

TOWN OF GENESEE PLAN COMMISSION MEETING MINUTES

June 26th, 2023

6:00 P.M.

Chairman Leair called the meeting to order at 6:00 p.m. Present were Chairman Leair and Plan Commission members Engelking, Lightfoot, Turzynski, Toole, and Christiansen. Also in attendance was Administrator/Planner Herrmann and Deputy Clerk Workman. Town Board representative Ross was absent.

A Public Hearing will be conducted by the Town of Genesee Plan Commission to consider the Conditional Use request of Skylar Briant, W287 S3238 Bethesda Church Road, Waukesha, Wisconsin for a Commercial Kennel Facility per Section 40 (B)(4) Animal Hospitals, Veterinarian Clinics, and Commercial Kennels of the Town of Genesee Zoning Code to allow said use.

Chairman Leair read the Public Hearing Notice. The petitioner, Skyler Briant was present representing her request for a commercial kennel. Planner Herrmann then spoke on the property and presented a map showing the possible future changes that would occur for Skylar to have a commercial kennel. Planner Herrmann stated that the property is zoned A-5 and AE with a 5-acre density requirement. There was a barndominium built on the property by the property owner Laura Gralton. Planner Herrmann then went over the request from Skylar's Commercial Kennel application and reviewed all the conditions for a commercial kennel set by the Town of Genesee ordinances. Planner Herrmann then asked Skylar Briant to come up and speak about her request. Ms. Briant stated that she has been in the business of pet sitting/dog walking for about five (5) years and that her most recent business was in Brookfield and then this opportunity to move to Genesee came up and she wants to do things here "the right way". Plan Commission member Christiansen then asked if Ms. Briant uses shock collars on the dogs. Ms. Briant then clarified that she uses E-Collars with give the option of vibration or shock. She states that she puts them on certain dogs when they go outside and play because those dogs get very vocal when they play. She stated that the E-collar gives a warning before any shock or vibration. Chairman Leair then opened up the floor for comments.

Charlette Mueller, who lives at W287S3487 Bethesda Church Rd., stated that she met with a couple other people and that she has some questions. She states that this "looks like it was planned before they broke ground and that changes things if it was, or if this was a hindsight thought" She stated that what it started as was a non-profit horse rescue and that its now changing to a commercial for-profit dog kennel. She states that she knows they have been operational for a couple of months already due to increased traffic in the neighborhood. States that she met Ms. Briant on the road walking her dogs a couple of times. Some of her concerns are the noise. "When you get that many dogs in one location it can become a problem". She wants to know who determines when barking becomes a problem. There is no sound proofing and no decibel meter to determine what is a problem and how long a dog needs to bark for it to be deemed a problem. Right now, the noise isn't as bad as when there is no foliage on the trees. Charlette doesn't believe the kennels are sound proof as required. She has counted up to twenty (20) dogs there at one time. Unsure, if this is going to be ongoing, what is the number of dogs that will be coming per day. Ten (10) per hour? Ten (10) per day? She doesn't see a clear business plan or operational hours. She wants to know if there are any other animals planned in the future. Charlette states that the dogs are not on leashes at all times, they are in an open run. She states that there is another business being run from the property called "Sniff Spot" where dogs come and run. She states that Ms. Briant has requested that dog owners keep their dogs away from the mesh fence and she thinks that this is not a very good fence for dogs. She is worried that a dog will eventually break through that fence and cause a problem in the neighborhood, whether it be with another dog, horse or human and she is worried someone or something will get hurt. She wants a third party to assess the safety of Ms. Briant's business. She also wants to know if there would be a fire code requirement to put another access road into the neighborhood if she runs a commercial

