

TOWN OF HOLLAND PLAN COMMISSION
OFFICIAL PROCEEDINGS OF THE MONTHLY MEETING
Town Holland Hall, W3005 County Road G, Cedar Grove, 53013
CALL IN: (312) 626-6799; ID NUMBER 871-2108-2349; PASSWORD 157811
Monday, June 1st, 2020 7:30pm

1. Call to order:
Plan Commission Chair David Huenink called the meeting to order at 7:30pm.
2. Pledge of Allegiance:
Chair Dave Huenink led the attendees in the Pledge of Allegiance.
3. Certify that the requirements of the Wisconsin Open Meetings law have been met:
Plan Commission Clerk Janelle Kaiser certified that the requirements of the Wisconsin Open Meeting Law had been met. The agenda for this meeting was posted in three places within the Township and on the Town's website. A public hearing notice was published in the Sheboygan Press on May 22nd, 2020 and May 25th, 2020.
4. Record retention certification:
Plan Commission Clerk Janelle Kaiser stated record retention is up to date.
5. Roll call:
Attendees: Don Becker, Craig Droppers, David Huenink, Faith Opsteen, Jack Stokdyk, Bryan Kaiser, David Mueller, Matt Teunissen, and Roy Teunissen
Absentee(s): None
Signed-In Attendees: Trevor Mentink, Gloria Teunissen, Randy Joosee, Andy Gronik, Steve Peskie, Laura Logan, Ken MacKenzie, Judy MacKenzie, Jeff Kritz, Lee Kaat, Kevin Hilbelink, Mark DeMaster, Ben Claerbaut, Kevin Claerbaut
Virtual Call-In Attendees: Mary Gronik
Other Attendees: Janelle Kaiser – Clerk, Tom Huenink – Building Inspector, Board Supervisors Stephen Jones, Stanley Lammers, and Douglas Hamilton
6. Adopt agenda as official order of business:
Motion by Roy Teunissen, seconded by David Mueller, to adopt the agenda as presented for the June 1st, 2020 Plan Commission meeting; the motion carried by unanimous voice vote.
7. Review/approve minutes of previous meeting(s)
Motion by Faith Opsteen, seconded by David Mueller, to approve the minutes from the May 4th, May 11th, and May 18th Plan Commission meetings as modified during the June 1st, 2020 Plan Commission meeting; the motion carried by unanimous voice vote.
8. Building inspector items:
 - a. Review/approve building permits report:
Motion by Jack Stokdyk, seconded by David Mueller, to approve the May 2020 building inspection report submitted by Tom Huenink as presented; the motion carried by unanimous voice vote.
 - b. Review/approve building permit requests needing Plan Commission review: None.
 - c. Discuss follow-up items:
 - (1) At the May Plan Commission meeting, Roy Teunissen requested that Tom Huenink follow up with the following property owners for after-the-fact building permits:

1. W2288 Amsterdam Rd for new siding
 - a. Tom followed up with the property owner to confirm that a building permit had been obtained for siding in 2008. The property owner, Scott, has been working to complete all siding work, as well as roofing work, on his property independently.
2. W3698 County Road G for roofing
 - a. Tom Huenink obtained the fee for a building permit from the property owner for the roofing work. The property owner stated that they were not aware that a building permit was required for roofing work.

(2) Motion by Becker, seconded by Jack Stokdyk, to accept the follow-up report provided by Tom Huenink at the June 1st Plan Commission meeting; the motion carried by unanimous voice vote.

