

**TOWN OF GRAFTON
BOARD OF SUPERVISORS MEETING
December 14, 2016 – Official Minutes**

I. CALL TO ORDER: CHAIRMAN BARTEL CALLED THE MEETING TO ORDER AT 7:00 P.M.

Present:

Chairman Lester A. Bartel, Jr.
Supervisor Tom Sykora
Supervisor Karron Stockwell
Supervisor Tom Grabow
Supervisor Steve Schaefer

Clerk / Planner Amanda Schaefer
Town Attorney Sara MacCarthy
Town Engineer Kevin Kimmes

II. VERIFICATION OF COMPLIANCE WITH OPEN MEETINGS LAW

1. **Clerk/Planner Schaefer assured that the meeting was properly noticed.**

III. PLEDGE OF ALLEGIANCE TO THE FLAG

IV. REVIEW AND ADOPT AGENDA

1. **ACTION: Supervisor Schaefer moved to adopt the agenda, seconded by Supervisor Grabow. Motion carried 5-0.**

V. APPROVE MINUTES FROM PREVIOUS MEETING (AND ANY ASSOCIATED CLOSED SESSION)

1. **ACTION: Supervisor Grabow moved to approve the minutes from the previous meeting, seconded by Supervisor Sykora. Motion carried 4-0 with Supervisor Schaefer abstaining due to absence.**

VI. PUBLIC HEARINGS

A. Ordinance 2016-07: An Ordinance Amending Title 9, Chapter 1, Section 4.11 Conditional Uses – BP-3 Business Park District, of the Code of Ordinances, Town of Grafton, Wisconsin, Addressing Rental Storage Units as a Conditional Use

1. Attorney MacCarthy provided an overview to the Board
2. **Chairman Bartel opened the Public Hearing at 7:05pm.**
3. **Marjie Tomter, 1097 Lakeshore Road, would like to go on record to not allow these types of uses in this district; it is too much impervious surface; it is too much light; it is a different type of animal than other types of development; let's move it to STH 32**
4. **Neal Hobbs, Fox Tail Lane, entered a formal protest petition – all signatures are adjacent to the subject property; Chairman Bartel shared information about the petition and the possibility to submit it**
5. **Neal Hobbs, Fox Tail Lane, continued to address the Board with concerns about the compatibility of this use in the BP-3 Ordinance; he continued to list permitted and conditional uses found within the Code, as well as reasons why this should not be within the BP-3 District; he also noted commentary about the M-1 and M-2 Districts because these districts allow for rental storage units in them as conditional uses**
6. **Chairman Bartel shared the fact that the Mr. Hobbs was speaking on behalf of the following – Alan Dolberg, 871 Fox Tail Lane, Kerry McGrath-Dolberg, 871 Fox Tail Lane, John Krusick, 879 Fox Tail Lane, Linda Krusick, 879 Fox Tail Lane, Meri Jo Cornell, 799 Fox Tail Lane, John W. Cornell II, 799 Fox Tail Lane, Cory Jepsen-Hobbs, 876 Fox Tail Lane, Lori Duwell, 740 Fox Tail Lane, Jeff Duwell, 740 Fox Tail Lane, Christopher J. Horoszewski, 735 Fox Tail Lane, Mary Kary Horoszewski., 735 Fox Tail Lane, Barbara VanHousen, 815 Fox Tail Lane, Lisa Kettenhoven, 810 Fox Tail Lane, Dean Koch, 766 Fox Tail Lane.**

