

TOWN OF HOLLAND PLAN COMMISSION
OFFICIAL PROCEEDINGS OF THE MONTHLY MEETING
W3005 County Road G, Cedar Grove, WI 53013
Monday, February 3, 2025 7:30pm

1. Call to order:
Plan Commission Chair David Huenink called the meeting to order at 7:33pm.
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 at the Holland Town Hall and on the Town's website on January 27, 2025. A public hearing notice was posted at the Holland Town Hall and on the Town's website and was published in the Sheboygan Press on January 20, 2025 and January 27, 2025.
4. Record retention certification:
Plan Commission Clerk Janelle Kaiser stated record retention is up to date.
5. Roll call:
Attendees: Chair David Huenink, Roy Teunissen, David Mueller, Craig Droppers – Alternate, Brody Stapel, Matthew Teunissen, and Jack Stokdyk.
Absentee(s): Bryan Kaiser and Tom Huenink, Town Building Inspector.
Signed-In Attendees: William Bannier, Deb Essenburg, Walt Ellis, Jane Dederling, Phil Marr, Gretchen Petraske, Larry Britton, John Dickmann, Bill Depies, Bonnie Depies, Town Supervisor Doug Hamilton, Joan Goodman, John Dallman, Danielle Brandon, Jim Testroote, Lori Testroote, Jane Hamilton, Dana Mueller, David Valenti, Joel Accathara, Kamaljit Singh, Shalinder Kular, Mark DeMaster, Amy Q Scott, Dan Madsen, and Brenda Morano.
Other Attendees: Janelle Kaiser, Town Clerk-Treasurer and Zoning Administrator.
6. Adopt agenda as official order of business:
Motion by Jack Stokdyk, seconded by David Mueller, to adopt the agenda for the February 3, 2025 Plan Commission meeting as presented; the motion carried by unanimous voice vote.
7. Plan Commission procedures and opportunities for improvement:
Nothing to report at this time.
8. Review/approve minutes of previous meeting(s):
Motion by David Mueller, seconded by Roy Teunissen, to approve the minutes from the January 6, 2025 Plan Commission meeting as presented during the February 3, 2025 Plan Commission meeting; the motion carried by unanimous voice vote.
9. Information for Plan Commission from Town Board:
 - a. Clarification of an original request by Brian Bruggink for a rezoning of land used for road right-of-way purposes on DeMaster Road at parcel 59006060331:
Chair Huenink reported that the Holland Town Board accepted the recommendation of the Plan Commission at their January 13, 2025 board meeting by amending their original motion and approved a clarification of a request by Brian Bruggink for a rezoning of land at parcel 59006060331.

- a. Town Agreement for a Temporary Permit to Enable Construction of a Second Single-Family Dwelling on a Parcel for Justin and Hollie Obbink at W3188 Hoitink Road:
Chair Huenink reported that the Holland Town Board accepted the recommendation of the Plan Commission at their January 13, 2025 board meeting and approved a Town Agreement for a Temporary Permit to Enable Construction of a Second Single-Family Dwelling on a Parcel for Justin and Hollie Obbink at W3188 Hoitink Road as presented.
- b. Ordinance 2024-Draft(A) to Amend Holland Town Code Chapter 330 – Zoning:
Chair Huenink reported that the Holland Town Board denied adoption of Ordinance 2024-Draft(A), An Ordinance Amending and Creating Provisions of Chapter 330 of the Code of the Town of Holland, Sheboygan County, Wisconsin, at their January 13, 2025 board meeting.
- c. Ordinance 2025-Draft(A) to Amend Holland Town Code Chapter 330 – Zoning:
Chair Huenink reported that the Holland Town Board accepted the recommendation of the Holland Plan Commission at their January 8, 2025 board meeting and adopted Ordinance 2025-Draft(A) Amending, Creating, and/or Repealing Provisions of Chapter 330 of the Code of the Town of Holland, Sheboygan County, Wisconsin as modified to strike Section 13, and to further modify Ordinance 2025-Draft(A) as follows: Strike Sections 1, 2, 3, 4, 5, and 6. Upon adoption, draft Ordinance 2025-Draft(A) became adopted Ordinance 2025-01.
- d. Status of an appeal to circuit court of the Holland Board of Appeals decision dated December 18, 2024, regarding N2047 Pine Beach Road South:
Chair Huenink reported that the Holland Board of Appeals decision dated December 18, 2024 reversed the Town Attorney’s, Town Board’s, and Town Plan Commission’s legal interpretation of the Town’s zoning ordinance regarding the proposed use of the property at N2047 Pine Beach Road South. On January 16, 2025, the property owner of N2047 Pine Beach Road South, American Orthodontics Corporation, appealed that decision to the Sheboygan County Circuit Court.
Chair Huenink noted that due to the pending litigation, all communication related to this matter should be referred to the Town’s attorneys.

