

**VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN**
(Official Minutes)

MONTHLY & SPECIAL JOINT SESSION MEETING of the VILLAGE OF FONTANA PLAN
COMMISSION with the JOINT EXTRATERRITORIAL ZONING COMMITTEE

Tuesday, May 26, 2009

Chairman Spadoni called the monthly meeting of the Village of Fontana Plan Commission to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commissioners present: Roll call: Chairman George Spadoni, Derek D’Auria, Sharon O’Brien, Micki O’Connell, President Arvid Petersen, Sarah Lobdell

Plan Commissioners absent: Mike Poivey

Also present: Larry Austin, Steve Beers, Amber Benson, Terry and Patricia Burke, Administrator/Treasurer Kelly Hayden, Kevin Kirkland, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Joseph McHugh, Building Inspector Ron Nyman, Jerry Polek, Village Attorney Dale Thorpe, Jamie Whowell

Visitors Heard

None

Announcements

1. Annual Fontana Fire & EMS Blood Drive at the Fontana Safety Building – **Saturday, May 30, 2009, 8:00 am to Noon**
2. Village Board Monthly Meeting – **Monday, June 1, 2009, 5:00 pm**
3. CDA Board Monthly Meeting – **Wednesday, June 3, 2009, 6:00 pm**
4. Village Comprehensive Master Plan Public Event at St. Benedict Church – **Saturday, June 6, 2009, 9:00 to 11:00 am**
5. VOF Assessor Village Hall Office Hours – **Friday, June 12, 2009, 10:00 am to 2:00 pm**
6. Library Board Meeting – **Wednesday, June 17, 2009, 10:00 am**
7. Park Commission Meeting – **Wednesday, June 17, 2009, 6:00 pm**
8. Evening Book Club at the Fontana Library – **Thursday, June 18, 2009, 6:00 pm**
9. VOF Quarterly Newsletter Article Deadline – **Friday, June 19, 2009**
10. Plan Commission Monthly Meeting – **Monday, June 29, 2009, 5:30 pm**

Approve Minutes

Commissioner O’Connell/Commissioner Lobdell 2nd made a MOTION to approve the minutes for the meetings held April 27, 2009 & May 4, 2009, and the MOTION carried without negative vote.

Public Hearings

Petition to Amend the Zoning Ordinance Section 18-311 (c) filed by the Village of Fontana on Geneva Lake Regarding Costs Recoverable Expenses Being Considered Special Charges as Defined in the Wisconsin State Statutes 66.0627

Chairman Spadoni opened the public hearing at 5:34 pm. The proposed amendment was recommended by the Finance Committee to authorize the Village to place delinquent cost recovery invoices on tax bills for collection. Spadoni closed the public hearing at 5:35 pm.

Commissioner O’Connell/Commissioner D’Auria 2nd made a MOTION to recommend Village Board approval of the proposed amendment to Section 18-311 (c) as presented, and the MOTION carried without negative vote.

Petition to Amend the Zoning Ordinance Section 18-79 (e)(1) filed by the Village of Fontana on Geneva Lake to Address Contiguous Land Definitions Regarding Density Factor Requirements

Spadoni opened the public hearing at 5:36 pm. Steve Beers asked for a summary of the proposed amendment. Thorpe stated that the amendment was initially presented with seven other proposed amendments in September 2007; however, the Village Board elected not to adopt all the proposed amendments at that time. The Village Board recently directed Thorpe to present the proposed amendment for reconsideration. Thorpe stated that if adopted, the amendment will prohibit property owners from allocating lands located across public right-of-ways for density calculations. In response to a question from Beers, Thorpe stated that an ordinance amendment does not affect complete applications that have been field with the Village; complete applications on file with the Village are subject to the terms of the Zoning Code effective on the date that the application is filed. Geneva Lake Conservancy Executive Director Joseph McHugh asked if any of the other lakefront zoning code amendments initially presented in 2007 are going to be reconsidered. Hayden stated that to date, the Village Board has only directed the density allocation amendment to be reconsidered; however, any or all of the other proposed amendments could be reconsidered in the future. O'Brien asked if some of the proposed lakefront zoning ordinance amendments could be incorporated into the Comprehensive Master Plan, which is currently being updated. Thorpe stated that the planning document could incorporate zoning code direction; however, in order to be binding, the Municipal Code would have to be amended. Spadoni closed the public hearing at 5:43 pm.

