

TOWN OF GENESEE PLAN COMMISSION MEETING

April 22nd, 2024

MINUTES

6:00 p.m.

1. **Discussion/Action- Hobby Kennel Request from Amy Welenkamp and Carlos Marquez. The property is described as being Lot 12 Wern Farm Estates, part of the SW ¼ of Section 13, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located at W289S3830 Wern Farm Circle. (GNT 1491-056)** Engelking made a motion to approve the hobby kennel request subject to the Town of Genesee Standard Conditions. The motion was seconded by Christiansen. The motion was approved 7-0
2. **Discussion/Action- Rebecca Fedak and Peter German to allow more than 2 accessory buildings. The property is described as being a part of the SW ¼ of Section 28, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located at S54W31500 WI-59. (GNT 1551-999-003)** Fedak and German were present for their request. A neighbor, Kris Sussek, S55W31520 State Rd 59, voice concerns over this being an aquaponic greenhouse where fish will be used to supply the plants with nutrients. He was concerned that this would cause significant smell because of the keeping of fish and concerned that the filtering of fish poop could cause contamination. The petitioners stated that they have visited many aquaponic greenhouses and never noticed any smell. Mr. Sussek was also concerned about them selling produce and fish from this greenhouse and the traffic it would cause. Planner Herrmann made clear that this was acceptable to do based on the Town of Genesee Zoning Code. Fedak and German encouraged their neighbor to let them know if anything becomes a nuisance and they would address it. Engelking made a motion to approve more than 2 accessory buildings. The motion was seconded by Toole. The motion was approved 7-0
3. **Discussion/Action- Certified Survey Map for Russell Lawlor. The property is described as a division of a part of the SE ¼ of the SE ¼ of Section 35, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located at W290S6201 Holiday Rd (GNT 1580-990)** Mr Lawlor was present for his request. Planner Herrmann made clear that any new house to be built on the new lot would not be able to have a basement because the soil conditions are so poor. It would have to be built as a slab on grade. Mr. Lawlor did show understanding of that. Engelking made a motion to recommend approval to the Town Board subject to Planner Herrmann’s April 9th, 2024 report. The motion was seconded by Christiansen. The motion was approved 7-0

**TOWN OF GENESEE PLAN COMMISSION & TOWN BOARD
PLANNER’S REPORT AND RECOMMENDATION
CERTIFIED SURVEY MAP (March 28, 2024)**

PROJECT NAME: Lawlor

TAX KEY NO.: GNT 1580.990

DATE: April 9, 2024

OWNER: Russell Lawlor
W290 S6201 Holiday Road

LOCATION:

Part of the SE ¼ of the SE ¼ of Section 30, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin.

TOWN ZONING: A-5 Mini-Farm District.

E-C Environmental Corridor

C-1 Conservancy District

PARCEL SIZE: Approximately 40.155 acres.

REQUESTED USES: A Certified Survey Map (CSM) to create a two (2) Lots served by a private onsite waste disposal system and a private well.

COMPLIANCE WITH THE TOWN OF GENESEE COMPREHENSIVE LAND USE PLAN -2035: The

Town of Genesee Comprehensive Land Use Plan – 2035 designates property in the 5-acre density category allowing development at one (1) unit per five acres. Therefore, the proposed land division complies with the intent of the Town of Genesee Comprehensive Land Use Plan – 2035.

STAFF ANALYSIS:

The owner is proposing to create a two (2) parcel CSM. Lot 1 will be 34.30 acres and contains an existing residence and accessory structure. Lot 2 will be 5.00 acres in size and is currently vacant.

