

A regular meeting of the Elma Town Board was held on Wednesday, February 4, 2015 at 7:00PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor	Dennis Powers
Councilman	Thomas Fallon
Councilman	James Malczewski
Councilman	Michael Nolan
Councilman	Tracy Petrocy

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

Approximately 10 people attended the meeting.

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

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to approve the minutes from the January 21, 2015 meeting. Ayes-5. Noes-0. Carried.

Department Reports:

Water Superintendent Eugene Stevenson noted that the new pump and generator project at the Transit and Jamison pump houses are in progress. Supervisor Powers noted that Mr. Stevenson has been honored with a Merit Award from WNY American Public Works Association.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve a negative declaration on a short form SEQR for General Physician, PC at 2701 Transit Road, Suite 132-134. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the Business Use Permit for General Physician, PC (medical office) at 2701 Transit Road, Suite 132-134. Building Inspector notes a permit required for advertising sign. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve a negative declaration on a short form SEQR for King's Automotive Sales and Service at 6511 Seneca Street. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the Business Use Permit for King's Automotive Sales and Service at 6511 Seneca Street. Building Inspector notes no junk auto parts or junk auto's to be stored outside. Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Petrocy seconded the motion to approve the SEQR for Local Law #1-2015 MultiFamily Dwelling Code MDCC Law revisions Local law 1-2015 as follows: WHEREAS, the Elma Town Code contains and specifies the local laws, and ordinances of the Town of Elma; and WHEREAS, the Elma Town Board formed the Multiple Dwelling Code Committee (MDCC) to evaluate the regulations and the zoning map of the Town as they relate to the development of multiple dwelling units in the Town, and WHEREAS, the MDCC has prepared draft language to amend specific sections of the Elma Code relating to multiple dwellings and has created four new zoning overlay districts which would be added to the Town's zoning map; and WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law, the Elma Town Board has conducted an environmental review of these Zoning Code revisions, and WHEREAS, the Town has identified that there are no other Permitting or Approval agencies for this action, and WHEREAS, a public hearing was held on August 20, 2014 regarding these Zoning Code and map amendments, and no adverse comments were received, and WHEREAS, pursuant to Municipal Home Rule Law, the Town Board is proposing to adopt these Zoning Code and zoning map amendments by enacting Local Law 1-2015, and WHEREAS, these proposed zoning amendments were referred to Erie County in accordance with General Municipal law section 239-m and the County had no adverse

comments, NOW, THEREFORE BE IT RESOLVED, the Elma Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed enactment of Local Law 1-2015, will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations and therefore issues the attached SEQRA Negative Declaration in accordance with Section 617.7 of the SEQRA regulations, and BE IT FURTHER RESOLVED THAT the Supervisor is authorized to sign the Environmental Assessment Form (EAF) and the Planning Consultant is authorized to complete the required notices and filings.
Ayes-5. Noes-0. Carried.

Councilman Malczewski made the motion and Councilman Fallon seconded the motion to adopt Local Law #1-2015 MultiFamily Dwelling Code MDCC Code amendments; WHEREAS, the Elma Town Code contains and specifies the local laws, and ordinances of the Town of Elma; and WHEREAS, the Elma Town Board formed Multiple Dwelling Code Committee (MDCC) to evaluate the regulations relating to multiple dwellings in the Town, and WHEREAS, the MDCC has prepared draft language to amend specific sections of the Elma Code relating to multiple dwellings and has created four new zoning overlay districts; and WHEREAS, a public hearing was held on August 20, 2014 regarding these Zoning Code and Zoning map amendments, which at that time were proposed to be enacted as Local Law 4-2014, and no adverse comments were received, and WHEREAS, based on comments received and further input from the MDCC, further revisions were made to the proposed zoning amendments, and WHEREAS, pursuant to the Municipal Home Rule Law, a proposed local law, to be known as proposed local law 1- 2015, has been presented to the Elma Town Board for potential amendment of the Zoning Code and Zoning Map of the Town of Elma, and WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law, the Elma Town Board has issued a SEQRA Negative Declaration regarding the enactment of Local Law 1-2015, and WHEREAS, the proposed Local law and zoning map revisions were referred to Erie County in accordance with General Municipal Law section 239-m, and Erie County has issued no recommendations, and WHEREAS, the proposed Zoning Code revisions are in accordance with the Town's Comprehensive Plan (Regional Comprehensive Plan). NOW, THEREFORE BE IT ENACTED by the Town Board of the Town of Elma, New York, Local Law #1-2015, amending the Town of Elma Zoning map and Chapter 144 of the Elma Town Code, entitled "Zoning", more specifically as follows: This Local Law shall take effect upon filing in the office of the Secretary of State of the State of New York. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Petrocy seconded the motion to approve the supporting resolution for Town Participation in Countywide Government Efficiency Plan as follows:

WHEREAS, Governor Andrew Cuomo and the New York State Legislature enacted the Property Tax Freeze Credit to provide property tax refunds to homeowners as part of the 2014-2015 State Budget; and WHEREAS, the new law encourages local governments to generate long-term tax-relief for taxpayers by sharing services, consolidating or merging, and demonstrating and implementing operational efficiencies; and WHEREAS, in year one of the program, which is 2015 for local governments, homeowners will receive the Freeze Credit if their local government stays within the property tax cap; and WHEREAS, in year two of the program, which is 2016 for local governments, homeowners will receive the Freeze Credit for property taxes from any taxing jurisdiction in which the homeowner resides that stays within the property tax cap and puts forward a State-approved Government Efficiency Plan demonstrating savings equivalent to one percent of their property tax levies in each of the following three years; and WHEREAS, while local governments may take a variety of approaches to develop their Government Efficiency Plans, the State has strongly encouraged they convene and facilitate a process to develop and submit county-wide Government Efficiency Plans; and WHEREAS, as exemplified in the recent establishment of the Buffalo Erie Niagara Land Improvement Corporation in 2012, this community has a history of receiving recognition by the State for demonstrating successful regional collaborations involving many municipalities; and WHEREAS, Erie County has offered to coordinate the development of such Government Efficiency Plans as the 'lead agency' on behalf of all

other interested municipalities; and WHEREAS, the Town of Elma is interested in intergovernmental cooperation with Erie County and other municipalities in submitting a county-wide Government Efficiency Plan and desires to memorialize its intention to participate in a coordinated Plan to allow its homeowners to receive the Freeze Credit. NOW, THEREFORE, BE IT RESOLVED that the Town of Elma seeks to ensure that Town homeowners will receive the Freeze Credit as part of this new State law; and BE IT FURTHER RESOLVED that the Town of Elma did not exceed its designated property tax cap for fiscal year 2015 and memorializes that it has no intention of exceeding the cap for fiscal year 2016, which if exceeded would disqualify the town from participation in the Property Tax Cap Freeze Credit Program; and BE IT FURTHER RESOLVED that the Elma Town Board does hereby express its support for, and participation in an Erie County-wide Government Efficiency Plan; and BE IT FURTHER RESOLVED that the Town Board urges the New York State Division of the Budget to approve Erie County's coordinated Government Efficiency Plan with local governments with the understanding that Elma has played an active role in the identification of preexisting and implementation of new shared services, consolidations or merges, and operational efficiencies within the Town of Elma for inclusion in the county-wide plan; and BE IT FURTHER RESOLVED that certified copies of this resolution shall be forwarded to the Erie County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; the Director of the Division of Budget and Management; and the Association of Erie County Governments. Ayes-5. Noes-0. Carried

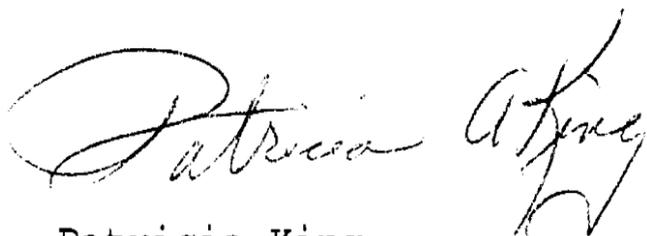
Councilman Nolan made the motion and Councilman Malczewski seconded the motion to approve the Fire Company Service Award points for 2014 to be reviewed by Blossom, Elma and Jamison Fire Companies for 30 days. Ayes-5. Noes-0. Carried

Supervisor Powers noted the next Work Session is February 11th, 2015 at 6:00PM and Town Board meeting will be on February 25th, 2015 at 7:00PM

All have received the Planning, Zoning, Conservation Boards, Work Session and Multiple Dwelling Code Committee agenda and minutes that apply.

