

TOWN OF LONG BEACH
ADVISORY PLAN COMMISSION
MEETING MINUTES 8-21-17

1. Call to order

The meeting was called to order at 7:02 p.m.

2. Roll Call

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

Absent member: Doug Wickstrom

3. Approval of Minutes

Rich Jercich motioned, seconded by Mike Gorman, to approve the regular meeting minutes from July 17, 2017. Motion carried, six in favor.

Committee Reports

Report of Land Conservation Subcommittee – Joy Schmidt

Moon Valley-Danny Thalman report- Joy reports that the project is completed including a bike rack. It is ½ mile long. The entrance is across from the northernmost entrance to the Hacienda restaurant. There are some bushes left to be removed to open up the entrance to the trailhead.

Nick Meyer reported from the APC Town Beautification Subcommittee on the following items:

a. Stop 24 Improvements

Nick Meyer reported at last town council meeting. A bid is out for demolition of the pump house. Opening bids will be heard at September Town Council meeting. The town will hopefully then proceed with selected contractor. Demolition will hopefully start right away.

The town also approved Global Engineering to move forward with 100k matching coastal grant application. The program will match up to 100k. If Town spends more, it will only get matched dollar for dollar up to 100k. One of individuals in the firm was on judging committee in the past and is familiar with the criteria that they use. The initial proposal to the judging committee to describe scope of project is due on 9/15/17.

Around October/November the grant committee will let the Town know if it has been selected to move forward. The next formal step will be to provide construction plans in middle of December.

Global engineering will put together an updated design. Grants are not awarded until July of next year. The Town cannot construct and expect to get matched until then.

It is a rigorous process.

Pete Byvoets asked what is going on regarding beach stop repair/maintenance.

Joy Schmidt responded that the park board and Tom have been working closely together. Tom stated repairing stairs will be paid for by the street department; park board will take care of the rest.

b. Signage

The current timeline is to come back to the Town Council at the September meeting with the final design of the project. The Civic Association who will be paying for the project has been working with Austin Masonry on the final specs of the project. There may be incremental cost to Town for potential lighting. Lighting could also be added in future years. The Civic Association will get the final cost and may be willing to go over 10k gift that they planned.

The issue of loud music on the beach was discussed. A new noise ordinance is in the works.

Old Business

1. Toter Ordinance – awaiting action by Town Council until town attorney can adequately review it. (Town Council has 90 days from 6/19/17 to consider it or it becomes law as written)

The ordinance was passed by APC two months ago. Town Council has 90 days (until 9/19/17) to consider it before it becomes law. The Town Attorney has some objections as the ordinance as written.

Attorney Nathan Vis explained that Attorney Ethan Lowe looked at the ordinance. As drafted they felt it could be interpreted to say that everyone needs to create some sort of enclosure to hide toters. The Town cannot mandate people to build a new structure.

Pete Byvoets and Bob LeMay explained the options available to the homeowner as spelled out in the new ordinance, include placing the toter a minimum of 15 feet from the paved portion of the street, taking the toter to the side of the building adjacent to the roadway, or getting a waiver from the building commissioner. Only if the homeowner wants to keep toter within 15 feet, would they would need to build a structure.

Bob LeMay stated that if Town Council decides to amend ordinance, the APC would have the ability to weigh in on the ordinance.

Mike Gorman and Nathan Vis discussed the rule for ordinance adoption. If the Town Council amends the ordinance, the APC could disagree with the changes and start anew since the APC

did not have the benefit of the Town Attorney's input when the ordinance was approved by the APC

Nathan Vis mentioned language being added if someone has disabilities and is unable to move the toter. He also mentioned that they recommend drafting language that if people are doing a major renovation or building new, specific requirements for an enclosure if one is necessary.

Nick Meyer stated ABLE Disposal will move the toter back on the property for \$15 per month. The Town could work on an alternative plan for the recycling containers.

Pete Byvoets will place it on the agenda for the next Town Council meeting.

2. Beach Protection Overlay District Amendment

Nathan Vis suggested language spelling out specific standards particularly regarding preferences for coastal protection structures. Nathan and Commission members discussed specific standards as part of the ordinance and the issue of working with a Coastal Engineer.

Pete Byvoets suggested the Town establish its own standards.

Mike Gorman mentioned there are other alternatives that allow the Town to maintain a more natural shoreline. There are standards in the ordinance.

Nathan Vis addressed using the BZA as advisory committee and how the Town needs to be more specific as to what it would be requiring. The Town needs foundation for standards. He felt 154.040 needs to be written differently.

Pete Byvoets suggested approaching one of the Coastal Engineers to develop standards for 154.040 for each of those priorities.

Bob LeMay asked if there is a problem with mandating that anything going to the BZA would require homeowner to pay for a Coastal Engineer of the Town's choosing.

Mike Gorman asked why the standards in 154.040 are not sufficient as written and discussed addressing each situation individually. Mike is unsure what a Coastal Engineer will do for the Town that is not already in the ordinance.

Bob LeMay discussed the structure of the ordinance. The Building Commission would look at the new building permit. If they felt that they didn't have the expertise to make decision, then the ordinance applies and the process with the BZA begins.

Pete Byvoets stated if the BZA cannot handle it directly, they would bring in a Coastal Engineer. Applicant would then be notified and it would then be up to applicant to take the process forward.

