Village of Corrales
Planning & Zoning Department
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PLANNING AND ZONING COMMISSION
Date of Meeting: Wednesday, September 16, 2020, 6:30 PM
Location of Meeting: TELECONFERENCE

MEETING MINUTES

This will be a Zoom Teleconference Planning and Zoning Commission meeting. The public is
allowed to join. You are encouraged to join the meeting before 6:35pm so that we may know
who is in attendance. The meeting link is:
https://us02web.zoom.us/j/87447221122?pwd=YXRRWU83ZmN1ZWPZVM2K3Ip0trUT09

*Please email L.Stout@corrales-nm.org so you can be sent a clickable meeting link!

You may be prompted to enter the meeting ID: 874 4722 1122#.
The passcode is: 047134.

If you do not have a built-in microphone on your computer, the phone number to
call in to the meeting is: 1-646-876-9923.

*Please join the meeting a few minutes before 6:30 pm.

Please email Laurie Stout at L.Stout@corrales-nm.org if you wish to attend or speak at the meeting
about an agenda item, so we can email you the link, acknowledge you and have you sworn in.

I. CALL TO ORDER

II. ROLL CALL

Present: John McCandless, Sam Thompson, Michele Anderson, Melissa Morris, Ken Killebrew, Jerry
Stermer, Cameron Barnes. A quorum was present.

III. APPROVAL OF AGENDA

Move to approve agenda: Sam Thompson. Second: Michele Anderson. Vote: Yes: John McCandless,
Sam Thompson, Michele Anderson, Melissa Morris, Ken Killebrew, Jerry Stermer, Cameron Barnes.
(Unanimous)

IV. APPROVAL OF MINUTES

August 19, 2020 Meeting Minutes
Move to approve minutes: Melissa Morris. Second: Michele Anderson. Vote: Yes: John McCandless, Sam Thompson, Michele Anderson, Melissa Morris, Ken Killebrew, Jerry Stermer, Cameron Barnes. (Unanimous.)

V. CORRALEÑOS PUBLIC FORUM (Comment on items not otherwise on Agenda – 3- Minute limit) (None)

VI. PUBLIC HEARING ITEMS

SUB 20-10 (Final Plat) Applicant and trustee Claudia Miller and Jennie Stonecipher of Dehler Surveying are requesting Final Plat approval for a 4-lot subdivision “Lands of Peter and Patricia Smith” from approximately 4.3-acre Tract 107 D-1-A-1-B, Map 18. This property includes the site addresses of 294 Old Church Road, 266 Old Church Road, and 2 Sandy Lane. The platting action will also dedicate the adjoining portion of Old Church Road (an additional approximately .3-acres) to the Village of Corrales. The property is zoned A-1 Agricultural and Rural Residential.

Claudia Miller (applicant, sworn): As the PZA’s notes indicate, we have met the requirements for Preliminary and Final Plat. The Village engineer and PZA has checked the site for proper staking; the roadway obstruction of the fence has been removed. Dedication of what we’re calling on the plat “Lot A”, the 30-foot roadway parcel, is clear of obstruction. Our septic is permitted.

Jennie Stonecipher, (surveyor, sworn)

Commissioner Thompson: Looking at your drawings, where is the septic on lot 4?

Miller: Lot 4 is vacant so there is no septic on it. It will be up to whoever uses the lot to get it when they get their building permit.

Commissioner Thompson: On lot one, what is the distance between the existing septic to neighboring well?

Miller: There are several neighboring wells. We had a septic person out there and their well over 50 feet from neighboring wells on all lots on all four sides. More than that, they’re over 100 feet.

Stonecipher: 100 feet.

Commissioner Morris: It says Lot 2 is going to share wells with both lots 1 and 3.

Miller: That’s correct. There is a well on Lot 2 which serves main existing house but not the casita. The casita waterline comes from Lot 3. The reason is our father built all of those properties and chose to trench the shortest distance. We have a draft well-share agreement as well as a note on the plat about the shared wells.

Right now, there is no agreement because at this point the entire property is owned by one party.

Chair McCandless: We did note the agreement seems to have come out of the state of Washington, and they are setting the limit at 5,000 gallons out of each well per day which amounts to about 5.6 acre ft. of water over the course of a year, and I don’t think the state engineer would agree with that.

Miller: Oddly, when I called the State Engineer’s Office, they directed me to that boilerplate. That was the simplest one I got directed to. When we have a shared well agreement, we will make sure it works.

We’ll go through a realtor or property owners when we have real shared well agreement.

