

VILLAGE OF CHENEQUA
PLAN COMMISSION

MINUTES OF THE AUGUST 2, 2004 MEETING

The meeting was called to order at 5:00 p.m. by Chairman Harkness.

Present: Chairman Harkness, Holly Warner, Tom Rolfs, Gary Zaiser, Carla Garnham, Andy Gehl. Also present Village President Styza, Attorney Krutz, Attorney Dean Richards, Building Inspector Tising, Chief/Administrator Douglas, Clerk/Treasurer Igl, and a group of interested citizens.

Chairman Harkness introduced the agenda item concerning the Boucher Application and the discussion of who would participate in a closed session. It was agreed by the Plan Commission that the Village President would sit in as an observer during the closed session portion of the meeting. It was agreed that Attorney Krutz would not participate but would be available for questions. Attorney Richards would participate as the Plan Commission's counsel.

Village Attorney Krutz stated that any recommendation regarding the Boucher appeal could be presented to the Village Board at their August 9 meeting. He further stated that a temporary restraining order had been ordered on the Boucher project, but was reversed at a hearing on July 27 after the Judge held that there was no reasonable probability of success on the merits for the Youkers.

MOTION made by Harkness, seconded by Rolfs to adjourn to executive session pursuant to WI Statutes 19.85(1)(a) and (g) to deliberate concerning the Application for a Building Permit submitted by Frank Boucher which was the subject of a quasi-judicial hearing before the Plan Commission and to confer with legal counsel with respect to the current litigation concerning the Boucher Application. Roll call vote taken – Rolfs – aye, Harkness – aye, Zaiser – aye, Warner – aye, Gehl – nay, Garnham – aye. Motion carried. The meeting moved to closed session at 5:10 p.m.

The meeting reconvened in open session to consider any action with respect to the Boucher litigation at 6:20 p.m.

MOTION made by Rolfs, seconded by Zaiser to make a recommendation to the Village Board to consider or appeal the decision of the Board of Zoning Appeals on behalf of the Plan Commission. After discussion, it was agreed that Attorney Richards would present the recommendation to the Board at the August 9 meeting. Vote taken – in favor – Rolfs, Zaiser, Garnham, opposed – Gehl, Harkness, Warner.

Commissioner Gehl stated that he felt that the code as it exists is not sufficient for the Plan Commission to make determinations and that either the code needs to be modified or the Plan Commission should disband. Chairman Harkness cited an application that the Plan Commission had rejected and the decision held.

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Chairman Harkness stated that the Plan Commission could recommend to the Village Board that the code be reviewed by either Attorney Krutz or Attorney Richards. Building Inspector Tising stated that he felt that it would be appropriate to have the Village Attorney review the code.

Commissioner Gehl stated that he would be willing to work on draft language for possible code revisions. It was discussed that a joint meeting of the Village Board and the Plan Commission is being planned and that redrafting of the code could be discussed at that time.

Commissioner Harkness stated that he even though he felt code revisions may be helpful, he believed that the Plan Commission currently has the authority to deny applications based on the current code.

Commissioner Gehl stated that he felt additional objective criteria ought to be considered and that the subjective portion of the code be strengthened. It was requested that this item be placed on the August agenda. It was also discussed that a three step process may be put into place for applications.

Commissioner Gehl stated that he will work on subjective language and Chairman Harkness stated that he will consider language for additional objective criteria.

The issue of “grandfathering” properties that would become non-conforming was discussed. Attorney Krutz stated that the code can have separate standards but eventually should lead to one standard.

Commissioner Garnham stated that she believed that in the future the Plan Commission should attempt to reach solutions with applicants and that they should not adjourn to quickly but rather continue to negotiate.

Resident Keith Nygren stated during public comment that he felt the Boucher application was appropriate for the Village.

Chairman Harkness suggested that the changes considered include the applicant being required to be in attendance at the Plan Commission as it assists in communications.

Chairman Harkness stated that Commissioner Warner resigned effective at this meeting and he thanked her for her service to the Village.

MOTION made by Rolfs, seconded by Warner to adjourn at 6:58 p.m.

Respectfully submitted,

Darlene Igl
Clerk/Treasurer