

**PLANNING BOARD
TOWN OF MARILLA**

Date: November 19, 2009

Present:

Richard Janiga, Chairman
Nathan Barnard
Debbie Zimmerman
Dave Muench
Jay Walkowiak
Vinney Beisiegel

Barbara Spanitz
Robert Miller, Consultant
Scott Rider, CEO

Absent: Judy Gillman

Guests: Mr. and Mrs. Norman Serena (Liberia Road), Charlie O'Brien (Two Rod Road), and Steven Gingerich (Two Rod Road)

I. Approval of Minutes

Chairman Richard Janiga opened the Planning Board meeting at 7:00 p.m. Chairman Janiga asked for the approval of the October minutes and if there were any additions or corrections. Barbara Spanitz stated that the last name Burner should be Berner and Chairman Richard Janiga stated that the motion on page 2 should read to recommend rezoning instead of to rezone.

MOTION to accept the October minutes with noted corrections, moved by Debbie Zimmerman, seconded by Jay Walkowiak; all in favor ó 6 ayes.

II. Old Business

a. none

III. New Business

- a. Outside Remote Wood Burning Heaters ó Chairman Richard Janiga stated that the Town Board requested the Planning Board to look into the outside wood burning heaters. Bob Miller stated that at the July Planning Board Meeting he had passed out information on the wood heaters with regards to what other towns were doing about them. Bob Miller passed out that information again for the Planning Board Members to review as well as the new DEC Burning rules that went into effect in October. Bob Miller stated that there are many issues associated with outside burning such as outside furnaces, outside patio fire pits, and patio furnaces. Scott Rider stated that the DEC is working on laws at the moment with regards to the outside furnaces and right now the DEC is using the nuisance laws to control them. Chairman Richard Janiga asked what Town Board's perspective is towards the burning. Barbara Spanitz stated the Town Board is concerned with the outside remote furnaces used to heat homes. Chairman Richard Janiga asked Scott Rider if there had been any complaints about the outside furnaces. Scott Rider stated that there had not been any. Barbara Spanitz stated that the Town would like to get ahead on this issue before there are any house fires or injuries from them. Barbara Spanitz stated that maybe the Town should wait and see what the State of New York

comes up with before deciding what the Town of Marilla would like to do. Scott Rider stated that the DEC was looking into limiting the use of the furnaces to the winter months. Bob Miller stated that the Town of Newstead has an outside furnace law. Bob Miller stated that if the State passes a law on outside furnaces, the Town of Marilla could pass a law that would be stricter than the state's. Chairman Richard Janiga stated that he would like to table this issue until the State of New York comes up with a law. The Planning Board agreed.

- b. Lighted Sign for Marilla Auto Center Inc.- Scott Rider stated that Steve Gingerich wants to put a 3x4 lighted sign that would stand 8 feet off of the ground of the island out front of his shop. Dave Muench asked if there was a rule for limiting the brightness of the sign. Scott Rider stated that the light cannot affect traffic. Chairman Richard Janiga stated that the sign cannot cast a beam of light onto the pavement of the road. Dave Muench asked if the sign would be internally lighted. Steven Gingerich stated that it would be and stated that the sign would be in the same location as the old Sunoco sign. Dave Muench asked if the sign would be two-sided. Steven Gingerich stated that it would be. Debbie Zimmerman asked if the sign would have one or two poles. Steven Gingerich stated that the sign would have a single pole. Chairman Richard Janiga asked if the sign would be facing east and west. Steven Gingerich stated that the sign would be inline with the island and the sign would be facing east and west. Debbie Zimmerman asked if the sign would be lit all night. Steven Gingerich stated that he did not know as of yet but it would be possible. Debbie Zimmerman asked what would be on the sign. Steven Gingerich stated that there was a picture coming around and that the sign would be showing the name of his business and the wording on the sign would be fixed and not interchangeable. Chairman Richard Janiga asked how high the sign would be off of the ground to the bottom of the sign. Steven Gingerich stated that it was 8 feet. Debbie Zimmerman asked what impact the sign would have on the intersection with regards to the glare of the light and obstructing the view of drivers. Dave Muench asked how many bulbs would be in the sign. Steven Gingerich stated that he did not know for sure. Chairman Richard Janiga stated that he is concerned with obstructing the view of the intersection. Vinney Beisiegel asked if the sign would be similar to the sign of the General Store. Steven Gingerich stated that the sign would be smaller. Nathan Barnard stated that the sign would most likely have fluorescent bulbs in it and the light would not have an impact on the road. Vinney Beisiegel asked if there were complaints with the General Store sign. Scott Rider stated that there were none that he knew of. Debbie Zimmerman asked how big the pole would be. Steven Gingerich stated that it would be a 3 inch single pole. Mr. Serena asked why the Planning Board needs to approve the sign seeing that it is less than 32 square feet. Chairman Richard Janiga stated that the sign is illuminated and the Planning Board needs to approve any lighted signs. Chairman Richard Janiga asked the Planning Board for their questions and concerns. Debbie Zimmerman stated that she is concerned with the vision at the intersection and if the light of the sign would interfere with the intersection. Jay Walkowiak stated that he would like to know how far the island sets back off the road. Steven Gingerich stated that he does not know for sure but that it is more than the 12 feet required. Dave Muench asked if the sign would be inline with the island. Steven Gingerich stated that one side of the sign would be facing Bullis and the other side would be facing Two Rod, east and west. Nathan Barnard stated that the Sunoco sign that was there years ago was never an issue and this sign would be smaller than that sign. Nathan Barnard feels that the sign would have no impact on the intersection. Chairman Richard

