

**TOWN OF GENESEE PLAN COMMISSION MEETING
MINUTES
SEPTEMBER 28, 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, Brett Engelking, Jeff Lightfoot, Mike Toole and Joe Turzynski. Also present were Planner Jeff Herrmann and Deputy Clerk Cindy Zignego. Jacob Heermans, Senior Land Use Specialist for Waukesha County Department of Parks and Land Use, joined the meeting remotely through I-pad.

Discussion/Action – Conditional Use request of James Horneck, S23 W33769 Morris Road, Oconomowoc, Wisconsin for the construction of a pond per Section 30(E)(3) of the Town of Genesee Zoning Code. The property is described at Lot 1 CSM 3519, being a part of the NW ¼ of Section 7, T6N R18E, in the Town of Genesee, Waukesha County, Wisconsin. (Tax Key GNT 1466-999-006)

Jim Horneck and Mark Ellena were present.

Herrmann referenced his report dated September 21, 2020, page 3, condition number 7. There is a typo there and the word “not” should be stricken. It should read: “The Pond shall be maintained naturally.” There were no further comments.

Engelking made a motion to approve the request subject to the conditions in Planner’s memo dated September 21, 2020 with the correction to condition 7 to strike the fourth word, “not”. Christiansen seconded the motion. Motion carried unanimously.

Memorandum

To: Town of Genesee Plan Commission
From: Jeffrey C. Herrmann, Administrator-Planner
Date: September 21, 2020
Re: Horneck – Conditional Use for Land Altering Activities (Pond Construction)

On September 15, 2020, the Town of Genesee Plan Commission held a public hearing to consider the Conditional Use request of James Horneck, S23 W33769 Morris Road, Oconomowoc, Wisconsin for land altering activities in conjunction with the construction of a private pond per Section 30 (E)(3) of the Town of Genesee Zoning Code. The property is described as Lot 1 CSM 3519, being a part of the NW1/4 of Section 7, T6N R18E, in the Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located at S23 W33769 Morris Road. The pond will be used mainly for dog training as well as some recreational activities, including fishing and possibly swimming. The pond is roughly 1.8 acres in size and is irregularly shaped. It is located a minimum of 100 feet off the property line. The pond will be unlined and water levels will be naturally maintained by springs and runoff. The excavated material will be used to create berms and to create a more favorable topography. The Town Engineer reviewed the plans and was generally ok with the proposal. A stormwater permit is required by Waukesha County Department of Parks and Land Use.

Only one (1) neighbor, located directly to the east, made comments at the public hearing. She was concerned about the runoff and drainage of water onto her property, impacts to local wells, and water quality in the pond (algae & aeration). The water table maintaining the levels in the pond are very shallow and not below the limestone, which is the aquifer which is used for most private residential wells. Therefore, no impacts should result because of the pond construction.

The Town of Genesee Zoning Code requires all land altering activities to comply with certain criteria. Ponds are specifically listed and are required to comply with the following:

- The water surface of any pond shall be twenty-five (25) feet or greater from any floodplain and no land altering activity is allowed within the floodplain, the finished grade around the entire pond shall be at least two (2) feet above the 100-year flood elevation.
- The water surface of any pond shall be twenty-five (25) feet or greater from any wetland, unless otherwise approved by Wisconsin Department of Natural Resources (WDNR) as a wetland enhancement.
- All ponds shall comply with applicable technical design standards published by the WDNR and the USDA-Natural Resources Conservation Service, including but not limited to soil investigations, safety shelf, berm design, compaction specifications, inlet/outlet design and erosion control.
- Groundwater pumping is a prohibited water source for any pond, unless a public benefit is determined by the Town Plan Commission.

