

**Town of May
Washington County
Planning Commission
January 29, 2009**

The Planning Commission of the Town of May met for their regular meeting on Thursday, January 29, 2009, at 7:00 p.m. at the May Town Hall. Members in attendance included: John Arnason, Chairman; Lester Rydeen, Steve Magner, Jyneen Thatcher, Don Rolf and Kate Donner. Absent: Mark Dupre. Also present: John Glomski, NAC Planning Consultant; Bill Voedisch, Town Board Chairman; John Pazlar, Supervisor; and citizens of the Town of May. Chairman Arnason called the meeting to order at 7:00 p.m.

Approval of Minutes

Arnason moved, seconded by Rydeen, to approve minutes of the December 18, 2008, regular meeting as presented. All approved.

**Public Hearing
Roth Conditional Use Permit
Small Business**

Richard Roth has submitted an application for a Conditional Use Permit to operate a small business on property located at 14185 Square Lake Trail N. The business includes vehicle refurbishing and salvage as well as cabinet manufacturing. The request also includes an after the fact variance to accessory building size, allowing an addition and a lean to, both built without a building permit. The planner pointed out that the applicant has many more vehicles on site than should be allowed (at least 35 vehicles, plus parts, tires, etc.) and that the applicant has also exceeded the allowable square footage for accessory structures. He summarized his report by concluding that, since May Township is rural residential and limits commercial uses, this request is inconsistent with the intention of township ordinances and such use is too intensive for the site. He recommends denial of the request based on his previous conclusions.

Planning Commission Discussion

Don Rolf noted that he lives only a few lots south of this residence and he had not noted the intensity of what was going on at this site. Other planning commission members reflected back to the 2003 approvals which allowed him to move in the garage and limited his accessory building square footage.

Arnason moved, seconded by Donner, to open the public hearing. All approved.

Todd Clarkowski, 13665 Oldfield Road N asked that the PC not support this use, stating that it is not compatible with Rural Residential zoning in the Township. A commercial property is not consistent with the Comprehensive Plan. Residents moved to May

Township to enjoy a rural, not commercial, environment. He stated that all lots near this residence are small, 2.5 acre lots, and he would like to maintain this rural character for the adjacent residents. He also stated that the noise level is exorbitant at the existing operation; machines running at all times of day, saws, and grinding. Should this be approved, he believes noise levels would increase. Finally, he stated that the screening does not work. When you drive by, you can see all the vehicles and the collected parts, which appears to be junk yard or parts dealership. Bill Robinson, another neighbor, had contacted Clarkowski. He had a previous commitment, but asked that it be read into the record that he is also opposed to this request.

Terry Garvey, 13535 Oldfield Road N, asked who would be in charge of the previous penalties of the applicant, both civil and criminal. Town Board Chairman Bill Voedisch stated that the Town Attorney Dave Snyder had notified the owner of the violations and requested that he cease both the building of additional buildings and operating the small business without a permit. The board requested that the applicant come forward with an application, which he did. He concluded by saying that all are civil proceedings.

Garvey stated that noise not only includes construction noise late into evening hours, but noise also includes motorcycles and 4-wheelers, without mufflers. Nick Young, 14333 136th Street voiced similar concerns. He asked if special use permit was requested for a cabinet shop, and the answer was no. He also asked if the board approved, would there be set operating hours. He was advised that a CUP would include hours of operation. He noted that some noise takes place after midnight, and the dirt track is in use much of the time. He stated that a flatbed comes in at all hours of the night dropping cars and trucks off. Young asked that the board deny the application for CUP and variance.

Rick Roth stated that he and his children do not use the track, and he denies running machines into the evening. He asked if lean tos are included in square footage, and he was advised that they are not, but he still must have a building permit to put one up. He also pointed out the large horse arena across the street from him, which appears to be a primary use of that property, not secondary.

Arnason stated that the Town has certain parameters in the code and requirements that need to be followed. Generally speaking, small businesses tend to be low traffic, low noise, low impact types of businesses. He also noted that outdoor storage is often a big consideration, and Mr. Roth's situation involves a high degree of outside storage and commercial-type usage.

Mr. Garvey added that Roth should be able to accomplish what he wants to accomplish as long as it is in the parameters set forth in the ordinances. He noted that several violations of those ordinances have taken place. He also stated that, in terms of property values, he feels that negative issues at this site would have a significant impact on the potential value of his property, should he want to sell it.