Move to approve Final Plat SUB 20-10: Michele Anderson. Second: Ken Killebrew. Vote: Yes: John McCandless, Sam Thompson, Michele Anderson, Melissa Morris, Ken Killebrew, Jerry Stermer, Cameron Barnes. (Unanimous)

SDP 20-02. (Site Development Plan) Applicants Richard and Jacob Thaler are requesting Site Development Plan approval for “Dendro Technologies” at 4404 Corrales Road. The woodworking enterprise will harvest dead and down trees and using a band saw and other tools, fabricate live edge slab planks for sale as is or to create furniture. The property is zoned C- Neighborhood Commercial.

Richard Thaler (applicant and part owner, sworn)

Jacob Thaler (applicant and majority owner, sworn)
R. Thaler: I did a narrative. We have been operating now under temporary business license for about 5 months. We were made aware of some issues at the zone map amendment hearing, and we moved forward and addressed those. The largest issue was to put up a sound abatement system that we finished about ten days ago. It’s not totally done yet. It accomplished my goal of reducing sound at our south property line to about 55 decibels or less while the saw is fully operational. Just before this meeting we got a message from one of our neighbors to the east, who thinks he may have heard us. We’re going to address that as well; the noise is possibly not from us but we will investigate. The sound abatement is about 70-80% complete. Someone asked the NM Air Quality division to come look at us because they felt we were possibly producing air pollution; they didn’t actually come but we had a long discussion on the phone. We told them what we were doing. They concluded that we did not need an air quality permit or likely to be in violation of any air quality standards. The Corrales Fire Department visited us and we found we needed a fire inspection permit. We went ahead and got the fire inspection and permit. We’ve addressed most of the issues that arose at zone map amendment hearing. Just before this meeting we got notified that someone had visited Trees of Corrales and told them that there was a danger of “tree disease” from our business. If the issue comes up later in the meeting, I can read their response. We’ve been making lots of nice planks and selling some, and doing improvements to the property to get ready to be in business full scale.

Commissioner Anderson: How do you plan on removing any of the manufactured waste? Do you have a regular residential container or are you getting a commercial container?

R. Thaler: We have a really small amount of waste. First is sawdust. The blade on the saw on our main machine hardly creates any sawdust. We shovel it up and are trying to find someone who wants it for horse or other livestock bedding. We’ll just put it in a 55-gallon drum and take to landfill otherwise. The other waste is bark and remnants and those we pile up and give away for firewood. The bark and small diameter limbs either are taken to landfill or to the chipper at the Fire Station on the north end (of Corrales).

Commissioner Anderson: What are you doing about the fencing for noise and sight for the full 350 feet of Commercial depth, especially on the south side?

R. Thaler: We were waiting to be instructed on what we absolutely need to do. We don’t have 350 feet of frontage on Corrales Road.

Commissioner Anderson: The sides (of the property).

R. Thaler: The lot to the north of us is completely vacant and has been for 30-40 years. We weren’t going to do anything there unless asked to. On the Hansen Road side, which is the south boundary of our property, our plan is to put up a 6-foot buffer between the shed that backs onto Hansen Road because that would completely buffer us. The rest of Hansen Road there is no residence and we’d rather not buffer that. On the other side of the road is a 7-foot high fence that goes the entire length of the road. If we were forced to, we would buffer that if asked to.

Commissioner Anderson: Initially you are going to buffer with your immediate south neighbors?

R. Thaler: Yes, those are the only neighbors that can actually see into the property

Commissioner Anderson: Is the wall of the south side structure (on Hansen Road) solid or open?

R. Thaler: It’s a solid back wall.

Commissioner Barnes: You had a sound sample you to us for the packet. Were you able to conduct another one now that you’ve put in the abatements?

R. Thaler: Yes, but I didn’t get them to the packet in time. We did spend a few minutes with the Code Enforcement Officer, and we showed her after the sound abatement was in place, and I think there’s a note in there from her. She saw my decibel meter on my IPhone app. About 55 decibels on the south border when the saw was fully engaged and running. The 50-decibel sample is from Corrales Road on a normal day without the saw running; that’s the ambient noise on a regular day.

Commissioner Morris: The 350 feet buffer along the south? Is that not a requirement of the ordinances?

PZA Stout: Yes, it is a requirement.

Commissioner Morris: If that were not done, we’d need to somehow approve that?

PZA Stout: An approval could be given with the condition that the buffering be completed.

R. Thaler: Is there a mechanism where that buffering can be waived? It’s clearly not necessary.

PZA Stout: It is a requirement per (Village Code). If the neighbors to the south want it there, it would then be at the Commission's discretion to make the buffering a condition or not, but it is a requirement in our code, for the reasons we will probably hear tonight.
Chair McCandless: It is my understanding that when we have a commercial property adjoining a residential property there must be a buffer. Correct?

PZA Stout: Correct. In my summary I did address the north side of his property. Mr. Thaler is correct that the house to the north has been abandoned for years; there is a house there very close to Corrales Road which is uninhabited and probably uninhabitable. There is a proposed phase II of this project and the buffering on the north end could potentially be addressed at that time, but I suspect buffering on the south end is something adjoining neighbors would like to see (now).

