

**PLANNING BOARD
TOWN OF MARILLA**

Date: February 18, 2010

Present:

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

Beth Ackerman
Jason Paananen, Consultant
Scott Rider, CEO
Melissa Stark, Clerk

Absent: none

Guests: Lorraine Martzolf (Coleman Road), George Gertz (Four Rod Road), Peter Wittmeyer (Stolle Road)

I. Approval of Minutes

Chairman Jay Walkowiak opened the Planning Board meeting at 7:00 p.m. Chairman Walkowiak asked the Planning Board Members to introduce themselves. Chairman Walkowiak asked for the approval of the December minutes and if there were any additions or corrections. Nathan Barnard stated that the word on should be one on the 12th line of page 2.

MOTION to accept the December minutes with noted corrections, moved by Richard Janiga, seconded by Nathan Barnard.

II. Old Business
a. none

III. New Business

George Gertz stated that the Town of Marilla was going to change two laws. The first law had to do with training and the second law was regards to appointments to recommending boards like the Planning Board.

George Gertz stated that there would be an alternate member sitting on every board. This member would be elected to a two year term and could be apart of discussions but could not vote unless a member was absent. George Gertz explained that this would allow the boards to have a full board when current members could not attend and would train the alternate member for a possible appointment on the board. Nathan Barnard asked if the alternate member would be next in line for a seat on the board. George Gertz stated that the alternate could be but that it would not always be the case.

George Gertz stated that the training that the ZBA and Planning Boards have to do would still be four hours but only two of the four hours could be from training held in the Town of Marilla. All four hours could be out of town training if a board member chose to do this. George Gertz explained that the reason for this would be to broaden the board's knowledge and allow them to interact with other towns. George Gertz stated that training could be done with neighboring towns like Alden or Elma or board members could attend training sessions at

Houghton College. Mileage would be reimbursed for these out of town trainings. George Gertz stated that no self-study or on-line classes would be accepted from here on out because there is more to be learned in a classroom setting than on a computer. George Gertz stated that it is not that a person cannot learn from on-line classes but that a person can learn more in a classroom setting. George Gertz stated that he would provide copies of the proposed laws to Chairman Jay Walkowiak. George Gertz stated that he wanted to come tonight and explain the laws so that everyone knew the expectation and there would not be any problems. George Gertz explained that if a board member was having problems with the training hours to come to the Town Board in enough time where the Town Board could help out and a solution could be given. Nathan Barnard stated that the training sessions held in Marilla from Bob Miller were excellent and each training session went over the allotted time because the information given was so helpful. George Gertz stated that he was not saying that the training held in Marilla was not excellent, but that the purpose was to broaden the boards' experiences and to see what other boards are doing. Nathan Barnard stated that he disagreed with not being able to have all the training in Marilla. Nathan Barnard stated that he liked being able to get together with the ZBA and collaborate with them. George Gertz stated that if a board member wanted to they could do ten hours of training in Marilla, but he would still have to do two hours outside of Marilla. George Gertz has found it to be helpful in the fire company to learn what others are doing too. Nathan Barnard stated that Bob Miller brought members in from the DEC, Erie County, and Nathan Neil to talk and it was very beneficial. Debbie Zimmerman stated that a couple board members had completed training out of town and it depended on the training as to whether it was beneficial or not. George Gertz stated that some training could be good and others not so good. Nathan Barnard stated that the training he has received in the Town was so much better than the training received out of town. Richard Janiga stated that he does not have a problem going out of town for training but he feels that there is an advantage to having training in your own town because that training is geared to what the board is talking about. Richard Janiga stated that he would rather go to training and know it is going to be beneficial than go outside of the town for training and hope that it would be beneficial. Richard Janiga stated that he disagreed with saying that the on-line training is not an option. Richard Janiga stated that he has done the on-line training and he learned from and "Introduction to Planning Boards" course after being on the Planning Board for 16 years. Richard Janiga stated that he had to pay close attention while doing the on-line training because there is a test at the end. Nathan Barnard stated that the state of New York put the training hours into effect so members on the boards could learn and be active members of their boards. Nathan Barnard explained that the reason why people are on the Planning Board is because they are basically volunteering as there is not a lot of money paid for being on the board. Nathan Barnard feels that it is unfair that the town is not allowing basically a volunteer board to use the on-line classes that the state has provided in case there is an emergency (such as a training session that cannot be made due to illness or a family emergency.) George Gertz stated that there are exceptions to every rule and if that is the case to come and see the Town Board. George Gertz stated that the problem with the on-line courses is that once someone has taken the course and the test, the answers can be given to anyone and nothing is learned. Richard Janiga stated that in order to take on-line training a person has to register with the State of New York and go through the process. George Gertz stated that once a person has registered that person can go through the course or go straight to the test. Richard Janiga stated that the on-line training tool is in the process of being developed by the State of New York because it is a new tool. Nathan Barnard stated that the State of New York originally put the training in place because people were being elected to board and they did not know what they were doing. Richard Janiga stated that a board member could sit in training and day dream through the entire session and still get a certificate. George Gertz stated that you get out of training what you put into it. Richard Janiga stated that in any training session it comes down to the character of the person. George Gertz stated that the Town has