9. Public input:

- a. Andy Gronik and his architect, Steve Peskie, were present to discuss a project for which he would like to submit an application to obtain a conditional use permit (CUP). Andy is proposing to construct an accessory building on his 51.62 acre lot with split zoning (R-1 and A-3) that exceeds the maximum square footage of 3,000 square feet allowed for any single accessory building. Andy provided building plans to the members of the Plan Commission for their reference during the meeting. Andy stated that the structure would be constructed at approximately 3,209 square feet.
- b. Jeff Kritz was present to discuss a project for which he would like to submit an application to obtain a conditional use permit. Jeff is proposing to expand an existing accessory building on his 5.26-acre lot zoning R-1 that exceeds the maximum square footage of 3,000 square feet allowed for any single accessory building. Jeff stated that the expansion would increase the size of the building to approximately 3,900 square feet.
- c. Dave Huenink stated that although in the agenda under Public Hearings there is an item for 'Laura Logan for a Minor Land Division', we will not be having a public hearing since a land division does not require a public hearing. Therefore, the Town has chosen not to hold a public hearing on this request. He asked that anyone who would like to comment on the minor land division request do so during this public input.
- d. Trevor Mentink inquired about the request by Laura Logan for a minor land division. Trevor asked what the minor land division would allow Laura to do on her property. Chair Dave Huenink stated that this would not change the uses allowed on the property but would instead simply divide parcel 59006060650 into 2 separate parcels. In this case, if the land were to be divided, the resultant 3-acre parcel would need to be rezoned to another zoning classification. The land is currently zoned A-1, which has a 20-acre lot density requirement, so the 3-acre parcel would not be compliant with Town of Holland zoning ordinances if not rezoned.
Trevor asked about what would happen to the remaining land if parcel 59006060650 (33.87 acres, zoned A-1) was divided into 3 and 30.87 acres, respectively. Dave stated that the original parcel is zoned A-1, which has a housing density of one residence per 20 acres. The resultant 3-acre parcel would therefore have to be rezoned, most likely to A-1-S. That would then require that at least 17 other acres of the parent parcel be re-zoned to A-PR (the

agricultural parcel remnant zoning district).

Trevor observed that silt fence has been installed near the border of parcel 59006060651 and the 3 acres west and contiguous to that parcel (part of parcel 509006060650) to surround the 6 acres of land.

- e. Laura Logan stated that she submitted her application on March 16th, 2020 and that she complied with all certified survey map (CSM), rezoning, and conditional use permit (CUP) application requirements. She stated that per state statute, her certified survey map, rezoning, and conditional use permit was approved by default on April 15th, 2020 because a Plan Commission meeting to make a decision about the request was not held on or before that day to provide a recommendation to the Town Board for action within 60 days of the application submittal. Laura then stated that she assumed that her conditional use permit was approved by default on May 14th, 2020 because a Town Board meeting was not held on or before that day. Laura asserted that per State law, the Plan Commission has 30 days to approve, approve with conditions, or reject the CSM submitted with the request. She then said that because the rezoning and stormwater management plan was part of the CSM application and that they were approved by default on April 15th, 2020. Laura stated that the Town of Holland Plan Commission had a 45-day period to review her application and ask her for additional items in writing. On May 3 and 6, Laura said that she was asked for a copy of the purchase agreement for the 3 acres of parcel 59006060650 that she would like to acquire as well as more details of the stormwater management plan but that per Town Code, the application was considered complete on April 30th, 2020. Laura acknowledged that the Plan Commission could have asked for an extension from her in writing and that she complied with all requests by the Plan Commission. She stated that the clock did not restart as it pertains to the 45-day review period required by the Plan Commission. Laura said that she has requested a signed CSM from the Town of Holland and has not received it, noting that these deadlines exist so that business owners can execute their development plans in a timely manner. Laura stated that she did not authorize an extension to the Town of Holland; therefore, if approval is not agreed upon by both parties, Laura stated that she will ask the court to enforce the laws and to force the town to sign the CSM. Laura informed the Plan Commission that she has moved forward with her project per the Wisconsin state law and that any extra burden or cost incurred would be reimbursed by the Town.

10. Public Hearings for:

- a. Laura Logan for a minor land division:
Chair Dave Huenink stated, as announced earlier, that a public hearing for Laura Logan's request for a minor land division was cancelled because a public hearing is not required to be held for a minor land division request.
- b. Mark and Brigitte DeMaster for a rezoning:
Dave Huenink called the public hearing to order at 8:22pm. Mark and Brigitte DeMaster's request is to rezone 0.5 acres within parcel 59006079290 from A-1 to R-1. There were no comments submitted by members of the public or the Plan Commission.
Motion by Jack Stokdyk, seconded by David Muller, to close the public hearing at 8:23pm; the motion carried by unanimous voice vote.
- c. Kevin Hilbelink for a rezoning:

Dave Huenink called the public hearing to order at 8:24pm. Kevin Hilbelink's request is to rezone 0.28 acres within parcel 59006064351 from A-1 to R-1. There were no comments submitted by members of the public or the Plan Commission.

