

**TOWN OF GENESEE PLAN COMMISSION MEETING
MINUTES
OCTOBER 25, 2021**

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

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

Discussion/Action – Accessory Building exceeding 1,600 square feet for Tim and Betsy Mogensen, W326 S4540 Bartell Road, Waukesha, WI 53189. (Tax Key GNT 1519-015)

Mogensen wants to construct a 42 ft. by 46 ft. detached accessory building. Herrmann asked the height of the building and the Mogensen's did not know. Herrmann said they will be close to the maximum height of 28 ft. Herrmann asked if there was a second floor planned because of the windows on the upper portion. Mogensen said the windows were for decorative purposes. There might be storage on the upper level but there is not a second floor. There is no staircase going up. Herrmann said there cannot be a staircase going up to the second floor, but a pull-down staircase would be allowed. Herrmann said there can be no human habitation. Herrmann asked if the purpose for the garage was for personal storage and Mogensen replied yes. Herrmann said Mogensen needed to submit a final set of plans drawn to scale before zoning permit would be issued. Mogensen was given a Deed Restriction document and instructed it needs to be filed with Waukesha County and brought back to the Town with proof of recording the document and being signed and notarized.

Engelking made a motion to approve the request subject to the conditions on Deed Restriction and it being recorded, complete set of plans being submitted, and height of the building meeting the requirements. Schmittinger seconded the motion. Motion carried unanimously.

Discussion – Conditional Use and Site Plan/Plan of Operation for Hoovers Hause All Dog Rescue, S47 W30760 Hwy. 59, North Prairie, WI 53153. (Tax Key GNT 1546-966)

Herrmann has gone to neighborhood periodically to listen for barking. He has heard the dogs barking from Sideliners and the parking lot. He has not heard the dogs in the cul de sac across the way. He talked to a neighbor there and they did not have a problem with the dogs. Other neighbors have complained. Herrmann requested all the Plan Commission members to go out to the neighborhood and listen between 7:30 a.m. and 8:30 a.m. or 3:30 p.m. to 4:30 p.m. when they let the dogs out and make their own assessment. Herrmann said each person has their own interpretation. After listening, it will be decided if the CU needs to be reviewed and get the neighbors involved.

Discussion/Action – Final Plat Submittal 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)

Herrmann reviewed the plat. Herrmann listed conditions in his October 20, 2021 report. There were no questions from Janssen or Commissioners about the report. Two new copies of the plat were dropped off October 25, 2021 and Herrmann has not reviewed them yet. Engelking made a recommendation that Herrmann review the revised plat and if he has any concerns, then it would have to come back to the Plan Commission. Janssen said if building envelopes need to be identified, that could be done.

Engelking made a motion for recommendation for approval to the Town Board subject to conditions in Planner's Report dated October 20, 2021. Christiansen seconded the motion. Motion carried unanimously.

If all the changes have been made, it will go to the Town Board at the November 8, 2021 meeting.

TOWN OF GENESEE PLAN COMMISSION & TOWN BOARD
PLANNER'S REPORT AND RECOMMENDATION
FINAL PLAT (Dated September 21, 2021)

PROJECT NAME: Genesee Preserve

DATE: October 20, 2021

DEVELOPER: Ryan Janssen
13416 Watertown Plank Road #245
Elm Grove, WI 53122

TAX KEY NO.: GNT 1579.999

LOCATION: Part of the SW ¼, NW ¼ and SE ¼ of Section 35, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin.

ZONING CLASSIFICATION: R-1 Residential District (1-Acre Minimum Lot Size) *Pending*
E-C Environmental Corridor District
C-1 Conservancy District
A-E Exclusive Agricultural Conservancy District

LOT SIZE: Approximately 106.42 Acres.

EXISTING USES: Vacant

REQUESTED USES: A Single-Family Residential Development comprised of Sixteen (16) Lots and Three (3) Outlots.

COMPLIANCE WITH THE TOWN OF GENESEE COMPREHENSIVE DEVELOPMENT PLAN - 2035:
The Town of Genesee Comprehensive Development Plan – 2035 designates the western portion of this property in the Suburban I Density Residential category, allowing a maximum density of 1.5 acres to 2.9 acres of lot area per dwelling unit. The center portion is designated as Secondary Environmental Corridor, which calls for preservation and protection to the greatest extent possible and development limited to five (5) acres densities. The western half of the property is designated as other open lands to be preserved, which consist mostly of wetlands. The proposed development conforms to the density requirements of the Town of Genesee Comprehensive Development Plan – 2035.

