

TOWN OF GENESEE PLAN COMMISSION MEETING

JUNE 22, 2020

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

Present were: Plan Commission Chairman Sharon Leair and Plan Commission members Brett Engelking, Jeff Lightfoot, Mike Toole, Joe Turzynski, Bob Christiansen and Supervisor James Morris. Also present was Planner Jeff Herrmann.

Discussion/Action – Accessory Building exceeding 1,600 square feet for Jeff Dretzka, W334 S4375 Connemara Dr., Dousman, WI 53118. (Tax Key GNT 1513-027)

Dretzka wants to build a 50 ft. by 36 ft. pole building with a wrap around covered porch. Inside there would be a bathroom facility and kitchenette. This cannot be used for overnight inhabitation. There is a deed restriction required that states it is not to be used for commercial or residential inhabitation. It is for personal use only. Engelking made a motion to approve the request as presented and subject to the deed restriction. Christiansen seconded the motion. Motion carried unanimously.

Discussion/Action – Certified Survey Map for John Klinko, W305 S3990 Brookhill Road, Waukesha, WI 53189. (Tax Key GNT 1525-999-002 and GNT 1525-012)

Herrmann explained that Klinko wants to take where his current house is located and combine it with the barn property. This is part of subdivision, Lot 12, of Brookhill Estates. The total combined area will be 36 acres. They have to comply with all the requirements of the Brookhill Estates subdivision regulations. The CSM will have to add notes regarding the conservancy and environmental corridor. No buildings will be added at this time. Klinko is not renting out the rental property. It is just a guest house right now. Engelking made a motion to recommend approval to the Town Board and subject to the conditions in Planner's Report dated June 15, 2020. Turzynski seconded the motion. Motion carried unanimously.

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

<u>PROJECT NAME:</u>	Klinko
<u>TAX KEY NO.:</u>	GNT 1525.999.002 GNT 1525.012
<u>DATE:</u>	June 15, 2020
<u>OWNER:</u>	John Klinko W305 S3990 Brookhill Road Waukesha, WI 53189
<u>LOCATION:</u>	Lot 1 CSM 8280, being a part of the NE ¼ of Section 22, T6N, R18E, Town of Genesee and Lot 12 Brookhill Heights, being a part of the SE ¼ of Section 15 and the NE ¼ of Section 22, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin.
<u>TOWN ZONING:</u>	R-1 Residential District. E-C Environmental Corridor District. A-E Exclusive Agricultural District. C-1 Conservancy District.

PARCEL SIZE: Approximately 36.965 acres.

REQUESTED USES: A Certified Survey Map (CSM) to combine two (2) parcels of land into one (1) lot served by a private septic system and a private well.

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 3.0 – 4.9 acres of lot area per dwelling unit, along with primary environmental corridor category. Therefore, the proposed parcel complies with the intent of the Town of Genesee Comprehensive Land Use Plan – 2035.

STAFF ANALYSIS:

The owner is proposing to combine two (2) parcels that he currently owns into one (1) new Lot. The combined area of the existing parcels is approximately 36.965 acres. The property contains a single-family residence, a detached garage and a barn with a rental unit in the upper level. Since the Town of Genesee Zoning Code does not allow two (2) single family residences on one parcel, the residence in the barn will need to be removed, reclassified or reconfigured. The property is located on the east side of Brookhill Road approximately 250 feet south of the intersection of CTH D and Brookhill Road.

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 May 28, 2020, giving the Town Plan Commission until August 11, 2020 and the Town Board until August 26, 2020, to take action, unless the Developer grants an extension in writing.

In performing a detailed review of the CSM dated Revised April 20, 2020, I have found the following items must be complied with, added to the map, modified or waived by the Town of Genesee Plan Commission and Town Board and are deemed conditions that must be satisfied in order to comply with the Town's Land Division Ordinance:

- Section 375-12 (A)(5) Any lot regardless of size, in which a portion of the lot contains primary environmental corridor as identified by the Southeast Wisconsin Regional Planning Commission shall preserve slopes in excess of 12 percent. The slopes exceeding 12 percent shall be identified and a note shall be added to the CSM indicating that any portion of the lot area in excess of 12 percent shall be maintained as open space.
- Section 375-22 (C) The general location sketch shown on sheet 1 of 2, shall include Brookhill Road.
- Section 375-22 (E) The names and addresses of the owner, subdivider and land surveyor shall be shown on the CSM.
- Section 375-23 (M) Existing Zoning on and Adjacent to the proposed CSM shall be shown on the CSM.
- Section 375-23 (R) The Primary Environmental Corridor and any wetlands shall be delineated on the CSM as identified by the Southeastern Wisconsin Regional Planning Commission (SEWRPC).
- Section 375-23 (U) Surveyor's Certificate signed, dated, and sealed, and any revision dates on all sheets.
- 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. This can take place as a another original CSM or a mylar copy of the original CSM. Signatures shall be placed on both copies of the CSM.