not adopted any of the laws yet and there will be a Public Hearing on it and he would take the input of the Planning Board back to the Town Board. Chairman Jay Walkowiak stated that he enjoyed the training from Marilla and liked that the ZBA could join the Planning Board. Nathan Barnard stated that he wants four hours of training and not four hours of nothing if he is volunteering his time. Richard Janiga asked if the new town laws would have procedures as to what would happen if the training hours were not met. George Gertz stated that the laws are in their draft form but if the Town Board wanted to they could remove a member of a board if the training is not completed. George Gertz stated that the present laws allow for removal and until the new laws are adopted, the present laws would still stand. Richard Janiga stated that New York State law states that if a member does not have their training the Town could not reappoint that person, but they could finish out their term on the board. George Gertz stated that it is not the Town's intent to get rid of anyone, but to strengthen the laws that are in place. Debbie Zimmerman asked if the Town of Marilla's training laws supersend the laws from New York State. George Gertz stated that a town can have laws that are stricter than the state laws but cannot have laws that are more lenient.

George Gertz commented on the recommendations from last year. He stated that he felt the Portable Storage work was great. George Gertz stated that he could not thank the board enough for their great work on the PODS. George Gertz stated that he would like the Comprehensive Plan to be reworked this year. He would like the Planning Board to start to review it. George Gertz stated that the town of Alden just finished their Comprehensive Plan and it was well done. Alden paid almost \$75,000 to complete their plan. Nathan Barnard asked when the Comprehensive Plan had last been completed. George Gertz stated that it was in 1998. Nathan Barnard asked the Planning Board if everyone knew about the Comprehensive Plan or had a copy of the plan. George Gertz stated that the Town Clerk had copies and to get one from her. Richard Janiga stated that it would be a good idea for Melissa Stark to get a copy for each member of the Planning Board so the plan could be looked at for next month's meeting. Debbie Zimmerman asked if the Town of Marilla was going to put together a new board for the Comprehensive Plan. George Gertz stated that the Town of Alden got a grant and the Town of Marilla is looking for a grant too. In the future there would be a board made up of Planning Board members and CAB members and Public Hearings would be held for the public's opinions. Jason Paananen asked where the grant was from. George Gertz stated that he did not know. Jason Paananen stated that he was not sure what grants would be available this year because of the State Budget. George Gertz stated that the Town is in the beginning stage of working on the plan and it will take a long time to complete it.

George Gertz stated that he would like the Planning Board to work with the CAB and have some joint meeting to look into the Farm Land Protection Plan. This plan is needed in order to reenroll in the PACE Program when there is funding to do so. George Gertz stated that the Farm Land Protection Plan involves zoning laws to protect farming. Jason Paananen stated that he has copies of Protection Plans from other towns that the Planning Board could look at.