STAFF ANALYSIS:

On July 26, 2021, the Town Plan Commission approved the preliminary plat for “Genesee Preserve” subject to numerous conditions. On August 9, 2021, the Town Board approved the preliminary plat for “Genesee Preserve”, subject to the conditions imposed by the Town Plan Commission. The petitioners are now seeking approval of a final plat for “Genesee Preserve”, which is a sixteen (16) lot subdivision with three (3) outlots. New public road improvements have commenced, which will result in two (2) permanent cul-de-sacs. The proposed lots will range in size from 1.02 acres to 32.81 acres and will be served by private on-site sewage systems and private wells. The property contains wetlands, a natural fen, secondary environmental corridor and slopes in excess of 15 percent.

This submittal is a final plat, which gives the Town Plan Commission 45 days and the Town Board 60 days to take action. The final plat was filed with the Town of Genesee on September 29, 2021, giving the Town Plan Commission until November 13, 2021 and the Town Board until November 28, 2021, to take action, unless the Developer grants an extension in writing.

In performing a detailed review of this final plat (dated September 21, 2021), I have found that the following items need to be added or corrected on the face of the plat:

- Section 375-18(D)(5)(d) 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. **Therefore, the Town of Genesee requires two (2) copies of the Final Plat. One copy will be recorded with the register of deeds office and the second copy will be kept by the Town of Genesee. Both copies shall obtain all required signatures.**
- Section 375-18(D)(5)(e) Final plats submitted for approval before all improvements are ready to be accepted by the municipality will only receive conditional approval from the governing body, and said approval will be conditioned upon all improvements being completed and accepted by the municipality in compliance with the terms of a developer's agreement duly approved and executed by the Town and the developer, and only if a duly approved financial guarantee has been granted to the Town and is on file with the Town Clerk.
- Section 375-18(D)(6) The final plat shall not be finally approved or deemed to be finally approved until all objections of all objecting and approving authorities and all conditions of the Plan Commission and Town Board have been satisfied.
- Section 375-29(E) All existing and proposed easements shall be shown on the final plat.
- Section 375-31 The Town Engineer shall examine the final plat for survey accuracy in compliance with this Section.
- Section 375-37 The Town Clerk or his/her designee shall place upon the reproducible copy of the final plat on each lot shown on said plat the correct legal house number assigned to that lot in conformity with the grid system in effect in Waukesha County and any local ordinances. Any costs, fees and/or expenses incurred from assigning house number shall be at the expense of the developer.
- Section 375-38 The developer upon approval of the Town Engineer shall state on the identical reproducible copy of the final plat the culvert sizes for each lot for future driveways (if applicable).

Other Technical Corrections:

- Under notes on Sheet 1 of 5, the following issues need to be addressed:
 1. The first note indicates areas with steep slopes shall be maintained as open space; however, no steep slopes are shown on the final plat. The steep slopes shall be shown on the final plat as follows: Lots between 1.0 acres and 2.0 acres shall show slopes in excess of 15 percent and Lots greater than 2.0 acres shall show slopes in excess of 20 percent.

2. The second note states: building envelope excludes the steep slope areas. Prior to building placement existing grades shall be field verified. The existing building envelopes shall be shown on the final plat excluding the steep slopes and the drainage easements.
 3. The third note and the seventh note both restrict the height of plantings within the vision corner easements. The Town of Genesee Zoning Code requires, "In the vision setback area no structure of any kind shall be permitted which exceeds a height of three feet above the elevation of the center of the intersection, except for necessary highway and traffic signs, public utility lines and open fences through which there is clear vision, nor shall any plant material be permitted which obscures safe vision of the approaches to the intersection". Therefore, unless Waukesha County is more restrictive, the third note can be removed from the plat.
 4. The fifth note and the ninth note are basically the same note about building envelopes. The ninth note shall be removed and the fifth note shall be revised to state: "No construction of buildings or structures shall occur outside the building envelopes unless specifically approved by the Town of Genesee Plan Commission and Town of Genesee Board" and an affidavit of correction is filed with the Waukesha County Register of Deeds office setting forth said changes approved by the Town Plan Commission and Town Board.
 5. The tenth note indicates a 100 foot no land disturbance buffer around the exterior of the Saylesville Road Fen Natural Area. This 100-foot buffer shall be shown on the Final Plat.
 6. The eleventh note shall also include the Town of Genesee.
 7. The twelfth note indicates that Outlot 2 will be owned by the Waukesha Land Conservancy. "In perpetuity" shall be added to the end of the note. Outlot 2 shall be transferred to the Waukesha Land Conservancy immediately following the recording of the final plat and prior to the issuance of any building permits.
- On sheet of 2 of 5, there is a 30' designation along CTH X, but it is not referencing anything and can be removed.
 - The following Wetland & Secondary Environmental Corridor preservation restriction shall be added to the Subdivision Plat:

