

MEETING:	REGULAR MEETING OF THE PLAN COMMISSION
DATE AND TIME:	Monday, October 14, 2024 6:30 PM
LOCATION:	Germantown Village Hall Board Room N112 W17001 Mequon Road

MINUTES

- I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*
President Wolter called the meeting to order at 6:30pm.
- II. **ROLL CALL:**
Chairman Wolter and Committee Members Baum, Tarantino, Shadid, Henk and Ewert were present. Committee Member Williams was absent excused. Also present were Community Development Director Retzlaff and Associate Planner Jordan Yanke.
- III. **APPROVAL OF MINUTES:**

A. PC Minutes 9/9/24
Motion: Approve as presented
Motioned By: David Baum
Seconded By: William Shadid
Yes: Dean Wolter, David Baum, Josh Tarantino, William Shadid, Bridget Henk
No: None
Abstain: None
Motion Passed (Yes 5, No 0, Abstained 0)
- IV. **NEW BUSINESS:**

A. Presentation on the Wisconsin Farmland Preservation Program, Draft Washington County Farmland Preservation Plan, and Draft "Farmland Preservation Areas" Map for the Village of Germantown; Adam Christensen, Washington County Community Development Department. NOTE: Public comments will be received following the presentation.

Director Retzlaff introduced Adam Christensen from Washington County Community Development Department who presented the Wisconsin Farmland Preservation Plan for the Village of Germantown.

Discussion Followed. Director Retzlaff asked Adam if the Village passed the resolution, and we agreed to add this Farmland Preservation map to our 2050 plan. Can we then subsequently not adopt a farmland preservation zoning district? Yes, that would leave it up to landowners if they want to create an agricultural enterprise area which could cross boundaries. Retzlaff stated that we passed the resolution in 2013, but we opted not to create the Farmland Preservation District because there were a lot more bumps in the road. This time around, there is more flexibility. The fees and

penalties no longer exist and this is more conducive to landowners wanting to be a part of it, but we also don't want to force them into it. This information was sent out by Washington County to about 90 property owners. We could potentially follow up with a short survey asking if they would like to participate. This will be discussed again at the November 11th, 2024 Plan Commission meeting.

Comments were received from:

Scott Hefle who lives on Old Farm Road.

Melanie Smyth who lives on Cedar Lane.

Jan Miller who lives on Windsong Circle West.

Presentation Only.

- B. Everett Frenz, Agent for the Anton Frenz Trust & SA Technologies LLC, Property Owners - 65.2 acres located east of Fond du Lac Avenue/STH145 and north of Donges Bay Road. Application to Rezone 65.2 acres from the M-1: Limited Industrial Zoning District to an Rm-3: Multi-Family & B-1: Neighborhood Business Planned Development District (PDD) for purposes of developing a 570 dwelling unit & 24,000 sqft retail commercial mixed-use development called "ArborVillage". (PUBLIC HEARING & ACTION)

Director Retzlaff went over the location of the 65 acre parcel and stated that it comprises 3 separate parcels which are located in the Victory Center Corridor with commercial use being preferred, but there are many other allowable uses. He introduced Bob Arnold to speak on behalf of the developer. Mr Arnold gave a full presentation on the proposed development for Arbor Village. Retzlaff asked if this was a condominium development only, so there are no apartments? Yes. He also asked about the school-age children issue and stated that they are implying that the number of school-year-aged children would be lower in this than in apartments or single-family homes. Yes, that is what they have found in their other developments.

Public Hearing opened at 7:45pm.

President Wolter read aloud several emails he received from:

Diane Kingery who lives on Gatewood Place was opposed due to the large number of units and increased traffic.

John & Katie Figie who lives on Fond du Lac Avenue were opposed due to increased traffic and noise levels.

Todd Plichta who lives on White Pine Court, was opposed due to increased traffic, reduction in property values, increased safety concerns for his family, decrease in wildlife in the area, an increase in the number of citizens who do not have a vested interest in Germantown because they are not purchasing a single family home and may see this as a temporary residence and the population density of that area would not be proportionate to the rest of the Village.

