

**PLANNING BOARD  
TOWN OF MARILLA**

Date: September 18, 2008

Present:

Nathan Barnard, Chairman	Barbara Spanitz, Town Board
Tom Wantuck, Co-Chairman	John Fronczek, CEO
Judy Gillman	Jason Paananen, Consultant
Dan Handy	Melissa Stark, Clerk
Richard Janiga	
Paul Domanowski	

Absent: Debbie Zimmerman and Bob Miller

Guests: John Foss, Mary Nette Foss, Joe Lankes, Nellie Niespodzinski, Tina Niespodzinski, Gene and Shirley Limpinsel, Lorainne Mantzolf, and Gloria Rados

- I. Nathan Barnard, Chairman, opened the Planning Board meeting at 7:03 p.m. Nathan Barnard stated that there were two corrections. On the bottom of page 3 under Old Business the word seeker should be SEQR and on the bottom of page 4 the word cots should be cost. Dan Handy stated that it was stated twice that Debbie Zimmerman was not fond of the plan on page 4. **MOTION** to accept August minutes, moved by Paul Domanowski, seconded by Tom Wantuck. All in favor – 6 ayes.
  
- II. Old Business
  - A. Chairman Nathan Barnard stated that John Foss is here and originally when he came in on May 1<sup>st</sup> he brought the layout for the building and presented the sign advertisement. Since that meeting John Foss has gone to John Fronczek for a sign permit. John Foss is here tonight to make sure he has approval for the sign. Chairman Nathan Barnard stated that the plans for the building were approved on May 1<sup>st</sup>, but the sign was not because there was no permit issued for the sign. Chairman Nathan Barnard asked the board to look at the plans that were handed out. John Foss stated that the sign would be 48 feet from the center of the road. John Fronczek stated that the top of the sign would be stationary and the bottom of the sign would be for advertising and would use stick lettering. John Foss stated that the sign would be landscaped at the bottom. Tom Wantuck asked if the bottom part of the sign would be for advertising specials. John Fronczek stated that that was correct. Dan Handy asked if the sign met all square footage requirements. John Fronczek stated that it did. Rich Janiga asked if the sign was double sided. John Foss stated that the sign was double sided and they would be using some of the existing signs from across the street and it would meet the requirement of 60 square feet.
 

**MOTION** to accept the sign proposed for Country Crossroads, moved by Judy Gilman, seconded by Rich Janiga. Chairman Nathan Barnard and Dan Handy Abstain, All in favor – 4 ayes.
  
  - B. Chairman Nathan Barnard stated that Art Aigner was not present at the meeting and there was a woman named Patricia who is looking into the waterlines and has been in

contact with Marie with Nussbaumer and Clark. Art Aigner would like to table the subdivision for this month until more information could be obtained. Chairman Nathan Barnard stated that Art Aigner would be put on the agenda for October. Chairman Nathan Barnard stated that they are looking into a local law that was written into the town ordinances that could be changed as long as the zoning was changed according to his last call with Bob Miller. Jason Paananen stated that it was not at the state or county level as far as they could see. If the zoning was changed from Agricultural to Rural Residential there should not be a problem with branching off on the waterlines. Rich Janiga stated that the board should not confuse town zoning with agricultural districts. They are two different things. Rich Janiga stated that it could be zoned Rural Residential and still be in the Agricultural district. Chairman Nathan Barnard stated that it is not a state certified agricultural area as far as he can see. Dan Handy wanted to clarify that what was being said was that the law was not written into the state ordinances, but into the towns. Chairman Nathan Barnard stated that that was correct. Rich Janiga stated that it needed to be looked into because even though it may be a town law, there was a proposal from the state for the water district. Rich Janiga stated that the place to start was to see if the land was apart of the agricultural district. John Fronczek stated that it needs to be looked into if the land is in a NYS certified Agricultural district. Chairman Nathan Barnard stated that he does not feel the land is in a NYS certified Agricultural district. Rich Janiga stated that he would like to find a map. John Scheene stated that the maps are in the Farm Services Building and land owners can opt in or out of the agricultural district.

**MOTION** to table the Bullis Road subdivision until next month, moved by Rich Janiga, seconded by Dan Handy. All in favor – 6 ayes.

