

**ONEIDA COUNTY PLANNING & ZONING**  
**September 1, 2010**

**4:45 P.M. REGULAR SESSION**

**BOARD ROOM, MINOCQUA**  
**COMMUNITY CENTER, 415 MENOMINEE STREET, MINOCQUA, WI 54548**

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Members present: Scott Holewinski  
Dave Hintz  
Billy Fried  
Gary Baier

Department staff present: Karl Jennrich, Zoning Director  
Kathy Ray, Land Use Specialist  
Kim Gauthier, Typist

Other County Staff: (None)

Guests Who Signed In: See sign in sheet

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ALL AGENDA ITEMS ASSUMED TO BE DISCUSSION/DECISION.

Call to order.

Scott Holewinski, Chair called the meeting to order at 5:00 p.m., in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda was properly posted.

Approve the agenda.

**Motion by Dave Hintz, second by Gary Baier to approve the agenda. With all members present voting "aye", the motion carried.**

Public comments.

Mr. Holewinski asked if there was any public comment.

Paul Schulz, 1002 Northwest Court, commented that from his property he will be in full view of the vehicles on the proposed site. Mr. Schulz noted this is the counties definition of a junk yard and when the leaves fall and the vehicles will be seen from the road. Mr. Schulz noted this proposed business will depreciate his property as this is a junk yard. Mr. Schulz also expressed concern of oil disposal.

Lisa McMann, 8426 Ranchwood Road, asked that the committee use careful and thoughtful decision making regarding this proposal and what type of business this could end up being.

Chris DeBrinski, commented he owns lot number nine and will cooperate with the owner.

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Jeanne Sully, commented on his concern of ground water leakage and affect on his property value.

John Margitan, commented on a letter submitted to the department and quoted that Mr. Rynder was deceitful in his letter regarding the intended use, which would have weighed heavy in the re-zone decision making process.

Kirsten Margitan, commented that the public learned much from the last meeting and the comprehensive plan and land use plan the town has in place. Ms. Margitan noted that all properties do not fit in the plan and there are inconsistencies. Ms. Margitan also expressed concern over the approval process, the changes to the subdivision along the way, and several different applications submitted by Rynders made this all very confusing for the public. Ms. Margitan indicated her concern over oil dripping with shallow wells in the area and asked that a fenced area be required for a site and sound barrier.

Henry Schwartz, 8761 Coolidge Road, commented on the lakes close by and the need to preserve them. Outdoor motors are not allowed on this lake and there is a concern of the noise this business will generate.

Public comment was closed.

Approve meeting minutes of June 16, 2010.

**Motion by Gary Baier, second by Dave Hintz to approve the meeting minutes of June 16, 2010, as presented. With all members present voting “aye”, the motion carried.**

Approve meeting minutes of July 7, 2010.

**Motion by Dave Hintz, second by Billy Fried to approve the meeting minutes of July 7, 2010, as presented. With all members present voting “aye”, the motion carried.**

Preliminary 11-lot plat of Gary Taylor, owner for property described as NW NW, Section 16, T36N, R9E, PIN PE 199 and PE 199-7, Town of Pelican.

Kathy Ray, Land Use Specialist, indicated this plat is from a previous division and the eleventh lot is an out lot. Ms. Ray noted a maintenance agreement was requested along with conditions that there be no access for #847 and the private road have a 1/11<sup>th</sup> interest. The Town of Pelican approved of the plat with the condition that the road remains private.

**Motion by Gary Baier, second by Dave Hintz to approve the eleven lot division with one out lot on the certified survey map. With all members present voting “aye”, the motion carried.**

Conditional Use Permit application of Scott Negri to relocate Scott's Northwoods Diesel currently at 7714 Hwy 51 South to property described as NE NE, n/k/a Lots 6-8 CSM V16 P3573, Section 8, T39N, R6E, Red Tail Loop, PIN's MI 2123-7, MI 2123-8 and MI

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2123-9, Town of Minocqua. A public hearing was held on this matter on August 18, 2010. No action was taken at that time.