Jan Miller who lives on Windsong Circle West was opposed because no traffic study was done and would like the development to resemble the surrounding subdivisions, single family or side by side condos, not large multifamily 3-story units and the large number of units.

Kevin & Donna Nash who live on Country Aire Drive were opposed due to the large number of units, infrastructure costs to accommodate it, egress points not thought out, increased traffic as well as school-year-aged children.

Comments were received from:

Lynn Bednarz who lives on Pawney Court, was opposed due to the proposed buildings not being aesthetically attractive and increased traffic and the project is too large for

that area.

Brad Piete of Wisconsin Southern Railroad was opposed, commenting that they like to keep development around railroad tracks industrial due to inevitable noise complaints. Doug Loman who lives on Rivers Bend Circle West wanted to know if this condo association would prohibit investors from buying up the units and renting them out by proxy, and he wanted to know what the Village's responsibility would be for the proposed public pickleball court.

Patrick Braun who lives on Magnolia Drive is opposed due to the number of units. He would like to see single family homes built there and the 15-year timeframe to finish the project is unreasonable.

Sandy Dobrogowski who lives on Wilson Drive questioned the safety of the egress on Country Aire, wants to know the effect on Fire & Police Departments. And felt the public basketball court should be reconsidered because the court in Kinderberg Park was a problem due to non-residents using it and playing loud music.

Tom Barney who lives on Old Farm Road and is a school board member, feels that the student projections are flawed and the potential increase in school-year-aged children will cause problems.

Melanie Smythe who lives on Cedar Lane stated that the density is fine, and they are all condos which are good, the design levels need work and variety. This is a 15-year project which is realistic, and she hears from staff and trustees that we are in need of density for growth to attract development.

Scott Hefle who lives on Old Farm Road stated that this was presented as 700 units, and they have reworked the plan. There was another development early on that was approved for this location. He is cautiously optimistic but would not commit to being for or against the proposal.

George Liberatore who lives on Santa Fe Drive is opposed to the project because of infrastructure costs and road congestion.

Public Hearing closed at 8:11pm.

Director Retzlaff recommends denial of this proposal. He believes this property is more suited to industrial and/or business. And stated that the density they are proposing is too large.

Motion: Approve as presented

Motioned By: David Baum

Seconded By: Josh Tarantino

Discussion Followed:

Trustee Baum stated that he has been clear from the beginning that he does not support this development. He believes that the eastern 2/3 of the property should be industrial and the western 1/3 should be residential. He also doesn't like the architecture or the layout and the density is way too high. And he agrees with the railroad representative that the area by the railroad tracks should be industrial. Tarantino and Shadid both stated that they agree with Trustee Baum. Ewert stated that he liked that there was a school study done. His concerns come from the 2 schools to the south with the highest populations of students, and he said this would impact their ability to function. Henk stated that she appreciated the level of the presentation and stated that it answered the reason why this is being brought before us. She also agrees that it's too dense for this location and that traffic, utilities, police, fire and schools would all be impacted. Baum also stated that single family wouldn't fit in this location either, with it being next to the business park and the railroad. And he feels the public aspects of the basketball and pickleball courts will be a problem with people using them without permission. Shadid also stated that this is the same as their last proposal. He would like to see something radically different with mixed development.

Yes: None

No: Dean Wolter, David Baum, Josh Tarantino, William Shadid, Bridget Henk

Abstain: None

Motion Failed (Yes 0, No 5, Abstained 0)

- C. Village of Germantown Community Development Department - Proposed Text Amendments to Chapter 17.41 (Accessory Use, Building & Structures), Section 17.43 (Site Plan Approval Requirements), Section 17.45 (Traffic, Parking, Loading & Access), and Section 17.46 (Signs) of the Village of Germantown Municipal Code. (STAFF REQUEST TO TABLE PRESENTATION & PUBLIC HEARING TO NOVEMBER 11, 2024)

