

TOWN OF GENESEE PLAN COMMISSION MINUTES

SEPTEMBER 24, 2018

Chairman Leair called the meeting to order at 6:00 p.m.

Present were: Plan Commissioner Brett Engelking, Buck Houston, Jeff Lightfoot, Bob Christiansen, Joe Turzynski, and Mike Toole. Also present: Planner Jeff Herrmann and Plan Commission Secretary Cindy Zignego.

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town of Genesee Plan Commission on September 24, 2018 at 6:00 p.m. at the Town of Genesee Town Hall, S43 W31391 S.T.H. 83, Genesee Depot, Wisconsin 53127 to consider the request of Tammy Pasdera, S37 W31701 Bennett Road, Waukesha, Wisconsin to operate a Hobby Kennel with a maximum of three (3) dogs for the purpose of personal pets at S37 W31701 Bennett Road, Waukesha Wisconsin. The property is legally described as Lot 2, Block 3 A Bit of Kent, being a part of the SW ¼ of Section 16, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin. All Interested Parties will be heard.

Tammy Pasdera confirmed she had three rescue dogs. Three dogs will be limit owned.

Leair opened the floor for comments. Doug Batzler, representing St. Paul Church, inquired if the property was fenced in and how are the dogs exercised. Pasdera stated there is a fenced in area around the yard. The dogs are with owner at all times and left alone outside. The fence is 6 feet tall. Donald Brown, resident of Bennett Road, said the ordinance allows up to five dogs. Leair clarified that this request is for pets and will be limited to three dogs.

Leair closed the hearing at 6:04 p.m.

Discussion/Action – Tammy Pasdera, S37 W31701 Bennett Road, Waukesha, WI 53189 to operate a Hobby Kennel with a maximum of (3) dogs for the purpose of personal pets. (Tax Key GNT 1503-013)

There were no comments from Commissioners. Pasdera was given copy to review conditions. Houston made a motion to approve subject to the limit of three dogs and the standard conditions:

1. Subject to the applicant obtaining all appropriate licenses from the Town prior to housing more than two dogs at the property.
2. Subject to the applicant paying all required fees to the Town prior to housing more than two dogs on the property.
3. Subject to the applicant providing to the Town, proof of all required vaccinations prior to housing more than two dogs on the property.
4. Subject to the Town being granted by the applicant, the right to inspect the exterior premises at any reasonable time for any proper purpose related to the hobby kennel approval, and application for and receipt of a hobby kennel approval shall be deemed to so authorize the Town to inspect as described herein.
5. Subject to the Town Plan Commission reserving the right to rescind its approval of the hobby 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, or that the use adversely affects the use of adjacent lands, 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 Town of Genesee Zoning Code requirements regarding the number of dogs on the property, as though there were no hobby kennel authorization granted.
6. Subject to the hobby kennel and dogs on the property not being used for commercial purpose in any manner, as operation of a commercial kennel requires approval of a conditional use permit by the Town of Genesee Plan Commission per the Town of Genesee Zoning Code.
7. Subject to the hobby kennel use being accessory to the principle use of the property.
8. Subject to the maximum number of dogs allowed under a Hobby Kennel Permit being five (5) with Plan Commission approval.
9. Subject to no more than two litters of puppies being born on the property per year, and any such dogs being sold or otherwise removed from the property within six months of their birth.

10. Subject to such other conditions as the Plan Commission may deem to be appropriate upon review of each specific request, which shall be stated along with these conditions in the minutes of the Plan Commission in their approval of the hobby kennel.
11. Subject to this hobby kennel permit being issued for no more than five (5) dogs at any time.
12. Subject to this permit being strictly for _____.

Christiansen seconded. Motion carried unanimously.

Discussion/Action – Site Plan/Plan of Operation, Genesee Aggregate, P. O. Box 270518, Milwaukee, WI 53066, to allow Zignego Company Inc. to install a temporary Ready-Mix Concrete batch plant to service the Waukesha Bypass. (Tax Key GNT 1550-999)

Herrmann referred to 2010 similar request by Genesee Aggregate to operate a temporary batch plant. Genesee Aggregate already has a batch plant that is used for different highway projects. Zignego will be using the batch plant for the Waukesha Bypass. Zignego has provided their 24 hour contact person, which is one of the conditions. Engelking made a motion to approve the request subject to the conditions in the Planner’s Memo dated September 17, 2018.

