

**PLANNING BOARD
TOWN OF MARILLA**

Date: May 20, 2010

Present:

Jay Walkowiak, Chairman	
Nathan Barnard	Barbara Spanitz, Town Board
Richard Rose	Jason Paananen, Consultant
Dave Muench	Scott Rider, CEO
Richard Janiga	Melissa Stark, Clerk
Vinney Beisiegel	
Lorriane Martzolf, Alternate	

Absent: Debbie Zimmerman

Guests: Kimberly Watkins (1498 Four Rod Road), and Ashley Watkins (1498 Four Rod Road)

I. Approval of Minutes

Chairman Jay Walkowiak opened the Planning Board meeting at 7:00 p.m. Chairman Walkowiak asked for the approval of the April minutes and if there were any additions or corrections. Richard Rose stated that this statement was left out in his conversation to Dave Muench on page 2: "How long has this been before the board?"

MOTION to accept the April minutes with noted corrections, moved by Richard Janiga, seconded by Richard Rose, all in favor 7/0.

II. Old Business

- a. Remote Outside Wood Burners ó Chairman Walkowiak stated that a draft had been sent out and the changes were in red. Richard Janiga asked if the Town could issue a Special Use Permit on a state law with regards to the set back requirements for existing burners. Jason Paananen stated that a variance could be issued on state law. Jason Paananen stated that he would double check that with Nate Neil. Chairman Jay Walkowiak pointed out the plan for phasing out existing wood boilers. Scott Rider suggested putting that the phase out plan was from the DEC and not the Town in the law. Chairman Jay Walkowiak asked for a motion to the Town Board.

MOTION to recommend the State of New York Draft of Outdoor Wood Boilers moved by Richard Rose, seconded by Vinney Beisiegel.

The vote of the member is as follows:

Lorriane Martzolf - aye
 Dave Muench - aye
 Chairman Jay Walkowiak - aye
 Vinney Beisiegel - aye
 Richard Rose - aye
 Nathan Barnard - aye

Richard Janiga ó aye

- b. Subdivision Egresses ó Richard Janiga asked if there were any subdivisions in Marilla with an in and out. Nathan Barnard stated that Shannon Drive and Lyndale Lane are examples. Scott Rider stated that the proposed new subdivision in Marilla is what started this issue because the paper road that would have connected the new subdivision with Greenwood Terrace was sold as building lots. Lorraine Martzolf asked if this was on new or existing subdivisions. Scott Rider stated that it was on new subdivisions. Chairman Jay Walkowiak asked if the Board had any suggestions for a road. Richard Janiga asked if the Planning Board should be talking about the paper roads that were sold off or about an actual road being constructed. Scott Rider stated that the Town would like another roadway out. Nathan Barnard asked if just one lot should be set aside or if the subdivisions needed to be horseshoe shaped. Dave Muench asked if the subdivision needed to be connected to another road. Barbara Spanitz stated that the Town is looking for some direction for any new subdivision coming into town to have one way in and one way out. If it costs the builder more to build the road, then those costs were known right up front. Chairman Jay Walkowiak asked about the type of subdivisions in Lancaster with a divider at the beginning of the subdivision. Barbara Spanitz stated that the Planning Board would have to discuss if that is appropriate. She is concerned that in an emergency how are the people living in the subdivision are going to get out. Nathan Barnard stated that all roads have one lane in and one lane out. Vinney Beisiegel stated that West Seneca has subdivisions like race tracks. Dave Muench asked about other towns and could their laws be used as a guide. Chairman Jay Walkowiak stated that Lancaster would be a good town to go drive around in to see what they have. Nathan Barnard asked if having a median in the middle of the road would make any difference in an emergency. Jason Paananen stated that he saw nothing about towns only allowing horseshoe roads but he sent out information on paper roads. Chairman Jay Walkowiak suggested that subdivisions have 1 ½ lanes in and out and then if one lane is blocked with fire trucks, there is another lane available. Richard Janiga asked what is needed for the paved section of the road as per code. Jason Paananen stated that the roads would have 2 13 foot lanes and a 6 foot shoulder. Dave Muench stated that if the entrance is wider than the actual road there would be problems with plowing snow. Chairman Jay Walkowiak stated that if the roadway was wide enough for two fire trucks to be parked side by side and there was a lane left open for traffic it would be good in an emergency. Vinney Beisiegel stated that at the Marilla Car Show, 12 feet is left for vehicles to pass by. Richard Rose asked what the width of a fire truck was. Richard Janiga stated that a cul-de-sac was designed to take emergency vehicles around and out again. Chairman Jay Walkowiak stated that the problem is with the entrance of a cul-de-sac being wide enough. Richard Janiga asked if the Planning Board would like to see a cul-de-sac with an entrance and exit going out on a different road or a horseshoe road. Scott Rider stated that the subdivision plan used for the rezone on Bullis road proposed a 66 foot wide road. Nathan Barnard stated that 66 feet wide is large. Jason Paananen stated that making the road wider would not be economical with maintenance costs. He suggested that in the future smaller subdivisions having a paper road that is designated to the Town and larger subdivisions having more than one egress whether it is connected to another road or a horseshoe. Chairman Jay Walkowiak stated that this is not going to be easy to solve. Richard Janiga stated that the Planning Board made a decision on the egresses not too long ago and decided to leave it up to a case by case basis. It would not make sense to make codes when each piece of property is different. Barbara Spanitz stated that the Town Board wanted guidelines so the developer knew what to expect coming in. Richard Janiga stated that he feels the town has guidelines now in the codes. Richard Janiga stated that he does not have a problem with a large subdivision being say 20-25 units having two egresses.

