

**TOWN OF GENESEE PLAN COMMISSION MEETING
MINUTES
AUGUST 24, 2020**

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

Present were: Town Chairman Leair and Supervisor James Morris. Also present were Plan Commission Members Bob Christiansen, Jeff Lightfoot, Joe Turzynski, Brett Engelking and Mike Toole. 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 August 24, 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 Michael & Trish Delambo, S22 W30854 Boettcher Road, Waukesha, Wisconsin to operate a Hobby Kennel with a maximum of five (5) dogs for the purpose of personal pets at S22 W30854 Boettcher Road, Waukesha, Wisconsin. The property is legally described as Lot 1 CSM 11227, being a part of the SW ¼ of Section 3, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin.

Petitioners Michael and Trish Delambo were present and stated they have five dogs now and one dog will be put down in future. Leair said Hobby Kennels cannot have commercial operation, it is for personal pets only. Delambo said there will not be dog training or therapy classes held at their home. Turzynski asked how long they have lived there and response was since December 5, 2019. Delambo said they would not raise any litters there. If one of the dogs passes, there will be 4 dogs and that is the limit of dogs they are requesting for Hobby Kennel. Leair opened up the floor for comments at 6:04 p.m. Bill Stube, 252 Legend Heights, Wales, WI, had questions: 1. Are dogs licensed? Herrmann said Delambo's were told to hold off until the Plan Commission approved the Hobby Kennel. 2. Have fees been paid to Town? They will be paid after approval. 3. Are the vaccinations checked? Yes. 4. Will breeding be allowed? Delambo said there is only one female that is bred and this would be the last year due to her age. 5. Will dogs be kept where they are and no future kennels on the property? 6. Will dogs be used for any commercial purpose? 7. If things change in the future, can residents complain? Leair said it can be reviewed at any time and if there are complaints, the approval can be reconsidered. Carol Stube, 252 Legend Heights, Wales, WI, asked if the kennel area would be maintained as it is currently. Delambo's response to the questions was they do not raise litters on the property. Within the next 6 months, the oldest dog will be put down and they will have four dogs. None of the kennels will change. They have fenced in backyard. Dogs do not bark or nuisance. They are inside most of the time. There were no further comments and Leair brought discussion back to the table at 6:10 p.m. Leair read two emails with concern about approving the Hobby Kennel. They were from John Brymer and Ben Trevino. Herrmann informed that he had been on the property for a different complaint that has been resolved. The dogs cannot be seen unless they are by the top of the fence. There have not been any complaints regarding the dogs. Bill Stube stated he had no further comments. Leair closed the hearing at 6:15 p.m.

Discussion/Action – Michael and Trish Delambo, S22 W30854 Boettcher Road, Waukesha, Wisconsin to operate a Hobby Kennel with a maximum of five (5) dogs for the purpose of personal pets. (Tax Key GNT 1451-992-003)

Engelking made a motion to approve the request for five dogs and reduced to four dogs when one dog passes, subject to the standard conditions for a Hobby Kennel, based on no complaints, and Herrmann already having viewed the property. Toole 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.

Discussion/Action – Site Plan/Plan of Operation for Knuth Cement and Masonry, S44 W32719 Rhapsody Lane, Waukesha, WI 53189. The property is described as Lot 2 Certified Survey Map No. 5170, being a part of the SW ¼ of Section 14, T6N, R17E, in the Town of Genesee, Waukesha, Wisconsin. More specifically, the property is located at W297 S3557 Boettcher Road. (GNT 1495-997-003)

Petitioners were not present. Herrmann stated Knuth wants to change their application and use half the building for storage and rent the other half. If either decide to operate a business, they need to get approval from the Plan Commission with a site plan/plan of operation. There is no business run from there at this point. Christiansen made a motion to approve subject to the Planner's Recommendation dated August 17, 2020. Engelking seconded the motion. Motion carried unanimously.

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

NAME: Knuth Cement & Masonry

DATE: August 17, 2020

TAX KEY NO.: GNT 1495.997.003

OWNER: Knuth Masonry LLC
S44 W32719 Rhapsody Lane
Waukesha, WI 53189-9445

LOCATION OF PROPERTY: Lot 2 Certified Survey Map No. 5170, being a part of the SW ¼ of Section 14, T6N, R17E, in the Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located at W297 S3557 Boettcher Road.

ZONING CLASSIFICATION: M-1 Limited Industrial District.

