

Otsego County Planning Commission

CORRECTED Minutes for December 17, 2012/Regular Meeting

Call to Order: 6:00 pm

Pledge of Allegiance

Roll Call:

Present: Chairperson Stults, Vice Chairperson Arndt, Secretary Borton, Mr. Hilgendorf, Mr. Brown, Ms. Nowak, Mrs. Jarecki, Mr. Klee, Mr. Hendershot, ~~Mr. Hilgendorf~~, Mr. Mang

Absent: Mr. Hartmann

Staff Present: Mr. Schlaud, Ms. Boyak-Wohlfeil

Others Present: John Burt, Otsego County Administrator

Public Present: Bonnie Mitchell, Terry Jans

Mr. Burt commented on the resignation of Joe Ferrigan and stated Vern Schlaud was the interim director until the position could be filled.

Approval of minutes from November 19, 2012:

Motion made to approve minutes as is by Mr. Hendershot; Seconded by Mr. Brown.

Motion approved unanimously.

Consent Agenda: None

Public participation for items not on the agenda:

Bonnie Mitchell handed out and read aloud a written complaint concerning a lighting problem with Sklarczyk Farms' greenhouse. She stated the lighting system was intense and was very intrusive. It lit up the nighttime sky and detracted from the up north feel. She had approached the owner about covering the house at night but he refused. She stated the issue violated Otsego County Zoning Ordinance **18.19 LIGHTING, OUTDOOR**, particularly 18.19.1.1 through 18.19.1.4.

Chairperson Stults stated the Planning Commission did not deal with enforcements and asked Mr. Schlaud to follow through as the enforcement officer.

Mr. Schlaud stated he would drive by the property after the meeting to check on the issue and would get back with Ms. Mitchell.

Public Hearing: None

Advertised Cases: None

Unfinished Commission Business:

- a. Article 14 Schedule of Dimensions, 14.1 Table 1, AR/Agricultural Resource, FR/Forest Recreation setback requirements.

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Mr. Brown stated the Charlton Township Planning Commission had recommended setbacks in the AR/FR districts be the same as surrounding districts because they felt land owners were being penalized for having larger pieces of property in those zoning districts.

He read aloud the following motion he had submitted to the Land Use Department; Seconded by Mr. Hilgendorf:

I move that the minimum front setback for FR/Forest Recreation and AR/Agricultural Resource zoning districts of fifty (50) feet be changed to twenty-five (25) feet, minimum side setback of twenty (20) feet be changed to ten (10) feet and minimum rear setback of forty (40) feet be changed to thirty (30) feet as stated in Article 14/Schedule of Dimensions. This motion is made to have the setbacks be the same as in the R1/Residential, R2/General Residential, R3/Residential Estates and RR/Recreation Residential zoning districts.

Mrs. Jarecki stated according to the Master Plan, she thought the reasoning behind the greater setbacks might have been to maintain the rural character of those zoning areas by keeping the green space in front of the houses.

Chairperson Stults stated he did not believe it was an oversight on the part of the previous Planning Commission and that there are many reasons why the setbacks were greater in the AR/FR zoning districts such as size of equipment used, equipment storage, odors, etc.

Chairperson Stults suggested a modification of the previous motion to include, '*Note h: Section 18.1 allows a rear setback of ten (10) feet for accessory buildings*', stating it also applied.

Chairperson Stults read the following motion to replace the previous motion on the floor; Seconded by Mr. Brown:

Motion to follow Article 24 Township Participation in county Zoning for the proposed change that Section 14.1 Table 1 be revised as follows:

1. Minimum Front setback for the FR and AR Zoning Districts is reduced from fifty (50) feet to twenty-five (25) feet.
2. Minimum Side setback for the FR and AR Zoning Districts is reduced from twenty (20) feet to ten (10) feet.
3. Minimum Rear setback for the FR and AR Zoning Districts is reduced from forty (40) feet to thirty (30) feet with note (h) applying to this minimum rear setback.

This purpose of the proposed change is to have the setbacks in the AR and FR Zoning Districts the same as the setbacks in the R1, R2, R3 and RR Zoning Districts.

Further, once the time period for Township Participation in County Zoning has passed the proposed changes are placed before the Planning Commission for consideration to recommend to the Board of Commissioners adoption of the proposed changes.

Motion to replace previous motion approved unanimously.

Motion on the content and being sent to Townships approved; Ten (10) yes votes, one (1) no vote.

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Chairperson Stults requested suspending the rules to allow a report from the Executive Committee.

He stated the Executive Committee met December 5, 2012 to discuss the Objective List for 2013 and only a couple of items had been eliminated due to the Planning Commission's lack of control over them. Members were presented with the proposed minutes before the meeting.

New Business:

- a. Prioritized Planning Commission 2013 Objective List

Mr. Mang questioned *Number 14. Fences/Game Farms* and its addition to the list.

Mrs. Jarecki stated she had submitted the item because no mention of game farms/fencing issues was in the zoning ordinance.

Chairperson Stults asked Mr. Schlaud if game farms fell under the Right to Farm Act and he stated he believed they did. He then stated, by law, the Planning Commission had to follow that Act.

Chairperson Stults read the following motion to approve the Objective List for 2013; Seconded by Mrs. Jarecki:

Motion to approve the 2013 Planning Commission Objectives and Priorities as recommended by the Executive Committee.

Motion approved unanimously.

Reports and Commission Member's Comments:

Vice Chairperson Arndt suggested putting notes and thoughts in writing when working at the Township level and submitting input so nothing was overlooked when information was returned to the Planning Commission for consideration and recommendation.

Chairperson Stults stated written notice was needed seven (7) days prior to any meeting to be included on the agenda and that he thought any motions to be considered should be put down in writing, previously to any meeting.

Mr. Mang stated in the past, meetings had been paused so a motion could be written out and then read for consideration.

Adjournment: 6:45 pm

Christine Boyak-Wohlfeil, Recording Secretary

Ken Borton, Planning Commission Secretary