Those areas identified as Wetland & Secondary Environmental Corridor on this Subdivision Plat shall be subject to the following restrictions:

- A. Grading and filling are prohibited, unless specifically authorized by the Town of Genesee and, if applicable, 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, 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 Secondary 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 the Secondary Environmental Corridor.
 - E. The introduction of plant material not indigenous to the existing environment of the Wetland or Secondary Environmental Corridor is prohibited, unless specifically authorized by the Town of Genesee and, if applicable, 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, 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.
- There are several line segments that are not correctly identified with distance and bearings, these need to be corrected prior to the Town signing the Final Plat.
 - The roads within the plat shall be noted as “dedicated to the public for road purposes”.
 - Subject to the developer 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 State of Wisconsin Department of Commerce per ch. 236, Wisconsin Statutes and ch. Comm. 85, Wisconsin Administrative Code; State of Wisconsin Department of Administration per ch. 236, Wisconsin Statutes; Waukesha County Department of Parks and Land Use and the Village of North Prairie in regard to the final plat, prior to the Town signing the final plat.
 - Subject to the Developer submitting the final plat to and receiving approval from the Fire Chief of the same, including, but not limited to, approval of any and all issues regarding street name, the uniform address system, and/or water system prior to the Town signing the final plat.
 - Each lot owner will need to submit a detailed grading plan with the Zoning and Building Permit. The grading plan shall be reviewed by the Town Engineer. All costs associated with the grading plan review shall be paid for by the property owner, prior to the issuance of any permits. This issue shall also be included in the Covenants and Restrictions.
 - Any and all waivers reviewed and approved by the Town Plan Commission and Town Board shall be noted on the final plat. The language of all notes shall be reviewed and approved by the Town Planner.
 - All issues regarding the Covenants and Restrictions shall be reviewed and approved by the Town Planner and Town Attorney.
 - Subject to, prior to the Town signing the final plat, all other required signatures must be inscribed on the final plat.
 - All erosion control and stormwater management plans will need to be approved by Waukesha County Land Resources Division and the Town Engineer (cursory review), prior to the Town signing the final plat. All

notes on the final plat regarding erosion control and stormwater maintenance shall be reviewed and approved by Waukesha County Land Resources Division prior to the Town signing the final plat.

- 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.
- 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 Plan Commission
Town of Genesee Town Board
Town of Genesee Building Inspector
Lake Country Fire & Rescue
Ryan Janssen
Waukesha County Department of Parks and Land Use
John Downing

Discussion – Proposed Amendments to Town of Genesee Zoning Code.

Herrmann had met with Engelking to review the proposed changes. Toole, Christiansen and Turzynski also provided comments. Herrmann made changes and provided an up-to-date version to the Commissioners. He asked the Commissioners to review and let him know if there were further changes. There was discussion about the changes that were made. Herrmann will make any new changes and review it with John Macy. After Macy reviews it, it will be brought back to the Plan Commission. Then there will be a public hearing and Town Board approval.

Discussion/Action – Approval of September 27, 2021 Plan Commission Minutes.

Engelking made a motion to approve the Minutes. Christiansen seconded the motion. Motion carried unanimously.

Review Pending

None.

Correspondence

None.

Adjourn

There was discussion about changing the date of next month's meeting. Commissioners are to send their availability for a new date.

Schmittinger made a motion to adjourn, seconded by Engelking. Motion carried unanimously. Meeting adjourned at 6:30 p.m.

Cindy Zignego
Deputy Clerk
October 28, 2021