

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
5:00 P.M.
October 22, 2007**

A meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on October 22, 2007. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessler; Andrea Rode; Jim Bandura; John Braig; Larry Zarletti and Judy Juliana. Also in attendance were Michael Pollocoff, Village Administrator; Jean Werbie, Community Development Director; Peggy Herrick-Asst. Planner/Zoning Administrator and Tom Shircel-Asst. Planner/Zoning Administrator

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**

Jean Werbie:

The only piece of correspondence is a reminder of the comprehensive planning open house this evening, Monday, October 22nd at the LakeView RecPlex in the LakeView Room. Kenosha County and SEWRPC are going to be presenting additional information to us pertaining to the Multi-Jurisdictional Comprehensive Plan. I invite everyone to stop over there between 6:30 and 7:30 this evening. It is an open house so there will be no formal presentation. But all the maps and information for the Village and outlying areas will be presented.

Thomas Terwall:

Thank you.

- 4. CONSIDER THE MINUTES OF THE SEPTEMBER 24, 2007 AND OCTOBER 8, 2007 PLAN COMMISSION MEETINGS.**

Jim Bandura:

Move for approval.

Mike Serpe:

Second.

Thomas Terwall:

MOVED BY JIM BANDURA AND SECONDED BY MIKE SERPE TO ADOPT THE MINUTES FOR THE SEPTEMBER 24TH AND OCTOBER 8, 2007 AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

5. CITIZEN COMMENTS.

Thomas Terwall:

We have a short agenda tonight. If you're here for Item A because it's a public hearing we would ask that you hold your comments until the public hearing is held and that way your comments can be incorporated as a part of the official record of the public hearing. However, if you're here for Item B or if you're here for an item that's not on the agenda, now would be your opportunity. We would ask that you step to the microphone and begin by giving us your name and address. Anybody wishing to speak under citizens' comments? Anybody wishing to speak? Hearing none we'll close citizens' comments.

5. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF A PRELIMINARY CONDOMINIUM PLAT, the request of Jonah Hetland of Mills Enterprises, LLC agent for BFU II, LLC owners of the properties generally located at the southeast corner of 91st Street and 22nd Avenue (CTH ML) for a Preliminary Condominium Plat for the redevelopment of the properties for 4-7 unit condominium buildings to be known as Springbrook Place.

Jean Werbie:

Mr. Chairman, members of the Plan Commission and the audience, this is a public hearing this evening for a preliminary condominium plat at the request of Jonah Hetland of Mills Enterprises, LLC, agent for BFU II, LLC, owners of the properties. This is for property that is generally located at the southeast corner of 91st Street and 22nd Avenue. It's for a preliminary condominium plat for the redevelopment of properties for four 7-unit condominium buildings to be known as Springbrook Place.

Some background information and TID 4 information: The referenced properties are characterized by a rundown neighborhood strip retail center originally developed in the 1959, which is surrounded by smaller single family residential land uses, a private church and school institutional land use to the north as well as some environmental land uses. The retail center is an

older, worn out and deteriorated building that has been the location of several fires and a target for vandalism and uncontrolled dumping. The building, due to significant water damage from a leaking and damaged roof, has significant mold growth and several other health, safety and welfare building and fire code violations. The site also has a number of zoning and municipal code violations related to building maintenance, obsolete signage, broken and deteriorated parking lot areas, tall weeds and grasses.

A Phase I and a Phase II Environmental Site Analysis was prepared for the property by Daniel Burns and Jason Herbst with Drake Environmental, Inc on January 6, 2003 and March 14, 2003. The Phase I Environmental Assessment provided a detailed inventory of the site and its uses, an environmental analysis, interviews, aerial photograph interpretations of the site between March 1963 and April, 2000 and a findings and conclusions. The environmental assessment revealed no evidence of recognized environmental conditions in connection with the subject property except for the following: Local records indicated that a dry cleaning facility may have formerly been located in the building on the property. Because solvents were typically used in the dry cleaning processes, the potential exists for a release to have impacted the soil and/or groundwater on the property.

