

**PLANNING BOARD  
TOWN OF MARILLA**

Date: July 17, 2008

Present:

Nathan Barnard, Chairman	Barbara Spanitz, Town Board
Tom Wantuck, Co-Chairman	Jason Paananen, Consultant
Judy Gillman	John Fronczek, CEO
Dan Handy	Melissa Stark, Clerk
Paul Domanowski	
Debbie Zimmerman	

Absent: Richard Janiga

Guests: Robert and Patricia Puckett, Donald Zimmermain, Art Aigner, Rick and Jake Zelasko, and Lorraine Martzolf

- I. Nathan Barnard, Chairman, opened the Planning Board meeting at 7:06 p.m. Nathan Barnard asked if there were any corrections or additions to be made to the June minutes and none were made. **MOTION** to accept June minutes, moved by Judy Gillman, seconded by Tom Wantuck. All in favor – 6 ayes.
  
- II. Old Business
  - A. Chairman Nathan Barnard asked Bob Pucket to speak about his bed and breakfast. Bob Pucket passed out information to the Planning Board regarding the elevation of his property, house location on the property, house plan, and where the stairways inside the house are located. Chairman Nathan Barnard asked how old the house was and Bob Pucket stated that it was 5 years old. Chairman Nathan Barnard asked about the fire alarm system in the house and Bob Pucket stated that it was all done to code. Chairman Nathan Barnard pointed out that Bob Pucket had highlighted the exits, stairways, entrances, and bedrooms on his plan. Chairman Nathan Barnard asked if three bedrooms were to be included in the Bed and Breakfast and Bob Pucket said that that was correct and that all of the bedrooms were upstairs and all of the bedrooms had their own bathrooms. Bob Pucket noted that there would be one minor change that he would like to make in regards to the variance on the sign. He would like to put the sign on the brick entrance way into his house instead of a free standing. All in all the size of the sign would be about 5 or 6 square feet. Chairman Nathan Barnard stated that the change would be alright and asked about ladder escapes for the upstairs and the size of the kitchen. Bob Pucket stated that the kitchen had a commercial range. Jason Paananen asked if Bob Pucket had applied for a building permit and Bob Pucket stated that he had not and was waiting on the decision of the Planning Board before moving ahead. Chairman Nathan Barnard asked if Bob Pucket had evacuation routes on the inside of all doors and if he had two paths of escapes. Bob Pucket said that he would. Chairman Nathan Barnard stated that the State Fire Code required smoke detectors should be inside and outside of each sleeping area and on each floor. Bob Pucket stated that he had 18 in the house and he has smoke detectors both inside and outside of rooms as well as carbon monoxide detectors. Chairman Nathan Barnard asked if

the board had any more questions and the board did not and all stated that the information presented was well done.

**MOTION** to approve the Bed and Breakfast by Dan Handy, seconded by Debbie Zimmerman, all in favor 6/0.

Chairman Nathan Barnard stated that Bob Pucket would have to go in front of the Town Board and Bob Pucket asked about the variance on the sign and Chairman Nathan Barnard stated that he would have to speak with John Fronczek.

B. Art Aigner introduced Richard Zelasko, property owner, to the Planning Board and Chairman Nathan Barnard introduced the Planning Board as well. John Fronczek passed out information from Art Aigner in regards to a rezone for a subdivision off of Bullis Road by Greenwood Terrace. Chairman Nathan Barnard asked where Mr. Zelasko was from and he stated Williamsville. Chairman Nathan Barnard stated that the survey of the property was done by Tom Ryan of Marilla. Chairman Nathan Barnard asked Mr. Zelasko how long he had owned the property and Mr. Zelasko stated that he purchased the property in 1990. Tom Wantuck asked if the drawing was done to scale with respect to the lot sizes. Art Aigner stated that the drawing was to scale and the lot sizes on Greenwood Terrace were smaller. Art Aigner stated that there was a new code from the Health Department stated that you need 32,000 square feet for a septic system. Tom Wantuck stated the he thought there was a good amount of separation from the houses on Greenwood Terrace and the new development. Debbie Zimmerman asked if Mr. Zelasko if he had been touch with the Health Department. Art Aigner stated that they had not and were waiting on the rezone first. Tom Wantuck asked about the smallest and largest lot size. The smallest lot would be 1.38 acres and the largest would be 7.4 acres. Dan Handy stated that there were two lots in the front that did not meet town codes with regard to the 300 feet depth. Art Aigner stated that there was 67 feet of right away and property line from Linda Kelleher's property and the road could be moved closer to that property to fix the lot sizes. Dan Handy expressed concern about the road being too close to Linda Kelleher's property. Art Aigner stated that there needed to be a minimum of 6,000 square feet and 200 feet of frontage but he wanted to know if the code book had a minimum depth of 300 feet. Chairman Nathan Barnard stated that it was on page 700.34. John Fronczek read from the code book under letter B. Dan Handy suggested that lots 1 and 2 could be combined and turned towards Bullis Road. Chairman Nathan Barnard stated that he did not want the road moved any closer to Linda Kelleher's property. John Fronczek asked who would maintain the 67 feet at the beginning of the subdivision. The Planning Board stated that that would be the property owner of lot 19's responsibility. Dan Handy asked if any traffic studies had been completed. Chairman Nathan Barnard stated that it would be done down the road but right now we are looking at the rezone. Jason Paananen stated with 18 lots the amount of traffic should no be an issue.

