

Proceedings of the Planning and Zoning Committee  
Proceedings of the Milton Town Board  
September 10, 2018

**September 10th, 2018 6:30pm**

**1. Call to Order (PZ)(TB)**

P&Z called to order by Chair Trescher at 6:32pm –Charlie Rusch was absent- have a quorum.

TB called to order by Chair Meyer at 6:32pm- Supervisor Drew arrived late, all present along with Clerk Granger, Treasurer Reif, Chief Kunkel and 15 citizens.

**2. Confirmation of Meeting Notices**

Meeting notices were posted on the Town's website, Town Hall, First Community Bank and published in the Milton Courier.

**3. Pledge of Allegiance**

Done

**4. Approve Agenda (PZ)(TB)**

(PZ)Motion to approve agenda (Webb, Barker) Motion carried

(TB)Motion to approve agenda (Jennings, Traynor) Motion carried

**5. Approve Minutes 8-1-18 (PZ)(TB)**

(PZ) Motion to approve minutes (Webb, Barker) Motion carried

(TB) Motion to approve minutes (Traynor, Jennings) Motion Carried.

**6. Public Hearing/possible action on Amending Comprehensive Land use Plan**

Two changes are being requested, Steve Hovland- Parcel 6-13-61.01 from SP to CR. Elmer Ahrens Parcel 6-13-17.2 from A1-RR.

Chair Meyer stated the Town has never needed to consider a change to the Future use plan map till now. The only conflict is zoning change will have to be done, which is also on the agenda.

Chair Trescher- The Committees will table Hovland zoning request due to injury. Lots of questions for him.

(PZ) Motion (Webb, Barker) to recommend the amendment of Parcel 6-13-61.01 from SP to CR with the condition of approving zoning request. And approve amendment of Parcel 6-13-17.2 From A1 to RR. Roll call, Webb- aye, Hanlon- aye, Barker- aye, Trescher- aye. Motion carried.

(TB) Motion (Traynor, Drew) to accept recommendation from P&Z. Roll call, Jennings- aye Traynor-aye, Trescher-aye, Drew- aye, Chair Meyer- aye. Motion Carried.

**7. Continued Discussion on Zoning request for Steve Hovland, 1501 Parker Court, Janesville, WI for a zoning change from special purpose to commercial recreation to allow for storage units. Parcel 6-13-61.01;10.30 acres; PT NW ¼, SW ¼, SW ¼ SW ¼ Certified survey map VOL 38 pg 463-466, lot 1, Section 8, in the Town of Milton.(PZ)(TB)**

Ron Combs here on his behalf, no site plan due to injury, will ask to table.

Table, Webb motion to table, Hanlon 2<sup>nd</sup> to table until later date. Motion carried

TB-move on.

**8. Public Hearing: Zoning request and land division Elmer Ahrens, 11306 N State RD 26 (11306 N. Traynor Ct.), Milton WI, for zoning change from A1 to RR and creating one additional lot, which will be 1.1 acres. The owner is dividing into 2 lots, one with the existing house and the other lot will go to his daughter to build a new home. Parcel 6-13-17.2, PT NW**

¼ SE ¼ COM SE SEC COR, N 1332', W 1903', NE 5 10' FOR POB, NE 170', W 400', SW 170', E 400' TO POB & PT NW ¼ SE ¼ COM SE SEC COR, N 1332', W 1903', NE 340', FOR POB, NE 170', W 400', SW 170', E 400' TO POB (EXC HWY), Section 2, in the Town of Milton (PZ)(TB)  
Chair Trescher open public hearing,  
Elmer Ahrens, 11306 N Traynor Ct, sub divide some land long time ago. 1968-original sheet, was 5 different lots at this time. Any Questions. 2 have storage, 2 together will divide. Close public hearing.

(PZ) Motion by Webb, Barker-Motion carried to make a motion to TB to Approve zoning change and land divison. Webb-aye, Barker-aye, Hanlon-aye, Chair Trescher-aye. Motion Carried.

(TB) Motion by Jennings, Drew-to accept the recommendation of PZ- Chair Meyer authorize to sign. Jennings, aye, Traynor aye, Drew aye, Trescher aye Chair Meyer aye. Motion Carried.

**9. Public Hearing: Conditional Use permit, Lamar Advertising, 5101 N. Riverside Dr**  
Janesville, to put in a Double sided Billboard 10x30 with 30' overall height, on Stacey Barbiarz property located at 2209 E Vincent Rd; parcel 6-13-46.6; 4 acres PT NE ¼ of PT SE ¼, Section 7, in the Town of Milton (PZ)(TB)

Chair Trescher opens public hearing,

Joe Thompson- 2202 E Vincent Rd, Milton. Where is the sign going to be located and if it will be lighted? Tony Hickey from Lamar is present. Similar, exact same size and will be light, identical to sign there, west of property, by pontoon, some of the stuff will go away. (On Hwy 59) Discussion on signs at 59ers, Time frame , probably next year, running out of time this year. Close public hearing at 6:56pm- Chair Meyer asked how this will effect proposed site plan for storage, Discussion on CUP approved, and original site plan for 59er's.

