

**PLANNING BOARD
TOWN OF MARILLA**

Date: March 20, 2008

Present: Nathan Barnard, Chairman
Tom Wantuck, Co-Chairman
Rich Janiga
Dan Handy
Paul Domanowski
Debbie Zimmerman

Barbara Spanitz, Town Board
John Fronczek, CEO
Bob Miller, Consult

Absent: Judy Gillman

Guests: Ray Balcerzak, Don Zimmerman, Leon E. Berner, Phyllis Tulski, Kevin Connor, Ken Kelchlin, Alice Juszczak, Lorraine Martzolf, Shirley Limpinsel, Charles A. O'Brien, Mary Earsing, G. D. Willey

I. Nathan Barnard, Chairman, opened the Planning Board meeting at 7:03 p.m. **MOTION** to accept February minutes, as amended, moved by Dan Handy, seconded by Rich Janiga. All in favor – 6 ayes.

II. Old Business

Chairman Nathan Barnard stated Leon Berner is here tonight to discuss the rezoning of property on Two Rod and Clinton Street. Chairman Nathan Barnard stated he will abstain from voting tonight as his wife rents from Mr. Willey. Leon Berner stated in order to do the senior housing he needs the rezone of the property. Mr. Berner stated the style, the amount of houses, etc., will be addressed later. Mr. Berner stated Ken Kelchlin's piece of property is part of his grandfather's farm.

Debbie Zimmerman asked Mr. Willey if he applied for any type of money or government funding. Mr. Willey stated he has some talked to some people but has not filled out any paperwork yet. Dan Handy stated Mr. Willey said he was going to keep the government out of it and Dan thought cost effective housing is usually government related stating he was concerned with Mr. Willey maybe putting in condos after the property is rezoned which would not help the seniors of Marilla. Mr. Willey stated there probably will be three different programs. He has talked to several people where some want to purchase the homes and some want to rent. He would like to have everyone happy. Mr. Berner stated Mr. Willey is trying to build the buildings with his own money, not going through the government. Mr. Berner stated the rents will be subsidized. Dan Handy feels most of the seniors of Marilla will need subsidized housing. Mr. Berner suggested a stipulation where there had to be senior housing on that property once it is rezoned.

Dan Handy stated he has a problem with senior housing next to a business area. Leon Berner stated they have been working on bermers between the properties. Paul Domanowski is worried about the division of the two

properties also. Rich Janiga commented once the property is rezoned business it would allow anything to be built and is also concerned about sewage treatment, etc. Debbie Zimmerman stated she isn't sure about the senior housing because she feels we do not know much about the project to make an informed decision. She has no problem with the rezone of Ken Kelchlin's property. Mr. Berner feels the scrutiny comes after the rezone. Tom Wantuck stated the comprehensive plan shows business on that corner and has no problem putting the business there.

MOTION by Dan Handy to let Helen Bourgeois speak, seconded by Debbie Zimmerman. All in favor – 6 ayes. Helen Bourgeois stated she has talked to a lot of people regarding the senior housing and most homes have waiting lists of 3 to 5 years. Helen stated senior housing is usually low income to help the senior citizens and in our senior group there are a lot of seniors who cannot afford to keep their homes anymore. Helen feels it would also be helpful to have small businesses across the street.

MOTION by Dan Handy for approval to rezone both projects with the stipulation that rezoning for the 32 acres medium density would be contingent upon affordable senior housing or would revert back, seconded by Paul Domanowski.

Roll call vote:

Dan Handy -- aye

Debbie Zimmerman -- aye

Paul Domanowski -- aye

Tom Wantuck -- aye

Rich Janiga – aye

Nathan Barnard – abstain

Motion carried.

MOTION by Debbie Zimmerman to table the accessory building issue, seconded by Tom Wantuck. All in favor – 6 ayes.

CEO John Fronczek stated Supervisor George Gertz faxed Richard Rohl the information regarding subdivisions from the Code Book. Mr. Rohl wants to sell Two Rod Road lots first and then the lots on Clinton Street and wants to put in a stone road. George Gertz told him it has to be a paved road built to town specifications. Chairman Nathan Barnard distributed to the P.B. a letter from town attorney Nathan Neill addressed to Mr. Rohl. Nathan Barnard stated Mr. Rohl was originally thinking a private road and after talking to Mr. Rohl he said if the road issue was discussed the P.B. could call him tonight since he lives out of state. Mr. Rohl needs to settle the road issue before moving ahead with this project. CEO John Fronczek stated the road and the drainage system would need to be put in. Debbie Zimmerman thought the P.B. agreed not to build the road to town specifications. Barbara Spanitz thought the only thing that did not have to be to town specifications was the curbing. Bob Miller stated that everything in the Code Book is the law. Bob Miller stated Marie Nowak went over the specifications with Supervisor Gertz and shows nothing about curbs only concrete gutters. There are certain requirements concerning the design of the roadway, the width of lanes, etc., which are reasonable. Unless there is something specific in the Code Book stating the Town Supervisor or town engineer can make modifications. Bob Miller feels the town engineer will not make any recommendations for changes because the engineer reviewed the rules to start with. Dan Handy asked if it would be practical to have a separate set of specifications for a private road. Bob Miller stated the way it is specified right now is the road is

