

MULTIPLE DWELLING CODE COMMITTEE

Elma Town Hall

1600 Bowen Road Elma, NY 14059

Phone: 716-652-3260

MINUTES OF MEETING - February 26, 2014

The meeting of the Town of Elma Multiple Dwelling Code Committee, hereinafter referred to as the MDCC, was held on Wednesday, February 26, 2014 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
Thomas Reid, EPB Chairman
Michael Cirocco, EPB Member
Robert Schafer, ZBA Member
Raymond Boy, ECB Member
Joseph Colern, Building Inspector
Phyllis Todoro, Town Attorney
Joshua Blair, Community Representative
Diane Rohl, Secretary EPB, Secretary MDCC

ABSENT:

Jeffrey Breidenstein, Community Representative
Michael Nolan, Town Board, Alternate MDCC

A. Approve Amended Minutes: January 22, 2014

Motion made by Michael Cirocco and second by Tracy Petrocy to approve the Minutes of January 22, 2014 as amended.

Ayes: 10. Nays: 0. Motion carried.

I. REVIEW OF DECISIONS MADE/DISCUSSIONS AT DEC & JAN MEETINGS

Chairman Malczewski said he would like the MDCC to complete its task within the next three months, within the 6-month extension of the MF Moratorium. He said accordingly there should be enough time for a recommendation report to the Town Board and a public referendum for adoption. Drew Reilly concurred, saying that 2-3 months will be needed for the process including the SEQR.

It was decided by the MDCC that duplexes, which were not part of the Committee's charge, should be excluded from consideration. Mr. Reilly said it is important to include definitions, either being something simple or more detailed, depending on whether there are going to be different areas that will be regulated differently or whether all areas would be under the same guidelines.

II. DISCUSSION OF LOCATIONS OF MULTI-FAMILY

The MDCC agreed that trying to resolve the duplex issue was not part of their original charge under the MF Moratorium guidelines and therefore should be removed from consideration at this time.

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Group Homes (up to eight) serving mentally or physically disabled, are defined under NYS Law as Single Family homes. In-Law apartments will be defined as Multiple Family. Apartment complexes, senior housing and/or assisted living would be under the Multiple Family code.

Mr. Reilly advised the MDCC that code revisions to be defensible need to be:

- In agreement with the EC Regional Plan for Growth & Development.
- In agreement with the Elma RCP (or revision of the Plan).
- In agreement with the Agricultural Protection Plan.
- Protection of community and maintenance of rural character.
- Recognition of industrial centers in Elma.

After much discussion, a vote was taken by Chairman Malczewski regarding agreement to designated areas. Also discussed was whether the area on Seneca Street from Pound Road to Rice Road should be re-zoned from C-1 to C-2 to allow for larger scale development. Others deemed not acceptable were Transit to Kingsley and Maple Road. The final vote for acceptable locations was six in favor, four opposed. As a result, the following were deemed suitable for MF:

1. Transit Road north of Bullis Road to Town boundary line (Lancaster). (C-3)
2. Transit Road south from the 400 Interchange to Seneca Street. (C-3)
3. Seneca Street from Transit Road to Pound Road. (C-2 & C-3)
4. Seneca Street from Pound Road to Rice Road. (C-1)
5. Seneca Street from Rice past Jamison - boundary uncertain. (C-2, Industrial)
6. Clinton Street from Transit (excl. corner) to Blossom Road/St. Gabriel's. (C-2)*
7. Bowen Road from Clinton Street to Town boundary (Lancaster). (C-2, Res)

*Mr. Colern questioned this as suitable due to part of its being in a flood plain.

III. METHODOLGIES TO ACCOMPLISH

The MDCC identified some of the criteria that should be incorporated into the new MF Code and how to apply these. It was felt that all proposed locations were not the same and therefore the MF Code needed to reflect this. It was decided that Overlays, either a Fixed Overlay or a Floating Overlay, would be the best method. Mr. Reilly discouraged the use of a Floating Overlay, saying that it allowed for too much subjectivity and was more likely to be challenged in court. The MDCC chose the Fixed Overlay saying that different requirements would need to be applied to different locations. (Mr. Reilly suggested using the current Elma Overlay as a basis.) Of importance would be the types of MF, the scale of MF, the density allowed in each area and the design of the MF. Also suggested was the development of a separate document or manual outlining and displaying various acceptable building designs.

Mrs. Rohl mentioned this that was later done for commercial buildings after the new Code was adopted in October 2008.

IV. AMENDMENTS TO RECOMMENDATIONS REPORT

Mr. Reilly said that he would modify his Recommendations Report, previously submitted to the MDCC, to be in line with the suggestions and decisions made at this meeting. He will send a draft to Secretary Rohl, to be forwarded to the MDCC in preparation for the March 26th meeting.

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B. Adjourn

Motion made by Thomas Reid & second by Michael Cirocco to adjourn the meeting at 9:00 PM. Unanimous consent.

Respectfully submitted,

Diane Rohl,
MDCC Secretary