George Gertz stated that he would like the Planning Board to revisit two issues that were looked into last year. One of the issues has to do with the outside remote burning heaters he does not want to wait for the State of New York to make a law against them. George Gertz stated that in his experience the State moves slowly and he does not want to wait for them. George Gertz stated that he would rather have the Town of Marilla ahead of the State. George Gertz stated that he has a brochure on the burning heaters and would give it to the Planning Board to look at. In the back of the brochure are 15 towns in the State of New York that have already outlawed them in their towns. George Gertz stated that the dangers with the outside heaters are when they are placed in subdivisions because then a neighbor is faced with a smoke stack next to them. George Gertz stated that there are a few of them in the town of Marilla presently and they would be grandfathered into the law until the property is sold and then the owners would need to reapply.

George Gertz stated that the second issue he would like revisited is with subdivision egresses. George Gertz stated that he is not here to criticize but he disagrees with the recommendation given by the Planning Board. He stated that he has read the report on the crash in Clarence and they had several ways in and out and still had difficulty getting rescue crews in and out. George Gertz stated that if there is a problem in a subdivision with one way in and one way out, it is quite serious. George Gertz stated that even with the width of the roadway, when there are fire trucks, police cars, fire chief cars, and ambulances at an emergency, it is hard to maneuver. George Gertz stated that many subdivisions have paper roads and even the paper roads are disappearing because people are selling off that land. George Gertz stated that his personal opinion is that the paper roads should be paved roads from the beginning. George Gertz stated the even though the current subdivision code could force more than one egress on a project, he does not want to force anything and would rather see it clearly written in the codes. George Gertz stated that when something is not clearly written in the codes, developers are not going to put it in their projects and then there will be a hassle to have it put in. George Gertz stated that he does not know where the Planning Board got the information that the fire department has hose ramps because the Town of Marilla Fire Company does not have hose ramps nor do neighboring companies. George Gertz stated that it would take at least three to minutes if a hose needed to be drained so an emergency vehicle could cross the road.

George Gertz stated that his office is always open to anyone who would like to talk and would be willing to answer any questions they might have. He is also willing to come to any meeting and would like an invite to be extended at any time.

Jay Walkowiak asked if the Planning Board if they wanted to discuss the training. Nathan Barnard stated that he feels it is a shame the Town Board is not allowing all the training to be done in the town especially since experts are brought in from other places to meet the training needs of the town. Debbie Zimmerman stated that the people that were brought in to the training meetings were pertinent to what the board was discussing at the time and the training was geared to what was needed. Debbie Zimmerman stated that she feels that the on-line training should be accepted as the state is always expanding it since it started it in 2007. Chairman Jay Walkowiak stated that as a board it was nice to pick out what they wanted to talk about and Bob Miller did an excellent job putting it all together. Chairman Jay Walkowiak also stated that he liked having the ZBA apart of the training sessions. Beth Ackerman asked if the Planning Board got together and decided topics that would be good to learn about for training and then went and found experts to come in and talk. Nathan Barnard stated that the board talked about training and then Bob Miller would find the experts to come in and do the training in the Fall. Nathan Barnard stated that he feels the on-line training is an option that the Town Board should not take away incase someone cannot make it to a training session and does not feel that it is necessary for someone to need to go to the Town Board to beg for permission to take an on-line training class if the year is almost up. Richard Janiga stated that the on-line training is in the developing stages and as it grows would allow members of the board to receive training on what they feel they need in a particular area. Richard Janiga stated that the on-line training would be good for a new member on the board as well because it does give a lot of introduction classes. Richard Janiga stated that he could understand if the Board made the law to say that a person could only do two hours of on-line training and the other two hours would need to be from a classroom training session. Several members of the Planning Board agreed that no more than two hours could be completed on-line. Beth Ackerman asked why the Planning Board waits until October or November to do their training. Nathan Barnard stated that it gives the Planning Board time to see what happens throughout the summer and that it is easier to get people to come in and talk in the fall. Richard Janiga stated that it does not have to be that way especially with knowing that the Comprehensive Plan needs to be reworked. Beth Ackerman stated that it would be good to have the training soon and on the Comprehensive