Meeting Adjourned at 7:36pm. All in favor.

Respectfully submitted,



Patricia King,
Town Clerk

Chapter 144. ZONING

Article XVIII. Multiple Dwellings

[Added 9-6-1995]

§144-140. Purpose. The purpose of this article shall be to regulate the construction or conversion of existing structures to multiple dwellings to ensure that the health, safety and welfare of the citizens of the Town of Elma shall be protected and promoted in the general area of controlled growth, planning and in accordance with the intent of the comprehensive planning of the Town of Elma, New York, and in order to maintain the rural atmosphere and character of the Town. These regulations supplement the requirements of the Zoning Overlays which allow multiple dwellings.

§144-141. Procedure (Special procedure for Multiple Dwellings).

- A. Any owner of property wishing to construct or convert to multiple dwellings shall apply to the Building Inspector and ultimately the Erie County Health Department, and/or for any and all necessary local, county, state and federal permits. The Building Inspector shall first refer the matter to the Town Board for a preliminary Business Use permit review and shall notify, in writing all landowners contiguous to the subject property of the application. In addition, the Building Inspector shall be the person designated to collect all such plans, memoranda, undertakings and any other data or documents necessary for the granting of approval or disapproval of a project. Upon receipt of the documentation associated with the business use permit application, the Building Inspector shall transmit all materials to the Town Board. After review of the project and with input received from Town Departments and the public at public meeting(s), the Town Board shall decide whether the project meets the intent of the Zoning ordinance and specifically the objectives of the applicable overlay and Article XVIII (Multiple Dwellings). If the Town Board determines that the project appears to meet the zoning ordinance, the applicable overlay and Article XVIII, for potential issuance of the Preliminary Business Use Permit, the project will be referred to the Planning Board for their review and recommendation. If the applicant chooses to proceed with the project, they shall make formal application to the Town for the appropriate other approvals; subdivision, site plan, etc. The Planning Board shall receive these plans and review them in accordance with appropriate Town Codes and requirements. The Planning Board can also receive input from the Highway Department, Water Department, Building Inspector, the applicable fire company, school district, law enforcement agency, Town Engineer, Sewer Superintendent (if applicable) and the comments of the neighboring landowners if any. Upon completion of its preliminary review, the Planning Board shall transmit the package to the Town Board along with its comments and any recommendation for approval, modification or rejection for the Town Board's approval, modification or rejection of the project. Upon receipt of the Planning Board's recommendation, the Town Board shall officially begin the SEQR process (Coordinated review, if necessary) and any required County referral. The Town Board will also set and hold a public hearing on the proposed project. The Town Board, after completing the above required SEQR process, shall either approve the Preliminary Business Use Permit for the multiple-dwellings project proposed, make modifications which will require the package to be returned to the Planning Board for further review and re-transmittal to the Town Board, or reject the multiple-dwellings project proposed. In the event that the Town Board or the Planning Board elects or recommends rejection of the construction and/or conversion of said project in its entirety, then the reasons for the rejection shall be stated. Once the Town Board completes the SEQR process and if the Preliminary Business Use Permit is granted, the project can return to the Planning Board to finalize other required approvals; site plan, subdivision, etc. After the project is completed, but prior to a final certificate of Occupancy being issued, the Town Board will review the completed project for conformance with the project's approvals, and if found to meet all requirements, issue a Final Business Use Permit.

- B. Standards. After receipt of the multiple-dwelling application, both the Planning Board and the Town Board, in making their recommendation and/or approval, disapproval or modification, shall determine that:
- 1) The use will not prevent or substantially impair either the reasonable and orderly use or the reasonable and orderly development of other properties in the neighborhood.
 - 2) The hazards or disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or the town.
 - 3) The health, safety, welfare, comfort, convenience and order of the town will not be adversely affected by the authorized use.
 - 4) Such use will be in harmony with and promote the general purposes and intent of this chapter including the character of the neighborhood where the multiple dwelling is to be located.
- C. Compliance Required. The business use permit shall be deemed abandoned in the event that the use permitted thereby is discontinued for a period of six months or more. The preliminary business use permit shall also be deemed discontinued if the construction of the premises permitted by the preliminary business use permit is not commenced within two years from the date of issuance thereof or if construction or alteration of the premises as authorized under this Article is not completed within a period of two years from the issuance of the building permit. An extension of time may be granted by the Town Board upon good reason.

§144-142. Guidelines to be considered.

- A. In determining whether or not to approve or recommend the approval or disapproval of a proposed multiple-dwellings project or development, the Planning Board and the Town Board shall take into consideration the following factors and/or guidelines:
- B. The entire property proposed for the multiple-dwellings project shall be included in one drainage district.
- 1) Individual floor space size. Minimum habitable floor area per dwelling unit for a single-story dwelling unit shall be 650 square feet, and for a two-story dwelling unit, the first-floor minimum habitable floor area shall be 500 square feet with a combined habitable floor area of 800 square feet. No part of the habitable floor area shall be below grade level.
 - 2) Recreation and green space. The multiple-dwellings project must reserve adequate green space within the project. There shall be provided on the site of each multiple-dwellings development an area or areas devoted to the joint or common recreational use by the residents thereof. Such recreational space shall consist of not less than 500 square feet of space per dwelling unit. Each such recreational space shall be developed for passive and active purposes and shall include facilities normally attendant thereto. Where appropriate, open space shall be located on the property.
 - 3) The water supply shall be of a type and in a location in compliance with the standards of the Elma Water Department and shall be approved by the Water Superintendent. All water systems will be constructed with the intent that the system shall be taken over by the Town of Elma. Such takeover by the town, however, shall not be without the recommendation of the Town Water Superintendent that the system is operating properly and meets all current local, state and federal standards.
 - 4) Adequate provisions must be made for the collection and disposal of stormwater runoff (in accordance with New York State and Town of Elma requirements) from the site and for disposal of refuse or other waste whether liquid, solid, gaseous or other character.

- 5) Sewers. Any plans for sewer or sewerage systems must be recommended by the Town Engineer prior to approval of the project. In addition to being approved by the Erie County Department of Health, all sewers, sewer systems and sewer plants will be constructed with the intent that the system shall be taken over by the Town of Elma. Such takeover by the town, however, shall not be without the recommendation of the Town Engineer that the system is operating properly and meets all current local, state and federal standards. Any sewage treatment plants or facilities must be totally enclosed in a structure.
- 6) Roads. To provide adequate access, all roads shall:
 - a) Have a right-of-way width of no less than 60 feet.
 - b) Have a paved road width of no less than 30 feet.
 - c) Standards. All roads shall be built to town road standards regardless of whether or not it is to be accepted as a public road. A recommendation by the Highway Superintendent and appropriate fire company shall be required prior to the approval of any project.
 - [1] Adequate provisions must be made for emergency conditions.
 - [2] If the planned road is to be a dead end, then a turnaround adequate for fire, police, ambulance and plow service shall be constructed.
 - [3] All proposed curb cuts must be approved by the Highway Superintendent so as to minimize the number necessary into existing streets or roads.
- 7) Parking requirements.
 - a) A minimum of two paved parking spaces shall be provided for each dwelling unit, one of which shall be completely enclosed and covered.
 - b) There must be included in the project the dedication of reserved parking spaces for guests of the residents of the multiple-dwellings project in addition to parking facilities for the residents. There must be at least one additional parking spot for every two bedrooms or any fraction above two bedrooms. Appropriate screening shall be provided so as to prevent glare from headlights.
 - c) The parking spaces, including the guest parking, shall be no more than 150 feet from the door of the multiple-dwelling unit it is intended to serve.
 - d) There must be adequate off-street parking as required by the provisions of this chapter, and the layout of the spaces and driveways must be convenient and conducive to safe operation.
- 8) Access facilities are adequate for the estimated traffic so as to assure the public safety in relation to the general character of the neighborhood and other existing or permitted uses within it and so as to avoid congestion. Vehicular entrances and exits shall be clearly visible from the street and not be within 75 feet of the intersection of existing street lines at a street intersection except under unusual circumstances.
- 9) Adequate buffer yards, landscaping, walls, fences and screening are provided where necessary to protect adjacent properties and land uses. Debris collection areas shall be fenced or otherwise adequately enclosed to minimize disturbance, unsightliness and potential health concerns. Depending upon the location and nature of the multiple-dwellings project, it may be necessary, desirable or required that screening and/or berms or other buffers or screens be created or developed so as to retain the quiet atmosphere of the town.
- 10) Existing municipal services and facilities are adequate to provide for the needs of the proposed use.

