

TOWN OF RIB MOUNTAIN
PLANNING COMMISSION MEETING
February 13th, 2013

Chairman Tom Muellner called the meeting of the Plan Commission to order at 7:06 p.m. Members present included Kevin Mataczynski, Jim Hampton, Lee Benes, Christine Nykiel, Tom Steele and Laura McGucken. Also present Zoning Administrator Dan Dziadosz and Assistant Zoning Administrator Jeff Kussow.

MINUTES:

Motion by Tom Steele and seconded by Jim Hampton to approve the January 9th, 2013 minutes. Laura McGucken abstained. Motion carried.

PUBLIC HEARINGS:

- a) *Edgar Betancourt requesting a conditional use approval to allow for a permanently placed generator on the parcel addressed 4208 Boulder Ridge, per RMMC Sec. 17.056(8)(x)(c) Detached Energy Systems – Permanently placed generators, or similar energy producing devices; Legally described as Lot 61 of Sunset Ridge Second Addition – Section 9 T28N R7E; also known as 4208 Boulder Ridge; Parcel # 34.858.000.061; PC Docket # 2013-06*

Dan Dziadosz explained the proposal for the permanently placed generator in an SR-3 district. Mr. Dziadosz explained the newly revised ordinance regarding detached energy systems which allow permanently placed generators in most residential districts and staff's recommendation for approval subject to public input.

Ms. McGucken questioned use of the properties to the north and northeast. Mr. Dziadosz stated they are vacant.

One resident (no name given) questioned where the generator would be placed on the property. Mr. Dziadosz explained that the proposed generator will be placed on the west side of the property, towards the northwest corner of the house.

Chairman Muellner asked what the distance from the property line the generator would be place. Mr. Dziadosz stated that the approximate distance is between 35 & 45 feet from the property line. He also stated that the generator specifications appear to meet the noise ordinance requirements of the RMMC Municipal Code.

Ms. McGucken questioned the weekly test period and how long the test period would last. Edgar Betancourt stated that the generator is a residential generator and he does not know about other generator's test period requirements, and that the weekly test period is 10 minutes long.

Motion made by Tom Steele to approve the conditional use request for a permanently placed generator on the parcel addressed 4208 Boulder Ridge. Seconded by Kevin Mataczynski. Motion Carried.

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- b) *REI Engineering (Kocourek Holdings, property owner) requesting a conditional use approval for the construction of a private air strip on the adjacent property to the south of 6300 Red Bud Road, 6703 South Mountain Road, 6709 South Mountain Road & 7001 South Mountain Road, per RMMC Section 17.056(6)(b) – Airport/Heliport; Legally described as Pt of S ½ N ½ - Sec 19 T28N R7E - Lots 1, 2 & 3 of CSM (#16420) Vol. 76 Pg. 67 (Doc #1631945); Parcel #'s 34.192807.003.000, 34.192807.004.007, & 34.192807.008.000; PC Docket # 2013-07*

Tom Radenz of REI Engineering (Applicant), representing Keith Kocourek (property owner), explained the property characteristics. He explained that the property is entirely wooded and is an old gravel pit. He went onto explain that the location choice for the air strip was based on putting the air strip in the general middle portion of the property and the chosen area required the least amount of grading and least amount of disturbance. He explained that the grass air strip would be 125 feet wide with slightly graded slopes on each side. The graded area would then be covered with black dirt and seeded with grass. He stated the approvals needed are the Town of Rib Mountain, Federal Aviation Administration (FAA), and Wisconsin Department of Transportation (WisDOT) Bureau of Aeronautics. He explained that they have contacted these other departments, but are seeking Town of Rib Mountain approval before pursuing the other required approvals. He also stated that they will need to submit a Notice of Intent (NOI) to the Wisconsin Department of Natural Resources (WDNR) for grading in excess of one acre, which will address erosion and storm water issues, and any other issues that may need addressing. Mr. Radenz explained the grading process to create the final elevation of the air strip. He explained that there is a vegetated buffer on all sides of the air strip.

Jim Hampton questioned if access from Red Bud Road to the property was owned. Mr. Radenz stated that the access is owned. Mr. Hampton also questioned if additional fill would be needed to complete the final grade. Mr. Radenz stated that some additional black dirt will be needed.

Kevin Mataczynski questioned how the “pot holes” on the property with water in them are regulated by the WDNR. Mr. Radenz explained that they are man-made features and after submittal of the NOI to the WDNR, they will learn more about them. He stated that after initial discussions with Marathon County and WDNR, they do not see any issues.

Keith Kocourek (property owner) explained that he bought 109 acres from the Frodl's adjacent to land he already owned to the west. He stated that the property to the north is an inactive gravel pit where the Town's yard waste site is located and to the south is an active mine owned by the Town of Wausau. He explained that he will create a grass strip on the property to land a small plane for recreational purposes a couple times a week. He stated there will be no fuel or business located on the property. He also stated that this project will clean up a portion of the property.

