



Planning & Zoning Commission
Held Jointly with the Town Board in-person and via Zoom
March 24, 2021
Approved Minutes

Chairman Malek called the meeting to order at 6:00 P.M. and led the Pledge of Allegiance.

Present: Chairman Malek; Supervisors Mommaerts, Muth, Suhm, and West. Commissioners Kwiatkowski, Lewis, Mann, and Roberts were present. Staff present: Town Planner Schwecke and Town Clerk Pepper. Also, present: Dawn Behr, Adam Benjamin, Jenny Benjamin, Andrea Berg, David Berg, Erica Brewer Mallory, Diana Brown, Alli Chase, Don Clemons, Jevon Cliffgard, Laura Clemons, John Davis, Debbie Domagalski, Duane Domagalski, Tony Fohey, JoAnn Gilbert, Gregory Himebauch, Kevin Kinart, Amy Kinosian, Carole Klumb, Diane Knauer, Bill Koch, Wendy Konichek, Ryan Hajewski, Dave Harding, Zach Mallory, Pamela Meyer, Megan McGough, Ann Mielke, Randy Mielke, Rhonda Molitor, Ron Molitor, Scott O'Brien, Edward Rauls, Judith Rauls, Judy Rozinski, Jillian Rupinski, JR Rupinski, Molly Schneider, Nick Schreiber, Wendy Schreiber, Jenny Schroeffer, Amy Schultz, Kendra Skorstad, Nathan Troug, Steve Wilton, and Nathan Wolff. Danah, David, Deb, Don, Marc, Michelle, and six other unidentified participants.

Proposed revisions to the Town's zoning regulations (Chapter 500) (application 2021-06) – Town Planner Schwecke explained that the purpose of tonight's public hearing is to review and accept public comments on the proposed revisions to the Town's zoning code. The current code was recreated in 2016. In 2017, ACT 67 was adopted which changed the nature of dealing with conditional uses across the state. Prior to ACT 67, conditional uses were reviewed on a case-by-case basis. After, it must be treated like a permitted use. Ordinance 2018-06 was passed which removed many conditional uses on a temporary basis. The passing of Ordinance 2018-07 removed Planned Unit Developments (PUDs) as a conditional use. A steering committee was formed to consider these proposed amendments. The Planning & Zoning Commission and Town Board reviewed and discussed these over the course of three (3) plus years which is where we are today. The proposed amendments will not modify the zoning map. If the Planning & Zoning Commission is so inclined to recommend to the Town Board to adopt or modify and adopt the proposed ordinance amendment, please know that it is not effective until the County Board approves it.

Commissioner Lewis repeated that ACT 67 changed the nature of conditional uses. The town used to be able to put conditions on it when it was being proposed. When ACT 67 came in, we can no longer put conditions on other than what is already written into the code. She offered an example of a helicopter pad, to try to illustrate the difficulty of trying to anticipate and define all conditions and situations in advance.

Chairman Malek explained that the guidelines for tonight are that you state your concerns. This is not a question/answer format. The Planning & Zoning Commission will listen and will take notes. There should be no repetitive comments. If your comments are the same as another, state ditto. Public comments will

be discussed at a later date. When you are called on, please state your name and address. You will be given three (3) minutes to speak. This meeting has an earlier start time in anticipation of a high turnout. If the meeting runs late, it may be adjourned to a later date. Tonight's meeting is a hybrid meeting, meaning both in-person and on Zoom in the effort to allow more people to attend safely. We will be taking public comment starting with the in-person people at the rear of the room and moving forward. Then we will move on to the Zoom participants.

JR Rupinski, W377 S10669 Betts Road commented on the notice of the public hearing and spoke against changing the word "shall" to "should" throughout the document. He spoke against removing Agri-tourism and conditional uses from the RR district. He commented on the rented water pump, the charges from the Town Planner, and alleged harassment.

Jenny Benjamin, S102 W36682 CTH LO spoke against removing Agri-tourism, commercial truck parking, and any other conditional uses that were removed from the RR district.

Molly Schneider, W370 S11035 Shearer Road suggested creating additional residential districts because properties that are three (3) to five (5) acres in size are different than those that are ten (10), twenty (20) or thirty (30) acres in size. She spoke against allowing conditional uses that were in the RR district to now only allowing them in the AP district. She spoke against changing the word "shall" to "should" throughout the document. She commented on topography, ground definition, renewal costs, final notices, and when recommendations are made for non-conforming uses.