To: Town of Genesee Plan Commission Members
From: Jeffrey C. Herrmann, Administrator-Planner
Date: 09/17/18
Re: Genesee Aggregate – Temporary Batch Plant

At the end of 2004, the Town Plan Commission and Town Board conditionally approved an amendment to an existing conditional use permit for Genesee Aggregate, P.O. Box 270518, Milwaukee, Wisconsin to allow mining (extraction of sand and gravel resources) on the Frederick Kipp property. In 2010, the Town of Genesee approved the installation of a temporary Ready-Mix concrete batch plant to service the reconstruction of S.T.H. 83 in 2011. Zignego Company is now proposing to install a temporary Ready-Mix Concrete batch plant to service WISDOT Job 2788-00-71. The Job will include the reconstruction and paving for the Waukesha Bypass. The property is described as S ½ of the N ½ of Section 29, in the Town of Genesee containing approximately 160 +/- acres. According to the existing Conditional Use Permit, the production of ready-mixed concrete shall be allowed only as approved and permitted by the Town of Genesee. Currently, Genesee Aggregate has a permanent ready-mix concrete batch plant; however, the new batch plant would be a separate (temporary) entity just for the Waukesha Bypass project. The plant would operate from about May 2019 to January 2020, barring any delays outside of the control of Genesee Aggregate such as weather or scheduling conflicts. The new plant would be exclusively for the WISDOT Job and would not be used as a local commercial operation. Zignego Company will be required to abide by all of the terms and conditions placed on Genesee Aggregate by the Town, County and the State.

The days and hours of operation are Monday – Friday from 6:00 a.m. to 6:00 p.m. and Saturdays from 6:00 a.m. to 2:00 p.m. Genesee Aggregate is requesting the Town appoint the Town Chairman with the authority to extend the hours of operation if an unusual emergency request by the state to run the job during odd hours. The proposed batch plant would be located on the east side of Grush Road, in a similar location where the former Purple Cow was located. The plant will be set up approximately ½ mile into the site and is in a mined area which is lower and surrounded by stockpiles and mining banks, which provide a good buffer. Water will be trucked from one of the existing ponds on site. Last time, portable toilets were used to service the sanitary needs. All traffic would abide by the current conditions of the Conditional Use Permit.

The Town Planner recommends that this request be approved subject to the following conditions:

1. Subject to all previously imposed conditions by the Town of Genesee and Waukesha County for Genesee Aggregate Corporation shall remain in effect and complied with, unless specifically amended herein. This includes traveling only on Grush Road (south) to C.T.H. ZZ. All “Ready-Mix Concrete Trucks” (related to the WISDOT Job 2788-00-71) shall travel on State or County Highways. Town Roads shall not be used by the Ready-Mix Concrete Trucks.

2. The temporary Ready-Mix Concrete Batch Plant shall only be for concrete related to the WISDOT Job 2788-00-71 project. Upon completion of the project, the Temporary Ready-Mix Concrete Batch Plant shall be completely removed from the property.
3. Zignego Company (The Contractor) shall submit in writing to the Town Clerk, the contractor's: name of business; address; general phone number, contact person and cell phone number and a 24-hour emergency number.
4. The Town Chairman shall be appointed authority to modify the hours of operation in the event of an emergency or an unusual circumstance that arises, which creates a need to expand the hours of operation. All requests for expanded hours shall be submitted in writing to the Town Clerk, who shall forward said request to the Town Chairman for a determination.
5. All required building permits (if applicable) shall be obtained from the Town Building Inspector prior to the operation of the temporary ready mix concrete plant.
6. Documentation shall be submitted to the Town Planner, that the Environmental Health Division has reviewed the proposed request for a portable toilet facility, prior to the issuance of any permits
7. Subject to the property being in compliance with all Federal, State, County and local laws, ordinances, codes, rules and regulations.
8. An up to date Plan of Operation must be on file, at all times, with the Town of Genesee Plan Commission and Waukesha County.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.

Houston seconded the motion and motion carried unanimously.

Discussion/Action – Certified Survey Map for Wendy Gahn-Ackley, S28W30070 Bryn Mawr Ct., Waukesha, WI 53188. (Tax Key GNT 1480-029)

Herrmann explained Ackley is in the process of building an addition to her home. The house is only 10 feet away

from the property line of one of the two lots owned by Ackley. Therefore, Ackley wants to combine the two lots into one lot. It's in one acre zoning category and complies with land use plan. It's going to be about 4.15 acres. Ackley has her restart permit. It will go to the Town Board on September 26, 2018. Engelking made a motion to recommend to the Town Board the Certified Survey Map as presented and subject to the Planner's conditions in the Planners Report and Recommendation dated September 17, 2018.

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

PROJECT NAME: Ackley CSM

DATE: September 17, 2018

OWNER: DETJA LLC
c/o Wendy Ackley
S28 W30070 Bryn Mawr Court
Waukesha, WI 53188

TAX KEY NO.: GNT 1480.028
GNT 1480.029

LOCATION:
Lot 5 and Lot 6, Block 5, Skyline Heights, being a part of the NE ¼ and SE ¼ of the SE ¼ of Section 10, T6N, R18E, Town of Genesee.

