

TOWN OF MUKWONAGO  
JOINT PLAN COMMISSION AND TOWN BOARD  
MINUTES  
WEDNESDAY SEPTEMBER 5, 2018

Chairman Topczewski called the meeting to order at 6:30 p.m. and stated the meeting had been appropriately noticed.

**ROLL CALL**

**Plan Commission:** Commissioners Kurowski, Clabault, Gilboy, Yerke, Schuett, Supervisor Bratz, and Chairman Topczewski were present.

**Town Board:** Supervisors, Bratz, Boucher, Wrasman, Yerke and Chairman Topczewski were present.

Also present: John Macy, Town Attorney; Gail Obradovich, Deputy Clerk-Treasurer; Tim Schwecke, Town Planner; Scott Johnson, Building Inspector, Tom Czarnecki, Police Chief; and Jeff Stien, Fire Chief.

**MINUTES OF AUGUST 1, 2018**

**Plan Commission Action:** Motion by Commissioner Schuett to approve the minutes of August 1, 2018, second by Commissioner Clabault, all ayes; motion carried.

**Town Board Action:** Motion by Supervisor Boucher to approve the minutes of August 1, 2018, Second by Supervisor Bratz, all ayes; motion carried.

**REPORT BY BUILDING INSPECTOR REGARDING ANY ALLEGED OR OUTSTANDING VIOLATION(S)**

Scott Johnson, building inspector, distributed his inspection report.

**CONDITIONAL USE FOR A BANQUET FACILITY (WITH MAXIMUM SEATING CAPACITY OF 200) LOCATED AT S100W31244 CTH LO (MUKT1981997003): GREENWALD FAMILY FOUNDATION (RON SPEAR, AGENT); APPLICATION 2018-15**

Chairman Topczewski announced the continuance of the Joint Public Hearing.

Mr. Spear responded to the new conditions set forth at the August PC/TB meeting. He stated he had spoken with the Fire and Police Chiefs and the Building Inspector. Mr. Spear said he would like to move forward.

Laura Callan, Attorney for Mr. Greenwald, spoke about the Plan of Operation, her Memo, and a legal brief outlining the entire process to this point.

The Chairman asked for clarification regarding the request for the three proposed uses stated on the Plan of Operation, page 2, Item 3 – The Proposed Use. Mr. Spear agreed those were the three uses be requested on the current Plan of Operation.

Atty Macy asked Atty Callan for clarification on the 4 conditions that were objected to. Atty Callan stated for the record the Greenwald Foundation disputed the conditions listed on the APPLICANT'S STATEMENT IN SUPPORT OF APPLICATION, page 4 (21 of the packet), first paragraph as stated. After discussion Mr Spear did agree to the 8pm curfew and any concept required for a barrier to the gardens. The secondary access and no additional applications to be discussed during deliberations.

Chairman Topczewski opened Public Comment

- Ben Ariss S83W29971 Saxony ct., thanked the Planning Commission and Town Board for listening to the residents these last few months.
- Nan Bock, S93W31343 HIGHWAY NN. Distributed a memo for the record.
- Megan Busalocki, Atty for the residents, W254S10880 Hunters Run, Vernon, commented on the two items not be agreed to and stated multiple uses should not be allowed on one Conditional Use application.
- Emery Vamos, S93W31145 Cnty Rd. NN, Stated the Wet Delineation Report submitted has long been expired.
- Rick Brewer S93W31740 Cnty NN. Asked what if conditions are not met.
- Spring Gardner S79W33298 Forseth Dr. Spoke against rezoning for the Banquet Hall.

Chairman Topczewski asked the Fire Chief, Police Chief and Building Inspector each if the statements provided by Mr Spear were true and accurate. Each stated they were.

Tim Schwecke gave an overview of his staff report dated August 30, 2018 as well as other documents contained in the packet. Discussion followed. Mr Schwecke explained about how deliberations would work, the worksheet form in the packet and how to use it. The Planner did a summary overview of the conditions listed and asked Mr Spear if those conditions are accurate. Mr Spear agreed they were. Mr Schwecke confirmed the request for the additional two uses asked for in the application and questioned whether the small group tours would fall under the definition of a Banquet Hall.

The Chairman asked for a motion to conclude the Public Hearing after confirming there were no further questions.

Motion by Supervisor Bratz to conclude the Public Hearing, second by Commissioner Clabault. All in favor, motion carried.

Chairman Topczewski stated he failed to see how the educational tours fit the definition of a Banquet Facility. Based upon that, the Chairman made a **motion for the Planning Commission** that the Conditional Use be denied as not meeting the definition of a Banquet Facility, and that he would ask staff – the Town Planner and attorney prepare a findings of fact and conclusions of law to be submitted to the Town Board for consideration at the next Board meeting, second by Commissioner Clabault. Discussion followed. Chairman Topczewski called for a vote:

In favor of the motion, Commissioners Clabault, Bratz, Kurowski and Chairman Topczewski.

Opposed, Commissioners Yerke, Schuett, and Gilboy. Motion passed.

**Town Board Action:** Motion by Supervisor Yerke to accept the Planning Commission's recommendation. Second by Supervisor Boucher. In favor – Supervisors Yerke, Boucher, Bratz, and Chairman Topczewski. Supervisor Wrasman abstained. Motion carried.

## **MISCELLANEOUS UPDATES**

### **Phantom Lakes Management:**

Chairman Topczewski reported a request by Dave Dubey to evaluate an ordinance regarding loitering in the channel.

### **Fox River Commission**

No updates.

Atty Macy gave an update of the Boundary agreement with the Town of Vernon.

## **ADJOURNMENT**

Plan Commission action: Motion by Commissioner Gilboy, second by Commissioner Schuett to adjourn at 8:42 p.m. All ayes, motion carried.

Town Board action: Motion by Supervisor Boucher, second by Supervisor Yerke to adjourn at 8:42 p.m. All ayes, motion carried.

Respectfully submitted,

Gail Obradovich Deputy/Clerk-Treasurer

APPROVED 10/3/18