

Cedar Lake Plan Commission
Work Session - Minutes
February 9, 2011

The Cedar Lake Plan Commission held their Work Session on February 9, 2011. It was called to order at approximately 7:03 p.m. at the Cedar Lake Town Hall. Those Members present were: Diane Cusack, Greg Parker, Jeremy Kuiper, and Tim Kubiak, President. Also, present were Sandra Bucklew of Christopher B. Burke Engineering LTD; Tim Kuiper of Austgen, Kuiper and Associates; and Laurie Wyrick, Recording Secretary. Stacy Brooks and John Foreman, Members, and Ian Nicolini, Town Administrator were not present for tonight's meeting. Robert H. Carnahan, Member, arrived at approximately 7:40 p.m.

President's Comments: Voting for Vice President and the Board of Zoning Appeal appointment from the Plan Commission will take place at the public meeting on February 16, 2011.

1. Minutes: The minutes of the January 19th Public Meeting were handed out for acceptance at the February 16th Public Meeting.

Old Business

2. T & J Landscaping – Site Plan

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

Deferred from the December 15, 2010 Public Meeting.
Deferred from the January 19th Public Meeting.

- (1) Petitioner's Response: Brad Hensley from Landmark Engineering was present at tonight's work session. Mr. Hensley stated that a couple outstanding items remain for the site. A conference call is scheduled for February 15th with the engineers and petitioners and town engineers to come to an agreement on some of the outstanding items. The drainage ditch clean up is a concern. Sandra Bucklew recommended that the Town Administrator be contacted concerning the ditch. INDOT has granted a verbal approval; however, with the snowfall a site visit has not yet taken place for written approval. Mr. Hensley requested that the Plan Commission consider granting site plan approval with contingencies at the public meeting. Tim Kuiper responded that the site plan can be approved with contingencies with the emphasis on the INDOT permit.
- (2) Town Engineer's Comments: Letter dated February 9, 2011, concerning T & J Landscaping – Site Plan Review #3. Sandra Bucklew stated that the pump station is for a smaller pump to drain the pond as the site does not have the proper elevations for gravity flow. The conference call is scheduled for Tuesday to discuss the details and the possible solutions for pump failure.
- (3) Building Department's Comments: None
- (4) Commission's Discussion: None

3. Cedar Lake Girls Softball

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

Deferred from the January 19th Public Meeting.

- (1) Petitioner's Response: Mark Stenger and Anthony Kollak, engineer, were present representing the Cedar Lake Girls Softball. Mr. Stenger stated that the parking is remaining as it currently exists and the field will be a "10 and under" field due to concerns of safety of neighbors and the fence proposed in an eight (8) foot fence to reduce concerns of property damage from stray softballs to a minimum. The seeding has not been completed; most of the site grading and drainage improvements have been completed. No lights will be added.
- (2) Town Engineer's Comments: Sandra Bucklew stated that the main concern is that the grades are not changed enough to alter the flow of water from the railroad ditch.
- (3) Building Department's Comments: None
- (4) Commission's Discussion: Tim Kubiak questioned the installation of the drain tile. Anthony Kollak responded that the drain tile has been installed in areas and will continue to be installed in low areas to reduce water remaining in a location of the fields. The drain tiles are directing the water to the railroad ditch.

New Business:

4. Lighthouse – Final Plat

Owner/Petitioner: DJ Cedar Lake, 1000 E. 80th Avenue, Suite. 700N, Merrillville, Indiana
Vicinity: 7501 Constitution Avenue
Request: Final Plat approval

- (1) Petitioner's Response: Les Dewes was present at tonight's meeting. Mr. Dewes stated that final plat approval for the Lighthouse is requested.
- (2) Town Engineer's Comments: Neil Simstad, Nies Engineering, was not present at tonight's meeting.
- (3) Building Department's Comments: None
- (4) Commission's Discussion: None

5. Kazwell – Final Plat

Owner/Petitioner: Richard & Marilyn Kazwell, 612 Brookside Drive, Crown Point, Indiana
Vicinity: 8509 w. 141st Avenue
Request: Final Plat approval

- (1) Petitioner's Response: Not present
- (2) Town Engineer's Comments: Letter dated January 19, 2011 concerning Kazwell Subdivision – Plat Review #2. Sandra Bucklew stated that the final plat appears to be in compliance with Town ordinances.
- (3) Building Department's Comments: none
- (4) Commission's Discussion: Tim Kubiak questioned the status of the public way vacations for the property. Greg Parker responded that the vacations were approved by the Town Council on February 8, 2011.

6. Alta Mira – Plat

Owner/Petitioner: TRAM Development Group, P.O. Box 10144, Merrillville, Indiana
Vicinity: Alta Mira Subdivision east of Robin's Nest subdivision on W. 133rd Avenue
Request: Preliminary Plat extension (expires March 18, 2011)

- (1) Petitioner's Response: Attorney Jim Wieser was present representing TRAM Development at tonight's meeting. Mr. Wieser stated that a twelve (12) month extension is requested and construction is planned to begin within that time frame.
- (2) Town Engineer's Comments: Sandra Bucklew stated that the contingent items for the approval are currently compliant with Town Ordinances.
- (3) Building Department's Comments: None
- (4) Commission's Discussion: None

7. Plant Subdivision – Plat

Owner/Petitioner: Dana & Angela Plant, 10516 W. 129th Avenue, Cedar Lake, Indiana
Vicinity: 10516 W. 129th Avenue
Request: Preliminary Plat renewal (expires April 16, 2011)

