

**PLANNING BOARD
TOWN OF MARILLA**

Date: September 15, 2011

Present:

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

Beth Ackerman, Town Board
Jason Paananen, Consultant
Melissa Stark, Clerk

Absent: Scott Rider, CEO

Guests: none

I. Approval of Minutes

Chairman Jay Walkowiak opened the Planning Board meeting at 7:04 p.m. Chairman Walkowiak asked for the approval of the August minutes and if there were any additions or corrections. Chairman Jay Walkowiak stated that the eighth line under Old Business, the word accept should be except. Nathan Barnard stated that there should not be eight voting members when asking for a show of hands. Richard Janiga stated that that was not an official vote, just a straw poll. Nathan Barnard stated that in the future for official votes there should only be 7 voting members.

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

II. Old Business

- a. LED Sign Code - Chairman Jay Walkowiak thanked Jason Paananen for working up the proposed codes. Chairman Jay Walkowiak asked if the Board was in favor of making a recommendation to the Town Board. Richard Janiga stated that he felt the wording was redundant, but fine.

The Proposed Sign Code will read as follows with additions in italics:

(5) No sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. All luminous signs, indirectly illuminated signs and lighting devices, *including LED*, shall employ only lights emitting light of constant intensity. (For purposes of this subsection, a "luminous sign" shall mean a sign where the lighting is supplied internally and an "indirectly illuminated sign" shall mean a sign illuminated by a light placed outside such sign and a "lighting device" shall mean any sign that is otherwise lighted.) Luminous sign, indirectly illuminated signs or lighting devices shall only be permitted following submission of an application for approval before the Town of Marilla Planning Board which shall have the authority to review and approve such application. As part of such review the Town of Marilla Planning Board shall insure that such signs are not placed or directed so as to cause glaring or nondiffused beams of light to be cast upon any public street, highway or sidewalk or adjacent premises or otherwise

cause glare or reflection that may constitute a traffic hazard or nuisance and to insure that such signs do not employ any mirror or mirror-like surface. The Code Enforcement Officer shall only issue a permit for such luminous, indirectly illuminated signs and lighting devices only after approval for such sign(s) by the Town of Marilla Planning Board.

MOTION to recommend changes to the Sign Code moved by Richard Rose, seconded by Debbie Zimmerman, all in favor 7/0.

The vote of the member is as follows:

Debbie Zimmerman - aye
 Chairman Jay Walkowiak - aye
 Vinney Beisiegel - aye
 Richard Rose - aye
 Richard Janiga ó aye
 Nathan Barnard ó aye
 Lorraine Martzolf ó aye

- b. Flag Lot Code ó Chairman Jay Walkowiak asked if the Board was willing to make a recommendation or if there were any additions. Vinney Beisiegel stated that he feels the Board should wait in making a recommendation to give the Town Board time to look over the surveys and then relook into the code to reflect the Town Board's findings. Beth Ackerman stated that the Town Board is looking into extending the moratorium on flag lots for another 3 months. The surveys all needed to be in by September 30th. Nathan Barnard asked if the information from the surveys would be available next month. Beth Ackerman stated that she thought some of the information would be. Beth Ackerman stated that she feels that recommending to the Town Board today would be fine. Vinney Beisiegel stated that he feels that if the Planning Board recommends the code and the Town Board feels more should be added or changed, then the Planning Board has to look at it again. Beth Ackerman stated that she feels the Planning Board has looked at the code enough. Clarence Gerhardt stated that he felt the Planning Board has reviewed the code enough and asked Beth Ackerman why there is a moratorium on flag lots to begin with. Beth Ackerman stated that it was in response to some town residents at Town Board meetings and the Town Board wanted to clarify driveways in the code. Debbie Zimmerman stated that she feels that there were some town residents that did not understand what flag lots were and were misinformed on flag lots. The Planning Board does understand flag lots and rules accordingly. Lorraine Martzolf stated that it was good to look into the flag lot code so she could understand them better and other residents have come to understand them better too. The changes that were made are for the better. Vinney Beisiegel stated that he would like to wait and see what the surveys have to say. Richard Rose stated that he does not know what else the Planning Board could do with the code. Beth Ackerman stated there is a code pertaining to flag lots and that code is not going away. Residents that apply for flag lots need to make sure that their proposal meets the town code and as long as it meets town code residents have a right to build on their property and split their land. Beth Ackerman stated that she has question on 6b. The word flag lot should be added to clarify. The code should read as follows with changes in italics.

