

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
April 4, 2007**

Members present: T. Oberhaus, P. Kanter, C. Dundon, E. Gratz, M. Tagtow, G. Meyer (arrived at 7:40 p.m.), L. Cunningham

Also present: T. Barbeau, *Town Engineer*, P. Mortimer, *Code Enforcement Officer*, J. Stevens, *Lake Country Reporter*, 9 citizens

First order of business: Call to Order
Chairman Oberhaus called the meeting to order at 7:05 P.M.

Second order of business: Minutes of March 6 and 20, 2007; Public Hearing Notes from March 15

MOTION MADE BY MS. DUNDON, SECONDED BY MR. TAGTOW TO APPROVE SUBJECT TO ONE MINOR CORRECTION TO THE MARCH 20 MINUTES. MOTION CARRIED.

Third order of business: Communications (for discussion and possible action)
A. None

Fourth order of business: Unfinished Business
A. Kent Hanson, Scuppernong Springs LLC Re: Review and approval of the final site, site grading, landscape plan and Condominium Plat for the development of Scuppernong Springs on lands located in the Southeast ¼ of Section 28, west of STH 83 and south of Alberta Drive.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. GRATZ TO REMOVE FROM THE TABLE. MOTION CARRIED.

Mr. Barbeau summarized stating the stormwater management plan has been approved by Waukesha County. The site layout, providing for 11 buildings with two units per building, has not changed and is in conformance with the preliminary layout that had been previously approved. Since Scuppernong Creek is a cold water creek, a detention pond is not allowed. Rather, water will be directed through storm pipes and swales to an infiltration basin. The overflow directs the water through a swale to a bio-retention basin. Both basins will be planted with native plants (in wet soils) that have deep roots to assist in infiltration of the water. The condo owners will be notified of the requirement of a maintenance agreement to make sure the basins function in accordance with the design. In the attempt to try to fit buildings to the grade, retaining walls are proposed west of the private road, south of the emergency access and between the road and buildings 4 and 5. The condo owners will be responsible for landscaping their buildings.

MOTION MADE BY MR. GRATZ, SECONDED BY MS. CUNNINGHAM TO APPROVE THE SITE GRADING, LANDSCAPE, WATER RETENTION AND ARCHITECTURAL PLANS PRESENTED ON 4/4/07. MOTION CARRIED.

MOTION MADE BY MR. GRATZ, SECONDED BY MS. DUNDON TO RECOMMEND APPROVAL OF THE CONDOMINIUM PLAT TO THE TOWN BOARD, DATED 3/20/07, SUBJECT TO MINOR TECHNICAL CORRECTIONS PRESENTED BY THE TOWN ENGINEER. MOTION CARRIED.

B. Carl Tomich, Westridge Builders, (tabled 3/20/07) Re: Request for approval of a Legal Non-Conforming Conditional Use permit to allow the construction of two single family condominiums on one parcel located at N26 W30249 Maple Avenue and approval of the site plan, grading plan, (former marina property), landscape plan, architectural drawings and materials.

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

Mr. Barbeau summarized the proposed request for a legal non-conforming use to allow two single-family condominiums on the former Pewaukee Marina parcel located on Maple Avenue. He stated that the Town Attorney suggested this be handled as a legal non-conforming conditional use permit. Discussion followed on the proposed driveway, 32-feet at the roadway. The general consensus is to minimize the driveway entrance to 22 feet with an 11-foot width. A detailed discussion followed on whether or not this proposal is unique or special enough to allow for a legal non-conforming Conditional Use permit according to Town code.

MOTION MADE BY MR. GRATZ, SECONDED BY MS. DUNDON TO TABLE THIS MATTER TO ALLOW STAFF TO CONFER WITH THE TOWN ATTORNEY ON THE FOLLOWING ISSUES: 1. SITUATIONS IN WHICH TO APPLY A CONDITIONAL USE; 2. WHETHER OR NOT THE PLAN COMMISSION HAS THE LEGAL AUTHORITY TO CREATE A NON-CONFORMING PROPERTY IF THEY WOULD BE DOING THAT IN THIS CASE. MOTION CARRIED.

Fifth order of business: New Business

A. John F. Meyer, W290 N3030 Hillcrest Drive, Re: Request for approval of a height increase for the construction of an accessory building (garage) that exceeds the overall height limit.

MOTION MADE BY MR. GRATZ, SECONDED BY MS. DUNDON TO APPROVE THE HEIGHT INCREASE UP TO 8 FT. AS LONG AS THE GARAGE MEETS ALL APPLICABLE CODES AND TO REMOVE THE EXISTING ACCESSORY BUILDING AT OR BEFORE FINAL INSPECTION. MS. CUNNINGHAM – ABSTAINED, MOTION CARRIED.

B. Mark Moertl, Boatgas Marine Refueling Service, LLC Re: Request for approval of a Conditional Use permit to operate a barge on Pewaukee Lake for the refueling of riparian owner's boats.

Mr. Moertl stated that he does not agree with the conditions in the draft Conditional Use permit requiring him to wear a kill switch lanyard and a life preserver. Discussion followed on the pros and cons of these requirements. The following revisions were made to the subject document: Letter "D", 1st sentence to read: "Refueling shall be limited to those boats that are moored in front of the riparian owner's land and have permission from the riparian owner to be moored there. In the second sentence the following shall be omitted, "boats not owned by the respective riparian land owner, boats owned by non-riparian land owners"; In letter "F" the days and hours of operation shall be revised as follows: "Service may begin on May 21 and shall terminate no later than October 30 of each year"; Letter J to reflect that the Certification of Insurance shall be submitted no later than May 15 (rather than April 15); Letter K to be revised to read, "The kill switch lanyard shall be connected to the barge operator when the barge is under power".

MOTION MADE BY MR. GRATZ, SECONDED BY MS. DUNDON TO APPROVE THE CONDITIONAL USE PERMIT GRANTING MARK MOERTL OPERATION OF A BARGE ON PEWAUKEE LAKE FOR THE REFUELING OF RIPARIAN OWNER'S BOATS WITH MODIFICATIONS AS NOTED IN THE MINUTES. MOTION CARRIED.

Sixth order of business: Discussion

A. None

Seventh order of business: Announcements and Planning Items

A. Next meeting – April 17, 2007

Eighth order of business: Adjournment

MOTION MADE BY MR. GRATZ, SECONDED BY MR. TAGTOW TO ADJOURN AT 9:30 P.M. MOTION CARRIED.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk

Minutes approved on May 1, 2007