

**County Zoning Agency**  
MINUTES  
**January 16, 2020 – 5:30 p.m.**  
100 West Walworth Street  
Elkhorn, Wisconsin

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Committee Chair Tim Brellenthin called the meeting to order at 5:30 p.m.

Roll call – Committee members present were Supervisors Tim Brellenthin, Dave Weber, Rick Stacey, Susan Pruessing, Jerry Grant, Citizen Member Richard Kuhnke, Sr. and Citizen Member Jim Van Dreser. A quorum was present.

County Staff present – Land Use and Resource Management Department Director Michael P. Cotter, Site Planner/Hearing Facilitator Matt Weidensee, and Conservation Technician, Josie Hanrahan. Present for a portion of the meeting / hearing David Bretl/County Administrator, and Neal Frauenfelder/Senior Planner.

A “sign-in” sheet listing attendees on January 16, 2020 is kept on file as a matter of record.

Details of the January 16, 2020 meeting / hearing are on a digital recording which is on file and available to the public upon request / video to view on our website: [www.co.walworth.wi.us](http://www.co.walworth.wi.us)

**Dave Weber motioned to approve the agenda as amended to table item 6.b.1.) Geneva Springs Subdivision Preliminary Plat, Geneva Springs Haven LLC.; 8.e.1.) Norman L. Brummel and Jean A. Brummel Trust; 8.e.2.) Christopher D and Anna G Meisner - owners; 8.f.1.) Marion J. Cournoyer, Leonor I. Hernandez – Owners; and 8.f.6.) ATS, Ltd. C/O Robert Allen – Owner. Seconded by Rick Stacey. Motion carried. 6-favor 0-oppose.**

**Richard Kuhnke, Sr. motioned to approve the December 19, 2019 CZA Meeting minutes. Seconded by Rick Stacey. Motion carried. 6-favor 0-oppose**

Zoning / Sanitation / Land Conservation Enforcement – Shannon Haydin  
Disc Count #5:32:51 – 5:33:04

Subdivision Items – Old Business – None

Subdivision Items – New Business –

**THIS ITEM NOT HEARD – No Stormwater Plan.**

- ~~1. **Geneva Springs Subdivision Preliminary Plat**, Geneva Springs Haven LLC., applicant. Proposed 27 lot and 2 out lot residential subdivision plat located in Section 21, Town 2 North, Range 17 East, Town of Geneva. Parcel #s JA320800002 and JA320800003. The proposed plat contains 13.09 acres of land and is zoned R-2 Single Family Residence District (Sewered). The applicant is requesting a modification of street design standards contained in Section 11.3 (e) of the Walworth County Subdivision Ordinance.~~

Old Business - Ordinance Amendments – None

Old Business – Discussion Items – None

New Business - Ordinance Amendments – None

New Business – Discussion Items –

1. Recognition of **Neal Frauenfelder** for 41 years of service to Walworth County – Michael Cotter

**LURM Director Michael Cotter commends Neal Frauenfelder for his 41+ years of dedicated service to the LURM Department and the citizens of Walworth County.**  
Disc Count #5:33:25 – 5:40:00

2. **Matthew A. and Mary E. Polyock Trust, Jake Polyock, Allan J. Polyock, Gail Polyock – Owners**, Section 33, Linn Township. The property owners requesting to amend conditional uses to remove a 100 foot fall zone no building restriction area. April 18, 2013 for I L 3300003 and May 19, 2011 on Tax Parcel I L 3300004A.