Motion: Approve tabling until November 11th, 2024 meeting

Motioned By: David Baum

Seconded By: William Shadid

Yes: Dean Wolter, David Baum, Josh Tarantino, William Shadid, Bridget Henk

No: None

Abstain: None

Motion Passed (Yes 5, No 0, Abstained 0)

- D. OneEnergy Development, LLC, Agent for Wayne Lutynski, Property Owner. Certified Survey Map (CSM) to combine parcels and Site Plan Review for a 30-acre Solar Energy Facility located at approximately N132W18100 Rockfield Road. (ACTION)

Associate Planner Jordan Yanke gave a short summary of the proposal, stating it is a permitted use in the A-1 district and complies with all development standards and setbacks. Yanke referenced the conditions of approval and introduced Peter Murphy from OneEnergy who went over the proposal in detail.

Discussion Followed:

Retzlaff asked about the construction process, what kind of traffic to expect and would trucks cause damage to the road? Peter stated that construction typically takes 4-6 months, starting in Spring and finishing up in Fall 2025. The process begins with civil work including laying down the access road, which consists of truck traffic for a few days to bring in aggregate shipments, then light grading to preserve existing drainage paths with a 2' pile reveal window onsite consisting of additional steel so they don't have to do much earthwork in order to maintain the land as close as possible to how it exists today. Civil work lasts for about 4 weeks, including an earthmover with a crew of 4-5. Then deliveries will start with piles of i-beams, transformers and solar modules. They limit deliveries to 1-2 a day due to a small staff and that continues through the summer and early fall. The height of construction will be in mid-summer. Retzlaff stated that Rockfield Road which will serve this project is under the jurisdiction of the Town of Germantown and there is concern that the road will get beat up and there could be a road bond requirement that states that any damage to the road would be restored by OneEnergy. That is reasonable and acceptable to OneEnergy. Yanke stated that would have to be added as a condition addressing a road use agreement or bond with the Town of Germantown and OneEnergy.

Comments were received from:

Jennifer Guslick with the Town of Germantown

Lynn Bednarz who lives on Pawney Court

Jan Miller who lives on Windsong Circle W

Kimberly Anderson who lives on Rockfield Road

Susan Holmes who lives on Rockfield Road

Karl Griffiths who lives on Rockfield Road

Scott Hefle who lives on Old Farm Road
Katie Wiedmeyer who lives on Rockfield Road
Kevin Olson who lives on Rockfield Road
Jennifer Hetzel who lives on Rockfield Road
Chairman Wolter read two emails regarding this topic as well.

Baum would like to address some of the issues:

Could they break down deliveries to smaller trucks? Yes, within reason per Murphy
If Rockfield Road had a substantial number of parked cars, can you work around that?
Yes, they submitted an alternate delivery route from Division Road that doesn't go past the school and most of the deliveries will be made in the summer when school is out.

Peter gave answers to the questions that were asked:

There are no batteries proposed.

They don't use any anti-freeze on sites they construct for the local climate.

The units do not produce electricity in the dark.

The site is agricultural use, which presumably will switch to commercial use and the tax burden on the land would increase and that would be OneEnergy's responsibility to cover. Neighboring properties could pass along their increased taxes to them for reimbursement if that occurred.

Any electromagnetic pulses would cause all electrical grids to go down, which has nothing to do with the solar project.

Warranty period is 30 years with 0.5% degradation per year, which is standard. Solar modules are rated to degrade at that rate.

Property values at the beginning of 2024, there was a meta analysis done of 1.8 million homes within a mile of a solar project. 1/3 of the property values went up and 2/3 went down by an average of 1.5%. The most recent study that includes Wisconsin properties showed values going up 2%. If there is a change, it is very small.

They are waterproof.

Solar heat and solar island effect are not something they have ever experienced. Nor have they seen anything credible online regarding either of those.

The noise they make is similar to a refrigerator that isn't heard at a distance of 150-160 ft. They place their transformers/inverters in the center of the project so you cannot hear the sound above ambient and with this project the nearest neighbor is 500' away. There is a vegetation barrier on the west and south sides and a farm field to the east.