Nathan Vis explained the firm has expertise before going the route of hiring a Coastal Engineer to assess the Town's situation but thinks it would be good to have the blessing of a Coastal Engineer.

Bob LeMay will contact Coastal Engineers to assess the cost and their willingness to help us develop standards. Nathan Vis will see if there are other comparable communities who have developed these standards.

Nathan will put together a comprehensive list of concerns and comments to discuss before the next meeting. Any concerns or comments should be sent to Nathan in the next two and a half weeks.

Rich Jercich does not want to eliminate a Coastal Engineer coming and looking at the beach to develop any standards and make an impact.

Bill Powers (audience member) mentioned the Town needs to be satisfied that the information provided by a Coastal Engineer meets the Town's standards.

Nick Meyer mentioned some concerns from the public regarding bulldozing on the beach. Mellie Hoppe from Save The Dunes was present in the audience at the meeting. Nick Meyer asked if there is any ability to tie some sort of regulation of future bulldozing of the dunes as part of this beach protection.

Nathan Vis responded that if a Coastal Engineer felt that the bulldozing was having an adverse impact on the beach that would give the Town the ability to do something about it.

Pete Byvoets handed out two pages concerning bulldozing on the beach. The top two pages discuss sand moving permits and what was developed in 2013. The pages do not address issue of what can or cannot be moved, what is compatible or not. Something like this should be part of beach protection. To Pete's knowledge sand moving permits have never been denied. Pete mentions anyone who wants to identify how this should be handled could step up and get conversation started.

Nick Meyer agreed that beach protection would be proper place to put bulldozing regulations.

Pete Byvoets mentioned the DNR uses 581.5 as the ordinary high water mark, regardless of the appellate court decision.

Mike Gorman stated the question is whether the DNR has a right to or not. It will be decided at some point.

Mellie Hoppe (audience member) spoke with the DNR about dune bulldozing and asked if issuing permits could be stopped. Their response was that it would require an ordinance from the Town.

Pete Byvoets stated the Town's concern has been and continues to be 581.5 and above. If sand is moved below 581.5 then the DNR handles it. If sand is moved in both, two permits are needed. Mellie mentioned Save the Dunes Guidance. Mellie mentioned that Natalie Johnson, executive director at Save the Dunes would be happy to help. Their lawyer is looking at it. Perhaps Save the Dunes could help with that too.

Joy Schmidt checked with Hoosier Environmental Council and they have too much pending litigation going on are not able to work with us.

Revised Building Codes

Mike Gorman asked for the status on the revised building code passed by the APC.

Pete Byvoets responded that Ethan Lowe has promised to have his comments to us before the next council meeting. Pete will be talking with him this week. This revised code was sent to the town council with a favorable recommendation on 6/19 and will need to be acted upon at the next town council meeting.

Moon Valley-Danny Thalman Report

Danny Thalman gave a summary of his report and distributed a copy to the APC. The summary includes the planning and construction that went into the final project, including all the steps Danny took to become an Eagle Scout. Danny worked very hard and thanked the APC for the great experience. Danny already has the official confirmation that the project is complete. Danny took out the distance markers. The trail is ½ mile long one way. Danny and his dad made the decision of where to place the sign. The sign is set in concrete footings.

Joy Schmidt mentioned a person on land conservation is going to clear out the whole area so the sign can be more visible from the road.

Public Hearings - None

New Business

1. Consideration of Parking Ordinance

Joy Schmidt did most of the work on the ordinance. Pete Byvoets summarized that the Town is trying to resolve issues in terms of definitions, parking along certain thoroughfare like Moore Road and Chastleton, and clarifying things such as what is the proper manner of parking. Many homeowner's on Lake Shore Drive have issues where their parking is on town right of way. We want to give people the opportunity to still park in front of their homes. The APC should read the ordinance and look for specific issues. Building Commission will then give input. It will be then sent to the attorneys for review and then come back to APC for action.

Pete does not know how to address when homeowners have family get togethers and might have twenty cars parked all over.

Bob LeMay noted that homeowner's can have guests not on the roadway, but adjacent to public right of way. Cars are able to park overnight on the right of way but not on the paved portion of the road.

Rich Jercich stated 72.031 permits residents to park in town right of way that is immediately adjacent to their property.

Erin Connelly asked if there is a reason the time frame in 72.12 states only June through September because the town is busy year round. Changing it to year round was discussed.

Duplicative terms such as roadway, street, and town right of way were discussed. The same language should be used consistently throughout the ordinance. Joy Schmidt will change some of the language to accomplish this. The 50 feet right of way was discussed Joy will get back to APC on this and asks for comments from APC members.

2. Address Change 1602 LSD

Bill Defuniak sent a letter to the US Postal Service requesting they change the address of this property to 1600 LSD. This property is one of the duplicate addresses along Lake Shore Drive. The homeowner's have requested to change the address to 1600 Lake Shore Drive because they continually get mail for 1602 LSD in Michigan City (and visa versa).

Bob LeMay motioned to approve the address change, seconded by Pete Byvoets. All voted in favor and the motion carried.

Closing Matters

1. Next regular APC meeting will be 9/18/17 at 7 p.m. in the Town Hall.

2. Adjournment

Motion to adjourn by Pete Byvoets, seconded by Rich Jercich. The meeting adjourned at 9:04 p.m.

Minutes Approved by:
APC Chairman Robert Lemay Margaret

Minutes Approved by:
APC Secretary Margaret Collins
