

August 24, 2009 Plan Commission Meeting

The Plan Commission met at 7:30 p.m. on Monday, August 24, 2009 at the Town Hall in New Munster.

Chairman William Glembocki opened the meeting with the Pledge of Allegiance. Plan Commission members present for roll call: Chairman William Glembocki, Vince Mosca, Clayton Wagner, Mary Ochoa-Petersen, Randy Schulz, Paul DeLuisa and Dennis Robers. Sue Riley was excused. Also present: Supervisor Andrew Lois, Clerk Sheila Siegler, State Representative Tom Lothian, Town Attorney Jeff Davison, Town Engineer Len Roecker, Town Planner Pat Meehan, Jim Mirek, Ken Koch, Danielle Bergner, Rick von der Sitt, Joe Greenspan, David Smith, Fred Silk, Frank Lumm and Jeff Butler.

Meeting notices were posted in five public places and newspapers were notified.

Chairman Glembocki introduced new Plan Commission member Mary Ochoa-Petersen. She is a Wheatland Center School Board member and designated by the school board as their representative on the town plan commission.

Chairman Glembocki also welcomed State Representative Tom Lothian, 32nd Assembly District. Representative Lothian urged people to attend town hall meetings regarding the proposed federal health care plan which are being hosted in the area by U.S. Representative Paul Ryan, 1st Congressional District.

Commissioner Clayton Wagner moved approval of the minutes of the July 27, 2009 Plan Commission Meeting. Vince Mosca seconded. Motion carried.

- **Public Comments** – none
- **Applicant:** Fox River Road LLC, 2222 Chestnut Ave., Ste. 301, Glenview, IL 60026
Tax Parcel: #95-4-119-013-0901
Location: east side of Fox River Road (Hwy "W") and south of Hwy "50"
Fox River Estates Subdivision Final Plat – 11 lot single-family residential subdivision
 - A. Request for extension of time for Final Plat approval
 - B. Request for approval of Final Plat

David Smith, representing Fox River Road LLC owners, said they are unable to obtain a Letter of Credit at this time, due to problems in the economy. They also want to delay the start of the subdivision until a future date for the same reason. The Plan Commission is requiring a Letter of Credit before the Final Plat is approved. Fox River Road LLC owners would prefer to have the Final Plat approved now because of all the work that has gone into getting it to this point. However, they understand the situation and agree to the extension agreement.

Town Attorney Davison said the extension has been worked out with Kenosha County Planning & Development staff and is subject to Land Use Committee approval. The agreement calls for a one year extension of the time for Final Plat approval, to July 14, 2010, payment of all costs (engineering, legal, planning) incurred by the town to date, acknowledgement that applicable state, county or town codes or ordinances may change and will need to be met for approval, and agrees that the final plat received by the Town and date stamped July 8, 2009 is hereby withdrawn.

Davison further stated that if a Final Plat is not submitted by July 14, 2010, Kenosha County will not agree to another extension.

Town Engineer Len Roecker stated that Fox River Road LLC has furnished revised plans and comments from his letter of July 22, 2009 have been addressed.

Vince Mosca moved to forward to the town board a favorable recommendation to accept the **Agreement to Extend Time for Proposed Final Plat Approval for "Fox River Estates Subdivision"** (revised August 24, 2009). Randy Schulz seconded. Vote was 7 in favor, 0 against. Motion carried.

Davison noted there was no action required on item #7-B.

- **Applicant:** Kenneth A. Koch Living Trust, Ken Koch, Trustee, P.O. Box 848, Twin Lakes, WI 53181
Tax Parcel: -- #95-4-219-331-0100 & #95-4-219-331-0300
Location: east side of 368th Ave., approximately .15 miles north of the intersection of 52nd St.
Hidden Meadow Estates Subdivision Final Plat – 28 single family lots
Request for approval of Final Plat
Clayton Wagner moved a motion to remove this from the table. Randy Schulz seconded.

Motion carried. The Final Plat approval was tabled at the July 27, 2009 meeting to allow time for resolution of issues with roadway improvements and private property owners' temporary construction easements.

Attorney Danielle Bergner, speaking for the Kenneth A. Koch Living Trust, said that they have a written agreement with the two neighboring property owners on the north and south side of the proposed 49th Street. Further, the Developer and the Town agree that if a temporary construction easement is not obtained from the property owner on the west side of 368th Ave., an alternative plan is agreed to which would allow the construction of a barrier wall on the west side of 368th Ave., subject to final review and approval, prior to implementation, by the town engineer.

Bergner said they have worked with the town attorney and town engineer and have the Developer Agreement, the Stormwater Agreement and the Letter of Credit in final form.

The Declaration of the Restrictive Covenants needs to be reviewed by Town Attorney Davison and she will send him a copy. The covenants had been reviewed by the prior town attorney.

Bergner said they would make technical adjustments on the Final Plat after Kenosha County has completed the approval process and they receive the county's final comments.

Town Planner Pat Meehan asked if there were any issues with his comments. Bergner assured Meehan all his comments would be addressed. She said there was a question on the right-of-way maintenance comment. Meehan said that referred to the "green area" in the cul-de-sac which will need to be maintained by the homeowners association. However, the clerk said the town policy is to have the town maintain the "green area" and allow only minimal plantings if the purpose of the "green area" is for snow storage, etc. Meehan agreed that comment can be struck.

Town Engineer Len Roecker said there were a few technical issues listed in his comments that haven't been completed. Bergner said they were aware of them and they will be taken care of when they do one final, Final Plat because the county will make some changes.

Responding to Commissioner Wagner, she said the roadway construction timetable stated in the Developer Agreement includes: gravel base 2012, base course of blacktop 2013 and final lift in 2014.

Town Attorney Davison said the Final Plat should be subject to compliance with:

1. July 15, 2009 memorandum from Town Planner Patrick Meehan with the following deletion: page 3, item #1 – delete last sentence of this item, "If landscape plant materials, etc."
2. July 23, 2009 letter from Town Engineer Len Roecker with two attached street lighting detail – Lighting Unit Type 1 and Lighting Unit Type 2.
3. "Declaration of Stormwater Facility Maintenance"
4. "Developer's Agreement between the Town of Wheatland and Developer" revised 8/21/2009

Randy Schulz moved a favorable recommendation to the Town Board for approval of the Final Plat of Hidden Meadow Estates Subdivision, Tax Parcel #95-4-219-331-0100 & #95-4-219-331-0300 subject to the four items listed above. Vince Mosca seconded the motion. Vote – 7 in favor; 0 against. Motion carries.

- **Reports and correspondence –**

Clerk reported we have received a copy of the Walworth County "Smart Growth" Plan on disk. If anyone is interested in reviewing the plan, it is available.

The next plan commission meeting will be September 28.

- **Adjournment –**

Clayton Wagner moved a motion to adjourn at 8 p.m. Paul DeLuisa seconded. Motion carried.

Respectfully submitted,

Sheila M. Siegler, Town Clerk