C. Chairman Nathan Barnard welcomed John Scheene back. He is here to talk about the Rohl property. John Scheene explained that nothing has changed since last month and the plans meet the code and his client feels since it meets the code the plan should be approved. Chairman Nathan Barnard asked Jason Paananen about the plans and all he knew was that Bob Miller had asked if it could be tabled for more time to review it. Chairman Nathan Barnard stated that the board had time since it was submitted last month. Dan Handy stated that to him the plan looked like a strip mall and even though it meets the code the Planning Board has the right to approve it or disapprove it and he can not approve it. Jason Paananen asked for clarification and Chairman Nathan Barnard stated that the board rezoned five acres and the board wrote a new code B-1 to designate what could be built there and this is the fourth plan being presented to the board due to problems with the driveway. Jason Paananen asked about the maximum intent use. Chairman Nathan Barnard stated that the lot sizes are well within code. Jason Paananen stated that there are a lot of driveways coming in and out of the businesses and it is too many for that small area. John Scheene did not understand why there was a problem with the amount of exits and entrances because there are 3 driveways on Clinton and 3 driveways on Two Rod with over 2,000 feet. Jason Paananen stated that with the permitted uses for the lots it would make sense to have an interior road on the property. John Scheene stated that he did not come to the meeting to be argumentative but there is nothing in the code that states the plan needs an interior road. He feels that the amount of traffic on Clinton Street does not dictate that the amount of 3 driveways would be a problem. Jason Paananen stated that that could change depending on what businesses built on the property and it would make more sense to have an interior driveway with the potential of the amount of businesses. Rich Janiga stated that he could not get excited over the plan and he could not get on board with this. Paul Domanowski stated that the horseshoe driveway was dynamic and provided more lots and it was more attractive. He can understand Mr. Rohl's feelings and it is nothing against John Scheene,

but he can not go with this plan. Judy Gillman stated that she can not go with it either. Tom Wantuck stated that his view has not changed and he could not recommend approval. John Scheene asked if anyone on the board was familiar with article 78 in state law. The board stated that they were not. John Scheene stated that the article stated that if a board does not approve a plan that meets code, a motion could be filled in State Supreme Court and the motion could be overturned in a few weeks. Rich Janiga stated that the Planning board only recommends to the Town Board. Chairman Nathan Barnard stated that John Scheene can still go in front of the Town Board to see what they think. The Planning Board only recommends to the Town Board. It is the Town Board is who approves or disapproves. Chairman Nathan Barnard stated that there would not be a motion made by the Planning Board and that John Scheene should call George Gertz and come to a Town Board Work session. The next work session is Tuesday, September 23 at 7:30. Rich Janiga stated that only thing the Planning Board can approve are signs everything else is just a recommendation to the Town Board.

D. Chairman Nathan Barnard began the discussion on senior housing codes and asked Jason Paananen about the percentage for affordable senior housing. Jason Paananen stated that he had sent out a lot of information and according to his research anywhere from 10%-15% would give you one unit of affordable housing. 15%-20% would be reasonable with 20% would be a maximum number. Chairman Nathan Barnard stated that 15% would be in the middle and that would probably be a good number. Chairman Nathan Barnard stated that they would have to rezone to a medium density or rural residential district for the housing development. Jason Paananen suggested that they could go with an overlay for the district. Dan Handy asked about the roads for the housing development and if they would have to be to town specs. The Planning Board said that they would and Dan Handy stated that having the roads to town specs would shoot the project down. John Fronczek stated that he had talked to Leon Berner recently and they are not sure what they are going to build – senior housing, rental properties, or patio homes. Rich Janiga stated that if the Planning Board believes that senior housing would be go for the town, then they should go ahead with the codes. Chairman Nathan Barnard stated that he thought that the way to go would be with the overlay in Rural Residential. Jason Paananen stated that he thought that the senior housing could go into Medium Density district or the B-1 district. Chairman Nathan Barnard stated that that could be a possibility but the board was not sure on what district the housing would be best to go into. Jason Paananen stated that a new district could also be created. Dan Handy suggested that the senior housing be close to the hamlet of Marilla. Jason Paananen stated that there could be a Hamlet district in the town for senior housing. Barb Spantiz asked for clarification on the land and what the zoning of the land is presently. Chairman Nathan Barnard stated that the land would need to rezoned to Medium Density or Rural Residential before the building could be built. The Planning Board has not heard of any proposal asking for the zoning to be changed. Presently they are just working on the codes for the project so they are ready when a proposal is made. Tom Wantuck and Rich Janiga stated that they feel there is a real interest in the senior housing project from the residents of the town and that the Planning Board should go ahead and write the codes even without a proposal. Chairman Nathan Barnard stated that he thought what Jason Paananen had put together in his research was complete and good. All that was needed was the percentages for affordable housing. Chairman Nathan Barnard began to go through the research that Jason Paananen provided to the board and asked about the age of the residents. Jason Paananen stated that the average age was usually 62. He has seen cases where the age was 65 and rare cases where the age was 55, but the majority of housing complexes have an average age of 62. Chairman Nathan Barnard asked about deleting the section on a special use permit from the research on page nine

