

**TOWN OF GENESEE PLAN COMMISSION MEETING
November 28, 2022**

6:00 P.M.

Chairman Leair called the meeting to order at 6:00 p.m. Present were Chairman Leair, Plan Commission Members Lightfoot, Engelking, Turzynski, Christiansen and Toole. Absent was Town Board Supervisor Houston. Also present were Administrator/ Planner Herrmann and Deputy Clerk Workman.

1. **Discussion/Action – Site Plan/ Plan of Operation for Zero Proof Water LLC; The property is described as a part of the SE ¼ of the SE ¼ of Section 11 and part of the SW ¼ of the SW ¼ of Section 12, T6N, R18E, Town of Genesee, containing approximately 18.62 acres. More specifically, the property is located at S30W29010 Sunset Drive. (GNT 1484.999.001)**

Peter Bunzelle was present to represent Zero Proof Water LLC. Also present was Adam McCarthy, the owner of the land. Bunzelle states that they are taking over the business from Genesee Bottling Co. Bunzelle stated that they would be installing a new ADA accessible bathroom as soon as possible as that is holding up their state license. Also, they have no current plans to have a retail front at the company. They plan on doing drop/ship retail via web sales. Engelking made a motion to approve the Plan of Operation for Zero Proof Water LLC based on the conditions of Planner Herrmann's recommendations dated 11/23/2022. Seconded by Christiansen. The motion passed 6-0.

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

NAME: Zero Proof Water

DATE: November 23, 2022

TAX KEY NO.: GNT 1484.999.001

NAME OF PETITIONER: Peter Brunzelle
d/b/a Zero Proof Water
S30 W29010 Sunset Drive
Waukesha, Wisconsin 53188

NAME OF OWNER: Adam McCarthy
d/b/a CK Water LLC
200 W Main Street
Waukesha, Wisconsin 53186

LOCATION OF PROPERTY:

A part of the SE ¼ of the SE ¼ of Section 11 and part of the SW ¼ of the SW ¼ of Section 12, T6N, R18E, Town of Genesee, containing approximately 18.62 acres.

ZONING CLASSIFICATION:

B-3 General Business District.

PRESENT LAND USE:

Water Bottling and Distribution Business.

PROPOSED REQUEST:

Timothy Torres, has owned the property for over 35 years. The building was used at one time to make frozen custard for “Gilles” frozen custard stand in Wauwatosa. When the frozen custard was no longer operational, the owner at the time, Timothy Torres, started bottling water in gallon jugs. There are supposedly two (2) artesian wells on the property, which is bottled and sold. The name of the bottle label will continue to read “Genesee Valley Artesian Water”. Many customers reference the “name” therefore, the petitioner would like to continue to use the Genesee Valley Artesian Water on the labels. The property is located on the northwest corner of CTH DE (Sunset) and Road DT. It consists of 18.62 acres of land and contains numerous buildings, including the bottling plant, product storage, warehousing of supplies, loading area, a residential structure, and three (3) additional storage/office type buildings. There was some discussion about possibly removing the three (3) storage/office buildings, but the architect indicated to the owner that the buildings were in good shape and just needed new roofs and some exterior repairs. On recent site visit it was noted that all of the buildings were getting new roofs.

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Although no interior floor plans were submitted with the application, it should be noted that the Town Planner and DPW director were given a tour of the bottling plant, storage areas and loading area. The buildings inside were extremely clean and functional. In addition, the State of Wisconsin has inspected the buildings and is requiring a new ADA complaint bathroom be installed in close proximity to the bottling plant.

The days and hours of operation will be Monday – Saturday from 7:30 a.m. to 5:00 p.m. The business will employ three (3) full time, two (2) part-time and two (2) seasonal employees. The property contains numerous parking spaces, with employee parking near the entrance to the bottling plant. According to the application, the petitioner is not proposing any outside storage, except for trucks being loaded or unloaded. Therefore, based on the current uses, the site contains adequate parking. The owner is also proposing to install a new roughly 3.5 ft. x 6 ft. double sided, free-standing sign utilizing the existing posts for the current sign. The Sign will face east and west and is located near Sunset Drive. There are no proposed changes to the landscaping or lighting at this time. However, some proposed landscaping improvements will be completed in the future. The property is currently served by a private 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. The business operation shall be limited to the operation of a water bottling plant and the rental of the home/apartment(s). The number of rental units shall be established based on past history and assessment records. No additional rental units are allowed under this plan of operation.
2. Absolutely no additional outdoor lighting shall be allowed, unless approved by the Town of Genesee Plan Commission.
3. The hours of operation shall be as proposed.
4. The proposed 3.5 ft. x 6 ft. free-standing sign shall require a detailed sign rendering, sign size and location map being submitted to the Town Planner for review and approval prior to erecting any signs or changing an existing sign.
5. Detailed interior floor plans of all of the buildings shall be provided to the Town Planner no Later than July 1, 2023. The floor plans should be drawn to scale, and clearly indicate the use of each space.
6. The Waukesha County Environmental Health Division shall inspect and approve the existing private waste disposal system for the existing uses on the property.

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7. Documentation shall be submitted to the Town Planner that the Lake Country Fire and Rescue Department has inspected the proposed premises and all necessary fire codes are in compliance prior to the issuance of a use permit.
8. 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.
9. Absolutely no outside storage shall be allowed, trucks being loaded and unloaded, unless specifically approved by the Town Plan Commission.
10. Subject to the property being in compliance with all Federal, State, County and local laws, ordinances, codes, rules and regulations.
11. An up-to-date Plan of Operation must be on file at all times with the Town of Genesee Plan Commission.

12. 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.
13. 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.
14. 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.
15. 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.

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16. 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,

Jeffrey C. Herrmann, AICP
Administrator-Planner

2. Discussion/Action- Approval of October 24th, 2022 Plan Commission Minutes

Christiansen made a motion to approve 10/24/2022 Plan Commission minutes. Seconded by Engelking. Motion passed 6-0

3. **Review Pending**

Reviewed photos provided by Stephanie Seitz concerning Hoovers House insulation re; dog barking/noise issue.

Reviewed 24x40 shed being built by Carlos Baldaras to contain yard mess.

Reviewed possible theft issue with Genesee Aggregate. Neighbors of Genesee Aggregate received a letter from Genesee Aggregate asking them not to trespass on property due to recent theft/trespassing.

4. **Correspondence**

None

5. **Adjourn**

Engelking made a motion to adjourn. Seconded by Christiansen. Meeting was adjourned at 6:14 p.m.

Rachel Workman
Deputy Clerk
November 23, 2022

Notice - It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

Please note that upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Town Office at 968-3656.