

OTTAWA PLAN COMMISSION
Meeting Minutes
February 5, 2024

The Ottawa Plan Commission conducted a joint public hearing with Sandy Scherer, representing the Waukesha County Department of Parks and Land Use, to consider the Conditional Use request (CU104) and related Site Plan/Plan of Operation request (SP225) of Glenn Benidt, W350 S2505 Waterville Road, Oconomowoc, WI, 53066, for a Limited Family Business to wholesale vehicles online from an accessory building on his property. The subject property is described as part of the NE ¼ of Section 11, T6N, R17E, Town of Ottawa. More specifically, the property is located at the Waterville Road address cited above (Tax key No. OTWT 1589.999).

Chairman Rupp read the legal notice into the record. Planner Scherer indicated this hearing was properly noticed. The hearing was opened for comment.

Glenn Benidt was present.

Brett Kremer, W349 S2546 Waterville Road, stated he was concerned about the loading and unloading of vehicles on Waterville Road and Parry Road. He was also concerned about lighting, signage, and hours of operation.

Mr. Benidt stated this is an online business - wholesaler to wholesaler. There will be no lighting specific to the business, and no vehicles will be dropped off. A small sign is required by the state on door of building he's using for the business. The vehicles you may be noticing being unleaded are personal vehicles. I am not permitted to sell retail from my property.

Randy Schumacher, S23 W35111 Parry Road, checked into the State requirements, and indicated an outdoor sign is required. Planner Scherer indicated one sign outside on the door is required.

The Plan Commission clarified for the audience that Mr. Benidt needs a wholesale permit to conduct business, even online.

William Bosenbecker, S22 W35186 Parry Road, asked if people or cars would be coming to Mr. Benidt's residence. Mr. Benidt stated everything is online only, all he has is an office and he reports his transactions/commissions. Mr. Bosenbecker asked about signs on Parry Road or Waterville Road. Mr. Benidt indicated there would not be signs on either road.

Dick Reader, Manor house Road, said you have sports cars, will this mean more cars on your property. Mr. Benidt said there will be no cars brought to the property as part of this business.

Commissioner Kershek asked if cars were being bought for himself or is he working for a dealer. Mr. Benidt stated that this business is to facilitate a transaction from one dealer to another dealer. He locates cars and connects a buyer to a dealer. He does not own the cars himself. Sales will be reported to the state.

Miriam Schumacher, S23 W35111 Parry Road, asked if he can locate his business in the accessory building, and she is concerned that this may lead to cars being loaded and unloaded at the residence, also that this requires a Wholesale Dealers License and zoning approval. What if he is noncompliant with the state regulations. Planner Scherer stated yes the business can be located in the accessory building, that is what the request is for; there will be no vehicles on the property; there will be conditions that have to be followed. If something is reported it will be looked into, and if it violates the Conditional Use, and the violation is not resolved, the process of termination can be considered. The state is responsible for ensuring compliance with their regulations.

Commissioner Kershek asked if this will be strictly transfers between dealers, will he own any of the vehicles, and are there other employees. It was noted there will be one part time off-site employee, this will be dealer to dealer transfers, and Mr. Benidt will not own any of the vehicles.

Being there were no further questions or comments, Commissioner Kershek made a motion to close the public hearing. The motion was seconded by Commissioner Hausser and carried unanimously.

Immediately following the above hearing, the Ottawa Plan Commission conducted a second joint public hearing with Sandy Scherer, representing the Waukesha County Department of Parks and Land Use, to consider the Conditional Use amendment (CU105) and related Site Plan/Plan of Operation request (SP226) of Payne & Dolan, Inc., N3 W23650 Badinger Road, Waukesha, WI, 53188, for a portable asphalt batch plant within their existing quarry. The subject property is described as part of the NE ¼ of Section 1, T6N, R17E, Town of Ottawa. More specifically, the property is located at W340 S1523 CTH C (Tax Key No. OTWT 1589.999).