7. **Kerry McGrath-Dolberg, 871 Fox Tail Lane, purchased the home in 2004, coming from New York City; they ended here because of the rural yet community feel; the rural aspect is key; I-43 seems like a natural barrier, this use seems to be more fit for an industrial park; they have the navigable stream on the property; there has been a significant increase in water flow since the construction of Cornerstone Church (across the freeway); they purchased the property for reasons that they would not be close to something like this proposed use**
8. **John Krusick, 879 Fox Tail Lane, is on the corner; they would likely be impacted the most; they came from the City of Milwaukee for the large lot and rural atmosphere; the open space is essential; if the ordinance is changed, that would be the equivalent to a ¼ lot, garage, and an alley; this would never enhance the value of their property – it would do the opposite; there was significant foresight at some point to remove this conditional use from the district – why does this Board want to change this? Per Chairman Bartel’s newsletter, we still need to preserve the rural, residential character of the Town**
9. **Barb VanHousen, 815 Fox Tail Lane, moved to the Town so she could go out in the dark yard at night and enjoy the dark and quiet; there are many nights that it is impossible to do that now; there is so much light pollution; it is a shame that the township wants to remain rural but let this go through; she abuts the freeway but it is recessed; this would greatly impact her quality of life**
10. **Jeff Duwell, 740 Fox Tail Lane, inquired with Chairman Bartel about other sites that this could be built upon; this should not even be in front of us if there is properly zoned land other places in other districts; Chairman Bartel responded with the thought that this is associated with a willing buyer and seller**
11. **John W. Cornell II, 799 Fox Tail Lane, stated the slogan, Quality Life. Naturally. This doesn’t fit that.**
12. **Jeff Duwell, 740 Fox Tail Lane, stated that an elder at Cornerstone Church said that this is a gathering location**
13. **Christopher J. Horoszewski, 735 Fox Tail Lane, stated that this atmosphere has beauty; all commercial storage facilities change the aura and atmosphere of the neighborhood; there are environmental concerns as well as many others**
14. **Mary MacIntosh, 1050 Lakeshore Road, has lived in the Town for 36 years; she travels Falls Road several times a day; she moved to the country for space; she feels sorry for these people – she is opposed and feels sorry for the neighbors.**
15. **Clerk/Planner Schaefer offered comment for Bob Nelson, 867 Tallgrass Drive, who noted concern about the proposed ordinance change – a copy of the transcript can be obtained by requesting a copy from the Town of Grafton**
16. **Chairman Bartel closed the Public Hearing at 7:33pm.**
17. **Brian Parrish, developer, was in the audience and confirmed that there were meetings with the neighbors; Brian Fischer, Anderson Ashton (Design Builder) supported those comments**
18. **Mr. Parrish sympathizes with the neighbors about something new being proposed in close proximity**
19. **He noted that he heard about the concern for rural character – the design has more of a barn/rural aesthetic.**
20. **He commented that, unfortunately, he is still self-storage at the end of the day; he would like to think that it is a very nice product that is being offered. 5 people that spoke tonight never came to the neighborhood meeting, and he would like to meet**

- with them to review the photometric study and storm water management. This is not slippery slope – there are a minimal number of parcels affected.
21. Brian Fischer shared the fact that the buildings will be quality; it will be a rural aesthetic with cutoff lighting – all of which will face the interstate; there is no spillage onto the adjacent properties; self-storage is a quiet use; people rarely come to use them once they have occupied a unit; 5-6 cars per day at the most; the stormwater management will have a positive impact on the neighbors to the east
 22. Engineer Kimmes shared that the stormwater submittal was one of the best the Town has seen in the past 2 years
 23. Stormwater requirements in the Town were discussed by Engineer Kimmes
 24. Engineer Kimmes felt that Staff has the understanding that the concept of self-storage has changed; this is one of them – it is more aesthetically pleasing and truly amenity driven
 25. Engineer Kimmes suggested a lighting, traffic, and hard cover comparison could be shared with the neighbors for consideration
 26. Supervisor Grabow asked about the number of units – end of phase 3 is 380 units
 27. Supervisor Grabow asked about the reason for THIS site – Mr. Parrish shared a market study and other determining factors
 28. Supervisor Grabow asked about the asphalt paving
 29. Supervisor Stockwell asked about the hours of operation – the other facility is not in a residential neighborhood
 30. Supervisor Stockwell shared the thought that the visit count is low
 31. Supervisor Stockwell asked what would be stored there – pharmaceutical reps store products, Christmas ornaments, etc. and larger units will dictate visit count
 32. Mr. Fischer noted the security and regulations for the property
 33. Supervisor Stockwell asked about the monitoring of what is in the unit; the applicants shared the fact that is the responsibility of the employees working; it is illegal for them to enter the units without permission; it is a Class A facility
 34. This is an over \$2 million investment, per the applicants
 35. The applicants feel the level of development with this project will raise the bar
 36. Chairman Bartel reminded the Board that this is for the Code amendment
 37. Supervisor Grabow asked about the size of the parcel – it is a bit over 7 acres
 38. Supervisor Sykora stated that this is looking at a conditional use in this district, not the actual application
 39. Chairman Bartel asked if the Board was willing to amend the Code to entertain the application. If it is approved tonight, the application will go through the process
 40. The only other option that could be in place, per Chairman Bartel, would be to table the decision to reach out again to the neighborhood; Supervisor Stockwell doesn't think that will happen (obtain consensus of the neighborhood)
 41. Engineer Kimmes stated that, if the Board doesn't feel informed enough, Staff could provide an analysis with the applicant to show the other uses; this would be the responsibility of the applicant to provide this information
 42. Chairman Bartel reiterated the item on the table – the Code amendment
 43. The applicant shared the fact that they have spent a lot of time and money on the process
 44. Supervisor Sykora reiterated the question – is this a good use for this zone? He thinks it is a good use for the District, but not necessarily the lot
 45. Supervisor Grabow brought up the thought process about the expansion of the Village

