

**ALBANY TOWNSHIP
PLANNING COMMISSION
Monthly Meeting and Public Hearing
June 9, 2020**

The June 9, 2020 meeting of the Albany Planning Commission was called to order at 7:30 P.M. by Chair Joe Peternell at Albany City Hall Council Chambers. Members present Joe Peternell, Gary Bloch and Mike Noll. Also present, Zoning Administrator Jerry Forster, Supervisor Mary Rosen, and Clerk Diane Noll.

The Pledge of Allegiance was recited.

APPROVAL OF AGENDA

A motion to approve the agenda as presented was made by Commissioner Noll, seconded by Commissioner Bloch, motion carried.

APPROVAL OF MINUTES

A motion to approve the minutes of monthly meeting and Public Hearing of February 18, 2020, as presented was made by Commissioner Noll, seconded by Commissioner Bloch, motion carried.

OPEN FORUM - Nothing

PUBLIC HEARING

Chair Peternell read the statement of purpose for the meeting:

This is a public hearing to consider the proposed requested Interim Use Permit for Recycling of vehicles and handling solid waste at 34737 County Road 10, Albany MN 56307, currently a recycling center owned by Albany Recycling.

This Public Hearing is part of the legal procedure that the Albany Township Planning Commission is required to follow regarding the request for a Interim Use Permit, as mandated by MN State Statute 462.3595 and Albany Township Zoning Ordinance Chapter 4.8.1. A final decision on this proposed ordinance revision has yet to be made. That decision will ultimately be made by the Township Board of Supervisors, and will take into account what is said at this hearing. The Township Clerk will now read, for the record, the notice of this public hearing.

Notice is hereby given, that the Albany Township Planning Commission will meet on
JUNE 9, 2020 7:30 P.M. at Albany City Hall, Council Chambers, 400 Railroad Ave, Albany
MN for the purpose of giving consideration to the following:

A request to consider an **interim use permit** application submitted by Dale and Justin Overman for the Albany Recycling Center, according to Sections 4.18, 6.30, 9.11.6 of Albany Township Land Use and Zoning Ordinance Number 6 to continue with recycling automobiles and handle solid waste items in the current Industrial District. The property is located in part of the E1/2 of the NW1/4 Section 21, Albany Township (125/31) lying northwesterly of County Road 10. The property address is 34737 County Road 10, Albany MN, 56307

Reading of Procedure and guidelines by Chair Peternell:

Discussion will be limited to the requested Proposed amendments.
Anyone wishing to comment or ask questions will be allowed to do so.

No speaker will be permitted to speak more than twice except to answer a question from the board.
Each speaker will be limited to a total of 2 minutes.
No applause or interruptions are permitted.
All comments must be directed to the chair.
Each person must state his or her name and address before speaking.
The board may recess the hearing to another date and time in order to properly hear all those concerned, collect further information, or make a final decision.

Open up comments and opinions from public; No written comments were received.

PLEASE HAVE EACH PERSON GIVE NAME, ADDRESS, AND OPINION FOR THE RECORD:

Favor Ordinance Revisions Oppose Ordinance Revisions

Residents present:

Supervisor John Greer

Applicants Dale and Justin Overman, 34737 Co Rd 10, Albany MN

Neighbor Joe Christian, 33001 County Road 10, Albany, MN

Joe Christian-What are they planning to do?

Justin Overman – gave a recap.

A request for rezoning to Industrial had been approved which will allow us to recycle cars and other waste. We are here tonight to ask for an IUP from Albany Township, to legalize the operation.

Joe Christian-the back line is not very clean, there are cars over the line.

Justin Overman-states about one car is over the line.

Mike Noll-there are numerous cars over the line, that need to be removed or moved 20 feet from the rear lot line.

Joe Peterzell-what are the plans to remove the cars?

Justin Overman-Thursday, we start hauling all cars out, they should all be out in the next two weeks. We are proposing a fenced in area for the cars.

Joe Christian-dumpsters are also over the property line.

Dale Overman-Yes they are over the line, but we were not sure where the line was.

Justin Overman-we realize we are over the line and are working to get this repaired.

Mike Noll-the initial request for the CUP was through the County which was approved on July 28, 2015. Correspondence with the Township board requested fencing be put up around the perimeter for screening. The County issued the CUP allowing trees to be the screening. Some of the trees at the rear of the property were removed, taking away the screening.

The County Ordinance states the material be 20 feet from the property line, this is not being followed. Albany Recycling started performing industrial operations in a commercial zone, piling up junk cars. The Township had to submit a cease and desist order to halt those operations.