R. Thaler: We’re not actually adjoining a residential property...there is a residential property across from us which already has a 7-foot fence. There is a road in between.

PZA Stout: The ordinance requires when a commercial property abuts a residential one, there should be a buffer. And it’s property line to property line. The road itself is part of a residentially zoned property and it’s a fairly narrow road.

R. Thaler: I’m not trying to fight this; we’d just rather not spend another 5-10 thousand if we don’t have to.

Chair McCandless: Understood, but we do have to address the ordinances.

R. Thaler: If you give us the business license contingent upon putting in that buffer, then we’ll do it.

Chair McCandless: Can you describe the sound abatement you put in place on the shed?

R. Thaler: The south face of the shed is 24 feet wide. What we did was on the east and west walls we returned back—it’s 6 feet back on the west wall and 4 feet on the east wall. Then six panels 4 feet on both sides of the south face of the shed. It’s kind of hard to explain without a picture from me. Then there are four sliding panels that pocket behind the panels on the south face, so that when the saw is operational the south face is completely closed. Those sound panels are made out of plywood and lumber; and they are insulated with a sound absorbent material which has a noise reduction coefficient of about .8 out of a maximum of 1. When the saw is operating the doors are closed and the sound is absorbed by those panels and since we got the message from our neighbors that they might have heard us to the east we are going to get some sound abatement blankets and put those up on the east side to reduce the sound there. We also got another muffler for the saw which changed the frequency of the noise and made it less whiney. Before we added the sound abatement, standing right next to the saw we were at about 85 decibels and standing south by the tin shed which is closest to our nearest neighbor the sound was at about 65 decibels spiking to 75 decibels and now it spikes at 55 (decibels).

Chair McCandless: I think another concern at our last meeting was storage of the raw material. How do you plan to store that and what quantity of raw material are you looking at?

R. Thaler: We’re not planning on doing anything significantly different than what we’ve been doing. We’ve tried to keep them tidy. At any given time, we’ll probably have 20-40 logs in different states of readiness to be cut, and we try to stack them in an orderly fashion. But they’re logs, not regularly shaped.

Chair McCandless: Do you slab them green or dried out?

R. Thaler: Both. The dead or down ones that are dry are nice because we can get them straight to market. If we cut them green then we have to stack them and let them dry for a long time.

Chair McCandless: Do you plan on stacking them in the same area as the logs?

R. Thaler: No. We’ve got a storage shed shown on the site plan, and we put some canvas around it and some plexiglass to create a solar kiln for the green materials. All the green material is in that 11’ X 12’ building. We were going to use it for a display, but it’s storage instead.

Chair McCandless: And the length of the logs you have for raw material?

R. Thaler: Almost all are ten feet or less; maximum of 14 feet.

Chair McCandless: Are there members of the community that would like to address the Commission on this or have questions for the applicant?

Michael Roake, 181 Hansen Road, (public commenter, sworn): I’m about 350 feet to the east of this property, and I’m speaking in my personal capacity. I want to help him and promote businesses here, but I have two concerns. The first issue is zoning; the general compatibility of this sawmill business with the existing zoning. My concern is that— I have just questions about if that’s an appropriate use in a commercial zone. It sounds more like industrial use. This will carry over beyond current ownership. Any variance or expansion of the definition of commercial will survive the sale, transfer or different management. The noise is the second issue; I am heartened to hear that Rick is waiting for instructions. We do live to the east, and that hasn’t really been addressed. It’s a big saw. I did hear a whine once and it was so distinctive and unusual it
prompted me to go take a look. If it is a question of noise abatement, I would welcome abatement to the east; I
don’t care whether is it another muffer, line of trees, etc. We hear it from across the ditch. Those are the two
areas I wanted to address. I heard Rick be willing to handle conditions if imposed.

R. Thaler: The issue of ongoing status of the property—I think anyone who bought the property in the future
and wanted to start a business would have to get a license and be compliant with all the ordinances just like us.
The issue of sound, we weren’t really waiting for instructions, we were waiting to see if we were going to get
our business license before spending another thousand dollars on sound abatement; we fully intend to do the
sound abatement to the east. If we get a complaint from the north, we’ll do more (there).

