

TOWN OF HOLLAND PLAN COMMISSION
OFFICIAL PROCEEDINGS OF THE MONTHLY MEETING
W3005 County Road G, Cedar Grove, WI 53013
Monday, February 1st, 2021 7:00pm

1. Call to order:
Plan Commission Chair David Huenink called the meeting to order at 7:03pm.
2. Pledge of Allegiance:
Chair David 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 January 18th, 2021 and January 25th, 2021; the public hearing notice was also posted in three places within the Township.
4. Record retention certification:
Plan Commission Clerk Janelle Kaiser stated record retention is up to date.
5. Roll call:
Attendees: Don Becker, David Huenink, Faith Opsteen, Jack Stokdyk, Matt Teunissen, Bryan Kaiser, Roy Teunissen, David Mueller, and Craig Droppers
Absentee(s): Tom Huenink – Building Inspector
Signed-In Attendees: Jeff Freund, Eric Grasse, Holly Ternes, Jeff Ternes, Ken MacKenzie, Judy MacKenzie, Andy Gronik, Keith Dulmes, Carol Dulmes, and Jon TerMaat
Other Attendees: Janelle Kaiser – Clerk
6. Adopt agenda as official order of business:
Motion by David Mueller, seconded by Roy Teunissen to adopt the agenda as presented for the February 1st, 2021 Plan Commission meeting; the motion carried by unanimous voice vote.
7. Plan Commission procedures and opportunities for improvement:
The Plan Commission continued work on a project with the purpose of implementing improvements to procedures currently practiced by the Plan Commission as it relates to application submissions by property owners for land divisions, rezonings, and conditional use permits. The April 2021 Plan Commission meeting will start at 7:00pm to continue discussion of this topic. Faith Opsteen is leading this project and will work and consult with Janelle Kaiser, Don Becker, and David Huenink as needed. During the February 1st, 2021 meeting, the Plan Commission supported the continuation of Faith's efforts to build an excel file that may eventually point to a web page for potential Plan Commission applicants to use for assistance with determining application type, potential requirements, resources, and applicable contact information for Town officials such as the clerk, future zoning administrator, or commission members.
8. Review/approve minutes of previous meeting(s)
Motion by David Mueller, seconded by Roy Teunissen to approve the minutes from the January 4th 2021 Plan Commission meeting as presented; the motion carried by unanimous voice vote.
9. Building inspector items:
 - a. Review/approve building permits report:
Motion by Jack Stokdyk, seconded by David Mueller, to approve the January 2021

building inspection report submitted by Tom Huenink as presented with the understanding that Tom Huenink should provide information about a building permit that was reportedly issued for N1010 Palmer Road but was not present on the January 2021 report; the motion carried by unanimous voice vote. Janelle Kaiser will follow up with Tom regarding the building permit for N1010 Palmer Road.

- b. Review/approve building permit requests needing Plan Commission review:
None
- c. Discuss follow-up items:
None.

10. Public input

- a. Jeff and Holly Ternes were present to discuss future construction of a garage on their property at N752 Knepprath Rd (10 acres, zoned A-5). The property currently has 4 accessory structures constructed on it, which were present when Jeff and Holly purchased the property. The property owners would like to tear down the existing garage, which measures to be approximately 666 square feet, and build a new garage in its place with a larger footprint. They did not provide exact dimensions. The Ternes' explained that the existing garage is not weather tight nor functional for its intended use. The Plan Commission advised the Ternes' that they would need to obtain a conditional use permit to construct the new garage, as the maximum number of accessory structures per lot for residential use is 2. They also advised the Ternes' that they could attach the garage to their dwelling unit, perhaps with a breezeway, to avoid the need to apply for a conditional use permit. If attached, the garage would be considered an addition to the dwelling unit and not a separate accessory structure. The Ternes' expressed concern about the location of their well and septic system if they were to attach the garage. The Plan Commission advised the property owners to contact Sheboygan County Planning about the new construction since a Town building permit cannot be issued without county requirements being met.
- b. Keith and Carol Dulmes were present to discuss a future request for a land division and rezoning request for the property at N2140 Meves Rd (38.35 acres, zoned A-1). The Dulmes' would like to separate approximately 3 acres of land from the existing parcel, to include the existing dwelling unit and accessory structures, and rezone it to A-1-S. The Dulmes' intend to sell the 3-acre parcel. The Plan Commission advised Keith and Carol that there is a 20-acre housing density requirement on land zoned A-1 in the Town of Holland, therefore, the rezoning would include reclassification of 17 acres to A-PR (parcel remnants zoning district). There would be 18.35 acres of A-1 land and 17 acres of A-PR land on the resultant 35.35-acre parcel. The Plan Commission also advised that the Dulmes' should obtain a survey for the desired 3-acre parcel and a plat of survey to show 17 acres of A-PR land. A Plan Commission member noted that a future buyer of the parcel may be concerned with the limitations on land use and accessory structures based on the lot size of 3 acres.