- 11) Utility service. All electrical and telephone lines in any multiple-dwellings development shall be placed underground, and all units must be provided with separate utilities or independently serviced by separate heating, water, sewer, electricity, gas and/or other facility or utility services where the same are provided, unless a hardship or other special circumstances are demonstrated, at which point the Town Board, after review, may waive such requirement.
- 12) The proposed use recognizes and provides for further special conditions and safeguards required for particular uses as may be determined by the Town Board and/or Planning Board.
- 13) Converted multiple-dwellings. The standards for converted multiple-dwellings shall be the same as for new construction. However, the Town Board may approve a project for said conversion when certain items required are considered to be grandfathered prior to the enactment of this article. Any and all exceptions and grandfathered requirements will be determined by the Town Board in its approval, modification or rejection of the project. When the property to be converted for multiple-dwelling use is historically, culturally or architecturally significant, the conversion should be guided by the Secretary of the Interior's Standards for Rehabilitation of Historic Properties.

Town of Elma

Zoning Law Amendments for Multiple Dwellings:

Correct definitions related to Multiple Dwellings:

Amend Section 144-2 Definitions and Word Usage as follows:

Replace the current definition of "Multiple Dwellings" with:

A dwelling which is either rented, leased, let or hired out to be occupied or is occupied as the temporary or permanent residence or home of three or more families living independently of each other, including, but not limited to, the following: a tenement, flat house, maisonette apartment, apartment house, apartment hotel, tourist house, bachelor apartment, studio apartment, kitchenette apartment, lodging house, rooming house, boarding house, furnished room house, club, sorority house, fraternity house, college and school dormitory, convalescent, old age or nursing homes or residences. It shall also include a dwelling, two or more stories in height and with five or more boarders, roomers or lodgers residing with any one family.

Add new definition: Two Family Dwelling:

A building containing two dwelling units and designed or used exclusively for occupancy by two families living independently of each other, or two one-family dwellings having a party wall in common.

Replace the current definition of "Dwelling Unit" with:

One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

Replace the current definition of "Family" with:

One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit; provided that a group of four or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

Notwithstanding the definition in the preceding paragraph, a family shall be deemed to include four or more persons not within the second degree of kinship occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition.

Add new Definition: Single Family Residential:

A single family residential building, to be used as a residence, to any one lot, for housekeeping of no more than one family.

Revise language in the Commercial Districts:

Amend Article VIII. Neighborhood Commercial (C-1) District

Amend §144-74 A. by replacing item (4) "*Residential on upper floors of commercial*", with the following:

(4) *Residential on the upper floors of an approved commercial use, limited to two dwelling units.*

Amend Article IX. Intermediate Commercial (C-2) District

Amend §144-84 A. by removing (2) "*nursing or assisted living homes*", and replace with the following:

(2) *Residential on the upper floors of an approved commercial use, limited to two dwelling units.*

Amend Article X. Major Commercial (C-3) District

Amend §144-86.8 A. by removing (2) "*multiple residential complexes*", and replacing it with:

(2) *Residential on the upper floors of an approved commercial use, limited to two dwelling units.*

Amend existing Article on Multiple Dwellings:

Amend Article XVIII Multiple Dwellings as shown in attachment (delete existing Article and replace with the new)

Add the four new overlay districts:

Add these four (4) new Articles XVIII, XIX, XX, XXI (see attached)

Amend the Elma Zoning map to incorporate the new Overlay districts

Amend the Town of Elma Zoning map to include the four new overlay districts as described in the overlays and illustrated in the attached maps.

Transit North Multiple Dwelling Overlay

§ 144- Statement of Intent In accordance with the Regional Comprehensive Plan and the work of the Multiple Dwelling Code Committee (MDCC), the Transit North Multiple Dwelling Overlay (TNMDO) is established to allow for a variety of types of multiple dwellings in the Transit Road North area as defined below. This area is located along the busy Transit road corridor in the mixed use area denoted in the Town's Comprehensive Plan.

§ 144- Boundaries The boundaries of the Transit North Multiple Dwelling Overlay are in general as follows (see Town zoning map for specific location): All parcels, to a maximum depth of 800 feet, fronting Transit Road from Bullis road north to the Lancaster town line (as of the date of enactment of this law).

§ 144- Effect upon Zoning The standards of the Transit North Multiple Dwelling Overlay shall be superimposed over, and supplement, the underlying zoning standards. Each multiple dwelling use must conform to the applicable design standards of the underlying zoning district, as well as the standards of this overlay district and Article XVIII (Multiple Dwellings), and if there is a conflict, the more stringent standards shall apply.

§ 144- Objectives The standards contained herein, which govern multiple dwelling development and redevelopment within the boundaries of the Transit North Multiple Dwelling Overlay (TNMDO), are founded upon the following objectives:

- A. Establish standards to ensure that new multiple dwelling development or redevelopment is in character in terms of scale, design, and layout with the rural character envisioned for this area of the Town.
- B. Reduce signage clutter by controlling the number and size of signs, the placement of signs, and the appearance of signage.
- C. Landscaping and other amenities should be incorporated into site development to enhance the site and screen parking areas.
- D. Design should take into consideration the objectives of this rural agrarian area. Incorporation of elements such as community gardens, picket fences, and other rural atmosphere amenities is strongly encouraged.

§ 144- Permitted Uses The uses that are permitted within the Transit North Multiple Dwelling Overlay shall be determined by the underlying zoning district and supplemented as follows:

- A. The following Principal Uses are allowed in addition to those allowed in the underlining zoning:
 1. All Multiple dwelling type units as defined by this zoning Code and as described in Article XVIII (Multiple Dwellings), as well as a mixture of these types of uses on one lot.

§ 144- Submission Requirements (Refer to Article XVIII for process and other requirements for Multiple Dwellings)

- A. The applicant shall meet all submission requirements of site plan review.
- B. The applicant shall submit building plans and elevations indicating the façade treatments and construction materials and colors of all structures in compliance with the standards of the underlying zoning district and the TNMDO.
- C. The applicant shall submit a minimum of two different renderings of the proposed structure(s) to be developed on the site to allow the Planning Board to choose the alternative or recommend other alternatives that they feel will best comply with the Overlay.
- D. The applicant shall submit a site plan that identifies all components of the development and indicates compliance with all the requirements of the Zoning Law and this Overlay.
- E. The applicant shall submit a landscape plan identifying the location, type, size, and planting specifications of all landscaping proposed for the site. The landscape plan shall also identify, in general, existing vegetation on the site.
- F. The applicant shall submit a signage plan that shows the size, type, color, placement, lighting, design, and construction materials of each sign proposed for the site comply with all the requirements of the Zoning Law and this Overlay.

§ 144- Other Zoning Requirements and Design Standards

All multiple dwelling developments within the Transit North Multiple Dwelling Overlay shall conform to the following requirements and standards:

- A. Minimum Lot size: 2 acres, with a minimum of 100 feet of frontage and a minimum of 300 feet of depth (These uses can be placed on existing commercial property and contain both commercial and multi-family uses.)
- B. Density: 15 units per acre and must meet all other zoning requirements
- C. Height: 3 stories (maximum height of 36 feet)
- D. Maximum Lot Coverage: the maximum coverage of the proposed buildings, accessory buildings, driveways, parking areas, and other impervious surfaces is limited to 75 percent of the entire lot.
- E. Building Setbacks:

The following setbacks shall supersede the setbacks of the underlying zoning and apply to all multiple dwelling developments within the TNMDO to promote the rural atmosphere. Where a setback is not established, the underlying setback shall be applied.

- 1. Front building setbacks shall be no less than 50 feet from Transit Road as measured from the street right-of-way. Awnings, balconies, porches, and other architectural amenities shall be permitted to encroach upon the front setback by a maximum of 5 feet.
- 2. This overlay allows residential units to be placed behind commercial uses.

F. Architecture

The architecture and design of any structure within the TNMDO shall comply with the standards of the underlying zoning and shall conform to the following general guidelines.

