

**TOWN OF DELAFIELD  
PLAN COMMISSION MEETING  
Tuesday, July 6, 2010**

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

Members absent: L. Cunningham

Also present: T. Barbeau, *Town Engineer*, A. Barrows, *Waukesha County Parks and Land Use*,  
15 citizens

*Prior to the start of the scheduled Plan Commission meeting there will be a joint public hearing with the Waukesha County Department of Parks and Land Use to solicit public input on a Conditional Use request by the Town of Delafield to install a recreational path within the shoreland jurisdiction of Waukesha County that will include grading, excavation, filling, extension of culverts and installation of a boardwalk within the wetland and floodplain. The Town Plan Commission meeting will begin immediately following the conclusion of the public hearing. Chairman Oberhaus called the Public Hearing to order at 7:00 p.m. Amy Barrows read the Public Hearing notice.*

*Larry Sheets, 2606 Lander Lane, Waukesha, stated that the bike path abuts his property for one mile. He is concerned about the present proposal to use the center of the section to determine the right-of-way location. At the present time, he is renting out approximately 5 acres of land that is being used for corn growing that ends up within the right-of-way boundaries. He questioned how his area of land will be affected.*

*Paul Sandgren, WI Dept. of Natural Resources, stated that the subject proposal will provide benefits for connecting existing trails and provide opportunities for more users.*

*Kathleen Drake, W322S1707 Moraine View Dr., stated that she has lived in the area for 16 years and uses the Glacial Drumlin Trail on a regular basis. She is excited about this proposal, as it will enhance the Lake Country area.*

*The public hearing closed at 7:30 p.m.*

**First order of business:** Call to Order

*Chairman Oberhaus called the meeting to order at 7:30 p.m.*

**Second order of business:** Approval of the minutes of June 1, 2010

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

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

A. Waukesha County Department of Parks and Land Use (6/15/10) and (6/28/10) Violation at Lot 5 Grandhaven subdivision.

*Engineer Barbeau stated that Mr. Carter submitted a restoration plan to Waukesha County on the 28<sup>th</sup> and it was approved. As directed, he approved the subject plan on behalf of the town. It includes a 2-year maintenance plan in order to get everything back to native vegetation. The work will begin in fall of this year.*

**MOTION MADE BY MR. KANTER, SECONDED BY MR. GRATZ TO MOVE ITEM 4A TO THE END OF THE MEETING. MOTION CARRIED.**

**Fourth order of business:** Unfinished Business

B. Saul and Jenny Suster, N14 W30351 Willow Hill Road Re: Consideration and possible action on the request for modification of the building envelope area for grading and land disturbing activities outside the current building envelope on Lot 69, The Arbors subdivision.

**MOTION MADE BY MR. KANTER, SECONDED BY MS. DUNDON TO APPROVE THE PLANS AS REFLECTED ON THE PARAGON DESIGN GROUP DRAWINGS DATED 6/28/10 MARKED L1.0, L1.1 AND L2.0 SUBJECT FIRST TO THE PREPARATION (BY APPLICANT) AND APPROVAL (BY TOWN ENGINEER AND TOWN ATTORNEY) OF A DEED RESTRICTION WHICH WOULD MODIFY THE PREVIOUSLY ESTABLISHED BUILDING ENVELOPE, TO REFLECT A NEWLY DESIGNED BUILDING ENVELOPE AS WELL AS THE FOLLOWING CONDITIONS REFLECTED IN THE STAFF REPORT: 1. THE ORIGINAL BUILDING ENVELOPE SHALL BE REVISED AS SHOWN ON THE LANDSCAPE PLANS DATED JUNE 28,2010. A DEED RESTRICTION CHANGING THE BUILDING ENVELOPE FOR PURPOSES OF TOWN ENFORCEMENT, IN A FORM APPROVED BY THE TOWN ENGINEER AND TOWN ATTORNEY, AND INCLUDING A PLAT OF SURVEY PREPARED BY A LAND SURVEYOR SHALL BE RECORDED IN THE WAUKESHA COUNTY REGISTER OF DEEDS PRIOR TO A ZONING PERMIT BEING ISSUED FOR THE RESTORATION OF THE DISTURBED AREAS. ANY DELAY GREATER THAN 3 MONTHS FROM THE DATE APPROVED BY THE TOWN FOR RECORDING SAID DEED RESTRICTION SHALL BE CONSIDERED A VIOLATION AND SUBJECT TO CITATIONS; 2. NO GRADING, FILLING OR EXCAVATION SHALL TAKE PLACE OUTSIDE THE NEW BUILDING ENVELOPE LINE; 3. THE INSTALLATION OF LAWN TURF AND WOODLAND EDGE SAVANNAH SEED MIX SHALL TAKE PLACE IN 2010; 4. EROSION CONTROL MEASURES MAY BE REQUIRED BY THE BUILDING INSPECTOR TO INSURE THAT EROSION IS CONTROLLED DURING RESTORATION EFFORTS.**

**Fifth order of business:** New Business

- A. Town of Delafield, Cushing Park Road Bike Path, Re: Consideration and recommendation to Waukesha County for a Conditional Use permit for grading, excavation, filling, extension of culverts and installation of a boardwalk within the wetland and floodplain.

