

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, October 4, 2011**

Members present: T. Oberhaus, P. Kanter, C. Dundon, E. Gratz, M. Tagtow, L. Cunningham, B. Cooley (entered at 7:20 p.m.)

Also present: T. Barbeau, *Town Engineer*, 18 citizens

First order of business: Call to Order
Chairman Oberhaus called the meeting to order at 7:03 p.m.

Second order of business: Approval of the minutes of September 6, 2011
MOTION MADE BY MR. TAGTOW, SECONDED BY MR. GRATZ TO APPROVE. MOTION CARRIED.

Third order of business: Communications (for discussion and possible action)
A. Cramer, Multhauf and Hammes, (9/13/11), Kathy Gutenkunst, Re: Lifestriders

Engineer Barbeau stated that Attorney Larson was directed by the Town Chairman to develop a Conditional Use Document for Lifestriders.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KANTER TO TAKE NEW BUSINESS OUT OF ORDER. MOTION CARRIED.

Fifth order of business: New Business
A. Alan Schultz, N23 W28992 Louis Avenue, Re: Consideration and possible action on a request for approval for Twin Pines Condominium Plat and Declaration of Condominium located at N23 W28992 Louis Avenue.

Engineer Barbeau summarized the proposal to develop a duplex condominium on the subject land, which currently has a single family home and a separate duplex building on the property. The duplex building is located just outside the road pavement and is non-conforming. The Plan Commission and Town Board approved a legal non-conforming Conditional Use permit in 2009, with conditions. The site, site grading landscape and architectural plans still require Plan Commission approval. Engineer Barbeau stated that the Condominium Plat meets State Statute requirements and he summarized his suggested corrections. Misspelling of the subdivision name in which a portion of Mr. Schultz's land is located; Conditional Use only allows 2 piers on the site, so one must be removed; Include the land area on the map; Final signatures and dates by the surveyor.

MOTION MADE BY MR. TAGTOW TO RECOMMEND APPROVAL, TO THE TOWN BOARD, THE TWIN PINES CONDOMINIUM PLAT SUBJECT TO THE CORRECTIONS SET FORTH IN ENGINEER BARBEAU'S MEMO DATED OCTOBER 4, 2011, TO INCLUDE: MISSPELLING OF THE SUBDIVISION NAME IN WHICH A PORTION OF MR. SCHULTZ'S LAND IS LOCATED; CONDITIONAL USE ONLY ALLOWS 2 PIERS ON THE SITE, SO ONE MUST BE REMOVED; INCLUDE THE LAND AREA ON THE MAP; FINAL SIGNATURES AND DATES BY THE SURVEYOR.

AMENDED MOTION MADE BY MR. TAGTOW, SECONDED BY MR. GRATZ TO INCLUDE APPROVAL OF THE DECLARATION OF CONDOMINIUM. MOTION CARRIED.

B. Farmers and Merchants Bank, Re: Consideration and possible action on a Certified Survey Map to create two parcels on vacant land known as Tax Key No. DELT 0777-996 located generally southeast of the intersection of Maple Avenue and Hawksnest Drive.

Engineer Barbeau summarized the subject proposal to split an 8.52 acre parcel into one 3.34 acre lot and one 5.18 acre lot. He directed attention to the area in the proposed Certified Survey Map

identified as "Ex. Pavement", lands conveyed to Waukesha County in 1987, stating that, according to Waukesha County, the parcel was intended as right of way for expansion of Maple Avenue. The surveyor provided Engineer Barbeau with the deed which does not indicate the purpose of the land as right of way. When the Town took over Maple Avenue, this specific area was not included in the transfer as a separate parcel.

The original lot only has 45.73 feet of frontage on Maple Avenue, so the creation of Lot 2 is a lot that does not abut a public road. Since this lot does not meet the Town code width requirement, the Town Plan Commission may want to consider reconfiguration of the lot split line.

Paul Sharpley, former owner of the subject property, presented property records including a plat of survey claiming that the land split is illegal.

The Plan Commission requested to review a revised Certified Survey Map reflecting reconfiguration of the lot split line in order to meet the width requirement of Lot 2.

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

- C. Mr. & Mrs. Alan Swan Lot 4, Lakeside Conservancy Subdivision Re: Consideration and possible action on a request for an increase in the overall height of their proposed home by 5 feet (to 50 feet) and the height to the eave by 4 feet (to 34 feet).

As the Plan Commission is to base their approval on the review and comments by the Fire Department, Chairman Oberhaus stated the need for a more clear and concise explanation. The enclosed report did not provide proper direction to make a determination.

MOTION MADE BY MR. GRATZ, SECONDED BY MR. COOLEY TO APPROVE THE REQUEST AS SUBMITTED, SUBJECT TO FURTHER REVIEW BY THE FIRE CHIEF. IF THE FIRE CHIEF HAS SPECIFIC OBJECTIONS AS TO THE WAY THE HOME IS CONSTRUCTED, THE PLAN COMMISSION WILL RE-VISIT THE ISSUE; OTHERWISE, THE FIRE DEPARTMENT STAFF IS DIRECTED TO WORK WITH ENGINEER BARBEAU TO MOVE THE PROCESS THROUGH. MOTION CARRIED.

- C. Pewaukee Yacht Club N22 W28204 Edgewater Drive, Re: Consideration and possible action on a request to remove the existing covered patio used for grilling and replace it with a new covered patio.

Mr. Peter Fechtmeier spoke on behalf of the Pewaukee Yacht Club stating that the proposal will provide for a more sufficient food preparation service area and better health and safety conditions.

MOTION MADE BY MR. KANTER, SECONDED BY MS. DUNDON TO APPROVE THE SITE PLAN AND PLAN OF OPERATION FOR PEWAUKEE YACHT CLUB. MOTION CARRIED.

Fourth order of business: Unfinished Business

- A. Town of Delafield Plan Commission, Re: Consideration and possible action on modifications to the following section of Chapter 17 of the Town of Delafield Code of Ordinances:

- driveway slope

Engineer Barbeau reviewed his proposed exceptions to the 12% maximum requirement. He will make suggested changes of the Plan Commission to the proposed creation of Section 17.09 2. Q. of the Town of Delafield Code of Ordinances regarding driveway slopes.

- open space requirements

Engineer Barbeau provided a requested proposal identifying open space percentage comparisons and suggested conventional open space percentages. The Plan Commission did not have adequate time to review the document; therefore, they would like to think about the proposal and consider the suggested changes.

MOTION MADE BY MR. KANTER, SECONDED BY MR. TAGTOW TO TABLE. MOTION CARRIED.

- chickens in residentially zoned districts and modify the current regulations in agriculturally zoned districts

Engineer Barbeau stated that Attorney Larson was directed to review the draft ordinance allowing chickens in residentially zoned districts. He provided copies of Attorney Larson’s review and stated that he has not had adequate time to review it and make changes to the proposed ordinance.

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

- Clarification of fence heights in lake frontage

Engineer Barbeau stated that he brought this before the commission for two reasons: 1. People are requesting clarification on “face of the principal structure”; 2. height requirements of fences in the R-L District. He will revise the language based on recommendations provided by the Plan Commission.

Sixth order of business: Discussion
A. None

Seventh order of business: Announcements and Planning Items
Next workshop – Tuesday, October 18, 2011
Next meeting – Tuesday, November 1, 2011

Third order of business: Adjournment

MOTION MADE BY MR. TAGTOW, SECONDED BY MR. GRATZ TO ADJOURN AT 8:50 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on December 6, 2011