

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
December 10, 2019

Members Present: Chairman Troy, Supervisor Van Horn, Supervisor Kranick, Supervisor Dionisopoulos, Supervisor Cooley

Also Present: Tim Barbeau, Town Engineer; Kevin Fitzgerald, Plan Commission Chairman

First order of business: Call to Order
Chairman Troy called the meeting to order at 6:30 p.m.

Second order of business: Pledge of Allegiance
Chairman Troy led all in the Pledge of Allegiance.

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

Fourth order of business: Approval of November 26, 2019, Town Board Minutes
MOTION MADE BY SUPERVISOR KRANICK TO APPROVE THE MINUTES AS PRESENTED BY THE CLERK. SUPERVISOR COOLEY SECONDED. MOTION CARRIED UNANIMOUSLY.

Fifth order of business: Action on vouchers submitted for payment:
A. Report on budget sub-accounts and action to amend 2019 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS # 62622-62629 and CHECKS #62487-62512 IN THE AMOUNT OF \$ 87,579.67.

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$ 54,954.86

SUPERVISOR COOLEY MADE MOTION. SUPERVISOR KRANICK SECONDED. MOTION CARRIED UNANIMOUSLY.

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

Seventh order of business: Unfinished Business

A. Discussion and possible action on request to install biking etiquette signage on bike path running parallel with Cushing Park Road (tabled 10/8/19)
This item remains tabled.

B. Discussion and possible action on concern re: condition of property at S1W31448 Hickory Hollow Ct.

Tim Barbeau, Town Engineer, has made several attempts to contact the homeowner, including Certified Letters, with no success. Town Attorney Eric Larson is preparing an affidavit so that Mr. Barbeau can get onto the property to see the current status and then move forward to take action.

C. Discussion and possible action on code enforcement options for the property located at N14W28109 Silvernail Rd.

Tim Barbeau, Town Engineer, visited the site and could see an RV and other debris in the front yard. Mr. Barbeau will write a letter to the homeowner telling them that they are in violation of Town codes.

SUPERVISOR KRANICK MADE A MOTION TO TAKE ITEM 8D. OUT OF ORDER. MOTION SECONDED BY SUPERVISOR COOLEY. MOTION PASSED UNANIMOUSLY.

8D. Discussion and possible action on the adoption of an Ordinance to change the Town of Delafield Comprehensive Plan as follows: Tax Key No. DELT 0811-999 from Commercial and Office Park to Mixed Use, except in areas designated as Primary Environmental Corridor (PEC); Tax Key No. DELT 0809-996 from Suburban 1 Density Residential to Low Density Residential, except in the areas designated as PEC; Tax Key No. DELT 0809-995 from Suburban 1 Density Residential to Low Density Residential for lands located north of a line between the southeast corner of tax parcel DELT 0809-996 and the center line of Elmhurst Drive directly west of the southwest corner of Lot 9, Golf Ridge subdivision, except in the areas designated as PEC; Tax Key no. DELT 0809-995 from Commercial and Office Park to Mixed Use for Lands located south of said line.

Tim Barbeau, Town Engineer, made a presentation to the Board explaining the Land Use Plan change: The Thomas family has requested that their land be changed from Office/Commercial to Mixed Use and Suburban 1 Density Residential to Low Density Residential. The definition of Mixed Use for the Comprehensive Plan allows: Residential, Public, Institutional, Office, Retail, Service, Light Industrial, and Research & Development. The change from Suburban 1 Density Residential to Low-Density Residential is to match all the other residential uses in the area. If these items pass the Town Board, the Thomas family will have to get approval from Waukesha County. The process will take approximately 4 months.

Chairman Troy stated that tonight's meeting is not to discuss re-zoning the property. The land is currently zoned as Agricultural and after tonight's meeting, it will still be zoned as Agricultural. Tonight's Land Use discussion is only about changing the Land Use from Office/Commercial to Mixed Use, and Suburban 1 Density Residential to Low-Density Residential.

Comments were taken from Town Residents:

Peter Ogden, Happy Hollow, is concerned that there won't be enough water for new buildings as well as current residential homes in the area. Mr. Ogden is also concerned that a commercial building will be too tall.

Pete Buerosse, Elmhurst Drive, is concerned about buffers between current residential homes and new commercial buildings.

Alan Knepper, Brookstone Circle, is not happy with the process. He feels that the town has not kept residents properly informed on the process of potential development of the Thomas farm.

Denise Reese, Golf Ridge South, is concerned about increased traffic on Golf Road.

Todd Wozniak, Domecki Court, thinks that the Town should wait until actual plans for a development are submitted, and then zoning and land use can be changed.

