

Otsego County Planning Commission

Meeting Minutes from 8-16-10

1) 6:00 Call to Order

2) Pledge of Allegiance

3) Roll Call

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

Staff Present: Mr. Ferrigan, Mrs. Bolinger, Mr. Burt

4) Consent Agenda: None

5) Approval of Minutes: From the 7-19-2010 meeting.

Motion to approve minutes as corrected made by Mrs. Jarecki. Supported by Mr. Borton.

Motion approved unanimously.

6) Other: Otsego County Administrator update:

John Burt addressed the Commission. He gave an update on the proposed land purchase for the new Animal Control Shelter building located on Fairview Rd.

Motion made by Mr. Borton to recommend to the Board of Commissioners to purchase the proposed property on Fairview Rd. Supported by Mr. Klee.

Motion approved unanimously.

7) Public Participation for Items not on the Agenda: None

8) Unfinished Applicant Business: None

9) Public Hearings:

1) Capitol Improvement Plan for 2011 to 2016.

Public Hearing opened at 6:11pm.

No comments.

Public Hearing closed at 6:11pm.

There were multiple discussions among Commission members and Mr. Burt.

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Mr. Stults suggested giving Mr. Burt some discretion to reword some sections of the Capitol Improvement Plan. All agreed.

Motion made by Mr. Arndt to recommend approval of the Otsego County Capitol Improvement Plan 2011 to 2016 as revised. Supported by Mr. Hilgenforf.

Motion approved unanimously. Motion passed.

10) Unfinished Commission Business.

- 1) Northern Processing pit restoration plan and Otsego Conservation District recommendations.

Mr. Ferrigan gave an update on Patricia Osburn's written recommendations from the Otsego Conservation District. (Attached) She feels that this could be accomplished by mid October.

He also gave out more information (attached) that came from a conversation that took place with the County Attorney Mr. Kazim, Ms. Jozwiak, Mr. Blumberg, Mr. Burt and himself concerning mining activity closer to the road than 50 feet. Mr. Kazim stated in the letter that Mr. Matelski will have to adhere to the Ordinance requirements and reclaim this area also.

On the 20th of July Mr. Ferrigan received a call from Ms. Jozwiak that Mr. Matelski was removing gravel again from the pit. He went to the site, and witnessed Mr. Matelski on a bulldozer grading the site. He asked Mr. Matelski about the gravel being hauled out of the site. Mr. Matelski stated that he called the Road Commission and asked if they wanted the gravel because he was told that he could not sell it but he had to clean up the site. They said yes and came and got it. The next morning Mr. Ferrigan called the Road Commission at which time they collaborated his story. Mr. Kazim's letter addresses this which also leads to the ex parte order prohibiting removal of aggregate material from the gravel pit from Judge Allen.

Mr. Ferrigan also sent a letter to Mr. Delaney dated July 29, 2010 requesting a revised restoration plan including the recommendations from the Otsego Conservation District be submitted no later than August 5, 2010.

There was nothing received.

Mr. Matelski stated that he was not aware that a revised plan needed to be submitted. He's just trying to get the reclamation done.

Mr. Stults stated that it is very disappointing that this has been dragged on and on. It's very frustrating to the Planning Commission and it seems that there is just one delaying tactic after another.

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Mr. Blumberg addressed the Commission. He stated that due to the fact that Mr. Matelski has not complied with the Zoning Ordinance they do not believe that he will follow through with the reclamation and therefore they would actually like for Northern Processing LLC and Mr. Matelski to be removed from the site and be made to pay for the reclamation to be done. One of the things that Judge Allen's order prevents him from doing is moving top soil from the back side of the property and using it to reclaim the mined area. Therefore he will need to bring in new topsoil to comply with the Zoning Ordinance.

Mr. Matelski stated that nothing Mr. Blumberg said is factual.

Planning Commission discussion:

Mr. Hilgendorf asked where we go now.

Mr. Ferrigan suggested that if he were the Planning Commission, to accept this reclamation plan and attach the conditions from the Otsego Conservation District and say that you have till the middle of October to be done, get out, that's it, we're done it's over in our eyes. And the if he's not done in the middle of October then we have to go to John and then we get Hider involved in it and the County ends up taking them to court. Make him finish the project.

There were multiple discussions among Commission members, Mr. Ferrigan, Mr. Matelski and Mr. Blumberg.

One of the problems is that Judge Allen is not aware of the action this board may take tonight.

Mr. Stults stated that one of the attorneys should be making the judge aware of what the Planning Commission has placed as directives.

There were multiple discussions among Commission members, Mr. Ferrigan, Mr. Matelski and Mr. Blumberg.

Motion made by Mr. Arndt that we accept the pit restoration plan submitted by Northern Processing LLC July 19, 2010 with the condition that seed or seed mixtures, rate of application of seed and fertilizer, soil depth, types of fertilizer and considering time frame for completion of work shall be in accordance with correspondence from the Otsego Conservation District dated 7-22-10 signed by Patricia Osburn, Administrator and Soil Conservation inspector. Supported by Mr. Mang.

Motion approved unanimously. Motion passes.

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11) New Business.

1) Capitol Improvement Plan for 2011 to 2016.
Done with item #9 on agenda.

2) Article 18.25 discussion to begin the updating of this section of the ordinance.

Mr. Stults would like to have the whole Planning Commission input on the possible changes to Art. 18.25 in discussions with all the members.

There were multiple discussions among members.

12) Reports and Commission Member's Comments.

1) Zoning Administrator's report on Recreational Equipment.

Mr. Ferrigan addressed the Commission concerning the Ordinance for recreational equipment.

13) Meeting Adjourned 8:20pm