

**PLANNING BOARD  
TOWN OF MARILLA**

Date: August 16, 2007

Present: Nathan Barnard, Chairman                      Barbara Spanitz, Town Board  
Tom Wantuck, Co-Chairman                      John Fronczek, CEO  
Rich Janiga    Bob Miller, Consult  
Dan Handy  
Paul Domanowski  
Judy Gillman

Absent: Debbie Zimmerman

Guests: Jutta Soeder, David Sutton

I. Nathan Barnard, Chairman, opened the Planning Board meeting at 7:03 p.m. **MOTION** to accept July minutes moved by Rich Janiga, seconded by Tom Wantuck. All in favor – 6 ayes.

II. Old Business

Jutta Soeder of 12339 Williston Road submitted a flag lot application and is here tonight with her architect David Sutton. Mr. Sutton submitted an updated survey prepared by Nussbaumer & Clarke along with a proposed easement for the water line which will be filed and approved with the county. The proposed structure will be 120 feet from the center line of the road and create a duplex home which looks like a single family home. There will be a single driveway leading to the side of the house where a two car garage with the driveway coming around the front to another two car garage. David Sutton stated they will sheet drain encouraging through topographic to a drainage ditch to the front. The septic has not been designed yet. The electric is an overhead service feeding the house at the back with everything contained on the other property. CEO John Fronczek asked the depth of the new lot. Mr. Sutton stated it is 550 feet. Dan Handy stated along the line where there is gravel stones there is also a tile line. Dan Handy stated all the problems for the last meeting were addressed and feels a duplex home is legal.

**MOTION** by Dan Handy, seconded by Rich Janiga, to recommend approval to the Town Board for the flag lot application for Jutta Soeder, with revised survey, as proposed by Dave Sutton.

Roll call vote:

Rich Janiga - aye	Judy Gillman – aye
Dan Handy - aye	Thomas Wantuck - aye
Paul Domanowski - aye	Nathan Barnard – aye

**Motion carried.**

Chairman Nathan Barnard suggested Mrs. Soeder meet with the Town Board at their next work session.

III. New Business

Chairman Nathan Barnard stated Bill Peter is on the agenda but is not in attendance tonight. Mr. Peter is planning on developing a 210 x 190 piece of property and on the rest of the property is looking to develop a business flag lot and renting out two bays. Rich Janiga questioned if the person renting the bays needs a special use permit. Section 700-48(a) states motor vehicle, service stations and public garages may be permitted as special use permits in the B business districts. Rich Janiga stated the person renting the bays will need a special use permit. The discussion regarding Bill Peter's special use permit was postponed with the application returned to the CEO.

IV. CEO Report

CEO John Fronczek stated we have been getting huge accessory buildings on 2 acre or larger parcels (Ag zoning) and questioned if the 3% should be reviewed and maybe downsize the percentage. CEO John Fronczek stated as an example on Two Rod Road an individual wanted to put up a 4000 square foot accessory building. He feels once the individual sells the property people will be starting businesses out of these accessory buildings. Chairman Nathan Barnard asked Bob Miller to investigate suggesting using maybe square feet instead of a percentage.

V. Town Board Report

Councilman Barbara Spanitz stated Mr. Schubert sent the Town Board a letter regarding the drainage on this property but was under the impression he was not going forward with his store at this time. Mr. Schubert stated he was not withdrawing his application and is pursuing the illegal draining onto his property. Mr. Schubert's attorney told him according to County Charter to speak to the Town Highway Superintendent who is in charge of what is going on underneath the roadways in town. Mr. Schubert is puzzled with this situation and is not sure where to go. Chairman Nathan Barnard stated the Planning Board cannot do anything.

VI. Open Presentations from the Floor

Mr. Schubert wanted to thank the Planning Board for their previous recommendation and stated he is puzzled with his situation.

Bob Miller stated this relates to our discussion last week concerning the accuracy of the floodplain maps. Bob Miller suggested in the future additional investigating into the floodplain maps. The floodplain maps need to be updated.

VII. **MOTION** to adjourn at 8:11 p.m. moved by Rich Janiga, seconded by Tom Wantuck, all in favor 6/0.

Respectfully submitted  
Laura Nuttle, Clerk