Kathy Gutenkunst, East Glen Cove, would like a buffer between current homes and new development.

John Ruf, Beach Park Circle, is concerned that a big development will make a big impact on the capacity of the Sanitary/Sewer District. The sewer system may have to be updated.

Tom Koepp, Parkside Road, from the Pewaukee Sanitary District, agrees with Mr. Ruf.

Cindy Duchow, Louis Ave., questioned why we need to change the Land Use Plan to Mixed Use instead of keeping what we have. Engineer Barbeau responded to Ms. Duchow that the Town is looking into changing the Land Use Plan because a citizen applied to change it. Supervisor Kranick added that currently, the Land

Use Plan allows a development with 100% retail or 100% restaurants to be developed on the land. The Town does not want this. Changing to a Mixed Use plan will provide the Town more flexibility to develop the land.

Supervisor Kranick stated that the Town Board would like to see different buildings like unique Senior Housing or a High-Tech Firm on that land.

Jeff Lien, Hidden Creek Court, is concerned about water flow/drainage with new development.

Chairman Troy stated that some emails were received at the Town. Chairman Troy read the names of the residents that sent the emails. All of the residents were opposed. These residents are listed below:

Helen Rehberger, Golf Ridge North
Jenna Marcotte, Golf Ridge Subdivision
Francis and Jean Mayhew, Golf Ridge South
Aric Zeier
Jeff and Debbye Spang, Golf Ridge Subdivision
David Zeier, Golf Ridge North
Jim Frett, Golf Ridge North
Denise Reese, Golf Ridge South

Rob Thomas, Oakton Road, stated that he owns the land along with four of his cousins. Mr. Thomas is formally requesting that the Town of Delafield change the Land Use Plan from Office/Commercial/Residential to Mixed Use/Residential. Mr. Thomas stated that originally the Land Use Plan said that 85% of the property had to be open/green space. (It was then modified to 80%.) Mr. Thomas stated that under 80% open/green space, a developer could only build a small office building on a large piece of land. In 25 years, only two potential buyers have come forward. No buyer wants to have that much open/green space. The Thomas family wants to sell the land, but they can't get a developer to even put a plan together with such large open/green space. The Thomas family asked the Town to review the Land Use Plan and see if changes could be made. Mr. Thomas stated that discussion with the Town was focused on what is best to do with the property. Changing to Mixed Use would allow the Thomas family to get a buyer and would be good for the Town. Originally, the Thomas family wanted the open/green space to decrease to 35%. The Town Plan Commission said it must be 50%. Mr. Thomas stated that their original proposed plan has been altered, and not to the Thomas family's advantage and that this has been difficult for the Thomas family. Mr. Thomas asks that the ordinance be passed as it currently states and that any more restrictions will jeopardize the sale of the land. Mr. Thomas stated that he hopes the Town and the Thomas family can come to a resolution that is beneficial to both of them.

CHAIRMAN TROY CLOSED THE PUBLIC COMMENT SESSION ON THE AGENDA ITEM.

Chairman Troy requested Kevin Fitzgerald, Chairman of the Town's Plan Commission, explain to the Board the process the Plan Commission followed in reaching the proposal before the Board this evening.

Kevin Fitzgerald, Plan Commission Chairman, stated that the Town should change the Land Use now so that it has control of the situation rather than wait for a developer to come in and then change the Land Use Plan. Mr. Fitzgerald further stated that the Planning Commission felt that a Mixed Use Plan would be better for the Town. Mixed Use will allow more opportunities to improve things for the town, while providing, perhaps, benefit to the land owners and developers. The Plan Commission's biggest issues were: traffic and lighting. The Plan Commission does not want a large commercial office park, with hundreds of employees coming and going on the property. Mr. Fitzgerald continued that "light-industrial" has one tenth the employees that office buildings would. The Plan Commission re-wrote the zoning code to make it more restrictive as to what kinds of buildings can be developed there.

Supervisor Van Horn stated that the Plan Commission has put a lot of work into this. This Land Use change is just the first step in a long process. There will be many more meetings. Supervisor Van Horn stated that we should support the Plan Commission and that he has no problem with this proposal.

Supervisor Cooley stated that he is more comfortable making a change to the Land Use Comprehensive Plan once he sees what is going to be built on the property.

Chairman Troy stated that "this proposal did come unanimously from the Plan Commission and this land has been Commercial/Residential for over 25 years. Changing to Mixed Use will include Office/Commercial and includes things that are more marketable in today's environment." Chairman Troy continued that "this change is more appealing to potential buyers" and he believes that "the land owners have a right to sell their property". Supervisor Troy "is in favor of the Land Use change and in the long term, it will be good for the Town in many respects."

