

waTown of Merton  
Plan Commission Meeting  
Minutes of April 19th, 2023

- Meeting Called to Order by Chairman Klink at 5:30 p.m.
- Pledge of Allegiance led by Chairman Klink
- Minutes of the April 5th, 2023 Plan Commission Meeting. A motion to accept the minutes as printed was made by Jensen/Morris. Motion carried.

Present: Chairman Klink, Commissioners Griffin, Jensen, Morris, Siepmann, Queoff, and Good, Attorney Van Kleunen, Planner Haroldson, and Deputy Clerk Claas

Also Present: Terry Reinders, Judy Reinders, Mike Kotlarek, Barbara Carrera, Kaye Krueger, Nicole Kubeck, Robert Mueller, and Rich Winkelman

Old Business: None

New Business:

Certified Survey Map to Divide 3.54 Acres into 2 Parcels – N83W28695 Center Oak Road – Requested by Terrence & Judy Reinders – Tax Key MRTT0335-998 – Haroldson stated originally the Reinders submitted a proposal for a 3-lot subdivision and now they are just submitting a certified survey map for a 2-lot subdivision. It meets the land use plan use, the density, and the zoning. This land division will not require an amendment to the land use plan. Haroldson said she received a letter from Waukesha County dated April 12<sup>th</sup>, 2023, giving conditional approval of the CSM. The petitioner should meet with the Town DPW to identify driveway locations for the two separate lots. The petitioners will also need to adjust the interior lot lines to allow for an average minimum width of at least 150'. All other conditions of the Waukesha County Parks & Land Use will need to be met before final signatures.

Siepmann said this is much better than the last go around and thanked the petitioners for changing it. Haroldson asked Kotlarek when he surveyed this if he came up with 3.54 acres. Kotlarek said yes, without road right of way.

A motion to approve subject to Town and County signatures and corrections and all items met by the petitioners and to recommend to the Town Board for approval was made by Siepmann/Morris. Motion carried.

Conceptual Proposal for a lot Re-Configuration (to a flag lot) and Access to Robin Lane – Requested by Nicole & Josh Kubeck – Property is Zoned R-1 – Tax Key MRTT0402-995-032 – Haroldson stated they are asking to allow a land transfer between two lots. When they were at the Plan Commission Meeting on September 21, 2022, they petitioned to do something similar to this and they were given conceptual approval to move forward with their intent to purchase land from the adjacent property owner to avoid creating a steep driveway access from Hasslinger Drive. The new access would be from Robin Lane. The petitioner was instructed to create a 66' access to Robin Lane and work with Waukesha County. This is just a conceptual to see if the Plan Commission would support this. Haroldson stated they will not have access to their property from Hasslinger Drive.

Good commented that this will save trees on the hill. Siepmann questioned if this will be the last time this property is divided. Haroldson said that will be part of the approval of the CSM. Attorney Van Kleunen clarified that each lot will have access to public right of way.

Haroldson stated the Plan Commission would have to address the flag lot and that the Plan Commission would be approving a flag lot. At Waukesha County they will have to get approval for a flag lot as well.

A motion to approve both lot configurations for Josh and Nicole Kubeck and the flag lot subject to CSM approval was made by Morris/Queoff. Motion carried.

Second Amendment to the Condominium Map and Declaration of Conditions, Covenants, Restrictions and Easements for the Evergreen Condominiums – Requested by Robert Mueller – for Purposes of Expanding a Deck into the Limited Common Ownership Area – Tax Key MRTT0350-968-006 – Haroldson said the petitioner wants to expand his deck, but in order to do that he is trading out some common ownership area. Because this was developed via a condominium plat, it is necessary for him to bring the Plan Commission a survey on how he's reconfiguring this and an amendment to their condominium documents.

Haroldson stated he's amending the condominium plat and she believes that the State Statute says he needs to bring some sort of survey amending that area and then getting proof of support of the amendment to the declaration. Attorney Van Kleunen said it's similar to a final plat if someone would want to change the boundaries of a final plat. They would still need to come back to the municipality for approval even if the subdivision is 100% developed. It's the same kind of concept going on.

Jensen clarified that the condominium association is aware that this is at the Plan Commission. Mueller said this was passed by the Board of Condominiums and then to amend the declaration he had to get 75% members to approve, which he did. Then he took it back to the Board Chairman to sign the amendment.

Jensen questioned that if some other condominium owner would want to do something similar, would they have to come back each time and request this. Haroldson said yes, they would have to create a new survey.

A motion to approve this amendment of the condominium covenant to allow this land division for a deck was made by Good/Siepmann. Motion carried.

Planner Report – Haroldson stated the bench that was donated to the park was purchased and sitting outside the Town Hall. It will go into the park in spring when the DPW has an opportunity to set it in concrete.

The MS4 Permit, the annual stormwater permit, has been submitted. The DPW and Haroldson will be working with SEH because it is imperative to amend the plan and the modeling for the Town and has to be done by October 23<sup>rd</sup> of this year. They are looking at the modeling to determine if the Town is better or worse and if there can be some tradeoffs. This has to do with stormwater management and reducing the runoff into the lakes.

Haroldson said there was a Board of Adjustment training class about two weeks ago. Haroldson presented with Ben Greenberg of Waukesha County giving the new Board of Adjustment members insight on how to make their decisions and what their role is and what they can expect from the petitioner.

On May 3<sup>rd</sup> there is a Public Hearing for the cemetery and land altering activity.

County Board Supervisor Update – Morris said he is part of the finance committee and the major capital project for the next four years was bid out and it came in \$15,000,000 over estimate. It still has to go through the Board.

A motion to adjourn was made by Jensen/Queoff. Motion carried. Meeting adjourned at 5:40 p.m.

Respectfully submitted,

Holly R Claas  
Deputy Clerk