**Amended 1-16-2020 for removal of the building restriction area on the A-4 parcel to the north to cover the potential fall zone for the new leg elevator. See bold, underlined, strikethrough for removal of condition #25.**

NAME: Gordon Polyock Family Trust  
Jeanette H Polyock Trust

TOWN: Linn

The application indicates: The applicant is requesting conditional use approval for the addition of a 60 ft. diameter grain silo, a grain dryer alteration from a 20 ft. X 20 ft. dryer to a 30 ft. diameter dryer and a leg elevator tower to an existing commercial grain storage facility. The dryer and leg elevator tower will require variances from the County Board of Adjustment from the setback to the rear property line. The facility is purposely close to the property line in order to be able to load grain onto the railway spur that serves the site. The County Zoning Ordinance did not give consideration to the need for smaller setback requirements for loading facilities for railroad shipping yards. The railway spur was located on the property line due to the railway standards which establish the required arc curve from the main rail line needed to meet the turning radius for box cars. The rail spur could not be located further from the property line due to existing industrial buildings along the main line which the arc curve of the spur had to avoid.

Tax Parcel(s) I L3300003

Has been APPROVED subject to the following conditions:

General:

1. Approved as per revised plan submitted June 23, 2011 and amended to allow an additional 78 foot diameter grain storage bin and a dual zoned driveway as recommended by the Town **and amended as per plan submitted March 14, 2013 to allow the addition of a 60 ft. diameter grain silo, a grain dryer alteration from a 20 ft. X 20 ft. dryer to a 30 ft. diameter dryer and a leg elevator tower** as a grain elevator facility with all additional conditions.
2. Must meet all applicable Federal, State, County and local regulations.
3. Outside lighting shall be shielded and directed on site.
4. The applicant must obtain all required zoning permit approvals including a sign permit.
5. No fill, debris, branches or leaves may be disposed of on site. No burning of waste materials shall occur on site.

6. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management Permit from the County Conservation Office. The applicant must submit and obtain approval of a landscaping plan from the County Conservation Office.
7. The applicant must submit a road access and maintenance agreements with the governing municipality prior to hauling to the site.
8. All parking and access to the site shall meet County requirements. All parking shall be installed according to County requirements within 60 days of this approval. Vehicle parking for trucks arriving prior to operation hours shall be located as identified on the approved plan of operations.
9. The project site must be kept neat, clean, and mowed. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.
10. Implementation of dust and noise control measures shall occur at all times on site.
11. Any additional Office/trailer or structures shall obtain conditional use approval and an approved zoning and sanitary permit.
12. No general public sales allowed on premises.
13. No business activities other than specified in the plan of operations may be conducted from out of the facilities.
14. Outside storage shall be limited to the type, quantities and location of material identified on the plan of operations. No outside storage areas including displays of goods shall be allowed in the required setback areas.
15. No storage of chemicals, petroleum products and flammable materials shall occur on site unless stored in a containment facility meeting State requirements.
16. Staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.
17. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.

Specific conditions:

18. Grain elevators must have proper ventilation meeting the requirements of the State and Federal codes. Exhaust systems shall meet all requirements of the State and Federal code including hours of operation and noise.
19. The owner shall obtain approval of a pollution prevention plan from the County Land Conservation Office and a hazardous spill plan from the State if required by law.
20. The property owner must provide a copy of the easement crossing the neighboring property for the railroad spur for the conditional use file prior to this conditional use being valid.
21. The property owner must provide a copy of the agreement with the railroad company providing for the installation and use of the railroad spur for the conditional use file.
- ~~22. The property owner will attempt to eliminate the dual zoned driveway by seeking rezone of these areas from A-1 to A-4.~~
- ~~23. This approval does not include the additional A-4 area for future setbacks as depicted on the site plan. The owner must apply for a separate rezone for the additional setback area in order for the A-4 area to be divisible from the A-1 area on the parcel. Should the rezone for the additional A-4 area be approved the conditional use shall be amended to include all grain storage bins shown on the plan. In addition, the property owner shall be required to obtain a variance for the grain elevator over the rail spur or adjust the height of the structure to meet the setback prior to zoning permit approval.~~
- ~~24. The 30 foot wide railroad spur easement shown on tax parcel LL 3300003 shall be removed from the site plan as the railroad spur and land is owned by the property owner. The note for the easement on the site plan shall be relocated onto the railroad spur easement on the adjacent property. A new plan showing these corrections shall be submitted for the conditional use file prior to zoning permit issuance.~~
- ~~25. The property owner shall extend the building restriction area on the A-4 parcel to the north to cover the potential fall zone for the new leg elevator shown on the amended site plan submitted March 14<sup>th</sup>, 2013.~~

Dated this 18th of April, 2013.

