

ZONING BOARD MEETING
September 13, 2018
7:30 PM
13 S. MAIN ST.
VARIANCE & SPECIAL USE REQUESTS
MINUTES

This hearing was called to order at 7:30pm by Chairman Lori Rodriguez.

Zoning Board members present were: Jim Mourey, Tom Incrocci, Mark Parker, Dale Becherer, Tom Schanherr and Leo Simburger. Also present were Chairman Lori Rodriguez, Deputy Zoning Administrator Beth Buehlhorn, Zoning Administrator/Engineer Scott Saeger, and Attorney Carmen Durso.

Deputy Zoning Administrator Buehlhorn read the Public Notice that was published in the Freeburg Tribune on August 30, 2018.

Chairman Rodriguez read the letter sent to surrounding residents and the list of those residents.

Those wishing to speak were sworn in.

Neal Trentman explained that he and Mike Middendorf are proposing to use the facility for self-storage for campers, boats, etc. – there would be no industrial materials stored on the property. They would also be converting the back sheds for storage. The front building where the office was formerly located, they would like to convert to a business and rent the space out or use for climate-controlled storage. They plan to do maintenance on the sheds and possibly remove the old house located at the front of the property. Middendorf added that they plan to add a vinyl fence around the property.

Zoning Administrator Saeger explained that self-storage would require a special use permit as it is not currently permitted in the B1/B2 district. The west half of the property is zoned B1 and the east half along Route 159 is zoned B2. They both have the same uses, but the setbacks are different between the two. If the building is torn down and a fence is installed, they would need a variance as fences are not allowed in the front of properties. There is also a parking area next to building 5 that we originally told them a variance was needed for there to be rock. The Ordinance states that B1/B2 district requires a hard surface concrete or asphalt and cannot be loose aggregate. Saeger did not realize until recently that that lot was originally a rock parking lot. Saeger wants to be sure if we consider that lot to be existing that it can stay as rock, but if they are making improvements, the board has an opportunity to say it needs to be in compliance with the current code.

Zoning Board member Tom Schanherr is concerned about how much room there is to park trailers and larger items in the slots where the lumber used to be stored. Trentman noted it will depend on the size of the trailer and which building would be used. They would need to be sure there is egress for other vehicles coming and going. Some storage units have somebody to move the trailers around using a forklift or other equipment. Middendorf added he intends to relocate some of the posts to open up the stalls more. There will be electric available in each of the stalls as well. Attorney Durso asked if ingress and egress would be on Julia Street which Trentman responded yes. There will still be access through garage doors where they are currently located. Durso asked if this was located across from the school which it is. Durso asked about hours of operation. Trentman stated they have not determined this yet. Durso is concerned about the kids at the school and events at the school when there are cars parked

along the street. He feels there will not be enough space for larger vehicles to pull in and out. Trentman stated the entrance off 159 will also be available. Durso also noted the traffic on 159 adding this is the heart of the “downtown area”. Trentman stated that with a self-storage facility, people come and go at their leisure, so you won’t have 20 people there at the same time and during the winter months there will be very little activity. Durso asked about the number of vehicles being stored there. Trentman called attention to the plan they included in their application and explained the vehicles noted with each building – Building #2 will have enclosed storage where they will add a garage door on the front and back of the shed which could be warehouse storage or vehicles; they would reconfigure the loading dock area and possibly store four units; Building #3 could store five units; Building #4 could hold 9 units; Building #5 would have garage doors added and have more enclosed storage; covered storage on the east end of the building would hold two units; uncovered storage on the south lot would depend on how the lot is configured along with a few other areas for outdoor storage. Other than vehicles, they have no intention of having any outdoor storage.

Zoning Board member Incrocci asked what their security plan is. They plan to have three cameras installed around the property. Middendorf explained it would not be open access but gated in the back entrances with keypad access for the renters – the front entrance would remain open for a potential business in Building #1. Incrocci confirmed that Buildings 1, 2 and 5 would all be enclosed. Trentman stated there are currently sliding garage doors on the west side of two of the buildings which they will change out to overhead doors; the east side of the buildings will also have overhead doors added making these buildings enclosed. Incrocci shared that in the past we have not been in favor of open storage of vehicles. Incrocci asked about insurance. Middendorf stated that each vehicle owner should carry insurance but they would also have insurance on their property. Incrocci asked if the existing chainlink fences will be replaced with the vinyl fencing which Trentman confirmed.

Zoning Board member Mourey referred to the parking noting that by law it says it has to be concrete – no asphalt or rock. He asked if there would be motor homes as well which Trentman says is possible. Mourey stated that the EPA says you cannot store vehicles on rock, gravel or just the plain ground because the gas and/or oil from the vehicles would saturate into the ground. Trentman stated that if it were an EPA requirement, they would not do it. Mourey asked about the location of the fence on the back of the building and if it were being placed in the same location as the existing fence. Middendorf stated it depends on what meets village code. Mourey added it could not obstruct the view of the exit from village hall/library parking lot. Saeger stated we typically allow fences to be replaced in the same location but the proposed fences along the front and rear of property could be an issue with sight-lines which Trentman understands.

Zoning Board member Becherer asked about lighting on the property which has not yet been discussed. Becherer then asked about signage on the front of the business which the lumber yard was considering but a variance was needed. Middendorf stated they would like to but would comply with village ordinance.

