

TOWN OF OCONOMOWOC

PLAN COMMISSION

MARCH 15, 2010

Present: Chairman Runyard, Commissioners Peregrine, Navin, Garvey, Husak, Balthazor, Largent, Town Planner Herrmann, approximately 50 citizens

Chairman Runyard opened the Plan Commission meeting at 7:05 p.m.

**AGENDA**

**1. Approve Minutes for March 1, 2010 Plan Commission meeting.**

Peregrine moved to approve the minutes as printed. Seconded by Navin. Carried unanimously.

**2. Public Comments**

Jim Mashorik, 1948 West Shore Drive, Delafield. He stated that he is a pilot, an air captain retired from Transworld Airlines. He stated that he has used the the Oconomowoc Airport and that it serves many, including ambulance runs. The east-west runway uses an unconventional traffic pattern, both landing and take offs and goes over the proposed cell tower. The height of the tower would determine the safety involved. He believes this is just a foot in the door.

**3. Consider and act on Conditional Use request for US Cellular to erect a communication tower and associated equipment on property leased from Koepke Farms – N67 W37123 C.T.H. K**

Peregrine reviewed the input from citizens in the two public hearings. The objections were health concerns, property values and aesthetics, in other words, not in my back yard. It has been established that cell towers pose no health risk and federal laws prohibit denial solely based on health risks. US Cell customers stated that they had no problem with dropped calls.

The petitioner, Mr. Weinmann, stated that he had complaints from customers regarding dropped calls, poor reception. However, he gave no numbers, no specificity, just generalities. He wants the tower before the area is densely populated. The area has been sold to Bielinski, but there are no immediate plans to develop it. He stated that he needs to cover the area to NW-N-NE. Peregrine stated that the existing towers in the Town are very tall, but there is no indication that US Cellular even attempted to co-locate on existing towers.

Regarding the airport and flight patterns, at the adjourned public hearing it was learned that the tower could be lowered eighteen (18) ft, bringing it to ninety seven (97) ft to comply with federal standards, which would affect the range and effectiveness of the signals. Mr. Newberg, representing

the airport, could not tell us how many landings and takeoffs occur at the airport. Pilots that spoke – spoke only about safety. US Cellular indicated they could erect an expandable tower after the airport was developed.

In summary, Peregrine stated that no health risks were posed by the tower. US Cellular's presentation was deficient re need; there were no facts on dropped calls or reception, and they want it for future needs. Mr. Weinmann seemed unconcerned re pilot safety and was argumentative at times. There was no indication that co-locating on existing towers – which are located in the area that allegedly needs coverage – was even considered.

Finally, the safety of those using the airport is a primary concern. Small planes follow roads in bad weather. I am not persuaded that the perceived needs of US Cellular trump most of the issues raised by the residents or the safety concerns raised by the airport operator and the pilots who presented evidence. Therefore Peregrine moved that US Cellular's application for a Conditional Use for a cell tower on the Koepke farm on Hwy K be rejected and a recommendation for disapproval be sent to Waukesha County Dept of Parks and Land Use for reasons herein told and reasons in the Planner's report dated March 11, 2010. Seconded by Husak. Carried unanimously.

**4. Consider and act on construction of an accessory building for Oconomowoc Landscape Supply Center – N68 W37850 C.T.H. K**

Terry Van Lare presented his plans for the proposed accessory building. The purpose would be to house items that are presently out in the open. The new building would match his other buildings and would replace the plastic one there now. He would expand the asphalt surface currently in the plastic building. He would not be putting fuel tanks in the building.

Peregrine moved to approve the accessory building for Oconomowoc Landscape Supply Center according to the plans presented to us. Seconded by Garvey. Carried unanimously.

**5. Consider and act on request for greater than two (2) accessory buildings for Jean Brown Ama – W350 N7705 Norwegian Rd.**

Jean Brown Ama stated she and her son bought 6 hens and built a chicken coop for them. She stated she was unaware that she needed a permit for the coop and is now going through the process. She also learned that her detached garage is counted as an accessory building; therefore she needs permission for four (4) accessory buildings. She provided pictures. Navin questioned why she did not put the coop in the barn and she stated she has 2 ponies in there. Navin reminded her that as she has 3 acres, she is allowed one horse for the first 3 acres and one per acre thereafter. She stated that she understood that her land was ag preservation. Jeff will check with the County.

Navin moved to approve four (4) accessory buildings on the Jean Brown Ama property on Norwegian Rd. Seconded by Husak. Carried unanimously.

**6. Consider and act on grand opening of Musky Mikes Bait and Tackle – N50 W35725 Wisconsin Ave**

Kathy Nickolaus stated that their grand opening would be April 24, 11:00 a.m. to 3:00 p.m. There would be games and prizes for kids. Beer and soda would be served by a licensed bar tender. They would be sponsored by the American Legion. She would like a banner to announce their grand opening. Jeff stated that she can extend her liquor license to her premises with Town Board approval.

Peregrine moved to recommend to the Town Board that Musky Mike be allowed to have a grand opening from 11:00 a.m. to 3:00 p.m. on April 24, 2010 according to the letter received from Kathy Nickolaus with the additional approval of a 2ft x 6ft banner announcing the grand opening, to be placed on the Nickolaus property. Seconded by Navin. Carried unanimously.

**7. Consider and act on Site Plan/Plan of Operation Amendment for Randy's Waterline – N50 W34474 Road P**

Randy Eder stated that he presently has prepackaged food and he wants to "go higher". He has had a fire inspection and has talked to the Health Department about a grease trap. Garvey moved to approve the Site Plan/Plan of Operation amendment for Randy's Waterline subject to State approval, Health Department approval and all other conditions of the original Site Plan/Plan of Operation. Seconded by Husak. Carried unanimously.

**8. Adjourn**

Navin moved to adjourn. Seconded by Garvey. Adjourned at 7:50 p.m.

Respectfully submitted,

Betty Callen, Recording Secretary