

TOWN OF GENESEE PLAN COMMISSION MEETING MINUTES
JANUARY 22ND, 2024
6:00 p.m.

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

1. **Discussion/Action-Preliminary Plat for Cardinal Court. The property is described as a part of the NE ¼ of Section 13 T6N R18E. (GNT 1489-982-008)** Mark Ellena from Ellena Engineering and Tyler from Ware Design Build were present. Planner Herrmann reviewed his concerns involving high seasonal ground water on the property and what may be required to make the lots buildable. Mark Ellena stated that he believes that the county only requires one foot above the seasonal ground water high. Engelking asked if appropriate soil testing was done and Planner Herrmann confirmed many soil tests were done on each proposed lot. Engelking made a motion to recommend approval of the preliminary plat to the Town Board. The motion was seconded by Toole. The motion was approved 5-0

TOWN OF GENESEE PLAN COMMISSION & TOWN BOARD
PLANNER'S REPORT AND RECOMMENDATION
PRELIMINARY PLAT

PROJECT NAME: Cardinal Court

DATE: January 15, 2024

OWNER: Cardinal Development WI, LLC
1926 Manhattan Drive
Waukesha, WI 53186

DEVELOPER: Venture Construction Group
c/o Dan Eckerman
17500 W. Liberty Lane
New Berlin, WI 53146

TAX KEY NO.: GNT 1489.982.008

LOCATION: Lot 1 CSM No. 7928 being a part of the NE ¼ of Section 13, T6N, R18E,
Town of Genesee, Waukesha County, Wisconsin.

ZONING CLASSIFICATION: R-1 Residential District (1-Acre Minimum Lot Size)

LOT SIZE: Approximately 10.00 Acres.

EXISTING USES: Vacant

REQUESTED USES: A Single-Family Residential Development comprised of six (6)
Lots and one (1) Outlot.

COMPLIANCE WITH THE TOWN OF GENESEE COMPREHENSIVE DEVELOPMENT PLAN -
2035:

The Town of Genesee Comprehensive Development Plan – 2035 designates 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.

Given the Lot size of 10 acres, the proposed development qualifies for 6.67 dwelling units. Since only six (6) lots are being proposed with this development, the proposed use complies with the density requirement of the Town of Genesee Comprehensive Land Use Plan 2035.

STAFF ANALYSIS:

The petitioner is seeking approval of a preliminary plat for “Cardinal Court”, which is a six (6) lot subdivision with one (1) outlot. A new public road improvement is proposed, which will result in a new 450-foot permanent cul-de-sac. The proposed lots will range in size from 1.02 acres to 1.66 acres and will be served by private on-site sewage systems and private wells. The Outlot will be 1.33 acres in size. No references exist on the preliminary plat in regards to the Outlot.

In May of 2023, the Town of Genesee Plan Commission reviewed a concept plan and made numerous comments and voiced their concerns regarding the poor soil conditions on the property.

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 soil test results vary from lot to lot, but all of the lots contain some 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.

This submittal is a preliminary plat, which gives the Town Plan Commission 75 days and the Town Board 90 days to take action. The preliminary plat was filed with the Town of Genesee on September 15, 2023, giving the Town Plan Commission until November 29, 2023 and the Town Board until December 14, 2023 to take action, unless the Developer grants an extension in writing.

On November 8, 2023, the developer granted the Town of Genesee a 90-day extension to review the preliminary plat which give the Town Plan Commission until February 27, 2024 and the Town Board until March 13, 2024 to act on the preliminary plat.

PLANNER’S RECOMMENDATION:

In performing a detailed review of the preliminary plat for Cardinal Court dated September 15, 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 375-8 All applicable requirements Section 375-8 shall be complied with prior to the Town signing the Final Plat.

Section 375-10 Before final approval of any land division or development located within the jurisdictional limits of this chapter, the owner shall install all improvements as hereinafter provided, subject to the following exception: if the developer chooses to provide a letter of credit as a financial guarantee for the installation of the public improvements on a form approved by the Town Attorney and in an amount approved by the Town Engineer, the final plat may be approved prior to installation of the improvements. The owner shall, before commencing with any improvements, enter into a developer's agreement with the Town of Genesee agreeing to install the required improvements and shall file with said agreement cash or a letter of credit meeting the approval of the Town Attorney in an amount equal to the estimated construction cost of the improvements plus 20% of said cost and the fees, said estimate to be made by the Town of Genesee Engineer, as a guarantee that such improvements will be completed by the owner or its subcontractors not later than the date

or dates provided in the agreement and as a further guarantee that all obligations for work on the development are satisfied.

