

# TOWN OF OCONOMOWOC PLAN COMMISSION MEETING MINUTES

Monday, May 1, 2017

Chairman Robert Peregrine called the meeting to order at 6:30 p.m. Commissioners present included James Navin, Linda Bergman, Terry Largent, James Roche, Richard Garvey and Pat Agnew. Also in attendance were Administrator/Planner Jeffrey Herrmann, Public Works Superintendent Sam Salzman and Clerk/Treasurer Lori Opitz. For additional attendees please see sign-in sheet.

**Joint Public Hearing conducted by the Town of Oconomowoc Plan Commission and a Staff Representative of Waukesha County Department of Parks and Land Use – Planning and Zoning Division to consider the Conditional Use request (SCU-1048D) of Janis Kengis Irrevocable Trust 2012 (Owner) and Anthony Foss (Operator), for an amendment to the existing Conditional Use to operate a Marina including the sale of gasoline for boats and other water craft. The property is located near the intersection of W. Lake Drive and Road B, in part of the E ½ of Section 35 and part of the W ½ of Section 36, T8N, R17E, Town of Oconomowoc.**

Chairman Robert Peregrine called the public hearing to order at 6:32 p.m.

Ben Greenberg from Waukesha County stated the property is legal and non-conforming. The original site plan was established in 1981, in 2004 they changed the zoning from R-3 to B2 and in 2005 the conditional use was established for mooring spaces. He also noted this hearing was for the expansion of marina use only. He continued to say that DATCAP will be the ones that regulate the process and the above ground tank only needs to be 10 feet from the water mark and no variance will be needed. He also asked that if this takes place that the owners come up with an emergency response plan, training program for all employees involved and no smoking signs and additional signs be used around the area.

The owner, Anthony Foss, was present to state he is requesting that the Site Plan/Plan of Operation for the establishment be changed to include fuel sales. He stated trained employees from Foolery's will be in charge of collecting the money and dispensing the gasoline and self-service is not allowed. The pumps come with a fifty foot hose and the tank would be placed in the corner of the parking lot, which is currently not being used for anything and there would be no way for a car to park there without blocking another vehicle and showed a drawing of this. He is looking at just supplying gas for boats and not snowmobiles. He is looking at doing this from May to October each year and any other gas that remains in the tank would be drained out – he is also looking to put about a 6 foot fence around the tank. The hours of operation would be pretty much from sunrise to sunset.

Chairman Peregrine asked where exactly would the tank be going and also stated that the Town Ordinance does not allow for a 6 foot fence and if that is what is needed, another hearing would have to take place to allow that fence.

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B.J. Sculley, N57W34557 Nickels Point Road, stated that he has lived on the lake for 30 years and supports the idea and feels it is very convenient and safe for the residents.

Scott Booker, W349N5554 Lake Drive, stated he has lived on the lake for 20 years and he supports the idea and it will help relieve spillage in the lake and will preserve the lake quality and it is benefit for the residents.

Jay Walton, N53W34910 Road B, stated this would be a welcome relief and would help with the lake quality and a benefit for all that use the lake.

Tommie Coppinger, N52W35147 W. Lake Drive, stated she is 99% in favor of this but her concern is the congestion that could happen underneath the bridge because of the location the tank would go.

Lee Walter, W346N5367 Elm Avenue, stated he has lived on the lake a long time and is concerned this will bring bigger boats out on the lake; which would cause more noise and pollution; he also stated he is not against it, he felt a point needed to be made.

Brett Meili, W350N5302 Road B, stated he is next to the Marina and is concerned who is going to over-see the operation because of some issues in the past with Foolery's regarding loud music and just concern who is going to monitor this operation. He also stated he liked that it will not be dispensed after dark.

Ben Greenberg stated some of the comments are leaning towards a "gas station" mode and we have to remember this is for marina use only and believes there would be no authorization for snowmobiles to fill. He also stated that the County and the Town will always be involved in this conditional use.

Carol Wilson, N60W34643 Forrest Bay Road, stated there is a huge concern regarding safety and congestion this may cause around the bridge; especially when there are boats sitting in the water waiting for gas. She did state she is for it and believes it will be a great thing, but is concerned with the congestion and doesn't understand why it can't be on the other side.

Anthony Foss stated the tank can't be on the other side because of the well and the sewer connection being on that side.

Dee Schriver, N53W34369 Road Q, was curious if the establishment calculated how much gas they need to sell to make it profitable and if it's profitable would they want to continue.

Mike Todd, N52W35098 Lake Drive, stated he feels it is a good idea, but his concern is with the rebuilt road and the curve around that area and the near misses he has seen on that road and with a huge gas truck coming in to fill the tank, he could see even a bigger safety issue in this area.

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Chairman Robert Peregrine stated if anyone has a problem with the road in the area that they should take it up with the Town Board and the Highway Superintendent because the plan commission does not handle the roads in the Town.

Jeff Tjugum, W347N5191 Elm Avenue, stated he is concerned with congestion and smoking around the area. Likes the idea that the owner is stating that no one other than a Foolery's trained employee will be pumping the gas into the boat and thinks it is a fantastic idea.