1. General Design

- a. The architecture and design of any multiple dwelling structure shall:
 - i. Comply with the character envisioned for this area, enhance the visual quality of the area;
 - ii. Be harmonious with adjacent uses;
 - iii. Multiple dwelling structures can take on the appearance of more commercially styled buildings to fit into the character of this commercial area.
 - iv. Comply with any additional Town Design Guidelines, where applicable.

2. Building Materials

- a. Any side of a building that faces a street or public right-of-way shall incorporate a façade constructed of any of the following materials: stone, brick, masonry, marble, wood or vinyl siding, or other material approved by the Planning Board.
- b. The use of cast concrete, cinder blocks, or metal paneling shall not be used on sides of a building that faces a street or public right-of-way.

G. Site Layout

The site layout for a multiple dwelling within the TNMDO shall comply with the general standards of the underlying zoning and conform to the following overlay guidelines. In the case of conflicting standards, the regulations of the Overlay District shall prevail.

- 1. The layout of sites with the TNMDO can include the creative mixture of commercial and residential uses in a harmonious manner.

H. Parking and loading areas

Off-street parking shall comply with the standards of the underlying zoning and Article IV of the Zoning Code, and shall conform to the following additional standards:

- 1. Parking and loading areas must be setback from the street right-of-way a minimum of 100 feet.

2. A minimum of 10% of the interior of a parking area shall be devoted to landscaping used to break up the parking stalls where the parking area is visible from the public right-of-way.
3. Parking areas shall not contain a continuous single row of parking stalls of greater than 5 parking spaces without interruption by a landscaped island where the parking area is visible from the public right-of-way.
4. In addition to the screening of a parking area required in §144-44 E.(3), the use of decorative ornamental features, masonry walls, fencing, or a mix of each is encouraged to additionally screen parking and loading areas and to create a more visually appealing streetscape.

I. Landscaping/ Screening

Landscaping and screening shall comply with the standards of the underlying zoning and shall conform to the following additional standards:

1. For every 25 feet of road frontage, a street tree shall be planted in conformance with County and Town standards, where applicable.
2. Additional shade trees shall be planted throughout the site at a ratio of 1 tree per 2,000 square feet of lot area.
3. The required front yard shall consist of vegetative ground cover, perennial and annual landscaped areas, and/or other amenities that enhance the visual appearance of the streetscape.
4. All landscaped areas shall be maintained and any vegetation that dies shall be replaced during the following planting season. New Code 2-yr warranty.

J Signage

Signage shall comply with the standards of the underlying zoning and §144-102.1 Signs, and shall conform to the following additional standards:

1. Proposed signage shall be designed to complement the architecture of the building.
2. Each building shall be permitted only one building sign.
3. Individual building signs shall not be larger than 20 square feet.
4. Building signs shall be completely affixed to a building and shall not protrude from the building more than 6 inches. An exception may be granted by the Planning Board for a building sign that protrudes from a building by a supporting arm or other ornamental feature of no more than five (5) feet so long as the sign is perpendicular to the building façade and sidewalk and does not obstruct views, cause a safety hazard, or negatively impact the character envisioned for this area.
5. Free standing signs are permitted and can be incorporated with other commercial signage on the site. New free standing signage shall be ground mounted.
6. The use of digital signage or flashing signs is not permitted.
7. Overall signage may not be lit from internal lights, only the use of individually internally lit characters on a sign, back lit signage, or directional lighting shall be used to light signage. The use of flashing or neon lights is not permitted.
8. The appearance and placement of signage shall be subject to Planning Board discretion as part of the site plan review process.

K. Other

1. The use of decorative lighting structures is encouraged to comply with the character envisioned for this area.
2. The maximum height of any lighting structures shall be 16 feet.
3. Fencing placed in the front yard shall be no higher than 3 feet and shall consist of wood or faux wood picket or ornamental iron construction. A mix of stone, brick, or other masonry wall and fencing may be permitted. The use of stockade, metal, woven wire, or barb wire fences are not permitted in the front yard.

Transit South Multiple Dwelling Overlay

§ 144- Statement of Intent In accordance with the Regional Comprehensive Plan and the work of the Multiple Dwelling Code Committee (MDCC), the Transit South (near State Highway 400) Multiple Dwelling Overlay (TSMDO) is established to allow for a variety of types of multiple dwellings in the Transit Road, near State Highway 400 area as defined below. This area lies within the "mixed use area" of the Town's Comprehensive Plan and offers easy access to Route 78 and to Route 400.

§ 144- Boundaries The boundaries of Transit South Multiple Dwelling Overlay are in general as follows (see Town zoning map for specific location):

All parcels fronting Transit Road between the Route 400 interchange and Seneca Street to the south; including the corner parcel on the south side of Seneca Street (as of the date of enactment of this law). The boundary of the district excludes the rear 100 feet of the parcels, except for the two corner parcels at Seneca Street (no restriction on the back 100 foot of these properties).

§ 144- Effect upon Zoning The standards of the Transit South Multiple Dwelling Overlay shall be superimposed over, and supplement, the underlying zoning standards. Each multiple dwelling use must conform to the applicable design standards of the underlying zoning district, as well as the standards of this overlay district and Article XVIII (Multiple Dwellings), and if there is a conflict, the more stringent standards shall apply.

§ 144- Objectives The standards contained herein, which govern multiple dwelling development and redevelopment within the boundaries of the Transit South Multiple Dwelling Overlay (TSMDO), are founded upon the following objectives:

- A. Establish standards to ensure that new multiple dwelling development or redevelopment is in character in terms of scale, design, and layout with the rural character envisioned for this area of the Town.
- B. Reduce signage clutter by controlling the number and size of signs, the placement of signs, and the appearance of signage.
- C. Landscaping and other amenities should be incorporated into site development to enhance the site and screen parking areas.
- D. Design should take into consideration the objectives of this rural agrarian area. Incorporation of elements such as community gardens, picket fences, and other rural atmosphere amenities is strongly encouraged.

§ 144- Permitted Uses The uses that are permitted within the Transit South Multiple Dwelling Overlay shall be determined by the underlying zoning district and supplemented as follows:

- A. The following Principal Uses are allowed in addition to those allowed in the underlining zoning:
 1. All Multiple Dwelling type units as defined in this zoning Code and as described in Article XVIII (Multiple Dwellings), as well as a mixture of these types of uses on one lot.

§ 144- Submission Requirements (Refer to Article XVIII for process and other requirements for Multiple Dwellings)

- A. The applicant shall meet all submission requirements of site plan review.
- B. The applicant shall submit building plans and elevations indicating the façade treatments and construction materials and colors of all structures in compliance with the standards of the underlying zoning district and the TSMDO.
- C. The applicant shall submit a minimum of two different renderings of the proposed structure(s) to be developed on the site to allow the Planning Board to choose the alternative or recommend other alternatives that they feel will best comply with the Overlay.
- D. The applicant shall submit a site plan that identifies all components of the development and indicates compliance with all the requirements of the Zoning Law and this Overlay.
- E. The applicant shall submit a landscape plan identifying the location, type, size, and planting specifications of all landscaping proposed for the site. The landscape plan shall also identify, in general, existing vegetation on the site.

- F. The applicant shall submit a signage plan that shows the size, type, color, placement, lighting, design, and construction materials of each sign proposed for the site comply with all the requirements of the Zoning Law and this Overlay.

