

**PLANNING BOARD
TOWN OF MARILLA**

Date: May 21, 2009

Present:

Nathan Barnard, Chairman	Debbie Zimmerman
Richard Janiga, Co-Chairman	Bob Miller, Consultant
Vinney Beisiegel	Scott Rider, CEO
Jay Walkowiak	Melissa Stark, Clerk
Judy Gillman	

Absent: David Muench, Barbara Spanitz

Guests: William Peter, Deb Nye

- I. Chairman Nathan Barnard opened the Planning Board meeting at 7:00 p.m. Chairman Nathan Barnard asked for the approval of the March minutes. **MOTION** to accept March minutes, moved by Judy Gillman, seconded by Debbie Zimmerman. All in favor – 6 ayes. Chairman Nathan Barnard welcomed Jay Walkowiak, the new Planning Board Member, and introduced him to the Board members.

- II. Old Business
 - a. none.

- III. New Business
 - a. Chairman Nathan Barnard stated that he received Bill Peter's application for a sign for his business, Eastwood Services, on Two Rod Road. Chairman Nathan Barnard explained that there would be a new permanent sign that would be freestanding on a pole and illuminated. Bill Peters stated the sign would be an 8x4 rectangle. Chairman Nathan Barnard stated that the size of the sign was below the 60 foot maximum allowance and that a sketch of the sign was provided at the bottom of the application. Bill Peters brought a picture of what the finished sign would look like for the board to see. Chairman Nathan Barnard asked if the sign would be two sided. Bill Peters stated that it would be two sided and located out front of the shop on Two Rod Road. Judy Gillman asked if the sign would interfere with traffic pulling in and out. Bill Peters stated that the sign would be at least as high as the Kwick Fill sign and if that sign did not interfere with traffic, that his sign should not interfere either. Scott Rider asked if the sign would be out of the right of way. Bill Peters stated that it would be. Judy Gillman asked how many hours the sign would be lit. Bill Peters stated that the sign would be on a switch and would only be lit during his business hours till about 7 p.m. and that it would only be lit during the winter months because there would be no need in the summer. Chairman Nathan Barnard asked the Board if they had any concerns with the sign. Rich Janiga stated that his only concern would have been the sign interfering with traffic pulling in and out, but since the sign will be at least 10 feet in the air, there would be no problems with traffic. Bill Peters stated that the middle of the sign would be 37 feet from the road and the bottom of the sign would be 12 feet from the ground. Bill Peters stated that the bottom of the Kwick Fill sign is 11 feet off of the

ground and he is going 12 feet with his sign so in and out going trucks would not hit the sign. Chairman Nathan Barnard asked for a motion.

MOTION to approve the request of a sign for Eastwood Services by Rich Janiga and seconded by Vinney Beisiegel.

Nathan Barnard, Chairman - Aye

Rich Janiga, Co-Chairman - Aye

Vinney Beisiegel - Aye

Jay Walkowiak - Aye

Judy Gillman - Aye

Debbie Zimmerman – Aye

David Muench - Absent

Scott Rider told Bill Peters he could see him about a permit on Tuesday night.

