

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION

Monday, July 27, 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: Mike Poivey, Derek D'Auria, Sharon O'Brien, Micki O'Connell, President Petersen, Chairman George Spadoni

Plan Commissioner absent: Sarah Lobdell

Also present: Bruce Adreani, Steve Beers, Amber Benson, Julie and Mark Carani, Jill Dickens, Administrator/Treasurer Kelly Hayden, Rob Ireland, Library Director Nancy Krei, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Trustee Tom McGreevy, Building Inspector Ron Nyman, David Rasmussen, Rick Rosenow, Ed Snyder, Village Attorney Dale Thorpe, Rick Treptow, Ryan Trotter, Public Works Director Craig Workman

Visitors Heard

None

Announcements

1. Story Wagon Performance at the Fontana Village Hall – **Tuesday, July 28, 2009, 9:00 am**
2. Make & Take Craft Day Event at the Duck Pond Pavilion – **Wednesday, July 29, 2009, 9:30 am**
3. Lakefront and Harbor Committee Meeting – **Wednesday, July 29, 2009, 4:30 pm**
4. CDA Board Meeting – **Wednesday, July 29, 2009, 6:00 pm**
5. Music in the Park Performance at the Reid Park Gazebo – **Saturday, August 1, 2009, 5:00 pm**
6. Village Board Monthly Meeting – **Monday, August 3, 2009, 6:00 pm**
7. Make & Take Craft Events at the Fontana Public Library – **Wednesdays, August 5 & 12, 2009, 10:00 am**
8. GLLEA Board Meeting – **Wednesday, August 5, 2009, 10:00 am**
9. Assessor Village Hall Office Hours – **Friday, August 14, 2009, 10:00 am to 2:00 pm**
10. Village Board/Plan Commission Master Plan Update Meeting – **Monday, August 10, 2009, 7:00 pm**
11. 2009 Board of Review – **Monday, August 17, 2009, 2:00 pm**
12. Library Board Meeting – **Wednesday, August 19, 2009, 10:00 am**
13. Park Commission Meeting – **Wednesday, August 19, 2009, 6:00 pm**
14. Plan Commission Monthly Meeting – **Monday, August 31, 2009, 5:30 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.

Public Hearing

Petition to Amend the Zoning Ordinance Section 18-102 filed by the Village of Fontana on Geneva Lake Regarding the Floodplain Zoning Ordinance

Chairman Spadoni opened the public hearing at 5:30 pm. Minor amendments to the floodplain ordinance are required as part of the county-wide Digital Flood Insurance Rate Map (DFIRM)

project. Martin and Nyman worked with Gary Heinrichs at the Wisconsin DNR to determine what portions of the Village ordinance have to be amended to ratify the new DFIRM. The Village adopted the model DNR ordinance on August 6, 2007 in order to ratify an amendment to the Village's Flood Hazard Boundary Map at the request of the Abbey Ridge property owners, so there are only six areas that require minor amendments at this time. Spadoni closed the public hearing at 5:31 pm. Commissioner O'Connell/Commissioner Poivey 2nd made a MOTION to recommend Village Board approval of the proposed amendments to Section 18-102 as presented, and the MOTION carried without negative vote.

General Business

Abbey Harbor Condominium Association Building, Site and Operational Plan Amendment – Gas Tank Relocation

Ed Snyder stated that the Abbey Resort Condominium Hotel Association ordered the Abbey Marina to remove its above-ground gas tank from the resort property and the amendment to the BSOP proposes a new location for the tank on the Abbey Harbor property. Snyder stated that the documents that were filed with the Village on July 24, 2009 address the initial staff concerns. Snyder stated that the documents filed July 24, 2009 also include notification from the Wisconsin Department of Commerce that the proposal has received state approval. McCarthy stated that although she and Building Inspector Ron Nyman took a tour of the proposed site, they have not had to chance to review the documents that were filed on July 24, 2009.

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

Conceptual Proposal to Vacate Portion of Castle Terrace Drive to Accommodate Residential Addition Plan – Julie Carani

Attorney David Rasmussen, representing Mark and Julie Carani, stated that the proposal was pursued to authorize the construction of a garage that could adhere to the setback standards of the Zoning Code. Rasmussen stated that in order for the proposal to be approved, the neighbors on both sides of the Carani property would have had to approve of the plan. Rasmussen stated that the owners of the property to the south are not in favor of the proposal and they will not sign off on the proposed agreement, so the Caranis want to withdraw the proposal at this time.