Erosion control is kept in mind as they are also required to get a permit from the DNR where they evaluate their erosion and stormwater management practices. Many of these projects all over the state, including the town of Jackson, hydrophobic ground soil suggest that the soil would not absorb water. Plants wouldn't grow if that were the case. But he's seen proof of it with tons of living foliage.

Recycling modules. They work with Retrofit Company to collect any broken or old modules for recycling. These modules are made of aluminum, glass, silicon and a little bit of silver ribbon. All of which are recyclable.

The vegetation screen around the project includes trees that are planted at 4' in the center. There are a handful of species they are proposing that grow to 15' in diameter for a consistent cover. The 4' tall trees have the best survival rate they have found.

This is not a community solar project which would build a project and sell subscriptions to use the solar generated. In this instance, one of two things has to happen either: a. the incumbent utility buys all the electricity and resells it or b. they buy the asset, and

they sell all the electricity generated from it. In either scenario, the utility has a vested interest in keeping the facility in working order. This is the cheapest kilowatt value on the grid.

The assessor will reassess the property for improvements when they change the property to commercial use, which in turn increases the tax burden on the property. In Wisconsin, we do not produce any natural commodities to create our own power, including coal and natural gas. The benefit to everyone here is that you will be generating your own power within your own community to be used in your own home. Will electric bills go down? If we as a grid do not put these types of assets on over time, we will not be able to keep up with the increase in electrical demand that is widely reported across the entire country. Electrical demand is skyrocketing and this is the cheapest electrical power source on the grid, so generating power within your own community should eventually lower electrical costs and help keep up with demand.

Staff recommends approval of the proposed 1-lot Certified Survey Map (CSM) for OneEnergy Renewables solar project located at approximately N132 W18100 Rockfield Road, subject to the following conditions:

1. All technical issues and corrections identified by the Village Surveyor (see September 14, 2024, memo from Bob Beilfuss, PLS) shall be addressed and reflected in a revised CSM reviewed and approved by Village staff prior to recording.
2. The CSM be revised to denote a front setback of 60' in accordance with the A-1 District. Any pre-existing structures found to be within this setback shall be noted as "nonconforming" on the CSM.

Staff also recommends the approval of the site development plan submitted by OneEnergy Development, LLC for a solar energy facility approximately 30 acres in size containing bifacial solar panels, inverters and transformers, access drive (16' width), perimeter 8' fencing, and vegetative screening for property located at approximately N132 W18100 Rockfield Road, subject to the following conditions:

1. This approval is for the plan sheets that comprise the site plan set as noted below and is subject to compliance with all the conditions and requirements set forth herein and subsequently adopted and/or revised by the Plan Commission. Approval is granted for the following unless superseded by subsequent plan sheets approved by Village Staff pursuant to revisions required herein and/or by the Plan Commission: *a. Site Development Plan dated October 2, 2024. b. Vegetative Screening Plan dated August 26, 2024.* If revised plan sheets are necessary, each revised sheet shall contain the date of said revision clearly stamped in the lower right corner.
2. The Vegetative Screening Plan shall be subject to final acceptance by the Village Forester and Community Development staff prior to commencement of construction.
3. The technical issues and plan revisions identified in the September 25, 2024, memo from the Village Engineer shall be addressed in revised plan sheets and/or supplemental documents as necessary prior to commencing construction activities (excluding early start site preparation).
4. Site operations are limited to the proposed activity by the applicant per the submitted/attached "Solar Generating Facility Operations Plan".
5. State agency (DSPS) approved plans and a \$20,000 bond are required by Inspection Services. The Village of Germantown is an authorized delegated agent of DSPS and may be used as an alternative to provide all commercial plan review and inspection services through SAFEBuilt of WI and the Village of Germantown.
6. A gate shall be installed providing another ingress/egress point into the solar array facility on the northeast side of the development site. The gate installation and specifications shall

- be approved and inspected by the Fire Department prior to commencement of facility operations.
7. The maximum height of the solar array panels (i.e. structures) shall be 10' from established grade.
 8. All temporary and permanent exterior signs require a permit and shall comply with all current Village sign regulations and requires a permit if/when allowed.
 9. Applicant shall provide a commitment to the Village including provisions to ensure that there is adequate financial security set aside to perform the specified decommissioning of the project and any restoration needed to be performed to the shared access drive after construction of the project, or decommissioning. Said commitment shall be reviewed and approved/accepted by the Village Attorney.