The soil evaluation for the site indicates a very high seasonal groundwater table. The seasonal high groundwater on the site varies between 10-24 inches below the ground surface. Water was observed in three (3) of the five (5) soil borings at depths of 20 inches, 28 inches and 30 inches below the ground surface. The petitioner is proposing to install an A+4 mound system, which is permitted by the State of Wisconsin. According to Section 16 (B)(9) of the Town of Genesee Zoning Code, no building intended for human habitation shall be located so that its lowest floor, including any basement floor, is less than one (1) foot above the highest seasonal ground water level. Therefore, no new basements would be permitted for either lot of this CSM unless additional soil testing would be conducted and approved by the Town Plan Commission and Town Board.

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 April 3, 2024, giving the Town Plan Commission until June 17, 2024 and the Town Board until July 2, 2024, to take action, unless the Developer grants an extension in writing.

PLANNER'S RECOMMENDATION:

In performing a detailed review of the CSM (Dated March 28, 2024), 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, if there are slopes meeting the above criteria, 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 375-12 (A)(11) Lands being developed which abut the Town roads identified as collector streets (Holiday Road) will be limited to the number of accesses, whether driveways or intersections, as follows: Frontage of property from 600 feet to 1,500 feet equals two accesses.

Section 375-22 (D) Date of the CSM shall be shown on all sheets. Sheets 1 & 3 of 5 are not dated.

Section 375-23 (G) Owners or record of abutting unplatted lands shall be shown on the CSM.

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

Section 375-23 (R) The name of the professional which field staked the Wetland/Environmental Corridor boundary shall be stated on the CSM and included in Note No. 2.

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; and the Village of Waukesha in regard to the CSM, prior to the Town signing the final CSM.
2. The Village of Waukesha shall review, approve and sign the CSM prior to the Town of Genesee signing the final CSM. All conditions imposed by the Village of Waukesha shall be incorporated herein.
3. Both Waukesha County and North Prairie can be removed from the signature page as neither one is required signatory to this CSM.
4. On sheet 4 of 5, under the Town of Genesee Signature for Town Plan Commission "Meri Majeskie, Clerk-Treasurer" shall be changed to "Rachel Workman, Deputy Clerk"
5. The following Wetland/Conservancy/Environmental Corridor preservation restriction shall be added to the CSM:

Those areas identified as Wetland/Conservancy/Environmental Corridor 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 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 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, 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.

- 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 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 and, if applicable, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
 - G. The construction of buildings is prohibited.
6. All buildings shown on the CSM shall be clearly identified, ex. Residence, garage, shed, etc.
 7. A basement statement shall be added to the CSM that indicates no new basements shall be permitted unless additional soil borings and soil testing information is provided to the Town Plan Commission and Town Board for review and approval of any said basement.
 8. A preliminary site evaluation of the existing septic system shall be conducted by the Waukesha County Department of Environmental Health, prior to the Town Signing the final CSM.
 9. 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.
 10. All existing and proposed easements shall be shown.
 11. The Town Planner shall review the final CSM prior to the Town Officials signing the final CSM.
 12. Subject to, **prior to the Town signing the final CSM, all other required signatures must be inscribed on the final CSM.**
 13. Subject to the Owner satisfying all of the aforementioned conditions within **one (1) year** of the Town Board granting conditional final CSM approval.
 14. 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.
 15. 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.**

Respectfully submitted,
Jeffrey C. Herrmann, AICP
Administrator-Planner

4. **Discussion/Action- Transfer of Adjacent Lands Request for Jeff Flannery. The property is described as part of the SW ¼ of Section 19, T6N, R17E, Town of Genesee. (GNT 1515.981 and GNT 1515.982)** Mr. Flannery was present for his request. Planner Herrmann explained that this can be done as a land transfer instead of a CSM because he owns three adjacent lots which go by meets and bounds. He is not creating or losing any lots. Engelking made a motion to approved. The motion was seconded by Braun. The motion was approved 7-0

Memoandum

To: Town of Genesee Plan Commission
From: Jeffrey C. Herrmann, Administrator-Planner
Date: 04/16/2024
Re: Land Transfer – Jeff Flannery

Jeff Flannery owns three (3) adjacent parcels of land in the Town of Genesee. The parcels are 3.04 acres, 3.774 acres, and 4.387 acres in size. All three (3) parcels are located in the SW ¼ of Section 19, T6N, R18E, in the Town of Genesee. More specifically, two (2) of the properties are located on Sleepyhollow Court and the third lot is located on Billings Court. The lot located on Billings Court is not part of the proposed land transfer. The property owner is proposing to complete a transfer of adjacent lands by transferring approximately 33,715 square feet from the 3.774-acre (vacant) property to the 4.387-acre (single-family home) parcel. (see Attached Map).

