

**PLANNING BOARD
TOWN OF MARILLA**

Date: April 21, 2011

Present:

Debbie Zimmerman
Nathan Barnard
Jay Walkowiak, Chairman
Vinney Beisiegel, Vice Chairman
Richard Rose
Richard Janiga
Clarence Gerhart, Alternate
Jen Seth-Cimini, Alternate

Beth Ackerman, Town Board
Jason Paananen, Consultant
Scott Rider, CEO
Melissa Stark, Clerk

Absent: Lorriane Martzolf

Guests: G. D. Willey 1369 Tooley Road Extension, Attica, Rick Snyder 2740 Redrick Road, Sandra Ells 3875 Two Rod Road, John Clapp 11940 Liberia Road

I. Approval of Minutes

Chairman Jay Walkowiak opened the Planning Board meeting at 7:02 p.m. Chairman Walkowiak asked for the approval of the March minutes and if there were any additions or corrections.

MOTION to accept the March minutes, moved by Richard Rose, seconded by Richard Janiga; all in favor ó 5 ayes.

Chairman Jay Walkowiak stated that there were two missing members and the two new alternates would be voting members unless one of the members was running late. Chairman Jay Walkowiak stated that there were two new additions to the agenda: Rick Snyder and John Clapp. Richard Janiga asked Chairman Jay Walkowiak how the Planning Board would decide who would participate in the meeting since there are now two alternates. Was a first and second alternate named? Chairman Jay Walkowiak stated that he had spoken to George Gertz regarding this and no guidelines were set up. All decisions will be left to the Planning Board. George Gertz suggested alternating the alternate members each month. Richard Janiga stated that he wished the decision would be more formal because the outcome of each motion could change depending on who was voting that month. Beth Ackerman stated that she would check with the Town Board. Richard Janiga suggested appointing the first and second alternate to avoid any unfavorable situations. Richard Rose stated that there could also be an issue if one of the alternates were to be absent on the month that they are assigned. Which alternate member would vote the next month? Chairman Jay Walkowiak stated

II. Old Business

- a. Chairman Jay Walkowiak stated that Rick Snyder would be presenting a new plan for Sandy Ellsø property. Rick Snyder stated that he was representing Sandy Ells tonight and was proposing a new driveway leading up to her proposed flag lot on Two Rod Road. Rick Snyder stated that he had been before the ZBA and his request for a variance was denied.

Rick Snyder stated that there is 73.17 feet that separates the proposed driveway from the existing driveway. These two driveways would be parallel. Rick Snyder stated that he is aware of Town Codes pertaining to two flag lot driveways and what is being proposed does not apply because the existing driveway is not to any flag lots. The existing driveway is a common driveway leading to lots that are not flag lots because they do not have any road frontage. The existing driveway and lots were approved by a previous Town Board in the late 1980s. Rick Snyder stated that the reason they would like the driveway coming in on the left and not the right hand side of the property is that it is presently farmed and will continue to be farmed and Sandy Ells would like a minimum size lot to save the maximum amount of space for farming. The land is leased to be farmed. Rick Snyder stated that there is an easement to use the existing driveway and it will still be used when farming the property. Chairman Jay Walkowiak stated that there is 73 feet from lot to lot with the existing driveway in the middle. Rick Snyder stated that ½ mile down from this property there is a similar situation where two driveways have the same mouth and then split after the first 50 feet or so. The proposed driveway would or could share the same mouth and then split off to a separate driveway. Debbie Zimmerman asked if there were anything in the codes about how far the driveways need to be apart. Scott Rider stated that for flag lots there are, but that this property is not a flag lot, rather it has an easement. Nathan Barnard asked what the lots were if they are not flag lots. Scott Rider stated that they are not flag lots because there is no road frontage. Debbie Zimmerman asked if any of the lots lined Two Rod. Scott Rider stated that they did not and the existing driveway was Sandy Ells property. That land does not belong to the homes off of the driveway. Rick Snyder stated that there is nothing in the code that states that two conforming lots could not be combined at the road and then branch off to the individual houses. Chairman Jay Walkowiak stated that it would be a separate driveway next to the existing one. Rick Snyder stated that it would be. Richard Rose asked if the driveway would conform to NYS codes for driveways. Rick Snyder stated that he is not opposed to putting a turn-a-round in and is willing to comply with whatever Town Codes are in place. Scott Rider stated that the driveway would need to conform before a C/O was given. Nathan Barnard stated that the Planning Board does not deal with the design of the driveway; rather with the design of the lot and whether it conforms to Town Codes. Debbie Zimmerman asked what Jason Paananen thought of the idea. Jason Paananen stated that since there were not two flag lots together, he did not see a problem with it. Jason Paananen stated that if Sandy Ells wanted to she could deed the driveway to the people who use it. Nathan Barnard stated that the driveway belongs to Sandy Ells now and she could or could not deny them access to it. Chairman Jay Walkowiak asked who maintains the driveway now. Rick Snyder stated that the homeowners maintain it. Richard Janiga stated that he does not feel that getting tractors in and out of the property should have any bearing on the decision. Richard Janiga stated that he is disappointed in the ZBA's decision and feels that the proposed driveway meets code and should be granted. Chairman Jay Walkowiak asked if everything else for the flag lot followed town codes. Scott Rider stated that it did. Clarence Gerhart stated that he did not see any problems with it. Jason Paananen asked how much frontage there was. Scott Rider stated that there was 133 feet. Richard Janiga asked which alternate would be voting. Chairman Jay Walkowiak stated that Clarence Gerhart would vote on this recommendation.

