

A TEN YEAR PLAN
STUDY
and
PROPOSALS
for the
FUTURE
of the

INDIAN LAKE COMMUNITY

PREPARED BY

THE INDIAN LAKE PLANNING COMMISSION

9TH REVISION

REVIEWED AND CORRECTED
THROUGH 4TH APRIL 1992

This study and plan is not intended and is not proposed to qualify as a Comprehensive Plan under the provisions of Article Three of the Pennsylvania Municipal Planning Code. It is a collection of proposals and suggestions of policy and administrative changes designed to improve the future livability and economic status of the Indian Lake Community.

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1 THE TEN YEAR PLAN FOR THE INDIAN LAKE COMMUNITY

2 Prepared by The Planning Commission
3 Indian Lake Borough
4 RD#1 Central City, PA. 15926
5

4 April 1992
9th REVISION

6 PREFACE

7 Over the past twenty years, since the sale of the Indian Lake
8 Development by the original developers, and the assumption of their
9 function by the municipal government, the growth of the project has
10 been largely guided by the provisions contained in the various deeds
11 from the developers supplemented by Zoning and other Ordinances
12 promulgated by the Municipality.

13 This growth has on the whole been quite satisfactory as to its
14 quality with the only real problem being the commercial area of 200+
15 acres surrounding the Lodge and Hotel property. There have been to date
16 three separate owners since the sale by the original builders, none of
17 whom have been successful in its operation. Recently a fourth owner
18 has taken possession and has made a sizeable investment. Another owner
19 has purchased the lake front parcel adjacent to the Peninsula Golf
20 Course. A third party has expressed interest in developing the center
21 of the Peninsula, extending the present nine hole golf course to
22 eighteen holes plus improvements to the Clubhouse and building homes
23 on some balance of the existing vacant lots.

24 All of this activity has impressed the Planning Commission with
25 the desirability, in fact the necessity of providing a Plan for the
26 future of Indian Lake Borough with desirable goals stated and a plan
27 and policy set forth so that development can proceed in a reasonable
28 and satisfactory fashion and provide the type and quality of
29 development the majority of the residents want.

30 In addition such a plan will provide a continuing basis for
31 subsequent members of Indian Lake Council and the Planning Commission
32 to judge and decide on plans which may be forthcoming from future
33 developers and in addition permit those developers interested in
34 Indian Lake property guidelines to readily see what they can and
35 cannot do.

36 With the full knowledge that there is presently a wide disparity
37 as to existing residents idea's as to what would constitute the proper
38 future for the area, the Planning Commission has undertaken a study to
39 try and provide a factual basis for its conclusions. This material is
40 appended at the end of this proposal. A number of persons outside the

1 Commission were consulted and their comments solicited on the
2 conclusions drawn. All of the comments were considered in drawing up
3 this final plan. While some of the limits arrived at and some of the
4 restrictions suggested will not find approval by everyone it is the
5 feeling of the Commission members that this Plan represents a solid
6 basis for the future of Indian Lake Borough at least for the next ten
7 years. It is further hoped that the factual information expressed in
8 the Study plus the recommendations drawn from the Study will draw
9 together the possible disparity of opinion referred to above. While
10 this plan does not address, per se, the questions of police
11 activity, roads, refuse removal, lake patrolling, various nuisances and
12 details of building codes, their effects have been considered in the
13 goals and limits proposed.

14 Because of the limitations of the law as applied to small
15 municipal government the only area open for regulation, which will
16 control the growth, exclusive of the boating traffic on the Lake, and
17 keep it within the limits desired, is Zoning. Therefore although other
18 Ordinances may have to be written and or changed the main thrust of
19 this plan, again without consideration of the boating problem, will be
20 implemented by an re-writing of the Zoning Ordinance. Most of the
21 present ordinance will be retained insofar as detail is concerned with
22 the major changes concerned with providing both a limit and goal of
23 numbers of homes, their quality, the "green" area surrounding them and
24 their location with respect to the available land areas within the
25 Borough.

26 The original Plan of development by the original
27 developer, Allegheny Mountain Lakes Inc., envisioned a limit of not
28 over 1500 lots within the development. All of the deeds for the
29 existing lots contain this provision. At the time of the original
30 planning a municipality was not considered as an option for the
31 development. It was only when the possibility of having a liquor
32 license within the project became desirable that the Borough was
33 formed out of Stonycreek Township which was and remains dry. The above
34 limit of residents was to be handled by membership in a Service
35 Corporation which would limit its members to not over 1500 and that
36 all property owners would become members. It was expected that the
37 Service Corp. would become the governing body of what is now a Borough
38 and have ownership of the Lake, Roads and Water system.

39 Subsequent formation of the Borough and the turnover of the
40 Lake, Roads and Water system to the Borough by the original Developer
41 in 1974 made the Service Corp. an anachronism and also eliminated its
42 function in limiting growth. Since the study shows that there is over
43 nine hundred (900) acres of undeveloped land within the Borough and
44 that it is owned by nineteen (19) different owners it is obvious that
45 some over-riding authority must control the growth.

46 The subdivision ordinance of Somerset County is not sufficient to
47 control the growth in numbers and the quality of same within Indian
48 Lake Borough. The only way it can be handled is with a proper Zoning

1 Ordinance and an administrative organization within the Borough able
2 and willing to do the required planning, supervision and enforcement of
3 such a regulatory ordinance. Obviously such regulation must depart
4 from the size of lots used in the past and the ability of all of the
5 tracts in the Borough to subdivide to such sizes as the amount of
6 land available would overwhelm the facilities available.

7 At the end of 1990 there were 482 homes within the Borough. The
8 study indicates that there were also 380 vacant buildable lots. Not
9 all of these lots have had any kind of a percolation test so this
10 number is a probable maximum. The number includes double lots which
11 will probably not be built upon and a certain number which will not be
12 permitted for on-lot sewage disposal. Of the total number of platted
13 lots (1089) only 719 or about 66 per cent have any access to the
14 lake.

15 The proposals contained in the 10 Year Plan envision a maximum
16 potential number of residences within the Borough of One Thousand
17 Fifty within which only 735 will have access to the Lake or 70 per
18 cent. Of those residents without lake access, experience has shown
19 that very few will have a boat and trailer and take their boat to the
20 launch area for use and remove it when finished. Therefore the major
21 criteria limiting growth, the use of the Lake, will remain about the
22 same as it is now, assuming all of the proposals are implemented. This
23 number of potential total residences includes all of the single
24 residences not on platted lots but within the Borough.

25 In planning for future development it must be recognized that
26 expansion of recreational facilities, particularly golf and tennis
27 will reduce the number of users of the Lake. Even though, as a
28 property owner within the Borough all have the right to use the Lake
29 and obtain a license, not all have any desire to own a boat. Indian
30 Lake as a residential community has much more to offer than the Lake.

31 Rising costs of administration and maintenance dictate that
32 development move forward in order to spread these costs over a wider
33 base. Otherwise many of the present residents will not be able to
34 afford the future when it comes. In this connection it should be
35 pointed out that as of the date of the study there were 836 boat
36 licenses issued but only 477 homes built. This program merely adds more
37 boats to the Lake but increases the tax base not at all.

38 It was never intended in the development of this Plan that
39 detailed information and decisions on every parcel of land within the
40 Borough be made. As is usually the case, the imagination of the
41 potential developers and the demands of the market will prove to be
42 superior to that of any committee. The design of the original
43 developers has, because of the location, size and access to the Lake of
44 the sub-divided land, set for all time to come the basics of any
45 future Plan.

46 Various considerations such as Laws relative to the types of

1 housing that must be included in municipal zoning, environmental
2 limitations on future developments such as Indian Lake and the
3 inflationary effects on housing and costs of municipal services have
4 modified what the original developers had in mind. It has been thirty
5 years this September that the final plans for Indian Lake were
6 completed and the first parcel of land was purchased. Looking back it
7 seems that those plans have been very successful. The Planning
8 Commission hopes that this Ten Year Plan will make the future as good
9 as the past.

10 Over the past year the members of the Planning Commission have
11 met on an average of twice each month plus a number of small meetings
12 between various members. In addition a great number of questionnaires
13 have been passed back and forth. Also three months were expended in
14 making the original study to determine the facts on which to base the
15 Plan. All of the members of the Commission have been long time members
16 of the Indian Lake Community (over 20 years) and have served on
17 various community councils and boards including the Service
18 Corporation, the Borough Council and the Water Authority. One member
19 was an original developer of the entire project. As such they have
20 brought to the formulation of the Plan as much expertise as could be
21 probably gathered among the residents of Indian Lake. It is doubtful
22 that any other group could be formed which could bring to the project
23 a more thoughtful approach with as much realization of the problems
24 encountered in the past as well as solutions for the future.

