

Please note: Minutes are unofficial until approved by the Plan Commission at the next regularly scheduled meeting.

PUBLIC HEARINGS

6:00 P.M. (4)AB CU-5-07 Johnson Sand & Gravel – 6600 Crowbar Rd. – Temporary Portable Concrete Batch Plant Operation for the Moorland Road Project.

NEW BERLIN PLAN COMMISSION

JULY 9, 2007

MINUTES

The public hearing relative to the request by Randy Johnson, c/o Johnson Sand & Gravel located at 6600 Crowbar Road for a conditional use for a temporary portable concrete batch plant operation for the Wisconsin Department of Transportation Project known as the Moorland Road Project which includes the rebuilding of the intersection and bridges for I-43 over Moorland Road was called to order by Mayor Chiovero at 6:05 P.M.

In attendance were Mayor Chiovero, Mr. Sisson, Mr. Gihring, Mr. Felda, Alderman Ament, Ms. Groeschel, and Ms. Broge. Also present were Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Tony Kim, Associate Planner; Jessica Titel, Code Compliance Specialist; and Eric Nitschke, Storm Water Engineer.

Mayor Chiovero explained the procedure for a public hearing saying that he would ask for questions for clarification and then ask three times for anyone wishing to speak in favor of the application and then three times for anyone wishing to speak in opposition of the application.

Ms. Jones read the public hearing notice and stated there was proof of publication.

Ms. Bennett gave a brief presentation describing the request and showed maps indicating the location.

Mayor Chiovero asked for comments or questions for the purpose of clarification.

Mary Hiebl, 20160 W. National Avenue - I am aware that people within 600 ft. of the operation have to be notified. I would like to know the addresses of those that letters were posted regarding this public hearing.

Ms. Jones – Do you want me to bring the list over to you?

Ms. Hiebl – No, just how many letters were sent out and state some of the addresses please.
Ms. Jones – Jack Madderom.

Ms. Hiebl – What is the address?

Ms. Jones – We use the mailing address for the person. He owns the property that Living Word Church purchased. It was mailed to 2435 Mill Road in Oconomowoc.

Ms. Hiebl – That is that empty parcel where Living Word Church is going to be. Ok, so he was notified.

Ms. Jones – The Code requires us to notify within 600 feet and we have done so. On Point Development. They are the owners of Mill Valley.

S & J Development which is the other parcel that the quarry owns. The City of New Berlin was within 600 feet.

Ms. Hiebl – Three letters were sent out? Is that it?

Ms. Jones – There are several different addresses that these are mailed to.

Ms. Hiebl – What is the proposed route where all the bulker trucks, supply trucks and the support trucks will be traveling. What is the proposed route where the cement trucks will deliver the cement?

Ms. Bennett – Mr. Johnson is here.

Ms. Hiebl – Will it go from National Avenue, and Moorland Road down to Crowbar Road? Will it go from Moorland Road and I-43 to Racine Avenue and then up Racine Avenue to National Avenue? My understanding today in the discussion with Amy and Nikki is that the truck route was going to be from Moorland Road and National Avenue all the way down to Crowbar Road. I need that confirmed.

Ms. Bennett – In the stated Plan of Operation from the applicant, trucks will enter and exit the site at Crowbar Road. Trucks exiting the site will head north to National Avenue and will travel either east or west to the job site. The trucks will use the existing 30' wide roadway constructed of asphalt pavement. The internal roadways will be watered.

Ms. Hiebl – My question is will they use National Avenue east and west all the way from Crowbar Road to Moorland Road and National Avenue? Is that the route?

Ms. Bennett – Yes.

Ms. Hiebl – Three letters were sent to people within 600 ft. which is required by Code. Yet, everybody and anybody who will be impacted by this for over a year has no idea what is going on with the volume of trucking. That could be the reason why this room is so empty tonight.

Ms. Jones – It is also posted in the paper twice.

Ms. Hiebl – That is true, in microscopic six point letters at the back of the newspapers.

Ms. Jones – I don't think we have any control over that.

Ms. Hiebl – That is true, you maybe don't have any control over that, but the fact is that one has to search for this piece of information in order to find it. That is an issue. What specific measures are written into the Plan of Operation to protect, insure, and safeguard the quality of life along that route? The reason I am asking is because this is the second temporary batch plant. We lived through the Trierweiler Plant which was approved May 2, 2005. That was a nightmare. The route now is going to go from Moorland Road to Crowbar Road. It is a longer route that is along National Avenue, and I know there were dangers with heavy traffic. There was nothing good about the Trierweiler experience. Now the route is longer on City roads, and I need to know what safeguards are built into the Plan of Operation.

Ms. Jones – With every project we accept eight sets of plans. All of those plans are reviewed by separate reviewers. We always look at the health, safety, and welfare of the citizens of the City. They are approved to do trucking, as we discussed earlier today. The aggregate will come out of the quarry whether there is a batch plant there or not. That is one point I wanted to make sure was brought up. They are continuing to have a quarrying operation where aggregate will continue to leave the facility. What they are proposing tonight is to have the aggregate become the spandrel that they will take out of the quarry.

Ms. Hiebl – I understand that. Thank you for that explanation.

Ms. Jones – We always look at safety. We look at where they are getting on the roads. We depend on Randy and whoever is at the facility to release the trucks in an orderly fashion.

Ms. Hiebl – I am also aware that there will be 20 more trucks per hour added onto the existing traffic. There should be a traffic impact study presented tonight as part of this public hearing.

Ms. Jones – There is an original impact study supplemented with these numbers.

Ms. Hiebl – That is right, and that study is from May of 2005 where we already had huge numbers. In September of 2004 there was a traffic impact study done before there was a Trierweiler plant or additional batch plant, and those numbers exceeded 400. I think you have that traffic impact study from 2004 in front of you, Nikki and Amy. We have 480 on some days, we have 403 on other days which is before we have additional traffic from a batch plant.

Ms. Jones – If I could add a foot note to that table, the numbers that you see in here were done by staff.

Ms. Hiebl – What one are you referring to, September 2004?

Ms. Jones – We've got one that is September 10 – 20, 1 weeks time.

Ms. Hiebl – Read some numbers from that, please?

Ms. Jones – I would rather have people look at it rather than reading the numbers. I feel it takes them out of context. The point I want to make is that these calculations are done on Crowbar Road and National Avenue. They are not done at the driveway of the Johnson Sand and Gravel Plant. They have gravel on that driveway and you need to have enough speed to pick up the calculations for these numbers. That is why we have offered, later this week if this is approved this evening, to put counters out there and count them to get a baseline for 2007 to add to this data. Over the next 1 ½ years while this is in progress we would put them out sporadically so we can have some information if this happens in the future.

Ms. Hiebl – I am also aware that the Plan of Operation, signed and sealed by the owner and the City of New Berlin, limits the number of trucks entering and exiting onto Crowbar Road. If it is the City's responsibility in a signed Plan of Operation to monitor the number of trucks that are going in and out there, why hasn't that been done?

Ms. Jones – As we discussed earlier today, every single project in the City that gets approved has a Plan of Operation that is part of their Zoning Permit. It is their job to maintain that they are abiding by it. If not, we typically get a complaint and we go out and investigate it.

Ms. Hiebl – If the City is not monitoring the volume of traffic in and out and the Plan of Operation acts as a Zoning Code, and if there are violations of the Zoning Code, something must be done about it. Why is the City not monitoring the volume of traffic in and out before there is a batch plant on that site? The point I am making is that no one in the City understands or is aware of what you are doing when you approve another batch plant at that site if you have not monitored it during just normal regular hours and know what the volume is. We have the volume here. I will read some of the numbers from September 2004 before there was any batch plant out there. On Monday, 389 trucks; on Wednesday, 403 trucks; on Thursday, 413 trucks; on Friday, 304 trucks, this is in September 2004.

Ms. Jones – I would like people to keep in mind these are all vehicles, not just Johnson Sand and Gravel vehicles.

