

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
TUESDAY, DECEMBER 6, 2022, 6:30 P.M.**

Video Link: <https://www.youtube.com/watch?v=-BgBAyx2KdE>

First order of business: Call to Order and Pledge of Allegiance

Chairman Fitzgerald called the meeting to order at 6:30 p.m. and led all in the Pledge of Allegiance.

Members present: Supervisor Kranick, Commissioner Dickenson, Commissioner Janusiak, Commissioner Mihalovich, Chairman Troy, and Plan Commission Chairman Fitzgerald.

Also present: Engineer Tim Barbeau and Administrator Dan Green.

Second order of business: Approval of the minutes of November 1, 2022.

Motion made by Chairman Troy to approve the November 1, 2022, minutes. Seconded by Supervisor Kranick. Motion passed 6-0.

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

Fourth order of business: Unfinished Business: None

Fifth order of business: New Business:

- A. Cormac and Tanya Palmer, W334 N1010 Cushing Park Road, Re: Consideration and possible action on the approval of a Certified Survey Map to combine two lots into one lot at W334 S1010 Cushing Park Road.

Engineer Barbeau showed the location of the lot, north of HWY 18. The additional parcel is located in the southeast corner of the property. There is an easement for the driveway that comes off Cushing Park Road. The applicant spoke to their attorney, and the indication is that once they purchase the land, the easement goes away. The applicant has provided a revised CSM that meets all the Town Code requirements. Engineer Barbeau Recommended approval contingent of comments from village of Summit and Waukesha County.

Motion by Supervisor Kranick to approve CSM prepared by Land Tech Surveying, dated November 28, 2022, subject to satisfaction of any outstanding comments from the Village of Summit or Waukesha County prior to the execution by Town Officials. Seconded by Chairman Troy. Motion passed 5-0.

- B. Deane Jaeger, W335 N292 Cushing Park Road, Re: Consideration and possible action on a request for a height increase and for an accessory building and associated garage door.

Engineer Barbeau showed the location of the proposed accessory building. The applicant has requested an increase to the overall height of 3'4" and a door height increase of 4'. They are requesting a 13' garage door. The offsets of the structure meet the requirement for the height increase. The building meets all open space and setback requirements. The engineer recommended approval of the height increase and garage door increase.

Motion by Supervisor Kranick to approve the garage height of 13' and the accessory building height of 23'4". Seconded by Commissioner Dickenson. Motion passed 5-0.

- C. Mike and Donna Southard, N7 W30323 Maple Avenue, Re: Consideration and possible action on the approval of a Certified Survey Map to define the boundaries of vacant lands owned by Donna and Mike Southard, located north and west of the intersection of Maple Avenue and Bryn Drive.

Engineer Barbeau showed the survey map to the commission. He explained the applicant wanted to know where the north lot line was, and in doing research, determined there was an old fence line that defined the north lot line. The current legal description shows a gap, reflected on the County's GIS map. This gap is between the gun club property and Mr. Southard's. The CSM determines 37' of the gap to the west, and 20' to the east is where the property boundary should be. There have been some questions about where the lot line is by Dorow Investments property. There are also questions on the annexation line. There have been a number of surveys that have been done, and there are many overlaps and gaps between them. The CSM proposed does not change the Town's annexation line. The applicant is only looking to take land from the gap which is entirely in the Town. Both the City of Delafield and Town are concerned about the annexation line and what different surveyors are showing. After a discussion with the Town Attorney and staff, we recommend tabling this matter for 1 month to give Mr. Southard time to show that he owns the land currently shown as a gap. The fence line is the best evidence from what we have seen, but the attorney is concerned that we need to show that he owns the land. The alternative option is to approve the CSM conditioned on the applicant showing ownership of the portion of the gap.

Mike Southard explained that no one owns the property, as it is a gap in the legal descriptions. The County told him, if he wants it, he has to justify it. He explained that even the CSM being proposed will still leave a gap. He encouraged the Plan Commission to ask him questions, as he has many documents regarding this issue. (Commissioner Mihalovich arrives)

Motion by Supervisor Kranick to table "Mike and Donna Southard, N7 W30323 Maple Avenue, Re: Consideration and possible action on the approval of a Certified Survey Map to define the boundaries of vacant lands owned by Donna and Mike Southard, located north and west of the intersection of Maple Avenue and Bryn Drive." To the January 3, 2023, meeting. Seconded by Chairman Troy. Motion passed 6-0.

