

**TOWN OF NEWBURGH
PLANNING COMMISSION
MINUTES DECEMBER 3, 2012**

MEMBERS ATTENDING: Candi Burress; Jim Moore; Anne Rust Aurand; Kris Setzekorn; Bill Byers
ADMINISTRATIVE ATTENDING: Chris Wischer, Attorney; Cynthia Burger, Town Manager; Lori Buehlman, Town Manager-to-be.

MINUTES

Mrs. Setzekorn noted the last meeting began at 5:45 p.m., not 6:45 p.m. With that correction, Mrs. Burress moved to adopt the minutes. Mrs. Setzekorn seconded the motion and it carried.

REPORTS

Staff

Ms. Buehlman said five projects were permitted for a total valuation of \$21,400 and paid fees of \$109.

UNFINISHED BUSINESS

Update on 19 E. Water St.

Ms. Buehlman said on November 29, she, Bill Kavanaugh and Cynthia Burger met with representatives of First Bank of Carmi concerning the properties. The contractor hired by the bank, Jeff Hoppe, also was at the meeting.

Items reviewed by Town representatives included the C1 Zoning classification; expired permits and the right of way issue.

Ms. Buehlman said the contractor plans to finish the interior on the east side and clean up the west side exterior (the side that has been occupied). The bank representatives indicated they intend to pay the town for costs incurred when the driveway had to be reconstructed, \$6,000. They only plan to clean the vacant lot. At this point, they do not plan to construct anything on it.

Mrs. Setzekorn asked if there was a timeline given the owners for cleaning the lot. Ms. Burger said she requested they clean up the lot, seed grass and plant trees on it this fall. She also asked the bank to donate the lot to the Town for a park. While they did not commit to that, she said they did not dismiss the option.

Mr. Byers asked if they are aware the properties are within an historic district. Ms. Burger said they know this and are willing to work within the restrictions.

Mr. Moore noted that the next owner might want to use that lot for something.

Mrs. Burress asked if the bank plans to ask for rezoning for the properties. Ms. Burger said they indicated such at an earlier meeting, but she told them it is not going to happen because the building is 45 feet tall, which would be outside R1 zoning requirements.

Ms. Burger said the bank representatives at the November 29 meeting noted they had reevaluated the issue and do not plan to seek rezoning. At this point, she said, they just want to get it fixed up and sell it. They plan to offer just the occupied lot for sale, not the vacant one.

They are aware the pilings on the vacant lot are too close to the street. The contractor asked if any of the pilings could be used for future construction. Ms. Burger assured him that the ones closest to the street must be removed.

Mr. Moore asked how the Commission might pursue the donation of the vacant lot. Ms. Burger said the Town has some leverage to encourage that: During the previous owner's site review, he committed to building a sidewalk, which is still on the books but was not constructed; and they built into the right of way. She said both of those issues can go away if the property is donated.

Mr. Moore asked if there is a tax advantage for the bank if the land is donated before the end of 2012.

Ms. Buehlman wasn't sure about that, but said she is certain they are considering the matter and she hopes to have another update at the January Planning Commission meeting.

Mr. Wischer said, in his discussion with the bank representatives, they just want to get the property cleaned up and get straight with the Town.

Mrs. Aurand suggested the vacant lot might be needed for parking if businesses occupy the lower floors.

Ms. Burger said C1 zoning does not require additional parking places, only driveways.

Ms. Buehlman said she expects them to request permission to install a temporary construction fence to keep the public outside the property. The Historic Preservation Commission would need to approve such a request, she said.

NEW BUSINESS

Simpson Property Barn

Ms. Burger asked the Commission to pass a motion asking a letter be sent to the Simpson family notifying them that the barn that was damaged in a recent storm must be demolished and the debris discarded. She said several phone calls have not been returned.

The barn is at the back of the funeral home parking lot, behind Steve Shoemaker's home on Water Street. She asked that a timeline be established for the demolition.

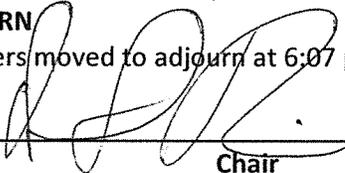
Mr. Byers suggested 60 days be allowed. Ms. Burger agreed and said the letter would describe fines that would be entailed if the timeline is not met.

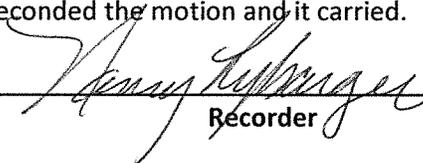
Mr. Byers moved to have the Town Manager write the letter to the Simpson family, allowing 60 days to tear down the barn and clear the debris. Mrs. Burress seconded the motion and it carried.

Mrs. Burress asked for an update on the property at State and Gray streets. Ms. Burger said the property owner has contacted her and he is aware that the town will make the necessary repairs and charge him for it, or he can do the repairs and have it inspected by the Town's engineer.

ADJOURN

Mr. Byers moved to adjourn at 6:07 p.m. Mrs. Setzekorn seconded the motion and it carried.

 Chair

11/7/13  Recorder