

**TOWN OF NEWBURGH  
PLANNING COMMISSION  
MINUTES MAY 4, 2015**

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

**CALL TO ORDER**

Mr. Moore called the meeting to order at 5:35 p.m. with roll call.

**MINUTES**

The March public hearing minutes were tabled by agreement. No one had studied them thoroughly.

**REPORTS**

**Town Council Liaison**

Mrs. Aurand said the rezoning of the Williams' property is on the May 13 Town Council agenda. She said she was contacted by the Williamses and last Tuesday, met with the Metropolitan Planning Office (MPO) that does street planning, etc. She said they talked about traffic issues. And this week, their attorneys and Wal-Mart representatives has asked to meet individually with Town Council members.

While it sounds like lobbying, Mr. Wischer said he does this to find out concerns and how to address them before an issue comes up before the legislative body. Crystal Lockyear has been retained as the local attorney for Wal-Mart, Mr. Wischer said. Since these meetings are one-on-one, there is no quorum and it is legal. Mrs. Aurand said she has cast her vote previously and does not wish to be lobbied or intimidated any more.

Mr. Moore said the Planning Commission has had two meetings about the rezoning and Town Council members were at those meetings. He asked Mr. Wischer if members of the Planning Commission could attend the meetings. Mr. Wischer said he would ask, but the reality is the Planning Commission has done its job and the Town Council has to decide now.

Mrs. Aurand said member Josh Claybourn and his wife have a new daughter. Ms. Buehlman said she will send the Commission's best regards.

Also Mrs. Aurand asked for a letter from Planning Commission to be read into the record at the Town Council meeting about the Williams' rezoning application. Mrs. Setzekorn asked Mr. Hanson if he would be willing to speak at the meeting. He said Mrs. Aurand will be present to present the Commission's opinion but he will register to speak as an individual but he will note his Commission membership.

Mrs. Setzekorn said the number of people who spoke against the application needs to be addressed. Mr. Moore said he's never seen such an outpouring from the public.

Mr. Wischer said each Commission member may speak at the meeting as an individual. Ms. Buehlman said she has certified to the Town Council that the Commission vote was 0-7 against the application.

Mr. Wischer said the Council has 90 days from the certification to act on the measure.

**Staff**

Ms. Buehlman said for April, 36 building permits were issued for 18 projects, for \$199,182 valuation and \$1,425 in fees.

From January 1 through April, she said 62 permits have been issued for 35 projects for \$240,777 valuation and \$2,665 in fees.

**NEW BUSINESS**

**Rezoning petition for 2 Gray Street**

This is a Town Council-generated request for rezoning from commercial to residential. Ms. Buehlman said staff has prepared a condition report as a result of inspection by the Building Inspector, the Town Attorney and the Town Engineer. Adjacent property owners, Ms. Chapman and Mr. White, were notified, Ms. Buehlman said, but the owners, the Nicholsons, have not picked up the notice from the Post Office.

She said the house at 2 Gray St. sits on two lots that are zoned commercial. The Town Council would like it rezoned residential in case the house is razed.

Mr. Wischer said a procedural issue has surfaced. As it is unusual for the Town to seek a property rezoning, officials forgot to post a sign about the proposed rezoning on the property, so he recommended tabling the petition until it is done.

The Town Council believes, he said, that the property should have been zoned residential going east to west along Gray Street instead of in the commercial strip going up the east side of State Street.

Mrs. Aurand moved to table the petition until June but asked the neighboring property owners to give their opinions now.

Angela Chapman, 215 State Street (the 1854 House) said she is not concerned that the property, as it is now, could be used for any commercial purpose because of the topography. She said the lot is oddly shaped and there is a drainage ditch behind it on her property.

She said she is trying to maintain the history of the area. She is concerned that ivy will take over the house. She has roofing pieces occasionally land on her property from the house.

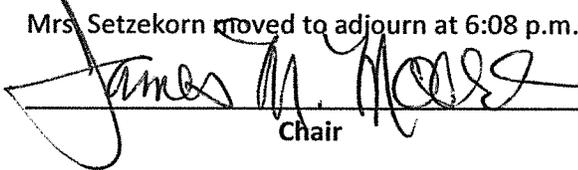
She used the 1854 House as her law office and she likes the commercial zoning. However, she said either way, it would probably not bother her. She would like to see the house restored but doesn't think it would ever work as a bed and breakfast. Her property used to be a frame shop. She is sure the house has been vacant since 1989. Periodically, there has been maintenance work on it she said.

Mr. White made no remarks.

Mrs. Setzekorn seconded the motion and it carried.

**ADJOURN**

Mrs. Setzekorn moved to adjourn at 6:08 p.m. Mr. Hanson seconded and the motion carried.

  
Chair

  
Recorder