

TOWN OF GENESEE PLAN COMMISSION MINUTES
April 26, 2010

Present: Engelking, Girman, Houston, Lightfoot, Turzynski, Reid

Also Present: Leair, Herrmann, Friedlein and Sheri Leiffing from Waukesha
Parks and Land Use

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

Joint Public Hearing between the Town of Genesee Plan Commission and a Staff Representative from Waukesha County Parks and Land Use to consider the Conditional use Request (SCU-1068A) of James Kasulke, James W. Kasulke Survivors Trust, W288 S5161 Rockwood Trail, Waukesha, WI 53189 to amend conditions of the existing Conditional Use Permit, which allows for an in-law suite to remain as-is, whereas the current Conditional use permit required its termination and removal under certain conditions.

Ms. Leiffing said the permit was issued in 1996. Condition #1 required that the permit automatically terminate without further action of the Plan Commission upon the death of the applicants' in-laws or sale of the property by James Kasulke or their estates. The other condition that comes into play is condition #8 which requires that upon termination of the CU, the wall separating the principal residence and the accessory apartment must be immediately removed upon termination of the conditional use.

Mr. Kasulke said the in-laws are no longer with us so the in-law unit is vacant. However, Mr. Kasulke wishes to retain the use. Even though no one is utilizing that area, he doesn't want to take the time and expense in converting that back to part of the main residence. The in-law unit is approximately 750 sq. ft. and the remainder of the house is 2800 sq. ft. Mr. Kasulke is the only one that occupies the house at this time.

Mr. Kasulke said he doesn't want to have the expense of removing the wall or the door and also he does not want to have to heat that apartment area because of the expense. He said he doesn't plan on doing anything with that apartment, but just leaving it the way it is. The wall that is required to be removed is 5' 2". He said if the wall would come down, it would disrupt the closet too.

Ms. Leiffing said the reason this condition was put on is because that is what the Kasulke's were proposing at that time. Their plan was to make a great room out of this after the passing of the in-laws. Things have changed, his wife and in-laws passed away close to one another. She said after talking to the County staff, they think this doesn't seem like a standard condition. This type of CU shouldn't be specific to a specific owner necessarily unless there were extenuating circumstances. She said they would still recommend and still require the deed and the other standard deed restriction that says that the in-law unit cannot be rented out and it has to be occupied by a blood relative. That is a standard condition that they place on an in-law unit. Ms. Leiffing sent around pictures of the accessory apartment.

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

Ms. Leiffing said there are standard deed restrictions which are filed with an in-law unit, but this deed restriction was different than the standard. She read the language which is from the ordinance. "Declaration of restrictions stating that the residence must be used as a single family residence with the in-law unit occupied only by person or persons related by blood or marriage to the family occupying the principal unit and that the Conditional Use is not transferable without formal approval of the County Zoning Agency without necessity of a public hearing and that the unit will be used as intended. " It must be filed with the Waukesha County Register of Deeds. "The in-law unit shall not be rented or leased whether it be for long or short term or any other manner. It shall not be sold separately from the main portion of the residence and should not be used as a bed and breakfast or a time share property."

Mr. Herrmann felt the Town Plan Commission went along with the plan the applicant suggested as Sheri stated, but the Plan Commissioners did the right thing in requiring the conditions, otherwise you end up with the in-law unit now becoming a duplex. It has a separate entrance, separate bath and separate kitchen. If it is all part of one living area, it would be better because we have some control over this not becoming a duplex in the future. The condition right now says they have to remove the wall.

No more questions, hearing closed at 7:15 PM.

Discussion/Action on Conditional Use request of James Kasulke to amend conditions of existing Conditional Use.

After discussion, Mr. Houston made a motion to require that the wall be removed and/or a non-locking door be put in connecting the accessory apartment to the main house. Subject to the Town of Genesee Building Inspector inspecting the house when this has been done. Motion seconded by Mr. Engelking. Motion carried unanimously.

Mr. Kasulke was told to contact the Town of Genesee Building Inspector because he may need a permit for the header for the door.

Discusson/Action-Hobby Kennel Request of David and Martha Ryan, W298 S5705 Cliffside Court, Waukesha, WI 53189 for up to four (4) dogs.

