

TOWN OF GENESEE PLAN COMMISSION MEETING MINUTES

May 22, 2023

6:00 P.M.

Chairman Leair called the meeting to order at 6:14 p.m. Present were Chairman Leair, Plan Commission members Christiansen, Toole, Turzynski and Town Board representative Ross. Also present were Administrator/Planner Herrmann and Deputy Clerk Workman. Absent was Plan Commission member Engelking.

A Public Hearing will be conducted by the Town of Genesee Plan Commission to consider the request of Stephanie Pauls and Aaron Lohman, S30 W29708 Sunset Drive, #3, Waukesha, Wisconsin to operate a Hobby Kennel with a maximum of three (3) dogs for the purpose of personal pets at S30 W29708 Sunset Drive, #3, Waukesha, Wisconsin.

Chairman Leair read the Public Notice for the Hobby Kennel request reiterating that this is just for a Hobby Kennel, not a commercial kennel. Stephanie Pauls and Aaron Lohman were present to represent for their request. The petitioner stated that she has lived at the current residence for seven years and was not aware that a Hobby Kennel was required for three dogs. She also stated that she is disabled. Petitioner then pointed out a yard on the property where her dogs are allowed. Petitioner stated that the landlord is aware of the dogs and has not received any complaints. Petitioner also stated that all of the dogs are altered. Also stated that all dogs are licensed and up-to-date on vaccinations. Petitioner then stated that they had received a letter from the Town of Genesee stating that a complaint had been made and that was the reason that they now have to apply for said Hobby Kennel. Deputy Clerk Workman made clarification that the Town was made aware of the three dogs not from a complaint from the public, but when Mr. Lohman came into the Town to ask if we had received any complaints and made the Town aware that they had three dogs. Chairman Leair then opened up the Public Hearing to the floor for comments from the public.

Maureen Martin of S30W29708 Sunset Dr # 2 commented that she lived next to petitioner and that she moved in with only two dogs and that the third was a dog from a previous neighbor who could not keep his dog. Maureen stated that there is dog hair “all over” the hallway and that petitioners do not clean up feces in the yard. Maureen then stated that she had a text from a different neighbor on the same parcel that he can smell poop. Maureen also stated that the dogs bark whenever anyone is in the hallway. She also stated that in wintertime, the petitioner allows her dogs to urinate on common walkway so they are constantly “walking though pee” Maureen also stated that she looked up the Wisconsin laws regarding emotional service dogs not being recognized service animals.

Kathy McIntyre of W296S3019 Molly Lane commented that she is not sure how many dogs are on the property. She stated that she sees many dogs and is wondering how many dogs are allowed on the parcel of land. She feels that there are too many dogs per parcel.

Tracy Johnson of S30W29708 Sunset Dr stated that he doesn’t know why anyone has a problem with their dogs. He stated that the dogs are well maintained and that they are cleaned up after.

Chairman Leair asked for any more comments from the floor three times before bringing the matter back to the table.

Petitioner then clarified that her one dog is a federally licensed service dog, not an emotional support dog.

Chairman Leair then read into the record an e-mail from Ian Wightman, owner of the land on which the petitioners live. Ian stated in his e-mail that he is aware of the three dogs and is fine with it because of the dogs good behavior. He also wanted clarification that this would only be for three dogs, not giving rights to run a breeding operation or any additional dogs which he does not give permission for.

The other letter was from Mateo Dadato, a neighbor who stated that the apartment building is very small and that one of the neighbors in the apartment building told him that when the apartment door is open that there is a smell of feces and urine. He stated that he votes no for the Hobby Kennel.

Plan Commission member Lightfoot then asked if we know how many dogs are on the parcel. The petitioner stated that there are two other dogs besides their three, which brings a total of five dogs. There are eight total apartments. Plan Commission member Turzynski asked if there was an exemption for a service dog and Planner Herrmann stated that there are no exemptions. Turzynski also asked if there was an apartment manager on the premise. Petitioner stated that there is no manager on site, as the landlord lives in Chicago.