Albany Recycling requested to be rezoned to industrial, but during the entire time, during the rezoning process, they remained non-compliant with performance standards. Today is the Public Hearing for the IUP allowing them to do salvage and junked vehicles and they are still non-compliant. The back of the property has debris/cars on the line and into the neighbors property, it is not 20 feet from the line as the ordinance states.

Justin Overman-response-the County has the control and the regulatory agency for the CUP, they have allowed us to have the trees.

No one from the township has every stopped by, to help us to tell us what to do.

Realizing that we over the line we have a plan in place to move the cars. We are working forward, with the county they put into a place a plan to have this done by July 1.

The trees at the rear lot were removed when the warehouse was built.

We have replaced some of the trees on the back lot line, they are 8 feet off the property line.

Supervisor Greer-what is the ordinance set back for the fencing/screening?

Jerry Forster-20 feet from the property line.

A motion to close public hearings was made by Commissioner Noll, seconded by Commissioner Bloch , motion carried.

A copy of the Findings of Fact is attached.

ACTION: A motion to recommend to Albany Township Supervisors approval of Interim Use Permit with the above restrictions was made by Commissioner Noll, seconded by Commissioner Bloch, motion carried, unanimously.

Commissioner Bloch-yes Commissioner Noll-yes Commissioner Peternell-yes

OLD BUSINESS-NONE

NEW BUSINESS

Present-Ryan Eich, 35578 248 Ave, Illegal approach.

Mr Eich was present

Following is a note from the June 2019 Minutes:

Ray Fuchs, F & S Dairy Partnership, 205 Country Ct, Albany MN

PIN 01.001570000 is a 5 acre parcel sold to Ryan Eich, 35578 248 Ave, Albany MN.

When Mr. Fuchs sold this parcel an easement was given through parcel 01.00157.0010 for Eich to have access to his residence.

Because of agriculture activities occurring on the driveway (manure, large equipment, etc) it is a hardship for Mr Eich's family. Mr. Fuchs is requesting a separate approach 50 feet south of the existing driveway to allow access to the field. Because of the location, there is no need for a culvert and Fuchs would be responsible for building the approach.

This past winter, Mr. Eich, widened the approach to have better access with his semi. This widening was done with out a permit, and debris from the work was left in the right-of-way. Mr. Eich has an

easement for the driveway and it is not his responsibility to change it.

To be in compliance, Mr Eich will need to apply for a permit signed by the owner, Mr Ray Fuchs, submit a \$60 fee and clear the debris out of the right-of-way.

A motion to recommend to the Township Board approval of the right-of-way with the above conditions was made by Commissioner Peternell, seconded by Commissioner Bloch, motion carried.

REPORTS

Building Permits

CJK Partnership, 21745 340 St, Albany-Moving approach
CJK Partnership, 21745 340 St, Albany-Accessory Building for Concrete plant
Michael Gondringer, 01.00099.0000, 20185 Quaker Road-New Accessory Building
Jeremy & Kristie Kollmann, 01.00160.0000, 24545 360 St-Drain tile under 248 Ave
Jim Bredeck, 01.00089.0000, 20604 Co Road 154- New Grain Bin
John Schiffler, 14.08178.0000, 38088 225 Ave, Albany MN 8" drain tile under intersection of 380 Street/225th Avenue-(Krain Township permit required)
Timothy & Janice Tomsche, 01.00228.0000, 21436 Quaker Road, Addition house
Roger & Donna Lutgen, 01.00339.0004, 32193 Fifth Lake Rd, Avon Garden shed
Dan Gill, 01.00173.0000, 24769 350 St, Garden shed
Johnny Kotzer, 34126 207 Avenue- storage shed and covered deck
Thomas & Melissa Lashinski, 35604 County Road 10-911 sign

COMMUNICATIONS

With the COVID19, we are unable to use the Fire Hall for Elections, they will be moving to Church basement on Pioneer Park Grounds

ADJOURNMENT

A motion to adjourn was made by Commissioner Noll, seconded by Commissioner Bloch, motion carried.

Meeting adjourned at 9:30 P.M.

Respectfully submitted,

Diane E Noll

Diane E Noll
Clerk/Treasurer Albany Township

Approved: Gary Bloch Date: July 14, 2020

ALBANY TOWNSHIP PLANNING COMMISSION
Worksheet for Findings of Fact – Conditional/Interim Use Permits

Applicant: Albany Recycling Center Address: 34737 Co Rd 10, Albany MN X IUP

Findings shall be made in either granting or denying an application, and should reference specific sections of ordinances that apply to the project. Questions which you could be asking include, but are not limited to:

1. Is the proposal consistent with existing Township ordinances (performance standards)? Specify the applicable section of the ordinance and discuss why or why not.