**MOTION MADE BY MR. KANTER, SECONDED BY MR. GRATZ TO RECOMMEND, TO WAUKESHA COUNTY, A CONDITIONAL USE PERMIT FOR GRADING, EXCAVATION, FILLING, EXTENSION OF CULVERTS AND INSTALLATION OF A BOARDWALK WITHIN THE WETLAND AND FLOODPLAIN TO BE DESIGNED BY R.A. SMITH NATIONAL. MOTION CARRIED.**

- B. John Shaw, Gluten-Free Trading Company, Re: Consideration and possible action on a plan of operation for a food shop in the lower barn at The Shoppes at Old Lynndale Farms, N47 W28270 Lynndale Road.

**MOTION MADE BY MR. GRATZ, SECONDED BY MS. DUNDON TO APPROVE THE PLAN OF OPERATION WITH FINAL SIGN APPROVAL BY STAFF TO INCLUDE THE ADDITION OF "TOWN OF DELAFIELD" ON THE SIGN. MOTION CARRIED.**

- C. Ralph Aliota, Golden Anchor, N26 W30227 Maple Avenue, Re: Review, consideration and possible action on the existing Conditional Use permit for Golden Anchor, including requiring the current owner to sign a new Conditional Use document.

*Engineer Barbeau stated that Turano Financial is the owner and Ralph Aliota leases the subject project. He reviewed the current conditional use. Mr. Aliota has removed the sign on the existing garage, as it was not in conformance. Discussion followed on the possibility of removing the garage to allow for proper site distance and moving the existing dumpster. Engineer Barbeau will follow up with the owner on these issues and request that a new conditional use be signed.*

**MOTION MADE BY MR. KANTER, SECONDED BY MS. DUNDON TO TABLE. MOTION CARRIED.**

**Sixth order of business:** Discussion

- A. Dale Bergman, Status report and discussion regarding preparation of a Certified Survey Map and rezoning on lands owned by Mr. Bergman on which American Green Landscape Company is located and vacant lands to the north and east of American Green.

*The Plan Commission will not approve a CSM if it creates a non-conforming lot. Mr. Bergman will consult with his attorney before staff consults with the town attorney to research how a court order is handled is the process of the Town approving a CSM.*

- B. Sean O'Connor, Discussion of a proposed 8 unit Community Based Residential Facility (CBRF) for the elderly on a parcel of land located east of W287 N1963 Oakton Road (Western Lakes Golf Course), Tax Key No. DELT 0814-996.

*Mr. O'Connor summarized the subject proposal to construct a 4,000-4,500 sq. ft. ranch. He stated his future plans to construct 4 units of 8 to allow for different stages of care. The Plan Commission requested that he include future plans in his site design.*

- C. Antonietta Schneider, Oconomowoc Montessori, Inc., Discussion of a Montessori pre-school at the Church of the Resurrection, W287 N3700 North Shore Drive in place of the existing Grandma's House Day Care.

*Ms. Schneider stated that the Oconomowoc Montessori is licensed under the Department of Public Education. She is anticipating an enrollment of 40-50 children. The toddler room will be occupied by approximately 8-10 children. The school will occupy 2000 sq. ft. of the church. As the majority of the Plan Commission members were of the opinion that this is not a substantial change to the existing conditional use, a public hearing is not required. Staff was direct to modify the conditional use permit to allow either a day care or a school at the church facility.*

**MOTION MADE BY MR. KANTER, SECONDED BY MR. TAGTOW TO RECOMMEND APPROVAL OF THE UPDATED CONDITIONAL USE PERMIT FOR CHURCH OF THE RESURRECTION TO THE TOWN BOARD. MOTION CARRIED.****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.

*Engineer Barbeau summarized stating that the town is looking at a zoning administrator position. Discussion continued on whether or not a land surveyor is required to perform a survey or if a landscape architect could provide measurements. The determination of accurate measurements needs to be defined. A-1 land (40 acres or more) should be exempt from the process. The as-built survey is very important, as it will be kept in the tax key file.*

**Seventh order of business:** Announcements and Planning Items – Next meeting – Tuesday, August 3, 2010**Eighth order of business:** Adjournment**MOTION BY MR. TAGTOW, SECONDED BY MR. KANTER TO ADJOURN AT 10:15 P.M. MOTION CARRIED.**

Respectfully submitted,

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

Minutes approved on August 3, 2010