

**PLANNING BOARD
TOWN OF MARILLA**

Date: October 20, 2011

Present:

Jay Walkowiak, Chairman
Richard Janiga
Lorraine Martzolf
Vinney Beisiegel, Vice Chairman
Richard Rose
Debbie Zimmerman
Nathan Barnard
Jen Seth-Cimini, Alternate
Clarence Gerhardt Jr., Alternate

Beth Ackerman, Town Board
Melissa Stark, Clerk

Absent: Jason Paananen, Consultant

Guests: Eugene Limpinsel, 11217 Colman Road

I. Approval of Minutes

Chairman Jay Walkowiak opened the Planning Board meeting at 7:03 p.m. Chairman Walkowiak asked for the approval of the September minutes and if there were any additions or corrections.

MOTION to accept the September minutes, moved by Richard Rose, seconded by Richard Janiga; all in favor – 7 ayes.

II. Old Business

A. Accessory Buildings – Chairman Jay Walkowiak stated that Jason Paananen had sent out two options for accessory buildings. The Planning Board should look them over and make any necessary changes. Nathan Barnard stated that he preferred option #2. Nathan Barnard wanted to know if the wording in number one conflicted with the wording in number 3 regarding the height of 16 feet and the height of 12 feet. If the garage was attached, would you be able to have a room over your garage? Nathan Barnard suggested leaving the wording 12 feet in number three and taking out the 16 feet in number one so you could still have a room above your garage if the garage was attached. Scott Rider stated that many houses have rooms above the attached garage. Scott Rider suggested taking out the word attached in number one. Chairman Jay Walkowiak stated that he agreed with taking out the word attached. Richard Janiga asked why the specs for a detached garage and an accessory building are different. They are both detached from the house and could be considered the same thing. In number one, the 16 feet should be changed to 12 feet to match the accessory building specs. Scott Rider asked if number one would even be needed. Richard Janiga agreed. Richard Janiga stated that number three needed to be clarified. Richard Janiga stated that it should read 2% of the lot or 3,600 feet, whichever is less. Beth Ackerman stated that it should read 3,600 feet per building. Jen Seth-Cimini suggested starting the sentence

with the wording in total. Scott Rider stated that number 2 should be deleted as well. A detached garage as an accessory building would allow two buildings in total. Chairman Jay Walkowiak asked if there should be a definition for a detached garage. Richard Janiga stated that there are definitions in the beginning of the code. Scott Rider stated that a building that is not living space is an accessory building.

The new proposed code should read as follows with changes or additions in italics:

1. *In total*, all accessory buildings may cover up to 2% of the lot *or 7,200 feet, whichever is less*. No more than two accessory buildings shall be allowed per lot and the maximum size for an accessory building shall be 60 feet by 60 feet. Accessory buildings shall have a maximum wall height of 12 feet and a minimum roof pitch of 3:12, with a minimum of 15 feet side and rear lot allowances.
2. Detached garage or accessory structure shall only be closer to the road than the front of the principal structure in cases where the setback for the accessory structure is at least 150 feet from the front property line. That is, the accessory structure may be permitted to be nearer the road than the principal structure if the setback to the accessory structure is at least 150 feet.
3. Home occupations as defined in 700-8 and as regulated by 700-49 of this chapter.

Chairman Jay Walkowiak stated that he would get these changes to Jason Paananen and the changes would be looked at one more time at next month's meeting and then a motion would be made to the Town Board.

III. New Business

- a. NYS Law of Code Enforcement – Scott Rider stated that this is the minimum enforcement. Nathan Barnard stated that on the second page there were exemptions. Scott Rider stated that anything that follows the code book would be considered an alteration and would need to follow this code. Scott Rider stated that he is looking for what the Planning Board thinks and will follow whatever is decided on. Debbie Zimmerman stated that the State over-cedes Marilla and since the Town adopted it then we need to follow it. Nathan Barnard suggested the Town un-adopt the code. Nathan Barnard stated that he feels this is ridiculous. Debbie Zimmerman stated that in Alden a permit is needed for everything. Vinney Beisiegel stated that he does not want the Town of Marilla to be like the Village of Alden. Chairman Jay Walkowiak stated that the State is telling the towns what to do. Nathan Barnard stated that the town adopted this and they should un-adopt it. Nathan Barnard wanted to know when this was adopted. Debbie Zimmerman stated that if Scott Rider had to inspect all the changes there should be a fee to cover the extra work that Scott Rider has to do. Beth Ackerman stated that she does not believe the town has adopted this yet. Melissa Stark stated that at the June meeting it was stated that the code was adopted on January 15, 2007. Beth Ackerman stated that she felt that the town had not adopted yet. The Town Board was thinking that things that could potentially burn a house down would need a permit such as a generator. Things like replacing windows or a hot water tank would not need a permit. Scott Rider stated that the town adopted it in 1999. Chairman Jay Walkowiak asked where the point was where the town would be covered without getting anyone in trouble. Nathan Barnard asked

Beth Ackerman what the Town Board thought. Beth Ackerman stated that the Town Board felt the Planning Board would make a list of general alterations that needed a permit and go from there. Scott Rider asked if the town attorney should look into it and give his opinion. Chairman Jay Walkowiak suggested the Town Board looking into it as well and then revisiting it next meeting.

- b. FEMA Disaster Preparedness - Chairman Jay Walkowiak stated that George Gertz had asked the Planning Board to be aware of the town's disaster plans. For the town of Marilla, a snow storm would be the main disaster. FEMA is not granting money for disasters unless a plan is in place. Marilla has a disaster book in George Gertz's office if anyone would like to read it in full. The Community Center is the central shelter with 30 or 40 beds. Nathan Barnard asked why the school is not being used because the Community Center is such a small space. Chairman Jay Walkowiak stated that he had the same question, but most people have generators and during a snow storm stay home and ride it out. Vinney Beisiegl asked about the Fire Hall. Chairman Jay Walkowiak stated the hall is too close to the Fire Department and they would like to keep that area free of traffic and the public. Beth Ackerman stated that there is a plan to follow when a disaster occurs and courses have been taken so members of the board know what to do. The Town Board would like to see the town as prepared as possible and make everyone aware that there are plans in place. Richard Janiga stated that he had spoken to George Gertz about the plan and each year there needs to be an annual report where potential disasters that could occur are listed so FEMA money would be awarded if there is a disaster. Chairman Jay Walkowiak stated that some of the disasters listed were: snow, ice jams, power outages, earthquake, floods, forest fires, and structural fires. Chairman Jay Walkowiak stated that if there are any thoughts on this to talk to George Gertz.

IV. CEO Report

Scott Rider stated that he had nothing new. Ken Kelchlin's building was moving along well and Ken hopes to be in before Christmas.

V. Town Board Report

Beth Ackerman stated that the moratorium on flag lots would be extended another 6 months or until data from the surveys could be looked at.

VI. Open Presentations from the Floor

Chairman Jay Walkowiak stated that he would pass along any training sessions that came his way.

Jen Seth-Cimini stated that the Marilla Fire Company will be hosting an Open House from 1-4 on Saturday, October 29.

Richard Rose stated he talked to one of the board members and he would be looking into online training. Richard Janiga stated that it was valuable and there are good reasons to have online training and good reasons to restrict it to 2 hours and not all 4 hours.

Nathan Barnard stated that the training that Beth Ackerman planned was very good.

MOTION to adjourn at 7:54 p.m. moved by Nathan Barnard, seconded by Richard Rose, all in favor 7/0.

Respectfully submitted,
Melissa R. Stark, Clerk