As such, a Phase II Environmental Assessment was done for the site, and a detailed soil probe and sampling on the site, monitoring well installation, groundwater sampling, analytical testing, field evaluation inventory of the site and preparation of findings and conclusions was completed. Analytical results indicated that tetrachloroethene, a common dry cleaning solvent, was found to be impacting the soil on the property. This was also found to be impacting the groundwater on the property.

On September 5, 2007, the Community Development Authority at the Village reviewed the Blight Determination Study which included the Village staff analysis of the properties and the aforementioned Phase I and Phase II Environmental Site Assessment Reports, and they approved Resolution #07-01 which determined that the subject properties were blighted pursuant to Wisconsin Statute Sections 66.1335 and 66.1333 (2m) (b) and these has to do with blight elimination clearance and housing and development authorities.

To assist in the required environmental cleanup of the site the Developer requested the Village to create a developer funded Tax Increment District #4 to provide for blight elimination, rehabilitation, and redevelopment of the existing property in order to create an economically viable future use benefiting the immediate area as well as the Village. Major project areas of the district are: environmental investigation, cleanup, monitoring, and closure; demolition; and brownfield specific infrastructure components. The total cost for the proposed clean-up projects is estimated to be \$715,365. The Village will issue a revenue bond, payable only from tax increment revenue generated from the Developer's property to finance the project clean up costs. The Developer will be the purchaser of the revenue bond and is obligated to secure private financing to obtain the funds necessary to purchase the bond and provide funding for the project costs.

Over the past couple of months, there was a series of meetings that were held by the Plan Commission, the CDA, the Village Board regarding different steps that were taken by the Village. On August 27, 2007 the Plan Commission adopted Resolution #07-17 which approved the designation of TID #4 boundaries and approved the draft Project Plan for Tax Increment

District #4. On September 5, 2007, the Community Development Authority approved the Blight Study prepared for the properties. On September 10, 2007 the Plan Commission held a public hearing and recommended that the Village Board approve the creation of TID #4 and TID #4 Project Plan. On September 24, 2007 the Village Board approved the TID #4 Project Plan. On October 1, 2007 the Joint Review Board approved the TID #4. The Village Board proposes to consider a Development Agreement related to the TID # 4 project and general agreements with the Developer regarding this new condominium project, and at this time it's anticipated that that would be on or about November 5, 2007. A subsequent Development Agreement pertaining to the Condominium development will need to also be considered along with the Final Condominium Plat.

So now with this development under comprehensive plan compliance, the proposed Springbrook Place Condominium Development is located within the northern portion of the Barnes Creek Neighborhood. This neighborhood is generally bounded by 89th and 91st Streets on the north, Sheridan Road on the east, 104th Street on the south and 30th Avenue on the west. The Comprehensive Land Use Plan indicates that this property is located within the Lower-Medium Residential land use category. Neighborhood Plans are a component of the Village's Comprehensive Land Use Plan and they are essential to help plan out orderly Village growth. On September 10, 2007 the Village Plan Commission approved a Neighborhood Plan for this property for this land to be re-developed with four 7-unit condominiums buildings and this was through Resolution #07-21. The Springbrook Place Condominium Conceptual Plan, as conditionally approved by the Village Board on September 17, 2007, and the proposed Preliminary Plat both comply with the Comprehensive Land Use Plan and the approved Barnes Creek Neighborhood Plan.

Under this proposed residential condominium development this evening, the petitioner is proposing to re-develop the 3.35 acre properties with four 7-unit buildings. Approximately 0.16 acre of land will be dedicated for the future widening of 22nd Avenue. The net acres of the site will be 3.2 acres, and the proposed development will provide a net density of 8.8 units per acre. There is no wetland or 100-year recurrence interval floodplain on the properties.