Bill Voedisch asked Roth about the horse stable defined in 2003 as 16 by 20 (320 square feet). He was issued a permit to do a 24 x 22 building after that, which Voedisch noted was significantly bigger than the allowed 16 by 20 building that had been approved.

Magner asked about Roth's main business – is it selling cars? He stated that the dealership does not pay the bills. Magner stated, from a resident's viewpoint, if the situation was more scaled down and organized, it might be possible to accept the usage. He stated, however, that the application would need to be modified and tightened.

Voedisch stated that two businesses are at work, the cabinet shop and salvage yard. He wondered if you separate the two businesses, what would you see? He stated that the cabinet business might be acceptable, when separated from the auto salvage.

Lynn Clarkowski, 13665 Oldfield, reminded the Commission that an application was made in the past for an auto business across the road, and that the Town Board denied that application. She wondered why this application would be accepted if the previous auto business was denied, given that there is more residential density at this location.

Rydeen stated that he would prefer tabling the request so the applicant would have an opportunity to decide how he wants to modify his application to suit the needs of the residents and the Town. Clarkowski asked if they could remain informed of the progress of the application. Nick Young asked if Mr. Roth can continue operating during the time the application is tabled. Arnason stated that it is difficult for the Town to enforce his noncompliance, even though he is in violation.

Rydeen moved, seconded by Rolf, to continue the Roth Small Business CUP hearing for one month to the February Planning Commission meeting to give the applicant an opportunity to work with the Planner on revising his application to meet the standards discussed at this evening's meeting. All approved.

Concept Plan

Tredal Subdivision

Steve and Pat Tredal, property owners and current operators of Morningstar Farm, have submitted an application for concept review of a seven lot major subdivision to be known as "Morningstar Ranch". The subject site is 74 acres in area and is located at 12490 Norell Avenue. The site is zoned Rural Residential and is designated as such in the Comprehensive Plan's 2030 Land Use map.

The concept review is the Town's opportunity to provide feedback to the developer regarding a wide variety of issues prior to the preparation of detailed plans. Through this review, the Town informally advises the applicant of the extent to which the proposed subdivision generally conforms to the design and performance standards of the Ordinances and discusses possible modifications necessary to secure approval.

The Town's subdivision regulations require the Town Board to approve or deny a concept plan for a major subdivision. If the concept plan is approved, additional

information and revisions may be required at the time of preliminary plat. A public hearing is not required with concept plan review, but is required at the time of preliminary plat.

The applicants and their consultant did not attend the meeting. Given that they do not intend to move forward with this request for several years, the Commission was of the opinion that no action is required at this time. Glomski stated that he believes the commission should act on the concept plan, even though it is unrealistic to ask for something 6 years in advance. Thatcher was opposed to the grading proposed for the site well in advance of an approved application. Arnason moved, seconded by Rydeen, to recommend that the Town Board not approve the concept plan, even though it appears to meet the requirements of our ordinances, but that they recommend to the applicant that they apply for a grading permit to both the Town and Washington County when they wish to move forward with their plan. All approve except Magner and Rolf.

Wood Boilers

Following up on a series of citizen complaints and concerns, Supervisor John Pazlar came forward with the issue of outdoor wood fired boilers and their potential negative environmental effects. He stated that it is fairly common to have these boilers either regulated or banned. Recently, New Prague unanimously banned all boilers. He offered that May Township should perhaps modestly regulate these boilers, including the type of boiler (more efficient) and the type of wood that can be burned in them (no construction waste, trash, tires, etc.). A permit would be required.

He is asking the PC to recommend if regulations should be developed and what restrictions should be a part of those regulations. Should building permits be required? Should they be inspected on a regular basis?

Arnason stated that he thinks Pazlar's suggestions are good and it would be wise to put some regulations in place prior to problems arising. Thatcher provided information from a model ordinance, which stated components of the ordinance: size of property, fuel being burned, density of population, height of stack, etc. Donner expressed concern that this type of regulation is an imposition on the rights of property owners, and would this mean that everyone burning wood would be regulated.

Arnason moved, seconded by Rolf to convey to the town Board that this item is worth considering further, look at the model ordinance and move forward. All approved except Donner.

Hearing no further business, Arnason moved, seconded by Rolf, to adjourn. All approved.

Respectfully submitted,
Linda L. Klein, Town Clerk