

**PLANNING BOARD
TOWN OF MARILLA**

Date: May 1, 2008

Present:

Nathan Barnard, Chairman
Tom Wantuck, Co-Chairman
Judy Gillman
Richard Janiga
Dan Handy
Paul Domanowski

Debbie Zimmerman
Barbara Spanitz, Town Board
Robert Miller, Consultant
John Fronczek, CEO
Melissa Stark, Clerk

Absent: None

Guests: John Foss, Mary Nette Foss, G.D. Willy, Mary Earsing

- I. Nathan Barnard, Chairman, opened the Planning Board meeting at 7:01 p.m. Nathan Barnard asked if there were any corrections or additions to be made to the April minutes and John Fronczek stated that when reading about the Country Crossroads site plan, the porch was not necessary for a building permit and the Planning Board would decide the type of lighting. **MOTION** to accept April minutes, moved by Dan Handy, seconded by Tom Wantuck. All in favor – 7 ayes.
- II. Old Business

Chairman Nathan Barnard began the meeting by reviewing the Country Crossroads Site Plan as stated in the last meeting. Carrie Barnard and Mary Nette Foss have met with John Fronczek to review the checklist for site plan approval. John Fronczek stated that it was up to the Planning Board to review the checklist and to make sure they are in agreement with it.

Chairman Nathan Barnard asked if John Foss had any more information for the board. John Foss met with George Gertz and John Fronczek on the site plan. The lot they are interested in building on is a stand alone lot and is not part of any development. John Foss spoke with George Gertz yesterday in regards to the final sizes of the lot. It will be 147 by 408 (60,000 square feet) and this size meets building requirements. John Foss refers to the checklist and speaks from it.

1. Copies were provided for all Board Members.
2. Two Rod Road is a 66 foot State Right-a-way and is indicated on the plan.
3. No easements indicated on review of property data.
4. Survey will be provided upon approval of the Planning Board and Town Board. There is a formal contract, with down payment, to be completed when a building permit can be issued.
5. Same as #4.
6. Richard Roll has submitted topography data for this plot. The lot will be slightly sloping toward Two Rod for drainage purposes.
7. B-1

8. See map of proposal by Richard Roll.
9. Site plan as drawn to scale.
10. Drainage is indicated on site plan. John Foss went on to say that the drainage is coming down both sides and to the middle of the parking lot to the road. Drainage could change according to final grade.
11. N/A
12. None
13. Utility lines will be underground to the South of the building.
14. N/A
15. Patrick Swaine to the South. Kwick Fill and William Peters to the East and the Roll Property to the North and West.
16. Mary Nette Foss
2200 Four Rod Road
East Aurora, NY 14052

Debbie Zimmerman asked John Foss to clarify Swaine's house on the plan. John Foss stated that Swaine's house is right across from Bill Peter's building. John Foss continued to say the Mr. Swaine is very pleased with what they are doing and that the building would be approximately 1,700 square feet with a garage off the back. This building would be smaller than Swaine's house.

John Fronczek asked about the drainage of the property. John Foss stated that the drainage would go underground to the road.

Rich Janiga asked about the entrance to the building and its relation to the entrance of Kwick Fill. John Foss stated that the entrance would be very close to across from it.

John Foss reviewed the lighting on the plan and stated that the lights would face toward Clinton Street and the lights would be low at night unless there was a sale around a holiday time. Porch lights would be to code. On the sides would be motion lights for safety protection. The sign would not be distracting to traffic.

Dan Handy asked about the undeveloped land in the back of the property. John Foss stated that it would be left undeveloped unless it becomes a problem.

John Foss reviewed that the sides and back of the building would be metal and the front of the building would be Adirondack siding.

John Fronczek asked how much of the land would be developed. John Foss stated that it would be 80 feet from the right away and 70-80 feet to the back. There would be 20 feet from the back of the building.

Dan Handy asked when they were planning on expanding. John Foss stated that there would be room to expand on the new building to the North and to the back. At this time there are no plans to expand.

Tom Wantuck asked who would be moving into the old building. John Foss stated that Greg Willy would be the person to ask.

MOTION to accept the Country Crossroads Site Plan, moved by Rich Janiga, seconded by Debbie Zimmerman. All in favor – 5 ayes. Dan Handy abstain, Nathan Barnard abstain.

