

Cedar Lake Plan Commission

Minutes

April 6, 2011

The Cedar Lake Plan Commission held their Special Public Meeting on April 6, 2011. It was called to order at approximately 7:55 p.m. at the Cedar Lake Town Hall. Those members present were: James Hunley, Diane Cusack, Robert H. Carnahan, Greg Parker, John Foreman, Vice President; 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, Member, was not present at tonight's meeting.

President's Comments: None

Old Business:

1. 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: Petitioner is requesting Site Plan approval.

Deferred from the February 16th Public Meeting.
Deferred from the March 2nd Special Public Meeting.
Deferred from the March 16th Public Meeting.

- (1) Town Attorney's Comments: Tim Kuiper stated that the specifications of the tower and site improvements are part of the lease agreement.
- (2) Petitioner's Response: Richard Riley was representing Horvath Communications at tonight's meeting. Mr. Riley stated that Board of Zoning Appeals approved the height variance for the tower and issued a favorable recommendation to the Town Council about the use on the site. Mr. Riley stated that the original site is preferable.
- (3) Town Engineer's Comments: Sandra Bucklew stated that the engineering submitted for the original site will need to be duplicated for the second site in the event that the Plan Commission approves the second site.
- (4) Building Department's Comments: None
- (5) Commission's Discussion: Greg Parker stated that the wireless communication tower is planned to be installed as a flag pole; the American flag should be seen and the site is planned as a memorial. James Hunley questioned the history of Park approvals. Ian Nicolini explained that the Summerfest Committee through Mary Joan Dickson approved the original location and Mary Joan Dickson preferred the original location on behalf of the parks when a meeting on site took place with the Petitioner. Tim Kubiak stated that the original location creates a backdrop of the flag in the park and removes the fence from view. The second location will require that the site be planned around as opposed to the original location. Greg Parker suggested building the infrastructure and equipment "underground". Mr. Riley responded that the tower will house up to six (6) carriers which is a large amount of equipment to camouflage in an underground setting, berming of the site is an option with the entry on the western portion of the site. John Foreman stated that berming the site utilizing the existing slope would reduce the amount of visual fencing.

**Cedar Lake Plan Commission
Minutes
April 6, 2011
Page 2 of 2**

- (6) Commission's Decision: James Hunley moved to approve the site plan for the wireless communication tower at the original site. Tim Kubiak seconded. The motion died with a vote of 2 to 4 with Diane Cusack, Robert H. Carnahan, Greg Parker and John Foreman voted against. John Foreman moved to approve the site plan contingent upon engineering approval for the second site with the tower located outside of the equipment fence. Diane Cusack seconded. The motion carried by a vote of 5 to 1, with Tim Kubiak voting against.

Public Comment: None

Adjournment: 8:20 p.m.
Tim Kubiak adjourned the meeting.

Press Session: None

James Hunley

Greg Parker

Diane Cusack

John Foreman, Vice President

Stacy Brooks

Tim Kubiak, President

Robert H. Carnahan

Attest: _____
Laurie Wyrick, Recording Secretary

Cedar Lake Plan Commission

Work Session - Minutes

April 6, 2011

The Cedar Lake Plan Commission held their Work Session on April 6, 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, James Hunley, Robert H. Carnahan, John Foreman, Vice President, and Tim Kubiak, President. Also, present were Sandra Bucklew of Christopher B. Burke Engineering LTD; Tim Kuiper of Austgen, Kuiper and Associates; Ian Nicolini, Town Administrator; and Laurie Wyrick, Recording Secretary. Stacy Brooks, Member, was not present for tonight's meeting.

1. Minutes: The minutes of the March 16th Public Meeting were handed out for acceptance at the April 20th Public Meeting.

New Business:

2. Midwest PGM – Site Plan

Owner: Industrial Drive Properties, 11363 W. 135th Place, Cedar Lake, Indiana
Petitioner: Midwest PGM, 11363 W. 135th Place, Cedar Lake, Indiana
Vicinity: 10501 – 9 & 10501 – 10 W. 133rd Avenue
Request: Site Plan approval