Mr. & Mrs. Ryan were present. The dogs they have now are mixed breeds, all strays that they have pick up. One is a Collie/Shepherd mix, Rotweiler mix and Husky mix. The dogs are all inside dogs. They do not leave the dogs outside when no one is home. There is an invisible fence. They now have three (3) dogs and they are all spayed females. They will not be doing any breeding and don't have any outside kennels. All the dogs have been licensed.

Opened to the floor for comment. No comment from the floor. Brought back to the table.

Motion by Mr. Houston to approve the Hobby Kennel Permit request of David and Martha Ryan for up to four (4) dogs, (any breed) subject to our Standard Hobby Kennel Conditions. Motion seconded by Mr. Girman. Motion carried unanimously.

Discussion/Action-Amend Site Plan and Plan of Operation, Herr Corporations, S15 W33670 Wolf Road, Oconomowoc, WI 53066 to allow crushing on the property.

Mr. Herr was not able to attend the meeting this evening. He made his comments over the phone.

At the March 22, 2010 Plan Commission meeting, the Plan Commissioners approved the request of Herr Corporations for crushing. The approval was for crushing activities no more than fifteen (15) days in any calendar year and it could occur Monday through Friday from 8:00 AM to 5:00 PM. Mr. Herr said it cost him \$10,000 to have equipment come in and set-up for the crushing and when the crushing occurs, it would be for from 3 to 7 days at a time. Also he felt the surrounding properties also do crushing and they crush all the time. Mr. Herr said they do not crush every month and probably wouldn't crush at all in the winter months.

After discussion, the Plan Commissioners felt that this is the appropriate zoning, M-2, for this type of activity. Also they would allow the crushing 8:00 AM to 12:00 Noon on Saturday, but absolutely no crushing activities on Sunday's or Holidays.

Motion by Mr. Engelking to approve the amendment to the Site Plan and Plan of Operation for Herr Corporations to allow crushing activities on the property fifteen (15) crushing activities per year, seven (7) days per event, subject to crushing hours being 8:00 AM to 5:00 PM Monday through Friday and 8:00 AM to 12:00 noon on Saturday's. Motion seconded by Mr. Houston. Motion carried unanimously.

Discussion/Action-Revisit the signage at Reformation Lutheran Church, Hwy. D & E.

The Plan Commissioners were instructed to go and look at the sign in the daytime and also at night. The electronic sign was not operating property, but of them felt that it is bright and the scrolling message changes every 9 to 10 seconds and it is distracting. (It was mentioned that there is also a large cross which is distracting as well.) When this sign was approved, the petitioner indicated that if there were any problems they could turn down the light. There were some comparisons to other signs in the area and one that was mentioned had muted colors, not the bright red and one of the commissioners said the color wasn't distracting as much as the red, maybe the color could be changed. Also, one suggestion was to turn the electronic sign off from 10:00 PM to 6:00 AM. After discussion, Mr. Hyland, President of the Reformation Lutheran Church said he would look into diming the light. If that doesn't help, we will revisit the signage again. We will not require them to turn off the electronic sign at night at this time. We'll try diming the light first.

Discussion/Action-Request for installation of an 80' amateur radio tower-Jim Monson, W330 S3210 Bryn Mawr Road.

Mr. Monson was unable to attend the meeting this evening. Having a radio tower is not a problem, but the height of the tower was an issue. The petitioner was requesting an 80' tower. Jeff Schmittinger, the Town Board Representative on the Plan Commission at the time went to

the property with a laser and measured and the tree height was about 48'. If we allowed a 60' tower, the canopy would not be over 10'.

After discussion, Mr. Lightfoot made a motion to approve the amateur radio tower for Jim Monson not to exceed 60' and placed in the location specified by the petitioner. Motion seconded by Mr. Girman. Motion carried unanimously.

Discussion/Action-CSM Anne Meinhardt property, C.T.H. "E".

Mr. Jamie Beaty was present. The conceptual was reviewed at the March 22, 2010 Plan Commission meeting. Mr. Herrmann referred to his Report and Recommendation dated 4-19-2010:

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

PROJECT NAME: Meinhardt CSM

DATE: April 19, 2010

OWNER: Anne Meinhardt
W1655 Bakertown Drive
Sullivan, WI 53178

TAX KEY NO.: GNT 1505.996.001

LOCATION: Being a part of the SE ¼ and the SW ¼ of the NE ¼ of Section 17, Town of Genesee, Waukesha County, Wisconsin.

