

**TOWN OF SAUKVILLE  
PLAN COMMISSION MINUTES  
TUESDAY, JULY 8, 2003 7:00 P.M.  
Town of Saukville, Wisconsin**

**Present were:** Town Board Chairman Terry Hoffman; Kate Smallish; Curt Rutkowski; Ginny Pierson, Bill Niehaus and Jim Kadow. **Also present were:** Roger Kison, Zoning Administrator/Bldg Inspector; Marty Marchek, Community Planner; Town Clerk Walter Clarke.

**PUBLIC HEARING**  
**7:00 p.m.**

**NOTICE IS HEARBY GIVEN** that a Public Hearing will be held before the Saukville Plan Commission at 7:00 p.m. on July 8, 2003 at the Town Hall, 3762 Lakeland Drive to consider a proposed conditional use permit for the operation of a home based worm farm at 3585 Hwy O in Town of Saukville. All individuals having an interest in this matter are invited to address the town board.

1. **Call Public Hearing to Order:** Chairman Hoffman called the meeting to order at 7:00 p.m. Mr. Hoffman asked if there were any persons present who wished to address the Commission concerning the issuance of a conditional use permit for the operation of a home-based worm farm at 3585 Hwy. O. No one was present to address the issue.
2. **Adjourn:** Motion by Chairman Hoffman to close the public hearing. Second by Mr. Niehaus. Motion carried unanimously. Public Hearing adjourned at 7:04 p.m.

**PLAN COMMISSION MEETING MINUTES**

1. **Call Plan Commission Meeting to Order:** Chairman Hoffman called the meeting to order at 7:05 p.m.
2. **Pledge of Allegiance:** Everyone rose and recited the pledge of allegiance.
3. **Approval of the June 10, 2003 Plan Commission Minutes:** Mrs. Smallish said that in the interest of clarity her statement in Item #5 be changed to read *she had heard from local farmers that they would prefer consistency between the town, the county and the state D.N.R. regarding regulations*. Mrs. Smallish moved to approve the minutes as corrected. Second by Ms. Pierson. Motion carried unanimously.
4. **Discussion/action on request for land division and rezoning of property located at 2564 Cedar Sauk Rd., tax key 08-03-3012-001.00 from A-1 to A-5.** Mr. Hoffman asked if the parties were present. No one was present to discuss the request. Mr. Hoffman was reminded that the parties might not have been expecting the regular
5. meeting to begin before 7:30 p.m. Mr. Hoffman asked to have discussion of the item defer to later on the agenda. There was no objection.
6. **Preliminary discussion on request for a home-based business at 4161 Blue Goose Road by James Ungart.** Mr. Hoffman asked if Mr. Ungart was present. No one was present to

discuss the request. Mr. Hoffman asked to have discussion of the item delayed with no action taken. There was no objection.

7. **Discussion/action on updating the zoning code for “Concentrated Animal Feeding Operations” to be consistent with the state code.** Mr. Hoffman advised the committee that the Plan Commission at a couple of earlier meetings had looked at this item. He said that this was the second draft of the ordinance and that it takes the state code verbatim. The only thing that the Plan Commission added to this draft was that this type of activity (CAFOs) would be confined to A-2 zoning, which is exclusive agriculture. Mr. Marchek told commission members that the federal government has requirements relating to this issue that went into effect in December of 2002 that contained language that *all animal-feeding operations must be permitted if they meet the following requirements*. He said that the town’s initiative to address this matter is timed very well. Mr. Marchek recommended that the commission send the second draft to the Town attorney for his review before further action on updating the code. Mr. Hoffman moved that the item be tabled until such time as the town attorney could review this draft and also that public hearings on the item be scheduled at the Plan Commission and the Town Board meeting. Mr. Rutkowski was the second. Motion carried.

