

## September 12, 2022 Plan Commission Meeting

The Plan Commission met Monday, September 12, 2022 at the Town Hall in New Munster at 7:00 p.m.

The meeting was called to order by Chairman William Glembocki and began with the *Pledge of Allegiance*.

Chairman Glembocki introduced Kyle Madsen who was appointed to the Plan Commission on July 11, 2022 to complete the term of Clayton Wagner.

Chairman Glembocki thanked Clayton Wagner for years of service and read the wording on a plaque the town board prepared which he intends to deliver to Clayton Wagner, "*In Recognition and Appreciation of thirty-one years of valued service to the Town of Wheatland - Clayton J. Wagner - Town of Wheatland Plan Commission, May 13, 1991 – June 27, 2022. By order of the Town of Wheatland Town Board of Supervisors, this twenty-fifth day of July, 2022. William M. Glembocki, Town Chairman.*"

Present for the Plan Commission: Vice Chairman Vince Mosca, Paul DeLuisa, Brett Butler, Mark Robers, Randy Schulz and Kyle Madsen. Also present: Town Supervisors Andrew Lois and Kelly Wilson, Town Clerk Sheila Siegler, Town Attorney Jeffrey Davison, Town Planner Jeffrey Muenkel, Attorney Thomas Camilli, Jr., Jeff Koenen, Randi Wille, Michael Dufern, Kelly Peyron, Grant Peyron, Kim Murphy, Anna Wiersum, Richard Wiersum, Bonnie Whitworth, Jake Whitworth, Jill Ott, Rhyley Ott, Jeff Schuh, Doug Averkamp, Brett Singleton, Bob Koenecke, Marge Koenecke, Carolyn Larson, Steve Graham, Julie Robers, Daniel Robers, Devon Robers, John Valek, and Wayne Kaddatz.

Meeting agenda notices were posted on the town website, at the town hall and transfer station and the *Kenosha News* and *Westosha Report* newspapers were notified. Wheatland property owners within 300 ft. of Tax Parcel #95-4-219-291-0100 were notified of the meeting by First Class Mail. Notice of the Proposed Plan Amendment was published in the *Kenosha News* August 8, 2022.

Paul DeLuisa moved approval of the Minutes of June 27, 2022 Plan Commission meeting. Brett Butler second. Motion carried.

### **Public comments –**

Jill Ott, 38251 31<sup>st</sup> St. said the expansion of the gravel mining area will have a negative effect on their property values and their lives.

Michael Dufern, 4101 376<sup>th</sup> Ave. has a big objection to Lafarge Aggregates (Meyer Material) tying the renewal of the existing operation and the expansion into the new 40 A. parcel at the same time. He has lived at his home for 21 years and does not have a problem with the renewal of the existing operation. He objects to adding in the expansion; it should be a separate application. He pointed out the Patrick exhibit does not show amended setbacks to the property and along 376<sup>th</sup> Ave.

Robert Koenecke, 3312 368<sup>th</sup> Ave. said his water changed when the first pit went in. Will this further mess up his water? The pit has affected the aquifer.

Kelly Peyron, 32830 Karcher Rd has lived there 27 years. The pit was supposed to last 10 years when first approved and it's been 25 years. Now they say 3 – 5 years but Lafarge says they can't make any promises. She is a nurse and has concern for the health of people in the area with noise and dust in lungs. Cannot be out and enjoy the yard. Silicon dust can cause cancer. 10 neighbors on their road have cancer. This is too much of a coincidence.

Jeff Koenen, 3606 376<sup>th</sup> Ave. said for full disclosure, he is related to the Robers family. He lives directly to the east of the existing pit. The restoration has been phenomenal. He has been in construction his whole life and this noise is nothing in comparison. He has not had one problem, maybe a little dust now and then. In the winter they are not even crushing. Oil and dust are not an issue. He said he gets it that some people think it is a problem. The pit is 600 ft. behind him and no problem. It is the Robers land and they have some say in what they do. You can't find gravel everywhere.

Richard Wiersum, 38301 31<sup>st</sup> St. said he disagrees that it is "their land" and they can do what they want. The pit is lowering the water table. He didn't move out here for construction noise, crushers, conveyors, it was not supposed to last this long. He has had no health effects. He is not sure of the effect on his property value.

