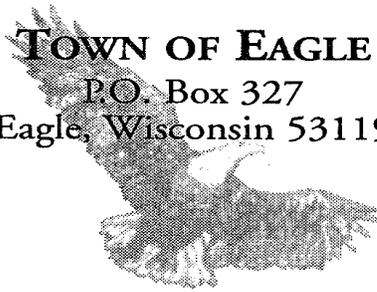


TOWN OF EAGLE
P.O. Box 327
Eagle, Wisconsin 53119



TOWN OF EAGLE
Planning & Zoning Commission
Held Jointly with the Town Board
November 7, 2011
Approved Minutes

Chairman Kwiatkowski called the meeting to order at 7:44 p.m. and led the Pledge of Allegiance.

Present: Chairman Kwiatkowski; Supervisors Davis, Malek, Rasmussen, and West. Commissioners Lewis, Olsen, Rudy, and Samuels. Also present: Town Clerk Lynn Pepper, Town Planner Tim Schwecke and Town Attorney Paul Alexy.

Minutes: Motion by Supervisor Malek, seconded by Commissioner Samuels to approve the October 3, 2011 minutes. Upon voice vote, motion carried with Commissioner Olsen abstaining. Motion by Supervisor Rasmussen, seconded by Supervisor Malek to accept the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried.

Request from Lauri Gebhard & Bill White – Project Location: S102 W34688 Lower Clarks Park Drive, Eagle WI – Request for approval of CSM – Applicant Bill White and Tom Engel were present.

Town Planner Schwecke explained that the applicant is requesting to merge his two non-conforming lots. The proposal has been reviewed and approved by Waukesha County and the Town of Eagle Engineer. In response to Chairman Kwiatkowski, Mr. Engel explained that the house is currently located on both parcels.

A motion was made by Commissioner Samuels, seconded by Commissioner Olsen to approve the Certified Survey Map with the conditions as set by Waukesha County. Upon voice vote, motion carried. A motion was made by Supervisor Davis, seconded by Supervisor Malek to accept the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried.

Department of Natural Resources - Update on the Safety Audit at the McMiller Shooting Range – Chairman Kwiatkowski announced that this is an informational only presentation and that comments from the public will be limited to three (3) minutes and must be asked directly to the Board. Chairman Kwiatkowski also announced that he, Commissioner Rudy and Paul Sandgren with the Department of Natural Resources (DNR) visited the McMiller site approximately nine (9) months ago and the issue of safety was raised. Chairman Kwiatkowski explained that he asked the DNR to conduct a Safety Audit.

Mr. Mark Aquino, District Land Program Manager and liaison with the operators of McMiller introduced himself and Tim Lawhern, National Rifle Association (NRA) Certified Safety Officer and conductor of the Safety Audit to the Board.

Mr. Lawhern explained that the McMiller site is a safe facility to shoot at, although some modifications need to be made to keep the range in safe working order. Mr. Lawhern explained that the walk-thru range, used for arrows is in non-compliance and will be discontinued. In regards to the 300 yard range, Mr. Lawhern explained that the rules are posted, there is one way in and one way out, it has a cement floor, the shooting benches meet the NRA specifications, and there is No Blue Sky. The last overhead baffle needs to be upgraded. There will be no further shotgun shooting at the 300 yard range. Mr. Lawhern explained that the sandwich baffle, which is filled with pea gravel will be lowered, the toe baffle needs to be repaired, and law enforcement will no longer be permitted to use this range. In regards to the Novice Trap, Mr. Lawhern explained that the required fallout zone is 300 yards. In

response to Chairman Kwiatkowski, Mr. Sandgren stated that the trail has been moved. Commissioner Rudy questioned the manufacturer recommendations. Mr. Lawhern replied that his report is based off of NRA specifications. Mr. Lawhern explained that several baffles need repair on the 100 yard range. There are metal reactionary targets on the 25 yard range in which someone has been shooting with something other than a .22 caliber. The recommendation on this range is to replace all of the targets and to post that this range is for .22 calibers only. In regards to the sporting clays range, Mr. Lawhern explained that more consistent signage is needed around the perimeter of the range and the sporting clays range. In addition, another rail needs to be added to the stairway. Mr. Lawhern added that he would highly recommend that there be one (1) person on staff who is certified by the NRA as a Certified Safety Officer.

Chairman Kwiatkowski explained that it appeared to him that people had to shoot upwards on the 300 yard range. Mr. Lawhern explained that the target from the shooter's position is at a parallel level, to strike the impact berm. Commissioner Rudy questioned if there is a recommendation for toe baffles on the 100 yard range. In response, Mr. Lawhern explained that he does not recall making that recommendation.

Commissioner Rudy explained that a military shooting range is different than a civilian shooting range. Commissioner Rudy questioned if Mr. Lawhern met with SWAT, who use the range consistently for training. Commissioner Rudy stated that SWAT was using the range on two (2) instances that he was there. Mr. Lawhern replied that any law enforcement training session needs to be approved by the department.