Ms. Hiebl – These are trucks on Crowbar Road. Crowbar Road is a Class B highway, you can't have trucks beyond Tans Drive because of the weight limit, so I don't know where those trucks would be going. I want to make sure the weight limit ends at Tans Drive and Crowbar Road. You cannot take gravel trucks beyond that. I would like to know what monitoring the City did during the Trierweiler batch operation which was approved May 2, 2005 and was in operation until December 2005? Because if the City did no monitoring during that time, what data and facts do they have to present tonight before they approve another batch plant?

Ms. Jones – Our Code Compliance person did make several visits out to that site during that time period based on some of the complaints that were made. Typically, we only go out if we have a complaint. We will drive by if we are doing other site visits, but there isn't the time to go out and monitor it every day or to post someone there. We can't do that, there are other projects that need to be reviewed. It is impossible to have someone sit out there and monitor the traffic. We have talked to Randy to see if he has any reports or logs, and we will enforce that for this next time that he does submit, based on the ticket slips generated by the temporary batch plant, a quarterly report to give to the City. We will be able to keep record of, on an average bases, how many trucks are going in and out of there.

Ms. Hiebl – So, it doesn't matter what has happened in the past, you are still going forward regardless of the data you have been presented, regardless of the complaints, regardless of the dangers, regardless of what is happening out there you are still going forward because now, after the fact, you are going to have measures in place for the second approval of a batch plant. Is that right?

Ms. Jones – We haven't had that many complaints about the issues with that project. We monitor it based on complaints and there were very few that came in and those that did were followed up on.

Ms. Hiebl – Does the public know that before the first batch plant was approved, there were 49 protest signatures saying they did not want the first batch plant?

Ms. Jones – That was mentioned.

Ms. Hiebl – Is that on public record? That didn't matter? Are those complaints figured in? Are those constituents factored into this?

Ms. Jones – We would always consider those. They are following the same rules as anybody else who would like to do a project in the City. Randy might be able to provide you with more information this evening on traffic generation on the site if you are interested in hearing that.

Ms. Hiebl – There has to be a traffic impact study at a public hearing.

Ms. Bennett – That is required for rezoning applications.

Ms. Jones – He has supplemented his information each time he comes in, which is the information that staff needs to review for the project.

Ms. Hiebl – Does the City ever receive a log of operation from Johnson Sand & Gravel?

Ms. Jones – Every year he is required to fill out his reclamation mining permit information to submit to the City of New Berlin.

Ms. Hiebl – So, it is a reclamation plan and nothing else?

Ms. Jones – Correct. It is based on making sure he is reclaiming it the way he is supposed to.

Ms. Hiebl – That's it? Nothing on traffic, nothing on volume?

Ms. Jones – No. I believe he has to submit what acreages are left in the quarry to be mined so we can keep track of that with the State.

Ms. Hiebl – Who is the applicant for this portable concrete batch plant?

Ms. Bennett – Randy Johnson.

Ms. Hiebl – Who will be operating it?

Ms. Bennett – Zignago.

Ms. Hiebl – Why isn't Zignago making the operation?

Ms. Bennett – Randy has made the application as owner of the property.

Ms. Hiebl – The Plan of Operation from March of 1991 is for nonmetallic mining, not for batch plants. That is what the public was lead to believe. There is now Schmitz Ready Mix out there which the legality is questionable because of the transfer of a permit.

Ms. Bennett – It was approved by the Plan Commission.

Ms. Hiebl – I am fully aware of that. Then there was Trierweiler, and now there is the proposal for another batch plant, and the public was lead to believe that this was going to be non-metallic mining. There were four things that were allowed under non-metallic mining. Is this now becoming a batch plant operation permanently? Whenever a DOT project comes down the pike, and this is the second one within two years, the owner can apply for a temporary batch plant, and the public was mislead even though there is a document saying non-metallic mining. Non-metallic mining is a heck of a lot different than batch plants. This is not temporary. What will be the application when Racine Avenue and National Avenue is reconfigured and we have the two roundabouts on Racine Avenue at the I-43 entrance and exit? This is not right.

Ms. Jones – It is temporary in the fact that they sign an agreement with the City of New Berlin with an end date.

Ms. Heibl – That's right. But it really is permanent because as I mentioned at the Privilege of the Floor during the Trierweiler application, whether this batch plant fiasco was going to be the first of many? This is the second. How many more will follow? Is the operation out there non-metallic mining or is it batch plant?

Ms. Jones – I would say it is a combination of both.

Ms. Heibl – The Plan of Operation from 1991 is non-metallic mining. I heard Nikki say in the opening of this public hearing that if this is not approved tonight, and it is unusual when there is a public hearing that action is taken on that public hearing subject, there can be an on-site batch plant at Moorland Road. Why don't we consider that? Why are we considering another temporary batch plant out in Johnson Sand & Gravel?

Ms. Bennett – If the temporary batch plant is placed on location on Moorland Road, there will still be truck traffic bringing the aggregate from Johnson Sand & Gravel to that site. Placing it on Johnson Sand & Gravel site means the water source is there, the aggregate material source is there, and the location is not going to be as visible and will not cause a burden where it might on Moorland Road where there is already a lot of traffic and congestion.

Ms. Heibl – It will cause a burden because you are adding trucks to the already existing traffic that comes out of Johnson Sand & Gravel.

Ms. Bennett – I mean a visible burden. There would be a visibility issue. This would be a structure placed in the right-of-way.

Ms. Hiebl – Johnson Sand & Gravel does not just supply aggregate to Moorland Road. The purpose of Johnson Sand & Gravel is a supplier of sand and gravel for a wide range of applications including engineered compact fill for construction, materials for construction of churches, roads, residences, and ready-mix and road project components. For the City to say that there would be increased traffic, it would be worse if the batch plant were not on site. I think this needs to be looked at.

Ms. Bennett – I didn't say for traffic. I'm talking about visibility on Moorland Road in an already congested area, something placed in the right-of-way. I'm not talking about traffic.

Ms. Hiebl – Then perhaps this Plan Commission can consider that the site be at Moorland Road instead of at Johnson Sand & Gravel. How much water is used daily?

Ms. Bennett – The Plan of Operation reads an estimated 250,000 gallons of water will be needed for the production of the ready-mix concrete and will be supplied from the existing on-site ponds.

Ms. Hiebl – 250,000 gallons daily?

Ms. Jones – It must be for heavy days because our water calculations for other industrial buildings is far less than that.

Ms. Hiebl – How many heavy days are there?

Ms. Jones – They are not laying huge lengths of concrete, they are laying small portions for the on ramps.

Ms. Hiebl – That is identical to Trierweiler. I have documentation from Trierweiler from one day. Toward the end of the day on September 13, 2005, one to four trucks going past at these times 4:22 P.M., 4:32 P.M., 4:38 P.M., 4:39 P.M., 4:45 P.M., 4:50 P.M., 5:01 P.M., 5:12 P.M., 5:43 P.M., 5:44 P.M., 5:46 P.M., 5:48 P.M., 5:50 P.M., 5:59 P.M., 6:01 P.M., 6:03 P.M., 6:04 P.M., 6:15 P.M.. It is not my responsibility, or the taxpayer's responsibility to monitor this. If the City approves this, it is the City's responsibility to monitor this. It hasn't been done, and tonight before you without the documentation, you are about to approve another batch plant. Back to the water. Are the ponds hydrologically connected to the groundwater?

Mr. Nitschke - It is my understanding that the ponds are not hydrologically connected to the groundwater. They are settling ponds out there. The groundwater is deeper than the settling ponds that they are going to be drawing from.

Ms. Hiebl – Who is qualified at the City to inspect when cement trucks are cleaned? Whatever kind of washing off of the trucks that they do, who in this City is qualified to inspect what happens to that water?

Mr. Nitschke - When you are talking about the water, are you talking about the surface run-off to the settling ponds?

