

**TOWN OF NEWBURGH  
PLANNING COMMISSION  
MINUTES JANUARY 7, 2013**

**MEMBERS PRESENT:** David Rice; Jim Moore; Bill Byers; Kris Setzekorn; Anne Rust Aurand, Town Council Liaison (voting member of the Commission)

**ADMINISTRATIVE PRESENT:** Chris Wischer, Attorney; Tonya McGuire, Town Council; Lori Buehlman, Town Manager

**CALL TO ORDER**

Mr. Rice called the meeting to order at 5:30 p.m.

**MINUTES**

Mrs. Setzekorn moved to adopt the minutes as presented. Mr. Byers seconded the motion and it carried.

**REPORTS**

**Staff**

Ms. Buehlman said since December, 24 permits had been issued for 14 projects, for a net valuation of \$173,786. Fees collected for permits totaled \$915.

For 2012, there were 293 permits issued for 187 projects. Fees collected totaled \$11,970 and the total valuation from projects was \$2,637,132.

**UNFINISHED BUSINESS**

**19 E. Water Street**

Ms. Buehlman said the rebar has been removed from the vacant lot. However, it does not appear any seeding was done, nor straw applied. She said the owner needs state inspection as to whether the property lies in the flood plain. No new permits may be issued until that question is resolved, Ms. Buehlman said. All previous permits have expired and must be reapplied for before any building or remodeling can start.

Mr. Wischer said the flood plain is in question because the flood maps were updated last year.

Ms. Buehlman noted the \$6,000 check from the owner has been received. Mr. Wischer surmised that they think that will earn them some good will from the Town.

Mrs. Setzekorn asked if there was anything new on the proposed donation of that lot to the town. Ms. Buehlman said she's not heard anything. Mr. Moore urged her to bring this up again.

Mr. Wischer said there will be future opportunities to ask for the donation, as the owner will have to request permits before any work can start on the condos.

Ms. Buehlman reminded the Commission that the property currently is generating property tax revenue. If it is donated to the town, that will no longer be the case.

Mr. Byers asked if the owner is aware of the requirement to use only licensed contractors and the contractors must be registered with the Town.

**Simpson's Red Barn**

Ms. Buehlman said the property owner did accept the registered letter from the town concerning the need to demolish the old barn. The deadline for demolition is Feb. 1, 2013. Mr. Wischer asked to be informed if there are any issues, so he can contact another family member with whom he successfully dealt on another issue. Mr. Byers said the family should know the barn is in bad shape and somebody may get hurt if it collapses any more.

**NEW BUSINESS**

**Election of Commission Officers for 2013**

Mr. Byers moved to close the nominations with David Rice as Chair and Jim Moore as Vice Chair. Mrs. Setzekorn seconded the motion and it carried. Mr. Byers moved to elect Mr. Rice and Mr. Moore. Mrs. Setzekorn seconded the motion and it carried.

**Permit to have horses at Bootz Estate**

Geralyn Bradley would like to move her three horses to the Bootz (Joyko) Estate. Mr. Wischer said the ordinance prohibits goats, swine, cows and horses within town limits. However, the Town can grant waivers as desired.

He recommended creating a conditional use resolution to be a general application amendment to the ordinance. Any conditions the Commission deems necessary may be stipulated in the resolution.

At 1001 State Street, the property lies at the northern edge of the town limits. Neighbors to the north are under the county's jurisdiction.

Ms. Bradley, who is Mr. Joyko's caretaker, said there are seven acres on the property, which used to be a farm. She offered aerial photos of the property.

Mr. Rice asked if the stable has been renovated/restored. He asked what the national standard is for grazing requirements. She said it requires two acres per horse. However, she plans to use a rotational grazing program and will feed grain and hay, since that is what the horses are consuming now.

The horses are currently stabled around Boonville. One is 32 years old. A 17-year-old is a retired show horse and the third is a five-year-old Welsh Cobb gelding, Ms. Bradley said.

She said she works in conservation, so she is aware of erosion issues.

No commercial enterprises will be associated with the horses, Ms. Bradley said.

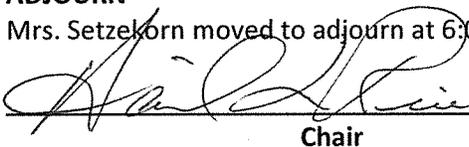
Mr. Wischer explained what will be necessary for her to get permission to bring the horses to town: She must request an ordinance amendment from the Planning Commission, since the current ordinance prohibits horses within town limits. He recommended a conditional use permit. The next step is him preparing the amendment. The amendment would create an availability for any town resident to request a conditional use permit for horses. If the Town Council approves the amendment, the Ms. Bradley can petition the BZA for the conditional use permit.

Mr. Moore moved to direct Mr. Wischer to prepare the amendment. Mr. Byers seconded the motion and it carried.

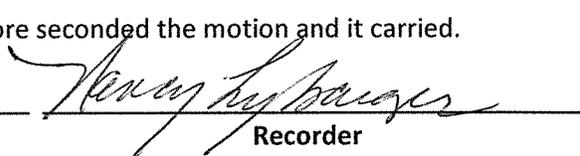
Mr. Wischer cautioned her that the procedure will take several months to complete.

**ADJOURN**

Mrs. Setzekorn moved to adjourn at 6:04 p.m. Mr. Moore seconded the motion and it carried.



Chair



Recorder