

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION  
**Monday, April 25, 2011**

President Petersen 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: President Arvid Petersen, Mike Poivey, Derek D’Auria, Micki O’Connell, Trustee George Spadoni

**Plan Commissioner late:** Sarah Lobdell (arrived at 5:35 pm)

**Plan Commissioner absent:** Harry Nelson

**Also present:** Administrator/Treasurer Kelly Hayden, Brandy Howe, Trustee Pat Kenny, Library Director Nancy Krei, David Lindelow, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Building Inspector/Zoning Administrator Ron Nyman, Mike Slavney, Village Attorney Dale Thorpe, Carol Whowell, Director of Public Works Craig Workman

**Visitors Heard**

None

**Announcements**

1. Lakefront and Harbor Committee Meeting – **Wednesday, April 27, 2011, 4:30 pm**
2. Fontana Arbor Day Celebration at Fontana Elementary School – **Friday, April 29, 2011, 10:00 am**
3. Public Works Committee Meeting – **Saturday, April 30, 2011, 8:00 am**
4. Police and Fire Commission Meeting – **Saturday, April 30, 2011, 9:00 am**
5. Village Board Monthly Meeting – **Monday, May 2, 2011, 6:00 pm**
6. CDA Monthly Meeting – **Wednesday, May 4, 2011, 6:00 pm**
7. Park Commission Park Walks – **Thursdays, May 12, 19 & 26, 2011, 5:30 pm**
8. Protection Committee Meeting – **Monday, May 16, 2011, 5:45 pm**
9. Plan Commission Staff Meeting – **Wednesday, May 18, 2011, 1:00 pm**
10. Park Commission Meeting – **Wednesday, May 18, 2011, 6:00 pm**
11. Library Board Meeting – **Wednesday, May 25, 2011, 10:00 am**
12. Plan Commission Monthly Meeting – **Tuesday, May 31, 2011, 5:30 pm**

**Approve Minutes**

Commissioner O’Connell/Commissioner Spadoni 2<sup>nd</sup> made a MOTION to approve the minutes for the meeting held February 28, 2011, and the MOTION carried without negative vote.

**General Business**

**Reschedule May Monthly Meeting – Tuesday, May 31, 2011**

The monthly meeting for May is the same day as Memorial Day, so the meeting has to be rescheduled.

Commissioner Spadoni/Commissioner D’Auria 2<sup>nd</sup> made a MOTION to reschedule the monthly meeting for May 2011 to Tuesday, May 31, 2011 beginning at 5:30 pm, and the MOTION carried without negative vote.

**Abbey Resort Building, Site and Operational Plan Amendment for Paver Block Patio**

Village Attorney Dale Thorpe stated that the Abbey Resort submitted a letter dated April 1, 2011 that seeks authorization to install a paver block patio on the north side of the Abbey Harbor lawn. The patio would be located beneath the resort’s previously approved winter ice rink. Thorpe stated that staff recommends approval of the proposal as a BSOP amendment, and the information and diagram

submitted is complete enough to determine there are no issues with the proposal. Thorpe stated that additional documentation required in the zoning code was filed that day by the Abbey, and the only other requirement would be for the Abbey to apply for and obtain a ground disturbance permit from the Village of Fontana Building and Zoning Department. General Manager David Lindelow stated that the installation of the paver block patio will help the resort install the ice rink in the winter. O'Connell asked questions about the pavers and the clay soil in the area and if it is going to pose runoff problems. Lindelow replied that there has been a swale added to the area and other runoff management measures taken to address the runoff. O'Connell stated that she also is concerned about the "threatening letter" submitted by the Abbey with the application on April 25, 2011.

Trustee Spadoni/Trustee D'Auria 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Building, Site and Operational Plan amendment to authorize the installation of a paver block patio as presented, contingent on the receipt of a completed application and cost recovery certificate and payment of the filing fee. The MOTION carried without negative vote.