Claudia Miller (public commenter): When the Village ages ago first addressed commercial zoning, it felt
that rather than limiting commercial development in an Euclidian way, it adapted what had existed forever on
the central strip of Corrales, with the understanding that commercial would come in with many varied uses.
The site development process has long been viewed as the way for applicants like Mr. Thaler and his son to
address the neighbors’ concerns in order for them to fit into the zone and the neighborhood. They are clearly
meeting them above and beyond—he’s become the sound expert for the Village. He going above what our
ordinances require so that they can fit in with the neighbors. My final comments speak to Rick as a neighbor:
I’ve known Rick Thaler for 45 years. Rick has been a successful cabinet maker within the village. I’ve seen
him meeting and speaking with his neighbors, addressing their concerns and being a good neighbor. We’re
having local Corrales folks developing a sustainable green property. This is exactly who we want in our
commercial district. And Rick has done this in the past when he ran a prosperous and clean business in
Albuquerque. I’m fearful that if we put up too many obstacles, we won’t have these folks come forward.

Brian Whalley, 4372 Corrales Rd. (public commenter, sworn): I’m also representing Hansen Road. I just
want to say my property runs almost the entire length on the south side, we have had zero complications from
the business and welcome it. Rick keeps us well informed.

Antonette Roybal, 4372 ½ Corrales Road. (public commenter, sworn) I live 150 feet from the sawmill. I
have five points. 1. Are you aware of any other sawmills or very loud noise businesses that exist within
Corrales or in Rio Rancho?

Chair McCandless: Who are you addressing?

Roybal: The whole committee. 2. The highly questionable distribution of notifications to all relative property
owners before and after the temporary zoning permit was granted. In Village ordinance Chapter 14
Environment, article 2 excessive noise prohibited; number 8 machinery. 14-29 paragraph, temporary permit,
paragraph “e” and “f”: we covered that at last meeting. You need to look it up. The Village has been in non-
compliance since the temporary permit was granted. The sawmill is in non-compliance with OSHA noise
levels; I realize a lot of it has to do with the employees but we are 150 feet from the saw mill so we experience
the noise and different smells. Allowing a sawmill in my area, a residential area, will eventually lower my
property values. During the COVID-19 isolation, no resident shall be subjected to any unnecessary or
unreasonable noise. I have in my possession audio and video of how loud the sawmill is. And I have 2 other
speakers in the household that wish to speak as how it affects their work from home and their school from
home.

Chair McCandless: You stated you believe the noise level coming out of the shop exceeds OSHA
requirements, can you fill that out a little bit for us?

Roybal: Normal voice decibel level is anywhere between 50 and 65 decibels. The noise we experience is way
above that; 95 or above.

Chair McCandless: How did you determine that?

Roybal: I spoke to OSHA and I pulled a lot of this off the work safe “hear safe” (site).

Chair McCandless: How do you know the noise coming from the shop when the saw is running is reaching
those high decibel levels, have you taken measurements?

Roybal: I have video and audio and I can send you a copy. It’s very annoying and it’s constant. My daughter
works from home and my granddaughter is doing her classroom activities and she can hear the shouting above
the sawmill noises of the employees, I guess. It’s very distracting, very annoying noise. No, I can’t measure
the noise but it’s sawmill noises. Its noises we’ve never heard before.

Chair McCandless: Thank you, is there anything else?

Janae Roybal 4372 ½ Corrales Road, (sworn): I have been trying to work with Rick. I’m working at home
now 12 hours a day and have not been able to respond to Rick as the other neighbors have. I have been in
meetings and been very distracted and so have my co-workers. I have recorded it and been sending him the
noise. It is loud and distracting. Coworkers have been telling me they can hear the noise; also, my dogs. All the
dogs in the neighborhood are going when the saw is running. It has been distracting for my work and also
personal. I try to go outside and enjoy a cup of coffee and listen to a podcast and I can’t. So, it is affecting my
personal life.

Heavenly Roybal: 4372 ½ Corrales Rd. (sworn): Since Corona I’ve been doing online classes and zoom
meetings. I hear them right out my window. It interferes with my online classes and is very distracting, and
makes my dogs hyperactive. It distracts everybody in the house. I think it disturbs wildlife in Corrales as well.

Emily Allen, 227 W. La Entrada. (sworn): Rick Thaler is my father, Jacob Thaler is my brother—but I’m
also the property owner of 4404 Corrales Road. The care and passion that they have given to that property is
outstanding. The main street initiative tries to bring vibrance and new life into our property and our village
could not be benefited more than by a business like Dendro Technologies. This type of business, while I
understand there is some contention about noise, I lived on that property a couple of years and I can tell you
the noise on Corrales Road itself is quite high. I’ve been there when the saw is running and the comparability
of the noise is a good one to look at. I was born and raised here. We need a vibrant economic center in Corrales
made up of people who are passionate about the community and who are loyal to their neighbors and who
make absolutely certain that they make this work. I have watched Rick and Jacob accommodate every request
that has come through and run circles to make certain that people around them are happy. So full support from
me, and I think it should happen.

