

**PLANNING BOARD
TOWN OF MARILLA**

Date: July 21, 2011

Present:

Richard Janiga
Lorraine Martzolf
Jay Walkowiak, Chairman
Vinney Beisiegel, Vice Chairman
Richard Rose
Jen Seth-Cimini, Alternate

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

Absent: Debbie Zimmerman, Nathan Barnard, Clarence Gerhart Jr.

Guests: none

I. Approval of Minutes

Chairman Jay Walkowiak opened the Planning Board meeting at 7:00 p.m. Chairman Walkowiak asked for the approval of the June minutes and if there were any additions or corrections. Beth Ackerman clarified her statement regarding Lorraine Martzolf missing three meetings. The code states that if three meetings are missed, a member can be removed from the board by the Town Board, but Beth Ackerman stated that she did not mean that this was the case for Lorraine Martzolf because her absence was for medical reasons. Lorraine Martzolf stated that she was unaware of the rule in the code book. Chairman Jay Walkowiak stated that he did not take Beth Ackerman's statement to mean that she would "kick" Lorraine off of the board. Chairman Jay Walkowiak stated that he was just looking for clarification about the code. Richard Janiga stated that the code used to state 3 consecutive meetings but now he believes it is 3 meetings in a 12 month period.

MOTION to accept the June minutes, moved by Richard Rose, seconded by Jen Seth-Cimini; all in favor 6 6 ayes.

II. Old Business

- a. Flag Lots - Chairman Jay Walkowiak thanked Don Darrow for coming to the meeting. Chairman Jay Walkowiak stated that it is an important topic and he feels that many people do not understand the meaning of a flag lot and that in some cases a flag lot can preserve farmland. Chairman Jay Walkowiak asked if the definition of a flag lot could be put in a newsletter. Most people hear of a flag lot and give the example on Bullis Road and they don't want houses stacked on each other. Chairman Jay Walkowiak stated that he does not want that either and there are codes in place to make sure it does not happen. Chairman Jay Walkowiak stated that the Planning Board could go through the flag lot survey and ask any questions that they may have. Don Darrow stated that he came up with the questions to the survey by talking to people around town and the state. Richard Rose asked about #8 6 Should flag lots be approved case by case? Chairman Jay Walkowiak stated that the board

does look at them case by case now but the board cannot pick and choose because of personal preference. Richard Janiga stated that each one is reviewed by the Planning Board, CAB, and the Town Board. Richard Rose stated that he would also like the fire department's input on the driveways to flag lots. Vinney Beisiegel asked if the codes are working because he knows of 3 different properties that did not go through the boards and are flag lots. Richard Janiga stated that these lots could have been approved before the present flag lot codes came into effect and would be grandfathered in. Scott Rider stated that he feels that if the lot meets the town codes, then it should be approved. The town hearings are just creating negative feedback. Chairman Jay Walkowiak asked for a farming opinion on flag lots. Richard Janiga stated that the present code seems like a good compromise. Richard Janiga stated that the driveways part of the code is a bit confusing. Don Darrow stated that that part of the code was written wrong. Richard Janiga stated that it just needs clarification because if you look in the definitions part, it refers to flag lots. Don Darrow stated that the codes need clarification but they also need a purpose. Will a flag lot be used for development of an area or convenience of farmers and families? Scott Rider stated that it is too costly to put a 300 foot driveway in for development. Richard Janiga stated that the development piece of a flag lot was taken out when a limit was put on it. Jen Seth-Cimini asked if a one page newsletter explaining the difference between flag lots and subdivisions could be sent out to the community. Beth Ackerman suggested using the Town Web-Site for getting the information out. Richard Rose stated that the problem with flag lots is there is a poor example on Bullis Road in Elma. Beth Ackerman stated that Marilla's codes are not set up like that. Chairman Jay Walkowiak stated that he understands Marilla's codes are different, but the community does not. Jen Seth-Cimini stated that she agrees with the newsletter, but there needs to be a way to point the community to it. Richard Rose asked how many times a year the newsletter goes out. Beth Ackerman stated that announce it at a Town Board meeting because the press is there to put it in a newspaper. Chairman Jay Walkowiak asked if the frontage should be changed to 150 feet. Beth Ackerman stated that if the town did away with flag lots, more building lots would be sold with frontages on the road and more farmland would be taken up. Vinney Beisiegel stated that he would like to see the driveways further apart for snow removal reasons. He also stated that many town residents are misinformed and there should be a way of informing them. Richard Janiga stated that all the town's business is public information. It is just if the information is pertinent to the resident as to whether or not they want to spend the time to gather it. Chairman Jay Walkowiak asked if Don Darrow wanted to send the survey out. Don Darrow stated that it was not his intention to send it out. Don Darrow stated that the talk about flag lots started with the Earsing property. Lorraine Martzolf asked if it was the Planning Board's job to look into the property and make sure it is good for the land owners and neighbors. Vinney Beisiegel stated that it is the responsibility of the town to inform the land owner of the rules and whether the property follows them. Chairman Jay Walkowiak asked Scott Rider if there was a way to track how many times a property has been split. Scott Rider stated that there is on maps, but the date is not on them and then he has to dig for the date the property was split. Chairman Jay Walkowiak asked Don Darrow about the 30 feet wide driveway. Don Darrow stated that it should be wider than 20 feet because if utilities are run along the driveway and then a row of trees are planted, there needs to be more room. Richard Rose asked if there was something from the state on flag lot driveways. Chairman Jay Walkowiak stated that it would be nice to look into. Don Darrow stated that the width of the driveway was still 12 feet, but the right-of-way should be wider than 20 feet. Chairman Jay Walkowiak stated that he feels the Planning Board reviews the applications for flag lots well and there is not much that needs to be changed in the present codes. Richard Rose stated that residents are notified when a flag lot is applied for. Vinney Beisiegel stated that residents should be