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COUNTY ZONING AGENCY  
RICK STACEY, CHAIRMAN

**Staff presents request and indicates this is consistent with Farmland Preservation.  
Matt Polyock speaks regarding the application.  
Speaking in FAVOR: Jacob Polyock.**

**Dave Weber motioned to approve. Seconded by Rick Stacey. Motion carried.  
6-favor 0-oppose.  
Disc Count #5:43:00 – 6:08:56**

**Ordinance Amendments** – None

**Rezones with Conditional Uses** –

1. **Matthew A. and Mary E. Polyock Trust – Owners**, Section 33, Linn Township. Rezone approximately 1.8 acres of A-1 Prime Agricultural District zoned property to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in order to obtain conditional use approval to convert an existing outdoor grain storage pad into a recreational vehicle and boat storage facility. Part of Tax Parcel I L 3300004A.

General:

1. Approved as per plan submitted for an indoor boat storage facilities with all additional conditions.
2. No general public sales allowed from the boat storage facility. No business activities other than specified in the plan of operations may be conducted from out of the boat storage facilities.
3. On site hours of operation shall be from 6:00 a.m. to 6:00 p.m. seven days a week.
4. Must meet all applicable Federal, State, County and local regulations.
5. Boats to be stored indoors may be located outside for drop-off and pick-up only. Any seasonal trailers and or other boat equipment (piers, boat lifts etc.) storage shall occur indoors.
6. Outside lighting shall be shielded and directed on site.
7. Any on-site fuel storage shall be conducted within a State approved containment facility.
8. The applicant must obtain all required zoning permit approvals including a sign permit if different from the present sign.
9. No burning of waste materials shall occur on site.
10. The applicant must obtain the required Town approval for the access as shown on the approved plan from Mohawk Road.
11. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management permit from the County Conservation Office if required by ordinance.
12. Parking must meet with requirements of the county zoning ordinance. The off street parking area shall be graded and surfaced so as to be dust free and properly drained. All parking areas shall be clearly marked. All parking must be in compliance with County requirements within 60 days of this approval.

13. The project site must be kept neat, clean, and mowed in all areas.
14. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
15. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

16. No permanent outside storage of boats, trailers or other boat related equipment and materials (boat trailers, lifts, piers, parts etc.) shall be allowed.
17. The County reserves the authority to require any outside stored boats, or boat related equipment and materials to be removed from the site within 48 hours of a determination the storage is inconsistent with this approval.
18. No acid washing of boats shall be allowed on site.
19. There shall be no on-site repair or restoration of boats or boat related equipment (lifts, piers etc.) allowed.
20. Outside temporary storage of boats shall occur for no more than five consecutive days as per the Town.
21. ~~Use of the boat storage facility shall be limited to single source contract with no in and out service/storage as per the Town.~~

**Staff presents request and indicates this is consistent with Farmland Preservation.  
Matt Polyock speaks regarding the application.  
Speaking in FAVOR: Jacob Polyock.**

**Rick Stacey motioned to approve amended to include to be valid upon a granting of a Board of Adjustment Variance, and striking paragraph 21. Seconded by Richard Kuhnke, Sr., as amended. Motion carried. 6-favor 0-oppose.**

The rezone petition will move forward to the February 11, 2020 Walworth County Board for possible action.

