

**BOARD OF ADJUSTMENTS
TOWN OF WESTCLIFFE
TUESDAY, JUNE 18, 2024**

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CALL TO ORDER

Mayor Pro-Tem Mowry called the meeting to order at 4:30 P.M.

ROLL CALL

The following members were present: Mayor Pro-Tem Mowry, Mr. Nordyke, Mr. Wilhelm, and Mr. Dembosky. Zoom-Mr. Fulton

ABSENT: Mayor Wenke

PLEDGE OF ALLEGIANCE

Mayor Pro-Tem Mowry led the Pledge of Allegiance.

OTHERS PRESENT

Charles Jagow, Paul Zawacki, Kathy Reis, Zoom – Caleb Patterson

ORDER OF BUSINESS

a. Consideration of a request to resolve a lighting issue at Valley Ace Hardware.

Mayor Pro-Tem Mowry opened the meeting regarding the issue with the Ace Hardware lights.

Mr. Zawacki explained he had attended several Planning Commission meetings, the first in March, regarding the issue. He felt this was a zoning compliance issue and ordinance violation. The lights are excessive at night. The owner, Paul Wenke, thought it would be resolved within a month and also reported that the breakers had been turned off. The problem has not been resolved. The communication has not been great. He was not copied on all the emails, so he doesn't know what is going on.

He felt the ordinances are being ignored, 10-4-3 Outdoor Lighting for Westcliffe in the Municipal Code:

Item A - All outdoor lighting shall be shielded so that direct light from the fixture does not trespass on neighboring property. He felt there was a conflict with the second sentence regarding how to measure it "A practical way to determine if a light fixture will conform to this provision is to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements: the lamp or tube, any reflective surface or lens cover (clear or prismatic) must not be visible when viewed from above or the side."

Item G - The purpose of these lighting standards and the policy of the Town of Westcliffe is to minimize glare and light trespass beyond the property boundary of each lot by limiting outdoor lighting, whether shielded or unshielded, shall not exceed Dark Skies recommended lumens.

He also didn't think the lumens and kelvins were in compliance. At this point, we don't know. Chuck Jagow has offered to take measurements, but that has not happened yet due to schedule conflicts.

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ORDER OF BUSINESS CONTINUED

Mr. Zawacki provided a solution as follows: To get this done, there needs to be a plan of action, accountability, who, when, and what are the timelines for those actions.

Mayor Pro-Tem asked Manager Patterson to answer this.

Manager Patterson responded: He seeks compliance without trying to fine anybody. He has been talking with them. Jeremy told him the lights were off and that he was fabricating shielding for the Ace Hardware lights. He stated he would be gone on vacation and would be available until around July 7th. He thought he had copied Mr. Zawacki on that email; if not, he would do that. He suggested that he could reach out to Jeremy when he returns on the 17th to come up with a plan of action if the board would like him to and give him a month to get the lights in order meaning shielding and the correct kelvin. If it isn't resolved within thirty days (August 17th), then fines could be handed out appropriately.

Manager Patterson stated for Code Enforcement, he gives them thirty days with extensions.

Mr. Dembosky suggested that we have a working group to come up with a solution, action plan, etc. He also suggested that Dark Skies and Manager Patterson be involved; he volunteered. He said we could meet with Jeremy on the 17th to make a plan that appeals to all parties.

Mr. Zawacki felt a plan needs to be provided to Jeremy to be fair to him.

After further discussion, the board determined the plan of action will be:

1. Chuck Jagow will get the data needed to give to Manager Patterson to form a plan to give to Jeremy Handy at Ace Hardware.
2. Create a working group consisting of Chuck Jagow with Dark Skies, Mark Dembosky, and Manager Patterson, who will be available if needed.

Mayor Pro-Tem also stated that Manager Patterson needs to be flexible on the dates and not be adversarial.

Mr. Zawacki asked to be part of the group. The board didn't feel that was appropriate as he is the complainant. Mayor Pro-Tem reminded him to work with Manager Patterson.

Mr. Dembosky moved, and **Mr. Wilhelm** seconded to adjourn. Motion carried.

ADJOURN

Recorded by:
Kathy Reis, CMC
Town Clerk