

**TOWN OF DELAFIELD  
PLAN COMMISSION MEETING  
September 1, 2009**

**Members present:** T. Oberhaus, P. Kanter, C. Dundon, E. Gratz, M. Tagtow and G. Meyer

**Members absent:** L. Cunningham

**Also present:** L. Krause, *Town Board Supervisor*, T. Barbeau, *Town Engineer*, P. Mortimer, *Code Enforcement Officer*, P. Tilley, *Waukesha County Parks and Land Use*, 17 citizens

**Public Hearing:** Prior to the start of the scheduled Plan Commission meeting there will be a joint public hearing with Waukesha County in front of the Town Plan Commission and a staff representative of Waukesha County Department of Parks and Land Use to solicit public input on a request by Alan Schultz, N23 W28992 Louis Avenue for a legal non-conforming Conditional Use permit to allow the removal of an existing duplex, single family residence and shed from the parcel and construct a two-unit condominium building. 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. Ms. Tilley read the Public Hearing Notice.

*Greg Maniaci, Regency Builders, spoke on behalf of the petitioner. He presented pictures of the subject property. He stated that the proposed project will allow for 1 footprint with 2 residences attached (owner occupied duplexes).*

*Peggy Tilley questioned the road setback distance and 2 easements on the subject property. She stated the County will require the petitioner to submit documentation showing that the easements have been vacated. She questioned whether or not the mature trees will be taken down and stated the County's requirement for submittal of a landscape plan.*

*Engineer Barbeau questioned the drainage issue. Brian DuPont, Jahnke & Jahnke, spoke on behalf of the petitioner stating that the drainage would be brought around both sides of the lot. He stated that he will request direction from the Town regarding the drainage issue at the corner, as there is a catch basin located there. Mr. DuPont stated his calculation for green space (the total to the shore line - 25,818 and hard surface area including driveway and patio under deck – 6451) is 24.99%.*

*James McKenna, N23 W28994 Louis Ave., stated his support of this project for the following reasons: 1. It will improve the property; 2. It will cut down 3 families to 2; and 3. It will allow the opportunity for the severe drainage problem on the corner to be resolved.*

*Mike Kaiser, N23 W28940 Louis Avenue, questioned whether or not the property currently has a non-conforming use provision. He is in favor of going from a 3 family to a 2 family. He is concerned that this could set a precedent.*

*Tim McCaffrey, N23 W28958 Louis Ave., stated that he is in favor of the proposal but is concerned about changing the asphalt area in front of his driveway.*

The Public Hearing closed at 7:48 p.m.

**First order of business:** Call to Order  
*Chairman Oberhaus called the meeting to order at 7:48 p.m.*

**Second order of business:** Minutes of August 4, 2009  
**MOTION MADE BY MR. TAGTOW, SECONDED BY MS. DUNDON TO APPROVE WITH ONE CORRECTION. MOTION CARRIED.**

**Third order of business:** Communications (for discussion and possible action)  
A. Waukesha County Department of Parks and Land Use (8/13/09) Violation Notice to property owner of the Golden Anchor.

Engineer Barbeau stated that the owners of the property have not applied to Waukesha County for the necessary permits.

**Fourth order of business:** Unfinished Business

- A. Prairie Hill Waldorf School, N14 W29143 Silvernail Road, Re: Consideration and action on request for an amendment of their Conditional Use permit to allow a storage building to remain on the property, clarification as to who is using the facility Sunday mornings and during the week, clarification of uses during the summer hours and revision to the review time period, construction of a windmill on school property as a special use structure and any other conditions deemed necessary for the operation of the school.

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

*The following suggested revisions were discussed: 1. The size of any event at the school shall be limited by the available paved on-site parking; 2. Yuletide Faire to exceed the paved area and the field may be used for parking; 3. Parking spaces shall be striped by September 10, 2009 and shall be maintained and visible; 4. The grade's garden shed to be added to the existing outbuildings; 5. Temporary banners are allowed for 30 days or less; 6. The name of the organization and contact information that will be using the building for Sunday morning services must submit information to the Town Clerk prior to the first use and utilize the paved on-site parking spaces; 7. The Prairie Hill facility may be used for various indoor activities until 10 p.m.; 8. The windmill not to exceed an overall height of 30 feet and the blades not to exceed 6 feet long.*

**MOTION MADE BY MR. KANTER, SECONDED BY MR. GRATZ TO TABLE FURTHER CONSIDERATION OF THIS REQUEST FOR A CONDITIONAL USE PERMIT UNTIL RECEIVING A SITE PLAN SHOWING THE LOCATION OF ALL FACILITIES INCLUDING, BUT NOT LIMITED TO, BUILDINGS, PARKING AREAS (WITH STALLS), SIGN LOCATION, GENERAL DIMENSIONS, SETBACKS, OFFSETS AND OUTBUILDINGS. MOTION CARRIED.**

- B. Consideration and action on modifications to the Town of Delafield Zoning Code Section 17.04 5.H.2.(a).2 regarding the allowance of animals on lands zoned A-2.

