

# **Cedar Lake Plan Commission**

## **Minutes**

### **January 19, 2011**

The Cedar Lake Plan Commission held their regular public meeting on January 19, 2011. It was called to order at approximately 7:03 p.m. at the Cedar Lake Town Hall. Those members present were: Diane Cusack, Jeremy Kuiper, Robert H. Carnahan, and Tim Kubiak, President. Also, present were Tim Kuiper of Austgen, Kuiper and Associates; Sandra Bucklew P.E. of Christopher B. Burke Engineering LTD; Ian Nicolini, Town Administrator; and Laurie Wyrick, Recording Secretary. Stacy Brooks, John Foreman and Greg Parker, Members, were absent from tonight's meeting.

1. **Minutes:** Jeremy Kuiper moved to approve the Minutes from the December 15, 2010 Plan Commission Public Meeting. Diane Cusack seconded. After a voice vote, the motion carried unanimously.

Jeremy Kuiper moved to approve the Minutes from the January 5, 2011 Special Public Meeting. Diane Cusack seconded. After a voice vote, the motion carried unanimously.

#### **Election of Officers:**

- A. **President:** Robert Carnahan nominated Tim Kubiak as President. Jeremy Kuiper seconded. Robert Carnahan moved to close the nominations for President of the Plan Commission. Jeremy Kuiper seconded. Robert Carnahan moved to elect Tim Kubiak as President of the Plan Commission. Diane Cusack seconded. After a voice vote, the motion carried unanimously.
- B. **Vice President:** The members discussed that as only four (4) members are present to defer the election of Vice President. Robert Carnahan moved to defer the election of Vice President to the February meeting schedule. Diane Cusack seconded. After a voice vote, the motion carried unanimously.

#### **Retaining of Services:**

- A. **Legal Services:** Diane Cusack moved to retain Austgen, Kuiper & Associates as Legal Services for the Plan Commission for 2011. Jeremy Kuiper seconded. After a voice vote the motion carried unanimously.
- B. **Engineering Services:** Robert Carnahan moved to retain CBBEL as the Plan Commission Engineering firm for 2011. Jeremy Kuiper seconded. After a voice vote, the motion carried unanimously.

#### **Plan Commission Appointment to Board of Zoning Appeals**

Robert Carnahan moved to defer the appointment of a Plan Commission Member to the Board of Zoning Appeals to the February meeting schedule. Diane Cusack seconded. After a voice vote, the motion carried unanimously.

#### **Plan Commission Appointment to Unsafe Building Committee:**

Robert Carnahan moved to appoint Diane Cusack as Plan Commission appointee to the Unsafe Building Committee. Jeremy Kuiper seconded. After a voice vote, the motion carried unanimously.

#### **Old Business:**

##### **2. T & J Landscaping – Site Plan**

Owner: T & J Landscaping, 12615 Wicker Avenue, Cedar Lake, IN  
Petitioner: Landmark Engineering LLC, 7808 W. 103<sup>rd</sup> Street, Palos Hills, IL  
Vicinity: 12634 Wicker Avenue  
Request: Petitioner is requesting Site Plan approval

**Deferred from the December 15, 2010 Public Meeting**

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- (1) Town Attorney's Comments: None
- (2) Petitioner's Response: E-mail dated January 14, 2011 from Landmark Engineering requesting deferral to the February meeting schedule.
- (3) Town Engineer's Comments: None
- (4) Building Department's Comments: None
- (5) Commission's Discussion: None
- (6) Commission's Decision: Robert Carnahan moved to defer to the February meeting schedule. Diane Cusack seconded. After a voice vote, the motion carried unanimously.

**New Business:**

**3. Kazwell – Preliminary Plat**

Owner/Petitioner: Richard & Marilyn Kazwell, 612 Brookside Drive, Crown Point, IN  
Vicinity: 8509 W. 141<sup>st</sup> Avenue  
Request: Preliminary Plat approval to establish a one (1) lot subdivision

