

MINUTES
INDIAN LAKE BOROUGH PUBLIC HEARING
PROPOSED AMENDMENT TO ZONING ORDINANCE NO. 144
NOVEMBER 13, 2013

A public hearing of the Indian Lake Borough Council was held on November 13, 2013 at 6:30 P.M. at the Indian Lake Borough Building.

THOSE PRESENT:

Patricia Dewar, Council President
Paul Cornez
Charles McCauley
Robert Marhefka
Robert Hanson
Attorney Daniel Rullo, Solicitor
Theresa L. Weyant, Borough Manager/Secretary
David Wood, Zoning Officer

THOSE ABSENT:

Lynn Shimer
Terry St. Clair

Visitors – Richard Stern, Don Reed, John McGrath and Ken Helsel.

The hearing was called to order at 6:35 P.M. by Patricia Dewar, President.

Donald Reed, Chairman of the Indian Lake Borough Planning Commission, presented to Council a short background statement on the proposed amendment to Zoning Ordinance No. 144. During a March 27, 2013 presentation to Borough Council and a May 13, 2013 presentation to the Indian Lake Borough Planning Commission, Mr. McGrath, who is located at 276 Sioux Path, requested that Zoning Ordinance No. 144 be amend to allow unwallled boathouses in park lots to have decks and railings. Although such installations are currently prohibited, there are indeed several non-conforming structures around the lake. Furthermore, Proposed Zoning Ordinance No. 155 was crafted to allow them in part because of modern railing designs exist, which greatly reduce any visual obstructions. For reasons of fairness and consistency and to comprehend special situations, the Indian Lake Borough Planning Commission recommended to Council on July 10, 2013 that Zoning Ordinance No. 144 be amended to include “Conditional Uses” which would allow park lot boathouses to have decks with railings upon Council approval of each specific owner’s request. Borough Council rejects this approach and instructed the Planning Commission to reformulate the recommendation as a regular amendment. This was accomplished and approved by Council on July 24, 2013. This proposed regular amendment is the primary subject of this public meeting. The changes to definitions, dimensions, and setbacks are proposed to permit flexibility and to add clarity and were lifted directly from Proposed Zoning Ordinance No. 155. A copy of his opening statements was given to the Borough Manager to be made a part of the public record.

The Somerset County Planning Commission was provided with a copy of the proposed amendment to Zoning Ordinance No. 144 for review and comments. The Somerset County Planning Commission has completed their review and had no comments to offer at this time. A copy of the letter was given to the Borough Manager to be made a part of the public record.

The hearing and the proposed amendment to Zoning Ordinance No. 144 was advertised in the Somerset Daily American on November 5, 2013 and a copy of the notice will be made a part of the public record.

Paul Cornez strongly objects to the proposed amendment to Zoning Ordinance No. 144, Section 1307 as it applied to unwallled boathouse on park lots. Decks on boathouses in park lots are not allowed in Zoning Ordinance No. 144, and further were not allowed in the preceding Zoning Ordinance No. 99 and Zoning Ordinance No. 50, for the same reason. In a park lot setting, decks on top of unwallled boathouses ruin the view for the neighbors and clutter the shoreline. The issue is not the railings, as expressed in the proposed amendment; it is the furniture, people, and activities that will take place upon these decks. On a waterfront lot with greater than ninety (90) feet of shoreline, and the side setback provisions of the Ordinance, this is not an issue. On a park lot with only twenty-five (25) feet of shoreline per resident, and only six (6) or five (5) foot side setbacks, this is a whole different situation. If one buys a park lot then one needs to abide by its restrictions. If one needs to, or wants, a boathouse with a deck, than one needs to purchase a lakefront lot. The analogy to the resident who wanted to have chickens on his R-1 lot is the same. If you want to have chickens in Indian Lake Borough, then you need to buy agriculturally zoned land, not residential. A copy of Mr. Cornez’s objection was given to the Borough Manager to be made a part of the public record.

Hanson stated that if Council recalls, The Indian Lake Borough Planning Commission wanted to do this as a conditional use and Council would have been able to either approve or deny a specific request depending on the extenuating circumstances and location, but Council rejected that approach.

McCauley questioned as to how the Borough controls what is left on top of the deck such as: umbrellas, lawn chairs, grills, etc.

John McGrath stated that he is strongly supporting the proposed change to Zoning Ordinance No. 144. Forty-five years ago his family built the original house and boat dock and this property means a lot to his family. Unfortunately, he doesn't have the luxury to just go out and buy a lakefront lot. Mr. McGrath stated that as the Zoning Ordinance is currently written, he can build a boathouse with a fifteen (15) foot peaked roof; which would be more of an obstruction to his neighbors than what he is currently asking to build. Mr. McGrath is trying to play by the rules and to do everything by the book and he is being penalized for trying to do the reasonable thing and he feels like a second class citizen.

A 6:57 P.M. the public hearing adjourned.

Respectfully submitted,

Theresa L. Weyant
Borough Manager