ZONING CLASSIFICATION: R-1 Residential District.

LOT SIZE: A Total of Approximately 4.15 acres.

EXISTING USES: Single-Family Residential.

REQUESTED USES: Combine two (2) existing lots into one (1) new parcel of land served by municipal sewer and a private well.

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

The Comprehensive Land Use Plan 2035 for the Town of Genesee identifies this property in the Low Density Residential category, which allows development at 10,000 square feet to 19,999 square feet of area per dwelling unit. The proposed combination of these two (2) parcels into one (1) legal lot complies with the purpose and intent of the Town of Genesee Comprehensive Land Use Plan – 2035. The Waukesha County Development Plan also has the property identified in the Low Density Residential category. Therefore, the proposed combination complies with the both the Town and County Land Use Plans.

OTHER CONSIDERATIONS:

The owner currently holds title to two (2) properties located on the Bryn Mawr Court. Lot 5 is about 2.208 acres in size and is currently vacant. Lot 6 is about 1.91 acres and contains a single-family residence with attached garage. The owner is proposing to combine the lots in order to add an addition onto the home. The home is currently located less than 20 feet from the property and therefore renders the building non-conforming. A nonconforming structure is not allowed to be expanded vertically or horizontally without getting a variance from the Town of Genesee Board of Appeals. Therefore, combining the lots is a better option. The new lot will be about 4.15 acres in size and contain 195.86 feet of frontage on Bryn Mawr Court.

This submittal is a Certified Survey Map, which gives the Town Plan Commission 75 days and the Town Board 90 days to take action. The Certified Survey Map was filed with the Town of Genesee on September 5, 2018, giving the Town Plan

Commission until November 19, 2018 and the Town Board until December 4, 2018, to take action, unless the Developer grants an extension in writing.

In performing a detailed review of the CSM dated August 27, 2018, 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 375-22 (E) Name and Addresses of the owner, subdivider and land surveyor preparing the CSM shall be shown on the CSM.

Section 375-23 (I) Location of all existing structures shall be shown on the CSM.

Section 375-29 (E) All Utility and/or Drainage Easements shall be shown on the final CSM.

Section 375-44 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.

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 Owner 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 Wisconsin State Statute's per Chapter 236; Comm. 85, Wisconsin Administrative Code; and the Village of Wales in regard to the CSM, prior to the Town signing the final CSM.
2. The Village of Wales shall review, approve and sign the CSM prior to the Town of Genesee signing the final CSM. All conditions imposed by the Village of Wales shall be incorporated herein.
3. The existing septic system shall be inspected by Waukesha County Environmental Health Division prior to the Town Signing the final CSM. A copy of the septic evaluation shall be presented to the Town Planner.
4. A note shall be placed on the face of the final CSM stating, "No lot 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 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."
5. 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.
6. Subject to the Developer satisfying all of the aforementioned conditions within one year of the Town Board granting conditional final CSM approval.
7. 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.
8. 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
Administrator-Planner

cc: Town of Genesee Clerk
Town of Genesee Building Inspector
Wendy Ackley
Terrance Pisarek

Lightfoot seconded the motion and motion carried unanimously.

Discussion/Action – Roger Sankey, Request for Number of Accessory Buildings, W317 S3486 Hwy. 83, Waukesha, WI 53189 (Tax Key GNT 1502-994)

Herrmann showed map of Sankey property. Sankey wants to put up 12 feet by 24 feet shed. He already has several sheds on the property. The canvas shed will be taken down and replaced with new storage shed. Herrmann mentioned the lot is heavily wooded and the sheds are not visible from the road. The number of four accessory buildings will remain the same since one is being removed and replaced with another.

Engelking made a motion to approve the request to exceed the number of accessory buildings as proposed. Houston seconded the motion and motion carried unanimously.

Discussion/Action – Bryon and Gayle Woerishofer, S31 W30159 Sunset Drive, Waukesha, WI 53189, Request for Number of Accessory Buildings. (Tax Key GNT 1497-991-001)

Herrmann described the buildings on the 10 acre parcel. Bryon Woerishofer mentioned that the milk house will be coming down due to a fire. Engelking stated the change in number of buildings is actually being reduced from 4 to 1.

Engelking made a motion to approve the waiver to the number of accessory buildings with this request. Houston seconded the motion and motion carried unanimously.

Discussion/Action – Bryon and Gayle Woerishofer, S31 W30159 Sunset Drive, Waukesha, WI 53189, Request Special Exception From Accessory Building Square Footage. (Tax Key GNT 1497-991-001)

There was discussion regarding the amount of square footage with the proposed changes. Woerishofer stated that originally they had 9,641 square feet when they purchased the farm. With the changes, the total square footage will be 9,585 square feet, which is over by 173 square feet of the allowed 9,412 square feet. The reason Woerishofer is requesting this amount is for exercising their horses. The horses are for personal use only. Herrmann explained that Town Board has final approval. The Town Plan Commission make a recommendation to the Town Board. The conditions must be met as outlined in Planner's Memorandum dated September 17, 2018.