10. Building inspector items:

- a. Review building permits report:
The Plan Commission reviewed the January 2025 building inspection report submitted by Building Inspector Tom Huenink.
- b. Review building permit requests needing Plan Commission review:
None.
- c. Discuss follow-up items:
Clerk Janelle Kaiser reported the following information on behalf of Building Inspector Tom Huenink about N1760 Rauwerdink Road:
 - (1) Construction of a 30’ by 50’ accessory building was observed at N1760 Rauwerdink Road for which construction a building permit has not been obtained.
 - (2) Tom Huenink has attempted to contact the property owners on two occasions, requesting that the owners contact him to discuss a building permit.
 The property’s 2024 record card from the Town assessor shows five existing accessory buildings, some of which the Plan Commission acknowledged may either be connected to

each other, and therefore considered to be one building for the purposes of counting the number of accessory buildings, or previously razed.

The Plan Commission concurred that a building permit application should be submitted for the 30' by 50' accessory building, and that Tom Huenink should visit the property to observe the number of existing accessory buildings on the premises. A conditional use permit (CUP) application may also be required for the purpose of requesting approval to exceed the number of allowed accessory buildings on a parcel.

11. Public input:

- a. Danielle Brandon was present to discuss a possible minor land division of N2384 County Road CC (parcel 59006061764, zoned A-5, 7.00 acres). Danielle's goal is to construct a new single-family dwelling, which would require that the property be divided into two separate parcels, whereas the A-5 zoning district does not allow for more than one dwelling to be constructed on a parcel. The parcel was last divided in the year 2005. The parcel has approximately 380 feet of road frontage, about 70 feet short of the 450 feet needed to create two A-5 parcels with adequate road frontage. It appears that a solution that may align with future land use could be the creation a flag lot (allowing a parcel to be created with less road frontage than is required by the applicable zoning district) for the proposed resultant northern parcel where a new dwelling is proposed, whereas the adjacent parcels to the north and south are located in farmland preservation zoning (FPZ) districts. Merging of land from those FPZ parcels would either create split zoning, which is allowable but not always ideal, or require rezoning of land, which could potentially impact ease of access or ability to access farmland in the future.

The Plan Commission acknowledged that the property owner could submit a minor land division application. The property owner has been advised to contact Sheboygan County Planning to discuss possible sanitary, well, and driveway permitting.

- b. A representative of First Congregational Church in Sheboygan previously contacted the Town to inquire about the possibility of creating a green burial cemetery site at parcel 59006071250 on North Pine Beach Road (zoned R-1, 1.95 acres). Per information provided by the representative, green burial is a type of burial where the deceased's remains are interred in the ground without the use of embalming chemicals and inorganic burial containers.

The Plan Commission acknowledged that that the proposed use is likely incompatible with the R-1 zoning district, however, the Town's ordinances list cemeteries as a conditional use in the P-2 zoning district. An application to rezone the parcel from R-1 to P-2 and for a conditional use permit could be submitted.

The Plan Commission also acknowledged that much of the property is classified as a wetland by the Wisconsin Department of Natural Resources, and that the property owner should contact the appropriate state agencies to inquire about applicable regulations for cemeteries and wetlands.

Members of the public asked for clarification of which church owns the parcel at 59006071250 on North Pine Beach Road and where it is located.