11. Public hearings for:

- a. David and Mary Gronik for a conditional use permit:
Chair David Huenink called the public hearing to order at 8:06pm. David and Mary's request is for a conditional use permit to allow construction of a third accessory structure at N1025 Cole Rd which will serve as an ornamental windmill. There were no comments

submitted by members of the public or the Plan Commission. Motion by Jack Stokdyk, seconded by David Mueller, to close the public hearing at 8:07pm; the motion carried by unanimous voice vote.

b. Jeffrey Freund for a rezoning and conditional use permit:

Chair David Huenink called the public hearing to order at 8:08pm. Jeffrey's request is to rezone 9.6 acres from A-5 to agricultural tourism (A-T) and to allow use of the property as permitted by the Town's A-T ordinance to include some activities that require a conditional use permit.

(1) Kenneth MacKenzie of N1155 Smies Rd South submitted several comments about Jeffrey Freund's request.

Jeffrey's request includes a plan to widen Cole Road in order to meet the requirements of Holland Town Code §330-26.4D(2)(b). Kenneth inquired about whether the Town would have oversight of the construction process and expressed concern about proper expansion and construction of the existing culvert on that stretch of private road. Kenneth expressed that the construction should properly account for the amount of water that may pass through it to avoid washout.

Kenneth inquired about 2 potential cabins that Jeffrey has mentioned constructing on the property as they were not shown in Jeffrey's site plan. Note for reader: Construction of cabins is allowed by §330-26.4E(4) provided that a conditional use permit that meets all application requirements of the referenced subsection is approved by the Plan Commission. If there are any deviations from the requirements of this subsection, then according to §330-26.4E a plan of operations must be prepared and submitted by the applicant and approved by the Plan Commission and the Town Board prior to final submittal of the application for a conditional use permit.

Kenneth requested that Jeff be required to post signage on both the north and south borders of Jeffrey's property to state that there is no beach access from the property and to state that Cole Road is a private road that is also a dead-end road. Kenneth expressed concern about trespassing but stated that greater concern exists about a commercial development on the east side of Interstate 43. He asserted that property values near Jeffrey's property would be negatively impacted by a potential increase in noise and traffic. Ken said that if the request by Jeffrey was approved and a drop in property value resulted, he would expect to see property tax bills reflect that drop in property value.

(2) Judith MacKenzie of N1155 Smies Rd South submitted several comments about Jeffrey Freund's request.

Judith expressed concern about noise from events that Jeffrey plans to host on his property at W1841 Cole Road if a rezoning and conditional use permit are to be approved by the Plan Commission and Town Board. Judith said that dying ash trees in the area will diminish the noise buffer that the foliage currently provides and that the sound could travel further.

Judith is concerned about an increase in traffic on Hawe Road and Smies Road due to the aforementioned events. She stated that these events could pose a threat to pedestrian safety and cause increased wear and tear on the roads.

Judith spoke about the proposed parking areas on Jeffrey's site plan because the surfaces are unpaved and can host approximately 70 cars. Judith was concerned

about the permeable surface allowing seepage into the groundwater from vehicle fluid leaks and how that could impact nearby wells and waterways.

- (3) Eric Grasse of N934 Hawe Road expressed concern about amplified sound that could be produced by the aforementioned events proposed by Jeffrey in his conditional use permit application. Eric stated that he attended the meeting to learn more about Jeffrey's request since he lives near W1841 Cole Road.

