

APPROVED 9/16/2020
PLAN COMMISSION MEETING
WEDNESDAY, AUGUST 19, 2020
5:30 P.M.
TOWN HALL, W2004 COUNTY RD S

1. CALL TO ORDER, ROLL CALL, PLEDGE

Meeting called to order by Chairman Brandon Conrad at 5:30p.m. Commissioners present: Dan Reinke, Darin Tiedt, Ron Mashlan, Henry McKenna and Mark Dollevoet. Chris Evers arrived late. Also present: Deputy Clerk/Treasurer Michelle Evers, Cedar Corp Ken Jaworski and Cedar Corp Jeff Kussow. Pledge recited.

2. VERIFICATION OF POSTING & ADOPT AGENDA

Posted on the 2 Boards at the Freedom Town Hall and on the Town website on the 14th day of August, 2020 at 1:00p.m. by the Clerk's Office. Also posted at: Dairyland Depot, Freedom Mini Mart and HNR, LLC. Re-posted on the 2 Boards at the Freedom Town Hall and on the Town website on the 17th day of August, 2020 at 11:00a.m. by the Clerk's Office. Also posted at: Dairyland Depot, Freedom Mini Mart and HNR, LLC.

Motion by Comm. Reinke with second by Comm. McKenna to approve the agenda as posted. 6 Yes 0 No MC

3. CONSIDERATION OF MINUTES FOR THE JULY 15, 2020 MEETING

Motion by Comm. Dollevoet with second by Comm. Reinke to approve the minutes of the July 15 meeting with the correction on Item #2 changing it from Comm. McKenna to Comm. Tiedt. 5 Yes 0 No MC 1 Abstain (McKenna)

Chris Evers arrived 5:32p.m.

4. CORRESPONDENCE – None

5. CONSIDERATION OF CERTIFIED SURVEY MAP APPLICATION; NEIGHBORHOOD ACRES LLC; W1560 VAN ASTEN ROAD (PIN 090-0329-00)

Motion by Comm. Evers with second by Comm. Tiedt to recommend to the Town Board approval of the Certified Survey Map for Neighborhood Acres with no conditions. 7 Yes 0 No MC

6. CONSIDERATION OF CERTIFIED SURVEY MAP APPLICATION; MARK G. VAN ASTEN, MARCY A. VAN ASTEN, JOSEPH F. VAN ASTEN, THERESA M. VAN ASTEN, & MARIAN M. VAN ASTEN (L.C. & L.E.); W1384 VAN ASTEN ROAD (PIN 090-0322-00)

Motion by Comm. Conrad with second by Comm. Dollevoet to recommend to the Town Board approval of the Certified Survey Map for Mark G. Van Asten, Marcy A. Van Asten, Joseph F. Van Asten, Theresa M. Van Asten and Marian M. Van Asten with no conditions. 7 Yes 0 No MC

7. CONSIDERATION OF CERTIFIED SURVEY MAP APPLICATION; BRYAN G. FOX & AMY V. FOX; N3872 COUNTY ROAD EE (PIN 090-0494-00)

Motion by Comm. Tiedt with second by Comm. McKenna to recommend to the Town Board approval of the Certified Survey Map for Bryan G. Fox & Amy V. Fox with no conditions. 7 Yes 0 No MC

8. CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION FOR FILLING WITHIN 300 FEET OF A NAVIGABLE STREAM (TRIBUTARY OF DUCK CREEK) ASSOCIATED WITH A NEW RESIDENCE & HORSE BARN; JASON C. HAEN & TRICIA A. HAEN; W3450 EQUESTRIAN TRAIL (PIN 090-1937-00)

Motion by Comm. McKenna with second by Comm. Mashlan to recommend to the Town Board approval of the Conditional Use Permit for Jason C. Haen and Tricia A. Haen with the following condition:

1. The project shall comply with all applicable local, state, and federal codes/ordinances; including all necessary permits/approvals for the proposed wetland disturbance.

