

West Lakeland Township

July 9, 2018

7:00 p.m.

Oak-Land Middle School

Present: Chairman Dan Kylo, Supervisor Steven Ebner, Supervisor Dave Schultz; Jennifer Samec, Deputy Clerk; Ms. Marsha Olson, Treasurer; Mr. Mark Votava, Planning Commission Chair; Ms. Viet Hahn Winchell, Attorney

Public Hearing to Consider A Variance to be closer to the property line than the setback, 1734 Manning Trail N

Chairman Kylo called the public hearing to order at 7:02 PM. Thomas and Pam Barnes appeared before the Town Board to review a request for variance to build an accessory structure within the 25-foot setback from the side property line. Originally, the request was for a variance for the rear setback, but at the Planning Commission review, it was determined for this irregularly shaped lot, the lot line in question is considered a side lot line, which has a smaller setback. Mr. Barnes noted that he owns an out lot in Lake Elmo, deeded to them from the Royal Oaks development. The septic drain field for their lot is on that out lot. It cannot be combined with their lot on Manning Trail because the two lots are in different municipalities. If it were possible to combine the lots, the selected building site would meet the setback requirements when measured from the far lot line of the out lot. Mr. Barnes also noted that the out lot is screened, and trees have been and will continue to be planted and maintained to provide a visual separation from their property and the Royal Oaks development. The proposed building structure is within the size allowed by town code, and the proposed location is at approximately 5 feet from the West Lakeland property line.

Ms. Vance presented the Planning Commission recommendation supporting the variance. The planning commission acknowledged that not being able to combine the lots due to municipal boundaries is a hardship for Mr. and Mrs. Barnes. Additional hardships were the location of the well, the old barn foundation on the property, slopes in the property, and existing landscape and retaining wall which limit where the accessory structure could be placed.

Mr. Mike Pratt, the building of the lots adjacent to the property in the Royal Oaks subdivision in Lake Elmo, spoke against the variance, indicating that the building would be too close the residences he is trying to sell. Mr. Pratt also will continue to add screening to the out lot. Mr. Jim Felton, representing the developers of Royal Oaks, provided background as to why the property was deeded to Mr. and Mrs. Barnes at the time 3M sold the property. It was done to accommodate the agreement 3M had with Mr. and Mrs. Barnes to accommodate the septic drain field, and to clean up the property boundaries.

Mr. Bob Schwartz, 18th street, and Mr. Mike Bibeau, Manning Trail, spoke in favor of the variance. The building and use proposed by Mr. and Mrs. Barnes is in keeping with the neighborhood. Both expressed the opinion that Lake Elmo showed little care for the residents of West Lakeland when considering the development. It was also noted that the housing being constructed in Lake Elmo also have a variance to be closer than the lot line than the setback allows.

After questions and discussion, Chairman Kylo moved to close the public hearing. Seconded by Supervisor Ebner, the motion carried. Chairman Kylo closed the public hearing at 7:29 PM.

Call to Order

Chairman Kylo called to order the regular meeting of the West Lakeland Board of Supervisors at 7:30 PM.

Consideration of Variance to be closer to the property line than the setback, 1734 Manning Trail N

Chairman Kylo noted that he was aware of the discussions between Mr. and Mrs. Barnes and the Royal Oaks development. Chairman Kylo has made several site visits and is aware of the location of the retaining wall and the old barn foundation. He considers those items, and other landscaping items,

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and a practical difficulty in this instance. The location of the septic and well also limit options for locating an accessory building. With the building location proposed by Mr. and Mrs. Barnes, and the setback of the homes being constructed at Royal Oaks, there would be 50-55 feet between structures. There is sufficient room for additional plantings in the out-lot area, and both parties agreed to support adding to the screening.

Chairman Kylo moved to approve the variance, and authorize the town attorney to draft a resolution to that effect, citing as practical difficulties the location of the well, drain field, garage, elevated perennial garden, bard foundation, and the fact that the lots cannot be legally combined, subject to the construction to be located at least 5 feet from the West Lakeland property line, screening be planted on the out lot, and that the out lot be legally tied to the West Lakeland lot. Seconded by Supervisor Ebner, the motion carried.

