

Cedar Lake Plan Commission

Public Meeting

April 18, 2012

The Cedar Lake Plan Commission held their regular Public Meeting on April 18, 2012. It was called to order at approximately 7:03 p.m. at the Cedar Lake Town Hall. Those members present were Dennis Wilkening, Greg Parker, Robert H. Carnahan, and Tim Kubiak, President. Don Oliphant of Christopher B. Burke Engineering, Ltd, Attorney Tim Kuiper of Austgen, Kuiper & Associates, Ian Nicolini, Town Administrator, and Jenn Montgomery, Recording Secretary, were also present. Diane Cusack, Stacy Brooks, John Foreman, Vice President, were not present at tonight's meeting.

1. **Minutes:** Greg Parker moved to approve the minutes from the Public Meeting of March 21, 2012 and Special Public Meeting on April 4, 2012. Denny Wilkening seconded. After a roll call vote, the motion carried 5-0.

New Business

1. Innovative Homes, NW Inc – Preliminary Plat Approval

Owner/Petitioner: Innovative Homes NW Inc, 12805 Fawn Court, Cedar Lake, Indiana

Vicinity: Vicinity of 147th Place and Windsor

Request: Preliminary Plat of a Four (4) Lot Subdivision

- (1) Town Attorney's Comments: Attorney Tim Kuiper stated the notices and publications for this item are in order for tonight's meeting.
- (2) Petitioner's Comments: Larry Ponziano, president of Innovative Homes NW Inc, was present at tonight's meeting. Mr. Ponziano stated that he has received a review letter from Town Engineer Don Oliphant and that he and his surveyor still have some items to address. Mr. Ponziano mentioned that in addition to the preliminary plat, he will also be going for a road vacation with the Town Council. Mr. Ponziano provided the engineer with permit applications, including an application for the Army Corps of Engineers for wetland review, WPC Regional General Permit from IDEM, and a DNR application to make sure that there are no endangered wildlife in the area. Larry discussed statutes that state that a professional engineer must sign and seal anything that has to do with engineering design. Mr. Ponziano's surveyor may sign and seal anything up to that point. Mr. Ponziano stated he has approximately sixteen (16) acres that he wants to subdivide into four (4) lots. Land to the west of the property is a low-lying marsh and Cedar Creek. Because of this, Mr. Ponziano stated he wants to vacate the undeveloped road that leads to that area and make it into a private road. Mr. Ponziano stated he wants to disrupt the area as little as possible, including the trees and wildlife.
- (3) Town Engineer's Comments: See other comments.
- (4) Remonstrators: Dennis Cundiff of 6429 W 146th Place stated concerns of the road being built up too much and causing more drainage problems on the surrounding properties. It was stated that plans have to be submitted to the Town Engineer before anything can be done. Construction plans cannot negatively affect the drainage. Jim and Michelle Wadkins of 6504 147th Avenue stated concerns regarding disturbances to the land and nature.
- (5) Building Department's Comments:
- (6) Commission's Discussion: Discussion occurred regarding which roads in the area would be vacated and/or developed. One (1) road will be vacated and another will be turned into a private road, as it is currently presented. Greg Parker asked what the subdivision ordinance states and whether or not there are any alternatives to vacating the road. Ian Nicolini stated that it could be kept as a public right-of-way, but waive the developmental standards and allow Mr. Ponziano to improve the right-of-way. The Commission could allow the road to be developed as a private road. However, if the road is not going to be developed or there is no future or logical plan to develop it, then it could make sense to vacate it. More discussion occurred regarding the options for the undeveloped streets in the area. Discussion occurred regarding the maintenance of a private road and who would be responsible, etc. It was suggested that the road could be developed as a public road with a private maintenance agreement, as in Havenwood Subdivision. There are two (2) lots in the area that are not owned by Mr. Ponziano. The lots are essentially two (2) drainage swales, and without a lot of mitigation, the land is virtually undevelopable. Without approval from the Army Corps of Engineers, nothing can really be done at this point.
- (7) Commission's Decision: Bob Carnahan moved to defer the public hearing to the next meeting. Stacy Brooks seconded. After a voice vote, the motion carried 5-0.

2. Hanover Central Middle School – Site Plan Amendment

Owner/Petitioner: Hanover Central School Corporation, 9520 W 133rd Avenue, Cedar Lake, IN
Vicinity: 10631 W 141st Avenue, Cedar Lake, Indiana
Request: Site Plan Amendment