Ms. Hiebl – I am talking about water that runs off, where it goes, and what is happening to it, and if it is impacting the groundwater. Who is qualified?

Mr. Nitschke – As far as checking the surface water, our City Engineer, myself, and also our

Code Compliance Officer. As far as testing the groundwater table, the City staff does not have the machinery or the capability of doing soil borings in order to test the groundwater. That is why we have commissioned consultants to do groundwater studies in the area and it is one of the most studied areas in the City.

Ms. Hiebl – Where are the reports on the study that was done during the Trierweiler batch plant operation?

Mr. Nitschke – It is my understanding that there were no specific reports for the Trierweiler batch plant.

Ms. Hiebl – Right now what is in place to protect the water?

Mr. Nitschke – Absolutely no additional ponds or wells will be created or drilled. They are using the existing facilities out there and following the Plan of Operation that they currently have for the site.

Ms. Hiebl – That is identical to the language in the Trierweiler Plan of Operation. Nothing was done during the Trierweiler project. What assurance do we have that anything will be done during this, if this is approved?

Ms. Jones – Anything, meaning testing?

Ms. Hiebl – The question I just asked.

Ms. Jones – They are not required to do any testing during this period.

Ms. Hiebl – So it doesn't matter where the water goes and how it might impact?

Ms. Jones – As Randy explained to us earlier today, the site infiltrates itself.

Mr. Nitschke – That is correct. The water goes into the settling ponds and that is where the sediment from washing of the trucks settles out.

Ms. Hiebl – Who inspects that from the City?

Mr. Nitschke – We don't drain the ponds.

Ms. Hiebl – Who has inspected the site?

Mr. Johnson – The DNR inspects our site for our yearly permit for our wash operation.

Ms. Jones – Is that part of the report that you submit with Bob Sigrist?

Mr. Johnson – No, that is NR135. This is totally different. It is through the DNR. Gerald Jarmuz is the contact. He can give you any information about our site.

Mr. Nitschke – Just for the record, I have spoken with Mr. Jarmuz regarding this area, not this specific operation, and made sure that the reports were being submitted and they were doing the inspections on site.

Ms. Hiebl – What is the type and number of auxiliary trucks that will be needed for this project? I'm not talking about cement trucks, I'm talking about auxiliary trucks to haul materials, etc. Is that in this executive summary? Is that in the letter from the applicant?

Ms. Jones – There will be 2-3 bulk tankers per hour on heavy days, 1-2 smaller bulk tankers on

lower production days. Some of this equipment may be on the site already, the applicant can give more information.

Tom Zignago – The only other trucks that would be in there other than the bulkers hauling cement would be smaller vehicles like a mechanics truck, or a foremans truck. All the other auxiliary trucks will be left at the project.

Ms. Jones -The men that are doing the work from Zignago are at the site and the two people who are running the temporary batch plant will obviously park there, but everybody else will be parking at the site?

Mr. Zignago – The mixer trucks will be parked there overnight so those peoples cars will be parked there while the trucks are in use.

Ms. Hiebl – The auxiliary trucks we coped with during Trierweiler such as gravel trucks, bulker trucks, water trucks, tanker trucks, supply trucks and trucks I don't even know were unbelievable. I have pictures of all of them. Zignago did the concrete work for Moorland Road when it was shaved about a year ago. Where did Zignago go for the concrete?

Ms. Bennett – Mr. Zignago mentioned that it came out of the West Allis plant. That was a very different type of project. The amount of concrete that will be needed for this project is very different from what they did on Moorland Road.

Ms. Hiebl – This is going to be such great volume that not even Schmitz batch plant out there can handle it. Yet, I read the executive summary and hear that this is being forwarded by the staff for approval tonight, all of that is diminished as being a few more trucks an hour. Just 20 more trucks an hour. That is just the trucks. We are not talking about any of the other stuff that goes with it. Who monitors the jake breaking, the straight muffler. There is no City ordinance against jake breaking so how can the City enforce it. It happens all the time out there. The police are so busy with the 36 sq. mile City, who monitors the 64 m.p.h. speeding that occurs. Don't ask me how I know about the 64 m.p.h., but I do. Who monitors that? These are trucks that are filled, how can they stop. The City is just waiting for an accident to happen. I know you've heard that before, and I know that sounds like an empty threat, but the reality is it can happen. No one from the City lives out there to know what the daily activity is without the addition of another batch plant. That is in addition to Schmitz. This is the busy season. Now I am editorializing instead of asking questions. I will editorialize during the privilege of the floor. Thank you.

Mayor Chiovatero asked for further comments or questions for the purpose of clarification.

Vernon Bentley, 3450 S. Johnson Road – Back around 2000 when Midwest Power was coming in, wasn't Johnson Quarry dewatering because they were into the water table? They were dewatering out of there which does effect the water table and the wells in the area.

Mr. Nitschke – It is my understanding for the mining operation, yes they were dewatering when they were going down into the water table and that there were studies that were done to show that they weren't adversely impacting neighboring wells or the water table in the area during their mining operations. From my research of the studies done on the water table in this area, it is one of the few areas in the City of New Berlin that we do have a large amount of ground water and high amounts of ground water recharge in the area

Mr. Bentley – I agree. That is one of the biggest areas in New Berlin, but you are still dewatering. You are still getting rid of water out of the area and at the same time we are in a water ban and people are being told not to use any water and the quarry is sending it down the road to Muskego.

Mr. Nitschke – Those are two separate issues. The water ban and what they are doing for the

operation of the mining.

Mr. Bentley – I agree there are two different issues, but the fact is that water is water. I think you mentioned that they are not checking these ponds for quality. Why are we concerned about the quality of water at Calhoun Road, Rogers Drive, Lincoln Avenue, and throughout the City where we are spending millions of dollars on storm water. Here we have an area where no body cares.

Mr. Nitschke – It is not true that no body cares. When you are talking about checking ponds for water quality, a settling pond in and of itself is a water quality feature. What I was referring to as far as checking them, is we don't go out and monitor to see what concentration levels of suspended solids are in the pond because the pond is there to filter that type of sediment load out. The same thing would go for Calhoun Road where we don't go out and test the water, we don't test the soil, however, we are keeping track of if the water is infiltrating into a bio-retention swale. In this case, is the pond maintaining a certain depth in order to settle out the suspended solids from the run-off from the wash offs of the trucks, the material that is being washed for the quarrying or mining operation.

Mr. Bentley – But aren't these ponds susceptible to more dust just from the trucks traveling by? Didn't we have a problem with Westridge? When they built Westridge, they put in construction ponds and every body forgot about them. After the construction of buildings were done, those ponds were suppose to be expanded three or four times and cleaned. We had a big issue with the City about who was going to do it. Did the City or the business owners end up with all those ponds in Westridge?

Mr. Nitschke – There was one pond in Westridge that the City did some retrofitting work to enlarge. Another pond was already sized according to what it was supposed to be. To more directly address this project and what you said with vehicles driving by and dust getting into the ponds, that's were the particulates are supposed to go is into the pond and settle out to the bottom of the pond. The problem comes in when the pond depth reaches such a point that solids can be picked up again with wind currents entering with water entering the pond. That is what happened with the Westridge pond is that it had filled up to a point that it had been reduced to not being a water quality facility, it was just a detention facility to control discharge rates. In these instances, when we are talking about a quarry, we are talking ten, twenty, thirty feet in depth for these settling ponds, so there is a lot of area to settle out and for solids to fill in on the bottom.

Mr. Bentley – In this case with the ponds out there, nobody is monitoring them. Although, you did mention that the DNR possibly is.

Mr. Nitschke – Nobody is monitoring the depth of the settling pond. DNR does monitor the site. They do monitor the permits that the two quarries hold.