(b) No private *flag lot* driveway shall be located any closer than 200 feet to the nearest private *flag lot* driveway.

Beth Ackerman asked why the wording was added last month. Vinney Beisiegel stated that it had to do with snow removal and would aid in it. Richard Janiga stated that it was also added to non-flag lot driveways as well because it would aid in snow removal on any driveway. Chairman Jay Walkowiak stated that he understands both sides to waiting or recommending it. Richard Janiga stated that he could see waiting if the code was being majorly overhauled, but a few minor changes were made. Chairman Jay Walkowiak stated making a recommendation is justified.

MOTION to recommend changes to the Flag Lot Code moved by Richard Janiga, seconded by Debbie Zimmerman, all in favor 5/2.

The vote of the member is as follows:

Debbie Zimmerman - aye
 Chairman Jay Walkowiak - aye
 Vinney Beisiegel - nay
 Richard Rose - aye
 Richard Janiga ó aye
 Nathan Barnard ó aye
 Lorraine Martzolf ó nay

- c. Attached Garages ó Jason Paananen stated that there is a problem with recommending the changes because the new code on accessory buildings has not been approved yet and the two changes contradict themselves. Chairman Jay Walkowiak asked if Jason Paananen could rework the code and the Planning Board would table it for tonight and relook into it next month. Richard Janiga questioned the reasoning on limiting the sizes of attached garages. Melissa Stark stated that Scott Rider questioned the definition of attached when a town resident came in and wanted a second garage attached to the existing garage by a breezeway or vestibule. The question was did an attached garage need to share a common wall? The answer given was yes. Richard Janiga stated that it does not make sense to limit the size of the attached garage when the new code would allow a larger detached garage. Richard Janiga stated that the definition of attached and detached should be in the code not necessarily limiting the size of the attached garage. Debbie Zimmerman stated that she thought that was what Scott Rider wanted in the first place.

III. New Business

- a. None.

IV. CEO Report

Chairman Jay Walkowiak stated that Scott Rider was unable to attend the meeting due to car trouble. Scott Rider did speak with Chairman Jay Walkowiak and he would relay the conversation. Scott Rider would like the Planning Board to look into the State law for work being done to your house. There should be a permit with a fee attached, \$25.00 minimum. Debbie Zimmerman asked to see a copy of the law. Melissa Stark would make copies for members and put a copy of the law in Beth Ackerman's mailbox. Chairman Jay Walkowiak stated that he did not know all the particulars and would talk more about it at next month's meeting. Jen Seth-Cimini asked if other towns are doing this. Jason Paananen stated that other towns have permits with fees, but they

also have a full time building inspector and if the town does not, he does not see a reason to collect a fee.

V. Town Board Report

Beth Ackerman stated that there would be a Public Hearing on Wood Burners next month. The town took the law from the state and embellished it with not near a subdivision. She does not see any opposition to it. The Town Board would be working on flag lot surveys and extending the moratorium on flag lots. Beth Ackerman stated that there would be a training on Streambed Preservation on September 28 at 6:30 in the Community Center. There would also be a training at Elma on Smart Growth on September 20 from 6-8.

VI. Open Presentations from the Floor

Richard Janiga asked about building a barn on property were there was no primary structure on the property. Clarence Gerhardt stated that he tried to do that in the past and there needed to be a primary structure on the property before a barn could be built. There needs to be someone on the property to watch over the animals. Jason Paananen stated that agricultural should be exempt under NYS farming laws.

Richard Rose expressed his thanks to the Planning Board for the LED Sign Code wording.

MOTION to adjourn at 7:50 p.m. moved by Richard Janiga, seconded by Richard Rose, all in favor 7/0.

Respectfully submitted,
Melissa R. Stark, Clerk