



**Town of Alpine**  
**Board of Adjustment/Planning & Zoning Commission**  
**MINUTES**

*Planning & Zoning members and secretary would like to extend their condolences to the family of Marge Grover and express their sadness in losing a wonderful lady. Marge was an irreplaceable asset to the Town of Alpine. She will be deeply missed.*

DATE: **August 23<sup>rd</sup>, 2005**

**Attending:** Board members: Dave Gustafson, Scott Reed, Don Sherman and Paula Stevens. Surveyor Marlowe Scherbel. Property Owners: Mary and Bill Flowers, Steve Chichinsky. Councilmember and property owner Steve Fusco and secretary.

---

**Board of Adjustment MINUTES**

- 1 - CALL TO ORDER at 7:05pm
- 2 - ROLL CALL & ESTABLISHED a QUORUM
- 3 - TONIGHT'S APPOINTMENTS/ NEW BUSINESS:

- **Patsy Ohanesian for the Estate of C.L. Stewart rezone request from R1 to B1** - Per Patsy Ohanesian letter: It is an irregular lot, now surrounded by three roads, when Town put a road through one side of the lot, it limited the value and use as a residential lot. Per town attorney the Town is not going to remove the road. She feels the lot would have more use and value to the Town as a business lot. She believed it was originally a B-1 lot. Don said he supported rezoning the lot, Paula said she did not and stated that the Town's new planner would be dealing with rezoning and it would be better not to spot rezone. Marlowe said he would think the town would want to spot rezone and fix certain lots before a planner came in. Paula disagreed. ***Don Sherman motioned to recommend lot be rezoned R1 to B1, Scott Reed seconded, Paula Stevens against, Dave Gustafson against.***
- **Zahida Hafeez simple subdivision plat** - Zahida Hafeez is requesting an approval of his plat to subdivide his lot. Clerk advised Marlowe Scherbel's office that procedure is for plats to be reviewed by P&Z prior to any Council review. Paula asked about the easement if they want to hook into Halpin's sewer. Marlowe said the county's requirement is only 10 feet. Paula said 10 feet would not be good if putting water and sewer lines since need a 10 foot spread between water and sewer lines. Marlowe agreed it would not be adequate. Dave asked if DEQ would allow for double casing a water line to be close to the sewer line. Marlowe answered probably. Marlowe added that property owners would be motivated to grant larger easement if they need the water and sewer. They discussed spacing between entries onto Country Rd. 100 for each subdivision. Marlowe advised 330 ft. spacing is what WYDOT requires. Steve Fusco added there is a need for a 20 ft. easement. Discussion into where to place the easements, but no decision. ***Paula Stevens motioned to recommend approval of lot split with possible amendment of additional 10 foot utility easement requirement, Don Sherman seconded with the amendment, All in favor.***

- 4 - ADJOURN MEETING- *Adjourned meeting at 7:30pm*

---

**Planning & Zoning MINUTES**

- 1 - CALL TO ORDER at 7:30pm
- 2 - ROLL CALL & ESTABLISHED a QUORUM
- 3 - P&Z MINUTES July 12<sup>th</sup>, July 26<sup>th</sup> and August 9<sup>th</sup>, 2005 (*mailed prior to meeting*) ***tabled for next meeting***
- 4 - COUNCIL MINUTES: August 2<sup>nd</sup> and August 16<sup>th</sup>, 2005 ***tabled for next meeting***
- 5 - TONIGHT'S APPOINTMENTS/ NEW BUSINESS:

- **Sign Permit #S-03-05 Carla Stone/Mountain Magic** - Carla Stone is requesting a sign permit. The sign will be one sign with several smaller signs within for other businesses within the area of the sign. Scott advised height would be 21ft., there would be 7 signs at 16 in. high each. Scott advised square footage would come to 98 sq.ft. Dave said he is against multi-signage unless it can meet the 3 state statutes needed in a variance. Mountain Magic/Scott & Cassie Reed are the contractors and architects on the project therefore Scott will have to abstain from this vote. ***Advised needs 3 variance requests for: height,***

*offsite signage and square footage and was advised to speak to Town Clerk to apply for these variances.*

- **Comment from the public** - Property owners Mary and Bill Flowers and Steve Chichinsky wanted to state their disapproval regarding the Town's failure to follow procedure with the Alpine Meadows/Mike Halpin subdivision final plat approval. Dave said before Mary starts that the plat never came before them (P&Z) until after the Council approved it. Mary Flowers spoke to the commission. Mary said she was aware P&Z did not get to review the plat. Mary first wanted to give her condolences to Dave and everyone, as she is aware everyone had a rough day. She added along with the rest of them, we have lost a great lady.

