



TOWN OF BLACK WOLF

380 E. Black Wolf Ave. Oshkosh, Wisconsin 54902

MINUTES OF THE NOVEMBER 1, 2021 PLANNING AND ZONING MEETING

The Planning and Zoning Workshop was called to order by Chairman Al Stenerson at approximately 6:30 p.m. Members present were Jim Chitwood, Sandra Gollhofer, Tracy Kollock, Eric Youngbauer, Howard Schwartz & Al Stenerson. Also present: Chairman Frank Frassetto via conference, Supervisor Mike Pollack, Clerk as acting Secretary Susan Snyder, Town attorney Alex Ackerman and Constable Leo Lefebber.

The first actionable item of business was to review the Minutes from the October 4, 2021 Planning and Zoning Meeting. (**Motion Youngbauer/Gollhofer**) to accept the October 4, 2021 Minutes. **CARRIED.**

The second actionable agenda item was review of the Black Wolf Development CSM. Chairman Stenerson asked attorney Ackerman if he or anyone had heard back from any of the parties involved and he advised he had not, and to the best of his knowledge nor has Tom Verstegen. The 45 day extension is up on November 15th and cannot be pushed further and under the Land Division Ordinance, either the committee needs to approve conditionally or you reject for non-conformity and as discussed you cannot subdivide on private roads. In order to sell lots and improve, they cannot do both so they would have to get a variance or the town would have to accept the road "as is" and that is something that the committee discussed and is not something the town would be interested in so at that point, they are not in conformity with the Land Division Ordinance. Chairman Stenerson then added that the committee cannot then act on anything pertaining to the CSM but was advised by attorney Ackerman the committee must act tonight as this will move on to the Town Board to either conditionally approve, disapprove or deny because of non-conformity. The lingering deadline of November 15th was with the 45 day extension and no one has seen a variance request to date. Greg Himann approached the committee as a potential land purchaser and had questions regarding road standards. Chairman Stenerson referred him to contact Rob Keller who is the Road Supervisor and Supervisor II of the Town Board.

Chairman Stenerson advised it was his understanding there was going to be two attorney's getting together to discuss most of this and determine how to do this and we have heard nothing from attorney Dave Sparr and with nothing coming from them, we have nothing to accept. Chairman Stenerson advised the committee must now act on the CSM with extension deadline approaching. Does the committee allow the CSM to go through as drawn which we cannot legally do he said, or we recommend to the Town Board they do not approve CSM. Discussion by Jim Chitwood pointed out there is a variance option but we are nearing the end of the extension and a decision must be made and forwarded to the Board.

Motion (Youngbauer/Chitwood) to reject the CSM application of Black Wolf Development based upon the non-conformity of the Ordinance Standards. CARRIED.

Next item of discussion/action for the committee regarding a recommendation on the conditional use permit request from Harmoni Towers LLC where applicant wishes to construct a new tower. Attorney Ackerman advised he will keep track of the official reasoning form that the committee will go over and each member will have their own form to work through. Attorney Ackerman advised the committee is present to go over the application from Harmoni Towers which was given an extension to November 29th so the committee needs to make a recommendation to the town board for their upcoming Board meeting so they can act on it. Attorney Ackerman advised we are in a substantial evidence realm so everything the committee decides must be backed by what Act 67 has now put in as substantial evidence and he will clarify and answer any questions regarding preemptions with State Statute and there is a State Statute that preempts the committee from making decisions, one solely is making decisions based solely off of esthetics or based solely off of height, and things of that nature. Attorney Ackerman advised he has reviewed the Towns Ordinance and the wireless siting portion of it. At this time, the Committee along with attorney Ackerman worked through the 15 Conditional Use Permit Standards, having extensive conversation with questions and answers if applicable. **Motion (Chitwood/Youngbauer)** made a formal motion to approve the Conditional Use permit based on the conditions being met **CARRIED** by unanimous vote to send to Board with recommendation of approval, with contingency's as discussed.

The building permits and registrations for last quarter were provided with no further questions.

The committee had a brief discussion on the Town Land Division Ordinance/20.16 – Attorney Ackerman advised that our current ordinance is written with a 60 day limit instead of a 90 day limit which is typical and committee may want to consider revising this. The committee with discuss further at future meeting with draft to review.

Discussion of Short Term Rentals – The problem taking place with some short term rentals in the town was discussed by the committee who recognized the town may want to consider an ordinance, however, the question of permitting or ordinance came up. Constable Lefeber advised that sometimes the problems can be resolved through discussion with all parties being a given a copy of the Nuisance Ordinance. It was suggested the Clerk work with the Board and the attorney to draft either a permitting process or provide a sample ordinance at a future meeting that would applicable to what the town would consider when it comes to a permitting process with or without an ordinance.

Motion (Kollock/Golliher) to adjourn until December 6, 2021 at 6:30. **CARRIED.**

Respectfully Submitted,
Susan M. Snyder
Secretary to Planning & Zoning