

# Conditional Use Permit Application for 4375 S. Swartz Road New Berlin, WI



**Owner:**  
**Bueges Sand & Gravel LLC**

**Mailing Address:**  
4230 S. Swartz Rd.  
New Berlin, WI 53146

*Submittal Date: May 24, 2016*

## Summary Letter

The existing sand and gravel pit located at 4375 S. Swartz Road, known as Bueges Sand & Gravel (“Bueges”), has exceeded its useful purpose as a sand and gravel mine. We consider our stewardship of this land both a responsibility and an opportunity for improvement. This application reflects our goal to restore the land, stabilizing slopes and leaving the land in a sustainable state to the benefit of the owners, the neighboring properties and the community.

Our objective in requesting this Conditional Use is to reclaim this land by filling it with dirt and materials approved in the New Berlin zoning code. This is a simple and straight forward process. We have a unique opportunity right now for this work to be done under the direction of Kohler Pit, Inc. with all trucking and filling operations accessing this site from the Kohler Pit property off Kohler Court; no vehicular access to Swartz Road is necessary. A 30’ wide temporary access easement has been established exclusively for Kohler Pit, Inc. across the Kohler Ridge land for this filling and reclamation work on the Bueges site (per Document No. 4186964). This easement agreement is temporary, terminating at the sooner of the following: a) completion of Kohler Pit’s obligation for reclaiming the Bueges site; or b) five (5) years after the recording date of the agreement.

The Conditional Use Permit for this land is most appropriate since the land is zoned Q-1, making this earth moving activity very compatible with the zoning. There are a number of similar mines and reclamation sites located near the Bueges Sand & Gravel LLC site that require or have required fill materials as part of their reclamation process. These include the Kohler Pit, Elaine Kraut’s 4041 S. Racine Ave. site, the Zignego fill area, and the old Valley Sand and Gravel pit. These sites highlight the City’s determination to see mined out properties cleaned up and reclaimed.

It is hard to predict the exact length of time this project will take. At a minimum, the Grading Plan is calculated to require approximately 245,000 cubic yards of fill to complete. Depending on the market place, the economy, and the competition, the project could take between 3 to 5 years to complete; if the demand is high, as it has been in recent times, it would conclude even faster. This will require patience and good communications between our team, the City and our neighbors.

It is our intention to have the filling, earth moving and compaction done under supervision and to track where the ground comes from to assure the environment is protected. Fill will meet City Zoning Code requirements [Section 275-55. A(4)(b)]. Kohler Pit, Inc. will exclusively manage and control this filling operation; the standard of quality earth moving realized at the Kohler Pit site will continue under this Conditional Use Permit on the Bueges Sand & Gravel site.

We will be accessible to our neighbors and will take their concerns seriously. We will make ourselves and our team available to meet with the neighbors to review this Conditional Use application and answer any questions they may have. We will have a list of telephone numbers of people from our team who are available to them now and in the future.

Sincerely,

Bueges Sand & Gravel, LLC

Kohler Pit, Inc.

## Plan of Operation

### **4375 S. Swartz Road, Bueges Sand & Gravel LLC Plan of Operation – 2016 Operation and Beyond**

The site is a former gravel mining facility. As part of the filling plan being proposed, this site is calculated to require approximately 245,000 cubic yards of imported fill to implement the proposed Grading Plan.

In general, the site will be utilized from March to November; winter operations will be possible if soil disposal is required during December, January and February.

Hours of operation will be Monday through Friday from 6:30 am to 6:00 pm and Saturday from 7:00 am to 2:00 pm; there will be no operations on Sunday. If special conditions dictate (i.e., WisDOT freeway projects or projects which require extended hours of operation), extended hours of operation may be necessary. Refer to the “Exceptions Process for Hours of Operation” described in the proceeding “Communications Plan” section.

While in operation, the Bueges site, managed together with the associated Kohler Pit site, will be staffed with one to eight employees who will manage and document loads and operate various types of equipment to level and compact imported fill materials.

Fill material will be imported with dump trucks. Average load counts per hour should range between fifteen and twenty when in full operation. The maximum load count per hour may be in the range of forty.

Priority will be placed on preserving the existing woodland buffer surrounding this site, which will shield neighboring properties from ongoing operations. Likewise, a high priority will be given to ensuring that dump trucks and equipment stay within the allotted 30' wide temporary access easement across the Kohler Ridge land. Kohler Pit, Inc. will ensure that proper markers, such as boulders and fencing, are installed to demark the property lines and access easement location. Note that the Kohler Ridge subdivision, which has granted the temporary access easement, will install certain boulders, fencing and landscaping in this area, and that the subdivision declaration of restrictions includes reference to this obligation and coordination with Kohler Pit, Inc., helping to ensure a safe and cooperative operation for the short lifespan of this work.