MOTION to recommend the approval of a separate driveway adjoining a flag lot next to an existing driveway, moved by Debbie Zimmerman, seconded by Richard Janiga; all in favor ó 7 ayes.

The votes of the Members are as follows:

Debbie Zimmerman - aye
 Nathan Barnard - aye
 Jay Walkowiak ó aye
 Vinney Beisiegel - aye
 Richard Rose - aye
 Richard Janiga ó aye
 Lorriane Martzolf - absent
 Clarence Gerhart - aye

- b. Car Wash - Chairman Jay Walkowiak asked Greg Willey to share where he was with his project. Greg Willey stated that he was waiting for his engineer to return from vacation. Greg Willey stated that he sent in water samples to the DEC and they were happy with them. He is waiting for the DEC to send information on a leach field. Debbie Zimmerman asked if he knew where the car wash would be located. Greg Willey stated that he was leaning towards by the sidewalks but that depends on how much land is needed for the leach field so it could go out by the diesel pumps too. There would be a 20x30 leach field. Chairman Jay Walkowiak stated that he would put this on the agenda for next month. Richard Rose inquired about the leach field because the car wash was a reclaim. Greg Willey stated that even with a total reclaim there is some water that needs to be gotten rid of. Greg Willey asked the Town of Alden if he could dump it in there sewer plant. The town refused. Greg Willey stated that he did not know how many gallons per car it would be.

III. New Business

- a. John Clapp Flag lot ó Chairman Jay Walkowiak stated that John Clapp was here wanted approval on a flag lot on Liberia Road. John Clapp stated that he purchased a piece of property and is renovating the house on the property to move into. He would like to split the property into two parcels creating a flag lot with 122 feet of road frontage. The two parcels would be 10.1 acres (raw land) and 5.1 acres (house). On the property that is proposed for the flag lot, there is an existing driveway that was put in when the house was built in 1924. Nathan Barnard asked what was in the front of the property. John Clapp stated that there is .85 acre lot in the front where his present house is. He will sell that property when he is finished renovating the other house. Richard Janiga asked if when there is a split, there will be three lots total. Scott Rider stated that that was correct. John Clapp stated that he will sell the 10.1 acre property too.

MOTION to recommend the approval of a flag lot on Liberia Road, moved by Nathan Barnard, seconded by Debbie Zimmerman; all in favor ó 7 ayes.

