

TOWN OF PORT WASHINGTON
OFFICE OF THE CLERK
Official Minutes

Of the regular meeting of the Town of Port Washington Plan Commission was held on
Wednesday, November 13, 2019 at 7:30 p.m. at the
Town Hall, 3715 Highland Drive, Port Washington, WI.

1. Roll Call & Pledge of Allegiance

Present: Jim Melichar, Gary Schlenvogt, Mike Didier, Randy Noll, Dale Noll, Chuck Baranek, Christy DeMaster-Planner, Rick Fellenz – Building Inspector, Heather Krueger- Clerk

Absent: None

Residents present: 10 and 1 member of the press

Melichar states the agenda was posted timely and correctly, the press was notified and the hall is handicap accessible.

- 2. Approval of October Public Hearing & Plan Commission minutes. Motion to approve minutes made by Didier, second by Baranek. Motion passed unanimously.**
- 3. Public Comments.** Alan Kultgen, 3741 River Road is wondering if he can add another home or add to the existing home on his property. Per Melichar, yes, it is zoned correctly to add another home for a family member under the A-1 zoning. Kultgen should contact DeMaster Greg Welton has some questions about the road he would need to put in off of Hwy H for the business condos. He had a drawing made up with the road, and it would take up 3 of the 8 acres he has, and doesn't feel this is a good use of the land. DeMaster states he needs to decide what he would like to do with the property, if he wants to use the entire property as a condo plat, nonresidential does not allow for private drives.
- 4. Old Business.** None.
- 5. Town Chairman's report.** Melichar is wondering if there is any way to hold a public hearing earlier in the process. Having it the same evening as the second consideration makes it difficult. DeMaster said it would be difficult in most instances, as things change after the first consideration and it is not complete at that time.
- 6. Town Zoning Administrators report.** None.
- 7. Town Planning and Engineering report.** DeMaster met with Bob Goebel, he is interested in dividing his land, no applications have been submitted yet.

[Mike Didier abstains for this portion of meeting.]

- 8. Second consideration for a conditional use permit to construct a mobile service support structure at 2639 County Road LL, tax key # 07-031-13-002.00, United Sates Cellular Operation Company, LLC, applicant. Public hearing held on Nov. 13, 2019 at 7:15 PM.**

Melichar: The public hearing was held and concerns from the neighbors were heard.

Randy Noll: When Attorney Cain was in attendance earlier in the year for a different public hearing, he informed the commission that we cannot take into consideration what might happen to property values.

DeMaster: That is correct, the board cannot speculate on what might happen in the future. There are limits on what the town can decide on. They are responsible for what happens in their jurisdiction, if

the zoning is correct and ordinances are in place. If the state is involved, it takes much of the local power away from the board.

Baranek: The Plan Commission has to ask, is there anything being done illegally? The Plan Commission may appear or give the perception that they are not taking all concerns into account, but we need to follow the law, the zoning and the ordinances that are already in place. Our job is to make sure the applicant has followed the law in applying and that everything else is acceptable. It is not our job to express opinion if we like it or not, if it's legal it should pass.

Randy Noll: Asks Christy to read the state statues regarding cell towers

DeMaster: reads §66.0404

Schlenvogt: I agree, it is all by lawful and by code. All the applications and paperwork have been submitted correctly by U.S. Cellular.

Dale Noll: our job is to follow the code and everything was submitted correctly. It's about the big picture and what is right for the town, not just a few.

Baranek: Delaying the project is not fair to the applicant. We only meet monthly, and to hold off another month because we legally have time doesn't make any sense. U.S. Cell has done everything correctly and nothing is going to change in a month. Putting a tower on the property will make people upset, but it is not illegal.

Fellenz: If a decision is not made in 90 days, it is automatically approved.

DeMaster: I have no reason to delay the vote

Melichar: We need to give the applicant due diligence, the board has a due diligence to approve, deny or extend.

Motion made by Baranek to approve the Conditional Use Permit to U.S. Cellular to construct a mobile service support structure at 2639 County Road LL, second by Schlenvogt. Motion passed unanimously.

[Didier rejoins the meeting]

9. Review of Conditional Use Permits for:

- Allen Construction, Stuart Allen, 4430 Hwy LL, Home Industry in an R-2 District. **No changes, Approved, review in 2 years.**
- PrimeCo Personal Communications, Pete Didier, 1374 Lake Dr., mobile service structure. **No changes, approved, review in 2 years.**
- Johnson School Bus Service, 3956 Hwy KW, vehicle transportation terminal. **They no longer have taxi or medical operating out of the facility. Melichar does not want to delete anything from the CUP, so they can add it back if needed. Approved, review in 2 years.**
- IGS Services, Shawn Miles, 3987 Highland Dr., community based residential facility. **No changes, approved, review in 2 years.**
- Griksas Farm Consolidation, Roger Karrels, farmland consolidation. **No changes, approved, review in 2 years.**
- Ozaukee County, Hwy KK & Hwy LL, construction of replacement tower, building, fence. **No changes, approved, review in 2 years.**
- Gary & Sharon Anzia, 960 Lake Dr., commercial raising of mink. **No changes, approved, review in 2 years.**
- Dave's Excavation & Grading Inc., Dave Bley, 4097 Hwy H, home industry in R-2 District. **No changes, approved, review in 2 years.**
- Paul Krauska, 4836 Hwy LL, storage facility in A-1 district. **No changes, approved, review in 2 years.**
- Deanna Rychtik, 4855 Hwy B, home industry in A-2 district. **No changes, approved, review in 2 years.**

Motion to approve the Conditional Use Permits made by Randy Noll, second by Dale Noll. Motion passed unanimously.

10. Adjourn. **Motion made by Randy Noll to adjourn November Plan Commission, second by Dale Noll. Motion passed unanimously.**

Heather Krueger, Clerk