James (Prestige LLC) N50W35016 Wisconsin Avenue stated the safety issue that everyone is concerned with is that this idea will make it safer and we would have the ability to regulate. He also stated that congestion has never been an issue in the area other than when you have another person that becomes disrespectful or doesn't know the area and ends up sitting there, but he thinks this is a good idea.

Chairman Robert Peregrine closed the public hearing at 7:27 p.m.

1. **Approve Minutes for March 20, 2017 Town Plan Commission Meeting.** – Commissioner Navin made the motion to approve the March 20, 2017 minutes as presented. Commissioner Garvey seconded the motion. Motion carried by unanimous voice vote.
2. **Public Comments.** - None
3. **Consider and Act on request of John Gutschenritter, N87 W34109 Mapleton Road, Oconomowoc, Wisconsin for the construction of a farm building without having a residence in place or under construction. The property is described as part of the NE ¼ of Section 12, T8N R17E, Town of Oconomowoc, Waukesha County, Wisconsin. (Tax Key No. OCOT 0477.989).** – The petitioner was present to explain how he would like to build a pole barn for machinery, equipment and storage. The petitioner did note in the Administrator's memorandum it is 100 feet and not 200 feet. Commissioner Navin made the motion to approve the request to the County of John Gutschenritter, N87W34109 Mapleton Road for the construction of a farm building without having a residence in place or under construction per Administrator/Planner Herrmann's memorandum dated April 26, 2017, but asked the memo be changed to show 100 feet and not 200 feet. Commissioner Garvey seconded the motion. Motion carried by unanimous voice vote.
4. **Consider and Act on the Site Plan/Plan of Operation Amendment for Goodfellas Hideaway to amend the current Plan of Operation to allow live music outside on the patio. The subject property is known as part of Lots 4, 5, and 6 of Wegner Park Subdivision, being a part of the NW ¼ of Section 36. More specifically, the property is located at N55 W34657 Road E (OCOT 0574.043).** –

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5. The petitioner was not present at the meeting to ask for an amendment to their site plan. After considerable discussion with the Board and Town residents, Chairman Robert Peregrine asked that this line item be tabled and be brought back to the May 15<sup>th</sup> meeting.
6. **Consider and Act on Site Plan/Plan of Operation request of Sara Zimmerman, W334 N6844 Stone Bank Road, Oconomowoc, Wisconsin, to operate a photography and events studio, as well as retail sales. The property is described as part of the SE1/4 of Section 35. More specifically, the property is located at N50 W35001 Wisconsin Avenue (OCOT 0572.982).** – The petitioner was present and stated she would like to use the space for a photography and event studio as well as buying and selling products related to wedding, family, baby/newborn, and senior pictures photography. She also stated she would like to sell repurposed furniture. Commissioner Navin made the motion to approve the Site Plan/Plan of Operation request of Sara Zimmerman, W344N6844 Stone Bank Road to operate a photography and events studio as well as retail sales located at N50W35001 Wisconsin Avenue per Administrator/Planner Herrmann’s report dated April 26, 2017. Commissioner Largent seconded the motion. Motion carried by unanimous voice vote.
7. **Consider and Act on request of Gerald Ramseier, W350 N8985 Norwegian Road, Oconomowoc, Wisconsin to have more than two (2) accessory buildings on property described as part of the SE ¼ of Section 2, in the Town of Oconomowoc. More specifically, the property is located at W350 N8985 Norwegian Road (Tax Key No. OCOT 0440.998.002).** – The petitioner was present to state he would like to build a third building on his property for more storage space and other usage. Commissioner Roche made the motion to approve the request of Gerald Ramseier, W350N8985 Norwegian Road, to have more than two accessory buildings on his property. Commissioner Navin seconded the motion. Motion carried by unanimous voice vote.
8. **Consider and Act on Site Plan/Plan of Operation request for the Town of Oconomowoc, W359 N6812 Brown Street, Oconomowoc Wisconsin, to construct a new Department of Public Works (DPW) Building on property described as Outlot 4, Woodside Farms, Part of the SW ¼ of Section 23, in the Town of Oconomowoc. More specifically, the property is located at N67 W35901 C.T.H. K (Tax Key No. OCOT 0523.058).** – Commissioner Bergman abstained from voting on this line item, due to the fact that she works for MSI that will be constructing the building. Administrator/Planner Herrmann and Highway Superintendent Salmann explained where the new building would be going and the outline of when the building would be finished. Commissioner Navin made the motion to approve the Site Plan/Plan of Operation request for the Town of Oconomowoc, W359N6812 Brown Street, to construct a new Department of Public Works Building on property described as Outlot 4, Woodside Farms, specifically located at N67W35901 C.T.H. K. Commissioner Roche seconded the motion. Motion carried 6-0; with Commissioner Bergman not voting.

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9. **Adjourn.** – Commissioner Bergman made the motion to adjourn at 8:15 p.m.  
Commissioner Navin seconded the motion. Motion carried by unanimous voice vote.

Respectfully submitted –  
Lori Opitz, WCMC  
Clerk/Treasurer