The votes of the Members are as follows:

Debbie Zimmerman - aye
 Chairman Jay Walkowiak - aye
 Vinney Beisiegel - aye
 Richard Rose - aye
 Richard Janiga ó aye
 Nathan Barnard ó aye
 Lorraine Martzolf ó absent
 Jen Seth-Cimini - aye

IV. CEO Report
None.

V. Town Board Report

Beth Ackerman stated that she went to Albany for No Farms, No Food Rally and some funding was restored to pay farmers money owed to farmers for Land Conservancy. Beth Ackerman stated that if there are any farmers in Marilla who are owed money for Conservation Easements, that the Town should contact the legislators directly for the money. Neither Richard Janiga nor Clarence Gerhart were aware that any famers in Marilla are waiting for money. Beth Ackerman stated that she had spoken to Pat Zarpa from the WNY Land Conservancy with the possibility that she would come an speak to the Planning Board, along with other town boards about GIS mapping and grant money for watershed protection. Marilla has three creeks running through it and it puts our town close to the top of the watershed map.

Beth Ackerman stated that there is a design competition going on in the city of Buffalo called Designing to Live Sustainably. There are 9 regions or neighborhoods that get together to talk about land use and rezoning, architecture, and children.

VI. Open Presentations from the Floor

Chairman Jay Walkowiak welcomed Clarence Gerhart and Jen Seth-Cimini to the Planning Board. The Board introduced themselves. Nathan Barnard asked about the background of the two members. Jen Seth-Cimini stated that she is of a business background and has not sat on a Town Board before. Clarence Gerhart stated that he has a farm on Two Rod and a Horse Farm on Four Rod.

Jason Paananen stated that he has not heard from NYSERTA yet for training opportunities.

Chairman Jay Walkowiak stated that he would like to look into matching the size of accessory buildings to the percentage of the land size. In the RR zoning, regardless of the amount of land owned, you can only build a 20x20 structure. Beth Ackerman stated that it would make sense to go by lot size and graduate the size of building to the size of the lot. Jason Paananen stated that he would look into what other towns have for sizes of buildings compared to the size of the lot and zoning.

Chairman Jay Walkowiak stated that he would like the Planning Board to look into lot sizes in the different zonings of the Town. Jen Seth-Cimini asked about the dimensions of lot sizes in Marilla.

Chairman Jay Walkowiak stated that there will be a Public Hearing on a moratorium on flag lots. Beth Ackerman stated that the Town Board is not trying to ban flag lots, but they would like to look at the smartest way of using the land.

Chairman Jay Walkowiak stated that there is a Watershed training on Saturday, April 30 at the West Seneca Senior Center from 9:30-12:00.

Chairman Jay Walkowiak asked if anyone had any suggestions for the Farmland Protection Surveys.

Richard Janiga stated that NYS is delaying enforcement for dealers selling Outdoor Wood Burners so that they could deplete their inventory until July 14, 2011.

Richard Rose stated that he had heard that the Town Hall is getting an LED sign that costs \$20,000.00. Beth Ackerman stated that she did not know anything about it. Beth Ackerman stated that she is against the LED sign. Richard Rose stated that he has checked with Hamburg, Orchard Park, Elma, East Aurora, and Wales. All of these 5 towns either have a ban or a moratorium on the LED signs. Richard Rose would like the Town of Marilla to look into banning the LED signs. Chairman Jay Walkowiak stated that he would like to look into the other towns and come up with a plan for the Town of Marilla.

Richard Rose stated that he has heard that there is proposal for a Business District in the town and would use eminent domain were needed.

Richard Rose stated that Houghton College is hosting training on May 11, 2011. Registration needs to be in by April 27, 2011.

Vinney Beisiegel stated that he liked the Watershed training idea.

Nathan Barnard stated that there have been some really good uses of flag lots lately. There is a time and place for flag lots and there residents who apply for them have many õhoops to jumpö through to get a flag lot. Land owners should be able to use their own land without too many restrictions.

Nathan Barnard asked about the Comprehensive Plan. Beth Ackerman stated that Farmland Protection needs to come first. There has not been any discussion on who will be on the committee.

Debbie Zimmerman asked if existing flag lots will stay the same. Scott Rider stated that if the Town Board has approved them, they will stay the same. Debbie Zimmerman stated that she agrees with Nathan Barnard because flag lots have worked for land owners. Debbie Zimmerman also stated that the land that farmers own as they get older is their retirement and it should be available to them. Farmers have worked hard and they deserve to sell off their property in a way that works for them.

MOTION to adjourn at 8:27 p.m. moved by Richard Janiga, seconded by Debbie Zimmerman, all in favor 7/0.

Respectfully submitted,
Melissa R. Stark, Clerk

