Appeal Hearing Packet of Site Development Plan 20-02

To Be Heard November 10th, 2020 during the Regular Council Meeting
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Exhibit A:

Appeal Letter from Antonette Roybal of Site Development Plan 20-02
To: Aaron Gjollin  
Corrales Village Clerk

From: Antonette Roybal

Re: Business Permits Granted to The Owners of Property Located at 4404 Corrales Road.

Specifically, I am referencing the Corrales Planning & Zoning Meetings of 7-15-20, 8-19-20 & 9-15-20 regarding the construction and operation of a sawmill at the property identified above.

Dear Sir or Madam:

I want to Appeal the decision to allow a sawmill to operate in the Village of Corrales by the Village council. I am more concerned with the residential part since I have been a resided in the Village of Corrales for at least 45 years of my 66 years of age.

To the point None of my concerns were given any real consideration, nor the questions that I asked the council during the above teleconference meetings noted above.

Commercial Business: a type of business activity that may distribute goods or provide services, but does not involve the manufacturing, processing or production of goods.

Sawmill: a sawmill does not qualify as agricultural. “Agricultural” qualifies as a business for the purpose of primarily raising or selling agricultural commodities as part of their operations. A sawmill or lumber mill is a facility where logs are cut into lumber.

Agriculture: the science and art of cultivating plants and livestock.

Industry: economic activity concerned with the processing of raw materials and making them into products—in factories.

I located these definitions on various dictionaries. The English Dictionary, Google. Law Insider, & Brittanica.
I believe that the Village of Corrales Ordinances were violated.

Corrales Ordinance Chapter 14 Environment...Article II, Noise...Section 14-27 Excessive Noise Prohibited
(8) Machinery-the operating of ANY machinery, equipment, pump, fan, exhaustion fan, air conditioning
apparatus r similar mechanical devices in such a manner as to create any unreasonable or unnecessary
noise of any unreasonable extent or duration.

Section 14-29 Temporary Permits:

(e) The granting of a temporary permit as provided in this section shall not be interpreted to allow the
permit holder to produce noise of such a volume as to be injurious to surrounding residents, or to disturb
the peace or create a nuisance.

(f) The following factors shall be considered to determine whether granting a permit under this section
will not result in a condition injurious to the health and safety of the neighborhood and the community.

(1) Distance of proposed activities from a residence.
(2) Number of amplification devices to be used on the proposed activities.
(3) Anticipated direction of amplification devices to be used on proposed activities.
(4) Minimize the congestion on the streets and public ways.
(5) Secure safety from fire, panic and other dangers
(6) Avoid undue concentration of population.
(7) Prevent overcrowding of land.

Numbers 4, 5, 6, and 7 were deleted effective September 17, 2020. These points were pertinent to my
Appeal.

Chapter 18 Land Use  Article II  Zoning

(a) This article helps achieve the goals for wise growth management within the Village. The purpose
is to promote the health, safety and general welfare of the residents of the Village by controlling
the use of land so that it is developed in harmony with existing users.

It seems that the Village has been in non-compliance since the temporary permit was granted.

The untimely or no notification of a sawmill being operated in a residential area. Whether it be a
temporary or permanent operation. Many of the Villagers that are affected, mainly, by the noise,
were unable to speak their piece. The noise can be heard all the way to La Entrada Road.
I myself, am the only household/residence that is directly affected.

I reside, maybe 150 feet from the sawmill. I have many concerns of the sawmill operating so
close to my home.
My Daughter who resides at the residence works at home, because of the COVID19 isolation. She deals with police, sheriffs, lawyers and judges. The noise from the sawmill can be heard by these individuals.

My Granddaughter who also resides at the residence attends remote classes from home because of COVID19 isolation has experienced lack of concentration as well attention to detail. Her education is likely affected in a bad way. Her teachers and classmates can hear the sawmill during operation.

Yes, my indoor pets/dogs bark—they are dogs, and they will bark occasionally. However, the noise from the sawmill aggravates them—and causes them to bark unnecessarily.

You all in Village council will come and go. The Mayor will be voted out and the residents of the neighborhood will be left to clean up the damage that has been created.

It is so obvious that a sawmill belongs in an industrial area—where other like businesses operate—with factories. But not in a residential area.

The sawmill in its’ location will lower the value of my property, and possible other properties as well. It will certainly not Keep Corrales Rural. In a Village where the now, commercial area already congested on a two lane road. We do not need a sawmill in the center of the Village. Of course, a new business would bring in revenue for the Village despite what the Ordinances say or mean, but it does seem like the ordinances do not mean what they say, or do not say what they mean. Why even have these Ordinances if you comply follow them?

I do not expect that either the council does not know the definitions of the sawmill, commercial business-industry or agriculture, or maybe did not take these points into consideration, or maybe the council simply does not care.

After seeing how the Village has been run until now, I do not believe that the council really Loves or Respects Corrales as we do, especially in the neighborhood where the sawmill is being operated, as they do little or nothing to keep it rural.

What Ordinances Does the Council Abide By?
Sincerely.

Antonette Roybal

Appeal to September 2020 Meeting
Exhibit B:

Notice of Appeal Posted by Village and Sent via Certified Mail
NOTICE OF PUBLIC HEARING BEFORE THE GOVERNING BODY

APPEAL HEARING TO TAKE PLACE DURING THE REGULAR COUNCIL MEETING ON November 10, 2020 MEETING COMMENCES AT 6:30pm

This will be a Teleconference Meeting which the public is allowed to join. Zoom information can be found on the website www.corrales-nm.org and by clicking Calendar at the bottom. Click on Regular Council Meeting (Teleconference) for November 10th to see the Agenda, Packet and Zoom information. Agenda and Packet are posted on November 6th for this meeting. If you are unable to join via computer, you may follow the instructions below to join by phone.

Please call: 1-669-900-6833 Meeting ID: 865 1469 6536# Password: 282288#

For any questions regarding the teleconference meeting call Aaron at 505-350-1583

NOTICE IS HEREBY GIVEN that the appeal, by Antonette Roybal, against Site Development Plan 20-02, for Applicants Richard and Jacob Thaler, approved for “Dendro Technologies” at 4404 Corrales Road, Corrales, New Mexico (the “Village”), will be heard by the Village Council, the governing body of the Village (“Governing Body”), at the regular meeting of the Governing Body on Tuesday November 10, 2020. The meeting will be held telephonically using Zoom. The meeting will commence at the hour of 6:30pm.
The parties are advised that the appeal will be governed by the provisions of Section 18-49 of the Code of Ordinances of the Village of Corrales. The Code of Ordinances may be accessed through a link on the Village website, www.corrales-nm.org.

NOTICE POSTING LOCATIONS:

1. Village Offices – Lobby
2. Village Offices – Outside Marquee
3. Corrales Fire Station (Main Station)
4. Corrales Fire Substation (Station-2)
5. Corrales Senior Center
6. Corrales Community Library

Posting to remain in place through November 10th, 2020

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at the Village Offices located at 4324 Corrales Road, at least five (5) days prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Village Clerk at 505-350-1583, or by e-mail at agjullin@corrales-nm.org if a summary or other type of accessible format is needed.

I certify that notice of the appeal hearing has been given in compliance with the Open Meetings Act, Section 10-15-1 through 10-15-4 NMSA 1978 and the Open Meetings Resolution 19-041. I certify that this notice was posted on: October 12th, 2020.

Aaron Gjullin, Village Clerk
Exhibit C:

Executive Summary of Site Development Plan 20-02 from Planning and Zoning Administrator Laurie Stout
Mayor and Councilors,

This application actually began with a replat combining two lots, one of .22 acres adjacent to Corrales Road and one of .77 acres further east. (This was necessary because the business use was to be on the then easternmost lot, and all commercial lots must abut Corrales Road by Village ordinance.) The Summary Plat SUM 20-07 was unanimously approved by the Planning and Zoning Commission during their July 15, 2020. That plat combining two lots into one has been filed with Sandoval County.

At that same meeting, the applicants then requested a zone map amendment, extending the then-existing commercial zoning (from that original front lot) eastward to the full 350 feet from Corrales Road allowed by Village ordinance. The Planning and Zoning Commission approved recommending zone map amendment ZMA 20-01 be forwarded to the Governing Body for consideration.

Village Council then heard the zone map amendment request on August 18, 2020 and voted to approve. (Councilor Murray abstained.) Ms. Roybal spoke during the Council meeting regarding this application.

Finally, once the replat and extension of zoning were in place, applicants submitted a Site Development Plan for Dendro Technology. That application was heard by the Planning and Zoning Commission on September 16, 2020 and was approved unanimously with the condition that the 6-foot buffer fencing (required by ordinance when commercial property adjoins residential) was completed on the south and east sides within one year, and along the north side within two years. Ms. Roybal’s property is on the south. There is no requirement for buffering on the west side, where the property adjoins Corrales Road.

Ms. Roybal received a certified letter prior to each Planning and Zoning Commission hearing, and did speak at both those meetings as well.

