

**PLANNING BOARD
TOWN OF MARILLA**

Date: September 6, 2007

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

Guests: Bill Peter

- I. Nathan Barnard, Chairman, opened the Planning Board meeting at 7:02 p.m.
- II. Old Business

Chairman Nathan Barnard stated Bill Peter submitted an application for Special Use Permit. Mr. Peter met with the ZBA who approved the zoning for the back part of the property. Mr. Peter thanked everyone for attending the meeting tonight and went through the Checklist for Application.

1. Mr. Peter submitted three copies of land development data and added the gas line.
2. Right-of-way width of each street is Two Rod Road which is 66 feet.
3. There is no location, purpose and description of any easements. CEO John Fronczek questioned if the driveway is an easement. Mr. Peter stated it is shared land use where he owns 8 feet of the driveway and is not an easement. Bob Miller stated there must be something in the deed stating shared land or easement.
4. Mr. Peter does have a certification by registered land surveyor.
5. Mr. Peter does not have the title for the land yet but does have a contract signed by Walter Schmidt. Title, scale, North point and date are all on map.
6. All contours, both existing and proposed finish grade elevation and contours are on map. The front parking lot will grade naturally toward the road ditch and the back parking lot will have the low part in the center with the swale flowing to the road ditch. The sand filter will drain towards the front. Judy Gillman questioned if the neighbor Mr. Rumley is aware of the project. Mr. Peter stated Mr. Rumley is aware and is in favor of the project.
7. The parcel is zoned B.
8. Mr. Peter showed the Location Map.
9. Mr. Peter showed the location of the building and the parking lots.
10. Mr. Peter showed adequate drainage for all portions of the site.
11. Not applicable.
12. Not applicable.

13. Mr. Peter stated all utility lines are shown in the plan. The water and gas are on the east side of Two Rod Road and the power is on the west side of Two Rod Road.
14. Mr. Peter stated the property line around the project area shows all dimensions and angles.
15. Adjoining landowners and buildings within 200 feet is the Quik Fill building, Mr. Rumley, and across Two Rod Road is the Slade house.
16. Name of applicant is William Peter, 2401 Eastwood Road.

Dan Handy asked about fencing. Mr. Peter will have no fencing in the front only a row of pine trees on the side of the swale and the back parking lot will have a 6 foot wooden privacy fence. Paul Domanowski asked if there would be underground storage and Mr. Peter stated no. Tom Wantuck asked if there would be floor drains and Mr. Peter stated no. Chairman Nathan Barnard stated Mr. Peter explained everything in detail and stated he was glad to hear the neighbors were in favor of this project. Mr. Peter stated before the ZBA hearing he wrote a letter with his plans and a map and sent it to the neighbors within 500 feet and did not hear any objections.

MOTION by Dan Handy, seconded by Debbie Zimmerman, to recommend to the Town Board approval of the Special Use Permit for Bill Peter.

Roll call vote:

Rich Janiga - aye	Judy Gillman – aye
Dan Handy - aye	Thomas Wantuck - aye
Paul Domanowski - aye	Nathan Barnard – aye
Debbie Zimmerman - aye	

Motion carried.

Chairman Nathan Barnard suggested to Mr. Peter to contact Supervisor John Foss to attend their next work session.

Chairman Nathan Barnard stated last month we discussed accessory building sizes in the agricultural district. Bob Miller stated the Code Book does state accessory buildings can be up to 3% on a 2 acre lot which could make an accessory building 2,614 square feet. Lots 2 to 5 acres can also be up to 3% with the range being from 2,614 square feet up to 5 acres totaling 6,534 square feet. The next range is more than 5 acres with 5% of the lot size with an accessory building of up to 10,900 square feet. Bob Miller suggested 3% on 5 acres of land. Dan Handy suggested maybe exempting farmers from this code. Bob Miller stated maybe there should be a difference in the codes from accessory building garage compared to an accessory building used for farming.

Councilman Barbara Spanitz told the Town Board about this situation. The Town Board is concerned with people operating businesses in these buildings. CEO John Fronczek stated a good example is an accessory building being built on Two Rod Road being almost as big as the house.

III. New Business

None.

IV. CEO Report

CEO John Fronczek stated Bob Puckett may open a bed and breakfast on Stolle Road next year.

V. Town Board Report

Councilman Barbara Spanitz stated a gentleman who lives across the street from the Pet Connection is very upset with the cats roaming all over and dogs barking. CEO John Fronczek stated the SPCA visited the Pet Connection and stated it was fine.

VI. Open Presentations from the Floor

None.

There will be no Planning Board meeting on September 20 and the next meeting will be held October 18. **MOTION** to adjourn at 8:05 p.m. moved by Judy Gillman, seconded by Rich Janiga, all in favor 7/0.

Respectfully submitted
Laura Nuttle, Clerk