

## **November 22, 2021 Plan Commission Meeting**

The Plan Commission met Monday, November 22, 2021 at the Town Hall in New Munster. Chairman William Glembocki opened with the *Pledge of Allegiance* at 7:15 p.m.

Present for the Plan Commission: Paul DeLuisa, Clayton Wagner, Brett Butler, Vince Mosca and Mark Robers. Randy Schulz was excused. Also, present: Town Supervisors Andrew Lois and Kelly Wilson, Town Clerk Sheila Siegler, Fire Chief Lou Denko, Wayne H. Kaddatz, Anthony Nudo, Brian Byrne, Marlene Byrne, Michael Giesler, John Patton, Tom Kaczmarek, Ryan Cardinal, Janet Marcus, Don Marcus, Jeff Temple, Bridget Moran, C. J. VanDerhaeghen, and James Loesser.

Meeting agenda notices were posted on the town website, at the town hall and transfer station and the *Kenosha News* and *Westosha Report* newspapers were notified. A notice of public hearing for a map amendment and text amendment to the Town of Wheatland Comprehensive Plan was published in the *Kenosha News* on October 21, 2021. In addition, property owners within 300 ft. of Tax Parcel #95-4-119-111-1286, and 95-4-219-263-0506 were notified of the meeting by First Class Mail.

Brett Butler moved approval of the Minutes of July 26, 2021 Plan Commission meeting. Paul DeLuisa second. Motion carried.

**Public comments** – none

**Public Hearing and consideration of the application from Brian Byrne Trust, Marlene F. Byrne Trust, et al (Owner), property location: 7722 328th Ave.,** Town of Wheatland, Kenosha County, Tax Parcel #95-4-119-111-1285 for an amendment to the Adopted Land Use Plan Map of the Town of Wheatland Comprehensive Plan: 2035 from “Medium-Density Residential” to “Park and Recreational” Plan Commission Resolution No. 1-2021 action.

Brian and Marlene Byrne explained they own the property with his brother and wife. There are residential buildings on the property in various stages of needing repair/remodeling. The property in the past was a resort-type with cabins and a main house. They’ve not used it as a resort but previous owners had done so as Becker’s Resort. They were directed by the county planning and development to pursue the Park and Recreational comprehensive plan. The property is currently zoned R-5 and since there is no public sewer, it can’t be split into two parcels. They would like to remove all the buildings and build two new single-family homes.

They would form units 1 and 2 thru a condominium plat and have joint ownership of the land but each brother would own the building and the land under it. They would each have their own conventional sewerage system and one shared driveway to 328<sup>th</sup> Ave. (CTH JI).

Don Marcus, 7909 334<sup>th</sup> Ave. said he did not object to the two single-family homes but said just “split the lot.” Byrne replied that is what they wanted to do but are not allowed because of zoning regulations.

Charles VanDerhaeghen, 7729 328<sup>th</sup> Ave. said he was against the park and recreational. He didn’t want a park there.

Anthony Nudo, 4003 80<sup>th</sup> St., an attorney representing John Patton (neighboring property owner to the south) said the application is legally defective and can’t be acted on. He has contacted the county planning and development office. Even if all of this came to be, the rezoning could not take place because it would be “spot zoning.” He is representing John Patton who says, “no PR-1.”

Michael Giesler, 7833 334<sup>th</sup> Ave. said no problem with the two single-family homes but against the park and recreational.

John Patton, owner of homes at 7728 328<sup>th</sup> Ave. and another at 7718 328<sup>th</sup> Ave. said he built the homes within the zoning regulations and his neighbor should also. He has no issue with the two single-family homes but obtain a variance or build one large home and divide it internally for each family.

The consensus of the speakers was no objection to two single-family homes, but they did not want a park which could allow public access to the lake for a greater number of people, maybe boat slips. It would set a precedent for other properties around the lake. Brian and Marlene Byrne said their only intention now and future is to build two single-family homes.