25 It will be recognized that many of the day to day difficulties of
26 operating the municipality of Indian Lake have not been addressed in
27 this plan such as economics and budgeting, crime and police work, Lake
28 patrolling and safety, road and water line maintenance and enforcement
29 of the various ordinances. All of these were talked about but it was
30 felt that they really had no place in an overall Plan. We felt that
31 the Plan must be simple and not become bogged down in administrative
32 actions. The Commission felt that all of the above must be solved by
33 the elected and appointed officials in the future.

34 The function of the Plan was to provide a framework within which
35 solutions future problems could be found. We therefore have confined
36 the Plan to five area's; The Ownership and Operation of the Lake;
37 Administrative Structure; The Zoning Ordinance; The Zoning District
38 Map and Sewerage System.

39 Every effort has been made to conform to the Pennsylvania
40 Municipalities Planning Code, Act of 1968, P. L. 805, No. 247 as
41 revised January 31, 1989 and further revised to include all amendments
42 through December of 1990. In addition the entire Study, Plan and Zoning
43 Ordinance has been corrected in accord with a thorough review by
44 Roberta J. Sarraf AICP, of Planned and Community Development Services
45 of Pittsburgh PA. who was retained as a Consultant.

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2 Prepared by the Planning Commission 4 April 1992
3 Indian Lake Borough 9th REVISION
4 Central City, PA. 15926

5 PROPOSAL NUMBER ONE

6 USE AND OWNERSHIP OF INDIAN LAKE

7 1. OWNERSHIP

8 The Planning Commission recommends that the ownership of
9 Indian Lake remain with Indian Lake Borough. It further
10 recommends that a Recreational Authority be created to operate
11 the Lake under an agreement with the Borough Council. The
12 Authority would at some point in the future take over ownership.
13 This point in time will be decided based on the following
14 factors:

- 15 a. How successful operation has been to that point.
16 b. The possibility of obtaining grants from the State and
17 Federal Government which may require ownership.
18 c. Continuation of the policy of no real estate taxes on
19 municipalities or authorities.

20 The Authority will have a five member Board made up of one
21 member of the Borough Council and the other four members
22 appointed by the Borough Council from among the residents of
23 Indian Lake including those property owners who are part time and
24 non-voting. The Authority will be responsible directly to the
25 Borough Council and one member (not the council member) will also
26 be a member of the Zoning Hearing Board. This matter will be more
27 completely covered in the following proposals.

28 In reaching the above conclusion the Commission has
29 considered the pro's and con's of transfer of the Lake to the
30 Service Corporation. After study it was decided the disadvantages
31 such as taxes, lack of administrative ability, inability to obtain
32 grants and lack of authority to enforce regulations outweighed
33 the single advantage of exact control of the number of licenses
34 by limiting the number of members of the corporation. The Borough
35 must issue a license to any resident of the Borough upon the same
36 terms as all other residents. The commission felt that the real
37 limit of lake use by boaters is access. This access has
38 practically all been sold and is a static number, about 740.

1 A referral to the attached study will show that there have
2 been 1,089 total lots and/or dwelling units sub-divided within
3 the Borough by the original developers. This includes all of the
4 64 Hotel Units, 2 Homes, 8 A-Frame Chalets and 24 Townhouses in the
5 Lodge Area ("C" in Study and on Map). Subtracting this total of 98
6 for later consideration leaves a balance of 991 presently platted
7 lots of which 864 have been sold. This included a total potential
8 of 46 lots in the area referred to as West Shore Extension on Map
9 of which only 4 have been sold to second parties. (The balance is
10 referred to as the "Mostoller Tract").

11 Subtracting the 864 sold from the total of 991 leaves a
12 balance of 127 unsold lots of which 42 are, at the moment, not
13 subdivided within the Mostoller Tract and the balance of 85 which
14 are owned by British Overseas Corp. (The Coal Company). 53 of
15 these lots adjoin the Fairways of the Peninsula Golf Course and
16 the balance of 32 are scattered in various area's. Only 7 of
17 these lots have Lake Access.

18 There is currently a proposal to build 16 Villa's in the
19 area across from the Peninsula Golf Course Clubhouse on a tract
20 of land of almost 8 acres which tract of land carries with it the
21 right to have 24 boat licenses and be sub-divided into 24
22 parcels.

23 A further proposal would add 77 homes in the center of the
24 Peninsula abutting the Fairways of the Golf Course. Both of these
25 proposals were part of the original Plan of the Developers.

26 Were all of these lots to be sold and built upon there would
27 be a maximum of 1084 residents of which 735 would have Lake
28 Access and 349 without Lake Access. Since essentially all of the
29 Lake Frontage has been sold this figure of not over 750
30 residences with Lake Access is Static and will not be increased.
31 This is for all intents and purposes the same figure which
32 presently exists.

33 It has been demonstrated in the past that few residents who
34 do not have Lake access, use a boat on the Lake. It is apparently
35 too much trouble to trailer a boat to the Launch area, put it in
36 and take it out after use. Or those persons who own property
37 without Lake access find Indian Lake to be what they want in a
38 residence without their use of the Lake.

39 All of the above has led the Commission to the conclusion
40 that potential development of that envisioned in the Zoning
41 Ordinance will not in fact add to Lake use but rather may well
42 decrease its use. In any case lack of access makes 750 Lake
43 users the number that will have to be dealt with. It is also true
44 that as the age of residents increase boating, at least water
45 skiing loses its allure. When a change in the boat owned goes from
46 a high power ski boat to a pontoon boat the space used on the

1 lake at any given time shrinks dramatically.

2
3 2.USE OF INDIAN LAKE.

4 Residents of Indian Lake who occupy a lot of which the
5 Grantor was Allegheny Mountain Lakes Inc. have as a covenant in
6 their deed the right to have one boat license for every lot they
7 own. To this point in time there has been no charge for this
8 license. However a charge of, presently One Hundred Dollars paid
9 annually, levied by the Service Corporation has been in existence
10 for many years. Of this charge 80 to 90 percent has been paid
11 over to the Borough.

12 The principle behind this charge has been one of attempting
13 to spread the costs incurred by the Borough over a larger number
14 of individuals than would be the case if it was collected by
15 taxation as property owners without a house pay the same as home-
16 owners. The ability of the Service Corporation to assess property
17 was put into effect at a time when it was not envisioned that a
18 Borough would be formed.

19 The Commission feels that this method should now be
20 abandoned and while the Service Corporation should remain in
21 existence their charge should be reduced. The right of assessment
22 would be available should some presently unrealized problem take
23 place.

24 The Borough should institute a charge of One Hundred Dollars
25 for each license issued for each Power Boat beginning in 1992 and
26 a much smaller fee for canoe's, rowboats or paddle boats. This
27 fee would be effective for property owners only and outside
28 residents would be charged a much higher fee eventually reaching
29 such a high point as to discourage applicants. It is felt by the
30 Commission that this fee will approximately off-set the reduction
31 of the Service Corporation donation.

32 Most of the resistance that exists in the minds of the
33 residents who oppose any further development at all, have to do
34 with what they perceive as overcrowding on the Lake. This fee
35 plus the creation of the Recreational Authority whose members
36 would be Lake users, regardless of their voting residence should
37 go a long way to regulate the traffic on the Lake fairly.

38 Out of the 365 days in a year only about 100 are used for
39 boating (Memorial Day to Labor Day) where crowding of the Lake is
40 any kind of a problem. Of this 100 days of use only 30 or so are
41 Saturdays and Sundays, the other 70 are weekdays when no crowding
42 in fact practically no use takes place. This 30 days represent
43 only Eight Per Cent of the year and only Thirty Per Cent of the
44 "Use Time on the Lake". The Commission feels that to design the
45 future development of Indian Lake Borough solely around this
46 factor is absurd and that many other steps can be taken to reduce

1 what some residents perceive as creation of problems with
2 boating, fishing and skiing on the Lake.

3 The Commission feels that the creation of an Authority which
4 will directly regulate the Lake plus the application of a Fee for
5 a Boat License will in itself help to hold down the numbers on
6 the Lake. In addition there are a number of steps the Authority
7 can take in the future such as:

8 1.No water skiing before a set time in the morning if
9 conflict exists between fishermen and skiers.

10 2.Certain areas set aside for fishing and/or skiing in
11 certain times if the problem exists.

12 3.Licensing of extra boats to be held down or only
13 permit extra licenses for use during the week or at
14 other specified times.

15 4.Separation of the Fee schedule between slow boats and
16 fast high horsepower boats.

17 5.Increase of the non-resident fee's

18 6.If the question is one of Safety the creation of a
19 requirement that a boating safety course be taken
20 before a license is issued

21 When the Recreational Authority is formed they can study the
22 problem, decide the extent to which it exists and come up with
23 the appropriate solutions. The members of the Authority will all
24 be Lake users who are able and willing to spend some time on the
25 project. This should in itself constitute an improvement. One
26 cannot expect the Borough Council to solve every problem.

