

**PLANNING BOARD  
TOWN OF MARILLA**

Date: July 19, 2007

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

Absent: Dan Handy, Debbie Zimmerman

Guests: Jutta Soeder

I. Nathan Barnard, Chairman, opened the Planning Board meeting at 7:08 p.m. Rich Janiga stated there is one correction in the minutes and with that change, **MOTION** to accept June minutes moved by Rich Janiga, seconded by Tom Wantuck. All in favor – 5 ayes.

II. Old Business

None.

III. New Business

Jutta Soeder of 12339 Williston Road submitted a Flag Lot Application explaining she would like to sell her existing home and 850 foot driveway and build a new home in the front section of the land. Mrs. Soeder would like to put in a new driveway and duplex home for herself, her daughter, son-in-law, and granddaughters. The water line is located next to the existing driveway. CEO John Fronczek stated Erie County Water Authority would have to be contacted because the new owners would have the water line located on their property. Rich Janiga stated possibly cutting the water line to the existing home and bringing it to the new home. Bob Miller stated possibly creating an easement for the existing water line. Bob Miller questioned the lines drawn on the survey. CEO John Fronczek stated Mrs. Soeder owns 13.8 acres. Bob Miller suggested creating a new driveway for the existing home to alleviate the problem with the water line or if Mrs. Soeder keeps the existing driveway with the water line on the new owners property then she will need to talk to Erie County Water Authority to create a permanent easement. Bob Miller suggested getting an updated survey and contact an attorney regarding the water and electric lines. Mrs. Soeder will be put on the agenda for the August 16<sup>th</sup> meeting.

IV. CEO Report

CEO John Fronczek stated Randy and Jim Reichert would like to create a flag lot on Stolle Road with a 15 foot wide piece of land. The Planning Board stated the code is 30 feet wide, therefore, it cannot be done.

CEO John Fronczek stated William Peter needs to fill out an application before proceeding further. John Fronczek stated he is confused with the 8 foot entrance into Quik Fill because Walter Schmidt previously sold the 7 or 8 foot entrance to someone else. This issue will be addressed when an official application is submitted.

V. Town Board Report

Councilman Barbara Spanitz stated William Peter came before the Town Board stating he needs to buy it by the end of the year and is also thinking of selling part of the back land to Ray Balczak for storage sheds.

The Town Board has not made a decision regarding Mr. Schubert's rezoning. Mr. Schubert will be attending the Town Board work session on next Tuesday. Barbara Spanitz stated Everett Hoffman's flag lot was approved and the Rohl subdivision on Two Road and Clinton Street was approved.

VI. Open Presentations from the Floor

Tom Wantuck noted on flood plain maps "shaded" areas are not accurate. The true indicator is elevation and the shaded areas will change every time. Tom Wantuck noted that all four corners of Mr. Schubert's proposed building appear to be flood plains. Tom stated the decision regarding the flood plains depends on the Town of Marilla and this information is located in our Code Book 559-2 under c & d. Rich Janiga feels the P.B. should have been notified that Mr. Schubert's land was in the flood plain area. CEO John Fronczek feels this happens because individuals do not want to spend the money to get a survey when they come before the P.B.

VII. **MOTION** to adjourn at 8:26 p.m. moved by Judy Gillman, seconded by Tom Wantuck, all in favor 5/0.

Respectfully submitted,

Laura Nuttle, Clerk