

# Otsego County Planning Commission

---

Minutes for 10-18-10

Call to Order: 6:00pm

Roll Call

Present: Mr. Stults, Mr. Arndt, Mr. Klee, Mr. Borton, Ms. Nowak, Mr. Colosimo, Mr. Hilgendorf, Mrs. Jarecki, Mr. Mang, Ms. Backenstose

Staff Present: Mr. Ferrigan, Mr. West

Public present: Mr. Blumberg, Mr. Matelski, Mr. Delaney, Mrs. Dipzinski

Pledge of Allegiance

Consent Agenda: None

Approval of minutes from 8-16-10:

Motion made by Mr. Hilgendorf to approve the minutes as written.

Supported by Mr. Borton.

Motion approved unanimously.

Public participation for items not on the agenda: None

Unfinished applicant business: None

Public Hearings: None

Unfinished Commission Business:

- 1) Northern Processing/Jozwiak, moving or storage of materials decision, and update on reclamation.

Mr. Ferrigan gave an update to the Commission. He explained the ex-parte order that was issued by Judge Allen. He then read a letter that had been sent to the Otsego County attorney Mr. Kazim.

Mr. Delaney addressed the Commission.

Mr. Blumberg addressed the Commission.

Mr. Ferrigan addressed the Commission. He read a letter of the Land Use's opinion as to the fact that no mining activities have been going on since Jan. 2009. In his opinion, Mr. Matelski needs to remove the stock piled aggregate so that the reclamation can be finished.

Mrs. Bolinger arrived at 6:20 pm.

# Otsego County Planning Commission

---

Minutes for 10-18-10

There were multiple discussions among Commission members & members of the audience.

Motion made by Mr. Borton to reply to Judge Allen as follows:

It is the Position of the Planning Commission that the material which is currently blocking the completion of reclamation be removed from the site.

Supported by Mr. Klee.

There were multiple discussions on the motion among Commission members.

There was a motion to amend the motion on the floor by Mrs. Jarecki to add:

Based upon the opinion letters dated Oct.14, 2010 and Aug.10, 2010, to come into compliance with the special use permit and required reclamation of the site, the materials must be removed.

Supported by Mr. Arndt.

Rewritten and reread as follows by Mr. Borton:

Based upon the opinion letters dated Oct.14, 2010 and Aug.10, 2010, from our legal council and the opinion of the Zoning administrator, to come into compliance with the special use permit and required reclamation of the site. It is the position of the Planning Commission that the material which is currently blocking the completion of reclamation be removed from the site.

Motion approved unanimously. Motion passes.

New Business:

- 1) Recommendation of reappointment for members with expiring terms (Borton, Colosimo, Jarecki, Klee, Mang and Stults).
  
- 2) Mr. Ferrigan stated the Planning Commission needed to give confirmation to the County Administrator that the current members were willing to continue with the new terms. Mr. Klee has already affirmed that he is willing to take the position that expires 12/31/2011.
  
- 3) Election of officers.

Nominations open for Chairperson.

Mr. Arndt nominated Mr. Stults as Chairperson of the Commission.

Supported by Mr. Borton.

Nominations closed.

Nomination approved unanimously.

# Otsego County Planning Commission

---

Minutes for 10-18-10

Nominations open for Vice chairperson.  
Mr. Mang nominated Mr. Arndt as Vice Chairperson.  
Supported by Ms. Nowak.  
Nominations closed.  
Nomination approved unanimously.

Nominations open for Secretary.  
Mr. Hilgendorf nominated Mr. Borton.  
Supported by Mr. Arndt.  
Nominations closed.  
Nomination approved unanimously.

Reports and Commission Members comments:

- 1) Report from dumpster committee.

Mrs. Dipzinski addressed the commission stating that she thought the Sub committee meetings went well.

There were multiple discussions among the Commission regarding the proposed language submitted by the dumpster committee.

Mr. Mang suggested the definition of “closed lid” be changed to “a containment device having a closable lid with a capacity greater than 120 gallons designed for temporary and sanitary storage of solid waste.

Mr. Stults asked if everybody was agreeable with this change and all agreed.

Mr. West gave the Commission an update as to what is considered agricultural use and what the State’s Right to Farm Act does not consider a dumpster agricultural use.

Mr. Colosimo asked about farms having to comply with this section of the ordinance.

Mr. West stated he had contacted Christen Hartman at the Department of Agriculture at the state level in Lansing. He asked about farms having to comply and if it’s covered under the Right to Farm Act. She stated it is required in the business aspect and is required of all businesses. It is not part of an agricultural operation and dumpsters are not covered in the Right to Farm Act but it is definitely covered by local ordinances.

Mr. Arndt asked if we have the means to say that it does not apply to agricultural operations.

Mr. Ferrigan stated yes. The Planning Commission can propose to place that language in the ordinance.

# Otsego County Planning Commission

---

Minutes for 10-18-10

Mr. Mang asked Mrs. Dipzinski if the committee discussed agricultural use at the meetings.

Mr. Stults answered that it did not come up at the committee meetings. He recommended that there be more study done before changing it in the ordinance.

The Commission asked the Dumpster Committee to review input and report back to the Planning Commission with any revisions the Dumpster Committee deems appropriate. There were multiple discussions among members concerning screening and placement of dumpsters.

Mr. Ferrigan recommended that the language be changed to read, "Dumpsters shall be located on a level, hard surface that prevents the dumpster from sinking. For example, Afton stone, four (4) inches of concrete or other hard surface material approved by the Zoning Administrator. The size of the pad shall be adequate to fit the size of the dumpster."

Mr. Mang suggested replacing the word "and" with the word "or" after industrial in 42.1.1.1, so that it applies to shared family or multi family residential use.

The Commission members went over the proposed language and gave their comments and the revisions they would like to see in the language.

Mrs. Dipzinski asked if she could get a copy of the proposed changes.

2) Report on camping trailer/RV storage and permits.

Mr. Ferrigan gave an update on the progress.

Mr. Ferrigan gave an update to the Commission concerning the Planning and Zoning budgetary and staff cut backs due to take effect in Jan. 2011.

Adjourned 8:55pm.