### **C.) Springbrook Shores**

The Springbrook Shores walk through will be done by Larry Daley again this year.

#### **V ADJOURN**

Motion made by Ray Boy and seconded by Larry Daley to adjourn the meeting at 8:14 PM. Ayes: 6. Nays: 0.  
Motion Carried.

Respectfully submitted,

Kerry Galuski,  
ECB Recording Secretary