

Cedar Lake Plan Commission

Public Meeting

June 20, 2012

The Cedar Lake Plan Commission held their regular Public Meeting on May 16, 2012. It was called to order at approximately 7:04 p.m. at the Cedar Lake Town Hall. Those members present were Diane Cusack, Dennis Wilkening, Greg Parker, Robert H. Carnahan, and Tim Kubiak, President. Don Oliphant of Christopher B. Burke Engineering, Ltd, Attorney Adam Sworden of Austgen, Kuiper & Associates, Ian Nicolini, Town Administrator, and Jenn Montgomery, Recording Secretary, were also present. Member Stacy Brooks and Vice President John Foreman were not present at tonight's meeting.

1. **Minutes:** Greg Parker moved to approve the minutes from the May 16, 2012 Public Meeting. Second by Dennis Wilkening. After a voice vote, the motion carried unanimously.

New Business

1. Lighthouse – Site Plan Approval

Owner/Petitioner: DJ Cedar Lake, 1000 E 80th Avenue, Suite 700N, Merrillville, Indiana
Vicinity: 7326 W 138th Lane
Request: Site Plan Approval – Parking Improvements

- (1) Petitioner's Comments: Les Dewes informed recording secretary Jenn Montgomery that he would be unable to attend tonight's meeting. Jenn Montgomery informed the Commission that he was unavailable, but provided the Commission with a plan of the parking improvements.
- (2) Town Engineer's Comments: A letter from Neil Simstad of Nies Engineering was provided to the Commission. The letter indicated that approval could be given for this item, with a contingency upon engineering approval.
- (3) Building Department's Comments: Jack Slager noted that the parking lot will open up to 138th Lane and will be accessible from both 138th Lane and Constitution Avenue. The parking lot will tie into the existing parking lot.
- (4) Public Comment: Randell Will of 7407 W 138th Lane inquired where the proposed parking will be. Mr. Will stated he lives across the street from this area.
- (5) Commission's Discussion: Tim Kubiak asked if traffic is expected to increase on 138th Lane. Jack Slager stated that the parking lot already opens to 138th Lane, so it is unlikely that traffic will increase. Greg Parker noted that the proposed parking lot addition will be between two (2) houses. Tim Kubiak asked if improvements will be made to 138th Lane, and if curbing will be installed. There are nothing in the plans indicated same. Discussion occurred regarding putting a buffer between the houses and the parking lot, as it is required per the ordinance. Discussion occurred regarding the purpose of this lot, which will probably be used for overflow.
- (6) Commission's Decision: Greg Parker moved to defer this item to a special public meeting on July 11, 2012. Second by Diane Cusack. After a voice vote, the motion carried 5-0.

2. Cedar Lake Ministries – Paving Waiver

Owner/Petitioner: Cedar Lake Ministries, PO Box 665, Cedar Lake, Indiana
Vicinity: 13701 Lauerman, Cedar Lake, Indiana
Request: Paving Waiver

- (1) Petitioner's Comments: Sanusi Mutuwa, Business Director of Cedar Lake Ministries, was present tonight to request a waiver of the paving standards for a 50ft by 80ft emergency turnaround section near the north end of the Cedar Lake Conference Grounds. Sanusi stated they are requesting this waiver in order to reduce costs. Sanusi stated he has met with Cedar Lake Fire Chief Todd Wilkening, who has indicated that he is ok with the turnaround.
- (2) Town Engineer's Comments: Don Oliphant stated that they have recommended a ten inch (10") aggregate base and three inches (3") of millings be put on for the pavement. This was recommended at the work session. The base is the standard for paving, so the waiver would just be for the asphalt and curbing.
- (3) Building Department's Comments: Jack Slager stated the roads in that area are privately maintained, so the association would be responsible for maintenance.
- (4) Commission's Discussion: Discussion occurred regarding how the turnaround will be paved. Denny Wilkening confirmed that the area will be asphalted from the road straight to Lot 75, where a new home is being constructed. This will leave only a portion of the turnaround that will have millings.

- (5) Commission's Decision: Greg Parker moved to approve the paving waiver, to allow for a ten inch (10") aggregate base with three inches (3") of asphalt millings, and to waive the requirement of asphalt and curbing. Second by Diane Cusack. After a roll call vote, the motion carried 4-1, with Dennis Wilkening voting against. Mr. Wilkening stated he has no problem with the turnaround, but to remain consistent with past decisions, he must vote against the request.

