

**Town of Porter  
Plan Commission  
Meeting Minutes  
November 18, 2009**

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

**B. Pledge of Allegiance**

**C. Roll Call / Determination of Quorum**

Present: Mrs. Bollinger, Mr. Stinson, Mr. Keiser, Mr. Eriksson, Mr. Timm, and Mr. Bell

Absent: Mr. Martin

Also present were Mr. Lyp, Mr. Mandon, Mr. Granat, and Mrs. Mitchell

**D. Consideration of Minutes of Previous Meeting**

Motion to accept the October 21, 2009 meeting minutes was made by Mr. Stinson; second by Mr. Timm. Motion approved via voice approval.

**E. Audience Participation**

None

**F. Old Business and Matters Tabled**

*Lake Erie Land Company, Inc. Letter of Credit (No. 741) – Munson Place Development*

Mr. Lyp asked Matt Keiser if the said amount (found in the letter) was acceptable. Mr. Keiser stated that Haas Engineering agreed that the reduction was indeed suitable.

Motion to approve the irrevocable letter of credit (No. 741) was made by Mr. Stinson; second by Mr. Keiser. Motion approved via voice approval 6 – 0.

**G. New Business**

None

**H. Preliminary Hearing**

None

**I. Public Hearing**

*Porter Beach Zoning Overlay*

Mr. Eriksson excused himself from the matter because of his owning property in the general location of the Porter Beach Zoning Overlay.

Mr. Timm asked if anything had been changed in regards to the planting. Mr. Mandon explained the changes that were made to #11 on page 11 of the document.

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Mr. Bell asked about #12 on page 11. He asked if “lumber” would be included under the word “wood.” Mr. Mandon further explained his understanding of the wording used.

The Public Hearing was opened at 7:13 p.m.

*Art Manduski* – 380 Duneland Drive – wanted to know who decides when a property is not being “kept up” with. Mr. Mandon explained that the building commissioner would do this. He also explained that the decision would not be made based upon “looks” but rather “disdain.” Mr. Lyp further explained the “legal” and “practical” way of reading the ordinance.

*Erica Brandstetter* – 2929 Glacier Trail – feels that #12 on page 11 is vague.

*Raymond Cahnman* - - asked if the Commission had received any letters in favor or against the overlay. He also would like to see the two letters that he wrote circulated and publicized. He would like to see some stats and would like to know how far reaching the overlay will be. He read a “summary” that he wrote. He would like to receive some answers to his concerns. In his opinion, he sees no need for this overlay.

(Mr. Keiser gave his copy of Mr. Cahnman’s Analysis of the Lake Shore Preservation to Mrs. Mitchell to be entered into the file. Mr. Mandon explained that Mr. Cahnman feels that the way that Porter Beach was developed is fine and should be left alone. He went on to explain that most of Porter Beach is non-conforming. Mr. Mandon feels strongly that the overlay is indeed necessary for future development. He feels that there is largely a misunderstanding and disagreement between Mr. Cahnman and the need for a Porter Beach overlay. Mr. Mandon explained that in some cases, the codes have been relaxed to accommodate the strange and non-conforming lots.)

*Elka Nelson* – 111 Duneland – Ms. Nelson wants the Commission to know that there are about 30 parcels that are available for development. The Committee actually drove around and became very familiar with the parcels. She mentioned that the only jurisdiction the Committee had was over parcels and not streets and alleys. And, although she agrees with Mr. Cahnman in some of his analysis, many of his concerns were out of the jurisdiction of the Committee. Ms. Nelson definitely feels that there are definite differences between the Town and the Beach.

*Gilbert Lehman* – 2828 Market Street – feels that Porter Beach is wonderful and needs to be preserved. Mr. Lehman mentioned his concerns. Would like to see the footprint for a house reduced to 20% as opposed to 30%. Would like to see the vegetation of the Dunes to be native plants of the Dunes. Would like to see a statement that encourages gravel as a driveway surface.

(Michele Bollinger mentioned that Superintendent Dillon would like to help with the natural vegetation and she will come out free of charge to make suggestion.)

*Art Manduski* – again listed his concerns.

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(Mr. Mandon mentioned that the purpose of this overlay is to stop private problems so they don't become public problems.)

Miff Woolsley – 220 Roskim Road – would like to see a printed copy of the overlay.

Erica Brandstetter – wanted a clarification of #9, page 9. Mr. Mandon gave a brief explanation.

Public Hearing was closed at 8:10 p.m.

Mrs. Bollinger mentioned that she received a letter from Superintendent Dillion.

Mr. Keiser mentioned that his belief is that the 10 lots Mr. Cahnman mentioned would be under the Town's current code.

Mr. Mandon mentioned that the reduction in the footprint is excessive. Also, he feels that gravel roads should not be listed. Mr. Keiser said that there is not a "ban" on gravel. Gravel is not listed because

Mr. Lyp mentioned that this overlay is trying to address all of the issues that have arisen out of Porter Beach. He also commented that there have always been issues concerning non-conforming structures. A town cannot change what's been done, but when the useful life of the structure has been fulfilled an updated code

Motion to forward with favorable recommendation the Porter Beach Zoning Overlay with the following amendments (National Lakeshore property (#15 on page 9) and also #11 on page 11) to the Town Council was made by Mr. Keiser; second Mr. Stinson. Motion approved 6 – 0.

*Zoning Ordinance Amendments (Subdivision Control)*

Mr. Mandon mentioned several changes/upgrades that have been made to the Subdivision Control Ordinance. He stated that before a subdivision is approved the developer should present a topographical plan of what the lot will look like before the house is built and after. This will prevent adjacent properties from being adversely affected.

Public Hearing was opened at 8:40 p.m.

Jennifer Klug, 302 Lincoln Street, wanted clarification on the changes made.

Public Hearing was closed at 8:43 p.m.

Motion to approve the changes recommended to the Subdivision Control Ordinance and send it to the Council with favorable recommendation was made by Mrs. Bollinger; second Mr. Timm. Motion passed 6 – 0.

**J. Finding of Fact**

None

**K. Comments from Plan Commission Attorney**

None

**L. Comments from Plan Commission Secretary**

None

**M. Adjournment**

Motion to adjourn the meeting was made by Mr. Keiser; second by Mrs. Bollinger. The meeting was adjourned at approximately 8:48 p.m.

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Lorain Bell  
Chairman

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Kara Mitchell  
Secretary