

TOWN OF GENESEE PLAN COMMISSION MINUTES  
APRIL 27, 2009

Present: Engelking, Houston, Girman, Tuzynski, Sullivan, Schmittinger

Also Present: Leair, Herrmann, Friedlein and Amy Barrows from Waukesha County Dept.  
of Parks and Land Use.

Meeting called to order at 7:00 PM by Mrs. Leair

Mrs. Leair announced that the first item, Conditional Use Request of Waukau Storage Yard, will be adjourned because the petitioner was unable to attend the meeting this evening.

**Adjourned Joint Public Hearing between the Town of Genesee Plan Commission and a Staff Representative of Waukesha County Parks and Land Use to consider the Conditional request (CU-150G) of Waukau Storage Yard, LLP, N88 W16447 Main Street, Menomonee Falls, WI 53051, to amend the conditions of the conditional Use Permits for the existing guyed tower and the existing lattice communication towers on the property to allow future requests to co-locate on the towers to be permitted through the Site Plan and Plan of Operation application process. The property is located on C.T.H. X just west of the intersection of C.T.H. X and S.T.H. 83.**

Mrs. Leair opened to the floor for comment. There were no comments from the floor, brought back to the table.

Motion by Mr. Houston to adjourn the Public Hearing for Waukau Storage Yard to the May 27, 2009 Plan Commission meeting. Motion seconded by Mr. Engelking. Motion carried. unanimously.

**Item #3, Adjourned Discussion/Action on Conditional Use Permit Request of Waukau Storage Yard will also be adjourned to the May 27, 2009 Plan Commission Agenda.**

**Item #8, Discussion/Action-Amend Site Plan and Plan of Operation for Wolf Paving, Inc., 612 Sawyer Road, Oconomowoc, WI 53066 to allow pool storage on the property. No action will be taken on this item this evening. The petitioner will need to amend the Conditional Use Permit on this property to allow for the pool storage.**

**Joint Public Hearing between the Town of Genesee Plan Commission and a Staff Representative of Waukesha County Parks and Land Use to consider the Conditional Use Request (CU-1113H) of Crown Castle (Agent, Dave Trost) to add a generator to an existing guyed tower and exiting lattice communication tower on property owned by John Galt, LLC, S40 W28027 Genesee Road.**

Ms. Barrows gave a brief history on the property. The property is zoned A-2 residential and has several outbuildings on it. There is a lattice type communications tower, several antennae and associated equipment and fencing. The existing Conditional Use on the property includes the following carriers on the tower: Sprint/Nextel at 148', Cingular at 140', T-Mobile at 132', Verizon at 120', U. S. Cellular at 118' and WI Southern Railroad has an antennae and satellite dish at 115'. (Wi. Southern Railroad has received a permit to locate on the site, but they may not be on there yet.) There is a gravel drive and a chain link fence encloses the tower and related equipment. The tower compound is located more than 200' from the residence on the property and 75 to 85' from the west property line and more than 90' from the east property line.

Mr. Trost stated that Crown Castle is adding this generator to the site and it is designed to serve all the carriers on the site. It will be located within the existing compound. There is one carrier interested in being put on the generator now, Verizon. He thought the generator would be able to handle two co-locators. He said if any of the other carriers were interested in the future, they would increase the size of the generator. The Town does not want multiple generators because of the noise, clutter, etc. At a previous public hearing Verizon had petitioned for a generator and the Town denied the request and advised that they would require that the owner of the tower come in with the request, therefore providing availability of the generator to all the co-locators. All co-locators should be able to use the same generator. The generator is a Generac Generator and it is the top of the line. The generator runs very quite, 65 decibels. At 23' away it would be like a car idling. The landowner doesn't object to the noise. The question was raised as to why he would be going with a diesel fuel generator instead of natural gas. Mr. Trost said the natural gas would not be available during the time of an emergency or disaster. They would be able to control their own fuel supply. The generator will be run for approximately 48 hours. The other carriers have battery back-up and they would run for 8 hours. The FCC requires that the back-up be for 8 hours.

Ms. Barrows asked Mr. Trost if there is a signed lease or agreement with Crown Castle and Verizon and other co-locators that discusses what happens in the future if another co-locator wants to be on this generator. There is now wiring going to the Verizon shelter, is there space available for wiring to go to the other co-locators if they need it?

Mr. Trost said they can add it up to a certain point. He said there was a lease executed between Verizon and Crown Castle, but he didn't have a copy of the lease with him. Ms. Barrows said the County and the Town would like to see that lease agreement. We want all the co-locators to have the opportunity to use the generator if they want to. The agreement with Crown Castle and the co-locators, as well as the Conditional Use Permit conditions of approval from the Town of Genesee should reflect that. Mr. Herrmann said that Mr. Macy did have language we used in previous requests that would not allow the owner to jack up the price for an additional co-locator to get on the generator. We will make sure it is included in the Conditional Use language. Mr.

Trost said if they have our language, they would insert it in their agreement as well. Mr. Trost said if they needed to lease more space for a larger generator that Mr. Taylor would be willing to lease him more area. This generator is 4' x 8'.

Mr. Engelking said if there are so many carriers that want to be on this generator and the generator has to be a lot larger and therefore noisier, we might be better off having two quieter generators. Any time a request comes in it would have to go through the Conditional Use process. If this could handle a second co-locators, if they are adding nothing but wiring. We could write it as such so they wouldn't have to come back.

Mr. Trost said the generator will be tested once a week. It runs about an hour and sends a signal to the operations center of Verizon or whoever has access to the generator will get the same reading. There is a tank underneath it, so if there is a rupture or anything the spillage would go to that tank. The generator has a 210 gal. tank.

Opened to the floor for comment:

Cathy Piala, S39 W27833 Genesee Road, Waukesha, WI. Mrs. Piala owns Piala's Nursery which is close to this tower. The property is zoned residential. There is a home right next to the property. She was concerned about the decibel level when the generator is being tested. Also she was concerned about any smells or odors from the diesel and also what safeguards are in place if there would be any spillage so it doesn't get into the ground. She said she objects to this proposal for the generator.

Martin Larson, 1229 Lombardi Way, Waukesha, WI. His concern was what time of the day would the generator be tested.

