

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION

**Monday, January 25, 2010**

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: Mike Poivey, Micki O'Connell, President Arvid Petersen, Sarah Lobdell, Chairman George Spadoni, Derek D'Auria (arrived at 5:40 pm)

**Plan Commissioner absent:** Sharon O'Brien

**Also present:** Ann England, Trudy Havens, Alex Koldeway, Rob Ireland, Library Director Nancy Krei, Robert Leibsle, David Lindelow, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Ron McCormack, Joseph McHugh, Gary Neilson, Building Inspector Ron Nyman, Rick Pappas, Village Attorney Dale Thorpe, Director of Public Works Craig Workman, Ronald Zechel

**Visitors Heard**

None

**Announcements**

1. Finance Committee Meeting – **Thursday, January 28, 2010, 5:00 pm**
2. Village Board Monthly Meeting – **Monday, February 1, 2010, 6:00 pm**
3. CDA Board Monthly Meeting – **Wednesday, February 3, 2010, 6:00 pm**
4. Plan Commission Staff Meeting – **Wednesday, February 10, 2010, 1:00 pm**
5. VOF Assessor Office Hours at Village Hall – **Friday, February 12, 2010, 10:00 am to 2:00 pm**
6. Spring Primary Election – **Tuesday, February 16, 2010**
7. Library Board Meeting – **Wednesday, February 17, 2010, 10:00 am**
8. Park Commission Meeting – **Wednesday, February 17, 2010, 6:00 pm**
9. Plan Commission Monthly Meeting – **Monday, February 22, 2010, 6:00 pm**

**Approve Minutes**

Commissioner O'Connell/Commissioner Poivey 2<sup>nd</sup> made a MOTION to approve the minutes for the meetings held November 30, 2009, and December 7, 2009 as presented, and the MOTION carried without negative vote.

**Public Hearings**

**Conditional Use Permit Application Filed by U.S. Cellular to Modify Antenna and Ground Equipment on Existing Tower on Robert Stewart Property, 202 W. Main Street**

Chairman Spadoni opened the public hearing at 5:30 pm. Ronald Zechel, an agent for U.S. Cellular, stated that the application is for a very simple installation on the existing tower. Zechel stated that the project will increase capacity on the tower and it will address areas where U.S. Cellular's current coverage is inadequate. Nyman stated that the Village staff members reviewed the application and approval is recommended with the following four conditions:

1. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any antennas, cables, and equipment boxes, etc. CUP approval shall not alleviate the applicant from securing all

- required permits. Note: Zoning permits shall be obtained by the Village of Fontana; building permits shall be obtained by the Town of Walworth.
2. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
  3. The approved CUP shall be maintained and operated subject to the following conditions:
    - a. Screening: All shelters and other equipment shall be screened from all public right-of-ways and residential use properties.
    - b. Fencing: Properly maintained fencing shall encompass the tower and electronic shelters.
    - c. Lighting: Exterior lighting shall be limited to security purposes and FAA regulations and will be designed so as not to shine upon neighboring properties.
    - d. Outside Storage: Outside storage of materials is prohibited.
    - e. Exterior: The applicant will keep the exterior condition of the premises in a neat and orderly condition at all times. The tower and electronic shelters shall be maintained and painted and kept in good repair.
    - f. Inspection: The applicant shall allow the Village of Fontana representatives to inspect the premises for purpose of determining compliance with the conditional use permit.
    - g. FAA and FCC Approval: A copy of the FCC approval letter with respect to this facility shall be submitted by the applicant. The Village of Fontana Building & Zoning Department shall verify compliance with FAA regulations.
    - h. Operation Interference: Operation shall be undertaken so as not to interfere with any other form of wireless communication. In the event any complaints of interference are received, and they are reasonably suspected by a qualified engineer and the Village to be caused by this facility, the Village shall notify the applicant. The applicant shall have thirty (30) days to investigate said complaint(s) and respond to the Village. In the event it is determined that the applicant's facility is the source of interference, the applicant shall have seven (7) days to correct the problem.
  4. Future proposed modification to this CUP shall require an amendment submitted, reviewed and approval by the Village of Fontana.

