

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, NOVEMBER 16, 2017, 1:00 P.M.**

---

**CALL TO ORDER**

Mr. Morris, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:     Richard Morris             James Siepmann             Robert Peregrine  
                              William Mitchell             William Maslowski

Members Absent:       None

Staff

Members Present:     Jason Fruth, Planning and Zoning Manager  
                              Kathy Brady, Support Staff Supervisor  
                              Rebekah Leto, Senior Land Use Specialist

Guests Present:       Rick Russart:             SCU-0448I and PO-17-OCOT-25  
                              Rick Thompson:         SCU-0448I and PO-17-OCOT-25  
                              Ed Foster:               CU-1436 and PO-17-OCOT-20  
                              Dave Fidlin:             Member of the audience  
                              Marci Buska:            SCU-1643 and PO-17-OCOT-24  
                              Adam Reek:              SCU-0448I and PO-17-OCOT-25

**CORRESPONDENCE:**       None.

**MEETING APPROVAL:**     None.

**MINUTES:**                 Approval of the October 19, 2017, Minutes.

*Mr. Mitchell moved, seconded by Mr. Peregrine and carried unanimously for approval of the October 19, 2017, Minutes, as presented.*

**PUBLIC COMMENT:**       None.

**SCHEDULED MATTERS**   None.

• **CU-1436C (Pepper Hill Farm, LLC) Town of Oconomowoc, Section 8**

Mr. Fruth pointed out the location of the property at W389 N8640 Pennsylvania Street in the Town of Oconomowoc on the aerial photograph. He indicated the request is to modify the existing Conditional Use Permit to increase the maximum number of horses from thirty-five (35) to forty-five (45) horses.

Mr. Fruth indicated the existing Conditional Use for the property was amended a few years ago to split off and create a ten (10) acre parcel, which included the residence. The property in question is located in the Farmland Preservation District, south of C.T.H. "CW" and east of Pennsylvania Street. Ms. Leto, Senior Land Use Specialist, introduced herself and proceeded to provide some background information on the property. She indicated that the Conditional Use was originally approved in 2006 for 19 horses and a Manure Management Plan was in place at that time. In 2010, the Conditional Use was amended to allow 35 horses and the Manure Management Plan was amended and approved by the Waukesha County Land Resources Division (LRD). At that time, the amended Manure Management Plan allowed manure to be spread on the southern portion of the property, which a farmer currently leases and farms. When

the property was sold in 2015, a Plan of Operation was applied for, including a change of ownership for the operation, however, the maximum number of horses was not amended and kept at 35 horses.

Ms. Leto, indicated a complaint was received in 2017 that the operation was not following the conditions of the approved Conditional Use Permit. The complaint cited that there were too many horses on the property and the Manure Management Plan was not being followed. The Planning and Zoning Division staff visited the site and the current owners acknowledged that they generally had more than 35 horses. The owners indicated they buy and sell horses and also operate a boarding operation. At the time of the site visit, there were 41 horses on the property. The owners decided to apply for an amendment to the Conditional Use to increase the number of horses allowed to a maximum of 45. After the Planning and Zoning Division staff reviewed the Manure Management Plan, it was discovered it was not being followed. Ms. Leto pointed out on the aerial photograph the area where the manure is being spread and noted it is being combined with pine shavings, which are not breaking down well. She noted, it is not a big area for the manure from 40+ horses and the owners are not using the cropland, which was agreed upon in the Manure Management Plan. At the public hearing, it was noted by the complainant who lives in the residence east of the property that they thought the manure was being spread onto their property. It was decided that the property needed to be staked to show where the property lines are located. The complainant submitted photos (after the lot line was staked) to the Planning and Zoning Division staff indicating the manure is being spread approximately 40' onto his property, which he felt was significant.