### **Erosion Control**

- 1) A stone tracking mat will be installed at the entrance to the Bueges site, with entrance to the site via the gravel drive installed and maintained by Kohler Pit, Inc. within the 30' wide temporary access easement across the Kohler Ridge property. Minimum tracking mat dimensions will be 50 feet in length and 20 feet in width. All imported material will be trucked into the site over the tracking mat.
- 2) Road sweeping on Kohler Court will take place if/as required.
- 3) Sediment traps with a rip rap lined outlet overflow structure will be constructed to handle stormwater from disturbed areas, prior to discharging to the existing pond located onsite.
- 4) Dust control will be done with water applied by a tanker truck.
- 5) All erosion control devices will be inspected weekly by Kohler Pit, Inc. and after all weather events, with routine maintenance as required. Documentation of inspections and maintenance corrections will be available for review. This will include inspection, maintenance and documentation of the sedimentation trap cleanout.

- 6) All disturbed areas will be stabilized as soon as possible after completion of work in accordance with applicable WDNR and City requirements. This will be done when areas are completed and planned to be inactive for greater than 30 days and when weather is suitable for optimum stabilization.

#### **Material Management Plan**

- 1) Access to the site will be from Kohler Court, through the Kohler Pit, Inc. property, across the Kohler Ridge property within the predefined access easement, and will ultimately pass over the stone tracking mat.
- 2) Approximately 245,000 cubic yards of imported soil will be placed in stages. Priority will be placed on maintaining the perimeter vegetation. Interior areas will be filled incrementally as soil becomes available.
- 3) Soil will be imported using dump trucks and placed with bulldozers and compaction equipment.
- 4) Only equipment and trucks used to grade, transport and compact material will be used, parked and stored on site.
- 5) Kohler Pit, Inc. will maintain a ledger of date, source of fill, general description of material, approximate quantity and general location where the fill is placed on the site. This ledger will be part of the information that Kohler Pit, Inc. provides to Bueges Sand & Gravel LLC, the property owner, at the completion of the work.

#### **Dewatering Plan**

- 1) Temporary sediment traps will be installed according with WDNR Technical Standards. These traps will be used to capture surface water, allowing sediment to settle out with “treated” water discharged. A rip rap weeper spillway will act as an outlet structure and will be constructed at each sediment trap. Sediment traps shall be constructed as shown on the proposed plans and/or as necessary.
- 2) Areas that require dewatering outside the reach of the temporary sedimentation traps will be discharged into a geotextile filter bag placed on healthy vegetative cover near the existing pond.

#### **Sequence of Work**

- 1) Tentative sequence of work is as follows:
  - a) Mobilize
  - b) Install Tracking Mat
  - c) Install silt fence and sediment traps per plan
  - d) Import Soil
  - e) Remove Erosion Control Devices
  - f) Vegetate site incrementally when stages are finalized

## **Communications Plan**

### **Tracking Project Progress**

Kohler Pit, Inc. and/or Bueges Sand & Gravel LLC will provide the City of New Berlin with an updated color-coded progress plan after the first year and in the fourth year, or within one calendar year after the delivery of 245,000 cubic yards of new material to the property, whichever occurs first, so the City can track our progress and compliance with the grading plan that is part of the Conditional Use Permit Application.

### **Exceptions Process for Hours of Operation**

In case of a municipal or State roadwork project or other unusual private project circumstance requiring additional hours of operation for limited and defined periods of time, we will provide advance notification (via letter, email or telephone) to the City of New Berlin's Director of Community Development (or the Mayor if the Director of Community Development is not immediately available) that a temporary exemption from the operating hours defined in this Conditional Use Permit is required due to legitimate exceptional circumstances. This advance notification will serve the purpose of communicating with the City and will allow the City to respond in an informed way to any neighbors with concerns.

