

**PLANNING BOARD
TOWN OF MARILLA**

Date: April 17, 2008

Present: Nathan Barnard, Chairman Barbara Spanitz, Town Board
 John Fronczek, CEO
 Rich Janiga Bob Miller, Consult
 Dan Handy
 Paul Domanowski

Absent: Judy Gillman
 Debbie Zimmerman
 Tom Wantuck, Co-Chairman

Guests: Carrie Barnard, Carl Swinamer

I. Nathan Barnard, Chairman, opened the Planning Board meeting at 7:17 p.m. He welcomed the new Planning Board Secretary, Melissa Stark.

II. Old Business

Chairman Nathan Barnard began the meeting by looking back in Planning Board Minutes on Accessory Building Size. Chairman Nathan Barnard began reading from the September minutes.

Accessory building sizes in agricultural districts can be 3% on a 2 acre lot which could make an accessory building 2,614 square feet. Lots 2 to 5 acres can also be up to 3% with the range being from 2.614 square feet up to 5 acres totaling 6,534 square feet. The next range is more than 5 acres with 5% of the lot size with an accessory building of up to 10,900 square feet. It was suggested by Dan Handy that farmers maybe exempt from this code.

Dan Handy asked if in the September meeting any sizes were suggested. CEO John Fronczek agreed that suggestions had been made. Chairman Nathan Barnard read the suggested sizes from the October minutes.

It was suggested a 4,000 square foot building on a 5 acre parcel would be the largest accessory building allowed before going to the Zoning Board. The discussion would continue at the next months meeting.

CEO John Fronczek stated that those numbers sounded pretty good. CEO John Fronczek stated that they started with a smaller number and they worked up to the 4,000 square foot number. Dan Handy thought that 4,000 on 5 acres would work out to 800 square foot per acre. Chairman Nathan Barnard asked if the board was ready to take action with the

accessory building sizes. Barbara Spanitz stated that if the Planning Board was ready to make a recommendation that the Town Board would like the recommendation to be in writing.

MOTION by Dan Handy for 800 square foot per acre or part there of. Chairman Nathan Barnard agreed with that and it was seconded by Rich Janiga.

Consultant Bob Miller stated that what is in the codes right now was 1,200 to 1,500 square feet per acre and now we are just cutting it down. Chairman Nathan Barnard stated that this was for the agricultural district only. He asked Dan Handy if his motion would exclude farmers. Dan Handy replied yes and then stated that we had to be careful because someone could say that it was a farm building. Barbara Spanitz brought up that it could be for animal agriculture. Rich Janiga stated that it could be more than animal agriculture. CEO John Fronczek stated that it could go under an agricultural exemption. Rich Janiga asked for the definition of a farm in the code book. Rich Janiga stated that a farm is land, buildings, machinery used for profit or agricultural profit. Dan Handy stated that the definition was wide open and that there should be something added. CEO John Fronczek stated that on page 700-733, #3 the agricultural district was in there and read what the agricultural district entailed. Carl Swinamer asked what the definition of product was and could that define a farm. Dan Handy stated that exemptions should be based on or along the lines of what the agricultural district should be and should follow the guidelines of the agricultural exemptions. CEO John Fronczek stated that the definition of a farm has 10 acres in it on 700-708. Rich Janiga read that it may be permitted on less than 10 acres with a special use permit. Rich Janiga stated that the real concern is building on a small lot not on more than 10 acres. CEO John Fronczek gave the example of the greenhouses on Exchange Street. Chairman Nathan Barnard asked Consultant Bob Miller his thoughts and he stated that the board is trying to make an exception for farms and what we are trying to focus on is something other than farms. Dan Handy stated that he did not want nonfarmers trying to use this exemption. Carl Swinamer asked if farmers had tax exemptions and if that could define a farm. Rich stated that a farmer needed to gross over \$10,000.00 to get the tax exemption. Chairman Nathan Barnard asked the board if there were any farmer in town that this exemption would hurt. Dan Handy suggested that there may be a farmer who owns land on different parcels and wants to put his structure up on a small parcel of land; however, all of the farmer's land added up together would give the desired amount of land to build the structure. Consultant Bob Miller suggested that the exemptions to be provided for legitimate farm purposes as defined by the farm codes. Chairman Nathan Barnard stated that he liked it and so did Dan Handy.

MOTION by Dan Handy, seconded by Rich Janiga.