Chairman Leair closed the Public Hearing at 6:36 p.m.

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

1. **Discussion/Action- Hobby Kennel request from Stephanie Pauls and Aaron Lohman. The property is described as being a part of the SW ¼ of Section 11, T6N, R18E. More specifically, the property is located at S30W29708 Sunset Dr #3 Waukesha, Town of Genesee, Waukesha County. (GNT 1483-998-001)** Lightfoot made a statement that this is one of the first multi-family parcels to have a hobby kennel request. Lightfoot made a motion to approve the Hobby Kennel for these three dogs only. Once one dog dies, the Hobby kennel will terminate. Seconded by Ross. The motion was approved 6-0.
2. **Discussion/Action – Annual Report of non-metallic mining for Jones Road Pit, Rock Road Companies. The property is described as a part of the NE ¼ of Section 6 T6N R18E. More specifically, the property is located at W329S1755 Jones Road, Delafield, Town of Genesee Waukesha County. (GNT 1458-997-006, GNT 1458-997-007, and GNT 1458-997-005)** Christiansen made a motion to put Jones Road Pit annual report on file. Seconded by Turzynski. The motion was approved 6-0.
3. **Discussion/Action- Annual Report of non-metallic mining for Genesee Aggregate. The property is described as the south ½ of the north ½ of Section 29 T6N R18E. More specifically, the property is located at W320S5086 Grush Rd, Genesee Depot, Waukesha County. (GNT 1554-991)** Toole made a motion to put Genesee Aggregate annual report on file. Seconded by Christiansen. The motion was approved 6-0.
4. **Discussion/Action- Neil and Laura Tuttle to allow an accessory building in excess of 1,600 square feet. The property is described as a part of the NE ¼ of Section 34 T6N R18E. More specifically, the property is located at W300S5693 State Road 83, Mukwonago, Town of Genesee, Waukesha County. (GNT 1573-998-007)** Christiansen made a motion to approve an accessory building in excess of 1,600 square feet with the condition that a deed restriction is filed with the county to restrict use to personal use, there cannot be a business run from it. Seconded by Toole. The motion was approved 6-0.
5. **Discussion/Action- Bob Rosandich to allow an accessory building in excess of 1,600 square feet. The property is described part of the SW ¼ of Section 19 T6N R18E. More specifically, the property is located at S43W33899 Deerpark Dr, Dousman, Town of Genesee, Waukesha County. (GNT 1515-992)** Bob Rosandich present. Lightfoot made a motion to approve an accessory building in excess of 1,600 square feet with the condition that a deed restriction be filed with the county to restrict use to personal use, there cannot be a business run from it. Seconded by Toole. The motion was approved 6-0.
6. **Discussion on Conceptual Land Division for Wern Ct. The property is described as a part of the NE ¼ of Section 13 T6N R18E. (GNT 1489-982-008)** Dan and Tyler from Ware Design Build present to represent developer. Also, Mark Ellena present as the project engineer. Dan explained the project development idea. Mark Ellena stated that they concur with Planner Herrmann's report that Lot 6 does

not meet criteria for a mound system and that in the past the Town has allowed an easement for a mound system on another lot. He then stated that they could shift the retention pond to the south as Lot 6 is not buildable and possibly get a lot out of former retention pond area. Planner Herrmann stated that per Town ordinances the land mass is not large enough to get seven lots and that receiving a variance is unlikely. Developer then stated they may buy a sliver of land to the east to legally get enough land mass to get seven lots. Planner Herrmann stated that his recommendation is that due to poor soils on this land, that each home site has an individual grading plan or an overall master grading plan for the entire site. Planner Herrmann stated that there will be no easement allowed for Lot 6 mound system. Also, no holding tank is allowed for new homes. They will also need to have preliminary storm water approval. The developer will continue to work with Planner Herrmann to evolve this plan

