

Town of Clear Lake - Plan Commission Meeting Minutes – May 4, 2015

Plan Commission President Mike Long called the meeting to order at 7:00 PM. The following members of the Plan Commission were present.

Bonnie Brown
Emma Brown
Roger Dammeier
Chris Folland
Alan Korte
Mike Long
Don Luepke

Zoning Administrator Amy Schweitzer was present for the meeting. President Long announced that a quorum was present. There were two audience members present: Bob Lewis and Matthew Miller.

President Long entertained discussion on the minutes of the February 2, 2015 meeting. Hearing no discussion, Mr. Luepke made a motion to approve the minutes of the February 2, 2015 meeting as presented. Mr. Dammeier seconded the motion. Motion carried with six votes in favor, zero against, and Ms. Bonnie Brown abstaining due to her absence at the February meeting.

President Long announced the Plan Commission Executive Committee had met once since the February Plan Commission meeting to discuss some potential amendments to the UDO for 2015. Long asked Staff Amy Schweitzer to review the list with the Plan Commission.

1. Amend the Demolition Permit Ordinance to require an Administrative Subdivision when the house being torn down straddles two lots. There has been discussion about an Administrative Subdivision being a prerequisite for a Demolition Permit, but there seemed to be many unintentional consequences when this was first discussed. In response to a question from Mrs. Emma Brown, Mr. Folland stated the Demolition Permit Ordinance is in the Town's Code of Ordinances, not the UDO. Folland stated part of the discussion involved moving the Demolition Permit Ordinance to the UDO. Ms. Bonnie Brown suggested the timing was all wrong, because folks already know what they are going to do with the land by the time they get to demolition. There was discussion, but no consensus on how best to deal with the situation without unintentional consequences.
2. Definition of "Half Story" needs amended so that it reads "no *more* than one foot." Ms. Bonnie Brown asked about a maximum height for a half story. Schweitzer stated that there is a maximum overall height, but not a maximum height for a half story.
3. Definition of "Abandoned Use" came up during the 2014 Public Hearing comments. Schweitzer reported that she has asked both Ground Rules and Mike Hawk about the current definition in the UDO, but hasn't heard back or followed up. Schweitzer stated she was pretty comfortable with the current definition of Abandonment. Ms. Bonnie Brown stated the current definition only allowed for 12-months, and that didn't seem like a lot of time. Schweitzer explained to the Plan Commission the difference between "vacancy" and "abandonment." Several examples were discussed.
4. Define "Redevelopment" as it is referenced in the UDO. Schweitzer stated this also grew out of the 2014 Public Hearings. Mr. Folland stated Ground Rules should be asked about this, stating many other "Standards" of Article 5 do not have a definition. Mr. Dammeier stated the "Applicability" part of the Redevelopment Standards really defines redevelopment; it is just not included in the "Definitions" section. Schweitzer stated she did not believe "redevelopment" is used anywhere else

in the UDO, but would want Ground Rules to conduct a search to be certain. Ms. Bonnie Brown stated members of the public would look in the definitions for a definition of “Redevelopment.” Mr. Folland stated maybe the definition should be added as an “Intent” for the Redevelopment Standards. Some Board members agreed that the definition is already in the text, but it should also be included in the Definitions Section of the UDO.

5. Driveway Surfacing – President Long told the Commission that the Executive Committee cannot come to an agreement on the driveway-surface issue, and he would like the entire Board to weigh in. Mr. Luepke asked about the current regulations. Mr. Dammeier stated that any new driveway needed to be hard-surfaced; existing driveways can be maintained with their current surface materials. Schweitzer added that any expansion to an existing driveway would have to be hard-surfaced and that Agricultural Districts (AG) and Rural Estate Districts (RE) are permitted to have stone driveways.

Luepke stated his understanding for the driveway surface change that came in 2014 was because stone was getting on the streets and was a safety concern for bicycles. Mr. Folland explained that limestone had not been a permitted surface for driveways, and that had caused confusion. After research, it was determined that the limestone did not have any environmental impact on the lake. Mr. Korte stated that stone is not harmful to the street surface. Korte suggested a two-foot buffer (driveway apron) that is concrete or asphalt that catches the stone from a stone driveway.