Motion by Jack Stokdyk, seconded by Roy Teunissen, to close the public hearing at 8:25pm; the motion carried by unanimous voice vote.

11. Request by Laura Logan for a minor land division:

Dave Huenink stated the Town sought legal counsel on this matter before this evening's meeting. We are proceeding per the legal advice we received. Laura Logan submitted a combined application for a minor land division, rezoning, and conditional use permit on or about March 16th, 2020. Each of these requested actions will be discussed. Please visit www.townofholland.com to review the Plan Commission and Town Board meeting minutes as they relate to information regarding the request made by Laura Logan.

Rezoning: The Plan Commission recommended that the Town Board deny the rezoning request to rezone 3 acres of land from A-1 to B-1 on May 18th, 2020. The rezoning request was denied by action of the Holland Town Board on May 19th, 2020. There is no further action the Plan Commission can take on this part of the application.

Conditional Use Permit: The Plan Commission had tabled the conditional use portion of the request, pending the board decision on the rezoning. The Plan Commission has limited options since the Board denied the rezoning request. One option is to deny the Conditional Use request since the requested CUP is dependent on the rezoning to B-1 of the proposed new 3-acre parcel, which has been denied by the Town Board. Another option is to attempt to enter into an agreement with the applicant to extend the timelines for the CUP portion of the application to possibly allow time for the applicant to submit a revised CUP request that only utilizes the currently owned 3-acre parcel already zoned B-1.

Referencing Laura Logan's comments during the Public Input earlier in the meeting, Don Becker moved and Faith Opsteen seconded a motion that the Plan Commission deny the conditional use permit request as submitted by Laura Logan on March 16, 2020; the motion carried by unanimous roll call vote. David Mueller: Y; Faith Opsteen: Y; Donald Becker: Y; Roy Teunissen: Y; Jack Stokdyk: Y; Matt Teunissen: Y; David Huenink: Y.

Minor Land Division: Dave Huenink stated that this is a request for a minor land division of parcel 59006060650, a 33.87 acre parcel zoned A-1 which is mostly open farm field. We are currently acting on an application submitted and an accompanying Certified Survey Map filed on or about March 16th, 2020 to do a minor land division. Neither of these documents was signed by the landowners and subdividers, DuWayne Navis and James Navis. We also received a similar CSM on May 4, 2020 from the same applicant and in relation to the same application that, like the originally submitted CSM, was dated January 20, 2020 but had apparently been revised by the surveyor between March 23, 2020 and March 25, 2020 inclusive. But that CSM also was not signed by the landowners and subdividers, DuWayne Navis and James Navis.

Therefore, the Town cannot approve the application or accept either CSM. At this point the Town Plan Commission has limited options. One option is to recommend that the Town Board deny this application and reject both CSMs. Another option is to recommend the Town Board conditionally approve the land division request subject to the application and CSM being signed by the landowners. This option would also require additional contingencies including rezoning of the new 3-acre parcel. We can discuss other contingencies if needed. Another option is to recommend the Town Board attempt to enter into an agreement with the subdividers, DuWayne Navis and James Navis, to extend the timelines for the land division portion of the application. Don Becker stated that he understands DuWayne Navis and James Navis are close to retirement and he doubted that the landowners understand the pronounced impact that this transaction

would have on them.

Motion by Don Becker, seconded by Roy Teunissen, to recommend that the Town Board deny the minor land division request submitted by Laura Logan on or about March 16, 2020 and reject the accompanying Certified Survey Map (CSM) dated January 20, 2020, because neither the application nor the CSM provided with the application was signed by the landowners and subdividers, DuWayne Navis and James Navis, and the implications on the remnant parcel may be detrimental to the current owners; and to recommend that the Town Board also reject a similar CSM received on or about May 4, 2020 from the same applicant and related to the same application that, like the originally submitted CSM, was dated January 20, 2020 but had apparently been revised by the surveyor between March 23, 2020 and March 25, 2020 inclusive because that CSM was also not signed by the landowners and subdividers, DuWayne Navis and James Navis; the motion carried by unanimous roll call vote.