Zoning Board member Simburger asked with the security gates on the west side of the property, is there still entry from the east side which somebody could just walk into. Trentman stated it would be open on the front. Incrocci is concerned with any open storage, there is always an issue with animals getting into the areas. This was an issue with a proposal in the past, which is why we prefer enclosed storage. He is also concerned about security of the property with open storage and possible vandalism. Incrocci asked if they would prohibit their customers from doing any type of maintenance while in storage. Middendorf

stated there would be stipulations in their agreements but they do not yet have their complete business plan.

Zoning Board Parker asked Saeger if the ordinance that restricts street parking to 48 hours and if this would apply to this storage. Saeger stated that is for residential parking. Parker then asked what they think the average size will be for vehicles marked on their plan which Trentman stated 10-foot wide. He also added they may not get as many campers in behind Building #5 as noted on the plan. Parker's concern is if they are assuming the average camper is 25-27-foot long, most campers these days are larger, and will this affect the profitability of their proposal.

Durso noted that there are storage facilities to the north of town and to the south, but there are none in the "downtown" Smithton area. There is an issue concerning if this is an appropriate location for storage because of the effect of the neighborhood and the surrounding development that may occur. The lumber company was grandfathered in since they were in place prior to the village ordinances.

Middendorf wanted to draw attention to the fact that there are numerous vacant buildings around Smithton and have been for some time and now this could be vacant as well. Trentman and Middendorf are proposing to bring a business to town, which may not be to everybody's liking, but they will upscale the property. If the property were sold and left as-is, you take the chance of no improvements being made and having more truck traffic in the area. Middendorf feels this is a better situation for the community which he also has family that lives here so they are conscientious of the type of business they are bringing in. They believe there is a need for storage – there are waiting lists for the other storage facilities in town. As for the old house on the property, they have talked to the Historical Society about removing the building and saving some of the material for them to display. They are interested in bringing a viable business to town.

Mary Alvarez introduced herself from St. John the Baptist Parrish Council. Their main concern is going to be traffic. It was bad when the lumber yard had deliveries – the trucks would block half the road while unloading which makes it hard to see around, especially with the small kids. They also have a concern with security and vandalizing, and if that is going to run over to the school. Traffic is an issue on 159 with pulling trailers in and out of the lot. How will this business look in the middle of town and what will this do to the property value of St. John's and surrounding properties. Will there be campers pulling in and out before and after school when the buses are loading and unloading kids. Alvarez also stated there are too many unknown questions at this time. Durso asked if they are objecting to the proposal which Alvarez stated yes. Trentman answered by stating their intent is not to have traffic coming in and out all day long – there will be a little here and there with only approximately 25 campers. As for the security, like any business in town they will have security cameras on the premises.

Resident, David Brennan was present. Durso explained that the two variance requests will be decided on by the zoning board; with the special use request, the zoning board will give their recommendation to the full board who will have the final decision. Brennan feels Middendorf and Trentman will do a good job and supports the business proposal but does not like all of the unknowns that are still out there. Trentman explained any business would have to meet the requirements of the village. Saeger also shared there is a section in the ordinance that lists permitted uses that are allowed in the business district. Trentman commented that if there was a business such as McDonald's put in at this location, there would be a lot more traffic to be concerned about.

Zoning Board member, Simburger feels that traffic would be less with the proposed business than what it was with Smithton Lumber. As for the oil and gas, campers do not use either and the anti-freeze used

to winterize is actually drinkable and would not pose a problem. Parker agrees that this area does need Storage for campers but doesn't believe this is the right location for it. He feels their scale on their drawing are not accurate and doesn't believe they will fit 25-30 campers on the property nor does he think the height of the sheds will allow for larger campers. Trentman appreciates Parkers comments and understands if they can't fit as many campers as originally planned then that's okay too.

Durso addressed the board regarding the special use permit and stated the facts to be considered is will there be adequate protection to the public health, safety, welfare and physical environment; the effect on the neighboring properties and the area in general; and the effect on utilities and traffic circulation; and if there are any facilities that require special protection (St. John's). With the variances, they should consider if the property can yield a reasonable return if this is granted and if it will be detrimental to the public welfare or if it will alter the character of the neighborhood.

A motion was made by Jim Mourey and seconded by Tom Incrocci to deny the Special Use Permit for the public self-storage concerning the motor vehicles, the traffic and the safety. Roll call was taken. Jim Mourey, aye; Tom Incrocci, aye; Mark Parker, aye; Dale Becherer, nay; Tom Schanherr, aye; Leo Simburger, Nay. Motion was granted.

A motion was made by Jim Mourey and seconded by Tom Incrocci to deny the variance to allow the fence in the front citing the village generally does not allow due to safety and obstruction. Roll call was taken. Jim Mourey, aye; Tom Incrocci, aye; Mark Parker, aye; Dale Becherer, nay; Tom Schanherr, aye; Leo Simburger, nay. Motion was granted.

A motion was made by Jim Mourey and seconded by Tom Incrocci to deny the variance to allow rock instead of concrete as it is something we generally do not allow. There are concerns with motor vehicles being on rock with drainage and the EPA. Roll call was taken. Jim Mourey, aye; Tom Incrocci, aye; Mark Parker, aye; Dale Becherer, aye; Tom Schanherr, aye; Leo Simburger, nay. Motion granted.

Durso explained that the variances are final, but the special use permit will go before the full board next Tuesday.

A motion was made by Tom Incrocci and seconded by Mark Parker to adjourn. The board approved the motion. Meeting was adjourned at 8:37pm.