ZONING CLASSIFICATION: A-2 Rural Home District.

LOT SIZE: Approximately 39.30 acres.

REQUESTED USES: A three (3) Lot Certified Survey Map (CSM).

COMPLIANCE WITH THE TOWN OF GENESEE COMPREHENSIVE LAND USE PLAN -2035:

The Town of Genesee Comprehensive Land Use Plan – 2035 identifies this property in the Suburban II Density Residential category (3.0 acres to 4.9 acres of lot area per dwelling unit). Therefore, the proposed land division complies with the Town of Genesee Comprehensive Land Use Plan - 2035.

STAFF ANALYSIS:

On March 22, 2010, the Town Plan Commission reviewed a conceptual land division for the proposed property. The Town Planner and Plan Commission had several comments and concerns regarding the

proposed CSM. The petitioner has reviewed the comments made and is now submitting a Certified Survey Map (CSM) for the creation of three (3) parcels of land. Lot 1 is approximately 9.87 acres in size and contains an existing residence. Lot 2 contains 3.41 acres and is currently vacant. Lot 3 contains 26.02 acres of land and is also vacant. Lots 1 & 2 will be accessed via C.T.H. E and Lot 3 will be accessed from Esser Drive.

In performing a detailed review of the CSM dated April 2, 2010, I have found the following items must be added to the map or waived by the Town of Genesee Plan Commission and Town Board in order to comply with the Town's Land Division Ordinance:

Section 2.06 (G) Lands to be divided or developed into building sites to be served by soil absorption sewage disposal systems, shall have soils tests completed on each lot, indicating the lot (s) and building site(s) can support a conventional or mound type septic system in compliance with the Department of Commerce. The location of the soil boring shall be shown on the final CSM and a copy of the soil tests shall be submitted to the Town Planner, prior to the Town signing the final CSM.

Section 4.01 The scale on the CSM shall not exceed 1 inch = 100 feet.

Section 4.01 (C) A general location sketch showing the location of the CSM within the U.S. Public Land Survey section oriented on the sheet in the same direction as the main drawing.

Section 4.01 (E) The names and addresses of the owner and land surveyor preparing the CSM shall be shown on the face of the CSM.

Section 5.02 (E) All utility and/or drainage easement 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 lot in conformity with the grid system in effect in Waukesha County. All costs associated with this shall be paid for by the developer.

that

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 recommends that the Town Plan Commission

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 developer satisfying all comments, conditions and concerns of the Town Engineer, the Town Planner and all reviewing, objecting and approving bodies, including but not limited to the State of Wisconsin Department of Commerce per ch. 236, Wisconsin Statutes and ch. Comm. 85, Wisconsin Administrative Code; State of Wisconsin Department of Administration per ch. 236, Wisconsin Statutes; the Waukesha County Department of Public Works and the Village of Wales in regard to the CSM, prior to the Town signing the final CSM.
2. 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.”
3. The access(s) onto C.T.H. E shall be reviewed and approved by the Waukesha County Department of Public Works. Documentation shall be submitted to the Town Planner prior to the Town signing the final CSM.
4. The ownership of Outlot 1 shall be resolved prior to the Town of Genesee signing the CSM. The proposed ownership shall be reviewed and approved by the Town Planner.
5. All slopes in excess of twenty (20) percent shall be shown on the CSM and a note stating said areas shall be maintained as open space.
6. A note/restriction shall be placed on Lot 3 indicating that any future Land Division of Lot 3 will require the connection of the Esser Drives by a new public road meeting all Town of Genesee Road standards in place at the time of the division. In addition, the Town of Genesee may require a public road extension to the adjacent property to the north when this property is ever divided or developed. The exact language of the note shall be approved by the Town Planner and Town Attorney, prior to the Town of Genesee signing the final CSM.
7. All new construction (residence or accessory building) on Lot 3 shall require review and approval by the Town Planner, Town Public Works Supervisor and Town Building Inspector prior to the issuance on any permits on said property. This is to insure that future development or division of Lot 3 and the future road connection is not disrupted by any new construction.
8. The existing zoning on and adjacent to the proposed lots shall be shown on the CSM.
9. A note shall be added to the face of the CSM indicating that “There shall be no commercial or business use on the lot, except as specifically permitted pursuant to the

applicable Zoning Code”.

