

TOWN OF LONG BEACH  
ADVISORY PLAN COMMISSION  
MEETING MINUTES 2-19-18

1. Call to order

The meeting was called to order at 7:00 p.m.

2. Roll Call

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

3. Approval of Minutes

Pete Byvoets motioned, seconded by Rich Jercich to approve the regular meeting minutes from January 15, 2017. Motion carried, five in favor.

**Committee Reports**

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

a. Stop 24 Status Report

Funding passed local review board and went on to state. Approval was received today to go on to be approved for federal funds. At this point it is generally favorable for federal funds. The amount depends on how much federal funds are available. The state asks for specific amount of money that will go on to federal review for funds.

b. Signage

Carolyn Smith spoke briefly. Signage is on hold. Things are still being worked on.

**Old Business**

1. Toter Ordinance – on hold

Ordinance is on hold while Chris Willoughby works on it.

2. Beach Protection Overlay District Amendment – input from coastal engineer received

Bob LeMay updated the Board that Bob LeMay, Pete Byvoets, Doug Wickstrom, and Chris Willoughby met with Shabica. Shabica sent three people to the meeting.

Mike Gorman noted the version in front of the Commission was not received until late yesterday afternoon. Mike would prefer a red line version and has looked at amended version but not had enough time to fully process.

Chris Willoughby explained reasons for the changes. Chris tried to eliminate items that were redundant, that maybe did not apply from suggestions from the Coastal Engineer.

The title is briefly discussed. Mike Gorman and Bob LeMay suggested taking out the word "Property." Pete Byvoets suggests "Shoreline Preservation and Property Protection."

Bob LeMay proceeded to read each page so Commission members can make comments. Chris Willoughby took certain language directly from Coastal Engineers recommendations.

Items discussed included:

Toe and crest in relation to 106.6', nothing should extend beyond 106.6'. Language concerning natural ordinary high water mark needs to be changed or clarified. Language such as "subject to location of ordinary high water mark" was suggested. The property line can change, 106.6' is the number incorporated in with Coastal Engineer's suggestions.

Mike Gorman was concerned those methods from natural to seawalls contained in first version of ordinance have been removed and if a different standard is being set. Preferred form in DNR document was vegetation. Chris Willoughby responded that quarry stone revetment is specific technical terminology with Coastal Engineers that was taken from the meeting. Engineers suggestion was to clarify best practice, the best for limiting where seawalls can go, intended to be limited to right up to homeowner's property. Pete Byvoets thought the Commission should refer to DNR report. Chris will work to provide some wording.

Height is briefly discussed. Prior draft permitted sea walls. Current ordinance prohibits any seawall other than one within five feet of the foundation line. Inclusion of Ordinance 154.160, Continuous Seawalls, is discussed in relation to pre-existing seawalls. Tying seawalls is discussed. Seawalls currently exist that go beyond 106.6. A seawall can distort location of ordinary high water mark. Seawalls do not determine where ordinary high water mark is and can make it difficult in determining where it is. Chris Willoughby added that property owners will need to go to the BZA and will need a letter from Coastal Engineer explaining why a different type of seawall is necessary.

The time period for how long heavy equipment may remain on the beach was discussed, as well as extension requests. Heavy equipment may remain no more than 30 days. Extension decisions would be up to Building Commission. Bob LeMay would like process spelled out and would like no extensions until after Labor Day.

Review fees were discussed. Coastal Engineer options are discussed. It is agreed that the Building Commission should review entire ordinance. APC Committee should then get something back from Building Commission. A Coastal Engineer should come from a list that is approved from the Town. Shabica will provide list in the future.



Mike Gorman stated the APC needs to provide here that Coastal Engineer's letter certifies to all points in the Ordinance. APC should get Shabica's input.

Bob LeMay confirmed that Shabica or another firm will be involved.

