

TOWN OF LONG BEACH  
ADVISORY PLAN COMMISSION  
MEETING MINUTES 5-21-18

1. Call to order

The meeting was called to order at 7:05 p.m.

2. Roll Call

Members in attendance: Pete Byvoets, Mike Gorman, Rich Jercich, Bob Lemay, Nick Meyer, Bill Powers, Doug Wickstrom

Absent members: None

3. Approval of Minutes

Bill Powers motioned, seconded by Pete Byvoets, to approve the regular meeting minutes from April 16, 2018. The motion carried, seven in favor. Pete Byvoets motioned, seconded by Bill Powers, to approve the special meeting minutes from May 2, 2018. The motion carried, seven in favor.

**Committee Reports**

a. Stop 24 Status Report

Nick Meyer discussed questions raised at the Town Council meeting regarding a filing to be made with IDEM. Americo and Green Demolition both confirmed there was a UPS package received, after Bill Powers had called them. The IDEM request was made. The demolition and any remaining structures were discussed. The final payment will be made.

b. Signage

Jane Neulieb spoke. The Beatification Committee met and has a variation of the sign design that is smaller. The Committee would like to bring this design to the Civic Association to see if they will reconsider paying for the sign. The Committee would like to bring the design to Stu Franzen and see if he can give the Committee a new illustration that could be voted upon. The Committee asked for Stu's contact information to reach out and get a bid on a design and a cost estimate. If the Civic Association were to decline the reconsideration for covering the cost of the sign the Committee would go to the Town Council for their consideration.

**Old Business**

1. Beach Protection Overlay District Ordinance – set for public hearing on 5/24/18 at gym in Community Center at 7 p.m.

2. Structure Projection into Yards 154.106

As discussed at the last meeting certain items were going to be excluded from the Ordinance. The Board further discussed items, including fire safety and access by the fire department. The wording "elevated stairs" and stating "48 inches" into the setback were discussed. Item B is possibly already covered in item D. The grade of stairs was discussed.

At some point the Commission will put changes into proposed Ordinance then set it for public hearing.

Pete Byvoets motioned for Chris Willoughby to make discussed changes to the Ordinance and bring it back for discussion at next months regularly scheduled APC meeting on June 18, 2018, seconded by Mike Gorman. All in favor, the motion carried.

### **Public Hearings**

Pete Byvoets motioned to have any public comment kept to three minutes, seconded by Rich Jercich. Mike Gorman amended the motion to have the Chairman retain discretion to allow comment beyond three minutes. Bob LeMay accepted the motion as amended. Rich Jercich motioned to have any public comment kept to three minutes with the Chairman retaining discretion to allow an individual to speak beyond three minutes, seconded by Pete Byvoets. All in favor, the motion carried.

#### **1. Toter Ordinance with amendments/deletions to Chapter 96 and 154**

Chris Willoughby summarized that since this Ordinance is not a Zoning Ordinance, the Town Council will consider the Ordinance at the next Town Council meeting. The Ordinance need not go through a public hearing in front of the APC. The existing references to trash in the Zoning Code will not be repealed tonight. The new Ordinance will move along to the Town Council. The APC is trying to simplify the Code by making a recommendation to repeal language that is now in the Zoning Code that will be covered in the new ordinance. Town Council will also consider amendment to Chapter 96.

The APC can send the proposed deletion of current language to the Town Council with a favorable, unfavorable, or no recommendation. The Board discussed the implications of the Town Council repealing the trash code before they pass new Ordinance. If the Council were to accept the deletions at their next meeting, there would be no trash code.

Nick Meyer motioned to continue the public hearing to the next regularly scheduled ACP meeting on June 18, 2018, seconded by Mike Gorman. All in favor, the motion carried.

#### **2. View Protection Ordinance**

Bob LeMay called for any persons who wish to speak in support of the Ordinance. No audience members spoke in favor.



Bob LeMay called for any persons who wish to speak in opposition of the Ordinance.

Mary O'Neil of 1532 Lake Shore Drive and John Mengel of 1508 Lake Shore Drive commented.

Bob LeMay declared the public comment portion of the meeting closed.

APC Board discussion was opened.

Pete Byvoets explained the Ordinance has been in place for 10-12 years and the attempt of the Ordinance is to protect the view of homeowner's who have property in place. Without view protection, certain homes along Lake Shore Drive could be severely impacted by a home being built out closer to the lake. The Ordinance is strengthening what already existed. An individual always can go through the BZA process.

Mike Gorman mentioned the change concerning the term "building" from the old version to the new version. The Board discussed the option to go back to the prior language. The allowable distance of 123.4 feet is discussed.

Pete Byvoets motioned to continue the public hearing to the next regularly scheduled APC meeting on June 18, 2018, seconded by Doug Wickstrom. All in favor, the motion carried.

### 3. Repeal of Duplicative sections of 154

Pete Byvoets summarized that codes have been passed for 150 and 151 that encompass building codes. A few redundant sections of that code need to be removed from 154. These apply to the Office of the Building Commissioner.

Pete Byvoets motioned to open the public hearing, seconded by Bill Powers. All in favor, the motion carried.

Bob LeMay called for any persons in favor of getting rid of redundancies in sections of 154.

