

**TOWN OF OCONOMOWOC
PLAN COMMISSION MEETING MINUTES**

Monday May 6, 2024

Chairman Robert Peregrine called the meeting to order at 5:00 p.m. Commissioner's present included James Navin, Linda Bergman, Dione Funk, Jim Roche, Wayne Euclide, and Pat Agnew. Also in attendance were Town Attorney Tracy Murn, Rebekah Leto from Waukesha County Park and Planning and Administrator/Planner Jeffrey Herrmann. Clerk/Treasurer Lori Opitz was excused. For additional attendees please see the sign-in sheet.

Adjourned Public Hearing will be held by the Town of Oconomowoc Plan Commission and a Staff Representative of Waukesha County Department of Parks and Land Use to consider the Conditional Use request (CU100) of The Home City Ice Company, 6045 Bridgetown Road, Cincinnati, OH 45248, to allow after the fact operational changes to an existing ice productions business. The subject property is located in part of the NW ¼ of the NW ¼ of Section 18, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at N80 W39901 McMahon Road (Tax Key No. OCOT 0502.999).

Chairman Robert Peregrine opened the adjourned public hearing at 5:01 p.m.

Administrator/Planner Herrmann stated there was a representative from SET Engineering that was to be present, but unfortunately was not at the meeting. Administrator/Planner Herrmann read the following from the conclusion of SET Engineering study; it read as follows: "It is the professional opinion of SET Engineering that the distance between the Home City Ice property and surrounding receptors is most significant contributing factor to this study. The McMahon residence is located approximately 1,540 feet east of the Home City Ice building whereas the EM2010 Type I sound level monitor was only 500 feet from the Home City Ice Building. The average value of recorded sound 500' east of the Home City Ice building was 47.66 dBA. By CDC comparison, this value is slightly greater than a refrigerator hum, but well below that of a normal conversation. Professional observations during equipment replacement would suggest the decibel values recorded were more likely related to wind, and not that of Home City Ice operations.

Attorney Tim Andringa, 1601 E Racine Avenue, Waukesha for his clients Chris McMahon stated even though it is irrelevant, his clients and the other homeowners in the area pay more taxes than Home City Ice. He also proceeded to state he does not agree with the sound study that was done by SET Engineering and is disputing some of the levels of the reading. He also stated that the study should have been done with him and his clients being presented as wells as it being done at night instead of during the day and having the gate being moved up and down and trucks moving during the study at night. He stated that his clients, from 1993 until 2023, when the McMahon's made their first complaint in 2023 of dogs barking and people talking is the first time he called and made a complaint and since then his clients have been out to look like they are liars. He also stated that since January 22, 2024, he has filed an open records request with the Town regarding any correspondence, e-mails, etc. regarding Home City Ice and that request is outstanding. Administrator/Planner Herrmann stated that any e-mails or correspondence have been forwarded when they have been received. Finally, he said activities should be zero after 6:00 p.m. according to the current conditional use that is on file.

Michele Hollatz, N79W39375 McMahon Road, stated she has been a sound engineer for 18 years and the ISO has specifications on how to do a sound study and although she agrees with the study from 6 feet away, it's the range after that in which she questions. She handed out some examples of how sound pressure is studied and the decibel levels of each study; Administrator/Planner Herrmann questioned whether if there was vegetation present when example studies were done.

Administrator/Planner Herrmann suggested adjourning the public hearing until May 20th, 2024, at 5:00 p.m. so he could get a representative here from SET Engineer to explain the sound study that was done.

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A representative from Home City Ice stated they took over the company and are running the same hours of operations as the previous owners.

Chairman Robert Peregrine adjourned the public hearing at 5:33 p.m. and the public hearing will reconvene on May 20th, 2024, at 5:00 p.m.

Immediately following the above hearing, a second public hearing will be held by the Town of Oconomowoc Plan Commission and a Staff Representative of Waukesha County Department of Parks and Land Use to consider the Conditional Use request of (CU114) St. Catherine's Congregation, W359 N8512 Brown Street, Oconomowoc, WI 53066, to allow the addition of two patio areas with columbaria to the existing cemetery. The subject property is described as part of the W 1/2 of the NW 1/4 of Section 11, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at the Brown Street address listed above (Tax Key No. OCOT 0474.995).

Chairman Robert Peregrine opened the public hearing at 5:34 p.m.

Rebekah Leto from Waukesha County Park and Planning stated the 9.1-acre subject property is located on the east side of C.T.H. P, north of Ashippun River in the Northern part of the Town of Oconomowoc. There is drainage ditch along the west side of the property that carries drainage south to the Ashippun River. The Union Pacific Railroad abuts the property to the north. Most of the property is within the shoreland protection ordinance jurisdictional boundary and its mainly zoned A-5 Mini Farm District. The site has access via CTH P in two locations. The property currently consists of St. Catherine's of Alexandria, which operates under a legal nonconforming use Conditional Use Series 0789 obtained in 1990. Multiple additions have been constructed to the church over time, as well as new accessory buildings. In 2000, they requested an amendment to the Conditional Use to remodel the church, construct an addition and covered entry and construct a parish center to relocate the church offices and construct a storage building, expand parking, etc. The amendment also included a request to expand the existing cemetery in the future. This request was approved, and the church conducted land altering activities to prep the site for the expansion. The church still plans to expand the cemetery in the future and has created a more concrete plan of the plot layout with 767 cemetery plots. No additional land altering would be necessary. A wetland delineation has occurred, and no wetlands were found present within the cemetery or columbarium areas. The petitioners are requesting a conditional use to construct two patio areas to the east and west of an existing pathway towards the north portion of the site. Each patio is approximately 2,400 sq. ft. and will consist of eight columbarium's that are 7.4 ft. wide by 2.9 feet deep and 5 ft. tall. The entire project will be phased out. The east patio will be constructed this year with at least one columbarium, with additional columbarium being added as demand requires. Landscaping is proposed around the patio and columbarium's but the extent will be dependent upon funding. Minor grading around the patio is required but it will not change the existing drainage patterns. No expansion of the walkway through the cemetery is proposed.