Rich Janiga asked Bob Miller to clarify the exemptions for the agricultural district. Consultant Bob Miller referred to page 700-745 letter d on permitted accessory uses. CEO John Fronczek stated that an accessory building is 400 square feet in any other district. Rich Janiga stated that we are only dealing with structures in the agricultural district and asked if the total of the structures needed to be 10,000 square feet. Dan Handy stated that it did not need to be one barn. Rich Janiga suggested that if the board just changed accessory buildings being built on land up to 5 acres or less to be 800 square foot per acre. If there is more land than 5 acres, the codes would stay the same. CEO John Fronczek stated that he is concerned with people building a large structure on less than 5 acres. Dan Handy changed the motion. Chairman Nathan Barnard stated that the board would be changing #1 and #2 and leaving #3 alone on page 700-733 letter d.

MOTION by Dan Handy, seconded by Rich Janiga. All in favor – 4 ayes.

III. New Business

Chairman Nathan Barnard stated that Mary Foss was out of town and his wife, Carrie Barnard was here tonight and he could not vote on her presentation. The other three board members would have to wait and vote at another meeting were there could be a majority. Chairman Nathan Barnard asked the board to hear the presentation tonight and then have a special meeting on Thursday May 1, 2008 at 7:00 to vote.

Carrie Barnard stated that Mr. Swain is very happy that Country Crossroads would be building right next to his property. Mr. Swain is asking that the trees that are already on the property to be kept when building. Country Crossroads is on the highest elevation and they would have natural drainage right to the road. Carrie Barnard stated that they would like to put a front porch on the building but not right away unless code requires it. Country Crossroads will have twelve parking spots, 2 spots would be handicap. One of the two spots will be van accessible. They are planning on having 6 lights. Two lights will be motion along the driveway, two lights will meet code along the front of the building for brightness, and the other two lights will be on posts. These lights would shine downward away from Swain's house toward Clinton Street in the parking lot. Country Crossroads would like to use their existing sign and put it on a permanent post with a permanent lit advertising board with landscaping underneath. Country Crossroads is looking for approval from the Planning Board before getting permits for building or for the sign. Carrie Barnard asked for questions.

Rich Janiga asked for clarification as to where the lot was located. Carrie Barnard provided a blue print of what the building would look like on the property. Carrie Barnard stated that they would not develop the back of the property and would keep it as green space. As it looks now, they would need a sand filter. Barbara Spanitz asked how the size of the new building compares to the size it is now and Carrie Barnard stated the size would be doubled for both work and showroom area as they are outgrowing the space they are in now with floral orders. Dan Handy asked about the frontage of the building. Carrie answered that they would have the proper amount of frontage. Carrie Barnard would like to move on the building project as quickly as possible so they can be in by the first of the year.

Dan Handy asked if this property falls into the B-1 code and Rich Janiga stated that it did. Rich Janiga asked what the procedure was for approval for the B-1 code considering that this would be the first approval of a B-1 lot from the Planning Board. Rich Janiga would like to make sure that the process is correct seeing that this is the first. Rich Janiga also suggested that John Fronczek should have a check list to make sure everything is ok and then it should be presented to the planning board for a recommendation.

Consultant Bob Miller mentioned page 700-58 letter G on the site plan checklist. Rich Janiga stated that the checklist already be filled out before coming to the Planning Board. The Planning Board should not be the one filling out the checklist. Barbara Spanitz suggested that the process should be to go in front of the Town Board first. The Town Board would submit the proposal to John Fronczek. The checklist could be completed and then reviewed by the Planning Board. The Planning Board would then recommend to the Town Board. Carl Swinamer agreed with Rich Janiga in that you do not want people to be going back and forth to the different boards and to have a checklist

to make sure all the elements are there. Consultant Bob Miller suggested looking at the B-1 section and following a flow chart for a special use permit. Chairman Nathan Barnard suggested that Carrie Barnard see George Gertz before May 1st. Barbara Spanitz stated that she does not think that is necessary for Carrie Barnard to come before the Town Board because John Foss has already informally spoken to George Gertz. Barbara Spanitz suggested that Carrie Barnard go to see John Fronczek before the May 1st meeting.

Chairman Nathan Barnard stated that Ray Balcerzak was not able to attend tonight.

Chairman Nathan Barnard asked about a code book for the secretary. Barbara Spanitz stated that the code was available online.

IV. CEO Report

None.

V. Town Board Report

Councilman Barbara Spanitz stated that with the Burner Property there would be a public hearing only dealing with Ken Kelchlin's part of the property. The town board feels that there is not enough information as of yet to make a decision with the Senior Housing part of the property.

VI. Open Presentations from the Floor

Rich Janiga asked if the minutes from the March meeting were approved. Chairman Nathan Barnard stated that they were not.

MOTION to accept March minutes, moved by Dan Handy, seconded by Rich Janiga. All in favor – 4 ayes.

MOTION to adjourn at 8:20 p.m. moved by Paul Domanowski, seconded by Dan Handy, all in favor 4/0.

Respectfully submitted

Melissa R. Stark