

BEVERLY SHORES PLAN COMMISSION
MEETING MINUTES

January 9, 2017

The meeting of the Beverly Shores Plan Commission was called to order at 6:30 P.M., at the Beverly Shores Administration Building. Roll call was taken, Present: Ray Szarmach, Gabrielle Biciunas, Brian Quealy, Richard Saul, John Daraska and Craig Nordstrom. Brian O'Neil was absent.

The members reviewed the minutes of the Plan Commission meeting of December 5, 2016. Richard Saul made the motion to approve, seconded by Brian Quealy, all approved.

I. OLD BUSINESS.

A. "Green Space" Ordinance.

The Plan Commission discussed positive and negative aspects of the current Green Space Ordinance regarding land donated to the Town of Beverly Shores. These include:

1. Loss of tax revenue on "Green Space" parcels;
2. Many "Green Space" parcels are going to remain green, whether donated or not, due to the fact that many are not buildable parcels;
3. Town liability and maintenance of the parcels;
4. Need to update establish criteria to accept the parcels.
The need to hold title to all "Green Space" parcels in the name of the Town of Beverly Shores, without restrictions.

It was the consensus that the Plan Commission would like to have a definite plan of action from the Town Council on this subject.

B. Storm Water Management Fee Ordinance.

Gabrielle Biciunas presented the following information from Kathy Luther, Director of Environmental Programs at NIRPC:

1. Currently the Town of Beverly Shores is not a permitted NPDES Space MS4;
2. The Town was included on the U.S. EPA list of new municipalities in the mapped urbanized area based on the 2010 Census to be Considered for a MS4 permit;
3. The State of Indiana will determine if Beverly Shores will be permitted or not;
4. IDEM is still considering issuing permits to new MS4 municipalities based on EPA recommendations. This may not happen soon;
5. Serves no purpose for the Town to submit a request for an exemption now since they have not been permitted yet. It will be best to start accumulating data on storm water run-off to

Lake Michigan and whether or not it has significant impact on Lake Michigan;

6. When there is potential for storm water run-off to waters of the U.S. or State (Lake Michigan) population is not considered.

Gabrielle Biciunas suggested the Town obtain storm water permit data to make a case for the MS4 permit, if necessary, to establish a fee.

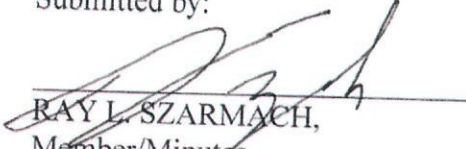
Ray Szarmach presented a rough draft Storm Water User Fee Ordinance, drafted by Attorney Margaret Wiliford, a Town resident which was worked on in 2012 and 2015. The Ordinance was not adopted. Ray Szarmach will work with Margaret to obtain more information for the February meeting.

Two residents in the audience spoke to the proposition that the fee should not be more than necessary to cover the cost related to storm water damage. The Plan Commission agreed and will obtain information regarding this cost in 2015 and 2014, if possible. This will determine what fee will be used to cover the cost.

II. ADJOURNMENT.

John Daraska made a motion to adjourn, Richard Saul seconded; all approved. The next meeting will be held on February 6, 2017, 6:30 P.M. at Beverly Shores Administration Building.

Submitted by:


RAY L. SZARMACH,
Member/Minutes

BEVERLY SHORES PLAN COMMISSION
MEETING MINUTES

February 6, 2017

The meeting of the Beverly Shores Plan Commission was called to order at 6:30 P.M., at the Beverly Shores Administration Building. Roll call was taken, Present: Ray Szarmach, Gabrielle Biciunas, Brian O'Neil, Brian Quealy, John Daraska and Craig Nordstron. Richard Saul was absent.

The members reviewed the minutes of the Plan Commission meeting of January 9, 2017 were reviewed, accepted and unanimously approved.

I. OLD BUSINESS.

A. "Green Space" Ordinance/Discussion/Town Council Plan.

The Plan Commission further discussed issues regarding the Green Space Ordinance/land donated to the Town of Beverly Shores. The issues included:

1. Loss of tax revenue on "Green Space" parcels;
2. Many "Green Space" parcels are going to remain green, whether donated or not, due to the fact that many are not buildable parcels;
3. Town liability and maintenance of the parcels;
4. Need to update establish criteria to accept the parcels. The need to hold title to all "Green Space" parcels in the name of the Town of Beverly Shores, without restrictions.

