



Town of Alpine Planning & Zoning Commission MINUTES

DATE: **November 23, 2004**

Attending: Board members: Dave Gustafson, Steve Fusco, Scott Reed, and Don Sherman. Contractors: Justin Sandner. Property Owners: Joan & Bob Reed. Fred Bergamo. Business owners: Don Goetz, Kathryn Parsons and P&Z secretary.

1 - **CALL TO ORDER at 7:03pm**

2 - **ROLL CALL & ESTABLISHED a QUORUM** - *Paula Stevens absent*

3 - **P&Z MINUTES:** October 12th, 2004, & October 26th, 2004 *Steve Fusco motioned to approve Oct.12 P&Z Minutes, Don Sherman seconded, All in favor. Steve Fusco motioned to approve Oct.26 P&Z Minutes, Scott Reed seconded, All in favor.* November 9th, 2004 (*handed out at this meeting/table for next mtg.*)

4 - **COUNCIL MINUTES:** September 7th, September 21st, October 19th, 2004 *Steve Fusco motioned to approve Sept 7, Sept 21, & Oct. 19 Council Minutes, Don Sherman seconded, All in favor.* November 2nd (*handed out at this meeting/table for next mtg.*)

5 - **TONIGHT'S APPOINTMENTS/ NEW BUSINESS:**

- **(Announcement Only) - Lincoln Cty Comprehensive Plan** - Deadline for comments is November 30th, 2004 (*Copy on meeting table if anyone wants to review*)
- **Old Plat Issue- 2nd review** - Don discussed this plat at last P&Z meeting. He is here to finalize the issue. This is in regards to an issue arising from an old plat. Regarding Lots #8 & #9 in Palisades Heights, 165 Morning Star Drive. (*Please review copy of Paula Steven's email regarding this issue. Don Goetz received a copy.*) Secretary explained she talked to Mike Quinn at Nelson Engineering who explained the plat. The secretary also had Don Goetz speak directly to the engineer so he could understand what the engineer had done. Lot #9 was subdivided into another subdivision which is named Lakeview Townhomes Subdivision. This subdivision is within the subdivision of Palisades Heights. The Town's map does not reflect this subdivision but it was filed at the County. The Town never showed it because the plat for Lakeview Townhomes Subdivision was never used. The lots #1-9 within Lakeview Townhomes Subdiv. were never sold as individual lots, they instead were used as rental properties staying under the ownership of the Lot# 9 owner. In so doing the owner should have vacated this plat that shows the creation of Lakeview Townhomes Subdivision, because it was never used. This subdivision never sold the lots as separate owned lots as was originally planned. The lot#9 of Palisades Hgts. Subdivision. No Lakeview Townhomes Subdivision was ever used. Mike Quinn advised the owner has two options: he can replat or he can simply file an affidavit to vacate entire plat if it remains under only one owner, which it does. Don Goetz was advised to have the owner, Todd Seeton file an affidavit.

The secretary advised therefore the issue for the P&Z is if Don G. can fit the second building on the lot #9 of PH. Don G. told P&Z members that the building was approved on that site a long time ago. It is deeded as a building space he added. Steve said there was never a building permit issued so he has to follow the building permit process still. Don G. understood. Dave asked if this was zoned B-1, Steve answered yes. Don G. showed his proposed building site plan and explained all the issues he would face, such as snowplowing, parking, vehicles turning around, etc. Steve explained the calculating of the parking spaces. Don G. advised he had followed the Town's code information in figuring out his parking space. Steve requested it be confirmed by Joe Sender. *Don Sherman motioned to recommend to have Joe Sender to review and give final answer on parking, Dave Gustafson seconded, All in favor.*

- **Jim Sandner - Commercial permit #C-08-04** - Justin Sandner, representing Jim, from Northstar Construction is requesting a permit to build an office complex next to Gunnar's Pizza. Joe Sender has approved siteplan/setbacks. Lyal Radford has approved pre-plan review with an advisement on the swing and opening of doors. *Justin was given a copy of the swing and opening of doors code.* Steve asked if they had laid out the parking. Justin said they configured the parking spaces per our codes and came up with 20 spaces, plus 4 handicapped spaces. Dave said it must be reviewed and approved with Joe. Justin advised Joe did review and approve the parking with Jim Sandner. Secretary advised Joe had reviewed everything with Jim onsite but we had no signature from Joe showing approval for the parking. Secretary will call Joe to verify if he approved and

have him sign off on parking issue prior to the Council meeting. *Steve Fusco motioned to approve and recommend #C-08-04 to continue to Council for final approval but Joe Sender must give approval on parking prior to the building permit being approved, Scott Reed seconded, All in favor.*