section 5 under letter a. Jason Paananen stated that that section would be taken out because there would be a new district for senior housing. Chairman Nathan Barnard asked for the board's opinion on the research and what if anything they would like to see changed or added. The board did not have anything to add or change. Dan Handy stated that the board is not an expert in senior housing and they would like to go with the research completed already. Dan Handy suggested that the board go with a minimum of 15% for affordable housing and round up a unit if it is necessary. Jason Paananen explained about density increases and that some towns have written in to their codes that the percentage goes up if the number of units is over a certain amount. He stated that some developers then would stop just shy of the amount of units needed before a density increase would apply. Chairman Nathan Barnard asked about handicapped parking. Jason Paananen stated that there are guidelines to follow according to the state of New York. Chairman Nathan Barnard asked if 1.5 handicapped parking spaces would be enough. Jason Paananen stated that he has seen less spaces but he feels that 1.5 would be a good number because of the area and the lack of public transportation. John Fronczek stated that the number was in the code book for parking lots as well as the requirements for handicap accessibility on the inside of the building. Jason Paananen asked if the board wanted the senior housing to be in a separate district. Barb Spantiz stated that senior housing was included in the B-1 district and Dan Handy stated that it was also in the medium density district. Chairman Nathan Barnard asked Jason Paananen to work up a proposal for the senior housing codes by next week so the board could have plenty of time to review it before the October meeting. Jason Paananen stated that he would do that. The board would like to go with the 15% affordable housing and ability to round up. Dan Handy stated that he would like to see a density increase.

III. New Business  
None.

IV. CEO Report  
John Fronczek stated that he had spoken with Greg Riley about the carwash. He is working on the project and does not know if it will go in this year or next year due to his contractor. John Fronczek stated that he had information on mechanical local training in East Aurora. John Fronczek would pass the information around to the board. John Fronczek stated that any business on a state road cannot drain into the ditch. All drainage needs to happen on the business' property. Water cannot fill up the ditch on a state road.

V. Town Board Report  
Barb Spantiz stated that Town Board approved Debbie Zimmerman's flag lot and the Bed and Breakfast was also approved. The Town Board held public hearings on both of the approvals.

VI. Open Presentations from the Floor  
Shirley Limpinsel stated that there are wonderful senior housing facilities around the area and there are many seniors from Marilla that would like senior housing. She mentioned one in Akron and on Maple Road in East Aurora. Shirley Limpinsel encouraged the board to look at these facilities. Chairman Nathan Barnard stated that looking into specific buildings would take place in the site plan approval and the board is not looking into that at this time. The Planning Board is just looking into writing codes at this time.

Lorraine Martzolf asked for clarification on the overlay district. Chairman Nathan Barnard explained that an overlay would be used in an existing area to apply new codes to a specific area.

Dan Handy stated that for future public hearings the Planning Board Clerk could talk to Dawn Pierce and she would send out letters to residents.

Planning Board Clerk, Melissa Stark, asked the board if they all had received the Town Employee Handbook that George Gertz had sent out via email. The members of the board had all received it and Chairman Nathan Barnard asked if Barb Spantiz could elaborate on the handbook. Barb Spantiz stated that they had been working with the same company that does the town's paychecks to put the town handbook. The handbook could be updated each year. The handbook has information like sick time and disability for town employees. The Town Board would be looking for approval at October's meeting and it would go into effect as of January 2009. The handbook applies to the clerks, highway and sanitation workers, and part time workers.

**MOTION** to adjourn at 8:17 p.m. moved by Paul Domanowski, seconded by Judy Gillman, all in favor 6/0.

Respectfully submitted,

Melissa R. Stark