

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
JANUARY 23, 2024 @ 6:30 PM

Video Link: <https://www.youtube.com/watch?v=n-smbEw2LFo&t=20s>

First order of business: Call to Order

Chairperson Kranick called the meeting to order at 6:30 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Roll Call

Present: Supervisor Mahoney-Ogden, Supervisor Miller, Supervisor Michels, Supervisor Woelfle and Chairperson Kranick. Also present was Town Attorney Eric Larson, Engineer Tim Barbeau, and Administrator Dan Green.

Fourth order of business: Citizen Comments:

Judie Fiducci, W291N3796 Treeline Court, stated the Town is comprised of wide-open spaces and lower density. She explained that the family and developer asked to be treated differently and are not working for the benefit of the community. The developer is forcing the Town to put as many units on this property as they can. She explained that looking at the aerial photos, the surrounding neighborhoods do not match the proposed subdivision. The Town should have the prerogative of what it should look like and feel like. She stated the Thomas Family desire, and the County desire, should not supersede what the Town believes. Neumann's work is not lost, it can be put someplace else. The Thomas family has lived in the community for a long time, and know about open space planning. She asked the board to be fair and say no. She stated they elected officials representing the Town, not Waukesha County or the developer. There are other developers that would want to get ahold of the land, but are not willing to pay what the owner wants. This is all about open space. It was to protect the beautiful lake that people in the area enjoy.

Sue Knutson, N22W29072 Happy Hollow Ct, stated she grew up in Delafield her entire life, and has lived at her current property for 38 years. She stated this is too dense and not consistent with other Delafield neighbors. She went to school with the Thomas family. She stated it was a hard decision by the family to sell the property. She explained that Rob lives in the neighborhood near the farm, and Char lives in another municipality. This should be developed similar to other subdivisions. The neighborhoods that surround this property had the Town motto in mind. She urged the board to vote no, and listen to the neighbors. She asked it be zoned consistent to other properties in the Town. The project has become out of hand and the developers don't care about the traffic, wells, etc. She stated residents rely on the board to look out for them. She stated there is one individual on the board, and Plan Commission that she voted for on several occasions to represent her.

Celeste Keller, N16W29802 Brookstone Circle stated she moved here not thinking about the deer cranes, ducks, mallards. She stated she cannot tell the board what she has experienced since she has moved here. She reviewed different crime ratings in the area including the City of Pewaukee which scored a B-. 81% of all the properties in the City are less safe. She stated Delafield has a crime rating of C+. She stated that when the board says yes to the development, they are saying yes to her having to contest with 400 new neighbors. She explained the Town does not have a police department. The fire fighters have seen terrible things in the area. She stated that two officers were shot in the City of Delafield two years ago. They are no longer officers. On December 12th there was a high-speed chase in the area. She stated that crime will be irreversible.

George Irwin, attorney for the Thomas Family, stated they have been working on this for 5 years. He stated the Thomas family is not trying to maximize profit. They have spent 5 years going through this process. Two years ago, the Town adopted an ordinance. The ordinance was very restrictive. The Town Attorney added language to have the owners sign, because numerous property owners would have to deal with these restrictions. He stated these restrictions are more than anyone's property, sitting in this room. This project has more than 50% open space. The developer is not proposing anything that is above the parameters of what is in the ordinance. The reasonable expectation of the property owner when these conditions are imposed, if they meet these conditions, should be able to move forward with the development. He stated when we heard about wells, they found out through the well study, that the drawdown is less than the adjoining

properties. The infiltration is 94%, higher than the 90% required by the County. He urged the Town Board to follow their own controls. They followed those rules, it was time for the board to.

Denise Reese, N18W29054 Golf Ridge S., read a letter from Thomas Koepp, at LPSD. She stated page 2 of the letter on page 2, "Dewatering and drying out the clay soils will cause shrinkage and subsidence. Basement walls will crack, and dewatering is only a partial fix. In addition, the basements will most likely need radon mitigation systems installed. The better option is to require the construction of homes with larger garages and no basements." She also quoted the letter from Mr. Koepp, The WDNR well driller viewer indicates the wells in High Ridge and Golf Hills needed to be deep to achieve the necessary flows for "reasonable use". Shallow wells will also create a cone of depression in the shallow unconfined aquifer which will directly affect the wetlands and surface waters." She stated these issues need to be addressed before the rezoning of the site. Once rezoned, the development could leave homeowners with costly issues for years to come. She stated it obviously doesn't fit, and to vote "no".

Jim Frett, N19W29056 Golf Ridge N, stated this is a Town, not a City. He handed out a map with an overlay of the neighborhood with the current proposed plan. He stated the map helps to see the difference in the size of the lots. These lots are City size lots in the Town of Delafield. The development is double the density of the surrounding neighborhoods, and triple the average for the Town. Mr. Frett showed a bubble chart that shows the densities of other subdivisions in the Town. The bubble chart shows the average density for the past 50+ years is .483 units per acre. The current plan has 212 units with a density of 1.404.

