

**TOWN OF DELAFIELD  
PLAN COMMISSION MEETING  
January 6, 2009**

**Members present:** T. Oberhaus, P. Kanter (8:05 p.m.), C. Dundon, E. Gratz, G. Meyer, M. Tagtow and L. Cunningham

**Also present:** P. Van Horn, *Town Supervisor*, R. Ackley, *Town Supervisor*, L. Krause, *Town Supervisor*, T. Barbeau, *Town Engineer*, A. Barrows, *Waukesha County*, P. Mortimer, *Code Enforcement Officer*, 20 citizens

**Public Hearing:** Prior to the start of the regularly scheduled Plan Commission meeting there will be two public hearings. The first will be in front of the Town Plan Commission and a representative of the Waukesha County Department of Parks and Land Use to solicit public input on a request by Greg Essig, Western Lakes Golf Course, to amend their Conditional Use permit and dredge a portion of a pond and place and grade the dredged material on an adjacent portion of the golf course. The public hearing opened at 7:04 p.m. Ms. Barrows read the public hearing notice.

*Roger Dupler, Yaggy Colby, spoke on behalf of Mr. Essig. He stated that this 146-acre establishment has been operating under the current conditional use permit since 1993. The purpose of the subject request is to facilitate a new pump intake for irrigation purposes. The proper permits have been applied for through Waukesha County, Wisconsin Department of Natural Resources and the Army Corps of Engineers. He stated that the original Conditional Use did not contain specific language allowing the golf course to dredge the ponds as part of their plan of operation.*

*Mark Augustine, Yaggy Colby, utilized a site plan to highlight the subject site. He indicated that 2900 cubic yards of sedimentation will be dredged. The well pump will be moved approximately 5 ft. from its current location.*

*Rhonda MacLeod, N19W28233 Oakton Rd., wants to make sure the berm will not be blocking her property and view of the golf course and won't affect the water level of wells in this area.*

*The public hearing closed at 7:30 p.m.*

**Public Hearing:** The next public hearing will be in front of the Town Board and Plan Commission. It is at the request of Jack and Linda Schwerman to rezone a portion of the property they own from A-1 Agricultural to A-2 Rural Residential for the purpose of splitting the land for residential lots on land generally located on the east side of Maple Avenue, north of W309 N210 Maple Avenue. The Plan Commission meeting will begin immediately following the conclusion of the public hearing. The public hearing opened at 7:30 p.m. Clerk Elsner read the public hearing notice.

*Mr. Schwerman stated his request to split off 2 5-acre parcels for his daughters. He and his wife have absolutely no plans to develop the remainder of the land in their lifetime. He utilized a concept development plan to identify the subject lots. Both would access off of Maple Avenue.*

*Dale Lindenberg, W309N102 Maple Ave. is concerned that the other adjacent properties would have to be rezoned to A-2.*

*John Miller, N4W30649 Maplefields Path, has no problem with the 2 5-acre lots. He is concerned that there would be another rezoning in the near future.*

*The public hearing closed at 7:45 p.m.*

**First order of business:** Call to order  
*Chairman Oberhaus called the meeting was called to order at 7:50 p.m.*

**Second order of business:** Minutes of November 5, 2008

**MOTION MADE BY MS. DUNDON, SECONDED BY MR. TAGTOW TO APPROVE. MOTION CARRIED.**

**Third order of business:** Communications (for discussion and possible action)

- A. Waukesha County Department of Parks and Land Use (11/7/08) Notice of zoning violation for lands located at N30 W29497 Hillcrest Drive (Lukach property).

*Engineer Barbeau will contact Stephen and Jane Lukach before the next meeting and provide an update at that time.*

**Fourth order of business:** Unfinished Business

- A. Consideration of an addendum to the proposed Town of Delafield Comprehensive Plan as it relates to undeveloped lands adjacent to and along the I-94 corridor.

*Engineer Barbeau stated that all communities were of the understanding that Waukesha County would hold the public hearing for the subject matter in December to include all communities. As this did not occur, the Town will be responsible for holding their own public hearing. He stated that this will be held in February. The following suggested revisions were made to the subject document: The second bullet point should include the words "or more" after 1000 feet; and the words "or Silvernail Road to be included after "Golf Road". The Plan Commission accepted the language to the addendum as revised.*

**Fifth order of business:** New Business

- A. Nancy Jablonski and Neil Guenther, 9035 Upper River Court, River Hills, WI. Re: Request for approval of a Certified Survey Map to reconfigure Lots 3 and 4 of Glacial Hills subdivision located east of CTH KE and south of the CP Railroad in the Southeast ¼ of Section 1.