With smaller subdivisions a cul-de-sac would do just fine. Richard Janiga stated that there will always be safety issues regardless of the road type because you cannot plan for every emergency. Richard Janiga stated that he does not feel the issue is really with safety but with making it harder for subdivisions to come in. Scott Rider stated that with the subdivision on Bullis if the road was wider and another lane was added, the subdivision would go away because the developer would not get his money out of it. Richard Janiga stated that the Board has to look at this from all ways and if there is a code stating that there needs to be two egresses, then the town is encouraging large subdivisions to go in. It would not be cost effective to do it with 10 lots but with 50 lots. Dave Muench stated that a small cul-de-sac is more desirable than a 50-100 home subdivision. Richard Rose asked if there are town requirements for cul-de-sacs. Scott Rider stated that the town requires an 86 foot radius. Richard Janiga stated that the cul-de-sacs were designed to accommodate emergency vehicles, garbage trucks, and school buses. Nathan Barnard stated that the space is large enough for vehicles to turn around because it is more than ½ a football field. Chairman Jay Walkowiak stated that reviewing subdivisions by a case by case basis makes sense but the Planning Board should set some guidelines for the amount of houses needed for more than one egress. Jason Paananen stated that 20 or more houses might require more than one egress. Chairman Jay Walkowiak asked what Renee Court had. Richard Janiga thought it was around 28 homes. Chairman Jay Walkowiak asked what the Town wanted controlled growth or no growth because to make it too difficult for a developer to put in a subdivision would result in no growth. Dave Muench stated that cul-de-sacs have many desirable qualities not a lot of traffic, small, and safer for children with no cars cutting through. Cul-de-sacs would bring in a high class of people who are looking for a quiet street to raise a family on. Chairman Jay Walkowiak stated that there needs to be controlled growth in the town. Scott Rider stated that a cul-de-sac is really a new type of roadway in Marilla because a lot of the older subdivisions have either dead ends or nothing at the end. Chairman Jay Walkowiak stated that the codes do allow for large roadways with enough room to turn around and that subdivisions should be on a case by case basis. The Planning Board could recommend that paper roads be saved. Dave Muench stated to review other town code requirements. Jason Paananen stated that he has not seen where other towns are limiting cul-de-sacs. Lorraine Martzolf asked when the subdivision codes were last changed. Richard Janiga stated that it was after Renee Court in 1994-1995. Scott Rider stated that it was in 1997. Lorraine Martzolf stated that fire trucks may have gotten larger over the years. Chairman Jay Walkowiak asked if there had been any complaints from the highway department about the cul-de-sacs. Barbara Spanitz stated that there was none that she knew of. Vinney Beisiegel stated that George Gertz commented on the fire hoses and how long it takes to empty a hose for a car to cross. Vinney Beisiegel stated that he has a friend in the Buffalo Fire Company who says it does take time for the hoses to empty and sometimes the hoses cannot be turned off and it is difficult to get people in and out. Dave Muench stated that in a small subdivision it is short enough to walk out or around the hoses. Dave Muench asked how far the town should take it. It is right to ask a developer to spend a million dollars building an in and out road for the chance that one of his 20 homes will catch on fire. There is risk in anything, for example, driving. Are you not going to drive because you might be in an accident? Richard Janiga stated that he has talked to people who are knowledgeable in fire and the hoses do not take long to empty if the pressure is cut. Richard Janiga stated that in an emergency there needs to be coordination to work through the emergency. Dave Muench stated that if there is a fire on a cul-de-sac then the residents would just have to stay in their homes until it is put out and no one would mind staying put in an emergency. Roads are blocked off in cases of fire and accidents all the time, even main roads like Clinton Street. Richard Janiga stated that the firemen running the hoses are the same men running the ambulances and it is their job to