Plan. Richard Janiga stated that the Town Board, particularly with George Gertz, was not very cooperative when he was deficient with his hours. Richard Janiga stated that the Town has options and could say that they would waive the two hours and expects that the hours be made up during the next year seeing that the person in question has experience. Richard Janiga stated that he was not looking for the Town to waive his training hours but he was looking for cooperation from the Town Board. Beth Ackerman stated that she agreed and appreciates the fact that the members are on the boards. Chairman Jay Walkowiak stated that he would not want to lose Richard Janiga on the Planning Board because of the wealth of knowledge that he brings to the board for the two hours of training. Chairman Jay Walkowiak stated that it would be nice for the Town Board to give an extension for the next year. Jason Paananen stated that he could do training for the Comprehensive Plan if the board wanted to set one up. Chairman Jay Walkowiak stated that that would be great. Training was set for Tuesday, March 16, 2010 from 7-9 pm and it is extended to the ZBA and CAB.

IV. CEO Report

Scott Rider stated that he had someone want information on a special use permit about the tower by the soccer fields and Ken Kelchlin will be coming in with his plan soon.

V. Town Board Report

None.

VI. Open Presentations from the Floor

Peter Wittmeyer stated that he was just appointed to the ZBA and he feels that it is a good idea to invite the ZBA to the training sessions.

Debbie Zimmerman stated that she would like the updated list of Planning Board Members. Clerk Melissa Stark stated that she has it here and if anyone would like to change any information they could and then she would get that out. Debbie Zimmerman asked if the term information could be added. Melissa Stark stated that she would add the term information. Debbie Zimmerman stated that she would like to thank Judy Gillman for her years on the Planning Board and what an excellent job that she has done and she will be missed. Debbie Zimmerman would also like to thank Richard Janiga and Nathan Barnard for their Chairmanship last year.

Richard Janiga stated that he would like the Town Board to consider agriculture when they are appointing to the Planning Board. The Planning Board over the years has been balanced with agriculture, business, and residential members and as of right now Richard Janiga is the only one who is actively working in agriculture. Debbie Zimmerman stated that maybe the Town Board would consider appointing someone in agriculture to the alternate position of the Planning Board.

Richard Janiga stated that when the Town Board appoints a Chairman position it would be courteous for the Town Board to ask the member if they are ready and willing to do the job before appointing them as Chairman. Richard Janiga stated that it is not good business for the Town Board to appoint without the agreement of the person being appointed. Debbie Zimmerman asked if the Planning Board chose the Chairman. Richard Janiga stated that the Planning Board would recommend a Chairman but the decision was up to the Town Board. In the past, the Planning Board would pick a co-chairman position.

Richard Janiga stated that back in December he went through some issues with training and Bob Miller got brought into it inappropriately. Richard Janiga stated that Bob Miller's character as well as his was brought into question. Richard Janiga stated that at no time was anything thought of or done that would have brought anyone's character into question.

Richard Rose stated that he is agricultural friendly and owns over 100 acres of a former dairy farm. Richard Janiga stated that he feels that everyone on the Planning Board is agricultural friendly but that there is a big difference in being agricultural friendly and working in agriculture. Nathan Barnard stated that he appreciates Richard Janiga's perspective on agriculture.

Chairman Jay Walkowiak asks for the support of the Planning Board as he is beginning his year as Chairman. Chairman Jay Walkowiak stated that he will do what he can for a successful year. Chairman Jay Walkowiak stated that he feels everyone on the Planning Board is here for the right reasons.

Vinney Beisiegel stated that from his experience he would like the members of the Planning Board to attend other Planning Board meetings from other towns to see how they are run and if there is something that could be helpful to the Marilla Planning Board. Beth Ackerman asked if Vinney Beisiegel would consider going to another town's Planning Board meeting as a part of training. Vinney Beisiegel stated that he thought it would be a helpful part of training.

Nathan Barnard stated that he would miss Judy Gillman on the Planning Board as well as Bob Miller. Nathan Barnard stated that he is looking forward to working with Jason Paananen.

Clerk Melissa Stark stated that she put information from 2007 and 2008 Planning Board Meetings in the filing cabinet in the Prosecutor's Office. Melissa Stark will bring information from 2009's meetings with her to the 2010 meetings.

MOTION to adjourn at 8:08 p.m. moved by Debbie Zimmerman, seconded by Dick Rose, all in favor 7/0.

Respectfully submitted,
Melissa R. Stark, Clerk