

**PLANNING BOARD
TOWN OF MARILLA**

Date: October 16, 2008

Present:

Nathan Barnard, Chairman	Barbara Spanitz, Town Board
Tom Wantuck, Co-Chairman	John Fronczek, CEO
Judy Gillman	Bob Miller, Consultant
Dan Handy	
Richard Janiga	
Paul Domanowski	

Absent: Melissa Stark

Guests: Gloria Rados, Rita Taylor, Leeanne Jarotz, William Schutt, Joe Lankes, Shirley Limpinsel, James Darren, Gerrie Dauner, David Arber, Rita Arber, Rosemary Miller, and Marsha Kannetly

- I. Nathan Barnard, Chairman, opened the Planning Board meeting at 7:00 p.m. Chairman Nathan Barnard offered his congratulations to the secretary as she had a baby on Saturday night. He called Laura Nuttle to fill in but she was not able to come to the meeting. He asked his wife, Carrie Barnard, to come and record the meeting tonight. Melissa Stark will type the minutes as usual. Chairman Nathan Barnard asked for the approval of the September minutes. **MOTION** to accept September minutes, moved by Paul Domanowski, seconded by Judy Gillman. All in favor – 7 ayes.

- II. Old Business
 - a. Bullis Road Subdivision

Chairman Nathan Barnard introduced Bill Schutt who is attending instead of Art Aigner. Bill Schutt asked the board if they would like him to give any background on the project. Judy Gilman asked if anything had changed. Bill Schutt stated that in between the first and second meeting some of lot sizes changed and some of the lots were eliminated. Bill Schutt referred to a plan he displayed and stated that the plan consists of 18 lots the smallest lot being 1 ½ acres. Bill Schutt stated that as of right now the zoning is agricultural and if the plan was to proceed the zoning would have to be changed to rural residential. Bill Schutt stated that this project was patterned off of a subdivision named Timberland off of Chairfactory Road in Elma. Bill Schutt stated that as of the August meeting there was one outstanding issue that needed to be looked into with regards to the water. After that meeting he was in touch with Nussbaumer and Clarke and worked with Marie who researched the issue. Bill Schutt stated that Marie found a 1996 resolution that imposed restrictions on water service for agricultural zoned property. Bill Schutt stated that Marie found an exception to the restriction for property that is zoned rural residential. Bill Schutt stated that it was to his understanding that if the property was rezoned to rural residential that the restriction would no longer exist and they would be able to install the 8 inch service line to provide water to the subdivision. Chairman Nathan Barnard asked if Bill Schutt brought copies of the updated plan for the members of the Planning Board. John Fronczek had a copy for the

board to review. Bill Schutt stated that after the August meeting, some plans were dropped off at the Town Hall. Some residents of Greenwood Terrace had stopped down to the Town Hall and picked up copies of the revised plan. Dan Handy would like to see documentation the Erie County Agricultural District stating that a water line could be installed before he could vote on the project. Rich Janiga stated that from his understanding that it has nothing to do with the zoning but if the property is in the Agricultural District. Rich Janiga brought up when Walter Schmidt wanted to put a subdivision in where the land was zoned rural residential, but it was in the agricultural district, and water lines were not allowed. Rich Janiga stated that in his opinion it is not just as simple as rezoning the property. Chairman Nathan Barnard stated that Bob Miller sent him the resolution and he read:

The Town Board hereby adopts the policy prohibiting the construction in connection of water main laterals and service connections of 4 inches in diameter or greater to any future non agricultural development located within the Marilla Agricultural District except in those areas zoned RR, B, I, and MH in accordance with the town zoning map.

Dan Handy stated that since it is a town provision that the town could change it. However, he would like something stating that the land is not in the agricultural district. Chairman Nathan Barnard asked Bob Miller about this. Bob Miller stated that he spoke to Marie and Nate Neil and since it is a town resolution that was made, the town could change it. Bob Miller stated that the map of the agricultural district did not show that this property is in the district. Bob Miller stated that the map was off of the Erie County Website. Rich Janiga stated that he would like to see if that map can be verified and if it can be verified then he does not see a problem with rezoning the property. Bill Schutt stated that he could have the map verified from Erie County Planning. Bob Miller stated that this issue could be looked into on November 6 from 7-9 pm. during the training session when individuals from Erie County Planning could attend to answer questions. Chairman Nathan Barnard asked if there were any more questions.

