

**PLANNING BOARD
TOWN OF MARILLA**

Date: August 20, 2009

Present:

Richard Janiga, Chairman
Nathan Barnard
Debbie Zimmerman
Dave Muench
Judy Gillman
Jay Walkowiak
Vinney Beisiegel

Barbara Spanitz
Jason Paananen, Consultant
Scott Rider, CEO

Absent: Bob Miller, Consultant

Guests: Joe Lankes (Eastwood Rd.) and Charlie O'Brien (Two Rod Rd.)

I. Approval of Minutes

Chairman Richard Janiga opened the Planning Board meeting at 7:00 p.m. Chairman Richard Janiga introduced Jason Paananen to the members of the Planning Board. Jason Paananen would be consulting with the Planning Board in the absence of Robert Miller.

Chairman Janiga asked for the approval of the July minutes and if there were any additions or corrections.

MOTION to accept the July minutes as is, moved by Nathan Barnard, seconded by Dave Muench; all in favor – 7 ayes.

II. Old Business
a. None.

III. New Business

a. MD Zoning # of units per acre - Chairman Richard Janiga asked if all members of the Planning Board had received the packet of information from Nussbaumer and Clarke providing background information and examples from other towns as zoning was discussed. Jason Paananen handed out a summary of what the Town of Marilla presently has in the codes regarding MD zoning. Jason Paananen stated that currently in the codes there are 8 units per acre in the MD zoning and in both B-1 and Senior Housing zoning there are 5 units allowed per acre with a minimum of 5 acres. Jason Paananen referred to a colored handout of what is currently allowed in MD with 8 units per acre and stated that this is only an example so the members of the Planning Board could get an idea of what possibly could be built on 5 acres – 24 apartment units and 16 townhouses, or 40 townhouses. Jason Paananen stated that the amount of units depended on the available water and sewer on the property, so the number of units could decrease. Chairman Richard Janiga asked what the trigger would be to go to a sewage treatment plant from a leach field. Jason Paananen stated that he did not know. Chairman Richard Janiga stated that he thought in a subdivision if there were more than 28-32

houses that a sewage treatment plant would be necessary. Nathan Barnard asked if there were garages included on the example plan. Jason Paananen stated that there were garages included in the townhouses. Jason Paananen stated that the example provided does not include water, sewer, storm drainage, wetlands, or retention ponds which will all affect the number of units that could fit on the property. Jason Paananen stated that in the town of Lancaster 8 units per acre are only allowed if there is proper sewer available and the Town of Newstead only allows 4 units per acre.

Chairman Richard Janiga asked Barbara Spanitz what the concerns were of the Town Board regarding the number of units. Barbara Spanitz stated that the Town Board was just looking for some guidelines and the input of the Planning Board. Chairman Richard Janiga stated that there already are guidelines in place and he was wondering what concerns the Town Board had. Barbara Spanitz stated that the Town Board feels that the fewer amount of units, the better it is for the Town. Jason Paananen stated that to have 8 units on an acre does not reflect the character of the Town. Dave Muench stated that in the codes of other towns the number of units is ultimately determined by the soil conditions. Debbie Zimmerman stated that if there were 4 units per acre there would only be 20 dwellings allowed and it would be half of the example given and that seemed like a good number. Dave Muench asked how the Town was protecting a developer's investment if they restricted the number of units because the cost would be too great in building for the number of units that could be sold. He also stated that it is still debatedable that senior housing is allowed in MD because the word elderly is still in the code book under MD. According to the dictionary, the word elderly refers to anyone 50 and older. Chairman Richard Janiga stated that he thought senior housing was only allowed in B-1 or the new Senior Housing codes and it was taken out of MD. Dave Muench stated that he understands that people are looking for senior housing in the Marilla because people live here and don't want to move out of the area, but if the number of units are cut, then it will not be cost effective to the developer to build in the area. Chairman Richard Janiga stated that they are only looking to change the number in MD and the number in B-1 will still allow developers to build and be cost effective. Jason Paananen stated that there are 5 units allowed per acre in the B-1 district and that would be 25 dwellings. Barbara Spanitz stated that from the Town Board's perspective it is too much for the Town to handle 40 dwellings in terms of fire and rescue. Dave Muench stated that he disagrees because there are professional rescue services available. Dave Muench stated that he understands about restricting housing and growth in the Town, but we have to be careful that we don't restrict too much so there is no place for seniors to live. Nathan Barnard stated that other towns are making it work and development is happening with having 4 units per acre. Nathan Barnard stated that it would be a fact that if 192 dwellings were allowed in the codes, it would put a strain on the fire department and it is a concern to think about. Debbie Zimmerman stated that typically seniors have more emergency calls than younger people. Chairman Richard Janiga stated that just because the number of units is reduced, it does not mean that there will not be any senior housing, it is just spread out over more area. An acre is not a large area to have 8 units on it and if it did, it would be fairly dense. The minimum size for a house to be built on in the Town of Marilla is 1 ½ acres. Vinney Beisiegel stated that the village of Alden is building 31 retirement homes on 3.1 acres and have 20 homes finished; however, they cannot rent all the homes to seniors and had to offer the homes to other people, even low income. Vinney Beisiegel stated that if the project is too large, you may not be able to rent all the houses to seniors. Judy Gillman stated that she has an acre of land and she cannot picture having 8 units on just one acre of land. Jason Paananen stated that it really comes down to fire/protection and water/sewer systems. Jason Paananen stated that when he talked to Maria about the senior housing ordinances, to make it profitable a builder will build at least 20 dwellings per senior housing building and if the MD zoning was changed to 4 units per acre that would be 20 dwellings. Chairman Richard Janiga stated that it

