

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION

Monday, August 31, 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: Micki O'Connell, President Arvid Petersen, Sarah Lobdell, Chairman George Spadoni, Mike Poivey, Derek D'Auria

Plan Commissioner absent: Sharon O'Brien

Also present: Administrator/Treasurer Kelly Hayden, Alex Koldeway, Library Director Nancy Krei, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Joseph McHugh, Building Inspector Ron Nyman, Village Attorney Dale Thorpe, Carol Whowell, Director of Public Works Craig Workman, Ronald Zechel

Visitors Heard

Carol Whowell stated that a letter was filed with the Village on August 21, 2009 requesting that the raze or repair order that was issued for the property at 848 Geneva Lane be placed on the agenda for the meeting. The Plan Commission submittal deadline is 20 days prior to the meeting date. Spadoni stated that Whowell could still discuss the matter under the Visitors Heard portion of the agenda. Whowell stated that the property has been purchased by the Who Corp., and the Who Corp. has accepted an offer to purchase the property. Whowell stated that all of the items on the raze or repair order have been fixed and the order should be lifted. Whowell stated that an item calling for the structure to be stained or painted was not on the original raze or repair order, and she does not know where the item came from. Whowell stated that it was their intention to stain the structure, but they did not know what color to use and then they found a buyer. Whowell stated that the sale of the property is scheduled to close and they would like the Plan Commission and Village Board to approve the lifting of the raze or repair order. Nyman stated that property was inspected last week after the Village was contacted by Jamie Whowell, and work on the roof, gutters, yard and porch has been completed; however, the siding has not been stained or painted, so he could not sign off on the raze or repair order because all of the terms dictated by the Plan Commission and Village Board have not been completed. According to the raze or repair order approved by the Plan Commission at its March 30, 2009 meeting and by the Village Board at its April 6, 2009 meeting, within 30 days of service of the order the roof, gutters, siding/trim, deck and an accessory structure were supposed to be addressed. The raze or repair order, which was recorded with the Walworth County Register of Deeds on June 1, 2009 states in part: "Siding/Trim: Siding for the most part appears to be sound, but requires maintenance. Required staining and/or painting shall be completed. All openings and holes shall be caulked and patched satisfactorily. Siding shall be replaced. Trim and fascia requires paint, stain, caulk and some replacement." Thorpe stated that since the item was not on the agenda, the Plan Commission could not consider a motion at the meeting. Spadoni asked if the item could be put on the next Village Board agenda without a motion from the Plan Commission, and Thorpe responded that would be fine. Thorpe stated that if so inclined, the Village Board could consider a motion to lift the raze or repair order with the conditions that the Who Corp. presents a signed offer to purchase the property and a obtain a signed statement from the purchasers that states they will stain or paint the structure. Spadoni stated he agreed with Thorpe's suggestion and an item should be put on the agenda for the next Village Board meeting.

Announcements

1. CDA Board Meeting – **Wednesday, September 2, 2009, 6:00 pm**
2. Pig in the Park/Master Plan Open House in Reid Park – **Saturday, September 5, 2009, 4:00 pm**
3. Music in the Park Great Lakes Naval Band Performance – **Saturday, September 5, 2009, 5:00 pm**
4. Plan Commission/Village Board Master Plan Meeting – **Tuesday, September 8, 2009, 5:00 pm**
5. Village Board Monthly Meeting – **Tuesday, September 8, 2009, 6:00 pm**
6. FW/WPCC Board Meeting – **Tuesday, September 8, 2009, 7:30 pm**
7. Finance Committee Budget Meetings – **Thursdays, September 10, 17 & 24, 2009, 5:00 pm**
8. Library Board Meeting – **Wednesday, September 16, 2009, 10:00 am**
9. Park Commission Meeting – **Wednesday, September 16, 2009, 6:00 pm**
10. Congressman Ryan Mobile Office Visit – **Thursday, September 17, 2009, 9:00 am**
11. Read and Romp Program at Public Library – **Thursdays, September 17 & 24, 2009, 10:30 am**
12. Quarterly Newsletter Article Deadline – **Friday, September 18, 2009**
13. Van Slyke Creek Clean-Up Event at Abbey Resort – **Saturday, September 19, 2009, 8:00 am**
14. Protection Committee Meeting - **Monday, September 21, 2009, 5:00 pm**
15. Walworth County Clean Sweep Program – **Friday and Saturday, September 25 & 26, 2009**
16. Public Works Committee Meeting – **Saturday, September 26, 2009, 8:00 am**
17. Special Village Board Meeting – **Monday, September 28, 2009, 5:00 pm**
18. Plan Commission Monthly Meeting – **Monday, September 28, 2009, 5:30 pm**
19. Lakefront and Harbor Committee Meeting – **Wednesday, September 30, 2009, 4:30 pm**

Approve Minutes

Commissioner O'Connell/President Petersen 2nd made a MOTION to approve the minutes for the meeting held June 29, 2009, and the MOTION carried without negative vote.

General Business

Abbey Harbor Condominium Association Building, Site and Operational Plan Amendment for Gas Tank Relocation – Applicant Request to Table

The applicant requested that the matter be tabled.

President Petersen/Commissioner O'Connell 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Building, Site and Operational Plan Amendment Filed by Fontana Shores Condominium Association, 150 Lake Street – Tabled 6/29/09 & 7/27/09

Nothing new has been submitted.