Your packets include the full Dendro Technology Site Development Plan application and materials, and the minutes from the September 16, 2020 Planning and Zoning Commission meeting.

Laurie Stout
Planning & Zoning Administrator
Exhibit D:
Dendro Technologies Application Materials
Applicant Jacob Thaler (with his father and business partner Richard Thaler) request Site Development Plan approval to operate “Dendro Technology Wood Shop” at 4404 Corrales Road. The business will take dead and down trees (which will be stored on the site), and using a band saw and other tools, create live edge slabs for sale, and also use the slabs to create furniture. This property is zoned C-Commercial for 350 feet eastward from Corrales Road, and zoned A-1 for the remainder.

Background: This property originally consisted of two non-conforming Tracts, one at .22 acres and one at .75 acres. During the Planning and Zoning Commission meeting on July 15, 2020, a Summary Plat (SUM 20-07) was approved by the Commission. This plat combined the two Tracts, one fronting Corrales Road and already zoned C—Commercial, and the adjacent Tract, potentially then allowing the C—zoning to be extended. At that same meeting, the Commission then voted to recommend approval to Village Council of the applicant’s requested extension of the Commercial zoning to the full 350 feet depth allowed by ordinance. (ZMA 20-01) On August 18, 2020 Village Council agreed with the Commission’s recommendation to extend the Commercial zoning to 350 feet, and formally approved the request. The final step for this business is the Site Development Plan request being heard now.

General: The applicant has provided a drawing of the site, narrative and quite a few other materials referenced here. The temporary use permit letter that allowed the applicant to begin working this spring is also included.

In Village Code, 18-37 C—Neighborhood Commercial Zone, Section (3) Permissive Uses, (bb) “Cabinet Shops” is listed. In the past, the Village of Corrales Planning and Zoning Commission has considered Site Development Plan applications for uses that did not necessarily fit perfectly into the laundry list of permissive uses now noted in 18-37. (A solar farm, for example.) When those cases occur, the requirements of 18-45 (b) remain the guiding considerations.

Site Development Plan applications are governed by Village Code Section 18-45 (b) and must satisfy at least the following minimum requirements listed below. The drawings and other materials provided by the applicant to the Commission are the culmination of several discussions with both he and his architect, going over these requirements in detail:

(a) Show proposed new structure(s) and any existing buildings or structures, total lot coverage, all property lines with dimensions, all roads/streets, easements and setbacks.

There are two circles shown on the top drawing, both indicating proposed future “Phase II”. Within the larger circle to the east is an existing 576 square foot shade shelter that now houses the woodworking equipment. This shelter is shown in greater detail on the bottom enlarged drawing. Total lot coverage of .127% is shown in the list on the right side of the drawing. Property lines with dimensions are shown. Corrales Road is on the west side of the property and Hansen Road (private, and not part of this property) to the south. All proposed NEW structures except the ADA bathroom (future Phase II) meet setback requirements. No easements are shown and none may exist.

(b) Show all locations on-site for water, septic, sewer, refuse, electrical points of connections, proposed service routes and existing utilities on the site.
The well pump house is shown in the northwest corner of the property. Connection to Village wastewater shown in the same area; septic system and cleanout shown. Existing electric and gas shown on the north side of the residence. I do not see a specific refuse container area noted; applicant can explain the process for discarding log remnants if they are not to be put in a general trash container.

(c) Show all required parking, drainage and grading information, (see section 18-39)
Village Code requires one parking space for every 300 feet of “heated floor area”. That is not applicable here as there are no heated spaces for this business; however, clients will be coming to the site. At a site visit I noted a driveway off Corrales Road that heads east well into the property past the residence, with a reasonably wide area farther in to turn around and park. The applicant will need to explain which of the shown parking spaces, if any, apply to this Phase I plan. I did note an area where three cars could easily park on the south side, east of the residence. A grading and drainage plan is not required for this location. In response to my inquiries about drainage, a note was placed on the drawing (Landscaping Requirements section).

(d) Show required landscaping information (see section 18-40).
There are several large elms on the property, most notably at the south property line along Hansen Road. A strict reading of 18-40 specifically excludes Chinese elm as a landscaping option, but true soundproofing and extended fencing (mentioned later) may provide more logical cover and sound mitigation.

(e) Indicated drainage inflow and outflow locations and specify areas required to be maintained for drainage purposes.
None shown, there are no known drainage issues with the structures on this property. Flat lot. It is the architect’s assertion (under Landscaping Requirements) note on drawing that they are not needed.

(f) Include a topographical survey if requested by the Administrator. (not required)

(g) Show all structures on adjacent properties located within 25 feet of the site. (Shown)

(h) Identify the zone designation of adjacent properties. (Shown)

(i) Additional information necessary to demonstrate compliance with the requirements for the article as determined by the Administrator.

Log storage is shown to the south of the existing 576 SF shade shelter in two places. During my site visit I noted a few logs on the ground out of the way of ingress/egress.

(j) Show north arrow and scale on all drawings, unless clearly unnecessary for the specific drawing in question. (Shown.)

Village Code Section 18-45 (b) (5) also lists Guidelines for the Commission to consider. Several are identical, but the following are also listed:

Accessibility to property and proposed structures thereon, with reference to automobile and pedestrian safety, traffic control, streets/roads, and emergency access in case of fire, flood or catastrophe.

Applicant has testified in the previous hearing that access to the business will be via Corrales Road, and through a 16’ gate on the property. The large Notes section on the drawing attests that there is an existing NMDOT access permit.

Off-street parking and loading areas where required, with particular attention to the refuse and service areas (Section 18-37 (10)). The existing parking on-site is located well off Corrales Road.

Noise, glare or odor effects of the proposed use on adjoining properties.

Mr. Thaler has gathered quite a number of support letters, some from adjacent properties. There are two citizens (one who owns an adjacent property to the south) who voiced their concerns at the zone map amendment hearing before the Commission and are expected to attend this one as well. It is Mr. Thaler’s assertion (again, email dated August 29, 2020) that the noise level is comparable to traffic on Corrales Road.
In his narrative, page 2, Mr. Thaler says he is installing sound panels as well as a muffler on the saw motor. This appears to have happened and can be confirmed by him at the meeting, under oath.

*The overall health and safety of the community.*

Mr. Thaler has asked for and passed a fire inspection by Corrales FD *(certificate, and photo showing it posted.)* He has also provided a *Fire Prevention and Safety Plan.*

One of the neighbors filed an air quality complaint with the New Mexico Environmental Department. I spoke on the phone with Cember Hardison of NMED who said there was no issue from their standpoint and no permit needed from their agency.

*The goals and objectives of the Village of Corrales Comprehensive Plan.*

The Comprehensive Plan is on the website under the Planning and Zoning tab, then Comprehensive Plan. A general discussion of commercial development begins on page 29.

Certified letters were sent timely on August 27, 2020. I observed both legal notice signs (I requested one face Corrales Road and another face Hansen Road) property posted on September 1 and 8, 2020.

**Recommendation:** Since there is a requirement for 6' buffer fencing where commercial property meets residential, approval, if given, should include a condition that the applicant immediately extend the fencing eastward from where it currently stops, to the end of the 350’ Commercial depth on the south side of this commercial property. The Roybal house is currently behind fences on both her property and the commercial property, and shielded by a shed on the applicant property, but this would extend the soundproofing and put the remainder of the business use “out of sight” as well. The property on the north side has been abandoned for many years, with that house situated very near Corrales Road and away from the business use. The applicant does already have some fencing on that end (between the residences on each property), and while it also does not extend the full 350 feet, that could conceivably be a consideration when the Phase II Site Plan is brought forward.

Other conditions: That the applicant always close the sound-proofing walls to the shed housing the saw when in operation. Confirm there is a muffler on the saw motor.

Code Enforcement Officer Sherrie Rice and I toured the site again on September 8th and heard the saw in action. There was a neighboring property also using a saw that was actually much louder. Ms. Rice has made some observations that are included here.

\[Signature\]

Laurie Stout, Planning and Zoning Administrator

Date: 9-7-2020
Village of Corrales
Planning and Zoning Department

SITE DEVELOPMENT PLAN PERMIT APPLICATION

APPLICANT INFORMATION

Applicant Name: Jacob Thaler
Telephone: 505-980-9918

Mailing Address: 4404 Corrales Rd, Corrales, NM
Email: jake@thaler27048@gmail.com

Property Owner: Garrett and Emily Allen

Mailing Address: 227 W La Entrada, Corrales 87048

Descriptive Information: 44A + PORTION OF TRACT 44-B-2A:2

<table>
<thead>
<tr>
<th>Lot Number/Tract Number</th>
<th>Block</th>
</tr>
</thead>
<tbody>
<tr>
<td>198</td>
<td>COMMERCIAL</td>
</tr>
</tbody>
</table>

Name of Subdivision: Corrales
Zone Designation: 9877

MRGCD Map Number: 4404 Corrales Rd
Flood Map Designation: Corrales 87048
Acreage: 4404 Corrales Rd

Address for Site: 4404 Corrales Rd

Additional Comments:

Will there be any undue negative impact on the community? If yes please explain: NO

Is Buffering Required? □ Yes □ No
If yes: APROX. 70

Linear Feet of Fence Number of Parking Spaces

Revised February 2019

Scanned with CamScanner
GENERAL INFORMATION

1. Corrales Codified Ordinances Chapter 18 Section 18-45(b)
2. The Administrator shall determine if the proposed site development plan satisfies the requirements of Section 18-45(b) before submitting to the P&Z Commission for a public hearing. The Administrator shall schedule a hearing before the Commission no later than sixty (60) calendar days following the submittal of a completed application as determined by the Administrator.
3. Any change in use which would require additional parking and/or any alteration or addition to the site of any structure upon the site shall require a resubmitted application and approval.
4. Fees: 1.5% of the valuation of construction up to $5 million plus 0.1% of the valuation of construction in excess of $5 million, as a condition of approval or a minimum fee payable at the time of application, and any additional fees owed payable prior to issuance of a development permit; plus costs of legal notification for commission hearing (certified mail, signature required). See Resolution 16-06.
5. Requirements: Four (4) copies shall be 24" by 36"; upon statement from the Administrator that application is complete, ten (10) copies shall be 11" by 17" format and an electronic copy (PDF) will be required with EACH submittal.