Ms. Leto indicated the horses are kept in the barn most of the time and it has an effect on how the manure can be managed. She stated that the LRD indicated the cropland is not being utilized as required under the current Manure Management Plan. There is some concern about the number of horses being requested unless the owner begins using the cropland or comes up with an alternative to deal with the manure in addition to the manure being spread on the neighbor's property. Mr. Fruth summarized a few of the conditions being proposed on the Conditional Use:

- A new Manure Management Plan be approved by the LRD
- Fence posts be installed at the lot corners near the manure spreading area to ensure the manure is remaining on the subject property.
- The Town of Oconomowoc will review the Conditional Use in May 2018, and an annual review each September.

Mr. Mitchell said he did not like the idea of allowing the owner to have an increase in horses when they did not follow the existing conditions of the Conditional Use and Manure Management Plan. He asked, what was the reason the owners gave for not following the conditions when they obviously knew they were limited to 35 horses? Ms. Leto replied, regarding the number of horses, that it was not brought to the County's attention because of the buying and selling of horses and that the number varies at any given time. Mr. Mitchell asked what assurance is there that the owners will comply and what actions should be taken to make sure they do? Mr. Fruth responded that LRD works with landowners that have livestock, not subject to Conditional Use's. The LRD provides technical assistance and generally provides plan recommendations. In this case, the Manure Management Plan is not a recommended plan but rather a required plan. Mr. Mitchell stressed that the Commission wants compliance and not to penalize people. He wanted reassurance that the owners understand that they must comply. Ms. Leto replied, that Condition No. 1 should satisfy that fact. The owners have options such as:

- The manure could be spread over the cropland and they may need to lose a small portion of the land they are leasing if they want to stockpile the manure.
- The owners could work with other farmers to take the stockpiling away.
- There are also composting methods that can be used.

Mr. Peregrine said, when the petitioners appeared at the Town, they indicated they did not know they had a Conditional Use. Ms. Leto said the owners had copies of the Conditional Use Permit when she visited the property. The Town was very concerned about the manure and wood chips being spread on the neighbor's property. He noted the petitioners only appeared at the Town Public Hearing but did not appear at the Town Plan Commission meeting. He wanted to make sure correspondence is sent to the petitioner regarding the amended Conditional Use because he is not satisfied that they will be in compliance. Mr. Fruth said the petitioners would get a decision letter after this meeting with a list of obligations, which need to be dealt with prior to the permit being issued and then a physical permit, is also issued.

Mr. Foster, neighbor/complainant, introduced himself to the Commission. He pointed out on the aerial photograph the area where the manure was spread, 40' onto his property. He said the length of the line of manure is 322', which is the length of a football field. He indicated that the manure is mixed with pine shavings. Because these are saddle-bred horses, they spend the majority of their time in stalls. He estimated the operation is going through a semi-load of shavings every two (2) weeks. He said the manure is basically sawdust shavings, which does not decompose, or breakdown very well and just accumulates in clumps (he referred to the photograph.) In addition, he expressed concerns if the petitioner is granted approval for an additional 10 ten horses there will be even more shavings/manure. He stated, if the petitioner is granted a revised Conditional Use Permit, he would like them to ship the manure off of the property. He reiterated, that there is basically a 40' x 300' area of shavings on his property. He also clarified that the petitioner has a lot more horses than they are saying, not 41 horses, but as many as 55 horses kept in stalls in tight quarters.

Chairperson Morris clarified that there were 41 horses the day Ms. Leto inspected the site. Mr. Peregrine asked Mr. Foster if he picked up a copy of the "Staff Report and Recommendation," which contains conditions that address the issues that he pointed out at the Town meetings. He suggested Mr. Foster could use it to make sure the petitioner is in compliance. Mr. Foster said he does not want to see it continue on his property. Mr. Maslowski asked if the current land available to the petitioner for spreading the manure was not able to handle the capacity? Mr. Foster replied, "Yes," but they could spread the manure to the south on the crop line but the cropland is leased at present on a five (5) year lease. Mr. Maslowski asked if the issue was more horses, or the way the manure was being managed? Mr. Foster replied that he did not like how it has been managed thus far and is of great concern. If more horses are granted, there will be more piling of manure. He indicated that the petitioner said he was unaware of the issue, however, he continues to spread more manure along the path. Mr. Maslowski asked if all of the issues have been addressed regarding the removal of manure and disposing of it elsewhere in the conditions of the Conditional Use? Ms. Leto stated that the petitioner needs to come up with a Manure Management Plan with the LRD, in which they would be held to. Mr. Maslowski asked if Mr. Foster's property was going to get cleaned up, to which Ms. Leto replied there is no condition stating that fact.

