

# Marilla Planning Commission Meeting

Date: Wednesday, February 9, 2022

Chairperson, Mike Picciotti opened the meeting with a welcome and a pledge to the flag.

Present: Janet Howes, Mike Picciotti, Jan Thomas, and Pat Ellis

Visitors: Vic Ellis,( Z.A.), Rob Bacigalupi, (planning consultant), Matt Ellis, and Misty Cudney (Marilla Township Clerk)

Approval of December 8, 2021 minutes: Motion to approve Pat Ellis (1), Janet Howes (2); Motion carried.

## Old business:

Rob presented materials showing the progress made in the Marilla Township Zoning Ordinance updates with draft language. The lawyer for the township, Bryan Graham, has been consulted and his suggestions for change or legal clarity were part of Rob's presentation. All of these modifications seek to improve the effectiveness of our ordinances. The changes from the ordinance version of October 7, 2021 address the following:

- Adjustment of sign regulations with language suggested by the lawyer
- Junk regulations which are contained within our Ordinance (section 10.1) must be removed and exist only as a "stand alone" ordinance (separate from the main body). Rob will ask Mr. Graham to review our "stand alone" Junk Ordinance to note any problem areas.
- Mr. Graham has not suggested any changes as yet to lot size regulation, but he has offered comments regarding supportable lot size requirements. He is happy with our present language and reminds us that ultimately the state Land Division Act takes precedence and must be adhered to.
- Mr. Graham is working to honor the preferences of the Planning Commission and is seeking to eliminate extra language "baggage" that we don't need.

## What is the procedure going forward?

Once all modifications are made and a final draft prepared, a public hearing will be held at our next meeting on April 13<sup>th</sup>. Our Township clerk, Misty Cudney will need to draft a "posting" for the local newspaper and for posting at the Township Hall. Rob will assist her with the language for that notice. On April 13<sup>th</sup>, Mike will open the meeting, temporarily adjourn, and then open the Public Hearing portion, and following closing of that meeting reconvene the regular meeting.

We discussed the “two residences on the same plot” situation that exists here in Marilla Township and determined that it is a non-issue.

Junk and blight ordinance enforcement needs further addressing and action taken. Part of that process is that any citizen complaint be channeled to the Planning Commission so that then the appropriate steps of enforcement follow.

**New business:**

- “Yard Art” guidelines. What is yard art and do we need guidelines for regulating it? Rob will consult with Mr. Graham regarding the matter.
- Junk and stored materials (including vehicles) must be hidden from any road view.
- Our lawyer will be consulted regarding land splits needing to come before the Planning Commission to see if this can be established as a guideline for procedure. If so, it could eliminate some potential problems.
- Cluster development (now on a “stand alone” basis) will be incorporated into Development Standards so that everything relating is in one place.
- It was decided not to divide “conforming uses” into A and B classifications, but to stick with one classification.
- The Table of Land Uses has one area (Forest Preservation) totally missing and needs to be added even though there are no permitted uses in this area.
- Regarding “Wetlands”, the lawyer didn’t see a necessity for these provisions since they are sufficiently covered by the State. Rob suggested that we just keep the guidelines as an extra measure of protection.
- The 330 foot setback requirement that exists in our ordinance will be eliminated.
- We do have language relating to wind and solar guidelines in our ordinance. They require special use permits.
- No restrictions on short term rentals in our ordinance.
- Misty brought up a situation in which someone wishes to purchase property that is slightly less than 5 acres and be able to build on it. The property is deemed Rural Preservation and was split prior to 1980 and before we became a zoned community in 1984. In this case, it is thought that “grandfathering” steps in makes it a permitted procedure. How will these situations be handled?

**Motion:** Adjourn the meeting: Janet Howes (1), Pat Ellis(2); carried

Meeting adjourned at 8:15. Next meeting will be Wednesday April 13<sup>th</sup>, 2022 at 6:30.

Respectfully submitted,

Jan Thomas, secretary