## Site Plan Information

### Introduction

The subject property, 4375 S. Swartz Road, consists of two parcels (6.99 acre NBC 1228996 & 6.52 acre NBC 1228995) that were the site of a former sand and gravel pit. The land owner also owns an undisturbed 16.96 acre parcel that surrounds the existing sand and gravel pit (NBC 1228993), providing a 200-foot buffer between the filling operation and the neighboring properties. The central majority of the site was mined for sand and gravel and left as a low elevation, depressional pit. There is existing vegetation and some berms along much of the north and west pit limits. This existing perimeter vegetation provides a visual screen to the surrounding neighbors. The “Limits of Disturbance Boundary” line on the Site Plan illustrates that the work associated with this Conditional Use will not impact this vegetative buffer, thereby maintaining a visual screen to the surrounding neighbors, and will integrate with the filling done by Kohler Pit, Inc. on the Kohler Ridge land.

There is approximately 80 feet of topographic relief from the highest point at the southwest corner of the property to the lower southeast corner of the pit limits. The southwest corner of the property is a relative peak high point for the immediate area. Looking at the nature of the surrounding topography, one envisions that prior to mining of this site, the property contained a moderate to somewhat steeply sloped hill or hills sloping down south to north across a majority of the land. The intention of the filling associated with this Conditional Use is to eliminate any steep or sudden drop offs in terrain, providing a more moderately sloping transition down to the existing quarry pond and staying consistent with the natural topography for this area.

The Bueges site will be accessed only from W. Lawnsdale Road (CTH I) to Kohler Court as part of this Conditional Use Permit; construction vehicle access from Swartz Road will not be permitted. The filling operations will be managed by Kohler Pit, Inc.; therefore all dump trucks will be required to enter at the Kohler Pit, Inc. entrance on Kohler Court and check in at the scale house/office. This will ensure that the designated access route is adhered to.

The Site Plan and Grading Plan include the items identified in the City of New Berlin’s Conditional Use application checklist and also addresses the stormwater provisions, and landscaping and preservation of the natural resources.

### Site Plan

- A 6.52 acre parcel, a 6.99 acre parcel and 16.96 acre parcel as described in the proceeding legal descriptions.
- The “Limits of Disturbance Boundary” encompasses the former sand and gravel pit area and identifies the adjacent areas where match grading is necessary to blend into the topography (e.g., the Kohler Ridge slopes to the immediate south).
- There are no environmental corridors or wetland areas on the property per Southeastern Wisconsin Regional Planning Commission (SEWRPC) and Wisconsin DNR mapping.
- There are no existing and will be no proposed buildings or structures on the property during the term of this Conditional Use Permit.
- The neighboring landowners and uses are labeled or illustrated on the plan and generally described as: Agricultural, Cell Tower, Quarry, Single Family Residential and Park.
- The zoning setbacks are per the Q-1 zoning, including a 50-foot building and parking setback. Note there is no quarrying activity or new buildings proposed for the site with this Conditional Use application.
- Site access for this Conditional Use will be from Kohler Court only, at the existing Kohler Pit, Inc. entrance.
- Fill will be placed within the pit in a logical manner as dictated by the site operator. A record of the filling will be maintained for the duration of the project, as indicated in the Plan of Operation.

- **Traffic:** The amount of truck traffic per day depends on the volume and frequency of fill available for the site. Market conditions and competition for fill will vary over the duration of the operation. As indicated in the Communications Plan section, Kohler Pit, Inc. or Bueges Sand & Gravel LLC will notify the City prior to the start of any large volume job.
- **Outside Storage:** Only construction equipment and trucks associated with this project will be present and parked and stored on site while filling, compaction and earthmoving activities are occurring.

### **Stormwater Management**

- The existing gravel pit is internally drained, where all stormwater runoff within the pit is retained on site, ultimately draining to the large 3 acre quarry pond along the eastern perimeter of the Bueges site.
- The proposed filling operations will maintain the internally drained condition, with no stormwater from within the pit discharging from the site.
- A copy of the stormwater management calculations completed as part of the WDNR construction site permit will be provided to the City as part of this permitting process.