Mr. Bentley – While sitting in Atty. Schober's office, Mr. Zignago told us that the DNR checks all the ground soils before the trucks move them. In the year 2000 his trucks were moving sludge off of Layton Avenue at 104th Street under the 894 bridge to his property. This was found to be contaminated material. The DNR is not a reliable source for checking soils before they are moved. I recently had a quad-axle going down my road at a high speed with the exhaust open and using the jake brake at the stop sign. I followed him to his destination and he saw me. I came back home and was deciding what I was going to do, and when he came back he ran quietly and did not use his jake brake for the rest off the day. There is a problem there unless somebody looks into it.

Mayor Chiovaturo asked for further comments or questions for the purpose of clarification.

Ralph Heun, 17765 W. Saturn – What enforcement are you going to have making sure that these truckers drive from their job site north to National Avenue and turn left on National Avenue and go out. How can you enforce that?

Mr. Jones – I don't think we can. There is a Plan of Operation that suggests the route that they are supposed to be taking.

Mr. Heun – Suggested route has no bite of law.

Mr. Jones – There is not enough manpower to send someone out there to watch every truck, every day and follow it with a City vehicle.

Mr. Heun – I have a simple solution. Have these truckers leave the job site, go up the ramp, drive out to Racine Avenue, make a left turn, go down to Tans Drive and drive out. There are only about three or four houses on Tans Drive. They won't irritate anybody and it's the fastest way and gas won't be wasted. Coming back down, the same way. If you ruin Tans Drive, rip it up and lay a couple inches of blacktop which won't cost hardly anything. You'll save millions of dollars in fuel and get a lot of Aldermen off the hook.

Ms. Bennett – As I mentioned earlier in my presentation, part of the approval for the reclamation plan included prohibiting the use of Tans Drive.

Mr. Heun – Why couldn't it be used?

Ms. Bennett – The reason for using Crowbar Road and National Avenue and Racine Avenue as it states in the minutes from December 17, 1990.

Mr. Heun – It seems to me that government can do anything they want to to be expedient about something. Now is the time to think about it. As you said these trucks will be running a lot of trips back and forth.

Ms. Bennett – If I could finish. The durability of the road, the width of the road, National Avenue is set up to handle this type of traffic and it is a much safer road. Those were the reasons why.

Mr. Heun – Safer for who? As you said, you can't make the people drive on National Avenue.

Ms. Bennett – I wasn't at that meeting back in 1990 so I don't know how they looked at that.

Mayor Chiovaturo – It is not set up for debate.

Mr. Heun – The best way is the most simple way. The safest way for everybody is keep the trucks off of roads such as Beloit Road and National Avenue.

Mayor Chiovaturo asked for further comments or questions for the purpose of clarification.

Randy Johnson , Johnson Sand & Gravel - There were a lot of issues brought up again tonight as anytime we are here. I'd like to talk about some of them. There are posted speed limits. If a police officer sees a truck speeding or with excessive noise, they can give the driver a ticket, we have no problem with that. All our trucks are quiet. If you use a jake brake on our trucks, you can't even hear them come to a stop sign. The site is an internally drained site. If anyone wants to contact Gerald Jarmuz at the DNR, he'd be happy to talk to you about our site. If we are doing something wrong, he will let us know, I guarantee it. The one gentleman said we were dewatering, sending water down a ditch or a creek. We do not dewater our site. All the water is kept on our site. The only dewatering we do is maybe one pump pumping water from one pond to another to adjust the level of them so we don't get flooded out or to keep more water toward the suction pond for the wash operation. I'd really like to know how Ms. Hiebl came up with those traffic counts for those days of Trierweiler's heavy hauling, because there is no way he had 500 trucks going down National Avenue past her house when he only had three or four days of heavy hauling on that project. Trierweiler used the water from the ponds on site. No ill effects were

found after they did their project. No one came to the City to say they had problems with their well. If there are any questions, I would be happy to answer them.

Ms. Hiebl – Is there an ordinance against jake breaking in the City of New Berlin that the police can enforce?

Ms. Jones – I am not aware of one.

Ms. Hiebl – So the police cannot ticket anyone for jake braking because there is no ordinance. The numbers that I quoted, the 400 and some numbers, were not Trierweiler numbers, those were numbers from September 2004 supplied by the City before Trierweiler, they were from the Johnson Sand & Gravel Plant. I know that on this report that I have they have northbound on Crowbar Road and Southbound on Crowbar Road, and that is where the numbers are from. As I mentioned in my commentary that at Tans Drive, Crowbar Road becomes Class B and there is a weight limit. This is the responsibility of the City. If it has a Plan of Operation and if it has a specific number of trucks that are allowed in the Plan of Operation, the City has to monitor that. The City has to take on it's responsibility for a signed document and follow up on it.

Mayor Chiovatero asked for further comments or questions for the purpose of clarification, seeing none.

Mayor Chiovatero asked three times if there was anyone wishing to speak in favor of this application, seeing none.

Mayor Chiovatero asked if there was anyone wishing to speak in opposition of this application.

Mary Hiebl, 20160 W. National Avenue – I'm here to stand in opposition to the approval of this batch plant. I have spoken long enough, and everyone understands my reasons for doing so.

Mayor Chiovatero asked three times for anyone else wishing to speak in opposition of this application, seeing none.

Mayor Chiovatero asked for comments or questions from the Commissioners?

Mr. Sisson – Most of the questions that I had prepared have already been answered. As I understand it now, this Moorland Road project is at the I-43 Intersection with Moorland Road. It has also been identified as the alternative location for this batch plant. When you list in your material that there would be 20 trips maximum per hour, is that one-way or round trip?

Ms. Bennett – Round trip.

Mr. Sisson – According to my calculations then, that would mean dumping somewhere in the neighborhood of 250 additional trucks on our streets during that time period. You said the route they would expect to follow would be out of the gravel pit on Crowbar Road, east on National Avenue to Moorland Road and then south to the job sit. What is to prevent them from taking a more direct route down Beloit Road?

Ms. Bennett- This is what is in their Plan of Operation.

Mr. Sisson – I didn't see anything in their Plan of Operation about what route they were going to follow. I may have missed it.

Mayor Chiovatero – I think there is a weight restriction on Beloit Road when it gets west of Calhoun Road, isn't there? No, there isn't. What stops the trucks from the industrial park from going west?

Ms. Jones – I think there is a sign. Don't quote me.

Alderman Ament – They can't turn left out of Westridge. They can turn right. Beloit Road being a County Trunk Highway, the County is not allowed by State Statutes to restrict the traffic.

Mr. Sisson – What would be the water usage at the alternative site? What would be the source?

Ms. Bennett – We don't have information on that. Perhaps Mr. Zignago can answer that question.

Mr. Sisson – The comment was made that truck transportation from Johnson Sand & Gravel would still be required even if we opted to reject this and go with the alternative site.

Ms. Bennett – Correct. For the aggregate material from Johnson Sand & Gravel.

Mr. Sisson – Is there anything to restrict those trucks from using I-43. In other words, exiting on Racine Avenue, hopping across and jumping right on I-43 and going to the next exit getting off at Moorland Road, which in effect would keep those trucks off our City streets.

Ms. Bennett – Nothing that I am aware of.

Mayor Chiovatero – Except for the fact that they are constructing ramps.

Mr. Sisson – I have some real heart burn with this, particularly in view of the fact that there is an alternative site that is available. What specific value, Ms. Bennett or quantifiable benefit will accrue to the City in return for our allowing this batch plant to operate on a temporary basis.

Ms. Bennett – This is a local project but I have no information on a quantifiable benefit.

Ms. Sisson – Where is the alternative site, it is also local?

Mayor Chiovatero asked for further questions or comments.

Alderman Ament – If the batch plant is located on Moorland Road, what is the difference in the truck traffic on National Avenue in the area of the quarry? There would still be the traffic to transport the aggregate but you would not have the tankers and some of the other trucks. Do we have any numbers on what the difference would be?

Ms. Bennett – The only information we have in the Plan of Operation is the 20 trucks per hour. It also reads, "Offsite materials trucked onto the site will only consist of that which is necessary for the production of redi-mix concrete estimated at 2 – 3 bulk tankers per hour on heavy production days and 1 – 2 on low production days".

