

Village of Merton
MINUTES
FOR THE VILLAGE OF MERTON PUBLIC HEARING AND
PLANNING COMMISSION MEETING
March 12, 2025

PUBLIC HEARING

A. Roll Call and Pledge of Allegiance

President Reinowski called the meeting to order at 7:00 pm.

B. Attendance/Absences

Members Present: Village President Ron Reinowski, Trustee Mark Baral, Commissioner Bob Angeli, Commissioner Terry Kozuh, Commissioner Bob Pfeiffer, Commissioner Diana Susa, Commissioner Chad Wright.

Members Absent: none

Staff Present: Ben Kohout, Village Planner; Village Engineer Abbi Hanson; Building Inspector Bob Premo.

C. Public Hearings:

1. Public comment on the proposed Conditional Use for Marie Schneider and Candy Kudis aka Quaintrelle WI, LLC, W282N7298 MAIN ST, Merton, WI: conditional use permit for indoor and outdoor event space use. For informational purposes only this property is located on the East side of N. Main Street, approximately 400 feet North of West Street (Property owner: OALA LLC) Tax Parcel No. MV 0340019.

Marie and Candy addressed the Commission. Marketing towards smaller weddings at 50 persons, showers, birthday celebrations. Marie anticipated promoting 75 persons in a seated fashion. For the outdoor space, a ceremony during daytime hours, between 8am-11pm on weekends, earlier during times Monday through Friday.

The lot to the north is proposed to have a shed for storage. Candy counted 72 parking spaces on the street that are marked.

Marie noted that she may be able to plant willow trees for an eventual solid screening.

Scott Fleming, property owner at W282N7220 Main Street, stated he supports the request as he finds the proposed use a good fit for the property at this location. Mr. Fleming expressed concern over potential parking area currently provided for the Bug Line Trail usage.

Mr. Bob Premo expressed concern over lack of off street parking and would encourage the Commission to consider enforcing off-street parking when available and this property does have off-street parking potential area to the north.

There being no one else present desiring to speak on this item, Commission Chair Reinowski closed the public hearing on this item.

2. Public comment on the proposed special exception request to exceed the solid fence height requirement from five (5) feet to eight (8) feet for the area in between proposed buildings for the purposes of screening a boat staging area, as shown on site plans presented to the Village Plan Commission at the February 2025 meeting. Request is from Colin Shepet and Alexi Shepet aka Dockside Watercraft Cleaners, Inc. For informational purposes only this 9.43 acre property is located on the northwest side intersection of Sussex Rd. and Lake Five Rd. (Property owner: SAMSON LAND HOLDINGS LLC). Tax Parcel No. MV 0218032001.

Applicant Colin Shepet addressed the Commission and stated the area shown on the site plan approved by the Commission is a boat holding area and the need for the 8 foot fence was advised by his insurance company for the request.

Mr. Premo advised that fencing should not be lined with barbed wire. Mr. Premo also wanted to inquire about the color of the slats inserting for fencing and confirmed the color of the slats would be complimentary to the building colors, more than likely a dark grey. Mr. Premo confirmed with Mr. Shepet that they would add a Knox box for fire department usage for emergency access. Mr. Premo further confirmed that there would be one sliding gate fence along the south side and the fencing locations would terminate at the building corners.

There being no one else present desiring to speak on this item, Commission Chair Reinowski closed the public hearing on this item.

3. Public comment on the proposed special exception request to exceed the solid fence height requirement from five (5) feet to eight (8) in the side yard at Village of Merton Fire Department. Property is located at N67W28343 SUSSEX RD. (Property owner: Village of Merton). Tax parcel No. MV 0384990001.

Mr. Reinowski advised the Commission that he is representing this application on behalf of the Village and that this request is in response to the neighbor complaints on the tree trimmings and the 8 foot tall cedar wood stockade style fencing would be in addition to correcting water drainage conditions to provide for space for fencing.

There being no one else present desiring to speak on this item, Commission Chair Reinowski closed the public hearing on this item.

- D. The Village President closes the Public Hearing

There being no one else desiring to speak, Village President Reinowski closed the public hearing at 7:11pm.