business. She also states that the roads that she walks are a lot more littered than they used to be. She states that she lives on the corner of Wern Way and Bethesda Church Rd. She states that the corner is a dangerous intersection and that by increasing the traffic, the probability of a bad accident increases as well. With the history of the intersection someone could end up in her front yard or even her living room. States that there are no shoulders on the road which makes walking her dogs already dangerous more so with increased traffic. She chose to live in the country for a reason and it was not to hear barking dogs. She believes that there are other places in the area when this commercial kennel would work out better. She is worried that if Ms. Briant obtains a commercial kennel will this in the future expand to grooming, dog food sales, etc. She is worried about the increase in traffic. She supports the need for dreams, but “you need to count the costs of your actions” She states that her and her husband have lived at the above stated address for twenty (20) years and that a man has already lost his life at that corner. It would give a bad reputation to the establishment. She states that there are twelve (12) other dog kennels within a ten (10) mile radius for her area. She looked around at other properties in the area and found some she thought would be better suited to a commercial kennel.

Sandra Iorio, representing her parents Robert and Katherine Iorio, W287S3141 Bethesda Church Rd was present. She stated that there appears to be two (2) businesses in operation on the land currently. She believes that dog sitting has been going on since March 2023. She states that on Sniff-Spot the booking called “The Farm” allows up to ten (10) dogs per half hour on the land. She states that is quite a bit of traffic. Sandra states that per the regulations of Waukesha County, Town of Genesee and State of Wisconsin a private dog park is not covered by that section. It is not allowable and it is not considered kennel activity. She wants to know if her commercial kennel application includes this private dog park business. She states that Ms. Briant’s commercial kennel application does not tell her much. She states that is also does not give a true plan of operation such as hours of operation, what she plans to do for sound-proofing, etc. She feels bad for the two (2) neighbors that live up the hill from the Gralton property because how they are situated at the top of an “acoustic bowl”. She states that there is a discrepancy in the number of dogs Ms. Briant wants to have on the property at one time. Are the 10-15 dogs including the dogs coming for “Sniff spot” or not? She states that she has seen the dogs running the fence and towards her parents’ house. She states that “it’s pretty intimidating”. She knows that the dogs have gotten out of the fenced enclosure a couple times because her father has had to call Ms. Briant and tell her that her dogs are out. She doesn’t believe that Ms. Briant has met the requirements for a commercial kennel license.

Chairman Leair then clarified that no action would be taken on this request tonight and if this does get approved there will be a list of conditions put together that would have to be followed by Ms. Briant. Planner Herrmann clarified that there is nothing in the commercial kennel application for “Sniff Spot”. That this is a business that has not been approved or applied for.

Kevin Mueller, W287S3487 Bethesda Church Rd, wanted to emphasize the traffic issue. He states that he spends a lot of time outside and has noticed that the traffic has tripled on the road. He is concerned that there will be more accidents because of the increase in traffic. He states that he “cuts his grass next to that road and turns around in the road because he has to”. He states that he has noticed that within the last week it has slowed a bit but he is sure that it will pick up again after these hearings. He states that so far he has seen two (2) horses, a mule and a parrot going up and down the road. There is a lot of activity on the road The road is only 1 ½ lanes and its not maintained very well. The road is not designed for the huge increase in traffic. He states that someone is “going to get popped at that intersection”. He has seen people going 60-75 mph on the road. He is worried if someone gets hit going that speed there may be a fatality. He states that it is a nuisance and that it not why they moved out there.

Chuck Munkwitz, S33W28498 Wern Way, spoke about how critical knowing the hours of operation is. He is concerned about the additional businesses being run in the future, such as dog grooming etc. He states that on the topographic survey it shows the dog run about fifty (50) feet from AT&T easement. He states that according to the town requirements, that outdoor kennel runs may not be closer than one hundred (100) feet from property line. He is concerned that where he is located, he will hear more noise and smell dog waste on his property and that will de-value his property. He states the first contact they had with Ms. Briant was when she called and spoke with them about the property. He states that the topic of concern during that conversation was noise. This directly relates to the number of dogs she will have. Also, he wants to know if the number of dogs she would like, includes her dogs or not. He wants to know that the Plan Commissioners will take into consideration his ability to enjoy his property in relative peace and quiet.