Supervisor Kranick stated that "the Town Board has been discussing this proposed change since last Spring and have put many hours into this discussion. The Board changed to Mixed Use to allow flexibility with this land". Supervisor Kranick further stated that the Board wants the Residential zone buffered and they are cognizant of the traffic issues.

Chairman Troy stated that the ordinance requires that the entire property, all 150 acres, be developed under one master development plan and one master development company, so we are actually limiting the ability of the owner of the property to sell off pieces of the land.

SUPERVISOR VAN HORN MOVED THAT THE BOARD SUPPORT THE RECOMMENDATION OF THE PLAN COMMISSION AND APPROVE THE LAND USE PLAN. SUPERVISOR DIONISOPOULOS SECONDED. CHAIRMAN TROY ASKED FOR A ROLL CALL VOTE: SUPERVISOR KRANICK: "AYE"; SUPERVISOR VAN HORN "AYE"; SUPERVISOR COOLEY: "NAY"; SUPERVISOR DIONISOPOULOS: "AYE"; CHAIRMAN TROY: "AYE". MOTION PASSES FOUR TO ONE.

8E. Discussion and possible action on the adoption of an ordinance to repeal and recreate the definition of light industrial, and to create Section 17.04 5. R. Mixed Use of the Town of Delafield Municipal Code.

Town Engineer, Tim Barbeau, explained the ordinance and definition of "light industrial". Mr Barbeau stated that under "light industrial", the following buildings are prohibited: distribution centers, stand-alone restaurants, and stand-alone retail. Mr. Barbeau continued that open/green space changes from 35% to 50% and there will be design standards for architectural features. Early next year, the Plan Commission wants to craft separate ordinances for items such as: lighting, landscaping, and architectural features.

Chairman Troy stated that he wants independent ordinances written for lighting and landscaping standards.

Todd Wozniak, Domecki Court, stated that he is concerned about the increased traffic that added residential units will add.

Terri Mahoney Ogden, Happy Hollow Road, feels that not many residents in the Town have known that this whole process has even started. She wants a better way to communicate to Residents about the status of the Thomas land.

Chairman Troy responded that this information has been posted on the Website and on the Town Memo Board outside the Town Hall, as per regulations, but does admit that with the current absence of a Town Clerk, things have not been posted in as timely of a manner as we would like.

Kathy Gutenkunst, East Glen Cove, stated that under this new ordinance, a developer can come along and say that they want to put in 400 units. The way this ordinance is worded, the Town will have to let the developer go forward or the developer could sue the Town. Ms. Gutenkunst thinks that this should be a Conditional Use Permit. She is against a multi-family development of over 200 units. She would like to see Senior Housing alone. Ms. Gutenkunst said that she understands the Board wants a master developer, but the way the ordinance is worded, this is not necessarily the case. She referenced Page 3, paragraph B of the Mixed Use Ordinance and said that there is "nothing in this ordinance that says there needs to be a Master Plan".

Chairman Troy responded: "To educate me, what should it say? It is our intent that the development of the entire property is controlled by a Master Development Plan."

Ms. Gutenkunst stated that "off the top of my head, it should say 'The site has to be developed pursuant to a Master Plan which has to be adopted and the zoning to go with it'." Ms. Gutenkunst told Chairman Troy that she can help him with exact wording in drafting the ordinance. Ms. Gutenkunst continued that she feels 47 feet is too tall for a development near current homes. Ms. Gutenkunst also noted Page 6, Item 6C stated that the way the ordinance is written now, a developer could get an exception to the 200-unit maximum rule, but the ordinance doesn't say how you get that exception. That needs to be re-written. Ms. Gutenkunst noted other sections of the ordinance that aren't specific enough. She would ask that the Board table this item and she offered to help re-write areas of the ordinance that "have holes". Ms. Gutenkunst thanked the Plan Commission and the Town Board as she feels that they are trying to do the best that they can for the Town.

CHAIRMAN TROY CLOSED THE PUBLIC COMMENT SESSION ON THE AGENDA ITEM.

Chairman Troy stated that "the intent of the Plan Commission is that the property will be developed under one Master Plan. He also stated that he thought the wording in R.1.B. accomplished that objective."

Kevin Fitzpatrick agreed with Cathy Gutenkunst that we could "tighten up" the language in that section.

Chairman Troy feels that his item needs to be sent back to the Planning Commission.

SUPERVISOR KRANICK MADE A MOTION TO SEND THE TOWN'S MIXED USE ORDINANCE BACK TO THE PLANNING COMMISSION FOR REVISIONS. SUPERVISOR DIONISOPOULOS SECONDED. THE MOTION PASSED UNANIMOUSLY.

