

Town of Mukwonago  
Joint Plan Commission and Town Board  
Meeting Minutes  
Wednesday, June 4, 2014

Chairman Dubey called the meeting to order at 6:37 p.m. and stated the meeting was noticed.

ROLL CALL

Plan Commission: Chairman Dubey; Supervisor Topczewski; Commissioners Clabault, Holtz, McNelly, Schuett and Yerke. Also present: Kathy Karalewitz, Administrator/Clerk-Treasurer; Tim Schwecke, Planner; John Macy, Attorney; Scott Johnson, Building Inspector.

Town Board: Chairman Dubey; Supervisors Hintz, Nicoson, Stefanowski and Topczewski. Also present: Kathy Karalewitz, Administrator/Clerk-Treasurer; Tim Schwecke, Planner; John Macy, Attorney; Scott Johnson, Building Inspector.

MINUTES

Supervisor Nicoson made the following corrections to the May 7, 2014 minutes;

Page 1, comment made by Jerod Priest, "Concerned **of** yard waste" should be "Concerned **about** yard waste" and "be in favor **of** 3 dogs"

Comment made by Scott Held "Concerned **of** yard waste" should be "Concerned **about** yard waste" and "effect **of** the land value" should be "effect **on** the land value"

Page 2, Comment made by Dennis and Cheryl Barborich should be "registered with the **property** authorities" should be "registered with **proper** authorities"

Comment by Dan Fendryk "**kennels**" should be "**kennel**".

Page 3, "Deon Conn" should be "Dion Conn".

Page 4, middle of page "Building Inspector stated he had issued zoning permit" should be "had issued zoning **and building** permit"

Closed Session verbiage last sentence "building inspector to be present at the **public hearing**" should be "building inspector to be present at the **closed session**". That change should also be in last two paragraphs on same page.

PLAN COMMISSION: Motion by Commissioner McNelly, second by Commissioner Clabault to approve the minutes with the above mentioned corrections. All ayes; motion carried.

TOWN BOARD: Motion by Supervisor Nicoson, second by Supervisor Hintz to approve the minutes with the above mentioned corrections. All ayes; motion carried.

REVIEW PVIOUS CONCRETE REPORT FOR PROPERTY LOCATED AT S97W33095 WHISPERING OAKS LANE; AARON AND CHRISTINE JAGDFELD APPLICANT

Motion by Supervisor Nicoson, second by Supervisor Topczewski to table review of pervious concrete report for property owners located at S97W33095 Whispering Oaks Lane, Aaron and Christine Jagdfeld. All ayes; motion carried.

CONDITIONAL USE AND SITE PLAN/PLAN OF OPERATION FOR A SCHOOL WITH DORMITORIES AND STAFF HOUSING AND OTHER SPECIFIED USES LOCATED AT TAX KEY MUKT 1943997 IN SW ¼ SECTION 18 T5N, R17E, NATURE'S CLASSROOM INSTITUTE PROPERTY INC. (PROPERTY OWNER) AND NATURE'S CLASSROOM INSTITUTE OF WISCONSIN INC, (OPERATOR) GEOFFREY BISHOP, AGENT

6:42 P.M. – Chairman Dubey opened the public hearing and asked for Geoffrey Bishop, petitioner, to give an overview of his request. Mr. Bishop gave an overview of the following:

- Residential Program
- Teacher Education Program
- Summer Camp Program
- Boarding School/Montessori Program
- Weekend Rental Retreats
- Facilities such as:
  - Outdoor Activities

- Food Service
- On-Site Parking
- Outdoor Lighting and Signage
- Landscaping
- Use Time Periods
- Driveway

Chairman Dubey asked if Plan Commission members or Town Board had questions:

- Commissioner Yerke questioned how many buildings of housing; also questioned the septic system.
- Supervisor Nicoson stated Page 3(d) states 35 and Mr. Bishop stated 30.
- Commissioner McNelly asked if this will be done in phases.

Geoffrey Bishop, petitioner, presented letter to Chairman Dubey dated June 3, 2014 from Renee Elliott, W1796 County Road J, who was unable to attend the meeting but asked that the letter be read into the record. Renee Elliott has been a direct neighbor of Nature's Classroom Institute, in their current location, for nearly 15 years.