Motion by Jack Stokdyk, seconded by Roy Teunissen, to close the public hearing at 8:16pm; the motion carried by unanimous voice vote.

- c. Proposed ordinance to amend Holland Town Code §330 Zoning to include clarification of ordinance intent and to add B-1 conditional uses:

Chair David Huenink called the public hearing to order at 8:17pm. There were no comments submitted by members of the public or the Plan Commission. Motion by Jack Stokdyk, seconded by David Mueller, to close the public hearing at 8:18pm; the motion carried by unanimous voice vote.

12. Request for a conditional use permit by David and Mary Gronik:

In July 2020, a conditional use permit was approved by the Plan Commission to allow construction of an accessory structure (a building) exceeding 3,000 square feet for David and Mary Gronik at N1025 Cole Road. That conditional use permit has been recorded and is considered to be active. Since the approval of that conditional use permit, David and Mary Gronik have decided to change the size, design, and location of the proposed accessory building that was approved for construction by conditional use permit. Per the revised site plan for the decorative windmill accessory structure submitted with the Gronik's conditional use permit application for review during the February 1st, 2021 Plan Commission meeting, the revised proposed accessory building no longer requires a conditional use permit because it will be less than 3,000 square feet in size and would be the second accessory structure on the parcel intended for residential use, which is allowed per Holland Town Code §330-12. Therefore, the Plan Commission discussed that the conditional use permit approved and recorded in 2020 for David and Mary Gronik at N1025 Cole Road should be terminated. The Plan Commission will follow the procedure documented in Holland Town Code §330-52, which is currently under review, to terminate the permit. As this code section is currently under review, the process would begin after the Town Board reviews the proposed ordinance amendment on February 8th, 2021. Motion by Donald Becker, seconded by David Mueller, to begin the process to terminate the conditional use permit approved and recorded for the property at N1025 Cole Road on July 6, 2020, for the reasons described in the paragraph above; the motion carried by roll call vote. Faith Opsteen: Y; David Mueller: Y; Donald Becker: Y; Roy Teunissen: Y; Jack Stokdyk: Y; Matt Teunissen: Y; David Huenink: N.

The Plan Commission proceeded to discuss the application submitted by David Gronik for a third accessory structure to serve as an ornamental windmill at N1025 Cole Road. Jack Stokdyk questioned whether a ladder on the side of the structure would pose a safety concern for anyone who may try to climb it. David Gronik stated that the structure was designed by a company in Iowa that installs these types of structures across the nation and that he is confident in their safety measures.

Motion by Donald Becker, seconded by Roy Teunissen, to approve the request by David and Mary Gronik for a conditional use permit to construct a third accessory structure on the property to serve as an ornamental windmill as shown per the site plan and other supporting documents

submitted by the Gronik's in their application. The conditional use permit will include both the standard general conditions that pertain to all similar conditional use permits as well as three special conditions as verbally recited by Chair David Huenink during the meeting; the motion carried by unanimous roll call vote.

Matt Teunissen: Y; Jack Stokdyk: Y; Roy Teunissen: Y; Donald Becker: Y; David Mueller: Y; Faith Opsteen: Y; David Huenink: Y.

13. Request by Jeffrey Freund for a conditional use permit:

Jeffrey stated that the new culvert for the section of Cole Road that would be widened is being designed by the Natural Resources Conservation Service (NRCS) and will regulate the flow of water; the design will be focused on preventing washout. The Plan Commission suggested that the design could include concrete wings to further prevent washout. Jeffrey also stated that the cabins were not part of the site plan submitted because they may or may not be constructed and are part of a potential long-range plan for the property. The Plan Commission advised him that the conditional use permit he is currently requesting, if approved, cannot include the cabins because the submittal lacks the information for the PC to consider this part of his request. Therefore, cabins could not be constructed prior to obtaining an amended or second conditional use permit in the future. Chair Huenink and Donald Becker also informed him that any plans for a fire pit would need to be included on the site plan and plan of operations as well. They also advised him that the maximum number of attendees for events on the property is 150 per the A-T ordinance; this number is based on land tract size.