- c. Jane Hamilton inquired about why the proposal by First Congregational Church wasn't on the agenda. Chair Huenink explained that it is common for property owners to present proposals to the Plan Commission during public input prior to submitting an application. It is also common for property owners to contact the Town prior to the meeting to discuss their proposals.
- d. Mark DeMaster was present to discuss a possible major land division of parcel 59006061764 on Hawe Road (zoned A-5, 15.36 acres). The proposed major land division

would create three separate parcels, each consisting of approximately five acres. The subject parcel has not been involved in a land division in the last 10 years and is located in the Town's transitional area district. Parcel 59006076382 has approximately 800 feet of road frontage, which is enough to create three separate parcels. As proposed, it appears that the three separate parcels could remain in the A-5 zoning district, of which one of the primary purposes is to provide for the orderly transition of small parcels of agricultural land into other nonagricultural uses, if so desired by the landowner.

The Plan Commission acknowledged that the property owner could submit a major land division application and encouraged Mark to closely review Town ordinances about major land divisions prior to doing so.

- e. Lee Kaat was present to address the Plan Commission regarding the exterior lighting on structures at W2730 County Road A South. He acknowledged that no action has been taken and reported that some of the exterior lights on the premises have been strobing and that it is annoying.
 - f. David Valenti thanked the Plan Commission and the Town Board for not taking any action on the previously proposed definition changes to the Town zoning ordinance. He acknowledged that American Orthodontics has filed a writ of certiorari to overturn the Holland Board of Appeals December 18, 2024 decision. He urged patience from both the Plan Commission and Town Board in order to let that process play out, to include any negotiations with American Orthodontics between the attorneys regarding the use of the property at N2047 Pine Beach Road South. David continued to thank the board and urged patience at this time until the lawsuits or negotiations resolve.
 - g. Larry Britton stated that he and David Valenti have joined the aforementioned lawsuit.
 - h. Chair Huenink clarified that the attorney representing Larry Britton and David Valenti has filed a motion to intervene in the Sheboygan County Circuit Court case to appeal the Holland Board of Appeals December 18, 2024 decision. This will be considered by the court at a hearing on February 10, 2025.
 - i. Walter Ellis inquired about whether future agendas would include items to discuss the Sheboygan County Circuit Court case to appeal the Holland Board of Appeals December 18, 2024 decision. Chair Huenink replied that future agendas may include this topic only to provide a status update of the legal proceedings related to the case, only to report information that would have already been made available to the public via the Sheboygan County Circuit Court, such as dates of upcoming hearings.
12. Exterior lighting on structures at W2730 County Road A South, on which property an existing conditional use permit allows operation of a business that offers indoor storage: As of the February 3, 2025 meeting, the Plan Commission acknowledged that no changes to the exterior lighting have been observed on the subject property. Chair Huenink reported that the Town is awaiting response from the Town's attorney about whether state statutes, created by Wisconsin 2017 Act 67, require conditional use permit conditions to be "...reasonable and, to the extent practicable, measurable..." The Town currently lists a standard condition in its CUP documents, including the CUP for the subject property, that disallows the conditional use to adversely affect surrounding properties or create problems relating to light, noise, dust, traffic, storm water, or physical appearance. Whether this condition is unconstitutionally vague and therefore unenforceable is under review by the Town Attorney.

As for whether the exterior lighting complies with the CUP's site plan, it is likely that the 90-degree cut-off wall-pack lighting fixtures depicted in the site plan are in accordance with what was installed. However, Chair Huenink noted that one of the fixtures installed on the south side

of Building 5 is not shown on the site plan.

Matt Teunissen reported that he performed some light metering from a nearby location, and that the results showed that the exterior lighting may not exceed a reasonable level of luminosity when compared to other sources of light.

Chair Huenink acknowledged that the Town does not have a lighting ordinance and may consider adoption of one in the future.

David Mueller requested that someone contact the Wisconsin Department of Transportation to inquire about any lighting regulations on state roads.

13. Written notice received of possible sale and expansion of the premises at N905 Sauk Trail Road:

- a. Plan Commission determination of whether the conditional use permit for N905 Sauk Trail Road requires revocation, an application for a conditional use permit amendment, or neither, based on written notice of possible sale and expansion on the premises:

The Plan Commission acknowledged that written notice of a potential sale of the subject property as well as possible expansion of the premises has been received in a timely manner, as required by conditions 1.f. and 1.g. of the property's existing CUP. The Plan Commission received information from the potential buyer of the subject property which provided proposed changes to the business' operations and site plan.