§ 144- Other Zoning Requirements and Design Standards

All multiple dwelling developments within the Transit South Multiple Dwelling Overlay shall conform to the following requirements and standards:

- A. Minimum Lot size: 2 acres (minimum lot width of 100 feet and minimum lot depth of 300 feet)
- B. Density: 8-12 units per acre (meeting other zoning requirements and any requirements for septic systems)
- C. Height: 2.5 stories or a maximum of 32 feet
- D. Maximum Lot Coverage: the maximum coverage of the proposed buildings, accessory buildings, driveways, parking areas, and other impervious surfaces is limited to 75 percent of the entire lot.
- E. Building Setbacks: The following setbacks shall supersede the setbacks of the underlying zoning and apply to all multiple dwelling developments within the TSMDO to promote the rural atmosphere. Where a setback is not established, the underlying setback shall be applied.
1. Front building setbacks shall be 100 feet as measured from the street right-of-way. Awnings, balconies, porches, and other architectural amenities shall be permitted to encroach upon the front setback by a maximum of 5 feet.
- F. Architecture The architecture and design of any structure within the TSMDO shall comply with the standards of the underlying zoning and shall conform to the following general guidelines.
1. General Design
 - a. The architecture and design of any multiple dwelling structure shall:
 - i. Comply with the character envisioned for this area, enhance the visual quality of the area;
 - ii. Be harmonious with adjacent uses;
 - iii. All multiple dwelling structures should include peak roofs
 - iv. Comply with any additional Town Design Guidelines, where applicable.
 2. Building Materials
 - a. Any side of a building that faces a street or public right-of-way shall incorporate a façade constructed of any of the following materials: stone, brick, masonry, marble, wood or vinyl siding, or other material approved by the Planning Board.
 - b. The use of cast concrete, cinder blocks, or metal paneling shall not be used on sides of a building that faces a street or public right-of-way.
- G. Site Layout The site layout for a multiple dwelling within the TSMDO shall comply with the general standards of the underlying zoning and conform to the following overlay guidelines. In the case of conflicting standards, the regulations of the Overlay District shall prevail.
1. All new multiple dwelling development building within the TSMDO shall face Transit Road.
 2. Accessory buildings will be located behind the structure.
 3. Required 50 feet natural setback buffer at rear of site (no disturbance)
- H. Parking and loading areas Off-street parking shall comply with the standards of the underlying zoning and Article IV of the Zoning Code, and shall conform to the following additional standards:
1. Parking and loading areas must be setback from the street right-of-way a minimum of 100 feet.
 2. A minimum of 10% of the interior of a parking area shall be devoted to landscaping used to break up the parking stalls where the parking area is visible from the public right-of-way.

3. Parking areas shall not contain a continuous single row of parking stalls of greater than 5 parking spaces without interruption by a landscaped island where the parking area is visible from the public right-of-way.
 4. In addition to the screening of a parking area required in §144-44 E.(3), the use of decorative ornamental features, masonry walls, fencing, or a mix of each is encouraged to additionally screen parking and loading areas and to create a more visually appealing streetscape.
- I. Landscaping/ Screening Landscaping and screening shall comply with the standards of the underlying zoning and shall conform to the following additional standards:
1. For every 25 feet of road frontage, a street tree shall be planted in conformance with County and Town standards, where applicable.
 2. Additional shade trees shall be planted throughout the site at a ratio of 1 tree per 2,000 square feet of lot area.
 3. The required front yard shall consist of vegetative ground cover, perennial and annual landscaped areas, and/or other amenities that enhance the visual appearance of the streetscape.
 4. All landscaped areas shall be maintained and any vegetation that dies shall be replaced during the following planting season. New Code 2-yr warranty.
- J. Signage Signage shall comply with the standards of the underlying zoning and §144-102.1 Signs, and shall conform to the following additional standards:
1. Proposed signage shall be designed to complement the architecture of the building.
 2. Each building shall be permitted one building sign.
 3. Individual building signs shall not be larger than 20 square feet.
 4. Building signs shall be completely affixed to a building and shall not protrude from the building more than 6 inches. An exception may be granted by the Planning Board for a building sign that protrudes from a building by a supporting arm or other ornamental feature of no more than five (5) feet so long as the sign is perpendicular to the building façade and sidewalk and does not obstruct views, cause a safety hazard, or negatively impact the character envisioned for this area.
 5. Free standing signs are permitted, but the restrictions for ground signs, of a maximum of 12 feet in height.
 6. The use of digital signage or flashing signs is not permitted.
 7. Overall signage may not be lit from internal lights, only the use of individually internally lit characters on a sign, back lit signage, or directional lighting shall be used to light signage. The use of flashing or neon lights is not permitted.
 8. The appearance and placement of signage shall be subject to Planning Board discretion as part of the site plan review process.
- K. Other
1. The use of decorative lighting structures is encouraged to comply with the character envisioned for this area.
 2. The maximum height of any lighting structures shall be 16 feet.
 3. Fencing placed in the front yard shall be no higher than 3 feet and shall consist of wood or faux wood picket or ornamental iron construction. A mix of stone, brick, or other masonry wall and fencing may be permitted. The use of stockade, metal, woven wire, or barb wire fences are not permitted in the front yard.

Springbrook Multiple Dwelling Overlay

§ 144- Statement of Intent In accordance with the Regional Comprehensive Plan and the work of the Multiple Dwelling Code Committee (MDCC), the Seneca Street Springbrook area Multiple Dwelling Overlay (SMDO) is established to allow for restricted types of multiple dwellings along Seneca Street as defined below. This area is a hamlet area which offers the opportunity for small scale multiple dwelling residential units and small scale commercial uses to work together for the revitalization of this area.

§ 144- Boundaries The boundaries of the Springbrook Multiple Dwelling Overlay are in general as follows (see Town zoning map for specific location):

All parcels fronting both sides of Seneca Street to a maximum depth of 500 feet from the roadway right-a-way (as of the date of this law enactment), from Northrup Road to the northwest and Old Pound Road to the north, then south to Rice Road, including the parcel located southeast across from Rice Road.

§ 144- Effect upon Zoning The standards of the Springbrook Multiple Dwelling Overlay shall be superimposed over, and supplement, the underlying zoning standards. Each multiple dwelling use must conform to the applicable design standards of the underlying zoning district, as well as the standards of this overlay district and Article XVIII (Multiple Dwellings), and if there is a conflict, the more stringent standards shall apply.

§ 144- Objectives The standards contained herein, which govern multiple dwelling development and redevelopment within the boundaries of the Springbrook Multiple Dwelling Overlay (SMDO), are founded upon the following objectives:

- A. Establish standards to ensure that new multiple dwelling development or redevelopment is in character in terms of scale, design, and layout with the rural character envisioned for this area of the Town.
- B. Reduce signage clutter by controlling the number and size of signs, the placement of signs, and the appearance of signage.
- C. Landscaping and other amenities should be incorporated into site development to enhance the site and screen parking areas.
- D. Design should take into consideration the objectives of this rural hamlet area. Incorporation of elements such as picket fences and other rural atmosphere amenities are strongly encouraged.

§ 144- Permitted Uses The uses that are permitted within the Springbrook Multiple Dwelling Overlay shall be determined by the underlying zoning district and supplemented as follows:

- A. The following Principal Uses are allowed in addition to those allowed in the underlining zoning:
 1. "One", three or four unit multiple dwelling building per lot (multiple dwellings as defined in the definition section of the Zoning Code and as described in Article XVIII).

§ 144- Submission Requirements (Refer to Article XVIII for process and other requirements for Multiple Dwellings)

- A. The applicant shall meet all submission requirements of site plan review.
- B. The applicant shall submit building plans and elevations indicating the façade treatments and construction materials and colors of all structures in compliance with the standards of the underlying zoning district and the SMDO.
- C. The applicant shall submit a minimum of two different renderings of the proposed structure(s) to be developed on the site to allow the Planning Board to choose the alternative or recommend other alternatives that they feel will best comply with the Overlay.
- D. The applicant shall submit a site plan that identifies all components of the development and indicates compliance with all the requirements of the Zoning Law and this Overlay.
- E. The applicant shall submit a landscape plan identifying the location, type, size, and planting specifications of all landscaping proposed for the site. The landscape plan shall also identify, in general, existing vegetation on the site.
- F. The applicant shall submit a signage plan that shows the size, type, color, placement, lighting, design, and construction materials of each sign proposed for the site comply with all the requirements of the Zoning Law and this Overlay.

§ 144- Other Zoning Requirements and Design Standards

All multiple dwelling developments within the Springbrook Multiple Dwelling Overlay shall conform to the following requirements and standards:

- A. Minimum Unit size: Single story 650 sf per unit; two story 500-800 sf per unit (144-142/A.8.)
- B. Minimum Lot size: 30,000 square feet (minimum lot width of 100 feet and minimum lot depth of 300 feet).
- C. Density: 8 units per acre and must meet all other zoning requirements.
- D. Height: 2.5 stories
- E. Maximum Lot Coverage: the maximum coverage of the proposed buildings, accessory buildings, driveways, parking areas, and other impervious surfaces is limited to 50 percent of the entire lot.
- E. Building Setbacks:

The following setbacks shall supersede the setbacks of the underlying zoning and apply to all multiple dwelling developments within the SMDO to promote the rural atmosphere. Where a setback is not established, the underlying setback shall be applied.