10. Waukesha County Department of Parks and Land Use, Environmental Health Division shall review and approve that the existing septic system on Lot 1 is functioning properly.
11. Any and all waivers reviewed and approved by the Town Plan Commission and Town Board shall be noted on the final CSM. The Town Planner shall approve the language of the note.
12. All existing and proposed easements shall be shown.
13. Subject to the Developer satisfying all of the aforementioned conditions within one year of the Town Board granting conditional final CSM approval.
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.

This submittal is a C.S.M., which gives the Town Plan Commission 45 days and the Town Board 60 days to take action. The Town received the CSM on April 5, 2010, giving the Town Plan Commission until May 20, 2010 and the Town Board until June 4, 2010 to take action, unless an extension is granted in writing by the developer.

Respectfully submitted,

Jeffrey C. Herrmann, AICP
Town Administrator/Planner

There are three (3) parcels with an outlot. The outlot will be added to one of the lots. Lot 1 is about 9.87 acres, including the residence. Lot 2 is 3.41 acres and is vacant. Lot 3 is 26.02 acres and is vacant. Lots 1 & 2 will be accessed via C.T.H. E and Lot 3 will be accessed from Esser

Drive. Lot 3, the remaining 26 acres may be marketed as one lot. Mr. Beaty said he hesitates about putting a not on the CSM requiring a public road in the future. Mr. Herrmann said he does not have to put it on the CSM. The Official Town Map shows a temporary cul-de-sac at Esser Drive, we recognize that that will be extended sometime in the future. We also talked about an access to small parcel up to the north.

Motion by Mr. Engelking to recommend to the Town Board, approval of the CSM for the Anne Meinhardt property subject to the Town Planners Report and Recommendation dated April 19, 2010. Motion seconded by Mr. Houston, Motion carried unanimously.

Discussion/Action-Request for waiver from Section 4.01 of the Town of Genesee Land Division and Development Ordinance to have a CSM with the scale shown less than the required 1"=100' – Anne Meinhardt, Hwy. "E".

Motion by Mr. Engelking to approve the request for a waiver from Section 4.01 for the Anne Meinhardt property. Motion seconded by Mr. Girman. Motion carried unanimously.

Discussion/Action-Request of Tom Hein, Freedom Fireworks to allow the temporary sale of 1.4G consumer fireworks as permitted by the Town of Genesee Ordinance 08-1C at Saxe's (Hwy. 18) W325 S1767 Mickle Road, Delafield, WI 53018.

Mr. Hein called the Town Office today and asked that this item be tabled to the May 24, 2010 Plan Commission Meeting. He had a conflict with another meeting and could not be here tonight.

Motion by Mr. Engelking to table the request of Tom Hein for the temporary sale of Fireworks at Saxe's to the May 24, 2010 Plan Commission meeting. Motion seconded by Mr. Houston. Motion carried unanimously.

Discussion/Action-Complaints regarding stockpiling of Llama manure. Possible violation and determination if it is hazardous, noxious, offensive or a nuisance to the surrounding neighborhood. Property Owned by Tim & Charmaine Reynolds, W310 S2614 Cregennan Bae, Wales, WI 53183.

Mr. & Mrs. Reynolds were present. They said the complaint given to the County said that they were stockpiling manure on the property line, they said they never put manure on the lot line. Also the County was told that they had six (6) Llamas, but they only had four (4). They now have only three (3). The Reynolds' did supply pictures to the Plan Commissioners of the property and where the small piles of manure were. Letters were given to the Plan Commissioners from James and Shirley Sanderson and Duane and Barbara Stein stating that they remove the manure from the Reynolds' property and use it in their vegetable gardens and flower beds.

During the discussion it was brought up that there are horses across the street and the odor may be coming from the horses, not the Llamas as the complaint suggested. Mr. Metrusias said that the Llama manure is rich and is not a hot manure.