- Section 375-11 All requests for Waivers shall be submitted in writing to the Town Clerk and approved by the Town Plan Commission and Town Board.
- Section 375-13 A copy of the covenants and restrictions shall be reviewed and approved by the Town Planner and Town Attorney, prior to submitting the final plat.
- Section 375-18 (B)(6) The preliminary plat shall not be finally approved or deemed finally approved until all objections of all objecting and approving authorities and all conditions of the Plan Commission and governing body have been satisfied.
- Section 375-23 (A) The exterior boundary of the plat shall equal the cumulative distance of the interior lots. The distance shall equal to the hundredth foot. There is a small discrepancy.
- Section 375-23 (E) A note shall be added to the final plat indicating Cardinal Court is “Dedicated to the public for road purposes”.
- Section 375-23 (H) The location, size and invert elevation of any existing storm sewers, culverts, drain pipes, the location of manholes, catch basins, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto shall be shown on the preliminary plat.
- Section 375-23 (Q) The location of the soil tests shall be shown on the plat.
- Section 375-23 (U) Surveyor's certificate signed, dated and sealed, and revision dates on all sheets.
- Section 375-23 (W) Any other information the plan commission or governing body deems necessary to reach a decision on the preliminary plat, including the following:
1. 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 Waukesha in regard to the preliminary plat, prior to commencing construction of any improvement, whether public or private, or site development or approval of the final plat, whichever is earlier.
 2. Subject to the Developer submitting to and receiving from the Town Planner, Town Attorney and the Town Engineer, approval of the final draft of the deed restrictions, prior to commencing construction of any improvement, whether public or private, or site development or approval of the final plat, whichever is earlier.
 3. Subject to the Developer applying for and receiving from the Plan Commission for the Town of Genesee, the Town Board for the Town of Genesee, and Waukesha County all necessary variances or waivers (if any) to the Town of Genesee Zoning Code, and the Town of Genesee Land Division Ordinance, prior to commencing construction of any improvement, whether public or private, or site development or approval of the final plat, whichever is earlier.
 4. Subject to the Developer submitting to and receiving approval from the Town Plan Commission of the Town

of Genesee of a landscaping, signage, street name, and entrance plan prior to commencing construction of any improvement, whether public or private, or site development or approval of the final plat, whichever is earlier.

5. Subject to the Developer submitting the preliminary and 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 names, the uniform address system, and water system prior to commencing construction of any improvement, whether public or private, or site development or approval of the final plat, whichever is earlier.
6. A minimum of three (3) soil tests shall be required for each lot. In addition, a County Form A will be completed for each lot. The Town Engineer and Town Planner will determine the depth of basements or slab on grade. Each lot may be required to have an individual grading plan reviewed and approved by the Town Engineer and Town Planner at a cost to the developer or homeowner.
7. Subject to the developer indicating on the final plat the purpose of the outlot.
8. A Basement Restriction regarding groundwater shall be added to the final plat. The language of the Basement Restriction can be obtained from the Town Planner.
9. All references on the plat to the Village of “North Prairie” shall be changed to the Village of “Waukesha”.
10. Under notes, note No. 5 indicates Vision corner easements on Outlots 1 and 2. There is only one outlot and no vision corner is required. It appears the vision corner easements are for Lots 1 and 6. The actual easement size and location shall be determined by the Waukesha County Department of Public Works.
11. Under Surveyor’s Certificate the legal description references the “Southeast” quarter and should reference the “Northeast” quarter.
12. The signature page for the Town of Genesee shall only include the Town Plan Commission and Town Board. The signature for Town Treasurer can be removed. Under Town Board, Meri Majeskie shall be labeled as Clerk-Treasurer and under Town Plan Commission, “Meri Majeskie – Secretary” shall be changed to “Rachel Workman, Secretary”.
13. A note shall be placed on the face of the final plat stating, “No lot shall be further divided absent the express written approval of the Town Board of the Town of Genesee. No new lots or outlots shall be created absent the express written approval of the Town Board of the Town of Genesee. No lot line shall be adjusted or reconfigured in any way absent the express written approval of the Town Board of the Town of Genesee or unless otherwise expressly authorized by law.”
14. Building envelopes are not required to be shown on the final plat and can be removed. If the developer wants building envelopes on the final plat, then a fifty-foot setback CTH D shall be shown on the plat and a note added to the plat indicating the building of structures or buildings outside the building envelope is not permitted unless specifically approved by the Town Board.
15. On Sheet 1 of 2, the “Wetland” boundary shall also include a 50-foot wetland setback area.
16. On the final plat “Wetland Preservation Restrictions” shall be added to read as follows:
 - A. Grading, filling and removal of topsoil or other earthen materials are prohibited, unless specifically authorized by the Town of Genesee and, if applicable, the Waukesha County Department of Parks and Land Use, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
 - B. The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc., is prohibited, with the

exception that invasive, dead, diseased, or dying vegetation may be removed, at the discretion of the landowner and with approval of the Town of Genesee and Waukesha County Department of Parks and Land Use (if applicable), silvicultural thinning, upon the recommendation of a forester or naturalist and with approval from the Town of Genesee and Waukesha County Department of Parks and Land Use (if Applicable), shall also be permitted.

