

**TOWN OF GENESEE PLAN COMMISSION MEETING
MINUTES
NOVEMBER 23, 2020**

Chairman Leair called the meeting to order at 6:00 p.m. Leair stated Agenda item number 5 had been removed from meeting.

Present were: Town Chairman Sharon Leair and Supervisor James Morris. Also present were Plan Commission Members Bob Christiansen, Joe Turzynski and Mike Toole. Absent were Brett Engelking and Jeff Lightfoot. Also present were Planner Jeff Herrmann and Deputy Clerk Cindy Zignego.

Ben Greenberg from Waukesha County Department of Parks and Land Use – Planning and Zoning Division was present via I-pad for the Joint Public Hearing and the Discussion/Action discussion for the conditional use request for Dan Saccomando and Deb Tarnow.

Leair read the joint public hearing notice.

Joint Public Hearing will be held by the Town of Genesee Plan Commission and a Staff Representative of the Waukesha County Department of Parks and Land Use – Planning and Zoning Division, on November 23, 2020 at 6:00 p.m. at the Genesee Town Hall, located at S43 W31391 Hwy 83, Genesee Depot, WI 53127, to consider the Conditional Use request (CU49) of Dan Saccomando (owner) and Deb Tarnow (applicant) for land altering activities associated with a new single-family residence with attached garage per the Waukesha County Shoreland and Floodland Protection Ordinance. The subject property is described as Lot 1, CSM 11868, located in part of the SW ¼ of Section 9, T6N, R18E, Town of Genesee. More specifically, the property is located at S30 W31878 County Trunk Highway E, Waukesha, WI 53189 (Tax Key No. GNT 1475.993.001).

Greenberg described the lot created in 2019. The drainage system is complicated with the kettles. The petitioner is requesting a 2,700 square foot single family home with attached garage. The amount of fill and land altering activity exceeds what the County administratively can approve through a zoning permit and that is why a conditional use permit is required.

Herrmann forwarded the information to the Town Engineer and is waiting for his review. There were no comments at the table. Leair opened up the floor for comments at 6:07 p.m. There were no comments. Leair brought discussion back to the Plan Commissioners. There was additional information sent to Herrmann today from the County that he has not reviewed and will send to Town Engineer. Debra Tarnow, Civil Engineer, of Terra Engineering Group spoke about the grading and drainage for the Saccomando lot. Greenberg stated the County does require a stormwater permit for erosion control as a standard requirement for a conditional use. The County will recommend as a condition that the Town Engineer review the final plan and plan meets all requirements of County Ordinance. Any Town conditions can be incorporated to ensure all the issues are being addressed. Herrmann stated after the Town Engineer's review, that Engineer's comments would be addressed and made a condition thereof. Herrmann said the Town will need the final updated plans, copy of County's stormwater review, the Town Engineer's review, updated restoration plan, and timetable for completion.

Plan Commissioners agreed to take action based on future reviews of Herrmann, Town Engineer, County and that the hearing could be closed and not adjourned to a date certain. Leair closed the hearing at 6:18 p.m.

Discussion/Action - Conditional Use request (CU49) of Dan Saccomando (owner) and Deb Tarnow (applicant) for land altering activities associated with a new single-family residence with attached garage per the Waukesha County Shoreland and Floodland Protection Ordinance. The subject property is described as Lot 1, CSM 11868, located in part of the SW ¼ of Section 9, T6N, R18E, Town of Genesee.

More specifically, the property is located at S30 W31878 County Trunk Highway E, Waukesha, WI 53189 (Tax Key No. GNT 1475.993.001).

Leair stated that based on the testimony taken, a motion would be required.

Turzynski made a motion to approve the Conditional Use request subject to Town Engineer's review, Town's standard conditions, County's stormwater requirements, erosion control permits, final restoration plan submitted to Town and the home completed by October 1, 2021. Town has right to review if an issue comes up and all fees must be paid. Morris seconded the motion. Motion carried unanimously.

Leair read the public hearing notice for Matthew Weber at 6:22 p.m.

Immediately following the above joint public hearing, a public hearing will be conducted by the Town of Genesee Plan Commission to consider the Conditional Use request of Matthew Weber, S44 W32522 Rhapsody Lane, Waukesha, Wisconsin for the operation of an Auto Repair Business per Section 40 (B)(7) of the Town of Genesee Zoning Code. The property is described as Lot 3 CSM 10591, being a part of the NW1/4 of Section 27, T6N R18E, in the Town of Genesee, Waukesha County, Wisconsin.

