

Minutes of Plan Commission Meeting July 7, 2008

Held at the Town Hall on County Highway G

Town of Holland, Sheboygan County, Wisconsin

The numbering of the minutes corresponds to that of the Agenda:

1. The meeting was called to order at 7:30 p.m.
2. The assembly recited the Pledge of Allegiance.
3. Chairman Becker certified that the requirements of the Wisconsin Open Meetings law had been met.
4. Record Retention Certification. Clerk Syd Rader certified that hard-copied and electronic files of the Plan Commission are filed at Town Hall through May 2008. Files more recent than that are in the Clerk's hands.
5. The Agenda was adopted as the official order of business on a motion by David Mueller. The motion was supported by Ken Nyhuis and passed by a unanimous voice vote.
6. Roll Call showed in attendance Chairman Donald Becker, Eugene Schmitz, Roy Teunissen, David Mueller, Trevor Mentink, Ken Nyhuis, Tom Huenink, Jack Stokdyk, Joel Van Ess. Absent were David Huenink and Jan Rauwerdink.
7. The Minutes of the meeting on June 2, 2008 were approved on a motion by Eugene Schmitz. The motion was supported by David Mueller, passing by a unanimous vice vote.
8. Public Input: Ted Scharl previewed an upcoming request affecting parcel 59006061100, intended for a public hearing in August 2008. Land division and change of zoning are contemplated.
9. Deliberate/take action on a request by Tom Gruenke for a change of zoning and conditional use permit for a single-family residence. The change of zoning would be from A-2 to A-5 on parcel (59006073480) of 9.3 acres, located at W1561 DeMaster Road. Non-conforming road frontage is about 134 feet. The public hearing on this matter was held on June 2, 2008. The Board of Appeals packet was reviewed. The Board of Appeals had granted Tom Gruenke a variance. **Eugene Schmitz moved to recommend to the Board approval of the change of zoning and to grant a conditional use permit (conditioned on Board's approval of rezoning and on building no further west than the existing building). The motion was supported by Jack Stokdyk, passing by a unanimous roll call vote.**
10. Public Hearings:

A request by Eugene L. and Verna Oppeneer for a change of zoning and land division, dividing the parent parcel into "Lot 1" of 6.85 acres and "Lot 2" of 36.41 acres (see CSM). Zoning would change from A-1 to A-5 on "Lot 1" which includes the existing house, barn, and sheds. The residual land ("Lot 2") would remain A-1. The parent parcel (59006061480) is located at N2418 County Road GW.

Ted Scharl spoke in favor of the request. Mr. Scharl handed out a certified survey map that contained a technical error in citing "20.21.05" which is the old numbering. The existing barn setback from GW was questioned as being too little. The applicable setback is 75 feet from the center line of GW. Chairman Becker observed that the barn setback is already non-conforming and would not become more so by granting a change of zoning; the setback question does not need to go to the Board of Appeals.

Roy Teunissen moved to close the public hearing. David Mueller supported the motion which passed by a unanimous voice vote.

A request by Daniel L. & Jacqueline R. Posthuma, Joshua L. Posthuma, Matthew J. Posthuma for a change of zoning and land division, or, alternatively, for just a land division. The request is rendered as two prioritized requests, with the second request contingent on the fate of the first request. The first

request is for a change of zoning from A-2 to A-5 on a parent parcel of 19.1 acres and a land division into three daughter parcels. If the Plan Commission should reject the first request, then the second request is for no change of zoning and a land division into three daughter parcels. Zoned A-2, the parent parcel (59006065061) is located at W4432 County Highway G, near the northeast corner of County Highways CC and G.

Dan Posthuma spoke in favor of the request. Dan Herr, Craig Droppers, and Dale Droppers spoke against the request.

Trevor Mentink moved to close the public hearing. David Mueller supported the motion which passed by a unanimous voice vote.

11. Deliberate/take action on the foregoing two requests:

A request by Eugene L. and Verna Oppeneer for a change of zoning and land division.

Chairman Becker observed that the proposed farm consolidation serves the interests of farmland preservation.

Jack Stokdyk moved to recommend to the Town Board approval of both the requested land division and change of zoning, acknowledging that the barn setback is non-conforming. That motion was supported by Eugene Schmitz and passed by a unanimous roll call vote.

A request by Daniel L. & Jacqueline R. Posthuma, Joshua L. Posthuma, Matthew J. Posthuma for a change of zoning and land division, or, alternatively, for just a land division.

Chairman Becker observed that the Plan Commission is entitled to use the Comprehensive Plan as guidance for its decisions. The Posthuma land is an area excluded from the County farmland preservation plan. Roy Teunissen averred that the land is farmable, a view shared by Eugene Schmitz and David Mueller. The Posthuma land is not in a part of the Town for which residential development is planned.

Roy Teunissen moved to recommend to the Board denial of re-zoning and land division, based on reliance on the Comprehensive Plan and on survey results. The motion was supported by David Mueller, passing by a roll call vote. The vote was mixed: yes votes by Ken Nyhuis, Roy Teunissen, David Mueller, Trevor Mentink; no votes by Donald Becker, Jack Stokdyk, Eugene Schmitz.

12. Public Input: Craig Droppers commented on development rights. Ken Nyhuis commented on his own land situation. Daniel Posthuma commented on the Comprehensive Plan and asked for a re-vote on his request. Chairman Becker replied that there is no vehicle for re-voting, but that Posthuma will have an opportunity to comment at the July 14 Board meeting.
13. Comprehensive Planning tasks: Chairman Becker gave a briefing on the current situation and the interview with Jamie Rybarczyk, candidate to succeed Nic Sparacio. Jack Stokdyk moved to proceed with Mr. Rybarczyk as Nic Sparacio's replacement. Ken Nyhuis supported the motion which passed by a unanimous voice vote.
14. The attendance record for June 2008 was approved on a motion by David Mueller, supported by Trevor Mentink and passed by a unanimous voice vote.
15. The meeting adjourned at 9:33 p.m. on a motion by Trevor Mentink, supported by David Mueller, passing by a unanimous voice vote.

Respectfully submitted,
Syd Rader, Clerk of the Plan Commission, Town of Holland
July 10, 2008