Kathy Gutenkunst, N20W29668 E. Glen Cove Road, stated they are all tired. She stated she has been there since the beginning, including when the ordinance included light industrial along Glen Cove Road. In 2020 she marked it up the proposed ordinance, and Mr. Troy said she was right. That is when Waukesha County got involved. She stated she understands this property will be developed. The board has one chance to get this right. There are three subdivisions near this site, Dover Bay has .19 units/acre. One plan Commissioner asked where Dover Bay was. Siepmann's subdivision is .67 acres/unit. High Ridge is .87 units/acre. There is not another site in Waukesha County along I-94 with this density. This is for first time homeowners. The lowest price package will be \$500k to \$550k. If they sell 175 lots, at \$125k, that is \$21,875,000. LPSD recently got into the conversation. The Collier report asked them to mandate flow, and wells below the Michalek Shale.

Jerry Janzer, w307N1677 Shadowood Point, stated this is a citizen comment period, and was disappointed the board did not follow its own comment rules. He has been a resident for over 30 years. He represents real estate developers. He stated this is not the place for this development. He has represented people in front of this body and had more restrictions than this ordinance. He stated he has no problem with the developers. It is their job to protect the citizens. He stated he hears comments like, "We don't have a choice", "What are we going to do", and "I'm getting tired". No one has explained why they need this in the Town of Delafield. He stated he had never heard a reason other than not having a choice. From a legal standpoint, this is a classic example of spot zoning. The Town has not allowed this anywhere else. He stated he read all the studies, and there were good issues raised. He stated he was distressed about the lack of critical thinking. He thanked the board for the opportunity to talk. He said he has not heard a single person in favor.

Laurie Melius, W18W29926 Crooked Creek, stated she has an issue with the 8 lots at the end of Crooked Creek, and does not like this going through her subdivision. She stated she didn't want to see any of this development. She asked if the developer talked to the president of the association and how are they going to blend in with the subdivision. She stated they don't want this going through their subdivision.

Fifth order of business:

- a. Approval of the January 9, 2024, Town Board Minutes

*Motion by Supervisor Michels to approve the January 9, 2024, minutes. Seconded by Supervisor Mahoney-Ogden.
Motion passed 5-0.*

Sixth order of Business: Action on vouchers submitted for payment:

- a. Report on budget sub-accounts and action to amend 2023 budget.
- b. 1) Accounts payable; 2) Payroll

Motion by Supervisor Mahoney-Ogden to payment of checks #67241 - #67249 and checks #67253-#67292 in the amount of \$9,497,233.72, and payrolls dated January 19, 2024, in the amount of \$20,350.77. Seconded by Supervisor Miller. Motion passed 5-0.

Seventh order of Business: Communications:

a. Winter storm update

Jamie Formea stated the weather came through last weekend. At noon on Friday, WE Energies power was out at the Town Hall. They lost power at all three phases in the building. The generator provided backup power. This means they had emergency lighting, garage door access, and vital equipment. Everything else was dark. They ran that way for the night with 30 or so calls. Everything was normal through Saturday. Early on Sunday, the generator failed at around 4:45 AM, and everything was dark on the hill. The generator suffered a failure. They made contact with the crew and got the fire truck out of the bay. They made contact with the service contractor when they were called to a structure fire. Throughout the course of that day, they got an electrician on site and a rental generator. They hired a local electrician to come in and wire the rental. That is the condition the building is running on now. On Sunday, the power was restored at midday. At some points, they were running two of the three stages of power, where only half of the building was working. After the power loss, some systems had to be recovered including the software that manages door access. Fire crews were housed in the City overnight and came back the following day.

Chairman Kranick thanked Jamie Formea and Mark Hoppe for the work they did to resolve the issue while the station was without power for 37 hours. He also thanks the Highway Department who worked 70+ hours the week of the storm.

b. Lake Country Fire & Rescue Update

Chairman Kranick stated that the City voted to not go to referendum in 2024 for increased fire department funding. They will continue to offer 2% plus CPI increases to the budget for 2025.

c. Wisconsin Town's Association – Upcoming meetings

Chairman Kranick stated that Wednesday night there is a County Unit meeting for the Town's Association in Merton at 6:30 PM. There is also a District meeting in Juneau on February 2nd.

Eighth order of Business: Unfinished Business: None

Ninth order of Business: New Business:

a. Discussion and possible action on the following recommendations from the Plan Commission:

- i. Kenneth and Hildegard Becker, W298 N408 Kings Way, Re: Consideration and possible action on a request to approve a Certified Survey Map to combine two adjacent parcels into one parcel location at W298 N408 Kings Way. Tax Key Nos. DELT 823-013 and DELT 0823-998-009.

Engineer Barbeau stated this is a pretty simple CSM. The applicants own two adjacent properties. The lot line goes through the pool. They are looking at adding an accessory building and have to combine the two lots in order to do so. The CSM was reviewed, and had technical changes to make. There was an additional CSM submitted since then. There was a notation on lot 4 of the CSM with a name change for the property owner. He recommended approval with a revision date on the CSM of 1/23/2024. This will go to the City of Delafield for the extraterritorial plat review.

