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**PLAN COMMISSION MEETING MINUTES**  
**TUESDAY, AUGUST 26, 2014**  
**Sister Bay-Liberty Grove Fire Station – 2258 Mill Road**

The August 26, 2014 meeting of the Plan Commission was called to order by Chairperson Dave Lienau at 5:31 P.M.

**Present:** Chairperson Lienau, and members Scott Baker, Shane Solomon, Marge Grutzmacher, Don Howard and Nate Bell. Eric Lundquist arrived at 5:45 P.M.

**Others:** Rob Zoschke, Kim Erzinger, Paige Funkhouser, Greg Casperson, Lee and Ruth Telfer, Curtis and Roxie Wiltse, Greg and Karen Sunstrom, Brian Frisque, Tom Seagard, Chad Kodanko, Dick Kaiser, John Ross, Bob Winn, Jim Kendrick, Louise Robbins, Steve and Mary Musinsky, Sheena Branson, Carol Mulaney and six other individuals.

**Staff Members:** Village Administrator Zeke Jackson, and Administrative Assistant Janal Suppanz.

**Comments, correspondence and concerns from the public:**

Jackson noted that no correspondence had been received, and Lienau then asked if anyone wished to comment regarding a non-agenda item. No one responded.

**Approval of the agenda:**

*A motion was made by Grutzmacher, seconded by Solomon that the Agenda for the August 26, 2014 meeting of the Plan Commission be approved as presented. Motion carried – All ayes.*

**Approval of minutes as published:**

**As to the minutes for the July 22, 2014 meeting of the Plan Commission:**

*A motion was made by Baker, seconded by Grutzmacher that the minutes for the July 22, 2014 meeting of the Plan Commission be approved as presented. Motion carried – All ayes.*

**Business Items:**

**Item No. 3. Public Hearing on amending and recreating §66.0808 of the Zoning Code – Noise Levels Allowed in Various Zoning Districts:**

*At 5:33 P.M. Lienau called the public hearing on amending and recreating §66.0808 of the Zoning Code – Noise Levels Allowed in Various Zoning Districts, to order.*

At the present time the allowable noise level in residential districts within the Village limits is 65 decibels and 70 decibels in business districts. Jackson received a number of complaints regarding noise coming from some downtown establishments, and, therefore, on August 13, 2014, August 14, 2014 and August 15, 2014 he took a decibel meter around town and received readings ranging from 40.2 to 83.6 decibels. He is now recommending that §66.0808 be amended in such fashion that it states that the decibel level allowed in residential districts remain at 65 decibels but that the noise level allowed in the business district be 80 decibels, and that the point of measurement be 25 feet from the boundaries of the lot from which the noise is emanating. A few weeks ago complaints were received regarding noise coming from Husby's, and he did issue a warning citation to the management of that establishment. Since that time no further complaints have been received.

1 Jackson read a letter which had been received from Tom Seagard aloud. A copy of that letter is  
2 hereby attached and incorporated by reference.

3  
4 John Ross indicated that he owns a condo unit on Regatta Way. Recently on a Wednesday  
5 when a Concert in the Park was going on he and his neighbors could not even hear their  
6 televisions, even though their windows and doors were closed. He would recommend that  
7 amplification of any performances in the pavilion be reduced, and that a time limit for  
8 performances be established.

9  
10 Kim Erzinger indicated that he has owned his property on Parkview Drive for twenty years. Four  
11 years ago a wedding DJ was still playing music in the park at midnight and he did contact the  
12 Sheriff's Department, but other than that he doesn't really have any specific complaints  
13 regarding noise coming from downtown establishments or events. To date his tenants have not  
14 complained about the concerts in the park and he believes the Performance Pavilion is a  
15 wonderful thing. Erzinger believes there must be some way for business owners and residents to  
16 compromise and agree on an acceptable noise level.

17  
18 Rob Zoschke indicated that he is the General Manager of the Yacht Club at Sister Bay. The  
19 owners at the Yacht Club who rent out their condo units realize that entertainment drives  
20 business and don't generally complain about noise, but there are other owners who don't share  
21 that sentiment at all. Since nearly all Door County business owners rely on tourism to sustain  
22 themselves Zoschke would suggest that everyone attempt to "stick together". He doesn't mind  
23 dealing with guests who are irrate about construction projects which start early in the morning,  
24 but would appreciate advance notice.

