

DECEMBER 14, 2015 Plan Commission Meeting

The Plan Commission met Monday, December 14, 2015 at the Town Hall in New Munster. Chairman William Glembocki opened with the *Pledge of Allegiance* at 7:30 p.m.

Present for the Plan Commission: Clayton Wagner, Randy Schulz, Dennis Robers, Vince Mosca and Susan Riley. Paul DeLuisa excused and Mary Ochoa Petersen absent. Also present: Town Supervisors Andrew Lois and Kelly Wilson, Town Clerk Sheila Siegler, Town Attorney Jeff Davison, Town Engineer Len Roecker, Town Planner Pat Meehan, Art Naber, Paul Naber, Tim Lynch, Phillip Kirsch, Mark Robers and *Westosha Report* reporter Jason Arndt.

Minutes of the October 26, 2015 Plan Commission were moved for approval by Dennis Robers and seconded by Sue Riley. Motion carried.

Public comments - Philip Kirsch, read his concerns regarding "The Hills of Lilly Lake" into the record (copy attached).

"The Hills of Lilly Lake" - a proposed subdivision to be located on a 29.3 A. parcel north of 75th St. - Tax Parcel #95-4-119-024-0300, farmhouse address 33202 73rd St. Applicant: Arthur A. Naber & Paul J. Naber, 29124 Plank Rd., Burlington, WI 53105 (owners) and Tim Lynch, Lynch & Associates (agent), 5482 S. Westridge Dr., New Berlin, WI 53151 (agent)

A. Review and possible recommendation to the town board for the rezoning application for a part of Tax Parcel #95-4-119-024-0300 from A-2 General Agricultural to R-2 Suburban Single Family Residential. Farmhouse including 10 acres will remain A-2. Areas of C-1 Lowland Conservancy and C-2 Upland Conservancy on this parcel will continue as C-1 & C-2 districts.

B. Review and possible recommendation to the town board for the Preliminary Plat of "The Hills of Lilly Lake" (14 lots and 1 outlot) - Tax Parcel #95-4-119-024-0300.

C. Review and possible recommendation to the town board for Subdivision Covenants and Restrictions - "The Hills of Lilly Lake"

D. Developer's Agreement - any items to be included for discussion by the town board.

Chairman Glembocki introduced the rezoning proposal of Arthur A. Naber and Paul J. Naber for Tax Parcel #95-4-119-024-0300.

Town Planner Pat Meehan said the **proposed rezoning** is consistent with the town comprehensive plan of Urban Density Residential. He noted the sanitation question/lot size requirement was addressed in a document received tonight; so, that item can be disregarded in his memorandum. Meehan's review memorandum is attached.

Town Engineer Len Roecker said we are in the review of the third iteration of the developer's stormwater plan. His December 3 and December 11, 2015 review letters are attached. He is recommending approval subject to the developer addressing the review comments and said the developer's engineer submitted new plans tonight to address his concerns.

Commissioner Vince Mosca moved a favorable recommendation to the town board for the rezoning application for a part of Tax Parcel #95-4-119-024-0300 from A-2 General Agricultural to R-2 Suburban Single Family Residential excluding the C-1 and C-2 districts per application and subject to a favorable preliminary plat approval, subject to execution of a developer's agreement, and subject to the requirements in the town engineer's letters. Commissioner Randy Schulz seconded. On a roll call vote - 6 voted aye, 0 voted nay, 0 abstentions and 2 members absent. Motion was approved.

Chairman introduced the **Preliminary Plat** of "The Hills of Lilly Lake" (14 lots and 1 outlot) - Tax Parcel #95-4-119-024-0300.

Commissioner Clayton Wagner moved a favorable recommendation to the town board for the Preliminary Plat of "The Hills of Lilly Lake" subject to execution of a Developer's Agreement and Letter of Credit, requirements stated in the town planner's memorandum and requirements listed in the town engineer final review. Commissioner Susan Riley seconded the motion. On a roll call vote - 6 voted aye, 0 voted nay, 0 abstentions and 2 members absent. Motion was approved.

Chairman Glembocki introduced the **Subdivision Covenants and Restrictions** - "The Hills of Lilly Lake" for review and possible recommendation to the town board for approval.

There was much discussion regarding:

1. who enforces, individual homeowners?
2. stormwater maintenance, who is in charge, who pays, etc. Does it include the farmhouse property?
3. Lot 7 and 9 are very encumbered by road and drainage easement; there could be some

creative lot size change before the Final Plat.

4. Kirsch concern about a guard rail.

5. Lynch - may modify covenants to change the metal roof restriction, overnight truck parking restriction, recreational vehicle restriction, detached outbuilding restriction, etc.

Attorney Jeff Davison said to put all the modifications they are considering in writing.

Commissioner Mosca motioned to defer subdivision covenant and restriction approval to the town board. Commissioner Dennis Robers seconded. On a roll call vote - 6 voted aye, 0 voted nay, 0 abstentions and 2 members absent. Motion was approved.

Chairman Glembocki introduced the Developer's Agreement. Attorney Davison said this is informational for the Plan Commission. The Town Board would be the body acting on this.

Items discussed:

1. phasing plan discussion between engineer and developer engineer and timing

2. further discussion on Lots 7 and 9 regarding size and drainage

3. points from Kirsch, damage to property, lot development agreement, civil matter between property owners if there was damage but could ask building inspector to document. Kirsch should seek advance expert witness review prior to construction. Davison said issue of damage not unique to this property. It is part of any development anywhere.

Kirsch said he was advised by the county to ask to put this in developer agreement.

4. Commissioner Wagner - time frame on Phase 1 and Phase 2. Naber said sales would determine phasing.

5. Commissioner Mosca - infiltration basin, no 100 year overflow. Engineer Roecker said developer engineer demonstrated 100 year would be contained. Further discussion on level spreader, rock trench, clean out sediment and it was modeled back to back in frozen condition and contained.

5. Commissioner Wagner - notify DNR because of conservation grounds. Engineer Roecker said they would need a DNR permit so will be notified.

Chairman said this will all need to be worked out with the town attorney and the developer prior to Preliminary Plat approval by the Town Board.

Meeting was moved for adjournment at 8:45 p.m. by Commissioner Riley and second by Commissioner Schulz. Motion carried.

Respectfully submitted,

Sheila M. Siegler, Town Clerk