

**VILLAGE OF WALWORTH
PLAN COMMISSION MEETING
MINUTES
Monday, February 17, 2025, 6:00 p.m.
Walworth Memorial Library, 525 Kenosha St., Walworth, WI 53184**

1. Call to Order
 - a. Louise Czaja Chairperson calls the meeting to order at 6:00 pm.
2. Roll Call
 - a. Plan Commission Members Present: Louise Czaja Chairperson, Annie Zambito Secretary, Mary Ann Kahl, Peg Hubertz, Lawrence Gums (arrives at 6:02 pm)
 - b. Plan Commission Members Absent: Liz Lochner (excused) and Steve Hovestol
 - c. Others Present: Shaun Mularkey Village Planner, Bob Ball Trustee, Jerry Anderson Village Building Inspector and Zoning Administrator, Frank Stellano Sr., Frank Stellano Jr., Dan Fahey, Mark Pulokas, Ashley Stellano, Rob Siemers, Amelia Perkins, Michelle Glaser, Patricia Wells, Ali Gonzalez, Anthony Andrews, David Danz Attorney (via phone call).
3. Pledge of Allegiance
4. Approval of Minutes from Regular Plan Commission Meeting 01/20/24
 - a. Louise Czaja Chairperson makes a motion to approve the minutes, Peg Hubertz seconds the motion. All in favor, minutes approved.
5. Comments or Suggestions from Citizen (s) Present:
 - a. *None presented*

DISCUSSION, CONSIDERATION AND ACTION ON THE FOLLOWING:

1. PUBLIC HEARING: Application for a conditional use and site plan dated 01/10/25 submitted by Frank & Mary Lou Stellato, Frank & Ashley Stellato, Dan Fahey, and Mark Pulokas, PE, to operate a Sports Bar, Entertainment Venue, Restaurant, Patio & Outdoor Smoking Lounge at 121 Kenosha St., Walworth, WI 53184:
 - i. Louise Czaja Chairperson calls the public hearing to order at 6:05 pm
- B. Planning Consultant, Shaun Mularkey, Staff Review, 12/03/24
 - i. Shaun Mularkey of Foth Engineering, Village Planner, summarizes his report explaining the parcel is zoned as B-1, which permits the use mentioned in their application. He adds this zoning does not have any parking requirements. He informs the plan commission a conditional use is a permitted use as long as it meets all reasonable conditions. His comments are that the smoking lounge, as planned, according to state law must have 2 of the walls are deemed 'not substantial,' within which the plans submitted comply. He is concerned with the residential area on Maple to the south, regarding the noise. Secondly, regarding the outdoor patio on the west side of the building, he is concerned the patio would block the alley access. Regarding the gaming machines, he informs the applicant that they are only allowed 5 or fewer machines that are free or offer nothing of value. Finally, the application talks about an exterior lighting plan, which he has not yet seen, which could either be brought back to the plan commission or approved by the Village building inspector. In conclusion, the rest of the application is filled in as required.
- C. Questions from the Plan Commission Members to Applicant
 - i. Annie Zambito asks if the applicant knows about any access agreement or easement for the alleyway, and about the noise concerns.
- D. Applicant answers questions from Village Professionals and Plan Commission
 - i. Frank Stellano, applicant, 475 N Lakeshore Dr. Fontana, answers that he is not aware of any easement, and he asked the previous owner, Andy, who also said he was not aware of any recorded easement. He adds that, in response to the Village Planners comment, they are no longer planning to extent the patio on west side of the building, so the patio will not impede that alley access.
 1. Dan Fahey, applicant contractor, 168 Elkhorn Rd Williams Bay, comments the new plan shows the reduced patio.
 - ii. Frank Stellano answers, regarding the noise concerns, they have no intention of bothering the neighbors; he explains that the southern wall will be lined with soundproofing material, and that they do not plan to have any speakers or sound amplification outside. He adds that the smoke ventilator creates a negative pressure system which will serve to push sound waves up and out, and away from the residential area. He adds; there will not be tables on the south end smoking patio, and while there may be tables on the west side patio, their intention is to keep people inside the building.
- E. Public Comments

