

Town of Perry
Minutes of Land Use Committee
Tuesday, August 1, 2006
Perry Town Hall

1. Call to Order. Chairman Mick Klein Kennedy called the meeting to order at 8:05 PM. Committee members present: Dean Vogel, Ann Windsor, and Ken Hefty. Also in attendance: Larry Lindokken, Troy Grindle, Darlene Cleary, Dennis Cleary, Sean Timmens, Johan Hoff, Dominic Haag, Alan Weinberg, Pat Downing.
2. Minutes of Previous Meeting – July 5, 2006. Ken Hefty moved and Dean Vogel seconded a motion to approve the minutes of the July 5, 2006 meeting of the Land Use Committee as published. Motion carried.
3. Applications – Public Hearings and recommendations.
 - a. Troy Grindle, approx. 1201 River Forks Rd., Site Plan, Driveway Construction Permit, Building Permit, Zoning Change. Troy Grindle presented additional information requested at the Site View. Chairman Mick Klein Kennedy distributed a letter received from Bird Cupps and a letter received from Amelia Fairchild.

Ken Hefty moved and Dean Vogel seconded a motion to approve the revised Site Plan, driveway construction permit application, building permit application and zoning change application as presented by Troy Grindle. The Committee reviewed the applications and discussed the mandatory and desired criteria of the Land Use Plan. Ken Hefty moved and Dean Vogel agreed to withdraw the motion.

Dean Vogel moved and Ken Hefty seconded a motion to postpone action on the applications. Motion carried.
 - b. Jon Schumann, approx. 100 Perry Center Rd., Site Plan, Building Permit, Driveway Construction Permit, Zoning Change. Clerk Mary Price reported that the applicants have not submitted a revised plan.
 - c. Sean Timmens, 10225 Spring Valley Dr. – Review Site plan, Conditional Use Permit, Zoning changes – A-1 to A-2, R2 to A2. Chairman Mick Klein Kennedy asked Sean Timmens to present the status of his Site Plan. Sean Timmens reported that there are no proposed changes to the Site Plan that the Land Use Committee reviewed and recommended approval on April 6, 2006 and that the Town Board approved on April 13, 2006 and the Dane Co. Zoning and Land Regulation recommended approval to the Dane Co. Board on June 13, 2006. He stated that he followed the due process and further review at this point after approval would set a bad precedent.

Pat Downing explained that the request for this review is based on Johan Hoff's June 3, 2006 letter. Johan Hoff distributed a copy of his June 3, 2006 letter, signed by Johan Hoff and Alan Weinberg, to the Committee.

He stated that he first became aware of the proposed building and conditional use permit application when Dane Co. notified him. He reported that he attended the Dane Co. public hearing and commented that he is concerned that the peace will be threatened and that his property will be devalued.

Dominic Haag stated that he did not sign the letter because he discussed his concerns about potential noise with Sean Timmens and he attended the Land Use Committee's public hearing and meetings and the Town Board meetings.

Alan Weinberg reported that he knew about the Town's meetings but did not attend, and he was concerned about the noise but not concerned about a building. Sean Timmens explained the building plan and the noise abatement plan and reported that he has obtained the DNR permits. Alan Weinberg requested conditional use permit enforcement information. Chairman Mick Klein Kennedy explained that Dane Co. enforces conditional use permits.

Pat Downing presented Dane Co. Zoning's Composite Report, advisory to Dane Co. Zoning and Land Regulation.

Chairman Mick Klein Kennedy explained the process that the Town's Land Use Committee and the Town Board used during this application's approval period between in October, 2005 and June, 2006.

Clerk Mary Price reported that the Town Board Action Report and the Conditional Use Permit Action Report were mailed to Dane Co. Zoning on May 8, 2006 and included the April 13, 2006 Town Board meeting minutes which reported the Town's approval.

Pat Downing stated that the two neighbors' concerns should be considered new information. Committee member Ken Hefty restated that the site was moved prior to approval due to neighbor objections.

Chairman Mick Klein Kennedy stated that no new information has been presented at this hearing and a review is not necessary if all procedures are followed.

Clerk Mary Price reported that all of Dane Co. and the Town's procedures for application approvals were followed, and in her opinion a reversal or change in the approval is not warranted and would set a dangerous precedent.

Dennis Cleary commented that he is waiting to see what happens, that the easement needs to be resolved and that he cannot say anything against the project.

Dean Vogel moved and Mick Klein Kennedy seconded a motion to affirm the Land Use Committee's April 6, 2006 recommended approval since no new information has been presented. Motion carried.

4. Application Guide changes; Dane Co. Planning announcements.

Dane Co. Farm Plans - Clerk Mary Price presented Dane Co. Planning's criteria for Farm Plan approval.

Application Guide – Application Review process. The Committee reviewed the application process to determine if a recommendation is needed for criteria to be used for review after an application has been approved. The Committee reviewed the process used for Sean Timmens' application as an example. Pat Downing stated that in his opinion the neighbors were not given a fair hearing to voice their concerns regarding the Sean Timmens' application. The Committee members reviewed the six-month process that complied with the Town's Application Guide and policies, the Land Use Plan, and Dane Co.'s policies that was followed for this application. Chairman Mick Klein Kennedy stated that a previously approved application will be reviewed at a public hearing conducted by the Land Use Committee only if a change in the application is presented to the Town.

Flow chart – Clerk Mary Price presented possible changes to the Application Guide, including a Flow Chart that will show the Dane Co. Zoning's application process and deadlines. Suggested changes will be forwarded to Bird Cupps to be included in the Application Guide revisions.

5. Scheduling. Site views will be conducted on Saturday, September 2, 2006 and the Land Use Committee will meet and conduct public hearings on Tuesday, September 5, 2006.
6. Adjourn. Dean Vogel moved and Ken Hefty seconded a motion to adjourn. Motion carried. The meeting adjourned at 10:40 PM.

Respectfully submitted,

Mary L. Price, Clerk
