

Town of Trenton

Official Minutes of the regular meeting of the Town of Trenton Plan Commission held on Monday, September 11, 2023, at 7:00 PM at the Town Hall, 1071 State Highway 33 East.

Present: Joan Baumgartner, Ray Werhand, Scott Schweizer, Dennis Kay, Tony Thoma, Bob Roden. Other Town officials present: Chairman Mike Lipscomb, Supervisor Barb Davies, Town Administrator Cindy Komro, and Clerk Heather Krueger. Excused: None. Members of the public: 11

1. Call to order: Chairman Lipscomb called the meeting to order at 7:00 p.m.
2. Pledge of Allegiance: Lipscomb invited those in attendance to stand and join in reciting the Pledge of Allegiance.
3. Affidavit of Posting: Lipscomb confirmed that the meeting notice was properly posted.
4. Determination of Quorum: Per Lipscomb, quorum is satisfied.
5. Review and Accept Agenda: **Roden moved, and Thoma seconded to approve the agenda as presented. Motion carried. 6-0.**
6. Approve Minutes of the August 15, 2023, Public Hearing: **Kay moved and Werhand seconded to approve the minutes of the August 15, 2023 Public Hearing as presented. Motion carried 6-0.**
7. Approve Minutes of August 15, 2023, Plan Commission Meeting: **Schweizer moved and Thoma seconded to approve the minutes of August 15, 2023, Plan Commission meeting as presented. Motion carried 6-0.**
8. Discussion: Zoning Ordinance Amendment regarding existing homes with detached garage. Per Komro the town zoning ordinances do not allow approval of a zoning map amendment (rezoning) if the parcel would not conform to the new zoning district. For example, R-1 zoning district requires a minimum house size and an attached garage. Certain older homes were built without an attached garage when it was not required. Technically, rezoning to R-1 would not be allowed if there is no attached garage on the existing home. Currently, owners have limited options if they want to change their zoning or anything on their properties. Examples of this include:
 - Homes with a detached garage, homes without an attached garage, or no garage.
 - Properties with an accessory structure that does not conform to the size requirements existing in the preferred zoning district.

Komro would like to see the ordinance allow for these properties that are an exception to be considered, as this was a hole in the ordinance that wasn't thought of at the time the ordinance was written. What would make sense to be able to approve a rezoning that we are currently not allowed to approve? She is asking for guidance from the Plan Commission on the text amendment to the ordinance. Kay suggested placing a preamble prior to the ordinance stating a general clause of "prior to" relating to the building on the property. Komro will consult with the Town Attorney amendment for direction on a text amendment.
9. Zoning Ordinance Amendment, setbacks for Accessory Buildings. Per Komro, this is only cleaning up the language in this ordinance to make it all consistent. It does not change any of the setbacks, just the language. **Werhand moved to hold a Public Hearing on the Zoning**

Ordinance Amendment on Oct. 9, 2023 at 6:45 PM, seconded by Baumgartner. Motion passed 6-0.

10. Preliminary Review: CSM and Petition for Rezoning, Jean Falk, 1715 County Hwy I (Decorah Rd)
Tom Zernia, Boss Reality is assisting Jean Falk to split her property into two sellable lots. The Preliminary CSM was shared with the Plan Commission. They would be adding a separate driveway so both properties would have their own, which currently conforms. Lot #2 has a nonconforming structure (barn) which would be required to be removed before rezoning to R-1 would be approved. Falk is interested in keeping the barn if possible. No other recommendations are suggested by the Plan Commission at this time.
Per Lipscomb: My opinion is to not make property owners tear down wooden structures on their property, you are changing the landscape of the township. At some point, Lipscomb would like the Plan Commission to figure out how to make exceptions to these properties and how to enforce these non-conforming exceptions.
11. Preliminary Review: Patrick and Dean Groth CSM, Comp Plan Amendment, Petition for Rezoning.
Per Komro, a CSM has not been submitted yet, Growth is looking to add some property to make his lot larger and then rezone. A Comp Plan amendment is required because he would like to rezone to CES-5. Discussion followed regarding if any additional requirements are needed from the Plan Commission.

