

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION  
**Tuesday, September 4, 2012**

Chairman George Spadoni called the monthly meeting of the Village of Fontana Plan Commission to order at 5:47 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Plan Commissioners present:** Roll call: Trustee Spadoni, F.J. Frazier, Scott Vilona, Harry Nelson, Micki O'Connell

**Plan Commissioners absent:** President Arvid Petersen, Sarah Lobdell

**Also present:** Jade Bolack, Charles Colman, Al Haeger, Administrator/Treasurer Kelly Hayden, Merilee Holst, Brandy Howe, John Maier, Village Clerk Dennis Martin, Building Inspector/Zoning Administrator Ron Nyman, John O'Neill, Trustee Rick Pappas, Mike Slavney, Roger Stedronsky, Dale Thorpe, Trustee Cindy Wilson

**Visitors Heard**

None

**Announcements**

1. Chapters 17 & 18 Rewrite Project Public Hearing – **Tuesday, September 4, 2012, 6:00 pm**
2. Village Board Meeting – **Tuesday, September 4, 2012, 6:00 pm**
3. Village Hall Closed on Saturday Mornings Until December 22, 2012 – **Saturday, September 8, 2012**
4. GLLEA Board Meeting – **Wednesday, September 8, 2012, 10:00 am**
5. FW/WPCC Board Meeting – **Tuesday, September 11, 2012, 7:30 pm**
6. GLLEA Board Meeting – **Wednesday, September 12, 2012, 10:00 am**
7. Plan Commission Staff Meeting – **Wednesday, September 12, 2012, 1:00 pm**
8. Protection Committee Meeting – **Monday, September 17, 2012, 6:00 pm**
9. Library Board Meeting – **Wednesday, September 19, 2012, 10:00 am**
10. Park Commission Meeting – **Wednesday, September 19, 2012, 6:00 pm**
11. Geneva Lake Environmental Agency Board Meeting – **Thursday, September 20, 2012, 7:00 pm**
12. Village Quarterly Newsletter Article Deadline – **Friday, September 21, 2012**
13. Plan Commission Monthly Meeting – **Monday, September 24, 2012, 5:30 pm**

**Approve Plan Commission Minutes**

Commissioner O'Connell/Commissioner Frazier 2<sup>nd</sup> made a MOTION to approve the minutes for the July 30, 2012 and August 6, 2012 meetings, as presented, and the MOTION carried without negative vote.

**General Business**

**Certified Survey Map Filed by Roger Stedronsky, 532 Sauk Trail**

Village Attorney Dale Thorpe stated that he reviewed the application filed July 27, 2012 to create a second lot at 532 Sauk Trail and the environmental corridor portion of the parcel has to be staked and total square footage calculations have to be determined in order to complete the application and complete the staff review process. Thorpe stated that any environmental corridor that may be on the lot has to be delineated by the Southeastern Wisconsin Regional Plan Commission (SEWRPC). Thorpe stated that he would suggest tabling consideration of the application and requesting SEWRPC to stake out the environmental corridor on the parcel. Thorpe stated that he also suggested in his September 4, 2012 emailed review of the proposal that he would suggest a condition of approval (if the CSM is approved) that would require the filing of a deed restriction or restrictive covenant against both lots prohibiting the proposed Lot 1 from utilizing the proposed Lot 2 as a way

to access the riparian rights of Lot 2, and that the Village be named as a benefited party to said restriction with the right, but not the obligation to enforce its terms, together with recovering the costs of enforcement. Thorpe stated that one other matter is that the Municipal Code and state statutes call for the governing body to make a decision on CSM applications within 45 days of the filing date of the application. Thorpe asked Attorney John Maier, representing the applicant, if they would authorize the Village to extend the approval period in order to have SEWRPC stake the potential environmental corridor, and to draft and review a proposed deed restriction or restrictive covenant. Maier stated that they would agree to allow the Village to extend the approval review period through November 5, 2012 if necessary. The next two monthly meetings of the Plan Commission are scheduled for Monday, September 24, 2012 and Monday, October 29, 2012, beginning at 5:30 pm. Maier stated that the village should contact SEWRPC and have the parcel staked for environmental corridor as soon as possible, that he will draft and submit for review the restrictive covenant language, and that he will have the CSM surveyor, Peter Gordon, address the comments in the village engineer report from Ruckert-Mielke dated August 3, 2012. Stedronsky stated that he wanted to point out that Indian Hills Association boat slips that are located in the association's common area on the lakefront are available for lease to residents in the association, and if the CSM is approved and a residence is constructed on the new lot, the home owner could lease a pier slip from the association. Maier also stated in an August 22, 2012 letter to the Village that he disagrees with the opinion of Nyman and Village Planner Mike Slavney that the proposed CSM does not comply with Section 18-79 (c)(3) of the Municipal Code, because the existing lot only has 60.5 feet of lake frontage and it is considered a nonconforming lot. Maier states in his August 22, 2012 letter that the existing nonconformity of the lot is solely related to the fact the frontage on Geneva Lake is 60.5 feet, prior to any division. Maier states in the letter that the proposed new lot will have no lake frontage and it would have no riparian rights since it would be an interior lot. In his September 4, 2012 emailed message to the village staff, Thorpe states, "I don't think the proposed plat makes worse the existing sub-standard condition, and I do not think the proposed plat can be denied for that reason. The lake frontage is not being made smaller as a result of platting." Commissioner O'Connell/Commissioner Frazier 2<sup>nd</sup> made a MOTION to table the CSM application until the SEWRPC has provided the environmental corridor staking and a proposed restrictive covenant is submitted and reviewed, and to acknowledge the applicant's authorization to extend the approval consideration review period until November 5, 2012 if necessary. The MOTION carried without negative vote.

### **Adjournment**

Commissioner O'Connell/Commissioner Frazier 2<sup>nd</sup> made a MOTION to adjourn the Plan Commission meeting at 5:57 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: 10/01/2012