

Otsego County Planning Commission

CORRECTED Minutes for October 22, 2012/Regular Meeting

Call to Order: 6:00 pm

Pledge of Allegiance

Roll Call:

Present: Chairperson Stults, Vice-Chairperson Arndt, Secretary Borton, Mrs. Jarecki, Mr. Klee, Mr. Hartmann, Mr. Hendershot

Absent: Mr. Hilgendorf, Mr. Brown, Ms. Nowak, Mr. Mang

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

Public Present: None

Others Present: John Burt, Otsego County Administrator

Mr. Hilgendorf arrived 6:01 pm.

Approval of minutes from September 17, 2012:

Motion made to approve minutes by Mr. Klee; Seconded by Mr. Hendershot.

Motion approved unanimously.

Consent Agenda: None

Public participation for items not on the agenda: None

Public Hearing: *Otsego County Capital Improvement Plan*

Public Hearing Opened: 6:04 pm

Public Hearing Closed: 6:04 pm

Mr. Mang arrived 6:05 pm

Advertised Cases:

*Otsego County
Capital Improvement Plan
2013-2018*

John Burt, Otsego County Administrator, presented the Capital Improvement Plan for 2013-2018 stating there had not been many changes; the Road Commission did update the road improvements they had thus far.

Mr. Burt gave an update on the Otsego County Regional Airport and the Otsego County Jail. He stated the County had added a box hanger (60'x60') to house larger planes tentatively to the Plan but anything of priority would move that addition further down the list. He also stated construction of a new jail was a priority and that even with the Work Camp and Drug Court programs, the jail overflowed its capacity. Recommendation is tentatively set for 2015 but until dedicated funding is obtained, it would also be pushed back as necessary.

Otsego County Planning Commission

CORRECTED Minutes for October 22, 2012/Regular Meeting

Motion made to include the Otsego County Planning Commission Document Review Comments in the Capital Improvement Plan by Secretary Borton; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

Motion made by Vice Chairperson Arndt to recommend adoption of the Capital Improvement Plan 2013-2018 to the Board of Commissioners; Seconded by Mrs. Jarecki.

Motion approved unanimously.

Chairperson Stults thanked the members of the 'Capital Improvement Plan Committee' for their service and terminated the committee. The Planning Commission Chairperson will assemble a new committee next year for work on 'Capital Improvement Plan 2014-2019'. He stated if anyone was interested in appointment, to let him know.

Mr. Mang apologized for his lateness and requested a change to the Planning Commission's September 17, 2012 meeting minutes.

Motion made to rescind the previous motion approving the minutes by Mr. Hilgendorf; Seconded by Vice Chairperson Arndt.

Motion approved unanimously.

Mr. Mang read the following change replacing the paragraph under '**b. Mining:** ...' page two (2):

Patricia Osburn, Otsego County Conservation District Director, stated a Soil Erosion Permit is required if the project is within five hundred (500) feet of a lake or stream; or the area of disturbed soil will be over one (1) acre, irrespective of the distance to water. With respect specifically to gravel mining, Ms. Osburn contacted the state Department of Environmental Quality (DEQ) to ask them if there is a state minimum requirement for proximity of gravel mining to water. She stated DEQ told her there is not a set formula for determining distance. She stated she was told that site-by-site determinations are made as to the likely effects of mining on the quality of water leaving the property and the impact the disturbance would have on the body of water in question. A site plan would be required of the applicant that would consist of protective measures that would protect the waters of the state.

Motion made to approve minutes with the above change by Mr. Klee; Seconded by Mr. Hendershot.

Motion approved unanimously.

Unfinished Commission Business:

- a. Mining: Distance from water/Draft language that the setback will be determined on a case-by-case basis by P.C.

Chairperson Stults made the following motion; Seconded by Mr. Klee:

I move the proposed Mining changes in Article 18.25 include requirements that the Planning Commission determines the minimum distant from water, required setback on a case-by-case basis at the time of site plan approval with the Land Use Service Department to draft language. Further, with this being the final item for the proposed mining changes in Article 18.25 that the proposed

Otsego County Planning Commission

CORRECTED Minutes for October 22, 2012/Regular Meeting

change is to follow Article 24 and receive township review with responses from the townships to be returned to the Director of Land Use Services by January 15, 2013.

