

**PLANNING BOARD
TOWN OF MARILLA**

Date: February 21, 2008

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

Guests: John Foss, Mary Nette Foss, Joe Lankes, Jane Lankes, G.D. Willey, Helen Bourgeois, Warren Handley, James Thompson, John Schenne, Ken Kelchlin, Shirley Limpinsel, Eugene Limpinsel, Leon E. Berner, John Trybuskiewicz, Paul Fischer, Kevin Ciarrill, Wade Carroll, Charles A. O'Brien, Mary Earsing

- I. Nathan Barnard, Chairman, opened the Public Hearing at 7:00 p.m. The Public Hearing is to discuss a proposal by Leon Berner to change the zoning of property located on the corner of Two Rod and Clinton Street. Mr. Berner will present his proposed plan and then the floor will be open for comments.

Nathan Barnard, Chairman, introduced the Planning Board members, George Gertz, Supervisor, who is sitting in tonight for Barb Spanitz, Bob Miller from Nussbaumer & Clarke, John Fronczek, CEO, and Laura, our secretary.

Leon Berner showed a drawing showing the corner of Two Rod Road and Clinton Street where two parcels, one is 15.45 acres for Ken Kelchlin for a new retail store and 32.49 acres for Greg Willey for affordable senior housing to be rezoned as commercial. Ken Kelchlin showed a layout of his proposed 100 x 150 foot building which is basically the same business he has at the corner of Townline and Clinton Street consisting of a lawn mower shop, snowmobiles, and repair shop. The 32.49 acres for Greg Willey is the senior housing project with frontage on Two Rod Road and has a road going in and out with housing located on either side of the road.

Shirley Limpinsel, 11217 Coleman Road, asked where the entrance for the senior housing is going to be on Two Rod Road or Clinton Street or both. Leon Berner stated both. Shirley Limpinsel asked how many buildings are you hoping to get in.

Greg Willey stated according to the building code it is 8 units per every 5 acres holding 6 apartments. Shirley Limpinsel asked how many are in a building. Greg Willey stated one building will hold six people.

Charlie O'Brien, 460 Two Rod Road, stating he heard a rumor that there was going to be an outlet onto Two Rod Road and asked what is going to happen

to the water accumulating there now. The water comes from the east side of Two Rod Road and is quite heavy which musters together right at the borderline of my property. Leon Berner answered it will be addressed after the buildings are done and there are retention ponds in accordance to state code. Mr. O'Brien is worried he is going to get it and feels the town will have to do the costing. Leon Berner stated the drainage is the project's responsibility. Nathan Barnard stated Mr. O'Brien would be south of the Two Rod Road driveway.

Helen Bourgeois, Williston Road, who is with the Marilla Seniors Group, stated there is a lot of interest in the senior housing. Helen wished she had known about this meeting tonight sooner because she feels a lot of the seniors would have come tonight. There were a few proposals made a while ago about senior housing but never came about and she thinks this would be very good. Helen was wondering are these homes low income or government funded. Greg Willey stated he has not got into that yet and is aiming more towards senior housing. Helen asked if they are going to be affordable senior housing and will they be renting them or buying them. Greg Willey thinks he will be running both programs either buying or renting. Helen asked will there be carports. Greg Willey stated yes. Helen asked will there be security. Greg Willey stated as far as he knows, yes. If this is approved, when do you think it will be ready for occupancy. Greg Willey stated he will first put the road in and then develop the first 5 acres, probably a couple of years. Helen asked how far from the road will the first apartment be. Greg Willey stated they are trying to see how it fits on 5 acres and feels maybe a couple hundred feet off the road. Helen asked what size apartments will they be. Greg Willey stated probably 1400 square feet. Helen asked what rooms will they consist of. Greg Willey said two bedrooms, living room, kitchen. Helen asked will the bathrooms be handicap accessible.

Chairman Nathan Barnard stated tonight's meeting is about changing the zoning. If this is rezoned, there will be another public meeting regarding the development of the land but right now the question is do we want this concept in the town. Helen Bourgeois asked if this will be approved today. Nathan Barnard stated no. Dan Handy stated this is just a concept and things can change.

Paul Fischer, 293 Two Rod Road, asked what is the site distance on Two Rod Road and Clinton Street. Leon Berner stated approximately 1500 feet. Concern is the site distance on Two Rod Road when you are entering and exiting the facility along with the speed at 45 mph and will there maybe be a center turning lane in the future and is wondering if there has to be a body count before increasing the road. Nathan Barnard stated there was a traffic study done when Leon Berner was venturing towards the golf course business. Nathan Barnard stated he does not remember the rating being high on Two Rod and another traffic study will have to be done for this concept. Paul Fischer stated he feels the further from the intersection you put a driveway, that lessens the site distance coming towards Clinton Street because of the natural rise from the layout of the land. Leon Berner stated people will have two choices on which road to go onto.

