

SMITHTON ZONING BOARD HEARING
JANUARY 7, 2019
7:30PM
604 N. MAIN STREET
MINUTES

The 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, and Tom Schanherr. Leo Simburger was absent. Also present were Chairman Lori Rodriguez, Zoning Administrator and Engineer Scott Saeger, Deputy Zoning Administrator Beth Buehlhorn and Attorney Carmen Durso.

Chairman Rodriguez asked for a motion to approve the meeting minutes from November 8, 2018 and November 12, 2018. Board Member Incrocci asked for clarification on the procedure of approving minutes. All were in favor of tabling the discussion until the end of meeting.

Deputy Zoning Administrator Buehlhorn read the Notice as published in the Freeburg Tribune.

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

All who wished to speak were sworn in by Deputy Administrator Buehlhorn.

Property owner, Dave Threlkeld, explained he and his wife purchased the former Remick Hardware building about 18 months ago. The building has been vacant since early 2011. He did reach out to a couple of businesses which did not work out. He was then contacted by the Enskat family regarding the HVAC business; Enskat had previously been an estimator for another contractor. After talking with the Village, it was determined the business did not fit into the zoning classification so he is now requesting the special use permit. He believes it will be a low impact business which will be used to fabricate the steel with most of the labor being done at their customer's site during installation. There will be very little traffic with just a minimal number of employees. Attorney Durso asked if Threlkeld will retain ownership of the building, with Threlkeld responding yes. They have signed a letter of intent with the Enskat's and are looking at a lease for approximately 3-5 years.

Jay Enskat and his son Josh were present. Jay explained he is a commercial HVAC contractor and will fabricate duct work. There will be no customer foot traffic and there will be approximately six employees. Durso asked if any of the machinery will create an abundance of

noise which Enskat answered no. There will be minimal deliveries to the building, there will be no storage outside the building and no chemicals in or outside on site. They do not plan on adding any outside lighting but will have a sign on the building.

Board Member Incrocci stated that when the building was originally built, there was a variance given for deliveries made to the back of the building. Threlkeld stated there is currently a delivery-height dock on the building and the Enskat's would like to possibly add a ramp to the dock to facilitate smaller trucks and deliveries. Incrocci explained Remick needed the variance because of where the lot ended and how far the dock extended out. Durso explained that if their addition encroaches onto the easement they will have to come back for a variance. Incrocci asked if company vehicles will be left in the lot overnight and on weekends, which Enskat answered yes. Incrocci asked Threlkeld if the farmers market will continue on the parking lot. Threlkeld stated that would be up to Enskat. Incrocci asked if the building will require any additional safety equipment than what is present. Enskat stated what is currently there will suffice; there is a security system but no working video cameras at this time. In addition, Enskat's will be painting the front of the building with the addition of their sign.

Board Member Becherer asked where scrap material will be stored until removed, which Enskat stated it will be stored inside the building. Becherer asked if they will be using the double-door located on the side of the building, which they will not.

Board Member Mourey asked if there will be any equipment stored outside the building. Enskat stated occasionally there may be rooftop units that cannot be delivered to the job site that may sit for a couple of days but nothing on a regular basis. Mourey asked if the ventilation system is sufficient for welding, etc. Enskat explained they will have dust collectors in addition to the existing system. Mourey asked if they have plans to fence in the property, which Enskat stated they do not.

Board Member Schanherr asked if there will be any kind of noise. Enskat commented there will not be anything excessive. Schanherr asked about the size of shears they will have and if the concrete will be sufficient, which Enskat stated it is.

James Reifschneider was present and owns the property to the north. He stated the property is in the B-1 zoning district, but this is an industrial business. Durso explained that is why they are asking for a special use permit. Reifschneider's opinion is this is not an ideal location for this type of business – he feels retail would be better suited for this property. He doesn't believe the village's comprehensive plan includes additional industrial businesses along Main Street. Durso reminded him that this building has been sitting vacant for eight years and this is a legitimate proposal and would not intrude on the surrounding properties.

Jeff and Jenny Schenewerk were present and own the property to the south of this building. He is tired of seeing this building sitting empty and his happy to see somebody interested. Jeff was concerned about additional traffic flow with it currently being difficult entering onto Highway

159 from his daycare and from Sunset Dr., and if there would be a noise factor, which he has been assured this would not be a problem. Schenewerk is satisfied with Enskat's proposal.

Jay Enskat stated that, other than updating the front of the building, the integrity of the building will not be changing and if they were to move out, they will leave the building as it was before they moved in.

Reifschneider asked if the village will benefit from sales tax from this business which Durso stated we will. The point of sale will be from this business address and the village would receive a portion of that.

A motion was made by Jim Mourey and seconded by Tom Incrocci to approve the special use request to allow the HVAC company to operate out of the building located at 604 N. Main Street with the restriction that the special use would remain with this company. Roll call was taken. Jim Mourey, aye; Tom Incrocci, aye; Mark Parker, aye; Dale Becherer, aye; Tom Schanherr, aye. Motion granted.

It was explained that with a special use permit, the zoning board's recommendation will go before the full board on Tuesday, January 15 for their final approval.

The board continued to talk about the procedure of the meeting minutes. Incrocci stated the minutes are sent to the board members for their review and they have an opportunity to send them back with corrections. It was discussed if those suggested changes could be discussed at the next meeting then the minutes approved with those agreed upon changes. Incrocci would like to see the changes made and the minutes redistributed prior to the next meeting. This would allow the remaining board the opportunity to agree or disagree with the proposed changes.

There was a question as to how long the board will have to approve meeting minutes. After further checking, Durso clarified the minutes must be approved within 30 days following the meeting or within the next two scheduled meetings.

A motion was made by Tom Incrocci and seconded by Mark Parker to adjourn. The board approved the motion. Meeting was adjourned at 8:15pm.