- C. Grazing by domesticated animals, i.e., horses, cows, etc., is prohibited unless grazing is conducted in order to manage invasive vegetation and approval is obtained from the Town of Genesee Plan Commission.
- D. 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, the Waukesha County Department of Parks and Land Use, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
- E. Ponds are prohibited unless designed to enhance the natural environment. Ponds that may be permitted are subject to the approval of the Town of Genesee and, if applicable, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
- F. The construction of buildings is prohibited.

17. Notes shall be placed on the final plat indicating the dates and sections of the ordinance waived by the Town of Genesee Plan Commission and Town Board (if applicable).

18. Subject to, prior to the Town signing the final plat, all other required signatures must be inscribed on the final plat.

19. The final plat shall be reviewed and approved by the Department of Administration, prior to the Town approving the final plat.

20. Any and all correspondence from the Wisconsin Department of Natural Resources shall be submitted to the Town Clerk.

21. Any conditions imposed by the Town Engineer shall be complied with prior to the Town signing the final plat.

22. 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 approval of a final plat. In addition, a note shall be added to the final plat indicating the owners of the lots within cardinal court development shall be responsible for the maintenance of the stormwater facilities.

Section 375-48 (A) When lots within the proposed division or development back upon the right-of-way of an existing or proposed limited access highway (CTH D), a planting strip at least 30 feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs; the building of structures hereon is prohibited."

Sections 375-49 The Town Engineer shall review the proposed cul de sac to ensure it complies with this section of the code prior to approval of a final plat.

Section 375-55 Compliance with all Public Sites and Open Spaces – Impact fees for parks, playgrounds

and lands for athletic fields shall be paid prior to the Town signing the final plat, unless the Town Board and developer agree otherwise.

Section 375-64 The owner shall cause appropriate utilities such as gas, electrical power, cable television, and telephone facilities to be installed in such a manner as to make adequate service available to each lot. No such electrical, cable television, or telephone service shall be located on overhead poles unless approved by the Plan Commission and governing body. In addition, plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Municipal Engineer.

Section 375-65 The Plan Commission and/or governing body shall require the owner to pay for the installation of streetlamps, if they are required, along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Plan Commission and/or governing body.

Section 375-69 No construction or installation of improvements shall commence in a proposed division or development until the preliminary plat has been approved and all pertinent conditions of said approval have been satisfied, a developer's agreement has been entered into between the developer and the Town to the satisfaction of the Town Attorney and the Town Engineer, and the Town Engineer has given written authorization to commence construction.

- 2. Discussion/Action- Site Plan/Plan of Operation for Blue System Control, LLC, Barry Gardner. The property is described as a part of the NW ¼ and the SW ¼ of Section 14, T6N, R17E in the Town of Genesee, Waukesha County, Wisconsin. More Specifically, the property is located at S34W29939 Little John Dr Unit 9. (GNT 1494-997-039)** Barry Gardner was present for Blue System Control. Planner Herrmann stated that this business does small industrial automation for clients. The business would consist of an office area and an area where small automation machines would be assembled. Engelking made a motion to approve the Plan of Operation for Blue System Control. The motion was seconded by Christiansen. The motion was approved 5-0

TOWN OF GENESEE PLAN COMMISSION
PLANNER'S REPORT & RECOMMENDATION

SITE PLAN/PLAN OF OPERATION

NAME: Blue System Control, LLC

DATE: 1/10/2024

TAX KEY NO.: GNT 1494.997.033

OWNER: Wincrest Farms LLC
860 Brinsmere Dr.
Elm Grove, WI 53122-2101

PETITIONER: Barry Gardner
d/b/a Blue System Control
304 Blue Water Court
Dousman, WI 53118

LOCATION OF PROPERTY: Unit 9 Windcrest Farms Commercial Condominium, located on Lot 6 Certified Survey Map No. 9660, being a part of the NW ¼ and the SW ¼ of Section 14, T6N, R17E, in the Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located at S34 W29939 Little John Drive.

ZONING CLASSIFICATION: M-1 Limited Industrial District.

PROPOSED REQUEST:

The property is approximately 3.25 acres. In 2020, the Town Plan Commission approved a request by the petitioner to construct two (2) Commercial Condominium buildings. Each building will contain six (6) units with each unit (40' x 60') consisting of 2,400 square feet and one (1) toilet, one (1) sink and one (1) floor drain. Each unit will be individually owned/leased with the Condominium Association owning and controlling the common areas of the site. The Condominium Association will be responsible for maintenance of the common areas and shared well. Each unit will contain an individual holding tank and a shared private well. The owner has received approval from the Town of Genesee Town Board for the holding tanks.

