

**Cedar Lake Plan Commission
Minutes
February 16, 2011**

The Cedar Lake Plan Commission held their regular public meeting on February 16, 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, Stacy Brooks, John Foreman, Greg Parker 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.

1. Plan Commission Business:

Minutes: Jeremy Kuiper moved to approve the Minutes from the January 19, 2011 Plan Commission Public Meeting. Diane Cusack seconded. After a voice vote, the motion carried unanimously.

Election of Officer: Vice President: Greg Parker nominated John Foreman as Vice President. Diane Cusack seconded. As there were no more nominations, Robert H. Carnahan moved to close the nominations. Greg Parker seconded. After a voice vote the motion carried unanimously and the nominations were closed. Greg Parker moved to elect John Foreman as Vice President. Jeremy Kuiper seconded. After a voice vote the motion to elect John Foreman as Vice President carried unanimously.

Plan Commission Appointment to Board of Zoning Appeals

John Foreman moved to defer the appointment of a Plan Commission Member to the Board of Zoning Appeals to the March meeting schedule. Robert H. Carnahan 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. 103rd Street, Palos Hills, IL
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) Town Attorney's Comments: None
- (2) Petitioner's Response: Brad Hensley was present at tonight's meeting representing Landmark Engineering. Mr. Hensley stated that work with the Town's Engineering is progressing and requested the Plan Commission approve the Site Plan contingent on compliance with engineering items and INDOT permitting. The Town is requesting the detention system pump have an alarm and light in the event of power outages, the owner will need to be alerted quickly to amend the issue. A written maintenance and operations program will need to be submitted to the Town, which has been verbally agreed upon by interested parties. The details of the pump for the detention release are to be submitted. The ditch cleaning concerns will be addressed with the Town Administrator. The storm water pollution submittal and storm water permit will be submitted to the Town once completed.
- (3) Town Engineer's Comments: Sandra Bucklew stated that a new submittal was given this morning for review. The storm water pollution submittal, storm water permit, INDOT permit can be contingencies. The details of the detention lift station items are being finalized. The lift station will use a single smaller pump that an alarm and light system for alerting T&J Landscaping is in planned for the site and under review at this time.
- (4) Building Department's Comments: Ian Nicolini stated that the work required for the ditch will best be completed in house as Public Works is currently undertaking this project and recommends that the developer work with staff on this item.
- (5) Commission's Discussion: Robert H. Carnahan stated concerns about the location of the lift station pump and a preference for an above ground pump for ease of maintenance. Brad Hensley stated that a manhole would be used for access. Greg Parker stated concerns about the result of a pump failure. Sandra Bucklew stated that the elevations of the site will direct the water to the overflow and onto the site and not discharge water to be a burden to adjacent properties. Tim Kubiak requested more information about the maintenance agreement and the areas that the agreement would cover as concerns over the maintenance of the adjacent ditch were discussed. Mr. Hensley stated that the maintenance agreement would address on site items.

- (6) Commission's Decision: Stacy Brooks moved to approve the site plan contingent upon obtaining the Cedar Lake Stormwater Permit (MS4); obtaining INDOT Access Permit; engineering submittal and review for the stormwater lift station, to include the CBBEL review comments in the letter dated 2-9-11, and Alarm and O&M manual as discussed with the Town and Applicant's Engineer on 2-16-11, and lowering of basin overflow elevation; and Coordination and agreement with the Town regarding cleaning of the drainage ditch downstream of the T&J site. Greg Parker seconded. After a roll call vote, the motion carried by a vote of 7 to 0.

3. Cedar Lake Girls Softball – Site Plan

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) Town Attorney's Comments: None
- (2) Petitioner's Response: Mark Stenger was representing the Cedar Lake Girls Softball at tonight's meeting. Mr. Stenger requested approval of the site plan as presented.
- (3) Town Engineer's Comments: Sandra Bucklew stated that the site grading will not affect existing drainage patterns.
- (4) Building Department's Comments: Ian Nicolini stated that a discrepancy may exist that would cause the vacation ordinance to be revisited in the future; the Town Attorney's office is currently reviewing the item for accuracy, this would not affect the site plan approval before the Plan Commission tonight.
- (5) Commission's Discussion: None
- (6) Commission's Decision: Greg Parker moved to approve the Site Plan as presented. John Foreman seconded. After a roll call vote, the motion carried by a vote of 7 to 0.

