

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION

Monday, April 30, 2007

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: Chairman Spadoni, Poivey, D'Auria, McGreevy, O'Connell, President Pollitt, Treptow

Also present: Steve Beers, Anthony Coletti, John Engerman, Jim and Megan Feeney, Jason Feucht, Administrator Kelly E. Hayden-Staggs, Library Director Nancy Krei, Lou Loenneke, Village Clerk Dennis Martin, Maureen Mayrand, Assistant Zoning Administrator Bridget McCarthy, CDA Executive Director Joseph McHugh, Building Inspector Ron Nyman, Arlene Patek, Trustee Pete Petersen, Ingrid and Rolf Suppes, Village Attorney Dale Thorpe, Jan Whitler, M. Bruce Wilkinson, Cindy Wilson, Public Works Director Craig Workman

Visitors Heard

None

Announcements

Hayden-Staggs stated that next CDA Board monthly meeting will be held Wednesday, May 2, 2007, at 6:00 pm; the Park Commission will host a Walking Tour of the lakefront and Little Foot Park on Thursday, May 3, 2007, at 5:30 pm; the Walworth County Computer Round-Up Program will be held Friday, May 4, 2007; the next monthly meeting of the Village Board will be held Monday, May 7, 2007, at 6:00 pm; the Park Commission will host a Walking Tour of the Hildebrand Conservancy, Headwaters Park and Fontana Fen on Thursday, May 10, 2007, at 5:30 pm; the Park Commission will host a Walking Tour of the Duck Pond Recreation Area on Thursday, May 17, 2007, at 5:30 pm; the third annual Chris Schwenn Memorial Golf Outing will be held at the Abbey Springs on Friday, May 18, 2007, with a 12:30 pm shotgun start; the Fontana Garden Club Plant Sale will be held at the Park House on Saturday and Sunday, May 26 and 27, 2007, beginning at 9:00 am each day; and the Plan Commission's next monthly meeting will be held Tuesday, May 29, 2007, beginning at 5:30 pm.

Approve Minutes

O'Connell/Treptow 2nd made a MOTION to approve the minutes for the meeting held March 26, 2007, and the MOTION carried without negative vote.

Public Hearings

Continued Public Hearing on Conditional Use Permit Application Filed by Barton and Joan Love, 928B South Lakeshore Drive (STFV 00087 - Westgate), Fontana, WI, to Develop Three Single-Family Residences with Residential Accessory Structures in the RS-1 (Single-Family Residential District) Zoning District

Attorney Coletti, representing Barton and Joan Love, stated that the proposed plans have been fine tuned to address the concerns stated by staff and neighbors at previous meetings. The proposal includes razing the current Westgate residence and creating three separate building envelopes for single-family residences on the site. Coletti stated that Barton and Joan Love would live in one of the new residences and the other two home sites will be sold to third-parties. Coletti stated that even though the Municipal Code calls for a minimum width of 20 feet for a common driveway, the

