

**PLANNING BOARD
TOWN OF MARILLA**

Date: May 17, 2007

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

Guests: John Schubert, Marsha Starch, Nance Baranowski, Peter A. Ziccardi,
Jeanne Ziccardi, Everett Hoffman, Mr. and Mrs. Thompson, John Schenne

I. Nathan Barnard, Chairman, opened the Public Hearing at 7:02 p.m. There is one correction on page 2 of the minutes changing pond to creek. **MOTION** to accept April minutes moved by Dan Handy, seconded by Rich Janiga. All in favor – 7 ayes.

II. Old Business

Everett Hoffman changed the legal description of the property (back 435.6 feet) and it has been recorded with Erie County. Mr. Hoffman had everything completed on the checklist. **MOTION** by Dan Handy, seconded by Tom Wantuck, pending approval of Attorney Nathan Neill, the Planning Board approves Everett Hoffman's flag lot application 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.

Chairman Nathan Barnard stated after the approval of the B-1 change to 65 square feet John Schenne is here tonight presenting Lots 1, 2 and 3 made into two lots and Lot 17 meets has been made larger to 60,000 square feet. Dan Handy feels Lots 3 and 4 should be one residential lot because it is next to houses. Rich Janiga shares Dan's thoughts with Lots 3 and 4 but good screening should be helpful. Debbie Zimmerman likes this plan, feels the screening is nice and is glad the P.B. has input into how the buildings will look. Tom Wantuck also likes this plan and agrees with Dan regarding Lots 3 and 4 becoming one residential lot. Nathan Barnard likes the plan.

MOTION by Rich Janiga, seconded by Debbie Zimmerman, to approve the Rohl Property Design 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.

Chairman Nathan Barnard noted after the Public Hearing the P.B. had a lot of information to think about regarding John Schubert's proposal. John Schubert stated he interprets the Comprehensive Plan as agreeing with his plan with the hamlet as the center of the community along with commercial interests.

Chairman Nathan Barnard likes the idea of fishing at the creek and feels the town used to have a lot of businesses and likes the convenience. The idea of Mr. Schubert's plan is what the P.B. needs to address not the financial cost of the business or the fill. Nathan Barnard questioned Mr. Schubert on how many tractor-trailers of lumber he thought he would get in one week. Mr. Schubert stated approximately three tractor-trailers. Dan Handy is worried about the line of sight for the driveway. Mr. Schubert said the County Highway Department proposes the driveway to be at the same line of sight as Shannon Drive. The P.B. feels they should put some restrictions regarding Sundays. Dan Handy stated the DEC drainage and lighting should be addressed.

Bob Miller did speak with the Erie County Traffic Engineer regarding proper site distance for vehicles going in and out and a guardrail and feels a recommendation should be part of the SEQR process the Erie County Highway Department get involved in review of the final plans of the driveway. Rich Janiga commends Mr. Schubert for the public access for fishing but is concerned with the driveway access and safety of the customers.

Debbie Zimmerman thanked Mr. Schubert for making changes and working with the P.B. and feels as long as the driveway is done the way it should be she has no problems with it. Tom Wantuck would love to see a small lumber yard in town but feels this property is the worse location.

Mrs. Thompson stated she is worried about animals on this property. Chairman Nathan Barnard explained this is for the rezone of Mr. Schubert's property. Nancy Baranowski apologized for not attending the P.B. public hearing, but stated she is worried about the intersection of Two Rod and Bullis Road with the added traffic and is concerned with the pathway to creek as people may use it all hours of the day and night.

Pete Ziccardi feels there are too many personal feelings on this subject as his presentation was more directed as to the affects on the residential area as he lives across the street. Mr. Ziccardi feels this is a negative impact on the intersection of Two Rod and Bullis Road which is a residential neighborhood. Mr. Ziccardi feels we should keep Marilla green and to please consider the impact in our neighborhood. Dan Handy stated he respects Mr. Ziccardi's comments but feels the comprehensive plan does allow this.

MOTION by Dan Handy, seconded by Rich Janiga, to recommend approval of changing the zoning for John Schubert's property to the Town Board.

Roll call vote:

Judy Gillman – nay

Debbie Zimmerman – aye

Paul Domanowski – aye

Tom Wantuck – nay

Dan Handy – aye

Nathan Barnard – aye

Rich Janiga – aye

Motion carried.

III. New Business

None

IV. CEO Report

CEO John Fronczek stated on the B-1 before the plan is approved we need to look at a drainage plan, if the lot is residential, and if it is one or two building lots. CEO John Fronczek also questioned how John Schenne will design the exterior of the buildings. Dan Handy stated all these issues will be brought back to us.

V. Town Board

Councilman Barbara Spanitz stated Nathan Neill did discuss the issues with the Town Board, visited Everett Hoffman's property and spoke to Mr. Hoffman's mother.

VI. Open Presentations from the Floor

CEO John Fronczek when he first came for the application stating he did not want to spend money for the survey, although if he would have done everything we told him to do it would have been passed within a month's time.

Judy Gillman stated she went to the training at Houghton College.

VII. **MOTION** to adjourn at 8:05 p.m. moved by Rich Janiga, seconded by Debbie Zimmerman, all in favor 7/0.

Respectfully submitted,

Laura Nuttle, Clerk