Ms. Jones – If you took a 12 hour day and multiplied by 3, you could roughly say 36 trucks would be the reduction.

Alderman Ament – So the only difference is the tankers? The 240 trucks based on 20 loads in 12 hours will still be operating regardless of where the batch plant is?

Ms. Jones – The 20 loads per hour will still go to the site to pick up the aggregate and drive the aggregate to Moorland Road where they will make the concrete.

Alderman Ament – Right, so what I am saying is the additional 240 approximate trucks will be going back and forth no matter where the batch plant is located, is that correct?

Ms. Jones – The applicant is shaking his head yes.

Alderman Ament – The only difference is going to be the 36 tankers. There is not going to be any other trucks hauling things back and forth?

Ms. Jones – There will be the supply trucks and auxiliary trucks that would be bringing redi-mix materials or additives for the concrete.

Alderman Ament – What project was the Trierweiler plant from 2005 for?

Ms. Jones – Hwy. 59 and Hwy. 164.

Alderman Ament – What route did they use? I assume they used Racine Avenue. I knew we had some traffic issues, but this is a surprise to me. What I got out of the staff report was that this is going to be essentially the same operation and the amount of truck traffic would basically be the same as that one, but what I am hearing is that this is going to be substantially more?

Ms. Jones – I don't think so.

Alderman Ament – I thought earlier that when Commissioner Sisson asked, the 20 was round trips.

Mr. Sisson – That is the answer that I got. They said it would be a round trip, but it's not.

Mayor Chiovatero – They are saying 40 per hour, not 240 per hour. That is what he is trying to clarify.

Mr. Sisson – The 40 per hour multiplied by 12 hours is 240. It's a 12 hour day.

Ms. Broge – 40×12 would be 480.

Alderman Ament – So it is double that amount.

Ms. Jones – A trip is one trip going to the job and one trip coming back to the job.

Alderman Ament – I am going back to the staff report where it says, "We are estimating the average of 20 loads per hour maximum for this operation". When Commissioner Sisson asked if that was round trips, he was told yes. Now I am hearing it is not. Now I heard it both ways. So we are back to 240 trucks a day.

Comments from audience not picked up on microphones.

Alderman Ament – I'm going to go with 480. When they say 20 round trips which is 40 per hour, at 12 hours per day equals 240 round trips or 480 single trips. A truck is going to go down the street, no matter which direction it is going 480 times.

Ms. Jones – Can one of you come to the microphone and explain the trips, please?

Mayor Chiovatero – You are right, but I don't understand the issue.

Alderman Ament – I'm not saying it's an issue, I'm just trying to figure out how many trips.

Mayor Chiovatero – It's 480 trips, no matter how many trucks.

Ms. Bennett – This is the same that they proposed with the last temporary batch plant.

Mayor Chiovatero – That is during maximum loads.

Alderman Ament – Right, I'm just trying to pin down the numbers. I'm standing on National Avenue watching a truck go this way and then watch it come back that way. I'm going to be watching trucks going past one way or the other 480 times.

Mayor Chiovatero – Yes, in a 12 hour period.

Alderman Ament – At peak times.

Mayor Chiovatero – Yes, on maximum peak days.

Alderman Ament – This is an estimated average. Now this is in addition to what is already there. We are saying this is basically the same as the 2005 batch plant.

Ms. Jones – Correct, they had two batch plants in 2005, so they were producing twice as much concrete so there was definitely more trucks.

Alderman Ament – But we don't have any information to back that up from the 2005 operation.

Mr. Sisson – If memory serves me correctly, wasn't one of those job sites Hwy. 164 over in Waukesha, which means those trucks did not turn east when they came out of Crowbar Road and run down through the middle of our town. They turned west and went out National Avenue to Hwy. 164. That assumption sounds correct to me.

Alderman Ament – That is what I asked before when I asked if they used Racine Avenue and the answer I got was Yes. So they didn't use Racine Avenue which means they had to go east on National Avenue unless they went around somewhere.

Mr. Nitschke – Correct, to go west on National Avenue to Hwy. 164 you are going out of the way. Going east on National Avenue to Racine Avenue, Racine Avenue to Hwy 164, Hwy. 164 to Hwy. 59 would get you there. So yes, they did head east on National Avenue and they did take Racine Avenue.

Alderman Ament – I had a question about Page 6 of the Staff Report, number 10 under Findings. It talks about the hours of operation being 6:30 A.M. to 6:30 P.M. I think 6:30 A.M. is very early to have the trucks bellowing past, primarily if they are going to do that on a Saturday. It says only when absolutely necessary, but I have no way of knowing when that is. This project seems to be on the fast track, which is good. It just seems awfully early on a Saturday morning to me.

Mr. Felda – Alderman Ament brought up the question on how we can reduce the traffic impact on National Avenue by putting the batch plant down on Moorland Road. I still don't really have a concrete number on how much the traffic would be reduced. I would like to see it reduced a lot on National Avenue by putting it down on Moorland Road, but the number is not clear. Why would we consider that a truck would be going north leaving the plant and possibly taking a left on National Avenue, heading out on National Avenue which only takes you to Hwy. 164 and then back tracking to Moorland Road. That doesn't even make sense, why would they take a left turn and go west on National Avenue? All the trucks are going to go east.

Mayor Chiovatero – I think that was suggested as an alternative route.

Mr. Felda – It's confusing to read that. No way would they do that.

Mayor Chiovatero – I don't know the concrete business that well, but I am thinking that there would be less traffic if we do all the work on the Johnson site rather than take it off the Johnson site because then you would have to transfer all the aggregate and other materials to the temporary batch site on Moorland Road. I don't know where the temporary site would be set up.

Is there an alternative site suggested at this time?

Ms. Jones – At this point in time, the applicant has told us they are ahead of schedule, which we have mentioned, and we have not evaluated nor would we need to take an application in because this project is being driven by the State. I believe they can set up these temporary batch plants right there on site. As long as it's in their right-of-way, we don't control that area.

Mayor Chiovatero – What I am saying, is that I would rather have this done on a quarry site than have it done on the side of Moorland Road in the right-of-way, plus all the truck traffic to bring out the aggregate, etc. to the site. To me it seems easier to bring in the actual concrete to the site and have the cements trucks going to the site, instead of bringing all the materials out of the quarry to the site. It would cause a lot of truck traffic in that one little area on Moorland Road or where ever they set up the site, plus it would be an eye sore.

Mr. Felda – Could you put up the overhead of the roads from National Avenue and Racine Avenue? Is there a way you can leave the quarry and go right onto Racine Avenue? Is there an entrance to the quarry off of College Avenue? Is there a way they can leave the quarry, go right to Racine Avenue, go right down the ramp, and then none of the traffic would be on National Avenue.

Ms. Jones – Do you mean go through Mill Valley?

Mr. Felda – Just to come right out on Racine Avenue, there's a gas station just down the road a little bit on College Avenue. They wouldn't go on College Avenue, they would take a left out of the quarry and head north a very short distance and get on the ramp heading to Moorland Road.

Ms. Bennett – Their property and their entrance is on Crowbar Road.

Mr. Felda – So there is no way to get across over to Racine Avenue from this plant?

Ms. Jones – The adjacent property is owned by Mill Valley, a separate property owner. Right now if you were to drive out there, the road that connects Johnson to Mill Valley is a trail. It is not a road that is improved for many trucks. In all of the future reclamation plans, there should be a road and a future connection which we have talked about with Mill Valley, but right now it is not a safe or efficient idea to take trucks across there the way they would need to for this project.

Mr. Felda – It probably comes down to money and getting the agreement.

Ms. Jones – There would have to be another Conditional Use and Public Hearing for Mill Valley because they are not here this evening and they would be crossing through their property. I would not feel comfortable approving that without notifying the residents in that area also.