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) Town Attorney's Comments: None
- (2) Petitioner's Response: Les Dewes was present representing DJ Cedar Lake at tonight's meeting. Mr. Dewes requested final plat approval for the additional triangular portion added to the Lighthouse subdivision parcel.
- (3) Town Engineer's Comments: Not present. Letter from Neil Simstad and Nies Engineering dated February 15, 2011 concerning 2/16/11 Plan Commission Review for Lighthouse at Paradise Resubdivision. The Plan Commission President requested the Town Attorney read the letter to the assembly. Attorney Kuiper read the letter to the Members and Public.
- (4) Building Department's Comments: Ian Nicolini stated that the outstanding items have been addressed during preliminary plat approval process.
- (5) Commission's Discussion: None
- (6) Commission's Decision: Jeremy Kuiper moved to approve the final plat as presented. Greg Parker seconded. After a roll call vote, the motion carried by a vote of 7 to 0.

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) Town Attorney's Comments: None.

- (2) Petitioner's Response: Richard & Marilyn Kazwell were present at tonight's meeting. Mr. Kazwell requested that the Plan Commissioners grant final plat approval for the site.
- (3) Town Engineer's Comments: Sandra Bucklew referenced a letter dated January 19, 2011 from CBBEL that all items were in compliance with the Town Subdivision Ordinance. Sandra Bucklew recommended approval of the final plat as presented.
- (4) Building Department's Comments: Ian Nicolini recommended approval of the final plat as presented.
- (5) Commission's Discussion: None
- (6) Commission's Decision: John Foreman moved to approve the final plat as presented. Jeremy Kuiper seconded. After a roll call vote, the motion carried by a vote of 7 to 0.

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) Town Attorney's Comments: Tim Kuiper stated that according to the Town's Subdivision Ordinance, the plat can be extended for a period of not more than twelve (12) months.
- (2) Petitioner's Response: Rich Wolf was present representing TRAM Development at tonight's meeting. Mr. Wolf requested a twelve (12) month extension to the preliminary plat.
- (3) Town Engineer's Comments: None
- (4) Building Department's Comments: None
- (5) Commission's Discussion: None
- (6) Commission's Decision: Robert H. Carnahan moved to grant a twelve (12) month extension for the preliminary plat with a new expiration date of March 18, 2012. Diane Cusack seconded. After a roll call vote, the motion carried by a vote of 7 to 0.

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) Town Attorney's Comments: None
- (2) Petitioner's Response: Dana Plant was present at tonight's meeting. Mr. Plant requested a twelve (12) month extension to the preliminary plat.
- (3) Town Engineer's Comments: None
- (4) Building Department's Comments: None
- (5) Commission's Discussion: None
- (6) Commission's Decision: Robert H. Carnahan moved to grant a twelve (12) month extension for the preliminary plat with a new expiration date of April 16, 2012. Greg Parker seconded. After a roll call vote, the motion carried by a vote of 7 to 0.

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) Town Attorney's Comments: None

