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Torah school's plans face new hurdle - Another building permit extension may be tougher because of nearby bluff

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Author/Byline: MIKE NICHOLS; Journal Sentinel staff Edition: Final Section: B News

A year after the Wisconsin Institute for Torah Study was given permission to build a controversial addition to its lakefront school, officials have not yet broken ground and are facing a new charge that the site is not suitable

Opponents of the development said they recently learned that the Southeastern Wisconsin Regional Planning Commission last year determined the site is too close to Lake Michigan bluffs to accommodate further construction.

Kurt Bauer, former executive director of the planning commission, confirmed Wednesday that he reached that conclusion in early 1996.

Had the school, 3288 N. Lake Drive, used an original building permit issued almost a year ago for its proposed 25,000-square-foot addition, Bauer's position would be moot. But that permit expired in March. A temporary extension expired earlier this summer.

Now, the Torah school is requesting yet another extension - and Lee Jensen, Milwaukee commissioner of building inspection, says renewal is no longer automatic.

"They applied for another extension, but I have not processed it. There is one major new issue that has come up since the issuance of the original permit," he said: "The addition is going to be built in a watershed or ravine-type area on their site."

Jensen found out just recently about the regional planning commission's determination that the property is in an environmental corridor.

Although the planning commission does not have jurisdiction in the matter, Bauer recommended as early as January 1996, in a letter to a consultant, that no new buildings be permitted east of the school's existing buildings, which are about a block north of Kenwood Blvd.

The information is coming to light now - long after the development controversy died down - because of that consultant, William Painter, of the Milwaukee firm Geo Remedies Inc.

Painter said Wednesday it was the Torah school that originally asked him to look at the property. He never was formally retained by the school, he said, but advised its architect against construction. Among his concerns: the foundation of the addition would, he believed, be planted in ravine slopes that already appeared unstable.

Painter was recently retained by a neighbor of the school, Jim Caraway, who owns one of the condominiums in the old Uihlein estate next door. A substantial area along the lot line has eroded this summer, according to Caraway, and he is concerned about additional development.

"My question is not so much why they have not constructed this," Caraway on Wednesday. "My question is why have they misled the city" about the regional planning commission's determination. Caraway also said he wonders why Milwaukee does not have stricter standards for development on private property along Lake Michigan.

City planners never looked at the issue because the school's plans did not require a zoning variance or special-use permit, according to Jeff Bentoff, a spokesman for the Department of City Development. The department, Bentoff said, was not aware of the regional planning commission's finding.

School officials did not return a call on the issue.

However, the school's architect, Stuart Rothman, said Wednesday that the construction site would be outside the limits of the environmental corridor, "as far as I can tell." The addition, he said, is not going to be built on the slopes of the ravine.

"Any erosion problems should be resolved, but they have nothing to do with this," he said.

With the addition, he added, drainage will be diverted to the west, and there will actually be less water flowing down the bluff.

Rothman could not be reached later in the day for reaction to the comments of Painter and Caraway, but he has responded in writing to similar questions raised by Jensen and his staff.

"Our only contact with SEWRPC was prior to their letter to Dr. Painter," he wrote. "We believe that resolution was achieved by our determination that SEWRPC had no jurisdiction over the project, that the project was outside the primary environmental corridor, and by the reduction of storm water drainage toward the bluff."

Rothman also wrote in one of his letters to the city that extension of the building permit was requested "due to budget and construction cost considerations."

Even so, he said Wednesday that construction could begin as soon as next month

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