Mr. Hampton questioned if others will be able to use the air strip. Mr. Kocourek stated that it is a private air strip and will be restricted. Mr. Kocourek stated that people with his permission will be able to land on the air strip. He also stated that the primary times of use will be in the spring and fall.

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Mr. Hampton questioned if there would be fuel stored on-site. Mr. Kocourek stated that there will be no fuel and no blacktop.

Mr. Mataczynski questioned storage of the airplane. Mr. Kocourek stated that he stores his planes at the City of Wausau Airport and will not be storing the plane on-site.

Mr. Hampton questioned if the flight path would be over Nine Mile County Forest or residential neighborhoods. Mr. Kocourek stated the flight path would be a couple hundred feet from the sides of the air strip. Mr. Kocourek also stated that the reason for the 2500 foot length is due to trees at each end of the strip restrict the usable portion and for other safety reasons.

Mr. Hampton asked Mr. Dziadosz to explain item 3-b of the Airport/Heliport zoning ordinance. Mr. Dziadosz explained that it is a landscaping requirement of the code to create a bufferyard, which creates a screen from adjacent properties.

Chairman Muellner questioned how much farther west the air strip could be moved. Mr. Radenz explained that there is a wetland complex west of the air strip, but the strip may be able to be moved slightly.

Ms. Nykiel questioned noise and decibel levels generated from the airplane. Mr. Dziadosz stated that the decibel levels should be well inside ordinance limits. He also explained that the property is surrounded on three sides with active mining permits.

Public Comment Period:

Ed Gale of 4405 Blackberry Drive suggested tabling this issue until the FAA and the WisDOT Bureau of Aeronautics rules on this issue. He stated that the WisDOT Bureau of Aeronautics has recently completed a survey of all air flight paths in this area and re-established Central Wisconsin Airport (CWA) and City of Wausau Airport certain flight paths that have the possibility of conflicting with this proposed project. He also questioned how the applicant would mitigate habitat for animals that wander through the air strip area. How is Mr. Kocourek going to deal with the issue of wildlife being on the air strip and coming from other parts of the property such as waterfowl from the ponds? He stated that there needs to be set hours of operation. How does the town review the air strip to ensure that the air strip is being used as intended in an approval? He expressed concerns of this strip being used as a training grass strip. He strongly suggested having rulings from the FAA and WisDOT Bureau of Aeronautics rules on this issue before proceeding on this issue. Chairman Muellner stated that a condition may be put on an approval to require obtaining all necessary approvals and permits.

Pat Frodl of 6804 Red Bud Road questioned why the air strip is proposed to be so close to local residences to the East and what is this going to do to property resale value?

Mr. Radenz stated that the wetland complex and WDNR regulations to the west restricts the distance to the west that the air strip can be located.

Mr. Kocourek stated that he will try to move the air strip as far to the west as possible. It is a private air strip and would not allow landing on the air strip for training. There will be no lighting and will not be used at night.

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Brian Pomrening of 6811 Red Bud Road stated that his house is across the street and questioned how high will the plane be when it goes over his house. He stated that this causes a safety issue if the plane will be going over his house at a low altitude. He also stated that there are other residences in the area that will be affected in the same way. Mr. Pomrening referenced the Rib Mountain Public Nuisance Code and stated that the air strip would be in violation of the code by causing a public nuisance to himself, neighbors, and the surrounding neighborhood.

**The Town of Rib Mountain received a letter from Brian & Kay Pomrening on February 11, 2013 expressing their concerns and how they oppose the air strip due to quality of life and safety concerns if the air strip is approved. This letter was not brought up during the public hearing due to Brian & Kay Pomrening presenting at the public hearing.*

John Chmiel of 511 Kent Street, Wausau, WI, explained that he is the manager of the Wausau Flying Service at the City of Wausau Airport. He stated that there are houses at about the same distance from the City of Wausau Airport as Mr. Pomrening's house is from the proposed air strip. He stated that he believes Mr. Kocourek obtained an ATP Pilot certificate and that with this certificate he is considered a professional pilot to the FAA.

Will Wood of 7201 Blackberry South, stated a few suggestions for conditions that may be applied to any approval of this air strip:

- 1) Restrict lighting
- 2) Restrict any commercial activity
- 3) Regulate maximum fuel tank capacity and maximum uplift per month or year
- 4) Maximum size of any buildings built to limit number of airplanes on-site
- 5) Restrict use to single engine aircraft only

Mr. Wood stated that it is possible to land a larger aircraft such as King Air on that 2500 foot air strip. He also questioned if Mr. Kocourek would allow people to land on their way to the EAA Air Show.

Ms. McGucken asked Mr. Dziadosz if adding a building in the future would require a conditional use or review by the commission. Mr. Dziadosz stated that it depends if it is a substantial alteration to the conditional use. If that were required as a condition, it would be subject to conditional use review.