- (1) Town Attorney's Review of Legals: Tim Kuiper stated that the notices and publications are in order for tonight's public hearing.
- (2) Petitioner's Response: Richard and Marilyn Kazwell were present at tonight's meeting. Mr. Kazwell stated that the property is three (3) separate lots with two (2) public right-of-ways to be combined into one (1) lot.
- (3) Town Engineer's Comments: Letter dated January 19, 2011, concerning Kazwell subdivision, recommending preliminary plat approval as the comment items have been addressed.
- (4) Remonstrators: None.
- (5) Building Department's Comments: Ian Nicolini stated that Mr. & Mrs. Kazwell have re-advertised for the public way vacations to follow the recently adopted ordinance that requires a sign to be posted on the public property with the pertinent information regarding the vacation. The preliminary plat before the Commission is a ministerial act to clean up the property in question, the vacation was done but not properly recorded and Mr. & Mrs. Kazwell have been paying taxes on the property. The Petitioners would like to properly record the property as one (1) lot and avoid issues in the future when title searches are completed. Ian Nicolini recommended approval of the preliminary plat.
- (6) Commission's Discussion and First Motion: Robert Carnahan stated that this item requires a public way vacation from the Town Council and as a matter of policy always votes against public way vacations stating that the Town should be compensated for property that is given to persons. Mr. Kazwell stated that the taxes on the property have been paid by the Petitioners not the Town. **Robert Carnahan moved to defer this item**

**to the February meeting. Diane Cusack seconded. After a roll call vote, the motion failed by a vote of 3 to 1, with Tim Kubiak voting against.**

- (7) Commission's Continued Discussion and Decision: Ian Nicolini stated that the preliminary plat can be approved contingent upon the public way vacation action of the Town Council on February 1, 2011. The Commission discussed holding a Special Public meeting prior to the Work Session on February 2, 2011 for this item. The Commission could approve the Final Plat not be executed until thirty (30) days from the preliminary plat approval according to ordinance requirements. Tim Kubiak stated that the process is a system of checks and balances and that Mr. & Mrs. Kazwell need the preliminary approval, then Town Council approval of the vacation. In the event that the Town Council denies the petition for public way vacation, the preliminary plat is just a piece of paper and cannot be considered for final plat. **Jeremy Kuiper moved to approve the preliminary plat contingent upon the public way vacation by the Town Council on February 1, 2011. Diane Cusack seconded. After a roll call vote, the motion carried by a vote of 4 to 0.**

#### **4. Cedar Lake Girls Softball – Site Plan**

Owner/Petitioner: Cedar Lake Girls Softball, 14209 Wicker Avenue, Cedar Lake, IN  
Vicinity: 10715 W. 134<sup>th</sup> Place  
Request: Site Plan approval

- (1) Town Attorney's Comments: None
- (2) Petitioner's Response: E-mail dated December 30, 2010, requesting deferral to the February meeting schedule.
- (3) Town Engineer's Comments: None
- (4) Building Department's Comments: None
- (5) Commission's Discussion: None
- (6) Commission's Decision: Jeremy Kuiper moved to defer to the February meeting schedule. Robert Carnahan seconded. After a voice vote, the motion carried unanimously.

#### **Update Items:**

- A. BP Properties – update. Remove from agenda. Ian Nicolini reviewed the previous action on the site for the new member.
- B. Emerald Towing – update. The site is in compliance. Remove from agenda.
- C. Krystal Oaks Bond – update. Ian Nicolini stated that the bond is in process.
- D. Lynnsway Subdivision – information. No new information at this time to report.
- E. Winding Creek Unit 2 Bond – update. Received.
- F. Turnquist Site Plan – update.
- G. Dark Sky Ordinance – information. To be a part of the new Zoning Ordinance
- H. Woods of Cedar Creek Bond – update. Ian Nicolini stated that the bond is in process.

**Correspondence:** None

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**President's Comments:** Tim Kubiak recommended that a list be generated for keeping up to date on properties that have acquired conditions as a part approval(s) from the Board of Zoning Appeals and/or Plan Commission. The list will assist with inspections of the site(s) for compliance. Ian Nicolini stated that a form for these instances is in process with the Town Engineer to assist in the review of conditions of approvals.

**Public Comment:** None

**Adjournment:** 7:30 p.m.  
Tim Kubiak adjourned the meeting.

**Press Session:** None

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Jeremy Kuiper

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Greg Parker

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Diane Cusack

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John Foreman

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Robert H. Carnahan

\_\_\_\_\_  
Tim Kubiak, President

\_\_\_\_\_  
Stacy Brooks

Attest: \_\_\_\_\_  
Laurie Wyrick, Recording Secretary