

Town of Merton
Plan Commission Meeting
Minutes of October 1st, 2025

- Meeting Called to Order by Chairman Klink at 5:39 p.m.
- Pledge of Allegiance led by Chairman Klink
- Minutes of August 20th, 2025, Public Hearing and Plan Commission Meeting. A motion to approve both minutes as written was made by Commissioners Good/Olson. Motion carried.

Present: Chairman Klink, Commissioners Griffin, Olson, Siepmann, Good, and Caliendo, Attorney Van Kleunen, Planner Haroldson, and Deputy Clerk Claas

Absent: Commissioner Queoff

Also Present: Jake Graff, Andy & Tim Schlosser, Matt Schneider, Rick Gerovac, Steve Luterbach, Kelly Berens, Steve Gramann, and Zachary Aasen

New Business:

Recommendation to the Town Board that an Ordinance be Created and Adopted for the Shipping Containers Addition to the Ordinance, Chapter 17.22 – Planner Haroldson stated she wanted to address four containers. The Town does not allow four accessory buildings on any commercial or industrial lot. The staff went with two and extended the length. If the Town went with four, each district would need to be changed to reflect the allowable accessory buildings that they can have.

Commissioner Caliendo stated the request for the containers were shorter than 45' and questioned as long as they met within the footprint of the 45' x 8' or 8' ½" square feet. Planner Haroldson replied that they really didn't want that length, but somebody on the Board suggested that length. Caliendo said the request was for multiple containers as long as they fit within that footprint. Planner Haroldson replied that the ordinance in that district doesn't allow that many accessory structures, and shipping containers are considered accessory structures. The 8' or 8' ½" was brought up. Commissioner Griffin suggested going with 8' ½" since they are 8' or 8' ½".

Commissioner Caliendo suggested that the existing ones could be grandfather as long as they fit within the footprint, but when they need to be replaced they would need to comply with no more than two of these accessory structures. Attorney Van Kleunen asked how many properties have shipping containers now. The response was a lot. Planner Haroldson said the Industrial District is the most targeted area. Commissioner Griffin stated that what Schneider Matt Schneider was saying was that if it was the same footprint as a 45' and he has two 20', is that the same. Commissioner Siepmann said he thinks he's looking for the equivalent of the square footage. Planner Haroldson said that's four structures and the Town wants them to have one or two really nice building.

Attorney Van Kleunen questioned if the Plan Commission was okay with shipping containers being completely on the ground or if something needs to be underneath them. Planner Haroldson thought that would be up to the Building Inspector; if it's to be used for cold storage that's one thing, but if it's to be used for something else, it would need to go to the State. The Plan Commission didn't think they needed to get into whether it needs footings.

Chairman Klink said with four separate littler containers, they have the potential to pick it up and move it to a non-conforming location at any given time. The Town doesn't want them to do that. With one or two bigger containers, odds are they won't move it once it's in place.

Some members of the Plan Commission think that it should be limited to two structures to not exceed a certain square footage with a 10' height restriction. Commissioner Olson mentioned that Matt Schneider questioned if they could be connected with a roof. Planner Haroldson stated the Building Inspector definitely didn't want that, and the Town would have to consider that impervious surface.

Attorney Van Kleunen clarified that two structures cannot exceed 765 sq ft and the height is capped at 10'. Planner Haroldson said the reason shipping containers are considered accessory structures is because the Town wants them to get a permit for it so the Town can regulate the amount of square footage that they have on their lot. They have floor area ratio that they have to meet. Planner Haroldson stated it lists the floor area ratio in the zoning districts, and they can only have a certain amount of square footage based on 3% of the total lot area that's in the ordinance for every district. Attorney Van Kleunen clarified that the maximum accessory structures allowed is still at two, and they will be treated like every other accessory structure.

Commissioner Siepmann asked if this is a going forward basis or retroactively affects all the people who have them because it's not in the ordinance and it should be talked about. Attorney Van Kleunen asked if the Town had an ordinance stating shipping containers are prohibited. Planner Haroldson said no, the Town does not. Attorney Van Kleunen clarified that the Town had nothing that references cargo containers or shipping containers. The Chairman and the Planner said the Town does not. Attorney Van Kleunen is concerned about the good faith intent right now compared to what someone can say five years from now with several shipping containers on a property and them saying they had them for five years. Planner Haroldson said when the Plan Commission approved the Plan of Operation for every single one of the businesses in the park, they did not have shipping containers in their Plan of Operation, so they are already out of sync with their Plan of Operation. Attorney Van Kleunen said then the Town drops this ordinance in and say here's the new rule, it was not allowed before, now you have a bunch of folks that have more than two. He just doesn't want to have a situation where the ordinance is adopted and then have a ton of people who are non-compliant. Then the Town has to go around enforcing and then has a lot of inconsistent enforcement because the Town is finding out about these things as time goes on. Planner Haroldson said they never got a permit to have an accessory structure, and the ordinance says over 100 square feet needs a building permit, so all the violators could be called out. Planner Haroldson responded that if people complain, the staff can tell them they didn't get a building permit.

