6/16/2021 Town of Fenner Planning Board Mintues

Attendees: Pete, Monica, Donna, Andre, Andy

Meeting called to order at 7:35 by Donna

May 2021 minutes were reviewed. Motion to approve by Pete, second by Andy. Motion carried.

ITEM 1: Fennner Conservation Club

7:36 public hearing opened for the Fenner Conservation club subdivision.

- Subdividing north and south sides of the road into 2 parcels. May of changes were shown to the attendees.
- Christina Pierse asked why her bid was not included.
    - Matt Webber explained that the person it was submitted to had the wrong information. It is private property and doesn't fall under FOIL acts. The deadline was set and the group gave an extra day, and then the bidding process was closed.
- Charlie Pace (member since he was 14 years old) noted that the intent of the subdivision it to keep it, as it has been, a place for people to fish. There were 8 people there the other day enjoying it, but we would really like to be able to keep it open to the public. Maybe a Land trust would keep it open. Money from the sale (of the parcel on the other side of the road) will go to maintain it.
- Matt Webber encouraged folks to go to the town board and urge them to consider taking ownership. It's brought a lot of value to the township. Several members of the Fenner Conservation Club serve on state boards and bring good publicity to Madison County and Fenner. There are questions of liability, but I have talked to a lawyer and it would not take much, and the gift of the property also includes a pot of money to take care of it.
- Christine Pierse asked would taxes go up if it was taken over by the town?
- Pete Snyder noted it is the Planning Board's position is just regarding the subdivision.
- Matt Webber noted the property hasn't had property taxes paid as it isn't taxed as a non-profit. The other side when sold would return to the tax rolls.
- Pete asked if the subdivision is in the name of the Fenner Conservation Club?
- Matt Webber indicated the north side is sold. After 3 years, the new owner will take responsibility of the other side if it is not sold by then.
- Monica Cody asked would that side then return to the tax roll?
    - Matt Webber said yes, it would be privately owned then.
- Pete asked if the subdivision goes through, would you seek to sell?
    - Matt replied yes, others are interested but the preferred choice is to keep it in a public usage.
    - Charlie Pace noted it isn't being sold. The Fenner Conservation Club is looking to give it to a public entity. The sale ($50,000) of the non-pond side of the parcel will go to the entity/non-profit that gets the pond side.
- Christine asked if the new owner is not required to keep it open to the public? (If

the north side gets it?)

- Matt Webber indicated yes.
- Andy Stone asked if the new owner could sell it after 3 years?
    - Matt Webber said, yes, he would think so.
- Monica confirmed that the county had no comment and no issue with the matter of subdividing the property.
- Andre Schokker asked if any other non-profit could take it?
    - Matt Webber said yes, if the Fenner Conservation Club approved the gift. Caz College is interested.

Motion to close the public hearing at 7:58 by Monica, second by Pete. Motion Carried.

- SECRA document was reviewed and a negative declaration determined.
- Motion to accept the SECRA with a negative declaration by Monica, second by Andy. Motion carried.
-Motion to approve the subdivision made by Andy, second by Pete. Motion Carried.

ITEM 2: Variance for 25280088-1-12.5

- Jean Confer represented by David Warn
- A variance is being requested on the setback for a new building of 5' to the property line on the neighbor's side and 33' off the center of the road. Parcel number needs to be confirmed. The building was shifted over from the property line, so a survey had to be re-done. These lengths should be confirmed by the Board of Appeals, and road frontage and distance to the neighbor's well need to be confirmed.
- 47' from center of road to front of building. 50' is required, so a 3' variance is being requested.
- approximately 16' variance is being requested from the side line. (20' is the required side setback).
- three neighbors have signed to indicate their support of this variance.
- The building will be an Amish- Built (non permanent) structure with a stone pad. The pad adds about 1 foot to the outside perimeter.
- Pete motioned to pass this to the ZBA, second by Andy. Motion approved.
- File was transferred to Charlie Pace for ZBA consideration.

ITEM 3: Julie Rescs- 77.-2-58.1, 77.-2-58.2, 77.-2-58.3

- Julie wants to start an in home business and is requesting a special use permit.
- No signage is planned but could pursue on building signage up to 4'x4'.
- Existing residential lights will be used, nothing new added.
- Public hearing set for 7/21 at 7:35.
- This request was already sent to the county and no impact was determined.
- The fee was returned to Julie to drop off to the Town Clerk for a receipt.

ITEM 4: David Strong for William Fredericksre:MET Tower on 87.-1-36.11

- Request made for a special use permit to place a 197' temporary tower on the parcel for a minimum of 1 year, max of 2 years.
- All support cables would be on that same lot, 237' and 203' from the adjacent property lines.
-Tower is 8" in diameter.

- Special use permit public hearing will be set on 7/21 at 7:50PM

ITEM 5: David Troyer- Special use permit for an equipment rental business

- The lot in question is about 9 acre. A site plan, setbacks, and roadways are needed for the planning board to evaluate.
- Muton Hill Rd and Cody Rd are zone A, which do not allow commercial property. A variance will be needed before the Planning Board can consider this request.
- Cody Rd is a county road, so an evaluation by the county is also needed.
- More information is needed for discussion. Donna will try to reach out before next month's meeting.

ITEM 5: Review of local draft law to amend land use regulations with respect to Solar Energy

- Fencing was discussed, and it was determined that if used, existing fencing laws would be sufficient.
- roadway visibility and setbacks were discussed. Existing setback of 50' from the road and 40' from side property line because of permanent base foundation would be sufficient in conjunction with visual screening.
- Our understanding is that large scale solar farms are prohibited, so no discussion occurred.
- Our understanding is that 'large scale' would be anything over the area of the ground covered by the largest buidling of the lot, measured from exterior walls (409-c.i). If that is not true, the town board should revise to clarify.

Motion to adjorn at 9:35 by Andy, second by Andre. Motion carried.

Respectfully submitted by Monica Cody