

**REVISED
PLANNING BOARD
TOWN OF MARILLA
RECOMMENDATION**

Richard Janiga
Dave Muench
Nathan Barnard
Vinney Beisiegel
Jay Walkowiak, Chairman
Debbie Zimmerman
Lorriane Martzolf

Scott Rider, CEO
Jason Paananen, Consult
Melissa Stark, Clerk

Date: October 21, 2010

Recommendation One: To approve the plans Ken Kelchlin submitted for his business, Ken's Sales and Services, to be built on Clinton Street with a minimum of 80 parking spots.

A recommendation was made at the October 21, 2010 Planning Board meeting regarding the building plans for Ken Kelchlin's business. The Planning Board accepted a motion by Nathan Barnard and seconded by Debbie Zimmerman for the Town Board to approve the submitted building plans.

The issues that were discussed at the meeting were:

1. The plans meet town codes regarding setbacks.
2. The plans are in agreement with the DEC and the DOT.

The votes of the members are as follows:

Debbie Zimmerman - aye
Dave Muench - aye
Chairman Jay Walkowiak - aye
Vinney Beisiegel - aye
Nathan Barnard - aye
Richard Janiga - aye
Richard Rose - aye

Respectfully Submitted by
Melissa R. Stark

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Date: October 21, 2010

Recommendation One: To approve Leon Berner's flag lot on Clinton Street.

A recommendation was made at the October 21, 2010 Planning Board meeting regarding the flag lot of Leon Berner. The Planning Board accepted a motion by Richard Janiga and seconded by Debbie Zimmerman for the Town Board to approve the flag lot.

The issues that were discussed at the meeting were:

1. The size of the lot meets town codes.
2. The lot meets the number of splits allowed by the town in a 5 year period.
3. The driveway size meets town requirements.

The votes of the members are as follows:

Debbie Zimmerman - aye
Dave Muench - aye
Chairman Jay Walkowiak - aye
Vinney Beisiegel - aye
Nathan Barnard - aye
Richard Janiga - aye
Richard Rose - aye

Respectfully Submitted by
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**PLANNING BOARD
TOWN OF MARILLA**

Date: October 21, 2010

Present:

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

Absent: none

Guests: Lowell Dewey - C&S Engineers - 90 Broadway, Buffalo, Ken Kelchlin - 2280 Eastwood Road, Philip Silvestri ó Silvestri Architects ó 80 Pineview Drive, Amherst, Matt Shevlin ó 2555 Transit Road, Elma, Leon Berner ó 257 Town Line 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 September minutes and if there were any additions or corrections.

MOTION to accept the September minutes, moved by Richard Rose, seconded by Vinney Beisiegel, all in favor 7/0.

II. Old Business

a. Ken Kelchlin's Building Plans

Chairman Jay Walkowiak invited Ken Kelchlin hang his plans up and Lowell Dewey passed out landscape plans to the members of the board. Lowell Dewey explained that the plans were more defined from last months plans with regard to the parking lot, building, and landscape. Lowell Dewey stated that there would be a storm sewer system and retention pond located on the west side of the property. Lowell Dewey stated that the DOT mandated that 3 large culverts (42, 24, 36) be put in for the driveway. Lowell Dewey stated that the perk test will be run next week and they are assuming that a sand filter will not be needed. There will be some parking lot lighting were the bulb will be inside the box of the light. Richard Rose asked about grade. Lowell Dewey stated that about 2-3 feet of fill will need to be brought in to be level with the road. Lowell Dewey stated that they have been working with the DEC on a Storm Water Pollution Prevention Plan. Richard Rose asked if Ken Kelchlin would be repairing machines. Ken Kelchlin stated that there would be the sale of power sports and power equipment only and he would not be servicing the machines on site. Phil Silvestri submitted building plans and explained that there would be a porch with canopy for displaying machines and the front has a stone base with picture windows. The building is a metal structure with a metal roof. Nathan Barnard stated that he liked the look of the building and he is pleased to have it in Marilla. Chairman Jay Walkowiak asked