Gary Reichert, Genesee Depot thought it was a good idea to have the 48 hour window for standby power in case of an emergency.

No more comments from the floor, brought back to the table.

Mr. Trost again said there is a tank built around the generator and any spillage would go into that tank. The decibels would be 65 at 23' away. Ambient noise without generator running would be 40 to 62 decibels. If a car was running at 60 MPH it would be 70 decibels. Testing would be about one hour.

No more comments. Hearing closed at 7:30 PM.

**Discussion/Action-Conditional Use Permit Request for Crown Castle to add a generator the existing tower location at S40 W28027 Genesee Road.**

Motion by Mr. Houston to recommend to the County approval of the Conditional Use Request of Crown Castle to add a generator to the existing tower site at S40 W28027 Genesee Road subject to our Town Planner and our Town Attorney putting together conditions of approval. Motion seconded by Mr. Engelking.

Discussion on conditions to be included. Conditions to include, the time of testing to be at reasonable daytime hours. Approval for this specific generator and also the ability to add additional users on the generator by Site Plan and Plan of Operation.

Mr. Engelking felt the generator was relatively quiet and it wouldn't run very often. There are diesel tractors, etc., on the nursery and/or farm noises near by. Also noise comes from semi's on Hwy. 59

Motion carried unanimously.

**Discussion/Action-Request for Hobby Kennel Permit Ken and Karen Kremel, S27 W29197 Jarmon Road, for three (3) dogs.**

The Kremel's were present and explained they have two (2) dogs, but their daughter moved in and she has a dog. The request is for the three dogs. One dog is a German Shepherd and the other two (2) are Border Collie/Mix. The dogs are inside dogs. They are only out with a family member. They have electronic collars and are always attended. The maximum number of dogs they will have will be three (3).

Opened to the floor for comment.

Jeff Erisman, W291 S2749 Cambrian Ridge, Waukesha, WI 53188: Mr. Erisman said the dogs are well attended and they don't get out of the yard. He supports the Hobby Kennel for the three (3) dogs.

Motion by Mr. Engelking to approve the request of Ken & Karen Kremel for a maximum of three (3) dogs of any breed, subject to the Standard Hobby Kennel Conditions. Motion seconded by Mr. Houston. Motion carried unanimously.

**Discussion/Action-Amend Conditions of the Site Plan and Plan of Operation approval for Wisconsin Southern Railroad at Waukau Storage Yard regarding Commercial General Liability Insurance.**

Change the wording from Applicant to Applicant and owner/Applicant.

Mr. Herrmann explained that the Railroad doesn't get Commercial Liability Insurance, they get Commission Railroad Insurance. Mr. Herrmann said our insurance carrier reviewed everything

and he is fine with it. They submitted a new Certificate of Insurance because the first one didn't have us listed as additional insured. We talked to Waukau Storage and our attorney and everyone is fine with this.

Motion by Mr. Engelking to approve the amendment to the conditions regarding Commercial General Liability Insurance subject to Mr. Hermann's Memorandum dated 4-20-09. Motion seconded by Mr. Houston. Motion carried unanimously.

**Discussion/Action-approval of conditions of final approval for Conditional Use Request of James Crawford for Commercial Kennel at S43 W28760 Hwy. 59.**

Conditions as amended 4-27-09:

1. Subject to the applicant housing on the subject property no more than twenty (20) adult dogs and no more than two (2) litters of puppies at any one time. Any dog at least six (6) months of age shall constitute an adult dog. No breeding shall occur until all puppies from at least one (1) of the two (2) litters have been sold or removed from the property.
2. Subject to the applicant obtaining all appropriate licenses from the Town of Genesee Town Treasurer or his/her designee for all dogs prior to issuance of the Conditional Use Permit. In addition, all new dogs (when changes occur) shall be appropriately licensed at all times, prior to the dog(s) being housed on the subject property.
3. Subject to the applicant providing to the Town Treasurer or his/her designee, proof of all dogs having the required vaccinations prior to issuance of the Conditional Use Permit. In addition, any changes to the dogs shall require the owner to provide proof to the Town that the new dogs have been properly vaccinated, prior to the dog(s) being housed on the subject property.
4. Subject to the Town Plan Commission or its designee being granted by the applicant in writing, the right to inspect the premises at any reasonable time for any proper purpose related to the Commercial Kennel approval, and application for and receipt of a Commercial Kennel approval shall be deemed to so authorize the Town to inspect as described herein.
5. A detailed Site Plan/Plan of Operation, including but not limited to parking, lighting, storage, sanitary facilities and signage shall be submitted by the applicant to the Town of Genesee Plan Commission for review and approval, prior to the issuance of the Conditional Use Permit. The Plan Commission shall review and approve or deny the Plan of Operation. The Plan of Operation shall be approved by the Town Plan Commission for the Conditional Use Permit to move forward. An up-to-date Site Plan/Plan of Operation must be on file, at all times, with the Town of Genesee.

6. Humane Animal Officers shall have the right to make unannounced periodic inspections of the property. All inspections shall end with a report being submitted to the Town Clerk and Waukesha County Department of Parks and Land Use, Planning and Zoning Division staff. A copy of said report shall be submitted to Lakeland Investments, Inc.
7. A waste disposal plan shall be submitted to the Town Plan Commission for review and approval indicating how the animal waste will be removed from the property.
8. Subject to the Applicant satisfying all terms, conditions and requirements of the Town of Genesee Building Inspector, with regard to the building and the property, to insure compliance with all applicable laws, codes, statutes, ordinances, rules and other lawful authorities, prior to the issuance of any permits. The Applicant shall allow the Town of Genesee Building Inspector access to the property and building for the purpose of conducting such inspections.
9. Subject to the proposed building being used only for housing dogs and related equipment as part of a commercial kennel operation, unless the Town Plan Commission specifically authorizes another activity/use on the property, which may require the Applicants to apply for an amended conditional use permit.
10. Subject to the building plans being reviewed and approved by the North Prairie Fire Chief. Any concerns or issues raised by the Fire Chief shall be complied with. Any disputes with the Fire Chief shall be forwarded to the Town Plan Commission for resolution of the dispute.
11. All employees, except one full-time equivalent, shall be members of the family residing on the premises.
12. The Commercial Kennel shall be prohibited from the selling of products or accessories, unless specifically approved by the Town Plan Commission.
13. Subject to the Applicant submitting to and receiving approval from the Waukesha County Department of Parks and Land Use, Land Resources Division, a stormwater management plan, prior to the issuance of a Conditional Use Permit (if applicable). Documentation shall be submitted to the Town Clerk that Waukesha County has approved the stormwater management plan. Any conditions imposed by Waukesha County shall be adhered to. In addition, the Applicant shall file a copy of the final (approved) stormwater management plan with the Town Clerk (if applicable).