Greg Willey stated when he did the traffic study for the gas station that part of Two Rod Road was 3100 and the other side was 2800 which is not considered very high.

Bob Miller stated the traffic study you are referring to is the trip generation rates which every type of project has a different rate generation depending on the size and type of project it is. Bob Miller stated a traffic impact study should be done during the review process. If there are some issues with site distances on the road or the need for a turning lane that is all determined through the traffic impact study which should be required.

Paul Fischer asked in the event this is rezoned and the plans fall through, what else can be put there because I prefer senior housing versus a WalMart. Nathan Barnard stated once it is rezoned business whatever in our Code Book stating business can be put there. The business zone is 15.45 acres which would be anything in the business code and the 32 acres would only be able to have manufactured homes.

Charlie O'Brien stated that 24 hours a day is peak period with zero sight. You can hear them coming first.

Bob Miller stated part of the traffic impact study that might be a concern would be identified and there are procedures and evaluation techniques for looking at sight distance and if there is an issue, there are techniques and procedures to address that whether it be signage or placement of a driveway entrance. Charlie O'Brien stated his driveway is right there and will be right next to your driveway so I am confronted with it every day.

Helen Bourgeois stated a lot of the seniors do not drive so 248 apartments and that will not be 248 cars driving in and out of there. A lot of seniors drive slower so they probably will come out onto Two Rod Road instead of Clinton.

Paul Fischer asked if the complex would have their own garbage pick up. The town would pick up their garbage probably which would be located in a dumpster.

Lorraine Martzolf, Coleman Road, stated she is not familiar with senior housing and does that mean no children. Nathan Barnard stated senior housing usually does not have garages and does not have children usually there is an age limit. Lorraine Martzolf asked if she was taking care of three grandchildren would that mean she could not live there. Nathan Barnard stated no.

Shirley Limpinsel stated there are a lot of units in Akron called the cloisters which she is very familiar with. When they call it low income it truthfully is not, it is geared to their income but there are seniors in there with a nice retirement paying \$500 to \$600 a month and then some for \$99 a month which includes gas and electric. If you are talking senior citizens, this is the way to approach it because not everyone in this town can afford \$500 to \$600 a month.

Mary Earsing, 106 Two Rod Road, asked if these are just apartments or on the scales of Greenfield Healthcare where you have assisted living in the back,

regular living in the back, and nursing in the front. Greg Willey stated no, everyone will be living on their own.

Charlie O'Brien, 460 Two Rod Road, asked if you have a copy of a design like East Aurora is restricted to the décor in the area. What I have seen so far, in my short time here, a builder will build a house with two sash windows in the living room and there is no design or expenditure or niceties of a home.

Chairman Nathan Barnard stated that would be the design phase. Right now we are looking at do we like putting senior housing on this piece of property located on Clinton Street. Charlie O'Brien asked what do you do with the wetland aspect of that. Nathan Barnard stated these are things we are discussing.

Gene Limpinsel, Coleman Road, asked if you have any idea where to put the detention pond. Leon Berner stated that comes with the engineering process with a likely place being Clinton Street because it is all down hill.

Nathan Barnard, Chairman, closed the Public Hearing at 7:28 p.m.

- II. Nathan Barnard, Chairman, opened the Planning Board meeting at 7:30 p.m. Nathan Barnard stated there is one correction in January's minutes and with that correction, **MOTION** to accept January minutes moved by Debbie Zimmerman, seconded by Paul Domanowski. All in favor – 7 ayes.
- III. Old Business

John Schenne representing the Rohl property brought in a design of the detention pond covering 60 acres of land. Mr. Schenne stated originally they were trying to keep the detention ponds off of the site they are developing which led to problems with the SEQR review. The new design incorporates detention basins that are dry swails located within the development between where the buildings will be built. The dry swail detention pond is sloped down, mowed year round, and in the bottom of it there is a french drain. When it rains the water fills up, gets filtered as it runs out of the french drain and is discharged off site. John Schenne stated the idea of putting in detention basins is to treat the affluence so it comes off clean and so it comes off at a slower rate than it comes off now at the predevelopment stage. Tom Wantuck asked if this will affect the lot sizes. John Schenne stated no. Rich Janiga asked who handles the maintenance. John Schenne stated each individual will takes care of whatever is on their property. The corner lot has a collection ditch trying to pick up the water from the lots and pull it back into the system so nothing is discharged into the ditch because that water would not be treated.