Attorney Margaret Williford who was actively involved with the "Green Space" issues would be at the March meeting to make a presentation. No further action was taken with regard to this topic.

B. Storm Water Management Fee Ordinance/Discussion/Additional Information.

The Plan Commission discussed the possibility of adopting a Storm Water Management Fee Ordinance. Gabrielle Biciunas reviewed the information presented at the January meeting. The Plan Commission will ask Margaret Williford to make the presentation on a Storm Water Management Fee at the March meeting.

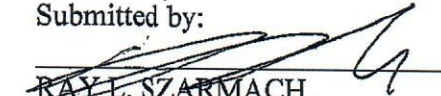
II. NEW BUSINESS.

Greg Veselica, a resident, informed the Plan Commission that he would be making a presentation at the April meeting regarding a Petition for the Plan Commission to Verify the Delineation of Wet land within 25 feet of Construction for 26 East Bellevue pursuant to Section 155.223(A)(1) of the Town's Building Code.

III. ADJOURNMENT.

John Daraska made a motion to adjourn, which was seconded and approved unanimously. The next meeting will be held on March 6, 2017, 6:30 P.M. at Beverly Shores Administration Building.

Submitted by:


~~RAY L. SZARMACH,~~
Member/Minutes

BEVERLY SHORES PLAN COMMISSION
MEETING MINUTES

March 6, 2017

The meeting of the Beverly Shores Plan Commission was called to order at 6:30 P.M., at the Beverly Shores Administration Building. Roll call was taken, Present: Ray Szarmach, Gabrielle Biciunas, Brian O'Neil, Brian Quealy, John Daraska and Craig Nordstron. Richard Saul was absent.

The minutes of the Plan Commission meeting of February 6, 2017 were reviewed, accepted and unanimously approved.

I. OLD BUSINESS.

A. "Green Space" Ordinance.

Margaret Wiliford gave a presentation explaining the current Town Code as it relates to the creation (Section 155.300(A)) and duties (See Section 155.033 and Section 34.01) of the Beverly Shores Green Space Committee. Section 155.033(B)(3) provides that the Committee "submit recommendations, based upon criteria that the Committee shall recommend to the Plan Commission for approval, to the Town Council for acceptance of donated land parcels". (Exhibit "A", 2 p.)

With regard to recommendation to the Town Council, it was the consensus of the Plan Commission that the members review the new information presented as it applies to the concerned listed and discussed at the January 9, 2017 meeting as follows:

1. Loss of revenue on "Green Space" parcels;
2. Many "Green Space" parcels are going to remain green, whether donated or not, due to the fact that many are not buildable parcels;
3. Town liability and maintenance of the parcels;
4. Need to update and establish criteria for the Town to accept the parcels. Need to hold title to all "Green Space" parcels in the name of the Town of Beverly Shores, without restrictions.

The issues will be discussed at a future meeting. Any recommendations, if any, will be presented to the Town Council.

B. Storm Water Management Fee Ordinance/Discussion/Additional Information.

Additional information regarding a Storm Water Management Fee Ordinance for Beverly Shores was discussed. Pursuant to I.C. 8-1.5-5-7 the fees would be used to operate and maintain an

existing system. Beverly Shores does not have an existing Storm Water system. The consensus was in order to pursue this item further, it would be necessary to obtain an engineer's report covering what type of storm water system is feasible, and at what cost.

II. NEW BUSINESS.

- A. Petition for Greg Veselica /Plan Commission to verify the delineation of the wetland within 25 feet of construction for 425 E. Bellevue.

Greg Veselica had informed the Plan Commission at the last meeting that he would not be available at the March 6, 2017 meeting to make his presentation. Accordingly, Greg Nordstrom made a motion to table this item, seconded by Brian O'Neil. Motion was unanimously approved.