- 1. Front building setbacks shall be no less than 40 feet and no more than 80 feet as measured from the street right-of-way. Awnings, balconies, porches, and other architectural amenities shall be permitted to encroach upon the front setback by a maximum of 5 feet.

F. Architecture

The architecture and design of any structure within the SMDO shall comply with the standards of the underlying zoning and shall conform to the following general guidelines.

1. General Design

- a. The architecture and design of any multiple dwelling structure shall:
 - i. Comply with the character envisioned for this area, enhance the visual quality of the area;
 - ii. Be harmonious with adjacent uses;
 - iii. All multiple dwelling structures should have the appearance of a single family home, including peak roofs, front doors and windows, etc.
 - iv. Comply with any additional Town Design Guidelines, where applicable.

2. Building Materials

- a. Any side of a building that faces a street or public right-of-way shall incorporate a façade constructed of any of the following materials: stone, brick, masonry, marble, wood or vinyl siding, or other material approved by the Planning Board.
- b. The use of cast concrete, cinder blocks, or metal paneling shall not be used on sides of a building that faces a street or public right-of-way.

G. Site Layout

The site layout for a multiple dwelling within the SMDO shall comply with the general standards of the underlying zoning and conform to the following overlay guidelines. In the case of conflicting standards, the regulations of the Overlay District shall prevail.

- 1. All new multiple dwelling development buildings within the SMDO shall be located towards the road with parking behind the structure or in garages.

- H. Parking and loading areas Off-street parking shall comply with the standards of the underlying zoning and Article IV of the Zoning Code, and shall conform to the following additional standards:
1. Parking and loading areas must be behind the building.
 2. A minimum of 10% of the interior of a parking area shall be devoted to landscaping used to break up the parking stalls where the parking area is visible from the public right-of-way.
 3. Parking areas shall not contain a continuous single row of parking stalls of greater than 5 parking spaces without interruption by a landscaped island where the parking area is visible from the public right-of-way.
 4. In addition to the screening of a parking area required in §144-44 E.(3), the use of decorative ornamental features, masonry walls, fencing, or a mix of each is encouraged to additionally screen parking and loading areas and to create a more visually appealing streetscape.
- I. Landscaping/ Screening Landscaping and screening shall comply with the standards of the underlying zoning and shall conform to the following additional standards:
1. For every 25 feet of road frontage, a street tree shall be planted in conformance with County and Town standards, where applicable. (A street tree is defined as any tree growing within the public right-of-way, provided however, that no shrub planting or tree foliage shall be placed or maintained which obstructs vision at an elevation between three and seven feet above street level. 144-44/E.3.a.)
 2. Additional shade trees shall be planted throughout the site at a ratio of 1 tree per 2,000 square feet of lot area.
 3. The required front yard shall consist of vegetative ground cover, perennial and annual landscaped areas, and/or other amenities that enhance the visual appearance of the streetscape.
 4. All landscaped areas shall be maintained and any vegetation that dies shall be replaced during the following planting season. (New code: 2 year warranty)
- J. Signage Signage shall comply with the standards of the underlying zoning and §144-102.1 Signs, and shall conform to the following additional standards:
1. Proposed signage shall be limited in this district as these uses are small scale residential units.
 2. No building signs are allowed.
 3. Only small free standing ground mounted signs are permitted. (ten square feet)
 4. The use of digital signage or flashing signs is not permitted.
 5. Overall signage may not be lit from internal lights, only the use of individually internally lit characters on a sign, back lit signage, or directional lighting shall be used to light signage. The use of flashing or neon lights is not permitted.
 6. The appearance and placement of signage shall be subject to Planning Board discretion as part of the site plan review process.
- K. Other
1. The use of decorative lighting structures is encouraged to comply with the character envisioned for this area.
 2. The maximum height of any lighting structures shall be 16 feet.
 3. Fencing placed in the front yard shall be no higher than 3 feet and shall consist of wood or faux wood picket or ornamental iron construction. A mix of stone, brick, or other masonry wall and fencing may be permitted. The use of stockade, metal, woven wire, or barb wire fences are not permitted in the front yard.

Clinton Multiple Dwelling Overlay

§ 144- Statement of Intent In accordance with the Regional Comprehensive Plan and the work of the Multiple Dwelling Code Committee (MDCC), the Clinton Multiple Dwelling Overlay (CMDO) is established to allow for restricted types of multiple dwellings in the Clinton Street area as defined below. This area is located off of the Transit road corridor and adjoining the Town of Lancaster. This provides an opportunity to provide multiple dwelling housing to commuters and to residents of the Town in a manner that meets the rural aesthetics of Elma.

§ 144- Boundaries The boundaries of the Clinton Multiple Dwelling Overlay are in general as follows (see Town zoning map for specific location):

All parcels north of Clinton Street to the Lancaster Town boundary, extending east from the right-a-way off Transit Road (excluding parcels fronting Transit Road), to approximately 300 feet west of Homeward Road where it intersects with Clinton Road (excludes all parcels fronting Homeward road and the two parcels fronting Clinton to the east of Homeward).

§ 144- Effect upon Zoning The standards of the Clinton Multiple Dwelling Overlay shall be superimposed over, and supplement, the underlying zoning standards. Each multiple dwelling use must conform to the applicable design standards of the underlying zoning district, as well as the standards of this overlay district and Article XVIII (Multiple Dwellings), and if there is a conflict the more stringent standards shall apply.

§ 144- Objectives The standards contained herein, which govern multiple dwelling development and redevelopment within the boundaries of the Clinton Multiple Dwelling Overlay (CMDO), are founded upon the following objectives:

- A. Establish standards to ensure that new multiple dwelling development or redevelopment is in character in terms of scale, design, and layout with the rural character envisioned for this area of the Town.
- B. Reduce signage clutter by controlling the number and size of signs, the placement of signs, and the appearance of signage.
- C. Landscaping and other amenities should be incorporated into site development to enhance the site and screen parking areas.
- D. Design should take into consideration the objectives of this rural agrarian area. Incorporation of elements such as community gardens, picket fences, and other rural atmosphere amenities is strongly encouraged.

§ 144- Permitted Uses The uses that are permitted within the Clinton Multiple Dwelling Overlay (CMDO) shall be determined by the underlying zoning district and supplemented as follows:

- A. The following Principal Uses are allowed in addition to those allowed in the underlining zoning:
 1. All Multi-Dwelling type units as defined in this zoning Code and as described in Article XVIII (Multiple Dwellings), as well as a mixture of these types uses on one lot.

§ 144- Submission Requirements (Refer to Article XVIII for process and other requirements for Multiple Dwellings)

- A. The applicant shall meet all submission requirements of site plan review.
- B. The applicant shall submit building plans and elevations indicating the façade treatments and construction materials and colors of all structures in compliance with the standards of the underlying zoning district and the CMDO.
- C. The applicant shall submit a minimum of two different renderings of the proposed structure(s) to be developed on the site to allow the Planning Board to choose the alternative or recommend other alternatives that they feel will best comply with the Overlay.
- D. The applicant shall submit a site plan that identifies all components of the development and indicates compliance with all the requirements of the Zoning Law and this Overlay.
- E. The applicant shall submit a landscape plan identifying the location, type, size, and planting specifications of all landscaping proposed for the site. The landscape plan shall also identify, in general, existing vegetation on the site.
- F. The applicant shall submit a signage plan that shows the size, type, color, placement, lighting, design, and construction materials of each sign. Each

proposed sign for the site must comply with all the requirements of the Zoning Law and this Overlay.