b. Chairman Nathan Barnard introduced the Board members to Deb Nye and asked her to explain about the patio home project on Two Rod Road. Deb Nye stated that she was here to obtain information from the Planning Board on the Comprehensive Plan of Marilla since she is a realtor with Cawldwell Banker and has several clients looking to purchase property in Marilla. Chairman Nathan Barnard asked if she lived in Marilla. Deb Nye stated that she lived in Cowelsville. Deb Nye stated that she was interested so she would be able to tell a prospective client interested in a piece of property what the town of Marilla was looking to do. Chairman Nathan Barnard asked if there a piece of property in question on Two Rod Road that they could discuss. Deb Nye stated that she did not really want to give specifics on the property until things are defined. Chairman Nathan Barnard asked if there was a piece of property in town that she was aiming towards. Deb Nye stated that there is 15 acres in town that are in question. Chairman Nathan Barnard stated that thing vary within the town when looking at development. There is more business and development in the northwest corner and it is more rural in the southeast corner. The comprehensive plan stated that the town is allowing development in that area and that they are preserving the rest. Deb Nye stated that the property she is looking at is in northwest part of the town and she has talked to some developers to see if they are interested and would like to see a senior community of patio homes because there are so many seniors in the area that are part time residents that would like a place of community when they come back from Florida in the summertime. Deb Nye stated that she would like to see a community of single affordable houses that would be used 6 months out of the year. Debbie Zimmerman asked if she had an idea about the size of the houses. Deb Nye stated that she was thinking somewhere around 980 to 1200 square feet and each house would have its own driveway and garage. Scott Rider stated that the town of Marilla just passed new zoning laws dealing with senior housing and the details would be available soon. Debbie Zimmerman stated that information on the new town laws for senior housing was available in either the Alden Advertiser or the Elma Review. Debbie Zimmerman asked if the housing community would be self contained and would need no services from the town. Deb Nye stated that it is all speculation as of now. Chairman Nathan Barnard stated that the road for the development would need to be built to town specks. Deb Nye stated that she has also talked with a person on Clinton Street and wanted to know how many homes could be put on 50 acres. Judy Gillman asked if Deb knew what the zoning of the property was. Scott Rider stated that it was probably zoned agricultural and it would need to be rezoned. Scott Rider stated that there could only be two lots split every 5 years per property without creating a subdivision. Chairman Nathan Barnard stated that the lots would need to

be 200x300 feet with 200 feet of road frontage. Scott Rider explained that the lots would need to be 300x300 for doubles. Deb Nye asked if there was a minimum square footage for doubles. Scott Rider stated that he would have to look that up. Deb Nye asked the Board what the vision was and what they would like to see in the town. Chairman Nathan Barnard stated that he would like to see a nice pond. Deb Nye asked if there was a limit to the number of building permits issued. Scott Rider stated that there were no limits on building permits, but the town is aware of the fact that development is coming and are in the process of putting guidelines in place. Rich Janiga stated that there is no restriction on the number of houses that could be built in a given year, except for subdivisions that are a case by case basis. Bob Miller asked if the plan would be like a town house or condominium that the homeowner does not own any property outside the walls of the house. Deb Nye stated that she was thinking more of a patio home development where you own a little property. Bob Miller stated that there would need to be an association that would take care of "common grounds" in the development there is not a lot of information on these types of dwellings in the code book as of now. Bob Miller stated that you can divide 2 lots every 5 years or come in with a subdivision plan, but a subdivision plan is not the same as a patio home or condominium development. Scott Rider stated that the road built to town specks is expensive. Judy Gillman asked about the patio homes off of Rice Road and if they had their own sewage treatment plant. Chairman Nathan Barnard stated that they did. Judy Gillman stated that that would be expensive as well. Deb Nye stated that she was not looking for the buildings to be high end; she would like to see just a community where seniors could live. Deb Nye asked if there would be anything with regard to the comprehensive plan coming up soon. Rich Janiga stated that if a prospective buyer wanted to come in with a sketch plan and that would be just an informal discussion that the Board would be happy to discuss with them and the sketch plan would be easier to respond to. Bob Miller stated that the comprehensive plan was adopted in 1995 and it has not been updated. Bob Miller stated that Deb Nye should get a hold of a copy of the comprehensive plan and the codes. Deb Nye thanked everyone for there time and would pass along the information talked about tonight to her clients.

IV. CEO Report

Scott Rider asked what happens someone dies and leaves their 50-60 acres to 3 people. The land was split and now they want to split it again, but they can't because it is within the 5 years. Scott Rider explained that there are a lot of large parcels of land in the town and quite a few of them are looking into being split.

Scott Rider explained that the new town laws were passed at the Town Board Meeting and that residents were excited about senior housing as long as it is only allowed in certain areas. Scott Rider also stated that there were many town residents who seemed against the subdivision on Bullis Road as well as the Rohl property.