applicants would like to keep the driveway at its present width of 10 feet. Following discussion, staff was in consensus that the current driveway width of 10 feet can be retained if “no parking” signage is erected along the driveway and if a condition for approval is adopted to ensure the Fire Department’s concerns are addressed in the future. Regarding concerns stated about visitor parking, Coletti stated that the plan adheres to the parking standards of the municipal code and circle driveways that can be used for overflow parking also were incorporated at the suggestion of the Village staff. Hayden-Staggs stated as well as adhering to the 18 conditions for approval listed in the staff report, that the applicants will have two other items to work out prior to the issuance of a CUP and the final approval of the condominium plat and declarations: a pier permit will have to be approved by the Lakefront and Harbor Committee, and the land conservation aspect of the proposal will have to be finalized with the Geneva Lake Conservancy. Rolff Suppes asked if the Village is aware of a deed restriction for Outlot 2 on the Love site that states that the lot cannot be built on. Thorpe stated that he is not aware of a recorded covenant, and Rolff Suppes may be referring to a private covenant that can’t be enforced by the Village. Thorpe stated that a private covenant would be a matter between the property owners. Rolff Suppes gave a copy of the document to Hayden-Staggs for review. Rolff Suppes also stated that it was his understanding that the applicants were going to address a concern with the proposed layout of the driveway adjacent to the Suppes’ residence. Ingrid Suppes stated that the headlights of the automobiles that are driven on the driveway shine directly through the windows at the Suppes’ residence. Coletti stated when he tried to address the concerns stated by Ingrid and Rolff Suppes, his attempts to contact their attorneys were unsuccessful. Ingrid Suppes stated that they are no longer represented by an attorney and Coletti can contact them directly to work out their concerns. In response to concerns about the construction schedule, McCarthy stated that the applicants will have to abide the Municipal Code regulations for a raze permit regarding the allowable time between the razing of the current structure and the construction of the new residences. Also following discussion, the contractor, John Engerman stated that the construction schedule will exclude working on Sundays or before 7:00 am or after 6:00 pm Mondays through Saturdays. Thorpe suggested that the construction schedule be added on the staff report as a 19th condition for approval. Cindy Wilson asked if there are any historic preservation parameters in the Village of Fontana Municipal Code that could prevent the historic estates from being subdivided. Spadoni stated that since a few months ago when the proposal was first introduced nobody has come forward with a financial plan to purchase the property and save the estate. Spadoni stated that the proposal adheres to the current zoning standards of the Municipal Code. Thorpe stated that historic preservation can be enforced in zoning codes; however, the Village of Fontana code currently does not include such provisions. McCarthy stated that the property is not listed on the National Registry of Historic Places. Thorpe stated that he agreed with Spadoni and there is nothing in the current Village of Fontana Municipal Code to prevent the Plan Commission from approving the proposal. Thorpe stated that if it is the will of the current Village officials, zoning regulations can be established to protect other historically significant properties from being subdivided into a condominium association in the same manner being proposed by Barton and Joan Love. Following discussion, Coletti stated that he will meet with the Suppes in an attempt to work out their concerns with the driveway and the construction schedule. Thorpe stated that the proposed CUP and condominium plat and declarations have to go through the approval process simultaneously, so he suggested tabling the items for 30 more days to allow Coletti to meet with the Suppes to address their concerns. Spadoni stated that Coletti should continue to meet with the Village staff and the Suppes during the next month in order to resolve the remaining concerns. In response to a question from Thorpe, Coletti stated that he did not object to tabling consideration of the CUP and condominium plat and declarations for one more month; however, Coletti requested that the public hearing be closed. Following discussion, Chairman Spadoni announced that the public hearing was closed at 6:08 pm. Thorpe asked Coletti if his clients would agree to extending any and all deadlines regarding their submitted documents by 30 days, and Coletti responded that his clients would agree to the extension.

McGreevy/Poivey 2nd made a MOTION to table until the May 29, 2007 meeting consideration of the Conditional Use Permit application filed by Barton and Joan Love, 928B South Lakeshore Drive (STFV 00087 - Westgate), Fontana, WI, to develop three single-family residences with residential accessory structures in the RS-1 (Single-Family Residential District) Zoning District, and the MOTION carried without negative vote.

Continued Public Hearing on Conditional Use Permit Application Filed by M. Bruce Wilkinson to Remove in Excess of 30 Percent of Existing Protected Trees on Lot 49 in the Country Club Estates Subdivision

Hayden-Staggs stated that there is no change in the status of the application and suggested that the public hearing be continued and consideration of the CUP application be tabled again until new engineering plans are submitted by the applicant for review by the Village engineer. Bruce Wilkinson stated that it is his intention to turn in all the engineering documents at the same time; however, the engineer he hired has not yet completed the amended plans.

