

**VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN**

(Official Minutes)

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION

Monday, November 24, 2008

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: McGreevy, O'Connell, Lobdell, Chairman Spadoni, Poivey (arrived at 5:31 pm)

Plan Commissioners absent: President Pollitt, D'Auria

Also present: Amy Carmen, Administrator Kelly E. Hayden-Staggs, Library Director Nancy Krei, Edward and Valerie Lyon, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, CDA Executive Director Joseph McHugh, Building Inspector/Zoning Administrator Ron Nyman, Attorney David Rasmussen, Village Attorney Dale Thorpe, David Weinberg, Director of Public Works Craig Workman

Visitors Heard

Attorney David Rasmussen stated that he is representing Village property owner Dean Sellis, who would like to have a portion of a platted street vacated in Unit 1 of the Country Club Estates subdivision. The area is located adjacent to Lot 18, which is owned by Sellis. Rasmussen stated that he wanted to give the Village notice that it would be receiving a notice of the proposal. Notices also would be sent out to all the Unit 1 property owners. Rasmussen stated that the unconstructed street may be a private street or it may be public. Attorney Thorpe stated that there are numerous ways to dedicate roads, depending on whether they are private or public. Rasmussen stated that he will check the recorded plat and meet with Mr. Sellis prior to scheduling a meeting with Village staff.

Announcements

1. Walworth County Intergovernmental Committee Meeting – **Tuesday, November 25, 2008 at 6:00 pm**
2. Village Hall Closed for Thanksgiving Holiday – **November 27 to 29, 2008**
3. Special Joint Closed Session Meeting of the Village Board and CDA – **Monday, December 1, 2008 at 5:30 pm**
4. Village Board Monthly Meeting – **Monday, December 1, 2008 at 6:00 pm**
5. CDA Board Monthly Meeting – **Wednesday, December 3, 2008 at 6:00 pm**
6. Village Holiday Party at Gordy's – **Monday, December 8, 2008 at 6:00 pm**
7. Fontana Public Library Holiday Open House – **Friday, December 12, 2008, 10:00 am to 4:00 pm**
8. Park Commission Meeting – **Wednesday, December 17, 2008 at 6:00 pm**
9. Village Hall and Public Library Closed for Christmas Holiday – **December 24 & 25, 2008**
10. Monthly Meeting of the Plan Commission – **Monday, December 29, 2008 at 5:30 pm**

Approve Minutes

McGreevy/Lobdell 2nd made a MOTION to approve the minutes as submitted for the monthly meeting held October 27, 2008, and the MOTION carried without negative vote.

Public Hearing

Conditional Use Permit Application filed by Tradewell Builders, LLC to Construct Additional Principal Structure on Edward S. Lyon Property, 986 South Lakeshore Drive, in the RS-1 Zoning District

Chairman Spadoni opened the public hearing at 5:34 pm. Amy Carmen stated that she is the project manager for Tradewell Builders and the applicants would like to move forward with the plan on file for the public hearing. Carmen stated that the property owners may seek approval of an amended CUP in the future if another garage entrance is proposed and for other possible amendments to the plan filed for the public hearing. Spadoni stated that staff met with the applicants prior to the meeting and explained to them that if the plan on file is amended, another CUP application will have to be filed and presented at a public hearing. Spadoni stated that there were no concerns presented when the plan on file was presented at last month's Plan Commission meeting. Spadoni asked Carmen if the applicants had any concerns with the eight conditions outlined in the Village staff report. Carmen stated that the applicants had no concern with fulfilling the staff recommended conditions for approval. David Weinberg stated that he owns the adjacent property at 988 South Lakeshore Drive and he has some concerns with regard to the proposal to construct a second primary residence on the lot. Weinberg stated that he wanted to make sure the color of the new residence blends in with the natural colors of the wooded area and that it will not be obtrusive to the character of the densely wooded area. Weinberg stated that the property owners already had a swatch of shrubs and vegetation cut near the property line that leads down to the lake. Weinberg stated that he does not want to see a lot more trees cut down for the building proposal. Weinberg stated that he also has concerns with regard to the current condition of the property. Weinberg stated that there is all sort of debris, such as paint cans and wheelbarrows and other "junk" on the property, which is not natural looking or clean. Weinberg stated that the proposed conditional use permit that is required for the proposal is a great opportunity for the Village to force the property owners to remediate the whole area. Weinberg stated that in order to receive approval, the applicants should have to get rid of the junk and take down some of the unsightly accessory buildings on the lot and make the area looks nicer than its current condition. Spadoni stated that the applicants presented samples of the proposed building materials at last month's meeting. Spadoni stated that Weinberg should attempt to work with his neighbors on the concerns about the debris on the lot, and if the lot is not cleaned up, Weinberg should contact the Village. McCarthy stated that the sixth suggested condition for approval delineated in the staff report addresses the concern of the debris on the lot. Spadoni stated that all eight of the conditions suggested by the staff will have to be fulfilled by the applicants to obtain building and occupancy permits. Carmen stated that the colors of the new residence will be deep earth tones that were selected to work in harmony with the existing residence on the lot. McCarthy stated that the concern with regard to the trees on the lot is addressed in the first condition for approval in the staff report. Nyman stated that the proposal calls for seven "protected" trees to be cut down on the lot, and the requirements of the Tree Ordinance call for the trees to be replaced on the lot. In response to a question about the debris on the lot, McCarthy stated that the Village Zoning Department recently received a complaint and the situation will be monitored no matter if the CUP is approved or not. Spadoni closed the public hearing at 5:45 pm. O'Connell asked if one of the current accessory structures will be razed if the construction of the second primary residence on the lot is approved. McCarthy stated that the removal of an existing accessory structure is the fifth suggested condition for approval in the staff report.