Chairman Dubey asked if any public wished to be heard. The following public spoke:

- Jean Holtz, W335S7907 Highway E, stated the following concerns:
  - This property adjoins her property
  - She stated no one has contacted her regarding this proposal
  - Questioned this facility all fitting on only 57.5 acres
  - If the project moves forward would request a fence be installed to define the property lines to discourage roaming by students, and no public access to her property
  - Questioned if this is a non-profit organization what is the benefit to the Town of Mukwonago
- Duane Thornton, W338S8983 CTH E, stated some of his questions/concerns regarding the proposed Montessori School on CTH E are as follows:
  - If this is a residential facility – how many students; how many staff and how many days per week?
  - Presuming it is residential – concerned about water supply and how it will affect wells of residential properties in the area.
  - Wastewater treatment – how will this be handled, what are the details?
  - Storm water runoff – despite holding ponds, the water will flow to Jericho Creek. Asphalt surfaces and roofs will compound the issue - questioned pervious surfaces for driveway and parking lots.
  - How will residents be indemnified for potential damage to their property, water supply, wastewater and runoff issues?

If non-residential – the same numbers need to be addressed and included.

  - How will the township/county be compensated for services if institution is tax exempt?
  - What effect does non-profit status have on area tax base?
  - Traffic is a concern.
- Cindy Pernel, W349S3090 Waterville Rd, Oconomowoc spoke as parent of enrolled student. Thanked the Town for the opportunity to speak about the school and programs offered.
- Cliff Weingart W336S8490 CTH E, spoke regarding if the school would have a public address system and the possible noise. Where the driveway will be going into the property.
- Mike Felske, W2534 Booth Heights Lake Lane, East Troy, spoke as parent of enrolled student. Strong supporter of environmental education, which is what this school offers.

- Karen Hein, W334S7837 CTH E, stated her concerns of septic system, water table, well; traffic. She likes the program, but concerned that this may not be the best location. Asked if DNR studied effect to water.
- Richard Jenks, member of Protection and Rehabilitation Committee for Friends of the Mukwonago River, W299S10761 Pickering Dr. stated The Friends support Nature's Classroom and its programming. Along with positive comments and some concerns as outlined in a handout from Mr. Jenks dated June 4, 2014, the Friends asked the Township and Nature's Classroom to proceed slowly and carefully, but build safeguards into the proposed Conditional Use Permit:
  - Encouragement for open and honest communication with neighbors and community, possible annual open house
  - Demonstrate objectives for environmental impact mitigation and restoration such as, prairie restoration, invasive removal, site inventory, impact monitoring
  - Give careful consideration to placement of the entry drive, likely bisecting the property, since use of the existing easement along the north edge, likely will be legally unacceptable and would clearly have unacceptable, negative impacts on the ephemeral pond.

Town Board to consider long-term objective shared by so many, of protecting and restoring Jericho Creek and maintaining the overall health of the unique land and water resources defining the exceptional Mukwonago River Watershed. (handout given to clerk with statements made)

- Larry Nicoson, S72W35685 Road X, stated the following concerns:
  - Water supply
  - Is this a high capacity well
  - Driveway is about ½ mile long, beautifully lined with oak trees, suggests moving driveway little south of current location on CTH E
- Geoffrey Bishop spoke to answer some of the questions/concerns:
  - Bought a total of 100 acres – 50 of those acres are in Mukwonago
  - They are non-profit organization
  - Have consulted with well expert discussed high capacity well
  - The County and State (DNR) will have much to say on this project
  - It will be very important to protect Jericho Creek waterway
  - There will be no public address system or bells
  - Looking at options for driveway. This has not been decided. Working with County and Town to come up with solution to minimize traffic congestion. Traffic study has been suggested
  - Need permit from Town of Eagle as septic field will be in their Town. Requires County approval
  - No intentions of putting up fencing

Attorney Macy spoke regarding the driveway. The driveway cannot be moved as it would require permission from property owners who own the easement.