Treptow/O'Connell 2nd made a MOTION to continue the public hearing and to table consideration of the Conditional Use Permit application filed by M. Bruce Wilkinson to remove in excess of 30 percent of the existing protected trees on Lot 49 in the Country Club Estates Subdivision, and the MOTION carried without negative vote.

Petition to Amend Zoning Ordinance Section 18-27(f)(1), Fencing Ordinance, Filed by Village of Fontana

Chairman Spadoni stated that the public hearing was open at 6:13 pm. McCarthy stated that the proposed amendment addresses inconsistencies and coordinates fencing regulations in the Zoning Ordinance. The amendment makes the maximum height of fences in setback areas a consistent 4 feet throughout the code. There currently is a section that states the maximum height of fences in setback areas is 3.5 feet. McCarthy stated that the amendments also coordinate the regulations for temporary, snow and swimming pool fences. Chairman Spadoni closed the public hearing at 6:16 pm.

O'Connell/Poivey 2nd made a MOTION to recommend Village Board approval of the Petition to Amend the Zoning Ordinance Section 18-27(f)(1), Fencing Ordinance, filed by the Village of Fontana as presented, and the MOTION carried without negative vote.

Petition to Amend the Zoning Ordinance Chapter 18 to Correct Recodification Errors, Filed by Village of Fontana

Chairman Spadoni opened the public hearing at 6:17 pm. Hayden-Staggs stated that the Plan Commission was not considering that night the entire spreadsheet of recodification errors researched by Thorpe, just the 10 sections included in the proposed ordinance. Thorpe stated that the spreadsheet delineates the unauthorized changes that were made to the approved Municipal Code, and the proposed ordinance restores the initial language approved in 1998 to portions of 10 of those sections. In response to questions from Cindy Wilson concerning Planned Developments and the Precise Implementation Plan approval and amendment process, Thorpe stated the proposed amendment she was referring to does not alter the current regulations, it deletes redundant language. Thorpe also explained other amendments in response to questions from Wilson. Chairman Spadoni closed the public hearing at 6:23 pm.

McGreevy/Pollitt 2nd made a MOTION to recommend Village Board approval of the petition to Amend the Zoning Ordinance Chapter 18 to Correct Recodification Errors, filed by the Village of Fontana as presented, and the MOTION carried without negative vote.

General Business

Condominium Plat and Declarations Filed by Barton and Joan Love, 928B South Lakeshore Drive (Tabled 2-26-07 & 3-26-07)

O'Connell/Poivey 2nd made a MOTION to table matter until the May 29, 2007 meeting, and the MOTION carried without negative vote.

Concept Review/Set Public Hearing for CUP Application Filed by Thomas S. Freytag, 533 N. Lakeshore Drive, to Erect Two Decorative Stone Pillars

McCarthy stated that the CUP application was filed to receive approval for the construction of two driveway entry pillars, similar to the CUP recently approved for the Michael Keefe residence. McCarthy stated that since the pillars already are constructed at the Freytag residence and electrical lines have been installed, the applicant will be charged double fees for building permits if the CUP is approved. In response to concerns stated by O'Connell regarding the required inspections for the already installed electrical service to the pillars, Nyman stated that he will inspect "a couple spots" along the electrical line to determine if it adheres to the building and zoning regulations. In response to concerns stated by O'Connell regarding the pillars being erected within the setback area of the driveway, McCarthy stated that the Plan Commission has the authority through the CUP process to approve modifications to the setback and height standards of the zoning district. O'Connell asked why the applicants were not ordered to take the pillars down after they were constructed within the setback area without the proper permits and the electrical service was installed without the required inspections. Thorpe stated that the applicants were seeking a zoning remedy to correct the situation. McGreevy stated that the applicant's contractor made a mistake, which happens, and the CUP should be approved to rectify the situation. D'Auria stated that the pillars were erected during the construction of the new homes because of an honest mistake. D'Auria stated that the pillars look fine and the distance that they are setback from the driveway and road is consistent with other driveway pillars in the area. Poivey stated that he agrees with D'Auria. O'Connell stated that she does not object to the driveway pillars, but they should be constructed the right way and the setback standards should be met. Treptow stated that he also agrees with D'Auria. Pollitt stated that he also thinks that the applicant made an honest mistake and the pillars look fine.