In response to Commissioner Olsen, Mr. Lawhern stated that the agreement with upper management is that these issues will be taken care of. In regards to Supervisor Malek's question regarding controlling wrong usages, Mr. Lawhern explained that there are rules in place that people need to follow.

Mr. Acquino explained that the DNR is committed to implementing these changes and will begin work after the deer/gun season is over. In response to Chairman Kwiatkowski, Mr. Acquino estimated that the changes should be completed within nine (9) months to one (1) year.

Chairman Kwiatkowski suggested that the DNR develop a long range plan. The McMiller location should be a world class destination.

Commissioner Rudy referred to the 100 yard range, stating that the contours of the range were not shown and that work is being done there without guidance. Also, state parks seem to get more attention than McMillers. Mr. Acquino responded that the current administration is very supportive of McMillers.

Department of Natural Resources - Update on the new lease that the department has with Dan and Lloyd Marks, Milford Hills –

Mr. Mark Aquino, District Land Program Manager and liaison with the operators of McMiller explained that the Department of Natural Resources and the Marks brothers have a signed lease agreement, which expires December 15, 2014. Mr. Acquino outlined the six (6) major changes from the previous agreement as follows: 1). the one (1) quiet weekend per month was eliminated; 2). the shelter building hours have been changed to open at 9:00 A.M. and close at 4:00 P.M.; 3). the total amount of floor space for retail sales should be determined by the lease; 4). the range is open to the public 220 days per year; 5). the sporting clays are shot within the 220 days of operation; and 6). the lease shall maintain a calendar of events on the website and update it frequently.

Commissioner Malek raised issue with the calendar of events being maintained on the website only. Commissioner Rudy stated that many people do not have internet access and will not be aware of the upcoming events. Commissioner Rudy, as a citizen, objected to removing the notification provision from the lease. For the record, Commissioner Rudy stated that he does not vote on any McMiller issues.

Supervisor Rudy raised issue with the elimination of the quiet weekends. Supervisor Malek explained that these quiet weekends took place because of a good neighbor policy.

Supervisor West questioned the 220 days of operation, specifically the issue of event days being held within the 220 days. Mr. Acquino explained that events cannot take up a public day. In response to Commissioner Lewis, Mr. Acquino stated that updates could be provided at the February Planning & Zoning Meeting.

Commissioner Rudy raised the issue of Old World Wisconsin and their need for quiet days. Mr. Acquino responded that he would hope that Old World Wisconsin would contact them when they are holding a special event.

Commissioner Rudy explained that removing communication from the lease also removes the accommodation to Old World Wisconsin. Mr. Acquino responded that this topic could be revisited.

Carolyn Bittner- Project Location: S66 W38241 CTH ZZ - Applicant is requesting review and approval of an accessory building which has an average roof height of 22.4 feet under Section 3.03(6)(a)(7). Accessory buildings in the A-3 District are otherwise required to have an average roof height of 15 feet per Section 5.06(7)(B) – Town Planner Schwecke explained that the applicant’s plan meets the setbacks and meets the one (1) foot standard. Staff recommends approval of this roof height extension request.

In response to Chairman Kwiatkowski, Ms. Bittner explained that the building will not be used for commercial use.

Chairman Kwiatkowski questioned the access to the accessory building. Chairman Kwiatkowski explained that if the Bittner’s intend to access the building off of CTH ZZ, they will need approval from Waukesha County. Ms. Bittner explained that they will only use their existing driveway to access the accessory building. In response to Commissioner Lewis, the lean-to is part of the barn as the result of a space issue.

A motion was made by Commissioner Samuels, seconded by Commissioner Lewis to approve the roof height extension request subject to the Planners recommended draft conditions. Upon voice vote, motion carried.

Public Comment – Ms. Amy Kinosian, W369 S10516 Shearer Road explained that the perimeter fence around McMillers is in disrepair and felt that the DNR has grazed over this issue lightly. Anyone can get to the property via the old trails. The perimeter needs to be an issue as part of the Safety Audit. Ms. Kinosian questioned who at the DNR is in charge of overseeing McMiller. The Town needs to know who has the decision making authority. Ms. Kinosian suggested retaining the quiet weekends, at least for the summer months. The quiet weekends are a treat and the DNR should be conscious of other users of the Kettle Moraine.

Status Reports – Written report was provided.

Mukwonago River Initiative (MRI) update – Commissioner Lewis reported that the Strategic Plan for the Friends of the Mukwonago River can be found on their website. Commissioner Lewis shared a hand-out titled “The Economics Associated with Outdoor Recreation, Natural Resources Conservation and Historic Preservation in the United States” for the National Fish and Wildlife Foundation.

A motion was made by Commissioner Rudy, seconded by Supervisor Davis to adjourn the meeting at 9:15 P.M.

Lynn M. Pepper
Eagle Town Clerk