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5 PROPOSAL NUMBER TWO

6 ADMINISTRATION

7 1. GENERAL

8 The Commission feels that the time has come to expand
9 further the various administrative entities within Indian Lake
10 Borough. The only active bodies at present are the Borough
11 Council, the Water Authority, the Planning Commission and a Zoning
12 Hearing Board. It has been difficult to obtain sufficient people
13 to take positions on the various Boards. The Commission believes
14 this is due largely to the reluctance of many to put up with the
15 constant complaints by some residents who seem to think that the
16 Borough Council can and should solve all problems.

17 This is not and never will be the case. It is too much to
18 expect that residents, especially those who use Indian Lake as a
19 part time resort will be willing to undertake the positions and
20 spend all of their time working at it. The Commission feels that
21 a further division of the various functions of administration
22 will be helpful. In this connection the appointment of more women
23 willing to give their time should be considered. It is necessary
24 that those persons who are elected or appointed realize that work
25 is involved and that attendance at meetings plus sometimes
26 homework is required.

27 The Commission proposes that the various administrative
28 functions within Indian Lake Borough be divided among the elected
29 Borough Council and an appointed Recreational Authority, Water and
30 Sewer Authority, Planning Commission and a Zoning Hearing Board.

31 2. BOROUGH COUNCIL

32 The Council should consist of from five to seven members
33 plus the Mayor all of whom are elected from among permanent
34 residents of the Borough. (Anyone who has a home within the
35 Borough can become a permanent resident by changing his voting
36 residence to Indian Lake.) The duties of members of Council are
37 prescribed by State Law. The Council employ's a Borough Manager
38 who also functions as Manager of the Water Authority and Zoning

1 Officer. The Borough also employ's a Police Force which is
2 administered by the Mayor. A number of other employee's work on
3 Road and Water line maintenance under the supervision of the
4 Borough Manager who also supervises several office personnel.

5 It is envisioned that insofar as permitted by the Code that up to
6 two members of the Council be on the Planning Commission, one a
7 member of the Water and Sewer Authority, and one a member of the
8 Recreational Authority. This cross membership will provide
9 affiliation and union between the Council and its various
10 appointed boards. It is possible that this cross membership will
11 not turn out to be practical because of the difficulty of
12 obtaining people who will be willing to do two jobs. If this is
13 so then reliance should be placed upon the attendance of the
14 Borough Manager at the various meetings and they should be held
15 at such times as the Borough Manager may conveniently attend.

16 3. WATER AND SEWER AUTHORITY

17 This Authority presently exists, does an excellent job and
18 the Commission recommends no changes other than a change in name
19 and a takeover of Sewage Plants and systems should this be
20 decided upon. These members do not need to be full time voting
21 residents of the Borough. If the proposals relative to sewerage
22 in Proposal Five of this Plan are carried to fruition several
23 more employees will be probably required. This expansion will add
24 to the responsibilities of this Authority.

25 4. THE ZONING HEARING BOARD.

26 This Board should consist of three members all of which must
27 be residents of the Borough. function of this Board should be to
28 hear any appeals from final decisions made by the Zoning Officer.
29 Their decision on such appeals should be final with the
30 exception of further appeal to ther County Court. The
31 Board should have at least one meeting each year plus
32 whatever other meetings required to hear appeals. The
33 Board should work closely with the Borough Manager as
34 much of their work will be review of minor request for
35 varience and decisions by the Zoning Officer (Borough
36 Manager) when some applicants do not understand the
37 provisions of the ordinance.

38 5. THE RECREATIONAL AUTHORITY

39 This authority should be formed in the same manner as the
40 Water and Sewer Authority and should have complete control of
41 Indian Lake. They should set the regulations for use of the Lake
42 by residents, work with the Mayor to handle the police patrol of
43 the Lake and, if it does not conflict with final use of the
44 funds, do all of the issuance of the licenses and collection of
45 the fee's. The Authority should meet frequently before during and

1 immediately after the Boating season but would not have to meet
2 with such frequency in the off season. One member of the Council
3 should be a member of the authority but other members should be
4 at large among the residents including the non-voting residents
5 as long as they attended the meetings.

6 6.THE PLANNING COMMISSION

7 The Planning Commission now consists of five members, two of
8 which may be elected members of the Borough Council. The function
9 of the Planning Commission is two fold. One is to PLAN. The
10 second is to review applications for development of various
11 area's within the Borough and make recommendations to the Borough
12 Council after holding public hearings on the applications if they
13 involve changes in the Zoning Ordinances.

14 The Planning Commission should also serve as a think tank
15 for the other Boards within the Borough taking up problems which
16 have been posed to them and reporting back with recommendations.
17 The Commission, unlike the other Boards, does not make decisions,
18 only study and recommendations.

19 7.SUMMARY

20 The Planning Commission feels that the above breakdown of
21 administration will result in better government within Indian
22 Lake Borough with less time spent by the various entities
23 particularly the Council and better service and representation to
24 the residents. While the elected Council is the final arbiter of
25 problems arising within the Borough it cannot be the group which
26 makes the day to day decisions. These must be made by the
27 appointed members of the various Boards and Authorities. One of
28 the reasons why it is difficult to get people to serve on the
29 Council is the problems in the past of meetings running into all
30 hours, members getting telephone calls to "do something about
31 this" and having to spread their expertise over too wide an area
32 of work. A breakdown of responsibility such as outlined above
33 should go a long way in eliminating past difficulties.

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5 PROPOSAL NUMBER THREE

6 THE ZONING ORDINANCE.

7 1. GENERAL

8 The Commission proposes to change the present Zoning
9 Ordinance in order to better meet the challenges of the future
10 and to eliminate much of that portion of the Ordinance which
11 deals with provisions not applicable to Indian Lake Borough.
12 In order to accomplish these ends it has been felt that a re-
13 writing is required as the changes would be cumbersome to do by
14 amendment. The present ordinance has been amended many times but
15 still contains many contradictions making it difficult to
16 understand. All past amendments where applicable have been
17 incorporated in the new Ordinance. The basic changes in the
18 existing ordinance can be summarized as follows:

19 1. Elimination of area's providing for manufacture and industry
20 together with all of the regulations pertaining to such use as
21 not being applicable to Indian Lake Borough.

22 2. Provision of a small Commercial District and setting the
23 regulations for building within it.

24 3. Expanding greatly the area's denoted as Parks

25 4. Re-defining the regulations governing R-1 Single Family
26 Residential Districts and expanding the areas devoted to such
27 use. In addition, in all districts, increasing the minimum land
28 area required for each residence up to the same standard as set
29 forth for R-1 Single Family Homes (25,000 sq.ft.).

30 5. Re-defining the regulations governing R-2 Multi-family
31 districts and greatly reducing the acreage devoted to such use.

32 6. Re-zoning over sixty per cent of the acreage presently zoned
33 R-2 to either Agricultural or R-1.

34 7. Making provision that any development which takes place will
35 have to conform to the strict regulation of Planned Residential
36 Community's and re-defining and expanding that regulation.

1 8. Defining a small portion of R-1 to meet the needs of a Mobile
2 Home Park and arranging area's devoted to various types of
3 housing in a way as to meet the requirements of various
4 PA. Supreme Court decisions requiring a variety of housing and
5 prohibiting exclusionary zoning.

6 2. THE ZONING ORDINANCE.

7 The proposed Zoning Ordinance as a separate document is submitted
8 to the Council for adoption. The justification and the underlying
9 goals for this change of the Zoning Ordinance include:

10 1. To correct all of the errors in the present ordinance and bring
11 it into compliance with changes in the Municipal Planning Code
12 and all recent amendments.

13 2. To continue to maintain a primarily residential community.

14 3. To conserve open space and promote facilities for public
15 recreation.

16 4. To limit and in fact decrease the intensity of development
17 which will protect the ecological balance of Indian Lake.

18 5. Provide for a variety of housing types in appropriate
19 locations.

20 6. Encourage completion of the Golf Courses.

21 7. Encourage expansion of the Sewerage treatment plant to service
22 a high percentage of lake front lots thereby protecting the
23 quality of water in the Lake.

24 8. Increase the tax base of the Borough.

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5 PROPOSAL NUMBER FOUR

6 THE ZONING DISTRICT MAP

7
8 1. GENERAL

9 The Zoning Map is attached and made a part of this Plan.
10 Following is a description of some of the more important
11 parcels, their zoning and the reasoning thereof:

12 A. PARKS. The Commission has made a considerable effort to
13 obtain from the PBS Coal Company a donation of much of
14 the un-subdivided parcels of land for use as Parks with
15 no development permitted. A letter concerning this
16 effort is attached as Exhibit Seven. The proposal
17 envisions either the sale of the tract in the center of
18 the Peninsula together with the platted lots, or the
19 sale of the Center of the Peninsula Tract to the Golf
20 Club and retention of the Lots by the Coal Company.
21 This proposal, if implemented, will by itself, reduce
22 the availability of developable land within the Borough
23 by over twenty five percent.