Each of the four condominium buildings will have 7 units. The units range in size from 1,091 to 1,745 square feet. There will be no basements for these units at this location. The project will include the following unit types and sizes:

- Unit A is a 1,247 square foot unit located on the lower level with two bedrooms and a two car attached garage.
- Unit B is a 1,230 square foot unit located on the lower level with two bedrooms and a one car attached garage.
- Unit C is a 1,099 square foot unit located on the upper level with two bedrooms and a one car attached garage.
- Unit D is a 1,389 square foot unit located on the upper level with two bedrooms and a two car attached garage.

- Unit E is a 1,384 square foot unit located on the upper level with two bedrooms and two car attached garage.
- Unit F is a 1,091 square foot unit located on the upper level with two bedrooms and a one car attached garage.
- Unit G is a 1,745 square foot unit located on the lower and upper levels with three bedrooms and a two car attached garage.

In addition to the 44 parking spaces provided within the attached garages, 20 additional parking spaces will be provided on the site. Pursuant to the Village Ordinance, the minimum parking spaces required for this development is 62 parking of which 44 must be enclosed. The parking within the development meets the minimum parking requirements of the Village Zoning Ordinance.

Under estimated population projections at full build out: 28 total dwelling units, 76 total persons, 17 school age children or 12 public school age children.

Under open space for this site, as shown on the slide approximately 1.69 acres or 53 percent of the site will remain in open space. The open space will include two storm water detention facilities at the northeast and northwest corners of the site along 91st Street as well as preservation of trees along the south, southeast and southwest as shown on the slide. Dedicated Woodland Preservation, Access and Maintenance Easements will need to be provided in both the engineering plans and the declarations as well as on the certified survey map to preserve and protect the remaining trees and brush line within the development.

Under public sewer and water and private storm sewer facilities, public sanitary sewer and water is provided within the 91st Street adjacent to the site. The Developer will be installing sewer, water and stormwater facilities within the property. The sanitary sewer main within the development will be public; however the sanitary sewer laterals will be private. The water main within the development site will be public. The water service laterals will be public from the water main to the service branch shut off valves and private from the branch shut off valves to the buildings. The Developer will be required to dedicate a water, access and maintenance easement and install a water lateral to the southern property boundary to service the Mullins house just to the south. The water lateral will be required to be bored underneath the trees. It is recommended that the Developer work with the property owner to make the connection to the adjacent property owner's home. The storm sewers within the development will be designated as private. All private utilities shall be owned by the Springbrook Condominium Association, Inc. They will be owned and maintained by the association.

Under zoning text and map amendments, the current zoning of the three properties are R-11 (UHO), Multi-Family Residential District with an Urban Landholding Overlay District, and a portion of the properties are located within the shoreland boundary of a tributary to Barnes Creek and that will remain. In order for the properties to be re-developed as proposed, they will need to be placed into the PUD or the Planned Unit Development designation. That PUD will offer the Developer some flexibility with respect to some of the dimensional requirements and to allow for multiple buildings per property.

In consideration of the dimensional variations to the ordinance, the following shall be required: In addition to the statement in the PUD related to the 80 percent of the buildings being owner occupied, the developer shall record a restrictive covenant in the declaration of condominium regarding the ongoing commitment to keep 80 percent of the units owner occupied. All condominium units shall have individual exterior entrances and attached garages. Approximately 75 percent of each building shall have exterior building materials consisting of brick materials. A variety of building materials shall be submitted and be specified in the PUD Ordinance. The sanitary sewer and water mains and related appurtenances within the development shall be public. An additional 17 feet of right-of-way shall be dedicated on the Certified Survey Map for the future widening of 22nd Avenue. Although there is no C-2 woodland conservancy zoning on the properties, the woodlands and brush line located along the southern boundary, southeastern and southwestern boundaries of the properties shall be protected with woodland preservation easements, and these areas shall be protected from any type of tree cutting or clearing at those locations. The storm water detention basins, access and maintenance areas shall be located with easements and dedicated on the CSM, again, with maintenance to be by the association.

The current UHO designation is proposed to remain on the property until the PUD zoning text change is made and the public hearing is held. Typically that is done at the same time that the final condominium plat is being considered by the Plan Commission and by the Board. We did attach a copy of the draft PUD for your review.

