

OTSEGO COUNTY PLANNING COMMISSION

Minutes from 7-20-09

6:00pm Call to order.

Pledge of Allegiance.

Roll Call

Chairman Stults: Present, Vice Chairman Arndt: Absent, Ms. Backenstose: Present, Mr. Hilgendorf: Excused, Mrs. Jarecki: Present, Mr. Colosimo: Absent, Mr. Ernst: Absent, Ms. Nowak: Present, Mr. Klee: Present, Mr. Mang: Excused, Mr. Borton: Present.

Chairman Stults asked to let the record show that there is a quorum & the meeting can proceed.

Joe Ferrigan, Sharon Bolinger, John Burt and Ken Glasser were also present.

Public present: Olen Harris, Colleen Jozwiak, Herb Russell, Tom Matelski and daughter.

Motion made by Mr. Borton to approve the minutes from 5-18-09 as corrected. Seconded by Mr. Klee.

Motion approved unanimously. Motion carries.

Ken Glasser, Chairman of the Otsego County Board of Commissioners addressed the Commission.

Mr. Glasser thanked the Commission for their efforts.

He is concerned about Article 23 in the County Planning & Zoning Ordinance.

23.5.3.4 Review criteria conditions.

He is not sure that the Planning Commission has the right to place all of these conditions in the ordinance or that the County Rural Zoning Enabling Act, P.A. 183 of 1943 gives them that authority.

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His concern about the wind turbine ordinance is that zoning's purpose is to help people to maximize the use of their property according to the law, not to restrict the use.

He suggests that the Commission strike the last sentence of the purpose section that talks about protecting a scenic view in Section 18.47.

He is also concerned about how we can place limits on things like decibel levels. There must be a foundation for this type of limitation, like a public health or safety hazard. We need to remain within the confines of the State Law and not create any standards that cannot be held up in a court of law.

Ms. Nowak was glad that Mr. Glasser told the Commission about his concerns.

Chairman Stults opened the floor for public comment.

Colleen Jozwiak addressed the Commission.

She asked as to what the procedure was to be placed on the agenda for a Planning Commission meeting. Mr. Ferrigan told her the procedure. Ms. Jozwiak requested to be put on the next meeting agenda.

Herb Russell asked about wind turbines. He was told that would be later on tonight's agenda.

Public comment closed.

Unfinished applicant business.

- a. Tom Matelski: amendment to Special Use Permit PC-2003-09-CH-SUP

Mr. Ferrigan addressed the Commission and reviewed the minutes from the Aug. 18, 2008 meeting on pages 3 & 4 pertaining to the Special Use Permit.

Mr. Ferrigan and Chairman Stults had made a site visit on Monday the previous week for a site plan evaluation.

Tom Matelski addressed the Commission.

He would like to be able to use this property to pour his septic tank molds at least 1 time but not more than 6 or 7 times before snow fall.

Ms. Nowak asked if Mr. Matelski has found a new location for this operation.

Mr. Matekski replied that they have not been able to find a new location.

There were discussions among Commission members.

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Chairman Stults asked what the current zoning of the property is. Mr. Ferrigan replied FR.

Olen Harris addressed the Commission. He said that Colleen Jozwiak has complained about the septic tanks. He would like the written verbiage as to the approval of having the septic tank manufacturing on this property. He has seen nothing in writing.

Mr. Matelski stated that he has a court order to the fact that Mr. Harris and Mrs. Jozwiak cannot interfere with his business.

John Burt address the Commission stating that he has spoken with the County attorney and the Mrs. Jozwiak can speak on behalf of her property.

Chairman Stults asked if there is any classification for this type of manufacturing in the FR district. He referred to Section 18.44 and stated that the ZBA can make a determination.

Mr. Colosimo arrived at 6:35pm.

Mr. Ferrigan stated that the usage may be ok under Section 18.44 and then went on to explain the Section.

Mr. Ferrigan gave the Wind Turbine Update. He stated that the amendments have been sent to the Townships and we are waiting for their reply.

John Burt addressed the Commission. He has concerns with Section 18.47.8c of the amendments.

Herb Russell addressed the Commission. He passed out literature on the vertical WTG models he would like to become a distributor of and gave us their web address.

www.mastechpower.com

Dave Drews addressed to Commission. He likes the idea of the ambient way of regulating sound levels. We need to try to avoid placing too many “hurdles” if we are trying to promote “green building”.

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Mr. Arndt arrived at 7:01pm.

Mr. Ernst arrived at 7:03pm.

Changes to Article 23 update. These have been sent to the Townships and we are waiting for their input.

MUZ update. The sub-committee is still working on this; they will meet again on Aug. 13, 2009 at 2:00pm.

Mr. Arndt gave the update on the Assisted Living proposal. He passed out his proposed revision and explained them. Need to write into the ordinance that the Zoning Enforcement can look at these for compliance.

Need to Strike 4.1.5 and add housing with services.

Need to strike 4.2.6 and add housing with services licensed.

Chairman Stults suggested that the sub-committee talk with Township officials and ask for their written comments.

There were multiple discussions on the Assisted Living definitions. No actions were taken yet.

Mr. Ferrigan suggested to the Commission that they look over Article 15 of the Zoning Ordinance and come back with suggestions as to how to make it "flow" better.

Mr. Ferrigan stated that the new inspector has been assigned with the task of checking on the mining operations and annual inspection of all gravel pits.

Meeting adjourned at 7:59pm.