OFFICE USE ONLY

Date Received: 8-6-2020  Received By: LAS  File No.: SDP 20.02
Amount Paid: 500.00  Cash □  Credit □  Credit Card Number: __________________________
Check □  Check #: 212  Receipt Number: __________________________
Completed Application Acceptance Date: 7-6-2020  Date of Hearing: Sept. 10, 2020
Developer Invoiced for Legal Notice: 828-20 $172.50  Paid: $ 172.50

Name and Address of Architect/Engineer: Charlie Otero  8000 Pennsylvania Cir NE  Albuquerque, NM  87106

Signature of Applicant: __________________________  Date: __________________________
Buffer fencing be built on south and east sides within one year, and north within two years.
SITE DEVELOPMENT PLAN PERMIT APPLICATION

Section 18-45. Permits, certificates and plan approval.
(b). Site development plan approval.
1. Approval required. No building, structure, or land in any zone may be occupied by a use designated as requiring site development plan approval without the approval of a site development plan by the planning and zoning commission.
2. Applications. Anyone requesting a use of a building, structure or land requiring site development plan approval must obtain and submit a completed application for a site development plan review. The application shall be returned to the Administrator accompanied by the appropriate application fee and fourteen (14) sets of required drawings. All site plans or site development plans must satisfy at least the following minimum requirements.
   a. Show proposed new structure(s) and any existing buildings or structures, total lot coverage, all property lines with dimensions, all roads/streets, easements and setbacks.
   b. Show all locations on-site for water, septic, sewer, refuse, electrical points of connections, proposed service routes and existing utilities on the site.
   c. Show all required parking, drainage and grading information (see section 18-39).
   d. Show required landscaping information (see section 18-40).
   e. Indicated drainage inflow and outflow locations and specify areas required to be maintained for drainage purposes.
   f. Include a topographic survey if requested by the Administrator.
   g. Show all structures on adjacent properties located within 25 feet of the site.
   h. Identify the zone designations of adjacent properties.
   i. Additional information necessary to demonstrate compliance with the requirements for the article as determined by the Administrator.
   j. Show north arrow and scale on all drawings, unless clearly unnecessary for the specific drawing in question.
3. Review process. The administrator shall schedule a hearing before the Commission no later than 60 days following the submittal of a completed application as determined by the administrator.
4. Meeting with P&Z Administrator. Prior to submitting an application, the applicant shall first schedule a meeting with the administrator. Review and comments shall be given to the applicant at this time, concerning the relationship of the proposed development to the Comprehensive Plan, applicable zoning ordinances, along with copies of the pertinent sections of this article, applications, and other submittal requirements.
5. Guidelines. The P&Z Commission shall not approve any site development plan unless all the requirements are met. The Commission may, in its discretion, grant conditional approval of a proposed site development plan subject to satisfactory completion of certain specified requirements prior to a date certain, and may delegate to the Administrator, the chairman of the Commission, or other specifically designated individual the authority to determine whether such requirements have been satisfactorily completed. In addition, no site development plan shall be approved unless satisfactory provisions have been made concerning the following, where applicable:
   a. Accessibility to property and proposed structures thereon, with reference to automobile and pedestrian safety, traffic control, streets/roads, and emergency access in case of fire, flood or catastrophe.
b. Off-street parking and loading areas where required, with particular attention to the refuse and services areas (Sec. 18-37(10)).

c. Show all on-site locations for water, septic, sewer and liquid waste facilities, with reference to soil limitations, locations, and public health.

d. On-site drainage and storm water runoff.

e. The noise, glare, or odor effects of the proposed use on adjoining properties.

f. General compatibility with existing adjacent properties.

g. The overall health and safety of the community.

h. The goals and objectives of the Village of Corrales Comprehensive Plan.

6. Additional requirements. Any change in use which would require additional parking and/or any alteration or addition to the site of any structure upon the site shall require the resubmittal of an application and approval as required by this section.

7. Completeness of Plan. No site development plan shall be approved unless the submitted plan as presented is complete, or any deficiencies have been fully corrected to the satisfaction of the commission, or other appropriate authority specifically designated by the commission.

8. Expiration. Any site development plan approval will automatically expire on the date that is 24 months after the date of commission approval or conditional approval if development is not complete. The commission, in its discretion, may extend this time in cases in which the project is in litigation or for any other reason that excuses the failure to complete development, provided the extension is not contrary to the public interest. Any decision by the Commission to extend, or not extend, construction time for a site development plan may be appealed to the Governing Body.
Our business is called DendroTechnology/Tin Shed Millworks. We harvest dead, down and unwanted trees, and turn them into live edge slab planks. The primary owner of DendroTechnology is Jacob Thaler, born and raised in Corrales. Rick Thaler and Garrett Allen are minority partners in the business. Rick has lived in the Village for 45 years, Garrett for 4 years.

We sell the live edge planks as is, to craftsmen, sculptors and artists, hobbyists and construction professionals. We also take commissions for furniture and we are working on a semi custom line of simple garden benches.
We get 75% of our raw materials (logs) from within the Village and the North Valley. We get some logs dropped off by tree services, and we will get small quantities of logs from out of state on occasion. We also do custom cutting for customers who bring their own logs.

In the first phase of our business we are making live edge slabs on our bandsaw which is outdoors under a shade structure. I ran the saw as a hobby for a year before we decided to make a business out of it, and we have been running with a temporary business license from the Village for about 5 months. The saw runs a maximum of 5 hours a day, but rarely more than 3 hours a day. It does not run continuously within that 3 to 5 hour time frame- there are frequent pauses to readjust or reload the saw. We never start earlier than 9 am, and we never run past 5 pm. This will be our schedule when we have our permanent license. We will run a maximum of 5 days a week but rarely more than 3 days a week. Since we got our temporary license we have not run on Saturday or Sunday and we will not run Saturday or Sunday when we have our permanent license. In the year and a half since the saw has been running we have received no complaints about noise, until we applied for the summary plat and zone map amendment. Our neighbors, Sue and Brian at the corner of Hansen Road and Corrales Road, Janea on Hansen Road across from the saw location, Charlie Otero at the south end of our property and Jorge, who owns the commercial property north of us, all assured us repeatedly that the noise was not a problem. When we received the complaints at the P&Z meeting from two neighbors that we were unaware of we immediately began taking steps to abate the noise and we are in contact with Janea on a regular basis to be sure that the steps we are taking answer the concerns that Mrs. Roybal raised in her letter. We have not heard from Mrs. Rodriguez as of this writing but we will try to reach her by mail to see if her concerns have been addressed.

The noise level at our south property line when the saw is fully engaged, at its loudest, is about 75 decibels. This is about the same decibel level as Corrales Road with steady traffic. We are installing a muffler on the saw motor and building a set of sound panels that will hang on the shade structure. We are also installing sound panels directly across from Janea’s house to further protect her from the noise and to provide a visual buffer. These modifications will be complete by the P&Z meeting and should drop the sound level at our south property line to between 50 and 60 decibels, which is quiet street/normal conversational level.

Almost all of our customers are by appointment and we don’t expect to have any more than 5 customers per day in a typical week. We don’t anticipate many walk in customers. We will take customer appointments weekdays and Saturdays, mostly 9 am to 5 pm, occasionally later on weekdays to accommodate customers who work during the day.

We will not have any large trucks making deliveries. The maximum will be a pickup truck with a gooseneck trailer. All customer traffic and deliveries will be from Corrales Road.

Phase 2 of our business plan is to build a woodworking shop to the west of the shade structure to house our furniture making operation, Tin Shed Millworks, and expand our capabilities to add value to the planks we cut. This will be an aesthetically pleasing barn type structure, not a metal building. It may include a showroom. It will be soundproof and will not add any noise to the environment. We don’t
anticipate this phase to add significant customer traffic. We may add up to a maximum of two
employees in this phase. If so we hope to hire within the Village.