8. **Discussion/action on request for land division and rezoning of property located at 2564 Cedar Sauk Rd., tax key 08-033012-001.00 from A-1 to A-5.** Discussion of this item had been delayed until 7:30 to give time for interested parties to arrive. Seeing that the parties were now in attendance, Mr. Hoffman took up this item. Mr. Hoffman said that there were a lot of problems with the road easements in the way that Ms. Wahlberg had presented them in her request. Exhibit A shows three coming out of one driveway. Mr. Hoffman said that without a variance Ms. Wahlberg could not configure the driveway in this fashion. Mr. Hoffman said that Exhibit B would create a flag lot and under Town zoning code that would be prohibited. Mr. Hoffman said that a third problem was that one lot did not have the required minimum 70 feet of frontage on a public roadway. Mr. Hoffman recommended that one lot be eliminated from the land division to address this problem. As presented, he said he would recommend against the request. Ms. Smallish said she would recommend against it without even going into a discussion of the driveways, etcetera, as this 28 acre parcel is in-between larger properties to the east and west of the proposed land division that are were zoned A-1 and A-2. Ms. Smallish pointed out that at 20 acres; the property under discussion was already small for the area. Ms Smallish said that to grant the request would be to allow spot zoning. Mr. Wahlberg said “this easterly maybe 20% of the property has got the ponds in it and that effectively physically divides the property in terms of module of usable land. If you look at the amount of usable land that is left to the east of the pond complex its probably less than 5 acres so by the physical attributes of the property its already divided out into 5 acre parcel east of the ponds.” Mr. Wahlberg pointed out his observation that, of the land west of the ponds, a good portion of it has fairly significant slope that make it unsuitable for agriculture uses. Mr. Kadow said that he could not recommend as this is an A-1 area and it was intended to remain low density. Ms. Wahlberg said that she was lead to believe that if she could work out the road situation the property could be divided. She said it was that understand that lead her to go ahead and purchase the land. Mr. Hoffman said that the road situation had not been worked out. Ms. Wahlberg said that she was told at the meeting that you wanted to have the road line up with the Cedarburg portion of the road and to do that she would need to work out the DNR easement. Ms Wahlberg said that is what she researched and she found out that the DNR would not allow a road on their easement. Mr. Hoffman said that the fact of the matter is that it doesn’t meet the code as presented. The road layout, the way it is, does not meet the code, Mr. Hoffman said. Mr. Hoffman said that there is no guarantee when

land is acquired that the zoning will change. He said that is a decision that has to be made by the Plan Commission and recommended to the Board and any feeling or indication that you feel you received has no merit. You just have to wait until a decision and you have to look at the results. Mr. Hoffman said he was not aware of anyone saying anything that would lead Ms Wahlberg to assume that the land division would be approved. Mr. Hoffman said that, in any case, Ms. Wahlberg had not worked out the road situation in her proposal. Mr. Kadow made a motion to deny the land division at the request. Mr. Hoffman was the second. Motion carried unanimously.

9. **Preliminary discussion on request for a home-based business at 4161 Blue Goose Road by James Ungart.** Mr. Ungart distributed a letter outlining his proposal to the commission. Mr. Ungart said he wanted to set up a very small home-based business in his retirement to generate a little income. He said the business would consist of repairing and selling guns, 80% of the business would be done at reenactments and gun shows. He said he would have a limited amount of supplies and materials at the house. He did not think the business would be high traffic. Mr. Hoffman asked if there were any questions from the commission. Ms Smallish ask how the property was zoned. Mr. Hoffmann said that it was 5 acres, A-5. Ms Smallish asked who would be employed. Mr. Ungart replied that he would be the sole employee except that his wife might help out with some paperwork. Mr. Hoffmann asked what kind of materials would be stored in the area. Mr. Ungart said that he would have several guns; he estimated less than 12 guns at one time, and some popular ammunition. Mr. Hoffman asked if Mr. Ungart planned on storing black powder at the site. Mr. Ungart said he had filed for a license to permit him to do that but he had not heard anything back yet concerning the license. Mr. Ungart said he guessed that he would keep a pound or two of the black powder on site but that is not important to him. He said he is most interest in research on antique guns. Ms Smallish asked what portion of the property would be used for the business. Mr. Ungart said that he planned to use a portion of the basement of the house. Mr. Hoffman asked if Mr. Unger had talked to the building inspector about the requirements of home business according to the zoning code. Mr. Ungart said that he was told that the town would not want a sign put up in that location. Mr. Ungart said that he planned to put out a small swinging sign under his mailbox only during the hours that he was open and that he would remove it during the hours the business was closed. Mr., Hoffman read some items from the zoning code that he said Mr. Ungart would need to consider before establishing a home based business. Ms. Smallish said that traffic could not exceed the amount of traffic generated by the principal use of the property. Mr. Ungart said that he planned to do much of his business at reenactments around the state and that activity would not have a traffic impact on the neighbors, as it would take place away from the house. Mr. Hoffman said item 3.0602 of the zoning code - item 13, materials that decompose by detonation are prohibited. Mr Hoffman said, "Until you could meet or prove that the items in the zoning code would be met, we couldn't recommend for its approval." Mr. Ungart asked, "If the business was to be strictly repair of guns would that solve the problems?" Mr. Hoffman said that would depend again on the traffic; the ingress and egress on the property; you would still need to make sure that those items in the code were met. Mr. Hoffman said that the way it is presented now his recommendation would be to deny but Mr. Ungart could come back next month with a new proposal that meets the items in the code.