46. **ACTION:** Supervisor Schaefer moved to table the decision due to lack of information, seconded by Supervisor Grabow. Discussion continued. The Board would like see more detailed information that is in line with Engineer Kimmes' suggestions. Supervisor Sykora shared that suggested approach is more for the Plan Commission during the application. Chairman Bartel clarified that more information should be shared in January about the modern storage facility – lighting, design, impact. Motion was at 2-2 (Grabow and Schaefer – YES, Sykora and Stockwell – NO). Chairman Bartel shared the fact that this applicant has been a good one. This parcel has been actively for sale for a long time. The developer is willing to keep his toe in the water to keep a consensus. Eventually, there will be something proposed there. Chairman Bartel sees less problem with tabling this for a month versus saying no. BUT, he would not have been comfortable saying yes. Motion carried 3-2 with Supervisor Sykora and Supervisor Stockwell dissenting.
47. Chairman Bartel asked Attorney MacCarthy about continuing the Public Hearing; that will take place at the Board in January. The developer needs to know that this resident group has significant concerns and expectations. The developer needs to swing them their way.
48. The application will be pushed back to a later meeting date.
49. Neal Hobbs, asked about the addressing of the petition – it would only come into play when the motion is to ADOPT the ordinance; the motion tonight was to table.

VII. RESIDENT CORRESPONDENCE/PERSONS WISHING TO BE HEARD

1. Clerk/Planner Schaefer offered comment for Bob Nelson, 867 Tallgrass Drive, who noted concern about the Legacy Trail and past Board positions

VIII. OLD BUSINESS

- A. Discussion and possible action regarding a request from the Open Space Commission to investigate potential developer incentives for Legacy Trail easement donations (Proposed Staff Plan)
 1. Engineer Kimmes and Clerk/Planner Schaefer provided information to the Board.
 2. The Village of Grafton survey could be used as a template but tailored to the Town of Grafton
 3. Staff will move forward with draft survey questions to gather wider community input regarding several topics, most specifically, the Legacy Trail
 4. Per Chairman Bartel, we need to listen to the community and either be all in or not at all; it's not fair to the people that are putting the effort in if there is no plan to follow
 5. There has been a surprising lack of support for the Trail from key entities, such as equestrian centers
 6. Marjie Tomter addressed the Board – the Town needs to be more proactive and take a leadership role about finding Open Space if that is the ultimate plan
 7. **Staff will provide survey questions in preparation for the April election questionnaire**
 8. **Supervisor Stockwell shared that the public needs to be fully informed**
 9. Don Korinek addressed the Board – the survey could include topics other than the Legacy Trail.
 10. **ACTION: NO ACTION TAKEN.**