Motion by Mr. Engelking to notify the County that the Plan Commission for the Town of Genesee does not think that this is a nuisance, harzardous, noxious, or offensive. Motion seconded by Mr. Houston. Motion carried unanimously.

Discussion/Action-Request for two (2) additional accessory buildings, Tim & Charmaine Reynolds, W310 S2614 Cregennan Bae, Wales, WI 53183.

The Reynolds' have a detached garage, two (2) small 7' x 7' pre-fabricated Rubbermaid sheds and one (1`) 12' x 18' shelter building for the Llamas. They will be applying for an after-the-fact approval for the number of accessory buildings.

Memorandum

To: Town of Genesee Plan Commission
From: Jeffrey C. Herrmann, Town Administrator/Planner
Date: 04/19/10
Re: Tim & Charmaine Reynolds – Number of Accessory Buildings.

The Planning Staff from Waukesha County recently followed up on a complaint regarding the stockpiling of manure from six (6) llamas near the west property line of the Reynolds property. At the time of the inspection it was noted that the Reynolds have added two (2) small (7 ft. x 7 ft.) pre-fabricated rubbermaid sheds and a 12 ft. x 18 ft. shelter building on their property for the llamas. Unfortunately, the Waukesha County Zoning Code requires Town Plan Commission approval for more than two (2) accessory buildings. Therefore, the petitioners are seeking an after-the-fact approval for the number of accessory buildings. The petitioners indicate in their request the pre-fabricated sheds were set up next to llama shelter to store supplies and equipment and the other shed to store hay. They indicate that the builder that the llama shelter did not require a permit since it was a movable structure. Unfortunately, the building and sheds require zoning and building permits. The petitioner is requesting approval from the Town Plan Commission to retain all three structures on the property.

The Town Plan Commission must make a determination if the three (3) buildings should be allowed. The Town Planner recommends that the Town Plan Commission **approve** the proposed request subject to the following conditions:

1. All buildings on the property shall be maintained in a good condition and shall not become dilapidated.

2. The new llama shelter is constructed in a way that the exterior appearance is compatible with the design, style, architecture and appearance of the other buildings on the property.
3. All necessary permits from Waukesha County and the Town Building Inspector shall be obtained and complied with.
4. Subject to the petitioner making payments, in full, to the Town of Genesee of all costs, taxes and assessments, including reimbursement for professional fees, due and owing to the Town of Genesee.

Motion by Mr. Engelking to approve the request of Tim & Charmaine Reynolds for three additional accessory building as presented here tonight subject to the Town Planners Memorandum dated April 19, 2010. Motion seconded by Mr. Houston. Motion carried unanimously.

Discussion/Action-Site Plan and Plan of Operation-East Tracks West, Steve Shepherd, Depot Crossing, S42 W31230 Highway 83, Unit 101.

Mr. Shepherd was present. He is going to be selling southwest décor, art, garments, western wear, antique wood stoves, etc. He requested outside displays. He was told that he has to keep the sidewalk open for pedestrians in front of his location so he can't store/display items outside. He might bring out a chair of something like that during the day and bring it back in at night. He hopes to be in the space by May 15 or June 1, 2010. His hours will be Monday through Sunday from 7:00 AM to 9:00 PM, plus extended/additional hours as needed. No drawings were submitted for the signs. He will have to submit the detailed sign renderings, sign size and a location map to the Town Planner for approval.

Mr. Herrmann's Report and Recommendation:
TOWN OF GENESEE PLANNING COMMISSION
PLANNER'S REPORT & RECOMMENDATION
SITE PLAN/PLAN OF OPERATION

PROJECT NAME: East Tracks West

DATE: April 19, 2010

TAX KEY NUMBER: GNT 1521.972.001

PETITIONER: Steve Shepherd
d/b/a East Tracks West
S46 W32205 Highview Road
Waukesha, WI 53189

OWNER: Reichert Enterprises, LLC
c/o Gary Reichert
P.O. Box 321

LOCATION OF PROPERTY:

Part of the NE ¼ of Section 21, T6N, R18E, Town of Genesee, located at S42 W31230 S.T.H. 83, Suite 101, containing approximately 1.0 acre.

PRESENT ZONING:

B-2 Local Business District.

