

**TOWN OF NEWBURGH  
PLANNING COMMISSION MINUTES  
DECEMBER 1, 2014**

**MEMBERS PRESENT:** Jim Moore; Hap Hanson; Anne Rust Aurand; Kris Setzekorn; Josh Claybourn  
**ADMINISTRATIVE PRESENT:** Lori Buehlman, Town Manager; Chris Wischer, Town Attorney

**CALL TO ORDER**

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

**MINUTES**

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

**REPORTS**

**Town Council Liaison**

Mrs. Aurand announced the BZA approved the petition for a home occupation by Maggie Shively on Water Street. She plans to offer art lessons. Restrictions included she can teach only five at a time and the permit goes with her, not with the property.

**Staff**

Ms. Buehlman reported there were 17 permits in November, with \$730 paid in fees for 10 projects and additional valuation of \$33,417.

She said Planning Commission is the busiest board she serves with in town government. Some of the year's highlights she mentioned included recommendations to the Town Council for approval of the electronic sign ordinance adopted in March; the Harrell Subdivision approved in April; rezoning Jim Seibert's 5 E. Jennings property from C1 to R1; rezoning the Boyken property from C2 to C3; rezoning the property at 116 Plum from R1 to C2 in September and in October the Use and Development Commitment for that property.

Ms Buehlman said Mrs. Burress and Mr. Hanson have terms expiring at the end of 2014. Mr. Hanson said he is willing to serve if the Council so wishes.

**No UNFINISHED or NEW BUSINESS**

**ANNOUNCEMENTS/PETITIONS AND COMMENTS FROM CITIZENS PRESENT**

In regards to the gun shop's sign, Mrs. Aurand asked Mr. Wischer if the sign ordinance require the business name be on its sign. He said no. There are some additional restrictions in the Historic District. Mrs. Aurand said the sign does not indicate the business location. Mr. Wischer said the feedback he has received from public comments indicates the sign is effective.

Mr. Moore asked if the business is too close to churches and school. Mr. Wischer reminded that permits to operate had to be received from the ATF, but he will check again to be sure. The Planning Commission, he said, is limited in its purview of permitting businesses that sell legal firearms.

Mr. Moore asked if there is anything new about the property at State and Gray streets. Ms. Buehlman said David Hynes, the Town Engineer, Mr. Wischer and Mr. Bowser, the Town Building Inspector, went to the property but could not get inside. Mr. Bowser and Mr. Hynes are preparing a report on the property. Mr. Wischer said if the property was not historic, there would be no doubt about tearing it down. Several years ago, the Historic Preservation Commission established it as a scattered historic site. There are several code violations involved, he said. The Town can send a letter to the owners to secure it, repair it or demolish it. In any case, the owners will only be required to repair it to code, he said.

Mrs. Aurand suggested the reason to be concerned with the property is the zoning. It may be zoned commercial already, she thinks, as is the rest of that block. Mr. Wischer will look into current zoning.

Mr. Moore and Mrs. Aurand agree the house has been unoccupied for the past 30 years.

The zoning map seems to indicate that property is zoned C3. Mr. Wischer said the Town Council and the Planning Commission have the power to rezone the property without the owner's request.

Ms. Buehlman said the HPC will be the agency that issues a demolition permit, if it so chooses, since it is an historic site.

Mr. Claybourn suggested rezoning the property to R1. Everything on Gray Street is residential, he noted.

Mrs. Aurand said on the map, it appears the property is two lots. The other properties in the same block on State Street are commercial.

Mr. Hanson asked about the property next to Titzer's Funeral Home. Ms. Buehlman said the same family owns it as the house at Gray and State. It currently is zoned C3, neighborhood commercial. Mr. Wischer said he has no report on the building. However, he said, structurally the building is sound, but it is becoming run down.

The Zoning Ordinance was updated in 1997, Mr. Wischer said.

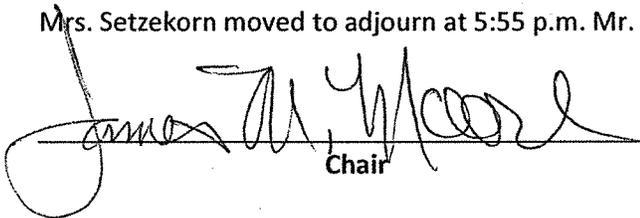
**BZA**

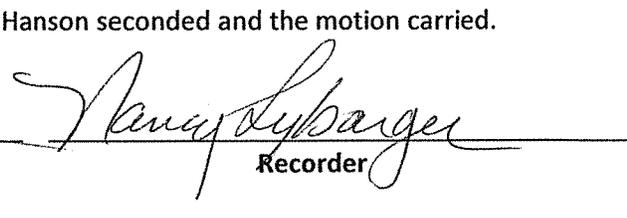
Ms. Buehlman said there will be no BZA meeting in December.

Nienaber Marketing is closing at the end of December (in Jennings Station), Ms. Buehlman said, and the east condo on Water Street has a sold sign on it. She will find out who bought it.

**ADJOURN**

Mrs. Setzekorn moved to adjourn at 5:55 p.m. Mr. Hanson seconded and the motion carried.

  
Chair

  
Recorder