

**PLANNING BOARD
TOWN OF MARILLA**

Date: December 17, 2009

Present:

Richard Janiga, Chairman
Nathan Barnard
Judy Gillman
Dave Muench
Jay Walkowiak
Vinney Beisiegel

Barbara Spanitz
Robert Miller, Consultant
Scott Rider, CEO

Absent: Debbie Zimmerman

Guests: None Present

I. Approval of Minutes

Chairman Richard Janiga opened the Planning Board meeting at 7:03 p.m. Chairman Janiga asked for the approval of the November minutes and if there were any additions or corrections. Dave Muench stated that the word on should be one on the bottom of page 2.

MOTION to accept the November minutes with noted corrections, moved by Nathan Barnard, seconded by Dave Muench; all in favor ó 6 ayes.

II. Old Business

a. none

III. New Business

- a. Egress more than one way in and out on future subdivisions óChairman Richard Janiga asked Barbara Spanitz if she had any more direction from the Town Board. Barbara Spanitz stated that she did not. Chairman Richard Janiga stated that as he understood it, the Town Board was concerned with emergency vehicles getting in and out in an emergency especially when there were fire hoses stretched across the road. Chairman Richard Janiga asked consultant Bob Miller what he had seen in other towns. Bob Miller stated that he had not done an exhaustive search on this but many times it comes down to the configuration of the land and what will allow for access in and space enough for turning of emergency vehicles. Bob Miller stated that he has not seen anything that mandates for more than one way in and out for subdivisions. Bob Miller stated that as long as the roadway is designed properly and there are proper configurations for emergency vehicles to turn around in that these things should be adequate for subdivisions. Bob Miller stated that he could do more research on this issue if needed. Dave Muench stated that school buses and emergency vehicles are about the same size and the DOT should have some stipulations for Town Highway vehicles and those stipulations should cover the design of the roadway. Chairman Richard Janiga stated that there are Town Highway specs and they are designed to meet those requirements. Consultant Bob Miller stated that the Town specs are quite stringent. Chairman Richard Janiga

stated that he had gone to the Town Fire Department to ask what happens when fires hoses are stretched across the road and the Town Fire Department stated that there are special ramps that can go across the hoses so other vehicles, emergency or not, can go over the hoses. The Town of Marilla Fire Department owns some of these ramps. Nathan Barnard stated that there are 23 subdivisions in the Town of Marilla that do not have more than one way in and out. Nathan Barnard stated that with 23 subdivisions that if there was a problem, the Town would be running into it a lot and provisions would have been made sooner than this. Nathan Barnard stated that with the highway vehicles like snowplows and garbage trucks being able to get up and down subdivisions on a regular basis, that emergency vehicles should not have any problems either. Nathan Barnard stated that when a subdivision goes in having enough room for town vehicles to get in and out is one of the first things that is looked into. Nathan Barnard stated that with this many subdivisions in the town that having more than one egress is an issue. Dave Muench stated that this is pertaining to new subdivisions and there are not a lot of new subdivisions going in on a regular basis. Chairman Richard Janiga stated that the new subdivision codes are better at allowing more space vehicles to turn around in than the subdivisions put in years ago. Bob Miller stated that a subdivision plan is a unique review and depends on the size and layout of the land. Bob Miller stated that in the Town of Marilla Codes for subdivision layout the first two items to check on deal with the road being a specific width that allows for Town and emergency vehicles to be able to get in and out. Bob Miller stated that maybe another clause could be added, but as long as a proper review is completed from the Town, the codes are sufficient as is now. Chairman Richard Janiga asked if that Planning Board if they would present a motion to the Town Board.

MOTION to keep the current subdivision codes as they allow for a case by case review and the issue of fire protection will be covered in the review of the subdivision plan, moved by Jay Walkowiak, seconded by Judy Gillman.