Commissioner O'Connell/Commissioner O'Brien 2nd made a MOTION to recommend Village Board approval of the proposed amendment to Section 18-79 (e)(1) as presented, and the MOTION carried without negative vote.

General Business

Tree Ordinance Amendments – Tabled 1/26/09, 3/30/09 & 4/27/09

Spadoni stated that the additional proposed amendments drafted by Village Planner Mike Slavney and staff should be incorporated by McCarthy into the Tree Ordinance and the public hearing should be scheduled for the next monthly meeting on Monday, June 29, 2009, beginning at 5:30 pm. Hayden stated that an additional amendment to the Tree Ordinance, that has been reviewed and recommended by the Park Commission, is to make the Village Board the final approval body for fines and appeals of the Tree Ordinance, on recommendation of the Park Commission. The current ordinance designates the Park Commission as the Tree Board and the final approval authority for fines and appeals generated by the Tree Ordinance. Spadoni stated that he will contact the Building and Zoning Department with regard to additional amendments he would like to suggest.

Commissioner O'Connell/Commissioner O'Brien 2nd made a MOTION to schedule a public hearing to consider the proposed amendments to the Tree Ordinance on Monday, June 29, 2009 beginning at 5:30 pm, and the MOTION carried without negative vote.

Recommendation on Proposal to Purchase Property at 138 Fontana Boulevard

President Petersen/Commissioner O'Connell 2nd made a MOTION to recommend Village Board approval of the purchase of the property at 138 Fontana Boulevard as recommended, and the MOTION carried without negative vote.

Pending Agenda Items

1. Condominium Plat Application Filed by Stephen P. Beers, 454 N. Lakeshore Drive, Fontana, WI, to Authorize Density Shift Between Parcels (453, 454 and 457 N. Lakeshore Drive and Lot 2 CSM 1515 on Stearns Road) for a 4-Unit Condominium Association in the RS-1 Residential Zoning District – Tabled 3/30/09
2. Condominium Plat & CUP Filed by William Turner, 393 North Lakeshore Drive – Conceptual Presentation – Tabled 3/30/09

3. PIP Amendment Filed by Abbey Springs for Boathouse Structure Modifications – Tabled 3/30/09 & 4/27/09

Chairman Spadoni called for a 13-minute recess of the Plan Commission meeting until 6:00 pm. Chairman Spadoni called the Plan Commission meeting back to order at 6:00 pm.

The Joint ETZ Committee meeting was called to order by Chairman Derek D’Auria at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

ETZ Committee Members present: Roll Call vote: Chairman D’Auria and Village of Fontana representative Sarah Lobdell; Town of Walworth representatives Ken Magowan and Jim van Dreser; Town of Linn representative Jerry Polek

ETZ Committee Members absent: Village of Fontana representative Mike Poivey, Town of Walworth representative Dennis Jordan, and Town of Linn representatives Larry Aasen and John Zils

Approve Joint Meeting Minutes

Village of Fontana representative Lobdell/ Town of Walworth representative Magowan 2nd made a MOTION to approve the Joint ETZ Committee minutes for the meeting held April 27, 2009 as presented, and the MOTION carried without negative vote.