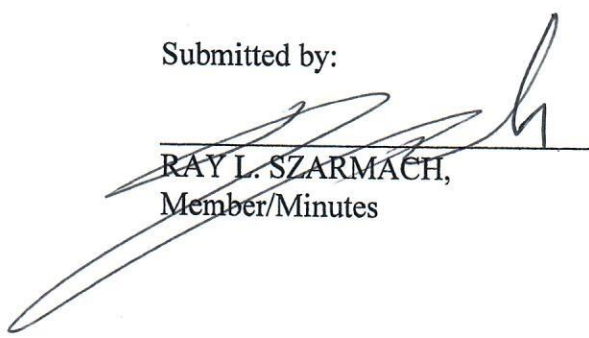
- B. Beverly Shores Park Department/Ordinance Amendment-
Presentation by Park Board President Rafi Wilkinson

Park Board President Rafi Wilkinson presented several amendments to the Beach Ordinance 91-08. He requested the Plan Commission to review the suggested amendments, however, he did not ask the Plan Commission at this time to make suggested amendments to the Beach Ordinance.

III. ADJOURNMENT.

John Daraska made a Motion to Adjourn, seconded by Gabrielle Biciunas. The Motion to Adjourn was approved unanimously.

Submitted by:



RAY L. SZARMACH,
Member/Minutes

155.033 GREEN SPACE COMMITTEE.

(A) *Creation.*

(1) The Town Council shall appoint a Green Space Committee to encourage and assist owners of undeveloped property in Beverly Shores to donate property to the town to protect natural and open areas and add to public lands (green space) in Beverly Shores.

(2) The Town Council shall initially appoint 5 residents, no more than 1 of whom may be serving on the Town Council, to serve on the committee for 1-, 2- or 3-year terms, and after the first 3 years the appointments will be for 3-year terms.

(B) *Duties.* The committee members shall be responsible for:

(1) Advising potential donors to investigate federal and state tax law procedures for obtaining tax deductions for their land donations;

(2) (a) The Committee shall discuss with all potential land donors the benefits of allowing their donated land to be used as public parks in Beverly Shores, but shall not make park use a criterion for acceptance.

(b) If a potential donor requests that his or her land be designated as permanently protected green space rather than as public park land, and if the Committee agrees that the land should be accepted with that designation, the Committee shall make its recommendation to the Town Council that the land be accepted as permanently protected green space. As a part of its recommendation, the Committee shall advise the Town Council about land stewardship needs for the donated land.

(3) Regularly submitting recommendations, based on criteria that the Committee shall recommend to the Plan Commission for approval, to the Town Council for acceptance of donated land parcels;

(4) After Town Council approval, registering the land titles of donated property with the Porter County Recorder of Deeds;

(5) Ensuring the town's title to the property is valid and recorded with the Clerk-Treasurer; and

(6) Annually at the time of member appointment, the Town Council shall review the Committee's activities to assure that the Committee is properly conducting the business of the town in effectively acquiring and stewarding non-parklands owned by the town.

(Ord. 208, passed 12-19-1983; Am. Ord. 10-04, passed 6-21-2010)

34.01 GREEN SPACE COMMITTEE.

(A) The Town Council shall appoint a Green Space Committee to encourage and assist owners of undeveloped property in Beverly Shores to donate property to the Town of Beverly Shores, Indiana, to protect natural and open areas and add to public lands (Green Space) in Beverly Shores. The Town Council shall initially appoint 5 residents, no more than 1 of whom may be serving on the Town Council, to serve on the committee for 1-, 2- or 3-year terms, and, after the first 3 years, the appointments will be for 3-year terms.

(B) The Committee members shall be responsible for:

(1) Advising potential donors of federal and state tax law procedures for obtaining tax deductions for their land donations;

EX "A" P-1

(2) (a) The Committee shall discuss with all potential land donors the benefits of allowing their donated land to be used as public parks in Beverly Shores, but shall not make park use a criterion for acceptance.

(b) If a potential donor requests that his or her land be designated as permanently protected green space rather than as public park land, and if the Committee agrees that the land should be accepted with that designation, the Committee shall make its recommendation to the Town Council that the land be accepted as permanently protected green space. As a part of its recommendation, the Committee shall advise the Town Council about land stewardship needs for the donated land.

(3) Regularly submitting recommendations, based on criteria that the Committee shall recommend to the Plan Commission for approval, to the Town Council for acceptance of donated land parcels;

(4) After Town Council approval, registering the land titles of donated property with the Porter County Recorder of Deeds;

(5) Ensuring that the town's title to the property is valid and recorded with the Clerk-Treasurer; and

(6) Annually at the time of member appointment, the Town Council shall review the Committee's activities to assure that the Committee is properly conducting the business of the town in effectively acquiring and stewarding non-parklands owned by the Town of Beverly Shores, Indiana.