*Mr. Guenther summarized his request to reconfigure the subject lots to create an 8.2 acre lot abutting CTH KE and a 5.3 acre lot to the east. He stated that the limitations on Lot 3 make it difficult to build a house. He is also requesting to keep the existing garage, on what is referenced on the CSM as Lot 1. He was informed that an accessory structure cannot remain on a lot without a primary residence, per Town code.*

*As the Plan Commission does not have the authority to allow him to keep the garage, the suggestion was made for the applicant to apply for a variance. The lots on the current CSM need to be re-numbered, as they reflect 2- lot #1's and 2- lot #2's.*

**MOTION MADE BY MR. GRATZ, SECONDED BY MR. TAGTOW TO RECOMMEND APPROVAL OF THE CSM TO THE TOWN BOARD TO INCLUDE THE TOWN ENGINEER'S CONDITIONS OUTLINED IN HIS REPORT OF 1/6/09, AND TO INCLUDE THE FOLLOWING: NOTATION ON THE CSM THAT LOT 1 CANNOT BE SPLIT; THE RECORDED DEED RESTRICTION TO REFLECT THAT LOT 1 NOT BE SPLIT AGAIN; OTHER TECHNICAL CORRECTIONS BE MADE; THE APPLICANT REMOVES THE GARAGE OR RECEIVES APPROVAL TO KEEP IT BY THE BOARD OF APPEALS; AND THE APPROVAL FROM THE PLAN COMMISSION NOT BE FORWARDED TO THE TOWN BOARD UNTIL A VARIANCE IS RECEIVED OR THE GARAGE IS TORN DOWN. MOTION CARRIED.**

- B. Western Lakes Golf Course, Greg Essig, owner, Re: Consideration of an amendment to the Conditional Use permit, recommendation to Waukesha County and approval of the dredging of a portion of a pond and placement and grading of the removed material on an adjacent portion of the golf course.

**MOTION MADE BY MR. GRATZ, SECONDED BY MS. DUNDON TO RECOMMEND APPROVAL OF, TO THE TOWN BOARD AND WAUKESHA COUNTY, THE CONDITIONAL USE FOR WESTERN LAKES GOLF COURSE AS NOTED IN THE PLAN COMMISSION REPORT DATED JANUARY 6, 2009, TO INCLUDE STRIKING OF THE SENTENCE LISTED WITHIN AND THE SECOND SENTENCE TO BE REVISED TO READ, “NO GRADING SHALL BE UNDERTAKEN WHICH WOULD ALTER THE EXISTING DRAINAGE PATTERN WITHOUT PRIOR APPROVAL OF THE TOWN AND WAUKESHA COUNTY”. MOTION CARRIED.**

**MOTION MADE BY MR. GRATZ, SECONDED BY MS. DUNDON TO RECOMMEND APPROVAL OF THE DREDGING OPERATION, AS EXPLAINED BY YAGGY COLBY (PLAN DATED 12/8/08), TO INCLUDE THE UNDERSTANDING THAT THERE WILL BE SOME ADJACENT SHORELINE REPAIR THE PLANS OF WHICH WILL BE SHOWN TO AND APPROVED BY STAFF. ALL APPROVALS ARE CONDITIONED UPON APPROVAL OF THE CONDITIONAL USE BY THE TOWN BOARD. MOTION CARRIED.**

- C. Jack and Linda Schwerman, W309 N210 Maple Avenue, Re: Request to rezone a portion of their land from A-1 Agricultural to A-2 Rural Home district, and discussion regarding the proposed land development configuration.

*Discussion followed regarding the possibility for the applicant to create 2 5-acre parcels zoned to A-2 with the balance of land to be combined into 1 large parcel zoned to A-1 to consist of one principal residence. Any accessory buildings on the existing property could be designated as rustic structures and not affect the open space. The petitioner will request the delineation of one certified survey map with 3 lots to include the full legal description.*

**MOTION MADE BY MR. GRATZ, SECONDED BY MR. TAGTOW TO TABLE. MOTION CARRIED.**

**Sixth order of business:** Discussion

- A. Mike Hedtcke, south of W329 S292 CTH C (vacant), Re: Discussion regarding the rezoning of a small parcel of land in order to construct a ranch style home on the property.

*The Plan Commission is not in favor of rezoning the property, as this would create “spot zoning”. They stressed the importance of some type of turn around before going onto CTH C. They suggested that the applicant file for a variance and stated that a representative of the Plan Commission appear at the hearing and support the request.*

**Seventh order of business:** Announcements and Planning Items

- A. Next Meeting – Tuesday, February 3, 2009

**Eighth order of business:** Adjournment

**MOTION MADE BY MR. KANTER, SECONDED BY MS. CUNNINGHAM TO ADJOURN AT 9:35 P.M. MOTION CARRIED.**

Respectfully submitted,

Mary Elsner, CMC, WCMC  
Town Clerk

Minutes approved on February 3, 2009