Commissioner Caliendo said there's nothing in the ordinance that addresses these shipping containers as structures, but there is an accessory structure ordinance that these fall into, so they're technically in violation. Commissioner Griffin questioned if they could be addressed on a case-by-case basis as their Plan of Operation is addressed, because doesn't the Town bring them back in every so many years to update their Plan of Operation. Planner Haroldson said they should update their Plan of Operation.

Attorney Van Kleunen said based on what he's hearing, he thinks the ordinance should be written as is and as soon as it is passed and improved, those properties that exceed two shipping containers would be in violation. The Town will utilize its discretion in its enforcement and maybe the Town will get the ones that have way too many and slowly bring them into compliance. Planner Haroldson said she thinks they want to address the Industrial Park, because some of them have containers in stormwater easements. Commissioner Griffin questioned if they're going to take the same approach with the residential shipping containers, because there's a lot of them. Chairman Klink said at least this ordinance will address anything in the future. If a neighbor calls, then the Building Inspector will go out and address it.

Chairman Klink stated if it's okay with everybody he would recommend removing numbers 9 and 10, clean up the ordinance, give the draft to the Board, and get this in place. Attorney Van Kleunen asked if

numbers 9 and 10 should be saved for another day and get this moving as fast as possible. Commissioner Caliendo thought the language is fine, they just need to be moved to another section. Numbers 9 and 10 are not accessory structures, they are temporary storage. The Planner stated they could put it in the residential zoning districts in the A-1 district which carries through all the other residential districts. Attorney Van Kleunen said 30 days is from the day of occupancy permit home and prior to releasing the bond. Commissioner Caliendo clarified that the Town would hang onto the bond until the temporary storage container is removed.

Commissioner Siepmann stated numbers 9 and 10 are somewhat contradicting because one says a temporary container may be used for up to 60 consecutive days, but then the other one says temporary containers are allowed in residential districts during construction of a new home, addition or remodel. He thinks the opportunity for someone to put something in a container for construction is a good thing to have. Commissioner Siepmann stated the difference between 9 and 10. Number 10 would be for a building permit and the other one is just they need a place to put stuff temporarily. There was a question about the same size for the temporary containers. Planner Haroldson responded that PODS have their own sizes. Commissioner Griffin said what if they pulled in a shipping container. Attorney Van Kleunen responded that we're okay with the dimensions and questioned for new home, addition or remodel, it's only in instances where a building permit is pulled.

It was discussed that the final ordinance would be brought back to the next Plan Commission meeting to act on it then.

A motion to table this agenda item was made by Commissioners Caliendo/Good. Motion carried.

Certified Survey Map to Combine Parcels to Combine Lots 21 & 22 Darrah's Point Road L – Requested by Dan Groskopf, Groskopf Construction on Behalf of Richard and Gretchen Lindlau. Tax Keys MRTT0364-047 and MRTT0364-046 – Aasen presented on behalf of Richard and Gretchen Lindlau. They are trying to combine lots 21 and 22 to build a single-family residence.

Planner Haroldson said she doesn't have a copy of the soil testing. The survey has been reviewed by the Planner and Waukesha County, and it meets all the criteria. Everything in the review letter has been addressed. The only thing she recommends is when the final comes, it's signed by Matt O'Rourke, and it needs to go to Chenequa.

A motion to recommend to the Town Board approval of the Certified Survey Map as presented subject to Staff approval was made by Commissioners Siepmann/Good. Motion carried.

Request for an Exception to the Height Regulations as an Exception per 17.21(2)(e) – Subject to the Approval of the Plan Commission – Requested by Rick Geravac Builders LLC on Behalf of Timothy and Abigail Schlosser – Tax Key MRTT0348-016 – Planner Haroldson stated they have increased the setback and offsets to increase the height up to 25'. The only issue that she really has is that they want to use the easement that provides an easement driveway to three other properties, so she's suggests that the Town gets something in writing that they can do that and also one of their neighbors that is on that pathway suggested that they might want to move the accessory structure farther north because its kind of a blind spot there. A signed copy of approval from the three property owners was provided to the Planner at the meeting. He will need to get approval from the Building Inspector. Schlosser said half of the building will be storage, half will be rec space, and upstairs will be office space.