to be built to town specifications. Bob Miller stated he has seen several developments start out as a private road built to their own standards and then they want the town to take over the road with the town having to bring it up to town standards. Dan Handy stated what about a covenant absolutely preventing the town from ever taking it over. Bob Miller stated maybe for a future development but right now the law states subdivision roads have to be built to town specifications. The zoning codes would have to be amended. Barbara Spanitz stated the road has to be in before they start building. Barbara Spanitz stated the Town Board wants to work with Mr. Rohl but it has to be done properly and the codes have to be followed. Tom Wantuck questioned if there are any provisions in the Town Code for staging. Barbara Spanitz stated no.

Nathan Barnard called Richard Rohl conducting a conference call. Nathan Barnard explained to Mr. Rohl the P.B. was discussing the development of the road. Mr. Rohl thanked the P.B. for calling him and explained he has been working on this subdivision for over a year now and the zoning changes prior to that. Mr. Rohl feels we have two issues right now that the Town Board has a problem with, the drainage issues and the road specifications. The drainage issues are pretty much resolved. Mr. Rohl was under the impression that this could be built as a private road with the use and maintenance, etc., with maintenance agreements between the various parties. The town specification road would make it absolutely uneconomical leaving Mr. Rohl not knowing what to do next. Mr. Rohl estimates 1600 feet of road not including any approaches to Clinton Street or to the lots is \$290,474 servicing roughly 10 lots. Dan Handy asked if the road was built to town specifications by staging could it be done. Mr. Rohl stated staging would not make any difference unless there is a huge change in what lot values are and not a big change in road costs, Mr. Rohl doesn't feel the cost catching up. Rich Janiga asked what is the difference in price. Mr. Rohl stated a private road would cost one-third less consisting of less asphalt, less rock and open ditches. Mr. Rohl feels to get this project moving forward we would have to both deal with staging and a variance on the road specifications if it's a town road or go back to more of a private road situation which was what he perceived the original B-1 ordinance spoke to which was the idea of reduced curb cuts, shared parking, and shared access. Mr. Rohl feels the subdivision law is geared towards residential type subdivisions. Chairman Nathan Barnard thanked Mr. Rohl and the P.B. will discuss this further.

Debbie questioned if this was a plaza would the road specifications be the same. Dan Handy explained, for example, the senior housing development is owned by one person and a subdivision is owned by several individual businesses. Bob Miller stated Chapter 623 of the Code Book refers to different cost sections where different soils constitute different types of bases questioning if Mr. Rohl's alternative cost of one-third is sufficient and by cutting off the asphalt, you do not have a stabilized road leaving a stone or gravel road.

Tom Wantuck stated in the Code Book it says any conditions which are beyond the scope of these specifications should be submitted to the Highway Superintendent for consideration and decision and the same as bases and sub-bases. Tom Wantuck stated the Highway Superintendent has the discretion to do whatever he wants. Rich Janiga stated is there opportunity there to

consider Mr. Rohl putting together his proposal for review. Tom Wantuck said the downside is you do not know what type of road you are going to end up with. Barbara Spanitz said it would also be discussed with the town engineer.

III. New Business

None.

IV. CEO Report

None.

V. Town Board Report

Councilman Barbara Spanitz wanted to talk about the Rohl property and the Town Board would like to see the project go through by being done properly.

VI. Open Presentations from the Floor

Chairman Nathan Barnard handed out an article concerning the regionalism plan by Kevin Gaughan. The county wants to get rid of our Town Assessors and Dawn Pearce, Town Clerk, has a petition in her office opposing that issue. Nathan Barnard explained there would be an outside county person assessing your house, 100% assessment, and you would not be able to pay your taxes at the Town Hall anymore.

Mary Earsing asked if we could send out a newsletter informing residents of the petition.

Shirley Limpinsel asked if we could post this type of information on the front board because people do not read the newspapers. This is an important issue.

Charlie O'Brien stated the late penalties collected from the taxes go to our town and if this change occurs, our money will go to the county.

Ray Balcerzak stated he is in the process of closing on 2 acres of property behind Bill Peter's new shop and was wondering what type of buildings he could put up. He would like to put a 50x120 building to rent out and a 50x150 building to a gentleman who restores old cars. A Special Use Permit would be required for the restoration of old cars which form can be obtained from CEO John Fronczek. Ray Balcerzak will be put on the agenda for next month.

Bob Miller mentioned future training maybe late in May. Debbie Zimmerman stated she would like to be put on the May agenda.

MOTION to adjourn at 8:40 p.m. moved by Debbie Zimmerman, seconded by Dan Handy, all in favor 6/0.

Respectfully submitted

Laura Nuttle, Clerk