

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION  
**Tuesday, May 31, 2016**

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

**Plan Commissioners present:** Roll call: Micki O'Connell, Sarah Lobdell, Trustee Petersen, Trustee Prudden, F.J. Frazier, Bob Grant

**Plan Commissioner absent:** Bob Ahern

**Also present:** CJ Heise, President Pat Kenny, Greg Kunes, Clerk Theresa Loomer, Administrator Dennis Martin, Zoning Administrator Bridget McCarthy, Trustee Rick Pappas, Village Attorney Dale Thorpe, Greg Trapani, Mark Walsh

**Visitors Heard**

None

**Approve Minutes**

Commissioner Lobdell/Commissioner Grant 2<sup>nd</sup> made a MOTION to approve the minutes for the April 25, 2016 meeting, as presented, and the MOTION carried without negative vote.

**General Business**

**Building and Zoning Fee Schedule Amendment**

Martin stated that at last month's Plan Commission meeting the item was set for a public hearing; however, it has since been determined that a public hearing is not necessary since no change will be made to Zoning Code Chapter 18. The fee schedule will be updated and presented in Resolution form at the next Village Board meeting. The updated schedule includes the fees listed on the Building & Zoning Application form and also includes an amended fee for Lot Line Adjustment applications with a reduction from \$250 down to \$100 plus \$25 per parcel.

**Big Foot Country Club CUP Application**

McCarthy stated Big Foot Country Club has submitted an updated CUP application that should be scheduled for a public hearing at the next monthly meeting. The original application was for a septic system but has since been changed to a mound system. The proposed mound system will be in the same space and location as the previously proposed septic system. Village engineers have signed off on the mound system proposal and permits have been received from both the state and county. Trustee Petersen/Commissioner O'Connell 2<sup>nd</sup> made a MOTION to schedule a public hearing on Monday, June 27, 2016 beginning at 5:30 pm to consider the CUP application filed by the Big Foot Country Club at 770 Shabbona Drive for a mound system, and the MOTION carried without negative vote.

**Citation Direction for Clear Cutting Violation at 762 Bear Trap Lane**

McCarthy explained Bear Trap Lane is in a Planned Unit Development that is broken up into five buildable lots that are several acres each and mostly wooded. Over those planned unit development lots is an environmental corridor delineated by the Southeastern Wisconsin Regional Planning Commission. Each lot contains a buildable envelope and McCarthy explained that when a house is ready for construction, that area may be cleared for the house, driveway and yard, but beyond those exceptions, no clearing is allowed and the rest of the lot must remain wooded. The village code

requires that if property owners wish to clear underbrush, they must obtain a conditional use permit and may only remove a maximum of 10 percent of underbrush. McCarthy explained that Kevin Remer, owner of Arbor Images, came in representing Bill Coyne, the property owner at 762 Bear Trap, and stated he wanted to remove dead trees on the property. Staff informed Remer that he could take out only the dead trees and was not permitted to remove any of the brush; however, clear cutting was completed on roughly 1.6 acres on the property including the steep slope that extends from the backyard down to Main Street, which has now presented an erosion control issue. SEWRPC came out to assess the situation and logs have been placed on the property as an immediate measure to control erosion and stabilize the slope. After SEWRPC's visit they submitted a formal report for Mr. Coyne to follow in order to begin restoration of the site. McCarthy said that for a tree taken down without a permit, the code states that a fine could be levied at no less than \$500 for a protected tree and assessed at \$100 per inch in diameter. For clear cutting, the code does not define a penalty, but does say a daily citation can be issued for no less than \$50 per day and no more than \$500 per day. If a property owner were to apply for a conditional use permit in order to clear brush legally, the fee would be at least \$350 and they would have to go through the process of a public hearing. Martin stated that due to the zoning code rewrite, certain zoning code violations now need to be brought forth to the Plan Commission for a recommendation. There was discussion regarding the ultimate goal of the penalty, whether it is remediation of the site or a fine. Thorpe said it is possible to issue citations and enter into a stipulation and order, and ultimately a settlement that defines a remediation plan at the property owners' expense. In response to a question regarding whether the citations could be issued starting back at the date the clear cutting was performed, Thorpe said that daily citations or fines prior to the issuance of summons are typically pretty rare. McCarthy stated it might be hard to follow the SEWRPC plan depending on the summer weather because there is no irrigation and suggested that it would be reasonable to allow some time for remediation. Martin stated there are several reasons why a maximum fine is being recommended by staff. If the initial remedial plan fails due to a dry summer or any other circumstances, funds should be available in order to make sure the work is completed. Staff time should also be compensated for, especially the village attorney and Zoning Administrator McCarthy who have spent many hours on the case. Additionally, Remer came into Village Hall three times and was told what he was allowed to do, and he blatantly violated the rules. After discussion, the maximum fine was recommended for approval.

