

TOWN OF GENESEE PLAN COMMISSION MEETING

JANUARY 27, 2020

Chairman Leair called the meeting to order at 6:00 p.m. Leair stated that item number 3 on the Agenda, for Casey Masterson, has been pulled.

Present were: Plan Commission Chairman Sharon Leair and Plan Commission members Brett Engelking, Jeff Lightfoot, Mike Toole, Joe Turzynski, Bob Christiansen and Supervisor Charlie Ross. Also present were Planner Jeff Herrmann and Deputy Clerk Cindy Zignego.

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town of Genesee Plan Commission on January 27, 2020 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 David King, S43 W30385 Stone Gate Lane, Waukesha, Wisconsin to operate a Hobby Kennel with a maximum of four (4) dogs for the purpose of personal pets at S43 W30385 Stone Gate Lane, Waukesha, Wisconsin. The property is legally described as Parcel 5 CSM 1023, being a part of the SE ¼ of Section 22, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin.

Discussion/Action – David King, S43 W30385 Stone Gate Lane, Waukesha, Wisconsin to operate a Hobby Kennel with a maximum of four (4) dogs for the purpose of personal pets. (Tax Key GNT 1528-992) Mr. King was not present. Chairman Leair opened the floor for comments. There were no comments. Leair put it aside at 6:03 p.m. for later in case Mr. King arrived.

NOTICE IS HEREBY GIVEN that a Public Hearing will be conducted by the Town of Genesee Plan Commission on January 27, 2020, beginning at 6:00 p.m. at the Town of Genesee Town Hall, S43 W31391 Hwy 83, Genesee Depot, Wisconsin, to consider the Conditional Use request of Carrie Belanger, W304 S5186 Highway 83, Mukwonago, Wisconsin, to operate a Commercial Horse Boarding Operation covered under the Conditional Use as required per Section 40 (B)(12) of the Town of Genesee Zoning Code. The property is described as Lot 2 Certified Survey Map No. 10908, being a part of the SE ¼ of Section 27, T6N, R18E, in the Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located on east side of S.T.H. 83.

Petitioner, Carrie Belanger and architect Julie Bastin represented the proposed commercial horse boarding operation. Belanger explained her property is 11 acres and she presently owns 2 horses. She has an 8-stall stable. She wants to board up to 9 horses. Herrmann stated that she is allowed to have 10 horses on 11 acres. Belanger reviewed the site plan with existing fences, lighting, pastures, structures, indoor riding arena, and 8-stall stable. There won't be any changes or signage. Bastin stated there is a convertible area that can be made into another stall to house the horses. Belanger stated that she submitted a nutrient management plan. Belanger said parking is available in front of the four-car garage for 6 spaces. There is space for 6 trailers to park on the south side of the barn structure. There is no crop growing for the horses, it is all brought in. Herrmann stated there is a former landfill on this property that cannot be disturbed by digging or dredging. It is a pasture now. Herrmann stated they are not allowed to have any hogs or pigs, male goats or fur bearing animals on this property because it is less than 20 acres. Any nonresidential buildings have to be 50 feet from the lot line. Bastin stated that there doesn't need to be any upgrading but would be willing to put in a port-a-potty for people boarding their horses there. There will be no training or assembly. Engelking asked about holding any events, and Belanger replied there will be none. Herrmann inquired if Belanger had spoken with the building inspector regarding any necessary upgrades. Bastin said it has not been inspected and the inspector deferred that if the State required upgrades, then he will come out and inspect it. Herrmann stated the County Environmental Health Division will determine if a portable toilet will be required. Turzynski asked about the manure plan. Belanger said it will be placed in a pile upon cleaning the stalls and then spread on the pastures in the spring and fall. Herrmann said this would need

to be approved by Waukesha County. Belanger said Nicole from Waukesha County was on the property and will be drafting a letter.

Leair opened up the floor for comment at 6:15 p.m.

Neighbors Marie Pero and Kevin Rengert, W303S5234 Hwy. 83, were in favor. Belanger keeps her place immaculate. Better owner than the previous owner.

Jessica Albright, S51 W30441 Seville Lane, shares about 500 feet where the horses can go. Concerned about wire fencing keeping the horses off her property. The previous owner's horses got through the fencing. She asked if the conditional use will be for Belanger only or owners after her. Herrmann said the Plan Commission will determine if it stays with the property or the owner. It will be discussed at next month's Plan Commission meeting. Albright inquired about how the total acreage is determined since there are trees and buildings. Herrmann said it is based on total gross acreage.

Leair brought the discussion back to the table at 6:20 p.m.

