

## REGULAR VILLAGE BOARD MEETING

A regular meeting of the Board of Trustees of Whitefish Bay was held in the Board Room of Whitefish Bay Village Hall, 5300 North Marlborough Drive, December 3, 2018

Pursuant to law, written notice of this meeting was given to the press and posted on the public bulletin boards.

### **I. Call to Order and Roll Call**

President Siegel called the meeting to order at 6:00 pm.

Present: Trustees Miller, Fuda, Serebin, Davis and President Siegel

Excused: Trustees Saunders and Demet

Also Present: Village Manager Paul Boening  
Village Attorney Chris Jaekels  
Director of Public Works John Edlebeck  
Library Director Nyama Reed  
Director of Building Services Joel Oestreich  
Police Chief Michael Young  
Finance Director Jen Amerell  
Assistant Village Manager Tim Blakeslee  
Deputy Clerk Caren Brustmann

### **II. Consent Agenda**

It was moved by Trustee Serebin, seconded by Trustee Davis, and unanimously carried by the Village Board to approve the following item on the consent agenda as presented.

1. Minutes of the regular meeting held on November 19, 2018.

### **III. Report of Village Officers**

1. Village Attorney – No report
2. Village Manager – No report
3. Village President

Village President Julie Siegel shared the Business Improvement District has been working with the merchants of Silver Spring to put on a wonderful menorah lighting at 5:30pm nightly, and all attendance is welcome.

4. Miscellaneous Trustees – No reports

### **IV. Petitions and Communications - None**

### **V. General Business**

- 1. Discussion/action on recommendations from the Ad Hoc Teardown/Rebuild Committee.**

Village Manager Paul Boening provided background, scope, and progress of the Teardown Rebuild Review Committee to date. Trustee Fuda thanked the members of the Committee for

the 5 productive meetings that were held. He added all meetings were open to the public, and staff took directive from the members of these meetings for an excellent policy statement.

**PUBLIC COMMENT:**

Kathy Rogers, 5059 N. Woodburn St.; Thanked the Board and staff for productive work during committee meetings. Ms. Rogers questioned how property owners are going to locate their Floor Area Ratio if this data is not going to be placed on the property card. Suggested staff could calculate square footage and lot size through the Village's website.

Kevin Whaley, 722 E. Lake View Ave.; Noted he had written 2 letters to the Board highlighting recommendations to request information for a rebuild. Suggested staff collect information for the subject property, including living area square footage, lot size not expressed in acres, FAR, year built, and adjacent addresses affected to be placed on the website for the public to review.

John Powers, 4792 N. Cramer St.; Stated a house in the 4600 block of Cramer was rebuilt, with aluminum siding, and all other houses on the block are brick. Mr. Powers inquired if updated design guidelines would prohibit such variances.

Susie Van Cleave, 5353 N. Berkeley Blvd.; Noted she has attended ADHOC committee meetings in the past, and the guidelines aren't changing, they are just being clarified. Ms. Van Cleave stated Shorewood is a great comparison to Whitefish Bay however Shorewood doesn't have the economic influence like Whitefish Bay does. Added the ADHOC committee did not provide the tools the ARC had requested.

Dave Lucke, 5723 N. Shore Dr.; Stated there is a concern for the houses being torn down and rebuilt in regards to being legal non-conforming. The larger houses that are being built are too large for this community and affect the community as a whole as well as the neighbors of the subject property.

Doug Guinn, 820 E. Birch Ave.; Questioned whether the garage was included when determining FAR for a property. Mr. Guinn noted a house on his block has a 3 car garage, which isn't being included in the FAR. Stated more information should be provided in the notification letters to neighbors when a house is going to be torn down and rebuilt. Mr. Guinn stated there is a need for binding rules, not just guidelines to follow.

Terry Quantance, 725 E. Lake View Ave.; Thanked staff and the Board for their time and efforts into the recommendations presented today. Stated she saw a house within Whitefish Bay that just had a chimney standing, however, the house was not considered a teardown. Ms. Quantance suggested more defined guidelines.

Roy Wagner, former chairperson of ARC; Stated the recommendations provided by the ADHOC committee are decent; however, they still do not address the institutional problems of the sub divide within ARC. Mr. Wagner believes data points will cause a bigger criticism within ARC, only because they are not mandatory. Noted Village Trustees will have to answer to the public as to why the Village's character has changed over the years.

