

MINUTES
Goshen Planning Commission
June 7, 2022 at 5:30PM
Goshen Community Building, 244 Clark Street, or by Zoom

Call to Order: Chair Tom Hennelly called the meeting to order at 5:30PM.

Roll Call and Declaration of Quorum: Tom Hennelly, Mike Hill, Liz Mashie, Lisa Skiles and Scott Stokenbury were present. James Gardner and Levon Ogden were absent.

Approval of Agenda: The agenda was reviewed. Lisa Skiles motioned to remove 5F, "Reflective Siding and Roofing" from the agenda. Second by Scott Stokenbury. The motion carried.

Approval of Minutes: Scott Stokenbury motioned to approve the May 3, 2022 minutes. Seconded by Lisa Skiles. The motion carried.

NEW BUSINESS

5A. Minor Subdivision: Randy & Karen Gentz, 15475 & 15477 Goshen-Tuttle, Parcel #001-09970-000 (Previously Tabled): Jessie from Alan Reid & Assoc. spoke. Changes requested in the last Planning meeting were completed.

Tom Hennelly asked for public comment. None was offered.

City Attorney Hogue stated that approval needs to meet the conditions of Section 1-11 of the Subdivision Regulations.

Chad Bennett from Waterford Subdivision asked for a summary of this request. Tom Hennelly summarized for Bennett.

Liz Mashie asked City Attorney Hogue if he had any information regarding the ordinance regarding the number of residences on a road. Hogue stated the Commission should apply the Minor Subdivision portion of the regulation which allows a maximum of three tandem lots without public road frontage.

Hennelly reminded the Commission the issue in front of them meets Minor Subdivision requirements of the maximum of three tandem lots. Hennelly stated there are two items that need to be considered. 1) Deviation for minimum road frontage, and 2) the Minor Subdivision itself.

Lora Nanak reported a Zoom comment stating the Summers have two lots with access to the easement. Hennelly stated the property has access to Goshen-Tuttle currently. This means it's not a tandem lot, if it has public road frontage.

Mashie asked if the 60' frontage is being accessed by the Summers?

Callie Summers was asked if she uses the 60' easement to get to their house. She confirmed they do, they built a road. She believes their property does not touch Goshen-Tuttle Road, but has an easement. Mashie asked if the Summers must maintain a road, they put in, for another house being built? Who is going to maintain the easement, now that other families are being added? Mashie stated that the Commission is remiss if they do not consider this question now.

Summers asked about her 10-acre lot between her and the Gentz family. Is she able to build on it, or her children? Hennelly stated it needs to be considered, as Mashie just raised that situation in her statement.

Hogue stated that adding new tandem lots would not be allowed at this point. Summers restated her understanding.

Lisa Skiles motioned to approve of the deviation for the 60.05' entry throat existing condition. Section 1-1 modification of design requirement deviation is being met. The deviation will not be detrimental to health and safety, and so forth. The motion was seconded by Mike Hill. Liz Mashie voted against. The motion carried.

Hill motioned to approve the minor subdivision. Scott Stokenbury seconded the motion. The motion carried.

5B. Minor Subdivision: Jimmy Lee & Karen Lea Edmondson, 21470 E. Hwy. 45, Parcel #001-14044-000: Dan Jenkins, Jenkins Surveying summarized the request.

Tom Hennelly asked for public comment. None was offered.

Hennelly stated the parcels should be listed as Lot 1 and Lot 2, not Tracts, and change the title block to Minor Subdivision for Jimmy Edmonson. The owner will need a signature block, also.

Lisa Skiles clarified there are no structures on the lot. Skiles motioned to approve as a minor subdivision, with corrections noted, title block, tracts to lots, list as a minor division, signature block for the owner. Scott Stokenbury seconded the motion. The motion carried.

5C. Minor Subdivision: Ryan & Lauren Lowe, 436 Spring Park Lake, Parcel #770-17356-001: Alan Reid presented. The request is to split two acres off a large tract of land off Spring Park Lane. This would be a tandem lot, with access out to Spring Lane, over and across a 30' wide utility easement.

Hennelly stated this needs to be changed to Minor Subdivision and Tracts need to be listed as Lots. Hennelly confirmed there were no structures on the property. Reid stated there is a transformer on the NW corner of the lot and the water will come up the 30' access easement.

Hennelly asked for public comment. None was offered.

Lisa Skiles stated these are her neighbors, and she is consulting with the Lowes. She will abstain from voting.

Mike Hill made a motion to approve with the corrections noted. Scott Stokenbury seconded the motion. The motion carried.

5D. Brizzolara: Bowen Blvd. Parcels #770-18073-000 & #770-18075-000 (Previously Tabled): City Attorney Hogue recapped the history of this request. The issue is the dispute of ownership of a parcel. Hogue has talked to the attorneys representing both parties. Hogue stated the dilemma is what is the city to do in this situation. The city does not decide who the lawful owner of the property may be. Valid applications to the Planning Commission should be reviewed.

Hogue stated the county records appear that Waterford is the owner; Attorney David Fisher claimed there was an error, that ownership is incorrect. The title company is basing their opinion on the Scrivener's Error that has been filed. It is the opinion of Hogue that Waterford will possibly file some type of action if this approved, and pull the

city in to it. If the city does not act on it, the city could be brought into an injunction suit on behalf of Brizzolara. Hogue believes that the decision for this may ultimately lie with a court.

The parcel just north of the large parcel is the disputed property. Tom Hennelly asked if the 100' strip was eliminated from the application, the Commission could make a decision on the tandem lot scenario.

