

SubDivision Code Review Committee
Elma Town Hall
1600 Bowen Road Elma, NY 14059
Phone: 716-652-3260

MINUTES - MEETING July 5, 2016

The meeting of the Town of Elma Subdivision Code Review Committee, hereinafter referred to as the SubD-CRC, was held on Tuesday July 5, 2016 at 6:00 PM in the Elma Town Hall Conference Room at 1600 Bowen Road, Elma, NY.

PRESENT:

Town Attorney - Dean Puleo, Chairman
ECB - Raymond Boy
EPB - Thomas Reid
EPB - Charles Putzbach
ZBA - Gregory Kalinowski
ZBA - Harry Kwiek
Town Attorney - Phyllis Todoro
Town Building Inspector - Joseph Colern
Town Engineer - James Wzykiewicz
Town Historical Society - Marlene Baumgartner
Elma Resident/Secretary - Diane Rohl

ABSENT:

Town Board - Thomas Fallon
Town Board - Michael Nolan
ECB - Bryant Zilke
Elma Resident - Warren Achman

I APPROVE MINUTES- JUNE 7, 2016

Motion to amend the Minutes of June 7, 2016 by Joseph Colern and second by Raymond Boy, correcting the statement made by Joseph Colern regarding Four-Split Rule, from "none left" to "a few lots left".

Ayes: 11. Nays: 0. Motion Carried.

II INFORMAL POLL OF TOWN BOARD MEMBERS

At the June 7th meeting, the SubD-CRC Members requested that Chairman Puleo ask the Town Supervisor to place a discussion of the intent for the Subdivision Moratorium on the Town Board Work Session Agenda. Mr. Puleo was told that the Agenda was full so he informally polled some of the Town Board Members for their opinions. It was suggested that Town Code Chapter 123, Subdivision of Land which also includes Clustering, be reviewed.

Beginning with Chapter 123 Subdivision of Land, Article VIII Clustering, Section 123-22, there was a question as to whether referenced Section 281 of the Town Law should instead be Section 278. Copies of that NYS Law are to be provided for the August meeting. The Chairman commented clustering needs to be defined.

The following questions were posed:

1. Should Codes be improved so they are easy to follow and understandable?
2. Should clustering be in Zone B (as required now) or allowed in Zone C? (See Section 123-2 B. (3)?)
3. Should Section 123-2 B. (1)-(4) indicate the number of lots?
4. Should Section 123-2 B. (3) specify that minor subdivisions be only in Res C?
5. What is the difference between building lots and buildable lots?
6. Is there Case Law to clarify this?
7. Can wetlands be considered buildable lots?
8. What is the difference between patio homes and clustering?
9. Is NYS 280-a zoning law mandated; or is it a town option?
10. Should drainage improvements be part of the Design Plan?
11. Should a separate lot be required for drainage instead of easements across individual lots for a drainage plan?
12. Should the local law specify that a Building Permit will not be issued by the Building Department until proof that an Easement has been filed in EC?
13. Should Design Plan require who is going to be responsible for maintenance of Retention Ponds - private or Town? (MS-4 compliance).
14. Clarify procedures between the Town Board as opposed to Planning Board?

As stated in Local Law No 1-2016 adopted January 20, 2016 - *Twelve Month Moratorium on construction of subdivisions in the Town of Elma:*

Section 2. B. "The zoning, building codes and regulations of the Town of Elma as currently written may be incomplete and inadequate to address certain applications for approval"....

Section 2. C. "The definitions in the Town of Elma code book need to be more clearly defined."

Section 2. D. "The moratorium halting the application for any new subdivisions enables the assessment of present and future growth and development needs..."

Members were still uncertain of the role the SubD-CRC needs to assume. It was suggested that some clarification is needed from the Town Board. It was also suggested that Drew Reilly from Wendel be invited to the August Meeting to assist in the study and review of subdivision codes. Secretary Diane Rohl will contact him and forward Minutes of past meetings.

Meeting adjourned at 7:08 PM by unanimous consent.

Respectfully submitted,

Diane Rohl,
Secretary SubD-CRC