In response to a question from Spadoni, Zechel stated that he does not have any concerns with adhering to the staff report conditions. Chairman Spadoni closed the public hearing at 5:32 pm. President Petersen/Commissioner O'Connell 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Conditional Use Permit Application as filed by U.S. Cellular to modify the antenna and ground equipment on the existing tower on the Robert Stewart Property at 202 W. Main Street, with the following four conditions:

1. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any antennas, cables, and equipment boxes, etc. CUP approval shall not alleviate the applicant from securing all required permits. Note: Zoning permits shall be obtained by the Village of Fontana; building permits shall be obtained by the Town of Walworth.
2. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
3. The approved CUP shall be maintained and operated subject to the following conditions:
  - a. Screening: All shelters and other equipment shall be screened from all public right-of-ways and residential use properties.
  - b. Fencing: Properly maintained fencing shall encompass the tower and electronic shelters.

- c. Lighting: Exterior lighting shall be limited to security purposes and FAA regulations and will be designed so as not to shine upon neighboring properties.
  - d. Outside Storage: Outside storage of materials is prohibited.
  - e. Exterior: The applicant will keep the exterior condition of the premises in a neat and orderly condition at all times. The tower and electronic shelters shall be maintained and painted and kept in good repair.
  - f. Inspection: The applicant shall allow the Village of Fontana representatives to inspect the premises for purpose of determining compliance with the conditional use permit.
  - g. FAA and FCC Approval: A copy of the FCC approval letter with respect to this facility shall be submitted by the applicant. The Village of Fontana Building & Zoning Department shall verify compliance with FAA regulations.
  - h. Operation Interference: Operation shall be undertaken so as not to interfere with any other form of wireless communication. In the event any complaints of interference are received, and they are reasonably suspected by a qualified engineer and the Village to be caused by this facility, the Village shall notify the applicant. The applicant shall have thirty (30) days to investigate said complaint(s) and respond to the Village. In the event it is determined that the applicant's facility is the source of interference, the applicant shall have seven (7) days to correct the problem.
4. Future proposed modification to this CUP shall require an amendment submitted, reviewed and approval by the Village of Fontana.

The MOTION carried without negative vote. Commissioner O'Brien was absent and Commissioner D'Auria had not yet arrived at the meeting.

**Conditional Use Permit Application Filed by Gary Neilson and Trudy Havens, 278 Scott Avenue, Winnetka, IL, 60093 for the Property Located at 403 North Lakeshore Drive, to Construct Stone Pillars, Stone Walls & Driveway Gates Within 25-Foot Street Yard Setback Area in the RS-1 Single-Family Residential District**

Chairman Spadoni opened the public hearing at 5:33 pm. Attorney Robert Leibsle stated that he is representing the applicants on the three conditional use permit applications filed in conjunction with the construction of a new single-family residence. Leibsle stated that the first CUP application was filed for the construction of new entry pillars, a gate and stone walls off North Lakeshore Drive. Leibsle stated that the project is for security purposes when his clients are out of town and the proposal will not create any adverse impact on the neighboring properties. Gary Neilson stated that he and his wife would like to construct a more permanent home in the Village of Fontana. Neilson stated that the proposed pillars, gate and wall match the other stone walls in the area. Ron McCormack stated that the design and architecture of the entry pillars, gate and wall were selected to be compatible with the neighboring properties. Nyman stated that staff reviewed the application and approval is recommended with the following five conditions:

1. No portion of the stone pillars, stone wall and/or entrance gates shall be placed any closer to the property line than what is depicted (4 feet).
2. A complete submittal for building, zoning and electric permits shall be applied for.
3. All outstanding cost recovery fees billed to date shall be paid prior to the issuance of any permits.
4. As built foundation shall be submitted to verify approved location.
5. Building and Zoning permits shall not be issued prior to the issuance of all applicable and necessary permits for the primary structure on this lot.

Chairman Spadoni closed the public hearing at 5:38 PM.