Trustee Petersen/Commissioner O'Connell made a MOTION to recommend the issuance of citations from the earliest possible date for the maximum fine possible, pursuant to the Village Code, and the MOTION carried without negative vote.

#### **Easement Recommendation for Proposed Sewer Relocation at 1076 S. Lakeshore Drive**

Thorpe provided background information on the sewer relocation proposal at 1076 S. Lakeshore Drive and said the property owner, Greg Kunes, would like to relocate the sewer pipe from one location on the property to another in order to build a house closer to the lake. The project requires a state permit from the DNR which they have applied for but has not yet been granted. In order to approve the sewer relocation, the village would have to abandon the existing easement at the current sanitary sewer line location and adopt a new easement at the rerouted location. Thorpe stated by state statute, the village cannot give up or acquire property without a non-binding recommendation from the Plan Commission. The legal description and design drawings have been approved by the village engineer, and staff is also recommending the typical maintenance and access agreement which holds the property owner responsible for any unusual repairs that take place as a result of the diminished grade of the pipe. Martin explained that the village engineer had serious concerns with an initial sewer reroute plan that was submitted; however, the property owner has since submitted new engineering plans from a different firm and those plans have been reviewed and approved by the village engineers. Neighboring property owner Mark Walsh shared his concerns over finding out about the proposal last week and learning that the village has no requirement to notify neighbors about a proposed easement of this magnitude. He said he believes the sewer line was designed the

way it was for a reason and stated that although it is not a statutory requirement, the village should be responsible for notifying nearby property owners because if something goes wrong, it could affect neighboring properties as well as the lake. Thorpe asked Walsh if he has an opinion on the proposed sewer relocation and Walsh stated he has not had a chance to talk to anyone about the impact it might have on his property or the lake, so at this time he does not have an opinion. Thorpe stated the village engineers have approved this proposal and there are long-term plans to eventually move the sewer main from the lake side of the residences on North and South Lakeshore Drives up to the road, and the proposed sewer main relocation could be temporary until a new sewer main is planned and constructed.

Trustee Petersen/Commissioner O'Connell 2<sup>nd</sup> made a MOTION to recommend Village Board approval of abandoning the current sanitary sewer easement and approving the proposed new easement for a rerouted sanitary sewer main path at 1076 S. Lakeshore Drive, as presented, and the MOTION carried without negative vote.

#### **Schedule Public Hearing for Park and Open Space Plan 2016-2021**

The updated Park and Open Space Plan was emailed out last week after being recommended to the Plan Commission by the Park Commission. Martin stated that as part of the statutory process a public hearing must be held in order to adopt the 2016-2021 Park and Open Space Plan.

Commissioner Grant/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to schedule a public hearing on Monday, June 27, 2016 beginning at 5:30 pm to consider the 2016-2021 Park and Open Space Plan, and the MOTION carried without negative vote.

#### **Adjournment**

Commissioner Frazier/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to adjourn the meeting at 6:02 pm, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, Village Clerk

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

APPROVED: