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Plan Commission Meeting Minutes

Town of Holland
Sheboygan County, Wisconsin

Date: Tuesday, October 7, 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
Acting Chairman David Huenink called the meeting to order at 7:35 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.
David Huenink so certified.
4. Record retention certification.
The Plan Commission clerk stated record retention was up-to-date.
5. Roll call:
Attendees: Dave Huenink, David Mueller, Jan Rauwerdink, Eugene Schmitz, Roy Teunissen, Jack Stokdyk, Nathan Voskuil
Absentees – Don Becker, Trevor Mentink
Other attendees: Tom Huenink – Building Inspector, Louise Huenink - Clerk
6. Adopt agenda as official order of business
David Huenink said items 13 & 14 may be exchanged depending on when Kevin Struck arrives to the meeting. David Mueller made a motion to adopt the agenda and Roy Teunissen supported. The motion passed by a unanimous voice vote.
7. Review/approve minutes of prior meeting(s).
David Mueller made a motion to approve the September minutes and Eugene Schmitz 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 Jack Stokdyk supported. The motion passed by a unanimous voice vote.
9. Review/approve building permits report
Eugene Schmitz made a motion to approve the building permits report and Jack Stokdyk supported. The motion passed by a unanimous voice vote.

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10. Public input

Roy Ingelse spoke about wanting to sell a piece of his land to his daughter & son-in-law. Roy has talked with Jamie Rybarczyk about possible scenarios. Jamie suggested he could make a second lot off the current driveway which both parcels could use for access. Roy said he had a survey done and talked with the County of Sheboygan who said he could not make an island lot, he would need to have 66 feet of road frontage. The new lot is approximately right behind where Roy's current residence and out buildings are located. It was suggested he would need to get an easement for the driveway in the event that a non-family member should ever buy either parcel. Road frontage was also discussed, since Roy's current plans would make the parent parcel to be short by about 22 feet. Due to the lack of adequate road frontage he would need to get a variance. His son-in-law said they may start building as soon as next spring, but that it could be later depending on how the building plans turn out. The Plan Commission clerk gave Roy an application form and David Huenink indicated the items that would need to be checked off on the form, such as the Minor Land Division and Condition Use Permit.

David Huenink updated everyone on the topic of Chris & Angela Rose wanting to build a home, and their property abutting a parcel belonging to the Town of Holland. The Town's parcel was determined to actually be part of TerMaat Road so there will be no need for an easement.

Tom Huenink was concerned about the Landen Klug section of last month's minutes. When Landen filed for a building permit he never indicated to Tom the use of the green house nor the extent of his plans for future buildings as he did with the Plan Commission.

Nate Voskuil said he was contacted by a Town resident asking how his neighbor, Don Van DeWeg was able to have a church within his shed with his land being zoned A-1. Also there are youth group meetings held within the shed as well multiple times a day and/or week. David Mueller looked up the zoning for churches which is P-2. Tom Huenink will contact the person running the church named Revived using the ad that has been running in the Lakeshore Weekly.

11. Discuss/act on review of the draft Conditional Use Permit for Randall Joose

The Plan Commission discussed the changes proposed by Randall Joose regarding the pending Conditional Use Permit. Randy's first change suggestion was refused by the Plan Commission. That change concerned Condition 1g regarding having a Town Representative come to inspect at any time. Randy proposed wording such that a confirmed appointment from Randall Joose precede any inspection. The Plan Commission said they understand the concern, and would look at adding a sentence in the standard conditions that the Town Representative will attempt to schedule a time with the property owner for their inspections. The Plan Commission clerk with remind David Huenink to come up with the new wording for this condition. Randy also proposed changing the number of employees from 2 to 3 and the number of listed equipment pieces from 5 to 12. It was discussed the need to clarify the definition of equipment to indicate excavating equipment including trucks and trailers. David Mueller made the motion to approve the Conditional Use Permit as drafted with the changes discussed and Eugene Schmitz supported. The motion passed by a unanimous voice vote.

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12. Discuss/act on Alan Garside Conditional Use Permit.

On the original request the Plan Commission said a conditional use permit would not be needed, but upon discussion with the Town Board it appears the permit is needed. With the Plan Commission being in error on the decision of a conditional use permit not being needed, the Town will cover the costs of the attorney and filing fees. The permit will be for a non-farm residence. Jan Rauwerdink made the motion to approve the conditional use permit and Nate Voskuil supported. The motion passed by a unanimous voice vote.