With respect to the development schedule as proposed by the developer, the Developer anticipates to begin the remediation of the site and the initial infrastructure work over the next several months and to have a clean site that is ready for construction by May of 2008. At that point the Developer intends to obtain permits for and construct all four foundations for the proposed buildings. Construction is planned for the first building in June of 2008. It is anticipated that each building will take up to six months to complete. After Building 1 is completed, the Developer intends to construct Building 2 in November 2008. Building 3 is intended to be constructed in April of 2009 and the construction for the last building is proposed to begin construction in the fall of 2009.

Under fiscal review, further discussion and a commitment is warranted with the Developer related to a cost sharing agreement and the donation of the \$891 per unit to the Village to address any shortfalls in funding/fees collected for police, fire, EMS, public works and transportation needs as a direct result of this development.

With that, the Developer is in the audience if there's any questions that you have of him or if he'd like to make a further presentation. Again, this is for consideration of the preliminary plat for this Springbrook development.

Thomas Terwall:

Before I open the public hearing, does the developer wish to add any comments?

Jonah Hetland:

Jonah Hetland, 4011 80th Street, representing BFU II LLC for Steve Mills. He's out of town this week. As Jean mentioned we've been making some good progress over the last several weeks. We have rezoned the property to multifamily. We've got conceptual plan approval,

neighborhood plan amendment, etc. Again, we're here tonight asking for approval of a preliminary condominium plat. The Village staff is recommending approval of that subject to some various conditions in their staff report dated today.

I just wanted to bring up a couple points I guess we still haven't narrowed down or nailed down 100 percent but I just want to bring those up. One is the amount of brick and location of the brick on the exterior elevations. The staff got to us some sketched up plans showing why don't we put the brick here or there. We took that and gave it to our architect and then got them some revisions to that. I guess we kind of tweaked it a little bit from there. So we're kind of going back and forth trying to come up with a satisfactory plan. So we're still working on that. I guess I'd ask that we revisit that issue when we get to final condo plat. I believe Jean said that would be okay with her.

As far as the \$891 impact fee I don't think we're going to have an issue with that. We won't even try to argue that.

One thing that has come up is the restrictive covenants wanting to limit us to 20 percent of the units being rented or being able to be rented. We had our attorney draft some language that we thought would be more flexible on our end and we did insert that in the covenants. It doesn't look like that's going to be acceptable. So I wasn't ready to commit to anything tonight because we just got these comments back late Friday and, again, Steve is out of town so I haven't been able to talk to him about this. I'm not sure if you're going to be looking for a commitment from us on that specifying how many can be rented versus owner occupied.

I guess our thinking on that was we're trying to leave it as flexible as possible on our end because being in the unique situation where we're on the hook to build these things because of the TID we have to produce X amount of value over the next several years. So no matter what we have to continue to keep building these. So without knowing what's going to happen we're optimistic that it's going to be okay but we just wanted to be able to have that ability to rent them on our own if need be. And also from a marketability standpoint if someone wants to buy a unit and they see in there they don't have the right to rent it on their own that might be an issue that we'd have to deal with. So I'm not 100 percent committing to anything with the covenants tonight unless we have to. We can discuss that. I just wanted to bring that up.

One last issue that just came up in these staff comments was the developer being required to install a water lateral all the way to the south end of the property to service the Moen's residence because of the well issue. That's something new that just came up. I wasn't aware of that before. Steve is not aware of that so I guess I'd have to talk to him on that before I commit to that as well. I just wanted to bring up those comments. Any questions for me?

Thomas Terwall:

Let's conduct the public hearing first. Some questions may come out of that. Otherwise I'm sure we will have some questions. This is a matter for public hearing. Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Hearing none I'll open it up to comments and questions from Commissioners and staff.

Donald Hackbarth:

I haven't driven past there for a while. Are they beginning to remove materials? Are they beginning to do any work on this site? Are we premature on this thing then? Because what would happen if they wanted to do something that became more than they could handle and said we're dropping the project? If nothing has been done on that property right now and they've got some contaminated stuff there, is this premature to say we're going to go ahead with this when we're concerned about what really is on that property?