25  
26 Bob Winn of Cardinal Court indicated that he has looked at the noise problem from all angles  
27 and realizes that "noise is a part of doing business". In Stevens Point he ran a business which  
28 catered to college students and frequently booked live bands. Some of the bands he booked did  
29 turn their amplifiers "way up", and from time to time he would tell them they had to tone it  
30 down. He also "pulled the plug" on a few occasions. Winn fully understands that what he  
31 wants may not necessarily apply to everyone. He believes the best way to resolve the noise  
32 issue is to come to a reasonable conclusion that is acceptable to "most" people.

33  
34 Dick Kaiser of 2203 Hill Road indicated that he and his wife live on the extreme north and east  
35 end of Sister Bay. They have lived here for twenty years and have seen weddings and festivals  
36 come and go, and to be perfectly honest, "have gotten used to there being noise outdoors from  
37 time to time". As someone who used to sell recorded music he believes the best way to control  
38 noise coming from local businesses would be to monitor the equipment bands are using and  
39 specify the number of amps which will be allowed. Because of the placement of the new  
40 Performance Pavilion and the fact that there is a new regime at Husby's he believes any new  
41 regulations which are enacted must be enforced.

42  
43 Jim Kendrick of the Village View Motel pointed out that "people simply don't honor noise  
44 regulations". When he has guests who close their windows and turn their air conditioners on to  
45 block out noise late at night "something must be wrong". He firmly believes that balance must  
46 be achieved. At times enforcement will be a "tough call", but in the end whatever "the  
47 balance" is determined to be it must be honored and enforced.

48  
49 Steven Musinsky indicated that he resides in Hartford but has a summer home here. This is a  
50 "real tough issue" but he would suggest that bands performing in the Performance Pavilion be

1 asked to use sound and light boards so that specific noise levels can be maintained.

2  
3 Louise Robbins, who owns the Inn On Maple, indicated that she loves the performance  
4 pavilion and Waterfront Park. She has no complaints about either of those amenities as most  
5 activities cease by 9:00 or 10:00 P.M. She does have a problem with noise coming from “the  
6 corner”. She and her husband, Bill, do close their windows and run their air conditioners when  
7 bands are playing at “the corner” late at night to block out the noise, and at times their  
8 windows will vibrate. On a few occasions Bill did go down to Husby’s and The Bowl to  
9 complain about the noise coming from those establishments, and as soon as the bartenders saw  
10 him they began to close windows and doors. Robbins thanked the Commission members for  
11 conducting this hearing.

12  
13 Kim Erzinger added that he finds the very loud music coming from cars which park in  
14 Waterfront Park to be much more offensive than the noise coming from some downtown  
15 establishments.

16  
17 Chad Kodanko indicated that he is one of the owners/managers of Husby’s. Last year Husby’s  
18 liquor license contained a condition that all outdoor music must cease at 11:00 P.M. This year  
19 that condition was changed to 10:30 P.M. Kodanko takes full responsibility for non-compliance  
20 with the provisions of his current liquor license, and wants to be respectful to his neighbors, but  
21 also believes that he and the other license holders should have been given an opportunity to  
22 comment on any rule changes before they were actually imposed. Kodanko believes any  
23 revisions which are made to the Noise Ordinance should be a “community decision”. He and  
24 his associates will comply with whatever regulations are enacted, but he does believe the  
25 regulations should be reasonable as there is no question that outdoor bands do bring a lot of  
26 people to the Village.

27  
28 Sheena Branson, the Manager of the Village View Motel, asked for clarification of the liquor  
29 license regulations and Jackson provided that information. She also pointed out that the lodging  
30 establishments bring business to the Village too. She doesn’t want to totally eliminate outdoor  
31 music and realizes that people who are on vacation want to have fun, but is wondering if the  
32 amplifiers could be turned down a bit.

33  
34 Jackson asked for a show of hands as to how many of the audience members would prefer  
35 establishment of a “cut-off time” for outdoor music, and the majority of the audience members  
36 responded favorably.

