

ADVISORY PLAN COMMISSION
SPECIAL MEETING MINUTES 7-26-18

1. Call to order, Pledge of Allegiance

The meeting was called to order at 7:03 p.m.

2. Roll Call

Members in attendance: Pete Byvoets, Bob LeMay, Nick Meyer, Bill Powers, Doug Wickstrom

Absent members: Mike Gorman, Rich Jercich

3. Consideration of Minutes 6/28/18 and 7/16/18

Pete Byvoets motioned, seconded by Bill Powers, to approve the special meeting minutes from June 28, 2018. The motion carried, five in favor.

Nick Meyer motioned, seconded by Pete Byvoets, to approve the regular meeting minutes from July 16, 2018. The motion carried, five in favor.

4. Old Business

A. Structure Projection into Yards set for public hearing at next regular APC meeting, August 20, 2018 at 7 p.m. at the Town Hall.

B. View Protection Ordinance set for public hearing at next regular APC meeting, August 20, 2018 at 7 p.m. at the Town Hall.

6. Public Hearings

A. Deletion of Chapters 96 and 154 references to trash continued from last meeting. The Town Council has still not passed the Toter Ordinance.

Bill Powers motioned, seconded by Pete Byvoets to continue the public hearing to the next regularly scheduled APC meeting on August 20, 2018 at 7 p.m. at the Town Hall. All in favor, the motion carried.

B. Beach Protection Overlay District

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

The following individuals commented:

Dan Coffey of Michiana Shores. Dan submitted comments via e-mail and summarized three points from his comments. He felt there was no rationale for 106.6".

Joan Carey of 1612 Lake Shore Drive felt that small lots were not given adequate consideration. Ed Gausselin of 2939 Lake Shore Drive submitted for the record a copy of the presentation that Shabica and Associates wanted to present at the last special meeting on June 28, 2018. Ed commented that the term "legally" should be removed. Ed stated the grandfather provision has been clarified.

Ed Sylvester of 1504 Lake Shore Drive. Ed also commented briefly on septic.

Stephanie Bryant of 2944 Lake Shore Drive. Stephanie commented on 106.6 and asked the Board to consider taking out the word "legally" for the grandfather clause for the seawall.

John Mengel of 1508 Lake Shore Drive commented.

Mark Oldis of 2944 Lake Shore Drive asked the Board who the Coastal Engineer is for the Town and if they have hired one yet. Mark stated the grandfather clause is vague and that 106.6' will bisect most people's homes.

Bob Boyce of 2926 Lake Shore Drive also commented that he doesn't like rip-rap and wants to make existing seawalls higher.

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

The following individuals commented:

Tom King of 2301 Florimond. Tom briefly commented on septic.

Anita Remijas of 2300 Florimond commented on our divided town.

Deborah Schenk of 3001 Lake Shore Drive. Deborah commented on setback from the Ordinary High Water Mark and stated the revisions of the Ordinance should be revisited every ten years.

Pat Sharkey of 2700 Floral Trail commented on grandfathering activities that perhaps were not legal and setting precedence. Pat mentioned photos circulating today of dunes being illegally plowed. Pat discussed keeping the term legally. Pat commented on maintaining at least a 20 foot setback from the NOHWM.

APC Board discussion was opened.

Bob LeMay responded to questions from the public, including what type of seawall would be grandfathered. The Town will have a list of Certified Coastal Engineers to choose from. They will be from IL or MI because Indiana does not have any Certified Coastal Engineers. Shabica and Associates were the expert who the APC drafted the Shoreline Protection Ordinance with. Shabica gave the idea of revetments, seawalls close to the foundation of house, and guidelines such as what the city of Chicago uses and how high to offer adequate protection. Bob briefly mentioned 106.6'.

Bob LeMay made suggested changes to the existing Ordinance on page 5, deleting two sentences.

Nick Meyer motioned, seconded by Pete Byvoets to delete the slope of the seawall shall be 2 to 1 or less sentence from the Ordinance.

Bill Powers and the Board discussed seawalls within 5 feet of a home and the slope of seawalls. Chris Willoughby suggested entertaining motions after Board discussion.

Bob LeMay further discussed the change to 154.204 in relation to Stop 19 where four

homeowner's totally destroyed at least 50 yards of Dune in front of their homes.