- (2) Petitioner's Response: Richard Riley was present representing Horvath Communications at tonight's meeting. Mr. Riley stated that the five (5) items on the letter from the Town Engineer have been completed: the details of the grade elevations, defining the seeding and reseeding of the area, defined the concrete detention area, the gravel access drive and silt control mechanisms, and the site meets all the Town's requirements for approval. Mr. Riley explained how the site was chosen after exploring alternative sites and that the Summerfest committee and Park Department have approved the proposed location. The location along Morse Street was among the first sites proposed and the Town requested the site be one that is less visible. Mr. Riley stated concerns that moving the site to a new location in the park would be trading one set of issues for another set of issues and causing new equivalent issues. Mr. Riley requested assurances that the time and engineering costs of presenting a new site would be the means to a viable site not a futile use of resources. Greg Parker questioned the impact of the existing tower used by emergency services being combined into the proposed tower. Mr. Riley responded that emergency services use receivers/transmitters that would need to be attached to the outside of the tower and not concealed as the proposed antennas are planned for concealment. Robert H. Carnahan stated that Mary Joan Dickson, the Park Director, Jerry Smith, Town Council, Louise Roys, Summerfest Committee, were on the site and agreed with the proposed location.
- (3) Town Engineer's Comments: Sandra Bucklew stated that all the engineering comments have been addressed.
- (4) Building Department's Comments: None.
- (5) Commission's Discussion: Robert H. Carnahan agreed that the current site as presented is the correct location for the tower. Tim Kubiak questioned the feasibility of connecting the emergency services antenna to the proposed tower and that the cable(s) can be buried to reduce the amount of lines above ground. Ian Nicolini stated that the Fire Chief does not have concerns and that the emergency services needs are met with existing facilities. The Commission opened the floor to Public Comment:
- a. Robert Parker, 7413 W. 136th Lane, against the location of the cellular tower in the park as defacing the character of a resort community. Mr. Parker stated concerns of health and safety and about "fall zone". Greg Parker stated that the health and safety of residents is a concern for residents that do not have cellular service in the event of an emergency situation. Tim Kubiak directed the "fall zone" concern to Mr. Riley. Mr. Riley stated that Federal standards dictate the design codes and the safety is in the construction. The towers are designed to fold upon themselves in the event of very high winds; the towers are not designed to fall from the base. The safety record of towers has increased and guide wires are not in place which guide wires often cause a greater concern. The towers do not have decks and dishes that catch additional wind and are often used in urban settings where the luxury of a fall zone greater than the tower's height is not available creating a higher level of design safety. Mr. Parker stated concerns about the impact of the noise of the flag in windy conditions. Greg Parker responded that the flag will be constructed of a nylon material which is a much quieter material. Mr. Parker ended that the location needs to be changed.
 - b. Dolores Hauer, 7413 W. 136th Court, against the location as the view of the park from her home would be changed. Ms. Hauer stated concerns about the disruption for residents that walk to the park and that larger vehicles would be on the street during construction and for maintenance. Ian Nicolini stated that the vehicles would be using the park property for access during the construction process. The traffic patterns would be discussed and a part of the permitting process. Tim Kubiak stated that a six (6) foot fence would be installed for aesthetic and safety reasons. Ms. Hauer stated that the view of her lot would be impeded to the point that the lot would not be available to sell and that according to a news article on television today concerning cellular towers will soon be obsolete. Ms. Hauer stated concerns about the trees. Jeremy Kuiper responded that the trees are planned to be relocated and/or replaced on the parcel and additional trees planted.
 - c. Andrew Johnsen, 11906 Hawthorne Place, stated that the technology field is changing and the height would be an eyesore and the aesthetics of the yacht

club and lake would be ruined. Mr. Johnsen stated that the yacht club displays flags and microwave radiation is a concern.

- d. Tammy Warczynski, 7417 W. 136th Lane, stated concerns about aesthetics and lack of need for the community and that the character of the park and lake view would be compromised. Mrs. Warczynski thanked the Commissioners for allowing the residents to be heard at tonight's meeting. Mrs. Warczynski stated that the government in general does not acknowledge health concerns and it is the duty of the citizens to educate the government of legitimate hazards. The picture submitted by Horvath at the Work Session depicts a wireless tower in an industrial setting which is the appropriate setting as opposed to a park setting. Mrs. Warczynski stated that the emergency services do not have concerns for their transmittals that the tower is not needed by residents for safety. Jeremy Kuiper stated that the emergency services utilize a different frequency than cellular phones. Ian Nicolini stated that many mobile users in the area have need of the tower as this vicinity has no signal in many areas. Mrs. Warczynski mentioned the news article about wireless communication towers becoming obsolete. Mr. Riley stated that the communications service that was discussed on the news has been active for several years; however, the infrastructure requirements for the type of service discussed on the news are not feasible in this area and many areas. Fiber optic cables are required which is an undertaking not completed in most areas. Ian Nicolini mentioned that removal of the tower is an item that is part of the lease making the Petitioner responsible for the removal of the tower and site reconstruction. Tim Kuiper stated that using possible future technological advances is not a basis for determination of an item that is presently before a Commission. Mrs. Warczynski requested that the residents' desire to not have the wireless tower be heard as the only negative impact to not utilizing this the site is that the town will not receive the monies for the lease of the property. Ian Nicolini stated that many residents do not have cellular service and the area selected by Horvath Communications is viable for several reasons and location for the amount of persons served is a definite factor. Ian Nicolini stated that several audience cellular phones have rung during the meeting exhibiting the importance and dependency of residents on cellular service to people. Mrs. Warczynski stated that since phones were ringing on the site and service was at the homes of the adjacent properties, there is no issue of persons not having service that the proposed tower would impact. Greg Parker stated that many residents in the Town do not have cellular service that the proposed tower would grant service to these residents; and in the event that one resident's life can be saved by access to cellular service becomes the responsibility of the Town's legislatures to ensure the safety of our residents.
- e. William Landske, 7325 W. 143rd Avenue, requested that this tower be combined with the existing tower for Channel 56.
- f. Brian Kubal, 7600 W. 136th Court, requested that a site be chosen that residents and Commissioners all agree upon and an area with less foot traffic than the proposed area. Greg Parker responded that the area chosen is the area that the Park Department and Summerfest persons chose. Jeremy Kuiper requested a distance to have the proposed tower moved that would please residents. Mr. Kubal responded that it needed to be moved further from residential properties and stated health concerns. Ian Nicolini stated that the jurisdiction of the Plan Commission does not extend to the health issues brought before the board by the residents.