Ms. Broge – My question was answered about where this alternative site might be. I heard if it were on site, they would have to drill to accommodate for the water usage. That would be using City water vs. if you were at the quarry, the pond water that is already there would be used, correct?

Mr. Nitschke – The water that they would have to use if they were working in the I-43/Moorland Road area would have to be tapped from City water and go through our utility or they would have to drill a well. With the cooperative agreement that DOT and DNR have, DNR has no regulatory authority on what DOT does on their own projects whereas at the quarry DNR does have regulatory authority on what is going on and there already is a Plan of Operation in place for mitigating any kind of water impacts as far as the settling ponds and the ground water in the area. DNR has an open permit with the applicant and does do inspections. I can't say that would be the case if it were on the I-43/Moorland Road area because it is a DOT project with a whole different set of rules.

Ms. Broge – The only real reduction then in traffic would be the tanker trucks? We are talking 36 a day, correct? You would still have the aggregate going to and from, so the only reduction in traffic would be the tanker trucks and the auxiliary equipment trucks.

Mr. Zignago – You have hit it right on the head. The most efficient way to do it, in terms of trucks, is to let me sit in the quarry because the material has to get to the job one way or another, so if we load it into dump trucks and it comes to the plant site, then we load it back into concrete trucks and they go back out on the roads. By doing it that way, you actually double the traffic that you would have if I didn't sit in the quarry. If I sit in the quarry, the traffic is half. Having me sit in the pit is cost effective and it makes sense. As far as the water, I would take it out of his ponds. On site, I would have to drill a well or tap into the City water system.

Ms. Broge – If I were driving these big trucks, I would certainly want to get on I-43. To me that would be the most expedient route, however I don't know about the off ramp option onto Moorland Road. Wouldn't that be the easiest route to take?

Mr. Zignago – All of the work is on I-43 and all of the work is on the ramps. I want to get to the job as fast as we can. We would come down National Avenue to Racine Avenue to I-43. That is the truck route if you want to make that a condition of the permit. One of the nice things about letting me sit in that quarry from the City's prospective is that you can put limitations on me, you can say we can only work between specific hours. When I said 6:30 A.M. starting time, I meant that is when we would fire the plant up. We do not work on Saturdays. If I'm out at that site, I can run the hours and the operation according to the restrictions of the DNR/DOT cooperative agreement. This is your chance to box me in a little bit.

Alderman Ament – As we are discussing this, we are talking about the aggregate with basically 480 single trips per day as an estimated average. That is for the aggregate. The concrete itself has to be trucked in, correct?

Mr. Zignago – No, just the cement. The tankers.

Alderman Ament – If they weren't going into the quarry, they would go directly to the site which means they wouldn't go down National Avenue.

Mr. Zignago – Right, if they're coming out of Milwaukee they would probably come down Moorland Road.

Alderman Ament – So, we are going to have the cement trucks coming in, mix the batch with the aggregate that is there, and then the concrete trucks will be going back out to deliver. Is that were we are getting the 480 trucks? I am a little confused about that because we are saying that we still have to make that many trips. Is that the trade off? You need the 480 trips to haul the aggregate?

Mr. Zignago – Let me run through it. The truck starts at the plant. We fill it with concrete out of the aggregate pile. The truck leaves, goes past Ms. Hiebl's house one time, dumps in on the job, comes back passing Ms. Hiebl's house the second time. There are 20 loads an hour that come out and come back, so that is 40 times an hour a truck will go past Ms. Hiebl's house. We run ten hour days, so there would be 400 loads. That is absolute maximum production, which on that project would be a maximum of ten days out of two years. No offense, but I think we are getting in a lather over only ten days. All the other days we are talking half of that at the most, maybe 120 yards an hour on the ramps, which is half the project. Curb and gutter is minuscule. The big paving on the freeway will only take about ten days. So that is how you get 400 loads. I need that same amount of material to build that road no matter what so if I set up somewhere else, you still have to bring me 10,000 cubic yards of stuff.

Mayor Chiovatero – Sand, aggregate, cement.

Mr. Zignago – The cement does not add a lot of volume. The truck comes in and blows off into the silo and leaves, six trips (one time in, one time out) in an hour. There is six of those.

Alderman Ament – That is what I am trying to determine. I am not clear and I don't know if anybody else is. What you're saying is that you are going to have the same amount of trucks of aggregate going in and out of there if the batch plant is on Moorland Road as you would if the concrete and sand trucks were going in and out of the quarry?

Mr. Zignago – It is essentially equal between my trucks and the aggregate trucks. So you have all of that truck traffic anyway coming to wherever I put the site, then we go through the whole thing again, I load it into my plant, the truck comes out, the truck comes back. You are getting half the traffic on your roads if I sit at Johnson.

Mr. Sisson – I'll tell you what we are getting in a lather about. It's about putting those heavy trucks on our streets. You said you work ten hours, but yet the proposal we have from Ms. Bennett says 12 hours. Now where are we wrong, and do we need to change and restrict you to ten hours. You said that is all the hours you are operating.

Mr. Zignago – That is for trucking.

Mr. Sisson – Now we have a clarification, that is for trucking.

Mr. Zignago – There is an hour on each end to start the plant, get it going and to shut it down and clean the trucks. That is my operation. If you want me to break it down, I would be happy to.

Mr. Sisson – I would also ask for consideration, Alderman Ament, that those trucks that are carrying the aggregate to the alternative site would be well advised to use I-43, not National Avenue and Moorland Road because it is more direct, quicker, and more efficient. Keep those trucks off our City streets to the extent that we can.

Mayor Chiovatero – Alderman Ament, did you get your question answered?

Alderman Ament – I was just trying to see what the trade off was.

Mayor Chiovatero – That is what I was trying to explain earlier. Basically all they have to bring into the Johnson site is the cement because they have the sand and the aggregate there. If we take it to another site, now they not only have to bring the cement to an alternative site, but they also have to take the aggregate and sand and bring it to the alternative site, and once they make it they have to take it from the alternative site wherever that ends up being to the construction site.

Alderman Ament – But the alternative site will most likely be right on the site. What I am having trouble reconciling is comparing the amount of trips for trucks going in and out of the gravel pit, one vs. the other. That is what I was trying to narrow down because we still have the trucks that are going to be bringing the cement and the sand into the quarry.

Mayor Chiovatero – No, the sand and the aggregate is already in the quarry.

Alderman Ament – The cement?

Mayor Chiovatero – No, the cement is not.

Alderman Ament – So we just have the cement trucks. What I am driving at is we wouldn't have those cement trucks going into the quarry. I don't know how many that is. I believe you said

three per hour.

Mr. Zignago – Three in per hour, three empty's out per hour.

Alderman Ament – We wouldn't have those because they would go directly to the site, but we would still have the same amount of cement trucks going back and forth as we would aggregate, so there would be more trucks going in and out of the quarry, three per hour or six trips. It's not a big number, but you still have the aggregate going in and out or you have the cement going in and out either way.

Mr. Zignago – Could I point out one other thing. It is documented that this plant site is limited to this project only. If I sit off site, I am free of that restriction, so I could run another project out of there. Now is your chance to restrict me in a way that is good for me and good for you. It makes a lot of sense.

Mayor Chiovero – We have no idea where an alternative site might be. We are assuming it would be on the construction site, but that is not necessarily true because of environmental issues inside the donut and they can't have a concrete batch plant site on top of where they are building, so this site could be anywhere the State owns property, correct?

Mr. Zignago – Correct.

Mayor Chiovero – It could be within New Berlin, it could be outside New Berlin, it could be anywhere.

Mr. Zignago – Correct, anywhere up and down a corridor.

Mayor Chiovero – By doing it at the gravel site, you will have less traffic because the only thing coming in is cement, going out is a finished product that will be poured. If you take it off site, you now will have sand trucks, aggregate trucks, and I don't know what other kinds of trucks that are going to be leaving. The only thing you won't have is the cement trucks coming and going. As Mr. Zignago is saying, we could lose control.

