

# MULTIPLE DWELLING CODE COMMITTEE

Elma Town Hall

1600 Bowen Road Elma, NY 14059

Phone: 716-652-3260

## MINUTES OF MEETING - September 25, 2013

The meeting of the Town of Elma Multiple Dwelling Code Committee, hereinafter referred to as the MDCC, was held on Wednesday, September 25, 2013 at 7:00 PM in the Elma Town Hall at 1600 Bowen Road, Elma, New York.

### PRESENT:

James Malczewski, Town Board, Chairman MDCC  
Tracy Petrocy, Town Board, Vice Chairman MDCC  
Diane Rohl, Secretary EPB, Secretary MDCC  
Joseph Colern, Building Inspector  
Phyllis Todoro, Town Attorney (arrived at 7:07)  
Raymond Boy, ECB Member  
Jeffrey Breidenstein, Community Representative

### ABSENT:

Michael Cirocco, EPB Member  
Thomas Reid, EPB Chairman  
Robert Schafer, ZBA Member  
Joshua Blair, Community Representative  
Michael Nolan, Town Board, Alternate MDCC

### I Approve Draft of Minutes: August 28, 2013

Motion made by Tracy Petrocy and second by Raymond Boy to approve the Minutes of August 28, 2013.

Ayes: 7. Nays: 0. Motion carried.

### II Change in October Meeting

Chairman Malczewski announced that due to a conflict with a change for the Town Board Meeting, it will be necessary to change the MDCC

October meeting from 10/23 to 10/30 - same time at 7:00 PM. Drew Reilly, Wendel, who is scheduled for October, will be notified of the change for confirmation.

### III Attendance at MDCC Meetings

Chairman Malczewski expressed concern regarding the lack of representation on the MDCC by the Elma Planning Board due to the high number of absences by both members. Other members said that they were aware that this was caused by the members' professional commitments which required them to travel. They also concurred that there should be representation. A question was raised as to whether new members could catch up. Joseph Colern offered to sit with them to review. Diane Rohl said she would provide written materials needed.

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Motion made by Phyllis Todoro and second by Raymond Boy to remove Thomas Reid and Michael Cirocco, and to seek who else on the EPB would be interested in serving as a replacement.

Ayes: 7. Nays: 0. Motion Carried.

Secretary Diane Rohl was instructed to take care of notification.

### IV Review and Preparation for Draft Letter to Town Board

Chairman Malczewski summarized the discussions of previous meetings. He said that the consensus is an objection to multiple family dwellings located within the Town, and concern regarding the number of duplexes being built in various locations.

Mr. Colern stated that under current Elma Town Code, Multiple Family Dwelling is defined as three or more units. Also one AC is required for 4 units in a drainage district, two AC for 4 units with a septic system. He suggested four units per building maximum. He also suggested designating the number of units over a commercial building. Questioned was how the new code would fit the requirements for providing affordable housing as outlined on May 22nd in the presentation by Mr. Dearing from the EC Consortium.

Various options were considered to allow Multiple Family Dwelling construction yet maintain the rural character of the Town. Two of them were either the use of a Floating District or creating a specific Overlay. Mr. Colern said that in order to protect the Town, the Overlay could restrict the number of units per building, the number of stories, the requirements for landscaping, etc. Adding language from the Town of Orchard Park Code was proposed, to prohibit any development of the land - for the purpose of protecting the existing environment - until contractors fully comply with required codes.

Mr. Colern proposed creating an Overlay District in the C-3 Commercial Zone on Transit Road from Bullis Road to the Elma/Lancaster Town Line. The maximum lot coverage should be changed. Included would be multi-family units, townhouses, condominiums, assisted living and nursing homes. Two apartments will be allowed over commercial buildings in the C-3 Commercial Zone only. It was also decided that duplexes will only be allowed in the C-2 Commercial Zones.

Chairman Malczewski requested that Mr. Colern provide definitions of each type of multi-family including the difference between duplexes and in-law apartments.

The intent is to have all of this information forwarded to Drew Reilly of Wendel so that he may provide on October 30th, guidance, information and process for a Letter of Recommendation from the MDCC to the Elma Town Board.

#### V MEETING ADJOURNED

Motion made by Raymond Boy and second by Joseph Colern to adjourn at 8:58.

Unanimous.

Respectfully submitted,  
Diane Rohl,  
Sec'y MDCC