

VILLAGE OF LYNDON STATION
Zoning Board of Appeals Minutes
Monday, September 28, 2020

The Zoning Board of Appeals was called to order at 6:00 p.m. by Chair Hal Schneider. Members present were Chair Hal Schneider, Steve Asdigian, Lisa Bilka, Linda Baker, Rodney Senzig with Tammi Georgeson and Steve Klicko as Alternates.

The Pledge of Allegiance was cited.

Chair Hal Schneider read the appeal to the Village Board dated September 8, 2020 submitted to the Village Board regarding the zoning change request from residential to commercial at 150 E. Wright Street on August 13, 2020 from Thomas Miller. He said that each item will be discussed and that the Zoning Board of Appeals hear comments regarding the issue. (A copy of the appeal is attached to the minutes.)

Mr. Miller said that the letter drafted by Village Attorney Peter Curran dated July 15, 2020 set out procedural requirements for amending a change to a zoning ordinance to be followed by the Planning Commission and Village Board that were not followed. Present at the meeting was President Earl Verette who said all the requirements were followed exactly as Attorney Curran stated in his letter dated July 15, 2020.

Next on the appeal, Mr. Miller said that the “Village neglected to use a zoning committee for recommendation and they chose to use the Planning Commission at that time. The Planning Commission, even though their clear responsibility as outlined by our Village ordinances is to only consider zoning issues involving publicly owned property”. Chair Schneider stated that this is not a variance request as it is reclassifying zoning in an ordinance. allowed President Verette to respond by stating that Village Attorney Peter Curran instructed the Village Board that the Planning Commission should hold a meeting regarding the rezoning as there was no Zoning Committee or Board. The terms of the previous Zoning Board had expired several years ago.

The original deeding of the Village portion of that property was not discussed by the Planning Commission at that time. The Planning Commission should have been addressed on the future of this Village parcel before it was deeded to the Koscal Estate was the next item on the appeal. Mr. Miller said that the Village Board sold this parcel of land without having the issue being addressed by the Planning Commission or the public. Chair Schneider allowed Village Clerk Lori Scully to respond by saying that the Koscal Estate had a title search performed and showed that a small tract of land (app. 25’ x 40’) was owned by the Village. No one knew it was owned by them. The assessment roll did not show that ownership (by the Village) either. She continued to say that the Koscal Estate and previous owners had paid taxes on the Village parcel. To clear up the matter, the Village Board addressed this issue on at their Regular Board Meeting on February 16, 2018. Those minutes were previously submitted to Mr. Miller.

Next on the appeal was the July 13th Board meeting was not posted at 3 locations. Chair Schneider addressed Clerk Scully who stated that an agenda was not posted at Miller’s Store as they were closed when she finished work after 8:00 p.m. Since she works on Monday and Thursday each week, she left two notices, one for the Bank of Mauston and one for Miller’s Store in the drop box at the Bank indicating each one for the posting. President Verette stated that it has been done this way for over 20 years and this was one of the first times that supposedly this did not get posted in Miller’s Store.

The August 13th Board meeting reminder was not posted was next on the agenda. Mr. Miller said that there was no board agenda posted in all three posting places. Chair Schneider allowed Clerk Scully to respond by saying she posted the August 13, 2020 agenda at Village Hall, Bank of Mauston and Miller's Store on July 27, 2020 two weeks prior to the Public Hearing date.

Next on the appeal was the notice posted for planning commission and Board meeting regarding the zoning recommendations and zoning public hearing did not contain the required map of the affected area or reference to the map's location. Chair Schneider said that it was always his understanding that any change to any ordinance was always public knowledge and a copy could always be obtained at Village Hall from the clerk.

Recommendation and report from the planning commission was not included in the Board meeting notice that was posted was the next item on the appeal. Mr. Miller said there was no attachment on the Board's agenda. The Planning Commission minutes were posted at all three locations prior to the agenda being posted along with their recommendation in their minutes according to Hal Schneider being a member of the Planning Commission. He also said a copy of the map was not attached to the agenda for the July 30, 2020 Planning Commission Meeting, however, the map was known to be available at Village Hall. Maps were given to the Planning Commission for their meeting that day.

Next on the appeal was There was a clear conflict of interest involving the vote from Trustee Jan Miller. This was completely disregarded by the Village Board and should have been overseen by an ethics committee. Chair Schneider allowed President Verette to respond to this matter. He said that Trustee Miller was ill and could not attend this meeting. President Verette said that Attorney Peter Curran addressed the July 13, 2020 Board meeting stating that any Board member could vote on any matter if they do not receive over 50% compensation from any persons requesting zoning change.

Adjacent property owners were not notified directly of hearings was next on the appeal. Mr. Miller said no notice of the hearings were sent to the adjacent owners of 150 E. Wright Street to rezone from residential to commercial. Chair Schneider asked Clerk Scully about this issue and she stated that notice of the hearings was sent to the Clerks of the Town of Lyndon and Town of Kildare to post in their townships for their residents.

Next on the appeal was Proposed change is NOT consistent with the Villages 2015 MSA Comprehensive Plan. Mr. Miller said the village needs more housing to increase revenues not only through taxes but from water/sewer revenues. He is not against the zoning change from residential to commercial but that a four-plex housing unit or a hotel on that property would bring more revenue to the village rather than a Dollar General Store. Mr. Miller continued that Page vii (Residential needs within our Village could be concentrated on with new construction of housing opportunities) that the Village needs more housing and feels the costs of going to a commercial property is more than the Board anticipates and they have not looked into a business plan for any new development. Mr. Miller continued to say that he feels the Village Board tried to fly it (the zoning change) through and didn't take in to consider the aspects of the re-zoning issues.

Chair Schneider asked if there were any questions or comments of the zoning board members regarding the appeal. He told them that since this is a small community, there would be a paper vote as per the agenda. Chair Schneider further said to vote yes or no meaning a no vote to all the appeal points means the Village Board upheld their requirements and a yes vote means to uphold the Tom (Thomas) Miller appeal. Paper ballots were distributed. Chair Schneider read the paper ballots after the voting. The vote was two yes and three no.

A letter will be sent to Tom (Thomas) Miller regarding the outcome of this meeting.

Chairman Schneider made a motion to adjourn, seconded by Member Senzig; all in favor five ayes carried.

Respectfully submitted,

Lori J. Scully
Village Clerk