Memorandum

To: Town of Genesee Plan Commission
From: Jeffrey Herrmann, Administrator-Planner
Date: May 17, 2023
Re: Wern Court – Land Development Proposal

The purpose of this memo is to provide the Town of Genesee Plan Commission with information regarding the proposed development for Bennett Serchen (“Developer”), 1926 Manhattan Drive, Waukesha, Wisconsin on property owned by AMS Real Estate, 20110 Settlers Hollow Lane, New Berlin, Wisconsin. The property is described as Lot 1 Certified Survey Map No. 7928, being a part of the NE ¼ of Section 13, T6N, R18E, Town of Genesee and is located approximately 1,000 feet west of the intersection of CTH D and on the northeast corner of STH 83 and CTH X. The property is currently vacant and contains about 10.0 acres of land.

The Developer is proposing to create seven (7) parcels on a short cul de sac. The lots will range in size from 1.01 acres to 1.31 acres (Table 1).

TABLE 1

LOT	ACRES	SQUARE FEET	ROAD FRONTAGE
1	1.02	44,459	180 Feet
2	1.01	44,192	170 Feet
3	1.03	45,186	145 Feet
4	1.27	55,425	65 Feet
5	1.31	57,350	60 Feet
6	1.25	54,846	130 Feet
7	1.04	45,405	195 Feet

The Developer is presenting this conceptual land division to the Plan Commission to get any comments or suggestions to help them to decide on the feasibility and layout prior to making a formal submittal.

The following are comments to be considered when reviewing the revised concept plan:

- The Town of Genesee Comprehensive Land Use Plan 2035 (the “Plan”) identifies this property in the Suburban I Density Residential category allowing development at 1.5 acres to 2.9 acres of lot area per dwelling unit. Given the Lot size of 10 acres, the proposed development only qualifies for 6.67 dwelling units per acre. In order for the proposed development to comply with the density requirement of the Town of Genesee Comprehensive Land Use Plan 2035, only six (6) dwelling units would be allowed.
- According to the Soils maps on the Waukesha County GIS, there are two (2) dominant soils on this property. The eastern ¼ of the property is designated as Theresa Silt Loam (ThB) soils. These soils are considered well drained soils, not hydric, and with no limitations for the construction of buildings. The remainder of the property contains Kendall Silt Loam (K1A) soils, which are very poorly drained soils with hydric inclusions and contain a high risk of a wet basement. Soil tests have been provided for each of the proposed new Lots. The soils results vary from lot to lot, but all of the lots contain mottling in the soil. Mottling in soils is a contracting or spotted color pattern, usually a yellow or grayish color staining, within the soil color. This mottling suggests a high seasonal ground water condition exist within the soil sample. Lot 1 contains mottling at 38 inches below the surface. The Town of Genesee requires a minimum separation of one (1) foot between the estimated seasonal high ground water and the lowest floor, including the top of the basement floor. Therefore, Lot 1 would only allow a basement to be located 26 inches below the surface of the ground. This will give the property owner two (2) options. The owner could construct a house without a basement or construct a house with a basement only 26 inches into the ground with lots of fill being brought onto the site. Lot 2 has mottling occurring at 27 inches below the surface of the ground. Lot 3 has mottling at 28 inches. Lot 4 has mottling at 24 inches. Lot 5 has mottling at 32 inches. Lot 6 has mottling at 13 inches and observed water at 20 inches below the surface. The Developer shows a proposed mound system on Lot 5 for Lot 6 with an easement. Since this lot cannot support a mound type septic system, it should be eliminated. Lot 7 has mottling at 24 inches and observed water at 30 inches. Although this lot can accommodate a mound-type septic system, it is highly recommended that this lot not be developed or if developed, a basement not be allowed. Thereby having a house on slab without a basement.
- The site does contain a small wetland along the western property line between proposed lots 6 and 7. The wetlands were staked by Heliathus in August of 2021.
- The property does not contain a navigable waterway or any environmental corridors.
- No portion of the property is located within the Waukesha County Shoreland and Floodland Jurisdictional limits. However, if a subdivision plat is proposed, Waukesha County will be involved in the Plat review process. The Developer should consult with Waukesha County on their review.
- The property has a gently sloping topography. The elevation at the high point is 887 msl and is located in the southeastern corner of the property with the property dropping in elevation as you move westerly across the property. The elevation on the western edge of the property line is at 869 msl. Therefore, there is a drop in elevation across the property of about 18 feet.
- The proposed site does not contain any slopes greater than twenty (20) percent as required on the Town of Genesee land development checklist. Since the Lots are less than 2 acres in size, the Town of Genesee Land Division and Development Ordinance requires all slopes in excess of 15 percent will need to be preserved in open space uses. A note will need to be added to the CSM indicating that any portion of the lot area in excess of 15 percent shall be maintained as open space (If Applicable).