Motion by Supervisor Woelfle to approve the application from Kenneth and Hildegard Becker, W298N408 Kings Way, for a Certified Survey Map dated 1/23/2024, to combine two adjacent parcels into one parcel. Seconded by Supervisor Mahoney-Ogden. Motion passed 5-0.

- ii. Amy Thomas, et al, Re: Consideration and possible action on the adoption of Ordinance 2024-01, an ordinance to amend the zoning map of the Town of Delafield from A-1 Agricultural District to PDD No. 1 - Planned Development District No. 1 on the Thomas family properties located north of Golf Road, west of Elmhurst Road, south of the Lake Country Bicycle and Pedestrian Trail and the High Ridge East Addition No. 1 subdivision and east of Glen Cove Road that are in the Town of Delafield's zoning jurisdiction.

Link to PDD#1 rezone materials: <https://www.townofdelafield.org/plan-commission/pages/thomas-farm-rezone-documents>

Engineer Barbeau showed a map of the property. The areas being rezoned to the Planned Development District #1 (PDD) are the lands currently zoned A-1 in the Town's jurisdiction. There is County Shoreland zoning to the north. The aqua color will not change and are defined by wetland delineations. All other areas will be zoned under the PDD ordinance. The requested zoning amendment is in conformance with the land use plan. The zoning requires approval, conditional approval, or denial by the Town Board. The engineer's report lists the plans that are associated with the submittals. The application was reviewed as part of the PDD ordinance, and determined conformance with lot size and frontages. There will be other requirements when the applicant comes in for a building permit, such as offsets. The engineer went through each submission as it relates to the requirement of the PDD ordinance.

1. A General Development Plan drawing was submitted that proposes 212 units. The code allows 230 units.
2. Open Space and Natural Resources Protection Plan: No wetlands or environmental corridors will be disturbed, tree lines will be retained, and partial tree lines to be removed will be replaced. Various stands of trees on Outlot 6 will be preserved. The open space for the site is 49%.
3. Traffic Impact Analysis: A TIA was prepared, with 8 intersections being evaluated during peak hour traffic. The level of Service existing is A and B. Under proposed conditions, the level of service is A and B. The Wisconsin DOT and Waukesha County consider a level of service D or better to define acceptable peak hour operating conditions. Improvements required for traffic include turn and bypass lanes on Golf Road at the two new entrances.
4. Road access plan: There are four access points into the main subdivision, two off Golf Road, one off Elmhurst Road and one off Glen Cove Road. There is no direct east-west cut through. Separate access is provided by Crooked Creed for the eight lots to the west.
5. Sanitary Sewer: Per a letter dated May 22, 2023, from LPSD, they confirmed that the design capacity is 7 units per developable acre (110 acres) resulting in 770 persons. The projected population for the development is 583 people. LPSD has confirmed sufficient capacity in the existing pipe system and at the Fox River Pollution Control Center in Brookfield.
6. Water Study: The PDD ordinance requires that SEWRPC, WDNR and LPSD be consulted with regard to water table impacts. The study had to demonstrate that a private water supply will adequately serve the project and not adversely impact private wells or other natural resources. The study was completed and reviewed by SEWRPC, Waukesha County and LPSD. The finding included: the methodology used to calculate drawdown is the most widely used and accepted solution for calculating drawdown; the average draw down in the proposed development, assuming infiltration and groundwater recharge is estimated at 4 to 5 feet; the cumulative drawdown at the property line for developments to the east and west is estimated at 7 to 14 feet; the maximum drawdown is less than the natural groundwater fluctuation of 6 feet; flows of groundwater to Pewaukee Lake will be maintained.

7. Preliminary Stormwater Plan: A preliminary stormwater plan was reviewed by Waukesha County and concluded that the development will be able to meet the ordinance requirements, with ground infiltration to be 94% of the pre-development flow (90% required).
8. Bike and Pedestrian Plan: The developer has incorporated 10,200 linear feet (1.9 miles) of trails/paths. A paved path extends from Glen Cove Road to the Lake Country Trail. Natural walking paths extend from open space areas in the subdivision through the environmental corridor.
9. Active Recreation Plan: A one-acre public pocket park is included in the development at the westerly entrance to the subdivision off Golf Road. Amenities include a pickleball court, garden, picnic areas and benches.

Engineer Barbeau stated he recommends that the petition for a zoning amendment from A-1 to PDD No. 1 and the General Development Plan be approved based on these findings.

