

JUNE 27, 2016 Plan Commission Meeting

The Plan Commission met Monday, June 27, 2016 at the Town Hall in New Munster. Chairman William Glembocki opened with the *Pledge of Allegiance* at 7:00 p.m.

Present for the Plan Commission: Clayton Wagner, Randy Schulz, Dennis Robers, Vince Mosca, Paul DeLuisa, Sue Riley and Mary Ochoa Petersen. Also present: Town Supervisors Andrew Lois, Kelly Wilson, Town Clerk Sheila Siegler, Town Attorney Jeff Davison, Town Engineer Len Roecker, Mark Merkling, Kapur & Associates engineer Greg Governatori, Alan Kaddatz, George Grenus, Wayne H. Kaddatz, Maryann Vanderzee, Len Gilardi, Jorja Gilardi, Ron Stollings, and Phillip Kirsch.

Meeting agenda notices were posted at town hall and transfer station and *Kenosha News* and *Westosha Report* newspapers were notified. After Time Warner upgrade, town website not currently working. Additionally, property owners abutting Tax Parcel #95-4-219-314-0640 were notified by First Class Mail.

Minutes of the March 23, 2016 and May 23, 2016 Minutes were approved on a motion by Clayton Wagner and second by Mary Ochoa Petersen.

Public comments -

Wayne Kaddatz, 39405 60th St., submitted documents created by Warren Hansen which disputed engineering submitted by Mark Merkling. He said Merkling's documents do not cover improvements in the public right-of-way. Kaddatz said he is mainly concerned with area 3 which drains with culvert under Hwy 50. He said a berm has been constructed to cut off stormwater drainage. Warren Hansen said 115 acres drains into this area. Merkling says 90 acres drainage area. The town will be on the hook to get rid of the stormwater when this doesn't work.

This is a great project but wrong site. He told Mark Merkling that last year. There will be problems and they will have to be dealt with. Wayne Kaddatz said he is speaking ahead of them because he is not allowed to speak after. He is not entirely clear what they are proposing.

There were no other public comments. Chairman declared public comment closed.

Tabled from the August 10, 2015 Plan Commission Meeting - Conditional Use Permit Application - Action 50 LLC, 420 W. Westleigh Rd., Lake Forest, IL 60045, James M. Bissing (Owner); Mark Merkling, 5675 392nd Ave., Burlington, WI 53105 (Agent) requesting a Conditional Use Permit for Recreational Vehicle (RV) sales, service and outdoor display & storage in the B-3 Highway Business Dist. on Tax Parcel #95-4-219-314-0640.

(Note: The Plan Commission approved the Land Use Plan Map Amendment on July 27, 2015 and the rezoning to B-1 Community Business and C-1 Lowland Conservancy on August 10, 2015.)

Chairman asked Mark Merkling to speak or have his engineer speak. Mark Merkling said he had permission from Kenosha County to move dirt. After Wayne Kaddatz talked to him, he went to Kenosha County, and did move the location. Literally this is an 80 ft. x 80 ft. stockpiled topsoil and it is on highest ground. It was put there to stockpile the dirt; not to stop any water.

Commissioner Clayton Wagner - temporary and there will never be a berm there? Mark - Correct! We only wanted to move topsoil from the site where the building will be constructed. The only berm will be near his mound system but not to cut off any water.

Chairman William Glembocki reiterated the statement for the record, "there will be no berm on the south side of the property and water will continue to go east."

Kapur engineer Greg Governatori responded stormwater will be going to the north as part of this construction, not to the east but there will be no berm along 50 blocking water flow.

Commissioner Paul DeLuisa - which direction culverts run? Governatori - north and south. DeLuisa - when S.C. got flooded a few years ago, what happened. Governatori - it backed up. Paul, how do we know this won't happen again?

Governatori said they are constructing four ponds: large pond in northwest, infiltration pond, and two smaller water quality ponds on the east side. Actually, the site will provide more water storage.

Mark Merkling - DNR, responding to a citizen complaint, checked the property and wetland delineations and confirmed he had done nothing wrong and said they de-listed one area that had been marked wetland.

DNR signed off on the wetlands and the stormwater report for this project, Governatori added.

Commissioner Wagner - not changing any wetlands on your property? Merkling - no, we are not. His engineers will follow the plan.

Governatori explained, using the engineering site plan, as to where the stormwater runoff will be collected and distributed.

Town Engineer Len Roecker - a lot of work has been done by the developer since this was tabled last fall. We were at review letter #2 last fall and now we are at review letter #5. They have adhered to reasonable design standards. This property is a natural kettle area with no natural outlet and stormwater has to soak into the ground. Really high water conditions, the water went south. His June 20 approval letter states they have designed and met reasonable standards. Biblical rain and there will be problems as there would be without this construction.

Roecker said he and the developer have been back and forth with DNR. Questions have been answered. Kenosha County has been apprised. They've done what they were required to do.

Hwy 50 bisected land between old 50 this construction site and fill was put in where water had been previously stored. The flooding could be worse now because of that. Other agencies would be checking this again. Crazy rain there could be wet property but would be with or without this project.

Governatori - 5' deep stone trenches help to get water off site and into the ground. The trenches will be covered with grass.

Commissioner Dennis Robers - swale goes east to west. It is severely wet. He farmed land and many years could not go thru this area. Robers said a 3" rain and you'll have a swamp. There are springs in the ground.

Commissioner Vince Mosca - disingenuous about not building a berm. You are putting 6 ft. fill and a building site in the middle of the property. That blocks the water and acts as a berm.

Governatori discussed the modeling and explained how infiltration system would work.

Roecker - developer didn't have to do some of these things. Their modeling used the assumption that nothing will infiltrate under frozen ground conditions; something they did not have to do. They have been conservative and over and above the design work normally required. His June 20 letter is subject to a maintenance plan and agreement to make sure the systems remain functional. They will be required to be cleaned out if sediment collects.

Commissioner Wagner - Mark satisfied what was required. DNR and Kenosha County have checked his plans and approved. Town Engineer is recommending approval and we have to trust their judgment.

Commissioner Wagner moved a favorable recommendation to the town board subject to Town Engineer Roecker June 20 approval letter requirements and the signing of the maintenance agreement. Commissioner DeLuisa seconded.

On a roll call vote: Clayton Wagner, yes; Paul Deluisa, yes; Susan Riley, yes; Randy Schulz, yes; Vince Mosca, no; Dennis Robers, no; Mary Ochoa-Peterson, no; and William Glembocki, yes. Motion for a favorable recommendation carried on a vote of 5 in favor, 3 against.

Reports and announcements -

Report that Ron Jankowski is advertising his land on Hwy 83 as an approved subdivision. In fact, final plat was never approved and the subdivision process approval would have to begin from square one. Preliminary plat approval has expired due to lack of action. Chairman will speak to Jankowski and explain this.

Adjournment -

Meeting was moved to adjourn at 8 p.m. by Sue Riley. Second by Mary Ochoa Petersen. Meeting adjourned.

Respectfully submitted,

Sheila M. Siegler, Town Clerk