(PZ) Motion (Webb, Barker)-recommend to Board to approve sign application with conditions that Stacey removes illegal signs, and removes illegal outside storage- prior to construction of sign, Roll Call- Webb-aye, Hanlon-aye, Barker-aye, Chair Trescher-aye. Motion carried

(TB) Motion to accept (Drew, Traynor). Motion Carried. Jennings aye Traynor aye Drew aye Trescher aye, Chair Meyer aye. Motion Carried.

**10. Public Hearing: Conditional Use permit, Koller and Megan Frye, 11501 N**  
State Rd 26, Milton, for a conditional use permit to allow an open donation based petting zoo/animal sanctuary. Parcel 6-13-8.4; 7.70 Acres PT NW ¼ & NE ¼ , Section 2, in the Town of Milton.(PZ)(TB)

Chair Trescher opens public hearing at 7:07pm – Koller Frye- 11501 N State Rd 26, We are looking to open a small petting zoo for kids without animals, to interact with Animals, give them an experience that cannot have outside of a rural area. Discussion on what they plan to do.

Supervisor Drew, Is this Crazy 8's we are talking about? It was a nice article in the paper, I have questions - Have you been in contact with Health department in regards to regulations- hand sanitizer etc. Have you contacted your Insurance company ? , Koller stated they have not contacted the Health department yet.

Chair Trescher Stated she wanted to let Koller and Megan know they are allowed to have only so many animals (Size and amount). Discussion on how many animals and size of land – State has multiplying factor. We need a site plan with parking plans. Chair Meyer asked about sanctuary, is there a formal designation of what a sanctuary is. , Chair Meyer stated the health department will take issue with, didn't know if there is a formal origination to classified this. – They need to get some clarification on what if any state laws there are. Discussion on parking and traffic on Hwy 26. Supervisor Drew, we need the County approval and with your insurance companies blessing. Site plans needed. This is a great concept, just need more information.

Discussion on if CUP is needed, when you invite public to your property you have to submit plans and need approval. Chair Trescher has issues with traffic on Hwy 26. Public hearing closed.

Chair Meyer- one concern is traffic, and space in driveway and the ability to back out, and turn out.

(PZ) Motion to recommend to table until more information is provided (Webb, Hanlon) items needed, Site plan, including parking area, restroom facilities, proof of insurance, approval from Health department (hand sanitizer-etc). Roll call- Webb-aye, Barker-aye, Hanlon-aye, Chair Trescher-aye. Motion carried.

(TB) no action needed.

- 11. Review Lot Combination for Brian and Stacie Bogan.** The lots are parcel 6-13-1000, total acres .29, PT SE ¼, Mallwood Estates, Lots 30 & 31 BLK 10 Section 6, in the Town of Milton.

(PZ)(TB)

Ron Combs, here to speak-This is to make a lot large enough to build on.

Motion made (Webb, Hanlon) to recommend approval of the lot combination. Motion carried

(TB) Motion to approve (Traynor, Jennings) Motion carried

- 12. Review sale/transfer between adjacent owners,** Roberto J Juarez, 8930 N Fairview Ave, Milton, to Paul and Christine Wonder, 8944 N Fairview Ave, Milton. Parcel 6-13-581; 1 Acre, CLEAR LAKE BEACH PT NE ¼ LOTS 19-28 & 55-60 BLK 15 & UNDIVIDED INT IN LINDBERGH PARK & PRIVATE ROADS CERTIFIED SURVEY MAP VOL 30 PG 177-179 LOT 1, in the Town of Milton (PZ)(TB)

Ron Combs to speak, they are asking permission to transfer lots between neighbors. Motion made (Hanlon, Webb) to recommend to TB to approve sale/transfer. Motion Carried.

(TB) Motion to approve (Traynor, Drew) Motion carried.

- 13. Confirm next meeting date 10-8-18**

Confirmed.

- 14. Adjourn**

Motion made (Webb, Barker) adjourn P&Z at 7:35pm Motion Carried.

- 15. Bartender License for- Tara Boss, Kevin Pope, Baily Topp, Corrina Curtis, John Kopke, Katie Crisp, Hannah Topp, Teresa Wehr**

Motion to approve the 8 applications. (Traynor, Trescher) Motion carried.

- 16. Citizens to be Heard**

**Brian Bogan-** 1720 E Road Five, Edgerton here for the Mallwood association to ask for up to 2 mil Levy rate to be collected for the Mallwood association for private roads.