(Ord. 03-06, passed 10-20-2003; Am. Ord. 10-04, passed 6-21-2010)

EX "A", p 2

BEVERLY SHORES PLAN COMMISSION
MEETING MINUTES

April 3, 2017

The meeting of the Beverly Shores Plan Commission was called to order at 6:30 P.M., at the Beverly Shores Administration Building. Roll call was taken, Present: Ray Szarmach, Craig Nordstrom, Brian O'Neil, John Daraska and Richard Saul. Brian Quealy and Gabrielle Biciunas, were absent.

The minutes of the Plan Commission meeting of March 6, 2017 were not completed, and deferred to the next monthly meeting. A motion to defer was made and approved unanimously.

I. OLD BUSINESS.

A. "Green Space" Ordinance.

The Plan Commission will review the Beverly Shores Code Section 155.033 and Section 34.01, and related information including the Green Space Committee's criteria for accepting land donations to the Town of Beverly Shores, presented to the Plan Commission by Margaret Wiliford at the March 6, 2017 meeting. The Plan Commission will review the criteria and additional information provided for discussion and suggestions at the next meeting. The Plan Commission will then forward suggested additions, changes, etc., to the Town Council for consideration.

B. Petition by Greg Veselica for Plan Commission to Verify the Delineation of the Wetland Within 25 Feet of Construction for 426 E. Bellevue (Sec. 155.223(A)(1) of Zoning Ordinance)

Presentation was made by Petitioner Greg Veselica requesting verification of the delineation of wetland within 25 feet of construction for 426 E. Bellevue, pursuant to the Beverly Shores Zoning Ordinance, Sec. 155.223(A)(1).

Ray Szarmach filed with the Plan Commission a photograph of the wetland at 426 E. Bellevue where the proposed construction is planned (Exhibit "1"). Mr. Veselica filed with the Plan Commission a section of a survey for lots 17-18 (426 E. Bellevue) Project No. 1735.082.17, sheet 1, drawing 1, which delineated the wetland area (Exhibit "2").

The Plan Commission discussed the proposed delineation, examined the exhibits, and a motion was made to verify the delineation as presented. All approved.

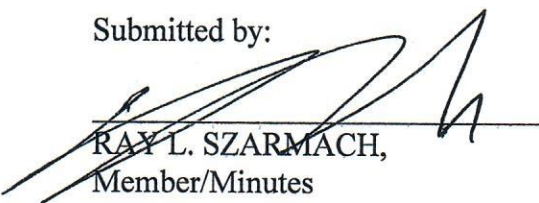
II. NEW BUSINESS.

No New Business.

III. ADJOURNMENT.

Greg Nordstrom made a motion to adjourn, Brian O'Neil seconded; all approved. The next meeting will be held on May 1, 2017, at 6:30 P.M. at Beverly Shores Administration Building.

Submitted by:



