TOWN OF EAST TROY PLANNING COMMISSION MINUTES
June 5, 2024 at 6:30 P.M.

Chairman Cook called the meeting to order at 6:30 P.M. Commissioners, Smith, DeGrave, Gordon, Denhart, Celley and Jahner were in attendance. Secretary Olson was also in attendance.

Chairman Cook explained that this Commission operates on a split meeting format and this is the Public Hearing portion of the Planning Commission Meetings. The commissioner's viewing and decision-making meeting will be on June 19, 2024 at 6:30 P.M., if a decision is not made in this meeting. The petitioner or agent will present their request, then we will ask for people in favor or opposed to the petition to speak and the petitioner will then have a chance for rebuttal. All comments need to be addressed to the commission and not the applicant.

1. APPROVAL OF MINUTES
   Minutes from April 3, 2024.
   A motion was made by Commissioner Gordon to approve the April 3, 2024 minutes
   Seconded by Commissioner Denhart
   Motion approved unanimously

2. CONDITIONAL USE
   Neighboring W2165 Highway J
   Mukwonago, WI 53149
   Parcel No: P ET 600008D
   Ian Wolfe, Owner / Applicant
   Ian Wolfe, owner/applicant is requesting a Conditional Use Permit to clear a 1.7-acre area of undergrowth and undesirable/invasive tree growth. The goal is to have a "You Cut" Christmas Tree Farm on the A-2 property. County Zoning requested a Conditional Use to do the clearing of the A-2 property. Growing Christmas trees fits into the purpose of A-2 zoning. The average Christmas tree takes 8-10 years to mature before they are able to be harvested, giving many years before the Wolfe's will be able to make any tree sales. Wolf stated that his future goal is to build a home and small shop on the property, however the cost has them taking each step at a time. Wolfe, spoke for the request and explained that he felt that the reason that County Zoning requested the Conditional Use for land restoration is due to the use of an excavator. Neighbor Dale Labecki, spoke in favor of the request stating that he has been a neighbor of the former Trampe family property for the last 38 years and sees no reason why the undergrowth shouldn't be able to be cleared for the planting of the Christmas Tree farm. There was discussion among Commissioners, Chairman Cook stated that from his perspective there appears to be no issues with the intended use for the properly zoned A-2 property. The Commissioners agreed that from their perspective this appears to post no negative impact to the neighborhood or public safety and is appropriate use of the agriculturally zoned property.
   Motion made by Commissioner Smith to APPROVE the Setback VARIANCE REQUEST at Neighboring W2165 Highway J East Troy, WI Parcel No. P ET 600008D.
   Seconded by Commissioner Jahner.
   Motion passed unanimously.

3. CONDITIONAL USE AMENDMENT
   W1545 Sawyer Lane
   East Troy, WI 53120
   Parcel No: PA 397300001
   RM Krueger Investments LLC, Owner / Richard Petrovsky, RPM, Applicant
   Whereas Richard Petrovsky, applicant, RM Krueger Investments LLC, Owner is requesting a Conditional Use Amendment due to the change to the "use of structure" portion of the existing Conditional Use. The applicant would like to use the structure as a second location for his business RPM. RPM provides sales, service and storage of recreational vehicles. The existing Conditional Use is restrictive to the sales and service of trucks. County Zoning requested an Amendment to update the use of the structure to more specifically state the sales of recreational vehicles. Petrovsky, spoke for the request and explained that he is leasing the property and the use of the out buildings and the location is the perfect infrastructure for his business. The Sheltering Oaks property being a neighbor provides synergy with the sales and service of their business plan. The goal is to have 4 camper "units" in the parking lot on display and to then have 30 on site total kept in out buildings and in car ports with an out of site out of mind layout. The hours of operation are from 9am-5pm and by appointment only for the purchase of pre-owned campers, travel trailers and motor homes. There was discussion among Commissioners, Chairman Cook, stated that he felt that this request was fairly straight forward and he felt it was consistent with the previous land use. The Commissioners agreed that from their perspective this appears to post no negative impact to the neighborhood or public safety and is appropriate use of a B-4 property. The property is a part of the business corridor on the 2035 plan and is consistent with previous use of the land.
   Motion made by Commissioner Gordon to APPROVE the Setback VARIANCE REQUEST at W1545 Sawyer Lane East Troy, WI Parcel No. PA 397300001.
   Seconded by Commissioner Denhart.
   Motion passed unanimously.

