

## MINUTES

**TOWN OF YORKVILLE  
JOINT TOWN BOARD/PLAN COMMISSION  
TOWN BOARD ROOM  
UNION GROVE MUNICIPAL CENTER  
MONDAY, MARCH 13, 2017**

### Call to Order

Town Board Chair Peter Hansen called the meeting to order at 6:00 p.m.

### Roll Call

The following Town Board members were present: Peter Hansen, Sherry Gruhn and Terrence McMahon. The following Plan Commission members were present: Peter Hansen, Sherry Gruhn, Gary Fink, Barbara Geschke, Nathan Skewes and Robbie Funk. Douglas Nelson was absent. Also present were Paul Gyuro, Robert Gehrand, Christy Celeste, Marco Celeste, Alan Jaspersen, Jim Fox, Engineer Mark Madsen, Attorney Chris Geary, Clerk-Treasurer Michael McKinney and two unidentified attendees.

### Approval of Minutes

*Motion (Gruhn, McMahon) to approve the February 27, 2017 Town Board meeting minutes as presented, MC.*

### Approval of Financial Reports

*Motion (McMahon, Gruhn) to approve the February Town and Stormwater financial reports as presented, MC.*

### Approval of Town Invoices

*Motion (Gruhn, McMahon) to approve payment of Town invoices as presented in the amount of \$139,235.22, MC.*

### Approval of Stormwater Invoices

*Motion (McMahon, Gruhn) to approve payment of Stormwater invoices as presented in the amount of \$28,689.61, MC.*

### New and Unfinished Business - Discussion and possible action on all of the following:

Certified survey map application submitted by Paul Gyuro for a vacant unaddressed 43.13-acre parcel located near the southwest corner of the intersection of 50<sup>th</sup> Road and 53<sup>rd</sup> Drive (Parcel ID # 018-03-21-11-014-115) in the A-2 (General Farming and Residential II) Zoning District to permit division of said parcel into a 3.65-acre parcel, a 3.66-acre parcel and a 35.82-acre remnant parcel, and which includes a request to waive the following:

- Town of Yorkville Code of Ordinances Section 28-225(a), which requires that all parcels created by certified survey map, including the remnant parcel, be included on the certified survey map
- Town of Yorkville Code of Ordinances Section 28–9, which does not allow for the division of a parcel where the act of division creates four or more parcels by successive divisions within a period of seven years

Paul Gyuro appeared before the Town Board and Plan Commission to discuss this application. The following information was provided on the application:

- Proposed activity is division of the existing vacant unaddressed 43.13-acre parcel located near the southwest corner of the intersection of 50<sup>th</sup> Road and 53<sup>rd</sup> Drive into a 3.65-acre parcel, a 3.66-acre parcel and a 35.82-acre remnant parcel
- The two proposed small parcels would be located along 53<sup>rd</sup> Drive immediately to the south of the property located at 1610 53<sup>rd</sup> Drive and would each be used for residential purposes, while the remnant parcel would continue to be used for agricultural purposes

Geary discussed a draft deed restriction for the large remnant parcel, which would prohibit any further divisions of that parcel unless the deed restriction is removed by a future Town Board.

***Motion (Fink, Skewes) to recommend approval of the certified survey map application submitted by Paul Gyuro for division of a vacant unaddressed 43.13-acre parcel located near the southwest corner of the intersection of 50th Road and 53rd Drive (Parcel ID # 018-03-21-11-014-115) in the A-2 (General Farming and Residential II) Zoning District into a 3.65-acre parcel, a 3.66-acre parcel and a 35.82-acre remnant parcel, with the following conditions:***

- ***That the Town's requirement contained within Town of Yorkville Code of Ordinances Section 28–9 that does not allow for the division of a parcel where the act of division creates four or more parcels by successive divisions within a period of seven years, be waived;***
- ***That the Town's requirement contained within Town of Yorkville Code of Ordinances Section 28-225(a) that all parcels created by certified survey map, including the remnant parcel, be included on the certified survey map, be waived;***
- ***That the 35.82-acre remnant parcel be deed restricted to prevent any further divisions of that parcel;***
- ***That all professional expenses incurred by the Town related to its review of this application be paid by the applicant before the Town's representatives sign the final certified survey map for this approved division, MC.***

***Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the certified survey map application submitted by Paul Gyuro for division of a vacant unaddressed 43.13-acre parcel located near the southwest corner of the intersection of 50th Road and 53rd Drive (Parcel ID # 018-03-21-11-014-115) in the A-2 (General Farming and Residential II) Zoning District into a 3.65-acre parcel, a 3.66-acre parcel and a 35.82-acre remnant parcel, with no additional conditions beyond those recommended by the Plan Commission, MC.***

**Certified survey map application submitted by Gehrand LLC for a vacant unaddressed 106.4-acre parcel located near the southwest corner of the intersection of Plank Road (CTH A) and 67<sup>th</sup> Drive (Parcel ID # 018-03-21-17-002-010) in the A-2 (General Farming and Residential II) Zoning District to permit division of said parcel into a 4.0-acre parcel, a 3.0-acre parcel and a 99.4-acre remnant parcel, and which includes a request to waive the following:**

- **Town of Yorkville Code of Ordinances Section 28-225(a), which requires that all parcels created by certified survey map, including the remnant parcel, be included on the certified survey map**
- **Town of Yorkville Code of Ordinances Section 28–226(6), which requires that soil boring locations be included on the certified survey map for all parcels to be served with a private on-site wastewater treatment system**

Robert Gehrand appeared before the Town Board and Plan Commission to discuss this application. The following information was provided on the application:

- Proposed activity is division of the existing vacant unaddressed 106.4-acre parcel located near the southwest corner of the intersection of Plank Road (CTH A) and 67<sup>th</sup> Drive into a 4.0-acre parcel, a 3.0-acre parcel and a 99.4-acre remnant parcel
- The two proposed small parcels would be located along 67<sup>th</sup> Drive immediately to the south of the property located at 110 67<sup>th</sup> Drive and would eventually each be used for residential purposes, while the remnant parcel would continue to be used for agricultural purposes

Gehrand noted that he did not have any soil testing performed on the proposed three-acre parcel, as he does not have any upcoming plans to develop that parcel. The Town Board and Plan Commission discussed placing a deed restriction on this proposed parcel that does not allow it to be developed until such time as soil testing is completed. Hansen noted that the Town received correspondence from a neighbor regarding their concerns related to drainage onto their property from the proposed four-acre parcel as well as the proposed location of a private on-site wastewater treatment system on that parcel. The Town Board and Plan Commission requested that the applicant take steps to ensure that no additional drainage impacts the property immediately to the north of the proposed four-acre parcel and that the applicant locate the private on-site wastewater treatment system no closer than 10 to 15 feet from the north property line of the proposed four-acre parcel.

***Motion (Geschke, Fink) to recommend approval of the certified survey map application submitted by Gehrand LLC for division of a vacant unaddressed 106.4-acre parcel located near the southwest corner of the intersection of Plank Road (CTH A) and 67th Drive (Parcel ID # 018-03-21-17-002-010) in the A-2 (General Farming and Residential II) Zoning District into a 4.0-acre parcel, a 3.0-acre parcel and a 99.4-acre remnant parcel, with the following conditions:***

- ***That the Town's requirement contained within Town of Yorkville Code of Ordinances Section 28–226(6) that soil boring locations be included on the certified survey map for all parcels to be served with a private on-site wastewater treatment system, be waived;***

- ***That the Town's requirement contained within Town of Yorkville Code of Ordinances Section 28-225(a) that all parcels created by certified survey map, including the remnant parcel, be included on the certified survey map, be waived;***
- ***That Lot 2 on this certified survey map be deed restricted to prevent any development of this parcel until such time as soil testing is done that locates a suitable site for a private on-site wastewater treatment system;***
- ***That all professional expenses incurred by the Town related to its review of this application be paid by the applicant before the Town's representatives sign the final certified survey map for this approved division, MC.***

