PLANNING BOARD
TOWN OF MARILLA

Date: February 17, 2011

Present:

Richard Janiga
Debbie Zimmerman
Lorraine Martzolf
Jay Walkowiak, Chairman
Vinney Beisiegel, Vice Chairman
Richard Rose

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

Absent: Nathan Barnard

Guests: Leon Berner, 257 Townline 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 January minutes and if there were any additions or corrections.

MOTION to accept the January minutes with, moved by Richard Janiga, seconded by Debbie Zimmerman; all in favor ï 6 ayes.

II. Old Business

a. Chairman Jay Walkowiak stated that Rick Snyder would not be attending the meeting tonight since he did not get to the ZBA meeting. He may be in for the March meeting. Chairman Jay Walkowiak stated that there was some confusion over the procedures for that lot because of the other houses coming off of the driveway. Chairman Jay Walkowiak stated that there was not a lot of clarity and there were gray areas. Jason Paananen stated that it would be classified as a non-conforming lot, but it could be open to interpretation. Jason Paananen asked if the only issue was the driveway. Chairman Jay Walkowiak stated that it was and the ZBA would be able to determine a ruling on it. Richard Rose stated if the ZBA granted the house then there still would be access on the other side for another lot and divided. Chairman Jay Walkowiak stated that it would be available for another lot. Richard Rose wanted to know if the lot would come under a subdivision because of the amount of times it has been divided. Richard Janiga stated that it would not since it was divided within the 5 years. Jason Paananen asked what kind of variance Rick Snyder applied for. Scott Rider stated that it would be a non-conforming. Scott Rider stated that the driveway is a right-of-way. Lorraine Martzolf asked if two cars could pass. Scott Rider stated no. Chairman Jay Walkowiak stated that the ZBA would stop another lot on the other side of the property if they did not give the variance. Richard Rose asked about fire protection. Scott Rider stated that there are already other houses back there. Vinney Beisiegel stated that there is no water, just wells. Richard Rose stated that the homeowner would be responsible for fire protection.

III. New Business

a. Flag Lot ï Scott Rider explained that Leon Berner was looking into selling 2 flag lots. Leon Berner paid for two applications. The lot to the right has 196 feet frontage and to the left is 140 feet. Debbie Zimmerman asked if the people who bought the lots could divide them. Scott Rider stated that the two lots could not be divided. Richard Rose stated that there is enough land for a subdivision. Scott Rider stated that it was a flag lot and if a subdivision went in it would need to be rezoned. Chairman Jay Walkowiak stated that the lots are large and the one on the right is almost a building lot. Chairman Jay Walkowiak asked about the gas well. Scott Rider stated that there would be a right-of-way and Mary Earsing would be responsible for any damage if a driveway was put over it.

Leon Berner stated that he would sell Mary Earsing some land so the gas well would all be on her property. He is not sure the amount of frontage that would leave on the right hand lot. It would be somewhere between 160-180 feet. This land would merge with her lot and it would not create a separate parcel. Leon Berner stated he would be selling Mary Earsing a little over 3 acres of land. Lorraine Martzolf asked how much frontage would be sold to Mary Earsing. Leon Berner stated that it would be about 12 feet, just to the tree line.

Leon Berner stated that he plans to go to the ZBA after these lots are approved to make the lot on the right side not as deep and merge both lots together to preserve farmland. Scott Rider stated that the Planning Board is not deciding on the flag lots with the changes stated. The application is just for the two flag lots.

MOTION to recommend the approval of Leon Bernerôs two flag lots moved by Richard Janiga, seconded by Debbie Zimmerman, all in favor 6/0.

The vote of the member is as follows:

Debbie Zimmerman - aye
Lorriane Martzolf - aye
Chairman Jay Walkowiak - aye
Vinney Beisiegel - aye
Richard Rose - aye
Richard Janiga ï aye
Nathan Barnard - absent

IV. CEO Report

None.

V. Town Board Report

Beth Ackerman stated that George Gertz stated that Rick Snyder could not put a driveway off of the driveway that is there. The ZBA would not be able to give a variance because the flag lot law cannot be changed. Scott Rider stated that George Gertz stated that it was a violation of the variance. Scott Rider explained that it can only be a violation of a variance if they put the driveway in and then went for a variance. That is not the case with this driveway because Rick Snyder is going for the variance before putting the driveway in. Scott Rider referred to 704-6 in the code book.

Beth Ackerman stated that Vinney Beisegelôs appointment to the Planning Board was through 2016.

Beth Ackerman stated that there had not been any applications submitted for the alternate Planning Board position.

Chairman Jay Walkowiak asked about the Comprehensive Plan. He stated that he does not want to look into it in depth before a committee is put together. Beth Ackerman stated that the Town spoke to Jason Angle from Cardinal Design about Farmland Protection and was excellent. The town may be looking into using him as a consultant. Beth Ackerman stated that the CAB was working on Farmland Protection as well.

VI. Open Presentations from the Floor

Chairman Jay Walkowiak stated that the Planning Board would be receiving a laptop to use Google Earth during meetings.

Chairman Jay Walkowiak stated that he would like the Town to look into the frontage required for a building lot. Lately there have been applications for flag lots and as farmers sell land it would make sense for the frontage to be reduced to 150-175 feet from the current 200 feet. Jason Paananen suggested looking into purchasing some land for right-of-ways in areas that there would be a lot of land that is behind existing development. Richard Janiga stated that it was the Planning Boardôs recommendation in 1995 for the frontage to be 150 feet. The Town Board set it at 200 feet. Leon Berner asked what was wrong with the town having different size frontages in different zonings. Chairman Jay Walkowiak stated that he would like to see the best way to use the land and agreed with Leon Berner.

Jason Paananen asked about training. Chairman Walkowiak stated that the training would be good in April and renewable resources would be a good topic. The Town of Marilla would invite other towns to attend. Jason Paananen would check to see what speakers he could find for Thursday April 7th. The training session would be for 2 hours, from 7-9 p.m.

Debbie Zimmerman asked if there were copies of surveys from other towns regarding the Comprehensive Plan that the Planning Board could look at. Beth Ackerman stated that she could get them for the board.

Richard Rose asked about flag lots and fire protection. Richard Rose asked if the Planning Board could work with the fire company to see their view on driveways and turn-arounds. Richard Janiga stated that the discussion should not be just with flag lots because the fire concern could be with any lot. Vinney Beisiegel suggested that several members from the fire company be invited down so that more than just one personôs opinion was given.

Beth Ackerman stated that on March 30th she would be in Albany at the No Farms, No Food Convention dealing with Farmland Protection. She welcomes the members of the Planning Board to attend with her.

MOTION to adjourn at 7:55 p.m. moved by Debbie Zimmerman, seconded by Lorraine Martzolf, all in favor 6/0.

Respectfully submitted,
Melissa R. Stark, Clerk