24 B. CENTER OF PENINSULA TRACT OF 44 ACRES. The Commission
25 has recommended this Parcel to be zoned R-2 Multi-
26 Family and require that if developed it be done within
27 the framework and regulations of a Planned Residential
28 Community. This parcel was allocated by the Original
29 Developers of Indian Lake to provide Fairway living for
30 future members of the Peninsula Golf Club. It is obvious
31 that for the Club to complete the overall design to the
32 18 hole Course they need two events.

33 1. The money to complete the construction of
34 the un-finished portion of the Course which
35 they own and which is partially complete and;

36 2. The addition of about 130 new Members in

1 order to support the maintenance of the 18
2 hole golf course when completed.

3 It was always planned that funds from the
4 development of the 44 acre tract lying wholly within
5 the perimeter of the unfinished nine holes of the golf
6 course would be used for its completion and that
7 the required members would come from the unsold lots
8 laid out along the Fairways and new subdivision in the
9 Center of the Golf Course. None of these residents will
10 have access to the Lake although they have the right to
11 obtain a boat license, along with every other resident
12 of the Borough.

13 The Commission feels that these people will become
14 residents primarily for access to the Golf Club and
15 Golf Course and the Lake will be of secondary
16 consideration, if any. Division of the parcel into
17 large wooded parcels with Row-Type Town Houses or
18 Villa,s in a group of not over four will leave much
19 more green space than would standard lots and does not
20 increase the number of homes at all. At the requirement
21 setting twenty five thousand (25,000) square feet of
22 land area the parcel will support 77 homesites either
23 as R-1 Single detached or as R-2 Multi Family.

24 Were it to be developed as a sub-division of platted
25 lots there would be very many more trees cut, much more
26 roadway laid out and much more land disturbed for
27 utilities. A plan which provides attached clusters in
28 not over four homes per cluster will avoid much of the
29 above.

30 In addition this tract of land does not adjoin any
31 of the present homesites. It is surrounded entirely by
32 the fairways of the Golf Course and there is at least
33 fifty feet of undisturbed wooded fairway between the
34 proposed development and all of the present lots.

35 The development would have to meet the standards
36 contained in Article Eleven of the Zoning Ordinance
37 which provides at least 25,000 square feet of land, 1200
38 sq.ft. first floor living space per Villa, standards for
39 roads, water and sewer lines and electric utility
40 service. In addition the developer will be responsible
41 for all sanitation lines and plant plus addition to the
42 water system and lines plus increase of source or
43 storage if required.

44 The Commission is convinced that this type of
45 development whether carried out by an outside developer
46 or the Golf Club is the highest and best use of the

1 land in question.

2 C. THE 7.9 ACRE TRACT ADJOINING THE GOLF CLUB. This tract
3 was intended originally for a Resort Hotel Site and the
4 development maps were so marked as early as 1966. When
5 this use became impracticable because of economic and
6 other conditions it was split with the roadway to allow
7 room for a golf course clubhouse above the road and
8 space for the construction of twenty four (24)
9 townhouses or villas below the road adjoining the lake
10 together with 24 boat licenses. This provision was
11 placed in the deed when the parcel was sold on 1 July
12 1974.

13 The deed specifically gives the right to the
14 grantee, their heirs and assigns, to subdivide the
15 parcel into not more than twenty four (24) parcels or
16 units each of which shall be entitled to one boat
17 license, as a covenant running with the land. In
18 addition the deed specifically exempts the 7.956 acre
19 parcel from all of the covenants, easements, maintenance
20 charges and terms set forth in the deeds for individual
21 lots. Whether or not a zoning ordinance can supersede
22 the provisions as stated above may well be a problem
23 for the court to decide, which is where it appears to
24 be headed. The deed is recorded at Volume 763, Page 176
25 in the Recorder's Office in Somerset.

26 The Commission believes that twenty four units is
27 too many and that the best use, because of the severe
28 slope is an R-2 type development, but with greatly
29 reduced numbers. Historically this is the use that was
30 proposed for the tract until 1982 when it was changed
31 to R-1 by the new Zoning District Map. The Commission
32 believes that some sort of arrangement may be worked
33 out with the owners for a lesser number of units and
34 without any proposal to run a sewer line across the
35 Lake, as was part of their original proposal, which was
36 turned down.

37 4. SUMMARY

38 The Commission supports the Ordinance as written and the
39 Zoning Map as shown for the following reasons:

40 1. The Supreme Court of Pennsylvania has held in a
41 number of cases that, in general, different types of
42 housing including multi-family, mobile home and
43 apartments must be included in the land within a
44 municipality. The actual amount must be a "fair share".

1 The various Court decisions such as Surrick vs
2 Zoning Hearing Board of Upper Providence Township (476
3 Pa.182,382 A.2d, 1977) and Fernley vs. Board of
4 Supervisors of Schuylkill Twp. (509 Pa. 413,502 A.2d
5 585. ,1985) define further the meaning of basic housing
6 as set forth in the Penna. Municipalities Planning
7 Code. (1988 revision Section 604.4) providing " all
8 basic forms of housing, including single family and two
9 family dwellings and a reasonable range of multifamily
10 dwellings in various arrangements; mobile homes and
11 mobile home parks.)

12 2.The Golf Club has the right to expect that the land wholly
13 enclosed within the confines of its property can be
14 used in a manner consistent with the use of the Golf
15 Course by the proposed residents of the land. The
16 overwhelming number of the members of the Golf Club
17 have voted to support a proposal which in addition to
18 completing the Course will provide seventy-seven new
19 members in an R-2 type residential plan to support the
20 larger course.

21 3.Since it is only the Golf Course members who, when
22 playing the course, will be exposed to the appearance
23 of the development, it would seem that their opinion
24 should prevail.

25 4.The community at large will be improved by having
26 many of the new residents interested in Golf as their
27 primary reason for having a home at Indian Lake rather
28 than use of the Lake.

29 5.That the number of homes will be roughly limited to
30 less than eleven hundred of which the 740 or so which
31 have access to the Lake will remain about the same as
32 now exists. The Borough can easily support such numbers
33 over the period in which they will be probably built.

34 6.That providing 228 acres of Parkland to the Borough
35 represents a considerable improvement in the addition
36 of public non-taxable lands and reduces equally the
37 potential for additional development in an area which
38 would not be desirable from the point of view of
39 additional boating.

40 7.That any fears of reduction of property values are

1 completely unfounded and that just the opposite will be
2 true, especially on that property which has its own
3 access to the Lake.

4 8. That the proposals relative to the changes in the
5 Zoning District Map are wholly consistant with the
6 goals of the Zoning Ordinance as set forth in Proposal
7 Three, Section 2, of this Plan.

1 THE TEN YEAR PLAN FOR THE INDIAN LAKE COMMUNITY

1 Prepared by the Planning Commission
2 Indian Lake Borough
3 Central City, PA.15926

4 April 1992
9th Revision

4 PROPOSAL NUMBER FIVE

5 SEWERAGE SYSTEM

6 1.BACKGROUND

7 In the early 1970's the State of Pennsylvania mandated that
8 the Borough of Shanksville prepare a plan for a disposal system
9 and because they could not support a system by themselves that it
10 be done in conjunction with the Lake Stonycreek Area and the
11 Borough of Indian Lake. Engineers were retained and a plan
12 submitted to the State. At this point the ability of the State to
13 fund the proposal disappeared. The Boroughs and the Township were
14 left with a very expensive engineering plan which was useless. In
15 the interim a design for on lot systems with a sand mound and a
16 pump were permitted and have found wide use in the Borough.

17 It is of interest that back even further in 1960 when the
18 original plans for the Indian Lake Resort were being formulated
19 the Developers approached the State with a proposal to build a
20 sewage system with on lot treatment but with effluent discharge
21 through a pipe system to a central treatment plant. They were
22 told by the State officials that such a system would never be
23 needed as the lots proposed were so large and an off lot water
24 system being installed. Therefore the developers abandoned the
25 proposal.

26 Recently at the time of the sale of the Lodge Property the
27 owners of the 7.9 acre tract previously discussed purchased the
28 existing sewage treatment plant below the Lodge and the one and
29 one-half (1 1/2) acre tract surrounding the plant. At an expense
30 to themselves of something over twenty thousand (\$20,000) dollars
31 the plant was completely refurbished and put into first class

1 condition. The owners offered the plant to the Borough free of
2 charge but under certain conditions regarding their ability to
3 utilize the plant for disposal from their proposed homes they
4 intended to build. Their application to run a disposal line to
5 the plant under the Lake as has been done throughout the State of
6 Pennsylvania was turned down by the Borough Council after a
7 public hearing on the matter.