Matt Weber was present and explained his background and plans for opening his auto repair business. There was discussion about signage, size of building, and parking. The site plan is not complete yet and he is working with Mark Ellena. Christiansen questioned the size of building. Weber responded that it would be 48 ft. by 72 ft. Herrmann said the property is zoned B-2 and this business is allowed through a conditional use. The site plan/plan of operation needs to be approved by the Plan Commission. There will be no gasoline pumps and no lighting that is a hazard. The site plan/plan of operation will have to come back to the Plan Commission for approval once it is finalized. Since the site plan/plan of operation needs to be approved later, it was decided action for the conditional use will be done along with the site plan at a later date. That date is the next Plan Commission meeting scheduled for January 25, 2021. Weber will get the plans to Herrmann for review before that meeting.

Leair opened up the floor for comments. There were no comments. There were no comments back at the table.

Christiansen made a motion to adjourn the public hearing to a date certain, January 25, 2021, at 6:00 p.m. Toole seconded the motion. Motion carried unanimously.

Discussion/Action - Conditional Use request of Matthew Weber, S44 W32522 Rhapsody Lane, Waukesha, Wisconsin for the operation of an Auto Repair Business per Section 40 (B)(7) of the Town of Genesee Zoning Code. The property is described as Lot 3 CSM 10591, being a part of the NW1/4 of Section 27, T6N R18E, in the Town of Genesee, Waukesha County, Wisconsin.

This has been moved to the January 25, 2021 Plan Commission meeting at 6:00 p.m.

Discussion/Action – Conditional Use transfer request for Richard and Charlee VanderBerg, 17720 Redvere Drive, Brookfield, WI from Commercial Horse Boarding Operation of Joe Senglaub, S29 W31247 Sunset Drive, Waukesha, WI 53189. (Tax Key GNT 1476-999-003)

Richard and Charlee VanderBerg were present. Herrmann referred to the Conditional Use transfer request that the Town Attorney prepared. Only change should be Town of Genesee, not Village. The existing conditions remain the same.

Turzynski made a motion to approve the Conditional Use Transfer with the change of Village to Town. Christiansen seconded the motion. Motion carried unanimously.

Discussion/Action – Certified Survey Map for Thomas and Elizabeth Butler. The property is described as being a part of the SE ¼ of the SE ¼ of Section 20, T6N R18E, Town of Genesee. (Tax Key GNT 1520-992)

Herrmann explained the parcel was divided by roads under one tax key number. The Certified Survey map has 4 lots. Herrmann wants changes because it is hard to identify if the environmental corridor is isolated or primary. Also, steep slopes need to be delineated. The accesses to Grush and Highview Roads will have to be approved by the Town Highway Superintendent.

This will have to go to Town Board for approval on December 14, 2020.

Morris made a motion to recommend approval to Town Board subject to Planner's report dated November 11, 2020. Christiansen seconded the motion. Motion carried unanimously.

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

PROJECT NAME: Butler CSM

DATE: November 11, 2020

OWNERS: Thomas G & Elizabeth M Butler Revocable Trust
c/o James Butler
6104 Brunners Point Road
Hazelhurst, WI 54531

TAX KEY NO.: GNT 1520.992

LOCATION: The property is located in the SE ¼ of the SE ¼ of Section 20, T6N, R18E, in the Town of Genesee. More specifically, the property is located on the northwest, northeast and the south side of the intersection of Highview Road and Grush Road. The property contains a total of approximately 30.28 acres.

ZONING CLASSIFICATION: A-2 Residential District.
E-C Environmental Corridor District.
C-1 Conservancy District.

LOT SIZE: Approximately 30.28 acres.

REQUESTED USES: A Four (4) Lot Certified Survey Map (CSM).

COMPLIANCE WITH THE TOWN OF GENESEE COMPREHENSIVE LAND USE PLAN - 2035:

The Comprehensive Land Use Plan 2035 for the Town of Genesee identifies the area north of Highview Road in the Suburban II Density Residential allowing 3.0 – 4.9 acres of lot area per dwelling unit, along with Primary Environmental Corridor and Isolated Natural Resource Area. The area on the south side of Highview road is designated as extractive and Isolated Natural Resource Area. Therefore, the proposed CSM (land division) complies with the purpose and intent of the Town of Genesee Comprehensive Land Use Plan – 2035.

OTHER CONSIDERATIONS:

The property is located on both sides of Highview and Grush Roads. The property is bisected by Highview and Grush Roads, thereby creating essentially three (3) parcels as they are divided by the roads. All three (3) parcels

are located under one tax key number and contain a total of 30.28 acres of land. Currently, no buildings or residences are constructed on the property. The property has some steep sloped areas with a change in elevation across the property from 780 msl to 745 msl. The entire property is currently vacant.

