

**PLANNING BOARD
TOWN OF MARILLA**

Date: October 15, 2009

Present:

Richard Janiga, Chairman	
Nathan Barnard	Barbara Spanitz
Debbie Zimmerman	Robert Miller, Consultant
Dave Muench	Scott Rider, CEO
Judy Gillman	
Jay Walkowiak	
Vinney Beisiegel	

Absent: none

Guests: Robert Blood (Exchange Street), Charlie O'Brien (Two Rod Road), and Leon Burner

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 September minutes and if there were any additions or corrections. Barbara Spanitz stated that under New Business the property is located North and not South of the intersection and on page 5 Letter G it should state from the CEO not by the CEO.

MOTION to accept the September minutes with noted corrections, moved by Judy Gillman, seconded by Dave Muench; all in favor ó 7 ayes.

II. Old Business

- a. Request to rezone property on Clinton and Two Rod from Agriculture to Senior Housing ó Mr. Robert Blood stated that he was available for questions from the Board. Chairman Richard Janiga asked the members of the Planning Board for questions. Nathan Barnard stated that he had no questions. Vinney Beisiegel asked why all 32.5 acres would be rezoned and not just 10 acres. Robert Blood stated that they wanted to follow the clause in the new zoning law about parceling off part of the property. Vinney Beisiegel asked what would happen if the parceling off clause was changed in the future. Chairman Richard Janiga stated that it would depend on the stipulations of the rezone. If the rezone stated that all 32.5 acres would be rezoned and there should be so much green space in the project, then it would be very difficult to change in the future. Vinney Beisiegel asked if the property had been parceled off in the past. Robert Blood stated that it had many years ago. Scott Rider stated that it was originally part of Burners farm. Robert Blood stated that at one time it was owned by Kelchlinø and one piece was parceled off for Kenø business. Vinney Beisiegel asked when the last time it was surveyed. Robert Blood stated that his guess would be about 4-5 years ago. Judy Gillman stated that she did not have any questions. Jay Walkowiak stated that he did not have any questions. Dave Muench asked if the property had to be rezoned B-1 and then to Senior Housing. Chairman Richard Janiga stated that Senior Housing is a new district so the property could just be rezoned Senior Housing without going to B-1 first.

Robert Blood stated that if they wanted commercial business in the front of the buildings then B-1 would be the zoning for that. Debbie Zimmerman stated that she did not have any questions. Chairman Richard Janiga stated that having the property being as large as it is is a plus for the project because it includes open space and could hold a park for the residents. Robert Blood stated that the best soil for a septic system would be at the center of the site and would be used for a leach field but they do anticipate walking trails and such. Chairman Richard Janiga stated that because of the density a leach field may not be an option. Robert Blood stated that the project at hand would not be as big as some projects that would require a sewer system. Chairman Richard Janiga stated that a motion should be made and the town has heard that the residents of Marilla want Senior Housing and the location is good with a good amount of green space.

MOTION to rezone 32.5 acres on Clinton Street from Agriculture to Senior Housing, moved by Judy Gillman, seconded by Dave Muench.

The votes of the members are as follows:

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

Robert Blood asked when he could meet with the Town Board. Barbara Spanitz stated that there would be work sessions on Tuesday October 20 or Tuesday November 3 and to call George Gertz to see if it is necessary to attend the sessions. Robert Blood asked if a Public Hearing needed to be scheduled. Barbara Spanitz stated that there would need to be a Public Hearing and notices would need to go out 10 days prior to the meeting.

- b. PODS ó Chairman Richard Janiga asked the Board if they had received the final draft of the Regulations for Temporary Portable Storage Units and Accessory Structures. Bob Miller provided extra copies. Chairman Richard Janiga suggested going through the final copy page by page and adding any additions or corrections.

Page 1 ó no changes indicated

Page 2 ó no changes indicated

Page 3 ó no changes indicated

Page 4 ó Dave Muench stated that Letter D paragraph 1 the word by should be changed to the word from. This change would make that sentence read as follows: *“In the event a property or business owner wishes to maintain an erected structure longer than the established timeframes, a permit must be obtained from the Building Inspector/CEO.”*

Page 5 ó Vinney Beisiegel asked if Letter G applied to a business owner who was selling temporary storage structures. Scott Rider stated that it would not. Dave Muench asked about Letter F and what residential properties meant. Chairman Richard Janiga stated that the clarifying

word would be "properties" because it would include a residence in an agricultural district. Bob Miller suggested changing residential properties to any zoning district. Nathan Barnard stated that the word "all" would be better than "any." Dave Muench asked for clarification on the last couple of words "for property uses." He suggested changing the wording to business property uses. Barbara Spanitz suggested using the wording commercial property uses. These changes would make that section read as follows: "*Size – Temporary Portable Accessory Structures shall be no greater than 200 square feet in all zoning districts and no greater than 400 square feet for commercial property uses*".

Chairman Richard Janiga stated that if the Planning Board was pleased with the changes a motion should be made to the Town Board. Chairman Richard Janiga asked Scott Rider if this code would control the structures. Scott Rider stated that it would. Chairman Richard Janiga stated that he has never been one in favor of making laws every time something pops up. Dave Muench asked if this law would allow for the resident who wants to store a motor home. Vinney Beisiegel stated that 30 days is not a lot of time to store something during the winter months. Scott Rider stated that this code would be used as a tool for complaints and not for policing.

MOTION to recommend the Draft Regulation for Temporary Portable Storage Units and Accessory Structures moved by Debbie Zimmerman and seconded by Jay Walkowiak.

The votes of the members are as follows:

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

- c. Training Session ó Bob Miller stated that from the training session on September 24, there are two certificates on file at the Town Hall. If the Planning Board Members would like a copy, please ask for one from Dawn Pearce. Chairman Richard Janiga stated that there might not be enough to fill a 2 hour training session on right-a-ways. Bob Miller talked with Nate Neil and put together an outline of some topics that Nate Neil would address at the training session on October 22, 2009.

III. New Business
 None.

IV. CEO Report
 Scott Rider stated that there may be a sign permit for Two Rod and Bullis.

V. Town Board Report

Barbara Spanitz stated that the Recommendation from September's meeting was just what the Town Board was looking for.

VI. Open Presentations from the Floor

Leon Burner was interested in the outcome of the Senior Housing. Chairman Richard Janiga stated that the Planning Board recommended the rezone to the Town Board.

Nathan Barnard wanted to know what was next on the list from the Town Board. Chairman Richard Janiga stated that the Planning Board would be talking about Outside Remote Wood Burning Heaters and that it would be helpful for the Board to know what stipulations the State of New York has already made on the heaters.

MOTION to adjourn at 8:00 p.m. moved by Nathan Barnard, seconded by Debbie Zimmerman, all in favor 7/0.

Respectfully submitted,
Melissa R. Stark, Clerk