

**TOWN OF GENESEE TOWN BOARD AND TOWN PLAN COMMISSION JOINT MEETING
MINUTES
JULY 16, 2020**

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

Present were: Town Chairman Sharon Leair and Supervisors James Morris, Jeff Schmittinger and Buck Houston. Plan Commission members Brett Engelking, Jeff Lightfoot, Bob Christiansen, Mike Toole and Joe Turzynski. Absent was Supervisor Charlie Ross. Also present were Planner Jeff Herrmann and Deputy Clerk Cindy Zignego.

Town Board Only

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)

The Plan Commission recommended approval to the Town Board subject to the Planners recommendations. Herrmann explained the Certified Survey Map was to combine two properties into one property in Brookhill Heights subdivision.

Morris made a motion to approve subject to the Planners recommendations. Schmittinger seconded. Motion carried unanimously.

Klinko had one copy of the CSM and two are required. He will get second copy and submit them for signature.

Leair called the Joint Public Hearing to order.

Town Board and Plan Commission

Joint Public Hearing will be conducted by the Town of Genesee Plan Commission and the Town of Genesee Town Board on Thursday, July 16, 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 Amendment request of Wolf Construction/Paving Co., Inc., 612 N. Sawyer Road, Oconomowoc, Wisconsin to amend their existing Conditional Use per Section 40 (B)(34) Quarrying of the Town of Genesee Zoning Code to reduce the size of the property covered by the conditional use permit. The property is located at W329 S1755 Jones Road. The property is part of the part of the E1/2 of the NW1/4 of Section 6; part of the W1/2 of the NW1/4 of Section 6; part of the NE1/4 of Section 6 and part of the NE1/4 and NW1/4 of Section 5, T6N R18E, in the Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located on the south side of USH 18 at W329 S1755 Jones Road, containing approximately 426.05 acres of land.

Herrmann explained the Conditional Use Amendment request for Wolf Construction. Jacob Mrugacz of Wolf Paving was present.

Leair asked the Town Board and Plan Commission members if they had any questions. There were none. No action will be taken at this meeting and will be acted on at the next Plan Commission meeting on July 27, 2020.

Leair opened up the floor to the public at 6:08 p.m. for comments. There were none.

Leair brought it back to the table at 6:09 for comments or questions. There were none.

Leair closed the hearing at 6:09 p.m.

The Town Board joint meeting was ended. Schmittinger made a motion to adjourn the Town Board meeting. Houston seconded. Motion carried unanimously. Meeting adjourned at 6:09 p.m.

Plan Commission Only

Immediately following the above joint public hearing a public hearing will be conducted by the Town of Genesee Plan Commission at the Town of Genesee Town Hall, S43 W31391 Hwy 83, Genesee Depot, Wisconsin, to consider the Conditional Use request of Mark Pichler, W326 S4636 Bartell Road for an after-the-fact pond construction per Section 30 (E)(3) of the Town of Genesee Zoning Code. The property is described as Lot 12, Kettlefield Subdivision, being a part of the SW1/4 of Section 20, T6N R18E, in the Town of Genesee, Waukesha County, Wisconsin.

Herrmann stated that a Conditional Use Hearing is not required but Pichler needs to follow Section 3(E) which requires public comment at a hearing. This is a land alternating application.

Herrmann said the Town received a complaint regarding land alternating activities for a berm in right of way on Highview Road. On April 27, 2020, Herrmann went to the site and inspected area and noticed a pond was under construction. On April 30, 2020, Herrmann and the Town Engineer went back to the property and agreed the pond was not a storm water pond but more of a recreational pond for swimming and fishing. On May 4, 2020, Herrmann wrote Pichler a letter regarding the berm and pond and requested that Pichler cease all construction activities. On May 18, 2020, Herrmann wrote Pichler another letter regarding the pond requirements. On June 29, 2020, a public hearing was set for July 16, 2020. Pichler did apply and obtain a storm water permit from Waukesha County on August 29, 2018 for the pond. The discussion at this hearing will be for the pond. The Town does not enforce restrictions or covenants for subdivision covenants. The pond surface water is within 50 feet of a property line and that is why it is being discussed at this hearing.

At 6:22 p.m. Pichler explained the process of construction starting back in 2018 with Waukesha County. He was informed that as long as the pond was under 20,000 square feet, he did not have to contact the Town of Genesee. Pichler received a permit from the DNR for a well. Pichler showed on a map how the water drains unto his property. Barrows told Pichler he did not need to build a safety shelf, but Pichler would be willing to build one. Herrmann stated that fencing is not required for a pond. Leair inquired if pond was used for swimming and Pichler replied it already has been used for swimming.

Leair asked if Plan Commissioners had questions. Engelking was concerned about drainage. Lightfoot asked for total acres for parcel of land and Pichler responded 4.3 acres.

Leair opened up comments from the floor at 6:28 p.m.

Carmen Rivers, S42 W32278 Spring Ridge Lane, is supportive and in favor of pond.

Patti Pentler, S42 W32275 Spring Ridge Lane, concerned about second well to fill pond.

Jason Knuth, S44 W32719 Rhapsody Lane, safety is main concern because there is no fence.

Adrian Tengler, W326 S4643 Bartell Road, in favor of pond, great improvement.

Ross Roman, S44 W32531 Rhapsody Lane, concerned about water over road when there is flooding.

Pichler responded to Plan Commission regarding the comments above at 6:34 p.m. The ACC informed him not to build a fence. Tried to meet with the Association several times and was told they didn't want his opinion.

Neighbors next to Pichler love the pond. The neighbors that are half a mile away oppose it. Never have had any water problems with flooding. Water permeates quickly.

Brittany Knuth, S44 W32719 Rhapsody Lane, concerned about danger of drowning without fence.

Jason Knuth, S44 W32719 Rhapsody Lane, concerned about safety and property value and future maintenance.

Leair asked if pond will be drained in winter, Pichler said no.

Pichler offered to build a safety shelf.

Leair stated that there will be no action at this meeting, but will be at next Plan Commission meeting on July 27, 2020 at 6:00 p.m. There were no more comments from the floor.

Leair brought it back to the table at 6:41 p.m. Morris inquired about pond being too close to lot line. Herrmann said it has to be 50 feet and it's only 30 feet. Engelking asked if that makes a public hearing necessary and Herrmann responded yes. Engelking said subdivisions built in last 20 years have to have a storm water pond and those are not fenced. Home Owner Associations are not something Town has any jurisdiction over. Town does require safety ledge on storm water ponds.

At 6:46 p.m. Herrmann read a letter from Tim Haas. He is not in favor of the pond or second well for numerous reasons that are listed and explained in his letter.

Pichler said there are two aerators in the pond and it is treated with chemicals to control algae growth and insects. Herrmann said the pump cannot be used unless the Town Plan Commission finds it for a public benefit.

Leair closed the hearing at 6:55 p.m. Action will be taken on July 27, 2020.

Engelking made a motion to adjourn, seconded by Toole. Adjourned at 6:55 p.m.