Town of Clear Lake - Plan Commission
Meeting Minutes – August 1, 2011

Plan Commission President Chris Folland called the meeting to order at 7:00 PM. President Folland introduced the members of the Plan Commission

Chris Folland
Bill Geiger
Bob Lewis
Mike Long
George Schenkel
K. Sue Williams

It was determined that a quorum was present

The Plan Commission Attorney, Neal Blythe, and Zoning Administrator, Amy Schweitzer, were also present. Fourteen (14) members of the public were in the audience including Town Superintendent, Bob Hull and Town Marshall, John Gonya.

President Folland stated the first order of business was case #2011-01, a Minor Subdivision of Land, Island View Lake Accessory Subdivision, filed by Joe and Melanie Moore. Folland entertained a motion to suspend the regular Plan Commission meeting and open the public hearing portion of the meeting. Mr. Schenkel made a motion to suspend the regular meeting and open the public hearing for comments. Mr. Geiger seconded the motion. Motion carried with all voting in favor.

President Folland announced that the public hearing for the minor subdivision of land request was opened, and asked Mr. Joe Moore, the developer, to explain the proposed subdivision. Mr. Moore stated that he was dividing off a single fifty (50) foot by one hundred (100) foot lot for the purpose of building a garage.

President Folland asked Staff Amy Schweitzer to review the public comments. Schweitzer referred to the Staff Report and stated:

- Mr. Robert Moore contacted the Town with general questions about subdividing land.
- Mr. Richard Smith contacted the Town about notifying the other owners of his trust as interested parties.
- Mr. Kaiser contacted the Town with general questions about the proposed future use of the new lot. The term "Lake Accessory" leads people to the idea that there will be "access" to the lake. This misconception was cleared up.
- Mr. Thompson contacted the Town and expressed concerns about losing his view of the lake, and how that loss of view might impact his resale value.

Schweitzer also read aloud letters in support of the subdivision from Sally A. Echrich of 948 Lake Drive and Craig and Joan Fankhauser of 5865 Fountain Beach Road/923 Lake Drive.

President Folland opened the floor for comments from the audience. Mr. Richard Smith, 7955 State Road 120, Fremont, introduced himself and stated that he had no other interest in this except that the water from his farm goes through the Moore property. Smith wanted to submit the established ditch law for the record to the Plan Commission. Mr. Smith stated that there was no stated objection to the subdivision,

but he wanted to make sure water from his farm was able to flow to the lake uninhibited. Plan Commissioner Bob Lewis stated that the Conservancy was doing a lot of work on this type of thing. Mr. Smith submitted a written letter, and Mrs. Schweitzer read it aloud to the Plan Commission. The letter expressed the same concerns Mr. Smith had expressed verbally.

Mr. Jerry McArdle, 318 Lake Drive, asked how close the newly proposed lot was going to be to the drain that Mr. Smith was referencing. Mr. Moore stated approximately 300 feet. The water flows through a culvert from Lake Drive to the lake, but it is an open ditch on Mr. Moore's property. McArdle asked about the width of the right-of-way for Lake Drive in the area of the proposed subdivision of land. It was determined that twenty (20) feet of right-of-way existed in this area. McArdle suggested this was the opportunity for the Plan Commission to get more right-of-way in that location.

The Commission asked Bob Hull, the Town Superintendent, if additional right-of-way in this area would be helpful. Mr. Hull stated that he would love to have forty (40) feet of right-of-way all the way around the lake. However, in this particular area, Hull stated that the additional right-of-way along only one lot, with little chance to obtain more from other lots in the area, would not be worth it.

~~Plan Commissioner~~ Bonnie Brown asked if the proposed lot met the minimum requirements for a subdivision. Folland stated yes.

Folland asked if there were any other comments from the audience. Being none, Folland entertained a motion to close the public hearing portion of the meeting. Mr. Lewis made a motion to close the public hearing portion of the meeting and reconvene the regular Plan Commission meeting. Mrs. Williams seconded the motion. Motion carried with all voting in favor.

Folland resumed the regular Plan Commission meeting. Plan Commissioner Bill Geiger responded to the right-of-way discussion saying that it was sixty (60) years too late, and that it was unrealistic to expect one property owner to give up twenty (20) feet of right-of-way. Mr. Schenkel agreed saying short of eminent domain, this is never going to happen. Discussion ensued.

Plan Commissioner Mike Long asked about requesting a ten (10) foot wide easement for a future walking trail or sidewalk outside of the right-of-way. This would not impact the thirty (30) foot front yard setback nor restrict the use of the property. Mr. Bob Hill, 934 Lake Drive, introduced himself saying that he was purchasing the lot and building the garage. He plans to set the garage back as far as possible without eliminating the trees.

President Folland suggested that if more of these lots are created in the future, the area that is not buildable because of the drainage easement could be given to the Clear Lake Township Land Conservancy.

Discussion ensued about a ten (10) foot easement along the Lake Drive frontage. Town Attorney Neal Blythe stated that such an easement should be included on the plat and should have specific parameters attached to it. Mr. Blythe suggested that if the Town obtained funding in the future for a walking path or sidewalk, specific easement parameters (use/size) could be defined, surveyed, and signatures/permission could be obtained all property owners involved, rather than one at a time. Mr. Moore stated that he would need to consult with his attorney before agreeing to the easement.

President Folland asked if there were other questions from the Plan Commission about the proposed Minor Subdivision of Land. Hearing none, Folland proceeded with the findings of fact for the Island View Lake Accessory Subdivision.