Motion approved unanimously.

- b. Planting Buffer: Section 18.18 approval of revised Table I

After clarifying that Section 18.18 Planting Buffer/Table I had been sent to the townships previously, the following motion was made.

Motion made to recommend adoption to the Board of Commissioners by Vice Chairperson Arndt; Seconded by Secretary Borton.

Motion approved unanimously.

- c. Article 14 Schedule of Dimensions, Agricultural Resource: AR/Forest Recreation: FR set back requirements: **Postponed**

New Business:

- a. Re-appointment of members with expiring terms:

1. Mang
2. Jarecki
3. Hartmann

Motion made to recommend reappointment to the Board of Commissioners by Mr. Hendershot; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

- b. Definition of Agriculture or Agricultural Use: The ZBA has requested a clarification on the wording, "An Agricultural building does not include a building used for retail trade." (See ZBA minutes 7-31-2012 meeting)

Motion made by Mr. Hilgendorf to leave the definition of Agriculture/Agricultural Use as is; Seconded by Secretary Borton.

Motion approved unanimously.

- c. Request from ZBA: Section 9.2.4 Livestock Auction Yards require a minimum of ten acres (10) with a minimum width of six hundred (600) feet; Section 18.20 requires a minimum of forty acres (40) site size. The request is for the Planning Commission to draft language that has corresponding language in both sections of the zoning ordinance. (See ZBA minutes 7-31-2012 meeting)

Chairperson Stults made the following motion; Seconded by Secretary Borton:

I move the required minimum size of ten (10) acres in Article 9.2.4 Livestock Auction Yards be changed to forty (40) acres in order to follow the forty (40) acres size required for Livestock Auction Yards in Article 18.20.2. Further, this proposed change is to follow Article 24 and receive township review with responses from the townships to be returned to the Director of Land Use Services by January 15, 2013. This motion is made to correct the Zoning Ordinance as requested by the Zoning Board of Appeals in their meeting on July 31, 2012.

Otsego County Planning Commission

CORRECTED Minutes for October 22, 2012/Regular Meeting

Motion approved unanimously.

- d. Request from ZBA: The ZBA has requested the Planning Commission revise Section 18.1.3.1 to clarify the maximum amount of accessory building allowed. (See ZBA minutes 7-31-2012 meeting)

Chairperson Stults read the following revision to Article 18.1.3.1:

18.1.3.1 Where the lot is larger than the minimum size for that zoning district, the total accessory building square footage maybe increased proportionally to the lot size in the following manner: Twenty-five (25) square feet increase in allowable accessory buildings for every one thousand (1,000) square feet that the lot exceeds minimum lot size, up to a maximum of four thousand (4,000) square feet ~~for all accessory building(s).~~

Further, this proposed change is to follow Article 24 and receive township review with responses from the townships to be returned to the Director of Land Use Services by January 15, 2013.

Motion to approve made by Secretary Borton; Seconded by Mr. Hartmann.

Motion approved unanimously.

Reports and Commission Member's Comments:

PC-2003-09-CH-SUP Northern Processing final report

Mr. Ferrigan stated he had made a final inspection of the property and had issued an approval of reclamation to Northern Processing for their gravel pit operation. He stated Mr. Matelski had gone above-and-beyond what the ordinance stated. He was not sure if the case would return to court.

Mr. Ferrigan also stated Jeff Ratcliff, a promoter of the Big Ticket Festival, had requested a pre-applicant conference concerning a parcel of wooded land on Fairview adjoining Otsego County Fairgrounds to be used as a temporary campground. It is zoned B1 and Mr. Ferrigan felt it was considered a permitted use subject to special conditions under tourist lodging. They were still working on issues, mainly with the Health Department. Mr. Ferrigan had not received a formal application.

Adjournment: 7:28 pm

Christine Boyak-Wohlfeil, Recording Secretary

Ken Borton, Planning Commission Secretary