DendroTechnology is a return to the tradition of living and working in the Village. It is an opportunity for
us to live and work in the village with our families and our friends. We want to contribute to our village,
and support genuine rural values of hard work, self sufficiency and honest craft. We look forward to
being a center of craft and honorable employment in the Village for years to come.

If you have any further questions about the nature of our business or our plans, please let us know by e
mail prior to the meeting so we can come prepared.

Rick Thaler 505 980 6161
Jacob Thaler 505 980 9918
E mail dendrotsm@gmail.com
March 30, 2020

RE: Future Site Development Plan SDP 20-02

Jacob Thaler/Rick Thaler

Due to the ongoing public health emergency and the inability to currently process applications or hold Planning and Zoning Commission meetings, the Village of Corrales will grant a temporary use permit at 4404 Corrales Road for the following business uses:

1. Dead/down trees to be brought to site.
2. Fabrication of live edge slabs from those trees.
3. The use of tools and machinery, including a bandsaw, to produce wood slabs. Per your email dated March 25, 2020, the bandsaw will run a maximum of 3-4 hours a day, 4-5 days per week.
4. Storage and sale of those slabs to customers who will come to the site.

Once public meetings such as Planning and Zoning Commission are back up and running, I will contact you. You will then have two weeks to complete the Site Development Plan application and pay the fee. Your application will be placed on a future P&Z agenda. About three weeks prior to that meeting, you will be required to place two "legal notice" signs on the property (one facing Corrales Road and one facing the access road). The Village will send certified letters to property owners within 350 feet of all property boundaries, for which you will be invoiced.

If the business use is denied by the Commission, the business use must be stopped. Please keep that in mind when making investments in the site at this time. However, if the business fits the criteria listed within Village Code 18-45 (b) Site Development Plans, I can make a recommendation that the Commission approve. It is their decision, which they will base upon adherence to the ordinance requirements. Impact on the neighbors is also a consideration. Please note, as we’ve previously discussed, the business use cannot extend more than 350 feet east of Corrales Road.

Sincerely,

Laurie Stout
Planning & Zoning Administrator
Village of Corrales

Cc: Ron Curry, Shannon Fresquez
This is a sound sample between 1 pm and 1:12 pm on Saturday the 29th of August. It’s taken from the same distance from Corrales Road as the Roybal residence. When there is no traffic the noise level is down between 32-40 dB, which is a quiet street. When there is any traffic the dB level goes up to 50, and when 2-3 pickup trucks or larger cars go by together it spikes at 60-63.

I’ll provide another sound sample next week when we are running the saw with our sound abatement panel system in place. I’m trying to get a sound engineer to impartially confirm these readings but the only one in Albuquerque is not responding.
Quiet street

MAX 63
AVG 42
MIN 32

50 dB-A

04:45
September 8, 2020 went out to 4404 Corrales Rd, for a site visit with Laurie Stout Planning and Zoning Manager. The owner has applied for a business license for a saw mill, noise is the concern.

I was out there about two weeks ago before owner put up sound barrier panels on the south side of the building and a muffler on the saw.

The sound was not egregious, I could hear a skill saw in the distance over the mill saw and vehicles on Corrales Rd. The owner had a decimal meter it did not go over 58 decimals for the saw and 64 decimals when I spoke.

Respectfully

Officer Rice
Code Enforcement
DendroTechnology Fire Prevention and Safety Plan
Table of Contents

I. Objective: To develop a plan that will help us anticipate and prevent fires, accidents and injuries.

II. Background: DendroTechnology is a 5 month old business currently operating at 4404 Corrales Road in the Corrales Commercial Zone. We harvest dead, down and unwanted trees and make them into live edge slab planks, for sale to the public. We also use the planks in the fabrication of custom furniture and a line of semi custom benches.

III. Assignment of Responsibility: The responsibility for fire prevention and safety lies with every member of the DendroTechnology team. There are currently only 3 people working in the business, including a part time team member who is a firefighter and a paramedic. If and when the business expands to have more employees, each employee will receive a thorough training in fire prevention and safety before starting work.

FIRE

IV. Types of Fire Hazards
A. Electrical Hazards: At this time there is no electric power to the site. All power tools other than our main saw are battery operated. When we bring power to the site we will use a licensed electrician, and have their work inspected by PNM and by the Village electrical inspector.
B. Portable Heaters: We are not using portable heaters and have no plans to do so.
C. Office Fire Hazards: We currently have no office.
D. Cutting, Welding, and Open-Flame Work: The only cutting, welding and open flame work would be in the construction of future buildings. All of this kind of work is complete in phase 1.
E. Flammable and Combustible Materials: The only flammable and combustible materials on site, other than the wood materials themselves, would be gasoline. We keep no more than a gallon of gas on the site, in an approved storage container. The wood materials on site are the tree trunks ready to be cut, the sawdust produced in the cutting process, the planks that are stacked and drying or ready for sale, and the scrap wood left over from the cutting process. All of this is potentially flammable but the different piles of wood are kept well separated and if a fire were to start it would be relatively easy to contain it. We produce a very small volume of sawdust and we don’t allow it to build up. We give away most of our scrap lumber for firewood and keep the piles small, neat and manageable. Since there is no flame source anywhere near the wood, the chances of fire are low. One possible flame source is located in the cutting process of our main saw. It is possible for heat to build up around the blade and cause smoldering inside the log. However, our saw is equipped with a water reservoir to
lubricate the blade while cutting, which reduces this possibility greatly, and since we use sharp blades it will almost never occur.

F. Smoking: No smoking is allowed anywhere on our site, and the site is posted clearly.

HEALTH AND LIFE SAFETY

V. Types of Health and Life Safety Risks
   A. General
      1. No unattended Children at work site.
      2. No customers or visitors within 15 feet of machinery while operating.
   B. Health Risks
      1. Dust: Wear dust masks or respirators while operating machinery.
      2. Noise: Wear approved hearing protection when operating machinery.
   C. Injury Risks
      1. From Machinery:
         a. Trained operators only to operate machines.
         b. Lockout/Tag out for repairs and maintenance.
         c. Machinery maintained at all times.
      2. From Operations:
         a. Wear protective footwear and gloves while working with logs and planks
         b. Use approved lifting techniques and machinery aids for heavy lifting
         c. Use extreme caution while loading and unloading logs and planks.
         d. Have first aid supplies on worksite at all times.
         e. Never work alone while operating machinery

VI. Training
   A. Implement ongoing training in first aid, machinery safety and general safety for all new employees.

VII. Plan Implementation
   A. Good Housekeeping
      1. Scheduled clean up and checkout daily
      2. Weekly overall site inspection and cleanup
      3. Clear scrap and firewood monthly
   B. Maintenance
      1. Machinery maintained to manufacturer’s recommendations daily/weekly/monthly
      2. First aid supplies inspected and replenished monthly

VIII. Attachments
   D. Fire Risk Survey
   E. General Fire Prevention Checklist
   F. Exits Checklist
   G. Flammable and Combustible Material Checklist
Fire Prevention Plan
for
DendroTechnology 4404 Corrales Rd. Corrales NM 87048
Last Revised: 8/31/2020

I. OBJECTIVE

The purpose of this Fire Prevention Plan is to eliminate the causes of fire, prevent loss of life and property by fire, and comply with the Occupational Safety and Health Administration's (OSHA) standard on fire prevention, 29 CFR 1910.39. The plan helps employees recognize, report, and control fire hazards.

II. BACKGROUND

DendroTechnology is committed to minimizing the threat of fire to employees, visitors, and property. DendroTechnology complies with all applicable laws, regulations, codes, and good practices pertaining to fire prevention. DendroTechnology's separate Emergency Action Plan outlines procedures for responding to fires. This Fire Prevention Plan reduces the risk of fires at DendroTechnology in the following ways:

A. identifies materials that are potential fire hazards and their proper handling and storage procedures;
B. distinguishes potential ignition sources and the proper procedures for control of those materials;
C. describes fire protection equipment or systems;
D. identifies people responsible for maintaining the equipment and systems installed to prevent or control ignition of fires;
E. identifies people responsible for the control and accumulation of flammable or combustible material;
F. describes good housekeeping procedures for ensuring control of accumulated flammable and combustible waste material and residues; and
G. provides employee training about fire hazards they may encounter.

III. ASSIGNMENT OF RESPONSIBILITY

Fire safety is everyone's responsibility. All employees should know how to prevent and respond to fires, and should understand that they are responsible for adhering to company policy regarding fire emergencies.
A. Management

Management determines the DendroTechnology fire prevention and protection policies. Management will provide adequate controls to provide a safe workplace, and will provide adequate resources and training to its employees to encourage fire prevention and the safest possible response in a fire emergency.

B. Plan Administrator

Jacob Thaler will manage the Fire Prevention Plan for DendroTechnology and will maintain all records pertaining to the plan. The Plan Administrator will also:

1. develop and administer the DendroTechnology fire prevention training program;
2. ensure that fire control equipment and systems are properly maintained;
3. control fuel source hazards; and
4. conduct fire risk surveys (see Appendix A) with the local fire department and other emergency responders, and make recommendations.

