

Town of Merton

Joint Public Hearing with the Town Board and Waukesha County

To Consider the Rezoning Request of Joseph Lorenz, Inc and James Meyer to Amend the District Zoning Map of the Waukesha County Shoreland Protection Ordinance to Rezone Portions of the Property from the A-3 Suburban Estate District to the R-3 Residential District to Allow for the Creation of Three Residential Parcels. The Existing R-3 Residential District, HG High Groundwater District and C-1 Wetland Overlay District will Remain. Properties are N72W32434 River Road and N73W32438 River Road – Tax Keys – MRTT0356-985 and MRTT0356-984

March 20th, 2024

Present: Chairman Klink, Commissioners Griffin, Jensen, Morris, Good and Queoff, Attorney Van Kleunen, Planner Haroldson, Deputy Clerk Claas, Waukesha County Representative Heerman, Supervisors Fleming and Herrick, and Clerk Hann.

Absent: Commissioner Siepmann

Also Present: Donna Laitsch, Joe Frederickson, Vicky Chambers, David & Patti Mirsberger, Jim Meyer, Mary Mitchell, Jeffrey Reinbold, and Kurt Froebel

Public Meeting called to order by Chairman Klink at 5:30 p.m.

Waukesha County Senior Land Use Specialist Heermans read the public hearing notice.

Meyer said they are basically trying to get the property in compliance. They had the property for sale, but it was tough to sell because people didn't know what they could do with it. They want to keep the residences by the river the same and the bigger building would come down. There is a back lot on the east side that perks, so they are looking at creating another parcel. Planner Haroldson stated they are going to combine the two parcels and re-divide them. Meyer said one additional lot will be buildable. The two lots would have an easement for a shared driveway that will access lot 1 and lot 2. Lot 3 will have a standalone driveway.

Specialist Heermans stated the County has a record of fill placed on the site in the 70's or 80's, but he doesn't know where. He doesn't believe it was a substantial amount. On the certified survey map, it is showing a small wetland pocket on proposed lot one, but they are not proposing anything in that area. Meyer said they are not proposing anything at this time.

Specialist Heermans stated they are reconfiguring and having three lots. Two lots are running parallel to River Road which is going to encompass the existing structures. Lot one will have the existing house/boathouse and a detached garage. Lot two is going to have a residence, a shed and there is an existing garage running parallel to the road that will remain. The office building will be removed, a shed will be removed, another shelter, and the driveway along the Oconomowoc River will be removed. Lot 3 is what is proposed to be a residential lot. Some soil borings were submitted, and it did perk for a mound system. That has been submitted and reviewed by Environmental Health. Specialist Heermans said he did get a couple of calls from some neighbors who did note that there was some contamination on the property, and Specialist Heermans did talk with Land Resources Staff and there is right around the area of the detached garage along River Road. There was two 3,000 gallon gasoline tanks and two 550 gallon oil tanks. Some of that did seep into the ground. The DNR did issue a closure letter with obligations, so ultimately when marketing the property it does need to be noted that there is known contamination on the property. If a future homesite is proposed on lot 3, they would need to work with the DNR on having

a well drilled and special well casing. They are proposing to rezone from A-3 to R-3. It does comply with the Land Use Plan and it does match the zoning of the adjacent area.

Chairman Klink opened the public hearing for public comments and concerns.

Kurt Froebel – N73W32660 Clearwater Court – stated he is an adjoining property owner, basically farm land, which falls to the north and swamp land that falls to the west. His concern is if someone builds a house there, he has to move his stand. His concern is the area that's towards the river has buildings on it and he believes a couple of residences on it, and he assumes that would be one parcel. Chairman Klink explained and showed Froebel the 3 lots. Froebel said there is also a launch site on the backside of the building that goes into the river. His concern is that if these are divided into those three parcels, what stops a person from coming back and saying they want to put condos or apartments in there. Then all those people would have access to the lake and more boating. How does the Town address that situation. Specialist Heermans stated these lots would be zoned R-3, and R-3 for the most part is intended for single family residential type use. They could apply for a conditional use, but they would have to meet certain requirements as far as lot size, green space, parking availability. At the most they could maybe get a duplex, but anything more than that wouldn't be allowed. Froebel doesn't want it to look like Pewaukee Lake.