Tim Kubiak stated that the proposed location is out of the way of major events at the park. Mr. Riley questioned the Town Attorney in regards to the legal notices and changing the proposed site to another location within the Town grounds. Tim Kuiper responded that the legal notifications and publications completed for the Variance actions before the Board of Zoning Appeals covers the entire parcel of property; therefore, the legal notifications and publications will not need to be re-advertised if the location changes within the parcel. John Foreman submitted an aerial view of the site showing alternative locations for the tower. Location "B" in the grove of trees adjacent to the parking lot was discussed as an alternative out of the way location that could be camouflaged with the trees on the site and the location would not be extremely intrusive to the park. Tim Kubiak stated a preference for the current proposed location as the business located to the northwest of the parcel is not a property that the Town has control over and the tower would not infringe upon the view of the lake from the park parcel or Morse Street. Robert H. Carnahan stated that a location by the basketball courts is a second choice for the location. The Commission discussed the location on the corner of Morse Street and Constitution

Avenue by the existing siren. Visibility was discussed and the fact that the tower height could be reduced by approximately ten (10) feet if constructed close to Morse Street. The future planning for the development of government buildings on the corner would need to be revisited and that persons would see a six (6) foot wooden fence along Morse Street. Discussion occurred about how to present the cellular tower as a focal point in the event the site is moved, such as adding landscaping and two (2) smaller flagpoles for the Indiana State flag and Town of Cedar Lake flag on display and the possibility of burying the cables. Ian Nicolini stated that the site will be on leased land that any future development of the site will need to plan around. The Commissioners discussed keeping the proposed location and moving the tower approximately thirty (30) feet further from the residential structures. Ian Nicolini requested that the Commissioners give direction to the Petitioner for a location. The Commissioners requested that the Town Administrator outline several of the locations on the Town Grounds for the Plan Commissioners to visit at their leisure prior to the next meeting. Robert H. Carnahan questioned the amount of amperage required as the Summerfest Festival utilizes most of the amperage installed on site. Ian Nicolini suggested that engineers would be best to ascertain the electrical needs and source for the site. Greg Parker stated that the tower will service many residents and is very important to the residents. Tim Kubiak stated that the proposed location will not be as intrusive to the park as the alternative locations.

(6) Commission's Decision:

- a) John Foreman moved to approve the site plan for a site in the center of the park contingent upon Board of Zoning Appeals and Town Council approvals. Tim Kuiper stated that the Plan Commission previously approved the proposed site; due to legal discrepancy was required to reapply for approvals. Greg Parker seconded. After a roll call vote, the motion failed by a vote of 3 – 4 with Stacy Brooks, Jeremy Kuiper, Greg Parker and Tim Kubiak voting against.
- b) Jeremy Kuiper moved to approve the Site Plan as presented with the tower moved thirty (30) feet to the south within the same location contingent upon Board of Zoning Appeals and Town Council approvals. Motion failed due to lack of second.
- c) John Foreman moved to defer to a Special Public Meeting on March 2, 2011 at following the Work Session that begins at 7:00 p.m. Diane Cusack seconded. After a roll call vote, the motion carried by a vote of 7 to 0.

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) Town Attorney's Comments: None

(2) Petitioner's Response: Not present

(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 March meeting schedule. Greg Parker seconded. After a voice vote, the motion carried unanimously.

Update Items:

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

Correspondence: None

President's Comments:

Adjournment: 8:45 p.m.
Tim Kubiak adjourned the meeting.

Press Session: None

Jeremy Kuiper

Greg Parker

Diane Cusack

John Foreman

Robert H. Carnahan

Tim Kubiak, President

Stacy Brooks

Attest: _____
Laurie Wyrick, Recording Secretary