14. Subject to the Waukesha County Department of Parks and Land Use, Environmental Health Division reviewing and approving the existing septic system and well for the proposed use and the Applicant providing proof of the same to the Town Clerk, prior to the issuance of a Conditional Use Permit.
15. Subject to the Town Plan Commission and/or Waukesha County reserving the right to rescind its approval of the Commercial Kennel based upon the finding that the use is incompatible and a nuisance to surrounding uses, that the use is not in the public interest, that the use adversely affects the use of adjacent lands or the use is in violation of one (1) or more of these conditions, provided the applicant is given an opportunity to be heard on the matter, and if so rescinded the applicant shall immediately be subject to the Waukesha County Zoning Code requirements regarding the number of dogs on the property, as though there were no Commercial Kennel authorization granted.
16. Subject to the Commercial Kennel use being accessory to the principle use of the property.
17. Subject to all violations on the property being in compliance with all rules and regulations of the Town of Genesee and Waukesha County no later than June 22, 2009. This includes, but is not limited to, the removal of semi-trailers and the number of dogs.
18. Subject to this permit being strictly for Lakeland Investments, LLC, c/o James Crawford, P.O. Box 512, North Prairie, Wisconsin.
19. Subject to the owner(s) approving in writing the issuance of this Conditional Use Permit and the owner(s) acknowledging in writing that they have received a copy of this Conditional Use Permit, that they understand and accept the same, and that upon failure to satisfy the conditions precedent the issuance of the Conditional Use Permit, this approval is void and in the same is deemed to not have been approved, and the petitioner will therefore need to re-commence the application process.
20. Documentation shall be submitted to the Town Planner that all required local, county, state and federal licenses and permits have been obtained.
21. All activities on the subject property herein may not in anyway become a nuisance by reason of appearance, noise, dust, smoke, illumination, odor or any other similar factor.
22. Subject to the Applicants submitting to and receiving approval from the Town Plan Commission and Waukesha County Department of Parks and Land Use a detailed Site

Plan/Plan of Operation, including but not limited to, parking, lighting, storage, sanitary facilities, and signage, prior to the issuance of the conditional use permit.

23. The Conditional Use Permit shall automatically expire and terminate on the sale of the property or transfer of the property to another owner.
24. Subject to the Applicants recording a Declaration of Restrictions indicating a Conditional Use exists on the property and all conditions that shall be followed as part of the operation. Said Declaration shall be submitted to and subject to the approval of the Town Planner, Town Attorney and Waukesha County prior to recordation. The Declaration of Restrictions shall be recorded prior to the issuance of the Conditional Use Permit.
25. The Conditional Use Permit shall be subject to the submittal of a monthly report beginning June 1, 2009 and continuing each month thereafter, until the Town of Genesee Plan Commission determines said monthly review is no longer necessary. In the event that the use of the property is not in substantial compliance with all terms of this conditional use or the conditions of the neighborhood changes, then, in that event, the Plan Commission for the Town of Genesee and the Waukesha County Department of Parks and Land Use staff may add additional conditions or modify the conditions stated herein, in order to obtain compliance with said conditions stated herein. If said property remains in non-compliance for a substantial period of time, as determined by the Town Plan Commission, then the Town may proceed with termination of the Conditional Use as set forth in the Waukesha County Zoning Code.
26. The following standard conditions shall also apply:
  - A. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Plan Commission for determination.
  - B. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the municipal governing body, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Town ordinance or other law.

- C. This conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission as being in compliance with all pertinent ordinances.
- D. Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the Applicant be delinquent in payment of any monies due and owing to municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Plan Commission, pursuant to the enforcement provisions of this Conditional Use Order.
- E. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.
- F. Unless this conditional use permit expressly states otherwise, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Plan Commission feels, in its sole discretion, to be substantial shall require a new permit, and all procedures in place at the time must be followed.
- G. Should any paragraph or phrase of this conditional use permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
- H. If any aspect of this conditional use permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Town Plan Commission.

27. Petitioner shall, on demand, reimburse the Town of Genesee for all costs and expenses of any type that the Town incurs in connection with this conditional use permit, including the cost of professional services incurred by the Town of Genesee (including engineering, legal, planning and other consulting fees) and for the review and preparation of the conditional use permit or attendance at meetings or related professional services for this application, as well as for any actions that the Town of Genesee is required to take to enforce the conditions in

this conditional use permit due to a violation of these conditions. All fees due and owing at the time shall be paid prior to the issuance of the conditional use permit, and such fees coming due following the issuance of the conditional use permit shall be paid within thirty (30) days of billing.

28. Payment of Charges. Any unpaid bills owed to the Town by the Subject Property Owner or its tenants, operators or occupants, 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 owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Town, 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 Town, including possible cause for termination of the conditional approval.

If you have any questions regarding the above denial, please feel free to contact me directly.

Sincerely,

Jeffrey C. Herrmann, AICP  
Town Administrator/Planner

Mr. Herrmann stated, regarding condition #7 on page 2 of his Memorandum dated 4-20-09, regarding the waste disposal plan, he thinks the Plan Commission has to decide whether they want the petitioner to scoop it and dispose of it, or do we want to have it washed down the drain to the holding tank. The Planner did say that the petitioner needs to supply the Plan Commission with a disposal plan. We need to address the issue tonight so that we are all clear.

Mrs. Leair asked the Plan Commission if they had any questions. Mr. Schmittinger asked if we questioned the storage of the food. He thought we should make sure that rodents are going to be getting to the food.