AGENDA FOR
THE VILLAGE OF MERTON PLAN COMMISSION MEETING

1. Call to order by Village President Reinowski
Village President Reinowski called the regular Plan Commission meeting agenda to order at 7:11pm.
2. Approval of the minutes of February 12, 2025
Commissioner Susa suggested grammatical corrections as indicated to the Village Planner. Commissioner Pfeiffer suggested language change to his statement regarding item No. 7 on the agenda and his concerns.
Motion by Susa to recommend approval of the minutes of February 12, 2025, as amended.
Seconded by Pfeiffer.
All voted Aye. Motion approved.
3. Citizens who wish to be heard
None.
4. Consideration and decision on a proposed special exception request to exceed the solid fence height requirement from five (5) feet to eight (8) feet for the area in between proposed buildings for the purposes of screening a boat staging area, as shown on site plans presented to the Village Plan Commission at the February 2025 meeting. Request is from Colin Shepet and Alexi Shepet aka Dockside Watercraft Cleaners, Inc. For informational purposes only this 9.43 acre property is located on the northwest side intersection of Sussex Rd. and Lake Five Rd. (Property owner: SAMSON LAND HOLDINGS LLC). Tax Parcel No. MV 0218032001.

Mr. Reinowski advised that with the proposed 8 foot fence, the proposed lighting fixtures would further benefit the neighbors to the north in that the lighting positioning should not be an issue.

Mr. Angeli confirmed with Mr. Shepet the fence to the south would slide past on rails and not swing outward.

Village Planner Kohout presented a staff review to the Plan Commission with the applicant supplied documents and the recommended conditions of approval. Mr. Kohout stated that the enclosed submittal received on January 31, 2025 includes a site plan that was conditionally approved on February 12, 2025, subject to the applicant coming back to have the Plan Commission formally consider the fencing to be at 8 feet tall, in lieu of the Zoning ordinance requirements of up to 5 feet for solid fencing.

Commissioner Wright motioned to The Village of Merton Plan Commission Approval of the Fencing Special Exception for 8 foot tall chain link fence with slats for Colin Shepet, for Dockside Watercraft Cleaners and the boat maintenance service facility for the property located at NW corner of Sussex Rd and Lake Five Rd., with the following conditions of approval:

1. That the fencing plans and site plans showing fencing location submitted to the Plan Commission at the February 2025 meeting are accepted for this fence special exception location.
2. That the fencing proposed at 8 feet tall, with chain link construction and grey tone slats to match the building color installed to provide for visual buffering, at the distance specified on the site plans (greater than 20 feet from rear property line) are approved by the Planning Commission.
3. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Merton Plan Commission, Village Zoning Administrator and Village Planner prior to undertaking any development activity.
4. This fence height and style approval shall expire 12 months from the date of Plan Commission approval, unless a building permit has been applied for through the Village of Merton Building Inspector.
5. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Merton for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions.

Seconded by Kozuh.

All voted aye. Motion carried.

5. Consideration and a decision on the proposed special exception request to erect a fence in the side yard at a height of 8 feet (in lieu of required 5 feet) at Village of Merton Fire Department. Property is located at N67W28343 SUSSEX RD. (Property owner: Village of Merton). Tax parcel No. MV 0384990001.

The Commission reviewed a site plan drawn by Ruekert and Mielke. Village Engineer Abbi Hanson reviewed the plans with the Commission.

Mr. Kohout presented a staff review to the Commission with recommended conditions of approval. Mr. Kohout stated that the fencing is being proposed following trimming of the evergreen trees, which provided for screening from the adjacent property owner. Following the property owner requesting the Village install visual buffering, the Village is proposing new fencing at 8 feet tall to supplement the existing remaining vegetation. The location along the side property line, along with a height of 8 feet tall, in lieu of 5 feet tall, necessitates the review by the Plan Commission as a special exception request.

Motion by Susa to approve the Fencing Special Exception for 8 foot tall solid wood board fence along the side property line within 20 feet of the line for Village of Merton and the Fire Department facility for the property located at N67W28343 SUSSEX RD, with the following conditions of approval:

1. That the fencing plans and site plans showing fencing location submitted to the Plan Commission at the February 2025 meeting are accepted for this fence special exception location.
2. That the fencing proposed at 8 feet tall, with solid wood board construction with finished side facing West to provide for visual barrier, at the distance specified along the East side property line on the site plans (less than 20 feet) are approved by the Planning Commission.
3. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Merton Plan Commission, Village Zoning Administrator and Village Planner prior to undertaking any development activity.
4. This fence height and style approval shall expire 12 months from the date of Plan Commission approval, unless a building permit has been applied for through the Village of Merton Building Inspector.
5. The Petitioner and/or Property Owner shall, on demand, reimburse the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions.