When determining whether to authorize any land altering or land development activity in the Town of Genesee, the Town Plan Commission shall consider, the aesthetic impact; the potential for adverse drainage; the potential impact upon neighboring properties; the potential impact upon environmentally sensitive areas; the potential impact upon existing lakes and streams; the potential impact on roadways and other infrastructure; public safety; how the proposed activity fits with the master grading plan (if applicable); proposed landscaping and screening; the materials used and source for fill, landscaping and retaining walls; the total area of land disturbance; and the proposed pond size, use, location, design, landscaping, and water source.

After considerable discussion at the public hearing, the testimony of the petitioner and the neighbor, and comments made by the Town Plan Commission, the Town Planner recommends that the Town Plan Commission **approve** the proposed request for land altering activities in conjunction with the construction of a pond, subject to the following conditions:

1. All previous imposed conditions for the Conditional Use Permit for the Taxidermy Studio shall continue in effect and be adhere to.
2. Subject to documentation being submitted to the Town Planner that a Stormwater/ Erosion Control Permit has been reviewed and approved by the Waukesha County Department of Parks and Land Use, Land Resources Division, prior to the issuance of a Conditional Use Permit.
3. Updated plans drawn to scale by a professional engineer showing the final design of the pond including the proposed safety shelf in compliance with all applicable technical design standards published by the WDNR and the USDA-Natural Resources Conservation Service shall be submitted to the Town Planner and Town Engineer for review and approval, prior to the issuance on any permits.
4. The pond shall be properly maintained so as not to become an algae pond or have a negative impact on the neighborhood. If the pond is not properly maintained, the Town of Genesee has right to order the pond filled in, according to all regulations in place at the time of filling in the pond.
5. Subject to a restoration and landscaping plan (drawn to scale) for all areas of disturbance being submitted to the Town Planner for review and approval prior to the issuance of any permits. The plan should include, but not be limited to, how the outer edge of the pond will be stabilized, including the method and type of vegetation to be used.

6. Subject to all activities complying in all respects with any and all requirements of the Wisconsin Department of Natural Resources (DNR) chapter 30 Permit. In addition, documentation shall be submitted to the Town Planner from the DNR that all necessary Fish Stocking Permits have been obtained prior to stocking the pond with fish (if applicable).
7. The Pond shall not be maintained naturally. Groundwater pumping is a prohibited water source for any pond, unless a public benefit is determined by the Town Plan Commission.
8. The use of the pond shall be for personal use only, including by not limited to dog training, fishing, hunting and swimming. No field trials or commercial activities shall take place on the property, except for the Taxidermy Studio. If the petitioner has a question regarding a particular use of the property, it shall be presented in writing to the Town Planner who shall make a determination or submit said question to the Town Plan Commission for a final decision.
9. Subject to all Land Altering Activities, being completed and the site completely restored and vegetated no later than September 15, 2021, unless extended by the Town Planner.
10. 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.
11. Subject to all laws, ordinances, regulations and rules of the State, County, Town and USA.
12. The Town reserves the right to review any condition imposed as part of this Land Altering Permit 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 without the necessity of having a public hearing. Any major change, as determined by the Town Planner may require a new public hearing following the requirements of the Town of Genesee Zoning Code.
13. Subject to a letter from the owner acknowledging and accepting all terms and conditions of this Land Altering Permit being submitted to the Town of Genesee Clerk, prior to issuance of any permits.
14. Petitioner shall, on demand, reimburse the Town of Genesee for all costs and expenses of any type that the Town incurs in connection with this Land Altering Permit, including the cost of professional services incurred by the Town of Genesee (including engineering, legal, planning and other consulting fees) and for the review and preparation of the Land Altering Permit or attendance at meetings or related professional services for this application, as well as for any actions that the Town of Genesee is required to take to enforce the conditions in this Land Altering Permit due to a violation of these conditions. All fees due and owing at the time shall be paid prior to the issuance of the Land Altering Permit, and such fees coming due following the issuance of the Land Altering Permit shall be paid within thirty (30) days of billing.
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.