Commissioner Poivey/Commissioner O'Connell 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Conditional Use Permit Application as filed by Gary Neilson and Trudy Havens, 278

Scott Avenue, Winnetka, IL, 60093 for the property located at 403 North Lakeshore Drive, to construct stone pillars, stone walls and driveway gates within the 25-foot street yard setback area with the following five conditions:

1. No portion of the stone pillars, stone wall and/or entrance gates shall be placed any closer to the property line than what is depicted (4 feet).
2. A complete submittal for building, zoning and electric permits shall be applied for.
3. All outstanding cost recovery fees billed to date shall be paid prior to the issuance of any permits.
4. As built foundation shall be submitted to verify approved location.
5. Building and Zoning permits shall not be issued prior to the issuance of all applicable and necessary permits for the primary structure on this lot.

The MOTION carried without negative vote. Commissioner O'Brien was absent and Commissioner D'Auria had not yet arrived at the meeting.

**Conditional Use Permit Application Filed by Gary Neilson and Trudy Havens, 278 Scott Avenue, Winnetka, IL, 60093 for the Property Located at 403 North Lakeshore Drive, to Construct Detached Accessory Garage Exceeding 15-Foot in the RS-1 Single-Family Residential District**

Chairman Spadoni opened the public hearing at 5:40 pm. Attorney Leibsle stated that the proposed detached garage meets all the requirements of the zoning code with the exception that his clients would like to exceed the 15-foot height limit by 2.5 feet. Leibsle stated that the height limit can be exceeded with a conditional use permit, if the proposal does not create any adverse impact on the neighboring properties. McCormack stated that the additional height is being requested so that the roof pitch on the new garage will match the roof pitch on the new residence. McCormack stated that the lot has a fair amount of slope and it was difficult to match the roof lines of the two new structures. Nyman stated that Village staff reviewed the proposal and approval is recommended with the following six conditions:

1. All findings from Ruckert-Mielke correspondence dated January 11, 2010 shall be complied with.
2. The maximum building height shall not exceed 18 feet as measured from the lowest existing grade adjacent to the perimeter of the proposed structure.
3. A complete submittal for building and zoning permits shall be applied for.
4. All outstanding cost recovery fees billed to date shall be paid prior to the issuance of any permits.
5. As built foundation and height surveys shall be submitted as is required by municipal code.
6. Building and zoning permits shall not be issued prior to the issuance of all applicable and necessary permits for the primary structure on this lot.

Martin stated that Ruckert-Mielke submitted another letter to the village dated January 21, 2010 that states most of the comments from the January 11, 2010 review letter have been adequately addressed; however, the Village should require from the owner of the adjacent Lot 6 a temporary grading easement or other written document acceptable to the Village to allow the petitioners to proceed with the grading work on the subject Lot 7 as shown on the plans. In response to a question from O'Connell, Nyman stated that the copula on the garage roof does not count in the total height calculation, but with it included, the total height of the garage would be 24 feet. Ann England stated that she owns a neighboring residence and she asked if the proposal adheres with the setback requirements of the code. McCarthy stated that the garage plans are in compliance with the code and all setbacks are being met; only the total height being proposed requires a CUP. Chairman Spadoni closed the public hearing at 5:45 pm.

Commissioner Poivey/President Petersen 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Conditional Use Permit Application as filed by Gary Neilson and Trudy Havens, 278 Scott Avenue, Winnetka, IL, 60093 for the property located at 403 North Lakeshore Drive, to construct a detached accessory garage exceeding 15-feet in the RS-1 Single-Family Residential

District, with the following seven conditions:

1. All findings from Ruckert-Mielke correspondence dated January 11, 2010 shall be complied with.
2. The maximum building height shall not exceed 18 feet as measured from the lowest existing grade adjacent to the perimeter of the proposed structure.
3. A complete submittal for building and zoning permits shall be applied for.
4. All outstanding cost recovery fees billed to date shall be paid prior to the issuance of any permits.
5. As built foundation and height surveys shall be submitted as is required by municipal code.
6. Building and zoning permits shall not be issued prior to the issuance of all applicable and necessary permits for the primary structure on this lot.
7. The owner of Lot 6 must submit a temporary grading easement or other written document acceptable to the Village to allow the petitioners to proceed with the grading work on Lot 7 as shown on the plans.

The MOTION carried without negative vote. Commissioner O'Brien was absent and Commissioner D'Auria did not arrive at the meeting until after the public hearing had started, so he abstained.

