

TOWN OF GENESEE PLAN COMMISSION MEETING MINUTES
NOVEMBER 27th, 2023
6:00 p.m.

Present were Chairman Leair and Plan Commission members Engelking, Turzynski, Christiansen and Toole and Town Board Supervisor Ross. Absent was Plan Commission member Lightfoot. Also in attendance was Deputy Clerk Workman. The meeting was called to order at 6:00 p.m.

1. **Discussion/Action- Certified Survey Map for David Mueller. The property is described a combination of Lot 1 and Lot 2 being a part of the SE ¼ of Section 21 T6N R18E in the Town of Genesee, Waukesha County. More specifically, the property is located at W307S4697 Hwy 83. (GNT 1524-973 & GNT 1524-974)** Chairman Leair stated that this was a combination of lots which would create a 32-acre lot. This CSM will also have to go to Waukesha County due to there being Shoreland within the lots. Engelking made a motion to recommend approval to the Town Board subject to the conditions in Planner Herrmann's November 17th, 2023 Memo. The motion was seconded by Christiansen. The motion was approved 6-0.

TOWN OF GENESEE PLAN COMMISSION & TOWN BOARD
PLANNER'S REPORT AND RECOMMENDATION
CERTIFIED SURVEY MAP – Dated Revised November 9, 2023

PROJECT NAME: Mueller - CSM

DATE: November 17, 2023

TAX KEY NUMBER: GNT 1524.973
GNT 1524.974

OWNER: David J Mueller
Mary Beth Mueller
PO Box 246
Genesee Depot, WI 53127

LOCATION OF PROPERTY: Both parcels are part of the SE ¼ of the SE ¼ of Section 21, T6N, R18E, in the Town of Genesee, Waukesha County, Wisconsin. More specifically the properties are located at W307 S4697 Highway 83.

TOWN ZONING CLASSIFICATION: EC Environmental Corridor District.
C-1 Conservancy District.

COUNTY ZONING CLASSIFICATION: A-2 Rural Home District.
R-1 Residential District.
HG High Groundwater District
EC Environmental Corridor Overlay District.

LOT SIZE: Total Lot size both parcels approximately 32.144 Acres.

EXISTING USES: Single-Family Residential.

REQUESTED USES:

A land combination resulting in the creation of one (1) new parcel of land.

COMPLIANCE WITH THE TOWN OF GENESEE COMPREHENSIVE LAND USE PLAN -

2035: The Town of Genesee Comprehensive Land Use Plan - 2035 designates this area in the 5-acre Residential category and the Primary Environmental Corridor District allowing development of one (1) unit per five (5) acres. In addition, the Primary Environmental Corridor should be protected to the greatest extent possible. Therefore, the proposed combination of two (2) lots into one (1) lot complies with the purpose and intent of the Town of Genesee Comprehensive Land Use Plan - 2035.

PLANNER'S ANALYSIS:

The properties are located on the west side of Highway 83 via a private ingress and egress easement per document #4082109, which serves four (4) properties. Both subject properties are located approximately 1,900 feet from Highway 83. The parcels are bisected by the South Branch Genesee Creek (a navigable Stream). The petitioner is proposing to combine parcels under Chapter 375 of the Town of Genesee Municipal Code, entitled Land Division and Development. The proposal is merely a Certified Survey Map (CSM) combining two (2) parcels into one (1) lot. The new Lot will consist of 32.144 acres and contains an existing single-family residence and an existing shed. The property with the single-family residence is served by a private septic system and private well.

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 November 10, 2023, giving the Town Plan Commission until January 24, 2024 and the Town Board until February 8, 2024, to take action, unless the Developer grants an extension in writing.

PLANNER'S RECOMMENDATION:

In performing a detailed review of the CSM dated revised November 9, 2023, the Town Planner has found the following items must be complied with, added to the map, modified or waived by the Town of Genesee Plan Commission and Town Board and are **deemed conditions that must be satisfied in order to comply with the Town's Land Division Ordinance:**

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

1. 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.

In addition, 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 375-23 (C) All water elevations, high and low water elevations, shall be established and approved by Waukesha County.

Section 375-23 (D) Floodplain limits shall be established and approved by Waukesha County and shown on the final CSM.

Section 375-23 (M) Existing Zoning on and adjacent to the proposed CSM shall be shown on the CSM.

