



Planning & Zoning Commission
Held Jointly with the Town Board in-person and via Zoom
March 31, 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: Jenny Benjamin, Erica Brewer Mallory, Richard Harthun, Ryan Hajewski, Tony Kinsetter, Diane Knauer, Wendy Konichek, Ted Kucharski, Linda Ludwig, Randy Mielke, Pamela Meyer, Richard Moeller, Judy Rozinski, Jillian Rupinski, JR Rupinski, Brent Rush, Molly Schneider, Amy Schultz, Sandra Shorr, Heather Stear, Donna Surdyk, and Maryann Ziebert. Also: David, Deb, Amy, Marc, Markus, and three (3) other unidentified participants.

Proposed revisions to the Town's zoning regulations (Chapter 500) (application 2021-06) –

Chairman Malek stated that per the Town Attorney, the Town conducted the public hearing per state statute and has extended the public hearing to allow for additional opportunities. This opportunity is for those who were not able to come online since very few participated and we wanted to be sure that everyone was able to. Chairman Malek reminded everyone that public comments will be reviewed by the Planning & Zoning Commission and Town Board at a special meeting, with a date yet to be determined.

A motion was made by Supervisor West, seconded by Commissioner Lewis to reopen the public hearing at 6:07 P.M. Upon voice vote, motion carried.

Clerk Pepper read an email from Dani Hajewski, S69 W39784 CTH N. She asked the Board to consider restoring conditional uses affecting Agri-tourism, commercial vehicle parking, farm education, and farm stands in the RR district.

Clerk Pepper read an email from Eagle Spring Lake Management District Chairman Pete Jensen. He asked for various changes with regards to dams, flooding, and reservoirs. He commented on restrictions on parking for businesses, shared driveway maintenance, campgrounds, recreational vehicles, off-road parking for u-cut/u-pick operations, and signage for the same.

Clerk Pepper read an email from Marc and Amy Otto, W358 S8409 STH 59. They feel their RR property off a state highway is different than a three (3) to five (5) acre RR parcel in a subdivision. They disagree with the one size fits all approach. They commented on the cost for conditional uses and farm stands, and commercial truck parking.

Chairman Malek explained that his eyes have been opened with the various comments that have been received so far on the code. Maybe we need some de-regulation with some of the larger parcels of land, especially those on a highway rather than in a subdivision. For example, with the Benjamins, I know that we passed to allow u-cut for thirty-five (35) acres in RR.

Wendy Konichek, S101 W34628 CTH LO commented on “shall” versus “should”, Agri-tourism, commercial kennels, and seasonal product sales to be permitted in RR, and changes to commercial truck parking, farm building for non-farm storage, home occupation, and household livestock.

Jillian Rupinski, W377 S10669 Betts Road spoke against permissions to enter property with an application. She commented on conflicts of interest, public notice, “shall” versus “should”, property inspections, change in topography, commercial truck parking, Agri-tourism, and home occupations.

Judy Rozinski, S102 W35520 CTH LO commented that laws are in place for a reason. People have lost sight of how to be neighborly. She commented on ACT 67, questioned if people ever felt threatened by their neighbors, commented on “shall” in terms of enforcement, and commented that the RR district should have more opportunities.

Sandy Shorr, S108 W37605 Draper Rd spoke on misinformation on social media, some reaching toxic and bullying levels. She commented that most people want rules and regulations but are afraid of being bullied and ridiculed. She spoke on code violations, intentional and unintentional, and the court of public opinion.

Diane Knauer, W345 S6950 STH 59 spoke on good faith being open to interpretation, upfront fees and fees returned, “shall” versus “should” and a reference to appendix E which was not in the draft. She referred to 500.104, Permission to enter subject property. If you go to 500.52(B), it points to state statute 62.23(4) where the state gives the Town the authority to do just that. In addition, looking for other violations while on the property is a step in the process of reviewing an application.

Chairman Malek explained that the Town will hold a special meeting to discuss the residents concerns with the Town Planner.

Supervisor Muth stated that the zoning code change in 2016 had to be done by the end of the year for the farmers to benefit from it. It was a state requirement for the AP district.

Supervisor Suhm commented that the comprehensive plan should be considered when making changes to the code. It is about preserving the agricultural land. She stated that Agri-tourism needs to be readdressed.

Chairman Malek stated that this is not an easy process and could take several meetings.

Ted Kucharski, W391 S10533 Meadow Lane questioned the definition of Agri-tourism. Planner Schwecke replied that it is the name of a category of uses.

Planner Schwecke explained that he is looking forward to working this out, looking for balance and compromising on points.

Molly Schneider, W370 S11035 Shearer Rd questioned if there will be another public hearing.

Planner Schwecke replied that the process is to take public comment, work through the comments, draw up a final draft for the Planning & Zoning Commission to recommend approval to the Town Board and for the Town Board to take final action. Then it goes to the Waukesha County Board for their approval.

A motion was made by Commissioner Kwiatkowski to close the public hearing at 7:09 P.M. Upon voice vote, motion carried. A motion was made by Supervisor Muth, second by Supervisor West to accept the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried.

A motion was made by Supervisor West, seconded by Commissioner Mann to adjourn the Planning & Zoning Commission Meeting at 7:10 P.M.

A motion was made by Supervisor Suhm, seconded by Supervisor Muth to adjourn the Town Board Meeting at 7:10 P.M.

Lynn M. Pepper, Eagle Town Clerk