### **Landscaping Notes**

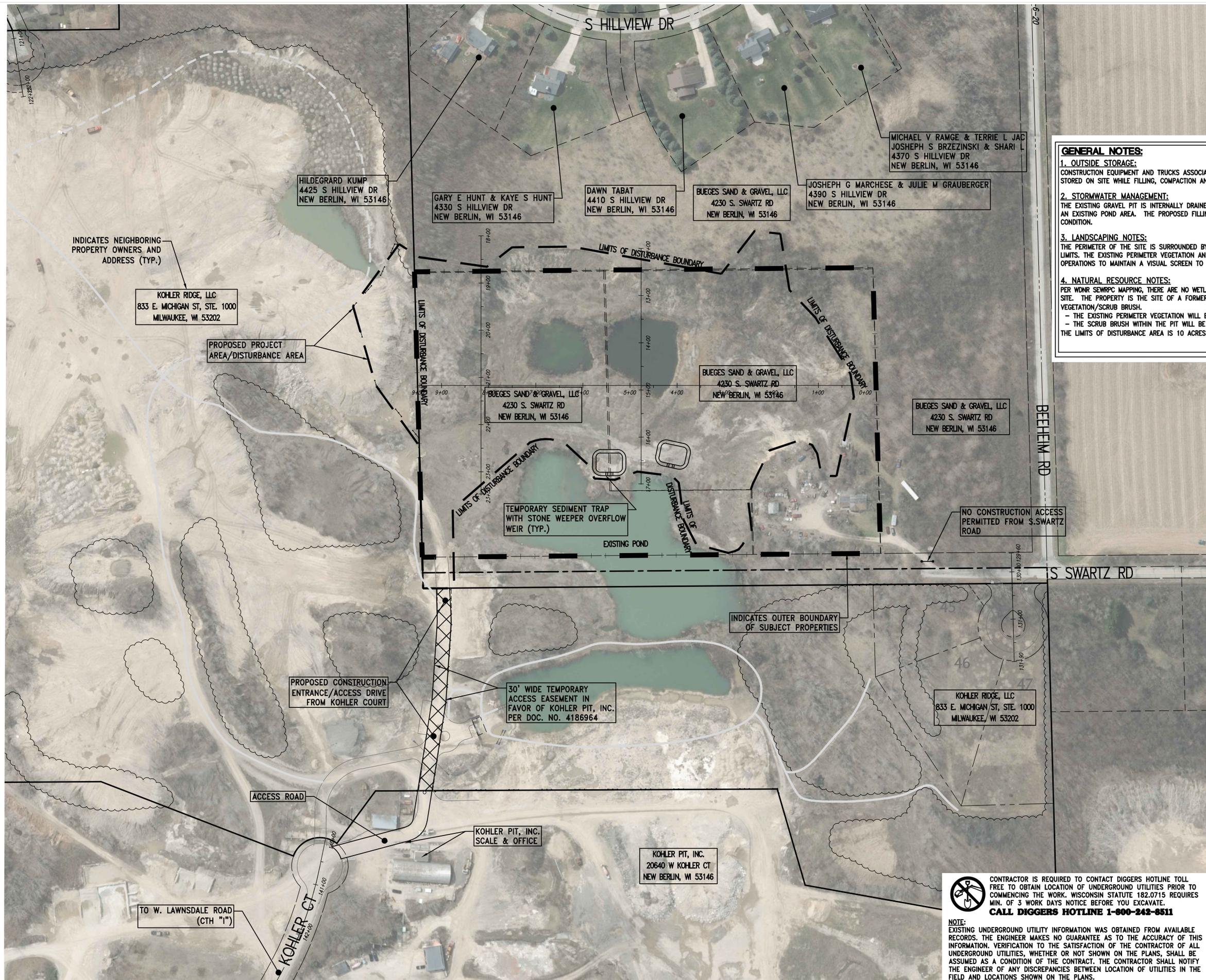
- Bueges Sand & Gravel LLC owns a 200-foot + wide parcel of vacant land surrounding the north and west perimeter of this site (NBC 1228993) that will remain in its natural state to provide a buffer to the neighboring residential properties.
- The perimeter of the site is surrounded by existing vegetation and existing vegetated berms, as indicated on the Site Plan.
- The existing perimeter vegetation and vegetated berms will be preserved during the filling operations to maintain a visual screen to the surrounding neighbors.

### **Natural Resource Notes**

- Per SEWRPC and WDNR mapping, there are no environmental corridors or wetland areas identified on the site.
- The property is the site of a former sand and gravel pit that now contains areas of low quality vegetation/scrub brush.
  - The existing perimeter vegetation will be preserved to the maximum extent possible.
  - The scrub brush areas within the pit will be cleared as part of the filling operation.
- The limits of disturbance boundary is 10 acres in size (33% of the total site area controlled by the owner, when accounting for the perimeter buffer parcel).

