

10/19/11 Town Board Minutes

A regular meeting of the Elma Town Board was held on Wednesday, October 19, 2011 at 7:00 PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor Dennis Powers
Councilman Thomas Fallon
Councilman Michael Nolan
Councilman Tracy Petrocy
Councilman Dean Puleo

Also: Building Inspector Joseph Colern
Highway Superintendent Wayne Clark
Water Superintendent Eugene Stevenson
Town Attorney Phyllis Todoro
Town Engineer James Wyzykiewicz

Approximately 15 people attended the meeting.

The meeting was opened with the reciting of the Pledge of Allegiance.

Making the Legal Notice for the proposal to amend the Commercial Sign Code Ordinance part of the minutes Supervisor Powers opened the public hearing at 7:01PM. Councilman Puleo informed the public of all the sign code changes. Speaking for the code changes was D. Baker, no one spoke against. Supervisor Powers closed the public hearing at 7:09PM.

Councilman Puleo made the motion and Councilman Nolan seconded the motion approve the new Commercial Sign Code Ordinance as follows:

CODE 144-71 C-1 (Neighborhood): 144-79 (Design Standards): E. (Signage)

CODE 144-81 C-2 (Intermediate): 144-86.3 (Design Standards): E. (Signage)

CODE 144.86.5 C-3 (Major): 144-86.13 (Design Standards) E. (Signage)

No digital signs other than static images.

CODE 144.102.1. (Signs)- (current language) - No change

No flashing signs are permitted in any zone.

CODE 144.102.1 (Signs) - B.(1)(b)

"The hours of illumination shall be specified in the permit and restricted accordingly."

Three dimensional signs, objects or advertising require a special motion of approval by the Planning Board.

NEW SECTION CODE 144.102.1 Intent :

Sign regulations, including provisions to control the type, design, size, location, motion, illumination and maintenance thereof, are designed to achieve the following purposes: To protect property values, create a more attractive economic and business climate and protect the physical appearance of the community from the effects of inharmonious, bizarre and out-of-scale signs.

To preserve the scenic and natural beauty of designated areas and provide a more enjoyable and scenic community. To reduce signs or advertising distractions or obstructions that may contribute to traffic accidents. To provide reasonable, yet appropriate conditions for advertising goods sold or services rendered in business districts by relating the size, type and design of signs to the type of establishment. To control signs so that their appearance will be aesthetically harmonious with the overall design of the area. To reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way. To curb the deterioration of natural beauty in the community's environment.

NEW SECTION CODE 144.102.1 Definition: Digital Signs are revolving, moving, flashing, blinking, scrolling, fading, dissolving signs or signs that appear to be in motion. Digital signs may break with light suddenly and briefly. Digital signs may move very quickly.

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NEW SECTION CODE 144-102.1 Prohibited Signs:

The following signs are prohibited in the Town of Elma:

Projecting signs over any public way except when hung from the underside or ceiling of a covered walkway related to the exterior of an individual business establishment. Any and all revolving, any and all moving, any and all flashing, any and all blinking, any and all scrolling, any and all fading, any and all dissolving signs or any and all signs that appear to be in motion.

Fluttering banners or strings of lights not part of a sign provided however, that nothing herein shall be construed to prohibit the decoration of any premises for any national holiday or religious or holiday season. Signs attached to light standards, utility poles or trees. Portable, Seasonal, Temporary or Free Standing signs are NOT allowed except by

application to the Building Inspector, approval by the Planning Board if required by Code, issuance of a sign permit by the Building Inspector and payment of required fee. Roof signs. Billboards except that, the Town may establish off-premises identification for signs for businesses. Digital signs. Intermittent signs.

NEW SECTION CODE 144-102.1 Maintenance of Signs :

All signs and sign structures shall be maintained in good repair and condition. Signs and their supporting structures, which no longer serve the purpose for which they were intended or which have been abandoned or are not maintained in accordance with this ordinance and other applicable regulations of the Town, shall be removed by the owner, lessee or user thereof, the permit holder or owner, or lessee or user of the premises upon which the sign is located.

NEW SECTION 144-102.1 Nonconforming Signs:

Signs, including billboards, conforming to the regulations prevailing prior to the effective date of this amendment, but which do not conform with the regulations herein or subsequent amendments thereto, shall be nonconforming signs. Any sign or part thereof which has blown down, been destroyed, needs to be changed due to a change in business or otherwise taken down for any purpose other than repair, shall not be rebuilt, re-erected or relocated unless it complies with the provisions of this section and other applicable regulations.

Where signs individually or collectively in a multiple development, as hereinafter defined, are nonconforming, one or more new wall and canopy/fascia signs complying with the current provisions may be erected whenever the use or occupancy changes of an individual establishment or enterprise..

Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Nolan seconded the motion to approve the minutes from the October 5, 2011 meeting. Ayes-5. Noes-0. Carried.

Department Reports:

Building Inspector Joseph Colern presented the department monthly report for September with 28 permits issued, fees collected of \$5,561.23 with an estimated value of construction of \$410,037.79.

Water Superintendent Eugene Stevenson reported that reimbursement for the two (2) fire hydrants hit has been received, winterizing the 900 fire hydrants will begin November 1, 2011 and the water lines for Moog and Transit Commons are progress.

Highway Superintendent Wayne Clark informed the Town Board that the plow truck up for auction has sold for \$3600. Also in question is the intersection of Kinsley and Transit for snow plowing, Town Attorney Phyllis Todoro will draft a letter to NYS regarding this matter.

Councilman Puleo made the motion and Councilman Fallon seconded the motion to issue a Preliminary Business Use Permit for Cans 2 Cash at 5710 Seneca Street. Building Inspector notes one semi-trailer to be parked on site at this time. Permit required for any advertising signs. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Puleo seconded the motion to approve the resolution for amending the 2011 adopted budget for budget transfers as follows: WHEREAS, as the year has progressed the Town's actual spending has exceeded the 2011 adopted budget in certain line items, and WHEREAS, while these lines have no effect on the total General Fund 2011 adopted budget, it is necessary to transfer budgetary appropriations between certain appropriation codes, NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the following transfers within the 2011 budget: Decrease Appropriations: A1990.400—Contingency--\$7,450.00; A8160.402--Refuse Hauling--\$18,000.00; A8160.403--Refuse –Utilities--\$2,500.00, Total \$27,950.00. Increase Appropriations:A1110.410--Town Justice–Other Expenses--\$2,500.00; A1110.412--Town Justice–Court Security--\$3,500.00; A3510.413--Control of Dogs –Cell Phone--\$450.00; A6410.400—Publicity--\$1,000.00; A8160.200--Refuse Equipment--\$18,000.00; A8160.404--Refuse–Outside Contractors--\$2,500.00. Total \$27,950.00. Ayes-5. Noes-0. Carried.

Councilman Fallon made the motion and Councilman Petrocy seconded the motion to approve Warrant #10 as follows: claim #1214 thru #1358
General Fund \$55,880.59; Highway Fund \$14,898.46; Water District \$141297.53;
Special District \$14317.11 and Capital Project \$229802.30.
Ayes-5. Noes-0. Carried.

Supervisor Powers state there will be an Executive Session regarding Union negotiations on October 20, 2011 at 8:00AM, no other business will be discussed.
Also the next Work Session will be on November 2, 2011 at 6:00PM followed by the Town Board meeting at 7:00PM.

All have received the Agenda and Minutes from the Planning, Zoning and Conservation Boards that apply.

Meeting adjourned at 7:25PM. All in Favor.

Respectfully submitted,

Patricia King,
Town Clerk