

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
October 7, 2008**

Members present: T. Oberhaus, P. Kanter, C. Dundon, E. Gratz, M. Tagtow, G. Meyer and L. Cunningham

Also present: R. Mace, *Waukesha County*, T. Barbeau, *Town Engineer*, P. Mortimer, *Code Enforcement Officer*, 12 citizens

Public Hearing: Prior to the start of the regularly scheduled Plan Commission meeting there will be a public hearing in front of the Plan Commission and possibly a quorum of the Town Board. The hearing is to solicit public input on an amendment to the Conditional Use request to permit a transfer of an existing lake access right to one unit of the Maple Bluff Estates Condominium Development proposed at the vacant property located on the northwest side of Maple Avenue in the Southeast ¼ of Section 15. Chairman Oberhaus called the public hearing to order at 7:05 p.m. Mr. Mace read the Public Hearing Notice.

Mr. Mace summarized the reason for holding another Public Hearing in this matter stating that during the Public Hearing held in June 2007, Dr. Hussain represented that the lake access would be transferred to his personal house. Dr. Hussain's current proposal is to attach the lake access to one unit of the development. Dr. Hussain discovered that the access could not be legally transferred to his house.

Richard Potalej, W303 N2569 Maple Ave., argues that since lot 8 does not exist, neither should the lake rights. He stated that several of the owners did not agree with the documents sent to them by Dr. Hussain. He is of the opinion that lot 8 be returned to its original plat and not be included in this development.

Jack Sowinsky, W303N2553 Maple Ave. stated that he is also dealing with the legal matters of the lake access easement.

The Public Hearing closed at 7:22 p.m.

First order of business: Call to Order
Chairman Oberhaus called the meeting to order at 7:23 p.m.

Second order of business: Minutes of September 2 and 16, 2008
Mr. Tagtow directed attention to Item 5A in the September 2 minutes to replace the word "include", in line 4 of the motion, with "limited".

MOTION MADE BY MR. TAGTOW, SECONDED BY MS. DUNDON TO APPROVE WITH THE SUGGESTED AMENDMENT. MOTION CARRIED.

Third order of business: Communications (for discussion and possible action)
A. Waukesha County Board of Adjustment (8/28/08) Amended conditions of approval for the Boemer request W296 N2969 Franciscan Road.
None

Fourth order of business: Unfinished Business
A. Kevin and Sheila Frisinger by Brian Wittman, Deep River Partners, Re: Re-approval of revised restoration plan (updated 9/18/08 based on comments from Waukesha County) for construction of a single family residence in Environmental Corridor at W305 N1552 Silverwood Lane.

The suggestion was made to approve the plan with one note change. It should clarify that the area designated to be new seeded lawn/play area (approximately 7,150 square feet) and any area within the building envelope can be mowed. All other areas shall remain natural.

MOTION MADE BY MR. KANTER, SECONDED BY MR. GRATZ TO APPROVE THE REVISED RESTORATION PLAN WITH THE NEW LANGUAGE PROPOSED AND, IF THE COUNTY IS IN AGREEMENT, THIS MATTER WILL NOT NEED TO COME BACK TO THE TOWN FOR FURTHER APPROVAL. MOTION CARRIED.

- B. Dr. Syed Hussain, Maple Bluff Estates, approximately W303 N2595 Maple Avenue, Re: Consideration of amendment to the Conditional Use Permit in order to allow the transfer of an existing lake access right to one unit of the Maple Bluff Estates Condominium Development

The following suggested was made to revise the Town Engineer's recommended language to be incorporated in the C.U. Permit: "To the extent that historical lake access previously held by Lot 8 Block A Plat of Addition to Crystal Springs Park may be assigned, that access is assigned to Unit 1 of the proposed development, as shown on the attached layout. If assignable, the access rights shall solely vest in Unit 1 and shall not be for the benefit of any other unit owner in the Maple Bluff Estates Condominium development. It was also suggested to amend all references of "rain gardens" to "bioretention basins".

MOTION MADE BY MR. KANTER, SECONDED BY MR. GRATZ TO APPROVE WITH AMENDMENTS. MOTION CARRIED.

Fifth order of business: New Business

- A. Kent Hanson, W311 N299 Paradise Valley Court, Re: Request for plat approval of Addendum No. 1 to the Scuppernong Springs Condominium development for Units 1, 2, 3, 5, 6, 7, 8, 9 and 11.

Engineer Barbeau stated that he was notified of a change in the FEMA map designating the flood plain boundaries. This affects a number of units on the subject property in that they will not meet the 75' setback requirement. It was suggested that Mr. Hanson go through the variance process for appropriate approvals.

MOTION MADE BY MR. TAGTOW, SECONDED BY MS. DUNDON TO REQUEST THAT MR. HANSON APPLY FOR A VARIANCE AND THAT A REPRESENTATIVE OF THE PLAN COMMISSION BE IN ATTENDANCE IN SUPPORT OF HIS REQUEST. MOTION CARRIED.

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

- B. Kent Hanson, W311 N299 Paradise Valley Court, Re: Request for lot allocation and preliminary plat approval for the Paradise Valley Subdivision located south of Lexington Lane, adjacent to Paradise Valley Court in the Southeast ¼ of Section 28.

MOTION MADE BY MR. GRATZ, SECONDED BY MS. DUNDON TO APPROVE THE LOT ALLOCATION AND PRELIMINARY PLAT FOR PARADISE VALLEY SUBDIVISION SUBJECT TO ENGINEER BARBEAU'S RECOMMENDATION. MOTION CARRIED.

- C. Town of Delafield Smart Growth Plan Update and Land Use Map.

Engineer Barbeau stated that the final plan will go to public hearing in November. Per request, the Town was granted allowance to calculate the 1 per 5 acres density on lands located south of the interstate. The Town will adopt a refinement to the plan and booklet after the public hearing, and Waukesha County will adopt it in January. Engineer Barbeau was requested to research any necessary ordinance amendments.

Sixth order of business: Discussion

A. None

Seventh order of business: Announcements and Planning Items

A. Next business meeting – Wednesday, November 5, 2008

Eighth order of business: Adjournment

**MOTION MADE BY MR. KANTER, SECONDED BY MR. TAGTOW TO ADJOURN AT 9:15 P.M.
MOTION CARRIED.**

Respectfully submitted,

Mary Elsner, CMC, WCMC

Town Clerk

Minutes approved on November 5, 2008