



Nederland Planning Commission

MINUTES

Wednesday, January 26, 2011 ~ 7:00 pm
Nederland Community Center
750 Highway 72 North

1) Call to Order

The Chairman called the meeting to order at 7:09 PM.

2) Roll Call

Present: Chairman Bill Martin, Commissioners Roger Cornell, Denise Jackson, Mikki Osterloo, and Trustee Kevin Mueller.

Absent: Commissioner Steve Williams

Also present: Town Administrator Alisha Reis, Deputy Town Clerk Kristen Edwards, Town Clerk Teresa Myers.

3) Approval of minutes from December 1, 2010

Chairman Martin requested that the fourth paragraph of page three be changed to read "The Commission has heard of projects tailored in order to avoid coming before the Planning Commission." and that the sentence "Handbooks and other tools would be very useful to avoid those conflicts in the future." be added to the end of the paragraph.

The motion to approve the minutes with the proposed change was made by Commissioner Cornell, seconded by Commissioner Jackson and unanimously approved.

4) Action Items

- a. Consideration of a request by resident Mark Cohen to amend Section 16-88 of the Nederland Municipal Code

Reis introduced item. The applicants are requesting that density increases be considered on a case-by-case basis in the Mountain Residential zoning district, as is currently allowed in the Neighborhood Commercial district. Staff is looking for direction as to

if the Commission would be interested in moving that direction in the Mountain Residential or other zoning districts. She pointed out that doing so would be one way to address some of the issues with the many non-confirming or undersized lots that are currently undevelopable, and that keeping things on a case-by-case basis would still allow for a significant amount of oversight by the Commission and the BOT. Projects would still need to go through the PUD or Special Review Use process.

Mark Cohen – 110 Snyder Street – spoke on behalf of his client, Paul Rewinkel. He explained that Mr. Rewinkel owns two adjacent properties in the Mountain Residential district; applications for building permits regarding the existing structures on the properties were denied by the interim Town Administrator. On appeal, the decision was upheld by the BZA in a recent hearing. The two lots are non-confirming lots and the structures on both are old; Mr. Rewinkel is looking for an economically feasible way to develop the properties. He is hoping to make a duplex out of the two structures, which is not permitted under the density parameters of current code.

Chairman Martin reminded the group to focus less on the specific details of this individual case and more on the larger pros and cons of this type of a change in the code.

The meeting was opened to public comment.

Leonard Cottonsteady – 354 W. 4th Street – lives just to the west of the properties in question. He feels it is a situation of ‘buyer beware and lender beware’ and that a lack of due diligence in the past by both parties does not merit a change in code now. He detailed a number of specific concerns vis-à-vis the specific property in question and the dynamics of the proposed duplex.

Mr. Cohen responded that Mr. Cottonsteady’s specific concerns are better addressed during the review process if the code change occurs to permit such a thing. He reiterated that it would not be economically viable for Mr. Rewinkel to build two separate houses.

Public comment was closed.

Chairman Martin reminded the Commission to focus on issues germane to the Planning Commission sphere and the larger impact of the proposed code change on the Town as a whole.