Janiga stated that he would like to check the setback of the sign and if there are any neighbors. Steven Gingerich stated that there is only one neighbor.

MOTION to approve a 3x4 lighted sign at the corner of Two Rod Road and Bullis Road for Marilla Auto Center Inc., moved by Nathan Barnard, seconded by Vinney Beisiegel.

The votes of the members are as follows:

Debbie Zimmerman - aye
 Dave Muench - aye
 Jay Walkowiak - aye
 Vinney Beisiegel - aye
 Nathan Barnard - aye
 Chairman Richard Janiga - aye

IV. CEO Report
 None.

V. Town Board Report

Barbara Spanitz stated that all Planning Board Members need to have their 4 hours of training in by the end of the year. Barbara Spanitz stated that the Town Board is still having Public Hearings on the Senior Housing. Debbie Zimmerman asked about the Town Board's view on how much land is being rezoned. Barbara Spanitz stated that the Town Board all agreed that only the land needed for senior housing should be rezoned and the rest of the 32.5 acres stay agriculture. Debbie Zimmerman asked what the Town Board's reasoning was. Barbara Spanitz stated that the Town Board does not want more senior housing to be built because all of the land is zoned for senior housing. Nathan Barnard asked if the rest of the land would stay agricultural. Barbara Spanitz stated that it would. Chairman Richard Janiga stated that all the land could be zoned Senior Housing and a deed restriction could be placed on the property, similar to the Pace Program. Dave Muench asked if the Town of Marilla wanted to restrict Senior Housing to 50 units for the entire town. Barbara Spanitz stated that the Town of Marilla would like to see how the Senior Housing goes. The Town needs to be careful of how many units it has so the Town is not overburdened with emergency calls and can still share emergency services with Alden and East Aurora. Debbie Zimmerman asked if the Town Board can say that if the land is not developed in say a 2 year time period, the land would go back to the original zoning. Barbara Spanitz stated that the Town is looking into that. Chairman Richard Janiga asked if the Town is interested in parceling off the property. Barbara Spanitz stated that the Town is not interested in parceling off any of the property and the Town Board is interested in the opinion of the Town residents and she would like them to come out to the public hearing and give their opinions. Chairman Richard Jangia asked if the public hearing was scheduled yet. Barbara Spanitz stated that no public hearings have been scheduled yet. Barbara Spanitz stated that the Town is still looking into the property and wants to have everything understood before any decision is made because the tax rolls on the property show that there is 52 acres and the developer is saying that there is 32.5 acres. Barbara Spanitz stated that the Town Board understands that there is a desire and a need for Senior Housing but it needs to be done properly.

VI. Open Presentations from the Floor

Bob Miller stated that at the Training Session Nate Neil brought up a case regarding waterlines. Bob Miller stated that he had made copies of that information and if the Planning Board had any questions on it to call Nate Neil.

Debbie Zimmerman stated that the Training Session was very informative and she would like one training session a year with Nate Neil.

Nathan Barnard stated that in the code book, a permit is needed for a pond. What if there was a situation where land in Elma was taken out of wetlands and a spot in Marilla was made into wetlands? Scott Rider stated that he lets the DEC handle anything having to do with wetlands and takes their recommendation on it.

Chairman Richard Janiga stated that for next month's meeting Sub-divisions and private car sales need to be added to the agenda.

MOTION to adjourn at 7:53 p.m. moved by Nathan Barnard, seconded by Debbie Zimmerman, all in favor 7/0.

Respectfully submitted,
Melissa R. Stark, Clerk