Susan Munkwitz, S33W28498 Wern Way, then read a letter from Martin and Lynn Kern, W287S3348 Bethesda Church Rd. "With concern to the conditional use request by the adjacent property owner; we are concerned about the road hazard that increased traffic will pose to pedestrians because of the proposed commercial use of the property. We walk several times a day with a wheelchair on the dead-end road and up to a month or so ago it felt very safe and quiet. We are also concerned about the amount of noise due to many dogs being present. When it was initially proposed, we were under the impression that this property was to be a small-scale, non-commercial animal rescue. Thank you"

Linda Gardipee, W287S3160 Bethesda Church Rd, she states that she lives on the other side of the property up in the circle. She is concerned that when they are exercising the dogs they are using ATV in horse pasture #2 to run the dogs and horses, it is noisy. There is no control of the dogs barking at that time.

Scott Eveland, W287S3172 Bethesda Church Rd, wanted to point out that every single neighbor that is either adjacent to the property or lives on Bethesda Church Rd is present at the meeting. The only homeowner that is in favor of this is the property owner. His point is there is no support from any other neighbor, only the property owner.

Curt Meins, S33W28460 Wern Way, he states that he is adjacent to the property and states that he believes in freedom and people's choices within the guidelines and boundaries of what the town has set. He believes that people should be able to do whatever they like on their property.

Leroy Hundley, W289S2547 Rd Dt. states that he is an elder of the Bethesda Congregational Church here on behalf of public safety. He states that if the traffic gets too congested the possibility of an accident increases.

Laura Gralton, N60W39698 Mary Ln, Oconomowoc, was present as the property owner. She supports Ms. Briant not only as a friend, but also as a client of Ms. Briant. She states that Ms. Briant picks up her dogs at her house, so the idea that traffic will increase is minimal. She states that traffic has decreased lately because they are almost done building. She believes that the traffic will continue to decrease. She states that Ms. Briant is "the best pet sitter". She states that they are willing to work with conditions to please the town.

Chairman Leair then asked three (3) times if anyone else would like to speak on this issue. She then brought it back to the table and asked if any of the Plan Commissioners had questions. She then allowed Skylar Briant to respond.

Ms. Briant stated that as far as noise complaints, she gets the dogs in at 9:00 p.m. every night unless someone has diarrhea. She states that when she sits outside after dark, she hears dogs barking so she is not the only one with the noise. The litter on the road was from construction during a windy season. She states that every time she walks, she picks up litter. She likes to maintain her property. She states that she has had a concerned citizen come down when she was mowing one day, because she was mowing over the asparagus he likes to pick. She

states that this land has now been purchased so she is going to maintain it and beautify it. She has plans to put in a driveway to keep dust minimal. She plans to plant trees. There are lots of plans, you just can't do them all while you are spending money building. She states that she is working on sound-proofing as she learns how the room works and how the trees help keep the sounds down. She has lived here since March 15th. She hasn't been here long enough to really figure all this stuff out. She is up by 4:45 a.m. every day. She takes care of her animals first. Then she moves into the dog room and lets all the dogs out. If she knows there is a dog that will bark and wake people up, she puts a bark collar on them. She states that barking really happens when her neighbors ride their ATVs along her fence line. She states that neighbor kids are walking in her pastures and riding through her pastures. She states that neighbor kids are riding up to her fence and screaming "puppies" and that is causing barking. She has called her neighbors and asked them to discontinue this. She states that she will be putting gates at all the access points which her neighbors are using to access her property. She knows that it used to be a corn field that everyone liked to use, including her before the house was built. It is now a private property that others need to keep their machines and bodies off her land. She is discontinuing Sniff Spot and she didn't realize it was such a problem. Sniff spot is an app that people with land use. She checks her fences twice a day and if something needs to be fixed, she fixes it. She is not worried about her reputation. She has been doing this for five years. She isn't worried about traffic, as she is the one going and picking up and dropping off people's dogs. She is using bark collars to try to control barking. She acknowledges that the dogs have gotten out and states that she has put gates with locks over those trails now. Her horses are her personal horses. Reiterates that the traffic has slowed down because construction has slowed. She is happy to call local police dept. for drivers going 60-75 mph on the road. She states that no one should feel endangered on the road. To minimize the smell, she is using a dumpster for all animal waste. She is going to place it behind her hay barn. She is concerned about noise with fireworks and she doesn't have to hear them every night. Dogs and horses are going to be introduced through the fences. She will shut down sniff spot immediately. There may be a couple bookings for this week yet, but after those it will be closed. It is not a constant traffic roll. She is happy to get a professional out to let her know if changes need to be made. She is happy to communicate with everyone to make positive changes.