# Site Plan Exhibit

HNAC700\783\07007-01\CONSTRUCTION PLANS\RECLAMATION PLAN SET\_2016-05-26.DWG

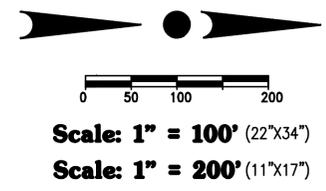


**PROPERTY INFORMATION:**  
 OWNER: BUEGES SAND & GRAVEL, LLC  
 PROPERTY ADDRESS: 4230 S. SWARTZ RD  
 NEW BERLIN, WI 53146  
 TAX KEY: 1228995 & 1228996  
 TOTAL LOT AREA: 13.51 acres  
 DISTURBED AREA: 9.88 acres

**GENERAL NOTES:**

- OUTSIDE STORAGE:**  
CONSTRUCTION EQUIPMENT AND TRUCKS ASSOCIATED WITH THIS PROJECT WILL BE PRESENT AND PARKED AND STORED ON SITE WHILE FILLING, COMPACTION AND EARTH MOVING ACTIVITIES ARE OCCURRING.
- STORMWATER MANAGEMENT:**  
THE EXISTING GRAVEL PIT IS INTERNALLY DRAINED, WHERE ALL STORMWATER WITHIN THE PIT IS RETAINED VIA AN EXISTING POND AREA. THE PROPOSED FILLING OPERATIONS WILL MAINTAIN THE CURRENT DRAINAGE CONDITION.
- LANDSCAPING NOTES:**  
THE PERIMETER OF THE SITE IS SURROUNDED BY EXISTING VEGETATION ON THE WEST AND NORTHERN MOST LIMITS. THE EXISTING PERIMETER VEGETATION AND VEGETATED BERM WILL BE PRESERVED DURING THE FILLING OPERATIONS TO MAINTAIN A VISUAL SCREEN TO THE SURROUNDING NEIGHBORS.
- NATURAL RESOURCE NOTES:**  
PER WDNR SEWRPC MAPPING, THERE ARE NO WETLAND AREAS OR ENVIRONMENTAL CORRIDORS IDENTIFIED ON THE SITE. THE PROPERTY IS THE SITE OF A FORMER GRAVEL PIT THAT NOW CONTAINS AREAS OF LOW QUALITY VEGETATION/SCRUB BRUSH.  
 - THE EXISTING PERIMETER VEGETATION WILL BE PRESERVED TO THE MAXIMUM EXTENT POSSIBLE.  
 - THE SCRUB BRUSH WITHIN THE PIT WILL BE CLEARED AS PART OF THE FILLING OPERATION.  
 THE LIMITS OF DISTURBANCE AREA IS 10 ACRES (73% OF THE TOTAL AREA).

**NOTE:**  
 CONTRACTOR IS REQUIRED TO CONTACT DIGGERS HOTLINE TOLL FREE TO OBTAIN LOCATION OF UNDERGROUND UTILITIES PRIOR TO COMMENCING THE WORK. WISCONSIN STATUTE 182.0715 REQUIRES MIN. OF 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE.  
**CALL DIGGERS HOTLINE 1-800-242-8511**



**PROJECT:**  
**BUEGES SAND & GRAVEL**  
**RECLAMATION PLAN**  
 4230 S. SWARTZ RD.  
 NEW BERLIN, WISCONSIN  
 BY: BUEGES SAND & GRAVEL, LLC