Mr. Fruth explained that there is an open violation for the complaint. He said as far as removing material that is on someone else's property, the Planning Staff cannot direct someone to do that because they would need cooperation to come onto the other person's property. The Planning Staff is aware that the petitioners have more horses than permitted and they are not properly managing the manure from their operation. This may be an issue that needs to be discussed further with the Waukesha County Corporation Counsel as to how the Planning Division Staff could be helpful about the material being over the neighbor's lot line.

Chairperson Morris asked what is the status of the new Manure Management Plan? Ms. Leto replied that the petitioners have not contacted LRD yet. She stated, they know they need to do it based on what was discussed at the public hearing and they did receive a copy of the "Staff Report and Recommendation." Having a revised plan was also part of the violation discussion with the petitioners. Chairperson Morris expressed concerns that the Commission is being asked to approve an increase in horses and there is no plan to handle the problem of the manure. Ms. Leto said, because of that, the Planning and Zoning Division wrote a condition that if the petitioners are not able to come up with a plan with LRD to accommodate the manure from the increased amount of horses, then LRD could set the number below 45 as to what they felt was appropriate. Mr. Fruth said the Staff Recommendation is a contingent approval with heavy conditions. Mr. Peregrine interjected and added that it has not been done. Mr. Fruth agreed. Mr. Peregrine said the issues discussed earlier were also discussed at the public hearing and the petitioners have done nothing and the Planning and Zoning Division Staff has not even heard from them. He expressed concerns for the neighbor and suggested the request be tabled and the petitioner be notified that the matter will not come back on the agenda until they come up with a Manure Management Plan for the number of horses being proposed. Mr. Maslowski asked if the Commission could also require remediation of the current manure on the neighbor's property? Mr. Foster added that he did not want the dumping to continue. Mr. Peregrine said he is not satisfied that the petitioners are paying attention to what they are supposed to be doing. Mr. Mitchell said the Planning and Zoning Division and Commission would like to work with the petitioner to achieve compliance but if they are not interested in complying, then they should not be rewarded with an increase in horses. Mr. Fruth asked Mr. Foster if any of the material (manure and pine shavings) that is on your property had been removed, to which he replied, "No." Chairperson Morris asked if the previous owners spread manure on the berm? Mr. Foster said it may have gone over approximately 4'. However, their horses were outside and they were able to spread manure in the fields and there was not the volume of manure that there is now. He estimated that there is approximately three (3) times the volume than before. He believed that it is the pine shavings that are causing the increase and estimated there is semi-load of shavings every two (2) weeks. Mr. Fruth asked Mr. Foster if he was okay with the petitioner coming across the property line and onto his property to remove the manure material? Mr. Foster replied, "Yes." Mr. Siepmann said he would prefer that this request be tabled until the Commission meeting next month. The Planning and Zoning Division Staff will notify the petitioner there is some urgency for them to comply and if they do not respond within that timeframe, the Commission could deny the request. Mr. Mitchell added that the petitioners should also be advised that their current permit only allows 35 horses.