Scott Rider stated that the Town Board would like a more detailed description given to them when talking about a subdivision so they do not have to go through the minutes. Chairman Nathan Barnard stated that he wants the Town Board to go through and read the minutes. Chairman Nathan Barnard stated that he feels the minutes are well done and everything they need is available in the minutes. Scott Rider stated that the Town Board agrees that there are excellent minutes but would like a piece of paper that can be attached to the different projects with the information on it. Bob Miller stated that he sat down with Warren Handley and Scott Rider and talked about forms and procedures of the town. Bob Miller stated that there are detailed minutes for the Planning Board down in Ellicottville, but there is a paper with a Notice of a Decision that is attached to

the project and all the information about the decision made is right there with the project. Chairman Nathan Barnard stated that he does not want the Town Board relying on only the information that is offered on the Notice of Decision paper because they could miss something important that is in the minutes. Chairman Nathan Barnard stated that a summary is good, but not all the information is given in a summary and he does not want information to be overlooked. Rich Janiga stated that when something is denied or approved the Board gives their reasons and their feelings and that part maybe needs to be apart of the motion given to the Town Board. Scott Rider explained that the Town Board would like all the information on the project to be in one place. Chairman Nathan Barnard stated that the Town Board should be reading the minutes month by month and should have an understanding as to where the Planning Board is and when a motion is made, the motion is clear with reasons given. Chairman Nathan Barnard stated that he does not think a summary with the motions is the way to go because he does not want the board to just read the summaries and end up missing something important that was in the minutes. Clerk Melissa Stark asked if the Town Board wants the motions that are sent all on different pieces of paper instead of having all the motions from one meeting on one piece of paper. Scott Rider stated that that is was what the Town Board is looking for. Chairman Nathan Barnard stated that if the Town Board wants everything on a separate paper that that is not as big of a deal as he thought it was. Debbie Zimmerman asked if Bob Miller could bring a copy of the Notice Decision to next months meeting. Rich Janiga stated that he would like to wait to next months meeting and hear what Barb Spanitz has to say from the meeting. Chairman Nathan Barnard surveyed the Board and all present agreed to wait and hear from Barb Spanitz and the next meeting.

V. Town Board Report
None.

VI. Open Presentations from the Floor

Bob Miller stated that he had information for Fall Training on Traffic Impact Studies.

Scott Rider stated that he would like the Planning Board to look into tighter codes for open storage because there are a lot of houses in the area with items out in their yards. Scott Rider stated that the present codes are on page 671-4. Debbie Zimmerman asked if Scott Rider thought the codes needed to be more specific. Scott Rider stated that he would like them to be more specific. Debbie Zimmerman asked if residents needed permits to service small engines. Scott Rider stated that they should have one, but many people do not. Scott Rider stated that many residents are also putting up tarp garages. Chairman Nathan Barnard stated that the Board should read this section and come to next months meeting with any ideas.

Chairman Nathan Barnard stated that he received a letter from Erie County Environment and Planning on Training Sessions on June 6, June 16, and June 27.

Chairman Nathan Barnard stated that he received a letter from Chris Collins about the Rohl property. The letter stated that the project is in agreement with the Town of Marilla's comprehensive plan created in 1998 and The town should also look into updating the comprehensive plan.

Chairman Nathan Barnard stated that he received a letter form Chris Collins about the subdivision on Bullis Road. The letter stated that the county disapproves of the project

according to the Framework and the town should obtain a majority plus 1 for approval of the project. Debbie Zimmerman asked if there were many residents from the town at the Town Board meeting. Scott Rider stated that there were many residents from all over the town. Rich Janiga asked if the Town acted on the Bullis Road subdivision at their meeting. Scott Rider stated that there was something wrong with the DEC part of the project and they did not act on it. Rich Janiga wondered if someone from the county came out and looked at the property. Scott Rider stated that he received a phone call from the county's office about the property. Bob Miller stated that the Framework that the letter refers to is really just guidance and NYS law requires that a majority plus 1, a supermajority vote is needed.

MOTION to adjourn at 8:00 p.m. moved by Debbie Zimmerman, seconded by Rich Janiga, all in favor 6/0.

Respectfully submitted,

Melissa R. Stark