Bryan Lindgren from Neumann Developments stated he appreciated the 8 people making comments. These comments have been taken into consideration. He stated that there are no comments made for those people who are in favor, the people who are looking for homes and cannot find any available. There are people looking to buy a house who would love to live in the Town of Delafield. People who want to downsize their lot. He explained that this development has ample open space. 49% of the development is permanently preserved. He addressed the density arguments, and explained that they are proposing less units than are allowed by the PDD ordinance. He explained that everything is owner occupied. The conservation subdivision supports conservation of public utilities. Unfortunately, the LPSD letter was sent today, but they have been in formal conversations with LPSD and have addressed some of the concerns that were brought forward. He explained that some items in the letter are not under LPSD's authority, including basements. The water study continues to come up. The water study was completed by GZA, and was thoroughly reviewed by other studies. The Collier report was not. It is very important to understand that the water study was reviewed by the Town, County, and SEWRPC. The GZA study contains peer reviewed expert analysis. He explained they submitted a rezone application that is consistent with the comprehensive plan. The rezone is through a planned development district which are common, and are always unique to a property. This was done proactively, with studies being required. As a developer in the area, he stated they take this very seriously. As a Town resident, people will be proud, as this is well planned and well designed. He stated he looks forward to proving people wrong.

Supervisor Mahoney Ogden stated she was glad to talk about this, as they are not able to discuss this. She had a lot of questions starting with a few things on her mind. She stated she was opposed to spot zoning and what was done with this district. She is opposed to the 10,000 square foot lots, which is the opposite of everything they are about in the Town of Delafield. She explained that she asked Engineer Barbeau to give her information on density in other subdivisions. She stated this development has 152 acres with 212 units. She stated she went to Neumann opposed to the development. 174 lots are on 10,000 square foot lots. Zones 3 and 4 are all approximately 10,000 square feet. She stated she went to Pabst Farms over the weekend. She stated the subdivision had no character. She did not think the board should vote on the development because they did not have time to review it. She stated the report submitted by LPSD states homes need to have bigger garages. She explained that the neighbors have been saying they want to look like what is next to them. She also expressed concern about traffic. She stated she spoke to the engineer of the traffic study and asked why they did the study in February. She stated his response was that is when the State of Wisconsin does traffic studies. She said that she asked other people about that, and they had never heard of that. She stated the traffic study is not indicative of what traffic is. She said that maybe they need a round-a-bout at Glen Cove Road. She stated her last concern is regarding the studies. She referenced LPSD's letter and stated they should not be rezoning when they do not have their ducks in a row.

Supervisor Mahoney Ogden also stated that the Collier report shows conflicts with the GZA report. She asked the developer if they are willing to put in extra deep wells. She went on to say that the Town Board and Plan Commission do not have engineers. She stated she was disappointed that there were not more questions at the Plan Commission level. They assume everything is fine. She stated the Town has to have a guarantee, and questioned how they could rezone right now with there being too many inconsistencies. She explained that the Town had a former leader who opened up a can of worms. The former leaders for that would have said no to this development. She explained the board is different than it was then, and Ron Troy is not there anymore. She said Chairman Fitzgerald is bullying them, but they need to represent their people. The people have made it loud and clear. Yes, there is open space, but 10k square foot lots is not appropriate, especially with last-minute information. She stated the choices are to deny it all together, and come back with bigger lots, come up with a better plan, as they are going to protect Pewaukee Lake and sanitary district.

Supervisor Miller stated she felt uncomfortable moving forward. She saw no trust with the taxpayers and Neumann Development. She had not received one positive piece of feedback. She explained she ran for the board to represent the community and does not feel comfortable with so many unanswered details.

Supervisor Woelfle stated he would like to hear how they can force a property owner to rezone their property to R-1. The property owner still has the right to do with their property what they want. He asked them to look at what this proposed density was when the Town first started this ordinance. The property was zoned agricultural with commercial land use. The land use was not residential. That is the beginning of this problem. He stated that the Town asked them to move the line. When the Town started working on the ordinance in March of 2021 it was 900 units, and went down to 450, then to 306, and down to 260 in July of 2022. The board brought up 250 units which got applause, and now the proposal is at 212 units. This initial proposal was senior living, and multifamily mixed use. Now they are all single units, and they meet the density. These are all owner-occupied homes and meet the definition of low density. The implication that the Town hasn't done what it needs to do, taking into account traffic, sewer, stormwater, is not correct. Now the concern is the size of the lots. He explained there are 10,000 square foot lots all over. Pewaukee Lake has many 10,000 square foot lots. They predate the subdivisions that are here. He stated this is not my ideal picture of what we like to see, but If you shut it down, how do you move the needle, how are you going to make the property owner decide. That is the question I have asked, and no one can answer.

Supervisor Mahoney Ogden asked the developer why they do not have similar density to Woodridge. She stated the answer is always that it is right by the highway. She stated the Town does not need a small, tiny house just because it is by the highway. She asked what the difference was.

Supervisor Woelfle expressed concerns about what will happen next, given they have met the requirements of the ordinance. He questioned where this was going next. The developer passed the tests, and aligned what we have asked for. He expressed concern for what things may be coming based on the language around ACT 16, and zoning by right laws. He stated they cannot be sure what happens next.

Supervisor Mahoney-Ogden stated that Supervisor Woelfle was voting out of fear. Supervisor Woelfle stated he was not voting out of fear. He explained that the subdivision offers a lot open space and homes that are not priced at 1.25 million dollars. He saw this as an opportunity for livable homes. He stated he did not want to see for this site, what is happening a mile and a half down I-94.