get you out. They are trained for emergencies. Vinney Beisiegel stated that if there were guidelines set up then the developer is not spending money they don't have to. Dave Muench stated that the Planning Board needs to look at size guidelines and asked if Clarence, who experienced a major emergency, was looking into their subdivision plans. Jason Paananen stated that he would look into that. Chairman Jay Walkowiak suggested looking into what other towns are doing and looking at our current guidelines for next month's meeting. Richard Rose stated that he and Lorriane Martzolf attended the training at Houghton College and at one of the sessions it was said that developers will do anything they can at anytime they can and that you cannot trust them. Richard Rose stated that the town would not be putting a burden on developers, they would be making them adapt to the town's laws. Chairman Jay Walkowiak stated that developers are in business to make money and that is why anyone is in business. Dave Muench stated that he feels the town cannot totally cut off development. Chairman Jay Walkowiak stated that he agrees with Dave Muench and there needs to be guidelines in place so the developer can follow them and not waste the town's or developer's time. Richard Janiga stated that he feels it is all in the process. The town needs to be reasonable in what they are expecting and the process is there so the developer can work step by step with the town. Richard Janiga stated that the town has no control over the developer spending lots of money before coming to the Planning Board and that is the developer's problem. If the developer comes to the Planning Board with a pre-sketch plan and has a discussion on what the town thinks and wants and then they can decide if they want to go ahead or not without wasting money. Dave Muench stated that there is a checklist in the codes that tells the developer what the town is looking for. Jason Paananen stated that he would print out neighboring town's requirements for subdivisions for the Planning Board to look at. Nathan Barnard stated that he has never fought a fire and he has never put in a subdivision either; however, the town's present requirements for subdivisions have not been tested because there has not been a subdivision built since they have been in place. Maybe the firemen would not have a problem with the present codes but they cannot know for sure because they have not been able to try them out. Nathan Barnard stated asking the fire company if there is a problem or if they have any suggestions. Chairman Jay Walkowiak stated that it is hard to judge something that has not been tried. Richard Janiga suggested finding a road that has the present measurements of the town codes so they can compare it to other subdivisions. Richard Rose asked if the measurements of the fire trucks were the same as they were in 1997. Scott Rider suggested having a fireman drive down Renee Court in a fire truck and tell the Planning Board what they think of the cul-de-sac. Nathan Barnard agreed. Vinney Beisiegel stated that the problem is not always with one fire truck, but when you have several trucks or either several companies at a fire. Lorraine Martzolf stated that a better decision can be made with more information.

