

Minutes from the Public Hearing – Town of Trenton

Date and Time: October 9, 2018 – 7:00 P.M.

Location: Town of Trenton Town Hall, 1071 STH 33 East, West Bend, WI 53095

Town Board Supervisors Present: Ed Doerr, Jeff Esselmann

Plan Commissioners Present: Joan Baumgartner, Jerry Carmody, Vice Chairman Scott Schweizer, Robert Roden, Dennis Kay, Zoning Administrator Barbara Davies. Excused: Chairman Joe Gonnering, Commissioner Ray Werhand.

Others Present: Town Attorney Tim Schoonenberg

Vice Chairman Schweizer called the Public Hearing to order at 7:00 P.M. Schweizer read the Notice of Public Hearing called to consider the application of Seoul Creek Farm, Courtney Hayden, Owner, to amend the Conditional Use Permit issued to Seoul Creek Farm on May 19, 2009. The existing Conditional Use Permit was issued in accordance with Town of Trenton Zoning Ordinances Chapter 380, Zoning, Article IV, Conditional Uses. The application for amendment seeks expansion of the existing Conditional Use Permit in accordance with Town of Trenton Ordinance Sections 380-14, Zoning, Exclusive Agricultural District; 380-14(F) Conditional Uses, 380-50 Industrial and Agricultural Uses, 380-50(A) and 380-50(F). The 2009 Conditional Use Permit was requested to operate a privately owned and operated equestrian facility on the premises. This application for amendment seeks an expansion of that use.

The property which is the subject of this application is located at 1896 CTH NN, West Bend, WI 53095, and is a parcel of approximately 40.48 acres. A complete legal description of the property was published with the Notice of Public Hearing.

Vice Chair Schweizer called on Courtney Fromm to discuss her application for amendment. Fromm stated that she has demand for more horse show days, particularly in the summer months, and that she would like to amend her permit to allow that. Fromm also wants to clarify “setup” days for a horse show. She stated that horse show days do not include setup days at Washington County Fair Park. There is demand for this in the community. Fromm said she is applying to extend horse show days from the currently permitted twelve (12) days to forty (40) days in total. Setup days are included in the 40 days requested. Fromm’s attorney, Attorney Daniel O’Callaghan, submitted letters from twenty individuals and businesses in support of Fromm’s application for amendment. Fromm stated that it is expensive to rent other properties to hold shows, and she would like to be able to host those events herself. Fromm is also applying to allow more competitors at a horse show. Attorney O’Callaghan stated that an estimate is that 72 horse/rider competitors plus additional trainers and audience members would bring the number of people to 125 at the competition site (1896 CTH NN) at a time. Fromm stated that she has hosted an August event that runs Tuesday through Sunday that is pretty popular. Barb Davies asked for an explanation on setup. Fromm replied that setup is mainly setup of stabling inside the buildings. Attorney O’Callaghan added that, to clarify, there are two big events: a two-weekend show in July and a show in August that was held at Washington County Fair Park in 2018. Fromm would like to hold that show at her property on CTH NN. O’Callaghan added that Fromm would like to add a 2-day show in the spring. Scott Schweizer asked about the setup for the small shows. Fromm answered that the setup days

are requested for the larger shows, not the smaller ones. Fromm stated that she has now been running her business for ten years and knows what she would like to do at the site. Fromm stated that she has added some future plans to her application, such as a desire to put a riding ring in the front east side, of the property. Barb Davies stated that a prompt email was received from Washington County Land Use following publication of the Notice of Public Hearing, warning the Town that it cannot issue or promise any permits for future plans until the County has issued all requisite County permits.

Jerry Carmody and Dennis Kay asked about the wetlands status of the proposed arena (east ring) area. The County would control any permit issuance. Fromm stated that a wetland delineation may be required.

Vice Chair Schweizer called on Attorney Tom Schmitzer, representing John and Ann Pechstein, 1910 CTH NN, immediate neighbors to the west of Fromm's property at 1896 CTH NN. Schmitzer stated that the Pechsteins are not "against" Fromm's business. But Schmitzer stated that this is not a business property, and the letters submitted in support of Fromm's application do not address the zoning of Fromm's property. Schmitzer stated that the letters talk about what good business people the Fromms are, and how nice of an activity this is. Schmitzer submitted a letter on behalf of the Pechsteins, calling the Plan Commission's attention to Section 380-50, conditional uses in EA Exclusive Agricultural zoning; and Section 380-14(A), permitted uses in EA zoning districts. Schmitzer stated that P-1 Park Zoning does appear to allow the activities that Fromm offers. Schmitzer stated that, in his opinion, the 2009 Conditional Use Permit is in error and should not have been granted. Schmitzer stated that stabling of horses appears to be consistent with EA zoning, but horse shows do not. Schmitzer stated that this property is designated for agricultural use on both the Town and County's plan. Schmitzer added that when the Town considers a Conditional Use Permit in EA zoning, it needs to be related to agricultural use. Schmitzer stated that Pechsteins fail to see how riding lessons and horse shows are EA uses. P-1 zoning does appear to permit those uses. Schmitzer stated that granting of this use moves it further and further away from the stated purpose of EA. It does not promote the health, safety and welfare of Town residents, including the Pechsteins. Schmitzer stated that Pechsteins have provided the Plan Commission with letters opposing this expansion. Pechsteins understand that there will be noise on a farm, but the current number of horse shows and horse training interferes with their enjoyment of their property. Fromm is now asking for more than triple the number of currently-permitted show days. 125 people is a violation of the current Conditional Use Permit. Schmitzer stated that, given what Fromm is asking for, there could be up to 500 people on the property. Schmitzer asked if there had been a traffic analysis done, or whether there is adequate emergency vehicle access. Schmitzer concluded by stating that horse shows and training are not allowed under the Town's ordinances; stabling is allowed. Representing Pechsteins, Schmitzer asked that the amendment/expansion of the Conditional Use Permit be denied. Schmitzer suggested that the current uses be examined, and suggested that the current Conditional Use Permit use be examined because it would seem that it is being violated.