about the sign. Ken Kelchlin explained that the sign would mimic the front entrance of the building and is still in the works. It will have wooden posts, stone bases, and a roof on top. The sign will have two parts. The top will be a 4x8 metal oval with the name of the business and below it there will be a 3x8 rectangle messaging sign. The sign will be 16 feet tall and be 50 feet from the road and perpendicular from the building. Nathan Barnard asked if a sign application had been submitted. Scott Rider stated that one had not. The sign information was just for the knowledge of the board. Debbie Zimmerman stated that the business will be a welcomed addition to the town of Marilla. Nathan Barnard asked Ken Kelchlin about the number of parking spaces. Ken Kelchlin stated that he is looking to keep the amount of parking spaces on the plans (92). If more spaces are needed then he would add them according to the town codes. Scott Rider stated that 1 parking space is needed for every 300 sq. ft. of building. The building will be 24,000 sq. ft. so 80 spaces are required. Scott Rider stated that the code states that if there is an issue with the number of spaces, the Planning Board can recommend another number.

MOTION to recommend approval for the plans Ken Kelchlin submitted for his business, Kenø Sales and Services, to be built on Clinton Street with a minimum of 80 parking spots, moved by Nathan Barnard, seconded by Debbie Zimmerman, all in favor 7/0.

The vote of the member is as follows:

Debbie Zimmerman - aye
 Dave Muench - aye
 Chairman Jay Walkowiak - aye
 Vinney Beisiegel - aye
 Richard Rose - aye
 Nathan Barnard - aye
 Richard Janiga ó aye

III. New Business

a. Flag Lot

Scott Rider explained the plans that were submitted to the board. The parcel 5.111 is where the flag lot is located. Debbie Zimmerman asked if there were any other splits on the property. Leon Berner stated that this was the first split on the lot in five years. The last split on this land was in 1995. Richard Rose asked about the gas well on the property. Leon Berner stated that he owns the mineral rights to the gas well and the rights to use the well belong to Mary Earsing. Richard Rose asked how the rights would work if the flag lot went in. Leon Berner stated that everything would stay the same because the easements to the gas well would transfer over. Leon Berner would still own the mineral rights and Mary Earsing would still have the right to use the well. Richard Janiga asked about the frontage on the flag lot. Leon Berner stated it was 168 feet. Leon Berner stated that a young couple wants to purchase the lot and maybe have a horse so he is extending the lot a little bit and planting trees around the driveway and front of the property. Debbie Zimmerman asked if this lot was enough for a horse. Scott Rider stated that 1 ½ acres would be needed for the first horse and 1 acre for each horse after that. Lorraine Martzolf asked if Mary Earsing could have work done on the well. Leon Berner stated that she can and just had some work done on it. No matter who owns the property, the well belongs with that house. Richard Rose stated that he knows some people who could not be present at the meeting, but have concerns over this flag lot. Richard Rose asked the board if they would not vote on the issue tonight

so the concerned group of people could come to next months meeting to voice their concerns. Leon Berner stated that it is a problem to him. Debbie Zimmerman stated that even if they could not make it tonight, a letter could have been sent in with their concerns. Richard Janiga stated that even if the Planning Board votes on it tonight there would be another chance to vote on it when the Town Board has a Public Hearing on it. Scott Rider stated that there is a CBA meeting as well. Chairman Jay Walkowiak stated that the board should vote on it tonight. Dave Muench asked if because the flag lot extends on to lot 10.111 is that considered a split on lot 10.111 too. Scott Rider stated that the way he understands it, it would not be a split, but a merge because a lot is being made larger. Dave Muench asked if a flag lot could be made before the front lot was sold. Debbie Zimmerman asked where Earsing's driveway was on their lot. Leon Berner stated that it was in the middle of their lot. Barbara Spanitz stated that if the Planning Board wanted to have their own Public Hearing on the issue, they could. She did not believe that the Town Board has ever had a Public Hearing when they were voting on a recommendation from the Planning Board.

MOTION to recommend approval for Leon Berner's Flag Lot located on Clinton Street, moved by Richard Janiga, seconded by Debbie Zimmerman, all in favor 7/0.

