

Marilla
Conservation Advisory Board

February 7, 2006

Date: February 6, 2005

Members Present: Leonard Janiga -Chairman
Dave Muench
Bud Pearce
Roger Gustavel
James Heinrich

Members Absent: Ralph Burch
Warren Cullen, Sr.

Also in attendance: Councilman Fred Specht

Meeting commences @ 6:30 PM

Chairman Janiga asks for approval of last months meeting minutes as amended.
All members say aye.

Len introduced Fred Specht as the Town Board's new liaison to the CAB,
replacing Councilman Warren Handley. Len also states that he wishes to thank
councilman Handley for his past support and assistance working with the CAB.

It is announced that in the future, the PACE program financials will be in the
hands of Supervisor Foss. Mr. Foss has recently submitted a proposal to Albany
for an extension of the current grant which was due to expire. Fred Specht adds
that unfortunately, the proposal has been lost in the mail.

Len offered a letter from Roger Gustavel, currently an alternate on the CAB.
Roger requests that he might be appointed to the vacant position on the CAB,
formerly held by Diane Fronczek.

It was agreed on to wait until next months meeting to appoint a new secretary of
the CAB until more members are present and the vacant Board position is filled.
Roger offers to record the minutes for tonight's meeting.

A copy of the PACE Grant application filed by Supervisor Foss was given to the
chairman for review. Leonard, along with other members will review the proposal
for next month's meeting

Leonard announces that the status of the PACE grant on his property is still
being delayed due to "red tape". He expresses frustration at the delay and also

notes that the delay seems to be costing the town money, as it is paying attorney fees monthly to address these issues. He states that fortunately, his attorney is not charging him in the same manner.

When Fred asked for details of the holdup, Leonard replied that there continue to be problems with the survey and title, and missing paperwork that had been submitted to town attorney's office by Leonard as far back as 2003. Leonard says that as soon as the town puts forth the paperwork, he is ready to sign it. He also admits that if he was not so dedicated to the PACE program, he most likely would have given up by now. He has heard of similar problems across the state, as well as on the Wiggler property in our town.

Leonard also announced that he and Earl Gingrich Jr., co owners of a parcel of property are offering another 39 acres into the PACE program. The property is in the vicinity of the fireman's grounds. He hopes that this transaction will move faster than his current one.

Leonard will be attending a meeting on February 15th with Supervisor Foss, Diane Phillips (of NYS Dept. of Ag/ Markets) and Senator Dale Volker. The purpose of the meeting will be to discuss Farmland preservation and the problems occurring with the PACE program.

Fred Specht said that NY State currently has \$65 million of unspent money for the statewide PACE program. The new revised PACE program will require that participants of PACE to be identified and to apply for the grants rather than the current manner. There will also be stricter requirements on the parcels, added Leonard.

On a new note Leonard offered statistics of "new builds" in the town for the past year. There were 17 new builds in 2005 compared to 12 in 2004 and 19 in 2003.

Fred Specht asked if our board is represented at the monthly Erie County Environmental Council meetings. The CAB has not had a member attend ECEC meetings recently, but have in the past. The CAB also has a schedule to send at least one member to each of this year's ECEC meetings.

Old business:

Regarding the Town Code book, Dave Muench proposes that section 1201 12-8 should be changed in the book. It currently states that members of the CAB shall serve without compensation. The board members currently do and have received compensation for some time now. Dave adds that this must be an oversight when the revisions were made making the CAB a "board" rather than a "council".

Leonard asked Councilman Specht if there was any new news regarding the Conservation Overlay district. Fred said there was none but the Town Board will appreciate input from the CAB regarding this subject.

A discussion of the history of the overlay districts ensued. Fred Specht offered his analogy of how the overlay districts were derived by mapping the areas of the town including floodplains, wetlands, woodlots, etc. He also gave some history of wetland management by the Army Corp of Engineers and the DEC. Leonard remarked how the current maps are most likely no longer accurate and should be updated. Leonard stated a statistic that according to the DEC, NY State has 17,000 more acres of wetlands today than 10 years ago due to restoration of wetlands that farmers were once previously paid to drain.

Dave Muench questioned if the town has any policy or if it has addressed the issue of Wind mills and wind farms. Fred Specht stated yes, and that there will be an ordinance soon regarding these. Dave asked if the CAB would be involved since these wind farms are an environmental issue.

Roger gave the other members an update of the Marilla Planning board meeting of 2/2/2006 that he attended. He gave information regarding the likely rezoning of the Rohl property located at Two Rod and Clinton. There is a tentative public informational meeting set for March 9th regarding the rezoning of this property to B1. Fred added that the Town Board is looking at the future regarding where the future growth should be. A discussion of growth in the Clinton Street corridor versus the rest of the town followed. Fred stated how the zoning of the area as B1 would give the town the right to limit what type of businesses could move in as well as good control over other issues such as driveways, size of buildings, etc. He adds that the B1 classification would not allow a Walmart in that location.

Roger asked Fred about the size of the property in question. Fred showed a map of the proposed B1 zone extending 1500' west on Clinton Street, and approximately 1100' south on Two Rod Rd. The property is approximately 39 acres.

Dave asked Fred if there was any word from zoning board on the Berner project and about the CAB's involvement in that issue. Fred stated that the Town board feels the CAB would be too much bureaucracy. He said the Town Board feels that the CAB should not be another obstacle. Dave Muench questioned this as the project does involve the environment and resources of Marilla. Fred stated that the CAB's comments are always welcome on the issues.

Fred offered a story regarding his experiences with too much bureaucracy involving business deals and the effects it has on corporate decisions.

Jim Heinrich moved to adjourn the meeting at 7:45. Motion was seconded by Bud Pearce

All present in favor. Meeting closed at 7:45PM.

Submitted by Roger Gustavel, Alternate CAB Member.

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