Chairman Kylo suspended the regular meeting at 7:50 PM

Public Hearing to Consider A to Allow Variances for the Autumn Run III Addition to allow cul de sac lots with less than the 160 ft of frontage, driveways with less than the 10 ft setback.

Chairman Kylo called the public hearing to order at 7:51 PM. Mr. Jeff Hause presented the requests, indicating the purpose of the request was to alleviate extending the current road to create a new cul de sac to serve the two lots. After discussion with the township engineer, it was determined that the current location of the cul de sac is better in terms of storm water management and erosion control. Mr. Stempski, the township engineer is in support of the modification. Mr. Hause noted that the original plat was approved with three lots in this location, which are now two lots. The proposal is to bring the current cul de sac, which is substandard, to expand and improve the cul de sac so it meets current road standards. The benefit for the township is improved storm water management and erosion control than is possible off the extended roadway proposed in the original plat.

Mr. Votava reported on behalf of the planning commission. The concurrence was in support of improving the current cul de sac, rather than relocating it further off the crest of the hill. The drawback is the proximity of the two driveways, but this would allow for better snow storage and saves the mature oaks on the property. The planning commission was in favor of the variance.

Mr. Doyle Strong, Oldridge Avenue, asked for clarification how the expanded cul de sac would impact his lot, and how the drainage plan would impact his property. Chairman Kylo noted the improvements would be within the current easement, so there should be no impact on lot access. The drainage off the development would be held to the current rate of runoff.

Mr. Arlan Grant, Oldridge Avenue, is not in favor of the variance. He believes this would generate a negative impact on his lot by bringing construction closer to the lot line, and make the property feel crowded. He also is not in favor of shared mailboxes and would not want a shared mailbox located on his lot because he does not want to be responsible for the maintenance and clearing of the mailbox in the winter.

After questions and discussion, Chairman Kylo moved to close the public hearing. Seconded by Supervisor Schultz, the motion carried. Chairman Kylo closed the public hearing at 8:16 PM.

Resumption of the Regular Meeting

Chairman Kylo resumed the regular meeting of the West Lakeland Town Board at 8:17 PM

Consideration of Variances for the Autumn Run III Addition to allow cul de sac lots with less than the 160 ft of frontage, driveways with less than the 10 ft setback.

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Chairman Kylo provided background on the progression from three lots to two lots for this section of Autumn Run. Originally approved, the plat had three lots at the top of the hill, and for various reasons, it was unfeasible to retain all three lots. As the engineer for the township and the developer worked through the details for the development, there was difficulty finding storm water management for the expanded street section that was equal or better than what could be provided off the current cul de sac. Improving the current cul de sac and extending the driveways to the current cul de sac caused issues with the setbacks as defined in the town code but provided far superior storm water management. Supervisor Ebner noted that there have been a number of iterations on the design of these lots, and this was the most workable solution to date.

Ms. Winchell noted that the location of new mailboxes is controlled by the Postmaster and is not governed by town code.

Supervisor Schultz moved to approve the variances and authorize the town attorney to prepare a resolution documenting the approval for less than 160 feet of road frontage, setback of less than 10 feet for the two driveways, and for less than 160 feet at the setback line, noting the practical difficulties of the approved plat design to be unsuitable to manage the storm water effectively and the steep slopes throughout the property, conditioned on the improvement of the current cul-de-sac to township standards, formal application for these two lots as Autumn Run Third Edition, approval of the final design of the cul de sac and driveways by the township engineer prior to construction, any additional conditioned generated by Valley Branch Watershed District review. . Seconded by Supervisor Ebner, the motion carried.

Approval of the Minutes

Chairman Kylo moved to approve the minutes of the June 2018 regular meeting. Seconded by Supervisor Schultz, the motion carried.

Treasurer's Report

Ms. Olsen presented the report for June, reflecting \$45,236 in revenue and \$104,459 in expenses. Supervisor Ebner moved to approve the treasurer's report and pay the invoices presented for payment. Seconded by Supervisor Schultz, the motion carried.