The vote of the member is as follows:

Debbie Zimmerman - aye
 Dave Muench - aye
 Chairman Jay Walkowiak - aye
 Vinney Beisiegel - aye
 Richard Rose - aye
 Nathan Barnard - aye
 Richard Janiga ó aye

b. Comprehensive Plan

Chairman Jay Walkowiak asked if the Planning Board has an idea as to where to start looking at the Comprehensive Plan. Barbara Spanitz stated that she spoke to the Town Board about the committee and the Planning Board would be the ones choosing who would be a member(s) on the Comprehensive Plan Board. The committee would be formed early in 2011. Chairman Jay Walkowiak suggested looking at sections 1-3. Debbie Zimmerman stated that the Town Board would be sending the survey out. Barbara Spanitz stated that the survey had not been written yet. Nathan Barnard asked if the Town Board could show the survey to the Planning Board before sending it out. Barbara Spanitz stated that the Town Board could show it to the Planning Board for input.

IV. CEO Report

Scott Rider stated that Greg Wiley had spoke with him about a car wash and asked if it would be considered a principle building or if it was an accessory building. Jason Paananen stated that it would be an accessory building on the property. Vinney Beisiegel asked if when permission was given to put the gas station in a car wash was included with it. Richard Janiga stated that it was just the gas station. Scott Rider stated that Steve Pierce on the corner of Two Rod and Bullis Roads wants to do a Redemption Center for cans and such. Scott Rider stated that there is not a septic system on the property and there is no water either. Scott Rider stated that there is a problem with the parking space available as well. Dave Muench stated that there is one in Delavan and Vinney Beisiegel stated that there is one on Center Road in West Seneca and it is always busy with a lot of cars going in and out.

V. Town Board Report

Barbara Spanitz stated that the Outdoor Wood Boilers Code was not passed at the Board Meeting. It was tabled due to changes the DEC was making. Chairman Jay Walkowiak stated that he was disappointed with that ruling because the Planning Board had recommended waiting on the DEC last year and the Town Board had asked the Planning Board not to wait on the DEC. Dave Muench asked Richard Rose about the article in the Buffalo News and wanted to know why he spoke against the boilers. Richard Rose stated that he objected to the part that where burning was allowed in the summertime. The DEC moved the date from April 15 to May 15. Barbara Spanitz stated that she liked the subdivision section of the code.

VI. Open Presentations from the Floor

Richard Janiga stated that he went to the Orleans training in Medina and it was one of the better trainings he had attended. It was on site plan review, conducting meetings, and zoning.

Chairman Jay Walkowiak asked if the town is accepting carry-over training hours. Barbara Spanitz stated that as of right now the town is and she feels that the town should accept these hours. Barbara Spanitz stated that she will check with the Town Board again.

Chairman Jay Walkowiak stated that there is a training session on Wind Power in Elma on Tuesday, November 16 from 6-8 pm. Dawn Pearce needs to know if you will be attending.

Nathan Barnard explained about a computer GPS program that the Snow Mob uses to see trails in the surrounding counties. Each May the information is updated from a consulting firm for a fee. Nathan Barnard stated that it would be helpful for the Planning Board to have this program to use because they could pull up a location on the computer to see property lines within two feet and other information. The Planning Board could zoom in on a piece of property and have topographical and size information on the land. Jason Paananen stated that the parcel information is on the county's website. Barbara Spanitz asked Nathan Barnard to look into how much it costs and then the Town could look into it.

Dave Muench asked if there was another training session being offered in the town of Marilla. Chairman Jay Walkowiak stated that the training was already held since only two hours of training in the town was being accepted. Dave Muench stated that only two hours would be counted, but another training session could be held. Chairman Jay Walkowiak suggested checking TVGA's website.

Jason Paananen offered sample surveys to the Town Board for the Comprehensive Plan.

MOTION to adjourn at 8:34 p.m. moved by Debbie Zimmerman, seconded by Richard Janiga, all in favor 7/0.

Respectfully submitted,
Melissa R. Stark, Clerk

