

## WEST LAKELAND TOWNSHIP

Regular Meeting

7:00 p.m.

May 12, 2008

Oak-Land Jr. High School

Present:

Chairman Dan Kylo, Supervisor John McPherson, Supervisor Ron Goette; Sue Agrimson; Ed Semrud, Treasurer; Matt Woodruff, Engineer; Scott McDonald, Attorney; Duane Stensland, Building Inspector; Ray Swanson, Planning Commission Chair; Elizabeth Vance, Deputy Clerk

### **Public Hearing – Jeff and Julie Nelson, 14223 10<sup>th</sup> St, Variance for Construction of Accessory Buildings**

Chairman Kylo called to order a public hearing to hear a request from Jeff and Julie Nelson, 14223 10<sup>th</sup> street, requesting a variance to allow construction of two detached accessory buildings (3,486 sq ft and 1,296 sq ft). The applicants proposed to remove three existing buildings totaling 6,564 sq ft of space. The proposed action requires a variances for accessory building size. Applicants own two adjoining parcels of land with total area of approx 16.4 acres and are allowed, under the current ordinances, one 3,500 square foot buildings. The applicants are requesting variances for size and number of accessory buildings based partly on the removal of the existing buildings. If required by the board, the applicant will consider combining the two parcels into a single parcel. Supervisor Goette asked how the locations of the proposed building will fit into the current footprint. The basic footprint area for one building be used, but facing another direction. The three structures would be removed, and replaced with two, phasing the construction and removal of the buildings. Issues potentially supporting a variance in this case are the reduction from existing square footage and larger acreage. It would be less nonconforming, with better structures. The buildings are grandfathered. Community comments included that the expanded size should be applied equally to all residents, and that the improvement of the buildings would be beneficial to the neighborhood. Chairman Kylo closed the hearing at 7:30 PM.

### **Public Hearing – Verizon Wireless, Construction of Cell Tower**

Chairman McPherson called to order a public hearing to consider an application by Verizon Wireless, 2012 Kentucky Ave S, for a conditional use permit to allow construction of a 145' wireless communication tower on the Tower Asphalt property on Hudson Blvd near the existing tower. The proposed use is allowed as a conditional use under the Town Code. The proposed tower is to be located right next to the existing tower, with a 60 ft by 60 ft lease area. The pole is to be identical to the current pole, to be able to accommodate two additional providers. The site would have an identical shelter, and fence, like the current structure. The current antenna cannot support additional providers. Verizon will be compliant with state requirements. Ron confirmed with Scott that this is a permitted use. The location appears to be as non-intrusive as possible. Community comments supported the desire to improve signal access. Chairman Kylo closed the hearing at 7:41 PM.

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### **Call to Order**

Chairman Kylo called the regular meeting of the Town Board to order at 7:42 PM.

### **Approval of Minutes**

Mr. Woodruff provided for minor corrections to the report listing the bids for road repair. Supervisor Goette made minor corrections to the attendees. Supervisor McPherson moved to accept the minutes with these minor corrections. Seconded by Supervisor Goette, the motion carried.

### **Treasurer's Report**

Mr. Semrud provided the treasurer's report for the month of April, reflecting receipts of \$72, 000 and expenses of \$27,000. Receipts are significantly down from prior years. A CD, maturing on May 22d, will be transferred to the general fund. Supervisor Goette moved to accept the report as presented. Seconded by Supervisor McPherson, the motion carried.

Supervisor Goette moved to pay the invoices presented. Seconded by Supervisor McPherson, the motion carried.