R. Thaler: I’m distressed by the news I got just now from Janae because I had asked her to call me anytime
she heard the saw so we could get some feedback and adjust our working hours. We weren’t unresponsive, we
just never got any notification. When I talked to her a couple months ago it wasn’t a problem. I want to
apologize if we seemed like we were unresponsive because that was the opposite of our intent. I don’t know if
all the responses that we got are in your packet. But there are at least 15 responses from our neighbors and all
of them are very positive. I was concerned about the zone map amendment so I took a preemptive step by
delivering 20 letters to neighbors myself, along with the unsolicited ones. Almost all came back saying they
were unaware we were working there; we ran the saw for a hobby for about a year before this, and most of the
neighbors were unaware that there was a business going on. Response to our business has been mixed but the
vast majority of it has been very positive.

Commissioner Morris: When I saw the changes that Rick has made to date, I was initially pretty comfortable.
I’m a little worried now, all the testimonials are from people who live farther away and it seems that the
nearest neighbor is really being bothered. Not everyone will be working and doing schooling from home after
COVID, but I see where it could be permanently bothersome. My quick internet research about sound levels—
I got the impression that 52 decibels is equal to a hair dryer or refrigerator. Maybe we need an official test of
the noise level so we can get a feeling for that. Maybe we ought to listen to the audio that Ms. Roybal has. The
ordinances do require that the entire thing be surrounded by a fence. At our last meeting there was a comment
that Blue Sky never had a noise problem but it was enclosed. I agree the Village needs businesses, but I’m
uneasy even though I was initially—it sounds like he has tried to take care of the problem. I’m just not sure if
what’s been done is enough, yet. I’d like a little discussion about what we might do to make us and the
neighbors feel comfortable about this. Because someday there probably will be a neighbor to the north and
Rick says they intend to do this and that, but once it’s all approved, I don’t know how—if someone else moves
in—who’s going to insist that the northern boundary be fenced? Is it just going to be the Code Enforcement
Officer when someone complains?

Commissioner Thompson: Ms. Stout, when the Code Enforcement Officer went out and listened to the saw
where was she in relation to the saw and what is the distance between where the saw is located and the Roybal
property?

PZA Stout: If you look at the big site plan, you will see on the south border of Mr. Thaler’s property an
existing structure. The Roybal property is immediately south of that on the other side of Hansen Rd. The saw
itself if you look at the big circle is in the structure listed as “existing shade structure.” To answer your
question, I was also present when Ms. Rice was there, she looked at the decibel meter but I was also present
and where we stood was just to the right of the structure, so as close to the Roybal residence as possible while
still being on the Thaler property.

Commissioner Thompson: And the saw was running and it measured 58 decibels?
PZA Stout: I saw whatever Ms. Rice put down on her report; that was the number. And then when she spoke out loud at that point it spiked up to 65 decibels.

Commissioner Barnes: What are we looking at in terms of noise in the commercial zone by ordinance? I know we keep talking about 50s and 60s but what are we looking for, exactly?

PZA Stout: That’s the problem, the ordinances do not have a specific decibel level, they are somewhat subjective. It just says that the sound doesn’t create an “undue amount of noise” without giving a number and that’s why this is a public hearing and people get to determine as neighbors what they feel is reasonable or not.

Commissioner Thompson: Ms. Stout, do you feel when you went over there and heard the saw, did you feel like it was running at the loudness it typically runs at?

PZA Stout: I can’t answer that. Mr. Thaler can speak to that under oath; I would hope what we heard was the saw making the amount of noise it would normally make while in operation.

R. Thaler: I’ll be glad to answer that. Yes, when we ran the saw for the code enforcement officer it was at the maximum. You turn the saw on, and it’s a motor noise, 55-60 decibels range if you’re standing right next to it. You engage the blade and it gets a little louder; then when the blade enters the wood, it gets louder still. We had a dry log up there and we ran it as loud as we could run it so that it was a fair test. In our narrative and business plan, we said we were going to be running 3-4 hours a day and 5 days a week; not on Saturdays. We changed that; our plan is now to run Tuesday through Friday. Not at all on Monday. We’ll be open for business on Saturday, on rare occasions we may run the saw for a few minutes on Saturday between 9 and noon. At no time will we ever be running the saw more than 3-4 hours a day; and when we do run the saw it’s intermittent, not continuous. I am uncertain what Ms. Roybal was referring to because in the past couple of weeks we have been busy with other things and have only run the saw twice, once for 15 minutes and once for 10 minutes. I don’t understand the comments about shouting and employees. There are no employees and Jacob and I don’t shout. Sound is subjective; the humidity and wind direction can make a difference. We hear chain saws and there’s a construction project to the south of us and one to the east and north, I’m not totally sure the noise they’ve been hearing in the last two weeks is us at all. The noise ordinance is so vague; there’s no way that it can be anything but subjective. If there are further noise problems, we’ll do further sound abatement. I think we’ve gone beyond what is obligated.

