

**PLANNING BOARD
TOWN OF MARILLA**

Date: January 20, 2011

Present:

Richard Janiga	Beth Ackerman, Town Board
Nathan Barnard	Jason Paananen, Consultant
Debbie Zimmerman	Scott Rider, CEO
Lorraine Martzolf	Melissa Stark, Clerk
Jay Walkowiak, Chairman	
Vinney Beisiegel, Vice Chairman	
Richard Rose	

Absent: None

Guests: Rick Snyder, 11518 Jamison Road

I. Approval of Minutes

Chairman Jay Walkowiak opened the Planning Board meeting at 7:01 p.m. Chairman Walkowiak welcomed Beth Ackerman as the Town Board Member who would be representing the Planning Board and welcomed Lorraine Martzolf as a member of the Planning Board. There is not an alternate member at this time. Chairman Walkowiak asked for the approval of the November minutes and if there were any additions or corrections. Richard Janiga stated that the approval of minutes the correction CAB was not made.

MOTION to accept the November minutes with noted corrections, moved by Richard Janiga, seconded by Nathan Barnard; all in favor – 7 ayes.

II. Old Business

a. Comprehensive Plan – Chairman Jay Walkowiak asked Beth Ackerman if the Farm Protection Plan was being completed first before the Comprehensive Plan. Beth Ackerman stated that she would look into that. There is no plan of action as of yet. The Town Board had a Farmland Protection consultant come in and talk about the plan. Jason Paananen asked if the Town Board had received the surveys he sent out. Beth Ackerman stated that they had received them. Chairman Walkowiak asked the Planning Board to look through their plans at home and if there was anything that needed to be updated to let him know.

III. New Business

a. Flag Lot - Chairman Jay Walkowiak stated that Rick Snyder from CBL Snyder was presenting a flag lot on Two Rod Road for Sandy Ells. Sandy Ells, long-time resident of Marilla, lives on Two Rod Road on a farm that was established by her husband who passed away last year. The farm house and barns are too much for Sandy Ells to care for and is up for sale. Sandy Ells wishes to build a retirement house across the street from her present residence on land that she owns. This land is just passed Spring Gardens. Rick Snyder stated that many years ago maybe 25 years or so, a town board gave permission for a private drive to go in that accessed four lots and Sandy would like

to build on a single flag lot off of the private drive. The farthest house on the private drive is 765 feet and the closest house is 390 feet from where Sandy Ells would like her house. Sandy Ells has 11.5 acres left and the driveway that was put in was always in the Ells name. It is her right-of-way to her land. The residents living off of the driveway have an easement to use the driveway. Rick Snyder stated Sandy Ells' lot would be the only flag lot because the existing lots have frontages off of the drive approved by a previous town board. Sandy would like to build a 1600 sqft. house tucked right up to the tree line. The house will be located on the edge of the field that Thorpes use to farm on. Sandy Ells would like Thorpes to continue to farm on the field and has positioned her house so as much of the field is kept for farming as possible. Rick Snyder stated that the land is sandy gravel and has good drainage. The present homes are all higher than the proposed Ells home and the field drains from front to back to the creek. Debbie Zimmerman asked if this meeting was an information session or if an application had been filled out. Scott Rider stated that an application had been filled out. Richard Rose asked if there were any plans for another right-of-way for more lots. Rick Snyder stated that there was not and the proposed flag lot was the only flag lot that could go on that parcel because they need to be 400 feet from one another. Scott Rider stated there can be 2 flag lots per parcel. Richard Rose stated that she could put another flag lot on the other side of the land. Scott Rider stated that she could but the question that he had was that each flag lot must have one driveway. Scott Rider stated that the last split was in 2006. Rick Snyder stated that Sandy Ells is not splitting the land because she already owns it. Scott Rider stated that he agrees. Debbie Zimmerman asked how wide the driveway was. Rick Snyder stated it was 71.3 feet. Debbie Zimmerman asked if the only criterion that was not met was the driveway. Vinney Beisiegel read from code 712-6 about a flag lot having its own driveway and not a shared driveway. Richard Janiga stated that he felt the flag lot would need a variance from the ZBA due to the shared driveway. Rick Snyder stated that the driveway is Sandy Ells. Richard Janiga stated that the driveway is hers but it is a shared driveway and the code stated that shared driveways are not permitted on flag lots. Richard Jangia stated that the driveway could come in from the other side of the property. Rick Snyder stated that Sandy Ells does not want to come in from that side due to cost, farming the land, and there is a driveway already on one side. Richard Janiga stated that he did not feel the project was impossible, but the proper way of doing things would mean going to the ZBA for a variance. Debbie Zimmerman asked about a checklist for the flag lots. Rick Snyder stated that there would only be one other person using the shared driveway that has already been approved by a previous board. Richard Janiga stated that for the flag lot, the present codes must be used because it is a new project regardless of what has been approved before for the driveway. Debbie Zimmerman asked what Jason Paananen thought. Jason Paananen stated that it was open to interpretation, but the way he sees it is that each flag lot must have its own driveway, but the other lots using the driveway are not flag lots. Lorraine Martzolf stated that there could be problems if more than just one person was living there. Rick Snyder asked if there were any other issues other than the shared driveway. Richard Janiga stated that he does not have a problem with this project, but he feels that it must follow the codes. Chairman Jay Walkowiak stated that he does not object to the project but it needs to be done properly. Scott Rider stated that Rick Snyder will meet with the ZBA and then can come back to the Planning Board in February. Richard Janiga asked if anyone on the Board had any other issues with the project, they should be brought up before Rick Snyder goes before the ZBA so if the variance is given, then there are no further issues at next month's meeting. Richard Rose stated that if Sandy Ells gets a variance what is stopping them from splitting the lots in the front and coming off of that