Mr. Crawford brought the conversation to #9 which states, "Subject to the proposed building being used only for housing dogs as part of the commercial kennel operation, etc. He would like the wording changed to dogs and supplies for keeping them. In their plan they have a separate room built for storing the food and it would be in sealed containers, so that would solve any rodent problems. The wording could read housing of the dogs and related equipment. This would be in a separate building which they are going to build for this purpose. Mr. Crawford passed out a drawing showing the layout of the building. It is approximately 90' from the house.

Each kennel will have a raised floor, 2' x 4' high with a vapor barrier and insulated and will either have OSB or flooring material and then covered with a vinyl flooring.

Mr. Crawford said the questions of how we are going to clean up the buildings, etc., all the dogs are housebroken, all the dogs go outside, other than the occasional accident. The dogs go out three times a day at least. Mrs. Crawford said the dogs are currently kept in a room similar to the size of this building and they don't have a drain or have any use for a drain. Mr. Crawford said the waste can be picked up outside and put in a dumpster. The mother takes care of the waste of the puppies up to six weeks. The question was asked how long the puppies are kept, and Mr. Crawford said they keep them for eight (8) weeks, eight (8) to ten (10) weeks they stay with the mother. The isolation rooms have floor to ceiling plastic as far as dividing rooms off. It is impervious to water and seals to the floor so if there is any spillage, it doesn't leak into a dry wall or anything else.

Mr. Schmittinger asked the question if the size of the kennels conforms with any standards as the size of the kennels seem to be rather small? Mr. Crawford said the dogs are only 5 to 10 lbs. They are Shih Tzu's. The size was based on the recommendation of the Humane Officer. Mr. Schmittinger asked if the dogs shed and Mrs. Crawford said they don't shed at all. They have a friend looking for a used air conditioning unit for them for the future. Right now there are six (6) windows and two (2) screen doors. They have some window air conditioners they can use or they can hook up air conditioning to the furnace. The building will be insulated.

Mr. Houston brought up the fact that the petitioner is still on the pending violations list and how and when will this be taken care of. Mr. Crawford said the violations are the two trailers. They did apply for the CU and it was denied, so they need to remove the 2 trailers. Mr. Crawford said arrangements have been made to do that. Mr. Crawford said it will be done by May 1, 2009. Mr. Herrmann said we could have it as a condition that all pending violations be cleared before the C.U. permit is issued.

Mr. Crawford questioned condition #1, "Subject to applicant obtaining all appropriate licenses for all dogs prior to issuance of the Conditional Use Permit" and also condition #2, "prior to the dogs". My situation is if we have a puppy there and it can't be licensed until it is 5 months, so technically it is not prior to. Mr. Herrmann said they are allowed until they are six (6) months old, then they have to be licensed at that point. Mrs. Crawford said, if somebody returned a dog to them they wanted five (5) business days to go and get a license. Mr. Crawford said, we do have a contract that says if you can't keep a dog for any reason, we will take it back. Somebody did take them up on that and returned the dog.

Mrs. Leair said this would give you the flexibility to come down and get the dog licensed.

Mr. Crawford said he was confused on condition #5 stating "A detailed Site plan and Plan of Operation shall be submitted by the applicant". He said he understands that the Conditional Use

for a Commercial Kennel is set up like a business, the hours etc., he is looking for clarification from the Plan Commission because this is housing their own dogs and occasionally someone coming to see them. There are no signs on the property and no business hours, it is by appointment.

Mr. Sullivan asked this is a business right, you are operating as a business? Mr. Crawford in a sense. Mrs. Crawford said they own the dogs and a number of them are for show, to take to dog shows. It is not run like a business. He will do a plan based on a business. Mr. Engelking said it doesn't have to be much more than what we talked about. List on there that there won't be any business hours, how many employees, no signage, etc.

Condition #17, should be changed to Lakeland Investments, LLC, c/o James Crawford.

Condition #23 "Declaration of Restrictions stating a Conditional Use exists on the property, etc.," Mr. Crawford said if he wasn't mistaken, it would also be considered a deed restriction and he understands that a deed restriction stays with the property until it is released. Mr. Herrmann said it puts everybody on alert that there is a Commercial Kennel operated out of that building. Mr. Crawford said the deed restriction runs with the land, but technically it does not run with the land, because on #22, the sale of the property, the permit is terminated. Mr. Herrmann, otherwise you sell that property the next guy comes in and runs a business out of that building, because it is air conditioned and has a furnace in there, they have no idea that they have to come to the Plan Commission meeting to get it approved. We see this all the time. It is a standard condition that we put on all Conditional Use Permits.

Mr. Crawford said in his previous conversations we were going to allow 20 dogs and 5 within the residence and he doesn't see anything in the conditions regarding that. Also, at that time when we got it down to 20 we didn't foresee someone bringing a dog back or his daughter going on vacation and dropping her dog off. Would it be appropriate to ask that the number be increased to 25, that is the number that was recommended by the Humane Officer. There would be twenty (20) in the kennel building, that is what it is designed for and five (5) to be kept in the home. He said they are planning on having twenty (20) dogs, but would like the cushion if any dogs are returned or if his daughter or son bring their dogs there while they are on vacation. Mr. Herrmann said Mr. Crawford could have fifteen (15) and have five (5) as a buffer. Mr. Crawford said he doesn't want an inspector to come and he has his daughter's dog there. Mr. Herrmann said if you have twenty-five dogs on your property and one is returned, you are still out of compliance. Mrs. Leair said she would be opposed to having more than 20 dogs on the property. She felt they were going to be crowded in the kennels as is. (Kennels are 2 ½ x 4' with two dogs in each kennel.) Mr. Crawford said the Humane Officer was fine with that size. He said he could move some stuff around and make them a little larger. Mr. Herrmann said the Plan Commission has the option to give him twenty (20) dogs now and he could apply to amend the CU two years down the road if everything goes well and we don't have any complaints to

increase the number of dogs. Mr. Crawford said he would like to have a cushion built in so he doesn't lose because I have one dog there when you get home that I didn't have. He said they have one dog that was suppose to go home last month, now she is not going home until this week. Mrs. Crawford said the owner is in assisted living and they require the lady live there a month before she can bring the dog. Mr. Crawford said they want to be prepared for those unforeseen situations. He said if it could be a limit with some time frame on with an extra or something, he would be fine with that. The biggest Shih Tzu litter is five (5), the average is three (3) or four (4).