Dave Huenink asked Laura Logan if she had any questions. She had no questions. Dave Huenink then told Laura that there appears to be silt fencing on both her current 3-acre parcel and some of the land to the west for which Laura had a contract to purchase. Dave advised Laura Logan that the Town of Holland considers preparing, including grading, a site for the construction of any structure to be part of the overall building process and requires an active building permit. He also advised Laura that her current conditional use permit does not allow for outdoor storage, which would include outdoor storage of construction materials for any onsite project that does not have an active building permit.

Laura stated she is currently removing topsoil from the site and that she has not started any construction on the site. She then stated that the Plan Commission missed the CSM deadline per state law.

Chairman Dave Huenink stated that the Town of Holland sought legal counsel on this matter, and the Town of Holland is proceeding per the legal advice received. Dave Huenink stated that the initial CSM submittal, as discussed, was incomplete and not valid.

12. Public input – discussion of Ben and Gina Claerbaut draft application:

Ben Claerbaut has submitted an application that will be taken up in July, but this application also is connected to the previously discussed applications making it necessary to share certain information at this time. Ben Claerbaut has property made up of 7 parcels encompassing just under 57 acres with two homes on the farm tract and numerous buildings. He desires to address four issues:

1. There are at least 6 grandfathered non-conformances, most associated with building setbacks from property lines. It is desirable to eliminate or reduce these non-conformances.
2. Two of the three A-2 parcels do not separately meet the 5-acre density requirement for the A-2 district.
3. The milking cows, calves and heifers are kept on A-2 property that requires a conditional use permit because there are more animal units on that A-2 parcel than acres.
4. Other income-generating activities, not related to farming, are also being pursued that creates a need for a conditional use permit. There is a conditional use permit on the property, previously issued to CG Services that could be reassigned and modified to account for the other income-generating activities and the issue of animal units.

Ben Claerbaut is requesting:

- (a) Rezoning of approximately 7 acres of A-2 land to A-1 to complete the “trade” for the 2.3 acres rezoned to B-1 and the 0.5 acres rezoned to R-1, both on Smies Road. This new A-1 land will be incorporated into an adjacent A-1 parcel to the east through a boundary line adjustment.
- (b) Creation of two A-2 parcels, each including a home and farm buildings, and each meeting the density requirement. This assures that the activities that Ben will be engaged in will fit with the zoning and assures a density non-conformance will not result if either parcel were to be sold in the future. It is proposed that 3.1 acres of A-1 land on the southern part of the farm tract be rezoned from A-1 to A-2 and 4.65 acres of A-2 land on the northern part of the farm tract be rezoned from A-2 to A-1. That is a 1.5:1 ratio, resulting in more A-1 land within the farm tract than before the rezoning. The outlined A-2 parcels included in the meeting packet are preliminary and subject to modification during surveying.
- (c) Reassignment of the current CUP for the property and customization of the CUP to address the needs outlined above.

13. Request by Mark and Brigitte DeMaster for a rezoning:

Mark and Brigitte DeMaster have requested rezoning of 0.5 acres of A-1 land to R-1. This land is a sliver of land lying between the proposed new 2.3-acre parcel and the R-1 property immediately to the west. The intent is to sell this land and merge it into the R-1 property through a boundary line change. Similar arguments can be made for rezoning this land as for the proposed new 2.3-acre parcel. The same 2.5:1 “trade” is proposed, again using A-2 land on the Ben Claerbaut farm.

Motion by Faith Opsteen, seconded by Jack Stokdyk, to recommend that the Town Board approve the rezoning of 0.5 acres from A-1 to R-1 request made by Mark and Brigitte DeMaster as the subject land is too narrow for conventional farming, the requirements of § 330-22.G.(1) are met in part because more land will be going into Farmland Preservation Zoning (FPZ) than going out of FPZ, and the land being rezoned into FPZ is not adjacent to a transition area.