- Based on the concept plan submitted, all lots contain buildable areas large enough to accommodate normal residential development. In addition, all requirements of the Town of Genesee Zoning Code in regards to offsets, setbacks, floor area ratio, etc. will need to be reviewed and approved.
 - Proposed storm water management facilities are shown on the proposed development plan. According to the soils borings for Lot 6 and 7, it appears that the observed water elevations (approximately 20 inches below the surface) may limit the stormwater facilities in this area of the development. The Developer or the Developer's engineer should review the Waukesha County's Stormwater Ordinance and consult with Waukesha County Land Resources Division, who enforces the stormwater management regulations for the Town of Genesee. The Town normally requires all stormwater facilities to be shown on outlots and owned as an undividable fractional ownership of all property owners. This issue will need to be discussed between the Developer, Developer's Engineer, Town Engineer, Town Planner and Waukesha County.
 - Given the soil conditions, an overall grading plan may be required as part of the preliminary plat submittal process. The Developer's Engineer should get in contact with the Town Engineer regarding the proposed land altering activities.
 - The proposed land division shall comply in all respects to the Town of Genesee Land Division and Development Ordinance. Specifically, lot size, cul de sac length, etc.
 - Any waivers or variances granted by the Town of Genesee shall be placed on the face of the final CSM.
 - Access to C.T.H. D will need to be approved by the Waukesha County Department of Public Works. Documentation regarding the above will need to be submitted to the Town Planner for review and approval prior to acting on the Plat. The proposed access may or may not result in improvements to the intersection of CTH D and Wern Court.
 - In addition, since C.T.H. D is classified as major collector highway, a planting strip at least 30 feet in depth shall be provided adjacent to CTH D. This strip shall be a part of the platted lots, 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".
7. **Discussion/Action -Approval of April 24th, Plan Commission Meeting Minutes.** Christiansen made a motion to approve the minutes from April 24th Plan Commission meeting. Seconded by Lightfoot. The motion was approved 6-0
 8. **Discussion/Action- October 23rd, 2023 Plan Commission Meeting Date Change** Plan Commission meeting will be changed to October 25th, 2023 due to the Towns Associations Conference .
 9. **Update on Pending Enforcement Matters** Planner Herrmann gave an update on Carlos Baldares and stated that he is coming in for his permit for a shed to contain previous yard debris. Also gave an update on Kamps Court house which is vacant and needs the yard cleaned up. Planner Herrmann will be writing a letter to them. Planner Herrmann requested that Town Board member Ross will look into a complaint of one of his neighbors. Chairman Leair asked for an update on complaint on Woods Road clean-up. Also updated on Brookhill Road complaint of unauthorized business. Planner Herrmann states that he is going to apply for a limited family business conditional use for his solar business.
 10. **Correspondence** None
 11. **Adjourn** Christiansen made a motion to adjourn meeting. Seconded by Ross. The motion was approved 6-0. The meeting was adjourned at 7:15 p.m.

Respectfully Submitted;

Rachel Workman

Deputy Clerk

May 24th, 2023