7 Yes 0 No MC

9. CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION FOR FILLING WITHIN 300 FEET OF A NAVIGABLE STREAM (TRIBUTARY OF DUCK CREEK) ASSOCIATED WITH A NEW DRIVEWAY; KEVIN M. FITZSIMMONS & MEGAN FITZSIMMONS; W3640 ROCK ROAD (PIN 090-0495-03)

Resident (Willie Conrad) at W3628 Rock Road questioned why the residence was built so high. Having drainage issues in her front yard. Cedar Corp will work with the resident.

Motion by Comm. Tiedt with second by Comm. Dollevoet to recommend to the Town Board approval of the Conditional Use Permit for Kevin M. Fitzsimmons and Megan Fitzsimmons with no conditions. 7 Yes 0 No MC

10. CONSIDERATION OF CONDITIONAL USE PERMIT APPLICATION FOR FILLING WITHIN 300 FEET OF A NAVIGABLE STREAM (TRIBUTARY OF DUCK CREEK) ASSOCIATED WITH A NEW DRIVEWAY CROSSING THE STREAM; LARRY P. RIESENWEBER, NANCY A. RIESENWEBER, & HEATH LORNSON; PIN 090-0091-02 (FRENCH ROAD), LOCATED TWO LOTS NORTH (APPROX. 260 FEET) OF N4632 FRENCH ROAD.

Motion by Comm. McKenna with second by Comm. Reinke to recommend to the Town Board approval of the Conditional Use Permit for Larry P. Riesenweber, Nancy A. Riesenweber and Heath Lornson with the following condition:

1. The project shall comply with all applicable local, state, and federal codes/ordinances.

7 Yes 0 No MC

11. CONSIDERATION OF SPECIAL EXCEPTION PERMIT APPLICATION FOR A PORTION OF A NEW RESIDENCE TO BE USED FOR STORAGE SERVING AN EXISTING WINERY (KERRIGAN BROTHERS WINERY); TROY R. LANDWEHR; N2797 STATE HIGHWAY 55 (PIN 090-0937-00)

Motion by Comm. Mashlan with second by Comm. Reinke to recommend to the Town Board approval of Special Exception Permit for Troy R. Landwehr with no conditions. 7 Yes 0 No MC

12. CONSIDERATION OF SITE PLAN APPLICATION FOR A WAREHOUSE/STORAGE BUILDING SERVING AN EXISTING MANUFACTURING BUSINESS (K&M WORLDWIDE CRATING, LLC); MAASS PROPERTIES LLC; W1920 INDUSTRIAL DRIVE (PIN 090-2109-00)

The Plan Commission determined that the driveway may exceed 35 ft. in width, as proposed, since strict compliance with the driveway width would cause an operational hardship and safety concerns; and such relief would not cause detriment to the public good and will not impair the intent and purpose of this chapter or the desirable general development of the Town. The Plan Commission determined that the proposed driveway width will increase safety by enhancing traffic flow and by reducing the amount of time a tractor-trailer would need to be on the public road for maneuvering to enter the property.

The Plan Commission determined that the two-tone steel exterior building materials facing the east and west side yard setbacks, as proposed, may be allowed via the "other materials as approved" provision in Section 26.311(6)(b) of the Site Plan Ordinance. Plan Commission stated that the exterior building materials for the new building should match the existing building.

Plan Commission determined that a variance may be granted for the maximum 35% ratio of building area (footprint) to total parcel size, as per Section 5. B. of the Declaration of Covenants and Restrictions for the First Addition to the Freedom Industrial Park Plat, provided the proposed building size is decreased to 50 ft. x 205 ft. and the building is set back an additional 5 ft. from the front (south) property line. Plan Commission's reason for this determination is that:

- A. The total building footprint area is divided between two buildings on the property instead of one, which maintains consistency in size and character of each individual building with other individual industrial buildings in the area.
- B. The total area of impervious surfaces on the site will remain the same regardless of total building footprint area. Therefore, stormwater runoff will not be increased with the proposed total building footprint area.

