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**Clerk/Treasurer**  
Dan Green

**TOWN OF DELAFIELD PLAN COMMISSION MEETING**  
**Tuesday, January 3, 2023, 6:30 p.m.**  
**Town of Delafield Town Hall W302 N1254 Maple Avenue, Delafield, WI 53018**

### AGENDA

1. Call to Order and Pledge of Allegiance
2. Approval of the minutes of December 6, 2022.
3. Communications (for discussion and possible action): None
4. Unfinished Business:
  - A. 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. (Tabled 12/6/2022)
  - B. 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. (Tabled 12/6/2022)
5. New Business:
  - A. Stuart Kotovic and Melisa Krueger, N26 W30285 Maple Avenue, Re: Consideration and possible action on the approval of a Certified Survey Map to combine two lots into one lot at N26 W30285 Maple Avenue to prepare the land for future home construction.
6. Discussion: None
7. Announcements and Planning Items: Next meeting: February 7, 2023
8. Adjournment

#### PLEASE NOTE:

- ✓ It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order. It is also possible that members of and possible a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.
- ✓ Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Town Clerk Dan Green (262) 646-2398.

**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 Dorrow 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

# Plan Commission Report for January 3, 2023

## **Kotovic/Krueger Certified Survey Map Agenda Item No. 5. A.**

Applicant: Stuart Kotovic and Melissa Krueger  
Project: Land Combination  
Requested Action: Approval of Certified Survey Map  
Zoning: R-3 (County Zoning)  
Location: N26 W30285 Maple Avenue

### **Report**

The property owners are requesting approval of a Certified Survey Map (CSM) to combine portions of two "lots of record" into one lot. The CSM eliminates a lot line that is located north of the existing house. The lot combination is in anticipation of the construction of a single family house in the future.

Both the County and Town have reviewed the document and provided comments to the surveyor. Comments include correction of technical items and inclusion of notes on the CSM related to potential high groundwater and floodplain restrictions. The existing paved roadway located within the Maple Avenue right-of-way is substantially offset such that the southeasterly edge of the road is very close to the property line of this lot. I have requested that they dedicate land on their property such that the right-of-way line is 33 feet from the existing road centerline. Without a dedication, any maintenance, snowplowing or work along the side of the pavement could encroach onto private property and could hinder proper operation of the roadway.

### **Staff Recommendation:**

Comments have been passed onto the surveyor for incorporation onto the proposed CSM. I anticipate that an updated CSM will be provided; however, due to time off during the holidays, I will not be able to update my report until January 3, 2023. Since it is a land combination, I recommend approval of the CSM dated December 15, 2022, subject to satisfaction of all outstanding review comments from the Town, City of Delafield (extra-territorial plat review) and Waukesha County Department of Parks and Land Use prior to the Town executing the document.

Tim Barbeau, Town Engineer  
December 19, 2022



# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

THE WEST 1/2 OF THE FOLLOWING PARCEL: THE SOUTHWEST 1/2 OF LOT 13 AND THE NORTHEAST 35 FEET OF LOT 14 OF CRYSTAL SPRING PARK LOCATED IN THE NORTH 1/2 OF THE SE. 1/4 OF SECTION 15, T.7N., R.18E., TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

## NOTES:

1. THE SURVEYOR TAKES NO RESPONSIBILITY FOR ANY UNDERGROUND STRUCTURES OR BURIED MATERIALS SUCH AS FOUNDATIONS, WELLS, SEPTIC, HOLDING TANKS, UTILITIES, HAZARDOUS MATERIALS, OR ANY OTHER ITEMS OF WHICH NO EVIDENCE CAN BE FOUND ON THE SURFACE BY A VISUAL INSPECTION.
2. THE FIELD WORK WAS COMPLETED ON NOV. 5, 2021.
3. ORDINARY HIGH WATER MARK (O.H.W.M.) ELEVATION: 853.7  
100-YEAR FLOODPLAIN BASE MAP ELEVATION: 854.4 (PER FEMA DIGITAL FLOOD INSURANCE RATE MAP INFORMATION)

## SURVEYOR'S NOTES:

-LOTS 13 & 14 OF CRYSTAL SPRINGS PARK DO NOT MATHEMATICALLY CLOSE. LOT LINES WERE DETERMINED FROM EXISTING MONUMENTS AND PREVIOUS SURVEY(S). SURVEY REFERENCED BY WETZEL DATED JULY 29, 1987.