- (1) Petitioner's Comments: Jeff Oltmanns of Fanning-Howey was present at tonight's meeting. As the Commission requested, Mr. Oltmanns presented an alternative to just gravel for the drive and parking lot to the proposed bus facility. Dust-Stop is a product that is used by local steel mills and Lake County Department of Transportation. It is a spray material that is used to coat the surface of gravel and dries to a more solid state. It is approved for heavy traffic to reduce dust.
- (2) Town Engineer's Comments: Don Oliphant stated that the issue may arise as this is usually used as a temporary measure. Research may need to be done in order to find out if this product can be used on a long-term basis.
- (3) Building Department's Comments: Ian Nicolini stated that Nies Engineering has requested to review the stormwater calculations of the additional hard surface and to make sure the site improvements are contemplated. It would be advisable to review this information as well. Since Mr. Nicolini
- (4) Commission's Discussion: Tim Kubiak asked how often it needs to be applied. Jeff stated it initially applied twice. After the first application, a second is applied a month later. It is then applied two (2) times a year after that. It is considered non-toxic and can be used to stabilize soil. It does not run-off with weather and is environmentally friendly. Discussion occurred regarding the use of asphalt grindings, as it is relatively affordable and would have significantly less dust than gravel. Discussion occurred regarding contingencies that may be put on using the Dust-Stop. However, the engineers must first look at this information before any decision is made.
- (5) Commission's Decision: Greg Parker moved to defer this item to a Special Public Meeting on May 2, 2012. Stacy Brooks seconded. After a voice vote, the motion carried 5-0.

3. Boersma – Preliminary Plat Approval

Owner/Petitioner: John & Darlene Boersma, 2941 E Brunswick Road, Beecher, IL 60401
Vicinity: 12828 Wicker Avenue, Cedar Lake, Indiana
Request: Preliminary Plat Approval of a One-Lot Subdivision

- (1) Town Attorney's Comments: Attorney Tim Kuiper stated the notices and publications for this item are in order for tonight's meeting.
- (2) Petitioner's Comments: John Boersma stated that he would have no problem with rezoning the property to Business (B-2) and applying for a variance for the use. Nothing has changed from the last meeting. Mr. Boersma stated he wants to establish a one (1) lot subdivision for the purposes of making the property a lot of record. The proposed business will consist of automobile maintenance and sales.
- (3) Town Engineer's Comments: Don Oliphant stated no major comments with the plat, just addressing some subdivision ordinance items. No comments should hold up an approval tonight for the subdivision and site plan.
- (4) Remonstrators: None.
- (5) Building Department's Comments: None.
- (6) Commission's Discussion: Discussion occurred regarding rezoning the property to Business (B-2) and going for a Special Use Variance. The variance would be heard by the Board of Zoning Appeals next month.
- (7) Commission's Decision: Greg Parker moved to approve the preliminary plat. Dennis Wilkening seconded. After a roll call vote, the motion carried 5-0.

4. Boersma – Rezone

Owner/Petitioner: John & Darlene Boersma, 2941 E Brunswick Road, Beecher, IL 60401
Vicinity: 12828 Wicker Avenue, Cedar Lake, Indiana
Request: Rezone from R-2 to B-3

- (1) Town Attorney's Comments: See item #3
- (2) Petitioner's Comments: See item #3
- (3) Town Engineer's Comments: See item #3
- (4) Remonstrators: See item #3
- (5) Building Department's Comments: See item #3
- (6) Commission's Discussion: See item #3
- (7) Commission's Recommendation to the Town Council: Greg Parker moved to send a favorable recommendation to the Town Council to rezone this parcel from Residential (R-2) to Business (B-2). Dennis Wilkening seconded. After a roll call vote, the motion carried 5-0.

5. Boersma – Site Plan Approval

Owner/Petitioner: John & Darlene Boersma, 2941 E Brunswick Road, Beecher, IL 60401
Vicinity: 12828 Wicker Avenue, Cedar Lake, Indiana
Request: Site Plan Approval

- (1) Petitioner's Comments: See item #3
- (2) Town Engineer's Comments: See item #3
- (3) Building Department's Comments: See item #3
- (4) Commission's Discussion: See item #3
- (5) Commission's Decision: Stacy Brooks moved to defer this item to the next public meeting. Greg Parker seconded. After a voice vote, the motion carried 5-0.

Other Business

1. Union Station – Zone Change Remand from Town Council

Owner: Philip C Rietvelt Trust
Petitioner: Town of Cedar Lake
Vicinity: 141st Avenue and Parrish Avenue
Request: by Town to return zoning to A-1

*Continued from December 21, 2011 Public Meeting
Continued from January 18, 2012 Public Meeting
Continued from February 15, 2012 Public Meeting
Continued from March 21, 2012 Public Meeting*

- (1) Owner's Comments: Not Present.
- (2) Commission's Discussion: None.
- (3) Commission's Decision: Greg Parker moved to defer this item to the next Public Meeting. Stacy Brooks seconded. After a voice vote, the motion carried 5-0.

Update Items

- A. Master Plan – Revisions. No new information.
- B. Ordinance Items – Fence Regulations. No new information.
- C. T&J Landscaping – Site Plan Status. No new information.
- D. Turnquist – Site Plan Update. No new information.

Correspondence: None.

Public Comment: None.

Adjournment: The public meeting was adjourned at approximately 8:15 p.m.

Dennis Wilkening

Greg Parker

Diane Cusack

John Foreman, Vice President

Stacy Brooks

Tim Kubiak, President

Robert H. Carnahan

Attest: _____
Jenn Montgomery, Recording Secretary