

# VILLAGE OF FONTANA ON GENEVA LAKE

Walworth County, WI

## Lakefront and Harbor Committee

Wednesday, April 27, 2016

(Official Minutes)

The monthly meeting of the Lakefront and Harbor Committee was called to order at 4:30 pm on April 27, 2016 by Chairman Rick Pappas.

**Committee Members Present:** Trustee Rick Pappas, Steve Beers, Joel Bikowski, Bob Chanson, Lee Eakright, Don Holst, Ed Snyder

**Committee Member Absent:** Don Holst

**Also Present:** Darrell Frederick, Clerk Theresa Loomer, Administrator Dennis Martin, Zoning Administrator Bridget McCarthy, Dave Patzelt, Attorney Daniel O'Callaghan, Village Attorney Dale Thorpe

### Visitors Heard

None

### General Business

#### **Approval of Minutes for Meeting Held March 30, 2016**

Chanson/Beers 2<sup>nd</sup> made a MOTION to approve the minutes from March 30, 2016 as presented, and the MOTION carried without negative vote.

#### **Pier Permit Application Filed by Greg Kunes Property**

A pier permit application was submitted by Complete Piers & Lifts LLC on behalf of Gregg E. and Deborah Anne Kunes for the property at 1076 S. Lakeshore Drive. The pier permit application proposes construction of a new 82-foot pier, which is less than the maximum 100-foot pier headline established in Chapter 54 of the Village Code. The drawings submitted depict a 26-foot riparian setback on the east side of the pier and a 63-foot riparian setback on the west side of the pier. The Village Code requires a 12.5-foot required setback on each side.

Snyder/Chanson 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the pier permit application as submitted by Complete Piers & Lifts LLC for the Gregg E. and Deborah Anne Kunes property at 1076 S. Lakeshore Drive, contingent on final DNR approval, and subject to the filing of an as-built survey upon completion, with the recommendation to waive the preliminary survey requirement, and the MOTION carried without negative vote.

#### **Sylvan Glen Drive Pier Permit Application Update**

Attorney Thorpe presented an update on the ongoing Sylvan Glen pier permit application and Circuit Court petition processes. Ownership of the "park" parcel of land located on the lakefront has been traced back to the initial developer and land owner in 1924, but there is no record of ownership transfer since that time. Thorpe stated the owners of the properties on Sylvan Glen Road, who have been using the property for many years, have appealed to the Walworth Circuit Court for ownership interest as they have been using and maintaining the lot for many years. The hearing date is scheduled for June 8, 2016. Thorpe explained there are several issues with the pier permit application including ownership of the park parcel, ownership of the private road, the swing of the boats on the mooring buoys, and whether the current number of moorings is allowed and/or can be grandfathered into the DMA. Thorpe recommended to Attorney O'Callaghan, who is representing the Sylvan Glen property owners, to include ownership of the private road in their court proceedings to make sure it is clear. The boat ramp for Sylvan Glen was reinstalled for the 2016 boating season incorrectly on the property line and must be moved to abide by the 12.5-foot required setback. Chanson and Zoning Administrator McCarthy pointed out that the main issue is not the ownership of the parcel, but rather the number of moorings, because even if the parcel is

deeded over to the current residents, there are still too many moorings than what the current DNR and Municipal Code standards allow. It was suggested that the permit application should be tabled until June when the legal aspect of the situation may be figured out.

Snyder/Beers 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried without negative vote.

### **2016 Mooring Leases Update**

Martin provided an update on the 2016 mooring leases. He said all pier spaces on the new piers and the spaces on the old pier have been rented, as well as the seven remaining buoys. There are between three and five ramp spaces left to be leased for the 2016 season.

### **Fontana Shores Pier Permit Application/DMA Amendment Update**

Snyder provided an update on the Fontana Shore Pier Permit application, which was recommended for approval at last month's meeting. Fontana Shores submitted a pier permit application to extend their pier by 30-feet, remove three buoys, reduce the number of PWC from eight down to six, and add four boat slips. The pier is considered an existing non-conforming structure with a setback of 8.5-feet and would cost roughly \$25,000 to move the entire pier over 4-feet so that it meets the village required 12.5-foot setback. Pappas, Martin and Snyder have since met with Village Attorney Thorpe to determine whether the Village Board has the authority to grant an allowance on the required pier setback. It was recommended for approval at last month's Lakefront and Harbor Committee meeting, but tabled at the April 11, 2016 Village Board meeting so that the meeting with Attorney Thorpe could be held to discuss whether the Village Board can grant an allowance on extending the existing pier at the substandard setback length of 8.5-feet from the neighboring riparian line. Thorpe's preliminary review indicated that the Village Board could grant an allowance, but the issue would be discussed more in-depth at the May 2, 2016 Village Board meeting.

### **Set Next Meeting Date**

The next meeting date was scheduled for Wednesday, May 25, 2016 beginning at 4:30 pm.

### **Adjournment**

Snyder/Bikowski 2<sup>nd</sup> made a MOTION to adjourn the meeting at 5:06 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 Lakefront and Harbor Committee, the official minutes will be kept on file at the Village Hall.

APPROVED: 5/25/16