- Commissioner Holtz spoke regarding navigable study on pond. Not required, but could be recommended
- Commissioner Clabault questioned Chapter 30 with DNR if you build within 300 feet to shoreland navigable stream
- Supervisor Nicoson asked about sprinkler system and types of buildings
- Duane Thornton W338S8983 CTH E asked if this fits the Smart Growth Plan
- Katelyn Braatz W327S7623 Squire Ln, is currently a teacher at the school. Stated this school works with the DNR, Friends of the Mukwonago River, food pantry. They value the community and educate their students to their surroundings
- Valarie Oenes 105 N. Main Street, North Prairie currently has son enrolled at school. Student very respectful to people and nature

Chairman Dubey asked if the Plan Commission and Town Board wishes to hold the public hearing open for another month to gather input regarding some of the issues that were addressed such as what type of well, wastewater concerns.

Attorney Macy stated the following issues were raised and need to be addressed:

- Water table issues
- Well and septic issues
- Traffic study
- Storm water runoff/storm water plan
- Environmental Study
- Driveway
- Access to land over Jericho Creek
- Navigability of pond – Planner to check into this
- Chapter 30 permit
- Check Smart Growth Plan

Commissioner Clabault has significant concerns regarding many of the issues stated.

Supervisor Topczewski has no problem with the program. All questions/concerns are legitimate ones. We should move slowly, make sure all concerns/questions are addressed.

Supervisor Stefanowski has no problem with school, however questioned fire department to check into the water issue; questioned if town will receive reimbursement for services; would like input from Mukwonago School System.

Commissioner McNelly stated comparison could be given of other facilities in the area, i.e. YMCA Camp. Question how schools such as Rolling Hills and Section School deal with water issues. Would like traffic study.

Commissioner Clabault recommends holding public hearing open until July meeting to address the following:

- Water table
- Well information
- Wastewater Plan
- Storm water Plan
- Environmental Impact Study
- Driveway
- Chapter 30 Permit
- Smart Growth Plan

Motion by Supervisor Nicoson, second by Commissioner Schuett to adjourn the public hearing to July 2, 2014. All ayes; motion carried.

DETERMINATION OF SUBSTANDARD LOTS OF RECORD (MUKT 1942997 AND 1942998) LOCATED IN SECTION 18, T5N, R18E PURSUANT TO SEC. 6.4 OF THE LAND DIVISION REGULATIONS; ESTATE OF LEROY E. SIEVERT, APPLICANT (APPLICATION 2014-16)

Tim Schwecke, Town Planner gave an overview regarding the determination of substandard lots owned by Estate of Leroy E. Sievert off of CTH E. He stated that the Plan Commission in making its recommendation to the Town Board, and the Town Board making its final decision must consider the following factors:

- Compatibility
- Sewage Disposal
- Practicality
- Building Location
- Public Improvements

- Compliance with Zoning District Regulations

Discussion was held.

Chairman Dubey asked if Plan Commission or Town Board had any concerns. Commissioner Holtz stated a concern of the sewage disposal.

Plan Commission Action: Motion by Commissioner McNelly, second by Commissioner Schuett to recommend to the Town Board that the two adjoining substandard lots be merged by a certified survey map based on the factors listed in s. 6.4 of the land division code provided the applicant submits an application to the Town of Mukwonago to rezone the property from A-1 to R-1 and obtain approval of the same within 12 months from the date of this decision, along with being in compliance with the 6 items as listed above. All ayes; motion carried.

Town Board Action: Motion by Supervisor Nicoson, second by Supervisor Stefanowski to merge the two adjoining substandard lots as recommended by the Plan Commission. All ayes; motion carried.

CERTIFIED SURVEY MAP MERGING TWO ADJOINING LOTS IN SECTION 18, T5N, R18E; ESTATE OF LEROY E. SIEVERT, APPLICANT (APPLICATION 2014-17)

Tim Schwecke, Town Planner gave an overview of the Certified Survey Map. Commissioner Holtz questioned the structure and would like the building inspector to inspect the building and also questioned if the additional buildings will be removed.

Plan Commission Action: Motion by Commissioner McNelly, second by Commissioner Schuett to recommend to the Town Board the approval of the final certified survey map subject to the general and specific conditions as stated in the staff report from Tim Schwecke dated May 27, 2014. All ayes; motion carried.

Town Board Action: Motion by Supervisor Nicoson, second by Supervisor Hintz to approve the final certified survey map as recommended by the Plan Commission. All ayes; motion carried.