Mr. Sullivan asked how many adult dogs they currently have. Mrs. Crawford said they now were over the limit because they have twenty-nine (29) in the home. She said that includes the dog from the woman who is now in assisted living the one that just got returned. She said they are clean dogs and there is not a lot of odor associated with them. Mr. Crawford was asked when they were going to start building the building for the dogs. He said as soon as this is approved they plan on moving on it right away. It depends on the weather too. They do have contractors lined up for the concrete.

Mr. Houston said he agreed with Mr. Herrmann that they should keep fifteen (15) and have a five (5) buffer. Mr. Girman said we have to stick with that number based on precedent. Mr. Engelking said, to be fair, should there be a time limit to get them into compliance, because once we approve these conditions, they are out of compliance? Mr. Crawford said he has a date of June 1, 2009 for his monthly report on how many dogs he has, etc., we could look for a compliance date within that time frame maybe. Mr. Engelking asked what would be a reasonable time for him to get in compliance, because they are not in compliance at this time with twenty-nine (29) dogs. Mr. Crawford said the turnaround isn't as fast as it usually is. They are working on re-homing the dogs now and they are very picky on where the dogs go, they've had good success. They have three or four are waiting to go.

Mr. Schmittinger asked on a monthly basis, how many dogs are you going to process through, say you have a litter of five dogs, how long is it going to take you to find five homes for those dogs?

Mrs. Crawford said when they are puppies, a lot of them are sold before they are ready to go home. Adults is another situation, where we have a number of adults and we are reducing the number and placing them in the homes where people don't want to go through the house training of a puppy, they want an adult dog that isn't running around. That is a separate process. Once we get rid of these adult dogs it is very small amount if I retire one in six months or a year later, then I am placing one adult dog. We are placing them now to reduce the number of adult dogs. Mr. Schmittinger asked how many in a month? Mrs. Crawford said she placed two adult dogs last week, so probably four to six a month. Mr. Schmittinger said then it is going to take you at

least two months, with no increase in adult dogs, to get down to 20. Mrs. Crawford said it could. Mr. Crawford said if we can have until July 1, 2009, again, I want to be in compliance.

Mrs. Leair asked how many dogs have you increased since we had the first meeting on this besides the one you just got back? Both Mr. Crawford and Mrs. Crawford said they didn't increase at all. The number probably dropped.

Mr. Herrmann said we could give them an extra 30 to 60 days to get in compliance. The petitioner agreed to have a report at the June 22, 2009 Plan Commission meeting and also that will be the date to be in compliance by reducing the dogs to 20. The petitioner will also have to come back with a Site Plan and Plan of Operation and also come back with a waste disposal plan for review and approval indicating how the animal waste will be removed from the property.

Motion by Mr. Engelking to approve the conditions of final approval for the Conditional Use request of James Crawford for a Commercial Kennel subject to the Town Planners Memorandum of 4-20-09 as amended tonight. Motion seconded by Mr. Houston, Motion carried unanimously. (Amendments of the conditions includes limit of 20 dogs total, including the dogs in the house,; compliance to get dogs down to 20 by June 22, 2009.)

**Discussion/Action-Amend Site Plan and Plan of Operation for Wolf Paving, 612 Sawyer Road, to allow pool storage on property.**

This item was removed from the agenda because the petitioner will have to amend his Conditional Use Permit to allow for pool storage.

**Discussion/Action-Site Plan and Plan of Operation The Genesee Depot Café S42 W31238 Hwy. 83, Genesee Depot, Jason and Tina Heinonen**

Mrs. Heinonen said they would pretty much be running the operation the same as the previous owner. They will have breakfast and lunch and eventually would like to have a fish fry on Friday nights. She said they would also like to have beer and wine and they would like to use the outside deck for dining, about 15 people can sit out on the deck. She said they would like to use the deck for Friday night fish fries so they ten will need some kind of lighting out there. They are also requesting an A-frame sign between the deck and the road and a banner (temporary banner two months or less) promoting new ownership and when they are open. Hours would be Tuesday through Saturday 6:00 AM to 2:00 PM, Sunday 6:00 AM to 1:00 PM. Friday hours for Friday fish fry would be 6:00 AM to 10:00 P.M. (Closed Monday's.)

Mr. Herrmann said the petitioner would have to get the beer and wine license from the Town Board. Also, when the deck was built it was to be for aesthetic reasons and not for outdoor dining. There are residential properties across the street and next door and we should try to restrict the amount of noise. There is a door from the restaurant onto the deck. Formerly there

was a table in front of the door so the door wasn't being used. The deck is 6' wide. They would have one or two four person tables and a few two person tables on the deck, 15 people tops. The Plan Commissioners didn't have a problem with the deck being used for dining and agreed to give it a try and if it became a nuisance, we could take away the outdoor dining. Mr. Schmittinger brought up the fact that there cannot be any alcohol outside. The Town does not allow the Lions Club to carry any alcohol outside on the sidewalk. This would be a decision of the Town Board.

Mr. Herrmann's Report and Recommendation dated April 23, 2009:

**TOWN OF GENESEE PLAN COMMISSION**  
**PLANNER'S REPORT & RECOMMENDATION**

**SITE PLAN/PLAN OF OPERATION**

**NAME:** Genesee Depot Café

**DATE:** April 23, 2009

**TAX KEY NUMBER:** GNT 1521.972.001

**PETITIONER:** Jason & Tina Heinonen  
1741 Erin Lane  
Waukesha, WI 53188

**OWNER:** Gary Reichert  
W359 S2521 Hunter Lake Road  
Dousman, WI 53118

**LOCATION OF PROPERTY:** Part of the NE 1/4 of Section 21, T6N, R18E, Town of Genesee. More specifically, the property is located at S42 W31238 S.T.H. 83.

**ZONING CLASSIFICATION:** B-2 Local Business District.

**PRESENT LAND USE:** Currently the property contains various commercial establishments including a strip mall. The existing building is currently occupied by the Genesee Depot Café and operated by Mary Matsuzewski.