Precise Implementation Plan Amendment Filed by Par Development for Cliffs of Fontana

The PIP amendment was filed to seek approval for the temporary erection of eight marketing signs along Highway 67 on weekends. Ryan Trottier stated that the signs help attract visitors to the subdivision and will help the developers to sell the new homes. McCarthy stated that staff recommends that the PIP be amended to allow for the developers to erect temporary signage under the provisions of the Zoning Code. McCarthy stated that the signs that are being erected on weekends by Par Development are not in accordance with the Zoning Code. Staff recommended not using the Planned Development zoning to circumvent the signage standards of the Zoning Code. Spadoni stated that the Village should work with local business owners to allow them to display their marketing signage. Trottier stated that Par Development has been having trouble attracting visitors to the new subdivision and the retail signage has helped. Trottier stated that they would just like approval to erect the sign on weekends until the end of the year, and if they want the signs in the future, they will come back for reconsideration. Trottier stated that the signs will not be erected in the right of way. President Petersen then made a motion that was seconded by Spadoni to recommend Village Board approval of the temporary signs as presented. Petersen stated that the successful development of the Cliffs of Fontana subdivision will benefit the entire community and the Village should make every effort to cooperate with the developers in all possible ways. Poivey stated that he has a business contract with Par Development and he had to rescue himself on the item. O'Brien stated that she is concerned that Georgie B's Restaurant, Fontana Family Dentistry and Fontana Chiropractic businesses will all want to erect marking signage on Highway 67. Spadoni

stated that the Village was only looking at three months time period for the signs to be erected, and then the issue will be revisited. Spadoni stated that the signs have been erect on weekends and the Village has not received any complaints. O'Connell stated that a total of eight signs seems excessive, and she asked if the Village should consider cutting it back to a total of four signs. McCarthy stated that if the Plan Commission was going to consider recommending approval of the temporary signage proposal, they should consider adding the conditions that the approval is for the temporary signage proposal only and that the annual plat certification of the individual condominium units has to be completed for 2008 within 30 days of approval. Trotter stated that the 2008 certification has been delayed because of the recently resolved easement issue with the Audino family, and Par Development will be able to fulfill the conditions for approval.

President Petersen/Chairman Spadoni 2nd made a MOTION to recommend Village Board approval of the temporary signage as proposed for weekend days until the end of 2009, with the conditions that the approval is for the temporary signage proposal only and that the annual certification of the individual condominium units has to be completed for 2008 within 30 days of approval. The MOTION carried without negative vote. Commissioner Poivey abstained.

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

All the required documentation still has not been submitted for the proposal, and there was no representative of the applicants at the meeting.

President Petersen/Chairman Spadoni 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

Chairman Spadoni stated that the Protection Committee did not yet make a recommendation on the proposal to rent Scoot Coupes vehicles at the resort. There also has not been an application filed or fee paid for the proposed BSOP amendment.

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

Stormwater Management Land Exchange Proposal with Adreani Family

O'Connell made a motion that was seconded by O'Brien to deny the proposed transfer of lakefront property to the Adreani Family for a vacant lot located at Indian Hills Road and South Lakeshore Drive. Workman stated that the proposal, which is still in the conceptual stage, was developed during the ongoing meetings of the stormwater management subcommittee. Workman stated that the Village's lakefront parcel is a 33-foot-wide strip of land located at the end of Mohr Road and it currently is the site of a lift station. The proposal is for the Village to exchange a 23-foot-wide strip of the parcel that abuts the Adreani property for a one-acre lot on Indian Hills Road that is owned by the Adreani family, and for the Village to maintain ownership of a 10-foot strip at the lakefront. Workman stated that the next step in the proposal process would be to obtain appraisals and updated surveys of the parcels. A lengthy discussion then ensued on the history of how Mohr Road was vacated and the current deed restrictions on the lakefront property. McGreevy stated that the Public Works Committee recommended that the Village continue to move forward with the negotiations for the proposed land exchange. McGreevy stated that if approved, the new lot will be used to develop a stormwater retention pond and another Village park. McGreevy stated that the Adreani has also agreed to provide a permanent easement to the Village to install a gravitational sewer line and vacate the Timber Ridge lift station, and the 10-foot-strip of land that the Village would retain will ensure that the people can still access the lakeshore path and the lakefront park bench that currently is on the property. Hayden stated that deed restrictions on the Village owned parcel at the end of Mohr Road only allow for a park bench and a split rail fence to be erected on the property. Attorney David Rasmussen stated that he represents the O'Halleran family, and they own the property on