PROPOSED REQUEST:

The property encompasses approximately 2.0 acres and is currently vacant. The owner, Jason Knuth, recently purchased the property and intends to use the property as a storage facility for his cement and masonry business and for commercial storage rental. He is proposing to construct a 60 ft. x 64 ft. pole building with 16-foot side walls and an overall height of approximately 27 feet. The building will be constructed with premium pro-rib metal side walls in a brite red color and white trim. The roof will also be constructed with a premium pro-rib metal in a lite gray color. The front elevation (facing east) will contain two (2), sixteen (16) foot overhead doors and two (2) service doors. The rear elevation will contain one (1), fourteen (14) foot overhead door. The side elevations will contain no doors or windows. The interior space will be divided into two (2) separate storage spaces. The owner will be using half of the building for storage of his own masonry equipment, while the other half of the building will be utilized by a separate tenant for storage purposes only.

There will be no employees at this location. It is for interior storage only. Since operation will be for storage only with no employees, restrooms are not included nor required. No landscaping, lighting, or parking plans have been provided. No outside storage is being proposed at this time.

PLANNER'S RECOMMENDATIONS:

Based on the information provided, the Town Planner recommends **approval** of this request subject to the following conditions:

1. The proposed building shall be used for storage only. Any other use shall require the owner or applicant to apply for a new Site Plan/Plan of Operation to be reviewed and approved by the Town of Genesee Plan Commission.
2. No outside storage shall be allowed unless specifically approved by the Town of Genesee Plan Commission.
3. The Fire Chief shall review the building plans to ensure that all fire codes are being complied with and that a Knox Box has been installed in conformance with the Town of Genesee Knox Box Ordinance.
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.
5. Documentation shall be submitted to the Town Planner that all required local, county, state and federal licenses and permits have been obtained.
6. Absolutely no disposal of hazardous materials on site. All waste (hazardous or otherwise) shall be disposed of properly.
7. Any proposed exterior lighting shall include a detailed lighting plan, including cut sheets, showing location and number of lights. Said Plan shall be submitted to the Town Planner for review and approval prior to installation of the exterior lights.
8. Documentation shall be submitted to the Town Planner that the Land Resources Division of Waukesha County has approved a Stormwater Management Plan and an Erosion Control Plan for the proposed use (if applicable).
9. 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 to ensure that it does not become detrimental to the surrounding area.

10. Subject to the property being in compliance with all Federal, State, County and local laws, ordinances, codes, rules and regulations.
11. An up-to-date Plan of Operation must be on file at all times with the Town of Genesee Plan Commission.
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 any way become a nuisance by reason of appearance, noise, dust, smoke, illumination, odor or any other similar factor.
14. Professional fees. Applicant 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,

Jeffrey Herrmann, AICP
Administrator-Planner

cc: Town of Genesee Clerk
Town of Genesee Building Inspector
Waukesha County Land Resources Division
Chief James Moon
Jason Knuth

Discussion only for conceptual land division for Ryan Janssen, P.O. Box 486, Mukwonago, Wisconsin. The property is located at in part SW ¼, NW ¼ and SE ¼ Section 35, T6N, R18E. (GNT 1579-999)

Ryan Janssen and Mark Ellena were present. Herrmann updated that they have met with Waukesha County Development Review Team. The report is not back yet. SEWRPC is going to provide recommendations for private or public ownership or conservation easement. The new plan has 11 lots. There are some concerns about deep slopes and if building envelopes are big enough. One five acre lot may not meet the 2.5 to 1 ratio. Janssen said SEWRPC's delineation report said conservancy area is a setback with special conditions. Herrmann said he is waiting for SEWRPC's recommendations because it's coming from environmentalist. Janssen talked to Waukesha Land Conservancy and they have to get back to him. There was discussion about the five acre lot meeting the 2.5 to 1 ratio. Ellena said they are doing field work right now to define areas and slopes for more accuracy. Janssen will return with a preliminary plat and CSM.

Discussion/Action – Approval of sign for The Legend of Brandybrook Estates, W304 S1806 Brandybrook Road, Waukesha, WI. (GNT 1449-988-001)

Engelking made a motion to approve the sign location and design. Christiansen seconded the motion. Motion carried unanimously.

Discussion/Action – Approval of July 16, 2020, July 27, 2020 and August 5, 2020 Plan Commission Minutes

Morris made a motion to approve the July 16, 2020 minutes. Lightfoot seconded. Motion carried unanimously. Lightfoot made a motion to approve the July 27, 2020 minutes. Turzynski seconded. Engelking and Toole abstained. Motion carried with two abstentions.

Turzynski made a motion to approve the August 5, 2020 minutes. Morris seconded. Motion carried unanimously.

Review Pending

None.

Correspondence

Letters were sent to Tengler and Pichler regarding removing the berms by September 12, 2020. Attorney has been informed.

There were some complaints about barking from Hoover Haus.

Adjourn

Engelking made a motion to adjourn. Motion seconded by Christiansen. Motion carried unanimously.

Meeting adjourned at 6:41 p.m.

Cindy Zignego
Deputy Clerk
August 25, 2020