4. REZONE/CONDITIONAL USE
N8828 Stringers Bridge Road
East Troy, WI 53120
Parcel No: P ET 1800006A
West Rod Cottage Industries LLC, Owner / John Stoss, Applicant
John Stoss, applicant, West Rod Cottage Industries LLC, Owner, is requesting a Rezone to take a substandard lot and make it a C-2 Upland Resource Conservation District, which the applicant states in his opinion, is consistent with neighboring properties. The applicant's goal is to allow 8 parking stalls for commercial use, allow 8 commercial use mooring spaces along with 2 personal use mooring spaces (total of 10 mooring spaces) under the description of a Marina Conditional Use.
Stoss, spoke for the request. He read two letters Mike and Barb Larson wrote in support as well as Laura Haines and Mike Buchek.
Stoss, went on to give a presentation listing his goal of reopening Fred's tap and the fact that there are less options for food or alcoholic beverages on the lake. Stoss stated that he will be adding 8 commercial parking spots to the location and will be removing his personal vehicles and any other personal marine use equipment. He will not be adding additional boats or piers than the ten boats that he is currently allowed. Stoss made reference to a letter from Town Attorney, Jim Mills, dated February 28, 2012, stating that ten boats would be within the Town Ordinance for the moorings in the form of piers. In the Conditional Use Request, he is requesting a permitted use eight commercial use slips along with two personal use slips not to exceed the ten slips that they have now. Stoss also referenced a section in his packet that states the zoning code for C-2 properties, substandard lots as well as yachting clubs and marinas. Stoss stated that according to Darrin Schwanke, Walworth County Zoning Administration, current zoning was adopted on July 14, 1975. Stoss stated that his parcel was a legally created lot prior to that date. Stoss cited that there are several other properties that are C-2 and less than five acres. Stoss also addressed what he felt were environmental concerns that may come up. He presented 4 locations that he listed the distance of all of their parking stalls to the high-water mark. Demonstrating that he feels he is not asking for anything outside of what is currently being done on the lake. Stoss also presented 8 sensitive areas on the lake. Showing how many piers are on each area and how many boats are allowed. Pointing out what is done on the lake and how their impact on the lake does not differ for what he is asking for. He also pointed out that the size of the culvert gives him a handicap from a business standpoint because many boats can not fit through the culvert. Other businesses on the lake have direct access from the lake. The goal is to make Fred's Tap accessible by the lake as well as by land. Stoss referenced an ecological study dated August 30, 2013 stating that that is 2/3 of 1% of sensitive area number 7. Commissioner Smith pointed out that that study was not in the packet. Stoss stated he would provide a copy to Secretary Olson to be disbursed to the Commissioners. Stoss cited the "Water Trust Doctrine" stating that no one owns the lake and that it's use should be open to the public. Stoss stated that he has a history of boat rentals and that through out all of the years and thousands of patrons that have rented boats from him, there have been no citations issued to those patrons by the TETPD or the DNR. He prepares them for the rental and ensures that they understand the rules of the water prior to them leaving. Chairman Cook, asked Stoss what he feels is different now than the last time he made the request of the Planning Commission and was denied? Stoss stated that he felt that he didn't have his ducks in a row and was not aware that the "property of record" can be changed to a C-2. Chairman cook stated that the problem he has is that it is currently a C-4 (wetland) and that they do not change that. Stoss stated that it has been delineated twice (last 2012) and there are only a few feet of wetland. Chairman Cook, asked if there was a wetland delineation, Stoss stated that there was, and then referred to a letter from Allison Masek from the DNR dated April 23, 2024. The letter states and I quote "The parcel does not have any mapped WWI wetland except for what is along the shore so I would be comfortable calling the property upland as mapped in the 2012 delineation. With the mapped wetland near the shore if there are any future projects in that area, a new delineation might be needed but for the purpose of zoning the entire parcel I think the previous delineation is fine."
Commissioner Denhart, pointed out the section that stated "if there are any future projects in that area a new delineation might be needed" and that this is in fact a future project. There was debate between the Commissioners and Stoss about that interpretation of the letter. The Commissioners appeared to be in agreement that this request is a new project and would therefore require a new delineation as stated in the letter. Stoss countered that he has owned this property for 21 years and has had it delineated twice and nothing has changed, the line has not moved. Chairman Cook asked if he had SEWRPC there. Stoss stated that he had them as well as the DNR and Army Corps of Engineers there. Stoss is feeling that because he is not building anything, it does not classify as a new project. Commissioner Denhart cited the attached email with the letter from Allison Masek, that Darrin Schwanke, stated and I quote "The county would be looking for conformation that the delineation and survey from 2012would still be accurate. The land above the delineation would rezoned to an upland zone district and the land below the delineation would remain the C-4 wetland district. If these old delineations are confirmed then John could start the rezone process with Kate Hastings at the county and the proceed to the Township and then onto County Zoning Agency."
Chairman Cook then stated that he wanted a Delineation stating where that line is. Chairman Cook stated that they are not going to change wetland area to C-2, but they are reasonable people, who if it is proved that it is in fact upland and it is incorrectly zoned than it could be changed. Stoss then again cited that the survey was done in 2012 and nothing was changed. There was debate between Stoss and the Commissioners about the interpretation of the letters. Commissioner Smith stated that requests to clean up wetland delineations are common since they do not follow property lines, what is uncommon is that this delineation is 12 years old. Chairman Cook is asking for a nice new map with the 2024 date and stating that the delineation is current and proven correct and current. It was made clear that they would not be able to progress until there is more information. The rezoning must be settled before they can discuss the conditional use.
Commissioner asked Stoss for a larger clear format of the survey in order to be able to read it. Chairman Cook, then stated that he will table the request until a time that there is a survey that is current. Chairman Cook asked the audience to hold their comments until the July meeting in order to have public comments at that time with more current information. John Becker, asked that the request be tabled until the August meeting as this is an inconvenience to the audience members who came to speak. Chairman Cook, stated that it would be unfair to the applicant, and maintained that the request will be heard in July.

5. Other Business & Public Comments

None at this time

6. Adjourn
   Motion made by Commissioner Smith to adjourn.
   Seconded by Commissioner Denhart.
   Motion passed unanimously.

Respectfully Submitted,
Jennifer Olson
Planning Commission Secretary
June 14, 2024

Please note that typos in the quoted sections were typed as stated in the emails by the original authors. They were intentionally stated as written