**REVISION HISTORY**

DATE	DESCRIPTION

**DATE:**  
 MAY 25, 2016

**JOB NUMBER:**  
 07007

**DESCRIPTION:**  
 PROPOSED  
 SITE PLAN

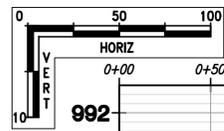
**SHEET**

**C1.0**

# Conceptual Grading Plan Exhibit

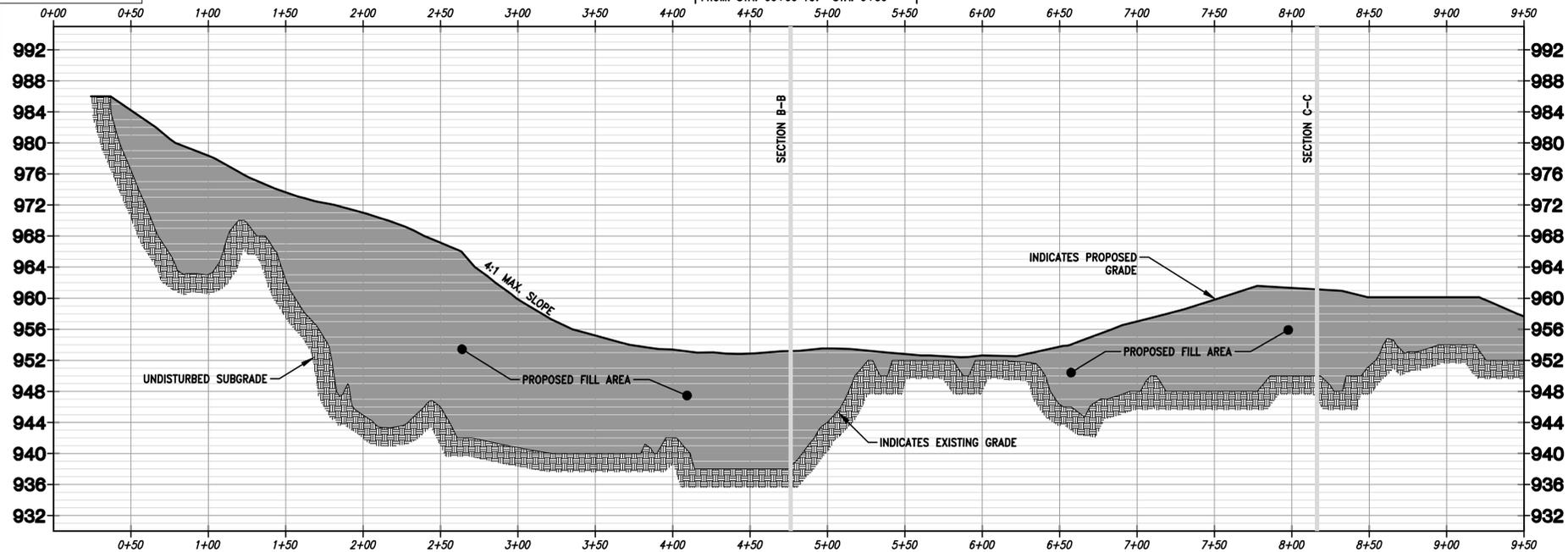


# Conceptual Grading Plan Cross Sections Exhibit

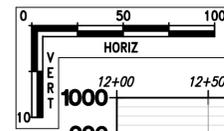
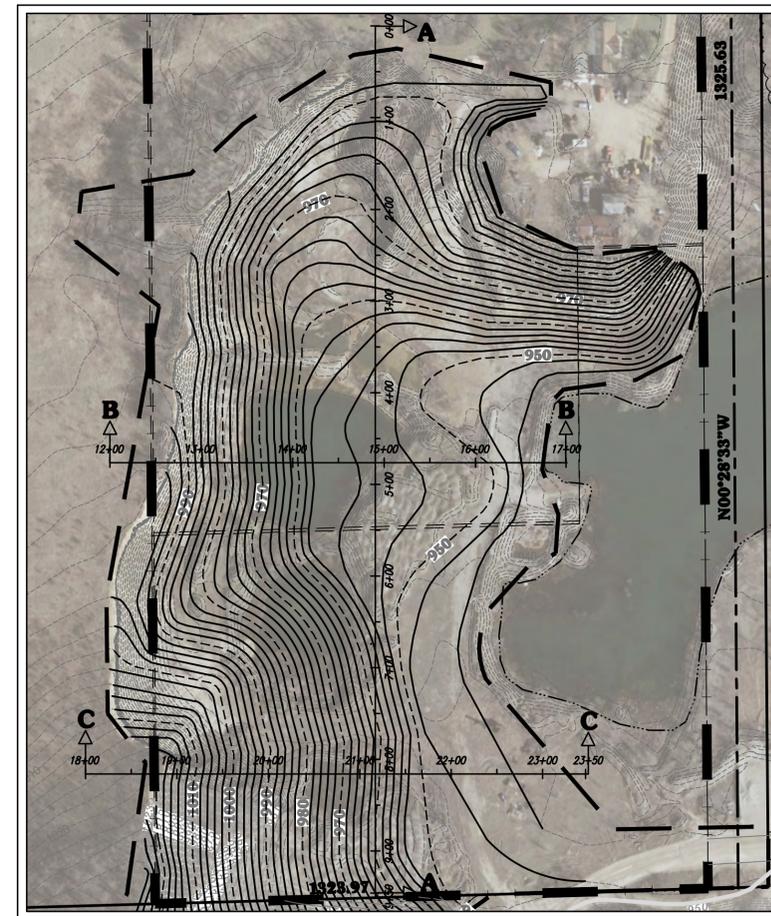