Planner Herrmann asked about any other businesses that she is thinking of that the town needs to be aware of. Ms. Briant states that this is all she can handle on her one singular self. She has no intention of having any other businesses.

Plan Commission member Engelking asked Ms. Briant to clarify the number of dogs that would be on the property at one time. Ms. Briant stated that around the holidays she may have more due to boarding. She states that at most would be twenty (20) around the holidays. She states that there may be one to three people picking up or dropping off their dogs. Everyone else is her going out to pick up or drop off dogs.

Plan Commission member Lightfoot asked how many dogs would be boarded overnight around the holidays. Ms. Briant stated that about twelve (12) would be boarded around holidays. That number does not include her dogs.

Planner Herrmann asked if pickup time is established or if it's a fluid time that changes. Ms. Briant states she is happy to firmly set a time for pick-up but her flexibility is important to her business. She doesn't have many people picking up or dropping off their dogs.

Chairman Leair stated that this issue will be back on the next Plan Commission meeting for July 24th, 2023

The Public Hearing was closed at 6:57 p.m.

Immediately following the above public hearing, a Public Hearing will be conducted by the Town of Genesee Plan Commission to consider the Conditional Use request of Adam Coker, W305 S3077 Brookhill Road, Waukesha, Wisconsin for a Limited Family Business per Section 40 (B)(16) Limited Family Business of the Town of Genesee Zoning Code to allow said use.

Chairman Leair read the Public Hearing notice. Adam Coker was present representing his request for a Limited Family Business. Planner Herrmann then read the requirement of a Limited Family Business set by the Town of Genesee. He showed the property in question and that it is zoned R-1 residential. Adam Coker would like a Limited Family Business for a solar panel installation business. He would like to build a building to store trucks, trailers, pallets, and office. This will not be open to the public. Hours proposed are 7:00 a.m. to 8:00 p.m.

Adam Coker, present to the request, stated that his solar business has grown to the point where they need to add an official space for it. It will be built to match the home on the land. He states that there are other homes in the community that are similar to what he is requesting. Planner Herrmann asked how many employees he will have. Mr. Coker stated one full-time equivalent employee. Planner Herrmann is concerned that everything is not going to fit into the attached garage. Mr. Coker states that there will be a high bay area with racking. They will rack the crates with the forklift the business owns. The only thing that will be outside will be the parking for the commercial vehicles. There will be two (2) trucks and a promotional Hummer and three (3) trailers. Most will be stored inside according to Mr. Coker. He states that they are a seasonal business that is closed four months a year. Planner Herrmann asked if anything is assembled on site or if any retail sales will occur from the property. Mr. Coker denies both. He states that there will be residential lighting outside for the building. The sign will not be illuminated. He states that most materials are delivered once monthly via Fedex or UPS.

Chairman Leair then opened up the floor for comments from the public, making known that there will be no decision on this matter at this meeting. It will be on the July 24, 2023 Plan Commission meeting for decision.