Supervisor Michels stated the board doesn't get to talk about this and it's frustrating. He wished the board could have a more open dialogue. He stated there was a can of worms opened, back further, when it was given a commercial land use. That land use never fit, and opposed a site with a lot of Orthopedic Associates type structures. From 2021, since being involved, the Town has made great progress. This property no longer has the land use for business purposes. That was a gigantic win. He explained that since reading Supervisor Mahoney-Ogden's emails, her comment at the time, was this should be single family residential with condos and green space. He stated he wanted to hear her ideas of specifics, and referenced her saying that they are getting close. He questioned whether they were getting close, or if it's just a no for Supervisor Mahoney-Ogden. He stated that is a discussion we should have and vet out. He stated he was very happy since looking at correspondence, to see no apartment complexes or three-story buildings. Seeing this doesn't have senior living, If you are concerned with water and sewer, would be bad for the site. He stated he has voiced concerns about 10,000 square foot lots in the past. He stated that he lives on a much smaller lot. He stated, if I am not welcome in the Town, there are a lot of lots similar to his. He stated he was uncomfortable with the lot size, but grew as the number of units went down. He explained that when they were considering 250 or 260 units, someone could come here and have that number of units at 20k square feet. As the number came down to 230, he agreed. And now that they are at 212 units, his concern is lessened. It is a different style that doesn't necessarily maximize the site. He stated he went through the Village of Summit and saw strollers and walking paths. He stated he wanted to hear from the board. He stated he agreed with Supervisor Woelfle, that the site has been studied, and the lake effect has been studied.

Supervisor Mahoney-Ogden said the board needs to figure out if they meet the ordinance based on LPSD's correspondence. Supervisor Miller asked Supervisor Michels if he is saying people prefer smaller lots. Supervisor Michels stated there is a popularity to this walking space, conservation style subdivision. Supervisor Miller stated she disagrees and will not pretend to make comments based on what she thinks people want. Supervisor Mahoney-Ogden stated this was the Town of Delafield, not the City.

Chairman Kranick stated that the board has "Town of Delafield" this thing to death. He stated he received a lot of calls stating that they thought he was against this. He explained that in March of 2021, the ordinance had multi-family and senior uses. Chairman Troy asked him what density he wanted. Chairman Kranick replied at the time, with 250, and there was applause. Since then, the number was reduced to 230 units, and now it is down to 212. The density calculations of surrounding areas were thrown around, omitting certain areas. He stated that the Town needs some diversity in housing. There is no commercial, multi-family, or senior uses. He explained that, at the end of the day, our R-3 zoning can yield 240 units through a condo development. The big misnomer was the commercial land use.

Supervisor Mahoney-Ogden why not put another Orthopedic Associates on the site. She asked the developer why they do not put a Woodridge Estates on the site.

Matt Neumann introduced himself. He stated he has been doing this about 20 years. They have done 100 developments in 50 communities. The Woodridge meetings were much like this. It was at the old Town Hall building and there were even more people at that meeting. He stated they care about this community. He explained that Bryan Lindgren lives in the Town, and he lives adjacent to the Town. He stated, like Kathy said, he hopes we are still friends. They are not some out of state developer. They have been doing this for a long time. They have asked to do more studies than ever before, which is okay, considering this is a very sensitive project. They had a lot of debates about even entering into this project. They have been watching this for years. This property has been talked about for decades. He stated they have enough studies to answer technical questions. He stated they think this type of development is needed. The world is a little different. There is a market demand. We just did something similar in the Village of Summit. The

Town of Delafield is more desirable, especially for real estate development. That is why a 10,000 square foot lot supports a \$550,000 home. That is the reality. They didn't get involved until after the Town and Waukesha County spent years on the background of what the Town Board has talked about. Once there was a plan set, and they said they didn't want light industrial, multi-family and senior. They were on the sidelines until they found what the Town wanted to do. Once this master comp plan was updated, they brought this plan forward. They initially thought 250 homes would fit good on the site. The ordinance required a list of studies, and if those were done, the board would approve 230 units. He stated they met the requirements. The site will have \$1,000,000 homes to the north. He asked the board where the developer should go from here if they say no. Does it go back to industrial or commercial? He addressed the question by Supervisor Mahoney-Ogden on why they cannot do Woodridge on the site. He explained that Woodridge had a lot less developable land, with a lot more wooded area. He also stated the site was not on I-94. The traffic flow and sound on the southern half is drastically different than in Woodridge. He stated he is not as concerned about the noise as you go a little further north on the Thomas site.

Supervisor Mahoney-Ogden stated there are already homes along I-94. She also stated that 212 units and 80 units are significantly different. He made a comment about the market, stating maybe there is a market for these lots, but not in the Town of Delafield. It is not what the Town of Delafield stands for. She stated she does not want what is in Pabst Farms.