The only thing we would like, which is what Commissioner Sisson is saying, is if you could keep as many trucks off our roads and use alternative routes such as I43. I think you would prefer that and we would prefer that.

Mr. Zignago – Absolutely.

Mayor Chiovero – That answers my questions.

Mayor Chiovero asked for further comments and questions from the Commissioners, hearing none.

Mayor Chiovero closed the public hearing at 7:42 P.M.

6:01 P.M. (3)TK R-10-07 Thomas Stoll & Bradley Smith – 18300 W. Cleveland Ave. – Rezone from R-1/R-2/C-1/C-2 and P-1 to R-1/R-2/C-2 – Wetland Delineation.

NEW BERLIN PLAN COMMISSION

JULY 9, 2007

MINUTES

The public hearing relative to the request by Thomas Stoll and Bradley Smith for a rezoning at 18300 W. Cleveland Avenue from R-1/R-2/C-1/C-2 and P-1 to R-1/R-2/C-2 – Wetland Delineation was cancelled because of information pending.

Ms. Jones read the public hearing notice and stated there was proof of publication. A new public hearing date will be set at a future date.

NEW BERLIN PLAN COMMISSION

JULY 9, 2007

MINUTES

PRIVILEGE OF THE FLOOR

The Plan Commission Meeting was called to order by Mayor Chiovero at 7:55 P.M.

In attendance were Mayor Chiovero, Mr. Sisson, Mr. Gihring, Mr. Felda, Alderman Ament, Ms. Groeschel, and Ms. Broge. Also present were Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Tony Kim, Associate Planner; Jessica Titel, Code Compliance Specialist; and Eric Nitschke, Storm Water Engineer.

Motion by Alderman Ament to approve the Plan Commission minutes of June 4, 2007. Seconded by Mr. Sisson. Motion carried unanimously.

PLAN COMMISSION SECRETARY'S REPORT -

The Comprehensive Plan will be discussed at the August Plan Commission meeting.

CONTINUED BUSINESS

1. ()GK PG-516(a) 2020 Comprehensive Plan Consultant

No Action.

2. (7)NJ R-9-06 Lawrence & Clare Liebe – 3440 S Monterey Dr. – Rezone from R-4 to R-4/PUD. (Public Hearing 8/14/06, (Tabled 9/11/06)

Application Withdrawn.

Motion by Ms. Groeschel to remove this item from the agenda. Seconded by Alderman Ament. Motion carried unanimously.

3. (7)NJ U-41-06 Lawrence & Clare Liebe – 3440 S. Monterey Dr. – Condos. (Tabled 8/14/04)

Application Withdrawn.

Motion by Alderman Ament to remove this item from the agenda. Seconded by Ms. Broge. Motion carried unanimously.

NEW BUSINESS

4. (4)AB CU-5-07 Johnson Sand & Gravel – 6600 Crowbar Rd. – Temporary Portable Concrete Batch Plant Operation for the Moorland Road Project.

Motion by Alderman Ament to deny the request for a Temporary Conditional Use for one concrete batch plant operation to be located at 6600 Crowbar Road based on the following:

- 1) An alternative location should be found that would be less disruptive to the roads and citizens of New Berlin.

Seconded by Mr. Sisson.

Ms. Groeschel questioned Mill Valley as an alternative location for the batch plant.

Randy Johnson, applicant – The reason for not locating the batch plant at the Mill Valley site is that the aggregate is not there. We produce the aggregate on the Crowbar Road site. You would still have to truck it over to Mill Valley. If you put it next to Racine Avenue, it would still be quicker to run the trucks around National Avenue, up to Racine Avenue and down to the batch plant if it was located where College Avenue and Racine Avenue intersect. You would not be saving anything. The trail between our property and Mill Valley is a dozer trail. We can only use it when it is dry, otherwise you would not be able to get through. It would be a major undertaking to build a road just for this project to get from our property all the way to Racine Avenue. We would also have to pay the owners to do this on top of it.

Mr. Gihring questioned approximations for traffic counts in regard to safety precautions for National Avenue.

Ms. Jones - National Avenue is a County highway and at some point in time it is projected to be widened. This application was reviewed by Ron Schildt who found it to be consistent with limits for safety according to the County's expectations.

Plan Commissioners weighed the possibility of having the batch plant located at an unknown site chosen by the State and the affects that could not be altered.

Mr. Gihring offered information on the noise ordinance which can be used for monitoring the sound levels of the trucks. His concern was that the possibility of alternate routes was misleading.

Mr. Sisson called the question.

Upon voting the motion to deny failed with Alderman Ament, Mr. Sisson, and Mr. Felda voting yes and Mayor Chiovatero, Mr. Gihring, Ms. Broge, and Ms. Groeschel voting No.

Motion by Ms. Broge to approve a Temporary Conditional Use for one concrete batch plant operation to be located at 6600 Crowbar Road subject to the application, plans on file and the following conditions:

- 1) Plan of Operation
 - a) This application is for a temporary permit to conduct one concrete batch plant operation to supply ready mix concrete for a local Wisconsin Department of Transportation (DOT) project known as the Moorland Road Project.
 - b) No other local projects shall be supplied by this batch plant.
 - c) Upon project completion, the portable batch plant equipment shall be removed from the site.
 - d) All concrete production and delivery will be completed by the end of 2008.
 - e) Hours of operation of equipment and machinery on the site to be from 6:30 AM to 6:30 PM, Monday through Friday. The premises shall be closed on Sunday and Holidays.
 - f) Applicant shall sign the agreement for "Plan of Operation". The agreement shall be effective with the granting of a Conditional Use Permit and shall continue to be in effect until December 31, 2008.

- g) There shall be no equipment or vehicles kept or stored on the premises which are not operational and not used in the current operations on the premises, except that during normal working hours employee vehicles may be parked on the premises. All machinery and equipment will be operated in such a fashion so as to keep the site in a reasonably dust-free condition and to minimize smoke, air pollution, noise, and vibration. Jake Brake usage shall be discouraged.
- h) Applicant shall submit a quarterly report on average daily number of trucks associated with the temporary batch plant to the City of New Berlin.
- i) Trucks are not allowed to use Beloit Road.
- j) No Saturday heavy work associated with the temporary batch plant.
- 2) Engineering
 - a) All roads shall be watered daily, as needed, to reduce dust in the area.
- 3) General Building Inspection
 - a) Temporary concrete facilities shall not require building permits.
 - b) Apply and obtain appropriate electrical permits for any electrical work to be done in conjunction with this batch plant operation.
 - c) Removal of temporary batch plant production facility once operations cease for the road project or by 12/31/2008.

Seconded by Ms. Groeschel. Motion passes with Ms. Broge, Ms. Groeschel, Mr. Gihring, and Mayor Chiovatero voting Yes and Alderman Ament, Mr. Sisson, and Mr. Felda voting No.

- 5. (3)TK R-10-07 Thomas Stoll & Bradley Smith – 18300 W. Cleveland Ave. – Rezone from R-1/R-2/C-1/C-2 and P-1 to R-1/R-2/C-2 – Wetland Delineation from R-1/R-2/C-1/C-2 and P-1 to R-1/R-2/C-2 – Wetland Delineation..

Motion by Ms. Broge to table the request by Thomas Stoll & Bradley Smith to rezone the property located at 18300 W. Cleveland Avenue from R-1/R-2/C-1/C-2 and P-1 to R-1/R-2/C-2 – Wetland Delineation.

Seconded by Mr. Gihring. Motion carried unanimously.

- 6. (3)TK LD-2-07 Thomas Stoll & Bradley Smith – 18300 W. Cleveland Ave. – SW ¼ Sec. 9 – Three-Lot Land Division.

Motion by Alderman Ament to table the request by Thomas Stoll & Bradley Smith for a three-lot land division located at 18300 W. Cleveland Avenue.

Seconded by Ms. Groeschel. Motion carried unanimously.

