

VILLAGE OF CHENEQUA

CHENEQUA VILLAGE PLAN COMMISSION MEETING

MINUTES OF MONDAY, March 8, 2010.

Unofficial until approved by the Plan Commission.

Approved as written (✓) or with corrections () on 4.12.2010

The regular monthly meeting of the Plan Commission of the Village of Chenequa was held at 6:30 PM on **Monday, March 8, 2010**, at the Village Hall, 31275 W. Hwy K, Chenequa, Wisconsin. Legal requirement for notification of the news media had been met. The following Commission members were in attendance:

Mr. Foote/Chairperson - present
Ms. Wilkey, Mr. Bellin, Mr. Pranke, Mr. Zlotocha, Mr. Keidl / Members – present
Ms. Surles/ Members - absent
Mr. Tising / Building Inspector –absent
Mr. Douglas /Police Chief-Administrator – present
Attorney David Krutz/ Village Attorney - present
Ms. Zimdars /Clerk-Treasurer - present

Attendance

Mary Sellers, Amy Neumann, Matt Neumann, Jeff Simon, Rich Weaver, Susan Beede, Gary Beede, Molly Simon, Jill Denny, Susan Marguet, Kathleen Sheehy, Barry Belanger, Mary Belanger

Public Comment

First to speak was Rich Weaver, 6275 N Oakland Hills Rd., who said there have been problems with this land ever since the Hasslinger property was sold. He said there are reoccurring problems because the rules aren't followed. Next Attorney Susan Marguet addressed the Plan Commission saying she represented property owners Mr. and Mrs. Beede, Mr. and Mrs. Denny, Mr. and Mrs. Belanger, Mr. and Mrs. Simon, and Mr. and Mrs. Treiber. She said they were opposing the removal of the restrictions on the property and discussed several reasons why:

- Original approval for this area of the primary environmental corridor had restrictions on the CSM
- Idea was original restrictions prohibited cutting in that area
- Photos show cutting has occurred and now roads appear on the property
- Neumann is requesting the Village remove the restrictions under the 15% rule
- County did not field survey lot 2, only lot 1
- There is a less evasive building site on lot 1 at the base of the hill.
- Request for removal of restrictions not being made by current owners
- Not ready for a decision to be made, due to incomplete information

She went on to say if the restrictions were released, careful attention should be paid to the language on the CSM.

Next Jill Denny, 6151 N Oakland Hills Rd., spoke, saying her property has been directly affected by the gravel road which is in violation to the environmental corridor. She then passed out pictures showing destruction to the property and said 15% of the corridor is potentially buildable, then asked who monitored these violations to these restrictions. Attorney Kathleen Sheehy said in 2000 the Sellers owned 50 acres of property, and then CSMs 8920 and 8921 were created. She noted the road was placed very close to the primary environmental corridor. A field survey was done, but this only looked at lot 1, and questioned why the house couldn't be built in another area on that lot. She said she thought the Town of Merton voted erroneously. She then referenced the 2006 minutes from the Chenequa Village Board and asked the Plan Commission not to waive the restriction.

Next Mr. Neumann spoke saying the property had a 26% slope and to build outside of the corridor would mean building retaining walls behind and in front of the house. He said Yaggy Colby reviewed the site, and Don Reed did the delineation. The whole area is in the environmental corridor, except where the road is located. He went on to say he is only considering lot 1. He noted there is a ½ acre area shown in the original packet of information that was submitted about three months ago, which is the only buildable area of the lot. He said anyone building into a 26% slope will have erosion problems. He said the hilltop had been used in the past, and almost the entire lot is in the environmental corridor. Molly Simon, 6245 N Woodside Drive then made her wishes known, saying she did not want Chenequa to approve the removal of the restriction on the CSM. She said there has been significant removal of

trees, and wanted this fact along with the fact that several gravel paths have already been placed on the property taken into consideration when considering 15%.

Chairman's Report

No report.

Approve minutes of the January 11th Plan Commission Meeting.

Motion (Zlotocha, Wilkey) to approve the Plan Commission minutes of the meeting held Monday, January 11, 2010, *Carried Unanimously.*

Review and consider Release of Restriction submitted by Matt Neumann, being all of Lot 1 C.S.M. 10522, located in the NW ¼ of Section 29, T.8N., R.18E., Town of Merton, Waukesha County, Wisconsin per Village Code 6.18 extraterritorial jurisdiction.