Several members of the Plan Commission provided additional comments about Jeffrey's application:

- a. Jeffrey's application included plans for an outdoor pavilion that did not meet all application submittal requirements. His application must reference §330-26.4(6)(a)[2] as it relates to the size of the proposed new outdoor pavilion in comparison to existing agriculturally related structures. If the total square footage of the new structure exceeds 25% of the existing agriculturally related structure, a Plan of Operation must be submitted and approved by both the Plan Commission and the Town Board prior to the final submittal of the conditional use permit and rezoning application.
- b. The Plan Commission discussed both the financial burden of decibel tests and the impact of noise for surrounding neighbors as a result of events proposed by Jeffrey Freund at W1841 Cole Road. The Plan Commission agreed that it is a good practice to work with neighbors as much as possible before getting law enforcement or certified sound testing technicians involved. Donald Becker opined that the financial burden of sound technician services would fall on the business. Chair David Huenink stated that the Plan Commission should consider where the financial burden of those services would fall if the same neighbors called for the technician's services repeatedly if the business owner hosting the events continuously maintains the noise at 20 dbA during events hosted within approved event hours. Jeffrey Freund stated that he plans to host activities during the afternoon and does not intend to exceed allowable noise levels.
- c. Chair David Huenink requested that Jeffrey include in his site plan the walking paths to/from the parking areas on the property at W1841 Cole Road. He also requested that Jeffrey amend the dialogue in the plan of operation submitted to accurately describe the plan for the parking area as shown in the site plan. Jeffrey clarified that certain objects on the site plan along the south border of the property are trees, stating that the planned

landscaping will help define the southern border of the property to prevent people from wandering onto surrounding properties.

- d. Jack Stokdyk inquired about an alternative parking plan should there be a heavy rain on or before an event hosted at Jeffrey's property. Jeffrey stated that the main parking area has been covered in grass for 20 years and that the soil is quite sandy, allowing for drainage to the pond on the property. Don Becker inquired about whether the alternative parking area located off of Hawe Road would be a suitable alternative on a rainy day, to which Jeff stated he thought it would be suitable, and also commented that it would be reasonable to cancel an event if the weather was unfavorable. Jack commented that it wouldn't be too difficult to create access to the alternative parking area by making a separate driveway off of Hawe Road in the future.
- e. Chair Becker offered to help Jeffrey with his plan of operations to be reviewed by the Plan Commission and Town Board in March. The goal is to make sure that it is more likely to be found complete and sufficient by the Plan Commission. The plan of operations and site plan should show restroom detail for the pavilion as mentioned in the application as well as a more detailed drawing of the pavilion.

Motion by Jack Stokdyk, seconded by Roy Teunissen, to table Jeffrey Freund's application for a rezoning and conditional use permit application because further information, as mentioned above, should be provided for the application to be considered complete; the motion carried by unanimous voice vote.

Don Becker commented that it might make sense for the Town Board to comment on the requirements of §330-26.4(6)(a)[2] and how receptive they may be to increasing building sizes much more than allowed by this section. Clerk Janelle Kaiser will add this to the Town Board's February meeting agenda.

14. Proposed ordinance to amend Holland Town Code §330 Zoning to include clarification of ordinance intent and to add B-1 conditional uses:

Motion by Donald Becker, seconded by David Mueller, to recommend to the Holland Town Board approval of the proposed ordinance to amend Holland Town Code §330 Zoning to include clarification of ordinance intent and to add B-1 conditional uses. The motion includes approval of one change to the definition of food preparation area that addressed the amount of food storage allowed as discussed during the February Plan Commission meeting. The motion carried by unanimous voice vote.

15. Fee schedule for plan commission applications:

A proposed fee schedule that would amend the current fee schedule for plan commission applications was included in the February Plan Commission packet. The concept used to draft the fee schedule shared with the Plan Commission was provided by Town Attorney Gerry Antoine by using examples of how several other nearby communities address these fees. The Plan Commission determined that routine costs, such as recording fees charged by the Register of Deeds and subsequently billed to property owners, should be specifically listed as a cost on the fee schedule. Per the Plan Commission, extraordinary costs should also be specifically listed and could be listed as "not to exceed" a certain dollar amount; dollar amounts between \$100-\$150 were discussed. It was also determined that extraordinary costs should be explained in a footnote on the fee schedule as was done with the example included in the meeting packet.. The Plan Commission application should be amended to point the applicant to the section of the fee schedule that lists routine and extraordinary costs. The Plan Commission recommended that the

Town Board provide a date that specifically addresses the effective date of the fee schedule for plan commission applications received, as there are applicants in the process of submitting applications that have already been advised of the current fee schedule. The Plan Commission also recommended that the effective date be included in the Town Board resolution to adopt the fee schedule.

