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Plan Commission Meeting Minutes

Town of Holland
Sheboygan County, Wisconsin

Date: Monday, February 4, 2013

Time: 7:30 pm

Place: Town of Holland Hall, W3005 County Road G

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

1. Call to order
Chairman Don Becker called the meeting to order at 7:32 PM.
2. Pledge of Allegiance
The Pledge of Allegiance was recited.
3. Certify that the requirements of the Wisconsin Open Meetings law have been met.
Chairman Becker so certified.
4. Record retention certification.
The Plan Commission clerk stated record retention was up-to-date.
5. Roll call:
Attendees: Don Becker, Dave Huenink, Trevor Mentink, David Mueller, Jan Rauwerdink, Eugene Schmitz, Roy Teunissen, Jack Stokdyk,
Absentees – Nathan Voskuil
Other attendees: Tom Huenink – Building Inspector, Louise Huenink - Clerk
6. Adopt agenda as official order of business
David Huenink made a motion to adopt the agenda and Jack Stokdyk supported. The motion passed by a unanimous voice vote.
7. Review/approve minutes of prior meeting(s).
Jack Stokdyk pointed out that Nate's last name was misspelled in the Roll Call and David Huenink pointed out that the footer date needed to be updated as well. Don Becker pointed out under Jason DeRuyter's public input that Sheboygan County needed to be replaced with DATCP and David Huenink indicated that the words Working Initiative needed to be Working Land Initiative. Jack Stokdyk made a motion to approve the minutes with these corrections and David Mueller supported. The motion passed by a unanimous voice vote.
8. Review/approve attendance records for prior meeting(s).
David Mueller made a motion to approve the attendance records and Trevor Mentink supported. The motion passed by a unanimous voice vote.
9. Review/approve building permits report
Jack Stokdyk made a motion to approve the building permits report and David Mueller supported. The motion passed by a unanimous voice vote.

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10. Public input

Thomas & Kelly Hawe – Parcel 59006069960, W2143 Amsterdam Road, 5.62 acres Zoned A-2
Mr. Hawe is looking at building a shed this summer and would like to include living quarters for his mother for two months per year after she retires. After some discussion among the Plan Commission members the Hawes were informed that currently the living quarters are not allowed. However this type of situation is becoming more common so the Town may need to revise the ordinances. David Huenink pointed out the request for the proposed 45' by 65' shed fits within the ordinance that was recently updated since their lot size allowed an accessory building up to 3000 sq. feet.

Roy Ingelse – Parcel 59006072702, DeWitt Road, Zoned A-5

Roy presented a drawing to the Plan Commission to show a possible land division into four or five lots that he is considering. His daughter wants a few acres in which to build a house and possibly have some animals. He has other children who may also want some land in the future. Roy currently has a private road/drive that he would like to keep that way if possible. However he said that the road was built to spec and he would turn over to become a public road if necessary. Don Becker informed Roy that this would be a major land division and the County of Sheboygan would be involved. The County would also have to grant a variance since any newly created lots require frontage on a public road. If designed properly, Roy's current plan might be considered a rural cluster development. It was suggested that Roy read the Town's ordinances (§220-37 thru 39 & 42) to help him better determine the best way to divide his land. Since he is located approximately 1.5 miles outside of the Village of Oostburg, the Village may need to be notified of his plans as well. Don Becker suggested that Roy contact Jamie Rybarczyk of Foth for assistance when he is ready to divide his land.

David Huenink informed the Plan Commission that the WI DNR had approved the revised County of Sheboygan Shoreland Zoning ordinance.

11. Public hearing for:

A request by CG Services, LLC for a change of Zoning and a Conditional Use Permit. The property to be rezoned is at W1901 Smies Road, parcel number 59006076210 (3.38 acres, zoned A-1). Requested rezoning is from A-1 to A-4. The Conditional Use Permit is for operating a landscaping business.

No one from the public was present to speak on this application. There was no representative of CG Services present to offer explanations of their application or address questions from the Plan Commission. David Huenink motioned to close the public hearing and Jack Stokdyk supported. The motion passed by a unanimous voice vote.

