

TOWN OF GENESEE PLAN COMMISSION MEETING

May 21st, 2024

MINUTES

6:00 p.m.

Chairman Leair called the meeting to order at 6:00 p.m. Present were Town Board Chairman Sharon Leair, Town Board Supervisor Braun and Plan Commissioners Engelking, Toole, Buck, Christiansen, and Turzynski. Administrator Planner Jeff Herrmann and Deputy Clerk Rachel Workman were also present. The Pledge of Allegiance was said.

1. **Discussion/Action- Waiver for a Stormwater Pond within the planting strip for Hwy 83 Self-Storage. The property is described as Lot 2 CSM 9640, being a part of the NW ¼ of Section 27, T6N, R18E, Town of Genesee. More specifically, the property is located at the end of Commercial Drive on the south side of the road. The property is located between STH 59 and Commercial Drive. (GNT 1546-982-011)** Ryan Bendler was present for Hwy 83 Self-Storage. Planner Herrmann stated that the developer is looking to use the planting strip for the stormwater basin. The Town Board has already approved this with the condition that they try to do plantings on the north side of the berm. Ryan stated that the DOT is willing to remove the 50-foot setback out of the CSM. Engelking made a motion to approve the waiver for a stormwater pond within the planting strip with the request from the Town Board for plantings on the north side of the berm. 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 and discuss the option of future 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)** Rebecca Fedak and Peter German were present for their request. They explained that they would like an approval for a greenhouse that was already placed as well as a somewhat open-ended approval for five (5) more temporary agricultural accessory structures. Rebecca Fedak clarified that the additional structures may include an additional greenhouse, a mobile chicken coop and a couple shade structures for livestock. The structures would be hoop houses or wooden structures with metal roofs. Commissioner Buck asked clarifying questions regarding the size and materials of the structures. Commissioner Engelking stated that he does not feel comfortable with making an open-ended approval for additional structures without seeing more information, such as a general location and maximum size for those structures. Engelking made a motion to approve the existing greenhouse with the condition that they would come back to Plan Commission with a more defined idea of the additional structures up to five (5). The motion was seconded by Braun. The motion was approved 7-0
3. **Discussion/Action- Certified Survey Map for Scott Messinger. The property is described as being a part of the SW ¼ of Section 27 and a part of the SE ¼ of Section 28 T6N R18E Town of Genesee, Waukesha County. More specifically, the property is located at S53W31165 Old Village Road. (GNT 1547-973)** David Hazenfield was present from Twelve2 Commercial Group as the marketing company for the sale of the property. Planner Herrmann explained that they are looking to separate the five (5) acres with is under a conditional use for a water bottling plant from the other sixty-five (65) acres. Planner Herrmann states that Lot 2 has a lot of environmental corridors and wetlands, which are not shown on the current CSM. The Plan Commission members feel that the surveyor did not do a complete job on this CSM. David Hazenfield stated that Mr. Messinger has a verbal agreement with a neighbor who wants to buy the sixty-five (65) acre property. Engelking made a motion to table this request until the next Plan Commission meeting on June 24th. 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 (April 8, 2024)

PROJECT NAME: Messinger

TAX KEY NO.: GNT 1547.973

DATE: May 15, 2024

OWNER: Scott Messinger
Sandra Messinger
c/o Ove Water Services
PO Box 275
Genesee Depot, W 53127

LOCATION: A redivision of Lot 2 and Outlot 1, Certified Survey Map No. 4468 recorded in Volume 35 Page 307-309, and unplatted lands, all being a part of the NE ¼ and SE ¼ of the SE ¼ of Section 28, and part of the NW ¼ and SW ¼ of the SW ¼ of Section 27, 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 69.64 acres.

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

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 and the Primary Environmental Corridor Category. Therefore, the proposed land division complies with the intent of the Town of Genesee Comprehensive Land Use Plan – 2035.

STAFF ANALYSIS:

The property has been used as a water bottling plant for the last 40 plus years. The bottling plant has operated under a conditional use permit issued through Waukesha County. The Conditional Use was approved on the front five (5) acres only. The remaining 64.64 acres was vacant land with no connection to the bottling plant. The owner is in the process of selling the property and does not know what the proposed use of the bottling plant will be in the future. The owner is proposing to create a two (2) parcel CSM. Lot 1 will be 5.00 acres and includes the existing conditional use for the water bottling plant. Lot 2 will be 64.64 acres in size and is currently vacant. It is important to note that the adjacent property to the east, shares the existing driveway onto Old Village Road as the proposed five (5) acre lot. According to CSM 4468, an ingress egress easement is on the proposed lot, which gives the neighbor access to their property.

The soil evaluation for the site indicates a vast variation in soil types. A mixture of soil types, including Martinton, Matherton, Hocheim, Aztalan, and Pella, exist on the site. These soil types vary from well drained to poorly drained soil conditions. No soils borings were completed on the site at the time of the CSM. Soil borings will need to be completed on the site, prior to the Town signing the CSM.

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 22, 2024, giving the Town Plan Commission until July 6, 2024, and the Town Board until July 21, 2024, to take action, unless the Developer grants an extension in writing.

PLANNER’S RECOMMENDATION:

In performing a detailed review of the CSM (Dated April 8, 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)(7) Soils tests required. Lands to be divided or developed into building sites to be served by soil absorption sewage disposal systems shall have a minimum of one soil test performed per lot, indicating that the lot(s) and building site(s) can support a conventional or mound type of soil absorption sewage disposal system in compliance with Department of Safety and Professional Services.

Section 375-22 (C) General location sketch shall include the location of Old Village Road.

