PLANNING BOARD  
TOWN OF MARILLA

Date:  August 16, 2012

Present:

Jay Walkowiak, Chairman  Beth Ackerman, Town Board
Nathan Barnard  Jason Paananen, Town Consultant
Richard Rose  Scott Rider, CEO
Vinney Beisiegel, Vice Chairman  Melissa Stark, Clerk
Debbie Zimmerman

Absent:  Lorraine Martzolf, Richard Janiga, Jen Seth-Cimini, First Alternate Clarence Gerhardt, Second Alternate

Guests:  None.

I. Approval of Minutes

Chairman Jay Walkowiak opened the Planning Board meeting at 7:02 p.m. Chairman Walkowiak asked for the approval of the July minutes and if there were any additions or corrections. Chairman Jay Walkowiak stated that Lorraine Martzolf could not make it tonight but had two corrections.

Lorraine Martzolf stated that on page 2 under Old Business it should say that dimming at night is not good so it could be guide when it is snowing. Also on page 3 under Open Presentation Lorraine Martzolf wanted to state that she had read about the DEC involvement and they have not made up their minds as of yet.

MOTION to accept the July minutes, moved by Nathan Barnard, seconded by Vinney Beisiegel; all in favor – 5 ayes.

II. Old Business

A. LED Signs: Chairman Jay Walkowiak asked Richard Rose to share his findings on the hamlet in the town. Richard Rose stated that the town historical society has a map going back to 1866 where the hamlet is outlined using the same points as on the 1936 map. However, there cannot be a hamlet in a town, so the points are not of a hamlet. Chairman Jay Walkowiak stated that the 1936 map handed out would act as a good guide. Vinney Beisiegel stated that the signs on the road line up with this map as well. Chairman Jay Walkowiak stated that he had seen the signs as well. The map would serve as good boundaries for the Village of Marilla. Chairman Jay Walkowiak asked how the board felt about the LED sign code. Would it make sense to keep it as a case by case basis? Nathan Barnard stated that it would. Debbie Zimmerman asked if the Planning Board could keep the signs out of a certain area of the town. Beth Ackerman stated that the Planning Board could. Chairman Jay Walkowiak stated that the Planning Board can make the decisions on all signs in the town as of now. Richard Rose stated that he is concerned with the cost of the signs. Chairman Jay Walkowiak stated that it is not the business of the Planning Board to worry about cost. Chairman Jay Walkowiak stated that he feels the Planning Board should look and be open to any sign that comes in and make a judgment call with the right to decline signs. Nathan Barnard stated that there is not a line of people waiting to put
them in and Ken Kelchlin’s looks good in the area that it is in. Beth Ackerman stated that the Planning Board could take a position on LED signs. For example, LED signs are a way of the future but they do not fit in a certain part of the town because we would like to keep the rural character feel of the town in this area. Chairman Jay Walkowiak stated that he could see schools changing to LED signs instead of the message boards with the lettering currently used so messages could be changed from the inside. Chairman Jay Walkowiak stated that he does not mind them as long as the signs are in the right area. Richard Rose stated that the Planning Board needs to look out for the signs in a residential area. Scott Rider stated that the first sentence of number 5 under Letter E should be deleted from the sign code. Richard Rose asked why that part of the code should be taken out. Chairman Jay Walkowiak stated to open LED signs up to a business area. In a residential area, the Planning Board could restrict scrolling or flashing on a case by case basis.

MOTION to recommend the first sentence of number 5 under letter E should be deleted (No sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights) with regards to LED signs, moved by Nathan Barnard, seconded by Debbie Zimmerman; all in favor – 5 ayes.