By consensus, the Plan Commission determined that an amendment to the existing CUP is required, whereas the potential buyer of N905 Sauk Trail Road has proposed the addition of two lines to dispense diesel fuel and an extension of the canopy above those lines to the south. These proposed changes deviate from the CUP's approved site plan and plan of operations, therefore, per condition 1.d. of the existing CUP, the Plan Commission determined that this proposed change requires a CUP amendment. Let these minutes show that accurate site plan and plan of operations documents for the business should be submitted with the CUP amendment application to reflect anticipated or known differences between existing and potential future site and business operations.

The Plan Commission acknowledged:

- (1) That the subject property's owner name and legal name of the business is proposed to change, however, the business will still operate under the trade name of Cedar Grove Oasis. This change typically may only require a minor CUP amendment, however, since the existing site plan and plan of operations require amending, a CUP amendment is required.
- (2) That the current CUP for the subject property lists a "café style restaurant offering carry-out and limited seating on the Premises" as an acceptable use. Therefore, the potential buyer's proposed plans to operate a Sbarro restaurant on the premises would not require a request to use the property for such purpose, however, the site plan and plan of operations submitted with the CUP amendment application should accurately reflect this proposed change if the potential buyer decides to move forward with it.
- (3) That condition 1f. of the existing CUP has been satisfied, in that written notice of a potential sale of the subject property was received.
- (4) That condition 1g. of the existing CUP does not apply in this situation, whereas the Plan Commission determined, by consensus, that known changes proposed by the potential buyer are not considered to be an expansion of the premises.

14. Public hearing for a request by Ryan DeMaster for rezonings at N233 County Road LL (parcel 59006070180) and at parcel 59006070150:

Chair David Huenink called the public hearing for the request by Ryan DeMaster for rezonings at N233 County Road LL (parcel 59006070180) and at parcel 59006070150 to order at 8:33pm. The request is to rezone 3.62 acres of parcel 59006070180 from A-1 to A-1-S and to rezone parcel 59006070150 from A-1 to A-PR. Chair Huenink asked for any comments from the public three times. There were no comments from the public.

Motion by David Mueller, seconded by Jack Stokdyk, to close the public hearing at 8:39pm; the motion carried by unanimous voice vote.

15. Recommendation to Town Board for a request by Ryan DeMaster for rezonings at N233 County Road LL (parcel 59006070180) and at parcel 59006070150:

The Plan Commission acknowledged that there are two dwellings located on parcel 59006070180, both of which are expected to be located on the 3.62-acre parcel requested for rezoning from A-1 to A-1-S. These dwellings existed prior to ordinances that allow only one dwelling per parcel and are therefore allowed to remain on one parcel.

Motion by Jack Stokdyk, seconded by Roy Teunissen, to recommend that the Holland Town Board approve the request by Ryan DeMaster to rezone 3.62 acres of parcel 59006070180 from A-1 to A-1-S and to rezone parcel 59006070150 from A-1 to A-PR, contingent upon Sheboygan County approval and execution of the boundary line adjustments as shown on the plat of survey submitted with the application.

The motion carried by unanimous roll call vote. David Mueller: Yes; David Huenink: Yes; Brody Stapel: Yes; Roy Teunissen: Yes; Matthew Teunissen: Yes; Jack Stokdyk: Yes; Craig Droppers: Yes.

16. Ongoing issues:

a. Applications being processed:

The Plan Commission acknowledged progress on the applications being processed.

b. Discussion of possible future amendments to Holland Town Code Chapter 330 – Zoning including, but not limited to, conditional zoning and options for its implementation:

Chair Huenink reported that he and Janelle Kaiser met with UW Extension- Sheboygan County’s Community Development Educator, Barbara Alvarez, to inquire about any resources or assistance with exploring the possibility of implementing conditional zoning in the Town of Holland. Further research is needed.

