

TOWN OF LONG BEACH
ADVISORY PLAN COMMISSION
MEETING MINUTES 5-15-17

1. Call to order

The meeting was called to order at 7 p.m.

2. Roll Call

Members in attendance: Pete Byvoets, Erin Connelly, Mike Gorman, Rich Jercich, and Bob LeMay

Absent members: Nick Meyer, Doug Wickstrom

3. Approval of Minutes

Upon motion by Pete Byvoets, seconded by Rich Jercich, the regular meeting minutes from April 17, 2017 were unanimously approved.

Committee Reports

Report of Comprehensive Plan Land Subcommittee – Joy Schmidt, Moon Valley:

There was no report from the Comprehensive Plan Land Preservation Subcommittee.

Report of APC Town Beautification Subcommittee:

There was no report from the APC Town Beautification Subcommittee on the following items:

- a. Stop 24 Improvements
- b. Chastleton Beautification
- c. Signage
- d. Marquette Greenway Plan

Old Business

1. Consideration of amended View Protection Standards (sent back with amendments from Town Council)

Ordinance was sent back to the APC with amendments from Town Council. Mike Gorman clarified that the title of the ordinance has changed to “water front setbacks / view protection standards”. The title was changed to make it clear there is a setback, where no structure can go beyond 106.6’. Changes were discussed related to conflict in section 4C in which the more restrictive setback shall apply. A typographical error and substance error in 5C was discussed.

Pete Byvoets motioned to set the ordinance for public hearing, seconded by Rich Jercich. Date was set for the next regular APC meeting on 6/19/17.

Mike Gorman addressed whether a public hearing is necessary and reads section 36-7-4-607(f)(4)(A). Mike suggested getting advice of counsel before proceeding. Pete Byvoets mentioned that if the commission approves the amendment, the ordinance stands as passed by legislative body or the end of 45 day period without action by the APC it becomes law. Pete agrees with Mike Gorman.

After discussion Pete Byvoets motioned to withdraw the original motion, Rich Jercich seconded. All in favor, the motion carried.

Pete Byvoets motioned to approve the amendment based on section 607 which Pete read out loud. Rich Jercich seconds the motion. All in favor, the motion carried.

Bob LeMay will send a report to the Town Council.

2. Consideration of amended Toter Ordinance

Commission members discussed Non-conforming properties where someone who cannot keep the toter 15 feet back or behind the building foundation line must build an enclosure. An alternate location may be approved by the Building Commissioner. The individual can then ask the BZA for a variance if they disagree with Building Commissioner's decision. After discussion, all agree to strike the word Hardship.

The Building Commissioner can grant a waiver in writing and is empowered to inform the homeowner of the best alternate location.

Pete Byvoets confirmed that the parks department will be handling toters at beach stops. Bob LeMay mentioned that residents may potentially be opposed to toters at beach stops.

Jane Neulieb of 2201 Florimond commented that citizens do not want enclosures and do not want to be forced to build enclosures. Lack of enforcement since inception of current ordinance was also mentioned.

Joe Jogmen of 2213 Florimond mentioned penalty ordinance of not less than \$25, contradicting wording concerning Building Commission and Building Commissioner, and confusion about front building foundation wording.

Commission members responded that the penalty will be dealt with if it becomes part of the ordinance. Building Commissioner will be used instead of Building Commission. Section G and A1 wording will read building foundation line adjacent to pavement edge. Bob LeMay read an amendment that was made on the last page. Sections C and D were also deleted.

Jim Jaska asked how a person is able to declare a hardship and why in this scenario, an individual could judge hardship when this is not allowed in any other case.

Pete Byvoets motioned to accept the ordinance with the identified changes, seconded by Bob LeMay. All in favor, the motion carried. Public hearing was set for the next regularly scheduled APC meeting on 6/19/17.

Bob LeMay will make sure announcements go out and will identify amendments and send the amendments out to all commission members.