The vote of the member is as follows:
Debbie Zimmerman - aye
Chairman Jay Walkowiak - aye
Vinney Beisiegel - aye
Richard Rose - aye
Richard Janiga – absent
Nathan Barnard – aye
Lorraine Martzolf – absent
Clarence Gerhardt – absent
Jen Seth-Cimini - absent

III. New Business
A. Community Center Sign – Chairman Jay Walkowiak asked if the board wanted to look at the proposed town sign. The sign would be a 2ft x 6ft message board sign with amber LED lights. There would be no scrolling, flashing or animation. The sign would be lit from 6am to 10pm with a new message appearing each day. A photograph was passed around. Debbie Zimmerman asked who would be responsible for putting the messages on the board. Beth Ackerman stated that the Town Clerk would be responsible. Chairman Jay Walkowiak stated that he liked the amber lights better than the red lights and the new sign is more attractive than the present yellow sign used. The hours would be considerate of the neighbors. Richard Rose asked if the message would be changing every 15 minutes. Chairman Jay Walkowiak stated that the message would be new each day according to the application. Richard Rose asked what would happen if the message changed every 15 seconds after the sign was put in. Scott Rider stated that he did not know how the town would enforce itself. Beth Ackerman stated that she had something for the board to consider. How much information is out there now for the price of the sign at $20,000.00 and is it necessary to put all of the information that goes on in the town on a message board that will be seen by a limited number of people going down Two Rod Road. The information is available on the town website and newsletter. Beth Ackerman stated she is not telling the Planning Board what to do, but would like them to consider the need for a permanent sign just for advertising special events. Debbie Zimmerman asked if other organizations in the town would be able to use it such as the Girl Scouts, Car Show, and Marilla Kiwanis. Beth Ackerman stated that she would look into that but her answer would be yes because it is a Community sign. Vinney Beisiegel asked if the sign met the setback requirements. Scott Rider stated that the sign would be out of the way but he would have to
look it up. Richard Rose stated that the sign would be a lot of money and the website could be updated with that money. The money would be coming out of the general fund. Chairman Jay Walkowiak stated that it is not up to the Planning Board to factor in cost. Scott Rider asked if the sign would be voted on by the town. A public hearing is the place to determine if the cost is worth it. Debbie Zimmerman stated that the Planning Board could have the public hearing. Scott Rider stated that there should be restrictions on the sign like no election information. Beth Ackerman stated that the Town Board would be voting on the sign; it would be the Planning Board just giving the permission to have the sign. Beth Ackerman asked if the Planning Board gives permission to put a sign up on Two Rod Road is there a president being set? Richard Rose stated that the cost is too much for the sign. Nathan Barnard stated that he agrees. Chairman Jay Walkowiak stated that the cost is a lot but it is not up to the Planning Board to determine. If the sign meets the requirements, then the cost should not be a factor. Richard Rose asked if the town would lose its rural character if all the businesses on Two Rod and Bullis got an LED sign. Debbie Zimmerman stated that a limited number of people would be reached by this sign with the website, newsletter, and newspaper. Richard Rose asked about the clock for the empty lot. Chairman Jay Walkowiak stated that he does not know where all the money is coming from. Nathan Barnard stated that money was raised through doughnut sales and other fund raisers for the pavilion. Debbie Zimmerman stated that the lot has only been set aside for 5 years and what would happen to the clock if something else were to happen to the property after 5 years. Nathan Barnard asked what the lighthouse cost. Vinney Beisiegel stated that the benches were donated. Richard Rose asked about the surplus account. Beth Ackerman stated that surplus funds were moved in to a capital improvement fund and an improvement fund for the highway. Each year the sales tax revenue is divided and Marilla receives a pot of money to make up a budget. Surplus is what is left over each year and the town of Marilla has never gone over the budget. Beth Ackerman stated that when she came into office there was about $800,000.00 and then each year about $150,000 is added to the surplus account. The renovations for the Town Hall and the Community Center were taken out of the account. Beth Ackerman stated that she does not know the exact amount at this time, but could find out. Nathan Barnard stated that the surplus money should be used towards the water tower. Beth Ackerman stated that the money for water cannot come out of the surplus account. Nathan Barnard stated that if there was so much extra money, the money should be returned to the county and the sales tax percent be lowered. Debbie Zimmerman asked if a senior citizens van was looked into for the surplus budget. Nathan Barnard stated that the money should be returned to residents as a stimulus. Chairman Jay Walkowiak asked the Planning Board to get back on the sign. Scott Rider stated that if the sign was approved, the setbacks would have to be met. Richard Rose stated that he does not have any problems with the sign except for the cost. Jason Pannanen read from the code book on 700.77, letter E, Number 11, which states that the town is exempt from the sign regulations.