C. Supervisors

Supervisors are responsible for ensuring that employees receive appropriate fire safety training and for notifying Jacob or Rick Thaler when changes in operation increase the risk of fire. Supervisors are also responsible for enforcing DendroTechnology fire prevention and protection policies.

D. Employees

All employees will:

1. complete all required training before working without supervision;
2. conduct operations safely to limit fire risk;
3. report potential fire hazards to supervisors; and
4. follow fire emergency procedures.

IV. PLAN IMPLEMENTATION

A. Good Housekeeping

To limit the risk of fires, employees will take the following precautions:

1. Minimize storage of combustible materials.
2. Make sure doors, hallways, stairs, and other exit routes are free of obstructions.
3. Dispose of combustible waste in covered, airtight, metal containers.
4. Use and store flammable materials in well-ventilated areas away from ignition sources.
5. Use only nonflammable cleaning products.
6. Keep incompatible (chemically reactive) substances away from each other.
7. Perform “hot work” (welding or working with an open flame or other ignition source) in controlled and well-ventilated areas.
8. Keep equipment in good working order; inspect electrical wiring and appliances regularly and keep motors and machine tools free of dust and grease.
9. Ensure that heating units are safeguarded.
10. Report all gas leaks immediately to (Responsible Person), who will ensure they are repaired immediately.
11. Repair and clean up flammable liquid leaks immediately.
12. Keep work areas free of dust, lint, sawdust, scraps, and similar material.
13. Do not rely on extension cords if wiring improvements are needed, and take care not to overload circuits with multiple pieces of equipment.
14. Ensure that required hot-work permits are obtained.
15. Turn off electrical equipment when not in use.

B. Maintenance

Jacob and Rick Thaler will ensure that equipment is maintained according to manufacturers’ specifications. DendroTechnology must also comply with requirements of National Fire Protection Association (NFPA) codes for specific equipment. Only properly trained people may perform maintenance work.

The following equipment is subject to maintenance, inspection, and testing procedures:

1. equipment installed to detect fuel leaks, control heating, and control pressurized systems;
2. portable fire extinguishers, automatic sprinkler systems, and fixed extinguishing systems;
3. detection systems for smoke, heat, or flame;
4. fire alarm systems; and
5. emergency backup systems and the equipment they support.

V. TYPES OF HAZARDS

The following sections address the major workplace fire hazards at (DendroTechnology’s) facilities and the procedures for controlling the hazards.
A. Electrical Fire Hazards

Electrical system failures and the misuse of electrical equipment are leading causes of workplace fires. Fires can result from loose ground connections; wiring with frayed insulation; or overloaded fuses, circuits, motors, or outlets.

To prevent electrical fires, employees will:

1. make sure worn wires are replaced;
2. use only appropriately rated fuses;
3. never use extension cords as substitutes for permanent wiring;
4. use only approved extension cords [those with the Underwriters Laboratory (UL) or Factory Mutual (FM) label];
5. check wiring in hazardous locations where the risk of fire is especially high;
6. check electrical equipment to ensure it is properly grounded or double insulated; and
7. ensure adequate spacing during maintenance.

B. Portable Heaters

All portable heaters must be approved by Jacob and Rick Thaler. Portable electric heaters must have tip-over protection that automatically shuts off the unit when it is tipped over. A portable heater may only be plugged into a wall outlet and never into an extension cord or cubicle outlet. Allow adequate clearance between the heater and combustible furnishings or other materials at all times.

C. Office Fire Hazards NA

Fire risks are not limited to DendroTechnology industrial facilities. Office fires have become more likely due to increased use of electrical equipment, such as computers and copiers. To prevent office fires, employees must:

1. avoid overloading circuits with office equipment;
2. turn off and unplug nonessential electrical equipment, such as coffee pots, at the end of each workday;
3. keep storage areas clear of rubbish;
4. ensure that extension cords are not placed under carpets; and
5. ensure that trash and paper set aside for recycling is not allowed to accumulate.
D. Cutting, Welding, and Open-Flame Work

**Jacob and Rick Thaler** will ensure the following:

1. All necessary hot work permits have been obtained before work begins.
2. Cutting and welding are done by authorized personnel in designated areas whenever possible.
3. Adequate ventilation is provided.
4. Torches, regulators, pressure-reducing valves, and manifolds are UL-listed or FM-approved.
5. Oxygen-fuel gas systems are equipped with listed or approved backflow valves and pressure-relief devices.
6. Cutters, welders, and helpers are wearing eye protection and protective clothing, as appropriate.
7. Cutting or welding is prohibited in sprinklered buildings while sprinkler protection is out of service.
8. Cutting or welding is prohibited in areas where explosive atmospheres of gases, vapors, or dusts could develop from residues or accumulations in confined spaces.
9. Cutting or welding is prohibited on metal walls, ceilings, or roofs built of combustible sandwich-type panel construction or combustible covering.
10. Confined spaces, such as tanks, are tested to ensure that the atmosphere is not more than 10 percent of the lower flammable limit before cutting or welding in or on the tank.
11. Small tanks, piping, or containers that cannot be entered are cleaned, purged, and tested before cutting or welding on them begins.
12. Fire watch has been established.

E. Flammable and Combustible Materials

**Jacob and Rick Thaler** will regularly evaluate the presence of combustible materials at **DendroTechnology** (see Appendix D).

Certain types of substances can ignite at relatively low temperatures or pose a risk of catastrophic explosion if ignited. Such substances obviously require special care and handling.

1. Class A combustibles.

These include common combustible materials (wood, paper, cloth, rubber, and plastics) that can act as fuel and are found in non-specialized areas, such as offices.
To handle Class A combustibles safely:

a. Dispose of waste daily.

b. Keep trash in metal-lined receptacles with tight-fitting covers. Metal wastebaskets that are emptied every day do not need to be covered.

c. Keep work areas clean and free of fuel paths that could allow a fire to spread.

d. Keep combustibles away from accidental ignition sources, such as hot plates, soldering irons, or other heat- or spark-producing devices.

e. Store paper stock in metal cabinets.

f. Store rags in metal bins with self-closing lids.

g. Do not order excessive amounts of combustibles.

h. Frequently inspect areas where combustibles are kept.

Water, multi-purpose dry chemical (ABC), and halon 1211 are approved fire-extinguishing agents for Class A combustibles.

2. Class B combustibles.

These include flammable and combustible liquids (oils, greases, tars, oil-based paints, and lacquers), flammable gases, and flammable aerosols.

To handle Class B combustibles safely:

a. Use only approved pumps, taking suction from the top, to dispense liquids from tanks, drums, barrels, or similar containers (or use approved self-closing valves or faucets).

b. Do not dispense Class B flammable liquids into containers unless the nozzle and container are electrically interconnected by contact or a bonding wire. Either the tank or container must be grounded.

c. Store, handle, and use Class B combustibles only in approved locations where vapors are prevented from reaching ignition sources, such as heating or electric equipment, open flames, or mechanical or electric sparks.

d. Do not use a flammable liquid as a cleaning agent inside a building. The only exception is in a closed machine approved for cleaning with flammable liquids.

e. Do not use, handle, or store Class B combustibles near exits, stairs, or other areas normally used as exits.

f. Do not weld, cut, grind, or use unsafe electrical appliances or equipment near Class B combustibles.

g. Do not generate heat, allow an open flame, or smoke near Class B combustibles.

h. Know the location of and how to use the nearest portable fire extinguisher rated for Class B fire.
Do not use water to extinguish Class B fires caused by flammable liquids. Water can cause burning liquid to spread, making the fire worse. To extinguish a fire caused by flammable liquids, exclude the air around the burning liquid. The following fire-extinguishing agents are approved for Class B combustibles: carbon dioxide, multi-purpose dry chemical (ABC), halon 1301, and halon 1211. (NOTE: Halon is an ozone-depleting substance and is no longer being manufactured. Existing systems using halon can be kept in place, but employers must post signs indicating where halon or other agents that pose a serious health hazard are used.)

F. Smoking

Smoking is prohibited in all (Company Name) buildings. Certain outdoor areas may also be designated as no smoking areas. The areas where smoking is prohibited outdoors are identified by NO SMOKING signs.

VI. TRAINING

Jacob and Rick Thaler will present basic fire prevention training to all employees upon employment and will maintain documentation of the training, which includes:

A. review of 29 CFR 1910.38, including how it can be accessed;
B. this Fire Prevention Plan, including how it can be accessed;
C. good housekeeping practices;
D. proper response and notification in the event of a fire;
E. instruction in the use of portable fire extinguishers, as determined by company policy in the Emergency Action Plan; and
F. how to recognize potential fire hazards.