Memorandum

To: Town of Genesee Plan Commission
From: Jeffrey C. Herrmann, Administrator-Planner
Date: 09/17/18
Re: Woerishofer – Square Footage of Accessory Buildings

Bryon & Gayle Woerishofer, S31 W30159 Sunset Drive, Waukesha, Wisconsin have requested permission to construct a new 60 ft. x 100 ft. Pole Barn/Riding Arena on their property. Currently the property contains three (3) barns, two (2) garages, a shed, two (2) milk houses and a single-family residence. The owners are proposing to remove a large barn (4,510 square feet) and a small shed (273 square feet). The owners would like to construct a new 60 ft. x 100 ft. pole barn/riding arena for their own personal use. Since the property contains 10 acres, they are permitted a total of 9,412 square feet based on the Town of Genesee Zoning Code. The petitioners are proposing to remove an old barn and shed; however, this will result in a total of 9,658 square feet in accessory building, whereby only 9,412 square feet is permitted.

According to Section 19 (A)(2)(b)(ii), for parcels of three (3) acres or more in size in any zoning district other than the Environmental Corridor District, the accessory building areas may be greater than those requirements set forth in subsection 2(a), if the Town Board in its discretion, upon consideration of a recommendation from the Town Plan Commission, grants a special exception and makes all of the following findings:

1. That one or more rural accessory buildings(s) as defined herein, are located on the property;
2. That such rural accessory building(s) is (are) not a nuisance or detriment to the existing neighborhood;
3. That the property is in compliance with the floor area ratio requirements of the District in which it is located; and
4. That the total floor area of all accessory buildings, excluding the floor area of such rural accessory building(s), is in compliance with the requirements set forth in subsection 2(a).

The Town Plan Commission shall review the proposed request and determine if the petitioner has met the four (4) factors. After all of the factors have been considered, the Plan Commission shall make a recommendation to the Town Board. The Town Board will then determine, in its discretion, if a special exception shall be granted to the petitioners.

Herrmann stated that Woerishofer's request meets the above conditions.

Engelking made a motion to make a recommendation of approval to the Town Board for the request as presented. Engelking stated the changes are removing 4 buildings and replacing that with 1 building. The buildings on the property are of historical significance and in good shape and meet the rural farm structures. The buildings meet the setback off the road and out of sight. It complies with the requirements in the ordinance. The square footage will be less than what they originally had. Lightfoot seconded the motion and motion carried unanimously. This is a recommendation to the Town Board for the October 8, 2018 meeting.

Discussion/Action – Waukesha County's Site Plan/Plan of Operation Process Improvement Proposal.

Herrmann started the discussion saying this is for Shoreland Jurisdiction Only. The Plan Commission discussed the proposal. Herrmann is going to summarize the comments and bring it back to the next meeting. The deadline to send comments to the County is October 31, 2018.

Herrmann discussed the areas that are actually shoreland. In the past, shoreland was a dual approval process between County and Town. Leair expressed concern over control of businesses regarding ownership and signage.

The wording of "Staff Only" was discussed and the Plan Commission wanted the Town to be included in the Staff. Town does not want to give up control and not have input. The first section should be Town approval.

The County wants an interim period until they get their ordinances in place.

The new process would be that a business would first go to the County to apply. The County would write-up the report and send it to the Town for review and comments. The County would collect a small fee. Herrmann would not write any report or recommendation for Shoreland areas. Staff review would be County, not Town. Plan Commission's comment would be it should be Town Staff not County staff for first section. Middle section would be both County and Town. Last section remains the same.

Christiansen stated that the first section items impact the Town directly. Historically, these items have come under the preview of only the Town and not the County. We should maintain those as Town items. The Town would then submit

those opinions to the County for review. Christiansen doesn't like the interim period until the County decides what their ordinances will be. Doesn't like to agree until Town knows the plans. The last section keep as it was.

Herrmann will write letter to County based on Commission's comments. It will be brought back to the next meeting.

Discussion/Action – Approval of August 27, 2018 Plan Commission Minutes.

Motion to approve was made by Christiansen seconded by Engelking. Toole abstained. Motion carried.

Review Pending

Herrmann stated three violations are completed. There is one new violation. Balderas is going to the Town attorney. Lawns R Us is going to the attorney.

Correspondence

None.

Engelking made motion to adjourn, Houston seconded, motion carried unanimously. Meeting adjourned at 7:00 p.m.

Cindy Zignego
Plan Commission Secretary
September 26, 2018