

**Town of Gnesen Planning Commission
June 15, 2022 Minutes**

Members Present: Carter Williams, Pete Bergman, Kathy Buran, Matt Thibodeau, Joe Ferguson, Sherri Underthun, Kevin Middleton, Dick Delano, Carol Jacobson, Nathan Horyza, Zoning Officer; and Sarah Blix, Planning and Zoning Secretary.

Members Absent: None

Others Present: Jay Haller, Marcia Haller, Bob and Joanne Vavrosky, Sue Lyons, Gary Juten, Mike Polzin, Randall Pfingsten, Mark Myles, Matt and Nadine Hoven, Jack Singler

APPROVAL OF AGENDA: A motion was made by Joe to approve the agenda, second by Kevin. All vote in favor.

APPROVAL OF MINUTES OF THE MAY 18, 2022 PFINGSTEN VARIANCE PUBLIC HEARING: Please see discussion below in Continuing Business – Pfingsten Variance.

APPROVAL OF THE MINUTES OF THE MAY 18, 2022 REGULAR PLANNING COMMISSION MEETING: A motion was made by Kevin to approve the minutes of the May 18, 2022 regular Planning Commission Meeting, second by Sherri. All vote in favor.

PUBLIC DISCUSSION: None

CONTINUING BUSINESS:

Pfingsten Variance: Randall stated that at his Variance Public Hearing the Commission voted to approve the variance with two conditions. Randall said that after the public hearing when he went home and was able to look more closely at the site, he saw that the way the Commission initially suggested for him to position his shed on his property was actually better than what was agreed upon at the public hearing. Randall asked if he could change the positioning of his proposed building, moving it back an additional 10ft from the shoreline and 20ft from side line setback. Nathan said that he has no concern with the change and that the new positioning is actually better than what was approved because it moves the building back further from the lake. Matt said that the Commission could either start from scratch and hold another public hearing or amend the minutes. Nathan suggested just amending the public hearing minutes. Carter made a motion to approve the minutes from the Public Hearing with the addendum that the site sketch presented on June 13, 2022 from Randall Pfingsten showing the new positioning of his proposed building is now the controlling drawing moving forward, second by Kathy. All vote in favor.

Communication Tower Moratorium Subcommittee: The public hearing for Ordinance updates regarding Communication Towers will be held Monday, June 27, 2022 at 6:30pm. Sherri stated that she will presenting an unbiased power point presentation presenting both sides of the issue which will help explain the need for certain ordinance verbiage.

Ullands Hot Mix Plant: Deke Melone sent an email asking that a letter be sent on behalf of the Gnesen Planning and Zoning Commission reiterating what was discussed at the last month's meeting and the three things Ulland agreed to try to help remedy the odor problem. Dick made a motion to send a copy of the minutes and a letter written by the Commission Chair, Matt Thibodeau, to Ulland to remind them what they were going to do and request updates as to when they are implementing new methods, including the date they started and the date they consider the problem remedied, second by Carter. All vote in favor.

Ordinance Review: Joe suggested using the phrase *Ipsa Facto* which would work for ordinance changes that are done by a higher authority, such as St. Louis County, to limit the need to have a public hearing to update our own ordinance. Carter asked where we would put this phrase in our ordinance. Joe suggested to add it at the bottom of each page. Gary questioned making ordinance changes without a public hearing. Matt said that this would only work for changes that higher authorities make such as if the County makes a change to their ordinance or if the State makes a change to their statutes, any other changes would still need to go to a public hearing before being implemented.

Short Term Rental Update: Carter read through the draft of proposed ordinance verbiage the Short Term Rental Subcommittee prepared. There was discussion concerning the best way to limit the density of STR's and if it is more beneficial to limit them with a cap or the distance between. After much discussion Sherri made a motion to change #7 of the proposed draft which currently is written to say, No other Short Term Rental exists within 500ft of dwelling being applied for Short Term rental use, to instead say the distance between STR's on riparian properties is 1000ft and the distance between STR's on non-riparian properties is 300ft, second by Joe. Roll call vote – 7 yays, 2 nays. Discussion regarding #8, Applicant is a Gnesen Township Registered Voter. Carter said that the purpose of #8 was to avoid off site ownership and owners who have no ties to Gnesen Township. Although he was in agreement with Carter, Joe stated that the Commission needs to decide, do they want to regulate STR's or the people who own STR's. Joe said that is shouldn't matter where the owners reside as long as the Township has the ability to regulate the STR's. Joe made a motion to remove #8, second by Sherri. Roll call vote – 4 yays, 5 nays. Discussion to letter E regarding Enforcement, Joe suggested adding a penalty of \$1500 in addition to the costs associated with enforcement and revocation of the permit, second by Kevin. All vote in favor. Pete asked if they have delt with the cap issue yet. Joe said he would be in favor of having different regulations for smaller lakes. Carter made a motion to limit the total number of STR's for the entire Township to 40 to start and then revisit the issue after two years, second by Pete. Kathy asked if the cap was in addition to limiting the distance between STR's to which Carter said yes. Pete questioned if Lake Associations could say they don't allow STR's on their lake at all. Carter said he thought it is legal. Nathan said he is in favor of just having the distance limitation and no cap. Roll call vote – 5 yays, 4 nays. Sue mentioned that she noticed a section that the subcommittee had discussed regarding owner respond time in case of a resident complaint was not included in tonight's presentation. Nathan said he missed that but will make sure it gets added before sending it on to the Town Board. Carter made a motion to submit the draft STR ordinance with the changes that were made at tonight's meeting to the Town Board at their June 27, 2022 meeting for their review/discussion, second by Joe. All vote in favor.

NEW BUSINESS: Nathan said in regards to the building violation on Normanna Road, there have been reports of some trailers being moved. Nathan will follow up with the property owner.

ZONING OFFICERS REPORT: None

- The next P&Z Meeting will be held on Wednesday, July 20, 2022 at 7:30 pm.

A motion was made by Kevin to adjourn, with a second by Dick. All voted in favor. Meeting adjourned at 9:26 pm.

Respectfully submitted,

Sarah Blix, Planning and Zoning Secretary

Matt Thibodeau, Planning Commission Chair

Date

Date