

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, May 4, 2010**

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

Also present: T. Barbeau, *Town Engineer*, P. Mortimer, *Code Enforcement officer*, T. DeLacy, *Independent Inspections*, 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: Approval of the minutes of April 7, 2010
**MOTION MADE BY MS. DUNDON, SECONDED BY MR. TAGTOW TO APPROVE.
MOTION CARRIED.**

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

Fourth order of business: Unfinished Business
A. Consideration of policies and procedures related to determination and enforcement of open space and other related code requirements.

This item will remain on the table.

Fifth order of business: New Business
A. Dale Wawrzyn, W331 S626 Erin Way, Re: Consideration and possible action on the request for renewal of his Home Occupation permit to operate Rolling Hills Landscaping Service.

Engineer Barbeau stated that he visited the subject property recently and saw a pallet sitting outside the property. The owner confirmed it is for his residence, not the business. Mr. Wawrzyn submitted signatures from his neighbors confirming their approval of his landscaping business.

MOTION MADE BY MS. CUNNINGHAM, SECONDED BY BILLY COOLEY TO RECOMMEND A ONE-YEAR RENEWAL OF THE HOME OCCUPATION PERMIT FOR ROLLING HILLS LANDSCAPING SERVICE. MOTION CARRIED.

B. Susan Staudt, Dover Bay Homeowners Association, Re: Consideration and possible action on a request for approval to remove and reinstall the entrance sign at Dover Bay subdivision at the corner of Southampton Drive and Silvernail Road.

Ms. Staudt summarized the subject proposal to remodel the existing entrance sign at Dover Bay subdivision. In response to the question as to whether or not the "Town of Delafield" could be placed on the sign, Ms. Staudt stated that there would be not sufficient room to add it. She also stated that she is working on a fixed budget. She offered the option of installing a free standing sign, if it could be done for \$1,000 or less.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. COOLEY TO APPROVE THE REINSTALLATION AND REMODELING OF THE ENTRANCE SIGN AT DOVER BAY SUBDIVISION AND THE BERMING WORK THAT WILL BE DONE WITH THE UNDERSTANDING THAT IF FISCALLY POSSIBLE (\$1,000 OR LESS), THE "TOWN OF DELAFIELD" WILL BE ADDED TO THE SIGN. MOTION CARRIED.

- C. Vince and Heather Siegel, American Fireworks & Novelties, LLC 1330 Edwards St. Brookfield, WI, Re: Consideration and possible action on a request to sell consumer grade fireworks under section 17.03 2. J. Temporary Uses and Buildings in a tent facility to be located on Golf Road approximately ½ mile west of CTH SS on lands owned by Fiduciary Real Estate Development Company.

Engineer Barbeau referenced Wis. Stats. 167.10 – Regulation of Fireworks- definition. Mr. Siegel stated that his items are not legally defined as fireworks, they are novelties. He referenced Section 17.03 2.J. of the zoning code, which allows for temporary uses and structures only permitted with approval of the Plan Commission.

The general consensus of the Plan Commission is the subject area does not allow for retail sales, and this proposal is not appropriate for this tract of land.

MOTION MADE BY MR. KANTER, SECONDED BY MR. GRATZ TO DENY. MOTION CARRIED.

- D. Alan Schultz, N23 W28992 Louis Avenue, Re: Consideration and recommendation to the Town Board on a resolution to vacate and discontinue a portion of Louis Avenue right-of-way.

MOTION MADE BY MS. DUNDON, SECONDED BY MS. CUNNINGHAM TO RECOMMEND APPROVAL TO THE TOWN BOARD TO VACATE AND DISCONTINUE A PORTION OF LOUIS AVENUE RIGHT-OF-WAY. MOTION CARRIED.

- E. Alan Schultz, N23 W28992 Louis Avenue, Re: Consideration and possible action of a Certified Survey Map defining the property at N23 W28992 Louis Avenue after execution of possible road vacation, and dedication of a portion of the land currently occupied by a duplex residential building.

