

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING**  
**April 11, 2017**

**Members Present:** L. Krause, P. Van Horn, E. Kranick, R. Troy, T. Oberhaus, P. Kanter, C. Dundon, K. Fitzgerald

**Members Absent:** B. Cooley

**Others Present:** T. Barbeau, *Town Engineer*, B. Greenberg, *Waukesha County*, 52 citizens

**Public Hearing:** Prior to the start of the Town Board meeting there will be two public hearings. The first hearing will be in front of the Town Board of Supervisors to consider a request by Elizabeth Reimer Survivor's Trust and Larry and Judy Sheets Living Trust, owners, by Bill Zach, Iron Pipe Development, LLC, agent, to rezone a 47.2 parcel of land located along the west side of Cushing Park Road, between Scuppernong Creek and a point approximately 2,600 feet north of USH 18 from A-2 Rural Home District to A-1 Agricultural District. The 2<sup>nd</sup> hearing is in front of the Town Board of Supervisors, Plan Commission and Waukesha County to consider a Planned Unit Development Conditional Use on approximately 116 acres of land, located on the west side of Cushing Park Road, between Scuppernong Creek and Abitz Road. *Chairman Krause called the Public Hearing to order at 7:00 p.m. The Town Clerk read the Public Hearing Notice.*

*Mr. Kanter requested to allow the public to speak only once on both issues.*

*Bill Zach, Iron Pipe Development, LLC, stated that 36 homes in the proposed development will range in cost from \$600,000 to 1 million dollars. The Reimer family has owned this farm since 1922 and has decided to move on. The concentration of the proposal is on large lot parcels (gross site density, 3.2 acres per unit), protected natural topography, condensed roads, natural vegetation, 60% greenspace, etc. There will be a 200 ft. setback to the proposed homes. The proposed PUD allows the Town to restrict and control the building process. Iron Pipe Development will own the two proposed Outlots.*

*Engineer Barbeau stated that the proposed development includes three zoning categories: M-1 south of Scuppernong Creek, A-2 and A-1. The proposed request is to rezone A-1 and A-2 lands to A-1 and a portion of M-1 lands to A-1.*

*Scott Hetherington, N1 W33578 Abitz Rd., stated that he has lived at his residence for 21 yrs. He was shocked when he learned that the proposal is from A-2 to A-1, as it doesn't fit the character of the neighborhood. His property overlooks the beauty of nature, wildlife and woods. Whether the proposal includes a planned unit development or not, how will it preserve the neighborhood. He referenced Section 17.05 of the Town Code re: conditional use approvals, 17.05 a.m. PUD conditions and Chapter 18 (residential development control).*

*Jim Romanowski, W334S188 Cushing Park Rd., provided information on lot sizes in the adjacent areas of the proposed development. He suggested that the area per home be approximately 4.5 acres per home. He does not want to see a detention basin on the property and would like a trail installed on Abitz Rd.*

*Bonnie Meerschaert, W334S490 Cushing Park Rd., is concerned about traffic and safety on Cushing Park Rd. If 36 lots are developed, possibly adding 72 more cars on this narrow road, the road may not handle the traffic. She is also already concerned about winter traffic on the road. Also, she expressed concerns for the safety of people using the recreational trail.*

*Richard Levine, N1W33636 Abitz Rd., stated that this is a country road that was built for average daily traffic. He is concerned about current and new residents. The road was not built for a denser population. He suggested to take the hill off. It will need a path for children. The infrastructure of the town does not support the proposed construction.*

*Jo-Ann Ziesloft, N5W33828 Lapham Ln., presented a list of possible impacts stressing the effect of the planned development on the surrounding environment. She referenced the logo identifying the Town as a perfect environment – residential, recreational and responsible and stated that the new development, as proposed, does not appear to have rural character. The residents in the area work to restore native prairie grass and wildflowers. The high density and small lot sizes do not fit in their community.*

*Michael Paik, W334S822 Cushing Park Rd., questioned Mr. Zach's proposal for a 200 ft. setback to the homes. According to the proposed plan, on Abitz Road and directly across from his home, there are 4 homesites proposed and there is definitely not a 200 ft. setback in those areas. He expressed concerns re: current drainage issues during high rain conditions. He and his neighbor have experienced the problem of dealing with at least 6 inches of water running through their properties. He asked if there will be a stormwater management plan. He stated that he has always been impressed with the stewardship of the Town and is asking that the Town do the right thing when considering this proposal.*

*Deane Jaeger, W335N292 Cushing Park Rd., stated that he has lived in his home since 1979. He is concerned about Abitz Rd., as it is roughly 19 ft. wide, and would like to see the road widened to be more consistent with county roads. He provided a handout (24 pages) identifying proposed details of the development and all concerns.*

*Larry Sheets, 2606 Lander, Ln., Waukesha, stated that the farm has been in the family for 100 years. He summarized the difficulties in dealing with this proposal.*

*Renee Linskens, W334N390 Cushing Park Rd., stated that she has lived at her residence for 50+ years. When Lapham Estates was being proposed, her husband served on the plan commission, and they did not allow 1-acre lots.*

*Bill Zach, stated that the proposal includes layers of rip rap to stop stormwater. He informed the public that a subdivision cannot be developed without stormwater retention.*

*Chairman Krause stated that these items will go back to the Plan Commission for their consideration and recommendation to the Town Board.*

*Ben Greenberg, Waukesha County stated that the proposal includes preservation of environmental corridors and the PUD alleviates concerns for environmental protection.*