Commissioner Poivey/Commissioner Lobdell 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Abbey Resort Minor Building, Site and Operational Plan Amendment – Resort Rentals – Tabled & Referred to Protection Committee 6/29/09 & 7/27/09

The Protection Committee directed Police Chief Steve Olson to check with the state to determine if the vehicles are classified as mopeds or regular street-legal vehicles. An application still has not been filed with the Village, only an email from the contractor.

President Petersen/Commissioner O'Connell 2nd made a MOTION to take the item off the agenda until an application is filed with the Village, and the MOTION carried without negative vote.

Stormwater Management Land Exchange Proposal with Adreani Family – Tabled 7/27/09

A cost recovery agreement has not been signed and appraisal information has not been submitted. Chairman Spadoni/Commissioner O’Connell 2nd made a MOTION to table the item until a cost recovery certificate and appraisal documentation is filed with the Village, and the MOTION carried without negative vote.

PIP Amendment Filed by Abbey Springs for Boathouse Structure Modifications (Tabled 3/30/09 & 4/27/09) and New Halfway House Bathrooms on Golf Course

The applicant amended the initially filed plans for the halfway house bathrooms to eliminate a holding tank. The plans now call for both bathrooms to be connected to Village water and sewer lines. The required documentation regarding the current and past amendments to the PIP and for the proposed modifications to the boathouse has been filed. Thorpe stated that an ordinance will have to be approved by the Village Board to codify the amended PIP.

President Petersen/Commissioner Poivey 2nd made a MOTION to recommend Village Board approval of the PIP amendment as filed, and the MOTION carried without negative vote.

Review Conditions for CUP Issued to Ship Shape Marine

McCarthy stated that the applicant received approval of a Conditional Use Permit in the ETZ Zoning District for a private club under the bar and tavern use. One of the conditions for approval was that the conditions be reviewed no later than September 12, 2008. A site visit review conducted on August 19, 2008, revealed that the private club had not yet been completed. The Plan Commission approved a motion to extend the initial review to no later than September 15, 2009, and that a subsequent review take place no later than September 15, 2013, for the purpose of compliance and to address any other appropriate issues which may arise. Nyman reported that the private club is now open to members only. The applicant reportedly has been issued a liquor license from the Town of Walworth and there have been no complaints to date. Staff recommended that the Conditional Use Permit for a bar and tavern use be continued with the condition that another review take place no later than September 15, 2014, for the purpose of compliance and to address any other appropriate issues which may arise; and that the original CUP shall be adhered to as was originally approved.

Commissioner O’Connell/Commissioner D’Auria 2nd made a MOTION to recommend Village Board approval of the initial review of the conditions for approval that were established for the Conditional Use Permit issued for a private club at Ship Shape Marine, W5749 County Highway B, Walworth Township, with the conditions that another review take place no later than September 15, 2014, and that the original CUP shall be adhered to as was originally approved. The MOTION carried without negative vote.

US Cellular CUP Application for Tower on Village of Fontana Property

Chairman Spadoni encouraged the applicant to meet with the Village engineer and staff to determine if the current tower can be modified to accommodate more tenants, or if the current tower can be replaced with a new tower than can accommodate more tenants. Chairman Spadoni stated that he is opposed to the erection of a second tower on the Village property. Ronald Zechel, an agent for US Cellular, stated that an engineering analysis performed last year indicated that the current tower cannot support additional equipment. Chairman Spadoni stated that Zechel should work with staff to come up with another proposal that does not call for erecting a second tower on the village property. Commissioner Poivey/Commissioner O’Connell 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Schedule Public Hearing for More Amendments to Floodplain Ordinance

The Wisconsin Department of Natural Resources initially indicated that the amendments approved last month to the floodplain zoning ordinance were adequate to adopt FEMA’s new Digital Flood

Insurance Rate Maps; however, Martin was informed this month that more amendments are required.

President Petersen/Commissioner Poivey 2nd made a MOTION to schedule a public hearing for Monday, September 28, 2009 beginning at 5:30 pm to consider the proposed amendments to Chapter 18-102 of the Village of Fontana Municipal Code as presented, and the MOTION carried without negative vote.

Schedule Public Hearing for Ordinance Amendment to Section 18-251 Regarding Signage

The proposed amendment would allow the Village Board to approve signage for Village property without having to conform with the Village signage ordinance, Article X of Chapter 18 of the Village of Fontana Municipal Code.

President Petersen/Commissioner Poivey 2nd made a MOTION to schedule a public hearing for Monday, September 28, 2009 beginning at 5:30 pm to consider the proposed amendments to Chapter 18-251 of the Village of Fontana Municipal Code as presented, and the MOTION carried without negative vote.

Schedule Public Hearing for Ordinance Amendment to Section 18-79(c)(5)(f) Regarding Offsets

McCarthy stated that the proposed ordinance amendment codifies the historic method the Building and Zoning Department has used to calculate total offset relief for nonconforming lots.

President Petersen/Commissioner O'Connell 2nd made a MOTION to schedule a public hearing for Monday, September 28, 2009 beginning at 5:30 pm to consider the proposed amendments to Chapter 18-79(c)(5)(f) of the Village of Fontana Municipal Code as presented, and the MOTION carried without negative vote.

Adjournment

Commissioner O'Connell/Commissioner Poivey 2nd made a MOTION to adjourn the Plan Commission meeting at 5:45 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: 09/28/09