Discussion/Action – Chad Petersen, W335 S5364 Woodchuck Hollow, North Prairie, WI 53153, request for number of Accessory Buildings. (Tax Key GNT 1559-991-015)

Herrmann explained Petersen is requesting three accessory buildings and already has two existing buildings on his property. Herrmann took pictures of the property and Plan Commissioners reviewed them. Herrmann stated there is no problem with the number of accessory buildings but Petersen will have to confirm the square footages. He is allowed to have 2,657 square feet based on property is 3.05 acres of land. Petersen said the numbers are close to that now. Herrmann thinks its over a couple hundred square feet. Petersen will have to measure and provide the numbers to the Planner. Leair stated any approval would be subject to third accessory building and not exceeding the 2,657 square feet on the property.

Engelking made a motion to approve the request for a third accessory building. Morris seconded the motion. Motion carried unanimously.

Discussion/Action – Site Plan/Plan of Operation for Alpha Heating & Cooling, S15 W33816 Wolf Road, Unit G, Dousman, WI 53118. (Tax Key GNT 1462-998-006)

Herrmann had talked to Terry DeCicco. DeCicco doesn't feel the building inspector is necessary as stated in condition number 6 of Herrmann's report dated September 21, 2020. In the past, this has been waived. However, under condition number 5, if the Fire Department requests an inspection be completed by the building inspector, it will be necessary. Leair stated nothing has changed in that building.

Engelking made a motion to approve the request subject to Planner's Report dated September 21, 2020 and striking building inspection under condition number 6 and modifying condition number 5 to state if the Fire Department requests an inspection, it will be necessary. Christiansen seconded the motion. Motion carried unanimously.

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

PROJECT NAME: Alpha Heating & Cooling LLC

DATE: September 21, 2020

TAX KEY NUMBER: GNT 1462.998.006

PETITIONER: Russell Jahn
d/b/a Alpha Heating & Cooling LLC
312 Appletree Court
Eagle, WI 53119

OWNER: DeCicco Office Warehouse LLC
c/o Terry DeCicco
N6887 County Road E
Oconomowoc, WI 53066-9017

LOCATION OF PROPERTY:
Lot 2B Certified Survey Map No. 6053, being a part of the NW 1/4 of Section 6, T6N, R18E, Town of Genesee, located at S15 W33816 Wolf Road, Unit F and containing approximately 3.67 acres

PRESENT ZONING:
M-2 General Industrial District.

ZONING COMPLIANCE:
Permitted per Section 79 (A)(3) any other commercial or industrial use not prohibited by law.

PRESENT LAND USE:

Multi-Tenant Building and Outdoor Storage of Equipment and Materials.

PLANNER'S ANALYSIS:

The property contains a multi-tenant building with approximately six (6) tenant spaces. The petitioner is proposing to utilize tenant space Unit G (approximately 1,500 square feet) for the operation of a Heating and Cooling Business. A detailed interior floor plan indicates an office and storage in the front of the building along with a restroom. A large shop area is proposed for the rear of the building. No interior remodeling is being proposed at this time. The petitioner indicates that a work van and a 6 ft. x 12 ft. trailer will be stored onsite.