IX. NEW BUSINESS

- A. Discussion and possible action regarding a Preliminary Town Plat, Rezone, and Shared Driveway Petition (A-1 to R-2) by Michael Samann, 678 Falls Road, Tax Key #06-021-09-002.00**
1. **Supervisor Sykora abstained due to conflict**
 2. Engineer Kimmes provided a report to the Board
 3. The DNR wetland concurrence letter that was discussed at Plan Commission was received this past week
 4. The developer has chosen to not donate an easement for the Legacy Trail.
 5. **ACTION: Supervisor Grabow moved to approve the Samann Preliminary Plat, Rezone, and Shared Driveway Petition, seconded by Supervisor Stockwell. Discussion continued. Chairman Bartel recommended that the developer properly notifies all lot owners of the A-2 parcel and the uses allowed on that parcel per Town Code. Engineer Kimmes shared that there are restrictive covenants. Supervisor Schaefer inquired about the Trail easement being placed within the private drive easement. Tom Sykora (acting as Realtor) shared the fact that potential buyers were presented with Trail information in a neutral manner; there was no interest. Motion carried 4-0 with Supervisor Sykora abstaining due to conflict.**
 6. **Supervisor Sykora retook his seat for the remainder of the agenda items.**
- B. Discussion and possible action regarding a Preliminary Town Plat Petition and Rezone Petition (A-2 to R-3) by Hillcrest Builders, 1398 River Bend Road, Tax Key #06-030-03-001.00**
1. Engineer Kimmes provided a report to the Board
 2. The Village comments on the application were discussed – more specifically the impact fees and the addresses of the properties along River Bend Road
 3. The impact fees discussion and decision would come at a later time (Final Plat)
 4. **The Board decisions on addresses on properties along River Bend Road and Impact Fees will come in January or February by the Board of Supervisors (Final Plat)**
 5. Bill Grunwald, River Bend Road, asked about public notification. Staff responded that the Public Hearing was in September – quite a while ago. Mailings were sent as needed.
 6. **ACTION: Supervisor Sykora moved to approve the Hillcrest Preliminary Plat, Rezone, and Shared Driveway Petition, seconded by Supervisor Stockwell. Motion carried 5-0.**
- C. Discussion and possible action regarding an update to the Town of Grafton Code of Ordinances 6.7.3 (Public Nuisances) addressing lawns on private property**
1. Clerk/Planner Schaefer and Supervisor Grabow provided information
 2. Supervisor Grabow would like to move this forward in January as a Public Hearing; it will be February due to timing
 3. **ACTION: Supervisor Grabow moved to forward this to a Public Hearing in February, seconded by Supervisor Stockwell. Motion carried 5-0.**
- D. Discussion and possible action regarding the Town of Grafton 5-Year Road Capital Improvement Plan (CIP)**
1. Engineer Kimmes provided a report to the Board
 2. Details of Engineer Kimmes' plan can be acquired by requesting a copy from the Town Office
 3. Chairman Bartel commented about the “pre-work” that has been done – culverts, etc.
 4. Discussion continued about 17th Avenue and other road projects

5. The amended document will be prepared by Stantec and provided to the Town for reference

6. **ACTION: NO ACTION TAKEN.**

E. Discussion and possible action regarding a proposal to create the new landfill groundwater monitoring plan for DNR approval

1. Engineer Kimmes provided a report to the Board

2. Based on DNR requirements, Stantec proposes to complete the Plan for \$4,100 using the remaining Town-approved budget

3. **ACTION: Supervisor Stockwell moved to approve the Stantec proposal, seconded by Supervisor Sykora. Motion carried 5-0.**

II. TOWN STAFF UPDATES

A. Town Planner – NONE

B. Town Engineer – NONE

C. Town Attorney - NONE

D. Town Treasurer – The ADM account has now added a tax account.

E. Town Building Inspector - NONE

F. Town Weed Commissioner - NONE

G. Town Public Safety Commissioners – Commissioner B. Wolf shared that the Fire Department sent out a flyer to Village residents asking for volunteers; there is a lacking volunteer base. Please read the report submitted to you tonight from the Public Safety Commission Meeting last night.

1. Supervisor Grabow noted about the TIF Districts within the Village.

III. APPOINTMENTS OF COMMITTEES

A. Town of Grafton Open Space Commission – Appointment and/or Reappointment of 1 member to serve a two-year term, expiring June 1, 2018

1. **ACTION: WILL COME AT A LATER DATE.**

IV. REPORTS – FOR INFORMATION, DISCUSSION AND ACTION

A. Chair

1. Tax collection is underway; things are going well.

2. The School District is coming forward with a potential item – please make yourselves aware of the details.

B. Supervisors

1. Supervisor Grabow noted that the NRC has mapped all environmentally sensitive areas in the Town.

C. Clerk

1. NONE

D. Monthly Treasurer’s Report

1. A report was presented.

V. DISCUSSION AND POSSIBLE ACTION REGARDING PRESENTATION OF INVOICES

1. **ACTION: Supervisor Grabow moved to pay bills as presented, seconded by Supervisor Schaefer. Motion carried 5-0.**

VI. ADJOURN

1. **ACTION: Supervisor Grabow moved to adjourn subject to the payment of bills, seconded by Supervisor Sykora. Motion carried 5-0.**

Respectfully Submitted,
Amanda L. Schaefer, Clerk