MOTION MADE BY MR. TAGTOW, SECONDED BY MS. DUNDON TO APPROVE THE CERTIFIED SURVEY MAP DEFINING THE PROPERTY AT N23 W28992 LOUIS AVENUE AFTER EXECUTION OF POSSIBLE ROAD VACATION, AND DEDICATION OF A PORTION OF THE LAND CURRENTLY OCCUPIED BY A DUPLEX RESIDENTIAL BUILDING SUBJECT TO THE FOLLOWING CONDITIONS OF THE TOWN ENGINEER:

1. Incorporation of comments after review by Waukesha County Department of Parks and Land Use.
2. Either removal of the structure in the proposed right-of-way dedication area or submission of a bond for the removal of the duplex apartment prior to the Town Board executing the document.
3. Execution and recording of the road vacation.
4. The applicant satisfying all comments, conditions and concerns of the Town Engineer, Plan Commission or Town Board.
5. Receipt of all other required signatures inscribed on the Conditional Use submittal, prior to the Town affixing any required signatures.
6. The applicant reimbursing the Town of Delafield for all costs and expenses of any type that the Town incurs in connection with this document, including the cost of profession services incurred by the Town (legal, engineering, planning, consulting) for the review and preparation of the required documents or attendance at meetings or other related services for this application, as well as enforcement of conditions associated with any conditional approval in the event of a violation of the conditions. **MOTION CARRIED.**

- F. John McIlquham, Giertsen Company, agent for Jeff and Mary Harvie, N29 W30388 Hawksnest Court, Re: Consideration and possible action on a Certified Survey Map to combine two lots into one lot.

MOTION MADE BY MR. TAGTOW, SECONDED BY MR. GRATZ TO APPROVE A CERTIFIED SURVEY MAP FOR JEFF AND MARY HARVIE, N29 W30388 HAWKSNEST COURT, TO COMBINE TWO LOTS INTO ONE LOT SUBJECT TO THE FOLLOWING STAFF RECOMMENDATIONS: 1. THE APPLICANT SATISFYING ALL COMMENTS, CONDITIONS OF THE TOWN ENGINEER, PLAN COMMISSION OR TOWN BOARD; 2. RECEIPT OF ALL OTHER REQUIRED SIGNATURES INSCRIBED ON THE CONDITIONAL USE SUBMITTAL, PRIOR TO THE TOWN AFFIXING ANY REQUIRED SIGNATURES; 3. THE APPLICANT REIMBURSING THE TOWN OF DELAFIELD FOR ALL COSTS AND EXPENSES OF ANY TYPE THAT THE TOWN INCURS IN CONNECTION WITH THIS DOCUMENT, INCLUDING THE COST OF PROFESSIONAL SERVICES INCURRED BY THE TOWN (LEGAL, ENGINEERING, PLANNING, CONSULTING) FOR THE REVIEW AND PREPARATION OF THE REQUIRED DOCUMENTS OR ATTENDANCE AT MEETINGS OR OTHER RELATED SERVICES FOR THIS APPLICATION, AS WELL AS ENFORCEMENT OF CONDITIONS ASSOCIATED WITH ANY CONDITIONAL APPROVAL IN THE EVENT OF A VIOLATION OF THE CONDITIONS. MOTION CARRIED.

Sixth order of business: Discussion

- A. James Marx, W296 N1926 Glen Cove Road Re: Discussion related to rezoning the Marx property from A-1 to R-2 and possible land split.

Engineer Barbeau summarized the proposal to split off the northern half of the subject property along the bike trail. The general consensus of the plan commission is that the size of the subject lot fits into the density of the neighborhood and it should not be split.

Seventh order of business: Announcements and Planning Items – Next meeting – Tuesday, May 18, 2010

Eighth order of business: Adjournment

MOTION MADE BY MR. TAGTOW, SECONDED BY MS. CUNNINGHAM TO ADJOURN AT 8:40 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on June 1, 2010