- i. Rob Siemers, owner of Siemers Cruise Inn, 545 Hill St, comments whether it's the bakery, the tavern, or the antique store, all types of businesses in the village of Walworth help bring attention to one another. He adds he is very much in support of this business, and that they had no noise complaints from the neighbors to the south when they had a deck out back, and he highly doubts the Stellanos will have any issues either.
 - ii. Louise Czaja Chairperson paraphrases the letter received from Tavern 46 in support of Stella's Lounge.
 - 1. Item to be included with the [minutes](#).
 - iii. Jerry Anderson Village Building Inspector comments a neighbor asks if the applicant if they would have outside noise, but from what was said this won't be an issue.
 - iv. Ali Gonzales, 125 Kenosha St, asks for an approximate opening date.
- F. Applicant answers Questions from Public
- i. Frank Stellano responds to Ali Gonzales' question that they are hoping to have a soft open on or around Memorial Day.
- G. Close Public Comments
- i. Louise Czaja Chairperson mentions Village Attorney has a conflict of interest. Therefore, the village reached out to David Danz Attorney for comment regarding the state statute; he is called in for comment.
 - 1. David Danz Attorney comments the current statute states a tobacco bar and lounge must have existed prior to June 3rd of 2009. He adds there was a bill introduced, AB 451, removing the requirement that they must have previously existed, but that bill failed to pass in 2024. Therefore, he concludes that the Plan Commission should vote against the approval of the smoking lounge.
 - 2. Frank Stellano applicant responds what is to stop someone from smoking a cigar on their patio if they wanted?
 - a. David Danz Attorney comments 101.123 of Wisconsin Statutes would allow that. He asks if the ember room is outside the structure?
 - i. Mark Pulokas PE for applicant, 607 Davis St. Elkhorn, adds the ember room has a roof, 2 substantial walls, and 2 unsubstantial walls with 25 percent of the structure open, qualifying it as an "unenclosed" space.
 - ii. Frank Stellano continues that they plan to allow smoking but will not be serving or selling tobacco. Additionally, he comments that their plan with the ventilator is to guide the smoke up and out, for the benefit of the neighbors. Instead of having smokers out on the west patio, they've made this area out of the south/back of the building, that functions as a screened in deck, but heated by fireplaces.
 - iii. David Danz Attorney responds, with the applicant's statement, the space may be exempt by statute.
 - 1. Louise Czaja Chairperson comments that the attorney should be sent the plans for further comment.
 - 3. Mary Ann Kahl asks if the plan commission would be allowed to approve the conditional use without the smoking lounge portion, allowing the applicant to move forward, and return later for the smoking lounge approval?
 - a. David Danz Attorney responds that is an acceptable option.
 - 4. Peg Hubertz asks if someone wants to smoke a cigarette out there, could they?
 - a. Frank Stellano Jr. comments there would be no way to stop it.
 - b. David Danz Attorney explained court procedure.
- H. Close Public Hearing
- i. Louise Czaja Chairperson closes the public hearing at 6:48 pm
 - ii. ACTION:
 - 1. Louise Czaja Chairperson entertains a motion to postpone any action until the Attorney David Danz has reviewed the application.
 - 2. Annie Zambito makes the following motion: The Village of Walworth Plan Commission approves the Conditional Use request by Frank Stellato dba Stellas Lounge for use as a sports bar entertainment venue and restaurant, located at 121 Kenosha St, Walworth, WI 53184, subject to the Village planner's conditions, with the exclusion of the smokers lounge; the smokers lounge item remains open and shall be considered at a later date after being review by the village attorney.
 - a. The motion is seconded by Peg Hubertz. A roll call vote is taken:
 - i. Louise Czaja Aye
 - ii. Mary Ann Kahl aye

- iii. Peg Huberz Aye
 - iv. Lawrence Gums Aye
 - v. Annie Zambito Aye
 - 1. All in Favor, motion carried.
- 2. Surf Internet
 - A. Jerry Anderson Village Building Inspector shares a packet about surf internet.
 - i. Louise Czaja Chairperson comments there is fiber optics in the area.
 - 1. Item does not need follow up.
- 3. Walworth Prairie Subdivision
 - A. Annie Zambito shares the Walworth Prairie subdivision declaration and covenants, conditions, restrictions and easements documents pulled from the deeds of the properties in question.
 - B. Jerry Anderson Village Building Inspector comments he is not pushing the 2 properties/property owners, that were told they needed to add sidewalks after completion of their new construction homes, to put sidewalks in immediately, given the fact that their builders misinformed them.
- 4. Review TIF District requirements
 - A. Louise Czaja Chairperson explains she plans to share the TIF budget with the plan commission following a meeting on impact fees to be held on Wednesday March 5th.
 - i. Item to be added to next agenda
- 5. Ad Hoc Policies & Procedures:
 - A. Special Event Ordinance & Application
 - i. Louise Czaja Chairperson comments these documents are being reviewed by general services.
 - B. Revised application forms (3)
 - i. Lawrence Gums comments he has been working with the office admin on these three forms: Plan Commission Request Application, Storm Water Management Evaluation Request and Zoning Permit Application Review
 - 1. Annie Zambito shares the printed version with Shaun Mularkey Village Planner for his input
 - C. Ordinance re: keeping of fowl
 - i. Mary Ann Kahl comments we are working on this ordinance at the next ad hoc committee meeting.
- 6. Building/Zoning Inspector's Report:
 - A. Complaint procedures forms & fees
 - i. Annie Zambito explains she drafted 3 forms to assist in complaint procedures, to be addressed at the next ad hoc committee meeting: Violation Complaint Form, Notice of Ordinance Violation Form and Citation Form
 - B. Report complaint re: chickens
 - i. Jerry Anderson Village Building Inspector said there are no longer chickens at the property he received complaints about, however, he plans to check back in.
 - 1. Mary Ann Kahl adds the ad hoc committee still plans to redraft the ordinance in the upcoming meeting Thursday.
 - C. Licensing/inspections of short-term rentals
 - i. Jerry Anderson Village Building Inspector mentions he was called upon to approve a short term rental.
 - ii. Annie Zambito mentions during their last Ad Hoc Committee meeting they could not locate the ordinance regarding short term rentals
 - 1. Shaun Mularkey Village Planner responds he found Short Term Rentals mentioned on the Village website.
- 7. Items for Next Agenda
 - A. Ad Hoc Committee follow up
 - B. Review TIF District requirements
 - C. Note:
 - i. Peg Hubertz mentions she will not be present at the next meeting.
- 8. Adjournment
 - A. Louise Czaja Chairperson makes a motion to adjourn the meeting. Lawrence Gums seconds the motion. All in favor, motion adjourned 7:24 pm.

Respectfully submitted by Annie Zambito on 2/17/2025