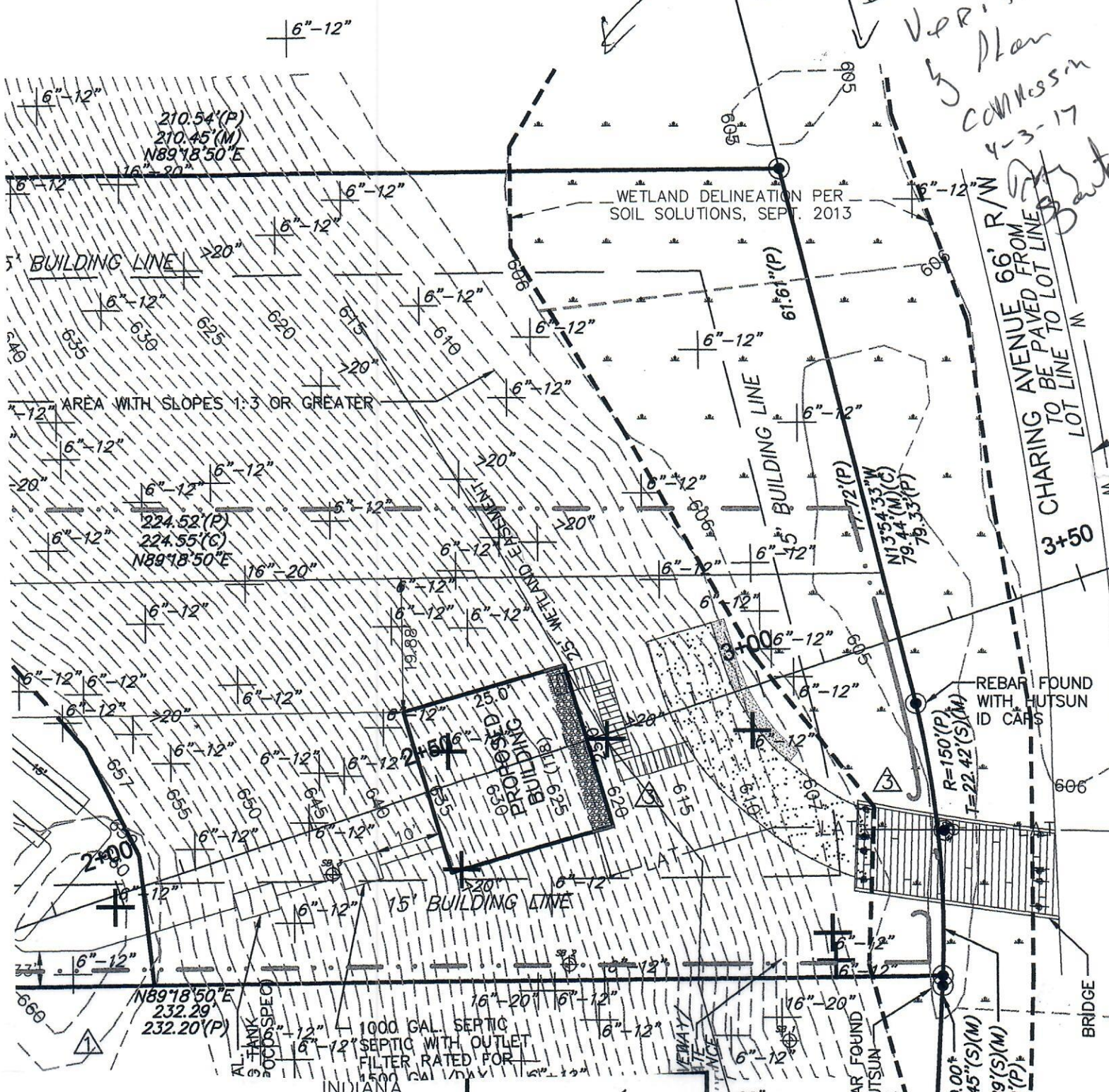
RAY L. SZARMACH,
Member/Minutes



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**LOT 16
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*DE Lineation
Verified
by Plan
Commission
4-3-17*



RY SHORES
SITE/SEPTIC PLAN

SHEET	1
PROJECT NUMBER	1735.082.17
DRAWING NUMBER	1

EXHIBIT # 2

BEVERLY SHORES PLAN COMMISSION
MEETING MINUTES

June 5, 2017

The meeting of the Beverly Shores Plan Commission was called to order at 6:30 P.M., at the Beverly Shores Administration Building. Roll call was taken, Present: Ray Szarmach, Gabrielle Biciunas, Brian O'Neil, Brian Quealy, and Craig Nordstron. John Daraska and Richard Saul were absent.

The minutes of the Plan Commission meeting of March 6, 2017 were not completed, and deferred to the next monthly meeting. The minutes of the Plan Commission meeting of April 3, 2017 were reviewed, accepted and unanimously approved.

I. OLD BUSINESS.

A. "Green Space" Ordinance.

The Plan Commission will review additional information including the Green Space Committees criteria for accepting land donations to the Town of Beverly Shores which was presented to the Plan Commission by Margaret Wiliford at the March 6, 2017 meeting. The Plan Commission will suggest additions and changes, if any, to the Town Council for consideration.