Motion by Jack Stokdyk, seconded by Donald Becker, to recommend that the Holland Town Board approve the fee schedule for plan commission applications to include the changes and recommendations as listed in the paragraph above; the motion carried by unanimous voice vote.

16. Conditional use permit review for 59006066531 and 59006060740:

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

17. Ongoing issues:

a. Applications being processed:

CG Services, Smies Road: A CUP had been approved but has not been recorded due to the incomplete land transfer. Chair David Huenink contacted the attorney who is helping Mark and Kevin with the land transfer in December 2020 and has not heard back from him. In early December, the attorney communicated that the updated deed would be sent shortly. After some discussion at the January Plan Commission meeting, the Plan Commission decided by unanimous consent that a certified letter should be sent to Kevin Claerbaut of CG Services with regard to an incomplete land transfer between Kevin and Mark DeMaster, which is preventing the completion of land covenant and CUP documents at the Town level. Janelle Kaiser has drafted the letter and it is currently under review by Chair David Huenink. The letter explains the Plan Commission's intent at their March 2021 meeting to take up the matter of revoking the conditional approval for the conditional use permit on the land that he does not own per Sheboygan County Land Records Web Portal. The action is planned because the applicant has failed to meet the terms of the conditional approval; namely the purchase of the land. The letter will be sent to Kevin Claerbaut as soon as possible.

b. Conditional use permit review for parcel 59006060360 at W2385 County Road A S:

The Plan Commission authorized Janelle Kaiser to send a letter to the property owner of W2385 County Road A S. The letter should instruct the owner to inform the Plan Commission of all business operations that have changed and do not align with the current conditional use permit on file for the property to begin the CUP amendment process. Janelle will include a copy of the conditional use permit with the letter.

c. Revocation of conditional use permits for 59006064701 and 59006061081:

Janelle Kaiser stated that a draft form letter to be sent to property owners as notice of CUP termination as discussed during the January Plan Commission meeting has not been drafted because Holland Town Code §330-52 is under review and likely to be amended this month. Therefore, it makes sense to draft the form letter once the amendment is complete. The process to revoke the CUPs for parcels 59006064701 and 59006061081 will begin following the decision to address the amendment of §330-52 by the Holland Town Board on February 8th, 2021.

d. Conditional use permit review for parcel 5900606330 at W2688 County Road G:

A letter was sent to the property owner of W2688 County Road G on January 5th, 2021, which explained that the property owner must fill out a plan commission application and submit required documents for an after-the-fact conditional use permit for an accessory structure greater than 3,000 square feet in size. The Plan Commission authorized Clerk Janelle Kaiser to send a follow up letter to the property owner to re-iterate the requirement to submit a completed CUP application for the structure. One Plan Commission member indicated the possibility that the property owner did not receive the letter due to delays with the United States Postal Service, but during a follow up conversation that Janelle Kaiser had with Building Inspector Tom Huenink, Tom indicated that the property owner was aware of the requirement. The Plan Commission also advised Janelle to call the property owner.

- e. Review parcel 59006074660 for ordinance compliance:
Motion by Donald Becker, seconded by Roy Teunissen, to recommend that the Holland Town Board determine that parcel 59006074660 is not in violation of Holland Town Code §330 because the second structure does not contain a food preparation area if the changes as recommended by the Plan Commission in item 14 above are adopted, and therefore that structure is not considered to be a second dwelling unit on the property as prohibited by §330 of the Holland Town Code; the motion carried by unanimous voice vote.
- f. Potential limitations for constructing accessory buildings and residences:
No new information to report. This item will be discussed at a future Plan Commission meeting.
- g. Conditional use permit review schedule:
No new information to report.

18. Public input:
None.

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 10:47PM; the motion carried by unanimous voice vote.

Respectfully submitted,
Janelle Kaiser, Clerk