Motion by Comm. Evers with second by Comm. Tiedt to recommend to the Town Board approval of Site Plan for K&M Worldwide Crating, LLC with the following conditions:

1. The project shall comply with all applicable local, state, and federal codes/ordinance.
2. There shall be no structure(s) or planting(s) greater than three (3) feet in height within the vision corners of the driveway and public road intersections (i.e., CTH S & Vine Rd.) as required by Section 26.303(7) of the Town of Freedom Site Plan Ordinance.
3. The applicant shall obtain a Town of Freedom Erosion Control and Stormwater Management Permit from the Town prior to commencing construction. The project shall comply with all applicable requirements of Chapter 24 and Chapter 25 of the Town of Freedom Municipal Code.

4. Any equipment or materials stored outdoors shall be visually screened from all streets and adjoining properties with a suitable fence, vegetation, berm, or combination thereof. Screening shall be attractive in appearance and in keeping with the architectural quality of the main structure. Said storage shall be limited to behind the front line of the building on the property, and within the building setback lines.
5. The exterior building materials facing the east and west side yard setbacks shall be two-tone steel, as proposed, to match the existing building on the property.
6. The ratio of building area (footprint) to total parcel size may exceed 35%, provided the proposed building size is decreased to 50 ft. x 205 ft. and the building is setback an additional 5 ft. from the front (south) property line.
7. Any substantial changes or additions to the site plan and/or building plans must be reviewed and approved by the Plan Commission and Town Board in accordance with the requirements of the Town of Freedom Site Plan Ordinance. Determination of whether a change or addition is substantial shall be at the discretion of the Town Engineer and/or Town Planner.

7 Yes 0 No MC

13. CONSIDERATION OF RESOLUTION 2020-06 TO RECOMMEND ADOPTION OF COMPREHENSIVE PLAN BY TOWN BOARD
Public Hearing for the Comprehensive Plan was set for Wednesday, October 7, 2020 at 5:30p.m.

14. OTHER PROJECT UPDATES/TIMELINES

A. KUSKE PROPERTIES LLC SITE PLAN APPROVAL MINOR ADJUSTMENT

Jeff Kussow gave an update on Kuske Properties. They are requesting that the exterior building materials of the 6,400 sq. ft. addition in the southwest corner of the existing building, facing the side yard setback, be allowed to consist entirely of 3" Insulated Metal Panels (IMP). The reason for this request is that Mr. Kuske intends to construct an addition on the south side of the building in the next 3 – 5 years. The request was approved at the staff level prior to the Plan Commission meeting.

B. SCHMIDT PROPERTY; PIN 090-0619-00 & 090-0633

Ken Jaworski discussed that the Schmidt Property is moving forward with the wetland delineation. Cedar Corp. is putting together a concept of the area.

C. REQUEST FOR MUNICIPAL SEWER & WATER SERVICE TO 126 ACRE PROPERTY OWNED BY MURPHY CONSTRUCTION COMPANY; CENTER VALLEY ROAD/KEMPEN ROAD (PIN 090-0029-00, 090-0030-00, 090-0031-00, & 090-0033-00)

Ken Jaworski gave an update. He is waiting from MCC (Murphy Construction Company) on the nonmetallic mine reclamation status. Once received Ken will send information over to East Central Planning for analysis of total development area for a sewer service area amendment.

D. BELGIOIOSO CHEESE INC. CHEESE PLANT

Jeff Kussow discussed the Developer Agreement draft was received today (August 19, 2020). Sanitary District has the final Utility Plan. The CSM will be taken to get recorded.

E. OTHERS – None

15. BUILDING PERMITS – Building Permits were reviewed.

16. SANITARY DISTRICT REPORT – Comm. Evers gave an update.

17. FUTURE MEETING SCHEDULE

Next Plan Commission meeting will be held on September 16th at 5:30p.m. Comprehensive Plan Hearing is October 7, 2020 at 5:30p.m.

18. ADJOURN

Motion by Comm. McKenna with second by Comm. Dollevoet to adjourn at 7:46p.m. 7 Yes 0 No MC