**SECTION A-A**

FROM: STA: 00+00 TO: STA: 9+50

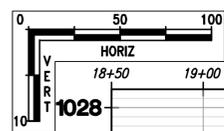
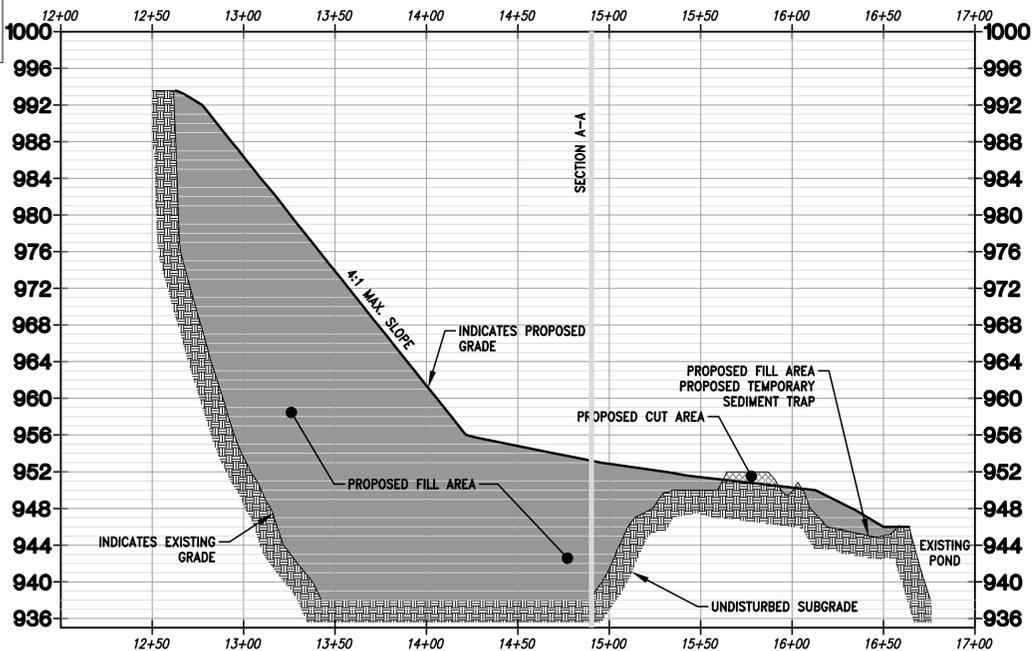