***After discussion, Mr. Peregrine moved, seconded by Mr. Mitchell and carried unanimously to table the matter until the December 7, 2017, Park & Planning Commission meeting. The Commission instructed the Planning and Zoning Division Staff to contact the petitioner and advise that the Park and Planning Commission would like a new Manure Management Plan prepared and submitted for the proposed increase to 45 horses. The Commission emphasized that the operation is limited to 35 horses until, or unless a new Conditional Use Permit is issued.***

- **PO-17-OCOT-20 (Pepper Hill Farm, LLC) Town of Oconomowoc, Section 8**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU-1436C) listed above.

*After a brief discussion, Mr. Mitchell moved, seconded by Mr. Siepmann, and carried unanimously to table the matter until the December 7, 2017, Park & Planning Commission meeting. The Commission instructed the Planning and Zoning Division Staff to contact the petitioner and advise that the Park and Planning Commission would like a new Manure Management Plan prepared and submitted for the proposed increase to 45 horses. The Commission emphasized that the operation is limited to 35 horses until, or unless a new Conditional Use Permit is issued.*

- **SCU-0448I (Okauchee Lions Club, Inc.) Town of Oconomowoc, Section 36**

Mr. Fruth pointed out the location of the property at N49 W34400 Wisconsin Avenue in the Town of Oconomowoc on the aerial photograph. He indicated the request is for the expansion and modifications to an existing multi-purpose building, relocating monument signage and modifying the existing driveway lighting.

Mr. Fruth indicated the Okauchee Lions Club is proposing to make major improvements to the pavilion building. There would be an addition of 2,100 sq. ft. to the multi-purpose building to allow for a new meeting room and restroom, the relocation of the existing office, a utility room, storage areas and restrooms in addition to upgrading the relocated restrooms to ADA accessible standards. The current Conditional Use Permit allows fifteen large and fifteen small events per year.

Mr. Reek, general contractor and architect from MSI General, and Mr. Zulli, architect, introduced themselves to the Commission and presented a site plan, floor plans, basic elevations and preliminary renderings of the project. Mr. Zulli explained that a generous donor donated money to the Okauchee Lions Club, which is allowing them to complete the improvements. He pointed out on the Site Plan the location of the existing pavilion and service building and the area where the new addition, monument sign and additional lighting would be located. He indicated they would also be adding ADA restrooms, which have access from inside and outside of the building. Overhead doors are also being installed for air circulation for larger events. He stated the building would not be air conditioned or heated at this time. Heating and air conditioning would be in the service building. A history/meeting room would be located in the building with an office and restroom. In addition, a new roof would be added.

Chairperson Morris asked about the restrooms with the outside door and if they would be open to the public during ball games? Mr. Reek replied "Yes," however the inside doors would be locked. If the building is rented out for a wedding or other event, access would be open on the inside. Mr. Maslowski asked if there would be enough ventilation in the pavilion? Mr. Reek replied that since the pavilion is not being air conditioned or heated he did not know if there were code restrictions. For summer events the overhead doors would be open. The heating and air conditioning for the service building is currently out for bid. Chairperson Morris asked if the new metal roof would be insulated, to which Mr. Zulli responded, "Yes." Mr. Fruth mentioned that the approval is conditioned upon a detailed sign rendering being provided along with specifics on the Site Plan and that monument lighting be turned off at 10:00 p.m. Mr. Reek commented that part of the new monument sign involves moving the existing flagpole and incorporating three (3) flags, including the American flag, which would need to be lit at night and is located 40' off the lot line. Mr. Mitchell asked if there were concerns with the lighting and the adjacent condominiums? Mr. Peregrine responded that the issue was addressed at the Town. Mr. Fruth added that there was extensive dialog and in the field meetings between the County,