Mary said she would like to thank all of them (P&Z) for working for their town. She knows they do not get appreciated as much as they should and she thanked them for their help in Riverview Meadows, because up until just recently it has worked well. She wanted to thank them for being there for them and them for P&Z. Mary said she did know that the plat was not brought to P&Z. Mary said however, in the Lincoln Cty. Board of Commissioners report, it was brought to a meeting on August 10<sup>th</sup> and it says that the powerful conditions is to be approved one through six and number two reads: is before the plat is recorded it should be approved and signed by the governing body of the Town of Alpine. She said is she mistaking that they (P&Z) are not a governing body. Paula said Town Council is the official governing body of the Town of Alpine. P&Z is an advisory board to the Town Council. Mary asked if the annexation goes through would P&Z be involved. Dave advised Mary that the annexation application has expired. So now the Town must take the initiative to annex the property. Dave did a little research, if the Town does that and it is annexed in, the Town residents have 10 days to file certain paperwork in order to have a vote by Town residents and once that is recorded and enough registered voters are on that signature list it goes to the county. The county has to set up a vote on that matter and if the Town decides against the annexation the annexation is terminated. That is how it was run in Jackson re the Porter Estate and that is the information he received from a Teton County official re annexation procedures. Mary said it is very confusing. Dave said he went to the election board of Teton County and that is what was told to him on how they run their elections. \* *Please call Town Attorney for specific procedure/process for Town Residents re annexation and residents' rights.*

Mary asked if when a final plat is put together isn't there suppose to have where the water and sewer is coming and going. Don said he would think so in his opinion, to have all your ducks in a row before approving a final plat. Mary asked if anyone has seen the final plat. Dave said that P&Z were not given that opportunity to review, before the Town Council and Mayor, with the exception of Councilmember Steve Fusco who did vote against approval of plat until P&Z reviewed it. Mary asked what was it that the Town Clerk signed (*signature to attest Mayor's signature*) and had to stay until late that had the Mayor's signature. Don answered the final plat. Mary said she was confused. Paula and Don agreed it was the final plat. Secretary advised, that the Clerk had to remain until after P&Z meeting to attest Mayor's signature on the final plat as Laura Ladd (*Halpin representative*) needed to bring the approved/signed final plat to Lincoln County P&Z the next morning for review/approval. Laura Ladd later called the Clerk to advise her that Lincoln County did approve the plat. Mary asked then where is the water and sewer going? Dave added that we (P&Z) are just as frustrated as you (*the public*). Don said they had no answers for what Mary is asking.

Mary said she is very concerned as this issue will affect Riverview Meadows more so than anyone else. There is 17 acres down there. Mary has looked into the Jackson sewer plant and there are sludge ponds up there that are way off subdivisions. It was recommended by the Town Council and then the Mayor that our Town Engineer has to approve all this, but she thinks we need to have more than one engineer as we already know what the sewer plant is doing right now and it is not performing right. Paula asked Mary if she had talked to Lincoln County about her concerns because right now the application is with them, the Town has the responsibility to sign or not sign the plat which was apparently already done. Ultimately it's the county's decision whether or not they approve the plat and the proposed subdivision. Paula asked if Mary had talked to them. Mary answered she had not. Mary said she was just advised of this meeting and felt so bad for P&Z, as P&Z is doing the work but not getting recognized. Don said he understands Mary has a copy of the minutes of the last meeting that the Mayor attended. Mary thanked Dave for setting the Mayor straight. Dave said he didn't know if they did that. Don said they voiced their opinion in public in a public meeting that told him (*Mayor*) how the commission felt about him approving something without going through a professional board to review it. Mary said she agrees and that it was unprofessional and inexcusable. Mary asked what do we have P&Z for then. Don said that is what they asked the Mayor. Mary said we need to have P&Z. As she sees it there are two sets of governing bodies. Mary said it was inexcusable what happened and thanked P&Z for sticking up for the Town and lets pray to God this doesn't happen again. This is a part of our Town that will happen, that will affect us for a long time. She added that we cannot have a few people deciding, it needs to be more than one or two people. She said in looking here she sees some intelligent people on the board she is talking too, but said she feels she is sure she cannot talk that way at the next one (*Town Council meeting*). She said she will be at the next meeting of Town Council. She is sending a letter out to all of Riverview Meadows property and home owners. She is begging them to be at the next Town Council meeting and requested the P&Z members also attend. She said she will do some more research and send out letters to each Town Council member and when they come to the meeting they will have no excuse not to have the answers because she wants to know as it is affecting Riverview Meadows.