***Motion (Gruhn, Hansen) to accept the Plan Commission's recommendation and to approve the certified survey map application submitted by Gehrand LLC for division of a vacant unaddressed 106.4-acre parcel located near the southwest corner of the intersection of Plank Road (CTH A) and 67th Drive (Parcel ID # 018-03-21-17-002-010) in the A-2 (General Farming and Residential II) Zoning District into a 4.0-acre parcel, a 3.0-acre parcel and a 99.4-acre remnant parcel, with no additional conditions beyond those recommended by the Plan Commission, MC.***

**Conditional use application submitted by SNIKNEJ Co. (with Daniel Schultz as applicant/agent) for the approximately 4.5-acre vacant property located at 824 South Sylvania Avenue (between 734 South Sylvania Avenue and 904 South Sylvania Avenue) (Parcel ID # 018-03-21-13-010-040) in the B-3 (Commercial Service) Zoning District to permit occupancy of said vacant property with a truck wash and detailing building and an office building, with paved long-term and short-term truck parking**

McKinney recommended that this agenda item be tabled until the April 10, 2017 joint Town Board/Plan Commission meeting, as the applicant must provide additional information before this application can be fully reviewed.

***Motion (McMahon, Gruhn) to table this application until the April 10, 2017 joint Town Board/Plan Commission meeting, MC.***

**Pre-application conference with Robert Gleason regarding planned improvements to the property located at 3014 South Sylvania Avenue and to the vacant property located immediately to the west of that property**

Hansen noted that Gleason requested that this agenda item be tabled until the April 10, 2017 joint Town Board/Plan Commission meeting.

***Motion (Hansen, Gruhn) to table this agenda item until the April 10, 2017 joint Town Board/Plan Commission meeting, MC.***

**Pre-application conference with Alan Jasperson regarding proposed reconfiguration and development of six existing contiguous properties located at the southeast corner of the North Colony Avenue (USH 45) and Washington Avenue (STH 20) roundabout**

Alan Jasperson appeared before the Town Board and Plan Commission to discuss this proposal. He noted that the Wisconsin Department of Transportation required him to move the proposed road accessing Washington Avenue (STH 20) as far east as possible, which

will result in a modified road with two curves, adding that they are concerned about potential conflicts between this proposed road and any potential road coming from properties on the other side of Washington Avenue (STH 20). He stated that this reconfiguration would result in a reduction in size of several proposed lots below the Town's minimum three-acre standard. He noted that each proposed parcel would have its own mound system and well. He added that gas and electric service would both come into the development from Washington Avenue (STH 20).

Jaspersen noted that soil borings and wetland delineations have been completed for all proposed parcels. He stated that three proposed parcels would still access North Colony Avenue (USH 45) via a single access driveway. He noted that Racine County still believes that the proposed parcel nearest to the North Colony Avenue (USH 45) and Washington Avenue (STH 20) roundabout should be used for commercial purposes. Madsen stated that the proposed road would have a rural cross-section with shoulders and ditches. Gruhn stated that this circumstance demonstrates the need to update the Town's land division ordinances to reduce the number of waivers required for such a proposal to proceed.

The Town Board and Plan Commission discussed the following:

- The various waivers of Town ordinances that are required to allow this proposal to proceed
- Whether to require that the asphalt surface of the proposed road be completed as soon as possible or whether to allow the proposed road to remain gravel until such time as a certain number of lots are developed and the road base has had an opportunity to settle. Geary noted that the timeline for completing this roadway begins once the base course of asphalt is laid down.
- Whether the access driveway to the three proposed parcels on North Colony Avenue (USH 45) should be of a certain width to accommodate emergency vehicles

The Town Board and Plan Commission did not raise any objections to this proposal based upon the information provided.