Public Hearings – None

New Business

a. Consideration of amendments to the new building codes (150)

The chapter 150 amendments were given preliminary approval by the staff of the Building and Fire Safety Commission of Indiana. The state template presented was discussed. Certain items need to be included in the template, other items can be added that are not included in the template. Items not included in template must exist in other parts of town code. The staff may look at what is proposed and give preliminary recommendation, ultimately the Building Commission must decide. To be approved the amendments then must go through the APC, then Town Council, and public hearing.

The word commission was added after building in four places on page 19 and 21; sections 6a, 7, 8, and 12a.

Kenneth Purze on behalf of friends of Long Beach asks the last time the Town of Long Beach was present for a Building and Fire Safety Commission meeting, subsequent to the February 27, 2017 meeting. Kenneth has been at these meetings and thinks the state of Indiana does not want deviations from the template.

Pete talked with two staff members at the Building and Fire Safety Commission. Pete Byvoets responded that the Town has not been on the agenda because the amendment has not been before the Town Council.

Building permit timelines were discussed. The 12 month timeline will stay in place and can be amended by the Town Council if they so choose.

Joe Jogmen of 2213 Florimond and the commission members discussed amendments, sections proposed to be deleted and sections that will be added, including 150.110, 150.120, 150.130, and 150.140.

With amendments identified Pete Byvoets motioned to set for public hearing, seconded by Mike Gorman. All in favor, motion carried. Public hearing was set for the next regularly scheduled APC meeting on 6/19/17.

Bob Lemay confirmed the changes will be posted online.

b. Consideration of the Beach Protection Overlay District Amendment

Mike Gorman asked about the process of this amendment. Mike would like to know what the next steps in the process are and thinks professional help would be worthwhile. Pete Byvoets agreed but mentions the difficulty in finding qualified help.

Bob LeMay explained this ordinance was modeled after a sample document supplied by the DNR. Pete Byvoets mentioned no standard being provided by the DNR.

Bill Powers of 1523 Lake Shore Drive mentioned standards have to fit with any risk assessment that fits with the area and then engineering standards need to be applied. Bill discussed studies being conducted by FEMA for the Great Lakes. FEMA will be requesting the Town's involvement by letter in June 2017. Bill will send out shoreline information that he receives.

Jane Neulieb of 2201 Florimond asked Bill Powers to present a PowerPoint presentation he has on this topic to the Town Council at the June meeting so the Council is informed when the letter is received.

Kenneth Purze on behalf of friends of Long Beach encouraged the Town to seek out specifically engineers or consulting firm that is familiar with Lake Michigan coastal wave action, to seek the proper expertise.

Kathy Abbott, a resident on behalf of LBCA, mentioned the LBCA does not agree 100% with the proposal for ordinance but urges the APC to move forward to recommend a comprehensive plan to the Town Council. LBCA suggested the APC bring in expertise to assist in this very complex issue of managing our beaches.

Bob LeMay noted investigating legal opinion as a topic for discussion.

Pete Byvoets stated the key to this is risk assessment. Information will be provided come June and July. Pete would like to study this issue more and identify some resources.

Mike Gorman the recent adoption of the Comprehensive Plan places the burden for moving this forward on the Town Council. This is what is important to the community.

Bill Powers listed some issues facing the Town as well as options. The Town can take the amendment to public hearing, then work on this ordinance and change it as necessary after these studies come in. The Town is facing changes down the line but needs to start somewhere. The key will be risk assessment, building standards, certification by qualified coastal engineer.

Bob LeMay mentioned the APC loses control if this goes to the Town Council in public hearing and asks if the APC should get a legal opinion before moving to public hearing. Bob wants to make sure this is on the agenda for the next meeting. Next steps would be legal review of this prior to the next meeting with public hearing to follow. This draft is online.

Closing Matters

1. Next regular APC meeting will be 6/19/17 at 7 p.m. in the Town Hall.

2. Adjournment

Motion to adjourn by Pete Byvoets, seconded by Mike Gorman. The meeting unanimously adjourned at 9:28 p.m.