**Conditional Use Permit Application Filed by Gary Neilson and Trudy Havens, 278 Scott Avenue, Winnetka, IL, 60093 for the Property Located at 403 North Lakeshore Drive, to Construct Boathouse Within the 50-Foot Shore Yard Setback Area in the RS-1 Single-Family Residential District**

Chairman Spadoni opened the public hearing at 5:47 pm. Leibsle stated that his clients are seeking approval to have a dry boathouse constructed within 50 feet of Geneva Lake. Leibsle stated that the site would be worked into a hill and the proposal adheres to the standards of the zoning code under the conditional use permit process. Neilson stated that they would like to construct the boathouse for storage of lakefront equipment and for his son's skull. Neilson stated that he has contacted the adjacent property owners, and they support the proposal. Martin stated that the Village received emailed messages from Bill Turner and Brian Porter that support the proposal and the messages were distributed to the Plan Commission and staff members. Turner states in his emailed message that he and his wife Barbara have no objection to the proposed boathouse and they find the plans very attractive; however, they would like the new structure located at least 10 feet off the lot line to provide some setback. Neilson stated that he checked with the project architect and the structure could be moved and still have the benefit of being built into the hillside to minimize the view disruption. Neilson stated that he and his wife would be pleased to make the move to 10 feet off the lot line be one of the conditions for approval. Leibsle stated that the structure will be setback more than 20 feet from the high water mark. McCormack stated that the structure will be very low key and constructed into the hill so that it will only be five feet higher than the water level. Leibsle stated that he disagrees with a letter submitted by Geneva Lake Conservancy Executive Director Joseph McHugh on November 30, 2009 that states the proposal is contrary to the zoning code and should be denied. Nyman stated that Village staff reviewed the proposal and approval is recommended with the following 17 conditions:

1. The boathouse shall be considered a permanent accessory structure, and shall be included in the total number of accessory structures allowed on a lot, in accordance to Section 18-27(b)(3)(b) of the Village of Fontana Municipal Code.
2. The boathouse shall not extend below the ordinary high water mark.
3. The boathouse shall be used for the storage of watercraft and related marine equipment only.
4. The boathouse shall not be used for human habitation or for commercial purposes.
5. The roof of the structure shall not be used as an outdoor living space.
6. The boathouse shall not be located closer than three feet to any offset (side lot line).

7. The boathouse may be reduced in size, but in no case shall the boathouse be larger than the proposed 350 square feet (14-foot-by-25-foot).
8. The boathouse height shall not exceed 14 feet, as measured vertically above the ordinary high water mark.
9. All exterior lighting shall conform to Section 18-35, Exterior Lighting.
10. Prior to the issuance of a zoning permit, a complete set of plans for the boathouse, in conformance with all approved conditions, must be submitted to the Department of Building and Zoning for review and approval.
11. Prior to the issuance of a zoning permit, a Plat of Survey showing the location of the proposed boathouse, in conformance with all approved conditions, all existing property lines and any other information required by the Building Inspector, must be prepared by a registered land surveyor and submitted to the Department of Building and Zoning for review and approval.
12. In order to verify that the proposed boathouse does not extend below the ordinary high water mark of Geneva Lake, in conformance with the shore setback requirement, the applicant shall submit a request to the Wisconsin Department of Natural Resources for a Ordinary High Water Mark Determination and that Ordinary High Water Mark of Geneva Lake, as determined by the Wisconsin Department of Natural Resources, must be shown on the Plat of Survey required above.
13. Prior to the issuance of a zoning permit , a landscape plan depicting landscape elements to be removed and added to the site must be submitted to the Department of Building and Zoning for review and approval. Note: the applicant shall conform to Section 18-33(a) regarding the cutting of trees and shrubbery located in the strip of land 35 feet inland from the ordinary high water mark.
14. All outstanding cost recovery fees billed to date shall be paid prior to the issuance of any permits.
15. An as built foundation and height survey shall be submitted to verify approved location.
16. Building and Zoning permits shall not be issued prior to the issuance of all applicable and necessary permits for the primary structure on this lot.
17. From the date of permit issuance, the applicant shall complete the construction of the boathouse, including restoring the site of the project, within 90 days.