II. NEW BUSINESS.

A. Tree Removal Application and Tree Removal Application Fee.
(Zoning Ordinance 155.064(A)(2)(a))

Section 5 of the New Zoning Ordinance (2016-11) relates to tree removal (Zoning Ordinance 155.064(A)(2)(a)). The current subsection provides that an application is required to remove trees for the Tree Removal Ordinance for improved land only, and no fee is required at the time of filing the application. The Clerk requested a change in the Zoning Ordinance to include both improved and unimproved land, and suggested a fee be charged for the procedure. Hans Lagoni suggested an application fee of Fifty (\$50.00) Dollars. An inspection is needed prior to the trees being removed and again after, to verify what was removed.

The Plan Commission discussed the requested changes. Motion was made and approved to amend Zoning Ordinance 155.064(A)(2)(a) to apply to both improved and unimproved land, and that a Fifty (\$50.00) Dollar application fee be established as follows:

"Section (A)(2)(a) (Zoning Ordinance 155.064(A)(2)(a))
of the current Zoning Ordinance be deleted in its entirety;
and,

(2) that Subsection (A)(2)(a) (Zoning Ordinance 155.064(A)(2)(a)) shall hereafter read as follows:

“Prior written applications to the Town Clerk, including payment of any required fees. The written application shall include, but not be limited to, the number, approximate location, reason for removal and diameter of trees to be removed; and an application for tree removal for improved and unimproved land. An application fee of Fifty (\$50.00) Dollars is due upon filing of the written application for tree removal under this Section.”

The Motion was approved by a vote of 5-Yes and 2-Absent. The amendment shall be forwarded to the Town Council for appropriate action.

B. General Business License Forms and Set Fees.

The Clerk informed the Plan Commission that there is an Ordinance regarding General Business Licenses. However, an application form, a license form, and a fee for the license have not been adopted. The Clerk submitted to the Plan Commission an “Application for General Business License” form (Exhibit “A”), and a “License” form (Exhibit “B”) for approval. The Plan Commission discussed the sample Application and License and Application Fees. The Commission also discussed certain criteria which would require a license.

A Motion was made as follows:

1. To accept and approve the sample Application Form (Exhibit “A”) and the sample License Form (Exhibit “B”) as submitted;
2. To establish a License Fee of Fifty (\$50.00) Dollars for a seasonal license (Seasonal is defined as a business in operation for less than nine months in a calendar year); And establish a fee of One Hundred (\$100.00) Dollars for a business operating for nine to twelve months in a calendar year; and no license would be required for a resident operating a business in their residence under the zoning code;
3. That in the event a business had more than one location in Beverly Shores, only one license would be required;
4. That a resident may have up to three yard-garage sales in one calendar year without a business license. However, in the resident has more than three yard-garage sales in a year, a license must be obtained.

The Motion was approved unanimously and shall be forwarded to the Town Council for appropriate action.

C. Minutes.

A Motion to rotate the responsibility to take minutes at the Plan

Commission meetings was made by Brian O'Neil, seconded by Gabrielle Biciunas, and was approved unanimously.

III. ADJOURNMENT.

A Motion to Adjourn was made and approved unanimously.

Submitted by:


RAY L. SZARMACH,
Member/Minutes

TOWN OF BEVERLY SHORES
Application for General Business License

Permit # _____

Date: _____

Name of Business _____

1. Name(s) of Applicant, Officer(s), Partner, or Business Associate _____
2. Occupation(s) of Applicant, Officer(s), Partner, or Business Associate) _____
3. Type of Business _____
4. Address of Business _____
5. Phone No. home _____ email _____
6. Dates of Requested License: from: _____ to: _____

Attach the following as per Section 110.02 of the Beverly Shores Code of Ordinances

- A. A description of the merchandise to be sold, if for a vendor, and other information concerning the applicant and his/her business as may be reasonable and proper, having regard to the nature of the license desired.
- B. Receipt from Town Clerk for non-refundable Administrative fee.

Also, submit copy of current Porter County Health Permit (if required).

I certify the above information to be correct and true _____
Applicant's Signature / Date

DO NOT WRITE BELOW THIS LINE

Date received by the Town Clerk _____

Approved _____ Disapproved _____

Comments _____

Fee Assessed _____ Date Applicant Notified _____

I certify, to the best of my knowledge and belief, this permit is issued in conformance with all requirements on the Beverly Shores Code of Ordinances.