III. New Business

- a. Special Use Permit for Dog Kennel - Scott Rider stated that Kimberly Watkins has four dogs and has come forward for a Kennel License. The Town sent out a letter stating that a Kennel license was needed for more than four dogs. Kimberly Watkins stated that the dogs (Siberian Huskies) are pets and the dogs are usually kept inside her house and supervised in her backyard. She has had no complaints about the dogs and does not want any more than four dogs. She may get a puppy as one of her dogs is getting older. Richard Janiga asked about the acreage. Scott Rider stated that Kimberly Watkins has 6.79 acres and 5 acres is what is needed for a kennel. Richard Janiga stated putting a limit on the number of dogs allowed on the permit so there are not 20 dogs at the residence and the limit would also allow for puppies without being in violation of the permit. Kimberly Watkins stated that

sometimes the dogs have puppies but the puppies don't stay for very long. Nathan Barnard stated that the permit should say 4-5 dogs. Scott Rider stated that the permit will be reviewed each year. Richard Janiga stated that the Planning Board should recommend 4-6 dogs. Lorraine Martzolf asked how many dogs a person could have before it became a kennel. Scott Rider stated that the law states 3 dogs.

MOTION to issue a Special Use Permit allowing Kimberly Watkins to have 4-6 dogs, moved by Nathan Barnard, seconded by Richard Janiga.

The vote of the member is as follows:

Lorriane Martzolf - aye
 Dave Muench - aye
 Chairman Jay Walkowiak - aye
 Vinney Beisiegel - aye
 Richard Rose - aye
 Nathan Barnard - aye
 Richard Janiga ó aye

IV. CEO Report
 None.

V. Town Board Report
 Barbara Spanitz stated that she appreciates all the work on the subdivision egresses and she is for some growth in the Town as long as it is controlled. Barbara Spanitz stated that the Houghton Training was worth going to.

VI. Open Presentations from the Floor

Lorraine Martzolf stated that she appreciated all the explaining that she needed to come up to speed with issues on the Planning Board.

Chairman Jay Walkowiak thanked Jason Paananen for the training session on the Comprehensive Plan. Chairman Jay Walkowiak thanked Barbara Spanitz for attending the training as well. Chairman Jay Walkowiak asked about an article in the Alden Advertiser about forming a board that would be working on the comprehensive plan. Barbara Spanitz stated that a board had not been formed yet since the Town Board was still discussing it. Chairman Jay Walkowiak asked how many members would like a copy of the comprehensive plan. Richard Janiga and Melissa Stark stated that they would like a copy. Chairman Jay Walkowiak stated that he would talk to George Gertz about getting the copies.

Richard Janiga stated that there is a training at GCC on June 15 from 11-2:30 on agriculture. Richard Janiga asked about carry over credits on training. Barbara Spanitz stated that the law had not changed. If a member has more than 4 hours each year, they are allowed to carry them over to the next. Richard Janiga stated that he would like something in writing so no member with carry over credits is finding out in December that the Town Board has decided not to accept the hours and is without the necessary 4 hours needed at the last minute. Richard Janiga would recommend to the Town Board that only 2 hours of training carry over so every member needs to get involved with some sort of training each year.

Vinney Beisiegel welcomed Lorraine Martzolf to the Planning Board.

Nathan Barnard asked about an article in the Buffalo News on dogs and sheds. Barbara Spanitz stated that she had not read the article. Nathan Barnard read the article. The Town Board discussed not wanting a lot of boarding kennels if a home owner just wants 4 or more dogs as pets. The Town Board will hire 6 people who will go out in teams of 2 and go door to door to see if people need to license their dogs. Nathan Barnard asked if the Town would tell town residents where to put gazebos and playgrounds on their properties. Barbara Spanitz stated that sheds were talked about at the meeting but gazebos and playgrounds were not discussed. Scott Rider stated that Don Darrow wanted to make the size of sheds larger for lots over 5 acres. Nathan Barnard also stated that eventually no-fee-permits will probably have fees due to paperwork and to be careful about what in the town needs a no-fee-permit.

MOTION to adjourn at 8:47 p.m. moved by Richard Janiga, seconded by Richard Rose, all in favor 7/0.

Respectfully submitted,
Melissa R. Stark, Clerk