PLANNING & ZONING COMMITTEE MINUTES
JUNE 2, 2009

PRESENT:        Douglas Richmond, Phil Baebler, John Healy, Fred Teitgen, Harlan Baumgartner

ABSENT AND
EXCUSED:        Phil Baebler (for Public Hearing only)

STAFF:          John Bluemke, Director, Michael Stapleton, Zoning Administrator, Susan Runnion, Office Administrator, Randy Thompson, Planning Administrator, Brian Zirbes, Principal Planner

ALSO PRESENT:   Deb Wopat, Chair – Columbia County Board of Supervisors

BUSINESS MEETING
1:00 PM

1. Chair Richmond called the meeting to order at 1:00 PM

2. Certification of Open Meeting Law

3. Roll Call was taken and a quorum declared present.

4. Approval of Agenda

   Mr. Bluemke would like to add an item – Town of Newport Petition relating to “short term rental properties”.

   Motion by Vice Chair Baumgartner to approve Agenda of June 2, 2009 Planning & Zoning Committee Regular Meeting & Public Hearing with amendment.
   Seconded by Mr. Teitgen.
   Motion carried unanimously.

5. Approval of Minutes

   Motion by Mr. Healy to approve Minutes of May 5 and May 20, 2009 Planning & Zoning Committee Regular Meeting & Public Hearing.
   Seconded by Mr. Baebler.
   Motion carried unanimously.
6. Dennis and Lawrence Taff: Town of Lowville – Variance to Land & Subdivision Ordinance

Motion by Vice Chair Baumgartner to approve Variance to Land & Subdivision Ordinance for Dennis and Lawrence Taff.
Seconded by Mr. Teitgen.
Motion carried unanimously.

7. Department Report

a. Planning Update – Mr. Zirbes distributes finalized West Point Park Plan which has been adopted. The Plan may allow the town to receive funding from the State.

b. Enforcement - Mr. Stapleton reviews Enforcement Report

c. Financial
   • Out of County travel – Mr. Bluemke not aware of any upcoming travel
   • Expenditure Report

Motion by Mr. Teitgen to approve Expenditure Report.
Seconded by Mr. Baebler.
Motion carried unanimously.

d. Ordinance Update
   • Town Advisory Committee Update – Mr. Bluemke explains that a budget extension may be required for Vandewalle & Associates contract work.
   • Chapter 91

Mr. Bluemke states that Joint Finance passed Chapter 91.

Motion by Mr. Teitgen to allow Mr. Bluemke to continue discussion with WCA and our Legislators relating to Chapter 91 issues.
Seconded by Mr. Healy.
Motion carried unanimously.

Mr. Stapleton attended NR115 meeting to review proposed Administrative Code updates. Changes include regulation on impervious surface, restoring buffer area and requirements for native species.

• Amendment Plan – Discussion takes place regarding process and viability of joint application for Town/County.

Chair Wopat brings up topic of “consolidation of government units”.
Vice Chair Baumgartner suggests that the Public Hearing for Town/County take place at the same time. Wants to see joint application and process prior to submitting Fee Schedule to County Board of Supervisors.

e. Floodplain Moratorium

**Motion by Vice Chair Baumgartner to approve Floodplain Moratorium.**

**Seconded by Mr. Teitgen.**

**Motion carried unanimously.**

f. Town of Newport Petition requests the development of rules and regulations governing short term rental properties in Columbia County.

Mr. Bluemke suggests creating a definition for “temporary occupancy”

Vice Chair Baumgartner prefers to continue with Ordinance revisions.

2:30 PM

8. View Sites

4:00 PM

9. Public Hearing

**Item I- Zoning Change – Agricultural to Rural Residential, Randy L. & Phyllis J. Reigstad, Petitioners and Owners – Town of Hampden**

Chair Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

Chair Richmond asks if anyone has any questions.

Mr. Teitgen inquires if road access meets town standards?

Mr. Bluemke responds that the Town approved the Certified Survey Map.

Petitioner present and did not have anything to add.

Chair Richmond asks if anyone is in favor of petition. (no comments)

Chair Richmond asks if anyone is against the petition. (no comments)

Town Board not present, but Minutes on file. Town recommended approving rezoning.
Chair Richmond closes Public Hearing.