Chairman Rupp read the legal notice into the record. Planner Scherer indicated this hearing had been properly noticed.

Bryanna Bucholtz, Clint Weninger and Jim Mertes were present on behalf of Payne & Dolan

The hearing was opened for comment.

Bryanna Bucholtz provided a summary of the Payne & Dolan request for an amendment of their current Conditional Use. They have a very modern, high-tech plant with skilled operators. The plant would be brought on site when needed – its use is weather dependent and job specific. It takes one to two days to set it up. Planned use for the plant would be from April thru November. P&D is requesting the hours of operation to be from 5AM – 8PM, Monday-Friday and a half day on Saturdays. Approval of a portable plant will allow them to consider projects as they come up at the last minute without the need to get approval which can delay the process. Asphalt plants are regulated by the Federal government as well as the WDNR, and they have all the required permits and reporting is required (air, dust, water). They will continue to provide an Annual Report, including the plant operations, to the Town as required.

Commissioner Bennett asked where the equipment is stored off season, will there be overnight hours, and will the plant be screened. Ms. Bucholtz replied it can over-winter at the site, or it could move to another site where it will be used in the spring. There could possibly be overnight hours of operation. The plant will be screen by existing vegetation and the quarry site itself.

Mr. Kremer asked where is the location within the gravel pit, are there smells from the asphalt, how much noise would the plant generate.

Ms. Bucholtz stated the plant will be located on the north side of the quarry. They have products (cheery or mint additives) to reduce the smell of the asphalt. Mr. Weninger added that the plants themselves make noise similar to the quarry use, and the frequency of the backup alarms on the trucks can be lowered, when necessary, or they can drive mostly forward for loading to further reduce noise. There will be no jake braking.

Cleo Glasenapp, W340 S2421 CTH C, asked if this is a relocation. She also was concerned about trucks dripping asphalt/oils on the road. P&D said this plant is not being relocated and they have a good track record with plants they operate at other locations. Leaking should not be an issue. If they have issues with truck operators, they are let go.

Angela Peot, W340 S2401 CTH C, asked the days of operation and how the plant is moved. Mr. Weninger replied, Monday – Friday and a half-day on Saturday. The plant is on wheels.

Eugene Czechowicz, W340 S2401 CTH C, asked how long a Conditional Use is in effect. Planner Scherer explained that is up to what the Plan Commission recommends, and also what is decided by the Waukesha County Park and Planning Commission. Generally, CUs are permanent or run with the land unless otherwise conditioned.

Miriam Schumacher, S23 W35111 Parry Road, asked if there are environmental permits/regulations governing the asphalt plant and if there would be an increase in truck traffic on CTH C. It was stated, as noted above, asphalt plants are regulated by the Federal government as well as the WDNR, and they have all the required permits and reporting is required (air, dust, water). They have also applied for all County and Town permits. Ms. Bucholtz indicated the plant could have 10-

15 trucks per hour. Mr. Weniger stated that they would only use CTH C going south if there was a project immediately in the area to the south requiring the use of CTH C, otherwise they are required to go north on CTH C and use USH 18.

Commissioner Kershek asked if recycled asphalt will be used and about gas/oil storage on site. Mr. Weniger replied, yes, they will sometimes stockpile recycled asphalt for use in the plant. There is no gas storage on the property, but they do have a 20,000 gallon oil tank which is used in the production of the asphalt.

Beth Krippendorf, 1189 S. Waterville Lake Road said she was concerned about the smell and the toxic fumes. Mr. Weniger said they work with the asphalt every day, for years, and have no concerns. He again indicated they are willing to add a condition about adding an additive for odor. Mr. Mertes said it shouldn't be toxic as the EPA has done numerous studies.

Mrs. William Bosenbecker, S22 W35186 Parry Road, asked about signage on CTH C for the GD bike trail crossing. Planner Scherer suggested she contact the County DPW or the WDNR.