would be spread out over 5 acres for 20 dwellings. Debbie Zimmerman stated that 5 acres would give enough space for retention ponds and water concerns. Dave Muench stated that if 4 units per acre works and is cost effective that he is all for that. He just wanted to look into the future. Chairman Richard Janiga asked for each board member to give their opinion.

Debbie Zimmerman stated that 4 units pending soil conditions sounded good.

Dave Muench stated that 4 units pending soil conditions sounded reasonable.

Jay Walkowiak stated that taking the number of units to 4 would be good.

Vinney Beisiegel stated that 4 units would be good.

Judy Gillman stated that she agrees with 4 units.

Nathan Barnard stated that he agrees with the other members of the board.

Chairman Richard Janiga stated that clearly they are talking about the MD zoning and not B-1 and 4 units pending soil conditions sounded good.

MOTION to reduce the density from 8 to 4 units per acre pending soil conditions in the MD zoning moved by Dave Muench, seconded by Vinney Beisiegel.

Debbie Zimmerman - aye

Dave Muench - aye

Jay Walkowiak - aye

Vinney Beisiegel - aye

Judy Gillman - aye

Nathan Barnard - aye

Chairman Richard Janiga - aye

b. Portable Storage Units (PODS) and Garages – Jason Paananen stated that there is really nothing mentioned about PODS in the code book. He mentioned that he had put together some guidelines that other towns in the area had come up with for the Board to look at. Jason Paananen stated that the codes gathered regulated what could be stored in the units, how large the units could be, how long the units could be on the property, and where they can be set on the property. Jason Paananen stated that the Town of Ellicottville has it where you need a permit from the building inspector to have a portable storage unit and it can only be on the property for 15 days unless it was after a fire when the fee and length of time the unit can be on the property are waived. Scott Rider stated that he has not seen a lot of PODS in the town but is concerned with the number of tarp garages going up. Jason Paananen stated that the tarp garages are hazards in the winter with the wind. Chairman Richard Janiga stated that there are a couple of issues. One being the PODS and the other being the tarp garages that seem to be the larger issue at the moment. Chairman Richard Janiga stated that the Board should look at the examples provided and draft a preliminary code to look at at the next meeting. Jason Paananen stated that the Board should decide what the duration of the garages should be, what the garages should be used for, what size is acceptable, where the unit should be placed on one's property, if there should be a permit, and if there will be fines for violations. Vinney Beisiegel asked if there would be allowances for farm uses. Jason Paananen stated that there could be. Judy Gillman asked if the tarp garages were assessed. Scott Rider stated that they were not, but they could be put under accessory buildings and then there would be a limit to the number allowed on one's property. Debbie Zimmerman asked if the garages had metal roofs. Scott Rider stated that the ones he is looking at all have tarp, canvas, or plastic roofs. Jason Paananen stated that the town would want to include the number of garages allowed in the code and specify that tents that are put up for summer use would not be included in this code. Dave Muench asked if there should be two separate codes; one for PODS and another for tarp garages. Scott Rider stated that that would be good. Chairman Richard Janiga stated that they could be under the same heading. Chairman Richard Janiga stated that if they were added under accessory structures then the garage is counted as one of the total allowed. Dave