8 The Planning Commission believes that this was probably a
9 proper decision as it did not address the overall problem which
10 exists. There are a total of 413 possible homes within the
11 Borough which have or could have a disposal field as close as 100
12 feet from the Lake. All of the rest of the potential homes are
13 back at least 200 feet and most considerably more. Therefore it
14 is these homes with discharges 100 feet from the Lake edge that
15 should be considered first if a system can be developed to handle
16 a portion of the potential sewage problem.

17 2. RECOMMENDATION.

18 The Commission believes that it is feasible for the Borough
19 in conjunction with the developers of the two tracts being
20 considered in the Peninsula, to build a system that will handle
21 the sewage of not only the proposed developments but in addition
22 53 Fairway lots and 196 of the Lake Front lots. This would take
23 care of almost fifty percent of the potential problem homes
24 within 100 feet of the lake. The total homes and/or lots in this
25 phase of the system would be 342 potential taps going into the
26 present system plus the Lodge and 24 existing townhouses.

27 In order to accomplish this the plant would have to be
28 enlarged and a line built from the plant below the Lodge around
29 the lake and the point of the peninsula back as far as Palmer
30 drive. The construction of the additions to the plant could be
31 done in such a way as to be able to use smaller portions of the
32 plant in the winter when demand is low. The line would follow the
33 roadway on the Borough right of way. It would be necessary for
34 all residents to tap into the plant and in some cases provide a
35 pump. It is possible that it would not be necessary to provide
36 for the transmission or treatment of raw sewage but rather the
37 effluent only. This may require smaller lines, smaller pumps and
38 less retention time.

1 Very rough calculations indicate that this system and the
2 enlarged plant could be built for a cost of from not less than
3 Two or more than Three Thousand Dollars per lot owner. The
4 developers would have to spend a total of what they would have to
5 spend in any case. The monthly operating cost should not exceed
6 about Fifteen Dollars per tap.

7 The Planning Commission recommends that the Borough retain
8 the services of a Sanitary Engineer to examine the proposal and
9 report as to its feasibility and more accurate costs. With the
10 potential of eventually being able to design the system the cost
11 of the initial work should be minimal.

12 The Planning Commission further recommends that the Borough
13 consider an Ordinance which would prohibit the use of Phosphate
14 detergents within the Borough. While it is admitted that this
15 would be difficult to enforce we think that the majority of
16 residents would abide by the ordinance. Non-Phosphate detergents
17 are readily available in most stores.

18 3.WATER SERVICE.

19 The Planning Commission also recommends that the Borough
20 consider the application of a Water Service Fee to all lots where
21 water lines are adjacent to such lots but no home has been built
22 and no water charge currently collected. This fee could be billed
23 to all vacant property owners excepting those who own an adjacent
24 home and are paying a water bill on a quarterly basis. The
25 justification for this service is the cost of maintenance of
26 water lines by the Authority and storage for demand by vacant
27 lots owners when and if they build.

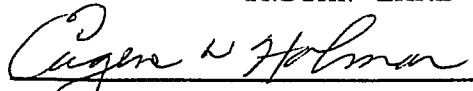
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2

SUBMITTED TO THE BOROUGH COUNCIL OF INDIAN LAKE THIS
13th DAY OF May 1992.

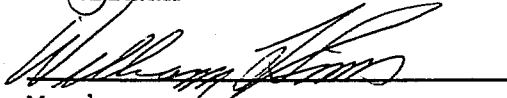
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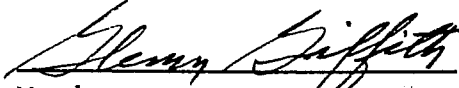
INDIAN LAKE PLANNING COMMISSION

4
5

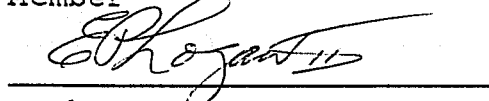

Chairman

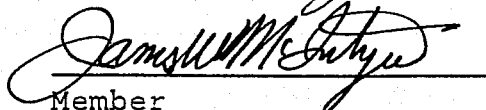
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Member


Member

8
9


Member


Member

FUNCTION	B	C	D	E	F	G	H	I	J	K	L
A149..L203	SO.SHORE	LODGE	P.ESTATE	P.LK.FRONT	FAIRWAY	AIRPARK	ARAWAK	NO.SHORE	WE.SHORE	W.S.EXT.	TOTALS
TOTAL VALUE	\$445,094	\$151,492	\$207,033	\$1,259,779	\$273,083	\$5,720	\$123,555	\$499,624	\$466,948	\$29,700	\$3,462,028
AVERAGE VALUE	\$5,857	\$4,328	\$6,470	\$10,767	\$8,809	\$5,720	\$6,864	\$7,687	\$6,671	\$7,425	\$7,060
# ABOVE AVERAGE	34	26	15	56	14	0	13	26	29	2	
# BELOW AVERAGE	42	9	18	61	17	0	15	39	41	2	
AVERAGE-4H-4L	\$5,762	'N/A	\$5,858	\$9,170	\$8,474	N/A	\$6,296	\$7,259	\$6,485	N/A	
NUMBER OF HOMES	76	68	32	117	31	1	18	65	70	4	482
HIGHEST VALUE	\$11,540	\$6,440	\$11,765	\$37,152	\$15,430	\$5,720	\$16,015	\$21,050	\$13,641	\$9,185	
LOWEST VALUE	\$1,550	\$1,925	\$2,560	\$6,772	\$3,930	\$5,720	\$4,405	\$2,721	\$2,747	\$6,825	
MEDIAN VALUE	\$5,978	\$4,462	\$6,151	\$8,990	\$8,421	\$5,720	\$6,043	\$7,298	\$6,465	\$7,425	\$6,695
NUMBER OF LOTS	133	98	109	224	183	4	54	123	115	46	1089
NUMBER SOLD	133	68	97	224	130	4	41	118	113	4	932
NUMBER UNSOLD	0	30	12	0	53	0	13	5	2	42	157
NUMBER VACANT	65	0	77	77	152	3	36	58	45	42	555
OWNED/ADJACENT	9	0	6	31	14	0	7	5	10	0	82
PERMIT DENIED	6	0	4	9	9	0	2	14	7	0	51
BUILDABLE	50	0	67	37	129	3	27	39	28	0	380

ENTITLED BOAT LICENSES AT ONE PER LOT- BILLED BY SERVICE CORP.- - 910 (INCLUDES LODGE TRACT)
 ENTITLED BOAT LICENSES AT ONE PER RESIDENCE- - - - - 476 SEE BELOW
 TOTAL NUMBER OF LICENSES ISSUED IN 1990- - - - - 836
 NUMBER ISSUED TO NON-RESIDENCES- - - - - 13
 AMOUNT RECEIVED FOR EXTRA BOAT LICENSES- - - - - \$7,932

DEVELOPABLE LAND

OWNER	PARCEL	ASSESSED	PER ACRE	MAP NUMBER
BRIT.OVER.CORP.	'419ac LAND	\$11,605	\$31	036-128&044-020(CCM)
UNGER/ISEMAN	'PEN.LAKE FRONT 7.123ac	\$8,645	\$960	037-156(LL3)
C.MOSTOLLER ET	'WE.SHORE 33ac	\$4,083	\$124	033-096/14(RRE-LL2-AG)
R.MUSSER	'TRACTS 106ac	\$2,343	\$22	040-147/153/081(AG-AA8-VVU)
A.SLINGLUFF	'TRACTS 38ac	\$3,876	\$102	008-083/84(LL2-AG)
TREMOLONI,DAVID	'TRACT 20.56ac	\$5,215	\$261	040-149(VVT)
J.TURGAN	'AIRPORT 9ac	\$3,937	\$437	041-167(LL3)
D.WALKER	'TRACT 17.42ac	\$2,675	\$157	008-081-1(VVT)
BRANT,ROGER	'TRACT 7.7ac	\$670	\$100	040-151(LL3)
BOCEK,W. ET UX	TRACT 13ac	\$2,240	\$172	044-011(AAT)
CARNEY,FRANK ET	TRACT 57ac	\$1,802	\$32	041-165(AG)
KONDISKO,JOSEPH	TRACT 58.4ac	\$3,450	\$59	040-148(AAB)
PERIGO,DENNIS	TRACT 10ac	\$4,112	\$411	036-228(VVB)
PHILLIPS,TIM	TRACT 9ac	\$1,810	\$201	036-230(RRE)
P.B.S.	TRACT 82.5ac	\$7,690	\$93	008-081(VVT)
LAUREL CHURCH	TRACT 22ac	\$0	\$0	041-166(EXR)
McCLACHEY,JOHN	TRACT 3 ac	\$1,445	\$361	040-153/154
ARMSTRONG,ALAN	TRACT 3.3ac	\$2,330	\$706	040-152
WATKA-TOMILSON	'TRACT 1.3ac	\$2,260	\$1,699	040-141
TOTALS	917 ACRES APPROX.	\$70,188	\$77	

(FUNCTION A216..L270)