Patti Mirsberger – N72W32455 River Road – stated she lives directly across the street full-time directly across from the garage that Specialist Heermans said had oil tanks on it. Specialist Heermans stated there were oil tanks, but they have since been removed. He indicated to Mirsberger where the the contamination was known to be. Heermans thinks that some contamination encroached on the other side of River Road, but it's mostly contained by the garage. Mirsberger said approximately 12 years ago everyone on River Road received a letter from Environmental Health to do some soil testing. Meyer said they monitored and complied with what the DNR wanted. The tank didn't leak; it was an overspill. Meyer was told they closed it and the monitoring has ceased. They can't dig or build or put an addition on the shed that's going to disturb any ground there.

Mary Mitchell – N73W32435 River Road –stated she's the new construction directly across from the property. She asked if there have been other ideas proposed to use this property for these three lots. Planner Haroldson stated there were other things proposed. Waukesha County and the Lorenz Family Trust and their engineers met and there were all kinds of other things looked at. This was the best use of the land. The other ideas were not healthy for the property. Someone wanted to do condominiums, someone wanted to do storage sheds, and other ideas. In the negotiations and working with the family, they agreed to take buildings down, especially the one big office building. She also said she had multiple surveyors, and they continually came back to her stating they cannot consider River Road a road because two cars cannot pass at the same time. She asked if there was a plan to do something. Commissioner Griffin stated if there was a new road to go in the township, the standard would be a 66' road right-of-way, meaning 33' of the center of the road each way is the Town's, and it would have 24' of asphalt. If everyone would give up all that land, which is never going to happen there, then the Town would be able to put that to a road standard which is consistent with today. Their lake road is not any different with probably 15 other lake roads within the township. They are all small like that. There is not a plan to widen their road. If there is one more house added to the road, it would not make a difference. Mitchell was concerned about more houses being built on the other lot, but there are already houses on those lots. Commissioner Griffin said back in the day they all used to be glorified cottages down there and it was only used in the summertime, now it's all nice homes and they're year-round homes. Chairman Klink said it's a dead-end road and not a lot of traffic and there's a lot of things that would have to go in to

upgrading that road. Commissioner Griffin stated their road is scheduled for patching in approximately 2 years and 3 years for sealcoating.

Vicky Chambers – N73W32356 River Road - stated she lives right next door to the extra lot and asked if this property would be zoned R-3 as well, and could they put a condo on that additional lot next to her house. Specialist Heermans replied that is zoned R-3 single family residential. Chambers stated that she did give up some of her property for the road. Commissioner Griffin agreed that she did.

Jeffrey Reinbold – N73W32375 River Road – stated that he understands there are a lot of concerns, but three single family residences is probably the best. He asked if lot 3 would be able to be divided too if that would ever be proposed to be split in half if someone were to purchase it. Specialist Heermans said there is a large area of high groundwater that is mapped on the property, and high groundwater is not conducive to building, so the likelihood of that being able to be split for another development site is basically slim to none. Reinbold questioned even if it's not for a single family, even if it's divided for one single family and then one lot maybe for someone that lives across the street. Specialist Heermans said there is such a small window for development. Reinbold said at one point they had offered the idea of splitting that area of the third lot to the person across the street and wondered if the current zoning would forbid that. Specialist Heermans said for the most part, on lot 3, a lot of it is unbuildable. Reinbold asked if there is a minimum square footage for single family development. Specialist Heermans said the County ordinance is 850 square feet minimum on the first floor, 1100 square feet overall. It maxes out at 17.5%. Reinbold said he thinks single-family residential is the best thing for the neighborhood.

Commissioner Griffin clarified that the driveway would be removed by the seawall.

Chairman Klink closed the public hearing at 5:54 p.m.

Respectfully submitted,

Holly R Claas
Deputy Clerk