John Valek, 38111 31<sup>st</sup> St. said he had trouble obtaining a bank loan because of the mine. Conveyor belt running along their properties diminishes the whole look of the area. This is a very visible focal point of the 31<sup>st</sup>/376<sup>th</sup> Ave. intersection. He is opposed to it.

Grant Peyron, 32830 Karcher Rd. said he has a problem with the uncertainty of the time frame. It was originally planned for a tunnel under 376<sup>th</sup> Ave. Cancer is phenomenal on their road. Something

weird is going on. You, the plan commission, have a responsibility to affect the community.

Chairman closed public comments.

Chairman asked Planner Jeff Muenkel to introduce the agenda items. Muenkel stated there were four items: comprehensive plan amendment, renewal of the existing Conditional Use Permit (CUP), rezoning of the expansion area and approval of the expansion CUP.

- Daniel H. & Julie P. Robers, 333 Dardis Dr., Burlington, WI 53105 (Owner), Meyer Material Co. dba Lafarge Aggregates Illinois, Inc., 1300 S. Illinois Route 31, South Elgin, IL 60177 (Agent), requests an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (map 65 of the comprehensive plan) from "Farmland Protection" and "Isolated Natural Resource Area" to "Extractive", "Farmland Protection" and "Isolated Natural Resource Area" on Tax Parcel #95-4-219-291-0100, located in the NE ¼ of Section 29, T2N, R19E, Town of Wheatland.

- Meyer Material Co. dba Lafarge Aggregates Illinois, Inc., 1300 S. Illinois Route 31, South Elgin, IL 60177 (Lessee), Herbert J. & Lillian A. Robers Revocable Trust, 233 Origen Street, Burlington, WI 53105 (Lessor), Roland and Bonnie Lou Denko, 3710 392nd Avenue, Burlington, WI 53105 (Lessor) & Raymond J. & Gloria M. Tenhagen, 3910 376th Avenue, Burlington, WI 53105 (Lessor), requesting a 2-year renewal of a Conditional Use Permit (originally approved on March 13, 1996) for a gravel pit in the M-3 Mineral Extraction Dist. on the following Tax Parcels: #95-4-219-291-0100 (Robers), #95-4-219-291-0300 (Robers), #95-4-219-291-0400 (Robers), #95-4-219-292-0300 (Robers), #95-4-219-292-0200 (Denko), #95-4-219-293-0100 (Denko), #95-4-219-293-0200 (Denko), #95-4-219-293-0300 (Denko), #95-4-219-293-0400 (Denko) & #95-4-219-294-0100 (Tenhagen). Said parcels are located in the NE, NW, SE, and SW quarters of Section 29, T2N, R19E, Town of Wheatland.

- Daniel H. & Julie P. Robers, 333 Dardis Dr., Burlington, WI 53105 (Owner), Meyer Material Co. dba Lafarge Aggregates Illinois, Inc., 1300 S. Illinois Route 31, South Elgin, IL 60177 (Agent), requesting a rezoning from A-1 Agricultural Preservation Dist. & C-2 Upland Resource Conservancy Dist. to M-3 Mineral Extraction Dist., A-1 Agricultural Preservation Dist. & C-2 Upland Resource Conservancy Dist. on Tax Parcel #95-4-219-291-0100, located in the NE ¼ of Section 29, T2N, R19E, Town of Wheatland.

- Meyer Material Co. dba Lafarge Aggregates Illinois, Inc., 1300 S. Illinois Route 31, South Elgin, IL 60177 (Lessee), Daniel H. & Julie P. Robers, 333 Dardis Dr., Burlington, WI 53105 (Lessor), requesting an amendment of a Conditional Use Permit (originally approved on March 13, 1996) to allow an expansion of a gravel pit in the M-3 Mineral Extraction Dist. on Tax Parcel #95-4-219-291-0100, located in the NE ¼ of Section 29, T2N, R19E, Town of Wheatland.

Planner Muenkel said each item has to be taken separately and in that order. He suggested talking about it as a whole because they all relate and explained each request.

Randi Wille, Meyer Material/Lafarge Aggregates introduced Scott Overcamp, Jeff Schuh, Patrick Engineering. He gave a presentation on the history of the gravel extraction and cement batch plant. Meyer entered into a lease agreement with the three separate landowners, Denkos, Tenhagens and Robers. Hours of operation, the bond for 392<sup>nd</sup> Ave., boundary areas and etc. were stated. They have applied and received renewals of the Conditional Use Permits and Owner and Operator Permits over the years. There were no issues that were not addressed.