Chairman Foote asked Attorney Krutz to give the Plan Commission an overview of the proposal outlining what authority the Village has in this matter. Attorney Krutz said the Village has adopted the official map and expressed an intent to have extra territorial jurisdiction which means it would extend 1 ½ miles from the Village border. He said the Village has not taken the additional legislative steps (outside the very specific area of the Hwy 83 corridor) that needed to be taken in order for the Village to act on and enforce its desire in that 1.5 mile area. The Village would have had to adopt a district- wide plan and would need an extra territorial zoning commission. He said it is the Village's ability to issue an advisory opinion only, noting the Village can't protect this property by itself or take a step to allow or disallow something. He said that Merton has taken action, and if the Village of Chenequa takes no action, then it will be deemed to be approved. Mr. Pranke questioned whether the action taken by Merton was proper. Attorney Krutz said to the extent they are seeking release of restrictions the Village has deferred to the County rules. He said the Village Board's action would have an advisory effect, but he did not feel it would be binding. Dr. Jeff Simon then referred to the minutes from 2006. President Foote said the Village has never had the ability to deny any changes outside of the Village, and what was signed in 2006 was only advisory approval. Next the commissioners were surveyed for their views and Mr. Pranke said there is no assurance if you subdivide a lot that you would be granted a variance so he was not compelled to have the restriction removed because there are other places to build on that lot. Mr. Keidl said he agreed with Mr. Pranke, saying Mr. Neumann should first check out all the options to see if he would be able to comply. Mr. Zlotocha said he would recommend to the Board not to approve the removal of the restrictions and let the County deal with this. Mrs. Wilkey said she agreed with Mr. Zlotocha and didn't think it should be approved, saying she felt it was beyond their capabilities at this time and the Village has already given approval to the original CSM and should stick to that. President Foote said in 2006 when the property was divided if there was any contemplation of building a house on this property it should have been considered at that point in time. Attorney Krutz reminded the commissioners that if the Village does nothing it is deemed to be approved.

Motion (Zlotocha, Wilkey) to deny the request for removal of the restrictions as presented and make that recommendation to the Chenequa Village Board, Pranke (aye); Keidl(aye); Zlotocha (aye); Wilkey (aye); Bellin (no); Foote (aye), *Motion Carried.*

Review and consider CSM for Garvin Lake LLC being all of lots 6, 7, 16, 15, 14, 13, 12, 11 and the south 30 feet of lot 10; also part of platted R.O.W. vacated in resolution no. 092209-01, dated September 22, 2009; all in the plat of Vilter's Grand View Park, located in the NE ¼ and SE ¼ of the SW ¼ and NW ¼ and SW ¼ of the SE ¼, all in section 30, T.8N., R.18E., Town of Merton, Waukesha County, Wisconsin per Village code 6.18 extraterritorial jurisdiction.

President Foote introduced this Certified Survey Map for Garvin Lake, saying it falls within the 1 ½ mile border of Chenequa so therefore it is of interest. Zoning Administrator Douglas said it had been approved by the County of Waukesha and the Town of Merton. This proposal is for the purpose of combing three lots into one tax key.

President Foote noted that none of the property touches the Village of Chenequa.

Motion (Pranke, Zlotocha) to approve the CSM for Garvin Lake LLC, *Carried Unanimously.*

Review permit reports covering permits issued for January and February of 2010, and all open permits.

No report.

Administrator's Report

Zoning Administrator Douglas said the permit has been issued and work has been started for the Fink project. He also said the project on the other side of the lake on Maple Lane for Herro/Franke has been on hold for some time.

Building Inspector's Report

No report.

Adjournment

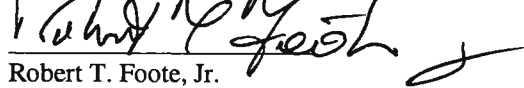
Motion (Zlotocha, Wilkey) to adjourn the meeting at 7:24 p.m., *Carried Unanimously*.

Respectfully submitted by:



Bonita Zimdars
Chenequa Clerk-Treasurer

Approved and Ordered/Posted by:



Robert T. Foote, Jr.
Chenequa Village President