Chairman Nathan Barnard asked what are the plans for the driveway. John Schenne stated it is Mr. Rohl's intent for the driveway to be a private road which was mentioned a long time ago when we came here. There have been discussions with Nusbaumer & Clarke about what specs a private road would be and Mr. Rohl has been in contact with the town attorney who was forwarding a draft of a proposed agreement for maintenance of the road. Nathan Barnard stated Mr. Rohl's intention was to start off with a stone driveway to begin with and a lot of members on the P.B. are concerned with

Mr. Rohl selling all the lots and leaving it stoned. Nathan Barnard suggested as he sells lots, he paves, or else he has a projected date that he has to pave by. Dan Handy stated he did not know how forceful that would be but maybe a bond of some time would work.

Bob Miller stated when he talked to Nathan Neill as of this afternoon Nathan Neill had not spoken to Mr. Rohl. Nathan Barnard stated realistically Mr. Rohl would not be able to pave the entire road until he starts selling lots, but the concern would be him starting and then leaving a stone road. Bob Miller stated the local law specifies for a subdivision roads must be built to town specification. Bob Miller handed out a letter summarizing the discussions which have taken place since December 2006. At this point there was no decision made in terms of minimizing the requirement or application of the highway standards to it not saying that it can't be done but there would have to be an agreement between the town and the owner of the property. Nathan Neill felt the board should make some determination on what the minimum requirements you would want perhaps a chance from the standards. Bob Miller stated whether it is economically feasible to do the paving as you sell properties as compared to paving the whole development at the same time. The other concern may be if you just put the stone base in, it should be wide enough to accommodate the standard width for utilities, water line, sewage, etc., which may be required to be put in place for the development.

Supervisor George Gertz stated the Declaration of Easement and Maintenance Requirements which was faxed to John Schenne from Dick Rohl was never presented to him or the board. Supervisor George Gertz stated the last conversation he had with Nathan Neill he was drafting a letter to Dick Rohl explaining what the next steps were in the process.

Dan Handy stated the Planning Board is not qualified to tell what type of road should be built. Rich Janiga thought the road was going to be built to town specifications. Paul Domanowski also thought the road was going to be built to town specifications as to the fire company service. Debbie Zimmerman thought the road would be built in the beginning because how can you sell lots when you don't have a road. Judy Gillman and Tom Wantuck also thought the road was going to be built in the beginning.

MOTION by Dan Handy, seconded by Rich Janiga, to recommend the storm drainage plan for the Rohl property to the Town Board.

Roll call vote:

Judy Gillman – aye

Debbie Zimmerman – aye

Paul Domanowski – aye

Tom Wantuck – aye

Dan Handy – aye

Nathan Barnard – aye

Rich Janiga – aye

Motion carried.

IV. New Business

MOTION by Debbie Zimmerman to table the accessory building issue, seconded by Judy Gillman. All in favor – 7 ayes.

Nathan Barnard, Chairman, reported Laura will be leaving the Planning Board and would like to recommend Melissa Stark.

MOTION by Nathan Barnard, seconded by Judy Gillman, to recommend to the Town Board Melissa Stark as clerk to the Planning Board.

Roll call vote:

Judy Gillman – aye

Debbie Zimmerman – aye

Paul Domanowski – aye

Tom Wantuck – aye

Dan Handy – aye

Nathan Barnard – aye

Rich Janiga – aye

Motion carried.

V. CEO Report

None.

VI. Town Board Report

None.

VII. Open Presentations from the Floor

John Foss stated he would like to make some concepts regarding this project. John Foss asked why would they have a private road if it has to be built to town specifications, it makes no sense. The original purpose of allowing a private road was to allow the specifications to be less so they could be affordable. John Foss stated this was created after the last subdivision. John Foss stated if the board proceeds and requires this road then Mr. Rohl is not going to do this. John Foss stated this was the talk with Mr. Rohl and some of the board members. John Foss feels Mr. Rohl's next option will be roadside owners with every 150 feet being a business. John Foss stated allow him to go to a private road and reduce some of the stuff like curbs, etc., out of the specs to make it more reasonable because if you don't you're essentially going to kill it. John Foss recommended moving on this quickly as possible by making your decision.

Supervisor George Gertz stated when he spoke to Mr. Rohl if the road has to be to town specifications he will not do it. George feels the issue here is if he builds a road to some determined specs within limitations as long as it is written into his contract or put into a special use permit then it can never be taken over by the town. Supervisor George Gertz stated when this goes to the Town Board the attorney and engineers will come up with a set of specs for a road that is reasonable, that is going to last, and service us short of doing the full-blown road specs. CEO John Fronczek commented pave half with asphalt and continue with the other half.

MOTION to adjourn at 8:08 p.m. moved by Dan Handy, seconded by Debbie Zimmerman, all in favor 7/0.

Respectfully submitted
Laura Nuttle, Clerk