

**PLANNING BOARD
TOWN OF MARILLA**

Date: June 19, 2008

Present:

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

Absent: None

Guests: George Gertz, Robert and Patricia Puckett, Donald Zimmirmon, John Schenne, Art Aigner, Joe Lankes, Gene and Shirley Lwziesel, Sue and Dave Geuta, Ron Bourgeois, Mary Willis-Blanchard, Mark and Darlene Kutuberg, Michael Walters, Kim Curell, and Lorraine Martzolf

I. Nathan Barnard, Chairman, opened the Planning Board meeting at 7:03 p.m. Nathan Barnard asked if there were any corrections or additions to be made to the May minutes and none were made. **MOTION** to accept May minutes, moved by Dan Handy, seconded by Paul Domanowski. All in favor – 7 ayes.

II. Old Business

None.

III. New Business

A. Chairman Nathan Barnard started the meeting by introducing the members of the board to the public. He then asked George Gertz to speak. George Gertz stated that Leon Berner was at the Town Board Meeting to talk about the rezoning of his property for the senior housing. After a lengthy discussion at the Town meeting the board told Mr. Berner that they were not going to consider any rezoning until more information was giving. George Gertz spoke with Jason from Nussbaumer and Clarke and went online and found a list of senior housing requirements and codes defining senior housing. George Gertz found Cheektowaga's requirements on senior housing and thought they were very good. He then asked to Leon Berner to focus his senior housing project on these codes. George Gertz stated that as far as he is concerned, the senior housing issue is on hold. George Gertz asked the Planning Board if they would review these codes and requirements. Chairman Nathan Barnard asked George Gertz if he had copies for everyone on the board and George stated that he did not. Chairman Nathan Barnard asked Bob Miller if he had a copy and he did. Bob Miller would review the documents and make copies for the board so they could review them as well.

George Gertz continued, introducing Ron Bourgeois, chief of the Marilla Fire Company, on his concerns with some of the driveways of new houses being built in the Town of Marilla.

George Gertz and the Fire Company are concerned that some driveways have bridges that do not have weight certifications and are covered. These bridges would make it hard or next to impossible for emergency vehicles to pass over if there were emergencies at these homes. George Gertz also stated that some driveways are long and narrow with no turnarounds making it necessary for emergency vehicles to back out of driveways. He also expressed concern with the snow removal of some driveways. George Gertz would like to see future homes built in the town with driveways that emergency vehicles can drive down with out any problems. George Gertz provided the Board with a list of driveways and pictures of driveways that he thought would present problems if an emergency would arise. Ron Bourgeois stated that he would like to see if in the future driveways could follow a code, have a water source so far off the driveway, or have a waver that residents could sign stating that their driveway is difficult for emergency vehicles to get down and then the waver could go to the insurance companies to avoid a possible lawsuit against the town or the fire company. John Schenne suggested looking at the New York State Fire Code. Debbie Zimmerman suggested that if a driveway was more than 300 feet, then it must have a turnaround. John Fronczek asked what size turnaround would be required since the NYS Fire Code does not specifically say. John Fronczek expressed concern with the amount of turns in a driveway as well. He also stated that he has had conversations with the residents of the town that have bridges on their driveways and the residents did not seem to care about these issues. George Gertz also expressed concern with the size of emergency vehicles today and the frames that they are made on. These frames are the same as large semi trucks and it is difficult to turn them around in a small space, even an ambulance. Bob Miller suggested that the town identify properties of concern and then give them notice. George Gertz expressed concern with future homes and driveways and stated that something be done to make it easier for emergency vehicles to get down them. Chairman Nathan Barnard asked if the board had any questions. None were asked.

B. John Schenne passed out a new plan for the Rohl property that eliminated the need to build any roads. While reviewing the new plan, Chairman Nathan Barnard looked at the B-1 codes to refer to the shared access agreements. He read under letter C. Debbie Zimmerman asked about the two exceptions on the plan. John Schenne stated that those two pieces of land were not part of this proposal. Dan Handy stated that there were flag lots on the plan and flag lots were not allowed in the B-1 codes. Chairman Nathan Barnard expressed his concern with the number of ways to access Two Rod Road on the plan. In the last plan, the horseshoe driveway only allowed there to be limited access to the main roads. He continued by saying that the horseshoe driveway controlled the number of access points to Two Rod Road and Clinton Street. John Fronczek expressed that there could not be flag lots in the business plan. Dan Handy commented on the number of curb cuts and the in the B-1 codes there were to be as few as possible. Rich Janiga expressed that there were too many entrances to Clinton Street and he did not agree with the plan. Paul Domanowski agreed with Rich Janiga. Debbie Zimmerman stated that with 11 different driveways it would be an accident waiting to happen. Judy Gilman did not agree with the plan and neither did Tom Wantuck. John Schenne expressed that they were at a stalemate stating that the road would be too expensive to build. Chairman Nathan Barnard spoke of a speakerphone conversation with Mr. Rohl a couple of months ago where the board expressed that the road needed to be built to town specks. He also spoke of a problem that the town of Elma is having with a development and how unhappy the homeowners are with the upkeep of the road and are now asking the town to take care of a road that is not built according to the town specks. Dan Handy suggested that Mr. Rohl negotiate with the town on the road. George Gertz asked if he could comment. Chairman Nathan Barnard stated that he could. George Gertz spoke of a conversation about two months before with Mr. Rohl and asked for Mr. Rohl to submit road specks to be reviewed by the town highway superintendent.