Mike Pollocoff:

This is the process we anticipated we'd be going through. They really can't—the money that the TIF is going to provide is really the money to clean it up. The way that TIF is structured you can't use TIF for anything you would have done normally. It runs against the logic and the demands for a TIF District. The development agreement which ties the developer to the responsibility for paying for the TIF isn't done yet. So they really can't start until that thing is done. So what we want to know as a community is if we're signing off on the plan as it's there, what it looks like, how it's going to function, and for us that all has to be done for together before we let them start anything.

Donald Hackbarth:

The other thing is are there too many open ended questions on this tonight that we maybe want to table it?

Jean Werbie:

It's not unusual at the preliminary plat step or stage. I mean they know what the Village's recommendations are going to be before the final plat is submitted. Sometime within the next 30 days we will have to come to some resolve to all these issues.

Mike Pollocoff:

The only thing that should be resolved at preliminary plat is the donation for impacts.

Jean Werbie:

And they agree to pay them.

Mike Serpe:

A couple of things to the developer. The brick issue on the building which is not a real big issue, but what is the rest of the building going to be consisting of, cement board or vinyl?

Jonah Hetland:

Cement board siding, cement board shake. And then we'll also be incorporating some stone and brick.

Mike Serpe:

With reference to your 20 percent rental, it's always been the position of the Village that we like to see owner occupied in these condominium units and we always leave that little percentage out there that can be rented. It's not been a problem with us and everything that we've approved so far that I know of. I would not anticipate it being a problem with yours as well.

Jonah Hetland:

We're hoping it wouldn't be I guess. The only concern is that since we're on the hook we have to generate this revenue. We have to keep on building these no matter what. So if something happens I think that's why we wanted to leave it open ended or at least modify the percentage.

John Braig:

I wouldn't find that acceptable.

Mike Serpe:

What I was going to say is I'd prefer to leave that 20 percent in there and in the course of your marketing of this if there's some serious concerns that have to be addressed they can be addressed at another time. Is that a possibility?

Mike Pollocoff:

Well, maybe what the Commission might want to consider is that we have 20 percent owner occupancy for the other condominium products that are in the Village. The unusual thing about this is this is a TIF and we want to see the TIF paid off. I think if there was going to be an adjustment, if you were going to say 30 percent, and I'm just pulling that number out, I'm not recommending that, but if you were going to say 30 percent that 30 percent would sunset after the last unit is built. Because at that point the risk should be gone. The buildings are up, and if there is that outstanding risk that still is the developers. From that point going forward then it would be 20 percent like everybody else. But rather than bringing it up open to negotiate back and forth over time, I think we're better off to come to some terms with the developer as to how much flexibility we want on that rental capacity in that interim period so that they're not hamstrung but that the Village is protected.

One thing that we've committed to in the public is this is not an apartment building. It's owner occupied. But like everywhere else there's always going to be moving, coming and going. 20 percent is what the Plan Commission has established prior to this for an operating condominium development. I think their policy question is in that period of construction do we want to open that up and then sunset it when the construction is completed.

Donald Hackbarth:

A question here. With the covenants if this is going to be stepping out of our parameters as far as rentals and we get more people renting in there, who is in charge of the covenant center? Who controls that?

Mike Pollocoff:

It's still the owner.

Donald Hackbarth:

The other thing, too, is the *Kenosha News* had that article a while ago about the landlords downtown that they rented. I do not want that to happen in our Village because the way they trashed that before they left. I think there's wisdom in ownership here. I think when you have ownership the owners themselves are more diligent to watch what their next door neighbor is going to do to their property. And if it's rental I don't want to see that happen here.

Thomas Terwall:

My recommendation to the Plan Commission is going to be first of all our action tonight is a recommendation only, a recommendation to the Village Board. If we're comfortable with the rest of it my recommendation would be to send a favorable recommendation to the Village Board to approve it subject to the 20 percent of the \$891. I don't want to pull that out. If the Village Board wants to negotiate that farther that's their business. But I think we ought to stay on the issue.