Agreement to maintain the shoreline protection structure should transfer with deed of property. Chris Willoughby stated there should be amendment to the deed at the time homeowner gets this permit. Owner of the property in perpetuity maintains seawall. Encumbrance on property that follows, document is to be recorded along with that.

The term measurable used in describing erosion is discussed.

Procedural items need to be worked on concerning Coastal Engineers and process for going before BZA. Fees were discussed, in terms of being high enough to cover the Town's role in process.

Vegetated buffer strips were mentioned. Mike Gorman noted this section is where ordinance needs to reference natural ordinary high water mark. Rich Jercich mentioned Chris Willoughby is looking at the recent Supreme Court ruling to see how it affects each section of the ordinance. Chris responded the ruling will make it more restrictive, but the ordinance is contingent on natural ordinary high water mark.

Chris Willoughby encouraged the Commission to work on penalties/fees. Bob LeMay stated the most common violation will be alteration to topography. Emergency repairs to failing seawalls were mentioned. This will be another discussion point with coastal engineers.

Stairs were mentioned. The process for homeowner's going before the BZA needs to be worked out. Homeowner's can appeal Building Commission decision through standard process.

Bob LeMay summarized that he will try and make some changes to Ordinance and get some clarification from Shabica to hopefully get closer to public hearing.

It is agreed that a draft including changes will be posted no later than March 12, 2018. This gives APC chance to talk to Shabica.

3. View Protection Ordinance – on hold

Ordinance is on hold while APC focuses on Beach Protection Ordinance.

**Chris Willoughby stated that those will be ready and out in advance, by next meeting.**

**Public Hearings - None**

**New Business**

## **1. Lots 48 and 50 in 1<sup>st</sup> addition to Hidden Shores**

The lots stated on agenda should read **Lots 49 and 50**.

David Thompson of Rolling Prairie, owner of the lots, was present at the meeting. David's Company is called DJ Development. David purchased the lots through the Laporte County Tax Sale. The original developer was Long Beach Development Company. David does not know if the developer is still in existence.

Bob LeMay read an email received from David Thompson. David Thompson owns two lots on Grandmere street as shown on map, but the road was ever put in place. The lots are not accessible. The County referred the property owner to Long Beach as possibly being responsible for the roadway.

The Board discussed the area. The street was platted by the developer but never put in. Bob LeMay drove by and the properties and indeed the entire peninsula is dense woods. There is no way to access this property. The peninsula is undeveloped. Mike Gorman mentioned that the Town owns the street and asked if the town is responsible for maintaining streets. Nick Meyer states there is sewer in some areas and Michigan City is responsible for garbage. Nick believes the area is within corporate limits of Long Beach. Bob LeMay asked if the Town needs to contact the developer. The Commission agreed there is a long-term benefit in knowing who would be the responsible party.

Chris Willoughby summarized issues: whether Town has any obligation to clear property, whether there is ability to hold developer accountable and if a bond was posted. Chris does not think the Town has obligation to clear road that was never put in.

Nick Meyer mentioned the matter may be Town Council as opposed to APC. Nick motioned for Town Attorney to investigate on a preliminary basis to reach out to developer or to find out if Town is in fact responsible for developing the road.

Mike Gorman mentioned long term benefit for Town, or Long Beach could accede to ownership and sell off properties. Mike Gorman seconded the motion. All in favor, the motion carried. Bob LeMay will put item on next month's agenda.

## **Closing Matters**

1. Next regular APC meeting will be 3/19/18 at 7 p.m. in the Town Hall.

2. Adjournment

Motion to adjourn by Nick Meyer, seconded by Pete Byvoets. The meeting unanimously adjourned at 9:23 p.m.

Minutes Approved by:  
APC Chairman Robert Lemay

A handwritten signature in dark ink, appearing to be 'R Lemay', written over a horizontal line.

Minutes Approved by:  
APC Secretary Margaret Collins

A handwritten signature in dark ink, appearing to be 'Marg Collins', written over a horizontal line.