

**PLANNING BOARD
TOWN OF MARILLA**

Date: April 26, 2007

Present: Nathan Barnard, Chairman
Tom Wantuck, Co-Chairman
Judy Gillman
Rich Janiga
Dan Handy
Paul Domanowski
Debbie Zimmerman

Barbara Spanitz, Town Board
John Fronczek, CEO
Bob Miller, Consult

Guests: Don & MaryLou Darrow, Jeff Kalbach, John Schubert, Marsha Starch,
Warren Handley, Dan Orlando, Bob Gillman, Peter A. Ziccardi, Jeanne
Ziccardi, Stuart Rowland, John & Bonny Hodur, Everett Hoffman, Brian
Schoenle, Lorraine Martzolf, Francine Cohen, Brian Dobmeier, Mike
Thirroff, Warren & Joyce Cullen

- I. Nathan Barnard, Chairman, opened the Public Hearing at 7:00 p.m. The Public Hearing is regarding John Schubert's proposal of a lumber yard located on Bullis Road.

John Schubert explained he would like to put a driveway in from Bullis Road and construct a 32' x 78' retail lumber and hardware store along with a 15' x 96' shed for storage with a 24 foot wide gravel drive to access Bullis Road. Nathan Barnard read three letters addressed to the Planning Board opposing the development.

Peter A. Ziccardi, 11629 Bullis Road, feels a lumber yard in the heart of the neighborhood would adversely affect and change the character of the hamlet. Mr. Ziccardi feels the master plan was created to promote the health, safety and welfare of the people and feels a lumber yard fails to meet this goal. Mr. Ziccardi feels the lumber yard would disrupt the continuity which has been in place for more than fifty years. Mr. Ziccardi feels poor visibility and poor access created by the lumber yard will cause congestion in the streets. Mr. Ziccardi stated commercial development should be on Two Rod and Clinton Street or Two Rod and Jamison Road. Mr. Ziccardi requested the Planning Board to take into consideration the goals of the master plan.

Mr. Schubert stated he has taken safety into consideration as the site of the building being set 200 feet off of the road and the driveway located slightly east of the original drawing creating better visibility. Mr. Schubert offered to let the church use his lot for overflow parking on Sundays since the store will be closed. Mr. Schubert feels the master plan encourages commercial development in the hamlet.

Bob Gillman, 1752 Shearing Drive, asked if the county has been contacted about the entrance.

Mr. Schubert has talked to the Erie County Engineer regarding the proposed driveway site stating his proposed site was fine having trees removed and adding fill.

Bob Miller spoke to the Erie County Traffic Engineer who stated the guard rail would have a proper opening, proper fill with the access to Bullis Road and felt this distance is acceptable regarding the speed involved from the corner to the proposed driveway location. An Erie County Permit would be required along with review to the SEQR process. Marie Nowak, Town Engineer, did take a look at the proposed site and was concerned with proper grade for a driveway and drainage recommending civil engineering to be done.

Jeanne Ziccardi, 11629 Bullis Road, asked how Mr. Schubert is going to compete with Home Depot, 84 Lumber and other big local companies.

Mr. Schubert stated there are still a lot of many successful local owned lumber yards. Mr. Schubert plans on putting an emphasis on individual and personal service, for example, custom fitting the size of lumber.

Stuart Rowland, 11688 Bullis Road, stated he is not in favor of the lumber yard but feels if an individual owns a piece of property and pays taxes on it, he should have the privilege of making some money off of it.

Don Darrow, 2010 Two Rod Road, states he always patronages the small businesses in town. He feels it is a convenient and good addition to town.

Nathan Barnard, Chairman, adjourned the Public Hearing at 7:50 p.m. John Schubert will be on the agenda for May 17, 2007.

Mr. Schubert stated he would like to put a pathway to the creek for recreational use.

II. Nathan Barnard, Chairman, opened the Planning Board meeting at 8:00 p.m. **MOTION** to accept March minutes moved by Rich Janiga, seconded by Debbie Zimmerman. All in favor – 7 ayes.

III. Old Business

Chairman Nathan Barnard read a letter addressed to Everett Hoffman from Town Attorney Nathan Neill regarding a flag lot application for property located on Bullis Road. Nathan Neill stated the town will not proceed further with the flag lot application as it would create an illegal subdivision by creating a landlocked parcel of approximately 300 feet by 214.4 feet which is owned by Everett Hoffman's mother.

Chairman Nathan Barnard read a letter from the CAB stating they have no objection to the flag lot application.

The P.B. advised Everett Hoffman to contact Attorney Nathan Neill.

IV. CEO Report

John Schenne paid his application fee of \$10 per lot for subdivision and \$200 for a public hearing.

CEO John Fronzek stated an individual is interested in putting a car repair shop with the driveway on Two Rod Road next to the gas station and the shop would face Clinton Street.

V. Town Board

Barbara Spanitz stated it is a New York State Law stating it is illegal to create a landlocked parcel.

VI. Open Presentations from the Floor

Barbara Spanitz stated Nathan Neill said it is illegal in New York State to create a landlocked parcel. Rich Janiga suggested Mr. Hoffman go to the ZBA for a variance. Bob Miller will speak to Nathan Neill regarding the possibility of a variance.

The P.B. discussed the master plan stating it can be understood as supporting the proposed lumber yard by concentrating commercial facilities in the hamlet. It was stated to maybe post a bond for demolition after one year of no occupancy if the business fails.

VII. **MOTION** to adjourn at 8:45 p.m. moved by Dan Handy, seconded by Paul Domanowski, all in favor 7/0.

Respectfully submitted,

Laura Nuttle, Clerk