John Klotz, lives on Baltic Pass and is part of the church and explained why they are doing the addition of the two patio areas with columbaria to the existing cemetery.

Chairman Robert Peregrine closed the public hearing at 5:43 p.m.

Immediately following, a final public hearing will be held to consider the request of Lake Country 2014 LLC & 5273 Elm LLC c/o Steve Bielik, 4 Earling Court, Oconomowoc, Wisconsin 53066 for the construction of a 4.0' high fence and security gate. The fence and gate are to be located near Elm Avenue. The proposed construction does not meet the Town of Oconomowoc Code of Ordinance Section 144-5. The properties are described as Lot 1 CSM 12213 as well as Lot 54 and Lot 55 Townsite of Okauchee, being part of the NW 1/4 of Section 36, T8N, R17E, Town of Oconomowoc, Wisconsin. More specifically, the property is located on the north side of Elm

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Avenue at W346 N5277 Elm Avenue and W346 N5273 Elm Avenue (Tax Key No. OCOT 574.168 and OCOT 574.170.002).

Chairman Robert Peregrine opened the public hearing at 5:44 p.m.

Steve Bielik, the applicant, stated the fence would be 4 feet high and the gate would be 5 or 6 feet with an arch and the pillars would be about 5 feet and is stating he is doing this because of two children and a dog.

Administrator/Planner Herrmann stated that nothing can block an easement/right-of-way, not even a fence.

Commissioner Bergman, read an e-mail that was presented to the Commissioner's from a neighbor stating the petitioner has made several attempts to block the access, posted signs and even took out the pier that has been there since 1970 and his several attempts of harassment. Commissioner Bergman asked the petitioner to speak to that.

Steve Bielik stated that he spoke with his attorney and that area has become a hazard because people were using the area to picnic and leaving debris in the area and the sign that was posted explained nothing more than just this is an access area and not a picnic area.

Dave Kyhn, N53W34959 Road Q, stated he just bought property on Elm Avenue and that access is available to 36 properties and he wants to make sure that nothing impedes access, and every homeowner has every right to that access.

Attorney Tracy Murn stated she is going to pull all the legal titles and see what the titles show.

Chairman Robert Peregrine closed the public hearing at 5:53 p.m.

1. **Approve Minutes for meeting from April 15, 2024.** – Commissioner Navin made the motion to approve the April 15th, 2024, meeting minutes as presented. Commissioner Roche seconded the motion. Motion carried by unanimous voice vote.
2. **Public Comments.** – None
3. **Consider and Act on the request of Lake Country 2014 LLC & 5273 Elm LLC c/o Steve Bielik, 4 Earling Court, Oconomowoc, Wisconsin 53066 for the construction of a 4.0' high fence and security gate. The fence and gate are to be located near Elm Avenue. The proposed construction does not meet the Town of Oconomowoc Code of Ordinance Section 144-5. The properties are described as Lot 1 CSM 12213 as well as Lot 54 and Lot 55 Townsite of Okauchee, being part of the NW ¼ of Section 36, T8N, R17E, Town of Oconomowoc, Wisconsin. More specifically, the property is located on the north side of Elm Avenue at W346 N5277 Elm Avenue and W346 N5273 Elm Avenue (Tax Key No. OCOT 574.168 and OCOT 574.170.002).** – This agenda item will be moved possibly to May 20, 2024, at 5:00 p.m. Administrator/Planner Herrmann encouraged the petitioner and residents to call the Town Hall or look at website under plan commission agendas to see if it will appear on May 20th.
4. **Consider and Act on the Site Plan/Plan of Operation amendment for Goattrak Simulator Bar & Restaurant. The subject property is described as part of the SW ¼ of Section 30, T8N, Town of Oconomowoc. More specifically the property is located at N58 W39877 Wisconsin Avenue (OCOT 551.997.001).** – Commissioner Navin made the motion to approve the site plan/plan of operation amendment for Goattrak Simulator Bar & Restaurant located at N58W39877 Wisconsin

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Avenue per the recommendation of Administrator/Planner Herrmann's report dated May 1, 2024. Commissioner Bergman seconded the motion. Motion carried by unanimous voice vote.

5. **Consider and Act on the lot not abutting a public road, the creation of lots not abutting public roads that are less than 3 acres and more than two residences on a private road for Cypress Tree. The subject property is described as part of the NE ¼, SW ¼, SE ¼ of Section 14 and part of the NE ¼ of Section 23, T8N, R17E, Town of Oconomowoc (Tax Key No. OCOT 488.994.004)** – Commissioner Navin made the motion to approve the lot not abutting a public road, the creation of lots not abutting public roads that are less than 3 acres and more than two residents on a private road or Cypress Tree. Commissioner Bergman seconded the motion. Motion carried by unanimous voice vote.
6. **Adjourn.** – Commissioner Navin made a motion to adjourn at 5:58 p.m. Commissioner Roche seconded the motion. Motion carried by unanimous voice vote.

Respectfully submitted –
Lori Opitz, WCMC
Clerk/Treasurer