Zoning District: *Industrial*

Yes, the proposal is consistent with the existing Township Ordinances.

9.11 *Industrial District*

9.11.6 *Interim Uses Allowed in the Industrial District:*

A. *Junk and Salvage Operations*

B. *Light Manufacturing Solid Waste Transfer Facilities*

C. *Solid Waste Transfer Facilities*

2. Are there any other standards, rules, or requirements/conditions that the proposal must meet?

6.30.2 *Performance Standards*

Both new and existing junk and salvage operations shall be subject to the following performance standards:

A. **Acceptable** The facility shall be served by a minor collector or higher functional classification of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.

B. **Acceptable** The use shall comply with all applicable Federal, State, County, and Township rules and regulations.

C. **See 11 Other issues** Buildings, parking areas, loading areas and any exterior storage, including but not limited to, vehicles, hulks, salvaged materials, salvaged parts, waste materials, items for resale or items for disposal, shall meet the setback requirements of the applicable zoning district.

D. **Acceptable** Parking shall meet the requirements of *Section 7.19 of this Ordinance*.

E. **Acceptable** A transportation management plan shall be submitted (to County and Township) to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.

F. **Acceptable** No vehicles or vehicle parts may be placed within the public right-of-way or on public property.

G. **See 11 Other issues** The facility shall be fenced and fully screened from adjacent land uses and public roadways in accordance with *Section 7.24 of this Ordinance*. Non storage areas may be required to be fenced/treed.

H. **See 11 Other issues** Exterior storage of vehicles, hulks, salvaged materials, salvaged parts, waste materials, items for resale or items for disposal shall be limited to a maximum height of twelve (12) feet above grade provided that screening in

accordance with *Section 7.24 of this Ordinance* to a height of twelve (12) feet is also provided. Exterior storage area shall be fenced with a 12 foot high solid fence, set back 20 feet from side and back property lines.

- I. **Acceptable** The County shall be notified of any hazardous materials stored on site. Storage of hazardous materials shall comply with all local, state and federal requirements.
- J. **Plan is in progress** An environmental management plan, including a storm water and drainage plan shall be submitted to address the impact of the facility on the environment.
- K. **Acceptable** Any outdoor lighting system shall comply with the requirements of *Section 7.15 of this Ordinance*.
- L. **See 11 Other issues** The grounds and all structures shall be maintained in a clean and safe manner.
- M. Repealed
- N. **See 11 Other issues** The salvage facility operator shall keep a written record of all vehicles received, date when received, date when fluids were removed and date when vehicles were removed from the facility. The record shall also include the Vehicle Identification Number (VIN) and manufacturer's name. Each record shall be initiated the day that the vehicle is received at the site.
- O. **Acceptable** All fluids, including but not limited to motor oil, transmission and/or transfer case lubricants, differential lubricants, fuel, antifreeze, refrigerants and window washing fluids shall be removed from the vehicle, within three (3) days of receipt of the vehicle at the salvage facility.
- P. **Acceptable** All lead acid batteries, mercury containing devices and other hazardous materials shall be removed from the vehicle, within three (3) days of receipt of the vehicle at the salvage facility.
- Q. **Acceptable** Vehicles that are not to be used for salvage and are kept intact for resale, and recorded in the facility records for such purposes, are exempt from the requirements of *Sections 6.30.2 O and P of this Ordinance*, for one hundred eighty (180) days of receipt of said vehicle.
- R. **Acceptable** On-site disposal or burning of trash, refuse, garbage or other waste materials is prohibited. Salvage of materials by, fire, burning, explosives or chemical decomposition is prohibited.
- S. **See 11 Other issues** Owners of a vehicle salvage facility shall submit a written report to the County and Township by March 1 of each year. The report shall include the number of vehicles stored on-site for salvage, vehicles stored on-site for resale, an inventory of fluids, lead acid batteries, refrigerants, mercury containing devices and other hazardous materials collected and how the materials collected were disposed of. A copy of the facility's written record for vehicles as required in *Section 6.30.2 N of this Ordinance* shall be attached to the report.
- T. **Acceptable** Junk yards and salvage operations shall be subject, as a minimum, to an annual inspection by the County and Township, unless there are violations then more frequent inspection shall be performed.
- U. **Acceptable** Signs shall meet the requirements of *Section 7.25 of this Ordinance*.
- V. **In Progress** Holding or Staging Areas. Vehicles stored in holding or staging areas shall be exempt from *Sections 6.30.2 O. and P. of this Ordinance* for a period of up to seven (7) days. The holding or staging area designated to temporarily store