Jeff Pagel of 7401 Woodsmoke Road informed the commission of flight for life going through the area and that the air strip may cause an issue with that. He also questioned the level of sound during takeoff and landing.

Deb Kirsch of 7402 Red Bud Road questioned what 2-3 times/week usage meant. Mr. Kocourek stated that it would be 2-3 landings and takeoffs per week. Ms. Kirsch also questioned the flight path Mr. Kocourek will be using. Mr. Kocourek explained using the map available at the meeting.

Ed Gale of 4405 Blackberry Drive questioned the process of approval. He questioned that if the air strip was to be approved by the Plan Commission, is the final approval at the County level? Dan Dziadosz stated that final approval would be from Plan Commission recommendation to Town Board approval to County level approval.

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Paul Seehafer of 7411 County Road E, Junction City, WI, expressed that he went through a similar situation to build an air strip in the Village of Bevent. He explained his air strip and components of houses, a church and trees near and/or on his property. He explained that it got approved and has not received any known complaints.

Dave Schulz of 6608 Red Bud Road stated that if there was a problem and the plane did hit the trees at the end of the runway on the east, they would fall into his house. He also expressed concern about safety and the amount of geese regularly on the property. He also expressed concern about kids illegally going on the property. He would also like to know how high the plane will be flying above his house.

Steve Weiss of 5000 Blackberry Drive expressed his concern about noise during takeoff, and in the air without any trees to buffer the noise. He stated that homes in this area were built for the reason of quiet. He stated that airplanes in the area are one step too far.

Jerry Muehlbauer of 7407 Woodsmoke Road stated that there is other noise generated in the area such as leaf blowers that are used for a longer duration than an airplane takeoff and may be louder than a plane.

Mr. Mataczynski questioned if there has been research by staff of air strips in this nature and the requirements imposed on those air strips. Mr. Kussow stated that he has not researched the specifics of air strips like this in the area, but has talked to Marathon County Conservation Planning and Zoning and they stated that there is one other air strip like this in the county. Mr. Mataczynski expressed the need to understand restrictions imposed on other similar air strips in the area and suggested postponing action.

The Commission commented on issues that have been brought up as a result of public comments and commented on conditions that could be imposed on this proposed air strip, if approved.

Jim Hampton questioned the maximum distance that the air strip could be moved to the west and not interfere with the wetlands and ponds. Mr. Radenz stated it would be based on a site visit and more data collection, but he would estimate that it would be able to be moved less than 300 feet to the west.

Ms. Nykiel questioned the time frame of meeting with the WDNR. Mr. Radenz stated that if the air strip is approved, they will start with the FAA and WisDOT Bureau of Aeronautics. He stated that the WDNR has a 14 day review period and they would submit the permit application approximately one month before starting construction.

Ms. Nykiel questioned if this conditional use would be able to be re-visited after a period of time to review compliance and any issues that arise. Dan stated he would not expect a time limitation on the conditional use approval due to the size and expense of the project.

Ms. McGucken questioned the noise generated by the plane. Mr. Kocourek stated that the Piper Cub is certified to be 69 decibels or less. Mr. Kocourek was not positive of what distance the certified noise is produced at.

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Chairman Muellner questioned what normal conversation tone would be rated at. Mr. Kussow stated that conversation tone is rated at 65 – 70 decibels.

Brian Pomrening reiterated that having this air strip with houses in the takeoff/landing path increases the chance of crash and increases safety risks.

Motion made by Tom Steele to approve the conditional use request for an air strip to be located on Parcel #'s 34.192807.004.007, 34.192807.008.000, & 34.192807.003.000, subject to the following conditions:

- 1) Daytime operations only**
- 2) Type of aircraft restricted to Piper Cub or similar aircraft**
- 3) The air strip is allowed for private use only and not to be used for commercial or training activities**
- 4) Any accessory structure to the air strip or any modifications to the air strip use will require another conditional use approval**
- 5) Approval of all other permitting regulations through county, state, and federal must be obtained**
- 6) No fuel tanks can be stored on-site**
- 7) Maximum of five (5) round trip flights per week**
- 8) Moving the air strip to the west on the property as far as possible**

Seconded by Kevin Mataczynski. Motion Carried.

Certified Survey Map Approvals: None

New Business: None

Old Business: None

CORRESPONDENCE / QUESTIONS:

- a) *Plan Commission / Town Board joint meeting scheduled for Tuesday, February 19th at 5:30PM*

Mr. Dziadosz explained the agenda of the meeting and the commission commented.

ADJOURN:

Motion by Tom Steele and seconded by Laura McGucken. Motion Carried.
Meeting Adjourned 8:58 pm.

*Respectfully Submitted,
Jeff Kussow, Assistant Zoning Administrator*