

**PLANNING BOARD
TOWN OF MARILLA**

Date: December 18, 2008

Present:

Nathan Barnard, Chairman	Barbara Spanitz, Town Board
Judy Gillman	John Fronczek, CEO
Dan Handy	Bob Miller, Consultant
Richard Janiga	Melissa Stark, Clerk
Paul Domanowski	
Debbie Zimmerman	

Absent: Tom Wantuck, Co-Chairman

Guests: William Schutt, Joe Lankes, Marcia Canetti, Shirley Limpinsel, Rita and David Arber, and Rosemary Miller

- I. Chairman Nathan Barnard opened the Planning Board meeting at 7:04 p.m. Chairman Nathan Barnard asked for the approval of the November minutes. **MOTION** to accept November minutes, moved by Judy Gillman, seconded by Paul Domanowski. All in favor – 6 ayes.

- II. Old Business
 - a. Bullis Road Subdivision

Chairman Nathan Barnard asked the Board if they had received the fax stating that the agricultural district members had been contacted. William Schutt started by recapping the November meeting: the Bullis road property was not in the agricultural district, is eligible for water service pending a change in zoning, and the need for the Agricultural District Data Statement to be filed. Mr. Schutt continued by saying that they researched the neighboring agricultural properties within a 500 foot radius and contacted the owners. Mr. Schutt continued by stating that he filled out the Data Statement and filed it with the Erie County Department of Development and Planning and to the Town of Marilla assessor's office. Mr. Schutt stated that the project is in the sketch plan phase and would like to know if the Planning Board looks favorable on the plan before moving forward. Chairman Nathan Barnard stated that Mr. Schutt was looking for a re-zone for the property. Mr. Schutt stated that they have only submitted a sketch plan and would need SEQR documents for the re-zone. They are only looking for a favorable response from the Planning Board before committing any money to the project. Chairman Nathan Barnard stated that the property is next to an existing subdivision, Greenwood Terrace, and the residents on Greenwood Terrace have placed their life savings in their homes with the thought that the property next to the subdivision being agricultural and it would be an injustice to the residents for their to be a subdivision in their backyards.

Chairman Nathan Barnard stated that it would add to the town tax burden, town traffic, and the schools.

Rich Janiga stated that he takes a different view. Rich Janiga stated that he does not know the last time that land had crop production on it and being that it is already next to a development that it would make sense according to the town's master plan that that is where you would focus the development. Rich Janiga stated that if agricultural land that is not being used for agriculture is used for development then it takes the pressure off of the land being used for agriculture. Rich Janiga stated that he thinks the plan has some merit.

Dan Handy stated that he has never been a big fan of subdivisions. However, he can not come up with any legal objections to this plan. The plan meets the town's comprehensive plan and would be next to an existing subdivision. Dan Handy stated that unless there was a legal reason to say no, he cannot say no.

Paul Domanowski stated that the sketch plan has nice size lots and is next to another subdivision. Paul Domanowski does not see any reason not to deny it.

Debbie Zimmerman stated that she agrees and sees no reason for it to be denied. Debbie Zimmerman stated that Mr. Schutt and Mr. Zelasko have worked very hard with the Planning Board in making sure that there buffers between the lots and reduced the plan by one lot to protect existing properties. Debbie Zimmerman stated that the subdivisions would be together and it would be permitted for the land to be developed since it is not being used agriculturally.

Judy Gillman spoke to some of the residents of Greenwood Terrace and their main concern is with the drainage. Judy Gillman stated that she sees no reason for it to be denied. William Schutt stated that the drainage would no be a problem with the proposed storm drainage system.

Chairman Nathan Barnard asked for a motion on the floor. Rich Janiga stated that since there was only a sketch plan submitted there and there is no re-zone request that a motion was not needed. Chairman Nathan Barnard asked if a motion needed to be sent to the Town Board stating the opinion of the Planning Board. Rich Janiga stated that there was no place to go until the re-zone was requested. Rich Janiga stated that the opinion of the Planning Board was that the plan has some merit and to go ahead with the re-zone with completing an application. Chairman Nathan Barnard asked for William Schutt to contact the Town Board. Barb Spanitz stated that there was a town work session on January 6 and the Town Board meeting would be on January 8.

