

**Town of May  
Washington County  
Planning Commission  
April 30, 2009**

The Planning Commission of the Town of May met for their regular meeting on Thursday, April 30, 2009, at 7:00 p.m. at the May Town Hall. Members in attendance included: John Arnason, Chairman; Don Rolf, Steve Magner, Lester Rydeen, and alternates Mike Dupont and Chad Nelson. Absent: Mark Dupre, Kate Donner, Jyneen Thatcher. Also present: Carie Fuhrman, NAC Planning Consultant; Bill Voedisch, Town Board Chairman; John Pazlar, Town Board 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 February 26, 2009, regular meeting as presented. All approved.

**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. At the January 29 meeting, the planner had noted 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 stated 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. The planner recommended denial at the conclusion of his report.

The January 29 meeting resulted in a continuation of the hearing, allowing all the Planning Commission members an opportunity to view the site, as well as giving the applicant time to clean up violations as well as amend his application to fit township regulations and the concerns of his neighbors.

In February, the Planning Commission again tabled the matter to allow Roth to provide more information. The applicant provided information regarding KEEY Construction, including cabinet making, etc. He stated that he works inside two accessory buildings on the property, and that on average, between 2 and 4 vehicles go in and out of the property each day. Roth also listed the vehicles that are used exclusively for the business. The applicant listed the items that might be causing noise problems, and the planner recommended that all activity take place in the buildings. The planner recommended denial of the auto salvage business, but approval of the general contracting business.

## **Planning Discussion**

Rolf stated that he had visited the site and noted that changes have been made and the site has perhaps become more usable and looks more residential. Arnason noted that the public hearing was closed at the last meeting; however, he offered the opportunity for people in attendance to speak if they had something to add that had not been previously discussed. He reminded the audience to not offer comments that have been heard in the past.

Todd Clarkowski, 13665 Oldfield Road N, requested that the commission not allow the CUP, which he feels is not compatible with the Rural Residential zoning. He identified code violations, including a grading permit, square footage violations, etc. Pete Nord, 14422 136<sup>th</sup> St. N, agreed, stating that his concern is that Roth does not have a general contracting permit and does not have his business registered with the Secretary of State. He wondered what assurance could be provided the neighbors that Roth will be in compliance if granted the CUP. Bill Kaelin stated that he agrees with the previous comments, given that it is a salvage business and not rural residential. Terry Garvey, 13535 Oldfield Rd. N, asked if all buildings need to be reduced to the allowable square footage. Bill Robinson, 14395 136<sup>th</sup> Street, asked if the planner recommendation was denial of the auto salvage business, and the answer was affirmative. Arnason computed the total square footage of buildings, noting that 4,206 was approved previously, and by converting one building to a lean to would almost put Roth into compliance.

Roth noted that he has been a sole proprietor registered with the State in previous years, but he was recently advised to become an LLC, and that his license was in the process of being renewed as an LLC. Nick Young, 14333 136<sup>th</sup> Street, asked about the terms of being an historical farm site. Voedisch asked about the construction and cabinet business. Arnason discussed notes from Mark Dupre: he was against auto salvage and would be in favor of general contracting with certain restrictions. Rydeen commented that he felt the property looked much better than it did many years ago and he is a believer in the concept of small business permits. Rolf discussed noise and visibility issues, noting that a noise ordinance exists and neighbors can complain.

Arnason stated he was torn between recommending approval or denial of the contracting business. He is concerned about the history of past violations and non conformities. Arnason also wondered about the general contracting business, because at this point, all the equipment, etc. appears to be associated with the auto business, and it is hard to get a clear picture of what the contracting business would look like without the auto business.

Rolf moved, seconded by Arnason, to recommend denial of both conditional use requests based on past history of non compliance, with a friendly amendment from Arnason with a finding that it is too difficult to get a handle on the construction related business while both are operated on site, with a friendly amendment from Magner regarding numerous code violations, including square footage over 2003 permitted uses, exterior storage, construction without permits, and perhaps the Town could reconsider an application when all of these situations are rectified and all non-permitted use ceases. All approved.

**Public Hearing**

**WECS Ordinance – Article 604**

Board Chairman Voedisch introduced the proposed ordinance change regarding setbacks and height of Wind Energy Conversion Systems (WECS).

Arnason moved, seconded by Magner, to open the Public Hearing. All approved.

Magner asked if there was an industry standard on which the exact height should be determined. John Pazlar noted that no one really knows that magic number.

Hearing no further comment, Moved, seconded by, to close the Public Hearing. All approved.

Arnason moved, seconded by Rolf, to recommend to the Town Board that they approve the ordinance. All approved.

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

Respectfully submitted,

Linda L. Klein  
Town Clerk