**Application from Brian Byrne Trust, Marlene F. Byrne Trust, et al (Owner) to rezone property at 7922 328th Ave., Town of Wheatland, Kenosha County, Tax Parcel #95-4-119-111-1286 from R-5 Urban Single-Family Residential District to PR-1 Park-Recreational Dist. Consideration and action on the application.**

**Application from Brian Byrne Trust, Marlene F. Byrne Trust, et al (Owner) for a Conditional Use Permit for property at 7922 328th Ave., Town of Wheatland, Kenosha County, Tax Parcel #95-**

**4-119-111-1286 for the conversion of a resort to a residential condominium in the PR-1 Park-Recreational District (former “Becker’s Resort” which currently has three residential buildings; proposed for two single-family residences). Consideration and action on the application.**

**Application Brian Byrne Trust, Marlene F. Byrne Trust, et al (Owner) for a Preliminary Condominium Plat of East Lilly Lake Condominium Plat for property at 7922 328th Ave., Town of Wheatland, Kenosha County, Tax Parcel #95-4-119-111-1286 for two single-family residences. Consideration and action on the application.**

Chairman William Glembocki moved to table the applications of Brian and Marlene Byrne Trust for the comp plan amendment, rezoning, conditional use permit, and preliminary condo plat approval. Clayton Wagner seconded. Motion carried.

**Public Hearing, consideration, and action for Plan Commission Resolution No. 2-2021 relating to text amendments to the Town of Wheatland Comprehensive Plan: 2035 regarding minor lot line adjustments, wetland/surface water delineation boundary change, environment corridor change in boundary, and street and highway right-of-way.**

After discussion and questions on what constituted a minor lot line adjustment, the plan commission agreed to table the matter. Vince Mosca moved to table the resolution; William Glembocki seconded. Motion carried.

**Consideration and action for Haskins LLC, 400 Boulder Ridge Ct., Lake Geneva, WI 53147 (Owner), Ryan Cardinal, Cardinal Engineering LLC, 1200 La Salle St., Lake Geneva, WI 53147 (Agent),** requesting a Certified Survey Map on Tax Parcel #95-4-219-263-0506, located on the east side of STH 83 approximately 800 feet south of 340th creating four single-family lots ranging in size from 5.84 to 9.25 acres. (This property had received preliminary plat approval for a revised eight lot subdivision in 2010 that was never finalized and developed.)

Chairman said the property has the correct comprehensive plan district and the correct zoning. The four lots shown on the CSM meet the county zoning requirements and the lots have approved on-site sanitary system perc sites

He introduced Ryan Cardinal and asked him to explain the driveway/access road. Cardinal said it will be 20 ft. asphalt, wide enough to allow two vehicles to pass, maintenance will be on the face of the CSM and all costs equally paid by all four property owners.

Chairman asked Fire Chief Lou Denko for his comments regarding the driveway/access road placement and construction. Chief Denko said the road needs to support 80,000 #. Any driveway/access road over 500 ft. needs a turnaround and the 500 ft. needs to be clear access. There also needs to be a T-turnaround in the driveway for anything longer than 1,000 ft from the driveway/access road to the buildings.

Cardinal said the driveway/access will be continued into the four lots as an easement to allow the turnaround for fire and rescue vehicles; also, for school buses, mail delivery, etc.

Chief also said there needs to be a set of duplicate address signs with one set posted at the STH 83 entrance and then each number on the individual lot.

Plan Commissioners asked about maintenance and if disagreements arise how will they be handled. Also snow removal needs to be done timely and for the entire access road, not just individual lots. Cardinal said that will be spelled out in the maintenance agreement. Chairman suggested using the town snow clearing as a standard for when they must plow. He also said it should be listed in the agreement that the town could plow, but only if necessary because it was not done timely, and then charge the property owners. Cardinal said it will be included in the maintenance agreement.

Brett Butler moved to approve the Certified Survey Map for four lots for tax parcel #95-4-219-263-0506 with the items listed:

- Developer shall build and pave the driveway/access road before selling lots.
- 5 ft. shoulder and 20 ft. wide asphalt pavement is required.
- Maintenance agreement will address responsibility for pavement maintenance, snow removal, grass and weed cutting, and division of costs for all repair, maintenance, and replacement needs, etc.
- Snow removal is private but will follow the town road accessibility standards for timely removal. Any failure to remove snow can result in action by the town to remove the snow and bill the property owners.
- Double set of house number signs, one set to be placed at the entrance from STH 83 and one set to be placed at the driveway entrance of each lot is required.

- Fire Chief requirements: “T” turnarounds on each lot for fire trucks, road must support 80,000 pounds and the distance from the access road to any buildings requires an additional “T” turnaround if >1000 ft.

Paul DeLuisa seconded. Motion carried unanimously.

**Reports and correspondence – none**

**Adjournment** – William Glembocki moved to adjourn at 8:36 p.m. Brett Butler seconded. Motion carried.

Respectfully submitted,

Sheila M. Siegler, Town Clerk