10. **Discussion/action on the request for speed limit on Orchard Lane.** Mr. Hoffman told the commission members that this issue came out at the last Town board meeting. He said that the town had had some complaints from neighbors who live on Orchard Lane, which abuts the village. Mr. Hoffman said that Orchard Lane is a small gravel road. Recently the Village of Saukville allowed a subdivision near the end of Orchard Lane. Mr. Hoffman said the village put in a road to serve residents of this subdivision. He said the village road is not a through road but in

practice it is basically used as a through road onto Orchard Lane. Mr. Hoffman said, the neighbors and residents who live on Orchard Lane have been complaining that a relatively massive amount of traffic has been using Orchard Lane and that Orchard Lane is a 55 mph road because it's a town road. Mr. Hoffman said that Orchard Lane is a narrow road and not suited to the amount of traffic that is using it now. Mr. Hoffman reported that he has been talking with the neighbors and meeting with Roy Wilhelm from the road department in the village and, as a result of these meetings he suggests that the best solution at this time is to put a speed limit sign on Orchard Lane. Mr. Hoffman suggested that the town could limit truck traffic on Orchard Lane because it is a narrow road. Mr. Hoffman said that he told the neighbors that the town could also use a chemical spray on the gravel road to keep the dust down. Mr. Hoffman asked if members of the Plan Commission thought that was a good idea to limit the speed on Orchard Lane at this time or if they had any other ideas. Mr. Niehaus asks if he was clear that this was a road that was affected by changes in the village traffic. Mr. Hoffman replied that up until the last year Orchard Lane was a dead end road and there were just two or three residences on that road. Then the village put in a road for the subdivision that did not connect with Orchard Lane. But because there is only a two or maybe three foot section of property between the village road and Orchard Lane cars have been driving over the property dividing the two roads so that they can use Orchard Lane as an alternative egress from the subdivision. Mr. Niehaus asked if this was a north-south road. Mr. Hoffman said that the road did run north-south. Mr. Niehaus asked what section of the township Orchard Lane is in. Mr. Hoffman said it abuts the village right off of Hillcrest Road. Mr. Niehaus asked Mr. Hoffman if he thought that in time that traffic would abate. Mr. Hoffman replied that his personal opinion is that it will get worse. Mr. Hoffman said that in the future the town might need to look at widening the road. He said that this would raise the question of whether or not there is enough easement there to do that and if it is possible to get more easement from the neighbors. Mr. Hoffman said that the town would then have to look at what it will cost to pave it. Mr. Niehaus said that he did not like to restrict traffic within the town but in this case it was clear that a lower speed limit was necessary for safety concerns. Mr. Niehaus made a motion to place a 25 mph speed limit on Orchard Lane and that calcium chloride be applied to the road bed to reduce dust. Mr. Hoffman second. Motion carried unanimously.

**11. Any other business as may properly come before the Plan Commission.**

Mrs. Marcella Stadler said that the property owner has erected a fence that blocks access to the river at 3150 Highview Drive. She asked if the town would investigate to see if this fence is on a town easement to allow river access for the fire department.

**12. Adjourn:** Motion by Chairman Hoffman to adjourn. Second by Mr. Niehaus. Motion carried unanimously. Meeting adjourned at 8:00 p.m.

**Terry Hoffman  
Chairman**

**Minutes respectfully submitted by:  
Debra Walls**