other side of the Village parcel. Rasmussen stated that the O'Halleran family favors the proposal. Jill Dickens, 619 Cherry Drive, stated that if the Adreani family obtains the 23-foot strip of land, it will enable them to raze their current residence and reconstruct a new home that could potentially lower the value of her property. Spadoni stated that the only issue that the Plan Commission had to consider that night was if the Village staff should move forward with the negotiations for the proposal. Former Plan Commission and Park Commission member Rick Treptow stated that the Village should be cautious and explore all of its stormwater management options before it considers giving up lakefront property. Treptow stated that the stormwater management goals may be achieved more efficiently and without having to give up lakefront property. O'Connell stated that she had concerns with regard to the proposed easement for the sewer line and asked why the Village does not just purchase the lot at Indian Hills Road and South Lakeshore Drive instead of trading away lakefront property. President Petersen stated that the proposal encompasses the stormwater management issue and the lift station/sanitary sewer line issue, and more information is needed on both issues before he can make a decision. O'Brien stated that she would like more information on the entire scope of the Village's stormwater management plan and she is opposed moving forward with the proposal until more stormwater management planning is completed and more information is available. D'Auria stated that he is not sure if he favors the proposal or not and he would like more information on the other stormwater management plans and options. Poivey stated that he is not in favor of moving forward with the proposal until more information is available on the stormwater management planning, but he also does not want to deny the proposal before it is fully studied. Workman stated that the Village staff was just seeking authorization to obtain appraisals for the parcels. Spadoni stated that the Adreani family should sign a cost recovery agreement and the Village staff should commence with obtaining current appraisals and surveys of the parcels. Spadoni stated that the Plan Commission members should wait until more information is presented and make a good decision on the facts after they are presented. Spadoni stated that he does not think the Plan Commission should vote to deny the proposal at this preliminary stage.

Commissioner O'Connell/Commissioner O'Brien 2nd made a MOTION to deny the proposed transfer of lakefront property to the Adreani Family for a vacant lot located at Indian Hills Road and South Lakeshore Drive, and the Roll Call vote followed:

Commissioner D'Auria – No

Commissioner O'Brien – Yes

Commissioner O'Connell – Yes

President Petersen – No

Chairman Spadoni – No

Commissioner Poivey – No

The MOTION failed on a 2-4 vote.

Chairman Spadoni/Commissioner Poivey 2nd made a MOTION to table the item and to direct Village staff of develop a checklist of information regarding the parameters of the proposal, including appraisals, surveys and photographs of the parcels, with the condition that a cost recovery agreement is signed by the Adreani family, and the Roll Call vote followed:

Commissioner O'Brien – No

Commissioner O'Connell – No

President Petersen – Yes

Chairman Spadoni – Yes

Commissioner Poivey – Yes

Commissioner D'Auria – Yes

The MOTION carried on a 4-2 vote.

Certified Survey Map Filed by Steele and Alison Whowell

Steele Whowell stated that the Certified Survey Map was filed to authorize a lot line adjustment for the four parcels located off Stearns Road. Whowell stated that he is planning to construct a residence on Lot 1, and when the plans were finalized, part of the new building fell within two different

existing lots. The CSM adjusts two of the interior lot lines. Staff has not completed its review of the proposed CSM because it was not filed until July 21, 2009. The Village engineer noted three concerns in his review, and the revised CSM submitted by Whowell at the meeting addresses two of those concerns. Spadoni stated that all of the adjacent lots are owned by the Whowell family and the CSM is a simple lot line adjustment. Spadoni stated that the Plan Commission could vote to recommend approval of the CSM with the conditions that all the staff concerns are addressed following the review of the revised CSM and that there are no concerns noted by the utility companies and school districts.

Chairman Spadoni/Commissioner Poivey 2nd made a MOTION to recommend Village Board approval of the proposed Certified Survey Map as filed, with the condition that all Village staff, school district and utility company concerns noted during their required reviews are addressed. The MOTION carried without negative vote.

Pending Agenda Item

1. PIP Amendment Filed by Abbey Springs for Boathouse Structure Modifications – Tabled 3/30/09 & 4/27/09

Adjournment

President Petersen/Commissioner Poivey 2nd made a MOTION to adjourn the Plan Commission meeting 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: 8/31/09