**REQUESTED USES:**

The petitioner's are proposing to take over ownership of the business operation known as the "Genesee Depot Café" from the current owner Mary Matsuzewski. Gary Reichert will continue to own the building and grounds. The business will be very similar to the existing operation and will utilize the approximately 900 square foot building for the operation of a restaurant serving only breakfast, lunch, and Friday night fish fry. The petitioner has not provided an interior layout of the proposed operation, but given the size of the building changing the interior may be extremely difficult and costly. Previously, the business had an oven, griddle, two (2) burners, a fryer, refrigerators, freezers, soda and coffee machines and freezers/storage in the basement. The petitioner did not submit a detailed menu of items to be served. The former operation did not serve alcoholic beverages; however, the new operator intends to sell beer and wine, but not liquor. If alcohol is proposed, the operator will need to obtain a liquor license from the Town of Genesee Town Board. A restaurant license will also be required from Waukesha County for this operator. The petitioner's have indicated that they would like to utilize the outside deck for outdoor dining. They would add 4 – 6 tables with seating for up to 20 people. Deck lighting would be added for the Friday night fish fry. Lights would be added to the building and along the deck railing. However, the location and number of lights has not been provided with the application. It is important to note that when the deck was added to the building, the owner of the property indicated that it was for aesthetic purposes only.

The window in front of the building is a “dummy window” and there is no access to the deck from this side of the building. All access would require people to walk around the building.

The operation will employ two (2) full-time employees and five (5) part time employees. The hours of operation will be Sunday from 6:00 a.m. to 1:00 p.m., Tuesday through Saturday from 6:00 a.m. to 2:00 p.m., Friday from 6:00 a.m. to 10:00 p.m. The business will be closed on Mondays. The entire site currently accommodates 52 marked parking stalls. Based on the uses on the property, the Waukesha County Zoning Code requires approximately 67 parking stalls. On November 6, 1985, the Waukesha County Board of Adjustment approved a Variance, permitting a substandard amount of parking spaces on the property. Furthermore, there is sufficient area suitable for parking an additional 24 vehicles on-site located perpendicular to the adjoining railroad right-of-way. The petitioner is proposing to add a six (6) foot high A-frame sign (large sandwich board sign) on the grass between the deck and the road. A 7 ft. x 3 ft. banner sign is proposed for the front of the building facing S.T.H. 83. The sign will be hung from the deck stating the new ownership w/café hours. The banner will be erected for approximately two (2) months or less. All existing signage will remain on the property. The property is served by a holding tank and has private refuse collection. The Environmental Health Division must certify that the existing holding tank is adequate for the proposed use.

**PLANNER’S RECOMMENDATION:**

Based upon the above information the Town Planner recommends the Town of Genesee Plan Commission **approve** this request subject to the following conditions:

1. Documentation shall be submitted to the Town Planner that Waukesha County Park and Planning Commission has approved the Site Plan and Plan of Operation. Any and all conditions established by Waukesha County shall be adhered to.
2. Documentation shall be submitted to the Town Planner, that the Environmental Health Division has approved the existing on-site waste disposal system for the proposed restaurant, prior to the issuance of any permits.
3. Documentation shall be submitted to the Town Planner, that the Environmental Health Division has issued a Restaurant License for the proposed operation, prior to the issuance of an Occupancy Permit.

4. The Town of Genesee Building Inspector shall inspect the entire building to determine compliance with all applicable building codes. All compliance violations shall be corrected to the Building Inspector's satisfaction, prior to the issuance of a Plan of Operation/Use Permit.
5. The Wales/Genesee Fire Chief shall inspect the premises to ensure all applicable fire codes are complied with and that a Knox Box has been installed in conformance with the Town of Genesee Knox Box Ordinance.
6. A detailed sign rendering, colors and location of any and all proposed signs shall be reviewed and approved by the Town Planner, prior to the issuance of a building permit for said sign(s).
7. The deck is for aesthetic purposes only and shall not be used for outside dining, commiserating, or any other use.
8. Documentation shall be submitted to the Town Planner that the Town of Genesee Town Board has issued a Liquor License for the proposed operation, prior to the sale of any alcoholic beverages. If the operator intends to sell alcohol.
9. An up to date Plan of Operation must be on file, at all times, with the Town of Genesee plan Commission and Waukesha County.
10. The Town reserves the right to review any condition imposed as part of this Plan of Operation if said use becomes a problem in the area. The Town Plan Commission may modify, change, delete, add, etc. any conditions which they feel may be reasonable in order to allow this use and insure it does not become detrimental to the surrounding area.
11. Documentation shall be submitted to the Town Planner that all required local, county, state and federal licenses and permits have been obtained.
12. The applicant shall allow the premises to be available for inspection by the Town of Genesee officials at any reasonable time and upon reasonable notice.
13. All activities on the subject property herein may not in anyway become a nuisance by reason of appearance, noise, dust, smoke, illumination, odor or any other similar factor.

14. Professional fees. Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this Plan of Operation, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
  
15. Payment of Charges. Any unpaid bills owed to the Town by the subject Property Owner or his or her tenants, operators or occupants, 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 owed to the Town; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Town, 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 Town, including possible cause for termination of the conditional approval.

Respectfully submitted,

Jeffery C.Herrmann, AICP

Town Administrator/Planner

Motion by Mr. Engelking to approve the Site Plan and Plan of Operation for the Genesee Depot Café, subject to the Report and Recommendation of our Town Planner date April 23, 2009 with the amendment this evening to condition #7, striking, “The deck is for aesthetic purposes only and shall not be used for outside dining, commiserating, or any other use”., and adding condition #7, stating a lighting plan for use with the deck shall be approved by the Town Planner. Motion seconded by Mr. Houston. Motion carried unanimously.

### **Discussion/Action-Genesee Aggregate Corporation Annual Report**

Mrs. Elaine Kraut was present and explained that last spring the rains affected business, there was so much sand and water on the property that they couldn't produce any material for a month and a half. Then the market dropped off because none of their contractors could get anything done. She said that throws them off. Their memorandum of understanding that goes way back they had a paragraph in there about the factors that could change the overall length of the time of the mining. She said it might end up even or it could vary a little bit. This is a classic example of how it could cause some time variations on the production.

