



VILLAGE OF THIENSVILLE
Plan Commission
MINUTES

DATE: Tuesday, October 11, 2022

LOCATION: 250 Elm Street, Thiensville, WI

TIME: 6:00 PM

I. CALL TO ORDER

Chairman Mobley called the meeting to order at 6:00 PM.

II. ROLL CALL

CHAIRMAN:	VAN MOBLEY
COMMISSIONERS:	DOUGLAS CHIMENTI
	MIKE DYER
	RICK GATTONI
	CAROL GENGLER
	JEFF HERSHBERGER
	KEN KUCHARSKI
PLANNER:	JON CENSKY
DIRECTOR OF	ANDY LAFOND
COMMUNITY	
SERVICES/PUBLIC	
WORKS:	

Commissioner Gattoni was not in attendance.

III. CITIZENS TO BE HEARD

A. Open to any resident or taxpayer on items not subject to a public hearing: Please be advised per §19.84(2), information will be received from the public. Village policy limits a three (3) minute time period per person, with time extension by the presiding official's discretion or a vote of 2/3 of the Board or Committee; be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments. Written comments on agenda items are encouraged to be sent and addressed to the intended body by noon on the day of the meeting. Comments received timely will be forwarded to all members of the body. If you wish to speak, you must pre-register by emailing the Village Clerk at alanglois@village.thiensville.wi.us by 4:00 PM on the day of the meeting or by signing in immediately prior to the meeting.

There was no communication received or citizens present to be heard.

IV. BUSINESS

A. Approval of Minutes

1. September 13, 2022 (att)

MOTION by Commissioner Gengler, **SECONDED** by Commissioner Dyer to approve the September 13, 2022, Minutes. **MOTION CARRIED UNANIMOUSLY.**

B. Review and action regarding Request from Daily Taco + Cantina, Jesse Daily, 105 West Freistadt Road, for Extension of October 31, 2022 Deadline to Remove Temporary Tent until May, 2023 (att)

Jesse and Barkha Daily and Matt Buerosse, owners of Daily Taco + Cantina, 105 West Freistadt Road, were present. Ms. Daily noted the tent request is based on providing adequate capacity for customers on the weekends. There also are cheel pop-up events planned. Daily Taco provides employment for many originally hired to work at the cheel. Mr. Buerosse noted the Daily Taco building is leased. The owner is not interested in selling the property, which precludes an addition.

Ms. Daily shared that the construction process with the cheel has experienced many delays and the tent is helping the business survive. Ms. Daily noted the goal is not to come back and ask for another tent extension.

Commissioner Kucharski added the Village took a leadership role when the pandemic hit and did everything possible to help businesses and at some point, the Village has to get back to normal. Mr. Daily believes the pandemic may be over, but the repercussions are not.

Commissioner Chimenti added it is currently difficult to sustain a business and extending the tent may be necessary to keep the business going until the cheel returns.

MOTION by Commissioner Gengler, **SECONDED** by Commissioner Chimenti to approve Request from Daily Taco + Cantina, Jesse Daily, 105 West Freistadt Road, for Extension of October 31, 2022, Deadline to Remove Temporary Tent until May 2023.

Ayes: Commissioners Chimenti, Gengler and Hershberger

Naes: Commissioners Dyer, Kucharski and Chairman Mobley

Chairman Mobley announced the Commission will revisit the issue when all members are present. The tent can remain up until the full Commission considers this request.

C. Review and action regarding In-ground Pool, Discussion and Possible Action Regarding Fence Requirement Modification, Dale Borowiak, 400 Susan Lane (att)

Dale Borowiak, 400 Susan Lane, was present. The proposed 14' by 30' in-ground pool will be in the back yard. Mr. Borowiak is also seeking approval from the Commission to not have to put a fence around the pool. Covers are available that can be walked on. There is one 10-12 foot section of fence along the back lot line remaining from a pool previously on the property that was filled in by the prior owners. Another side is bordered by a Cedar hedge.

Planner Censky noted Village Code requires a 4-6 foot fence around a pool. Code also allows the Plan Commission to modify the requirements.

Commissioner Chimenti noted the state requires a fence for a public pool and delegates authority for private pools to municipalities. Mequon ordinance requires a motion alarm and the ability of the cover to support 2,000 pounds. There may be insurance requirements for a fence. Commissioner Hershberger added it comes down to a liability issue. The proposed pool is near at least three other residences. Commissioner Kucharski questioned whether a cover or a 4-foot fence is safer. Director LaFond researched the issue and found that fence companies put out pro-fence information and the pool cover companies favor their product. The pool cover appears to be effective when it is closed. Mequon's ordinance requires that whenever the pool cover is open, someone at least age 15 must be outside and within 10 feet of the pool.

Director LaFond noted if the Commission is inclined to allow the pool cover in this instance, the Village should consider changing the ordinance. Commissioner Gengler noted when the current ordinance was adopted, the technology related to pool covers was not in place. Approximately 30 Wisconsin municipalities permit pool covers as an option and about 14 states have added the option to their building code. Commissioner Kucharski suggested that the Plan Commission and Village Board review the Code related to pools.

MOTION by Commissioner Kucharski, **SECONDED** by Commissioner Gengler to Approve In-Ground Pool with Retractable Cover and Waive Requirement for 4-Foot Fence, Dale Borowiak, 400 Susan Lane.

Aye: Commissioners Chimenti, Gengler and Kucharski

Nae: Commissioners Dyer, Hershberger and Chairman Mobley

With the tie vote, Chairman Mobley suggested considering a motion to approve the pool with a fence and allow the applicant to come back for reconsideration of the retractable cover when all Commissioners are present.

MOTION by Commissioner Gengler, **SECONDED** by Commissioner Dyer to approve Pool With Standard Fence Ordinance Requirements, Dale Borowiak, 400 Susan Lane. **MOTION CARRIED UNANIMOUSLY.**

V. STAFF REPORT

A. Staff Report (att)

Director LaFond reported staff approval for a new rear deck and modified front deck at 217

Vernon Avenue. Staff followed up on a long-standing drainage complaint at 327 Washington Court. Police contacted property owners at 301 Washington Court and 120 South Orchard Street regarding long grass. Police also addressed an abandoned vehicle at 212 Vernon Avenue and an unregistered vehicle at 227 South Main Street.

VI. ADJOURNMENT

MOTION by Commissioner Chimenti, **SECONDED** by Commissioner Dyer to adjourn the meeting at 7:01 PM. **MOTION CARRIED UNANIMOUSLY.**

Submitted by,

Gary Achterberg
Administrative Assistant

Signed by,

Amy L. Langlois
Village Clerk/Deputy Treasurer