Poivey/McGreevy 2nd made a MOTION to recommend Village Board approval of the Conditional Use Permit as submitted with the following eight conditions delineated in the Village staff report dated November 21, 2008:

1. A complete submittal for tree removal permits shall be applied for and obtained prior to the removal of any trees.
2. A complete submittal for building and zoning permits shall be applied for and obtained prior to the commencement of any interior construction. CUP approval shall not alleviate the applicant from securing all required permits.
3. Actual construction shall be as depicted on the approved plans submitted for CUP approval. Interior modifications may be allowed pending approval by the Building Inspector. Exterior modifications may require an amendment to this CUP approval.

4. All outstanding cost recovery billed to date applicable to this project shall be paid prior to the issuance of any occupancy permits.
5. At least one existing accessory structure shall be completely removed prior to the issuance of any occupancy permits.
6. Property maintenance throughout the entire subject property shall conform to the standards set forth in the Village of Fontana Municipal Code prior to the issuance of any occupancy permits. This includes, but shall not be limited to, the complete removal of all debris, garbage, building materials, lumber, piping, garbage, equipment, outdoor storage, etc.
7. A separate water meter for the proposed structure is required.
8. Water and sewer laterals must be depicted on the site plan submitted for building and zoning permits.

The MOTION carried without negative vote.

General Business

CUP Application Filed by T-Mobile Central, LLC for Robert Stewart Property

McCarthy stated that the proposed CUP is for a similar project approved in April 2008 for the existing tower on the Robert Stewart property. McCarthy stated that the applicant would like to add nine more antennas to the existing tower with 18 cable lines from the antennas to the ground cabinet equipment that is installed on a concrete pad located within the existing fenced area. The staff report recommends approval with the same five conditions for approval that were replaced on the CUP approved in April 2008.

Lobdell/Poivey 2nd made a MOTION to schedule a public hearing for Monday, December 29, 2008 beginning at 5:30 pm to consider the Conditional Use Permit application filed by T-Mobile Central, LLC for the Robert Stewart property at 202 W. Main Street. The MOTION carried without negative vote.

Proposal to Amend/Adopt Regulations With Regard to Windmill Electrical Generators – Tabled 7/28/08, 8/25/08, 9/29/08 & 10/27/08

Thorpe stated that he provided legal research for proposed regulations regarding the development of windmill electrical generators and drafted a brief ordinance for staff review. Thorpe stated that the draft ordinance will be amended by staff and presented to the Plan Commission for consideration at next month's meeting. Spadoni stated that the Village needs to move forward with adopting the proposed ordinance before the Village starts receiving proposals for windmill farm developments.

Review Building, Site and Operational Plan Approved July 25, 2005 and Extended March 3, 2008 for Jerry's Marine, 102 W. Main Street

Spadoni stated that the Village has not received any complaints with regard to the temporary use of the lot as a boat display area, but the initial approval of the BSOP was temporary and had a sunset clause. The BSOP was initially reviewed and extended for a three-year period with the condition that the property owners work with the CDA on a development that could be a permanent use for the lot. Staff asked the Plan Commission members if the sunset clause should be enforced or extended again. McHugh stated that he had very informal discussions with Jamie Whowell, the owner of the lot; however, Whowell has not submitted anything solid. Spadoni suggested that the Village extend the temporary BSOP for one more year with the conditions that Whowell start meeting within six months with the CDA on a proposed permanent use for the lot, and that the proposal is presented within nine months to the Plan Commission for consideration.

Chairman Spadoni/McGreevy 2nd made a MOTION to recommend Village Board approval of a one-year extension of the temporary BSOP approved for Jerry's Marine for the lot at 102 W. Main Street with the conditions that the lot owners meet within six months with the CDA on a proposed permanent use for the lot and that the proposal is presented within nine months to the Plan Commission for consideration. The MOTION carried without negative vote.

Tree Ordinance Amendment Update

Hayden-Staggs stated that proposed amendments to the Tree Ordinance will be presented next month to the Plan Commission and the Park Commission. McCarthy stated that the proposed amendments will address the recent directive of the Village Board to remove the tree replacement requirement for undesirable, evasive species of trees as well as other concerns that have been expressed since the Tree Ordinance was adopted a few years ago. Hayden-Staggs stated that the Plan Commission members should contact a staff member if they have concerns with the Tree Ordinance that they would like addressed in the proposed amendment.

Pending Items for Future Agendas

1. Brick Church Hotel and Spa BSOP Proposal
2. Conditional Use Permit Application Filed by US Cellular

Adjournment

O'Connell/McGreevy 2nd made a MOTION to adjourn at 5:55 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, the official minutes will be on file at the Village Hall.

APPROVED: 1/26/2009