Mike Serpe:

The \$891 wasn't an issue, was it?

Jean Werbie:

No, they agreed to it.

Thomas Terwall:

Mike, I have a question to the staff. Is it standard procedure for the DNR to not notify the municipal government when they're aware of contamination that gets off the edge of the side of the property? It's my understanding in this case that Steve Mills had to sign an agreement not to divulge any of the information and we were never notified by the DNR, yet the DNR knew that this contamination existed and very likely extended beyond the property lines into people's private wells. Don't they have any obligation to notify the municipality?

Mike Pollocoff:

I don't know. I know that there's lists that are developed by the DNR where it's contamination and it's a map basically of contaminated areas or likely contaminated areas. But the Village doesn't receive a notice on anything from the State saying this property or this property is contaminated or what's there. We have likely landfill sites and we have things like that. But as far as the extent we haven't done it. I think maybe, to be honest with you, until the consultant did their study they might not have known either. So I guess the tortuous time is from the time they received the consultant's report until somebody acts on it. The consultant is under a contract with

the owner to perform the work and provide the report. They can't disclose it. So it really ends up being the owner. The owner is the liable one but in this case the owner didn't exist or from the source. So it's uncomfortable and disconcerting but I don't know what the fix is. Maybe the consultant has got some insight as to other ways that can be cleared up but I haven't seen it yet.

John Braig:

I want to clarify one item. It ties in with a discussion I had with the staff just before the meeting. This had to do with the Sunny Prairie Development, and the response I got from Jean was that it was approved in the preliminary plan and, therefore, we can't change it. The point I'm making is we've been treating the preliminary plan I wouldn't say casually but it was preliminary and we expected improvements or changes before the final plat. Did I understand you correct, Jean? If we approve it in the preliminary we can't change it afterwards?

Jean Werbie:

No. What I'm saying is that if you approve the preliminary plat document and the developer submits a final plat that is in conformance with that preliminary plat he's entitled to approval. That doesn't mean that there aren't conditions that need to be satisfied, that those conditions still can be satisfied. But you can't change the details of a plat document for a subdivision. Once the preliminary plat is approved they are entitled for two years to have some assurances from the local community that if they submit a final plat that you're going to approve it, obviously, subject to submitting certain documents and fees and securities and things like that. You still have to satisfy those conditions. But we can't change that plat document unless the developer agrees to that.

John Braig:

In effect, if we approve this preliminary plan tonight we're bound to it?

Jean Werbie:

It's the preliminary plat you're considering, and it doesn't mean that there might not be some conditions that still might get satisfied between now and the final plat. But the plat document itself, that actual document that identifies the width of the streets, the lot layout, the building layout, all those documents and things that are on this document, if they submit a final plat that's substantially in conformance with this they're entitled to approval. Again, that doesn't mean that they don't have to satisfy the other 54 or whatever conditions that have been submitted.

John Braig:

I guess for myself then and maybe for some of the others we've got to pay a lot more attention to the preliminary plat. And following up on that, Jean, the size or the square footage of the units as you read them are all different than what's printed on this document here. So I guess I have to ask for a clarification. Which numbers are correct?

Jean Werbie:

Unit A is 1,247; Unit B is 1,230; Unit C is 1,099; Unit D is 1,389; Unit E is 1,384; Unit F is 1,091; and Unit G is 1,725. They're all straight from this document. That's why this is such an important document. Sheet 3 of 8 of the plat.

John Braig:

I was looking at it as you read it and the numbers were all different as you read them. Let's check them again. On the print Unit C is 1,074 and this printed document Unit C is 1,099. Unit D is 1,357 on the print and on the printed recitation it's 1,389.

Jean Werbie:

I'm not sure what he's looking at.

Larry Zarletti:

I have a question in the meantime. In the 20 percent, when the 20 percent does not equal an even number what do you do? Like this one is 5.6 units.

Jean Werbie:

We round it up so it would be six units.