[Bob Roden recuses himself]

12. Preliminary Review: Rezoning Request and Conditional Use Permit Application: Bob & Cindy Roden. Per Komro, this is a preliminary discussion on the rezoning only. Is this rezone appropriate and does it conform for this area to rezone?
Per Baumgartner: Considering the number of acres in question for the rezone, could it be just 30 or 40 acres to be rezoned to EA vs. everything he has submitted? The concern is that if the property is split or sold in the future, the various 30-acre parcels could be additional CAFO applicants.
Roden: My proposal is to rezone the four parcels as submitted. The permit will be submitted for 2,500 animal units, which will be 1,500 milking cows. Joan is correct, someone can put another large unit right next to an existing one and can go up to 10,000 animal units but they need to apply.
Baumgartner: How would you stop them from doing that with the right-to-farm legislation, and if the town already allowed the rezone of this entire parcel how do we say they can't do it? We don't have the legal advice to help us with that. If the operation will work on less acreage, why would we approve all the acres he is applying for?
Davies: You need to apply for a certain number of animal units with the DNR, and if you want more than that you need to apply to amend your application. The DNR admits to being reactive, not proactive.
Schweizer: The town cannot be more restrictive than the State, if the State would allow for more animals the town wouldn't have anything to say about that. An applicant would need to re-apply to the DNR and the town to amend it.
Baumgartner: That is correct and having additional acres rezoned potentially opens the door for the DNR to allow more animal units in the future and the town wouldn't be able to prohibit this. Once it is rezoned, it is rezoned.
Werhand: Are neighboring properties within 2,000' to be notified of the Public Hearing?
Komro: No, for the rezoning the requirement is 200'. The CUP would notify residents within 2,000'.

Schweizer moved to send the Rezoning Request for Bob & Cindy Roden to Public Hearing on October 7, 2023, at 6:00 PM, and notify residents within 200 feet, seconded by Kay. Motion passed 5-1.

13. Reports:

Davies: Regarding the barns and “saving them”, that would be a Conditional Use and you could attach a hefty fee if they violate. Davies will research further and advise the Plan Commission.

Thoma: Report from WA Co.; they will be having a closed session meeting this week on Samaritan. The residents will be taken care of as well as the staff, they will be putting up a new facility. Regarding shared services, Hartford will be allowing the county to do dispatching. A tower was just erected which will be shared between OZ & WA Counties. Thoma will be asking if the emergency sirens will be dispatched at the county level.

Lipscomb: Has contacted the DNR, Town of Saratoga, Town of Armenia, Town of Sylvester, Town of Palmyra, and Village of Nelsonville regarding CAFOs. Lipscomb has notes on each of the conversations and each of those are very unique and none really compares to the Town of Trenton. None suggested that there was anything Trenton could do until a problem arose.

Kay: Did the town ever get reimbursed for the recycle bins? Komro: yes, the town just received a \$3,220.00 credit.

Baumgartner: Update on 310 Knollwood? Komro: No, the Attorney needs to be contacted.

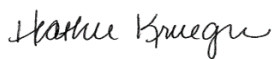
Komro: The home on Evergreen has been razed. The DPW went above and beyond to retrieve heirlooms for the property owner.

14. Comments: None

15. Review of correspondence: None

16. Kay moved, and Baumgartner seconded to adjourn at 8:45 p.m. Motion carried 6-0.

Respectfully submitted,



Heather Krueger, Town Clerk

Affidavit of Posting: These Minutes were posted on the Town of Trenton Town Hall Bulletin Board at 1071 STH 33 East, West Bend, WI on September 22, 2023. Cindy Komro, Town Administrator.

Subject to Approval: These Minutes will be considered for approval by the Plan Commission at its October 9, 2023 meeting.