VALUES OF FACILITIES OTHER THAN RESIDENTIAL
OWNER PROPERTY

VALUE SUB-TOTAL PER/LOT PER/ACRE

LAKE PROPERTIES	'LODGE,GOLF COURSE,204ac	\$198,505		
SAME	'HOTEL(CONDO#2)	\$64,140	\$262,645	
VARIOUS OWNERS	'HOTEL(CONDO#1)	\$17,280		
S.SWANK ET AL	'MARINA COMPLEX	\$18,388		
ILK GOLF CLUB	'PEN. GOLF COURSE,CLUBHOUS	\$36,466		
BRIT.OVER.CORP.	'85 LOTS (SEE BELOW)	\$78,124	\$919	
ILK AIRPORT	RUNWAYS & LAND 55.8ac	\$1,105		\$20
TOTALS		\$414,008		

OTHER PROPERTIES

BRIT.OVER.CORP.	1201ac	'COAL & MINERALS	\$31,698	
OTHERS	667ac	'COAL & MINERALS	\$17,604	\$49,302

BOAT AND DOCK ACCESS LAND ON LAKE

DISTRICTS	B	C	D	E	F	G	H	I	J	K	TOTAL
100 FT FRONTAGE	30	0	0	224	0	0	19	71	51	18	413
25 FT FRONTAGE	53	0	0	0	0	0	7	52	64	28	204
9 FT FRONTAGE	50	52	0	0	0	0	0	0	0	0	102
TOTAL W/ACCESS	133	52	0	224	0	0	26	123	115	46	719
NO DOCK SPACE	0	46	109	0	183	4	28	0	0	0	370
										TOTAL	1089

BRITISH OVERSEAS CORP. OWNS 85 LOTS: 5 SIOUX PARK;13 ARAWAK;2 DAKOTA;
12 PENINSULA ESTATE;31 FAIRWAY;22 AIRPORT FAIRWAY.

NOT SOLD	100 FT.	14
	25 FT	35
	9 FT	0
	NONE	108

NOTES ON ABOVE STATISTICS

All above figures were compiled from the Tax Assessment Listings for 1990. Some errors may exist but are not significant. Lot numbers were taken from the Borough Map. Boat License numbers came from Borough Manager and the Budget for 1990.

Notes (1) These parcels if sub-divided must be as follows: Mostoller-4 parks with 28 park lots and 14 more lake fronts. Bocek-5 lake front total. Turgin 9 Airpark lots. Note(2) It is expected that this parcel will support 16 Townhouse Lot units or 9 residences. All of the other parcels have no restrictions.

To calculate fair market value a multiplier of 12 would seem to be appropriate in most cases.

NOTE: 49 MORE HOUSES WERE BUILT SINCE ASSESSMENT DATE OF STUDY. THIS WILL BE INCORPORATED IN FINAL PLAN.

LAND AREAS WITHIN DISTRICTS

B-SOUTH SHORE DISTRICT

Wenatchee;Ottawa;Chippewa;Kiowa;Arapaho;Seneca;Cherokee;Delaware.

C.LODGE DISTRICT.

Condo #1;A-Frame Chalets;Lodge;Hotel(Condo #2);Townhouses 1 to 12;Old Boro Bldg;Greenskeepers House;Townhouses 13 to 24; Golf Course;Pro-Shop;Total 208 Acres,1000 ft Lake Front;Tracts 81,81-1,& 83.

D-PENINSULA ESTATE DISTRICT.

Peninsula Estate Lots.

E-PENINSULA LAKE FRONT DISTRICT

Peninsula Lots

F-FAIRWAY LOT DISTRICT.

Fairway Lots;Tract #128

G-AIRPARK DISTRICT.

Airpark Lots;Terminal Building;Runways;Tract below Runway;Golf Course Maintenance Bldg.

H-ARAWAK DISTRICT

Arawak Lots;Pawnee;Cayuga;Shoshone;Park Lake Front in Stump Area;Tract 128.

I-NORTH SHORE DISTRICT

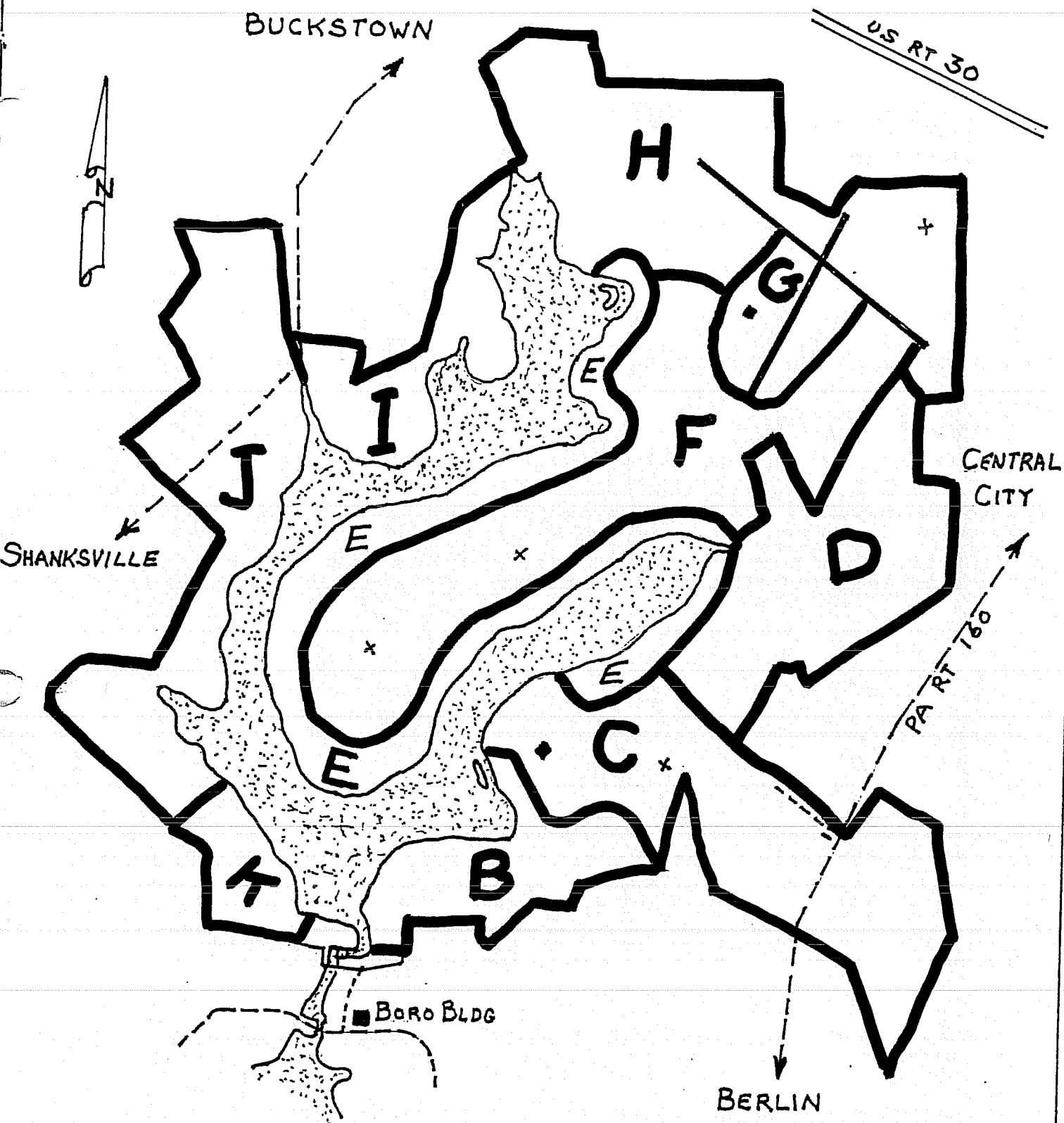
Choctaw;Bocek Lots;Mohawk;Apache;Ithaca;Sioux;Huron;Niagara; Tracts 152 & 153.

J-WEST SHORE DISTRICT.

Osage;Dakota;Navajo;Syracuse;Iroquois;Chickasaw;Algonquin; Comanche;Tracts 147,148,149,228.

K-WEST SHORE EXTENSION

Pueblo Lots;Mostoller Tract 014 & 096.



