

TOWN OF LONG BEACH  
ADVISORY PLAN COMMISSION  
MEETING MINUTES 8-20-18

1. Call to order

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

2. Roll Call

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

Lisa Albers has replaced Bill Powers.

3. Approval of Minutes

Doug Wickstrom motioned, seconded by Pete Byvoets, to approve the special meeting minutes from July 26, 2018.  
The motion carried, six in favor.

4. Committee Reports

A. Stop 24 Status Report

Nick Meyer spoke. The Town is to receive some credit back from the bill for demolition. We are waiting to hear back on grant writing. The missing concrete was located. There is nothing to report on the missing fluoride tank, but that is where the credit is being applied.

Chris Willoughby explained the concrete was never lost and the Town knows where it went.

B. Signage

Nick Meyer stated there is nothing new to update. This item will be removed from the agenda for now.

Rich Jercich is now in attendance at the meeting.

4. New Business

A. Tree Ordinance

A rough draft of Tree Ordinance was presented to the Commission. David Hoppe was present as a representative from the Land Conservation Committee, a subcommittee of the APC.

The APC can give comments that may be incorporated into the Ordinance. The Town Council will decide if the Ordinance should be approved through the normal public hearing process.

Brian Kanyer who is a master gardener was mentioned. A list that already exists of different indigenous tree types was mentioned. Language pertaining to responsibility for decisions concerning trees if a Utility reaches out to the Town was briefly discussed.

David Hoppe stated that none of the language is original. It was derived from Michigan City and Valparaiso Tree Ordinances.

Public trees within a private setback were mentioned. Only if a tree on private property extends into public right of way or if the Town sees a clear hazard would the Ordinance be applicable. Dying and diseased trees were discussed. Town property verses private property was discussed. Bob LeMay mentioned a box being placed around a tree that is located near construction. A fence is another option. Penalties and fines were discussed. David Hoppe stated there are ways to assess the value of a tree.

Joy Schmidt will take ideas and send them to the Town Council.

B. Proposed amendment to Topographic Ordinance

Bob LeMay summarized. Since the Stop 19 decimation of beach and dunes and another at stop 14, there have been 4 or 5 more requests to alter Dunes. There were two requests at the last Building Commission meeting Bob considered reasonable, one for a path through Dunes to the beach and one to make it safe to go down to the beach from a cliff at the NOHWM.. At the last Building Commission meeting permits were granted in these two instances.

The Board discussed the Topographic Ordinance in relation to the recently adopted Shoreline Protection Ordinance. The addition of language saying that dune grass should not be removed was discussed. Enforcement of the Ordinance was discussed. Access points for construction equipment on the beach was mentioned.

Pete Byvoets motioned, seconded by Rich Jercich, to table this Ordinance until the next meeting on September 17, 2018 at 7 p.m. in the Town Hall. All in favor, the motion carried.

5. Old Business

A. Toter Ordinance which was sent to Town Council with a favorable recommendation was tabled at the 8/13/18 Town Council meeting.

Chris Willoughby suggested the Board re-publish and set the public hearing once it is considered for a later meeting date. The Board would then revisit the portion of the Town Ordinance before the APC after the Town Council addresses the Ordinance.

Bob LeMay will edit the agenda. Chris Willoughby will re-publish notice of public hearing in the future. Chris wants to make sure public has notice.

Pete Byvoets motioned, Lisa Albers seconded, to allow Chris Willoughby to republish the public hearing in future. All in favor, the motion carried.

6. Public Hearings

A. Waterfront Setback/ View Protection Standards

Chris Willoughby gave Meg Collins a copy of Affidavit of Publication for the record.

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

Bob LeMay called for any persons who wish to speak in opposition of the Ordinance. No persons spoke in opposition of the Ordinance.

APC Board discussion was opened.

The Board briefly discussed stairs that protrude over seawalls. Accessory structures were mentioned. Provision about prohibiting stairs beyond private property was mentioned. Bob LeMay will raise issue with the Corps of Engineers when he meets with them.

Mike Gorman mentioned the version in Town Code now prohibits stairways beyond seawalls, at the end of Section B3. Bob LeMay confirmed the language would prevent any further stairs beyond seawalls. Town has no authority beyond seawall. Town does have right to say what connects to seawall. Beyond seawall is a DNR issue.

Chris Willoughby suggested adding a whereas paragraph to the Ordinance that mirrors portion of Indiana Code. Chris read the suggested paragraph out loud and feels it is worth having the language included. Chris asked the Board to allow him to update the Ordinance. Chris will then send a clean copy to Town Council. APC Board still needs to vote on this.

Pete Byvoets motioned, seconded by Doug Wickstrom, to forward Ordinance with favorable recommendation to Town Council, plus add wording Counsel has provided. All in favor, the motion carried.

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

B. Structure Projection into Yards

Chris Willoughby gave Meg Collins a copy of Affidavit of Publication for the record.

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

Bob LeMay called for any persons who wish to speak in opposition of the Ordinance. No persons spoke in opposition of the Ordinance.

APC Board discussion was opened.

Chris Willoughby noted a typo in subparagraph D. The word non-combustible should have I instead of A. Chris suggested the Commission make this correction.

Bob LeMay motioned to amend to delete front and rear and just say in side setback, concerning combustible materials between properties. Rich Jercich thought the Commission made this change at the last meeting. Bob LeMay thought so as well, but the change did not show up. The motion was seconded by Rich Jercich. All in favor, the motion carried.

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

Pete Byvoets motioned, seconded by Rich Jercich, to authorize Bob LeMay to prepare and sign certification with Chris Willoughby as a result of tonight's meeting. All in favor, the motion carried.

7. Public Comments - None

9. Closing Matters

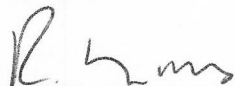
The next regular APC meeting will be 9/17/18 at 7 p.m. in the Town Hall.

10. Adjournment

Motion to adjourn by Pete Byvoets, seconded by Nick Meyer. The meeting unanimously adjourned at 8:09 p.m.

Minutes Approved by:

APC Chairman Robert LeMay



Minutes Approved by:  
APC Secretary Margaret Collins

M.A. Collins

Town of Long Beach APC Agenda 8/20/18

1. Call to order
2. Roll call ( new member Lisa Albers replacing Bill Powers)
3. Consideration of meeting minutes 7/26/18
4. Committee reports A. Stop 24 B. Signage
5. New business A. Tree Ordinance B. Proposed amendment to Topographic Ordinance
6. Old Business A. Toter Ordinance which was sent to town Council with a favorable recommendation was tabled at the 8/13/18 Town Council meeting.
7. Public hearings A. Waterfront Setback/ View Protection Standards B. Structure Projection into Yards
8. Public comment
9. Closing matters - next reg APC meeting to be at 7 PM on 9/17/18
10. Adjournment