Mrs. Kraut said they did a lot of cleaning up on the east side of Grush Road. A lot of the old equipment has been removed and there only a few small pieces left. Under “B” on page 3 of the

Annual Report for 2009, there is a slight variation of the phases. We divided each mining area into phases and the phase has some stages. Because the bank at the Kipp property is not very deep, and because we need different equipment to mine under the water table that we don't have, they are going to go back to the Genesee Woods. Also, Grush Road is deteriorating. They could repair it or the Town could do it and they will pay for it. They should let the Town know when they are going to do it.

The Annual Report for 2009 will be placed on file.

**Discussion/Action-CSM-Birgit Koller, S31 W33652 Hwy. G**

Mr. Tom Bernklau and Ms. Koller were present. The petitioner is proposing a two lot certified survey map. The property is approximately 56.73 acres. Access to C.T.H. "G" will have to be approved by Waukesha County DPW. The development complies with the one (1) unit per five (5) acre requirement. The Town promotes the cluster-type developments. The concept plan for the entire property was ten lots. The property could be in Shoreland jurisdiction so the petitioner should request the DNR to review it as soon as possible.

Mr. Herrmann's Report and Recommendation dated April 20, 2009:

**TOWN OF GENESEE PLAN COMMISSION & TOWN BOARD  
PLANNER'S REPORT AND RECOMMENDATION  
CERTIFIED SURVEY MAP**

<b><u>PROJECT NAME:</u></b>	<b>Koller CSM</b>
<b><u>DATE:</u></b>	April 20, 2009
<b><u>OWNER:</u></b>	Birgit Koller c/o Joseph Niebler P.O. Box 444 Menomonee Falls, WI 53052
<b><u>TAX KEY NO.:</u></b>	GNT 1467.993.001

GNT 1510.999

**LOCATION:** Being a part of the SW ¼ of Section 7 and part of the NW ¼ of Section 18, Town of Genesee, on the north side of C.T.H. G, comprising approximately 56.73 acres of land.

**ZONING CLASSIFICATION:** A-2 Rural Home District.

**LOT SIZE:** Approximately 56.73 acres.

**REQUESTED USES:** A two (2) Lot Certified Survey Map (CSM).

**COMPLIANCE WITH TOWN OF GENESEE COMPREHENSIVE LAND USE PLAN 2035:**

The Comprehensive Land Use Plan 2035 for the Town of Genesee identifies this property in the 5-Acre Residential category (Density equal to 5.0 acres of lot area per dwelling unit) and the Primary Environmental Corridor (PEC) category. The proposed development complies with the one (1) unit per five (5) acre requirement. It should be noted that future development of the property should consider a cluster and/or Planned Unit Development design. The Town of Genesee promotes cluster developments provided certain guidelines are followed. The Proposed Land Use Plan 2035 for the Town of Genesee seeks to preserve and protect primary environmental corridors to the greatest extent possible. The petitioner should look at other designs to preserve the corridor while developing the areas located outside the PEC.

**STAFF ANALYSIS:**

In February 2009, the Town of Genesee Plan Commission reviewed a conceptual land division for Birgit Koller, c/o Joseph Niebler, N14 W23833 Stone Ridge Drive, Suite 350, Waukesha, Wisconsin. The property is located in the SW ¼ of Section 7 and part of the NW ¼ of Section 18, Town of Genesee, on the north side of C.T.H. G, comprising approximately 56.73 acres of land. The property has approximately 1,420 lineal feet of frontage on C.T.H. G. The petitioner submitted a detailed concept plan for the entire property. The concept plan contained a total of ten (10) lots (including the proposed lot) and no outlots. All proposed lots exceeded 4.00 acres

in size. The lots will be located on a newly constructed Town Road, which will connect Olde Oak Pass (to the west) to C.T.H. G. Access to C.T.H. G will need to be reviewed and approved by Waukesha County Department of Public Works. The Town Plan Commission stated some concerns on the future development of the property that should be addressed prior to submitting a Certified Survey Map for review and approval. Creating a lot at this location without taking into consideration the rest of the property may have detrimental effects to any future land divisions. The petitioners have submitted the CSM without making any changes to the final development of the property.

This submittal is a Certified Survey Map (CSM), which gives the Town Plan Commission 45 days and the Town Board 60 days to take action. The CSM was filed with the Town of Genesee on April 6, 2009, giving the Town Plan Commission until May 21, 2009 and the Town Board until June 5, 2009, unless the Developer grants an extension in writing.

In performing a detailed review of the Certified Survey Map for Birgit Koller dated March 26, 2009,

I have found the following items must be added to the map or waived by the Plan Commission and Town Board in order to comply with the Town's Land Division Ordinance:

Section 2.06                      Any lot, regardless of size, in which a portion of the lot contains Primary Environmental Corridor (PEC) as identified by SEWRPC, shall preserve all areas with slopes in excess of 12 percent in open space uses. Both lots contain PEC, but no reference is made to preserving those areas. On Sheet 2 of 8, slopes greater than 12 percent are shown. Those areas need to be preserved in open space uses and so referenced as a note on the face of the CSM. It appears that Lot 1 contains a substantial amount of area exceeding 12 percent slopes. According to Section 2.06 (E) of the Town of Genesee Land Division and Development Ordinance, each lot shall have fifty (50) percent of its minimum required lot area or 20,000 square feet, whichever is less, in slopes equal to or less than 12 percent and each lot shall have a minimum of 10,000 contiguous square feet within the building envelope of the lot in slopes equal to or less than 12 percent. This has not been demonstrated on the CSM.

Section 4.01                      A map scale not to exceed 1 inch equals 100 feet. The Applicant should apply for a variance from this section of the Ordinance.

Section 4.02 (M)                      The existing Zoning on the property shall be shown on the CSM.

Section 4.02 (Q)                      Soil tests shall be conducted on proposed Lot 2, to ensure the lot is able to accommodate an adequate on-site waste disposal system. A location map showing the location of the soil borings along with testing data shall be submitted to the Town Clerk. Both lots shall contain an adequate area for a private onsite waste disposal system on the individual lot itself. No septic systems shall be allowed by easement onto another lot or on the Outlot.