Motion by Mr. Baumgartner to approve rezoning from Agricultural to Rural Residential effective upon the recording of the Certified Survey Map and the recording of the deed restrictions.
Seconded by Mr. Teitgen.
Motion carried unanimously.

Item II- Conditional Use Permit – Portable Concrete Batch. The Kraemer Company, LLC, Petitioner, John G. Stevenson, Owner – Town of Arlington

Chair Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

Chair Richmond asks if anyone has any questions.

Mr. Teitgen inquires about condition which would define temporary status.

Mr. Bluemke replies that it is Condition #1 which states the CUP is valid for a period of two years from date of approval.

Petitioner present and did not have anything to add.

Chair Richmond asks if anyone is in favor of petition. (no comments)

Chair Richmond asks if anyone is against the petition. (no comments)

Town Board not present, but Minutes on file. Town recommended approving rezoning.

Chair Richmond closes Public Hearing.

Motion by Mr. Teitgen to approve Conditional Use Permit for temporary concrete batch plant per the stated findings, conclusions and conditions.
Seconded by Mr. Healy.
Motion carried unanimously.

Findings:
1. The existing limestone quarry on the property is owned by John Stevenson.
2. Columbia County holds the principal lease on the subject property for the occupancy and use of the existing quarry.
3. The Kraemer Co., LLC, holds a sublease agreement with Stevenson for the use of the quarry, said sublease having received the approval of the Columbia County Highway Committee on March 5, 2009.
4. The Kraemer Co., LLC, seeks a Conditional Use Permit to permit the operation of a temporary concrete batch plant in the quarry for the purpose
of providing concrete for state highway projects, specifically, for the reconstruction of Interstate 90 & 94 during the 2009 and 2010 construction seasons.

5. The Kraemer Co., LLC has entered into an agreement with the Town of Arlington to establish certain terms and conditions with respect to the operation of said batch plant, use and maintenance of roads, time limitations, and other factors potentially impacting the interests of the Town and its residents.

6. The proposed use requires a Conditional Use Permit under Sec. 16-1-5 (b)(2)(b)(1) of the Columbia County Zoning Ordinance.

7. The proposed use as applied for is a limited term of approximately two years, and peak use periods

Conclusions:

1. The application complies with the general criteria of the Agricultural District and Sec. 16-1-18 (c).

2. The proposed use is consistent with the continued agricultural use of the surrounding area, does not remove any land from agricultural production and will not interfere with continued agricultural use of any adjacent lands.

3. It is in the public interest to promote competitive bidding on public construction projects.

4. Certain provisions of the agreement between the Kraemer Co., LLC and the Town of Arlington are applicable to the review criteria of Sec. 16-1-18 (e) and the general purpose and intent of the ordinance.

5. The proposed use qualifies for a Conditional Use Permit.

Conditions:

1. The Conditional Use Permit shall be for a period of two years from the date of approval.

2. The Kraemer Co. shall complete improvements to the quarry entrance in accordance with the May 6, 2009 agreement with the Town of Arlington prior to the setup of the proposed concrete batch plant.

3. The Kraemer Co. LLC shall minimize the dispersion of dust from the operation of the concrete batch plant and any associated trucking activity. Dust shall be minimized on site by the use and maintenance of dust control equipment on the plant itself and the use of watering equipment for vehicle traffic areas, and shall be done as needed or at the request of the Town or County to minimize the impact of such dust on adjacent roads or nearby residential properties. The pavement surface of all hauling roads shall be kept free of all mud, debris, and dust by sweeping, also as needed or at the request of the Town or the County.

4. Hours of operation for the concrete plant shall be as stated under Provision No. 12 of the agreement between the Kraemer Co. and Town of Arlington, except that for expanded hours of operation prior notice shall also be given to the Planning and Zoning Department.

5. Traffic advisory signs are to be posted on Pine Hollow and Richards Roads at all times during plant operation. Use of other Town roads as permitted by
agreement with the Town of Arlington shall also be subject to such advisory signage. Kraemer shall notify the County of any such change.
6. Construction of a high-capacity well on site shall be subject to the provisions of item No. 5 of the Agreement with the Town of Arlington.
7. The generation of noise from the batch plant shall not exceed 65 decibels as measured from exterior property lines.
8. All vehicles and equipment operating on the site shall employ and maintain exhaust systems and/or sound control equipment meeting or exceeding industry standards.
9. Upon completion of its contractual obligations to the Department of Transportation with respect to the reconstruction of Interstate 90/94, Kraemer shall remove the batch plant from the site.
10. The Kraemer Co. LLC shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.
11. The Kraemer Co. LLC agrees that all operations will be conducted professionally and conform to industry, state or local standards.

