

**PLANNING BOARD  
TOWN OF MARILLA**

Date: September 21, 2006

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

Absent: Rich Janiga, Paul Domanowski

Guests: Leon Berner

- I. Debbie Zimmerman, Chairman, opened the Planning Board meeting at 7:05 p.m.
- II. **MOTION** to accept July minutes moved by Nathan Barnard, seconded by Tom Wantuck. All in favor – 5 ayes.
- III. New Business

Leon Berner thought there were two issues to be discussed tonight the flag lot application and the rezoning issue. Barbara Spanitz stated a formal application was not submitted for the rezoning issue, but we could discuss it. Leon Berner would like a flag lot on Clinton Street (2.39 acres) with the prospective owner wanting to build a house and open a landscaping business on the remaining frontage (71 acres). Dan Handy would like to see the house plan on the map. Judy Gillman asked if there were pine trees along the proposed driveway and Leon Berner stated yes. Dan Handy stated the flag lot application is complete and he sees nothing wrong with it. Discussion arose about having four splits on this parcel. Leon Berner stated the intent is for the prospective owner to build a house on the flag lot and have the front portion of land rezoned for business.

Bob Miller stated on the flag lot application the driveway seems close to the Heinrich property. Leon Berner stated it is approximately 300 feet. Bob Miller said an individual he knows lives next to a flag lot which is 30 feet from the property line and he is having trouble with the neighbors driving up and down the driveway on motorcycles at all hours of the night. Bob Miller stated the application is in order. Leon Berner feels this parcel is a good place for business. Mr. Berner feels we need to have some businesses in this town to offset taxes. Mr. Berner feels if we keep building houses on regular lots, flag lots, putting land into the PACE Program, and have no businesses to offset taxes, we will not be able to afford to live here. Mr. Berner feels this is a flag lot in the middle of nowhere and feels this should not be a problem. Mr. Berner stated if it is a standard 200 foot lot you build 50 feet away. Debbie Zimmerman stated it would be nice to see the house placement on the survey. Judy Gillman stated this board only recommends their opinion to the

Town Board and a public hearing will be held. Dan Handy stated to have the house on the survey for the public hearing.

**MOTION** by Dan Handy, seconded by Tom Wantuck, to recommend approval of the flag lot application on Clinton Street for Leon Berner with the house placement on the survey.

Roll call vote:

Tom Wantuck- aye

Nathan Barnard – aye

Dan Handy – aye

Debbie Zimmerman – aye

Judy Gillman – aye

**Motion carried.**

Leon Berner would like to be on the agenda for next month. The application must be filed ten days before October 19.

Leon Berner suggested for future reference whenever there is a property split of a 5 acre lot off of a split you should create a drainage district.

IV. Old Business

None.

V. CEO Report

None.

VI. Town Board

The boarding kennel for Sandra Rogers will hold a public hearing on September 25, 2006, at the Town Board work session. Judy said she would attend the meeting.

VII. Open Presentations from the Floor

Bob Miller suggested when future flag lots are considered we strongly suggest a buffer zone. Debbie Zimmerman suggested addressing some type of timeframe regarding storage units called "PODS."

VIII. **MOTION** to adjourn at 7:55 p.m. Judy Gillman moved, seconded by Dan Handy, all in favor 5/0.

Respectfully submitted,

Laura Nuttle, Clerk