Expansion into the Robers parcel would extend the life of the mining operation for 2 – 4 years depending on the economy. They are trying to fulfill the needs of their customers. Nothing would change in the operation except they are extending into this parcel. They have groundwater monitoring wells, get regular tests done by the DNR and the consulting company. They have offered to add two additional groundwater wells. Most of the houses were built after they were in operation. He has looked at the values online and the values don't seem to be affected adversely by the mining operation. He gave a broad overview of the project.

Thomas Camilli, attorney representing Bonnie Whitworth said Meyer Material/Lafarge has been there 25 years and they want to expand, "enough is enough." Now they want to wrap around and next to his client's home. He told the Plan Commission, "you are here to protect the community and urges denial of the rezoning." He handed out a prepared statement to the Plan Commission members.

Randi Willie said the concerns of Bonnie Whitworth with her water well which is 250 ft. from the excavation would be addressed. If there were issues and the well went dry, Meyer Material would take care of this. He wants everyone to be assured of that.

Town Attorney Jeff Davison stressed that any motions made are **recommendations** to the town board which eventually makes **recommendations** to the Kenosha County Board of Supervisors

committee. He said there should be a separate motion on each item.

Plan Commissioner Mark Robers asked in the expansion area, how deep will Meyer Material be from 376<sup>th</sup> Ave. Meyer engineers estimated 35 ft. to the top of the berm that will be placed along 376<sup>th</sup> Ave. Commissioner Robers said shrinking the 200 ft. setback to 100 ft. (variance requested) that he has a concern about the road washing out both on 31<sup>st</sup> and 376<sup>th</sup>. Randi Wille said they will show drainage plans around the perimeter of the area being excavated and install piping if needed so water doesn't build up between the road and the berm. Commissioner Robers asked if the pond that was shown last year on the concept plan had been removed. Randi Wille said that it has. The Robers family wanted the area restored to land that could be farmed.

Plan Commissioner Paul DeLuisa said cell 8 – 9. What happens to the trees, are they being replanted? What happened to “take a tree down, plant a tree?” Randi Wille said that would take away more farmland.

Plan Commissioner Vince Mosca said he works for an engineering company on a Lafarge project at a different facility and in a different county. But he has a connection with Lafarge and will be abstaining from any voting.

Responding to a question from the plan commission, Randi Wille said they have restored less than ½ of the existing mining area but more than 1/3 has been restored. As they move out of the cell and don't need the area for stockpiling, they restore.

Wille further said they have monthly, unannounced, groundwater samples taken by the county-contracted engineering company. They monitor for depth and quality.

Responding to whether the town receives copies of these reports, clerk said we do not but we've not requested them.

- Daniel H. & Julie P. Robers, 333 Dardis Dr., Burlington, WI 53105 (Owner), Meyer Material Co. dba Lafarge Aggregates Illinois, Inc., 1300 S. Illinois Route 31, South Elgin, IL 60177 (Agent), requests an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (map 65 of the comprehensive plan) from “Farmland Protection” and “Isolated Natural Resource Area” to “Extractive”, “Farmland Protection” and “Isolated Natural Resource Area” on Tax Parcel #95-4-219-291-0100, located in the NE ¼ of Section 29, T2N, R19E, Town of Wheatland.

Mark Robers moved a favorable recommendation to the town board for the amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (map 65 of the comprehensive plan) from Farmland Protection” and “Isolated Natural Resource Area” to “Extractive”, “Farmland Protection” and “Isolated Natural Resource Area” on Tax Parcel #95-4-219-291-0100 with the stipulation the drainage concerns regarding the town roads and build-up of stormwater between the berm and the street be addressed by their engineer and reviewed by the town engineer. Brett Butler seconded. Robers, Butler, DeLuisa, Madsen, Schulz and Glembocki voted in favor. Mosca abstained. Motion carried.