□ Doug Wickstrom offered photographs to be submitted into the record that he received by text yesterday relating to that sand and vegetation removal along the Lake. The photographs will be posted to the website as part of the record. Doug noted this treatment of the Lake points out the importance of the aim of this Ordinance, to provide structure, order and expertise to these kinds of decisions. Anything happening along the Lakeshore is to be in accordance with the comprehensive plan of Long Beach.

Bill Powers discussed potential effects from bulldozing dunes, including flood plain insurance for homeowners.

Pete Byvoets discussed the sources used for the Ordinance, including Shabica and Associates, meeting with the Army Corps. of Engineers and the DNR. Offshore structures are intended to capture sand offshore. This Ordinance is trying to protect structures on shore and protect what beach is left. Pete mentioned septic systems, that the moratorium on septic systems north of Lake Shore Drive was a decision made by the County and State. Pete stated APC tried to incorporate public comments concerning grandfathering. The Building Commission has never prohibited anyone from repairing or replacing seawalls if it already existed. Pete mentioned lot size briefly.

Nick Meyer discussed the need for the Ordinance. Without Ordinance like this homeowner's may default to vertical seawalls when they may not be needed. Nick read a statement from the DNR Coastal Hazard Plain Guide from July 2016. If a homeowner needs to do something out of this process outlined in the Ordinance, they can appeal to the BZA for what they think they might need.

Chris Willoughby clarified that the record, in addition to comments from the public in favor or opposition of the Ordinance, will also include submissions tonight given to the APC for consideration, pictures, as well as postings to the website, as provided by public and as requested. Publication once again, republishing continued hearing.

Bob LeMay repeated his first amendment to 154.203, to delete sentence beginning with "slope of seawall should be 2 to 1 or less". Nick Meyer motioned, seconded by Pete Byvoets to delete this sentence from the Ordinance. Bill Powers is concerned about protection to the property. Bill thinks the Ordinance should permit sloped seawalls. The Board had brief additional discussion.

□ The Board voted on the motion made by Nick Meyer, seconded by Pete Byvoets to delete this sentence from the Ordinance. Four are in favor, Bill Powers is opposed. The motion carried.

Bob LeMay read his second amendment from 154.204. Bob LeMay motioned, seconded by Doug Wickstrom to reinstate the portion of the ordinance reinforcing the Topography Ordinance. All in favor, the motion carried.

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

Chris Willoughby stated one last clarification, to prepare certification as a result of tonight's meeting, within ten days of this meeting. Bob LeMay will stop at Chris Willoughby's office.

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

7. New Business - None

8. Public Comment

Pat Sharkey of 2700 Floral Trail wanted to make it clear for the record that the only reason the Board is deleting topography reference is because it does not apply because it is repetitive, with the intention that you do not have to comply with topography. Pat also asked if a building permit was applied for concerning the incidence that occurred in the last few days pertaining to the photos in record.

Bob LeMay responde that the homeowners did have a permit. Bob stated he thinks topography needs to be looked at again, perhaps with a more conservative look because the dune topography and vegetation are exactly what Town needs to preserve.

Pat Sharkey suggested the Town look into enforcing the Topography Ordinance with Legal Council concerning this incidence. The fact that Town issued permit did not give homeowner's right to not comply with the Ordinance.

Stephanie Bryant of 2944 Lake Shore Drive recommended for the Building Commission when issuing permits where sand is removed, that the sand being removed be put at stop 24 beach.

Dan Coffey of Michiana Shores commented on no longer using 106.6'.

9. Closing Matters – next regular APC meeting 8/20/18 at 7 p.m. at the Town Hall

10. Adjournment

Motion to adjourn by Nick Meyer, seconded by Doug Wickstrom. The meeting unanimously adjourned at 8:47 p.m.

Minutes Approved by:

APC Chairman Robert Lemay

RLM

Minutes Approved by:

APC Secretary Margaret Collins

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Town of Long Beach APC Agenda 7/26/18

- 1. Call to order**
- 2. Roll call**
- 3. Consideration of meeting minutes 6/28/18 and 7/16/18**
- 4. Old business** A. Structure Projection into Yards set for public hearing at next reg APC meeting. B. View Protection Ordinance set for public hearing at next reg APC meeting.
- 5. Public hearing** A. Deletion of Chapters 96 and 154 references to trash continued from last meeting. Town Council has still not passed the Toter Ordinance. B. Beach Protection Overlay District
- 6. New business - none**
- 7. Public comment**
- 8. Closing matters - next reg APC meeting to be at 7 PM on 8/20/18.**
- 9. Adjournment**