

**TOWN OF DELAFIELD  
PLAN COMMISSION MEETING  
November 20, 2007**

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

**Also present:** T. Barbeau, *Town Engineer*, P. Mortimer, *Code Enforcement Officer*, 4 citizens

**First order of business:** Call to order  
*Chairman Oberhaus called the meeting to order at 7:05 p.m.*

**Second order of business:** Sandra Falatyk, Northwind Technical Services: Request for approval of sign at W307 N1499 Golf Road.

*Mr. Barbeau summarized the proposed request for a 3'x6', single-faced sign at the entrance of the subject property located west of the Ridgepoint development across the street from the Town Hall. The sign will be placed 7.3' above the ground. The petitioner was requested by the Plan Commission to include the "Town of Delafield" on the sign.*

**MOTION MADE BY MS. DUNDON, SECONDED BY MR. GRATZ TO APPROVE CONDITIONED UPON ADDING THE TOWN OF DELAFIELD TO THE SIGN AND INCLUDING STAFF'S RECOMMENDATION TO ADD LOW SHRUBBERY OF 2-3' AT THE BASE. MOTION CARRIED.**

**Third order of business:** John Ziebell, Hickory Hill Homes, Request for approval to construct a home outside of the designated building envelope.

*Mr. Barbeau summarized the proposed request stating that he contacted Attorney Riffle for direction on the Plan Commission's authority to approve modifications to the subject building envelope. He referenced the Arbor's deed restrictions and covenants stating the following: "...said owners may request modifications of said restrictions or building envelope areas by the Town of Delafield Planning Commission and the Waukesha County Park and Planning Commission". Mr. Kanter stated that if the covenants did not specifically provide for the Plan Commission to approve modifications, this request would be similar to those proposing to "open up" subdivisions.*

*Mr. Ziebell expressed his concern stating that Hickory Hill Homes cannot place a compatible home on the site without getting approval to change the building envelope because the subdivision has two restrictions regarding placement of a house on this property. 1. The house must be a minimum of 3000 sq. ft.; 2. The garage doors cannot be placed in the front of the house. He provided a dead tree inventory of the property and informed the Plan Commission that he will preserve all good trees and replant these that are in the footprint of the house or driveway on other areas of the property.*

**MOTION MADE BY MR. KANTER, SECONDED BY MR. TAGTOW TO MODIFY THE BUILDING ENVELOPE FOR LOT 4 OF THE ARBORS SUBDIVISION TO REFLECT THE ARCHITECTURAL DESIGN PREPARED BY SEASONAL SERVICES DATED 10/30/07 ON THE CONDITION THAT THE UNUSED ORIGINAL BUILDING ENVELOPE ON THE NORTH SIDE OF THE LOT, RUNNING PARALLEL TO MAPLE AVENUE, BE FOREVER MORE ABANDONED. MOTION CARRIED.**

**Fourth order of business:** Clarification of open space calculation.

*Mr. Hans Meyer, W290 N3030 Hillcrest Drive, submitted a letter to Chairman Oberhaus requesting clarification of the Plan Commission's process in handling open space requests. Chairman Oberhaus informed Mr. Meyer that the Plan Commission is not an enforcement agency. Their responsibilities are to help adopt the Town Code and determine whether or not building and structure developments meet the code. The enforcement agency is the code enforcement officer/building inspector, and the Town Board grants final approval when required. Mr. Meyer questioned whether or not sidewalks,*

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graveled areas and stairways are included in open space calculations. Discussion followed on the questions used to determine this: 1. what is the surface; 2. what is the use for the surface. The Plan Commission responded to Mr. Meyer's question regarding impact of public right-of-ways in determining open space in the following manner: If a right-of-way is set aside for public use, it comes out of the calculations. If there is an easement through a property owned by the neighbors, it must be included in the open space calculation. A utility right-of-way would only be included in the calculation if it is part of the property. The Commission requested Staff to clarify this in the zoning code and draft an appropriate ordinance relating to the same. Mr. Meyer was informed that all challenges to open space are to be handled through the code enforcement officer/building inspector and, lastly, the Zoning Board of Appeals.

**Fifth order of business:** Determination on how to address various types of utility facilities (cabinets, transformer boxes, etc.) with respect to the Town's definition of structure.

*Mr. Barbeau stated that he requested clarification from Attorney Riffle regarding the difference between a pedestal and a structure. He also questioned how other communities address these structures. As utility cabinets are getting larger, how should they be handled? The Plan Commission determined that a service pedestal or service cabinet should be permitted, and terminal equipment should be excluded. If an easement was granted by property owner, it should count against the open space. Also, utility companies need to apply for a building permit. Mr. Barbeau will contact Attorney Riffle and request direction on this determination, along with setback and screening requirements.*

**Sixth order of business:** Status report on the preparation of the Waukesha County Comprehensive Plan and evaluation of the Town Land Use Plan.

*Mr. Barbeau provided a comprehensive planning status report handout. He stated that the project will extend into 2008. The goal is to have the subject plan completed by February 2008 followed by a public hearing. He stated that the committee members will look at land use plans for the communities to determine if they are meeting the goals of the plan. They will also compare land use objectives with land use plans. He stated that he will keep the Plan Commission updated.*

**Seventh order of business:** Adjournment

**MOTION MADE BY MR. TAGTOW, SECONDED BY MR. GRATZ TO ADJOURN AT 9:35 P.M.  
MOTION CARRIED.**

Respectfully submitted,

Mary Elsner, CMC, WCMC  
Town Clerk

Minutes approved on January 15, 2008