McGreevy/D'Auria 2nd made a MOTION to hold a public hearing at the Plan Commission meeting on Tuesday, May 29, 2007, beginning at 5:30 pm to consider the Conditional Use Permit application filed by Thomas S. Freytag, 533 N. Lakeshore Drive, to erect two decorative stone pillars. The MOTION carried on a 6-1 vote, with O'Connell opposed.

Set Public Hearing to Consider Proposed Ordinance to Adopt a Temporary Moratorium on the Acceptance, Review and Approval of Land Divisions and Subdivision Applications and Condominium Plat Applications for Lakefront Properties

Thorpe stated that the next step in formalizing the Resolution approved by the Village Board on April 2, 2007 to adopt a temporary moratorium on the acceptance, review and approval of Land Divisions and Subdivision Applications and Condominium Plat Applications for lakefront properties is for the Plan Commission to hold a public hearing and make a recommendation to the Village Board on the proposed ordinance. Thorpe stated that an ordinance will provide the Village with the best defense possible if the moratorium is challenged in court. In response to a question from Poivey, Thorpe stated that the moratorium covers applications to split existing lakefront lots in subdivisions or condominium associations. Following discussion, the Plan Commission was in consensus that the moratorium should be for a short term while lakefront zoning amendments are being drafted and advanced through the approval process. Steve Beers asked if the moratorium is currently in effect, and Thorpe responded yes. Beers also urged the Village to complete the lakefront zoning amendment process as soon as possible so the moratorium can be lifted. Staff stated that the preliminary lakefront zoning amendments will be presented to the Plan Commission at its next monthly meeting on Tuesday, May 29, 2007.

Poivey/Pollitt 2nd made a MOTION to hold a public hearing at the Plan Commission meeting on Tuesday, May 29, 2007, beginning at 5:30 pm to consider the proposed ordinance to adopt a temporary moratorium on the acceptance, review and approval of Land Divisions and Subdivision Applications and Condominium Plat Applications for lakefront properties, and the MOTION carried without negative vote.

Set Public Hearing to Consider Proposed Amendment to the Village of Fontana Wellhead Protection Plan Ordinance

Workman stated that he distributed the Wellhead Protection Plan for Wells Nos. 1, 2, 3 and 4 that he drafted and presented to the Village Board at its April 2, 2007 meeting. Workman stated that the Village Board directed him to work with Thorpe to incorporate the updated plan into the current Village Wellhead Protection Plan Ordinance. Workman stated that the next step in the ordinance amendment process will be to review existing wellhead protection plan ordinances provided by Thorpe and draft an amendment to the Village of Fontana ordinance. The proposed ordinance amendment will be presented to the Plan Commission to set a public hearing.

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

Pending Items for Future Agendas

1. Concept Review for CUP – Edward Lyon (Tabled 5/30/06 & 6/26/06)
2. Minimum Lot Size Requirement Discussion (Tabled 6/26/06)
3. Abbey Harbor Condo Plat
4. Fontana Village Inn BSOP
5. Novaks' Deli – Certified Survey/Parking Lot Renovation Plan & Noncompliance Letter (Tabled 1-29-07)
6. Abbey Springs Clubhouse Renovation – PIP Amendment Proposal (Tabled 1-29-07)
7. Abbey Springs Boat Storage Expansion – PIP Amendment Proposal (Tabled 12-18-06, 1-29-07)
8. The Cliffs of Fontana PIP Amendment

Adjournment

O'Connell/Poivey 2nd made a MOTION to adjourn at 6:38 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: 05/29/07