DESIGNATION OF A BUILDING ENVELOPE IN THE ENVIRONMENTAL CORRIDOR (EC) ZONING DISTRICT PURSUANT TO SECTION 82-125(D) OF THE ZONING CODE; ESTATE OF LEROY E. SIEVERT, APPLICANT (APPLICATION 2014-18)

Tim Schwecke, Town Planner gave overview of designation of building envelope in the EC Zoning District pursuant to Section 82-125(D) of the Zoning Code.

Discussion was held. Recommendation was to add the following to the face of certified survey map:

- Show building envelope
- Show area of disturbance

Plan Commission Action: Motion by Commissioner McNelly, second by Commissioner Schuett to table this matter to July meeting to allow Town Planner to work with landowners to come up with design envelope. All ayes; motion carried.

POTENTIAL TERMINATION OF A CONDITIONAL USE APPROVAL GRANTED IN 2001 TO ALAN AND KAREN EINER AND CENTURYTEL TO ESTABLISH GROUND-MOUNTED TELECOMMUNICATION EQUIPMENT AT W329 S7696 CTH EE; TOWN OF MUKWONAGO APPLICANT (APPLICATION 2014-14)

9:23 p.m. – Chairman Dubey opened the public hearing and asked if anyone wished to be heard. No person wished to be heard and the hearing was declared closed.

Plan Commission Action: Motion by Commissioner Yerke, second by Commissioner Holtz to recommend to the Town Board termination of the conditional use approval granted in 2001 to Alan and Karen Einer and CenturyTel to establish ground-mounted telecommunication equipment at W329S7696 CTH EE. All ayes; motion carried.

Town Board Action: Motion by Supervisor Stefanowski, second by Supervisor Nicoson to terminate the conditional use approval granted in 2001 to Alan and Karen Einer and CenturyTel to establish ground-mounted telecommunication equipment at W329S7696 CTH EE as recommended by the Plan Commission. All ayes; motion carried.

PROPOSED AMENDMENT OF THE TOWN'S ZONING CODE WITH REGARD TO COMMERCIAL VEHICLES AND SCHOOL BUSES AS SET FORTH IN THE PROPOSED ORDINANCE DATED APRIL 28, 2014; TOWN OF MUKWONAGO, APPLICANT (APPLICATION 2014-13)

Chairman Dubey opened the Public Hearing at 9:24 p.m. Chairman Dubey gave an overview of the public hearing and asked if anyone wished to be heard. No persons wished to be heard and he declared the hearing closed at 9:26 p.m.

Plan Commission Action: Motion by Commissioner Yerke, second by Commissioner Schuett to recommend to the Town Board approval of proposed amendment to the Town's Zoning Code with regard to commercial vehicles and school buses as set forth in the proposed ordinance dated April 28, 2014. Commissioner Clabault, McNelly and Supervisor Topczewski, three (3) in all voted "no". The rest, five (5) in all voted "aye". The motion carried.

Town Board Action: Motion by Supervisor Nicoson, second by Supervisor Hintz to approve the proposed amendment to the Town's Zoning Code with regard to commercial vehicles and school buses as set forth in the proposed ordinance dated April 28, 2014 as recommended by the Plan Commission. Supervisor Stefanowski and Topczewski voted "no". The rest, three (3) in all voted "aye". The motion carried.

DISCUSSION REGARDING POTENTIAL AMENDMENT OF THE ZONING CODE REGARDING FEDERAL FIREARMS LICENSES IN RESIDENTIAL DISTRICTS AS A CONDITIONAL USE

Paul Leszczynski spoke regarding potential amendment to the zoning code regarding federal firearms licenses in residential districts as a conditional use.

Plan Commission directed town planner to draft section of conditional use for Type 01FFL and address quantity of sales. Supervisor Hintz stated 82-161 should be 82-110.

BUILDING INSPECTOR AND TOWN PLANNER REPORT OF PROJECTS IN WAUKESHA COUNTY'S SHORELAND ZONING JURISDICTION

Scott Johnson, Building Inspector stated he received request for chicken coop in R-1 on Spring Lake.

ADJOURNMENT

Plan Commission Action: Motion by Commissioner Clabault, second by Commissioner Schuett to adjourn at 9:55 p.m. All ayes; motion carried.

Town Board Action: Motion by Supervisor Nicoson, second by Supervisor Hintz to adjourn at 9:55 p.m. All ayes; motion carried.

Respectfully submitted,

Kathy Karalewitz  
Administrator/Clerk-Treasurer

Approved: July 2, 2014