Mrs. Emma Brown stated that she had talked to Bob Hull last week, and Mr. Hull stated that the stone does not hurt the streets. Hull told Mrs. Emma Brown that snow removal is what damages the streets. Mrs. Emma Brown stated that several years ago the Town did not want concrete driveways because of the drainage. Mrs. Brown stated that people should have the choice to put stone in if they wish. In her discussion with Bob Hull, Hull suggested a two to three-foot apron or from the property line out to the street that would be hard-surface.

Ms. Bonnie Brown stated the Plan Commission was informed that stone was causing damage to the Town’s leaf vac. Ms. Bonnie Brown stated property owners should be allowed to use whatever surface they wish. She called the 2014 decision to prohibit stone a hasty decision made on bad information; and that decision should be corrected. Mrs. Emma Brown agreed.

Mr. Folland asked if those in favor of stone were talking about reverting it back to the way it was prior to 2014, which prohibited limestone; or were they talking about permitting limestone, as well as other types of stone. Ms. Bonnie Brown stated she was in favor of allowing limestone as well. Mr. Dammeier commented that crushed limestone would become a hard surface. Mr. Korte, Ms. Bonnie Brown, and Mrs. Emma Brown agreed it should be the owner’s choice as to what surface material to use.

Mr. Luepke stated his concern was runoff into the lake and the pollutants that runoff carries into the lake. Luepke stated the Town has to do due diligence in managing the runoff created by all the impervious surface.

President Long suggested the two to three-foot driveway apron made of concrete or asphalt was the best solution. Folland asked about parking pads. The Plan Commission agreed that a two to three-foot concrete or asphalt transition should be installed for parking pads right off the street.

Staff Schweitzer summarized stating the Board was leaning towards allowing stone and limestone with a two to three-foot concrete or asphalt apron. Mr. Korte suggested two-feet. Mrs. Emma Brown made a motion to move forward with allowing both stone and limestone driveway and parking surfaces and requiring a two-foot concrete or asphalt apron. Ms. Bonnie Brown seconded. Motion carried with a majority voting in favor.

6. Single-family Residential (SR) District – Schweitzer stated a couple of issues with the Single-family Residential District (SR) have recently come up. The first is a patio is required to be 30-feet off the rear property line. Mr. Folland stated it might be more fitting to have one setback for primary structures and a different setback for accessory structures similar to the Rural Estate (RE) District. Schweitzer stated there are many SR properties that are not generously-sized lots and meeting the 10-foot side yard setbacks can be challenging. Schweitzer stated she was leaning towards using a percentage – like is done in Lake Residential (LR) for side yard setbacks. Folland stated something needs changed, but there needs to be some research completed first.
7. Mechanical Equipment – Schweitzer told the Board that side yard encroachment is a real issue for existing homes. Schweitzer suggested that the Mechanical Equipment Standards only apply to new construction or homes built after the Mechanical Equipment Standards were put in place in 2013. Schweitzer states that the law allows Mechanical Equipment to be put on the street side if it is screened, but in many cases it would be very awkward on the street side. The issue of noise from mechanical equipment was brought up. Mr. Folland stated that it was a goal of Bill Geiger, a former Plan Commissioner, to get everything out of the five-foot side yard setback. Discussion ensued.
8. Vision Clearance Triangle – Ms. Bonnie Brown brought up this issue after the last Board of Zoning Appeals meeting in dealing with a variance for Mr. McMaster’s garage on the corner of Clear Lake Cove and South Clear Lake Drive. Schweitzer stated the standards were difficult to apply because the corner was not a 90-degree angle, and Ms. Bonnie Brown expressed concern that the 15-foot triangle leg length was not great enough. Ms. Bonnie Brown stated the Vision Clearance Standards were inadequate, and there are many corners in Clear Lake. Brown suggested adding more meat to the Vision Clearance Standards. Schweitzer stated she briefly counted between 45 and 50 corner lots exist in Clear Lake. Folland suggested many of the existing corner lots will not be able to meet the 30-foot frontage on both street sides. Folland suggested this is “a solution looking for a problem.”