Spadoni stated that the Ruekert-Mielke condition discussed with the application for the garage, and the condition to have the structure located 10 feet off the lot line also should be included if approval is considered. McHugh stated that he would like to restate the objection he outlined in the November 30, 2009 letter. McHugh stated that he is not a lawyer; however, he disagrees with Attorney Leibsle's interpretation of the Village zoning code. McHugh stated that because the structure is proposed to be located within 50 feet of the lakeshore, it is not allowed in the code. Thorpe stated that he reviewed the letter submitted by McHugh and the Village staff report, and the Village staff report is correct. Thorpe stated that the structure is allowed through portions of Chapters 17 and 18 of the code. Spadoni closed the public hearing at 5:55 pm.

Commissioner D'Auria/Commissioner Poivey 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Conditional Use Permit Application filed by Gary Neilson and Trudy Havens, 278 Scott Avenue, Winnetka, IL, 60093 for the property located at 403 North Lakeshore Drive, to construct a boathouse within the 50-foot shore yard setback area in the RS-1 Single-Family Residential District, with the following 19 conditions:

1. The boathouse shall be considered a permanent accessory structure, and shall be included in the total number of accessory structures allowed on a lot, in accordance to Section 18-27(b)(3)(b) of the Village of Fontana Municipal Code.
2. The boathouse shall not extend below the ordinary high water mark.
3. The boathouse shall be used for the storage of watercraft and related marine equipment only.

4. The boathouse shall not be used for human habitation or for commercial purposes.
5. The roof of the structure shall not be used as an outdoor living space.
6. The boathouse shall not be located closer than three feet to any offset (side lot line).
7. The boathouse may be reduced in size, but in no case shall the boathouse be larger than the proposed 350 square feet (14-foot-by-25-foot).
8. The boathouse height shall not exceed 14 feet, as measured vertically above the ordinary high water mark.
9. All exterior lighting shall conform to Section 18-35, Exterior Lighting.
10. Prior to the issuance of a zoning permit, a complete set of plans for the boathouse, in conformance with all approved conditions, must be submitted to the Department of Building and Zoning for review and approval.
11. Prior to the issuance of a zoning permit, a Plat of Survey showing the location of the proposed boathouse, in conformance with all approved conditions, all existing property lines and any other information required by the Building Inspector, must be prepared by a registered land surveyor and submitted to the Department of Building and Zoning for review and approval.
12. In order to verify that the proposed boathouse does not extend below the ordinary high water mark of Geneva Lake, in conformance with the shore setback requirement, the applicant shall submit a request to the Wisconsin Department of Natural Resources for a Ordinary High Water Mark Determination and that Ordinary High Water Mark of Geneva Lake, as determined by the Wisconsin Department of Natural Resources, must be shown on the Plat of Survey required above.
13. Prior to the issuance of a zoning permit , a landscape plan depicting landscape elements to be removed and added to the site must be submitted to the Department of Building and Zoning for review and approval. Note: the applicant shall conform to Section 18-33(a) regarding the cutting of trees and shrubbery located in the strip of land 35-feet inland from the ordinary high water mark.
14. All outstanding cost recovery fees billed to date shall be paid prior to the issuance of any permits.
15. An as built foundation and height survey shall be submitted to verify approved location.
16. Building and Zoning permits shall not be issued prior to the issuance of all applicable and necessary permits for the primary structure on this lot.
17. From the date of permit issuance, the applicant shall complete the construction of the boathouse, including restoring the site of the project, within 90 days.
18. The owner of Lot 6 must submit a temporary grading easement or other written document acceptable to the Village to allow the petitioners to proceed with the grading work on Lot 7 as shown on the plans.
19. The boathouse must be located in a site that is setback a minimum of 10 feet from the side lot line.

The MOTION carried without negative vote. Commissioner O'Brien was absent.

### **Petition to Amend Section 18-80 (a) and (c) Regarding Permitted Uses in the RS-1 Single Family District**

Chairman Spadoni opened the public hearing at 5:56 pm. The proposed amendments remove from the RS-1 District item No. 5 under the permitted uses by right, which states: "Public parks and recreation areas of an open space nature, including appropriate service buildings and facilities normally incident to such use, except that facilities for organized athletics, public swimming pools, and buildings such as field houses or natatoriums shall be permitted only as a conditional use;" and removes from the permitted uses by conditional use permit item No. 8, which states: "Public facilities for organized athletics, field houses, natatoriums, swimming pools, and similar major recreational facilities." Chairman Spadoni closed the public hearing at 5:57 pm.