3. O'Reilly Automotive Stores, Inc. – Site Plan Approval

Owner/Petitioner: O'Reilly Automotive Stores, Inc., 233 S Patterson, Springfield, Missouri

Vicinity: 10205 W 133rd Avenue

Request: Site Plan Approval

- (1) Petitioner's Comments: An Tram of Anderson Engineering was present on behalf of O'Reilly Automotive Stores this evening. Mr. Tram stated that the referenced site is currently a car wash that will be torn down and rebuilt as O'Reilly's Automotive. The eastern entrance will be eliminated.
- (2) Town Engineer's Comments: Don Oliphant stated a letter was just provided at close today. There are still some outstanding comments that need to be addressed, but nothing that would affect the site plan. Don Oliphant confirmed that the eastern entrance will be eliminated, sod will be put in, curbing will be installed along 133rd Avenue and a sidewalk will be put in. The detention pond behind the building will be reshaped and slightly enlarged. This should not be a problem. Jack asked Don Oliphant about the possibility of underground tanks that may have substances that may be mitigated. Don stated that this has been addressed in that approval will need to be obtained from IDEM. At this time, the location of these tanks is not exactly known.
- (3) Building Department's Comments: Jack Slager inquired if there is a maintenance agreement for the detention pond, since the pond is shared with Dollar General. An Tram stated he is not sure of any agreement. Jack Slager stated he would like to be sure someone is maintaining the pond to ensure it works correctly.
- (4) Commission's Discussion: Tim Kubiak inquired about delivery trucks and how they will enter and exit. An Tram stated that delivery trucks will have enough room to pull in and turn around to get to the service entrance. Deliveries will be made when store hours are closed. Discussion occurred regarding the responsibility of maintenance of the detention pond. Attorney Adam Sworden stated that easement access or any agreements should be relatively easy to find. Don Oliphant also stated he would contact O'Reilly's contact to find out if they are aware of any agreement. Bob Carnahan asked when construction will begin. Mr. Tram stated that once approval is obtained, it may be a couple months until they begin the process of construction. Discussion occurred regarding the main entrance. The Commission agreed to see striping or arrows indicating the entrance and exit.
- (5) Commission's Decision: Greg Parker moved to approve the site plan, contingent upon engineering approval, any approval needed from IDEM is obtained, and confirmation of a detention pond maintenance agreement. Second by Dennis Wilkening. After a roll call vote, the motion carried 5-0.

Old 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: This item was properly continued at the last public meeting.
- (2) Petitioner's Comments: Larry Ponziano provided the Commission with a correspondence he received from the Army Corps of Engineers. There are about one and one-half (1.5) acres that are considered wetland. The Army Corps stated they wanted confirmation that this land will not be disturbed. Larry Ponziano stated that a deed restriction has been put in place. The letter indicated that they will be visiting the site to confirm boundaries and approval will be given after that.
- (3) Town Engineer's Comments: Don Oliphant stated that there are still a few comments that need to be addressed, mostly minor. The main comment is concerning the Army Corps. Approval could be given tonight with the contingency of engineering approval.

- (4) Building Department's Comments: Jack Slager inquired if the individual sewer pumps on each property will be maintained by the property owners. Larry Ponziano stated that yes, they will be privately maintained.
- (5) Commission's Discussion: Bob Carnahan asked who would report to IDEM if there is a sewer spill. If the Town is aware of the spill, the Town is required to report to IDEM under state law. The homeowner should also report any spills. Don Oliphant stated that the system that will be in place should be enough to prevent a spill. John Boersma, who was present for Item #5, stated he has a similar system at his home, and that his county has a health inspector visit and inspect the site twice a year. Discussion occurred regarding maintenance and whether or not maintenance could be done manually in the event of a power outage.
- (6) Commission's Decision: Dennis Wilkening moved to approve the preliminary plat, contingent upon engineering approval, Army Corps of Engineers approval, and approval of the public way vacation. Second by Diane Cusack. After a roll call vote, the motion carried 4-1, with Bob Carnahan voting against. Mr. Carnahan stated he is ok with the plat, but always votes against vacating any public way.

2. 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: John Boersma stated he has been waiting to address the engineer's comments and seek approval until the variances for the property are approved. Those approvals were given last night, so he is now ready to move forward with the site plan.
- (2) Town Engineer's Comments: None. A letter was submitted April 12, 2012 with some comments. They are currently waiting for a response.
- (3) Building Department's Comments: None.
- (4) Commission's Discussion: None.
- (5) Commission's Decision: Greg Parker moved to defer this item to the next public meeting. Dennis Wilkening seconded. After a voice vote, the motion carried 7-0.

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 the May 16, 2012 Public Meeting.

- (1) Commission's Decision: Greg Parker moved to defer this item to the next Public Meeting. Dennis Wilkening seconded. After a voice vote, the motion carried 7-0.

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 8:02 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