Mr. Rohl did not submit any specks. Chairman Nathan Barnard stated that the town highway superintendent (George Gertz acting) has discretion to take adopt alternate specks that would be acceptable to the town. George Gertz stated that since the specks were not turned in, it was a dead issue. Bob Miller stated that he would advise not to approve road specks that did not meet the standard unless the alternate specks met reasonable standards. He spoke of his townhouse community in the town of Evans and that when you build roads that do not meet town standards that there will be problems down the line. Bob Miller continued to say that lots of effort went into this project. He referred to a memo from 2006. Bob Miller stated that the board had worked hard on coming up with plans that followed that B-1 codes and that the horseshoe driveway which allowed two access points was now a long way from the 11 or 12 on this plan and that many access points would be a nightmare. Bob Miller stated that he felt this plan was an insult to the board. John Shenne stated that he would get back to the board for a later meeting.

C. Chairman Nathan Barnard introduced Bob Puckett who lives on Stolle Road and would like to open a bed and breakfast in his home. Chairman Nathan Barnard asked if Bob Puckett had already met with John Fronczek to fill out an application and John Fronczek stated that he had filled out an application. Bob Puckett began by explaining that now that his children were grown, he and his wife had a large house and thought that created a bed and breakfast would be a good idea since there were not any in the area. Bob Puckett explained that his house was on 20 acres of land, he had parking space for four cars, there were three bedrooms and each bedroom had its own bathroom. Bob Puckett also explained that there was a pool on his property and passed out pictures for the board to see. Chairman Nathan Barnard asked if Bob Puckett was looking for a rezone and John Fronczek explained that Bob Puckett needed a special use permit. Judy Gilman asked how large his house was. Bob Puckett stated that it was about 5400 feet. Chairman Nathan Barnard clarified that Bob Puckett had filled out an application with the town. John Fronczek stated that an application had been filled out, but he did not have it at the meeting. Bob Miller looked at page 700-46 in the code book. Bob Puckett also questioned the size of the sign that could be put up. John Fronczek stated that the special use permit needed to be passed by the Planning Board and the Town Board first and then he could apply for a variance for the sign. Bob Miller stated that there was no specific code for a bed and breakfast and they would need to look into codes with regards to square footage, window size, occupancy, and number of exits. John Fronczek stated that Bob Puckett's windows did meet code and Bob Puckett stated that there were five exits to his house. Dan Handy stated that research needed to be done with respect to fire codes. Debbie Zimmerman agreed that the fire codes need to be looked into. Bob Miller stated that he would look into it as well as John Fronczek and it could be discussed at the July meeting. Judy Gilman asked if Bob Puckett could bring in a plan of his house or a survey. Rich Janiga expressed that he thought that those things would be apart of the checklist for the special use permit. Bob Puckett explained that there was no checklist on his application. Dan Handy stated that there should be a checklist. John Fronczek stated that he did not think there was a checklist on the application. Chairman Nathan Barnard stated that the checklist was with the site development plan. Bob Miller asked Bob Puckett what special use form was filled out. Rich Janiga pointed out Article 3 on 657-8 with all the things that should be submitted. Chairman Nathan Barnard suggested that Bob Puckett meet with John Fronczek to make sure that everything is submitted and to come back for the July meeting.

D. Art Aigner brought a plan for a subdivision proposed for Bullis Road. Chairman Nathan Barnard asked that plans be brought in for each member of the board. Chairman Nathan Barnard gave the board time to look over the plan and asked for clarification on the owner of the property. Art Aigner explained that he works for William Shut and Associates and the

owner of the property is Richard Zellasco of Cheektowaga. Chairman Nathan Barnard explained that an application for rezoning property from Agriculture to Rural Residential had been filled out. The property is on Bullis Road, east of Townline Road, developing 19 lots for single family homes and the board is looking at a pre-sketch plan. An environment assessment review and a survey of the property were also submitted. Chairman Nathan Barnard stated that they are not looking at the subdivision but the rezone of the property. Art Aigner stated that Mr. Zellasco apologies that he could not be here and he would be presenting the plan. Mr. Zellasco owns 47 acre parcel that would be turned into a single family residential subdivision. They are looking for rezoning from Agricultural to Rural Residential. The plan is along an access road and it is next to a subdivision already and the atmosphere of the area is not being changed. Chairman Nathan Barnard asked for copies for the board and they would review it at the July meeting.

