

Minutes of Plan Commission Meeting January 3, 2011
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 7:37 p.m. by Chairman Donald Becker.
2. The assembly recited the Pledge of Allegiance.
3. Chairman Donald Becker certified that the requirements of the Wisconsin Open Meetings law had been met.
4. Record Retention Certification: Syd Rader certified that hard-copies and electronic files of the Plan Commission are filed at Town Hall through October 2010. 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 Jack Stokdyk. The motion was supported by Roy Teunissen and passed by a unanimous voice vote.
6. Roll Call showed in attendance Chairman Donald Becker, Jan Rauwerdink, Dave Huenink, Jack Stokdyk, Eugene Schmitz, Roy Teunissen, Trevor Mentink, Nathan Voskuil, Tom Huenink, David Mueller.
7. The Minutes of the Plan Commission meeting on November 29, 2010 were approved on a motion by Dave Huenink. The motion was supported by Jack Stokdyk, passing by a unanimous voice vote.
8. Public input: Jason Ewert presented a proposed use for the A-2 land and residence at the northeast corner of Interstate 43 and Foster Road. He would like to farm organically and retail the produce, envisioning hydroponics, greenhouse, processing, canning. This would seem to be a permitted use so long as the retailing is of the farm produce only.

The pending request for a Conditional Use Permit by Kevin Claerbaut/Jon Arentsen/CG Services, LLC was discussed. It will be on agenda of the February Plan Commission meeting.

9. Public hearing of:

A request by the Estate of Douglas Mamayek Sr. for a minor land division by draft Certified Survey Map drawn by Dennis J Van Sluys, 5 November 2010. The CSM would divide parent parcels 59006068610 (40.00 acres) and 59006068620 (31.59 acres) into "Lot 1" (35.01 acres) containing house and buildings and "Lot 2" (20.01 acres) plus "Outlot 1" (16.78 acres). The parent parcels are currently

zoned A-1 and the daughter parcels would still be zoned A-1. “Lot 2” is configured as a “flag lot” with a “pole section” only 66 feet wide touching County Highway K. The parent parcels are located on the north side of County Highway K at W3838.

Attorney Ed Ritger introduced the Mamayek heirs and explained their situation.

Jamie Rybarczyk explained how the Mamayek request fits with the Zoning and Land Division Ordinances, citing Zoning Ordinance 330-22-C-2 which requires a 20:1 acreage ratio of farmland to nonfarm residence.

Chairman Becker cited the Land Division Ordinance 220-16-B-8 in connection with flag lots.

Carl Schwibinger’s (Luige’s Pizza Factory) claim of an easement to dump manure anywhere on the Mamayek land was cited but not substantiated.

Attorney Gerry Antoine had clarified that the Outlot is not a separate parcel from Lot 2. State law requires that they be drawn as distinct areas on a CSM.

The Plan Commission collectively sought to find ways to modify the request so that it was both legal and met the equity needs of the petitioners.

Chairman Becker made a helpful suggestion – outside of his official capacity – that the Mamayek request be transformed: a nonfarm residence (1.5-3.5 acres) would be delineated and the remaining farmland be incorporated as an LLC, with shares distributed equitably to the heirs of the Mamayek Estate. Attention would have to be paid to road frontage requirements. Ritger and his clients left the Plan Commission meeting to caucus, weighing this and other suggested options.

Jack Stokdyk moved to close the public hearing, supported by Dave Huenink, passed by unanimous voice vote.

10. Deliberation/action on the foregoing request for minor land division. Dave Huenink moved to alter the agenda order and treat this agenda item between 13 and 14 (see below), supported by David Mueller, passed by unanimous voice vote. This was done to allow Ed Ritger and his clients time to caucus away from the Plan Commission meeting, enabling them to decide on new course before resuming discussions with the Plan Commission.

With Ritger and his clients back in the Plan Commission meeting, the request was further discussed. Ritger and his clients seemed receptive to returning next month with a modified request for a small nonfarm residence (no change of zoning) plus residual farmland that, to satisfy the equity needs of the heirs, would be incorporated as an LLC. The Plan Commission does not necessarily need a formal draft CSM of the modified request; an informal drawing will do.

The Plan Commission took no action, awaiting further notice from the petitioners.

11. Develop a written procedure for enabling applicants/requestors to consult with Foth, ensuring that the Town is reimbursed by applicants for billings by Foth. Chairman Becker had not accomplished the written procedure, but nevertheless an outline of the procedure was discussed. Procedurally, the Plan Commission would collect a deposit from the petitioner, following a preliminary hearing before the Plan Commission, then communicate the with Rybarczyk. Next month this topic will be re-visited.
12. Reports regarding Shoreland Zoning Stakeholders Group. Dave Huenink was aware of a meeting in the past month but was unable to attend. Kevin Struck is the facilitator. The next meeting is on January 7, 2011, 1-3pm, at UW-Sheboygan, where the topic will be setbacks from the waterline of Lake Michigan.
13. Develop a fee schedule including fees arising under Chapter 330 Zoning Ordinance and Chapter 220 Land Division Ordinance. The fee schedule was revised and is in the custody of Chairman Becker. This topic will be revisited next month. No motion of recommendation was made to the Town Board.
14. Public Input: Jason Ewert thanked the Plan Commission for its advice. Jamie Rybarczyk shared a large tin of fancy cookies with the Plan Commission.
15. The attendance record for November 29, 2010 was approved on a motion by Dave Huenink, supported by Jack Stokdyk, passing by a unanimous voice vote.
16. The meeting adjourned at 9:58 p.m. on a motion by David Mueller supported by Eugene Schmitz, passing by a unanimous voice vote.

Respectfully submitted,
Syd Rader, Clerk of the Plan Commission, Town of Holland
January 4, 2011