Supervisors will train employees about fire hazards associated with the specific materials and processes to which they are exposed, and will maintain documentation of the training. Employees will receive this training:

A. at their initial assignment;
B. annually; and
C. when changes in work processes necessitate additional training.

VII. PROGRAM REVIEW

Jacob and Rick Thaler will review this Fire Prevention Plan at least annually for necessary changes.
Appendix A

Fire Risk Survey
DendroTechnology 4404 Corrales Rd Corrales NM 87048
8/31/2020

Perform a walkthrough of the facility with the local fire department and other emergency responders to assess the layout of the structures, types and volume of hazardous chemical storage, and other hazards they may encounter when responding to an emergency. Provide a copy of this survey to local authorities for their records.

<table>
<thead>
<tr>
<th>Type of Fire Hazard</th>
<th>Location</th>
<th>Emergency Actions</th>
<th>Required PPE</th>
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Completed by: ____________________________ Date: ____________________________
Appendix B

(Company Name)

General Fire Prevention Checklist

Use this checklist to ensure that fire prevention measures conform with the general fire prevention requirements found in OSHA standards.

☐ Yes ☐ No Is the local fire department acquainted with your facility, its location, and its specific hazards?

☐ Yes ☐ No If you have a fire alarm system, is it tested at least annually? NA

☐ Yes ☐ No If you have interior stand pipes and valves, are they inspected regularly? NA

☐ Yes ☐ No If you have outside, private fire hydrants, are they on a routine preventive maintenance schedule and flushed at least once a year? NA

☐ Yes ☐ No Are fire doors and shutters in good operating condition? NA

☐ Yes ☐ No Are fire doors and shutters unobstructed and protected against obstructions, including their counterweights? NA

☐ Yes ☐ No Are automatic sprinkler system water-control valves, air pressure, and water pressure checked weekly or at other intervals? NA

☐ Yes ☐ No Has responsibility for the maintenance of automatic sprinkler systems been assigned to an employee or contractor? NA

☐ Yes ☐ No Are sprinkler heads protected by metal guards? NA

☐ Yes ☐ No Is proper clearance maintained below sprinkler heads? NA

☒ Yes ☐ No Are portable fire extinguishers provided in adequate number and type?*

☒ Yes ☐ No Are fire extinguishers mounted in readily accessible locations?*

☒ Yes ☐ No Are fire extinguishers recharged regularly with the recharge date noted on an inspection tag?*

☒ Yes ☐ No Are employees periodically instructed in the use of extinguishers and fire protection procedures?*

*(NOTE: Use of fire extinguishers is based on company policy regarding employee firefighting in your Emergency Action Plan and local fire code.)*

Completed by: Rick Thaler ___________________________ Date: 08/30/2020
Appendix C

DendroTechnology
Exits Checklist

Use this checklist to evaluate (Company Name's) compliance with OSHA's standard on emergency exit routes.

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is each exit marked with an exit sign and illuminated by a reliable light source?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Are the directions to exits, when not immediately apparent, marked with visible signs?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Are doors, passageways, or stairways that are neither exits nor access to exits, and which could be mistaken for exits, marked “NOT AN EXIT” or with another appropriate marking?</td>
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<td>☐</td>
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<td>Are exit signs provided with the word “EXIT” in letters at least 5 inches high with lettering at least 1 inch wide?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Are exit doors side-hinged?</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>Are all exits kept free of obstructions?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Are there at least two exit routes provided from elevated platforms, pits, or rooms where the absence of a second exit would increase the risk of injury from hot, poisonous, corrosive, suffocating, flammable, or explosive substances?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Is the number of exits from each floor of a building and from the building itself appropriate for the building occupancy? (NOTE: Do not count revolving, sliding, or overhead doors when evaluating whether there is a sufficient number of exits.)</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Are exit stairways that are required to be separated from other parts of a building enclosed by at least one-hour fire-resistant walls (or at least two-hour fire-resistant walls in buildings more than four stories high)?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Are the slopes of ramps used as part of emergency building exits limited to dimensions of 1 foot vertical and 12 feet horizontal?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Are glass doors or storm doors fully tempered, and do they meet the safety requirements for human impact?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Can exit doors be opened from the direction of exit travel without a key or any</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>
special knowledge or effort? NA

☐ Yes  ☐ No  Are doors on cold storage rooms provided with an inside release mechanism that will release the latch and open the door even if it's padlocked or otherwise locked on the outside? NA

☐ Yes  ☐ No  Where exit doors open directly onto any street, alley, or other area where vehicles may be operated, are adequate barriers and warnings provided to prevent employees from stepping into the path of traffic? NA

☐ Yes  ☐ No  Are doors that swing in both directions and are located between rooms where there is frequent traffic equipped with glass viewing panels? NA

Completed by: Rick Thaler_________________________  Date: 08/31/2020________________
Appendix D

(Company Name)
Flammable and Combustible Material Checklist

Use this checklist to evaluate (Company Name’s) compliance with OSHA’s standards on flammable and combustible materials:

☑ Yes ☐ No  Are combustible scrap, debris, and waste materials, such as oily rags, stored in covered metal receptacles and removed from the worksite promptly?

☑ Yes ☐ No  Are approved containers and tanks used to store and handle flammable and combustible liquids?

☐ Yes ☐ No  Are all connections tight on drums and combustible liquid piping, vapor, and liquid? NA

☑ Yes ☐ No  Are all flammable liquids kept in closed containers when not in use?

☐ Yes ☐ No  Are metal drums of flammable liquids electrically grounded during dispensing? NA

☐ Yes ☐ No  Do storage rooms for flammable and combustible liquids have appropriate ventilation systems? NA

☐ Yes ☐ No  Are NO SMOKING signs posted on liquefied petroleum gas tanks? NA

☑ Yes ☐ No  Are all solvent wastes and flammable liquids kept in fire-resistant, covered containers until they are removed from the worksite?

☑ Yes ☐ No  Is combustible dust vacuumed rather than blown or swept whenever possible?

☐ Yes ☐ No  Are fuel gas cylinders and oxygen cylinders separated by distances or fire-resistant barriers while in storage? NA

☑ Yes ☐ No  Are fire extinguishers appropriate for the materials in the areas they are mounted?*

☑ Yes ☐ No  Are appropriate fire extinguishers mounted within 75 feet of outside areas containing flammable liquids and within 10 feet of any inside storage area for such materials?*

☑ Yes ☐ No  Are extinguishers free from obstruction or blockage?*
☐ Yes  ☐ No  Are all extinguishers serviced, maintained, and tagged at least once a year?*

☐ Yes  ☐ No  Are all extinguishers fully charged and in their designated places?*

☐ Yes  ☐ No  Where sprinkler systems are permanently installed, are the nozzle heads directed or arranged so that water will not be sprayed into operating electrical switchboards and equipment? NA

☐ Yes  ☐ No  Are NO SMOKING signs posted in areas where flammable or combustible materials are used or stored?

☐ Yes  ☐ No  Are safety cans utilized for dispensing flammable or combustible liquids available at the point they would be used?

☐ Yes  ☐ No  Are all spills of flammable or combustible liquids cleaned up promptly?

☐ Yes  ☐ No  Are storage tanks adequately vented to prevent development of an excessive vacuum or pressure that could result from filling, emptying, or temperature changes? NA

*(NOTE: Use of fire extinguishers is based on company policy regarding employee firefighting in your Emergency Action Plan and local fire code.)*

Completed by: Rick Thaler ________________________  Date: 08/31/2020 __________
This business has satisfactorily passed a Fire and Life Safety Inspection in accordance with International Fire Code 2009 and The Authority Having Jurisdiction. This inspection shall remain valid for one calendar year from date issued unless otherwise stated.

Post in a conspicuous location
From: Sandy Gold <sandybike@centurylink.net>
Date: August 14, 2020 at 12:03:21 PM MDT

Subject: 4404 Corrales Road

I live at 381 Hansen Road less than a third of a mile from the business 4404 Corrales Road and I ride by the site almost daily on my bicycle. I understand the business there has been operating with a temporary business license for about 4 months and I have never been disturbed by noise, traffic or other issues.
I appreciate the way the owner has cleaned up the property. Great job spiffing up the place; it's so much more attractive now.
I'm glad to see a craft based business in the commercial zone operated by people who live here.
Jorge does not e mail. He is about 200 feet north of our business. This is a text he sent:

I know Rick Thaler for at least 30 years, and now they operate a business at 4404 Corrales road ,I am a daily witness to their fine conduct and kindness and civility I welcome them with open arms specially in this dificults time they are a positive contribution to the town of Corrales they do not make noise their activity is music to my ears i am delighted to have them as a activities that contribute to save the environment I hope that the gods of fortune can help them in their endeavor

Jorge Daniel pizzola
Laurie Stout

From: nbaumgardner@swcp.com
Sent: Thursday, August 13, 2020 5:59 PM
To: Laurie Stout
Subject: Business at Corrales Road & Hansen Lane

Laurie, the Thaler’s business at 4404 Corrales Road has had no effect on me and I have never heard them in operation. If their immediate neighbors have no objections to their business, I don’t either.
Anne (Nancy) Baumgardner
848 Andrews Lane
Pob 3006
Corrales NM 87048
505-804-7444
Sent from my iPad

Begin forwarded message:

From: Larry Azevedo <dribblebit@comcast.net>
Date: August 13, 2020 at 6:58:32 PM MDT
To: R THALER <rthaler@msn.com>
Cc: Larry Azevedo <dribblebit@comcast.net>, donn brislen <dbrislen@gmail.com>
Subject: Support of Local Business

Rick,
You have contacted me in the recent past to help assess any potential noise or other issues that might affect the quality of living in our immediate area. You asked me a couple of months ago to see if I could hear any noise from the operation of your saw which is operating under your temporary business license at 4404 Corrales Road. As you know, I am located at 209 Hansen Rd. which is 700 feet from your machinery. When you operated the saw I was unable to hear it on a quiet day. I have not been disturbed by any noise, traffic or any other issues. I like to see the improvements you have made on the property and certainly support your craft in the commercial zone.
Dr. Larry Azevedo
209 Hansen Rd.
Corrales
Date: 8/15/2020  
TO: Village of Corrales Village Council  
From: Jim Bullard and Gail Chynoweth  
RE: 4404 Zoning Change

We are Jim Bullard and Gail Chynoweth. We own the property at 52 East Ella RD, where we have lived for over 30 years. We are east of Corrales road approximately 200 feet, and about 900 feet north of the property at 4404 Corrales Road that is being converted to use as a wood recycling and woodworking business.