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) Delineations of natural resource areas, including the boundaries of the Wetlands and the Primary Environmental Corridors (PEC) as identified by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) and the location and type of any rare or endangered species habitat. The Wetland and PEC may be delineated on the CSM per the Waukesha County GIS. It should be labeled on the CSM how the Wetlands/PEC was delineated.

Section 375-23 (U) Surveyor's certificate signed, dated and sealed, and revision dates on all sheets.

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 North Prairie in regard to the CSM, prior to the Town signing the final CSM.
2. The Village of North Prairie 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 shall be incorporated herein.
3. The Village of North Prairie shall be added to the signature page of the CSM.

4. On sheet 5 of 5, the Town of Genesee Plan Commission shall be added to the signatures for the Town of Genesee. “Sharon Leair, Chairman and Rachel Workman, Secretary” shall be added as signatures. In addition, under Town Board Approval, “Sharon Leair, Chairman” shall also be added to the signatures for Town Board. “Meri Majeskie, Clerk-Treasurer” shall remain as is.
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. The building currently labeled as “Existing Dwelling” is not accurate, since the building was used as a bottling plant and not a “Dwelling” per se.
 7. On Sheet 1 of 5, under the legend “D” is dedicated to the public for roadway purposes. This area on the CSM shall include a hatch or shaded area. Also, the area identified as 33 feet includes extra arrows and does not truly show the 33 feet of right of way.
 8. On sheet 1 of 5, two (2) existing pump houses are labeled on proposed Lot 2. Are these pump houses for the water bottling plant? If so, an easement may be needed to maintain the pump houses and pumps.

9. 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 Planner for review and approval of any said basement.
10. 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.
11. 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.
12. All existing and proposed easements shall be shown.
13. The Town Planner shall review the final CSM prior to the Town Officials signing the final CSM.
14. Subject to, **prior to the Town signing the final CSM, all other required signatures must be inscribed on the final CSM.**
15. Subject to the Owner satisfying all of the aforementioned conditions within **one (1) year** of the Town Board granting conditional final CSM approval.
16. 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.
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.

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- S53W31165 Old Village Road discussion on possible uses for the property. (GNT 1547-973)** It was discussed that the building is an industrial building, however, it is located in a residential area. Engelking stated that if there was a petition to rezone the property to commercial zoning

right now, it would be denied because it would not follow the land-use plan. Planner Herrmann stated that given the area the lot is in, it would not be conducive to a manufacturing use, or anything with loud noises etc.

5. **Discussion/Action- Fence Review for Kettle Moraine Heating and Cooling. The property is described as Lots 2 & 3 CSM 10868 being a part of the NE ¼ & NW ¼ of Section 5 T6N R18E Town of Genesee, Waukesha County. More specifically the property is located at W325S1767 Mickle Rd. (GNT 1457-999-002)** Bill Brink present for KM Heating and Cooling. He states that the fence he is proposing is 12 inches off the ground totaling 9 feet tall. It is made of treated lumber and would block the storage containers from view of Hwy 18 with the help of brush and trees on the east side.
6. **Discussion- Conceptual Plan for Kettle Moraine Heating and Cooling. The property is described as Lot 1 CSM 11258 as being a part of the SE ¼ of the SW ¼ OF NE ¼ of Section 5 T6N R18E Town of Genesee, Waukesha County. More specifically the property is located on Mickle Rd West of Pick N' Save. (GNT 1457-999-003)** Bill Brink stated that he is thinking about taking over the volleyball court from Ella's because he does not feel like Ella's is fully utilizing the volleyball courts. He states that he would like to put a "container park" there. These have food and beverage service around astroturf in the center with life-size games. He states that they would put a public restroom in the new building for use from patrons of the container park. Deputy Clerk Workman made known that if they were to do this, they would have to apply for a liquor license of which the town only has one reserve liquor license available with the cost of \$10,000.00. Bill Brink then stated that that may be too expensive. He stated that the new building would be for consolidating plumbing and electrical along with an area for further growth. He also states that at the far end of the new building, he would have a mechanics shop for servicing his fleet vehicles only. He states that they are planning for more than enough parking for all his employees and all patrons and workers of Ella's Pub and Grill. Planner Herrmann stated that landscaping the property would be key to keeping it looking clean and organized. He would like the Plan Commission to be aware of his plans before he purchases the new land for the new building. Chairman Leair stated that there are no glaring problems with this proposal, but it will be important for KM Heating and Cooling to work with Planner Herrmann to make sure everything is up to the Town's standards. Bill Brink is in agreement. He also wants made aware that there are to be no more exits onto Hwy 18, so if he does not buy this property, the future owner would essentially be land-locked. Engelking also stated that with so much parking, there might need to be a stormwater management plan.
7. **Discussion/Action- Approval of April 22nd, 2024 Public Hearing Minutes and April 22nd, 2024 Plan Commission Minutes.** Engelking made a motion to approve the April 22nd, 2024 Public Hearing Minutes and the April 22nd, 2024 Plan Commission minutes. The motion was seconded by Christiansen. The motion was approved 7-0
8. **Correspondence** Planner Herrmann stated that there is an issue with a previously approved preliminary plat for Cardinal Court. He stated that there was a previous deed restriction from 1976 which stated that there could be no further development of that property. These are not deed restrictions that the Town put on, this was the owner's restriction. He states that the CSM from 1994 did not show this deed restriction. Planner Herrmann states that the adjacent property owner has the restriction on his warranty deed and title research and he may have to sue the developer. Planner Herrmann also stated that Tola's Cocina is no longer in business, that it is being renamed "The Party Room"
9. **Adjourn** Engelking made a motion to adjourn. The motion was seconded by Christiansen. The motion was approved 7-0. The meeting was adjourned at 7:08 p.m.

Deputy Clerk

May 15, 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.