Planner Haroldson asked Attorney Van Kleunen if the signed document was adequate and could be recorded. Attorney Van Kleunen said it couldn't be recorded as is because the document was not notarized, but the Plan Commission could give approval and get something signed that reflects the

same thing with the notary stamp next to it. The neighbors can come in and sign when it's convenient for them. Once there is a fully signed document, then it can be recorded at the Register of Deeds.

A motion to recommend approval for the extra height for this building pending signatures being notarized on the document for the easement release from the neighbors and all staff comments being addressed was made by Commissioners Good/Siepmann. Motion carried.

Park Participation Funding Request by Mark Thompson on Behalf of the Stone Bank Community Park – For Funds to Replace Stone Bank Community Park Playing Fields Surface on all 3 Fields – Tax Keys MRTT0362-9991-001 and MRTT0362-012 – Planner Haroldson stated the Stone Bank Park has asked the Town to help them with some work on their three ball diamonds. Their whole project is \$31,277. They're asking for scraping, grading, edging, refilling, Quick Pitch, Stone Bank Transportation freight, Pitcher's mound clay mix, additional sand mix, and additional labor estimated for field 2 fill. Planner Haroldson said she did check with the Town Treasurer who is an accountant whether these items qualify, and she gave Planner Haroldson some information from the State Statute regarding standards for impact fees and she highlighted that impact fees may not include amounts necessary to address existing deficiencies and public facilities and may not include expenses for operation or maintenance of a public facility. The Plan Commission needs to look at that and see if they qualify. Chairman Klink clarified that it's saying that it can't be used for replacing stuff. Planner Haroldson stated that was pretty much what she read. Commissioner Siepmann stated that they need to have a Needs Analysis. Attorney Van Kleunen asked if the Town had an impact fee ordinance. Planner Haroldson responded it was done in either 2005 or 2007 and she read the latest State Statute. Attorney Van Kleunen asked if the Town had a Needs Analysis that is attached with the ordinance. Planner Haroldson answered that the Town does. Attorney Van Kleunen recommended that it gets looked at a little further and then bring it back. Planner Haroldson said the work is already done.

Steve Luterbach and three others are all from Stone Bank Community Connect. He thinks the big question is whether this is considered maintenance or a capital asset. In his mind, he said this is not maintenance. They budget for maintenance every year. That would be more like dragging the field, chalk, raking, etc. In this case they completely removed the field. The existing field ran its useful life, so new base pad, new bases, new dirt – 5 inches which is the standard in today's baseball fields. It is a capital asset that will last for decades. They have roughly 300 youth that play sports on these diamonds, in addition to the men's softball league. In this case, the capital asset is a new ball diamond that will continue to bring in members of the community. When he looked it up, general accounting principles, examples of a capital asset would be things like building a new garage, replacing a roof with a better one, upgrading electrical, replacing a baseball field was actually listed. Key traits being increasing the value of the property, extending the useful life, and improving the functionality, whereas maintenance is things like fixing a leaky faucet, painting a wall, pulling weeds, cutting grass, etc. This wasn't about preserving the current value of that field, or the condition, or even bringing it back to its existing condition. This was about creating a new asset.

Attorney Van Kleunen clarified everything that was done that they are requesting reimbursement for is a new improvement and it did not exist when they started the work. Luterbach said that was correct. Planner Haroldson questioned if they tore up the fields that were there. Luterbach said yes, a typical ball diamond goes 6 to 10 years before it needs major improvements, and they were well beyond that. There is supposed to be 5" of material on the field, and the gentleman that came and removed the existing part of it said it was an inch and a half. Attorney Van Kleunen verified that there was a baseball field there originally.

Attorney Van Kleunen recommended this to be tabled to look at this and see if there's some flexibility to see if it's even a feasible deal and bring it back to the Plan Commission for a recommendation to the Town Board. He would like to get more clarity on what the ordinance and Needs Analysis says.

Chairman Klink said their group needs to meet with the Town Board to go over their proposal about the pavilion, costs, a timeline, and make a presentation and asked for them to come up with a couple of dates.

A motion to table this was made by Commissioner Siepmann/Olson. Motion carried.

Planner Report – Marilyn Haroldson – had nothing to report.

DPW Director Report – Paul Griffin – had nothing to report.

A motion to adjourn was made by Commissioners Good/Siepmann. Motion carried.
Meeting adjourned at 6:31 p.m.

Respectfully submitted,

Holly R Claas,
Deputy Clerk