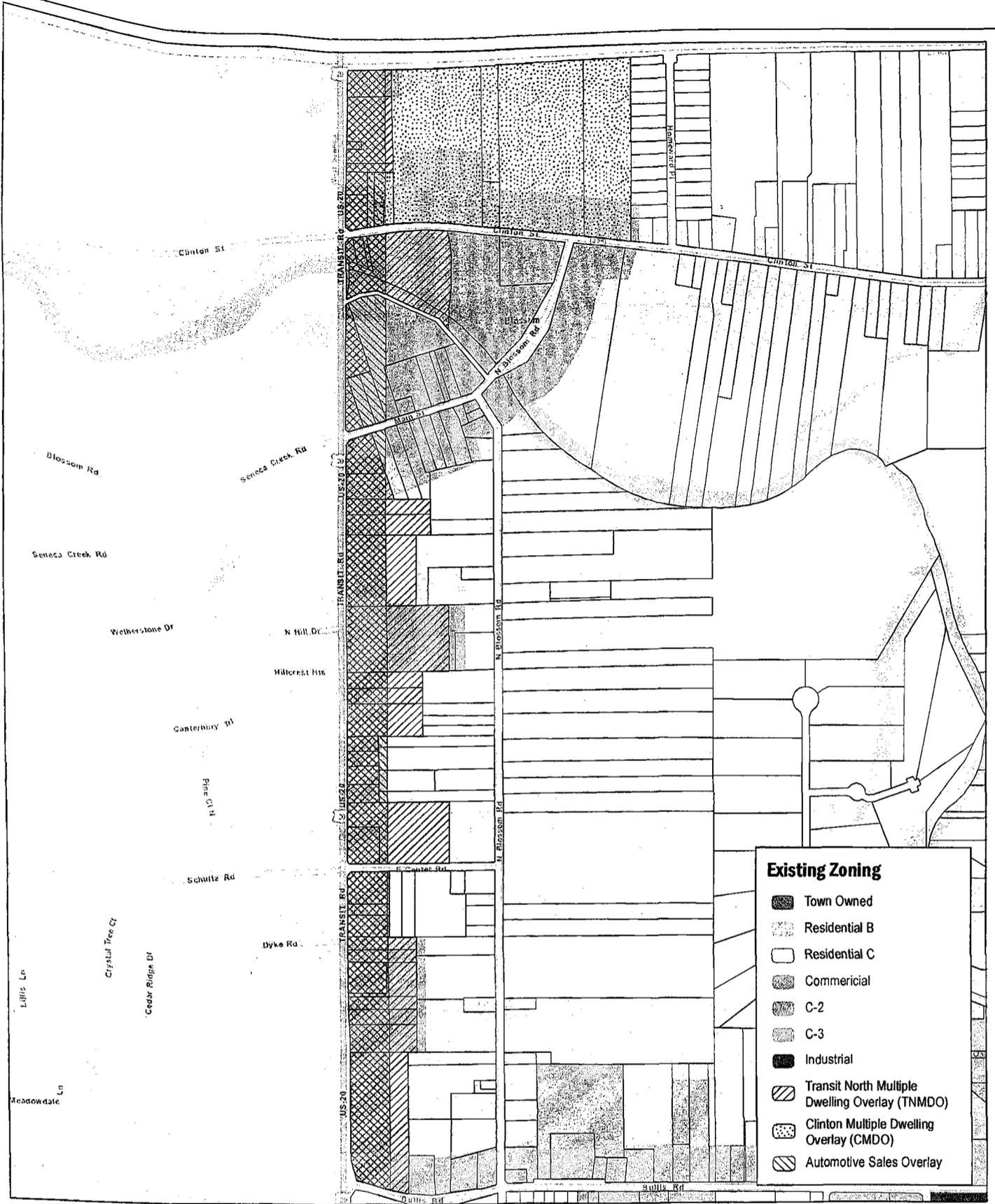
§ 144- Other Zoning Requirements and Design Standards All multiple dwelling developments within the Clinton Multiple Dwelling Overlay shall conform to the following requirements and standards:

- A. Minimum Lot size: 5 acres (with a minimum frontage of 100 feet and a minimum depth of 300 feet)
- B. Density: 8 units/acre
- C. Height: 2.5 stories or a maximum of 32 feet
- D. Maximum Lot Coverage: the maximum coverage of the proposed buildings, accessory buildings, driveways, parking areas, and other impervious surfaces is limited to 50 percent of the entire lot.
- E. Building Setbacks The following setbacks shall supersede the setbacks of the underlying zoning and apply to all multiple dwelling developments within the CMDO to promote the rural atmosphere. Where a setback is not established, the underlying setback shall be applied.
 1. Front building setbacks shall be no less than 50 feet and no more than 100 feet as measured from the street right-of-way. Awnings, balconies, porches, and other architectural amenities shall be permitted to encroach upon the front setback by a maximum of 5 feet.
- F. Architecture The architecture and design of any structure within the CMDO shall comply with the standards of the underlying zoning and shall conform to the following general guidelines.
 1. General Design
 - a. The architecture and design of any multiple dwelling structure shall:
 - i. Enhance the visual quality of the area;
 - ii. Be harmonious with adjacent uses;
 - iii. All multiple dwelling structures should avoid windows and entrance-ways that have materials and designs that would make the development appear too commercial. Instead include such visual design as peaked roofs, etc.
 - iv. Comply with any additional Town Design Guidelines, where applicable.
 2. Building Materials
 - a. Any side of a building that faces a street or public right-of-way shall incorporate a façade constructed of any of the following materials: stone, brick, masonry, marble, wood or vinyl siding, or other material approved by the Planning Board.
 - b. The use of cast concrete, cinder blocks, or metal paneling shall not be used on sides of a building that faces a street or public right-of-way.
- G. Site Layout

The site layout for a multiple dwelling within the CMDO shall comply with the general standards of the underlying zoning and conform to the following overlay guidelines. In the case of conflicting standards, the regulations of the Overlay District shall prevail.

 1. All new multiple dwelling developments within the CMDO shall not have parking lots in front of the building. Buildings should face the road and be open and inviting to pedestrian traffic.
- H. Parking and loading areas Off-street parking shall comply with the standards of the underlying zoning and Article IV of the Zoning Code, and shall conform to the following additional standards:
 1. Parking and loading areas must be setback from the street right-of-way a minimum of 75 feet.
 2. A minimum of 10% of the interior of a parking area shall be devoted to landscaping used to break up the parking stalls where the parking area is visible from the public right-of-way.

3. Parking areas shall not contain a continuous single row of parking stalls of greater than 5 parking spaces without interruption by a landscaped island where the parking area is visible from the public right-of-way.
 4. In addition to the screening of a parking area required in §144-44 E.(3), the use of decorative ornamental features, masonry walls, fencing, or a mix of each is encouraged to additionally screen parking and loading areas and to create a more visually appealing streetscape.
- I. Landscaping/ Screening Landscaping and screening shall comply with the standards of the underlying zoning and shall conform to the following additional standards:
1. For every 25 feet of road frontage, a street tree shall be planted in conformance with County and Town standards, where applicable.
 2. Additional shade trees shall be planted throughout the site at a ratio of 1 tree per 2,000 square feet of lot area.
 3. The required front yard shall consist of vegetative ground cover, perennial and annual landscaped areas, and/or other amenities that enhance the visual appearance of the streetscape.
 4. All landscaped areas shall be maintained and any vegetation that dies shall be replaced during the following planting season (see applicable Town requirements for replacement requirements: 2-yr warranty)
 5. The site should include an area set aside as a community gardens area to be utilized by the residents of the facility. This will be designed to enhance the site and be part of the rural/agricultural nature of the area.
- J. Signage Signage shall comply with the standards of the underlying zoning and §144-102.1 Signs, and shall conform to the following additional standards:
1. Proposed signage shall be designed to complement the architecture of the building.
 2. Each building shall be permitted one sign.
 3. Free standing signs cannot be pole mounted. All signage shall be ground signs with landscaping.
 4. The use of digital signage or flashing signs is not permitted.
 5. Overall signage may not be lit from internal lights, only the use of individually internally lit characters on a sign, back lit signage, or directional lighting shall be used to light signage. The use of flashing or neon lights is not permitted.
 6. The appearance and placement of signage shall be subject to Planning Board discretion as part of the site plan review process.
- K. Other
1. The use of decorative lighting structures is encouraged to comply with the character envisioned for this area.
 2. The maximum height of any lighting structures shall be 16 feet.
 3. Fencing placed in the front yard shall be no higher than 3 feet and shall consist of wood or faux wood picket or ornamental iron construction. A mix of stone, brick, or other masonry wall and fencing may be permitted. The use of stockade, metal, woven wire, or barb wire fences are not permitted in the front yard.