Section 375-48 (A) Since Brookhill Road is classified as a Collector Street, a planting strip at least 30 feet in depth shall be provided adjacent to Brookhill Road. 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; 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. A signature page shall be added for the Village of Wales.
3. The following Wetland & Primary Environmental Corridor preservation restriction shall be added to the CSM:

Those areas identified as Wetland & Primary Environmental Corridor on this Certified Survey Map CSM shall be subject to the following restrictions:

- A. Grading and filling are prohibited, unless specifically authorized by the Town of Genesee and, if applicable, the Waukesha County, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
- B. The removal of topsoil or other earthen materials is prohibited, unless specifically authorized by the Town of Genesee and, if applicable, the Waukesha County, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
- C. The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc., is prohibited, with the exception that dead, diseased, or dying vegetation may be removed, at the discretion of the landowner and with approval of the Town of Genesee. Silvicultural thinning, upon the recommendation of a forester or naturalist and with approval from the Town of Genesee, shall also be permitted. The removal of any vegetative cover that is necessitated to provide access or service to an approved building or structure shall be permitted only when the access or service cannot be located outside of the Wetland or Primary Environmental Corridor and only with approval from the Town of Genesee.

- D. Grazing by domesticated animals, i.e., horses, cows, etc., is prohibited within the Wetland and shall be discouraged to the greatest extent possible within the Primary Environmental Corridor.
 - E. The introduction of plant material not indigenous to the existing environment of the Wetland or Primary Environmental Corridor is prohibited, unless specifically authorized by the Town of Genesee and, if applicable, the Waukesha County, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
 - F. Ponds may be permitted subject to the approval of the Town of Genesee and, if applicable, the Waukesha County Department of Parks and Land Use, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
 - G. The construction of buildings is prohibited.
4. A note shall be added to the CSM, indicating those areas identified with steep slopes shall be maintained as open space.
 5. The residence in the barn will need to be removed or converted to a guest house with occasional occupancy by guests of the owner and shall not be leased or rented for human occupancy. If the desire is to keep the residence in the barn as a guest house, a note shall be placed on the CSM indicating the same. The exact language shall be reviewed and approved by the Town Administrator.
 6. According to Section 236.34 (cm) of the Wis. Stats., a certified survey map may not alter areas previously dedicated to the public or a restriction placed on the platted land by covenant, by grant of an easement, or by any other manner. Therefore, all restrictions on Brookhill Heights shall apply to all areas of the CSM previously a part of Lot 12, Brookhill Heights. A note shall be added on the CSM referencing this restriction.
 7. Since the CSM is not located within the Waukesha County Shoreland and Floodland protection ordinance, the petitioner should check with Waukesha County to see if they are required to review the proposed combination. If the County is not required to approve the CSM, then the signature line on Sheet 2 of 2, can be removed.
 8. A note shall be added to the face of the CSM indicating that there shall be no commercial or business use on any lot, except as specifically permitted pursuant to the applicable Zoning Code.
 9. A Preliminary Site Evaluation shall be conducted for the existing septic systems on the property prior to the Town signing the final CSM.
 10. Any conditions imposed by the Town Engineer shall be complied with prior to the Town signing the final CSM.
 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 notes.
 12. 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.
 13. All existing and proposed easements shall be shown.

14. The Town Planner shall review the final CSM prior to the Town Officials signing the final CSM.
15. Subject to, **prior to the Town signing the final CSM, all other required signatures must be inscribed on the final CSM.**
16. Subject to the Owner satisfying all of the aforementioned conditions within **one (1) year** of the Town Board granting conditional final CSM approval.
17. 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.
18. 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

Discussion/Action – Site Plan/Plan of Operation for 1:28 Automotive LLC, S47 W30760 Hwy 59, North Prairie, WI 53153. (GNT 1546-966

The request has been withdrawn.

Discussion/Action – Approval of June 2, 2020 Plan Commission Minutes.

Engelking made a motion to approve the Minutes. Motion was seconded by Christiansen. Lightfoot abstained. Motion carried with one abstention.

Review Pending

Costello has started demolition on the barn.

Regarding Masterson's CSM, the neighbors do not want the cul de sac removed. Herrmann and Leair talked to Attorney John Macy. Herrmann sent letter to Masterson stating he has approval of CSM and Plan Commission and Town Board acted on it. The conditions are not changing. If Masterson wants to change anything, he has the right to reapply.

Correspondence

There are potentially three Public Hearings coming up:

1. Pichler for the pond on Highview.
2. Recreation facility in Ralph Rausch's building on Hwy. 59 and Hwy. 83. It's a hockey training facility. After discussion, consensus was a Public Hearing would not be necessary.

3. CU for Wolf to amend it to eliminate the property that is going to be owned by County Materials. Everyone would be available for Thursday, July 16, 2020, Public Hearings at 6:00 p.m.

Adjourn

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

Meeting adjourned at 6:21 p.m.

Cindy Zignego

Deputy Clerk

June 24, 2020