Belanger responded that since she has lived there starting August 2018, her horses have not gone on the neighbor's property. The wire fence has been updated. The horses safety is a priority and the neighbors concerns are after that. Herrmann asked where the horses are kept. Belanger replied her horses are kept overnight in the dry lot. The boarded horses will each have stalls. They will be turned out in the south pasture during the day. Lightfoot asked where the horses will be watered. Belanger said there will be upgrades to provide water in the pastures. Christiansen asked what kind of wire is used for the fencing. Belanger stated it is livestock fencing and it is electric. Christiansen asked if the portion of the fence where previous horses breached has been repaired. Albright had pictures of the wire fence. The pictures were shown to commissioners and will be put on file. Pero says she enjoys the horses and goes over and pets them and there has never been an issue. Lightfoot asked if since she has lived there, had her horses breached the fence. Belanger replied no. Pasture 2 will be repaired if Belanger gets the CU.

Leair brought it back to the table. There were no further comments. Leair closed the hearing at 6:27 p.m.

The Administrator will prepare a report based on the comments from the hearing. The discussion will be brought back to the February 24, 2020 Plan Commission meeting for action.

Discussion/Action – Certified Survey Map for Zylka/Kincaid, Zylka S62 W30775 Road X, Mukwonago, Kincaid S63 W30961 Road X, Mukwonago. (Tax Key GNT 1575-995-002 and MUK 1882-999).

Herrmann reviewed the history of this CSM. The County and Mukwonago had required numerous deed restrictions. Genesee agrees with these requirements and most of the land is outside of Genesee's jurisdiction. Herrmann recommended approval of the CSM subject to the conditions in Planner's Report.

Lightfoot made a motion for recommendation to the Town Board subject to conditions in the Planner's Report dated January 20, 2020. Engelking seconded. Motion carried unanimously.

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

PROJECT NAME: Zylka/Kincaid CSM

TAX KEY NO.: GNT 1575.995.002
MUKT 1882.999

DATE: January 20, 2020

OWNERS: Brent & Jillette Zylka
S62 W30775 Road X
Mukwonago, WI 53149

Susan D Kincaid
Brent Zylka ET AL

S63 W30961 Road X
Mukwonago, WI 53149

LOCATION: Lot 1 CSM 9259, and part of SW ¼ of Section 34, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin and Part of the NW ¼ of Section 3, T5N, R18E, Town of Mukwonago, Waukesha County, Wisconsin at S62 W30775 Road X and S63 W30961 Road X.

TOWN GENESEE ZONING: A-3 Suburban Estate District.
A-2 Rural Home District.
C-1 Conservancy District.
H-G High Groundwater District.

TOWN MUKWONAGO ZONING: A-1 Agricultural District.
C-1 Conservancy District.
H-G High Groundwater District.

LOT SIZE: Lot 1 - Approximately 2.95 acres.
Outlot 1 - Approximately 17.56 acres.

REQUESTED USES: A Certified Survey Map (CSM) to create one (1) Lot and one Outlot.

COMPLIANCE WITH THE TOWN OF GENESEE COMPREHENSIVE LAND USE PLAN -2035: The Town of Genesee Comprehensive Land Use Plan – 2035 designates property in the Suburban II Density Residential category allowing development at 3.0 acres to 4.9 acres per dwelling unit. Lot 1 was a smaller lot, but the property owner purchased additional land to bring the overall size to 2.95 acres, which is more conforming to the Land Use Plan than was previous. Therefore, the proposed parcels comply with the intent of the Town of Genesee Comprehensive Land Use Plan – 2035.

STAFF ANALYSIS:

The properties are located on the south side of Road X, about 750 feet west of the intersection of Hunters Crossing and Road X. Lot 1 is located in the Town of Genesee and Outlot 1 is located in the Town of Mukwonago. Lot 1 contains an existing home and an existing detached accessory building. Outlot 1 is currently vacant/open land. The purpose of Outlot 1 is for the enjoyment of the owner of Lot 1 and will not be divided in the future.

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 October 16, 2019, giving the Town Plan Commission until December 30, 2019 and the Town Board until January 14, 2019, to take action, unless the Developer grants an extension in writing. On November 14, 2019, the owner of the property granted the Town a 90 day extension to act on the CSM. Therefore, the Town Plan Commission has until March 29, 2020 to take action and the Town Board has until April 13, 2020 to take action on the CSM.

In performing a detailed review of the CSM dated October 2, 2019, 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 375-9 The road right-of-way of Road X is designated as a planned 80 feet. Therefore, an additional 7 feet on the north side of the eastern portion of the property shall be dedicated to the Town of Genesee for public road purposes and shall be so stated on the CSM.

Section 375-12(A)(5) All slopes greater than 12 percent shall be shown on the CSM along with a note indicating that any lot area with slopes in excess of 12 percent shall be maintained as open space.