Yanke also stated that there should be another condition added regarding the road agreement as discussed. Plan Commission discussed tabling. Retzlaff asked what the Plan Commission is looking for exactly? They want to see the road agreement. Henk thinks it would also be beneficial to reach out to the sewer district that is nearby for a discussion. Baum would like the language in the agreement that if WE Energies doesn't approve the project, then we revoke our approval of the project.

Town of Rockfield Representative, Jennifer Guslick also stated that a semi's weight would be over the weight limit for Rockfield Road. So that needs to be looked at as well.

Motion: Postpone topic until November 11th meeting to gather information and get the road agreement created

Motioned By: David Baum

Seconded By: William Shadid

Yes: Dean Wolter, David Baum, Josh Tarantino, William Shadid, Bridget Henk

No: None

Abstain: None

Motion (Yes 5, No 0, Abstained 0)

- E. Truck Country of Wisconsin Inc., Agent for RA Steinman Legacy LLC, property owner, - N128W21795 Hwy 167; Site Plan Review for a 37,700 sqft commercial truck sales & service facility on a 15.9 acre parcel located in the southeast corner of the Holy Hill Road @ I-41 interchange in the "Holy Hill Gateway District". (ACTION)

Director Retzlaff gave an overview of the proposed site plan and stated that this facility will be a relocation from its current location on 107th Street in Milwaukee. There are currently 5 buildings on the site and rail siding, all of which will be razed as part of the site improvements, as well as construction of one primary driveway, paved parking for 76 vehicle and 130 trucks, onsite stormwater basin, landscape and lighting around the building and parking area and removal of the existing billboard on the southwest corner of the site to be replaced with new signage to be determined. Truck Country was founded in 1958 for truck sales and service and 28 facilities. The rezoning needed for B5 business and the CUP were both granted in November 2023. The proposed 37,700 sqft building includes 16,000 sqft of service area, just under 15,000 sqft of parts warehouse and about 7,000 sqft of office area. He showed renderings of the buildings with elevations, site & landscape plans. This development is dependent upon the extension of sewer and water utilities as well as the construction of the frontage road called High Point Pass. He showed the proposed utilities and grading as well as the landscaping plan and there are a handful of wetlands on the property, all of which were deemed to be artificial except for one. The rest are proposed to be filled and there is a DNR permit currently under review for that with a decision expected soon. Construction is expected to be completed in 2025 to coincide with the opening of the facility in the late summer.

Staff recommends approval of the site development and building plans for Truck Country of Wisconsin Inc. for the development and operation of a 37,700 sqft commercial truck sales & service facility on a 15.9-acre parcel located at N128 W21795 Holy Hill Road in the southeast corner of the Holy Hill Road @ I-41 interchange subject to the following conditions:

1. This approval is subject to all the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the following plans unless superseded by subsequent plan sheets approved by Village Staff pursuant to revisions required herein and/or by the Plan Commission:
 - a. *Architectural, Building & Elevation plans dated August 16, 2024*
 - b. *Civil Engineering plans dated September 26, 2024*
 - c. *Landscaping plans dated September 26, 2024*
 - d. *Lighting plans (photometric plan) dated November 13, 2023*
 - e. *Stormwater Management Plan September 26, 2024*
2. This approval is conditional and subject to the DNR approving the proposed filling of 6,378 sqft of wetland as shown on Sheet C-100. Except for demolition and/or early start permits for footings and foundations, no permits authorizing site improvement construction or building permits shall be issued until the wetland fill application has been approved. If the DNR does not approve the proposed wetland fill, in whole or only in part, a revised set of site development plans may need to be reviewed and approved by the Plan Commission (or Village staff if only minor site plan adjustments are required).
3. Consistent with Section 17.43(6) of the Zoning Code (Site Plan Requirements), the Village and Truck Country have entered into a Development Agreement regarding the need for and timing of construction of certain public improvements, including roadway infrastructure, water, and sanitary sewer facilities, as well as, other Truck Country and Village obligations as set forth therein. This approval is conditional and subject to the execution and satisfactory performance of and compliance with the terms and requirements of said Development Agreement.
4. All landscaping, screening, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs is reviewed and approved by the Village as deemed necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit for the shell building.
5. All exterior doors (except primary entrance) shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.
6. This approval is conditional and subject to final review and approval by the Village Engineer of the responses provided in the JSD Professional Services letter dated September 26, 2024 and the revised stormwater management plan, civil engineering plans, utility plans, and other general responses contained therein.
7. Truck Country shall coordinate with the Village of Germantown regarding the design and construction of High Point Pass and the new driveway intersection thereon serving the Truck Country facility and property. Site improvements related to the construction of High Point Pass not specifically addressed or included in the site plan set that will require coordination include the installation of street lighting and street trees along the public road frontage of High Point Pass pursuant to Section 17.43(5) of the Zoning Code and Village's Comprehensive Tree Plan.
 - a. Section 17.43(5) requires the installation of a minimum of thirteen (13) deciduous street trees along High Point Pass in an amount, type and manner set forth in the Village's Comprehensive Tree Plan and approved by the Village Forester in a supplemental landscaping plan submitted for review and approval prior to the issuance of occupancy for the Truck Country facility. As provided therein, Tuck Country may provide a payment in lieu of installing street trees in an amount deemed appropriate by the Village Forester and the Village Public Works & Highway Committee.

Motion: Approve as presented

Motioned By: David Baum

Seconded By: William Shadid

Yes: David Baum, Josh Tarantino, William Shadid

No: None

Abstain: Bridget Henk

Motion Passed (Yes 3, No 0, Abstained 1)

F. Neumann Developments, Agent for Wrenwood North LLC, Property Owner, property south of Freistadt Road and Pleasant View Drive. Final Subdivision Plat for the Wrenwood North Addition No. 1 Subdivision (Wrenwood North-Phase 2 containing 26 single-family lots). (ACTION)

Associate Planner Yanke went over the final subdivision plat proposal.

Staff recommends approval of the final subdivision plat for Wrenwood North Addition No. 1/Phase 2 containing 26 single-family residential lots located south of Freistadt Road, west of Pleasant View Drive, subject to the following conditions:

1. A letter of "no objection" from the WI Department of Administration (DOA) shall be submitted to the Village prior to recording the final plat.
2. All technical issues and revisions identified in the "Punch List Report" provided on R.A. Smith, Inc. letterhead, dated October 11, 2024, shall be fulfilled/completed prior to recording of the final plat, unless otherwise specified in the applicable Development Agreement, or prior to release of the Letter of Credit (LOC) on file with the Village.
3. All technical issues and plat corrections identified by the Village Surveyor (see September 30, 2024, memo from Bob Beilfuss, PLS) shall be addressed and reflected in a revised final plat reviewed and approved by Village staff prior to recording.
4. The landscape and buffer plan for Outlots 7 and 8 be approved and accepted by the Village Forester prior to issuance of any building permits.