- (1) Petitioner's Response: Dana Plant was present at tonight's meeting. Mr. Plant requested a twelve (12) month extension to the subdivision, stating a desire to move forward with the property once the economy improves.
- (2) Town Engineer's Comments: Sandra Bucklew stated that the plat is compliant.
- (3) Building Department's Comments: None
- (4) Commission's Discussion: None

8. Horvath Communications – Site Plan

Owner: Town of Cedar Lake, P.O. Box 707, Cedar Lake, Indiana
Petitioner: Horvath Communications, 123 4th Street, Chesterton, Indiana
Vicinity: 7408 Constitution Avenue
Request: Site Plan approval

- (1) Petitioner's Response: Richard Riley was present representing Horvath Communications at tonight's meeting. Mr. Riley submitted a drawing and two (2) pictures of an existing wireless tower; the flag shown in the picture is one hundred and forty three (143) feet in height. Mr. Riley stated that the site plan is basically the same as the plan that was approved in September and now the access is from 137th Avenue to a forty (40) foot by sixty (60) foot site that will be surrounded by a six (6) foot board-on-board fence. The proposed tower will be approximately one hundred and sixty (160) feet in height and will resemble a flag pole. The pedestrian access will be relocated, the monument trees replaced and three (3) additional trees planted, the access will be completed in asphalt, the flag will be installed and maintained by Horvath Communications and the lighting for the flag, if needed, will be the responsibility of the Petitioner. Mr. Riley stated that the notices previously were for the parcel number that the town hall building currently resides and not for the entire town grounds. The correct parcel number has been submitted and forty-six (46) notices have been mailed to adjacent property owners concerning the site's required variances. Mr. Riley stated that several sites in the area were evaluated for the location of the wireless tower, which will house up to six (6) carriers. The electric and the phone lines needed for the site would be underground.
- (2) Town Engineer's Comments: Letter dated February 9, 2011 concerning Horvath Communications – Site Plan Review #2. Sandra Bucklew stated that the proposed grades need to be shown on the plans.
- (3) Building Department's Comments: None
- (4) Commission's Discussion: Robert H. Carnahan stated that a site closer to Morse Street is less objectionable and could be shorter than the proposed. Robert H. Carnahan questioned the capability of the structure to house police and emergency dishes. Mr. Riley responded that those types of devices are not concealable as such and would impair the aesthetics of the proposed tower. Jeremy Kuiper questioned the distance from the site to utility access. Mr. Riley explained that the utility access is not far and can be accessed underground to reduce impact.

9. Union Station - Plat

Owner/Petitioner: Captiva LLC, 1313 White Hawk Drive, Crown Point, Indiana
Vicinity: 141st Avenue and Parrish Avenue
Request: Preliminary Plat renewal (expires April 18, 2011)

- (1) Petitioner's Response: Not present
- (2) Town Engineer's Comments: None
- (3) Building Department's Comments: None
- (4) Commission's Discussion: None

Other Business

- A. Krystal Oaks Bond – update.
- B. Woods of Cedar Creek Bond – update.
- C. Turnquist – Site Plan update.
- D. Lynnsway Subdivision – information.

Written Communications: Sanusi Mutuwa from the Cedar Lake Bible Conference Grounds submitted plans for adding parking to the site, requesting direction from the Plan Commission concerning the planned improvements. Sandra Bucklew stated that the grades need to be shown on the plans and that the conference center's engineers can address the grades in relation to stormwater that could impact properties off site. Mr. Mutuwa stated that the southern proposed parking area was the maintenance building that was removed and seeded recently. Sandra Bucklew stated that a review letter will be sent to Mr. Mutuwa to explain the concerns. Robert H. Carnahan questioned the increase in the impervious area and the effect to the storm water fee paid. Sandra Bucklew will review to ascertain the calculations. Tim Kuiper stated that a site plan review is not needed as the criteria such as traffic flow is not requested. Tim Kubiak requested that Sanusi Mutuwa have the necessary documents sent to the Town Engineer for review and recommendation.

Public Comment:

- A. Robert Parker, 7413 W. 136th Lane, concerns about the wireless tower. Mr. Parker claims to be the representative of a group of residents that are against the location for the wireless tower. Mr. Parker's concerns are that the wireless tower is invasive in the park location to the neighboring homes, lake and park, noise issues of the flag, traffic concerns with maintenance vehicles for the tower and that the water tower is 14 stories whereas the proposed wireless tower is 16 stories.
- B. Scott Campbell, 9473 Buchanan Street, Crown Point, Indiana representing the Cedar Lake Yacht Club, submitted a letter from the Cedar Lake Yacht Club about representing the Cedar Lake Yacht Club concerning the wireless tower. Mr. Campbell submitted information from the internet concerning current coverage in the town, locations that would be more appropriate for a wireless facility, an image of the proposed location with a 600 meter radius, and an article dated December 13, 1999 from Lawyers Weekly USA posted on a website February 22, 2001 concerning cell phone towers. Mr. Campbell cited other articles concerning hazards of cell towers such as cancers, fall zones, hazards from the generator batteries – no documentation submitted. Tim Kuiper stated that site plan approval that is before the Plan Commission is not a public hearing format. Tim Kubiak stated that improved design standards are in place today.
- C. Tammy Warczynski, 7417 W. 136th Lane, concerns about negative impact from the wireless communications tower; the location, flag noise, views, cancer clusters and residential area with green space to preserve our resources of the lake, homes and park.

Adjournment: The Work Session was adjourned at 8:10 p.m.

Press Session: None.

Attest: _____
Laurie Wyrick, Recording Secretary