Ramin Eghbali, 1015 E. Colfax Pl.; Shared that his current house was a teardown/rebuild and that the process was very strenuous. Mr. Eghbali stated all rules and guidelines were followed, however, in his opinion he was being treated like a criminal. He mentioned the house he tore down was a disaster and needed to be removed. Stated his property taxes have tripled, and cannot understand how a defined set of rules cannot be followed.

Jenny Peltz, 4673 N. Lake Dr.; Questioned how many legal non-conforming homes currently exist within the Village.

Lauren Triebenbach, 6367 N. Lake Dr.; current chairperson of ARC; Stated the ADHOC recommendations are very helpful and the more information made available to the public, the better. Ms. Triebenbach noted that continued education to the ARC members will be beneficial.

Rick Quantance, 725 E. Lake View Ave.; Stated FAR makes a lot of sense in terms of consistency when it comes to teardowns/rebuilds. Thanked the ADHOC committee members for their hard work and support throughout the meetings. Mr. Quantance supports a garage being included in FAR.

Carolyn Maciver, 5834 N. Maitland Ct.; Is in support of providing ARC members the tools they need to make good, informed decisions. Noted the ADHOC recommendations are useful, however, staff owes it to ARC to make the decisions they need to, moving away from subjectivity and towards objectivity.

Tom Florsheim, 832 E. Birch Ave.; Stated the trees and other vegetation being taken down within the community needs to be considered when ARC makes their decisions. Mr. Florsheim added the decisions need to be more concrete.

After public comment, Trustee Serebin supports having the FAR included within the design area, and suggested that staff ask the assessor to include lot dimensions and FAR on property cards. Trustee Serebin also stated permits fees should be discussed in the future if an increase in staff time is a result of the ADHOC committee recommendations. Trustee Miller added that the design guidelines suggest that garages be built in the rear yard, whether this suggestion is respected may be a different issue. Trustee Davis added the ADHOC committee recommendations are a work in progress and the guidelines should be re-examined sporadically. Village President Julie Siegel thanked all staff and ADHOC committee members involved regarding this complex issue.

It was moved by Trustee Serebin, seconded by Trustee Davis, and unanimously carried by the Village Board to accept all the recommendations of the ADHOC/Teardown Committee, comprised of 7 separate motions, as amended.

1. Move to require educational sessions with the Village Attorney for new ARC and BOA members upon their initial appointment and that refresher educational sessions be conducted with ARC and BOA members every three years or on an as-needed basis. Effort shall be made to schedule such sessions at the conclusion of a regular ARC or BOA meeting.
2. Move to amend the ARC submittal deadline from 10 days prior to the meeting to 17 days prior to the meeting and to institute a written feedback submittal deadline of two business days prior to an ARC or BOA meeting for such comments to be included in the corresponding meeting packet.
3. Move to direct staff to require Floor Area Ratio data points be provided for the entire design area. Also, the existing and proposed square footage, existing and proposed Floor Area Ratio, lot dimensions, setbacks, and height be provided for the subject property.
4. Move to direct staff to include full plan sets for new homes and additions in the meeting packet and to post the full plan sets online and to also include copies of written feedback that is submitted by the deadline imposed in the second motion above.
5. Move to direct staff to provide the ARC project checklist for a project as part of ARC meeting minutes.
6. Move to amend the review process to require Village staff review of pergolas, arbors, garages and sheds as opposed to ARC.

7. Move to direct staff to prepare a Zoning Code Amendment to incorporate the revised Design Area definition, including changing the last sentence of paragraph one to read “The Design Area should include a minimum of 8 homes”, as reviewed by ARC on 11/15/18.

**2. Discussion/action on appeal of ARC decision regarding the denial of a Certificate of Appropriateness for demolition of the house at 4640 N. Lake Dr.**

Village Attorney Chris Jaekels provided background of ownership and the request for demolition.

It was moved by Trustee Fuda, seconded by Trustee Miller, and unanimously carried by the Village Board to uphold ARC’s decision from 11/15/18 that the applicant was no longer the owner and made no presentation as to his efforts to sell or save the structure as required by Ordinance.

**3. Discussion/action on 2019 Tree Pruning Contract.**

It was moved by Trustee Serebin, seconded by Trustee Davis, and unanimously carried by the Village Board to award the 2019 Tree Pruning project to the low bidder, First Choice Tree Care, Inc. with approximately 550 trees to prune within the 2019 designated area, under the budgeted amount of \$44,000.

**VI. Adjourn**

There being no further business, it was moved by Trustee Serebin, seconded by Trustee Davis, and unanimously carried by the Village Board to adjourn the meeting at 8:13pm.

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Caren Brustmann  
Deputy Clerk