Supervisor Woelfle questioned in the traffic study, the impact of Golf and E. He asked if there was no service level change, and that is why it was not reviewed. Bryan Lindgren explained that the parameters of the traffic study are established by Waukesha County's Highway Department. The general nature is after passing through the directly affected intersections, the impact is less and less. Traffic studies are done year-round. Looking at the report, the intersections are rated by level A or B. That does not change post development. The impact to these intersections is not enough to change the level at the intersection. He stated that the study being done in March, does not make the study inaccurate.

Matt Neumann stated there is an assumption that the traffic is less in February than in March. Traffic times of the day are different in the summertime when kids are out of school. The traffic study says when there is new traffic, a study examines the impact. Whether it was 100 cars or 200 cars, the level is either A or B. The traffic is the impact on the existing condition. It is not going to change the existing conditions. It does not matter; the existing conditions are what they are. The new development will not have enough new traffic to change the impact.

Supervisor Mahoney-Ogden stated this is not a typical traffic study. Mr. Lindgren stated this is a typical traffic study. He explained that if it was done in summer, it does not take into account school traffic. That is why the DOT has blended traffic counts. He explained that they are not traffic engineers, and that is why they paid for the study. They did not pick a low traffic month to create a different result.

Chairman Kranick stated that if there is an existing problem, they need to address that with Waukesha County and start saving money to take care of those issues. He stated the traffic study was valid and met the requirements of the ordinance.

Ed, if there is an existing problem, we need to talk to the County and save money. The traffic study was valid and met the requirements of the ordinance. He stated the Town is getting a residential subdivision. Supervisor Woelfle stated he did not understand the objection to professional engineers. Supervisor Mahoney-Ogden stated the Collier report and the GZA report say different things. She stated it was based on hypotheticals, and no test wells were drilled on the site. Mr. Lindgren stated that 148 wells were reviewed for the GZA report. The Collier report reviewed zero wells. The two studies both said there was minimal impact to Pewaukee Lake.

Chairman Kranick stated that LPSD submitted a letter stating they can handle the sewer capacity. The Town has the information they need to move forward. Supervisor Mahoney-Ogden referenced the letter from Thomas Koepp from LPSD.

Chairman Kranick stated that the Plan Commission did their job and was thoughtful in allowing 10,000 square foot lot minimums. If there were less, there would be more condo units. They wanted to incentivize more single-family by allowing 10,000 square foot lots. Supervisor Woelfle stated there are plenty of 10,000 square foot lots. He stated he counted a third of the lots are 10,000 square feet to 11,000 square feet. More than half the lots are over 11,000 square feet. Every lot backs up to green space, not another lot. We can make these all 15,000 square foot lots, but less open space.

Matt Neumann stated, setting the emotions aside of lot sizes, they have been doing this a long time, and the buyers prefer open space vs. mowing. They could very easily have lots 15% larger and less open space. He stated if 212 units is not the problem, but you prefer to not have 10,000 square foot lots, do you think 12,000 square foot lots is better? If so, they could probably do that, and would add 20 feet to the back of the lot. He explained by doing that, the open space would shrink, and you would have less water recharge and infiltration. He referenced the letter from LPSD, which they received and responded to prior to the meeting. In the letter it says sub pumps should not be put in the sewer. He stated they agree, as that water should get infiltrated. He stated point number 4 is adhering to the grading plan. LPSD has regulation of stormwater sites. As far as well depths are concerned, he stated they have no idea how deep the wells are going to be. They don't know if they are going to be 100 feet or 400 feet. It could be substantially different 4 lots apart. That is the way groundwater works, you don't know until you drill the well. Point number 3 in the letter, he stated the developer cannot disturb the wetlands.

Supervisor Mahoney-Ogden asked what was magical about 12,000 square feet. What about 20,000 square feet? Mr. Neumann stated that under R-3 they could put a grid pattern of 240 homes, but no one would like it. Supervisor Mahoney-Ogden stated the Town's new subdivisions do not look like this. The old subdivisions do not look like this. Supervisor Michels stated this plan gives the Town fewer units than R-3 zoning. The objections he has heard are they have created a district that is different than the rest. R-3 zoning gives the Town no protections like the PDD does. Specifically, he mentioned the tree lines. He stated he has seen a lot of farm fields go to neighborhoods, and the best ones have nice tree lines. The pattern of it is designed around those tree lines. If the Town would rather have a grid with R-3 zoning this work is meaningless. That does not include trails and open space, and is a completely different process.

Supervisor Woelfle stated when this was voted on last year, the reason he voted on this is because it provided fewer units than typical R-3 zoning and did not require studies. They have, by approving this overlay, fewer units, testing, and preservation of green space. That was the deal when the board approved it. It was at 230 units, now they are at 212. Supervisor Mahoney-Ogden questioned by the Town is settling on 212 units. Supervisor Michels stated the property owner has to make an application for the land use and the zoning. The Town got them to change it from corporate uses and light industrial. The conversation moved quite a bit from there. They were looking at pollution impacts, and now about density. The landowner has to change the zoning. He stated Supervisor Mahoney-Ogden has been consistent with her opinion. He stated he wants to know if she is interested in a dialogue around this plan or is it always a no for her. He stated he is hearing a lot of "no" statements. He also stated he does not have discomfort based on the LPSD letter that was provided at 10:30 AM the day of the meeting. He stated why he received a letter this morning is beyond him. To recommend no basements he thought was bold, and does not understand where that is coming from. He stated he does not give pause to the letter.