Item III- Zoning Change – Agricultural to Agricultural No. 2, Kevin & Linda Potenberg, Petitioners and Owners – Town of Springvale

Chair Richmond opens Public Hearing.

Mr. Bluemke presents the staff report.

Chair Richmond asks if anyone has any questions.

Mr. Teitgen asks to confirm that County Highway Department doesn’t have problem with access.

Petitioner present and did not have anything to add.

Chair Richmond asks if anyone is in favor of petition. (no comments)

Chair Richmond asks if anyone is against the petition. (no comments)

Town Board not present, but Minutes on file. Town recommended approving rezoning.

Chair Richmond closes Public Hearing.

Motion by Mr. Healy to approve rezoning from Agricultural to Agricultural No.2, Seconded by Mr. Teitgen.
Motion carried unanimously.
Item IV - Conditional Use Permit – Wireless Communication Tower, Hudson Towers LLC, Petitioner, Richard & Joann Evans, Owners – Town of Pacific

Chair Richmond opens Public Hearing.

Mr. Stapleton presents the staff report.

Chair Richmond asks if anyone has any questions.

Mr. Teitgen inquires about proximity of air strip.

Petitioner, Cliff Bernstein, Hudson Towers LLC was present.

Explains that private airstrips are not controlled by the FAA. When selecting tower location they considered orientation of private runway. 180° monopole will hold four carriers. Cell towers are placed on grid which requires them to be 4 miles from each other. There is a tower missing at this intersection.

Chair Richmond asks if anyone is in favor of petition. (no comments)

Chair Richmond asks if anyone is against the petition. (no comments)

Town Board not present, but Minutes on file. Town recommended approving rezoning.

Chair Richmond closes Public Hearing.

Motion by Mr. Teitgen to approve Wireless Communication Tower per the stated findings, conclusions and conditions.

Seconded by Mr. Baumgartner.

Motion carried unanimously.

Findings:

1. The property is owned Richard and Joann Evans.
2. Applicant, Hudson Towers, LLC, under a lease with the owners, proposes to erect a 180-foot monopole wireless communications tower capable of supporting the antennas of four service providers.
3. The proposed site is subject to the requirements of Title 16, Chapter 6, the Columbia County Wireless Communications Ordinance.
4. Sec. 16-1-5 (b)(2)(e) of the Columbia County Zoning Ordinance requires that a conditional use permit be obtained for a new communications tower.
5. Submittals by the applicant indicate that the site will be developed in accordance with the standards of Chapter 16-6.
6. The application also complies with the general criteria of Sec. 16-1-18 (e) of the Columbia County Zoning Ordinance.
Conclusions:
1. The proposed use is consistent with the purpose and intent of Title 16, Chapter 6.
2. The proposed use is also consistent with the purpose and intent of Title 16, Chapter 1.
3. The proposed use complies with all applicable standards and criteria.
4. The application qualifies for a Conditional Use Permit.

Conditions: (for 180' tower per submitted plans)
1. Prior to or at the time of application for a zoning permit for construction of the tower, the applicant shall submit construction plans for the tower bearing the stamp of a Registered Professional Engineer.
2. Development of the site shall comply with all applicable national, state and local building and electrical codes.
3. Liability insurance and bonding for tower removal as specified under Sec. 16-6-5 (e) shall be maintained during the life of the tower.
4. The tower shall be removed in accordance with the provisions of Sec. 16-6-5 (f) upon cessation of its operation or use.

10. Adjourn

   Motion by Mr. Baumgartner to adjourn meeting.
   Seconded by Mr. Healy.
   Motion carried unanimously.

Meeting adjourned at 4:30 PM.

Respectfully submitted,

Fred Teitgen, Secretary
Planning and Zoning Committee

Recording Secretary
Susan Runnion
Office Administrator

cc: Committee Members
    Debra Wopat, County Board Chair
    Robert Westby, County Board Vice Chair