The operation will only employ two (2) full-time employees. Generally, the days and hours of operation will be Monday through Friday from 7:00 a.m. to 5:00 p.m.; however, emergencies may require additional hours or work on a weekend. There are approximately 43 parking spaces in the front of the building for customer and employee parking with additional parking spaces behind the building. It was determined at the time of the original site plan in 1994 that five (5) parking spaces would be needed for each tenant space. The proposed use only requires five (5) spaces for both employees and patrons and additional parking for the storage of one (1) work vehicle/trailer. No changes to the signage, lighting, landscaping or dumpster locations are being proposed at this time. The property is served by a private on-site waste disposal system and private 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. Subject to all conditions previously imposed for the multi-tenant building by the Town of Genesee being adhered to, unless specifically modified herein.
2. The business operation shall be limited to the operation of a Heating & Cooling Business.
3. Absolutely no additional outdoor lighting shall be allowed, unless approved by the Town of Genesee Plan Commission.
4. The Waukesha County Environmental Health Division shall inspect and approve the existing private waste disposal system for the existing uses on the property.
5. Documentation shall be submitted to the Town Planner that the Wales-Genesee Fire Department has inspected the proposed premises and all necessary fire codes are in compliance prior to the issuance of a use permit.
6. Subject to the Town Building Inspector inspecting the premises and all applicable building codes and permits have been applied for and complied with prior to the issuance of a use permit. All required State Approved Building Plans shall be submitted to the Town Planner and Town Building Inspector prior to the commencement of any construction activities (if applicable).
7. All outside storage of vehicles/trailers shall be on the north side of the building, unless specifically approved in another location by the Town of Genesee Plan Commission.
8. Subject to the property being in compliance with all Federal, State, County and local laws, ordinances, codes, rules and regulations.
9. An up-to-date Plan of Operation must be on file at all times with the Town of Genesee Plan Commission and Waukesha County.

10. The applicant shall allow the premises to be available for inspection by the Town of Genesee officials at any reasonable time and upon reasonable notice.
11. 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.
12. 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.
13. 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.
14. 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
Russell Jahn
Terry DeCicco
Chief Moon

Discussion/Action – Site Plan/Plan of Operation for Ideal Masonry, S34 W29921 Little John Drive, Waukesha, WI 53189. (Tax Key GNT 1494-997-024)

Michael and Cheryl Mogensen were present. Mogensen is requesting a 50 ft. x 52 ft. addition for storage purposes only. Herrmann stated it meets all the setbacks and offsets.

Engelking made a motion to approve the request subject to the conditions in Planner's Report dated September 21, 2020. Christiansen seconded the motion. Motion carried unanimously.

Memorandum

To: Town of Genesee Plan Commission Members
From: Jeffrey C. Herrmann, Administrator-Planner
Date: September 21, 2020
Re: Ideal Masonry – Building Addition

In March 2004, the Town of Genesee Plan Commission conditionally approved a Site Plan/Plan of Operation request by Richard Losee, W278 N2472 Prospect Avenue, Pewaukee, Wisconsin to construct a 70' x 100' metal paneled building for the storage of masonry equipment and materials on property described as Lot 5 CSM 9660, being a part of the SW ¼ of Section 14, T6N, R18E, in the Town of Genesee. More specifically, the property is located at S34 W29921 Little John Drive. A condition of approval (Condition No. 5) stated, "No outside storage of equipment or materials". However, the existing owner of the property and business, Michael Mogensen, received approval in 2006 to store concrete forms in the rear of the building, next to the railroad tracks.

The owner/petitioner is now proposing to construct a 50 ft. X 52 ft. addition onto the rear of the building. The addition will be for additional storage and will be only accessed from the existing building through a service door. The addition will contain two (2) overhead doors on the southeast side of the building. The overhead doors will be 14 feet wide with one door being 10 feet in height and the other door being 12 feet in height. No restrooms or other facilities are located within the addition. A stormwater/erosion control permit was issued on September 15, 2020.

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

1. All conditions previously imposed by the Town of Genesee and Waukesha County for "Ideal Masonry" shall be adhered to unless modified herein.
2. The proposed 50 ft. x 52 ft. addition shall be used for storage purposes only and shall only be occupied by Ideal Masonry, unless otherwise approved by the Town of Genesee Plan Commission. Any other user of the addition or the existing building is required to have a Site Plan/Plan of Operation reviewed and approved by the Town of Genesee Plan Commission.
3. Petitioner shall submit documentation to the Town Planner, to show that the Wales-Genesee Fire Chief has reviewed and approved the proposed plans prior to the issuance of any permits. The Fire Department shall also inspect the premises to ensure all applicable fire codes are complied with and that a Knox Box has been installed in conformance with the Town of Genesee Knox Box Ordinance, prior to the issuance of an occupancy permit.
4. A final copy of the state approved building plans shall be submitted to the Town Building Inspector, prior to the issuance of a Building Permit. All required permits shall be obtained from the Town Building Inspector and all required inspection completed prior to the issuance of an occupancy permit for said addition.
5. Subject to the property being in compliance with all Federal, State, County and local laws, ordinances, codes, rules and regulations.