the Lions Club members and the neighbors since the lighting was approved. Since the lighting has not progressed further, there is not a need for it yet, but he thought there was a plan agreeable to everyone. Mr. Peregrine said some of the neighbors take their vacations during large yearly events. Mr. Maslowski moved to approve the matter as conditioned. Mr. Siepmann noted the petitioners asked for reconsideration of the condition regarding the lighting due to the American flag being illuminated at night. Mr. Fruth asked if the flag was going to be illuminated or are you proposing to illuminate the flag and sign together. He noted if the flag was going to be lit, then it does not do any good to turn the light on the sign off. Mr. Zulli replied there would be three (3) flag poles placed behind the monument sign. Mr. Siepmann said the Lions Club building is located between the residences and the sign. Mr. Fruth said he would be comfortable if Condition No. 4 referring to the monument lighting being turned off at 10:00 p.m. was removed. Mr. Maslowski accepted the deletion of Condition No. 4. Mr. Zulli asked if the monument sign is part of this approval? Mr. Fruth replied that since a detailed sign rendering was submitted prior to permit issuance, you would not need to come back before this Commission.

*After discussion, Mr. Maslowski moved, seconded by Mr. Peregrine and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with the removal of Condition No. 4 listed below:*

- 4. Monument lighting shall be turned off no later than 10:00 p.m. each night, unless approved by the Town Chairman for a bona fide special event or cause.*

*The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **PO-17-OCOT-25 (Okauchee Lions Club, Inc.) Town of Oconomowoc, Section 36**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (SCU-0448I) listed above.

*After a brief discussion, Mr. Peregrine moved, seconded by Mr. Siepmann and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with the removal of Condition No. 4 listed below:*

- 4. Monument lighting shall be turned off no later than 10:00 p.m. each night, unless approved by the Town Chairman for a bona fide special event or cause.*

*The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **SCU-1643 (Squirt and Dude, LLC/Marci Buska) Town of Oconomowoc, Section 8**

Mr. Fruth pointed out the location of the property at W380 N8453 Mill Street in the Town of Oconomowoc on the aerial photograph. He indicated the request is to convert a residential use to an antique and resale shop.

Mr. Fruth indicated the parcel contains both a two-story residential unit as well as a one-story tavern space that is considered a legal non-conforming use. Because there is currently a business use already on this property, allowing a second use requires a Conditional Use. Ms. Buska, petitioner, introduced herself and indicated she would be running the antique and resale shop. She indicated the building was

very old and in poor condition and she has been working on fixing up the residence. The business would sell antiques, collectibles, jewelry and artisan products. The hours of operation for the business would be 12:00 p.m. to 8:00 p.m., four days a week. The Town and County have indicated that there is sufficient parking. She stated that only one (1) floor would be utilized because the upper story has not been renovated. The existing enclosed porch, living room, bedroom, and kitchen would be used for the display of items.

Mr. Fruth indicated the tavern on the property is required to have seven (7) parking stalls and currently there are fourteen (14). There is additional on-street parking along Mill Street. He added that the Town of Oconomowoc conditioned the approval on a one (1) year trial basis along with other conditions regarding the sign rendering, fire inspection and the Waukesha County Environmental Health Division review being done for the use. Chairperson Morris asked if the tavern is still in existence? Ms. Buska replied "Yes," and added that it is called Kenny's (run by her husband) formerly Louie's. Chairperson Morris asked if the lower portion of the building, between the tavern and the proposed antique shop is part of the tavern or the antique shop? Ms. Buska responded it is part of the tavern but it is not being used by either business currently. She indicated it used to be Louie's Trading Post a small market in the 1950's. She added there is no connecting access from the bar into the antique shop and each business has a separate entrance.

*After discussion, Mr. Mitchell moved, seconded by Mr. Peregrine and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

**• PO-17-OCOT-24 (Squirt and Dude, LLC/Marci Buska/Fleurty Girls) Town of Oconomowoc, Section 8**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (SCU-1643) listed above.

*After a brief discussion, Mr. Peregrine moved, seconded by Mr. Siepman and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

**ADJOURNMENT**

*With no further business to come before the Commission, Mr. Maslowski moved, seconded by Mr. Peregrine to adjourn at 1:53 p.m.*

Respectfully submitted,

*William Mitchell*

William Mitchell  
Secretary

WM:kb

