

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION  
**Monday, April 26, 2010**

Village Clerk Dennis Martin 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: Harry Nelson, Micki O'Connell, Sarah Lobdell, President Arvid Petersen, Mike Poivey, Derek D'Auria

**Plan Commissioners absent:** Chairman George Spadoni

**Also present:** Charles Harrett, Administrator/Treasurer Kelly Hayden, Rob Ireland, Alex Koldeway, Library Director Nancy Krei, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Joseph McHugh, Building Inspector Ron Nyman, Sharon O'Brien, Ed Snyder, Eddie Snyder, Village Attorney Dale Thorpe, Trustee Cindy Wilson, Director of Public Works Craig Workman

**Elect Chairman Pro-Tem**

Commissioner Poivey/Commissioner O'Connell 2<sup>nd</sup> made a MOTION to elect President Petersen as the chairman pro-tem for the meeting, and the MOTION carried without negative vote.

**Visitors Heard**

None

**Announcements**

1. Library Board Meeting – **Thursday, April 28, 2010, 10:00 am**
2. Lakefront and Harbor Committee Meeting – **Wednesday, April 28, 2010, 4:30 pm**
3. Arbor Day Program at Fontana Elementary School – **Friday, April 30, 2010, 10:00 am**
4. Village Board Monthly Meeting – **Monday, May 3, 2010, 6:00 pm**
5. CDA Board Monthly Meeting – **Wednesday, May 5, 2010, 6:00 pm**
6. Annual Marathon – **Saturday, May 8, 2010**
7. Plan Commission Staff Meeting – **Wednesday, May 12, 2010, 1:00 pm**
8. Protection Committee Meeting – **Monday, May 17, 2010, 4:00 pm**
9. Park Commission Meeting – **Wednesday, May 19, 2010, 6:00 pm**
10. Memorial Day – **Monday, May 31, 2010**
11. Plan Commission Monthly Meeting – **Needs to be Rescheduled**

**Approve Minutes**

Commissioner O'Connell/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to approve the minutes for the meeting held March 29, 2010 as presented, and the MOTION carried without negative vote.

**General Business**

**Reschedule May 2010 Monthly Meeting**

The last Monday of May is Memorial Day, so the monthly meeting was rescheduled.

Commissioner Poivey/Commissioner D'Auria 2<sup>nd</sup> made a MOTION to reschedule the monthly meeting for May 2010 on Tuesday, June 1, 2010 beginning at 5:30 pm, and the MOTION carried without negative vote.

**Building, Site and Operational Plan Amendment Filed by Fontana Shores Condominium**

### **Association for Parking Lot Proposal – Tabled 7/27/09**

McCarthy stated that the Fontana Shores Condominium Association submitted new documents on April 6, 2010 and requested that the item be put back on the agenda for consideration. McCarthy stated that the proposal had been tabled pending the submittal of additional documentation required by the Municipal Code. The applicant indicated in the new documents that the only change from the original proposal is that fencing is no longer proposed to be installed. The applicant would like to instead use large portable planters to prevent motorists from driving around the new entrance gates. Because of the elimination of the fencing proposal, the previously requested documentation regarding fencing is no longer necessary. McCarthy stated that the village also had requested a survey showing the dimensions of the entry throat depth, which has been included on the new site plan. There is a total distance of 27-feet 2-inches from the curb to the proposed entry gate. The exit gate and a card reader are both being proposed as being located less than 1 foot from the property line. McCarthy stated that the applicant proposes to restripe the existing parking lot to better facilitate the flow of traffic through the lot, and there is no reduction or addition to the total number of existing parking stalls being proposed. The staff report states that the existing stone wall and sign for the property are located on village property. In response to a question from O'Connell, McCarthy stated that the applicants are not being requested to remove the sign from the public property at this time because there is no change being proposed to the sign. If there were a change made to the sign, it would have to be brought into compliance with the current Zoning Code. The staff report recommends approval of the proposal with the following four conditions:

1. Planters used to delineate property boundaries and discourage entry must be temporary and portable. They may not be permanently affixed.
2. A complete submittal for building, electric and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any portion of this project. BSOP approval shall not alleviate the applicant from securing all required permits. Construction shall be made in accordance with the Village approved BSOP plans.
3. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
4. Any future proposed modifications shall require Village of Fontana approval in the form of an amendment to the approved Building, Site and Operational Plan and its conditions.