Disc Count #5:43:00 – 6:13:25

**Rezones –**

**THIS ITEM NOT HEARD – No Town Decision.**

1. ~~Norman L. Brummel and Jean A. Brummel Trust, Section 12, Sugar Creek Township. Rezone approximately 2.1 acres of A-2 Agricultural Land District property to the B-2 General Business District to allow for the construction of a retail store. Part of Tax Parcel G SC1200006.~~

**THIS ITEM NOT HEARD – No Town Decision.**

2. ~~Christopher D. and Anna G. Meisner – Owners, Section 25, Delavan Township. Rezone approximately 3 acres being a 100-foot access way for two proposed lots from the A-1 Prime Agricultural District to the A-5 Agricultural Rural Residential District in order for the two proposed lots each to have 50 foot of road frontage. Part of Tax Parcel F D 2500015.~~

**Conditional Uses –**

**THIS ITEM NOT HEARD – No Town Decision**

1. ~~Marion J. Cournoyer, Leonor I. Hernandez – Owners, Section 27, Linn Township. Conditional use approval for outdoor food and beverage consumption in the back of the bar, public assembly use to allow free open microphone/ open jam sessions on an outdoor stage behind the Zenda Tap on Fridays and Saturdays from March to October and three organized music events per year with a capacity of up to 185 event ticket holders inside of the outdoor fenced area of the bar. Part of Tax Parcel LL 2700012.~~
2. **Bruce 5239 Investments LLC – Owner, Hanson’s Landscaping – Applicant, Section 4, East Troy Township. Conditional use approval on R-1 Single Family Residential zone property for vegetation removal in excess of that allowed in the 35 ft. lake protection area. Tax Parcel PA418500001.**

General:

1. Approved as per plan submitted for conditional use approval for vegetation removal in excess of that allowed in the 35 ft. lake protection area without conditional use approval with all additional conditions.
2. Time limit for completion of the project shall be established as the same period needed for the LURM Conservation Office erosion control permit required.
3. The applicant must obtain a Land Disturbance, Erosion Control and Stormwater permit from Land Conservation. The applicant must comply with all established standards of the Land Restoration and Land Disturbance, Erosion Control and Stormwater Management permits.
4. The applicant must follow phases of excavation and restoration as part of the approval under the County’s Land Disturbance Erosion Control and Stormwater Management Ordinance. The applicant must submit a project-sequencing schedule for each phase leading to completion prior to approval.
5. Implementation of dust and noise control measures shall occur at all times on site.
6. Hours and days of operation shall be set at 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to noon on Saturday. No work shall be conducted on holidays.
7. Road access and maintenance agreements shall be filed with the State, Township and/or County prior to hauling materials to the site on the respective municipal roads.
8. Any additional office trailer or structures shall obtain approved County zoning and sanitary permits.
9. The project shall meet all applicable Federal, State and local regulations.
10. All soil and equipment storage must be in an approved location.
11. No materials shall be brought in from off site other than those materials specified in the approved operations plan.
12. All soil generated from the site must remain on site for use in restoration or be removed in accordance with the approved plan or operations. All topsoil will be graded evenly on the disturbed area consistent with the approved restoration plan.
13. All site dewatering shall be conducted so as to prevent sedimentation outside of the project area. The site may not be dewatered until all sediment has settled in the open water area of the disposal site.
14. No storage of chemicals and petroleum products shall occur on site.
15. The applicant shall submit an acceptable form of bonding – The bond shall remain in place for the life of the disposal area use plus one full year after final restoration to allow for final stability review. A copy of the bond and any renewals shall be submitted to the County Land Conservation Office.

16. The County shall not be party to soil disposal for the project. The applicant shall be held solely responsible for any damages resulting from use of a disposal site. The County will not be liable for any damage to the property affected by the fill or to any neighboring property or drain tiles due to the project.
17. The applicant must stipulate that adequate liability insurance will be held at all times during excavation and restoration to cover any damages resulting from the project. The applicant has agreed to provide a copy of the liability insurance coverage document for the file.
18. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.

Specific:

19. This site shall only be used in conjunction with disposal of soils coming from the portion of the shore bank specified in the plan of operations submitted by the applicant and identified on the application.
20. The property owner shall provide a notarized signed and dated statement indicating that they have agreed to the project as proposed on the property and assume all liability and risks associated with damages resulting to the property and to the drainage and effects on neighboring properties.