Supervisor Mahoney-Ogden asked Neumann about the point in LPSD's letter about drilling wells beneath the Maquoketa shale. Matt Neumann stated the GZA study is what they followed. It is site specific as to the well depths. The study was fully vetted by everyone that was involved.

He stated that at the end of the day the board can table it, turn it down, or vote yes. If the board tables it, he asked that they understand what other information is needed at this point. He stated what has been put forward meets the requirements of the district. If it is thrown out, it starts all over, but it does meet the requirements.

Supervisor Mahoney-Ogden moved to table the adoption of Ordinance 2024-01.

Chairman Kranick stated the motion failed due to lack of a second.

Motion by Supervisor Michels to approve the zoning amendment based on the following:

- The request is in compliance with the Town Land Use Plan.*
- The application is complete, and all information required by Section 17.04 (5)(R)4. b. has been submitted for review.*
- Findings indicate that each of the GDP required submittal; materials identified in the PDD ordinance have been adequately addressed.*
- The proposed development meets the PDD Statement of Intent.*
- The General Development Plan (GDP) layout has been reviewed in light of the regulations within each subsection of Section 17.04 (5)(R) and have been found in compliance with the ordinance, subject to a detailed review when subdivision plats and construction plans are submitted for review and approval in accordance with normal Town review processes. Development of the subject property shall be in substantial conformance with the maps and studies identified in the GDP as follows:*

1,1A,1B,1C	12/22/2023	General Development Plan Drawing
2, 2A,2B	12/22/2023	Open Space and Natural Resource Protection Plan
3	12/22/2023	Road Access Plan
4	12/22/2023	Sanitary Sewer Plan
5	12/22/2023	Preliminary Stormwater Plan
6	12/22/2023	Bike and Pedestrian Plan
7	12/22/2023	Active Recreation Plan
L1 – L7	3/27/2023	Landscape Plan
	12/16/2023	Traffic Impact Analysis
	3/24/2023 7/14/2023 9/29/2023 12/21/2023	Hydrogeologic Assessment Report Response to SEWRPC Comments Response to SEWRPC Comments Groundwater Evaluation Summary

Seconded by Supervisor Woelfle.

Supervisor Mahoney-Ogden stated she felt like the board was letting down the people Supervisor Michels stated he asked if there were specific things in this plan to changed, and Supervisor Mahoney-Ogden opposed it as a whole. They have had developers say, "give us suggestions". Supervisor Woelfle stated the developer got the tests and results, and it passed the tests. They have reduced the units to 212. He asked what concerns Supervisor Mahoney-Ogden was raising, specifically. Supervisor Mahoney-Ogden stated she wanted a signed guarantee, bonds, developer's agreement, etc. Supervisor Michels explained that there will be a developer's agreement. He said the Town is doing things backwards, in that we are requiring the studies prior to any rezone.

Supervisor Mahoney-Ogden stated the Town has one chance, and if they screw it up, they have screwed up. Supervisor Woelfle stated there are other developments that have done similar lot size, and they are fine. He asked the developer which is better for the lake, runoff from farmland, or residential greenspace. Mr. Lindgren stated residential green space is better. Supervisor Woelfle asked what the argument is. Supervisor Mahoney-Ogden stated the Town does not want little lots. She asked what the rush was in moving this forward. Supervisor Michels stated he is not interested in tabling this as he did not believe there is a magic piece of information or study that will move Supervisor Mahoney-Ogden to supporting this. Supervisor Mahoney-Ogden stated she was opposed to this particular development and asked them to get more creative.

Supervisor Woelfle stated the Town made a commitment to this density, based on supporting studies. Supervisor Miller stated the marketability should not matter in their decision. Chairman Kranick stated this has been a compromise by everyone. He has heard from a lot of people that this is a great plan. Supervisor Mahoney-Ogden stated the people that are not present will say, "why did you do that". Supervisor Mahoney-Ogden asked Eric if the Town Board should be afraid, as a driver, to approve this petition. Attorney Larson stated it is possible that the Town will get sued no matter the outcome.