Discussion regarding annexation began again. Then Mary stated that Mike Halpin does not want the sewer plant on his side, she'd like to know why. Mary said that we do not necessary want it over here either. Don said that Mayor Lloyd has been telling him for two years that he (*Mike Halpin*) is going to put a million bucks into it (*Town's existing sewer plant*). Don asked where is it in writing. Mary asked why we have to have a grant. She said that he (*Mike Halpin*) told us at the meeting that when that sewer plant was to be finished that they would shut this sewer plant off and it would automatically go into the brand new sewer plant, up and running, for his

subdivision and the Town of Alpine. She said he told them that, he was going to pay for it.

Steve Fusco said he was dead set against them passing the preliminary plat, from his understanding it was a preliminary plat, nothing final. Steve said we (*Town Council*) voted on a preliminary plat. Scott asked when, last week? Steve said no, this is the preliminary plat from June 21<sup>st</sup>. Steve said that is the only time it came to us (*Town Council*). He added it was stated that it would come back to us for final approval. Scott asked did it come back the same way. Steve answered that it never came back to them. The final approval has not come to them Steve said. Scott said they (*P&Z*) were under the understanding it was a preliminary plat but she said it was the final plat that was approved. Steve said that if the Mayor signed a final plat without basically going through Council. Paula said she was at that meeting where Steve expressed his concern it not being run by the P&Z. Paula said she agreed with Steve then, as we'll never know if there maybe some sorts of planning issues. Steve said we should have had time to review it, which would have only been for 2 weeks, it wasn't a big delay. Paula said at that time the discussion was that it was a preliminary plat, so she was confused that when that night it came before them (*P&Z*) as the final plat. Steve said Council did not vote on it and that's what he's confused about. Dave asked Steve to check into this issue and Steve said he would.

Mary asked members again to be at the next Council meeting. P&Z members agreed to go. Mary said she will be contacting the County to find out what is going on. Paula said in terms of a final plat, there are certain things that need to be provided. She said you have to have documentation you have access to a property, in the state of Wyoming, it is her understanding you do not have to demonstrate water and sewer provisions because it could be a well. A person could choose to drill a well onsite and have septic onsite, but in a minimum, access has to be provided. Paula advised them to talk to the County and where that stands with them in their minds. Mary asked even if it's going to affect the whole Town. Don said if each lot was going to have a septic system then it would not be up to the Town of Alpine. Paula said the flip side of that is maybe those lots that are that small, maybe could support septic systems. Don said that would not be a good thing. Paula agreed. Don added if you jam that many septic systems in one area you will have contamination.

Mary said to Paula, as Paula said at the last meeting, that this is only the tip of the iceberg, as we are going to have other subdivisions coming in and they are just waiting in the background to see what happens. Mary said it's all going to fall on Riverview Meadows. Scott said that Mary has that right to be concerned, especially with what Steve (*Chichinsky*) brought up in a couple meetings ago, about how who is sharing the logistic waste that is going out of these systems as well. Scott continued that the minute you allow him (*Mike Halpin*) to put a system over there and whether we (Town of Alpine) hook into it or not, it already limits the amount we can eliminate from our system and all these concerns have not been answered, so Mary has all the right in the world to feel that way.