As previously reported during this meeting, Chair Huenink stated that the Holland Town Board adopted Ordinance 2025-Draft(A) Amending, Creating, and/or Repealing Provisions of Chapter 330 of the Code of the Town of Holland, Sheboygan County, Wisconsin as modified to strike Section 13, and to further modify Ordinance 2025-Draft(A) by striking Sections 1, 2, 3, 4, 5, and 6. Chair Huenink reported that suggestions were received for re-wording of those definitions from one of the attorney’s representing the objectors to American Orthodontics’ proposed use of the property at N2047 Pine Beach Road South. One Town Board Supervisor also provided suggestions. After reviewing all of the suggestions, Chair Huenink thought that a few of them had concepts that may have possible merit, but that only one of the suggestions should be included for consideration in the foreseeable future; this suggestion is to amend the definition of bed and breakfast business as defined by the Town’s zoning ordinance within the agricultural tourism zoning district. The suggested change would amend the definition as *follows*: “A building other than a hotel or motel in which accommodations, with or without meals, are offered to transient (maximum stay of 21 days) guests for compensation and in which there are no more than four sleeping rooms providing accommodations for no more than eight adults and four children total, with no cooking facilities in any guest room or common guest

space, and which is located on the property the owner, operator, or manager of the business resides.”

This topic may be discussed at a future Plan Commission meeting.

17. Public input:

- a. David Valenti and Larry Britton asked Chair Huenink to re-read the suggested changes to the definition of bed and breakfast business as written in item 16. above.
- b. The following comments were made about N905 Sauk Trail Road:
 - (1) Brenda Morano proposed that a future amendment to the property’s conditional use permit include consideration of traffic flow at the entrance and exit point on the premises. Brenda lives nearby and often has near traffic incident misses at the intersection of the entrance and exit, whereas customers of the business often exit without yielding to the traffic that is already in the roadway from northbound and southbound directions. It was suggested that some kind of addition to the amendment be made to include a stop line for traffic or some type of visual provided for customers to stop before exiting the business.
 - (2) Douglas Hamilton agreed with Brenda’s comments, and inquired about whether the business could install a small island at the entrance and exit point such that the southern half would serve as an entrance point and the northern half would serve as an exit point. Chair Huenink acknowledged that a similar idea was previously proposed by the current owner of the property, but it was determined by the property owner that this idea may have made the situation worse, whereas the business serves many types of customers as a trucking company with truck driver amenities, truck repair shop, fueling station, and convenience store; truck traffic requires a wide entrance and exit point.
 - (3) David Valenti suggested that a stop warning could be painted on the driveway of the premises to be seen by exiting traffic.
 - (4) John Dallman asked whether the Plan Commission could require that the property owner install curbing in to define entry and exit.
 - (5) A member of the public suggested that all traffic should go around the building by way of a divider that allows for two lanes of traffic up by the building that forces all traffic to go around.
 - (6) Jim Testroote suggested that several large stop warnings or lines be painted on the driveway at the premises’ exit point.
 - (7) John Dickmann inquired about whether a speed bump could be installed in the driveway.
 - (8) A member of the Plan Commission said that a median being installed may make it more difficult to for cars to exit the premises if a truck is entering at the same time.

The Plan Commission acknowledged:

1. That possible improvements could include one or more stop warnings painted on the driveway at the premises’ exit point. In addition, a sign on the west side of Sauk Trail Road to be seen by exiting traffic which states that northbound and southbound traffic does not stop could be installed in the road right-of-way.
2. That the existing site plan for the business included a traffic flow plan at the entrance and exit, however, that traffic flow plan did not come to fruition.
3. That installation of a speed bump in the driveway could cause issues for snow removal or for traffic entering the premises.

4. That the entrance and exit point for the business is very wide, and that Sauk Trail Road, where northbound and southbound traffic is traveling, is a narrow road. The narrow road creates challenges when considering ways that traffic flow could be improved at the entrance and exit point of the premises.

18. Review/approve attendance records for previous meeting:

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

19. Adjourn:

Motion Jack Stokdyk, seconded by David Mueller, to adjourn at 9:12pm; the motion carried by unanimous voice vote.