Dave Berg, S108 W38989 STH 67 commented on ACT 6, who it is supposed to protect and from whom, and asked when will the public be able to get their questions answered.

Andrea Berg, S108 W38989 STH 67 spoke against the removal of Agri-tourism and in support of income potential in the community. She supported reasonable measures so not to impede on the neighbors.

Chairman Malek stated that this is the point of conducting a public hearing. To hear what the people agree or disagree with. From what he can see, Agri-tourism is a topic that needs to be revisited. As far as Christmas tree farms, Chairman Malek stated that he thought that this board had previously agreed to allow u-cut on thirty-five (35) acres in the RR district. This will also need to be revisited.

Don Clemons, S107 W36991 Annice Lane commented that he understands people's desires to do what they want if it does not impede on safety or privacy or the enjoyment of their neighbors. He asked if this matter could be tabled for more public input.

Chairman Malek responded that the action to be taken to tonight is to either continue to public hearing or close the public hearing.

Laura Clemons, S107 W36991 Annice Lane asked if the Town received any written comments from the public and if they would be read aloud.

Ryan Hajewski, S69 W39784 CTH N spoke against the removal of Agri-tourism to only the AP district. He spoke on the definition of "Farm" and how Winterhorse Park and Horsepower Healing Center do not fit the definition, even though they are farms. He spoke in favor of allowing cars with logos parked in buildings.

Randy Mielke, S93 W35258 Westwind Dr commented on ordinances not being available that are referenced in the code, meeting minutes, staff comments, applicant's expenses, "shall" vs. "should", and the code not taking effect until Waukesha County approves it.

In response to Chairman Malek, Planner Schwecke explained that the "shall" were changed to "should" on the recommendation of the Town Attorney.

Amy Schultz, S104 W38627 CTH NN commented that all prior comments were valid. The Town Attorney changing this is not right.

Rhonda Molitor, W369 S10500 Shearer Rd questioned what the proposed changes to the zoning code will do to the number of horses you can have.

Chairman Malek replied that the changes will do nothing to the regulation of horses. Recently, for those who reside in Waukesha County Zoning, the County wanted to only allow one (1) horse per three (3) acres. Supervisor Mommaerts, Muth, and himself went to their meeting, during COVID, and advocated for our Eagle residents who would be affected by it. It took six (6) months, and they decided to do an overlay for Eagle, allowing for one (1) horse per acre, with a minimum of three (3) acres. So, three (3) horses for three (3) acres; five (5) horses for five (5) acres; or ten (10) horses for ten (10) acres.

Erica Brewer Mallory, W367 S9594 South Rd commented on previous zoning code changes, special committee meetings, appointments, legal non-conforming uses and potential court costs, household livestock, hobby kennels versus hobby horses, raising additional birds versus hobby kennels, home occupations with only two (2) cars, and ill-perceived state laws.

Commissioner Lewis commented that the group heard a lot of excellent comments tonight. If anyone could not make the meeting tonight, perhaps drop off the comments to the Town Clerk or send her an email. Everyone's comments will be discussed at a later meeting.

Chairman Malek stated that he would also like to encourage those who were unable to comment tonight or those who were unable to connect tonight to email, mail, drop-off, your comments to the Town Clerk. You can also use the drop box outside.

Amy Kinoshian, W369 S10516 Shearer Rd suggested using the word "must" instead of the word "shall".

Diane Knauer, W345 S6950 STH 59 suggested that for the next meeting, those speaking or giving their written comments, please reference what section of the code you are referencing so everyone can follow along.

A motion was made by Commissioner Lewis, seconded by Commissioner Mann to adjourn the public hearing to Wednesday, March 31, 2021 at 6:00 P.M. Upon voice vote, motion carried.
A motion was made by Supervisor West, seconded by Supervisor Suhm to accept the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried.

Clerk Pepper stated that written comments may be submitted by email to clerk@townofeaglewi.us, by mail to PO Box 327, Eagle, in-person at the Town Hall Office or it can be placed in the Town Hall drop box outside.

A motion was made by Commissioner Roberts, seconded by Commissioner Lewis to adjourn the Planning & Zoning Commission Meeting at 7:35 P.M.

A motion was made by Supervisor Muth, seconded by Supervisor West to adjourn the Town Board Meeting at 7:35 P.M.

Lynn M. Pepper, Eagle Town Clerk