Other items, not on the UDO Amendment List that were brought up include:

- Ms. Bonnie Brown asked about the definition of corner lots clearly indicating the front yard setback applies to each street side of a corner lot. Schweitzer referenced the definition for “Yards.” Ms. Bonnie Brown proposed the depiction of corner lots be clearer with regard to street/front setbacks. Schweitzer referenced the definition of “Lot, Corner” in the UDO. Schweitzer suggested language be added that states each yard abutting the street shall have a front yard setback and the other yards shall be side yards. Schweitzer will add “corner lot” definition to the UDO Amendment list.
- Mrs. Emma Brown asked about the height of fences in the lake yard. Schweitzer stated that fences are not permitted in the lake yard unless they are “Privacy Partitions.” Schweitzer read aloud from Section 5.23 B.2. It was determined that 5.23 B.2. needs to say lake yard envelope and lake yard. Also, 5.26 C.3. should also say lake yard envelope and lake yard.
- Ms. Bonnie Brown asked about a hedge that stands 8-feet tall in the lake yard. Schweitzer stated it is considered a fence, and would not be permitted today.
- Schweitzer told the Board about concerns expressed about a TV on a neighboring lake side covered patio. The Board expressed little interest in regulating TV’s.
- Schweitzer added that Mr. Miller, who was in attendance at the meeting but had to leave, is very upset about having to legally combine his lots using an Administrative Subdivision. He has asked if he is unable to build on his lots independently, then why does the Town require him to legally combine them. The Board agreed the Administrative Subdivision is an “insurance policy” for the Town to insure the lots won’t be built upon or sold independently.

Lastly on the UDO list are better ways to communicate, try to change perceptions of the Plan Commission, list page numbers of changed pages, create an email directory, and give a heads up on the Bulletin Board website. The Board is not in favor of “Skyping” the meetings. President Long reported that Bulletin Board website will not be used for posting, because that is what the Town’s website is used for.

Staff Schweitzer asked the Plan Commission for timing of these amendments. There was disagreement with some wishing to move forward with research and amendment next year. Others wished to move forward immediately, specifically with the driveway-surface change. Schweitzer suggested that the timeframe be consistent with timeframe that is always used – a Public Hearing in August – whether that was in 2015 or 2016. Although not unanimous, the Plan Commission decided to move forward to have the driveway-surface amendment prepared and ready for a Public Hearing by August 2015. Folland suggested a special meeting of the Plan Commission might be necessary. It was determined that the Special Meeting date should be June 29 or July 6.

President Long asked for the Zoning Administrator’s Report. Staff Schweitzer gave the following update to the Plan Commission.

- Ten Improvement Location Permits have been issued in 2015, with the largest projects being the garages at 356 East CLD (Greive); 254 West CLD (Schmidt); and 100 Clear Lake Cove (McMaster).
- Franz Subdivision of Land from 2008 was officially recorded dividing the old McNaughton Property at 420 Point Park Drive into two lots;
- An Administrative Subdivision for Franz adjusting the lot lines of the Franz Subdivision (420 Point Park Drive) has been completed;
- Administrative Subdivision for Matthew Miller at 214 West CLD is complete and should be recorded on May 5, 2015;
- An attorney for the folks desiring to subdivide the Quiet Harbor Common Area has been in touch with Mike Hawk, the Plan Commission’s attorney.
- There has been no contact with Hewes/Schultz Family regarding the subdivision of land in the 750’s of South Clear Lake Drive. A Plan Commission member reported that one sibling was refusing to sign off on the project.
- She has had difficulty with the Steuben County Auditor’s Office accepting the Franz Subdivision of Land and Administrative Subdivisions so these documents can be recorded. It appears as though the Auditor’s Office is requiring Steuben County Plan Commission standards to be met for projects within the Town’s Limits.

President Long asked for any other business. Hearing none, Mr. Luepke made a motion to adjourn; Mr. Folland seconded the motion. Motion carried with all in favor; meeting adjourned at 8:54 PM.

Amy Schweitzer, Secretary