- (1) Petitioner's Response: Richard Thiel was present at tonight's meeting. Mr. Thiel stated plans to relocate the business from its current site to this location. This location is larger and will better suit the needs of the business. Lots 11 & 12 are planned as part of the property in the future although concerns about outstanding drainage issues with lot 11 will need to be addressed prior to the purchase of lots 11 & 12. In utilizing lots 9, 10, 11 & 12: Mr. Thiel stated that the Glenn Boren, Plumb, Tuckett & Associates, has advised the Petitioner that the four (4) lots be subdivided into one (1) lot and addressed as a new subdivision. The subdivision process would allow the drainage for the site to be addressed anew. The current drainage plan for lot 11 limits plans for the site. Currently drainage is shown on lots 9 and 10 that are before the Commission for site plan approval at this time. A drive-on scale that is approximately eleven (11) feet in width and seventy (70) feet and shown located towards the west on lot 10. The location of the scale was discussed and that the instrumentation will be located within the building. Additional parking will be added to the front of the building and the fence completed along the eastern border of the property. The sidewalls of the storage bins are adjustable to expand or decrease the sizes for each bin as needed.
- (2) Town Engineer's Comments: Sandra Bucklew stated that the drainage of Lot 11 has not been constructed by the developer and the building on Lot 9 was constructed knowing that the improvements to Lot 11 need to be completed. The proper stormwater detention is not in place to handle the stormwater on the lots before the Commission. The lack of stormwater control in place makes the current site in violation. The Plan Commission previously stated that no permitting is to take place on site until the stormwater has been addressed and the violation corrected. Stormwater calculations need to be submitted to compare to ordinance requirements. Tim Kuiper stated that the pond is a subdivision improvement that has not been completed and needs to be addressed. Mr. Thiel stated that due to concerns about lot 11, purchasing lots 11 and 12 is on hold. The stormwater for lots 9 & 10 flow to the east. Sandra Bucklew requested that the Petitioner's Engineer schedule an appointment to review items. Sandra Bucklew stated that the Rule #6 permitting is in process. Mr. Thiel stated that the NOI (Notice of Intent) is in process.
- (3) Building Department's Comments: Ian Nicolini stated that recently Midwest PGM received an Economic Development and Growth through Entrepreneurship award from the Indiana Small Business Development Center in the category of emerging business.

Cedar Lake Plan Commission
Work Session - Minutes
April 6, 2011
Page 2 of 2

Congratulations were extended to Mr. Thiel for the receipt of the award and gratitude for the success of the business.

- (4) Commission's Discussion: Tim Kuiper stated that Board of Zoning Appeals and Town Council will need to approve the site as previously completed with the current site utilized by Midwest PGM. Tim Kuiper stated that the previous approvals outlined the amount of outdoor storage on site and the same level of detail will need to be included in the submittal to the Town. Robert H. Carnahan stated concerns about covering items stored out of doors. Tim Kubiak stated that the Town approved storage maximum amounts and that the items are not stored for a length of time, the items are on site temporarily and sorted for transport as only a limited amount of each item can be on the site at any given time. Greg Parker stated concerns about the business and contingencies to allow the petitioner to move forward on the site plan. Tim Kuiper responded that off-site detention on Lot 11 can be made as a contingency of occupancy permit release.

Other Business:

- A. T&J Landscaping – Site Plan update.
- B. Krystal Oaks Bond – update.
- C. Woods of Cedar Creek Bond – update.
- D. Turnquist – Site Plan update.
- E. Lynnsway Subdivision – information.
- F. BP Properties, 13302 Wicker Avenue. Ian Nicolini stated that a reimbursement from BP Properties has been received. The reimbursement is costs that the Town expended when the spill occurred on the site.

Written Communications:

- A. NIRPC training for planning will take place on May 17th and May 18th from 5:30-8:30 p.m. Ian Nicolini encouraged the commissioners to have a representative attend and that the Town would cover costs to attend. The training is limited to a maximum of forty (40) participants.
- B. Letter dated March 15, 2011, from the Cedar Lake Parks and Recreation Department, concerning park approval in the Town. Ian Nicolini stated that currently the Town has acreage requirements or cash in lieu of land. The Plan Commission does not have the authority to mandate cash in lieu of land but as a part of a negotiating process; requiring improvements to be installed is not outlined.

Public Comment:

- A. Yvonne Taves, Dewey Street, stated a preference for the original site for the wireless communication tower that is before the Plan Commission at the following special meeting.
- B. Sharon Zunica, Dewey Street, stated a preference for the original site for the wireless communication tower that is before the Plan Commission at the following special meeting.
- C. Robert Parker, 136th Lane, stated a preference for the second site for the wireless communication tower that is before the Plan Commission at the following special meeting.
- D. Joe Herman, 136th Court, stated a preference for the second site for the wireless communication tower that is before the Plan Commission at the following special meeting.

Adjournment: The Work Session was adjourned at 7:55 p.m.

Press Session: None

Cedar Lake Plan Commission
Work Session - Minutes
April 6, 2011
Page 3 of 2

Attest: _____
Laurie Wyrick, Recording Secretary