Larry Zarletti:

So do you round it up if it's more than the half?

(Inaudible)

Jean Werbie:

It was clarified. In the actual printed floor plans those don't equal your chart on the bottom and we took your numbers from the chart. So I'll have to have the developer re-look at his floor plans unless these were floor plans that you took from a Kenosha project maybe.

Jonah Hetland:

We did. Which one is greater, shown on the plan or the chart?

Jean Werbie:

Unit F is not the same, unit G is not.

Thomas Terwall:

That can be resolved when it goes to the Village Board, correct?

Jean Werbie:

Yes.

Thomas Terwall:

They should resubmit.

Jean Werbie:

It looks like you need to check all of your numbers. In the chart and the summary chart and in the staff comments they're the same. But in your floor plan—

Jonah Hetland:

I would think they're probably not off by much but either way we'll resolve that.

Jean Werbie:

Good catch. They can recheck their floor plans.

Jonah Hetland:

We'll have that resolved.

Thomas Terwall:

Anything further?

Donald Hackbarth:

I move approval.

Mike Pollocoff:

The other question raised by the developer was paying for the lateral. We're recommending that for two reasons. One reason is that the main that's coming down from 91st is a public main, and that lateral will be public within that right of way, albeit that's not very much. But if you were to look down on that map there you've got that wooded area that we don't want to have breached. The lot line the woods don't stop at the lot line. So what we want to have done is we want that lateral to be bored from the public street or the public main over to the house. We don't want the developer to pay for the lateral on someone else's private property, but we don't want to segment that lateral either. Our indication is, we haven't seen it yet but we're anticipating you're going to have some boring work occurring on the site anyway at the street or whatever. So if we can have the bore and the lateral completed at one point in time so we don't have a break and we don't want anybody going in and putting the lateral in with a backhoe and cutting the trees down to do that. So what we want you to pay for is the section that's in the public street to the property line.

The property owners have to pay from the property line to the house and do whatever they've got to do. So I would imagine we're probably talking about \$1,000.

Jonah Hetland:

I don't know. This came up late in the day on Friday when we got these.

Mike Pollocoff:

When we reviewed the plans it became obvious to us that this is one of those things that if we don't address it now you get Lucky Backhoe out there and they start digging and ripping.

Jonah Hetland:

I don't have any idea how much it would cost. I guess all I'm asking for is some time to investigate that.

Thomas Terwall:

When is the Village Board going to take this up?

Mike Pollocoff:

Two weeks.

Jonah Hetland:

So I can investigate in the mean time. \$1,000 I don't think we're going to argue that, but if it's \$20,000 I don't know.

Donald Hackbarth:

That was subject to the 20 percent.

Mike Serpe:

I'll second his motion.

Thomas Terwall:

IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY MIKE SERPE THEN TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE PRELIMINARY CONDOMINIUM PLAT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed?

John Braig:

AYE.

Thomas Terwall:

Motion is carried.

B. Consider the request of Michael Losik, P.E. for an Affidavit of Correction to Certified Survey Map #2580 to correct an error in the legal description on sheets 1 and 2.

Jean Werbie:

Mr. Chairman, this is a request of Mike Losik for an Affidavit of Correction to Certified Survey Map #2580 to correct an error in the legal description on Sheets 1 and 2.

The petitioner is requesting approval of an Affidavit of Correction to correct the caption on Sheets 1 and 2 that contained an error wherein the Section number and the town number were transposed. The correction will correctly label the Section as 15 and the Town as 1. Staff recommends approval of the affidavit of correction to CSM 2580 subject to the affidavit being recorded and providing a recorded copy of the document back to the Village.

John Braig:

Move approval.

Wayne Koessl:

Second.

Thomas Terwall:

MOVED BY JOHN BRAIG AND SECONDED BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE AFFIDAVIT OF CORRECT. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

7. ADJOURN.

John Braig:

Move adjournment.

Mike Serpe:

Second.

Thomas Terwall:

All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

We stand adjourned.

Meeting Adjourned at: 5:45 p.m.