vehicles before processing shall not exceed storage for maximum of 6 (six) vehicles. The holding or staging area shall have an impervious surface constructed of concrete, bituminous surface or eight (8) inches of compacted Class 5 gravel. The area shall be curbed or diked to a minimum of six (6) inches above the impervious surface to prevent precipitation from running off the holding or staging area. As an option to curbing, the holding or staging area may be sloped so that all precipitation is directed to the center of the holding or staging area. The center of the area shall be a minimum of eight (8) inches lower in elevation than the lowest edge of the holding or staging area.

W. **Acceptable** Metal Shredders are prohibited.

3. Is the proposed use compatible with the present and future land uses in the area or can it be separated by distance or screening from adjacent land uses? Why or why not? How will any scenic views be impacted by the proposed use?

6.30.2 Performance Standards

G. The facility shall be fenced and fully screened from adjacent land uses and public roadways in accordance with Section 7.24. Non storage areas may be required to be fenced/treed

4. Are there environmental concerns (ground water, surface water, air quality, wellhead protection areas) that should be addressed as part of this proposed request?
This will be addressed by the Storm Water Plan. The County monitors hazardous waste.
5. Has information been provided regarding the impact to property values in the area as a result of the proposal?
There will be no impact on property values. The operation will not change current conditions.
6. What potential public health, safety, or traffic generation impacts will the proposal have in relation to the area and the capability of the roads serving the area and how are they being addressed by the proposal?
Parking and turn around is available
7. How does the proposal affect the general health, safety and welfare of the residents?
No affect, no change in current conditions.
8. Does the proposal conform to the goals and objectives of the Township's Comprehensive Plan? Specify which goals and objectives apply.
Yes, the proposal conforms to the goals and objectives of the Comprehensive Plan.
Chapter 4-Land Use
Commercial and Light Manufacturing-To allow commercial and industrial uses that are consistent with the preservation of long-term agriculture and the rural atmosphere in the Township. GOAL: Direct non-agricultural commercial uses with minimal traffic and public service demands to the existing commercial area along I-94
9. How does the proposal effect existing public services and facilities including schools, parks, streets and utilities?

No effect

10. Has the applicant provided financial assurance to guarantee reclamation or cleanup?
*\$8,000 financial guarantee payable to township.
Reclamation/clean up within 180 days of ceasing operation.*

11. Other issues pertinent to this matter.

Receiving materials shall be from 8am to 5pm Monday -Friday and 8am-12pm Saturday. The hours of processing shall be 7am-7pm Monday-Friday and 7am-1pm Saturday. Up to two Saturdays per year, the hours are extended from 7am-7pm for open houses, notification to the Township must be given prior to the open houses.

C. All recycled vehicles, debris, dumpsters be removed to 20 foot minimum from property line. Prior to approval, any existing debris on neighboring fields will need to be removed. This will be inspected by Zoning Administer Jerry Forster, Land Owner, Joseph Christen, and Albany Recycling owners, Dale/Justin Overman.

G. Fence 20 feet from the property line, around all waste and recycled vehicles storage area, shall be a 12 foot solid fence on all sides

Lot sides will have solid 8 foot (minimum) solid fencing

Front may be treed for screening.(Per Section 7.24)

Fencing needs to be completed by November 1, 2020.

J. Environmental management plan, including storm water and drainage plan shall be submitted to address the impact of the facility on the environment

L. Grounds and all structures shall be maintained in a clean and safe manner

S. Request a written report of all vehicles on sight at the beginning of the IUP.

A written record of all vehicles shall be initiated submitted to township by March 1 of every year

The IUP will be in effect until July 1, 2023 (three years) unless there are violations.

The total number of salvaged vehicles allowed on sight will be 250.

\$8,000 financial guarantee payable to township.

Reclamation/clean up within 180 days of ceasing operation.

Note: The Planning Commission is a recommending body to the Township Board, any motion relating to the Conditional/interim use permit should be made in that context.

ACTION: A motion to recommend to Albany Township Supervisors approval of Interim Use Permit with the above restrictions was made by Commissioner Noll, seconded by Commissioner Bloch, motion carried, unanimously.

Commissioner Bloch-yes Commissioner Noll-yes Commissioner Peternell-yes