### **Scotty's Eatery & Spirits/Pie High Pizza Company, 441 Mill Street, Request for Authorization of Flags and Additional Outdoor Seating**

Hayden stated that a letter was submitted to Building Inspector/Zoning Administrator Ron Nyman on April 11, 2011 by Scott Burris and John Karabas, the new restaurant owners at 441 Mill Street, that requests authorization to erect 3-by-5-foot "open" flags between 6- and 10-feet off the ground during business hours, as well as American flags on the east, west and north sides of the building; and to have six more two-top tables that have the ability to hold umbrellas added to its approved outdoor seating area on the north side of the building. Hayden stated that staff does not have any concerns with the proposal to add the additional two-top tables in the outdoor seating area; however, the proposal for the "open" flags is contrary to the current zoning code. Approval is not required to erect State or American flags. Hayden stated that although staff does not have any concerns with the additional tables in the outdoor seating area, there have been no plans or a BSOP amendment application filed. Thorpe stated that the Village would need to amend the zoning code to authorize the "open" flags, which are defined as signage. Spadoni stated that he thinks the village should allow the restaurants to fly two "open" flags from May 1 to September 15 to help get the businesses established. Spadoni stated that an exemption should be approved to help the new businesses to survive.

Commissioner Spadoni/Commissioner O'Connell 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the erection of two 3-by-5-foot "open" flags to be located between 6- and 10-feet off the ground and flown during business hours from May 1 to September 15, and the MOTION carried without negative vote.

Commissioner Spadoni/Commissioner D'Auria 2<sup>nd</sup> made a MOTION to recommend that the Village Board authorizes Village staff to work with the business owners of Scotty's Eatery & Spirits and Pie High Pizza Company, 441 Mill Street, to properly site in the outdoor seating area on the north side of the building three two-top tables each that have the ability to hold umbrellas, and that the new tables be added to the approved site plan drawing on file with the Village. The MOTION carried without negative vote.

### **Building, Site and Operational Plan for Jerry's Marine Seasonal Use at 102 West Main Street**

McCarthy stated that the property owned by James and Carol Whowell at 102 W. Main Street is located in the C-2 (General Commercial) Zoning District, which requires BSOP approval for the seasonal sign and boat display. Approval for temporary (seasonal) boat sales and temporary (seasonal) signage has expired, but the applicant wishes to continue the current use at the site. No modifications or other requests have been made by the applicant. According to the staff report, approval was originally granted on July 25, 2005 for the 2005 through 2007 seasons. Approval was extended on March 7, 2008 for the 2008 and 2009 season. Initially the Village CDA requested the applicants work to develop a permanent use for the property; however, due to recent and current economy that is not feasible. The staff report recommends approval of the continued proposed use

of the property, contingent upon the receipt of a completed application and signed cost recovery agreement and payment of the filing fee. Based on the fact there have been no complaints regarding the temporary use and temporary signage, the staff report also recommends that an expiration of use is not necessary. The staff report also recommends removing the contingency that the applicants work with the CDA to develop a permanent use for the site; however, all other details of previous approvals should be included in the current approval. A motion was made by Spadoni and seconded by D'Auria to approve a three-year extension to the approved BSOP with the removal of the contingency that the applicants work with the CDA to develop a permanent use for the site, but with all the conditions of the initial approval included. O'Connell stated that she would like to see the approval extended for two more years, not three.

Commissioner Spadoni/Commissioner D'Auria 2<sup>nd</sup> made a MOTION to recommend Village Board approval of a three-year extension to the approved BSOP, with the removal of the contingency that the applicants work with the CDA to develop a permanent use for the site, but with all the conditions of the initial approval included. The MOTION carried on a 5-1 vote, with Commissioner O'Connell opposed and Commissioner Nelson absent.

### **Review ETJ Certified Survey Map Approved for James and Carol Whowell, Willow Bend Road, Walworth Township**

Hayden stated that when the Village of Fontana voted in January 2011 to approve the extraterritorial plat review jurisdiction of the CSM filed by James and Carol Whowell for their Willow Bend Road property in Walworth Township, the CSM did not feature any allowed access off Willow Bend Road; and it allowed access off an internal driveway. Hayden stated that when the CSM was subsequently approved by Walworth County, it was modified to prohibit access from the internal driveway and to authorize access from Willow Bend Road. Hayden stated that what the Village approved and the Village president signed and what was approved by Walworth County and recorded with the Register of Deeds Office do not match. The surveyor, Peter S. Gordon, inserted a new map on page 3 of the document in April 2011 that does not match what was approved and signed by the Village of Fontana in January 2011.

Commissioner Spadoni/Commissioner O'Connell 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the amended Certified Survey Map as recorded with the Walworth County Register of Deeds Office, and the MOTION carried without negative vote.

### **Adjournment**

Commissioner Spadoni/Commissioner Poivey 2<sup>nd</sup> made a MOTION to adjourn the Plan Commission meeting at 5:49 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: 5/31/11