b. Rohl Property

Chairman Nathan Barnard stated that John Scheene is here tonight. Chairman Nathan Barnard stated that he has spoken to George Gertz and Nate Neil and Nate Neil stated that Planning Board needs to make a decision either for or against and if it is against, reasons need to be given. Chairman Nathan Barnard stated that a motion needs to be made and sent to the Town Board. John Scheene stated that the plan is the same as before and it meets the code. Debbie Zimmerman asked about the sharing of driveways on the plan. John Scheene stated that the code did not want many driveways and by having lots share driveways, they were meeting the code. Dan Handy asked if the intention was to do the whole plan all at once. John Scheene stated that under town law and state law they cannot be continuing to divide the land, so they would like file a legal subdivision. Debbie Zimmerman asked that whoever would come in to build, the Planning Board would have say so in the building. The Planning Board would have say according to the B-1 codes in place. Dan Handy stated that due to the drastic change from the original plan that a public hearing be held. Chairman Nathan Barnard asked Bob Miller's opinion of having a public hearing. Bob Miller stated that in his research the Town of Hamburg had a similar project with a loop driveway proposed, although the lot sizes were much larger than the lots proposed in Marilla, and the Planning Board requested an environmental impact study. Bob Miller also stated that other towns with

projects of similar size as that of Marilla did not require an environmental impact study. Bob Miller stated that he would be concerned about the loop road that was originally presented and the driveways now presented with regards to the safety of the public driving in and out. Bob Miller stated that before the Planning Board made a decision that there should be an environmental impact study completed. Chairman Nathan Barnard stated that John Scheene is looking for preliminary approval and the impact study is usually done after approval has been given. Chairman Nathan Barnard stated that maybe a public hearing would be a good idea seeing that so much has changed. Rich Janiga stated that before a public hearing was voted on, that he have some clarification on the plan. Rich Janiga stated that to his knowledge that plan that was submitted is a sketch plan and it is up to the Planning Board to say what they like or do not like about the sketch plan regardless of what the code has to say. Rich Janiga stated that he does not believe that anyone on the Planning Board is opposed to businesses going in on that property. John Scheene stated that if he comes before the board with a plan that meets the code, that the Planning Board does not have the right to refuse the plan. John Scheene stated that he takes direction from the owner of the property. The owner of the property has the right to subdivide the property as long as he meets the code. John Scheene stated that he will do any studies that the town or laws require them to do. **MOTION** to have a Public Hearing on the Rohl Property, moved by Dan Handy, seconded by Paul Domanowski. All in favor – 6 ayes, 1 abstain. Chairman Nathan Barnard stated that there would be a public hearing on November 20 at 7:00.

c. Senior Housing Codes

- d. Chairman Nathan Barnard asked the board if they had anything to add or cross off the information that Jason worked on. Debbie Zimmerman stated that she did not receive a copy. Chairman Nathan Barnard stated that he was very pleased with the work Jason did putting the codes together. Bob Miller stated that Jason mentioned to him about the percentages on pages 6 and 7. The minimum percent was 10% and the town moved it up to 15%. Bob Miller stated that the code would need to be approved by Nate Neil as well. **MOTION** to adopt the Senior Housing Codes as put together by Nussbaumer and Clarke, moved by Dan Handy seconded by Rich Janiga. All in favor – 7 ayes. Chairman Nathan Barnard stated that the codes would move onto the Town Board. Dan Handy would like to clarify that the Planning Board is approving senior housing codes to govern senior housing and not senior housing itself.

III. New Business

None.

IV. CEO Report

John Fronczek stated that he has some questions on the Rohl property. John Fronczek asked about the zoning on the property. It would still remain as B-1 property. John Fronczek asked if another \$100.00 needed to be paid because there is another public hearing. Chairman Nathan Barnard stated that another \$100.00 needed to be paid. John Fronczek asked about business flag lots according to the plan. The Planning Board stated that no business flag lots would be able to be made.

V. Town Board Report

Barb Spanitz stated that 5 acres of the land was zoned business and not B-1. We only have control over the B-1 and what goes in it.

VI. Open Presentations from the Floor

Shirley Limpinsel, from Coleman Road, stated that the original Rohl plan was a class act plan that you would see in Clarence and the new plan looks like a strip mall. Shirley Limpinsel stated that she has been in contact with a man from the Agricultural Protection Unit, Bob Summers, about the Bullis Road Subdivision and according to him the town cannot hook up the waterline.

Marsha Kannetly, from Clinton Street, stated that she is apposed to the Rohl Property. Chairman Nathan Barnard stated that B-1 was formed without a layout and 5 acres was zoned business. Any business could go into the 5 acres. Judy Gillman stated that the Board passed B-1 and not just anyone person.

Rita Arber, from Lindale Lane, stated that she moved out here thinking that it was going to be the country and now she may have to move again. Chairman Nathan Barnard stated that the town of Marilla has changed codes so that it stays as rural as possible. Rita Arber asked what would happen with empty store fronts like Alden has.

Rich Janiga asked John Fronczek about the Rohl property. A sketch plan was filed with John Fronczek, but the sketch plan does not have all the necessary features for a sketch plan. Rich Janiga would like the plan to be complete before the public hearing. John Fronczek will take care of having the official sketch plan complete and copies made for each board member.

Bob Miller stated that the work session is on November 6 at 7:00. He has other opportunities for training if you need them.

MOTION to adjourn at 8:00 p.m. moved by Judy Gillman, seconded by Debbie Zimmerman, all in favor 7/0.

Respectfully submitted,

Melissa R. Stark