Contingencies to this motion are:

- a. Receipt of a copy of the deed filed with the Register of Deeds transferring ownership of the 0.5 acre to Timothy Elliott and Dwayne Davis, owners of the R-1 parcel to which the land will be merged.
- b. Rezoning of 1.25 acres of A-2 land (parcel 59006075980) on Ben Claerbaut farm tract from A-2 to A-1.
- c. Completion of a boundary line adjustment by Sheboygan County as shown on the CSM submitted with the application

The motion carried by roll call vote. Matt Teunissen: Y; Jack Stokdyk: Y; Roy Teunissen: Y; Donald Becker: Y; Faith Opsteen: Y; David Mueller: N; David Huenink: Y.

14. Request by Kevin Hilbelink for a rezoning:

Motion by Matt Teunissen, seconded by Faith Opsteen, to recommend that the Town Board approve the rezoning of 0.28 acres from A-1 to R-1 request made by Kevin Hilbelink as the subject property is a small piece of land along a tree line where crops aren’t able to be grown effectively, and the alternative would be to use a large portion of the property owner’s residential yard to install a septic mound. Contingencies included in this motion are:

- a. Completion of a boundary line adjustment by the Sheboygan County Planning Department between parcels 59006064350 and 59006064351 as shown on the certified survey map submitted with the application

The motion carried by unanimous roll call vote. Roy Teunissen: Y; Donald Becker: Y; Faith Opsteen: Y; David Mueller: Y; David Huenink: Y; Matt Teunissen: Y; Jack Stokdyk: Y.

15. Request by Kevin Claerbaut for a minor land division, rezoning, and conditional use permit: Kevin Claerbaut has requested the following:

1. Rezoning of the W1901 Smies Road property from A-2 to B-1. This was recommended in a special May Plan Commission meeting that the Town Board approve the rezoning request, which the Board acted upon in a special May Board meeting concurring with the Plan Commission recommendation and approving the rezoning. The logic for this was that only landscaping operations and transportation services will operate on this parcel, the parcel is adjacent to the I-43 corridor, and is immediately adjacent to the transition area referenced in the comprehensive plan. Action on this request is COMPLETE.
2. An updated Conditional Use Permit for the W1901 Smies Road property that will allow the current landscaping supplies storage and sales and CG Services' office at the Sauk Trail Road facility to be consolidated with the W1901 Smies Road property operations. This property is owned by South Pier LLC and will continue to be leased by CG Services. A draft of a new CUP has been prepared as a starting point for the Plan Commission members.
3. A minor land division of the parcel owned by Mark DeMaster immediately to the west of W1901 Smies Road creating a 2.3-acre parcel that will be owned by Kevin Claerbaut and rezoning this new parcel from A-1 to B-1. Further discussion on the land division and rezoning is provided below.
4. A new conditional use permit for the requested new parcel to allow select CG Services operations to be located on this parcel, including hay storage and transportation. A draft of a new CUP has been prepared as a starting point for the Plan Commission members.

With respect to the request for a minor land division and rezoning: The requested minor land division of the parcel owned by Mark DeMaster creating a 2.3-acre parcel can only be done if the newly formed parcel is rezoned to a district that has a density of 2.3 acres or less. The new zoning classification must be consistent with the planned use of the property, which is landscaping operations and transportation services related to farm products. B-1 zoning has the needed density and allows the planned operations.

The challenge with the rezoning lies with § 330-22.G. Rezoning A-1 land out of Farmland Preservation Zoning. The first requirement of this paragraph is the most challenging of the four requirements listed – “The rezoned land is better suited for a use not allowed in FPZ.” While it can be argued that this land is adjacent to B-1 land, that it is on the border of a transition area, is shaped such that it makes it more difficult to maneuver large machinery, and that a significant drainageway passes just south of the proposed parcel, some PC members may wish to see a more substantial argument for rezoning.

A trade is proposed – a trade of approximately 2.5 acres of land not presently in FPZ is proposed to be rezoned into FPZ for every acre of land rezoned out of FPZ. Furthermore, the land to be

rezoned into the FPZ will lie well within the FPA, not on a transition area boundary as laid out in our Comprehensive Plan. The land to be rezoned into A-1 is presently on the farm owned by Ben Claerbaut and is presently zoned A-2. Ben is agreeable to this rezoning and aware that this change will be difficult to reverse short of statutory and ordinance changes relaxing present requirements.