The regulations specified herein shall not apply to any sign or directional device erected by any governmental agency, nonadvertising signs identifying underground utility lines or posted or preserve signs erected pursuant to the Environmental Conservation Law of the State of New York. Editor’s Note: Amended at time of adoption of Code (see Ch. L, General Provisions, Art. I).

Beth Ackerman stated that she feels the Town Board is looking for the input of the Planning Board. Chairman Jay Walkowiak stated that he likes the look of the new sign better than what is being used presently. Debbie Zimmerman stated that the board should list items for the Town Board to keep in mind. Chairman Jay Walkowiak stated that it would be a good idea.
**MOTION** to recommend the message board sign in front of the Community Center with the 9 items to be reviewed by the Town Board, moved by Debbie Zimmerman, seconded by Richard Rose; all in favor – 5 ayes.

Debbie Zimmerman - aye  
Chairman Jay Walkowiak - aye  
Vinney Beisiegel - aye  
Richard Rose - aye  
Richard Janiga – absent  
Nathan Barnard – aye  
Lorraine Martzolf – absent  
Clarence Gerhardt – absent  
Jen Seth-Cimini - absent

The Planning Board would like the Town Board to take into account the following ideas listed below.

1. The cost of the sign verses the amount of people traveling down Two Rod Road to view the sign. Not all residents of Marilla will view it.  
2. Could any club of Marilla use the sign to advertise upcoming events?  
3. No mention of political candidates or voting.  
4. Hours of the sign will be from 6 am to 10 pm.  
5. Who will be responsible for the sign calendar to determine what events are advertised and when?  
6. No flashing or scrolling of the sign.  
7. Remember the common courtesy to residents around sign.  
8. Who will be the person in charge of the sign?  
9. The brightness of the sign needs to be controlled.

**IV. CEO Report**  
Scott Rider stated that Greg Wiley was in and he is still working on the plans for the car wash.

**V. Town Board Report**  
Beth Ackerman stated that all budget needs of the Planning Board need to be turned in by August 24, 2012. Beth Ackerman stated that the Farmland Protection Plan is finished and is available for residents to read online at www.erie.gov. There is a RFP to review and then the plan will be sent out for bid. The consultant will cost about $23-25,000.00. The FLP plan will take about a year and then the comprehensive plan can be looked at. The Town is not seeking a grant from NYS and would like the plan to be favorable to agricultural and markets.

Erie County will be having a public hearing on their Farmland Protection Plan on Wednesday, September 12 at 7:00pm at the Cornell Cooperative Extension in East Aurora. Debbie Zimmerman asked if credit will be offered. Beth Ackerman stated that she does not know but would look into it. Chairman Jay Walkowiak stated it would be a good way to get to know the plan.

Beth Ackerman stated that it is the intent of the Town Board for the green space on Two Rod Road to stay as is.

**VI. Open Presentations from the Floor**
Debbie Zimmerman stated that she attended the water meeting and George Gertz had a nice presentation and there is only two ways to go: to go with the Erie County Water Authority and have the taxes go up or to have the control be with the town. Either way the taxes will go up. Debbie Zimmerman stated that in her opinion it would be better for the town to control the water and not to give it away to the ECWA.

**MOTION** to adjourn at 8:17 p.m. moved by Debbie Zimmerman, seconded by Richard Rose, all in favor 5/0.

Respectfully submitted,
Melissa R. Stark, Clerk