37  
38 Gene Sunstrom indicated that he and he his family have owned their property on Maple Drive  
39 for many years. (That property is right down the street from Husby’s.) He believes it is  
40 commendable that Kodanko wants to work with Village officials on the noise issues, but also  
41 pointed out that there have been times when he had to close his windows because the noise  
42 coming from Husby’s was so loud. Sunstrom asked that Village officials also review the  
43 regulations pertaining to parking for downtown businesses as this is becoming quite a problem  
44 for people who live in close proximity to local business establishments.

45  
46 John Ross spoke in favor of establishing a “cut-off time” for outdoor music, but also stated that  
47 he firmly believes a decibel level limit must be established, and, if it is exceeded, enforcement  
48 action taken. It’s great that young people are frequenting local businesses, but the feelings of  
49 the people who live here must also be taken into consideration.

50

1 At 6:40 P.M. Lienau asked if anyone else wished to comment, and when no one responded he  
2 declared that the public hearing was officially closed.

3  
4 It was the consensus that §66.0808 of the Municipal Code shall be amended in such fashion  
5 that allowable decibel levels as well as a "cut-off time" for outdoor music are clearly defined.  
6 The SBAA Board of Directors and the Parks Committee shall be asked to provide formal written  
7 recommendations regarding the preferred decibel levels and "cut-off times" by September 9,  
8 2014, and Jackson shall take that information into consideration when drafting the applicable  
9 documents, which shall be included in a future Plan Commission Meeting Packet(s).

10  
11 **Item No. 1. Public Hearing on amending and recreating §66.0501(2)(h) of the Zoning Code –**  
12 **Deliveries made in residential neighborhoods for home based businesses:**

13 At 6:45 P.M. Lienau called the public hearing on amending and recreating §66.0501(2)(h) of  
14 the Zoning Code - Deliveries made in residential neighborhoods for home based businesses, to  
15 order.

16  
17 A draft of proposed amendments to §66.0501(2)(h) of the Zoning Code was included in the  
18 meeting packets and the Commission members jointly reviewed that document. At the present  
19 time no more than two deliveries are allowed per week in residential neighborhoods. Jackson is  
20 recommending that the entire section be struck in its entirety.

21  
22 Gene Sunstrom asked why some businesses are not required to have loading docks, and noted  
23 that it has become very problematic for him and his family since the downtown parking  
24 regulations were relaxed.

25  
26 At 6:59 P.M. Lienau asked if anyone else wished to comment regarding the proposed  
27 amendments, and when no one responded he declared that the public hearing was officially  
28 closed.

29  
30 It was the consensus that the existing limitation on the number of customers delineated in  
31 §66.0501(2)(h) shall remain.

32  
33 A motion was made by Solomon, seconded by Baker that the Plan Commission recommends  
34 that §66.0501(2)(h) of the Zoning Code be amended in such fashion that it reads:

35  
36 *h. Customer counts shall not exceed that normally and reasonably occurring for*  
37 *a residence, including not more than two business visitors per hour, and not*  
38 *to exceed eight visitors per day.*

39  
40 Motion carried – All ayes.

41  
42 **Item No. 2. Public Hearing on amending §66.0505 of the Zoning Code – Wind Energy**  
43 **Towers:**

44 At 7:06 P.M. Lienau called the public hearing on amending §66.0505 of the Zoning Code –  
45 Wind Energy Towers, to order.

46  
47 Section 66.0505 of the Zoning Code prohibits wind power generation in any district in the  
48 Village, and also prohibits it on the waters of Green Bay which are within the jurisdiction of the  
49 Village, but 2009 Act 40, Administrative Code PSC 128 states that the Public Service  
50 Commission shall set the standards for wind turbine siting throughout the State.

1 A draft of proposed amendments to §66.0505 of the Zoning Code was included in the meeting  
2 packets, and the Commission members jointly reviewed that document.

3  
4 Carol Mullaney of the Voyager Inn asked what she would have to do to erect a wind power  
5 generating tower on her property. Jackson responded that the PSC regulations would have to be  
6 complied with, but if those regulations are deemed to be non-applicable a Zoning Permit  
7 Application would have to be submitted.

8  
9 Bob Winn indicated that he tries to look at all issues from the standpoint of “what will be  
10 needed down the road”. He believes it would be best to “get something going now” with  
11 respect to all the wind power generating options which are available.