E. Debbie Zimmerman presented a plan for a flag lot. She explained that her daughter owns the property but her and her husband has life tenancy of the property and they would like a flag lot for the grandchildren for future use. Debbie explained that she has filled out the application. There would be 30 feet on Townline Road and it would go back 120 feet to the flag lot. Chairman Nathan Barnard asked how many acres and Debbie Zimmerman stated around 17. Debbie Zimmerman explained that she had the land surveyed but she did not have it sealed because she was waiting on the decision of the flag lot. Rich Janiga asked if the flag lot would go all the way back to the end of the property. Debbie Zimmerman explained that it does not go all the way back. Dan Handy asked about any neighbor's. Debbie Zimmerman stated that there were 2 and that Leon Berner had a 40 foot right of way next to their lot line. Chairman Nathan Barnard asked about the statement on the application which says that the lot would need to built on within one year. Debbie Zimmerman stated that they are not planning to build on it within one year because it would be set aside for the grandchildren. Dan Handy asked what would happen if the property is not built on in one year and Chairman Nathan Barnard stated that the property would revert back to what it was before. Bob Miller explained that what is in the code book is the law not what is on the application. Bob Miller looked at page 700:26 in the code book and did not see anything that says that you needed to build in one year. Rich Janiga asked if a building permit is only good for one year. John Fronczek stated that it was only good for one year. Dan Handy suggested that the board look into the code before a decision was made. Debbie Zimmerman agreed. Bob Miller stated that as far as he knew it was not in the code. John Fronczek stated that they have been using that application for years and he did not know where the statement came from. Judy Gillman asked how many people have applied for flag lots and have not build on them in one year. John Fronczek stated that he knew of one. Debbie Zimmerman explained that the flag lot would have its own deed and tax map. Dan Handy stated that he does not see a problem with it but they would like to make sure about the code. Judy Gillman agreed. The Planning Board agreed to table it for next month. Chairman Nathan Barnard asked Bob Miller to check with Nate Neil on this issue and stated that flag lots cannot be back to back.

IV. CEO Report

John Fronczek stated that Leon Berner came in with Ken Kelchlin's parcel of land and four years ago when Leon Berner wanted a golf course in there it showed wet lands until 2009. The DEC inspected the wetlands but they do not see a problem. There is a problem with a drainage ditch and the project is up in the air. John Fronczek had not heard anything regarding the car wash. John Fronczek received applications from Leon Berner and he went to the Town Board and Leon says that he does not need all the required paperwork for the applications. The Planning Board suggested that John Fronczek not accept anything that is not completed out in full.

V. Town Board Report

The Town Board did approve the rezone just for the part of land that Ken Kelchlin would use for his business. Barb Spanitz stated that the proposal for the senior housing development was not approved. Debbie Zimmerman asked about the rezone on the senior housing and George Gertz stated that he is not going to entertain the proposal until there is a different plan and a code in place. Barb Spanitz would like to clarify that the Town Board did not tell Leon Berner that he did not need to submit forms with his applications.

VI. Open Presentations from the Floor

Gene Lwziesel spoke about his concerns with regarding the new subdivision and the sewage system that would be in place for it. He would also like more of a buffer zone between the subdivision and his property by Buffalo Creek. Chairman Nathan Barnard stated that the buffer zone would be cliff and the sewer system would be addressed when they are talking about the subdivision and not the rezone.

Shirley Lwziesel asked about the amount of subdivisions the town is thinking of putting in the future. She would like to keep the feel of the town as it is now - rural. Chairman Nathan Barnard stated that he does not know what people would like to do with their property.

Mike Walters stated that he disagreed with a comment that Art Aigner made with regards to there already being a subdivision there and no one would notice one more. Greenwood Terrace is tucked in with a lot of trees and a new subdivision would stick out. Mike Walters feels that the subdivision would be noticed.

Bob Miller passed out information on the site plan review application and checklist. There is a sample application of site plan approval, the Town of Amherst's plan, and a draft for the Town of Marilla. Bob Miller expressed that he would like to the board to review these plans and then put together a plan. Chairman Nathan Barnard expressed thanks to Bob and that the board would discuss it at future meeting.

Debbie Zimmerman questioned a landscaping business across from Burners Greenhouse on Clinton Street. She does not believe they have a permit for it. John Fronczek stated that he is aware of it and would look into it.

Chairman Nathan Barnard apologized for not bringing in the article that he talked about earlier with regards to the Town of Elma and a subdivision and how it reflects on our B-1. He would bring the article to next month's meeting.

John Fronczek suggested that with regards to the fire discussion earlier that the driveways could be 150 to 175 feet from the road because that is how much hose a truck has to put out the fire. Chairman Nathan Barnard asked John Fronczek to look into the fire code.

MOTION to adjourn at 8:51 p.m. moved by Judy Gillman, seconded by Debbie Zimmerman, all in favor 7/0.

Respectfully submitted,

Melissa R. Stark