***No formal action was taken by the Town Board on this agenda item.***

**Request submitted by Alan and Cheryl Matyas (with Newport Builders, Inc. as applicant) for shoreland contract approval for the property located at 18500 Walden Drive (Parcel ID # 018-03-21-05-010-105) in the C-2 (Upland Resource Conservation) Zoning District to permit construction of a single family residence with an attached garage, full basement, four-seasons room and covered porch with no deck within 1,000 feet of an un-named navigable pond**

Madsen made several recommendations related to this application, which included the following:

- That silt fencing be installed along the limits of disturbance to contain sediment runoff
- That a 10'-wide by 50'-long gravel access driveway be installed to the property, with a minimum 6" depth of gravel that is 2" to 3" in diameter
- That a 15"-diameter culvert with endwalls be installed in the ditch line under the gravel access driveway

- That the plans provided be updated to show the limits of backfill on the property

***Motion (Gruhn, McMahon) to approve the request submitted by Alan and Cheryl Matyas (with Newport Builders, Inc. as applicant) for shoreland contract approval for the property located at 18500 Walden Drive (Parcel ID # 018-03-21-05-010-105) in the C-2 (Upland Resource Conservation) Zoning District to permit construction of a single family residence with an attached garage, full basement, four-seasons room and covered porch with no deck within 1,000 feet of an un-named navigable pond, with the following conditions:***

- ***That silt fencing be installed along the limits of disturbance to contain sediment runoff***
- ***That a 10'-wide by 50'-long gravel access driveway be installed to the property, with a minimum 6" depth of gravel that is 2" to 3" in diameter***
- ***That a 15"-diameter culvert with endwalls be installed in the ditch line under the gravel access driveway***
- ***That the plans provided be updated to show the limits of backfill on the property, MC.***

**Request submitted by Christopher and Katherine Krizek (with Newport Builders, Inc. as applicant) for shoreland contract approval for the property located at 18432 Walden Drive (Parcel ID # 018-03-21-05-010-104) in the C-2 (Upland Resource Conservation) Zoning District to permit construction of a single family residence with an attached garage, full basement and covered porch with no deck within 1,000 feet of an un-named navigable pond**

McKinney noted that the Town has yet to receive any elevation data for this application.

***Motion (McMahon, Gruhn) to table this application until the March 27, 2017 Town Board meeting, MC.***

**Resolution No. 2017-02 Amending the Town of Yorkville's 2016 General Fund and Water Utility Fund Annual Budgets**

***Motion (McMahon, Gruhn) to approve Resolution No. 2017-02 as presented, MC.***

## **Reports**

**Building Inspector's Report:** The Building Inspector was not present to provide his report to the Town Board.

***Motion (Hansen, McMahon) to approve and file the Building Inspector's report as presented, MC.***

**Engineer's Report:** Madsen reported to the Town Board on the following:

- That contracts for this year's repaving of Braun Road and 53<sup>rd</sup> Drive are ready to be reviewed by the Town's attorney
- That he contacted a neighboring property owner regarding drainage issues on the

property located at 19720 Spring Street (CTH C). He noted that the property owner planned to have these issues corrected in spring. The Town Board discussed whether this work would require Town Board approval.

- That he plans to inspect drain tile issues along 58<sup>th</sup> Road east of 67<sup>th</sup> Drive

**Yorkville Stormwater Utility District Report:** Gruhn noted that she had no information to report to the Town Board.

**Clerk's Report:** McKinney reported to the Town Board on the following:

- That absentee voting for the upcoming April 4 Spring Election will begin on Monday, March 20
- That the Seno K/RLT Conservancy will not be able to provide their final report on the status of the Woodland Waters subdivision's conservation areas until this summer
- That he has yet to receive the checklist identifying the remaining improvements that remain to be completed within the Stonecrest Shores subdivision's conservation areas

### **Other – Comments, questions and suggestions**

No comments, questions or suggestions were provided.

### **Adjournment**

***Motion (Gruhn, McMahon) to adjourn, MC.*** The meeting was adjourned at 7:11 p.m. The next scheduled Town Board meeting is Monday, March 27, 2017, at 6:00 p.m.

Michael McKinney  
*Clerk-Treasurer*