12  
13 Steve Musinsky indicated that he was at a couple conferences on sustainability, and at both of  
14 those conferences the presenters stressed that installation of any form of “renewable energy” is  
15 a “big plus”.

16  
17 *At 7:24 P.M. Lienau asked if anyone else wished to comment, and when no one responded he  
18 declared that the public hearing was officially closed.*

19  
20 *It was the consensus that before a formal recommendation is made regarding this issue it shall  
21 be referred to the Parks Committee for further study.*

22  
23 **Item No. 4. Consider a motion to recommend that the Village Board approve the Certified  
24 Survey Map submitted by John Stollenwerk which will reconfigure Village of Sister Bay Parcel  
25 Nos. 181-23-0011 and 181-23-0009:**

26 A draft of a proposed Certified Survey Map, (CSM), which will reconfigure Village of Sister Bay  
27 Parcel Nos. 181-23-0011 and 181-23-0009 was included in the meeting packets, and the  
28 Commission members jointly reviewed that document. (The previously mentioned parcels have  
29 been assigned addresses of 10661 and 10647 Little Sister Road.) Brian Frisque, the Surveyor  
30 who prepared the CSM, explained that document.

31  
32 *A motion was made by Howard, seconded by Grutzmacher that the Plan Commission  
33 recommends that the Village Board approve the Certified Survey Map, (CSM), reconfiguring  
34 Village of Sister Bay Parcel Nos. 181-23-0011 and 181-23-0009 as presented. Motion carried –  
35 All ayes.*

36  
37 **Item No. 5. Consider a motion to recommend that the Village Board approve Resolution No.  
38 298, which directs the Zoning Board of Appeals to preserve property owners’ rights after the  
39 work has been done on the D.O.T.’s Highway 42 Reconstruction Project:**

40 The Village recently adopted a Downtown Redevelopment Plan, which will serve as a guide for  
41 how future development occurs in the Village, and the Economic Development Committee, the  
42 Plan Commission and the Board of Trustees have discussed and enacted policies which favor  
43 development in the downtown area. The Zoning Board of Appeals does have statutory authority  
44 to grant area variances to interested parties in order to facilitate orderly development, but the  
45 members of that Board must consider five factors when considering a variance. One of those  
46 factors is preservation of property rights. The D.O.T. Hwy. 42 Reconstruction Project will  
47 substantially change the centerline of Highway 42 and require the acquisition of rights-of-way  
48 throughout the project area, which will change existing lot sizes and setbacks, and a draft of  
49 Resolution No. 298, which directs the Zoning Board of Appeals to take actions to preserve  
50 property owners’ rights, was included in the meeting packets.

1 Discussion took place regarding this issue and during that time the Commission members  
2 voiced concerns that the proposed Resolution will not protect property owners as it basically is  
3 a "recommendation" from the Village Board. The suggestion was made that a grandfather  
4 clause be created, and Jackson was asked to work on revisions which make "the Village's intent  
5 a little clearer". A revised Resolution, which combines both theories will be presented at the  
6 next Plan Commission Meeting.

7  
8 Lee Telfer agreed that grandfathering would be more appropriate. He also noted that he and  
9 his family members are concerned about where the right-of-way will actually be on their  
10 property after all the work has been done on the D.O.T.'s Highway 42 Reconstruction Project.

11  
12 Greg Casperson indicated that he is working with the State on right-of-way acquisition, but  
13 voiced concerns that potential buyers will not look favorably on reduced density. He is also  
14 suggesting that a grandfather clause be created.

15  
16 **Item No. 6. Consider a motion to approve a Sign Permit for the Sister Bay Historical Society:**

17 Don Howard submitted a Sign Permit Application for The Corner of the Past on behalf of the  
18 Sister Bay Historical Society, and a copy of that document was included in the meeting packets.  
19 If approved, the proposed sign will be placed on the end of the machine shed at The Corner of  
20 the Past, off of Fieldcrest Road.

