

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, April 20, 2010**

Members present: T. Oberhaus, P. Kanter, M. Tagtow, L. Cunningham and B. Cooley

Members absent: C. Dundon and E. Gratz

Also present: T. Barbeau, Town Engineer, A. Barrows, Waukesha County Department of Parks and Land Use, P. Mortimer, Code Enforcement Officer, 8 citizens

Prior to the start of the scheduled Plan Commission meeting there will be a public hearing in front of the Town Plan Commission and a representative from Waukesha County Department of Parks and Land Use to solicit public input on allowing land altering activities associated with the removal of a portion of the parking lot and building at the former Lakeview Lanes site, and terminate the Lakeview Lanes Conditional Use permit. The Plan Commission meeting will begin immediately following the conclusion of the public hearing. Chairman Oberhaus called the Public Hearing to order at 7:03 p.m. Amy Barrows read the Public Hearing notice.

Jay Diebold, Shaw Environmental, summarized the proposed plans to remove the existing hard surface and replace it with green space (resulting in 65% of green space on the property). He stated his intention to: leave the L-shaped portion of the pavement, eliminate the 3-tiered retaining wall, take down the 2-story portion of the building, use on-site soil for grading, vacate the 20-ft. driveway easement, pull pavement back 10 ft. from the lot line. This project will consist of 2 phases: 1. perform a pre-demolition survey of hazardous materials and removal of hazardous materials in mid May; 2. building demolition and grading. He stated that the project will take approximately 3 weeks to complete.

Amy Barrows stated that the current conditional use does include land altering activities. The following requirements need to be met per Waukesha County: component of terminating the conditional use for the bowling alley and also include this parcel as part of St. Anthony's conditional use; require 10 ft. setback for parking stalls; and, screen with vegetation with at least 4 ft. in height along any residential districts.

Engineer Barbeau questioned how many parking stalls will be located on the site (east side). Mr. Diebold stated that they will be reduced to 76. In response to Mr. Barbeau's question as to whether or not the adjacent owners have granted permission to allow grading and restoration of their land, Mr. Diebold stated that he was informed a letter will be sent to the town this week.

Mr. Kanter questioned why we are we not combining tax keys, as this would be the logical way to move forward.

Dawn Jordan, N21W28081 Domecki Court, questioned what will happen with removal of the lead exterior paint. She is concerned with the groundwater, as their well is located directly below. She questioned whether or not there will be a check and balance system. Mr. Mortimer explained the razing permit policies. She also expressed concerned about water drainage on their property because of the existing incline. Mr. Kanter requested that Mr. Diebold provide the town with copies of demolition contractor's licenses.

The public hearing closed at 7:38 p.m.

First order of business: Call to Order

Chairman Oberhaus called the meeting to order at 7:38 p.m.

Second order of business: Consideration and possible action on allowing earth altering activities on lands owned by St. Anthony's Church (former Lakeview Lanes property); consideration of termination of the Conditional Use permit for Lakeview Lanes and approval to allow St. Anthony's to have parking being located on an adjoining parcel.

MOTION MADE MR. MR. KANTER, SECONDED BY MR. TAGTOW TO RECOMMEND THAT WAUKESHA COUNTY ISSUE THE NECESSARY PERMITS FOR DEMOLITION AND EARTH ALTERING ACTIVITIES AS PROPOSED, CONDITIONED UPON WRITTEN APPROVAL FROM ADJACENT PROPERTY OWNERS. MOTION CARRIED.

MOTION MADE BY MR. KANTER, SECONDED BY MS. CUNNINGHAM TO RECOMMEND APPROVAL TO WAUKESHA COUNTY TO TERMINATE THE CONDITIONAL USE PERMIT FOR LAKEVIEW LANES BASED ON THE VOLUNTARY INVOLVEMENT FROM ST. ANTHONY'S CHURCH TO TERMINATE THE SUBJECT PERMIT. MOTION CARRIED.

Third order of business: Lloyd & Cheryl Williams W289 N520 Elmhurst Road Re: Consideration and approval of a Conditional Use amendment to allow the retail sale of cheese and bottled milk on their property located at W289 N520 Elmhurst Road (tabled 4/7/10)

MOTION MADE BY MR. KANTER, SECONDED BY MS. CUNNINGHAM TO REMOVE FROM THE TABLE. MOTION CARRIED.

Engineer Barbeau stated that Mr. Williams submitted updated detailed drawings of the subject building including the specific numbering of the accessory buildings on the site. He directed attention to Letter J. 1. of the conditional use amendment which reflects 20,597 square feet.

MOTION MADE BY MR. TAGTOW, SECONDED BY MR. COOLEY TO RECOMMEND APPROVAL OF THE CONDITIONAL USE AMENDMENT TO THE TOWN BOARD. MOTION CARRIED.

Fourth order of business: Lloyd & Cheryl Williams W289 N520 Elmhurst Road Re: Consideration and approval of the site plan and architectural plans for the proposed cheese making and retail facility.

MOTION MADE BY MR. TAGTOW, SECONDED BY MS. CUNNINGHAM TO APPROVE THE SITE PLAN DATED 3/3/10 AND THE ELEVATIONS AND FLOOR PLANS DATED 4/13/10, AS PRESENTED AT THE 4/20/10 PLAN COMMISSION MEETING. MOTION CARRIED.

Fifth order of business: Consideration and possible action on the review of Conditional Uses:

- A. Molkentin Hobby Kennel – *Engineer Barbeau stated that he met with the subject owner, and she stated that she has more than the 5 dogs allowed in her conditional use permit. She breeds a number of dogs for approximately 3 months and then sells them. She has installed an additional fence on her property. The Plan Commission directed staff to contact the owner and request that she appear at a future meeting to provide an update of her current use.*
- B. Cornerstone Church – *Engineer Barbeau has not yet been in contact with Cornerstone Church.*
- C. Kettle Moraine School property – *Engineer Barbeau stated that the subject property is just east of Brandybrook School. As the school bought the property in 1998 and the terms of the conditional use permit reflect that it remains in effect for 10 years, it has expired.*
- D. Golden Anchor – *Engineer Barbeau will contact the owner and work with him on a current signage issue and others that exist on the property. He will also direct the owner to appear before the Plan Commission to provide updated information.*

- E. American Green – *Engineer Barbeau stated that he met with Mrs. Klawitter. She and her husband are in compliance with the operational terms listed in the current conditional use, but they are not in compliance with the acreage requirement, as they no longer own or have a lease for 10 acres of the land. The Klawitter's requested that the Town wait until after their court trial in July with any proceedings regarding this issue.*

Sixth order of business: Consideration of policies and procedures related to determination and enforcement of open space and other related code requirements.

Mr. Kanter stated the need to set procedures that will lead to proper enforcement of the code before problems occur. He suggested that a survey be required for additions, new homes, landscaping, grading, etc. This should be followed up by a site inspection of the property, with the cost of the inspection included in the permit fee. Discussion followed on the need for an "after the fact" survey. Engineer Barbeau will bring back a procedural format based on the discussion of the issue.

Seventh order of business: Adjournment

**MOTION BY MR. TAGTOW, SECONDED BY MS. CUNNINGHAM TO ADJOURN AT 9:45 P.M.
MOTION CARRIED.**

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on June 1, 2010