**Staff presents request. Erosion control issues are addressed by Staff-Josie Hanrahan  
Joe Hanson / Hanson Landscaping speaks regarding the application.**

**Dave Weber motioned to approve. Seconded by Jerry Grant. Motion carried.  
6-favor 0-oppose.**

Disc Count #6:13:15 – 6:22:35

3. **Village of Walworth/Fontana – owner, Fontana Walworth Water Pollution Control Commission C/O Douglas York Superintendent – Applicant, Section 25, Sharon Township.** Conditional use approval on land zoned A-1 Prime Agricultural and P-2 Institutional Park Districts to bring existing structures into compliance with conditional use permit requirements for expansion of a sewage treatment plant in excess of 25% requiring conditional use approval as if establishing the use anew and approval of Water Quality Trading (WQT) as a phosphorus reduction plan implemented by catching agricultural runoff from adjacent farm fields into the water treatment plant ponds prior to release to Piscawsaw Creek. Tax Parcel A S 2500001.

General:

1. This facility is approved per plan submitted for expansion of a sewage treatment plant in excess of 25% requiring conditional use approval as if establishing the use anew and for Water Quality Trading (WQT) as a phosphorus reduction plan implemented by catching agricultural runoff from adjacent farm fields into the water treatment plant ponds prior to release to Piscawsaw Creek with all additional conditions.
2. Use of the site shall be strictly limited to a sewerage treatment plant as specified in the plan of operations.
3. The hours of operation shall be set from 6:00 a.m. to 6:00 p.m. weekdays and from 6:00 a.m. to noon on Saturday for construction activities and 24 hours per day for the sewerage treatment plant.
4. The owner/operator must comply with all Federal, State, County and local regulations.
5. All signage must conform to County ordinance standards.
6. The owner shall notify the County if any changes are made regarding operation of this site including size, location and type of materials treated.
7. Storage of materials shall be allowed only in the areas designated on the proposed plan of operations.

8. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.
9. If problems should develop, Walworth County may require a clean-up schedule, modification of the process operation or termination of the operation and this conditional use permit.
10. Walworth County Staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.
11. The owner must obtain a Land Disturbance, Erosion Control and Stormwater Permit from Land Conservation Office. This permit may require the installation of a stormwater catch basin for drainage from off the loading area and storage areas.
12. All parking must be as designated on the approved plan. The parking must be in compliance with the approved plan within in 60 days of this approval.
13. The owner/operator shall remove and properly dispose of any contaminants that may be present in the raw waste material during the material processing.
14. The owner/operator shall provide a copy of the Certification required from D.N.R. for the file upon renewal.
15. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
16. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

17. Proper access must be granted by the Town Highway Department prior to continued operations.
18. This conditional use approval is not valid until the owner has applied for all required after the fact zoning permits for all structures. The applicant has 60 days to bring the project into compliance with this approval by making application for all required zoning permits.

**Staff presents request and indicates this is consistent with Farmland Preservation.  
Douglas York speaks regarding the application.**

**Richard Kuhnke, Sr. motioned to approve. Seconded by Dave Weber. Motion carried. 6-favor 0-oppose.  
Disc Count #6:22:39 – 6:26:57**

4. **Joseph Pollak – Owner**, Section 21, Geneva Township. Conditional use approval on property zoned B-2 General Business District to bring an existing contractor storage yard for a roofing and chimney repair business into compliance. Tax Parcel JA 79200002.

General:

1. Approved as per plan submitted for a contractor storage yard for a chimney and roofing repair business with all additional conditions as stated.
2. No on-site general public sales shall be allowed from the contractor storage facility. No business activities other than specified in the plan of operations may be conducted from out of the facilities.