### **Nelson Variance Request**

Chairman Kylo noted that this is an unique situation because there is preexisting square footage that is currently in non-compliance, and the request is to reduce, albeit still above the allowed size, the total square footage. The board also saw benefit in improving the look and condition of the buildings. Supervisor Goette added that since the buildings were using existing footprints would additionally support grounds for a variance. Concern was raised that the buildings not be used for any commercial enterprise. Discussion continued about the desire to include both buildings on a single parcel, either by combining the two parcels, or moving construction sites. Buildings sites also raised concern that the proposed horse barn be sufficiently distant from neighboring homes. After discussion, Supervisor Goette moved to conditionally approve the request, and direct Mr. McDonald to draft a resolution to document the approval, subject to the conditions that the buildings be located on a single parcel, either the 11 acre parcel or by combining the two lots into a single lot, provide for 125' setback from the neighboring property line, and building permit for the second building be held until the current buildings are removed, with a bond of \$20,000 posted to ensure the removal of all the current structures. Seconded by Supervisor McPherson, the motion carried.

### **Verizon Wireless Conditional Use Permit**

Supervisor Goette moved to authorize Mr. McDonald to draft a resolution approving the conditional use permit subject to standard conditions and the conditions similar to those on the current tower conditional use permit. Seconded by Supervisor McPherson, the motion carried.

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### **Ken Bellanger , 915 Midwest Trail**

Mr. Bellanger appeared before the board to review a request to construct a detached accessory structure closer to the street than the primary residence. The concern is the steepness of the slope behind the house. A hearing will be required to proceed with this request.

### **Trevor Zeimet (13670 Greenwood Trail), request for additional outbuildings**

Mr. Zeimet appeared before the board to review a proposal to add a second accessory structure on his 2.5 acre lot. The size would also exceed the size allowed by the ordinance. The concern about extending the attached garage is that it would require removing some trees, and look awkward. No action was taken at this time.

### **Lisa and Paul Kern, 1740 Overlook Trail North, request for shed to be closer to the lot line than required by ordinance**

Mr. and Mrs. Kern wish to replace a current small temporary shed on the property line with a more permanent structure. They would like to keep it on the property line to keep it out of the sight line from the house. Moving within the setback would mean moving it further from the existing slope into the yard, or excavating the slope. Concern was raised over finding of hardship. No action was taken at this time.

### **Potential Variance, 1894 Nolan Ave**

Ms. Lael Smith, appeared to discuss potential variances that might be considered for the .8 acre lot at 1894 Nolan, .8 acres. The lot is a pre-existing noncompliant lot, being sold as part of an estate. No action was requested at this time.

### **Sign Approved TKDA street repair projects**

Project documentation was presented to the board for signature.

### **Set Gravel Pit Inspection Date**

Proposed dates to be provided by the board members will be provided to Ms. Agrimson, who will coordinate and publish a date.

### **Other Business**

Fly Ash Land Fill EIS to be presented to the MCPA Citizen's Board for a decision of adequacy on Tuesday, May 20<sup>th</sup> on lower level of the MCPA office, 520 Lafayette Road, St Paul, starting at 9 AM.

Holiday Stationstore, appeared to request final plat signature. The developer's agreement is still pending final details in terms of the security bond amount. There are minor changes in the language surrounding the road dedication. Valley Branch Watershed District has issued a permit for the site, and the septic permit is with Washington County pending final review. Supervisor Goette moved to authorize signature of the plat, to be held by attorney Scott McDonald, pending final completion of the needed requirements including the developer's agreement, final escrow amount determined by the engineer estimated to be \$170,000, documentation from the Township Engineer that remaining concerns are appropriately completed, approval of septic permit

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by Washington County and signed road dedication agreements. Seconded by Supervisor McPherson, the motion passed.

Third item is a draft of CUP for the project, that includes township and county conditions, will need to have that in place before the operation begins. This can be reviewed at the next meeting.

The June regular meeting will be held June 2, 2008.

Supervisor Goette suggested that the agreement for clean up days might be reset based upon the higher prices for scrap metals.

Mr. Woodruff noted a telephone call from the Minnesota Department of Health of a potential clean up project at the site of the former Ray's Truck Stop.

**Adjourn**

Supervisor McPherson moved to adjourn the meeting. Seconded by Supervisor Goette, the motion carried. Chairman Kylo adjourned the meeting at 10:15 PM.

Respectfully Submitted



Elizabeth A. Vance  
Deputy Clerk