driveway. Scott Rider stated that the variance is for just that lot and another variance would be needed for anything else. Vinney Beisiegel asked about a turnaround for the driveway. Rick Snyder stated that there was none. One could be made on the new driveway, but nothing could be done about the house in the way back. Richard Rose asked about the width of the driveway. Richard Janiga stated that the driveway would be wide enough, but it would not meet town codes. Scott Rider stated that the driveway is 12 feet wide. Chairman Walkowiak stated that Rick Snyder could come back to the February meeting. Richard Rose stated that he would have a problem with the flag lot if another lot was to go in off of that flag lot.

IV. CEO Report

Scott Rider stated that Leon Berner had met with him about 2 flag lots. The man interested in the Redemption Center is interested in parking ideas. Jason Paananen asked if he needed to go to the ZBA for a nonconforming building. Vinney Beisiegel asked if the man can just do what he wants to do because the building is not changing ownership. Scott Rider stated that the building has basically been abandoned for a time and the type of business is being changed. The zoning is business for the property. Debbie Zimmerman stated that she does not feel that the building could be grandfathered in because the owner bought the building not that long ago. Richard Rose asked how much space was available for parking. Scott Rider stated that it was around 7 feet. Debbie Zimmerman asked who owned in back. Scott Rider stated that Jeff Lewinski owns some land.

V. Town Board Report

None.

VI. Open Presentations from the Floor

Richard Rose stated that he had passed out an Orchard Park law regarding LED signs and it was just for the Planning Board's information.

Richard Rose stated that NYS had passed the Outdoor Wood Burning Furnace Law. Beth Ackerman stated that the law was passed sometime in December. Richard Janiga stated that the law is on new furnaces and not on existing ones.

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 stated that he would look into having a speaker come.

Richard Janiga asked if there was a timetable on selecting an alternate member for the Planning Board. Beth Ackerman stated that she had not heard anything and if there was someone interested for that person to apply. Richard Janiga stated that he would like to see the position filled by someone with agriculture experience.

Vinney Beisiegel stated that he would like to welcome Lorraine Martzolf and Beth Ackerman to the Planning Board.

Chairman Jay Walkowiak stated that he would like to thank Barbara Spanitz for serving on the Planning Board for the past years and is looking forward to working with Beth Ackerman. Chairman Walkowiak welcomed Lorraine Martzolf as a member.

Nathan Barnard stated that he would like to thank Dave Muench for his service on the Planning Board and welcome Beth Ackerman and Lorraine Martzolf. Nathan Barnard would like to thank Barbara Spanitz for all the work she did for many years. Nathan Barnard stated that in years past one member of the Planning Board would be up for re-election each year, but there are two members up in 2017 and no one is up in 2016. The Planning Board Clerk and Beth Ackerman will check to see if there is an error or if there are two members up in 2017.

Debbie Zimmerman would like to welcome Beth Ackerman and Lorraine Martzolf to the Planning Board and thank Dave Muench for his input over the last two years. Debbie Zimmerman stated that she would like to thank Barbara Spanitz for her service and dedication to the Planning Board. Barbara Spanitz is an amazing lady and never missed a meeting despite an illness. Debbie Zimmerman wishes Barbara Spanitz the best.

MOTION to adjourn at 8:00 p.m. moved by Richard Rose, seconded by Vinney Beisiegel, all in favor 7/0.

Respectfully submitted,
Melissa R. Stark, Clerk