Chairman Nathan Barnard asked Bob Miller if a motion was needed. William Schutt stated that it was not needed from how he was reading the codes.

b. Rohl Property

Chairman Nathan Barnard stated that John Scheene was not present and the Board could not continue with the issue. Chairman Nathan Barnard stated that they would wait for John Scheene and while they were waiting they would move on to other business.

Bob Miller handed out Agricultural District Information and Reference Materials from the training sessions.

Rich Janiga stated that he would like the Planning Board to put together a checklist with the process needed to subdivide land. John Fronczek asked if the checklist would be added to the code book. Dan Handy stated that the checklist would be made from the information

already in the code book. Rich Janiga stated that the checklist would not be approving anything, but organizing what steps would be needed from the code book and putting the steps in one place. Bob Miller stated that he would look into it and see what other towns are using in the area.

III. New Business
None.

IV. CEO Report

John Fronczek stated there are some people who are looking to relocate a communication radio tower for Catholic radio from Cowlesville. John Fronczek stated that he talked to George Gertz about the relocation and George Gertz was in favor of it because the fire company could locate on top of the town. The location of the tower would be on Eastwood next to the landfill on the left hand side (if looking at the landfill) and would occupy 6 acres of land. The issue is not settled yet and they may look into other sites as well.

The developer for Willey has been calling to put in Senior Housing, patio homes, and condos at Two Rod and Clinton. They are wondering what the first step is to go forward with the project. John Fronczek stated that they would need to contact the Town Board for a re-zone and submit plans to the Planning Board. Judy Gillman asked who owned the property. John Fronczek stated that it was Leon Berner's. John Fronczek stated that Ken Kelchlin would be clearing the land in the spring and design his parking lot and building with the lay of the land.

V. Town Board Report
None.

Chairman Nathan Barnard asked for a motion to table the Rohl property for next month. **MOTION** to table the Rohl property until the January 15 meeting, moved by Judy Gillman, seconded by Debbie Zimmerman, all in favor 6/0.

VI. Open Presentations from the Floor

Chairman Nathan Barnard stated that Tom Wantuck submitted a letter of resignation. Chairman Nathan Barnard would like to thank him for all of his work the last couple of years.

Chairman Nathan Barnard stated that the Planning Board needed a new Chairman since he has been chairman for two years and a recommendation to the Town Board. Dan Handy moved to nominate Paul Domanowski. Paul Domanowski stated that he would not be able to chair due to circumstances that have come up. Dan Handy nominated Nathan Barnard for another year. Debbie Zimmerman agreed with Dan Handy. Dan Handy nominated Rich Janiga for Co-Chairman. **MOTION** to nominate Nathan Barnard for one more year as Chairman and for Rich Janiga to be vice chairman by Dan Handy, seconded by Debbie Zimmerman, all in favor 4/0.

Marcia Canetti stated that she sees the need to have a format for development because it seems that "the flood gates are about to open." Marcia Canetti hopes that the Planning Board is not open to development because that is what the people of Marilla want. Marilla is supposed to be rural and that is why people move to Marilla. Chairman Nathan Barnard stated that the Board can say no to development, but they have the right to go to court and have the ruling overturned. The Board has worked with the code to make it very hard and

expensive for development and to put roads in, but if the development meets the comprehensive plan, then there is a right for the development to take place. John Fronczek stated that there is a plan for subdivision development and Rich Janiga stated that he wants to make sure, since there is a lot of information with a subdivision, that the Planning Board does not forget a step. Marcia Canetti would like the Board to do what the people want – no development.

Shirley Limpinsel stated that she sees another subdivision coming on the corner of Bullis and Townline road and she is concerned with the development of senior housing, patio homes and condos. Chairman Nathan Barnard asked Shirley Limpinsel if her statements are directed to the subdivision discussed tonight. Shirley Limpinsel stated that she was. Chairman Nathan Barnard stated that that subdivision has nothing to do with the corner of Bullis and Townline. Shirley Limpinsel stated that if one subdivision is approved that there would be other subdivisions down the road that would need to be approved. Shirley Limpinsel does not want the Board to approve this subdivision and it will not help our tax base.

MOTION to adjourn at 7:40 p.m. moved by Judy Gillman, seconded by Dan Handy, all in favor 6/0.

Respectfully submitted,

Melissa R. Stark