

Town of Merton  
Joint Public Hearing with the Town of Merton Plan Commission & Waukesha County  
To Consider the Rezoning Request of Kirk Noll and Adam Polczynski to Revise the Conditions of a  
Previous Conditional Rezoning Request  
Minutes of December 7, 2022

Present: Chairman Klink, Commissioners Griffin, Jensen, Morris, Siepmann, Queoff & Good, Attorney Murn, Planner Haroldson, Jacob Heermans of Waukesha County Parks & Land Use, and Deputy Clerk Claas  
Also Present: Adam Polczynski, Ted Polczynski, Dan Sagal, Matt Finger, Rebecca Mattano, and Brian Thomas

This Public Hearing was Called to Order by Chairman Klink at 5:30 p.m.

Jacob Heermans read the public hearing notice.

Heermans stated the property was rezoned from B-2 to B-3 in 2010 approximately. At that point, one of the conditions of the rezone stated that the uses shall be limited to cold storage, packaging of seafood, and limited retail sales. In 2013 the conditions of the rezone were amended and those conditions stated that the rezone was conditioned upon being limited to personal and commercial storage uses including cold and heated storage of the owner and/or operator and shall not be leased or rented to the general public or multi-use type storage. There is also a condition about the residential use shall be permitted in conjunction with or accessory to an otherwise permitted use. The Plan Commission recently approved a site plan and plan of operation for a pallet retail business operating at this site. Based on the rezone conditions in place, when the applicant applied at the County, they were made aware that they cannot approve the site plan and plan of operation because it's not the actual owner who is operating the business. The County would recommend allowing commercial and personal storage as well as low impact commercial uses as determined by the Town.

Haroldson clarified this is not a rezone, it's an amendment to the rezone.

Klink said it is a nice operation and they do a nice job.

Polczynski explained it basically is liquated product or returned items from Amazon and big stores. They determine what is salvageable and then price it.

Jensen stated when the Town approved the plan of operation, they said occasionally they might have a retail situation where people would be coming in and buying things directly, and she asked if this was okay with the amendment. Heermans said yes, with the current B-3 zoning, does allow for retail type operations. Polczynski said that they get messaged through Facebook and pay over the phone and then they come pick up the items or they come in and look around and see what they all have. Attorney Murn questioned how many people per day come in and if there is a limit in the conditions. Polczynski said they have about 30 people per day. Heermans said there isn't a condition as part of the rezone, but Waukesha County would have that as part of the plan of operation.

Good questioned if they have contracts with stores such as Home Depot and do they have to go pick up the stuff. Polczynski said they work with contract holders that have the contracts for liquidation and everything gets shipped. Usually, they have one or two trucks come in a week. The house on site is

occupied by the owner. Morris questioned if originally the house had to be occupied by part of the business. Heermans said the conditions of the previous rezone stated that the residential use shall only be permitted in conjunction with or accessory to an otherwise permitted use. The approval of the request allows the property to be used for dry warehousing and storage with living quarters for an onsite manager or the owner of the property.

The Chairman opened the hearing to the public.

Dan Sagal said he lives right there and it's a super clean operation.

Klink closed the hearing at 5:38 p.m.

Respectfully submitted,

Holly R Claas  
Deputy Clerk