The owner is in the process of dividing this property into four separate parcels in order to sell at least two of the parcels as single-family residential home sites. Although the proposed CSM will be creating four (4) total parcels, looking at the map it will appear as though only two (2) new parcels will be created, since the remaining two parcels will remain as is, with a separate Tax Key Numbers. Lot 1 will consist of approximately 3.83 acres and will contain about 366.43 feet of frontage on Highview Road. Lot 2 will consist of approximately 4.25 acres and will contain 715.20 feet of frontage on Highview Road. Lot 3 will be 5.54 acres in size and will have approximately 395 feet of frontage on Highview Road and approximately 278 feet of frontage on Grush Road. Lot 4 will be about 15.19 acres in size and have approximately 440 feet of frontage on Highview Road and approximately 870 feet of frontage on Grush 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 October 28, 2020, giving the Town Plan Commission until January 11, 2021 and the Town Board until January 26, 2021, to take action, unless the Developer grants an extension in writing.

In performing a detailed review of the CSM dated October 23, 2020, 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 375-12(A)(1) Each lot shall have at least 50% of its required area in the same zoning district as the zoning district where the building site is to be located.

Section 375-12(A)(5) Steep slopes shall be shown on the CSM as follows:

- Any lot, regardless of size, in which a portion of the lot contains a primary environmental corridor as identified by the Southeast Wisconsin Regional Planning Commission shall identify slopes 12 percent or greater. Steep slopes inside an environmental corridor do not need to be shown on the CSM.
- Lots in excess of two (2) acres - Slopes 20 percent or greater.

In addition, if there are slopes meeting the above criteria, a note shall be added to the CSM stating, any portion of the lot area with slopes in excess of the limit set forth above, is to be maintained as open space.

Section 375-12(A)(11) All access onto to Grush Road and Highview Roads shall be reviewed and approved by the Town Engineer and Town Public Works Superintendent.

Section 375-23(G) Owners of record of abutting unplatted land shall be shown on the CSM.

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 Grush Road and Highview Road are classified as a collector road on the official Town Map, a planting strip at least 30 feet in depth shall be provided adjacent to Grush Road and Highview 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."

Section 375-52 (A) Side Lot Lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face.

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 conditions:

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 North Prairie 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 legal description is incorrect on all pages. This parcel is not part of the SW ¼ of the SE ¼ of Section 20, T6N, R18E, in the Town of Genesee. There is also a typo that will be eliminated with the correct legal description.
4. The legend showing the primary environmental corridor and the isolated natural resource area shall be better depicted and more clearly identifiable on the CSM. This includes each sheet of the CSM.
5. Lot 4 shall contain a basement restriction as this lot has a relatively high seasonal groundwater table and additional borings may need to be completed if a home is ever constructed on the lot.
6. The date when the primary environmental corridor and isolated natural resource areas were field identified by SEWRPC shall be so stated on the CSM.
7. On Page 8 of 9, the title "Wetland/Floodplain/Primary Environmental Corridor Restrictions" shall be change to "Wetland/Primary Environmental Corridor/Isolated Natural Resource Area".
8. On page 9 of 9, under Town Plan Commission approval, "Meri Majeskie, Town Clerk" shall be change to "Cynthia Zignego, Secretary".
9. On page 9 of 9, Waukesha County signature can be removed from the CSM. Since this property is located outside the Waukesha County Shoreland Jurisdiction, Waukesha County is not a review authority.
10. The CSM contains page numbers and sheet numbers. All page references shall be "Sheets" and not "Pages".
11. A note shall be placed on the face of the final CSM stating, "No lot 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 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."
12. 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 note.

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

cc: Town of Genesee Clerk
Town of Genesee Building Inspector
Village of North Prairie
Thomas & Elizabeth Butler
James Beaty

Discussion – Conceptual Land Division request for John Yatzeck for property of Clarence Place, S51 W30797 Walnut Street, Mukwonago, WI. (Tax Key No. GNT 1546-020)

This item was removed from Agenda.

Discussion/Action – Approval of October 26, 2020 Plan Commission Minutes.

Christiansen made a motion to approve the October 26, 2020 Minutes. Turzynski seconded the motion. Motion carried unanimously.

Review Pending

Balderas had called to say he was cleaning up his yard. Herrmann is meeting with him on November 30, 2020. Mesa Trail farm purchase will require a public hearing and action in January, 2021. The public hearing will take place first two weeks of January when Plan Commissioners are available. Action would be at the January 25, 2021 Plan Commission meeting.

Correspondence

Letter was sent to Hoover's House due to neighbors complaining about barking.

Adjourn

Christiansen made a motion to adjourn. Turzynski seconded the motion. Motion carried unanimously. Meeting adjourned at 6:54 p.m.

Cindy Zignego
Deputy Clerk
November 24, 2020