Commissioner Anderson: We know that voices are 65-70, a chain saw is about 106-115 and that OSHA regulations for the construction industry has permissible noise exposures. If the family has been taking readings, we need to have some documented readings. But basically, for a duration of 8 hours a day continuous you are allowed up to 90 decibels. Unless we have some factual data to prove that we have above 90 decibels for eight continuous hours a day, then there would be a problem, but we need to have some data. A lawn mower is noisy. You’re allowed to have noise as part of a business. We just need to find out about this excess noise she was talking about—if 90 for 8 hours a day is permissible in accordance with OSHA.

Commissioner Morris: I don’t think we’re talking about OSHA here. I think that’s for noise over prolonged periods of time that could cause hearing damage. We certainly aren’t talking about that; we’re really just talking about something that could be ongoing for a few hours on and off and how bothersome it is. It’s hard for us to know, unless we all meet over at the Roybals house which I’m sure is not allowed. It seems the thing that would take care of the problem is enclosing the workshop, but it’s probably too expensive for the business at this time. Do we take that into consideration? Are we supposed to take into consideration the economic effects of something we’re supposed to do?

Chair McCandless: I would argue probably not; I would say that our primary concern is making sure this business fits into the community appropriately and in accordance with our ordinances and so if the restrictions require additional expenditures on the part of the applicant then that is what it is. We have to concern ourselves with—again—how this business fits in. I’d like to return to something that Mr. Roake brought up and see if we can get some clarification on that and perhaps Ms. Stout you can help us. But I think Mr. Roake is worried about the zoning of this business would fit in this area of the business district of Corrales according to our existing ordinance. And I think Ms. Stout you said in your summary that one of the specific allowed businesses is a cabinet shop. And while this is not exactly a cabinet shop it does seem to be very close to that in terms of the kinds of equipment that would be running, the kinds of noise levels that might be produced and the kinds of air quality concerns that might arise out of that. I think it deserves a little bit of discussion.

Commissioner Killebrew: Is it my understanding that when there is a division between a commercial and a residential lot that there should be a buffer? And that’s in our Code?
Chair McCandless: Yes, that is in our Code.
Commissioner Killebrew: That would have to be necessitated upon approval. If it’s between commercial and residential there has to be a buffer.
Commissioner Barnes: In terms of that buffer, Mr. Thaler is waiting for specifics. Are there any requirements of what makes up a buffer?
PZA Stout: What our ordinance says specifically is that there should be at least a 6 foot high wall or fence that you cannot see through; and then an additional 5 feet of space and I believe the intent of the additional space in landscaping is that folks aren’t parking their customers cars right up against that fence or conducting business there. I can tell you that on the south end of this property there are some rather large trees, unfortunately they are elms, but they are very large trees that do serve as a landscape buffer, but the fence itself, the 350 feet depth of commercial zoning—technically there should be a 6 foot or higher fence along the extent of the commercial zone where it abuts residential, by ordinance.
Chair McCandless: And if I’m hearing that correctly that would also apply to the north and east property boundaries as well?
PZA Stout: The east is a little tricky because the residential property on the east is actually still a part of this property but that could certainly be a condition of approval given that this is an unusual business with some potential extra noise to deal with, so yes.
Chair McCandless: The ordinance doesn’t state if the residential property is owned by the applicant or owned by someone else
PZA Stout: That is true.
Chair McCandless: The ordinance says you have to build a six-foot fence to provide a buffer between any commercial property and an adjacent residential property. There are residential properties on three sides.
(Discussion of buffering.)
Commissioner Killebrew: I don’t think we could give a variance on that ordinance but we could give a time line, but not just give a flat variance on that buffer wall. You cannot see through it, so a coyote fence would not work.
Chair McCandless: And I think any variance would have to come—there would have to be an application for a variance and that would be subsequent action on Mr. Thaler’s part
Commissioner Barnes: That is something we could do, a timeline?
PZA Stout: Yes, the Commission absolutely has the authority to impose a condition with a time deadline.
Chair McCandless: If we are looking to require a buffer on 3 sides of the property, we could potentially stage that out. It sounds like the north boundary is much less a concern at this point. The east boundary, we already heard from Mr. Roake and he has some concern but it didn’t sound like it was extensive but he did mention he was hearing the noise from 350 feet or so away on the east side; we may want to consider requiring a fence along the east boundary of that commercial zone as well. Commissioner Morris made a good point, a lot of these sound issues would be mitigated quite a bit if the entire shed was enclosed. I believe that the shed is open on three sides which allows quite a bit of sound to escape. There was a previous cabinet shop, I don’t know how that was set up, but my assumption would be that was a fully enclosed shop and that would certainly contain the noise much more effectively than a three-sided shed.
Commissioner Anderson: I’m thinking back on other things we’ve done as a Commission in past years.
Daytime noise has not really been defined in the past. The Bistro, with outside music, had a cut off of 10 pm; we really have not looked at daytime noise during operating hours in the commercial area. Since we have other businesses that do make noise during the day, how can we deny this applicant noise during the day? He’s not running his saws after 10 o’clock at night. This is something we need to address in the future, what constitutes noise from a business during the day—or not. It would be the same as when we had the gas station actually repairing cars, the doors were up and there was noise all the time in that area. There were houses near it but nothing was done about it because it was commercial noise and it was during the day. Because somebody is annoyed and it makes the dogs bark, that’s not something we can determine—it would have to be the same for the entire Village. But because we don’t have anything for noise during the day, I don’t see how we could stop one business while other ones are allowed to continue.
Commissioner Killebrew: I’m with Commissioner Anderson. That is a slippery slope when you try to determine what noise you like and what noise you don’t like at any time during the day or night. There are
dogs that bark all day long. That may annoy me, but that’s their dogs not my dogs. I don’t want to create a law against that.