- Meyer Material Co. dba Lafarge Aggregates Illinois, Inc., 1300 S. Illinois Route 31, South Elgin, IL 60177 (Lessee), Herbert J. & Lillian A. Robers Revocable Trust, 233 Origen Street, Burlington, WI 53105 (Lessor), Roland and Bonnie Lou Denko, 3710 392nd Avenue, Burlington, WI 53105 (Lessor) & Raymond J. & Gloria M. Tenhagen, 3910 376th Avenue, Burlington, WI 53105 (Lessor), requesting a 2-year renewal of a Conditional Use Permit (originally approved on March 13, 1996) for a gravel pit in the M-3 Mineral Extraction Dist. on the following Tax Parcels: #95-4-219-291-0100 (Robers), #95-4-219-291-0300 (Robers), #95-4-219-291-0400 (Robers), #95-4-219-292-0300 (Robers), #95-4-219-292-0200 (Denko), #95-4-219-293-0100 (Denko), #95-4-219-293-0200 (Denko), #95-4-219-293-0300 (Denko), #95-4-219-293-0400 (Denko) & #95-4-219-294-0100 (Tenhagen).

Paul DeLuisa moved a motion to approve a recommendation of approval to the town board for the CUP for expansion subject to, in addition to all the statements in the application, the detailed drainage plan for the perimeter along the town roads during the excavating in the expansion area subject to Town Engineer Len Roecker's review and approval. Randy Schulz seconded. Motion carried with Mosca abstaining.

- Daniel H. & Julie P. Robers, 333 Dardis Dr., Burlington, WI 53105 (Owner), Meyer Material Co. dba Lafarge Aggregates Illinois, Inc., 1300 S. Illinois Route 31, South Elgin, IL 60177 (Agent), requesting a rezoning from A-1 Agricultural Preservation Dist. & C-2 Upland Resource Conservancy Dist. to M-3 Mineral Extraction Dist., A-1 Agricultural Preservation Dist. & C-2 Upland Resource Conservancy Dist. on Tax Parcel #95-4-219-291-0100, located in the NE ¼ of Section 29, T2N, R19E, Town of Wheatland.

Mark Robers moved a favorable recommendation to the town board for the rezoning of Tax Parcel #95-4-219-291-0100, per application, requested by owners Daniel H. Robers and Julie P. Robers,

subject to all comprehensive plan approval by the town and the county. Brett Butler seconded. Motion carried with Glembocki, Robers, Butler, DeLuisa, Schulz and Madsen voting aye. Nay – none. Abstaining Mosca.

- Meyer Material Co. dba Lafarge Aggregates Illinois, Inc., 1300 S. Illinois Route 31, South Elgin, IL 60177 (Lessee), Daniel H. & Julie P. Robers, 333 Dardis Dr., Burlington, WI 53105 (Lessor), requesting an amendment of a Conditional Use Permit (originally approved on March 13, 1996) to allow an expansion of a gravel pit in the M-3 Mineral Extraction Dist. on Tax Parcel #95-4-219-291-0100, located in the NE ¼ of Section 29, T2N, R19E, Town of Wheatland.

Brett Butler moved to forward a favorable recommendation to the town board for the amendment to the Conditional Use Permit to allow an expansion of a gravel pit on Tax Parcel #95-4-219-291-0100 subject to all conditions mentioned tonight, all county conditions, and possible drainage issues between the town roads and the berms are addressed with approval by the town engineer. Kyle Madsen seconded. Motion carried with Mosca abstaining.

- Owner and Operator Permits for above listed mining operation – Town of Wheatland issued -  
Owner(s): Roland & Bonnie Lou Denko, Dan Robers and Julie Robers, Ray & Gloria Tenhagen  
Operator: Meyer Material Company LLC dba Lafarge Aggregates Illinois, Inc.

William Glembocki moved a favorable recommendation to the town board for two-year Owner Permits for Roland & Bonnie Lou Denko, Dan Robers and Julie Robers and Ray & Gloria Tenhagen and the Operator Permit for Meyer Material Company LLC dba Lafarge Aggregates Illinois, Inc. for the mining operation on the various parcels listed, subject to town and county approval of the comprehensive plan amendment, rezoning, and conditional use permits. Brett Butler seconded. Motion carried with Mosca abstaining.

Reports and correspondence – none

**Adjournment** – William Glembocki moved to adjourn at 8:09 p.m. Paul DeLuisa seconded. Motion carried.

Respectfully submitted,

Sheila M. Siegler, Town Clerk