**LOCATION MAP**



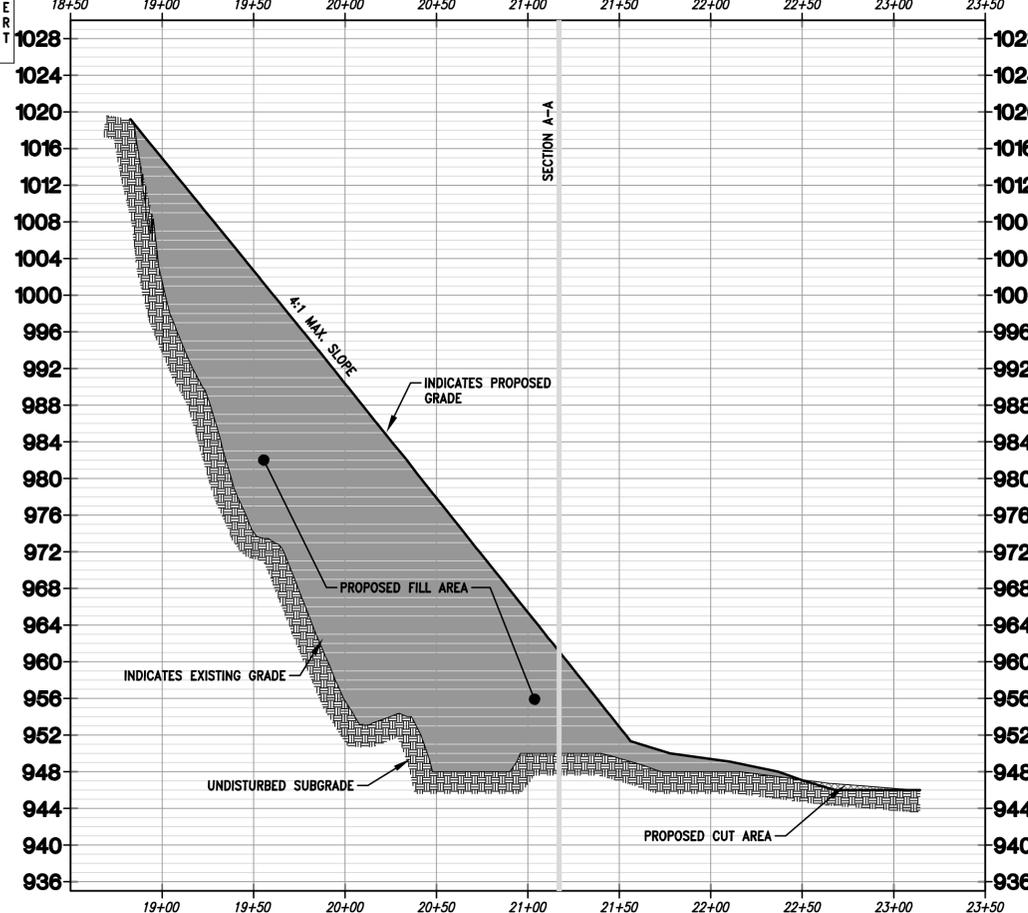
**SECTION B-B**

FROM: STA: 12+00 TO: STA: 17+00



**SECTION C-C**

FROM: STA: 12+00 TO: STA: 17+00



Scale: 1" = 100' (22"x34")  
Scale: 1" = 200' (11"x17")

**Cross Section Notes:**

- There is approximately 80 feet of elevation change between the high point at the southwest property corner and the low point at the east disturbance limits.
- Cross section stationing is at 50-foot increments.
- The finished grades will create an undulating and interesting terrain on the property with excellent high elevation viewpoints.



CONTRACTOR IS REQUIRED TO CONTACT DIGGERS HOTLINE TOLL FREE TO OBTAIN LOCATION OF UNDERGROUND UTILITIES PRIOR TO COMMENCING THE WORK. WISCONSIN STATUTE 182.0715 REQUIRES MIN. OF 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE. **CALL DIGGERS HOTLINE 1-800-242-8511**

**NOTE:** EXISTING UNDERGROUND UTILITY INFORMATION WAS OBTAINED FROM AVAILABLE RECORDS. THE ENGINEER MAKES NO GUARANTEE AS TO THE ACCURACY OF THIS INFORMATION. VERIFICATION TO THE SATISFACTION OF THE CONTRACTOR OF ALL UNDERGROUND UTILITIES, WHETHER OR NOT SHOWN ON THE PLANS, SHALL BE ASSUMED AS A CONDITION OF THE CONTRACT. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN LOCATION OF UTILITIES IN THE FIELD AND LOCATIONS SHOWN ON THE PLANS.



17700 W. CAPITOL DRIVE  
BROOKFIELD, WI 53045  
PHONE: (262) 790-1480  
FAX: (262) 790-1481  
EMAIL: jpuudelko@trioeng.com

**PROJECT:**  
**BUEGES SAND & GRAVEL**  
**RECLAMATION PLAN**  
4230 S. SWARTZ RD.  
NEW BERLIN, WISCONSIN  
BY: BUEGES SAND & GRAVEL, LLC

**REVISION HISTORY**

DATE	DESCRIPTION

**DATE:**  
MAY 25, 2016

**JOB NUMBER:**  
07007

**DESCRIPTION:**  
CONCEPTUAL  
GRADING PLAN  
CROSS SECTIONS

**SHEET**

**C3.0**

## **Listing of Professionals**

### **Civil Engineer**

Trio Engineering LLC  
12660 W. North Avenue  
Brookfield, WI 53045  
(262) 790-1480  
jpudelko@trioeng.com  
Contact: Joshua Pudelko, M.S., P.E.

### **Site Operations Manager**

Kohler Pit c/o Eddie Millikin  
W200 S6893 Adrian Drive  
Muskego, WI 53150  
(262) 364-9003

**APPENDIX B:**  
**WDNR Surface Water Data Viewer Map**



# Surface Water Data Viewer Map



## Legend

- Wetland Class Points**
    - Dammed pond
    - Excavated pond
    - Filled excavated pond
    - Filled/draind wetland
    - Wetland too small to delineate
  - Filled Points**
    -
  - Wetland Class Areas**
    - Wetland
    - Upland
  - Filled Areas**
    -
  - Municipality**
    -
  - State Boundaries**
    -
  - County Boundaries**
    -
  - Major Roads**
    - Interstate Highway
    - State Highway
    - US Highway
  - County and Local Roads**
    - County HWY
    - Local Road
  - Railroads**
    -
  - Tribal Lands**
    -
- 2010 Air Photos (WROC)

1: 3,715



NAD\_1983\_HARN\_Wisconsin\_TM  
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## Notes

Bueges Sand & Gravel, LLC