## SURVEYOR'S CERTIFICATE:

I, MARK AUGUSTINE, Professional Land Surveyor hereby certify;

That I have surveyed, divided and mapped all that being the WEST 1/2 of the following parcel: the Southwest 1/2 of Lot 13 and the Northeast 35 feet of Lot 14 of Crystal Spring Park located in the North 1/2 of the SE. 1/4 of Section 15, T.7N., R.18E., Town of Delafield, Waukesha County, Wisconsin, more fully described as follows:

Commencing at the East 1/4 corner of Said Section 15; thence S85°23'54"W, along the North line of said SE 1/4, 1439.50 feet; thence S4°36'06"E, 253.82 feet to the point of beginning; thence S32°07'39"E, 396.51 feet; thence S57°57'04"W, along the meander line, 42.21 feet; thence N32°36'27"W, 388.81 feet; thence 46.14 feet along an arc of a curve to the right with a radius of 390.00 feet whose chord bears N48°18'37"E, 46.11 feet to the point of beginning of hereinafter described lands. Also including those lands between the meander line and water edge.  
Said lands containing: 18461 sq.ft. (0.42 acres).

That I have made such survey, land division and Certified Survey Map by the direction of Stuart Kotovic and Melissa Krueger, owner(s) of said lands.

That such survey is a correct representation of all the exterior boundaries of the lands surveyed and the division thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and the subdivision regulations of the TOWN OF DELAFIELD and WAUKESHA COUNTY in surveying, dividing and mapping the same.

Dated this 15th day of December, 2022.

  
MARK AUGUSTINE, PLS S-2780



# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

BEING A PART OF THE NE. 1/4 AND NE. 1/4 OF THE NE. 1/4 OF SECTION 00, T.0N., R.00E., CITY OF \_\_\_\_\_, \_\_\_\_\_ COUNTY, WISCONSIN

## OWNER'S CERTIFICATE OF DEDICATION:

As owners, We hereby certify that we caused that land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on the Certified Survey Map. We also certify that this Certified Survey Map is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection: 1) Town of Oconomowoc

WITNESS the hand and seal of said owner this \_\_\_\_\_ day of \_\_\_\_\_.  
In Presence of:

\_\_\_\_\_  
Stuart Kotovic, Owner

\_\_\_\_\_  
Melissa Krueger, Owner

STATE OF WISCONSIN)  
WAUKESHA COUNTY) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, the above named Stuart Kotovic & Melissa Krueger to me known to be the same persons who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_ County, Wisconsin

My Commission Expires \_\_\_\_\_

## VILLAGE OF HARTLAND VILLAGE BOARD EXTRA-TERRITORIAL APPROVAL:

Resolved that the Certified Survey Map, in the Village of Hartland, is hereby approved by the Village Board. All conditions have been met as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Date: \_\_\_\_\_ Signed \_\_\_\_\_  
Jeffrey Pfannerstill, President

I hereby certify that the foregoing is true and correct copy of a resolution adopted by the Village Board of the Village of Hartland.

Date: \_\_\_\_\_ Signed \_\_\_\_\_  
Darlene Igl, Village Clerk

## VILLAGE OF HARTLAND PLAN COMMISSION EXTRA-TERRITORIAL APPROVAL:

APPROVED, that the Certified Survey Map, in the Village of Hartland, is hereby approved by the Plan Commission.

Approved as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Date: \_\_\_\_\_ Signed \_\_\_\_\_  
Jeffrey Pfannerstill, President

I hereby certify that the foregoing is true and correct copy of a resolution adopted by the Plan Commission of the Village of Hartland.

Date: \_\_\_\_\_ Signed \_\_\_\_\_  
Darlene Igl, Village Clerk



# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

BEING A PART OF THE NE. 1/4 AND NE. 1/4 OF THE NE. 1/4 OF SECTION 00, T.0N., R.00E., CITY OF \_\_\_\_\_, \_\_\_\_\_ COUNTY, WISCONSIN

## TOWN BOARD APPROVAL CERTIFICATE:

Resolved that the Certified Survey Map, in the Town of Delafield, is hereby approved by the Town Board.

All conditions have been met as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Date: \_\_\_\_\_ Signed \_\_\_\_\_  
Ronald A. Troy, Town Chair

I hereby certify that the foregoing is true and correct copy of a resolution adopted by the Town Board of the Town of Delafield.

Date: \_\_\_\_\_ Signed \_\_\_\_\_  
Dan Green, Town Clerk

## PLAN COMMISSION APPROVAL CERTIFICATE:

APPROVED, that the Certified Survey Map, in the Town of Delefield, is hereby approved by the Plan Commission.

Approved as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Date: \_\_\_\_\_ Signed \_\_\_\_\_  
Kevin Fitzgerald, Chairperson

I hereby certify that the foregoing is true and correct copy of a resolution adopted by the Plan Commission of the Town of Delafield.

Date: \_\_\_\_\_ Signed \_\_\_\_\_  
Dan Green, Town Clerk

## WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE APPROVAL:

Resolved that the Certified Survey Map, in the Town of Delafield, Wisconsin, which has been filed for approval, be and hereby is approved as required by Chapter 236 of the Wisconsin State Statues.

\_\_\_\_\_  
Dale Shaver, Director