We read the minutes of the P&Z meeting where the property was discussed. It seems like the owners (Rick and Jacob Thaler), and the commission, have thoughtfully considered issues evolving from using this property for a woodworking operation. We like to think of it also as a wood recycling operation, which has some obvious benefits to a community such as Corrales.

We support the use of the property as proposed. We have seen no adverse effects from the current operation and the owners are aware of potential issues with noise and outside storage which will need to be addressed as the business develops.

We also think that having the business access off of Corrales Road is a plus, and more reason for supporting the business use. It would potentially create more problems if the business was not on Corrales Road and access was through our already overburdened site streets.

We have known the Thalers for many years and are excited that they are looking to stay in Corrales and build up a family run business.
16 August 2020

Rick Thaler/Corrales Village Council
Dendro Technology Woodshop
4404 Corrales Road
Corrales, New mexico  87048

RE: Dendro Woodshop Development discussion/Village of Corrales, NM Regular Council Meeting

Members of the Village Council:

My wife and I live approximately 250 feet east of the equipment being used to cut custom wood planks. Full disclosure; I am an Architect and was hired by the Thaler’s to prepare the Site development plan. The Cutting equipment has been on the property for about a year or less, by my recollection. I became aware of its intended use in March of this year when I was hired. Before that time, I was asked if we (my wife and I) had any concerns regarding the noise generated by the equipments motor or the saw. I asked my wife the same question and honestly we had no idea it had been in use. I asked to have it started so I could get a sense of the sound.

Since that time to date I have yet to hear the saw. If I’m outside, usually mid afternoon, I have yet to hear it above the delivery trucks, automobiles, motor cycles and general traffic on Corrales road. I assume you think I’m biest because I’ve been commissioned by the Thalers, but honestly I have not heard a thing from my yard that would cause my wife and I any concern. My dogs are always out during the day and they could care less; even with the pitch of the saw blade.

Regarding air quality it cannot be more of an issue than the dirt roadway dust common to the village. To be honest, I love the smell of fresh cut lumber but have yet to experience even that. As to the issue of increased traffic, the Site development plan calls for all traffic be directed access off Corrales road onto the site.

Being somewhat of a Woodworker myself, I’m looking forward to doing business with Dendro. It is a very unique business in and of itself and I believe it compliments the Village.

Sincerely,

Charlie & Donna Oterp

113 Hansen Road, Corrales, NM
From: R THALER <rthaler@msn.com>
Sent: Monday, August 17, 2020 7:16 AM
To: Aaron Gjullin; Laurie Stout
Subject: Fwd: For the council

Sent from my iPad

Begin forwarded message:

From: Brian Whalley <whamijofarms@gmail.com>
Date: August 16, 2020 at 10:19:39 PM MDT
To: "rthaler@msn.com" <rthaler@msn.com>
Subject: For the council

Dixie Armijo

I live at 4358 Corrales Rd, within 200 yards of Rick and Jacobs business. I have never been disturbed in any way by their operations. It’s encouraging to see local residents starting up small business within our commercial zone.

I can be reached at 5058981110 for any questions or concerns.
Sent from my iPad

Begin forwarded message:

From: Brian Whalley <whalley82@gmail.com>
Date: August 16, 2020 at 10:14:44 PM MDT
To: "rthaler@msn.com" <rthaler@msn.com>
Subject: For the council

Brian & Susan Whalley

We live at 4372 Corrales Road about 150 yards from the business at 4404 Corrales Road. Jacob and Rick have been operating their business with a temporary business license for about 4 months and before that for at least a year as a hobby. We have never been disturbed by noise, traffic or other issues. On the rare occasions that we hear them it’s not for long and no more noise than a weedwhacker, is even that. Jacob has been a good neighbor. We are glad to have a business like this in the commercial zone, run by people who live in the Village.

If any questions concerns, feel free to contact us by email at whalley82@gmail.com/susie7171@gmail.com or by phone at 5059005587/5053034281.
From: R THALER <rthaler@msn.com>
Sent: Monday, August 17, 2020 7:17 AM
To: Laurie Stout; Aaron Gjullin
Subject: Fwd: Zone map amendment

Sent from my iPad

Begin forwarded message:

From: Mick <bluesky@swcp.com>
Date: August 16, 2020 at 9:58:07 PM MDT
To: "rthaler@msn.com" <rthaler@msn.com>
Subject: Zone map amendment

Mr Thaler
From my perspective as a former Village Concilor and member of the Planning &
Zoning commissioner (chairman for 3+ years), your application for zone map amendment
must be considered separately from the subsequent application for a business license.
I see no impediment to approval for the ZMA - the property is adequate size, formerly separate
property adjoining Corrales Road has had C (commercial) zoning for years now, survey has
professional stamp and recording is in order.

On the matter of the future application to convert temporary commercial use to
permanent.....cabinetmaking and woodworking shops are specifically called out as allowable
uses, as are retail shops.

In an earlier text, I forwarded a response from our tenant residing in our rental home at 058 East
La Entrada. As you can read there, she has no recollection of hearing any noise from your wood
milling operation. I know from earlier communications that she worked from home on
alternating weeks from late March until late May.
I hope this clarifies the issues for you and for the Village Council. The neighbors will have an
appropriate opportunity to examine the application for your specific use at a future Planning &
Zoning meeting.

Mick Harper
Corrales, NM

Sent from my Verizon, Samsung Galaxy smartphone
Begin forwarded message:

From: Terry Bergamo <tbergamo@arcaspirit.org>
Date: August 17, 2020 at 12:20:07 PM MDT
To: "rthaler@msn.com" <rthaler@msn.com>
Subject: La Paloma supports Dendro Technology

Hello,

My name is Terry Bergamo and I am the Operations Manager at La Paloma Greenhouse. We are located at 181 E. La Entrada here in the village of Corrales. I am writing because I wish to state my support for another local business that is very close to La Paloma. Dendro Technology is located 4404 Corrales rd. and is a very short distance from us. They have been in operation for a number of months now. Simply stated, La Paloma has not seen ANY change in the air quality in our neighborhood, nor have we been adversely effected by additional noise or traffic because of Dendor Technology being located near us. I am in strong support of our local business community and feel that a business like Dendor Technology is helping to bring consumers and revenue to the village.

Thank you for your consideration,

Terry Bergamo
Operations Manager/ La Paloma Greenhouse
Program Manager/Corrales Home
tbergamo@arcaspirit.org
505-399-9385

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I don’t think this counts as being from me...

Begin forwarded message:

From: Trisha Ludlum <tlcinvest1@yahoo.com>
Date: September 1, 2020 at 2:47:15 PM MDT
To: R THALER <rthaler@msn.com>
Subject: Re: 4404 Corrales Road

Dear Corrales Planning and Zoning...

My husband and I own a home at 275 Hansen Road. Our neighbor, Rick Thaler and his son have opened a business at the corner of Corrales Road and Hansen Road.

We have never been bothered by noise from this business. We don’t see how this business would have any negative safety issues associated with it. Our home is approximately 900 feet from their business and we feel this business is an asset to the Village of Corrales.

We feel in this time of economic hardship, we need to foster and support our small businesses. We support Mr. Thaler and his son in their endeavor.

Sincerely,

Patricia Ludlum
Neil Colella
To the Corrales Planning and Zoning Commission,

Our address is **319 East Ella Dr**. We are about **1/2 mile** distance from 4404 Corrales Road.