6. An up-to- date Plan of Operation must be on file, at all times, with the Town of Genesee Plan Commission and Waukesha County.
7. 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.
8. Subject to 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.
9. The Town reserves the right to review this Plan of Operation if said use becomes a problem in the area.
10. 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.
11. 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.

Discussion/Action – Preliminary Plat for Genesee Preserve, part of the SW ¼, NW ¼ and SE ¼ of Section 35, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin. (Tax Key GNT 1579-999)

This item was pulled from the Agenda.

Discussion/Action – Approval of August 24, 2020 Plan Commission Minutes and approval of September 15, 2020 Plan Commission Minutes.

August 24, 2020 Minutes: Lightfoot made a motion to approve. Engelking seconded the motion. Motion carried unanimously.

September 15, 2020 Minutes: Lightfoot abstained. Christiansen made a motion to approve. Engelking seconded the motion. Motion carried with one abstention.

Review Pending

Herrmann updated the status of Pichler property. Herrmann and Mickelson went to the property. There is straw and seed where the berms were removed. Pichler is working on getting a road installed. Tony from the Fire Department approved the 12 ft. access. Attorney Macy is drafting an easement. Pichler is working on putting in a safety shelf.

Correspondence

None.

Special Order of Business at 6:30 p.m.

Joint Public Hearing with Waukesha County Department of Parks and Land Use to consider a rezoning request (RZ67) of Lawrence and Joy Meyers, W304 S4732 Old Mill Road, Waukesha, WI 53189, to amend the District Zoning Map of the Waukesha County Shoreland and Floodland Protection Ordinance from the A-2 Rural Home District to the R-2 Residential District to reconfigure parcel boundaries to accommodate new private septic (mound) systems. (Tax Keys GNT 1545-992, 1545-993 and 1545-994)

Lair read the Public Hearing Notice. Lawrence and Joy Meyers were present. Jacob Heermans of Waukesha County Parks and Land Use was present virtually via I-pad.

Heermans explained Meyers owns three lots, approximately 5.4 acres in size. They are bordered on the north by State Hwy 59, Old Mill Road on the west and Old Village Road on the east. Meyers want to reconfigure the property lines within those parcels to accommodate mound systems by moving one mound system from proposed Lot 1 to Lot 2. Currently, the County calls for low density residential in that area. The lots are zoned A-2. Only one of the lots would be conforming. Meyers are proposing to rezone the lots from A-2 to R-2.

Lair asked if Plan Commissioners had any questions. There were none.

Lair asked if there was anyone present who wanted to speak from the floor. There was none.

Lair brought it back to the table at 6:34 p.m. Engelking asked if this could be done without rezoning.

Herrmann said one of the lots would have been less than what it is currently and that would have been an issue.

Engelking said that this proposed zoning change does conform to the County's Comprehensive Plan and the Town's Plan. Town Chairman asked Heermans if he had any other comments and he replied no.

There were no more comments from the floor or the table.

Lair closed the hearing at 6:35 p.m.

This will come back to the Plan Commission for action on October 26, 2020 at 6:00 p.m. It will go to the Town Board on November 9, 2020 at 6:00 p.m.

Adjourn

Engelking made a motion to adjourn. Turzynski seconded the motion. Motion carried unanimously.

Meeting adjourned at: 6:36 p.m.

Cindy Zignego
Deputy Clerk
October 1, 2020