Section 5.02 (E)                      All utility and/or drainage easements shall be shown on the final CSM.

- Section 6.06                    Duplicate CSM to be Filed: An identical reproducible copy (on stable drafting film at least 4 mils thick) along with the recording data shall be placed on file with the Town Clerk.
- Section 6.07                    The Town Clerk or his/her designee shall place upon a copy of the map on each lot shown on said map the correct legal address numbers assigned to that lot in conformity with the grid system in effect in Waukesha County. All costs associated with this shall be paid for by the developer.
- Section 7.02 (A)                A planting strip at least 30 feet in depth shall be provided adjacent to S.T.H. 83. This strip shall be a part of the CSM lot, but shall have the following restriction lettered on the face of the CSM: “This strip reserved for the planting of trees and shrubs, the building of structures hereon is prohibited.”

**PLANNER’S RECOMMENDATION:**

Based on the above information, the Town Planner advises the Town Plan Commission to recommend to the Town Board to **approve** the CSM subject to the aforementioned conditions being satisfied prior to Town signing the final CSM and subject to the following:

1. Subject to the petitioner satisfying all comments, conditions and concerns of the Town Engineer and all reviewing, objecting and approving bodies, including but not limited to the State of Wisconsin Department of Commerce per ch. Comm. 85, Wisconsin Administrative Code; State of Wisconsin Department of Administration per ch. 236, Wisconsin Statutes; and the Village of Wales (if applicable) in regard to the CSM, prior to the Town signing the final CSM.
2. During review of the Concept Plan, the Town Planner and Town Plan Commission recommended that the petitioner present an overall development plan for a cluster type development. A revised concept plan was never submitted. In addition, No storm water management facilities were shown on the concept plan. The petitioner’s engineer should review the Waukesha County’s Stormwater Ordinance. The Town requires all stormwater facilities to be shown on outlots. Waukesha County will need to review the proposed stormwater management facilities when the proposed concept plan is implemented. This may result in the reduction of the number of lots or the reconfiguration of the proposed lots. Although the proposed land division may comply with overall intent of the Town of Genesee Land Division and Development Ordinance, a revised concept plan should be prepared to show how a cluster development may look and insure proposed Lot 1 will not have any negative impacts on proposed future land divisions.

3. Most of the property is considered PEC. Only the central portion of the property is not designated as PEC. The property also contains some wetland areas. Those wetland areas shall also be identified in the field, surveyed and a written report sent to the Wisconsin Department of Natural Resources (DNR). The DNR will need review and approve the location of the wetlands. The Primary Environmental Corridor delineation will need to be submitted to the Southeastern Wisconsin Regional Planning Commission (SEWRPC) for review and approval. In addition, on Page 6 of 8 of the CSM, Conservancy/Wetland/Primary Environmental Corridor Restrictions are stated. These restrictions refer to “approved building envelopes”, however there are no building envelopes shown on the CSM. Building envelopes shall be show on the final CSM.
4. Waukesha County Department of Public Works will need to review the proposed location of the driveway and/or future new Town road. In addition, the adjacent neighbor to the east should be contacted regarding a new public road being located along the existing property line. The petitioner should address the location of all existing and proposed driveways for each proposed lot. If Lot 1 is sold and an access arrangement is not agreed to, Lot 2 may be restricted from developing the remainder of the parcel in the future. The Town Attorney shall review the proposed language shown on sheet 1 of 8 regarding the owner of Lot 1 relocating his access onto the new road when said road is constructed in the future.
5. The existing structures on proposed Lot 2 will need to be removed prior to the Town signing the final CSM or a Developer’s Agreement and Letter of Credit will need to be submitted for the removal of the accessory buildings on Lot 2. This Language shall be reviewed and approved by the Town Planner and Town Attorney prior to the Town signing the final CSM.
6. All existing and proposed easements shall be shown.
7. The location of the existing septic system and private well shall be shown on the final CSM.
8. The Village of Wales **may** have Extraterritorial Jurisdiction. If they do, the Village of Wales may need to review and approve the final CSM. Written documentation regarding the same shall be forwarded to the Town Clerk.
9. Subject to the Town Planner verifying all conditions of approval have been complied with prior to the Town Officials signing the final CSM.
10. Subject to, **prior to the Town signing the final CSM**, all other required signatures must be inscribed on the final CSM.
11. Subject to the petitioner satisfying all of the aforementioned conditions within one year of the Town Board granting conditional final CSM approval.
12. A note shall be placed on the face of the final CSM stating, no lot or outlot shall be further divided absent the express written approval of the Town Board of the Town of

Genesee. No new lots or outlots shall be created absent the express written approval of the Town Board of the Town of Genesee. No lot line or outlot line shall be adjusted or reconfigured in any way absent the express written approval of the Town Board of the Town of Genesee or unless otherwise expressly authorized by law.

13. Any and all waivers reviewed and approved by the Town Plan Commission and Town Board shall be noted on the final plat. The Town Planner shall approve the language of the note.
14. Professional fees. Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this development, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
15. Payment of Charges. Any unpaid bills owed to the Town by the subject property owner or his or her tenants, operators or occupants, 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 owed to the Town; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Town, 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 Town, including possible cause for termination of the conditional approval.

Respectfully submitted

Jeffrey C. Herrmann, AICP

Town Administrator/Planner

Ms. Koller gave the Plan Commission an extension to act on the CSM until July 28, 2009 and to the Town Board until August 11, 2009.

**Discussion/Action-Date for May, 2009 Plan Commission meeting.**

The date of the May Plan Commission meeting will be May 27, 2009.

**Approval of Minutes from the regular Plan Commission meeting of March 23, 2009.**

Minutes were not available, bring it back to the May 27, 2009 agenda.

**Review of Pending – Everyone copied.**

**Correspondence – Everyone copied.**

Motion by Mr. Engelking to adjourn. Motion seconded by Mr. Girman. Motion carried unanimously. Meeting adjourned at 9:00 PM.

Respectfully submitted,

Elizabeth Friedlein

Deputy Clerk/Designated Representative

