

SubDivision Code Review Committee

Elma Town Hall

1600 Bowen Road Elma, NY 14059

Phone: 716-652-3260

MINUTES - MEETING February 7, 2017

The meeting of the Town of Elma Subdivision Code Review Committee, hereinafter referred to as the SubD-CRC, was held Tuesday, February 7, 2017 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
ECB - Bryant Zilke
EPB - Charles Putzbach
EPB - Thomas Reid
ZBA - Gregory Kalinowski
ZBA - Harry Kwiek
Town Attorney - Phyllis Todoro
Town Engineer - James Wzykiewicz
Town Historical Society - Marlene Baumgartner
Elma Resident/Secretary - Diane Rohl
Elma Resident - Warren Achman

ABSENT:

Town Board - Thomas Fallon
Town Board - Michael Nolan
Town Building Inspector - Joseph Colern

I APPROVE MINUTES- NOVEMBER 1, 2016

Motion made by Marlene Baumgartner and second by Warren Achman to approve SubD-CRC Minutes of November 1, 2016. Motion Carried unanimous.

II Extension of Subdivision Moratorium

Members of the SubD-CRC were informed that the Elma Town Board on 12/7/16, adopted Local Law #4-2016, extending the Moratorium on subdivisions for another 6 months.

III Review Recommended Revisions/Amendments - Subdivision Law - (Included as attachments to the Minutes of 2/7/17)

1. Recommended Amendments Summary- Email 11/22/16 - Drew Reilly
2. Proposed Amendments to Subdivision Law - Email 11/22/16 - Drew Reilly
3. Minor Changes to Proposed Amendments - Email 12/29/16 - Drew Reilly
4. Recommendations to Subdivision Law - Email 12/28/16 - Wzykiewicz

Prior to reviewing the above referenced recommendations (1. - 4.), there was a discussion of the merits of the current Clustering Law Elma Town Code Article VIII, §123.22.

Mr. Reilly commented that the current law is not effective; that wetlands cannot be used as green space; and that NYS Law 281 does not require towns to have a Cluster Law. He did state that advantages of the Law are that it saves green space and increases the tax base. Not having sewers in the Town is a disadvantage to developers but at this time, the Town is not interested in installing them. Mr. Reid commented that right now clustering is only allowed in Residential B and questioned whether it would be allowed in Residential C. He also said that developers do always have the option of requesting the Town Board to re-zone a site. The Committee determined there were three options with the Cluster Law:

1. Leave the Law as is.
2. Rescind the Law.
3. Develop a new Law under a new code committee.

A vote was taken:

1. Leave the Law as is: All voted No.
2. Rescind the Law: 8-Yes; 3-No.
3. Develop a new Law - Deal with it later: All agreed.

Led by Mr. Reilly, the Committee reviewed the Proposed Amendments (12/29/16) to the Subdivision Code, Section by Section. The majority of the proposals were either clarifying or correcting the Code regarding the role of the EPB vs. the Town Board, as is the current practice; and a few editorial corrections. He did recommend that an explanation of the Four-Split Rule be made a part of the Subdivision Code as well. Town Engineer Wyzkiewicz had also emailed on 12/28/2016 his recommendations and they were subsequently sent to the Committee. They essentially addressed compliance with the street width, pavement, public water and changes in stormwater and drainage regulations.

It was decided that Chairman Puleo would present the recommendations to the Town Board including "where to go with everything". He will request that the Town Board approve additional funding for Mr. Reilly to complete the recommendations and code revisions in the proper format in preparation for a Public Hearing.

IV. Adjourn

Motion made by Tom Reid and second by Diane Rohl to adjourn at 7:48 PM. Motion carried unanimous.

Respectfully submitted,

Diane Rohl,
SubD-CRC Secretary