Steve Chichinsky spoke to the commission. He said he too was disturbed that P&Z was not a participant. He said he certainly is not here to blame the P&Z for what happened. He said he does not have very much faith in the Town Council, other than faith in Steve Fusco for really sticking up for the Town. He is encouraging P&Z and the help of some of the citizens to really get into the thick of this. He said P&Z is very critical, probably more so than the Town Council, because this matter is really a planning and zoning issue. He added that P&Z need to be making recommendations to the Town Council. Town Council should not be making recommendations to P&Z and he's sure that P&Z understands that. Steve C. said in reading some of the Council minutes of past meetings, particularly the last Council meeting. Steve C. asked a few questions and he was listening what Leon had written. He agrees with about 75% of what Leon said, but he is a little concerned about when he talks about Alpine not having some of these commodities. He said Alpine has all the commodities in the world, as some towns would be envious of all the commodities we do have. We just need to seek ways of containing our commodities, like our water. He added we have a 17 acre facility over here that could probably handle enough sewage for a 5 mile radius. These sewage packaging plants are nothing without the real estate to put them on. Just having that real estate is a town commodity and he believes the Town needs to negotiate on those principles and not necessary negotiate it as if it's a poker match. In his opinion, if this is a poker match, we've made one big mistake with these developers; we've already shown them our hand. He said it's not a poker match, it is serious negotiation that affects the entire community long term.

Steve C. said he has a lot of faith in P&Z, asking that they really become proactive. Regardless of what the Town Councilmen do or say, he's not sure if legally they have the right to do it. He said governments can govern the way they choose to, but legally that's what you're there for, that's why you take the time. P&Z is there to make the recommendation to Council and he does not feel it's the other way around on this type of an issue. He hopes P&Z, as intelligent people, along with Steve Fusco, which is the intelligent side of Town Council, can get together, and maybe address the protocol on how the Town governs first. So that can clearly put P&Z in the mix, because the Halpin deal is just the beginning of it. He said he sat here tonight still listening to where is the sewer going? If you talk to most minds, long term, the right place for the sewer to go, with the right engineering, is probably right over at the 17 acres site. Centralized sewer is the preferred way to develop. It's just a question of getting all the talented people together to see that it is done properly. The Town needs to work together with Lincoln County and DEQ, everyone needs to work together. He's hoping as this moves forward, the platting process is really one process, but the biggest hurdle and challenges for the Town and P&Z are yet to come, and that is the annexation process.

Steve C. felt that P&Z takes a bigger role in this, more so then Council, he believes, in the whole planning process. It is sad that Town Council does not see it that way. He will also be at the next Town Council meeting and wants to make it very well known that P&Z deserves a lot more respect than they are getting. Steve thanked the commission.

Don said a comment to Steve C. on this issue: he said a few months ago, after the last town vote, the elected officers that were not re-elected, the local newspaper printed, that Mr. Troy Johnson and Mr. Bert McNeel felt that this board had too much power already. Secretary added that she thought the words were actually that P&Z was playing God. Don said to keep that in mind, as that is the thought that's going through their (*Councilmembers*) heads. He said it doesn't matter of our ability to make sense or reasoning of any of this, we just have too much power! Steve C. said it's time for everyone to step up to the plate. Don said to please pay attention to what Dave said regarding the 10 day period after an annexation to file whatever protest, grievances or request for a Town vote.

**6 - UNFINISHED/ONGOING BUSINESS:**

• **P&Z ATTENDING COUNCIL MEETINGS:**

- 1) September 6<sup>th</sup> - Scott Reed, Don Sherman, Dave Gustafson      2) September 20<sup>th</sup> - Don Sherman

7 - ADJOURN MEETING- *Paula Stevens motioned to adjourn meeting at 8:07am, Don Sherman seconded, All in favor.*

**AFTER MEETING REVIEWS- DISCUSSIONS/WORKSHOP-**

**ENFORCEMENT-**

- *Dave Pellagatto - #R1-11-04-* Mrs. Pellagatto advised secretary will be making a revision to their permit as they will be adding power. Secretary advised an electrical plan will be needed and then attendance at a P&Z meeting to review for approval. *Letter sending 8/24/05.*
- *Alpine Variety signage* - Discussion on amount of signs and original sign permit requested all smaller signs be put inside the window. These are still on the outside adding to the allowed sq.ft. *Letter sending 8/24/05*

***Items given to P&Z during tonight's meeting:***

- Building Dept. Fee Schedule Draft-2<sup>nd</sup> Reading

***Items mailed to P&Z before meeting:***

- Patsy Ohanesian rezone paperwork
- Zahida Hafeez subdivision replat paperwork
- July 12<sup>th</sup> , July 26<sup>th</sup> and August 9<sup>th</sup>, 2005 P&Z minutes

\_\_\_\_\_  
*Dave Gustafson, P&Z Chairman*

\_\_\_\_\_  
*Date*

*Attest:*

\_\_\_\_\_  
*BofA/P&Z secretary*

\_\_\_\_\_  
*Date*