Since the W1901 Smies Road property (parcel #59006076210) is on the western edge of the transition area located east of I-43 and that there are no residences any closer than 450 feet of the subject property, Faith Opsteen moved to conditionally repeal the CUP approved on 5/6/2013 and conditionally approve a new conditional use permit allowing CG Services to operate its consolidated landscape operations from this location subject to the standard general conditions and the site-specific conditions as just discussed, including necessary edits for administrative corrections and updates consistent with current standard conditions template. This motion is conditioned upon:

- a. Updating of Site Plan to show where used and new oil will be stored and where all fuel tanks will be located, and the type of fuel stored in the respective tank.
- b. Submittal of long-term lease with appropriate redactions.
- c. Delivery of above items to the Town of Holland Clerk by June 15, 2020.

Roy Teunissen provided support for this motion; the motion carried by unanimous roll call vote.

Since the subject land is adjacent to the transition area located east of I-43, the requirements of § 330-22.G.(1) are met in part because more land will be going into FPZ than going out of FPZ, and the land going into FPZ is not adjacent to a transition area, Donald Becker moved to recommend the Town Board approve a minor land division creating a new 2.3-acre parcel and rezoning the new parcel from A-1 to B-1. The 2.3-acre parcel will be located adjacent and immediately west of the W1901 Smies Road parcel, being taken from a 36.18-acre parcel (59006076290) currently owned by Mark DeMaster. Contingencies included in this recommendation include all the following:

- a. Mark DeMaster signing a restrictive covenant that prohibits further land divisions on parcel 59006076290 for a period of 10 years from the signing of the covenant.
- b. Receipt of a CSM containing language stating no land divisions are allowed for a period of 10 years after the land division is effective.
- c. Receipt of a copy of the deed filed with the Register of Deeds transferring ownership of the 2.3 acres to Kevin Claerbaut.
- d. Rezoning of approximately 5.75 acres of A-2 land (parcel 59006075980) on Ben Claerbaut farm tract from A-2 to A-1.

Roy Teunissen provided support for the motion. The motion carried by unanimous roll call vote.

Noting that the new 2.3-acre parcel is on the western edge of the transition area located east of I-43 and adjacent to a property that is zoned B-1 property, Donald Becker moved to approve a new conditional use permit in the name of Kevin Claerbaut that allows CG Services to operate certain aspects of its consolidated landscape operations out of this location subject to the standard general conditions and the site-specific conditions just discussed; allowing for final administrative edits and updates consistent with the current standard conditions template.

Jack Stokdyk provided support for the motion. The motion carried by unanimous roll call vote.

Motion by Donald Becker, seconded by Faith Opsteen, to delay the decision on the vacating of the CUP for the Sauk Trail Road property owned by Ben Claerbaut until the submitted application from Ben Claerbaut can be acted upon in the July PC meeting. The motion carried by unanimous roll call vote.

16. Conditional use permit review for 59006060360:

No new information to report. This topic will be discussed at a future Plan Commission meeting.

17. Ongoing issues:

a. Applications being processed: None.

b. Conditional use permit review schedule:

Clerk Janelle Kaiser included information in the June meeting packet to begin the process of creating a schedule to review existing conditional use permits in the Township. This topic will be discussed at future Plan Commission meeting.

18. Public input:

Janelle Kaiser received an inquiry from a property owner about building a structure on a parcel zoned C-1 (Conservation district). She requested that the members of the Plan Commission provide their interpretation of the section of the Town Code that describes the process to conduct permitted uses on C-1 property in the Town of Holland.

19. Review/approve attendance records for previous meeting:

Motion by David Mueller, seconded by Roy Teunissen, to approve the attendance records as presented; the motion carried by unanimous voice vote.

20. Adjourn:

Motion by Jack Stokdyk, seconded by Roy Teunissen, to adjourn at 10:30PM; the motion carried by unanimous consent.

Respectfully submitted,
Janelle Kaiser, Clerk