Chair McCandless: I would point out that Code Enforcement is always the backstop. If the noise is excessive then neighbors have the opportunity to complain to the village and engage code enforcement.

Commissioner Anderson: I think it would be interesting to see how much noise was at the community pool from: the kids when it was open, there are houses around that area too. And kids around pools make a lot of noise. It is one person’s idea of what noise is versus another; as long as we don’t have any hard-core set standards of what everybody has to do during the daytime as we do for the nighttime, there’s really nothing to stand on to deny them.

Commissioner Morris: I don’t know that we can decide this based on what’s gotten by in the past. I don’t like the idea of saying we’ve done this before because apparently there have been a lot of problems that have been allowed that don’t really fit in with the ordinances; we have to decide it on its own merits. If we were to require the fence and enclosing it, that’s a lot, it may not be necessary but we don’t really know. Code enforcement won’t know if the noise is too much without a definition, which we don’t have. I doubt code enforcement is going to be interested in going out and saying “no, you’re making too much noise”.

Chair McCandless: In this case I think we need to recognize that both Thaler’s have indicated an awareness and a willingness to work with their neighbors.

Commissioner Stermer: I wanted to reflect on the difference between the commercial and residential zones and if somewhere else in the commercial someone purchases a property that’s in the commercial zone, they would expect to follow the various ordinances and put up fences or do whatever to run their business. It feels to me like we’re verging on “well, this is next to residential...” I like the examples we’re talking about—many of us are not happy with a neighbor next door who has a dog barking all the time. In this case we have property owners who purchased in the commercial area; we didn’t rezone from residential to commercial. I think we should stick with what we know the ordinances require. I also agree that it’s very important that the applicants have shown a strong sensitivity to the concerns of the neighbors. I like what the ordinances (say) about the fencing. And I like the idea of the shop being completely enclosed, but am not sure we can require that.

Commissioner Killebrew: I have an example. Up near Isotopes park there is a motorcycle park. It’s right next to a residential area. They put up a buffer wall when residents complained. A buffer wall does help with noise abatement.

Commissioner Killebrew: I move we approve SDP 20-02 with condition that buffer walls be constructed starting with the south side, and continuing all the way around, within no more than a year.

Chair McCandless: For the whole thing?

Commissioner Killebrew: Yes, because that’s the ordinance. Between residential and commercial property.

Commissioner Barnes: With regard to the timeline, what was your thought process behind a year?

Commissioner Killebrew: South side is the most immediate, because that’s where a complaint is coming from. Someone mentioned the east side. There’s nobody on the north side, so that would be the last one to do.

Commissioner Thompson: I tend to agree, with the exception of the north side. I think this will be very expensive undertaking for a new business; if there is a way to delay that (north side) beyond a year. I agree the south side is the immediate concern, followed by the east side. But with no one on the north side, I’m just not sure putting that burden on the business within that first year is the best idea.

Commissioner Morris: I agree. I think we need to decide how soon the wall should go up on the south side. It seems it should be done within a few months.

Commissioner Killebrew: The property owner can always come back and ask for an extension.

Chair McCandless: The property owner is asking for a site development plan and usually when we have requirements like this, the requirements have to be met before the formal license can be applied.

Commissioner Anderson: How far from the east side 350-foot limit is the next residential property?

Chair McCandless: It is an interesting situation; I think we would have to go back and look at the plat. The ordinance says on the boundary between residential and commercial there is a buffer.

(Piszna Stout: Let me throw something out there. If buffer fencing is put to the full 350 feet to the south and then across the east end of his commercial zoning, that satisfies the intent of the ordinance, hopefully helping the sound mitigation (issue).)
Commissioner Anderson: Is the east buffer fence line at the 350-foot mark or at the end of his property down the road? If it’s right at 350, yes.