3. All uses of the site shall meet applicable Federal, State, County and local regulations including commercial building inspection.
4. Outside lighting shall be shielded and directed on site.
5. The applicant must obtain all required zoning permit approvals including sign permits. Signage shall not be allowed in the Hwy H road right of way and shall be setback as specified on the approved site plan.
6. The applicant must obtain any required County Highway access approval.
7. No fill, debris, branches or leaves may be disposed of on site. No burning of any materials shall occur on site.
8. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management Permit from the County Conservation Office if required by ordinance.
9. All parking and access to the site shall meet County requirements. All parking shall be installed according to County requirements within 60 days of this approval. Vehicle parking shall be located as identified on the approved plan of operations. All parking must be setback 25 feet from the roadway.
10. The project site must be kept neat, clean, and mowed. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, fluid/oils spills, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.
11. Implementation of dust and noise control measures shall occur at all times on site.
12. All perimeter fencing shall be maintained as identified on the project plan.
13. The operator shall obtain adequate liability insurance and keep the insurance current during the life of this conditional use.
14. No storage of chemicals, petroleum products and flammable materials shall occur on site unless stored in a containment facility meeting State requirements.
15. The owner must provide a waste disposal plan stating where all trash, metal filings, drain oil and other fluids are disposed and shall follow the approved plan during operations on site.
16. Walworth County staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.
17. Outside storage is limited to the type, quantities and location of material identified on the plan of operations. No outside storage areas are allowed in the required setback areas. No permanent outside storage shall be allowed. All equipment shall be stored a minimum of 5 feet from neighboring lot lines and 25 feet from the road right of way.
18. All trucks, trailers and equipment in transit shall be allowed to be stored on site for a maximum of 90 contiguous days at which point they shall be removed from the property.
19. The County reserves the authority to require any outside stored materials to be removed from the site within 48 hours of a determination the storage is inconsistent with this approval, has become unsightly or is detrimental to human health and safety.
20. No outside storage of chemicals shall occur on site. No dumping of chemical waste shall be conducted outside of the building. All discharge of chemical waste to the holding tank or septic system shall be pre-approved by the County sanitarian. The business operator shall be responsible for maintaining proper on-site waste management practices to avoid environmental contamination. The owner shall obtain approval of a pollution prevention plan from the County Land Conservation Office and a hazardous spill plan from the State if required by law.
21. The buildings if used for welding or painting must have proper ventilation meeting the requirements of the State and Federal codes. Exhaust system shall meet all requirements of the code including hours of operation and noise.
22. There shall be no expansion of this facilities into industrial manufacturing without first obtaining required industrial zone district approval. Approval of industrial zoning at this location is not guaranteed and would require consistency review with the Town and County Land Use Plans.

23. No occupancy shall be allowed for the business activity approved by this conditional use until all conditions of approval are met.
24. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
25. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

26. All outdoor lighting shall conform to the Town of Geneva Light Ordinance as per the Town.
27. The hours of the business shall be from 6:00 a.m. to 6:00 p.m. with access to the site for return of equipment until 9:00 p.m. and (site access 24 hour a day for emergency service as per the Town).
28. **There shall be no sales of equipment or materials from the site, as per the Town.**
29. **All vehicles shall be operated by the owner or employees only, as per the Town.**

**Staff presents request.**

**Joe Pollak speaks regarding the application.**

**Dave Weber motioned to approve. Seconded by Jerry Grant. Motion carried. 6-favor 0-oppose.**

Disc Count #6:27:04 – 6:31:11

5. **Joseph Pollak – Owner, Section 21, Geneva Township. Conditional use approval on property zoned B-2 General Business and B-4 Highway Business Districts to bring an existing small engine repair business into compliance with conditional use requirements. Tax Parcel JA 79200001.**

General:

1. Approved as per plan submitted for a small engine repair business with all additional conditions as stated.
2. No business activities other than specified in the plan of operations may be conducted from out of the facilities.
3. All uses of the site shall meet applicable Federal, State, County and local regulations including commercial building inspection.
4. Outside lighting shall be shielded and directed on site.
5. The applicant must obtain all required zoning permit approvals including sign permits. Signage shall not be allowed in the Hwy H road right of way and shall be setback as specified on the approved site plan.
6. The applicant must obtain any required County Highway access approval.
7. No fill, debris, branches or leaves may be disposed of on site. No burning of any materials shall occur on site.
8. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management Permit from the County Conservation Office if required by ordinance.