- 7. (1)AB U-26-07 David Jameyson – 14005 W. Honey Lane Ct. – Fence in front yard.

Motion by Alderman Ament to approve the request by David Jameyson to install 72” fencing around the perimeter of the property as identified by the site plan within the front yard of a corner lot for the property, along with the waiver below, located at 14005 Honey Lane subject to the application, plans on file and the following condition:

Waiver Request: Applicant has requested a waiver from Section 275-56C(15)(b) that requires a vision triangle clearance space of 60’.

- 1) All parts of the gate and fence shall be located on the property and shall meet all requirements as outlined in Section 275-42.G.(3) of the New Berlin Zoning Code.

- 2) Existing vegetation shall be trimmed to reduce the sight obstruction from the existing stop sign located at the intersection of Honey Lane and Sunny Slope Road.

Seconded by Ms. Groeschel. Motion carried unanimously.

8. (3)TK U-28-07 City of New Berlin Park & Rec. Dept. – 14900 W. Overland Tr. -Lion's Park Restroom Facility.

Motion by Mr. Sisson to approve the request for Use, Site and Architectural approval to construct a new 616 square feet restroom facility at Lions Park located at 14900 West Overland Trail along with the two waiver requests, subject to the application, plans on file and the following conditions:

Waiver #1: The applicant requests that the Plan Commission waive the requirement to conduct the wetland field delineation prior to the construction of the new restroom facility for the park property at this time per Section 275-37.B.(4)(b). The applicant is requesting to perform the wetland delineation by December 31, 2007.

Waiver #2: The applicant requests that Plan Commission waive the requirements outlined in Section 275-60.I. Lighting. The applicant is proposing a series of lights to be installed along the perimeter of the buildings.

- 1) Plan of Operation
 - a) Restroom open on a seasonal basis 6AM to 9PM.
- 2) Digger's Hotline shall be contacted for marking the site prior to any site disruption.
- 3) Please show and label a grading plan using one-foot (1.0') contours for both proposed and existing contours around the proposed structure. Please use USGS datum at all times.
- 4) Please show drainage away from the proposed structure and any walking paths up to the structure. A minimum of a one and half percent (1.5%) over land flow calculation should be used when calculating these functions.
- 5) Please provide a floor elevation for the floor closest to the existing ground elevations adjacent to the structure.
- 6) Please show the ADA compliant paths from the parking areas, various play and playing field locations as well as from Parkside Drive if there is to be a pathway extended from the Street.
- 7) Please show the limits of disturbance for the construction of the structure. Please show the orange construction fencing to indicate the limits of disturbance (LOD) in the field during construction.
- 8) The structure must meet all current ADA standards in its construction.
- 9) JP Walker, the City Engineer, must approve any abandonment of existing laterals at the current main locations as well as approval of the locations of new laterals for both sanitary sewer and water.
- 10) If storm sewer or a sump crock are to be used for the proposed structure then Eric Nitschke (Water Resource and Storm Water), shall be consulted.
- 11) Mr. Schildt P.E, Transportation Engineer, shall review any lighting plans for this structure/site.
- 12) The proposed structure shall remain a minimum of fifty-feet (50.0') from the right-of-way of Parkside Drive.
- 13) The plan sets currently show a dimension from Parkside Drive. Please add a dimension from the existing parking lot location adjacent to the site.

Staff will determine if Waiver #1, wetland delineation can be waived due to setbacks.

Seconded by Mr. Gihring. Motion carried unanimously.

9. (4)TK U-33-07 City of New Berlin Park & Rec. Dept. – 5051 S. Sunny Slope Road – Valley View Park Restroom Facility.

Motion by Mr. Gihring to approve the request for Use, Site and Architectural approval to construct a new 616 square foot restroom facility at Valley View Park along with a lighting waiver request located at 5051 South Sunny Slope Road subject to the application, plans on file and the following conditions:

Waiver #1: The applicant requests that Plan Commission waive the requirements outlined in Section 275-60.I. Lighting. The applicant is proposing a series of lights to be installed along the perimeter of the building.

- 1) Plan of Operation
 - a) Restroom open on a seasonal basis 6AM to 9PM.
- 2) Digger's Hotline shall be contacted for marking the site prior to any site disruption.
- 3) Please show and label a grading plan using one-foot (1.0') contours for both proposed and existing contours around the proposed structure. Please use USGS datum at all times.
- 4) Please show drainage away from the proposed structure, and any walking paths that lead up to the structure. A minimum of a one and half percent (1.5%) over land flow calculation should be used when calculating these functions.
- 5) Please provide a floor elevation for the floor closest to the existing ground elevations adjacent to the structure.
- 6) Please show the ADA compliant paths from the parking areas, gazebo, various play and playing field locations.
- 7) Please show the limits of disturbance for the construction of the structure. Please show the orange construction fencing to indicate the limits of disturbance (LOD) in the field during construction.
- 8) The structure must meet all current ADA standards in its construction.
- 9) JP Walker the City Engineer & Utility Engineer, must approve any locations of new laterals for both sanitary sewer and water.
- 10) If JP Walker provides approval for the proposed locations of the utilities he shall also determine the need for an open road cut or jacking the utility under the existing road surface.
- 11) Any infrastructure utility easement must be a minimum of thirty-feet (30.0') wide for one (1) of the City's utilities, sanitary sewer, water and/or storm sewer. An additional ten feet (10.0') shall be added for each additional City of New Berlin utility. For example sanitary sewer and water utility shall have a minimum width of forty-feet (40.0').
- 12) If storm sewer or a sump crock are to be used for the proposed structure then Eric Nitschke (Water Resource and Storm Water), shall be consulted for his approval.
- 13) If lighting will be incorporated into the site, then a lighting plan shall be submitted for review.
- 14) The plan sets currently show a dimension from the existing parking lot to the proposed structure. Please add a dimension from the existing access drive to the south of the proposed structure. The access drive is from Sunny Slope Road, adjacent to the site.
- 15) Silt fence is required around the proposed bathroom areas and the locations that they are bringing utilities in from the road. The silt fence shall be pulled once topsoil and hydro-seeding is complete.

Seconded by Mr. Sisson. Motion carried unanimously.

10. (2)JT U-32-07 Eric & Jaime Freitag – 13153 W. Cleveland Ave. – House Addition.

Motion by Alderman Ament to approve the request for Use Approval to allow Mr. & Mrs. Freitag to construct an addition to their legal non-conforming single-family home on their property located at 13153 W. Cleveland Avenue subject to the application, plans on file and the following:

- 1) General:
 - a) Architecture of proposed addition shall match the architecture of the existing structure.
- 2) Engineering:
 - a) The addition to the home and the deck will have to be cantilevered from the existing building to parallel the side lot line.
 - b) Homeowner shall meet the requirements of Comm 21.08 fire separation which would entail 5/8" drywall on the inside of the garage adjacent to the addition.
 - c) No fill will be allowed around the new addition or deck. Existing grades must be matched.
 - d) Sump Pump crock(s) must be directed out through the front foundation wall towards the street per Municipal Code 267-11.D.
 - e) Any downspouts from the new addition must be directed to the west away from the eastern lot line so as to not negatively impact the neighboring property per Zoning Code 275-55.

Seconded by Mr. Sisson. Motion carried unanimously.

COMMUNICATION

11. Communication To: Plan Commission
Communication From: Amy Bennett, Associate Planner
RE: Update – U-101-05 Wyndridge, 12800 W. Janesville Road

The letter indicating Wyndridge site plan amendments will be kept on file in Planning Department.

12. Communication To: Plan Commission
Communication From: Amy Bennett, Associate Planner
RE: Update – U-49-06 Mustang Pizza, 18560 W. National Avenue

The letter indicating Mustang Pizza site plan amendments will be kept on file in the Planning Department.

ADJOURN

Motion by Mr. Sisson to adjourn the Plan Commission Meeting at 9:03 P.M. Seconded by Ms. Broge. Motion carried unanimously.