6 - UNFINISHED/ONGOING BUSINESS:

• P&Z ATTENDING COUNCIL MEETINGS:

1) December 14th - Paula Stevens 2) December 28th - Steve Fusco - *as it will be his last duty as a P&Z member*

- **Ongoing - Joan & Bob Reed roof beam emergency**- The special meeting was cancelled as attorneys for both the Town and the Reed's were working through the legal issues. Further information and work was requested by the Town from the Reed's engineer before any meeting could take place. The Reeds would be advised through their attorney. A letter from Town's attorney to Reed's Attorney was sent two weeks ago. The Town received on Nov. 8th, a faxed letter with several pages of diagrams and information from the Reed's engineer. A letter was sent to the Reed's on Nov. 15th outlining the required items needed by the Town and a deadline to finalize this issue. The Town then received more information on Nov. 22nd and 23rd.

Dave explained to the commission that as the chairman of the board he needed to expedite the situation. He had spoken with both the engineer and to Joan Reed. He also had explained to the engineer what was required by the Town from the engineer. He reviewed the fax with new information from the engineer prior to this meeting and felt what was received from the engineer in his correspondence had met those requirements. He added the Town should go forward with the engineer's recommendations. Dave also said that the engineer addressed the problems, identified the problem, chased the problem and gave recommendations to take care of the problem. He said now we need to review it as a board. The members began analyzing the engineer's information. Fred Bergamo was giving some information about the beam and supplied a color photo of the broken beam. Secretary asked if Fred was now the builder on the project. Fred answered he and 5-Star Construction was working together on this issue.

Dave said we required a structural engineer to look at this, provide an analysis and corrective actions to take care of it. Dave said we really need to expedite this. We have corrective actions to take care of this, but if more problems arise during the corrective actions, then the commission will deal with it. The commission/Town needs to look out for the safety of the tenants. Dave added the engineer had chased the problem to the foundation. The engineer recommended making appropriate changes to the foundation to fix it. Scott added that the diagrams definitely specifies the section now. He added the engineer's diagrams shows it does not reflect into the rest of the building per se. Dave said if we change anything from the engineer, then the Town incurs the liability. The commission must follow exactly by the engineer's recommendations and not change any procedure or corrective action. The liability stays on the engineer not the Town if the Town adheres to the engineer's corrective actions. *Don Sherman motioned to accept Engineers resolve to this situation plus our Town Inspector has the right to look at it, Scott Reed seconded adding this to be done under the Town's official, All in favor*

7 - ADJOURN MEETING- *Scott Reed motioned to adjourn meeting, Don Sherman seconded, All in favor.*

AFTER MEETING REVIEWS- Non-Compliance Issues:

- Bull Moose Motel #C-02-04 - Town's inspector sent a Certified letter/fax to Jim Blittersdorf re: The approved building plans show 3 dormers on roof. Mr. Blittersdorf is preceeding to install the roof tar paper and shingles/tiles. At this time no dormers are visible. Normally dormers are in place before laying any tar paper or shingles on a roof, not after.
- Marc Elkins/Steve Dicenso - #C-04-01 Phase I, #C-03-03 Phase II. Marc Elkins is listed on permits as owner, Steve Dicenso is listed as contractor. Steve Dicenso now owns these properties. (*see Summary from Town Clerk included with minutes*)

Items given to P&Z during tonight's meeting: (item already given in prior meetings)

- Town Council minutes for November 2nd, 2004
- P&Z minutes for November 9th, 2004
- Paula Stevens' email re Don Goetz old plat issue
- Letter from James Lubing to Reed's Attorney (*item already given in prior meetings*)
- Faxed letter to Town office, from ES2(Reed's Engineer) w/ several pages of diagrams and information (*item already given in prior meetings*)
- Additional info submitted by ES2 (Reed's Engineer) which the Town received on Nov. 22nd
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Dave Gustafson, Chairman

Date

Attest:

BofA/ P&Z Secretary

Date