Clerk-Treasurer/Date

Town Marshall/Date

Approved by Plan Commission _____ 2017

EX "A"

PERMIT
TOWN OF BEVERLY SHORES
OFFICE OF THE CLERK-TREASURER

TO ALL WHOM IT MAY CONCERN:

License issued to _____

For the purpose of _____

Location: Within the Town of Beverly Shores, Indiana limits. _____

Term of License: From: _____ To: _____

Clerk Treasurer: _____

Date approved: _____

EX ' 13 '

**BEVERLY SHORES
PLAN COMMISSION
MEETING MINUTES**

September 11, 2017

The meeting of the Beverly Shores Plan Commission was called to order at 6:30 P.M., at the Beverly Shores Administration Building. Roll call was taken, Present: Ray Szarmach, Gabrielle Biciunas, Brian O'Neil, John Daraska, and Richard Saul were present, Brian Quealy and Craig Nordstrom were absent.

The minutes of the Plan Commission meeting of August 14, 2017 were reviewed and accepted.

I. OLD BUSINESS.

A. "Green Space" Ordinance.

Criteria and additional information received from Margaret Wiliford at the March 6 meeting were reviewed and approved. Richard Saul moved and Gabrielle Biciunas seconded to forward the notes to the Town Council to assign to the Town Attorney. The Town Attorney will prepare an amendment to the ordinance which will come back to the Plan Commission for review and pass along to the Town Council. TC will then approve and implement the modified ordinance. The Plan Commission wishes to make clear to the Town Council that the Town will own title to properties donated as Greenspace without restriction.

B. Business License Fees

Annual license fees of \$50 for seasonal or temporary (less than 9 months) businesses and \$100 for permanent businesses were discussed and approved to forward to the Town Council.

C. Tree removal permit fees

A \$50 fee for submittal of a tree removal license was discussed and approved for recommendation to the Town Council.

II. NEW BUSINESS.

A. Public Service Signs

Commission discussed and approved a motion to allow the Town Council president to waive the fee for placement of yard signs for public service type signs at the discretion of the president without having to come before the full Council.

B. Building Permit Application Form

Commission reviewed and approved the revised Building Permit Application Form to be forwarded to the Town Council with recommendation to implement.

III. ADJOURNMENT

A. Next meeting will be held on October 2, 2017.

B. John Daraska moved to close the meeting, Brian O'Neil seconded

**BEVERLY SHORES
PLAN COMMISSION
MEETING MINUTES**

December 4, 2017

The meeting of the Beverly Shores Plan Commission was called to order at 6:30 P.M., at the Beverly Shores Administration Building. Roll call was taken. Present: Ray Szarmach, Brian O'Neil, Gabrielle Biciunas, John Daraska, Richard Saul and Brian Quealy; Absent: Craig Nordstrom. Also present, Town Attorney Connor Nolan.

The minutes of the Plan Commission meeting of November 6, 2017 were reviewed. Biciunas moved and Saul seconded approval and minutes were approved unanimously.

1. Old Business

a. Green Space

Changes to the Green Space Ordinance will not be considered further unless another request is made by the Green Space Committee.

b. Business License Fee

Business license fees were previously presented to the Town Council and adopted. This item will be removed from the future agendas.

c. Tree Removal

Attorney Nolan presented proposed changes to the Tree Removal Ordinance (Code Section 155.064). The revised tree removal ordinance was reviewed. Quealy moved to set the tree removal permit ordinance for public hearing on February 5, 2018 at 6:30 p.m., Saul seconded, and the Commission approved unanimously.

d. Sign Ordinance

Attorney Nolan is currently drafting language for the ordinance and will present at the next meeting.

e. Encroachment Licenses (Public Hearing)

A public hearing was opened by President Szarmach. Attorney Nolan presented modification to the zoning ordinance (Code Section 155.136(e)) that would add ramps and elevators to the list of structures currently allowed to be approved by the Building and Building Site Committee to be constructed within the unimproved street right of way

(proposed ordinance 2017-15). No comments were received from the public. The public hearing was closed. Motion to forward to Town Council with favorable recommendation was made by Saul with second by Biciunas. Motion approved by unanimous vote of six in favor to none opposed.

2. Adjournment

- a. The next meeting will be held on February 5, 2018
- b. Daraska moved and Biciunas seconded adjournment of the meeting.