Mary Lou McFadden of 2714 Duffy Lane inquired if there was the possibility for omission.

The Board responded that the codes went downstate and were approved building codes and the State felt there were no omissions. The codes were also reviewed by the Town Council.

Bob LeMay called for any persons who wish to speak in opposition of the redundancies.

Mary Lou McFadden of 2714 Duffy Lane inquired about the role of the Building Inspector in the new version.

Pete Byvoets responded that there should be no conflict of interest, the APC incorporated what the State would like incorporated.

Chris Willoughby added International Building Code also addresses this item. Chris referred any individual to the website where 150 and 151 are still available. Chris added that if the Ordinance goes forward with a recommendation to the Town Council, it still has to get passed by the Town Council and any individual can still bring up any item with the Town Council.

Pete Byvoets motioned to close the public comment, seconded by Bill Powers. All in favor, the motion carried.

APC Board discussion was opened.

Mike Gorman mentioned adding 151 to the second clause where it currently says only 150.

Pete Byvoets motioned to send the Ordinance to the Town Council with a favorable recommendation, seconded by Nick Meyer. All in favor, the motion carried.

Chris Willoughby suggested amending the motion to allow certification to be completed. The certification has to be sent within ten days.

Pete Byvoets motioned to allow Bob LeMay to complete and sign certification, seconded by Nick Meyer. All in favor, the motion carried.

Chris Willoughby will work with Bob LeMay to complete certification.

#### 4. Height Ordinance

Pete Byvoets motioned to open the public hearing, seconded by Bill Powers. All in favor, the motion carried.

Bob LeMay called for any persons in favor of the Height Ordinance.  
No audience members spoke in favor.

Bob LeMay called for any persons in opposition of the Height Ordinance.  
No audience members spoke in opposition.

Pete Byvoets motioned to close the public hearing, seconded by Doug Wickstrom. All in favor, the motion carried.

APC Board discussion was opened.

Mike Gorman asked how maximum building height is measured within the Ordinance. Pete Byvoets discussed making sure the maximum height is 33 feet from the natural grade area to the peak of the roof. Mike Gorman discussed the wording that says "the lower of" 27 or 33 feet. The paragraph that begins with the word "however" being a duplication of number 2 in the



Ordinance is discussed. The definition of the term "Story" was discussed. The Ordinance is trying to define 3 stories or 33 feet.

Pete Byvoets motioned to approve the maximum height amendment, seconded by Doug Wickstrom. All in favor, the motion carried.

The Board discussed deleting the definition of the terms "natural grade plain" and "story above grade." Rich Jercich brought the spelling of the word chapter in chapter 1 to the Boards attention. Mike Gorman asked about the prior paragraph that dealt with R-5 zoning district. Mike Gorman discussed changing section D to C.

Nick Meyer motioned to add R-5 in the newly proposed A, to strike B as it exists in the Ordinance currently, and to change D as it exists in the Ordinance to B. Also including language that says 2 and one half stories or maximum of 27 feet, or 3 stories and maximum of 33 feet. As well as deleting the definitions of "natural grade plain" and "story above natural grade plain." Seconded by Pete Byvoets. All in favor, the motion carried.

Pete Byvoets motioned to delete the term "natural" from definitions and the Ordinance, seconded by Bill Powers. All in favor, the motion carried.

Pete Byvoets motioned to replace the word "level" with the words "grade level" throughout the Ordinance, seconded by Bill Powers. All in favor, the motion carried.

Pete Byvoets motioned to send the Ordinance to the Town Council with a favorable recommendation as well as authorizing Bob Lemay to complete and sign the required certification, seconded by Bill Powers. All in favor, the motion carried.

Chris Willoughby will send the revised Ordinance to the Board members tomorrow.

#### **New Business - None**

#### **Public Comment**

Mary Lou McFadden of 2714 Duffy Lane, Attorney John Wojcik, and John Mengal of 1508 Lake Shore Drive commented.

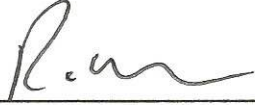
#### **Closing Matters**

Next special APC meeting will be 5/24/18 at 7 p.m. in the Community Center Gym

#### **4. Adjournment**

Motion to adjourn by Nick Meyer, seconded by Doug Wickstrom. The meeting unanimously adjourned at 8:58 p.m.

Minutes Approved by:  
APC Chairman Robert Lemay



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Minutes Approved by:  
APC Secretary Margaret Collins



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## TOWN OF LONG BEACH ADVISORY PLAN COMMISSION AGENDA 5/21/18

1. Call to order
2. Roll call
3. Consideration of meeting minutes of 4/16/18 and 5/2/18
4. Committee Reports

### Town Beautification Subcommittee

- a. Stop 24 status report
- b. Signage

### 5. Old Business

1. Beach Protection Overlay District Ordinance - set for public hearing on 5/24/18 at gym in Community Center at 7 PM
2. Structure Projection into Yards 154.106

### 6. Public Hearings

1. Toter Ordinance with amendments/deletions to Chapter 96 and 154
2. View Protection Ordinance
3. Repeal of Duplicative sections of 154
4. Height Ordinance

### 7. New Business

### 8. Public Comment

9. Closing matters - next APC meeting to be 5/24/18 at 7 pm in the gym

### 10. Adjournment