Being there were no further questions or comments, Commissioner Hausser made a motion to close the public hearing. The motion was seconded by Commissioner Kershek and carried unanimously.

Chairman Rupp called the regular meeting of the Plan Commission to order. Roll call attendance was taken. Commissioner Hausser, Commissioner Bennett, Commissioner Kershek, and Supervisor Graham were present.

First on the agenda was the correction to the approved 2024 Racing Schedule for the Badger Kart Club, W377 S1851 Gramling Lane, Dousman.

George Sieracki was present on behalf of Badger Kart Club.

Planner Scherer read her memorandum into the record.

Mr. Sieracki indicated there was a change to the Kart Club schedule as follows: July 20th and 21st should be closed for the weekend and July 27th and 28th should be open.

Supervisor Graham made a motion to approve and accept the schedule change. The motion was seconded by Commissioner Bennet and carried unanimously.

Next on the agenda was the Conditional Use and Site Plan/Plan of operation request of Glenn Benidt.

Planner Scherer read her report into the record.

Commissioner Kershek asked Mr. Benidt if he read the planner report and if he had any questions. Mr. Benidt did read the report, he did not have any questions.

Supervisor Bennett asked if, in #1, the part-time employee working remotely would need to work from the office on the subject property. Planner Scherer replied no they would not.

Commissioner Kershek made a motion to recommend approval of the Limited Family Business CU and SPPO request to the Waukesha County Park and Planning Commission subject to correction in #1 about the remote worker not having to work from the office on the subject property. The motion was seconded by Commissioner Bennett and carried unanimously.

Next on the agenda was the Conditional Use amendment and Site Plan/Plan of Operation request of Payne & Dolan.

Planner Scherer read from her report.

Commissioner Bennett asked if any of the accidents noted on page 3 of the report implied involvement of Payne & Dolan. Planner Scherer replied no. Also, on page 6, when they need to work outside of the hours of operation conditioned in the

report, how much advance notice will need to be given. Planner Scherer suggested a minimum of 24 hours notice, but as soon as P&D could provide notice, the better.

Commissioner Kershek made a motion to recommend approval of the Conditional Use amendment and SPPO request to the Town Board to allow the portable asphalt batch plant to operate on a permanent basis and that Payne & Dolan use an additive to reduce smell.

After further discussion, Commissioner Kershek amended his motion to recommend approval of the Conditional Use amendment and SPPO request to the Town Board to allow the portable asphalt batch plant to operate on a permanent basis subject to an annual review at the time when Payne & Dolan provides their annual report. If complaints regarding odor are received, they can be asked to add an odor additive to their asphalt batches. Approval subject to all the other conditions and terms set forth by the Planner in her report. The motion was seconded by Commissioner Hausser and carried unanimously.

Next on the agenda was the Hobby Kennel Permit request of Caitlyn and Charlie Krumscheid, S25 W36024 Hay Ct., Dousman, WI, 53118.

Caitlyn & Chalie Krumscheid were not in attendance.

One phone call was received by Carleen Sment to support the Hobby Kennel Permit.

Planner Scherer reviewed the Hobby Kennel Permit request and provided an aerial map of the property.

Supervisor Graham made a motion to approve the Hobby Kennel Permit for the list of dogs in the request and the applicants would need to return if they wanted to add any dogs, including foster dogs. Approval subject to all of the standards hobby kennel permit conditions. The motion was seconded by Commissioner Bennett and carried unanimously.

The zoning violation list was reviewed.

Chairman Rupp shared correspondence about an upcoming ATV/UTV meeting by the Okauchee UTV Club.

There was no public comment.

Supervisor Graham made a motion to approve the minutes of the December 4, 2023 Plan Commission meeting. The motion was seconded by Commissioner Bennett and carried unanimously.

Supervisor Graham made a motion to adjourn. The motion was seconded by Commissioner Bennett and carried unanimously.

Respectfully submitted,

Mary Barnhart
Deputy Clerk, Town of Ottawa