PZA Stout: Yes, at the 350-foot mark. That encloses the business.

R. Thaler: One thing that I would like you to consider, if you are going to require us to do this then I think you’re going to have to look at every other piece of commercial property to the north and south of us, and make sure they have also done the same thing otherwise it would not be fair. None of them remotely have what you are talking about asking us to do. We’re willing to do it within reason. I don’t know if you can, but you may want to consider looking at other properties that aren’t meeting this requirement.

Chair McCandless: It’s our job here to make sure that ordinances are being followed from this point forward. I do know in my time on the Commission, other (site development applicants) have been required to put up buffer fencing. That’s our goal. We cannot correct what was or was not done in the past. We are aware of the cost but we also have a responsibility to do what is right for the community.

R. Thaler: (On the other side of) the road that is the south boundary to the property, there is a buffer fence, it was built by the other property, but it is there.

Chair McCandless: The difficulty is that person would decide to take down the fence. The responsibility is for the owner of the business to provide that buffer.

Commissioner Stermer: It seems we are interested in amending the motion. Amended motion: I will say the timeline will be one year for the south and east and two years for the north (buffer fencing).

Commissioner Thompson: I’ll second that amendment.

The Chair restated the motion to approve SDP 20-02 with the requirement that the 6-foot buffer fencing be built on all three sides, south and east sides completed within a year and north within two years.

Vote: Yes: John McCandless, Sam Thompson, Michele Anderson, Jerry Stermer, Melissa Morris, Ken Killebrew, Cameron Barnes. (unanimous)

R. Thaler: Once again, I would encourage anyone with a problem to call us or come talk to us. We want to be here. Come see us and please everyone who’s listening, if there’s a problem please contact us.

Chair McCandless: I think I speak for the whole Commission in that we’re very appreciative of the effort you’ve made to ensure this business fits into the neighborhood.

Mary Rodrigues: There were three people having trouble getting into this meeting and making comments. We were having technical difficulties. Actually, four more. I did get in but I had to leave because I have a mother with dementia. I could not stay to help them out to connect. This really is an injustice.

Chair McCandless: We tried to give everybody who was present an opportunity to speak.

VII. OTHER BUSINESS

VIII. PZA REPORT

IX. COMMISSIONERS FORUM

Chair McCandless: We talked at our last meeting about reviewing the ordinance that had to do with accessory dwellings, i.e. “casitas”. I had discussions with the Mayor, and Commissioner Thompson and I spoke with (Village Administrator) Ron Curry. What I learned is the Council is supportive of a review of the ordinance. As you know, there was a lot of consternation raised over a particular casita that was being built, that did not look like it fit in with what most community members feel is the direction Corrales should go. Our discussion with Ron focused on two angles of review. We talked about the sanitary load, the septic load on the soils in the Village, and the water supply. We recognized we don’t have good technical information regarding that; one of our angles of attack in looking at this ordinance should be getting information from the Environmental Department and state engineer and finding out what the physical conditions are, and what constraints those conditions might place on the density of the population of Corrales. The other angle of attack was the cultural aspect which has to do with our current ordinances and the comprehensive plan and where the citizens of Corrales want to go. We know the comprehensive plan of 2009 and previous ones have been pretty explicit about trying to maintain the rural, agricultural environment-- low density. How do we do that in view of the
very clear interest in putting up accessory dwellings? We have complications because our zoning ordinances refer in both A-1 and A-2 to one dwelling on a property, so what does that one dwelling mean? Our ordinances state “one dwelling unit per property”. We have much work to do, look at both sides and try and pull them into a coherent recommendation for Council. I suggest that we divide into two 3-member subcommittees. I personally think this would be the way to go initially. There’s no question we will need community input at some point, and we could then schedule a work study session to do that. We should get as many (citizens) as possible to weigh in on this.

One subcommittee will take a look at this whole physical aspect, and the other to take a look at what I would call the cultural aspect.

Cultural/Orndance Committee: Melissa Morris (chair), Cameron Barnes, Ken Killebrew.
Physical Committee: Sam Thompson (chair), Michele Anderson, Jerry Stermer.
Chair McCandless: I think we want to look at ordinances in surrounding municipalities, too. I will be here as a sounding board in help coordinate the efforts of the two committees. I would like each committee to appoint a Chair so I can have discussions with them. I think it would be good to have a report from each committee at our regular meetings.

X. NEXT MEETING: October 21, 2020

XI. ADJOURNMENT

Move to adjourn: Ken Killebrew. Second: Cameron Barnes.

John McCandless, Chair
Planning and Zoning Commission

Laurie Stout, Planning and Zoning Administrator