21  
22 *A motion was made by Grutzmacher, seconded by Bell that the Sign Permit Application which*  
23 *was submitted by Don Howard on behalf of the Sister Bay Historical Society is approved as*  
24 *presented. Motion carried – All ayes.*

25  
26 **Item No. 7. Review of §66.0504 of the Zoning Code – Wireless Telecommunication**  
27 **Sites/Towers:**

28 *It was the consensus that this agenda item shall be tabled until County officials have completed*  
29 *their review of the wireless telecommunication site/tower regulations.*

30  
31 **Item No. 8. Consider a motion to approve preliminary plans for an expansion of the Open**  
32 **Hearth Lodge:**

33 John and Nora Zacek would like to expand the Open Hearth Lodge, and elevation drawings, as  
34 well as site and building plans were included in the meeting packets. If the plans are approved  
35 as presented there will be eleven new rooms at the Open Hearth.

36  
37 *At 8:06 P.M. Solomon recused himself due to a potential conflict of interest and had a seat in*  
38 *the audience.*

39  
40 *A motion was made by Howard, seconded by Baker that the plans for the Open Hearth Lodge*  
41 *expansion project which were reviewed at this meeting are approved as presented. Motion*  
42 *carried – All ayes.*

43  
44 **Item No. 9. Report by the Zoning Administrator regarding development activities, various**  
45 **enforcement actions, and issuance of Sign and Zoning Permits:**

46 Jackson gave the following oral report:

- 47 1. He has been working with the Board of Directors from the Country Walk Owner's  
48 Association on signage issues, and temporary Sign Permits have been issued to the  
49 owners of Tea Thyme and The Cook Book. It appears that representatives of the Country  
50 Walk Owner's Association will be presenting a new sign proposal for the Country Walk

1 Mall to the Commission within a few months.

- 2  
3 2. Persons who erected large, non-compliant political signs were informed that those signs  
4 had to be taken down and they did comply with Jackson's directives.

5  
6 **Item No. 7. Discussion regarding matters to be placed on a future agenda or referred**  
7 **to a committee, Village official or employee:**

8 *It was the consensus that:*

- 9 1. *The noise issue shall be referred to the Parks Committee and the SBAA Board of*  
10 *Directors, and both groups shall be asked to provide formal written*  
11 *recommendations to Jackson by September 9, 2014. He shall take that*  
12 *information into consideration when drafting the applicable documents, which*  
13 *shall be included in the packets for an upcoming Plan Commission Meeting.*  
14  
15 2. *Possible amendment of §66.0505 of the Zoning Code – Wind Energy Towers,*  
16 *shall be referred to the Parks Committee and re-addressed by the Plan*  
17 *Commission at a future meeting.*  
18  
19 3. *The issue of preserving property owners' rights after the work has been done on*  
20 *the D.O.T.'s Highway 42 Reconstruction Project shall be re-addressed at the*  
21 *next Plan Commission Meeting.*

22  
23 **Adjournment:**

24 *A motion was made by Howard, seconded by Baker to adjourn the meeting of the Plan*  
25 *Commission at 8:25 P.M. Motion carried – All ayes.*

26  
27 Respectfully submitted,

28 

29 Janal Suppanz,  
30 Administrative Assistant

Activity – Husby's and Bowl.

I have watched the increase of noise and drunkenness increase as the summer has progressed.

I did not start to note the inconvenience to me, until July 25<sup>th</sup>.

From July 28<sup>th</sup> till today I have, and intend to keep this record going, recorded any behavior that I consider detrimental to our village.

We are attracting a crowd that is out of hand.

We have people not interested in supporting the small business like mine.

If an accident happens because of substance abuse or alcohol consumption, what is our village liability?

If we want fall fest 7 days a week, this will hurt my business.

This is the record I have to date.

July 29<sup>th</sup>.

Loud music and loud yelling at 10:50. Still going on as I went to bed.

July 30<sup>th</sup>.

Loud music and car noise from 11:00 till at 1:30 drunk lying on street with friends trying to get him up.

July 31<sup>th</sup>

Loud music, car noise, loud conversation/yelling from 10:15 till 10:46.

August 1<sup>st</sup>.

Loud music 10:42 and drunks at 1:00

August 2<sup>nd</sup>.

Loud music 10:48.

August 3.

Loud music – singing and yelling from 1100. Drunks after 12:00.

On July 25<sup>th</sup> 26<sup>th</sup> and 27<sup>th</sup>.

All have written down is loud music -

- 10:26
- 10:45
- 10:45

I object to this kind of behavior. I think one business should not change the village in pursuit of profit.

It will cost the rest of us because of the decline of the quality of life this village is trying to create.

Tom Seagard.