The votes of the members are as follows:

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

- b. Private Car Sales - Chairman Richard Janiga asked CEO Scott Rider his thoughts. Scott Rider stated that he is getting complaints about car sales in the town and he is wondering if there could be something in the codes about how long a car could be out and how many cars could be out at one time. Dave Muench stated that there is something in the code book already. Vinney Beisiegel stated that NYS has a law stating that one can only sell 4 cars or less in one year's time unless a dealer license is obtained. Dave Muench stated that the existing code on 671-4 states that a property owner can only have one vehicle out for 90 days. Vinney Beisiegel stated that to get around the state law, people jump titles and that Scott Rider would have to watch to see if a property owner had more than 4 cars out in one year's time. Scott Rider stated that there is a property on Bullis Road before Townline across from Greenwood Terrace that has quite a few cars out. Judy Gillman stated that

when Fred Spect was the CEO, that residence was sent several notices on car sales. Chairman Richard Janiga asked if Scott Rider had enough in the current codes to take care of issues. Scott Rider stated that he did, but he would have to take pictures of every car out for sale. Scott Rider stated that there is no limitation in the town code books. Dave Muench stated that the limitation should be 4 per year per property. Chairman Richard Janiga stated that the town is concerned with the number of cars and turning it into a business and not with selling a single vehicle. Chairman Richard Janiga asked if there was a motion from the Planning Board.

MOTION to add the clause "limitation of 4 vehicles per year per SBL," to the current code on selling vehicles, moved by Judy Gillman, seconded by Jay Walkowiak.

The new code 671-4 Letter B should read as follows: Vehicles for sale. The storage of one motor vehicle and associated equipment and materials on display for sale shall be exempt, provided that it is maintained and protected to present a neat and orderly appearance at all times, it does not create a safety hazard or nuisance to surrounding property owners and/or the general public. This single vehicle may be openly stored for a period of up to 90 days *and should not exceed the limitation of the sale of four (4) vehicles per year per SBL*. No vehicle shall be parked within the public right-of-way any roadway for the express purpose of displaying such vehicles for sale.

The votes of the members are as follows:

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

IV. CEO Report

Scott Rider stated that he had been getting complaints about garage sales and lights in addition to the complaints about private car sales.

V. Town Board Report

Barbara Spanitz stated that the Town is back to square one with senior housing. The wrong SBL # was provided and there were too many splits within a 5 year period. Scott Rider stated that there could only be 2 splits within 5 years. Chairman Richard Janiga asked if there would be too many splits if the zoning remained for all 32 acres. Scott Rider stated the first split happened in 2006 and there were already 2 splits before splitting the 32 acres. The parcel of land could be split in 2011 and could be rezoned for senior housing then.

Barbara Spanitz stated that the next Town Board meeting would be on January 7, 2010 for appointments to Town Boards.

VI. Open Presentations from the Floor

Dave Muench asked about the openings to the Town Planning Board. Chairman Richard Janiga stated that there is one seat up every year. Barbara Spanitz stated that Vinney Beisiegel's seat was opening in the new year. Vinney Beisiegel asked if he needed to reapply. Barbara Spanitz stated that he did and there would be an interview

process if there was other interest in the position. Chairman Richard Janiga asked if Clerk Melissa Stark had the term information. Clerk Melissa Stark stated that she did not but she would look into getting the information.

Nathan Barnard wished everyone on the Planning Board a Merry Christmas.

Chairman Richard Janiga stated that he is still working on getting his 2 hours of training. He is waiting for a response from the county for training on line. Chairman Richard Janiga stated that he appreciates everyone's efforts on the Planning Board this year and wishes everyone a Merry Christmas.

Barbara Spanitz stated that she appreciates everyone's efforts as well and she likes being apart of the Planning Board.

Chairman Richard Janiga stated that he had spoken to Bob Reynolds about the subdivision on Bullis Road and Bob Reynolds would resend his letter if the property is not in the agricultural district. Chairman Richard Janiga stated that Bob Reynolds sent some information to him about the parcel of land not being in the agricultural district but so far has not seen a letter resent. Chairman Richard Janiga stated that he is still working on having the letter sent before the end of the year. Barbara Spanitz stated that she wishes more research would have been done before the original letter was sent. Barbara Spanitz stated that she appreciated the work.

Bob Miller wished everyone a Merry Christmas and handed out a gift to the Planning Board.

Chairman Richard Janiga thank Barbara Spanitz for all of her hard work and stated that he enjoyed having her represent the Planning Board to the Town Board. Chairman Richard Janiga stated that he respects that Barbara Spanitz was able to take the decisions of the Planning Board back to the Town Board without interfering with the thoughts of the Planning Board. Barbara Spanitz stated that it is not her job to interfere. Barbara Spanitz stated that she enjoys being on the Planning Board and hopes that it continues next year.

MOTION to adjourn at 7:43 p.m. moved by Nathan Barnard, seconded by Judy Gillman, all in favor 6/0.

Respectfully submitted,
Melissa R. Stark, Clerk