Commissioner O'Connell/Commissioner Poivey 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Building, Site and Operational Plan amendment as filed by the Fontana Shores Condominium Association for the parking lot proposal, with the following four conditions:

1. Planters used to delineate property boundaries and discourage entry must be temporary and portable. They may not be permanently affixed.
2. A complete submittal for building, electric and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any portion of this project. BSOP approval shall not alleviate the applicant from securing all required permits. Construction shall be made in accordance with the Village approved BSOP plans.
3. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
4. Any future proposed modifications shall require Village of Fontana approval in the form of an amendment to the approved Building, Site and Operational Plan and its conditions.

The MOTION carried without negative vote.

### **Update on Building, Site and Operational Plan Amendment Filed by Abbey Harbor Condominium Association for Gas Tank Relocation Proposal – Tabled 9/28/2009**

The applicant requested that the item be placed back on the agenda for consideration. At the meeting, Ed Snyder stated that the Abbey Harbor Condominium Association and Abbey Provident Hotel Manager, LLC had reached an agreement to place the gas tank back in its original location.

Thorpe stated that the original approval documents for the Abbey Resort do not feature a gas tank in the harbor, so an amendment to the unified site plan will still be required to place the tank back in its original location. Ed Snyder stated that the Abbey Resort has the original permit from the Department of Commerce and the tank was approved in 1999. McCarthy stated that the tank will have to be added to the approved unified site plan on file with the village. Thorpe stated that the updated site plan also will require the submission of a “consent of property owner” agreement. Ed Snyder stated that an application has been filed with the Wisconsin Department of Commerce to install the gas tank back in its initial location and that approval is anticipated in about two weeks. Thorpe stated that no action was required that night, and if the applicant files the required documents, the item will be placed on the agenda for the June 1, 2010 meeting. The submittal deadline is 20 days prior to the Plan Commission meeting date.

### **Ordinance Amendment Proposal to Modify Chapter 18 Regarding Boat House Regulations – Set Public Hearing**

McCarthy presented a draft of amendments to Sections 17-7, 18-17, 18-33, 18-80 and 18-90 that would remove the ability to construct new boat houses from the Municipal Code. Following discussion, the Plan Commission members reached a consensus that the 75-foot setback from the ordinary high water mark language should also be amended in Section 17-7.

Commissioner O’Connell/Commissioner Poivey 2<sup>nd</sup> made a MOTION to schedule a public hearing for Tuesday, June 1, 2010 beginning at 5:30 pm to consider proposed amendments to Sections 17-7, 18-17, 18-33, 18-80 and 18-90 as presented, and the MOTION carried without negative vote.

### **Municipal Code Chapters 17 & 18 Rewrite Update**

Hayden stated that she talked to Village Planner Mike Slavney about the \$60,000 proposal submitted by Vandewalle and Associates to rewrite Chapters 17 and 18 of the Municipal Code. Hayden stated that after initially reducing the proposal to \$48,000, Slavney stated that he can come down to the \$24,000 to \$30,000 range by adjusting the meeting schedule. Hayden stated that Slavney also indicated that Vandewalle could start the project in 2010 and not deliver the final product or bill the village until 2011. Hayden stated that the Village Board could then plan to add the \$24,000 to \$30,000 expense to the 2011 budget. Hayden stated that the Village auditor indicated that if the final product is not delivered until 2011 that it would be allowable to allocate the expense in the 2011 budget. Hayden stated that the Vandewalle proposal does not include the additional expenses the Village would have to incur from the Village attorney and engineer; however, she will ask them if they can provide the same billing proposal as Vandewalle and Associates. President Petersen stated that if the proposal works out, the Village will have a cutting edge zoning code by 2011.

### **Adjournment**

Commissioner Poivey/Commissioner O’Connell 2<sup>nd</sup> made a MOTION to adjourn the meeting at 5:58 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: 6/1/2010