

The Athens Township Zoning Commission  
Regular Meeting November 20, 2019  
6pm The Plains Public Library  
Meeting Minutes

The Athens Township Zoning Commission met in regular session on November 20, 2019 at 6pm at The Plains Public Library, 14 S. Plains Rd. The Plains

### **CALL TO ORDER/ROLL CALL**

Chairperson Sean Jones called the Commission to order at 6pm.  
Commission members Sean Jones, Brian Dearing, Rick Fernow, Ken Robinson, Michael Hornsby, and potential alternate Teena Thornton were in attendance. Consultant Bob Eichenberg was also present.

### **MOTION TO ACCEPT MINUTES FOR 11/13/2019**

Mr. Jones motioned that the minutes for the previous meeting appeared to be in order, and for the Commission to accept the minutes as entered. Mr. Eichenberg clarified the correct spelling of the GIS software. Dearing seconded. Minutes accepted as amended.

Jones: Yes; Dearing: Yes; Fernow: Yes; Hornsby: Yes; Robinson: Yes

### **PUBLIC COMMENT**

Two members of the public were in attendance. Mr. Dearing introduced Mr. Ken Gilbraith, former captain of the Athens City Fire Department, whom he had invited to attend for his expertise and perspective. No comments.

### **EDEN MARKETING WEBSITE PROPOSAL**

Mr. Robinson presented Eden Marketing's website proposal to the Commission, for a quote of \$2,000. Mr. Jones noted the high expense, which included making the Athens Township Trustee site mobile-friendly. Mr. Dearing agreed. Mr. Robinson felt the Commission should not be burdened for the entire \$2000, since it was going to benefit the entire township website. Mr. Jones proposed writing a letter to the township, with \$500 coming out of the Zoning Commission budget, with the Trustees picking up the rest. Re-training for the trustees and training for members the commission would be included. Mr. Jones nominated Mr. Robinson to write a letter to the Trustees asking for funding, with the motion passing with a second from Mr. Dearing.

Jones: Yes; Dearing: Yes; Fernow: Yes; Hornsby: Yes; Robinson: Yes

### **APPROVAL OF INVOICE FROM MR. EICHENBERG**

Mr. Jones motioned to accept and approve Mr. Eichenberg's revised first invoice his for consulting work, as itemized, dated 11/13/2019 for \$2,960. Mr. Robinson seconded.

Jones: Yes; Dearing: Yes; Fernow: Yes; Hornsby: Yes; Robinson: Yes

## **REVIEW OF PREVIOUS QUESTIONS OF ZONING CODE WITH MR. EICHENBERG**

Seeking clarification for the Commission, Mr. Jones lead a discussion of zoning questions with Mr. Eichenberg. This discussion centered around the following topics: 1) Wind turbines – including minimum and maximum height restrictions, noise allowances, and distance from structures; 2) Commercial vehicle limits in R1 districts – with a 14,000 pound weight limit agreed upon; 3) Alleyways – concerning setback footage and ensuring enough distance between structures and the alley line. The Commission seemed comfortable with a “20 feet from center of alley/15 feet if no formal alley exists” model; and 4) Parking – with a lengthy exchange of ideas focused on the percentage of lot total, percentage of frontage, required setback, and recreational vehicle parking. Concerning driveways, Mr. Jones thought a two-car wide entrance from the street was acceptable.

## **RENTAL HOUSING INSPECTOR**

The Commission followed up on Mr. Dearing’s suggestion of rental housing inspection. A short conversation about minimum housing inspections followed. One idea is that the proposed zoning officer position would inspect rental houses to ensure compliance with permit application standards, with a minimum code for safety in place.

## **COMMERCIAL ZONING & INDUSTRIAL USE ZONING**

Discussion began on commercial zoning areas, using Devola’s plan for guidance. It was decided that the Commission would also look at other codes for inspiration since Devola’s code was considered too basic. Mr. Dearing noted a few of the things we didn’t include in the R1 district based on Albany’s Zoning Code. Mr. Eichenberg said that more than one commercial district was common in zoning plans. A list of businesses for commercial districts was created. Mr. Fernow argued that there’s no way to anticipate every potential use. Mr. Eichenberg encouraged us to list as many types of businesses as we could, arguing that developers could simply come before the board if their proposed business was not on the list. Mr. Fernow felt the need create “buffer” districts, treated different than a commercial district. Commercial setbacks and structural distance were also discussed; Mr. Dearing asked Mr. Gilbraith his ideas on the minimum distance between buildings to prevent the spread of fire from structure to structure. Ten feet seemed the logical minimum. The R1 setback restrictions were seen as the minimum restriction necessary for commercial use.

Concerning industrial zoning, Mr. Fernow ask why industrial use couldn’t simply be considered commercial use. Mr. Eichenberg noted that even light industrial use of a property - such as home woodworker - would be considered industrial; and recommended we have some industrial zoning code. The Plains does have some industrial use (Slater’s/Cochran’s).

There was a small consideration of home-based agribusiness and the growth of permanent yard sales and flea markets. Mr. Jones said an easy solution would be to differentiate commercial from residential use based on the need for a state vendor license.

## **CONDITIONAL USE ZONING**

A Conditional use zone -a zone that isn’t designated specifically for other uses -came up near the end of the meeting. While discussion was limited, Mr. Jones wondered why there was a need to put such a zone in the code at all. Mr. Dearing argued it was easier to put it in now than later. A list of conditional uses, using Albany’s article X for guidance, would be looked at. Conditional uses typically require one to come before a board of zoning appeals for review and approval.

**CANCELLATION OF MEETING for 11/27 and 12/25**

Since a majority of commissioners, including the chairperson, would not be present, regular session was cancelled for the following week 11/27. The Commission also cancelled the regular session for 12/25 for the Christmas holiday. Mr. Robinson will post the cancellations on the meeting room door and Mr. Dearing will post on the Commission's Facebook page, as required by law. Mr. Jones motioned; Mr. Dearing seconded.  
Jones: Yes; Dearing: Yes; Fernow: Yes; Hornsby: Yes; Robinson: Yes

**PUBLIC Q&A**

No questions

**MOTION TO ADJOURN**

A motion to adjourn was made at 7:41pm., with the next regular session scheduled for December 11, 2019.  
Mr. Jones motioned; Mr. Dearing seconded  
Jones: Yes; Dearing: Yes; Fernow: Yes; Hornsby: Yes; Robinson: Yes