Public Comment

Mr. Votava asked about the volunteer committees for the water issues resulting from the 3M settlement. Chairman Kylo noted that he will serve on the main work group, consisting of elected officials from the impacted municipalities. Supervisor Ebner will serve on the technical committees regarding natural resources and wells. There is a citizen volunteer committee, and several residents have volunteered for that role. Chairman Kylo noted this will be long process.

Variance Concept, 1460 Orwell Avenue

Mr. Mike Wurst, 1460 Orwell Avenue, appeared before the board to present a concept for a variance to build an accessory structure in front of the residence. Access to the backyard would be the potential hardship, with the well, the proximity to the lot line, and the elevation change in the lot making it hard to access the back of the house. Chairman Kylo moved to refer the issue to the planning commission for review and schedule a public hearing for the next regular meeting. Seconded by Supervisor Schultz, the motion carried.

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Extension of Variance Application

Mr. James Tobin requested an extension for the consideration of his variance request. Chairman Kylo moved to approve the request to extend the consideration of the variance for an additional 60 days. Seconded by Supervisor Ebner, the motion carried.

Discussion of Pool Installation

Mr. Andrew Hansen, 1499 O’Ryan Trail, asked about the setback requirements for the pool on his lot, in that his lot is an irregular shape. It was noted that the lot contains wetlands and drainage easements. The consensus of the board members was to use the setback as indicated on the survey provided by Mr. Hansen.

Request for Static Billboard on I94

Mr. Steve Nelson presented a request for a static 10’x 36’ billboard on the SW quadrant of Stagecoach and I94. Mr. Jacob Steen, representing Mr. Nelson, presented the request. It was noted that this is a substandard lot of less than 2 acres, and there was originally a billboard approved by the township in 1990. However, Washington County zoning superseded the township approval, and the billboard was removed in 1992 or 1992. The pedestal remains on the property. Ms. Winchell noted that this use would be a zoning change to the West Lakeland town code. Supervisor Ebner suggested that input be requested from the planner, Sambatec, before proceeding. Chairman Kylo suggested a closed meeting with Attorney Winchell and will coordinate that meeting.

Curbside Recycling

The board reviewed dates for curbside recycling in conjunction with area haulers. The recommendation was to keep the date the third week of September, to be consistent with last year. A second event may be scheduled in the spring.

Draft Comprehensive Plan

Supervisor Ebner reported on the continued review of the comments provided to the township draft 2040 Comprehensive Plan regarding gravel mining and extraction. In 2003, the town code did allow mining in the SFE district, but it is no longer in the current code language. The planning commission reviewed the language and recommended not to proceed with the amendment proposed at the July meeting. The language of the Comprehensive Plan will be reviewed to see if the perceived conflict can be resolved without modification of the ordinance at this time.

Old/New Business

There is a conflict with the Middle School Schedule for the May 13, 2019 board meeting. Chairman Kylo moved to move the meeting date to May 6, 2019. Seconded by Supervisor Schultz, the motion carried.

Supervisor Ebner noted that Wild Parsnips are out of control in the township and recommend that the weeds be cut before they go to seed. Supervisor Schultz will reach out to the contractor and identify those areas as a priority for mowing.

Resolutions documenting actions completed at the last meeting were provided for signature.

Supervisor Schultz noted that the contract for seal coat discussed at the last meeting was pulled back since there was not an alternate bid received. The requirement for multiple bids was raised from

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\$100,000 to \$175,000, so the board can continue with the current bid. It will be revisited in August. He also noted that Baytown had concerns on the cost of the patch repair for 30th Street.

Adjourn

Having no further business, Supervisor Ebner moved to adjourn the meeting. Seconded by Supervisor Schultz, the motion carried. Chairman Kylo adjourned the meeting at 9:53 PM.

Respectfully submitted,

A handwritten signature in black ink that reads "Elizabeth Vance". The signature is written in a cursive style and is positioned above the printed name and title.

Elizabeth Vance
Recording Secretary