D. Discussion and possible action regarding Dog Licenses ordinance.

Supervisor Dionisopoulos stated that eight residents currently have 3 dogs each that are licensed. This goes against the Town Ordinance of 2 dogs maximum per household. Five of the eight residents have more than 1.5 acres of land, so they qualify to get a Hobby Kennel license. These five residents will need to get approved for a hobby kennel license through the Plan Commission. For the other three residents whose yards are smaller than 1.5 acres, it is proposed that these residents will receive a certificate stating that their current number of 3 dogs is approved, but once one of their dogs passes away, they will be mandated to only have 2 dogs as per the ordinance. Chairman Troy feels that this item needs more discussion, so this item should be tabled.

SUPERVISOR KRANICK MOTIONED THAT THIS ITEM BE TABLED. SECONDED BY SUPERVISOR COOLEY. MOTION PASSED UNANIMOUSLY.

E. Discussion and possible action on approval of a Bartender/Operator License for Shad Roberts.

SUPERVISOR COOLEY MADE A MOTION TO APPROVE SHAD ROBERTS FOR A BARTENDER/OPERATOR LICENSE. MOTION SECONDED BY SUPERVISOR VAN HORN. MOTION PASSED UNANIMOUSLY.

Eighth order of business: New Business

A. Discussion and possible action regarding building inspector services

Supervisor Kranick stated that all previous bids from the RFP were rejected. Chairman Troy suggests that he and Supervisor Kranick meet with the current Building Inspection company and discuss modifying the current contract to include Code Enforcement and bring the modified contract to the Town Board by early March.

B. Appointment of Election Inspectors for the period of 1/1/2020-12/31/2021

SUPERVISOR KRANICK MADE A MOTION THAT THE BOARD APPROVE ALL ELECTION INSPECTORS FOR THE PERIOD OF 1/1/2020 THROUGH 12/31/2021 AS PRESENTED ON THE MEMO. SUPERVISOR COOLEY SECONDED. THE MOTION PASSED UNANIMOUSLY.

C. Mark and Konstance Remshak, W303 N2625 Maple Avenue, Re: Consideration and possible action on a request for approval of a Certified Survey Map to combine a portion of lot 15 and a portion of lot 16, Crystal Springs Park subdivision that they own into one lot.

Town Engineer, Tim Barbeau, stated that the current lot line, which has been in its current location for many years, passes through an existing building. The property owners are just requesting to move that line.

SUPERVISOR KRANICK MADE A MOTION TO APPROVE THE REQUEST OF A CERTIFIED SURVEY MAP TO COMBINE A PORTION OF LOT 15 AND A PORTION OF LOT 16. SECONDED BY CHAIRMAN TROY. MOTION PASSED UNANIMOUSLY.

D. Item already discussed

E. Item already discussed

F. Discussion and possible action on the adoption of an ordinance to repeal and re-create certain sections of chapter 17, and repeal and re-create all of section 17.05 of the Town of Delafield municipal code related to conditional uses, incorporating certain revisions suggested by the Waukesha County Parks and Land Use Department, related to conditional uses, and to rescind action taken on March 12, 2019 on a prior version of the same ordinance.

SUPERVISOR KRANICK MADE A MOTION THAT WE APPROVE THE CHANGE SUBJECT TO THE TOWN'S ATTORNEY REVIEW AND COMMENTS. SUPERVISOR DIONISOPOULOS SECONDED. MOTION PASSED UNANIMOUSLY.

G. Discussion and possible action on issues involving the road-shoulders on the North Shore entrance to Woodridge Estates.

Engineer Barbeau stated that the Subdivision is allowed to put in a curb, if approved, but that the Town will not pay for it. Chairman Troy feels that this item needs more discussion and should be tabled.

SUPERVISOR KRANICK MADE A MOTION TO TABLE THIS ITEM. SECONDED BY SUPERVISOR COOLEY. MOTION PASSED UNANIMOUSLY.

Ninth Order of business: Announcements and Planning items

A. Next Plan Commission Meeting – January 7 @ 6:30

B. Next Town Board Meeting – Thursday, December 19 @ 6:30

Tenth Order of business: Adjournment

MOTION MADE BY SUPERVISOR COOLEY TO ADJORN. SECONDED BY SUPERVISOR KRANICK. MOTION PASSED UNANIMOUSLY. MEETING ADJORNED AT 9:10 P.M.

Respectfully submitted,


Lori Schmeling
Town of Delafield Office Staff

Minutes approved on: 12/19/19