Seconded by Angeli.

Reinowski abstained due to being applicant on request.

All voted aye. Motion carried.

6. Review and act on the Extra-Territorial Review of a Certified Survey Map for Lots 12 & 13 of the Maple Grove Subdivision in the Town Of Merton.

Village Planner Kohout presented a staff review and supplied CSM document from the applicant to the Commission with recommended conditions of approval. Mr. Kohout stated that the Petitioner is requesting extraterritorial plat review of a Certified Survey Map in the Town of Merton. The CSM is in the Village's extraterritorial plat review jurisdiction (within 1.5 miles of the Village border). The property is located about 2,000 feet from the Village border on the north side of Main Street (CTH VV). The proposed plat verifies the boundaries of the lots 12 and 13 as recorded in Maple Grove Subdivision Plat. No new lots result from this CSM. The lot and road right-of-way arrangement are clarified.

It is understood from a conversation with the Town of Merton Planner the CSM was approved by the Waukesha County Planning staff and the Town of Merton is anticipated on taking action on this CSM, with the condition that the Village of Merton review and offer comments prior to the CSM being recorded.

Mr. Kohout stated that in reviewing this CSM, the Village Planner offers no objections. There is no planned trail/sidewalk extensions envisioned nor annexation plans nor agreements for annexations for this area. The proposal appears to clarify the boundaries of the existing lots 12 and 13 in Maple Grove Subdivision plat and no new lots result from the creation of this CSM. Furthermore, no implication to the roadways, nor infrastructure nor services offered to this property appear to impact the Village of Merton.

Staff does note the spelling of the property owners' last name appears to be incorrect. Staff recommends this be corrected prior to being recorded.

Therefore, staff offers no objections or concerns over the CSM prior to being recorded at Waukesha County Register of Deeds office.

Motion by Wright to Approve of the Certified Survey Map for Justin Kurszewski/Kaysie Kurszewski for the property located at W283N7909 Keesus Rd., Hartland, WI 53029, subject to the following conditions:

1. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Merton Plan Commission, Village Engineer, Village Planner for the CSM.
2. The petitioner shall correct the spelling of the property owners' last name prior to being signed by Village Staff/recorded.
3. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Merton for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions. Additionally, any unpaid bills owed to the Village of Merton by the Subject Property Owner and/or Agent, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees or forfeitures owed to the Village of Merton must be paid on demand and prior to issuance of any permits and shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Village of Merton, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Village of Merton, including possible cause for termination of the conditional approval.

Seconded by Angeli.

All voted aye. Motion carried.

7. Consideration and decision for a conditional use permit for Marie Schneider and Candy Kudis aka Quaintrelle WI, LLC, W282N7298 MAIN ST, Merton, WI: For indoor and outdoor event space use. For informational purposes only this property is located on the East side of N. Main Street, approximately 400 feet North of West Street (Property owner: OALA LLC)Tax Parcel No. MV 0340019.

Commissioner Wright confirmed with the applicants the current business for home remodeling will not be operating in addition to the proposed use.

Mr. Premo advised that he has some concerns over:

- Capacity of building be limited to code allowances for IBC and IEBC as it relates to egress capacity and toilet facilities.
- Posted capacity in the building.
- Liquor license was confirmed with Reinowski they would apply for a full liquor license.

- There is available land to establish off street parking and feels it would be recommended to install maximum parking stalls on this location at some point. Could condition approval now or require at a certain point in the future.

Planner Kohout confirmed for the Commission that the proposed usage is in line with a “Places of Entertainment” and outside gatherings/events is in line with this proposed usage. In addition, for any similar restaurant or tavern usage, a conditional use is required. Mr. Kohout presented a staff report for the Commission with recommended conditions of approval, should they be inclined to recommend approval.

Mr. Kohout reviewed the submitted business plan and site plan documents with the Commission. Mr. Kohout stated that the applicants are proposing to use the main lot of the property for parking (currently 11 spaces along Paul Ave), outdoor ceremony and event space (along the East edge of the main lot), and the main building will host the bulk of the event usage.

In addition, the applicants desire to:

- Outdoor Ceremonies and Celebrations

Any official part of an event with more than 6 people taking place outdoors must occur between the hours of 9:00am-8:00pm.