PRESENT LAND USE:

Currently the property contains various buildings and uses, including a multi-tenant building.

PLANNER'S ANALYSIS:

The petitioner is proposing to utilize a (975 sq. ft.) area of the existing multi-tenant building for the operation of a retail business specializing in the sale of southwest décor, art, garments, western wear, antique wood stoves, etc. The proposed unit is adjacent to the Genesee Depot Post Office. An interior floor plan was not submitted with the application. A common bathroom is located within the multi-tenant complex.

The petitioner did not indicate the number full-time & part-time employees. The general business hours are Tuesday through Sunday from 7:00 a.m. to 9:00 p.m., plus extended/additional hours as needed. The proposed use requires seven (7) parking spaces. Currently, the site can accommodate 76 parking stalls. Based on the current uses of the property, the site has adequate parking for the existing and proposed uses on the property. In addition, the Waukesha County Board of Adjustment approved a variance in 1985 permitting a substandard amount of parking spaces on the property. The petitioner has not submitted any plans for signs; however, he did indicate that he would like to put a sign on the existing free-standing sign and one on the building. The petitioner will need to submit detailed sign renderings, sign size and a location map to the Town Planner.

All garbage and waste will need to be disposed of properly. No changes to the lighting, landscaping or the exterior of the building are being proposed at this time. The property is served by a private on-site waste disposal system and well.

PLANNER'S RECOMMENDATION:

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

1. Documentation shall be submitted to the Town Planner that Waukesha County has approved the Site Plan and Plan of Operation. Any and all conditions established by Waukesha County shall be adhered to.
2. All conditions previously imposed for the multi-tenant building shall remain in effect and adhered to.
3. Absolutely no outside storage (including displays) shall be allowed, unless specifically

approved by the Town Genesee Plan Commission.

4. No outside music shall be allowed unless specifically approved by the Town Plan Commission.
5. Special events shall be approved by the Town Plan Commission prior to the event taking place.
6. A detailed list of items to be sold shall be submitted to the Town Planner for review and approval, prior to issuance of the Site Plan/Plan of Operation Permit. Absolutely no adult items, books, magazines, videos, etc. shall be sold from the premise.
7. Documentation shall be submitted to the Town Planner, that the Environmental Health Division has approved the existing onsite waste disposal system for the proposed use, prior to the issuance of an occupancy permit.
8. The petitioner shall submit detailed colored sign renderings, location map and sign size for any proposed signs (now or in the future) and all signs shall be reviewed and approved by the Town Planner, prior to the erection of any signs.
9. An interior floor plan shall be submitted to the Town Planner for review and approval, prior to the issuance of any permits.
10. A building permit shall be obtained from the Town Building inspector for any proposed changes to the interior of the building (if applicable).
11. Subject to the property being in compliance with all Federal, State, County and local laws, ordinances, codes, rules and regulations.
12. An up to date Plan of Operation must be on file, at all times, with the Town of Genesee Plan Commission and Waukesha County.
13. Subject to the applicant allowing the premises to be available for inspection by the Town of Genesee officials at any reasonable time and upon reasonable notice.
14. Subject to 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.
15. 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.
16. 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.

17. **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

Motion by Mr. Engelking to approve the Site Plan and Plan of Operation for East Tracks West, Steve Shepherd as presented tonight subject to our Town Planners Report and Recommendation dated April 19, 2010 with the amendment to change the hours to 7:00 AM to 9:00 PM, Monday through Sunday. Also subject to the petitioner coming back to the Plan Commission for approval of any special events prior to scheduling any special events. Motion seconded by Mr. Houston. Motion carried unanimously.

Review of Pending – Everyone copied.

Approval of Minutes from the March 22, 2010 Plan Commission Meeting.

Motion by Mr. Engelking to approve the minutes from the March 22, 2010 Plan Commission meeting. Motion seconded by Mr. Houston. Two (2) abstentions, Mr. Lightfoot and Mr. Turzynski. Motion carried.

Correspondence – Everyone copied.

Motion by Mr. Lightfoot to adjourn. Motion seconded by Mr. Engelking. Motion carried unanimously. Meeting adjourned at 8:25 P.M.

Respectfully submitted,

Elizabeth Friedlein
Deputy Clerk/Designated Representative