Copies of the letters provided in support of and in opposition to the application were provided to the attorneys for Fromm and Pechsteins by the Town's attorney, Attorney Tim Schoonenberg.

Vice Chair Schweizer called on John Pechstein, 1910 CTH NN. Pechstein stated that the current uses of Fromm's property disrupt the peaceful enjoyment of our (Pechstein and his wife Ann) property. Pechstein handed out photos of dirty windows on the east side of his house and played two short videos of a riding area being graded, and manure being loaded into a truck. The videos were shot from inside the house and included sound. Pechstein stated that he estimates that the riding arena is about 85' from his house. Pechstein stated that the horse training is close to his home in multiple riding areas. Pechstein stated that, considering the use of the sound system and the traffic, at times it is as loud as living next to a construction site. Pechstein stated that he and his wife Ann have received requests from Fromm's attorney to limit the activities on their own property to accommodate Fromm's use(s). Pechstein stated that he could provide additional videos of dust and noise from the shows and training but did not want to video unidentified people without their permission.

Commissioner Joan Baumgartner asked Pechstein how long he and his wife had owned their property at 1910 CTH NN. Pechstein replied that this property had been their home for 26 years.

Vice Chair Schweizer called on Ann Pechstein, 1910 CTH NN. Pechstein stated that she and John had purchased the farm 26 years ago on a handshake and have worked hard to improve it. Trees were planted along the driveway. Pechstein stated that as the Fromm business grew, it impacted them. Pechstein said that they had heard that there were plans to pave the driveway more than a year ago, but nothing has been done. Pechstein stated that John Pechstein had relocated his home office from the east side of the home to the west side because of the noise and dust. Pechstein added that she and her husband have 26 years of memories here, and this is their home. It is not a business location.

Vice Chair Schwiezer called on James Albing, 1851 CTH NN, Town of Jackson. Albing stated that last summer he was installing drain tile on his property but someone came over and asked him to stop because of the noise. Courtney Fromm stated that she had not been that person.

Comments from other attendees:

- Marcella Sullivan, Cascade Drive – would like to see market evidence of decline in value because of Fromm's business. Emergency access is adequate. Farm equipment could be the same.
- Tippi Borges, 1721 Paradise – previous owner of a horse facility zoned C-1 Conservancy. There may have been 70 competitors on and off during a day. Borges questioned the definition of EA to not include horse shows.
- Stacy Hafeman, 4597 Grasser Drive, West Bend – has boarded at the facility. CTH NN is very noisy without regard to this use. There was a show when Pechsteins hosted a family wedding – but there were no issues that weekend. They question safety but they shoot on their property. I support this expansion. If noise is an issue, they should not be living there.

- Attorney O' Callaghan – re: the 20 letters submitted in support of the application: they were solicited on purpose from people who could speak from a first-hand perspective of how she runs the business. The Town Comprehensive Plan states that ag uses should be preserved, and that is what Courtney Fromm is doing. Then Town Board made that determination at the 3/2017 hearing, that her use was an ag use. Davies clarified that the Town has opted out of Farmland Preservation due to lack of interest, but does have the required Comprehensive Plan in place. O'Callghan: in a photo submitted by Pechsteins, there are black marks on the road; these were not made by a horse trailer but by the garbage truck. Object to the speculation on how many people might wind up on the property at any one point in time. Would suggest that attention be paid to the testimony of the people who have spoken tonight about their experiences.
- Courtney Fromm – I bought this property out of foreclosure. I have talked to the Pechsteins – and initially offered them \$1200/weekend when I had the shows. Fromm paid for four shows, then had an equine disease issue and could not pay any more. From stated that she had tried to work things out with the Pechsteins but could not work anything out. Fromm stated that she works on the property seven days a week.

Vice Chair Schweizer asked three times for any additional comments. The Public Hearing was closed at 8:15 PM.

Respectfully submitted,

Barbara Davies

Zoning Administrator/Clerk of the Plan Commission

Affidavit of Posting: These Minutes were posted at the Town of Trenton Town Hall Bulletin Board on Friday, October 12, 2018. Barbara J. Davies, Clerk of the Plan Commission. Subject to Approval: These Minutes will be considered for approval by the Plan Commission at its November 13, 2018 Meeting.