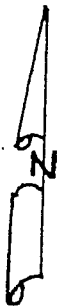
INDIAN LAKE BORO.
STUDY DISTRICTS

26
EXHIBIT THREE

2400' USGS.
SCALE
1 in = 2000 FT

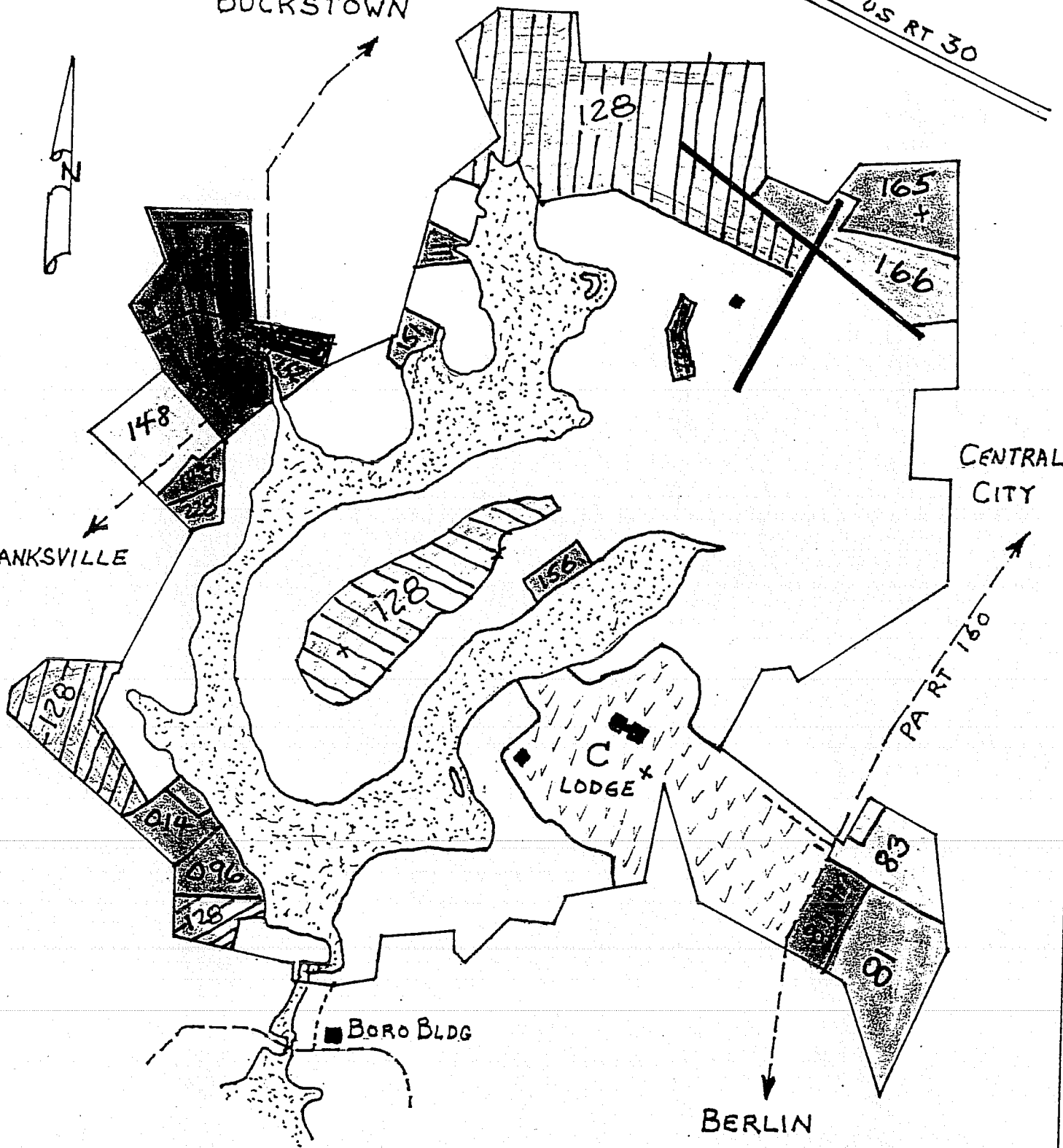
BUCKSTOWN

US RT 30



SHANKSVILLE

CENTRAL CITY

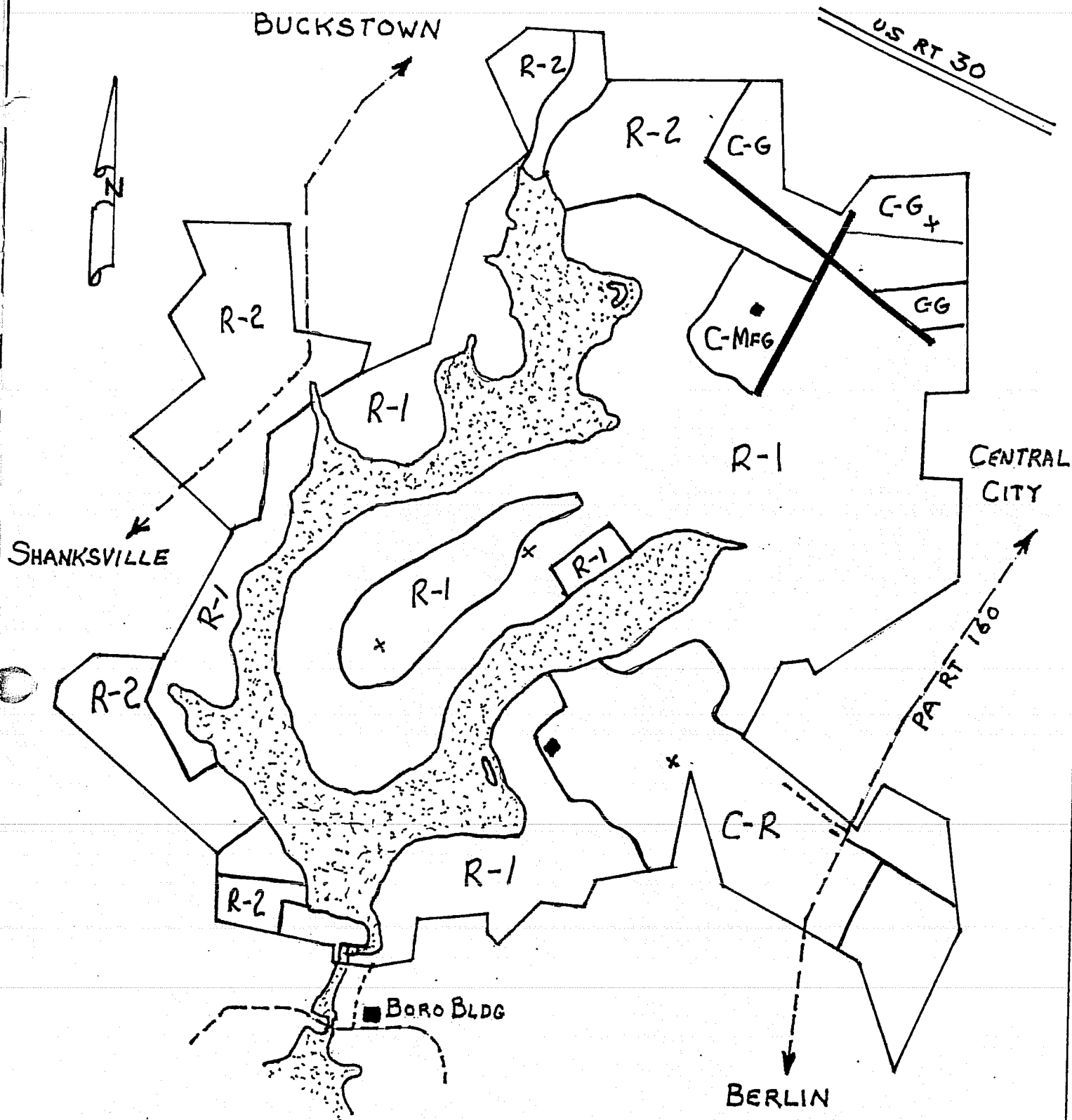


INDIAN LAKE BORO.
LOCATION OF TRACTS
 UN-DEVELOPED

27
 EXHIBIT FOUR

2400' USGS.