ETZ-Plan Commission Public Hearing – 6:00 pm

Conditional Use Permit Application Filed by James Whowell to Add Boat Service to the Existing Business at W6175 Willow Bend Road, Walworth, WI in the A-4 ETZ Zoning District

Spadoni opened the Plan Commission public hearing and D’Auria opened the Joint ETZ Committee public hearing at 6:01 pm. Jamie Whowell filed an application to amend the Conditional Use Permit for his boat storage business at W6175 Willow Bend Road, Walworth Township. The amendment is to authorize boat servicing in an existing building on the site. Larry Austin stated that he owns an adjacent property and he is a member of the Walworth Town Board. Austin stated that as a neighbor he supports the proposal and the Town Board also voted to recommend approval of the proposal. Patricia Burke stated that she and her husband own the property located right next door to the site and she wanted to know what type of boat servicing will be offered. Kevin Kirkland responded that his company will perform oil changes, engine tune-ups and other light mechanical work. Kirkland stated that no big machinery is involved and the used oil is stored onsite and collected by a contractor. Kirkland stated that all of the products that are used are environmentally friendly and they do not offer “acid washes.” Kirkland stated that boats are washed with a saline based solution that does not incorporate any acidic compounds. Kirkland also explained that traffic will be reduced to and from the site if the proposal is approved because the boats will not have to be transported down to the lakefront marina for servicing and then transported back for storage. In response to a question from O’Brien, Kirkland stated that the DNR oversees the compliance regarding environmental regulations. Terry Burke asked if there was going to be additional signage, and was informed that there are no proposed changes to the existing operations and site plan other than the addition of boat servicing. The Village of Fontana professional staff report states: “There are no proposed changes and/or modifications to existing lighting, signage, parking, landscaping, green space, outside storage, Dumpsters/garbage containment, storm water, fencing/retaining walls, traffic circulation, hours of operation, access to property or public utilities. It shall be noted that previous approvals required that there be no outdoor storage of boats or any related items on the property beyond 30 days and that parking take place on the property in those areas depicted in the plans. We simply remind the applicant that this remains in effect and should continue to be complied with.” The staff report also recommends three conditions for approval: All previous approval conditions shall remain in effect; boat service shall take place within Building No. 4A only; and all outstanding

cost recovery fees billed to date applicable to this project shall be paid within 15 days. This condition does not alleviate the applicant from any cost recovery fees not yet billed, which shall be paid within 15 days of receipt. Chairman Spadoni closed the Plan Commission public hearing and Chairman D'Auria closed the Joint ETZ Committee public hearing at 6:07 pm.

Joint Session General Business

Recommendation on Conditional Use Permit Application Filed by James Whowell to Add Boat Service to the Existing Business at W6175 Willow Bend Road, Walworth, WI in the A-4 ETZ Zoning District

Town of Walworth representative van Dreser/Town of Walworth representative Magowan 2nd made a MOTION to recommend approval of the CUP application as submitted, with the conditions that all previous approval conditions shall remain in effect; boat service shall take place within Building No. 4A only; and all outstanding cost recovery fees billed to date applicable to this project shall be paid within 15 days. The MOTION carried without negative vote.

Commissioner O'Connell/President Petersen 2nd made a MOTION to recommend approval of the CUP application as submitted, with the conditions that all previous approval conditions shall remain in effect; boat service shall take place within Building No. 4A only; and all outstanding cost recovery fees billed to date applicable to this project shall be paid within 15 days. The MOTION carried without negative vote.

Adjourn Joint ETZ Committee

Village of Fontana representative Lobdell/ Town of Walworth representative van Dreser 2nd made a MOTION to adjourn the ETZ Committee meeting at 6:09 pm, and the MOTION carried without negative vote.

Adjourn Plan Commission

Commissioner O'Connell/Commissioner O'Brien 2nd made a MOTION to adjourn the Plan Commission meeting at 6:09 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, Village Clerk

Note: These minutes are subject to further editing. Once approved by the Plan Commission and Joint ETZ Committee, the official minutes will be on file at the Village Hall.

APPROVED: 06/29/09