First Motion: Approve as presented

Motioned By: David Baum

Seconded By: William Shadid

Discussion Followed:

Baum stated that a resident has reached out to him several times stating that the subdivision is being constructed incorrectly. Retzlaff stated that the punchlist has not indicated that the road is in the wrong place, there are things that need to be cleaned up, it's a typical list of things that need to be corrected before the Public Works Committee will accept the improvements as required by the Development Agreement. That process is ongoing. The approval of the final plat is a multistep process, this being the first one, and typically we want the subdivision to be completed up to a point where we feel comfortable recommending approval to the Village Board subject to final things being done with assurance from the developer that they will be done in addition to the letter of credit. As far as the berm in question is concerned, it's located in the outlot 8 along the eastside, it's 16.5' wide by about 100' long. It was originally intended to be a ROW for the benefit of the property owner to the east. Going back to 2021 when the North Wrenwood plat was being discussed, there was concern that the ROW was for her benefit, but she couldn't use it for access to her property further south, 20 acres. At the time, what was presented was a layout of Wrenwood North that would include the construction of 2 public roads that, if extended through the Bernard property, would provide access to future development there, one being Mistletoe Road and one further south that would be constructed as part of phase 3. The Village Forester is requiring an

assessment of the existing trees that may or may not have been damaged in the recent construction along the berm. Tarantino stated that they took a lot of trees down, and he would not call that a berm. It's too small and any plants they put in there are just going to get lost. The plants they took out blocked it 100%, but a shin high berm in a couple of places isn't going to do anything. The berm needs to be higher. Retzlaff wants to know what the Plan Commission wants us to tell the developer because the berm was not a specific requirement of the original plat approval in the first place. And it's unfortunate that the existing tree line albeit full of invasive species has been removed because Ms. Bernhard is just interested in there being a visual screening. Since 2021, we have had conversations with the developer asking them to reach out to Ms. Bernhard and with Ms. Bernhard asked her to reach out to them as well to discuss what she would like to see done there, but none of that took place. So, the developer decided that since the Village wasn't going to accept responsibility for the 16.5' strip, they went in and cleaned it up and proposed this berm and said this is what we are willing to do. Chairman Wolter stated that it's not at all what we talked about initially to make sure that Ms. Bernhard's access to her property was provided, and her needs were met with what she wanted on that side of her property. He remembers the developer stating that they would take care of it and they have not. We need to put pressure on the developer to do what they said they were going to do for this resident.

Susan Bernhard who lives on Friestadt Road described the issues she is having:

Removal of a lot of nice tall trees that were nice

Noise from development is causing accidents.

They drag their arena once a week, which causes a lot of dust and that will not make these new residents happy.

She wants to build a large berm along her property to block her riding arena and horse pasture.

She has an electric fence for her pasture. Sometimes a deer will break the fence and her horses can get out and into the new subdivision.

She will construct her berm in 3 phases and will plant it properly with native flowers.

She thought the outlot that used to be called ROW, was supposed to delineate the property line between the subdivision and her property and was to be taken care of by the HOA.

She spoke with the contractor, and they told her they were going to be planting trees this week. She wants them to be called off.

Wrenwood roads were supposed to give her access to her landlocked back 20 acres.

Baum stated the road is stubbed to her back property, so a developer in the future would complete the road to gain access.

Baum stated that she can hammer all this out with the developer at the next meeting on November 11th. Tarantino asked about the street tree requirements for that subdivision. Retzlaff stated that the developer is responsible for the street trees. Henk asked if we required grading certifications for the grading of the lots. Yes, as part of the as-built drawings per Retzlaff.

Second Motion: Postpone this until November 11th

Motioned By: David Baum

Seconded By: Josh Tarantino

Yes: Dean Wolter, David Baum, Josh Tarantino, William Shadid, Bridget Henk

No: None

Abstain: None

Motion Passed

- V. **CITIZEN INPUT/PUBLIC APPEARANCE:** *(Please be advised per 19.84(2) that information and comment will be received from the public. It is the policy of this municipality that public input be limited to a three (3) minute period per person with a time extension granted at the discretion of the Chairperson. Be advised that there may be limited discussion of the information received but no action will be taken under public comments.)*

The following residents spoke:

Melanie Smythe who lives on Cedar Lane.

- VI. **ANNOUNCEMENTS:**

None.

- VII. **ADJOURNMENT:**

Chairman Wolter adjourned the meeting at 11:50pm.