Section 375-23(W) Additional information as requested by the Town Plan Commission or Governing Body:

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; the Village of North Prairie, and Waukesha County in regard to the CSM, prior to the Town signing the final CSM.
2. The Village of North Prairie and Waukesha County 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 or Waukesha County shall be incorporated herein.
3. On sheet 5 of 6, under the Town of Genesee Signature for Town Plan Commission Secretary "Meri Majeskie" shall be changed to "Rachel Workman".
4. The following Primary Environmental Corridor/Wetland preservation restriction shall be added to the CSM:

Those areas identified as Primary Environmental Corridor or Wetland on this Certified Survey Map CSM shall be subject to the following restrictions:

- A. Grading and filling are prohibited, unless specifically authorized by the Town of Genesee, Waukesha County and, if applicable, 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, Waukesha County and, if applicable, 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 and Waukesha County, 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 Primary Environmental Corridor and only with approval from the Town of Genesee and Waukesha County.
- D. Grazing by domesticated animals, i.e., horses, cows, etc., is discouraged to the greatest extent possible within the Primary Environmental Corridor.
- E. The introduction of plant material not indigenous to the existing environment of the Primary Environmental Corridor is prohibited, unless specifically authorized by the Town of Genesee, Waukesha County and, if applicable, 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, Waukesha County and, if applicable, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.

G. The construction of buildings is prohibited.

5. 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 notes.
6. All existing and proposed easements shall be shown.
7. The Town Planner shall review the final CSM prior to the Town Officials signing the final CSM.
8. Subject to, **prior to the Town signing the final CSM, all other required signatures must be inscribed on the final CSM.**
9. Subject to the Owner satisfying all of the aforementioned conditions within **one (1) year** of the Town Board granting conditional final CSM approval.
10. 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.
11. 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.

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. This can take place as a another original CSM or a mylar copy of the original CSM. Signatures shall be placed on both copies of the CSM.

2. **Discussion/Action- Reconsider an accessory building in excess of 1,600 square feet for Frank Schimpf. The property is described as Lot 2 CSM #11480, being a part of the SW ¼ and the SE ¼ of Section 27, T6N, R18E, in the Town of Genesee. More specifically, the property is located at W304 S5225 Hwy 83, Mukwonago, Waukesha County (GNT 1547.999.002)** Frank Schimpf Sr. was present for his son. This was brought back for reconsideration due to a floor plan that was submitted following the initial approval of an accessory building in excess of 1,600 square feet. The initial floor plan submission showed two bedrooms along with kitchen with a stove. The second submission showed the removal of the bedrooms. Engelking made clarification that within the ordinances, the building can include what was submitted, but cannot be used for permanent habitation. Engleking suggests we add a

deed restriction that this can only be used for occasionally occupancy for guests and cannot be leased or rented for human occupancy. This way, if the property ever gets sold, the new owner will know what is allowed and not allowed. Engelking made a motion to approve the building subject to the filing of the deed restriction. The motion was seconded by Ross. The motion was approved 6-0.

3. **Discussion/Action- Sideliner's Pub and Grill noise complaints.** Marlene Bloom, complainant, was present. She spoke that she has been a patron of Sideliner's for many years, but it is located in a narrow section of Hwy 59. She states that the music outside is very disruptive and she can hear the bass from inside her house during those special events. She states that the tent does not stop the noise and it carries across the highway. She asks that the Plan Commission rescinds any permissions for outside music the Plan Commission has granted. Chairman Leair thanked her for her statement and stated that Sideliner's Pub and Grill is well within their permission per their Plan of Operation. Chairman Leair also stated that the Waukesha Sheriff Dept. did not have any other complaints. Kirk Gardner was present for Sideliner's and simply stated that they had 1,100 people for their special events and only one complainant. There were no other complaints so that speaks for itself. Ross suggested that she come in again when Sideliner's has their special events on the agenda and she can make her statement. No action taken.
4. **Discussion/Action - Approval of October 25th, 2023 Plan Commission Meeting Minutes.** Tabled until the January meeting as we do not have enough Plan Commission Members able to vote on these minutes.
5. **Update on Pending Enforcement Matters.** None
6. **Correspondence** Chairman Leair made the Plan Commission aware that next year begins the review of our Comprehensive Land Use Plan so there will be more meetings next year.
7. **Adjourn** Engelking made a motion to adjourn. The motion was seconded by Ross. The motion was approved 6-0. The meeting was adjourned at 6:18 p.m.

Respectfully Submitted,

Rachel Workman

Deputy Clerk

November 20th, 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.