Bob Miller asked for clarification on the site development plan. He wanted to know if there had been an application. Chairman Nathan Barnard stated that they discussed it last month and we should go off the site plan review chart. Dan Handy stated that there is no flow chart and Rich Janiga stated that there is no application for this type of business. Barb Spanitz pointed out the flow chart on 700-37. Tom Wantuck suggested building and use permits 1-1. Dan Handy stated that that chart is different from what was discussed in the last meeting. Chairman Nathan Barnard asked Bob Miller if he was looking for down the road when other businesses want to build. Bob Miller stated that when he deals with other municipalities there is a site plan application and the town should develop one. Bob Miller suggested that the process may start with an application being submitted and a fee being paid. Chairman Nathan Barnard stated that this property is already zoned business. Bob Miller asked if the property is already zoned business then it means that an application is not needed. Chairman Nathan Barnard stated that as long as the building is following the proper codes, then no application would be needed. Dan Handy stated that there still should be an application that is filled out. Both Dan Handy and Chairman Nathan Barnard stated that a fee would not be necessary. Chairman Nathan Barnard suggested that the Site Plan Development Review Checklist be used. An appointment should be made to see the building inspector and an application should be filled out before receiving a checklist. Rich Janiga asked what the application would allow a person to do. Bob Miller stated that the application allows the Planning Board to review the project. The project may be allowed in the district; however the project may have other implications that need to be reviewed. John Fronczek stated that an application would eliminate having someone come into see the Planning Board and having the Board look through the code book to see if the project is allowable. Chairman Nathan Barnard stated that there should be a process where there is a meeting with the building inspector and an application is made. Bob Miller stated that in the code book there is a process and it would be easy enough to make a form and include the checklist of things to be submitted. Chairman Nathan Barnard read from G in the code book and asked if Bob Miller agreed with that process. Judy Gillman asked if this should have been mentioned when discussing the code enforcement. John Fronczek stated that it shouldn't have because it is part of the B-1 but it does not share a driveway. Bob Miller stated that the application would not just be for the B-1 district, but for any district for a site plan review. Debbie Zimmerman asked if there would be a fee to fill out the application. Tom Wantuck stated that it would be up to the town to set the fee. Dan Handy suggested a nominal fee to cover the town clerk's labor. Bob Miller gave an example of a town. A fee would be paid for a special use permit, once the permit is approved a building permit is issued and another fee is paid. Chairman Nathan Barnard suggested that John Fronczek be in charge of coming up with the application and Bob Miller state that he could bring some samples at a future meeting. Chairman Nathan Barnard asked Bob Miller if the Planning Board would continue using the same flow chart. Bob Miller stated that he does not feel there is a problem with the process, but an application needs to be added.

III. New Business

Chairman Nathan Barnard stated that he has not heard anything from Ray Balcerzak and if he does not hear anything the May 15 meeting will be canceled.

Chairman Nathan Barnard asked if the board members were interested in a work session. Bob Miller suggested early fall before November would be a good time. Chairman Nathan Barnard stated that sometime in September would be a good time.

IV. CEO Report

John Fronczek stated that he met with a man that is planning on a subdivision by Greenwood Terrace from Galasko Concrete. They plan on putting 20 building lots there. He brought a plan down and a rezone is needed. He has an application for the rezone. Chairman Nathan Barnard asked if the subdivision would be to the east or west of Greenwood Terrace. John Fronczek stated that it is on Bullis right next to Greenwood Terrace. Chairman Nathan Barnard stated that it would be near the gravel pits. John Fronczek stated that all the information is being gathered. Debbie Zimmerman asked if it would be a dead end street. John Fronczek stated that it would be similar to Renee Court.

V. Town Board Report

None.

VI. Open Presentations from the Floor

Greg Willy would like to put a car wash in by the Kwick Fill and would like to know the process to go about that. There was a cancellation with another car wash and he does not know how much time it would take for approval. Dan Handy asked about the DEC and Greg Willy stated that it would be 100% reclaim and the DEC signed off on it. Debbie Zimmerman asked where the car wash would be located. Greg Willy stated that it would be along the sidewalk by the flower shop. Debbie Zimmerman asked how many bays there would be and Greg Willy stated that there would be 2 automatics. The building would be 48 x 60. Tom Wantuck asked when the construction company would be available. Greg Willy stated that he would like everything together before mid July. Rich Janiga read from use permit 700-36 and said that there would have to be some interpretation from the Town Board. Bob Miller suggested looking at 700-48. Chairman Nathan Barnard suggested meeting with the Town Board to determine the use permit. Rich Janiga asked John Fronczek if it is a permitted use in the district what the process would be. John Fronczek stated that the building permit is really for residential and there is no separate building permit for businesses. John Fronczek asked how far the car wash would be from the property line and Greg Willy stated about 60 feet. Dan Handy stated that if the construction needed to be completed by mid July, he would think that there wouldn't be enough time to get everything in order. Barb Spanitz suggested to attend the work session on Tuesday and to talk to George Gertz.

John Fronczek stated that Greg Willy talked to him about this last December. Tom Wantuck stated that in an area without a sewer system that a recycle car wash system would be the only system the DEC would look at. Bob Miller suggested that this would fall under a type 2.

Mary Earsing asked where the senior housing is at. Barb Spanitz stated that there is not enough information to proceed at the moment. Mary Earsing stated that we are changing as a town with the addition of businesses.

MOTION to adjourn at 8:10 p.m. moved by Dan Handy, seconded by Debbie Zimmerman, all in favor 7/0.

Respectfully submitted

Melissa R. Stark