In the 5 months that DendroTechnology has been operating on a temporary business license we have noticed the following:

Please circle one

<table>
<thead>
<tr>
<th>Noise</th>
<th>None</th>
<th>Minor</th>
<th>Unacceptable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Quality Issues</td>
<td>None</td>
<td>Minor</td>
<td>Unacceptable</td>
</tr>
<tr>
<td>Increased Vehicle Traffic</td>
<td>None</td>
<td>Minor</td>
<td>Unacceptable</td>
</tr>
<tr>
<td>Fire danger</td>
<td>None</td>
<td>Minor</td>
<td>Unacceptable</td>
</tr>
</tbody>
</table>

We find the appearance of the property at 4404 Corrales Road **improved / just fine / objectionable** (please circle one)

We **support / object** (please circle one) to the nature of this business in the Corrales commercial zone

Comments:
To the Corrales Planning and Zoning Commission,

Our address is 106 E. Ellis Drive. We are about 1/4 mile distance from 4404 Corrales Road.

In the 5 months that DendroTechnology has been operating on a temporary business license we have noticed the following:

Please circle one

Noise  (None) Minor Unacceptable
Air Quality Issues  (None) Minor Unacceptable
Increased Vehicle Traffic  (None) Minor Unacceptable
Fire danger  None Minor Unacceptable

We find the appearance of the property at 4404 Corrales Road improved / just fine / objectionable (please circle one)

We support / object (please circle one) to the nature of this business in the Corrales commercial zone

Comments: Would love to see them succeed & improve their lot & the lot to their North.

[Signature]
To the Corrales Planning and Zoning Commission,

Our address is ____________. We are about ____________ distance from 4404 Corrales Road.

In the 5 months that DendroTechnology has been operating on a temporary business license we have noticed the following:

Please circle one

Noise
- None
- Minor
- Unacceptable

Air Quality Issues
- None
- Minor
- Unacceptable

Increased Vehicle Traffic
- None
- Minor
- Unacceptable

Fire danger
- None
- Minor
- Unacceptable

We find the appearance of the property at 4404 Corrales Road ____________ (please circle one)

We support/object (please circle one) to the nature of this business in the Corrales commercial zone

Comments:

Good luck to DendroTechnology! We need more companies like them.

[Signature]

Thank you,

Maureen Cook
To the Corrales Planning and Zoning Commission,

Our address is 139 West La Entrada. We are about 1 mile distance from 4404 Corrales Road.

In the 5 months that DendroTechnology has been operating on a temporary business license we have noticed the following:

Please circle one

Noise [ ] None [ ] Minor [ ] Unacceptable
Air Quality Issues [ ] None [ ] Minor [ ] Unacceptable
Increased Vehicle Traffic [ ] None [ ] Minor [ ] Unacceptable
Fire danger [ ] None [ ] Minor [ ] Unacceptable

We find the appearance of the property at 4404 Corrales Road [improved] / just fine / objectionable (please circle one)

We [support] / object (please circle one) to the nature of this business in the Corrales commercial zone

Comments:

We encourage commercial endeavors that recycle natural products that would be thrown away or burned. (thaler's)

Good for them that see the value of old trees that have given to us while they were alive and now dead.

We support this business license.
To the Corrales Planning and Zoning Commission,

Our address is 78 East La Entrada. We are about 1000 distance from 4404 Corrales Road.

In the 5 months that DendroTechnology has been operating on a temporary business license we have noticed the following:

Please circle one

Noise
None Minor Unacceptable

Air Quality Issues
None Minor Unacceptable

Increased Vehicle Traffic None Minor Unacceptable

Fire danger None Minor Unacceptable

We find the appearance of the property at 4404 Corrales Road [improved] / just fine / objectionable (please circle one)

We support / object (please circle one) to the nature of this business in the Corrales commercial zone

Comments:

Lung problems
Lung sickness
Spirock Family Ltd. Company at 4481 Corrales Road has no issue with the proposal. 
Recommend approval for Dendro Technologies at 4404 Corrales Road.

**Cliff A. Spirock**
NMPLS 4972, COLO 14155, AZ 87048
Chairman, Community Sciences Corporation
PO Box 1328
Corrales, NM 87048

(505) 897-0000 (office)
(505) 250-1227 (Cell preferred)
caspirock@communitysciences.com

**NOTICE REGARDING PROFESSIONAL LIABILITY INSURANCE:**
We are required by the State to disclose that CSC (your professional services vendor) carries errors and omissions insurance (our current certificate can be provided on request).
We are advised by our insurance carrier to remind all of our clients, with few exceptions, that **ALL** work provided is related to our standing contract with you, including the applicable "Standard Contract Particulars" attached to that contract, and including provisions for limitations on liability. Please call or inquire and we will provide that contract, as it attaches to all work performed for you.
To: Corrales Planning & Zoning  
From: Courtenay Koontz  
Date: September 10, 2020  
Subject: Dendro Technology

My name is Courtenay Koontz, I was born and raised in Corrales, am the General Manager of my family's business – Trees of Corrales, Ltd. I have been in the nursery / tree business most of my life. I have broad experience in the different species of trees that are both native and introduced into the landscape throughout New Mexico and our neighboring states. I also have considerable experience in IPM (integrated pest management), specifically pertaining to insects and diseases that are associated with the crops we grow.

It was brought to my attention today, that there are individuals in Corrales that are opposed to the business that Rick Thaler and his son Jacob are working to establish in the Village of Corrales.

I disagree with the opinion that their business is a threat to the village as a vector for potentially importing harmful diseases and insects. First off, their business poses no greater risk than the countless number of people that bring cut firewood into the village – firewood is collected from many different regions and is transported and sold without any oversight or regulation. Second, most of the wood Rick and his son plan to process will be sourced in the Village of Corrales. By processing down and dead wood already in Corrales, they will actually be helping to mitigate the issues that can arise from prolonged down and dead wood.

I have personally been onsite and seen the operation that Rick and his son are building. I visited Rick's business not only out of curiosity, but also to visit with Rick and his son about possibly helping them source desirable wood such as Pecan, Mesquite, Oak, and various cultivars of Elm trees. During my visit, I saw no evidence of their operation or business plan that led me to believe they would be a threat to our Village or local ecosystem.

If you have any questions, or would like to address this matter further, please do not hesitate to contact me.

Sincerely,

[Signature]

Courtenay Koontz

CC: Rick Thaler
I, ____________________________ (applicant/agent) acknowledge receipt of (2) yellow “public notice” signs from the Village of Corrales that must be displayed and visibly available to passersby on the road (Corrales Road at the entrance to the subject property, and also facing Hansen Road) from end of day September 1, 2020 through 6 pm on Wednesday, September 16, 2020.

A Village representative will be by the property to assure this posting has been completed. If your sign cannot be located by Village rep, your hearing will be postponed till the next meeting and a new round of certified letters will be required.

Signature

________________________
Date

8/26/2020

(SDP 20-02, Site Development Plan, 4404 Corrales Road, Dendro)
Exhibit E:
Dendro Technologies Site Development Plan
Exhibit F:
Planning and Zoning Commission Meeting Minutes for the Site Development Plan Lines 91-497
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=YXRRWU83ZmN1ZWZPZVM2SkF0trUT09

*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: 87447221122#. 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-I 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 seps are 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)

P&Z Commission Minutes for September 16, 2020 meeting Page 2 of 11
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 muffler, 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 1/2 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 “uncie 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.

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.

(Discussion of property to the east and where buffer fencing should be located.)

PZA 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.

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.

Chair McCandless: 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
Exhibit G:
Supplemental Evidence Submitted by Appellee Richard Thaler

G1: Email and Attached Screenshot of Decibel Reading for Music

G2: Email and Attached Screenshot of Decibel Reading for Saw

G3: Email Clarifying the Date of Previous Email
Mr. Gjullin- I would like this in the packet for the November 10 council appeal.

This is a screen shot of my decibel meter from today 10/28 at 3:30 of the noise level being generated at Mrs. Roybal’s property. This happens to be music from a truck parked in her driveway and it’s a fairly common occurrence, sometimes very early in the morning, sometimes later at night during the warmer months. Sometimes it’s brief- 20 minutes today- other times longer. Although she is passionately concerned about the noise we generate, (lower in volume than this noise), she does not seem to have the same concern about the noise she generates. We have not complained in the years my daughter and then my son have lived at 4404 because we have felt like it’s a small problem from otherwise decent neighbors.
Please add this to the file for the November 10 meeting.

This is a decibel reading taken at 4:30 10/29 at the south property line about 45 minutes after the loud music stopped, with the saw fully engaged and the sound abatement panels and sound blankets in place. The 64 decibel max was very brief and occurred when a large truck rolled by on Corrales Road.
> Please use this instead. I corrected it to say 10/29 which is today when I recorded it.
> >
> > Mr. Gjullin- I would like this in the packet for the November 10 council appeal.
> >
> > This is a screen shot of my decibel meter from today 10/29 at 3:30 of the noise level being generated at Mrs. Roybal’s property. This happens to be music from a truck parked in her driveway and it’s a fairly common occurrence, sometimes very early in the morning, sometimes later at night during the warmer months. Sometimes it’s brief- 20 minutes today- other times longer. Although she is passionately concerned about the noise we generate, (lower in volume than this noise), she does not seem to have the same concern about the noise she generates. We have not complained in the years my daughter and then my son have lived at 4404 because we have felt like it’s a small problem from otherwise decent neighbors.
> >