Lisa Skiles clarified the Commission is not required to decide ownership. Hogue agreed the Commission is not in the position to say who owns what property; that is decided in a different venue. Skiles stated inaction is not the proper course of action. Hogue agreed.

Hennelly stated the applicant has submitted what is necessary to show they believe they own this property. Hogue does not believe this ownership dispute is 100% settled, but it is not the Commission's to say. If the Commission rules and the property ownership is not as stated, then the ruling may be moot.

Liz Mashie stated that she feels the city is on notice. There is enough question that this could be an issue. What is the risk if we deny it? Hogue states a lawsuit either way could be the risk. The city may end up in an injunction action, one way or another.

Hennelly asked for public comment.

Betty Nichols, 2243 Riverfront Lane, Waterford Estates. She would appreciate a no vote until ownership is resolved.

Ken Smith spoke, 2355 Riverfront Lane, Waterford. He agreed with Betty Nichols.

Chad Bennett spoke, 2187 Riverwater Lane, Waterford. He feels "pick a route and go with it" is a bad decision. He recommends tabling this until legally ownership is resolved. Bennett asked what the impact of more houses and sewage in that area would be.

Michael Thompson, 2448 Brookwater Lane, Waterford, spoke. He asked for a no vote until ownership was resolved.

Carolyn Jordan asked about the location of the land. Hennelly stated that no commercial zoning action has been taken on this property.

Mashie asked why this has been outstanding over a year. What is the Waterford POA waiting for at this time? Why is the title not quiet?

Hennelly asked if any member of the Waterford POA was present. No one was present.

Skiles asked if a representative of the applicant was present? No one was present.

City Attorney Hogue was asked what the application request was. Hogue recalled it was a lot line adjustment, and then a minor subdivision request, and eventually Highway 45 access to the property.

Hennelly stated he has no reason to believe this is incorrect, other than the GIS map. He believes what is before the Commission meets the requirements. Applicant should be here to address this, not use Hogue as their proxy. Hogue confirmed he is not here on Brizzolara's behalf; he is simply sharing what he knows. The Commission is in no position to make a decision on ownership.

Hogue stated he is not aware of any legal action on this request. Hennelly stated someone needs to initiate legal action to clear up ownership. He stated this application can't be fully considered without the applicant here to answer questions.

Betty Nichols asked if both parties need to be here? Hennelly stated someone should at least be here on behalf of the applicant.

Lora Nanak read remarks from Smith in Zoom regarding the POA not being present. Smith then stated he is disappointed in the Waterford POA for not showing up.

Skiles stated her concern is that the Commission is being used as the proxy to address this issue.

John Vaillancourt, 2152 Riverwater Lane spoke. Is the POA aware? It was confirmed they are aware. Vaillancourt stated there should be some representation from the POA or applicant. Vaillancourt asked for it to be tabled.

Hennelly stated the applicant must be here and asked if applicant has ever been here? Lora Nanak said only a surveyor came, once.

Scott Stokenbury asked if Hogue is recommending the Commission make an action tonight. Hogue stated yes, but he can see validity in not doing so, because the applicant is not present. Have they filed a proper application and made the request, yes. Is there a requirement for the applicant to be present, no. It's an action item that can be taken up, if the application is purportedly a valid application.

Nanak stated that Blew and Associates submitted the application on their behalf, but have asked to be not involved until the application was settled. So, she doesn't really have an application. Hennelly asked if the application has been signed. Hogue stated yes, he has a signature.

Mashie is in favor of tabling one more month. The applicant and Waterford POA should be here to respond.

Mashie motioned to table this matter until the July Planning Commission meeting, requesting the applicant be present at the July meeting. No second was given. The motion failed.

Scott Stokenbury motioned to deny the application as presented. Mike Hill seconded the motion. Chairman Hennelly voted against the motion. The motion carried.

5E. Meeting Fire Codes and Staying Compliant: Fire Chief Anthony Harder spoke. He mostly sees lots splits; as the Fire Chief he doesn't care about splits. When the intent is to split into many lots, and houses will be built on them, his concern is that we are holding them to the fire code. He rarely sees things after the building process starts. He is not asking for more input; he is making the Planning Commission aware.

Tom Hennelly asked if fire flows are checked at hydrants. Harder doesn't go out and physically check. The water supply via lines in Goshen is in bad shape.

Lisa Skiles asked if building inspectors are checking Fire Codes and do subdivision regulations account for Fire Codes?

Carolyn Jordan asked for the best way to reach the Chief. Email is best, or contact City Hall.

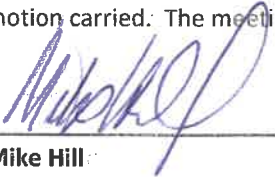
5F. Reflective Panels: Colton Martin asked before the meeting to be removed from this agenda item. This item was struck from the agenda.

5G. Solar Panels / Solar Farms: Chairman Hennelly asked for public input on this topic. Ken Smith shared this is an opportunity to expand the use of solar in the Goshen community. Lisa Skiles asked Smith if he has case studies from other areas that could be provided:

5H: Planning Commission Financial Report: Tom Hennelly reports YTD \$3,300.00 in planning fees, as opposed to \$2,600.00 from 2021. Two applications in the past month at \$200.00 each, for a total of \$400.00.

6. Public Input: Carolyn Jordan expressed her appreciation for the Committee's work and being able to see the documents from the meeting. Tom Hennelly asked Lora Nanak to ask for plats to be submitted that have been printed to a PDF and not scanned.

7. Adjournment: A motion to adjourn was made by Lisa Skiles. Scott Stokenbury seconded the motion. The motion carried. The meeting adjourned at 7:00 PM.



Mike Hill
Secretary