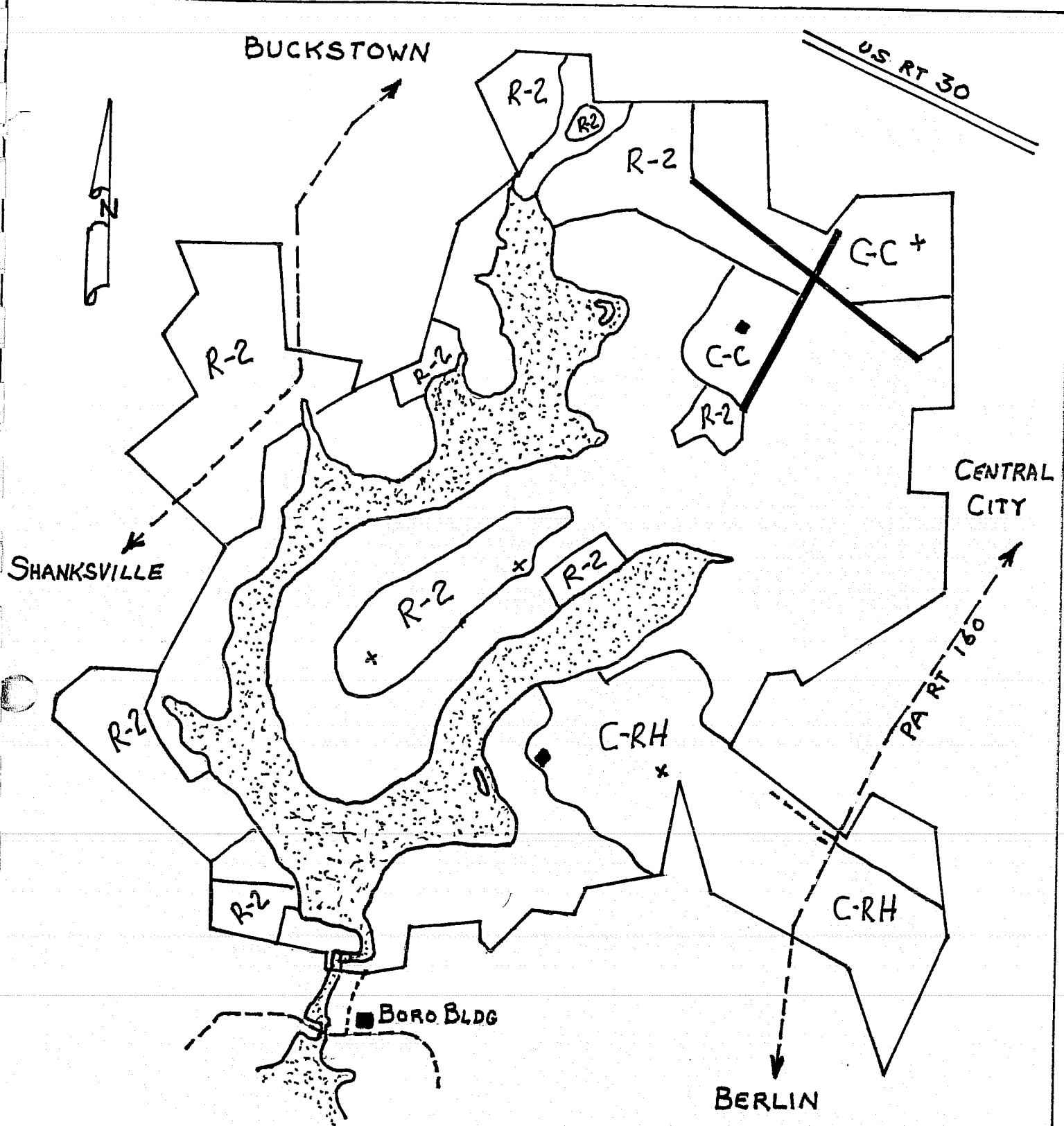
SCALE
 1" = 2000 FT



ZONING MAP
 INDIAN LAKE BORO.
 1982 TO PRESENT

28
 EXHIBIT FIVE

2400' USGS.
 SCALE
 1" = 2000 FT

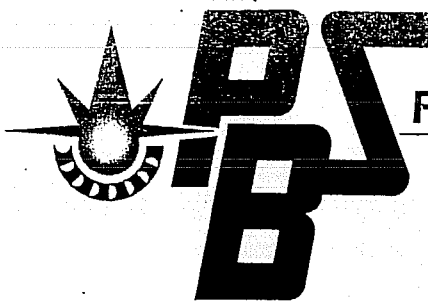


ZONING MAP
INDIAN LAKE BORO.
 1974 to 1982

CC - COMMERCIAL
 CRH - COMMERCIAL HOTEL RECREATIONAL
 R-2 - Multi FAMILY RESIDENTIAL
 x 2400' USGS.

29
 EXHIBIT SIX

SCALE
 1in=2000 FT



PBS COALS, INC.

TLX 812553
FAX 814/445-2809

P.O. Box 260
Friedens, PA 15541
814/443-4668

December 12, 1991

Mr. Eugene Holman, Chairman
Indian Lake Planning Commission
Indian Lake Borough
Central City, PA 15926

Dear Mr. Holman:

In conformance with discussions held with you and other members of the Planning Commission, I should like to advise you of our intent with respect to the disposition of the balance of properties we own within Indian Lake Borough.

It is our intention to sell the 44-acre tract in the center of the Peninsula and the various platted lots to the developer who has expressed interest, or should that sale not materialize, to sell the 44-acre tract in the center of the Peninsula to the Indian Lake Golf Club and retain the platted lots for subsequent sale by ourselves.

Upon the disposition as outlined above, we intend to offer to Indian Lake Borough without cost other than document preparation and transfer taxes, the 205 acres of land at Arawak, the 2-acre island and the 21-acre strip bordering Clear Run--a total of 228 acres.

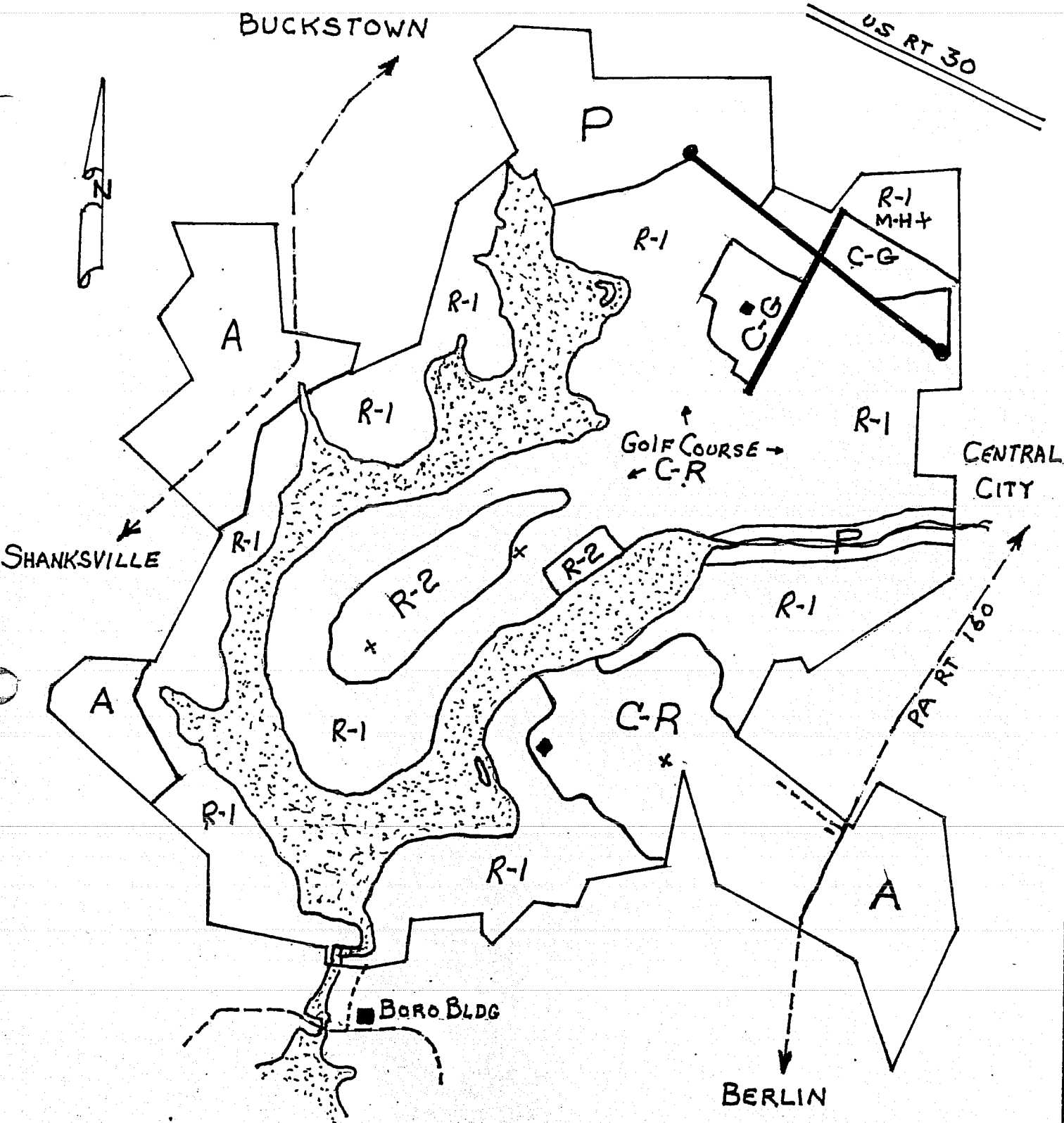
We trust this letter will be helpful to you in completion of the Indian Lake overall plan you have been preparing.

Very truly yours,

Robert Scott
President

RS:clb
cc: Tim Phillips

30
EXHIBIT SEVEN



OFFICIAL LARGE SCALE MAP
ON DISPLAY AT BOROUGH OFFICE

PROPOSED
INDIAN LAKE BORO.
ZONING DISTRICT MAP

31

EXHIBIT EIGHT

2400' USGS.

SCALE
1" = 2000 FT