

Town of Newburgh
Plan Commission
Minutes September 12, 2016

Members Present:

David Wills, Bill Bell, Tammy Timmel, Tom Bodkin, Rick Hornbeck, Jason Brown

Administrative Present:

Christy Powell, Town Manager; Chris Wischer, Town Attorney; Tavi Wydicks, Zoning Administrator

Members & Administration Absent:

Tonya McGuire, Council Liaison

Citizens Present:

Terri Hollander Albin & David Albin – Lots 34 & 35 in Jefferson Park

Gregory Reidford – 5311 Frame Road

Minutes:

David Wills made a motion to approve the minutes.

Jason Brown seconded and the motion carried.

Statement of Function of Plan Commission:

Tom Bodkin summarized the functions of the Plan Commission.

New Business:

Copper's Edge Estates Plan Unit Development (P.U.D.)

Glen Meritt from Cash Wagner & Associates, they are the surveying and engineering company on the project, and they are proposing a twenty (20) lot subdivision. The reason for the P.U.D. zoning is due to the limited width they have on the property and are looking to limit and relax the right of way width for the street and relax the building setback line to allow for some rear yard depth. The other reason for the P.U.D. is to relax the sidewalks and only put them on one side of the street, instead of on both sides.

Chris Wischer stated that during the site review it was discussed that the P.U.D. would allow for certain restrictions to be reduced and creates its own zoning district. The restrictions that need to be reduced are the right of way width of the road, the front yard building setback line and the need for sidewalks on all lots.

Tavi Wydicks stated that they are fine on the building setbacks and it is only the right of way of the streets and the sidewalks that need to be addressed.

Tom Bodkin stated that the subdivision ordinance for a right of way setback is 60 and they are asking for 42. Utilities location was discussed.

Aaron Miller, the subdivision developer from Barrington Custom Homes stated they intend to build all the homes in the subdivision. Mr. Miller explained that they have waived sidewalks in some of their subdivisions on the North Side. Mr. Miller stated they have found that the sidewalks were not used when it was a one in one out street and the sidewalks did not attach to any other sidewalks. Mr. Miller stated that the original plan was submitted without any sidewalks but for the safety of any children walking, they have added sidewalks to just one side of the street in the plan.

Mr. Miller stated they are looking at 2400square feet to 2800 square foot homes. Two stories or a story and a half are a minimum of 2800 square feet and single story is 2400 square feet. Mr. Miller stated that there is a

possibility for two larger homes on lots ten (10) & eleven (11) with walkout capabilities. Mr. Miller said they would like to state their average starting price at approximately \$400,000.00 for the average house and lot. Street width was discussed and Mr. Meritt stated that the street width meets the minimum standards it is just the right of way that they want to shrink from 60 to 42 due to utilities not wanting to be in the right of way. By changing the right of way to 42 from 60 it allows for the utilities to be a little closer to the road. Christy Powell stated that during the site review, the Fire Chief thought they would have no problem getting a fire truck around the radius of the cul-de-sac. Mr. Miller stated that they do intend for no overnight parking on the street unless it is guests, three (3) days max.

Mr. Bodkin stated that the proposed plan shows three out lots – A, B & C. Mr. Bodkin stated that they understand A & B but why C. Mr. Meritt stated that lot C is the area for the detention basin. Mr. Meritt also stated that lots A & B are nature preserve and will not be building lots.

Tavi Wydicks stated that they received all certified mail return receipts except for one but she did receive all pay receipts post marked August 23rd which means notice requirements were met. Notice of Public Hearing was in the August 25th edition of the Standard and the land is not located in a flood plain. This is a twenty (20) lot plan unit development with three (3) out lots. Lots A & B are considered green space and lot C is storm water detention basin – all three (3) lots will be maintained by the homeowners association. All lots are zoned R3, medium density residential. Surrounding properties to the east and southeast are residential; properties to the southwest, west and north are agricultural. Drainage plans were approved August 22nd at the Storm Water Management Board meeting and these will all be single family residential structures with the exception of the three (3) out lots. Chandler Water and Newburgh Sewer are providing utilities to the lots but the only thing they are missing is the capacity letters from them. Tavi Wydicks stated that everything else is in technical conformance.

Terri Hollander Albin stated that they own lots 34 and 35 of Jefferson Park subdivision that come behind lots 12 & 13 of the proposed subdivision. Mrs. Hollander Albin stated that her and husband's (David Albin) concern is drainage. Mrs. Hollander Albin stated that she understands that the drainage plans have already been approved but from conversation & engineering review, that they had done with the plans that they received from Commonwealth, that there is significant concern that the back east part of the property drains to the creek which is already eroding on the back corner of their property. As the vegetation is removed on the back of the lots, it will allow water to move more freely. Mrs. Hollander Albin stated that she was informed by Tavi Wydicks and Alan Leistner at Commonwealth that there was discussion of the erosion but nothing to address it.

Tom Bodkin stated that there is a Storm Water Management Board that handles those issues. Mr. Bodkin stated that it could be brought up to them before it comes back to Plan Commission. Tavi Wydicks will add Mrs. Hollander Albin to the Storm Water Management Board agenda for September 19th.

Gregory Reidford from 5311 Frame Road is concerned that if the regulations are relaxed for this subdivision and the other parcels to the north are sold off, will those be granted the same zoning adjustments. Mr. Wischer stated that as of right now, this parcel is the end of the town limits and that the other two parcels are county.

Mr. Bodkin stated that the question before them today is if the land should go from R3 to R3 P.U.D. with the two exceptions that have been detailed.

Jason Brown moved to recommend the approval to rezone the property from R3 to R3 P.U.D. to Town Council. David Wills seconded the motion. Motion was approved.

Tom Bodkin stated that this recommendation will go to Town Council at their second meeting in September on the 28th at 5:30pm.

REPORTS:

Town Council Liaison:

None

Staff:

Tavi Wydicks stated last month there were 20 projects with a total of \$210,801.00. There were 27 permits granted with a total of \$974.50 collected in fees.

Unfinished Business:

Master Plan Update Project status update

No Update

Items of Interest to any Plan Commission Member:

None

Announcements:

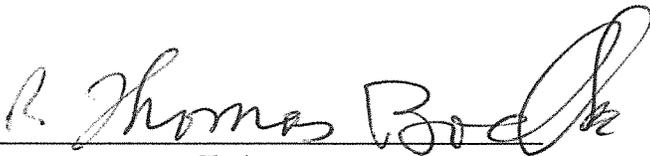
None

Adjourn:

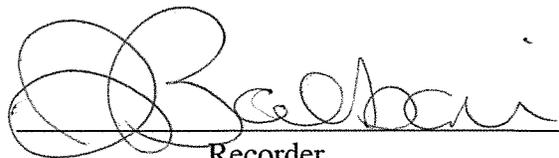
Jason Brown made a motion to adjourn.

David Wills seconded and the motion carried.

Next Meeting will be October 3, 2016 at 5:30 pm.



Chair



Recorder