Commissioner O’Connell/Commissioner Poivey 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Petition to Amend Section 18-80 (a) and (c) regarding permitted uses in the RS-1 Single Family District as presented, and the MOTION carried without negative vote. Commissioner O’Brien was absent.

### **General Business**

#### **Conditional Use Permit Application Filed by Lowell Management Services, Inc. for Three-Car Garage & Upper Level Guest Quarters at 289 Stearns Road – Set Public Hearing**

The application was filed to construct a 27-foot-high three-car garage with an accessory living quarters located on a second floor. The zoning code allows for accessory structures exceeding the maximum allowable height of 15 feet and for accessory living quarters through the conditional use permit process.

Commissioner D’Auria/Commissioner O’Connell 2<sup>nd</sup> made a MOTION to schedule for a public hearing for Monday, February 22, 2010 beginning at 5:30 pm to consider the Conditional Use Permit application filed by Lowell Management Services, Inc. for a three-car garage and upper level guest quarters at 289 Stearns Road. The MOTION carried without negative vote. Commissioner O’Brien was absent.

#### **Abbey Resort Outdoor Event Tent 5-Year Review Per Plan Commission Resolution 01-31-05-01**

Abbey Resort General Manager David Lindelow stated that the resort would like to extend the existing use as the outdoor event tent has been a tremendous asset for various events. Lindelow stated that the ice rink has been moved this season from the event tent area to the harbor lawn in order to improve the attraction. Lindelow stated that if desired, parents are able to watch their children ice skate from indoors at the new location. Lindelow stated that the rest of the operations at the outdoor event tent are the same as in the past. Nyman stated that staff reviewed the proposal and recommends approval of a five-year extension with some new conditions for an annual occupancy permit and inspections added to the initially established conditions outlined in Plan Commission Resolution 01-31-05-01. O’Connell stated that a three-year review period may be more appropriate since the tent is now five years old and it could start to deteriorate. Lindelow stated that the tent is inspected every year that it is taken down for the winter months, and replacement panels have been installed when necessary. Nyman stated that the annual occupancy permit inspection was added as a suggested condition for approval to make sure the tent remains safe and sound. O’Connell stated that she would vote to approve the five-year extension, but she still would have preferred to make it for a period of three years.

Commissioner D’Auria/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to recommend Village Board approval of a five-year extension to the approval of Resolution 01-31-05-01 with the initial conditions extended as well as the following seven conditions from the staff report:

1. Since the structures do not meet the minimum state snow load requirement, the structures shall be erected for a period of less than 180 days per calendar year.
2. Adequate access for emergency and delivery vehicles shall be provided.
3. Required interior and exterior lighting shall be provided.
4. An annual occupancy permit shall be applied for by the Abbey Resort at the time of installation of the fabric “skins.” An occupancy inspection shall be conducted by the Building Inspector and by the Fire Inspector prior to use by the public.
5. Any temporary tent extensions (to accommodate larger events/crowds) shall be applied for with the Building and Zoning Department. Although Plan Commission and Village Board approval is not required, a building and zoning permit for the temporary larger tent is required prior to use.
6. The village may require the removal or replacement of the tent fabric and/or supports at any time if found to be unsafe, or in a dilapidated state.

7. This approval shall expire in five years. The Abbey Resort may apply for an extension of use at that time.

The MOTION carried without negative vote. Commissioner O'Brien was absent.

#### **Duck Pond Lot Line Adjustment – Update**

Workman stated that the item was added to the agenda to provide an update to the Plan Commission members. Workman stated that as part of a Voluntary Party Liability Exemption application that is being prepared for the CDA by AECOM Environmental, the 12-acre landfill lot needs to be separated from the rest of the Duck Pond site. Workman stated that the final application requires that the dump site be identified, and it currently is part of one large lot at the Duck Pond area. Thorpe stated that a lot line adjustment is outside the jurisdiction of the Plan Commission and the item was for informational purposes only.

#### **Adjournment**

Commissioner O'Connell/Commissioner D'Auria 2<sup>nd</sup> made a MOTION to adjourn the Plan Commission meeting at 6:04 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: 2/22/2010