notified even when lots are grandfathered in. Richard Rose asked about a checklist for flag lots. Richard Janiga stated that a checklist would be a good idea for residents to look at before they apply. Richard Janiga suggested going through the survey one number at a time.

1. Is 200 feet proper distance between flag lot driveways? Richard Janiga stated that he did not know if it should be 150 or 300 feet. Don Darrow stated that the reason that was put in was so driveways would not be right next to each other. Richard Janiga stated that these are flag lot driveways and then cannot be next to each other like regular driveways.

2. Should driveways be more than 30 feet wide? Richard Janiga stated that 30 feet seemed good for the width. Chairman Jay Walkowiak stated that 30 feet is good for utilities and the driveway could be wider, the 30 feet is just a minimum. Chairman Jay Walkowiak stated that it would be good to look into what the state feels and what space utilities take up.

3. Should privacy barriers be mandatory? Richard Janiga stated that he feels that is a case by case basis. Mandatory may not be necessary.

4. Lot sizes now are 300x300 is this satisfactory?

5. Should we restrict how many flag lots should be allowed in a row? Richard Janiga stated that it would be tough to restrict because it is not fair to tell one land owner they can have flag lots and another they cannot.

6. Should we limit how deep and how far off the road? Richard Janiga stated that a regular lot could have just as long of a driveway as a flag lot does so how can you restrict? Chairman Jay Walkowiak stated that there is a state code for turn offs so if you want a long driveway you can have it.

7. Should the person developing the flag lot be required to own the property that the flag lot is going behind? Chairman Jay Walkowiak stated that he does not think that would happen. Scott Rider stated that houses change owners all the time. Vinney Beisiegel stated that this has not happened since he has been on the Planning Board. Don Darrow stated that if someone puts a flag lot behind your house and the value of your house goes down because of the flag lot. If the owner is the same on both homes, the value stays with the property owner. Richard Janiga stated that he does not feel the value would decrease. Beth Ackerman stated that if you don't want a house behind you, then buy the land.

8. Should flag lots be approved case by case?

9. Should a checklist have to accompany the application for a flag lot?

10. Should neighbors within 500 feet be notified when a flag lot is applied for?

Chairman Jay Walkowiak asked Don Darrow if some good information was given tonight. Don Darrow stated that there was and he would like the Planning Board to discuss it among themselves and put it together in a recommendation to the Town Board.

b. Accessory Buildings ó Chairman Jay Walkowiak asked if there were any questions on the information Jason Paananen sent out. Lorraine Martzolf asked for clarification. Chairman Jay Walkowiak stated that he liked the code. Richard Rose asked for clarification on a duplex in the town. Chairman Jay Walkowiak asked if the Planning Board wanted to recommendation to the town board.

MOTION to recommend the changes to the Accessory Building Codes for Residential Zonings moved by Richard Janiga, seconded by Vinney Beisiegel, all in favor 6/0.

The vote of the member is as follows:

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

Scott Rider stated that on the last page it stated 1.5 % and it should read 2%. Beth Ackerman stated that she could bring that change to the Board's attention.

III. New Business

a. None.

IV. CEO Report

Scott Rider stated that Ken Kelchlin's building is going along.

V. Town Board Report

Beth Ackerman stated that the training that was to be held next month for the land conservancy will be postponed until September with the construction going on with the town hall. The new date will be Wednesday, September 28 at 6:30-8:30. Beth Ackerman stated that she will be away for the next meeting and will look into sending Barb Spanitz to the meeting.

VI. Open Presentations from the Floor

Richard Rose stated that there are codes for lighted signs in the code book, but the word LED is not found.

Chairman Jay Walkowiak stated that there is training being offered in Elma on Tuesday, September 20 from 6-8 at the Town Hall. The training will be given by Erie County on Smart Growth. Reservations need to be in by September 9.

Jen Seth-Cimini stated that she received a letter from Tennessee Gas Pipeline regarding spraying for the right-of-way for the gas line. You can call if you do not want them spraying on your property, you can call them to let them know.

Jen Seth-Cimini stated that she received a letter from a neighbor on Sunrise Lane complaining about the inferior tar used to patch the roadway. The tar is leaving damaged spots in their home.

Chairman Jay Walkowiak welcomed Lorraine Martzolf back.

Vinney Beisiegel stated that next weekend is the car show.

MOTION to adjourn at 8:23 p.m. moved by Richard Janiga, seconded by Richard Rose, all in favor 6/0.

Respectfully submitted,
Melissa R. Stark, Clerk