12. Discuss/act on request by CG Services, LLC

The clerk informed the members that she had not received the full legal description nor an application with the signatures of the landowners from the applicant's lawyer. These missing items were first requested on January 7, 2013 and again on February 4, 2013. Jack Stokdyk asked if the points in the Town's attorney's last letter had been fulfilled and the answer was no. Jack then asked why this application was published if there were missing parts to the application. He was told that the same was done with the original application two years ago. Don Becker explained that the Town attorney recommended that the Town consider the new application prior to proceeding with the planned legal action. Therefore the Town Board had suspended legal

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action, but set specific conditions. The condition that all related Town invoices be paid by the applicant had been met. The condition that a new complete application be submitted was partially met, however two items were missing or were incorrect and two items were lacking in details. The Plan Commission discussed possible actions and deadlines to receive the missing or revised items.

Don Becker made a motion for a two-part recommendation to the Board; the first part may be taken up in the February 11 Board meeting and the second part may be taken up in the March 11 Board meeting. If the Clerk of the Plan Commission does not receive the full legal description and signed application by the land owner by 5 pm February 11, the Plan Commission rejects the application by CG Services and recommends to the Town Board that the Board resume legal action against CG Services for violations of our zoning ordinances. If the Clerk of the Plan Commission does not receive a Site Plan and Plan of Operation that is consistent with the latest staff report prepared by Jamie Rybarczyk, Foth, by 5 pm on February 27th, the Plan Commission rejects the application and recommends to the Town Board that legal action be resumed against CG Services for violations of our zoning ordinances. Roy Teunissen supported the motion, which then passed by a unanimous roll call vote. Don Becker – Yes, Dave Huenink – Yes, Trevor Mentink – Recused himself, David Mueller – Yes, Jan Rauwerdink – Yes, Eugene Schmitz – Yes, Roy Teunissen – Yes, Jack Stokdyk – Yes

13. Discuss/act on the quorum requirement for the Board of Appeals

Currently the Town's Board of Appeals has 5 members and 2 alternates. Our ordinances require that there be 5 voting members, which conformed to previous State statutes. However the State of Wisconsin recently reduced the number of members needed to make a quorum to 4. It still requires 4 votes in favor in order to approve an appeal. Don Becker said Gerry Antoine suggested the Town amend the number of members required for a quorum to be 4. Trevor suggested increasing the number of alternate members to make sure the Board of Appeals met the minimum required for voting. Don was not sure if this is possible. It was suggested that we ask Gerry to draft an ordinance to revise the board of appeals ordinance. If allowed by State statute, perhaps wording such as "may have up to 3 alternates" be included.

14. Discuss/act on ongoing issues:

a. Status of applications being processed.

Louise Huenink reported that all 2012 applications have been completed and filed except for Majestic Storage which was tabled in June

b. County Farmland Preservation Plan – Farm Preservation Areas.

David Mueller said he had an email from Sean Wiesner stating that there were to be no meetings until 2/27/2013.

c. Directive from the Town board to review all previously approved CUPs for home occupations and businesses.

The clerk is continuing to review old Plan Commission files located within the Town Hall to gather additional information.

d. CG Services – Smies Road

No further discussion since discussed in item 12.

e. Excavation business possibly operating without a Conditional Use Permit

Louise Huenink recently sent a letter to Mr. Joose and is waiting for a reply.

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- f. Wind farm project proposed within the Town of Sherman
Don Becker said he quite probably did not have the latest on this topic because Steve Jones was leading this work. He talked about the public hearing that was held by the PSC on the subject of low frequency noise and the possible health effects it may have on humans. It was mentioned that the UK and Germany have also done studies on this topic as well due to the density of windmill farms in their countries. The Town of Holland, Town of Sherman, and the WI Towns Association have submitted resolutions requesting that the PSC put a moratorium on new wind energy application processing until further studies can be completed.
- g. General Code training
Reminder - set for February 25, 2013 at 7:00pm

15. Public input:

Jack Stokdyk suggested that the topic of secondary living quarters for the elderly be put on the next meeting's agenda and to ask Jamie Rybarczyk if other townships may have ordinances on this subject. Trevor suggested limiting this type of Conditional Use Permit to a five year period in which the owner would have to reapply to prove that a family member is still living on the premises.

16. Adjourn

Jack Stokdyk made a motion to adjourn at 9:50 PM and Roy Teunissen supported. The motion passed by a unanimous voice vote.

Respectfully submitted,
Louise Huenink
February 8, 2013