**MOTION** by Debbie Zimmerman to have a public hearing on the rezoning of the property and suggested changing lots 1 and 2 to one large lot, seconded by Paul Domanowski, all in favor 6/0. Chairman Nathan Barnard stated that the public hearing would be on Thursday, August 21, 2008 and the meeting would be in the Marilla Community Center to give everyone more room.

C. Chairman Nathan Barnard asked Jason Paananen if Bob Miller had given him anything on Debbie Zimmerman's flag lot. Jason Paananen stated that Bob Miller could not find that you have to build on the lot within one year anywhere in the code book. The only place it

was found was on the building permit form. Debbie Zimmerman stated that they were having the lot split for grandchildren and would not be building on it within the year. Debbie Zimmerman stated that she did not know when or if they would build on the lot but they would like it separated now. Jason Paananen stated that they should be able to split the lot and not build on it. Dan Handy suggested that the building permit be changed.

**MOTION** to approve a flag lot on Debbie Zimmerman's property by Dan Handy, seconded by Judy Gillman, 5/0 in favor, Debbie Zimmerman abstain.

D. Chairman Nathan Barnard opened a discussion on affordable senior housing and stated the Bob Miller sent information to the board. Jason Paananen stated that he looked up some local information and a case study for everyone to look at. Chairman Nathan Barnard asked how the town could regulate the affordable housing part of senior housing. Jason Paananen stated that only a percentage could be affordable. Affordable housing is based on the medium income of the town. Chairman Nathan Barnard stated that the Planning Board would like to see affordable housing for seniors that allows them to stay in the area. Dan Handy stated that the Planning Board is working on a new code for the code book for senior housing. Barb Spanitz stated that the highest percentage that could be affordable senior housing would be 10%. John Fronczek asked if there was a definition of affordable housing. Jason Paananen asked if the houses are to be rented or owned and it would be based on medium income levels for the town gathered from census data. The Planning Board responded that they did not know if the houses would be rented or owned as of yet with no plans being presented and they are just interested in writing a code for senior housing at the moment. Chairman Nathan Barnard feels that the next move would be for Bob Miller to come up with a draft of the code and then the Planning Board could add or subtract from the draft. Dan Handy read information from people-ink.org about affordable senior housing. "The rent would be 30% of income" Dan Handy suggested that the Planning Board talk to town around the area that have gone through this and see what they have come up with. Tom Wantuck stated that 30% adjusted income would be different for all. Bob Miller will come up the draft for next months meeting. The Planning Board discussed the following as suggestions for the draft:

1. What area would senior housing be allowed in? Dan Handy suggested that it was allowed in B-1 codes and medium density. John Fronczek stated that 700.40 mentioned housing for elderly people. Tom Wantuck read from the code book.
2. What age should residents be eligible? Dan Handy suggested the age of 62. He stated that it would not be a Nursing home and that everyone should be able to function on their own.
3. Residents with disabilities would be included even if they were not of age 62.
4. How many bedrooms would be included? Tom Wantuck suggested that 1 or 2, but no more than 2. 1 bedroom would be ideal.
5. Jason Paananen asked what the total square feet would be. The Planning Board suggested around 780 square feet.
6. Debbie Zimmerman stated that the bathrooms would all need to be handicap accessible according to state law.
7. Chairman Nathan Barnard suggested that there would be about 8 units in one building.
8. Tom Wantuck asked how many stories the buildings could be and the Planning Board discussed that no more than 3 stories be allowed and there should be a maximum feet above grade included.

9. Who would maintain the roads to the development? Chairman Nathan Barnard suggested a home owner's association. Dan Handy stated that the road/driveway needed to be the same as B-1 and it would need to be built to town specs. Barb Spanitz stated that the driveways would need to be maintained so that rescue squads could get in and out easily.
10. Jason Paananen stated that he would look into state law to see the percentage allowed for affordable senior housing.

Dan Handy suggested the Town Board look into a 6 month building moratorium on building senior housing until the Planning Board was able to write a code for it. Barb Spanitz stated that she would bring that up to the Town Board.

III. New Business

**MOTION** for a new tape recorder by Chairman Nathan Barnard, seconded by Dan Handy, all in favor 6/0.

IV. CEO Report  
None.

V. Town Board Report  
None.

VI. Open Presentations from the Floor

Chairman Nathan Barnard wished Rich Janiga to get well.

**MOTION** to adjourn at 8:16 p.m. moved by Debbie Zimmerman, seconded by Tom Wantuck, all in favor 6/0.

Respectfully submitted,

Melissa R. Stark