Chairman Kranick called the question and asked Administrator Green to call the roll for a for a roll call vote:

Administrator Green began the roll call by calling for the vote of Supervisor Mahoney-Ogden. Supervisor Mahoney-Ogden stated she had made a motion to table, and felt that motion should be voted on. She made the motion again, and was seconded, but the motion to table was ruled out of order as the Board is in the process of voting. Attorney Larson explained that the initial motion failed due to lack of a second. There is a new motion to approve the ordinance, and the board is in the process of taking a roll call vote. Upon her failure to vote, Administrator Green called for the vote of Supervisor Miller, who also declined to vote. After receiving votes from Supervisors Woelfle and Michels and Chairman Kranick, Town Attorney Larson requested that Supervisor Green again call for the vote of Supervisors Mahoney-Ogden and Miller, which Administrator Green did. The result of the roll call vote was:

*Supervisor Woelfle – Aye
Supervisor Michels – Aye
Chairman Kranick – Aye
Supervisor Mahoney-Ogden – Nay
Supervisor Miller – Nay*

Motion to approve the rezone petition passed 3-2. Chairman Kranick announced the motion carried.

- i. Recommendation to Waukesha County on the request for rezoning lands from A-1 to R-3 Residential and a Planned Unit Development Conditional Use Permit for lands that are under Waukesha County zoning jurisdiction. Tax Key Nos. DELT0809-995; DELT0809-996 and DELT0811-999

Motion by Supervisor Michels to approve the rezone county lands from A-1 to R-3 and that the Residential Planned Unit Development be approved subject to the entire development following the conditions and requirements of the Town's PDD ordinance, based on the following:

- *The request is in compliance with the County Land Use Plan.*

- *The General Development Plan layout has been reviewed in light of the regulations within each subsection of Section 17.04 (5)(R) Planned Development District and has been found in compliance with the ordinance.*
- *Development of the subject property will be in substantial conformance with the maps and studies identified in the General Development Plan as follows:*

<i>Map No.</i>	<i>Date (latest revision)</i>	<i>Title</i>
<i>1,1A,1B,1C</i>	<i>12/22/2023</i>	<i>General Development Plan Drawing</i>
<i>2, 2A,2B</i>	<i>12/22/2023</i>	<i>Open Space and Natural Resource Protection Plan</i>
<i>3</i>	<i>12/22/2023</i>	<i>Road Access Plan</i>
<i>4</i>	<i>12/22/2023</i>	<i>Sanitary Sewer Plan</i>
<i>5</i>	<i>12/22/2023</i>	<i>Preliminary Stormwater Plan</i>
<i>6</i>	<i>12/22/2023</i>	<i>Bike and Pedestrian Plan</i>
<i>7</i>	<i>12/22/2023</i>	<i>Active Recreation Plan</i>
<i>L1 – L7</i>	<i>3/27/2023</i>	<i>Landscape Plan</i>
	<i>12/6/2023</i>	<i>Traffic Impact Analysis</i>
	<i>3/24/2023</i> <i>7/14/2023</i> <i>9/29/2023</i> <i>12/21/2023</i>	<i>Hydrogeologic Assessment Report</i> <i>Response to SEWRPC Comments</i> <i>Response to SEWRPC Comments</i> <i>Groundwater Evaluation Summary</i>

Seconded by Supervisor Woelfle. Chairman Kranick called for a roll call vote:

Supervisor Mahoney-Ogden - Nay

Supervisor Miller – Nay

Supervisor Woelfle – Aye

Supervisor Michels – Aye

Chairman Kranick – Aye

Motion passed 3-2.

- b. Discussion and possible action on the purchase of an International plow truck chassis with outfitted hydraulic system, dump spreader with dual augers, install of plow, and additional equipment by Caspers Truck Equipment.

Administrator Green explained that during the winter storm, one of the plow trucks had two axles that were damaged. These repairs are being done. The truck that was initially expected to arrive in the summer was already on its way to Wisconsin. This pushed the timeline for approval to as soon as possible. He explained that there are funds in the Town's fund balance to pay for the remaining truck balance, outside of ARPA funds.

Motion by Supervisor Woelfle to approve the purchase of an International plow truck chassis, with outfitted hydraulic system, dump spreader with dual augers, installation of a plow and additional equipment by Casper Truck and Equipment. Seconded by Supervisor Mahoney-Ogden. Motion passed 5-0.

- c. Discussion and possible action on the adoption of an ordinance to create and establish a Municipal Court, to reflect the inclusion of the City of Delafield joining the Lake Country Municipal Court.

Chairman Kranick stated the Town is readopting the Ordinance to establish the municipal court because City of Delafield is joining.

Motion by Supervisor Woelfle to adopt an ordinance to create and establish a Municipal Court, to reflect the inclusion of the City of Delafield joining the Lake Country Municipal Court. Seconded by Supervisor Mahoney-Ogden. Motion passed 5-0.

Tenth order of Business: Announcements and Planning items

- a. Town Board: Tuesday, February 13, 2024 @ 6:30 PM
- b. Town Board: Tuesday, February 27, 2024 @ 6:30 PM
- c. Plan Commission: Tuesday March 5, 2024 @ 6:30 PM

Eleventh order of Business: Adjournment

Motion by Supervisor Woelfle to adjourn the January 23, 2024, Town Board meeting at 9:11 PM. Seconded by Supervisor Michels. Motion passed 5-0.

Respectfully submitted:

Dan Green, CMC/WCMC, Administrator - Town Clerk/Treasurer