9. All parking and access to the site shall meet County requirements. All parking shall be installed according to County requirements within 60 days of this approval. Vehicle parking shall be located as identified on the approved plan of operations. All parking must be setback 25 feet from the roadway.
10. The project site must be kept neat, clean, and mowed. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, fluid/oils spills, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.
11. Implementation of dust and noise control measures shall occur at all times on site.
12. All perimeter fencing shall be maintained as identified on the project plan.
13. The operator shall obtain adequate liability insurance and keep the insurance current during the life of this conditional use.
14. No storage of chemicals, petroleum products and flammable materials shall occur on site unless stored in a containment facility meeting State requirements.
15. The owner must provide a waste disposal plan stating where all trash, metal filings, drain oil and other fluids are disposed and shall follow the approved plan during operations on site.
16. Walworth County staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.
17. Outside storage is limited to the type, quantities and location of material identified on the plan of operations. No outside storage areas are allowed in the required setback areas. No permanent outside storage shall be allowed. All equipment shall be stored a minimum of 5 feet from neighboring lot lines and 25 feet from the road right of way.
18. All equipment in transit shall be allowed to be stored on site for a maximum of 90 contiguous days at which point they shall be removed from the property.
19. The County reserves the authority to require any outside stored materials and equipment to be removed from the site within 48 hours of a determination the storage is inconsistent with this approval, has become unsightly or is detrimental to human health and safety.
20. No outside storage of chemicals shall occur on site. No dumping of chemical waste shall be conducted outside of the building. All discharge of chemical waste to the holding tank or septic system shall be pre-approved by the County sanitarian. The business operator shall be responsible for maintaining proper on-site waste management practices to avoid environmental contamination. The owner shall obtain approval of a pollution prevention plan from the County Land Conservation Office and a hazardous spill plan from the State if required by law.
21. The buildings if used for welding or painting must have proper ventilation meeting the requirements of the State and Federal codes. Exhaust system shall meet all requirements of the code including hours of operation and noise.
22. There shall be no expansion of this facilities into industrial manufacturing without first obtaining required industrial zone district approval. Approval of industrial zoning at this location is not guaranteed and would require consistency review with the Town and County Land Use Plans.
23. No occupancy shall be allowed for the business activity approved by this conditional use until all conditions of approval are met.
24. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
25. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

26. All outdoor lighting shall conform to the Town of Geneva Light Ordinance as per the Town.

27. The hours of the business shall be from 7:30 a.m. to 6:00 p.m. Monday through Friday and 7:30 a.m. to 2:00 p.m. on Saturdays plus access as required for 24 hour emergency service as per the Town.
28. The business operator shall be responsible for maintaining proper on-site waste management practices to avoid environmental contamination as per the Town.
29. There shall be no burning of any materials on site as per the Town.
30. Sales from the site shall be limited to the stated equipment repairs as per the Town.
31. All outside storage shall be for client's equipment and shall be temporary as per the Town.
32. The tires and recyclables must be removed from the property within 60 days as per the Town.

**Staff presents request.**

**Jim Kempf and Joe Pollak speak regarding the application.**

**Rick Stacey motioned to approve. Seconded by Dave Weber. Motion carried.  
6-favor 0-oppose.**

Disc Count #6:31:14 – 6:36:27

**THIS ITEM NOT HEARD – No Town Decision**

6. ~~ATS, Ltd. C/O Robert Allen – Owner, Section 25, Delavan Township. Conditional use review for recreational vehicle and boat storage by construction of a 90 ft. by 500 ft. storage building on land zoned B-4 Highway Business District. Tax Parcel FA139700001.~~

**Adjournment**

**Rick Stacey motioned to adjourn. Seconded by Sue Pruessing. Motion carried.  
6-favor 0-oppose**

The meeting was adjourned at 6:38 p.m.

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Submitted by Sheril Oldenburg, Recording Secretary.

Minutes are not final until approved by the committee at its next meeting.