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

*The following suggested changes were discussed: 1. Remove (2) and renumber 3 to read: The keeping of poultry, fowl and domestic livestock subject to the following conditions: (a) One large animal (those animals with a mature weight of 50 pounds or more) or 2 fowl or two small animals, or combination thereof, shall be allowed on lots of 3 acres. One additional large animal or equivalent fowl or small animal may be added per acre of land over 3 acres; (b) If more large animals or equivalent fowl or small animal(s) or combination thereof is desired; they shall only be permitted as a Conditional Use under Section 17.05 5. W. Keeping of Poultry or Livestock; (3) Grazing; (4) The harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds; (5) Hunting and fishing unless prohibited by other ordinances and laws; (6) Sustained yield forestry and tree farms; (7) Normal crop farming: (a) permitted on lots of 10 acres or more; (b) on lots of less than 10 acres requires approval of Plan Commission; Plan Commission after consideration of the building, site and operational plans: (a) Substations and other utility installations; (b) Sewage treatment plants.*

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

**Fifth order of business:** New Business

- A. Alan Schultz, N23 W28992 Louis Avenue, Re: Consideration and action for a Legal Non-Conforming Conditional Use permit (17.05 5. Y) to allow the removal of a duplex, single family home and shed and construction of a two-family condominium.

*Discussion was held on the requirement to submit a drainage plan. Town staff was directed to contact the Town Attorney for his opinion on whether or not the Plan Commission has the authority to grant this Conditional Use request, as the code does not allow for a two family building on a single family lot.*

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

- B. Kent Hanson, Re: Consideration and action on the final plat for Paradise Valley subdivision located south of Lexington Lane and east of Paradise Valley Court.

*Engineer Barbeau stated that the public improvements needed for this development have not yet been made. The Town is requesting either an extension from Mr. Hanson or a developer's agreement and letter of credit for the improvements.*

**MOTION MADE BY MR. KANTER, SECONDED BY MR. GRATZ TO TABLE AND ACCEPT THE EXTENSION OF MR. HANSON. MOTION CARRIED.**

- C. Tom and Sam Aliota, Golden Anchor Restaurant, N26 W30227 Maple Avenue, Re: Request for approval to allow an outdoor band for between the hours of 3:00 p.m. and 6:00 p.m. on September 12, 2009, as conclusion party for the Stamp Out Meningitis Charity Bicycle Ride.

*Engineer Barbeau stated that the current Conditional Use permit does not specifically address an outdoor event. Concern was expressed about supporting this event because the property is out of compliance at this time.*

**MOTION MADE BY MS. DUNDON, SECONDED BY MR. MEYER TO DENY. MOTION CARRIED.**

- D. Tom and Joan Oberhaus, W309 S630 Maple Avenue, Re: Consideration and action regarding a request to update their existing Conditional Use permit and allow for the sale of pre-packaged Wisconsin Cheese during the fall market and Christmas tree season at Cozy Nook Farms, W30780 Summit Avenue.

*Chairman Oberhaus recused himself from participating in this matter.*

**MOTION MADE BY MR. KANTER, SECONDED BY MR. TAGTOW TO APPROVE. MOTION CARRIED.**

- E. Delafield Town Board, Re: Request for consideration and recommendation regarding installation of a crosswalk signal on CTH KE (North Shore Drive) at Old School House Road.

*The Plan Commission is in favor of a crosswalk signal at Old School House Road and one at Lost Creek. They are not in favor of a walkway on the south side of KE unless the school district will pay for it. The suggestion was made to request that a crossing guard be placed on site. Also, could the school speed zone be extended to the east so that it actually continues to east of the crosswalk and encompasses the crosswalk.*

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

**Sixth order of business:** Discussion - None

**Seventh order of business:** Announcements

A. Next Plan Commission meeting – Tuesday, October 6, 2009

**Eighth order of business:** Adjournment

**MOTION MADE BY MR. TAGTOW, SECONDED BY MR. GRATZ TO ADJOURN AT 10:07 P.M.  
MOTION CARRIED.**

Respectfully submitted,

Mary T. Elsner, CMC, WCMC  
Town Clerk

Minutes approved on October 6, 2009