- Other Outdoor Space Use

Small groups (6 or fewer people) can use the outdoor space (i.e. client consultations, etc.) at any time. Sound will be controlled to the property boundary for such uses.

In addition, the applicants are proposing:

Neighborly considerations: • Living fence will be installed along the south edge of the main lot to provide privacy to our immediate neighbors to the south and provide noise control • Small dumpsters in corral located on the property • Landscaping and lawn maintenance to improve the property • Painting of the exterior to improve curb appeal in the district • Complete installation of gutters and downspouts; • Aesthetic improvement to canopy over main entrance; • No ground sign proposed at this time; simple metalwork sign with LED back-lighting on the West side of the building • New signs for the parking lots informing neighbors and visitors that the lots are for use of Quaintrelle guests only • All events will be completed no later than 11:00pm on Fridays/Saturdays and 10pm Sunday through Thursday to restrict noise and disruption to neighbors (allowing an additional 1-hour timeframe for clients to clean, pack up and exit the property) Safety Considerations • Our max Capacity for events is as follow: ○ Standing only (cocktail reception) capacity: 200 ○ Seating (formal dinner) capacity: 150 ○ Glamour Suite: 15 • Capacity determined using WI DSPS Code SPS 377.02 Capacity (specific to places of entertainment). Determination of “places of entertainment” classification is from WI DSPS Code SPS 101.128 Restroom Equity., section 1(b)3. • Quaintrelle will work with the Village of Merton to install and maintain a monitored fire alarm system.

There was discussion between the Commission and applicants on parking and off-street parking at Essential Industries parking lot across the street. The north lot where an existing gravel lot exists in an overgrown condition was discussed. There was concern from the

Commission regarding adding additional screening along the north side of the lot may be required should the lot be improved with paving. There was discussion about keeping it gravel for now and requiring paving to meet the Village Zoning off street parking standards at a later date as a condition of approval.

Petitioners were looking at noting that retirement parties or showers would provide for anything over 6 persons would end by a certain time in accordance with the supplied business plan.

The outside grass space on the east end of the property was discussed with the Commission. Mr. Reinowski suggested that no serving alcohol and food outside of the building is recommended so as to better define the usage to limit noise to adjoining property owners.

Music and reception outside of the building in the eastern portion of the property was discussed by the Commission. Mr. Reinowski suggested the petitioner set up a meeting with the immediate neighbors and Village officials to determine the appropriate sound level of music for ceremonies and possible gatherings outside.

Following discussion amongst the Commission members, additional conditions of approval were worded and proposed in addition to the Planners' recommendations, for a total of 19 conditions.

Motioned by Baral to Approve of the Inside and Outside Event Area and associated site plan and plan of operations Request for Marie Schneider and Candy Kudis aka Quaintrelle WI, LLC, for the property located at W282N7298 MAIN ST Main Street, Merton, WI 53089, subject to the following conditions:

1. The site plan is approved based upon the placement of the outside event area on the east side of the existing building area, and plans submitted for the Plan Commission on March 12, 2025.
2. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Merton Plan Commission, Village Building Inspector and Village Planner for the submitted site plans, any construction plans requested by the Building Inspector, and other documentation prior to final occupancy approvals.
3. Any sound, live or broadcast through speakers directed into the outside seating area, as shown on submitted plans to the Plan Commission, is approved and shall be limited to a reasonable level. The hours of outside sound shall be limited to hours of approved outside activities as noted by the Plan Commission. This shall be monitored and reviewed, at the property owners' expense. Should a report be made to the Village Clerk on a formal complaint form letter, the owner shall work with the Village Clerk, following formal public complaint, to show compliance with this reasonable standard has been achieved. After 8pm, the music level shall be limited to the property line.
4. All business approved outside activities shall be limited to the hours of 9am to 8pm all days of the week After 8pm, 12 or less people shall be approved for business approved outside activities and shall complete at end of approved business hours. All outside activities shall conclude at indoor approved hours.