The proposed transfer of land would result in new vacant lot of approximately 3.00 acres and a lot increasing to about 5.161 acres in size. The 5.161-acre parcel will continue to contain the existing home and attached garage. Both properties are currently designated in the Suburban II Density Residential category on the Town of Genesee Comprehensive Land Use Plan – 2035. The properties are zoned A-2 Rural Home District. Both lots are described by metes and bounds and not part of a Certified Survey Map or a Subdivision Plat.

According to the Town of Genesee Code, in every situation, regardless of circumstances, that a property owner seeks to convey land in a manner that would adjust a lot line or create or eliminate a lot line, and that conveyance does not require a certified survey map or subdivision plat pursuant to this chapter, and where an adjacent property owner intends to acquire such interest in land, the proposed action shall be submitted to the Town of Genesee Plan Commission for prior review, before the conveyance documents are signed and before the conveyance is recorded in the office of the Waukesha County Register of Deeds.

The Town Plan Commission review shall be limited to considering whether the conveyance is in compliance with § 236.45(2) (am)3, Wis. Stats., and the applicable laws cited therein, including these regulations, the applicable zoning ordinance, and other applicable laws and ordinances. Such conveyance can only be approved if the same number of lots exists prior to the conveyance as would exist after the conveyance. Such conveyance can only be approved if the resulting lots would all be both legal and conforming, even if any such lots are legal nonconforming prior to the conveyance, because the conveyance creates new lots which do not predate the ordinance and therefore have no legal nonconforming rights. Such conveyance must not be approved if the conveyance includes land that has a legal nonconforming use, because the legal nonconforming rights are limited to use of the preexisting lot. Such conveyance shall not be approved if any of the resulting lots and the existing improvements on the lots would be in violation of applicable open space requirements. Such conveyance shall not be approved if the conveyance would make an existing conforming structure illegal or nonconforming or would increase the extent of any preexisting legal nonconformity of an existing structure.

The Town Planner has reviewed the proposed land transfer and offers the following comments and/or concerns: The proposed transfer of approximately 33,715 square feet between adjacent properties appears to be in compliance with the requisite zoning requirements on size as both lots will meet or exceed the minimum of three (3) acres. The same number of lots will exist after the conveyance, both lots will be legal and appear to be conforming, neither lot contains a legal nonconforming use, the resulting lots and the existing improvements on the lots will not violate open space requirements and the conveyance will not make an existing conforming structure illegal or nonconforming or increase the extent of any preexisting legal nonconformity of an existing structure. Since both lots are legally described by metes and bounds, the existing lot line between the parcels will be removed. A legal description of the land to be transferred as well as the newly described lots will need to be created as part of the transfer. No new tax key numbers will be created and no new additional lots will be created.

5. **Discussion/Action- Approval of March 2024 Plan Commission Minutes.** Engelking made a motion to approve the March 2024 Plan Commission Minutes. The motion was seconded by Christiansen. The motion was approved 5-0 with two abstentions of Braun and Buck.
6. **Correspondence** Chairman Leair presented a letter of a noise complaint against Hoovers Hause. Planner Herrmann is going to do some investigation and speak with Hoover's House.
7. **Adjourn** Engelking made a motion to adjourn. The motion was seconded by Braun. The motion was approved 7-0. The meeting was adjourned at 6:27 p.m.

Rachel Workman

Deputy Clerk

April 24th, 2024

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.