

MULTIPLE DWELLING CODE COMMITTEE

Elma Town Hall

1600 Bowen Road Elma, NY 14059

Phone: 716-652-3260

MINUTES OF SPECIAL MEETING - MAY 7, 2014

The special meeting of the Town of Elma Multiple Dwelling Code Committee, hereinafter referred to as the MDCC, was held on Wednesday, May 7, 2014 at 8:00 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 (arrived at 7:59)
Michael Cirocco, EPB Member
Robert Schafer, ZBA Member
Raymond Boy, ECB Member
Joshua Blair, Community Representative
Jeffrey Breidenstein, Community Representative
Phyllis Todoro, Town Attorney
Diane Rohl, Secretary EPB, Secretary MDCC

ABSENT:

Joseph Colern, Building Inspector
Michael Nolan, Town Board, Alternate MDCC

I. Approve Draft of Minutes: April 23, 2014

Prior to the approval of the Minutes, Mr. Reid requested that there be a more detailed explanation of decisions made by the MDCC. He said he felt it was important for the public to understand the rationale behind these code recommendations. Diane Rohl agreed to include this in the May 7th Minutes. Motion made by Tracy Petrocy & second by Thomas Reid to approve the Minutes of April 23, 2014.

Ayes: 10. Nays: 0. Motion carried.

II. Review Drafts of Revised (4/23/14) Overlay Districts - Reilly 4/29/14

Chairman Malczewski stressed how he hoped that the MDCC could finalize their recommendations to the Town Board before the first six month extension of the MF Moratorium expires in August.

1. Springbrook Multiple Dwelling Overlay (SMDO)

Page 1- Permit Required Item B:- add language to reference role of EPB in approval process.

Page 2- Objectives : Edit - Change "Clinton Multiple Dwelling Overlay" to Springbrook Multiple Dwelling Overlay (SMDO).

Page 2-*Submission Requirements: E.* Discussion regarding protection of existing vegetation before a project starts. Could not agree on how and enforcement. In the interest of time, decision to move on.

Page -2- MDCC (5/7/14)

Page 3 - Submission Requirements F: Add "color" to requirements for signage plan to comply with Town commercial code requirements.

Page 3 - *Other Zoning Requirements & Design Standards -*

A. Minimum lot size: Omit. Minimum Unit Size: See Elma Town Code 144-142/A.8. (single story 650 sq. ft.;two story 500/800 sq. ft.)

B.Density: "No restrictions; however development must meet all other zoning requirements." (See TNMDO)

F. edit SRMDO; s/b SMDO.

Page 5- I. Landscaping/Screening: 1. Define "street tree". 4. New Code 2-yr warranty.

It was agreed that the Elma Planning Board (EPB) should use the guidelines from the Commercial Code to review/approve multiple dwellings, the same as commercial property. Earlier concerns were expressed regarding contractors clearing land of trees, etc. prior to coming before to the Town or EPB for approval. After discussion, it was decided that this issue would require code changes and although important, in the interests of time, should be put aside. A member objected to any signage in this small hamlet area. Others felt the code as proposed was appropriate.

Todd Huber, Building Solutions, said he felt it was difficult to invest in property and get any return in this C-1 Code (single story 3,000 sq. ft.; two story 6,000 sq. ft.). He also said it was hard to comply with the size of the signage - "too small" - and did not help to attract potential customers. He questioned why the MDCC was considering restriction on acreage over and above the requirements of Erie County for septic systems. A poll of the MDCC resulted in:

- Goal is to keep buildings small.
- Question likelihood of further development if acreage is too small.
- Could create water problems if A/C too small. Let EC determine A/C minimum.
- Should variances be allowed? Question role of ZBA regarding hardship criteria?
- Because lots are already small, do we need A/C limit?
- MDCC began with Overlays proposed in three areas of Seneca Street - Transit to Old Pound, Old Pound to Rice Road and Rice Road to Jamison. Why now only one?

The MDCC reviewed the goal for Springbrook and why the elimination of two other Overlays . It was agreed that they wanted to keep Transit to Old Pound (C-2) open to more commercial development; that this area was progressing as intended and it was not necessary to include multiple dwellings. The MDCC discussed the area from Rice to Jamison (C-2), being composed of residential, small business, farm property and an

Automotive Overlay. Some felt this was a good area for tastefully designed multiple dwellings; the majority felt they wished this area to remain somewhat "rural". In the end, the MDCC decided to eliminate the acreage requirement in Springbrook, believing this to be an "experiment" to see if it will help to encourage development.

2. Clinton Multiple Dwelling Overlay (CMDO)

Page 1: 144 Boundaries - Edit Clinton Road to Clinton Street.

144 Permit Required: Add EPB approval language..

Page 4: H. Parking & Loading Areas 1. setback to be "X". (Same as Smolarek Dental Office. Check with Building Department for setback.)

Page -3- MDCC (5/7/14)

Page 5. Landscaping/Screening: 1. Definition of "street tree". 4. New Code 2-yr warranty.

The MDCC discussed the development of this area being the north side of Clinton Street only due to drainage issues on the south side, and the potential to have multiple dwellings behind residential property. An addition to the proposed Code in this Overlay only, provides that this site "should include an area set aside as a community gardens area to be utilized by the residents of the facility".

3. Transit North Multiple Dwelling Overlay (TNMDO)

Page 1. Boundaries: Depth to property line with 100' buffer.

Effective Upon Zoning: Edit Bowen Multiple Dwelling to Transit North Multiple Dwelling Overlay (TNMDO).

Permit required: Add EPB approval language.

Page 2. Objectives: Edit Clinton Mult Dwell to Transit North Multiple Dwelling TNMDO.

Page 3. Submission Requirements F. Add "color" to requirements for signage plan to comply with Town commercial code requirements.

Page 5. 1. Landscaping/Screening: 1. definition of "street tree". 4. New Code 2-yr warranty.

Considering the protection of residential properties located to the rear, most particularly on Blossom Road, the MDCC discussed two alternative setbacks. A vote was taken:

300' Frontage - 3 Yes.

To property line with 100' buffer - 7 yes.

4. Transit South Multiple Dwelling Overlay (TSMDO)

Page 1. Boundaries: Same as Transit Road North Multiple Dwelling Overlay.

Permit Required. Add EPB approval language.

Page 2. Objectives: Edit Clinton Multiple Dwelling to Transit South Multiple Dwelling Overlay (TSMDO).

Permitted Uses: Edit Transit Road to Transit South.

Page 3. Submission Requirements: F. Add "color" to requirements for signage plan to comply with Town commercial code requirements.

Page 4. H. Parking & Loading Areas: 1. Setback 100'.

Page 5. 1. Definition of "street tree".

4. New Code 2-yr warranty.

Page -3- MDCC (5/7/14)

III. MDCC Recommendations Report

Revised Overlays and Minutes will be sent by email to Drew Reilly by Secretary Rohl as soon as possible so that he may prepare a MDCC Recommendations Report for the Town Board Work Session on May 14th. Diane Rohl will also forward the MDCC Minutes to members.

Page -4- MDCC (5/7/14)

Any corrections to the Minutes will be sent to Diane Rohl who will forward them to Mr. Reilly. When received from Mr. Reilly, the MDCC Recommendations Report will then be forwarded to the MDCC for a final review prior to being submitted to the Town Board. The scheduled MDCC meeting for May 28th is cancelled.

IV. Adjourn

Motion to adjourn at 10:07 PM made by Raymond Boy and second by Thomas Reid. Unanimous. Motion carried.

Respectfully submitted,

Diane Rohl,
Secretary