13. Discuss/act on communication towers.

Kevin Struck spoke on this and the changes the State and Federal governments have made. Per these changes the State & Fed now supersedes all local ordinances. Kevin took the Town's ordinance and was able to keep some of it and "beefed" it up to make it better than the model. Kevin sent in a marked up document as well as a clean version. The Town of Holland has no jurisdiction in the landscaping, placing of the tower and possible setback limits. With so many definitions Kevin thought it best to build a definition section up front of the document. Kevin used terms & definitions as in the statutes, changed out words for Town of Holland. In 330.5 he left wording with minor changes of preferred/encourage for current words. The Town cannot require a CUP for adding to an existing tower, but can require a CUP for a new tower. The State & Federal do not mention a need for a CUP, so can't add anything new to the statutes. Kevin believes can do an administrative CUP. He is not sure which way all of this will go. Kevin is doing the same type of work for the Town of Wilson and some other towns. Pretty much all current ordinances are null and void as of now. David Mueller asked about the use of Mobile Service Provider in the document, if not used shouldn't it be stricken from the definitions, Kevin agreed. David Huenink suggested changing "Alternative Tower Structure" to be "Mobile Service Support Structure" throughout the document. If a provider leaves anything behind when taking down a tower they must notify the Town. It was asked if the Plan Commission should make a proposal to the Town Board or make the change(s) and bring back on the agenda. Roy Teunissen said we should keep things as is since the State will probably change their minds again. David Huenink made the motion to recommend to the Town Board that we adopt the proposed changes to Article 13 of the Town Code to be consistent with the State & Federal statutes along with the one change in the definitions. Jack Stokdyk supported the motion, which passed with a unanimous roll call vote. David Mueller, Jan Rauwerdink, Eugene Schmitz, Roy Teunissen, Jack Stokdyk, Nathan Voskuil, David Huenink - Yes.

14. Discuss/act on regulating wild/dangerous/exotic animals and reptiles by amending Town Code Chapter 140.

Per last month's meeting the Plan Commission would use the Town of Trenton's ordinance as template to create our own. There are three sections to consider – a: protected animals, b: wild animals, and c: exceptions. It was discussed that if a person has a wild animal such as a boa constrictor you will need to apply for a special permit. David Huenink walked through the Trenton ordinance and led discussions on proposed changes. David Mueller suggested that bison & ostriches should be stricken from the included animals list since they are being raised more and more by farmers. Also we should change wild pig & boars to wild pigs & wild boars since boars are also considered a farm animal. Under Section B - Wild Animal. Jack Stokdyk suggested that we add wording so that in the future if needed the Town can make revisions. It was also suggested to change Section B2 wording from 'specifically' to 'specifically includes' to broaden the interpretation. For Section C – Exceptions, strike out dog/cat show or trials for this does not apply. Under Item 2 – annual permit, Trenton's expires on June 1 of every year. It was suggested to change the number of days in which to file for a new permit from 30 to 60 before June 1st.

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Under Item 2a it was suggested to change from chief of police to Town Constable or other law enforcement officer since the Town does not have its own police department. Also change – If an animal escapes contact the Town's law enforcement official immediately. Need to change the statement about shooting an escaped animal to contact law enforcement to humanely protect. Need to strike – other person for law enforcement official. An application form for the permit needs to be created or see if Trenton has one. In addition to the Clerk's notes, David Huenink marked up a printed copy of the Trenton ordinance. These will be consolidated to create a draft Town ordinance for future review.

15. Discuss/act on ongoing issues:

Status of applications being processed.

- CG Services & Sonya Kostuch are now complete. Alan Garside & Randall Joosse still need to be completed.
- CG Services LLC – Conditional Use Permit compliance of Smies Road property. We set a time limit of October 31 to get various tasks done on the premises, but several things seem to be lacking currently. CG Services suggested to the Oostburg Fire Department that they use his debris pile as a practice burn site, but that idea was turned down. Nate Voskuil said Kevin Claerbaut also talked with the Cedar Grove Fire Department and they too refused the idea. Nate said Kevin is starting to haul the debris away, but very slowly. David Mueller pointed out that there is an illegal (unlicensed) van that has been stored there for some months. It was decided that Roger or Tom Huenink should go to Smies Road on November 1st to take pictures to see if CG Services complied with the conditions set. That person could also check on Monday of our next meeting to see if anything was done over that weekend, though after the deadline

17. Public input:

There was no public input.

18. Adjourn

Jack Stokdyk made a motion to adjourn at 9:59 PM and Nate Voskuil supported. The motion passed by a unanimous voice vote.

Respectfully submitted,
Louise Huenink
October 8, 2013