- Section 375-12 (10) All remnant parcels must be part of the CSM unless specifically waived by the Town Plan Commission and Governing Body.
- Section 375-22 (C) General Location Sketch showing the proposed CSM within the U.S. Public Land Survey section oriented on the sheet in the same direction as the main drawing.
- Section 375-23 (M) Existing zoning on and adjacent to the proposed CSM shall be shown.
- 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.
- Section 375-48 (A) Since Road X is classified as a Collector Street, a planting strip at least 30 feet in depth shall be provided adjacent to Road X. 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 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; the Village of North Prairie, the Town of Mukwonago and Waukesha County in regard to the CSM, prior to the Town signing the final CSM.
2. The Village of North Prairie shall review, approve and sign the CSM prior to the Town of Genesee signing the final CSM. All conditions imposed by the Village of North Prairie shall be incorporated herein.
3. The Town of Mukwonago shall review, approve the CSM. All conditions imposed by the Town of Mukwonago shall be incorporated herein.
4. Waukesha County shall review, approve and sign the CSM prior to the Town of Genesee signing the final CSM. All conditions imposed by Waukesha County shall be incorporated herein.
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 notes.
6. A note shall be added to the CSM indicating: Outlot 1 shall only be owned by an adjacent property.
7. 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.
8. The Waukesha County Environmental Resources Division shall approve a preliminary Site evaluation of the existing septic system, prior to the Town signing the final CSM.

9. On sheet 5 of 5, a signature line shall be added for the Town Plan Commission. The Town Plan Commission Chairman is "Sharon L. Leair" and the Secretary is "Cynthia Zignego".
10. All existing and proposed easements shall be shown.
11. Subject to the Developer satisfying all of the aforementioned conditions within one (1) year of the Town Board granting conditional final CSM approval.
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 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.
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.

Respectfully submitted,

Jeffrey C. Herrmann, AICP
Administrator-Planner

cc: Town of Genesee Clerk
Town of Genesee Building Inspector
Waukesha County Department of Parks and Land Use
Brett & Jillette Zylka
Susan Kincaid
V2G Surveying, LLC

Discussion – Conceptual Land Division for Casey Masterson, N5 W31720 Twin Oaks Dr., Delafield, WI 53018. Lot #3, CSM 10821, Esser Drive. (Tax Key GNT 1505-996-007)

This item has been removed from the Agenda.

Discussion/Action – Site Plan/Plan of Operation, new ownership of Union House Restaurant, S42 W31320 Hwy. 83, Genesee Depot. (Tax Key GNT 1521-053, 1521-054, 1521-055)

Previous owners, Curt and Patty Robinson, and new owner, Jim Lindenberg, were present. Herrmann stated the files will be reviewed to make sure everything is up-to-date for the conditions of the plan of operation.

Lindenberg will operate the restaurant the same as it is now. A new liquor license will be required.

Christiansen asked Lindenberg if hours would be expanded. It was decided to expand hours from 4:00 p.m. to midnight.

Engelking made a motion to approve new ownership with the change in hours. Seconded by Christiansen.

Motion carried unanimously.

Discussion/Action – Condominium Plat for The Legend at Brandybrook Estates, N8 W22520 Johnson Dr., Waukesha, WI 53186. (Tax Key GNT 1449-988-001)

Josh Pudelko from Trio Engineering was present. Herrmann stated Town's restrictions are so limited for what can be required. There will be a staff review with Town Planner and Attorney in the future for condo documents and declarations. Grading plans, roads and entrance will be reviewed later.

Ross made a motion to approve recommendation to the Tow Board subject to Planner's recommendation. Seconded by Engelking. Motion carried unanimously.

Discussion/Action – Approval of November 25, 2019 Plan Commission Minutes.

Lightfoot made a motion to approve the Minutes, seconded by Christiansen. Engelking and Turzynski abstained. Motion carried with two abstentions.

Review Pending

Herrmann stated the Costello barn is being taken down piece by piece. It was supposed to be torn down 4 years ago. After numerous calls and letters, it was sent to the Town Attorney. Attorney wrote a letter giving Costello 60 days to take barn down.

Correspondence

None.

Discussion/Action – David King, S43 W30385 Stone Gate Lane, Waukesha, Wisconsin to operate a Hobby Kennel with a maximum of four (4) dogs for the purpose of personal pets. (Tax Key GNT 1528-992)

Ross said since nobody was present to oppose the hobby kennel, to go ahead and approve it.

Leair closed the public hearing at 6:41 p.m.

Ross made a motion to approve the hobby kennel for four dogs subject to standard conditions. Engelking seconded the motion. Motion carried unanimously.

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 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.

9. 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.
10. Subject to this hobby kennel permit being issued for no more than four (4) dogs at any time.
11. Subject to this permit being strictly for David King, S43 W30385 Stone Gate Ln., Waukesha, Wisconsin.

Adjourn

Engelking made a motion to adjourn. Seconded by Ross. Motion carried unanimously.

Meeting was adjourned at 6:41 p.m.

Cindy Zignego
Deputy Clerk
January 29, 2020