Muench stated that it could be written that the structure could be up for 30 days and then it becomes an accessory structure. Debbie Zimmerman stated that she liked the village of Ellicottville's codes. Nathan Barnard stated that the fee for the permit could be returned after 30 days if the structure is taken down or if it will be up more than 30 days then they must have a permit. Nathan Barnard stated that Ellicottville's would make a good template. Jason Paananen stated that all temporary storage units should be included under the code and not just to think about only PODS. Dave Muench asked if the temporary storage units included dumpsters. Jason Paananen stated that dumpsters would be different but could be added to Marilla's codes if there is nothing about dumpsters mentioned in the code book. Vinney Beisiegel asked about trailers and PODS that are plated and mobile. Dave Muench asked if signs would be allowed on the side. Debbie Zimmerman stated that they were addressed in Ellicottville's codes. Chairman Richard Janiga asked about whether a permit would be needed and the duration for the unit. Debbie Zimmerman stated that the Town Board would set the fee. Judy Gillman stated that if they have to pay for them it would be a way of controlling it. Nathan Barnard stated that he does not like seeing a fee attached to everything. Chairman Richard Janiga stated that he liked giving 30 days to fill the unit and then get rid of it. A permit would only be needed if it was needed longer than 30 days. Nathan Barnard stated that if there was a problem, then the 30 days would go into effect. Debbie Zimmerman stated that you could come in and get a permit and use the unit for 30 days and if it goes over 30 days, then you would need to pay a fee. Vinney Beisiegel asked about units that already exist. Scott Rider stated that they would be grandfathered in. Jay Walkowiak stated that 30 days is plenty of time. Scott Rider stated that it could be written that you have 30 days to use it in the code book and then if there is a problem you can have another 10 days after you have been notified that your time is up from the Town to get rid of the unit. Debbie Zimmerman asked what would happen in the case of a fire. Scott Rider stated that the unit would be allowed throughout the renovation and then 30 days after the C/O is issued. Jason Paananen asked if the same would apply for renovations. Dave Muench stated that the building permit could allow for one storage unit for the duration of the permit. Debbie Zimmerman stated that no hazardous material would be allowed to be stored in them. Jason Paananen suggested making the size of the unit less than 144 square feet. Chairman Richard Janiga asked about the number of units allowed per residents. Debbie Zimmerman thought only 1 per residence. Dave Muench stated that more should be allowed in the case of fire. Debbie Zimmerman stated that the location of the unit should follow the same guidelines as an accessory building and no signage would be allowed except for the business providing the unit. Debbie Zimmerman asked about the intended use. Jason Paananen stated that the town could regulate what would be allowed to be stored in the unit. Jason Paananen stated that he would send out information on tarp garages.

IV. CEO Report

- a. Phil Arnold on Four Rod Road is going to sell 1 lot.

V. Town Board Report

The rezoning on the Bullis Road subdivision has been reopened and it may have to be voted on again.

VI. Open Presentations from the Floor

Chairman Richard Janiga stated that last meeting he mentioned the position of co-chairman and was wondering if anyone was interested. Chairman Richard Janiga stated that it is not required. The position was created to serve in the absence of the Chairman and then that person would likely move on to be Chairman next year, as determined by the Town Board. Debbie Zimmerman stated that she feels it is a good position to have. Dave Muench stated that he agreed. Debbie Zimmerman asked if anyone was interested. Dave Muench indicated that he was.

MOTION to appoint Dave Muench to Co-Chairman moved by Debbie Zimmerman, seconded by Jay Walkowiak, all in favor 7/0.

MOTION to adjourn at 8:28 p.m. moved by Judy Gillman, seconded by Nathan Barnard, all in favor 7/0.

Respectfully submitted,
Melissa R. Stark, Clerk