- D. Luke Esslinger, applicant, Todd Turall, owner, Re: Consideration and possible action on a request to allow a residential structure to be constructed within the Isolated Natural Resource Area of Lot 3, The Retreat subdivision.

Engineer Barbeau explained the original plan was to construct a house on #3 of the particular drawing. The white area to the south on lot three is outside the INRA (Isolated natural resource area). Initially the plan was to construct the home completely in the INRA. Since then, the applicants have decided to move the proposed home to partially within the INRA. There is a note on the plat that addresses owners being able to request constructing in the INRA from the Plan Commission and Waukesha County. There are a number of conditions to impose on the applicant if the Plan Commission allows construction in the INRA.

1. Total land disturbance for the home, driveway and septic system construction shall be no greater than 32,670 square feet.
2. Homeowner shall meet Town driveway slope requirements
3. The disturbance area limits, and size calculations shall be shown on a plat of survey that is submitted with the house at time of building permit.
4. The disturbance area shall be marked with silt fence or orange snow fence (or an equal type of barrier) and no disturbance shall be allowed outside of that area.
5. The house shall be located such that there is no or limited species tree removal.
6. After the home is staked, the owner shall contact Town staff to walk the site and verify that the house is located in an area that will have minimal species tree removal.

7. If the septic system is placed outside of the INRA, it shall not be placed in a conspicuous location on the property that will result in a detriment to the neighborhood.

Luke Esslinger explained the reason they want to be partially in the INRA is to put the home further up in elevation. Robert Murks explained when they did the soil report, the location of the 100-foot floodplain required them to be 1 foot higher in elevation. They prefer the location to be a little further up, and slightly in the woods. They are not looking to put the entire home in the woods, as to have limited disturbance of the INRA.

Chairman Fitzgerald stated with the garage being in the woods, the whole front will be pavement. He asked if there were any conditions the engineer provided that would be a concern. Mr. Esslinger stated he had no concerns with Tim's conditions.

Commissioner Dickenson questioned if the total land disturbance could be placed on the deed in the event the property is sold. Chairman Troy questioned why this request was being brought forward now. Mr. Esslinger explained that being allowed to build within the INRA was a contingency on the approval to purchase the site. Commissioner Dickenson asked how they would know if the plans for the home were going to change. Mr. Esslinger stated they are only looking for permission to build in the INRA. They will work within the footprint of what is granted by the Plan Commission.

Supervisor Kranick stated the commission does not have enough information to give permission, and he does not feel comfortable with approving without specific plans. Commissioner Dickenson agreed, and questioned how the tree clearing process would occur, especially with brush tree removal.

Motion by Supervisor Kranick to table "Luke Esslinger, applicant, Todd Turall, owner, Re: Consideration and possible action on a request to allow a residential structure to be constructed within the Isolated Natural Resource Area of Lot 3, The Retreat subdivision." Seconded by Chairman Troy. Motion passes 6-0.

- E. Consideration and possible action on a sign code amendment to allow electronic message boards.

Engineer Barbeau explained he had received comments from St. Anthony's on the Lake, about redoing their sign, and installing an electronic message board. The current sign requires letters to be hand removed. In the Town's Code, it does not allow message board signs. Engineer Barbeau showed examples of message board signs in other communities that were less intrusive. The board directed to have staff work with the Town Attorney on how this may be implemented.

Sixth Order of Business Discussion: None

Seventh Order of Business: Announcements and Planning Items: Next meeting: January 3, 2023.

Eighth Order of Business: Adjournment

Motion by Supervisor Kranick to adjourn the December 6, 2022, Plan Commission meeting at 7:48 p.m. Seconded by Chairman Troy. Motion passed 4-0.

Respectfully submitted,

Dan Green, CMC, WCMC
Administrator-Clerk/Treasurer