Existing Zoning

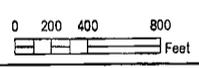
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- Residential B
- Residential C
- Commercial
- C-2
- C-3
- Industrial
- Transit North Multiple Dwelling Overlay (TNMDO)
- Clinton Multiple Dwelling Overlay (CMDO)
- Automotive Sales Overlay



TNMDO & CMDO Zone
 Transit North & Clinton
 Multiple Dwelling
 Overlay

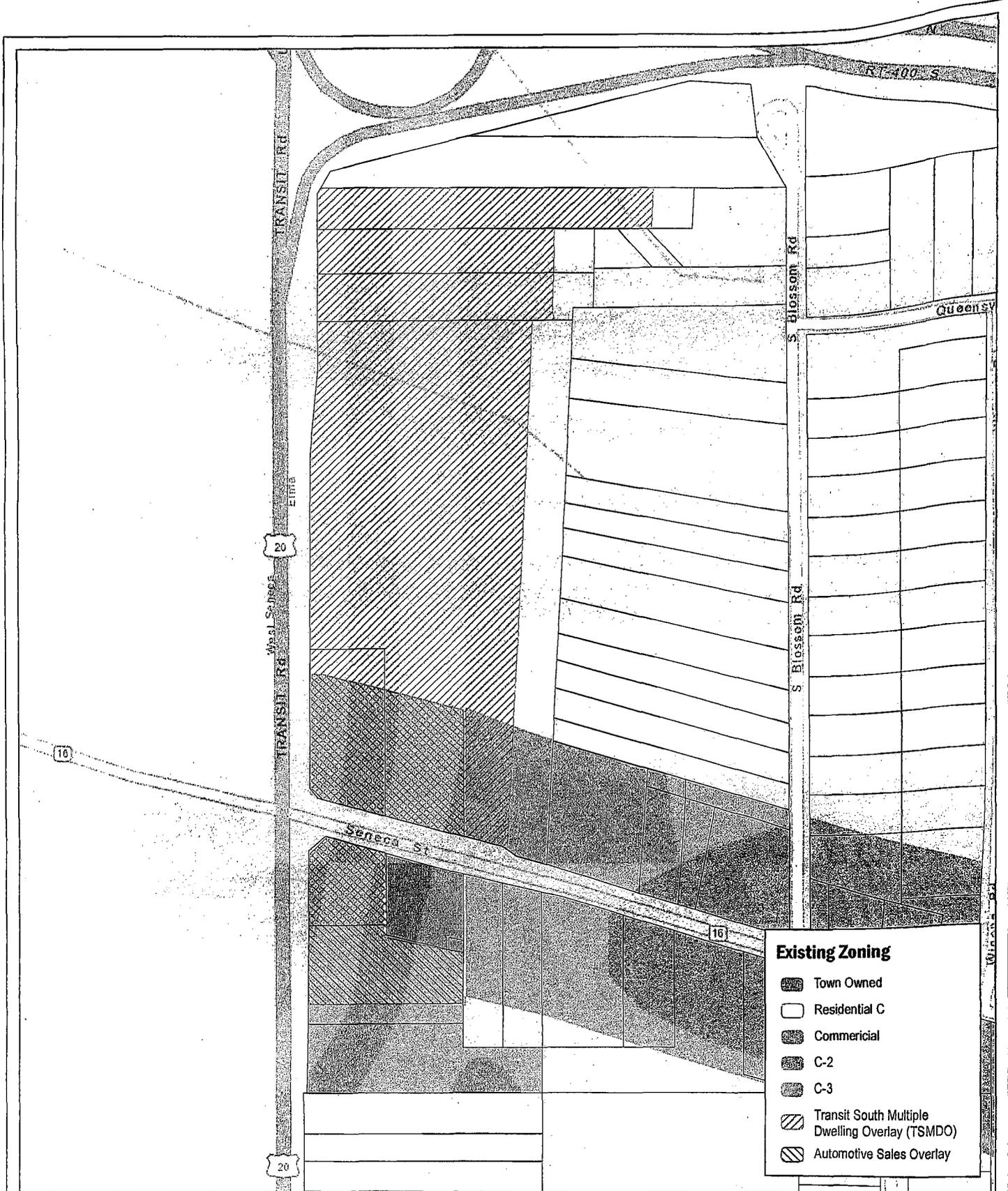
LEGEND

Parcel Boundary (2013)



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 WD Project #285208
 Map Created: January, 2015

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Existing Zoning

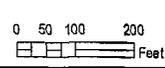
- Town Owned
- Residential C
- Commercial
- C-2
- C-3
- Transit South Multiple Dwelling Overlay (TSMDO)
- Automotive Sales Overlay



TSMDO Zone
Transit South
Multiple Dwelling
Overlay

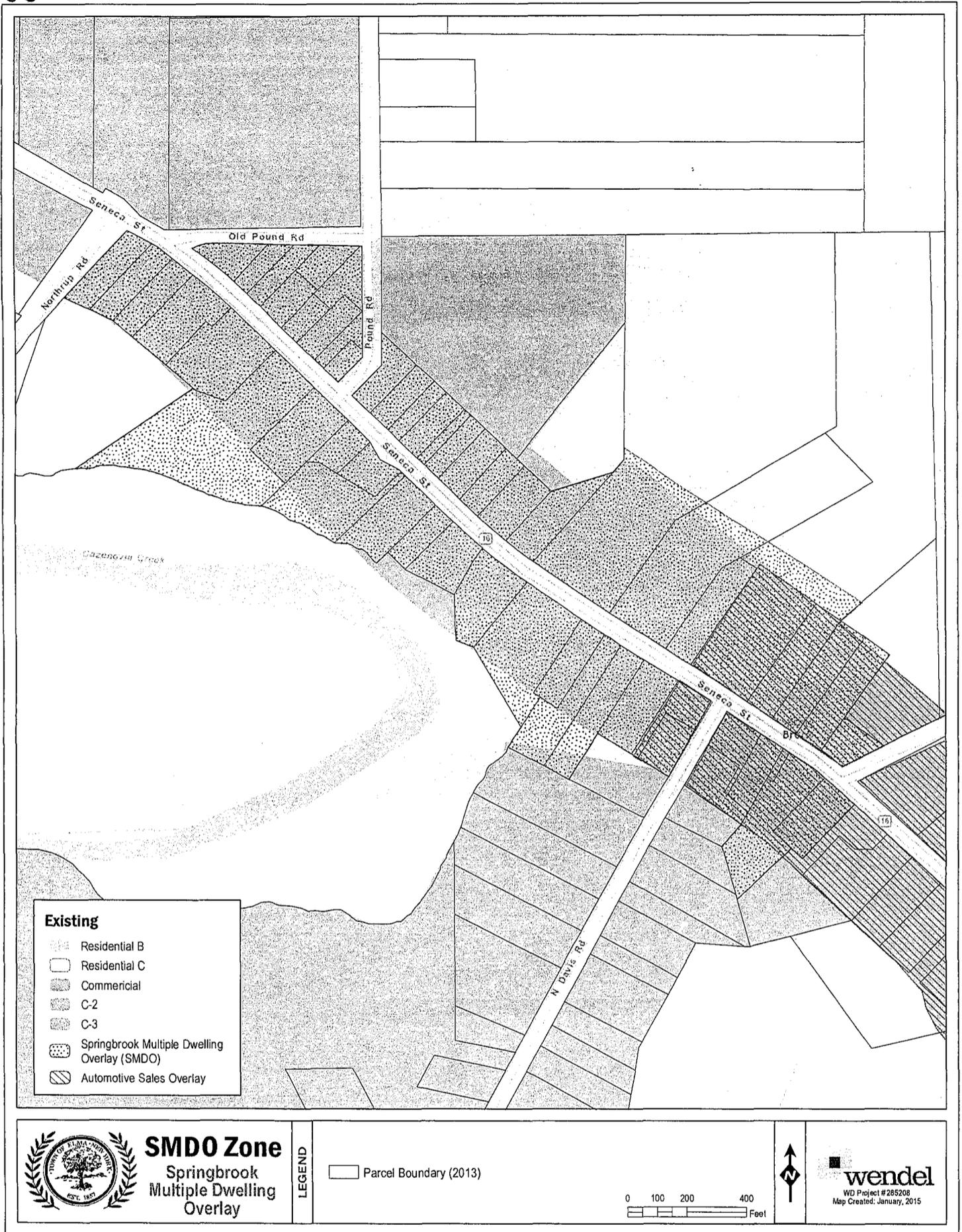
LEGEND

Parcel Boundary (2013)



wendel
WD Project # 285208
Map Created: January, 2015

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