Gary Shadley, W302S2944 S. Bethesda Circle, states that every since Mr. Coker has lived there, this is pretty much what you see. He states that he cannot go up Brookhill during the winter because his garbage cans are six feet into the road due to his small driveway entrance and you can't get past. He states that everything goes on the side of the road including large pallets for pick-up. He states that he spent \$80,000 on his personal building to make it look nice. Gary is concerned that its going to look like Kettle Moraine Heating and Cooling in Wales with shipping containers all over. It is a nice residential area and it should stay that way. Gary believes that that building is not going to be big enough. He states that this has gone on year after year and he believes nothing is going to change. He states that the corner that gets blocked by Mr. Coker's garbage cans is a bad one, made worse with the obstructions. If trucks can't go up Brookhill, he is concerned that they are going to be driving by his house all the time at a high rate of speed.

Chairman Leair asked three (3) times if there were any more comments from the floor. She then brought it back to the table and allowed Adam Coker to respond.

Mr. Coker stated that his garbage cans sit on his driveway all except for one due to a large pothole at the end of his driveway which doesn't allow for it to sit there or it falls off into the ravine. Pallets on the side of the road are normal sized pallets for John's Disposal bulk pick-up. Mr. Coker states that they have invested in landscaping to help deal with run-off issues. He states that his building will cost significantly more money than \$80,000. He states that all property owners adjacent to his property are not there because he has spoken with them, and they all approve of it. Chairman Leair states that this was the time for letters of support.

Chairman Leair then asked if there are any further questions. Plan Commission member Christiansen asked if John's could pick up more often then once per month. If, requested, it would be an additional charge.

The public hearing was then closed at 7:18 p.m.

Immediately following the above public hearing, a Public Hearing will be held by the Town of Genesee Plan Commission to consider the request of Andrew Buck, W281 S3641 Pheasant Run, Waukesha, Wisconsin to operate a Hobby Kennel with a maximum of four (4) dogs for the purpose of personal pets at W281 S3641 Pheasant Run, Waukesha, Wisconsin.

Chairman Leair read the Public Hearing notice. Andrew Buck was present for his hobby kennel request with maximum of four (4) dogs. Chairman Leair made clarification of the differences between a hobby kennel and a commercial kennel. Planner Herrmann states that the property is R-1 Residential zoning and is 1.1 acres.

Andrew Buck states that him and his wife have lived in the town for five (5) years with their young son. By profession, he is a gun dog trainer in Illinois. He also uses his personal dogs to guide with. He has an English Springer Spaniel that is five (5) years old that goes with him to work every day. His wife has a border collie that stays home. They have no immediate plans on adding any additional dogs, they are just trying to future proof to be able to obtain more. They have a place in the basement with astroturf and crates for dogs. All dogs would be on a leash or e-collar at all times. He states that his dogs are very well trained with great recall. He states he would not tolerate a vocal dog because he deals with it everyday and would not want that at his home or in his neighborhood. Mr. Buck carries pet waste bags and they have a special pet waste receptacle so all waste gets cleaned up presently. Occasionally, they may watch a family dog while family is on vacation. There will be no business run out of their home. He deals with predominately sporting breeds so there should not be any issues with aggression. Chairman Leair asked if the town had received any complaints and the town has not.

Tim Savin, W281S3688 Woodcock Ct, states that he is in support of Mr. Buck's request and that his dogs are well-behaved and well taken care of.

Kathy Strand W281S3632 Pheasant Run, states that she lives across the street from Mr. Buck and has never heard anything. She questions if there are any plans to take in dogs overnight.

Sharon McGivern, W282S3594 Ringneck Ct, states that she hears one dog barking from her backyard. Not sure if its Mr. Buck's dogs. She has consideration for peace and quiet. She thinks two dogs is ok if you control their barking, but four might be to many.

Elizabeth Hanson, W282S3580 Ringneck Ct, wants to know how often the dogs are out in the yard.

Chairman Leair asked three (3) times for anymore comments from the floor. She then brought it back to the table and allowed Andrew Buck to respond.

Andrew Buck states that very rarely, he may bring one dog home with him from work, but there would be no boarding going on. He does not think that the dog heard barking is his. The dogs ae not out during the day unsupervised. He states that they exercise their dogs frequently.

Chairman Leair closed the public hearing at 7:30 p.m.