The building has a steel frame interior and the outside consists of steel siding and roof with a three (3) foot high decorative wainscot fascia along all elevations of the building. The walls are an ash gray color with the roof and wainscoting being a terratone color. The petitioner is proposing to utilize Unit 9 of Building 1 (south building). The petitioner is proposing to use this space for a hands-on industrial automation business. The business helps customers generate and procure electrical prints, factory automation software, small to medium sized electrical panels, and robotic equipment for use in their manufacturing process. About 75 percent of the business is purely intellectual property, meaning computer files generated for specific purposes. They are proposing to expand the other 25 percent, which is very light duty assembly and manufacturing, including building small electrical panels and the occasional small machines for their customers.

The business will employ up to four (4) full-time employees. The days and hours of operation will be Monday thru Friday from 7:00 a.m. to 5:00 p.m. The site contains thirty-nine (39) standard parking stalls and two (2) handicap stalls. Based on this proposed use (4 employees), only six (6) parking spaces are required, therefore adequate parking is available on site. No signage is proposed at this time.

No changes to the landscaping or lighting are proposed at this time. Lastly, no proposed refuse disposal has been provided. Each individual tenant is responsible for the disposal of his/her refuse and waste. The petitioner indicates that any dumpsters or garbage containers will be brought inside the building at night.

PLANNER'S RECOMMENDATIONS:

Based on the information provided, the Town Planner recommends **approval** of this request subject to the following conditions:

1. This approval is for Blue System Control LLC to occupy one (1) tenant space (Unit 9) in Building 1 (south building) as proposed for an industrial automation business only. Any other use shall require the petitioner

apply for a new Site Plan/Plan of Operation to be reviewed and approved by the Town of Genesee Plan Commission.

2. All previously imposed conditions by the Town of Genesee for the construction of the buildings shall be adhered to and complied with, unless specifically modified by the Town Plan Commission.
3. No outside storage, shall be allowed unless specifically approved by the Town of Genesee Plan Commission.
4. Waukesha County Environmental Health Division shall inspect and approve the existing holding tank for the proposed use of the space occupied for the proposed use.
5. A waste disposal plan for the removal of all waste shall be provided to the Town Planner for review and approval prior to the issuance of any permits.
6. The proposed use for Blue System Control shall require a total of six (6) parking stalls to accommodate the parking needs of employees and patrons.
7. The Fire Chief shall review the building plans to ensure that all fire codes are being complied with.
8. The Town of Genesee Building Inspector shall inspect the tenant space of the building to determine compliance with all applicable building codes. All compliance violations shall be corrected to the Building Inspector's satisfaction. If state approve building plans are required, the petitioner shall provide the Town Building Inspector and Town Planner a copy of the state approved plans. All changes, modification and requirements by the State of Wisconsin shall be completed and installed, prior to the petitioner occupying the building.
9. This Plan of Operation shall automatically terminate 12 months from the date of approval of the Town Plan Commission, if said building units for this operation are not completed and occupancy not given by the Town Building Inspector. Prior to the 12-month termination date stated above, the petitioner may apply for an extension of said approval.
10. Documentation shall be submitted to the Town Planner that all required local, county, state and federal licenses and permits have been obtained.
11. 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 to ensure that it does not become detrimental to the surrounding area.
12. Subject to the property being in compliance with all Federal, State, County and local laws, ordinances, codes, rules and regulations.
13. An up-to-date Plan of Operation must be on file at all times with the Town of Genesee Plan Commission.

14. 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.
 15. 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.
 16. Professional fees. Applicant 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.
 17. 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.
3. **Discussion/Action- Badger Materials Recycling Inc Annual Report** Planner Herrmann stated that former owner of Badger Materials Recycling Inc retired and the business was taken over by an employee. Engelking made a motion to place the report on file at town hall. The motion was seconded by Turzynski. The motion was approved 5-0
 4. **Discussion/Action - Approval of October 25th, 2023 and November 27th, 2023 Plan Commission Meeting Minutes.** Engelking made a motion to approve the October Plan Commission minutes. The motion was seconded by Toole. The motion was approved 5-0. Engelking made a motion to approve the November Plan Commission minutes. The motion was seconded by Christiansen. The motion was approved 5-0
 5. **Update on Pending Enforcement Matters** Planner Herrmann stated that he will be sending a letter to Coker to come in compliance with matters of outside storage of pallets and miscellaneous debris. Also, he stated that he is speaking with Kettle Moraine Heating and Cooling to clean up the outside of the business.
 6. **Correspondence** None
 7. **Adjourn** Engelking made a motion to adjourn. The motion was seconded by Turzynski. The motion was approved 5-0. The meeting was adjourned at

Respectfully Submitted,

Rachel Workman

Deputy Clerk

January 15, 2024

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.