**Gabriel Szerlong** 8535 N Oakridge Dr, Milton. He is here to introduce himself to all of us. He apologizes for taking awhile to get here. Recently a staffer at capitol. Perspective of rural vs city based, he helped with Arcadia flooding , raise the levy. He went to UW Whitewater, worked at Men's Warehouse. 43<sup>rd</sup> district – good campaign, youngest person this cycle, next generation. 2015 sister passed away- dark hour Milton showed it is community oriented. Took care of lawn, meals , garbage,

**Deb Rossi** 11600 N Lakeview, Edgerton – I am part of the Maple beach property owners association-Treasurer. " I appreciate your time, I was here July 9<sup>th</sup> and wanted to come back with some clarification on the private road. No one can explain who owns it. I did some research on this and got some clarification. I have heard many different stories on who owns the easements and the road. I hired Ron Combs, and to clarify some points." Deb stated – it is a private road, it has never been dedicated and has been on the map since 1928. 1951 the association started, " Nothing in the title stating this road or easements belong to association"

39 lots, belong to association, 132 members own property. Deeded to us, we are part owner of this road, along with the members, majority is the owners on this road." "The easements were signed off, for members to take over. Question is when we get phone calls about the road falling apart, all do share, there are issues with easements and member. We get phone calls" "On October 6<sup>th</sup> there is a meeting, and I will tell them we own part of the road, 132 own part, the entire road is owned by those all." Chair Meyer states in theory the whole association owns up to the middle of the road, not just those that live on it.

Chief Meyer stated there was a statutory process that residents went through to dissolve easements.

Deb- " We do not own them, 1928, association has never signed off on easement dissolve"

Chair Meyer stated it was a voluntary action, the residents came to the Board

Deb would like it stated in minutes the private road in question, that the association owns part, per Deb they are members.

Per Chair Meyer- it is in control of Association, all members.

Chair Meyer and Supervisor Barker stated it is "Tenants in Common", Each member doesn't own a particular portion of the road, you all own it, up to the middle of the road, and being a member of the association, all members are responsible for the road.

Chair Meyer stated there is phases of Maple Beach, everyone is vested and has authority, one homeowners association , all are members of it, assumed members of it. Because there is one association, it blankets everyone in it and has a vested interest in it.

Deb stated- "when I get phone calls with neighbors arguing about easement, I will tell them to call the police."

Deb- "The way I was approached was the association is sole responsibility."

"who's responsibility is it?"

Chair Meyer stated- it is not the Town's responsibility

Deb stated " Easement of Tom Mielke does not belong to Maple Beach association, no permission needed to change use" Chair Meyer stated the fence is on Town/public property.

Deb stated" Easement is not ours," Chair Meyer stated they are not the Towns, not dedicated to the public.

Deb Stated " it is not in our minutes, bi-laws, not anywhere, they are not Maple beach"

Meyer stated the easements are as much Maple Beach as the Private road.

Deb question who pays taxes on easement. Chair Meyer stated there are no parcel numbers associated with easements. There are no separate taxes on these.

Chair Meyer stated the same rationale used to identify ownership of Private road can be used on areas between lots, platted the same way, they are not dedicated to the public.

Deb asked" Who do they belong to? They do not belong to us."

Deb stated, " I paid Ron to read the Titles,

**Supervisor Drew-** phone call from Eagle Dr- 5612 (blue house) nothing the Town can do, no authority, nothing illegal going on, they legally acquired building permit. Civil Matter. Per Chari Meyer.

#### **17. Scheduling Budget Workshop meetings**

Sept 24<sup>th</sup> /October 18/ November 20- all at 6:00pm

#### **18. Set Special Town Elector Meeting for** purposes of having Electors approve the 2019 levy.

November 20<sup>th</sup> at 6:00pm

#### **19. Bills**

Motion to pay bills as submitted (Traynor, Jennings) Motion carried

#### **20. Treasurer's Report**

Accept Treasurers report. move to place on file. (Traynor, Jennings) Motion carried

**21. Building Inspectors Report**

Alliant expressing concern make connection to head in service, needs notification from inspector-

**22. Police Department's Report**

Chief Kunkel read report, placed on file

**23. Chairman's Report**

Allowed uses on salvage yard

Council meeting for Fire Station action

Charley Bluff and park add to agenda, deposition of County lot in Charley Bluff.

Sand bags /sand in Newville Park and ride

**24. Correspondence**

None

**25. Fire Commission Report**

Meeting 3<sup>rd</sup> Wednesday this month

Start budget process

**26. Rock River Safety Patrol Report**

Adjourn till December

**27. CKSD report**

Final design, meetings coming up

**28. Adjourn**

Motion to adjourn at 9:01pm (Traynor, Jennings) motion carried.

“Minutes are not official until approved by Town Board and P&Z”