

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
May 1, 2007**

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

Members absent: G. Meyer

Also present: L. Krause, *Town Board Supervisor*, T. Barbeau, *Town Engineer*, P. Mortimer, *Code Enforcement Officer*, 8 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 April 4 and 17, 2007

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

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

A. None

Fourth order of business: Unfinished Business

B. Carl Tomich, Westridge Builders, (tabled 4/17/07) 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, landscape plan, architectural drawings and materials.

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

Mr. Barbeau summarized stating that a condition be added to the conditional use permit referencing removal of all existing buildings prior to construction. Also, there have not been any changes made to the driveway. The Commission requested that it be narrower than the original proposal of 32 feet at the roadway. He stated that a condition of the permit is to require the owner to prepare a certified survey map to dedicate the difference between the existing right-of-way (24.75 feet) and the required 33 feet to the south side of Maple Avenue.

Mr. Gratz referenced his e-mail summarizing his concerns regarding approval of this project within the existing ordinances. (e- mail document on file dated 4/24/07) He stated that Attorney Riffle informed him of the Towns authority to clean up the property by process of a legal non-conforming conditional use. As the land use has not been discontinued for 12 months, it has not lost its legal non-conforming status.

Mr. Barbeau stated that a deed restriction was placed on the property by the original owner (Mr. Seitz) allowing for only a single-family home to be built. The owner will need to resolve this title issue. A detailed discussion followed on the Town being responsible for any future problems that may arise (possible litigation) if this request is approved. The suggestion was made to condition the approval of the permit on resolution of the deed restriction. Mr. Tomich will work with staff to reduce the driveway width in an effort to save the two existing trees as presented on the plan. The Commission requested that it be 24 ft. at the roadway and 16' wide.

MOTION MADE BY MR. KANTER, SECONDED BY MS. CUNNINGHAM TO RECOMMEND APPROVAL OF THE PROPOSED TWO SINGLE-FAMILY CONDOMINIUMS NON-CONFORMING CONDITIONAL USE PERMIT, SITE PLAN, GRADING PLAN, LANDSCAPE PLAN, ARCHITECTURAL DRAWINGS AND MATERIALS TO THE TOWN BOARD SUBJECT

TO AMENDMENTS TO THE CONDITIONAL USE PERMIT DISCUSSED THIS EVENING: 1, THE DEVELOPER TO REMOVE ALL EXISTING BUILDINGS ON THE PROPERTY; 2. RESOLUTION OF THE DEED RESTRICTION ON THE TITLE; 3. REDUCTION OFF THE ENTRANCE OF MAPLE AVENUE TO 24'; 4. STAFF APPROVAL OF THE DRIVEWAY ISSUE IN THE EFFORT TO SAVE THE TWO TREES. MR. GRATZ – NO, MR. TAGTOW – NO. MOTION CARRIED.

Fifth order of business: New Business

- A. Dennis Hilgart N11 W28723 Northview Road, Re: Request for approval of a Certified Survey Map to create one new lot at and adjacent to N11 W28723 Northview Road.

Mr. Barbeau stated that Mr. Hilgart received County approval on the rezoning request. The land is zoned A-2, with the easterly parcel being 3 acres to meet the area requirements and the westerly parcel approximately 7.3 acres. The surveyor has incorporated all comments into the proposed document. Mr. Hilgart is aware that soil borings need to be done.

MOTION MADE BY MR. TAGTOW, SECONDED BY MS. DUNDON TO RECOMMEND APPROVAL OF THE CERTIFIED SURVEY MAP TO THE TOWN BOARD CONDITIONED UPON THE NEW SOIL TEST BORINGS. MOTION CARRIED.

MOTION BY MR. KANTER, SECONDED BY MS. CUNNINGHAM TO AMEND THE PREVIOUS MOTION TO RESTRICT ANY FURTHER DIVISION OF LOT 1. MR. GRATZ – NO, MR. TAGTOW – NO, MS. DUNDON- NO. MOTION FAILED.

- B. Mike Knoebel, N28 W29819 Shorewood Road, Re: Request for approval of a Certified Survey Map to reconfigure lots at N28 W29819 Shorewood Road and W298 N2778 Shady Lane.

MOTION MADE BY MR. TAGTOW, SECONDED BY MR. GRATZ TO RECOMMEND APPROVAL OF THE CSM TO THE TOWN BOARD DATED 4/25/07 WITH THE CONDITION THAT THE CSM IS NOT SIGNED UNTIL THE SHEDS HAVE BEEN COMPLETELY REMOVED. MOTION CARRIED.

Sixth order of business: Discussion

- A. None

Seventh order of business: Announcements and Planning Items

- A. Next meeting – June 5, 2007

Eighth order of business: Adjournment

MOTION MADE BY MR. GRATZ, SECONDED BY MR. TAGTOW TO ADJOURN AT 8:30 P.M. MOTION CARRIED.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk

Minutes approved on June 5, 2007