5. All indoor activities shall be limited on Fridays and Saturdays from 8am to 11pm, with quiet time from 11pm to 12am (midnight). Indoor activities shall be limited Sunday through Thursday from 8am to 10pm with quiet time from 10pm to 11pm.
6. Any lights replaced on the exterior shall be shielded in accordance with Village Zoning standards and not exceed a light temperature of 3000k. The cut sheet of the light fixture shall be presented to the Zoning administrator prior to applying for a building permit for review and approval.
7. The petitioner agrees to plant willow species plantings along the south property line to visually buffer the neighboring property from the eastern open space area and supply the Zoning administrator with a revised site plan showing spacing to achieve a visual buffer. Petitioner agrees to replace dead or missing plantings to achieve visual buffer for the duration of this conditional use grant.
8. A detailed dimensioned plan will need to be submitted and reviewed, approved by the Zoning administrator showing the dumpster area, with closeable gate, so as to provide enclosure of the dumpster area and constructed prior to building occupancy.
9. The Petitioner shall apply for approval for any new or replacement signage per Sec 250-45 of the Village of Merton Code of Ordinances and no new signage shall be installed absent such approval. Said signage shall be brought forward to the Plan Commission for review and approval prior to applying for a building permit approval for requested signage.
10. The Petitioner and/or Property Owner shall obtain the appropriate permits from the Village of Merton by contacting the Village Zoning Administrator prior to undertaking any development activity.
11. This Conditional Use Approval and associate site plan and plan of operations approval shall expire 12 months from the date of Plan Commission approval, unless a building permit has been applied for through the Village of Merton Building Inspector.
12. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Merton for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions.
13. Outside dining activity is limited to 12 persons.
14. The petitioner shall come back to the Commission 12 months following occupancy issuance to review operational concerns or complaints.
15. The event facility shall comply with the Wisconsin State Building Code which adopts the IEBC and the IBC.
16. The capacity of the building and combined inside and outside capacity be limited to the allowances with the Wisconsin Building Code standards, following review and approval by the Village Building Inspector.

17. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Merton Plan Commission, Village Fire Department, Village Engineer, Building Inspector and Village Planner for the site plan, and other documentation prior to building occupancy.

18. The event facility shall comply with all of the requirements of the Waukesha County Health Department.

19. A signed contract with a third party fire monitoring system installation company shall be presented to the Village of Merton Fire Department prior to building occupancy being issued.

Seconded by Susa.

All Voted Aye. Motion carried.

8. Review and decision for a wall signage placement request for Folklore Mercantile business. Applicant is proposing a 6 ft by 3.5 ft wall sign on South wall of building, and window graphics in the windows facing West onto the street. Property is located at W282N7220 MAIN ST. (Property owner: BLUE TRUCK REALTY LLC). Tax parcel No. MV 0340053.

There was discussion on lighting being too bright by the Commission and 3000k or warmer lighting temperature was suggested by Reinowski.

Mr. Scott Flemming, applicant, confirmed for the Commission the sign is black on dark green building. Wright confirmed only signage will be window signage and south side wall sign proposed.

Mr. Kohout presented a staff review to the Commission with recommended conditions of approval. Mr. Kohout stated that he petitioner is requesting approval of a new 3.5' by 6' wall sign on the South Side of the Building for "Folklore Mercantile" business. The applicant is also requesting review and approval for window signage advertising "Folklore" logos and wording at the bottom of the windows stating items they generally sell. Mr. Kohout stated Section 250-48 governs HD District signage.

Susa motioned to Approve of the Wall sign and Window sign Request for Scott Fleming, dba Folklore Mercantile, for the property located at W282N7220 Main Street, Merton, WI 53089, for the purposes of wall signage along the South wall and window signage along the West facade, subject to the following conditions:

1. The wall signage is approved at 21 s.f. on the South façade and shall be formally reviewed for building inspection and wall fastening review requirements and approved by the building inspector prior to being installed.
2. The window signage shall be confirmed to be less than 25% of the window surface area through measurements provided to the Village Zoning administrator and confirmed to be located on the inside of the window to ensure compliance prior to installation.
3. Any exterior lighting placed on the premises for sign illumination shall be 3000k or warmer, be angled in a downward facing manner to illuminate the wall sign, and shall be

effectively shielded, and approved by the Zoning Administrator, prior to installation of any new lighting fixtures.

4. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Merton for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions. Additionally, any unpaid bills owed to the Village of Merton by the Subject Property Owner and/or Agent, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees or forfeitures owed to the Village of Merton must be paid on demand and prior to issuance of any permits and shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Village of Merton. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available.

Pfeiffer seconded.

All voted aye. Motion carried.

9. Motion to adjourn

Motion by Wright.

Seconded by Pfeiffer.

Meeting adjourned at 11:09pm.

Respectfully submitted,

Ben Kohout, Village Planner