Mr. Holewinski noted the committee conducted an on-site inspection of both properties today. Mr. Holewinski asked that Dennis Herman, the agent, clarify that there will be a 50 foot vegetative buffer, plus a 20 foot grass area, plus an additional 30 feet to the building, and that the proposed building will be 60 feet by 104 feet. There will be a 62 foot parking area with no blacktop, but compacted gravel. Mr. Herman agreed.

Mr. Holewinski asked that the committee comment on the public concerns after seeing the property today. The committee discussed the following concerns:

- Noise. No concern by the committee
- Hours of operation. Clarified to be 7:00 a.m. to 6:00 p.m., with operation five and one-half days per week.
- Lighting. The department conditions will address this.
- Seepage or spills of oils, gas, etc. The owner agreed to utilize oil pans and follow DNR requirements in this regard.
- Exhaust emission. No concern by the committee.
- Traffic. The owner described regular deliveries to be two to four times per week and indicated there won't be drive in customers. The committee agreed to not condition the access entry and exit.
- Junk yard/Salvage yard. The committee agreed this type of business is not a junk yard and a condition will be set to limit the amount of time a vehicle will sit on the property.
- Use. The committee agreed business use is allowed in rural residential zoning and the land use plan of July 2010 allows the use.
- Property Values. The committee agreed this type of business may deter those in the area and a better buffer may be needed.
- Incomplete Application. The department indicated the application was complete, the owner has conditional use permit #901-88 on file, a holding tank with a catch basin for chemicals is in place and Lakeland Sanitary District is utilized for disposal of contents of the holding tank. The agent changed the proposed screened area the night of the town meeting and before the public hearing.
- Violation of Shoreland Regulations. Mr. Jennrich indicated there is no violation, this is compatible, there is no land disturbance and the property is not on water, no flood plain and is a conforming use.
- Road Maintenance. The agent indicated Rynders is responsible for the road until it's turned over to the town.
- Truck Parking. The committee agreed there is plenty of parking on the proposed lot.
- Loading Docs. The owner indicated the loading doc area on the map and it is ten feet wide by the buffer area.
- Driveways. The agent indicated the location on the proposal.
- Painting Vehicles. The owner indicated this will be done off site.
- Access to Business. The committee had no concerns.
- Outdoor Work. The owner indicated unloading will be done outside, but the work on vehicles will be done inside.
- Landscape Plan. Joe Handrick, Town of Minocqua indicated the nature of this business does not require a landscape plan.

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- Enforcing Conditions. Mr. Jennrich indicated the department will enforce conditions set forth and if violation occurs it will come before the committee and possible revocation sought.

Ms. Ray read the conditions set forth on the CUP and the town recommendations in their letter dated August 17, 2010. The following conditions were established:

1. This project is commenced within 3 yrs from date of issuance.
2. The nature and extent of the conditional use shall not change from that described in the application and approved in the Conditional Use Permit.
3. Subject to Town review and recommendations :
  - a. To enhance screening to the south & east, the applicant will supply and plant a minimum of 2 evergreen trees at least six feet in height at the specific location designated by the Town and County Zoning staff;
  - b. The county to place a 6-month time frame on vehicles or other pieces of equipment stored outside at this location;
  - c. The owner to create, within the 50 buffer zone, a vision barrier created by the planting of evergreen trees of size and quantity necessary to create an adequate barrier;
  - d. Any lighting on the building to be shielded and down-facing;
  - e. Any dumpsters to be completely screened from view;
  - f. The town would like any outdoor operations that create excessive noise to be restricted after 6 pm.
4. Proper permits to be obtained prior to the start of construction (Town/County/State).
5. No salvage material/items/inventory or non-operable/non-repairable items to be stored on the property. The permanent storage and abandonment of any type of vehicle or machinery at this location is prohibited for a time longer than 6 months.
6. Lots to be joined by Certified Survey Map (CSM) if building is to be constructed over lot line.
7. Subject to maintaining the 50' vegetative sound & buffering strip along the east lot line.
8. Sign permit(s) to be obtained as required prior to placement. Existing sign at current location to be removed or covered within 30 days of relocating to new location.
9. If exterior lighting is installed, it must be downcast and shielded from above.
10. Dumpsters, if used, must be screened from view. Applicant to recycle waste material as required. No accumulation of junk or debris on the outside of building allowed.
11. Wisconsin Department of Natural Resources approval required for catch basin, non-domestic wastewater holding tank.
12. Compliance with DNR regulations regarding storm water and hazardous waste including remedial action.
13. Hours of operation to be 7:00 a.m. – 6:00 pm Mon-Fri and 7:00 am -12:00 pm Sat.
14. No significant mechanical/salvage work to be done outside.
15. Owner to take measures to capture fluids from leakage so as to not contaminate groundwater.
16. Barrier/trees to be constructed on the east and south sides of the lots to the satisfaction of the Town and County Zoning staff.

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17. County Zoning staff to conduct on site inspection of the property at least every 6 months or sooner if they deem necessary.

**Motion by Scott Holewinski, second by Dave Hintz to add to the conditions the owner to take measures to collect leakage of fluids and fuel. With all members present voting “aye”, the motion carried.**

Mr. Jennrich provided a copy of the general standards for approval of a CUP, under Section 9.42 (Exhibit #1)

The committee went through each general standard one through nine and made the following motions based on their decision.

**Motion by Scott Holewinski, second by Gary Baier to add a condition that a tree screening be constructed to satisfy the Town of Minocqua on the East and South sides of the building. With all members present voting “aye”, the motion carried.**

**Motion by Gary Baier, second by Dave Hintz that the general standards of approval of a conditional use permit have been met. With all members present voting “aye”, the motion carried.**

**Motion by Billy Fried, second by Dave Hintz directing staff to conduct an on-site every six months or less if deemed necessary on the Negri property. With all members present voting “aye”, the motion carried.**

**Motion by Scott Holewinski, second by Billy Fried to approve the conditional use permit of Mr. Negri, with the general standards and staff, town, committee conditions set forth. With all members present voting “aye”, the motion carried.**

Property transfer requirements of the Private Onsite Wastewater Treatment System (POWTS) maintenance program – John Riopel property in the Town of Newbold.

Mr. Jennrich provided a handout of Chapter 13.53, Property Transfer Requirements (Exhibit #2).

The committee agreed to leave the transfer system as is. No motion was made.

Forward resolution to the Oneida County Board of Supervisors for At-Risk Facilities – High Strength Waste.

Mr. Jennrich supplied a copy of the resolution as noted on the agenda (Exhibit #3).

**Motion by Dave Hintz, second by Gary Baier to approve the resolution as presented and forward onto the County Board. With all members present voting “aye”, the motion carried.**

Line item transfers, purchase orders and bills.

Mr. Jennrich provided to the committee the bills and purchase orders in the amounts of \$912.50 and \$464.84 (Exhibit #4, #5).

**Motion by Billy Fried, second by Dave Hintz to accept the blanket purchase orders and vouchers as presented. With all members present voting “aye”, the motion carried.**

Line item refunds.

There were no refunds presented.

Approve future meeting dates: September 15 and October 6, 2010.

The committee agreed with the meeting dates set.

Public comments.

There was no public comment.

Future agenda items.

- NR115 with handouts.
- Chicken raising.
- Campsites.

Adjourn.

Time: 6:40 p.m.

**Motion by Billy Fried, second by Gary Baier to adjourn. With all members present voting “aye”, the motion carried.**

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Scott Holewinski, Chair

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Karl Jennrich, Zoning Director