**Immediately Following Public Hearings
Regular Plan Commission Meeting**

1. **Discussion/Action-Hobby Kennel Request from Andrew Buck.** The property is described as being a part of the SE ¼ of Section 13, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located at W281S3641 Pheasant Run. (GNT 1492-035) Christiansen made a motion to approve the hobby kennel request subject to standard conditions for up to four (4) dogs. The motion was seconded by Lightfoot. The motion was approved 6-0.
2. **Discussion/Action- Richard Meinburg to permit more than two (2) accessory buildings on the property.** The property is described as a part of the NW ¼ of Section 7 T6N R18E Town of Genesee, Waukesha County. More specifically, the property is located at S23W33547 Morris Rd. (GNT 1466-999-004) This building was started without the proper permits in place so a stop work order was issued. The property owner will also be charged triple fees. Engelking made a motion to approved the additional accessory building. The motion was seconded by Lightfoot. The motion was approved 6-0.
3. **Discussion/Action – Site Plan/Plan of Operation for personal storage facility for Macy Mark’s personal use.** The property is described as a part of the SW ¼ of the NW ¼ and NW ¼ of the SW ¼ of Section 14 T6N R18E Town of Genesee, Waukesha County. More specifically, the property is located at S34W29937 Little John Dr Unit 3. (GNT 1494-997-003) Andrew Faucci present for Macy Mark. Pointed out correction in address from S34W29939 to S34W29937 Unit 3. Engelking made a motion to approve site plan/plan of operation subject to the conditions in Planner Herrmann’s Memo. Seconded by Toole. The motion was approved 6-0.
4. **Discussion/Action- to allow an accessory structure in excess of 1,600 square feet for Kyle Schmelling.** The property is described as being a part of the NW1/4, NE1/4 & SW1/4 of Section 20 & a part of the NE1/4 of Section 19 T6N R18E. More specifically, the property is located at W329S4229 County Rd E, Town of Genesee, Waukesha County. Engelking made a motion to approve accessory structure in excess of 1,600 square feet. Seconded by Toole. The motion was approved 6-0
5. **CU Reviews 2023**
 - a. Century Springs- 1-year CU review
 - b. Genesee Pet Suites-1-year CU review
 - c. Wern Valley Sportmen’s Club- 1-year CU review
 - d. Wern Valley Game Farm- 1-year CU review
 - e. Neighborhood Services- 1-year CU review
 - f. Rosebury Farms- 1-year CU review
 - g. Hoovers Haus All Dog Rescue- 1-year CU review
 - h. Foremost Stables- 1-year CU reviews
 - i. Gapinski- In-law-unit 1-year CU review
 - j. Gardipee- In-law-unit 1-year CU review

Bruce from Neighborhood Services was present to explain why his property is clutter and messy. He states that he hurt his shoulder and has finally found relief from the pain. His goal is to start cleaning up this summer.

John Bolgner was present to state that he came forward over a year ago to make complaints against Wern Valley. He was encouraged to set up a meeting with Wern Valley and found it very fruitful and wanted to thank the Plan Commission for suggesting this meeting.

Engelking made a motion to place all CU reviews on file at the Town of Genesee. Seconded by Lightfoot the motion was approved 6-0.

6. **Discussion/Action -Approval of May 22nd Plan Commission Meeting Minutes, May 22nd Joint Town Board and Plan Commission Meeting, and Approval of May 22nd Public Hearing Minutes.** Lightfoot made a motion to approve the May 22nd Plan Commission Meeting minutes, May 22nd Joint Town Board and Plan Commission Meeting and May 22nd Public Hearing Minutes. Seconded by Christiansen. The motion was approved 5-0 with one abstention of Engelking.
7. **Update on Pending Enforcement Matters** None

8. **Correspondence**

9. **Adjourn** Engelking made a motion to adjourn. Seconded by Christiansen. The motion was approved 6-0. The meeting was adjourned at 7:47 p.m.

Rachel Workman

Deputy Clerk

July 3, 2023

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.