**First order of business:** Call to Order  
Chairman Krause called the meeting to order at 8:44 p.m.

**Second order of business:** Pledge of Allegiance

**Third order of business:** Citizen Comments  
*There were no citizen comments.*

**Fourth order of business:** Approval of March 28, 2017 Town Board Minutes  
*The minutes were approved as prepared by the Clerk.*

**Fifth order of business:** Action on vouchers submitted for payment:

A. 1) Accounts payable; 2) Payroll

Accounts Payable

**MOVED TO APPROVE PAYMENT OF CHECKS #58575 – #58607 IN THE AMOUNT OF \$76,704.87**

Payroll

**MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$28,270.60**

**MR. TROY/MR. KRANICK**

**MOTION CARRIED.**

B. Report on budget sub-accounts and action to amend 2016 budget

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO APPROVE THE 2016 BUDGET AMENDMENTS PER AUDIT AS PREPARED BY THE TOWN AUDITOR. MOTION CARRIED.**

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

A. Honorable Timothy Kay (2/28/17), Re: Lake Country Municipal Court/Year 2016 in Review  
*None*

**Seventh order of business:** Unfinished Business

A. None

**Eighth order of business:** New Business

A. Approval of Final Plat for Hawks Haven subdivision located at W300 N3317 Maple Avenue

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. VAN HORN TO APPROVE THE FINAL PLAT FOR HAWKS HAVEN SUBDIVISION LOCATED AT W300 N3317 MAPLE AVENUE PER THE CONDITIONS IDENTIFIED IN THE TOWN ENGINEER'S MEMO. MOTION CARRIED.**

B. Approval of rezoning for the property located at S12 W29085 Summit Avenue from A-1 Agricultural to A-2 Rural Home District

**MOTION MADE BY MR. KRANICK SECONDED BY MR. TROY TO APPROVE THE REZONING FOR THE PROPERTY LOCATED AT S12 W29085 SUMMIT AVENUE FROM A-1 AGRICULTURAL TO A-2 RURAL HOME DISTRICT. MOTION CARRIED.**

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO TAKE ITEM 8G OUT OF ORDER. MOTION CARRIED.**

G. Consideration and possible action on Operator's License for the period of 7/1/16 to 6/30/18:  
*Jackie Vanden Huevel – Kim's Lakeside*

**MOTION MADE BY MR. KRANICK TO APPROVE THE OPERATOR'S LICENSE FOR JACKIE VANDEN HUEVEL FOR THE PERIOD OF 7/1/16 TO 6/30/18. MOTION CARRIED.**

C. Bid Award for Northshore Park Path Construction and Parking Lot Paving Project

*Engineer Barbeau stated that we received 6 bids. The low bid was submitted by Western Contractors in the amount of \$64,070 to perform the path construction, and the high bid was submitted by Poblocki in the amount of \$101,717.00. Western Contractors' bid for the parking lot paving was \$11,822.50. The Park and Recreation Commission was unable to meet last evening and wishes to make a recommendation to the Town Board. Their next meeting will be held on April 19.*

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO TABLE. MOTION CARRIED.**

D. Bid Award for 2<sup>nd</sup> and 3<sup>rd</sup> Alley Reconstruction

*Engineer Barbeau stated that we received 2 bids for the subject project from All-ways Construction in the amount of \$78,793.80 and Wolf Paving in the amount of \$94,900.00.*

**MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRANICK TO AWARD THE BID TO ALL-WAYS CONSTRUCTION IN THE AMOUNT OF \$78,793.80. MOTION CARRIED.**

## E. Town Engineer's Presentation of 10-Year Paving Plan and 2017 Road Projects

*Engineer Barbeau stated that, every other year, WisDOT requires Towns to submit road ratings. The 1 to 10 ratings are based on various types of pavement defects and conditions. The Town roads have consistently been in the 7.5 range. He displayed a map showing the roadways that will be improved along with the year for improvement. He stated that the map is a guideline and is subject to change based on the condition of roads and need. Engineer Barbeau also provided a handout showing his and the Highway Superintendent's evaluations, for the next 6 years, that are rated 5 or 6 and have been incorporated into the plan. By 2023, many of the roads rated 7, at the present time, will deteriorate to a 6 or 5 rating.*

## F. Approval of Direct Seller's Permit Applications on behalf of Sidex Home Improvement Zone:

- Jonathan Ireland
- Brandon Tobin
- Dezmond Grzenia
- Todd Donner

**MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRANICK TO TABLE AND REQUEST THAT AT LEAST TWO REPRESENTATIVES ATTEND THE NEXT MEETING TO ANSWER QUESTIONS.**

**MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO AMEND MR. VAN HORN'S MOTION TO TABLE UNTIL THE NEXT REGULARLY SCHEDULED MEETING TO ALLOW THE TOWN CHAIRMAN TO OBTAIN LEGAL COUNSELING ON HOW TO APPROPRIATELY HANDLE THIS SITUATION. MOTION CARRIED.**

## H. Appointments

**MOTION MADE BY CHAIRMAN KRAUSE, SECONDED BY MR. TROY TO TABLE. MOTION CARRIED.**

**Ninth Order of business:** Announcements and Planning Items

- A. Town Annual Meeting – April 18 – 7:00 p.m.
- B. Next Town Board Meeting – April 25
- C. Next Wisconsin Town's Association, Waukesha County Unit Meeting – Wednesday, April 26 @ 6:30 p.m., Town of Genesee (Includes Board of Review Training)
- D. Next Plan Commission Meeting – May 2

**Tenth Order of business:** Adjournment

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO ADJOURN AT 9:37 P.M. MOTION CARRIED.**

Respectfully submitted,

Mary T. Elsner, CMC, WCMC  
Town Clerk/Treasurer  
Minutes approved on: April 25, 2017