- Finding #1: The subdivision of land is consistent with the *Town of Clear Lake Comprehensive Plan*. All voted in favor of the finding.
- Finding #2: The subdivision of land satisfies the standards of *Article 06: Subdivision Types*. All voted in favor of the finding.
- Finding #3: The subdivision of land satisfies the standards of *Article 07: Design Standards*. All voted in favor of the finding.
- Finding #4: The subdivision of land satisfies all other applicable provisions of this Unified Development Ordinance. All voted in favor of the finding.

Based on finding all of the findings of fact in the affirmative, President Folland suggested case #2011-01 a Minor Subdivision of Land, Island View Lake Accessory Subdivision be approved without conditions. All voted in favor of approval.

In old business, President Folland gave an update of the Plan Commission Executive Committee. The Committee has been meeting to discuss the 2011 round of changes to the Unified Development Ordinance. The public hearing was originally scheduled for this meeting, but there was a problem with publication of the notice in the paper. Folland announced the public hearing was going to be next Monday, August 8, 2011, at 5:00 PM in the Clear Lake Town Hall. This meeting would be before the regularly scheduled Town Council meeting. Folland explained that a "focus group" to discuss deck issues had recommended some changes to how deck setbacks (primarily on the lake side) are determined, and the Executive Committee had met with Brad Johnson of Ground Rules, Inc. to discuss other changes. Folland stated that it looked like a lot of things had been changed because there are about 120 changed pages, but much of the underlying law has stayed the same. The focus, really, has been to continue to improve and provide clarity to the Unified Development Ordinance.

In new business, President Folland asked if there were any corrections to the meeting minutes from May 2, 2011 and June 20, 2011. Mr. Schenkel made a motion to approve the minutes of the May 2, 2011 Plan Commission meeting as presented. Mr. Long seconded the motion. Motion carried with all in favor. Mr. Lewis made a motion to approve the minutes of the June 20, 2011 Special Meeting as presented. Mrs. Williams seconded the motion. Motion carried with five (5) votes in favor, and Mr. Schenkel abstaining from the vote.

President Folland stated that two (2) Administrative Subdivisions had been completed: Spangler at 222 Lake Drive and Wilhelm at 206 Lake Drive.

Moving on, Folland told the Plan Commission that an adjunct committee created by the Town Council was in attendance to give an overview to upcoming proposed street name changes. Plan Commissioner Bob Lewis stated that a State mandate requires the Town's street names to meet certain criteria by 2013. The purpose is to eliminate confusion with street names and addressing to ensure the best response times for emergency responders. Lewis said representatives from the Town and emergency service personnel have spent considerable time in developing the proposed new street name scheme. Lewis went through the proposed street name changes in detail.

Town Marshall John Gonya and Steuben County Communications 911Director Cindy Snyder answered questions about the GIS and address numbers. John Wilhelm, 206 Lake Drive, asked that the simplest approach be taken and no more changes that absolutely necessary be made. Plan Commissioner Mike Long asked about letters to those affected and contact~~ing~~ utilities about address changes.
and ensuring those folks know to

President Folland asked if there was any other discussion on the proposed street name changes. Hearing none, he entertained a motion. Mr. Geiger made a motion to applaud the work of the committee and

support the direction they are heading. Mrs. Williams seconded the motion. Motion carried with all voting in favor.

President Folland told the Commission that the "Legal Notice Fee Schedule" needed some revision. Folland used the Moore Subdivision of Land as an example, stating that the cost to provide notice to interested parties and publication in the newspaper was greater than the $100 fee. Folland asked the Plan Commission for support in requesting the Town Council look into this process. The Commission gave a favorable nod.

President Folland introduced a series of forms: Improvement Location Permit; Temporary Improvement Location Permit; Rezoning; and Subdivision of Land. Folland stated that the original forms had been created by Mr. Geiger and the goal was to improve upon those forms. Staff Amy Schweitzer stated her main goal with the new ILP was to have the "approval signature" on the same page as the applicant/project information. Currently, the signature is separated from that information. Mr. Geiger asked about identifying the phone numbers at the top of the forms. Mr. Lewis made a motion to approve the new forms with the phone number identifiers being added. Mr. Long seconded the motion. Motion carried with the amendment of identifying the phone numbers.

President Folland asked the Plan Commission to consider accelerating the process of adopting the proposed amendments to the Unified Development Ordinance. He suggested a special meeting on September 19, 2011 at 7:00 PM. The regularly-scheduled November meeting could be cancelled if no business items were filed. The Town Council could then hear the amendment at its October 10, 2011 meeting, and the changes could become effective upon approval by the Town Council. There were no conflicts to the proposed September 19, 2011 meeting date mentioned.

There being no other business, Plan Commission President Folland entertained a motion to adjourn. Mr. Geiger made a motion to adjourn; Mr. Lewis seconded the motion. Motion carried; meeting adjourned at 8:15 PM.

Amy Schweitzer

Amy Schweitzer, Secretary

Plan Commission Meeting
August 1, 2011
Sign-In Sheet

Name	Address
Bob Lewis	362
Cindy Snyder	205 S Martha St Ste 102 Angola
John Gonya	Town Hall
Leo Helmuth	182 Lake Dr.
Richard Smith	7955 St Rd 120 Fremont
[illegible]	7610 E. St. Rd 120
Robert Moore	7382 E. S.R. 120
Bob Hull	3644N 300E Fremont
Nancy & John Wilhelm	206 Lake Dr
Eric [illegible]	Fremont Fire
Bob Hill	934 Lake Drive
Ron Goecker	1024 Lake Dr.
Mark Mendoza	204 Lake Dr
Bonnie Brown	40 RC
Jerry McAlpine	318 Lake Dr